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SENATE—*Thursday, October 18, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

Pastor Raymond Shaheen, St. Luke Lutheran Church, Silver Spring, Md., offered the following prayer:

Eternal God, Heavenly Father: Mercifully look upon us as we turn in Your direction. Hear us as we tell You what we have found out about You:

You are to be honored because of Your goodness; respected because of Your truth; trusted because of Your love; feared because of Your wrath; and obeyed because of Your wisdom.

Hear us now, Heavenly Father, as we pray for these Your servants in this Senate of our land. As they are called upon to deliberate and to decide regarding persons and principles, programs and policies, let them do so only as they honor You in Your goodness, respect You in Your truth, trust You in Your love, fear You in Your wrath, and obey You in Your wisdom.

Then let them be assured that how they deliberate and what they decide may be acceptable in Your sight, Judge Eternal and Father of all nations.

Through Jesus Christ. Amen.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 16, 1973, the Secretary of the Senate, on October 17, 1973, received a message from the President of the United States, which, on today, October 18, 1973, together with the accompanying report, was referred to the Committee on Finance. The message is as follows:

To the Congress of the United States:

In accordance with section 402(a) of the Trade Expansion Act of 1962 (TEA), I transmit herewith the Seventeenth Annual Report of the President on the Trade Agreements Program. This report covers developments in the year ending December 31, 1972.

In the period since I last reported to the Congress on our trade agreements program, we have taken major new initiatives to give strong momentum to closer multilateral cooperation and to develop a fairer and more efficient framework for the conduct of international economic relations. As a result of intense preparatory work throughout 1972, nations accounting for the bulk of world trade, meeting in Tokyo last month, opened a major round of new negotiations to reduce tariff and nontariff barriers to trade and to reform the rules by which all can gain from expanded trade. In the related field of monetary affairs, encouraging progress has been achieved on reform of the international monetary system to provide sound underpinnings for a fairer, more open trading system.

Concurrently with work on these basic longer term objectives, U.S. negotiators also pressed actively in bilateral consultations for the early removal of foreign nontariff barriers which have distorted normal trade patterns and restricted U.S. exports. The success of these efforts has, in some cases, opened markets where U.S. exporters have competed at a disadvantage for over two decades. In other instances, prompt U.S. assertion of our rights under the General Agreement on Tariffs and Trade has either deterred the institution of proposed restrictions or resulted in their early termination.

As a result of U.S. representations, our traders are already realizing tangible benefits from the major liberalization of quotas and licensing by Japan and the virtual elimination of Japanese export incentives. Compensatory taxes affecting some $40 million of U.S. agricultural exports were terminated on 98 percent of the products involved. The reduction or removal of these and other trade distortions demonstrates that sound trade policy and vigorous negotiation can create new and better opportunities for American businesses, farms, and workers.

Consistent with our efforts to strengthen the fabric of common interests between this country and the Soviet Union, we concluded a major agreement last year which lays the basis for the normalization of relations in the trade field. Important initial steps also have been taken to reduce barriers to commercial relations with the People's Republic of China. These developments open vast opportunities for long-term mutual economic benefit and for the advancement of world peace through the reduction of political tensions. I again urge the Congress, in considering my request for authority to grant normal tariff treatment to these countries, to work with me in framing an authority which preserves these gains.

While we may justifiably be encouraged by our achievements in trade and monetary negotiations since 1971 and by the reversal of the downward trend in our merchandise trade balance, we must not underestimate the magnitude and complexity of the tasks ahead. The multilateral trade negotiations which have just been opened are a fundamental building block in the foundation of a new world politico-economic structure. The stakes are thus high and the bargaining will be intense.

To realize our objectives in the trade field, I sent to the Congress last April proposals for new legislation entitled the Trade Reform Act of 1973. In my statement of October 4, I expressed my views on the bill which was approved by the House Ways and Means Committee. As legislative deliberation continues, I look forward to working with the Congress on this bill in a spirit of constructive partnership.

The profound changes which have taken place in the world economy and the impact of growing economic interdependence on political relations among nations is now clearly recognized. While formidable problems exist in the trade area and while countries still differ widely on some of the important issues, the will now exists to negotiate the necessary far-reaching changes instead of resorting to confrontation or retaliatory measures which generate political frictions. We, like other nations, will be hard bargainers, but with a shared spirit of mutual commitment to a more open and equitable trading system, the entire world can progress toward a new era of economic well-being and peaceful international relations.

RICHARD NIXON.

THE WHITE HOUSE, *October 17, 1973.*

Under authority of the order of the Senate of October 16, 1973, the Secretary of the Senate, on October 17, 1973, received messages from the President of the United States submitting sundry nominations.

On today, October 18, 1973, the nominations were referred to the appropriate committees.

(For nominations received October 17, 1973, see the end of Senate proceedings of today.)

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of October 12, 1973, Mr. MAGNUSON, from the Committee on Commerce, today submitted its report (No. 93–470) to accompany the bill (S. 1769) establishing a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Speaker had appointed Mr. LATTA, vice Mr. DEVINE, resigned, as a member of the U.S. Group of the North Atlantic Assembly.

The message announced that the House insisted upon its amendments to the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DIGGS, Mr. FRASER, Mr. REES, Mr. ADAMS, Mr. MANN, Mr. BRECKINRIDGE, Mr. NELSEN, Mr. HARSHA, Mr. BROYHILL of Virginia, and Mr. LANDGREBE were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corp., and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 2408) to authorize certain construction at military installations, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HÉBERT, Mr. PIKE, Mr. BENNETT, Mr. STRATTON, Mr. BRAY, Mr. KING, and Mr. WHITEHURST were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 1 to 33, inclusive, 35, 39, 47, 48, and 49 to the bill and concurred therein, and that the House receded from its disagreement to the amendment of the Senate numbered 34 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 51) expressing the appreciation of Congress to Vietnam veterans on Veterans Day, 1973.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 54) providing for adjournment of the Senate from Thursday, October 18, 1973, to Tuesday, October 23, 1973, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3544. An act for the relief of Robert J. Beas;

H.R. 3758. An act for the relief of Isabel Eugenia Serrane Macias Ferrier;

H.R. 5450. An act to amend the Marine Protection, Research, and Sanctuaries Act of 1972, in order to implement the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and for other purposes;

H.R. 6119. An act for the relief of Arturo Robles;

H.R. 6979. An act for the relief of Monroe A. Lucas;

H.R. 7210. An act for the relief of George Downer and Victor L. Jones;

H.R. 9276. An act for the relief of Luther V. Winstead;

H.R. 9450. An act to authorize the Secretary of Commerce to transfer the N.S. *Savannah* to the city of Savannah, Ga.; and

H.R. 10717. An act to repeal the act terminating Federal supervision over the property and members of the Menominee Indian tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee tribe of Wisconsin those Federal services furnished to American Indians, because of their status as American Indians; and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 9590) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agenices, for the fiscal year ending June 30, 1974, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3544. An act for the relief of Robert J. Beas;

H.R. 3758. An act for the relief of Isabel Eugenia Serrane Macias Ferrier;

H.R. 6119. An act for the relief of Arturo Robles;

H.R. 6979. An act for the relief of Monroe A. Lucas;

H.R. 7210. An act for the relief of George Downer and Victor L. Jones; and

H.R. 9276. An act for the relief of Luther V. Winstead. Referred to the Committee on the Judiciary.

H.R. 5450. An act to amend the Marine Protection, Research, and Sanctuaries Act of 1972, in order to implement the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and for other purposes; and

H.R. 9450. An act to authorize the Secretary of Commerce to transfer the N.S. *Savannah* to the city of Savannah, Ga. Referred to the Committee on Commerce.

H.R. 10717. An act to repeal the act terminating Federal supervision over the property and members of the Menominee Indian tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee tribe of Wisconsin those Federal services furnished to American Indians, because of their status as American Indians; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 16, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MISUSE OF NAMES, WORDS, EMBLEMS, OR INSIGNIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 441, H.R. 689.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 689, to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collections.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, and it was ordered to a third reading, read the third time, and passed.

THE SITUATION IN THE MIDDLE EAST

Mr. MANSFIELD. Mr. President, a very interesting editorial on the situation which has been developing in the Middle East was published in the Missoulan of Missoula, Mont., on October 12, 1973, entitled "Ominous Sight."

I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial

was ordered to be printed in the Record, as follows:

Ominous Sight

Who started it? Why did it start? Who's winning? Answers to these questions about renewed fighting in the Middle East are in dispute. But one thing which can be said with certainty about the war between Israel and the Arab countries, Syria and Egypt, is that it gravely endangers world peace.

Not that the world is all that peaceful. A military takeover in Chile, violent reaction to the repressive apartheid society in South Africa, and continued fighting in Indochina are just a few of the current reminders that peace on earth is a hope, not a reality.

What makes the Middle East war more threatening than these other disturbances is the potential line-up of the world's super powers. China made its position clear immediately by denouncing the Israelis and calling for their return to boundaries held before the 1967 Six-Day War. Russia, which at first appeared to be cooperating with the United States in trying to maintain a low profile in the affair, is now moving visibly toward the Arab ranks. The United States, traditionally a friend of Israel, may be forced into maintaining that position—with arms—even though interests in Arab oil could cause some wavering.

Interest in Arab oil is likely to determine the position of European countries also. Other nations are less indecisive. India has endorsed the Arab cause, and many African countries have done the same. One by one the countries of the world are taking sides, and it is an ominous sight.

We do not know what is the best way, the most effective way to bring peace to the beleagured Middle East. If we did, we'd ask to trade places with Henry Kissinger. But one thing we do know—we are weary of war. We are weary from World War I, World War II, the Korean War, the Vietnam War, and we are weary of asking, will it never end?

TROOP COMMITMENTS OVERSEAS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record a very interesting article published in the New Republic for October 20, 1973, entitled "Rethinking U.S. Commitments—Troops Overseas."

There being no objection, the article was ordered to be printed in the Record, as follows:

Rethinking U.S. Commitments: Troops Overseas

The United States has 500,000 servicemen stationed on foreign soil and another 100,000 assigned to fleets overseas; 360,000 dependents accompanying them. More than 2,000 American bases dot the globe, and every continent, including Antarctica, is covered. To support this widespread network some 200,000 foreign citizens are employed. The annual cost is estimated at $30 billion.

The largest US commitment is to the North Atlantic Treaty Organization. Some 300,000 American troops are based in Europe, about two-thirds of them in the "American zone of occupation" in Southern Germany. If blocking the most likely Soviet invasion route were their principal purpose, they would be better situated across the northern plains of Germany. Instead for the most part they are tucked away in the mountains of Bavaria. That's because they are a tripwire rather than a barrier and a psychological deterrent more than a physical impediment to the Russians.

US nuclear power has been, and remains, the key military deterrent to a Soviet invasion. The submarines, missiles and bombers of our strategic forces carry 6000 nuclear weapons, and there are also 7000 "tactical" nuclear weapons under US control in Europe. In terms of conventional power, the four and one-third US army divisions are a poor match for the 31 Soviet divisions in Eastern Europe. In addition to being outnumbered American troops are inadequately prepared. It is not uncommon, for example, for an infantry company to experience an almost complete personnel turnover in a year. Asked in January 1972 about the readiness of the third armored division in Frankfurt, the commander, Major General William Kraft, remarked: "If you take 75 as a passing score, of 23 battalions in the division, 5 or 6 are above passing. The rest would be below 75 in various degrees; none would be real low."

If US forces on the East-West frontier were the key to European defense, the general's statistics would have prompted major congressional investigations, but his numbers simply confirmed a widely held impression. With 134 admirals and generals assigned to NATO and four or five technicians and paper-shufflers for each combat soldier, the purpose of our European garrison is not to fight so much as to symbolize the American commitment to NATO: a commitment only as good as our willingness to back it up with nuclear weapons. The purpose is also to provide a "good post" for many officers and higher-grade enlisted men.

In June Secretary of Defense James Schlesinger spoke to the NATO defense ministers about the need for a "stalwart" conventional defense. The European reaction was summed up by Britain's Lord Chalfont. Writing in the *Times* of London, the bemused former minister of state said, "the Pentagon still believes that the alliance is strong enough to defend itself against an attack in Europe without recourse to nuclear weapons. . . . If anything more was needed to concentrate the minds of West European statesmen on the need for a fundamental reassessment of their foreign and defense policies, this surely was it."

The size of the American garrison now is 307,000, but it has been as high as 463,000 (1962) and as low as 296,000 (1969). President Nixon argues that he needs to maintain the present level as a "bargaining chip" to win reciprocal Soviet force reductions in Central Europe. That has been a White House argument for many years, but the chip has never been cashed, partly because the Russians have not been eager to risk a diminished Soviet military presence in Eastern Europe. In 1971 Senator Majority Leader Mansfield's proposal to cut our European garrison in half was defeated, 36 to 61. This year Mansfield took a different approach, offering an amendment to the military research and procurement bill to reduce by 40 percent the number of overseas troops *worldwide* over a three-year period. Although that could be carried out without a single soldier being withdrawn from Europe, it was still too big a cut for most of the Senate. It approved the amendment in the morning, but after some heavy Pentagon lobbying (including phone calls from the NATO commander, General Andrew Goodpaster), voted it down in the afternoon, 47 to 51.

The Senate did, however, take two smaller steps. The first was its endorsement of an amendment introduced by Senators Jackson (D, Wash.) and Nunn (D, Ga.) to encourage "a more equitable sharing of the costs and expenses arising from commitments and obligations under the North Atlantic Treaty." The combined defense budgets (1972) of NATO Europe were $33 billion, whereas the Pentagon's budget was $79 billion. The West Europeans spend 4.2 percent of their gross national product on defense; the American percentage is 7.5. The direct cost of the American garrison in Europe is about $4 billion, and while our NATO allies have offset some of these costs through purchases of American weapons, the net balance-of-payments deficit for 1972 was $1.7 billion. The Jackson-Nunn amendment stipulates that the United States will withdraw a percentage of its forces equal to the percentage of the balance of payments not offset by our NATO allies. For example if only 60 percent of the deficit were offset, 40 percent of the US garrison would be withdrawn.

The amendment makes little military or monetary sense. If the present level of US troops in Europe is necessary to keep the peace, then the United States ought to be prepared to bear the costs irrespective of equity; forces that are superfluous to military needs should be withdrawn. From a fiscal point of view, withdrawing, say, 40 percent of the American forces would generate a fixed balance-of-payments gain considerably less than 40 percent of the deficit. Moreover if the forces withdrawn were not deactivated, there would be no real savings. Transferring troops from Europe to new US bases and maintaining them on active duty would cost more, though it would help the balance of payments situation.

Yet the Jackson-Nunn amendment, which passed by 84 to 5, does express, as Mansfield put it, "a sentiment of dissatisfaction with the status quo in Europe." For some that dissatisfaction is rooted in the size of the American garrison 28 years after World War II. For others it is based on Western Europe's declining contribution to the common defense (down 20 percent in relation to GNP since 1965).

Of greater significance was Senator Humphrey's move, approved 48 to 36, to cut 110,000 overseas troops by the end of 1975. The House has voted no similar cut, so the matter will not have to be resolved by a House-Senate conference committee. Because the Humphrey amendment does not specify where the cuts should be made, the entire reduction could be made in Asia; President Nixon's "sensitive negotiations" on mutual troop withdrawals from Central Europe would not be affected. We can expect to hear from the White House or Mr. Kissinger, however, that any such unilateral cut in Asia will deny the US a valuable "bargaining chip" in discussions with Peking.

When four American divisions were assigned to NATO in 1951 Secretary of State George Marshall stated there was nothing magical about the number; the decision was based on military requirements. In 1963 General Eisenhower suggested that one US division in Europe backed by US nuclear power would be sufficient to prove our commitment In other areas, such as Japan and the Western Pacific where 164,000 Americans are now stationed, raising the number deployed would no more prove our commitment than a modest reduction would disprove it. The Pentagon, however, resists troop cuts for the same reason any bureaucracy resists retrenchment. The executive obsession with "bargaining chips" similarly militates against any significant cuts. And although Congress is empowered by the Constitution to "raise and support armies," the Senate's passage of the Humphrey amendment showed only that that power has not been unconditionally surrendered.

THE MIDDLE EAST

Mr. MANSFIELD. Mr. President, I have given some thought to the situation which has been developing in the Middle East. It becomes more dangerous by the day, it spreads far beyond the area of the Middle East itself. At the present time, it seems that it stretches from the Atlantic coast clear across the Magreb and the rest of Northern Africa, over into Syria, Jordan, Iraq, possibly Saudia Arabia, and the Lord or Allah only knows where it is going to end. It is a most serious situation in that area, which we cannot avoid paying attention to.

With that in mind, Mr. President, I would like to state to the Senate some of my feelings on this subject as they were put down this morning.

First, my feeling is that we should operate on a policy that tries to achieve a balance of sorts in the Middle East.

Second, insofar as the shipment of United States arms is concerned, it must be said that Secretary Kissinger first tried to find a diplomatic solution based on no arms shipments to either side. Finding that impossible because of continuing and increased Soviet shipments to Syria and Egypt, on Sunday last, 9 days after the war started, he—Secretary Kissinger—announced that the United States would replenish the losses of Israel in certain categories. This was done, in my opinion, to achieve a semblance of an arms balance in the area.

Third, I do not believe that we should become involved with American forces anywhere except as our national interest and security are at a vital stake. One Vietnam is one Vietnam too many.

Fourth, the United States and the Soviet Union, the two major outside powers, obviously have been unable to prevent the conflict or to bring about its termination. In view of the increasingly dangerous situation which has been developing, therefore, I would suggest that the President of the United States issue an urgent invitation to Chairman Brezhnev of the U.S.S.R., President Pompidou of France, Prime Minister Heath of the United Kingdom, Chancellor Willy Brandt of West Germany, and Prime Minister Tanaka of Japan for an immediate summit conference for the purpose of bringing about a cease-fire and using their collective efforts toward the Middle East to have the parties enter into negotiations as expeditiously as possible.

Fifth, if a summit cannot be accomplished expeditiously, then I would suggest as an alternative that the Foreign Ministers of the countries mentioned convene in conference at a mutually convenient place and as rapidly as possible.

The time, Mr. President, is short.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the assistant minority leader desire recognition at this time?

NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT OF THE UNITED STATES

Mr. GRIFFIN. Mr. President, as a Senator from the home State of the Vice-Presidential nominee and also as a member of the Committee on Rules and Administration, I am very pleased that the chairman of the Committee on Rules and Administration, the distinguished Senator from Nevada (Mr. CANNON), has tentatively indicated that the committee may be ready to begin hearings on the nomination by the 30th or the 31st of this month.

That does not meet the timetable which the distinguished majority leader (Mr. MANSFIELD) suggested the morning after the President announced the name of Representative GERALD R. FORD. At that time Senator MANSFIELD said he was hopeful that the Senate would be able to pass on the nomination by the end of the month. In any event, the chairman's statement concerning the Rules Commitee's schedule does indicate that the committee is moving with dispatch, recognizing that there are some limitations on the speed with which the committee can move. I refer, for example, to the delay necessarily involved in awaiting the FBI report of a full field investigation.

Incidentally, it was at first estimated that it would take 2 weeks for the FBI to make that investigation and report. However, it is my understanding now that the number of agents working on this investigation has been increased, so that the time required should be less than the 2 weeks originally estimated.

Certainly, so far as the committees and those in positions of direct responsibility for the investigation are concerned, I think it can be said that they are moving with dispatch and with appropriate regard for the importance of this matter.

Now, Mr. President, I regret that it is necessary to take note of a few voices which, according to the press, have been heard to suggest that confirmation of Representative GERALD R. FORD should be held up until the President releases the so-called Watergate tapes.

I believe that kind of suggestion ought to be met head on and recognized now for just what it is. Surely, it would be an unconscionable frustration of the constitutional process if Congress were to stoop so low—to play political hanky-panky by holding the Ford nomination hostage.

I have an idea what the Supreme Court will ultimately decide with regard to the tapes. I do not know whether the Supreme Court will even grant certiorari to hear the case. Furthermore, I do not know what the President will do. But I do know—and the American people know—that the qualifications of GERALD R. FORD to be Vice President of the United States is a separate and unrelated issue which ought to be dealt with responsibly by the Congress.

The country needs—the country wants—a qualified Vice President in office, one who is ready to take over the duties and responsibilities of the high office of President if that should become necessary.

Accordingly, I believe we ought to label and nail that outrageous suggestion for just what it is. I am glad that such a suggestion has come from only a very small number.

I know that the American people will be watching Congress very carefully—for Congress in a real sense is on trial right now in this situation. I hope and I trust that Congress will act quickly and responsibly.

ORDER FOR RECOGNITION OF SENATOR PELL VACATED

The PRESIDENT pro tempore. Under the previous order, the Senator from Rhode Island (Mr. PELL) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Senator PELL at this time be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 5 minutes.

AN ALTERNATIVE SOLUTION TO OUR ENERGY PROBLEMS

Mr. COOK. Mr. President, on September 5, I expressed grave concern over the action taken by Libya concerning the increased price of their crude oil and their decision to reject dollars as payment for this commodity.

Today we receive additional news from the Middle East which places in considerable doubt the exact volumes of petroleum and petroleum products we can expect to receive from this area. As I have stated to my colleagues many times on this floor, as well as in committee hearings, we have an alternative solution to our energy problems, and we can no longer afford to be dependent on foreign oil to meet our energy requirements. I again call attention to a bill I introduced, S. 2167, to establish a trust fund for a dynamic research and development program. I was joined in the introduction of this bill by Senator BAKER, Senator ROBERT C. BYRD, Senator RANDOLPH, and Senator MOSS, and I again solicit the support of my colleagues and urge that hearings be held at an early date so that we can move ahead on this vital program.

Mr. President, we cannot develop our domestic fuels without a dynamic research and development program. I just cannot understand why we continue to take a "business as usual" approach to a problem which should have been solved yesterday.

We have sufficient coal reserves in this Nation to meet our requirements for several generations. We also have oil shale, tar sands and other natural resources which can be converted to energy fuels. If this Nation wishes to retain its status as a great power, if it wishes to preserve the ideals handed down from our Founding Fathers, and if we choose to develop and defend these ideals and continue to enjoy a standard of living never before present on this globe, then we cannot be dependent on a foreign power for our energy fuel. The choice is ours, and there is an answer. I urge my colleagues to join with me in support of S. 2167 to create a Federal energy research and development trust fund. It would act as a repository for funds of a prescribed amount and from which expenditure could be made to meet research and development requirements as they occur over a continuing period of time. It is only through a program of assured and continuous funding of our research and development program that we can hope to reach our goal and provide this Nation with a domestic source of energy for many years to come.

Other Members of this body including the chairman of the powerful Senate committees have in the past and are again proposing that we adopt stopgap measures to meet our problem today and tomorrow, but what concerns me is the fact that we cannot seem to grasp the gravity of this situation and initiative programs which will provide us with comprehensive and long-range solutions to our energy problems. While I agree that there may well be some measures we must take which are of a stopgap nature, this body has a greater responsibility to the people of this Nation to provide for real solutions to real problems.

We all know that Congress is a fickle force. That programs which are adopted by our Congress may well go unfunded by its successor. Why then is it we are continually plugging away at proposals which even if adopted would be of short duration and would not solve the long-range problem?

I have sat through hearings on these proposals. There are dozens now before the various committees. We have labored mightily, we have developed proposals, we have held hearings on these short-run proposals, but we have come up with a dry hole. Let me correct that statement. Sometimes these holes are not dry. We find them filled with hot air, which unfortunately is not natural gas, and will not burn, and cannot be used as energy fuel.

Mr. President, last night Howard K. Smith, distinguished news commentator, presented an editorial in which he portrayed considerable foresight as to the requirement to develop a long-range solution to our problem. He stated as follows:

> It sounds perverse, but I found myself half hoping today the Arabs would cut off, not 5 percent, but all oil to the U.S.
>
> When it has to, this nation is capable of miracles. In World War Two, when natural rubber was scarce, we invented and mass produced synthetic rubber in a single year.
>
> When we thought Hitler was inventing an atomic bomb, we invented it in five years, only to find out he hadn't thought of it.
>
> When we thought the Russians were going to the moon, we created a fantastic technology and got there ourselves in six years. They haven't made it yet.
>
> Well, we have got to stop using fossil fuels. The world supply will simply run out before long. Meanwhile, we have to stop wasting what we possess, and we have to find a replacement for Arab oil.
>
> It so happens we have it—we have more oil than there is in all Arabia, locked up in shale rock in our western states. The easy part, if we felt urgency about it, is creating a technology to extract it without ruining the land.
>
> Five or ten years from now our dependence on Arab oil will be so huge that a cutoff then would cripple us.
>
> But a cutoff now would merely provide us with a miserable winter, and the incentive we obviously lack on our own and our leaders seem incapable of providing, to do what is, eventually, inevitable.

Mr. President, I do not want to burden my colleagues with another copy of a letter I distributed to all Members explaining this bill and requesting support, but should they be interested—and I certainly hope they are—my office would be very happy to supply them with an additional copy.

VISIT TO THE SENATE BY THE HONORABLE FRANZ JOSEPH STRAUSS, MEMBER, WEST GERMAN PARLIAMENT

Mr. THURMOND. Mr. President, we are very fortunate indeed to have with us today a member of the West German Parliament. This gentleman is one of the free world's great leaders and we are proud of him. We welcome him to the United States.

At this time I would like to present to the Members of the Senate Dr. Franz Joseph Strauss, who is chairman of the Christian Social Union Party in Germany, and the financial speaker of the opposition party. He has been a member of Parliament ever since Free Germany was founded 24 years ago. He has been cabinet minister for 12 years. He would be the head of government in Germany if his party were in power today. Dr. Strauss is an expert in nuclear matters, and he is an expert in defense and financial matters.

So it is a great pleasure for me to present him to the U.S. Senate.

[Applause, Senators rising.]

TWO-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 2 minutes in order that Senators may greet our distinguished visitor.

The motion was agreed; and at 12:31 p.m. the Senate took a recess until 12:33 p.m.; whereup, the Senate reassembled when called to order by the Presiding Officer (Mr. HATHAWAY).

AMENDMENT OF RAIL PASSENGER SERVICE ACT OF 1970—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate the conference report on the Rail Passenger Service Act.

The PRESIDING OFFICER laid before the Senate the conference report which was stated as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all conferees on the part of both Houses.

Mr. MANSFIELD. Mr. President, I move the adoption of the conference report.

Mr. GRIFFIN. Mr. President, reserving the right to object, the Senator from Kentucky, one of the conferees, is very close to the floor and wanted to be here.

Mr. MANSFIELD. Mr. President, I withdraw my request. We will bring it up later.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Mr. Warren Clay Wood to be Federal Cochairman of the Old West Regional Commission, which was previously reported unanimously by the Committee on Public Works.

There being no objection, the Senate proceeded to consider executive business.

OLD WEST REGIONAL COMMISSION

The PRESIDING OFFICER. The nomination will be read.

The second assistant legislative clerk read the nomination of Warren Clay Wood, of Nebraska, to be Federal Cochairman of the Old West Regional Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, are we still in the morning hour?

The PRESIDING OFFICER. We are still in the morning hour.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be allowed to proceed for not to exceed 6 minutes.

Mr. ROBERT C. BYRD. Mr. President, will the Senator allow me to get my 5 minutes and yield them to the Senator?

Mr. MANSFIELD. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MIDDLE EAST CONFLICT

Mr. MANSFIELD. Mr. President, in the Middle East, the conflict grows sharper, more devastating, more bloody. The Israelis and the Arabs bear directly and immediately the heavy human burdens of war, but repercussions of the most serious kind are also beginning to spread beyond the battlegrounds.

First, all nations importing Mideast petroleum face a 17-percent increase in the price of crude and, on top of that, the Arab nations announced that they will cut production 5 percent at once and announced, in addition, a 5 percent reduction each month thereafter.

Second, the United States and U.S.S.R. are now engaged in the competitive resupply of weapons to the two sides in the war.

Third, the United States and the U.S.S.R. have stepped up the reinforcement of their respective fleets in the Mediterranean, a sea already seething with a surfeit of naval power.

Where is the end of this chain of interrelated development? Is it to be found in a "military solution" in the Middle East? How long will it take to run that course? A week? A month? A year? Not how many days, Mr. President, but how many generations. Even if a military solution were "just around the corner" and, apparently that is not the case, it is not a permissive course for any responsible government.

It is impermissible in terms of the future well-being of Israel and the Arab countries. How many corpses must be counted on both sides before a military solution is achieved? How much destruction? Must Cairo be flattened and Tel Aviv? Damascus? Jerusalem? Has nothing at all been learned from the tragedy of Vietnam and others before it?

To await a military solution is also impermissible on economic grounds. What will happen to the economies of the Arab countries when, 20 months from now, on their own announced schedule, the last drop of crude flows through the pipelines of the Mideast and the last well is capped or the price of petroleum is upped and upped until there are no more buyers? In the meantime, what will happen to the economies of the great importers of Arab oil—notably Western Europe and Japan?

Finally, the course of military solution is impermissible as an intolerable risk not only to the security but the survival of the Soviet Union and the United States which, together, hold a great share—perhaps too great a share—of responsibility for the entire world's destiny in this situation.

In these circumstances, I would call the attention of the Senate to a statement by French Foreign Minister Michel Jobert in the French National Assembly on yesterday. Mr. Jobert exhorted the United States and the Soviet Union to stop the resupply of arms to the Mideast and to seek to end the war "before it is too late and the consequences become intolerable." He pledged that France, with the support of the Common Market powers, would make contributions to finding a solution to the conflict.

The initiative of Foreign Minister Jobert comes at a most opportune time.

I would urge the administration to give it every attention and I would again express the hope that both the Soviet Union and the United States would seek, in addition to that of France, the immediate diplomatic cooperation of Western Germany, the United Kingdom, and Japan in finding an acceptable cease-fire and negotiations among the parties.

The economic stake of these nations in a restoration of peace is no less than our own. So, too, is their stake along with that of all other nations in human survival.

Mr. President, I repeat the remarks which I made on Tuesday last relative to the Mideast situation:

Mr. President, I have given some thought to the situation which has been developing in the Middle East. It becomes more dangerous by the day, it spreads far beyond the area of the Middle East itself. At the present time, it seems that it stretches from the Atlantic coast clear across the Magreb and the rest of northern Africa, over into Syria, Jordan, Iraq, possibly Saudi Arabia, and the Lord or Allah only knows where it is going to end. It is a most serious situation in that area, which we cannot avoid paying attention to.

With that in mind, Mr. President, I would like to state to the Senate some of my feelings on this subject as they were put down this morning.

First, my feeling is that we should operate on a policy that tries to achieve a balance of sorts in the Middle East.

Second, insofar as the shipment of United States arms is concerned, it must be said that Secretary Kissinger first tried to find a diplomatic solution based on no arms shipments to either side. Finding that impossible because of continuing and increased Soviet shipments to Syria and Egypt, on Sunday last, 9 days after the war started, he—Secretary Kissinger—announced that the United States would replenish the losses of Israel in certain categories. This was done, in my opinion, to achieve a semblance of an arms balance in the area.

Third, I do not believe that we should become involved with American forces anywhere except as our national interest and security are at a vital stake. One Vietnam is one Vietnam too many.

Fourth, the United States and the Soviet Union, the two major outside powers, obviously have been unable to prevent the conflict or to bring about its termination. In view of the increasingly dangerous situation which has been developing, therefore, I would suggest that the President of the United States issue an urgent invitation to Chairman Brezhnev of the U.S.S.R., President Pompidou of France, Prime Minister Heath of the United Kingdom, Chancellor Willy Brandt of West Germany, and Prime Minister Tanaka of Japan for an immediate summit conference for the purpose of bringing about a cease-fire and using their collective efforts toward the Middle East to have the parties enter into negotiations as expeditiously as possible.

Fifth, if a summit cannot be accomplished expeditiously, then I would suggest as an alternative that the Foreign Ministers of the countries mentioned convene in conference at a mutually convenient place and as rapidly as possible.

The time, Mr. President, is short.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. ROBERT C. BYRD. Mr. President, would the Senator yield for a question?

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, that was my question. I ask unanimous consent that there be an extension of the period for routine morning business not to exceed 15 minutes with statements made therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF EMIL H. PRAEGER, PRAEGER REPORT AUTHOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD the notice, published in today's issue of the Washington Post, of the passing of Emil H. Praeger, the Captain Praeger who authored the Praeger report with reference to the Capitol Building, particularly with respect to the durability and restoration of the west front. Captain Praeger passed away yesterday.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 18, 1973]

EMIL H. PRAEGER, 81, NOTED CIVIL ENGINEER

MANHASSET, N.Y., Oct. 17—Emil H. Praeger, a civil engineer who designed special floating concrete breakwaters used during the Allied invasion of Normandy in World War II, is dead at the age of 81.

Mr. Praeger, who also served as a consulting engineer in the renovation of the White House, died Tuesday at North Shore Hospital here. He had been residing in Douglaston, Queens.

Mr. Praeger was responsible for structural engineering in construction of the General Assembly, Meeting Hall and underground parking garage of the United Nations headquarters in New York.

During World War II, Mr. Praeger was design manager of the Navy's Bureau of Yards and Docks and served on a committee named to implement British Prime Minister Winston Churchill's idea of protected harbors for the invasion of Europe.

The committee accepted Mr. Praeger's design of rectangular floating concrete breakwaters, with the code name "Phoenix." They were built in England and floated across the English Channel to form a harbor for the landing and supply operations in Normandy.

After the war, Mr. Praeger served as a senior member of the Navy group studying the effects of atomic bombs and other aerial weapons on Japan. He was awarded the Legion of Merit.

He is survived by his wife, the former Edna Quinn; a son, Richard Q.; a daughter, Elizabeth Branigan, and 13 grandchildren.

LEGISLATIVE APPROPRIATION BILL, 1974—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 6691, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 11, 1973, on page 33768.)

Mr. HOLLINGS. Mr. President, the final agreement has been reached in the Conference Committee on Senate amendments, and the conference report has been adopted by the House of Representatives. This bill passed the Senate on July 19, 1973, on which day the Senate requested a conference with the House of Representatives. The bill was sent to conference by the House on October 2, and final accord has been reached on all amendments. The most controversial amendments in the bill were numbers 45, 50, and 51. On amendment number 45, the House had provided in the first paragraph for an appropriation of $58,000,000 for extension of the Capitol. The Senate had deleted this paragraph and in lieu thereof had proposed language and an appropriation of $18,000,000 for restoration of the west central front of the Capitol. In conference, there was a complete impasse with respect to the proposals of the respective bodies and consequently the House conferees agreed to delete the House proposal and the Senate conferees agreed to delete the Senate proposal for restoration. What this rally amounts to is that the proposal is deferred for another year. In the meantime, under the provisions in the Legislative Branch Act for fiscal year 1972, none of the funds available to the Architect of the Capitol may be used for plans for extension of the west front of the Capitol.

On amendment No. 50, the Senate had proposed an appropriation of $15,000,000 and authority for the construction of an additional House office building. It was the view of the Senate that this building could be constructed just south of the Capitol on the Capitol grounds, underground. The Senate had also proposed an appropriation of $300,000 and authority to conduct a master plan for future development of the Capitol grounds or related areas. These two proposals, amendments Nos. 50 and 51 were deleted by the Conference Committee. In deleting these amendments for extension, restoration, an additional House office building and comprehensive plans, the conferees realized that full consideration could not be given these amendments at this time in that the House held no hearings on the proposal for an underground building next to the House wing of the Capitol. The Senate conferees are hopeful that the House will look into this matter further and this may be a desirable way to solve the problem for the House of Representatives for additional office space rather than the extension of the Capitol for this purpose.

In most instances in the other proposals of the Senate, the House accepted our amendments since they dealt mostly with housekeeping matters of the two bodies.

Mr. President, I would like to also at this point express my gratitude for the support and assistance of all the witnesses, particularly working with this committee of conference, and the distinguished senior Senator from New Hampshire (Mr. COTTON). He could not be with us today, but I have checked with him, and this conference report presentation meets with his approval. We have with us his sidekick and my distinguished friend the Senator from Pennsylvania (Mr. SCHWEIKER), who also worked daily with this committee, and with his assistance and that of the conferees on the House side, we were able to come to an agreement which I think will be satisfactory to both Houses. I thank the Senator from Pennsylvania for his wonderful help, and yield to him at this time.

Mr. SCHWEIKER. I thank the Senator.

Mr. President, as a member of the minority side of the Legislative Branch Appropriations Subcommittee, and the floor manager of this bill when it was originally before the Senate, I rise to endorse the conference report that was so ably summarized by our chairman, the distinguished Senator from South Carolina (Mr. HOLLINGS). I want to compliment the chairman on the excellent and thorough manner in which he has handled the bill since we first began our hearings back on May 2d.

While I do not want to delay the Senate I do want to associate myself with the remarks of the chairman regarding the west front of the Capitol. I, too, am keenly disappointed that we were not able to persuade the managers of the bill from the House of Representatives to accept the Senate position of restoration over extension. Even the most cursory examination of the massive evidence the subcommittee assembled during our extensive hearings on this matter should convince everyone of the soundness of restoring the last remaining original wall of this building and going underground in a less expensive way to meet the additional space requirements of the other body.

As a fellow member of the Board of the Office of Technology Assessment I am sure I join our chairman in the satisfaction that this long-needed congressional organization can now get started. This initial appropriation of $2 million is a modest amount to let us begin to form the capability the Congress needs in this era of rapid change in technology.

Before closing my remarks I also want to extend my best wishes to the clerk of our subcommittee, and the chief clerk of the Appropriations Committee, Mr. Thomas J. Scott, who will soon begin a well-deserved retirement. Tom has been with the committee for 30 years and is universally respected for his expert knowledge and judgment of the appropriations process as well as his fairness to all members of the committee and the Senate.

Mr. President, I ask unanimous consent to submit for the RECORD a statement on behalf of the Senator from New Hampshire (Mr. COTTON), the ranking Republican member on this conference committee. He is detained on committee business elsewhere at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT OF SENATOR COTTON

During our deliberations on this bill, Mr. Donald E. Vincent, the Librarian of the University of New Hampshire brought to my attention the urgent need to add $133,000 for the National Serials Data Program of the Library of Congress. This program, which is responsible for the assigning and maintaining of the International Standard Serial Number is vital to the library community in order to avoid costly duplication of materials and proper maintenance of the inter-library loan of periodicals and other serial materials. I am happy to note that the Conference accepted the full amount of my amendment for this program and that the expanded program can now go forward.

Mr. SCHWEIKER. I would just like to say that I have enjoyed working with our chairman, the distinguished Senator from South Carolina (Mr. HOLLINGS), because I think he has provided able and effective leadership in resolving several of the controversies that confronted this committee of conference. I think they were fairly, ably, and effectively ironed out, and I strongly support the conference report.

Mr. HOLLINGS. Mr. President, I move the adoption of the conference report.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Effective January 1, 1974, section 105(d) (1) of the Legislative Branch Appropriation Act, 1968, as amended by the preceding paragraph, is amended to read as follows:

"(1) (A) Commencing January 1, 1974, the aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each calendar year the following:

"$352,240 if the population of his State is less than 2,000,000;

"$362,848 if such population is 2,000,000 but less than 3,000,000;

"$388,416 if such population is 3,000,000 but less than 4,000,000;

"$421,328 if such population is 4,000,000 but less than 5,000,000;

"$448,256 if such population is 5,000,000 but less than 7,000,000;

"$476,544 if such population is 7,000,000 but less than 9,000,000;

"$507,280 if such population is 9,000,000 but less than 10,000,000;

"$530,944 if such population is 10,000,000 but less than 11,000,000;

"$561,952 if such population is 11,000,000 but less than 12,000,000;

"$585,616 if such population is 12,000,000 but less than 13,000,000;

"$615,808 if such population is 13,000,000 but less than 15,000,000;

"$646,000 if such population is 15,000,000 but less than 17,000,000;

"$676,192 if such population is 17,000,000 or more.

In any calendar year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees in the office of that Senator shall be the applicable amount contained in the table included in this subparagraph, divided by 12, and multiplied by the number of months the Senator holds such office during that calendar year, counting any fraction of a month as a full month.

"(B) The aggregate of payments of gross compensation made to employees in the office of a Senator during each calendar year shall not exceed at any time during such calendar year one-twelfth of the applicable amount contained in the table included in subparagraph (A) of this paragraph multiplied by the number of months (counting a fraction of a month as a month) elapsing from the first month in that calendar year in which the Senator holds the office of Senator through the end of the current month for which the payment of gross compensation is to be made."

Effective October 1, 1973, any rate of compensation increased or established under the headings "Office of the Chaplain", "Office of the Secretary", and "Office of Sergeant at Arms and Doorkeeper", and any new dollar limitation contained in amendments made by the sixth and seventh full unnumbered paragraphs under the heading "ADMINISTRATIVE PROVISIONS", are increased in accordance with the Order of the President pro tempore of the Senate of October 4, 1973. Effective January 1, 1974, the dollar limitations contained in the amendment made by the eighth full unnumbered paragraph under this heading "ADMINISTRATIVE PROVISIONS" are increased in accordance with the applicable dollar limitations contained in such order.

Mr. HOLLINGS. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to amendment of the Senate No. 34.

The motion was agreed to.

THE WATERGATE TAPES AND THE VICE-PRESIDENTIAL CONFIRMATION

Mr. KENNEDY. Mr. President, as I have stated on previous occasions in recent weeks, one of the most critical emerging developments in the Nation is the ominous constitutional confrontation looming between the President and the courts over the tapes in the Watergate case. Inexorably, the case has now reached the threshold of the Supreme Court, and there is good reason to anticipate that the Court will hear and decide the case before it recesses for the Christmas holidays in December.

The nature of the potential confrontation is clear. Two lower Federal courts—the district court on August 29 and the court of appeals on October 12—have already ruled that President Nixon may be ordered to disclose the tapes. The President and his White House staff have left the clear impression that the President may decide to defy the Supreme Court if the final order of the Court requires the tapes to be disclosed.

My hope is that the confrontation will not materialize. Perhaps the Supreme Court will rule in favor of the President. Or, perhaps the President and the special prosecutor may yet find a way to resolve their differences, as the court of appeals has so strongly suggested, and thereby spare the country the further constitutional crisis that now appears so close.

But if a solution is not found, there can be no question of the President's obligation to abide by the Supreme Court's decision interpreting the law. There can be no question of his obligation to produce the tapes if that is the Court's command.

If the President defies the Supreme Court on the tapes, then he defies the Constitution. He defies 200 years of American history. He defies the rule of law under which all of us must live. In that event, as I said last month, a responsible Congress would have no recourse but to exercise its power of impeachment.

As the time for decision draws near, I hope that each Senator and Representative will weigh his obligation to the Supreme Court and to the Nation's highest law. I do not share the view of those who say that Congress is too weak or too timid to act. We have taken our oath to support and defend the Constitution. It cannot be for naught that Congress stopped the bombing in Indochina last August, or that Congress has begun to reassert its own long-neglected prerogatives in important legislative areas like war powers and impoundment. If the President is so unwise as to put Congress in a position on the tapes in which Congress must choose between the Constitution or the President, I have no doubt that Congress will choose the Constitution.

But there is another issue as well, a related issue that we in Congress must also face, and face earlier than the question of the tapes. Because the cloud of Watergate and the tapes hangs so clearly over the President, the Senate and the House have a special obligation to give the closest possible examination to the qualifications of the man who has been nominated to be our new Vice President, the man who may well become our President if Mr. Nixon resigns or is impeached.

The ACTING PRESIDENT pro tempore. The Senator's time has expired and the extended period for the transaction of routine morning business has also expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for a period of not to exceed 10 minutes, with a limitation of 5 minutes on statements therein, that I may be recognized, and that I may yield my 5 minutes to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, whatever other investigations Congress may undertake on the nomination of Mr. Ford, the Senate and the House have a paramount obligation to ask him whether he believes the President must comply with an order of the Supreme Court to disclose the tapes. We have the right and duty to demand a Vice President who unequivocally acknowledges the supremacy of the rule of the law. However distinguished his career may be, however acceptable his other qualifications may be, if Mr. Ford refuses to acknowledge the obligation of the President to obey the Supreme Court, then Congress has the right and duty to refuse his confirmation.

Mr. President, because of the extraordinary significance of the tapes case, I ask unanimous consent that the decision of the court of appeals, issued last Friday, be printed in the Record, so that it may be widely available to all who share our deep concern over this difficult question.

There being no objection, the decision was ordered to be printed in the Record, as follows:

[U.S. Court of Appeals for the District of Columbia Circuit]

PETITIONS FOR WRITS OF MANDAMUS AND APPEALS

No. 73-1962: Richard M. Nixon, President of the United States, Petitioner v. the Honorable John J. Sirica, United States District Judge, Respondent and Archibald Cox, Special Prosecutor, Watergate Special Prosecution Force, Party in Interest.

No. 73-1967: United States of America, Petitioner v. the Honorable John J. Sirica, Chief Judge, United States District Court for the District of Columbia, Respondent and Richard M. Nixon, President of the United States, Party in Interest.

No. 73-1989: In re: Grand Jury Proceedings.

Decided October 12, 1973—*Charles Alan Wright*, with whom *Douglas M. Parker* and *Robert T. Anderson*, were on the brief, for petitioner in No. 73-1962.

Archibald Cox, with whom *Philip A. Lacovara* and *Peter M. Kreindler* were on the brief, for petitioner in Nos. 73-1967 and 73-1989.

Anthony C. Morella and *George D. Horning, Jr.* for respondent.

Before Bazelon, *Chief Judge*, and Wright McGowan, Leventhal, Robinson, MacKinnon and Wilkey, Circuit Judges, sitting en banc.

Opinion *Per Curiam*.

Opinion by *Circuit Judge* MacKinnon, concurring in part and dissenting in part.

Opinion by *Circuit Judge* Wilkey, concurring in part and dissenting in part.

Per Curiam: This controversy concerns an order of the District Court for the District of Columbia entered on August 29, 1973, by Chief Judge John J. Sirica as a means of enforcing a grand jury subpoena *duces tecum* issued to and served on President Richard M. Nixon. The order commands the President, or any subordinate official, to produce certain items identified in the subpoena so that the Court can determine, by *in camera* inspection, whether the items are exempted from disclosure by evidentiary privilege.[1]

Both the President and Special Prosecutor Archibald Cox, acting on behalf of the grand jury empanelled by the District Court in June, 1972,[2] challenge the legality of this order. All members of this Court agree that the District Court had, and this Court has, jurisdiction to consider the President's claim of privilege.[3] The majority of the Court approves the District Court's order, as clarified and modified in part, and otherwise denies the relief requested.

I

We deem it essential to emphasize the narrow contours of the problem that compels the Court to address the issues raised by this case. The central question before us is, in essence, whether the President may, in his sole discretion, withhold from a grand jury evidence in his possession that is relevant to the grand jury's investigations. It is our duty to respond to this question, but we limit our decision strictly to that required by the precise and entirely unique circumstances of the case.

Footnotes at end of article.

On July 23 of this year, Special Prosecutor Cox caused to be issued a subpoena *duces tecum* directed to the President.[4] The subpoena called upon the President to produce before the grand jury certain documents and objects in his possession—specifically, tape recordings of certain identified meetings and telephone conversations that had taken place between the President and his advisers in the period from June 20, 1972 to April 15, 1973.[5] In a letter dated July 25, 1973, addressed to the Chief Judge of the District Court, the President declined to produce the subpoenaed recordings. The President informed the Court that he had concluded "that it would be inconsistent with the public interest and with the Constitutional position of the Presidency to make available recordings of meetings and telephone conversations in which [he] was a participant. . . ."[6]

On July 26, at the instruction of the grand jury, the Special Prosecutor applied to the District Court for an order requiring production of the evidence. Having determined by poll in open court the grand jury's desire for the evidence, the District Judge ordered the President, or any appropriate subordinate official, to show cause "why the documents and objects described in [the subpoena] should not be produced. . . ." On August 7, in answer to the order, the President filed a Special Appearance and Brief in Opposition, stating that the letter of July 25 constituted a "valid and formal claim of executive privilege" and that, therefore, the District Court "lack[ed] jurisdiction to enter an enforceable order compelling compliance with the subpoena. . . ."[7]

The District Court then allowed the Special Prosecutor to submit a memorandum in response to that of the President and in support of the Court's order. This memorandum contains a particularized showing of the grand jury's need for each of the several subpoenaed tapes[8]—a need that the District Court subsequently and, we think, correctly termed "well-documented and imposing."[9]

The strength and particularity of this showing were made possible by a unique intermeshing of events unlikely soon, if ever, to recur. The President had previously declared his intention to decline to assert any privilege with respect to testimony by his present and former aides, whether before the grand jury or the Select Committee of the Senate on Presidential Campaign Activities, concerning what has come to be known as the "Watergate" affair.[10] As a result, detailed testimony by these aides before the Senate Committee enabled the Special Prosecutor to show a significant likelihood that there existed conspiracies among persons other than those already convicted of the Watergate break-in and wiretapping, not only to commit those offenses, but to conceal the identities of the persons involved. Moreover, the Special Prosecutor was able to show from the public testimony that important evidence relevant to the existence and scope of the purported conspiracy was contained in statements made by the President's advisers during certain conversations that took place in his office. Most importantly, perhaps, significant inconsistencies in the sworn testimony of these advisers relating to the content of the conversations raised a distinct possibility that perjury had been committed before the Committee and, perhaps, before the grand jury itself.

Thus, the Special Prosecutor was able to show that the tape recordings of the disputed conversations—conversations specifically identified as to time, place, and content—were each directly relevant to the grand jury's task. Indeed, the Memorandum demonstrates, particularly with respect to the possible perjury offenses, that the subpoenaed recordings contain evidence critical to the grand jury's decisions as to whether and whom to indict.

On August 29th, the Chief Judge of the District Court entered the order at issue in this case. In the accompanying opinion, he rejected the President's challenge to the Court's jurisdiction and to its authority to enter orders necessary to the enforcement of the subpoena. The President, petitioner in No. 73–1962, asks this Court for a writ of mandamus commanding the District Court to vacate its August 29th order. In No. 73–1967, the United States, through the Special Prosecutor and on behalf of the grand jury, petitions for a writ commanding the District Court to order full and immediate disclosure of the tapes to the grand jury and, in the alternative, for instructions to govern any *in camera* inspection that takes place. The United States has, in addition, filed an appeal from the order below.[11]

Because of the public interest in their prompt resolution, we consolidated the cases and ordered briefing on an expedited schedule. For the reasons stated herein, we decline to command the District Court to vacate its order, and dismiss both the petition and appeal of the United States. We direct, however, that the District Court modify its order in certain respects, and that it conduct further proceedings in this case in a manner consistent with the criteria and procedures defined in this opinion.

II

In their petitions for relief, both the President and the Special Prosecutor invoke this court's statutory authority to issue "all writs necessary or appropriate in aid of" its jurisdiction.[12] As the Supreme Court has noted, the peremptory writ of mandamus, one of the group authorized by the All Writs Act, "has traditionally been used in the federal courts only 'to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.' "[13] And although jurisdiction, for purposes of the writ, need not be defined in its narrow, technical sense, "it is clear that only exceptional circumstances amounting to a judicial 'usurpation of power' will justify the invocation of this extraordinary remedy."[14] Beyond these considerations, the writ may not be used as a substitute for an appeal, nor to subvert the general congressional policy against appeals from interlocutory orders,[15] a policy that is particularly strong in criminal cases.[16]

With these general parameters in mind, we turn first to the President's petition, which seeks to accommodate a well settled limitation on direct appeals challenging subpoenas. As recently restated by the Supreme Court, ordinarily "one to whom a subpoena is directed may not appeal the denial of a motion to quash that subpoena but must either obey its commands or refuse to do so and contest the validity of the subpoena if he is subsequently cited for contempt on account of his failure to obey."[17] Contrary to the argument of the respondent Chief Judge, we see no basis for broadly differentiating an order to produce evidence for an *in camera* inspection to determine whether it is privileged from disclosure to a grand jury.

From the viewpoint of mandamus, however, the central question that the President raises—whether the District Court exceeded its authority in ordering an *in camera* inspection of the tapes—is essentially jurisdictional.[18] It is, too, a jurisdictional problem of "first impression" involving a "basic, undecided question."[19] And if indeed the only avenue of direct appellate review open to the President requires that he first disobey the court's order, appeal seems to be "a clearly inadequate remedy."[20] These circumstances, we think, warrant the exercise, at the instance of the President, of our review power under the All Writs Act,[21] particularly in light of the great public interest in prompt resolution of the issues that his petition presents.[22]

We find the Special Prosecutor's petition much more problematic.[23] The Supreme Court "has never approved the use of the writ to review"—at the instance of the Government—"an interlocutory procedural order in a criminal case which did not have the effect of a dismissal."[24] And while the Court has not decided "under what circumstances, if any, such a use of mandamus would be appropriate,"[25] we have grave doubt that it would be appropriate in this case. It is by no means clear that a writ directing the District Court to dispense with *in camera* inspection and order immediate production to the grand jury could fairly be characterized as aiding this court's jurisdiction, however non-technically jurisdiction might be defined.

Moreover, any resolution of the President's petition necessitates consideration of the validity of the projected *in camera* inspection—the object of the Special Prosecutor's sole objection—and of the need for instructions governing any such inspection—the subject of his sole request in the alternative. In *Schlagenhauf* v. *Holder*,[26] the Supreme Court sustained the inherent power of the courts of appeals in special circumstances to review by mandamus a "basic, undecided question."[27] and "to settle new and important problems."[28] Although one of the problems raised in that case would not normally have justified an exercise of mandamus authority, the Court recognized the propriety of avoiding piecemeal litigation by resolving all issues arising out of the same set of operative facts.[29] Surely the extraordinary importance of the issues that the Special Prosecutor tenders demands no less.

Mandamus is generally withheld when relief is available in another manner.[30] Our review of the President's contentions will necessarily subsume the Special Prosecutor's present concerns. Since we do not consider the question of jurisdiction of his petition essential to a full disposition of this consolidated proceeding, we exercise our discretion[31] to dismiss the petition without deciding it.

III

We turn, then, to the merits of the President's petition. Counsel for the President contend on two grounds that Judge Sirica lacked jurisdiction to order submission of the tapes for inspection. Counsel argue, first, that, so long as he remains in office, the President is absolutely immune from the compulsory process of a court; and, second, that Executive privilege is absolute with respect to presidential communications, so that disclosure is at the sole discretion of the President. This immunity and this absolute privilege are said to arise from the doctrine of separation of powers and by implication from the Constitution itself. It is conceded that neither the immunity nor the privilege is express in the Constitution.

A.

It is clear that the want of physical power to enforce its judgments does not prevent a court from deciding an otherwise justiciable case.[32] Nevertheless, if it is true that the President is legally immune from court process, this case is at an end. The judiciary will not, indeed cannot, indulge in rendering an opinon to which the President has no legal duty to conform. We must, therefore, determine whether the President is *legally* bound to comply with an order enforcing a subpoena.[33]

We note first that courts have assumed that they have the power to enter mandatory orders to Executive officials to compel production of evidence.[34] While a claim of an absolute Executive immunity may not have been raised directly before these courts, there is no indication that they entertained any doubts of their power. Only last term in *Environmental Protection Agency* v. *Mink*,[35] the Supreme Court stated that a District Court "may order" *in camera* inspections of certain materials to determine whether they

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must be disclosed to the public pursuant to the Freedom of Information Act.[36]

The courts' assumption of legal power to compel production of evidence within the possession of the Executive surely stands on firm footing. *Youngstown Sheet & Tube* v. *Sawyer*,[37] in which an injunction running against the Secretary of Commerce was affirmed, is only the most celebrated instance of the issuance of compulsory process against Executive officials. See, e.g., *United States* v. *United States District Court*, 407 U.S. 297 (1972) (affirming an order requiring the Government to make full disclosure of illegally wiretapped conversations); *Kendall* v. *United States ex rel. Stokes*, 37 U.S. (12 Pet.) 524 (1828) (issuing a mandamus to Postmaster General, commanding him fully to comply with an act of Congress); *State Highway Commission* v. *Volpe*, —— F. 2d ——, No. 72-1512 (8th Cir., filed April 2, 1973) (enjoining the Secretary of Transportation).

It is true that, because the President has taken personal custody of the tapes and is thus himself a party to the present action, these cases can be formally distinguished. As Judge Sirica noted, however, to rule that this case turns on such a distinction would be to exalt the form of *Youngstown Sheet and Tube* over its substance. Justice Black, writing for the *Youngstown* majority, made it clear that the Court understood its affirmance effectively to restrain the President. There is not the slightest hint in any of the *Youngstown* opinions that the case would have been viewed differently if President Truman rather than Secretary Sawyer had been the named party.[38] If *Youngstown* still stands, it must stand for the case where the President has himself taken possession and control of the property unconstitutionally seized, and the injunction would be framed accordingly. The practice of judicial review would be rendered capricious—and very likely impotent—if jurisdiction vanished whenever the President personally denoted an Executive action or omission as his own. This is not to say that the President should lightly be named as a party defendant. As a matter of comity, courts should normally direct legal process to a lower Executive official even though the effect of the process is to restrain or compel the President. Here, unfortunately, the court's order must run directly to the President, because he has taken the unusual step of assuming personal custody of the Government property sought by the subpoena.

The President also attempts to distinguish *United States* v. *Burr*,[39] in which Chief Justice Marshall squarely ruled that a subpoena may be directed to the President. It is true that *Burr* recognized a distinction between the issuance of a subpoena and the ordering of compliance with that subpoena, but the distinction did not concern judicial power or jurisdiction. A subpoena *duces tecum* is an order to produce documents or to show cause why they need not be produced. An order to comply does not make the subpoena more compulsory; it simply maintains its original force. The Chief Justice's words merit close attention. His statement:

"Whatever difference may exist with respect to the power to compel the same obedience to the process, as if it had been directed to a private citizen there exists no difference with respect to the right to obtain it [,]"

is immediately followed by the statement:

"The guard, furnished to this high officer, to protect him from being harassed by *vexatious and unnecessary* subpoenas, is to be looked for in the conduct of the court after those subpoenas have issued; not in any circumstances which is to precede their being issued." [40]

The clear implication is that the President's special interests may warrant a careful judicial screening of subpoenas after the President interposes an objection, but that some subpoenas will nevertheless be properly sustained by judicial orders of compliance. This implication is borne out by a later opinion by the great Chief Justice in the same case. When President Jefferson did not fully respond to the subpoena issued to him, Colonel Burr inquired why the President should not comply. The Chief Justice's answer should put to rest any argument that he felt the President absolutely immune from orders of compliance:

"The President, although subject to the general rules which apply to others, may have sufficient motives for declining to produce a particular paper, and those motives *may be* such as to restrain the court from enforcing its production. * * * I can readily conceive that the President might receive a letter which it would be improper to exhibit in public * * *. The occasion for *demanding* it ought, in such a case, to be very strong, and to be fully shown to the court before its production could be *insisted* on. * * * Such a letter, though it be a private one seems to partake of the character of an official paper, and to be such as ought not on *light ground* to be forced into public view." [41]

A compliance order was, for Marshall, distinct from an order to show cause simply because compliance was not to be ordered before weighing the President's particular reasons for wishing the subpoenaed documents to remain secret. The court was to show respect for the President in weighing those reasons, but the ultimate decision remained with the court.[42]

Thus, to find the President immune from judicial process, we must read out of *Burr* and *Youngstown* the underlying principles that the eminent jurists in each case thought they were establishing. The Constitution makes no mention of special presidential immunities. Indeed, the Executive Branch generally is afforded none. This silence cannot be ascribed to oversight. James Madison raised the question of Executive privileges during the Constitutional Convention,[43] and Senators and Representatives enjoy an express, if limited, immunity from arrest, and an express privilege from inquiry concerning "Speech and Debate" on the floors of Congress.[44] Lacking textual support, counsel for the President nonetheless would have us infer immunity from the President's political mandate or from his vulnerability to impeachment, or from his broad discretionary powers. These are invitations to refashion the Constitution, and we reject them.

Though the President is elected by nationwide ballot, and is often said to represent all the people,[45] he does not embody the nation's sovereignty.[46] He is not above the law's commands: "With all its defects, delays and inconveniences men have discovered no technique for long preserving free government except that the Executive be under the law. . . ." [47] Sovereignty remains at all times with the people, and they do not forfeit through elections the right to have the law construed against and applied to every citizen.

Nor does the Impeachment Clause imply immunity from routine court process.[48] While the President argues that the Clause means that impeachability precludes criminal prosecution of an incumbent, we see no need to explore this question except to note its irrelevance to the case before us. The order entered below, and approved here in modified form, is not a form of criminal process. Nor does it compete with the impeachment device by working a constructive removal of the President from office. The subpoena names in the alternate "any subordinate officer," and the tasks of compliance may obviously be delegated in whole or in part so as not to interfere with the President's official responsibilities.[49] By contemplating the possibility of post-impeachment trials for violations of law committed in office, the Impeachment Clause itself reveals that incumbency does not relieve the President of the routine legal obligations that confine all citizens. That the Impeachment Clause may qualify the court's power to sanction noncompliance with judicial orders is immaterial. Whatever the qualifications, they were equally present in *Youngstown:* Commerce Secretary Sawyer, the defendant there, was an impeachable "civil officer," [50] but the injunction against him was nonetheless affirmed. The legality of judicial orders should not be confused with the legal consequences of their breach; for the courts in this country always assume that their orders will be obeyed, especially when addressed to responsible government officials. Indeed, the President has, in this case, expressly abjured the course of setting himself above the law.

Finally, the President reminds us that the landmark decisions recognizing judicial power to mandamus Executive compliance with "ministerial" duties also acknowledged that the Executive Branch enjoys an unreviewable discretion in many areas of "political" or "executive" administration.[51] While true, this is irrelevant to the issue of presidential immunity from judicial process. The discretionary-ministerial distinction concerns the nature of the act or omission under review, not the official title of the defendant.[52] No case holds that an act is discretionary merely because the President is the actor.[53] If the Constitution or the laws of evidence confer upon the President the absolute discretion to withhold material subpoenaed by a grand jury, then of course we would vacate, rather than approve with modification, the order entered below. However, this would be because the order touched upon matters within the President's sole discretion, not because the President is immune from process generally. We thus turn to an examination of the President's claim of an absolute discretion to withhold evidence from a grand jury.

B.

There is, as the Supreme Court has said, a "longstanding principle" that the grand jury "has a right to every man's evidence" except that "protected by a constitutional, common law, or statutory privilege." [54] The President concedes the validity of this principle. He concedes that he, like every other citizen, is under a legal duty to produce relevant, non-privileged evidence when called upon to do so.[55] The President contends, however, that whenever, in response to a grand jury subpoena, he interposes a formal claim of privilege, that claim without more disables the courts from inquiring by any means into whether the privilege is applicable to the subpoenaed evidence. The President agrees that, in theory, the privilege attached to his office has limits; for example, he explicitly states that it "cannot be claimed to shield executive officers from prosecution for crime." [56] Nonetheless, he argues that it is his responsibility, and his alone, to determine whether particular information falls beyond the scope of the privilege. In effect, then, the President claims that, at least with respect to conversations with his advisers, the privilege is absolute, since he, rather than the courts, has final authority to decide whether it applies in the circumstances.

We of course acknowledge the longstanding judicial recognition of Executive privilege. Courts have appreciated that the public interest in maintaining the secrecy of military and diplomatic plans may override private interests in litigation.[57] They have further responded to Executive pleas to protect from the light of litigation "intragovernmental documents reflecting * * * deliberations comprising part of a process by which governmental decisions and policies are

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formulated."[58] In so doing, the Judiciary has been sensitive to the considerations upon which the President seems to rest his claim of absolute privilege: the candor of Executive aides and functionaries would be impaired if they were persistently worried that their advice and deliberations were later to be made public.[59] However, counsel for the President can point to no case in which a court has accepted the Executive's mere assertion of privilege as sufficient to overcome the need of the party subpoenaing the documents. To the contrary, the courts have repeatedly asserted that the applicability of the privilege is in the end for them and not the Executive to decide.[60] They have, moreover, frequently ordered *in camera* inspection of documents for which a privilege was asserted in order to determine the privilege's applicability.[61]

It is true, as counsel for the President stress, that Presidents and Attorneys General have often said that the President's final and absolute assertion of Executive privilege is conclusive on the courts.[62] The Supreme Court in *United States* v. *Reynolds*, however, went a long way toward putting this view to rest. The *Reynolds* Court, considering a claim based on military secrets, strongly asserted: "The Court itself must determine whether the circumstances are appropriate for claim of privilege;"[63] "judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers."[64] It is true that, somewhat inconsistently with this sweeping language, the Court formally reserved decision on the Government's claim that the Executive has an absolute discretion constitutionally founded in separation of powers to withhold documents.[65] However, last term in *Committee for Nuclear Responsibility, Inc.* v. *Seaborg*,[66] we confronted directly a claim of absolute privilege and rejected it: "Any claim to executive absolutism cannot override the duty of the court to assure that an official has not exceeded his charter or flouted the legislative will."[67]

We adhere to the *Seaborg* decision. To do otherwise would be effectively to ignore the clear words of *Marbury* v. *Madison*,[68] that "[i]t is emphatically the province and duty of the judicial department to say what the law is."[69]

Seaborg is not only consistent with, but dictated by, separation of powers doctrine. Whenever a privilege is asserted, even one expressed in the Constitution, such as the Speech and Debate privilege, it is the courts that determine the validity of the assertion and the scope of the privilege.[70] That the privilege is being asserted by the President against a grand jury subpoena does not make the task of resolving the conflicting claims any less judicial in nature. Throughout our history, there have frequently been conflicts between independent organs of the federal government, as well as between the state and federal governments. When such conflicts arise in justiciable cases, our constitutional system provides a means for resolving them—one Supreme Court. To leave the proper scope and application of Executive privilege to the President's sole discretion would represent a mixing, rather than a separation, of Executive and Judicial functions. A breach in the separation of powers must be explicitly authorized by the Constitution,[71] or be shown necessary to the harmonious operation of "workable government."[72] Neither condition is met here. The Constitution mentions no Executive privileges, much less any absolute Executive privileges. Nor is an absolute privilege required for workable government. We acknowledge that wholesale public access to Executive deliberations and documents would cripple the Executive as a co-equal branch. But this is an argument for recognizing Executive privilege and for according it great weight, not for making the Executive the judge of its own privilege.

If the claim of absolute privilege was recognized, its mere invocation by the President or his surrogates could deny access to all documents in all the Executive departments to all citizens and ther representatives, including Congress, the courts as well as grand juries, state governments, state officials and all state subdivisions. The Freedom of Information Act could become nothing more than a legislative statement of unenforceable rights. Support for this kind of mischief simply cannot be spun from incantation of the doctrine of separation of powers.[73]

Any contention of the President that records of his personal conversations are not covered by the *Seaborg* holding must be rejected. As our prior discussion of *United States* v. *Burr* makes clear, Chief Justice Marshall's position supports this proposition. At issue in *Burr* was a subpoena to President Jefferson to produce private letters sent to him—communications whose status must be considered equal to that of private oral conversations. We follow the Chief Justice and hold today that, although the views of the Chief Executive on whether his Executive privilege should obtain are properly given the greatest weight and deference, they cannot be conclusive.

IV

The President's privilege cannot, therefore, be deemed absolute. We think the *Burr* case makes clear that application of Executive privilege depends on a weighing of the public interest protected by the privilege against the public interests that would be served by disclosure in a particular case.[74] We direct our attention, however, solely to the circumstances here. With the possible exception of material on one tape, the President does not assert that the subpoenaed items involve military or state secrets;[75] nor is the asserted privilege directed to the particular kinds of information that the tapes contain. Instead, the President asserts that the tapes should be deemed privileged because of the great public interest in maintaining the confidentiality of conversations that take place in the President's performance of his official duties. This privilege, intended to protect the effectiveness of the executive decision-making process, is analogous to that between a congressman and his aides under the Speech and Debate Clause; to that among judges, and between judges and their law clerks;[76] and similar to that contained in the fifth exemption to the Freedom of Information Act.[77]

We recognize this great public interest, and agree with the District Court that such conversations are presumptively privileged.[78] But we think that this presumption of privilege premised on the public interest in confidentiality must fail in the face of the uniquely powerful showing made by the Special Prosecutor in this case. The function of the grand jury, mandated by the Fifth Amendment for the institution of federal criminal prosecutions for capital or other serious crimes, is not only to indict persons when there is probable cause to believe they have committed crime, but also to protect persons from prosecution when probable cause does not exist.[79] As we have noted, the Special Prosecutor has made a strong showing that the subpoenaed tapes contain evidence peculiarly necessary to the carrying out of this vital function—evidence for which no effective substitute is available. The grand jury here is not engaged in a general fishing expedition, nor does it seek in any way to investigate the wisdom of the President's discharge of his discretionary duties. On the contrary, the grand jury seeks evidence that may well be conclusive to its decisions in on-going investigations that are entirely within the proper scope of its authority. In these circumstances, what we said in *Committee for Nuclear Responsibility* v. *Seaborg* becomes, we think, particularly appropriate:

> "But no executive or agency can be given absolute authority to determine what documents in his possession may be considered by the court in its task. Otherwise the head of an executive department would have the power on his own say so to cover up all evidence of fraud and corruption when a federal court or grand jury was investigating malfeasance in office, and this is not the law."[80]

Our conclusion that the general confidentiality privilege must recede before the grand jury's showing of need, is established by the unique circumstances that made this showing possible. In his public statement of May 22, 1973, the President said: "Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up."[81] We think that this statement and its consequences may properly be considered as at least one factor in striking the balance in this case. Indeed, it affects the weight we give to factors on both sides of the scale. On the one hand, the President's action presumably reflects a judgment by him that the interest in the confidentiality of White House discussions in general is outweighed by such matters as the public interest, stressed by the Special Prosecutor, in the integrity of the level of the Executive Branch closest to the President, and the public interest in the integrity of the electoral process—an interest stressed in such cases as *Civil Service Commission* v. *National Association of Letter Carriers*[82] and *United States* v. *United Automobile Workers*.[83] Although this judgment in no way controls our decision, we think it supports our estimation of the great public interest that attaches to the effective functioning of the present grand jury. As *Burr* makes clear, the courts approach their function by considering the President's reasons and determinations concerning confidentiality.

At the same time, the public testimony given consequent to the President's decision substantially diminishes the interest in maintaining the confidentiality of conversations pertinent to Watergate. The simple fact is that the conversations are no longer confidential. Where it is proper to testify about oral conversations, taped recordings of those conversations are admissible as probative and corroborative of the truth concerning the testimony.[84] There is no "constitutional right to rely on possible flaws in the [witness's] memory. * * * [N]o other argument can justify excluding an accurate version of a conversation that the [witness] could testify to from memory."[85] In short, we see no justification, on confidentiality grounds, for depriving the grand jury of the best evidence of the conversations available.[86]

The District Court stated that, in determining the applicability of privilege, it was not controlled by the President's assurance that the conversations in question occurred pursuant to an exercise of his constitutional duty to "take care that the laws be faithfully executed." The District Court further stated that while the President's claim would not be rejected on any but the strongest possible evidence, the Court was unable to decide the question of privilege without inspecting the tapes.[87] This passage of the District Court's opinion is not entirely clear. If, however, the District Judge meant that rejection of the claim of privilege requires a finding that the President was not engaged in the performance of his constitutional duty, we cannot agree. We emphasize that the grand jury's showing of need in no sense relied on any evidence that the President was involved in, or even aware of, any alleged criminal activity. We freely assume, for purposes of this opinion, that the President was engaged

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in performance of his constitutional duty. Nonetheless, we hold that the District Court may order disclosure of all portions of the tapes relevant to matters within the proper scope of the grand jury's investigations, unless the Court judges that the public interest served by nondisclosure of *particular* statements or information outweighs the need for that information demonstrated by the grand jury.

V

The question remains whether, in the circumstances of this case, the District Court was correct in ordering the tapes produced for *in camera* inspection, so that it could determine whether and to what extent the privilege was properly claimed. Since the question of privilege must be resolved by the Court, there must be devised some procedure or series of procedures that will, at once, allow resolution of the question and, at the same time, not harm the interests that the privilege is intended to protect.

Two days after oral argument, this Court issued a Memorandum calling on the parties and counsel to hold conversations toward the objective of avoiding a needless constitutional adjudication. Counsel reported that their sincere efforts had not been fruitful.[88] It is our hope that our action in providing what has become an unavoidable constitutional ruling, and in approving, as modified, the order of the District Court, will be followed by maximum cooperation among the parties. Perhaps the President will find it possible to reach some agreement with the Special Prosecutor as to what portions of the subpoenaed evidence are necessary to the grand jury's task.

Should our hope prove unavailing, we think that *in camera* inspection is a necessary and appropriate method of protecting the grand jury's interest in securing relevant evidence. The exception that we have delineated to the President's confidentiality privilege depends entirely on the grand jury's showing that the evidence is directly relevant to its decisions. The residual problem of this case derives from the possibility that there are elements of the subpoenaed recordings that do not lie within the range of the exception that we have defined.

This may be due, in part, to the fact that parts of the tape recordings do not relate to Watergate matters at all. What is apparently more stressed by the President's counsel is that there are items in the tape recordings that should be held confidential yet are inextricably interspersed with the portions that relate to Watergate. They say, concerning the President's decision to permit testimony about possible criminal conduct or discussions thereof, that

"testimony can be confined to the relevant portions of the conversations and can be limited to matters that do not endanger national security. Recordings cannot be so confined and limited, and thus the President has concluded that to produce the recordings would do serious damage to Presidential privacy and to the ability of that office to function."[89]

The argument is not confined to matters of national security, for the underlying importance of preserving candor of discussion and Presidential privacy pertains to all conversations that involve discussion or making of policy, ordinary domestic policies as well as matters of national security, and even to personal discussion with friends and advisers on seemingly trivial matters.[90] Concerning the inextricability problem, the President's counsel say:

"Recordings are the raw material of life. By their very nature they contain spontaneous, informal, tentative and frequently pungent comments on a variety of subjects inextricably intertwined into one conversation. * * * The nature of informal, private conversations is such that it is not practical to separate what is arguably relevant from what is clearly irrelevant."[91]

The "inextricable intermingling" issue may be potentially significant. The District Court correctly discerned that *in camera* inspection is permissible, even though it involved what the President's counsel agree is a "limited infraction" of confidentiality, in order to determine whether there is inextricable intermingling. In *EPA* v. *Mink*, the Supreme Court declared that *in camera* inspection was an appropriate means of determining whether and to what extent documents sought in litigation were disclosable as factual information even though the Government argued that the documents "submitted directly to the President by top-level Government officials" were, by their very nature, a blending of factual presentation and policy recommendations that are necessarily "inextricably intertwined with policymaking processes."[92] The Supreme Court stated that it had no reason to believe that the District Judge directed to make *in camera* inspection would go beyond the limits of the remand and in any way compromise the confidentiality of deliberative information." The Court acknowledged that "the encouragement of open expression of opinion as to governmental policy is somewhat impaired by a requirement to submit the evidence even [*in camera*]." Yet the Court stated: "Plainly, in some situations, *in camera* inspection will be necessary and appropriate."[93] It further noted: "A representative document of those sought may be selected for *in camera* inspection." And it suggested that the agency may disclose portions of the contested documents and attempt to show, by circumstances, "that the excised portions constitute the barebones of protected matter."[94]

In this case, the line of permissible disclosure is different from that in *Mink*, since even policy and decisional discussions are disclosable if they relate to Watergate and the alleged coverup. But *Mink* confirms that courts appropriately examine a disputed item *in camera*, even though this necessarily involves a limited intrusion upon what ultimately may be held confidential, where it appears with reasonable clarity that some access is appropriate, and *in camera* inspection is needed to determine what should and what should not be revealed.[95]

Mink noted that the case might proceed by the Government's disclosing portions of the contested documents.[96] and also noted an instance in which the "United States offered to file an abstract of factual information contained in the contested documents [FBI reports]."[97] We think that the District Judge and counsel can illuminate the key issue of what is "inextricable" by cultivating the partial excision and "factual abstract" approaches noted in *Mink*.

The District Court contemplated that "privileged portions may be excised so that only unprivileged matter goes before the grand jury." Even in a case of such intermingling as, for example, comment on Watergate matters that is "pungent," once counsel, or the District Judge, has listened to the tape recording of a conversation, he has an ability to present only its relevant portions, much like a bystander who heard the conversation and is called to testify. He may give the grand jury portions relevant to Watergate, by using excerpts in part and summaries in part, in such a way as not to divulge aspects that reflect the pungency of candor or are otherwise entitled to confidential treatment. It is not so long ago that appellate courts routinely decided cases without an exact transcript, but on an order of the trial judge settling what was given as evidence.

VI

We contemplate a procedure in the District Court, following the issuance of our mandate, that follows the path delineated in *Reynolds*, *Mink*, and by this Court in *Vaughn* v. *Rosen*.[98] With the rejection of his all-embracing claim of prerogative, the President will have an opportunity to present more particular claims of privilege, if accompanied by an analysis in manageable segments.

Without compromising the confidentiality of the information, the analysis should contain descriptions specific enough to identify the basis of the particular claim or claims.

1. In so far as the President makes a claim that certain material may not be disclosed because the subject matter relates to national defense or foreign relations, he may decline to transmit that portion of the material and ask the District Court to reconsider whether *in camera* inspection of the material is necessary. The Special Prosecutor is entitled to inspect the claim and showing and may be heard thereon, in chambers. If the judge sustains the privilege, the text of the government's statement will be preserved in the Court's record under seal.

2. The President will present to the District Court all other items covered by the order, with specification of which segments he believes may be disclosed and which not. This can be accomplished by itemizing and indexing the material, and correlating indexed items with particular claims of privilege.[99] On request of either counsel, the District Court shall hold a hearing in chambers on the claims. Thereafter the Court shall itself inspect the disputed items.

Given the nature of the inquiry that this inspection involves, the District Court may give the Special Prosecutor access to the material for the limited purpose of aiding the Court in determining the relevance of the material to the grand jury's investigations. Counsels' arguments directed to the specifics of the portions of material in dispute may help the District Court immeasurably in making its difficult and necessarily detailed decisions. Moreover, the preliminary indexing will have eliminated any danger of disclosing peculiarly sensitive national security matters. And, here, any concern over confidentiality is minimized by the Attorney General's designation of a distinguished and reflective counsel as Special Prosecutor. If, however, the Court decides to allow access to the Special Prosecutor, it should, upon request, stay its action in order to allow sufficient time for application for a stay to this Court.

Following the *in camera* hearing and inspection, the District Court may determine as to any items (a) to allow the particular claim of privilege in full; (b) to order disclosure to the grand jury of all or a segment of the item or items; or, when segmentation is impossible, (c) to fashion a complete statement for the grand jury of those portions of an item that bear on possible criminality. The District Court shall provide a reasonable stay to allow the President an opportunity to appeal.[100] In case of an appeal to this Court of an order either allowing or refusing disclosure, this Court will provide for sealed records and confidentiality in presentation.

VII

We end, as we began, by emphasizing the extraordinary nature of this case. We have attempted to decide no more than the problem before us—a problem that takes its unique shape from the grand jury's compelling showing of need.[101] The procedures we have provided require thorough deliberation by the District Court before even this need may be satisfied. Opportunity for appeal, on a sealed record, is assured.

We cannot, therefore, agree with the assertion of the President that the District Court's order threatens "the continued existence of the Presidency as a functioning institution.[102] As we view the case, the order represents an unusual and limited requirement that the President produce material evidence. We think this required by law, and by the rule

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Footnotes at end of article.

that even the Chief Executive is subject to the mandate of the law when he has no valid claim of privilege.

The petition and appeal of the United States are dismissed. The President's petition is denied, except in so far as we direct the District Court to modify its order and to conduct further proceedings in a manner not inconsistent with this opinion.

The issuance of our mandate is stayed for five days to permit the seeking of Supreme Court review of the issues with which we have dealt in making our decision.

So ordered.

FOOTNOTES

[1] The District Court's order is reproduced here in its entirety:

"This matter having come before the Court on motion of the Watergate Special Prosecutor made on behalf of the June, 1972 grand jury of this district for an order to show cause, and the Court being advised in the premises, it is by the Court this 29th day of August, 1973, for the reasons stated in the attached opinion,

"Ordered that respondent, President Richard M. Nixon, or any subordinate officer, official or employee with custody or control of the documents or objects listed in the grand jury subpoena *duces tecum* of July 23, 1973, served on respondent in this district, is hereby commanded to produce, forthwith for the Court's examination *in camera*, the subpoenaed documents or objects which have not heretofore been produced to the grand jury; and it is

"Further ordered that the ruling herein be stayed for a period of five days in which time respondent may perfect an appeal from the ruling; and it is

"Further ordered that should respondent appeal from the ruling herein, the above stay will be extended indefinitely pending the completion of such appeal or appeals."

[2] By Order of the Attorney General No. 517–73, 38 Fed. Reg. 14, 688 (June 4, 1973), the Special Prosecutor is designated as the attorney for the United States to conduct proceedings before the grand jury investigating the unauthorized entry into the Democratic National Committee Headquarters and related offenses. He is specifically authorized "to contest the assertion of 'executive privilege.'" *See also Hearings before the Senate Comm. on the Judiciary*, 93d Cong., 1st Sess. 159, 180–81 (1973). The Special Prosecutor, as Attorney for the United States, appears in this Court and the court below as counsel to the grand jury and an officer of the court.

[3] This, of course, does not signify agreement on the scope of the President's privilege, the proper content of any judgment by the Court, or the District Court's constitutional authority to issue an order to the President. Circuit Judges MacKinnon and Wilkey concur in part II of the Court's opinion and otherwise dissent for the reasons stated in their separate opinions.

[4] The subpoena, issued by the clerk under seal of the District Court pursuant to F.R. Crim. P. 17 (a) and (c), was addressed to the President or "any subordinate officer, official or employee with custody or control" of the documents and objects specified in the attached schedule.

[5] For the Special Prosecutor's explanation of the relevance of those discussions, see Appendix II, *infra*. The subpoena also required production of two memoranda that had been written by and sent to certain of the President's advisers. The President has complied with the subpoena in so far as it concerned these items.

[6] Appendix to the Supplemental Brief for the United States (Special Prosecutor), at 30–31.

[7] Special Appearance at ¶¶ 3 and 6, *In re Grand Jury Subpoena Duces Tecum to Nixon*, 360 F. Supp. 1 (D.D.C. 1973).

[8] Memorandum in Support at 3–11, *id.*

[9] *In re Subpoena to Nixon, supra* note 7, 360 F. Supp. at 11.

[10] *See* text at note 81, *infra*.

[11] No. 73–1989.

[12] "The Supreme Court and all courts established by Act of Congress may issue writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651 (a) (1970).

[13] *Will* v. *United States*, 389 U.S. 90, 95 (1967), *quoting Roche* v. *Evaporated Milk Ass'n*, 319 U.S. 21, 26 (1943). For a full discussion of the general rules governing our authority to issue the writ, *see Donnelly* v. *Parker*, Slip Opinion No. 73–1259, at 5–6, 9–13 (D.C. Cir. August 21, 1973).

[14] *Will* v. *United States, supra* note 13, 389 U.S. at 95, *quoting De Beers Consol. Mines* v. *United States*, 325 U.S. 212, 217 (1945).

[15] *Parr* v. *United States*, 351 U.S. 513, 520–21 (1956).

[16] *Will* v. *United States, supra* note 13, 389 U.S. at 96–98.

[17] *United States* v. *Ryan*, 402 U.S. 530, 532 (1971). *See also Cobbledick* v. *United States*, 309 U.S. 323 (1940). *But see Carr* v. *Monroe Mfg. Co.*, 431 F.2d 384 (5th Cir. 1970).

[18] *Compare Schlagenhauf* v. *Holder*, 379 U.S. 104, 110–11 (1964).

[19] *Id.*

[20] *Bankers Life & Cas. Co.* v. *Holland*, 346 U.S. 379, 385 (1953), *quoting Ex parte Fahey*, 332 U.S. 258, 260 (1947).

[21] In so concluding, we do not discard the direct appeal as an alternative basis for review in the particular situation before us. The final-order doctrine, as a normal prerequisite to a federal appeal, is not a barrier where it operates to leave the suitor "powerless to avert the mischief of the order." *Perlman* v. *United States*, 247 U.S. 7, 13 (1918). In the case of the President, contempt of a judicial order—even for the purpose of enabling a constitutional test of the order—would be a course unseemly at best. To safeguard against any possible miscarriage of justice, we make known our view that our jurisdiction exists by way of appeal if for any reason the President's application is not properly before us on the jurisdictional predicate he invokes.

[22] *See United States* v. *United States District Court*, 444 F.2d 651, 655–56 (6th Cir. 1971), *aff'd*, 407 U.S. 297, 301, n.3 (1972).

[23] We think it clear, in any event, that the District Court's August 29th order is unappealable at the instance of the Special Prosecutor, either under 28 U.S.C. § 1291 or § 1292 (1970). In addition, since the order in no way finally decides that any of the subpoenaed material must be denied the grand jury, it cannot be deemed an order "suppressing or excluding evidence," or otherwise within the contemplation of the Criminal Appeals Act, 18 U.S.C. § 3731 (1970). *But see* note 100, *infra*.

[24] *Will* v. *United States, supra* note 13, 389 U.S. at 98.

[25] *Id.*

[26] *Supra* note 18.

[27] *Supra* note 18, 379 U.S. at 110.

[28] *Id.* at 111.

[29] *Id.*

[30] *See Ex parte Republic of Peru*, 318 U.S. 578, 584 (1943).

[31] *See, e.g., Ex parte Skinner & Eddy Corp.*, 265 U.S. 86, 95–96 (1924).

[32] *Glidden* v. *Zdanok*, 370 U.S. 530, 568–571 (1962); *Baker* v. *Carr*, 369 U.S. 186, 208–237 (1962). *See also South Dakota* v. *North Carolina*, 192 U.S. 286, 318–321 (1904); *La Abra Silver Mining Co.* v. *United States*, 175 U.S. 423, 461–462 (1898).

[33] If the judiciary's want of *de facto* power to enforce its judgment has any relevance, it is that the third branch of government, posing little physical threat to coordinate branches, need not hesitate to reject sweeping claims to *legal* immunity by those coordinate branches. *See United States* v. *Lee*, 106 U.S. (16 Otto) 196, 223 (1882).

[34] *See, e.g., United States ex rel. Touhy* v. *Ragen*, 340 U.S. 462, 465–466, 472 (1951) (Frankfurter, J., concuring); *Westinghouse Electric Corp.* v. *City of Burlington, Vermont*, 122 U.S. App. D.C. 65, 351 F.2d 762 (1965); *Boeing Airplane Co.* v. *Coggeshall*, 108 U.S. App. D.C. 106, 280 F.2d 654 (1960).

[35] 410 U.S. 73, 93 (1973).

[36] *See* text at notes 92–97 *infra*.

[37] 343 U.S. 579 (1952).

[38] In *Land* v. *Dollar*, 89 U.S. App. D.C. 38, 190 F. 2d 623 (1951), *vacated as moot*, 344 U.S. 806 (1952), as well, it was clear that the court realized that its order countered the executive will of the President. The *Land* court acknowledged that the President had directed the cabinet officials to disregard the initial judicial decision. *Id.* at 54, 190 F. 2d at 639.

[39] 25 Fed. Cas. 30 (Case No. 14,692d) (1807).

[40] *Id.* at 34 (Emphasis supplied.)

[41] *United States* v. *Burr*, 25 Fed. Cas. 190, 191–192 (Case No. 14,694) (1807). (Emphasis supplied.)

[42] In 1818, several years after the *Burr* case, a subpoena was also issued to President James Monroe. It summoned the President to appear as a defense witness in the court martial of Dr. William Burton, naming a specific date and time. A copy of the summons is in Attorney General's Papers: Letters received from State Department, Record Group 60, National Archives Building. Attorney General Wirt advised Monroe, through Secretary of State John Quincy Adams, that a subpoena could "properly be awarded to the President of the United States," but suggested that the President indicate on the return that his official duties precluded a personal appearance at the court martial. William Wirt to John Quincy Adams, Jan. 13, 1818, Records of the Office of the Judge Advocate General (Navy), Record Group 125, (Records of General Courts Martial and Courts of Inquiry, Microcopy M–272, case 282), National Archives Building. In conformance with this advice, Monroe wrote on the back of the summons that he would "be ready and willing to communicate, in the form of a deposition any information I may possess, relating to the subject matter in question." President James Monroe to George M. Dallas, Jan. 21, 1818, *id.* Subsequently, President Monroe did in fact submit answers to the interrogatories forwarded to him by the court. President James Monroe to George M. Dallas, Feb. 14, 1818, *id.*

[43] FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787 502–503 (1967).

[44] U.S. Const., art. I, § 6, ¶ 1.

[45] *Myers* v. *United States*, 272 U.S. 52, 123 (1926).

[46] *See, e.g., United States* v. *Burr, supra* note 39, 25 Fed Cas. at 34.

[47] *Youngstown Sheet & Tube Co.* v. *Sawyer, supra* note 37, 343 U.S. at 655 (1952) (Jackson, J., concurring).

[48] U.S. Const., art. I, § 3, ¶ 7: Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

[49] On this point, too, Chief Justice Marshall was instructive: If, upon any principle, the President could be construed to stand exempt from the general provisions of the constitution, it would be, because his duties as chief magistrate demand his whole time for national objects. But it is apparent that this demand is not unremitting. *United States* v. *Burr, supra* note 39, 25 Fed. Cas. at 34.

[50] Because impeachment is available against all "civil Officers of the United States," not merely against the President, U.S. Const. art. II, § 4, it is difficult to understand how any

immunities peculiar to the President can emanate by implication from the fact of impeachability.

[51] *See, e.g., Marbury* v. *Madison,* 5 U.S. (1 Cranch) 137, 165 (1803); *Kendall* v. *United States ex rel. Stokes,* 37 U.S. (12 Pet.) 524, 610 (1838).

[52] [T]he question, whether the legality of an act of the head of a department be examinable in a court of justice or not, must always depend on the nature of that act.

Marbury v. *Madison, supra* note 51, at 165. The mandamus does not seek to direct or control the postmaster general in the discharge of any official duty, partaking in any respect of any executive character; but to enforce the performance of a mere ministerial act, which neither he *nor the President* had any authority to deny or control. *Kendall* v. *United States ex rel. Stokes, supra* note 51, at 610. (Emphasis supplied.)

[53] In this regard, the President's reliance on *Mississippi* v. *Johnson,* 71 U.S. (4 Wall.) 475 (1866), is misplaced. In that case, the State of Mississippi sought to enjoin President Johnson from enforcing the Reconstruction Acts. Though Attorney General Stanbery argued that the President was immune from judicial process, the Court declined to found its decision on this ground, choosing instead to deny the bill of injunction as an attempt to coerce a discretionary, as opposed to ministerial, act of the Executive. The Attorney General rehearsed many of the arguments made by the President in this case, claiming that the President's dignity as Chief of State placed him above the reach of routine judicial process and that the President was subject only to that law which might be fashioned in a court of impeachment. *Id* at 484. We deem it significant that the Supreme Court declined to ratify these views. *Compare Georgia* v. *Stanton,* 71 U.S. (6 Wall.) 50 (1867), where the Court declined jurisdiction of a similar bill of injunction even though sub-presidential Executive Branch officials were named as defendants.

[54] *Branzbury* v. *Hayes,* 408 U.S. 665 (1972). We reject the contention, pressed by counsel for the President, that the Executive's prosecutorial discretion implies an unreviewable power to withhold evidence relevant to a grand jury's criminal investigation. The federal grand jury is a constitutional fixture in its own right, legally independent of the Executive. *See United States* v. *Johnson,* 319 U.S. 503, 510 (1943). A grand jury may, with the aid of judicial process, *Brown* v. *United States,* 359 U.S. 41, 49–50 (1959), call witnesses and demand evidence without the Executive's impetus. *Hale* v. *Henkel,* 201 U.S. 43, 60–65 (1906). If the grand jury were a legal appendage of the Executive, it could hardly serve its historic functions as a shield for the innocent and a sword against corruption in high places. In his eloquent affirmation of unfettered prosecutorial discretion in *United States* v. *Cox,* 342 F.2d 167, 189 (5th Cir.), *cert. denied,* 381 U.S. 935 (1965), Judge Wisdom recognized the grand jury's independent and "plenary power to inquire, to summon and interrogate witnesses, and to present either findings and a report or an accusation in open court by presentment." As a *practical,* as opposed to legal, matter, the Executive may, of course, cripple a grand jury investigation by denying staff assistance to the jury. And the Executive may refuse to sign an indictment, thus precluding prosecution and, presumably, effecting a permanent sealing of the grand jury minutes. *United States* v. *Cox, supra.* These choices remain open to the President. But it is he who must exercise them. The court will not assume that burden by eviscerating the grand jury's independent legal authority.

[55] Brief of Petitioner Nixon at 84; Reply Brief of Petitioner Nixon, at 30 n.6.

[56] Brief of Petitioner Nixon at 69, citing *Gravel* v. *United States,* 408 U.S. 606, 627 (1972).

[57] *Totten* v. *United States,* 92 U.S. 105 (1875); *United States* v. *Reynolds,* 345 U.S. 1 (1953); *United States* v. *Burr, supra* note 39.

[58] *Carl Zeiss Stiftung* v. *V.E.B. Carl Zeiss, Jena,* 40 F.R.D. 318, 324 (D.D.C. 1966), *aff'd on opinion below,* 128 U.S. App. D.C. 10, 384 F.2d 979, *cert. denied,* 389 U.S. 952 (1967).

[59] *See, e.g., id.* at 329–335; *Kaiser Aluminum & Chemical Corp.* v. *United States,* 157 F. Supp. 939 (Ct.Cl. 1958).

[60] *See, e.g., United States* v. *Reynolds, supra* note 57; *Olson Rug Co.* v. *NLRB,* 291 F.2d 655 (7th Cir. 1961); *Timken Roller Bearing Co.* v. *United States,* 38 F.R.D. 57 (N.D. Ohio 1964); *United States* v. *Proctor & Gamble Co.,* 25 F.R.D. 485 (D. N.J. 1960); *Kaiser Aluminum & Chemical Corp.* v. *United States, supra* note 59; *see also* the cases cited at 8 C. WRIGHT & A. MILLER, FEDERAL PRACTICE & PROCEDURE 167–173 (1970). Despite our peculiar constitutional tradition of judicial review, American law is not in fact unusual in subjecting claims of Executive privilege to court scrutiny. Indeed, no common law country follows the rule, urged by the President in this case, that mere executive assertions of privilege are conclusive on the courts. In *Conway* v. *Rimmer,* [1968] 1 All E.R. 874, the House of Lords explicitly reversed its long held view, as expressed in *Duncan* v. *Cammell Laird & Co.,* [1842] 1 All E.R. 587, that executive privilege is absolute. *Conway* held that proper adjudication of a privilege claim may require *in camera* inspection of documents over which the privilege is asserted. [1968] 1 All E.R. at 888 (opinion of Lord Reid), and 896 (opinion of Lord Morris of Borth-y-Gest). Similar recognition of judicial power to scrutinize claims of privilege may be found in almost every common law jurisdiction. *See, e.g., Robinson* v. *South Australia* (No. 2), [1931] All E.R. 333 (P.C.); *Gagnon* v. *Quebec Securities Comm'n,* [1965] 50 D.L.R.2d 329 (1964); *Bruce* v. *Waldron,* [1963] Vict. L.R. 3; *Corbett* v. *Social Security Comm'n,* [1962] N.Z.L.R. 878; *Amar Chand Butail* v. *Union of India,* [1965] 1 India S. Ct. 243.

[61] In *Environmental Protection Agency* v. *Mink,* supra note 35, the Supreme Court relied on cases in which claims of Executive privilege were reviewed by the court, often *in camera,* in interpreting how the judiciary should apply the intragovernmental communication exemption to the public disclosure mandate of the Freedom of Information Act. *Id.* at 88 & cases cited at notes 14 & 15.

[62] *See, e.g.,* 40 Op. Atty Gen. 45, 49 (1941) (Attorney General Jackson); 100 Cong. Rec. 6621 (1954) (President Eisenhower).

[63] *Supra* note 57, 345 U.S. at 8.

[64] *Id.* at 9–10.

[65] *Ib.* at 6 & note 9.

[66] 149 U.S. App. D.C. 385, 463 (F.2d 788 (1971).

[67] *Id.* at 390, 463 F.2d at 793.

[68] *Supra* note 51, 5 U.S. (1 Cranch) at 157.

[69] The purpose of the explicit constitutional privilege against self-incrimination, like that of Executive privilege, is defeated by too much judicial inquiry into the legitimacy of its use, *see United States* v. *Reynolds, supra* note 57, 345 U.S. at 3–9, but the courts have never held the mere invocation of the privilege to be sufficient to free the invoker from questioning. The judge must first determine whether the privilege is properly invoked. *See, e.g., Hoffman* v. *United States,* 341 U.S. 479, 486–487 (1951).

[70] The Supreme Court has repeatedly made clear that it is for the courts to determine the reach of the Speech and Debate Clause, U.S. Const., Art. I, § 6, ¶ 1. *See, e.g., Gravel* v. *United States, supra* note 56; *United States* v. *Brewster,* 408 U.S. 501 (1972); *United States* v. *Johnson, supra* note 54. Indeed, very close judical review is needed to determine whether the activities concerning which questioning or prosecution is sought are: integral part[s] of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matter which the Constitution places within the jurisdiction of either House. *Gravel* v. *United States, supra* note 56, 408 U.S. at 625. If separation of powers doctrine countenances such a close review of assertions of an express constitutional privilege, the doctrine must also comprehend judicial scrutiny of assertions of Executive privilege, which is *at most* implicit in the Constitution. *Gravel* deals on its facts only with an assertion of privilege by an individual legislator. As collective bodies, the Houses of Congress have frequently made unilateral declarations of an absolute privilege to withhold documents in their custody from court process. *See, eg.,* Senate Resolution, Oct. 4, 1972, 92nd Cong., 2 Sess. These claims have never been pressed to a judicial resolution, and we have no occasion here to decide them. It is sufficient to note that they rest on a footing different from the President's claim of absolute privilege in this case. The President's claim has been previously litigated, and repudiated, in *United States* v. *Burr, supra* note 39. Further, Congress' claims draw upon two express constitutional privileges unavailable to the President, the aforementioned Speech and Debate Clause, and the Secrecy Clause in Art. I, § 5, ¶ 3. Even so, we note that *Gravel* states that the scope of the Speech and Debate privilege cannot be unilaterally "established by the Legislative Branch," *Gravel* v. *United States, supra,* 408 U.S. at 624 n. 15.

[71] *See Myers* v. *United States,* 272 U.S. 52, 116 (1926).

[72] *See Youngstown Sheet & Tube Co.* v. *Sawyer, supra* note 37, 343 U.S. at 635 (Jackson, J., concurring).

[73] The doctrine of separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of governmental power among three departments, to save the people from autocracy.

Myers v. *United States, supra* note 71, 272 U.S. at 293 (Brandeis, J., dissenting).

[74] Chief Justice Marshall wrote two opinions concerning the production of the letters. In the first of these opinions, the Chief Justice ruled that a subpoena to produce the letters could be issued to the President and that the Chief Justice himself would consider and weigh any specific objections interposed by the President that the letters contained matter "which ought not to be disclosed." *United States* v. *Burr, supra* note 39, at 37; *see* pages 15–16 *supra.* Statements of the Chief Justice in the first *Burr* opinion suggest that he contemplated that he would actually inspect the letters *in camera.* If it contain matter not essential to the defense, and the disclosure be unpleasant to the executive, it certainly ought not to be disclosed. This is a point which will appear *on the return.* * * * If they contain matter interesting to the nation, the concealment of which is required by the public safety, that matter will appear *upon the return. United States* v. *Burr, supra* note 39, at 37. The United States Attorney Hay seems to have read the Chief Justice's first opinion to contemplate inspection by the court. As Judge Wilkey notes in his dissent, after Burr had renewed his request for the letters, Hay offered to submit them to the court for copying of "those parts which had relation to the cause." Hay further expressed his willingness to transmit the letters to Burr's counsel so that they could form their own opinions on what portions should be kept confidential from Burr and the public. Hay anticipated that differences between the opinions of Burr's counsel and himself would be arbitrated by the court. *United States* v. *Burr, supra* note 41, at 190.

The prosecution in the *Burr* case thus seems to have read Chief Justice Marshall's first opinion to support a procedure analogous to *in camera* inspection by Judge Sirica and Special Prosecutor Cox.

It was only after Burr's counsel rejected Hay's position and demanded direct submission of the entire letters to Burr himself that Marshall found it necessary to issue his second opinion. In this opinion the Chief Justice addressed the remaining question of whether the President should be ordered to release the letters directly to Burr or whether the court should first inspect the documents to screen out privileged portions. Marshall made clear that before frustrating Burr's efforts to obtain the letters, the court would have to balance the opposing interests: The president may himself state the particular reasons which may have induced him to withhold a paper, and the court would unquestionably allow their full force to those reasons. At the same time, the court could not refuse to pay proper attention to the affidavit of the accused. *Id.* at 192.

[75] See *United States* v. *Reynolds, supra* note 57.

[76] *Soucie* v. *David,* 144 U.S. App. D.C. 144, 158, 448 F.2d 1067, 1081 (1971) (Wilkey, Jr., concurring).

[77] 5 U.S.C. § 552(b) (5) (1970); *see Environmental Protection Agency* v. *Mink, supra* note 35.

[78] *See Carl Zeiss Stiftung* v. *V.E.B. Carl Zeiss, Jena, Supra* note 58, 40 F.R.D. at 324–25.

[79] *E.g., Branzburg* v. *Hayes, supra* note 54, 408 U.S. at 687–88.

[80] *Supra* note 66, 149 U.S. App. D.C. at 391, 463 F.2d at 794. (*per curiam*); *see Gravel* v. *United States, supra* note 56, 408 U.S. at 627.

[81] Statement by the President, May 22, 1973, *quoted* in Appendix to the Brief for the United States (Special Prosecutor), at 14, 24.

[82] 41 U.S.L.W. 5122 (U.S. June 25, 1973).

[83] 352 U.S. 567, 575 (1957).

[84] *Lopez* v. *United States,* 373 U.S. 427, 437–40 (1963; *Osborn* v. *United States,* 385 U.S. 323, 326–31 (1966).

[85] *Lopez* v. *United States, supra* note 84, 373 U.S. at 439.

[86] Where, as here, a conversation attended by the President, Mr. Dean and Mr. Haldeman has been the subject of divergent accounts by Mr. Dean and by Mr. Haldeman, without any restriction by the President on their testifying on the ground of confidentiality, there is no objection to presentation by the tape recorder of that part of the conversation that relates to Watergate, any more than to testimony on this point by another witness who had perfect auditory memory.

[87] *In re Subpoena to Nixon, supra* note 7, 360 F.Supp. at 21–22.

[88] The Memorandum and replies of counsel are set forth in Appendix I, *infra.*

[89] Brief of Petitioner Nixon at 69.

[90] *Id.* at 41–43.

[91] *Id.* at 61.

[92] *Supra* note 35, 410 U.S. at 92.

[93] *Id.* at 93.

[94] *Id.*

[95] *Carl Zeiss Stiftung* v. *V.E.B. Carl Zeiss, Jena, supra* note 58, 40 F.R.D. at 331.

[96] *Supra* note 35, 410 U.S. at 93.

[97] *Id.* at 88, *citing United States* v. *Cotton Valley Comm.,* 9 F.R.D. 719, 720 (W.D. La. 1949), *aff'd by equally divided court,* 339 U.S. 940 (1950).

[98] Slip Opinion No. 73–1039 (D.C. Cir. August 20, 1973).

[99] *See id.* at 17.

[100] Since the subpoenaed recordings will already have been submitted to the District Court, the opportunity to test the court's ruling in contempt proceedings would be foreclosed. And any ruling adverse to the Special Prosecutor would clearly be a pretrial "decision or order . . . suppressing or excluding evidence . . . in a criminal proceeding . . ." Thus the District Court's ruling on particularized claims would be appealable by the President as final judgments under 28 U.S.C. § 1291 (1970), and by the Special Prosecutor under 18 U.S.C. § 3731 (1970). *See United States* v. *Ryan,* 402 U.S. 530, 533 (1971); *Perlman* v. *United States,* 247 U.S. 7, 12–13 (1918); *United States* v. *Calandra,* 455 F.2d 750, 751–53 (6th Cir. 1972).

[101] Judge Wilkey, in dissent, adheres to the abstract in his discussion of who has the right to decide; he makes no reference to the facts before us framing that issue. John Marshall addressed it in the context of President Jefferson's decision to reveal the contents of a private letter to the extent of characterizing it, in a message to Congress, as containing overwhelming evidence of Burr's treason. So here, we must deal with that issue not in a void but against the background of a decision by the President, made and announced before the existence of the tapes was publicly known, to permit participants in private conversations with him to testify publicly as to what was said about Watergate and its aftermath. That decision—and the resulting testimony containing conflicts as to both fact and inference—has made it possible for the Special Prosecutor to make a powerful showing of the relevance and importance of the tapes to the grand jury's discharge of its responsibilities. What the courts are now called upon primarily to decide, as distinct from what the President has already decided with respect to the relative importance of preserving the confidentiality of these particular conversations, is how to reconcile the need of the United States, by its grand jury, with the legitimate interest of the President in not disclosing those portions of the tapes that may deal with unrelated matters.

[102] Brief of Petitioner Nixon at 94.

[U.S. Court of Appeals for the District of Columbia Circuit]

Appendix I—Memorandum and Replies

September Term, 1973—Filed Sep. 13, 1973, United States Court of Appeals for the District of Columbia Circuit, Hugh E. Kline, Clerk.

No. 73–1962: Richard M. Nixon, President of the United States, Petitioner v. the Honorable John J. Sirica, United States District Judge, Respondent and Archibald Cox, Special Prosecutor, Watergate Special Prosecution Force, Party in Interest.

No. 73–1967—United States of America, Petitioner v. the Honorable John J. Sirica, Chief Judge, United States District Court for the District of Columbia, Respondent and Richard M. Nixon, President of the United States, Party in Interest.

Before: Bazelon, *Chief Judge;* Wright, McGowan, Leventhal, Robinson, MacKinnon, and Wiley, *Circuit Judges.*

MEMORANDUM

From the able exposition by counsel in the unusually full oral argument allowed by the Court in this case, it appeared to the Court that the issues dividing the parties might be susceptible of resolution by procedures other than those set forth in either District Judge Sirica's opinion or the briefs of the parties. The Court has been, and is, conscious of the public importance of this matter and the public interest in the earliest possible resolution of it.

The doctrine under which courts seek resolution of a controversy without a constitutional ruling is particularly applicable here. The possibility of a resolution of this controversy without the need for a constitutional ruling is enhanced by the stature and character of the two counsel charged with representation of each side in this cause, and by the circumstance that each was selected for his position, directly or indirectly, by the Chief Executive himself.

Whereas Judge Sirica contemplated an *in camera* examination of the subpoenaed tapes, which would have necessitated the presence of the Judiciary, we contemplate an examination of the tapes by the Chief Executive or his delegate, assisted by both his own counsel, Professor Wright, and the Special Prosecutor, Professor Cox.

We say this without intimating a decision on any question of jurisdiction or privilege advanced by any party. Apart from noting that the likelihood of successful settlement along the lines indicated contemplates a voluntary submission of such portions of the tapes to the two counsel as satisfies them, we do not presume to prescribe the details of how the Chief Executive will work with the two counsel.

This procedure may permit the different approaches of the parties to converge. The President has maintained that he alone should decide what is necessarily privileged and should not be furnished the grand jury. The Special Prosecutor has maintained that he should have the opportunity of examining the material and asserting its relevance and importance to the grand jury investigation. If the President and the Special Prosecutor agree as to the material needed for the grand jury's functioning, the national interest will be served. At the same time, neither the President nor the Special Prosecutor would in any way have surrendered or subverted the principles for which they have contended.

If, after the most diligent efforts of all three concerned, there appear to be matters the President deems privileged and the Special Prosecutor believes necessary and not privileged, then this Court will discharge its duty of determining the controversy with the knowledge that it has not hesitated to explore the possibility of avoiding constitutional adjudication. Even if this were to occur, the issues remaining for resolution might be substantially narrowed and clarified.

We have issued this Memorandum without interrupting the schedule for post-argument memoranda by the parties. The overriding public interest in this case demands our best and most expeditious efforts in the meantime. The Court asks that it be advised, by both counsel, no later than September 20, 1973, whether the approach indicated in this memorandum has been fruitful.

The Clerk is directed to transmit this Memorandum to all parties to the instant proceedings and to file it in the record.

Per Curiam.

The White House,
Washington, D.C., September 20, 1973.

Filed Sep. 20, 1973, United States Court of Appeals for the District of Columbia Circuit Hugh E. Cline, Clerk.

In re Grand Jury Subpoena, Nos. 73–1962, 73–1967.

Mr. Hugh E. Kline,
Clerk, United States Court of Appeals, Washington, D.C.

Dear Mr. Kline: This is to advise you that counsel in the above-entitled matter have had lengthy meetings, pursuant to the suggestion in the Court's memorandum of September 13th. Mr. Cox and Mr. Buzhardt met on September 17th and 18th and today Mr. Cox and Mr. Lacovara of his office met with Mr. Buzhardt, Mr. Garment, and myself. I regret to advise the Court that these sincere efforts were not fruitful.

All participants in these conversations have agreed that we shall say nothing about them except to make this report to the Court.

I understand that Mr. Cox will similarly advise you of these meetings and of their unsuccessful outcome.

Respectfully,
Charles Alan Wright,
An Attorney for the President.

WATERGATE SPECIAL
PROSECUTION FORCE,
Washington, D.C., September 20, 1973.

Filed Sep. 20, 1973, United States Court of Appeals for the District of Columbia Circuit Hugh E. Kline, Clerk.

Re: *Nixon* v. *Sirica* et al. (Nos. 73-1962, 73-1967).

Hon. HUGH E. KLINE,
Clerk, United States Court of Appeals for the District of Columbia Circuit, Washington, D.C.

DEAR MR. KLINE: This is to advise you that counsel in the above entitled matter have had lengthy meetings pursuant to the suggestion in the Court's memorandum of September 13. Mr. Buzhardt and I met on September 17 and 18 and today Mr. Lacovara of my office and I met with Messrs. Wright, Buzhardt, and Garment. I regret to advise the Court that these sincere efforts were not fruitful.

All participants in these conversations have agreed that we shall say nothing about them except to make this report to the Court.

I understand that Mr. Wright will similarly advise you of these meetings and of their unsuccessful outcome.

Sincerely,
ARCHIBALD COX,
Special Prosecutor.

APPENDIX II

In a "Memorandum in Support of an Order to Produce Documents or Objects in Response to the Subpoena" (pp. 5-10), filed with the court below on August 13, 1973, the Special Prosecutor provided the following description of the nine communications, tapes of which are sought by the grand jury. (The transcript references throughout are to the transcript of the hearings of the Senate Select Committee on Presidential Campaign Activities.)

1. *Meeting of June 20, 1972.* Respondent met with John D. Ehrlichman and H. R. Haldeman in his Old Executive Office Building (OEOB) office on June 20, 1972, from 10:30 a.m. until approximately 12:45 p.m. There is every reason to infer that the meeting included discussion of the Watergate incident. The break-in had occurred on June 17—just three days earlier. Dean did not return to Washington until June 18 (S. Tr. 2166). Mitchell, Haldeman and LaRue had also been out of town and did not return until late on June 19 (S. Tr. 3305, 3307, 6195). Early on the morning of June 20, Haldeman, Ehrlichman, Mitchell, Dean and Attorney General Kleindienst met in the White House. This was their first opportunity for full discussion of how to handle the Watergate incident, and Ehrlichman has testified that Watergate was indeed the primary subject of the meeting (S. Tr. 5923-5924). From there, Ehrlichman and then Haldeman went to see the President. The inference that they reported on Watergate and may well have received instructions, is almost irresistible. The inference is confirmed by Ehrlichman's public testimony that the discussion with respondent included both Watergate and government wiretapping (S. Tr. 5924-25). The contemporary evidence of that meeting should show the extent of the knowledge of the illegal activity by the participants or any effort to conceal the truth from the respondent.

2. *Telephone call of June 20, 1972.* Respondent and John Mitchell, the director of respondent's campaign for re-election, spoke by telephone from 6:08 to 6:12 p.m. on June 20, 1972. Mitchell has testified that the sole subject was the Watergate break-in and investigation (S. Tr. 3407-08). This apparently was the first direct contact after the break-in between respondent and Mitchell, so that what Mitchell reported may be highly material. Indeed, although Mitchell already may have been briefed at this time by Robert C. Mardian and LaRue about Liddy's involvement in the break-in (S. Tr. 3629-32, 4590, 4595), Mitchell maintains that he told the President that only the five arrested at Watergate—not including Liddy—were involved. (S. Tr. 3407-08, 3632). Evidence of this conversation with a man who had no public office at the time and was concerned solely with respondent's political interests will either tend to confirm Mitchell's version or show a more candid report to respondent.

3. *Meeting of June 30, 1972.* Respondent met with Mitchell and Haldeman for an hour and 15 minutes in his EOB office, apparently the first meeting between respondent and Mitchell since June 17, 1972. The topic of conversation, according to Mitchell, was his impending resignation as Chairman of the Committee for the Re-Election of the President (S. Tr. 3442-43), which in fact was announced the next day. This is a meeting most of which almost surely did not involve any official duties of the President. It also strains credulity to suppose that Watergate and how Watergate affected Mitchell and the campaign were not topics of conversation. The records of the meeting are clearly the most direct evidence of the knowledge and intentions of the participants as of a date shortly after the grand jury began its investigation.

4. *Meeting of September 15, 1972.* On September 15, 1972, the grand jury returned an indictment charging seven individuals with conspiracy and other offenses relating to the break-in. Respondent met the same day with Dean and Haldeman in his Oval Office from 5:27 to 6:17 p.m. Both Dean and Haldeman have given lengthy but contradictory accounts of what was said (S. Tr. 2229-33, 6090-93).

According to Dean, the purpose of the meeting was to brief respondent on the status of the investigation and related matters. Dean said that respondent then congratulated him on the "good job" he had done and was pleased that the case had "stopped with Liddy." Dean said that he then told respondent that all he had been able to do was "contain" the case and "assist in keeping it out of the White House." (S. Tr. 2230.) If this testimony is corroborated, it will tend to establish that a conspiracy to obstruct justice reached the highest level of government.

Haldeman, after reviewing a tape recording of the meeting, has agreed that there was discussion of the Watergate indictments, of the civil cases arising out of the break-in, of the possibility of a continuing grand jury investigation, of internal policies at the Committee for the Re-Election of the President, and of other matters. He denies, however, that respondent congratulated Dean on Dean's efforts to thwart the investigation. (S. Tr. 6090-93, 6456.)

If Haldeman's innocuous version of the meeting can be sustained, it is because the meeting only involved an innocent discussion of political interests. The question of Dean's perjury would then arise. Resolution of this conflict between two of the three persons present and an accurate knowledge of plans or admissions made on this occasion would be of obvious aid to the grand jury's investigation.

5. *Meeting of March 13, 1973.* Respondent again met with Dean and Haldeman on March 13, 1973, from 12:42 to 2:00 p.m. Dean testified at length about the meeting (S. Tr. 2323-2325.) Haldeman gave evidence that he has no independent recollection of what was said (S. Tr. 6100).*

The White House briefing for the Senate Committee suggests that the meeting related primarily to Watergate and that respondent asked Dean for a report on the involvement of Haldeman and others.** Dean, on the other hand, testified that respondent told Dean that respondent had approved executive clemency for defendant Hunt and that there would be no problem about raising $1 million to buy all defendants' silence (S. Tr. 2324). Unquestionably, confirmation of Dean's testimony would aid the grand jury in determining the existence, membership, and scope of a cover-up conspiracy. Conclusive disproof, on the other hand, would raise a question of perjury by Dean before the Senate Committee, a matter directly within the grand jury's jurisdiction.

6, 7. *Meetings of March 21, 1973.* On March 21, 1973, respondent met with Dean and Haldeman from 10:12 to 11:55 a.m. and with Dean, Haldeman, Ehrlichman and Ronald Ziegler from 5:20 to 6:01 p.m. (Not all parties were present all of the time.)

Both Dean and Haldeman (who reviewed the recording of the morning meeting) have testified extensively about that meeting (S. Tr. 2329-34, 6112-15, 6273-95, 6394-6400), and it is also discussed in the White House briefing for the Senate Committee. All accounts confirm that the sole subject was the Watergate break-in and wiretapping and the subsequent cover-up. All agree that Dean talked about a "cancer" affecting the Presidency and revealed a theory of the cover-up and the possible liability of White House and Committee officials, including Magruder, Mitchell, Strachan, Colson, Ehrlichman, Haldeman, and himself. (S. Tr. 2330-31, 6112-15, 6286-94, 6640-41.) All agree that there was discussion of Hunt's threat to expose his "seamy" work for the White House unless he received a considerable sum of money. Haldeman testified that it was at this meeting that respondent indicated that $1 million easily could be raised; according to Haldeman however, respondent went on to say that it would not be right to pay the money. This discrepancy, which can be resolved by a contemporary recording, is manifestly significant.

Haldeman, Ehrlichman and Dean each have testified about the afternoon meeting as well, and the White House briefing gives a separate account. Again, the sole topic of conversation was Watergate. The participants discussed the possibility of present and former White House officials, as well as employees of the Committee, testifying before the grand jury. (S. Tr. 2334-35, 5650, 5710, 6118.) Dean has testified that it was clear to him after this meeting that the cover-up would continue (S. Tr. 2335). Evidence of this meeting is pertinent to determining the existence of a cover-up, its thrust, and its membership.

8. *Meeting of March 22, 1973.* Respondent met with Dean, Ehrlichman, Haldeman and Mitchell from 2:00 p.m. to 3:43 p.m. on March 22, 1973. (Mitchell, of course, was a private citizen at this time.) Dean, Mitchell, Ehrlichman, and Haldeman each have testified that the meeting centered in general on Watergate and in particular on the problems that would be presented by the upcoming Senate Select Committee hearings (S. Tr. 2337-40, 3413-15, 5720, 5128, 619-22). This meeting was apparently concerned, at least in major part, with political assessments and operations, not exclusively with establishing "government" policy, and is likely to reveal the knowledge and motives of the participants.

9. *Meeting of April 15, 1973.* Respondent met with Dean from 9.17 to 10:12 p.m. on April 15, 1973. Dean has testified in detail about the substance of this hour-long con-

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*It is interesting that Haldeman, who had reviewed recordings of other meetings, did not review the recording of this meeting in view of the serious nature of the allegations by Dean.

**New *York Times,* June 21, 1973, p. 28 (notes of Minority Counsel of Senate Select Committee of oral briefing by Counsel to the President).

versation, allegedly telling respondent of his meetings with the United States Attorney's Office. Dean also testified that respondent said that he had been "joking" when respondent approved raising $1 million for the Watergate defendants and acknowledged that he had been "foolish" to discuss executive clemency with Charles Colson. (S. Tr. 2371–75.) If true and accurate, this testimony would indicate an important dimension to the cover-up conspiracy. If false and misleading, a perjurious injustice has been done for which the grand jury can return an indictment.

OPINION OF CIRCUIT JUDGE MACKINNON

MACKINNON, *Circuit Judge*, concurring in part and dissenting in part: I concur in the decision on the jurisdiction of this court as expressed in part II of the Per Curiam opinion, but I respectfully dissent from its conclusion on the principal issue. I also concur in the result reached by Judge Wilkey's dissent and concur generally in his reasoning. However, I rely on some points not discussed by Judge Wilkey and as to points that are common to our two dissenting opinions there are at times differences in emphasis.

I. INTRODUCTION

This case presents for consideration an important constitutional question which has not confronted the courts in the 186 years since the Constitution was written. While the issues involved here have arisen many times in the relations between the Congress and the President, there are no controlling judicial precedents. The immediate issue involves the requested disclosure of confidential discussions between the President and his close advisers, but the ultimate issue is the effect that our decision will have upon the constitutional independence of the Presidency for all time.

Justice Frankfurter prefaced his concurring opinion in *Youngstown Sheet & Tube Co.*[1] with the following admonition, which is peculiarly appropriate to the present case:

> "Rigorous adherence to the narrow scope of the judicial function is especially demanded in controversies that arose appeals to the Constitution. The attitude with which this Court must approach its duty when confronted with such issues is precisely the opposite of that normally manifested by the general public. So-called constitutional questions seem to exercise a mesmeric influence over the popular mind. This eagerness to settle—preferably forever—a specific problem on the basis of the broadest possible constitutional pronouncements may not unfairly be called one of our minor national traits. An English observer of our scene has acutely described it: 'At the first sound of a new argument over the United States Constitution and its interpretation the hearts of Americans leap with a fearful joy. The blood stirs powerfully in their veins and a new luster brightens their eyes. Like King Harry's men before Harfleur, they stand like greyhounds in the slips, straining upon the start.'" The Economist, May 10, 1952, p. 370.
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> [W]ith the utmost unwillingness, with every desire to avoid judicial inquiry into the powers and duties of the other two branches of the government, I cannot escape consideration of the legality of [the President's order.] [2]

Like Justice Frankfurter in *Youngstown*, it is my view that a constitutional decision in this case is unavoidable.

It is my opinion that the preservation of the confidentiality of the Presidential decision-making process is of overwhelming importance to the effective functioning of our three branches of government. Therefore, I would recognize an absolute privilege for confidential Presidential communications. The privilege is grounded upon an historically consistent interpretation of the constitutional structure of our government, and derives support from common law principles of evidentiary privileges. Since the privilege is designed to enhance a President's ability to perform the duties of his office, it only protects Presidential communications related to the performance of Article II duties. It is unnecessary to define the parameters of the privilege beyond the precise facts of this case, but at the least the privilege must protect the recordings subpoenaed here. To compel disclosure of these tapes, which contain communications between a President and his most intimate advisers, would endanger seriously the continued efficacy of the Presidential decision-making process.

II. THE HISTORICAL PERSPECTIVE

The established usage and custom between the executive, legislative and judicial branches warrant the most respectful consideration, especially in view of its consistency over such an extended period of time. Usage and custom are a source of law in all governments[3] and have particular force where, as is the case here, the applicable written law is ambiguous or unclear. "Even constitutional power, when the text is doubtful, may be established by usage."[4] Early in our nation's history, the Supreme Court relied upon usage and custom to establish firmly its own constitutional authority to review decision of the highest appellate courts of a state.[5] More recently, the Supreme Court explained the importance of custom and usage as follows:

> It may be argued that while these facts and rulings prove a usage they do not establish its validity. But government is a practical affair intended for practical men. Both officers, law-makers and citizens naturally adjust themselves to any long-continued action of the Executive Department—on the presumption that unauthorized acts would not have been allowed to be so often repeated as to crystallize into a regular practice. That presumption is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or the existence of a power, weight shall be given to the usage itself—even when the validity of the practice is the subject of investigation.[6]

A. Presidential refusuals to comply with congressional subpoenas

Throughout our nation's history, the greatest number of the important instances where information has been requested or demanded of the executive department by Congress have involved the President himself. The precedents created by these confrontations are vital here, because Congress and the courts have similar subpoena powers.[7] These precedents gain additional vitality from the fact that they involved highly critical issues, issues that caused Congress to demand, and the President to resist, disclosure based on the strongest national interest grounds. As Professor Corwin wrote with respect to these instances:

> "The point at issue, however, has generally been no justice to the official involved but the right of the Executive Department to keep its own secrets."

CORWIN, THE PRESIDENT—OFFICE AND POWERS 1787–1957 111 (1957) Mindful of the tremendous forces that shaped these precedents, we turn to a few of the most important.

In 1948, following an abortive attempt by a Republican-controlled Congress to obtain certain information and papers from the Executive department, a bill was prepared to produce confidential information even though he considered that compliance would be contrary to the public interest. President Truman thought that such a law would be unconstitutional and in preparation for the 1948 presidential election campaign he had a lengthy memorandum prepared[8] (hereinafter referred to as the "Truman Memorandum"). The Truman Memorandum recites all the principal instances, beginning in 1796, where Presidents have refused to furnish information or papers to Congress. A resumé of the refusals by seventeen of our Presidents and their heads of departments, as set out in the Truman Memorandum, is printed in the margin.[9]
We can profit from these examples of presidential refusals and the precedents they created.

The March 1792 resolution of the House of Representatives empowering the committee investigating the military expedition under Major General St. Clair to call for "such persons, papers, and records, as may be necessary to assist their inquiries"[10] was the first such request ever made by Congress. It met with the rebuke by President Washington, after consulting his cabinet, that the "House was an inquest" and "might call for papers generally," but that the Executive should "exercise a discretion . . . to communicate such papers as the public good will would permit."[11] Washington also refused the request of the House for confidential papers which related to the negotiation of the Jay Treaty with Great Britain, notwithstanding a threat by the House that it would not appropriate the required funds unless its request for information and papers was satisfied.[12] The extortive demand by Congress was not successful.

President Jefferson asserted a similar position in refusing to expose the names of those involved in the alleged Burr conspiracy, except that of the principal actor.[13] This apparently is the first instance where a President refused to divulge confidential information involving an alleged substantial criminal offense. President Jackson followed suit in 1835 when he refused to comply with a Senate resolution requesting information in aid of its investigation of frauds in the sale of public lands.[14] In refusing to produce papers to the House, which was investigating the integrity and efficiency of the Executive departments in 1837, President Jackson stated in part:

> "I shall repel all such attempts as an invasion of the principles of justice, as well as of the Constitution, and I shall esteem it my sacred duty to the people of the United States to resist them as I would the establishment of a Spanish Inquisition."[15]

President Tyler's refusal in 1842 to furnish to the House certain requested information established the principle that papers and documents relating to applications for office are of a confidential nature. President Tyler vigorously asserted that the House of Representatives could not exercise a right to call upon the Executive for information, even though it related to a subject under deliberation by the House if, by so doing, it attempted to interfere with the discretion of the Executive.[16] He further stated:

> "It is certainly no new doctrine in the halls of judicature or of legislation that certain communications and papers are privileged, and that the general authority to compel testimony must give way in certain cases to the paramount rights of individuals or of the Government. Thus, no man can be compelled to accuse himself, to answer any question that tends to render him infamous, or to produce his own private papers on any occasion. The communication of a client to his counsel and the admissions made at the confessional in the course of religious discipline are privileged communications. In the courts of that country from which we derive our great principles of individual liberty and the rules of evidence, it is well settled, and the doctrine has been fully recognized in this country, that a minister of the Crown or the head of a department cannot be compelled to produce any papers,

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Footnotes at end of article.

or to disclose any transactions relating to the executive functions of the Government which he declares are confidential, or such as the public interest requires should not be divulged; and the persons who have been the channels of communication to officers of the State are in like manner protected from the disclosure of their names. Other instances of privileged communication might be enumerated, if it were deemed necessary. These principles are as applicable to evidence sought by legislature as to that required by a court".[17]

President Polk and Buchanan subscribed to similar positions in opposition to congressional demands for information. Polk refused to turn over information that his predecessor as President had considered to be confidential and ought not to be made public.[18] Buchanan refused to comply with a request for information as to whether "money, patronage or other improper means" had been used in influence Congress.[19] Again, this information related to a possible crime.

The request made of President Grant, which he refused, is too political and trivial to discuss,[20] but not so in Grover Cleveland's administration. There, the "Relations between the Senate and the Executive Departments" amounted to a major confrontation and the issues were debated in the Senate for almost two weeks. They dealt with the removal of substantial numbers of office holders by the incoming President; Congress requested the papers and reasons related to the dismissals. Such requests were refused for the usual reasons and one result was the passage of a separate resolution condemning the Attorney General's refusal.[21] President Cleveland pointed out that the Senate was assuming "the right . . . to sit in judgment upon the exercise of my exclusive discretion and Executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office." [22]

On January 4, 1909, the Senate passed a resolution directing the Attorney General to inform the Senate whether legal proceedings had been instituted by him against the United States Steel Corporation because of a certain merger, and if not, they required him to state the reasons. President Theodore Roosevelt took up the cudgel and delivered a special message to the Senate, stating that there were insufficient grounds for legal proceedings against the company. He additionally instructed the Attorney General not to state reasons for his nonaction.[23] Thereafter, when the Senate attempted to get certain papers on this subject from the Commissioner of Corporations, the papers were turned over to the President upon the advice of the Attorney General, and the Senate then introduced a strong resolution:

"*Resolved by the Senate,* That any and every public document, paper, or record, or copy thereof, on the files of any department of the Government relating to any subject whatever over which Congress has any grant of power, jurisdiction, or control, under the Constitution, and any information relative thereto within the possession of the officers of the department, is subject to the call or inspection of the Senate for its use in the exercise of its constitutional powers and jurisdiction."

43 CONG. REC. 839 (1909). This resolution is remindful of the bill introduced to compel President Truman to turn over papers and of some of the statements being currently made in connection with this general controversy. The resolution was debated extensively but never came to a final vote.

In 1924, during the administration of President Coolidge, information relating to his Secretary of the Treasury was sought in a Senate resolution strongly supported by Senator Couzens. President Coolidge termed it an "unwarranted intrusion" and asserted it was the duty of the Executive to resist it. Other Senators then stated that they never sought "confidential records" and thereafter the committee operated with voluntary witnesses and through departmental courtesy.[24]

Next came President Hoover's refusal in 1930 to furnish the Senate Foreign Relations Committee with confidential telegrams, letters and other papers leading up to the London Conference and the London Treaty.[25]

And President Franklin D. Roosevelt received the same treatment at the hands of Congress in 1941 some months prior to Pearl Harbor, when the House requested the FBI to furnish detailed reports and correspondence in connection with investigations arising out of strikes, subversive activities in connection with labor disputes and labor disturbances in industrial establishments with Naval contracts. Attorney General Jackson replied:

"It is the position of this Department, restated now with the approval of and at the direction of the President, that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to 'take care that the laws be faithfully executed,' and that congressional or public access to them would not be in the public interest." [26]

The Attorney General further pointed out, *inter alia,* that:

". . . disclosure would seriously prejudice the future usefulness of the Federal Bureau of Investigation, for keeping faith with confidential informants was an indispensable condition of future efficiency. . . ." [27]

Later during the same administration, FBI Director Hoover refused to disclose to a House committee the directive he had received from President Roosevelt in 1944 directing him not to testify as to any correspondence relating to internal security.[28] There were other similar requests during the Roosevelt administration, some of which related to national security, while others were resisted merely because they were "confidential." [29]

President Truman refused to surrender to Congress information and papers relating to loyalty investigations of Government employees, personnel files and FBI files.[30] Subsequently, on the advice of Attorney General Brownell, President Eisenhower made his famous decision refusing to turn over certain information requested in the McCarthy-Stevens investigation.[31]

In each of these instances the Congress sought information from the President or the executive branch in order to enable it to legislate upon subjects within its constitutional power, and in each instance cited the request was refused by the President, who determined that to furnish the information would be an unconstitutional intrusion into the functioning of the executive branch and contrary to the public interest. The numerous confrontations between Congress and prior Presidents over the confidentiality of presidential information firmly establish a custom and usage that a President need not produce information which he considers would be contrary to the public interest.

B. The similarity between congressional and judicial subpoenas

The Special Prosecutor contends that custom and usage between the executive and legislative branches are not controlling because the subpoena in this case was not issued by Congress, but by a federal court pursuant to a grand jury investigation. However, a congressional subpoena issued for the purpose of obtaining facts upon which to legislate carries at least as much weight as a judicial subpoena issued for the purpose of obtaining evidence of criminal offenses. The only differences between these two types of subpoenas occur in the subject matter to which the subpoena power may be directed. Congressional subpoenas seek information in aid of the power to legislate for the entire nation while judicial subpoenas seek information in aid of the power to adjudicate controversies between individual litigants in a single civil or criminal case. A grand jury subpoena seeks facts to determine whether there is probable cause that a criminal law has been violated by a few people in a particular instance. A congressional subpoena seeks facts which become the basis for legislation that directly affects over 200 million people. Thus, both congressional and judicial subpoenas serve vital interests, and one interest is no more vital than the other.

Furthermore, both congressional and judicial subpoenas are compulsory documents enforceable with criminal sanctions. Congress always has possessed the inherent power to punish witnesses who refuse to disclose information. And since the enactment in 1857 of a statute making it a misdemeanor to refuse to answer or to produce papers before Congress,[32] the power of the courts has been an additional sanction available to enforce a congressional request or subpoena.[33] In *Kilbourn v. Thompson,*[34] the Court remarked that Congress has "the right to compel the attendance of witnesses and their answers to proper questions, in the same manner and by the use of the same means, that courts of justice can in like cases." [35] Congress and the courts stand equal in their power to issue subpoenas and equal in their power to enforce them with criminal sanctions.

For these reasons, a judicial subpoena cannot be exalted over a Congressional subpoena, and the historic precedents involving congressional requests to the executive department are persuasive authority in the present dispute over a judicial subpoena to a President. However, it is unnecessary to rely entirely on instances of presidential assertions of privilege. The other branches of government have been no less disposed to recognize an absolute privilege on their own behalf.

C. Congressional privilege

Congress has asserted a privilege with respect to subpoenas addressed to members of Congress for documents in its possession and for the testimony of its employees. The practice which has been consistently followed is that no documents can be taken from the possession of either House except by the express consent of such House.

In 1876 a Representative from Indiana was subpoenaed to appear before the grand jury of the District of Columbia. Congress asserted the "well settled" privilege which protects a member who is subpoenaed to testify before a grand jury or in court:

"Inasmuch as it seemed to be well settled that the privilege of the Member was the privilege of the House and that privilege could not be waived except with the consent of the House, they had thought it their duty to submit the matter to the House." [36]

Whereupon a resolution was offered and the member was "authorized to appear and testify under the said summons." [37]

Upon service of a subpoena duces tecum by a court-martial, Congress asserted with respect to the documents:

"They belong to the House, and are under its absolute and unqualified control. It can at any time take them from the custody of the Clerk, refuse to allow them to be inspected by anyone, order them to be destroyed, or dismiss the Clerk for permitting any of them to be removed from the files without its expressed consent." [38]

Whereupon the resolution asserted the House privilege and consented to the parties to a general court-martial making copies of documents in the possession of the House.[39]

Usually, when personal attendance or doc-

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uments are requested of members of Congress, Congress permits compliance with such request; but not always. In 1876 the House refused to permit its committee investigating William W. Belknap, late Secretary of War, who had been impeached by the House, to produce before the Supreme Court of the District of Columbia in response to process certain documents relating to the acceptance of bribes.[40] In 1926, Mr. Fiorello LaGuardia of New York rose to a question of personal privilege in the House of Representatives, reported he had been subpoenaed before a federal grand jury in Indianapolis, that he could "not obey that subpoena without the permission of the House" and that if any member of the House introduced a resolution granting him "permission to go (he would) not resist it. No resolution was offered and no further record appears." [41]

Essentially the same practice exists in Congress at this time. On October 13, 1970, in a case which subsequently came before this court entitled *United States Servicemen's Fund* (*USSF*) v. *Eastland*,[42] the Senate subpoenaed certain documents in aid of its power of investigation for legislative purposes. The subject (the USSF) of the documents intervened and in aid of a deposition had a subpoena issued to the Chief Counsel of the Internal Security Subcommittee of the Committee on the Judiciary calling for his personal "testimony regarding activities of the Subcommittee, and calling also for production of certain records and other papers in the Subcommittee." [43] The Senate thereupon passed the usual resolution with respect to its documents and the requested appearance of the Chief Counsel. It provided, *inter alia*:

"*Resolved*, That the Chief Counsel, Julen [*sic*] G. Sourwine, of the Senate Internal Security Subcommittee of the Committee on the Judiciary, is authorized to comply with an appropriate notice of deposition in the case aforesaid, but *shall not testify respecting matters of which he obtained knowledge by virtue of his position or activities as Chief Counsel of the Subcommittee, which are not matters of public record* and shall not without further action by the Senate surrender any papers or documents on file in his office or under his control or in his possession as Chief Counsel of the Senate Internal Security Subcommittee of the Committee on the Judiciary".[44]

Later, when the Chief Counsel appeared for the deposition, he refused to give evidence in violation of the "Senate's mandate" [45] as to matters "which were not at a public hearing." [46]

The common thread throughout these proceedings is that the House or the Senate itself judges and controls the extent to which its members and documents should be produced in courts and before grand juries in response to subpoenas. Congress since 1787 has claimed that it has the absolute privilege to decide itself whether its members or employees should respond to subpoenas and to determine the extent of their response. As far as I have been able to discover, that practice has never been successfully challenged.

D. Judicial privilege

The judicial branch of our government claims a similar privilege, grounded on an assertion of independence from the other branches. Express authorities sustaining this position are minimal, undoubtedly because its existence and validity has been so universally recognized. Its source is rooted in history and gains added force from the constitutional separation of powers of the three departments of government. Chief Justice Burger has asserted that this privilege is grounded in the courts' "inherent power" to protect the confidentiality of its internal proceedings:

"With respect to the question of inherent power of the Executive to classify papers, records, and documents as secret, or otherwise unavailable for public exposure, and to secure aid of the courts for enforcement, there may be an analogy with respect to this Court. No statute gives this Court express power to establish and enforce the utmost security measures for the secrecy of our deliberations and records. Yet I have little doubt as to the inherent power of the Court to protect the confidentiality of its internal operations by whatever judicial measures may be required." [47]

In his concurring opinion in *Soucie v. David*, involving the exemptions from disclosure of certain information in the executive department under the Freedom of Information Act,[48] Judge Wilkey based the privilege upon the common law and the Constitution:

"To put this question in perspective, it must be understood that the privilege against disclosure of the decision-making process is a tripartite privilege, because precisely the same privilege in conducting certain aspects of public business exists for the legislative and judicial branches as well as for the executive. It arises from two sources, one common law and the other constitutional." [49]

Counsel for the President in their brief cites additional support for the judicial claim of confidentiality:

"It has always been recognized that judges must be able to confer with their colleagues, and with their law clerks, in circumstances of absolute confidentiality. Justice Brennan has written that Supreme Court conferences are held in "absolute secrecy" for "obvious reasons." Brennan, *Working at Justice*, in *An Autobiography of the Supreme Court* 300 (Westin ed. 1963). Justice Frankfurter has said that the "secrecy that envelops the Court's work" is "essential to the effective functioning of the Court." Frankfurter, *Mr. Justice Roberts*, 105 U.Pa.L.Rev 311, 313 (1955)."

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"The Judiciary works in conditions of confidentiality and it claims a privilege against giving testimony about the official conduct of judges. *Statement of the Judges*, 14 F.R.D. 335 (N.D.Cal. 1953). See also the letter of Justice Tom C. Clark, refusing to respond to a subpoena to appear before the House Un-American Activities Committee, on the ground that the "complete independence of the judiciary is necessary to the proper administration of justice." N. Y. Times, Nov. 14, 1953, p. 9." [50]

The *Statement of the Judges*,[51] to which counsel for petitioner refers, asserted that the separation of powers prohibits any branch of government from unlawfully interfering with the others, to the extent that Congress had no authority to summon a United States District Judge to appear before a House subcommittee investigating the Department of Justice. The *Statement* went on to say:

"[W]e know of no instance, in our history where a committee such as yours, has summoned a member of the Federal judiciary." [52] Thus, the judicial branch asserts the same immunity from being compelled to respond to congressional subpoenas that past Presidents have asserted.

Further assertions of judicial independence surfaced in the aftermath of Justice Fortas' resignation.[53] At that time a special story by Max Frankel reported the reaction among some of the other Justices of the Supreme Court to their suggestion that they should compose a code of conduct to assure their objectivity and probity:

"[I]f drawn, they are not likely to diminish the *absolute independence traditionally asserted by the high court for itself and by each of its nine members as individuals.*

"In fact, the Justices are said to be determined to resist any effort by Congress or other outside authority to impose ethical standards or enforcement methods upon them. Above all, they remain committed to the principle that *each Justice must be free to work beyond the control or censure even of his colleagues, and they were careful to protect that principle* while concerning themselves with the Fortas case over the last two weeks."

* * * * *

"[T]he Justices are believed to have turned their thoughts to the ways in which they could create a body of standards without compromising the great tradition of professional independence."

* * * * *

"It will be a long exercise, in any case, the Justice expect, and the 'standards' that emerge may be no more than each Justice's interpretation of the informal discussions that began around the Court with the Fortas revelations."

* * * * *

"Some members of Congress now believe that they have a duty to impose some standards on the entire Federal judiciary, including the Supreme Court, and after the Fortas affair some Justices appear to understand this impulse."

"But since they refuse to wield to the control of their own Chief Justice or their colleagues, the Justices will plainly resent and resist Congressional supervision if they possibly can."

* * * * *

"It is the conclusion of most Justices, therefore, that they must observe the very highest standards but that *they must be their own final judges*. Whether they can combine these two doctrines into a reassuring public body of Supreme Court ethics will not be evident for some time.[54]"

The above excerpts express the judiciary's conception of its own privileges as it so far has been made public.

A recent example of the exercise of the judiciary's privilege to protect the confidentiality of its internal decision-making process occurred in this court in February of this year. It arose in the very important case involving the validity of the right of way and permits granted by the Department of the Interior for the construction of the 789-mile Alaska Pipeline. The estimated cost of this pipeline was upwards of $3½ billion. Following the argument of the case on appeal and while the case was under advisement by the judges of this court, a United States Senator wired the Chief Judge of this court as follows:

"I have been told one or more judges have disqualified themselves in the trans-Alaska pipeline case currently under advisement. Kindly advise me of their identities and reasons if this is the case. I would, appreciate a reply in writing as soon as possible. Thank you very much."

In the reply for the court by Chief Judge Bazelon, this court exercised its privilege to protect the confidentiality of its deliberations, stating:

"In re your telegram of February 5, 1973 inquiring as to whether 1 or more judges have disqualified themselves in the trans Atlantic [*sic*] pipeline cases currently under advisement and in which you request their identities and reasons if this is the case. The opinion, when issued, will reveal the names of the judges who have participated therein. With great respect, we believe that further reply to your inquiry would not be appropriate with cordial wishes."

It thus appears that the judiciary, as well as the Congress and past Presidents, believes that a protected independence is vital to the proper performance of its specified constitutional duties. It is my conclusion that the deliberative functions of the Presidents office should be afforded the same essential protection that has been recognized for, and

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asserted and enjoyed by, the legislative and judicial branches of our government since 1787.

III. THE PRESIDENTIAL COMMUNICATIONS PRIVILEGE

The Per Curiam opinion recognizes the "great public interest" in maintaining the confidentiality of the presidential decision-making process, but concludes that the national interest in presidential confidentiality may be subordinated in particular situations to a strong countervailing need for disclosure.[55] Thus, the majority recognizes only a qualified privilege for presidential communications.

The focus of my disagreement with this conclusion is that in my opinion an absolute privilege exists for presidential communications. At least where a President discusses matters of official concern with his most intimate advisers, strict confidentiality is so essential to the deliberative process that it should not be jeopardized by any possibility of disclosure.

A. The importance of confidentiality

By recognizing an absolute privilege, my opinion places the presidential communications privilege on an equal footing with that recognized for military or state secrets in *United States* v. *Reynolds*.[56] Military or state secrets are never subject to disclosure regardless of the weight of countervailing interests.[57] Once the court is satisfied that military or state secrets are at stake, its inquiry is at an end. The court cannot balance the importance of secrecy in a particular case against the necessity demonstrated by the party seeking disclosure.[58]

The rationale underlying the absolute privilege for military or state secrets is the policy judgment that the nation's interest in keeping this information secret always outweighs any particularized need for disclosure. A similar policy judgment supports an absolute privilege for communications between a President and his advisers on matters of official concern.

The interest supporting an absolute privilege for presidential communications is the confidentiality essential to insure thorough and unfettered discussion between a President and his advisers. This widely recognized necessity for confidentiality in any decision-making process [59] is especially important in the office of the Presidency.

Confidentiality is indispensable to encourage frankness and to allow a President's advisers to advance possibly unpopular arguments without fear of public criticism. Working at the highest level of government, a President and his advisers must be free to explore all aspects of an issue so that final decisions are based upon completely thorough analysis. Their discussions must be informal, candid and blunt. If there is a danger that the words spoken at these discussions will be disclosed to the public, the participants inevitably will speak more guardedly, they will hesitate to suggest possibly unpopular opinions, and the discussions will lose their spontaneity. This loss of spontaneity and freedom would severely restrict a President's ability to conduct thorough and frank discussions on issues of national and world-wide importance.

An essential attribute of the presidential communications privilege is that the President must have absolute discretion in its exercise. To the majority's fear that it would be dangerous to vest absolute discretion in the President because of possible abuse in the future,[60] we need only refer to Justice Story's telling refutation of that argument in *Martin* v. *Hunter's Lessee:*

"It is always a doubtful course to argue against the use or existence of a power, from the possibility of its abuse. It is still more difficult, by such an argument, to ingraft upon a general power a restriction which is not to be found in the terms in which it is given. From the very nature of things, the absolute right to decision, in the last restort, must rest somewhere—wherever it may be vested it is susceptible of abuse." [61]

To allow the courts to breach presidential confidentiality whenever one of 400 federal trial judges considers that the circumstances of the moment demonstrate a compelling need for disclosure would frustrate the privilege's underlying policy of encouraging frank and candid presidential deliberations. If it is possible to convince a court to compel the disclosure of presidential conversations, then a President cannot guarantee confidentiality to his advisers and they must operate always under the hazard that their conversations might be publicly exposed at the behest of some trial court in the future.

By enacting the Presidential Libraries Act of 1955,[62] Congress recognized the importance of maintaining presidential confidentiality. The Act bestows an absolute privilege upon papers and sound recordings [63] deposited with the Government-administered presidential libraries by providing that presidential papers and recordings may be accepted "subject to restrictions agreeable to the administrator [of General Services] as to their use." [64] The presidential papers of Presidents Eisenhower, Kennedy and Johnson are subject to the restriction that "materials containing statements made by or to" the President are to be kept in confidence and held under seal and not revealed to anyone except the donors or archival personnel until "the passage of time or the circumstances no longer require such materials being kept under restriction." Restrictions imposed by letters from President Eisenhower and from President Johnson additionally prohibit disclosure to "public officials" on the ground that "the President of the United States is the recipient of many confidences from others, and . . . the inviolability of such confidence is essential to the office of the presidency . . . " [65] Thus Congress by statute has recognized the confidential nature of presidential papers and recordings, and has subjected them to restrictions against disclosure. It would be incongruous to accord a greater confidence to the materials of a deceased President than to the materials of a living, incumbent President.

The Special Prosecutor contends that in view of the unique circumstances in the present case, disclosure would not infringe seriously upon the confidentiality of the presidential deliberative process. However, the ultimate decision in this case will have repercussions far beyond the narrow factual confines of the present events. The decision here will be the first definitive judicial statement on the issue of presidential privilege. To recognize only a qualified privilege is to invite every litigant, both civil and criminal, to demonstrate his or her own particularized need for evidence contained in presidential deliberations. Already several claims of this nature are pending.[66] The lessons of legal history teach that it will be impossible to contain this breach of presidential confidentiality if numerous federal judges may rummage through presidential papers to determine whether a President's or a litigant's contentions should prevail in a particular case. Furthermore, the decision in this case inevitably will be precedent for assaults on the presently asserted absolute privileges of Congress and the Judiciary.[67]

B. The Executive Privilege Cases

The majority relies on a line of cases which recognize a qualified "executive privilege" where a civil litigant seeks disclosure of relevant government documents.[68] In formulating this qualified privilege, the courts concluded that the interest in confidentiality to insure a free deliberative process is weaker than that recognized as necessary to protect military or state secrets.[69] Consequently, the courts have recognized only a qualified, not an absolute, privilege where the government has resisted disclosure solely on the ground of protecting the confidentiality of the deliberative process.

However, none of the "executive privilege" cases involved personal communications between a President and his closest advisers. There is a great distinction between the office of the President and the myriad other agencies and departments that comprise the executive branch.[70] Virtually every decision emanating from a President's office has a direct and immediate effect on the entire, or a substantial part of, the nation. Lesser executive departments and agencies do not hold such awesome responsibility and power. Each has responsibility for and operates upon only a small segment of the nation. As important as the lesser executive departments and agencies are, their decisions do not have the sweeping and immediate impact which characterizes the decisions and policies of a President.

The national interest in maintaining presidential confidentiality to insure that a President's deliberative process remains completely unfettered is at least as strong as the national interest in protecting military or state secrets. As explained earlier, secrecy is not the ultimate goal of the presidential communications privilege. The ultimate goal is to guarantee that Presidents will remain comprehensively informed throughout their decision-making processes. The importance of the military or state secrets privilege is most apparent when, for example, it prevents disclosure of emergency defense or invasion plans, foreign espionage programs or summit meeting strategy. But if a President is unable to conduct thorough and unfettered deliberations with his advisers, these plans, programs and strategies may never be formulated. Furthermore, whereas the confidentiality of military or state secrets is important primarily with respect to this country's international relations, the presidential privilege promotes informed decisions in both the international and domestic spheres. In view of the immediate national and world-wide impact which accompanies presidential decisions, the need to protect the presidential deliberative process is at least as great as the need to protect military and state secrets. If military and state secrets are absolutely privileged based on the need for confidentiality, then conferences between a President and his close advisers should enjoy a similar absolute privilege based on the need for confidentiality.

C. Presidential privilege against a grand jury

The foregoing discussion demonstrates that the courts should afford presidential communications the same absolute privilege which protects military and state secrets. However, the *Reynolds* decision, as well as the "executive privilege" cases, arose from civil litigation and did not discuss the assertion of privilege against a grand jury subpoena. The final issue which must be resolved before recognizing an absolute presidential communications privilege in this case is whether the policy supporting the privilege prevails over the competing interests which arise from a court order to produce information for a grand jury investigation.

Common law evidentiary privileges based on encouraging frank and candid communication apply equally in criminal and civil cases. For example, the husband-wife and attorney-client privileges may be invoked by a witness for either the prosecution or defense in a criminal trial, regardless of the claimed necessity for disclosing the evidence.

Nevertheless, an interest which supports the existence of a privilege in a civil context might be outweighed by stronger countervailing interests which arise in the adminis-

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tration of criminal justice. In *Gravel v. United States*[71] the court of appeals had fashioned a nonconstitutional testimonial privilege which protected a Congressman's aide from the questioning by a grand jury regarding allegedly criminal activity committed in the course of his duties.[72] The court analogized the privilege to that which protects executive officials from civil liability. Since government officers are immune from civil liability, the court of appeals reasoned, a similar doctrine should immunize government officers from criminal prosecution. Carrying this reasoning one step further, the court concluded that a grand jury could not question government officers about crimes for which they could not be prosecuted. The Supreme Court disagreed, explaining:

"But we cannot carry a judicially fashioned privilege so far as to immunize criminal conduct proscribed by an Act of Congress or to frustrate the grand jury's inquiry into whether publication of these classified documents violated a federal criminal statute. The so called executive privilege has never been applied to shield executive officers from prosecution for crime."[73]

It is important to recognize that the "executive privilege" referred to in *Gravel* is the doctrine also known as official immunity.[74] It is not the evidentiary "executive privilege" upon which the majority in this case relies.[75] The quoted language from the *Gravel* decision recognizes that the underlying purpose of official immunity,[76] while supporting immunity from civil liability, does not support total immunity from criminal prosecution.

The only relevance of the *Gravel* dictum to the present case is to suggest that the interest in protecting the confidentiality of the deliberative process may not support absolute immunity from criminal prosecution for executive officers. But the presidential communications privilege, as here outlined, does not immunize executive officers from criminal prosecution. This evidentiary privilege, which protects the presidential deliberative process by preventing disclosure of the exact details of that process, is not premised on any notions of immunity from civil or criminal liability. It is unnecessary in this case to decide the issue touched upon by *Gravel*, which is whether the interest in confidentiality that supports the evidentiary privilege would also preclude the indictment of participants in the deliberative process.

The possibility that an occasional criminal prosecution may be hampered by the privilege does not justify abandoning the compelling long-range necessity for presidential confidentiality. The inability of a prosecutor or grand jury to obtain specific privileged information will seldom prevent a successful criminal prosecution. Understandably, a prosecutor desires to obtain all evidence relevant to a case. But particular evidence frequently is unavailable because of commonly recognized privileges, such as the husband-wife, attorney-client or self-incrimination privileges. In such instances, non-privileged information remains available and convictions routinely are obtained despite various claims of privilege by witnesses.

The 1807 decision in *United States v. Burr*,[77] upon which the majority relies,[78] does not preclude recognition of an absolute privilege in the present case. In that case, the accused sought to obtain allegedly exculpatory evidence contained in a letter which had been written to President Jefferson by General Wilkinson, an essential witness against the accused.[79] Chief Justice Marshall, sitting alone as the trial judge in the case, issued a subpoena to the President for production of the letter, but the President, through his attorney, refused to disclose certain passages. The Chief Justice appreciated the weight which attaches to a presidential assertion of privilege:

"The President, although subject to the general rules which apply to others, may have sufficient motives for declining to produce a particular paper, and those motives may be such as to restrain the court from enforcing its production."

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"Had the president, when he transmitted it, subjected it to certain restrictions, and stated that in his judgment the public interest required certain parts of it to be kept secret, and had accordingly made a reservation of them, all proper respect would have been paid to it. . . ."[80]

However, since the President had relied upon his attorney's discretion and had not communicated directly with the court,[81] the Chief Justice allowed the attorney time to consult with the President. Several days later, the Chief Justice accepted "a certificate from the President, annexed to a copy of General Wilkinson's letter, excepting such parts as he deemed he ought not to permit to be made public."[82] From all that appears these excisions were not contested.[83]

The *Burr* case involved a subpoena by a defendant in a criminal trial, and the defendant's demand for the letter was an exercise of his sixth amendment right "to have compulsory process for obtaining witnesses in his favor."[84]

Although Chief Justice Marshall was never called upon to enforce the subpoena against the President,[85] and therefore never was required to resolve the ultimate conflict between the President's privilege and the sixth amendment right to compulsory process, he took the opportunity in dicta to discuss whether a President's claim of privilege should be upheld in the face of a criminal defendant's demand for possible exculpatory evidence. Recognizing that he could not "precisely lay down any general rule for such a case,"[86] the Chief Justice suggested that "perhaps" a presidential claim of privilege could be overridden in a criminal trial where the defendant demonstrates a particularly compelling need for the evidence.[87] Quite clearly, this suggestion was not a final disposition of the issue, nor even a holding of the case.

The case before this court involves a grand jury proceeding, not a criminal trial of an accused. A grand jury, of course, is an accuser, not an accused, and has no sixth amendment right to compulsory process for obtaining witnesses. Thus, the express guarantee of the sixth amendment which was present in *Burr* is not applicable to the present case. Moreover, although the grand jury's authority to subpoena witnesses is essential to its task, grand juries always have operated under the constraints of evidentiary privileges.[88] Any conflict between the presidential communication privilege and the sixth amendment rights of a criminal defendant is better resolved in the future when a court has before it an indicted defendant who is able to demonstrate the materiality of the evidence to his particular defense.[89]

D. *Constitutional Dimensions of the Privilege*

The foregoing discussion has demonstrated the soundnes of an absolute, evidentiary privilege for conversations and deliberations of a President with his close advisers. But the privilege also has constitutional dimensions which derive both from the separation of powers doctrine and from the logical principle that inherent in any constitutional right are the means requisite to its effective discharge.

The effective discharge of the presidential duty faithfully to execute the laws requires a privilege that preserves the integrity of the deliberative processes of the executive office. It would be meaningless to commit to the President a constitutional duty and then fail to protect and preserve that which is essential to its effective discharge. Thus the term "effective" is the sine qua non that imbues the presidential decisional process with a constitutional shield. The genius of our Constitution lies, perhaps as much as anywhere, in the generality of its principles which makes it susceptible to adaptation to the changing times and the needs of the country. But this much is explicit: "[The President] shall take Care that the Laws be faithfully executed. . . ." U.S. Const. art. II, § 3. Is it plausible that the Framers should have charged the President with so basic a responsibility, one upon which every ordered society is premised, and yet left him without the ability effectively to satisfy that high charge? Emphatically, the answer must be, "No." The duty and the means of its discharge coalesce and each, the one explicit and the other implicit, finds its source in the Constitution.

The constitutional nature of the presidential communications privilege is reenforced by the doctrine of separation of powers. It is clear, of course, that our constitutional system of checks and balances makes each branch dependent upon the other branches in some instances. The trial court and the majority of this court rely in part on this interdependency to decide that the courts have both the power to compel a President to comply with the subpoena and the right to obtain recordings of conversations that were part of the presidential decision-making process. The flaw in their analysis becomes apparent upon closer examination of the nature of both separation of powers and checks and balances. James Wilson[90] in his "Lectures on the Law" accurately stated both concepts:

"[E]ach of the great powers of government should be independent as well as distinct. When we say this; it is necessary—since the subject is of primary consequence in the science of government—that our meaning be fully understood, and accurately defined. For this position, like every other, has its limitations; and it is important to ascertain them.

"The independence of each power consists in this, that *its proceedings, and the motives, views, and principles, which produce those proceedings, should be free from the remotest influence, direct or indirect, of either of the other two powers*. But further than this, the independency of each power ought not to extend. Its proceedings should be formed without restraint, but when they are once formed, they should be subject to control.

"We are now led to discover, that between these three great powers of government, there ought to be a mutual dependency, as well as a mutual independency. We have described their independency: let us now describe their dependency. It consists in this, that *the proceedings of each, when they come forth into action and are ready to affect the whole,* are liable to be examined and controlled by one or both of the others." (Emphasis added). 2 Wilson, Works 409–10 (1804).

Thus the system of checks and balances begins to operate only at the point "when [the proceedings of any branch] come forth into action and are ready to affect the whole." It is only necessary to cite several examples. The executive may veto acts of Congress and Congress may override such a veto.[91] The executive nominates, and the Senate confirms, ambassadors, justices of the Supreme Court and all other officers of the United States.[92] The courts may declare acts of Congress unconstitutional,[93] or constitutional and the executive faithfully executes the laws in conformance with such decisions. That these principles establish the mutual dependency of the three branches is obvious, but it is equally obvious that each of the above instances involves a restraint by one branch on a final action of a coordinate branch.[94]

The doctrine of separation of powers, by

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contrast, requires that each branch's "proceedings, and the motives, views, and principles, which produce those proceedings, should be free from the remotest influence, direct or indirect, of either of the other two powers." *Id.* This doctrine, then, prohibits intrusion in any form by one branch into the decisional processes of an equal and coordinate branch. And it is clear, of course, that "[t]he grand jury is an arm of the court and its *in camera* proceedings constitute 'a judicial inquiry.' " [95] Thus, recordings of presidential deliberations cannot be the subject of a judicial subpoena if it would even remotely influence the conduct of such deliberations or their final outcome. Enforcement of the subpoena demonstrably would have just such an effect in this case. The conversations that are the subject of the subpoena presumptively occurred as part of the ongoing decisional process involved in the President's constitutional duty faithfully to execute the laws.[96] The end product of this process would be the decision whether crimes had been committed and whether to prosecute such crimes, and whether to discharge or retain certain government employees. These decisions would be the "final action" comparable to the seizure of the steel mills in *Youngstown Sheet & Tube Co.*[97] The conversations themselves, however, were an integral part of the deliberative process and thus not subject to judicial intrusion by means of enforcement of the subpoena. Moreover, it appears insignificant that such a judicial intrusion into that process is for the purpose of laying open those presidential conferences before the grand jury. To hold otherwise would, to paraphrase the district court, exalt the form of the intrusion over its substance,[98] since the pervasively adverse effect on the candor of the deliberations and the soundness of the decisions reached there flows from the breach of confidentiality itself, whatever the purpose of the intrusion.

But the greatest vice of the decision sought by the Special Prosecutor is that it would establish a precedent that would subject every presidential conference to the hazard of eventually being publicly exposed at the behest of some trial judge trying a civil or criminal case. It is this presidential effect which transforms this case from one solely related to the recordings sought here, to one which decides whether this President, and all future Presidents, shall continue to enjoy the independency of executive action contemplated by the Constitution and fully exercised by all their predecessors.

IV. THE PRIVILEGE IN THIS CASE

A. The privilege was properly invoked

For the foregoing reasons, my opinion recognizes an absolute privilege for presidential communications. To be privileged, the communications must occur under an aura of confidentiality, and, because the privilege is designed to protect a President's ability to perform his duties, the communications must relate to the performance of Article II duties.

The presidential communication privilege was properly invoked by the President under the circumstances of this case. In *Reynolds* v. *United States* [99] the Supreme Court discussed the procedures and formalities necessary for a proper invocation of the absolute privilege for military or state secrets.[100] Since the presidential communications privilege resembles the military or state secrets privilege, the *Reynolds* procedures are instructive in the present case.[101]

Initially, there must be "a formal claim of privilege lodged by the head of the department which has control over the matter, after actual personal consideration by that officer." [102] Although an earlier statement by the President indicated that he did not intend to invoke executive privilege with regard to the investigation,[103] the President's letter in response to the subpoena from the District Court expressed a clear intent to claim his constitutional privilege to withhold recordings of conversations with his advisers.[104]

After the President has claimed the privilege, the court must satisfy itself that "the circumstances are appropriate for the claim of privilege." [105] In determining whether the privilege is appropriate in a particular case, the only injury is whether there is a "reasonable danger" that disclosure of the evidence would expose matters which the privilege is designed to protect.[106] Since the presidential communications privilege is an absolute rather than a qualified privilege, there is no occasion to balance the particularized need for the evidence against the governmental interest in confidentiality. The balance between these competing interests was examined and resolved when the absolute presidential communications privilege was formulated.[107] Having concluded that the privilege is available, the only inquiry is whether the President's invocation of the privilege promotes the policy which the privilege was designed to protect. Regarding the absolute privilege for military or state secrets, the *Reynolds* Court stated:

"Where there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but *even the most compelling necessity* cannot overcome the claim of privilege if the Court is ultimately satisfied that military secrets are at stake." [108]

The presidential communications privilege protects the confidentiality of communications between the President and his close advisers which are related to his Article II duties. Since the subpoena covers recordings of confidential communications between the President and his closest advisers, the privilege is appropriate in this case if the recorded conversations related to the President's Article II duties. Our starting point is the presumption, in the absence of clear evidence to the contrary, that as a government official the President was discharging his constitutional duties.[109] The nature of the Presidency often makes it difficult to distinguish private from official concerns of the President. Because of his position in the nation, actions which might be commonplace if performed by a private individual assume national importance when performed by the President. As Chief Justice Marshall stated in the *Burr* decision: "Letters to the president in his private character, are often written to him in consequence of his public character, and may relate to public concerns." [110]

From the circumstances already in the public record, it is reasonable to conclude that the conversations at issue related to the President's Article II duty to "take Care that the Laws be faithfully executed." [111] The break-in at the Democratic Party headquarters soon became a pervasive topic of conversation throughout the country. There occurred constant and widespread speculation concerning the possible involvement of high public officials, and some suspected that the Justice Department was not investigating the matter thoroughly. There is evidence that the President, like other citizens, was concerned that the laws were not being fully enforced.

Especially in view of allegations linking the burglary to the White House staff, it was appropriate for the President, as the nation's chief law enforcement officer, to discuss these matters with his advisers.[112] Thus, it is reasonable to conclude that the discussions covered by the subpena related to the President's Article II duty to execute the laws. The possibility that the President also may have been concerned about the political effect of the offenses on the Republican Party is not inconsistent with the performance of his Article II duties.

Since the subpoenaed tapes are recordings of the President's confidential conversations and there is a reasonable probability that the discussions related to the President's Article II duties, there exists at least a "reasonable danger" that disclosing the tapes would jeopardize the very interest which the presidential communication privilege is designed to protect. Just as the *Reynolds* Court found only a "reasonable danger" that disclosure would jeopardize protected interests,[113] it is not necesary in this case to conclude with absolute certainty that disclosure would violate presidential confidentiality in matters of official concern. *Reynolds* only requires a "reasonable danger," and that standard is satsified here.

Since there exists a reasonable danger that disclosing the recordings would infringe upon protected presidential confidentiality, an examination of the tapes by a judge even in chambers would be improper. Once a President asserts his privilege, a court's only function is to determine whether the circumstances are appropriate for the claim of privilege.[114] Yet the court must make this determination without forcing disclosure of the very communication which the privilege protects.[115] Thus an *in camera* inspection is proper only if the court cannot otherwise satisfy itself that the privilege should be sustained. In the present case, we are satisfied that appropriate circumstances do exist and, therefore, would hold that even *in camera* inspection is improper.

B. Privilege not destroyed by possibility of criminal conspiracy by advisers

The Special Prosecutor also argues that the privilege disappears upon a *prima facie* showing that the conversations occurred as part of a criminal conspiracy by certain of the President's advisers.[116] He strenuously argues that abuse of the privileged relationship vitiates any otherwise valid privilege possessed by the President. The argument is fatally defective, however, since the President alone holds the privilege which is designed to ensure the integrity of his decisional processes. The possibility that those close to him may have perverted the relationship cannot destroy the privilege held in the public interest exclusively by the President.

The Special Prosecutor relies heavily upon *Clark v. United States,* 289 U.S. 1 (1933), to sustain his position, but that case is not to the contrary. *Clark* involved a prospective juror who on *voir dire* concealed facts and falsely swore in order to be accepted as a juror. Whatever privilege she might have possessed as a juror could "not apply where the relation giving birth to it was fraudulently begun or fraudulently continued. *Id.* at 14. It is questionable, of course, whether the privilege of a jury is at all comparable to the presidential communications privilege. In any event, the privilege discussed in *Clark* is designed to protect the deliberations of the entire jury and thus belongs to the jury as an entity. A single juror cannot waive the privilege for all other jurors and make public against their wishes the discussions that occurred in the secrecy of the jury room. A corollary of this principle is that, although a nonculpable juror properly may invoke the privilege, a juror who has abused the privileged relationship cannot assert the privilege to shield himself from criminal sanction if the remaining jurors wish to testify. There is not the slightest indication in *Clark* that the nonculpable jurors attempted to interpose their privilege to keep the jury deliberations secret. Thus *Clark* only decided that a juror who abuses the relationship which creates the privilege loses any privilege he otherwise might have possessed; such a juror may not validly interpose a privilege retained by nonculpable jurors who are willing to testify.

Footnotes at end of article.

Indeed, the analogy of the attorney-client privilege referred to in *Clark*[117] supports the view that an innocent holder of a privilege does not lose it because of misconduct by another. The client, not the attorney, is the holder of that privilege and thus, as *Clark* states, "the loss of the privilege [does not] depend upon the showing of a conspiracy, upon proof that client and attorney are involved in equal guilt. The attorney may be innocent, and still the guilty client must let the truth come out." *Id.* at 15. By contrast, where the client is innocent, his privilege does not fail because of any misconduct by his attorney. The client cannot control the use to which his attorney puts information confided to him during the course of their relationship, but relies simply upon the attorney's sense of professional integrity. It would be manifestly unjust to penalize the ordinary client by exposing to public scrutiny the intimate details of his personal and financial life upon a *prima facie* showing that his attorney had utilized such information in an illegal enterprise. Similarly, possible abuse of the privileged relationship by advisers to the President cannot vitiate the privilege help by him alone to protect the integrity of the presidential deliberative process.

C. The impeachment clause and the possibility of presidential misconduct

Thus the Special Prosecutor's case finally rests upon a showing of probable cause to believe that the President himself was guilty of misconduct. However, the Special Prosecutor has never strongly urged the point, preferring to rest his case upon the showing of criminal involvement by those close to the President. Although we would be reluctant to consider a contention never directly pressed, our greater reluctance is premised more fundamentally upon the ground that such a determination at this stage of the proceedings is constitutionally inhibited. We state here not a firm conclusion, but one of sufficient merit to circumscribe judicial inquiry. The constitutional inhibition essentially derives from implications inherent in the Impeachment Clause:

"Juudgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law." U.S. Const. art. I, § 3 ¶ 7. And, of course, a President may be removed from office only upon impeachment. *Id.*, art. II, § 4.

Our starting point is the proposition that a President is subject to the criminal laws, but only after he has been impeached by the House and convicted by the Senate and thus removed from office. The contemporaneous views of the Framers clearly supports the view that all aspects of criminal prosecution of a President must follow impeachment. For example, Gouveneur Morris stated during the debates on impeachment that:

"A conclusive reason for making the Senate instead of the Supreme Court the Judge of impeachments, was that the latter was to try the President *after* the trial of the impeachment." 2 Farrand, Records of the Federal Convention 500 (rev. ed. 1966) (emphasis added). And Alexander Hamilton in the Federalist Papers twice reiterated the proposition that removal from office must precede any form of criminal process against an incumbent President:

"The punishment which may be the consequence of conviction upon impeachment, is not to terminate the chastisement of the offender. *After* having been sentenced to a perpetual ostracism from the esteem and confidence, and honors and emoluments of his country, he will still be liable to prosecution and punishment in the ordinary course of law." The Federalist No. 65, at 426 (Modern Library ed. 1937).

"The President of the United States would be liable to be impeached, tried, and, upon conviction of treason, bribery, or other high crimes or misdemeanors, removed from office; and would *afterwards* be liable to prosecution and punishment in the ordinary course of law." The Federalist No. 69, at 446 (Modern Library ed. 1937).

A modern commentator similarly argues that the Impeachment Clause "sharply separates removal from office from subsequent punishment after indictment. . . . Removal would enable the government to replace an unfit officer with a proper person, leaving 'punishment' to a later and separate proceeding, if indeed the impeachable offense were thus punishable." Berger, Impeachment: The Constitutional Problems 79 (1973). *See generally* authorities collected in Brief for Petitioner at 17–26.

Sound policy reasons preclude criminal prosecution until after a President has been impeached and convicted. To indict and prosecute a President, or to arrest him before trial, would be constructively and effectively to remove him from office, an action prohibited by the Impeachment Clause. A President must remain free to travel, to meet, confer and act on a continual basis and be unimpeded in the discharge of his constitutional duties. The real intent of the Impeachment Clause, then, is to guarantee that the President always will be available to fulfill his constitutional duties.

Finally, having established that criminal prosecution of an incumbent President must follow impeachment, we come to the reasons this court cannot consider questions of presidential guilt, at least at this stage of the proceedings. Counsel for the President seem to place their argument upon the irrelevance of presidential guilt to the grand jury because of its inability to indict the President:[118]

". . . there seems to be a suggestion at pages 19–22 of the Opinion [below] that an otherwise valid claim of privilege by the President would be overridden if the evidence sought would show that the President himself had been guilty of a crime. But if there were such evidence of crime against an incumbent President—and there is none in this case—it could not be relevant to the work of a grand jury or of the District Court because of the inability to indict a President prior to impeachment."

This is an insufficient reason, however, since evidence of presidential involvement in a criminal conspiracy might be relevant to establish the case against his advisors.[119] We prefer to rely upon a discrete, but closely related proposition. That is, that a judicial determination of a *prima facie* case against the President and a grand jury determination of whether or not to indict are sufficiently comparable in the impeachment context so that if one is constitutionally prohibited, the other must be also, for each is a finding that it is probable that the President has committed a crime. There is a distinction, of course, in that an indictment initiates actual criminal prosecution, but this is not a dispositive distinction; a judicial determination that it is more probable than not that the President himself is guilty of criminal activity would just as effectively disable a President in the discharge of his constitutional duties. The courts cannot properly, in effect, *ex cathedra* stamp their own imprimatur of guilt upon an incumbent President, if to do so would vitiate the sound judgment of the Framers that a President must possess the continuous and undiminished capacity to fulfill his constitutional obligations. In my opinion such a judicial determination of the probability of presidential guilt would have just such an effect. For these reasons, a court should not directly confront an only obliquely urged assertion of a *prima facie* case against an incumbent President.

D. Prior testimony by presidential advisors does not require disclosure of the tape recordings

The Special Prosecutor contends that whatever privilege the President may have possessed has been waived by the President's statement on May 22, 1973 allowing testimony by his counsel and aides.[120] He argues that a distinction between tape recodings and testimony would be "an intolerable distinction [because] [c]onfidentiality no longer exists in any real sense."[121]

As a starting point, the privilege has not been waived at least as to any matters not already testified to by his advisers. The confidentiality surrounding as yet undisclosed conversations has not been impaired. As to those portions of the tape recordings that have been the subject of testimony before the Senate Investigating Committee, the resolution of the waiver issue is more complex, but the answer appears equally clear. There has been no waiver. This conclusion rests upon three factors: the strict standards applied to privileges of this nature to determine waiver; the distinction between oral testimony and tape recordings; and, most important, considerations of public policy that argue persuasively for a privilege that permits the Chief Executive to disclose information on topics of national concern without decimating entirely his right and duty to withhold that which properly ought to be withheld in the public interest.

The determination of whether the President has waived his privilege does not depend upon whether it is purely one of constitutional dimensions, only an evidentiary privilege or one that partakes of attributes of both. For, whatever its source, the privilege is sufficiently essential to the effective functioning of the Presidency to require that the standards employed to determine its waiver be as rigorous as those applied to protect constitutional rights generally.

This simply recognizes that the present and future ability of Presidents effectively to discharge their constitutional duties is as fundamental to our democratic form of government as are the rights guaranteed by the Constitution to each individual. It is well established in the law that the presumption is against waiver of fundamental or constitutional rights. Indeed, "courts indulge every reasonable presumption against waiver" of such rights. *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938); *Aetna Inc. Co. v. Kennedy*, 301 U.S. 389 (1937); *Hodges v. Easton*, 106 U.S. 408 (1882). Thus a heavy burden must be met by the Special Prosecutor to establish waiver in this case.

In *Reynolds* the Supreme Court indicated that at least some of the significance attached to the fifth amendment privilege against self-incrimination applied as well to the military or state secrets privilege. The adoption in *Reynolds* of similarly stringent procedures to establish a valid invocation of the privilege implicitly recognized that the two privileges are of equal significance in our governmental system.[122] While counsel for the President are not entirely correct in their assertion that *Reynolds* is dispositive of the waiver issue here,[123] that case nonetheless suggests a helpful framework for analysis. Suppose in that case the Government was willing to permit testimony not only as to non-classified matters, but also as to general descriptions of classified matters. Such an offer could not be construed as a waiver of the Government's privilege to refuse to produce the specifications and blueprints of the secret military technology there in question.[124]

Similarly, in this case there exists a valid and tenable distinction between testimony and tape recordings. Confidentiality is composed of many elements and the difference in degree between allowing generalized, selec-

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Footnotes at end of article.

tive testimony and the recordings themselves is sufficiently great to constitute a difference in kind. Counsel for the President have well stated that distinction:

"Recordings are the raw material of life. By their very nature they contain spontaneous, informal tentative, and frequently pungent comments on a variety of subjects inextricably intertwined into one conversation."[125]

The distinction between testimony and tape recordings is not drawn for the purpose of preserving the right, in itself, of public officials to speak pungently and bluntly. Rather, what is sought to be preserved are the qualities of directness and candor that flow from discussions where it is unnecessary for the participants to dissemble, to seek the felicitous phrase or to be concerned about interpretations that may be skewed if heard by an unfriendly audience. Failure to recognize the distinction between testimony and recordings here would impede, rather than promote, open and frank discussions. Thus a waiver as to testimony cannot be construed as a waiver of the right to withhold the tape recordings.[126]

The proper resolution of the waiver issue depends more fundamentally, however, upon a reasoned compromise between two clear and well-established principles that sustain the efficacy of democratic government in modern times. That is, the general right and need of the public to be well informed, and the imperative need of government to maintain secrecy and confidentiality in certain situations.[127] Although seemingly antagonistic, both principles emerge from, and are but the recognized end result of, that determination ever present in the law: "Where lies the public interest?" The continued vitality of these two principles perforce demands that any rule on waiver of presidential privilege be formulated to, at once, preserve the privilege to the greatest extent consistent with the public interest and promote as full disclosure by high public officers as possible. In this case that goal would best be achieved by holding that the privilege has not been waived. The policy favoring openness of government dictates that a President should be able to disclose certain selected information relevant to topics of national concern and to permit testimony by subordinate executive officers on such topics, without being compelled to make a complete disclosure of that which is essential properly to maintain the confidentiality and integrity of advice and information furnished to the Presidency.[128]

The majority prefers not to confront this problem directly, but merges what is essentially a question of waiver into its initial balancing process to determine that the need to preserve confidentiality in this case is lessened. Having done this, the majority then strikes the balance against presidential privilege. But this does not resolve the dilemma posed. Whether future Presidents perceive the question of partial disclosure to enter at the balancing stage or as a waiver determination, they will be reluctant partially to disclose information if such disclosure would, under either mode of analysis, increase the probability of compelled full disclosure. The strong public interest in preserving this latitude for future Presidents requires a finding that on the facts presented in this case executive privilege has not been waived.

V. CONCLUSION

For the reasons above stated it is my conclusion that the presidential communications privilege may be exercised to decline to produce the recordings, and that this privilege has not been waived. I would thus enter judgment accordingly in all cases.

If this rule were recognized, the President would then be free voluntarily to type up a transcript of the recordings that are the subject of this litigation and present it to the grand jury with the material deleted that he considers confidential. He could explain the deleted matter.[129] As to the deleted material the President's action would be submitted to the test of public opinion and eventually, when the tapes are released for posterity, to the test of history.

FOOTNOTES

[1] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952).

[2] *Id.* at 594–96 (Frankfurter, J., concurring).

[3] United States v. Arredondo, 31 U.S. (6 Pet.) 691, 714 (1832).

[4] Inland Waterways v. Young, 309 U.S. 517, 525 (1940).

[5] Cohens v. Virginia, 19 U.S. (6 Wheat.) 264, 418–19 (1821); Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.) 304, 350 (1816). *Martin v. Hunter's Lessee, supra,* established the power of the Supreme Court to review state court decisions in civil cases. Later, in the decision upholding the court's power to review state criminal decisions, Chief Justice Marshall pointedly remarked:

"This concurrence of statesmen, of legislators and judges, in the same construction of the Constitution, may justly inspire some confidence in that construction." Cohens v. Virginia, *supra,* at 419.

Other important constitutional decisions evidence Supreme Court reliance upon custom and usage. *Cooley v. Board of Wardens,* 53 U.S. (12 How.) 298 (1851), involved the constitutionality of a state law which required vessels to take a pilot in certain waters. In finding that the law did not violate the Constitution, the Court relied upon the existence of such state laws since the adoption of the Constitution and the fact that "similar laws have existed and been practiced in the states since the adoption of the federal Constitution," and that Congress in its legislative acts had recognized the existence of such laws. This contemporaneous construction was held to be entitled to great weight. *Id.* at 315.

In *Stuart v. Laird,* 5 U.S. (1 Cranch) 299 (1803), the court relied upon contemporaneous construction of the Constitution, followed by practice and acquiescence, in affirming Congress' power to authorize Supreme Court Justices to sit as circuit judges without receiving additional commissions. This usage was held to be of the "most forcible nature" and "too strong and obstinate to be shaken or controlled." *Id.* at 309.

[6] United States v. Midwest Oil Co., 236 U.S. 459, 472–73 (1915).

[7] *See* pp. 15–17 *infra.*

[8] N.Y. Times, Sept. 3, 1948, at 5. The Truman Memorandum consists of 102 pages and the original now rests in the Harry S. Truman Library at Independence, Missouri.

[9] *Résumé and Conclusions*

A bird's-eye view of the refusals by seventeen of our Presidents, and their heads of departments, to comply with congressional requests for information and papers from the Executive, beginning with 1796 to the present time, follows (In the bird's-eye picture, reference is made to the refusals of Presidents Monroe, Fillmore, Lincoln, and Hayes [;] Monroe's refusal may be found in a message dated January 10, 1825, 2 Richardson, Messages and Papers of Presidents, p. 278' [*sic*] Fillmore's in 5 Richardson, p. 159; Lincoln's in 6 Richardson, p. 12, and the refusal in Hayes' administration is dealt with in 17 Cong. Rec. 2332 and 2618.):

President, Date, and Type of Information Refused.

George Washington, 1796, Instruction to U.S. Minister concerning Jay Treaty.

Thomas Jefferson, 1807, Confidential information and letters relating to Burr's conspiracy.

James Monroe, 1825, Documents relating to conduct of naval officers.

Andrew Jackson, 1833, Copy of paper read by President to heads of departments relating to removal of bank deposits.

1835, Copies of charges against removed public official.

List of all appointments made without Senate's consent, since 1829, and those receiving salaries, without holding office.

John Tyler, 1842, Names of Members of 26th and 27th Congresses who applied for office.

1843, Report to War Department dealing with alleged frauds practiced on Indians, and Col. Hitchcock's views of personal characters of Indian delegates.

James K. Polk, 1846, Evidence of payments made through State Department, on President's certificates, by prior administration.

Millard Fillmore, 1852, Official information concerning proposition made by King of Sandwich Islands to transfer islands to U.S.

James Buchanan 1860, Message of Protest to House against Resolution to investigate attempts by Executive to influence legislation.

Abraham Lincoln, 1861, Dispatches of Major Anderson to the War Department concerning defense of Fort Sumter.

Ulysses S. Grant, 1876, Information concerning executive acts performed away from Capitol.

Rutherford B. Hayes, 1877, Secretary of Treasury refused to answer questions and to produce papers concerning reasons for nomination of Theodore Roosevelt as Collector of Port of New York.

Grover Cleveland, 1886. Documents relating to suspension and removal of Federal officials.

Theodore Roosevelt, 1909, Attorney General's reasons for failure to prosecute U.S. Steel Corporation.

Documents of Bureau of Corporations, Department of Commerce.

Calvin Coolidge, 1924, List of companies in which Secretary of Treasury Mellon was interested.

Herbert Hoover, 1930, Telegrams and letters leading up to London Naval Treaty.

1932, Testimony and documents concerning investigation made by Treasury Department.

Franklin D. Roosevelt, 1941, Federal Bureau of Investigation reports.

1943, Director, Bureau of the Budget, refused to testify and to produce files.

1943, Chairman, Federal Communications Commission, and Board of War Communications refused records.

1943, General Counsel, Federal Communications Commission, refused to produce records.

1943, Secretaries of War and Navy refused to furnish documents, and permission for Army and Naval officers to testify.

1944, J. Edgar Hoover refused to give testimony and to produce President's directive.

President Truman, 1945, Issued directions to heads of executive departments to permit officers and employees to give information to Pearl Harbor Committee.

President's directive did not include any files or written material.

1947, Civil Service Commission records concerning applicants for positions. Truman Memorandum at 44a, b, c (1948).

[10] 3 Annals of Congress 493.

[11] 1 Writings of Thomas Jefferson 303–04 (1905).

[12] Brinkley, President and Congress 441 (1947), in Truman Memorandum at 6.

[13] 1 Richardson, "Messages and Papers of the Presidents" 412 (1807); in Truman Memorandum at 8.

[14] Truman Memorandum at 9.

[15] C. Warren, *Presidential Declaration Of Independence,* 10 B.U.L.Rev. 11, 12 (1930); 13 Cong. Deb. Part 2, App. at 202 (1837).

[16] 3 Hind's Precedents 181 (1907).

[17] *Id.* at 182.

[18] IV Richardson, *supra* note 13, at 433.

[19] *Id.*, Vol. V, at 618–19.

[20] *Id.*, Vol. VII, at 362.

[21] *See* Senate Miscellaneous Documents,

Vol. 7, 52nd Cong., 2d Sess. 232–72; Truman Memorandum at 21.

[22] Grover Cleveland, Presidential Problems 63–64.

[23] 43 Cong. Rec. 527–28 (1909).

[24] 65 Cong. Rec. 6087, 6108 (1924).

[25] 72 Cong. Rec. 12029 (1930).

[26] 40 Ops. Att'y Gen. No. 8, April 30, 1941.

[27] Truman Memorandum at 33.

[28] Letter of January 22, 1944, Francis Biddle, Attorney General.

[29] Truman Memorandum at 39–40.

[30] N.Y. Times, May 18, 1954, at 24 (Attorney General Brownell's Memorandum).

[31] N.Y. Times, May 18, 1954, at 1, 24. An extensive memorandum by Attorney General Herbert Brownell recites numerous instances where outstanding Presidents had refused congressional demands for confidential information and papers. These included Presidents Washington, Jefferson, Jackson, Tyler, Buchanan, Grant, Cleveland, Theodore Roosevelt, Coolidge, Hoover, Franklin D. Roosevelt and Truman. N.Y. Times, May 18, 1954, at 24.

[32] The Act of Jan. 24, 1857 provided:

Chap. XIX.—*An Act more effectually to enforce the Attendance of Witnesses on the Summons of either House of Congress, and to compel them to discover Testimony.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That any person summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter before either House, or any committee of either House of Congress, who shall wilfully make default, or who, appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration before the House or committee by which he shall be examined, shall in addition to the pains and penalties now existing, be liable to indictment as and for a misdemeanor, in any court of the United States having jurisdiction thereof, and on conviction, shall pay a fine not exceeding one thousand dollars and not less than one hundred dollars, and suffer imprisonment in the common jail not less than one month nor more than twelve months.

* * * * *

Sec. 3. *And be it further enacted,* That when a witness shall fail to testify, as provided in the previous sections of this act, and the facts shall be reported to the House, it shall be the duty of the Speaker of the House or the President of the Senate to certify the fact under the seal of the House or Senate to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

Approved, January 24, 1857. 11 Stat. 155.

[33] *See* Jurney v. McCracken, 294 U.S. 125, 151 (1935). 2 U.S.C. § 192 (1970) provides the present authority:

§ 192. Refusal of witness to testify or produce papers.

Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than $1,000 nor less than $100 and imprisonment in a common jail for not less than one month nor more than twelve months. (R. S. § 102; June 22, 1938, ch. 594, 52 Stat. 942.)

[34] 103 U.S. 168 (1880).

[35] *Id.* at 190.

[36] 3 Hinds' Precedents § 2663, at 1112 (1907).

[37] *Id.*

[38] *Id.* § 2663, at 1113.

[39] *Id.* at 1112–14.

[40] 14 Cong. Rec. 1525 (1876).

[41] 6 Cannon's Precedents § 586, at 825 (1936).

[42] — U.S.App.D.C. —, — F.2d — (Nos. 24,279, 24,412 & 71–2034, August 30, 1973).

[43] 116 Cong. Rec. 36481 (1970) (emphasis added).

[44] Transcript of testimony of Julien G. Sourwine, Nov. 18, 1970, at 16, United States Servicemen's Fund v. Eastland, Civil Action No. 1474070 (D.D.C., Oct. 21, 1971).

[45] *Id.*

[46] *Id.*

[47] New York Times v. United States, 403 U.S. 713, 752 n.3 (1971) (Burger, C.J., dissenting).

[48] 5 U.S.C. § 552(b), (c) (1970).

[49] Soucie v. David, 145 U.S.App.D.C. 144, 157, 448 F.2d 1067, 1080 (1971) (Wilkey, J., concurring). Writing for the court in *Soucie,* Chief Judge Bazelon recognized that disclosure of information under the Freedom of Information Act was not to harm specific governmental interests:

"The touchstone of any proceeding under the Act must be the clear legislative intent to assure public access to all governmental records whose disclosure would not significantly harm specific governmental interests." Soucie v. David, *supra* at 157, 448 F.2d at 1080.

[50] Brief for Petitioner at 32–33.

[51] 14 F.R.D. 335 (1953).

[52] *Id.* at 336.

[53] It is an interesting footnote to history that the Justice Department, headed by then Attorney General John N. Mitchell, furnished the investigatory material in its possession to Chief Justice Earl Warren but resisted congressional demands for full disclosure of its information in the Fortas controversy. N.Y. Times, May 18, 1969, at 1, col. 2.

[54] N.Y. Times, May 18, 1969, at 1, col. 3 (emphasis added).

[55] Per Curiam opinion at 30.

[56] 345 U.S. 1 (1953).

[57] *Id.* at 11.

[58] *Id.*

[59] *See, e.g.,* EPA v. Mink, 410 U.S. 73, 87 (1973); New York Times Co. v. United States, 403 U.S. 713, 752 n.3 (1971) (Burger, C.J., dissenting); Carl Zeiss Stiftung v. V.E.B. Carl Zeiss, Jena, 40 F.R.D. 318, 324–26 (D.D.C. 1966), *aff'd on the opinion below,* 128 U.S. App. D.C. 10, 384 F. 2d 979, *cert. denied,* 389 U.S. 952 (1967); 5 U.S.C. § 552(b)(5) (1970) (Freedom of Information Act); Bishop, *The Executive's Right of Privacy: An Unresolved Constitutional Question,* 66 Yale L.J. 477, 487 (1957).

[60] Per Curiam opinion at 30–31, *quoting* Committee for Nuclear Responsibility, Inc. v. Seaborg, 149 U.S. App. D.C. 385, 391, 463 F. 2d 788, 794 (1971).

[61] 14 U.S. (1 Wheat.) 304, 344–45 (1816). *See also* Bishop, *supra* note 59, at 488.

"The plain and short answer to this is that neither can there be a menace to constitutional government by an executive which has to go to Congress for every cent it spends, which has no power by itself to raise and maintain armed forces and which cannot jail its citizens except under a law passed by Congress and after proceedings presided over by an independent judiciary. These are the factors that make the essential difference between an American President and Big Brother. . . ." *Id.*

EPA v. Mink, 410 U.S. 73 (1973), involved nine documents whose production was sought under the Freedom of Information Act of 1966. 5 U.S.C. § 552 (1970). Six of those documents were held absolutely privileged and were exempt even from *in camera* inspection under Exemption 1 of the Act simply upon their classification by Executive order as military or state secrets.

Thus the vesting of absolute discretion in the President is nothing new. The Congress had sufficient faith in the Presidency to do so under Exemption 1:

"[The legislative history] makes wholly untenable any claim that the Act intended to subject the soundness of executive security classifications to judicial review at the insistence of any objecting citizen. It also negates the proposition that Exemption 1 authorizes or permits *in camera* inspection of a contested document bearing a single classification so that the court may separate the secret from the supposedly nonsecret and order disclosure of the latter." 410 U.S. at 84. Indeed, that faith was redeemed when the President instituted new procedures more consistent with the policy underlying the FOIA to insure that only specific documents or portions thereof were classified Secret or Top Secret. *Id.* at 102–03.

The three documents not within Exemption 1 apparently were not even direct communications to the President, as is the case here, but were actually transmitted to a Mr. Irwin, Chairman of the "Under Secretaries Committee." *Id.* at 76 n. 3. *Mink* also held that the deliberative portions of the documents, as distinguished from the purely factual portions, were privileged and that if the privileged were inextricably intermixed with the unprivileged materials, then neither was to be produced. *Id.* at 91.

[62] Pub. L. No. 373, 69 Stat. 695 (Aug. 12, 1955) (now 44 U.S.C. §§ 2101, 2107, 2108).

[63] 44 U.S.C. § 2101 (1970).

[64] *Id.* § 2107(1).

[65] Letter from President Eisenhower to Administrator of General Services, April 13, 1960; Agreement of February 25, 1965, between Mrs. Jacqueline B. Kennedy and the United States; Letter from President Johnson to the Administrator of General Services, August 13, 1965.

[66] *See e.g.,* Nader v. Butz, Civil Action No. 148–72 (D.D.C., Aug. 1, 1973), *appeal docketed,* No. 73–1935, D.C. Cir., Aug. 15, 1973.

[67] *See* pp. 17–25 *supra.*

Concurring in *Youngstown Sheet & Tube Co.,* Justice Frankfurter opined:

It ought to be, but apparently is not, a matter of common understanding that clashes between different branches of the government should be avoided if a legal ground of less explosive potentialities is properly available. Constitutional adjudications are apt by exposing differences to exacerbate them.

Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 595 (1952) (Frankfurter, J., concurring). This was the result in the recent Pentagon Papers case. New York Times v. United States, 403 U.S. 713 (1971). There both sides lost. The newspaper lost in its attempt to have a wider privilege upheld for the press, and the Government lost in its attempt to block the publication of most of the papers. If the President's claim here is denied, the Congress and the Judiciary may find that such precedent will be used as the authority for each of them at the behest of the other to lose substantial portions of their presently asserted independence.

[68] *E.g.,* Committee for Nuclear Responsibility, Inc. v. Seaborg, 149 U.S. App. D.C. 385, 463 F. 2d 788 (1971); Kaiser Aluminum & Chemical Corp. v. United States, 157 F. Supp. 939 (Ct. Cl. 1958); *see* 8 Wright & Miller, Federal Practice and Procedure § 2019, at 167–75 (1970).

[69] *E.g.,* Kaiser Aluminum & Chemical Corp. v. United States, 157 F. Supp. 939, 947 (Ct. Cl. 1958); *see* Proposed Fed. Rules of Evidence, Rule 509, Comment (a)(2) (Feb. 1973).

[70] *See generally* Kendall v. United States, 37 U.S. (12 Pet.) 524, 610 (1838).

Distinguishing the Presidency from lesser executive agencies does not establish a "Fourth Branch" of government. This distinction merely recognizes the practical realities of the government's operation. Our "living Constitution" and the general separation of powers concept it embodies do not mandate a decision which blindly applies the same privilege to the entire executive branch. It is unnecessary at this time to decide whether the absolute privilege should extend beyond the President to protect cabinet officers and other high executive officials.

[71] 408 U.S. 606 (1972).

[72] *Id.* at 627; *see* United States v. Doe, 455 F. 2d 753, 760–61 (1st Cir. 1972), *vacated & remanded sub nom.* Gravel v. United States, 408 U.S. 606 (1972).

[73] 408 U.S. at 627.

[74] *See* Barr v. Matteo, 360 U.S. 564 (1959); Gregoire v. Biddle, 177 F.2d 579 (2d Cir. 1949).

[75] *See* notes 68–69 *supra* and accompanying text.

[76] The official immunity doctrine . . . confers immunity on government officials of suitable rank for reason that "officials of government should be free to exercise their duties unembarrassed by the fear of damage suits in respect to acts done in the course of those duties—suits which would consume time and energies which would otherwise be devoted to governmental service and the threat of which might appreciably inhibit the fearless, vigorous, and effective administration of policies of government." Doe v. McMillan, 93 S. Ct. 2018, 2028 (1973), *quoting* Barr v. Matteo, 360 U.S. 564, 571 (1959).

[77] 25 F. Cas. 30 (No. 14,692d) (Marshall, Circuit Justice, 1807); *id.* at 187 (No. 14,694).

[78] The Per Curiam opinion states, "We think the *Burr* case makes clear that application of Executive privilege depends on a weighing of the public interest protected by the privilege against the public interests that would be served by disclosure in a particular case." Per Curiam opinion at 28.

[79] 25 F. Cas. at 36 (No. 14,692d).

[80] 25 F. Cas. at 191, 192 (No. 14,694).

Other important decisions also recognize the strength of assertions of privilege by Presidents and cabinet officers. In *United States* v. *Cooper,* a prosecution charging the publication of a libel against the President, Justice Chase, a colleague of Chief Justice Marshall, "refused to permit a subpoena to issue directed to the president of the United States." 25 F. Cas. 631, 633 (No. 14,865) (Chase, Circuit Justice, 1800).

Later, during the trial in *Marbury* v. *Madison,* when a question arose as to whether the Attorney General, who had been acting as Secretary of State during the period relevant to the trial, should answer as to facts which came to his knowledge through his official capacity, Chief Justice Marshall stated:

"There was nothing confidential required to be disclosed. If there has been he was not obliged to answer it; and if he thought that any thing was communicated to him in confidence he was not bound to disclose it." 5 U.S. (1 Cranch) 137, 144 (1803).

[81] It does not even appear to the court that the President does object to the production of any part of this letter. The objection, and the reasons in support of the objection, proceed from the attorney himself, and are not understood to emanate from the president. 25 F. Cas. at 192 (No. 14,694).

[82] *Id.* at 193.

[83] The incident had other overtones of interest to historians, some of whom appear to have different versions. *See* 3 BEVERIDGE, THE LIFE OF JOHN MARSHALL 518–22 (1919); ROSSITER, THE AMERICAN PRESIDENCY 70 (1956); Berger, *Executive Privilege* v. *Congressional* Inquiry, 12 U.C.L.A.L. REC. 1043, 1107 (1965).

The case presently under discussion was the misdemeanor trial of Aaron Burr. There are conflicting claims as to whether President Jefferson ever complied with a subpoena in the earlier treason case against Burr. Professor Corwin states that "Jefferson when President [refused] to respond to Chief Justice Marshall's subpoena in Aaron Burr's trial for treason." CORWIN, THE PRESIDENT—OFFICE AND POWERS, 1787–1957, at 113 (1957).

[84] U.S. CONST. amend. VI.

The eighth amendment [*sic*] to the constitution gives to the accused, "in all criminal prosecutions, a right to a speedy and public trial, and to compulsory process for obtaining witnesses in his favor." 25 F. Cas. at 33 (No 14,692d). This right includes the right to compel production of papers in a witness' possession. *Id.* at 34.

[85] Chief Justice Marshall distinguished the power to issue a subpoena from the power to compel obedience to it:

"If, then, as is admitted by the counsel for the United States, a subpoena may issue to the president, the accused is entitled to it of course; and whatever difference may exist with respect to the power to compel the same obedience to the process, as if it had been directed to a private citizen, there exists no difference with respect to the right to obtain it. The guard, furnished to this high officer, to protect him from being harassed by vexatious and unnecessary subpoenas, is to be looked for in the conduct of a court after those subpoenas have issued; not in any circumstance which may precede their being issued." 25 F. Cas. at 34 (No. 11,692d). This passage reflects Marshall's understanding that the mere issuance of a subpoena to a person does not necessarily mean that the isssuance is proper or that the individual to whom it is directed is required to comply in all circumstances. However, the "guard" to which Marshall refers in the quoted passage is never definitively explained in the opinion.

[86] 25 F. Cas. at 192 (No. 14,694).

[87] Perhaps the court ought to consider the reasons which would induce the President to refuse to exhibit such a letter as conclusive on it, unless such letter could be shown to be absolutely necessary in the defense. The President may himself state the particular reasons which may have induced him to withhold a paper, and the court would unquestionably allow their full force to those reasons. At the same time, the court could not refuse to pay proper attention to the affidavit of the accused. But on objections being made by the President to the production of a paper, the court would not proceed further in the case without such an affidavit as would clearly shew the paper to be essential to the justice of the case. On the present occasion the court would willingly hear further testimony on the materiality of the paper required, but that is not offered. *Id.*

[88] Branzburg v. Hayes, 408 U.S. 665, 688 (1972).

It can be argued that the fifth amendment guarantee of indictment by a grand jury presents considerations of fairness that are comparable to the sixth amendment right involved in the *Burr* case. The function of a grand jury is not only to indict the guilty, but also to shield innocent persons from prosecution, *id.* at 686–87, and the inability of a grand jury to obtain privileged information might result in the indictment of innocent persons. But in my opinion the inherent strength of the grand jury process affords sufficient protection against indictment of innocent persons where the grand jury believes that exculpatory evidence has been wrongfully withheld.

[89] Under certain circumstances, the Government's unwillingness to disclose relevant evidence may result in dismissal of the indictment. *See, e.g.,* Alderman v. United States, 394 U.S. 165, 184 (1969) (illegal electronic surveillance); Brady v. Maryland, 373 U.S. 83, 87 (1963) (favorable and material evidence); Roviaro v. United States, 353 U.S. 53, 61 (1957) (identity of material witness); 18 U.S.C. § 3500 (1970) (Jencks Act). Although the Chief Executive ordinarily retains ultimate control over criminal prosecutions by the United States, a Special Prosecutor has been appointed to conduct the prosecutions related to this case. This unique division of authority within the executive branch may distinguish the cases cited above. *See generally* United States v. Eley, 335 F. Supp. 353, 358 (N.D. Ga. 1972). Since the issue is not squarely presented in the present case, I express no view on its proper resolution.

[90] James Wilson was an advocate of a strong executive. Early in the Constitutional Convention on June 1, 1787, "Mr. Wilson moved that the Executive consist of a single person. . . . Mr. Wilson preferred a single magistrate, as giving most energy, dispatch and responsibility to the office." 1 FARRAND, RECORDS OF THE FEDERAL CONVENTION 67 (1966). He was a member of the Continental Congress, a signer of the Declartion of Independence, and an associate justice of the United States Supreme Court, appointed by Washington in 1789.

As a constructive statesman Wilson had no superior in the Federal Convention of 1787. He favored the independence of the executive, legislative and judicial departments, the supremacy of the Federal Government over the State Governments, and the election of senators as well as representatives by the people, and was opposed to the election of the President or the judges by Congress. His political philosophy was based upon implicit confidence in the people, and he strove for such provisions as he thought would best guarantee a government by the people. Together with Gouverneur Morris he wrote the final draft of the Constitution and afterwards pronounced it "the best form of government which has ever been offered to the world." In the Pennsylvania ratification convention (November 21 to December 15, 1787) he was the constitution's principal defender. 23 ENCYCLOPEDIA BRITANNICA 632 (1954).

[91] U.S. CONST. art. I, § 7.

[92] *Id.*, art. II, § 2.

[93] Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).

[94] Indeed, *Youngstown Sheet & Tube Co. v. Sawyer,* 343 U.S. 579 (1952), stands for nothing more than this. There, the seizure of the steel mills constituted the "final action" which the Supreme Court held unconstitutional and ordered undone. The Court, however, did not inquire into the decisional process or the wisdom of the decision in terms of military necessity—it simply held that the act of seizure was unconstitutional. We fully agree that this was a legitimate check on an unconstitutional final action.

[95] Levine v. United States, 362 U.S. 610, 617 (1960).

A grand jury is clothed with great independence in many areas, but it remains an appendage of the court, powerless to perform its investigative function without the court's aid, because powerless itself to compel the testimony of witnesses. It is the court's process which summons the witness to attend and give testimony, and it is the court which must compel a witness to testify if, after appearing, he refuses to do so. Brown v. United States, 359 U.S. 41, 49 (1959).

[96] *See* note 109 *infra*. *See generally* notes 109–112 *infra* and accompanying text.

[97] *See* note 94, *supra*. The fact that the final decision to prosecute or not to prosecute is not ministerial, but purely discretionary and thus not subject to judicial review is, at the least, irrelevant, and at the most, a factor that further strengthens the separation of powers argument in this particular case.

[98] In re Grand Jury Subpoena Duces Tecum issued to Richard Nixon, etc., Misc. No. 47–73, at 11 (D.D.C., Aug. 29, 1973).

[99] 345 U.S. 1 (1953).

[100] *Id.* at 7–11.

[101] The courts frequently have applied the *Reynolds* procedures to the Government's claims or privilege. E.g., Carter v. Carlson, 56 F.R.D. 9, 10 (D.D.C. 1972); Carl Zeiss Stiftung v. V.E.B. Carl Zeiss, Jena, 40 F.R.D. 318, 326–27 n.33 (D.D.C. 1966), *aff'd on the opinion below,* 128 U.S. App. D.C. 10. 384 F.2d. 979, *cert. denied,* 389 U.S. U.S. 952 (1967).

[102] 345 U.S. at 7–8.

[103] On May 22, 1973, the President stated:

"Considering the number of persons involved in this case whose testimony might be subject to a claim of Executive privilege, I recognize that a clear definition of that claim has become central to the effort to arrive at the truth. Accordingly, Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up."

[104] Letter from President Nixon to Chief Judge Sirica, July 25, 1973:

The White House,
Washington, D.C., July 25, 1973.

Dear Judge Sirica: White House Counsel have received on my behalf a subpoena duces tecum issued out of the United States District Court for the District of Columbia on July 23rd at the request of Archibald Cox. The subpoena calls for me to produce for a Grand Jury certain tape recordings as well as certain specified documents. With the utmost respect for the court of which you are Chief Judge, and for the branch of government of which it is a part, I must decline to obey the command of that subpoena. In doing so I follow the example of a long line of my predecessors as President of the United States who have consistently adhered to the position that the President is not subject to compulsory process from the courts.

The independence of the three branches of our government is at the very heart of our Constitutional system. It would be wholly inadmissible for the President to seek to compel some particular action by the courts. It is equally inadmissible for the courts to seek to compel some particular action from the President.

That the President is not subject to compulsory process from the other branches of government does not mean, of course, that all information in the custody of the President must forever remain unavailable to the courts. Like all of my predecessors, I have always made relevant material available to the courts except in those rare instances when to do so would be inconsistent with the public interest. The principle that guides my actions in this regard was well stated by Attorney General Speed in 1865:

"Upon principles of public policy there are some kinds of evidence which the law excludes or dispenses with. * * * The official transactions between the heads of departments of the Government and their subordinate officers are, in general, treated as "privileged communications." The President of the United States, the heads of the great departments of the Government, and the Governors of the several States, it has been decided, are not bound to produce papers or disclose information communicated to them where, in their own judgment, the disclosures would, on public consideration, be inexpedient. These are familiar rules laid down by every author on the law of evidence."

A similar principle has been stated by many other Attorneys General, it has been recognized by the courts, and it has been acted upon by many Presidents.

In the light of that principle, I am voluntarily transmitting for the use of the Grand Jury the memorandum from W. Richard Howard to Bruce Kehrli in which they are interested as well as the described memoranda from Gordon Strachan to H. R. Haldeman. I have concluded, however, that it would be inconsistent with the public interest and with the Constitutional position of the Presidency to make available recordings of meetings and telephone conversations in which I was a participant and I must respectfully decline to do so.

Sincerely,

Richard Nixon.

[105] 345 U.S. at 8.

[106] *Id.* at 10.

[107] *See* notes 71–89 *supra* and accompanying text.

[108] 345 U.S. at 11 (emphasis added).

[109] United States v. Chemical Foundation, Inc., 272 U.S. 1, 14–15 (1926); *see* United States v. Crussell, 81 U.S. (14 Wall.) 1, 4 (1872); *cf.* NLRB v. Shawnee Industries, Inc., 333 F.2d 221, 225 (10th Cir. 1964); United States v. Washington, 233 F.2d 811, 816 (9th Cir. 1956).

[110] United States v. Burr, 25 F. Cas. 187, 192 (No. 14,694) (Marshall, Circuit Justice, 1807).

[111] U.S. Const. art. II, § 3.

[112] The fact that some participants in the conversations were not Government officials does not divest the conversations of their official character. A President must be free to receive advice from both within and without the Government. Soucie v. David, 145 U.S. App. D.C. 144, 155 n.44, 448 F. 2d 1067, 1078 n.44 (1971).

[113] 345 U.S. at 10–11.

[114] *Id.* at 8.

[115] *Id.*

[116] Supplemental Brief of the United States at 19–30.

[117] 289 U.S. at 15.

[118] Brief of Petitioner at 20–21.

[119] For example, if only one adviser had conspired with the President to obstruct justice, it would be necessary to show presidential involvement to prosecute that adviser, since conspiracy requires at least two conspirators. Rogers v. United States, 340 U.S. 367, 375 (1951); United States v. Thomas, 468 F.2d 422, 424 (10th Cir. 1972); *see* 18 U.S.C. § 371 (1970).

The fact that an incumbent President may not be prosecuted because of the Impeachment Clause, however, might not preclude criminal prosecution of any co-conspirators. *Cf.* Rogers v. United States, *supra;* Feldstein v. United States, 429 F.2d 1092 (9th Cir.), *cert. denied,* 400 U.S. 920 (1970); Cross v. United States, 392 F.2d 360 (8th Cir. 1968).

[120] [E]xecutive privilege will not be invoked as to any *testimony* concerning possible criminal conduct or discussions of possible criminal conduct, in matters presently under investigation, including the Watergate affair and the alleged cover-up. Brief of United States, app. at 24 (emphasis added).

[121] Supplemental Brief of United States at 33.

[122] *See* notes 99–115 *supra* and accompanying text.

[123] Counsel for the President argue:

Indeed, the short answer to any claim of waiver with regard to the materials now sought may be found in *United States v. Reynolds,* 345 U.S. 1 (1953). In that case the United States refused to produce an Air Force investigation report of an airplane crash as well as written statements by the survivors of the crash. It offered to allow the survivors to give depositions and to testify as to all matters except those of a "classified nature." The Supreme Court sustained the claim of privilege with regard to the documents sought. The offer to allow the witnesses to testify, far from being a waiver of privilege as to the documents, was expressly relied on by the Supreme Court as a reason for upholding the claim of privilege. 345 U.S. at 11. Brief in Opposition in the District Court at 20.

The military secrets privilege asserted in *Reynolds* applied only to classified, non-privileged matter and thus the offer could not effect a waiver as to classified, privileged matter. The more interesting point, however, is that *Reynolds* held the entire document privileged, apparently recognizing the distinction between selective testimony and production of the document itself, and refused even to permit *in camera* inspection.

[124] Indeed, *Machin v. Zuchert,* 114 U.S. App. D.C. 335, 316 F.2d 336, *cert. denied,* 375 U.S. 896 (1963), extends beyond the limits of the suggested hypothetical. There, a private litigant, against a claim of executive privilege, sought an investigative report of an aircraft accident. He already had been permitted to see it briefly, although he could not copy it or make notes from it. In addition, the Secretary of the Air Force offered to provide a list of the names of witnesses and sent a "releasable summary" of the report to the litigant. *Id.* at 336, 337. There was never any speculation in the *Machin* decision that waiver of privilege resulted from such actions.

[125] Brief of Petitioner at 61.

[126] The Per Curiam opinion at 32 quotes *Lopez v. United States,* 373 U.S. 427, 439 (1963), for the proposition that "[t]here is 'no constitutional right to rely on possible flaws in the [witness's] memory. * * * [N]o other argument can justify excluding an accurate version of a conversation that the [witness] could testify to from memory.'" While this language nicely phrases their point, *Lopez* is unpersuasive in the context of this case. *Lopez* involved an Internal Revenue Agent who on the invitation of the defendant discussed defendant's tax return with him, during the course of which an attempt was made to bribe the agent. The agent then testified to this bribe at trial and the recordings of their conversations were introduced as corroborative evidence. The Court held that since the conduct of the conversations themselves did not violate the fourth amendment, neither did the "surreptitious seizure" of the conversations by recording them. Thus *Lopez* simply involved a question of the admissibility of certain corroborative evidence against a fourth amendment objection. Whether certain evidence is admissible and whether such evidence is in the first instance privileged and thus not subject to compulsory process are two different questions. A criminal confession is admissible but it may not be compelled absent waiver. Thus the question in the last analysis depends upon whether the President has waived his privilege and we conclude that he has not, principally on the policy grounds discussed at pp. 63–64 of this opinion.

[127] Of course, military and state secrets are only the most celebrated of these instances.

[128] On this point, Professor Alexander Bikel is persuasive:

"Again, the issue is not whether the President has waived his privilege to keep the tapes secret. To the extent that it exists and with respect to matter that it covers, I do not see how the privilege can be waived. Naturally, if a document or a tape is no longer confidential because it has been made public, it would be nonsense to claim that it is privileged, and nobody would trouble to subpoena it either, since it would be available.

"But nature and reason of the privilege are rather to repose in the President and in him alone the subjective judgment whether to maintain privacy or release information—and which, and how much, and when, and to whom. Far from being waived, the privilege, it seems to me, is as much exercised when information is released as when it is withheld." Bickel, *Wretched Tapes (cont.),* N.Y. Times, August 15, 1973, at 33.

[129] This would accord with President Jefferson's action in the *Burr* case, *supra* note 82 and accompanying text, and with the following colloquy between Judge Wilkey and Professor Wright (Counsel for the President) at oral argument before this court:

Judge Wilkey. * * *

You recall, of course, that President Jefferson took the document, the Wilkinson letter, called for by the subpoena. He then deleted from the document those matters which he felt that needed to be confidential, shall we say secrets of State, and then with the deleted version sent an affidavit to the

Prosecutor for lodging in the court as to what in summary, without revealing any secrets, the President had deleted and why. And then the exerpted [*sic*] letter was given with the affidavit to the court in answer to the subpoena.

President Jefferson never furnished the full letter.

Mr. WRIGHT. That's right.

Judge WILKEY. Now, why should not the President here exercise his privilege in regard to the tapes, deleting State secrets in the same way, but forwarding everything else, in the same way as President Jefferson?

* * * * *

[L]et's add to that not only State secrets, but other matters of confidentiality, which neither of the parties concerned nor the public have any right to know, that would be dangerous to know at this time, in the President's own judgment.

And then why should he not send the rest of it for such use as the Prosecutor in [*sic*] the defense and the trial judge may deem relevant?

Mr. WRIGHT. That would seem to me not an untenable possibility.

Transcript of Proceedings, Sept. 11, 1973, at 102–03.

DISSENTING OPINION OF CIRCUIT JUDGE WILKEY

WILKEY, *Circuit Judge, dissenting.** * * The critical issue on which I part company with my five colleagues is, in the shortest terms, *Who Decides?*

There is no issue as to the existence of Executive Branch privilege, and questions as to its scope and applicability to a given set of facts will be relatively easy to determine once the principal question is settled. The basic issue is *who decides* the scope and applicability of the Executive Branch privilege, the Judicial Branch or Executive Branch?

Throughout the *Per Curiam* this issue appears obfuscated; there is an effort to slide away from the square confrontation produced by the Judicial Branch ordering the Executive Branch to turn over records of private conversations in the Chief Executive's own office. The reluctance of my colleagues is understandable; no court has ever done this before. Even the great Chief Justice Marshall shied away from making a final order to the Chief Executive to produce the full text of correspondence, a final order which, if it had ever been issued, President Jefferson was fully prepared to ignore.[1]

The *Per Curiam* here never confronts the fundamental Constitutional question of separation of powers, but instead prefers to treat the case as if all were involved was a weighing and balancing of conflicting public interests. There *are* conflicting public interests involved, they must be carefully weighed, balanced, and appraised; the President says he has done just that. Therefore, the most fundamental, necessarily decisive issue is, Who Does the weighing and balancing of conflicting public interests? The District Judge or the President? The answer to this question necessarily involves the Constitutional question of separation of powers. But the whole line of reasoning, the whole line of authorities, relied on by the *Per Curiam* does not deal with the separation of powers issue at all.

I. THE DUAL ORIGIN OF THE PRIVILEGE ASSERTED

I respectfully submit that the errors in the *Per Curiam's* analysis stem from a frequent source of confusion, the failure to recognize and separate the two origins of the Executive Branch privilege: on the one hand, the common sense-common law privilege of confidentiality necessary in government administration, which has been partly codified in statutes such as the Freedom of Information Act; on the other hand, the origin of the privilege in the Constitutional principle of separation of powers. The answer to the overriding issue, Who Decides, and answers to all the subsidiary questions hinge upon the correct analysis of the nature and source of the privilege. Historical practice, by the Judiciary, the Congress, and the Executive, reflects implicitly the dual origin of the privilege of confidentiality asserted at one time or another by each Branch.

To understand the legal principles on which the *Per Curiam* relies, and why they cannot be decisive of this case, I propose first to discuss the nature of the common sense-common law origin of governmental privilege. To understand the legal principles on which this case, in my opinion, necessarily turns, the remainder of the opinion is devoted to the Constitutional principle of separation of powers as applied to the case at bar.

A. THE COMMON SENSE-COMMON LAW, STATUTORY ORIGIN OF PRIVILEGE

1. Historically

The oldest source of Executive Branch privilege, the common sense-common law privilege of confidentiality, existed long before the Constitution of 1789, and might be deemed an inherent power of any government. As President Thomas Jefferson wrote to George Hay, United Stats Attorney for Virginia, on 17 June 1807:

"With respect to papers, there is certainly a public and a private side to our offices. To the former belong grants of land, patents for inventions, certain commissions, proclamations, and other papers patent in their nature. To the other belong mere executive proceedings. *All nations have found it necessary, that for the advantageous conduct of their affairs, some of these proceedings, at least, should remain known to their executive functionary only.* He, of course, from the nature of the case, must be the sole judge of which of them the public interests will permit publication. [2]"

Historically, apart from and prior to the Constitution, the privilege against disclosure to the public, the press, or to other co-equal branches of the Government arises from the undisputed principle that not all public business can be transacted completely in the open, that public officials are entitled to the private advice of their subordinates and to confer among themselves freely and frankly, without fear of disclosure, otherwise the advice received and the exchange of views may not be as frank and honest as the public good requires.

"No doubt all of us at times have wished that we might have been able to sit in and listen to the deliberation of judges in conference, to an executive session of a Congressional committee or to a Cabinet meeting in order to find out the basis for a particular action or decision. However, Government could not function if it was permissible to go behind judicial, legislative or executive action and to demand a full accounting from all subordinates who may have been called upon to make a recommendation in the matter. Such a process would be self-defeating. It is the President, not the White House staff, the heads of departments and agencies, not their subordinates, the judges, not their law clerks, and members of Congress, not their executive assistants, who are accountable to the people for official public actions within their jurisdiction. Thus, whether the advice they receive and act on is good or bad there can be no shifting of ultimate responsibility." [3]

The Framers of the Constitution itself understood this principle very well. One of the first acts of the Constitutional Convention, 29 May 1787, was to resolve "that nothing spoken in the House be printed, or otherwise published, or communicated without leave." [4] In that historic summer in Philadelphia the Framers produced "the most wonderful work ever struck off at a given time by the brain and purpose of man." [5] But at the conclusion of their historic labors they thought it wise to preserve the confidentiality of exactly how they had done it. On 17 September 1787, as one of their final acts, they directed that all their records on the Convention be turned over to George Washington, not only their presiding officer but one whose complete discretion and probity had long been established.[6] As late as 1831, forty-four years after the Convention, Madison thought it was not yet appropriate for his *Notes* to be published.[7] He thought "no Constitution would ever have been adopted by the Convention if the debates had been public." [8]

2. Litigation in which the Government is a Party

Passing from the Constitutional Convention of 1787 to the most recent Supreme Court case on this point in 1973, *Environmental Protection Agency* v. *Mink,*[9] the Court quoted with approval the earlier statement of Mr. Justice Reed, "There is a public policy involved in this claim of privilege for this advisory opinion—the policy of open, frank discussion between subordinate and chief concerning administrative action. . . ." [10] Mr. Justice Reed also pointed out that discussions of this kind are regarded as privileged and are "granted by *custom or statute* for the benefit of the public, not of executives who may happen to then hold office." [11] Observe that Mr. Justice Reed referred to the privilege as being "granted by custom or statute," and not derived from a Constitutional source. This is accurate when we are dealing with this age-old, common sense-common law privilege, which has been codified in statutes from time to time, the latest being the Freedom of Information Act.[12]

Judge Robinson of this court, when sitting as a District Judge, discussed the source of the Executive Branch privilege in these terms, "This privilege, as do all evidentiary privileges, effects an adjustment between important but competing interests . . . in striking the balance in favor of nondisclosure of intra-governmental advisory and deliberative communications. . . ." [13]

United States v. *Reynolds* [14] illustrates the application of this common sense, common law privilege to a situation in which the sought evidence contained military secrets. It was stated, and has been often quoted, that "[j]udicial control over the evidence in a case cannot be abdicated to the caprice of executive efficers." [15] This language may lead to confusion if it is not recognized that in *Reynolds* the Supreme Court dealt only with this long established (custom or statute, according to Mr. Justice Reed) privilege of confidentiality in government in the format of a Tort Claim Act suit against the Government. It specifically did not decide any Constitutional claim of Executive discretion based on separation of powers.[16] Though the Court contrived a "balancing" or "necessity" formula, the Court held that "even the most compelling necessity cannot overcome the claim of privilege if the Court is ultimately satisfied that military secrets are at stake." [17] It further held that military secrets *were* at stake, and even *in camera* inspection would not be permitted.

Reynolds, like innumerable other cases in which a court has pronounced that it is up to the Judiciary to decide the existence and applicability of a privilege, represents civil litigation, in which either the United States or some Government agency *as a party* is opposed to some private individual or corporation. Cases under the Jencks Act [18] are examples illustrating the same situation in the criminal field. In *none* of these cases has the Government ever been *required to disclose* the matter which it desired to retain confidential. Whether the action is civil or criminal, the Government always has had the

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Footnotes at end of article.

option of disclosure or dismissing the action and retaining the confidentiality of the material.

More relevant to the immediate point under discussion, in these cases the courts did engage in a *balancing* of conflicting public interests, *i.e.*, the public interest in seeing justice done between litigants in the court, and the public interest in seeing Governmental matters of the highest importance kept confidential. Observe that in this typical litigation situation, in which the court balanced conflicting public interests, the ancient common sense-common law Government administrative privilege of confidentiality is all that is ever involved. There is no question of the principle of separation of powers derived from our Constitution, as the Supreme Court specifically said in *Reynolds*.

3. Individual inquiry of a governmental official or agency

Another example of the same ancient governmental privilege of confidentiality is involved when a private individual or corporation requests information from a Government official or agency, and such is denied. For many years the Government bureaucracy engaged in a self-protective exercise of claiming "Executive privilege," sometimes based on ordinry "housekeeping" statutes,[19] sometimes invoking the Constitutional principle of separation of powers, although what that could have to do with rejection of a request when ordinary members of the public, not another branch of the Government, were seeking information, was never made clear. In order to assure the American public the necessary access to Governmental information, and to prohibit the abuse of so-called "Executive privilege," the Congress finally passed the Freedom of Information Act.[20]

In so doing, the *Congress itself did the balancing in advance* between the competing public interests represented by the right of the people to know how their Government conducts its business, and the recognized necessity of keeping certain types of information strictly confidential. The Freedom of Information Act contains seven categories of documents or information which are exempt from disclosure. In other words, the Congress has judged that, if the material sought falls within one of these seven exemptions, the public interest in maintaining confidentiality outweighs the public interest in the right to know Governmental affairs. The first exemption deals with secrets of state or national security, the others represent categories perhaps of lesser importance, but all are kept confidential, once it is determined the material sought falls within one of the seven exempt categories.

If the member of the public does not accept the denial by the Governmental agency, he can go to court to seek the information. If litigation results in the typical Freedom of Information Act case, the court properly does not balance the public interest represented on both sides; the court merely determines into which category, exempt or nonexempt from dislosure, the material sought belongs. Once this is determined, then the Congress has already given the answer in the Freedom of Information Act itself. If the court determines the material falls outside one of the claimed exempt categories, then the private individual is granted access. There is no Constitutionally derived privilege involved at all; the rights are purely statutory, a codification of many categories of information previously swept within the vague penumbra of "Executive privilege," and many known to the common law and to the jurisprudence of other nations in which separation of powers is unknown.[21]

4. The first amendment

I am aware of, and impressed by, the strong argument which can be made that the Executive (as well as the Congressional and Judicial) right to privacy is likewise found in the First Amendment, but I resist going into it at length here. Certainly the Chief Executive's right to be fully, frankly, and confidentially informed is equal to that of any other citizen in the land; his need is undeniably greater. To breach his privacy would unquestionably have a "chilling effect" on those who otherwise would counsel and confide in the President with complete candor and honesty.[22]

Legal support for the relevance of the First Amendment here is found in such decisions as *Eastern Railroad Presidents Conference* v. *Noerr Motor Freight, Inc.*,[23] and *NAACP* v. *Alabama*.[24] In *Noerr* the Supreme Court relied at least in part on the First Amendment to legitimatize joint efforts by businessmen to influence legislative or executive action, even if designed to injure their competitors.

Rather than consider the First Amendment as a *separate* ground for sustaining the Executive's right to privacy, I find it easier to say that the First Amendment in 1789 provided a Constitutional underpinning for the long recognized customary Governmental privilege of privacy. Such a First Amendment right in the Executive would apply, as does the ancient common sense-common law privilege now partly codified in statute, in the Executive's relations with the public and the press, as well as other branches of the Government.

5. The Chief Executive

In theory, if only the ancient customary Governmental confidentiality privilege is involved, whether the Chief Executive should disclose the information should be decided no differently from the case of any other Government official Even though the President represents the repository of information of the highest confidentiality it would be permissible for the courts to talk in terms of balancing the public interest of those seeking disclosure versus the public interest of the President in retaining confidentiality, while recognizing that any President's assertion of the confidential nature of documents or communications must be accorded the greatest deference by the courts.

As a practical matter, as history shows, the theory breaks down. Not only is the grist of the Presidential mill of a higher quality than that processed by the average bureaucrat, but the institutions or individuals daring to confront the Chief Executive directly have been of a character and power to invoke immediately the other source of the Chief Executive's privilege, the Constitutional doctrine of separation of powers. In the only instances in history of which I am aware, in which demand for documents was made directly upon the President, the demand come from one of the other two co-equal Branches, the Congress or the Judiciary. Beginning with Washington's administration, the Congress has made repeated demands on the Chief Executive for documents, demands which have never been adjudicated by any court employing a balancing test of the public interests involved. The trial of Aaron Burr is the only instance [25] in which demand by subpoena on the President himself was ordered by a court, and this by the Chief Justice himself at the behest of a former Vice President of the United States, then on trial for his life on a charge of treason. In other words, the men and issues were large.

We have read and heard eloquent language on the unique nature of the American presidency from both counsel, who agree as to the overriding importance of "preserving the integrity of the Executive Office of the President." [26] We are cautioned that "[n]o substitute offers itself for the American presidency, either domestically or in the world. It will be easier to tear down than to build back." [27] This argument in itself may be good and sufficient reason to sustain the President's assertion of privilege in the circumstances of this case, yet this appears to necessitate a Constitutional value judgment not specifically made in the Constitution itself. Further, analytically it may be that such argument on the unique nature and supreme importance of the presidency in our system is but the long established Governmental privilege of confidentiality raised to the Nth power.

In summary of the common sense-common law privilege of Governmental confidentiality, codified in statute as in the Freedom of Information Act, the *courts do decide* whether the privilege exists and the *courts do decide* as to its scope and applicability to a given state of facts. In so doing, the *courts do balance* one public interest versus another. If custom, common law, and statute were the only sources of the Chief Executive's privilege, he, too, might find his view of the public interest overridden by the "balancing" of competing public interests done by a court. But the President has another source of power.

B. SEPARATION OF POWERS—THE TRIPARTITE PRIVILEGE

1. Judicial versus Executive

We now turn to the second source of the Executive Branch privilege, the principle of separation of powers in our Constitution. Congressional legislation, *e.g.*, the Freedom of Information Act, merely redefined the common sense-common law privilege of confidentiality in the conduct of Government business. It is not unreasonable that the Congress should define how much of Governmental business can safely be made public. But none of this legislation, not even the Freedom of Information Act, touches the Constitutional basis of Executive Branch privilege derived from the principle of separation of powers—nor could it.

My colleagues in the *Per Curiam* reject separation of powers, and concentrate entirely on the common sense-common law, statutorily defined source of the privilege, which is part of the story; but this part, as is made clear in the *Per Curiam* opinion and in the Briefs of the Special Prosecutor, is subject to balancing, weighing, showing of need, and in general a comparative evaluation of conflicting "public interests" *by the courts*.

Not so the Executive Branch privilege which arises from the principle of the separation of powers among the Legislative, Executive, and Judicial Branches of our Government. We must recognize that this Constitutional privilege, if derived from the separation of powers, as it is, is *tripartite*. Chief Justice Taft was keenly aware of this when he wrote: "Montesquieu's view that the maintenance of independence as between the legislative, the executive and the judicial branches, was a security for the people had [the Framers'] full approval. . . . From this devision on principle, the reasonable construction of the Constitution must be that the branches should be kept separate in all cases in which they were not expressly blended, and the Constitution should be expounded to blend them no more than it affirmatively requires. Madison, 1 Annals of Congress, 497. This rule of construction has been confirmed by this Court. . . ." [28]

Observe that it is the Judicial Branch, according to District Judge Sirica's opinion, to whom the tapes are to be handed over for examination *in camera*. Likewise, it is the grand jury to whom the Special Prosecutor wishes to present the tapes with or without the intervention of the District Judge. The grand jury, as is shown by an analysis developed later, is nothing but an appendage of the Judicial Branch, and has always been recognized as such. The Supreme Court

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unanimously expressed the principle applicable to this situation:

"The fundamental necessity of maintaining each of the three general departments of government entirely free from the control or coercive influence, direct or indirect, of either of the others, has often been stressed and is hardly open to serious question. So much is implied in the very fact of the separation of the powers of these departments by the Constitution; and in the rule which recognizes their essential co-equality. The sound application of a principle that makes one master in his own house precludes him from imposing his control in the house of another who is master there." [29]

If the Chief Executive can be "coerced" by the Judicial Branch into furnishing records hitherto throughout our history resting within the exclusive control of the Executive, then the Chief Executive is no longer "master in his own house."

This is not a matter of "coercing" the Executive to "obey the law"; there has never before in 184 years been any such law that the Executive could be compelled by the Judiciary to surrender Executive records to the Judiciary. This is an assertion of privilege by the Executive, not a refusal to obey a court's interpretation of the law. This the Executive has *always* done, even when the Executive's interpretation of the law was different from the court's, *e.g., Youngstown Sheet & Tube Co.* v. *Sawyer.*[30] But also, the Executive has *always* been the one who decided whether the Executive Branch privilege of confidentiality of its records should be asserted, and to what extent, when confronted with demand of another Branch for such records.

In the case at bar we have an assertion of privilege by the Executive Branch in response to a demand by the Judicial Branch for the records of the Executive Branch. This is the first time that this precise situation has occurred since the famous trials of Aaron Burr,[31] but whereas this confrontation between the Judicial Branch and the Executive Branch is almost unique, the tripartite privilege has been asserted innumerable times in various alignments of conflict among the three Branches.

2. Legislative versus executive

The most highly publicized conflicts have been, of course, the demands by Congress on the Executive for Executive papers and information. The first two examples occurred in Washington's administration, the call for the papers relative to General St. Clair's military expedition and later the Jay Treaty.[32] The historical evidence shows that Washington rejected the demands of Congress squarely on the ground of separation of powers. Numerous other examples occurred. Never in 184 years, until Senator Ervin's committee filed the pending action in Judge Sirica's court for these same Watergate tapes, has the Congress desired to take the Constitutional separation of powers issue to a court for adjudication. The reasons are obvious: (1) if the Constitutional principle of separation of powers was valid and effective as a barrier, Congress would lose; (2) acutely aware of its own assertions of privilege, even if Congress won and established that the separation of powers was no barrier to a demand of one Branch for the papers of another, on a reciprocal basis Congress would have to abandon its equally time-honored practice of refusing the demands of the Judicial Branch for its papers; and (3) submitting a dispute between two co-equal Branches to the third Branch would recognize that the Judiciary is "more equal" than the other two.

To see the relevance of the Congressional demands on the Executive to the Judicial subpoena on the Executive in the case at bar, it is helpful to note that a Legislative and Judicial subpoena have precisely the same coercive effect on the recipient, and both Congress and the courts have independent power to punish for contempt. Under 2 U.S.C. § 190b(a) standing committees of Congress and their subcommittees are authorized "to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents . . . as it deems advisable." [33]

Wilful noncompliance with a Congressional subpoena constitutes contempt of Congress, a misdemeanor.[34] In such instances, the Speaker of the House or President of the Senate certifies a statement of the facts to the appropriate United States Attorney, whose duty is to bring the matter before a grand jury.[35] However, these provisions do not impair Congress' power to punish for contempt by its own action.[36] In *Jurney v. MacCracken* the Supreme Court noted "[t]he power to punish a private citizen for a past and completed act [of contempt] was exerted by Congress as early as 1795 [footnote omitted]; and since then it has been exercised on several occasions." [37] Here the Court was concerned "with vindication of the established and essential privilege of requiring the production of evidence. For this purpose, the power to punish for a past contempt is an appropriate means." [38]

Years ago a distinguished scholar attempted to visualize how an authoritative determination of the Executive's assertedly *Constitutional* right to privacy might be brought about. After pointing out that while "the President and the heads of executive departments have repeatedly, and sometimes brusquely, rejected such congressional demands," and Congress had never sought the aid of the Attorney General or the courts, nor exercised its "power to punish contempts without invoking the aid of the executive and the judiciary," Professor Joseph Bishop concluded:

"Such an episode . . . would furnish the courts an admirable occasion to decide the precise question of the constitutional authority of the executive to withhold the desired data. But it is not likely to arise. . . .

"It is, however, conceivable that the Supreme Court may yet be called upon to face *the closely related and logically indistinguishable question of the executive's power to reject a judicial subpoena.* If, in litigation to which the government is not a party, a court becomes convinced that a document in the possession of the government is relevant, and if it somehow manages to satisfy itself that that information is unprivileged, . . . the courts may yet have to decide the ultimate reach of the executive's discretion to grant or withhold information." [39]

Professor Bishop's hypothetical of 1957 is not precisely with us, but almost. Instead of "litigation to which the government is not a party," we have "litigation in which the government is on both sides" (the President and the Special Prosecutor), which gives us the same Constitutional confrontation and question foreseen by Profesor Bishop, *i.e.,* "the executive's power to reject a judicial subpoena."

The critical points to be understood from the hypothetical situation, which Professor Bishop foresaw would pose the ultimate Constitutional issue, are these:

(1) The Congressional demand for Executive papers (tapes) is "logically indistinguishable" from the demand on the Executive by Judicial subpoena, *i.e.,* both test the Constitutional separation of powers basis of Executive privilege; and

(2) Both the Congressional and the Judicial demands on the Executive are to be distinguished from the false confrontation found in innumerable examples of litigation (*e.g., Reynolds*) in which the Government (Executive) is a party, because the Executive always has an out (abandon the litigation), and thus is never confronted with a true unavoidable demand for the papers or information.

3. Judicial versus Legislative

Turning to the other type of repeated conflict, the Legislative Branch has never acceded to a demand of the Judicial Branch for papers in any case without an assertion and preservation of Congressional privilege. The latest example of Congressional refusal to furnish to a court papers relevant to a criminal prosecution was in *United States* v. *Brewster.*[40] There the Senate, in accord with ancient and invariable precedent, on 4 October 1972 resolved:

"Whereas in the case of the United States of America against Daniel B. Brewster, et al. (criminal action numbered 1872–69), pending in the United States District Court for the District of Columbia, a subpena ad testificandum and duces tecum was issued by such court addressed to David Minton, staff director and counsel of the Committee. . . .

"*Resolved,* That by the privileges of the Senate of the United States *no evidence in the possession and under the control of the Senate* of the United States *can,* by the mandate of process of ordinary courts of justice, *be taken* from such possession or control *but by its permission;* be it further

"*Resolved,* That David Minton . . . *be authorized to appear* at the time and place and before the court named in such subpena, *but shall not take with him any papers,* documents, or evidence on file in his office, under his control, or in his possession as staff director and counsel. . . ." [41]

The comparison with the case at bar is striking. Here we have a Judicial subpoena duces tecum directed to the Executive for documents and tapes. The President has said his individual aides who were present at the times the tapes were recorded may testify as to all matters relevant to any criminality which is the subject of the Watergate grand jury inquiry, but may not furnish the tapes.[42] In *Brewster* we had a Judicial subpoena duces tecum directed to the Senate for documents. The Senate permitted the individual aide to testify personally (as did the President) but forbade him to produce any of the documents (as did the President with regard to the tapes). The responses of the President and the Senate to the Judicial subpoenas are precisely equal, and equally justified (or unjustified) on the same Constitutional ground of separation of powers.

One further point of comparison: with reference to the Judicial subpoena issued for the Senate papers in the criminal prosecution of Senator Brewster, *Who Decided* how much, if any, of the subpoenaed papers would be produced? The United States court? Not in *Brewster,* and not in any case for 184 years. The Senate, a Branch of the Government co-equal under our Constitution, decided what would be furnished the court and what retained as confidential, precisely as has the Chief Executive in the case at bar.

To cite but two of the best known recent examples, similar assertions of Legislative privilege took place with reference to criminal prosecution in *United States* v. *Calley* [43] and *United States* v. *Hoffa.*[44] Other similar precedents in both Houses are ancient, numerous, and established beyond question in the Legislative Branch.[45]

The principle of separation of powers, with a resulting Judicial privilege, works reciprocally when the demand is made by the Congress instead of to the Congress. In 1953 Mr. Justice Tom Clark refused to respond to a subpoena to appear before the House Un-American Activities Committee, on the ground that the "complete independence of the Judiciary is necessary to the proper administration of justice." [46]

Senator Stennis once summed up the Congressional privilege and its origin very well:

"We now come face to face and are in direct conflict with the established doctrine of separation of powers. . . . I know of no case where the court has ever made the Senate

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or the House surrender records from its files, or where the Executive has made the Legislative Branch surrender records from its files—and I do not think either one of them could. So the rule works three ways. Each is *supreme* within its field, and each is *responsible* within its field.[47]"

4. Who Decides?

I thus reach the conclusion, differing from the majority of my colleagues, that the privilege asserted by the President here derives *both* from the Constitutional principle of separation of powers and from the common sense-common law, statutory privilege of confidentiality of Governmental decision-making, whatever the Branch. The latter may be subject to weighing and balancing of conflicting public interests, as many of the cases have done, but never in a case involving the President as a party. But where the privilege of the Chief Executive is derived from the *Constitutional principle* of separation of powers, it is no more subject to weighing and balancing than any other Constitutional privilege can be weighed and balanced by extraneous third parties.

Every President, beginning with Washington and Jefferson, has asserted that the privilege and the scope and applicability are for him alone to decide. This is precisely what Congress does when it either grants or withholds documents in response to the request of a court for evidence in a criminal case. This is what no doubt *this court* would do if confronted with a demand by a Congressional committee for any of our internal documents. *We* would weigh and decide and assert the privilege as *we* saw it, not as a Congressional committee would see it. We would do so on the Constitutional ground of separation of powers. And this is what the President has done here.

We all know that when a Constitutional privilege under the Fifth Amendment is asserted by the humblest individual, the court does not weigh and balance the public interest in having the individual's testimony. All the court can do is make a preliminary inquiry as to a prima facie justification for the individual to decide whether he will the assertion of the privilege. It is up to assert the privilege. Other privileges, such as husband-wife, lawyer-client, priest-penitent, when recognized by the law, come into being on a showing that the relationship exists. There is no weighing of the public interest in having the testimony compared to the public interest in the particular individual maintaining his privileged communication or document. Nor does the court invite the holder of the privilege to disclose the privileged information *in camera* so that the court may weigh the "conflicting public interests" involved in disclosure or confidentiality. Even to hint at such a procedure in regard to these privileges is to demonstrate the inherent incongruity of positing the existence of the privilege and yet asserting that someone other than the holder of the privilege will decide by a balancing of interests test whether it can be exercised.

Nor is logical analysis advanced by a parade of examples in which the public interest in disclosure is heavily exaggerated. Of course one can imagine innumerable instances in which a court, Congress, or the Executive, *ought* to disclose he documents in the public interest, and probably *would*. The more exaggerated the example, the more certain it is that a court would decide to disclose to the Attorney General or a Congressional committee, or the Executive would decide to disclose to a court or Congressional committee, internal documents which otherwise would be kept confidential. But the more certain it is that the holder of the documents—the holder of the privilege—will decide to disclose does not alter the fact that *it is the holder of the Constitutional privilege Who Decides*.

In conclusion, I find the suggested procedure by the *Per Curiam* (supra at 37–40) a very logical exercise in determining what evidence should be made available. But going back to the fundamental question of *Who Decides*, this procedure is one which might be gone through by the President, but not by the Judicial Branch. If the Constitutional privilege has been asserted, then no court has the right to determine what the President will or will not produce.

The *Per Curiam* completely ignores the Constitutional principle of separation of powers as the source of the President's privilege asserted here. The *Per Curiam* treats the privilege as being *solely* derived from the age-old common sense-common law recognition that Government business cannot be conducted without *some degree* of confidentiality, and therefore the Judiciary should "weigh" and "balance" the degree of confidentiality permitted in light of "conflicting public interests" in that confidentiality compared to disclosure, just as if the Executive were engaged in litigation with another party and could be compelled to disclose on pain of losing the litigaton if the court's view of the public interest were not accepted by the Executive. But this is no such case, and everything else in the *Per Curiam* opinion logically hinges on the validity of this analysis. But neither we nor any other court can so easily discard the Constitution, including the tripartite privilege universally derived from that principle of separation of powers.

II. DEVELOPMENT OF THE TRIPARTITE PRIVILEGE WITH REFERENCE TO EXECUTIVE DOCUMENTS

A. The Legislative Decision of 1789

In 1789 the First Congress faced the issue of the proper relationship between the Executive and the Legislature. Specifically, the Congress considered the questions of who should have custody of Executive papers and who should have power of removal of Executive officers subordinate to the President. The First Congress' deliberation on these matters is especially significant because many members of the Congress had also actively participated in the drafting of the Constitution.[48]

The background for the Legislative decision of 1789 lay in the earlier decision of the Continental Congress to establish a Department of Foreign Affairs. The Continental Congress passed a resolution providing that the Foreign Affairs department would be headed by an officer appointed by the Congress, who would hold office "during the pleasure of Congress."[49] The resolution further required that the officer take custody of the books, records, and papers relating to his department, *and that any member of Congress should have access to any of these papers*.[50] Thus, the Department of Foreign Affairs as envisioned by the Continental Congress was under the control of the Congress.[51]

After the enactment of the Constitution, the First Congress considered the proper position of the Department of Foreign Affairs and its Secretary. The Act finally passed by the Congress changed the status of the Secretary and his department significantly. The Act specifically made the department an Executive department, and the Secretary subject to the direction of the President.[52] The Secretary was to take charge and custody of all papers relating to the department, except that "whenever the [Secretary] shall be removed from office by the President of the United States, or in any other case of vacancy,"[53] the Chief Clerk, appointed by the Secretary, was to take custody. *Nothing* was said in the Act *concerning either the Congress' right to access to the papers, nor the Congress' right to determine removal* of the Secretary.

The omission of the provision granting the Continental Congress access to the papers of the department is a glaring omission with no illumination provided by the debate in the First Congress. The reports of the debates do not indicate that the question was even discussed.[54] This omission is explained only by the fact that the Department was to be an arm of the Executive, unlike the predecessor department which was an arm of the Continental Congress, an explanation which is not only inherently persuasive, but demonstrated by the rationale in the debate and action on the allied removal provision. The omission could not have been other than a conscious one, as many members of the First Congress had participated in the Continental Congress.[55]

On the other hand, however, there was strenuous controversy and debate in the First Congress over the question of removal of the Secretary. The first draft of the bill before the House, as proposed by James Madison, had provided specifically that the Secretary was to "be appointed by the President, by and with the advice and consent of the Senate; and to be removable from office by the President,"[56] During more than a month's discussion,[57] the House considered various aspects of removal of the Secretary, including the question of how the removal power fit within the Constitutional division into three governmental branches.

Some members of the House feared that the original wording in the Madison bill suggested that the legislature was granting to the President the power of removal, and that this power might be taken from the President by a later Congress.[58] These men felt that the Constitution had already provided the President the power to remove his subordinates, and no statute was necessary. Consequently Mr. Benson of the House suggested an amendment to the bill to delete the clause "to be removable by the President" and to put that phrase in a position in the bill where it would not appear as a legislative grant but merely a statement of legislative construction of the Constitution.[59]

After lengthy debate, Mr. Benson moved to insert the clause concerning removal in the description of the duties of the clerk, where it now appears. Madison, who had been persuaded by the wisdom of Benson's suggestions, seconded the motion, and it carried by a vote of 30 to 18.[60] Subsequently the House voted on the second part of Benson's motion, to delete the clause concerning removal which appeared in the first section of the bill. This, too, was supported by Madison, who felt that Congress did not have power to grant the removal power to the President.[61] The amendment passed, 31 to 19.[62] The full bill later passed in the House and was sent to the Senate.

Chief Justice Taft believed that James Madison's "arguments in support of the President's Constitutional power of removal independently of Congressional provision, and without the consent of the Senate, were masterly, and he carried the House."[63] Among those voting with Madison in support of the final bill were Carroll, Clymer, Fitzsimons, and Gilman; of the opposite view were Gerry and Sherman; all had been in the Constitutional Convention two years before.[64]

Since the bill enacted at the same session establishing the Department of the Treasury contained somewhat different language, it is illuminating to see how that came about. The original bill contained a clause making it the duty of the Secretary "to digest and report plans for the improvement and management of the revenue . . . ."[65] This had been drafted by Hamilton, the Secretary-designate in the Washington administration, as a device to establish his liaison and influence with the Congressional branch. Hamilton's motives did not go long undetected. Significantly, the revulsion of and opposition in the House was based on the Constitutional principle of separation of powers. A motion was made to strike the offending words, on

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the ground "that to permit the secretary to go further than to prepare estimates would be a dangerous innovation on the constitutional privilege of that house."[66] It was noted that "the authority contained in the bill to prepare and report plans would create an interference of the executive with the legislative powers, and would abridge the particular privilege of that house to originate all bills for raising a revenue."[67] Madison observed that "the words of the bill were precisely those used by the former [continental] congress on two occasions."[69]

This was not to be acceptable here, for the First Congress realized it was structuring a government in accordance with a new Constitutional principle, the separation of powers, and the members were resolved to be faithful to that hitherto untried principle. Finally, in this debate on the Treasury, an amendment was adopted. The word "prepare" was substituted for "report" in order that "[t]he secretary would then only report his plans if requested by the house."[69] Thus was the Constitutional principle of separation of powers scrupulously adhered to by the First Congress.

It is significant that the bill establishing the War Department[70] was on the Foreign Affairs Department model, not that of the Treasury. The same held true of other subsequent established departments. The Treasury statute remained unique in its specific reference to the Secretary's duty "to make report . . . as he may be required"; this is in part explainable perhaps by the House's Constitutional duty to originate revenue bills (although the statute refers to "either branch"), but certainly because the draft statute originated with Hamilton, who put in the clause for his own purposes, only to see it modified (but not eliminated) in a manner to reflect the House's preoccupation with the principle of separation of powers.

The Legislative decision of 1789, in establishing the Departments of Foreign Affairs (State), Treasury, and War, made by the First Congress, guided by the men who had drafted the Constitution only two years before, vividly demonstrates their understanding of separation of powers as established by the Constituion.[71]

B. Congressional demands for executive papers

Throughout this nation's 184-year Constitutional history, Congress and the Executive have succeeded in avoiding any near-fatal confrontation over attempts by Congress to procure documents in the Executive's possession. In recognition of the delicate balance created by the doctrine of separation of powers the two Branches have generally succeeded in fashioning a *modus vivendi* through mutual deference and cooperation. Thus, when a Congressional committee calls on an Executive official to produce documents or other needed material, "the call is usually qualified by the softening phrase 'if the public interest permits.'"[72] Similarly, as one commentator observed:

"It is obvious that in a large majority of cases it is greatly to the advantage of the executive to cooperate with Congress, and in a large majority of cases it does so. Congressional control over appropriations and legislation is an excellent guarantee that the executive will not lightly reject a congressional request for information, for it is well aware that such a rejection increases the chance of getting either no legislation or undesired legislation."[73]

In certain instances, however, the Chief Executive has asserted a privilege to withhold information from Congress, and such assertions have often been grounded on a Constitutional separation of powers rationale. When made, the Executive assertion of privilege has always prevailed.[74]

Historically, the first time Congress attempted to probe into documents under the Executive's custody was in March 1792, when the House of Representatives passed a resolution providing:

"*Resolved*, That a committee be appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair; and that the said committee be empowered to call for such persons, papers and records, as may be necessary to assist their inquiries."[75]

When the committee asked President Washington for the papers relevant to General St. Clair's campaign, the President called a meeting of his Cabinet. Washington reasoned that since the committee's request was the first of its kind, his response would set a precedent and therefore should be well considered. Secretary of State Jefferson, Treasury Secretary Hamilton, Secretary of War Knox, and Attorney General Randolph attended the meeting. The unanimous conclusion reached by Washington and his Cabinet was, as described by Jefferson:

"First, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of which would injure the public: consequently were to *exercise a discretion*. Fourth, that neither the committee nor House had a right to call on the Head of a Department, who and whose papers were under the President alone, but that the committee should instruct their chairman to move the House to address the President.[76]

The Washington administration thus expressed the view that it is in the *President's* discretion to determine whether disclosure of Executive documents would be consistent with the public interest.

In 1796 the House made its second attempt to procure documents from the Washington administration when it passed a resolution asking the President to give the House a copy of papers and correspondence pertaining to the negotiation of the Jay Treaty with Great Britain. The House contended that it could not appropriate funds to implement the treaty until it was allowed access to the papers that it sought. On 30 March 1796 President Washington responded in part as follows:

"As therefore it is perfectly clear to my understanding that the assent of the house of representatives is not necessary to the validity of a treaty; . . . and as it is essential to the administration of the government that the boundaries fixed by the constitution between the different departments should be preserved; a just regard to the constitution, and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request."[77]

Clearly, the President was asserting a Constitutional basis for withholding evidence from Congress.

President Jackson forecfully claimed Executive privilege in 1835 when the Senate requested that he hand over copies of the allegations that resulted in the discharge of Gideon Fitz from the office of Surveyor-General. The President refused to furnish the information requested on the ground that it related to subjects exclusively committed to the Executive Branch. The President's message to the Senate referred to similar requests in the past, all of which he regarded as unconstitutional:

"Their continued repetition imposes on me, as the representative and trustee of the American people, the painful but imperious duty of resisting to the utmost any further encroachment on the rights of the Executive."[78]

During the administration of President Tyler, the House directed the Secretary of War to disclose to the House reports made to the Department of War by Lieutenant Colonel Hitchcock regarding the affairs of the Cherokee Indians and alleged frauds that he had been commissioned to investigate. In a message dated 31 January 1843 President Tyler refused to turn over much of the requested information, with the following observations which bear a particular relevance to the case at bar:

"The injunction of the Constitution that the President 'shall take care that the laws be faithfully executed,' necessarily confers an authority, commensurate with the obligation imposed, to inquire into the manner in which all public agents perform the duties assigned to them by law. To be effective, these inquiries must often be confidential. They may result in the collection of truth or of falsehood; or they may be incomplete, and may require further prosecution. To maintain that the President can exercise no discretion after the time in which the matters thus collected shall be promulgated, or in respect to the character of the information obtained, would deprive him at once of the means of performing one of the most salutary duties of his office. An inquiry might be arrested at its first stage, and the officers whose conduct demanded investigation may be enabled to elude or defeat it. To require from the Executive the transfer of this discretion to a coordinate branch of the Government is equivalent to the denial of its possession by him and *would render him dependent upon that branch in the performance of a duty purely executive*."[79]

The President further stated that "[t]he practice of the Government since its foundation has sanctioned the principle that there must necessarily be a discretionary authority in reference to the nature of the information called for by either House of Congress,"[80] and showed through historical precedent that that authority had always been exercised by the President. So again separation of powers was invoked as a barrier to disclosure of documents in the custody of the Executive.

President Cleveland delivered a famous message to the Senate on 1 March 1886 in which he responded to frequent Senate demands for papers from heads of Executive departments which had been created by Congress. He stated:

"The requests and demands which by the score have for nearly three months been presented to the different departments of the Government, whatever may be their form, have but one complexion. They assume the right of the Senate to sit in judgment upon the exercise of my exclusive discretion and Executive function, for which I am solely responsible to the people from whom I have so lately received the sacred trust of office. My oath to support and defend the Constitution, my duty to the people who have chosen me to execute the powers of their great office and not relinquish them, and my duty to the chief magistracy which I must preserve unimpaired in all its dignity and vigor, compel me to refuse compliance with these demands.[81]"

In 1909 the Senate attempted to obtain from Theodore Roosevelt's Attorney General papers relating to the administration's decision not to proceed against United States Steel Corporation for its absorption of Tennessee Valley Coal & Iron Company. In a message to Congress on 6 January 1909, President Roosevelt described his response to the Senate's demands and cited his reasons therefor:

"I have thus given to the Senate all the information in the possession of the executive department *which appears to me to be material or relevant*, on the sub-

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ject of the resolution. I feel bound, however, to add that I have instructed the Attorney General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department, or to demand from him reasons for his action. Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.[82]

On 20 January 1944, FBI Director J. Edgar Hoover appeared in answer to a subpoena before the House Select Committee to Investigate the Federal Communications Commission. Mr. Hoover was asked to produce a copy of the directive to him from the President ordering him not to testify before the committee with respect to certain matters. Hoover refused, for reasons stated in a letter from the Attorney General to the chairman of the committee:

"It is my view that as a matter of law and of *long-established constitutional practice,* communications between the President and the Attorney General are confidential and privileged and not subject to inquiry by a committee of one of the Houses of Congress. In this instance, it seems to me that the privilege should not be waived; to do so would be to establish an unfortunate precedent, inconsistent with the position taken by my predecessors." [83]

Another forceful assertion of a Constitutionally-based Executive privilege occurred in 1954 during the McCarthy subcommittee probe into the affairs of the Army. In a letter dated 17 May 1954 President Eisenhower instructed the Secretary of Defense to forbid Department of Defense employees to testify or produce documents regarding internal consultations or communications within the Department. The President cited as reasons for his directive the following:

"[I]t is essential to the successful working of our system that the persons entrusted with power in any one of the three great branches of Government shall not encroach upon the authority confided to the others. The ultimate responsibility for the conduct of the executive branch rests with the President.

"Within this constitutional framework each branch should cooperate fully with each other for the common good. However, throughout our history the President has withheld information whenever he found that what was sought was confidential or its disclosure would be incompatible with the public interest or jeopardizing the safety of the Nation." [84]

As this survey demonstrates, history abounds of instances in which a Presidential claim, that the Constitutional system gives the President discretion to withhold documents from Congress, has prevailed against Congressional demands for Executive papers. These 184 years of Constitutional practice in the context of Congressional-Presidential relations cannot be ignored when, as in this case, the Judiciary confronts the President with a demand for documents "logically indistinguishable" [85] from a Congressional demand in the Constitutional issue raised.

C. Judicial Demands for Executive Papers—the Trials of Aaron Burr

Congressional demands for Executive papers are as numerous as autumn leaves, and frequently fall due to a frost between the two ends of Pennsylvania Avenue. In contrast, Judicial demands for Executive documents can be summarized in the drama and legal intricacies of one *cause celebre,* the two trials of Aaron Burr in 1807, the major historical example of the issuance by a federal court of a subpoena *duces tecum* directing the President to produce documents.[86] Although the United States Circuit Court for Virginia, per Chief Justice Marshall,[87] issued the subpoena *duces tecum* to President Jefferson, the court never directly decided the question of the scope of the President's asserted privilege to withhold documents or portions thereof, nor did it determine who should decide the scope of the privilege.[88]

In the first trial on the charge of treason, the defendant Burr requested the aid of the court in obtaining a letter written by General Wilkinson to President Jefferson on 21 October 1806, the President's response to the letter, and supporting documents.[89] The Wilkinson letter, Burr alleged in an affidavit,[90] would be of great importance in his proof of his innocence, for Wilkinson was an essential witness against him.[91] "Great importance" was hardly an over-statement of Burr's need for the letter; it had been mentioned in President Jefferson's message to Congress on the horrendous conspiracy, it probably formed the foundation of the Executive's charges against Burr, and Jefferson's message to Congress summed up his opinion—Burr's "guilt is placed beyond question." [92]

The United States Attorney, however, contended that it would be improper to require the President to produce the letter, that the letter was a private, confidential communication, and that it might contain vital state secrets.[93] This contention reflected the views of President Jefferson, who forcefully wrote United States Attorney Hay on 12 June 1807 that

"Reserving *the necessary right of the President of the U.S. to decide, independently of all other authority,* what papers, coming to him as President the public interests permit to be communicated, & to whom, I assure you of my readiness under that restriction, voluntarily to furnish on all occasions, whatever the purposes of justice may require . . . I . . . devolve on you the exercise of that discretion which it would be my right & duty to exercise, by withholding the communication of any parts of the letter which are not directly material for the purposes of justice." [94]

The accused, however, argued that a subpoena should issue notwithstanding the possibility of confidential communications not relating to the case or state secrets, but suggested that the President might point out the confidential passages, which need not be read in open court.[95]

After consideration of these arguments, Marshall held that a subpoena *duces tecum* could issue to the President. He reasoned that an accused has a right to the compulsory process of the court, notwithstanding the position of the person to whom the subpoena was directed, so long as the document or paper itself was proper for production. Chief Justice Marshall wrote,

"The propriety of introducing any paper into a case, as testimony, must depend on the character of the paper, not on the character of the person who holds it." [96]

and further stated that any exception to this rule of general obligation to compulsory process must be sought in the law of evidence.[97] Marshall thus seemed to rely on the evidentiary nature of the asserted privilege, and did not refer to a possible Constitutional basis.

Thus, considering the question on customary rules of evidence, Marshall found no exception therein for the President, "The court [could] perceive no legal objection to issuing a subpoena duces tecum to any person whatever, provided the case be such as to justify the process," although he carefully distinguished the issuance of a subpoena from the subsequent step of compelling compliance with the subpoena (a distinction made validly in the case at bar):

"Whatever difference may exist with respect to the power to compel the same obedience to the process, as if it had been directed to a private citizen, there exists no difference with respect to the right to obtain it." [98]

The court anticipated that objections of the President to compliance with the subpoena could and should be shown on the return of the subpoena, but should not be taken into account in the decision to issue the subpoena.[99]

Marshall admittedly was troubled by the possibility that the letter might contain "matter which ought not be disclosed." [100] He acknowledged that this was a "delicate question," but stated that

"At the present it need only be said that the question does not occur at this time. There is certainly nothing before the court which shows that the letter in question contains any matter the disclosure of which would endanger the public safety. If it does contain such matter, the fact may appear before the disclosure is made. If it does contain any matter which it would be imprudent to disclose, such matter, if it be not immediately and essentially applicable to the point, will, of course, be suppressed. . . . Everything of this kind, however, will have its due consideration on the return of the subpena." [101]

Later in the opinion the court reiterated this point, with respect to the written response of the President to the Wilkinson letter.[102]

The court noted that it had great respect for the President. Yet it felt that the reputation of the court would be tarnished if it refused to aid an accused in procuring papers which he deemed essential for his defense.[103]

President Jefferson attacked this decision as violating the Constitutional principle of independence of the Branches of Government, a point to which Marshall nowhere directly adverted at any time in his opinions in the Burr trials.[104] In a letter to Hay on 20 June 1807 Jefferson wrote,

"The leading principle of our Constitution is the indepedence of the Legislature, executive and judiciary of each other, and none are more jealous of this than the judiciary. But would the executive be independent of the judiciary, if he were subject to the commands of the latter, & to imprisonment for disobedience. . . .?" [105]

It is highly significant that President Jefferson, himself a lawyer with more formal legal training than Marshall,[106] had, at the very outset of the matter, gone to the very root of the Constitutional question from the point of view of the Executive. Anticipating that at some point in the great drama, taking place in the Richmond courtroom ninety miles to the south of the White House, there would be a confrontation between the Executive and Judicial powers, on 2 June 1807 Jefferson had written to Hay:

"*The Constitution intended* that the three great branches of the government should be co-ordinate, and independent of each other." [107]

When notified of the issuance of the subpoena, Jefferson on 12 June immediately replied: "Sir,—Your letter of the 9th is this moment received. Reserving the necessary right of the President of the U.S. to decide, independently of all other authority, what papers, coming to him as President, the public interests permit to be communicated, & to whom, . . ." (As quoted at p. 43, *supra.*) The acquittal of Burr for treason came many weeks later, but the battle over the subpoena was to go on.

In the second part of the Burr litigation, when Burr was on trial for a misdemeanor (beginning a military expedition against the territory of Spain), the Burr request for the

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Wilkinson letter of 21 October 1806 again drew the attention of the court.[108] In the course of argument Burr referred to the letter and noted that it had not yet been produced.[109] The U.S. District Attorney Hay indicated that he could produce a copy of the letter, but not the original.[110] The court, per Justice Marshall, then stated that a copy would not be admissible unless the loss of the original were proved.[111]

During later argument the same day, 3 September 1807, Burr made a new request, for a letter from General Wilkinson to President Jefferson written on 12 November 1806, which he also felt was material to his defense.[112] Hay then proposed to produce the 12 November letter and let the clerk of the court in confidence copy those parts of the letters which were relevant and which could be made public. Burr's counsel, however, demanded the whole of the letters. Hay next suggested that Burr's counsel should examine the letters; Hay would rely on their integrity not to disclose confidential passages, and if any disagreement arose, Hay would let the court decide.[113] Burr's counsel refused to inspect anything which Burr himself could not inspect.

Hay finally responded to the Burr demands by asserting the ultimate position that the President had kept for himself the power to decide what portions of the letter should be made public, but that he wished to make all but the most confidential sections public,[114] as the President had specifically stated in his letters to Hay,[115] President Jefferson maintained that he found the source of his powers in both the common practice of all nations' executives and in the Constitution.[116]

While Jefferson had been willing earlier to comply substantially with the subpoena,[117] he now felt that Burr had converted the trial into a contest between the Executive and the Judiciary. He was disappointed that Justice Marshall had allowed this, but he hoped that Marshall would not press on with the conflict. If Marshall did continue, however, Jefferson noted that the powers given the Executive by the Constitution would enable him to prevail.[118] Jefferson was determined to resist the execution of the process and was willing to use force if necessary, although he hoped that Marshall would not push the issue to a head.

On 4 September 1807 Burr again demanded the letters of General Wilkinson written to President Jefferson on 21 October and on 12 November 1806. Burr stated in court that the President was in contempt for failure to comply with the subpoena issued for the 21 October letter, but he hoped that the President would produce the letters without the necessity of resorting to contempt proceedings.[119] Burr indicated he might accept a copy of the 21 October letter, the original of which had apparently been mislaid, but only if the copy were properly authenticated.[120]

After lengthy debate, the court issued a second subpoena *duces tecum*, to the United States Attorney, which was returned with a copy of the 12 November 1806 letter, the copy excepting the parts not material or relevant in Hay's opinion. Hay indicated that this power of selection of the passages to be made public had been delegated to him by the President.[121] However, the United States Attorney was willing to submit the original letter to the court so that it could test the accuracy of his opinion, and he also certified that the deleted parts contained opinions about certain persons which would not be admissible in court.[122] Burr still was not satisfied, and the court apparently would be required to resolve the issue.

Chief Justice Marshall recognized that while the President was subject to the general rule requiring compliance with a subpoena, nevertheless the President may have "sufficient motives for declining to produce a particular paper, and those motives may be such as to restrain the court from enforcing its production." [123] He continued by stating that

"The occasion for demanding it ought, in such a case, to be very strong, and to be fully shown to the court before its production could be insisted on. I admit, that in such a case, much reliance must be placed on the declaration of the president; and I do think that a privilege does exist to withhold private letters of a certain description." [124]

This expression of acknowledgement of some kind of Executive privilege for confidential communications, made by Marshall on September 1807, is reminiscent of Marshall's statement four years earlier in *Marbury* v. *Madison*, that Attorney General Lincoln need not disclose anything which had been communicated to him in confidence.[125]

Marshall was troubled, however, by the possibility of denying the accused information which might be of aid in his defense. He indicated that the court would give great deference to the reasons of the President for withholding the information, and would require the accused to show that the material was essential to the defense.[126] Here, however, it had been Hay, rather than the President, who had decided which specific passages should be withheld. This gave Marshall still another opportunity to avoid the direct Constitutional clash:

"*Had the president, when he transmitted it, subjected it to certain restrictions,* and stated that in his judgment the public interest required certain parts of it to be kept secret, and had accordingly made a reservation of them, *all proper respect would have been paid to it; but he has made no such reservation.* . . . In regard to the secrecy of these parts which it is stated are improper to give out to the world, the court will take any order that may be necessary. I do not think that the accused ought to be prohibited from seeing the letter; but, if it should be thought proper, I will order that no copy of it be taken for public exhibition, and that no use shall be made of it but what is necessarily attached to the case." [127]

The great Chief Justice had finessed the issue.

Hay immediately sought instructions from the President, and on 9 September he presented the court with "a certificate from the President, annexed to *a copy of General Wilkinson's letter, excepting such parts as he deemed he ought not permit to be made public.*" [128] The President's certificate, dated 7 September 1807, noted that

"On re-examination of a letter of Nov. 12, 1806, from Genl. Wilkinson to myself, . . . I find in it some passages entirely confidential, given for my information in the discharge of my executive functions, and which my duties & the public interest forbid me to make public. I have therefore given above a correct copy of all those parts which I ought to permit to be made public. *Those not communicated are in nowise material for the purposes of justice* on the charges of treason or misdemeanor depending against Aaron Burr; *they are on subjects irrelevant to any issues which can arise out of those charges, & could contribute nothing towards his acquittal or conviction.*" [129]

The trial proceeded, and Burr was found by the jury to be not guilty.[130] The full Wilkinson to Jefferson letter of 12 November 1806 was never produced.

My colleagues "think the *Burr* case makes clear that application of Executive privilege depends on a weighing of the public interest protected by the privilege against the public interests that would be served by disclosure in a particular case." (*Per Curiam, supra* at 28.) Not so, not by a long shot, not by the difference between a United States Attorney and a President.

Marshall *might* have been willing to pit the Judiciary versus the Executive by a final order to produce the whole letter or else, when only the excerpted letter was furnished and the deletions were done by the judgment of the U.S. Attorney. But when the *President himself* later came forth with his excerpted version and certificate as to what had been deleted and why, Marshall said nothing and he did nothing.

The full 12 November letter was never produced; the 21 October letter was never produced in the first trial for treason, and there is no record that even a copy was produced in the second trial for misdemeanor.

If we go on *what was actually done*, the *Burr* trials prove that final "weighing of the public interest" is done by the Chief Executive. If we go on what was *said* by Marshall, the *Burr* trials leave the ultimate issue of Who finally decides the public interest completely undecided, for Marshall never faced up, even verbally, to a confrontation with the President himself with the issue drawn on the question of separation of powers.[131]

These two great Constitutional and political antagonists—Marshall and Jefferson, Chief Justice and President—had circled each other warily, each maintaining his position, each, out of respect for the other and for the delicate fabric of the Constitution, not forcing the ultimate issue. Who *should* decide the scope and applicability of the Chief Executive's privilege? The *Burr* trials give no definite answer. Who *did* decide the Chief Executive's privilege? The portions of the letter determined by the President to be confidential remained confidential; the full letter was never produced to the court.

III. Relationship of the Grand Jury to the Judiciary and to the Executive

In my view, the case at bar presents the same conflict between the Judiciary and the Executive which faced Chief Justice Marshall in the *Burr* trials. I would decide the question the same way Marshall actually left it; my colleagues would decide the question by asserting a Judicial supremacy over the Chief Executive, which Marshall may have hinted he preferred, but which he was too prudent finally to assert.

There is a third position which is argued by the Special Prosecutor, and indeed is relied on by the District Judge, hence must be addressed briefly here. The Special Prosecutor contends, ". . . it is a false conflict to see the present controversy as a struggle between the powers of the Judiciary and the prerogatives of the President. Rather, what is involved is the respondent's refusal to respond to a demand from the people, speaking through their organ, the grand jury." [132] And, ". . . the grand jury's 'authority is derived from none of the three basic divisions of our government, but rather directly from the people themselves.' (Citation omitted.)" [133] Judge Sirica held, "[t]he grand jury derives its authority directly from the people, . . ." [134]

In the first place, it is undeniable that, under the very terms of Judge Sirica's Order and Opinion, the nine tapes are to be turned over to the District *Court*, and the grand jury may never see or hear any of them after the District Judge's review *in camera*. So the Judiciary-Executive confrontation is there at the outset, whatever the character of the grand jury. In the second place, the grand jury is only an appendage of the court under whose direction it operates. When the grand jury functions, it functions within the recognized tripartite division of powers as an arm of the Judicial Branch.

A. Background

The Supreme Court has described the grand jury as "brought to this county by the early colonists and incorporated in the Constitution by the Founders. There is every

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reason to believe that our constitutional grand jury was intended to operate substantially like its English progenitor." [135] In its formative stages in England, the jury [136] was "a body of neighbors summoned by some public officer to give, upon oath, a true answer to some question." [137] In the twelfth century Henry II made extensive use of the jury as a source of general information necessary for the administration of his centralized government. The jury's role as a source of general information for the Crown diminished when Parliament became the grand inquest of the nation.[138] "So gradually, in the course of the fourteenth century, the use of the jury in connection with the central government came to be chiefly confined to *judicial functions*." [139]

In the thirteenth century and early part of the fourteenth, members of the grand jury that accused a person of crime often served on the petit jury that tried him.[140] However, by 1351–52 no indictor could serve on the trial jury if he were challenged for cause by the accused.[141]

It seems clear that in early England the grand jury was as much a part of the judicial machinery as the petit jury.

From a tool of the Crown for ferreting out criminals, the grand jury later evolved into a protector of the citizenry against arbitrary prosecution. The grand jury's role as a shield dates from the 1681 case of the Earl of Shaftesbury, in which the grand jury wrote "Ignoramus" ("we ignore it") on the bill of indictment presented by the Crown against Shaftesbury.[142] The protective function of the grand jury was recognized by the drafters of the Bill of Rights when they provided in the Fifth Amendment that "[n]o person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury . . . ." [143] In *Wood* v. *Georgia* the Court emphasized the protective role of the grand jury:

"Historically, this body has been regarded as a primary security to the innocent against hasty, malicious and oppressive persecution; it serves the invaluable function in our society of standing between the accuser and the accused, whether the latter be an individual, minority group, or other, to determine whether a charge is founded upon reason or was dictated by an intimidating power or by malice and personal ill will.[144]"

In addition to its historical roles as an accusatory body and as a shield of the innocent, the grand jury has traditionally been accorded broad powers to investigate possible wrongdoing.[145] Thus, a grand jury may initiate an independent investigation and request that charges be made against those whose wrongdoing was discovered.[146]

B. Relationship of the Grand Jury to the Judiciary

From the above survey of the history and traditional functions of the grand jury, it should be clear that the grand jury operates within the judicial sphere of Government. The Supreme Court has so treated it: "The grand jury is an arm of the court and its *in camera* proceedings constitute 'a judicial inquiry.' " [147] Perhaps the fullest exposition of the judicial nature of the grand jury's activities is contained in *In re National Window Glass Workers:*

"A grand jury has no existence aside from the court which calls it into existence and upon which it is attending. A grand jury does not become, after it is summoned, impaneled, and sworn, an independent planet, as it were, in the judicial system, but still remains an appendage of the court on which it is attending. No grand jury shall be summoned to attend any District Court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. [Citation omitted.] The District Court may discharge a grand jury whenever in its judgment it deems a continuance of the sessions of such a jury unnecessary. [Citation omited.] All indictments or presentments of a grand jury become effective only when presented in court and a record is made of such action. A grand jury is not, therefore, and cannot become, an independent, self-functioning, uncontrollable agency. It is and remains a grand jury attending on the court, and does not, after it is organized, become an independent body, functioning at its uncontrolled will, or the will of the district attorney or special assistant." [148]

Although a court has no authority to order the grand jury to return an indictment (or to refuse to do so),[149] it may exercise control over the grand jury in several significant respects.[150] The court summons and empanels the grand jury [151] and apparently has broad discretion to discharge it for any reason.[152] The grand jury's jurisdiction to investigate is limited to that of the presiding court.[153] In making its inquiries, the grand jury must rely on the process of the court to procure evidence and summon witnesses and must look to the power of the court to enforce its subpoenas.[154] "Unreasonable or oppressive" subpoenas may be quashed or modified by the court on motion.[155] The court has considerable discretion to instruct the grand jury and to prescribe rules for the conduct of its proceedings.[156] In summary, the court has broad supervisory authority with respect to the activities of the grand jury.

The nature of the grand jury's functions and its subordination to the supervisory authority of the court place it squarely within the Judicial Branch. Moreover, in order to perform its protective function,[157] the grand jury must remain detached from and independent of the Executive Branch. Therefore, the grand jury is under no compulsion to follow the orders of the prosecutor.[158] Its power to investigate and return a presentment based on its findings is not impaired by the prosecutor's discretion to decide whether or not to proceed with a prosecution.[159]

Thus, for purposes of applying the doctrine of separation of powers, the grand jury must be aligned with the Judicial Branch. As one court stated in *Hammond* v. *Brown,*

"The grand jury in its inquest of crimes and offenses is part of the judicial branch of government. Like other branches of government the judicial branch is subject to the doctrine of separation of powers. [Citation omitted.] The grand jury is part of the judicial branch of government and is separate and distinct from the legislative and executive branches of government; and the grand jury, therefore, may not "impinge upon the authority or rights of the others" . . . [Citation omitted.] [160]

IV. Amenability of the President to judicial process—An illusory issue in the instant case

My colleagues have decided an "immunity" issue, which, in my humble judgment, is a non-issue in this case—both from the majority view and my own.

A. If the President has the power and responsibility to decide where lies the public interest in disclosure or non-disclosure, as I believe, what business does any court have issuing any "Order"? Apparently none, for the *Per Curiam* opinion states: "If the Constitution or the laws of evidence confer upon President Nixon the absolute discretion to withhold material subpoenaed by a grand jury, then of course we would vacate, rather than approve with modification, the order entered below." (*Per Curiam, supra* at 20.)

B. If the court has the power to weigh and balance the public interest in the confidentiality of Executive records, but the court has no physical power to enforce its subpoena should the President refuse to comply—as my colleagues apparently recognize full well (*Per Curiam, supra* at 12 and notes 32–33)—then what purpose is served by determining whether the President is "immune" from process?

It can hardly be questioned that in any direct confrontation between the Judiciary and the Executive, the latter must prevail. Therefore, the "issue" of whether the President is amenable to court process is an illusory one. No one questions that the court can issue to the President a piece of paper captioned "Subpoena" and that the President owes some obligation at least to inform the court of how he intends to respond. But our history is full of examples of situations in which direct confrontations between two or more of the co-equal Branches were avoided by one of the Branches deciding not to push its position to the limit.

It should be crystal clear from the detailed account of the trials of Aaron Burr (II.C. *supra*) that *Burr* provides no support for my colleagues' deciding this "issue" as they do, for Chief Judge Marshall never came to the final confrontation with President Jefferson. Since the Burr trials represent the sole [161] example in our history of a court subpoena duces tecum to an incumbent President, it is with some astonishment that I read the majority's confident assertion: "The courts' assumption of legal *power to compel production of evidence* within the possession of the Executive surely stands on firm footing. *Youngstown Sheet & Tube* v. *Sawyer*, . . ." (*Per Curiam, supra* at 13) (emphasis supplied).

Youngstown [162] involved no documents, no tapes, no Presidential conservations—no assertion of a Constitution privilege of any kind. *Youngstown* represents the Judicial power, by compulsory process or otherwise, to prohibit the Executive from engaging in actions contrary to law. *Youngstown* represents the principle that no man, cabinet minister or Chief Executive himself,[163] is above the law; *Youngstown* says nothing about *Which Branch Decides* a Constitutional privilege based on separation of powers.

Nor are the other authorities cited by the majority opinion to decide the unnecessary question of Presidential "immunity" any more relevant. *United States* v. *United States District Court* [164] involved a Fourth Amendment violation by wiretapping, and the consequent required disclosure or dismissal in the well-known adversary litigation situation. *Kendall* v. *United States ex rel. Stokes* [165] was a mandamus to a cabinet officer to comply with an act of Congress, with no privileged communications whatsoever involved. *State Highway Commission* v. *Volpe* [166] involved an injunction against a cabinet officer, with no privileged communications asserted.

Thus, the real issue, even by the analysis in other parts of the *Per Curiam* opinion, is whether it is appropriate for the court to determine the legal validity of a claim of privilege by the President, or whether the Constitutional principle of separation of powers requires the court to yield to the President's judgment as to where the public interest lies. My answer would be the latter. But taking the answer given by the *Per Curiam* as correct and at the broadest, the proper role of the court is to decide the legal issue of the nature and extent of the President's privilege, and, given the court's admitted lack of physical power to enforce compliance, express such conclusions in a declaratory judgment form. The court need not issue any process to be served on the President, so the question of "immunity" need never arise. If the court's decision is adverse to the President, he must decide whether to comply or risk adverse political consequences.

Whatever the court's decision here, whichever rationale is followed, it seems clear that any issue of Presidential "immunity" or amenability to court process is totally illusory.

Footnotes at end of article.

V. APPLICATION OF THE CONSTITUTIONAL TRIPARTITE PRIVILEGE

A. Procedures and practicalities—statutes and the Constitution

Parts V and VI of the *Per Curiam* opinion suggest certain procedures to be followed by the District Court on remand, derived from *Environmental Protection Agency* v. *Mink* [167] and our own opinions in *Vaughn* v. *Rosen* [168] and *Cuneo* v. *Schlesinger*.[169] The procedures themselves are irreproachable, and might well be workable, if we were dealing with a usual statutory privilege and the ordinary papers of the bureaucracy.

We are not; whence arise two great objections to the *Per Curiam* recommended solution: (1) the Constitutional barrier of separation of powers, which means that neither the authorities nor the techniques relied on are applicable here; and (2) certain practical problems inherent in the Judiciary dealing with the most confidential communications of the Chief Executive.

1. The Authorities

Mink, Vaughn, and *Cuneo* all dealt with statutory exemptions from disclosure specifically defined in the Freedom of Information Act.[170] No Constitutional privilege was ever invoked. The same can be said of *Carl Zeiss* [171] and *Soucie* v. *David,* [172] In these cases the "courts appropriately examine[d] a disputed item *in camera*" (*Per Curiam, supra* at 36), because the statute provided the indispensable *guidelines* for District Court examination and decision; i.e., the statute specifically defined and described the *categories* of information which were to be exempt from disclosure.

In this situation the task of the District Judge is clear and definite; he is to look at the confidential material (properly segmented for intelligent decision-making) *in camera,* and make a *factual* determination [173] as to whether the subject matter fits within or without the statutorily exempted categories. If within any defined exemption, the information is kept confidential; if not within any of seven categories, the information is disclosed to the demanding party.

The District Judge does no "balancing" or "weighing of conflicting public interests"; the balancing and weighing has already been done by the Congress in the statute itself. In category "(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy," the undisputed fact of an Executive order categorizing a document as secret precludes even *in camera* inspection by the District Judge, as the Supreme Court held in *Mink*. There is no *factual* question left for the judge to determine, so no inspection violating Executive secrecy is permissible. With regard to other claimed categories of exemption in *Mink*, as in *Vaughn* and *Cuneo, in camera* inspection was needed to determine the *fact* of the proper classification.

This is comparable to *United States* v. *Reynolds,*[174] which antedates the Freedom of Information Act. There the Supreme Court, after determining as a fact from the showing made by the Government that the material related to important national defense secrets, forbade even *in camera* inspection. And, as my colleagues correctly point out, ". . . the Court explicitly reserved decision on the Government's claim that the Executive has an absolute discretion constitutionally founded in separation of powers to withhold documents." (*Per Curiam, supra* at 24.[175])

If we look at Part VI of the *Per curiam* spelling out the procedure prescribed for the District Judge, aside from the category of national defense or foreign relations (*supra* at 38), by what criteria, by what guidelines, with reference to what categories of information communicated to or in the presence of the President will the District Judge decide what is to be disclosed to and what kept from the Special Prosecutor and grand jury? By what standards is the District Judge to weigh or balance the conflicting claims of the Chief Executive and the Special Prosecutor? By the amorphous standard of "the public interest"? With all due respect to Chief Judge Sirica why is any one of 400 District Judges better equipped than the Chief Executive of the Nation to determine "the public interest"?

There is missing completely from the situation here the absolutely indispensable ingredient which made the techniques of classification and *in camera* inspection feasible in *Mink, Vaughn,* and *Cuneo, i.e.,* categories of information previously specifically defined by statute as disclosable or confidential. In the situation here, what the District Judge must do is to make the value judgment as to disclosure or confidentiality, which was made by Congress on material subject to statutory mandate, and which here constitutionally belongs to the Chief Executive himself, not to a District Judge, under the doctrine of separation of powers.

2. Pragmatic considerations

The first problem is that of security, an omnipresent consideration when the office of the President is concerned. If *in camera* examination involved only *one* United States District Judge, the violation of Executive privacy might be tolerable. Such restricted access is remote as a practical prospect. There is the process of assembling, classifying, and furnishing the tapes to the court, necessarily involving counsel and other persons who previously have had no access to this stored information. There is the legal and clerical assistance the District Judge must require. There are the probable demands of prospective defendants to be confronted, which may call for access by the Special Prosecutor beyond what he originally required.[176]

After the District Court's decision, then will arise the question of appeal. It is too much to expect any decree of the District Court to have either the wisdom or finality of Solomon's. A *non*-appealable Order of a District Judge, either suppressing or exposing the most confidential recorded conversations of the President, will satisfy no one. The alternative is equally unattractive. Appeal will involve three to nine (in some Circuits, more) judges in the Court of Appeals, with a minimum of clerical and legal staff assistance. Then will come the nine members of the Supreme Court with appropriate supporting personnel.

As a member of the Federal Judiciary, the writer means no disrespect to its members or staff assistants. As the circle of "secrecy" widens, it will dissolve and vanish. All human experience teaches this—particularly in Washington, D.C.

Nor is *in camera* inspection of Presidential material without danger to the Judiciary. The judge who suppresses eagerly sought information can never adequately justify his decision by a public explanation of his rationale in the usual opinion. The judge's decision may in truth be unjustifiable, grossly in error, because federal judges are not necessarily equipped with the type of information on which to base an intelligent decision on confidentiality. By the nature of the problem, the places the judge can turn for assistance are limited or nonexistent. The needed background information may be political in nature, as may the sought-after information, and willy-nilly, whatever his decision, the judge may have injected himself and the whole Judiciary into what is basically part of the political process.

B. A healthy tension

Many speak as if all answers to all conceivable problems of our Government are to be found in specific Constitutional provisions. They imagine that somewhere in that magnificent document there must be the answer to how a conflict between the Executive and the Judiciary (or Executive and Legislative), each claiming to act within the powers of its Branch, should be resolved. I suggest that this is one of several major areas in which the Constitutional Convention deliberately provided no specific answer.

I suggest that the best (and historically only) answer is that judgment on the proper exercise of the Executive and Judicial powers ultimately rests, and was intended to rest, with the American people. Having created three co-equal separate Branches, the Constitutional Convention did not foul up the grand design by providing that one Branch was to be superior and prevail over another, nor did the grand scheme entrust the decision between two conflicting Branches to the third Branch. This was graphically demonstrated by the Constitutional theory on which Washington and his cabinet first acted, that the Executive himself should determine what papers in the public interest could be furnished to another Branch.

It was and is the President's right to make that decision initially, and it is the American people who will be the judge as to whether the President has made the right decision, *i.e.,* whether it is or is not in the public interest that the papers (tapes) in question be furnished or retained. If his decision is made on visibly sound grounds, the people will approve the action of the Executive as being in the public interest. If the decision is not visibly on sound grounds of national public interest, in political terms the decision may be ruinous for the President, but it is his to make. The grand design has worked; the separate, independent Branch remains in charge of and responsible for its own papers, processes and decisions, not to a second or third Branch, but it remains *responsible* to the American people.

This may seemingly frustrate the role of the Special Prosecutor in part of his work, it may frustrate what a Congressional investigative committee conceives to be its role, but in my judgment this was the way the Constitution was intended to work. The Constitution was not designed as an all-powerful efficient instrument of government. The primary concern in the minds of the Founding Fathers of 1787 was to devise a reasonably efficient method of government that above all did not have the in-built capacity to become oppressive.[177] And to that end they first designed the separation of powers, making each Branch independent, and then left inherent in the structure they had designed the possibility of irreconcilable conflict.[178] But in their view, the possibility of irreconcilable conflict was not necessarily bad, because above all this would guarantee that the National Government could never become an efficient instrument of oppression of the people.

The Founding Fathers were not looking for the *most efficient* government design. After all, they had been subject to and rebelled against one of the most efficient governments then existing.[179] What the Founding Fathers designed was *not efficiency, but protection against oppression.*[180] Leaving the three Branches in an equilibrium of tension was just one of their devices to guard against oppression.[181]

This healthy equilibrium of tension will be destroyed if the result reached by the *Per Curiam* is allowed to stand. My colleagues cannot confine the effect of their decision to Richard M. Nixon. The precedent set will inevitably have far-reaching implications on the vulnerability of any Chief Executive to judicial process, not merely at the behest of the Special Prosecutor in the extraordinary circumstances of Watergate, but at the behest of Congress. Congress may have equally plausible needs for similar information. The fact that Congress is usually or fre-

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Footnotes at end of article.

quently locked in political battle with the Chief Executive cannot mean that Congress' need or right to information in the hands of the Chief Executive is any less than it otherwise would be. The courts will have been enlisted on one side of what would be even more undeniably and fundamentally a political question.

The *Per Curiam* notes (at 40) that "[w]hat the courts are now called upon primarily to decide, . . . is how to reconcile the need of the United States, by its grand jury, with the legitimate interest of the President in not disclosing those portions of the tapes that may deal with unrelated matters." This is indeed revelatory. One would have thought that the President, not a Special Prosecutor or grand jury, should best determine "the need of the United States." One would have thought that when "the need of the United States" was to be evaluated, the President, not one of 400 District Judges, would be the most fitted to determine where the overall public interest lies. It is thus all too clear that, to reach the result achieved by the *Per Curiam*, somehow, subconsciously, it is essential to assume implicitly that the President no longer represents the United States or is qualified to determine where the overall public interest lies. Without that implicit assumption, the majority here would be powerless to reach the result it does.

At an earlier point the *Per Curiam* defines the position of the Chief Executive here as "The President claims that, at least with respect to conversations with his advisers, the privilege is absolute, since he, rather than the courts, has final authority to decide. . . ." (*Per Curiam, supra* at 22.) My colleagues reject this claim on the basis that "The President's privilege cannot, therefore, be deemed absolute. . . . [A]pplication of Executive privilege depends on a weighing of the public interest. . . ." (*Per Curiam, supra* at 28.)

In the first place, that answer represents the balancing test applicable to the ancient common sense-common law source of all Governmental privilege; it ignores totally the Constitutional source of the Chief Executive's privilege, separation of powers, which creates the basic question in this case: Under the Constitution, Who Decides?

In the second place, the Constitutional principle also means this: with "absolute" privilege goes *absolute responsibility*. When we reach the level of the Chief Executive, this can only mean responsibility to the American people. I think the Framers meant it that way.

Yet, my colleagues' answer doubtless has appeal to those who theoretically would reject a theoretical absolute. So, in the third place, whatever our answer in theory should be, we must realize both the question and the answer also ignore history. If the same question is phrased in regard to the holder of office in Congress, or the holder of office in the Judiciary, where privilege in regard to the private papers, documents, and deliberations of the Congress and the Judiciary are concerned, the answer is clear—the holder of the office has *always* been the absolute determinant of the privilege.

Has a court ever refused to accept the determination of one House of Congress that its papers were privileged from judicial subpoena, and insisted on compliance with a subpoena duces tecum? *Never*. (*E.g., Brewster, Calley, Hoffa*, etc., etc.)[182] Has Congress ever refused to accept the determination of the Chief Executive that his papers were privileged from a Congressional committee demand, and sought to enforce it either by its own process or by judicial process? *Never*. (*E.g.*, the Jay Treaty in Washington's administration, corporate bureau antitrust papers in Theodore Roosevelt's administration, etc., etc.)[183]

To put the theoretical situation and possibilities in terms of "absolute" privilege sounds somewhat terrifying—*until one realizes that this is exactly the way matters have been for 184 years of our history*, and the Republic still stands. The practical capacity of the three independent Branches to adjust to each other, their sensitivity to the approval or disapproval of the American people, have been sufficient guides to responsible action, without imposing the authority of one co-equal Branch over another.[184] The American Constitutional design may look like sloppy craftsmanship, it may upset tidy theoreticians, but it has worked—a lot better than other more symmetrical models.

At the least, this is a point in favor of its continuance unchanged; at the most, this may be all the answer we need.

FOOTNOTES

[*] For the convenience of the reader, an outline of this dissenting opinion is herewith appended.

I. *The Dual Origin of the Privilege Asserted*

A. *The Common Sense-Common Law, Statutory Origin of Privilege*

1. Historically
2. Litigation in Which the Government Is a Party
3. Individual Inquiry of a Governmental Official or Agency
4. The First Amendment
5. The Chief Executive

B. *Separation of Powers—the Tripartite Privilege*

1. Judicial versus Executive
2. Legislative versus Executive
3. Judicial versus Legislative
4. Who Decides?

II. *Development of the Tripartite Privilege with Reference to Executive Documents*

A. *The Legislative Decision of 1789*

B. *Congressional Demands for Executive Papers*

C. *Judicial Demands for Executive Papers—The Trials of Aaron Burr*

III. *Relationship of the Grand Jury to the Judiciary and to the Executive*

A. *Background*

B. *Relationship of the Grand Jury to the Judiciary*

IV. *Amenability of the President to Judicial Process—An Illusory Issue in the Instant Case*

V. *Application of the Constitutional Tripartite Privilege*

A. *Procedures and Practicalities—Statutes and the Constitution*

1. The Authorities
2. Pragmatic Considerations

B. *A Healthy Tension*

[**] Judge MacKinnon has stated his general concurrence in the result reached in this dissent and that differences in the two dissenting opinions are mainly matters of emphasis. That is my position also in regard to Judge MacKinnon's dissent. Given the compressed time frame in which we must write, it has seemed better to write separate opinions rather than to seek specific concurrent language on the important and delicate matters at issue here.

[1] See Part II.C. *infra*, for the full discussion of the trials of Aaron Burr in 1807. President Jefferson was prepared to instruct the U.S. marshal, an employee then and now of the Executive Branch, not to serve any such order on the President. 9 P. Ford, The Writings of Thomas Jefferson 62 (1898) [hereinafter Writings of Jefferson]. *See* note 118 *infra*.

[2] *Id*. at 57 (emphasis supplied). It is significant that President Jefferson had twice earlier in writing Hay, on 2 June and 12 June, cited the Constitutional separation of powers as the ground for his privilege. *Id*. at 53, 55.

[3] Rogers, *The Right to Know Government Business From the Viewpoint of the Government Official*, 40 MARQ. L. REV. 83, 89 (1956). *See generally* Bishop, *The Executive's Right of Privacy: An Unresolved Constitutional Question*, 66 YALE L. J. 477 (1957); Kramer and Marcuse, *Executive Privilege—A Study of the Period 1953–1960*, 29 GEO. WASH. L. REV. 623 (1961); Hardin, *Executive Privilege in the Federal Courts*, 71 YALE L. J. 879 (1962).

[4] FARRAND, RECORDS OF THE FEDERAL CONVENTION OF 1787, at 15 (rev. ed. 1966) [hereinafter FARRAND].

[5] Gladstone, *Kin Beyond the Sea* (in THE NORTH AMERICAN REVIEW, September 1878).

[6] 2 FARRAND 648.

[7] 3 FARRAND 497. Although by resolution of Congress in 1818 (3 Stat. 475) the Journal of the Convention, the bare record of motions and votes, but not the speeches of the delegates, was made public, it was not until 1840, four years after Madison's death that his *Notes* of the Convention were made public. 1 FARRAND XV.

[8] 3 FARRAND 479.

[9] 410 U.S. 73.

[10] *Id*. at 87. Mr. Justice Reed was sitting by designation in the Court of Claims in *Kaiser Aluminum and Chemical Corp.* v. *United States*, 157 F. Supp. 939, 946 (Ct. Cl. 1958).

[11] 157 F. Supp. at 944 (emphasis added).

[12] U.S.C. § 552 (1970).

[13] *Carl Zeiss Stiftung* v. *V. E. B. Carl Zeiss, Jena*, 40 F.R.D. 318, 324–25 (D.D.C. 1966), *aff'd on the opinion below*, 128 U.S. App. D.C. 10, 384 F.2d 979, *cert. denied*, 389 U.S. 952 (1967).

[14] 345 U.S. 1 (1953).

[15] *Id*. at 9–10.

[16] *Id*. at 9.

[17] *Id*. at 11. See Hardin, *supra* note 3, at 892–95, for a well-reasoned critique of the rationale of *Reynolds*.

[18] The Jencks Act is codified at 18 U.S.C. § 3500(d) (1970).

[19] Among those commonly referred to as "housekeeping statutes" are Rev. Stat. 161 (1878), now codified at 5 U.S.C. § 301 (1970), revised in 1958, and the Administrative Procedure Act, 60 Stat. 237 (1946) (now codified in scattered sections of 5 U.S.C.), which was revised by the addition of the Freedom of Information Act, 5 U.S.C. § 552 (1970). Revisions of both statutes were made to prevent citation as authority for withholding information from Congress and the public.

[20] U.S.C. § 552 (1970).

[21] *Vaughn* v. *Rosen*, No. 73–1039 (D.C. Cir., 20 Aug. 1973); *Cuneo* v. *Schlesinger*, No. 72–1328 (D.C. Cir., 5 Sept. 1973); *Soucie* v. *David*, 448 F.2d 1067 (D.C. Cir. 1971).

[22] "There are serious weaknesses in the assumption, popular among liberals who happen at the moment not to be thinking about Senator McCarthy, that public policy ought to draw a sharp distinction between 'military and diplomatic secrets' on the one hand and all other types of official information on the other, giving Congress free access to the latter. In the first place, the line is by no means easy to draw, even when the best of faith is used . . . . More fundamentally, however, the executive's interest in the privacy of certain other types of information is not less than its interest in preserving its military and diplomatic secrets. One obvious example is the data, derogatory or otherwise, in the security files of individuals. Another, perhaps still more important, is the record of deliberations incidental to the making of policy decisions." Bishop, *supra* note 3, at 488.

[23] 365 U.S. 127 (1961).

[24] 357 U.S. 449 (1958).

[25] We were informed by counsel at oral argument that in the court-martial of Dr. William Burton a subpoena was issued to President Monroe for the President's testimony. It was complied with by a deposition. No documents were involved. *See Per Curiam, supra* at 16 n. 42.

[26] Special Prosecutor's Supplemental Brief at 22.

[27] President's Reply Brief at 37, *quoting from* Professor Charles Black's letter to the *Washington Post*, 12 September 1973.

[28] *Myers* v. *United States*, 272 U.S. 52, 116 (1926).

[29] *Humphrey's Executor* v. *United States*, 295 U.S. 602, 629–30 (1935).

[30] 343 U.S. 579 (1952).

[31] *See* note 25 *supra*. "There seems to be no case which presents the question of whether a court would attempt to compel actual production of information in the possession of the executive." Bishop, *supra* note 3, at 482 n. 19.

[32] Discussed in detail in text accompanying notes 75–77 *infra*.

[33] The effect of a Congressional subpoena is described in *Watkins* v. *United States*, 354 U.S. 178 (1957):

> It is unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action. It is their unremitting obligation to respond to subpoenas, to respect the dignity of the Congress and its committees and to testify fully with respect to matters within the province of proper investigation. This, of course, assumes that the constitutional rights of witnesses will be respected by the Congress as they are in a court of justice. 354 U.S. at 187–88.

The primary limitation on the Congressional subpoena power is that its exercise must relate to a valid legislative function. Usually, Congressional committees issue subpoenas pursuant to some investigation. The limits on Congress' investigative powers were described by this court in *Shelton* v. *United States*, 131 U.S. App. D.C. 315, 319–20, 404 F.2d 1292, 1296–97 (1968).

[34] 2 U.S.C. § 192 (1970).

[35] 2 U.S.C. § 194 (1970).

[36] *Jurney* v. *MacCracken*, 294 U.S. 125, 151 (1935).

[37] *Id.* at 148. For a discussion of Congress' contempt power, see *id.* at 147–50. *See also Emspak* v. *United States*, 91 U.S. App. D.C. 378, 381, 203 F.2d 54, 57 (1953).

[38] *Jurney* v. *MacCracken*, 294 U.S. at 149–50.

[39] Bishop, *supra* note 3, at 484–85 (emphasis supplied).

[40] 408 U.S. 501 (1972).

[41] 118 Cong. Rec. S. 16,766, 92nd Cong., 2d Sess. (emphasis supplied).

[42] The President has also permitted two subpoenaed documents to be furnished.

[43] CM 426402, 1 Military L. Rep. 2077 (ACMR, 16 Feb. 1973); 116 Cong. Rec. 37,652 (17 Nov. 1970).

[44] 205 F. Supp. 710 (S.D. Fla.), *cert. denied sub nom. Hoffa* v. *Lieb*, 371 U.S. 892 (1962); 108 Cong. Rec. 3626, 3627 (1962).

[45] *See* 3 Hinds' Precedents of the House of Representatives § 2661, 7 March 1876; § 2662, 21 March 1876; § 2663, 22 April 1879; § 2664, 9 February 1886 (1907); *Soucie* v. *David*, 145 U.S. App. D.C. 144, 159 n. 4, 448 F.2d 1067, 1082 n. 4 (1971) (Wilkey, J., concurring).

My colleagues rely upon *Gravel* v. *United States*, 408 U.S. 606 (1972), for the assertion that "[w]henever a privilege is asserted, even one expressed in the Constitution, such as the Speech and Debate privilege, it is the courts that determine the validity of the assertion and the scope of the privilege." (*Per Curiam, supra* at 25.) *Gravel* was a far different question. First, there was never any issue as to Who Decides the scope of the privilege; Senator Gravel himself invoked the jurisdiction of the courts.

Second, the issue to be determined was "whether the activities concerning which questioning or prosecution is sought are: 'integral part[s] of the deliberative and communicative processes by which Members participate in committee and House proceedings . . .' " (*Per Curiam, supra* at 25 n. 70), *i.e.*, the nature of the actions involved. This is reminiscent of the factual categorizing to be done in *Environmental Protection Agency* v. *Mink*, 410 U.S. 73 (1973), *Vaughn* v. *Rosen*, No. 73–1039 (D.C. Cir., 20 Aug. 1973), *Cuneo* v. *Schlesinger*, No. 72–1328 (D.C. Cir., 5 Sept. 1973), all discussed in text accompanying notes 167–75 *infra*. Once the nature of the action or category of information is determined, the applicablerule of law is clear. The vital question here is Who Decides this.

Thirdly, even if *Gravel* had involved questions of a demand for documents similar to the case at bar, and the Senator himself had not invoked the aid of the courts, yet the basic distinction of *Gravel* from the case at bar may be that, even though Senator Gravel was protected by the specific Constitutional privilege of the Speech and Debate Clause applicable only to the Congress, yet Gravel is only a *single* member, *not the whole independent Branch of Government*, as is the President. If we were dealing with a grand jury demand for the records of the *Senate* as a *whole* resisted by the Senate as a whole, far different considerations would come into play.

[46] *New York Times*, 14 November 1953, p. 9.

[47] Committee on Armed Services, U.S. Senate Military Cold War Escalation and Speech Review Policies, 87th Cong., 2d Sess. 512 (1962) (emphasis supplied).

[48] *See generally Myers* v. *United States*, 272 U.S. 52, 111–136 (1926); Wolkinson, *Demands of Congressional Committees for Executive Papers (Part III)*, 10 Fed. Bar J. 319, 328–30 (1949).

[49] The resolution of the Continental Congress is printed at 1 Stat. 28–29 (1789).

[50] The resolution provided that the books, records, and other papers of the United States, that relate to this department, be committed to his custody, to which, and all other papers of his office, any member of Congress shall have access: Provided, That no copy shall be taken of matters of a secret nature, without the special leave of Congress.

Id. at 28.

[51] Other provisions of the resolution which indicate the relationship between the Congress and the Department include sections requiring the Secretary to "report on all cases expressly referred to him for that purpose by Congress, and on all others touching his department, in which he may conceive it necessary," requiring him to "answer such inquiries respecting his department as may be put from the chair by order of Congress," etc. *Ibid.*

[52] Section 1 of the Act provides:

> That there shall be an Executive department, to be denominated the Department of Foreign Affairs, and that there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, . . . respecting foreign affairs . . .; and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct.

Act of 27 July 1789, ch. 4, § 1, 1 Stat. 28.

[53] The full text of Section 2 is:

> That there shall be in the said department, an interior officer, to be appointed by the said principal officer, and to be employed therein as he shall deem proper, and to be called the Chief Clerk in the Department of Foreign Affairs, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy have the charge and custody of all records, books and papers appertaining to the said department.

Act of 27 July 1789, ch. 4, § 2, 1 Stat. 28.

[54] Wolkinson, *supra* note 48, at 329–30.

[55] *See* Wolkinson, *supra* note 48, at 330.

[56] 1 Annals of Congress 285 (1789).

[57] The discussion ran from 19 May 1789 to 24 June 1789.

See 1 Annals 385–614.

[58] The Congress after the Civil War attempted to do just that with the Tenure of Office Act, Act of 2 March 1867, 14 Stat. 430, ch. 154, which was eventually held invalid "in so far as it attempted to prevent the President from removing executive officers who had been appointed by him by and with the advice and consent of the Senate." *Myers* v. *United States*, 272 U.S. 52, 176 (1926).

[59] 1 Annals 525–527.

[60] *See* 1 Annals 601–603.

[61] *Id.* at 604.

[62] *Id.* at 608.

[63] *Myers* v. *United States*, 272 U.S. 52, 115 (1926).

[64] 1 Annals 614. *See Myers* v. *United States*, 272 U.S. 52, 114 (1926).

[65] 5 J. Marshall, The Life of George Washington 200 (1807).

[66] *Ibid.*

[67] *Id.* at 201.

[68] *Id.* at 204.

[69] *Id.* at 205.

[70] 1 Stat. 49 (1789). Brief debate occurred at 1 Annals 615.

[71] As William P. Rogers wrote when he was Attorney General, the Legislative decision of 1789 established the principle that the reasonable construction of the Constitution must be that the three branches of the Federal Government should be kept separate in all cases in which they were not expressly blended, and that no legislation should be enacted by the Congress which would tend to obscure the dividing lines between the three great branches or cast doubt upon the prerogatives properly belonging by the Constitution to any one.

Letter from Attorney General William P. Rogers to Senator Thomas C. Hennings, Jr., 13 March 1958, in *Hearing on S. 921 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary*, 85th Cong., 2nd Sess., pt. 1, at 53 (1958).

[72] E. Corwin, The President: Office and Powers, 1787–1957, at 113 (4th rev. ed. 1957). For examples of Congressional recognition of Executive privilege see Kramer & Marcuse, *supra* note 3, at 900–02.

[73] Bishop, *supra* note 3, at 486.

[74] It has prevailed without any attempt by Congress to secure adjudication of its claim versus the Executive. Nothing so illustrates the extent to which heat may have replaced light in the appraisal of this entire Watergate affair than the fact that the United States Senate has reversed the strategy of 184 years, and put the question of its right to obtain papers from the Executive into the hands of the Judiciary to determine. Reciprocally, of course, this means that the Executive at some future date would be able to put the same "logically indistinguishable" issue for the Judiciary to determine in regard to access to Congressional papers. No longer would the Senate be able to withstand the demands of a prosecutor, operating through the process of a court just as in the case at bar, for the records of Senate committees, which were denied by resolution of the Senate in the case of *United States* v. *Brewster* and many others. *See* notes 40–45 *supra* and accompanying text.

[75] Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary, 85th Cong., 2d Sess., The Power of the President to Withhold Information from the Congress, Memorandums of the Attorney General 4 (Comm. Print 1958) [hereinafter Power of the President], *quoting from* 3 Annals of Congress 493.

[76] 1 Writings of Jefferson, *supra* note 1, at 189–90 (emphasis supplied).

[77] 5 J. Marshall, *supra* note 65, at 658.

[78] Power of the President, *supra* note 75,

at 7, *quoting from* 1 Richardson's Messages and Papers of the President 133.

[79] 3 Hinds' Precedents of the House of Representatives 181 (1907) (emphasis supplied).

[80] *Id.* at 182.

[81] Power of the President, *supra* note 75, at 15–16.

[82] 43 Cong. Rec. 527–28 (1909) (emphasis supplied).

[83] Power of the President, *supra* note 75, at 23–24, *quoting from Hearings of the House Select Comm. to Investigate the Federal Communications Commn.*, 78th Cong., vol. 2, at 2338–39 (1949) (emphasis supplied).

[84] Letter from Dwight D. Eisenhower to the Secretary of Defense, 17 May 1954, *reproduced in* Power of the President, *supra* note 75, at 73–74.

[85] Bishop, *supra* note 3, at 485.

[86] *United States* v. *Burr,* 25 Fed. Cas. 30 (No. 14692d) (C.C.D. Va. 1807).

[87] The United States Chief Justice and a District Judge Griffin comprised the court hearing the case. District Judge Griffin appears to have made few recorded comments.

[88] Also at issue was the question whether the President could be compelled to testify in person, but this was not decided either.

[89] *See* 3 A. Beveridge, The Life of John Marshall 433 (1919).

[90] 25 Fed. Cas. at 31.

[91] *Id.* at 36.

[92] 3 A. Beveridge, *supra* note 89, at 341.

[93] 25 Fed. Cas. at 31. Mac Rae, one of the prosecutors assisting Hay, argued on 10 June 1807 that a subpoena might issue against the President as any other, but that he was not bound to disclose "confidential communications." Marshall himself had ruled on that very point in *Marbury* v. *Madison,* 5 U.S. (1 Cranch) 137, at 143–45, when he had so advised Attorney General Lincoln, 3 A. Beveridge, *supra* note 89, at 437–38; E. Corwin, *supra* note 72, at 111–12.

[94] 9 Writings of Jefferson, *supra* note 1 at 44 (emphasis supplied).

[95] 25 Fed. Cas. at 31.

[96] *Id.* at 34.

[97] *Ibid.* Marshall wrote,

> In the provisions of the constitution, and of the statute, which gives to the accused a right to the compulsory process of the court, there is no exception whatever.

[98] *Ibid.*

[99] *Ibid.*

[100] *Id.* at 37.

[101] *Ibid.*

[102] "If it contain matter not essential to the defence, and the disclosure be unpleasant to the executive, it certainly ought not to be disclosed. This is a point which will appear on the return. . . . If they contain matter interesting to the nation, the concealment of which is required by the public safety, the matter will appear upon the return. If they do not, and are material, they may be exhibited." *Ibid.*

[103] *Ibid.*

[104] The closest which Marshall came to recognizing any separation of powers issue was at the end of his opinion allowing the issuance of the subpoena for the 21 October letter. 25 Fed. Cas. at 37. Here Marshall discussed the problem of disrespect for the President which might be thought to arise from the decision. Marshall simply stated that his respect for the President was as great as it could be, given his duties on the Court. Even here, however, he did not deal directly with any Constitutional principle of the independence of Executive and Judiciary.

[105] 9 Writings of Jefferson, *supra* note 1, at 60 (emphasis original).

[106] Both Jefferson and Marshall received their formal legal training under George Wythe. Jefferson studied for five years in Wythe's law office and was admitted to the bar in 1767. 12 Encyclopedia Britannica 985 (1968). Marshall, on the other hand, simply attended a short series of lectures given by Wythe at William and Mary College in 1780, and he was licensed to practice in August 1780. 14 Encyclopedia Britannica 959 (1968).

[107] 9 Writings of Jefferson, *supra* note 1, at 53 (emphasis supplied).

[108] *United States* v. *Burr,* 25 Fed. Cas. 187 (No. 14694) (C.C.D. Va. 1807).

[109] *Id.* at 189.

[110] President Jefferson had written on 23 June 1807 to Hay, indicating that Wilkinson probably had copies of his letters, and that the General had expressed a willingness to furnish them to the court. 9 Writings of Jefferson, *supra* note 1, at 61.

[111] 25 Fed. Cas. at 189.

[112] *Id.* at 190.

[113] *Ibid.*

[114] *Ibid.*

[115] Jefferson's letter to Hay of 12 June 1807 had so indicated. *See* text accompanying note 94 *supra.*

[116] Letter of President Jefferson to Hay of 17 June 1807, in 9 Writings of Jefferson, *supra* note 1, at 57.

[117] *Id.* at 56.

[118] Draft letter of President Jefferson to Hay in 9 Writings of Jefferson, *supra* note 1, at 62. Ford, and others, are not sure if this letter was ever received by Hay. Nonetheless, the draft is important as an expression of Jefferson's views:

> That Burr & his counsel should wish to . . . convert his Trial into a contest between the Judiciary & Exve Authorities was to be expected. But that the Ch. Justice should lend himself to it, and take the first step to bring it on, was not expected. Nor can it be now believed that his prudence or good sense will permit him to press it. But should he contrary to expectation, proceed to issue any process which should involve any act of force to be committed on the persons of the Exve or heads of depmts, I must desire you to give me instant notice, & by express if you find that can be quicker done than by post; and that moreover you will advise the marshal on his conduct, as he will be critically placed between us. His safest way will be to take no part in the exercise of any act of force ordered in this case. The powers given to the Exve by the constn are sufficient to protect the other branches from Judiciary usurpation of preeminence, & every individual also from judiciary vengeance, and the marshal may be assured of its effective exercise to cover him. I hope however that the discretion of the C.J. will suffer this question to lie over for the present, and at the ensuing session of the legislature he may have means provided for giving to individuals the benefit of the testimony of the Exve functionaries in proper cases, without breaking up the government.

See note 1 *supra.*

[119] 25 Fed. Cas. at 190.

[120] The record of the case reveals no further action taken concerning the 21 October letter. Nor do the histories which we have consulted indicate whether Burr ever received a full copy of the letter.

[121] *See* text accompanying note 94 *supra.* President Jefferson later wrote Hay on 7 September 1807 on this subject:

> I received, late last night, your favor of the day before, and now re-enclose you the subpoena. As I do not believe that the district courts have a power of *commanding* the executive government to abandon superior duties & attend on them, at whatever distance, I am unwilling, by any notice of the subpoena, to set a precedent which might sanction a proceeding so preposterous. I enclose you, therefore, a letter, public & for the court, covering substantially all they ought to desire. If the papers which were enclosed in Wilkinson's letter may, in your judgment, be communicated without injury, you will be pleased to communicate them. I return you the original letter.

9 Writings of Jefferson, *supra* note 1, at 63.

This letter was thought by Beveridge to indicate that the President had received a second subpoena. 3 A. Beveridge, *supra* note 89, at 522. The record of the case does not show that another subpoena was issued to *Jefferson* himself.

[122] 25 Fed. Cas. at 190.

[123] *Id.* at 191.

[124] *Id.* at 192.

[125] *Marbury* v. *Madison* 5 U.S. (Cranch) 137, 144–45 (1803).

[126] Marshall wrote,

> I cannot precisely lay down any general rule for such a case. Perhaps the court ought to consider the reasons which would induce the president to refuse to exhibit such a letter as conclusive on it, unless such letter could be shown to be absolutely necessary in the defence. The president may himself state the particular reasons which may have induced him to withhold a paper, and the court would unquestionably allow their full force to those reasons. At the same time, the court could not refuse to pay proper attention to the affidavit of the accused. But on objections being made by the president to the production of a paper, the court would not proceed further in the case without such an affidavit as would clearly shew the paper to be essential to the justice of the case. . . . *In no case of this kind would a court be required to proceed against the president as against an ordinary individual.* (Emphasis supplied.)

25 Fed. Cas. at 192.

[127] *Ibid.* (emphasis supplied).

This is as far as my colleagues discuss the *Burr* trials (*Per Curiam, supra* at 28 n. 74). They rest with Marshall's language re the United States Attorney's assertion of privilege; they do not discuss *President Jefferson's final assertion* of 7 September 1807—and neither did Marshall.

[128] *Id.* at 193 (emphasis supplied).

[129] 9 Writings of Jefferson, *supra* note 1, at 64 (emphasis supplied).

[130] 25 Fed. Cas. at 201.

[131] Professor Paul Hardin summarizes the *Burr* case in his article on Executive privilege by stating:

> Chief Justice Marshall, sitting as trial judge in the trial of Aaron Burr, subpoenaed information in the hands of President Jefferson. Marshall asserted the power of the court to subpoena the President, examine him as a witness, and require him to produce "any paper in his possession," but later in the same opinion seemed to recognize a restricted legitimate area in which executive discretion might operate. For his part Jefferson avowed that he had the absolute power to withhold documents sought by subpoena, but his eventual cooperation avoided a decisive conflict. This entire paper footnotes the proposition that the *Burr* trial did not provide a final answer to the vexing questions of executive privilege. The case did provide, however, a remarkable example of executive cooperation, considering Jefferson's personal feelings toward Burr, his distaste for the judiciary, and his firm belief that he could resist disclosure if he chose to do so.

Hardin, *supra* note 3, at 899–90 (citations omitted).

[132] Special Prosecutor's Memorandum in Support at 44, *In re Subpoena to Nixon,* 360 F. Supp. 1 (D.D.C. 1973).

[133] *Ibid.*

[134] *In re Subpoena to Nixon,* 360 F. Supp. 1, 11 (D.D.C. 1973).

[135] *Costello* v. *United States,* 350 U.S. 359, 362 (1956).

[136] A clear distinction between the grand and petit jury did not develop until the fourteenth century. See notes 140–41 *infra* and accompanying text.

[137] 1 F. Pollock and F. Maitland, History of English Law 138 (2d ed. 1923).

[138] 1 W. HOLDSWORTH, HISTORY OF ENGLISH LAW 313–14 (6th rev. ed. 1938).

[139] *Id.* at 314. (Emphasis supplied.)

[140] *Id.* at 322.

[141] *Ibid.*

[142] 8 Howell's State Trials 751.

[143] This provision has been held not to apply to the states through the due process clause of the Fourteenth Amendment. *Hurtado* v. *California,* 110 U.S. 516 (1884).

[144] 370 U.S. 375, 390 (1962).

[145] *See generally* Note, *The Grand Jury as an Investigatory Body,* 74 HARV. L. REV. 590 (1961); Note, *The Grand Jury—Its Investigatory Powers and Limitations,* 37 MINN. L. REV. 586 (1953).

The Supreme Court described the inquisitorial function of the grand jury in *Blair* v. *United States,* 250 U.S. 273, 282 (1919):

> [The grand jury] is a grand inquest, a body with powers of investigation and inquisition, the scope of whose inquiries is not to be limited narrowly by questions of propriety or forecasts of the probable result of the investigation, or by doubts whether any particular individual will be found properly subject to an accusation of crime.

See also Hale v. *Henkel,* 201 U.S. 43 (1906).

[146] *United States* v. *Smyth,* 104 F. Supp. 283, 295 (N.D. Cal. 1952).

[147] *Levine* v. *United States,* 362 U.S. 610, 617 (1960).

[148] 287 F. 219, 225 (N.D. Ohio 1922). *See also Branzburg* v. *Hayes,* 408 U.S. 665, 688 (1972) ("the powers of the grand jury are not unlimited and are subject to the supervision of the judge."); *Brown* v. *United States,* 359 U.S. 41, 49 (1959) ("A grand jury is clothed with great independence in many areas, but it remains an appendage of the court . . ."); *Hammond* v. *Brown,* 323 F. Supp. 326, 344–45 (N.D. Ohio), *aff'd,* 450 F.2d 480 (6th Cir. 1971); *United States* v. *Smyth,* 104 F. Supp. 283 (N.D. Cal. 1952); 1 L. ORFIELD, CRIMINAL PROCEDURE UNDER THE FEDERAL RULES 475 (1966).

[149] *United States* v. *United States District Court,* 238 F.2d 713, 722 (4th Cir. 1956), *cert. denied,* 352 U.S. 981 (1957). But note that the court can prevent indictment by summary discharge. *United States* v. *Smyth,* 104 F. Supp. 283, 292 (N.D. Cal. 1952).

[150] *See generally United States* v. *Smyth,* 104 F. Supp. 283, 289, 292, 293; 1 L. ORFIELD, *supra* note 148, at 476–77.

[151] FED. R. CRIM. P. 6(a). However, "the tenure and powers of the grand jury are not affected by the beginning or expiration of a term of court." FED. R. CRIM. P. 6(g).

[152] FED. R. CRIM. P. 6(g); *United States* v. *Smyth,* 104 F. Supp. 283, 292 (N.D. Cal. 1952).

[153] *In re United Electrical, Radio & Machine Workers of America,* 111 F. Supp. 858, 864 (S.D. N.Y. 1953); 1 L. ORFIELD, *supra* note 148, at 472, 483.

[154] *Brown* v. *United States,* 359 U.S. 41, 49 (1959). Apparently, however, the court has no discretion to refuse the grand jury process on the ground that the evidence sought is immaterial to its investigation. *United States* v. *United States District Court,* 238 F. 2d 713 (4th Cir. 1956), *cert. denied,* 352 U.S. 981 (1957).

[155] FED. R. CRIM. P. 17(c).

[156] *United States* v. *Smyth,* 104 F. Supp. 292 (N.D. Cal. 1952). For examples of instructions to grand juries see *Charge to the Grand Jury,* 12 F.R.D. 495 (N.D. Cal. 1952); *Charge to the Grand Jury,* 30 Fed. Cas. 992, No. 18,255 (C.C. D. Cal. 1872) (Field, J.).

[157] See notes 142–44 *supra* and accompanying text.

[158] *United States* v. *Smyth,* 104 F. Supp. 283, 294 (N.D. Cal. 1952). *See generally* Note, 37 MINN. L. REV., *supra* note 145, at 599–600.

[159] *United States* v. *Cox,* 342 F. 2d 167 (5th Cir.), *cert. denied,* 381 U.S. 935 (1965), is not to the contrary. In *Cox* the court reversed a contempt order against a United State Attorney who had refused to sign an indictment tendered by a grand jury despite an order by the supervising court that he do so. A majority of the appeals court held that the prosecutor must help the grand jury draw up the indictment papers, but that he need not give the indictment effect by signing it. The four dissenting judges argued that signing the indictment was a mere ministerial function of the United States Attorney, whose only vehicle for termination of a prosecution is a motion to dismiss the indictment under FED. R. CRIM. P. 48(a). Thus, *Cox* does establish that the Executive branch has complete control over the indictment process; the prosecutor can prevent the grand jury from returning an effective indictment by refusing to sign the indictment papers as required by FED. R. CRIM. P. 7(c).

However, *Cox* is relevant only to the accusatorial function of the grand jury. As Judge Wisdom pointed out in his concurring opinion:

> The decision of the majority does not affect the inquisitorial power of the grand jury. No one questions the jury's plenary power to inquire, to summon and interrogate witnesses, and to present either findings and a report or an accusation in open court by presentment.

342 F. 2d at 189. Judge Wisdom's distinction between the grand jury's "presentment" function, see notes 145–46 *supra* and accompanying text, and its "indictment" function is supported by the cases. In *In re Miller,* 17 Fed. Cas. 295, No. 9,552 (C.C. Ind. 1878), the President ordered the district attorney to terminate an embezzlement prosecution under investigation by the grand jury. The supervising court instructed the jury as follows:

> "If you believe the president's instructions to the district attorney were intended to prevent you from making the fullest investigation into the matter now before you, and from returning an indictment against the accused if the evidence should warrant it, you should be inspired with additional determination to do your duty. The moment the executive is allowed to control the action of the courts in the administration of criminal justice their independence is gone."

In Sullivan v. *United States,* 348 U.S. 170 (1954), the Court held that an Executive Order fixing responsibility for bringing tax law prosecutions with the Attorney General's office could not affect the power of the grand jury to investigate, even on the basis of evidence presented by the United States Attorney without the Attorney General's approval. These cases illustrate that the Executive cannot control the scope and nature of a grand jury's investigation, even if the Executive has no intention of going forward with any indictment returned by the grand jury as a result of its inquiries.

[160] 323 F. Supp. 326, 344–45 (N.D. Ohio), *aff'd,* 450 F.2d 480 (6th Cir. 1971).

[161] In 1818 a subpoena was issued to President James Monroe, but it summoned him merely to appear personally, not to produce any documents. The subpoena was satisfied when the President answered the court's interrogatories. *See Per Curiam, supra* at 16 n. 42; *supra* note 25. In *United States* v. *Cooper,* 25 Fed. Cas. 631 (No. 14,865, C.C. D. Pa. 1800), Justice Chase refused to permit "a subpoena to issue directed to the president of the United States." 25 Fed. Cas. at 633. No reasons for his refusal are recorded. In a related case, No. 14,861, Justice Chase stated:

> "The constitution gives to every man, charged with an offense, the benefit of compulsory process, to secure the attendance of his witnesses. I do not know of any privilege to exempt members of *congress* from the service, or the obligations, of a subpoena, in such cases. (25 Fed. Cas. at 626)."

Thus, Justice Chase seemed to be establishing a different standard for members of Congress than for the President. For an interpretation of the *Cooper* case favorable to the President, see POWER OF THE PRESIDENT, *supra* note 75, at 36–37.

[162] 343 U.S. 579 (1952).

[163] That the President has taken personal custody of the tapes and is himself a party to the action is, in my view as well as the majority's, immaterial. "There is not the slightest hint in any of the *Youngstown* opinions that the case would have been viewed differently if President Truman rather than Secretary Sawyer had been the named party," as Justice Black made clear. The authorities relied on by my colleagues here are simply not applicable because no Constitutional privilege of the Executive regarding documents was involved.

It is arguable that judicial process may issue ordering the President to perform a *purely ministerial* act. The basis for such an argument is language contained in *Mississippi* v. *Johnson,* 71 U.S. (4 Wall.) 475 (1867):

> "A ministerial duty, the performance of which may, in proper cases, be required of the head of a department, by judicial process, is one in respect to which nothing is left to discretion. It is a simple, definite duty, arising under conditions admitted or proved to exist, and imposed by law."

71 U.S. (4 Wall.) at 498. *Johnson* held that a court could not order the President to cease enforcement of the Reconstruction Acts on the ground that enforcement of Congressional enactments is purely discretionary with the President and thus not subject to judicial process. Therefore, even if a court could order the President to perform a "ministerial" act, the issue is whether the Presidential action sought is ministerial or discretionary.

In the case at bar, that issue turns on whether the privilege asserted by the President is a mere evidentiary one, as the *Per Curiam* contends, or is grounded on the Constitutional doctrine of separation of powers, as I believe. If the privilege were a qualified, evidentiary one, the President arguably would have a ministerial duty to turn over evidence in his possession when ordered to do so by a judicial subpoena. However, I have endeavored to show that the President has an *unqualified, Constitutional privilege* to decide whether it is in the public interest to disclose records in his possession to a co-equal Branch of Government. The decision whether to disclose or not to disclose the evidence sought in this case is thus a *discretionary* one for the President and not subject to judicial process under *Mississippi* v. *Johnson.* As with many of the other subsidiary issues in the case at bar, resolution of the ministerial versus discretionary question rests on the basic Constitutional issue, *Who Decides?*

[164] 407 U.S 297 (1972).

[165] 37 U.S. (12 Pet.) 524 (1828).

[166] No. 72–1512 (8th Cir., 2 April 1973).

[167] 410 U.S. 73 (1973).

[168] No. 73–1039 (D.C. Cir., 20 Aug. 1973).

[169] No. 72–1328 (D.C. Cir., 5 Sept. 1973).

[170] 5 U.S.C. § 552 (1970).

[171] *Carl Zeiss Stiftung* v. *V.E.B. Carl Zeiss, Jena,* 40 F.R.D. 318 (D.D.C. 1966), *aff'd on opinion below,* 128 U.S. App. D.C. 10, 384 F. 2d 979, *cert. dismissed,* 389 U.S. 952 (1967).

[172] 145 U.S. App. D.C. 144, 448 F. 2d 1067 (1971).

[173] *Vaughn* v. *Rosen,* No. 73–1039 (D.C. Cir., 20 Aug. 1973).

[174] 345 U.S. 1 (1953).

[175] *Citing id.,* at 6 & n. 9.

[176] Indeed, the interest in and impact of the court's decision in this case already extend well beyond the parties and legal rights directly involved. Several third parties have sought to assert their interests and views by moving to file briefs as *amici curiae*:

1. *The Senate Select Committee on Presi-*

dential Campaign Activities. The Committee is seeking to enforce its own subpoena duces tecum against the President in the District Court for the District of Columbia. *Select Commitee on Presidential Campaign Activities, et al.* v. *Nixon*, Civil Action No. 1693–73. In its brief, the Committee takes the position that its case "like the one at bar,. presents important constitutional issues relating to the refusal of Richard M. Nixon, President of the United States, to comply with lawfully issued subpenas for vital evidence relating to possible criminal conduct by high executive officials. In both cases, the President's noncompliance with the subpenas is grounded on the claim that material requested is protected by the doctrine of executive privilege." (Brief of Amicus Curiae at 3.)

2. *American Civil Liberties Union*. The ACLU sought leave to file as *amicus curiae* in order to vindicate "the public's right to know how the government is discharging its duties." The ACLU also raised doubts about whether the Special Prosecutor should have access to the tapes for use against persons who did not consent to the recording of their conversations with the President.

3. *Louis Schroeder, et al.* These movants are plaintiffs-appellants in *Schroeder, et al.* v. *Richardson*, No. 73–1265, currently pending in this court. The plaintiffs-appellants allege that they have an interest in this case because one of the issues raised by the briefs is to what extent officials of the Executive Branch can control the investigative functions of federal grand juries.

4–5. Two other amicus motions were made that might be characterized as frivolous, charitably speaking.

6. In addition to these *amicus curiae* motions, the appellees in *Nader* v. *Butz*, No. 73–1935 (D.C. Cir.), moved to schedule the oral arguments on their motion for summary affirmance at the same time as the oral arguments in this case (11 Sept 1973). In *Nader* v. *Butz*, District Judge Jones ordered *in camera* inspection of White House records in the face of a claim of Executive privilege similar to the claim made here. Thus, appellees in Nader asserted that the decision in this case would be dispositive of *Nader*.

[177] This was their concern, but the Framers were not confident they had completely achieved it: ". . . . a mere demarcation on parchment of the constitutional limits of the several departments is not a sufficient guard against those encroachments which led to a tyrannical concentration of all the powers of government in the same hands." The Federalist No. 47 (J. Madison). *Cf.* Mr. Justice Frankfurter: "[T]he doctrine of separation of powers was not mere theory; it was a felt necessity." *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 593 (1952) (concurring opinion).

[178] "The same rule which teaches the propriety of a partition between the various branches of power, teaches us likewise that this partition ought to be so contrived as to render the one independent of the other." The Federalist No. 70 (A. Hamilton).

[179] From Queen Anne's reign in the early 1700's, the time of Marborough and Godolphin, the English had enjoyed the most efficient government in the western world, with the possible exception of France for a time under Louis XIV or Prussia under Frederick the Great.

[180] Compare the devices enumerated by Hamilton in The Federalist No. 50, "On Maintaining a Just Partition of Power Among the Necessary Department."

[181] The reason for the separation of powers was well put by Mr. Justice Brandeis:

> The doctrine of separation of powers was adopted by the Convention of 1787, not to promote efficiency, but to preclude the exercise of arbitrary power. The purpose was not to avoid friction but, by means of the inevitable friction incident to the distribution of governmental powers among three departments, to save the people from autocracy.

Myers v. *United States*, 272 U.S. 53, 292 (1926) (dissenting opinion).

[182] *See* notes 40–45 *supra* and accompanying text.

[183] *See* notes 75–85 *supra* and accompanying text.

[184] Hamilton began his essay "On Maintaining a Just Partition of Power Among the Necessary Departments" by posing the question:

> "To what expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? The only answer that can be given is that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places."

He then first referred to that

> "due foundation for that separate and distinct exercise of the different powers of government which to a certain extent is admitted on all hands to be essential to the preservation of liberty, . . ."

The Federalist No. 50.

AMENDMENT OF RAIL PASSENGER SERVICE ACT OF 1970—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on S. 2016 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2016) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of Oct. 12, 1973, at pp. 33850–33852.)

Mr. MAGNUSON. Mr. President, I want to take the opportunity to congratulate the conferees of the House and Senate for doing an excellent job in resolving the differences in the Amtrak bills passed by both Houses. It is a product all the conferees can be proud of, and makes several substantive reforms in the Rail Passenger Service Act of 1970 which should do much to improve rail passenger service in the United States.

One substantive change in the Rail Passenger Service Act of importance is made by the House passed provisions which restructure the Board of Directors. Probably the most important thing accomplished by this amendment is the addition of two additional consumer representatives to the Board.

The conferees considered defining the requisite qualities of a consumer representative, but decided that the Senate confirmation process would adequately fulfill this function. It is expected that the President will send up nominees who have demonstrated by education, training, or experience and interest their commitment to the provisions of high quality rail passenger service. The conferees felt that such a commitment was especially desirable when dealing with a corporation such as Amtrak, the major function of which is to provide service to the public.

The conferees were quite concerned about apparent conflicts of interest which have appeared on the presently existing Board of Directors. Well-publicized instances of the representatives of the common stockholders—the railroad presidents—demonstrating their lack of commitment to Amtrak's success, if continued, will lead to legislative reform. It is expected that every Board member will be committed to the success of the Corporation and will not allow any employment position with a railroad to interfere with that commitment. If the commitment of the railroad representatives on the Board to the success of Amtrak remains in doubt, the House and Senate Commerce Committees will eliminate this conflict by legislation.

The conferees accepted the provision in the House-passed bill which defined "just and reasonable compensation" in section 402 of the Rail Passenger Service Act of 1970. Acceptance of this definition legislatively reverses the Interstate Commerce Commission's recent decision in Finance Docket 27353 (sub. No. 1), "Determination of Compensation under section 402(a) of the Rail Passenger Service Act, as Amended,". The conferees inserted report language which specifically spells out the way in which railroads are to be compensated for operating trains for Amtrak. The conferees specified no level of maximum payment, but made clear that payments in excess of short-run available costs are to be based on quality of service. It is anticipated that quantity of service would also enter into these calculations, but quality of service is to be the major determinant of any payments in excess of short-run avoidable costs. In this connection, I would like to refer my colleagues to the colloquy that occurred yesterday on the floor of the House of Representatives, which appears in the Congressional Record of October 17 at pages 34479 to 34484.

Section 801 of the conference substitute, under which the Commission is to promulgate regulations necessary to provide adequate service, equipment, tracks, and other necessary facilities for quality intercity rail passenger service is intended to relate to section 402. If Amtrak and the railroads cannot agree on compensation, quality of service would at least be partially determined by compliance with Commission standards issued under section 801. It is anticipated that the railroads and Amtrak would agree to a compensation formula. Only in the event of a failure to agree would the Commission determine compensation.

based largely on the quality of service rendered.

Section 801 is designed to assure that the quality of rail passenger service will improve. It is anticipated that the railroads and Amtrak could contract for quality of service which exceeds the rules and regulations issued by the Commission under this section. For instance, if Amtrak and a railroad wanted to improve roadbed quality over what it was in May of 1971—to which standard the railroads are already contractually obligated to maintain—the railroad and Amtrak could contract for the improvements which meet or exceed the regulations promulgated by the Commission. If the parties could not agree on the allocation of costs for such improvements, the Commission would be empowered under section 801(a) to allocate such costs. Commission allocation could occur whether the improvements were necessary to meet Commission issued regulations or whether the improvements exceeded the requirements imposed by those regulations.

Section 801 is not to be confused with the operation of the new section 402(f), which permits the corporation to apply to the Secretary of Transportation for an order requiring a railroad to permit accelerated speeds. This provision was included to insure that intercity passenger trains operated by or on behalf of the corporation will be permitted to operate at the maximum permissible safe speeds under the Federal Railroad Safety Act of 1970. The provision is also designed to require the Secretary to make findings as to whether accelerated speeds are unsafe or otherwise impracticable, and to ascertain what improvements are necessary to make such accelerated speeds safe and practicable. Amtrak and the railroad could then contract for such improvements, and in the absence of agreement regarding the allocation of costs for such improvements, the Commission could allocate such costs under the authority of section 801. If the improvements were required to meet regulations issued by the Commission under section 801, they could be ordered in the absence of contractual arrangements.

It is anticipated that the rules and regulations issued by the Commission under the new section 801 will define with great specificity the requisite elements necessary to provide high-quality rail passenger service. Since the Commission's powers and duties have been expanded under this provision, it is possible that the Commission may want to organize a new unit internally to fulfill its obligations under section 801.

Mr. President, I again want to congratulate the conferees for their efforts in helping to assure that the United States will improve intercity rail passenger service. Recent energy shortages and environmental concerns underscore this need. Every major industrialized country except the United States is vigorously pursuing the development of rail passenger service. The legislation will help to foster high-quality rail passenger service in the United States.

Mr. HARTKE. Mr. President, the committee of conference has agreed to several substitute provisions which resolve differences between House and Senate passed Amtrak legislation. While generally I am in full agreement and completely support the actions of the conference committee, there are a few items that should be further explained so as to eliminate any possibility of their being misunderstood.

The Senate bill amended section 305 of the Rail Passenger Service Act of 1970 by deleting the second sentence of subsection (a), which relates to railroad employees. This was done both to remove an inconsistency which presently exists in the act as a result of amendments made in 1972, and as a further expression of the intent of Congress which is expressed in the 1972 amendments—Public Law 92–316—that "insofar as practicable, the Corporation shall directly operate and control all aspects of its rail passenger service." It is the consensus of the members of the Surface Transportation Subcommittee, that Amtrak should directly employ all persons dealing with the public and all persons whose full-time occupation is solely related to the provision of intercity passenger services provided by Amtrak.

Mr. President, my subcommittee has received a substantial amount of testimony indicating that railroad employees may not always be as responsive to Amtrak policies and goals as are those who are employed directly by the Corporation. One of the major problems faced by the Corporation in attempting to provide high quality rail passenger service is poor maintenance and a lack of control over the execution of corporate policies. It is my opinion that only by directly employing more of those persons engaged in intercity rail pasenger service will the necessary control and responsibility over the quality of services be achieved. While Amtrak may, for economic reasons, still want to rely on the railroads to provide employees for such things as operating personnel, every effort should be made by the Corporation to insure that all employees having contact with the public are employed directly by Amtrak.

Of course, this provision was not intended to have any relationship to the labor organizations representing employees, whether they work for Amtrak or for the railroads. It is designed solely as a further expression of congressional intent regarding the need to directly control employees having contact with the public and to exercise more effective control over those critical areas of maintenance and the like that relate directly to the quality of service.

Mr. President, if there is any theme which runs throughout the Amtrak Act of 1973, it is a consistent emphasis on the need for quality of service. Almost every provision in this act springs from the desire to see higher quality rail passenger service in the United States. This concern is especially evident in section 801, which for the first time assigns responsibility for adequacy of service to a regulatory agency. Section 801 provides the Interstate Commerce Commission with considerable new power and responsibility, and my subcommittee will be closely monitoring the Commission's performance in carrying out the mandate contained in this section. It may well be that the Commission will want to reorganize itself in such a way as to be responsive to the obvious needs here. My subcommittee will be expecting quick and vigorous action from the Commission under section 801, and full cooperation from officials of the National Railroad Passenger Corporation in meeting or exceeding the requirements imposed by the Commission under section 801.

Mr. TOWER. Mr. President, I want to lend my support to the conference report on S. 2016, the Amtrak Improvement Act of 1973. This legislation makes a number of substantive improvements in the Rail Passenger Service Act of 1970 and gives the National Railroad Passenger Corporation the power it needs to institute the long-awaited service between the cities of Dallas and Houston, Tex.

The citizens of Texas, along with officials of Amtrak, have been attempting to start service between Dallas and Houston for some time now, and their efforts so far have been frustrated by the Southern Pacific Railroad over whose tracks the service would operate. The Southern Pacific has contended that the tracks over this route are in such bad condition that they are unfit for the operation of passenger trains, although there have been reports that freight trains operate over the same line at faster speeds than the Southern Pacific has proposed for Amtrak's passenger trains.

The Amtrak Improvement Act of 1973 has two provisions designed to deal with the sort of problem we have been facing in Texas. The first provision is contained in an amendment to section 402 of the Rail Passenger Service Act. This amendment adds a new section (f) which permits Amtrak to apply to the Secretary of Transportation for an order requiring a railroad to permit accelerated speeds by Amtrak trains if that railroad had refused to permit such accelerated speeds at Amtrak's request. The Secretary is required to enter an order, after a hearing held pursuant to section 553 of title 5 of the United States Code, which fixes the maximum permissible speeds of Amtrak trains on such terms and conditions as he deems reasonable. The Secretary is also required to make findings as to what improvements are necessary to track, roadbed, signalling systems, or other facilities to permit the accelerated speeds requested by Amtrak. These improvements would relate to the requirements of rules and regulations issued pursuant to the Federal Railroad Safety Act.

The second provision of the Amtrak Improvement Act of 1973 which might be relevant to the problems faced in the Dallas to Houston run is section 801. This provision, in addition to requiring the ICC to promulgate adequacy of service regulations, directs the Commission to allocate any costs required for improvement necessary to improve rail passenger service. On the Dallas to Houston run, for instance, the Southern Pacific has claimed that $7 million is needed to upgrade the tracks for passenger service. The Secretary's order under section 402(f) would set out exactly what improvements are necessary, and then Amtrak and the railroad could agree on the division of costs to effectuate these necessary improvements. In the absence of agreement, the Commission is directed, under section 801, to allocate these costs between Amtrak and the railroads. Thus, the allocation of cost provision of section 801 can be used either to meet the adequacy of service regulations issued by the Commission or to pay the cost of other improvements in rail passenger service either in conjunction with rules and regulations issued by the Interstate Commerce Commission or independently exceeding the requirements promulgated by the Commission.

Mr. President, it is my hope that the provisions of the Amtrak Improvement Act of 1973 which I have referred to are sufficient to assure high quality rail service. It is my opinion that this legislation will give the National Railroad Passenger Corporation the tools it needs to both upgrade service throughout its system and to break the deadlock that has prevented the institution of much needed service betweeen Dallas and Houston.

Mr. MANSFIELD. Mr. President, I move the adoption of the conference report.

The report was agreed to.

APPEARANCE OF SENATOR ROBERT C. BYRD AND SENATOR GRIFFIN ON ABC'S "ISSUES AND ANSWERS"

Mr. MANSFIELD. Mr. President, on Sunday, October 14, 1973, the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD), and the distinguished assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN) were interviewed by Sam Donaldson and Herbert Kaplow, ABC news correspondents, on "Issues and Answers."

I think that the viewpoints of these two distinguished Senators are worth much as far as the information of the Senate and the knowledge of the people are concerned, and I ask unanimous consent that the interview be printed in the RECORD at this point in its entirety.

There being no objection, the script was ordered to be printed in the RECORD, as follows:

"ISSUES AND ANSWERS"

Guests: Senator ROBERT BYRD (D. W.Va.), Senate Majority Whip.

Senator ROBERT GRIFFIN (R. Mich.), Senate Minority Whip.

Interviewed by: Sam Donaldson—ABC News Corrrespondent and, Herbert Kaplow—ABC News Correspondent.

Mr. KAPLOW. Gentlemen, we are pleased you can be with us today, particularly so in view of the unique circumstances in which we find ourselves today.

Senator Byrd, do you foresee any problems in the swift confirmation of Congressman Ford for the vice presidency?

Senator BYRD. I do not at the moment foresee any problems. I think that the Committee on Rules of the Senate will and should make very careful preparation for the hearings and, having done that, I think that the hearings should be as thorough as the circumstances indicate at the time. I think that the nomination of Mr. Ford has been very well received on the Hill, but, having said that, it seems to me that the Congress has to share the mandate under the Constitution provided for by the 25th Amendment to nominate a Vice President. This being the case, it seems to me that we have a very solemn responsibility and I think that we ought to conduct ourselves accordingly.

Mr. KAPLOW. Do either of you gentlemen know anything in the Ford record that might be a problem?

Senator GRIFFIN. Let me answer that, Herb. I have known Gerry Ford for at least 20 years, during the whole period of my service in the Congress, which is 18 years, and he has been one of my closest friends. I know him very well.

I don't know anyone who you could describe as a person with higher standards in terms of integrity, honesty. He has won the respect, obviously, of his colleagues both on the Democratic side of the aisle and the Republican aisle by his performance and leadership in the House; earned his election and re-election as leader. I would think that it would be a reflection on the Congress itself if it didn't move speedily to confirm a nominee like Gerald Ford.

Former Justice Goldberg has said as much over the weekend, that the nation really can't stand the trauma of any indication or suggestion of playing politics with this nomination.

Mr. DONALDSON. Well now, Senator Griffin, of course, the Democrats do control Congress and they will control the timetable. At what point do you think you would start to accuse them of dragging their feet? Three weeks, four weeks, five weeks?

Senator GRIFFIN. Well, yesterday the Majority Leader, Mike Mansfield, said a nominee like Gerald Ford ought to be confirmed by the end of the month and I think that Mike states the situation very well. That would give the Congress time, the committees time to make their investigation and to get an FBI report back. Perhaps it would take another week beyond that. I think Mike was a little bit shy in his estimate. But certainly when you get into 3, 4, 5 weeks, I think that is much too long for a nominee like Gerald Ford, unless there is some real substantial reason that develops.

Mr. DONALDSON. May I go forward and just about the general process? Gerald Ford will, if I am correct, be the first person who is a nominee for Vice President to undergo a full field FBI check in that capacity. But maybe it makes good sense in the light of what has happened. Is there any way either one of you can think of that we might in the future avoid a Spiro T. Agnew type situation, or an Eagleton situation?

Senator BYRD. May I say this with respect to what my colleague says here about dragging the feet, I share his viewpoint at the moment that Gerry Ford is a clean candidate, but I don't think that—while we should act with dispatch, I don't think we should act with haste. I think the important thing here is to assure the American people that Gerry Ford has the character, integrity and the honesty which are so needed in government these days in order to rebuild the confidence of the people in the American political system. I think it is necessary that we take whatever time is adequate in preparing for the hearings and in the conduct of the hearings, and I also share with him the viewpoint that there should not be partisan politics involved. This is a political question, but we should not be partisan in our approach. I think it is our duty under the Constitution to approach this seriously, solemnly and to attempt in every way to fully explore the credentials and the qualifications of this candidate.

Now, this is the first time that a Vice Presidential candidate will have received such scrutiny. I think it is ironic that this is the case, that only after a tragedy has occurred in American politics does the Vice Presidential candidate undergo careful scrutiny. Gerry Ford will be the first Vice Presidential candidate in American history to undergo such scrutiny.

Mr. DONALDSON. Ought he to be the last?

Senator BYRD. No. I think both parties ought to create a mechanism whereby the number two man will be selected not on the basis of his charisma, not on the basis of how he will balance out the ticket geographically or philosophically, not on the basis of whether or not he is a good campaigner, but there ought to be this mechanism and I think it can be provided, whereby the number two man will undergo the kind of scrutiny that he ought to undergo in order to assure the American people in both parties that the number two man is the correct man.

Senator GRIFFIN. If I could address myself to the question, I think after the experience that both parties have had in this past election with their nominees for Vice President, we really ought to take a whole new look at the process for selecting Vice Presidential nominees. The very least should be reform at the conventions and to provide more time for consideration. But I'd like to suggest that the 25th Amendment as it is being implemented in this particular case could well lead the way toward another constitutional amendment to provide that the Vice President should be selected after the election of the President and in somewhat the same manner that we are now selecting a Vice President. I think that it would be altogether appropriate that the Congress would play a role in this selection as it is taking place at the present time.

I think what is going on right now is good for the country, it is good for Congress to be involved. The Vice President is the presiding officer of the Senate. I would suggest that after the President has been elected, he could submit a name for Vice President to the Congress to be confirmed before the inauguration date, or if there were concern about that working, perhaps the President could submit three names to the Congress during that interim period and let the Congress select the Vice President.

I think that ought to be seriously studied and I have my staff working on a possible constitutional amendment at the present time.

Mr. KAPLOW. Senator Griffin, did the punishment that was meted out to former Vice President Agnew fit the crime?

Senator GRIFFIN. Herb, that is a very difficult question to answer, as I am sure most people would recognize. I think that Attorney General Elliot Richardson did a very remarkable job in bringing this crisis to some kind of a logical and rational conclusion. I know there are many people who will feel that if someone else had done the same thing, they, of course, would have been sitting in jail and here this person is getting off by merely resigning and paying a fine, and yet I think it has got to be taken into account what it would have done to the national interest to have a long-drawnout crisis with a cloud hanging over a Vice President for a long period of time, and also the fact that this man has suffered a great deal as a result of the humiliation involved in resigning. Also, we should keep in mind that he is still subject to civil liability, perhaps, or a tax payment and that the State of Maryland hasn't decided yet at least whether they are going to pursue the possibility of criminal punishment.

Mr. KAPLOW. But is not the ultimate test of whether our system is functioning is that the highest plan in this country gets no preferential treatment and the lowest, economically, socially, politically?

Senator Griffin. I think that is a consideration and I believe you have to crank into the equation, however, that if any other person in the United States of either party were the Vice President under these circumstances, he would have been treated the same way.

Mr. Donaldson. Senator Byrd, I would like to have you answer that question. Do you think the punishment fits the crime?

Senator Byrd. From the standpoint of just common perception, I think a $10,000 fine and three years on probation would appear to be a rather minor punishment for the crime.

Yet, on the other hand, I think we have to remember this man's political career is completely demolished. Economically, he is ruined. His family is shamed, and through no fault of themselves. He is disgraced nationally. He is subject to possible disbarment in the State of Maryland. He is subject to further tax penalties plus the interest on the back taxes, and so I think this man is crushed politically, economically and personally. And to add to that, as Senator Griffin has said—it is repetitious—for him to have stayed in office, to have undergone a long, brutal trial, would have been very damaging to the national interest.

Mr. Donaldson. I don't pretend to know what Mr. Agnew intends to say to the American people on Monday, as I understand he is going to speak, at least on one television network. But would it be helpful or hurtful if he chooses to say that he is innocent of all of the other allegations that were contained in that Justice Department summary of the potential evidence, and if he asserts, as he did once in Los Angeles not long ago, that the Justice Department was really framing him; what would that accomplish, if that is in fact the tenor of his speech?

Senator Griffin. Well, Sam, I think it would be highly inappropriate to try to sit here and decide or speculate on what Mr. Agnew might say tomorrow night. I am frankly a little bit disappointed that he is going on television at all, but I will just have to wait and see what he will say. I couldn't speculate on that.

Mr. Donaldson. Do you think it is a good idea for him to speak? It certainly is right, Senator Byrd, but what is your thought?

Senator Byrd. He has to make that decision. I don't know what he is going to say. It depends on what he is going to say. I, at the moment, can't attempt to second guess him.

Mr. Kaplow. What would you tell the next man who is convicted of income tax evasion whose family is disgraced, who loses his position, who is economically broken and who goes to jail and says, "All right, Vice President Agnew suffered three-quarters of these indignities but he is not in jail." What are you going to tell him?

Senator Griffin. Herb, I don't think I can add to the answer I have already given. I realize it perhaps doesn't satisfy you, but I don't think you can have a satisfying answer in the dilemma that the Attorney General faced in this particular situation. I think he came out with the best answer possible in terms of the national interest.

Mr. Kaplow. Is not this country supposed to have the fiber to be able to stand a protracted pursuit of justice to the very end?

Senator Griffin. Oh, I think we could have survived. I think it would have been a very traumatic and difficult, divisive experience; one that we don't really need at the present time, and I don't think it would have been a good thing. We probably could have survived it.

Mr. Donaldson. Let me pick up on Herb's question and move it forward to perhaps the next crisis in this extraordinary year of ours.

The Appellate Court ruled on Friday in its words that he, meaning President Richard Nixon, is not above the law's commands and he must give up the tapes. Now, the President, of course, has the right to appeal that to the Supreme Court and most people believe he will, but if the Supreme Court rules against the President and if the President refuses to obey, Senator Byrd, would you expect impeachment proceedings to be brought against him?

Senator Byrd. I think it would raise a serious prospect of impeachment proceedings which, of course, would have to be initiated by the House of Representatives.

(Announcements).

Mr. Donaldson. Senator Byrd, we were talking about the tape issue and you had said if the President refused a Supreme Court decision to turn over the tapes you thought impeachment proceedings might be brought by the House. Why do you think that?

Senator Byrd. Well, because I think that for any branch of the government to set itself up as being above the law is very detrimental to the very foundations of our political system and if the court makes the decision in support of the Circuit Court, and of the District Court, the President ought to release at least the relevant portions of the tapes.

I think the American people are going to expect the President to do that. I don't happen to agree with Mr. Connally in what he said in this respect, or was reported to have said.

I would hope though that the President would, in the meantime, negotiate with Professor Cox and with Judge Sirica, a process whereby the relevant portions of these tapes would be made available and thus avoid another very traumatic crisis.

Senator Griffin. I really can't disagree with anything that Bob Byrd has said other than to add and be sure we do not forget that President Nixon said that he would comply with and follow the direction of a definitive decision by the United States Supreme Court.

Mr. Donaldson. What do you call "definitive?"

Senator Griffin. I think clearly if there would be a unanimous court that would order him to turn over the tapes by a certain date, there wouldn't be any question about it. If you ended up with five to four decisions with opinions going in all directions that were fuzzy and not definitive, that would be the other extreme. In between I think we could have a long discussion of what would be definitive, but I think the American people will make that judgment and of course the House of Representatives will make it too.

Senator Byrd. May I respond to that just briefly? I agree with Bob that it ought to be—I would hope it would be a decision which would not be a very narrowly cut decision and I think if it should turn out to be a five-four decision, the President might feel that is not a definitive decision. I happen to disagree with that. I think a five to four decision is a majority decision and therefore it is a definitive decision.

I think that the President, however, in using the word "definitive" might have been talking about a decision that is not rendered on the merits, but on the procedural aspects. If that is the case, then I would agree with him that it would not be definitive.

Mr. Kaplow. Do the rest of us not live by five to four decisions?

Senator Byrd. Yes.

Senator Griffin. Just remember sometimes these five to four decisions involve opinions of justices going off in all directions. If there are five members who have agreed on a course of action, then I don't think there is any question that he should comply with that order.

Mr. Donaldson. Do you think Gerald Ford's nomination—and let us assume he is confirmed and he becomes the Vice President—will in any way affect a decision by the House of Representatives in the future to perhaps move against Mr. Nixon, if in fact we have this situation of a court decision and the President refusing to obey it? Would it help him, would it hurt him? Just a neutral thing?

Senator Griffin. If you are asking me, I would say that it shouldn't, and I think we will be watching to see whether or not such political considerations would get into the way. I think that the question of Mr. Ford's nomination being confirmed is one matter under our constitutional process. The question of what the House might do in the event, unlikely event I would say, that the President wouldn't comply with an order of the Supreme Court is another event and the two should not be confused or related.

Mr. Kaplow. Senator Griffin, you have been close to the White House. Do you have any reason to believe that the President will negotiate some sort of arrangement short of the Supreme Court making its ultimate ruling?

Senator Griffin. No, I can't say on any particular authority that I know of any special information in that regard. I would remind you of an answer that the President gave in one of his press conferences when he was asked whether or not if the Supreme Court upheld his view, saying that he didn't have to turn over the tapes, would he nevertheless make them available voluntarily? I was very interested in the fact that he didn't say No. He said: "Would you come back and ask me that question at a later time if it is an appropriate question?"

I have personally been encouraging the release of those tapes on a voluntary basis, at the same time recognizing that he has a strong, legal case, in my view, for the position he has taken in terms of the legal questions involved.

Mr. Kaplow. If I understood you correctly, you agreed with Senator Byrd a few moments ago when you said that if the court renders a "definitive" decision and the President does not abide by it, you would agree that impeachment proceedings would be—take it up from there.

Senator Griffin. As I understand Senator Byrd, he said there would be a likelihood that the House would move toward impeachment proceedings, or words to that effect, and I wouldn't disagree.

Senator Byrd. I said that it would raise the prospect.

Senator Griffin. Raise the prospect. Now let me just head you off a little bit, Herb, and I think Bob would agree with me. We are Senators. In the event there would be an impeachment proceeding and it would come over to the Senate for trial, we would sit in judgment and have to decide the very question that you are asking, or trying to get to and that is, should a President be removed from office under those circumstances. I don't think that we should make that judgment now. That is a judgment we would have to make later if the circumstances arose.

Mr. Kaplow. What I am asking both of you is, do you agree that the prospects are likely, or do you agree that the House should therefore start impeachment proceedings?

Senator Byrd. I don't think I could say that they are likely, nor can I say that it should. I think I would have to await the Supreme Court's decision, try to analyze that in my own mind and then see what the President does in reaction to that decision, but I would say this, that if he should refuse what is clearly to most of us a definitive ruling by the Supreme Court that he should release those tapes, I should think that we would have a very serious problem on our hands.

Senator Griffin. This is all based on speculation because he said he would comply with the court.

Mr. Kaplow. You tend to agree essentially with Senator Byrd?

Senator Griffin. That it would raise the prospects, yes.

Mr. Donaldson. Let me move you out of the speculative to the action.

There is a war on in the Mideast, and there are reports today that the United States is going to resupply Israel with Phantom jet bombers. These reports have not been confirmed to the best of my knowledge, publicly, by U.S. officials. Is it a good idea, should we give Israel jet planes now?

Senator Byrd. I think in view of the fact that the Soviet Union is airlifting equipment to the Arab countries, even though our country is, I think, on a fairly friendly basis with the Arab countries, I think we have no alternative but to help to maintain the balance of power in the Middle East and we do that by resupplying Israel.

Mr. Kaplow. Senator Byrd, you are on the Foreign Relations Committee. I don't know whether that gives you more information than the rest of us have, but are we sending something? Has the balance been disturbed?

Senator Byrd. I am not on the Foreign Relations Committee. Senator Griffin is.

Senator Griffin. I can say I talked with Secretary Kissinger this morning to get an update on the situation. It is serious. It is particularly disturbing that Jordan has now moved a brigade into Syria. There are some indications of the possible cut-off of oil, at least in the wind.

I think in terms of our past relationships and commitments in effect to Israel that the least that we can do is to provide them with a balance of arms. I think that the key to this whole situation is our relations with the Soviet Union. So far a detente hasn't broken down as a result of what has happened over there, even though it has been strained, and the hope I think is that working with the Soviet Union we are going to somehow bring this war to an end with some kind of a cease fire that can be implemented.

Mr. Donaldson. First, a quick question, then a longer one. You talked to Dr. Kissinger this morning. Are we going to resupply Israel with planes?

Senator Griffin. I think that there isn't any question that we will be supplying Israel with planes and equipment.

Mr. Donaldson. Second question: How can you say the detente has not broken down if on one hand the Soviet Union is pouring material into the Arab countries; on the other hand, we are pouring materials into Israel.

Senator Griffin. It hasn't broken down because we are in close communication with the leaders of the Soviet Union. I think we understand each other's position and the clients that we have on either side. It is not surprising to either side that there would be the resupply.

It hasn't broken down because we are working together still trying to figure out a way to bring this thing to an end.

Mr. Kaplow. Did Kissinger tell you what the Russians were sending Egypt and Syria?

Senator Griffin. No.

Mr. Kaplow. Was it your impression these were supplies that did not go into the critical equipment area?

Senator Griffin. I must say, Herb, we didn't go into that.

Mr. Kaplow. He left you with the impression he is still working with the Soviets and the Soviets are still interested in not letting the battle escalate or in ending the fighting.

Senator Griffin. I can't get into the discussion to that extent and it wouldn't be fair. Dr. Kissinger is the one leading our diplomatic effort in a very serious and a vigorous way and I think the best attitude at the present time is to let him proceed.

Mr. Donaldson. But you mentioned the word "oil." Let's look at that question. There is a strong indication that the Arabs are threatening, at least, to cut off the oil supply in retaliation. Blackmail, if you will, of the United States policy.

If they do that, Senator Byrd, how should we reply?

Senator Byrd. I think we have got to remember that the Arab countries are pretty realistic too. They are going always to act in their own best interests. There are several of the Arab countries that are conservative and are pro-Western.

I think what we have got to do here is two or three things. One, we have got to continue to maintain this balance of power in the Middle East and that means we will have to do some resupplying of Israel with equipment.

Two, we have got to impress upon the Soviet Union that it is the responsibility a solemn one of both of these great world powers, to bring this fighting to a halt. This may mean a cease fire in place. In any event, the two warring sides ought to get together and negotiate a political settlement. That is the only way it is going to be brought to a permanent solution.

Mr. Donaldson. Could either of you see the United * * * going to war to save their oil?

Senator Griffin. No, I don't see that as a prospect, no.

Mr. Kaplow. Thank you, Senator Byrd, Senator Griffin, for being with us on "Issues and Answers."

INVOLVEMENT IN ISRAEL

Mr. WILLIAM L. SCOTT. Mr. President, it does not take any great amount of wisdom to know that a very serious situation is developing in the Middle East which could result in the direct involvement of our own country. This comes just a few months after the termination of our involvement in the longest war in our history. We know that there was no declaration of war in Vietnam, no instant involvement but a situation in which we first sent equipment, then advisers, then a few troops, later more troops, until more than one-half million of our young men were involved. It was a conflict that resulted in great division within our country, with demonstrations in the streets, with some of our young people going to Canada or other parts of the world to escape their military obligations. It was an unpopular and costly war that most Americans would have avoided if they had known how it was going to develop. We should have learned a lesson.

What happened in Vietnam should serve as a guide for what could happen in the Middle East and I am concerned about the position we are taking. In my opinion the overwhelming majority of the American people want to avoid another involvement regardless of where their sympathy may be. We cannot presume to settle every conflict that develops. There is a great deal of difference between cooperating with other major nations within the free world to maintain peace and attempting to be the policeman for the entire world.

It is my understanding that this country is the only Nation furnishing material and equipment to Israel at this time. It is also my understanding that the Soviet Union is supplying the Arab nations. Not only does the possibility exist of us becoming involved in a regional war, but with the two great powers airlifting and shipping supplies to opposite sides, a global conflict could result. Therefore, I want to indicate opposition to the President's action in sending warships, marines, or other military personnel to the Mediterranean area. I believe our President and Secretary of State should exercise great caution in their decisions and encourage a negotiated settlement rather than to practice what might be called "gunboat diplomacy."

Mr. President, I am concerned about Americans flying airplanes to Israel with war materials of all kinds. Apparently, the purpose is to replenish the supply of equipment and material Israel has lost in the war so far. But it is also my understanding that no other nation will even permit our planes to land to refuel and that, except for a field in the Azores, we have to fly nonstop to Israel. This reinforces the belief that whatever action we are taking is being done without any support from other nations within the free world.

All of us were pleased with the termination of our involvement in Vietnam and we were more happy to have our prisoners of war returned, although there is a continuing concern about men still missing and unaccounted for. Our national security is not involved; yet, we are going it alone, much as we did in Vietnam. In my opinion, our national security rests in having military forces second to none, in exercising restraint and caution, determining what is right, and then taking joint action with other major nations of the free world to preserve peace.

We have much to lose by involvement in Israel. Of course, it would mean an increase in military spending, more inflation, and scarcity of material of all kinds. It could result in the loss of oil that we now obtain from some of the oil-producing nations of the Middle East. But, most important, Mr. President, it could also result in the loss of the lives of many of our young men, and this is my primary concern. If we become involved in the Middle East, the demonstrations on our streets and college campuses during the Vietnam conflict might be mild compared with the internal difficulties we would experience by such a course of action. And the fury of the mob might well be directed against those people who are now agitating for our involvement. There are limits to what our free institutions can withstand.

Let me conclude, Mr. President, by saying that as a member of the Armed Services Committee and a Member of the U.S. Senate, I cannot support any action of the President or the administration which tends to involve us in this conflict but will work with other like-minded Senators in opposing our involvement in every reasonable way. I hope that the American people will let their Representatives and Senators, as well as the administration, know that they do not want us to become involved in a war in the Middle East and that they do not want us to continue to risk involvement in this conflict by having our men fly supplies to Israel or by sending our naval fleet, our marines, or other military personnel into the Mediterranean area as a threat to the Arab nations. It is an explosive situation which I know is of concern to all Senators and all of the American people.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on October 16, 1973, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 2282. An act to change the name of the New Hope Dam and Lake;

S. 2486. An act to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake"; and

S.J. Res. 164. Joint resolution to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MANSFIELD (for Mr. FULBRIGHT), from the Committee on Foreign Relations, without amendment:

S. 1526. A bill to amend the International Organization Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; and

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States (Rept. No. 93–471).

By Mr. CANNON, from the Committee on Rules and Administration without amendment:

S. Res. 178. Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for routine purposes (Rept. No. 93–472).

S. Res. 188. Resolution authorizing the printing of additional copies of Senate hearings on copyright law revision (Rept. No. 93–473).

H. Con. Res. 275. Concurrent Resolution providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests in and Policy Toward the Persian Gulf" (Rept. No. 93–474).

H. Con. Res. 322. Concurrent resolution to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States (Rept. 93–475).

By Mr. CANNON, from the Committee on Rules and Administration, with an amendment:

S. Res. 170. Resolution authorizing supplemental expenditures by the Committee on Veterans' Affairs for inquiries and investigation (Rept. No. 93–476).

S. Res. 183. Resolution authorizing the printing of a compilation of materials on the 25th amendment as a Senate document (Rept. No. 93–477).

H. Con. Res. 184. Concurrent resolution to print as a House document the Constitution of the United States (Rept. No. 93–478).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Warren Clay Wood, of Nebraska, to be Federal Cochairman of the Old West Regional Commission.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with three declarations:

Executive S, 92d Congress, second session, Patent Cooperation Treaty and Annexed Regulations (Exec. Rept. No. 93–20).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with a declaration:

Executive F, 93d Congress, first session, Convention Concerning the Protection of the World Cultural and Natural Heritage (Exec. Rept. No. 93–23).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive E, 93d Congress, first session, Strasbourg Agreement Concerning the International Patent Classification (Exec. Rept. No. 93–21); and

Executive R, 93d Congress, first session, Statutes of the World Tourism Organization (Exec. Rept. No. 93–22).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of National Aeronautics and Space Administration

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report concerning transfer through the General Services Administration, to the U.S. Postal Service 12 acres of land at the Michoud Assembly Facility, New Orleans, La. (with an accompanying report). Referred to the Committee on Aeronautical and Space Sciences.

Proposed Legislation From the Secretary of the Treasury

A letter from the Secretary of Treasury, transmitting a draft of proposed legislation to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth, including the provisions of adequate funds for housing (with accompanying papers). Referred to the Committee on Banking, Housing and Urban Affairs.

Report of Export-Import Bank of the United States

A letter from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report for the quarter ended March 31, 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

Report of National Railroad Passenger Corp.

A letter from the vice president, Public and Government Affairs, transmitting, pursuant to law, a report on average number of passengers per day on board each train and on-time performance at final destination of each train, for the month of August 1973 (with an accompanying report.) Referred to the Committee on Commerce.

Report of the National Railroad Passenger Corp.

A letter from the vice president for Public and Government Affairs transmitting, pursuant to law, the report for the month of June 1973 of the National Railroad Passenger Corp. (with an accompanying report). Referred to the Committee on Commerce.

Report of the Secretary of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, his annual report concerning the committees which advise and consult with him or his designees in carrying out his functions (with an accompanying report). Referred to the Committee on Finance.

Report of Foreign Claims Settlement Commission

A letter from the Chairman, Foreign Claims Settlement Commission, transmitting, pursuant to law, the annual report of the Commission (with an accompanying report). Referred to the Committee on Foreign Relations.

International Agreements Other Than Treaties

A letter from the assistant legal adviser for treaty affairs of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into between the United States and certain other countries (with accompanying papers). Referred to the Committee on Foreign Relations.

Report of Office of Management and Budget

A letter from the Director, Office of Management and Budget, transmitting, pursuant to law, a report on budgetary reserves as of September 30, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

Proposed Legislation by the U.S. Information Agency

A letter from the Director of the U.S. Information Agency transmitting a draft of proposed legislation to authorize appropriations for U.S. participation in the International Ocean Exposition (with accompanying papers). Referred to the Committee on Foreign Relations.

Report of the Comptroller General

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "U.S. Assistance to the Khmer Republic (Cambodia)" (with an accompanying report). Referred to the Committee on Government Operations.

Report of Department of the Interior

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on receipts and expenditures of the Department in connection with the administration of the Outer Continental Shelf Lands Act of 1953. Referred to the Committee on Interior and Insular Affairs.

Designation of Chattooga River as an Addition to the National Wild and Scenic Rivers System

A letter from the Under Secretary of Agriculture, reporting, pursuant to law, on the designation of the Chattooga River and its immediate environs as an addition to the national wild and scenic rivers system (with accompanying papers). Referred to the Committee on Interior and Insular Affairs, and pursuant to Public Law 90–542, ordered printed as a Senate document.

Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning third preference and sixth preference classification to certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

Report of U.S. Environmental Protection Agency

A letter from the Secretary, U.S. Environmental Protection Agency, transmitting, pursuant to law a report on the estimated costs of construction of needed publicly owned wastewater treatment facilities (with an accompanying report). Referred to the Committee on Public Works.

FINANCIAL REPORT OF ATOMIC ENERGY COMMISSION

A letter from the Assistant General Manager, Controller, Atomic Energy Commission, transmitting, pursuant to law, the financial report of the Commission, for fiscal year 1973 (with an accompanying report). Referred to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution from the Legislature of the State of California. Referred to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION No. 54

"Relative to airline fares

"Whereas, The Legislature of the State of California recognizes the desirability of reinstituting reduced air fares for youth and senior citizens; and

"Whereas, The Congress of the United States is presently considering legislation, S. 181 and H.R. 2698, which would permit the airlines to establish reduced air fares for young people between the ages of 12 and 22 and senior citizens over 65; and

"Whereas, In view of the fact that presently many airplanes are flying with empty seats, the present fare structure constitutes a wasteful expenditure of a great national resource and further contributes to the financial deficit which many commercial air carriers are currently experiencing; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact S. 181 or H.R. 2698 so as to reinstitute reduced air fares for young people and senior citizens; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the House of Representatives of the Legislature of the Commonwealth of Massachusetts. Referred to the Committee on Foreign Relations.

"RESOLUTIONS

"Memoralizing the Congress of the United States to seek a true and lasting peace in the Middle East

"Whereas, All thougthful people are extremely concerned about the war and bloodshed in the Middle East; and

"Whereas, In the past twenty-five years a Middle Eastern truce, armistice and ceasefire have proven meaningless; and

"Whereas, Peace in the Middle East can only be achieved through free and untrammelled negotiations between the parties directly concerned in the conflict; therefore be it

"Resolved, That the Massachusetts House of Representatives hereby memorializes the Congress of the United States to insist upon secure, recognized and defensible borders in the Middle East and to accelerate the flow of arms and economic aid to Israel, especially to replace immediately the equipment lost in the current fighting, and to reject an imposed solution to the Middle East conflict; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the Secretary of State, to the presiding officer of each branch of Congress and to the members from this Commonwealth.

"House of Representatives, adopted, October 9, 1973."

A resolution of the Military Order of the World Wars setting forth national security as our No. 1 priority. Referred to the Committee on Armed Services.

A resolution of the Military Order of the World Wars regarding the Uniformed Services Special Pay Act. Referred to the Committee on Armed Services.

A resolution of the Military Order of the World Wars urging funds to be appropriated for research, development, technology and engineering. Referred to the Committee on Armed Services.

A resolution of the Ukrainian American Republic Association of the State of New Jersey, Inc., denouncing the U.S.S.R. for its treatment of certain people. Referred to the Committee on Finance.

A resolution of the City Council of the City of Philadelphia, Pa., urging the continuance of a policy in support of the State of Israel. Referred to the Committee on Foreign Relations.

A resolution of the Military Order of the World Wars urging the refusal of ratification of the Genocide Convention. Referred to the Committee on Foreign Relations.

A resolution of the Military Order of the World Wars in opposition to aid for North Vietnam. Referred to the Committee on Foreign Relations.

A resolution of the Military Order of the World Wars regarding the balance of power to the three branches of national Government. Referred to the Committee on the Judiciary.

A resolution of the Southeastern Association of Community Action Agencies, Inc., urging the continuance of the Office of Economic Opportunity. Referred to the Committee on Labor and Public Welfare.

A resolution of the Military Order of the World Wars urging the establishment of an effective civilian personnel security program.. Referred to the Committee on Post Office and Civil Service.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JACKSON (for himself, Mr. Randolph, and Mr. Magnuson):

S. 2589. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN (for Mr. Goldwater):

S. 2590. A bill to increase the rights of the surface owners of private lands where the United States retains the reserved mineral interests. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for Mr. Sparkman) (for himself and Mr. Tower):

S. 2591. A bill to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth, including the provision of adequate funds for housing. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PROXMIRE:

S. 2592. A bill to amend the Federal Credit Union Act with respect to the termination of insured status under the act of credit unions other than Federal credit unions. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EASTLAND (by request):

S. 2593. A bill for the relief of Ioan Gheorghe Iacob; and

S. 2594. A bill for the relief of Jan Sejna. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 2595. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, and for other purposes. Referred to the Committee on Finance.

By Mr. COOK:

S. 2596. A bill to provide relief to units of local government from liability for repayment of excessive payments made due to an error by the United States under the State and Local Fiscal Assistance Act of 1972. Referred to the Committee on Finance.

By Mr. STENNIS:

S. 2597. A bill to amend section 102 of the National Security Act of 1947 to clarify the authority of the Central Intelligence Agency with respect to certain intelligence operations. Referred to the Committee on Armed Services.

By Mr. DOMENICI (for himself, Mr. Eastland, Mr. Randolph, Mr. Nelson, Mr. Fannin, Mr. Percy, Mr. Baker, Mr. Mathias, Mr. Gravel, Mr. Humphrey, Mr. Buckley, Mr. Bartlett, Mr. Dominick, and Mr. Muskie):

S. 2598. A bill entitled "Car Pool Incentives Act of 1973". Referred to Committee on Public Works.

By Mr. HATFIELD:

S. 2599. A bill to repeal the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JACKSON (for himself, Mr. Randolph, and Mr. Magnuson):

S. 2589. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

EMERGENCY MEASURES NEEDED TO PROTECT THE NATION'S ENERGY SYSTEM AND ECONOMY

Mr. JACKSON. Mr. President, yesterday, Arab producing nations meeting in Kuwait vowed to reduce Mideast oil production by 5 percent each month until Israel retreats to pre-1967 boundaries.

This threat from abroad to the security of the Nation's oil supply comes at a time when we already face serious shortages of home heating oil, propane, jet fuel, diesel, residual oil, and gasoline. Domestic production of crude oil has peaked; refineries are operating at the limits of capacity; stocks of crude oil and refined products stand at the lowest levels of the past 3 years; and our energy distribution system is seriously malfunctioning.

I am, therefore, now introducing a measure in the Senate that will establish an emergency program of rationing and contingency planning to deal with these severe shortages.

Emergency legislation is needed because of the imminence of serious shortages as a result of the imposition of export restrictions for political purposes.

This Nation has to prepare for the eventual possibility of being denied up to 1.2-million barrels a day of crude oil and petroleum products from the Mideast and Arab countries.

This loss of imports would consist of:

First, 800,000 barrels a day of crude oil and 100,000 barrels a day of refined product imported directly from Arab nations, and

Second, 300,000 barrels a day of refined product from Western Europe which is produced from Arabian crude oil.

The threat posed by this use of oil as a political weapon is compounded by a number of existing factors.

First, we have been projecting a shortage of 100,000 to 250,000 barrels a day of heating oil and other refined products this winter in the Northeast for over a month.

Second, following the outbreak of aggression in the Middle East, military action reduced crude oil supplies to Europe by 1 million barrels a day. These events have an indirect but immediate impact on U.S. supplies. Even if hostilities were to end tomorrow, and Mideastern oil production resumed normal levels, the refined product we have been importing from Western Europe is now drying up. As a result, we will experience shortages this winter. Some Western European nations—Italy and Spain—have already imposed export controls. Others will soon follow suit.

The Nation faces a genuine emergency, one that is likely to worsen, and one which we are not equipped to counter at this time. Although we have faced shortages in varying degrees now for 2 years, the administration has consistently failed to act to deal with these shortages, or to prevent their occurrence in the future.

The administration delayed in implementing mandatory allocation of scarce fuel supplies, until any allocation program introduced will be a case of too little and too late. They delayed throughout 1972 a badly needed increase in petroleum imports. And they have developed no contingency plans for dealing with the really severe fuel shortages we now face.

Leadership in these areas has come from the Congress. Legislation is moving toward enactment which would establish a mandatory fuel allocation program, to provide a national system of strategic reserves, mandate the conservation of energy, develop alternate sources of energy, undertake a massive energy research and development program, and otherwise address in detail the longer range aspects of the energy crisis with which the Nation is faced.

By and large, the administration has opposed these measures. These bills are critically needed, but they are of little assistance in addressing the immediate and urgent problems of next month, and this winter.

The bill I am proposing will establish an emergency program of rationing and contingency planning to deal with critical shortage conditions that cannot be adequately dealt with under existing law. This measure will mandate a program of energy conservation, contingency planning, rationing if necessary, and new initiatives to increase domestic energy supplies.

This will not be the first time that a Federal emergency petroleum production and distribution system is established. During World War II, and again during the Truman administration, the Congress passed legislation providing for Federal intervention in fuel production and distribution to insure maximum public benefit in times of emergency.

This bill does not require immediate implementation of rationing and other emergency measures. It does provide for a contingency plan to do these things if and when an emergency energy shortage should be declared. This bill is an anticipatory and precautionary measure, to insure that, in the event of a major shortage, we will not be caught unaware.

The bill authorizes the President to declare fuel shortage emergencies when requirements for energy or petroleum exceed available supply by 5 percent or more. State and local governments are required to develop emergency fuel shortage contingency programs to be implemented in the event such an emergency is declared.

These contingency programs must devise a priority system for fuel rationing, should it become necessary, and must provide the capability of reducing energy consumption by 10 percent within 10 days from the date of program implementation, and by 25 percent within 4 weeks of implementation. Discretion is left to the State or local government to determine suitable measures for attaining this goal. However, in the event that a State or local government fails to develop or implement a program, the Federal Government is directed to implement a mandatory energy conservation and contingency program.

The Federal program would require mandatory:

First, reduction in speed limits to 50 mph or less;

Second, programs to provide for regular engine tune ups on all automotive vehicles;

Third, an end to all advertising to induce increased energy consumption;

Fourth, promotional and educational programs on improved conservation practices in space heating and electrical consumption; and

Fifth, increased use of car pools and mass transit.

Notwithstanding any other State or Federal action, the bill also requires the President to expand available supplies of petroleum by:

First, requiring oil- or gas-burning powerplants with coal-burning capabilities to reconvert to burning coal, and granting temporary variances from air quality emission standards to allow such conversions, if necessary;

Second, authorizing the CAB to grant variances in scheduling of airplane flights, and the ICC in scheduling and routing of trucks and other interstate vehicles, to increase load factors or decrease distances traveled, in order to conserve fuel; and

Third, implementing Federal incentives and subsidies to largely increase the use of public transportation.

In a declared emergency, additional domestic supplies are required to be produced from certain designated oil fields technologically capable of producing above their assigned "maximum efficient rate" for sustained periods of time—90 to 180 days. The Office of Oil and Gas is authorized to initiate mandatory allocation of crude oil supplies to refineries to assure maximum production capacity and is also authorized to project future product requirements and to mandate adjustments in refinery product runs accordingly.

The final major provision of the bill provides for the expansion of useful domestic energy supplies by allowing production on the naval petroleum reserves, providing Federal incentives to further expand domestic production and refinery capacity, and, in the longer run, requiring all new stationary power plants to be equipped for burning coal as well as oil and gas.

It is estimated that the program outlined in this proposed legislation, when implemented, will save the equivalent of about 3-million barrels of oil a day. These savings would be more than adequate to counter the loss of all imports from Mideast and Arab countries. These imports now account for about 5 percent of total U.S. petroleum consumption, but in certain areas of the country the dependence on these sources of supply is far greater. Because we have lost a great deal of flexibility in energy supply and distribution in the last few years, certain sectors of the economy and certain regions will be especially hard hit by a reduction in imports. The Northeast and the Atlantic Coast, for example, are heavily dependent on imported petroleum products for space heating, and electric power generation as well as transport. The South Central oil producing States are considerably less dependent on imported oil, but would nevertheless be seriously affected by a loss of imports through increased competition for available domestic fuels.

Our current situation will require some belt-tightening on the part of the American people. We may have to learn to do more with less. But I am confident that we can overcome our present problems, and develop better habits of energy consumption. I believe the legislation I am proposing is a step toward both these goals.

Mr. President, I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emergency Petroleum Act of 1973."

TITLE I—STATEMENT OF FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress hereby determines that—

(a) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent;

(b) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods;

(c) such hardships and dislocations jeopardize the normal flow of commerce and constitute a critical national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively througn prompt action by the executive branch of Government;

(d) political disruptions in the world petroleum supply and distribution system can be expected to cause supply interruptions of imports from foreign sources;

(e) such supply interruptions will result in shortages far greater than any previously anticipated, and could create extremely critical shortage conditions as a result of unduly cold weather, reductions in refinery operations for mechanical or other reasons, and intensified world-wide competition for scarce petroleum;

(f) because of the diversity of conditions, climate, and available fuel mix in different areas of the nation, the primary governmental responsibility for developing and enforcing emergency fuel shortage contingency plans lies with the States and with the local governments of major metropolitan areas.

PURPOSES

SEC. 102. The purpose of this Act is to—

(a) grant to the President of the United States, and direct him to exercise, specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products, or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such shortages or dislocations on the American people and the domestic economy;

(b) protect the public health, safety and welfare and the national security, and to assure the continuation of vital public services and full employment in the face of critical energy shortages;

(c) provide a national program to conserve scarce energy resources, through mandatory and voluntary rationing and conservation measures, implemented by Federal, State and local governments;

(d) direct the President and State and local governments to develop and demonstrate contingency plans which shall have the practical capability of reducing U.S. petroleum consumption by 10 percent within 10 days, and by 25 percent within 4 weeks of any interruption of normal supply.

TITLE II. EMERGENCY FUEL SHORTAGE CONTINGENCY PROGRAMS

PRESIDENTIAL AUTHORIZATION

SEC. 201. (a) The President is hereby authorized to declare a national or regional emergency requiring implementation of emergency fuel shortage contingency programs as provided for in this title. For the purposes of this Act, the term "emergency fuel shortage" means a disparity of 5 percent or more between energy requirements and energy supply, or between the available supply of petroleum and petroleum products and requirements for such fuels.

(b) The President may, at his discretion, extend or renew the declared emergency fuel shortage as long as the shortage conditions, described in subsection (a) above, continue to exist.

EMERGENCY FUEL SHORTAGE CONTINGENCY PLANS

SEC. 202. (a) Not later than 30 days after the date of enactment of this Act, the President shall promulgate requirements for emergency rationing, conservation, and contingency programs to be developed by each State and major metropolitan government, and to be implemented for the President by such State and local governments in the event the President determines there is an emergency fuel shortage. Such programs, which must be developed within 90 days after the date of enactment of this Act, shall assure that all vital services will be maintained and that unnecessary energy consumption will be curtailed.

(b) The rationing and conservation programs provided for in subsection (a) above shall include the following conservation measures:

(1) an established priority system and plan for rationing of scarce fuels among distributors and consumers during periods of critical shortages, and

(2) measures to reduce energy consumption in the affected area by 10 percent within 10 days, and by 25 percent within 4 weeks after implementation.

(c) In the event that a State or major metropolitan area fails to design and implement a contingency program as provided, for in subsection (a), the President shall implement for such State or metropolitan area a Federal rationing and energy conservation program which will include the following mandatory measures:

(1) reduction in maximum speed limits on all roads to 50 miles per hour or less;

(2) a program to require regular engine tune-ups for all automotive vehicles;

(3) discontinuation of all advertising encouraging increased energy consumption;

(4) regular inspection and maintenance of commercial and industrial heating and air-conditioning units;

(5) maximum winter thermostat settings of not more than sixty-five degrees Fahrenheit and minimum summer settings of not less than eighty degrees Fahrenheit in all buildings owned or leased by the Federal Government;

(6) increased average occupancy of private automobiles through the use of car pools. During commuter rush hours and at other specified times, parking and access in certain critical areas may be limited to cars with three or more occupants;

(7) a program of public education to encourage energy conservation measures in private homes and in the private sector, including:

(A) regular inspection and maintenance of home heating and air-conditioning units, and

(B) reductions in heating, hot water and electricity consumption.

MANDATORY FEDERAL ACTION FOR FUEL CONSERVATION

SEC. 203. Notwithstanding any action taken on the part of State or local governments pursuant to Section 202, the President shall in time of actual or impending emergency fuel shortage:

(a) require that existing electrical powerplants which now burn petroleum or natural gas and which have the capability to reconvert to coal shall convert the necessary plant equipment and revert to burning coal as their primary energy source. If necessary, the President may grant temporary variances from air quality emissions standards on a plant-by-plant basis, for the duration of the emergency fuel shortage only, to permit the burning of coal if the only available coal, when burned, will exceed established air quality standards.

(b) authorize independent regulatory authorities, such as the Civil Aeronautics Board and the Interstate Commerce Commission, to permit variances from existing schedules and routings to increased load factors, reduce the number of scheduled trips, or shorten distances traveled, in order to conserve fuel. In particular, airlines shall be required to operate at maximum capacity wherever possible.

(c) develop and implement Federally sponsored incentives for the use of public transportation, including priority rationing of fuel for mass transit systems, and Federal subsidies for reduced fare and additional expenses incurred because of increased service, for the duration of the emergency fuel shortage.

MANDATORY FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES

SEC. 204. In the event an emergency fuel shortage is declared pursuant to Section 201, the President shall also initiate the following measures to supplement domestic energy supplies for the duration of the emergency:

(a) Require production of certain designated existing domestic oil fields at rates in excess of their current established Maximum Efficient Rates (MER). Fields to be so designated by the appropriate State governments or by the Office of Oil and Gas, shall be those where the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned sustainable MER for periods of 90 days or more without excessive risk of losses in recovery.

(b) Authorize the Office of Oil and Gas to require:

(1) a program of mandatory allocation of crude supplies to ensure that all refineries are operating at maximum possible capacity, and

(2) the adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the priorities established in accordance with Section 202. The Office of Oil and Gas shall make projections of anticipated product requirements and mandate the necessary adjustments in domestic refinery runs accordingly.

EXTENSION AND DEVELOPMENT OF CONTINGENCY SUPPLIES

SEC. 205. The President is hereby authorized to:

(a) (1) require production of oil and gas from currently developed resources of the Naval Petroleum Reserves No. 1, 2, 3 and 4; and

(2) require expeditious exploration and further development of these reserves to:

(A) determine the full extent of the oil and gas reserves located thereon; and

(B) make possible the production of oil and gas from the reserves at or in excess of their maximum efficient rate.

(b) require electric powerplants in the planning process or under construction, which are designed to burn oil or gas, to be designed and constructed with the ready capability to burn coal as well as oil and gas as a primary fuel.

(c) develop and implement such plans and programs as may be necessary to facilitate and expedite the greatest possible expansion of existing domestic production and refinery capacity.

TITLE III. ADMINISTRATION AND AUTHORIZATIONS

CONGRESSIONAL APPROVAL

SEC. 301. Within 30 days after the date of enactment of this Act, the President shall submit to Congress requirements for the emergency fuel shortage contingency programs provided for in Title II of this Act. These requirements will be approved by Congress unless, within 15 days of such submission, 7 of which must have been in legislative session, the Congress specifically disapproves of all or part of the program, and concurrently offers specific alternative provisions for those portions disapproved.

ECONOMIC INCENTIVES

SEC. 302. The Cost of Living Council is hereby authorized and directed to develop incentives to encourage private industry and individual persons to subscribe to the goals of this Act and to comply with the requirements to programs developed and implemented pursuant to this Act.

STATE LAWS

SEC. 303. (a) No State law or program in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any program issued pursuant thereto except insofar as such State law or program is inconsistent with the provisions of this Act.

(b) Any provision of any State law or program in effect upon the date of enactment of this Act, or which may become effective thereafter, which provides for more stringent energy conservation and more efficient allocation than do the provisions of this Act or any program implemented pursuant thereto shall not be construed to be inconsistent with this Act. Any provision of any State law or program in effect on the date of enactment of this Act, or which may become effective thereafter, which provides for the conservation or allocation of energy for which no provision is contained in this Act shall not be construed to be inconsistent with this Act.

GRANTS TO STATES

SEC. 304. The President is hereby authorized to make grants to any State or major metropolitan government, for the purpose of assisting such State or local government in developing, administering and enforcing emergency fuel shortage contingency plans under this Act.

AUTHORIZATIONS

SEC. 305. There are hereby authorized to be appropriated $150,000,000 for the purposes of this Act.

SEPARABILITY

SEC. 306. If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

SUMMARY

TITLE I

Section 101—Findings

(a) Shortages exist and are imminent:

(b) Shortages will create severe economic dislocation and hardship;

(c) Action by the Executive Branch can minimize or avert hardship;

(d) Political disruptions can cause interruptions in imports;

(e) Such supply interruptions will create shortages far worse than those for which we have planned; and

(f) Primary responsibility for emergency fuel shortage contingency plans lies with state and local government.

Section 102—Purpose

(a) to grant and direct the exercise of Presidential Authority needed to minimize adverse impact of shortages;

(b) to protect public health and safety;

(c) to provide a national program to conserve scarce energy;

(d) to direct the development and demonstration of government contingency plans

TITLE II—EMERGENCY FUEL SHORTAGE CONTINGENCY PROGRAMS

Section 201—Presidential authorization

Authorizes President to declare national or regional emergency; and

Defines emergency as disparity of 5% between energy requirements and supplies.

Section 202—Emergency fuel shortage contingency plans

(a) Within 30 days the President shall promulgate requirements for 90 day emergency contingency programs to be designed by state and local governments and implemented by them for the President in the event of emergency shortages;

(b) Conservation Programs will include:

(1) a priority system and rationing plan; and

(2) measures capable of reducing petroleum consumption by 10 percent within 10 days and 25 percent within 4 weeks.

(c) Should a state fail to design and implement a program, one will be implemented by the President which will include provisions for:

(1) reduction of maximum speed limits to 50 MPH would make 250,000 barrels per day equivalent saving and 27.8% saving as a percent of Arab imports;

(2) require periodic auto engine tuneups would make 140,000 barrels per day equivalent saving and 15.5% saving as a percent of Arab imports;

(3) end advertising encouraging increased energy consumption;

(4) maintenance and inspection of heating units;

(5) reduce heating and cooling energy consumption in Federal buildings;

(6) use of car pools would make 750,000 barrels per day equivalent saving and 83.3% saving as a percent of Arab imports;

(7) homeowner energy conservation education would make 730,000 barrels per day equivalent saving and 81.1% savings as a percent of Arab imports;

Section 203—Mandatory Federal action for fuel conservation

The President shall in time of actual or pending emergency—

(a) require existing electrical power plants that are capable of doing so to convert to the burning of coal. Where necessary emergency variances to the air quality laws are authorized would make 258,000 barrels per day equivalent saving and 28.6% saving as a percent of Arab imports;

(b) authorize Federal regulatory agencies to permit variances from existing schedules to conserve fuel use by public transport would make 120,000 barrels per day equivalent saving and 13.3% savings as a percent of Arab imports;

(c) develop and implement Federal incentives for the use of public transportation.

Section 204—Mandatory Federal action to increase domestic petroleum supplies

In time of emergency the President shall cause the increase of domestic supplies by—

(a) requiring production of designated oil fields in excess of legally established MER (Maximum efficient rate of production) which would increase supply of 292,000 barrels a day and 32.4% of Arab imports.

(b) authorizing the Office of Oil and Gas to—

(1) so allocate crude oil supplies as to insure full refinery utilization;

(2) require adjustment of refinery balances to insure an output of refined product consistent with established priorities.

Section 205—Development of new contingency supplies

Authorizes the President to—

(a) (1) require production of oil and gas from the Naval Petroleum Reserves which would increase supply of 160,000 barrels a day and 17.7% of Arab imports.

(2) require expeditious exploration and development of the Naval Petroleum Reserves.

(b) require future electric power plants to be so designed as to use coal as a primary energy source;

(c) implement programs to expedite expansion of existing domestic production and refining capacity.

TITLE III—ADMINISTRATION AND AUTHORIZATION

Section 301—Congressional approval

Within 30 days the President shall submit to Congress a plan for the emergency fuel shortage programs provided for in Title II;

Within 15 days of receipt, the Congress will approve this plan or offer an alternative.

Section 302—Economic incentives

The Cost of Living Council will develop incentives to encourage compliance with the Act.

Section 303—State laws

Provides for the preemption of State laws wherein they may be in conflict with this act.

Section 304—Grants to States

Authorizes Federal grants to states and cities to assist in the implementing of the act.

Section 305—Appropriation authorization

$150,000,000 is authorized.

Mr. HANSEN. Mr. President, the distinguished chairman of the Interior Committee announced Wednesday his intent to introduce today a bill he feels would be an appropriate response to the announcement in Kuwait that Middle East oil production will be reduced at the rate of a 5 percent per month cutback, beginning implementation immediately.

Granting that the chairman has termed his proposal "emergency legislation," I am hopeful that he has not missed the point emphasized by the Kuwait announcement—that Middle East energy sources have been and will continue to be insecure, and that we must develop the domestic energy sources of the United States rather than continue to look overseas for help, if we are to enjoy national security.

A part of the thrust of the chairman's legislation is aimed at conservation through emergency rationing. We must eliminate waste and unnecessary use. But I suggest to the distinguished chairman that the price increase announced Tuesday by Persian Gulf producers, and Iran, will help accomplish that. That announcement constituted a 17-percent price increase from $3.12 to $3.65 a barrel. That means that such oil delivered on the east coast of the United States would cost $6 or more. That is $2 a barrel more than U.S. producers get for oil at the wellhead in Wyoming, Louisiana, Texas, Oklahoma, California and other producing States. When the price gets high enough, Americans and consumers all over the world are going to see to it that unnecessary use is eliminated.

Another part of the chairman's thrust urges reconversion to coal burning capabilities at power plants. Ironically, little more than a week ago, a majority of the Senate voted, while the surface mining bill was being considered, to withdraw from mining some of the most accessible coal resources in the United States. Today, we are being asked to convert back to coal. I agree that we should, even though emission standards required by the National Environmental Protection Act may have to be modified.

A third point made by the chairman has to do with expansion of domestic petroleum supplies. He calls for producing fields to produce at rates above maximum efficiency for the short term, and for use of the naval reserves for the longer term. The former action may have to be taken, although as the chairman recognizes it could at best serve as a partial short term answer. I doubt that the Congress would approve depletion of the naval reserves for other than reaction to immediate or near threat to the national security of the United States.

Any way you look at it, the four naval petroleum reserves are not an adequate immediate answer even should Congress order use at this time. According to page 17 of the General Accounting Office report to Congress Oct. 5, 1972, on "Capability of the Naval Petroleum and Oil Shale Reserves to Meet Emergency Oil Needs," these reserves "could produce only an additional 95,500 barrels per day in an emergency."

The report states:

> Only Petroleum Reserves numbers one and three are currently capable of additional production without further development. Petroleum Reserve number two is producing at capacity under leases to private contractors and is of minimal value as a reserve. Petroleum reserve number four is essentially unexplored and undeveloped and has no current production capability.
>
> "The Navy estimates that it would cost a minimum of $2 billion (b) over a 10-year period to develop petroleum Reserves numbers one, three and four to their maximum deliverable production rates.

The present daily production capability as of last October was 108,900 barrels daily, with 13,400 barrels already in use. This is present production from reserves one, two and three.

The Geological Survey estimates that reserve No. 4 contains from 10 to 33 billion barrels of oil. Assuming the 10 billion barrels estimate is accurate, maximum production for a 5-year period is estimated at 3,280,540 barrels per day. Given the time required to develop the reserves, this figure would more than replace present imports from the Middle East assuming there is not further decline in domestic production. But we need to know what we would use for reserves should we face a national emergency.

After the 6-day war in the Middle East in 1967, the Secretary of the Navy established an initial operational readiness requirement for Petroleum Reserve No. 1. This stipulated that a 5-year average oil production rate be 160,000 barrels per day. Officials of Reserve No. 1 stated that the No. 1 reserve, already in production, is capable of producing a maximum of 100,000 barrels per day within 60 days, given sufficient emergency funds and manpower.

According to the GAO report, No. 1's oil pipeline system can transport 90,000 barrels per day—but only to the boundaries of the reserve. The best estimates are that adequate means of transporting the oil from the reserve could be constructed in from 1 to 2 years. During World War II, Reserve No. 1 had an emergency production status, and produced at a level of 62,000 barrels per day.

The present situation does not constitute an immediate threat to the national security of the United States, nor does it constitute an acute national emergency for the United States. The impact of the Kuwait action upon the United States, though severe, will be exceeded by the effects it will have upon the rest of the free world, unless the Middle East nations have an implementation plan as yet unannounced.

The answer to the Nation's energy shortages and to the threat of energy blackmail by any foreign nation or group of nations is for this Nation to achieve energy self-sufficiency. We can do it and we must do it.

Because of our real desire to clean up our environment, we have placed unbelievable roadblocks, impeding our efforts to become more energy self-sufficient within the United States by using all of our available energy resources.

First of all, we must eliminate waste and unnecessary use. The price increase the Arabs announced will help do that. We must intensify efforts to increase drilling within the continental United States and on the Outer Continental Shelf, including the Atlantic seaboard. We must pull all the stops in building the Alaskan pipeline. We must make far greater use of coal for the production of heat and electricity. Wherever National Environmental Protection Act laws or State laws prevent this reconversion back to coal, they must be changed or suspended. The Kuwait announcement leaves us with no alternative.

Further, in regard to the naval petroleum reserves, we are aware that the administration has proposed release of No. 1.

The House Armed Services Committee is conducting hearings on this matter, and I offer for consideration by this body, Chairman Hébert's opening statement urging careful and cautious consideration of such a concept.

In his message to Congress on September 10, the President stated, in part, that in view of the "scarcity of fuels, it is important that we act now to draw upon the oil available in the Naval Petroleum Reserve No. 1 (Elk Hills)." This indicated that the Congress would be asked to approve a new policy which would be in direct opposition to the statutory provisions which, for a half century, have successfully prevented the use of our naval petroleum reserves for other than the purpose for which they were intended—national defense.

Therefore, on September 12th I announced that I had directed the Investigating Subcommittee staff to make an immediate inquiry into this matter so that necessary hearings could be held at an early date. I pointed out at that time that under the Rules of the House of Representatives primary legislative jurisdiction over naval petroleum reserves is assigned to the Committee on Armed Services.

The preliminary staff work having been completed, the Subcommittee is now ready to hear from witnesses representing the General Accounting Office, the Department of Defense and the Department of the Navy. I have also issued invitations to Secretary Morton and to Governor Love to appear. But, before beginning the testimony I would like to touch briefly on the background of the naval petroleum reserves. I will not pursue it in detail because this will be done by appropriate witnesses.

Shortly after the turn of the century private oil interests were staking out large claims in our public lands at such a rapid pace it became apparent that the Government would have to stake out claims of its own in order to insure an adequate supply of oil for future national defense purposes. This was accomplished by withdrawing from public lands certain potential petroleum producing areas and designating them as naval reserves. We now have four such areas.

These reserves are protected by the provisions of law set forth in Chapter 641 of Title 10 of the United States Code. These provisions were basically established by that great former chairman of the Armed Services Committee, Mr. Carl Vinson. He left no doubt in anyone's mind that these reserves were to be used *only* in the defense of our country. And during a House debate in the 78th Congress in 1944, he made the following four points with respect to the objectives to be achieved by the law:

1. "The amount of oil initially produced from the reserve would be fixed by joint resolution of Congress, at such an amount as was clearly demonstrated, after a hearing on the question, as being absolutely necessary to an expeditious prosecution of the war."
2. "The amount of oil initially authorized to be produced would be decreased as soon as the requirements of the war permitted and the field would eventually be shut down."
3. "No amounts of oil in excess of the amount initially authorized by joint resolution of Congress would be produced from the reserve unless the increase was authorized by a further joint resolution upon a showing that the additional amounts were also necessary for the prosecution of the war. Thus the final control over production from the reserve would be kept where it always has been, namely, in the hands of Congress."
4. "The oil in the reserve would not be used to finance the operation of the reserve. Thus Navy would not be permitted to bypass Congress, but instead would periodically come to Congress with requests for appropriations to carry on the necessary operations."

Since its inception the naval petroleum reserve has been considered by those charged with its safekeeping as a national asset to be held in trust—an asset which should not be frittered away.

The oil which is protected in the four naval petroleum reserves is worth hundreds of millions of dollars and, therefore, it should not be surprising that unceasing efforts have been made, and will probably continue to be made, to get at them by various interests to whom they represent huge potential dollar profits. But while I recognize that the profit motive is basic and necessary to the growth and strength of our free enterprise system, I am equally convinced that there are certain areas in which "dollar value" is not a true measure of worth. For example, how do you place a dollar tag on the ability of our country to remain free, or on the safety of our families and homes? And how much is it worth to have a government which is strong enough to be a positive influence for peace throughout the world? These and other such questions must be considered when we seek to establish priorities for the distribution and utilization of our finite national resources.

With these thoughts in mind, I suggest that we begin with the testimony of our witnesses.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of my distinguished colleague (Mr. Randolph), that a statement by him be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Randolph

Mr. President, it is a privilege to join the able Senator from Washington (Mr. Jackson) as a cosponsor of the National Energy Emergency Contingency Act.

It is my belief that this legislation, which will establish the authority for an emergency program of rationing and contingency planning to deal wtih severe fuel shortages, is an absolutely essential move on the part of the Congress.

As a Member of the National Fuels and Energy Policy Study, I have worked closely with the distinguished Senator from Washington on the energy situation for many months. We are aware of the continuing energy shortages confronting our Nation. Without any special situation of aggravating circumstances, these shortages are with us and we must be prepared to live with them in the years ahead. During our Study investigations, we have stressed both the depth and intensity of our problems, and the lack of effective Administration action to forestall the more serious effects of the shortages of energy supplies.

The Congress, however, has moved forward despite the Administration's delay in formulating energy policy decisions. On June 5, 1973, the Senate passed S. 1570, the Mandatory Petroleum Allocation Act; the House followed suit, and passed a similar bill, H.R. 9681 yesterday. The Senate's energy conservation bill, S. 2176, should be ready for Senate action soon. The energy research and development bill, S. 1283, is being finalized. In the House, similar measures are being moved ahead.

Regrettably, the Administration's measures have not been so expeditious. During the summer months when gasoline shortages became so serious, no mandatory petroleum allocation program was established. During these same summer months, a shortage in home heating fuel for the winter was foreseen and the Administration was urged to take action. The announcement of a mandatory program for heating fuel did not come until October 12, when temperatures in many areas of the Nation had already dropped below the 70's. Yet even this mandatory program is not adequate for this problem—it merely states that such a mandatory program is being established and does not set up priorities for allocation.

The delays in establishing necessary energy programs have seriously lessened our ability to meet the Arab pressure tactics. The United States has come to the point at which it *must* conserve energy or face an economic crisis unrivaled in many, many years.

The decision, yesterday, of the Arab oil-producing nations to reduce Mideast oil production by five percent each month until Israel retreats to pre-1967 boundaries has placed before us another critical threat. The Senator from Washington has outlined in detail the impact of yesterday's action on our energy supply. Certainly, this decision makes the need for affirmative programs even more urgent.

Our Nation, with the cooperation of all levels of Government and all citizens, must prepare to meet this emergency situation. As I have stated, it is my belief that the Administration, even before yesterday's announcement, was not moving forward with the necessary urgency and positive action to resolve the energy crisis. The significant activities and program proposals to secure a system under which fuel shortages at the very least can be alleviated have come from the Congress.

I firmly believe that it will be up to the Congress to continue action if we are to meet the current energy shortages and the threat encompassed in yesterday's announcement by the Arab oil-producing nations. For this reason, I strongly support the effort undertaken in the National Energy Emergency Contingency Act to provide for a contingency plan of rationing and other emergency measures, if and when it is necessary for the President to declare an emergency energy shortage.

Under this measure, the President is authorized to declare fuel shortage emergencies when requirements for energy or petroleum exceed available supply by five percent or more. Further, State and local governments are required to develop emergency fuel shortage contingency programs which would be implemented when such an emergency is declared.

Mr. President, the proposed legislation directs that Federal programs, when implemented, include these actions:

(1) Reduce speed limits nationwide to 50 mph or less;

(2) Provide for regular automotive tune-ups;

(3) End all advertising to induce increased energy consumption;

(4) Improve conservation practices in space hearing and electrical consumption; and

(5) Increase the use of car pools and mass transit.

In addition, regardless of any other State or Federal actions, this bill would require the President to expand available supplies of petroleum by:

(1) Requiring oil- or gas-burning power plants with coal-burning capabilities to reconvert to burning coal, and grant temporary variances from air quality emission standards to allow such conversions, if necessary;

(2) Authorizing the CAB to grant variances in scheduling of airplane flights, and the ICC in scheduling and routing of trucks and other interstate vehicles, to increase load factors or decrease distances traveled, in order to conserve fuel; and

(3) Implementing Federal incentives and subsidies to largely increase the use of public transportation.

These are only some of the provisions this measure would direct in the case of emergency. Certainly, there may be many worthy proposals to modify this measure. However, it is very clear that this type of legislation is necessary, and even vital, to our Nation's survival. It must be considered by the Congress in an expeditious manner.

The Congress must act quickly in the National interests.

By Mr. GRIFFIN (for Mr. GOLDWATER):

S. 2590. A bill to increase the rights of the surface owners of private lands where the United States retains the reserved mineral interests. Referred to the Committee on Interior and Insular Affairs.

Mr. GRIFFIN. Mr. President, for the Senator from Arizona (Mr. GOLDWATER), I introduced, for appropriate reference, a bill to increase the rights of the surface owners of private lands where the United States retains the reserved mineral interests. I ask unanimous consent that a statement by Senator GOLDWATER, together with the text of the proposed bill, be printed in the RECORD.

There being no objection, the statement and bill were ordered to be printed in the RECORD, as follows:

INCREASING THE RIGHTS OF LANDOWNERS OF PRIVATE LANDS IN WHICH THE MINERAL INTERESTS ARE RESERVED TO THE UNITED STATES

(By Senator BARRY GOLDWATER)

Mr. President, I am introducing legislation today to strengthen the property rights and bargaining power of the surface owners of private lands where the United States retains the reserved mineral interests. The bill has two primary aims. First, it provides immediate protection to the homeowner now living in developed residential communities against damage to their homesites and land values caused by the actual or threatened occurrence of mineral exploration or drilling on their property without their consent. Second, the bill will discourage indiscriminate damage being caused to now undeveloped private lands by irresponsible persons or fly-by-night companies abusing federal laws which leave these lands open to mining claims and removal of mineral deposits. Hereafter, when explorers or mining companies seek to prospect and locate claims on undeveloped private lands or lands which are developed in the future, they must post a bond before entry and stand liable for one and a half times the damage which might be caused to all surface improvements, values and uses.

Mr. President, this bill attacks a very old problem which is acute in the western states but exists elsewhere to some degree, as well. I am speaking of instances in which the private surface owner of land is not the owner of the mineral rights because of some law under which the mineral estate has been reserved to the United States and which lands remain open to location or claim under the mining laws just as if the lands were still federally-owned.

In all there have been approximately 70 million acres of land patented to private ownership with a reservation of the minerals to the United States. The vast majority of these lands was patented under the Stock Raising Homestead Act of 1916. Under the terms of this Act prospectors may enter onto the land to search for and claim mineral deposits without any need to obtain the consent of or even to notify the surface land owner. The prospector is supposed to avoid injuring the permanent improvements of the surface owner and should pay compensation for any damages to crops and agricultural improvements, but this does not discourage widespread abuses of the surface owners' interests. The mineral developer need not post a bond to prospect and locate; nor does it appear that he has to compensate the surface owner for residential-type improvements or the value of the land for residential use.

It is argued by many lawyers in this field that the only kind of permanent improvements for which compensation must be paid are "agricultural" improvements and that there is no Federal statutory right to compensation for damages to non-agricultural improvements. The origin of the Stock Raising Homestead Act and its protections to surface owners are said to be obviously designed to provide relief where private lands are being used for agricultural or grazing purposes and not meant to be tailored to urban area lands. Therefore, we have a situation in which individuals who have purchased land to build homes and raise their families are badly lacking in any clear legal rights that would enable them to forestall residential mining on their property or even to be confident of obtaining fair compensation for injury to their residential improvements.

Now, the actual developed areas in which the mining interests are reserved to the United States constitute only a very small part of the 70 million acres of private lands which are affected by this split ownership of the surface and minerals. For this reason, my legislation treats differently the case of the surface owners of lands on which there are actual residential, industrial or commercial structures and the surface owners of undeveloped private lands. Since there is a situation occurring right now where mining is under way on private land in a residential area west of the city limits of Tucson at the south boundary of the Tucson Mountains, I will describe the features of my bill as it will affect this problem and then describe the relief which the bill provides for the owners of presently undeveloped lands.

What we have going on in the residential Tucson area is exploratory drilling by a major company which has staked out some 175 claims on 3,500 acres of private land. Many of these claims are in Tucson Estates, which is an established mobile home park with at least 1200 families, while other claims cover Millstone Manor, an established residential area with approximately 400 families inside the claimed area. It does not appear that drilling has intercepted any commercial ore to date and the company has not asserted to my knowledge that a valid mining claim has been discovered. Theoretically, in these circumstances, a surface owner can bring a private law suit contesting allegedly invalid mining claims which threaten to destroy the value of the surface of their lands, but even if these land owners should win their case tomorrow somebody else could come right back in and start prospecting all over again.

Mr. President, I propose today to protect the interests and dreams of land owners who have built their homes in this area and other existing communities with the same problem, by allowing them to acquire the mineral interests by an easy process of notification to the Secretary of the Interior. If any one of these homeowners wants to unite the mineral interests with his surface title, my bill authorizes him to so notify the Secretary of the Interior within one year after the bill should become law. His notification in itself shall provide immediate termination of the reservation to the United States of minerals in each person's land and in due course he will obtain a patent or other instrument from the Secretary conveying to him the reserved title which the United States had held in these minerals. Because the immediate problem concerns locatable minerals, that is the hard rock minerals such as copper, and because locatable minerals are not subject to the leasing authority of the Secretary which would offer discretion against allowing mining on developed lands, I have limited the bill to locatable minerals and do not get into the question, which is not applicable here, of leasable minerals, such as oil and gas resources.

This technique, Mr. President, will give the private surface owner of developed lands an immediate recourse for acquiring title to the reserved, locatable minerals merely by providing notification of his wish. As a result, he will be placed in a position where any mining company desiring to locate minerals in this particular land would have to deal with him, the surface owner, personally. The homeowner's notification to the Secretary would immediately terminate the privilege of the mining claimant to commence or continue any entry on his land for prospecting or other mining activities. However, these lands are not withdrawn from the mining laws and the option of mining is still open so long as the mineral developer negotiates with the surface owners and obtains their consent. In other words, the law of the market place will take effect depending on which is more valuable, the use of the land for residential purposes or the prospect of commercial mining. I should mention that as a practical matter each surface owner will be protected in a development unless the great majority should agree to permit mining operations because of the economic fact of life that mining would not be economically feasible unless the mineral developer could use sizable and contiguous parcels of land. I do believe this would protect, for example, the interests of the owner of a developed homesite whose land abuts an undeveloped parcel in the same neighborhood.

If there is any situation where a person or company has discovered a valid mining claim, the bill provides a means for the Secretary of the Interior to acquire this claim through any means available to the United States Government and, of course, requires that adequate and just compensation be paid to the owner of such existing mining claims.

Mr. President, in order that the bill shall not constitute a windfall to the private surface owners at the expense of the American public who now holds the reserved mineral rights we are talking about, I have specifically retained for the United States a royalty right in the event that these developed lands might subsequently be opened to mining by the surface owner. I can foresee situations where mineral development could take place without any damage to the surface values due to modern technology and it may not become necessary for the surface developer to move out in order to permit mining. I feel that in this type of situation, the American public should receive some fair compensation in the form of a return to the Federal Treasury and, for this reason, I have provided that any mining done on these developed lands subsequent to the release of the reserved United States mineral rights shall be subject to the payment to the United States of a royalty of two percent of the fair market value of the minerals so mined. I have chosen this approach instead of providing for the sale of the subsurface rights to the surface owner because a great many of these persons could not afford the expense of acquiring these rights. I do not want to penalize them because of their lack of affluence.

Mr. President, this leaves the question of how we shall treat undeveloped lands, which after all constitute the vast majority of lands with a reservation of minerals to the United States. Here I propose to strengthen the rights of the private surface owner by a different means. With respect to undeveloped lands and lands developed hereafter, my bill is meant to nail down for once and all the right of the surface owner to obtain compensation for the value of residential improvements which he places on his land and the value of the land for this purpose. Not only is the law intended to specifically include compensation for damage caused to residential surface improvements and uses, but I propose to amend the existing law to require that the mineral explorer or developer compensate the surface owner for one and one-half times the full damage to surface developments and uses which may be caused by mineral activities. In the event the homeowner has to move away, this provision would more fairly compensate him for the great trauma and actual expenses of having to move his home elsewhere. This provision alone should do much to discourage disreputable mineral explorers or developers from ever entering the land, but to further enhance the rights of the surface owner the bill requires that before proceeding with any mineral activity, including prospecting, the mineral explorer or developer shall be required to post a bond for the full damages for which he might be liable before any of those damages are actually caused.

Mr. President, I believe this approach would allow the millions of acres of undeveloped private lands to remain open to prospecting and mining by legitimate and serious persons and companies while at the same time providing much greater assurance to the surface owner that his land will not be abused or occupied by fly-by-night miners or squatters seeking free living. In the event a legitimate mining operation is commenced, the surface owner can be assured that the money is available almost immediately to pay for any damages occurring and that if he is forced to pack up and leave he will at least be adequately compensated for his loss. If there are any disputes with respect to the values of any damages caused by mineral activities it can be settled under the bill by court action in the appropriate United States district court where the lands affected are located.

Mr. President, the bill attacks a troublesome problem which has been with us for many, many years. I think we can solve the difficulties in a way that preserves the bulk of opportunities for development of the important mineral resources on which the country's economy and security may depend in future years, while increasing the protection given by law to the private surface owner of land who may have his home, business or industry situated there or have tied up his personal savings in as yet undeveloped land. I have introduced a bill that will handle the immediate problems which I think can be ignored no longer. I look forward to the opportunity for hearings on the proposal and hope that Congress will begin attacking this problem without delay.

Mr. President, I ask unanimous consent to have a copy of the complete text of the bill which I am introducing printed in the RECORD.

S. 2590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which a person holds title to the surface of any developed lands on the basis of a patent or other instrument issued in accordance with the provisions of the Act of December 29, 1916 (43 U.S.C. 291–302), or any other Act which contains a reservation to the United States of all the minerals in the lands covered by such patent or instrument, including the right to prospect for, mine, and remove the same, that portion of such reservation so includes therein, to the extent that it relates to locatable minerals and the right to prospect for, mine, and remove the same, shall be terminated or otherwise cancelled in the manner and to the extent provided for in section 2 of this Act.

SEC. 2. (a) In any case in which a person holding title on the basis of a patent or other instrument referred to in the first section of this Act, desires to have terminated that portion of the reservation contained therein relating to a reservation of locatable minerals in the developed lands so covered by such patent or instrument, including the right to prospect for, mine, and remove the same therefrom, such person is authorized, within the twelve-month period following the date of the enactment of this Act, to so notify the Secretary of the Interior to that effect.. Such notification shall contain a description of the developed lands covered by such patent or instrument with respect to which such termination or cancellation shall be effective. Immediately upon the receipt of such notification by the Secretary, such portion of the aforementioned reservation to be terminated shall be deemed terminated and of no longer any effect insofar as it involves locatable minerals on or within the developed lands described therein in accordance with the provisions of this section.

(b) Upon timely receipt of such notification, the Secretary of the Interior shall convey, by patent or other appropriate instrument, all right, title, and interest of the United States in and to such developed lands to the extent necessary to reflect the termination effected under subsection (a) of this section.

SEC. 3. (a) The Secretary of the Interior shall consider each such notification given by any person pursuant to section 2 with a view to determining whether, as of the date of the termination of a portion of a reservation involving developed lands described in such notification, any valid mining claim involving locatable minerals existed with respect to such developed lands, or any part thereof. If the Secretary determines the existence of any such claim, he shall acquire, by any appropriate means, any and all interests of the claimant with respect thereto and such interests so acquired shall be deemed terminated and of no effect.

(b) For the purpose of carrying out the provisions of this section, the Secretary of the Interior, during the fifteen-month period following the date of enactment of this Act, shall, not less than three times within five-month intervals, notify by publication in the Federal Register and other appropriate means (such as newspapers or other periodicals), all appropriate parties to the effect that any person having a mining claim to locatable minerals on any developed lands covered by a notification given by any person pursuant to section 2 shall, within the twenty-four-month period following the date of the enactment of this Act, notify the Secretary of that claim, and that the failure to so notify the Secretary within such period shall be deemed an abandonment of that claim. Each such publication shall contain a current list of all notifications received by the Secretary pursuant to section 2 prior to such publication, including a general description of the developed lands affected.

(c) Upon the expiration of the twenty-four month period following the date of the enactment of this Act any such mining claim referred to in subsection (b) of this section with respect to which the Secretary failed to receive notice in accordance therewith shall, as of such date of expiration, be deemed to be an abandoned and forfeited claim.

SEC. 4. Each person holding any such patent or other instrument referred to in the first section of this Act, and with respect to which a notification is submitted pursuant to section 2, shall, by reason of such notification, be deemed to have agreed to, and such patent or instrument shall thereafter be deemed to include, a provision whereby such person, his heirs, assigns, and other successors in interests, shall be required to pay to the Secretary of the Interior, with respect to any locatable minerals mined from developed lands covered by such patent or instrument and described in such notification, an amount equal to two per centum of the fair market value of the minerals so mined after the termination of such reservation in accordance with such section.

SEC. 5. (a) Notwithstanding the provisions of the Act of December 29, 1916 (43 U.S.C. 291–302), or any other provision of law, whoever, on or after the date of enactment of this Act, prospects for, develop, mines, or removes, any locatable minerals from any land included in a patent or other instrument from which such minerals were reserved to the United States shall be liable to the person holding title to the surface of such land in an amount equal to one and one-half the damages to all surface improvements on such land, and surface values and uses of such land, by reason of such prospecting, developing, mining, or removal of such minerals, except that nothing in this section shall be construed to impair any vested legal right existing on the date of the enactment of this Act.

(b) Any United States district court having jurisdiction over the district within which any such affected lands are located shall have jurisdiction to receive, consider, and render judgment with respect to any action for damages arising out of the provisions of subsection (a) of this section.

(c) Notwithstanding the provisions of such Act of December 29, 1916, or any other law, on and after the date of the enactment of this Act, no person or governmental entity shall prospect for, develop, mine, or remove, any locatable minerals from any lands within the purview of subsection (a) of this section unless such party has first executed a bond or undertaking to the United States, for the use and benefit of the surface owner or owners of such lands, to secure the payment of any damages referred to in subsection (a) of this section as may be determined by the parties involved or as determined and fixed in any action brought pursuant to subsection (b) of this section or upon the bond or undertaking in an appropriate United States district court against the principal and sureties thereon, such bond or undertaking to be in such form and in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior.

(d) The Secretary of the Interior is authorized to issue such regulations as he may determine necessary to carry out the provisions of subsection (c) of this section.

SEC. 6. As used in this Act, the term—

(1) "developed lands" means any land title to which was acquired on the basis of a patent or other instrument issued in accordance with the Act of December 29, 1916 (43 U.S.C. 291), or any other Act which contains a reservation to the United States of all the minerals in the lands covered by such patent or instrument, and on which there is situated a residential dwelling or commercial or industrial structure (which dwelling or structure was constructed, or with respect to which construction was commenced, prior to October 18, 1973), together with all lands and water adjacent or contiguous to, or surrounding, such dwelling or structure, and covered by such patent or instrument; and

(2) "person" means any private individual, corporation, or other private entity.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. BENNETT (for Mr. SPARKMAN) (for himself and Mr. TOWER):

S. 2591. A bill to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth, including the provision of adequate funds for housing. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BENNETT. Mr. President, acting for and in behalf of the Senator from Alabama (Mr. SPARKMAN), chairman of the Committee on Banking, Housing and Urban Affairs, and the Senator from Texas (Mr. TOWER), the ranking minority member of the committee, I introduce a bill to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth and to help stabilize the flow of funds into the housing market.

Mr. President, the bill itself is lengthy, running into some 75 pages. For that reason, the Senator from Alabama does not wish to burden the Congress with the expense of printing the bill in the RECORD. The bill when printed will be available through regular Senate distribution sources.

Mr. President, I ask unanimous consent that statements by the Senator from Alabama and the Senator from Texas may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statements are as follows:

STATEMENT BY SENATOR SPARKMAN

I am pleased to be introducing with Senator Tower a bill to improve the efficiency and flexibility of the financial system of the United States in order to promote sound economic growth and to help stabilize the flow of funds into the housing market.

The bill we introduce is proposed by the Executive based upon the recommendations of the President's Commission on Financial Structure and regulation—more commonly known as the Hunt Commission. Members of this body are generally aware of the far-reaching impact of the Administration's proposals on the financial structure of this country. Because of the great importance of these proposals we will study this matter in great depth in the Banking Committee over coming months, and testimony and comments will be taken over a period of months from spokesmen from all concerned private parties, from all relevant governmental agencies, and from interested academic and business financial experts.

As with all major legislation, there are already widely differing viewpoints on provisions of the bill among different groups and individuals, and many members of Congress do not yet feel sufficiently informed about the pros and cons of this complex measure to be either in favor of it or against it at this early point in its legislative history. I myself wish to study the matter most thoroughly before concluding what aspects of the legislation I will ultimately support, and merely seek by introduction of the bill at this time to provide an appropriate forum for consideration of the Administration's proposals.

I should point out that the Subcommittee on Financial Institutions of our Committee has scheduled so-called "educational hearings" on the proposal for November 6–8, 1973. At that time Treasury and the other governmental agencies affected by the proposal will present their views to the Committee in some detail.

STATEMENT BY SENATOR TOWER

I am pleased to be introducing with the distinguished Chairman of the Committee on Banking, Housing and Urban Affairs today the Administration's bill to improve the functioning of our system of regulated financial institutions. This bill, an outgrowth of several years of careful consideration by a Presidential Commission and spurred by several credit crunches that have demonstrated the structural weaknesses of the present arrangements for depository institutions, is one of the more important measures we will have before the Congress in the foreseeable future. It is no exaggeration to say that the economic health of this country depends in substantial part upon the healthy functioning of the commercial banking system and the system of thrift institutions, which mobilize much of the financial resources of the country and channel them into productive investments. We have seen evidence of malfunctioning in this system in recent years, which will require some statutory action to cure.

Our economic potential is strong, and the financial talent in our institutions is plentiful, but we are preventing these people from making the most of this potential by leaving an outdated statutory structure in place which ties their hands in attempting to perform rational intermediary functions. Financial experts indicate that the present structure is undesirable because of the uneconomic, required differentiation of institutions into special-purpose categories, with only limited powers available to each category. When you place this structure in a complex, constantly changing economy, and have it try to operate with a commodity as fundible and transferable as money, what you find is that money will easily find a better home than these institutions when credit is tight, and even to some extent when credit is easy.

When we rigidify these institutions with well-meaning but overly restrictive rules about where and how they can raise their funds and what they can do with them, all we are doing is penalizing the special purposes for which we design them in the first place. This has been obvious in the housing field, where the restrictions on the activities of savings institutions have prevented them from competing for scarce funds, to the detriment of our housing needs and the one-quarter of our economy dependent upon the level of housing activity. The Administration proposes that if we are going to subsidize housing finance, we should do it through the tax system rather than through interference with the rational market conduct of intermediaries; our return per dollar of subsidy would be substantially improved, and the system of credit allocation generaly would be greatly rationalized, I applaud the forward-looking proposals of the Administration in this area, and look forward to investigating them in depth in our Committee over the coming months.

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the RECORD the message from the Secretary of the Treasury transmitting the proposals to the Senate, and a short summary of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., October 12, 1973.

Hon. JAMES O. EASTLAND,
President of the Senate pro tempore,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, "The Financial Institutions Act of 1973,"

This bill is designed to eliminate the defects in the operation of the country's financial institutions which have been revealed over the last decade. We have for too long merely patched up our existing laws relating to financial institutions. The country deserves a thorough and punctual review leading to a renovation of the services which banks and thrift institutions can offer to their customers. The President's proposals will eliminate government regulation which has impeded the efficiency of our financial system, while retaining those safeguards which are vital to solvency and liquidity.

Consumers and small savers will benefit by freer competition among financial institutions, which will offer the public a fair return on their savings when government ceilings are allowed to be removed. Moreover, these savers will be informed on the benefits of their savings because of the truth-in-savings disclosure requirements included in the bill. There will also be a choice of more financial institutions offering consumer related services such as checking accounts, consumer loans, and housing loans.

The proposals to strengthen and revitalize our financial institutions may be divided into seven major areas:

(1) Interest ceilings on time and savings deposits will be removed over a 5½-year period, and truth-in-savings disclosure will be required.

(2) Expanded deposit services for consumers by federally chartered thrift institutions and banks will be permitted.

(3) Investment and lending alternatives for federally chartered thrift institutions and banks will be expanded.

(4) Federal charters for stock savings and loan institutions and mutual savings banks will be permitted.

(5) Credit union services will be expanded while remaining consistent with their status as tax-exempt institutions.

(6) FHA and VA interest ceilings will be removed.

(7) The tax structure of banks and thrift institutions will be modified.

The modernization of our financial institutions is a matter which touches each and every American and is one where I am looking forward to a close cooperation between the Executive Branch and the Congress to insure that our country is provided the finest financial system possible.

There are also enclosed copies of a section-by-section analysis which explains the provisions of this draft bill.

It will be appreciated if you will lay the enclosed draft bill before the Senate. A similar proposal has been transmitted to the House of Representatives.

Sincerely yours,
GEORGE P. SHULTZ.

SHORT SUMMARY OF FINANCIAL INSTITUTIONS ACT OF 1973

TITLE I.—PAYMENT OF INTEREST ON DEPOSIT ACCOUNTS

This title adds the Secretary of the Treasury to the present consultative committee which will continue to prescribe rate ceilings only for five years and six months after enactment of this Act. The appropriate supervisory agencies will prescribe ceilings which will, eighteen months after enactment of this Act, begin to eliminate differentials between commercial banks and thrift institutions by four annual increases, not necessarily equal, and not necessarily on the same day each year, in rates of interest which commercial banks may pay on deposits.

Interest rate ceilings on negotiable order of withdrawal accounts (N.O.W.) may differ from ceiling on other accounts but may be no greater than the ceilings on passbook accounts at commercial banks. N.O.W. ceilings will be uniform for banks and thrift institutions.

Demand deposit accounts, negotiable order of withdrawal accounts and savings accounts may be offered at all banks and thrift institutions to all customers.

The payment of interest on demand deposits will remain prohibited for all institutions.

In addition, this title adds truth-in-savings provisions which will require disclosure by commercial banks and thrift institutions to all depositors.

TITLE II.—EXPANDED DEPOSIT LIABILITY POWERS AND RESERVES

This title provides federal thrift associations with third party payment authority, including negotiable order of withdrawal accounts (N.O.W.), with access to the check clearing process, and with authority to engage in credit card operations. These new powers of thrift associations would be similar to powers of commercial banks.

Banks will be empowered to offer savings accounts and N.O.W. accounts to all customers. individual and corporate. Commercial banks may presently offer savings accounts only to individuals.

All federally chartered institutions and all state chartered institutions which are members of the Federal Reserve System or the Federal Home Loan Bank System will be required to maintain reserves against deposits in demand and N.O.W. accounts in a form and amount prescribed by the Federal Reserve Board after consultation with the Federal Home Loan Bank Board. State chartered savings and loan associations insured by the Federal Savings and Loan Insurance Corporation need not be members of the Federal Home Loan Bank System, just as state chartered banks need not be members of the Federal Reserve System.

TITLE III.—LENDING AND INVESTMENT POWERS

This title would permit increased income and liquidity for thrift institutions through portfolio diversification and the acquisiton of shorter term assets. Liberalization of restrictions would be made in the areas of consumer loans. real estate loans, construction loans, community welfare and development investments, and commercial paper and corporate debt securities investments.

National banks would have liberalized powers with respect to real estate loans and a leeway authority for community welfare and development investments.

In addition, the Federal Reserve Board would be granted more flexible authority to define assets eligible for discount, and the Federal Home Loan Bank Board would have expanded authority to define the types of assets eligible as collateral for Federal Home Loan Bank advances to thrift institutions.

TITLE IV.—CHARTER AND THRIFT INSTITUTIONS

This title strengthens the dual banking system by authorizing stock thrift institutions at the federal level, just as stock institutions are now permitted at the state level. The Federal Home Loan Bank Board will be empowered to charter stock thrift institutions, which will have powers identical to those possessed by mutual savings and loan institutions. These thrift institutions will be called either Federal Savings and Loan Associations or Federal Savings Banks.

Federally chartered and state chartered mutual institutions may convert to federal stock institutions and federally chartered mutual institutions may convert to state stock institutions, subject to approval of the Federal Home Loan Bank Board pursuant to its regulations. State institutions which convert to federal institutions may retain their life insurance, equity investments and corporate bond investments.

TITLE V.—CREDIT UNIONS

This title modernizes the federal law dealing with credit unions. In addition to technical amendments, the title liberalizes certain credit union powers and facilitates credit union operations in different economic periods, e.g., by permitting, with the approval of the Administrator of the National Credit Union Administration, loan rates to be more than the present statutory 1 percent per month.

To deal with periods of severe credit restraint or emergency events, such as a plant closing, a Central Discount Fund is established for federally- or state-insured credit unions. The Fund is created solely to provide funds to meet emergency and temporary liquidity problems. The Fund will be administered by the Administrator of the National Credit Union Administration.

TITLE VI.—GOVERNMENT INSURED AND GUARANTEED MORTGAGE LOANS

This title corrects the situation, which has existed for some time, of restricted funds for housing because of governmental attempts to keep interest costs artificially low. The administrative interest ceilings placed upon Federal Housing Administration—insured and Veterans Administration—guaranteed mortgage loans have resulted in the widespread use of "points" and the general unavailability of funds through these mediums. The removal of interest rate ceilings on FHA and VA loans should result in more adequate funds to solve the nation's housing problem.

TITLE VII.—UNIFORM TAX TREATMENT OF FINANCIAL INSTITUTIONS

In light of the expanded powers to be granted thrift institutions and the overall goal of reducing the degree of functional specialization among financial institutions, the objective of Title VII is a uniform tax formula for all financial institutions. A tax neutrality is sought, such that a given investment or activity will be subject to the same income tax provisions regardless of the functional type of financial institution making the investment or engaging in the activity. Differences in tax treatment and thus, overall tax burden and effective rates of taxation among financial institutions will continue to exist. These differences will result from a combination of three factors: (1) the form of the institution, i.e., mutual bank versus capital stock corporation; (2) federal and state regulations which will grant certain types of institutions the power to make certain investments and engage in certain activities which are denied to other institutions; and (3) the extent of utilization by an individual institution of the powers granted to it.

Under current law a subsidy is provided for the residential mortgage market through special bad debt reserve deductions for thrift institutions. Consistent with the objective of a "uniform tax formula," this subsidy should be eliminated. If the current subsidy for the residential mortgage market and hence for the housing industry is eliminated, an alternative incentive to insure a continued flow of capital from the private sector into the residential mortgage market could be provided for all taxpayers, not just thrift institutions. In addition, such an incentive would provide a mechanism whereby thrift institutions could be compensated for the tax benefit which would be lost via elimination of the current special bad debt reserve provisions.

In providing a "uniform tax formula" for financial institutions the principal area of current law which would be affected is those provisions relating to deductions for additions to a reserve for losses on loans. Currently, thrift institutions under section 593 of the Internal Revenue Code are allowed to compute reserve additions for qualifying real property loans on the basis of a percentage of taxable income. The 1969 Tax Reform Act reduced the applicable percentage over a ten-year period from 60 percent to 40 percent. In addition, deductions are limited by an overall limitation on the size of the reserve (6 percent of outstanding loans). If more than 18 percent of a thrift institution's total assets (28 percent in the case of a mutual savings bank) are invested in nonqualifying assets (principally cash, government obligations, real property loans, and student loans), the applicable percentage is reduced and if less than 60 percent of the assets are invested in qualifying assets the percentage of taxable income method may not be used. In the case of nonqualifying loans, reserve additions are based on the actual loss experience of the institution in a manner consistent with provisions applicable to commercial banks.

Prior to 1969, commercial banks computed reserve additions on the basis of a percentage of outstanding eligible loans or on the basis of the actual loss experience of the individual institution. The Tax Reform Act of 1969 eliminated the percentage of outstanding eligible loan method subject to an 18 year transition period. Under the transition rules, reserve additions may not increase the balance of the reserve to an amount in excess of 1.8 percent of eligible loans outstanding in the case of taxable years before 1976; 1.2 percent for taxable years between 1976 and 1982; and 0.6 percent for years before 1988 after which time all commercial banks will be required to compute reserve additions on the basis of actual loss experience. In addition, the reserve addition in any one year may not exceed 0.6 percent of eligible loans outstanding. Under the experience method, reserve additions are computed on the basis of actual loss experience for the current taxable year and the preceeding five taxable years. If the balance of the reserve as of the close of the last taxable year beginning on or before July 11, 1969 exceeded the amount allowable on the basis of the specified percentage of eligible loans or on the basis of the six-year actual loss experience, the bank, nevertheless, is allowed to deduct amounts necessary to maintain the dollar balance of the reserve (assuming the level of outstanding loans does not decrease). This insures that a commercial bank will receive a deduction for the amount of loans which are written off as wholly or partially worthless during the taxable year.

By Mr. DOMINICK:

S. 2595. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, and for other purposes. Referred to the Committee on Finance.

Mr. DOMINICK. Mr. President, the perils of the energy crisis, especially our growing reliance on imported oil, is becoming clearer day by day. Amid threats of oil cutoffs from the Mideast, we are now hearing increasingly the motto of conservation. All of us are aware of and searching for ways to conserve the supplies which we have left while preserving our environment.

Earlier this year I called on the Department of Defense for a 10-percent cutback in its consumption of energy in introducing Senate Concurrent Resolution 34, where such cutbacks would not jeopardize our national security. I am gratified by the fact that we were able to add that resolution in the form of an amendment to the recently passed armed services authorization bill.

Subsequently, I introduced S. 2236 in order to require EPA to issue new standards for emissions from automobiles at altitudes above 3,000 feet. Evidence was growing that automobiles in fact issue 150 to 200 percent more emissions above that level than at sea level. I am pleased to note that EPA on last Friday issued proposed regulations to acomplish that which I sought to accomplish through legislation.

Mr. President, as I think many of our colleagues know, I am a pilot. Any time we go higher, we have to cut back on our mixture controls in order to be able to get more efficient use of the engine. The same thing is true of an automobile, but the EPA standards were all done at sea level, and did not take into account the fact that you needed a change at higher altitudes. In fact, regulations prohibited any change of emission controls, so that you could not do anything about it, and we were in fact using twice as much gasoline as we needed, emitting about twice as much emissions as we wanted to have, and not increasing the efficiency of the engines.

Mr. President, today, I introduce for appropriate reference a bill designed to combat part of our energy crisis in this country—the amount of gasoline consumed by the automobiles traveling on our Nation's highways. All of us by now are familiar with the gasoline shortages which erupted around the country this summer, and certainly no city was beset with more problems than the city of Denver in my own State.

I might add that this situation will probably get worse over the next few years.

In reviewing the statistics of energy consumption in this country, I was struck by the fact that 6 million barrels of oil a day now go into the production of gasoline. By 1983 that figure may rise to 10 million barrels a day at our current rates of consumption. In order to cut back on fuel consumption in this area, numerous proposals have been advanced ranging from a tax increase on gasoline itself to a tax on the horsepower of engines. However, in reviewing these proposals and from other studies, I am convinced that the best approach is a tax on the fuel consumption rate of the automobile.

Mr. President, as I see it, the primary purpose of this type of tax must be the production of more efficient fuel consuming vehicles. The figures of gasoline consumption in this country, I believe, are enormous, but even more disturbing is the fact that studies indicate that by use of available technology right now, it would be possible for U.S. auto manufacturers to redesign U.S. cars to effect an average increase in miles per gallon of up to 75 percent.

I have been suggesting to my colleagues here and my constituents at home that the time has come for us to push on with development of our own fossil fuels as well as carrying on a broad research program into other potential energy sources such as solar energy. We cannot afford the luxury of reliance on foreign sources, for that path could put this country in trouble if those sources are seriously reduced or cut off completely. I might add that in addition it could have very, very harmful effects on the value of the dollar and our trade balances. At the same time, however, we need to look toward conservation and cutting back of our uses of energy. My bill is another step in that direction.

Briefly, my bill imposes a tax on the production of automobiles related to the amount of fuel consumed by the auto as determined by Environmental Protection Agency testing procedures. The tax is computed based on a standard of 20 miles per gallon. For amounts of fuel consumed over a base of 5 gallons for every 100 miles, there is assessed a tax derived from a multiple of $235. It is this rate which has been projected to be the minimum tax needed to bring about changes necessary to produce better fuel consumption.

Just as an example, I bought a 1972 Chevrolet Nova for use in Colorado last year, and I still have it. I have still got it. On a recent trip which I took, the car averaged 8.4 miles per gallon. For a small car of that kind, it seems to me that is totally ridiculous. Obviously, the bigger the car the less efficient the engine and the more the gasoline consumption is.

I recognize that automobile manufacturers are tied to long leadtimes in designing automobiles and have, therefore, implemented this tax over a 3-year period. It is my hope that auto manufacturers will in fact respond to this phase-in period by implementing changes so that fuel consumption rates will improve immediately. Included in such changes can be expanded use of low friction tires, lighter weights, overdrive, body shell design, smaller engines, and fuel injection engines as opposed to carburetor engines. This is already being done in many European and Japanese cars.

This is one tax which I hope will produce less revenue in future years, because of the response we will get from the automobile manufacturers. Once the 3-year phase-in period is completed and if the anticipated response does in fact materialize, the tax revenues should be decreasing. I am well aware, of course, that those who prefer to drive cars which are big fuel consumers will be paying more for that privilege. That is their option. On the other hand, the savings that all of us will share in if this legislation is enacted are beyond measurement in dollars and cents. By 1980 this tax could result in savings of better than 1 million barrels of oil per day, approximately one-half of the projected supply from the Alaskan pipeline.

Mr. President, I want to take this opportunity to urge prompt action on this legislation. We cannot afford delays in legislation such as this or other energy-related matters. The time has arrived when the dangers of our energy use are clear, and we must act now to preserve our own premium fuels while at the same time protecting our environment. The crisis is here now and all of us must participate in finding solutions.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill I am introducing today.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2595

A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purposes of this Act are to encourage the development, manufacture, and importation of automobiles which efficiently consume fuel, to increase revenues which could be devoted to energy research or other vital national needs, and to stimulate the conservation of energy.

SEC. 2. (a) Part I of subchapter A of chapter 36 of the Internal Revenue Code of 1954 (relating to motor vehicle excise taxes) is amended by adding at the end thereof the following new section:

"SEC. 4064. AUTOMOBILE FUEL CONSUMPTION TAX.

"(a) IMPOSITION OF TAX.—There is hereby imposed upon every new automobile manufactured, produced, or imported a tax at whichever of the following rates is applicable with respect to the fuel consumption rate (as determined under subsection (b)) of such automobile:

"(1) for the period beginning July 1, 1975, and ending June 30, 1976:

"If the consumption rate (in miles per gallon) is:	The tax is:
Over 20	0
Over 19 but not over 20	$32
Over 18 but not over 19	43
Over 17 but not over 18	70
Over 16 but not over 17	98
Over 15 but not over 16	133
Over 14 but not over 15	164
Over 13 but not over 14	211
Over 12 but not over 13	274
Over 11 but not over 12	313
Over 10 but not over 11	392
Over 9 but not over 10	478
Over 8 but not over 9	587
Over 7 but not over 8	728
Over 6 but not over 7	913
Over 5 but not over 6	1,175
Not over 5	1,568

"(2) for the period beginning July 1, 1976, and ending June 30, 1977:

"If the consumption rate (in miles per gallon) is:	The tax is:
Over 20	0
Over 19 but not over 20	$47
Over 18 but not over 19	86
Over 17 but not over 18	141
Over 16 but not over 17	196
Over 15 but not over 16	266
Over 14 but not over 15	329
Over 13 but not over 14	$423
Over 12 but not over 13	548
Over 11 but not over 12	627
Over 10 but not over 11	783
Over 9 but not over 10	956.
Over 8 but not over 9	1,175
Over 7 but not over 8	1,457
Over 6 but not over 7	1,827
Over 5 but not over 6	2,350
None over 5	3,133

"(3) for the period after July 1, 1977:

"If the consumption rate (in miles per gallon) is:	The tax is:
Over 20	0
Over 19 but not 20	$70
Over 18 but not over 19	129
Over 17 but not over 18	211
Over 16 but not over 17	294
Over 15 but not over 16	399
Over 14 but not over 15	493
Over 13 but not over 14	634
Over 12 but not over 13	822
Over 11 but not over 12	940
Over 10 but not over 11	1,175
Over 9 but not over 10	1,433
Over 8 but not over 9	1,762
Over 7 but not over 8	2,185
Over 6 but not over 7	2,740
Over 5 but not over 6	3,525
Not over 5	4,700

"(b) DETERMINATION OF FUEL CONSUMPTION RATE.—The fuel consumption rate of new automobiles taxable under subsection (a) will apply only to gasoline-powered automobiles and shall be determined solely on the basis of the Automobile Fuel Consumption Schedule prepared by the Administrator of the Environmental Protection Agency.

"(c) LIABILITY FOR PAYMENT.—The tax imposed by this section shall be paid by the manufacturer, producer, or importer at such time and in such manner as the Secretary of the Treasury shall prescribe.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'new automobile' means every internal combustion engine powered vehicle designed for use on the highway which has never been transferred to the ultimate purchaser, and

"(2) the term 'ultimate purchaser' means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale.".

(b) The table of sections for such part I is amended by adding at the end thereof the following new item:

"Sec. 4064. Automobile fuel consumption tax.".

(c) The amendments made by this section shall take effect on July 1, 1975.

SEC. 3. (a) The Administrator of the Environmental Protection Agency shall, from time to time, study and investigate the fuel consumption rates of automobiles which are subject, or may be subject, to the tax imposed by section 4064 of the Internal Revenue Code of 1954 (relating to automobile fuel consumption taxes).

(b) The studies and investigations conducted under subsection (a) shall include tests—

(1) of each automobile model subject to such tax equipped—

(A) with each available engine size (measured by horsepower); and

(B) without optional accessories;

(2) which shall be conducted—

(A) under driving conditions representative of an average composite of urban and nonurban driving speeds and circumstances,

(B) with the fuel used being of the quality normally recommended for use in such automobile; and

(C) with such automobile carrying the average weight load for which it was designed.

(c) Based upon the studies and investigations conducted under subsection (b), the Administrator shall determine the fuel consumption rate of each such automobile model without optional accessories and with each available engine size. The Administrator shall, not later than June 1, 1975, and each year thereafter, prepare and transmit to the Secretary of the Treasury schedule of all such rates to be known as the Automobile Fuel Consumption Schedule (interim revisions of as he deems appropriate). The Automobile as he deems appropriate. The Automobile Fuel Consumption Schedule shall be made available for sale as a public document.

SEC. 4. Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) is amended by inserting "(a)" after "SEC. 3." and by adding at the end thereof the following:

"(b) Every label required to be affixed under subsection (a) shall include, in the case of any automobile on which a tax was imposed by section 4064 of the Internal Revenue Code of 1954 (relating to automobile fuel economy taxes)—

"(1) the fuel consumption rate determined to be applicable for such automobile, and

"(2) the tax paid under such section 4064.".

By Mr. COOK:

S. 2596. A bill to provide relief to units of local government from liability for repayment of excessive payments made due to an error by the United States under the State and Local Fiscal Assistance Act of 1972. Referred to the Committee on Finance.

Mr. COOK. Mr. President, today I am introducing legislation which I am hopeful will be considered promptly by the appropriate committee. My bill would amend the State and Local Fiscal Assistance Act of 1972 to forgive liability for repayment for those units of local government which received excessive revenue-sharing payments from the Federal Government through this date, October 18, 1973.

In an effort to quickly allot the payments of revenue-sharing funds to local and State officials who were clamoring for Federal assistance, the Department of the Treasury speedily, and with the aid of the Bureau of the Census, determined eligibility based upon the revenue-sharing formula, and mailed out checks. As more accurate data became available to the Office of Revenue Sharing, it revised and updated its entitlements for the local governments accordingly. What has resulted across the Nation is an absolute budgetary crisis for particularly small towns which were greatly overpaid or were not eligible for funds in the first place.

One specific example of this disastrous fiscal error is the city of St. Charles in Hopkins County, Ky. St. Charles received a total of $2,984 over a period of its first three entitlement periods while it should have only been paid $564. This amounts to a negative adjustment of $2,420 which St. Charles, on August 20, was notified it must repay. The total allocation due to St. Charles for fiscal year 1974 is $460 and at this annual rate it will take St. Charles approximately 5 years to repay. This will extend beyond the 5-year life of the program. Meanwhile, St. Charles engaged in a binding contract to rebuild its city hall which was destroyed in 1971. They are under obligation to meet the financial agreement of this contract, but are in a quandry as to how it will be done.

I can cite other examples for you within my own State of Kentucky. The city of Hiseville in Barren County received $1,727 and was not entitled to any revenue-sharing funds. They spent approximately $1,000 of their allocation to remodel city hall and have already returned $727. The town budget ordinarily is raised through cake sales and other community activities. The Wall Street Journal learned of this most unfortunate error and on October 9, 1973, carried an editorial urging the Federal Government to forgive the amount of overpaid funds. I ask unanimous consent that this editorial appear at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Deserving Encouragement

The Associated Press reports that Federal largesse has put Hiseville, Ky., in a jam. Washington gave the town a revenue-sharing payment of $1,727. This comes to about $727 more than the annual budget, but Hiseville spent about half of the windfall remodeling city hall.

Now the government says Hiseville isn't entitled to the money and has to pay it back. It seems the revenue-sharing allotments are supposed to be based on local tax effort, and Hiseville has only a small utility tax. The town budget, says AP, is "raised mainly through cake sales and other community activities."

Mayor William C. Phillips sent back $727 in unspent money and is asking the revenue-shares to be patient about the rest. But it seems to us that any town that can raise its budget by bake sales and remodel city hall for $900 deserves to be encouraged. Maybe the Feds could settle for two cakes and a dozen donuts.

Mr. COOK. The city of Camargo in Montgomery County was also overpaid by the Office of Revenue Sharing to the tune of $1,721 and has been ordered to repay the entire amount for it is entitled to no more revenue-sharing funds. I would also like to point out at this time that many of the officials for these small towns—and they are indeed small—received three entitlement payments before filling out any forms or being notified of the eligibility requirements. Acting on good faith that they deserved the money and could trust the Federal Government, they committed the money to deserving public needs, such as fire engines, street lights, and city streets. Those of you who have urged the Bureau of the Census to accept utility taxes within the definition of taxes for the purposes of the revenue-sharing formula will understand when I tell you that two of the cities who must repay the money and will not be entitled to future payments were apparently originally allocated funds because they had a utility tax. This is clearly the fault of the Office of Revenue Sharing and not those city officials who faithfully believed, because it is considered so within their own towns, that utility taxes qualify as taxes.

At this point I ask unanimous consent that an article which appeared in the Courier-Journal and Times of October 7 relating to this entire problem in Kentucky be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Return of Revenue-Sharing Money Asked: $3,687 Bill From United States Looks Overwhelming to Two Small Towns

(By Bill Peterson)

Washington.—Pity tiny Hiseville. Pity little St. Charles.

Uncle Sam, in the form of the U.S. Office of Revenue Sharing, sent them each a bill recently, and they don't have the money to pay it. Or know how to come up with the cash fast.

Both are crossroad communities that traditionally have supplemented meager tax revenues with bake sales, gospel sings, tractor-pulling contests and pancake suppers.

Their budgets, however, mushroomed with the advent of revenue sharing last year. Each received four checks. But now both towns have been told they were overpaid, and must pay back the money—most of which has been spent.

Hiseville owes $1,727 and St. Charles $1,900—a total of a $3,687.

Thirty-five other Kentucky governmental units also were overpaid.

And another 178 local governments, including Jefferson County and 36 suburban Louisville communities, won't get the latest round of revenue-sharing checks tomorrow when other governments around the country do, because they failed to fill out proper forms on time. A spokesman for the Office of Revenue Sharing said the governments will be entitled to their checks after completing the required forms, including ones on how they plan to spend the money.

But these jurisdictions eventually should get additional checks and have overpayments repaid by deductions from future allotments.

No such easy solution for Hiseville, population 160. The Office of Revenue Sharing has ruled the Barren County town won't get any more checks because it has no city property tax and revenue sharing allotments are conditional on the local tax effort.

Baffled Hiseville Mayor William C. Phillips claims federal officials have never explained why they sent the money in the first place.

The town, he said in a telephone interview, spent $1,000 of the $1,727 it received to remodel city hall.

It spent the funds carefully, filling out all the forms and ensuring the aid was spent legally.

"It's a simple story," Phillips said, "They sent us some money, and we spent it in good faith.

"We've complied with everything we were supposed to and now they say they want their money back. I don't know what to think. Something like this happening to a small community like us seems just ridiculous."

His shock was heightened when he found Hiseville would be denied further funds. This week he wrote to Washington, protesting the action and asking that if Hiseville has to repay the money, it be given time to do it. He enclosed a $727 check—what remained unspent.

Hiseville, about 15 miles northeast of Glasgow, has an annual budget of about $1,000, he said. It has no city property tax and doesn't want one. The town raises funds from a small utility tax and community activities.

The mayor said, "We try to do what's right and help someone out when they're in trouble. What I'm saying is, we're not a bunch of crooks."

When Gilbert W. Dunbar, chairman of the board of trustees of St. Charles in Western Kentucky's Hopkins County, heard the Office of Revenue Sharing wanted $1,960 back he wrote a straight forward letter to Washington.

"We are sorry to inform you that it is impossible to send a check to you," he said. "St. Charles is a small and indigent community. The revenue sharing funds which we received were like a godsend to us.

"We accepted these funds in good faith, believing they were intended for the betterment of our community. There was no indication that any portion of this money would have to be refunded or repaid.

"In short, the money has been spent as we believed it was intended to be."

COAL-MINING TOWN

St. Charles, population 400, is an old coal-mining town, whose residents are largely pensioners, Dunbar said in a telephone review. It used revenue sharing to rebuild city hall, pay an overdue light bill, repair streets and do ditchwork.

Unlike Hiseville, St. Charles is entitled to additional revenue sharing because it has city taxes. "But it's in a bad situation because it was overpaid so much that it will take years to repay the money," said Mary McAuliffe, an aide to Kentucky Sen. Marlow Cook, who specializes in revenue sharing problems.

Problems like those faced by Hiseville and St. Charles, she said, have made many small towns "uneasy" about using revenue sharing.

"I've worked with so many places that are hesitant to spend their money," she said. "They've never dealt with the federal government before and they are very leary."

Jack Eversole, executive director of the Barren River Area Development District which serves 10 counties in Western Kentucky, said:

"There's a considerable credibility gap. Most small towns don't believe it's going to be a permanent program. Many of them are scared to death that someone is going to come and want the money back after they've spent it."

OTHERS MUST REPAY AID

Nine other small communities in his development district, have been told they must repay revenue sharing funds. "The program was a good idea, but the way it's administered, the small towns that needed help the most are being gradually phased out by bureaucratic red tape," he added. "They don't have anyone to serve as their advocates, they can't afford lawyer fees, and they don't have sophisticated staffs to carry their protests to Washington when something like this happens."

Yesterday 29,000 local and state governments were mailed quarterly checks.

But Jefferson County's $1.4 million quarterly check is being held as are the checks for these 36 suburban Louisville communities that missed last month's filing deadline:

Anchorage, $1,902; Brownsboro, $957; Druid Hills, $567; Fairmeade, $328; Indian Hills, $623; Lincolnshire, $263; Lynnview, $1,476; Meadowville Estates, $269; Parkway Village, $861; St. Regis Park, $1,586; Seneca Gardens, $845; Springlee, $606; Strathmoor Manor, $647; Wellington, $755; Windy Hills, $1,758; Briarwood, $353; Hollyville, $1,002; Houston Acres, $711; Keeneland, $640; Forest Hills, $551: Graymoor, $1,474; Minor Lane Heights, $2,183; Moorland, $658; Maryhill Estates, $479; Blue Ridge Manor, $599; Barbourmeade, $918; Crossgate, $557; Glenview Manor, $497; Goose Creek, $494; Westwood, $886; Whipps Millgate, $675; Bancroft, $1,457; Glenview Hills, $435; Hollow Creek, $519; Manor Creek, $1,054; and Riverwood, $290.

In addition, officials said these other Kentuckey counties and communities will not receive revenues sharing checks tomorrow.

Adair County, $42,240; Columbia, $8,807; Kevil, $309; La Center, $2,010; Wickliffe, $1,455; Barren County, $74,786; Walton, $3,327; Union, 125; Cattlettsburg, $23,357; Junction, $2,131; Perryville, $2,868; Foster, $92; Breathitt County, $47,749; Bullitt County, $85,417; Lebanon Junction, $1,139; Mount Washington, $3,140; California, $89;

Crestview, $564; Dayton, $22,906; Woodlawn, $549; Mentor, $260; Arlington, $1,418; Bardwell, $2,091; Carrollton, $16,649; Casey County, $27,802, and LaFayette, $163.

Also, Clay County, $50,274; Clinton County, $15,761; Dycusburg, $163; Edmonson County, $11,352; Elliott County, $10,692; Estill County, $42,406; Floyd County, $53,041; Allen, $183; Frankfort, $102,654; Hickman, $8,055; Gallatin County, $16,093; Sparta, $356; Warsaw, $2,518; Glencoe, $601; Garrard County, $42,308; Corinth, $418; Dry Ridge, $4,260; Water Valley, $16; Greenup County, $63,603; Greenup, $2,279; Worthington, $2,082, and Lewisport, $1,934.

Also, West Point, $1,535; Harlan County, $69,502; Cumberland, $11,970; Berry, $491; Cynthiana, $65,512; Hart County, $38,095; Henderson County, $63,886; Henry County, $27,756; Clinton, $5,224; Columbus, $153; Nebo, $75; Jackson County, $34,169; Wilmore, $9,497; Johnson County, $110,629; Crestview Hills, $1,157; Indpendence, $1,998; Crescent Springs, $1,649; Crescent Park, $513; Taylor Mill, $4,233; Ridgeview Heights, $206 and Knott County, $39,365.

Also, Barbourville, $3,810; Knox County, $47,556; Laurel County, $59,047; Lawrence County, $41,624; Hyden, $3,518; Whitesburg, $5,356; Lincoln County, $51,834; Crab Orchard, $643; Hustonville, $421; Smithland, $630; Salem, $28; Russellville, $45,825; Island, $439; Sacramento, $931; Magoffin County, $28,380; Salyersville, $11,115; Gilbertsville, $70; Briensburg, $227; Dover, $477; Washington, $365; Ekron, $71; Frenchburg, $2,837; Harrodsburg, $26,696; Edmontson, $1,320; Fountain, $594; and Drakesboro, $879.

Also, Bremen, $547; South Carrollton, $398; Fairfield, $366; Ohio County, $62,177; Fordsville, $675; Rockport, $152; Oldham County, $31,200; Crestwood, $403; Monterey, $126; Owenton, $3,198; Owsley, $23,622; Falmouth, $6,402; Perry County, $84,520; Cedarville, $256; Coal Run Village, $214; Pleasant Valley, $459; Clay City, $587; Burnside, $2,690; Science Hill, $2,279; Robertson County, $9,649; Rockcastle County, $28,767; Rowan County, $53,191; Shelbyville, $21,269; Simpsonville, $844; Franklin, $38,411; Taylorsville, $2,670; Taylor County $43,319; Trimble County, $22,457; Bedford, $951; Union County, $48,973; Waverly, $113; Plum Springs, $138; Oakland, $238; Washington County, $38,994; Mackville, $11; Wayne County, $47,707; Clay, $1,797; Dixon, $533; Providence, $1,432, and Woodford, $52,068.

BEG YOUR PARDON

Due to a typographical error, the amount the U.S. Office of Revenue Sharing is attempting to recover from St. Charles, Ky., was incorrectly reported as $1,900 in one place in some editions of yesterday's Courier-Journal & Times. The correct figure is $1,960.

Mr. COOK. There are other errors which we are slowly uncovering daily. Some well-meaning citizens have urged the city officials in such affected towns to withhold the money and let the Office of Revenue Sharing sue them for it, which would probably not be done because of the relatively small amounts of overpayments. Court costs would be considerably more, I suspect. However, all of the city officials with whom this office has spoken do not want to jeopardize in any way their future relationship with the Federal Government. The situation has other ramifications in that now I have city officials in small towns all over Kentucky who refuse to spend their money. They are afraid they will wake up some morning with a mailgram from Uncle Sam stating that there was a big mistake and they must send all of the money back. I might also mention here that $1,000 is a lot of money and goes a long way in a small town.

My bill provides that all of those localities throughout the United States which have been overpaid in the amount of five times what they are due up to October 18, 1973, will be forgiven the amount. I believe that this bill is quite sensible and fiscally responsible. These cities will still have to find ways of completing and paying for projects that have already been begun through their own resources. My proposal is primarily aimed at small towns which have been done the most injustice and really do not have the means of repaying the funds without great sacrifice to their own budgets and citizens. Further, I have provided in the bill for the total indebtedness brought about by these overpayments, to be spread out over a period of the next 3 years. This will lessen the economic impact on the budget which is of concern to me. The Office of Revenue Sharing has been instructed to provide me with an impact statement which I hope to have soon.

I have no doubt that my colleagues in the Senate and House have been faced with identical situations in their respective States and I hope to have much support for my bill. At this time I would offer only one admonition to both my fellow Members of Congress and departments of the Federal Government: Next time let us not be so impatient about putting a program into effect involving Federal moneys until we are prepared to see that it can be administered properly and without financial error.

By Mr. STENNIS:

S. 2597. A bill to amend section 102 of the National Security Act of 1947 to clarify the authority of the Central Intelligence Agency with respect to certain intelligence operations. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, I am introducing today, a bill to amend section 102 of the National Security Act of 1947. This is the basic charter for the Central Intelligence Agency. The purpose of the bill is to clarify the authority of the Central Intelligence Agency with respect to two important issues: First, the proper scope of its activities within the United States; second, reporting procedures regarding overseas intelligence operations.

I ask unanimous consent that, at the end of my remarks, the bill be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, I think a few words are in order to indicate my reasons for introducing a bill at this time.

Last spring, while I was in the hospital, the committee, under the able chairmanship of Senator SYMINGTON, held detailed hearings in executive session on the allegations involving the CIA's involvement in certain activities during the Watergate affair. In addition, this summer, the committee held detailed hearings on the nomination of Mr. William Colby to be Director of Central Intelligence. The material in all of these hearings raised issues about the precision of the 1947 act—the basic charter of the CIA.

In addition, it has been over 25 years since that law was passed. Any basic statute of this type should be reexamined periodically to insure that it meets the needs of the times.

On July 19, during the debate in the Senate on the war powers bill, of which I am a cosponsor, an amendment was proposed by the distinguished Senator from Missouri (Mr. EAGLETON) which relate to the CIA. With these general points in mind, as well as Senator EAGLETON's amendment, I commented in a letter to the floor manager of the bill, the distinguished Senator from Maine (Mr. MUSKIE), as follows:

> The experience of the C.I.A. in Laos, as well as more recent disclosures of matters here at home have cauesd me to definitely conclude that the entire C.I.A. Act should be fully reviewed.
>
> Accordingly, I already have in mind plans for such a review of the C.I.A. Act by the Senate Armed Services Committee and have already started some staff work thereon. All proposed changes, additions or deletions can be fully developed and hearings held thereon at that time. I have already completed, but have not yet introduced some amendments of my own.

During the 3 months which have followed my letter to Senator MUSKIE I have further reviewed the hearings and the issues relating to the CIA's basic charter. I have concluded that it would be useful, at this time, for me to introduce a draft bill, and to share with the Members of the Senate my tentative views on some of these important issues. I want to emphasize that I introduce this bill primarily as a vehicle for hearings later in this Congress. It is an invitation for constructive suggestions from other Senators, not a firm position. I not only reserve my right to propose, or agree to, more, fewer, or different changes in the 1947 act, but I would expect that my thinking, and the thinking of other Senators, will change and develop as we hold hearings and study these important issues further. Many may dream, and I would dream with them, of a world in which we did not need the CIA. But the tensions of the modern world, so clearly illustrated these last few weeks, bring home to all of us that such an organization is badly needed. In fact, we cannot do so. Our challenge is to strengthen it in order to enable it to perform effectively its proper functions and it is as obvious as any point can be that the proper functioning of all intelligence organizations requires secrecy in many matters.

At the same time, we must satisfy ourselves that the basic charter of the CIA, and the procedure under which it operates, insure that this important agency will never become the private tool of unscrupulous men, whatever position they may hold. It is my hope that we will be able to make clear and codify limitations which will meet these objectives of which I have spoken. This will involve active recognition by the appropriate committees of the Congress, particularly the Armed Services Committee of both Houses, of their duties of legislative oversight and surveillance of this important agency.

The bill I introduce today, as a vehicle for hearings, makes changes in two areas.

First, it proposes certain clarifications and limitations to insure that any activities undertaken in this country by the CIA are solely those which are necessary and appropriate to its foreign intelligence mission.

The word "foreign" is inserted before the word "intelligence" wherever the word "intelligence" appears in appropriate places in the existing law.

The role of the Director of Central Intelligence in protecting intelligence sources and methods is limited to the development of plans, policies, and regulations for that purpose. Further, he is required to report violations of such plans, policy, or regulations to the Attorney General of the United States for action. This change would help insure that no one should misunderstand the role of the Director of Central Intelligence and assume that the CIA should take an active role, for example, in stopping security leaks in other agencies.

To clarify this matter even further, it is provided that the CIA is not to engage, directly or indirectly, within the United States, either on its own, or in cooperation or conjunction with anyone else, in any law enforcement operation or activity. The bill explicitly limits the CIA's activities within this country to four situations: first protecting its own installations; second, conducting personnel investigations on all employees, applicants, or others carrying out Agency responsibilities; third, supporting its own foreign intelligence activities, and fourth, providing intelligence to other appropriate departments and agencies.

The second area in which the bill includes proposals is the field of CIA's overseas activities. In the sections of the act which relates to the CIA's foreign intelligence activities, the phrase "relating to foreign intelligence activities" is inserted to help clarify the purpose of one of those sections. The other section relevant to this subject is tightened by the establishment of procedures for reporting such activities to the Congress.

The bill indicates with respect to these procedures two objectives: first, insuring effective legislative oversight, and second recognizing essential security requirements. I would expect much debate and discussion over legislation affecting this area. This is obviously a difficult area in which to legislate, and I believe we should tread carefully, but I believe that we will be able to establish procedures which permit effective legislative oversight, which give Congress and the public confidence that such oversight is being performed, and recognize that such oversight must be somewhat different in character than that for an organization whose activities can be fully made public.

Mr. President, these are difficult times. The events of the last few weeks, and the headlines of the last several days, should give pause to anyone who believes that we can afford to let down our guard, to rely on the good will of our adversaries, or to share publicly with all nations of the world our most secret and important plans and information. We must insure that, in legislating in this area, we continue to provide the flexibility which is needed by the President to respond to emergencies, and to obtain effective intelligence. We must also remember that we are drafting, or redrafting, a basic charter for an institution, not a detailed set of regulations. I believe that, with good will by all of those who have strong convictions on the many issues involved in this important subject, we will be able to adopt sensible and necessary reforms without damage to our Nation's security.

Let me add, by way of emphasis, that which is repetition in part, Mr. President. I think the longer one is here in the Senate and the more in depth he gets into our worldwide operations of security, as well as our worldwide obligations through mutual treaties and agreements, as well as gets further and deeper knowledge of the many unusual happenings and events that are going on throughout the world in this day of so many changes, where the world itself has been changed, for instance, since the original CIA Act was written, changes, say, as to communications and visibility and changes as to methods of detection—all these things combine to convince us of the absolute need and necessity of an agency of this type.

At the same time, an agency of this type is somewhat contrary to the old American ideals. I came here a few months after the act was passed in 1947, and I did not like a lot about it. I was not convinced that we needed it in many respects. But, as I say, time unfolds, conditions unfold, and time brings these tremendous changes. And no one here now could be stronger of the opinion than I am that the need is great and that it is a necessity.

At the same time I believe that it is within our power and our capacity now, in view of the experience we have had, to write an even better act and provide for an even better administration than we have had heretofore. At the same time, as a whole—and I have been connected with this matter for several years—we have had a very fine administration of the Central Intelligence Act.

So, Mr. President, with the printing of the bill in the Record, I again thank the Chair and the floor leadership for yielding. I yield the floor.

Exhibit 1

S. 2597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended as follows—

(1) Subsection (d) is amended by inserting "foreign" immediately before "intelligence" the first time the latter term appears in such subsection.

(2) Clauses (1) and (2) of subsection (d) are amended by inserting "foreign" immediately before "intelligence" each time the latter term appears in such clauses.

(3) Clause (3) of subsection (d) is amended by inserting "foreign" immediately before "intelligence" the first time the latter term appears in such clause.

(4) The last proviso of clause (3) of subsection (d) is amended to read as follows: "*And provided further,* That the Director of Central Intelligence shall (A) be responsible for developing appropriate plans, policies, and regulations for the protection of intelligence sources and methods from unauthorized disclosure, but such responsibility shall not be construed as authorizing the Agency to engage in any activity prohibited by the first proviso of this clause, and (B) report to the Attorney General of the United States for appropriate action any violation of such plans, policies, or regulations;".

(5) Clause (4) of subsection (d) is amended by inserting "relating to foreign intelligence activities" immediately after "of common concern".

(6) Clause (5) of subsection (d) is amended to read as follows:

"(5) to perform such other functions and duties related to foreign intelligence affecting the national security as may be specifically directed from time to time by the Council and reported to the Congress in such manner and in accordance with such procedures as the Congress may establish to insure effective legislative oversight with due recognition of essential security requirements.".

(7) Add at the end of such section a new subsection as follows:

"(g) Nothing in this or any other Act shall be construed as authorizing the Central Intelligence Agency to engage, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or individual in any police or police-type operation or activity, any law enforcement operation or activity, or any internal security operation or activity: *Provided, however,* that nothing in this Act shall be construed to prohibit the Central Intelligence Agency from (1) protecting its installations, (2) conducting personnel investigations of Agency employees and applicants or employees of contractors and other requiring access to sensitive Agency information in carrying out Agency responsibilities, (3) carrying on within the United States activities necessary to support its foreign intelligence responsibilities, or (4) providing information resulting from foreign intelligence activities to other appropriate departments and agencies."

By Mr. DOMENICI (for himself, Mr. Eastland, Mr. Randolph, Mr. Nelson, Mr. Fannin, Mr. Percy, Mr. Baker, Mr. Mathias, Mr. Gravel, Mr. Humphrey, Mr. Buckley, Mr. Bartlett, Mr. Dominick, and Mr. Muskie):

S. 2598. A bill entitled "Car Pool Incentives Act of 1973." Referred to the Committee on Public Works.

Mr. DOMENICI. Mr. President, I rise for two reasons first, to compliment the distinguished Senator from Colorado (Mr. Dominick) on the bill he has just introduced. I do not think there is any more serious crisis than the one he has just described and I certainly compliment him on the approach he is taking in the Senate looking toward a solution.

Quite by coincidence, I have a bill which I will introduce today and which I think the Senator from Colorado will be interested in, called the Car Pool Incentives Act of 1973, which would establish a program of demonstration projects and indepth study to increase the use of car pools in urban areas during rush hours as a means of attacking our grave national problems of air pollution, energy demands exceeding available energy sources, traffic congestion, and overuse of land for highways and parking facilities.

I am pleased to be joined in introducing this legislation by 11 of my distinguished colleagues. They are the Senator from Mississippi (Mr. EASTLAND), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Wisconsin (Mr. NELSON), the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. MATHIAS), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New York (Mr. BUCKLEY), and the Senator from Oklahoma (Mr. BARTLETT). It should be obvious that the bipartisan support from Members of this body indicates an awareness of the problems this Nation faces which this legislation is intended to help solve.

It should be obvious from the kind of support from Members of this body, that they are all aware of the problem our Nation faces in trying to deal with the American people in their concept that the automobile is their sole and singular possession and that they should be allowed to ride along the highways and the byways, consuming energy and polluting the air.

My bill is aimed at trying to help the cities find comprehensive programs to entice the American people to move away from this one-person-in-one-car concept, driving 22 miles to work, or 12 or even 40, and put together a package which will be administered by the Department of Transportation where they will be permitted to select up to 10 cities in the United States and grant them, on a 90 to 10 matching basis, up to $1 million to implement comprehensive programs including such things as equipment, and so forth, to be able to tell an individual who lives in a certain neighborhood or who may request where he might find a prospective ride or where he might find a prospective rider, where he might find someone that will go to work close to where he is going, or where he might find how many of those people exist within the radius of his house.

I would like to see some cities experiment with either the use of social security information, or the use of drivers licenses information, thereby tapping this great resource of data processing and the like where this information could be made available.

The bill would also ask the cities to consider anything they can think of that would entice the car pooler and to estimate its cost on an experimental basis.

Further, the bill would ask that the Department of Transportation, the Environmental Protection Agency, and the IRS, during an 18-month period after it has selected the cities, try this demonstration of the 90 to 10 program, that they compile statistics with respect to a tax incentive that might cause more people to use car pools, and that they find out how much it will cost the Treasury Department if they permitted the car pooler to deduct depreciation on his car instead of being prohibited from doing that and perhaps give him some kind of advantage with reference to a gasoline tax which we do not now give him.

There are those who say, "How can we do this? How can we define them and police them?" Until we try, we are never going to be able to do so.

I submit that when our country has statistics indicating that during the rush hours in most of our urban communities, if we just added 0.4 of a person, as an average, to the front seat of that car driving down the highway, this country would save almost 600 million gallons of gasoline a year. That is not even by adding the average of one person but adding 0.4 of a person, on a national average, to a car as it goes through the bulk of the commuter time.

My bill, as it gets to committee, might even be expanded so that the Department of Transportation would do this for every city that would come up with a comprehensive plan, to entice them to come up with a program to implement car pooling in their particular community—whether it is a new kind of off-street parking for pooling cars, whether to match up a better kind of parking facility with a car pooler. Numerous things of a physical nature can be done, coupled with today's technology.

In my opinion, this can be accomplished if we emphasize it and help the cities in a way which would cause the typical American commuter to realize that he has been very foolish and wasteful, that this would save him money, that it would save the country some problems, an dthat, hopefully, over the long run, it would save some taxes for him.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

Mr. DOMINICK. Mr. President, I congratulate the Senator from New Mexico on a very innovative idea. Everybody has been wondering about how to get people to carpool, and this is a real experiment in getting it done.

I should like to join the Senator, as a part of the whole program I am trying to use so far as conservation of energy is concerned. I think the Senator has a very innovative idea.

Mr. DOMENICI. I thank the distinguished Senator for his support. I think those on the floor understand what I am talking about.

Does the Senator from Colorado desire that his name be added as a cosponsor of the bill?

Mr. DOMINICK. Yes.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Colorado be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. This bill would establish a modest program of comprehensive demonstration projects by the Department of Transportation; the projects, chosen for their potential effectiveness in States and municipalities, would demonstrate the benefits to be realized if applied on a nationwide basis. To date there have been various less comprehensive projects and studies in metropolitan areas such as Boston, Los Angeles, and Washington, D.C., but to my knowledge, none has employed all of the presently recognized measures to increase and encourage carpooling in urban areas. This bill would provide demonstration projects utilizing new and innovative approaches, particularly economic and tax incentives and would require a thorough measurement of the impact of these programs on the problems of energy shortage, air pollution, and traffic congestion. The projects would include such measures as systems for locating potential riders and informing them of convenient carpool opportunities, preferential carpool highway lanes or shared bus and carpool lanes, preferential parking for carpools, and the use of economic incentives for commuters participating in carpools.

The direct result of carpooling, of course, would be that of reducing the number of vehicles on urban highways and streets during peak traffic periods. For example, if automobile occupancy could be increased from the present average of 1.6 persons per vehicle to 2 per vehicle, approximately 20 percent of the motor vehicles would be removed from rush hour traffic.

Thus, because of fewer vehicles on the road, air pollution would be decreased—there would be fewer automobiles emitting pollutants and those vehicles on the road would operate more efficiently due to less stopping, starting, and idling. Energy conservation would result since fewer vehicles would mean less demand for fuel, as demonstrated by the fact that if among public employees alone the automobile occupancy were increased to 2 persons per car, almost 600 million gallons of gasoline would be saved per year. And, traffic congestion and parking problems would be alleviated substantially. In addition to relieving national problems to such a degree, each individual commuter would benefit by saving wear and tear on his automobile, and by saving money normally spent on gasoline and parking.

Because carpooling would not require vast outlays of public funds and long periods of costly construction for new transportation facilities, demonstration projects this bill proposes, could be provided at a cost not exceeding $10 million. Due to the greater effectiveness of metropolitan highways to be achieved by this bill, I feel that funding from the highway trust fund is justified and is consistent with past expenditures from that fund. Rather than requiring great amounts of public funding, this measure would be primarily self-supporting by encouraging individual commuters to participate in carpools; they would be motivated by the personal advantages of time and financial savings, by additional economic incentives, such as reduced tolls, free parking spaces for carpools closer to their place of employment, tax incentives, and so forth. In short, it is my opinion, Mr. President, that carpooling is a means to address several of this Nation's most pressing problems without the tremendous outlays traditionally associated with government-assisted efforts to deal with national problems.

While this bill would provide for

demonstration projects, there may be good reason to proceed even further at this time. It would ordinarily be prudent to test and demonstrate the effectiveness of various measures and combination of measures to increase car pooling. However, there can be no doubt that greater car pooling is required, that greater car pooling will reduce the traffic load with the resultant benefits I have previously mentioned, and that these benefits can be realized in a relatively short time. The unknown factors are related to the best combination of measures to achieve maximum car pooling in different metropolitan situations. Perhaps, in view of these facts, it would be better to move rapidly ahead into an accelerated grant-in-aid program for all cities where a transportation control plan is required to meet standards imposed by the Clean Air Act. This is a possibility that merits attention and I will ask that it be considered during committee action on this bill.

I am aware that the Department of Transportation and the Environmental Protection Agency are keenly interested in pursuing all possible means to more effectively utilize our urban highway and reduce vehicular air pollution by increased car pooling. I have also spoken personally with Mr. John Love, head of the President's Office of Energy Policy, and he has indicated his strong support for programs such as the ones which would be created by this bill as a means to help reduce the tremendous demand by automobiles on our available fuel resources. Mr. Love indicated that he will investigate the possibility of implementing programs similar to those proposed by this bill through coordination of the various Federal agencies which have involvement in energy conservation, highway programs, and air pollution control. However, I am of the opinion that the problems are so urgent that we should initiate the legislative process to establish these programs in the event that administrative efforts should not bear fruit.

In conclusion, Mr. President, I feel that this measure is worthy of our strong support for a number of good reasons, particularly because of its timely contribution to the relief of our national problems of energy resource shortage, or congested highways, of air pollution, and of costly highway and parking areas necessitated by the present number of vehicles. As an additional bonus, it does not require another huge drain on public funds, but rather encourages a savings of money by commuters. It promotes the idea of individual commuters cooperating with each other to deal with severe national problems at a grass roots level—and with visible results. In short, it can immediately and relatively inexpensively provide significant progress toward relieving many of our problems which are generated by having too many vehicles on the roads during commuter hours with too few passengers per car.

I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this act may be cited as the "Car Pool Incentives Act of 1973"

Sec. 2. Title 23 of the United States Code ("Highways") is hereby amended to add the following new section 323:

DEMONSTRATION PROJECTS—CAR POOL INCENTIVES

Sec. 323(a) (1) In order to decrease traffic congestion during rush hours, improve air quality, conserve fuel, and enhance land use by limiting highway and parking requirements, the Secretary shall carry out demonstration projects designed to encourage the use of car pools in urban areas throughout the country while not adversely affecting bus and other mass transportation ridership in such areas.

(2) From proposals submitted by the States to the Secretary within six months after enactment of this amendment, the Secretary shall, not later than one year after enactment, approve for funding those projects which, in his judgment, offer the best prospects of achieving the objectives stated in subsection (a) (1) and which provide a reasonable balance among cities of various population sizes, traffic patterns, and geographical locations.

(3) A project may include, but not be limited to, such measures as systems for locating potential riders and informing them of convenient car pool opportunities; preferential car pool highway lanes or shared bus and car pool lanes; and preferential parking for car pools.

(4) The Federal share of the cost of such work shall be 90 per centum, except that the Federal share shall not exceed $1,000,000 for any single project.

(5) The Secretary shall give permits to demonstration projects proposed for cities or areas in air quality control regions as designated under the Clean Air Act after consultation with the Administrator of the Environmental Protection Agency as to the value of such projects as a part of a transportation control plan for such region.

(b) The Secretary shall conduct a full investigation of the effectiveness of measures employed in the demonstration projects authorized by subsection (a) of this section. In addition, he shall in cooperation with the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal and State agencies, study other measures, including but not limited to tax and other economic incentives, which might lead to significant increases in car pool ridership in urban areas throughout the country, any institutional or legal barriers to such measures and the costs and benefits of such measures. He shall report to the Congress not later than December 31, 1974, his findings, conclusions and recommendations resulting from such investigation and study. Funds authorized to carry out Section 307 of this title are authorized to be used to carry out the investigation and study authorized by this subsection.

(c) There is authorized to be appropriated not to exceed $10,000,000 from the Highway Trust fund to carry out subsection (a) of this section.

By Mr. HATFIELD:

S. 2599. A bill to repeal the Economic Stabilization Act of 1970. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HATFIELD. Mr. President, it is a simple truth that wage and price controls, in all their phases, have not worked. The economy has not been bolstered by administration controls, but has instead been thrown off course by their effects.

On August 15, 1971, President Nixon imposed a wage-price freeze, acting on the basis of authority granted the President under a 1970 act that the President neither sought nor wanted.

In approving this grant of power, Congress was taunting the President to take steps. This push from Congress, coupled with a favorable attitude of the public, combined to produce an executive policy that today has resulted in failure. Senator Cook and I were the only two Senators opposing extension of these powers when the Senate voted on this issue recently, although I would note I voted for the original grant of this power.

Congress has begun to grasp the magnitude of its abdication to the executive branch. We struggle to reassert ourselves in the budgetary process, in confirmation powers and as initiators, not reactors, to legislation. Yet, here in one sweeping gesture, by giving the President the authority to impose wage and price controls, Congress gave away its responsibility and power over much of American life. In traveling throughout Oregon on recent visits, it is the cost of everything that is repeated wherever I go. The economy and people's pocketbook dominate the concerns of Oregonians.

The heart of the problem lies in whether the objectives of the wage-price controls have been met. They have not. After 2 years of economic controls under the various phases of the administration's economic program, inflation is still with us. In fact, even the administration has admitted that the controls, particularly the price freeze imposed on June 13 and lifted for most products on August 12, may have contributed to inflation by creating shortages. Since August 1971, the wholesale price index has increased by 9.7 percent for all commodities. The biggest jump has been in farm products and feeds, with an increase of 20.7 percent, and foods, with a WPI increase of 12.5 percent. The consumer price index has not increased as sharply, with an increase in the CPI for all items of 4.5 percent, and an 8.8-percent increase for food.

The disparity between the WPI and CPI increases reveal a price bulge building in the wholesale sector that will eventually result in further increases in consumer prices. This is usually what happens when price controls such as those under phase IV are imposed—consumer prices are stabilized temporarily, but inflationary pressures continue, and price increases are only delayed. In short, trying to control inflation with price controls is like trying to lower the temperature of a room by forcing down the mercury in a thermometer—the indexes may reflect a "cooling off" of the economy, but inflation is still there.

I believe we must repeal the Economic Stabilization Act and find other ways to approach the economic problems facing us. The AFL–CIO, the U.S. Chamber of Commerce, and the National Association of Manufacturers have all asked for termination of controls. The Wall Street

Journal had an editorial on October 10 which stated:

> The sooner we recognize that controls are doomed . . . the sooner we will be able to start rebuilding a healthy economy.

Therefore, I am introducing a bill that would repeal the Economic Stabilization Act of 1970. The corollary of this action is that Congress then would carry a substantial part of the burden to stabilize the economic conditions in the country.

Certainly the Federal responsibility, both in Congress and in the executive branch, to control inflation is great and urgent. This can be accomplished in two ways: increased taxes, or reduced spending. President Nixon has urged the latter, and Congress has responded reasonably well. In fact, the budget ceiling for fiscal year 1974 set by the Senate is below that recommended by President Nixon. Nonetheless, the budget deficit for fiscal year 1973 is now estimated at $14.4 billion, down from $23.3 billion in fiscal year 1972.

There are other areas where cuts can be made, particularly in military spending. This remains the area where the most substantial savings in the cost of government can be made. My own efforts will continue to be devoted toward eliminating needless expenditures in our massive military budget in order to bring government spending into line with revenues, thereby strengthening our whole economy. Useless domestic programs, government subsidies, and other areas of waste must be curtailed.

There are ways to deal with the economy other than through the authority of the Economic Stabilization Act. Perhaps the most compelling reasons to abolish this legislation are found in a simple recital of what has happened under its aegis. We could look at the irrational picture of beef producers withholding cattle from the market thereby turning hungry consumers to horsemeat markets which in turn sets off cries of outrage in certain animal protectionist groups. We see gasoline stations closed and people buying gas in takehome containers.

There is a projected fuel shortage that will certainly take a toll in life and property. U.S. fertilizer has been snatched up at low prices by the world market leaving a shortage in this country. Angry consumers who refused to pay supermarket prices turned to canning their food thereby creating a shortage in canning jars and lids. The endless cycle of pay raises and price increases was dramatized here in Washington when the Federal pay raise prompted increases throughout the District, starting in the Senate cafeteria where the day the raise went into effect, the price of toast doubled and all other costs went up as well. The ramifications of each new control become absurd, and still the problem is not understood or under control.

Mr. President, I urge the abolishment of the Economic Stabilization Act, and am today submitting legislation to do just that. I ask that the text appear at the end of these remarks. I also ask unanimous consent that the Wall Street Journal editorial on this subject be printed at the end of the text of my bill.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

S. 2599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Economic Stabilization Act of 1970, as amended, is repealed.

(b) Whoever, prior to the date of enactment of this section, willfully violates any provision of law repealed by subsection (a) of this section, shall be punished in accordance with such provision as in effect on the date such violation occurred.

(c) The repeal made by subsection (a) of this section shall not affect any suit, action, or other proceeding lawfully commenced prior to the date of enactment of this section, or any suit, action, or other proceeding based upon any act committed prior to such date, and all such suits, actions, and proceedings, shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this section had not been enacted. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States in relation to the discharge of official duties under any provision of law repealed by subsection (a) of this section shall abate by reason of such repeal, but the court, upon motion or supplemental petition filed at any time within 12 months after the date of enacment of this section showing the necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained.

Retrospective on Controls

We suppose that anyone who still believes price controls can stop inflation is beyond help, but it won't hurt to glance at the accompanying chart for a visual confirmation of our experience. Since the imposition of controls, inflation has turned not better but worse.

The six-month moving average of the consumer price index turned down in early 1970, and continued down until controls were imposed in August 1971. It turned back up in mid-1972, in the midst of "tough" Phase 2 controls. Since then it has ascended to heights far above those reached in any recent noncontrols atmosphere. Little wonder that the U.S. Chamber of Commerce and the National Association of Manufacturers have—somewhat belatedly it seems to us—joined the AFL–CIO in calling for prompt and complete termination of controls.

Purely on the basis of the record, one would have to conclude that far fom extinguishing inflation, price controls fuel it. That conclusion is overly simple, of course, because since mid-1972 many other powerful inflationary pressures have been at work. The government budget has been in deficit, and economic growth has been straining the economy's capacity.

Even at that, though, the inflation has been more rapid than any usual economic view would predict. In trying to explain it, economists are looking toward international economic developments. Perhaps the impact of the dollar's devaluation was more inflationary than most theories predict. Or perhaps as First National City Bank and Argus Research Corp. argue, attempts by European central banks to maintain fixed exchange rates by buying dollars swelled European banking reserves and money supplies, leading to a world-wide inflation that spills back into the U.S. economy.

Price controls presumably were intended to stop the increase in prices in the face of these powerful domestic and international forces. This was a pipe dream, as nearly everyone now recognizes. We would go a bit further, to argue that in a couple of respects controls did indeed cause higher prices.

For one thing, there is the effect on the psychology of the Federal Reserve Board. Even those skeptical about the real effect of controls—and it is by no means clear that this description applies to everyone at the Fed—would probably feel some influence from the announcement that some other part of government was going to take over the inflation problem. So if there had been no controls the money supply probably would not have expanded as rapidly, and prices would not have risen quite so sharply.

Beyond that is the problem of shortages. The diehard supporters of controls ignore this problem when they contend that their policies have not failed but were never tried. It is of course quite true that the biggest price jumps have occurred during the more relaxed phases of the controls program. Usually these apologists blame the relaxation on George Shultz' association with the University of Chicago, but those who look not at personalities but events will find the following cycle:

Tight controls are imposed. Shortages and dislocations start to develop. Because of the shortages and dislocations, controls have to be relaxed. Then you get all the price increases you would have had during the tight-controls period, plus those caused by the controls-induced shortages, and probably some more by businesses trying to get ahead of the next period of tight controls.

No group of controllers will be able to avoid this cycle, for none of them can possibly be smart enugh to foresee the secondary and tertiary effects of their actions, especially in an increasingly integrated global economy. They learn too late that if they fiddle with gasoline prices and supplies they may end up with a fuel oil shortage. After setting U.S. prices for fertilizer or cotton they suddenly learn that world prices are higher and foreigners are buying so much of the supply there isn't enough left for Americans. And if they achieve really efficient enforcement with an army of bureaucrats, they will drive down investment and plant expansion and end up with shortages of everything.

So we very much doubt that the dismal record of controls have much to do with any particular set of men or philosophy of controls. The problem is something far more basic, the limits of human intelligence. And the sooner we recognize that controls are doomed by facts of simple physiology the sooner we will be able to start rebuilding a healthy economy.

ADDITIONAL COSPONSORS OF BILLS

S. 1929

At the request of Mr. Kennedy, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 1929, the Nantucket Sound Islands trust bill.

S. 2538

At the request of Mr. Proxmire, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 2538, to provide for the establishment of construction and safety standards for mobile homes, and for other purposes.

Mr. WILLIAM L. SCOTT. Mr. President, I ask unanimous consent that the names of Senators Bennett, Fannin, Hansen, Helms, Stevens, Thurmond, and Griffin be added as cosponsors at the next printing of S. 2539, a bill to amend the Clean Air Act to establish a limitation on certain air quality standards established pursuant to such act and to authorize postponement of certain transportation reductions or controls of standards relating to motor vehicle emissions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAM L. SCOTT. Mr. President, with regard to this measure, I was pleased to learn that our chairman of the Committee on Public Works, the distinguished Senator from West Virginia (Mr. RANDOLPH) has scheduled 3 days of hearings November 5–6–7 on the automotive emission question, which is of importance to the Members of this body because of the energy problem and the huge costs that may be involved in meeting the mandated standards in the Clean Air Act under present technology. I understand these hearings may consider legislation introduced in the Senate on the auto emissions problem, including my proposal to postpone the timetable for meeting the standards in the law an additional 2 years to reconsider auto emissions technology and new scientific developments in the emissions field. Certainly I welcome any additional support from my colleagues in cosponsoring S. 2539 and hope you will see fit to join me on this measure.

SENATE RESOLUTION 189—SUBMISSION OF A RESOLUTION TO URGE THE CONTINUED TRANSFER TO ISRAEL OF PHANTOM AIRCRAFT AND OTHER EQUIPMENT

(Ordered held at the desk by unanimous consent.)

Mr. HUMPHREY. Mr. President, I submit a resolution on behalf of myself, Senators JACKSON, RIBICOFF, and JAVITS, and 63 other Senators, making a total of 67 Senators. I ask unanimous consent that the resolution be assigned a number, printed, and held at the desk without being referred.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I do not intend to object, for the purposes of clarifying the parliamentary situation, may I ask: If the request of the distinguished Senator from Minnesota is agreed to, what would be the status of the resolution tomorrow and the next day?

The PRESIDING OFFICER. Technically it would not have any status. It would have a number and be held at the desk.

Mr. GRIFFIN. It would take some further action by unanimous consent or otherwise for the resolution hereafter to go to a committee, and it would take unanimous consent to have immediate consideration?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. I thank the Presiding Officer.

The PRESIDING OFFICER. Upon objection, it would go over.

Mr. GRIFFIN. I have no objection.

Mr. HUMPHREY. I thank the Senator.

The PRESIDING OFFICER. The resolution will be received and printed in the RECORD only.

(See exhibit 1.)

Mr. HUMPHREY. I thank the acting minority leader.

Mr. President, the purpose of this parliamentary procedure was to give the sponsors and cosponsors the option at a time when the Senate is in full session to either call up the resolution under unanimous consent or to have it referred for normal legislative routine procedure to appropriate committee. That is the sum total purpose.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately following the text of the resolution the cosponsorship letter circulated by the 15 original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HUMPHREY. Mr. President, so that Senators at this hour may know what this resolution states and its purpose, it is a Senate resolution to urge the continued transfer to Israel of Phantom aircraft and other equipment.

Mr. President, the purpose of the resolution is to urge the continued transfer to Israel of Phantom aircraft and other equipment.

Mr. President, two-thirds of the Senate is joining with Senators JACKSON, RIBICOFF, JAVITS, and myself in the introduction of a resolution urging the administration to continue the flow of Phantom jets and other equipment to Israel.

I believe that if the United States continues to supply Israel with the weapons it needs for its defense against the attack by Egypt and Syria, peace can and will come to the Middle East. The President and Secretary Kissinger have recognized this fact and have moved expeditiously to meet Israel's needs after it suffered heavy losses as a result of the Egyptian and Syrian attack.

The resolution we are offering today endorses the announced policy of our Government as well as calling upon a continuation of the transfer to Israel of aircraft and other equipment in response to the massive Soviet resupply of war materials to Egypt and Syria. It is imperative that the balance of power be maintained and that the aggression launched by the Soviet supplied Arab forces be halted. Once this is accomplished then the negotiations leading to a cease-fire can be productive.

It is important to note that Israel refrained from a preemptive first strike in order to preserve the cease-fire initiated by our Government. In exercising self-restraint the Israelis suffered losses of men and materiel which threatened their capability to further deter the advance of the Egyptian and Syrian Armies. Our resupply of aircraft and other military equipment lost in the early hours of the conflict is correct; it is just and it will enable Israel to defend itself and hopefully bring the war to a speedy conclusion.

Mr. President, the conflict in the Middle East is placing severe strains on the progress toward Soviet-American détente. I have long supported a normalization of relations with the Soviet Union. This is in the interest of both peoples. But the Soviet Union must recognize that it cannot pursue a policy of détente with the United States while it encourages Arab nations to continue their aggression in the Middle East.

If détente is to have significance beyond rhetorical statement of friendship and goodwill, then the Soviet Union must be willing to take an active role in bringing about peace in the Middle East and in other areas of tension. It is my fervent hope that Premier Kosygin's presence in Cairo means that he is there to convince Egypt and Syria that it is not in their best interest to continue the hostilities. The world awaits the result of his mission. Peace in the Middle East will enable the policy of détente to continue. The Congress which is soon to vote on credits and other commercial concessions for the Soviet Union is closely watching the Soviet role in the Middle East.

Finally, Mr. President, I want to state in very strong terms that I condemn the recent action taken by 11 oil producing states to reduce the supply of oil to this country or any other nation which is friendly to Israel.

This is blackmail pure and simple. It will not work because the American people will not tolerate international blackmail. We reject such action just as we reject and abhor such acts as planes being hijacked and terrorists threatening innocent civilians with bombs and kidnapings.

The action by these oil producing nations will only earn them the enmity of millions of Americans who refuse to tolerate international blackmail. I am sure that the peace-loving members of the international community of nations will condemn this action despite heavy economic pressure.

Mr. President, the wide support this resolution is receiving is significant of the united and bipartisan stand being taken by the Congress. This should serve as a warning to all those who believe that the Congress does not fully endorse the President's policy of maintaining Israel's deterrent capability. We do support this policy because it is in the best interests of peace in the Middle East. It has as its purpose achieving a cease-fire, the opening of negotiations, and the establishment of genuine peace between Israel and her neighbors.

Mr. President, as important as it is for there to be the defensive capability in the hands of the people of Israel so as to maintain their security and independence and also, hopefully, to restore the cease-fire under the conditions of 1967. I would add, as I know other Senators would want, that we encourage the continued efforts of our Government, the President, the Secretary of State, and others, to obtain a cease-fire and to obtain ultimate peace.

I know that this is the objective of our Government, and I commend the President, the Secretary of State, and others, who are giving of their efforts to achieve a peaceful settlement in the Middle East.

It is my judgment that this peace can only come through direct negotiations between Israel and her neighbors. It is my judgment that that peace will only come when a cease-fire can be achieved. It is my judgment that that cease-fire will not come until Israel has been able to repel those who have attacked her and at that time all of the good offices of the United States, and hopefully of the Soviet Union and other countries, including the International Organization of the United Nations, must be brought to bear. I hope that our Government is speaking very firmly to the Soviet Union in reminding this Government that détente requires cooperation, that détente is not permitting the Soviet Union to do as it wishes, and to complain if the United States fulfills its commitments; détente requires that the Soviet Union and the United States accept mutual responsibilities and duties.

We have tended to permit the Soviet Union to take actions that we know are contrary to our national interests and yet not resist those actions lest it tend to break the spirit of détente or understanding. The Soviet Union will respect us when we speak not in a sense of belligerency but firmly; it will respect us when we speak not in the sense of being a bellicose nation, but one that has principle and it is willing to stand by it.

Therefore, this resolution is not directed toward expanding the war, but rather to provide the means to bring an end to the war and hopefully direct negotiations for a peaceful settlement in the critical area of the world.

EXHIBIT 1

LIST OF COSPONSORS

Mr. HUMPHREY (for himself, Mr. JACKSON, Mr. RIBICOFF, Mr. JAVITS, Mr. DOLE, Mr. CHURCH, Mr. TALMADGE, Mr. BROCK, Mr. GURNEY, Mr. MONDALE, Mr. MCGEE, Mr. BROOKE, Mr. NELSON, Mr. NUNN, Mr. BUCKLEY, Mr. BAKER, Mr. BAYH, Mr. BENTSEN, Mr. BIDEN, Mr. BIBLE, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. CLARK, Mr. COTTON, Mr. CRANSTON, Mr. DOMENICI, Mr. DOMINICK, Mr. EAGLETON, Mr. FONG, Mr. GRAVEL, Mr. HART, Mr. HASKELL, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. PACKWOOD, Mr. PASTORE, Mr. PELL, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. ROTH, Mr. SCHWEIKER, Mr. SCOTT of Pennsylvania, Mr. STEVENS, Mr. STEVENSON, Mr. SYMINGTON, Mr. TAFT, Mr. THURMOND, Mr. TUNNEY, Mr. WEICKER, Mr. WILLIAMS, Mr. YOUNG, Mr. MATHIAS, Mr. MOSS, Mr. MONTOYA, Mr. HUDDLESTON, Mr. MUSKIE, Mr. PEARSON, and Mr. BEALL)

S. RES. 189

Resolution to urge the continued transfer to Israel of Phantom aircraft and other equipment.

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an unprovoked attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91-441, as extended, authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself: Now, therefore, be it

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

EXHIBIT 2

U.S. SENATE,
Washington, D.C., October 16, 1973.

DEAR COLLEAGUE: We know you are following the current conflict in the Middle East as closely as we are. It is a great tragedy, and we hope that peace is restored to this region quickly.

By now you are aware that Israel refrained from a first strike in order to preserve the cease-fire initiated by our own government. Partially because of this restraint, Israel has suffered heavy losses in weapons, most significantly aircraft.

The Soviet Union is now engaged in a massive airlift of sophisticated arms, utilizing huge transport aircraft, to Egypt and Syria. While resupply of Israeli forces is underway, it is important that crucial weapons, including Phantom aircraft in adequate numbers, continue to be sent.

We, therefore, urge you to cosponsor the following resolution expressing the sense of the Senate that the flow of essential military equipment to Israel continue. Congress has already provided the President with the authority to make the necessary weapons available by credit sales. We are confident that, with timely and adequate resupply, Israel can defend itself and bring this war to a speedy conclusion.

Sincerely,
Hubert H. Humphrey, Abraham Ribicoff, Herman E. Talmadge, Walter F. Mondale, Gaylord Nelson, Henry M. Jackson, Robert Dole, Bill Brock, Gale W. McGee, Sam Nunn, Jacob K. Javits, Frank Church, Edward J. Gurney, Edward W. Brooke, James L. Buckley.

Mr. JACKSON. Mr. President, the resolution that we are today introducing places the Senate on record in support of decisive action to assure that essential military equipment be transferred to Israel on a time scale and in whatever quantities are required to enable Israel to repel Syrian and Egyptian aggression.

It is the judgment of more than two-thirds of the Senate that this war arose from an unprovoked attack against Israel by the armed forces of Egypt and Syria—forces that have since been aided by the armed forces of other Arab countries. Moreover, as the resolution indicates, it is the judgment of the Senate that the Soviet Union, which has been conducting a massive airlift to resupply the Arab armies, heavily armed the Arab countries "with the equipment needed to start this war."

Let us be clear about that. Since the Six Day War, the Soviet Union has engaged in one of the largest military build-ups in its history, supplying guns, tanks, aircraft, and missiles to Egypt and Syria in huge quantities and under the cover of the cease-fire. We, for our part, limited the Israelis to piecemeal supplies of aircraft and armor—despite the fact that the Congress, in 1970, adopted my amendment to the Defense Procurement Act authorizing the President to transfer to Israel by credit sale whatever was needed in aircraft and other equipment to offset equipment furnished to the Arab armies.

In recent months the flow of Soviet arms into Syria reached flood-like proportions. More than half of the jet aircraft in the Syrian Air Force and nearly all of the surface-to-air missiles that have claimed the lives of so many Israeli pilots have been delivered by the Soviet Union to Syria since the beginning of this year. We now know that a substantial fraction of the Syrian force of SA-6 missiles that have been used with deadly effect against Israel's Phantoms were delivered in the weeks just preceding the outbreak of war.

For 6 years following the 6-day war, American restraint in supplying Israel with the means to provide for her own defense was met, not by equal restraint on the Soviet side, but by a most mischievous and irresponsible program of training and arming Egypt, Iraq and Syria for the war that is now being fought.

Soviet irresponsibility did not stop last week with the outbreak of war. Secretary Brezhnev, violating the letter as well as the spirit of agreements reached with the United States in Moscow last year, did his best to urge other Arab states to join the attack against Israel. Then the Soviets undertook a massive airlift of weapons into Syria and Egypt, resupplying the Egyptian and Syrian armies with sophisticated military hardware.

Mr. President, our resolution makes it clear that the necessary transfer of weapons to Israel should be accomplished "by whatever means are necessary" to enable Israel to repel the aggressors.

Our purpose is to see that the current fighting is halted as quickly as possible. As this war drags on, so does the danger of the direct involvement of the great powers. The prudent course, the safest course is to carry on the effort to resupply Israel with a view to ending this war decisively and by supporting a return to the cease-fire lines and positions held before the current hostilities.

The lesson of this war is already beginning to emerge: in the interests of containing the scale and the scope of conflict, firm and decisive and timely action is essential. Today that action is one of resupply—and the position of the Senate is one of overwhelming support for doing it quickly and decisively.

Mr. HOLLINGS. Mr. President, I rise today to urge swift passage of the Jackson-Humphrey Resolution on the Middle East.

Since that day over 25 years ago when we accorded diplomatic recognition to Israel—only minutes after the birth of that new nation—the United States has dedicated itself to the survival of Israel. Indeed, we are dedicated not only to its survival, but to its genuine security and well-being.

Today, Israel faces one of the greatest threats ever to its existence—an existence that has never been without threat for a quarter of a century. And today we are asked to manifest the depth of our friendship and commitment to the brave people of that fighting nation.

It is not a question of steeling the resolve of the Israelis, for no people are braver or more committed than they. It is a question of their having the implements of war, in face of the gigantic Soviet airlift and sealift of arms to the Middle East.

It is important that American supplies continue to be sent to Israel, including the all-important Phantom jets. Help we can, and help we must, if we are to do our part in helping Israel face the gravest challenge of its existence.

The challenge in the Mideast also calls upon us to demonstrate once again our resolve not to be intimidated by the Soviets, and not to let all the sweet-talk about "détente" confuse and distract us. The United States will not encourage meaningful agreements with the Soviets by knuckling under to renewed Soviet pressure in the Middle East. On the contrary, such a response on our part would only whet the appetite of the Kremlin for another round of subversion and extension of influence.

Mr. President, this is no time for flowery oratory or elegant speeches. This is preeminently a time for action—action now. We must respond and we must do so without further delay.

I urge my colleagues to join in passage of this important resolution. In doing so, we will demonstrate once again America's friendship with Israel and America's determination to resist the encroachments of the Soviet Union.

Mr. RIBICOFF. Mr. President, I am pleased that so many of my colleagues have today joined Senators JACKSON, HUMPHREY, JAVITS and myself in offering a resolution urging the continued flow of jet aircraft and military equipment to Israel.

The tragic conflict now going on must be brought to an end soon. A satisfactory conclusion consistent with the vital interests of the United States is a decisive victory by Israel.

If Israel is provided the quantities of equipment it requires in time, Israel can win the struggle. The bitter battles now raging are crucial not only for Israel's own survival, but for the United States and the entire free world.

Upon the final outcome hinges the question of who shall control the Suez Canal—Russia or the West. But even more important, future stability and peace in the entire region depend on the outcome. An Arab victory will not, as some claim, bring the parties closer to peace. It will only embolden the Arab nations to try again—as soon as they are resupplied by the Soviet Union. It is vital that Arab aggression not be rewarded.

The Arab nations, who launched this aggression, should realize that peace is better than war. Until the Arab states renounce war as a viable option, and are willing to accept the fact of Israel's existence in their midst—there can be no peace.

The resolution offered today is meant to reaffirm our country's traditional policy of not permitting the arms balance to tilt against Israel. This means more than mere replacement of current Israeli losses. For after all, the Arab aggressors launched their attack with more than a 3 to 1 advantage in men, armor, and supersonic aircraft. Provided with the latest in Soviet military technology in order to start this war, they are being constantly replenished by both sea and air with sophisticated weapons of all types. The United States can do no less.

If our Government demonstrates an unwillingness to provide Israel with what it requires to win this war, the lesson will not be lost on our allies in NATO and elsewhere—with disastrous consequences for our foreign policy.

Détente between the United States and the Soviet Union cannot be a one way street. The current conflict in the Middle East is another tragic example of Russian deeds demonstrating the falsity of Russian promises.

The overwhelming support being given this resolution today puts this body on record in favor of a continued and timely flow of U.S. "Phantom aircraft and other equipment to Israel in the quantities needed to repel the aggressors." There should be no mistake on the part of anyone as to exactly what this plain language means.

Mr. KENNEDY. Mr. President, I am pleased to join the distinguished Senator from Minnesota (Mr. HUMPHREY) as a cosponsor of his resolution to reaffirm the commitment of the Senate to assuring the people of Israel the means to defend their future.

We state in this resolution our regret that the Arab nations chose to forsake the conference table for the battlefield. We state as well our conviction that this most recent attack by Egypt and Syria demonstrates the need for Israel to maintain an adequate defense to deter future aggression.

The goal of the United States, as the goal of all nations, must be that peace return to the Holy Land and that both Israeli and Arab find a permanent solution to issues dividing them.

But if we were not to meet the Israeli defense requirements resulting from the losses they have suffered in the past 2 weeks, we would be stating to the Arabs that we will stand by as they attempt a military solution to those issues.

Only by demonstrating to the Soviet Union and to the Arab nations that the United Nations will act to restore the arms balance in the Middle East can the leaders of those nations ever be completely convinced that the road to peace lies through direct negotiations and not through military gambles.

The massive supply lines opened by the Soviet Union at the virtual outset of this conflict demonstrates only too convincingly their willingness to support continued military action by the Arab nations. Failure to respond could well encourage such irresponsible action.

Failure to respond also could create a situation where the Arabs believed that a few more days, or a few more weeks could place Israel against the wall, with ammunition running low and a slow attrition of their military supplies.

Our readiness to provide those supplies hopefully will be an incentive to the Arabs to accept the road of cease-fire and negotiations rather than the road of more fighting, a road which leads only to tragedy for both Israeli and Arab alike.

Mr. MATHIAS. Mr. President, I want to ask this question of the Senator from Minnesota because I think it is extremely important, in light of the views expressed by the majority leader and by the views expressed by the Senator from Minnesota (Mr. HUMPHREY) and by my own concerns, that the use in the resolution which he has submited today of the term "by any means whatever" should be very clearly defined; that in view of the fact that the Mideast resolution is still on the books in such language and has raised questions in the past and this has had tragic consequences, and the fact that such language has sometimes been used to avoid the constitutional processes, I am wondering whether the Senator from Minnesota would give us his personal definition of that phrase in the resolution.

Mr. HUMPHREY. Mr. President, the phrase referred to, "by whatever means necessary," is cited in the resolution as follows:

> *Resolved*, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

Mr. President, that does not mean American manpower or a landing party of Americans in Israel. It merely refers to the means of either by air or by ship, or from factories, or from depots or bases. It does not mean—and I want to make this clear—it does not mean American manpower involvement.

Mr. MATHIAS. It does not contemplate going outside the constitutional processes defined by the Constitution and statute law by which foreign policy is properly developed and executed?

Mr. HUMPHREY. By no means. Absolutely not. We must be very clear on that.

Mr. MATHIAS. I thank the Senator from Minnesota very much.

Mr. McCLURE. Mr. President, many of my colleagues in the Senate are very sincerely, and with great justification, concerned for the safety of the brave people of Israel. I share their concern and, at the same time, I worry about the logic of their solution. The surest way to safety is through peace; a stable lasting peace, mutually guaranteed. As many Senators have eloquently expressed, an arms race is not always conducive to peace. If, to follow their reasoning, an arms race endangers peace in a cold war situation, it must encourage further warfare in a hot war, a war which if protracted indefinitely can only mean disaster for all participants.

It seems reasonable then, even obvious, that Israel can only be protected by a stable and guaranteed peace. In addition to being reasonable and obvious, it is even practical. In the current situation we have antagonists who have specific grievances and, in my opinion, a genuine desire for a solution. It seems to me that this is one situation in which the United States can look beyond the mechanics of warfare to the tools of peace.

It is self-evident that Israel must protect herself. Her status as a nation should be recognized and the safety of her borders guaranteed. Appropriate buffer zones should be set up and maintained with any assistance necessary to assure their inviolability. At the same time, the question of the Palestinian refugees must be confronted, and a solution found, and captured Arab lands returned. The specifics for such arrangements would, of course, have to be discussed at length by the participants, but the only way to begin discussion is to stop fighting. An immediate cease-fire in place and the drawing up of a timetable which would ultimately result in a permanent peace treaty could begin immediately.

Historically, war only leads to peace when one side utterly demolishes the other or when after years of hostilities, all participants retire exhausted and battered to a scene of domestic tragedy. Either result is unthinkable and unnecessary in the Middle East today when a cease-fire and talks could begin at once.

I want to express that I do not blame either the Arabs or Israel for this current outbreak. I blame the United States. One of our grave mistakes has been in giving the Israelis the impression that with a total commitment from the United States she is invincible—that there has been no reason to negotiate, no reason to deal with the very real common problems shared with the Arab nations. We are all concerned with interlocking concerns in this volatile situation. We care about the safety of Israelis and about the fate of Palestinian refugees. We care about détente and our relations with the Soviet Union. And we care about the future of all nations which depend upon stability in the Middle East to assure access to vital energy resources. The entire free world has every reason to promote peace and none to promote war.

Mr. President, I ask unanimous consent to have printed in the Record an article which was published in the Washington Star-News entitled "Strategy of Moderation Seen," written by Andrew Borowiec.

There being no objection, the article was ordered to be printed in the Record, as follows:

Strategy of Moderation Seen

(By Andrew Borowiec)

Beirut.—The embattled Arab world appears to have opted for a strategy of political moderation coupled with a determination to continue the war of attrition against Israel.

The tone was set by Egyptian President Anwar Sadat in his speech yesterday which most Arab observers regarded as Sadat's finest hour and one of the most memorable pronouncements in modern Arab history.

Although Sadat mentioned his long-range missiles—long forgotten by the outside world; the main theme was that peace talks are possible as soon as Israel withdraws to the pre-1967 borders.

The fact that the Israeli premier, Mrs. Golda Meir, said later there would be no cease-fire until "the enemy is broken," confirmed the Arab belief that the Middle East has settled down to a protracted war.

As the 12-day war continued its deadly routine without significant changes, the Arabs appeared confident that within a short time Israel will show signs of fatigue.

But there were no immediate signs that the Arabs were preparing to strike at American interests as feared at the time when the U.S. State Department announced its decision to supply arms to Israel.

Sadat, and by now he is the unquestionable leader of the Arab world—has not called for a boycott of American products or for a war against American business interests in Arab countries.

Rather, he attempted to convince the United States that its long-range interests were in the Arab countries rather than in Israel. This has been Sadat's view since he took the power three years ago. Pro-American at heart, the Egyptian president has been steadily frustrated in his overtures by American's unconditional support of Israel.

The American attitude is expected to cost the United States some discomfort as time goes by. The Arab oil producing countries are meeting in Kuwait today to listen to Saudi Arabia's recommendation for a "limited oil war" against the United States.

The meeting was preceded by a decision of the Arab Persian Gulf states to raise their price for crude oil by 17 per cent. It was a unilateral decision expected to run into opposition by the oil companies exploiting the fields.

Arab intelligence sources estimate that after 12 days of total mobilization and unprecedented war effort, Israeli economy will begin to sag beyond the point where simple remedies will suffice. Israeli admission that every hour of fighting costs the Jewish state $10 million appears to be bearing out this theory.

The Arabs are not fighting for the annihilation of the Jewish state. In fact, by now most Arab politicians admit something they would not admit before—that the Jews have a right to a homeland in the land of the Bible.

But the Arabs view the role of the Jewish state in a sharply different light. While admitting Israel's right to exist, they do not want it to be a military powerful super state able to impose its will on its neighbors. In short, the Arabs will tolerate an Israel cut to size, a Jewish homeland for homeless Jews.

This overall view is yet to be reconciled with the claims of the Palestinian guerrilla organizations for a total and unconditional victory over Israel. But the Palestinians have long been a pawn in Arab hands and once a settlement with Israel is near, they are likely to be sacrificed for the sake of political expediency.

For the time being all this is theory, unlikely to reach the negotiating table for some time.

Many observers around the world still refuse to believe that the Arab countries are capable of a lengthy and determined effort against what hitherto was believed to be an invincible army.

The fact that after some very determined thrust Israel has been unable to throw the Egyptians back across the Suez Canal or open the road to Damascus tends to show the Arabs in a totally different light.

SENATE RESOLUTION 190—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE RELATIVE TO THE WAR IN THE MIDDLE EAST

(Referred to the Committee on Foreign Relations.)

Mr. MATHIAS. Mr. President, I am very much interested in the remarks on the Middle East made by the distinguished majority leader. I sought recognition at this time, because my thoughts are so closely related to the thoughts just expressed by the majority leader.

I would like to explore my own views concerning the Mideast, because I think it is important to stress that the United States has just withdrawn from a painful war of over 10 years duration. If any lesson is to be drawn from the war in Vietnam it is that national disputes cannot be settled by force and arms, but that only negotiation among nations can provide lasting settlement of disputes. The United States today views itself as being in a position of leadership in the world. The history of all nations in the world teaches us that war only leads to the annihilation of civilization as we know it. Israel and the Arab States are not the only nations affected by the war in the Mideast.

As a consequence, the United States and the Soviet Union, the nations of Europe, and all of the nations of the world have compelling reasons for seeking a peaceful solution of the issues that have been plaguing the world for over 20 years.

I thank the Senator from Minnesota for permitting me to be a cosponsor of his resolution.

However, in thinking over this total problem, it seems to me that the ultimate desirability of a peaceful settlement is so important that any resolution the Senate ultimately agrees to must contemplate the position of the United States as being a prime mover in seeking a negotiated end of the war.

For that reason, I am submitting at the present time a parallel resolution with some additional thoughts and a somewhat different approach, which I hope the Foreign Relations Committee will consider as it considers the Humphrey resolution.

It is, of course, ironic that the Holy Land, the birthplace of three great religious beliefs, should be the arena of repeated wars that have claimed the lives of many innocent victims and which has been a waste, in what I can only describe as being in a criminal fashion, of resources that could be better used to improve the lives of all people, whether Arabs or Israelis.

It is further ironic that the birthplace of three great religions should be known for its history of violence rather than peace and reason.

On the basis of our own recent experience in Vietnam and on the basis of our national tradition and our adherence to the United Nations resolution of 1958, which is still on the books, our policy should be to provide for an equitable peace among all those who are interested in the Mideast.

The United States has pledged its word in the form of international law and international commitments to preserve the integrity of Israel and all states in the area. I certainly have fully supported that commitment through the years and do so at the present time.

We have repeatedly asserted our interest in the integrity of all the nations of the Mideast. At the present time we are supplying Israel with the weaponry she needs to defend herself as a direct result of the Soviet Union supplying arms to the Arab countries. I support that policy, although I must say that I regret with all my heart the necessity for doing so.

From the earliest days of our Republic, it has been the American purpose to seek friendship toward all neighbors and enmity toward none. For that reason we must make a great effort to seek a peaceful solution to the conflict in the Mideast which is the cradle of all civilization.

And civilization, if it has any meaning at all, is a life based upon peace, and not upon terrible wars that only leads to self-destruction which has all too often taken place.

The Senator from Minnesota has been dedicated to this belief. And I know, as we all know, that our fundamental purpose is to make it possible for men to live in peace and remove the scourge of war from the Earth.

As I join with the Senator from Minnesota (Mr. HUMPHREY), I am submitting a parallel resolution which has the same essential purposes as his resolution, but which I think strengthens it by stating in a somewhat different way that it is the sense of the Senate that we try to achieve a fair and equitable settlement among the warring parties.

I think it brings into this important sense-of-the-Senate resolution the additional factor of the importance of negotiations. I hope that the Senator from Minnesota as well as other members of the Foreign Relations Committee will consider this resolution when it comes before that committee for study and consideration, because it is my view that the primary goal of American policy in the Mideast should be, to achieve a negotiated settlement. The settlement should embrace all the issues in dispute if the peace to last and to lessen the likelihood of any future destructive conflicts in the Middle East which have plagued the world for so long.

The resolution is as follows:

S. RES. 190

Whereas the war in the Middle East is a scourge to all mankind and a criminal waste of resources vitally needed by the world; and

Whereas the Middle East is the Holy Land of three great religions; and

Whereas these three great religions seek the benefits of peace for all peoples on earth; and

Whereas hostilities in the Middle East or anywhere on earth endanger the peace of all nations and threaten the survival of life itself; and

Whereas the United States is committed by the Charter of the United Nations and by its own historical tradition to seek peace through peaceful means; and

Whereas the United States has solemnly pledged its support for the just rights of all nations in the Middle East;

Now therefore be it resolved that it is the sense of the Senate that the United States should continue to maintain Israel's deterrent strength as long as continued Soviet supplies to other combatants or other conditions require it to do so, and

Be it further resolved that every effort be made within the United Nations to bring about a negotiated settlement at the earliest possible time on the basis of equity and justice for all parties concerned.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. HUMPHREY. Mr. President, I commend the Senator from Maryland. The Senator was here when I submitted my resolution. I said at that time that I did not look upon the use of force and arms as a way to achieve peace.

The purpose of the resolution that was submitted was to restore some balance in the Mideast armament because of the Soviet Union's massive shipment of military weapons and to provide Israel with a means to defend herself so that she would not be overrun and have her freedom and independence destroyed.

I happen to believe that long ago we should have had an arms embargo to all Mideastern and all other nations and thus prevent this tragedy that has happened to the gifted and talented people in the Mideast, and they are just that.

Mr. MATHIAS. Mr. President, I join the Senator from Minnesota in that sentiment.

Mr. HUMPHREY. Mr. President, I know that the Senator from Maryland has always been of that sentiment. We have had this unbelievable waste of life and have experienced the hate and the bitterness that come out of war.

I, therefore, assure the Senator, as I did a few moments ago, that I support the effort of our Government to bring about a negotiated settlement in that area.

It is my judgment that the negotiation will only be successful when the parties engaged in the war and the dispute over territories, boundaries, and so forth, meet face to face in honorable negotiations.

It is also my view that the détente we talk about between the United States and the Soviet Union should include on the part of the Soviet Union—which I hope it does, and which it appears to be according to today's newspaper articles—that the Soviet Union join with us in trying to bring about an end to these hostilities and to have a cease-fire so that peace can take the place of violence.

I believe that is the only answer.

I thank the Senator from Maryland for his constant efforts not only in the Mideastern area of the world, but also in Indochina to seek peace and not an extension of war.

ADDITIONAL COSPONSORS OF A SENATE RESOLUTION

SENATE CONCURRENT RESOLUTION 51

Mr. THURMOND. Mr. President, on October 5, 1973, I was pleased to introduce Senate Concurrent Resolution 51, which expressed the appreciation of Congress to our Vietnam veterans and commended them for their efforts to make it possible to observe Veterans Day 1973 in peace.

Thirty-four other Members of the Senate joined me in cosponsoring this resolution. It passed the Senate unanimously on October 11, and the House concurred on October 16.

Since this resolution passed the Senate, three additional Senators have contacted me to request that their names be added as cosponsors to Senate Concurrent Resolution 51.

Mr. President, I, therefore, ask unanimous consent that the Senator from North Carolina (Mr. ERVIN), the Senator from California (Mr. TUNNEY), and the Senator from Minnesota (Mr. MONDALE) be added as cosponsors and that the Journal and the permanent RECORD so state.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SERVICES AMENDMENT OF 1973—AMENDMENT

AMENDMENT NO. 633

(Ordered to be printed, and referred to the Committee on Finance.)

"AMENDMENT TO SOCIAL SERVICES AMENDMENT OF 1973"

Mr. KENNEDY. Mr. President, I submit for appropriate reference an amendment intended to be proposed by me to the Social Services Amendments of 1973 (S. 2528) introduced by the distinguished Senator from Minnesota (Mr. MONDALE). The purpose of my amendment is to assure provision of social services for older Americans under the Social Security Act.

I wish to commend my colleagues for their swift and decisive action in introducing the current legislation. This is the second time within a few months that congressional action has been necessary to prevent the virtual demise of a social services program which has taken over a decade to develop. When the social services regulations were first published for comment last February by the Department of Health, Education, and Welfare, many members of Congress voiced objection to the destructive effect which the regulations would have on service programs in assisting lower income persons to remain free of welfare and institutionalization. The Subcommittee on Federal, State and Community Services, of which I am chairman, published a report last March on the threatened fall of social services programs and called for revision of the then proposed regulations on several points. As we know too well, subsequent changes made by the Secretary of Health, Education, and Welfare have been minor and inadequate. The potential disruptive impact of the regulations is still great.

Many national aging groups have asserted that a comprehensive social services delivery system must have a wide range of available services for needy and qualified individuals. It is unfortunate that the regulations proposed by Department of Health, Education, and Welfare—by requiring a State plan to provide only one adult social service—fail to recognize this need. On this point the proposed regulations represent a giant step backward.

The amendment I offer today is designed to remedy this omission.

This would be achieved by requiring a State plan to include a minimum of three mandated services to be made available to all qualified elderly and handicapped individuals. The specific services would be chosen by the State agency which is in a position to assess local needs and preferences. The twofold effect of my amendment would be to assure a comprehensive system of social services while at the same time retaining local discretion.

The range of services included under the present bill includes day care services, homemaker services, home delivered meals, housing improvement services, transportation and legal services, and home health care services. Obviously these are the kind of services which will determine whether an individual will be able to remain in the community or whether we will be forced needlessly and at great expense to be institutionalized.

This amendment is designed to prevent that cycle from taking place. It does not mandate specific services but it requires at least three services to be provided to the elderly and handicapped.

NATIONAL FUELS AND ENERGY CONSERVATION POLICY—AMENDMENT

AMENDMENT NO. 634

(Ordered to be printed, and referred to the Committees on Commerce and Public Works.)

NO-FARE TRANSIT

Mr. HART. Mr. President, I submit for appropriate reference an amendment to S. 2176, the "National Fuels and Energy Conservation Act of 1973" on behalf of Senator MAGNUSON, Senator BARTLETT, and myself and ask unanimous consent that the text of Senator MAGNUSON's introductory remarks, an article, and of the amendment itself be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR MAGNUSON

Mr. President, I am pleased to introduce on behalf of myself and the Senator from Michigan (Mr. HART) an amendment to S. 2176, the "National Fuels and Energy Conservation Act of 1973".

The amendment would require the Secretary of Transportation to conduct demonstration projects to determine the extent to which fare-free and reduced fare mass transit and car pooling can conserve energy. But perhaps even more importantly, the amendment would enable us to demonstrate and study how these techniques might affect the quality of life in our cities by less reliance on the automobile for our urban transportation needs.

Without doubt the use and types of transportation available within the cities can dramatically alter urban life. While the proliferation of automobiles has given us a freedom of movement which is unparalleled in history, it has also given us traffic jams, air pollution, noise, disruption of communities, and a literal transformation of many parts of our cities into concrete slabs.

While the rush to the automobile must cease, we must provide alternatives that offer similar mobility and convenience.

Certainly the decline in mass transit ridership must be stopped, and reversed. Federal programs to subsidize mass transit construction are now in progress and legislation to authorize operating subsidies has passed both houses of Congress.

The amendment I introduce today is based on those same needs, but suggests that we demonstrate and study and the notion of going one vital step further—to test the effectiveness of fare free and low fare transportation in combatting the ills of our cities. The amendment also directs DOT to take certain measures to encourage the use of car pools and the more effective use of automobiles within our cities.

Limited experimentation has taken place to demonstrate fare free mass transportation, and with promising results. On September 10, Seattle, Washington, began a year-long experiment of providing fare free transportation in a 77 square block area of downtown Seattle. While results are obviously limited, Seattle officials and downtown businessmen and residents have nothing but high praise for the experiment. An excellent description of the progress so far appeared in an article in the September 24th issue of Newsweek.

Limited experiments have taken place in cities like Rome and Bologna, Italy, and small towns like Commerce, California; Auburn, New York; Wilkes-Barre, Pennsylvania; and Dayton, Ohio.

Our limited experience to date with fare free experiments and a number of cities with reduced fare systems has been highly encouraging. Without exception, transit ridership increased dramatically in each experiment, and with the substantial bonus of eliminating the need to collect, count, and protect fares—a substantial savings.

But there has yet to be a long-term project in a major city and importantly we have yet to study in detail what the effects might be. As the amendment would also require DOT to determine the feasibility of encouraging the more efficient use of automobiles through carpooling—another promising means of reducing automobile traffic. Commuter automobiles are vastly underutilized and means to increase the number of passengers per car should be studied in depth.

It is my hope and belief that the demonstration and study of reduced fare and fare free mass transportation as well as means of improving automobile transportation stands a very good chance of yielding benefits far in excess of the modest cost of the amendment. If we can determine that by assisting public transportation and encouraging the more efficient use of automobiles that we might avoid the expense and bitterness caused by a controversy like that surrounding Interstate 66 here in Washington—estimated to cost in excess of 300 million—then indeed the investment will be a bargain. If the additional benefits of increased mobility for the poor and the elderly, less air pollution and disruption of our cities would be realized, then indeed the expenditure of $25 million per year for three years would be a pittance.

BORNE FREE

For years, urban experts have argued that one antidote to the stagnation of the central cities would be the creation of free public transit. The service, they argued, would be financed by taxes on merchants and residents, would pay its own way and yield extra dividends in the process. Free busing would end the ruinous cycle of spiraling fares that had driven away so many riders; it would draw new cutsomers into dying downtown shopping areas, and thus justify the added tax burden. Finally, it would reduce pollution by helping to cut traffic and ease the daily tie-ups at rush hours.

In Dayton, Ohio, tax-subsidized free busing in the heart of the downtown shopping area has steadied a faltering transit system and helped stem a loss of riders and revenue. Reduced fares for the elderly are in effect in many cities. In Atlanta, fares have been rolled back from 40 to 15 cents for everyone, leading to a 15 per cent increase in riders. Last week, Seattle became the first major U.S. city to take the next step; it eliminated downtown bus fares entirely.

Begun as a one-year experiment, Seattle's new "Magic Carpet" bus service will give free rides to anyone traveling within the 77-square-block area containing most of the city's major department stores, office buildings, hotels, theaters and restaurants. Intended to lure people out of their cars and onto the buses, the system was conceived by aides of Mayor Wesley C. Uhlman, partly to help meet strict air-quality standards laid down by the U.S. Environmental Protection Agency. It is being helped by a $64,000 city-council appropriation and operated by Metro Transit, which runs all transit operations—free and fare-paid—in a 2,000-square-mile area in and around Seattle. Optimistic planners hope Magic Carpet may entice enough new riders onto the buses to eliminate the need for subsidy.

Whether or not these rosy predictions are fulfilled, free busing is already resoundingly popular among downtown merchants and property owners. After watching business trickle away year after year to suburban shopping centers, they now sense an end to the dollar drain. Restaurant trade in Seattle's Pioneer Square historical district, half a mile from downtown, has been booming since fares were abolished, and midtown workers feel a newfound mobility. Riders rarely have to wait more than a minute for a bus, and are being won over to the system in droves. "It's great!" exclaims one downtown civil servant. "I can leave city hall, catch a bus to shop, or to Pioneer Square for lunch."

Even the bus drivers, who estimate they are carrying double or triple the number of passengers they once did in peak hours, seem delighted to be a part of it all. "Sure, the number of people slows us down a little," says one. "But now that we don't have to watch over the farebox, we can get them on and off a lot faster."

GLOW

Encouragingly, Magic Carpet is already attracting a more varied cross section of passengers. Suburban matrons and downtown executives now mingle with public transit's hard-core clientele of children, the poor and the aged. Even Mayor Uhlman himself now makes a point of riding buses to meetings. In the glow of the noble experiment, in fact, there is evidence of a growing esprit. "We moved out of Seattle twenty years ago to the suburbs," confides one happy shopper. "But if this is what the city is going to be like in the future, I feel like moving back in!"

A more demanding measure of Magic Carpet's value, however, will be whether it succeeds in keeping cars off the streets. But for the moment, free busing itself—at least in such a limited area—has the look of a thumping success. "The people love it, the drivers love it, the businessmen love it!" exults Mayor Uhlman. "I predict that inside a year every major city in the U.S. will have the same program, or will be working on one."

AMENDMENT NO. 634

On page 37, after line 24, insert the following new section:

"TRANSPORTATION ENERGY CONSERVATION DEMONSTRATIONS"

"SEC. 15. (a) GENERAL.—The Secretary of Transportation is authorized and directed to enter into such contracts or other arrangements as may be necessary or appropriate for research and the development, establishment, and operation of demonstration projects to determine the feasibility of programs to conserve energy utilized in the transportation of individuals, including fare-free urban mass transportation systems; low-fare urban mass transportation systems; and car pools and other arrangements to increase the number of individuals transported per private passenger automobile through incentives such as access to special lanes on highways, reduced fees on toll highways, bridges, and tunnels, preferential access to parking facilities, and the establishment of Car Pool data processing to match individuals and automobiles.

"(b) FEDERAL SHARE.—Federal grants or payments for the purpose of assisting projects pursuant to subsection (a) of this section shall cover not to exceed 80 per centum of the cost of the project involved, including operating costs and the amortization of capital costs, if any, for any fiscal year as to which such contract or other arrangement is in effect.

"(c) Criteria.—The Secretary of Transportation shall select cities or metropolitan areas for projects assistance under this section upon the basis of applications in writing in such form and with such content as he shall require and in accordance with the following criteria:

"(1) to the extent practicable, such cities or metropolitan areas as have a failing or nonexistent transit system, a decaying central city, automobile-caused air pollution problems, or an immobile central city population;

"(2) projects shall be selected from cities or metropolitan areas of differing size and characteristics, including population density and distribution;

"(3) preference shall be given to projects that will introduce a high level of innovative transportation service to such cities or metropolitan areas consistent with the needs of residents for convenient access to employment, shopping, and recreation; and

"(4) to the extent practicable, projects utilizing different techniques, methods, and modes of transportation energy conservation shall be approved.

Recipients of project assistance under this section shall make periodic reports and evaluations of each such project to the Secretary of Transportation in such form and with such content as such Secretary shall require.

"(d) Evaluation.—The Secretary of Transportation shall study transportation energy conservation methods and systems assisted under this section to determine—

"(1) the effects of such method or system on energy and fuel conservation;

"(2) the effects of such method or system on motor vehicle traffic and attendant air pollution, congestion, and noise; the mobility of urban residents; and the economic viability of central city business establishments;

"(3) the techniques, methods, and modes of mass transportation that can best meet desired National objectives;

"(4) in the case of fare-free or low-fare systems, the extent to which frivolous ridership increases; the extent to which such systems may reduce the need for urban highways; and the best means of financing such systems on a continuing basis; and

"(5) in the case of car pools and other such arrangements, the extent to which individuals voluntarily join when political subdivisions of States, employers, or private groups or associations organize and make them easily available; and the best means of organizing and financing such systems on a continuing basis.

"(e) Annual Report.—The Secretary of Transportation shall make annual reports to the Congress on the information gathered pursuant to this section and shall make a final report, including recommendations for legislation, not later than June 30, 1976.

"(f) Advisory Committees.—In carrying out the provisions of this section, the Secretary of Transportation may provide for advisory participation by interested State and local government authorities, mass transportation systems management personnel, computerized data processing experts, employee representatives, commuters, and such other persons as he deems necessary or appropriate.

"(g) Authorization for Appropriations.—There is authorized to be appropriated to carry out the provisions of this section not to exceed $20,000,000 for fare-free and $10,000,000 for low-fare demonstrations, car pools and other arrangements for each of the fiscal years ending on June 30, 1974, June 30, 1975, and June 30, 1976, respectively."

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. on November 6, 1973, in room 3110, Dirksen Senate Office Building on the following bills.

S. 1039, to authorize appropriations for additional costs of land acquisitions for the national park system.

S. 1468, to authorize the establishment of the Knife River Indian Villages National Historic Site.

S. 1976, to study an Indian nations trail within the national trails system.

S. 979, to authorize the establishment of the Springfield Armory National Historic Site, Mass.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION.

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open field hearings have been scheduled by the Subcommittee on Parks and Recreation on December 3, 1973, in LaGrande, Oreg.; and December 14 and 15, 1973, in Lewiston, Idaho.

S. 657, to designate the Hells Canyon National Forest Parklands Area, and for other purposes.

S. 2233, to establish the Hells Canyon National Recreation Area in the States of Idaho, Oregon, and Washington, and for other purposes.

ANNOUNCEMENT OF HEARINGS ON PHARMACEUTICAL INDUSTRY

Mr. KENNEDY. Mr. President, last July, I announced that the Health Subcommittee would begin a comprehensive series of legislative hearings on the pharmaceutical industry in the fall. Today, I am announcing that those hearings will begin on November 7, and will continue at regular intervals through the spring of 1974.

Mr. President, the issues involved in these hearings affect the lives of all Americans. The cost and quality of drugs is a matter of concern to all of us. In the course of these hearings, the subcommittee hopes to travel to different parts of the Nation to hear directly the views of our citizens.

The goal of these hearings is to enact legislation. Senator Nelson, for example, has several important pieces of legislation pending before the committee. The subcommittee staff is drafting additional legislation. We welcome legislative suggestions from all interested parties.

It is 10 years since the Kefauver-Harris amendments were enacted and implemented. It is time to evaluate what they have and have not accomplished.

Those interested in appearing before the subcommittee should feel free to contact the committee staff, room 4226, Dirksen Office Building.

ADDITIONAL STATEMENTS

DISCLOSURE POLICY WITH RESPECT TO AUDITING ACTIVITIES UNDER THE FEDERAL ELECTION CAMPAIGN ACT

Mr. MANSFIELD. Mr. President, in the interests of providing public notice to Members of the Senate, candidates for the Senate and persons involved in political campaigns for Senate seats, I wish to call attention to certain policies and procedures which have been initiated by the Secretary of the Senate pursuant to the Federal Election Campaign Act. As supervisory officer for Senate elections, the Secretary is directed by the act to conduct audits and field investigations with respect to reports of receipts and expenditures made in connection with Senate elections. The law also requires that he report apparent violations of law to appropriate law enforcement authorities.

In conformity with these stipulations, a systematic program of audit and investigations with respect to the 1972 Senate elections has been underway for several weeks. A press release describing the program was released by the Office of the Secretary on September 17. I ask unanimous consent that it be published in the Record at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, it seems to me that the painful experiences of the past few months underscores the absolute necessity for even-handed, fair and scrupulous enforcement of the Federal Election Campaign Act. As far as Senate elections are concerned, I have every expectation that such will be the case.

One of the questions which arises in connection therewith is publicity in situations which ultimately may involve legal action pursuant to the auditing and referral responsibilities under the act. The Secretary of the Senate has been advised by legal counsel that the procedures which are followed in this connection should serve to protect the rights of the parties concerned and at the same time to insure the integrity of the enforcement process. Accordingly, the Secretary has issued a memorandum to his staff with respect to this matter, and I ask that the text of that memorandum be printed in the Record at this point.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

October 12, 1973.

Memo to: Darrell St. Claire, Assistant Secretary; Orlando B. Potter, Consultant on Administration, Office of Public Records.

Re disclosure policy with respect to auditing activities under the Federal Election Campaign Act.

1. In advance of field investigations, auditors will notify committee treasurers or other responsible persons to make mutually convenient arrangements. Auditors will also notify candidates in the event that investigations of the candidate's campaign records are to be undertaken, or if it is necessary to enlist the candidate's assistance in con-

tacting his campaign treasurer or other responsible persons. Other than in the above connection, this office will not give advance notification or announcement of the time or circumstances of a field investigation.

2. Where appropriate, on completion of a field investigation, a verbal review of findings may be provided by the auditor to persons responsible for the records audited. The text of the investigator's formal report, however, shall be submitted only to the Secretary of the Senate and no portion, summary or abstract thereof nor any checklist, work paper or other document prepared in connection with the audit will be made available to a committee treasurer, candidate, press, or any other person, other than appropriate law enforcement authorities.

Apart from periodic general summaries of activity by this office under the Federal Election Campaign Act, which will be released to the public, no notification will be given and no announcement will be made respecting any particular referral of apparent violation(s) to the Department of Justice. Since only the Department of Justice can prosecute violations, all inquiries, whether from Members, candidates, other interested parties, press or public, will be referred to the Department of Justice.

Reference may also be made to the Press Release of September 17, 1973 for further information on enforcement procedures.

FRANCIS R. VALEO,
Secretary of the Senate.

EXHIBIT 1

PRESS RELEASE: OFFICE OF THE SECRETARY OF THE SENATE

The Office of the Secretary of the Senate reported today that audits and filed investigations were currently being undertaken into campaign finance disclosures made in connection with the 1972 Senatorial elections.

The audits and field investigations are required under Sec. 308 of the Federal Election Campaign Act which assigns to the Secretary of the Senate supervisory responsibility over Senate campaign disclosures. The Act directs the Secretary to conduct such audits and investigations and to report apparent violations of law to appropriate authorities.

The audits will encompass the campaigns of candidates in the 33 States in which Senate elections were held in 1972, in addition to selected national committees involved in Senate races.

In general, the audits will proceed in alphabetical order of States, with priority being given to those States in which formal complaints were filed with the Secretary.

The first phase of the review consists of a desk audit of documents submitted by candidates and committees, including responses to enforcement notifications sent out by the Secretary during the year. On the basis of this review, check-lists are being prepared showing apparent violations of law indicated on the face of the reports and these will be automatically referred to the Department of Justice.

The desk audit will be supplemented by field investigations in the States in which formal complaints have been filed, and in others, as necessary, to clarify findings of the desk audit. Treasurers of campaign committees and other responsible parties are notified in advance of field investigations to produce records for audit as required by the Act.

At the request of the Secretary of the Senate, two employees have been detailed from the General Accounting Office to conduct the field investigations, which began during the month of August.

Audits and investigations are scheduled to continue throughout the balance of the year. In keeping with established practice, no public announcement will be made as to the identification or substance of any referrals to the Department of Justice.

EQUAL EDUCATIONAL OPPORTUNITY THROUGH NEIGHBORHOOD SCHOOLS

Mr. TOWER. Mr. President, I am pleased to announce to my colleagues this morning that representatives of over 1,085 organizations in 48 States across the Nation formed to promote equal educational opportunity through neighborhood schools have been invited to meet in Washington, D.C., next week—October 23, 24, and 25—to encourage congressional approval of legislation to prohibit the forced busing of their children.

To date, representatives from 25 States have indicated they will be present for the conference. Arrangements have been made for Members of the U.S. Senate to meet with these representatives on Wednesday, October 24, at 10 a.m., in room 1202 of the Dirksen Senate Office Building. I urge my colleagues to be present for this important meeting.

NEED FOR HIGHER ETHICS

Mr. ROBERT C. BYRD. Mr. President, yesterday, Wednesday, October 17, I had the privilege of speaking before the National Association of Food Chains 40th Annual Convention.

I ask unanimous consent that my speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR ROBERT C. BYRD

Mr. Chairman, Mr. Boyce, distinguished leaders of the National Association of Food Chains, it is a unique experience for a man who has been listening with mounting horror to his wife's reports on the price of ground beef in the supermarket over the past few months, to stand before such an impressive gathering of supermarket executives.

I thank Mr. Boyce for his gracious introduction. It would be well-nigh impossible for the introduction to be anything else than gracious, coming as it did from a man who lives and works in the gracious State of Georgia.

I was intrigued when I saw the names of the speakers who are joining me in the National Association of Food Chains 40th Annual Meeting. Secretary Butz, Senator Jackson and Bryce Harlow. Sounds like a high-priced Washington law firm—Byrd, Butz, Jackson and Harlow. Mr. Butz, of course, would hardly be the silent partner.

I do not propose to discuss with you the economic aspects of the current shortages in some of the staples that we Americans have taken for granted would always be in ample supply throughout the length and breadth of this great country in which we live. I would venture the thought, however, that under the free enterprise system, the law of supply and demand being a basic law of the marketplace, it will remain so regardless of all the scientific study and application that are put to work to render the operation of our retail trade even more sophisticated than it has now become.

But one of the newer laws with which we Americans are almost wholly unfamiliar is the law of demand and non-availability, and this climate, to which the consumer has been exposed for many weeks now, is a brand new experience. It is an experience that may well get worse before it gets better, and we are perhaps going to find that the cornucopia of American abundance has a bottom, after all. Not that this will necessarily be a bad thing. I have an immense faith in the ability of the American economy to bounce back from any kind of temporary setback, and I have every confidence that we will overcome our current problems of shortages and high prices. I doubt that prices will ever be rolled back to where they were in 1968, but I believe that we can look forward to a downward adjustment that will make the American housewives a little happier.

While that process is going on, I am not so sure that the period of more Spartan living will do us any harm. Pleasant and comfortable as it is to wallow in the lap of luxury and plenty, there is also the danger that people may get so accustomed to having the silver platter, that they will lose some of their capacity for withstanding the slings and arrows of outrageous fortune. In other words, a nation that has it too good for too long can get soft. In this world of uncertainties, we need a backbone and a resiliency in our people just as much as we need an $87 billion defense appropriation. Perhaps the four most dangerous words in today's circumstances are "It can't happen here." It certainly can happen here, and if it does, we are going to need all the spirit and the determination with which this nation has always met its crises heretofore.

I am not suggesting that a major world crisis is just around the corner, but unless the nature of men and nations has undergone a metamorphosis of which I am unaware, the possibility is always with us.

It is reasonable at this juncture to ask: by what means can we ensure that the backbone and resiliency that this nation will need as we embark shortly on our third century, will always be present in our society? By what means can we ensure that the qualities of the heart and the strengths of the spirit that made America great, will continue to be part of the American culture? I believe that the answer is simple. I believe that our survival as a free nation depends far more on what we do to improve our ethics and our morality than on what we do with our economics.

Just one week ago, the Vice President of the United States resigned amid allegations that his conduct as a public official had been highly unethical—and, in fact, illegal. Almost one year ago, the American people began to hear and see reports of conduct by highly placed government officials that time and evidence have shown were highly unethical, as the sordid Watergate case unfolded. Major corporations—some of the great pillars of our economic and financial structure—have engaged in practices that were, at best, highly unethical. There have been numerous cases where men of high reputation and outstanding professional success have been charged with conduct that was, again at best, highly unethical, to say nothing of its being unlawful. There has been created in our society a climate of distrust, of cynicism, and of hypocrisy that bids fair to make a mockery of the great idealism that motivated the men and women who laid the foundations of this Republic.

There are different definitions of ethics, but one definition that appeals to me is the brief one given by Dr. Albert Schweitzer.

"In a general sense, ethics is the name we give to our concern for good behavior. We feel an obligation to consider not only our own personal well-being, but also that of others and of human society as a whole."

In other words, from an ethical standpoint, one cannot stand still and remain silent when lawlessness, permissiveness, hypocrisy, and corruption threaten to destroy our society and our political system. And one of the most prevalent and frightening attitudes in America today is that of being complacent, apathetic, and non-committal—the absence of deep convictions on anything. Should this increasing lack of conviction—this giving glory to compromise and approval to passivity—gain much more momentum in our society, the cherished freedoms that were so dearly won by our ancestors will be placed in dire jeopardy.

Public apathy toward basic issues is one of democracy's severest handicaps, and when that apathy is accentuated by a failure on the part of the leaders of the people to be other than non-committal on these same issues, the Republic is in danger.

We can condemn—and we do—the intellectual shortcomings of television and newspapers; we can decry, as we should, those who abuse the protection of the Fifth Amendment; we can deplore, as we do, the vicious and senseless criminality that pervades our social structure. But how often do we hear our leading citizens, in all walks of life, stand up in public and declare themselves unequivocally on matters of real principle and consequence? Ethics cannot thrive in a neutral mind, and the most dangerous enemies to our way of life are not only those who loudly threaten to overthrow the system; equally dangerous to our freedoms are those who say they don't much care, one way or the other.

This is the age of investigations. They are legion, and their purposes are multifarious. But have all of us ever given a thought to taking a good look at *ourselves?* Have we ever asked ourselves how well each of us is performing his or her role in keeping this nation a strong and alert land of law, and justice and freedom? When did we last equate our individual rights and freedoms with our individual responsibilities. As the Scottish poet, Robert Burns, once pleaded:

> "O wad some Pow'r the giftie gie us
> To see oursels as ithers see us!"

It is a fact that whenever people become non-committal, become overly satisfied with the status quo, shirk the performance of duty that a mature sense of responsibility would call for, and fail to exercise a reasonable level of self and community discipline, they open the door to manipulation of their lives and their destinies by the few who seek power and dominion over the many.

In corporations, for example, as long as the per-share dividend keeps up, all too many stockholders care little about what management does, with whom or how management does business, or even who management is. In labor unions, if wages keep increasing, with shorter and shorter work hours and a bonus holiday now and again, all too many members are undisturbed if a few union leaders dip their hands in the till occasionally. In a democratic nation such as ours, prosperity is usually enough to gain the "yes" vote—not only in politics but also in almost everything else.

Does the desire for liberty and freedom diminish with the security of a high standard of living? Do we want affluence and comforts so much that we will bend with every unethical breeze that helps us to retain or increase them? These are questions that we Americans must ask ourselves—not next month or next year, but *NOW*, when trust and confidence in our government and in our leaders are at such a low ebb.

I am not a historian, though I have read some history, and I have no desire to invent history. But it seems that at other times and in other places, other civilizations that advanced far—by their times and standards—failed to make it to the next level of human achievement because they were unwilling to discipline themselves and to dedicate themselves to purposes of the spirit as well as to the desires of the flesh. When ethics, honesty, honor, integrity, and self-discipline perish, the inevitable result is imposed discipline and totalitarianism. Ethics are little known in a totalitarian state for the simple reason that police power controls the actions and, to a great degree, the thoughts of the individual citizen.

The great question that faces our country today is whether we Americans, who have reached the highest plateau of human achievement in the history of mankind, can make the breakthrough to an even higher ethical plateau of human conduct.

For this nation to survive, with freedom and liberty under law, I am convinced that we must make that breakthrough.

One of the most revealing statistics I have read in many years was published in the *Wall Street Journal* recently. The story concerned a survey of business executives conducted by the American Marketing Association. Close to three thousand executives were interviewed, and 50% of them believed that a "dynamic personality" and "ability to sell yourself" are more highely valued attributes in American business today than is a reputation for honesty or strong moral conviction though, of course, they are by no means mutually exclusive.

This diminution of ethical standards is by no means confined to business. It is also found, to a degree in politics, in the law, in the medical profession, in amateur and professional athletics, and in all other walks of life. Many of our religious and educational institutions bear a share of the blame for this growing weakness throughout our land. But whatever the cause, the effect will be devastating if we are not prepared to do something about it.

In this nation, our heritage has always been a heritage of character and principle. It has been the bedrock of our strength as a patriotic people. Perhaps now is a good time for each of us to examine himself, and to reaffirm our faith in the great principles on which our Republic was founded.

THE ELEMENTARY SCHOOL READING EMPHASIS ACT OF 1973

Mr. DOMENICI. Mr. President, recently I became a cosponsor of a bill introduced by my friend and colleague, Senator GLENN BEALL, which I believe will initiate badly needed improvements for teaching reading to our Nation's young people. I believe this measure, S. 1318, the Elementary School Reading Emphasis Act of 1973, would attack this national problem in the elementary schools through improved teacher training techniques and learning incentive programs.

Mr. President, in many areas of this Nation there are individuals who lack the skill of reading—that vital skill which is necessary to survival in the increasing complexity of American life. Problems relating to the teaching of reading rank among the most crucial educational issues in this country today. Test scores released from the Office of Education last year revealed that both inner-city and rural schools are experiencing a decline in reading scores. Throughout the country some 10 million elementary and secondary children are severely deficient in reading.

Serious study of a recent Louis Harris poll shows that 11 million American adults cannot read well enough to obtain a driver's license. Fourteen million cannot read well enough to qualify for a bank loan and 10 million encounter severe difficulty resulting from reading deficiencies in qualifying for social security.

Closer to my home, in my own State of New Mexico, 42 percent of all fifth graders are reading below grade level, as are 59 percent of all sixth graders. These figures are startling and they certainly warrant our immediate action.

The administration has asserted a goal of establishing programs to insure by the year 1980, 99 percent of all schoolchildren aged 16 and under will be functionally literate. I believe this proposed legislation will go a long way in assuring that goal. Obviously, time is of the essence.

Accordingly I have contacted all members of the Senate Subcommittee on Education to strongly urge that this measure be given priority attention so enactment will be possible in the very near future. Each month or year that goes by without action results in many personal failures on the part of our young people and I feel we must not be reluctant to act as soon as possible. I have indicated my willingness to testify before the subcommittee in support of a comprehensive reading preparedness measure.

In addition, Mr. President, I have requested comments from principals and teachers in the State of New Mexico regarding their opinions of this bill. Many, many educators responded to my inquiry, of which I ask unanimous consent to print only a few of their comments in the RECORD for my colleagues' attention.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ELEMENTARY SCHOOL READING EMPHASIS ACT OF 1973

G. C. Ross, Principal, 109 Cooper Ct., Clovis, New Mexico 88101: "The bill appears to be well thought out. We desparately need the kind of help this bill would make available."

O. M. Hamilton, Principal, P. O. Box 1147, Shiprock, New Mexico 87420: "Through my years of experience I have found that reading in the primary grades is the most singular thing that will either produce success or failure in the future of each student."

Mrs. Elizabeth Girard, Resource Room Teacher, Route 2, Box 3J, Portales, New Mexico: "It is so necessary to get our children to function up to their capacity and reading is a prime requisite. I'm 100% for any kind of help—and particularly this type which also would work toward cutting down teacher-student ratios."

John Spradling, Principal, Tucumcari, N.M.: "I think this is very important. We have a serious problem at our school—Good Luck."

Eulogio Ortega, Principal, Box 1, Dixon, N.M.: "Such a program would certainly help the Spanish-speaking children in the Dixon-Velande area where I'm working. One could do more—so many ideas come to mind, but it is always a lack of money to implement programs. Right now our primary grades have too many children for our teacher to cope with the situation."

Mr. DeVere E. Walker, Principal, Farmington, N.M.: "We surely need some help in coping with this need."

Eli A. Martinez, Principal, Santa Rosa,

New Mexico: "My teachers are solidly behind you on this."

Mr. H. Johnson, Principal, Gallup, N.M.: "We need all the help you can give us, Pete."

J. M. Romero, Principal, Los Lunas, New Mexico: "Teachers in the schools need to be trained further in diagnosing and correcting reading problems. Small groups to work with, and reading programs and materials for all types of disabilities need to be made available."

Al Garcia, Principal, Church Rock, New Mexico: "Program should be for all and not limited to only from low income families."

Arthur Bartley, Principal, Artesia, N.M.: "I have been working in the area of reading for a number of years and would like to see more being done. Keep up the good work."

Fred H. Chaffee, Principal, Dexter, N.M.: "As the first "Right to Read" school in New Mexico, Dexter Elementary is behind S. 1318 100%."

Perry C. Andrews, Principal, Des Moines, New Mexico: "A great deal of attention is being shown to urban school problems. Please remember the rural schools have as many problems."

Eli C. Garcia, Principal, Milan, New Mexico: "I feel that the Reading Specialist must include all grades one through three. Why build part of the foundation—build all of it. This program should provide for all students regardless of ethnic group."

Henry Munoz, Principal, Silver City, N.M.: "There is genuine concern for a great number of children who are experiencing reading difficulties in spite of teachers attempting many approaches to correct the situation."

William A. Chavez, Principal, Albuquerque, New Mexico: "I have been in education for close to 20 years and it seems like the teaching of reading is on a continuous decline. We do need financial assistance. Not that money is the answer but that we need the aide in educating teachers to teach reading. I believe that much could be done also by lowering the pupil-teacher ratio in the first 3 grades where the basics are taught."

D. N. Amijo, Principal, Albuquerque, New Mexico: "I have been an educator all my life and reading has been one of my greatest concerns. The staff here at Five Points School is 100% behind this effort."

RANCHOS-TALPA ELEMENTARY SCHOOLS,
Ranchos de Taos, N. Mex., September 19, 1973.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR MR. DOMENICI: I am very pleased as Elementary Principal of the Ranchos-Talpa Area Schools that you are aware of the many school children in our state and country who are having reading difficulties. I support your efforts on the National Reading Problems.

According to our test results last year our main weakness was in vocabulary, which proves that reading and its components is the single most important key to learning and that the mastering of reading skills determines in large part success in school and subsequent adult life.

Congratulations Senator, I commend you and your staff for the superb effort in education.

With best wishes.

Sincerely,

POLITO E. MARTINEZ,
Principal.

SEPTEMBER 18, 1973.

Senator PETE V. DOMENICI,
Washington, D.C.

DEAR SENATOR DOMENICI: There have been a number of excellent federal programs in the area of reading and this sounds like an excellent one. I would like to see some kind of continuing program developed. Most federal programs are designed for three years and then to be taken up by the district or state but most are already budgeted to capacity and can't follow through and the program dies. Would you look into this matter of maybe renewing the program after three years if it is successful.

Respectfully yours,

RAY SWINNEY,
Principal.

LAS CRUCES, N. MEX.,
September 21, 1973.

Senator PETE V. DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMENICI: I have just completed reading your bulletin of September 14th, regarding the implementation of the reading program for those appalling numbers of people in the United States that do not read. I have been in education for 25 years, beginning my educational experience in a two room school and am presently principal of University Hills Elementary School in Las Cruces, New Mexico with an enrollment of 600 students.

Reading problems and problem readers have been of great concern to me since I began my teaching career in 1948. Since that time, I have constantly sought ways and means to help the poor and nonreaders under my tutelage. This same concern has been so paramount in my mind that it prompted me to get my specialist degree in reading. The problem of finding help for these people is even more frustrating now because of the lack of funds to implement special reading programs and/or clinical assistance.

It is not a completely dark future as the Las Cruces School System has opened the door slightly in it's implementation of the Right to Read program for the bilingual and economically deprived child.

In addition, we have been able to secure state enrichment funds to implement our Able Learner program which is intended to serve at least 10% of our total student enrollment of 15,500 students, regardless of ethnic or economic status. This later program needs to be expanded to the extent that help may become a reality for these students.

May I apologize for the lengthy response to your questionnaire but you presented a program that struck a very hopeful chord nearest to my heart and therefore I wholeheartedly support your efforts with other senators in promoting S. 1318 and hope and pray that we can write into the program provisions for all students who are in need of reading assistance. You may also rest assured that I will ask for support for this bill from my staff and others of the Las Cruces community.

Sincerely,

SHERMAN R. OSBURN,
Principal, University Hills Elementary School.

GRANTS, N. MEX.,
September 24, 1973.

PETE DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR PETE: I am so pleased you have backed the bill the Elementary School Reading Emphasis Act of 1973. New Mexico is far below the national reading norms.

I hope the bill provides for all children that have severe reading problems regardless of their race or the area in which they live.

I will be anxious to hear how New Mexico will fair in the funding if this bill is passed.

Sincerely,

JUNE P. HALE.
Board Member, District 3.

HEW'S NATIONAL HEALTH INSURANCE PROPOSAL

Mr. KENNEDY. Mr. President, the Wall Street Journal of October 17, 1973, contained an excellent article by Mr. Jonathan Spivak entitled "HEW To Propose National Health Insurance With Costs and Benefits Above 1971 Plan." In the article, Mr. Spivak gave a detailed description of what he purported to be HEW'S latest thinking in the area of national health insurance. Subsequent to the appearance of Mr. Spivak's article, I have obtaind a staff document from the Office of the Secretary of HEW summarizing an HEW proposal for national health insurance. This staff document confirms many of the details contained in Mr. Spivak's article.

I ask unanimous consent that both the Wall Street Journal article and this HEW staff document be printed in the RECORD in order that they be available for general discussion and comment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEW TO PROPOSE NATIONAL HEALTH INSURANCE WITH COSTS AND BENEFITS ABOVE 1971 PLAN

(By Jonathan Spivak)

WASHINGTON.—The Department of Health, Education and Welfare has come up with a new version of national health insurance that would provide more benefits to more people at a substantially greater cost.

The HEW program, to be formally submitted to the White House in the next few days, is designed to plug the gaps in President Nixon's first national health insurance proposal, which got nowhere in Congress. It's the result of months of work ordered by HEW Secretary Caspar Weinberger. If it survives White House review, the plan could turn out to have considerably more appeal on Capitol Hill, where Democrats are pushing more generous plans.

But the budget impact of the new HEW plan will be a big obstacle to getting White House approval. While cost estimates are still being prepared, the net additional federal outlays required could be around $10 billion a year. The need to raise more revenue is certain to trouble the White House, although the President is committed to sending a health insurance plan to Congress next year.

HEW officials say their new program has three main aims: to broaden coverage of the first plan, extending it to all Americans except those over 65 years old, who would remain under Medicare; to ensure that the poor, whose health care is subsidized, get the same quality of care as workers who are self-sufficient, and to tighten cost controls through simplifying administration.

The new plan, like the original, is divided into two segments: a larger one paid for by workers and employers, known as the Standard Employer Plan, covering an estimated 39 million families; and a smaller, subsidized plan for the poor called the Government Assurance Program, which would also aid persons with unusually high health risks. Both would operate through conventional insurance channels—Blue Cross, Blue Shield or commercial companies.

COVERAGE EXPANDED

Instead of being limited to families, the subsidized portion would cover anyone in medical or financial need, including single persons and childless couples. Benefits in both plans would be substantially enlarged from the original plan to include payments for drugs, mental illness and skilled nursing and home health care, plus eye exams, hearing and dental services for children through age 12. As before, hospitalization and most physicians' services would be covered.

The program also would feature a unique medical credit arrangement in which every American would receive from the insurance carrier an identifying "health card" to be presented to hospitals and doctors. The card would enable patients to budget their payments for the portion of medical bills that wasn't covered by the national health insurance program. The insurance company would pay the doctor or hospital immediately, eliminating the burdensome problem of bad-debt collection. The insurance company would extend credit to patients who couldn't pay immediately.

The plan would also relate charges for health insurance to income, cutting off the subsidy at $10,000 a year but guaranteeing that after a family spent $1,500 for its medical expenses it would be fully covered without limit in any given year. The original administration proposal imposed a ceiling of $50,000 in health care benefits and required greater out-of-pocket outlays.

Many of these features will be politically attractive, but they add to the program's cost. The administration's original health plan, presented in 1971, was estimated to require added outlays of only $1 billion. While this figure was conceded to be deceptively low, perhaps by $2 billion to $3 billion, the new plan is certain to cost much more.

OTHER CONTROVERSIES

Firm decisions on financing haven't been made even within HEW, but whatever the final decision it's likely to be controversial. Among the options under consideration: making workers pay taxes on the value of health insurance premiums provided by employers, which would yield the Treasury about $5 billion a year; requiring states to pay part of the subsidy to the poor or to assume the entire fiscal burden of furnishing $3 billion a year in long-term nursing care currently provided under the Medicaid program, which would be phased out; or, of course, individual or corporate income taxes could be raised.

Other sources of controversy are likely to arise. The program's reliance on the private health insurance industry to administer the program will offend those who want the federal government to assume a more active role. A greater delegation of regulatory responsibility to the states, which HEW appears to favor, could also anger liberal critics. Then, too, the administration's national health insurance program will call for curtailing of some restricted but highly popular federal health efforts that have powerful political defenders on Capitol Hill.

Although changes may still be made, the Standard Employer Plan, as it currently stands, would cost an average of $625 per family, with the employer paying 75% of this premium and the worker 25%. Patients would have to pay the first $150 of medical costs for an individual each year (up to $450 per family), and then pay 25% of the cost above that until the family had paid $1,500. After that, all medical service covered by the plan would be free.

The Government Assurance Plan would guarantee that most Americans, regardless of income or medical need, would be able to buy health insurance in the private market. It would replace the existing federal-state Medicaid program, give the poor better benefits, and extend coverage to many other Americans who have trouble getting care.

The poor, disabled, unemployed, retired and others with high health risks would obtain the same benefits as workers at a 50% higher premium—initially, $900 a year. The government would pay all the premium for families earning less than $5,000 a year and a lesser proportion up to the $10,000 income level. The deductible and the patient's share of the medical bills would also be based on income. Above the subsidy level, the employer would be responsible for 75% of this higher premium and the worker 25%.

An employer could choose either plan for his workforce, and might find it useful to select the Government Assurance Plan if his workers had unusually high health costs. Individuals would be free to join either plan or none at all.

SUMMARY OF HEW PROPOSAL FOR NHI

This paper summarizes some of the major features of the revised HEW proposal for national health insurance, to the extent that they have been formulated. Staffwork in several important areas is still underway. The proposal would retain the underlying principles of the National Health Insurance Partnership Act, introduced by the Administration during the last Congress. These principles include:

Mixed public-private financing and administration;

Restricting Federal intervention to areas where private decision making has not worked well;

Reliance on States for major aspects of administration where State laws meet Federal standards; and

Achieving evolutionary changes in delivery systems, such as incorporating provisions for an HMO option in both public and private insurance.

The HEW proposal, however, would make the following changes, which respond to the more fundamental criticisms of the Administration's previous bill:

Most importantly, it would assure that all Americans have access to health insurance that they can afford, as called for in the President's 1971 Health Message. The Administration's previous bill did not cover low income singles and couples. It also failed to assist unemployed persons—such as early retirees—who are not low income but who are unable to obtain private medical coverage at affordable rates because of their being high medical risks.

The same services would be covered under both the publicly and privately financed programs; the only difference between the two programs would be reduced cost sharing for low income persons under the publicly financed program.

The cost sharing for low income workers would be partially subsidized to ensure both that they do not face excessive deductibles and coinsurance and that an employed person is not worse off than an unemployed person at the same income level.

The benefit package would be broadened to encompass services not previously covered. At the same time, we would propose a higher deductible than was included in the previous bill for persons who are not low income. We view broad coverage with increased cost sharing as preferable to narrow coverage with lower cost sharing.

BASIC STRUCTURE

NHT would have two parts, the Standard Employer Plan (SEP) and the Government Assurance Program (GAP). Under SEP, employers would be required to offer their employees a minimum plan and pay a fixed percentage of the premiums, as under the Administration's previous bill. Although HEW is still reviewing selected aspects of the benefit package, the intent is for SEP to cover the following services:

1. Hospital services;

2. Physician services, except that preventive services would be limited to family planning, maternity, and well child care;

3. Other medical services as currently covered under Medicare, except chiropractic services;

4. Outpatient and inpatient drugs;

5. Eye examinations, eyeglasses, hearing aides, and dental services for children through age 12;

6. Mental illness limited to 30 hospital days and 15 outpatient visits, except that partial (day/night) hospitalization and outpatient services provided in organized community settings would be covered without a limit; and

7. Limited skilled nursing facility and home health benefits, as in Medicare.

Covered services would be subject to an annual per person deductible of $150 with a maximum family liability of three deductibles, and coinsurance of 25M for expenses over the deductible. However, all cost sharing would be waived after the family incurred $1,500 in out-of-pocket expenses for cost sharing in a single year. Thus, although the cost sharing (coinsurance and deductibles) would be higher than that in many of the competing bills, a maximum would be placed on out-of-pocket expenses, thus providing excellent catastrophic protection.

In addition, the deductible would be waived but coinsurance retained for family planning; outpatient maternity; well child care; and eye, hearing, and dental care for children. These are principally preventive services—which, unlike other medical services—are intended to be used at regular intervals. Applying a deductible to these services appears inadvisable because doing so would create the incentive for greater use of these services only in years in which the person had high medical bills. In addition, waiving the deductible would underscore the Administration's priority of assisting mothers and children. Finally, these services have been emphasized by Federally-funded health center programs, from which the Administration seeks to withdraw on the grounds that health insurance rather than direct Federal grants to providers is the appropriate funding vehicle.

State and local employers would be covered by the SEP mandate. We believe that public employers have the same social responsibilities as private employers. However, there would be a longer phase-in time on employer contributions to premiums to allow State and local governments to adjust to new demands being placed on them. The Federal Employees' Health Benefits program would be adjusted to conform to the SEP mandate, but the Federal premium contribution would not be changed.

GAP would be a joint State-Federal program that would be available to all Americans. However, the premium structure would in effect restrict coverage to those who cannot obtain coverage privately, either because they lack the financial resources or are in poor health. Under GAP, the government would contract with private carriers, who would offer coverage to anyone seeking it. GAP would cover the same services as SEP. It would have a premium, deductible, and cost sharing structure that would be related to income. An income related maximum would be placed on cost sharing to ensure that no one faced inordinate out-of-pocket expenses. The schedule for a family of two or more persons would be as follows:

Annual income	Annual premium	Annual per person deductible	Coinsurance above deductible (percent)	Maximum annual cost sharing
$0 to $2,499	0	0	10	[1] 3
$2,500 to $4,999	$300	$50	15	[1] 6
$5,000 to $7,499	600	100	20	[1] 10
$7,500 and over	900	150	25	$1,500

[1] Percent of income.

Single persons would face the same cost sharing structure but would have their premiums reduced by 50%.

The coinsurance and deductible for persons over $7,500 would be identical to those in SEP. The premium contribution for families above $10,000 is set at 50% higher than the average rate charged employer groups and would be adjusted automatically as that average changed. Consequently, people who are not low income would have the incentive to purchase insurance privately if they are not bad medical risks. For employed persons eligible for SEP who elect GAP coverage, the employer would be required to make a contribution to his premiums equivalent to what he would have made had the employee elected coverage through the employer's carrier. In practice, only employed persons with incomes under $5,000 would elect to enroll in GAP rather than accepting private coverage through the employer.

OTHER CHARACTERISTICS

Both GAP and SEP would include an HMO option.

As part of NHI, Medicaid would be terminated for populations covered by NHI. However, some 30% of Medicaid expenditures are for long-term care, equal to roughly $3 billion (State and Federal share combined) in 1975, and incorportaing a Medicaid-type benefit under NHI for the whole population does not appear appropriate. Instead, we would incorporate in NHI a much narrower benefit modeled after the Medicare program. This leaves open the issue of the Federal role in funding long-term care, particularly for low income persons. The Department is examining this matter, and proposals will be submitted subsequently. We are also evaluating the future of Medicare under NHI.

In addition, we would propose the termination of selected tax subsidies for health insurance and medical expenses. Currently, an employer's contribution toward health insurance premiums is not taxable as income. Instead, we would have it be taxable as income. The current practice benefits principally higher income groups and, more importantly, militates against efforts to contain medical care price inflation by encouraging the purchase of first-dollar health insurance coverage. In addition, we would propose terminating the medical tax deduction, which the President's tax reforms proposals would have substantially reduced in any case. This deduction loses much of its justification once universal entitlement to health insurance is achieved, since NHI would contain its own upper limits on out-of-pocket expenditures. We estimate that eliminating these two tax expenditures would generate $6.8 billion in 1975, which could be used to finance a substantial portion of NHI. The $6.8 billion estimate excludes additional revenue loss of as much as $1 billion that SEP would generate under existing tax practices.

Finally, carriers under both GAP and SEP would be required to provide their enrollees with a "Health Card," similar to any other credit card. All payments to providers for covered services would be made by the carrier rather than by the enrollee. The enrollee would in turn bill the carrier for cost sharing. The Health Card offers several important advantages:

The provider would have no reason to discriminate against low income patients since he is guaranteed reimbursement by the carrier.

The ability to enforce quality and cost controls would be vastly improved since all bills, including those below the deductible, would flow through the carriers.

The administrative burden on the patient and the provider would be substantially reduced. In addition, bad debt problems of providers would be virtually eliminated.

Mr. KENNEDY. Mr. President, the health insurance proposal described in this document is still under development and does not as yet reflect official policy of the Department of Health, Education, and Welfare or of the administration. There doubtless have been changes in some of the details which are not reflected in this document. For example, I understand that the Secretary Weinberger recently disclaimed any HEW intention to support elimination of the medical deduction from the income tax system. This document, however, contains a proposal to eliminate the medical deduction and also to tax employers contributions to group health policies as employee income.

The proposal relies upon these two changes to generate an additional $6.8 billion of revenues for the Federal Government ostensibly as a means of paying for the proposed health insurance plan.

Since this proposal does not represent HEW policy, it would be premature to criticize it in any detail. It is alarming to note, however, that the proposal retains many of the major shortcomings of the administration's earlier national health insurance proposal. It will create a windfall of billions of dollars for the health insurance industry in this country, while proposing only minimal regulations and controls of this industry. In addition the proposal would pour billions of dollars into health care in our Nation while creating little or no incentives for increased efficiency and economy and minimal controls on health care costs.

Finally, the proposal would exact very high payment from low-income families for insurance coverage. For example, a family of four with a yearly income of only $3,000 would pay an annual premium of $300. This amounts to 10 percent of the family's annual income. A family of four making the average income in our Nation of $10,000 to $12,000 a year, would very likely pay only $150 as their share of their employers group plans. This amounts to only 1½ percent of their family income.

I am hopeful that by the time this HEW proposal is converted into official policy, they will attempt to rectify these grave shortcomings.

In the meantime, I am delighted to make this data available for general discussion by those interested in health care in our Nation.

SOCIAL SERVICES AMENDMENTS OF 1973

Mr. TOWER. Mr. President, I am pleased to join a number of my colleagues in cosponsoring a measure which I feel is vital to my State and in the best interests of responsible administration of our Nation's program of public assistance.

I have long advocated a program of assistance to our Nation's indigent citizens which would encourage retention of personal dignity while providing an opportunity for upward mobility economically. In my opinion, S. 2528 provides guidelines which should enable the social services program to fulfill these objectives.

Primarily, by restoring responsibility to the individual State governments for making the ultimate decision regarding eligibility standards and the range of services to be offered, we are encouraging a maximization of benefits. State welfare agencies are undoubtedly in the best position to determine the needs of their own people as well as the best means of meeting those needs within the fiscal limitations imposed by the Federal Government.

At this time, I would like to address myself briefly to several provisions of the social services amendments which I feel are of particular importance to my own State of Texas.

PRIVATELY DONATED FUNDS

Texas carries the distinction of being the only State with a statutory ceiling on welfare expenditures. The critical limitation on resources this ceiling imposes, dictates the most prudent use of the funds available to meet the most pressing needs, when considered in conjunction with Texas' low per capita income and high percentage of population below the poverty level. Because of this, the State of Texas has traditionally relied heavily on privately donated funds and in-kind private contributions to make up its share for matching Federal social services grants. Under proposed HEW regulations, in-kind private contributions could no longer be used for this purpose. Consequently, I feel the provisions of S. 2528 which permit the use of private funds for matching Federal grants is imperative if we are to sustain a viable program of social services in my State.

ELIGIBILITY

Under the proposed HEW regulations, eligibility for social services would be almost entirely limited to those presently receiving public assistance payments, thus forcing back on welfare rolls, many families just above the welfare level who are trying desperately with the help of the benefits of this program to hold their own economically in this difficult time of rampant inflation. More specifically, under these proposed regulations, 90 percent of all funds must be used for services to current recipients of public assistance payments.

Most restrictive of all, however, are the provisions which require that of the remaining 10 percent which could be used for services to former and potential recipients, only those individuals who have been on welfare within 3 months, and those likely to be on welfare within 6 months would be eligible. I must oppose these unrealistic eligibility restrictions.

Mr. President, I firmly believe that most Americans do not choose a welfare existence. Nevertheless, some find they are unable to maintain self-sufficiency despite their best efforts to support their families independently. Furthermore, I am convinced that once on welfare, most families are willing to take advantage of every available opportunity to regain self-sufficiency.

Recent studies of welfare recipients illuminated several important facts which have often been blurred or misunderstood in the past:

First. People wind up on welfare not because they are cheats, loafers or malingerers, but because they are poor. Further, their poverty is not simply financial. They have had poor education, poor health care, poor chances at decent employment, and generally poor prospects for anything better.

Second. By far the greatest majority of those supported by welfare are children under the age of 16—approximately 8 million.

Third. Most of our Nation's poor are not on welfare. Out of approximately 25 million Americans officially below the poverty level of $4,000 a year for a family of four, only 15 million receive some form of public assistance. Another 30–50 million are just barely above the $4,000 per year level.

Fourth. Less than 1 percent of welfare recipients are able-bodied employable males. Many of these are in their late-middle years and most are uneducated. All are required by law to sign up for work or work training.

Fifth. Apart from children and the small handful of potential employables on welfare are more than two million aged, and more than 1 million totally and permanently disabled or blind.

Sixth. No one is living comfortably on welfare. It allows, at best, a bare-bone existence. In no State does the average welfare payment bring a family up to even poverty level. Maximum payments for a family of four range from $700 a year in Mississippi to $3600 in New York. Thirty-nine States pay less than their own established standard of need.

Seventh. Cheating and fraud in welfare are minimal. The Department of Health, Education, and Welfare estimates there is cheating among fewer than 1 percent of welfare cases, and even this small percentage is being systematically reduced through more stringent eligibility checks by State welfare agencies.

Eighth. There is no evidence to sustain the belief that welfare is necessarily habit-forming. About 65 percent of all welfare recipients at any given time are on welfare for the first time, and stay on for less than 3 years.

Ninth. Welfare costs less than 2½ cents of every dollar paid in Federal taxes.

As these statistics indicate, welfare recipients and those just above the eligibility level are, for the most part, trying hard to regain their self-sufficiency. I endorse the provisions of S. 2528 which allow States the flexibility to provide up to 25 percent of the benefits under social services programs to those who have been on welfare within 2 years, or who are likely to be on welfare within 5 years. These provisions will provide the assistance necessary to keep many potential recipients off the welfare rolls, and help former recipients stay off.

SERVICES

Finally, I feel it is imperative that States retain the flexibility to design programs to meet local needs. Provisions of the Social Services Amendments of 1973 provide not only a list of statutorily defined services felt necessary by a representation of welfare officials from across the nation, but also a list of optional services which may be provided, as needed, on the basis of priorities established in each State.

Mr. President, I am convinced that the guidelines proposed in the Social Services Amendments of 1973 provide the best opportunity for States to meet the overriding needs of their least fortunate citizens. Furthermore, the programs made available under these social services amendments will provide the means and incentives for welfare families to break the chains of poverty, pull themselves out of the vicious welfare cycle, and become, once more, proud and productive members of our society. I urge congressional expediency in considering this important measure.

NEW ADVISORY COMMITTEE NEEDS ADVICE

Mr. METCALF. Mr. President, I wish to call attention to the President's and Governor Love's new Energy Research and Development Advisory Council, and the irregular procedures which attended its first meeting, on Thursday, October 11.

I raise this issue because I do not want national energy policy to be arranged in private meetings between top officials of the executive branch and industry. I do not believe that other Members of Congress, and the public they represent, desire such arrangements.

I do not want this new advisory committee to become another lobby for weakening patent and antitrust law and enforcement.

Nor do I want this new advisory committee to be yet another lobby for the fossil fuel and uranium interests.

Increasing profits provide more than enough funds for the energy corporations to finance their own research and development. The Federal R. & D. effort should concentrate on development of alternate energy sources—solar, water, sewage conversion and wind.

These energy sources are inexhaustible, and unmonopolized. They are superior to the fossil fuels and uranium from an environmental viewpoint, from an operations viewpoint and especially now, with the Middle East at war, from the national security viewpoint.

Furthermore, this new advisory committee is bound by the Federal Advisory Committee Act which the President signed on October 6, 1972, and the subsequent guidelines issued by his Office of Management and Budget and Department of Justice.

The meetings of this new advisory committee should be well publicized in advance.

They should be held where there is ample room for public citizens.

They should be public, in their entirety.

The committee should hear from the disciplines which are not represented on this committee, those who believe in basing our national energy R. & D. policy upon those alternate, inexhaustible energy sources which do not pollute, destroy the soil and produce dangerous waste, whose operating costs are low and which are not subject to monopoly control and pricing and foreign wars.

The Federal Advisory Committee Act (P.L. 92–463) provides in section 10 that advisory committee meetings shall be open to the public, subject to the Freedom of Information Act exceptions. Section 10 further provides that timely notice of advisory committee meetings shall be published in the Federal Register and that other types of public notice will be provided "to insure that all interested persons are notified of such meeting prior thereto."

The act limits public attendance at, appearance before, and filing statements with advisory committees to "such reasonable rules or regulations" as the Director of the Office of Management and Budget may prescribe. The OMB-Justice guidelines, which are included in the President's First Annual Report on Advisory Committees, spell out those "reasonable rules and limitations." They include the following:

"Such meeting shall be held at a reasonable time and at a place that is reasonably accessible to members of the public.

Mr. President, the first public opportunity to become aware of the new Energy R. & D. Council's first meeting, held on Thursday, October 11 meeting occurred on the preceding day, Wednesday, October 10. The notice—dated October 5—appeared in the October 10 Federal Register. Congressman DAVID R. OBEY put the notice in the CONGRESSIONAL RECORD on October 10, observing that "the effective way to turn a public meeting into a private gathering is to give either no notice of it or short notice."

The text of the meeting notice as it appeared in the October 10 Federal Register, is as follows:

> ENERGY POLICY OFFICE, ENERGY RESEARCH AND DEVELOPMENT ADVISORY COUNCIL—NOTICE OF MEETING
>
> Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) the Energy Policy Office announces the following public advisory committee meeting.
>
> The Energy Research and Development Advisory Council will hold a meeting on October 11, 1973, in the Old Executive Office Building, Room 248, 17th and Pennsylvania Avenue, Washington, D.C. The meeting will commence at 11:15 a.m. local time and last until 3:30 p.m., except for a one hour break for lunch at 1 p.m. The meeting will be for the purpose of discussing matters related to national energy research and development policy and programs.
>
> The Advisory Council was established by the President on June 29, 1973, and announced in his Energy Statement of the same date. The objective of the Council is to help ensure the development of comprehensive technological programs to meet the Nation's energy needs. It would do this by providing independent advice to the Energy Policy Office on matters relating to energy R&D.
>
> Members of the public will be admitted up to the limits of the capacity of the meeting room. Members of the public who plan to

attend the meeting are requested to so inform Dr. William McCormick, Executive Secretary of the Advisory Council prior to October 11, 1973. Dr. McCormick can be contacted in Room 472, Old Executive Office Building, Washington, D.C., or on (202) 456-6575.

William T. McCormick, Jr.,
Executive Secretary, Energy Research and Development Advisory Council.

October 5, 1973.

[FR Doc. 73-21633 Filed 10-9-73;8:54 am]

Mr. METCALF. Members of the Subcommittee on Budgeting, Management and Expenditures staff learned of the meeting through Congressman Obey's remarks in the Congressional Record, which of course was not available until October 11, the day of the meeting. They were well aware of my interest, and that of other members of the Committee on Government Operations, in agency adherence to the Federal Advisory Committee Act. They were also aware of my special interest in energy research and development, a subject which the Senate Interior Committee had planned to discuss Thursday morning in open mark-up of S. 1283.

Subcommittee Staff Director Vic Reinemer called the number of Dr. William McComick, executive secretary of the Advisory Council, which was listed in the meeting notice. Mr. Reinemer was told that Dr. McCormick was not available and that no seats were available at the meeting—which was not due to start for 20 minutes. Thereupon Mr. Reinemer and Subcommittee Chief Counsel E. Winslow Turner promptly went to the Old Executive Office Building, where the meeting was to be held.

They showed the officers of the Executive Protective Service their Senate credentials. They were told they could not go to the meeting room because their name was not on the list of those to be admitted. They were advised to call Dr. McCormick's office, which they again did, to be told that he was in the meeting room which had no phone—there was a phone in the room—and that the meeting which had begun at 11:15 had—at 11:25—been adjourned—it had not been adjourned.

Chief Counsel Turner then called Mr. William Hawley, who is OMB's one-man staff administering the Federal Advisory Committee Act. Mr. Hawley immediately came over from the New Executive Office Building, discussed the matter with the two Senate staff members and went up to arrange for their admittance to this "public" advisory committee meeting.

While he was making those arrangements Sergeant Fioramanti of the Executive Protective Service questioned Mr. Reinemer and Mr. Turner about bothering Dr. McCormick's secretary with phone calls and—while a plainclothesman loaded his revolver in the background—emphasized that the Old Executive Office Building was one place in town where there are not any public meetings and that if anybody called a public meeting there the intention undoubtedly was to not have the public attend.

Mr. Reinemer and Mr. Turner showed this official of the Executive Protective Agency the notice of the public meeting, as reprinted from the 10 October Federal Register, page 27955, in the Congressional Record for October 10, page 3370, at Congressman Obey's request. Sgt. Fioramanti immediately commented that any statement made in the Congressional Record "didn't mean a thing" to him and had no operative effect on any action to be taken by his agency, even though it contained a reprint from the Federal Register.

By noon—45 minutes after they had arrived for the 11:15 meeting—and through the personal intercession of Mr. Hawley—my staff members were admitted to the meeting. Chairs were available.

Mr. President, before I proceed with the subject matter of the meeting, and the manner in which the public was excluded from the last portion of the meeting, I ask unanimous consent to print at this point in the Record the October 11 White House press release regarding this new advisory committee's duties and membership and the meeting agenda. You will note that according to the agenda the President was scheduled to address the advisory council at 10:30 in the White House, prior to the 11:15 meeting in the Old Executive Office Building. I am advised that the President did not meet with the group.

There being no objection, the release was ordered to be printed in the Record, as follows:

Energy Research and Development Advisory Council, Energy Policy Office

In his June 29 energy statement, the President announced the establishment of the Energy Research and Development Advisory Council reporting to Governor John A. Love, Director of the Energy Policy Office. The Charter for the Council was filed with the Director of the Office of Management and Budget on August 7, 1973. The Council, which comprises eminent scientists and engineers representing the Nation's leading experts in various areas of energy research and development, is intended to provide the Director of the Energy Policy Office with independent advice and counsel on the overall direction of the Federal energy R&D effort and to assist the Director in reviewing national energy R&D plans and programs. The Council, which is meeting at the White House for the first time today, is expected to meet about six to eight times a year.

DUTIES OF THE ADVISORY COUNCIL

The specific duties of the Advisory Council are:

To provide advice to the Director of the Energy Policy Office on the overall direction of the Federal energy R&D effort;

To suggest new energy R&D programs and technical approaches that may contribute to the solution of energy-related problems;

To examine, at the discretion of its Chairman, selected Federal energy R&D programs;

To apprise the Director of the Energy Policy Office of significant new scientific and engineering developments that may influence the conduct of our Nation's energy R&D programs;

To examine, at the discretion of its Chairman, specific recommendations by Federal agencies regarding energy-related R&D programs.

MEMBERSHIP OF THE ADVISORY COUNCIL

Chairman

Dr. H. Guyford Stever, Science Advisor and Director of the National Science Foundation.

Members

Dr. William O. Baker, President, Bell Telephone Laboratories, Murray Hill, New Jersey.

Dr. Manson Benedict, Professor of Nuclear Engineering, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Dr. Lewis M. Branscomb, Vice President and Chief Scientist, International Business Machines Corp., Armonk, New York.

Dr. Paul F. Chena, Vice President, Research Laboratories, General Motors Corp., Warren, Michigan.

Dr. Murray Gell-Mann, Professor of Physics, California Institute of Technology, Pasadena, California.

Dr. Edward J. Gornowski, Executive Vice President, Esso Research & Engineering Company, Linden, New Jersey.

Dr. Henry H. Linden, Executive Vice President and Director, Institute of Gas Technology, Chicago, Illinois.

Dr. Gordon J. F. MacDonald, Director, Environmental Studies Program, Dartmouth College, Hanover, New Hampshire.

Dr. Elliot W. Montroll, Einstein Professor of Physics, University of Rochester, Rochester, New York.

Dr. Ruth Patrick, Head Curator of Limnology, Academy of Natural Sciences, Philadelphia, Pennsylvania.

Dr. Simon Ramo, Chairman of the Board, TRW Inc., Redondo Beach, California.

Eric H. Reichl, Vice President for Research, Consolidation Coal Company, Library, Pennsylvania.

Louis H. Roddis, Vice Chairman of the Board, Consolidated Edison Company, New York, New York.

Dr. Chauncey Starr, President, Electric Power Research Institute, Palo Alto, California.

Dr. Alvin M. Weinberg, Director, Oak Ridge National Laboratory, Oak Ridge, Tennessee.

Executive Secretary

Dr. William T. McCormick, Jr., Staff Assistant, Energy Policy Office.

October 9, 1973.

Energy R. & D. Advisory Council—Agenda for October 11, 1973 Meeting

ROOSEVELT OR CABINET ROOM—WHITE HOUSE

9:30-9:45—Swearing In.

9:45-10:15—Discussion of Council Operation, Dr. Stever.

10:15-10:30—Opening Remarks, Governor Love, Mr. DiBona.

10:30-10:45—Remarks by the President.

10:45-11:00—Break (Go to E.O.B.).

OLD EXECUTIVE OFFICE BUILDING—ROOM 248

11:00-1:00—Federal Energy R. & D. Program.

11:00-11:15—Overview, Dr. Donovan, NSF.

11:15-11:45—Nuclear Energy R. & D. Program, Dr. Teem, AEC.

11:45-12:15—Fossil Energy R. & D. Program, Dr. Gouse, Interior.

12:15-12:40—Environmental-Energy R. & D. Program, Dr. Greenfield, EPA.

12:40-1:00—Other Energy R. & D. Programs, Dr. Eggers, NSF.

1:00-2:00—Luncheon hosted by Governor Love (Conference Dining Room—W.H.).

2:00-2:30—Status of Government Organizational & other Energy-related Legislation, Mr. Bingman, OMB.

2:30-3.00—$100M FY 1974 Add-on, Dr. McCormick, EPO.

3:00-3:30—Role of Industry in Energy R. & D., Mr. Sawhill, OMB.

3:30-4:30—Status of $10 Billion Program, Dr. Ray, AEC, Dr. Smith, AEC.

4:30-5:00—Study on International Cooperation in Energy R. & D., Mr. Pollack, State.

Mr. METCALF. Mr. President, Chief Counsel Turner returned to the Hill early in the afternoon to attend another of our continuing staff sessions regarding budget control legislation. Staff Director Reinemer stayed until, despite his objection, the meeting was closed and the public excluded from discussion of the status of the $10 billion energy R. & D. program that the President announced earlier this year.

Mr. Reinemer advised Dr. Stever, the committee chairman—who is also the President's science advisor and director of the National Science Foundation—that the meeting was public, that it had been so noticed in the Federal Register, and that closing of the meeting would be a violation of the Federal Advisory Committee Act. Dr. Stever declined to reconsider his decision to close the meeting. So the few persons who had learned about the meeting and overcome the hurdles to entry departed, leaving high executive department and industry officials in cozy conference regarding the public's business.

Mr. President, I believe that Members of Congress and the public generally should know something of what these advisory committee members discussed, in addition to energy R. & D. before the meeting was closed.

They talked about patent policy. They said they want to talk more about patent policy in further meetings, which are expected to be held about six to eight times a year. OMB's Associate Director John C. Sawhill, who handles energy and science policy for OMB said that "we really want to get industry's view of patent policy" adding that "we can probably administer patent law in a flexible way."

They discussed antitrust laws, which Mr. Sawhill said "we" will look at, adding that "we are very anxious to get uranium enrichment into the private sector."

They talked with concern about Senator JACKSON's S. 1283, the energy R. & D. bill, and the concept of TVA-type government research corporations in which "you lose the advantage of the kind of control we want to exercise in COMSAT-type corporations—which—let industry in on decisionmaking."

And they chortled when a distinguished scientist made a presentation regarding solar power, windpower, and sewage waste conversion. Such alternate energy sources, some of us believe, should be the basis of a sound Federal energy R. & D. program. But they are apparently of little interest to the fossil fuel and uranium interests which dominate the energy industry and the energy-related agencies of Government, including this new advisory committee.

Hydropower and the energy-saving potential of a national power grid were not even mentioned, at least during that part of the session which the Senate staff members were permitted to attend. OMB officials are aware of hydropower. For 4 years now they have stymied the Corps of Engineers study of additional generating capacity at existing mainstem dams on the Missouri River. From an environmental viewpoint, these nonpolluting kilowatts would be an ideal increment. Other countries are ahead of us in development of hydropower. The French harnessed the tides off Brittany 6 years ago. Last year this tidal plant added 560 million kilowatt-hours to the French national grid.

Mr. President, I submit that the major component of the energy crisis is the domineering role of the fossil fuel-uranium complex, which includes financial institutions behind them and the Government officials who implement their policies up front. The Energy Research and Development Advisory Council appeared in its debut to be the most recent manifestation of this malady.

Furthermore, its decision to hold a public meeting on 1-day notice, to convene it in one of the most inaccessible buildings in this city, and to exclude the public from a key part of its deliberations puts this group in a category with two of President Nixon's other advisory committees which tried to do the public's business in private.

One was the National Industrial Pollution Control Council, composed of the heads of major polluting firms, which was surprised and chagrined to find press and public trying to get into their meetings. So it moved to the new State Department Building, with its built-in security arrangements. The other was the National Business Council for Consumer Affairs, which met with the President to, in his words, "identify and examine current and potential consumer problems." It, too, met secretly.

Consumer affairs, along with pollution and energy R. & D. hardly involve national security. But they could involve monopoly security. I suspect that therein lies the real reason for the secrecy with which this administration attempts to shroud high-level discussion of those issues.

The day before this Energy R. & D. Advisory Council met, the first court decision under Public Law 92–463 was handed down, by U.S. District Court Judge Aubrey E. Robinson, Jr., in the U.S. District Court for the District of Columbia. The full text of the order and memorandum—Civil Action No. 1864–73—was inserted by Congressman OBEY in the October 16, 1973 CONGRESSIONAL RECORD, page 34444. The Council and its chairman should especially note this comment by Judge Robinson:

> Congress was concerned with the proliferation of unknown and sometimes secret "interest groups" or "tools" employed to promote or endorse agency policies. Congress established openness to public scrutiny as the keystone of the Advisory Commitee Act. Arguments that public participation and disclosure would inhibit debate and the frank expression of views were heard and rejected by Congress.

Judge Robinson goes on to say that an exception was created, for matters truly confidential. The Energy R. & D. Advisory Council did not attempt to justify an exception. Instead, its chairman simply closed an open meeting, in violation of the act.

Mr. President, I hope to schedule oversight hearings of the Federal Advisory Committee Act within the next few months. I look forward to reviewing with Chairman Stever, at those hearings, the progress of his committee toward conformance with the letter and spirit of the act.

In addition, I invite others to help advise this new advisory committee. At last week's meeting Mr. Sawhill of OMB distributed to advisory committee members an outline of the strategic issues to be considered as part of the President's proposed $10 billion energy R. & D. program. Inasmuch as his outline may be useful to persons who wish to communicate with the advisory committee and its members, I ask unanimous consent to print it at the conclusion of my remarks.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

TOWARD A STRATEGIC APPROACH TO FEDERAL AND PRIVATE INVOLVEMENT IN ENERGY R. & D.

THE STRATEGIC ISSUES

The President has proposed federal commitment of $10 billion to energy R&D over next five years. Dr. Ray is developing a long term national strategy for energy R&D.

Questions of institutional strategy are as challenging as the technological issues:

What are the proper roles for the federal government and various elements of the private sector (industry, universities, other research groups) in energy R&D?

What criteria should be used for federal sponsorship and participation in energy R&D efforts?

What can be done to encourage private investment in energy R&D and to accelerate commercial application of new energy technology?

What modes of government sponsorship other than direct federal funding are appropriate?

How should government and private sector organize themselves to carry out respective roles, and what new cooperative institutional arrangements are required?

Good answers to these questions are critical:

If poorly structured, stepped-up federal effort could be counterproductive: substitute federal for private funds, discourage competitive approaches, insulate decisions from market forces, and slow technology transfer.

If wisely structured, federal effort could have tremendous positive leverage: catalyze and complement private investment, facilitate commercialization, provide overall balance and direction.

Now is the time for a fresh, imaginative look at these issues.

Dr. Ray's Task Force & Executive Office of the President actively investigating them, but wide discussion needed and welcomed.

GUIDELINES FOR FEDERAL INVOLVEMENT IN ENERGY R&D

No hard and fast criteria exist for determining federal role, but some general guidelines can be presented for purposes of discussion.

Selecting areas for involvement

Government support and incentives for energy R&D should focus on:

Areas where benefits not capturable by private institutions (e.g. basic science).

Areas where costs to public are high if research is not undertaken by industry (e.g. environmental controls, reactor safety).

Areas where market may not elicit desired results soon enough (e.g. synthetic fuels from coal).

Areas where magnitude of risks or length of development lead times inhibits support solely by private sector (e.g. breeder reactors).

Areas where a relatively small federal investment can have high positive leverage on private investment (e.g. geothermal brine?).

Areas where government itself needs the research in order to act responsibly as overseer of the U.S. energy system, as an owner of energy resources, as a supplier and consumer of energy, and as manager of federal energy R&D (e.g. research on health effects of pollutants, studies of U.S. energy system).

ALTERNATIVE INSTRUMENTS FOR FEDERAL SUPPORT AND COOPERATION

General considerations

Need to maximize flexibility in institutional and funding arrangements to reflect diversity in industry characteristics and status of the technology.

Need to maximize opportunities for cooperative effort between industry and government.

Need to consider ways of "pulling" technological innovation in energy system through adjustments in regulatory and marketplace incentives, rather than "pushing" all of it through a federally managed R&D pipeline.

Industry and government both appear receptive to considering innovative means of cooperation. Opportunity should be capitalized on.

Examples of alternative financing arrangements

Civil service or support contractor (government laboratories).

Research grants.

Traditional R&D contracts.

Cost-sharing contracts.

Government loans or loan guarantees.

Procurement guarantees.

Tax incentives.

Examples of alternative industry-government relationships

Traditional agency-contractor model.

Cooperative projects or support of industry research associations (e.g. American Gas Association, Electric Power Research Institute).

Mixed ownership corporations (e.g. COMSAT).

Federal Energy Research and Development Corporations (Jackson Bill—S. 1283).

QUESTIONS FOR DISCUSSION

Council's view of:

Key leverage points for stimulating private investment in energy R&D.

Major pitfalls for government/industry cooperation.

SENATOR PERCY ADDRESSES DETROIT ECONOMIC CLUB

Mr. GRIFFIN. Mr. President, I wish to call attention to a speech by the Senator from Illinois (Mr. PERCY) before the highly respected Detroit Economic Club on October 15.

I ask unanimous consent that Senator PERCY's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE AMERICAN ECONOMY AT THE CROSSROADS

There are probably few in this room who would not agree that our economy is in trouble. We don't need opinion polls to tell us that in the United States today is a widespread and deep-seated malaise about our economic future.

Ironically, this malaise is not the result of economic recession. As you know, we are just now emerging from a period of full-blown economic boom. Instead, I believe, the pervasive dissatisfaction about the economy I find everywhere I go stems not just from increased market-basket costs, but from a profound loss of confidence and trust—loss of confidence in policy planners, a new scepticism about the viability of our economic institutions and a lack of trust in the function of our marketplace economy.

We have seemed unable to find the proper mix of fiscal and monetary policies which will check inflation and yet foster high productivity growth and permit a rising standard of living for all our people.

AMERICA STANDS AT A CROSSROADS

We must step back and freshly evaluate the entire range of economic policy before we go any further.

One thing seems eminently clear to me; we must make economic decisions on the basis of long-term objectives and *not* on the basis of day-to-day political pressures.

We, as a nation, must make some hard choices. Are we going to tie our domestic economy to a make-shift system of governmental controls? Or are we going to take positive steps to move our economy back towards the principles of the free marketplace? Are we going to close the doors of the United States and hide our economy behind a shield of protectionism, as the Burke-Hartke bill proposes? Or are we going to accept the challenge of foreign competition and integrate our economy more fully with the greater world economy?

We must decide how to shape the institutions and structure of our economy. Are we going to toss the basic principles of a free economy aside and impose an ever-increasing patchwork of regulations and controls in our search for stability and continued prosperity? Or are we going to build on what we have, work with it and constantly strive to make it better?

What is our situation today and what basic decisions must we make? I have very strong beliefs about the principles that should guide us.

Let me first address the question of the underlying precepts of our domestic economy. Are we going to continue to saddle our economy with controls or are we going to try to free it?

Over the course of the past 26 months, the American economy has been dragged through five separate phases of the Economic Stabilization Program. It is hard to imagine that we could be any worse off than we are today had *no* controls at all been imposed in mid-1971. The Stabilization Program has failed mainly because economic policy has lacked consistency of purpose and direction. Day-to-day political pressures have formed the basis for too many alterations in the stabilization policy. Controls have *not* stabilized prices or wages and they have *not* stopped inflation. They have instead encouraged production cut-backs, shortages and black markets, and have contributed to the confusion in the marketplace for producers as well as consumers. Controls have too often been shaped by day-to-day political pressures and thus they have produced two unanticipated and undesired results. First, by short-circuiting the price mechanism, they have created deep distortions in the allocation of goods and services. Second, and perhaps more importantly, they have created a crisis of public confidence in economic policy planners.

Perhaps the failure of controls will ultimately prove instructive. It may have served to dramatically remind Americans of some of the virtues of a free market system.

Take, for example, some of my colleagues in the United States Senate. Just a little more than four months ago, a group of 33 Democratic Senators voted in caucus to support "a 90 day freeze on everything." When the Administration's controls on food prices were announced on June 13, many assailed the measures as "to little, too late!"

It took less than two months for the Senators' eyes to be opened. The freeze on beef prices created shortages, plant shut-downs and black markets. Suddenly, everyone saw the virtues of the free marketplace economy—including those 33 U.S. Senators—and on August 2, the Senate voted 85 to 5 to end the freeze on beef prices altogether.

It is now much clearer than ever before that we *must* scrap controls as soon as possible. There is no other acceptable policy. We simply do not know how to manage a controlled economy in peacetime and furthermore, the American public does not want a controlled economy.

Let me add here that I am pleased that business and labor now overwhelmingly agree on the need to remove controls. It's high time you did. I have always opposed controls, but until very recently, you in business and labor have made it more, not less difficult for those of us in public life to stand against increasing regulation.

The Cost of Living Council should now accelerate its efforts to lift controls selectively as soon as conditions warrant. I think the American consumer has learned the lesson of the failure of the Stabilization Program.

It's been the greatest adult education course in economics the nation has ever had.

But the education of the American public must continue. The cold truth of the matter is that long before the Administration began its Stabilization Program, the economy was encumbered with controls of all kinds. Some of them, of course, are necessary, some are superfluous, but many others are actually harmful.

Over the years, the federal government and the states have enacted a variety of special interest legislation, much of it at the request of elements of the business community itself, which has produced serious inefficiencies in important sectors of the economy.

Examples of this range from Interstate Commerce Commission regulations which have actually contributed *toward* the bankruptcy of many American railroads, to the state fair trade laws which have produced inflationary rigidities in the retail sector by interfering with manufacturers' ability to ever offer volume discounts.

But perhaps the most notorious example is in the agricultural sector. In 1972, with food prices skyrocketing due to severe supply shortages, the United States government was *subsidizing* farmers to hold out of production 60 million acres of tillable farm land—that is, almost 20 percent of all the tillable farm land in the entire country.

To compound this error, the Department of Agriculture, ignoring available economic intelligence data, negotiated a grain deal with the Soviet Union that made the tough Yankee trader look like a starry-eyed schoolboy. In 1973, with prices continuing to rise, the Administration finally initiated a production expansion policy and the senseless subsidies have been discontinued. Unfortunately, the fruits of this change will not be seen until next year.

Our abiding goal must be to get away, not only from the cumbersome controls of the Stabilization Program, but also from the built-in controls which in the long run fail to serve the best interests of the economy.

The challenge facing American policymakers is not merely how to get away from controls, but how to break out of the trend toward increasing government regulation of all kinds. I believe that if we continue to travel our present road, we will soon find ourselves at a dead end with an economy increasingly and irretrievably controlled by the government. Now is the time to change course before it is too late.

America stands at a crossroads in international economic policy as well. We are going to have to decide just what our economic relationship is going to be to the rest of the world. Do we throw ourselves enthusiastically into the competition of world markets? Or do we move to "protect" the U.S. economy from the fluctuations of international trade and money markets and adopt protectionist proposals, such as the Burke-Hartke bill, which seek to disengage our economy from those of other nations?

If there is anything we should have learned from our current food and fuel difficulties, it is that the economy of the world, like the economy of the United States, is not static and cannot be forced to fit any one pattern indefinitely. Protectionist measures which set fixed quotas for imports and sharply restrict freedom of U.S. investment abroad run directly counter to the marketplace economy system, and I categorically reject them.

Protectionism reduces U.S. industrial competitiveness and eliminates incentives for cost-cutting and more efficient management and manufacturing practices.

Protectionist legislation would lead to massive foreign retaliation striking hardest at U.S. export industries, industries which traditionally tend to involve higher pay and more advanced technology. And it would undermine the position of U.S. corporations' overseas subsidiaries and foreign investments, which last year added $10 billion to the plus side of the U.S. balance of payments ledger.

We must begin to move away from controls on international movements of capital and commodities. Fortunately, the Administration is already advocating that the interest equalization tax and the mandatory controls on direct investment should be scrapped.

While reaping the benefits of our own private foreign investment, we should not try to block foreign corporations that wish to invest in American industries and properties. This is a new experience for us, but I for one think it is a healthy experience. International investment promotes international interdependence. And an integrated world economy will prove to be an investment in world peace.

In discussing all the fundamental economic decisions which today confront us, we must all bear in mind the astonishing extent to which the physical well-being of the nation's economy depends upon the psychological state of the nation.

Today, we in the United States seem seriously disturbed. We're disturbed by Watergate, and the dark cloud hanging over the Presidency; we're deeply disturbed by the resignation of the Vice-President; we're disturbed by the handing-down of indictments against former Cabinet officers and high White House aides; we're disturbed by our inability to deal with our pressing social needs; and we are disturbed by our inability to stabilize our economy and halt rampant inflation. Opinion polls show that public faith in all our institutions has dipped to the lowest levels in years. The American people don't trust the Congress, the President, business, labor unions, policemen, the press; they don't seem to trust anyone.

Once again, we as a nation have to make a choice. Do we abandon our political, economic and social institutions? Or do we accept our present situation as a challenge to work with the institutions that have been developed so painstakingly and make them better?

There is no doubt in my mind that we—as men and women of intelligence, ideals and determination and resources—can renew and strengthen our institutions. To do so, we must regenerate the spirit of trust. Trust between business and labor. Trust between business and the consumer. Trust between the people and their government.

Anyone who has ever been in business knows how crucial the attitude of its employees is to any business enterprise, large or small. If industry and labor are willing to work together—through job redesign, profit-sharing and worker stock-ownership programs, and incentive pay plans—not only will the labor force be better served, productivity can be raised as well. And just a slight annual increase in productivity growth rate would yield great increases in America's gross national product, relieving pressure on the economy and lessening the need for government-imposed wage and price controls. Cooperation and trust between business and labor can make U.S. productivity growth competitive once again. I wish that we could recreate today the thousands of productivity councils involving millions of labor and management personnel that worked so well together during World War II.

Business must also win back the trust of the consumer. Business must do more than advertise; it must act. It must take the initiative and use its resources to help clean up air and water pollution, to sponsor job-training and rehabilitation programs, to support day-care centers and other worthy projects within the community.

Government, as much as business, must recognize that to be respected you must be respectable. If the people of the United States no longer trust the institutions of their government, what value do the institutions have? The Vietnam War and Watergate have infected our country with doubt and disbelief, two dangerous and highly contagious diseases. We have seen the damage they have done.

Let me confess, however, that I am an incurable optimist. In Washington and around the country, I can see changes—changes for the better—happening every day:

A Senate Government Operations subcommittee recently reported out a Congressional Budget Reform bill, of which I am the principal Republican cosponsor, that will go a long way toward ending the annual budget and appropriations logjam which hamstrings government fiscal policy.

The archaic seniority system is giving way gradually in the Senate, and we have just passed overwhelmingly the most sweeping election campaign reform bill in Congressional history.

Business is increasingly active in urban problems, civic and community projects and public affairs.

Many companies are studying ways of making work on the production line more meaningful and satisfying for the worker, and others are putting profit-sharing programs and incentive pay plans into effect.

American labor is successfully getting away from counterproductive strikes. Since 1971, the number of man-days lost because of strikes has dropped nearly 40 percent, to labor's benefit and the benefit of the nation.

If, as we approach the 200th anniversary of our independence, we can encourage this spirit of interdependence and trust, we will have gone a long way toward overcoming the problems that today beset our economy and our society.

But the economy will not stabilize itself on its own.

The American economy is indeed at the crossroads. We must decide if we will bow to the pressures of devaluation and inflation and mutely accept a lower standard of living or if we are going to work to bolster our national productivity growth rates.

I believe that the second of these is the harder choice, but by far the better choice, and the choice now being made by both labor and management throughout the nation.

We can increase our national productivity growth rate—through increased capital investment, through continued research and development and experimentation.

Individually and corporately, we must eliminate the wastefulness that has unhappily become a trademark of American society. We must conserve our God-given resources wisely.

The lessons of the past two years make it clear that the problems of acute instability and lack of confidence will be worsened by too-frequent resort to regulatory and control mechanisms. To stabilize the economy, the government must follow a stated, rational policy which will carry us away from controls just as quickly as conditions allow.

As foreign economies expand and foreign consumers grow more affluent, this demand will grow even greater, to our benefit. We must do everything we can to encourage expanded farm production to meet the opportunity of foreign demand and to bring down high domestic prices. The name of the game for stabilizing prices in any field is to either stimulate more supply or dampen down excessive demand.

We must retain the improved amortization and depreciation rates and the investment tax credit as a permanent part of our tax structure. We must encourage increased industrial efficiency and modernization and we should consider increasing the investment tax credit rate to improve the United States' competitive position in world markets.

You in business can make the most basic contributions to our prosperity:

You can improve the quality and value of your products to make them more attractive in domestic and world markets.

You can increase your own research and development efforts in order to retain, if not regain, technical superiority for U.S. producers. (Research and development and creative ingenuity produced the Instamatic and the Polaroid, revolutionizing and revitalizing the American camera industry.)

You must not be afraid of competition. (Kodak, Polaroid, and Bell & Howell all have achieved dramatic gains in sales and markets in the face of sharp tariff reductions on foreign photographic equipment.)

You can create new world markets for your goods and expand your exports by taking advantage of the devalued dollar. It is a national scandal that only 4 percent of U.S. companies export at all. Aggressive search for markets and export expansion is a must. American farmers in recent years have increased their prosperity through expanding their exports. American industry can learn from the farmers' example.

Finally, we must all work together to restore stable economic conditions and to foster confidence that makes non-inflationary behavior and smooth expansion of production possible once again.

This means businessmen who have confidence in the future of free markets.

It means workers and consumers who believe that price increases will not erode wage increases.

It means farmers who do not fear the risk of ruinous market instability.

It means assuring all Americans that the federal government will systematize and rationalize its outmoded budgetary procedures and live within its means.

And above all, it means assuring all participants in our economy that the government won't tinker with economic controls with every shift of the political wind.

Out of such assurances, solidly-based confidence will spring, and with it, a new prosperity based on stable economic growth.

HEARING OF THE AFRICAN AFFAIRS AND SOUTH ASIAN AFFAIRS SUBCOMMITTEES SHOW NEED FOR UNITED STATES AND WORLD FOOD EMERGENCY RESERVES

Mr. HUMPHREY. Mr. President, on October 5, Senator McGovern and I held a joint hearing of the South Asian Affairs and African Affairs Subcommittees of the Foreign Relations Committee on the impact the world food shortage has had on the critical emergency food needs of these areas.

The witnesses at this hearing were Maurice J. Williams, Acting Administrator of the Agency for International Development; Julius L. Katz, Deputy Assistant Secretary of State for International Resources and Food Policy; Dr. Jean Mayer, professor of nutrition and master of Dudley House, Harvard University; Richard E. Bell, Deputy Assistant Secretary for International Affairs and Commodity Programs, Department of Agriculture; Lester Brown; Senior Fellow, Overseas Development Council; and Roy L. Prosterman, University of Washington School of Law.

Mr. President, the world food shortage that has sent prices skyrocketing on the American market has had a far more serious effect on the poor countries of the world and a disastrous effect on those threatened by famine.

As Senators know, I introduced the amendment to the Foreign Assistance Act, which the Senate adopted, calling on the President to initiate a commission study of the world food problem and possible ways of dealing with it. This amendment also stated that the United States should cooperate in the establishment of an international system of strategic food reserves which would provide for an equitable distribution of the direct and indirect costs between producer and consumer nations. It called on our special representative for trade negotiations to explore through the GATT means of assuring equitable access by all nations to basic resources such as mineral and agricultural supplies. Finally, it provided the Secretary of Agriculture the flexibility to respond to emergency food needs through the Public Law 480 program and called on him to include in his estimates of expected food demands needs for humanitarian food assistance.

I have also joined with Senators JAVITS, DOLE, and MCGEE in sponsoring Senate Concurrent Resolution 50, calling for a world food conference to be held in 1974 under the auspices of the United Nations. This conference would discuss ways of increasing world food production and improving distribution, world food reserves, and world relief efforts in case of natural disaster.

I have also proposed, in S. 2005, the establishment of a U.S. food reserve. I believe it is crucial that these three pieces of legislation be passed. They are important first steps in a worldwide effort to solve the food shortage problems raised during these hearings.

As Mr. Brown pointed out, the large segment of mankind that spends 80 percent of its income on food cannot possibly offset a doubling in the price of its principal food staples. The Foreign Minister of South Vietnam recently told me that the world price of rice is so high that the people of his country cannot afford to eat the food they produce. Although they are predominantly agricultural, many of the poor countries have to import food. This past year they have had to spend money badly needed for economic development and government services on the food necessary to keep their people alive. Under such conditions, these countries cannot afford to maintain stocks to cushion them against disaster.

In those countries where disaster struck this past year—in west Africa where six nations saw their crops and livestock destroyed by drought, in Pakistan where floods destroyed the wheat in storage and the rice in the fields, in India and Bangladesh where subnormal rainfall brought inadequate harvests—we have seen what world food shortages can mean for those threatened by famine. High prices made it impossible for these countries to build reserves in advance to feed their people when the crises began. Emergency shipments of food were tied up in ports. And donor countries like the United States had to ration their small supplies of food available for relief. Public Law 480 title II has dropped from $524 million in 1972 to a preliminary figure of $396 million for 1973—and each dollar buys much less grain.

During the hearings, we often heard the expression "enough to squeak through." The United States was unable to meet its full commitment of emergency food shipments to Bangladesh because it was decided that the people there could "sqeak through" while the people of west Africa could not. In both west Africa and south Asia, this meant that countries were provided with barely enough to avert widespread famine. People still died of starvation or diseases they were too weak to resist. Even more children and infants died than is normal in these areas; and the old died earlier than they normally would have. Those who have survived are weak, vulnerable to disease, and unable to put forth the effort required to make next year's harvests better. At a time of worldwide food shortage, the donor nations were able to provide just enough relief assistance to keep most of the people threatened by starvation alive—and no more.

Mr. Prosterman described what world food shortages on top of natural disaster meant for many west Africans and south Asians this past year:

> When a family that exists almost entirely on a diet of grain, and on less, often far less, than 2000 calories a day per adult person, misses out each day on a loaf of bread, or on a bowl of rice for each, they die. When a family that gets its food from the soil sees its crops swept away by floods or withered by drought—and there are millions of such today—they die. When a family that gets its food from its cattle sees those cattle starve—and there are millions of these people in the Sahel—they starve too. When a family living in the fetid disease-ridden city slums, that gets its food from the market or the government warehouses, sees scarcity drive that food up to twice or three times its former price or off the floor of the government warehouse, then that family dies. They cannot go to a bank to borrow money to replace their crop, or their cattle, or to pay the doubled price of food. They cannot go to friends or relatives, because this is not an individual tragedy, but one that affects their friends and relatives too. They cannot get a better-paying job, or spend less on housing or clothing. They have nowhere to turn.

Mr. President, in both south Asia and west Africa, the need for emergency food relief is still critical. In south Asia, the harvests are expected to be good this year; but they will not be in until December. In west Africa, the rains did not come again this year. The harvest will again be far below normal; and it is expected that emergency food needs will be the same or greater this next year than they were last.

The people in these areas will be almost totally dependent for their lives on the willingness of the affluent nations to provide food. Mr. Prosterman has estimated that in nine countries hit by drought and flood this year the emergency food needs in the next 12 months will be anywhere from 4.5 million tons to 7.7 million tons.

At the same time, the capacity of the United States and other affluent countries to meet these needs has been seriously diminished by the world food shortage. Mr. Brown pointed out that this year Public Law 480 shipments of wheat will be less than one-third those of 2 years ago; shipments of rice, feed grains, and vegetables less than half; and milk shipments have stopped completely. Mr. Prosterman stated that title II of Public Law 480 will probably be down to $120 million in the next year.

With the threat of famine still very real in south Asia and west Africa, it is crucial that humanitarian considerations be given higher priority in deciding how much grain will be available for Public Law 480 title II purchases. We cannot assume that there will be enough grain left over after export sales to meet emergency needs in the next year. The amendment to the foreign aid bill which I introduced with Senators JAVITS and DOLE gives the Secretary of Agriculture the authority to put humanitarian considerations above export requirements if necessary.

It is essential that we do our part in averting famine in the next year and that we encourage other affluent nations to join in a coordinated international effort to relieve those threatened with starvation. As Willy Brandt has said:

> Morally it makes no difference whether a man is killed in war or is condemned to starve to death by the indifference of others.

Mr. President, the current world food shortage and our inability to fully meet the needs of countries threatened by famine are not temporary phenomena. World demands for food are growing much faster than supplies.

Lester Brown pointed out that while during the 1960's increasing world demand for food was due primarily to population growth in the less developed countries, during the 1970's demand has grown because of rising affluence in the developed countries as well. He stated that in the United States and Canada per capita grain consumption is approaching 1 ton per year, and that consumption levels in the northern tier of industrial countries—from Europe to Japan—approximate those of the United States in the 1940's. In all the affluent countries, grain is consumed primarily indirectly in the form of animal protein. In none of them has demand for grain leveled off.

At the same time, demand continues to grow with population increases in the developing countries. Mr. Brown stated that with the present world population expanding at nearly 2 percent per year, food production will have to double in a little more than a generation merely to maintain current per capita consumption levels. For millions in the less developed countries, current levels mean malnutrition and extreme vulnerability to disease.

This increasing world demand has brought about the depletion of world food reserves. North America has been the major producer of surplus food and the major holder of world reserves. The United States is the world's major exporter of wheat, feed grains, rice, and soybeans. Today, the United States and Canada together control a larger share of the world's exportable surplus of grains than the Middle East does of oil.

North American idle cropland and grain reserves have been the world's buffer against threats of famine. With reserves at their lowest point in 20 years, and with the U.S. Government having released all our idle cropland, these two important reserves can no longer be counted on to feed the world in times of shortage.

It is now time to start serious negotiations to establish a system of world food reserves. Such a system, which I have long advocated, would assure that responsibility for maintaining adequate reserves is shared among the nations. All nations—net importers as well as exporters, less developed as well as developed—would be required to contribute to global reserves. These reserves would be built up in times of abundance out of production surplus and drawn down in times of acute scarcity. This would not only assure the continued capacity of the world to feed those threatened by starvation, but would also provide a measure of price stability on the world food market that would be in the interest of producers and consumers of all nations.

A second important feature of the world food reserve system that has been proposed by the FAO is that it requires accurate reporting by all countries of their stocks and their predicted needs. As we have learned from the disastrous Russian wheat deal and from the crisis in the Sahel—which could have been avoided if shortages had been foreseen—such a system of coordinated information on global food supplies and needs is badly needed.

Finally, many witnesses stated that in the long run the growing world demand for food will not be met unless production in the less developed countries is greatly increased.

These countries represent the world's greatest unexploited potential for food production. Production per acre can be increased at much less cost than in the developed countries. Mr. Brown pointed out that today rice yields per acre in India and Nigeria still average only one-third those of Japan. Corn yields per acre in Thailand and Brazil are less than one-third those of the United States.

We can contribute much to increasing agricultural production in these countries. In many cases, production is low because farmers are not linked by roads to their markets, have inadequate water supply, cannot obtain fertilizer, seeds or tools, or have no way of getting credit. The United States can contribute some of the capital necessary to overcome these problems.

But perhaps more important, we can contribute much of the scientific research and technical expertise that will be needed in increasing agricultural production in these countries. Witnesses pointed to the success of high yielding varieties of wheat and rice—developed on U.S. private and public initiative. New forms of labor-intensive agricultural technology will have to be developed that will capitalize on the vast unexploited human potential of these countries—and keep the capital and energy costs of agricultural production as low as possible. U.S. experience in semiarid agriculture, in livestock management, and in developing improved agricultural inputs should be applied to increasing the production of the less developed countries.

Mr. President, I believe that the world food shortage problem is indeed critical. In the next year inadequate reserves will endanger our ability to avert famine in West Africa and South Asia. In the coming years, increased world demand for food will mean continually rising prices for the rich and a growing threat of starvation for the poor.

But the situation is not hopeless. The world has the capacity to build reserves adequate to prevent famine. We have the technology and research skills necessary to increase world food production to the point where we can not only keep people from starving, but also guarantee them adequate nourishment to live full and productive lives. What is needed now is a universal recognition that, as Mr. Williams said, "all of us in the world live out of the same food basket"—and a worldwide commitment to making this basket as full as possible.

REDUCTION OF MILITARY STRENGTH

Mr. DOMENICI. Mr. President, I recently testified before the Senate Subcommittee on Defense Appropriations out of a deep concern that we may risk a reduction of our military strength because an "air" of détente is said to exist between the United States and our principal potential adversaries, particularly the Soviet Union. It is this détente, this lessening of tension or hostility, between the Soviet Union and our Nation that I am again questioning the reality of today. I would like to reiterate my belief that, even though an atmosphere of détente exists, world hostility and tension have not been eliminated.

We cannot assume that two nations, so opposite in their ideological beliefs, have joined together in a mutually shared, mutually defined policy of détente. An article in the Washington Post, of October 18, 1973, by Mr. Robert Kaiser aptly substantiates what appears to be the Soviet's position and intention on détente which I believe to be a correct summary of that issue.

I, therefore, request unanimous consent that Mr. Kaiser's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Soviets on "Détente"—Mideast Actions Demonstrate Kremlin's Narrow Definition

(By Robert G. Kaiser)

Moscow, Oct. 17.—While Americans may worry that Soviet support for the Arabs jeopardizes detente—by which many Americans mean something broader and more substantial than the dictionary definition of a mere relaxation of tensions—the Soviets have a different view.

The best demonstration of this may be the Soviet interpretation of the "Basic Principles of Relations" between the Soviet Union and the United States signed by President Nixon and Leonid I. Breznev in May 1972. That document says, "The U.S.A. and the U.S.S.R. have a special responsibility . . . to do everything in their power so that conflicts or situations will not arise which would serve to increase international tensions. Accordingly, they will seek to promote conditions in which all countries will live in peace and security . . ."

That fine language had no apparent effect on the Soviet Union when, a few days before the Mid-East war began, Moscow obviously learned of the Arabs plans and began evacuating Soviet citizens from the region—apparently without trying to stop the war and without informing the United States. Nor did any agreement with Washington deter Brezhnev from encouraging Algeria to enter the war against Israel.

Some Americans may see this as a case of duplicity. More likely, it is the first clear demonstration of the real Soviet definition of detente. That definition may be rather narrower than many in the West would like.

The central element of the Soviet definition is Moscow's conviction that a mortal struggle between East and West is inevitable. Even if it can be conducted without direct military confrontation and without a Cold War atmosphere. This message has been repeated again and again since detente began in earnest 18 months ago, but the Middle-East war has given it substance.

The principal consequence of this conviction is that Moscow's new partners in detente are still treated as opponents in virtually every situation.

An American businessman whose company has been a loyal and productive trading partner of the Soviet Union for many years recounted his frustrations recently. "They always treat me as an enemy," he said, "even when I'm trying to help them."

British students arriving in Leningrad on an official cultural exchange are held up in customs for hours while Soviet officials comb their belongings seizing dozens of books in the process. A Moscow musician who used to visit a West European journalist in his Moscow flat is warned to stop consorting with the "ideological enemy."

A Westerner living here could collect dozens of such examples during the past year and a half of Soviet-American detente.

This is not to say that detente is meaningless. If much is unchanged, much is also new. The Soviet government has stopped jamming most foreign radio broadcasts in Russian, a decision which can be expected to have palpable consequences in this society.

The Soviet Union has begun to open some of the secrets of its space program to American scientists in the first stages of their work on a joint space flight—an example of the real benefits of exchanges and cooperation with the Soviets in specialized fields.

The atmosphere here has changed, too. Americans are treated in a more friendly manner. Official propaganda is optimistic about the prospects for peace, and the Soviet public is no longer warned of the impending danger of world war.

The Soviet Union has abandoned the policy of seeking economic self-sufficiency, and is trying to join the world economic system—in an extremely limited and careful fashion. The government is inviting dependency on foreign products and processes, a radical change in Soviet attitudes.

But when a war broke out in the Middle East, the men who rule this country reverted to their pre-detente posture, apparently pursuing the "unilateral advantage" at the expense of the United States which the "Basic Principles of Relations" solemnly foreswear.

One reason for this surely is the Soviet belief that the Americans are no more sincere than they are about abandoning their adversary relationship. The last U.S. defense budget, with new money for a super-submarine and new long-range bombers, was seen here as proof of that. So was the decision to continue financing Radio Free Europe and Radio Liberty.

In the West, these moves may appear to be prudent reactions to the Soviet military buildup and the Soviet "ideological struggle," but it is certain that inside the Kremlin there is a different perspective on the question about the chicken and the egg.

Soviet ideology has contributed to the present Middle East policy, trapping the Soviet leaders in support of an ideologically "just" war. (It is defined as just because the Arabs are fighting to liberate their own territory; how it happened that the Arabs came to lose their territory is another chick-egg dilemma on which the Soviet Union and the United States have different opinions.)

But the essential fact is that the Soviet Union still mistrusts the West and tends to expect the worst from it. Moscow wants to deal with the West in areas where it is convinced the West shares Soviet interests. This means trade, selective arms control and the relaxation of international tensions—and not much more.

The struggle against imperialism, the ideological struggle, the struggle of progressive forces against international reaction—such Soviet slogans still have meaning in Moscow. Recent events in the Middle East seem to confirm that the Soviet Union is still unwilling to abandon these struggles and move beyond the present stage of armed, suspicious detente.

MARGARET CHASE SMITH DAY IN MAINE

Mr. HATHAWAY. Mr. President, on Tuesday, October 16, 1973, the people of the State of Maine paid special tribute to the first woman to be elected to both the U.S. House of Representatives and the Senate, Margaret Chase Smith. By official proclamation of Gov. Kenneth M. Curtis, this past Tuesday was designated Margaret Chase Smith Day in Maine. It was also a day on which this distinguished lady received the Julia M. Emery Award, given annually by the National Order of Women Legislators to an outstanding American woman.

Senator EDMUND MUSKIE and I wish to add our tribute to this lady from Maine whose years of service have meant so much to our State and to the Nation as a whole, and who is continuing to inspire the youth of America as a distinguished university lecturer.

Mr. President, I ask unanimous consent that the text of Governor Curtis' proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas Senator Margaret Chase Smith, the first woman to be elected to both the United States House of Representatives and the Senate, holds the all-time consecutive voting record; and

Whereas Senator Smith served for many years as Chairman of the Naval Affairs Subcommittee of the Armed Services Committee of the United States Senate; and

Whereas in 1948 she led the successful campaign to grant women regular status in the Armed Services and was the first woman to launch a Presidential campaign; and

Whereas Senator Smith is the author of two documents of American history—Declaration of Conscience and Valiant Women: and

Whereas, as a nationally syndicated columnist, Senator Smith has been honored by the news media as "one of the three most respected women in the world, 1971," "one of the four top public servants in America, 1972," "woman of the year, 1964," and "one of the four most admired women, 1964"; and

Whereas on October 16 Senator Smith will receive the Julia Emery Award from the Organization of Women Legislators;

Now, therefore, I, Kenneth M. Curtis, Governor of the State of Maine, do hereby proclaim October 16, 1973, as Senator Margaret Chase Smith Day in the State of Maine and urge all citizens to pay tribute to this outstanding Maine native.

THE MIDDLE EAST CRISIS

Mr. HATFIELD. Mr. President, while the United States has heretofore exercised great and commendable restraint in our arms shipments to the Israeli Government, the continuing flow of Soviet weaponry to the Arabs appears to have catalyzed an escalated arms race between Washington and Moscow that can only fuel the war and prolong the killing. Indeed, one of the most tragic aspects of the war now engulfing the Middle East is the singular lack of restraint evidenced by the Soviet Union in both exhorting Arab States to join in the fighting initiated by Egypt and Syria, and in resupplying them with arms for further destruction and conflict.

If our détente is to be meaningful in fact as well as in spirit, the Soviets ought to have joined with us in searching for ways to bring a halt to the bloodshed. Instead, all available evidence is that they are furnishing the tools for a costly and bloody war of attrition in that troubled region.

A détente with the Soviets will not work if it extends no further than promoting a distorted conception of the Soviet national interest. Détente must be mutual. Restraint in arms supply to the combatants must be mutual. I cannot believe that the Soviets do not accept this principle in theory. But they have clearly violated their responsibility to follow it in practice.

While it must be recognized that our arms shipments to Israel came in response to the actions taken by the Soviets, it must further be recognized that an arms race offers no hope whatsoever for a true and lasting peace in the Near East. In fact, there exists a very real danger that the longer the war there persists, the greater the chance will be for it to widen. Short of placing Israel's survival in danger, we must continue to explore every means possible to bring an end to this conflict. If an American-Soviet détente is to be functional and of value, Moscow must join in that exploration at once.

FEDERAL TRADE COMMISSION AND OIL

Mr. ALLEN. Mr. President, emotionalism often leads to spur-of-the-moment decisions which can lead to results which prove to be contrary to those which were desired.

Two Federal agencies are facing this possibility as they consider the most effective routes to follow in easing and solving the energy crisis. In this instance the Federal Trade Commission and the Department of the Treasury are at odds in how best to deal with problems relating to the Nation's oil industry.

In its issue of Monday, September 17, 1973, the Birmingham News published an editorial entitled "FTC and Oil: Road Blocks?" which deals with possible pitfalls in the path of legal attempts to break up vertically integrated oil corporations. The editor wisely points out that this is not the time to play games with an industry which is already hard-put to keep the Nation's oil supplies flowing.

I ask unanimuos consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FTC AND OIL: ROAD BLOCKS?

In an historic development in the antitrust action by the Federal Trade Commission against the major oil companies, the Treasury Department has joined in a counter-attack.

The premise behind the FTC's legal attack on the eight largest oil companies is that the industry lacks competition and has limited competition because of what is called "vertical integration." That term refers to the consolidation of crude exploration, production and transportatin plus refining and marketing operations in one company.

The FTC wants to break up the different operations of the major oil companies.

The Treasury report, countering FTC premises, said, however, "Misinterpretations have caused the FTC incorrectly to conclude that the present shortage is a result of sinister, anti-competitive actions on the part of the major oil companies . . . The shortage has been caused by a variety of factors, mostly governmental laws and policies."

Further, the Treasury report said, "Divestiture is not warranted from the facts, and it would work contrary to the goals of increasing domestic refinery capacity and production."

The FTC has been operating on a number of premises which the Treasury report disputed with hard facts.

If the Treasury Department is correct, the FTC is making a huge mistake in attempting to restructure the petroleum industry.

As the nation is gripped by an ominous shortage of heating oil and gasoline, it is no time to tamper with the existing industry structure.

Things may be bad under the present system, but that does not mean that they could not be worse if the present system were broken up.

If the government wants to play an important role in alleviating the energy shortage, it could find out what could be done to encourage the development of greater refining capacity in the industry.

Those politicians with an axe to grind with the industry cannot punish the industry without hurting the consumer who depends on peak industry production.

For the long run, the government should do everything possible to encourage energy conservation. But until effective conservation measures can be taken, the government should not take misguided disruptive legal action based on premises which are false.

The Treasury Department is to be commended for trying to set the record straight and for trying to protect the existing energy delivery systems.

The petroleum industry may not be perfect, but the nation, depending on its products, cannot afford frivolously to tinker with its structure.

RECOGNITION OF THE IMPORTANCE OF SMALL BUSINESSMEN IN OUR ECONOMIC SYSTEM

Mr. DOMENICI. Mr. President, I would like at this time to call the attention of my colleagues to recent action taken by the Cost of Living Council relating to price control regulations for retail sales of gasoline. I would also like to publicly commend the Cost of Living Council for having taken this action because it will relieve some of the burdens being carried by the thousands of small businessmen across this Nation who are gasoline retailers.

Prior to October 15, 1973, the phase IV regulations established a ceiling price on gasoline at the gasoline pump, but those regulations permitted refiners to increase the price they charged retailers. This resulted in the retailers having to absorb those price increases. I have been among those Members of this body who recognized that such a system put the burden of holding down gasoline prices on the most vulnerable element in the gasoline distribution system—on the small independent businessmen who sell gasoline to the consuming public. I was among those who communicated strong disagreement with this approach and who urged modifications to remove the unfair and oppressive burden such a system placed on gasoline retailers, particularly small independent dealers who operate on the closest of margins even under the best of circumstances.

As you know, Mr. President, several legislative proposals have been introduced in the Senate to require the Cost of Living Council to modify those regulations to permit the passthrough of price increases between refiners and dealers.

I am a cosponsor of three of these bills and I have introduced a sense of the Senate resolution to allow dealers to pass through to their customers price increases from refiners. The action taken by the Cost of Living Council which was effective on October 15 seems to me to eliminate the need to proceed on these legislative proposals.

As I understand it, the Cost of Living Council announced that dealers would be allowed to raise their prices to reflect all price increases prior to October 15 and that both retail and wholesale prices would be frozen at the October 15 level until November 1. Regulations proposed to take effect on November 1 will allow refiners to increase their prices to dealers by increments of 1 cent per gallon when their increase in costs accumulate to 1 cent per gallon. Dealers would be allowed to automatically pass through to the consumer those 1 cent per gallon increases.

This proposed system appears to me to address the difficulties I found with the previous approach which placed the burden of controlling prices on the very element in the system which was least able to bear that burden. As I previously indicated, I appreciate the very difficult task that the Cost of Living Council has in trying to hold down prices and control inflation in the gasoline and oil industry which is so complex and difficult to regulate under the best of circumstances, and particularly now when petroleum is in such short supply and the difficulties associated with foreign imports are even more acute.

All of what I have said, Mr. President, clearly indicates to me that those of us responsible for creating laws which govern this Nation and those who are responsible for executing those laws, must at all times be aware of the impact of our actions on the independent businessman who provides the foundation and strength of this Nation's economic system and who, in addition, is the best insurance of free competition to the benefit of the consuming public.

In a nation where the economic system is fundamentally one of free enterprise, it is virtually impossible to design and implement controls which do not disrupt or dislocate existing systems. We must insure that when it becomes necessary to insert Government controls into those systems beyond the regulation of antitrust and monopolies, that we do not overlook the legitimate needs and problems of the small business segment simply because of ease of regulation or because of complexity of the entire system.

This Nation and the consuming public would be the loser in the long run if we were to allow the small business element to be severely damaged or destroyed by Government regulatory action. So, I say, Mr. President, I am pleased that the Cost of Living Council, in pursuit of the very important goals established for it by the Congress under the Economic Stabilization Act, has changed its approach in this particular case and that the independent small businessmen who serve this Nation as gasoline dealers will be able to stay in business and continue to contribute to the economic vitality which is so necessary to the Nation's well-being.

THE CONFLICT IN THE MIDDLE EAST

Mr. RIBICOFF. Mr. President, Sunday night, October 14, Senator JACKSON made a most significant foreign policy address in Los Angeles. It was delivered at a time of great flux in American Middle East policy.

Events in the past few days have certainly justified the validity of Senator JACKSON's contention that the United States must not stand by watching the massive Soviet airlift to Egypt without responding to Israel's military needs.

The plain truths spoken by Senator JACKSON at that time deserve the most careful study by all those following the current Middle East conflict. Already, the overwhelming majority of the Senate has shown that it is again supporting the position outlined by Senator JACKSON.

Because of the significance of this address, I ask unanimous consent that it be printed in the RECORD in its entirety.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HENRY M. JACKSON

On the most sacred day of the Jewish year—a day when communications are silenced and transportation halted—the armed forces of Egypt and Syria launched, without provocation, a coordinated war of aggression against Israel.

Even as Syrian and Egyptian forces prepared for war, Israel refrained from acting in her own defense in the hope that war would yield to diplomacy, and in the conviction that if war could not be avoided, at least it should not be started by Israel.

This tragic war was not started by Israel, which desired only peace. But I am confident that it will be finished by Israel, and that Israel will not stop until it has achieved a restoration of the pre-war cease-fire lines.

It would be a most severe setback for the interests of the United States in the Middle East, for Israel's security and for the future of peace in that troubled area if outside political intervention were now to force a cease-fire with Egypt on the East Bank of the Suez Canal. Egyptian aggression must not be rewarded by diplomatic maneuvers that will enable Israel's enemies, who decided when the war would start, to decide also when the war will end. This war can only be ended by a return to the lines of the cease-fire that was so treacherously violated on October 6. To permit the termination of this war to be decided by men in Moscow or at the United Nations would be an invitation to aggressors everywhere to resort to force by treachery and surprise in the knowledge that any military gains will be consolidated and protected by outside powers.

Moreover, a conclusion to the present hostilities that left the Soviets in possession of the Suez Canal would do great harm to the position of the United States in the Persian Gulf and the Mediterranean. The Suez Canal should remain closed in any event, and most certainly we must not allow military means to be the instrument of its reopening. With the Canal open the Soviet fleet can move easily between the Mediterranean and the Persian Gulf. The use of this waterway by the Soviet fleet has the effect of doubling the effectiveness of the Russian navy in the oil-producing region of the world.

The Canal, if opened, would be a Russian Canal, a highway for the Soviet navy and merchant fleet. American super-tankers and our carrier-based navy cannot pass through the Suez Canal which is neither deep nor wide enough to accommodate our fleets.

I can think of nothing that would restore the Russian position in the Middle East more quickly, or threaten the future peace of the Middle East more gravely, than for Egypt, by force of Soviet-supplied arms, to regain control of the East Bank of the Canal. Such a result would set the stage for future aggression and that in turn would be an engraved invitation for the return of Soviet influence in Egypt.

Israel must win this war and it must win decisively.

The outbreak of war eight days ago was the culmination of a series of events going back at least to August of 1970. The unfolding of those events is so instructive that I wish to review some of them with you now.

On August 7, 1970 the United States, the Soviet Union, Egypt and Israel entered into a standstill cease-fire agreement that had been hastily arranged by the American Secretary of State. The August cease-fire provided that neither side would introduce or construct any new military installations in a zone extending 30 miles on either side of the Suez Canal. No sooner did the cease-fire with its standstill provision start than the first Soviet-Egyptian violations occurred—that very night of August 7. The extent of the illegal movement of surface-to-air missiles in the cease-fire zone removed any doubt that the violations might have been unauthorized or spontaneous. It was a calculated effort to take advantage of Israeli compliance. The Russians were deeply involved in the planning and execution of the violations.

At the time, as soon as our intelligence sources confirmed the nature and extent of the cease-fire violations, I advised Dr. Kissinger, who was then the President's National Security Adviser, as follows: "In my judgment, we should insist that the illegally emplaced surface-to-air missiles be removed. . . . We cannot legitimize these violations by proceeding—and asking the Israelis to proceed—as though they had not occurred. Whatever we may choose to say publicly, our private communications with the Soviets must be clear on this point."

I further advised Dr. Kissinger: ". . . a failure to stand firm now may well invite further violations. The illegal activity subsequent to August 7 is an early and alarming indication of what we must expect. While no single violation will, in and of itself, give sufficient cause for terminating the cease-fire, the accumulated result could do irreparable harm to Israel's security."

Referring to the SAM missiles moved illegally into the cease-fire zone, I said this in a December 1970 report to the Senate Committee on Armed Services:

"The position of some elements of this air defense network is such that they are effective against aircraft operating several miles on the Israeli side of the Canal. The net effect is to imperil the effectiveness of the Israeli Air Force as a means of preventing both cross-canal fire and an actual crossing of the canal itself.

"If the present uneasy cease-fire deteriorates and hostilities resume, the Israeli Air Force would pay a high price in lives and aircraft in attempting to destroy the SAM defense system. We can assist in mitigating this situation by doing what we can to assure that the Israelis will have the aircraft necessary for this purpose.

"Any way one looks at it, the burden Israel must bear to sustain an adequate level of security is greater now than before the U.S. guaranteed cease-fire. A resumption of the earlier level of hostilities along the canal would claim a higher number of Israeli casualties, both on the ground and in the air, than was the case prior to August 7, 1970."

This is one of those cases where I wish I had been wrong—but unhappily I was right. And the tragic fact is that young Israeli pilots are this very hour paying with their lives for the failure to insist that Egypt and the Soviet Union adhere to the agreement that we arranged and that they joined.

In the more than three years that followed, the Soviet Union engaged in one of the largest military build-ups in their history, supplying guns, tanks, aircraft and missiles to Egypt and Syria in huge quantities and under the cover of the cease-fire. We, for our part, limited the Israelis to piecemeal supplies of aircraft and armor—despite the fact that the Congress, in 1970, adopted my amendment to the Defense Procurement Act authorizing the President to transfer to Israel by credit sale whatever was needed in aircraft and other equipment to offset equipment furnished to the Arab armies.

In recent months the flow of Soviet arms into Syria reached flood-like proportions. More than half of the jet aircraft in the Syrian Air Force and nearly all of the surface-to-air missiles that have claimed the lives of so many Israeli pilots have been delivered by the Soviet Union to Syria since the beginning of this year. We now know that a substantial fraction of the Syrian force of SA-6 missiles that have been used with deadly effect against Israel's Phantoms were delivered in the weeks just preceding the outbreak of war.

My point is simple: we have stood by and watched while the Soviet Union has supplied the means by which this bloody war was initiated and is now being fought.

Without Soviet support and material encouragement, without Soviet training and equipment, without Soviet diplomatic and political backing, this war would not have been started. And yet Dr. Kissinger, the Secretary of State, comes before the American people, as he did on Friday in Washington, to say that Soviet behavior has been moderate and not irresponsible.

I cannot agree with Secretary Kissinger. I believe that Soviet behavior in the Middle East has been reckless and irresponsible. For six years following the Six Day War, American restraint in supplying Israel with the means to provide for her own defense was met, not by equal restraint on the Soviet side, but by a most mischievous and irresponsible program of training and arming Egypt, Iraq and Syria for the war that is now being fought.

Soviet irresponsibility did not stop last week with the outbreak of war. Secretary Brezhnev, violating the letter as well as the spirit of agreements reached with the United States in Moscow last year, did his best to urge other Arab states to join the attack against Israel. Then the Soviets undertook a massive airlift of weapons into Syria and Egypt, resupplying the Egyptian and Syrian armies with sophisticated military hardware. Scores of Soviet transports have been engaged in a resupply effort that the Secretary of State has characterized as moderate.

Well, it is time for the Secretary of State to admit that hundreds of lives, or even many more, will be lost because the Soviets have been engaged in what he calls a "moderate" airlift—and the American people have had enough of that sort of moderation. There can no longer be any justification for withholding from Israel the arms she needs to defend herself. It's not enough for our government to promise resupply at some point in the future. The question is how soon will vital equipment be arriving at the battlefield. I say it should be there now. Time is of the essence. The Phantom aircraft and other weapons that Israel requires should be dispatched at once—not in a day or a week but now, at this moment, so that a brave and deserving friend of the United States can provide for her own defense.

The President of the United States has the authority under the Jackson Amendment to the Defense Procurement Bill—and this week we extended that authority for another two years—to transfer to Israel on long term credits whatever may be required for Israel's defense. The President should use that authority at once to make available aircraft and other essential equipment—or he should send the Secretary of State to the Senate tomorrow morning to explain why he is withholding the means of self-defense from a friend at war while the Soviets pour weapons into Egypt and Syria.

RETIREMENT OF DR. FRANKLIN FOOTE

Mr. RIBICOFF. Mr. President, I want to bring to the attention of my colleagues in the Senate the retirement of one of Connecticut's most outstanding public officials, Dr. Franklin Foote. Dr. Foote has served with distinction as health commissioner in Connecticut for 14 years.

In 1959, as Governor of Connecticut, I appointed Dr. Foote to his present position. Since that time he has compiled an outstanding record of accomplishment in all areas of the health field.

One of his first tasks after appointment was to implement a bill I had signed to combine four State health agencies into one. Quickly and expertly he brought together the tuberculosis control, mental retardation, hospital care, and rehabilitation agencies into a smoothly functioning public health agency.

He successfully decentralized the enlarged units offices to put workers out where the need is. The results were astonishing. Within the first 4 months 1,300 communicable disease cases were detected as compared to 468 in the previous period.

During his tenure he led the way in investigating the harmful potential of drugs, the quality of nursing home care, and the need for more adequate pollution controls.

His national reputation is well-known and he has served on a number of committees formed to raise health standards. He has been especially recognized for his work in mental retardation and camp safety.

In retiring, Frank can be proud of his record of achievement. He has left his mark on Connecticut and we are all the better for it. I hope we will continue to have the benefit of his counsel in the years ahead.

I ask unanimous consent to print various Connecticut newspaper articles commenting on Dr. Foote's retirement in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CAUSE FOR PRIDE

The retirement of Dr. Franklin M. Foote as commissioner of the state Health Department removes from government a gentleman who diligently served three governors.

During the 14 years that he directed a vital state agency, Dr. Foote fought the good fight. He withstood all kinds of criticism in the days when fluoridation of water was a burning issue. The creation of regional public health offices was another of his projects. Today there are four which stand as testimony to his victory.

All aspects of health care were his genuine concern and, while others may have received much of the public acclaim for Connecticut's pioneering efforts in behalf of the mentally retarded, Dr. Foote was nonetheless a prime motivator for these innovations.

He is leaving at the end of the month. Though his time in the current Administration may not have been to his complete liking, Dr. Foote can certainly reflect upon his full career in state service and find many hours of triumph for the causes to which he remains so ardently devoted.

DR. FOOTE LEAVING POST AS STATE HEALTH CHIEF

HARTFORD.—Douglas Seward Lloyd, a 33-year-old doctor two years out of the Duke Medical School, on Nov. 1 will become Connecticut's new state health commissioner.

The appointment of Lloyd was announced Monday night by Gov. Thomas J. Meskill as he disclosed the resignation of Cmsr. Franklin

M. Foote as of the end of this month. According to the governor, the 65-year-old Foote had wanted to step down earlier but had agreed to remain until a search for a successor was concluded.

"Connecticut has been fortunate indeed to have the dedicated service of Dr. Foote, and I am confident that the fine traditions and record he has established in the health department will be continued by Dr. Lloyd," Meskill added.

Foote thus becomes the fifth commissioner to leave the governor's official family this year. Previously the heads of environmental protection, insurance, transportation and motor vehicles departments had all resigned.

In addition, Edward Kozlowski had left the public works commissionership to take the motor vehicles post.

Foote had initially been given the health commissionership by Gov. Abraham A. Ribicoff in 1959. He stayed on for more than 14 years—receiving reappointments from Ribicoff, Gov. John N. Dempsey and Meskill.

A lieutenant in the medical corps of the Naval Reserve, Lloyd is at present chief resident in family practice residency at Duke University in North Carolina. Licensed to practice medicine in both Connecticut and North Carolina, Lloyd will be paid a $31,581 starting salary.

Lloyd is a graduate of Suffield High School and his parents still live in the northern Connecticut town. His wife comes from Windsor Locks.

"I am confident I speak for the medical profession and the many local public health administrators who have worked with Dr. Foote in expressing their deep gratitude and the gratitude of the people of Connecticut for his outstanding service." said the governor.

Dr. Foote's Retirement

While Dr. Franklin M. Foote was a medical student at Yale, he was influenced to go into public health, impressed, as he put it, "with the idea that prevention is more important than just curing sick people." Since his appointment in 1959 by Governor Ribicoff as Connecticut's health commissioner, Dr. Foote has waged steady war against disease through immunization. With the announcement of his retirement on November 1, he and the state can look back on a career distinguished by substantial achievements in that field. But there are many more contributions which will benefit Connecticut for years to come.

First of all, his appointment was announced but minutes after the Governor signed a bill combining four state health agencies into one, presenting a challenge to the new official to reorganize the departments into a cooperative body. That he did so, bringing together the former Tuberculosis Control, mental retardation, hospital care and rehabilitation agencies into the office of public health is history.

It also is recalled how he tried to decentralize the enlarged unit's offices to put workers out where the need is, as he said, in regional offices beginning in Willimantic. The validity of his idea was confirmed by the detection of 1,300 cases of communicable diseases in the first four months compared to 468 in the previous period.

Besides such centers Dr. Foote also continued to work for more full-time health directors in each community. And realizing that "in public health it is an absolute essential that you win the cooperation of the people," education has been important to his program.

During the years he sparked investigations into the harmful potential of drugs including diet pills, nursuing home care, and pollution controls. Fluoridation of public drinking water cooperatives among hospitals for greater efficiency and lower costs and improved sanitation operations throughout the state resulted from his continued efforts.

During Dr. Foote's tenure he has served on a number of national committees formed to raise health standards. For his contributions many honors have come his way such as being named Man of the Year this year by the Connecticut Camp Directors Association in recognition of the state's 1969 Camp Safety Act, considered the nation's model legislation.

Connecticut was fortunate indeed when Dr. Foote left his position as head of the National Society for the Prevention of Blindness to lead the continuing fight for better health in the state, a duty performed in the finest non-political tradition.

THE LOCKHEED LOAN

Mr. PERCY. Mr. President, as part of our oversight function, it is our responsibility to follow up and analyze the results of actions that we have previously taken in the Congress.

Since we in the Congress basically acted as a "board of directors" in a sense in approving a loan to the Lockheed Corp. and designated the U.S. Treasury as our executive director in carrying out our decision to provide a Government-guaranteed loan to the company, I think we should from time to time take a look at the credit worthiness of the borrower and the prospects of having our loan repaid.

The Washington Star of October 7 makes me less than totally optimistic about the worthiness of the loan. As pointed out by the Star, we should take into account the following factors:

First. Lockheed L–1011 sales have not reached the level required to repay the corporation's investment in the L–1011 program and some anticipated sales have been delayed;

Second. Other military divisions of the corporation are experiencing financial difficulty;

Third. The growth potential for the airline industry, and thus aircraft sales, is not as high as previously predicted. The basic conclusion of the article is that at best the Government-guaranteed loan will not be able to be repaid as soon as originally thought, and at worst the companies existence is once again threatened.

The final chapter in this story has not yet been written, but before we in Congress are asked to bail out another faltering corporation or industry, I think we should carefully study the story of Lockheed.

Mr. President, I ask unanimous consent that the article from the Washington Star referred to be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Another Setback for Lockheed

(By Robert J. Samuelson)

Every time things seem to be settling into place for beleaguered Lockheed Aircraft Corp., there's an unwelcome instrusion—a piece of bad news that stirs up the muddy waters of the company's finances.

There was such a piece of bad news last week: Eastern Air Lines—apparently heading for a $30 to $40 million deficit this year—announced the "resignation" of its president; at the same time, Eastern asked Lockheed to delay the delivery of the last nine of the 37 TriStar jets it has ordered.

Eastern is the largest customer for the TriStar and, as Lockheed officials privately concede, the airline's request probably will have to be accommodated in some fashion.

Combined with other recent events—the possibility of an unfavorable settlement on a military contract, and a slowdown in the growth of U.S. airline traffic—Eastern's troubles inject a new element of uncertainty into the outlook for Lockheed.

At best, the company probably won't be able to repay its multimillion-dollar government guaranteed loan as early as planned; at worst, it's possible that the amalgam of problems could utlimtely mushroom and jeopardize the company's survival.

Any such crisis would almost certainly involve the government—both because Lockheed remains a major defense contractor and because the loan guarantee was essential to the TriStar program.

To the casual observer, Lockheed's situation may not look precarious. Ever since Congress approved the loan guarantee in 1971, the company has been reporting profits—$15.4 million in 1971 and $16.2 million last year. But the reported earnings aren't as significant as they appear.

First, for all practical purposes, Lockheed can't pay any dividends until the government guaranteed loan is repaid.

Second, and more important, the reported profits are based on a critical assumption—that Lockheed will be able to sell a certain, predetermined (but undisclosed) number of TriStars by 1978. All that's known is that the number is something above 220 and that Lockheed now has firm orders for 126.

The added sales are needed to help Lockheed repay its enormous investment in the TriStar program.

At the end of last year, Lockheed had nearly $1.1 billion in TriStar "inventory"—development costs, tooling expenses, new plant construction; that huge investment hasn't been counted as a current cost, but as is often done, is being written off over the program's anticipated sales. The trouble is that the sales are still anticipated.

Until recently, Lockheed had been making some progress. It had won a few important new orders from British European Airways and All Nippon Airways (ANA), and Delta Airlines—after absorbing tiny Northeast last year—indicating that it might ultimately buy more by taking options on six additional planes.

Against these sales now comes a series of reverse:

(1) Eastern's troubles: Eastern originally had been scheduled to receive the last 11 Tri Stars next year. Now the airline—with far more jumbo jets than its traffic justifies—wants to take only two in 1974, staggering the rest over 1975 and 1976.

It's possible that Lockheed will be able to find other customers to take early delivery on their Tri Stars, and, thus, avoid a disruption of the production line.

More likely, as company officials concede, is that the production line will probably have to be slowed down; in the best of circumstances, that means higher manufacturing costs per plane, because Lockheed's fixed expenses have to be spread over a smaller output.

Lockheed officials insist that they have ample time to accomplish a smooth production slowdown, but there's always the risk that the change will bring an unanticipated spurt in costs.

Until recently, Lockheed has estimated that it would borrow no more than $180 million of the $250 million government-guaranteed loan; repayment was scheduled to begin at the end of 1973 with $10 million and finish by the third quarter of 1975. Now, Lockheed probably will have to borrow more than the $180 million, and the repayment schedule will be stretched out.

(2) Military Procurement Problems: In 1971, Lockheed and the Navy reached a tentative agreement on a Lockheed claim for $159 million in extra payments on a shipbuilding contract. The agreement gave Lockheed $62 million with a first payment of $49 million pending final settlement.

Last May, Lockheed asked the Armed Service Board of Contract Appeals to force the Navy to pay either the remaining $13 million or the full $159 million. Meanwhile, however, a Navy contracting officer issued a final decision on the original dispute, finding that Lockheed was entitled to only $7 million, not the $49 million.

It's possible, as Lockheed officials argue, that the company will prevail on appeal, but if it doesn't there could be an additional $42 million liability to the Pentagon a couple of years from now.

(3) Slowdown in airline traffic growth: This may be the most serious development of all, because it calls into question how many Tri Stars Lockheed can ultimately sell—or, at least, how fast they can be sold.

Most of Lockheed's forecasts have assumed an annual traffic growth of 10 to 12 percent; in fact, the 10 percent growth has been exceeded only once in the last four years.

With the U.S. economy booming, most airline economists had expected an 11 percent rise this year, but traffic has increased slowly in recent months and the gain may be only 7 to 9 percent. Next year, it could be as low as 3 to 5 percent.

All this is beginning to suggest that the frenzied era of airline growth—in the mid-sixties, annual growth often averaged between 12 and 20 percent—is gone forever.

If this is so, it has enormous implications for aerospace companies. A gap of a couple of percentage points in growth—when compounded annually—makes a big difference. In 1971, when Lockheed was asking Congress for a $250 million loan guarantee, the Civil Aeronautics Board gave the Senate Banking and Currency Committee the following table estimating the demand of U.S. domestic airlines in traffic increases:

Average Traffic Increase	*Planes 1971–80*
10.8%	798
10	704
9	591
8	485
7	384
6	323
5	323

There's a sobering statistic that can be put with this table: At last count, Lockheed and McDonnell Douglas (which manufactures the other jumbo trijet, the DC10) already had firm orders for about 200 trijets. Moreover, total demand for the jumbo jets may have slipped somewhat, because many airlines—instead of ordering the wide-bodied jets—bought more "stretch" 727–200s from Boeing.

All this casts a considerable shadow over the status of Lockheed's enormous investment in the TriStar. In 1971, when it was before Congress, Lockheed said it was writing off that investment over projected sales of 220 planes by 1978; since then, the 220 figure has been increased on the rationale that the ANA order (for 14) hadn't been included in the calculations.

Lockheed isn't saying what the new number is, but—whatever it is—it's beginning to look questionable.

None of this means that Lockheed faces an inevitable survival crisis. Profits on defense programs might be enough to support the TriStar; Lockheed's major banks (which have invested $400 million in the company that's not covered by the government guarantee) might be lenient on repayment; Howard Hughes—who has already indicated he's interested in putting up $100 million for the long-range version of the TriStar—might find some more money. A lot of things could happen. But a genuine threat to Lockheed's existence—with a government rescue or a change in current ownership—is one of them.

MEMBERS OF CONGRESS AND CONSUMER FEDERATION PROTEST FPC EFFORT TO DEREGULATE NATURAL GAS

Mr. HUMPHREY. Mr. President, on September 14, 1973, with no public notice, the Federal Power Commission issued an administrative order which, in essence, deregulated the wellhead price of natural gas.

Immediately following that notice, the Consumer Federation of America—CFA—under the able leadership of Lee White, former chairman of the FPC and now chairman of the CFA Energy Policy Task Force, requested the FPC to stay their order. Their request for a stay was refused but the FPC did modify their plan for comments on the order.

The CFA, therefore, requested that the U.S. Court of Appeals stay the FPC order. Their request was granted by the court on October 3 and the FPC order was stayed until public comments could be received and reviewed.

I have joined with five other Senators and six Members of the House in filing comments opposing the deregulating order and requesting that it not be reinstated, particularly while the Senate Commerce Committee is deliberating on this subject.

Mr. President, I consider this action by the FPC to be an administrative attempt to erode the regulatory controls over natural gas pricing that were guaranteed the American consumer by Congress in the Natural Gas Act and I am opposed to their action.

I ask unanimous consent that the comments provided by several colleagues and me to the FPC order, those of the Consumer Federation of America, and the CFA's October 3 announcement of the court stay of the FPC order, be printed in the Record.

There being no objection, the comments were ordered to be printed in the Record, as follows:

[United States of America Federal Power Commission, Docket No. RM–74–3]

Protection of Reliable and Adequate Service for the 1973–1974 Winter Heating System

Comments of Senators Humphrey, McGovern, Metcalf, Moss, Mondale, and Proxmire, and Congressmen Aspin, George Brown, Eckhardt, Fraser, Moss and Reid opposing Orders No. 491 and 491–A

These Orders pose the question whether the Commission has the power to broadly suspend price regulations in its issuance of Producer Certificates under Section 7 of the Natural Gas Act.[1] The question comes to whether the Commission may de-regulate producer rates. Since they believe that such broad and drastic decisions as represented by these Orders are a direct encroachment on legislative authority and since the matter is of vital significance to consumers, Senators Humphrey, McGovern, Metcalf, Mondale, Moss and Proxmire, and Congressmen Aspin, George Brown, Eckhardt, Fraser, Moss and Reid file the following comments.

The above listed persons are either United States Senators or United States Representatives. As such they have a specific interest in the enforcement of the law by administrative agencies. Additionally, they have representative and personal interests in the enforcement of natural gas pricing regulation. The mailing address and telephone number of the above persons is:

United States Congress, Washington, D.C. 20515. Telephone: 202–CA 4–3121

Additionally, comments may be served on Robert A. Jablon, Esquire, Spiegel and McDiarmid, 2600 Virginia Avenue, Northwest, Washington, D.C., 20037.

The above Senators and Representatives strongly oppose Orders No. 491 and 491A, which represent an administrative attempt to erode completely the regulatory controls over natural gas pricing that were guaranteed the American consumer by the Congress. In so acting the Commission would not only demonstrate a disregard of its statutory responsibilities under the Natural Gas Act, but disregard the difference between the legislative and administrative powers as well. While certainly administrative agencies have broad authority in interpreting and applying regulatory statutes, this authority must be exercised in accordance with the general purposes of the statutes they administer.

"The purpose of the Natural Gas Act was to underwrite just and reasonable rates to the consumers of natural gas *Federal Power Comm. v. Hope Natural Gas Co.,* 320 US 591, 88 L. Ed. 333, 64 S. Ct. 281 (1944). As the original Section 7(c) provided, it was the intention of Congress that natural gas shall be sold in interstate commerce for resale for ultimate public consumption for domestic commercial, industrial, or any other use at the lowest possible reasonable rate consistent with the maintenance of adequate service in the public interest." 52 Stat 825. [footnote omitted]. The Act was so framed as to afford consumers a complete, permanent and effective bond of protection from excessive rates and charges." *Atlantic Refining Co. v. Public Service Commission of New York,* 360 US 378 388 (1959).

Whether there is merit to the de-regulation of natural gas, as written by Congress and interpreted by the Courts, the law at present requires vigilant Commission price regulation. If the Commission deems the statute unwise or inappropriate (as apparently it does), its recourse is to recommend modified legislation and not to implement a *de facto* legislative change. In this way Congress may consider the underlying political, social and economic issues. In this connection it is noteworthy that the President has recommended legislative changes to the Congress as a part of his energy program and that hearings are to commence shortly before the Senate Commerce Committee.[2]

Apart from the constitutional illegality of de-regulation by administrative fiat, the Senators and Representatives are deeply disturbed by the prejudicial consequences that will flow from any further avoidance by the Commission of its consumer protection responsibilities. It is particularly inappropriate to sanction de-regulation, by precipitous administrative action, during times of scarcity, thus leaving the consumer at the mercy of an industry which has been determined to possess monopoly power. Such action compounds inflationary impacts. It is apparent that the result—and the purpose—of Order No. 491 is to greatly increase the price of natural gas.

As expressed in Order 491–A, the premise of the Commission's action is that by an allegedly temporary elimination of price regulation over new gas supplies, the Commission will alleviate the natural gas shortage.

Footnotes at end of article.

However, the Commission ignores that the Natural Gas Act is based upon the opposite premise that regulation is necessary. Indeed, to the extent that there are either structural or other market impediments so that competition cannot be presumed to bring forth sufficient natural gas supplies at just and reasonable prices or that there are natural supply limitations compared with visible demand, the *fact* of a shortage demands price regulation—not its abandonment. This is the underlying basis for the statute. Furthermore, there are very practical problems to "temporary" de-regulation. Apart from its ignoring of the statutory purpose, if the ability of natural gas producers to obtain higher prices is allowed during certain periods of time, new findings will certainly be withheld from the market awaiting further periods of de-regulation. It would not make economic sense for a natural gas producer to do otherwise. This leads to the additional harm of creating expectations of even higher prices, which itself creates incentives for withholding gas from the market and which furthermore economically penalizes actions taken in conformity with the general regulatory purpose. A system of regulation cannot be tolerated where there is economic penalty and dis-incentive for the producer to voluntarily comply with the Act. Moreover, the de-stabilizing forces created by orders such as 491 and 491–A are directly contrary to the national goals of eliminating inflation and providing price stability and stable investment climates.

The Commission's action represented by these Orders is even more disturbing in view of its apparent ignoring of other actions which the Commission has already taken in order to stimulate natural gas production and sale in interstate markets. For example, the Commission has already greatly increased natural gas producer prices under its area rate regulation and other allowances and incentives to increased production. These actions allow for monetary incentives far in addition to cost based rates. If the Commission is to now allow newly found gas to flow in interstate markets without price ceiling limitations, by this action it makes certain that the price increases that it has already granted to stimulate new gas findings will not work because of the holding forth of the additional carrot of *no* responsibility to producers who withhold gas. If, on the other hand, the Commission deems the other actions to have been insufficient, it may merely be an admission that its program of price de-regulation by stages has not worked and there is no reason to believe that more of the same will do any better.

The Senators and Representatives are further disturbed by the breadth of the administrative action. If it is assumed that specifically directed proposals to alleviate the shortage might be effective, this still does not provide justification for a general deregulation of producer certificate prices. Compare the Commission's action in allowing the certification of additional facilities to provide for the transportation of new, additional amounts of federal domain gas for intrastate refinery uses at the same time similar uses in other areas of the country could not be accommodated. *Chandeleur Pipe Line Co.*, 44 FPC 1797 (1970), 45 FPC 370 (1971), *affirmed, Public Service Commission of New York v. FPC*, 463 F. 2d 824 (CADC, 1972).[3] Thus, the Commission might reserve new Federal Domain Gas for interstate sales. If it is worried about the diversion of natural gas to intrastate markets, the Commission might petition Congress to amend the statute to control intrastate sales. See *Houston, East and West Texas Ry. v. United States* 234 U.S. 342 (1914, *"Shreveport Case"*).

The above listed Senators and Representatives are deeply concerned about the threatened shortage of natural gas and are committed to pursuing all appropriate corrective action. However, they cannot support administrative abandonment of the consumer protections provided by Congress. The Commission must not attempt to revitalize Order No. 491 and 491–A which has been stayed by Court order.

The teaching of *CATCO* (*Atlantic Refining Co. v. Public Service Commission of New York, supra*) is precisely that the Commission should not abandon regulation under threats that gas will otherwise be withheld from interstate markets. There, like here, here were clear threats of shortage. However, if the Commission was merely to raise rates as an answer to shortage, it had to give the "reason why". 360 U.S. at page 393. Like in *CATCO*, here there is no real explanation that the action will result in substantially more interstate gas supplies. Compare *Texas Gulf Coast Area Natural Gas Rate Cases*, CADC No. 71–1828 (August 24, 1973). Indeed, the expectation of total de-regulation signaled by the Commission may encourage the *withholding* of gas from interstate commerce. And while additional gas may flow under temporary permissions, this may substitute for gas which would have been sold under regular certificates. Indeed, the orders provide every incentive for producers not to request regular Section 7 certification in the hope that de-regulation will be made permanent.[4] Like in *CATCO*, there is no assurance that Section 4 or Section 5, which were there termed "nigh interminable" will fill the gap. Indeed, to the extent it might, the actions taken here would be antithetical and make it more difficult to control prices in the future. See also *United Gas Improvement Co. v. FPC*, 290 F. 2d 133 (CA 5, 1961), *cert. denied sub nom Sun Oil Co. v. UGI*, 368 US 823 (1961). Conclusory hopes that suspension of regulation may bring more supply is not sufficient to ignore the statute.

FOOTNOTES

[1] Natural Gas Act, Section 5, 15 U.S.C., Section 717f.

[2] Senators Humphrey, McGovern, Metcalf, Mondale, Moss and Proxmire and Congressmen Aspin, George Brown, Eckhardt, Fraser, Moss and Reid do not here take a position of the *desirability* of legislative changes. However, they deeply believe that statutes should not be applied directly contrary both to their language and basic purpose because of an allegation that statutory changes may be necessary. Of course, they do not take a position as to how they may vote on various proposed legislative changes that may come before them for decision.

[3] We cannot understand, for example, the justification for special procedures for sales of offshore gas on the basis that this gas may be diverted to intrastate markets, since this gas is already under FPC control.

[4] If gas is actually committed to interstate markets under these orders, this could provide for a permanent commitment, "pre-abandonment" notwithstanding.

[United States of America Before the Federal Power Commission, Docket No. RM74–3]

POLICY WITH RESPECT TO ESTABLISHMENT OF MEASURES TO BE TAKEN FOR THE PROTECTION OF RELIABLE AND ADEQUATE SERVICE FOR THE 1973–74 WINTER HEATING SEASON

Comments of American Public Gas Association, American Public Power Association and the National League of Cities—U.S. Conference of Mayors

These comments are filed on behalf of the Consumer Federation of America ("CFA"), the American Public Gas Association ("APGA"), the American Public Power Association ("APPA") and the National League of Cities—United States Conference of Mayors ("Conference"),[1] pursuant to the terms of FPC Order No. 491–A issued September 25, 1973.

1. Copies of all filings, notices and other papers should be served upon:

Edward Berlin, Esq., Berlin, Roisman and Kessler, 1712 N Street, N.W., Washington, D.C. 20036 (833–9070), General Counsel for CFA.

Charles F. Wheatley, Jr., Esq., American Public Gas Association, 2600 Virginia Avenue, N.W., Washington, D.C. 20037 (337–5544), General Counsel for APGA.

Frank W. Frisk, Jr., Esq., American Public Power Association, 2600 Virginia Avenue, N.W., Washington, D.C. 20037 (333–9200), Special Counsel for APPA.

2. We have already pointed out in our Petition for Rehearing that, in our view, Order No. 491 which effects a 180-day suspension of the Act is unlawful and must be discarded since it finds no support in either Section 7(c) or any other section of the Natural Gas Act. Congress obviously never intended Section 7(c) of the Act to be used to deregulate gas sales for a period of 6 months, and the Commission's argument that since it has already achieved the same result (in Order Nos. 402 [2] and 418) [3] for lesser periods, a period Order No. 491 is valid,[4] is sheer bootstrap. The point, of course, is that the Courts have never affirmed the FPC's asserted power to suspend the Act, and the Commission may not cite one (unchallenged) questionable act to support another. The Commission may not abdicate its statutory responsibility to see that all jurisdictional sales are in the public convenience and necessity, which finding entails a close scrutiny of rates involved.[5] The promise of rate review in future pipeline proceedings,[6] is obviously a false one since pipelines merely use their PGA clauses to pass through such gas costs to consumers. The absence of any refund commitment by the producers of or any procedure whereby they can be required to make refunds, makes it impossible to seek to hold the pipelines responsible for contracting at excessive rates in pipeline rate proceedings. The vague standard of prudence in pipeline cases cannot be substituted for the Commission's responsibility under the Act to set just and reasonable rates for producers.[6a]

3. The Commission's rationale for its extreme actions in the docket is that we have an emergency gas shortage situation and absent suspension of the Act for six months, the situation will be aggravated.[7] Such reasoning necessarily presumes that the Commission is working from the premise that the oil industry has gas reserves available for the interstate market which it has been withholding pending this penultimate step by the Commission.[8] In other words, the Commission is confirming the view of money (including its own Office of Economics) that the greatest disincentive to dedication of new gas reserves to the interstate market has been the Commission's self-fulfilling promise of price increases. The stated commitment of the FPC Commissioners themselves to deregulation would encourage any prudent businessman operating in an oligopolistic market to withhold his product pending resolution of the regulation versus deregulation issue. The fact so proudly cited by the FPC that the 60-day emergency purchases and limited-term certificates have brought certain quantities of gas to the interstate market [9] obscures the more important point that but for these procedures the interstate market might have secured long-term commitments of gas rather than the short-term commitments which perpetuate the crisis atmosphere which the Commission cites as authority for still another short-term solution.

4. Though we are unable to find a single reference in Order No. 491 or 491–A to the intrastate market, we must assume that one purpose of the six-month suspension period

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Footnotes at end of article.

is to permit interstate purchases to compete with intrastate purchasers for available gas supplies. Thus, though the Commission apparently does not want to face the issue,[10] it is clear that one of the major problems facing the gas industry today is the suicidal competition now being waged between interstate and intrastate purchasers to secure gas supplies. Of course, the oil industry thrives on such "competition" because it drives up the price of gas without regard to costs. It is time that the Commission asserts its plenary power under the Act to control the allocation of gas supplies on a nationwide basis,[11] and put an end to the senseless, self-destructive bidding contest which the Commission's policies (culminating in Order No. 491) have not only sanctioned but encouraged to the detriment of the entire consuming public.

5. Our views on the Commission's failure to adhere to basic notions of due process and to the APA in issuing Order No. 491 have already been thoroughly discussed in our Petition for Rehearing and need not be repeated here.

6. Pre-granted abandonment, which is contemplated in Order No. 491 violates one of the fundamental concepts of the Natural Gas Act that a jurisdictional sale, once initiated, may not be discontinued absent a finding *at the time abandonment is applied for* that it is required by the public interest. Section 7(b) of the Act (15 U.S.C. § 717f(b)) precludes abandonment:

> ". . . without the permission and approval of the Commission first had and obtained, after due hearing, and a finding by the Commission that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted, or that the present or future public convenience or necessity permit such abandonment."

Since Order No. 491 contemplates no hearing at all, it is patently impossible for the Commission abide by Section 7(b) of the Act much less to make the requisite findings required by Section 7(b) with regard to a proposed *future* abandonment. The Commission may not abdicate its recognized "regulatory responsibility to assure that gas once dedicated to the interstate market will continue to be available to that market so long as the public interest demands . . ." *Continental Oil Co.*, 31 F.P.C. 1079, 1082 (1964); see also *Atlantic Refining Co.* v. *Public Service Comm'n of N.Y.*, 360 U.S. 378, 387–89 (1959); *Sunray Mid-Continent Oil Co.* v. *FPC*, 364 U.S. 137, 156 (1960).

It is well established that a natural gas company may not provide for cessation of its service on a specified future date simply by contracting to sell gas only until that date (*e.g., Harper Oil Co.*, 23 F.P.C. 2, 3 (1960)), and yet that is exactly the effect of pre-granted abandonment. In short, pre-granted abandonment obviously violates Congress' clear intent that abandonment of service or facilities is proper only if certain stated findings are made by the Commission after a hearing *at the time abandonment is to be effected.*

Wherefore, for the foregoing reasons, we respectfully submit that Order No. 491 is unlawful and must be discarded and we respectfully urge that the Commission solve the emergency situation which it describes by exercising its plenary power to allocate gas reserves on a nationwide basis.

FOOTNOTES

[1] The interest of each of these parties was set forth in their "Petitions for Leave to Intervene and for Rehearing for an Immediate Stay" filed in this docket on September 20, 1973. The arguments set forth in that Petition are incorporated herein by reference, as anticipated by the Commission in Order 491–A (p. 2).

[2] 43 F.P.C. 707 (1970).

[3] 44 F.P.C. 1574 (1970).

[4] Order No. 491–A, pp. 2, 11.

[5] Atlantic Refining Co. v. P.S.C. of N.Y., 360 U.S. 378 (1959).

[6] Order 491–A, p. 8.

[6a] With respect to any 6-month sales consummated prior to the issuance of the stay order by the Court of Appeals on October 3, 1973, we think the Commission if it does not set them aside, should at the very least require refunds.

[7] Order No. 491–A, p. 8. We are tempted to suggest that the Commission look over its shoulder for a moment at all the carrots it has thrown the oil industry since 1969, and reflect for a moment how the carrots have only seemed to whet the appetite of the oil industry—a result long predicted not only by consumer groups but also by the chief economists in the FPC's own Office of Economics.

[8] It is obvious to all concerned that the six-month deregulation fiat could not result in the development of new reserves for the interstate market due to the 3–5 year lay time involved in exploration and development of new gas supplies.

[9] Order No. 491, p. 3; No. 491–A, pp. 8–9.

[10] The Commission's embarrassment is well-grounded since it continues to resist before Congress regulation of the intrastate market, despite the fact that a number of its Administrative Law Judges have found *on the basis of record evidence* that regulations of the intrastate market was the only sane solution to the dislocations of gas supply now facing the nation.

[11] *E.g.*, FPC v. Louisiana Power & Light Co., 406 U.S. 621 (1972).

Consumer Victory—Court Halts FPC Deregulation Order

Washington, D.C.—In their continuing struggle against the Federal Power Commission's attempts to deregulate the price of natural gas, the Consumer Federation of America and other groups today won a major victory.

The U.S. Court of Appeals for the D.C. Circuit today upheld the request to stay recent orders of the Federal Power Commission which would have allowed gas producers and pipelines to enter into six month contracts without any price regulation by the FPC as mandated under the Natural Gas Act.

The request for a stay was filed in the Court of Appeals by CFA, the American Public Gas Association, the American Public Power Association, the National League of Cities—United States Conference of Mayors, and the Public Service Commission for the State of New York.

Indications were that if the FPC's procedure were permitted to continue, the prices charged by producers would skyrocket to unprecedented levels at least twice as high as those previously held to be the lawful limits.

The Court order leaves it yet open to the Commission to endeavor to reinstate its deregulation order on or before November 13, 1973, if it can find that such a procedure would be lawful and consistent with the public interest.

Under the Court's ruling, the FPC will be able to reconsider its de facto deregulation order by accepting comments from interested parties.

Lee C. White, CFA's chief energy spokesman and former Chairman of the Federal Power Commission, said that CFA intends to strenuously avail itself of this commenting opportunity and will insist that the Commission must aggressively move to discharge its statutory responsibilities to insure that all rates charged by natural gas producers are just and reasonable.

White commented, "In view of the threatened scarcity of natural gas supplies, it is now, more than ever, absolutely essential that consumers must demand rigorous enforcement of the FPC's regulatory responsibilities and receive protection from exploitation by natural gas companies.

"We fervently hope," White continued, "that the FPC will now recognize this fact and get on with the business of properly regulating in the public interest."

NONRETURNABLE BEVERAGE CONTAINER PROHIBITION ACT

Mr. HATFIELD. Mr. President, last June 25, I introduced the Nonreturnable Beverage Container Act, designated S. 2062. The purpose of this legislation is, very simply, to ban the use of nonreturnable soft drink and beer containers. The bill is modeled after a law enacted in the State of Oregon which has been in effect for just over 1 year.

Since S. 2062 was introduced, a number of articles have appeared which I would like to bring to the attention of my colleagues. The first of these is a United Press International article which appeared in the Medford, Oreg., Mail Tribune on October 2. The article takes a look at 1 year's experience with the law and its impact on our State. Over the summer, Mr. Edward P. Morgan, the ABC news commentator, visited Oregon and was able to observe firsthand our cleaner highways. Mr. Morgan was so impressed that he devoted a commentary to our "bottle bill." Business Week magazine has also studied the nonreturnable issue in national terms, and an article from their July 28 issue outlines some of the opposition to legislation of this nature.

In addition to these articles, the Environmental Protection Agency, which is studying Oregon's law, published a report on the first 6 months' experience with the bottle bill, which includes some telling statistics relating to litter reduction.

Mr. President, our experience in Oregon, combined with the studies I have read on the extra energy costs we pay by using nonreturnable containers, strengthens my belief that we need to adopt a policy similar to Oregon's on a national level.

I ask unanimous consent that the materials I mentioned be printed in the Record and I commend them to the attention of my colleagues.

There being no objection, the materials were ordered to be printed in the Record. as follows:

Oregon's "Bottle Bill," 1 Year Old, Is Hailed as a Smashing Success

(By Quinton Smith)

Portland.—Oregon's one-of-a-kind "bottle bill" celebrated its first anniversary Monday, with state officials hailing it as a smashing success. But those making out-of-state beverages for Oregon assailed it as a detriment.

One thing is for sure—it is widely accepted and acclaimed by citizens of the state, and Oregon's six-month long legislative session which refused to repeal the law passed by the 1971 session.

A group of brewers, can manufacturers and bottlers are presently appealing a Marion County Circuit Court decision upholding the law to the state Appeals Court, which expected a trial date late this month or early November. They claim the law, which outlaws unreturnable bottles and cans and requires payment on return bottles and cans, is discriminatory and interferes with interstate commerce.

"HERE TO STAY"

"I feel the law is here to stay and will be going into other states and even other countries," said William Moore, head of the Oregon Liquor Control Commission's enforcement division and the man who sees the bottle law is obeyed. "Consumers have made a success of the container law."

When the law became effective six beer bottles were certified by the OLCC for a two-cent deposit. All other bottles, including soft drink containers carry a five-cent minimum deposit. The familiar pull tab can was outlawed, virtually wiping out canned beer and soft drinks from the state's grocery shelves. At present only three types of bottles meet certification standards which say they must be used by at least two bottlers and are reusable. Moore says he hopes by the end of the year a 12-ounce "export" bottle is decertified, leaving only the 11 ounce stubby and a 32-ounce container on the Oregon market.

The object of the law was to wipe out litter on the state's highways. Both Moore and Kessler Cannon, Gov. Tom McCall's coordinator for natural resources, believe it has accomplished its purpose.

PICKED UP QUICKLY

"It has practically eliminated litter of this type on roadways, in parks and on forest trails," Moore said. "For those who still throw containers out—and there are darned few anymore—there's someone right behind them picking them up for the deposit."

"Even the sack or carton that used to carry the bottles to the garbage can, now goes back to the store," Cannon said. He said that monthly surveys since the inception of the law showed decreasing amounts of litter to now where it is at a "very low level."

"Last May the price of case beer in Oregon went up 40–50 cents, the first increase in four years, Moore said. While brewers said some small amount might have been due to the new law, most admitted that rising costs for labor, raw material and packaging had spurred the hike.

Bill Wessinger, chairman of the board of Blitz-Weinhard, an Oregon based brewery, and also the largest seller in the state, said the market was affected slightly by the bottle bill "but by how much we don't know."

NORMAL GROWTH

Moore maintains there has been the normal growth in the beer sales, while soft drink sales were reported on the increase.

Wessinger said 40 per cent of the Blitz' sales were in cans. Its can line now sits idle, while a new $1.5 million bottle line has taken its place. He also says the law has added $100,000 in yearly handling costs to its Portland distribution firms.

"There's no question that there is a real burden on the retailer," Cannon said. "But instead of fighting for part of the deposit, they should be trying to handle the load more easily."

Some supermarkets say their storage rooms are now being used for bottles instead of foodstuffs. Several distributors have built new warehouses for handling the empties.

A spokesman for Fred Meyer supermarkets said the firm has added an average of 1½ employes per store because of the increased handling of bottles, but it was the only increase in costs to them.

NO OTHERS YET

While the impact of Oregon sales consists of only one per cent of the national beer and soft drink market, Moore said manufacturer and brewery groups are opposing similar legislation presented in 39 state legislatures this year. None have passed yet. But Moore keeps on getting inquiries from states and foreign countries.

He said that every state except Alaska has contacted him for information on the bill and many have sent state or local government officials. A representative of the South Australian government also spent a week in Oregon and assured Moore when he left that his state would soon enact the law. Several Canadian provinces have passed it also.

Cannon said similar laws have been introduced in both houses of Congress, with hearings scheduled in the near future.

"There are a lot of people violently opposed to it in industry," Cannon said. "But those people who have come to Oregon without backgrounds in other legislatures or industry, have found for themselves that the law was working quite well."

THE SHAPE OF ONE MAN'S OPINION

(By Edward P. Morgan)

This is Edward P. Morgan, ABC News Washington, with the Shape of One Man's Opinion. A look at the returns on returnable bottles after this word.

The state of Oregon is learning that it pays to be beautiful. Two years ago the state legislature, judiciously prodded by Governor Tom McCall, a Republican, passed a bill making it illegal to sell beer or soft drinks in anything but returnable bottles. This was an anti-litter measure with teeth in it. Predictably, the soda pop, cola and brewery lobbies fought it furiously. To everybody's astonishments, including the legislature's, the lobbies lost, and since last October the new law has been operative.

As an eye-witness, I can testify that it is working. Much of last week I drove the highways and byways of western Oregon and they were cleaner than any roads I can remember anywhere. They were not immaculate. Here and there were empty bottles and cans—beer cans are now strictly illegal. But the litter was spectacularly minimal and as if determined to reduce it to the vanishing point, litter patrols have been organized. I saw one unit operating along the Nehalem river just inland from Arch Cape on the Pacific Coast, a squadron of kids, girls and boys, in hard hats, heaping the manmade flotsam and jetsam in plastic bags for truck collection.

Apart from the law's esthetic value in conserving Oregon's lush natural beauty, the economic ramifications of breaking the "no deposit-no return" syndrome are fascinating. The state's former governor and now senior Senator, Mark Hatfield, found them so exciting that he was emboldened in June to introduce a bill banning the shipment and sale of virtually all nonreturnable beverage containers in interstate commerce. The Environmental Protection Agency will publish a one-year study of the effectiveness of the Oregon law in October and Hatfield hopes it will give considerable impetus to his bill despite inevitable lobbying by brewery and bottling interests.

The fact is that using returnable containers saves energy—of which we are supposed to be short. It works this way: a returnable bottle is reused about 15 times. Thus, a University of Illinois study concluded that the energy required to deliver a unit of beverage to the consumer is about triple in a throwaway glass container over a returnable bottle. The study calculated that if the entire beverage industry were converted to returnable containers, the energy saved could have supplied the total electrical needs of Boston, Pittsburgh, San Francisco and Washington, D.C. for some five months in 1970 usage levels.

Oregon has found some pain in adjustment. Can company closings lost 142 jobs. But more demand for bottles may produce new jobs. And it is considerably cheaper to the consumer to buy returnable bottles. The law is only nine months old but results are measurable. Before October, 1972, an Oregon state survey showed beverage containers formed some 62 per cent of the volume of litter. That has dropped to something like two per cent.

I'll have a footnote in 30 seconds.

Only Vermont has been bold enough so far to follow Oregon's lead in banning no deposit-no return containers. But if by some miracle the Hatfield bill should pass, what a tidy nation we would become!

This is Edward F. Morgan, ABC News Washington, with the shape of one man's opinion.

[From Business Week, July 28, 1973]

OREGON: A TEST CASE FOR RETURNABLE CONTAINERS

("No deposit. No return. Born circa 1935. Died in Oregon Sept. 30, 1972 May it rust in peace.")

So reads a tombstone mockingly erected in Portland by environmentalists last fall, when Oregon became the first state to outlaw the sale of beer and soft drinks in nonreturnable bottles and cans. For 10 months now, consumers have had to plunk down a 2¢ deposit for standard bottles that can be refilled by more than one brewer or bottler, and 5¢ for other containers. The law also bans cans with detachable pull-tab tops.

The aim of the law is to curb litter. However worthy this goal, the statute is now at the center of a controversy with nationwide implications for environmentalists and for a whole bevy of business interests, from bottlers and brewers to can and glass container makers The businessmen strongly oppose the statute, and fear it may spread to other states On July 1, for example, a similar law took effect in Vermont, and last month Senator Mark Hatfield (R-Ore) introduced a national version of the Oregon law

Is the Oregon "bottle bill" effectively reducing litter? Yes, says a preliminary report released last month by the Environmental Protection Agency. The number of beverage containers in roadside litter during the three winter months after enactment declined 81% from the year earlier period, the federal agency said And it found that the share of beverage containers in litter was nearly halved—from 37% to 18.9%. "The law," says Eileen Claussen, who wrote the report, "has had a significant and positive impact on litter."

CANS CANNED

But the law has caused economic disruptions, too, she reports. Cans, which cannot be refilled, were all but driven off the shelves, declining from 41% of the soft drink market and 35% of the beer market to less than 1% of each. As a result, National Can Corp., Oregon's largest supplier, closed one plant in Yakima, Wash., while Emerald Canning Corp., a local canner of soft drinks, went out of business. Total jobs: 142. And retailers have been "inundated" with empties, EPA says, raising handling and storage costs.

Like the bearer of bad tidings, the EPA report is being attacked by industry, which insists that the "bottle bill" is ineffective. "It is an inaccurate and irresponsible document," charges Patrick Van Keuren, director of environmental services at American Can Co. and chairman of the Oregon Beverage Industry Task Force, a group of companies that opposes the statute. Van Keuren says the litter data gathered before and after the law cover different stretches of highway. "They are statistically not comparable," he says. Furthermore, he claims that Eileen Claussen "is the leading advocate of a national bottle bill," and is therefore "biased." Says he: "The proliferation of the Oregon law would be extremely harmful to the country."

Ms. Clausen, a program manager at EPA's Office of Solid Waste Management, admits that the data, furnished by the Oregon State Highway Dept., cover different stretches of road. "But the highways are so similar that the data are fully comparable," she contends. She also denies the advocacy charge. "I did testify in Montgomery County, Md. [which held hearings on a similar law], but I merely presented the findings. I suggested the county make up its own mind."

NATIONAL IMPLICATIONS

The dispute reflects issues that transcend Oregon. The state has only 1% of the nation's population, and its beverage markets are dominated by local brewers and bottlers who stand to lose very little from the law. But if similar laws are passed elsewhere, they could spell disaster for many companies. More than half the cans produced annually are beverage containers—a fast-growing market that could be crippled wherever Oregon-type laws appear. Bottle makers stand to make some short-run gains at the expense of cans, but widespread acceptance of returnables would eventually erode bottle sales, too. One statistic shows how vast the impact could be: Some 90-billion beverage containers will be produced this year—450 for every man, woman, and child.

If the law spreads, it could also restructure the beer industry. The major brewers depend on lightweight, nonreturnables to compete in markets far from their breweries. For example, National Brewing Co. of Phoenix, which ships Colt 45 Malt Liquor to Oregon, watched its transportation costs soar from 32¢ a case to 72¢ after the law was passed. The problems are not as severe for soft-drink companies, since national brands are bottled and canned locally. But convenience containers are partly responsible for the huge per capita rise in consumption of soft drinks—from 4 oz. a day in 1960, to 8½ oz. in 1971—and manufacturers worry that such laws will slow growth.

INEFFECTIVE AND COSTLY

With so much at stake, the various commercial interests immediately attacked the Oregon bill as ineffective. But their early conclusions now seem dubious. For example, a senior vice-president of the American Iron & Steel Institute noted that the share of returnable bottles in glass litter increased from 27% just before the law took effect to 50% three months later. But because nonreturnable bottles were off the market, the proportion of returnables was bound to go up. Other evidence purporting to show the law a failure ignored the fact that litter is seasonal—more in summer, less in winter. "You must compare winter months this year with winter months last year," says Eileen Claussen.

Oregon Governor Tom McCall also ignored seasonal factors when he made his widely quoted statement declaring the law "a rip-roaring success." It was this war of press releases drawing unwarranted conclusions that lead the EPA to make its preliminary study. The agency is also funding a more definitive study that will contain crucial data on summer littering.

Meanwhile, several important questions persist. Even assuming that Oregon-type laws reduce litter, are the benefits worth the costs? Will consumers pay more for beverages? Will such laws help alleviate the more pressing solid-waste problem?

Beer and soft drink prices have risen in Oregon since Ms. Claussen completed her study. But because retail prices vary from store to store and because of the price freeze, meaningful data are scant. Moreover, no one knows what portion of the price increase can be attributed to the bottle bill. According to Van Keuren of American Can, Oregonians will pay $10-million more for their beer and soft drinks this year, most of it because of the new law. The total, he says, is 15 times as much as Oregon spends to pick up all its litter. And, he points out, banning throwaway containers does nothing to deal with other litter, which accounts for 80% of the problem nationwide.

Ms. Claussen insists that beverage prices in returnable bottles are still lower than they were in nonreturnable cans. "The refillable system is cheaper," she says, "because of lower container costs." And since container litter is highly visible, "a mandatory deposit bill is one way to fight litter," she says. "It's up to the community."

LARGER GOAL

Though the Oregon law was set up to curb litter, it now figures in the growing debate over how best to deal with solid waste in cities. The beverage container interests favor resource recovery—a system that would turn a —garbage load into a resource lode of metal, glass, and energy. Oregon-type laws, they say, destroy the economic feasibility of resource recovery because they effectively remove cans, which have high scrap value.

But Connecticut, which is setting up a statewide resource recovery network, claims that its system will derive most of its revenue from user charges levied on participating towns, rather than from the sale of scrap. In any event, it will be years, perhaps, decades, before the bulk of the nation is served by recycling systems. One big reason is that transportation rates and depletion allowances discriminate against scrap in favor of raw material consumption.

Though environmentalists favor resource recovery, they also want to cut garbage through "resource reduction." According to new EPA data, beverage containers account for 7% of municipal solid waste, a tempting target for source reduction as well as material and energy savings. But this approach, is not so clear-cut, either. If most people simply throw away their returnable containers, a city's waste load may actually increase. The reason: Returnable bottles are much heavier than cans or throwaway bottles. Also, returnables require more packaging.

In the end, both source reduction and resource recovery may be necessary to manage the nation's soaring garbage load. For all their convenience, one-way containers impose social costs—an increase in either litter or municipal refuse plus added material and energy use. They are bound to be the target of environmentalists and legislators for years to come.

OREGON'S BOTTLE BILL: THE FIRST 6 MONTHS

(By Eileen Clausen)

Since October 1, 1972, all beer and soft drink containers sold in the State of Oregon have been required to carry refund values. Cans with pulltab openers have been banned outright. This is the first law of its kind to be enacted by a State, and it has caused a great deal of interest in State legislatures throughout the country. This paper provides a brief analysis of the Minimum Deposit Act and an assessment of its impact since its date of enactment.

THE LAW

Oregon's "Bottle Bill," signed into law in June 1971 by Governor Tom McCall, went into effect October 1, 1972. The Act required a minimum 2-cent refund to purchasers on the return of "certified" containers of beer, malt beverages, and carbonated soft drinks, and a 5-cent refund on the return of all other beverage containers. Certified containers are defined as containers that are used by, and that will be accepted for reuse by, more than one manufacturer. In addition, the law outlaws the sale of the flip-top or pull-tab beverage container.

Industry reaction to the measure was predictably negative, and suit was filed January 24, 1972, in the Circuit Court of the State of Oregon by various container manufacturers, brewers, and soft drink manufacturers who claimed that the Oregon law was unconstitutional. The defendants were the Oregon Liquor Control Commission and the Oregon State Department of Agriculture. The plaintiff's argued: (1) that the statute violates the commerce clause of the U.S. Constitution by imposing an excessive burden on interstate commerce, and by favoring local concerns at the expense of distant interstate operators; (2) that the statute violates the equal protection clause of the U.S. Constitution by differentiating between carbonated and noncarbonated soft drink containers; (3) that the statute violates the due process clause of the U.S. Constitution by lacking a real and substantial relationship to the objectives sought by the law. The decision of the Court, which was rendered September 1, 1972, declared the act constitutional. The September 1 ruling has been appealed to the Oregon Court of Appeals by the plaintiffs.

The major purpose of the bottle bill is to control litter in the State of Oregon. In a region with a demonstrated concern for environmental quality and an emphasis on outdoor recreation, it was considered essential that measures be taken to avoid the widespread littering that had become characteristic of the region's beaches, highways, and other public areas. A mandatory deposit mechanism, designed to provide disincentives for throwing away containers, was chosen as a means of reducing the beverage container portion of litter.

EFFECTIVENESS OF THE LAW

In a 1972 study by Research Triangle Institute, beverage containers were estimated to constitute 19.1 percent of roadside litter by item count.[1] The breakdown by container type was 73.1 perecnt cans, 17.0 percent nonrefillable bottles, and 9.9 percent refillable bottles. By container content, beer represented 71.3 percent, soft drinks 25.7 percent, and wine and liquor 3.0 percent of all beverage containers in litter.

Beverage containers contributed a far greater percentage of the volume of roadside litter. A survey conducted by the State of Oregon indicated that beverage containers formed approximately 62 percent of the volume of litter. Analyses by Midwest Research Institute revealed that consumer perception of beverage containers in litter seemed to be based more on their volume than their numerical frequency of occurrence.[2]

Shortly after the bottle bill was passed in 1971, litter surveys were made on a monthly basis by the Oregon State Highway Department. These surveys were continued after enactment of the legislation so that data could be obtained on the effectiveness of the law in reducing the beverage container portion of litter. Release of these data to the public caused considerable controversy. Some industry groups claimed that the data collected prior to enactment of the bottle bill were not comparable with the data collected since October 1, 1972, because the early data included beverage-related paper in the nonreturnable container total. This was questioned by officials in the Governor's office, and is as yet unresolved. Even if one assumes that this view is correct, there is little change in the basic results of the litter analysis. Beverage-related items totaled less than 2 percent of the total for the period since the law went into effect. Other litter studies, including the study for Keep America Beautiful, Inc., by Research Triangle Institute, showed beverage-related paper as representing below 12 percent of total litter. A deduction of either amount to adjust the figures before the bill's enactment produces only a minor change in the results.

Preliminary comparisons between the winter prior to enactment (1971–1972) and the present winter (1972-1973), for example, revealed that the law had a significant and positive impact on litter in Oregon (Table 1). For these winter months for which litter data were collected in 1971 and 1972, beverage containers averaged 7,787 per month based on 29 one-mile surveys. This represented 269 items per mile per month. Data for the winter after enactment of the legislation showed a definite drop. For the three winter months of 1972 to 1973, there were 1,274 containers littered per month based on 25 one-mile surveys, for an average of 51 items per mile. This was a decrease of 81 percent, or 218 items per mile per month. The proportion of beverage containers in litter also dropped significantly, from 37 percent before enactment to 18.9 percent after the law went into effect.

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[1] Bingham, T. H., and P. F. Mulligan. The beverage container problem; analysis and recommendations. U.S. Environmental Protection Agency, Sept. 1972. 190 p. (Distributed by National Technical Information Service, Springfield, Va., as PB 213 341.)

[2] Midwest Research Institute. The national impact of a ban on nonrefillable beverage containers. Kansas City, Missouri, 1971. 120 p.

It is also important to consider that of the beverage containers in litter since enactment of the law, only 24.1 percent were returnable bottles. The remainder were nonreturnables, presumably purchased before enactment of the law and still uncollected. If these nonreturnable containers are disregarded in order to obtain a more realistic picture of current littering in Oregon as compared with littering before the law was passed, beverage containers in litter can be shown to have declined by approximately 96 percent (from 7,787 items to 308 items).

IMPACT ON INDUSTRY

Although the initial effects of the law appear to indicate positive litter reduction, the bottle bill has also been attended by some disruption in the beverage and beverage container industries. The law apparently affected container usage and sales.

Container usage

Prior to enactment of the bottle bill, the Oregon National Soft Drink Association reported that approximately 51 percent of all soft drinks were sold in refillable bottles, 8 percent in nonrefillable bottles, and 41 percent in cans. This mix of containers changed significantly after October 1, 1972. In March 1973, no nonrefillable soft drink bottles were being sold in the State. Cans had declined to less than 1 percent of the total soft drink market. Only Shasta Beverages, a warehouse brand distributor, continued to sell soft drinks in cans.

In December 1971, the Oregon Liquor Control Commission reported that approximately 35 percent of all beer in Oregon was sold in cans. During the first month of enactment of the law, the percentage of cans decreased to 4.3 percent. This percentage declined still further, and by December 1972, 99.5 percent of all beer was being sold in refillable bottles, with only 0.5 percent sold in cans. This shift resulted in lower cost to the consumer, as been in cans sold in March 1973 at six for $1.58 (including a 30-cent deposit), while certified refillable bottles of beer sold at six for $1.17 (including a 12-cent deposit).

Prices and sales

By March 1973, the Oregon market had seen neither a decrease in sales nor an increase in prices since the law had gone into effect. In fact, beer sales for the fourth quarter of 1972 showed an increase of 40,000 barrels over the fourth quarter of 1971, according to the Oregon Liquor Control Commission. (This represented an increase in beer excise taxes collected by the State of Oregon of $52,000). Sales of soft drinks, while not indicating an increase, did not indicate any unseasonal decrease either.

As of March 1973, retailers in the State indicated that no retail prices had increased. and Oregon consumers were purchasing beer and soft drinks at lower prices on the average than prior to the enactment of the law. This is because refillable bottles, which now account for almost all of beer and soft drink sales, are considerably cheaper for the consumer to purchase than nonrefillable bottles and cans.

Container industry

The metal container industry has been adversely affected by the Oregon bottle bill. National Can Corporation, the largest metal can supplier to the Oregon market prior to October 1, 1972, had to close one of its plants in Yakima, Washington. This, in conjunction with minor shutdowns in other plants serving the area, resulted in a total layoff of 82 employees.

Glass container manufacturers, while gaining in market share, have had to change from nonrefillables to refillable bottle production exclusively. If trippage rates are high (if each refillable bottle is returned and reused many times), the glass container industry could experience a sales decline. No estimates are yet available on the impact of the law on this industry.

Contract canners

The State of Oregon had only one contract canner, Emerald Canning Corporation, prior to October 1, 1972. Emerald Canning recently announced that it could no longer continue to can soft drinks. Approximately 60 employees were terminated as a result. It is anticipated that much of the volume once sold in cans will be sold in refillable bottles.

Soft drink industry

Major soft drink bottlers have said that the bill has not adversely affected the soft drink bottling industry in Oregon. Most bottlers experienced a gain in market share, although this required increased investment in capital equipment to wash, fill, and deliver refillable bottles. No data were available concerning employment impact on the soft drink industry, although it seemed likely that, assuming no sales decline, employment decreases in the canning sector would be at least partially offset by employment increases in bottling plants.

Brewing industry

The effect of the Oregon legislation on the brewing industry has been mixed. Brewers operating in the Pacific Northwest have been favored, while shipping brewers (national-brand beer producers who ship their beer from outside the Pacific Northwest) have suffered adverse effects. Approximately 88 percent of all non-bulk beer sales in the State since October 1 have been in certified 2-cent deposit bottles.

Brewers within the States of Oregon and Washington have traditionally accounted for approximately 81 percent of the Oregon beer market. These brewers, all of whom have sold beer in certified containers since October 1, have been positively affected by the bill. Because of their efficient dstribution systems, and becauee the shipping distance from the Oregon market to these northwest breweries has been minimal, the regional brewers have been able to acquire as many 2-cent deposit bottles as they can use. Since new refillable bottles cost as much as five times the deposit values, these brewers have experienced a substantial decrease in costs.

Shipping brewers, on the other hand, have not been able to ship refillable bottles to and from Oregon economically. National Brewing Company, located in Phoenix, Arizona, for example, increased its shipping costs into Oregon by 38 percent (from 32 to 44 cents per case) due to the weight and breakage factors associated with refillable container distribution. The cost of returning the empty containers to Phoenix would be an additional 28 cents. The economics associated with selling nonrefillable bottles or cans of beer in Oregon were, however, worse for the brewing industry, and all brewers were using refillable containers for their Oregon sales.

Most shipping brewers have also experienced low return rates partly because of the speed with which regional brewers have been purchasing returned bottles. No data are yet available, however, on the specific costs and employment impacts associated with the brewing industry.

Retail stores

Oregon food retailers have already been inundated with empty beer and soft drink containers. This has, quite naturally, resulted in increased costs to the retailer for handling the returned bottles. Some additional markup may be required to compensate the store for these additional costs, although no increases in price were passed on to the consumer as of March 1973.

Retailers have also had substantial space problems due to the additional quantities of returned containers. Increased pickups and deliveries by bottlers were expected to minimize the space problem.

TRENDS

Oregon's bottle bill has now been in effect for 6 months. Certain trends have begun to emerge, and data are becoming available to assess the effectiveness and impacts of the law. The following results can nevertheless be pointed to at this time:

The beverage container portion of litter decreased by at least 49 percent between winter of 1971 to 1972 and winter of 1972 to 1973.

Container usage has been dramatically altered by the law. Less than 1 percent of all soft drinks and 0.5 percent of all beer was being sold in cans as of March 1973.

The enactment of the law has been attended by an initial loss of 142 jobs. A sizeable number of new jobs may be created in the bottling industry to offset these losses.

More data will doubtless be forthcoming in the months ahead. To assist in the accumulation and analysis of these data, the U.S. Environmental Protection Agency is providing the State of Oregon with a grant to evaluate the effectiveness and impact of the law. It is anticipated that this study will provide an objective and definitive assessment of all the costs and benefits associated with the Oregon Minimum Deposit Act.

A COMPARISON OF OREGON LITTER DATA BEFORE AND AFTER MINIMUM DEPOSIT ACT[1]

	Before enactment					After enactment					Winter average comparison per mile before/after (percent)
	October–November 1971	December 1971	February 1972	Winter average	Winter average per mile	November 1972	January 1973	February 1973	Winter average	Winter average per mile	
Total beverage containers	8,527	9,580	5,254	7,787	269	1,705	949	1,168	1,274	51	−81.0
Returnable	971	1,060	689	907	32	316	272	335	308	12	−62.5
Nonreturnable	7,556	8,520	4,565	6,880	267	1,389	677	833	966	39	−85.4
Total other litter	15,860	11,440	12,357	13,219	456	7,052	4,896	4,470	5,473	219	−51.9
Total all items	24,387	21,020	17,611	21,006	728	8,757	5,845	5,638	6,747	270	−62.9
Beverage container percentage of total	34.9	45.6	29.8	37.0	37.0	20.7	16.2	19.4	18.9	18.9	−49.1

[1] Oregon State Highway Department Litter Survey.

"THE GO-GO YEARS" A DELIGHTFUL CONTRIBUTION TO AN UNDERSTANDING OF A NEGLECTED CONGRESSIONAL RESPONSIBILITY

Mr. PROXMIRE. Mr. President, once in a great while a book will come to my attention that is a joy to read and provides a sharp, clear understanding of a complicated problem.

"The Go-Go Years," by John Brooks, is just such a book. All of us have been perplexed and baffled at one time or another by our great securities markets, and the complicated and often astonishing ways in which a few men from time to time are able to use the markets to earn or lose immense sums of money.

"The Go-Go Years" is a breezy, exciting course in how it has been done. Starting with the loss of some $450 million in a single day by Ross Perot, through the fabulous riches to rags saga of Eddie Gilbert, the heathen Chinee "Go-Go" manipulations of Gerry Tsai, the appalling "Back room" scandals of some of America's greatest brokerage houses and the putty-like susceptibility of too many in the accounting profession, John Brooks tells a fascinating story.

This is a story from which Members of Congress can learn a great deal. This body as well as our handmaiden, the Securities and Exchange Commission, has a long, long way to go to provide the kind of consistent investor protection we should provide, and I do not know a more enjoyable way to learn the background as well as to get into the mood to act on it than to read this book.

Mr. President, I ask unanimous consent to have printed at this point in the Record the New York Times review of "The Go-Go Years," by John Brooks. The review is written by Christopher Lehmann-Haupt. In a couple of minutes of reading, this review can tell you why the Brooks' book will represent an excellent investment of your time.

There being no objection, the review was ordered to be printed in the Record, as follows:

Books of the Times: Now That They Are Gone-Gone

(By Christopher Lehmann-Haupt)

("The Go-Go Years." By John Brooks. 375 pages. Weybright & Talley. $10)

Economics may well be the dismal science, but there's nothing less dismal than a good book about money. And in a decade that's produced an unusual number of good ones, John Brooks' latest, "The Go-Go Years," seems to me one of the best. For if "Adam Smith's" reports flew us on eye-opening joy rides straight through the heart of the Wall Street jungle—if The Times of London Insight team slithered exuberantly to the very bottom of Bernie Cornfeld's swamp in "Do You Sincerely Want to Be Rich?"—then Mr. Brooks' new book is a luxurious 474 flight from which we can suddenly discern the entire terrain of the stock market in the nineteen-sixties. Oh, I know there are grounds for flagging his flight to a stop before it takes off some will say that Wall Street no longer deserves to be viewed as a mirror of American society; others will worry about Mr. Brooks's admiration for the political middle-of-the-roaders who helped to bail the Street out of bankruptcy in the early seventies (if principles lying somewhere between conservatism and liberalism can still be characterized as middle of the road); and still others will wonder at the note of wistfulness with which Mr. Brooks wonders if the Wall Street he once knew and loved (sort of) is now dying.

All of which is perfectly reasonable from an ideological point of view. But I must confess that I found myself sneaking past the ticket takers of morality and the Friskems of ideology; I found myself settling with a huge groan of comfort into the first-class prose of Mr. Brooks s craft; and I found myself wide-eyed with wonder over how much he has shown us—and of what variety—in his flight over the forest.

MASS OF DRAMATIC DETAIL

How, for instance, has he managed to absorb us in such a mass of dramatic detail and still make us feel as if we understand the stock market of the sixties as we never understood it when it was happening? How has he successfully limned the decade's most memorable personalities—the flashy Edward Gilbert, who slipped on his hardwood flooring empire and slid all the way down to Brazil; Gerald Tsai, the mutual-fund genius from the Orient, whose market maneuvers became so scrutable that he collapsed under the weight of his audience; James Ling, the conglomerateur, who proved that two plus two could equal zero; and National Student Marketing Corporation founder Cortes Wesley Randell, who discovered the fountain of youth and polluted it . . . How has Mr. Brooks brought these characters to life again and yet also made them function as cardboard caricatures of his era?

How has he succeeded in exploring Wall Street's physical environs—the atmosphere in the enormous back room, where the Puritan work-ethic sprang a leak and went down with a fortune in stock certificates on board; the ambiance of the thoroughfares below, which astonishingly became a bull market for drug pushers; the scene around Trinity Church, where go-go churchmen sought to turn the Street people green, and hardhats countered by turning them black and blue . . . How has Mr. Brooks so successfully painted in such details (all the way down to that infamous crowd of streetmen that gathered every morning for a time to cheer for one streetwoman's secondary sex characteristics), and yet still turned the Street into a walk of American life?

And how can he serve up such scathing denouncements of those go-go years—of the market's repeated practice of closing loopholes in the law only after the public's money had drained through them; of the decline of the accounting profession's art into "creativity"; of corporate impresarios who made love to their bottom lines; of the whole fast shuffle that in 1969–70 picked more money out of the public's pocket than the crash had in 1929 ($300-billion to $30-billion, Mr. Brooks scores it) . . . How can he expose such disasters, and yet still convey his love for the brawl of the Street and his sorrow that it may now be on the verge of extinction and that, indeed, "This may be, conceivably, one of the last books to be written about 'Wall Street' in its own time," as he concludes?

NO EXPLAINING IT

I suppose I could speculate on how Mr. Brooks has done it—I could imagine the charts and diagrams he must have pasted around his writing room to remind him where the various pieces fit in; conceive how he must have tinkered and tinkered to make each of them carry its full load; and guess how he must have polished to make his prose roll—until the entire machine hummed smoothly from its beginning (Texas billionaire H. Ross Perot rides onto the scene) to its end (H. Ross Perot rescues the Street from itself, marries it, and rides into the sunset). But in fact I can't explain exactly how Mr. Brooks makes it all work so well, any more than I can diagram how O. J. Simpson gains ground.

All I know is that Wall Street is one of the forests most difficult to see for its trees (and how many people can even tell about the trees—whether they are growing or falling over?). Yet Mr. Brooks has flown us over the terrain and shown us everything from the topography to the bulls and bears sporting beneath. So please don't take "The Go-Go Years" too much for granted; as effortlessly as it seems to fly, it is nonetheless an unusually complex and thoughtful work of social history.

PROBLEMS INVOLVED IN DEPENDENCE ON MIDDLE EAST OIL

Mr. JACKSON. Mr. President, in a recent speech at the Johns Hopkins School for Advanced International Studies, Dr. John H. Lichtblau of the Petroleum Industry Research Foundation discussed the problems involved in our growing dependence on Middle East oil.

Dr. Lichtblau's analysis makes clear that there are sound reasons of economics as well as conservation for future production curtailment in some form by the major exporting countries. This conclusion reinforces the arguments in favor of moving the United States toward the option of energy self-sufficiency as rapidly as possible.

Dr. Lichtblau's speech also underscored the urgent need for slowing the rate of increase in oil demand. He notes that at an annual average growth rate of 5.5 percent, much less than the rate over the past decade, we would consume about 133 million barrels per day or 48 billion barrels in 1993.

Assuming the world ratio of annual production to proved reserves drops from its current level of 35 years to 15 years within that period, we would need 663 billion barrels of proved reserves in 1993. Deducting from this the world's current proved reserves results in required new finds of 768 billion barrels to meet the oil requirements of the next 20 years. This would be about 80 billion barrels more than we found in the last 20 years and only 7 percent less than all the recoverable oil found in the world—exclusive of the Soviet bloc—since 1859.

Mr. President, I ask unanimous consent that the full text of Dr. Lichtblau's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Middle East Oil and the U.S. Energy Crisis

(Speech by John H. Lichtblau)

(A paper delivered at the Seminar, "The Mounting Energy Crisis and the Middle East" held at Johns Hopkins University, School for Advanced International Studies, Washington D.C.)

This summer the U.S. faced a small but real gasoline shortage. This winter we may well have to contend with a real heating oil shortage. We are also encountering problems in supplying our airlines with sufficient jet fuel and our trucks, buses and railroads with all their diesel fuel requirements.

Concurrently, the oil exporting countries in the Midlle East and North Africa which contain 2/3 of the world oil reserves are partially or fully nationalizing U.S. and other Western oil companies; some of them are also curtailing production and are intimating that these actions and others yet to follow are taken in retaliation against our Middle East policy.

The public and the press have tied these two factors—the U.S. oil shortage and the actions and pronouncements in the Middle East—together and have concluded that the real reason for the shortage is our dependency on Middle East oil and the reluctance of these countries to let us have sufficient supplies. The recent controversial cover of *Newsweek* showing an Arab in traditional headdress holding the nozzle of an American gasoline pump and the words "Arab Oil Squeeze" emblazoned across it is typical of many such comments in the U.S. press relating our oil shortage to Arab policy.

The connection is understandable because of its apparent and simple logic. Nevertheless, it is quite wrong, at least up to now. For one thing, our dependence on Arab oil is very small. In the first five months of this year only 6.4% of our total crude oil supplies came from Arab sources, or 7.4% if we also include Iran—the only non-Arab exporting country in the Middle East.

Next, the Arab countries have by no means shut off or curtailed their oil supplies to the U.S. The 790,000 b/d we received from them in the first 5 months represent a 63% increase over a year ago.

Above all, there is no general crude oil shortage in the world at this time. Otherwise, Western Europe, Japan, and other large oil importers would also be affected. As it is, only the U.S. among major industrial countries is suffering from it.

Since no oil exporting country has taken special steps to withhold oil just from the U.S., the reason for the shortage is obviously internal. We need look no further than our domestic refining capacity. For a variety of reasons U.S. refiners have not built sufficient capacity in recent years to meet the growth in demand. As a result domestic refineries, currently running at virtually full capacity, are no longer able to meet the demand of all customers. This is the reason for our gasoline shortage and our potential heating oil shortage. Had we 10% additional refining capacity right now, neither of these two shortages could have occurred. Since the gasoline and distillate fuel oil export capacity of foreign refineries is quite limited, we can alleviate the shortage only partially through additional imports of these products.

Our only course of action is to build new refineries as rapidly as possible. Here the uncertainty over future Middle East oil supplies may have an impact because planned refinery projects may not materialize for lack of secure crude oil supplies. But since it takes 3½ years to build a new refinery and since the starting date is May 1, 1973, the day the President removed crude oil import controls, U.S. gasoline and heating oil supplies will be tight for the next 3 years and sporadic shortages will occur even if the Middle East were to be a politically and economically secure supply source for U.S. importers.

This does not mean that Arab or other foreign oil may not be used in the future for political purposes against the U.S. Those leaders who have warned of such action may well be in a position to bring it about. But it has not happened yet and is not likely to happen in the immediate future. Any U.S. oil shortage this year and probably also next must be traced to our own past policy, particularly our oil import policy, rather than to anti-American acts by foreign oil producers. It may not appear that way in view of what has happened to the cost of the oil we import or to American enterprises operating in some major foreign oil producing countries. But none of these acts have been directed specifically against the U.S. and many are, in fact, primarily economic measures taken in the national interest of the countries concerned.

The oil producing countries have done three things in varying degrees since 1970 which have affected us: They have sharply and more or less uniformly raised the tax revenue per barrel of exports, they have requested and received a share in the equity and production of the foreign companies operating on their soil and they have nationalized several foreign companies. Some of these actions were accompanied by political attacks against America's Middle East policy, attempting to tie the two together. But the real reason for these actions is the recognition by the oil countries that their international economic position had changed drastically in recent years and that the time was ripe to benefit from these changes.

The first and foremost factor in this is the overwhelming importance of foreign oil in the economies of the industrial nations. This may sound like a cliche by now. But, in fact, it is only since 1967 that imported oil has accounted for at least half of Western Europe's total energy needs and only since 1971 that all increases in U.S. oil requirements had to come from overseas sources.

The second factor is the awareness that in the short run no real substitutes of any kind exist for oil and in the long run such substitutes would be far more expensive than oil at the world prices prevailing in the late 1960's. The apparent terminal decline of the European coal industry, the shift from coal to cleaner fuels in the U.S. and the massive delays in developing nuclear energy helped to form this awareness.

Finally, there is the growing desire of all developing countries to have more control over their economies and particularly their natural resources. This desire has been greatly enhanced by evidence in recent years—particularly in Latin America—that nationalization of private foreign enterprises is really much less risky, from the political, economic and military point of view, than had been assumed.

These are the underlying trends affecting the oil policies of the Middle East countries and they will continue to determine their policies regardless of what we do because they make sense for the oil producing countries. Thus, oil prices will continue to rise and the control of oil production and exports will continue to shift from the companies to the governments.

For the U.S. and other importing nations this will mean less security of supply and higher energy costs for the foreseeable future, notwithstanding the comforting theory expounded by some academic economists that once the private international companies get out of the oil producing and exporting business competition among the national oil companies will drive prices down again. So far, exactly the opposite has occurred. The market competition which clearly existed when the international oil companies were in control, so to speak, has started to erode as their control has declined. So far, most sales by national companies of their newly obtained participation oil have been at prices above the previously existing market level.

There are several reasons why this situation is not likely to change to one of vigorous market competition. In the first place, the national companies do not function like private companies. Their ultimate responsibility is to their government and their function is to be an instrument of government policy. The private companies, by contrast, must ultimately account to profit minded shareholders for their actions. Secondly, the existence of a well functioning and highly respected coordinating institution in the form of OPEC could be expected to intervene if large scale price competition threatened to develop among OPEC members. Thirdly, only two or three of the 11 OPEC members are in a position to seek substantial increases in market shares. These are Saudi-Arabia, Iran and, to a smaller extent, Iraq.

The other OPEC members will not be able to maintain their world market shares beyond the next few years. But, with a steadily expanding world oil market all OPEC members will be able to increase their exports if they are able to do so. Under these circumstances, vigorous market competition among state oil companies is not likely to develop.

My analysis of the underlying trends of Middle East oil developments does not imply that we can ignore potential political threats to Middle East oil supplies. If any of the major exporting countries should actually curb existing production or prevent required increases in production for a specific foreign political reason and maintained the restriction until the reason is removed the effect could obviously be quite damaging. We all know that the possibility of such action has been raised and this has to be taken seriously.

However, here too, we must be sure to differentiate between economic and political motivation, notwithstanding the rhetorics in producing and consuming countries which tend to obscure this difference. Two Middle East countries have already taken action to limit production. Both actions have had a perceptible negative effect on world oil supplies. Yet, neither action can be considered a political gesture against the U.S. or any other importing country. Libya's oil production just before the first reductions ordered by the government in June 1970 stood at 3.6 million barrels daily and was rising at a rapid rate. It is now generally agreed that this was excessive relative to Libya's proved reserves, variously estimated at 25 to 30 billion barrels. The magnitude and suddenness of the reductions in the midst of negotiations was obviously designed to put pressure on the companies. But the production rate of May 1970 could not have been sustained in any case. Furthermore, it makes sense for Libya not to let its total known recoverable reserves be drained in 20 to 25 years but to spread the income from this resource over a longer period and make additional production dependent on additional finds.

Similarly, the freezing of the 1971 production rate in Kuwait for the past two years is based on the belief of that country's legislature that existing reserves are inadequate to permit further increases. An important consideration in this decision was the fact that Kuwait, even more than Libya, could in the short run not usefully absorb the additional funds resulting from a maximization of production from existing reserves. For both countries a longer pay out period with smaller annual income increments would seem nationally preferable.

Similar considerations could in the future well lead to similar action by other Middle East countries. We know already that Iran expects its production to peak at about 8.5 million barrels daily. This would be only some 2½ million barrels above its present production rate. Furthermore, with the expected steady growth in revenue per barrel there is no longer a cost attached to postponing production. Most producing countries have come to accept the principle that "oil in the ground is worth more than money in the bank." The truth of this axiom has been dramatically illustrated in the last three years as tax costs per barrel rose by 75% at the Persian Gulf and about 160% in Libya, excluding participation cost. The axiom would have applied if tax costs had risen by only 25%. And of course curtailment of production tends to generate price increases, making resource conservation a paying proposition.

Thus, there are sound reasons of economics as well as conservation for future production curtailment in some form by the major exporting countries. It is of course possible that the curtailments may go beyond economic requirements so as to exert international political leverage or, conversely, that economically desirable curtailments may be postponed for political reasons. This is the principle political risk faced by America and other major oil importers in the years ahead. We must remember, however, that not all actions by Middle East oil producers which may affect us negatively need to be politically motivated.

What can we do about our growing dependency on Middle East oil? In the short run relatively little, as has so often been pointed out in the last couple of years. The view recently expressed by a high government official that in 3 or 4 years the U.S. may once again be more or less self sufficient in oil supplies deserves high marks for optimism but for nothing else.

One thing that could be done within the next four years is to develop strategic storage facilities so that we would be less immediately affected by any foreign supply reduction or interruption. This would include not only the importation of foreign oil for emergency storage but also the development of our now unused and unavailable naval petroleum reserves for this purpose.

In the longer run—the period beyond 1981—we have quite a number of options to reduce or at least stabilize our Middle East oil imports. To a large extent these options are the direct function of the producing countries' current pricing policies. Oil, like most essential commodities, has a low short term elasticity of both supply and demand but a considerably higher long term elasticity.

It is therefore quite likely that as oil prices rise the demand for oil will be affected. The remarkable shift to smaller cars this year coincidental with the nation's first peacetime gasoline shortage is a sign of this trend. If all existing U.S. passenger cars were of the compact or subcompact variety, our current gasoline consumption might be ⅓ less. Government tax policies could help to accelerate this trend towards smaller cars.

In the longer run—the period beyond tion between price and consumption exists in the long run. As the cost of heating fuel rises, the expenditure for additional insulation to conserve heat becomes increasingly attractive.

Industrial consumers of oil will also want to utilize the product more efficiently as its cost increases. There is considerable room for such improvement in this particular market.

But it is on the supply side that we can expect the price increase to have the most drastic impact. All of the synthetic crudes—shale oil, tar sands, liquefield coal—become competitive at crude oil equivalent prices of $5–$6/bbl which is likely to be the cost of imported and new domestic crude oil in the mid-1970's.

Without trying to belittle the technical and environmental problems in developing synthetic oil on a large scale, I believe once the process becomes commercially competitive, which has not been the case so far, we have the genius to bring it into commercial production. Eventually, synthetic fuels will make a significant dent into our need for imported oil.

Atomic energy will make another dent. This source of power is already considerably cheaper than oil in generating electricity. Three years ago this was not the case. After 1980 virtually all the growth in U.S. electric power requirements is expected to come from nuclear plants.

Thus, given time, technology and determination, we should be able to start reducing our dependence on overseas oil from the early 1980's on.

I would like to conclude my remarks with one additional point. Suppose there were no political risks in relying on Middle East and other foreign oil and suppose world oil prices were still at approximately the level of the first half of 1970, with no radical changes in sight.

Given these idyllic conditions, how much longer could we and the rest of the world go on using crude oil at our accustomed growth rate. I believe that within 15 years we would have to take the same measures to curb the growth in demand and develop crude oil substitutes that we are now beginning to take.

Let us look at a few figures. Currently the world, exclusive of the Communist countries, is consuming about 46 million b/d or 17 billion barrels a year. At an average annual growth rate of 5.5%—considerably less than the 7.5% rate of the last 10 years—we would consume about 133 million b/d or 48 billion barrels in 1993. Assuming the world ratio of annual production to proved reserves drops from its current level of 35 years to 15 years within that period, we would need 663 billion barrels of proved reserves in 1993. Deducting from this the world's current proved reserves results in required new finds of 768 billion barrels to meet the oil requirements of the next 20 years. This would be about 80 billion barrels more than we found in the last 20 years and only 7% less than all the recoverable oil found in the world (exclusive of the Soviet Bloc) since 1859.

We might find the required quantities but it is likely to be an increasingly difficult and therefore costly process. As we approach the end year of our period some evidence of supply strains would probably begin to show up. After 1993 these strains would rapidly increase. Furthermore, as producing countries see their reserve/production ratios decline year after year, they could be expected to conserve their remaining reserves by putting a lid on production increases. All of this would put us in about the same position we are in now regarding the need to curb growth rates in demand and find alternate supply sources. Only the date would be the second half of the 1980's instead of the first half of the 1970's.

Certainly, the benefits to us and other importing countries from another 15 years of access to foreign crude oil on the terms that existed in the late 1960's would have been considerable. But even under the best of circumstances we would have to address ourselves to the problem of inadequate world crude oil supplies well before the end of this century.

THE ENERGY CRISIS—ADDRESS BY SENATOR ROBERT C. BYRD

Mr. McCLURE. Mr. President, yesterday I was privileged to attend the International Coal Symposium at the Madison Hotel and listen to a thought-provoking speech on the energy crisis by the distinguished Senator from West Virginia (Mr. Robert C. Byrd).

The importance of this conference was underscored by the fact that Senator Byrd took time from his busy schedule to participate in it. His remarks were most timely—not only because the energy problem occupies our uppermost thoughts, but also because of the events taking place in the Middle East.

Senator Byrd made this abundantly clear when he said:

> We have come to the point in world development where intelligent co-operation among nations is not just something to be desired—it is a matter of sheer survival.

Mr. President, I ask unanimous consent that the full text of the Senator's remarks to the Symposium be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Speech by Senator Robert C. Byrd

Mr. Chairman, gentlemen, it is indeed a pleasure for me to have been invited to be with you today at this initial international gathering of coal men from the United States and overseas. In this day and age when détente, rapproachment, and international understanding are becoming almost everyday words, it is gratifying to know that men whose lives and works are intimately concerned with that most valuable resource upon which my home State of West Virginia for so long depended, are not lagging behind in the search for meaningful co-operation among men and nations.

We have come to the point in world development where intelligent co-operation among nations is not just something to be desired—it is a matter of sheer survival. It is no longer possible, even for this industrial colossus that is the United States, to go it alone, even if we wanted to. It is even less possible for smaller nations that lack our immense resources. And this realization is not confined to matters diplomatic, political or military. It includes matters of fuel and food, which in the final analysis, are much more basic to man's survival. It is estimated that if the world population increases at the same rate for the next quarter-century as it has in the last twenty-five years, by the beginning of the twenty-first century, nearly half of the population of the world will starve, unless man's ingenuity and technology find ways to produce food currently beyond his capabilities.

There is very little doubt that most of that technology, if it is to be developed, will depend substantially on there being an adequate supply of energy to drive the machines that our brains produce. Present supplies of energy fuels, with the exception of coal, are in even more hazardous states than are our food potentials. While it is easy to think of the vast oil reserves of the Persian Gulf as being limitless, they are very far from being limitless. That is what we once thought of the supplies of oil and gas in the United States, and current shortages are bringing home to us the fallaciousness of that belief. What has happened in the energy fuels field nationally, is now happening in the energy fuels field globally.

The equation is really very simple. Food and of equal human survival—not American survival, or British survival, or French survival, or German, Spanish, Belgian or Canadian survival, but the survival of life on this planet and the continued existence of the human animal, of whatever national origin.

This cataclysm is not going to happen tomorrow. It may not happen in the lives of our children. But happen it will if we are not prepared to start—and start immediately to regard the natural resources of the earth as our only guarantee of the continuation of life on this planet. There has to be an intelligent accommodation between national and international priorities and the priorities of human survival. And while man's moral consciousness is struggling to catch up with his intellectual and technological excellence, it behooves us all to take stock of what we must do to maintain a reasonable standard of life while the gap is being bridged.

The shape of things to come in world energy fuels was graphically illustrated recently when Colonel Muammar Qeaddafi of Libya expropriated the assets of two American oil companies, and assumed majority control of two others. The Libyan leader described these actions as "a strong slap on America's cool, arrogant face." The oil nations of the Persian Gulf, while maintaining a posture of friendliness toward the United States and the West, are nevertheless throwing out hints that they are in the driver's seat. The driver, they indicate, is no longer only the chauffeur—he is now also the owner. And the former owners are going to have to pay heavy fares, even to ride in the back seat. If they won't pay the fares, they won't even be allowed in the vehicle.

This is hard to take for powerful nations which have been accustomed to cocking an economic eyebrow and watching the world tremble. It is also a valuable, though painful lesson in the art of looking forward.

Though America is not the only culprit in the world, we bid fair to be the leader in the profligate use of oil, gas, and electricity. We have long since passed the point where the mindless overuse of our energy resources provided only comfort and convenience, and for years we have wallowed in unnecessary luxury, where the electric toothbrush and electric knife, electric hairdryers, and electric juice-squeezers have come to be the symbols of the "good life." I have no more desire than anyone else to go back to the days of the outside toilet, or the days when we risked a broken wrist every time we cranked up the old flivver, but I am also a firm believer in the value of self-discipline and the character-building properties of moderate self-denial. It is an unfortunate, but inescapable trait in humans that for every ounce of ease that our technology provides us with, there is a concomitant ounce of laziness added to our characters. For fifty years in American society, the question "Why do it the hard way when you can get the same result doing it the easy way?", has been a valid question. The incredible technological advances of the first half of this century have made America into practically a pushbutton society. It is almost frightening to think of how many of our everyday activities, at work and at play, are becoming subject to the control of computerized systems. I sometimes fear that man's intellect and ingenuity have gone so far, so fast, that we are in imminent danger of developing ourselves out of our own control.

Though that may be overstating the case, it is not an exaggeration of thought to wonder whether a continuation of sybaritic living would sap many of the strengths inherent in the American character. Fortunately, it is not too late for a reappraisal of our priorities, and it is just possible that some of the inconveniences that may be visited upon us by an unavoidable cutback in our luxuries, may be blessings in disguise.

We are all familiar with the story of the man who asked his friend why on earth he was banging his head against a brick wall, and his friend replied "Well, it feels so good when I stop." I do not go quite that far, but I am inclined to think that we Americans would come to no harm—and might be done some good—if a few exigencies replaced a few excesses for a reasonable period of time.

Almost two years ago, a group of scientists at the Massachusetts Institute of Technology published a book entitled "The Limits to Growth". In it, they argued that the mushrooming growth of population and production would reach earthly limits in the twenty-first century and bring about a collapse of industrial society. Now, I believe that that prediction is overly pessimistic, but it also has the gem of truth. After all, if I had made a speech on the Floor of the United States Senate in October of 1971 and said that within two years, we would see beef on the black market in this country, retail food prices going out of sight, and families going cold for lack of heating oil, I would have drawn many questioning looks. But those things have happened, and unless we take a hard and realistic look at ourselves immediately, they will continue to happen to an even greater degree.

You gentlemen are concerned with the one energy fuel—perhaps the one world commodity—of which the proven reserves are adequate for world needs for five centuries. This being the case, it would be easy to become complacent, and rest content that there is this abundance. I most fervently hope that this does not happen. We have spent too many years in a trance of neglect toward coal, and while it has its limitations under current technology, it also has an unlimited potential if we are prepared to spend the money necessary to vastly improve that technology. As a member of the Senate Committee on Appropriations, I was successful recently in adding $39.3 million to the appropriation for the Department of the Interior to be utilized by the Office of Coal Research and the Bureau of Mines for research and development in coal technology. Though this sum is an important contribution, it is but a drop in the bucket of what will have to be spent by public and private interests on coal research over the next decade, if the full potential of coal is to be realized, and if the industry is to make the vital contribution it can make toward alleviating our energy problems.

But while it is only natural that men are most concerned with matters that most intimately touch their lives, I believe that all of us must pay attention to the signs that may be outside of our own personal orbit. There are increasingly heavy pressures of world demand on an increasingly limited and decreasing world supply. The respected London Economist index of world commodity prices shows that food has risen 50%; fibers, 93%; and metals 76%, in one year. But apart from the symptom of prices, it would behoove us, in every country of the world, to be aware of the gathering clouds of resource shortages. The rapidly accelerating growth of world population poses a new challenge to human society. This challenge will require mankind to undertake a cold, realistic appraisal of what is attainable to provide a decent existence on a world level. This does not mean that nations with a high standard of living will, of necessity, be forced or even asked to lower their standards to the lowest common denominator. The nature of man is such that people of ingenuity, industriousness, and farsightedness will always enjoy a superiority of lifestyle over the peoples whose commitments to these qualities are less clearly defined. But it does mean that there may well be a more equitable distribution of the world's resources, and that some nations which have enjoyed an abundance that has seemed to be limitless, will be forced to sacrifice that portion of the abundance which has heretofore provided the preponderance of life's luxuries.

Let me hasten to assure you that I am not a disciple of the patron saint of Moral Rearmament, Dr. Buchmann, or a passionate devotee of the "one world" concept. But I am a man who tries, at all times, to be a realist. I have a deep and abiding love and respect for this great Republic of which I am fortunate enough to be a citizen and a Senator, and I am convinced that as we approach the beginnings of our third century as a nation, we must be prepared to sacrifice some of our luxuries in order to preserve the health and the strength of our national structure, and to ensure the freedoms that are our true reason for being.

When this nation was founded, our frontiers were the Atlantic Ocean and the Allegeny Mountains. A century later, our western frontier was the Pacific Ocean. Today, there are no frontiers anywhere in the world. The intellect and the ingenuity of man have crossed all the frontiers. Let us pray—and work together—to insure that that same intellect and that same ingenuity are equal to the task of perpetuating man's existence on this planet.

THE CAPITAL GAINS TAX TOO HIGH?

Mr. PERCY. Mr. President, I would like to call to the attention of my colleagues an article on capital gains taxation by Robert B. Anderson, the very distinguished former Secretary of the Treasury. Secretary Anderson's case is that capital generation is an extremely important objective in a society in which business is being called upon to bear an increasingly heavy load of valid social objectives, and that renewed efforts to undermine sources of capital accumulation are really counterproductive to our larger societal aims. Secretary Anderson singles out the current capital gains tax of 35 percent—the highest in our history—as a major deterrent to capital investment. It means that a successful investment must now be so great as to compensate not only for inflation but also for a 35-percent rate of capital gains tax. This, in Secretary Anderson's view, is a serious impediment to investment and risk-taking, and thus to national growth.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 5, 1973]

Capital Gains? Capital!

(By Robert B. Anderson)

Washington.—My work as Secretary of the Treasury in the Eisenhower Cabinet left me with a strong concern over the massive burden that today's national tax policy places on capital accumulation.

More capital is a necessary steppingstone to further advances in our standard of living. The higher American standard of living as compared with other countries is a direct outgrowth of higher levels of capital investment per worker. America's ability to combat inflation at home and to meet foreign competition is in direct proportion to her ability to accumulate larger capital resources.

In the area of expanding employment opportunities we must be equally aware of the demands for more and more capital. Frederick B. Dent, Secretary of Commerce, recently cited the staggering figure that each new industrial job created in this country requires an average capital input of $25,000. Since my tenure at the Treasury Department we have also witnessed an increase in the demand that our economic system provide the answers for such valid national goals as clean water, pure air and better land use. Americans must realize that how we legislate or control our national stock of capital directly affects our standard of living, our jobs, our environment and our ability to fight inflation.

Unwise tax policies that discourage savings and dampen the psychological climate for investment have an adverse effect on our total national well-being and on all segments of our society. There can be no more important national objective than to increase our capital resources. But we see instead under the guise of tax reform renewed attacks on the sources of capital accumulation.

Of particular importance in this regard is the impact of the Federal tax on profits earned on the sale of an investment—the capital gains tax. In the 1969 tax act Congress increased capital gains tax rates to a maximum of 35 per cent for individuals or even more if minimum tax provisions were taken into consideration. Prior to 1969 the rate was at a maximum of 25 per cent. At the same time the corporate capital gains rate was increased by a flat 20 per cent.

These increases strike at the ability of our citizens to accumulate the capital so vital to our national economic productivity and growth. A successful investment must now be of sufficient magnitude to compensate not only for continuing inflation but for a capital gains tax rate that can reach more than 35 per cent. A reluctance of investors to see their capital stock eaten away by the highest over-all capital gains tax in our history slows the pace of capital transfers.

This slower pace of capital transfers may well lessen, not increase, the Federal tax revenues in the long run.

The essential unfairness of this tax penalty is further demonstrated by the fact that tax provisions limit the taxpayer's ability to write off capital losses, thus allowing the Government to participate fully in the investor's success but only partially in the investor's unsuccessful risk capital venture.

At a minimum we should revert to the capital gains rates in effect prior to the 1969 tax act. The Federal Government would under this proposal take no more than 25 per cent of any capital gain made by a successful investor. Hopefully, the remaining 75 per cent would compensate the investor for the ravages of inflation and for the genuine risks taken. It may well prove necessary to make additional reductions in the capital gains tax rate to further stimulate capital formation so vitally needed. Such a policy might be accomplished under a long-range plan with phased reductions over a number of years, but let us take the first essential step now. Let us return to the pre-1969 tax rates on capital gains.

GENOCIDE CONVENTION REQUIRES INTERNATIONAL GOOD WILL TO ENFORCE

Mr. PROXMIRE. Mr. President, the International Court of Justice was established after World War II to arbitrate international disputes. If two countries have a disagreement which they cannot settle by negotiation, they can submit the matter to the International Court. After hearing both sides of the dispute, the Court renders an opinion. The Court has absolutely no power to enforce its judgment. Only mutual good will between the involved parties serves as the enforcement power.

One of the criticisms against the Genocide Convention is that it would subject America citizens to trial in foreign courts without any of their constitutional rights.

Article IX of the Genocide Convention says that any disputes over the treaty's meaning will be decided by the International Court. Nowhere does the treaty state that the Court has the power to try individuals. Rather, the Court is to issue an opinion as to what the treaty says. If either party to a dispute disagrees with that opinion, the Court still has no power to force adherence to its decision.

Article VI of the Convention, although making mention of an international tribunal, does not establish such a tribunal.

Mr. President, the fear that the Genocide Convention would negate constitutional guarantees to Americans accused of genocide is groundless. Any trial must occur in a competent tribunal of the country where the crime of genocide is allegedly committed. I urge the Senate to act swiftly to ratify the Genocide Convention.

REMARKS BY GEN. CREIGHTON W. ABRAMS AT ASSOCIATION OF U.S. ARMY MEETING

Mr. THURMOND. Mr. President, an outstanding address, worthy of the attention of every citizen in this Nation, was delivered Tuesday, October 16, by Army Chief of Staff Gen. Creighton W. Abrams before the annual meeting of the Association of the U.S. Army at the Sheraton-Park Hotel in Washington.

The message offered by General Abrams centered on the theme that while a "détente" among the superpowers could serve the cause of world peace, such a détente would best be preserved by this Nation maintaining a military force which recognized the realities of power. In so doing, General Abrams argued, we would be ready if ever that détente evaporates which could be the case overnight.

In one paragraph General Abrams brought all of his thoughts together. He declared:

> A credible and effective fighting force is not wasted if it is not actually called upon to fight. In fact, fighting may be interpreted as a failure of deterrence. Again and again in recent history, the fact that one nation had a credible force in being and the apparent will to employ that force against another were sufficient for that nation to protect its interests or obtain its goals without war. Our past enemies knew this, and gained great silent victories by forcing alliances, imposing neutrality, creating satellites—often by mere threat of force alone. The nations that were not prepared to fight, or which had advertised that they would not fight, did in fact avoid the fight—but they did so by gross accommodation, sometimes at the sacrifice of their freedom.

Mr. President, that nations will seek to dominate other nations if they think such is possible was demonstrated from the beginning of recorded time and finds its confirmation in recent history.

Mr. President, I ask unanimous consent that this address by General Abrams be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Gen. Creighton W. Abrams, Chief of Staff, U.S. Army

It is a pleasure for me to be here, among so many friends and thoughtful critics of our Army. It is a rare opportunity indeed, for me—or for any officer in the United States Army—to be able to talk directly with so many of our Nation's business, civic and military leaders. And since you are the Army's most valuable friends—as much for your wise counsel as for you staunch support—I appreciate this chance to tell you how I see the Army today, and how it fits into the world picture.

The environment today is a difficult one for the country's security. The word "détente," which for some people evidently colors everything rose and turns their perceptions away from even obvious threat, has gained some currency.

"Détente" is expressed by some as a fact;

It is applauded by others as a policy;

It is saluted by still others as a new era;

And it provides the basis—at least the semantic basis—for some who would reduce military capabilities to what I believe would be a dangerous level, some who desire that we withdraw out of hand large numbers of troops deployed in Europe against very real and very capable opposing forces, and whose philosophies discourage young men and women from serving their country in its Armed Forces.

I think it's fair to say that we may have a period of the beginnings of détente—but we do not have world peace. For some people, the fact that we, ourselves, are not at war may be peace enough. But unless we can lessen the threat of war everywhere in the world, we cannot have a stable, durable peace on which we can depend. Détente means only that the tension between countries in the world may in some way have decreased. This is a matter of quality and degree.

Détente is also an idea, a perception of intentions among countries. As such, it is not an objective fact. It can change as quickly as perceptions change. But we must deal in facts—in the reality of power, of capability, of strength—when we are addressing the Nation's security. We should not cast off the dream of peace—God help us if we lose that vision. We should not ignore the hope that possible détente offers, and all the benefits it could bring. But neither should we lose sight of the real threats and the real dangers where they exist, and of our need to be prepared for them.

Our country can seek to reduce certain kinds of tension with other countries by various actions and efforts—diplomatic, economic, psychological, cultural, and so on—and it can seek to reduce these tensions by varying amounts. But an underlying assumption of détente is that the nations concerned can reach some agreement on how tensions will be reduced and by how much. What happens if a nation or group of nations is threatened and satisfactory agreements cannot be reached gets little attention in the enthusiasm of some for the perceived initial success of détente.

We have made progress in strengthening diplomatic communication with other countries which might have been considered potential enemies. We have increased cooperation and trade with them, as the result of diplomatic agreements. On their own fairly restrictive terms, the countries behind the Iron and Bamboo Curtains have become somewhat more open to us, though of course not nearly as open as our country always has been—so we're not exactly at parity on cooperation and openness.

We do not, however, have world peace. We do not have peace in any Utopian sense. Nor do we have peace in the down-to-earth sense of a greatly lessened need for our own military forces. What we find instead is that as our involvement in the war in Southeast Asia diminished, we cut back our forces, brought troops home, terminated the draft, and otherwise reduced our strength. Today, less than a year after the last U.S. ground combat forces were brought home from Southeast Asia, our Army is less than half the size it was at the peak of our effort there. We are many divisions smaller, and we have fewer weapons and less equipment. These are the facts and realities of our capability in this period of détente.

It is also interesting to observe that we are the only major power to have reduced our forces in Europe in the past decade. The Warsaw Pact nations, and the Soviet Union itself, have not reduced their forces. The fact is, in past years, the Warsaw Pact forces have grown steadily and at a rather impressive rate. On the other side of the world, I am not aware of any reduction in the size or effectiveness of the armed forces of the People's Republic of China, as trade and diplomacy continue. Their forces have become steadily larger and more capable, though in some ways their strength is harder to measure. Again, possible detente—but not assured peace. And again, the delicate balance of hope and reality.

In my period of service, which includes the span of three wars, I can tell you that I don't need or want any more war—but then I could have made the same statement a month after I arrived in Europe in 1944. Nobody in his right mind welcomes war, especially those who have seen it. The carnage, the destruction, the pain are beyond telling. But the less prepared we are, the more wishful our thinking, the greater the costs of war when it comes. I came into the Army in 1936. We were a horseback and rifle Army in a country that was still largely convinced that we couldn't have another World War. The idea that we had ended the possibility of war at Versailles blinded many of us to reality. We had heard that there was a German Army, and that they had been building and maneuvering with tanks, and that the Luftwaffe was flying fighter aicraft far more capable than our Air Corps', but we ignored the facts in our desire for peace—until we were forced into action. And you know what happened—We did not prepare. When we could no longer avoid it, we got thrown into a huge war in Europe, unready, ill-trained in many respects, saved only by distance and the time our Allies' efforts bought for us. In the Pacific, we relentlessly avoided Japan's clear warnings of her capability, and even of her intent. We have Pearl Harbor and Bataan to remember for our complacent outlook. The cost was dreadful. In Europe, in Africa, in the Pacific we paid and paid and paid again—in lives and in blood—for our unpreparedness, for our insistence that because our shores were not under direct explosive attack, we were at peace.

When the war ended, we erased history again. We pretended that guaranteed peace was at hand. We were so anxious to achieve the dream of peace that we closed our eyes to the facts of capability, to the reality of threat. We cut back our Armed Forces to nearly nothing, and allowed our strength to dissipate. The United Nations had made war obsolete, some were convinced.

When the Korean War broke out, the situation was not much different than it had been in the opening days of the Second World War. We were not prepared. We were not adequately trained. We were not equipped. But we entered the war rapidly, throwing half-ready units in to buy time for the Army to get ready. And again, we paid dearly for our unpreparedness during those early days in Korea with our most precious asset: the lives of men. The monuments we raised to their heroism and sacrifice are really surrogates for the monuments we owe ourselves for our blindness to reality, for our indifference to real threats to our security, for our determination to deal in intentions and perceptions, and for our unsubstantiated wishful thinking about how war could not come.

These costs of our unreadiness, in just the years I have been in the Army—in the span of just one man's career—can be charged off to the desire for peace, the hope for détente, the faith in the good intentions of those who later became our enemies. The desire, the hope and the faith were accompanied by an unwillingness to face the facts, to grasp the reality of enemy capabilities, and a reluctance to invest the far lesser price for the preparedness, strength and clear resolve it would take to preserve that peace.

Here we are again.

The end of our involvement in Southeast Asia puts us back into a familiar frame of mind: "Ignore the threat, and it will go away"; "We can avoid war, if only we will stop arming ourselves for war"; "Nothing is worth the cost of another war."

In this period of possible détente—not real peace, but possible détente—we are opposed by formidable strength. We face, at various places around the world, strong and capable adversaries, becoming stronger all the time.

These are facts. As our relations throughout the world improve, we should consider that we have more and more to gain by preventing another war, and the only way I know how to do that, the only way that has worked in the past, is by maintaining our own strength, our own capability and our own resolve to defend our security, our freedom, and those of our Allies.

A credible and effective fighting force is not wasted if it is not actually called upon to fight. In fact, fighting may be interpreted as a failure of deterrence. Again and again in recent history, the fact that one nation had a credible force in being and the apparent will to employ that force against another were sufficient for that nation to protect its interests or obtain its goals without war. Our past enemies knew this, and gained great silent victories by forcing alliances, imposing neutrality, creating satellites—often by mere threat of force alone. The nations that were not prepared to fight, or which had advertised that they would not fight, did in fact avoid the fight—but they did so by gross accommodation, sometimes at the sacrifice of their freedom.

And so for the Army today, this means we must be ready, prepared to stand for the country. We must have effective, potent and credible strength to defend the Nation's security and its freedom. Insuring that the Army is prepared is my most fundamental duty and is the Army's primary mission at all times. It is the Army's mission today.

If the Army is to be prepared to meet the challenges it faces, it must consider not only the spirit of possible detente, but also the very real capabilities of potential enemies. If the arrangements of possible detente mean that forces on one or both sides can be reduced, thereby lessening the fact of mutual threat, so much the better. With an actual reduced threat comes the increased chance for the real peace we all desire. But to arbitrarily reduce our own capability—either intentionally or through unwillingness to invest in preparedness—because we think we know a potential adversary's intentions, is the kind of head-in-the-sand posture that has cost this country so dearly so many times in the past.

For the Army to be prepared, we must, of course, have good people. We must have good leadership and a lean and effective fighting structure. We must have a high state of training and discipline, and the right kind of weapons and equipment—we must have all these things. There is something beyond these factors, however, beyond the countable, measurable indicators of preparedness. The intangible is spirit. A "ready" spirit is a precious commodity: in the individual soldier, it shows up in increased alertness, in a willingness to try harder; in a small unit, it brings improved coordination, teamwork and discipline; in the Army as a whole, it gives credibility to our strength. By our credible strength we assure our friends and deter our enemies in the interests of peace. So naturally we do everything we can to foster and develop this spirit.

We hold and nurture and support this precious spirit everywhere in the Army, and we anxiously look for it elsewhere in the country. For this spirit of readiness cannot be sustained by the Army alone.

It must have its roots in our country, or it cannot survive. There must be clear evidence throughout our country that we, as a Nation, are prepared, that we have the spirit and will to do what is necessary to defend the country, and to insure its well-being. We must hear the people express their determination to support the efforts of their Army to meet the needs of the country, and to avoid the terrible costs of being prepared too late or not at all. The spirit of preparedness must resound so that any potential enemy can discern it, and can see that he can set out on no cheap adventures at our expense.

Our country can avoid war only by showing clearly that, while anxious to avoid war, it is willing and able to fight, if necessary; that within this Nation abides the will to fight for its security and its interests. We must be able to demonstrate that we are prepared to defend ourselves and what we stand for, that we will fully honor our commitments, and that we will stand up to any enemies.

We cannot do this from the reclining position. We cannot say, "If you start something with us, we will spring to arms," for there will be too little time to begin to get ready. We must be far more committed, far more dedicated, far more prepared than that.

Each time we have faced major war unprepared, we have barely gotten ready in time. In World War II it was months before we could act; in Korea it was weeks. In future wars, we will have only days to get ready. The costs of our being unprepared in the past have been atrocious. The Army is doing everything in its power to see to it that we do not have to pay that exorbitant price in lives and treasure again. With your support, we should not have to pay that price again.

I have faith in our country, and in its people. And of course, I have faith in our Army. We have met challenge upon challenge, at home and overseas in ways that only a Nation of great spirit could have met them. We can continue to meet these challenges if we are prepared for them, if we have the will to face them resolutely before they overtake us.

If we set ourselves to the task of preparing for war if it comes, of being ready to meet the challenge of war before it is upon us, we shall be achieving the real peace that men everywhere can understand, and that nations everywhere can respect.

A SINO-AMERICAN SOYBEAN RESEARCH INSTITUTE

Mr. HUMPHREY. Mr. President, over the past few years we have seen the spectacular rise of American soybean production. This is encouraging in light of the huge world protein needs. However, we are reaching a point where land available for growing soybeans is becoming limited. In fact, soybean production over the coming year is expected to decline as present land is directed into other uses. Unless we find ways of increasing the yields on available land, our protein deficit may become a protein crisis, as population growth and rising affluence create the demand for more and better food.

Many experts are now seeing nutritional problems more and more as protein problems. However, the ability to expand our traditional sources of protein is becoming limited. Our agricultural scientists have not been able to develop any commercially viable way of getting more than one calf per cow per year.

We are also beginning to find that the grazing capacity of much of the world's land is almost fully utilized. And, when you add to this the decline in the world's fish catch which we have been experiencing over the past few years, the prospects become all the more alarming.

Much of our hope for increasing the availability of protein is being placed on soybeans.

Vegetable proteins such as soybeans are much lower in cost than animal proteins since much less land space is required to generate a given amount of protein for vegetable proteins than for animal proteins. And as land prices skyrocket this difference becomes all the more important.

But our scientists have not been able to achieve a breakthrough in obtaining higher yields for soybeans. In fact, since 1950 we have only been able to increase our soybean yield by 1 percent per year.

If we are to meet the growing world demand for protein and adequate nutrition we must direct significant resources toward improving these yields.

Together the United States and the People's Republic of China produce about 90 percent of the world's soybeans. Much can be gained in joining with China in an effort to find ways to improve soybean yields.

In the October 19 issue of Science magazine, Dr. Lester R. Brown proposed a Sino-American Soybean Research Institute. I think that this is an excellent proposal and I am drafting legislation to effect it.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SINO-AMERICAN SOYBEAN INSTITUTE

Over the past quarter-century, soybeans have emerged as one of the world's leading sources of protein. In recent years, world demand for soybeans has been expanding by nearly 7 percent annually. If sustained, this rate of growth doubles consumption every 11 years. For a billion people in East Asia, soybeans are consumed directly, constituting an important dietary staple. For the affluent industrial countries of North America and Europe, they have become the dominant source of high-quality protein for livestock and poultry feed. As growth in the world fish catch slows, the pressure on soybean supplies intensifies further.

Perhaps the best single barometer of the increasing world demand for protein is U.S. soybean exports. The growth in exports has been phenomenal, climbing from a few hundred million dollars in the early 1960's to more than $2 billion in 1972. The value of U.S. soybean exports now exceeds that of any other product, including high-technology items such as computers and pet aircraft.

Future demand prospects for soybeans are very bright. Both growing populations and rising affluence are generating additional demand. The supply problem is somewhat less promising. The world protein market is being converted from a buyer's to a seller's market. Soybean prices in 1973 have been more than double the average price during the 1960's.

Agricultural scientists have not been able to achieve a breakthrough in soybean yield per acre of the sort achieved for most other important crops. Since 1950, yields of soybeans in the United States, where two-thirds of the world's soybean crop is produced, have increased just over 1 percent per year. This contrasts with nearly 4 percent per year for corn. As a result, most of the fourfold increase in U.S. soybean production since 1950 has come from expanding the acreage of soybeans. We get more soybeans by planting more soybeans. As of 1973, nearly 1 in every 6 acres of cropland in the United States is planted to soybeans.

Together the United States and mainland China produce 90 percent of the world soybean crop. With the cropland idled under government programs in the United States rapidly disappearing, and with the world dependent on the United States for 85 percent of exportable soybean supplies, this inability to achieve a yield breakthrough suddenly begins to loom as a rather formidable cloud hanging over the world food economy. The Department of Agriculture now projects a decline in the U.S. soybean crop in 1974 as other crops, especially cotton, compete for available cropland. Such a decline combined with continuing growth in the world demand for soybeans can bring only higher prices for soybeans and for livestock products produced with soybeans.

Within China, the remarkable achievements on the nutritional front are based in large measure on the extensive direct consumption of soybeans. If the production of soybeans in China continues to decline, as soybeans are displaced by the higher-yielding cereals, the nutritional gains of the past decade may be reversed.

These difficulties in raising soybean yields in a land-scarce world suggest the need for a much greater research and in particular for the creation of a Sino-American Soybean Research Institute. Since the soybean originated in China, it probably has the most diverse available collection of germ plasm, a vital asset in an expanded soybean research effort. On the other hand, scientists in the United States have expended a great deal of effort to devise better cultural practices and to make the soybean plant more productive. The critical importance of the soybean to both economies, not to mention mankind as a whole, and the pressing need to achieve breakthrough in yields of soybeans argues for a pooling of germ plasm, the coordination of research efforts, and the sharing of research results.

STATE AND LOCAL GOVERNMENTS SUPPORT FOR REVENUE SHARING: RESULTS OF ACIR HEARING AND ILLINOIS POLL

Mr. PERCY. Mr. President, the State and Local Assistance Act has now been in effect for nearly a year. There have recently been attempts to evaluate the success of Federal revenue sharing. I think that a honest examination of the program is necessary in the light of the fact that Federal revenue sharing is annually a $6 billion Federal expenditure. On October 11, 1973, the Advisory Commission on Intergovernmental Relations, of which I am a member representing Republicans in the Senate, held hearings to determine the impact of revenue sharing on State and local governments. I have also conducted a survey of Federal revenue sharing in the State of Illinois to obtain from local officials their opinions about the program. The results of the ACIR hearings and my own survey indicate an overwhelming support for Federal revenue sharing.

The Advisory Commission on Intergovernmental Relations hearings, under the chairmanship of Robert Merriam were very informative. Testimony was presented by five panels of leading State, local and county officials. While there is very wide support for revenue sharing, the program is not seen by these officials as perfect. They expressed great concern for the uncertainty of Federal financing. They need to know more precisely and earlier what Federal funds will be available to their localities annually. They therefore ask for an early renewal of the revenue sharing program in order to reduce uncertainty about it, a suggestion that I wholeheartedly endorse.

However, the officials do feel that revenut sharing has helped to arrest increases in State and local taxes. They offered mixed opinions about the extent to which the Federal Government should control the way in which the revenue sharing funds could be spent, but most officials testified that the "strings" on revenue sharing for priority expenditures are not an impediment to their operations under the program.

Another possible fault in the program is that Federal funds might forestall reform in government at the local level. These remarks, however, were not offered as attacks on revenue sharing, but only as constructive criticisms which were expressed in the hope of improving the program. The officials attending the ACIR hearings testified that revenue sharing provided funds for many programs which would have otherwise been impossible. They expressed the opinion that the continuation of Federal revenue sharing was desired, and even imperative for the survival of many local governments.

Independently of the work of the ACIR, I have sought information about the implementation of the revenue sharing program from municipal governments in Illinois by conducting a statewide survey. All levels of local government in the State were asked to indicate how they are spending revenue sharing money and also whether, in their opinion, they believe the program is effective. The questionnaire also asked them for their opinions and for suggestions about ways to improve the program.

Two hundred and nine governments responded to the survey. Of that number, 183 responded that the program is helpful and support its continuation. Thus, contrary to some claims, there is clear evidence that local officials want revenue sharing to continue.

The survey found that on the average, revenue sharing funds contribute 9.62 percent of the total budget of the responding governments, though revenue receipts of individual local governments varied widely around this mean.

With regard to the uses of revenue sharing funds, our survey indicated that 69 municipalities spent part of their funds on recurring expenses, while 120 spent their funds for nonrecurring expenses such as capital outlays and debt retirement. Only 20 spent their funds to replace "own source" revenues so as to cut local taxes. Twenty-five other governments reported that, without revenue sharing funds, they would have had to raise local taxes.

One hundred and fifty-five respondents believe revenue sharing allows them to plan better for future needs while only 25 believe that it does not. Several respondents indicated that their planning efforts have been hampered by the 5-year limit on the program. These communities apparently are uneasy about making commitments based on resources which they have no assurance of having at the end of 5 years.

In reply to the question whether Federal revenue sharing "strings" such as priority expenditures, maintenance of State aid to local government, and prohibition on use as matching funds, are a serious deterrent to the best allocation of revenue sharing funds, 104 indicated that these "strings" are a deterrent, while 78 believe they are not.

If Federal requirements—even though limited—had proven to be an impediment—which the majority of respondents believe they are—I wanted to know whether the problem is caused by a lack of information or advice to city officials about use of their funds. One hundred thirty governments indicated that they needed no additional guidance from Federal agencies, while 55 responded that they do want more information. However, in many cases, government officials do not simply want more information, rather they need clarification and simplification of Federal program requirements. The extensive failure of local governments throughout the country to submit the reports required by law may be an indication of confusion about the requirements placed on them.

The survey also indicated that the availability of Federal revenue sharing funds has not substantially reduced the efforts of city officials to obtain Federal aid for specific programs. Only 27 responding officials had abandoned their efforts, while 150 had not. Governments indicated that the reason for continued application for Federal aid is that there is no assurance that Federal revenue sharing will continue.

The questionnaire also asked what former Federal aid programs might be supplanted by revenue sharing funds. Few governments responded to this question. Those that did said that revenue sharing is being used in place of Federal funds for open spaces, OEO programs, street improvement, and erosion control.

With no assurance of long-term continuation of funding, local officials seem to have three choices about how to use their money. First, they can spend the available money for secondary and somewhat less worthwhile projects which will not vitally affect the community if discontinued due to lack of funds. Second, they can save the money presently available, in the hope that it will accumulate enough interest to fund a worthwhile project completely. The third alternative is to do piecemeal work on important projects, some of which might never be finished if Federal revenue sharing is abandoned.

Aside from concern about the continuation of Federal revenue sharing, city officials complain about administrative problems. They see no reason for planning forms, penalties, and deadlines. They feel the Federal Government should only be concerned with the amount of money received by the municipality and the manner in which it is spent. They warn against additional red tape.

These comments, as with the criticism offered at the ACIR hearings, should not be interpreted as negative responses to revenue sharing. The fact that officials took the time to offer their opinions proves that they believe that Federal revenue sharing is a valuable program to them and worth working to improve.

Mr. President, I ask unanimous consent to include at the close of my remarks a list of the distinguished representatives of State and local governments who shared their experience with the Advisory Commission, and a survey of the results of my survey of Illinois local government officials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—HEARING ON GENERAL REVENUE SHARING

SCHEDULE AND PANELIST LIST

Morning Panels—9:30 A.M. to 12:00 Noon

Georgia Officials

Governor Jimmie Carter.

Mayor James M. Beck, Valdosta.

Commissioner Gil Barrett, Dougherty County.

West Virginia Officials

Governor Arch A. Moore, Jr.

Delegate George Seibert, Minority Leader, House of Delegates.

Commissioner Dewey E. S. Kuhns, Kanawha County.

Mayor William Nicely, Parkersburg.

LUNCHEON

AFTERNOON PANELS—1:30 P.M. to 4:30 P.M.

National League of Cities—U.S. Conference of Mayors

Mayor Roman Gribbs, Detroit, Michigan.

Mayor Wes Wise, Dallas, Texas.

Mayor Alfred Del Bello, Yonkers, New York.

National Association of Counties

Mayor-President W. W. "Woody" Dumas, East Baton Rouge—Parish, Louisiana.

County Executive Louis V. Mills, Orange County, New York.

Commissioner Daniel Lynch — Douglas County, Nebraska.

Council of State Governments

Eugene Farnham, Legislative Fiscal Analyst, Michigan.

John Murray, Budget Officer, Rhode Island.

Leigh Grosenick, Federal-State Relations, Minnesota.

Lewis Stettler, Director of Fiscal Planning, Maryland.

REVENUE SHARING QUESTIONNAIRE—TOTAL RESPONSES 209

(1) What percentage of your total budget is comprised of money from federal revenue sharing? 9.62%

(2) Could you please list under the three designated categories how you have spent federal revenue sharing money and in what percentage: Total 208

(A) For recurring expenses in order to expand operating programs. 69 (34%)

(B) To replace "own source" revenues and thereby cut taxes. Please list what taxes were cut and by how much, by percent. Without federal revenue would you have had to raise local taxes even more? 20 (9%)

(C) For non-recurring expenses—capital outlay, debt retirement. 119 (57%)

(3) Does the money received from federal revenue sharing allow you to better plan for future needs? Total: 180 Yes: 155 (85%) No: 25 (15%)

(4) Do you consider the present federal revenue sharing "strings" (priority expenditures, maintenance of State aid to local government, maintenance on use at matching funds) a serious deterrent to the best allocation of revenue sharing funds? Total: 184 Yes: 106 (57%) No: 78 (43%)

(5) Do you need additional guidance or information from federal agencies in using revenue sharing funds? Total: 187 Yes: 56 (39%) No: 131 (61%)

(6) Have you abandoned or lessened your efforts to apply for federal categorical aid now that revenue sharing funds are being distributed? Total: 177 Yes: 27 (15%) No: 150 (85%)

(7) What former federal programs, if any, have you seen fit, since the reduction of federal aid to cities, to finance with revenue sharing funds?

(8) On balance, has the general revenue sharing program been helpful? Would you support its continuation? Total: 190 Yes: 183 (96%) No: 7 (4%)

(9) What suggestions have you for improvement of federal administration of the revenue sharing program?

BAD NEWS ON HOUSING STARTS—ADMINISTRATION HAS UPSIDE DOWN POLICY

Mr. PROXMIRE. Mr. President, the predicted sharp drop in housing starts and home construction came true yesterday when the Department of Commerce announced that new starts for homes and apartments for September were at a seasonally adjusted annual rate of 1.76 million units.

In 1972 we built 2.36 million units.

The drop this month represents a 15 percent drop over last month. It represents a 25 percent drop over the 1972 annual rate. It is the biggest monthly drop since February 1960.

But that is not all. Building permits which foretell from its shares, also fell by 8 percent in September over August and indicate a further annual rate of building private homes and apartments of 1.6 million units.

TIME TO FACE TRUTH

This discouraging news should jolt the administration into changing its negative housing policies. Here is the sad, sad plight.

First, because of the high interest rates, at least two-thirds of the families in the United States are now priced out of the new construction market. Average family income is about $11,000 a year. With that income, one should not pay more than $25,000 to $27,500 for a house. But $25,000 houses or apartments for a family of 4 or 5 are out of the question. They cannot be built for that price and with the present interest rates, the average family could not afford the payments even if they could be built for that price.

Second, mortgage rates are stickier than most other interest rates. That means that even if interest rates in general come down somewhat, there is no general easing of the high mortgage rates in sight.

Third, even if interest rates fall somewhat, the price of land and construction will continue to rise.

HOUSING CRUNCH IN THE OFFING

The country therefore faces a real possibility of another housing crunch. That's the hard, tough, sober truth. We now face another devastating housing crunch in which housing, almost alone, is required to bear the overwhelming burden of fighting inflation.

In 1966 this happened with terrible consequences for housing and for families who needed housing.

In 1970–71 the country faced a similar problem. But in that year the Government housing programs, authorized in the 1968 Housing Act, were beginning to roll. Units built under public housing and the homeowners interest rate subsidy programs offset the decline in private starts and a housing crunch, with all its evil consequences, was avoided.

Therein lies a lesson.

ADMINISTRATION FOLLY

But the administration has either failed to learn that lesson or it is deliberately courting a housing disaster.

In the face of what every reliable forecaster has predicted would happen to private housing starts, the administration and HUD have suspended or terminated or abandoned the Government housing programs.

Last January they suspended or ended 15 HUD programs and 4 Farmer's Home Administration programs.

When the President's Housing message finally came to the Congress in late September, no constructive alternative program for housing construction was proposed. Instead we were told to wait until 1976 when a housing allowance program might possibly be recommended. And, as most experts agree, a housing allowance program, even if put into effect now instead of 1976, would most likely bid up the rents and prices of existing housing units rather than to stimulate production of new units.

This was a formula for disaster. Now the housing disaster is upon us.

There is no housing for low-income families. New public housing starts have been stopped.

There is no housing for moderate-income families. The home ownership interest rate program has been abandoned.

And, because of the high interest rates, there is now no housing for middle-income families and many upper middle-income families who traditionally have been able to provide for their own housing through the conventional private housing market.

URGENT ACTION NEEDED

The drop in conventional housing starts in September and the drop in new building permits, which forecasts the future, should lead the administration to abandon its foolish policy of freeze, suspension, and termination.

What we need are two things:

First, we need programs and policies at the Federal Reserve Board to make certain that funds are available in sufficient quantities so that housing, small business, and State and local governments do not once again have to bear the overwhelming burden of a credit crunch.

Second, we need an immediate revival of the HUD and Farmers Home Administration programs at levels sufficient to offset this huge decline in private starts.

I hope the administration will act, and act soon. In the meantime I intend to propose just such action to the Senate Banking, Housing, and Urban Affairs Committee when we begin our markup sessions in the next 2 weeks.

IRV KUPCINET

Mr. PERCY. Mr. President, Irv Kupcinet is a name synonymous with the lively world of entertainment, the arts and politics. As a syndicated columnist for the Chicago Sun-Times, Kup is known for his incisive brand of reporting. As host of Kup's Show, a syndicated television discussion program, he is known for his provocative conversation.

This Sunday Kup will be honored in Chicago for another aspect of his career and personality that often escapes public attention—his deep concern for the welfare of others. Kup will be the guest of honor at a national tribute sponsored by the Weizmann Institute of Science in Rehovot, Israel. The tribute will mark the establishment of an international student program at the Institute in honor of Karyn Kupcinet, the late daughter of Irv and his wife Essie. Under this program, 150 graduate students from throughout the free world will gather for one month a year at the Weizmann Institute to share their scientific knowledge.

I can think of no finer tribute to Karyn Kupcinet than this outstanding program. It also is a tribute to Irv and Essie Kupcinet for their unselfish support of worthwhile causes.

AMERICAN REVOLUTION BICENTENNIAL LEGISLATION

Mr. KENNEDY. Mr. President, I am delighted that the Senate has acted favorably on H.R. 7446, a bill establishing the American Revolution Bicentennial Administration. For the first time in 7 years, we can have real hope that the organizational difficulties which have plagued the National Bicentennial program are at an end. The Bicentennial Administration which is established in this legislation will have clear lines of authority, adequate funding, and direction and purpose in outlining a program of national celebration of the American Revolution.

Even more importantly, this legislation will provide matching grants to the States for their individual bicentennial programs. The Judiciary Committee adopted my amendment to provide up to $400,000 to each State on a matching grant formula. These funds will allow each State to decide how it wants to celebrate the anniversary of the American Revolution and to what extent it wishes to commit funds for this purpose.

In Massachusetts we are particularly fortunate to have both a State Bicentennial Commission and the city of Boston, Boston 200 program which have demonstrated commonsense and initiative in approaching the celebration of our bicentennial. In Boston and throughout the Commonwealth, Massachusetts residents will welcome visitors from other States to join with them in the celebration of the struggle for freedom 200 years ago.

There will be no carnivals for the bicentennial in Massachusetts. The city of Boston and the Commonwealth of Massachusetts will be the showcases of the American Revolution. Throughout the city of Boston and all over the Commonwealth, the historic landmarks of the American Revolution will serve to remind visitors from across the Nation of the difficult and costly sacrifices the early Americans made to insure freedom for us and for our children.

In Boston recently we had the opportunity to hear from the owners of historic sites, from State and city officials, and from private citizens regarding expected visitor increases in 1975 and 1976 for the Bicentennial. Legislation which I introduced to restore and preserve the Revolutionary War landmarks in Boston hopefully will be acted on soon in the Senate. But beyond the problems of restoration and maintenance of historic sites, there remain the problems of providing essential services for the Bicentennial visitors.

I ask unanimous consent to insert in the Record the city of Boston's cost estimates for these services.

There being no objection, the cost estimates were ordered to be printed in the Record, as follows:

COST OF BOSTON'S SELF-DEFENSE PROGRAMS

A. Information and Hospitality Services:

Information Centers, central accommodation system for commercial and non-commercial overnight space, information pieces to assist visitors, extra signing, etc., Total Projected Cost, $2,400,000.

B. Emergency Services:

1. Medical Stations.
2. Mobile Medical Station.
3. Misc. Emergency Services.

Total projected cost, $500,000.

C. Environmental Impact Programs:

Extra cleanup for all important historical sites (Boston Common, Garden, Bunker Hill, Faneuil Hall, etc.). Self-defense planning and extra sanitation facilities for important areas. Extra police and other security details during peak periods (July 4, Bunker Hill Day, etc.).

Total projected cost, $3,750,000.

D. Institutional Self-defense:

Planning and implementation of extra facilities and manpower to handle increased visitor flow.

Total projected cost, $1,100,000.

Total projected cost, $7,750,000.

Mr. KENNEDY. Mr. President, as I indicated H.R. 7446 includes my amendment to authorize matching grants to the States so that they may decide for themselves what kind of Bicentennial program to launch. This is the kind of partnership between Federal and State governments which assures both adequate funding for and community participation in our Nation's 200th birthday celebration. It is the kind of constructive Federal involvement which recognizes that the States are in the best position to implement a program uniquely suited to their needs. It is the kind of legislation which makes sense, which is adequate without being exorbitant, and which guarantees that after the Bicentennial celebration is over, we will not have to appropriate emergency funds to the States to recover from visitor impact.

The Senator from Nebraska has done

an outstanding job in shepherding this important bill through the Senate, and I believe the amendments added to the House bill reflect a positive contribution to this legislation. I commend Senator Hruska for his energetic commitment to breathing a new vitality into our American Revolution Bicentennial celebration.

OCTOBER 14 TO 20 MARKS NATIONAL SCHOOL LUNCH WEEK

Mr. PERCY. Mr. President, this week marks our annual observance of National School Lunch Week. It seems fitting that the Senate should complete work this week on an amended version of the conference report on our latest set of amendments aimed at perfecting the National School Lunch Act.

All Members of the Senate and the House of Representatives are aware of the very fine work done by the members of the American School Food Service Association in preparing and delivering hot nourishing meals to over 25 million schoolchildren daily.

Together with the USDA's Food and Nutrition Service, the 60,000 members of ASFSA are attempting to use the National School Lunch Week theme of "You Are What You Eat" to carry a nutrition education message into school cafeterias across the land.

The typical type A meal served in the school lunch program provides one-third of the minimum daily requirement for each student. It offers a balance of needed vitamins and minerals and supplies the correct number of calories needed for each age group that the school lunch serves.

I want to take this opportunity to salute the thousands of dedicated persons who make the national school lunch program such an important part of our war against hunger and malnutrition. And I want to commend the ASFSA for the very effective work they do year in and year out to make the Congress aware of its obligation to assure adequate nutrition for this Nation's schoolchildren.

Mr. President, all of us can take great pride in the accomplishments of our school food service programs.

I ask unanimous consent that the splendid remarks of Dr. Clayton Yeutter, Assistant Secretary of Agriculture, before a luncheon in Atlanta, Ga., launching National School Lunch Week be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as folllows:

National School Lunch Week

(Address by Assistant Secretary of Agriculture Clayton Yeutter)

It is a great pleasure to join in your first annual kickoff luncheon for National School Lunch Week. The occasion is doubly significant because it also marks the 30th anniversary of school lunch in the Georgia Department of Education.

What better place to hold today's event than in Atlanta, the home of the Braves. You can be justly proud of your baseball team, not only for their home run prowess, but also because of their enthusiastic cooperation in lending support to child nutrition programs. While the Braves' Hank Aaron has been building toward a record in home runs, he's also been making a record for himself as a school lunch booster. He and several of his teammates have recorded numerous radio messages spotlighting the nutritional benefits of the National School Lunch Program. Many of you have no doubt heard them on radio urging parents and kids to get in on the good nutrition of school lunches. Coming from sports idols, this message is sure to have impact.

Let's play one of the tapes now:

"This is Hank Aaron of the Atlanta Braves with an important message for young people. Nutritious, low cost lunches served at school under the National School Lunch Program help you grow strong and stay healthy. That's why it's a good idea to eat lunch at school everyday. For better health, make lunch at school a habit."

You can't beat that for good sound advice, from an authoritative source. He's right on target with this year's school lunch week theme: "You Are What You Eat." Who can be more persuasive on the relationship between good food and fitness than a top athlete who's on his way to setting a new all time home run record? Let me take this opportunity to say a special word of thanks to Hank Aaron and all the other members of the Atlanta Braves who raised their voices in public support of National School Lunch Week—Marty Perez, Daryl Evans, Phil Niekro, Dusty Baker, and Ralph Garr. We appreciate what they've done and I know that countless children and parents add their thanks too.

As evidenced here today, school lunch is truly a community affair, requiring the talents and support of people at all levels of Government, the private sector, civic, professional, and voluntary groups. Recognizing this, President Nixon, proclaiming the twelfth annual National School Lunch Week pointed out that ". . . Since its inception the National School Lunch Program has worked in partnership with State and local communities, providing food, funds and technical assistance to establish the largest and most comprehensive child nutrition program in the world." He urged that "the people of the United States" take this opportunity "to give special and deserved recognition to the role of good nutrition in building a stronger America through its youth."

Though the subject of nutrition has been receiving increased attention in recent years, it is important to recognize that 27 years ago, thoughtful people of good will—particularly Georgia's late Senator Richard Russell—realized that children need good solid meals and balanced diets. The basic philosophy and approach as outlined in the original National School Lunch Act of 1946 still stand:

". . . to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities . . . by assisting the States through grants-in-aid and other means . . . for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs."

In the years since the Act became law, the National School Lunch Program has grown tremendously in scope and emphasis until it is now commonly agreed that the program is making a major contribution to the health and learning power of the children of America.

It is now available to 43 million, or 85 percent of the Nation's 51 million children enrolled in public and private schools. As recently as 1968 just 73 percent of our school children had access to the National School Lunch Program.

Along with expansion and growth has come increasing emphasis on assuring that needy children who can't afford the regular price of lunch are served free. Since 1969—the year President Nixon launched his all-out drive against hunger and malnutrition—the number of needy children reached has more than doubled to a current level of 8.8 million.

School Food Service added a new dimension during the last half of the sixties—the breakfast program, which has grown steadily until it now helps some 9,000 schools serve nutritious breakfasts to over a million youngsters.

On another front, the five-year-old summer food service activity helps span the nutrition gap for needy children when schools close down for summer vacation. This year we reached a peak of 1.7 million youngsters with that program.

Thus, school lunch, over its 27 year history, has broadened its horizons to encompass a comprehensive series of child nutrition activities now operating at a Federal cost in the neighborhood of $1.5 billion annually. The school lunch program remains the oldest and largest of these, built on a solid foundation of teamwork by Federal, State and local governments. In recent years the Federal share of contributions to the school lunch partnership has grown from a modest 24 percent four years ago to more than 40 percent of total program costs presently. Contributions from State and local revenues are up, but not significantly in proportion to the size and needs of school lunch service today. In my view, State and local governments need to take a stronger role in this partnership. Georgia just raised its State contribution from 2½ to 4½ cents a lunch. We need to see a lot more action like this.

We're talking about a network of 86,000 school lunch programs, operating at a combined annual cost of around $3 billion a year, representing the largest single food service network in the world. The food bill alone approaches $1.8 billion. Another major factor is the salaries and wages of some 350,000 school food service employees across the country. These figures give you some idea of the major impact of the school lunch program—not only on the nutritional health of children—but also on the Nation's agriculture, in fact on the total economy.

The National School Lunch Program is where it is today because of the vision and understanding of such national leaders as Georgia's Senator Herman Talmadge, the distinguished chairman of the Senate Committee on Agriculture and Forestry. The program has the strong support of Secretary of Agriculture Earl Butz and his Undersecretary Phil Campbell.

Unquestionably, the success of school lunch in Georgia has a lot to do with the State Department of Education's 30-year-long commitment to the program we honor today. Leadership is of paramount importance and you have two of the best in Jack Nix, State Superintendent of Schools and Josephine Martin, School Food Service Administrator. We feel particularly fortunate in having Josephine Martin as a charter member of the National Advisory Council on Child Nutrition, which I chair as Assistant Secretary of Agriculture.

Those of us who have responsibilities for American agricultural policy have been greatly concerned about recent imbalances in food distribution and prices and the effects these circumstances are having on school food service programs. We are doing everything possible to minimize the impact of these changes on schools—as American farmers expand production to meet domestic and worldwide food demands and move toward a maket-oriented agricultural economy. We are all well aware that the school lunch programs—while providing good nutrition—also help teach proper food habits to children during their formative years, toward the day when they become food shoppers in their own right. Pursuing this natural association, the Georgia Department of Education has a contract with us at USDA to explore the relationship between classroom nutrition training and lunchroom experience.

There is no question but that a firm and growing demand base is the foundation of a sound and productive agriculture. Nowhere is that more evident than here in Georgia, home of one of the Nation's outstanding lunch programs. Some 850,000 youngsters take part on a daily basis, running up an annual food bill of $50 million. Those purchases are made right here in the State with major emphasis on food produced by Georgia farms.

Farmers in your State, incidentally, also supply impressive amounts of food to nationwide family assistance and child nutrition programs. Last year, for example, the USDA bought 65 million pounds of poultry, peanut butter and all-purpose flour from Georgia suppliers. Of that, 35 million pounds was Georgia-processed peanut butter—going to child and family feeding programs across the country.

While food supplied by us makes an important contribution to school lunches, it represents only about 20 percent of the total amount used in the national program. The other 80 percent is bought from local suppliers, clearly indicating that the greatest impact of school lunch purchases is on local economies.

For example, Georgia is the Nation's second largest producer of both poultry and eggs. Last year your schools bought 12.8 million pounds of poultry and 5.3 million dozen eggs for school lunch programs. The grocery list also includes 79.8 million pounds of fruits and vegetables and 210 million half-pints of milk—obviously providing a major market for Georgia agriculture. Conversely, the availability of home-grown food is a boon for Georgia schools.

Clearly, your school lunch program is one of the best in the country. Latest figures indicate that 99.9 percent of Georgia's public school students have access to the National School Lunch Program. On a regular basis—81 percent of your students choose to take advantage of what has to be the best nutrition bargain available.

We're conducting two important drives right now in an attempt to borrow from the knowledge and experience of States like Georgia to strengthen school lunch programs in other areas. Our hope, of course, is to reach many more students who should have the opportunity and proper encouragement to take part in school lunch programs.

First we have a concerted drive on, working with school officials across the Nation, to make school lunch programs accessible to the nearly 5 million children attending schools still without any food service. Of these youngsters, 2.3 million are in parochial or other nonprofit private schools; the remainder are in public schools. There are solid indications of progress in this effort, thanks to the help and cooperation of many concerned organizations. Among them are the U.S. Catholic Conference, the Women's Auxiliary to the American Medical Association, the American Legion, and the Jaycees with their newly-announced coalition of national organizations. With this kind of broad support we hope for impressive results over the next several months.

On another front, while the national rate of student participation in the lunch program advances every year, many students—especially at high school level—still choose not to take part. We have been working closely with schools over the country to learn the secret of attracting teenagers to the lunch program. Our study showed there's really no secret to winning over high schoolers. What is required is a combination of such key factors as school administration support, student involvement, and good "selling techniques." Currently, we're moving to encourage schools with low participation to study and adopt some of the techniques that have found success in States like Georgia, where school lunches contribute to the nutritional well-being of students at all age and economic levels.

Because of your leadership, it is especially appropriate that as school lunch week opens we come here to salute the National School Lunch Program as a potent force in American society. Congratulations on your 30th birthday!

THE CLASH OF SECRECY AND FOREIGN POLICY

Mr. PROXMIRE. Mr. President, Nicholas deB. Katzenbach, former Under Secretary of State and Attorney General, has authored an extraordinary article in the October 1973 issue of Foreign Affairs.

It is extraordinary because it links the tragedy of Watergate with testy question of deliberate Government secrecy. He argues that U.S. Presidents have been the prisoners of the cold-war view of politics which in turn led to the "virtual impossibility for any President to be candid about the costs and risks of our foreign policy." Thus, the American public has been denied the right to influence decision-making by making rational choices of alternatives presented to them.

It is the problem of secrecy that inhibits debate over foreign policy, the demand for justifications, and the isolation of viable alternatives. The power to conduct foreign policy has slipped more into the hands of the Executive Department and with that has come a series of national disasters unparalleled in our history. The Bay of Pigs invasion, the Tonkin Gulf incident, the Vietnam War, are examples of major foreign policy issues decided in the darkness of secrecy. We have given up the traditional American cry for participation and justification. We now accept ignorance and argue over the few "facts" made available by a hostile and suspicious Executive Department convinced that only it knows best for the country.

Mr. President, the Katzenbach article does not leave us at this point, as do so many other analyses. It continues by offering a series of recommendations.

KATZENBACH RECOMMENDATIONS

First, the President must welcome and encourage the support of the American public and the Congress of public discussion and criticism of his foreign policy proposals. Secrecy must be dropped as a political compromise as in secret consultations with limited numbers of congressional figures during meetings with "watchdog" committees which Mr. Katzenbach typifies as doing more "dogging than watching."

Second, the personnel and techniques that are employed in foreign policy decisionmaking must be made public.

Third, we should abandon publicly all covert operations designed to influence political results in foreign countries.

Fourth, we must minimize the role of secret information in foreign policy.

Mr. President, this article cannot be overlooked. It contains too much that is useful. I commend it to the attention of my colleagues.

Mr. President, I ask unanimous consent that the Foreign Affairs article and my CIA bill S. 1939, together with my statement on it, be printed in the RECORD.

There being no objection, the article and bill were ordered to be printed in the RECORD, as follows:

[From Foreign Affairs, October 1973]

FOREIGN POLICY, PUBLIC OPINION AND SECRECY

(By Nicholas deB. Katzenbach)

What foreign policy will arise from the ashes of Watergate—and how it can gain that public consensus without which no foreign policy can hope to succeed—are questions we need to address now. Drift, debate, division are the inevitable aftermath of recent events; and it will take time and leadership—both in short supply—to discover, to create and to build upon a viable consensus.

The problem, of course, is not simply Watergate—though the destruction of presidential leadership and credibility and the confrontation of Executive and Congress which have accompanied that disaster would be problems enough. What adds infinitely to those difficulties is the clear connection between the sordid revelations of Watergate and the conduct of the Indochina War (at home and abroad), which in turn is related to the sometime excesses of a foreign policy too oriented to cold-war concepts of "national security." The relationship is neither accidental nor coincidental, and it is important to the future of our foreign policy to understand why this is so.

I have come to this conclusion with considerable reluctance for two reasons: First, I would feel personally more comfortable if all that is associated with Watergate could be blamed on President Nixon—if the lawless and totalitarian overtones of his administration could be seen as purely aberrational, without roots in the past. To a large degree I think they are, but unhappily they are not so rootless as I would wish.

Second, I can give no support either to Henry Kissinger, who understandably would like to segregate Watergate from the real need to consolidate and perhaps even institutionalize the Nixon administration's productive advances in moderating our relations with the Soviet Union and China; or, at the opposite extreme, to the revisionists who rewrite the history of post-World War II foreign policy in ways which adjust the past to their present and future preferences. We have to go through a difficult period if we are to build, as we must, on a solid basis of popular support for our foreign policy, and the essentials of that task are candor and honesty.

The thesis of this article is simple. Our foreign policy must be based on policy and factual premises which are accepted by the overwhelming majority of the American people. This means that this President or his successor must reestablish the credibility of that office; that there must be broad support in the Congress and in the press and public for the policy he seeks to forward, and virtually total confidence that there is no manipulation of facts to prove the wisdom of that policy or, which may often be the same thing, the honest commitment of his administration to it. Today—when confidence in the honesty and integrity of both the President and the Presidency is at rock bottom—that is a big order. We may have to modify or abandon foreign policy objectives supported by many to arrive at a satisfactory level of public confidence. But until an Administration can achieve it, we cannot hope to succeed in any foreign policy, however modest it may be by comparison with either the recent past or the somewhat lesser role which the United States might legitimately be expected to play in the future.

II

In foreign policy there is no substitute for presidential leadership in formulating and administering our foreign affairs. To say this is not to denigrate the role of either Congress or the public. The President needs support in both quarters, and if, despite his considerable power, he cannot achieve it, then he must trim his objectives to those which will be supported. In the past this basic fact of democracy has undoubtedly restrained and inhibited Presidents from acting in circumstances where later judgment would have supported the wisdom of doing so; the experience of President Roosevelt between the 1937 quarantine speech and the 1940 election was a classic and bitter example to men and women then forming their views. Indeed, this unhappy restraint may well have been a factor in the subsequent assertion of presidential prerogatives, with the result that no President since Truman has felt similarly restrained.

At any rate, the pendulum has now swung back. In recent history—especially in regard to Vietnam and related events in Southeast Asia—the effect of broadly held public views on our foreign policy has been very great indeed. This is hardly surprising. Concern for our national safety and independence are bound to be strong in times of crisis. The influence on the public of a sense of extremely large and unnecessary costs in human lives, or dollars, or risks of even more massive future involvement, is almost as great. One should hardly expect these powerful sources of public motivation, channeled at any given time into particularly widely held attitudes about the outside world and our relations with it, to be anything less than a major determinant of foreign policy in a democratic society.

There is nothing subversive about all this—although it may appear so to a President thoroughly committed to the importance and rightness of a particular course of action. Vocal and widespread dissent may easily frustrate his policy; damage our national security as he perceives it; severely limit his capacity to lead; and encourage the view that such opposition is truly subversive, the work of our enemies, and something to fear and even seek to repress.

Yet in fact the expression of dissent, however vocally vehement, is fundamental to the functioning of our democracy. Those responsible for the creation and execution of our foreign policy must be responsive to public attitudes and cannot seek to repress dissent and disagreement, conceal the truth from the public, or violate the letter and the spirit of the Constitution. There is no "country" whose interests they serve apart from the people of the United States. There are no "interests" of that country apart from the interests of its citizens. However difficult and complex our foreign policy may be, there is no license to free it from the mandates of the Constitution or the constraints of public views, interests and wants, any more than any other difficult and complex problem can be freed from the same constraints.

All of this ought to be self-evident. That it is not—or, at least, that Presidents, and especially the present Administration, do not appear to accept it in fact—is the product of history, of the problems of a relatively open foreign policy, and finally of the rationalizations for secrecy, deception and unrestrained presidential leadership which have resulted from our conduct and national attitudes during the cold war.

First, throughout most of our history the American people have had little concern with foreign policy; there has been no continuing, everyday, costly involvement in relations with other nations. Apart from two world wars, foreign policy had little effect on our daily lives. With the notable and important exception of its negative role between those wars, Congress had little involvement and little interest.

Continuing and widespread public concern over our relations with other countries is really a phenomenon of the last 25 years. Measured in terms of even our relatively short history as a nation, we have not had much time to gain experience or adjust our political institutions to this new state of affairs.

Second, we were thrust into world affairs after World War II in an atmosphere of continuing crisis and virtually total responsibility for the future and well-being of the non-Communist world. We perceived the Soviet Union and its satellites as a major threat to our values, our national security and the continuing existence of a "free world"—and hence to our own national survival. In general, with disagreement only in degree, this view has prevailed until very recently. It may have been painting international affairs with too broad a brush, but I do not think it was essentially wrong, and I believe that the foreign policy which evolved from this thesis was by and large successful until 1965, even in cases where its stated premises were questionable.

As a touchstone of domestic politics, this policy had its vices as well as one great virtue—the capacity to unify Americans behind an expensive, tough, far-flung foreign policy. The Truman Doctrine, the Marshall Plan, the rehabilitation of West Germany and Japan, NATO, the Common Market, military assistance, Point Four and economic assistance to developing nations, even our Latin American programs—many of them policies of high humanitarian content and internal motivation—all were justified, to Congress especially, in terms of national security related to the threat of world communism backed and encouraged by the Soviet Union.

The vices of this policy—of what became a bloated concept of national security—have been that it has tended not only to overextend our national commitments but to inhibit public debate and understanding of the complex world in which foreign policy is made and executed. It has, of necessity, given a major voice in foreign affairs to our large military establishment, and for much of the past 25 years there has been a tendency to equate dissent or criticism with disloyalty, with subversion, with being a Communist "dupe." Obviously this repression of dissent reached its peak after the "loss" of China and during the era of the late Senator Joseph McCarthy. But appearing to follow the Communist line has been a political risk for critics during most of this period. And, again because of its "national security" premise, the policy has bred a host of questionable practices relating to security clearances, systems of classification of information, lists of subversive organizations, and snooping by security agents into the background, beliefs and associations of many citizens. It is not too long a step from security practices of the past to the ridiculous beliefs of the Watergate "plumbers" and their creators, and to the acts they sought to justify in the name of national security. Indeed—and I think this is a major part of the problem—very little of the protest activity associated with Vietnam would have been tolerated in the 1950s, and repressive measures might well have been accepted by the general public not so long ago.

III

But I think the most dangerous part of our foreign policy of containment of communism has been the extent to which it has made our Presidents prisoners of popular political passion. Any foreign policy—and certainly one as global as that of the United States—involves inevitable trade-offs among the various costs we must pay for our security and well-being. Some mix of dollar costs, lives, nuclear risks, and risks because of changing allegiances of governments and populations is the daily gruel of those who seek to decide. Dollar costs can be reduced by a policy of massive retaliation, accenting increased nuclear risks. Both costs and nuclear risks can be reduced if we are willing to tolerate the loss of various allies or of influence in countries of marginal importance to us. But costs there will be, and trade-offs will continue to be the grist of our foreign policy. Yet the public has never been made aware of this central fact—and only after the price of Vietnam became so totally unacceptable have many become aware of the costs implicit in our foreign policy as it has stretched down the years and over space from its origin in the time of the Truman Doctrine.

Thus, since China and the McCarthy aftermath, no President has been politically willing to question the basic objective of no loss of territory to Communist regimes—to admit that such an objective cannot be absolute and that it may involve excessive risks of nuclear war or unacceptable costs of limited war (as it did in the end in Vietnam and might well have done in Korea as well). Accepting that objective as all-controlling, we have promoted it by our economic and military aid programs, by our systems of alliances, and to a limited degree by covert activities. We have seen dominoes not only in Southeast Asia and in Greece and Turkey, but also in Africa and Latin America. We have hoped that we could deter and prevent loss of territory by shoring up friendly regimes, giving them the military means to prevent subversion and the economic means to claim progress and prosperity. We have not been able to be selective in the process—as we should and could have been. Our selectivity has been dictated more by crisis than by purpose or policy; wherever the danger of Communist take-over existed, there went the dollars and the arms.

Again I do not suggest that, in the reality, this fire-fighting principle was either all good or all bad. I do suggest that it was motivated as much by the fear of the domestic political consequences of any "loss of territory" to communism as it was by serious security calculations. Legitimate concerns about Soviet expansionism and subversion were converted, after China and the Korean War, into domestic political fears of the consequences of a Communist take-over in Cuba, the Dominican Republic, Guatemala, Chile, the Congo, Tanzania, Iran, Vietnam, Laos—the list goes on and on. Since the Communist techniques of subversion, assistance to revolutionary groups, propaganda and exploitation of legitimate complaints have been extremely difficult to thwart or deflect by traditional diplomacy, we have often been forced, for better or worse, to give overt economic and military aid to repressive regimes. Worse yet, we have had to resort to covert means to blunt revolutionary movements aided and abetted by covert Soviet (and Chinese) funds and assistance. We have been forced to deny publicly—almost by definition—the covert assistance, and to defend the overt aid in terms of some threat to our national security—or worse, the democratic aspirations of dictators. Since the threat was often less than obvious—probably based on the assumption (not entirely unrealistic during the early part of the cold war) that Communist governments were totally subservient to Moscow—we reinforced by our words and actions the concept that any "loss of territory" anywhere was a potential threat to the United States. Everything we did tended to confirm the common perception that any adverse result was a disaster for the United States—thus making it a serious potential political disaster to the Administration that let it happen.

My purpose here is not to seek to disentangle the real from the imagined. My point is that no effort to do so was politically possible. Every President felt threatened by any Communist success anywhere, and took steps—some, at least, excessive in retrospect—to insure that the blame was not his. He operated in a climate of opinion where to be "soft on communism"—to lose anywhere, any time—was a serious blow to his status at home. And Presidents acted accordingly.

I have said that Presidents became the prisoners of the cold-war view of politics, even though each also contributed to it. The general public and congressional perception of the cold war—and, incidentally, of an exaggerated American power to influence and control events—made it virtually impossible for any President to be candid about the costs and risks of our foreign policy. The "China syndrome"—the aftermath of Joe McCarthy—meant politically that it was easier to accept the premise of "no loss of territory" in the hope that his Presidency would not be called to account than to attempt to gain public and congressional acceptance that the premise might involve unacceptable risks and costs. There was no hope—perhaps no time without crisis—for a public debate in the 1960s about the premises of the 1950s. Could President Johnson have permitted a Communist take-over in the Dominican Republic or in Vietnam, stating that he did not regard "friendly regimes" as important enough to our foreign policy to warrant military intervention? Was the American public prepared for such a statement? And was it, on the other hand, prepared for the costs which Vietnam demanded?

IV

In a sense, all of this political exposition is prelude to the major point of secrecy. But it is, I believe, tremendously important to the understanding of why we are where we are.

In our political system the President enjoys—or suffers—enormous advantages of leadership. His is an extremely difficult role to share, and to a considerable extent the advantages interact with the problems, one upon the other, to cripple the political system. His principal advantage is that the general public—even the best-informed public—views the world beyond our borders as confusing and dangerous. In the mass of information that flows to us each day, it is harder and harder to tell the players and the teams without a program.

To the extent that the average citizen is confused, he tends to place his trust in the President and in the experts. The feeling of danger—reduced and diffuse today but still very much present—brings with it a strong sense of the necessity for teamwork under a united leadership. And so the President operates from a protected position behind the high wall of the public's desire to delegate trust to one man—a wall built, on the one hand of feelings of danger and confusion, and, on the other, of the fact that the President, as our nationally elected leader and our "sole voice" in foreign affairs, is the natural recipient of that trust. An opponent who would attack the President's leadership must first convince the public to endure the feelings of danger and uncertainty that come when trust and confidence are taken from the President. And that is a risky political endeavor.

Unfortunately, Presidents are inclined to think this blind trust in their wisdom is wholly justified. Having almost sole access to the full range of classified information and expert opinion, Presidents are tempted to think that the opinions of Congressmen, academics, journalists and the public at large are, almost unavoidably, inadequately informed. It is too easy to conclude that the opinions of others lack essential knowledge and that unequal information and unequal background make their views less important. The subtle insights of specialists or classified pieces of information are often accorded a totally undeserved attention and importance in comparison to more widely shared insights and knowledge.

All this reduces the politically healthy feeling of being constrained by the disagreement of many of one's peers. But that might not be particularly serious if the President and the executive branch were bias-free and single-minded in their desire to produce results representing the long-run preferences of the American public. Unfortunately, neither of these conditions is likely to prove true.

For there are biases built into the position of the President—and the advice he receives—that are likely to lead to departures from the needs of the country as perceived by others. For one thing, the very factors which reduce the value of the opinion of others on tactical questions have a way of spreading to questions of basic values. There is a tendency to assume that such fundamentals as the amount of dollar cost the public will bear to reduce nuclear risks, or the loss of lives that we will bear to avoid a particularly offensive weapon, are technical decisions for experts—although these decisions plainly involve only value judgments, not specialized knowledge, once the choices are fairly laid out.

The problem is further complicated by the fact that Presidents in recent years have become increasingly enamored of their role on the stage of world affairs and are likely to resist a more limited role even if the public were to assign it to them. Presidents want to secure an honored place in history and feel that the scope of American power, prestige and influence is a crucial aspect of a historian's memory of their terms of office. This can be a heady business. It is compounded by the relative freedom that the President has in foreign affairs—freedom from annonying congressional restraints and freedom based on the generalized need of the public for unitary leadership in times of danger. It would be going too far to say that a President welcomes a Cuban missile crisis or a Six-Day War in the Middle East. But it would not be going too far to say that the Presidency thrives upon it, as the Nixon Presidency has thrived on his televised visits to China and Russia.

All of these pressures make a relatively retiring presidential role less likely whatever the public interest. When they lead a President to costly or risky policies with which much of the public cannot identify its interests, or which seem to exceed the discretion required by the danger, these biases can cause the President to lose that basis of popular support on which he necessarily relies.

Over the years, then, we have moved farther and farther away from the basic premises of our democratic political system to put important decisions on foreign policy in the hands of the President and, in effect, to charge him with its successful administration. Our almost total reliance on the President's leadership and accountability; the felt need to fight insurgency with counterinsurgency, often secretly; our unwillingness to test foreign policy initiatives in the ways in which we test domestic policy proposals—through debate and discussion; the appeal of "national security" as sufficient justification for a vague and extensive foreign policy; and, most of all, the fear of the President that his political popularity, his place in history and his capacity to lead all depend on not having another China, or Cuba, or other major loss to communism—all these considerations tempt a President to go it alone in the hope that the policy will succeed. The temptation to let the end justify the means is clearly present, even if the means requires dissembling or misleading the Congress and the American people. Such conduct can, in the environment of the recent past, be rationalized as necessary to maintain that secrecy on which success depends. And, after all, it is unlikely that the President's honesty and good faith will be brought effectively into question if the policy is successful.

The Bay of Pigs debacle of 1961 is an illustrative example. The idea that, in an open society, one can expect to launch a covert attack on a neighboring country in total secrecy seems patently absurd. For that adventure there are only two explanations: Presidents Eisenhower and Kennedy must have assumed, first, that the public would not require a political accounting of the authority of the President to act in secret without formal Congressional authorization or knowledge; second, that total failure of the operation was improbable, and that the secrecy essential to its success could be maintained for a sufficient length of time. And I suspect that President Kennedy, despite his obvious reservations about the whole plan, was extremely reluctant as the incoming President to cancel a project initiated by his prestigious predecessor in view of the domestic political risk which that would involve.

The significant aspect of this incident is the fact that President Kennedy's *mea culpa* related to the failure of the mission, and the later investigation into how the President could be so misinformed. He felt no need to apologize for undertaking so extensive a covert activity on presidential authority alone.

Was the Bay of Pigs different in kind or quality from the secret bombing of Cambodia (and falsification of records) at President Nixon's direction? True, in the first case there was complete candor after the event, but in both cases the element of total secrecy was overriding at the time of action, because it appeared necessary to achieve what the President (and many others) regarded as legitimate foreign policy objectives. But, however justified by such necessity, secrecy destroys our democratic process when it also deceives the American public on important and controversial matters.

There have, of course, been other covert operations, though perhaps none so extensive as these. Operations in Laos and Thailand were more or less open secrets, better known to Congress and the press than some recent outbursts would suggest. But nonetheless all such operations raise the question of how far the President can go it alone, and especially when the operations themselves have no formal congressional sanction and are unknown to—and undiscussable by—the general public.

The war in Vietnam has raised still deeper questions. Between 1961 and 1964 our operations in Vietnam through "military advisers" were, at most, partially covert. The fact of their number was known, and their roles only modestly concealed. As the operation grew and the possibility of more massive intervention became clearer—and, I am convinced, well before he had made up his own mind how far he would intervene—President Johnson did go to the Congress for authority in the form of the Tonkin Gulf Resolution. The form, at least, was observed, though unhappily in part as a political response to Senator Goldwater's position in the 1964 campaign.

Yet I cannot, in retrospect, square the Vietnam War with my concept of democratic government. What President Johnson did not do, when he had made up his mind in 1965, was to lay out fairly and frankly for Congress and the American people the choices facing us, the risks we were taking, and the possible consequences of our intervention. His failure to do so led in the end directly to attacks upon his credibility and to a serious erosion of the trust and confidence of the public in the President.

And, of course, as the war unfolded, lack of candor was compounded by miscalculations that I am sure far outweighed conscious deceit. At critical points, the dominant personalities within the Administraton reflected to the President a degree of optimism which turned out to be totally unwarranted, and it was that optimism which the President in turn conveyed to the Congress and the public and which so destroyed his credibility. The voices of caution and doubt were not believed by the President, and were not, therefore, reflected in public statements. Added to what turned out to be miscalculation based on wishful thinking was the concern the President felt about unleashing the more militant forces epitomized in the 1964 presidential campaign by Goldwater and General LeMay. Mr. Johnson did not want the war, felt he could not let Vietnam go without overt military assistance, and was genuinely concerned about its potential for expansion. Once committed, he saw no retreat without too great a loss of prestige both at home and abroad.

In 1965 I have no doubt the public and the Congress would have overwhelmingly accepted and supported our intervention in Vietnam, and that any alternative (harsher or softer) course, as I am sure President Johnson knew, would have badly divided the country. There was in 1965 no basic contrary view; virtually no one of any political weight was avowedly prepared to accept the collapse of the non-Communist government in South Vietnam. In these circumstances it would have been difficult for Mr. Johnson to have volunteered all the risks potentially involved, to have prepared the American people for the worst. His primary political interest was the Great Society—not Vietnam—and his political compromise was to downplay Vietnam in the hope that guns and butter were both possible. In retrospect he should have encouraged a Great Debate; had he known his worst fears would be realized, he undoubtedly would have. Yet the harsh fact is he did not, and that he did not importantly narrowed his future options.

Then, as the war dragged on, and as opposition to it became increasingly vocal, the Administration's motivation subtly changed. It saw the opposition as making an already difficult task more difficult; as stiffening the resolve of the enemy; as making the search for an honorable peace infinitely more complicated. Information withheld, promulgated half-truths, propagandizing the good news—all of which were to a degree misleading—were now justified by the necessity to minimize the degree of opposition so that peace could be more rapidly achieved. And so the credibility gap widened farther, and trust and confidence eroded faster. Ironically, the fact that the statements of the government were less and less believed probably gave the domestic opposition a strength it never could otherwise have achieved.

Mr. Nixon—prior to Watergate—recouped some credibility for the Presidency. He did not, however, do so by frankness and candor. His technique was to reduce the levels of U.S. troops and casualties; to seek to focus attention on other matters by his China initiative; and to continue to dissemble and to restrain discussion on Vietnam. His excessive views of presidential power, his seeming disdain for congressional views, and his moving the center of decisions and operations from the State Department to the White House all have tended to reduce public discussion and, consequently, public opposition. And to a completely unprecedented degree he has conducted his foreign policy secretly. He regained considerable trust and confidence in the Presidency, not because his statements were believed, but because many of those naturally in political opposition grudgingly admired the initiatives toward China and Russia and respected the brilliance and competence of Mr. Kissinger.

Unhappily, secrecy in foreign affairs—and particularly in the atmosphere we have lived in for the past 25 years—is easily rationalized. Yet the reasons seldom have much to do with the rationalizations. In recent years, at least, the real motive has been precisely to avoid the difficulties inherent in our political system and hopefully to present the public with triumphant *faits accomplis*. What initially stemmed largely from confrontation between a growing vocal minority in Congress and the President, as well as increasing public demonstrations, was converted into constitutional principle by Mr. Nixon. In his Administration, neither the Congress nor the public has been informed about foreign affairs except at a level of high generality, and even then without the opportunity for discussion. Indeed, not even the bureaucracy has been consulted or informed. And this in turn has led to a failure to consult with, and inform, our allies abroad, culminating in the insult to the Japanese with respect to the change in our China policy.

Thus, even without Watergate, personal diplomacy conducted in secret, without public understanding or solid institutional foundation within the government, should now be insufficient basis for a viable foreign policy. And if, as I believe, Watergate has destroyed confidence in the President's credibility, much more is now needed.

V

What must be done today to put our foreign policy on a viable basis is, first, to promote discussion sufficient to establish the domestic consensus necessary to gain acceptance for, and support of, our foreign initiatives. We stand as a badly divided nation and we face some very tough problems. Second, we must restore confidence in the integrity of the Presidency. The Congress and the people need to believe what the Administration says. Both of these objectives mean dramatic changes in the style of the Presidency in foreign affairs.

I would propose the following changes:

(1) The President must indicate that he needs and wants the support and participation of Congress and the public in formulating his foreign policy. He must welcome public discussion and criticism of his proposals. Clearly, he must do the proposing, he must provide the leadership. But he and his principal assistants must be far more willing than in the recent past to lay out candidly the problems, the choices, the recommended actions.

To involve the Congress in this fashion is, despite congressional protestations to the contrary, as much a problem for the Congress as for the President. The unpleasant fact is that most members of Congress find little political profit with their constituents in foreign affairs and in accepting the compromises necessarily involved. The role of critic after the fact is often more politically rewarding than that of a constructive participant. It is easy for opposition—especially in the Congress—to center around short-term considerations rather than long-term policies, to make appeals to national pride, to criticize almost any negotiation on the grounds that the Administration gave away too much in the mutual bargaining. The record of Congress on many foreign policy issues, usually in the form of amendments to foreign aid bills, is far from a distinguished one; and the temptation of the Executive to interpret away crippling amendments to its foreign policy has served to create still another tear in the fabric of constitutional government.

Secrecy in foreign affairs is not, therefore, a one-way street born of presidential ambition for power. Too often it suits congressional politics quite well—particularly in the House of Representatives, with its biennial elections. The temptation in both parties is to let the President assume responsibility, and to let future events determine the length of his coattails.

Nor is a compromise approach—secret consultations with relevant congressional committees and leaderships—much of an answer. If the issue is sufficiently controversial, there will be "leaks" to the press. If it is not—and especially if the matter is likely to become public knowledge in the near future—I do not think secret consultation serves much purpose. As for special "watchdog committees," they have generally done more "dogging" than "watching." Members of Congress feel totally dependent on the information secretly provided by the Administration; they are inhibited by national security considerations in taking their case to the public; they fear the political risk of frustrating executive action on matters they do not thoroughly understand and about which they have no independent information.

I do not wish to put aside totally the wisdom of such consultations and special committees; I only wish to note that they should be used rarely and resisted on both sides as an adequate substitute for a more open process of congressional oversight and decisionmaking. If the policy in question fails, the fact of this kind of congressional consultation may create as many problems as it solves. Rarely will the members of Congress feel a truly shared responsibility. And the efforts to put them in this position may easily result in recriminations about the nature and quality of the information provided.

No, today there can be no substitute for a general rule of openness with the Congress. Congress must become truly involved in decisions and programs for action, and it must be told what the problems are, what the apparent options for action are, and why the Executive has come forward with particular proposals. If, in the process, nations abroad come to know somewhat more about the way an Administration's mind is working, I think the price—if it is that—eminently worth paying.

(2) It follows that the principal makers of foreign policy decisions must be exposed to Congress, the press and the public. If presidential assistants participate in the framing and execution of foreign policy to anything like the degree that Mr. Kissinger has done, they must be exposed to public view and scrutiny, and fully available to the Congress without subterfuge or the use of devious methods.

(3) We should abandon publicly all covert operations designed to influence political results in foreign countries. Specifically, there should be no secret subsidies of police or counterinsurgency forces, no efforts to influence elections, no secret monetary subsidies of groups sympathetic to the United States, whether governmental, nongovernmental or revolutionary. We should confine our covert activities overseas to the gathering of intelligence information.

I come to this conclusion with some reluctance, because in a few instances such activities have been legitimate and useful. But I believe the impossibility of controlling secret activities—and the public's apprehension about them—outweigh the losses which will be sustained. Much of this activity was phased out under Kennedy and Johnson, and I think the rest can go.

(4) We must minimize the role of secret information in foreign policy.

Many Presidents have sought to tinker with the present classification and declassification system, conscious that the tendency to reclassify and to spawn classified files has been out of control for years. If public proof of that fact were necessary, the Pentagon Papers and the ensuing trial provided it. All the documents involved carried high security classification, yet there was little evidence that any related importantly any longer to "national defense"—the test required by the major provision of law under which the trial was held. On the contrary, there was at the trial much expert testimony that none did relate importantly to the "national defense," and a determined and persuasive defense argument that little of the factual information provided in the mass of documents was in fact new. What made the release newsworthy was less its content than its voyeuristic appeal—the relatively rare public exposure of governmental processes to the public eye.

Prior efforts to revise the system have not worked, primarily because in no instance has major surgery been tried. Classifiers have mixed the desire to keep information confidential and "closely held" for whatever reason, good or bad, with information actually affecting the "national defense." To do this is a perversion of the law. Perhaps worse, it is a perversion of the processes of government, because it does not force officials to consider honestly the reasons for confidentiality or the relevant time frame. And the fact of gross overclassification tends, in turn, to destroy the system itself.

Prior to the Watergate exposures, the Nixon administration had presented to the Congress proposals to codify the classification system and to make disclosure of classified information a criminal offense in itself, with the validity of the classification not open to challenge in court. I assume that, in the present climate, any such legislation is dead—and rightly so. While the law under which Mr. Ellsberg was tried is crude, its essential criteria—that the information relate to the national defense and that its disclosure be with intent to damage the national interest—seem to me those that should prevail in this country for purposes for criminal sanctions.

At any rate, this is and will remain the law—and I believe that the classification system within the exectuive branch should now conform to it. Essentially, the extremely strict internal procedures of a full-scale classification system, and the threat of criminal sanctions for its deliberate breach, should now be coextensive with the law—while still emphatically leaving to the courts in any prosecution the testing of the validity of the executive classification as well as the question of intent.

What exactly would be covered by such a restricted classification system, limited to matters affecting the national defense? Examples would be CIA and DIA intelligence material on foreign military capabilities, troop dispositions, missile placements, and weapons development; and defense and AEC information on our own weapons systems, future technological developments, current strength and disposition, mobilization estimates, and military plans to the extent such information is not already in the public domain. Even such a drastic cutback as this will result in some overclassification. But it should be more workable than the present morass.

I do not propose that all other information be made public or even generally available. I simply suggest that it not be classified as "national defense" information, carrying such exotic labels as "Top Secret" or "Cosmic Top Secret" or the like. I have no problem with limiting distribution within the bureaucracy of information which is politically "sensitive," or with general rules concerning the confidentiality of discussion with foreign diplomats, ambassadorial or other bureaucratic recommendations as to policy, or personal or investigative records. (In the case of diplomatic exchanges, such common-sense rules long antedate the postwar expansion of classification.) Frankly, I think we can rely on the good sense of bureaucrats to keep confidential what should be confidential most of the time, without employing bloated concepts of national security to do so. I know this worked in the past within the Department of Justice and I see no reason why it should not work elsewhere.

(5) Classification will not stop leaks anyhow. What minimizes these is loyalty to superiors, based not so much on agreement with policy as on respect for their fairness, integrity and openness to recommendations and ideas. A part of the new style of operation must be far greater openness within the executive branch itself. All Presidents fear becoming the prisoners of the governmental bureaucracy, and all Presidents have a healthy distrust of bureaucratic expertise. It is good that they should seek advice elsewhere and that departmental recommendations should be tested in various ways, including the competition of agencies and the interplay between full-time professional officers and those who enter government under political auspices. But to attempt to bypass the bureaucracy has heavy costs not only in the very "leaks" to which I have just referred, but above all in the failure to understand policy, to administer it effectively, to explain it to other constituencies at the appropriate time, and often to make decisions with full awareness of their consequences abroad.

VI

In the present world situation, far greater congressional and public involvement in formulating our foreign policy seems to me not only right but nearly inevitable. There are two reasons for this:

First, problems of trade, investment, resources, development and international monetary stability promise to take on increasing importance in the future. All of these problems will require legislative solutions and therefore extensive congressional participation and action. All will involve a continuity in policy over relatively long periods of time and thus need public understanding and support.

Second, as communism has become less monolithic, as China has emerged as a competing ideological center, as the Soviet Union has become less stridently revolutionary and more concerned with China and with its its own domestic progress, and as Europe and Japan have become centers for wealth and power, security considerations in the United States' foreign policy have become less consuming and less global. Mr. Nixon's approaches to both the Soviet Union and China, as well as the modest progress made in the SALT talks, are evidence of a changing security environment. Problems will remain but they will lack the felt intensity of the past 25 years.

Notwithstanding these changes in the world scene, the shift to a more open style in foreign policy will not be without its difficulties. One is the extent to which openness may in fact reduce options or be perceived as doing so. I accept the fact that it sometimes does. But I also think the extent of that reduction is exaggerated, often for improper purposes. I accept, too, that there are circumstances where the President or the Secretary cannot be totally candid without affecting the situation he is discussing. I think the press and public understand this. They know, for example, that high government officials cannot publicly discuss corruption of high South Vietnamese officials, or that high-level expressions of doubt about the viability of a foreign government may bring it down. But these inhibitions are not serious ones, because the underlying facts—if they are important to understanding policy—can be made available to the public in other ways.

The most serious problem of a more open foreign policy lies in congressional response. In Congress controversy can lead to delay, to inaction, to unworkable compromise, to missed opportunities. Minorities can obstruct; special interests can sometimes manipulate policy more easily on the Hill than in the executive branch. The accident of committee leadership and membership can skew policy away from the national interest to more parochial concerns. No one should be sanguine about these risks. The danger of getting hopelessly bogged down in a congressional quagmire is clear and present.

Nonetheless, I am prepared to take some losses in our foreign affairs if by doing so we can restore the fundamentals of representative democracy to our foreign policy. As Watergate demonstrates, democracy is too fragile to be divided into foreign and domestic affairs. We cannot give the President a free hand in the one without eroding the whole of the governmental system that all policy seeks to preserve.

[From CONGRESSIONAL RECORD, June 4, 1973]

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 1935. A bill to amend section 102 of the National Security Act of 1947 to prohibit certain activities by the Central Intelligence Agency and to limit certain other activities by such Agency. Referred to the Committee on Armed Services.

TIME FOR REVIEW OF INTELLIGENCE OPERATIONS

Mr. PROXMIRE. Mr. President, on April 10, I first spoke about the role of the U.S. intelligence community in our Government and domestic life. At that time I talked about the historical need for intelligence to overcome the barriers nations erect to the free flow of ideas and technology. I discussed the National Security Act of 1947 to determine just what Congress had in mind when this broad legislation was enacted. And then I went into the question of possible "spillover" effects coming from the use of clandestine techniques overseas. In recent days, the Watergate story has unfolded in sufficient detail to shake all of us into concern about the dangerous consequences of domestic intelligence operations for political purposes.

My original speech also detailed the composition of the intelligence community and made certain recommendations regarding more efficient practices.

Let us now take a close look at what has become the most alarming aspects of the intelligence process—domestic and foreign programs that are called covert operations or "dirty tricks" and include espionage and subversion of foreign governments.

Nothing in this speech comes from classified sources. I have pieced together my information from public documents and open conversations with Government officials.

Since a great deal of the following analysis hinges on drawing distinctions between various activities, I must rely to some degree on language that has precise meaning within the intelligence community. Wherever used I will attempt to clarify the meanings of such terms as covert action or intelligence collection.

THE STRUCTURE OF THE CLANDESTINE SERVICES

The Central Intelligence Agency is divided into Directorates by function. Until recently, these were called the Directorate of Plans, the Directorate or Intelligence, the Directorate of Support and the Directorate of Science and Technology, or as abbreviated: DD/P, DD/I, DD/S, and DD/S. & T. standing for the four Deputy Directors serving under the Director of Central Intelligence and his Deputy Director. For the purposes of this speech, I will concentrate mainly on the DDP, that is, Directorate of Plans now renamed DD/O for Directorate of Operations.

Thus the CIA is several organizations under one roof. The DD/I—Intelligence—and DD/S. & T.—Science and Technology—deal with intelligence collection as opposed to intelligence operations. The DD/O—Operations—and its support elements in DD/S—Support—carry out covert action programs. There has been a great deal of discussion about the propriety of this arrangement linking the analysis and covert activities and I will deal with the arguments later.

Authority for approving and continuing programs and other activities that are sensitive—meaning the potentiality of embarrassment or compromise—rests with a Cabinet-level committee composed of representatives of the Department of Defense, Department of State, White House National Security Adviser, Joint Chiefs of Staff, and the Director of Central Intelligence. This informal committee which meets several times a month has been called by many names including the 54/12 Group, Special Group, the 303 Committee—named after a room number in the Executive Office Building—and more currently the 40 Committee after a national security decision memorandum with the same numerical designation.

In theory, proposals for covert action programs are presented to the 40 Committee after being worked out by the participating agencies at a lower level. Then the 40 Committee gives its approval or rejects the concept or requires modifications in the original plan. Most projects, however are well coordinated by the time they get to the 40 Committee.

The primary need for the 40 Committee and its authority to initiate covert action programs is the stated requirement to provide the President with methods of accomplishing foreign policy objectives without attribution to the United States.

We have come a long way from Secretary of State Stimson's comment that gentlemen do not read other peoples' mail. The modern world is far more complex now. More barriers to the flow of information have been erected. I believe that there are occasions when this Government must for its own protection use techniques that are by domestic U.S. standards extra-legal. But there must be adequate control over the exercise of these aspects of our foreign policy or we will find ourselves gripped in an interminable cycle of false information and foreign intervention. These controls have been painfully inadequate. For this reason it is necessary to take a hard look at what distinctions can be drawn between activities that are necessary for national security and also productive and those that create situations that actually erode our national security.

In practice, it appears that the 40 Committee mainly approves activities coordinated at lower levels. If a promising operation can be coordinated at a working level where the concept originates, it often rises through the intelligence community with little critical challenge until it arrives at the 40 Committee. There because it has been reviewed by the "experts" it is frequently approved. Result: a serious effect on U.S. policy.

Having the 40 Committee consist of high level officials is supposed to be a safeguard against the initiation of activities actually detrimental to the national interest. It is presumed but never stated that major decisions of the 40 Committee are then checked with the President. The reason for the lack of substantiation of this latter point is clear. The President is insulated from any direct association from such illegal activities so that in time of crisis such as a "blown"—exposed—mission, he can deny knowledge of the entire affair. Again and again this is the most important point of many covert action programs—the insistence that the President be insulated from any damaging effect, regardless of his prior knowledge or role in the command process. Thus when a crisis occurs, say with the U-2 affair, the President has the option of denying the whole thing and preserving his innocence by placing the blame on others. President Eisenhower chose to take responsibility for the U-2 incident, a move that many intelligence specialists criticized as unnecessary and a bad precedent. In my view, as I will develop later, President Eisenhower was absolutely right.

Once a decision is reached and approved by the 40 Committee and White House, the resources of the DDO or as it is sometimes called the Clandestine Service—CS—are put into action. These resources are enormous and consist of worldwide depots of equipment and arms, numerous communications networks, arrangements with front organizations for providing support, working associations with the military departments which can supply men, material, and the normal complement of case officers—the designation for DDO professional personnel as opposed to agents which are those recruited by case officers.

It can be said that the Agency—CIA—probably can carry out a middle- or low-level operation with more skill and speed than any other arm of the Government. There is less bureaucratic interference and the lines of communication are much quicker. With regard to high level operations of the size of an invasion, the CIA's record is marginal. But, paramilitary activities are a distinct part of the Agency's resources.

There is far less command and control of covert operations than should be the case.

Here is why:

First. The 40 Committee's control is only absolute in the sense of a final decision but not in the shaping of policies regarding the initiation of such activities or for that matter how they will affect the long-range interests of the country.

Second. There is a tendency for those in the business to fall into the mental state of acquiesence in the propriety and necessity of such operations and thus provide no effective restraint.

Third. In all of this, Congress plays absolutely no role. While Congress may be funding a certain international program, the 40 Committee could be deciding to impede that same program in a certain country for other reasons.

Fourth. Small operations have a way of becoming major operations even without 40 Committee oversight.

JUDGING THE RELATIVE IMPORTANCE OF INTELLIGENCE COLLECTION PROGRAMS

Intelligence comes from varied sources. It can be categorized in the following manner:

First. Open sources such as newspapers, periodicals, translated foreign literature, and radio broadcasts;

Second. Satellite derived intelligence used for mapping, targeting observation of military construction, industrial capacity communications, and military deployments;

Third. Technical collection techniques—intercept of signals, electronic emissions, communications, and radar data;

Fourth. Human resources such as defectors, agents in place, interviews with selected travelers, immigrants, and foreign government officials.

It is often stated that the bulk of all intelligence comes from open sources that are refined and analyzed. In terms of quantity this probably is true. The really significant intelligence, however, now comes from satellites and technical collection devices.

Reconnaissance activities provide high confidence data about military and economic questions of the highest importance such as missile deployments, submarine development or industrial construction. By far and away this is the most important category of intelligence information.

Somewhat below this in importance are the other technical programs which provide scientific data of interest for specialized purposes. Interrogating radar systems would be one example. Other signals might give information about missile characteristics or ABM developments. Intercept of communications, part of a category of intelligence referred to as Comint or Communications Intelligence, once was a very important source of information but with the countermeasures now available such as land lines and encoding devices, Comint is more difficult to obtain and process.

Human resources comprise this last category. Human resources refers to any traditional spy activities that involve the direct use of human beings as opposed to technical devices. The recruitment of foreign government officials, the espionage of military secrets by travelers, the forced entry into offices to obtain data, the establishment of spy rings, all are examples of human resource programs.

By any measure of cost effectiveness, human resources simply do not produce the quantity and quality of reliable data necessary for their justification. About 60 percent of the CIA budget continues to go into human resource programs.

The argument has been made that even though human resources provide little information of value compared to technical and satellite data, what they do provide in a few instances might be of the most significant and valuable of all—that of political or military intentions. Hardware programs can be observed by reconnaissance but a camera cannot look into a man's mind.

But factual data about intentions is so illusive and fragmentary that it is almost nonexistent. Knowledge of adversary intentions requires a source of reliable information at the highest levels of a foreign government such as the U.S.S.R. or People's Republic of China. Human resources of this quality and rank are rare indeed. We have heard about Colonel Penkovsky and certain other defectors and agents in place, but it is the consensus of many experts that high level human resources are few and far between, and provide a pathetically inadequate payoff.

DRAWING A DISTINCTION BETWEEN COVERT ACTION PROGRAMS AND INTELLIGENCE COLLECTION PROGRAMS

What is the difference between intelligence collection and covert action "cloak and dagger" programs? At times the distinction may be hazy. Both are done within the intelligence community but Congress can act to separate and define the two areas of activity.

Intelligence collected by covert means including the satellite, technical devices and human resources mentioned above qualifies as intelligence collection. It involves the acquisition by open and extra-legal means of information determined necessary to national security. Requirements are established to guide this type of collection within given priorities.

The following are examples of selected information acquired by intelligence collection:

Photography, space and missile signals, economic data, power elite and political party data;

Military construction, deployments, research and development, troop movements;

Industrial capacity, communications capabilities, food production; scientific information; mapping, geological, climatic data.

In short the collection of all information that could possibly be useful to policymakers. The means of collection might be covert "cloak-and-dagger."

One distinction: With intelligence collection there is a conscious decision to obtain the information without influencing the source or its content. Such is not necessarily the case with covert action programs.

Covert action involves a more intrusive role than the passive acquisition of science or economic data or even information supplied by agents in place. Covert action could involve any of the following types of activities:

Paramilitary operations in support of foreign governments or dissident forces; financial support for individuals, governments, unions, political parties or other internal organizations:

Operations in support of political allies such as acquiring politically damaging information or the creaton of such information or the supplying of internal security techniques and equipment;

Exchange programs for social, economic or long term political reasons; economic manipulations of companies, governments, commodity supplies.

One characterization of all covert action programs is their deniability. They must be clearly separable from official U.S. Government sanction. Instead of pure collection of information, covert action programs are designed to influence future events or alter the expected course of events in foreign countries to the benefit of the United States.

ACCOUNTABILITY: ASSET OR LIABILITY

The principle of a plausible deniability is critical to any covert operation. I relate to the capabilty of our Government to know what the CIA has been doing. If it were not a problem then operations could be carried out in the open. But since many operations would be considered either illegal, immoral, hostile, or be greatly embarrasing in the target country, they must be done without overt relationship to the U.S. Government.

There are certain "backstops" built into a covert operation. An American presence is kept at a low level.

Native personnel are used where possible. Third countries may be co-opted to participate and other devices used so as to preclude any tie-in with the United States.

In the event that an operation is blown and it becomes known that some American has participated, there are two further ploys to use. First, the U.S. Government can disassociate itself from the blown operation by stating that it was not sanctioned. Arrangements then would have to be made to see that the U.S. personnel involved could be provided assistance. In the meantime, all affiliation with the CIA would be denied. Such was the case with John Downey and Richard Fecteau held captive by the People's Republic of China since the 1950's.

As a second fall back position, in an extremely serious case, it may be necessary to admit U.S. responsibility but deny that the President had anything to do with it, thereby attempting to salvage his prestige and reputation. The choice then is up to the President whether he wants to admit responsibility or continue to bluff his way through the crisis. This situation occurred with President Eisenhower and the U-2 affair.

I think the whole notion of deniability should be reconsidered very carefully by Congress and all our Government. It is one that could get us into the deepest kind of trouble.

President Eisenhower, to his enduring credit, flatly refused the deniability option and manfully assumed responsibility for the U-2 flights, although in doing so he endangered vital negotiations at that time with the U.S.S.R.

This brings up the critical point. Should there be clear accountability by the President? Mechanisms have been established for foreign operations which protect the President from failures and embarrassment. He can shift the blame to other people or organizations. The CIA for example, has long been known as an organization willing to assume the public blame for operations approved by the President that ended in failure.

In this Senator's view there is never justification for a lie by anyone including, and I might say especially by, the President of the United States. Such deliberate, planned "official" lies undermine the credibility of the Government. The coverup becomes a way of life. It is a corroding compromise with integrity.

What is more, it is stupid because it frequently does not work. It is not believed and when it is exposed as a lie, the loss of faith in government is far greater than any gain.

In domestic affairs the use of "plausible denial" could be a most insidious antidemocratic political device. As in so many other areas of covert activities, the major fear is that a commonly accepted technique used abroad will become so successful that it is only an easy moral judgement away from application in the United States.

Six men sitting around a table week in and week out discuss various covert foreign operations. They are masters at the techniques of deception, intrigue, espionage, covert action: One day they receive a suggestion, couched in terms of national security that involves the use of these same techniques domestically. The suggestion comes from the White House, maybe even the President. They have all served the White House, regardless of its occupant for their entire lives. It is the center of power from which they draw their authority. It is the justification of their lives. How do they answer?

This fictionalized portrayal is not intended to be taken literally. But it makes the point. There are vast unrestrained powers within the executive department that may someday threaten more than some foreign nation.

One additional aspect of accountability needs to be explored.

It may be possible that the delegation of authority in such matters as intelligence collection and covert action programs has gone so far down from the President that he has no functional control over many of these programs. In the delegation of authority rests an immense commitment of trust. If subordinates are trusted and events seem to be moving well, a President could be insulated from those decisions taken in his name that have widespread and damaging consequences. I do not think this is a very realistic situation but it is an outside possibility.

I think we should be aware of this, because too few of us appreciate how very busy the President is, how involved he is in many areas, how distraught any President must become because the demands on his interest and his time are so enormous.

Congress has no way of knowing any of these things because Congress never has exercised any real control over the intelligence community. We have all thought that this was an area in which national security interests naturally limited congressional participation. We have left it to the experts. We have handled it with informal relationships and secret meetings and inadequate staff work. We have looked the other way. And we have paid the price.

We agonize over an appropriation of $1 million, and I do that as much as any. But we calmly let $4, $5, or $6 billion slip through our fingers without so much as one critical question on the floor of the Senate.

There are certain matters that pertain to the intelligence community that cannot ever be made public for to do so would be to endanger sources of information or techniques of collecting that information. Our potential adversaries could deny us that information if they became aware of its value to us. We must also protect the lives of the Americans serving overseas and their families from hostile retaliation.

The intelligence budget is not such a case. There is no sound reason why this budget must remain hidden from the public in aggregate terms.

There would be no security risk in letting the world know that the United States spends $5 or $6 billion on intelligence. It is a form of deterrence. It would tell our adversaries that we intend to find out the truth about any potential hostile actions on their part and that we are willing to spend great resources to do so.

Just as it was deemed important to let the U.S.S.R. and China know of our military strength as a deterrent to a surprise attack, so would it be prudent to tell them that we have other capabilities to guard—our Nation. We need not say more than the size and general distribution of the intelligence budget by agency. We need not speak of missions or other sensitive matters. But we must reestablish the responsibility that Congress has in the formation and funding of foreign policy and above all else we must protect our domestic freedoms from any bureaucratic challenge from within the executive department. The danger is here. We cannot refuse to act.

THE NATIONAL SECURITY ACT OF 1947
WHAT DOES IT ALLOW?

The first thing to be noted about the establishment of the CIA is that it is a part of the Executive Office of the President and as such reports directly to the President through the National Security Council and the Director of Central Intelligence which is a cabinet level post. Under the National Security Act of 1947, the CIA was given the duty of advising and making recommendations to the National Security Council and of correlating and evaluating intelligence relating to the national security and providing for appropriate dissemination. All of these duties are relatively passive. In no way can they be interpreted as authority for engagement in domestic operations or foreign operations. That is clear.

Further on in the same section, the act specifically states that the CIA shall have no "police, subpena, law-enforcement powers, or internal security functions." This is a broad and widespread prohibition. The meaning of "no internal security functions" is a blanket disapproval for any active domestic police-type functions.

After that prohibition, however, come three statements which are oblique by nature and subject to various interpretations. They need to be quoted in full for they constitute a possible justification for both domestic functions and foreign covert activities.

"And provided further, that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

"To perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

"To perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

The first statement could be cited for justifying operations domestically and the following two could be used for justifying foreign operations or even domestic operations.

THE MISSING CHARTER

It is not possible to state with authority what interpretation the executive department has placed on these particular sections of the National Security Act of 1947 because subsequent interpretations have been done in secret. In fact, the CIA charter is not fully contained in the National Security Act of 1947 but is extrapolated from the act by a series of National Security Council intelligence directives after the passage of the act. These were, and remain, classified. Thus we are faced with a highly unusual situation.

Congress has enacted a law with a set of prescribed relationships and duties for the CIA. And the executive department through the National Security Council has interpreted this law in secret. Whether this subsequent secret interpretation is allowed by the original act is in doubt. Whether the procedure of allowing secret interpretations and extensions of authority upon a congressional act is in doubt.

This can only be resolved by a court test, a review by the enacting committees and bodies of Congress of the original intent of the legislation, or by amending the 1947 National Security Act to prohibit extraneous interpretations or extensions.

It would be best for all concerned if the charter for the CIA was distinctly agreed upon by Congress and the executive department and at least in general language made public.

AN AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947

In order to initiate a full examination of the proper role of the intelligence community in foreign affairs as well as domestic affairs, I now introduce a bill as an amendment to the National Security Act of 1947.

Mr. President, I ask unanimous consent that this be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof a new subsection as follows:

"(g) (1) Nothing in this or any other Act shall be construed as authorizing the Central Intelligence Agency to—

"(A) carry out, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or individual any police or police-type operation or activity, any law enforcement operation or activity, or any internal security operation or activity;

"(B) provide assistance of any kind, directly or indirectly, to any other department or agency of the Federal Government, to any department or agency of any State or local government, or to any officer or employee of any such department or agency engaged in police or police-type operations or activities, law enforcement operations or activities, or internal security operations or activities within the United States unless such assistance is provided with the prior, specific written approval of the CIA Oversight Subcommittee of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives;

"(C) participate, directly or indirectly, in any illegal activity within the United States; or

"(D) engage in any covert action in any foreign country unless such action has been specifically approved in writing by the CIA Oversight Subcommittees of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives.

"(2) As used in paragraph (1) (D) of this subsection, the term 'covert action' means covert action as defined by the National Security Council based on the commonly accepted understanding of that term within the intelligence community of the Federal Government and the practices of the intelligence community of the Federal Government during the period 1950 through 1970."

Mr. Proxmire. Mr. President, this amendment is designed to clarify the role of the CIA with regard to domestic activities. It has four provisions. First, it makes it clear that the National Security Act of 1974 itself or any subsequent interpretations of the act by the executive branch, be they classified or unclassified, shall not authorize the CIA to engage in police, law enforcement, and internal security functions by itself or in conjunction with other organizations. Although there is a similar provision in the National Security Act, subsequent interpretations of that act by the National Security Council intelligence directives or other more loosely worded language in the National Security Act itself requires a reaffirmation—and I mean a public reaffirmation—of congressional intent.

A second provision would prohibit the CIA from providing assistance to other Government organizations engaged in police, law enforcement, or internal security activities. The obvious question to be dealt with here is the problem of normal, routine coordination between CIA and the FBI. This type of activity would be expressly approved on an ongoing basis but within distinct limitations by the CIA oversight committees of both houses.

The third provision of this amendment expressly prohibits the CIA from participating in any illegal activity within the United States, either directly or indirectly.

The fourth provision deals with the foreign activities of the CIA. It is remarkable that nothing in the National Security Act of 1947 directly authorizes the CIA to engage in covert foreign operations. Subsequent interpretations of the act have empowered the CIA to conduct such activities but the act itself is not explicit. The hidden charter for CIA is far more important in this regard than the National Security Act. But due to the classified nature of the hidden charter, Congress has not participated in the interpretation of the law it approved. Therefore, it is now necessary to define just what is the congressional intent of the act.

My fourth provision draws a distinction between the normal activity of intelligence collection and covert action programs. It would prohibit the CIA from engaging in any covert foreign action programs without the written prior approval of the CIA oversight committees of the House and Senate. The pattern for prior approval, for example, could be based on techniques worked out between the executive department and Congress such as exist for reprograming authority. I would also recommend that both Houses of Congress form one body with responsibility for CIA oversight.

WHY IS THE AMENDMENT NEEDED?

This amendment is necessary for the national security. I do not say this lightly. The purpose of the intelligence community is to insure that the highest policymakers have the knowledge and means to protect this country. It is a vital line of defense. But is there a possibility that the very instruments established to guarantee our national security could be used to subvert it?

Mr. President, this is the most chilling message of Watergate. The activities we engage in overseas have come home to roost. The techniques, the organization, the personnel, the equipment, the power to obtain information and influence foreign events have been turned to use domestically. Nothing could be more dangerous. Are we successful in rigging a few elections? In supporting a few friendly organizations? Bribing officials? Pressuring governments? Maybe, maybe not. But it is not worth the price if the same techniques become a more likely threat to our freedoms than any invasion.

Without proper controls we are in danger of falling prey to our own national security mechanism.

Is it far fetched to contemplate the illegal use of the FBI, CIA and the rest of the intelligence community against political opponents or any other faction within the United States? That is exactly what has been attempted. The FBI and CIA have wavered under the pressure. This is the most serious aspect of the Watergate crisis. It has gone so deep into the fabric of the Federal bureaucracy that even the untouchable agencies have been tarnished.

Fantastic? No, indeed, it is real and it is happening today. Firm steps must be taken to reestablish the confidence that should reside in the CIA and to eliminate the nightmare that someday as Sinclair Lewis wrote of the prospect of an American Hitler "It can happen here."

I have great admiration for the CIA and its Directors. It appears that they have resisted pressures of great intensity from the White House itself. That took a great deal of courage. It is for the sake of the CIA as well as the American people that I offer this amendment.

In closing, I would like to quote two remarks by former U.S. Presidents, each from a different era but both endowed with the insight that comes from a keen mind and a sense of American democracy.

On May 13, 1798, James Madison wrote to Thomas Jefferson stating—

"Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad."

One hundred sixty-five years later another great President, Harry Truman, reflected on his administration:

"For some time I have been disturbed by the way the CIA has been diverted from its original assignment. It has become an operational and at times a policy-making arm of the government. I never had any thought that when I set up the CIA that it would be injected into peacetime cloak-and-dagger operations. Some of the complications and embarrassment that I think we have experienced are in part attributable to the fact that this quiet intelligence arm of the President has been so much removed from its intended role that it is being interpreted as a symbol of sinister and mysterious foreign intrigue and a subject for cold war enemy propaganda."

Mr. President, nothing that I have said here today should be interpreted as condemnation of the CIA. The CIA has been under the direction of several Presidents. In many ways, the CIA has performed an invaluable service to our Government that could not have been done by any other agency. In its testimony before Congress on foreign weapons programs and in its estimates of capabilities and intentions, the CIA has presented remarkable unbiased analysis of the highest quality. This is an essential role.

But the CIA now must be protected from the executive department and our democracy must be protected from any directed misuse of the CIA.

To do less is to risk our heritage.

Mr. President, I am confident if my amendment becomes law we will provide that protection for the CIA and, more importantly, for our form of government.

THE LONELY—AND CONSERVATIVE—CHICAGO CUBS FAN

Mr. PERCY. Mr. President, the Chicago Cubs are not in the World Series this year—again. If you are from Chicago you know that glaring absence is as normal as windy weather. Unlike the distinguished Senators from California, Mr. Cranston and Mr. Tunney, and the distinguished Senators from New York, Mr. Javits and Mr. Buckley, who can so proudly march into this august Chamber, the Senators from Illinois are a somber twosome. We cannot point with pride to our baseball team, nor can we insert in the Record glowing editorials of skill and derring-do on the baseball diamond.

To be a Cubs fan is to know what it is like to sit alone and cold on the floor of the U.S. Senate while other Senators congratulate themselves on their teams reaching the World Series. At least the White Sox won the American League pennant in 1959. But for more than a quarter of a century, Cubs fans have watched their sultans of swat try so gallantly, only to fail year after year after year.

Recently George Will, an esteemed journalist and a diehard Cubs fan, editorialized on station WTOP on what it is like to be a Cubs fan. It was a moving recitation. He touched on the peculiar effect this mania for the Cubs can have on one's politics and philosophy. Mr. Will, an unabashed conservative, traces his conservatism to his desolate years spent cheering on the Cubs. He argues that conservatives are a pessimistic lot, certainly more so than liberals, and that one sure way to become a staunch pessimist is to root consistently for the Chicago Cubs.

There may be some validity to his point, and I think it worth examining. It would not surprise me to find that most Cubs fans are conservative. On the other hand, after the Cinderella season that the New York Mets have had, I would not be at all surprised to find that many Mets fans have become more liberal as the season has worn on. However, I will not ask Senator Buckley where he stands on that. It might be useful for someone, under the auspices of a Federal grant, of course, to conduct a survey and gather statistical information by polling the members of the Americans for Constitutional Action—ACA—and the members of the Americans for Democratic Action—ADA—and then cross reference the results with Cubs and Mets fans. The results could have deep meaning to political and sports analysts alike.

However, hope springs eternal, and next year, the fans will troop out to Wrigley Field, ready to cheer on their Cubs, knowing that the potential is always there, ready to catapult the Cubs into the World Series. Watching the Cubs fans, one will note that most are conservatively dressed—pin striped suits, skirts a half inch—but no more—above the knee. Each fan will have his hopes and his chin high, waiting for what must surely come one day—a Cubs pennant. And would not everyone be surprised if next year the Cubs pulled it out and went to the World Series. But, be aware that the shock waves from such a glorious event might be traumatic: Off would come the conservative pin-striped suits, to be replaced by flowered shirts; the carefully knotted tie would yield to a rakish ascot; instead of skirts, we would see hip-hugger trousers. Even George Will might have to give his political philosophy an agonizing reappraisal.

But all that may be the impossible dream. For now, I ask only that there be unanimous consent that the editorial delivered by George Will on October 16 be printed in the Record so that all of my distinguished colleagues will have a little more understanding for the dour look on the faces of the Senators from Illinois. And if we enter the Chamber a little slowly, looking a little downtrodden, you will all know that the baseball season is only recently ended, and our football team, the Bears, have started off this football season with a won-one and lost-four record. Thus our lives are far more encumbered than those of some of our colleagues whose smiles have noticeably brightened lately. Perhaps through understanding will come compassion.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Editorial by George F. Will

One letter has poured into this station demanding to know how I became such a grumpy reactionary at such a young age. I shall explain now, at World Series time, because baseball made me what I am—an embittered old man at age 32.

For the twenty-eighth year in a row, my team, the Chicago Cubs, will not be in the World Series. No other team—except for young expansion teams—can match that record of sustained futility. For twenty-five years—since I became a Cub fan at the tender age of seven—I have seen my high hopes of April turned to dust by September—if not July. Being a Cub fan is like being hit on the head by a crowbar 90 times a year. And, believe it or not, this punishment has political consequences—it turns you into a brooding conservative. Conservatism, like liberalism, is as much a matter of temperament as it is ideology. Liberals are tempermentally inclined to see the world as a place of sweetness and light, where good will prevails, and good intentions are rewarded. Conservatives are inclined to see the world as a dark and forbidding place, where pain exceeds pleasure; where hopes are dashed; where good intentions go unrewarded. Where man should not expect happiness.

Since I became a Cub fan they have lost nearly 2,500 games. That's more than 6,000 hours of losing baseball. All this suffering has warped my temperament in a conservative direction.

So, I hope all parents will profit from my tragic example. Don't let your child make the mistake of my ill-spent youth. Don't let him be a Cubs fan. Remember: the stakes are enormous. A child who is a Cubs fan at ten will be a Republican at 30. He will be used to losing.

VISIT OF CARDINAL MINDSZENTY

Mr. KENNEDY. Mr. President, we recently had the honor in this Nation of receiving the visit of József Cardinal Mindszenty, one of the world's heroic symbols of freedom and liberty.

Cardinal Mindszenty did more than celebrate a Mass or participate in religious services. By his presence, he reminded us once again of the indivisible nature of man's spirit and the eternal quest for individual liberty.

The outpouring of respect and love from the Hungarian-American and Eastern European communities demonstrated once more how strongly imbedded in the minds and hearts of these Americans was the lonely ordeal of this brave man of the church.

Mr. President, the obligation upon all Americans to honor the arrival and the visit of Cardinal Mindszenty is evident, for he symbolizes our own commitment to freedom.

Mr. President, I ask unanimous consent that articles describing his visit be printed in the Record so that there might be a permanent record of his visit.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 30, 1973]

St. Patrick's Gets Surprise Visitor

(By George Dugan)

Jozsef Cardinal Mindszenty, the 81-year-old exiled Primate of Hungary, made an unscheduled, informal visit yesterday morning to St. Patrick's Cathedral.

The prelate was introduced to some 1,000 Ladies of Charity attending their annual mass by Cardinal Cooke, the celebrant. He described Cardinal Mindszenty as a man who "served God in faith and honor."

The Hungarian churchman was arrested in 1948 on treason charges and sentenced to life imprisonment by the Communist-dominated government of his country. Freed by freedom fighters in 1956, he found refuge in the United States Embassy in Budapest. Two years ago he took up his present residence in a seminary in Vienna.

Mrs. Edwin P. Wheeler, chairman of the Manhattan Council of the Ladies of Charity, said later that the Cardinal's visit was an "overwhelming surprise."

"We were honored to have that wonderful man appear before us and bless our work," she added.

Roszalia Sebestyen and her son, Thomas, 8, from Rego Park, Queens, said they had been waiting at the Cathedral just to see the Cardinal and also to present him with some home-grown flowers.

After the 9 A.M. mass, Cardinal Mindszenty stood on the steps of Cardinal Cooke's residence at Madison Avenue and 50th Street, where he greeted about 75 members of various Hungarian-American groups and federations.

Many were dressed in brightly colored Hungarian costumes. They had come in the hope of getting a glimpse of the prelate. Among them was Paul K. Machalik, a Denver resident and a nephew of the Cardinal and Gabor Blogh, an imposing figure in the full dress garb of a Husser officer. Cardinal Mindszenty arrived here Friday and spent last night in Cardinal Cooke's residence.

This morning, Cardinal Mindszenty will bless the newly renovated Church of St. Ladislaus in New Brunswick. He is to fly back to Vienna on Tuesday.

[From the New York Times, Sept. 27, 1973]

Mindszenty To Visit New Brunswick for Dedication of Hungarian Church

(By Eleanor Blau)

Jozsef Cardinal Mindszenty, the Roman Catholic Primate of Hungary who is in exile, will visit the United States beginning Friday to dedicate a renovated church in a Hungarian section of New Brunswick, N.J.

The Rev. Julian Fuzor, pastor of the church, St. Ladislaus, said the 81-year-old Cardinal was making the trip because of the church's efforts to "strengthen our faith and our national heritage—he feels we're doing exactly what he suffered and worked for."

A State Department spokesman described the trip as "purely private."

The Cardinal, who lived as a political exile in the American Embassy in Budapest for 15 years after the uprising in Hungary was put down, moved to Vienna in 1971 and now is touring Canada, where Hungarian nationals are celebrating the 1,000th anniversary of St. Stephen, first King of Hungary.

'STRONG HUNGARIAN ATMOSPHERE'

Father Fuzor said Cardinal Mindszenty had canceled a planned six-week tour of the United States so he could complete his memoirs but had kept St. Ladislaus on his agenda because of its symbolic significance.

"National parishes are dying in America these days," added the pastor, who has been in correspondence with Cardinal Mindszenty since his move to Vienna. "But we renovated the church for half a million dollars, and the church has a very strong Hungarian atmosphere."

He said that Hungarian was taught in the 252-pupil parochial school and that services were conducted in both English and Hungarian.

About 800 families attend the church. The neighborhood has been Hungarian since about the turn of the century, Father Fuzor said, but many of the 18,000 or more Hungarians there now came to the United States after the 1956 uprising. They settled in New Brunswick after staying temporarily at nearby Camp Kilmer.

St. Ladislaus has stained-windows representing the saints of Hungary and the history of the church there.

COOKE TO GREET MINDSZENTY

Cardinal Mindszenty will be met at Kennedy International Airport tomorrow night by Cardinal Cooke, will stay overnight at the Cardinal's residence here and then proceed to New Brunswick.

He will dedicate the renovated church, celebrate mass and then, on Sunday, attend a testimonial dinner on his behalf at the Holiday Inn in North Brunswick. The Cardinal plans to leave for home on Tuesday, stopping en route in Toronto and Frankfurt.

Cardinal Mindszenty was arrested by the Hungarian Government in December, 1948, and charged with "treason, attempting to overthrow the democratic regime, espionage and foreign-currency abuses."

He "confessed" guilt to many of the charges, but his haggard appearance prompted speculation that he had been brainwashed.

Sentenced to life imprisonment the Cardinal was freed by the Hungarian Freedom Fighters in 1956 but he sought refuge in the American Embassy when Soviet forces crushed the rebellion a few days later.

[From the New York Times, Sept. 29, 1973]

HUNGARIANS GREET MINDSZENTY HERE

(By John T. McQuiston)

Josef Cardinal Mindszenty, the 81-year-old exiled Primate of Hungary, was reunited at Kennedy International Airport last night with 200 Hungarians who fled to the United States in 1956 following the Hungarian uprising.

The prelate, formally welcomed to New York by Cardinal Cooke, was praised as "a symbol of courage, of integrity and of hope."

Cardinal Mindszenty kissed Cardinal Cooke on both cheeks, his eyes filling with tears, then thanked him because he had "come in person to meet me." He also thanked "the people of America for feeling for me and my countrymen."

"It was in 1956 that I became a 'guest' of the American legation in Budapest for 15 years," he said. "I will never forget their services."

HUNGARIANS ON HAND

Cardinal Mindszenty sought refuge in the United States Embassy in 1956, after he was freed by freedom fighters after his arrest and imprisonment for life in 1948 by the Hungarian Government on treason charges.

Cardinal Cooke led the visiting prelate, distinguished by his white hair and red cap, through a crowd of newsmen to the British Overseas Airways Corporation main lobby where the Hungarians and their American families, many wearing native Hungarian costumes, cheered his arrival.

Several young children dressed in colorful costumes carried baskets of small zinnias and daisies. They tossed the flowers into the air, raining them down on the crowd as it cheered, "God bless Cardinal Mindszenty!"

Mrs. Ava Balimtitt, who fled Hungary in the 1956 counter-revolution and who had been confirmed by Cardinal Mindszenty in 1948 in Budapest, joined in singing the Hungarian national hymn for the prelate.

Cardinal Mindszenty, who arrived from a week-long tour of Canada, will bless the newly renovated Church of St. Ladislaus in the largely Hungarian community of New Brunswick, N.J., this morning. He will remain in New Brunswick for three days, then return to New York for a flight back home to Vienna, where he now lives, on Tuesday.

FDA'S PROPOSED DECISION ON DEPOPROVERA FOR LIMITED USAGE

Mr. KENNEDY. Mr. President, the proposed decision by the Food and Drug Administration to approve DepoProvera for "limited usage" as an injectable contraceptive is both ill-advised and unenforceable. The decision raises profound ethical questions which underline the urgent need to enact the Protection of Human Subjects Act, which recently passed the Senate by a vote of 81 to 6.

My concern is not whether there are appropriate limited uses for DepoProvera as an injectable contraceptive; it is rather whether the defined population can be identified, whether their rights can be adequately protected by the mechanism proposed by FDA, and whether enforcement of this "limited use" policy is possible.

The FDA has already acknowledged: First, that there is widespread, unapproved use of DepoProvera now as an injectable contraceptive; second, that the FDA is powerless to control this or any other unapproved use of a drug because of what they interpret as "a congressional mandate" not to interfere with the practice of medicine; and third, they are unable to document the extent of unapproved use of DepoProvera at the present time.

I believe there is a real danger that this decision will result in widespread use of DepoProvera in institutions for the mentally retarded and in health clinics serving the poor and uneducated. How will informed consent be obtained in these circumstances? Who will monitor the doctor's performance in obtaining informed consent? Why should the limited use policy be more effective in assuring appropriate use when inappropriate use was widespread when the drug was not approved at all?

The Protection of Human Subjects Act creates a National Commission to study, among other things, the complex ethical questions raised by this decision. What group within FDA addressed these ethical questions? What standing group in FDA continually deals with these problems?

I do not believe the FDA can adequately monitor the use of this or any other drug in this country. I do not want to see a drug that is too dangerous for general use be utilized within a medical care system that has no quality controls or peer review built into it. The upcoming drug hearings of the Health Subcommittee will explore these issues in great detail.

THE FABULOUS "BEAR" BRYANT OF ALABAMA

Mr. ALLEN. Mr. President, only a privileged few live long enough to hear the favorable verdict of history on their careers.

One such person is the athletic director and head football coach at the University of Alabama, Paul W. "Bear" Bryant. He is indeed a living legend.

As I have indicated, Coach Bryant already holds a place in our Nation's athletic history that few may ever attain. His record as a collegiate football coach includes 225 wins, more than any other active coach and he ranks fourth in the all-time victory list in the football coaching profession.

In 28 years of coaching, Bear Bryant has taken 19 of his teams to post season bowl games, including 14 consecutive bowl trips for the University of Alabama. Since returning to his alma mater in 1958, Coach Bryant has directed the Crimson Tide to three national championships—in 1961, 1964, and 1965. He has won six Southeastern Conference titles at Alabama, plus one at the University of Kentucky for a total of seven conference crowns, more than any other coach in the history of the conference.

Twice, Coach Bryant has won the National Coach of the Year title and he has been named Southeastern Coach of the Year three times. He is also the immediate past president of the American Football Coaches Association.

Currently, Bear Bryant's 1973 edition of the Crimson Tide is undefeated in five games and ranks second nationally in the prestigious football polls of the Associated Press and the United Press International. This coming Saturday, a majority of our Nation's television viewers will have the opportunity to see Alabama clash with its longtime rival, the undefeated Volunteers of the University of Tennessee. Before the end of the current regular football season, sports fans will have two more opportunities to view Alabama football on national television.

Mr. President, commensurate with his rare talent for teaching winning football is Coach Bryant's dedication to the character building and citizenship training of the young men who have been fortunate enough to play for him. Coach Bryant's code of moral and spiritual integrity has enriched the lives of thousands of young men and, yes, women, by instilling in them the senses of pride, honor, courage, and self-reliance necessary to be participating citizens when they attain adulthood.

Numerous Bear Bryant students of yesterday are now to be found in high places everywhere. A listing of prominent business executives, attorneys, physicians, coaches, scientists, teachers, Armed Forces leaders, and other successful men—all former Bear Bryant pupils—would indeed be formidable.

One of the innumerable instances of Coach Bryant's lifelong concern and devotion for our young men and women occurred a few days ago when he made a personal gift of $100,000 to the University of Alabama to be used for academic scholarships.

No athlete is eligible for this scholarship assistance unless and until he pursues postgraduate studies and only then if approved by the University Scholarship Committee. The Athletic Department will have nothing to do with determining recipients.

Mr. President, I ask unanimous consent to print in the RECORD a press release concerning this donation to his alma mater by Coach Bryant.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

SCHOLARSHIP FUND FOR THE UNIVERSITY OF ALABAMA

UNIVERSITY, ALA.—Paul Bryant, athletic director and head football coach at the University of Alabama, has donated a personal gift of $100,000 to the University to be used for academic scholarships.

The University will establish the Paul Bryant Scholarship Fund with the personal gift from Bryant, who started his winning career in football here in 1932 when he enrolled as a student and member of the Crimson Tide.

Bryant's gift to the University is one of the largest single academic scholarship funds at the Capstone.

"As far as I know, a gift of this kind from an athletic director and coach is without precedent," said Dr. David Mathews, University president.

"And it is certainly characteristic of Paul Bryant's tenure," Dr. Mathews said. "His great feelings for the University as an educational institution, and his deep feeling of responsibility to this institution are, even if less well-known, as significant as his winning record on the field."

Bryant's record as a football coach includes 223 wins overall, which is more than any active football coach, and his teams have recorded the most wins in the Southeastern Conference—103.

His teams at Alabama have won the National Championship three times (1961, 1964, and 1965), and the Southeastern Conference Championship six times. He also won the Southeastern Conference Championship while coaching at Kentucky, and captured the Southwest Conference title when he coached at Texas A&M.

Bryant has won the National Coach of the Year title twice.

When asked to comment on his gift, Bryant said:

"Fortunately, I've had friends outside of football who have advised and put me in investments that have been profitable. I probably owe the University more than anyone else who went here, and I just want to share it with them."

Bryant said the selection of the students for these academic scholarships will be made by the scholarship committee.

"However," he added, "I would hope that the committee would consider the sons and daughters of football players I have coached at Alabama, and physically handicapped students who are academically qualified."

Dr. Mathews said the Paul Bryant Scholarship Fund will be a significant benefit for the University. "And most significantly," he added, "to the students who might not have a chance for a college education without this fund."

Mr. ALLEN. Coach Bryant's generous donation will, of course, mean much to the academic scholarship program at the University of Alabama and to the young men and women, particularly physically handicapped students, who will be direct recipients of the Paul Bryant Scholarship Fund.

Most important, however, is the fact that Coach Bryant has again displayed his deeprooted love for our youth and his dedication to helping them prepare for their duties and responsibilities of tomorrow.

I salute Coach Bear Bryant for his gift of $100,000 to establish academic scholarships at the University of Alabama and in doing so, I know I am joined by countless Americans everywhere.

When I think of the many outstanding accomplishments and contributions of this remarkable man, I am especially proud that I am an Alabamian.

FEDERAL DISASTER ASSISTANCE TO CHELSEA, MASS.

Mr. KENNEDY. Mr. President, on Sunday, October 14, fire destroyed one-quarter of the city of Chelsea, Mass. On Tuesday, October 16, President Nixon declared the city a major disaster area eligible for Federal disaster relief.

Sunday night, I sent a telegram to the President urging him to take this action, and Monday, after touring the devastated area of Chelsea with Mayor Phillip Spellman and the regional director of the Federal Disaster Assistance Administration, I spoke with Governor Sargent and with Secretary of Housing and Urban Development James Lynn urging expeditious action on the application for the declaration of the city as a major disaster area.

Under the procedures established by the Disaster Relief Act and recent executive orders, the Federal Disaster Assistance Administration is the coordinating agency both for the initial decision as to whether an area qualifies and then for the actual allocation of assistance.

For that reason, I also was in touch Sunday night through my staff with the Federal Disaster Assistance Administration in Washington to insure their immediate action. They began immediately to establish centers for assistance to Chelsea. The decision announced by the President Tuesday will enable those centers to furnish immediate assistance authorized by the Disaster Relief Act of 1970.

Federal Assistance for the victims of the fire includes food stamps and commodity food programs, temporary housing including free rental units for up to a year for those who were displaced, unemployment insurance payments, manpower training and help in obtaining jobs, and Small Business Administration low-interest loans for both the reconstruction of residences and for the rebuilding of businesses.

These Federal programs are vital if we are to move quickly to provide relief to the victims, to restore vital services, and to rebuild housing and industries which were destroyed.

At the same time, Federal programs triggered by the announcement of the President will enable municipal and other public services to be restored through grants directly to the municipal agencies. Those grants can cover 100 percent of the cost of restoring vital services.

We have so much to be thankful for that no lives were lost and no one was seriously injured in the fire in Chelsea. But we have a great deal to do to restore the city and rebuild the lives of those who suffered tremendous losses in the blaze. Chelsea's greatest asset is its citizens and working with them we can revitalize the economy and rebuild the city.

THE 3–M COMPANY SUPPORTS ACTIVITIES BENEFITING ELDERLY

Mr. PERCY. Mr. President, as one who has a very deep interest in and concern about the problems of the elderly, I am always pleased to learn of a parallel interest and concern in the private sector.

Activities in the field of the aging sponsored by the Minnesota Mining and Manufacturing Co. of St. Paul, Minn.—the 3–M Co.—have recently come to my attention.

Earlier this month 3–M funded a 1-day seminar at the Andrus Gerontology Center of the University of Southern California for senior officers of national organizations which have policies, activities, or programs relating to the elderly in our society.

The Gerontology Center developed the seminar to sensitize the 25 leaders and to impart information about specific issues in aging—education, income, mental health, and so forth—and methods for dealing with these issues at the local level.

Then on October 29, 3–M will underwrite a special 90-minute broadcast to be produced by public television station KCET, Los Angeles, entitled "Wrinkles, Birthdays, and Other Fables."

The special, hosted by Flip Wilson, will be made up of an hour-long broadcast, incorporating entertainment forms to deliver information concerning the elderly, followed by a 30-minute related discussion program.

The entertainment portion will feature music, comedy, and dramatic vignettes to convey its messages. PBS stations are being urged to preempt the followup discussion portion of the show and replace it with locally produced programs which will provide information directly related to the needs of older Americans of individual communities.

The American Medical Association, American Association of Retired Persons, American Academy of Family Physicians, American Geriatrics Society, American Nurses Association, Council of Churches, and B'nai B'rith are some of the national organizations supporting the project.

I believe the 3–M Co. is performing a most worthwhile community service by funding these activities. I commend the 3–M Co. for its interest and concern in the problems of the elderly and for its efforts in translating interest into action.

SENATOR EAGLETON'S CONTRIBUTIONS TO HEALTH CARE

Mr. KENNEDY. Mr. President, I would like to call to the attention of the Senate an award recently presented to our distinguished colleague, Senator Eagleton. He is the recipient of this year's Meritorious Service Award of the Optometric Council of the National Capital Region—OCNCR. The award cites Senator Eagleton's "significant contributions made to the health care of the population through dedicated public service."

The presentation was made last week by Dr. Harold Glazier, OCNCR chairman; Dr. Michael Obremskey, immediate past chairman; H. E. Mahlman, OCNCR executive director; and Harry J. Doyle and Richard E. Martinez, both of the American Optometric Association staff.

As chairman of the Senate Health Subcommittee, of which Senator Eagleton is also a member, I want to commend the Optometric Council for selecting him to receive this award. His contributions to our work have been substantial, particularly in the area of Federal programs to assist in training needed health personnel, where his leadership has been outstanding. Moreover, as a member of the HEW Subcommittee of the Appropriations Committee, Senator Eagleton has the rare opportunity to participate not only in the development of legislation authorizing health programs, but also in their funding.

Mr. President, the entire Nation has benefited from Senator Eagleton's dedicated efforts in the field of health care and I am pleased that members of the optometric profession have recognized his efforts through this award.

TRADE LEGISLATION

Mr. PERCY. Mr. President, the issue of international trade and whether it benefits or hurts the United States always arouses a great deal of emotion. It is always instructive to have as many facts as possible at one's command before making decisions on issues of this importance.

It has long been my contention, in business as well as in the Senate, that expanded international trade is in the best interests of this country. Further, it is my contention that expanded international trade is in the best interests of American industry and the American worker.

Thus I was most pleased to see an article by James J. Kilpatrick in the Washington Star on October 3, 1973, reporting on the experience of two U.S. companies which have become actively involved in international trade.

The first of these companies is the Caterpillar Tractor Co. of Peoria, Ill. Since 1950, when Caterpillar established its first overseas subsidiary, Caterpillar's sales, jobs and exports have grown. Between 1950 and 1972, Caterpillar's exports grew from $93 to $800 million, its purchases from domestic suppliers grew from $188 million to more than $1 billion and it has created 20,000 jobs here at home.

The second example is that of the Clark Equipment Co. At the same time that the company has invested abroad in 23 countries, the company's export business has grown from $5 million in 1950 to $96 million in 1972 and 2,800 jobs have been created in this country.

Various legislative proposals are pending in Congress that would restrict the right of U.S. companies to invest abroad and which would restrict international trade. Based on the experience of Caterpillar and Clark, it is hard to see what benefit these proposals would bring. In fact, I think they would be very damaging to the prosperity of this country.

Mr. President, I ask unanimous consent that the article by Mr. Kilpatrick be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Deserving of a Fair Shake

(By James J. Kilpatrick)

Nothing much has been heard in recent months of the Burke-Hartke bill, more precisely known as the Foreign Trade and Investment Act. The proposal has vanished like so much grist in the mills of the House Ways and Means Committee, which is grinding out a single bill covering many aspects of foreign trade.

The protectionist attitudes embraced in Burke-Hartke have not vanished at all. The bill, sponsored by Rep. James A. Burke of Massachusetts and Sen. Vance Hartke of Indiana, continues to draw the enthusiastic support of the AFL–CIO and of other pressure groups opposed to multinational corporations. These spokesmen can be counted on to renew their clamor when the package bill makes its appearance this month.

A brochure published by the Industrial Union Department of the AFL–CIO argues stridently, in great splashes of red ink, that the multinational corporation is "unfair to American jobs." Such a corporation, with capital investments around the world, is a "modern-day dinosaur which eats the jobs of American workers." The charge is made that the foreign plants "produce goods which compete unfairly with American-made products."

The AFL–CIO arguments have been ably refuted recently by two spokesmen for American industry, William A. Naumann of Caterpillar Tractor and Walter E. Schirmer, chairman of Clark Equipment Company. Because the union's position has been widely publicized by such articulate advocates as Burke and Hartke, the other side of the story deserves a fair shake.

Naumann spoke last week at a conference of the Cast Metals Federation, representing several hundred iron and steel foundries. He bluntly acknowledged their fear that when a company such as Caterpillar builds a foreign plant, and begins to buy castings and other production materials abroad, domestic foundries are hurt. He offered convincing evidence that precisely the opposite is true.

Caterpillar has 11 plants abroad. In every case, Naumann said, Caterpillar's exports to the host nation have increased as a consequence of establishing the factory. The foreign plants not only require substantial amounts of U.S. parts and components for foreign assemblies; more significantly, he said, these plants "help us increase sales of our whole product line, including machines made only in the U.S."

Between 1950 and 1972, Caterpillar's exports grew from $93 million to $800 million. In this same period, its purchases from domestic suppliers rose from $188 million to more than one billlion dollars. By Naumann's estimate, Caterpillar's exports and foreign earnings in the past 10 years not only have produced a net inflow of $5.2 billion, but also have created 20,000 domestic jobs.

Schirmer, who spoke in July at Duquesne University, offers the same affirmative evidence. His company, best known for its fork-lift trucks, has invested $122 million in plants in 23 nations, most notably in Brazil. Far from "exporting jobs," as the AFL–CIO contends, the foreign plants create jobs here at home. The Clark plants themselves become, in effect, markets for Clark components. The company's export business has soared from $5 million in 1950 to $96 million last year. The growth has created 2,800 jobs that otherwise would not exist.

The Burke-Hartke approach, by imposing punitive taxes on the multinational corporations and requiring import quotas, would stifle this healthy expansion. In theory, the protectionists would "keep jobs at home." In point of fact, their small-bore thinking would kill off the jobs of thousands of industrial workers, most of them union members, whose livelihood depends on foreign trade. Maybe this makes sense to George Meany, but it is hard to see how it makes sense to anyone who understands the parable of the goose that laid the golden egg.

PAYCHECKS ARE SHRINKING

Mr. HUMPHREY. Mr. President, we all know that a bag of groceries cost more today than it did 1 year ago, or even a month ago. The cost for housing, clothing and other necessities have also shot up to record rates. This situation is alarming, but the administration has been trying to comfort us with the assertion that real wages too are rising at record rates.

However, the rise in wages is illusionary. According to an article in the Wall Street Journal by Alfred L. Malabre, Jr., the average working man's pay has actually shrunk in terms of what it can buy. And while this may not spell recession in the economist's book—as gross national product leaps to ever greater heights—it certainly means recession for the wallet of the average working man.

The ramifications of this decrease in buying power are wide and serious. This drop in real earnings could signal new difficulties across a wide range of economic areas. The consequences of this trend are outlined and discussed in the aforementioned article by Mr. Malabre.

Mr. President, because of the importance of the facts presented and the analysis provided on the economic position of the American worker and his family, I ask unanimous consent that this important article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Taking Home Less—Paycheck Buying Power Shrinks as Inflation Outruns Gains in Wages

(By Alfred L. Malabre, Jr.)

Economists, armed with slide rules and computers, debate whether a recession impends. Some indicators of business activity say yes. Some say no The outlook remains unclear.

But don't tell that to the average working man. For him, the recession began a year ago.

The number of dollars in his weekly paycheck continues to expand. But since October 1972, with inflation ranging, his pay has shrunk in terms of what it can buy. And, for the bread winner, that's a recession, even if gross national product leaps from record to record and the sun shines again on Wall Street.

The table below pinpoints the shrinkage of paycheck buying power since last October. The figures in both columns are based on the average weekly pay of nonsupervisory workers in private business. The buying-power figures are obtained by adjusting actual paycheck pay to reflect price increases and Social Security and federal income tax payments.

Weekly pay, weekly buying power

October	$139.13	$97.49
November	138.76	96.98
December	138.75	96.78
January	139.11	95.81
February	140.62	96.08
March	141.35	95.67
April	142.85	95.96
May	143.22	95.61
June	143.58	95.29
July	145.45	96.16
August	145.43	94.34

Thus, from October through August, the latest month for which figures are available, the average paycheck has gone up $6.30 a week while its acutal buying power has gone down $3.15 a week.

A squeeze on workers' living standards is only one painful ramification of the drop in paycheck buying power. And while workers have less money to spend these days, they have less inclination to spend it. The University of Michigan's latest survey of consumer attitudes shows pessimistic consumers plan a sharp drop in spending; see article on page 19.) On the labor front, it suggests an increasingly tough stance by union bargainers in coming months. As the figures indicate, pay gains simply haven't been keeping up with inflation and taxes.

An economist for the AFL–CIO in Washington confides he is "astounded" that union bargainers, in view of such a trend, remain "so docile," and he anticipates "much harder bargaining" just ahead.

A TRADITIONAL LAG

One explanation for the "docility" of labor, the AFL–CIO official surmises, is simply that there is traditionally a lag before workers realize their paychecks are worth less. He also blames "a lack of publicity" given to statistics that bear on buying power. In an attempt to remedy this, the leading article in a recent issue of the AFL–CIO News focuses on the decline in "real" earnings. Another possible reason that labor hasn't been loud in its arguments for raises is that many big unions have cost-of-living clauses in their contracts, and thus they receive raises automatically as living costs increase.

For many corporations, of course, tougher bargaining could end in an extra squeeze on profits that already are expected by most economists to show little or no growth next year. For Washington's harried inflation-fighters, the limits of Phase 4 pay controls—generally a top of 5.5% a year—could be sorely tested by adamant union leaders determined to keep their people ahead of the price spiral.

Even before any step-up in union pay demands materializes, it's noteworthy that labor costs appear sharply on the rise. In August, the latest reading, unit labor costs in manufacturing stood at a record 123.8 (on a base of 1967=100). This was up from 118.3 in December. During 1972, in contrast, the labor-cost index was flat. The recent rise, analysts explain, reflects reduced gains in worker productivity, rather than any acceleration in pay boosts.

For business as a whole, the drop in buying power could signal new difficulties across a wide range of economic areas. Although it isn't among the so-called leading indicators that economists follow to track the likely course of general business activity, paycheck buying power was approximately flat for several years, and then turned down, before the country's last major recession, in 1969–70.

WORSE THAN IN A RECESSION

The economy began to pull out of that recession in December 1970, and buying power figures moved up accordingly, from a nadir of $89.09 in October 1970 to the record $97.49 attained 24 months later. The $3.15 drop since last October exceeds by far the decline in buying power that occurred before or during the 1969–70 slump. Over the course of that 12-month recession, the paycheck shrinkage amounted to $1.19, less than half the recent decline.

It's possible, of course, to attach too much significance to a single economic statistic. No index of business activity is perfect, and that recording the average worker's pay in real terms is certainly no exception. For one thing, it doesn't take into account fringe benefits, which bulk ever larger in the overall remuneration of employes. For another, it measures only the pay of nonsupervisory workers in private business, a job category that covers about 50 million persons in a work force of more than 85 million.

On the other hand, the buying power index also doesn't take into full account state and local tax payments, which increasingly erode overall pay. To a considerable extent, government analysts say, this omission offsets the failure of the index to cover fringe benefits.

In any event, the trend that has been evident in paycheck purchasing power since October has very recently begun to show up in other, broader measures of the individual's economic well-being.

One notable index that recently has stopped climbing measures the per-capita income of the entire U.S. population, all 210 million of us, after federal income taxes have been paid and allowance has been made for inflation. In the second quarter of this year, this index—our broadest economic yardstick of U.S. living standards—stood at $2,877, on an annual basis, down a smidgen from the first-quarter level of $2,878. The tiny decline marked the first quarter-to-quarter drop since late 1970, at the pit of the last recession. Then, the index touched $2,602, a full $275 less than in the latest quarter.

A glance at the economic record book shows that real per-capita income usually rises briskly in times of general business expansion. Indeed, other than during recessions, the index has fallen only five times—including the latest drop—in the past 20 years.

It's noteworthy, also, that the recent drop in per-capita income has come at a time when consumer saving, as percent of after-tax income, has also been declining. The second-quarter saving rate stood at 5.9%, down from 6.6% at the end of last year. In late 1970, in contrast, this rate amounted to 8.4%, up sharply from levels earlier in the year.

Still other statistics show that the recent decline in real pay ranges across a wide front. The table below details what has been happening to the purchasing power of weekly paychecks in various major industries during a recent 12-month span.

Buying Power Decline

	Percent
Mining	−0.6
Construction	−1.9
Manufacturing	−1.9
Transport & Utilities	−0.4
Trade	−3.2
Finance	−3.2
Miscellaneous Services	−1.7

As distressing as they may be, such declines are made doubly painful, some analysts contend, by the fact that the dollar's international worth since late 1971 has been dwindling.

The various indexes measuring real income in the U.S. generally don't take this decline into account. If they did, one government economist remarks, "an already bad pay picture would look absolutely awful."

He cites the decline of the dollar in terms, for example, of West German marks. In a recent three-year period, he says, the buying power of American workers, on average, edged up about 2%. But in the same three years, the analyst continues, the value of the dollar in terms of marks fell more than 40%.

"In German terms, the real take-home pay of Americans has plunged in the last few years," the analyst asserts, "and the situation is similar if you take such major countries as Japan or other European nations."

There is, of course, a brighter side to the coin. It's precisely this decline in the dollar's international value that has recently gained the U.S. increased attention from West Germans, Japanese, French and other foreigners as a relatively inexpensive labor market. In the process, many U.S.-produced goods, while ever costlier for Americans, have also grown cheaper for many foreigners.

A more competitive labor force, of course, could ultimately mean more jobs for U.S. workers. As one government analyst puts it, however, "it remains to be seen whether that happy prospect will induce unions to temper their demands once they fully see what's been happening to what their people are taking home."

AMERICA'S INDEPENDENT COLLEGES AND UNIVERSITIES

Mr. PERCY. Mr. President, I have been aware for some time of the increasing difficulties that nonpublic institutions of higher education are having in maintaining their position in the forefront of American education.

Their continued existence not guaranteed by Federal, State or local government, independent colleges and universities must compete with heavily subsidized public institutions. During these times of soaring costs, they are having increasing difficulty keeping these standards high and attracting sufficient numbers of students to function effectively. The present tight money market and the problems of inflation without doubt influence more students to select lower cost public institutions. Private schools in many cases are beyond the financial range of middle-income students.

Several of my colleagues from the Illinois Congressional Delegation and I recently met with representatives of the Federation of Independent Illinois Colleges and Universities. The meeting was most beneficial to all of us who attended. The congressional delegation had an opportunity to learn first hand the seriousness of the mounting financial problems confronting independent colleges and universities.

I would like to have printed in the RECORD two reports that may shed further light on these problems.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CURRENT STATUS OF FEDERAL STUDENT AID PROGRAMS

Current Status of Federal Support for Student Aid Programs with Implications for the State of Illinois and the Programs of the Illinois State Scholarship Commission

One year ago, 130 of the colleges of Illinois estimated in forms filed with the USOE that their 1973–74 student financial aid needs were $84.5 million. Their estimates took into consideration what amounts of dollars could be realistically expected from parents, the applicants' self-help in earnings, and expected institutional, private, and State of Illinois aid programs. When all these resources were subtracted from college cost budgets, a deficit of $84.5 million remained.

Available and allocated dollars to meet this request for 1973–74 are $38.5 million or 45.6% of the panel-approved institutional requests. For 1973–74 the following amounts were released to Illinois institutions:

[In million]	
Supplemental Educational Opportunity Grants	$10.548
College Work Study Funds	13,718
National Direct Student Loans	14,258
Total	38,524

By mid-July of 1973, a new federal program of Basic Grants was launched, with $122. million made available for the nation, with a maximum award of $452 and available to only first time, full time undergraduate students. Experience to date in this program has been disappointing. Targeted to low income and asset families, only 46% of the 210,000 announced Base Grants as of 9/25/73 are demonstrating financial need. Illinois students should have realized $6 to 7 million from this program in 1973–74; however, to date I would estimate $1.5 million has been awarded to Illinois residents. The late announcement of the program, a program targeted to predominantly low income families, a program offering average awards of about $250, and, in my opinion, an excessive expectation from family assets have kept applications received to date at about 20% of original expectations.

Other significant sources of federal dollars for post-secondary education support to students as Illinois residents are estimated as:

Social Security, $26.0 million.

Veterans Benefits, $87.0 million.

Another significant form of potential federal benefits for Illinois residents (not funded to date) is the State Scholarship Incentive Grant Program. Once funded, at a level of $50.0 million, Illinois would qualify for an additional $2.5 to $3.5 million of student aid.

As we look to 1974–75, one can only speculate on available federal student aid dollars. I would assume another $38. to 40 million for Illinois in the federal funded and campus administered programs (SEOG, CWS, and NDSL), and a growth of Basic Grants to a minimum U.S. figure of $440.0 million. Figures for Basic Grants totaling $725.0 million are also being discussed. A higher maximum award to include both freshmen and sophomore full-time students seems likely.

It should be reported that all federal programs are now available to vocational/trade schools with accreditation, a minimum of a six months program, and those having existed for at least two years. All federal aid programs except Basic Grants are available to half-time students. Both Basic and Supplemental Grants are limited to undergraduates.

Provided Basic Grants are funded at $440.0 million and State Incentive Grants are also funded, an additional $20 to 25.0 million of federal non-repayable student aid in grants could be available to Illinois students in 1974–75.

A new needs test to qualify for interest subsidy in Guaranteed Student Loans has reduced volume in this program by 37% in Illinois. We have yet to study the full causes and impact of this drop. All states report similar decreases.

It is essential to determine for whom this loan program is intended, and additional federal amendments are anticipated by the spring of 1974 to restate purposes, desired federal/state partnership, approved eligible lenders, and the role and need of interest subsidy.

IMPLICATIONS FOR THE STATE OF ILLINOIS AND THE PROGRAMS OF THE ILLINOIS STATE SCHOLARSHIP COMMISSION

Until FY 75, federal appropriations for student aid programs are known and signed into law, it becomes most difficult to deal with implications.

The Board of Higher Education in 1972 received reports from The Commission on the Financing of Higher Education and from the Student Financial Aid Study Committee. Issues raised in these reports included several matters dealing with potential changes in Illinois student aid programs. Any answers to these changes must be made in relationship to federal student aid programs and their level of funding.

As of 1973–74, Illinois funded student grant programs (under ISSC administration) are not serving the following post-secondary students or purposes:

1. less than full-time students.
2. graduate students.
3. home study students.
4. students requiring five years to obtain baccalaureate degrees.
5. grant dollars for any expenses beyond tuition and fees.
6. the payment of tuition or mandatory fees above $1,300.
7. grant dollars to any students at Illinois proprietary schools.
8. students attending out-of-state institutions.

Matters of public policy require priorities as to where available dollars should be invested. Increases in tuitions (at either public or non-public institutions) require a review as to whether or not additional grant dollars are needed to lessen the impact on both access and choice.

For the past five years, the ISSC has received sufficient dollars to help all needy undergraduate applicants applying between October and August for the year to follow. If they attended full-time, we have been able to assist all eligible applicants, up to $1,300 for tuition and fees in 1973–74. Over 70,000 students will be assisted in 1973–74 with the $55.32 million appropriation for ISSC monetary awards.

Beyond the decision of what changes are recommended in the grant program, major issues remain as to the need for a state funded work-study program for college students as well as the possibility of the State of Illinois becoming an eligible lender in the Guaranteed Student Loan Program. Are reciprocity agreements with other states to be developed?

In a few months the National Commission on the Financing of Post Secondary Education will release its recommendations. Their report could have significance for federal and state roles. The State of Illinois Economic and Fiscal Commission also plans a report to be released in a few months reviewing Illinois student aid programs and recommending changes.

Perfect timing as to when to review changes becomes an almost impossible task. Legislative, academic, and application processing calendars do not follow similar dates and provide ideal planning. The State of Illinois best uses its student aid resources when responses take full cognizance of federal student aid programs and respond in order to supplement, not duplicate or overlap.

Some observations on comparing our 1973–74 award year Monetary Award Program applicants with a year ago may assist you in understanding other changes in Illinois higher education.

	Award year		Percent change	
	1972–73	1973–74		
APPLICANTS				
Total	113,944	112,966	down	0.86
Male	58,206	56,117	down	3.49
Married	8,063	9,882	up	22.56
Freshman	45,440	44,277	down	2.56
Sophomore	27,616	27,548	down	.25
Junior	23,732	23,526	down	.87
Senior	17,010	17,293	up	1.66
Emancipated	14,414	18,484	up	28.24
American Indian	302	348	up	15.23
Black	19,844	22,499	up	13.38
Caucasian	87,118	80,999	down	7.02
Oriental	775	842	up	8.65
Spanish surnamed	1,938	2,554	up	31.79
Other	2,384	2,398	up	.59
Not reported	1,020	3,302	up	223.73
COLLEGE CHOICE				
Public 2 yr	13,554	14,937	up	10.20
Public 4 yr	52,372	51,087	down	2.45
All public	65,926	66,024	up	.15
Private 2 yr	2,222	3,255	up	46.49
Private 4 yr	39,163	36,093	down	7.84
All private	41,385	39,348	down	4.92
Professional	1,949	2,994	up	53.62

It must be noted that this past year (in which 112,966 applications were received—a drop of 978 over the year before) was the first time since 1968–69 we have not received at least 16,000 more applications than the previous year. The inference of this fact is simply that any future additions to our budget can serve other purposes beyond normal growth under current benefits.

Other significant issues to be resolved in the best interest of students are:

1. Should applicants of state awards be required first to apply for any federal student aid benefits for which they qualify?

2. Should one application and administrative unit be designated as the channel by which families and/or students know what federal *and* state student grant aid benefits they are eligible to receive?

3. What represents the best partnership among federal/state/and institution roles and funds in serving both mutual and distinctive purposes?

The Illinois State Scholarship Commission desires to continue to work in a cooperative manner with the Board of Higher Education in its development of broad public policies which will keep Illinois as a national leader in its programs of student financial aid.

HIGHER EDUCATION: THE C.E.D. REPORT OCTOBER 4, 1973.

(A Commentary by Alban Weber, Executive Director, Federation of Independent Illinois Colleges and Universities)

The recently issued report of the Committee on Economic Development entitled "The Management and Financing of Colleges" has created quite a storm in the academic community, generating some immediate vocal antagonism from some elements in the public higher education sector as well as in Congress. The controversy, however, seems to be a healthy one, if it ends up in stimulating some thought as to actual goals in higher education, and if it does not polarize thinking on the issue.

The key recommendation of the report which has created controversy is the recommendation that there be substantial tuition increases to support some of the spiraling costs in higher education. The report was most careful to point out, however, that no such increases should take place without the application of the additional funds and the availability of other funds to prospective students to pay the additional tuition so that no students would be deprived of an education because of lack of funds.

The immediate attack on the report (aside from some intemperate language about its sponsorship) was based on the premise that tuition rises would make education difficult for middle income students and middle income families.

Rep. O'Hara, Chairman of the House Special Subcommittee on Education, has attacked both the proposals of the Committee on Economic Development and the Carnegie Commission on Higher Education because his philosophy supports a national policy of higher education for all who can profit from it without financial barriers. While some of his attack on the two reports (C.E.D. and Carnegie Commission) was directed at specific figures used by them, the general thrust has been to merely support the status quo of present tuitions in the public sector.

While he and other critics do not say so, they are thus indirectly on record as favoring the continued decline in the nonpublic sector of higher education and its eventual elimination through unfair economic competition. The fact of the matter is that independent colleges and universities in the nonpublic sector see the recommendations of these reports as the first expressions of the enlightened development of a public policy that will actually support the national goal of availability of higher education for all without financial barriers, so eloquently expressed as an end by Rep. O'Hara. The status quo of low tuitions which often amount to less than one-fourth of the total annual instructional cost and a much lower percentage of the total cost of educating students in the public sector, creates a very worthwhile subsidy for the needy, but in addition, provides an unneeded subsidy for children of the rich and very rich, as well as those in the middle income classes, with no regard either to academic achievement or merit, or on the other hand, to individual or family need. The real crux of the situation, as Rep. O'Hara indicated, is the middle income family whose educational needs are, to some extent being subsidized by low public college and university tuitions. The possibility of reducing or destroying that subsidy is not only not desirable, but is, of course, politically highly infeasible, either through action of the Congress or in state legislatures.

But there is an aspect to this controversy to which Congress and the legislatures should be addressing themselves, and this involves the middle income families who are, through unfair economic distribution of subsidy, being forced to choose tax supported institutions even when they prefer a particular independent college because it offers some particular values they seek. The injustice created by the present situation stems in large measure from the failure of legislators and the public at large to fully realize the great transformation in higher education under which the differences between the so-called "private" sector and the "pub. lic" sector have been erased in many respects and the main legal distinction today relate to the source of financial support and the issue of governance. No longer, for example, are the independent colleges rich men's schools, since as indicated, the only source of subsidy for a rich man's son or daughter is attendance at a state institution with its written-in basis of indiscriminate subsidy for all. The nonpublic institutions can only afford to subsidize the needy and the academically meritorious, while their sister public institutions down the street can, through low tuition, be categorically indiscriminate.

The soul searching now being done in academia, therefore, relates to the question as to how to solve national goals both for "freedom of access" to higher education and "freedom of choice." The financial crisis of the independent institutions for the last few years has forced to the forefront another important question, the question of the value of maintaining a pluralistic system, of assuring the survival of independent institutions. There is no question that we need a strong and basic foundation of public higher education in this country. The great growth in numbers of students to whom higher education is available could only be absorbed in a fast growing public sector. But we believe the private sector is also worth preserving. It is interesting, for example, that, in Illinois, nonpublic higher education today enrolls slightly more students in absolute numbers than it did in 1960, while at the same time, its percentage of the total student population has decreased from about 50% to 30%. Both the absolute figures and the percentages speak well for the general handling of the problem in Illinois.

In the Congress, a great stride forward was made with the Higher Education Amendments Act of 1972, which created a whole set of new programs. In Illinois we can be particularly proud of the role played by former Rep. Pucinski in working on much of this legislation, as well as the very active sponsorship by Rep. Erlenborn of the Sallie Mae sections of the Act, and the great support given by Rep. Michel in the Appropriations Committee and on the House floor. All in all, reports across the country have indicated that the Congress in its rightful concern about freedom of access has paid great attention to the problems of the very needy but also has almost completely by-passed the two most pressing problems of higher education in the United States—the problem of the middle income family and the problem of maintaining a pluralistic system and not putting the independent college out of business.

We of the independent sector, therefore, strongly urge a careful consideration of both the Carnegie Commission report and the C.E.D. report, and we endorse its recommendations for increasing student aid in an amount sufficient to permit the allocation of a higher tuition cost in the public sector. Rep. O'Hara has pointed out, and we emphatically agree, that the dividing line for assistance seems to have arbitrarily been placed at the $15,000 income mark. This is not realistic in today's inflated world and there should be a much greater spread of whatever subsidy Congress or the legislatures determine to undergird the high cost of education for middle income families. This should, however, be done through aid to students rather than by low tuition rates. Tuition fees should be determined to a much higher degree both in the public and private sectors by actual operating costs and these should then be paid partially by federal or state subsidy and to the degree possible, by the students and their families.

We, therefore, strongly urge a much higher degree of attention to the scholarship provisions, a much more flexible definition of need and a relaxation of some of the provisions of Sallie Mae to make available student loans on a much broader basis.

VETERANS' EDUCATION AND TRAINING SERVICE

Mr. MATHIAS. Mr. President, the World War II GI bill was for me, as for many other veterans, the first and only chance to get a college education. Too many of today's veterans lack opportunity equal to that we had, but the general impression that today's benefits are just as substantial as those of 1948 has severely hampered many Vietnam veterans seeking jobs and education. As one young man put it:

> What made the situation particularly galling was that at least fifty per cent of the people I encountered (fellow students, faculty members, friends of my family) all thought I was receiving the same benefits my father and his generation received.

This problem was underscored by a report requested of the Veterans' Administration by the Congress in the 1972 GI bill. The study, released last month by the Educational Testing Service, which carried out the research, shows the degree to which the Vietnam veteran lacks GI bill parity with World War II veterans.

Monday, October 22, we will celebrate Veterans' Day. Nothing would be more appropriate than to celebrate this day with more than traditional praise, by commitments to back our words with action.

The present benefits of $220 per month, out of which a veteran must pay tuition, books, fees, and living expenses, represents in current dollars the same amount World War II veterans received for living expenses alone.

In 1948, the veteran's subsistence allowance of $75 per month equaled 35 percent of the average monthly U.S. earnings. If we used the same measure today, 35 percent of current monthly earnings would ironically be $220, or the equivalent of today's monthly payment which must cover all expenses.

Geographical disparity exists among veterans seeking an education under the GI bill. A veteran living in California can expect tuition at State colleges around $200 per year. In Ohio and New Jersey, he can expect to pay $600 to $800. California has a far more extensive junior college system. As a result, 37 percent of California veterans attended junior or 4-year public colleges, while only 17 percent of New Jersey and 16 percent of Ohio veterans did so. Yet the level of desire for further education is equal. With close to 58 percent of Vietnam veterans residing in 12 States—all charging relatively expensive tuition—it is clear that many veterans are hurting.

In my own State of Maryland, the veteran attending the University of Maryland has $125 per month to live on after he pays tuition and fees from his benefits. With the job market such as it is, and with veterans continually being excluded from work-study programs and Federal employment programs because their GI bill benefits are considered adequate income, many vets who might otherwise get a college or vocational education do not even try. My question is this: If we have a commitment to today's veteran comparable to our commitment to men who fought in World War II, why are we not only pricing the Vietnam vet out of private colleges but rapidly pricing him out of major public universities and many State colleges? It must make these young men feel that now that they have done the dirty work. they are to be discarded with a token and unrealistic stipend.

The time has never been more crucial for putting together a realistic educational package for these men—a package of educational benefits which not only alleviates the serious geographical disparities, but allows him to choose education without resigning himself to near poverty.

I ask unanimous consent at this time to print in the RECORD the final report of the Special Veterans' Opportunity Committee of the National League of Cities and U.S. Conference of Mayors which examines this issue, based on three public hearings held in Newark, Cleveland, and Seattle. They were chaired by Congressman SILVIO CONTE, of Massachusetts, who also received his education under the GI bill.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF CITIES AND
U.S. CONFERENCE OF MAYORS,
September 4, 1973.

Hon. SILVIO O. CONTE,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CONTE: This report is the culmination of an extremely important, timely and productive undertaking—the series of public hearings which we, as Mayors, co-chaired with you under the sponsorship of the National League of Cities and the U.S. Conference of Mayors. As local chief executives, we are very much aware that many Vietnam-era veterans have problems. These problems—jobs, the search for understanding, educational opportunities and the attitude of the public—are not the things these young men should have to face on a daily basis.

Opportunities in both employment and education should be readily available; and the gratitude of a nation well-served should be automatically apparent. The fact that neither of these is the case is the real lesson of the hearings.

With the issuing of this final report, we all must dedicate ourselves to making these recommendations a reality, and these findings obsolete. Just as the hearings brought together in common cause public officials, academic leaders, business and labor executives, the military, a concerned citizenry, the media, and the veterans themselves—that same coalition must follow through, with this report as the first step.

We look forward to working with you as this is done.

Sincerely yours,
KENNETH A. GIBSON,
Mayor, Newark.
RALPH J. PERK,
Mayor, Cleveland.
WES UHLMAN,
Mayor, Seattle.

FINDINGS AND RECOMMENDATIONS OF THE SPECIAL VETERANS' OPPORTUNITY COMMITTEE OF THE NATIONAL LEAGUE OF CITIES AND UNITED STATES CONFERENCE OF MAYORS

SUMMARY OF FINDINGS

A. Public reaction to the Vietnam War has been a severe obstacle to civilian readjustment of returning GI's.

B. The present GI Bill has not been able to adequately help those who need it the most.

C. The World War II veteran got a substantially better deal in terms of benefits and acceptance.

D. Jobs for GI Bill-enrolled veterans is a major problem.

E. Veterans generally see the bureaucracy only as something to be overcome—not as a positive force.

F. There are wide geographic disparities in GI Bill use and in available assistance programs.

G. The federal government has primary responsibility for veterans' programs, but should make its resources available for support of state and local assistance efforts.

H. Lack of uniform in-service assistance by the military has made civilian readjustment more difficult.

I. There is a lack of leniency and understanding in the administrative dealings with those who may have gotten less than honorable discharges by proceedings other than courts martial.

SUMMARY OF RECOMMENDATIONS

A. The GI Bill should be restructured so that it pays 80% of all tuition and fees and makes a separate subsistence payment of at least $220 a month.

B. Work-study and public employment programs should guarantee a job to every enrolled veteran who needs or wants one.

C. Delays and obstacles to discharge review should be eliminated; and the VA should be more lenient in the granting of educational benefits in those cases where it has administrative jurisdiction.

D. A program of effective marketing and communication should be undertaken to increase use of the GI Bill.

E. Readjustment programs and pre-release remedial education efforts should be expanded and made universally available to GI's, on a continuing basis.

F. A special commission should review the relevancy of VA benefits and procedures and recommend needed reforms.

G. The Veterans Cost of Instruction Provision in the 1972 Higher Education Act should be fully funded. Other programs which support or supplement local veterans assistance efforts should be expanded and continued.

INTRODUCTION

When I came home from World War II, my home town turned out for a welcome. There were parties, ceremonies, honors and a feeling that, whether we served in combat or were on permanent KP in the states, we were all heroes.

More importantly, the nation we fought for showed its gratitude through the GI Bill; and each and every one of us had the opportunity to get—at little or no cost to us—all the education we wanted. I'm sure the 7,000,000 World War II vets who used the GI Bill feel as I do, that it was the most valuable thing that ever happened to us. Without it, I certainly would not be in Congress today.

This report is the result of an eight-month effort to find out what the problems of today's veterans are, and what can be done about them. I was asked by the National League of Cities and the U.S. Conference of Mayors to chair a Special Veterans Opportunity Committee and hold a series of public hearings across the country, so that we could hear, first-hand, from the veterans themselves, as well as from those who are in a position to help them.

The all-day hearings were designed to strengthen city-sponsored veterans assistance projects by involving local leaders and by hearing the views of veterans and other concerned citizens.

The hearing panels included Vietnam veterans, public officials and leaders of the business, labor, academic and service organization communities. The first hearing was held in Newark, New Jersey, on October 25, 1972; the second in Cleveland, Ohio, on March 9, 1973; and the third in Seattle, Washington, on May 18, 1973.

In the three hearings, a total of 111 witnesses were heard, 62 of whom were Vietnam-era veterans. The hearing panel members and complete witness lists are attached.

As can be seen from the hearing summary reports, these findings and recommendations represent a broad consensus, although several witnesses wanted to go much farther in remedial action. The evidence indicates that what is contained here is fair, reasonable and necessary.

The National League of Cities and the U.S. Conference of Mayors operate the Veterans Education and Training Service (VETS) through a grant from the Office of Economic Opportunity. VETS has helped to establish Vietnam-era veterans assistance projects in 10 cities across the country and has provided technical assistance to veterans efforts in many other cities.

In the course of running these projects, thousands of Vietnam-era veterans have been contacted, counseled, enrolled under the GI Bill, and helped with employment and benefit problems.

A major recurring complaint of veterans is that they feel few people are either listening to or really caring about their problems. They believe their problems are unique, due to the nature of the Vietnam conflict and the public reaction to it.

These public hearings were, therefore, conducted to provide the veterans themselves—as many as wanted to testify—a chance to tell a panel (which included Vietnam veterans) what they think the problems are, and what the solutions to those problems should be.

This testimony was supplemented by testimony from college officials, employment services, businessmen, psychiatrists, psychologists, veterans organizations, state legislators, U.S. Congressmen, military personnel, federal, state and local agency officials, labor leaders and interested citizens.

We greatly appreciate the full cooperation we received from all these groups and individuals—especially benefits personnel at the Veterans Administration—and believe that their valuable contributions will lead to positive and immediate action.

As a World War II veteran who benefited so substantially from the GI Bill, I am most concerned with the problems of today's veteran. It is disquieting that these highly motivated young men would—as one did at the Cleveland hearing—equate their plight with the soldier's lament from "All Quiet on the Western Front":

"Now, if we go back, we will be weary, broken, burnt-out, rootless and without hope. We will not be able to find our way any more, and men will not understand us. For the generation that grew up before us, though it has passed these years with us here, already had a home and a calling; now it will return to its old occupations and all will be forgotten. And the generations that have grown up after us will be strange to us and push us aside. We will be superfluous even to ourselves and will grow older. A few will adapt themselves—some others will merely submit—and most will be bewildered. The years will pass by, and in the end we shall have fallen into ruin."

There is much that we can do to see that today's veterans have a more hopeful future.

It is apparent to me that we must work to see that today's veterans have more than just the present GI Bill available to them. There will be many who will need a package of assistance that will include a guaranteed part-time job, special counseling, help in obtaining other applicable programs, as well as the financial assistance available through both the GI Bill and the individual educational institutions. We cannot expect that the majority of Vietnam-era veterans will be able to put all this together themselves—even if it were universally available. We must have both adequate programs—available to all—and an efficient and usable delivery system.

That is what this report is all about.

SILVIO O. CONTE,
Chairman,
Special Veterans Opportunity Committee.

PART I—FINDINGS

A. The Vietnam Veteran

"Today's veteran must not be a political pawn. The hawks and the doves have had their day in court, and now society must understand the need to assist the *man*. His problems are society's problems."—Mayor Kenneth Gibson, Newark hearing.

The Vietnam-era veteran is no different from the veteran of earlier conflicts. But the *war* was different—and the public reaction to the war is different. Any assistance program must recognize this.

This is *not* to say that the Vietnam-era veteran is any less highly motivated or less valuable as a student, employee or citizen. Having survived a complex and difficult assignment in a difficult time, he may be *more* valuable.

A production manager for a steel plant said at the Cleveland hearing, "Our experience with today's vets shows them to require less training, less supervision and to be more work-disciplined than non-veteran employees." A college president at the Newark hearing commented that his experience with Vietnam vets showed that they were highly motivated and mature students and less likely to drop out [for non-financial reasons] than the student fresh from high school.

Former Army Chief of Staff General William Westmoreland has said of today's veterans, ". . . . They are, as a group, more eager for betterment and more responsible than GI's of the same age in past wars. Their service has been difficult, demanding and devoid of the public acclaim that was given to past GI's. They understand and accept this and have proven to be unusually anxious to build a meaningful future for themselves."

However, during the course of the hearings, it became obvious that the world is a long way from beating a path to their doors. Far from being welcome heroes, many veterans at the hearings told of feeling, in effect, discriminated against just because they were Vietnam veterans. At Cleveland, one young veteran said, "Most people treated me like I was a psycho, a probable drug addict or just a dummy for fighting in a dumb war. It got so that I hid the fact that I was a veteran."

Psychiatrists and psychologists who testified at the Newark hearing confirmed this. Dr. Gordon Livingstone, an Army psychiatrist, said, "Today's vets are survivors of what happened in Vietnam and . . . have become a crucible for all of society's doubts and misgivings about our involvement in Vietnam." The VA's Harris Survey showed that "A plurality of the people feel 'Veterans of this war were suckers, having to risk their lives in the wrong war at the wrong time.' "

Several expert witnesses traced the problem back to the decision to fight the war basically with draftees, taken under a less than universal draft—recognized on all sides to be highly unfair in its operation. The college deferment exempted people from higher income brackets, and lower income men served in their place. Later, these men came home to an economic situation that was rapidly deteriorating. From 1970 through 1972, while close to a million men a year were discharged, veteran unemployment rose from 100,000 men to a high of 400,000 (in January of 1972), with the rate exceeding 15% "and among nonwhite veterans and those with less than a high school education reaching 21% and 31% respectively," according to the VA's Harris Survey.

As a result, these men became frustrated. They expected that their service to their country would be fully recognized, as earlier service had been recognized. Yet the controversy surrounding the war made this impossible. They felt that the bureaucracies of the Veterans Administration, the employment services and the colleges where they sought help disregarded their sacrifices and treated them as children. A persistent theme was that the federal government educated, trained and transported the soldier-citizen for combat with great efficiency. But the manner in which the veteran returning to civilian life is treated contains none of that efficiency and concern.

Their own words best reveal their feelings:

"Why do we have to beg for assistance or even attention?"

"All we want is the chance that the guys got who didn't have to go."

"Either I can take care of my wife and child or I can go to school—not both. Why should I have to make such a choice?"

"Liberals hate us for killing and conservatives hate us for not killing enough."

"The real prisoner of this war is the ordinary veterans—the conscripted grunt who didn't have the political connections to get into the National Guard to sit it out."

"All we want is what our fathers got."

"We feel that no one is really listening."

B. GI Bill use

Many returning Vietnam-era veterans lack the financial resources to use today's GI Bill, which they see as their best opportunity. A high proportion of the draftees in the Vietnam era were high school dropouts, members of minority groups and persons from lower income backgrounds. Consequently, a GI Bill which requires supplementary financial aid, special outreach and remedial efforts by educational institutions and a sophisticated understanding of government and bureaucracy will reach primarily those veterans who had pre-service higher education. This is generally what has happened. The use of the GI Bill is, therefore, inverse to need.

The proof of the "use is inverse to need" claim lies in the following discussion (based on VA statistics). About 20% of returning Vietnam-era veterans have less than a high school education. And yet, of those actually enrolled in college or junior college under the GI Bill, this educational group represents only about 3% of the total. You have to dig this figure out because the largest number in this category are in the "other schools" group, which is about 70% correspondence schools. This group is discounted here because, according to a recent GAO report, those vets in correspondence schools have a 75% dropout rate. The combined college and junior college use rate is higher today than after earlier wars, because of the higher level of education offered by junior colleges that previously would have been counted under other categories. The availability of cheap, good technical education at junior colleges, as well as the higher education qualifications demanded for jobs, are the reasons this report stresses the college and junior college participation route. But many veterans have much to gain from on-the-job and technical training in other settings. We recognize that fact.

Today's GI Bill has educated hundreds of thousands of veterans, and will cost $2.5 billion this year. It is in many respects the best available federal scholarship program, yet it operates with an uneven impact. Its successes in helping many veterans must be weighed alongside the difficulties other veterans have in using this—the prime readjustment tool. While nationally 46.1% of the nation's 6,220,000 Vietnam-era veterans have used the GI Bill (for one purpose or another), 53.9% have not. Within the ranks of those that have used it, there are many that have failed to complete their courses, for reasons that were brought out during these hearings and in Congressional hearings.

The low level of GI Bill benefits has for all intents and purposes precluded most veterans from using the bill to go to private colleges. In effect, these veterans have been forced to compete for limited spaces in public community and junior colleges with low tuition. Even the tuition at four-year public colleges is higher than some veterans can afford. This was demonstrated at the Cleveland hearing, when one young vet said he was enrolled at Cuyahoga Community College (instead of Cleveland State College, where he wanted to go) merely because of the difference in tuition: At Cuyahoga, he said, the tuition was $380, while at Cleveland State it was over $700. "Why should I be restricted in the choice of a *public* college just because of $320? Doesn't that mean there is something wrong with a GI Bill that does that?"

The monthly subsistence funds a student veteran at Rutgers Newark would have for living expenses, after payment of tuition, rose on account of the October 1972 benefits increase from $101.11 to $133.33. Veterans at the Newark hearing considered both sums inadequate because of the consistently high unemployment rate in the Newark metropolitan area, resulting in difficulties in locating part-time jobs, and a high cost of living in the city.

Far more veterans appear to be married than non-veteran students, and their financial obligations are commensurately greater. According to an American Council on Education research report—"The Vietnam-Era Veteran Enters College"—38.3% of the veteran students are married, while only 1.2% of non-veteran, first-time college students are.

C. Comparison with situation of World War II GI's

Compared with the World War II veteran his counterpart today is receiving unequal treatment, both in terms of benefits and opportunities and in terms of public acceptance. "We only want what our fathers got," was a frequent veteran comment. After World War II, veterans had most tuition and fees paid directly by the federal government, a book allowance, some subsidized housing and a $75 month subsistence allowance; and they were eagerly sought after by educational institutions, both public and private. Today's GI Bill, increased in three stages, now gives the single veteran a base allowance of $220 a month, out of which must come his tuition, as well as money for rent, food, books, transportation and other basic necessities. Schools and colleges do little to adapt their procedures to the needs of veterans.

Under the World War II GI Bill, veterans could attend any approved institutions of higher education. Today they are effectively excluded from private colleges by high tuition costs, which are five times higher than those of the late 1940's. The average tuition charge at private colleges has risen from $396 to $1,902. After World War II, public colleges were encouraged to take veterans as a result of direct reimbursement from the federal government of what amounted to out-of-state tuition rates for in-state veterans. Out-of-state tuition rates more truly recognize the actual or true costs of education to the states.

Those rates today are $2,000 or more in California, Ohio, Michigan and Pennsylvania—four of the states with large concentrations of veterans. In effect, the federal government has shifted a large bulk of the costs of education from itself to state and local government, and to the veteran. Until $25,000,000 for the Veterans Cost of Instruction Provision was released in June 1973, no federal funds went directly to colleges to support veterans education efforts other than a $4.00 per student processing fee, and the small Upward Bound for Veterans Program. Thus, the federal government no longer funds—through the GI Bill—the expansion of post-secondary education necessary to enroll additional veterans.

As a result, the veteran of the Vietnam era feels that his lot is directly related to the unpopularity of the war and the divisions and debates engendered by it.

As pointed out at the Seattle hearings by Dr. Charles Odegaard, President of the University of Washington:

"Soldiers from Vietnam were not universally conscripted as they were during

World War II; more were chosen from among men who could not go to college and who were not granted deferments. Not surprisingly, then, veterans from Vietnam include more financially disadvantaged men and more minorities than previous veteran groups, at least in recent history. Predictably, these men are going to have unusual, indeed unique problems. They are not going to be as well prepared for college, so that they will require more and specialized attention to get through college and to enter graduate or professional study. They are going to be difficult to place in jobs; and more than previous veteran groups they are going to find re-entering civilian life an emotionally difficult and traumatic experience. Unless these men are given special help, the original inequity which encouraged the drafting of poorer and less well educated individuals will be magnified by the fact that those who were less equipped to support themselves when they were drafted come back as veterans to compete in the job market with men who have had two more years of education and training. At the same time they have to face a less receptive and unfriendly environment than their predecessors."

At the Seattle hearing, the Director of the VA regional office took issue with the World War II "discrepancy" argument, submitting a chart showing differences in costs and allowances in constant dollars. The VA chart did not refute the testimony of veterans, who offered their budgets and cost figures and compared them to what was available to the World War II GI Bill-enrolled veterans.

One veteran, William Albinger, Jr., wrote to the Evening Star in Washington, D.C., after reading about these hearings. His feelings were similar to those of many other veterans:

"After receiving the Grateful Nation speech in Cam Ranh Bay, I got on the plane to return to the United States and resume my law studies. I was surprised to return to a place that was practicing cut-rate government. Like in so many other ways, the hidden costs of the war were being foisted off on those who lacked the votes, organization, or money to have political clout—the returning veterans. . . . I wonder how the hell guys who were shot up make it through. What made the situation particularly galling was that at least 50 percent of the people I encountered (fellow students, faculty members, friends of my family) all thought I was receiving the same benefits my father and his generation received."

Because of the continuing controversy about the relative benefits given World War II and today's veterans, the Committee staff undertook its own analysis of the available data.

The VA chart used in Seattle, which is similar to other such presentations, lumps together the charges at two- and four-year public colleges. Four-year public college tuition has climbed so that the average charge is now $609 in the 12 states with 60% of veteran population. The point is that today's veteran in many states, unlike his World War II predecessor, has been hard pressed to command four-year college or graduate education at public colleges, and is priced out of private colleges completely. The latest of the three increases since the GI Bill was reenacted in 1966 (at a level lower than the Korean War benefits) has come the closest to giving today's veteran subsistence monies equivalent to those the World War II veteran received.

The veteran, in the cities where we held hearings, trying to attend four-year public colleges received the following benefits after paying for tuition and books:

MONTHLY LIVING FUNDS AFTER PAYMENT OF TUITION

	1969–70 academic year	1971–72 academic year	1972–73 academic year
Rutgers University	$51. 33	$101. 11	$133. 33
Cleveland State	68. 33	84. 44	129. 44
University of Washington	74. 55	106. 11	143. 44

The GI Bill carried benefits, before tuition payments, of:

[Per month]

June 1969	$130
June 1971	175
Oct. 1972	220

The value of $75 in subsistence (received by World War II vets) in current dollars:

1969	$114
1970	121
1971	126
1972	131
June 1973	138

As noted above, the October 1972 increase in the GI Bill came the closest to giving the veteran a sum equivalent to the $75 a month subsistence of a single veteran after World War II. However, the strict dollar conversion of the $75 into today's seems to overestimate the buying power today's veterans' benefits represent in many states. The World War II veteran had subsidized housing in many instances. The familiar quonset hut was frequently mentioned during the hearings. The colleges and employers adapted their procedures to student veterans. Today's veteran has no such benefits.

But, more importantly, when the GI Bill is compared to the percentage of average monthly earnings, as the VA did, in testimony to the Senate Veterans Affairs Committee, then the difficulties of the Vietnam-era veteran become readily apparent. The GI Bill was never intended as a full scholarship; however, it was designed to give the veteran a fair chance at working his way through school. The World War II GI Bill did this by giving the veteran with no dependents 35.4% of the average monthly earnings; the veteran with one dependent, 49.5%; and the veteran with two dependents, 56.6%.

Today's veteran with no dependents, after paying the average tuition at all two- and four-year public colleges, is left with 26.4% of average monthly earnings; with one dependent, 33.1%; and with two dependents, 38.9%. The veteran who attempts to attend four-year public colleges in major states ends up with 22.4%; 29.0%; and 35.0%, respectively. What this means is that the Vietnam-era veteran has to have alternative sources of income, particularly part-time and summer jobs that bring in substantially more than the World War II veteran needed. Given the high cost of living in cities and the difficulties in finding part-time jobs of the last several years, the demands of the veteran for equal treatment become justifiable.

COMPARISON OF U.S. AVERAGE MONTHLY EARNINGS TO G.I. BILL BENEFITS

Date	Average monthly earnings	No dependents		1 dependent		2 dependents	
		Monthly payment	Percent of average monthly earnings	Monthly payment	Percent of average monthly earnings	Monthly payment	Percent of average monthly earnings
1948	$212	$75	35. 4	$105	49. 5	$120	56. 6
May 1973 (after payment of average tuition and book costs at all public colleges)	617	163	26. 4	204	33. 1	241	39. 8
May 1973 (after payment of average tuition and book costs at major 4-year public colleges)	617	138	22. 4	179	29. 0	216	35. 0

D. Unemployment

Employment of any kind is the major concern of veterans. To use the GI Bill, most veterans (without outside financial help) must have either a full- or part-time job. Many veterans found they had to get a job and get reoriented to civilian life before they could make the decision to return to school. Yet in many cases, the jobs they thought they were qualified for because of their service were unavailable. In the cities, where most vets are concentrated, jobs are difficult to obtain. Where it has been used for veterans, the EEA Public Employment Program has helped some. But under the President's budget, that program is scheduled for termination; and even those jobs will no longer be available. The college work-study program has not helped the veteran enough, primarily because of funding levels and demands on it by non-veterans. In fact, testimony was presented that veterans were largely excluded from the HEW work-study program because of inclusion of their GI Bill income in determining their economic status.

Unemployment among Vietnam veterans aged 20–24 has remained consistently high, and the figures for the first quarter of 1973 were 11.0% for veterans, versus 7.3% for non-veterans (not seasonally adjusted) in that age bracket. The seasonally adjusted flures were 9.2% for veterans, 7.0% for non-veterans. Testimony was heard repeatedly at the hearings that the Vietnam veteran was caught in a vicious cycle because he lacks the education and training to obtain a job. Yet without a job to supplement his inadequate GI Bill benefits, he cannot obtain the education and training.

Both veterans and college officials agreed that the greatest need was for an assistance package that combined an assured part-time job with GI Bill educational benefits. One veteran testified at the Newark hearing that in his search for a job (which he needed to be able to make it under the GI Bill), it was only after he threatened to call his Congressman that he finally secured employment. Part-time employment did not yield enough income, so he carries both a full course of study *and* a full-time job.

Veteran witnesses told of giving up on using the GI Bill after fruitless searches for part-time jobs. While the state employment services came in for much criticism, the problem is that many employers do not list with the service, and usually only full-time jobs are available. Obviously, the employment service has a difficult time in supplying jobs in a time of high unemployment, like that beginning in 1970.

E. Bureaucracy

Many of today's veterans feel that the whole system of assistance—the VA, the governmental bureaucracy and the traditional veterans organizations—is neither sympathetic to their needs nor representative of their era of service.

While the VA, the employment service, the American Legion, the Veterans of Foreign Wars and others have made important efforts to use Vietnam veterans in their programs, they have had great difficulties in getting veterans to accept those efforts at face value.

One veteran at the Newark hearing summed up the feeling of many about bureaucracy:

"America needs to gamble on the potential of this generation of veterans to at least the same degree as it did on the World War II generation. Instead, with its tradition of diversity, American society can only offer benefits to Vietnam-era veterans through increasingly narrow channels, developed over 25 years ago and administered with decreasing flexibility, under tons of regulations and overregulation, by people who it seems have forgotten the gamble society took on them.

* * * * *

"Efforts on behalf of Vietnam-era veterans should be more in humanistic terms rather than the present national and economic crisis terms. A greater number of Vietnam-era veterans should be involved in the development and running of efforts on behalf of veterans, not just token representation, or a Vietnam-era veteran with a title, for display purposes, with no authority or responsibility. Programs are designed and implemented on a 'Daddy knows what's best for you' philosophy, and when they fall short or fail, the reason is always 'you don't really know what's best for yourself.'"

At the Cleveland hearing, an advertising executive (himself a Korean War veteran) noted that the problem seemed to be one of communication, and cited the many forms and brochures with their governmental jargon—and then asked, "How can you expect to relate to today's alienated vet with this sort of stuff?"

At the Seattle hearing, a veteran of World War I, representing the combined charter veterans organization, offered this comment to the Vietnam vets: "I know what it is to be frustrated by bureaucracy." However, he urged vets to "approach it on the basis of negotiation rather than abuse." He suggested that the charter veterans organization's tactic of "constantly watching and constantly checking up" was a good one, and was a lobbying effort worth emulating.

Also in Seattle, a Vietnam veteran—one of the few to be elected to a state legislature—testified that this era of vets needs a lobby of its own. He urged the election of more Vietnam veterans to public office, and suggested that they organize themselves more effectively. He cited the fact that there are no Vietnam veterans in Congress today, and said that in contrast, 1946 saw newly elected vets—such as John F. Kennedy and Richard M. Nixon.

Many vets in the hearings noted the absence of young veterans in outreach roles and in responsible positions in regional offices. They felt the need for Vietnam veterans to have a major influence in the development of national policies, as well as at the local level, on their behalf.

Another major thrust of the veterans was for local organizations that were veteran-run and veteran-influenced. Satisfaction was expressed with the third-party contracts that bring federal money in to support city-sponsored and controlled agencies. The difficulties of federal regional agencies, such as the VA regional office, that were pointed out included their inability to involve the local public and private non-profit agencies and important men and women who could contribute to programs for veterans. From the testimony given at the hearings, it was evident that there was a great deal of good will that could be channeled to Vietnam veterans; yet the lack of operable mechanisms, such as the citizen committees that were formed in Seattle, prevented assistance from reaching many veterans through existing public and private agencies.

Testimony was given at the Cleveland hearing on the tremendous value of the recent Upward Bound for Veterans projects funded by HEW in 1972. Former astronaut Neil Armstrong, now a professor at the University of Cincinnati, detailed how such a project is working there. Similarly, officials at Cuyahoga Community College told how they have set up successful outreach, counseling, remedial education and assistance efforts with such a grant. These, and projects such as College Discovery, run at Fort Dix by Montclair State College (and detailed at the Newark hearing), show the advantages of federal funds going to locally run "vets helping vets" projects.

Tom Tharpe, a product of College Discovery, testified at the Newark hearing, "When I was in high school, I was told I wasn't college material. Then in the service I discovered College Discovery. They counseled me and got me into college, where I have a 3.2 average." Mr. Tharpe will graduate soon from Brooklyn College with a degree in mathematics.

Ralph Munro, Special Assistant to Governor Daniel Evans, suggested that the principle of special revenue sharing be applied to veterans. He felt that if the state had the financing to tackle veterans problems, it could go a long way toward solving them. Unfortunately, the Emergency Employment Act program, with which the state had launched a major veterans program, assigning veterans to each community college in the state, may run out shortly. Munro suggested that a special revenue sharing program for veterans could solve the problem.

Delays in the receipt of GI Bill benefits have been particularly harmful to Vietnam veterans attempting to stay in college. The fact that checks are late in arriving makes it hard for counselors to persuade veterans to return to school. In fact, many men in school have had to drop out because of late receipt of their checks. The President's Committee on the Vietnam Veteran pointed out in its 1969 report that low participation in the GI Bill was related to these delayed payments. The report said:

"The effect of this after-the-fact method of payment can be to discourage program participation by the veteran who cannot afford the initial outlay required by most schools for prepayment of fees, tuition, books, and necessary money for subsistence for himself and his family until the first payment is received. The intent of the program is thus jeopardized."

While the advance payment provision of the 1972 GI Bill is designed to correct this, many veterans at the hearings expressed skepticism, as long as the system depends on computers. However, the new system, developed as a result of combined administration and Congressional initiatives, should alleviate the very major problem of payment delays. It appears from discussions with the Veterans' Administration officials that taking a veteran's file out of the system to find out why delays are involved may in its own right slow down the processing of his claim. Obviously, the computer is only as good as the paper that is fed into it; and the current system, with its potential delays—by the veteran, by the college and by the Veterans' Administration—works a serious hardship on individuals.

F. Geographical differences in GI Bill effectiveness

The programs of assistance which are designed to supplement the GI Bill are not uniformly available to veterans. The GI Bill itself is used to widely varying degrees in different states. Some states have bonuses and free public tuition. Some schools have federally funded veterans' assistance efforts. Some local areas have outreach programs. Some areas have available jobs. But nothing, not even the GI Bill itself, is uniform in its effectiveness.

The effectiveness of the GI Bill depends on which state a veteran returns to. California has the nation's most extensive public college system. Community colleges and a state college system with a 200,000-student enrollment are available at low tuition rates.

A California student veteran pays $140 of his GI Bill benefits for tuition at a state college, while a New Jersey veteran pays $630 and an Ohio veteran $700. (Because the present program no longer takes into account variations in tuition costs, equal military service no longer means equal readjustment opportunities, as it did under the World War II GI Bill.)

The National Association of Collegiate Veterans submitted a report that it had prepared, entitled *The Vietnam-Era GI Bill—Equal Military Service—Unequal Readjustment Opportunities*. Unfortunately, NACVI President James Mayer was unable to come to Cleveland and testify. However, the substance of the report shows that per capita payments to individual veterans vary greatly from state to state. California leads the major states, with its veterans able to use over $1230 in GI Bill benefits on a per capita basis during the five years from fiscal 1968 to fiscal 1972. New Jersey and Ohio veterans used slightly more than half as many dollars in GI Bill benefits.

The NACVI report cites the difference in how California veterans were able to make use of the benefits in contrast with New York veterans. In fiscal 1972, Californians used $302,000,000 in benefits, while New Yorkers used $99,000,000. These two states ordinarily get nearly equal shares under most federal programs; however, between fiscal 1968 and fiscal 1972, California veterans used more than $565,000,000 more than New York veterans in GI Bill benefits. This is largely a reflection of the mix of the state's post-secondary education system and the lower levels of tuition in California. With few private colleges, a heavily subsidized state system, and a community college system three times as large as New York's, the California veteran had much easier access to the GI Bill than did the New York veteran. It should be noted that California veterans take no money away from New York veterans when they use the GI Bill to the extent they do, for the GI Bill contains a unique commitment by Congress to make more money available as more veterans decide to use the benefits.

The attached chart shows the great disparities among states in the usage of the GI Bill. On a per capita basis (to show the relation of GI Bill payments to the number of veterans on a state-by-state basis), annual educational benefits go from a high of $469 for veterans in North Dakota to a low of $174 for veterans in Virginia. As for the utility of the GI Bill for college or junior college education, 35% of California's veterans use it, while less than 14% of Indiana's veterans do so.

This points up the inherent inequity in the practical limits on the way the GI Bill can be used by veterans in various states. Further variances among veterans with different economic and social backgrounds were testified to at the hearings. However, no definitive national statistics exist on this point.

IMPACT OF VIETNAM-ERA GI BILL

	Payments per 10,000 Vietnam-era vets	Vietnam-era vet population (November 1972)	Total GI bill payments fiscal year 1972	Percent ever in college under GI bill
1 North Dakota	$4,690,000	15,000	$7,040,000	34.4
2 New Mexico	4,550,000	31,000	14,120,000	29.7
3 Arizona	4,500,000	61,000	27,440,000	32.2
4 South Dakota	4,210,000	15,000	6,320,000	27.2
5 California	4,170,000	725,000	302,180,000	35.3
6 Out of Country	3,900,000	71,000	27,690,000	16.4
7 Utah	3,880,000	38,000	14,750,000	28.2
8 Colorado	3,810,000	81,000	30,860,000	26.6
9 Alabama	3,690,000	90,000	33,240,000	20.8
10 Hawaii	3,670,000	28,000	10,280,000	26.7
11 Oklahoma	3,670,000	87,000	31,950,000	25.5
12 Washington	3,450,000	136,000	46,890,000	27.8
13 Florida	3,410,000	213,000	72,590,000	25.4
14 Oregon	3,390,000	77,000	26,140,000	29.2
15 Louisiana	3,370,000	94,000	31,700,000	20.0
16 Idaho	3,350,000	21,000	7,040,000	28.8
17 Texas	3,320,000	342,000	113,680,000	24.3
18 Kansas	3,300,000	67,000	22,130,000	25.3
19 Tennessee	3,230,000	114,000	36,870,000	19.9
20 Montana	3,180,000	22,000	7,000,000	26.8
21 Arkansas	3,160,000	51,000	16,140,000	19.4
22 Georgia	3,040,000	147,000	44,730,000	16.6
23 South Carolina	2,990,000	77,000	23,000,000	17.2
24 North Carolina	2,970,000	136,000	40,360,000	20.1
25 Wyoming	2,960,000	11,000	3,260,000	27.3
26 Wisconsin	2,930,000	125,000	36,610,000	21.5
27 Minnesota	2,900,000	128,000	37,070,000	20.6
28 Mississippi	$2,870,000	45,000	$12,910,000	19.8
29 Iowa	2,820,000	79,000	22,300,000	19.1
30 Missouri	2,790,000	141,000	39,360,000	20.8
31 Nebraska	2,780,000	43,000	11,970,000	24.1
32 Rhode Island	2,730,000	33,000	9,020,000	19.2
33 Michigan	2,650,000	255,000	67,600,000	22.1
34 Illinois	2,550,000	309,000	78,940,000	20.5
35 Nevada	2,430,000	19,000	4,610,000	16.9
36 Kentucky	2,330,000	83,000	19,340,000	15.8
37 New Hampshire	2,310,000	26,000	6,010,000	17.0
38 Connecticut	2,300,000	91,000	20,890,000	19.1
39 Maine	2,280,000	29,000	6,620,000	17.0
40 Massachusetts	2,270,000	181,000	41,070,000	19.1
41 West Virginia	2,250,000	45,000	10,120,000	17.6
42 New York	2,160,000	461,000	99,730,000	20.3
43 Pennsylvania	2,160,000	344,000	74,160,000	16.1
44 Vermont	2,080,000	14,000	2,670,000	13.3
45 New Jersey	2,040,000	198,000	40,440,000	16.4
46 Delaware	2,020,000	19,000	3,840,000	18.2
47 Indiana	1,970,000	161,000	31,750,000	13.8
48 Maryland	1,940,000	133,000	25,860,000	20.2
49 Ohio	1,910,000	322,000	61,590,000	16.2
50 Alaska	1,800,000	12,000	2,160,000	15.4
51 Virginia	1,740,000	152,000	26,510,000	18.5
Total	[1] 2,960,000	6,220,000	[2] 1,806,540,000	[3] 23.4

[1] Average per 10,000 vets.
[2] Total GI bill payments, fiscal year 1972.
[3] Average.

Source: "Vietnam-Era Veterans Population and College Participation Rate," Department of Veterans Benefits, Veterans Administration; payments by State, VA work sheet for Office of Management & Budget Report, Federal Outlays Bulletin of November 1973.

G. Federal responsibility

The President's Budget Message for FY 1974 says, "The primary responsibility for most [education and manpower training] activities, *other than those for veterans*, rests with state and local government. (emphasis added)" Yet with the shortcomings in federal funds—not only for the GI Bill, but for the Veterans Cost of Instruction Program, work-study, EEA, OEO and other programs needed by veterans—it is the states that are trying to deal with the gap. State and local governments have had to make up for the differences in today's GI Bill and that of World War II. Where they have not, veterans have been unable to use their opportunities. California, with its extensive public higher education system, has, in effect, created a universal scholarship program for all its citizens. Most states have not. As a result, the veteran who returns to California has a far better chance to effectively utilize GI Bill benefits.

The federal government's programs which have benefited veterans—such as the EEA and the Jobs for Veterans Program—and the National Alliance of Businessmen's veterans program have gone part way in reducing veterans unemployment and in creating opportunities. But with 250,000 veterans still unemployed, the federal government will have to assume a greater share of the burden. Where local veterans projects exist, each must persuade the city to allocate money for those veterans. The veterans themselves are largely unorganized and competing with established interest groups for available funds.

At all three of the hearings, testimony was given by members of the state legislature about proposed or existing cash bonuses for veterans or so-called State GI Bills granting educational benefits as add-ons to the federal GI Bill. A survey of all 50 states revealed an incredible amount of activity in this regard, as the attached chart shows. The total amount of one-shot cash bonuses either passed or pending is more than a billion dollars, while the annual amount of total state education benefits is nearly half a billion dollars. These figures say a great deal about the inadequacy of the present GI Bill; and, while much of this state legislation will probably not become law, it is significant that so many public officials feel it is necessary.

Ohio State Senator Anthony Calabrese put the case of state legislators for federal responsibility when he said, "The State doesn't have adequate resources to solve the (veterans) problem. The federal government alone has the power to declare and wage war; therefore, because the federal government is responsible for this war, it has responsibility for the veterans of this war."

At both the Newark and the Cleveland hearings, the American Servicemen's Union testified in favor of a flat $2500 bonus for all Vietnam-era veterans—a figure representing the minimum average difference between civilian and military pay over the usual two-year military tour of service. The Committee tends to agree more with the testimony of the state legislators at the Cleveland and Seattle hearings, who argued that cash bonuses are an inappropriate way of structuring veterans benefits. Such benefits under the GI Bill are more appropriately related to the pursuit of education and training, and any cash payments should be made only for subsistence while enrolled in school.

Pending State Veterans Benefits. This is a chart showing present and pending Vietnam-era veterans benefit legislation by state. It is limited to either cash bonuses or educational benefits, such as tuition credits. It does not include the multitude of bills affecting POW's, MIA's or survivors and dependents of veterans. It also does not include the low or non-interest loan bills being considered by the states.

The estimated costs of the benefit levels are figured in the following way: Bonus payments are multiplied by the latest VA figures showing numbers of Vietnam-era veterans by state (figures do not include payments some states make to earlier veterans); tuition credit costs are figured by multiplying 75% of the number of veterans using the GI Bill to go to college (75% being the average number of students in state schools) by the average out-of-state tuition rate (as being close to the true cost of education to the state).

States not listed either do not have legislatures in session or do not have identifiable veterans legislation.

Sources: American Legion, VFW and Council of State Governments, May 1973

State and legislation	Status	Provides	Estimated cost (millions)	
			Annual payment	Total payment
Arizona:				
(1) Veteran bonus	Committee	$500 maximum		$30.5
(2) Education benefit	Introduced	$50 cut/semester in tuition	$1.5	
Arkansas: Education benefit	Committee	Free textbooks, full tuition, State schools	6.0	
Colorado: Education benefit	Senate passed	$300 tuition, credit at State schools	4.8	
Connecticut: Veteran bonus	Passed	$300 maximum		27.3
Delaware:				
(1) Veteran bonus	do	do		5.0
(2) Education benefit	Committee	Tuition, all schools	3.5	
Florida: Education benefit	do	Tuition credit	64.8	
Illinois:				
(1) Veteran bonus	Passed	$100		31.0
(2) Education benefit	Committee	Tuition, State schools	61.7	
Indiana: Veteran bonus	Passed	$200 Vietnam veterans		5.0

State and legislation	Status	Provides	Estimated cost (millions)	
			Annual payment	Total payment
Iowa: Veteran bonus	Committee	$500 maximum		28.0
Louisiana: Veteran bonus	Passed	$250		23.5
Massachusetts:				
(1) Veteran bonus	do	$300 maximum		54.3
(2) Education benefit	Pending	Tuition, State schools	$18.2	
Michigan:				
(1) Veteran bonus	Committee	$500 maximum		127.5
(2) Education benefit	do	Tuition, State schools	50.0	
Minnesota: Veteran bonus	do	$300 maximum		63.0
Missouri:				
(1) Veteran bonus	do	$200 maximum		28.2
(2) Education benefit	do	66 percent reduced tuition, State schools		
Montana:				
(1) Veteran bonus	Introduced	$300 maximum		6.6
(2) Education benefit	do	Tuition, State schools	5.8	
New Hampshire: Veteran bonus	Committee	$100 maximum		2.6
New Jersey: Education benefit	Passed House	$500 tuition credit	15.0	
New Mexico: Education benefit	Introduced	Tuition, State schools	3.2	
New York: Education benefit	do	do	84.6	
North Dakota: Veteran bonus	Passed	$600 maximum		9.0
Ohio: Veteran bonus	Conference	$500		225.0
Pennsylvania:				
(1) Education benefit	Introduced	$50 per month supplemental to G.I. bill	25.0	
(2) Veteran bonus	Passed	$750 maximum		256.0
Rhode Island: Veteran bonus	Introduced	$350 maximum		9.9
South Dakota: Veteran bonus	Passed	$500 maximum		7.5
Tennessee: Veteran bonus	Not yet signed	$300 maximum		34.2
Texas: Education benefit	Committee	Tuition, State schools	85.7	
Vermont: Veteran bonus	Passed	$120 maximum		1.7
Washington: Veteran bonus	do	$250		34.0
West Virginia: Veteran bonus	Conference	$400 maximum		40.0
Wisconsin: Education benefit	Committee	Tuition credit, all schools	5.5	
Total bonuses amount (of which 454.3 passed)				1,049.8
Total annual education benefits				448.2

H. The military

The military itself has done far too little in the area of GI readjustment. Many psychiatrists and psychologists contend that no attempt at real readjustment counseling has been made. Given the nature of the war and the public reaction to it, these experts feel that lack of readjustment—and lack of any significant elapsed time between field service and homecoming—are the heart of the veteran problem.

Present veterans outreach efforts, conducted by nearly 30 different national public and private groups and agencies, would have been greatly simplified if the military had conducted a uniform and thorough program of information about, and encouragement to use, the GI Bill.

As it is, some GI's have benefited from demonstration projects, such as Fort Dix's College Discovery. But the vast majority returning from Vietnam have merely been told to be proud of their service and to convert their GI life insurance. They have been released to confront an often hostile public and to deal with a complex system of sporadic and uneven assistance.

Testimony from Fort Dix officials at the Newark hearing and from the Commanding General of Fort Lewis at the Seattle hearing told of commendable pre-release programs at these installations. However, such efforts are not national in scope, and often depend on local unit commanders as to whether GI's can have proper counseling and remedial education available to them—especially on a "release time" basis.

Project Transition received roughly $17,000,000 a year in Labor Department funding for several years, and additional Department of Defense support, but each base commander had the option as to how deeply to get involved in Project Transition. However, the veteran coming back directly from Vietnam was in many cases discharged directly, without ever getting the chance to take advantage of a transition program. He was briefed at his point of discharge, which was often in California. This briefing was limited and usually given to a man whose attention was focused on his return to his family and loved ones. If the Army would begin to treat the veteran, from his first day, as someone whose future it was concerned with, the morale problem might be greatly improved, and the ability of the veteran to find post-service opportunities might also be substantially enhanced.

I. Discharges

The present system of awarding less-than-honorable discharges by administrative proceedings can be unfair in its application and can result and has resulted in unwarranted hardships. Testimony at the Cleveland hearing both by the co-author of the Nader Report on the Vietnam Veteran, a former Marine Corps lawyer, and by recipients of such discharges, gave ample indication of the problem. Congressman Louis Stokes also testified about many constituents who have been unduly penalized.

However, it appears that agreement of the type and means of reform will require much more investigation and research. Meanwhile, the results of the present system must be dealt with. The VA, as well as present military boards of review, have authority to deal with such cases, but have a record of delay, complexity and a demonstrated lack of leniency and understanding.

The VA, while it has a limited right to grant educational benefits to certain recipients of less-than-honorable discharges, has a 93% rejection rate of such applications. Given the hardship this imposes on the veterans involved—most of whom share common economic and social backgrounds—this seems shortsighted and harsh. Since a less-than-honorable discharge already imposes employment restrictions on the recipient, to deny him a chance for needed education shuts him completely off from society and from any means of readjustment and rehabilitation.

The process for discharge review is complex, costly and to a large extent unrewarding. The American Legion and American Red Cross (as well as other groups) provide valuable assistance for some veterans in this regard. However, the successes are limited, and many veterans are precluded from pursuing the matter if only because of the cost of travel involved.

If the problems of alienation, peer involvement and readjustment are to be met, it seems logical that veterans who are precluded from using the GI Bill must be given assistance and understanding. Otherwise, charges of discrimination, undue hardship and harassment will continue. The most outspoken and emotional parts of the public hearings concerned this one issue, indicating the need for more sensitivity on the part of the benefits system.

PART II—RECOMMENDATIONS

A. GI Bill

If today's GI Bill is going to be truly adequate for Vietnam-era veterans, the experience of these hearings is that major changes must be made in the present GI Bill. As the President of the University of Washington put it, "Though the benefits are intended to be equally available, they are not equally accessible to all veterans."

Therefore, today's GI Bill must do two things:

(1) It must make a reasonable tuition payment, so that more veterans can further their education without regard to state differences in education costs; and

(2) It must provide a subsistence allowance equivalent (in terms of buying power) to that which was available to World War II veterans.

As presently constituted, the GI Bill is not equally available to veterans of differing economic means. This has implications that disturb many Vietnam-era veterans, college administrators and public officials. Further, the structure of the GI Bill limits its use by veterans in many states. Merely raising the present benefits will not attack the major problem—the GI Bill must be made more usable by more veterans, especially those who most need its education and training benefits. Only in this way will the GI Bill give those who were called to military service the same chance for advancement enjoyed by those who stayed home. If the GI Bill really represents this country's gratitude toward those who sacrificed their best time and efforts in behalf of their country in a difficult war and in a difficult time, then it must be uniformly available to all who want or need it.

Therefore, the educational benefits under the GI Bill must be made part of an assistance package to the veteran—a package which includes: a reasonable tuition payment which does not limit the veteran in applying to the school of his choice; a subsistence payment equivalent to that given the World War II veteran; loans; a part-time job for those who need it; counseling; and whatever remedial measures are necessary to enable the veteran to get full usage out of the GI Bill.

How can this be done? First, each veteran eligible for educational benefits should be given a voucher which constitutes at least 80% of tuition costs at institutions of higher learning of his choice. Both the VA and the educational institutions should work together on this system, so that the veteran is least impaired by paperwork, financial complexities, computer delays and timetables for payment.

This Committee initially recommended a tuition payment which would represent the average non-resident tuition at public colleges ($1200). However, as was pointed out at the Seattle hearing, college charges are such that such a strict payment formula would not allow veterans to enroll in many nearby private colleges that might exactly suit their needs. Also, it would disadvantage those veterans presently enrolled in low-tuition community colleges. An initial recommendation would have limited them to a subsistence allowance of $150 per month, which is less than they are presently getting.

To be a fair equivalent of the World War II GI Bill, close to full tuition at private colleges must be paid. College tuitions at private colleges have increased, on the average, five times from what they were in 1948—far exceeding the cost of living increase since that time.

Testimony by two college presidents at the Seattle hearing dwelt on the fact that the present GI Bill represents "a tilt toward public colleges," and that this is neither wise nor fair. Dr. Odegaard, President of the University of Washington, pointed out that some 30 states assist private colleges, while others do not, and that if a GI Bill is going to be "equally accessible," it will have to pay tuition and fees at both public and private colleges. The 80% maximum is consistent with the principle that the veteran make a significant contribution to his own education.

Besides the World War II system, a precedent of direct tuition payment is within the present GI Bill. Full tuition for disabled veterans is paid through the GI Bill. Adequate safeguards have been devised to protect the government against abuse when tuition is paid for the disabled veteran. These safeguards could easily be carried over to the regular veteran students.

The second element in restructuring the GI Bill is to contain a direct subsistence payment to the enrolled veteran. This figure should be the present $220-a-month base payment. This amount is the equivalent of the World War II GI Bill subsistence payment, in that the $75 a month paid then was 35.4% of the average monthly earnings reported by the Department of Labor. The latest average monthly earnings figure is $617, and an equivalent 35.4% of that is $220. Married veterans' payments are out of line with the corresponding World War II percentages, however, and payments for married veterans with two or more dependents especially should be brought into line.

Several witnesses at the hearings recommended a straight cost-of-living increase be applied to the World War II $75-a-month subsistence payment—yielding a base payment of about $150 a month. However, the percentage applied to the average monthly earnings figure more closely approximates the buying power available to veterans of World War II—especially when consideration is taken of the fact that the earlier bill covered cost of books and that colleges then made available low-cost veteran housing, frequently government surplus.

These two changes—the 80% tuition voucher and the base $220-a-month subsistence payment—would wipe out the disparities that exist in the usage of the present GI Bill. They would also enable veterans to consider enrolling in private colleges—something they are economically precluded from doing now. The following chart reflects this situation in comparison to that of the World War II era:

	1947-48			1971-72		
	Enrollment	Veterans	Percent veterans	Enrollment	Veterans	Percent veterans
Sample private college veteran enrollment:						
Harvard University	5,600	3,326	59	6,073	89	1.5
Holy Cross University	1,079	939	87	2,379	13	.5
New York University	26,438	14,359	54	10,932	463	4.2
Northwestern University	21,128	9,941	47	9,372	90	1.0
Notre Dame University	4,200	3,587	85	6,439	108	1.7
Pepperdine University	4,431	2,299	52	4,641	639	13.8
St. Olaf	1,660	564	34	2,650	5	.2
Stanford University	15,800	7,011	44	18,000	291	1.6
Whittier College	1,249	507	41	1,815	66	3.6
Xavier University	3,163	1,715	54	2,918	175	6.0
Yale University	5,676	3,365	59	4,739	37	.8

	1948-49			1972-73		
	Enrollment	Veterans	Percent veterans	Enrollment	Veterans	Percent veterans
Sample public college veteran enrollment:						
University of California	43,469	18,948	44	148,813	9,635	6.5
Ohio State University	23,929	12,146	51	49,943	3,516	7.0
Pennsylvania State University	12,410	5,496	44	52,360	4,364	8.3
Purdue University	13,674	7,623	56	27,492	1,256	4.6
Rutgers University	9,088	4,290	47	38,060	3,729	9.8
University of Illinois System	25,920	11,880	46	57,536	4,427	7.7
University of Wisconsin	22,353	10,808	48	135,921	12,342	9.1

A further recommendation is to relax the present eight-year time limit for GI Bill eligibility. It was felt that this unnecessarily puts the veteran under the gun to take courses that will enable him to get through college as quickly as possible—without proper regard to field of study and relevant courses. If a veteran is going to college half-time, he literally must begin the day he is separated to complete his studies before his benefits run out. This seems an unwarranted restriction. It also prevents veterans from using, today, a program that, when enacted in 1966 at $100 a month, offered benefits $10 less a month than the Korean War GI Bill offered. The 1972 amendments gave veterans in many states, for the first time, a level of GI Bill benefits that was feasible for them to begin to use, even though these benefits remained far below those of World War II in terms of buying power. Indeed, the 1972 amendments passed by the Congress and signed by President Nixon enabled the veteran to come closer to parity with World War II benefits than he had ever been before.

A similar easing of the 36-month entitlement period—extending it to 48 months—is also recommended. This gives the veteran needed flexibility in changing courses, upgrading job skills and other aspects of education and training.

It is estimated that there would be a major increase in public dollar expenditures for veterans' education by such changes in the GI Bill. However, the GI Bill is a unique investment in individuals. It is proven; indeed, many think our post-war prosperity rests on the trained manpower that resulted from the $19 billion expenditure on the World War II and Korean War GI Bills. Some savings might be realized in the many federal, state and local programs which are now tapped by veterans because of present low GI Bill benefits. These range from welfare to food stamps, to social security benefits, to unemployment compensation, to education grants and loans, to other programs which have been funded to help veterans take advantage of the GI Bill. If benefits were adequate, veterans would not so often have to seek and use funds from these other social programs.

Secondly, a survey of activity in the 50 state legislatures reveals that more than a billion dollars is currently either pending or available in Vietnam-era veterans' cash bonuses, and nearly $500 million in *annual* educational benefits costs is pending for veterans. This substantial fiscal activity is only planned because of the inadequacies of the federal GI Bill. Much of it will probably not become law, because of the unpopularity of the war, although earlier veterans received significant benefits in this fashion. The President's FY 1974 Budget Message stated that the federal government has primary responsibility for veterans' benefits and programs. Therefore, veterans should not be subject to the kind of disparities such non-uniform state efforts engender. Educational opportunity should be equally available for equally rendered national service.

More important than any fiscal impact of such GI Bill benefits changes is the effect of producing a fairer and more usable system of educational assistance.

Veterans who testified at the hearings resented the fact that they are compelled to act as charity cases in order to take advantage of the GI Bill. As veteran Walter Copeland said at the Newark hearing, "The legend is the Army builds men . . . what kind of man has to walk around begging people to help him?" Another veteran complained that the state of New Jersey houses its veterans affairs agency in the department that deals primarily with prisoners, mental patients, orphans and the handicapped—thereby confirming how the veteran is categorically viewed by the government. Vets at the Cleveland and Seattle hearings also complained of the complexities and the demeaning task of seeking aid from welfare, unemployment compensation, food stamps and other programs which were not primarily designed for use by veterans attempting to use their GI Bill benefits.

At the Cleveland hearing, Mr. Bernard B. Direnfeld, past National Commander of the Jewish War Veterans, testified, "The GI Bill for Vietnam veterans . . . as pertains to education . . . is grossly inadequate, and substantially less than the World War II veteran received. . . . It is my hope that Congress will be realistic in according today's returnees an allowance for living expenses and tuition that is in line with today's prices and requirements."

In a statement submitted to the hearing by student veterans from campus clubs associated with the National Association of Collegiate Veterans, the indictment of today's GI Bill was precise and characteristic of the bulk of veteran testimony:

"It is a tragic fact that the Vietnam-era GI, unlike his World War II counterpart, is almost totally at the mercy of factors out of his control—income; geography; higher education's finances—in utilizing today's very different GI Bill. The individual's motivation, initiative and need regrettably play a minor role. While many veterans are able to use it, others with equal service and equal qualifications cannot.

"The degree of educational opportunity available to today's veteran unfortunately depends on such things as what state he lives in; what city he lives in; the local unemployment rate; the extent of commitment of local and state leaders; the quality and structure of the educational system available to him; his economic and social background; the public attitude towards the war; and whether his area has been selected as the site for a limited number of federal demonstration assistance efforts."

B. Employment

Employment opportunities for veterans are a total necessity. In areas of high unemployment, the federal government should be the funding source, through public employment programs.

Given both the educational and economic background of the veterans who do not use their GI Bill benefits, a part-time job (at the very least) is their main concern, if they are to use the GI Bill. It has been demonstrated by many veterans at the hearings that the lack of such jobs, combined with the complexities of securing benefits and their unfamiliarity with higher education admissions procedures, has produced college enrollment rates among veterans that are way below reasonable expectations.

It is obvious to this Committee that a substantial work ingredient is an essential part of making the GI Bill more available and more usable to more Vietnam-era veterans.

Jobs for GI Bill-enrolled veterans should be a national priority. Even with the GI Bill changes recommended above, enrolled veterans will need *and should have* the necessary jobs to enable them to meet the high costs of furthering their education. *The veterans' needs must be viewed as a package.*

Under its present structure, the GI Bill largely precludes the poorer veterans from its benefits. The Bill must be changed so that all veterans have an equal opportunity to further their education by using its benefits. With the disproportionately high unemployment rates among veterans in the key 20–24 year age group, and the general paucity of adequate part-time jobs in most cities, this means that the government will have to take the lead.

At the Newark hearing, Mr. Benito Guzman, a Vietnam veteran who has worked with Spanish-speaking veterans, testified that he knew of several vets who became so frustrated in trying to find work to enable them to go to school that they gave up and reenlisted in the Army. Veteran John Moss, at the Cleveland hearing, told how he was forced to drop out of college because he couldn't earn enough to meet costs, even with the GI Bill *and* a part-time job. Similarly, veteran Larry Parker, at the Cleveland hearing, said, "Either I can take care of my wife and son, or I can go to school—not both. Why should I have to make such a choice?"

After World War II, veterans studying under the GI Bill worked, depending on their economic circumstances, in a wide variety of part-time jobs. The jobs were there. Today the jobs are too often not there, and with more veterans in the low income category, the jobs are needed now more than ever.

There are five specific steps that can be taken to assure that GI Bill-enrolled veterans can have jobs available to them:

1. A public employment program should be continued and fully funded. Percentages of these public employment jobs suggested for Vietnam-era veterans should reflect the employment needs of veterans in each locality.

The Emergency Employment Act, in those cities, counties and states where it has been used to give jobs to veterans, has had two extremely valuable applications. First, because these jobs have been on a one-year basis, they have had natural application to veterans enrolled in school and college. This has been especially true where the job has been "split," so that two veterans share it—freeing each for full-time study.

Second, the EEA jobs have been used to hire veterans to recruit and counsel other veterans to use their GI Bill benefits. This type of peer outreach has been of key importance in dealing with the Vietnam-era veteran who generally feels that the system doesn't relate to him.

This precise point was made strongly by educator Dr. Murray Polner and Army psychiatrist Dr. Gordon Livingstone at the Newark hearing. Also, the VETS projects themselves in 10 cities (as well as similar outreach efforts) have had great success with this approach. Where the VA, employment service and American Legion have participated in the training of these peer recruiters and counselors, results have been even more substantial.

2. Not only EEA jobs, but also federal employment opportunities, should be made available to GI Bill-enrolled vets on a split-job basis.

At the Newark hearing, Co-Chairman Conte mentioned the President's Memorandum to Executive Agencies and Departments, urging the hiring of veterans and the use of this split-jobs-for-veterans approach. In subsequent follow-up with the Civil Service Commission and other government agencies, requested by veterans at the Newark hearing, it appeared that the split-job initiative had not produced substantial results.

Available federal jobs must be set aside and designated as available on a split-job basis for veterans enrolled under the GI Bill, in order to ensure results.

3. The college work-study program and the VA work-study provision of the GI Bill Amendments of 1972 should be adequately funded and expanded to meet the employment needs of GI Bill-enrolled veterans. In addition, the new Work-Study for Community Service Learning Program, contained in the Higher Education Act of 1972, should be funded. These programs should be fully coordinated with the GI Bill so that the question of whether a veteran can afford to use his educational benefits becomes moot. A job for those who need it should be part of his GI Bill benefits package. Federal work-study funds should be made available in sufficient quantities to areas with high unemployment rates for the key veteran age group, perhaps through a separate GI Bill program.

The college work-study program, many veterans testified, is largely unavailable to them, since qualification for it is based on income, and colleges consider GI Bill benefits as income. One veteran complained that if the GI Bill benefits weren't considered as income for tax purposes, why should they be considered as income in the awarding of work-study jobs? He concluded that such a determination was just a bureaucratic way of limiting funds for the purpose. Veterans Cost of Instruction funds provide a significant source of jobs for student veterans, and it is urged that colleges use all these funds, rather than just the 50% required by statute to aid veterans.

4. All efforts should be made to provide for the transferability on military training and skills to civilian use for full credit and qualification. There is no reason, for instance, why military driving licenses, and especially heavy equipment operators' permits, should not be acceptable and certifiable by the states. The Department of Labor should work with labor unions to see that military skills with civilian utility receive full recognition.

5. The President's Jobs for Veterans program, an interagency task force, has done a commendable job with a small staff and limited funds. Its advertising campaigns have brought an awareness to the public and to employers, and have probably contributed to the success that the National Alliances of Businessmen has had in placing several hundred thousand veterans in job opportunities. JFV should be allowed to continue its efforts among employers and communities as to the need to hire the vet. Job fairs should be expanded to include counseling and information on benefits and educational opportunities, so that the GI Bill-enrolled vet can have easy access to available jobs.

C. Discharges

As long as the present system of awarding less-than-honorable discharges through administrative (non-court martial) proceedings affects veterans, review, upgrading and benefits awards methods should be reformed. Discharge review should be available in each of the 10 federal regions, and should be by boards made up of not just military and VA personnel, but also Vietnam veterans' representatives, local leaders and service organizations. In addition, the VA must be more lenient in administratively granting educational benefits to recipients of less-than-honorable discharges.

The practice of coding DD–214 separation papers so that employers know whether a veteran is reenlistable (due to drug use or other reasons) should be stopped. Such a red flag, representing a judgment that may be arbitrary or questionable (or related to a situation since corrected), is merely a further stigma to a veteran seeking employment. The reenlistment code was not intended for use by employers as a means of judging an applicant's qualifications, but that is what is happening.

Congressman Louis Stokes and Raymond Bonner, a former Marine captain and a lawyer with considerable experience with veterans who have less-than-honorable discharges, both testified in Cleveland as to the ills of the present system. They added considerable weight to the testimony of several veterans who have suffered under the stigma of such discharges.

Veterans' testimony in Cleveland confirmed that even with the notable help of the American Legion and the American Red Cross, upgrading of discharges is virtually impossible—the more so because review takes place only in Washington, D.C., before a board representing only the military.

The cries of anguish from veterans with less-than-honorable discharges who try to get a job or education were shrill. One veteran at the Cleveland hearing said the system was driving these veterans to violence and crime. "He doesn't want to do this," he said. "It's what you are forcing him to do."

The appropriate Congressional committees would make a large contribution by undertaking an intensive review of the processes used for granting less-than-fully-honorable discharges during the Vietnam War. Recommendations for the reform of those discharges deserving of it and for a system to aid veterans who might otherwise fall into a vicious circle of problems would also be evaluated.

D. Communication

To ensure that no veteran neglects his benefits and rights merely because of poor communication, the federal government should fully fund an effort to reach and convince veterans to use the GI Bill—using the best marketing, advertising and communications techniques, like those employed in the campaign to recruit volunteers for the Armed Services. These tools of communication should be available not only for VA and employment service use, but for the coordinated use of all the nearly 30 private groups and agencies involved with veteran outreach and counseling across the country.

Where necessary, explanatory materials should be printed in Spanish or otherwise adapted, so that benefits are clear and easily utilized.

Mr. George Sapin, a vice president of the advertising firm of Meldrum & Fewsmith, testified at the Cleveland hearing (as a professional communicator) that the government's effort to reach and inform returning GI's of their rights and benefits had the appearance of "non-communication." He suggested that if the same kind of expertise went into an effort for veterans as presently goes into the drive to recruit volunteers for the Armed Forces, many more veterans would at least try to use the GI Bill.

The complexities and bureaucrats-ese embedded in the whole system of veterans assistance (from the VA to employment service to other government efforts) were cited repeatedly by veterans at the hearings. Veteran Larry Parker, at the Cleveland hearing, as well as veteran Bob Penn, who sat as a panelist, cited the callous, bureaucratic treatment veterans receive. They suggested that the speedy, personalized, no-expense-spared treatment accorded men entering the service is typical of how the government feels about them—"Get us in, do the job and then forget us."

Mr. Raul Vega, testifying at the Cleveland hearing, said the problem of non-communication is much more severe for Spanish-speaking veterans. The Senate Veterans Affairs Committee Report reported testimony that only one Puerto Rican veteran was working as a VA counselor in New York City

It is apparent that much of the effort to inform veterans of benefits and procedures is through direct mail—a project largely ignored and discounted by today's veteran. One veteran at the Newark hearing told of receiving 45 separate pieces of such mail—benefits information, form welcome home letters from organizations, sales pitches and the like.

Shortly after the Cleveland hearing, the United Press carried a story on the reaction of Ohio veterans to direct mail:

"DISCHARGED VETERANS LEAVE CHECKS UNCASHED

"Columbus, Ohio, April 11.—An Air National Guardsman mailed $1 checks to 50 recently discharged servicemen last month. So far only one check has been cashed.

"M. Sgt. Charles Dowdy said he sent the checks out of personal curiosity to find out if men fresh out of the service read their mail. The envelopes also contained recruiting information and personal letters. Dowdy said yesterday one check has been cashed, two were sent back because of changed addresses and one was returned with a "No thanks."

"He believes the other 46 were thrown away as junk mail."

The complex legal jargon used in pamphlets and brochures is further proof to many veterans that the system cannot and will not relate to them. Changing that jargon and widely distributing information through television and radio would be a distinct signal to the veteran.

E. In-service programs

The military should make a special effort for those 350,000 to 400,000 men who will continue to be released annually. Readjustment programs and pre-release remedial education efforts should be expanded and made uniformly available. Unit commanders should be required to allow participating GI's to utilize such programs during duty hours. Every effort should be made to provide for and encourage GI Bill enrollment before separation.

Testimony was given at the Newark hearing by officials and GI's involved in Fort Dix's College Discovery program. This project, a PREP program funded through the 1970 GI Bill Amendments, is an excellent and effective attempt to offer and deliver college preparatory instruction to GI's.

The main ingredient in such programs is release time from military duties to attend remedial courses. Several veterans testified that their unit commanders would not grant this, while others received it. This is a local commander option. It illustrates the necessity that in-service education be stressed by the Department of Defense, so that local commanders will encourage their men to use the opportunities.

It makes good sense to have released GI's be "satisfied products," especially if the Armed Services are going to depend exclusively on enlistments. Efforts to help the educationally disadvantaged should be made while the GI is still in the service. Similarly, programs to help him readjust and use his benefits should be directed at the pre-released GI, and coordinated with local institutions of higher education. The varied program in effect at Fort Lewis, described by Major General Fulton at the Seattle hearing, could serve as a model for many bases.

F. Veterans Administration

A review commission, similar to that appointed after World War II, should be established to study and recommend reform of veterans benefits and benefits procedures. Congressman Peter Rodino, Chairman of the House Judiciary Committee, stated at the Newark hearing:

"It is time to call for a new national Commission on Veterans Affairs to conduct a careful examination of the kind of treatment our veterans can reasonably expect from this society and how we are delivering on that expectation. My colleague, Congressman Joseph Minish, and I recommend that such a commission be established by the Congress, with carefully balanced representation from major segments of the society, and not simply the education community and business who were the only groups represented in President Eisenhower's Commission. We recommend that such a Commission have substantial representation from traditional veterans service organizations, representatives of all major groups of veterans, including Vietnam-era veterans, as well as the education, business and the religious communities. The Commission would consider all aspects of benefits, reemployment rights, pensions and compensations. It would examine the $12 billion budget of the Veterans Administration, as well as the substantial funds expended by other Federal and state agencies for services and evaluate the quality of support and service that those Federal dollars bring to today's veterans."

Many other witnesses—veterans, academic leaders and others—endorsed this proposal and urged that it be enacted immediately, so that any results could be of timely help to today's veterans.

G. Support programs

In addition to the work-study programs previously mentioned, there are a number of other programs which, if fully funded, could measurably improve educational opportunities for Vietnam-era veterans. Chief among these is the Veterans Cost of Instruction Provision of the Higher Education Act of 1972.

This provision authorizes a $300 payment per enrolled veteran to educational institutions showing a 10% increase in veterans for the purpose of conducting outreach and remedial education. After a prolonged Congressional struggle, and legal action brought by the National Association of Collegiate Veterans, $25 million in appropriated funds was finally obligated. However, due to the low funding level, a payment of only $55 per veteran was actually made. If this program is really going to give incentives to higher education institutions to seek out the veteran and help him further his education, the full authorized funding will be needed.

The rationale behind the Veterans Cost of Instruction program, as originally enacted, was to provide colleges and junior colleges with federal funds to undertake efforts on behalf of the Vietnam-era veteran. Unlike under the World War II GI Bill, whereby money passed through the hands of the colleges, no more than a $4.00 payment is made directly to the colleges through the GI Bill. With the funds, which, in the case of public colleges, covered the equivalent of out-of-state tuition rates for in-state veterans, colleges and junior colleges were able to develop administrative structures to deal with the problems of the World War II veteran. Although there was a change-over to a direct tuition payment to the veteran under the Korean War GI Bill, those administrative structures remained in place throughout the Korean era—but went out of existence in the period subsequent thereto. The Veterans Cost of Instruction funds would give colleges which increase their enrollment of veterans the direct funding needed to undertake veterans outreach and counseling programs and offer special courses.

The point was made at the Seattle hearing that schools with large enrollments of veterans may be unable to meet the 10% increase requirement, because of past activities which have been successful, and because of the dropoff in the numbers of veterans. The Committee would suggest that a longer base period be considered in determining eligibility under the increase requirement, and that the dropoff in the numbers of veterans be recognized.

As noted in the findings, the Committee recognizes the value of the Upward Bound for Veterans projects now operating at 67 colleges. This most worthwhile program, which is being continued, should be expanded, for while many veterans benefit from its counseling and remedial education, many more do not—just because a college in their area may not have received such funds. Between this program and the Veterans Cost of Instruction Provision, such efforts should reach *all* veterans.

As one young veteran, who is in college because of such a program, testified at Seattle, "Every veteran should have the same opportunity."

Another key support program can be Veterans Administration funding of non-federal agencies to aid veterans through contracts. The Senate Veterans Affairs Committee Report of July 1972 recognized the need for such outreach activities, but there has been no significant support of such agencies by the Veterans Administration. There are nearly 30 national groups and agencies (both public and private) conducting veterans outreach, counseling and assistance programs. Given the fact that the workload of the VA is increasing concurrent with administrative funds and personnel cuts, such outside activity is essential.

In Seattle, for instance, the regional office of the VA reported a 10% increase in benefits workload and an 8% reduction in personnel. Agencies such as SeaVac perform a function that would be impossible for the VA itself within existing funding. Such groups now funded by OEO, the Department of Labor, HEW and many private foundations should be supported and coordinated by the VA. Third-party contracts are the best way to do this.

All these support-type programs are part of the total package that must be available and fully funded at the federal level if today's veterans are to really receive the intended benefits of the GI Bill.

CONCLUSION

This public hearing process, which produced this report, brought forward much new information on the problems of the Vietnam veteran. Obviously, much has been done on his behalf, and those efforts should not be underestimated. But there remains much more to do. The personal testimony taken at the hearings clearly pointed up the gap between present education and job opportunities and those available to veterans of World War II. This gap merely serves to reinforce the belief of today's veteran that he fought an unpopular war and must deal with public apathy about his future.

The trend to merely increase the GI Bill benefits in stages has not dealt with the basic problem that many veterans simply cannot afford to use the GI Bill.

The federal government and the Congress must show decisive leadership in rectifying the situation and in supporting and encouraging state and local efforts to make benefits and opportunities equally available to all veterans. The fact that the United States' involvement in the Vietnam conflict has ended should not make this effort any less necessary or pressing.

PUBLIC HEARING ON THE PROBLEMS OF VIETNAM-ERA VETERANS, NEWARK, N.J., OCTOBER 25, 1972

Panel:

Mayor Kenneth A. Gibson.

U.S. Representative Silvio O. Conte (R.-Mass.).

U.S. Representative Henry Helstoski (D.-N.J.).

Msgr. Thomas Fahy, President, Seton Hall University.

Mr. Mark Hanson, National Council of Churches.

Mr. Joel Jacobson, United Auto Workers, Region 9.

Mr. Austin Kerby, National Headquarters, American Legion.

Mr. Robert Penn, Vietnam veteran; Commissioner of Parks, Buffalo, New York.

Mr. Robert Kleinert, President, N.J. Bell Telephone Co.

Dr. Nathan Weiss, President, Newark State College.

Mr. Angel Rodriguez, Newark VETS Project Director.

Witnesses (in order of appearance):

**U.S. Senator Clifford P. Case (R.-N.J.).

**U.S. Representative Joseph G. Minnish (D.-N.J.).

**Rev. Philip E. Kunz, N.J. Council of Churches.

Dr. Murray Polner, author of "No Victory Parades."

*Mr. Walter Myer, Vietnam-era veteran.

Mr. Benito Guzman, Vietnam-era veteran.

Mr. Walter Copeland, Vietnam-era veteran.

Mr. Jack McMahon, Vietnam-era veteran.

*N.J. Assemblyman William H. Hamilton, Jr., Middlesex County.

Dr. James Smith, clinical psychologist, N.Y.C.

Dr. Gordon Livingston, psychiatrist, Columbia, Md.

Mr. Otilio Mighty, N.Y.C. Urban League.

*U.S. Representative Peter Rodino (D.-N.J.).

Mr. Alan Leder, Vietnam-era veteran.

Mr. Emilio Mola, Vietnam-era veteran.

Mr. James Pizzaro, Vietnam-era veteran.

Mr. Neil Clarke, Vietnam-era veteran.

Mr. Thomas Giddings, Project College Discovery, Ft. Dix.

Ms. Barbara Barnes, Project College Discovery, Ft. Dix.

Sp3 Dan Keyes, Ft. Dix, N.J.

PFC Jose Nieves, Ft. Dix, N.J.

Sp3 Thomas Tharpe, Ft. Dix, N.J.

Mr. George G. King, Montclair State College.

Mr. Cody Barrett, N.J. State Employment Service.

Mr. Ralph Geller, N.J. State Employment Service.

Mr. Frank Donovan, Vietnam-era veteran.

Mr. Ken O'Brien, Vietnam-era veteran.

Mr. Kenneth C. McCarthy, disabled veteran.

Mr. John Hagan, Director, VA Regional Office, Newark.

Mr. Hakim Abdullah, American Servicemens Union.

Mr. Raul Morales, American Servicemens Union.

*Mr. William Vincenti, Rutgers Newark.

Mr. John Rowan, Vietnam Veterans Against the War.

Mr. Skip Delano, Vietnam Veterans Against the War.

Mr. Robert Sniffen, National Association of Collegiate Veterans.

Mr. Fabio Frank, Vietnam Veterans Against the War.

FOOTNOTES

*Also submitted written statement.

**Submitted written statement only.

PUBLIC HEARING ON THE PROBLEMS OF VIETNAM-ERA VETERANS, CLEVELAND, OHIO, MARCH 9, 1973

Panel:

Mayor Ralph J. Perk.

U. S. Representative Silvio O. Conte (R.-Mass.).

Mr. Austin Kerby, National Headquarters, American Legion.

Mr. Robert Penn, Vietnam veteran; Commissioner of Parks, Buffalo, New York.

Mr. Lester W. Dettman, Regional Vice President, General Electric.

Mr. John Rosel, Cleveland Federation of Labor.

Mr. James Gillam, Cleveland VETS Project Director.

Witnesses:

**U. S. Senator Robert A. Taft (R.-Ohio).

**U. S. Senator William Saxbe (R.-Ohio).

**U. S. Representative Charles Vanik (D.-Ohio).

Professor Neil Armstrong, former astronaut.

*U. S. Representative William Minshall (R.-Ohio).

U. S. Representative William Keating (R.-Ohio).

*U. S. Representative Louis Stokes (D.-Ohio).

Mr. Greg Penn, Vietnam veteran.

Mr. James Vocaire, Vietnam veteran.

Mr. Robert Swift, Vietnam veteran.

Mr. William Cade, World War II veteran.

U. S. Representative James Stanton (D.-Ohio).

Mr. Larry Holmes, American Servicemens Union.

Mr. Welton Chappell, Vietnam veteran.

Mr. Thrice Polk, Vietnam veteran.

Mr. Donald Clayton, Vietnam veteran.

Mr. John Moss, Vietnam veteran.

Mr. Paul Schumacher, Vietnam veteran.

Mr. Ron Johnson, Vietnam veteran.

Mr. Bill Schumacher, Vietnam veteran.

Mr. Billy Jones, Vietnam veteran.

Ms. Nicolette McClure, veteran.

Ms. Hunter, mother of Vietnam veteran.

*Capt. Ray Bonner, Vietnam veteran.

State Senator Anthony Calabrese.

Mr. Chester Koch, Ohio VFW.

Mr. Roger Munson, Ohio American Legion.

*Mr. Bernard Direnfeld, former National Commander, Jewish War Veterans.

Mr. Freddie Williams, Greater Cleveland Veterans Council.

Mr. Harry Lee, AmVets.

*Mr. George Traicoff, Dean of Community Services, Cuyahoga Community College.

Mr. Samuel Carrington, Director, Project Search.

Mr. Paul Taylor, veterans counselor.

Mr. Larry Parker, Vietnam veteran.

Mr. Raul Vega, veteran.

Mr. George Sapin, Vice President, Meldrum & Fewsmith.

Mr. Arthur Haffner, Vietnam veteran.

Mr. Jim Carlton, Vietnam veteran.

Mr. Michael Carmody, Vietnam veteran.

Mr. Raymond Hammond, Vietnam veteran.

*Mr. John Belliveau, President, Ohio Private Employment Services Association.

Mr. Ray Barnett, Manager, Manpower, Inc.

Mr. Robert Jones, Ohio Bureau of Employment Security.

Mr. Jack Faught, Production Manager, Standard Pressed Steel Corporation.

Mr. Robert Johnson, Vietnam veteran.

Mr. Clint Nelson, Vietnam veteran.

*Dr. John Corfias, President, Dyke College.

Mr. Kenneth Sislak, Vietnam veteran.

Mr. Ronald Chandler, Vietnam veteran.

Mr. John J. Pokorny, American Red Cross.

**Mr. Julius P. Scipione, President, Cleve-Tech Machine & Tool Company.

**Mr. John Rosel, Cleveland Federation of Labor.

**Mrs. Dorothea Brown, Director, Extended Learning Program.

**Mr. John Grady, Vietnam-era veteran and faculty member, Pennsylvania State University.

FOOTNOTES

*Also submitted written statement.

**Submitted written statement only.

PUBLIC HEARING ON THE PROBLEMS OF VIETNAM-ERA VETERANS, SEATTLE, WASH., MAY 18, 1973

Panel:

Mayor Wes Uhlman.

U.S. Representative Silvio O. Conte (R-Mass.).

Mr. Austin Kerby, National Headquarters, American Legion.

Mr. Robert Penn, Vietnam veteran; Commissioner of Parks, Buffalo, New York.

Rev. William B. Cate, President, Church Council of Greater Seattle.

State Senator Booth Gardner.

Mr. Robert Hill, Project Director, VETS.

Mr. Stuart Feldman, Program Coordinator, VETS.

Ms. Jeanette Williams, Seattle City Council.

Witnesses (in order of appearance):

*U.S. Senator Warren G. Magnuson.

*U.S. Senator Henry M. Jackson.

*U.S. Representative Brock Adams.

Dr. Charles Odegaard, President, University of Washington.

Dr. Nolen Ellison, President, Seattle Central Community College.

Mr. Jose Garcia, Director, Sea-Vac.

Mr. William Phillips, Director, VA regional office.

Mr. John Rabel, State Representative.

Mr. Les Blevins, Vietnam-era veteran.

Mrs. Santiago Juarez, Vietnam-era veteran.

Mr. Edgar Bentley, Vietnam-era veteran.

Mr. Phillip Meyerson, Vietnam-era veteran.

Mr. Ralph Munro, Special Assistant to the Governor.

Mr. Ernest LaPalm, Assistant Commissioner, Employment Service.

Mr. Peter Jamero, Assistant Secretary, Department of Social and Health Services.

Mr. Gregory Barlow, Director, Special Projects, Community College Education.

Mr. J. B. McKremmin, State Office of Economic Opportunity.

Maj. Gen. Howard McGee, Adjustant General, Washington National Guard.

Maj. Gen. William Fulton, C. G. 9th Division & Ft. Lewis.

Ms. Mary Garvey, Vietnam-era veteran.

Mr. James Sanders, Vietnam-era veteran.

Mr. Richard Moore, Vietnam-era veteran.

Mr. Dale Bott, Vietnam-era veteran.

Mr. Tom Davis, Vietnam Veterans Against the War.

Mr. Wellington Rupp, United Veterans Organizations.

Mr. Dwight Long, Chairman, Executive Committee, Washington State Veterans Coalition.

Mr. Tom Levanto, Vietnam-era veteran.

Mr. Jon Lantz, Vietnam-era veteran.

Mr. Michael Rooney, Vietnam-era veteran.

Mr. Paul Richards, Vietnam-era veteran.

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*Submitted statements.

APPENDIX A

A summary comparison of World War II and today's GI Bills follows, with an evaluation of the impact those differences make:

World War II

GI Bill paid for all tuition, books and fees (effectively) at any public or private college or technical school.

Today

No direct tuition payment to schools—a flat $220 a month to the vet. Education costs at many colleges are five times greater than in 1948.

World War II

A separate monthly subsistence allowance of $75—35% of average monthly earnings. Available cheap quonset hut housing.

Today

Cost of living doubled. Vet must cover it, *plus tuition*, from $220. In many areas, this barely covers rent and food. There is no subsidized housing.

World War II

Part-time jobs readily available.

Today

Tight job market has made part-time jobs hard to find.

World War II

Public colleges paid out-of-state tuition by the federal government for vets. Colleges and technical schools eagerly recruited vets. Led to expansion of higher education.

Today

Vets pay in-state tuition rates at public colleges from their $220. Out-of-state charge at U of Cal is $2100; total GI Bill is $1980; vets pay $660. Colleges have few significant vets programs.

In large part because of the funding differences between the World War II and today's GI Bill, the effectiveness of the GI Bill is uneven, particularly for college and junior college education and for institutional non-college training.

(1) *Great regional disparities in GI Bill use.* California has a 36% GI Bill use rate; New York, 20%; Massachussets, 19%, Pennsylvania and Ohio, 16%. In fiscal 1972, California vets used $302,000,000 in GI Bill benefits; New York vets used $99,000,000.

(2) *Equal military service means unequal opportunity.* Since today's veteran pays tuition out of his GI Bill, veterans in states with cheap public colleges end up with considerably more subsistence money than those from states whose public colleges charge higher tuition; for example, California State at Los Angeles charges $117, while Jersey City State charges $635, a difference of $518, leaving the New Jersey veteran with $1,365 to live one for nine months, while the California veteran has $1,862—almost $500 more.

(3) *Veterans are a smaller percentage of college students.* After World War II, veterans were 50% of all enrollees in colleges. Today they are 9%. Although there was a larger universe of eligible World War II veterans—15,000,000 versus 6,220,000 Vietnam-era veterans—today's veterans are still a large potential audience. Higher levels of education in the population and the greater availability of junior colleges result in a higher percentage of veterans using their opportunities for college—23.4% versus 20.8% after Korea, and 14.5% after World War II.

(4) *Use is inverse to need.* Roughly 20% of the 6,220,000 Vietnam-era veterans have pre-service college; 20% are high school dropouts; and 60% are high school graduates. High school dropouts have about a 20% use rate, while those with pre-service college have a 50% use rate, and high school graduates have close to a 50% rate. But the dropouts and high school graduates make the greatest use of the GI Bill for correspondence courses, with 800,000 persons having done so; 75% of those, according to a GAO study, dropped out prior to completion.

(5) *Percent of federal budget devoted.* After World War II, the GI Bill took 7.5% of the federal budget; today it takes 1%.

(6) *Ruled out of private colleges, with fewer at state universities.* Today veterans comprise only 1% of total enrollment at Holy Cross, Northwestern and Yale; veterans can no longer afford most private colleges, and represent less than 10% of the student body at major state universities.

OREGON PUBLIC WORKS

Mr. HATFIELD. Mr. President, on August 16 of this year President Nixon signed into law the measure making appropriations for public works and the Atomic Energy Commission for fiscal year 1974. Congress sent to the President a bill that was $8 million below the administration budget request for these items.

In its considerations of the public works-AEC budget, the Appropriations Committees of both Houses reordered the administration's priorities in several areas, most notably in energy items. For the Pacific Northwest, where our citizens are facing disaster in the form of an inadequate electrical power supply, the Congress made significant increases to accelerate the development of the Federal Columbia River Power System.

I ask unanimous consent to have appear in the RECORD following these remarks the Federal public works appropriations as they affect Oregon, including a breakdown of House, Senate, and conference action on each of the items.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1974 PUBLIC WORKS APPROPRIATION BILL

Project	House bill	Senate bill	Conference bill
Energy:			
Bonneville Lock and Dam, 2d powerhouse (Corps):[1] Construction	0	$3,000,000	$3,000,000
Bonneville Lock and Dam, modification for peaking (Corps): Construction	$7,400,000	7,400,000	7,400,000
Columbia Basin project, Grande Coulee Dam 3d powerhouse (Bureau):[1] Construction	24,950,000	28,950,000	28,950,000
The Dalles Lock and Dam, additional power units (Corps): Construction	2,200,000	2,200,000	2,200,000
Chief Joseph Dam, additional power units (Corps): Construction	10,000,000	10,000,000	10,000,000
Ice Harbor Lock and Dam, additional power units (Corps): Construction	11,500,000	11,500,000	11,500,000
Little Goose Lock and Dam, additional power units (Corps):[1] Construction	0	450,000	450,000
Lower Granite Lock and Dam, additional power units (Corps):[1] Construction	0	450,000	450,000
Lower Monumental Lock and Dam, additional power units (Corps):[1] Planning	0	330,000	0
Civilian reactor development program (AEC)	323,800,000	329,800,000	326,800,000
Controlled thermonuclear research (AEC):[1] Increase for fusion research	49,200,000	53,000,000	53,000,000
Applied energy technology program (AEC):[1] Includes solar and geothermal research	16,900,000	18,600,000	17,850,000
Bonneville Power Administration:			
Construction	97,500,000	97,500,000	97,500,000
Operation and maintenance	33,300,000	33,300,000	33,300,000
The Oregon coast:			
Chetco River (Corps, Nav.):[2]			
Investigation on jetty extension	0	5,000	5,000
Operation and maintenance	103,000	103,000	103,000
Coos Bay (Corps, Nav.):[2]			
Planning	0	150,000	150,000
Operation and maintenance	1,538,000	1,538,000	1,538,000
Coos and Millicoma Rivers (Corps, Nav.): Operation and maintenance	37,000	37,000	37,000
Coquille River (Corps, Nav.): Operation and maintenance	99,000	99,000	99,000
Depoe Bay (Corps, Nav.): Operation and maintenance	45,000	45,000	45,000
Port Orford (Corps, Nav.): Operation and maintenance	72,000	72,000	72,000
Rogue River, harbor at Gold Beach (Corps, Nav.): Operation and maintenance	228,000	228,000	228,000
Siuslaw River (Corps, Nav.):[2]			
Investigation on jetty extension	$15,000	$75,000	$15,000
Operation and maintenance	339,000	339,000	339,000
Tillamook Bay and Bar (Corps, Nav.):			
Investigation on increasing project dimensions	20,000	20,000	20,000
Operation and maintenance	16,000	16,000	16,000
Construction on south jetty	2,400,000	2,400,000	2,400,000
Umpqua River (Corps, Nav.):[2]			
Investigation on jetty system and increasing project dimensions	20,000	66,000	45,000
Operation and maintenance	217,000	217,000	217,000
Yaquina Bay and Harbor (Corps, Nav.): Operation and maintenance	440,000	440,000	440,000
Willamette and lower Columbia Basins:			
Blue River Lake (Corps, F.C.): Operation and maintenance	65,000	65,000	65,000
Columbia and Lower Willamette Rivers below Vancouver and Portland (Corps, Nav.):			
Operation and maintenance	4,890,000	4,890,000	4,890,000
Construction on 40-foot channel	1,800,000	1,800,000	1,800,000
Columbia River at the mouth (Corps, Nav.): Operation and maintenance	1,022,000	1,022,000	1,022,000
Columbia River between Vancouver and the Dalles (Corps, Nav.): Operation and maintenance	291,000	291,000	291,000
Bonneville Lock and Dam (Corps, M.P.): Operation and maintenance	2,410,000	2,410,000	2,410,000
Cottage Grove Lake (Corps, F.C.): Operation and maintenance	175,000	175,000	175,000
Cougar Lake (Corps, M.P.):			
Operation and maintenance	290,000	290,000	290,000
Construction on fish hatchery	1,400,000	1,400,000	1,400,000
Detroit Lake (Corps, M.P.): Operation and maintenance	995,000	995,000	995,000
Dorena Lake (Corps, F.C.): Operation and maintenance	175,000	175,000	175,000
Fall Creek Lake (Corps, F.C.):[2]			
Operation and maintenance	155,000	155,000	155,000
Construction on recreation facilities	0	45,000	45,000
Fern Ridge Lake (Corps, F.C.): Operation and maintenance	270,000	270,000	270,000

Footnotes at end of table.

Project	House bill	Senate bill	Conference bill
The Oregon Coast—Continued			
Green Peter and Foster Lakes (Corps, M.P.): Operation and maintenance	$955,000	$955,000	$955,000
Hills Creek Lake (Corps, M.P.): Operation and maintenance	370,000	370,000	370,000
Lookout Point Lake (Corps, M.P.): Operation and maintenance	1,340,000	1,340,000	1,340,000
Lower Columbia River and tributaries (Corps, F.C.): Investigation	90,000	90,000	90,000
Lower Columbia River bank protection (Corps, F.C.): Construction	700,000	700,000	700,000
Luckiamute River (Corps, F.C.):[3] Investigation	0	40,000	40,000
Marys River (Corps, F.C.): Investigation	49,000	49,000	49,000
Scappoose drainage district (Corps, F.C.): Construction	100,000	100,000	100,000
Skipanon channel (Corps, Nav.): Operation and maintenance	35,000	35,000	35,000
Willamette River above Portland and Yamhill River (Corps, Nav.): Operation and maintenance	541,000	541,000	541,000
Willamette River at Willamette Falls (Corps, Nav.): Operation and maintenance	345,000	345,000	345,000
Willamette River bank protection (Corps, F.C.):			
Operation and maintenance	400,000	400,000	400,000
Construction	700,000	700,000	700,000
Willamette River Basin (Corps, Comp.): Investigation	165,000	165,000	165,000
Tualatin project (Bureau, M.P.):[3]			
Construction	7,585,000	7,785,000	7,785,000
Investigation	125,000	125,000	125,000
Willamette River project (Bureau, M.P.): Investigation	120,000	120,000	120,000
Southern Oregon:			
Applegate Lake (Corps, F.C.):[3] Construction (land acquisition only).	Carryover from fiscal year 1973 of $100,000 disallowed by House, allowed by Senate, disallowed by conference due to authorization language requiring prior completion of irrigation agreements.		
Elk Creek Lake (Corps, F.C.): Construction	1,100,000	1,100,000	1,100,000
Lost Creek Lake (Corps, M.P.): Construction	35,600,000	35,600,000	35,600,000
Rogue River Basin project, Merlin division (Bureau, M.P.): Planning	300,000	300,000	300,000
Rogue River Basin project, Medford and Rogue River Valley irrigation districts (Bureau, Irr.): Construction	75,000	75,000	75,000
Rogue River Basin project (Bureau, M.P.):[3] Investigation	0	$25,000	$25,000
Eastern Oregon:			
Catherine Creek Lake (Corps, F.C.): Construction	$700,000	700,000	700,000
John Day Lock and Dam (Corps, M.P.):			
Operation and maintenance	2,476,000	2,476,000	2,476,000
Construction	7,475,000	7,475,000	7,475,000
McNary Lock and Dam (Corps, M.P.):[3]			
Operation and maintenance	2,964,000	2,964,000	2,964,000
Construction (increase for recreation facilities on Lake Wallula)	2,500,000	2,653,000	2,653,000
Silvies River and tributaries (Corps, F.C.): Investigation	21,000	21,000	21,000
The Dalles Lock and Dam (Corps, M.P.): Operation and maintenance	2,053,000	2,053,000	2,053,000
Willow Creek Lake (Corps, F.C.):[3] Construction (land acquisition and road relocation)	0	450,000	450,000
Klamath project (Bureau, M.P.): Construction	600,000	600,000	600,000
Klamath project, Shasta View irrigation district (Bureau, Irr.): Construction	2,500,000	2,500,000	2,500,000
Crooked River project, Ochoco irrigation district (Bureau, Irr.): Construction	40,000	40,000	40,000
Tumalo irrigation district (Bureau, Irr.): Construction	550,000	550,000	550,000
Westland irrigation district (Bureau, Irr.): Construction	50,000	50,000	50,000
Umatilla Basin project (Bureau, M.P.): Investigation	85,000	85,000	85,000
Walla Walla project (Bureau, M.P.): Investigation	70,000	70,000	70,000
Recreation facilities at existing projects (Bureau):[3] Planning and construction	136,000	186,000	186,000
Miscellaneous:			
Columbia River and tributaries (Corps, F.C.):[3] Investigation	444,000	620,000	620,000
Pacific Northwest River Basin (Corps, Comp.): Investigation	205,000	205,000	205,000
Western States water plan (Bureau): Investigation	1,000,000	1,000,000	1,000,000
Water Resources Council planning grants to States (WRC)	3,000,000	3,000,000	3,000,000
Pacific Northwest River Basin Commission (WRC)	171,000	171,000	171,000

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[1] Language inserted in Senate report and held in conference: Hopper Dredge "Pacific"—the committees "continue the moratorium, with one minor exception, on all proposed plans for replacement or modification of dredges which are not presently under contract, including hopper dredges, pending completion of the comprehensive National Dredging Study. . . . The exemption from the moratorium . . . is for modification of the dredge 'Pacific.' Because of the urgent need to update this plant, particularly the replacement of the power system, the Corps is urged to develop and submit its plans for the needed work. However, this special exception of the 'Pacific' is subject to the restriction on the use of the 'Pacific' to bar or entrance channel work, commonly referred to as 'outside harbor work' following repair and upgrading."

[2] Language inserted in Senate report and held in conference: Umpqua River navigation study—the committees "direct the Corps to complete the Umpqua River navigation study in fiscal year 1974 if sufficient unused funds are available from appropriated funds for other navigation studies in Oregon."

[3] Language inserted in Senate report and held in conference: "The Corps . . . is directed to complete planning of the Beaver Drainage District Project during the fiscal year with currently available funds."

U.S. POLICY IN THE MIDDLE EAST

Mr. McCLURE. Mr. President, it is ironic that last week's dove is suddenly this week's hawk. Let us contrast the suggestion of the resolution of support for Israel, cosponsored by more than one-half of the Members of the Senate, with prior positions many of them have taken. Perhaps then the results of this action would be more clearly apparent.

The course the United States is now taking can only help the Soviet Union. Despite this fact, the United States—in a generous, but misguided response to the events in the Middle East—is contributing to precisely that polarization which it has officially denounced for so long. The emotion is good, but the logic is bad. I intend to submit a substitute to the Middle East resolution which attempts to demonstrate this by the simple application of the same thinking, in the same terminology to the situation in South Vietnam.

We are told that we have a commitment to Israel. If we have one, it has not been made public. I do not hear any complaints from most of those who have protested secret agreements on the part of the Executive.

The war powers bill recently passed by this body with only 20 dissenting votes stipulates that even troop deployment or the massing of troops within our own borders can be provocative. Is that more provocative than supplying jet fighters? Many Members of Congress have stated their view that the United States is not, and cannot be, a world policeman. Is not the Middle East part of the "World"? Many Congressmen have voted against the sale of any armaments or the donation of any sort of military assistance to other nations. But surely they are the same people who most vociferously and most correctly insist upon the recognition of Israel as a nation.

Those who are most confident in the policies of détente have failed to recognize that the real cause of war in the Middle East is the Soviet buildup by air and sea of the Arab military machine. The only way to defeat this Soviet strategy is to achieve peace. Otherwise, we fall into a very obvious trap. The ironic fact is that Israel and the Arab nations are merely cynically used pawns in the plans of a country which has the best interests of neither one at heart.

Mr. President, I ask unanimous consent that the text of the substitute which I intend to submit be printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

Resolution to urge the continued transfer to Israel and South Viet-Nam of Phantom aircraft and other equipment

SEC. 1. Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an unprovoked attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91-441, as extended, authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself: Now, therefore, be it

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

SEC. 2. Whereas the President is supporting a strong and secure South Viet-Nam as essential to the interests of the United States; and

Whereas the armed forces of North Viet-Nam launched an unprovoked attack against South Viet-Nam shattering the 1954 cease-fire; and

Whereas South Viet-Nam refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed North Viet-Nam with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to North Viet-Nam; and

Whereas the Gulf of Tonkin Resolution authorized the President to transfer to South Viet-Nam whatever arms may be needed to enable South Viet-Nam to defend itself: Now, therefore, be it

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain South Viet-Nam's deterrent strength be implemented by continuing to transfer to South Viet-Nam, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by South Viet-Nam to repel the aggressors.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for the transaction of routine morning business has expired.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate go into executive session to consider the nomination of Mr. William John Fellner.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

COUNCIL OF ECONOMIC ADVISERS

The legislative clerk read the nomination of William John Fellner, of Connecticut, to be a member of the Council of Economic Advisers.

FELLNER, NEW ECONOMIC PICK OF ADMINISTRATION, FAVORS HIGHER UNEMPLOYMENT POLICY

Mr. PROXMIRE. Mr. President, seldom do we have before us a nominee whose views on public issues have been so carefully articulated in advance as those of Dr. William Fellner, on whose nomination as a member of the Council of Economic Advisers the Senate will soon act.

This is a tremendously important nomination, not only because the Council of Economic Advisers is an important body, not only because Mr. Fellner is expected to become chairman of that council within a few months, when Dr. Stein resigns, but also because of the nature of Dr. Fellner's views, and the reflection that will have on the change in economic policy this country is likely to undergo, based on his appointment as the President's top adviser.

In the recent studies he has prepared for the American Enterprise Institute, in a speech to the National Association of Business Economists in September, in a press conference on September 29, and in his testimony before the Senate Banking Committee, Dr. Fellner has spelled out his views on employment, inflation, and other major economic issues with candor and precision.

One can only admire Dr. Fellner's honesty and outspokenness. I hope it will be sustained in office. Certainly some plain speaking about economic policy will be a welcome breath of fresh air in an administration whose chief policymakers can so seldom remove their rose colored glasses long enough to look at the real economic problems which confront the country.

While I admire Dr. Fellner's honesty and while I have great respect for his fine intellect and his long record of academic achievement, I find myself in sharp disagreement with him on the most basic issues of economic policy. The Senate should confirm Dr. Fellner only with a clear understanding of his views and of the need to resist the central thrust of Dr. Fellner's recommendations on some key issues of economic policy.

While I admire Dr. Fellner's honesty and have great respect for his fine intellect and his excellent record—not only is he a distinguished professor at Yale University, but also is a distinguished member of the American Economic Association—we must have a clear understanding of his views and of the need to resist the central thrust of Dr. Fellner's recommendations on some of the issues of economic policy.

The most disturbing of Dr. Fellner's recommendations has to do with unemployment. Dr. Fellner is firmly convinced that, given the present structure of the economy, it is dangerous to try to reduce unemployment to 4 percent. He urges a 5-percent unemployment rate as the new target toward which monetary and fiscal policy should be directed. To push unemployment below 5 percent will, he believes, produce a continuously accelerating rate of inflation, and that in turn will lead to a serious recession.

Since Dr. Fellner's view on unemployment is apparently shared by an increasing number of academic economists, it is important that this question be carefully examined on its merits. In the course of hearings before the Joint Economic Committee I have questioned both administration officials and a large number of academic economists on this question of the appropriate target for unemployment. I have concluded that while support for an unemployment target higher than 4 percent is widespread among economists, the evidence which supports this conclusion is extremely limited. Indeed, I am both surprised and disturbed that such a sweeping conclusion has been reached on the basis of so little evidence.

Support for a higher unemployment target rests on the argument that the proportion of women and teenagers in the labor force has increased. Since these groups typically have higher unemployment rates than adult men, a higher overall unemployment is now consistent with a quite low unemployment rate for adult men.

In itself this fact is indisputable. There is no question that the proportion of women and young people in the labor force has increased dramatically since the 1950's. But this is only one of many dramatic and important labor market changes. The occupational structure has changed just as dramatically. We are now predominantly a white collar rather than a blue-collar economy. Educational levels have increased. The skill requirements of various jobs have changed. Surely it would be a tragic mistake to commit ourselves to the sacrifice of the income and production associated with a lower unemployment rate when these crucial questions have not even been examined. Yet this, as I understand it, is what Dr. Fellner and others who share his views would have us do.

Economists and others seem to have forgotten the high costs which are associated with higher unemployment. Let me review some of them. A 5-percent rather than a 4-percent unemployment rate means—

About 850,000 more unemployed.

Many thousands more on part-time work.

Almost $40 billion per year in lost output.

A $12 to $15 billion reduction in Federal tax receipts.

A $3 to $5 billion reduction in State and local tax receipts.

Surely before we agree to accept those costs, we should have overwhelming evidence that there is no other way to stabilize the economy and avoid recession.

I urge Dr. Fellner, who as a distinguished academic economist must surely appreciate the importance of full evaluation of the evidence, to put the resources of the executive branch to work on a more complete analysis of changes in the labor market, and of other causes of inflation. Wait until the results are in before reaching a conclusion that the Nation must pay the enormous costs of higher unemployment. Perhaps the results of fuller examination of the evidence will surprise him. Perhaps he will find that the favorable changes in the labor market outweigh the unfavorable ones, and that a lower rather than a higher unemployment target is appropriate.

If we analyze our present inflation, economist after economist has been unable to show that the reason why prices have been rising is that unemployment is lower; that there is a shortage in the labor market. That is not the case. It is not primarily a food inflation. It rests primarily in the shortage of paper, oils, chemicals, and the like. It is not a labor inflation. In fact, all the testimony is that wages have behaved extraordinarily well. Just this morning we have further testimony to that effect. They have greatly lagged behind prices. As a matter of fact, in the last year real wages are 3 percent below what they were a year ago. So working people have not benefited and they are not responsible for the increase in prices.

Perhaps Dr. Fellner will find that women and young people can be trained for the jobs traditionally held by adult men, thereby eliminating many inflationary labor bottlenecks. Perhaps he will find that stronger action against discrimination in employment will eliminate many bottlenecks. Perhaps he will find that the enormous growth presently occurring in the adult population between 25 and 35 years of age is providing an invaluable reservoir of well-educated, full-time workers who can help eliminate inflationary bottlenecks caused by shortages of skilled labor. Until these questions have been examined we should not be so pessimistic about the ability of our economy to combine full employment with reasonable price stability.

A second area where I would urge Dr. Fellner to rethink his views and to examine additional evidence is the area of price and wage control. Dr. Fellner has said emphatically that we should remove the controls as soon as possible and that they should be removed for good. Everyone recognizes that controls create problems, that they cause distortions, that they have a cost. No one wants a permanent phase IV. Nonetheless, our recent unhappy experience with the premature removal of phase II at the beginning of this year, which marked the beginning of the worst inflation this country has had in the last 25 years, should certainly warn us against making the same mistake twice. Surely we should examine the possibility of improving rather than prematurely abandoning phase IV. And surely we should consider very carefully what is to come after phase IV. To me it seems incredible that the administration would repeat the mistake it made on first taking office in 1969 of abandoning all forms of income policy. Yet a complete "hands-off" attitude appears to be the preferred alternative of Dr. Fellner and of other leading ad-administration officials. I urge them to reconsider.

Despite my feeling that this represents a serious change in our economic policy, and one I oppose, regret, and expect to do all I can to prevent, I must say that Dr. Fellner is clearly qualified; he is a man of outstanding intellect who has occupied prominent positions. I have talked to a number of economists who have great respect for Dr. Fellner.

I support the confirmation of Dr. Fellner because I admire him for his honesty and plain speaking. And because he brings to his office the most impeccable of academic credentials. But I urge him to searchingly reexamine his views on unemployment and on the control of inflation. I, for one, will continue to oppose his position on both these issues until he can present me with far more persuasive evidence than he has so far that he is right and I am wrong.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William John Fellner, of Connecticut, to be a member of the Council of Economic Advisers?

Without objection, the nomination is confirmed.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on October 18, 1973, the President had approved and signed the act (S. 2419) to correct typographical and clerical errors in Public Law 93-86.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HATHAWAY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations received today, see the end of Senate proceedings.)

ADJOURNMENT FROM OCTOBER 18, 1973, TO OCTOBER 23, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 54.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 54) providing for adjournment of the Senate from Thursday, October 18, 1973, to Tuesday, October 23, 1973, which was in line 4, after "1973", insert ", and that when the House adjourns on Thursday, October 18, 1973, it stand adjourned until 12 o'clock meridian on Tuesday, October 23, 1973."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over to Tuesday next at 12 noon the Secretary of the Senate be authorized to receive messages from the President.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY, OCTOBER 23, 1973, TO FRIDAY, OCTOBER 26, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on next Tuesday it stand in adjournment until the hour of 12 noon on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY, OCTOBER 26, 1973, TO TUESDAY, OCTOBER 30, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday next it stand in adjournment until the hour of 12 noon on the following Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL THREAT POINTS UP U.S. ENERGY POLICY PROCRASTINATION

Mr. ROBERT C. BYRD. Mr. President, yesterday's announcement by the oil producing nations of the Persian Gulf that they will cut back production by 5 percent a month until Israel withdraws from territory occupied as a result of the 1967 war points up once again the vital need for a national energy fuels policy in the United States.

That such a threat is possible is due in no small measure to our own failure to formulate a sensible, forward-looking national energy fuels policy. Such a policy has been talked about for years, but, so far, the talk has not been translated into action.

It is absolutely essential for the future security of the United States that a national fuels policy be formulated without further delay, and that research and development in our most abundant fossil fuel—coal—be stepped up immediately.

The proven reserves of coal in the United States are adequate for our energy fuel needs for 500 years, if we are prepared to spend the funds to develop the technology necessary to coal's full utilization. Such a policy would render the United States impervious to any threat of energy fuel blackmail, from any quarter. I believe, in the light of developments in the Middle East, that a national fuels policy, with an accent on coal research, is one of this Nation's top priorities, and that steps should be taken immediately to implement such a policy.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON OCTOBER 23, 26, AND 30, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on October 23, 26, and 30, immediately after the two leaders or their designees have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR TUESDAY

Mr. ROBERT C. BYRD. Mr. President, it is not expected that there will be any yea-and-nay votes on Tuesday, October 23. There will be a period for the transaction of routine morning business after the two leaders or their designees have been recognized under the standing order. The period for routine morning business will not extend beyond 30 minutes, under the order, with statements therein limited to 3 minutes.

ADJOURNMENT UNTIL TUESDAY, OCTOBER 23, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of Senate Concurrent Resolution 54, as amended, that the Senate stand in adjournment until 12 o'clock noon on Tuesday next.

The motion was agreed to; and at 2:13 p.m. the Senate adjourned until Tuesday, October 23, 1973, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate on October 17, 1973, pursuant to the order of October 16, 1973:

Council on Environmental Quality

Russell W. Peterson, of Delaware, to be a Member of the Council on Environmental Quality, vice Russell E. Train.

UNESCO Session Representatives

The following-named persons to be Representatives of the United States of America to the Third Extraordinary Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization:

Roy D. Morey, of Maryland.

William B. Jones, of California.

Edward O. Sullivan, Jr., of New York.

Overseas Private Investment Corporation

Donley L. Brady, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1975, vice Daniel Parker, term expired.

Department of Justice

Charles H. Anderson, of Tennessee, to be United States Attorney for the Middle District of Tennessee for the term of four years. (Reappointment.)

Leigh B. Hanes, Jr. of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years. (Reappointment.)

R. Jackson B. Smith, Jr., of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years. (Reappointment.)

William H. Stafford, Jr., of Florida, to be United States Attorney for the Northern District of Florida for the term of four years. (Reappointment.)

Executive nominations received by the Senate on October 18, 1973:

Department of Justice

Jack V. Richardson, of Kansas, to be United States Marshal for the District of Kansas for the term of four years. (Reappointment.)

Rex Walters, of Idaho, to be U.S. Marshal for the district of Idaho for the term of four years. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate October 18, 1973:

Old West Regional Commission

Warren Clay Wood, of Nebraska, to be Federal Cochairman of the Old West Regional Commission.

Council of Economic Advisers

William John Fellner, of Connecticut, to be a member of the Council of Economic Advisers.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Thursday, October 18, 1973*

The House met at 12 o'clock noon.

Rev. Richard R. Madden, superior, Carmelite Monastery, Youngstown, Ohio, offered the following prayer:

Dear Lord, so many times we stand before You, as now, and say nothing. So many times, we praise You with our lips, while our minds are far from You. But at this moment, we beg You, hear us.

You have entrusted us with high dignity. You have made us the fond hope of our great land. Give us the wisdom to understand that we are only Your instruments—that You use our hands, our eyes, and our minds to accomplish Your will. And let us never forget that far more important than our own personal needs are the needs of our people, who have no one but us.

Help us know that you made an imperfect world deliberately, so that each one of us, by our integrity, by our strength, and by our love, might add our finest touch to Your great masterpiece. In Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

REDUCTION OF OIL PRODUCTION BY ARAB STATES CAN BE A TWO-WAY STREET

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the Arab oil states have turned to oil pressure diplomacy in their efforts to dictate our foreign policy. As we all know by now, they are going to reduce their oil production by 5 percent every month, with the reduction being imposed against oil shipments to the United States. They have taken this action because of our support of Israel in its continued struggle for survival.

Mr. Speaker, this amounts to an attempt to blackmail the United States—and we will not be blackmailed. Restrictions on exports can cut two ways. The Arab States are importers of many needed items and supplies from the United States. The President has the power and authority to curtail those exports from the United States. Accordingly, I am today introducing a House concurrent resolution expressing the sense of Congress on this matter which reads as follows:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should curtail exports of goods, materials and technology to any nation that restricts the flow of oil to the United States in a quantity which is proportionate to the quantity of such restriction of oil.

I ask my colleagues in the House to cosponsor this resolution.

THE GREAT PROTEIN ROBBERY: NO. 10

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, on June 13, I introduced in the House, simultaneously with Senator WARREN G. MAGNUSON in the Senate, a bill, H.R. 8665, to extend U.S. fisheries jurisdiction over coastal species of fish out to 200 miles from our shores, and over anadromous fish—such as salmon. This jurisdiction would exist until international agreement is reached and implemented on extended fisheries jurisdiction. On June 29, I reintroduced my bill with 35 cosponsors. Today I am reintroducing the bill, this time with additional cosponsors.

We need urgently to establish immediate conservation measures to protect the marine resources in our coastal waters. Huge, government-subsidized fishing fleets from Russia, Poland, Japan, East Germany, and other nations are currently exploiting the fish stocks in the Northwest Atlantic at such a rate as to guarantee virtual depletion long before any international agreements on fish management and conservation seem likely to be reached. We must control the massive foreign fishing in our coastal waters and establish sensible harvesting procedures in order to allow the fish stocks to replenish themselves and to guarantee a permanent source of protein for the people of the world.

My bill, H.R. 8665, would allow us to preserve our marine resources and stop the "great protein robbery" occurring right now off our shores.

THE NEED FOR A VICE-PRESIDENTIAL HOME

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, I have long advocated providing a home in the Nation's Capital for the Vice President of the United States. The Vice President should have appropriate accommodations where he is readily accessible to the center of activity of our Federal Government and where he can be properly protected.

The need for a Vice-Presidential home is particularly obvious at this time. Within the last 6 months, the Federal Government has spent more than $140,000 at the home of former Vice President Agnew. These expenditures were made on the personal property of Mr. Agnew and will not inure to the benefit of his successor. Instead, the American taxpayer may again be subjected to underwriting large expenditures at still another Vice-Presidential residence.

Over 7 years ago, we in Congress passed a bill authorizing the construction of a Vice-Presidential home on the grounds of the Naval Observatory. I strongly urge the prompt appropriation of funds to carry out the provisions of that act or make other suitable arrangements so that the Vice President will be provided with a home suitable to his position and so that the American taxpayer will be spared the expense of hundreds of thousands of dollars on an unlimited number of privately owned homes of Vice Presidents in future years.

PERSONAL EXPLANATION

Mr. KLUCZYNSKI. Mr. Speaker, yesterday I was present in the House and voted "nay" on the Ashbrook amendment to the bill H.R. 9681. Emergency Petroleum Allocation Act of 1973. I was recorded as not voting.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS CONGRESS OWES A FAIR CAMPAIGN FINANCE BILL TO THE PUBLIC

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, yesterday the board chairmen of two of the Nation's largest corporations pleaded guilty to making illegal contributions to President Nixon's reelection campaign.

More than anything else this illustrates the bankruptcy of our system of financing political campaigns. The system, as it is now structured, invites violations of the law—and solicitations to violate the law. It manufactures criminal actions.

Painful as it may have been, the heads of these corporations have done a public service by demonstrating the basic fallacies built into our present system of campaign finance. It shows how much we need a balanced and credible system to replace it. We need to consider realistic limits on campaign contributions and fair requirements for disclosure.

I am happy to note that the House Administration Committee has begun hearings on this important legislation, including some Senate-passed bills.

I think we in the House ought to support and encourage this work so that we can pass a fair and workable campaign finance bill by early next year at the latest.

This is one piece of legislation that the 93d Congress owes to the American people.

PADRES' ANGEL WITH A DIRTY FACE?

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, in line with what I said yesterday about the attempt of one Marje Everett to acquire the San Diego baseball team, there was an interesting article in the Washington Post this morning on the sports page by Shirley Povich, who called her an angel with a dirty face.

In his article he mentioned that she was a self-confessed bribe giver and that the only reason she is not in jail is because she plea bargained and got immunity, by then causing the former Governor of Illinois to be sentenced to the penitentiary.

I think the baseball owners might be well advised to realize that they are living under the immunity granted to them by the Congress on the antitrust legislation by their great protector, former Congressman Celler, when he was chairman of the Judiciary Committee. He is no longer here.

If they get a little more arrogant than they are, and they are already too arrogant, it is just possible that the Congress could repeal that protection and put them under the antitrust legislation, which would in turn destroy their reserve clause capabilities and prevent them from keeping baseball players in peonage and bondage.

Of course, Charlie Finley is one of the worst examples of these arrogant people who are clipping the public to their own benefit in this so-called national pastime.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED AND TRULY ENROLLED NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Tuesday, October 23, 1973, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills or joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. TAYLOR of Missouri. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 540]

Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Bergland
Biaggi
Brown, Ohio
Burke, Calif.
Burke, Fla.
Carney, Ohio
Casey, Tex.
Chisholm
Clark
Clausen, Don H.
Clay
Collins, Ill.
Conyers
Culver
de la Garza
Dellums
Derwinski
Dorn
Downing
Eshleman
Findley
Fraser
Fulton
Fuqua
Gibbons
Goldwater
Gray
Grover
Gunter
Guyer
Harrington
Heckler, Mass.
Hosmer
Johnson, Pa.
Landrum
Leggett
Litton
McClory
McKay
Maraziti
Mathis, Ga.
Mills, Ark.
Mink
Mitchell, Md.
Obey
Owens
Parris
Powell, Ohio
Railsback
Rees
Reid
Rooney, N.Y.
Rooney, Pa.
Sandman
Sullivan
Talcott
Thornton
Ullman
Vander Jagt
Veysey
Young, Fla.
Young, S.C.
Zwach

The SPEAKER. On this rollcall 367 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT, OCTOBER 19, 1973, TO FILE REPORT ON H.R. 10956

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Friday, October 19, to file a report on the bill H.R. 10956.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXTENDING AUTHORIZATION FOR CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 602 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 602

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Del Clawson), pending which I yield myself such time as I may consume.

Mr. MADDEN. Mr. Speaker, House Resolution 602 provides for an open rule with 1 hour of general debate on H.R. 10397, a bill to provide authorization for appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People through December 30, 1974.

The Cabinet Committee was created by statute in 1969 as a successor to the Interagency Committee on Mexican-American Affairs. Its objective is to help insure that Federal programs are responsive to the needs of Spanish-speaking and Spanish-surnamed individuals. At the present time many of these Americans are seriously disadvantaged in terms of employment, education, housing, and health care.

H.R. 10397 requires that regional offices be established and that at least 50 percent of funds for salaries of Cabinet Committee employees be expended through these offices.

The bill bans partisan political activity by the chairman of the committee and employees of the committee.

Mr. Speaker, H.R. 10397 authorizes the appropriations of $1.5 million for the period extending through December 30, 1973. I urge adoption of House Resolution 602 in order that we may discuss and debate H.R. 10397.

By extending it on until December of 1974 it funds and extends the Spanish program until it completes its authorization, which was created in 1969. This bill provides money authorization for the remainder of its 1½-year extension and requires additional regional offices be expanded over the Nation.

It also provides added functions for assisting Spanish-speaking groups and individuals in securing their participation in various benefits and assistance programs, mandated by law.

The bill provides, also, a dollar ceiling in the appropriations which may be authorized for the committee, which has been operating on a budget of $1 million annually. This ceiling is now $1½ million.

The chairman of the committee shall designate one of the other committee members to serve as acting chairman during the absence or disability of the chairman.

The committee shall meet at least semiannually during each year.

A group of 14 individuals in addition to the chairman, each of whom shall represent one member of the committee, shall meet at the call of the chairman at least six times each year.

The committee shall have the following functions:

First. To advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-speaking and Spanish-surnamed Americans; and

Second. To advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-speaking and Spanish-surnamed Americans, and on priorities thereunder.

I hope this legislation is passed by a large majority vote.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering House Resolution 602, which provides for the consideration of H.R. 10397, the Authorization for the Cabinet Committee on Opportunities for Spanish-Speaking People, under an open rule with 1 hour of general debate.

The primary purpose of H.R. 10397 is to authorize funds for the Cabinet Committee on Opportunities for Spanish-Speaking People.

The Cabinet Committee was established for 5 years in 1969; however, appropriations were not authorized for the full 5 years. The bill is necessary to provide authorization through December 30, 1974, which is the date when the enabling legislation for the Cabinet Committee expires. The Cabinet Committee is now operating under a continuing resolution.

The Chairman of the Cabinet Committee is a full-time official directing a staff of approximately 40 employees. In recent years the Cabinet Committee has operated on a budget of about $1,000,000 per year.

The Cabinet Committee has met four times since its creation in 1969. The original legislation calls for annual reports. Two have been submitted—those for fiscal 1971 and 1972.

This bill amends the enabling legislation in several respects. This bill requires that regional offices be established, and that at least 50 percent of funds for salaries of Cabinet Committee employees be expended through these offices. This bill bans partisan political activity by the chairman and employees of the Cabinet Committee. The full Cabinet Committee, which the bill enlarges, to include the Secretary of Defense, the Secretary of Transportation and the Administrator of Veterans' Affairs, will be required to meet semiannually.

It is estimated that this bill will cost $1,500,000 in the current fiscal year and $750,000 in fiscal year 1975.

Mr. Speaker, I urge the adoption of this rule in order that the House may begin debate on this legislation.

Mr. Speaker, I have no requests for time, and reserve the balance of my time.

Mr. MADDEN. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. Holifield).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10397, with Mr. Karth in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. Holifield) will be recognized for 30 minutes, and the gentleman from New York (Mr. Horton) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my remarks today in introducing the bill to extend the authorization for the Cabinet Committee on Opportunities for Spanish-Speaking People will be necessarily brief. As I described the bill in some detail 2 weeks ago when it was considered under suspension of the rules, the purpose of H.R. 10397 is to provide for funding authorization for the Cabinet Committee for the balance of the 5-year term for which it was originally created.

Public Law 91-181 envisioned a 5-year Cabinet Committee, but authorized funding in lesser increments, the most recent of which expired June 30, 1973. The Cabinet Committee is presently operating under the provisions of a continuing resolution.

There is no question as to the need for affirmative action on the part of the Federal Government to assist the Spanish-speaking minority within the United States. As a group, the Spanish-speaking are poorly educated, poorly housed, and discriminated against in employment opportunities in many instances.

Despite the fact that they preceded other ethnic groups in many areas, particularly in the Southwest and on the west coast, they remain an underprivileged minority within our society.

The Cabinet Committee was established by President Johnson's Executive memo in 1967 prior to its statutory authorization in 1969. It serves as a liaison between the Spanish-speaking community and the Federal Government for the administration of Federal laws. Its functions are advisory in nature.

During recent years the Cabinet Committee has promoted the 16-point program to increase Federal employment among the Spanish-speaking Americans. It also was instrumental in helping to channel $47 million in Federal aid programs into Spanish-speaking community enterprises, mostly in the small business area.

On Monday, the gentleman from New York (Mr. HORTON) included in the RECORD an excellent detailed description of the achievements and operations of the Cabinet Committee, which I recommend to the Members for reading.

During the hearings conducted by the Subcommittee on Legislation and Military Operations of the Committee on Government Operations, we identified several problem areas within the Cabinet Committee's operation. These problems include limited effectiveness, dormant Advisory Council, and ill-advised political activity on the part of the Chairman and staff.

The bill, H.R. 10397, seeks to remedy these problems. It would make the Cabinet Committee more effective by establishing a working group of designated representatives of the Cabinet secretaries to implement policy decisions of the full Cabinet Committee—and I want to emphasize this: It is the Cabinet Committee that makes policy, and this is very important, not the Administrator of the agency, the chairman of the agency.

An additional function of directly assisting Spanish-speaking individuals and groups will be performed through regional offices. The bill provides for the establishment of such offices within the funding limitations imposed by the administration and the Congress. Discussions with the Cabinet Committee staff indicate that it is their intention to provide for six such offices.

Why did the committee do this? The committee found that the Cabinet Committee, the Administrator, and his aides were sitting here in Washington with occasional travels involving a lot of expense to the Government, but that the people in the various concentrations of population in this country were not getting the benefit of that Cabinet Committee's purpose, for which Congress authorized it and set it up to accomplish. That was to bring to the Spanish-speaking people information in regard to their opportunities under existing laws that this Congress has passed. This is what we wanted them to do. We did not want them to go out and indulge in local or Federal politics, partisan politics, on either side of the fence. We wanted them to do the job of bringing opportunities to these people. That was the purpose of it.

So we wrote into this bill a recommendation that 50 percent of the salary fund be expended in local concentrations of Spanish-speaking people rather than by shuffling papers in some bureau here in Washington.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the chairman. I want to say by way of prefatory remarks that I am not rising in order to make any opposition statement at this point.

I am rising for two reasons, because the distinguished chairman mentioned in the course of his presentation of this bill two facts which I think ought to be clarified.

Also I think I should say I have been opposed to this legislation from the very beginning. I voted against it the first time in December 1969. I voted against it at the only other opportunity I had; but at this point, will not the chairman agree, awhile ago the chairman stated that Lyndon Johnson started this; but will the chairman not correct that statement by saying that what President Johnson started was very different from this present program?

President Johnson started an interagency cabinet-level agency for the Mexican-Americans, and not the Spanish-speaking Americans.

Mr. HOLIFIELD. That is true.

Mr. GONZALEZ. He set it up under his Executive budget.

Mr. HOLIFIELD. That is right.

Mr. GONZALEZ. He never recommended that the Congress set this up as a matter of legislative approach.

Mr. HOLIFIELD. That is true.

Mr. GONZALEZ. All right; when the Congress finally did act on it and changed the nature and substance and the thrust of what President Lyndon Johnson had actually established, first it set up an innovative legislative principle.

Secondly, it provided for legislative funding.

Thirdly, it provided for the establishment of this committee by the Commission.

That comes to my second question. Will not the gentleman also recall that not one time during the life of this committee had the committee itself met? Is that not what the gentleman's subcommittee brought out?

Mr. HOLIFIELD. This is one of the reasons for our action. First, I will say that the Cabinet-level membership in this committee proved not to be a functioning level. Therefore, in this bill we have changed that. We have corrected several things. We have said that each Cabinet member shall designate someone to sit in his stead when he cannot attend.

Now, getting back to the first part of the gentleman's question, yes, we did change this. We have found that other Spanish-speaking groups in this Nation were in the same position that the Mexican-American group was in.

We have found great concentrations of Cubans, particularly in Florida, and of Puerto Ricans in New York City. Many of these people were not bilingual and were unable to understand English. There was no one telling them about the opportunities that were available to them in education and vocational training and medical attention and things like that.

We felt as long as this country had accepted these people, that we should help them, because there was among these people the common bond of the lack of being bilingual, and we felt they should be given the same kind of assistance that the Mexican-Americans were being given. That is why we did what we have done and we made a better bill by doing so.

Mr. GONZALEZ. I thank the gentleman from California.

I just want to say, this is not the occasion I wanted to take to voice my individual opinion.

Mr. HOLIFIELD. I see.

Mr. GONZALEZ. The gentleman mentioned the bilingual language approach. The trouble with this approach is that it does not leave them even half-lingual.

Mr. HOLIFIELD. That is the gentleman's opinion.

The Advisory Council of the Cabinet Committee would be revitalized by expanding its membership and requiring public meetings at least quarterly. There was no mandatory provision in the previous bill that they should meet quarterly, but we thought they would do this as a matter of obligation. But they did not. The Council, under the new bill, would be required to meet quarterly and would be permitted to advise on any matter of interest to the Spanish-speaking community.

A provision to prohibit political activities on the part of the Chairman and employees is designed to protect them from the problems created when such a sensitive organization becomes involved in political activity. This prohibition is similar in concept and intent to the restrictions which Congress has seen fit to apply to the Office of Economic Opportunity. It would suspend salary payments to anyone violating the provisions and require repayment of salary of up to 30 days for past offenses.

This committee feels that these safeguards and improvements will render the Cabinet Committee an effective voice for the Nation's Spanish-speaking minority. I, therefore, recommend passage of H.R. 10397, which was reported unanimously by the Committee on Government Operations, and which received a vote of 241 ayes to 130 nays when considered under suspension of the rules 2 weeks ago.

Mr. HORTON. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I want to convince you of two things today: First, the continuation of the Cabinet Committee on Opportunities for Spanish-Speaking People is necessary to end the Federal Government's long neglect of Spanish-speaking Americans; and second, that the existing Cabinet Committee has produced for the Spanish speaking, and it will do even more if we pass this legislation.

Why is the Cabinet Committee necessary?

Spanish-speaking Americans have a unique culture within our society. They have made great contributions to our country. Unfortunately, it is also characterized by substandard housing, health care, education, and income.

Let me cite the figures. The median income for Spanish-speaking families in 1971 was 30-percent less than that for the general population. Eighty percent of the Spanish-speaking homes in this country are substandard. The incidence of tuberculosis and other serious illnesses is higher among Spanish speaking than any other national or ethnic group. Spanish-speaking children drop out of school at an inordinately high rate; less than half of every 10 Spanish-speaking youths complete high school. Only 3 percent of Spanish-speaking high school graduates finish college. The Spanish speaking clearly are not doing well in our society.

The reasons for this stem from the language barrier and, unfortunately, ethnic discrimination. The Spanish speaking have contributed richly to our society, and it would be wrong for us to ignore the problems which unjustly keep them out of the mainstream of American life.

I know some Members are concerned about setting a precedent for establishing a special office for a single minority when, indeed, there are so many minorities in our country. But the fact of the matter is that the other minorities have either their rightful place in American society, or they have a number of Federal programs designed to help them improve their condition. As any Member with Spanish speaking in their district knows, the Spanish-speaking minority are not integrated into American society, and have been neglected by the Federal Government.

The Spanish speaking can and should benefit from the full range of Federal programs designed to help our disadvantaged. Therefore, we have designed this Cabinet Committee to serve as a spokesman for the Spanish speaking, enabling them to obtain their fair share of Federal assistance. This Cabinet Committee is not a give-away program, it does not authorize funds, nor does it grant special privileges to the Spanish-speaking. The Cabinet Committee will make the Federal Government work for the Spanish speaking just as the Federal Government works for others in American society. The years of inattention and neglect amply justify this special agent for the Spanish-speaking.

What has the Cabinet Committee done and what will it do? It has gotten money to Spanish-speaking groups working on their own problems. It has lined up jobs at all levels of government for the Spanish-speaking. It has organized studies of major problems facing the Spanish-speaking. And most importantly, it has sensitized policymaking officials of our Government to the needs of Spanish-speaking and the effectiveness of existing programs in meeting these needs.

Let me be specific. The Cabinet Committee, working through the regional offices of the Federal agencies, saw to it that $47 million was authorized over and above regular program commitments to projects serving the Spanish-speaking. It has developed and is now monitoring the implementation of the 16-point program to insure that Federal jobs across the board are reaching the Spanish-speaking. While Federal employment has been reduced by almost 60,000 during the last 4 years, Spanish-speaking employment in the Federal service has actually increased by nearly 4,000. And very importantly, there have been increases in the number of Spanish-speaking in the higher level general schedule jobs and at the policymaking level.

There are other accomplishments that can be pointed to, but I would like to mention one in particular that I think is very important because it shows the significance of this office in the Federal establishment. The Cabinet Committee, when it first came into existence, discovered that there was no accurate data on the condition faced by the Spanish-speaking. It has been working with the Census Bureau and other agencies to develop information systems which will tell us more about the scope and extent of the problems faced by the Spanish-speaking. Without this data, there can be no basis for the policy decisions which are required to better serve the interests of Spanish-speaking Americans.

Let me now tell you about some of the plans of the Cabinet Committee. The Cabinet Committee, the White House, and the Office of Management and Budget. I am pleased to say, for the past 3 months have been engaged in a very extensive study of priorities for the Cabinet Committee. I think their efforts will result in some important advances for the Spanish-speaking. One program is to establish 10 minority enterprise small business investment corporations—the so-called MESBICS—and a number of business development organizations and business resource centers to serve the Spanish-speaking. It wants to push for the construction of at least five major subsidized housing projects which would be built by and for the Spanish-speaking. It plans to develop and push for the adoption of a national policy on seasonal and migrant farmworkers. It hopes to put together a task force to develop a strategy on manpower programs serving the Spanish-speaking. It wants to reach out to the private sector, gaining commitments from private foundations to earmark a fair share of their funds for the Spanish-speaking. It wants to develop rules and procedures whereby private business is held to its contractual obligations to provide opportunities for Spanish-speaking workers and contractors. It wants to encourage broadcasters to provide an equitable amount of programing for the Spanish-speaking; using, where necessary, the authority of the FCC to support this effort.

There is so much that needs to be done and the Cabinet Committee can help do it. The Cabinet Committee is a symbol for the Spanish-speaking community of the willingness of the Federal Government to be responsive to its needs. It is a small operation and an inexpensive operation, but I think well worth the cost.

Members who would like to have more information on the accomplishments and plans of the Cabinet Committee should look at the material I put in Monday's CONGRESSIONAL RECORD, page 34170.

Both the subcommittee and the full Government Operations Committee reported this bill unanimously. The administration supports the bill.

H.R. 10397 contains several amendments to the charter of the Cabinet Committee which will strengthen its operations. The bill authorizes regional representatives to work with local Spanish-speaking groups. It strengthens the Advisory Council as a voice of the Spanish-speaking community, and makes some needed reforms in the Cabinet Committee structure.

I urge my colleagues to vote for this bill. Spanish-speaking Americans need and deserve an effective Cabinet Committee.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I am glad to yield to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. I thank the gentleman for yielding.

I want to commend the chairman of the committee and the ranking minority member for bringing this legislation back to us. I believe they have laid the foundation well in their remarks today, so I will not take very much time in going over the same ground.

Mr. Chairman, I wish to add my support and urge the passage of H.R. 10397, a bill to authorize appropriations for the Cabinet Committee on Opportunity for the Spanish-Speaking People.

The needs of the Spanish-speaking are the same needs as those of any other group of people, with the exception of some specific areas such as bilingual education and full access to the economic mainstream of this great country.

For this reason, Mr. Chairman, we are in need of such a committee. Someone who can open doors. In fact an advocate or ombudsman for those who need an additional boost to allow them to make their own way by providing the necessary tools to be able to compete.

This, Mr. Chairman, has been the role

that the committee has accepted with great zeal and enthusiasm.

For this reason, Mr. Chairman, I urge each of my colleagues to support this legislation.

Mr. HORTON. I thank the gentlemen for his support.

Mr. HOLIFIELD. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. EDWARDS) who is the chairman of a subcommittee of the Committee on the Judiciary and has made an extensive study of this matter.

Mr. EDWARDS of California. Mr. Chairman, once again I rise in support of H.R. 10397, to extend the authorization of funds for the Cabinet Committee on Opportunities for Spanish-Speaking People.

I need not remind my colleagues that Spanish-speaking persons continue to suffer the effects of discrimination despite our civil rights laws. Mexican-Americans, Puerto Ricans, and other Spanish-speaking persons have not been afforded equal opportunity in the past. The burden which this imposes on Spanish-speaking persons today is indeed difficult to overcome.

Spanish-speaking children face an almost insurmountable barrier when they enter first grade. Without the help of bilingual education programs, Spanish-speaking children cannot surmount that barrier. Yet, barely 1 percent of the children who desperately need those special programs receive bilingual training.

The Cabinet Committee was designed to facilitate solutions to some of the many problems which face the Spanish speaking. It was to become an ombudsman within the administration for that segment of our population. When Spanish-speaking persons were denied access to Federal agencies through ordinary means, the Cabinet Committee was to provide an avenue for their use.

The Civil Rights and Constitutional Rights Subcommittee, which I chair in the Committee on the Judiciary, held hearings earlier this year on the Cabinet Committee's role in providing equal opportunity to Spanish-speaking persons. We heard testimony that the Cabinet Committee had not fully met its statutory obligations. It had not convened meetings quarterly as required by law, or issued annual reports in a timely and satisfactory manner. The Advisory Council to the Cabinet Committee had, in addition, become defunct. There was some testimony that political matters took precedence.

However, we also determined during those hearings that the need for an agency such as the Cabinet Committee within the Government is as great now as it was when the Cabinet Committee was first authorized. H.R. 10397 will allow the Cabinet Committee to go on doing the work for which it was originally intended; namely, advising the Federal Government on the needs of the Spanish-speaking and the means to address those needs.

Section 5 of the bill would prohibit officers of employees of the Cabinet Committee from engaging in partisan political activity involving Federal elections. Last year the Congress removed the Director of OEO from participation in partisan political activity. This year the Government Operations Committee has reported out a bill which would remove the chairman of the Cabinet Committee from participation in that same arena.

The Chairman of the Cabinet Committee must play a very sensitive role. In a very real sense, he is the emissary of 12 million Spanish-speaking persons. He cannot be a proponent just of the administration's programs, but must also serve as a proponent of the needs of Spanish-speaking Americans. In the past few years, the Cabinet Committee has filtered information from the administration to the Spanish speaking community. It must begin now to filter information regarding the concerns of Spanish-speaking Americans from the community to those in policymaking positions in the Federal Government.

Section 5 of H.R. 10397 frees the Chairman of the Cabinet Committee from the pressures of partisan politics. It frees him to carry on the vital business of the Cabinet Committee. I therefore urge my colleagues to support this bill intact so that members of the Spanish-speaking community of this Nation may once again receive full benefits of a committee created to serve their needs.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr EDWARDS of California. I yield to the gentleman from California.

Mr. WALDIE. Mr. Chairman, I commend the gentleman for his statement and wish to join with him in that statement. I am on the subcommittee which the gentleman chairs.

I also wish to comment that this, although clearly worthwhile, is nothing more than a token demonstration of concern with the problem of discrimination against Spanish-speaking Americans.

But at least it is a token indication of the fact that we have noted that there are problems they are confronting.

I hope that those who note the passage of this bill providing for the extension of this committee do not therefor conclude that this administration or this Congress, for that matter, has met its responsibility to eradicate in any major way the problem or even make a generous contribution toward the eradication of the problem of discrimination.

It would have been a much better indication of our commitment toward the objectives of this measure had we indicated a commitment when we voted on OEO programs, had we indicated the commitment to such programs as the California rural assistance program which seeks to assist Mexican-Americans in California under the OEO program, or had we indicated a commitment on civil rights legislation under this administration. All of the programs, minimum wage, and all the other programs, that really would have impact on the adverse effects of discrimination and the policies contrary to the interests of Mexican-Americans have really been opposed by the administration, and the passage of this bill extending the life of this committee is hardly any substitute for not having taken some conscious, strong actions to eradicate the problems that discriminatory practices have created for this class and this group of Americans.

Mr. Chairman, I thank the gentleman for yielding.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. STEELE).

Mr. STEELE. Mr. Chairman, I rise in support of H.R. 10397, which would extend the authorization for the Cabinet Committee on Opportunities for Spanish-Speaking People.

Established in 1969 as a successor to the Interagency Committee on Mexican-American Affairs, the Cabinet Committee on Opportunities for Spanish-Speaking People is designed to help insure that Federal programs are responsive to the needs of Spanish-speaking and Spanish-surnamed individuals, including those of Puerto Rican, Mexican, Cuban, and other backgrounds.

Although the committee's activities are authorized until December 30, 1974, funding authorizations expired on June 30 of this year, and a continuing resolution is currently in effect. The bill before us today authorizes funding for the remainder of the committee's tenure: $1.5 million for fiscal year 1974 and $750,000 for the period between the end of the fiscal 1974 year and December 30, 1974.

Moreover, H.R. 10397 expands the membership of the Cabinet Committee to include the Secretary of Defense, the Secretary of Transportation, and the Administrator of Veterans' Affairs, as well as expanding the membership of the Advisory Council of Spanish-Speaking Americans from 9 to 11 members.

Further, this legislation will broaden the base of this committee throughout Nation by mandating the establishment of regional offices and requiring that at least 50 percent of the total payroll must be allotted to employees located outside Washingon.

For far too long, the needs and aspirations of Spanish-speaking Americans have been neglected by our Government. I believe that the Cabinet Committee on Opportunities for Spanish-Speaking People is a step in correcting that injustice. I urge my colleagues to join with me in supporting this bill.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, the people of my home State of Arizona, especially the Spanish-speaking people, are in full support of the Cabinet Committee on Opportunities for Spanish-Speaking People because the Committee is responding to the peoples' needs at the local grassroots level—and that is where government really counts.

I am referring to the Cabinet Committee's Project Alpha which last year saw Federal funds going to Spanish-speaking programs which are operated by and for the Spanish speaking. What is particularly significant about these Spanish-speaking groups is that they were funded for the first time; they never before had been given an opportunity to participate in the mainstream.

For example, look at the fact sheet on funding:

Valle Del Sol Institute in Phoenix was allocated $50,000 in HSMHA–HEW funds.

The University of Arizona Health Center received $50,000 for a special program for the Spanish speaking.

And there is the Veterans Outreach program in Tucson which was granted $28,000 by the DOL for outreach and job placement services for returning Vietnam veterans. Their program was sponsored by Jobs for Progress, Operation SER, the highly successful Spanish-speaking manpower program, which sent recruiters into the low-income areas seeking out Spanish-speaking veterans and helping them get back in the system.

In addition, HUD, DOT, and economic development moneys found their way to the Spanish speaking. And I can also emphasize that these funds were not doled out to the Spanish speaking on the basis of some arbitrary ethnic quote. The funds were allocated because the Spanish-speaking groups, assisted by the Cabinet Committee, clearly demonstrated the need of their programs, and the Spanish-speaking groups showed clearly that they had the ability to carry out these programs.

But what is especially significant, Mr. Speaker, the Cabinet Committee demonstrated to all America that the Spanish speaking are an untapped reservoir of human resources.

That is why the Spanish speaking, indeed all Americans, need the Cabinet Committee. For too long the Spanish speaking had been ignored by their Government; Federal programs were just not teaching the Spanish speaking.

But since the Cabinet Committee was established, the Spanish-speaking presence is being made known, and at long last, Federal programs and services are reaching the Spanish speaking who are joining hands with their fellow Americans to build up their communities.

I respectfully urge my colleagues to vote for the Wiggins amendment and the Cabinet Committee's bill, a very worthwhile and needed piece of legislation.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I supported the creation of a Cabinet committee when it was before the Congress some years ago, and I continue to do so today. But now, having said that, I do not wish to be understood as supporting this bill. I do not think we can easily equate support for this given legislation for the concept of a Cabinet committee, because we are talking about two different things.

Mr. Chairman, I do not intend to take 5 minutes to develop my reasons for opposition to this bill at this time—the question was debated at some length when this issue was before the Congress under a suspension of the rules—but I do want to alert my colleagues to the fact that two amendments will be offered under the 5-minute rule. One amendment I intend to offer will deal with section 5 of the bill and will modify the badly drafted language intended to keep this organization out of political activity.

The language which I shall move to strike from the bill commences on page 4, line 3, and extends to line 9 on that page.

It is to be noted my amendment does not remove the committee suggested language that the Cabinet Committee shall not engage in partisan political activity. If we support the concept that it should be free from partisan political activity, then we should not adopt an amendment which is imperfectly drafted so as to extend its reach beyond that which we intended.

Second, it is my intention to offer an amendment which will delete the last sentence on page 4 of the bill. This is a sentence which mandates that 50 percent of the funds authorized shall be spent to pay salaries in regional offices.

We shall discuss under the 5-minute rule the impact of that language. Suffice it to say at the present time I think it represents a major and unwise change in direction for the Cabinet Committee.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STEELMAN).

Mr. STEELMAN. Mr. Chairman, I rise today to speak in support of H.R. 10397, a bill to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People until December 31, 1974.

This committee was established in 1969 to assure that Federal programs are responsive to the needs of Spanish-speaking and Spanish-surnamed individuals. It has made sure that Federal programs have provided the assistance that these people need while, at the same time, it has looked for new programs that may be necessary to handle problems unique to the Spanish-speaking American.

During hearings in the Subcommittee on Legislation and Military Operations of the Committee on Government Operations, it was made known that there are those who feel that the Cabinet Committee has not fulfilled its intended obligations—it has not gotten close to the people it is trying to help. Other critics say that the committee was used for partisan political purposes in the 1972 campaigns.

I feel that this bill, H.R. 10397, will appease these critics. First, the bill will make the committee more responsive to the Spanish-speaking American by establishing regional offices and requiring that 50 percent of the appropriated funds for salaries be expended through these regional offices. Second, the bill prohibits anyone connected with the organization from trying to influence the outcome of a political election as well as prohibits the expenditure of funds for such a purpose.

Moreover it expands the membership of the Cabinet Committee to include the Secretaries of Defense and Transportation as well as the Administrator of Veterans' Affairs, which includes many areas of involvement that are an integral part of the lives of Spanish-speaking Americans.

The bill will also authorize the committee to advise and assist Spanish-speaking and Spanish-surnamed groups and individuals in receiving legal assistance, when necessary.

I believe that the continuance of funding for this committee is vital for the well-being and improvement of the Spanish-speaking and Spanish-surnamed American. I strongly urge the passage of H.R. 10397 by my colleagues in the House.

Mr. HOLIFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I thank the distinguished gentleman from California (Mr. HOLIFIELD), the chairman of the Committee on Government Operations, for yielding me this time.

Mr. Chairman, there would be no purpose served in my restating at this time an analysis of this bill and its purposes. That has been so ably done by the chairman, the gentleman from California (Mr. HOLIFIELD), and the gentleman from California (Mr. EDWARDS), and others who have explained the bill. Suffice it to say, Mr. Chairman, that I am one of the authors of this bill, that I approve and support this bill and the purposes which it seeks to achieve, fully, and that I urge all of my colleagues to vote for the bill.

Mr. Chairman, I have had the privilege during the past more than 12 years to represent in the Legislature of the State of California, and in the Congress, a district which contains large numbers of Spanish-speaking people. The bulk of them are Mexican-American, of Mexican ancestry, but there are also a very substantial number of other Spanish-speaking peoples, mainly Cubans, Puerto Ricans, South Americans, Central Americans and Filipinos as well as some Spaniards themselves.

I have witnessed at first hand that, due to a lack of familiarity with our laws and customs, due oftentimes to a lack of fluency in the English language, and sometimes due to a lack of leadership, that these people have not been able to enjoy and have not had the opportunity to take advantage of the many beneficial programs and opportunities our country provides for its citizens.

The concept of this Cabinet committee is that it serve as an intermediary and a guiding influence to make it possible for more of the Spanish-speaking people to participate fully in our economy and in our society. That is a worthy and commendable concept, and one which deserves the support of every Member of this House. Accordingly I urge that all of my colleagues join with me in voting for the passage of this bill, H.R. 10397, and for the continued life of the Cabinet Committee on Opportunities for Spanish-Speaking People.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I just want to compliment the gentleman from California (Mr. DANIELSON) for his interest in this matter. I know also that since the district represented by the gentleman in the well adjoins my district, that the gentleman has probably 20 or 25 percent Spanish-speaking people in his district, and so the gentleman knows their problems, like I do in my own district, which has a large Spanish-speaking population, and like the gentleman from California (Mr. ROYBAL) does, who represents another adjoining district.

May I add further that the gentleman in the well has always been a champion of the rights of the downtrodden, the disadvantaged, and those who have been discriminated against.

Mr. DANIELSON. Mr. Chairman, I thank the gentleman from California for his kind remarks.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, I want to commend the committee for bringing this bill up for consideration today.

The Spanish-speaking people and the culture that they have brought to our country has been one of the really great developments of this century. Through the recognition that we are giving, through this council and this committee, we have done much to establish in communities throughout the Nation the prestige and understanding that they so rightfully deserve.

I was particularly impressed in this bill with the fact that it emphasizes and encourages that more and more of the work shall be decentralized and staff placed out in the regions. It has been my experience with the Federal Government's work that the closer we come to the grass roots, the more effective we are. With greater decentralization, we are going to see more and more accomplished with this regional work.

I commend Chairman HOLIFIELD and our ranking member, Mr. HORTON, for this excellent bill.

I commend the bill and urge its passage.

Mr. HORTON. Mr. Chairman, I reserve the balance of my time.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. I thank the chairman for yielding.

Mr. Chairman, I have been, along with many of my colleagues who have spoken, very much interested in this legislation since its original inception in 1969. I want to pay tribute to the chairman and the minority leader of the committee for bringing back to us today this revised bill, which I think is an excellent piece of legislation. I feel there is much work yet to be done in regard to ameliorating the situation of the Spanish-speaking people in this country. The areas in which this work remains to be done quite frequently lie within the Government itself.

I recognize that considerable improvement has been made at the Federal level in increasing the percentage of Spanish-speaking employees in the Federal Government, but the progress made really represents just a drop in the bucket. Similarly, there needs to be a great deal of progress at the State and local levels. Within the past few years there have actually been brought into the courts several situations where local agencies of government were discriminating against the Spanish-speaking; where the percentage of Spanish-speaking in police departments, fire departments, and other such agencies was so ridiculously low that it was obviously the result of failure to maintain any kind of positive recruitment effort, or of outright discrimination.

A good part of the progress that needs to be made for the Spanish-speaking is in the political area, as well as in the area of government. When I say this, I am not intending to lend support for removal of the restriction against partisan political activity contained in this bill. What I am talking about is the very great need to make it easier for the Spanish-speaking to participate in the political process, and that means first the right and the opportunity to register to vote.

One of the very important things that this Cabinet Committee can do is to examine the areas in which there is a large Spanish-speaking population, determine whether they are adequately registered in comparision with the total voting population, and if they are not, take steps to see that Spanish-speaking registrars and other kinds of assistance are given to this population so that they can exercise their full rights and can carry their full responsibility in the political process.

Merely looking at the ranks of this body will show that there are perhaps 1 percent or slightly more of Spanish-speaking Members of this body, when the true entitlement of this Spanish-speaking portion of our population should be much closer to 25 or 30 Members of this body.

I assure the Members that this is reflected in all other legislative bodies. It is this type of political activity, of nonpartisan political activity, that I think needs to be encouraged by the Cabinet-level committee.

I heartily support this legislation and urge its passage .

Mr. HOLIFIELD. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, I rise in support of this legislation. I have supported this agency from its inception, because of the need to focus attention and effort in behalf of a patriotic minority, which principally through language barriers have not had full opportunity for work and education.

I have seen many good things done by the Cabinet Committee on Opportunities for Spanish-Speaking People, in the Southwest and in other areas of this country. The agency needs to fulfill the programs it has started, and therefore I urge passage of this bill today.

Mr. CONTE. Mr. Chairman, 2 weeks ago, the Chamber missed a golden opportunity to enact this piece of legislation which would go such a long way toward alleviating the current plight affecting the Spanish-speaking population of this country. I am confident that at this session we will act swiftly and judiciously to remedy the situation with the passage of this bill.

The Spanish-speaking communities of these United States comprise a group with a distinct and proud heritage, but which is plagued with unique problems. During the 1970 population census, over 9 million citizens reported themselves to be of Spanish origin. That makes them the second largest minority in the Nation; their numbers today are equal to the total populace of this country back in 1820. Such a large number of individuals represents, at this time, an untapped resource of talents which could be realized if active steps were taken to correct the adverse conditions which limit their potential. We must face up to the sad fact that, because of a language barrier, a good majority of these people have faced alienation from the rest of the American people.

We in the Congress must remain true to the promise we made to our Spanish-speaking citizens so belatedly in 1969. At that time, the Federal Government finally acted to insure that Federal programs would be responsive to the needs of the Spanish-speaking and Spanish-surnamed individuals of this country.

Prior to that time, this Nation had demonstrated precious little concern for this almost forgotten minority. Since that time, considerable progress has been made for our Spanish-speaking citizens, and considerable credit for that work must go to the Cabinet Committee. Extensive work has already been done in programs such as dropout prevention, traveling classrooms, migrant health and education, drug education and prevention, employment training center, legal assistance services, and many, many more. The objectives are worthwhile—seeking to put Spanish-speaking people in Federal employment at all levels, and striving to see that the Spanish-speaking have access to the funds that the Federal Government is spending to improve the quality of life for all, and I emphasize all, of its citizens.

We should not, however, entertain the idea here today that the job has been finished. The fact must be borne out that the job has barely begun. This is not the time to desert the cause.

Recent statistics point out the need for further action: One-fifth of the families of Spanish origin in this country still live below the poverty level; 80 percent of the Spanish-speaking homes in this country are substandard; and the unemployment rate for the Spanish speaking is almost 10 percent, in a country where the national percentage is less than 5 percent.

We must change these statistics, and one of the ways to do that is to support this legislation today.

We who constantly proclaim the equality of opportunity in America now have the opportunity today to back up that claim with action. I sincerely hope that this opportunity is not lost on the floor of this Chamber here today.

Mr. CORMAN. Mr. Chairman, the Cabinet Committee merits our support because it is vital to the interests and concerns of all Spanish-speaking Americans. Indeed, one of its primary areas of concern, economic development, is one which I, as a member of the Select Committee on Small Business, heartily endorse.

The Cabinet Committee has been able to sensitize Federal agencies to be cognizant of the economic development needs of the Spanish speaking. A notable example is the cooperation between the Cabinet Committee staff and the Small Business Administration.

In fiscal year 1972, SBA business loan approvals to Spanish-speaking people increased in number from 2,570 to 3,158 and in dollars from $57.8 to $74.5 million over the previous year.

Under its procurement program, SBA awarded 248 Government contracts to Spanish-speaking firms for nearly $18 million, and under its 406 grant program, which provides management and technical resources, Spanish-speaking firms received $547,000 of the $3 million allotment to the program.

In Los Angeles County, the Cabinet Committee was instrumental in the implementation of HUD's Los Angeles set-aside plan under which over 500 housing units with over $10 million in mortgage value were allocated for the Spanish speaking.

These actions I submit show the effectiveness of the Cabinet Committee and clearly demonstrate that if Spanish-speaking Americans are to make a speedier breakthrough into America's economic mainstream, they need the Cabinet Committee to assist them in making this important step.

Mr. RAILSBACK. Mr. Chairman, for years members of the Spanish-speaking community in the United States—who now number around 10 million citizens—were without a voice in the Government. Federal agencies and departments remained ignorant of the pressing needs of the Spanish speaking and Spanish-surnamed Americans. Disadvantaged members of this community, struggling outside the mainstream of economic opportunity, were both unaware of and isolated from existing Government programs which could offer them some measure of relief.

For the past 5 years, fortunately, Spanish speaking and Spanish-surnamed Americans have had a spokesman within the Federal Government—an articulate and compassionate ombudsman, attuned to the specific problems and frustrations facing our Nation's second largest minority. This voice has come from the Cabinet Committee on Opportunities for Spanish-Speaking People. For my part, I have continually been a supporter of the Cabinet Committee on Opportunities for Spanish-Speaking People and am pleased to add my support again today.

Since its inception in 1969, the Committee has worked to alleviate the problems of the Spanish speaking and the Spanish-surnamed American by making him aware of those existing Government programs which could benefit him. These efforts have been rewarded in the areas of educational attainment, labor force participation, employment, and median income, but there is clearly much more to do. For this reason, I have cosponsored the bill before us to extend the activities of the Committee.

This legislation, H.R. 10397, authorizes funding for the remainder of the Committee's tenure: $1.5 million for fiscal year 1974, and $.5 million for the period ending December 30, 1974. It will also expand the membership of the Advisory Council on Spanish-Speaking Americans from 9 to 11 members, allows the Council to independently determine relevant topics in advising the Cabinet Committee, and provides that the Council will meet quarterly with the Chairman of the Cabinet Committee. It will also expand the membership of the Cabinet Committee itself to include the Secretary of Defense and Transportation, and the Administrator of Veterans' Affairs, and will require semiannual rather than quarterly meetings of the Committee.

H.R. 10397 will amend existing law to bring the Committee closer to the Spanish-speaking community by opening regional offices and providing that at least 50 percent of the total payroll will be paid to employees located outside of Washington. To insure that the Committee will not engage in partisan politics, H.R. 10397 also provides for a maximum forfeiture of 30 days salary should the Civil Service Commission find that the Chairman or the employees of the Committee have been found in violation of this clause.

In addition to these provisions, this bill further requires the Advisory Council on Spanish-Speaking Americans to have announced meetings which are open to the public and that the minutes are made available for public inspection and copying.

Unfortunately, on October 1, 1973, the House failed to suspend the rules—two-thirds of the Members not voting in the affirmative—and pass H.R. 10397. As a cosponsor, I was very disappointed by the House vote, but I am hopeful that this bill will now be passed by the full House membership through the regular legislative process. Although a two-thirds vote did not occur earlier this month, it is of some encouragement that the majority of my colleagues did vote in support of this bill. I urge that the majority of my colleagues again support this legislation and pass it immediately. We must certainly reaffirm this Nation's commitment to the full participation of her Spanish-speaking citizens in all aspects of American life. H.R. 10397 will help affirm that important commitment.

Mr. TALCOTT. Mr. Chairman, we seldom realize that a number of Spanish-speaking people were actually in this country before many of us of Anglo and European stock settled here. We seldom realize that for decade after decade the Spanish speaking were discriminated against because they spoke a different language and enjoyed a different culture from the large community.

But throughout our history, the Spanish-surnamed have endured, tenaciously retaining their own culture and language. It has not been easy, however, because the Spanish speaking are at the bottom of the ladder in almost every crucial statistical area, such as education, the professions, business, housing, health, et cetera.

It is indeed a sad commentary that despite the fact that the Spanish speaking represent the second largest, the youngest and most rapidly growing minority in our country, the Nation's civil rights laws have never worked effectively for the Spanish speaking.

Since 1969, however, when the Cabinet Committee was established, this grim picture has brightened. But let us not fool ourselves. The Spanish speaking are still at a disadvantage; they still have unique problems relating to their bilingual and bicultural needs which require multifaceted solutions; many of them still have not reached the point where they compete successfully with their fellow Americans.

For that reason, the Cabinet Committee is vitally needed by the Spanish-speaking people. A vehicle is needed to assure that Federal programs and services are reaching the Spanish speaking; a vehicle is needed to make sure that the civil rights laws work for the Spanish-speaking; a vehicle is needed to make sure the Spanish speaking will not be forgotten as an invisible minority.

That unique vehicle is the Cabinet Committee, the most successful mechanism responsible for sensitizing the Federal system, indeed the entire Nation, about the unique problems of the Spanish speaking.

Starting literally from scratch, the Cabinet Committee has brought about unprecedented gains for the Spanish speaking in the important day-to-day areas of Federal jobs across the board, of Federal funding, contract compliance, procurement, etc.

The Cabinet Committee has made all of their fellow citizens more aware of the Spanish speaking's bilingual educational needs, of the need to create more business opportunities for the Spanish speaking; of the need to make the presence of the Spanish speaking known in the media; of the need to include the Spanish speaking in the functions of government.

Mr. Chairman, I know from firsthand knowledge that the Cabinet Committee has been effective in its mission because Spanish surnamed in my district in California have often told me about the invaluable assistance rendered to them by the Cabinet Comittee's staff. The Cabinet Committee is making breakthroughs for the Spanish speaking.

The Spanish speaking are making steady progress because of the Cabinet Comittee's efforts. We cannot afford to cut that progress short, because so much more work needs to be done so the Spanish speaking can in fact achieve what all Americans rightfully deserve—the right to compete on an equal basis with their fellowmen.

So I urge my colleagues to support this legislation so the Cabinet Committee can continue to help bring the Spanish speaking into America's mainstream.

Mr. GONZALEZ. Mr. Chairman, when the House considered the original legislation creating the Cabinet Committee on Opportunities for the Spanish-Speaking in 1969, I voted "nay."

At the time, I said that the Cabinet Committee was a trick-bag; it had no real power or authority to deal with the problems of the people it was created to serve. It seemed to me to be the lowest possible response the Government could make to the billions of Spanish-surnamed people in this country—who are among the most ill-housed, ill-paid, ill-healthy people in America. These problems will not be assuaged by a second-rate Bureau of Indian Affairs. They will be solved only by real muscle and real money—neither of which the Cabinet Committee has ever had, or ever will have.

In fact, the Cabinet Committee is a fiction. There is no regular meeting of the Cabinet officers who are on the Committee, and the Chairman of the Committee seems not to have the power or stature to convene meetings of the Committee. In fact, the Committee has not even attempted to fulfill the statutory requirements for holding regular meetings. This bill in no way remedies this situation; it simply recognizes the fiction of the Committee by creating surrogates representing the Cabinet agencies that are supposed to be members of the Committee. This is no Cabinet Committee at all; this bill does not require Cabinet participation at all. We might better call this the "semi-Cabinet Comittee" or maybe, in recent political parlance, the "surrogate Committee." It is certainly no Cabinet Committee.

Besides the fiction involved in this so-called committee, I think that every observer of the committee's work agrees that its record of accomplishments has been astonishingly small, even given the slender resources it had available.

The Cabinet Committee has never been an effective advocate. It has never made any meaningful legislative recommendations; it has at best merely parroted whatever political line the administration has wanted to peddle. It is incredible to see the Cabinet Committee's Chairman go around telling the Spanish speaking that revenue sharing has been good. In San Antonio, revenue sharing has been a disaster, because it is inadequate to replace even a sizable fraction of the programs that have been killed to make room for it in the budget. But you do not see the Cabinet Committee telling the hard truth; it has been just an organ for selling whatever goods that it was told to sell.

The Cabinet Committee's political activities last year were so blatant, such an abuse of decent practice, that the bill we have today has attempted to restrict the committee's political activities.

It is a sad commentary that we have seen arguments that the Cabinet Committee should continue to be just a political mouthpiece.

The Cabinet Committee never did find its proper place or role in the Government, and that is why it became a political mouthpiece. Its function was not to stand for what the Spanish speaking really needed in the way of Government programs, but just to tell them what the Government thought was good for them.

The Cabinet Committee also served as an organ for issuing threats—reprisals if the Spanish-speaking community failed to deliver the desired quota of votes for the reelection of the President. It was used in tactics designed to sow discord and distrust between minority groups in some of the most cynical political tactics of all time.

I do not believe that we need to perpetuate the existence of this non-Cabinet Committee. It is a fiction. Its accomplishments have been far less than even its most fervent advocates hoped for. It cannot effectively advocate programs for the Spanish-speaking because it has become a political mouthpiece. It can make promises, but has no resources with which to deliver on them.

What the poor, the undereducated and the unskilled need is help. The Cabinet Committee has not provided help, and I see no sign that it has the promise of doing it, any more today than in 1969. The Spanish-speaking need real programs, agencies with real power working for them, not an obscure noncommittee.

If we really want to help, we should be providing decent housing for the millions who are ill-housed. We should be providing health services for the many who need health services. We should be providing educational assistance. We should be providing decent jobs. There is no way that empty promises are going to solve real problems. There is no reason why we should want to continue this sham.

Mr. PEPPER. Mr. Chairman, I am very pleased to support on the floor, as I did in the Rules Committee, H.R. 10397 to extend the authorization for appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People.

As you know, the Spanish speaking constitute a very significant proportion of the population of this country—approximately 12 million Spanish-speaking and Spanish-surnamed Americans and permanent residents of the United States.

In my area I am very proud to claim as constituents a large Spanish-speaking population, including a large contingent of refugees from the Communist tyranny in Cuba, many Spanish-speaking citizens from Puerto Rico and many other Spanish-speaking residents and citizens from Latin American countries in North and South America. This Latin community greatly enriches our area, our culture, our community, and business life.

There have been many criticisms of the Cabinet Committee on Opportunities for Spanish-Speaking People in the past but I feel we should not let these detract from the necessary purposes of the committee or distract us from our obligation to assure Spanish-speaking people a full opportunity to realize their talents for the benefit of the Nation, as well as for themselves and their families.

It is my hope that the Cabinet Committee, under the extended charter we are acting upon today, will realize its potential to assist all Spanish-speaking persons resident in this country, whatever their origin or technical status. While the great bulk of our Spanish-speaking population derives from Mexico and Puerto Rico, I have been assured that the focus of the Committee's work in the future will encompass all of the Spanish-speaking communities within the country.

I commend this legislation as a commitment to the principle that America cherishes diversity and seeks for all men equality of opportunity in this great land.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of this legislation to extend the authorization for the Cabinet Committee on Opportunities for Spanish-speaking People, and I also want to express my gratitude to the distinguished gentlemen from New York (Mr. HORTON) who has advised me that the Cabinet Committee has agreed to include in its focus those Portuguese-Americans who face problems virtually identical to those encountered by Spanish-speaking Americans.

I am very pleased by this development, because a number of my constituents are Portuguese-Americans, and they have experienced the same difficulties with regard to employment, education, health, et cetera, that have Puerto Rican, Mexican, and Cuban-Americans. The Portuguese are a hard-working people, whose spirit and creative energy constitute a positive force in their communities.

Including Portuguese with Spanish-speaking as beneficaries of this program is a logical step, which will complement the efforts being made by these people for themselves. I look forward to discussing this with the Director of the Committee, Mr. Henry Ramirez, and I know that the Portuguese of America will be glad to have his assistance in overcoming these cultural and language barriers.

Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 10397. As one of the original authors of the bill, I compliment the chairman of the Committee on Government Operations, Mr. HOLIFIELD of California, for the excellent job he has done in bringing this legislation to the floor of the House.

Studies made by the U.S. Government have indicated over a long period of time that the Spanish-speaking community in the United States has a great many problems. They are the last to be hired, and the first to be fired. In the field of education they have the largest number of school dropouts of any ethnic group any place in the United States.

In a 1972 report the U.S. Commission on Civil Rights documented the failure of our present school systems to meet the educational needs of the Spanish-speaking. Within my own district, it is estimated that in the Spanish-speaking barrios of east Los Angeles three out of four drop out of school. The causes of this educational tragedy can be found in the failure of our school systems to respond positively to the cultural heritage and language of the various Latino groups.

In the area of employment, Mexican-Americans and Puerto Ricans today remain basically in the same position as in 1969, particularly in employment rates and job opportunities. Even though labor force participation rates have increased, unemployment has worsened. In 1969, unemployment rates for males and females, 16 years of age or older, were 5.5 and 7.4 percent respectively for Mexican-Americans, and 6.4 and 6.1 percent for Puerto Ricans. In 1972, these figures jumped to 7.9 and 9.1 for Mexican-Americans and 8.8 and 17.6 for Puerto Ricans.

Another major employment problem is the lack of opportunities in the professional and white collar positions. A comparison of 1969 and 1972 figures shows very little change in the distribution of types of jobs held by Mexican Americans and Puerto Ricans. In 1969, only 18.5 percent of Mexican American and 19.3 percent of Puerto Rican workers held white collar jobs. In 1972 the situation worsened for Mexican Americans, falling to 17.5 percent and improving only marginally for Puerto Ricans at 21.5 percent.

Although income figures show increases in median family income for Mexican Americans and Puerto Ricans, under closer scrutiny the improvement is only an illusion. In 1969, the median family income for the total population was $7,894 and in 1972, $10,285. This represents an increase of $2,391 for the whole population, but the increase among Mexican American families was only $1,998 and among Puerto Ricans, $1,216. Clearly the rate of increase among these Spanish-speaking groups failed to match the rate for the rest of the population and, in fact, was negligible in face of our inflationary spiral.

Further, I would like to point out that the percentage of Mexican Americans and Puerto Ricans below the low income level are far greater than the national average. While 12.5 percent of the total population fell below the low income level in 1972, 28.9 percent of Mexican Americans and 32.2 percent of Puerto Ricans were living in poverty.

All in all, a comparison of 1969 data with more recent statistics paints a disappointing picture of progress for Spanish-speaking Americans. The fact is there has been very little improvement in the social and economic level of Mexican Americans and Puerto Ricans since 1969. The continuing lack of opportunity has meant a tremendous waste of valuable human talent and resources.

This pattern of neglect has also been reflected in the area of Federal employment. As you may recall, in November 1970 President Nixon announced a 16 point program to increase Federal employment opportunities for the Spanish speaking. Last year a House Judiciary Subcommitee held hearings on the effectiveness of this program. It was their unanimous and bipartisan conclusion that there had been "no significant increase in the level of Spanish-speaking employment relative to the total work force since the inception of the 16-point program."

During my investigations this year as a member of the Appropriations Committee, I found a similar lack of progress within such agencies as the Treasury Department, the Postal Service, and the Office of Management and Budget. The Department of Treasury, for instance, showed just 2.2 percent overall Spanish-speaking employment with only 0.7 percent at management levels—GS 13–18. Postal Service figures revealed 2.7 percent Spanish-speaking employment with only 0.9 percent in postal executive service categories. And the Office of Management and Budget, which formulates the President's budget and evaluates equal employment performance, produced the worst record with only 0.8 percent Spanish speaking. This is the reason why this committee was established.

It is the purpose of the Cabinet Commitee to help reverse this Federal neglect and seek viable solutions to Spanish-speaking needs without involvement in partisan politics. As long as there continues to be a serious lack of opportunity and political representation for the Spanish speaking, there is need for a cabinet-level unit. This bill offers a constructive approach which will strengthen this agency and return it to the original intent of the legislation. I urge you to join me in adopting this approach and renewing our commitment to serve the Spanish speaking.

Mr. HAWKINS. Mr. Chairman, I strongly support H.R. 10397, a bill authorizing appropriations to continue the Cabinet Committee on Opportunities for Spanish-Speaking People.

It is urgent that we take immediate steps to insure that Federal programs meet the critical needs of our Spanish-speaking and Spanish surnamed persons—many of whom are disadvantaged in employment, education, housing, and health care.

I think it is a shame that while this Cabinet Committee has been in existence since 1969, problems of our Mexican-American citizens and other Spanish speaking individuals seem to have grown in intensity and magnitude.

The median income for these groups in our population is 30 percent less than that for the general population. Over 80 percent live in substandard housing. Of the children, less than half complete high school; only 3 percent complete college. And, employment discrimination is rampant.

These problems arise out of both a language barrier and ethnic discrimination. In addition, as a society we have tolerated too long a general laxity in understanding the contribution that persons of Spanish-speaking ancestry have made in the creation and expansion of our Nation and the American culture.

H.R. 10397 will not correct all that is wrong. It will, however, do two things that will specifically improve conditions.

First, the Cabinet can advise Federal departments and agencies regarding the needs and programs to meet the special problems.

Next, the regional and local offices can bring the programs into the local communities and make Spanish-speaking people aware of what rights and opportunities are available as well as actually assisting them to obtain these rights.

Mr. Chairman, H.R. 10397 should be adopted as an initial beginning. Much more should and must be done in my opinion.

We should expand special educational and training programs, increase funds for bilingualism, establish more minority business enterprises, encourage housing projects, strengthen our enforcement of laws against discrimination, and bring our migrant farm workers into society's mainstream.

It is time we get on with this unfinished business of American democracy. Equality of opportunity and justice for all have no meaning unless implemented. Let us therefore continue and fully fund the Cabinet Committee. And let the Congress this time make sure the job is done.

Mr. HORTON. Mr. Chairman, I have no further request for time.

Mr. HOLIFIELD. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes", approved December 30, 1969 (83 Stat. 838; 42 U.S.C. 4301), is amended as follows:

(1) Section 2 is amended—

(A) in subsection (b) thereof, by striking out "and" at the end of paragraph (11), by striking out the period at the end of paragraph (12) and inserting in lieu thereof a semicolon, and by adding after paragraph (12) the following new paragraphs:

"(13) the Secretary of Defense;

"(14) the Secretary of Transportation; and

"(15) the Administrator of Veterans' Affairs.";

(B) in subsection (e) thereof, by striking out "quarterly" and inserting in lieu thereof "semiannually"; and

(C) by adding at the end thereof the following new subsection:

"(f) A group of fourteen individuals in addition to the Chairman, each of whom shall represent one member of the Committee, shall meet at the call of the Chairman at least six times each year.".

(2) Subsection 3(a) is amended by adding at the end thereof the following new paragraph:

"(3) to advise and assist Spanish-speaking and Spanish-surnamed groups and individuals in receiving assistance available by law.".

(3) Section 4 is amended by adding at the end thereof the following new subsection:

"(d) The Committee shall operate such regional offices as may be necessary to efficiently carry out the provisions of this Act.".

(4) Section 7 is amended—

(A) in subsection (a) thereof, by striking out in the first sentence "nine" and inserting in lieu thereof "eleven", and by striking out in the second sentence "Committee" and inserting in lieu thereof "Chairman".

(B) in subsection (b) thereof, by striking out the first two sentences and inserting in lieu thereof: "The Advisory Council shall advise the Committee with respect to such matters as may be of concern to the Spanish-speaking and Spanish-surnamed community. The Chairman shall submit all independently produced reports and studies to the Advisory Council for advice and comment. The President shall designate the Chairman and the Vice Chairman of the Advisory Council."; and

(C) by adding at the end thereof the following new subsections:

"(d) The Advisory Council shall conform to the provisions of the Federal Advisory Committee Act (86 Stat. 770; 5 U.S.C. App. I).

"(e) The Chairman of the Committee shall call and attend a meeting of the Advisory Council at least quarterly during each year.".

(5) Section 9 is amended by adding the following new sentences at the end thereof: "No part of any funds authorized to carry out this Act shall be used to finance any activities designed to influence the outcome of any election to Federal office or any voter registration activity, or to pay the salary of the Chairman or any employee of the Committee after the date on which such persons engage in such activity, as determined by the United States Civil Service Commission. No person found by the United States Civil Service Commission to have violated this provision shall be required to repay more than thirty days of his salary. For the purpose of this section, the term 'election' shall have the same meaning as prescribed for such term by section 301(a) of the Federal Election Campaign Act of 1971 (86 Stat. 3), and the term 'Federal office' shall have the same meaning as prescribed for such term by section 301(c) of such Act.".

(6) Section 10 is amended by deleting the language therein and inserting in lieu thereof the following: "There is hereby authorized to be appropriated for fiscal year 1974 the amount of $1,500,000 and for fiscal year 1975 for a period ending December 30, 1974, the amount of $750,000, to carry out the provisions of this Act. At least 50 per centum of the amount of any funds expended for salaries under this Act shall be expended for salaries of employees in regional offices of the Committee located outside Washington, District of Columbia".

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. WIGGINS

Mr. WIGGINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGINS: On page 4, line 3, after the word "activity", add a period and delete all thereafter to and including the word "salary." on line 9, page 4.

Mr. WIGGINS. Mr. Chairman, there is obviously considerable support for this bill and now I have offered an amendment which will make the bill better.

I urge attention of the Members to the language which I have moved to strike by this amendment. In particular, I direct the attention of the Members to the bottom of page 3 of the bill. That is the new section which is intended to remove the Cabinet Committee from partisan political activity. I want the Members to know the amendment I have offered is consistent with that objective, an objective which I support. The new language offered by the committee reads as follows:

"No part of any funds authorized to carry out this Act shall be used to finance any activities designed to influence the outcome of any election to Federal office or any voter registration activity,".

Mr. Chairman, I leave that language intact and I support that language, but now I ask the Members to pay attention to what follows. On page 4, beginning with line 3, we find the following language:

or to pay the salary of the Chairman or any employee of the Committee after the date on which such persons engage in such activity as determined by the United States Civil Service Commission. No person found by the United States Civil Service Commission to have violated this provision shall be required to repay more than thirty days of his salary.

The activity referred to above is partisan political activity.

The language I have just quoted I wish to strike and I want to tell the Members why. My reasons are persuasive and are reasons which each Member can and should support.

First it is noted that this is mandatory language. The individual involved shall lose his salary. That is true notwithstanding the extent of the political involvement. It is to be noted, gentlemen, that it is possible that an individual employee may be involved only peripherally and only casually in any political activity, but this language mandates that he loses a month of salary.

I appeal to the sense of justice of the Members: Is that fair? Of course, it is not.

It is to be noted, too, that the stricture of losing salary applies whether or not the political activity in which the gentleman may engage is performed on duty or off duty.

I suggest that is an unwise extension of the law. If a Federal employee wishes to engage in partisan political activity off duty, why should he lose a month's salary for doing so? That is to impose a special rule on these employees which we do not impose on other employees of the Federal Government.

Moreover, why is it that the Government Operations Committee is coming out with this new rule, this new amendment to the Hatch Act? That subject is properly before the Post Office and Civil Service Committee. If we intend to modify the basic law to impose a special penalty to a narrow category of employees, I would suggest that the Post Office and Civil Service Committee, rather than the Government Operations Committee, should be the committee of Congress to recommend it to this body.

I think we all should know, too, that this is clearly an act of vindictiveness, in my opinion, against the Chairman of the Cabinet Committee.

The Chairman is an appointee of the President. He has been confirmed by the Senate of the United States, and although it is not clear beyond any peradventure of a doubt, it has generally been regarded that presidential appointees approved and ratified by the Senate are not subject to the Hatch Act. Unfortunately, the Committee has fashioned a special rule to apply to the Chairman of the Cabinet Committee.

The Committee had a good idea, but it drafted it imperfectly. My amendment, continues to prohibit partisan political activities on the part of the Cabinet Committee, but will not impose respect to the employees of that Committee.

Mr. Chairman, the fact that the administration supports the bill as a whole does not suggest it support the particular language which I have moved to strike.

Mr. Chairman, I urge support of my amendment.

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the ban on partisan political activities in subsection 5 of the bill results from the committee's feeling that the Cabinet Committee cannot be effective if it is involved in partisan political activities. The staff of the Cabinet Committee is very small and its task difficult enough without being burdened by pressures to engage in partisan activities and suspicions that it has done so. Therefore, the committee has sought to make a clear and fast ban an all partisan political activities by the Chairman and employees of the Cabinet Committee.

There are four important points that should be made about the ban on partisan political activity:

First. The language defining banned partisan political activities would have the same effect as the ban imposed by the Hatch Act;

Second. The Chairman of the Cabinet Committee is clearly placed under this ban, by reason of the committee's finding that he does not fall within any of the exemptions of the Hatch Act;

Third. Congressional authority to ban partisan political activities by Federal employees has been recognized by the Supreme Court; and

Fourth. The Committee created a sanction for violators of the ban.

The method chosen for banning partisan political activity was shaped by current law prohibiting political activity by employees of the executive branch and the special circumstances of the Cabinet Committee. The language used to describe prohibited activity is similar to that found in the Hatch Act, 5 U.S.C. 7324, and the Federal Elections Campaign Act of 1971, 2 U.S.C. 452, which bans partisan activity by the Director and employees of the Office of Economic Opportunity. The bill states that the Civil Service Commission shall determine whether or not a prohibited action has been performed and, therefore, the rules and regulations and precedents of the civil service will apply.

The bill covers not only the employees of the Cabinet Committee, but also the Chairman. In the past, it has been assumed that the Chairman was exempt from the Hatch Act. However, a reexamination of the exemptions of the Hatch Act convinced the Committee that the Chairman probably should not be exempted. The only possible exemption that would apply is found in subsection d of 5 U.S.C. 7324, where it says in paragraph 3 "(a) n employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations to foreign powers or in the nationwide administration of Federal laws" are exempt. While it is clear that the Chairman is appointed by the President with the consent of the Senate, he, in fact, does not determine policy. All of the functions and powers of this act are given to the Cabinet Committee, and not to the Chairman. His role is to serve as an advisor to the Cabinet Committee and Director of its staff. Thus, the Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People is not exempt from the Hatch Act.

The Congress has clear authority to limit the political activity of the officers and employees of the Federal Government. The Supreme Court, in *United Public Workers* v. *Mitchell*, 330 U.S. 75 (1947), which was the first major challenge to the Hatch Act, stated:

> The determination of the extent to which political activities of governmental employees shall be regulated lies primarily with Congress. . . . When actions of civil servants in the judgment of Congress menace the integrity and the competency of the service, legislation to forestall such danger and adequate to maintain its usefulness is required. (at 102–103)

This position was most recently upheld by the Supreme Court in the case of *United States Civil Service Commission* v. *National Association of Letter Carriers*, 41 LW 5122, June 25, 1973:

> Neither the right to associate nor the the right to participate in political activities is absolute in any event (citations omitted). Nor are the management, financing, and conduct of political campaigns wholly free from governmental regulation. We agree with the basic holding of *Mitchell* that plainly identifiable acts of political management and political campaigning may constitutionally be prohibited on the part of Federal employees (41 LW at 5127–5188).

Finally, we realize that the penalties of the Hatch Act, the strongest of which call for the suspension or exclusion of an employee who has acted illegally, would not be effective for the Cabinet Committee. The reason is that the Cabinet Committee will cease to exist December 30, 1974. If there were any charges considered under the Hatch Act, the penalties would be meaningless when imposed because the positions from which the employees would be fired would no longer exist. To make the ban meaningful, this bill would make illegal the use of funds for salaries after the date of an illegal partisan political activity. If the Civil Service Commission makes a finding that an employee had, in fact, performed such an illegal act, the GAO would not certify expenditure of funds for that employee's salary after the date of the illegal act and would undertake to have such wrongly expended funds returned to the Treasury under authority of 31 U.S.C. 71, 72, and 74. We have limited the amount of funds that a person would have to repay, however, to 1 month's salary.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

I definitely oppose the amendment because I believe the chairman of the committee does come under the Hatch Act. He does not determine policy, he merely implements it. He is there by virtue of the fact that the Congress established the committee and mandated the committee as a whole to deal with the problems of the Spanish speaking.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. HOLIFIELD. In support of the gentleman's statement, just made, I shall read from the Hatch Act. This is 5 U.S.C. 7324. It exempts the following people:

> The head or the assistant head of an executive department or military department.
>
> An employee paid from the appropriation for the Office of the President.

And this is the one that supports the gentleman's position:

> An employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of federal law.

The Chairman of the Cabinet Committee makes no policies. He and the Cabinet Committee, by the terms of Public Law 91–181, act in only an advisory capacity on policies made by other policymakers.

The law itself (Public Law 91–181) puts any policymaking, "rules and regulations" and advisory power in the committee, not in the chairman. Therefore, the Chairman is not exempt from the Hatch Act because of that very point.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. WIGGINS. Assuming the chairman to be under the Hatch Act, is the gentleman in the well aware of any provision in the Hatch Act which penalizes a covered employee for 1 month of his salary if he should violate one of its provisions?

Mr. ROYBAL. Is the gentleman implying that 1 month salary is not sufficient?

Mr. WIGGINS. I am merely asking whether this is a penalty we impose on other Government employees or a special rule to be carved out for employees of this one agency?

Mr. ROYBAL. It seems to me that this is the prerogative of the committee handling the legislation .

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. HOLIFIELD. Under the Hatch Act an individual can be suspended from his job permanently if he continues to disobey. This is a very mild punishment, if we want to put it that way. It does not suspend him, as the Hatch Act allows for political activity, for those people who are violating it. It just says he shall refund no more than 30-days' salary and that no part of the funds authorized shall be used for his salary from that time on.

Mr. ROYBAL. I thank the gentleman.

Mr. Chairman, the reason why I asked whether or not the withholding of 1 month's salary as a penalty was not sufficient is because I have seen time and time again violations on the part of members of the Cabinet Committee, and particularly the Chairman of the Committee.

Mr. Chairman, on one occasion I attended a banquet in Los Angeles, and heard more than a half hour's speech made by the Chairman of the Committee in which most of his remarks were against Members of this House. Most of all I resented that was because moneys made available by this Congress were used to help the Spanish speaking to pay for his transportation and his hotel bills. Had he been there on his own he would have been acting as just an ordinary citizen, but he was there representing the Cabinet Committee and at that time ignoring the problems of the Spanish speaking and spending funds made available by this Congress for the sole purpose of having that Committee deal with the problems of the second largest minority in the United States.

On various other occasions I also had the opportunity of hearing another Director of the Committee take on individual Members of this House. It is my understanding that there have been many occasions when again Directors have gone into the districts of various Congressmen to campaign against them, and on funds appropriated by Congress for the purpose for which the Committee was established. It was not the intent of this Congress—and surely not my intent when I originally sponsored the bill—to give anyone, including the Director of this agency all the funds he needed to go out and campaign against any Member of this House, whether it be Republican or Democrat. These funds were made available by Congress for a specific purpose and, in this instance, the purpose was to deal with the problems of the Spanish speaking of the United States of America.

Mr. Chairman, I think that this amendment should definitely be defeated.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I wish to associate myself with the remarks of the gentleman in the well, the gentleman from California (Mr. ROYBAL), and I rise in opposition to the amendment.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise in support of this amendment.

I think the language in the bill is clearly an invasion of the jurisdiction of the Committee on Post Office and Civil Service, but be that as it may, I am wondering if we really mean business with respect to outlawing political participation on the part of anyone connected with this organization. If we really mean business, and if they do get into politics, they should be suspended with a view to kicking them out of the Federal service and depriving them of any Federal pay at all. That is what the amendment offered by the gentleman would accomplish. It would strike out this language and let the law apply.

Why the loss of 30 days' salary? That could mean practically nothing for participation in politics.

Mr. Chairman, I listened to the gentleman from California (Mr. EDWARDS) a few moments ago and I believe he said—I hope the gentleman will correct me if I am wrong—that there are children in the first grade of school in this country who are unable to speak English. Well, where does the responsibility for that kind of a situation rest? Clearly it rests upon the home.

If a child has not learned to speak some English before he or she enters the first grade in school there is something radically wrong with the family.

What is this bill designed to do? Frankly, I do not know, unless it is to perpetuate the bureaucracy.

How is it proposed to educate, with $1,500,000 for the current fiscal year, and $750,000 for 1975, all of the Mexican and other Spanish-speaking children in this country or any substantial number of them enter the first grade without being able to speak English. How is it proposed to educate them on the money provided in this bill?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentleman from California. After all, I did use the gentleman's name.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for yielding and for his observation.

My remarks had to do with the low level of bilingual education in this country.

It has been proven statistically that where bilingual education is available to families who are Spanish-speaking—and there are many wonderful families in the great southwestern part of our country who speak Spanish instead of English—where those programs for bilingual education are provided beginning in the kindergarten, first and second grades, the progress is outstanding and many of the problems that involve these children later in life because of their deficiency in language to begin with are eliminated.

I believe we should try to add to the appropriation in title I education for the bilingual education of children, and I regret to say it is still a pittance that Congress gives for these children.

Mr. GROSS. What is this bill? Is it the forerunner of more to come? Is there to be similar set-ups for the Italian and Polish people of this country? Where does this sort of thing end?

Mr. EDWARDS of California. Those ethnic groups do not have the same difficulty that the Spanish-speaking people have.

Mr. GROSS. That is what you say.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. HOLIFIELD. I can assure the gentleman this is a very peculiar case which embodies between 12 and 14 million people who are in the disadvantaged position, the discriminated against position, and there will be no intention on the part of this Member of the House to bring bills for the Chinese, the Japanese, or anyone else, because they are not in the same situation that these people are. These people are not in that situation. They need help.

Mr. GROSS. What the gentleman is saying is further confirmation of my belief that this is a California-Texas bill. I scarcely heard any other Member speak in favor of it.

Mr. HOLIFIELD. No.

Mr. GROSS. The State of California, as I understand it, has about $900 million surplus in its treasury. I do not know about the State of Texas, as to whether it has a surplus, but they are pretty well heeled down there, as I understand it. If they have all that surplus, why does not the State of California take care of their problem and Texas do the same thing? Why ask the taxpayers of the country to do it for them?

Even with the pending amendment, this bill ought to be defeated.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my 5 minutes.

I am not opposing this bill in any way, shape, or form, but I merely want the record to show that I believe we had better take a longer look at some of this type of legislation in the future and to set some kind of a limitation as to where we are going to go in bilingual education.

This Nation between 1882 and 1914 had an influx of millions and millions of immigrants. We were able to weld together all of the nations of the Earth and their peoples who came here. Every language, every color, every creed. We developed something that was never done before and which will never be done again, that is, we developed a Nation of one-thought Americans.

My dad refused ever to answer us back in his native tongue when we were kids going to school because he wanted to learn what he called American. My father said when I was a boy that a man thinks in the language he speaks.

Bilingual and multilingual was the thing that destroyed Rome more than the lack of corn or any other item. Canada, as you well know, has been torn apart in bitter battles over the years because of the bilingual situation.

Sure these people need help, and I support it and go along with it, but do we have a goal in mind? Is it true at this moment that all of the official notices of the city of New York have to be printed bilingually? There were more Italian nationals in Little Italy in New York by percentage of population when my father got there in 1897 than there is a percentage of Spanish-speaking in any city or in any State of the Union today.

You have to learn the language. You say that they go to school without being able to speak English. I could not speak English when I went to school. My mother could not speak English.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, when I was in the first grade, half the kids in that room could not speak English. And if they had had Croatian teachers, Slovakian teachers, Serbian teachers, and Russian teachers, Italian and Polish teachers, they never would have learned to speak English. What do we want to do? Perpetrate these people so as not to be able to speak English forever and forever? Is that what we are up to?

As far as the Spanish-speaking people are concerned, I will say that half of them are here illegally, so that they ought to at least learn our language.

Mr. DENT. Mr. Chairman, I want to emphasize this, maybe because of the singular aspect of this, that we ought to continue this kind of a venture I do not know. But I do know this, that if we are at this point of bringing non-English-speaking Spanish children into Spanish classes to learn Spanish, then we are reversing the thing that was done that made this an American nation.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New York.

Mr. HORTON. This bill does not have anything to do with what the gentleman in the well is talking about.

Mr. DENT. Mr. Chairman, I will just take my time back at that point. I know what the bill is all about, and I understand it, but we are adding again to the growth of a program that started on the basis of bilingual education. Now we are setting up a semi-Cabinet sort of position which will in turn become a Cabinet desk or something of that nature, and we will continue our children in the schools, and if they are already doing it with election notices in New York, I ask what do the children in the first grade have to do with election notices? And the State has to print bilingual election notices.

I want the Members to understand that I want to help where I can to ease the problems of any group, but when I am gone from here I hope that the Members will remember these words: That if we ever get to the point that we have conclaves of Spanish-speaking Americans then they will always be Spanish-speaking Americans.

If we analyze the Spanish-speaking groups in Los Angeles we know that they live as a unit. And that is why we broke up in this country the little Italys and the little Polands. We have broken them up to get them out so as to commingle in our society. At one time we were not allowed to walk on a certain street because we were foreigners or other such derogatory epithets. But we overcame that, and we overcame it with the English language.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, the point the gentleman from Pennsylvania makes has a lot of validity, but I am sure the gentleman realizes that this bill has nothing to do with bilingual education. We do have such a program, however, as the gentleman from Pennsylvania well knows. I do not know if the gentleman from Pennsylvania has supported that in the past, but it is in the education bill.

Mr. DENT. I did. I supported it in the past. Certainly I did. But I do not want to continue it.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think somebody is trying to cloud the issue a little bit here. I think everyone knows what is in this bill. I guess they also know that we have appropriated, I believe it is about $109 million this year for bilingualism. And as I understand what is in this bill, all that is in this bill is to make sure that everybody knows and is kept on the alert as to how to dip into this $109 million. How much it is going to cost in the allotted time I do not know, because I am not that familiar with the bill.

I think the gentleman from Pennsylvania is making a valid point, that we cannot expect to continue this bilingualism on and on and on and on without creating a bilingual society. That may be desirable; it may be debatable. Certainly my proposition, I suppose, is debatable. But I do not think it is desirable in this country, at this late stage when we are approaching our 200th anniversary, that we start out to create a bilingual society. That is what I object to.

I understand what is in the bill. Do not try to becloud the issue. Everybody understands what is in this bill. All this bill is doing is saying, make sure you get your piece of pie so that next year instead of $109 million, it can be $119 million or $190 million, or God knows what. These programs never diminish. They never diminish.

If we create a bureaucracy to promote bilingualism for Spanish-speaking people, it will never get any smaller; I will guarantee that.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard the remarks of the last two speakers, and there is a great deal of merit in what they say. If we are actually moving in the direction of creating or encouraging the creation of separate enclaves of non-English speaking groups in this country, I would feel very strongly opposed to it. I would oppose the bilingual education bill; I would oppose this bill. To the degree that they encourage this sort of thing, I think we need to scrutinize them very carefully.

My understanding, if I may refer back to the bilingual education bill, is that it it not intended to encourage the speaking of Spanish; it is intended to face the reality that we have tens of thousands of Spanish-speaking immigrants who come in every year, and that they can best learn English if they are given teachers who speak their language, who can teach them English, using their language, and that the whole purpose is to expedite the process of acculturalization to which the two preceding gentlemen referred, the process of bringing these immigrants into the stream of the majority culture in this country. If it were anything else, I would not support it.

I believe we should encourage bilingualism. I think all of us who speak only English—and I am so handicapped—ought to be able to speak another language. But to encourage the kind of a country that we want, we should have a common language, and I could not agree more with the distinguished gentleman from Pennsylvania who made this point.

This particular bill before us—and I am sure the preceding two speakers are well aware of it—is intended to provide assistance in utilizing some of the programs that we have already authorized, but it is not a permanent program. This Cabinet level committee expires in another 18 months or less. Its purpose also is to bring the Spanish-speaking people of this country into the mainstream of the American culture, not to continue them as non-English-speaking enclaves of some sort. This is the reason I support this bill.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New Jersey.

Mr. PATTEN. I thank the gentleman for yielding.

Mr. Chairman, I live in a town where I probably can truly say that when I was in the fifth grade I was the only fellow in the room who could speak English. We had night schools afforded by the State and the local board of education always during the war years of 1918 and 1919, and in the twenties we made vigorous efforts to get the Polish, the Slovaks, and the Italians to go to adult education to learn to read and write English. There is nothing new about this.

If we have a 6-year-old Puerto Rican child in this country 3 months and his mother takes him to school, the child cries and tries to go back home. It is better to have bilingualism.

Our problem in our town is, with the work of all of the teachers and of all of the organizations, we do not get enough money out of this bill. We do not go to California and Arizona. We get very little, but our boards of education all through New Jersey are carrying on bilingual programs, and we are paying for that with local money. They did this in the 1920's.

Mr. BROWN of California. I thank the gentleman for his contribution.

Let me conclude by saying my only point is that we are seeking to develop with this legislation one culture, to overcome the kind of obstacles that exist because of these enclaves. We do have night school programs and adult education programs for the adults, but we do not teach the Spanish-speaking people to speak English by only speaking English; we have to speak Spanish.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. After a cursory reading of the report I got the impression that the main function of this bill was to provide fairly high level and well paying jobs for Spanish-speaking people. Could the gentleman disillusion me on this point? Is this really going to get down to the grassroots where it really does some good? Apparently in the past it has not. It has provided a number of high level jobs for Spanish-speaking people, and that is fine for the people who are represented, but is it doing any good for the ordinary chicano?

Mr. BROWN of California. I can tell the gentleman from my own experience that this program has done a great deal of good. In order to carry on a program we have to have people to administer it. In this particular program they have obviously sought to help Spanish-speaking people, and they have sought out competent Spanish-speaking people to administer the program, but that is incidental to the program itself.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Gross, and by unanimous consent, Mr. Brown of California was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman says this is a temporary program. Does the gentleman know of anything so permanent in the Federal Government as a temporary bureaucrat, who, of course, is fed at the public till?

Mr. BROWN of California. I think the gentleman's point is valid. But I think we have to scrutinize all the programs which we authorize to make such that they are performing well so that we can justify that they continue to exist.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I would like to remind the gentleman that the authorization for the Cabinet Committee expires on December 30, 1974.

Mr. BROWN of California. Yes.

Mr. HORTON. And to extend the program, Congress will have to enact new legislation.

Mr. BROWN of California. That is the point I made. I thank the gentleman for repeating it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Wiggins).

The question was taken; and on a division (demanded by Mr. Wiggins) there were—ayes 40, noes 56.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WIGGINS

Mr. WIGGINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wiggins: On page 4, line 20, delete the sentence beginning "At least 50 per centum . . .".

Mr. WIGGINS. Frankly, Mr. Chairman, this amendment is much more important than the last one. I direct the attention of the membership on page 4 of the bill to the last sentence of the bill:

> At least 50 per centum of the amount of any funds expended for salaries under this Act shall be expended for salaries of employees in regional offices of the Committee located outside Washington, District of Columbia.

Gentlemen, my amendment strikes the sentence which I have just read. To understand the reason for the amendment, one must understand the evolution of the Cabinet Committee and understand its objectives. The Cabinet Committee is not, nor was it ever created to be, an ombudsman for Spanish-speaking people in this country.

The Cabinet Committee was intended to focus its direction solely against agencies of the Federal Government.

In other words, the purpose of the

Cabinet Committee was to encourage members of the Cabinet to be mindful of the needs of the Spanish-speaking people, as they fashioned programs within their jurisdiction.

The Cabinet Committee did not deal with the public. It dealt with the Government and the agencies of Government. That is the history of the Cabinet Committee. The Government Operations Committee has reported a bill which is going to change that historical direction and change it in a rather fundamental way.

Much of the discussion on the previous amendment by the gentleman from Ohio and the gentleman from Pennsylvania becomes very much germane relative to this amendment.

Mr. Chairman, if we are going to mandate in this bill that there shall be regionalism, regional offices for the Cabinet Committee for the Spanish-Speaking, can we in justice deny to any other ethnic group the right to have a store-front operation in their city so that the needs of that minority group can be better served by Government? I think not. If the Cabinet Committee is going to act as an ombudsman for a Spanish-speaking minority group, then in fairness and in equity all other minority groups should be similarly represented.

But, the committee was never conceived to discharge that function. The committee was conceived to act only on the Cabinet, to encourage that agencies of governments respond to the needs of the Spanish-speaking. If we adopt the language in the bill, when we are going to start down a road which makes very relevant the discussions of the gentleman from Ohio (Mr. HAYS) and the discussions of the gentleman from Pennsylvania (Mr. DENT) because we most assuredly will be doing something visibly on the street for one minority and not for another.

I think the time is now to nip in the bud this concept of regionalism, this concept that the Spanish-Speaking Committee shall evolve into the general ombudsman for the Spanish-speaking people in this country.

Mr. Chairman, this is an important amendment. It reverses a fundamental change in direction contained in the committee bill, and I certainly urge its support. It is going to save all of us a great many headaches down the road if we stay away from this concept of regional offices for the Cabinet Committee.

Mr. Chairman, I urge an affirmative vote on my amendment.

Mr. STEELMAN. Mr. Chairman, I rise to speak in opposition to the amendment.

Mr. Chairman, the very simple intent here of the legislation is to decentralize the functions of the Cabinet Committee on Opportunities for Spanish-Speaking People. I think it might be worthwhile to review the history just briefly of the Cabinet Committee and its original purpose.

With all due respect to my distinguished colleague from California (Mr. WIGGINS) I had the occasion before becoming a Member of this body to work occasionally with the Cabinet Committee. Its original intent was indeed, as the gentleman stated, to work with members of the Cabinet, but it was also to work with members of the Cabinet toward seeing that Federal programs which apply to the Spanish speaking indeed were directed to the community level. I think that was a laudible objective.

Mr. Chairman, I have been critical of Federal programs in the past operated just here in Washington which have not affected the people for which they were designed. There is no program money in this legislation. All this is designed to do, and I think advisedly so, is not to grant new programs and give them to another agency, but rather to try to see that agencies which have programs for the Spanish speaking do get to the community level, to serve as a liaison force with these agencies and see that there is indeed delivery on the original congressional intent of those programs.

Mr. Chairman, I would say particularly to my colleagues on this side of the aisle that we have all supported our President's efforts at decentralization. The thrust of the new federalism is to decentralize governmental programs to see that there is progress with respect to the programs reaching the people for which they were intended.

What this seeks to do is complement the President's programs, the President's thrust with regard to new federalism. This is in the finest tradition of the new federalism. That is simply what we are trying to do here, to be sure that the function of the Cabinet Committee on Opportunities for the Spanish-Speaking parallels that of the decentralized 10 Federal regions and their Federal programs. The purpose of this agency, I would say again, is not to create new programs, but is simply to see that delivery is made of existing Federal programs.

I urge my colleagues on both sides of the aisle to defeat the amendment.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. STEELMAN. I yield to the gentleman from New York.

Mr. HORTON. I believe the gentleman has made an extremely important point. During our hearings on this bill, one of the things we were most impressed with was that so much of the work of this Cabinet Committee needs to be done in the field. We felt it was important in enacting this legislation to provide funds for regional offices. In other words, we want to get the work of the committee out into the regions where the people are, at the grassroots. We feel this will make it easier for them to find out what are the problems of the Spanish speaking, and to make it easier for the people who have these problems to come in and talk to someone in their own area, rather than to have to come to Washington, D.C.

If this amendment succeeds, there will be no required funding for these regional headquarters. If that is the case, they will never be set up.

I believe it is very important that we oppose this amendment and urge that the amendment be defeated.

Mr. STEELMAN. I thank my ranking Member.

I should like to say that I do intend to vote for the bill on final passage. Let me say to those who argue against its intent and who intend to vote against it on final passage that this amendment I believe, represents what we all stand for. If this bill passes and if this program continues, at least let us assure that delivery is made at the grassroots level. It is especially important with regard to the Spanish-speaking community because of the concentration of the population in 5 to 10 States of the country.

I urge the defeat of the amendment.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the last word.

I want to compliment the gentleman on the statement he has just made. There have been some flamboyant statements made here on the floor today that have nothing to do with this bill.

This is not a bilingual education bill. This is a bill to make available to the Spanish-speaking people who are in groups in Florida, in New York, in Texas, in Michigan, and in California.

I will read from the language of the bill and ask the Members to read the bill.

The bill, on page 2, section (2), subsection (3) says:

> To advise and assist Spanish-speaking and Spanish-surnamed groups and individuals in receiving assistance available by law.

That is the purpose. That is what we are talking about when we are talking about these regional offices.

We feel there should be someone there to tell these people, whether they be Cubans, Puerto Ricans, or other Spanish-Americans, "Here is a program already set up by law which you can avail yourselves of to learn the language, yes; to obtain vocational training, yes; to obtain educational training, yes; to obtain medical attention, yes."

These are the things we are talking about in this bill.

We in the committee unanimously considered that the place to do a lot of this work is right in these different areas of concentrated ethnic groups who speak Spanish. Many of them cannot speak English. We wish to give them an opportunity to know that they can go to a certain night school and learn English so that they can become American citizens in the full sense of the term.

I trust that the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WIGGINS).

The question was taken; and on a division (demanded by Mr. WIGGINS) there were—ayes 37, noes 55.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KARTH, Chairman of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, pursuant to House Resolution 602, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

RECORDED VOTE

Mr. HOLIFIELD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 97, not voting 64, as follows:

[Roll No. 541]

AYES—273

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Badillo
Bafalis
Barrett
Bell
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Mass.
Burton
Carey, N.Y.
Cederberg
Chamberlain
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniels, Dominick V.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellums
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gibbons
Gilman
Grasso
Green, Pa.
Gubser
Gude
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hawkins
Heckler, Mass.
Heinz
Helstoski
Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Howard
Hudnut
Hunt
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Kluczynski
Koch
Kyros
Latta
Lehman
Lent
Long, La.
Lujan
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara
O'Neill
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rosenthal
Rostenkowski
Roy
Roybal
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Teague, Calif.
Thompson, N.J.
Thone
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waldie
Walsh
Whalen
White
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki

NOES—97

Ashbrook
Bauman
Beard
Bennett
Bevill
Blackburn
Bowen
Bray
Breaux
Broomfield
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carter
Chappell
Clancy
Clark
Cochran
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Dennis
Dent
Dickinson
Duncan
Edwards, Ala.
Evins, Tenn.
Flynt
Fountain
Gaydos
Gettys
Giaimo
Ginn
Gonzalez
Goodling
Green, Oreg.
Griffiths
Gross
Haley
Hays
Hechler, W. Va.
Henderson
Holt
Huber
Hungate
Hutchinson
Ichord
Jones, Okla.
Jones, Tenn.
Keating
Kemp
King
Kuykendall
Landgrebe
Long, Md.
Lott
McSpadden
Mann
Mazzoli
Mizell
Montgomery
Myers
Nichols
Poage
Powell, Ohio
Quillen
Rarick
Robinson, Va.
Roush
Rousselot
Ruth
Satterfield
Scherle
Shoup
Shuster
Snyder
Spence
Stephens
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thomson, Wis.
Vigorito
Waggonner
Ware
Whitehurst
Whitten
Wiggins
Wilson, Charles, Tex.
Wylie
Young, Ill.
Zion

NOT VOTING—64

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Baker
Bergland
Biaggi
Blatnik
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Fla.
Carney, Ohio
Casey, Tex.
Culver
Dellenback
Denholm
Derwinski
Devine
Dorn
Downing
Eshleman
Flowers
Fulton
Goldwater
Gray
Grover
Gunter
Guyer
Hammerschmidt
Harrington
Hastings
Hébert
Hicks
Hosmer
Johnson, Pa.
Landrum
Leggett
Litton
McClory
McKay
Maraziti
Mathis, Ga.
Mills, Ark.
Mink
Moss
Obey
Owens
Patman
Rees
Rooney, N.Y.
Rooney, Pa.
Rose
Ruppe
Sandman
Sullivan
Talcott
Thornton
Veysey
Wampler
Young, Fla.
Young, S.C.
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Downing against.

Mr. Hébert for, with Mr. Flowers against.

Mr. Rooney of Pennsylvania for, with Mr. Denholm against.

Mr. Fulton for, with Mr. Owens against.

Mr. Biaggi for, with Mr. Rose against.

Mr. Talcott for, with Mr. Andrews of North Dakota against.

Mr. Maraziti for, with Mr. Johnson of Pennsylvania against.

Mr. Carney of Ohio for, with Mr. Andrews of North Carolina against.

Mr. Ruppe for, with Mr. Devine against.

Mr. Hammerschmidt for, with Mr. Baker against.

Mr. Guyer for, with Mr. Abdnor against.

Mr. Sandman for, with Mr. Young of South Carolina against.

Mr. Blatnik for, with Mr. Dorn against.

Mr. Hicks for, with Mr. Alexander against.

Mr. Gray for, with Mr. Landrum against.

Mr. Brown of Ohio for, with Mr. Hosmer against.

Mr. Bergland for, with Mr. McKay against.

Mr. Gunter for, with Mr. Mathis of Georgia against.

Until further notice:

Mr. Moss with Mr. Zwach.

Mrs. Burke of California with Mr. Hastings.

Mr. Culver with Mr. Goldwater.

Mr. Leggett with Mr. Grover.

Mr. Thornton with Mr. Buchanan.

Mr. Casey of Texas with Mr. Burke of Florida.

Mr. Harrington with Mr. Anderson of Illinois.

Mrs. Mink with Mr. Dellenback.

Mr. Patman with Mr. Derwinski.

Mr. Mills of Arkansas with Mr. Eshleman.

Mr. Rees with Mr. Young of Florida.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT OCTOBER 19, 1973, TO FILE REPORTS

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight Friday to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RESIGNATION FROM NATO PARLIAMENTARY DELEGATION

The SPEAKER laid before the House the following resignation from the NATO parliamentary delegation:

WASHINGTON, D.C.,
October 17, 1973.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I regret that I will have to resign as a member of the NATO parliamentary delegation due to the unfortunate scheduling of committee sessions on land use and surface mining legislation in the Committee on Interior and Insular Affairs. I informed the Chairman of the Delegation, Congressman Wayne Hays, of this problem on October 12.

I was extremely honored to have been asked to join the delegation, and I want to thank you for your consideration in appointing me to the group.

With kindest personal regards, I am
Sincerely,

PHILIP E. RUPPE,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION AS MEMBER OF NORTH ATLANTIC ASSEMBLY IN TURKEY

The SPEAKER laid before the House the following resignation from the North Atlantic Assembly in Turkey:

Washington, D.C.,
October 17, 1973.

Hon. Carl Albert,
Speaker, House of Representatives, Washington, D.C.

Dear Mr. Speaker: Due to unforeseen circumstances, I find that I will not be able to attend the 19th annual session of the North Atlantic Assembly which will be held from October 22nd through the 27th in Ankara, Turkey, as I had previously planned to do.

I very much appreciate your appointing me to the United States Congressional Delegation which will be participating in these meetings and sincerely regret that circumstances now prevent my participation.

Sincerely,

Bob Mathias,
U.S. Congressman.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION AS MEMBER OF NORTH ATLANTIC ASSEMBLY IN TURKEY

The SPEAKER laid before the House the following resignation from the North Atlantic Assembly in Turkey:

Washington, D.C.,
October 15, 1973.

Hon. Carl Albert,
Speaker of the House of Representatives, Washington, D.C.

Dear Mr. Speaker: Due to unforeseen circumstances, it will not be possible for me to be a delegate to the North Atlantic Assembly meeting to be held in Ankara from October 21st through October 27th. I want you to know I appreciate the appointment and regret that I am unable to be in attendance.

Sincerely,

L. C. Arends.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT AS MEMBERS OF NORTH ATLANTIC ASSEMBLY IN TURKEY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, the Chair appoints as members of the U.S. group of the North Atlantic Assembly on the part of the House, to fill the existing vacancies thereon, the gentleman from Ohio, Mr. Powell, and the gentleman from North Carolina, Mr. Martin.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

The message also announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 54. Concurrent resolution providing for the adjournment of the Senate from Thursday, October 18, 1973, to Tuesday, October 23, 1973.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2016) entitled "An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6691) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agrees to the House amendment to the Senate amendment numbered 34.

PERSONAL EXPLANATION

Mr. JOHNSON of California. Mr. Speaker, on rollcall 538 I was not recorded as voting. I was in the Chamber and placed my card in the box. Had I been recorded I would have been shown as voting "aye."

PERSONAL EXPLANATION

Mr. PRICE of Illinois. Mr. Speaker, on page 34448 of the Record of October 17, 1973, on rollcall 535, a quorum call, I am recorded as not being present. I was present and recorded my presence and I ask that this statement appear in the Record.

SENATE AMENDMENT ON H.R. 9639, NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS

Mr. PERKINS. Mr. Speaker, I move to take from the Speaker's desk the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs, with a Senate amendment to the House amendment to the Senate amendment No. 5 thereto, and concur in the Senate amendment No. 5.

The Clerk read the title of the bill.

Immediately before the first word of the House amendment to the Senate amendment insert the following sentence: "Notwithstanding the foregoing sentence, no such special assistance factor shall, for any State, be less than the average reimbursement paid for each free meal (in the case of the special assistance factor for free lunches), or for each reduced price meal (in the case of the special assistance factor for reduced price lunches), in such State under this section in the fiscal year beginning July 1, 1972."

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. QUIE. Mr. Speaker, since the House has already adopted the conference report and since the other body added an amendment afterward when they adopted the conference report, is there anything we can do other than defeat the motion before us? Is there any way we can have a separate amendment to strike out?

The SPEAKER. The House can either accept or reject the Senate amendment.

Mr. QUIE. I thank the Speaker.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry, if the gentleman will yield.

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, are there copies of this amendment available? Are they printed and available to the Members?

Mr. PERKINS. It has been printed in the Record for several days. The Congressional Record of October 16, 1973, contained a printing of the amendment. It has been printed since then.

Mr. GROSS. That would be the Record we received yesterday, then?

Mr. PERKINS. Yes.

MOTION OFFERED BY MR. PERKINS

The SPEAKER. The Clerk will report the motion offered by the gentleman from Kentucky.

The Clerk read as follows:

Mr. Perkins moves to concur in the Senate amendment to the House amendment to Senate amendment No. 5.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, when the gentleman from Kentucky finishes his 5 minutes, does he intend to yield me half the time?

Mr. PERKINS. Mr. Speaker, I intend to divide the time equitably between the minority and the majority.

Mr. QUIE. Mr. Speaker, would that be half and half, 30 minutes to each side?

Mr. PERKINS. Yes.

Mr. QUIE. Mr. Speaker, I thank the gentleman.

Mr. PERKINS. Mr. Speaker, this Senate amendment relates to the manner in which section 11 payments for free and reduced-price lunches are computed. One of the provisions of H.R. 9639 revises the existing manner of allocating moneys for free and reduced-price lunches from a formula allocation to a reimbursement on the basis of the number of such lunches served. The amount of section 11 funds a State will receive is determined by multiplying the number of free and reduced-price lunches served in the State by a special assistance factor.

H.R. 9639 establishes a minimum special assistance factor of 45 cents for free lunches and 35 cents for reduced-price lunches. These minimum figures represent a 5-cent increase over last year's minimum rates. Despite these increases, however, concern has been expressed that certain States—States which took advantage of a provision in existing law which allows additional assistance to especially needy schools—would suffer a reduction this year in the amount of section 11 funds.

Assuming that the Department were to pay the minimum rate of 45 cents for free lunches and that the same number of free lunches are served this year as were served last year, we are advised that New York, New Jersey, Rhode Island, and Maryland would receive fewer section 11 dollars. This is so because in these States, certain severely needy school districts received extra payments last year with the result that the section 11 State average payment for New York was 46.5 cents, for New Jersey it was 45.8 cents, for Rhode Island 45.5 cents, and for Maryland 45.4 cents.

The Senate amendment is essentially a State hold harmless provision. It would guarantee that the average reimbursement rate paid to a State would be no less than the rate paid in fiscal year 1973. The result this year would be that in New York the rate would be 46.5 cents rather than 45 cents, in New Jersey 45.8 cents rather than 45 cents, in Rhode Island 45.5 cents and in Maryland 45.4 cents. In dollars, New York will receive an additional $1,852,000, New Jersey will receive $260,000, Maryland $82,000, and Rhode Island $77,000. The total added cost of the Senate amendment is $2.4 million.

Mr. Speaker, I believe this is a fair and equitable amendment and in my judgment will insure that the intent of the Congress is carried out. It is in keeping with the spirit and intent of H.R. 9639 and I urge that the House concur in the Senate amendment.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield at this point?

Mr. PERKINS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, as I understand the chairman's explanation of this, in light of previous history and the existing formula, New Jersey, Rhode Island, and Maryland would be in effect held harmless by this conference report provision; is that correct?

Mr. PERKINS. That is correct. The average rate of reimbursement cannot be less than the 1973 average rate.

Mr. THOMPSON of New Jersey. In other words, 45 cents is not, in the intention of this body or the other body, the maximum. Rather, it is the minimum; is that correct?

Mr. PERKINS. Let me explain it this way: The present law permitted the States under section 11 if they had needy schools to go above the minimum, which was 40 cents for free lunches and 35 cents for reduced-price lunches. The law permitted them to go above that and make extra funds available. Because of these payments in New York, New Jersey, and the other two States, the average rate was above 45 cents.

Mr. THOMPSON of New Jersey. New York, New Jersey, Rhode Island, and Maryland.

Mr. PERKINS. They received additional reimbursement.

Mr. THOMPSON of New Jersey. To make it absolutely clear for the RECORD, the interpretation that 45 cents was the maximum by the Department of Agriculture is erroneous and in fact the intention is that 45 cents be the minimum, and under section 11 the enumerated States go up to their 1973 rates. In New Jersey this would be 45.8 cents.

Mr. PERKINS. That is correct. A State cannot be paid at a rate less than the average rate in fiscal year 1973.

Mr. THOMPSON of New Jersey. I thank the gentleman.

The SPEAKER. The gentleman from Kentucky has consumed 5 minutes.

Mr. PERKINS. Mr. Speaker, I yield myself an additional 5 minutes.

Mr. Speaker, these States were planning on and have budgeted their school lunch programs, and their contributions from the State, in anticipation of increased help under the conference report we had before the House the other day.

I personally felt that the language in its new section 11 was flexible enough to permit the Secretary of Agriculture to go above the 45 cents in certain needy cases for reduced and free school lunches. Nevertheless, the Senate did not agree, and accordingly adopted the amendment before us. The effect will be to hold harmless these four States from any loss.

Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I urge the House to vote down the Senate amendment. The reason is that it is designed to benefit only four States at the expense of the taxpayers of all the other States.

To treat these four States which are mentioned different from all the other States on the average payments for free and reduced-cost lunches is what is involved.

Let me point out that this does not provide less money for those States for their lunch programs than the year before. It is not less than the aggregate of what they received before. It only has to do with section 11 and free lunches.

Also, the language was the same in both the House and the Senate bill with respect to free lunches. The House has already adopted the conference report. This matter was not a part of the conference report. It went over to the other body, and they added the amendment. They should have only voted up or down on the conference report.

I believe if we accept this the result will be inequitable.

Let me give the Members the background.

Under the old law, prior to the amendments proposed to be made to section 11 of the School Lunch Act, by H.R. 9639—and the proposed language is identical in both the House and the Senate versions and was not in issue in conference—the minimum cash support for all States for free lunches before this was 40 cents. However, there was a provision that any school which could establish to the satisfaction of the State Education Agency that it was "especially needy" could receive a higher rate, up to a maximum prescribed by the Secretary. That maximum for fiscal year 1973 was 50 cents.

Under the law, as unamended by this bill, there was no control over the number of schools a State agency might declare "especially needy," because if more money was needed by the State, that is, if their average for free and reduced price meals went above 40 cents, Federal funds were simply appropriated to make up the difference.

H.R. 9639 changes that. First, it raises the average payment for free lunches for all States to 45 cents, and it permits the Secretary to set a higher rate for meals served in especially needy schools to not less than 60 cents. But the higher rate would no longer be made up from additional Federal appropriations; it would have to come from the average of 45 cents, which would apply to all States.

Now, in fiscal year 1973, as was mentioned, in only four States, New York, New Jersey, Rhode Island, and Maryland, did the average rate of cash reimbursement for free lunches exceed 45 cents. In New York it was 46.5 cents; in New Jersey, 45.8 cents; in Rhode Island, 45.5 cents; and Maryland, 45.4 cents.

Now, why did the average rate exceed the new minimum average of 45 cents, as proposed in H.R. 9639? Largely, it was because these States took undue advantage of the "especially needy" school provision on which a higher rate of 50 cents per lunch was paid.

In Maryland 48 percent of all free lunches served were in schools declared to be "especially needy"; in Rhode Island it was 51 percent; in New Jersey it was 53 percent; and in New York it was a whopping 68 percent, with the tab picked up by the taxpayers of all the other States.

California, for example, held the average cost of a free lunch down to 38.8 cents last year, even below the 40 cents average, but in California less than 1 percent of free lunches served were in schools declared "especially needy."

Now Californians are asked in this Senate amendment to bail out the less prudent New York educational agencies and to help pay for a higher rate in New York in perpetuity.

Illinois declined to declare any of its schools "especially needy" under the act and held its average rate to 40 cents. Incidentally, Illinois provides State support for free lunches at 15 cents per lunch, coming from State funds, as compared with only 2 cents in New York, 1½ cents in Maryland, 1¼ cents in Rhode Island and 4 cents in New Jersey. Yet, Illinois taxpayers, under the Senate amendment, are going to be asked to pay for the higher rates for those four States.

About the only State which even comes close to the new 45 cents cash payment average is Michigan, with 44.7 cents, but they have had a high 48 percent of all free lunches served in schools they had declared "especially needy," and, therefore, paid at a rate of 50 cents per lunch. Even so, Michigan will not benefit from this amendment, because its 1973 average is still below 45 cents.

Mr. Speaker, even here in the District of Columbia, with its preponderance of needy children, the average cash support for a free lunch was held below 40 cents. In Florida, with 43 percent of the lunches served in schools designated "especially needy," the average rate was held below 42 cents, and in Alabama, with 41 percent in the "especially needy" schools, the rate was held below 40 cents.

In Massachusetts, a high cost of living State, they served 36 percent of their free lunches in schools designated as "especially needy," and yet they held their average cost last year to 40.4 cents. And, of course, Massachusetts provides State support for free lunches at about 6 cents per lunch, as compared to 2 cents in New York.

Yet Massachusetts, nor any of these other States I have mentioned, will be benefited by the Senate amendment. Instead, Massachusetts taxpayers will join those in the other 46 States and the District of Columbia in helping bail out New York, New Jersey, Maryland, and Rhode Island.

Pennsylvania is a large, high-cost State with many poor children and major cities with major problems—yet it served 32 percent of its free lunches in schools designated as "especially needy" and still held its average rate in 1973 to 40.5 cents. So Pennsylvania will not be benefited by the Senate amendment.

In fact, Chairman PERKINS' home State of Kentucky—despite all its poor areas—exercised discretion and served only 6 percent of free meals in schools designated to receive the 50-cent rate. So it held its average cash payment to the Federal allotment of 40 cents. Why in the world should Kentucky now receive less favored treatment than New York, New Jersey, Rhode Island, and Maryland?

The Senate amendment I am describing would "hold harmless" those States which in 1973 had an average cash payment for free lunches in excess of the new 45-cent minimum. In short, only those four States I have mentioned. The amendment would say that the average rate of cash reimbursement for free and reduced-cost lunches would never be less than the rate in fiscal 1973. Since under the amended act the rate would be 45 cents, only those four States with a 1973 rate of above 45 cents would benefit by this amendment. Moreover, these four States would receive the higher rate forever while the remaining States would receive only the new 45-cent average.

There is not any way to justify this kind of legislation. It is clearly inequitable and wrong in principle. So, I strongly urge that the House reject the Senate amendment.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, the gentleman from Minnesota pointed out that at least it was his interpretation some of these States have taken undue advantage of the especially needy sections of the bill. I think two points ought to be made here.

First of all, New York State, which is a heavy loser in the interpretation of the department, is in the top 10 percent of the State contributors to the school lunch program. New York State provides 50 percent more for its free lunches than the gentleman's own State of Minnesota, which only provides 1.4 cents per meal. So I think it is rather unfair to describe what has happened with these especially needy sections as taking undue advantage. This may be. But one cannot say so with certainty.

If the gentleman from Minnesota were saying let us take a look at this and find out if this is what is happening and close this loophole, if that is what is happening, then I would agree with him. Indeed I think we ought to take a look at this and compare these especially needy schools in these States with what might be the same in other States.

But the facts we are faced with now are school lunch programs have been commenced for the year; budgets have been drawn and the effect of the interpretation of the gentlemen of the department would be to deprive the State of New York of $1.8 million, the State of New Jersey of some $260,000; and in a tightly run school lunch program and in a time of soaring food prices this can be a body blow to a good school lunch program in any one of those States.

Further I would like to point out that if we assume the gentleman from Minnesota is correct and that this gaping loophole exists, then the amendment offered by the gentleman in the other body, Senator JAVITS, has closed this loophole that the gentleman is talking about, because it has put the hold harmless agreement in, and with the present interpretation of the department, that constitutes a total closing of this loophole for this fiscal year.

So I would join the gentleman from Minnesota in saying to this House that I think we should look into it. I think we should look into it this year. And if this is, indeed, a loophole, then we ought to plug it, because I feel much the same as the gentleman from Minnesota does, I do not think it should be let go longer than a year. But to cut it off without really knowing what is going to happen, to cut it off in the middle of the school lunch program, and with the uncertainty that we cannot agree with the Senate and then go back into the old program where all of the schools in the Nation will suffer, I cannot go along to that extent.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, does the gentleman from Washington not agree that the Senator from New York was well aware of the fact that the school year had started when he offered his amendment?

Mr. MEEDS. Yes. The amendment of the Senator from New York, however, is corrective to a poor interpretation by the Department.

Mr. GROSS. That is a matter of some discussion.

Mr. MEEDS. We might have differences on that.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I thank the gentleman from Washington for yielding to me.

I just wanted to say, Mr. Speaker, that this legislation does correct a loophole. Every State now will be able to have an average of 45 cents per free lunch that is suggested. They can now go up to 60 cents to the special needy, but they will have to take it from some other place in the State, they cannot make their decision and then have the Federal Government automatically pay what they decide.

Mr. MEEDS. And that is the thrust of the old law which we will have to go back to if this bill is beaten, and we cannot get an agreement with the other body.

Mr. QUIE. We have already adopted the conference report. Go over to the other body and count the number of Senators over there. I cannot see the other States will ever permit the legislation to die when the schools are standing out there ready to receive this money, and pay for the lunches and help the children out, because of four States that want more money than the other States get, and that they want the other States to pay for them.

If these four States, for instance, were to have an extremely difficult problem, or assume, say, that one of them was Alaska, and that we said we should study because of the high costs, that would be a different situation, but that is not the case with the States of New York, New Jersey, Rhode Island and Maryland; they want to have more money.

Mr. MEEDS. I am saying that these four States based their budgets under what the status of the law was at that time. I think they are entitled to be held harmless for this year. And that is the sole question before this body right now.

If the gentleman from Minnesota is saying that we should look into it, then I agree with the gentleman, and indeed maybe we ought to change it in the future. But the question is, right now, whether those four States are going to be held harmless under the circumstances existing at this time.

And I submit that what I have said with regard to the preparation of their budgets and with regard to the uncertainty if we have to go back to the other body, that 1 year does not make that difference.

Mr. QUIE. If the gentleman will yield further, I suggest that the gentleman from Washington has made one point, and that is that I would not be standing up here opposing it for 1 year. Because, as I said to the Senator from New York, that if they want a hold harmless for just 1 year I would not object. And I said to the gentleman from Kentucky, if we can change this so that they are held harmless for 1 year, then I would not object, but this is hold harmless in perpetuity. If one will look at the legislative intent from the colloquy between the Senator from Alabama (Mr. ALLEN) and the Senator from New York on the amendment, the gentleman will find it was intended to be in perpetuity.

Mr. MEEDS. I am not the sponsor of the amendment, and I cannot interpet their intent. If the gentleman had agreed with me the other day in colloquy we would not be in the position we are in now, and we would be in a much better position to get back into this program.

As far as I am personally concerned, I would say that it is only for 1 year. I would say we ought to go back and see about it, and I believe we ought to go back, and, if, indeed, there is a loophole that the gentleman says there is, we would step in. I cannot say that it is that.

Mr. QUIE. I would say, if the gentleman will yield further, the way to take care of that is to vote down the Senate amendment and let them put in a 1-year provision, if that is what they want.

Mr. MEEDS. If we vote down the Senate amendment, we are then left with the uncertainty that may leave all of the schools in this Nation in terrible condition.

Mr. QUIE. If the gentleman will yield on that, the other body has some responsibility here.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, we are in an unusual situation which, I must say, I do not like to find myself in, and I do not think the House ought to find itself in. We have adopted the conference report. A part of what we did when we adopted the conference report was then the adoption of certain amendments in disagreement, amendments that came in disagreement because they were outside the purview of the conference report.

What the House did when it adopted those amendments was then to send it back to the Senate, and the Senate, by coming in through the back door, has amended a House amendment to a Senate amendment and sent it back here for us to either reject or accept. It is the Javits amendment offered by the gentleman from New York affecting four States, holding harmless those four States, because of the action of the report on this bill which closes a loophole.

In all honesty I do not comprehend, nor do I understand, nor do I really believe it is right for this House to fall over and play dead to an amendment that is so special, to an amendment that is wrong, to an amendment that says 46 States should pick up the tab for what 4 States have been doing historically, and that is the substance of the issue that is before us today.

Why should Wisconsin, which has an average free meal price of 40 cents, which did not go up to the 45 cents, pay for the additional funds that have come in through the State of New York, New Jersey, Maryland, and Rhode Island, where they had an average of 45 cents-plus?

The conference report, as the Members of this body will remember when we adopted it, said that each State may now have an average 45 cents free meal. Those four States in fiscal year 1973, because of an open-ended piece of legislation that allowed them to make some judgments about how many needy schools they would pick, had an average cost above that 45-cent level that is contained in this bill. So the issue that this House faces today is whether we should allow the other body to whipsaw us by coming in at the very last moment on a matter that was not in the conference, but was allowed to come into this conference because of the use of amendments in disagreement, and to force us—or so they think—to pick up the tab for four States, rather than attempting to equalize, as this bill does.

I would say to the Members quite honestly that this House today ought to follow the advice of the gentleman from Minnesota. We ought to reject the Senate amendment, send it back to the other body, and then let that body make a decision. Will they then recede, as I hope they would, or will they send back to us another amendment to provide only a 1-year period of time, in light of what the gentleman from Washington has said? I, frankly, think that we would not object to a simple 1-year period, but to do it forever is dead wrong, and I hope the House rejects this amendment.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. I am very impressed by the statement made by the gentleman from Wisconsin and the gentleman from Minnesota. It seems to me that there is no emergency on this thing. The distinguished chairman of the Committee on Armed Services has already, as a result of the action taken yesterday, stated that we might be here until Thanksgiving.

I think we ought to reject the Javits amendment and not let the Senate do what they have done to us, but to do the thing properly and not subsidize the four States.

Mr. STEIGER of Wisconsin. I am grateful to the gentleman from California. He is absolutely right.

Mr. Speaker, I urge rejection of the amendment.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Speaker, it seems to me the argument right now of whether we should be giving in to the other body or not is absolutely not to the point at all.

We are talking about school lunches for children. Specifically, we are talking about school lunches for the specially needy. Nobody has really spoken about the specially needy. The specially needy falls into a special category of schools where the majority of children, in excess of 75 percent, are at the poverty level or below, and where they really must have school lunches. For many of them it is the primary meal, if not the only meal of the day.

I think it is important to recognize that no State loses one penny of money if this conference report is agreed to. Nobody is going to take a deduction.

I have heard it mentioned that some States would be paying for other States to receive additional money under this bill. Everybody pays taxes, and if we used this criteria across the board and started measuring the taxes that one State pays, as against the benefits that that State receives, we would never be able to pass effective legislation. Under this bill, no State loses money.

There are many children in the specially needy category. In New York State alone there are over half a million children who fall into the specially needy formula. For us to take money away from them at this time just does not make good sense to me.

To stand on the argument that the other body has violated a parliamentary procedure of ours, I do not think makes sense. We can argue those cases, if we want, on other bills; but I certainly ask that we pass this conference report and include the children in the specially needy category in these four States.

Mr. PERKINS. I yield myself 1 minute.

Mr. Speaker, the gentleman from Minnesota (Mr. QUIE) stated that the amendment would extend into the future, and he is correct, the way I read the amendment. But sometime this year it is the intent of the committee to make sure that this extra consideration, this special consideration, does not go beyond 1 year. At this time however, in the interest of the overall program, I felt that we should concur with the amendment. Under present law, last year these four States were reimbursed at a rate in excess of 45 cents. They have planned and budgeted at least this amount, and I feel we should not now undertake to curtail their school lunch programs even though it is going to cost an extra $2.4 million. This amount will not come from the other States.

I feel we should go along and concur in the Senate amendment.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I will say to the gentleman that if we wait, there are always ways to delay legislation and prevent it from coming out. We can take care of it right now by voting down the Senate amendment. Then we have this under control. It is before us now and we can vote on it right now.

Mr. PERKINS. Let me state to the gentleman that the authority existed in the Secretary under the present law to make these extra payments and in good faith those States relied on the amount they would receive during this current school lunch year. I feel we should go along for this 1 year.

Mr. QUIE. If the gentleman will yield further, the law prior to this amendment provided that the schools would ask the State education agency, and if that State agency approved, as they did in the State of New York, the Secretary could not turn it down. So they put 68 percent of their free lunches under it, compared to 6 percent in the gentleman's State.

Mr. PERKINS. Yes, but that was in accordance with the law at the time.

Mr. QUIE. The old law tied the Secretary's hands. He could not keep those States under control. This legislation comes in, and now the Senate is trying to preserve the inequity.

Mr. PERKINS. Mr. Speaker, I would not consider it trying to preserve the inequity. I feel we are trying to do justice here. The amounts necessary to meet the hold harmless provision will not be taken from other States.

Mr. Speaker, I feel we should concur with the amendment.

Mr. ST GERMAIN. Mr. Speaker, the passage of this hold harmless provision is only fair and just. The clear intent of the Congress, the whole purpose of this bill, is to provide more assistance—not less assistance—to the States for the school lunch program. It would be a travesty to pass a bill that might be interpreted to result in fewer funds going to some States, including Rhode Island, under section 11. The overriding intent of the Congress would be frustrated. We are acting on this bill, because of the proven and acknowledged need for an increase in Federal subsidies for school lunches. We are all aware of the sharp increases in food costs. There is no need for me to linger on that point. I am sure that my colleagues in the House do not wish to penalize four States and put those four States in the position of suffering a reduction of funds instead of an increase.

But the existing language needs clarification so that this possibility is plainly excluded. The amendment before us is necessary to guarantee that there is no misunderstanding to the detriment of New York, New Jersey, Maryland, and Rhode Island.

The Senate approved this change without objection, and I ask my colleagues in the House to recognize the equity of the situation and approve this amendment.

Mr. RODINO. Mr. Speaker, I rise in strong support of the Senate amendment to the conference report on the school lunch amendments bill, H.R. 9639. It is extremely vital to my State of New Jersey and three other States which have been providing essential additional funding, with Federal reimbursement, for lunches in especially needy schools. In New Jersey, it is estimated that some 88,000–90,000 children may be adversely affected without approval of this amendment.

At first glance, it would appear that the provisions agreed upon by the conferees would simply increase the Federal reimbursement level, which no one would dispute is necessary to prevent a severe financial crisis due to the unprecedented rise in food costs. The conference report provides for funds to be apportioned on a performance basis, with each State receiving a minimum of 45 cents times the number of free lunches provided. This is an increase of 5 cents over the minimum free reimbursement last year of 40 cents.

However, in New Jersey, New York, Rhode Island and Maryland—States with extreme concentrations of especially needy children—it was impossible to provide the necessary school lunches for 40 cents. Under the previous act, it was possible to apply for additional funds. New Jersey did so, and the overall average reimbursement rate was 45.8 cents. So it is obvious that the bill, unless we accept the Senate amendment, by changing the method of payment to a uniform, average system throughout the country, will mean that New Jersey, and the other States involved, will actually receive less money than they have been receiving.

Mr. Speaker, this is certainly not the intent of the legislation, and I strongly urge adoption of the Senate amendment in the interest of justice, equity and humanity.

Mr. PERKINS. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 145, nays 218, not voting 71, as follows:

[Roll No. 542]

YEAS—145

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Badillo
Barrett
Bauman
Bennett
Bingham
Bolling
Brademas
Brasco
Breckinridge
Brown, Calif.
Burke, Mass.
Burton
Carey, N.Y.
Carter
Chisholm
Clay
Collins, Ill.
Conable
Conte
Conyers
Corman
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellums
Denholm
Dent
Diggs
Donohue
Drinan
Dulski
Duncan
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Fish
Flood
Foley
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Froehlich
Gilman
Green, Pa.
Gude
Hanley
Hanna
Hansen, Wash.
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Holt
Holtzman
Horton
Howard
Hunt
Jones, Ala.
Jordan
Karth
Kastenmeier
Kemp
King
Kluczynski
Koch
Lehman
Lent
Long, Md.
McCormack
McEwen
McFall
Madden
Meeds
Metcalfe
Mezvinsky
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
O'Hara
O'Neill
Patten
Pepper
Perkins
Peyser
Pike
Podell
Price, Ill.
Rangel
Reid
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rosenthal
Rostenkowski
Ryan
St Germain
Sarbanes
Schroeder
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stark
Stokes
Stratton
Stubblefield
Studds
Sullivan
Teague, Tex.
Thompson, N.J.
Waldie
Walsh
Whalen
Widnall
Wilson, Charles, Tex.
Wolff
Wright

NAYS—218

Alexander
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Beard
Bell
Bevill
Biester
Blackburn
Blatnik
Boggs
Boland
Bowen
Bray
Breaux
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cochran
Cohen
Collier
Collins, Tex.
Conlan
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
de la Garza
Dennis
Dickinson
du Pont
Edwards, Ala.
Erlenborn
Evins, Tenn.
Findley
Fisher
Flynt
Fountain
Frenzel
Frey
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Green, Oreg.
Gross
Gubser
Haley
Hamilton
Hanrahan
Hansen, Idaho
Harsha
Harvey
Heinz
Henderson
Hillis
Hinshaw
Holifield
Huber
Hudnut
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kazen
Keating
Ketchum
Kuykendall
Kyros
Landgrebe
Long, La.
Lott
Lujan
McCloskey
McCollister
McDade
McKinney
McSpadden
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Melcher
Michel
Milford
Miller
Minshall, Ohio
Mizell
Montgomery
Moorhead; Calif.
Moss
Nelsen
O'Brien
Parris
Passman
Pettis
Pickle
Poage
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rarick
Regula
Reuss
Rhodes
Roberts
Robinson, Va.
Rogers
Rose
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Ware
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Ill.
Young, Tex.
Zablocki
Zion

NOT VOTING—71

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Baker
Bergland
Biaggi
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Fla.
Carney, Ohio
Casey, Tex.
Cleveland
Culver
Dellenback
Derwinski
Devine
Dingell
Dorn
Downing
Esch
Eshleman
Flowers
Ford, Gerald R.
Fulton
Ginn
Goldwater
Gray
Griffiths
Grover
Gunter
Guyer
Hammerschmidt
Harrington
Hastings
Hawkins
Hébert
Hicks
Hosmer
Johnson, Pa.
Landrum
Latta
Leggett
Litton
McClory
McKay
Maraziti
Mathis, Ga.
Mills, Ark.
Mink
Myers
Obey
Owens
Patman
Quillen
Rees
Rooney, N.Y.
Rooney, Pa.
Ruppe
Sandman
Talcott
Thornton
Tiernan
Veysey
Wampler
Wyman
Young, Fla.
Young, Ga.
Young, S.C.
Zwach

So the motion was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Gerald R. Ford.
Mr. Rooney of New York with Mr. Devine.
Mr. Culver with Mr. Derwinski.
Mr. Dingell with Mr. Grover.
Mrs. Griffiths with Mr. Anderson of Illinois.
Mr. Gray with Mr. Esch.
Mr. Rooney of Pennsylvania with Mr. Dellenback.
Mr. Mills of Arkansas with Mr. Eshleman.
Mr. Hicks with Mr. Buchanan.
Mr. Landrum with Mr. Abdnor.
Mr. Leggett with Mr. Johnson of Pennsylvania.
Mr. Carney of Ohio with Mr. Goldwater.
Mrs. Burke of California with Mr. Cleveland.
Mr. Biaggi with Mr. Hosmer.
Mr. Bergland with Mr. Hastings.
Mr. Fulton with Mr. Andrews of North Dakota.
Mr. Ginn with Mr. Latta.
Mrs. Mink with Mr. Maraziti.
Mr. Owens with Mr. Hammerschmidt.
Mr. Rees with Mr. McClory.
Mr. Litton with Mr. Baker.
Mr. Mathis of Georgia with Mr. Myers.
Mr. Flowers with Mr. Guyer.
Mr. Downing with Mr. Brown of Ohio.
Mr. Dorn with Mr. Quillen.
Mr. Casey of Texas with Mr. Ruppe.
Mr. Andrews of North Carolina with Mr. Burke of Florida.
Mr. Gunter with Mr. Talcott.
Mr. Harrington with Mr. Wampler.
Mr. Hawkins with Mr. Thornton.
Mr. Young of Georgia with Mr. Tiernan.
Mr. McKay with Mr. Wyman.
Mr. Sandman with Mr. Young of Florida.
Mr. Zwach with Mr. Young of South Carolina.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves that the House disagree to the Senate amendment to the House amendment to Senate amendment No. 5.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the matter just considered.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader as to the program for the following week.

Mr. O'NEILL. If the distinguished acting minority leader will yield, I will be happy to explain.

Mr. ARENDS. I yield to the gentleman.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of October 22, 1973, is as follows:

Monday: Veterans Day recess.

Tuesday: H.R. 10586, use of health maintenance organizations for CHAMPUS program, open rule, 1 hour of debate.

Wednesday: S. 607, lead-base paint, conference report;

H.R. 3927, Environmental Education Act extension, open rule, 1 hour of debate.

Thursday and balance of week: H.R. 10956, emergency medical services, subject to a rule being granted;

H.R. 9456, Drug Abuse Education Act extension, subject to a rule being granted; and

H.R. 10265, audits of the Federal Reserve Board, subject to a rule being granted.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

As the gentleman knows, by resolution that was passed yesterday, when we adjourn today at the conclusion of all business, we adjourn until noon Tuesday next.

Mr. ARENDS. I thank the gentleman.

CONGRESS MUST DEFINE EXECUTIVE PRIVILEGE

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ERLENBORN. Mr. Speaker, a U.S. district court yesterday rejected a petition of the Senate Watergate Committee for access to the Presidential tapes. The court ruled that Congress never has granted jurisdiction to the judiciary over questions such as this, although Congress clearly has the power to do so.

Earlier this year, when acting Attorney General Richard Kleindienst testified before the Senate Government Operations Committee, he expressed the administration's view that executive privilege is absolute. His assertion was that no document, no testmony, no evidence whatsoever could be compelled by the Congress or a committee thereof from the executive branch without the acquiescence of the President.

Mr. Speaker, it is impossible for me to believe that this Congress can fail to define and limit executive privilege, and to confer jurisdiction upon the courts to enforce our rights as a coequal branch of Government. If we fail, we will no longer have the right to be considered the equal of either of the other branches.

As I have observed before, our inaction to date has allowed Presidents throughout the years to assert and use this privilege as suits their purpose at the time.

We appear now to be heading toward a constitutional crisis over the question of executive privilege. In assessing relative blame for this impending crisis, much has been said about the actions of President Nixon. I agree that he has gone much too far in his claim of privilege. Furthermore, I have called upon him to comply without further delay with the recent opinion of the circuit court of appeals.

But, Mr. Speaker, we in this Congress must share a large part of the blame. Our failure over the years to come to grips with this problem has been an invitation to this President and to his predecessors to expand the limits of executive privilege.

Let us now move with dispatch to remedy our failure.

While we do so, I hope the President will move to reduce the tensions and avoid a crisis by conforming to the Appeals Court decision. I believe he should release the relevant portions of the tapes to the grand jury and subsequently to the Congress.

RURAL AMERICA HAS BEEN NEGLECTED

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, with the exception of Appalachia, the focus of the antipoverty and housing programs of the past decade has been on our cities. The problems of urban areas are deep-seated and critical and well deserve both the attention and the governmental resources that have been directed toward their solution. I have been a consistent and committed supporter of such efforts.

In this same decade, however, rural America has been the beneficiary of more than neglect. Our ignorance of the plight of rural areas is overwhelming; otherwise we would not measure our assistance to these areas in such small coin. For every $6 of Federal housing and community development moneys allocated to our Nation's cities, only $1 has been spent on rural areas. Yet with only 30 percent of the population rural America can lay claim to 44 percent of the country's poverty families and nearly two-thirds of her substandard housing. In rural areas an astounding 1 out of every 7 homes is substandard compared to 1 in 25 in metropolitan centers. Thus, even more than our cities, rural areas suffer from a concentration of poverty and a severe shortage of decent housing. Clearly the search for solutions to urban problems must be extended to the very real needs of rural America as well.

The statistics attest to the inadequacy of current programs. There are 3 million households in nonmetropolitan areas living in dwelling units that lack essential plumbing facilities or are overcrowded. Yet nearly half the Nation's counties—with one-fifth the population—have no public housing program. The Federal Housing Administration insurance assistance programs were responsible from January 1970 through June 1972 for the subsidization of 645,000 units yet only one-fifth of these were in nonmetropolitan areas. The Farmers Home Administration is geared primarily to farm families, operates a dozen major programs in addition to housing and works with limited housing tools wholly inadequate to the needs of many low-income rural families. Furthermore in 1971, only 11.5 percent of all section 502 homeownership interest-subsidy loans, the largest single loan program administered by the FHA, went to families with incomes below $4,000. The fact that income levels are generally lower in rural areas and that they suffer from a scarcity of credits and other essential institutional resources makes it all the more difficult for rural inhabitants to deal with their housing problems.

The Emergency Rural Housing Act of 1973 is designed to fill the enormous gaps left by the inadequacies of existing laws. It aims to make good at last on our national commitment to "a decent home and a suitable living environment for every American family."

The bill would establish an independent single-purpose agency dedicated to the goal of providing minimal housing facilities to residents or would-be residents of rural areas over a 5-year period. The Emergency Rural Housing Administration—ERHA—would be free from the orientations that have hampered HUD and FHA efforts in this area. Hopefully it would be sensitive to the special needs of rural citizens and to the reality of their lower rent-paying capacity and their high proportion of poor and elderly families. At the same time it would have full authority to work with existing agencies and institutions in order to further its legislatively established goals.

The ERHA would have a broad range of flexible tools with which to support its aggressive housing assistance campaign. These mechanisms include homeownership loan subsidies, rehabilitation grants, and rental financing.

The homeownership subsidy is modeled on a plan that has been very effective in the Scandinavian countries. At least 50 percent of the principal amount of the housing loan is amortized over a period of up to 40 years at a low interest rate. The remainder of the loan is secured by a second mortgage and becomes payable and interest bearing when the first mortgage has been repaid or upon the sale or other disposition of the property. The ERHA sets the interest rates in each case within legislative limits. The agency may not require a borrower to pay more than 20 percent of adjusted annual income—as determined by a formula in the legislation—on principal, interest, taxes and insurance, but a borrower could at his option, pay more. Indeed many of our poorly housed citizens are already paying much more than that for inadequate housing.

The bill provides for rehabilitation grants of up to $3,500 to homeowners too poor to participate on the terms of the Scandinavian plan and authorizes a total of $1 billion for them.

While the bill puts a priority on homeownership, it includes rental housing provisions to assist the very poorest families for whom even the homeownership subsidies would be inadequate. It is well to remember that there are nearly a million inadequately housed rural American families with an average rent-paying capacity of $14 a month. The bill authorizes annual contributions contracts through State-chartered rural housing associations, provides 40-year, interest-free financing for the construction of rental units, and authorizes repayments to the Government to the extent that rent collections exceed operating and maintenance costs of the projects. Rents are required to bear a reasonable relationship to the income of those eligible for such assistance and in no case may they exceed 25 percent of adjusted income.

Unlike Farmers Home which is limited to towns of 10,000 population or less, the ERHA would administer its programs in all rural areas and all communities of under 25,000 people—except within SMSA's where the upper population limit would be 10,000.

The field level adjuncts of the ERHA would be the State-chartered rural housing associations. These would function as housing delivery institutions with areawide coverage responsibilities. They would have access to direct Treasury credit, subsidies, and direction provided by the Emergency Rural Housing Administration. The associations would be authorized to determine the eligibility of persons seeking assistance under the act; make homeownership loans and rehabilitation grants; own and operate rental facilities or make loans to and enter into contracts with public and private nonprofit organizations to own and operate such facilities.

The bill provides that each association be controlled by a board of directors, one-half of whose members would be elected by those eligible for assistance under the act; one-sixth to be chosen by those so elected; one-sixth appointed by the Governor; and one-sixth appointed by the ERHA Administrator. Thus the act provides for major input from those it serves while at the same time assuring an important voice for those with some prior experience or expertise in housing, financing, or related areas.

A rural housing investment fund would be established with direct capitalization from the Treasury to finance land acquisition and housing construction. Grant funds and other housing subsidies would be made from direct congressional appropriation. Funding would be generous in the short run but the government would recover much of its investment as loans are repaid and rental income rises. In any case the goal of providing decent housing for rural America cannot be achieved without some expense. I happen to think it is well worth the price.

Let me close, Mr. Speaker, by expressing my hope that we will make a firm commitment to wipe out the legacy left by years of neglect of rural America. The resources required to fulfill that objective are small indeed when one considers that our gross national product is over a trillion dollars. Beyond that, we have proven as a people time and again our capacity for meeting difficult challenges. Only by providing a decent home for every American family will we meet the challenge of poverty in rural America.

A CALL FOR INDIVIDUAL RESPONSIBILITY

(Mr. MILFORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MILFORD. Mr. Speaker, recently, Prof. Hubert L. C. Matthias—professor of government at the University of Texas at Arlington—published a column in the Fort Worth Star Telegram which I would like to commend to my colleagues

In the professor's sagely worded article, he has raised the questions of our society which are answered by individual responsibility. To elicit such solutions, Professor Matthias has hit on the need to remain flexible, to admit and to correct errors. And he has illuminated the paradoxes of man which find man championing mass causes, but failing to work toward these goals as an individual.

I have found this article to be both timely and interesting and would like to have it appear in the RECORD:

WE NEED TO LOOK "INSIDE"

(By Hubert L. C. Matthias)

A corporate president was quoted recently as saying that only a company that can constantly correct its mistakes will survive. That's what Aristotle said some 2,300 years ago about the self-sufficing society.

History proved him right. The absence of forces of renewal, or the intolerance of any such efforts, in the Roman Church brought on the Reformation. Obviously the Roman Empire hadn't shown the strength to regenerate itself. No longer did moral leadership qualities make a man emperor, but the ruthless use of power and money. The voices of criticism were cowed, forced into suicide or murdered.

Carrying on this disagreeable thought (obviously professors sadistically enjoy saying the unpopular truth) we have to answer the question: Are we so rotten, hypocritical and cynical, such cunning evaders of the truth as are some of those in high office? While I leave it to each one to search his own life, allow me to put our situation in a different perspective.

We in the West seem to have arrived at a level of development of the individual where any means within quite formally conceived limits of legality are acceptable for pursuing one's desire for the "good" life. The good therein is probably more materialistically conceived than ever before. It has mainly to do with gadgets, status and power, and money makes all of them attainable.

In this I see the climax of the development that started in the Greek city states some two-and-a-half millennia ago. Man was a communal being then. He lived wrapped up in his community. Political thinkers saw the state as the individual writ large, so much did the interest of the individual coincide with that of the state.

If the community was victorious and prospered, the citizen prospered. If his state lost out, he and his family might be sold as slaves by their captors.

The Sophists and their critic, Socrates, began to see the beginning of the individual as a separate entity. Socrates was put to death (he was the most unpopular professor ever) because he taught his students, "Take care of your souls." For a decision of right and wrong, he meant, you must look deep into your own soul, never mind what your government tells you. He was one of those mental revolutionaries of whom the Agnews of all times have a paranoiac fear.

Whatever the contribution of the Stoics and other philosophies and religions to the development of the individual, the duality of standards of ethical conduct between people and their governments remained. Government always wants its particular brand of sordidness to be the standard. Those who object are the minority, and are persecuted.

Degrees of this differ, of course. The dangerous moment in the evolution of the individual as an entity separate from his community arrives when the pursuit of money, status and power has severed him in his personal cravings from all inner connections with his community, and when there aren't enough people left who agree on what "isn't done."

Then government starts to impose its standards on the people and begins to prevent dissenters from publicly dissenting

The balance between the individual and his community has given way. The pendulum has reached the opposite extreme from the communal being of the Greek city state. The individual sees nothing worthwhile beyond the pursuit of his individual desires. He finds himself deprived of moral leadership as the elites seek wealth or power or both. Through their bad examples the atmosphere deteriorates further.

Some of our students, working the summer months in defense industries, have been ostracized by older workers because the youngsters, in their enthusiasm, want to give a full day's work for a full day's pay, and reject a slow-down at the expense of the taxpayer.

Professors start to sign their names to false statements about committee meetings that never took place, and join the hypocrites. Administrators and bureaucrats revel in intolerance and insensitivity, and the people at large don't care about anything but their own gratification.

Police pay more attention to victimless crimes, perhaps because that gets them better publicity, than to robberies and rapes. The streets are unsafe and the people are fearful.

Each acts as if he were alone in the world. The fisherman throws his empty beer can wherever it suits him, though the evening before he may have attended an ecological meeting to stop the construction of the Alaskan pipeline.

When the news media ask us to conserve fuel, drive only 60 m.p.h. and not use our air conditioners, one out of 20, perhaps, cooperates. The others couldn't care less.

It seems to me that on the long road from the Athenian community being to the modern ego-centric, self-seeking individual we didn't stop to think where the point of balance lies, the mean between extremes which, according to the Greeks, is always the best.

Perhaps our youngsters aren't so wrong in wanting to live for a while in a commune where everybody shares the cost of everything and the pernicious chase of the buck is left behind. Maybe they respond to an inner need that our a-communal individualism no longer satisfies.

Political scientists debate whether the end of ideology is upon us, whether total secularization has made us a valueless society.

I do not believe this. We are struggling to overcome crises which this country has not known before in such diversity of afflictions. Nobody has the patent solution, but each can contribute to the communal regeneration by critically relating what is happening to his own life.

The spirit of the individual, not the letter of the law, must make the difference. While he pursues his goals as an individual, he must again become conscious that his own fulfillment, if gained at the expense of his community, destroys the very foundation that sustains his individuality.

BILL ALLOWS FOR AUDIT OF FEDERAL RESERVE SYSTEM

(Mr. ASHLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ASHLEY. Mr. Speaker, the House schedule for next week includes consideration of H.R. 10265, a bill reported by the House Committee on Banking and Currency which provides for an audit of the Federal Reserve System by the General Accounting Office.

While I support that portion of H.R. 10265 which authorizes a financial audit of the Fed to make sure that funds are properly accounted for, that adequate control procedures exist, and that the Fed's resources are employed economically and efficiently, I share the opposition of other members of our committee to the additional authority that would authorize a GAO evaluation of Federal Reserve monetary policymaking. When the bill is considered next week, I intend to offer, with the support of my colleague from Ohio, Mr. J. WILLIAM STANTON, an amendment that would specifically preclude an evaluation of monetary policymaking by the General Accounting Office. I am pleased to say that this position and course of action have widespread support and backing, including that of every living ex-Secretary of the Treasury, Democrat and Republican alike.

The expression of their support is set forth in the following letter which was directed to the Speaker of the House of Representatives:

OCTOBER 18, 1973.

The Honorable CARL ALBERT,
The Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: We are writing to express our deep concern about the provisions of H.R. 10265 relating to a GAO audit of the Federal Reserve System.

If H.R. 10265 merely prescribed a financial audit, we would not be seriously troubled. But the bill reported to the House would go much further, authorizing GAO to evaluate monetary policymaking. It would encroach upon the independence of the monetary authorities, weakening the safeguards Congress has established to assure objective decisions in the critical area of money and credit policies.

The Federal Reserve reports to the Congress, and particularly to the Committees on Banking and Currency, Ways and Means, Finance, and the Joint Economic Committee. In exercising its oversight responsibilities, Congress receives a steady flow of authoritative information directly from the Federal Reserve, including candid testimony from its Chairman. As former Secretaries of the Treasury, we see no need, and considerable potential for trouble, in asking the Comptroller General to engage the services of consultants—as yet unidentified—to second-guess decisionmaking by the responsible monetary authorities.

In a comparable situation in 1970, Congress provided for a GAO audit of the Exchange Stabilization Fund, but limited the scope of the audit. We believe the provisions for audit of the Exchange Stabilization Fund could serve as a useful model for a GAO audit of the Federal Reserve. We understand that Mr. Ashley will offer an amendment to accomplish that purpose, and we commend it to the attention of the House.

We are submitting a copy of this letter to the Minority Leader for his information.

Respectfully,

John W. Snyder, Robert B. Anderson, C. Douglas Dillon, Henry H. Fowler, Joseph W. Barr, David M. Kennedy, John B. Connally.

THE NAVY SENDS A SHIP AND 19 MEN TO TUNISIA

(Mr. DAVIS of South Carolina asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. DAVIS of South Carolina. Mr. Speaker, I take this opportunity to arise and inform the House of something that I consider very tragic. It is something that I believe shows the total lack of compassion of our country at this time.

I speak today of a transaction between this country and another which may very well prove to be a stab in the back to the State of Israel, one of our closest allies, and a country which is fighting at the present time for its very existence.

I am speaking of the sale by the United States of the destroyer escort *Thomas J. Gary* to Tunisia. The U.S.S. *Gary* sailed from Charleston, S.C. in my home district on October 5 and is due to arrive in Tunisia on October 19. As matters now stand, it will be transferred to Tunisian command on October 22.

I have been attempting for several days now to have the U.S. Navy, which is still in command of the *Gary*, to put that ship into a friendly port rather than allow her to continue on to her final destination where an announced enemy of Israel will take command of her and make her the flagship of the Tunisian fleet.

My requests have all but fallen on deaf ears in the Navy Department. They did, on the other hand, apparently embarrass the Navy to the point that high officials have been calling almost daily to assure me that Tunisia is not actively involved in the current Mideast war and that the war will not last long and that the *Gary* will not be sailed into a war zone.

The Navy even assured me that they would keep a close watch on the Mideast situation and would halt the *Gary* at Rota, Spain if it appeared the Mideast war was not going to end before October 22.

Two days ago, in fact, the Navy pleaded with me not to make statements critical of the transfer until they had had time to make some decisions. Meanwhile, the *Gary* sailed on.

Today, I was informed by the Navy that the *Gary* will sail on to Tunisia as planned. She will arrive in Bizerte on October 19, and she will be transferred to Tunisian command on October 22.

The dismaying thing about all this, Mr. Speaker, is that not only are we sending Tunisia the ship to become the flagship of their Navy, we are also committing 19 U.S. Navy men to remain in Tunisia to train the Tunisian Navy.

Facts are facts, Mr. Speaker. There is no question that Tunisia is an announced enemy of Israel. She has committed 900 troops to the Arab cause, and they were flown to the Sinai front in Algerian aircraft with the admonition of the President of Tunisia to "Conquer or die!"

The *Gary* is a fighting ship. Tunisia is an announced enemy of Israel. The time has come for us to decide who are our allies and who are not. And when we have made that decision, I suggest that we in the Congress take the opportunity to inform the Navy of that decision so that the Navy may conduct itself accordingly.

SOCIAL SERVICES AMENDMENTS OF 1973

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Rostenkowski) is recognized for 10 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, on Tuesday, October 16, 1973, Mr. Corman, of California, introduced H.R. 10920, the Social Services Amendments of 1973. As one of the six members of the House Ways and Means Committee to cosponsor this much-needed piece of legislation, I would like to congratulate both my colleague from California (Mr. Corman) as well as the chief sponsor in the other House, Senator Mondale, for their energies on this matter. They have patiently but persistently developed a workable and effective plan for administering the existing social service programs in order that the original intent of Congress in establishing these programs might best be carried out. I do believe that this legislation adequately meets the chief objections raised against the latest proposed HEW regulations while at the same time, maintains the budgetary ceiling enacted by the Congress last year.

Since the key elements of H.R. 10920 were quite clearly enunciated by Mr. Corman at the time of introduction of this legislation in the House last Tuesday—page 34383—and by Senator Mondale when he introduced a similar bill on the Senate side—October 3, 1973, S. 2528; page 32665—I shall not dwell on that particular aspect of this matter. However, I would like to take this opportunity to point out just some of the many objections raised by my Chicago constituency to the latest regulations. It was because of these specific objections and many others like them, that I joined in the sponsorship of this important and timely legislation.

I would like to insert in the Record at this point, some of the correspondence that I have received in recent weeks as I feel that it clearly articulates some of the potential problems that seem to be inherent in HEW's latest proposed regulations—problems that led to the introduction of H.R. 10920:

City of Chicago
Richard J. Daley, Mayor
October 15, 1973.

Hon. Dan D. Rostenkowski,
U.S. House of Representatives, Washington, D.C.

Dear Congressman Rostenkowski: I wish to share with you my comments on the revised social service rules published by the Department of Health, Education and Welfare on September 10th. Although the revisions are an improvement over those published February 16th, May 1st, and June 1st, they still do not deal adequately with the basic issue of criteria of eligibility for services, program goals, and the state's authority to define service priorities.

I would appreciate your consideration of these comments and hopefully enlist your support in bringing about additional modifications of the proposed regulations.

Sincerely,

Mrs. Murrell Syler,
Administrative Assistant to the Mayor.

City of Chicago
Richard J. Daley, Mayor
October 11, 1973.

Hon. Caspar A. Weinberger,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: I wish to take this opportunity to comment on the proposed social service regulations governing the use of Title IV–A funds, as published in the *Federal Register*, February 16th, and revised May 1st, June 1st, and September 10th, 1973. In Chicago, we find that the regulations are still such that they prohibit the providing of essential social services to individuals and families for whom the social services programs were designed. Although the most recent revision does relax the eligibility requirements, we are still concerned that there are needy families which will be ineligible for basic social services, such as day care. The regulations are still too oriented to financial assistance for eligibility and tend to discourage people from striving to become or retain self-sufficiency.

1. SECTION 221.7(1) DETERMINATION AND REDETERMINATION OF ELIGIBILITY FOR SERVICES

This section which requires that the family or individual be determined currently or potentially eligible for financial assistance raises question about the eligibility for social services for most low income, intact, two parent families. In Illinois and other states, families headed by able-bodied males are generally considered as ineligible for financial assistance. In Illinois, the only eligible families are those where the male head of the household is incapacitated or unemployable due to lack of marketable skills.

Since this is the case, then, two parent, low income families where both parents are working in order to earn enough to buy the food, shelter and clothing their families need for a minimal standard of decency, will be deprived of services, regardless of their income classification as poor or near poor if this regulation goes into effect.

Two parent families, where the mothers are working and earning a small income to help their husbands keep their families financially stable, may be forced to quit their jobs if they are deprived of free or partially subsidized day care. The unskilled fathers who are enrolled in schools or job-training may be forced to drop out and may be prevented from increasing their earning capacity and thus keep their families out of the ranks of poverty. The combined incomes of most of these families averages between $5,000 and $7,000 annually.

In Chicago, there are about 70,180 (1970 census data) working mothers with children under six years of age. Of this number, 50,846 of these working mothers have husbands in the home and only 19,334 are female heads of household.

Additionally, we have 66 day care centers in Chicago which are either totally or partially supported by Title IV–A funds. There are approximately 6,000 children enrolled in these centers. At least 25 percent are from two parent, low income families and can therefore not meet the eligibility criteria as "recipients of financial assistance" so long as their families remain intact. We, therefore, contend that the two parent, intact families need these social services as much as those families headed by one female parent.

2. SECTION 221.6 SERVICES TO ADDITIONAL FAMILIES AND INDIVIDUALS

We accept the need to use some type of income criteria to determine that families and individuals are eligible for social services, but we feel that the use of the state's financial assistance payment standard is an unreliable index of need for social services to prevent dependency on financial assistance.

For example, the proposed regulations require payment on a sliding scale for families at the "lower" standard of living and some who are below this standard. No day care is provided for families just above the "lower" status. This system of determining eligibility tends to prohibit families from moving upward towards affording the total cost of day care.

We propose, instead, that the Bureau of Labor Statistics, Cost of Living Indexes be used to establish income criteria. For instance, the financial base for day care services should be on the geographically adjusted income needed to maintain "lower" standards of living by area and adjusted for cost of living increases by areas.

Determination of eligibility for free day care on a graduated fee scale could be easily developed by each state using this data.

3. SECTION 221.8 PROGRAM CONTROL AND COORDINATION

The goal for social services should include, "to maintain, strengthen family life, foster child development and achieve permanent and adequate compensated employment."

4. SECTION 221.9 DEFINITION OF SERVICES

Day care is an essential service to strengthening family life by enabling families to obtain financial independence. We, therefore, strongly urge that day care be restored as a mandatory service under the family services program.

5. SECTION 221.55 LIMITATION ON THE TOTAL AMOUNT OF FEDERAL FUNDS PAYABLE TO THE STATE FOR SERVICES

The provisions under (c) of this section, that funds be allocated to the states on the basis of their percentage of national population does not deal with the varying levels of poverty which exist at the state level. Therefore, we propose that the formula for state fund apportionment take into consideration the additional factor of the state's proportion of the nation's poor.

Finally, I strongly urge that more, not fewer, services be provided to the marginal income families and individuals to assure their movement towards self-sufficiency and that once this status is obtained, they are enabled to sustain their independence. We learned, for instance, during our recent study on the cost of day care in Chicago, that it cost nearly 250 percent more to support families on public assistance, than to pay the full cost of day care so mothers can work. The average cost per family for day care was less than $2,000 per year, while the average cost for public aid per family was over $4,200 per year or the difference of about $2,200 more per year for public aid per family than for child care. Over 71 percent of the families utilizing day care services supported by Title IV–A funds indicated that they would require public assistance if publicly supported day care was not possible.

I, therefore, urge that further revision of the social service regulations be given serious consideration so that they ensure the proper delivery of the essential supportive social services.

Sincerely,

Mrs. Murrell Syler,
Administrative Assistant to the Mayor.

Chicago Community Coordinated
Child Care Committee,
Chicago, Ill., October 2, 1973.
Hon. Dan Rostenkowski,
U.S. House of Representatives,
Washington, D.C.

Dear Sir: In response to the public outcry to the proposed Health, Education and Welfare regulations for the use of Title IV–A funds, I have sent the attached letter to Secretary Weinberger on behalf of the Chicago Community Coordinated Child Care Committee Title IV–A Planning Subcommittee, of which I am Chairman. Because the latest revision, published in the Federal Register September 10, 1973, still does not deal with the fundamental problems inherent in the proposed regulations, which are planned to go into effect November first, I am asking your support in seeking to have these regulations changed.

In brief, the main concerns indicated in that letter are as follows:

Allocation among states of available funds should be based not only on each state's percentage of the nation's total population, but also on its proportion of the nation's poor.

The states' financial assistance payment standards should not be used as a base for calculating service eligibility. We recommend basing service provision on Bureau of Labor Statistics standard of living estimates for each area, as adjusted yearly for cost of living change. Services would be free for those earning less than the BLS's estimate of the income needed to maintain a "lower" standard of living in each area, and would be available on a sliding fee scale to those earning up to the midway point between this amount and the BLS estimate of the income needed to maintain an "intermediate" standard of living.

The requirement that to be eligible for services families must have problems that would lead to dependency under Title IV–A should be modified to make it clear that two-parent homes with marginal financial resources would be eligible for services, as well as single-parent households with incomes qualifying them to receive public assistance.

All redetermination of eligibility and withdrawal of services should take place for each separate case no less than one (1) year after the previous determination that such a present or past recipient was eligible for services.

Determination of eligibility for services should be performed not by the state agency, but by the local service agency in the neighborhood where the service is to be provided, to minimize administrative bottlenecks and improve service delivery.

We hope that upon consideration of the above points, you will concur with our reservations concerning the proposed regulations. We urge you to give this matter the attention which its gravity demands, and to do all you can to see that our suggestions or similar corrective measures are implemented.

Sincerely,
Denton J. Brooks, Jr.,
Commissioner,
Department of Human Resources.

NIXON REAFFIRMS U.N. RESOLUTION 242

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Findley) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, President Richard Nixon today told us that the United States intends to "carry out the provisions of U.N. Resolution 242 in the Middle East."

U.N. Resolution 242 was passed unanimously by the Security Council after the Six Day War in 1967. It calls for:

> Withdrawal of Israeli armed forces from territories occupied in the recent conflict [Six Day War];
>
> The right to live in peace within secure and recognized boundaries;
>
> Guaranteeing freedom of navigation through international waterways; and
>
> A just settlement of the refugee problem.

Yesterday, in a speech on the floor of the House of Representatives, I called upon the United States to reaffirm clearly its support for U.N. Resolution 242.

At the White House today, I stated to the President that the primary thing which concerns the Arabs is that much of their territory has been occupied by Israel ever since the 6-day war.

The President said, "I know that." He reminded me that he had been to most of the Arab countries, as well as to Israel, and assured me that "the Middle East is going to work out all right. Don't worry about it."

Then the President restated U.S. support for U.N. Resolution 242.

The statement the President made to me today, and which he authorized me to quote directly, represents the first time in many months, and certainly since the outbreak of the current hostilities, our Government has restated clearly and publicly its support for the U.N. policy we helped to forge almost 6 years ago.

Nothing which the United States could say or do could help more to bring a rapid halt to the fighting in the Middle East. The primary, perhaps the only, reason the Arabs began this latest offensive was to recover the territories they lost in 1967.

The Israelis have steadfastly refused to return occupied lands and instead have begun moving Israeli settlers into oil-rich Arab lands. As this has occurred, U.S. references to the return of occupied lands have become infrequent and muted.

Today, President Nixon has once again restated this principle as essential to peace in the Middle East. As soon as the fighting can be stopped, hopefully Israel and the Arab States will seize upon this initiative and require that each side live up to the requirements of the 1967 U.N. resolution.

I was at the White House to present the new Princess Soya, Miss Christy Carter from Eldred, Ill., to the President.

ELECTION REFORM

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. Frenzel) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, today I have introduced an election reform bill in which some Members may be interested. While it is not identical to the recommendation of the Republican Task Force on Election Reform published in this Record on pages 27038–47 of July 31, it does follow most of those proposals. Most importantly, it does contain that task force's most significant recommendation—the prohibition of "pooled contributions" except through political party groups, unless the original contribution has specifically designated the recipient.

The idea of this feature is to encourage individual political participation, to increase party responsibility, and to reduce the influence of special interests which collect money from many people and dispense it to political candidates on the basis of decisions of a few people.

The other principal feature of the bill is the creation of a Federal Elections Commission to assume supervisory duties now vested in three offices, the GAO, the Secretary of the Senate, and the Clerk of the House. The Republican Elections Task Force made this FEC its first recommendation, but it did not recommend the prosecution powers which are included in this bill.

The bill limits contributions by individuals to $5,000 per congressional election and $25,000 for a Presidential election. Expenditures are limited to 25 cents per eligible voter, or $150,000, whichever is larger, and the present media maximums are maintained.

Cash contributions are limited to $100. Checks drawn on foreign banks are prohibited. "Earmarked" contributions, permitted to political parties, are forbidden unless the original contributor is identified, and reported by the recipient.

Mr. Speaker, my bill is one of many on the subject of election reform. I hope some of its ideas will find their way into whatever election bill the House passes.

In any case, this House must pass an election reform bill this year. It is my hope the Elections Subcommittee of House Administration will accelerate its schedule, and increase its efforts to produce a bill in the next few weeks.

EULOGIES TO THE LIFE AND WORKS OF LUDWIG VON MISES

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, it was said of Ludwig van Beethoven that—

> No man dies who leaves behind him works that live.

It is in this spirit and in the deepest of admiration and respect that we eulogize today the life and works of Professor Ludwig von Mises, an intellectual giant whose unfailing devotion to libertarian principles served as the inspiration for an entire school of economic thought and whose unceasing efforts to bring economic policies into harmony with the realities of human action will stand collectively as a triumph of genius in an age not devoid of great thinkers.

Professor Mises imparted truth—not theory, not ideas unbased in demonstrable fact. He was a realist par excellence. He thought, wrote, and spoke of human experience and its impact upon, and relationship to, economic systems. He brought to bear with full force in his teachings and classic works an understanding of, and appreciation for, the history of economic theories and their various applications unparalleled among modern analysts. In an "In Memoriam" feature within the pages of the Wall Street Journal of Friday, October 12, my good friend, Dr. William H. Peterson, a New York University faculty member who formerly served on that illustrious staff with Professor Mises, summarized the force of Mises' thinking upon several generations of economists, as follows:

> ### In Memoriam
>
> Professor von Mises * * * was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.
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> Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.
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> His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies; capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.
>
> ### A BELIEF IN CHOICE
>
> Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and group of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."
>
> He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., noncoerced—individual choice is the key to personal and societal development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."
>
> Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.
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> * * * * *
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> The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preferences in the marketplace.
>
> Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.
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> * * * * *
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> He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad. What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.
>
> In time, inevitable internal conflicts could be "externalized" into warfare. Mr. von Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."
>
> Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."
>
> He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.
>
> Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and ultimately stagnation. Further, it results in the swelling of the public sector and shrinking of the private sector—a trend that spells trouble for human liberty.
>
> To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises, was certainly guilty.
>
> But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of state, the efficacy and democracy of the market.
>
> He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

There are lessons to be studiously learned from the professor. They are few, but they are focal:

> Political freedom cannot long exist without economic freedom . . .
>
> The market economy, allocating resources by the free play of supply and demand, is the single economic system compatible with the requirements of personal freedom . . . and . . . is at the same time the most productive supplier of human needs . . .
>
> When government interferes with the work of the market economy, it tends to reduce the moral and physical strength of the nation . . .
>
> When it [government] takes from one man to bestow on another, it diminishes the incentive of the first, the integrity of the second, and the moral autonomy of both.

These ideas have been proved by the events of the mid-20th century to be as true as they were when first stated. Government regulation of, and interference with, the economy—no matter how well intentioned or how well conceived and refined—produces more maladjustments than it corrects. This has always been the case; it always will be. Our national leaders, unfortunately, pay more heed to the perceived exigencies of politics than they do to the realities of history. In the words of Santayana, those who do not learn from history are doomed to repeat it.

But Professor Mises never despaired. He labored untiringly to relay to all those willing to listen the realities of economic life. In his classic works, "Socialism" of 1922, and "Human Action," of 1949, he conveyed his knowledge, all that he had learned and observed, to learned scholars students, commentators, and public leaders. We are to be grateful for these efforts:

> Books are the legacies that a great genius leaves to mankind, which are delivered down from generation to generation, as presents to the posterity of those who are yet unborn.

Few have left a legacy of works as significant as Professor Mises, and a good legacy alleviates the sorrow that men would otherwise more acutely feel at the passing of a great man and an apostle of freedom.

In these times of wage and price controls, increased Government regulation of the economy and the means of production and distribution of goods and services, increased international trade barriers, unparalleled tamperings with monetary policy and money supply, rampant inflation and devaluation, we need to pay closer attention than ever to the alternatives provided through the free market system—the alternatives espoused by Professor Mises. But we, like the professor, must never despair:

> Truth never yet fell dead in the streets; it has such affinity with the soul of man, the seed however broadcast will catch somewhere and produce its hundredfold.

You can, Professor, now rest in peace. It is we, the living, who must toil. And our pledge to you is that we shall.

Mr. **ARCHER**. Mr. Speaker, I join in tribute to the late Dr. Ludwig von Mises, a man correctly judged as the dean of free market economists.

His classic work "Human Action" was a great economic treatise and a significant defense of freedom in the economic sphere. This book as has been referred to as the most effective answer to Karl

Marx's "Das Kapital" and John Maynard Keynes' "General Theory of Employment, Interest, and Money." In this treatise, Dr. von Mises with perception and insight defined the proper function of the government in its relation to the economy, discussed the measurement of economic value in a society, analyzed the problem of inflation and the functioning of the monetary system, and thoroughly examined the effect of governmental intervention in the economy. The economist Henry Hazlitt made this comment about this work:

> If any single book can turn the ideological tide that has been running in recent years so heavily toward statism, socialism, and totalitarianism, "Human Action" is that book. It should become the leading text of everyone who believes in freedom, in individualism, and in a free market economy.

The many writings and books of this great scholar remain a permanent tribute. During a time when the United States is experiencing the great problems of governmental intervention in the economy by controls, we need to reflect on the career of Dr. von Mises. We need to follow the guidance he has given us on the superiority of a free market economy over that of a government-controlled economy. The defenders of the free enterprise system have lost an outstanding champion with the death of Dr. Ludwig von Mises.

Mr. SYMMS. Mr. Speaker, today a memorial service is being held in Manhattan for Ludwig von Mises who was one of America's distinguished citizens. To this I wish to add just a few words of my own in tribute to one whose writings served as an inspiration to me as they have to so many others. Professor von Mises was a friend of freedom. His entire adult life was devoted to defending freedom intellectually against those who would destroy it. That his work was formidable can be judged from the fact that it was singled out for special suppression by Adolf Hitler's Nazis. Mises was forced to flee in such haste when his native Austria fell that he was unable to return to his library to recover scholarly manuscripts which were burned by the Nazis. Ludwig von Mises fled to America where he was able to continue his vital work in demonstrating that the freedom of the simple, individual man is key to achieving prosperity and justice in society. The fact that he was able to write and prosper here in America, a Jewish refugee from Nazi persecution, reflects what is best about America. Recently we have heard that the rise to power of one who arrived under similar circumstances proves that greatness of our country. But I doubt it. The fact that a refugee could make his way in America by helping to manipulate power is far less impressive to me than the fact that America became the refuge of one who argued against power. That one refugee could articulate the policy objectives of the U.S. Government and never mention the word "freedom" once does us far less credit than the work of Ludwig von Mises who devoted his life to the defense of freedom. I hope that the Congress will take greater note of his work now that he is dead than they did while he was living.

I join the friends who are gathered in Manhattan today to mourn the passing of one of the great men of this or any time.

GENERAL LEAVE

Mr. KEMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

REPRESENTATIVE BUCHANAN ON THE RHODESIAN CHROME AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. Fraser) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, yesterday our distinguished colleague, the gentleman from Alabama (Mr. Buchanan) made an extremely valuable contribution to congressional and public understanding of issues involved in the debate over the Rhodesian chrome amendment and U.N. sanctions. In lucid testimony before a joint hearing of the Subcommittee on Africa and the Subcommittee on International Organizations and Movements, he made a convincing case for the political, economic, security, and moral reasons why Congress should pass H.R. 8005 for amending the United Nations Participation Act of 1945 to halt importation of Rhodesian chrome and restore the United States to full compliance with U.N. economic sanctions against the minority regime of Ian Smith.

Mr. Buchanan is presently serving with great distinction as a U.S. Delegate to the United Nations General Assembly and is hereby well qualified to comment on the damaging effects of the Rhodesian chrome amendment. He cited the seriously adverse effect that piece of legislation has had on U.S. interests at the U.N., especially in our relations with African countries. He noted the availability of alternative sources of chrome and ferrochrome for U.S. industry, and warned against tying U.S. interests to the oppressive racist regime in Rhodesia.

Pointing out the need for the United States to maintain high standards of international conduct since most people in the world expect the United States to set a good example, he appropriately quoted Chaucer:

> If gold doth rust, what will iron do?

Mr. Buchanan's statement was of such high caliber that I would like to take this opportunity to share it with all our colleagues. I, therefore, insert it in the Record at this point.

STATEMENT BY THE HONORABLE JOHN BUCHANAN, OCTOBER 17, 1973

Mr. Chairman, members of the Subcommittees, I appreciate the opportunity to testify before you today on H.R. 8005 which would prohibit the importation of chrome and other products from Rhodesia.

The second anniversary of the enactment of Section 503 of the Military Procurement Act, otherwise known as the Byrd Amendment, is next month and the history of events of the past two years regarding our supplies of chrome and ferro-chrome speak for themselves and, in so speaking, cry out for repeal of this legislation.

It would appear that, at this point in our history, the economic and security reasons which led to our 1971 stand are no longer valid, if indeed this ever was the case.

I would first like to discuss some of the domestic implications of the current situation.

Chrome, of course, is still important to our national defense, but the necessity for obtaining it from Rhodesia has diminished substantially

As Deputy Secretary of Defense W. P. Clements, Jr. noted in a letter to the distinguished chairman of the Subcommittee on International Organizations and Movements.

"According to an estimate prepared in 1973 by the Office of Emergency Preparedness, the metallurgical grade chromite needed by industry to support the Defense Department's steel requirement during the first year of a war amounts to 128,300 short tons, or 2.3 per cent of the quantity held in the inventory as of 31 December 1973. Thus, it can be seen that the Defense requirement for metallurgical grade chromite is relatively small and that the bulk of the stockpile inventory would be used by the non-defense industry in the event of an emergency."

His remarks were strengthened by those of U.N. Ambassador John Scali in testimony earlier this year before the Senate Foreign Relations Committee, who stated, "Adequate quantities to meet all of the United States defense needs are available from Turkey, Iran and South Africa."

As you know, the U.S. has already released from its stockpiles some 900,000 tons of chrome and the Defense Department, the President and the State Department have recommended the release of an additional 2 million tons of chrome from the stockpile.

I am not arguing that our stockpiles can provide all of the chrome or ferro-chrome needed to continue our current production rates for all of the products using this material. It would appear, however, that we do have sufficient supplies of chrome and ferrochrome to meet our vital defense needs in an emergency.

I find it hard to justify our continued violation of the sanctions which the U.S. supported when they were adopted by the United Nations in 1965, 1966 and again in 1968, given the availability of chrome and ferro-chrome on the world market and the abundance of these materials in our own stockpiles.

Secondly, we imported more chrome from the Soviet Union than Rhodesia prior to 1972 and this has continued to be the case. For example, in 1971, prior to the enactment of Section 503, we imported 134,442 content tons of chrome ore from the USSR and 10,700 content tons from Rhodesia. During the first year in which these sanctions were lifted, our Russian imports increased to 180,000 tons while our Rhodesia imports increased to only 27,955 and during the first six months of this year our Soviet imports totalled 28,500 tons as compared to only 1,082 tons from Rhodesia.

Thus, while our total chrome imports have decreased drastically in the past several years, Rhodesia is claiming a smaller and smaller percentage of our total imports of chrome.

Much of the reason for our declining importation of chrome is due to the major increase in the amount of ferro-chrome which the United States is now importing instead. As a matter of fact, it is my understanding that the availability of chrome from Rhodesia has been greatly reduced because of that country's decreased exportation of chrome per se and its increased production and exportation of ferro-chrome, in direct competition with our own ferro-chrome industry.

Our imports of ferro-chrome from Rhodesia now far exceed those for chrome both in gross tonnage and in dollar value. Figures available for the first six months of this year indicate that we have imported some 26,700 gross tons of high carbon ferro-chrome at a cost of $4.4 million compared to approximatley 2,100 gross tons of metallurgic grade chrome valued at $67,000.

But while our imports have increased, it is not and will not be necessary for the United States to rely on Rhodesian ferro-chrome to meet our defense and other needs, in my judgment.

The United States is currently importing ferro-chrome from some 11 countries around the world—none of which includes the Soviet Union. Through June of this year, these imports have totalled $20 million, of which Rhodesian ferro-chrome comprises about one quarter.

The ferro-chrome which we are importing from Rhodesia is, by no means the most reasonable in cost. For example, the average value of high carbon ferro-chrome imported from Finland during the first half of this year was 9.83 cents as compared to the average value of high carbon ferro-chrome from Rhodesia at 12.05 cents per content pound.

Both Finland, which is currently a relatively minor source of ferro-chrome and Turkey, from whom we are also obtaining supplies of this material, are substantially increasing their production of ferro-chrome.

Those who urge the retention of Section 503 charge that chrome and ferro-chrome prices will skyrocket. It is my understanding, however, that U.S. Department of Commerce officials who have some expertise in this area, say that just the opposite is true.

Our continued reliance on imported ferrochrome to the detriment of domestic ferrochrome industry has already cut that American industry in half. If this trend continues, the United States will be faced with the possibility of becoming the only major nation in the world without a viable domestic ferrochrome industry.

While Rhodesia is only part of this problem, that country has doubled its production of ferro-chrome and greatly reduced its exportation of chrome.

Our importation of ferro-chrome from Rhodesia has contributed to the loss of hundreds of American jobs and to the threatened extinction of an industry which could be important to our national security.

As a matter of fact, other nations have found a domestic ferro-chrome industry so vital that they have chosen to subsidize this industry rather than export it. This may well be something which we should be considering at this point in our history.

We are presently discovering the danger of reliance upon a limited number of relatively small oil rich countries for this vital sources of energy to avoid total dependence wise to further cultivate our reliance upon a single small and unstable country for chrome and ferro-chrome. Just as we now belatedly searching for alternative forms and sources of energy to avoid total dependance upon the Middle East, so we ought to be potecting our domestic ferro-chrome industry and cultivating other sources of chrome and ferro-chrome lest we become too reliant on Rhodesia.

I would like to turn now to the more international aspects of the American position with regard to Rhodesian trade as exemplified by Section 503.

It would appear to me that there is one major question being totally ignored by those who support continued trade with Rhodesia and that question is, how long can the regime of Ian Smith be expected to remain in power?

There are growing indications of unrest both from within and outside the government. The sanctions appear this year to be having a greater affect than has been the case heretofore. For example, automobiles and trucks which were plentiful in the past are decreasing in number to the dismay of Rhodesian businessmen.

On the other side, the Africans who seek to play a greater role in the destiny of Rhodesia are becoming increasingly militant.

The possibility of the replacement or violent overthrow of the Smith regime is not out of the question and, if it comes, I wonder how sympathetic the new Rhodesian government will be to countries such as the United States which gave economic and psychological support to the oppressive Smith government.

We could well find ourselves totally cut off from access to Rhodesian ores in that instance.

There are, of course, substantial U.S. investments in Rhodesia which could well be seized by a new government as well, and this brings me to another major area of concern. The United States currently has investments valued in excess of $3.5 billion in a number of African states outside Rhodesia—countries which are looking with an increasing lack of sympathy on our continued trade relationship with Rhodesia. I personally do not find much joy in the thought that our policy might result in substantial loss to American companies elsewhere in Africa, but this is another very real possibility.

Our balance of trade is not in as good a position as it could be as you well know. The developing African nations are in need of a number of goods and services produced in the United States and are, in fact, beginning to import substantial quantities of such items as tractors, railway cars, metal pipe and so forth. These nations are a rich source for future American exports which we can ill afford to disregard.

Our open policy in support of continued trade with the Smith regime could tip the balance to where such competitors as Japan or Western European nations would be the beneficiaries of the increasing African market.

Can we afford to continue to antagonize the other African nations which are large and increasing markets for U.S. products through our support of Rhodesia?

Turning to yet another side of our present position, Section 503 is, in my judgment, having an adverse affect on the possible effectiveness of the United States in the United Nations.

I cannot help but feel, for example, that the action taken by the Senate in September 1971 in approving the language of the Byrd Amendment was detrimental to American efforts to line up sufficient votes in the United Nations to support the retention of the Republic of China in that body.

As you may know, the vote which replaced the Republic of China with the Peoples Republic of China came some two weeks after the Senate vote.

The U.N. vote to expel the Republic of China was 76 to 35, with 24 of the African nations voting against the U.S. and against the Taiwan government. Simple arithmetic will give you the results of this vote had these 24 nations supported the U.S. position.

What affect our present position will have on our future effectiveness within the U.N. remains to be seen. But in the month in which I have served as a member of the United States delegation to the U.N., it has become very clear to me that our continued violation of the U.N. sanctions is hampering not only our relations with the African and developing countries, but with our strong and traditional ally, the United Kingdom, as well.

The other governments of the United Nations consider us to be in violation of international law in our public policy of trade with Rhodesia.

This is compounded by the fact that our representatives at the United Nations joined in the imposition of U.N. sanctions and repeatedly voted for them prior to the passage of Section 503.

This is further complicated by the facts that the United Nations does not recognize Rhodesia as an independent nation; that our most trusted ally, the United Kingdom, insists that it is an illegal regime which violation of sanctions is helping to sustain and that no nation in the world has officially recognized its existence.

Many Americans would agree that our continued open violation of these sanctions is needlessly providing major psychological support to a repressive regime.

Many of those in support of retaining the provisions of the Byrd Amendment have argued that other nations who also voted for the sanctions are secretly violating them so the United States should not worry about its position in this regard.

It is true that the United States accounts for only an estimated 5 per cent of the total Rhodesian exports. Obviously the other 95 per cent is going to similar violators of the U.N. sanctions. But the finger of the world is not pointed elsewhere, it is pointed at the United States because we are the ones with an acknowledged double standard.

We are the only nation, while trying to fulfill the role of an advocate for human rights, was first a party to the sanctions, then made their violation a matter of public law and official policy through the enactment of Section 503.

As General Yakubu Gowon, Head of the Federal Military Government of Nigeria said during a recent address in the United Nations, "The illegal regime in Salisbury still continues because of the non-compliance by certain member countries of this organization with the unanimous decisions of the Organization and of mankind. Perhaps those who prefer to sell a few goods to such an illegal clique, or to buy such commodities as the racists of Salisbury wish to sell in order to maintain themselves in power, have made their own calculations and prefer their temporary material profit to their sense of honour and their position in history." The foregoing underlines the strong feeling of our African friends concerning our position on this matter.

It also appears that our position of open trading with Rhodesia on "strategic" materials is encouraging some Americans to continue trade relations in other areas as well. For example, four individuals and two corporations were indicted by federal grand jury for violating the U.N. sanction against Rhodesia last year. All pleaded guilty to planning to build a $50 million chemical fertilizer plant in Rhodesia and to enter into a secret agreement with the Rhodesia regime to ship $5 million worth of ammonia to Rhodesia. All were fined.

Allegations of an American firm selling spare parts to Air Rhodesia are also under consideration by the U.N. at this time.

As you may know, the United Nations has established a special committee to deal with the Rhodesian situation and to investigate alleged violations of the sanctions, not only ours, but those of other nations. The enforcement efforts undertaken by this committee are being substantially strengthened and, in my judgment, will be more effective in the future than they have been heretofore.

Up to this point, I have discussed primarily the economic and political implications of our policy toward trade with Rhodesia. I would like to turn now to the very serious moral question which the existence of Section 503 poses.

Whatever violations of international law or human justice may be made by other nations, the simple fact is that most people in the world expect something better than this from the United States. In the words of Chaucer, "If gold doth rust, what will iron do."

Mr. Chairman, the United States is the greatest free republic in the history of the world—providing the greatest protection to individual rights and liberties. Yet, through our trade policy with Rhodesia we are casting aside ideals and principles embodied in the Declaration of Independence, the Constitution and our civil rights laws for real or imagined economic benefits.

It is not understandable how we, in the United States, who chose our form of government by majority rule can continue by our present policy to give aid and comfort to a government which not only does not permit rule by the majority of the population, but actually prohibits such majority rule.

The Rhodesian constitution, adopted in 1969, for example, provides that the House of Assembly shall be comprised of 50 Europeans plus 16 Africans. While there are provisions for increased African representation, they are based on economic requirements. Even the amount of African participation in the Assembly is restricted by that provision which requires, and I quote: "when parity of representation with the Europeans is reached, there is to be no further increase in African representation."

Thus, the Africans who comprise 95 per cent of the population can attain at best, assuming a substantial increase in wealth, only parity with that portion of the population which comprises the remaining 5 per cent.

In permitting trade with Rhodesian and, in fact, therefore, permitting American involvement in Rhodesian industry, is the United States not contributing to continued racial discrimination in wage scales? Can we as a nation morally justify the exploitation of Africans who work in the mines of Rhodesia? The subcommittees have already heard testimony that "most Rhodesian Africans are living below the Poverty Datum Line and that 1971 wages for African workers in the mining industry were 353 Rhodesian dollars per year. The average for Europeans, coloureds and Asians in the mining industry was 4,310 Rhodesian dollars per year. Thus in mining wages a racial disparity of 1:13 existed."

A shocking reflection of the lack of concern over the welfare of Africans in Rhodesia is reflected in the disaster which occurred in a mine owned by the Afro-American Corporation. Some 490 miners were killed, 95 per cent of which were Africans, yet the survivors of these victims reportedly received an average of only $41 in compensation.

Mr. Chairman, the civil rights movement is the most important thing which has happened in our country in my lifetime, indeed in many generations, because it accomplished the beginning of the end of such a double standard in the U.S.

It sounded the death knell for the consummate evil of a system of discrimination and apartheid legally sanctioned and enforced in some places but practiced in many more.

It is not easy to create or sustain "one nation under God, indivisible with liberty and justice for all." We are, however, privileged in our time to witness a rebirth of liberty and justice in our land and the beginning of the fulfillment of the Great American Dream for all this nation's people.

That this should be accomplished is important not only to Americans but to all the world because as Abraham Lincoln once said our nation does comprise "the world's last best hope for freedom."

Just as surely as we must make America a land in which every man can find his place in the sun and rise to his full stature and become the best that it is within him to be, even so in our foreign policy we must identify ourselves with freedom and justice in the world and with the aspirations of the peoples of such developing countries as those in Africa.

Just as our country is made stronger when each individual can fulfill whatever gift God has placed within him, so the world in which we live shall be made stronger as the legitimate aspirations of people of Asia, Africa and Latin America are fulfilled.

Our national interest does not lie in the encouragement of repressive regimes of the left or the right but in the achievement of freedom and justice in the world.

Within this context, if we continue to cast our lot with the transient and repressive regime of Ian Smith in Rhodesia, we will be building our house upon the sands. The winds of change are blowing across the continent of Africa with such force that I cannot believe that any structure of colonialism, ethnic minority rule or repression can long stand.

Within the African majority in Rhodesia and their counterparts throughout Africa, there is a determination to bring to a final end the last vestiges of political subjugation and economic exploitation. Through the repeal of the Byrd Amendment, and the clear identification of our country with the aspirations of the people of Rhodesia, we can build our house upon the rock of a position that is economically, politically and morally right.

Such a house will be able to withstand the storms and stresses of our time. I, therefore, urge that this committee favorably report and the House do pass H.R. 8005 to effect the repeal of Section 503 of the Military Procurement Act at the earliest possible time.

FEDERAL AGENCIES AND NEPA

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, I have been given a short but highly important paper by Mr. Irwin Schroeder, which appeared in the May Land and Natural Resources Division Journal, and which I feel should be given wide circulation. It deals with the important question of judicial review of agency decisions which comply, or attempt to comply, with the National Environmental Policy Act.

Our committee has maintained a careful and continuing oversight into the progress of the courts and the agencies in developing workable, valid NEPA review processes. It is my feeling, on the basis of this oversight, that many questions are becoming clearer and that the outlines of what may and may not be done are also clearer. The Journal article is of considerable assistance in this regard.

The article makes the point, on the basis of two Supreme Court decisions, and several by various circuit courts of appeal, that agencies should provide a statement of reasons for their decisions to proceed with major projects—reasons which include nonenvironmental factors as well as the traditional environmental considerations outlined in the NEPA statement. This statement of factors comprises the ultimate decisionmaking document, and provides the public with a adequate basis upon which to evaluate the agency's proposed action. Presumably these factors are included in the final decision in any case, and so it should create no special burden upon the agency to articulate them.

The results of this type of record should be highly beneficial in the long-run, and will unquestionably result in the significant diminution of court reversals of agency actions. As the article points out, the implementation of these procedures may well cause some pain at first to agency personnel who are not accustomed to explaining their decisions to anyone else. The benefits, however, seem far to outweigh the costs, and it is my hope that the Council on Environmental Quality will consider this matter carefully and develop guidelines that will enable agencies to comply with this suggestion.

In the long run, it will result in better agency decisions and fewer court appeals. From this, we will all benefit.

The article follows:

DECISION RECORD IN NEPA CASES—A PROPOSAL

(By Irwin Schroeder)

Substantive review of agency decisions under an arbitrary and capricious standard appears to be an inescapable fact in litigation involving the National Environmental Policy Act (NEPA) in view of recent decisions in courts of appeals for several circuits. This article is intended as a review of this development and to suggest in a general way some approaches to creation and designation of an administrative record which may make the burden of litigation more bearable.

The pivotal cases in this area are *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402 (1971) and *Camp* v. *Pitts*, 41 L.W. 3515 (March 26, 1973). The *Pitts* case is basically an application of the rules stated in *Overton Park*. It is significant primarily in the tone used by the Supreme Court with regard to the function of an administrative record in judicial review.

Overton Park was a highway case commenced prior to the enactment of NEPA based upon the requirements in 23 U.S.C. 138 relating to use of parkland. Under that statute, the Secretary of Transportation was directed to approve the use of parkland for roads only if he found that no feasible and prudent alternatives exist and all possible planning has been done to minimize harm. It was argued on behalf of the Secretary that no formal finding of compliance with the statute was necessary and that in any event the finding had been made. No contemporaneous record existed of that finding. The Supreme Court indicated that formal findings were not required but that affidavits created after the fact for litigation purposes would not suffice for judicial review. The case was remanded to the district court for a "substantial inquiry," including testimony by the Secretary if necessary, to determine the basis for the decision to approve the use of parkland. The district court was instructed to consider the "whole record" to determine whether the Secretary's decision was, in light of the appropriate legal standard, arbitrary or a clear error of judgment.

Overton Park was the basic authority relied upon by the Eighth Circuit in *Environmental Defense Fund* v. *Corps of Engineers*, 4 E.R.C. 1721, and the Fourth Circuit in *Conservation Council of North Carolina* v. *Froehlke*, 4 E.R.C. 2039, which hold that substantive review under NEPA can be had. These holdings are contrary to the decision of the Tenth Circuit in *Upper Pecos* v. *Stans*, 452 F.2d 1233. The Tenth Circuit decision is, however, from an early phase of the development of NEPA case law and the issue of substantive review was not squarely presented. Supreme Court review is possible but would not in any event produce results in less than a year.

The cruicial point now is the manner in which the review is conducted. A comparison of *Environmental Defense Fund and Conservation Council* is illuminating on this point. The Eighth Circuit determined from the record before it that the decision was not arbitrary. The Fourth Circuit, on the other hand, remanded the case to the district court for a hearing and determination of that issue. In both cases the appeal had been taken from a decision by the district court that review was limited to procedural issues and that the environmental impact statement was procedurally adequate. In the *Environmental Defense Fund* case, however, the impact statement was accompanied by a statement of findings in which the responsible official stated the reason for his decision to proceed with the project. The statement of findings was not limited to environmental questions but attempted to weigh and balance all relevant factors including economic and social benefits. In *Conservation Council* no such statement of findings had been prepared.

That the presence of a statement of reasons is crucial to litigation success is indicated by *Camp* v. *Pitts*. That decision did not involve NEPA. It was a challenge to a denial by the Comptroller of the currency of an authorization to open a new bank. The district court had granted a summary judgment for the Comptroller and had been reversed by the court of appeals with directions on remand to hold what amounted to a *de novo* hearing on the agency decision. The denial of the authorization was made in a terse letter which stated simply that a need for the new bank had not been shown by the applicant.

The Supreme Court reversed the holding of the court of appeals stating that a review of an agency decision should be based upon the administrative record compiled by the agency and not a record created later in a courtroom. If the administrative record is insufficient for that review, the matter should be remanded to the agency for the making of a more detailed record. The *Pitts* case relied on *Overton Park* for this view of judicial review. It highlights the need for an agency to designate an administrative record which generally would cover the period from inception of the proposal, including the preparation of the impact statement, to the decision to proceed.

From the foregoing discussion it seems obvious that, in any situation in which an environmental impact statement is considered necessary, the agency should, after filing the final statement with the Council on Environmental Quality, go further and articulate the reasons for whatever action is to be taken, with specific cross-references to the administrative record, including the impact statement. The articulation of reasons should canvass all relevant factors, environmental, social, economic, technical and political, with as detailed references as possible to the appropriate portions of the administrative record. The person drafting the statement of reasons should keep in mind the language in *Calvert Cliffs* v. *A.E.C.*, 449 F. 2d 1109 (C.A. D.C. 1971), which states that NEPA requires that:

> Each agency decision maker has before him and takes into proper account all possible approaches to a particular project (including total abandonment of the project) which would alter the environmental impact and the cost-benefit balance. Only in that fashion is it likely that the most intelligent, optimally beneficial decision will ultimately be made.

The *Calvert Cliffs* decision is the lending case for the proposition that NEPA requires a "finely tuned and systematic" balancing of environmental and other considerations.

The Proposed Guidelines for Preparation of Environmental Impact Statement published by the Council on Environmental Quality on May 2, 1973 (38 Fed. Reg. 10856) do not call for a subsequent statement of reasons. They are not inconsistent, however, with such a procedure. This procedure is implicitly suggested, however, in Section 2 of the Proposed Guidelines, which sets forth general policies to the following effect:

> Agencies should *consider* the results of their environmental assessments along with their assessments of the net economic, technical, and other benefits of the proposed actions and use all practicable means, consistent with other essential considerations of national policy, to avoid or minimize undesirable consequences for the environment. (Emphasis added.)

It seems reasonable to assume that NEPA cases in the not-too-distant future will be primarily of the type discussed above. An impact statement, by itself, will not prevent a diffuse, "scatter-gun" kind of review of diverse subjects that can reach intolerable levels if repeated too often. The well reasoned documentary articulation of reasons for agency decisions may limit review to manageable proportions. Designation of an administrative record may prevent frequent remand of the decision to the agency for further explanation. To implement such procedures among the various federal agencies, however, may prove very difficult.

VICA

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, 34 Members of the House have joined with me in cosponsoring the resolution I am introducing today to designate February 10 to 16, 1974, as National Vocational Education, and National Vocational Industrial Clubs of America—VICA—Week.

In this time when our country has a great need for skilled young people in the labor market I feel that it is important to recognize vocational education, along with the vocational clubs which are doing such a fine job in encouraging young people to develop a skill or trade that can be so useful to them and to our country.

I understand that close to a million students in the United States—male and female—are enrolled in trade, industrial, and technical education courses at the secondary level and are being trained in vocational and occupational oriented skills.

Membership in VICA is important to the student in vocational education as it offers that student an opportunity for fellowship and identification with other students who share similar interests and goals in life. Because trade and industrial education involves more than 100 skills, this identification is often lacking.

VICA, because of its intercurricular nature, offers participation to students in all of the diverse occupational-training curriculums.

Although students throughout the country may never meet in the classroom or shop, the student learning cosmetology will share interests and activities with students in printing and auto mechanics through VICA.

In the past 10 years a college education has been emphasized as the major goal for young people, and this is as it should be. But there is also a great need for people trained in vocational skills, and I feel we should pay tribute to these young people and bring their fine endeavors to the attention of the American people. I urge your consideration and support for this resolution.

RESOLUTION

To designate February 10 to 16, 1974, as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week."

Whereas the objectives of Vocational Industrial Education are to develop, in high school students, manipulative skills, technical knowledge, and related information necessary for employment in any craft, skilled trade, service, and certain semiprofessional occupations; and

Whereas Vocational Industrial Education provides high school students with the necessary skills to enter the world of work; and

Whereas the Vocational Industrial Clubs of America (VICA) is *the* National Youth organization for high school vocational industrial education students; and

Whereas VICA helps promote high standards in trade ethics, workmanship, scholarship, and safety, and aids in developing the ability of students to plan together and to organize projects through the use of the democratic process; and

Whereas VICA creates among students, faculty members, patrons of the school, and persons in industry, a sincere interest in, and esteem for vocational industrial and educational pursuits: now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That February 10–16, 1974, be designated as "National Vocational Education, and National Vocational Industrial Clubs of America (VICA) Week".

PROCLAMATION OF INDEPENDENCE OF THE REPUBLIC OF GUINEA-BISSAU

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, on October 16, I held a press conference in which I surveyed the facts as found by the United Nations on the Government, the territory, and the people of the new Republic of Guinea-Bissau and called upon our Government to recognize forthwith the new state. I wish to insert the text of my statement for the thoughtful consideration of my colleagues:

STATEMENT OF THE HONORABLE CHARLES C. DIGGS, JR.

In 1976 we will celebrate the 200th anniversary of the Declaration of Independence, the formal birth of our country. In our protracted war for independence, the freedom loving people of the United States were engaged in a bitter struggle against the greatest world power of that time. The war was not over at the time of independence. But that declaration symbolized both the beginning of the end of colonialism in America and the coming into the world community of a new state, the United States of America. The British neither recognized our right to self determination, nor the declaration of independence, nor, did they voluntarily hand over power to us. We seized it because it was our *inalienable right*.

We are now faced with another declaration of independence: this time, in the former Portuguese colony in West Africa which has become the new Republic of Guinea-Bissau. The proclamation ceremony which took place on September 24th in the forest of the Boe region was attended by the 120 deputies of the Peoples Assembly and the foreign journalists from Sweden, the Soviet Union, Eastern Germany and China. (The Agence France Presse, 27 September 1973).

Just as the United States in the revolutionary war, the people of Guinea-Bissau—

led by the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC)—is fighting for the right to independence against an alien colonial regime. Not even the assassination of their leader, Amilcar Gabral, has interrupted their march towards independence. Since the proclamation of independence, the new state has been recognized by 57 states according to the Department of State and by 62 states according to the OAU. More are expected to do so soon. But the United States decision is so closely held that this office has been informed that as of now even the press guidance is marked classified.

As we approach the Bicentennial of the declaration of independence of the United States, we should make it our national objective to follow our own tradition of liberty and independence with respect to the similar struggle of oppressed people for their liberation and independence.

We recognize that under international law there are certain basic conditions of statehood; that the question of recognition of a new state is entirely within the discretion of the recognizing government; that recognition may be granted or withheld for whatever reasons deemed proper by the recognizing government; and finally, that the United States understandably looks at recognition from the standpoint of doing, or not doing, what will best serve the interests of the United States. We will therefore examine the two fundamental questions posed here. Does the proclaimed republic fulfill the conditions for statehood; and secondly, what policy will best serve the interests of the United States.

PRE-REQUISITES FOR STATEHOOD

I. Government

An essential consideration as to the existence of a new state is whether there is in fact a politically organized community. On this question, see the attached chart which sets forth in diagram form, available information on the political organization of the State of Guinea-Bissau. (Chart not printed in RECORD.)

The May 1973 Working Paper Prepared by the UN Secretariat* reports that in 1964 "The PAIGC had started to establish a network of elected village committees to be responsible for the supervision of trade, education, public health, and everyday security and for the administration of the law. . . . In 1969–70 the PAIGC created sector committees with elected members for some 30 administrative sectors into which it had divided the liberated areas. In 1971 . . . PAIGC set up elected regional committees for each of its 15 regions. This political administrative organization of the liberated areas of Guinea-Bissau provided the structure for the election of the first People's National Assembly in 1972." Elections were held for seats in the 15 regional councils. Seventy-two of these elected candidates were chosen to sit in the People's National Assembly. "To these were added five more to represent the trade unions of Guinea-Bissau and three persons elected by students, most of whom were in Europe. To the total of 80 elected representatives PAIGC added another 40 from its members." (p. 144)

According to the 58 article Constitution of the new state, the People's National Assembly is the supreme body of state power and makes laws and resolutions. It is elected for a three-year term and must meet at least once a year. PAIGC is the leading political force. According to the Constitution, the party represents the people's supreme objectives and sovereign determination. It also decides on the state's political direction and its achievement. The third major political body is the State Council which according to available information exercises the functions normally executed by the head of state and takes over the functions of the National Assembly while the latter is in recess. The State Council consists of 15 members elected by the national assembly. Its president represents the state in international relations and is also the supreme commander of the people's revolutionary armed forces. (As reported by Agence France Presse 28 September 1972)

Domestic Administration

PAIGC's policy in the liberated areas is aimed at eliminating all vestiges of a system imposed by the Portuguese and replacing it with a governmental system appropriate to the needs of the people.

According to the Report of the Special UN Mission of May 1972 a judicial system was set up in the liberated areas in 1969 with three tiers of *courts*. In explaining the judicial system to the UN Special Mission, Mr. Fidelis Almada, the Guinea-Bissau representative in charge of justice, said that the courts were independent of PAIGC and the forces and that all court hearings are public.

With respect to *education*, in 1965 to 1966 the PAIGC was reported to have set up a network of 127 primary schools in the liberated areas with 191 newly trained teachers and 13,361 pupils aged 7 to 15 years. In 1972 PAIGC reportedly had 20,000 children enrolled in some 200 primary schools with a staff of 251 teachers. A total of 495 persons were attending high schools or universities in friendly countries. By 1972 PAIGC had also trained 497 high level and middle level civil service and professionals who were working within the territory. (Working paper of the UN Secretariat, of April 1973, p. 149) *Health* services have also been expanded in liberated areas. In 1969 PAIGC was reported to have six field hospitals, 120 clinics and 23 mobile medical teams at work. By January 1973 200 clinics had been established in liberated areas (ibid.).

The following words of the Special UN Mission indicate that the PAIGC is the sole effective power in the territory: *"The schools operated by PAIGC provide a complete education for the children of Guinea* (*Bissau*) *many of whom were born in liberated areas and have never seen a Portuguese"*. (Emphasis supplied)

Foreign Relations

Since 1971, PAIGC has represented Guinea-Bissau in the Economic Commission for Africa of which the territory was designated an associate member. Since its declaration of independence, among the 62 states which have recognized the new state, are included almost all the African states, the Soviet Union, China, and India. Following a meeting between General Gowon, President of the OAU, and Nzo Ekangaki, the Secretary-General of the OAU, it was announced that the OAU will take steps to admit Guinea-Bissau into full membership of the OAU and that the OAU will do everything possible, with full consultation, to ensure the admission of the new state to the United Nations (Lagos Domestic Service, 2 October 1973). In his statement of October 5 to the U.N. General Assembly, General Gowon stressed the importance of this issue for Africa, appealed for further support from "the friends of Africa" and expressed the hope that "that the new nation will shortly take its rightful position as a proud member of the international community." The Foreign Minister of the new Republic is expected in New York next week.

II. Territory

Another condition basic to statehood is that the entity in question have substantial control over its territory. On this point the May 1973 Working Paper Prepared by the UN Secretariat states:

"Since the beginning of the arms struggle in Guinea-Bissau in 1963, the forces of PAIGC have gradually penetrated the entire territory. By 1964 PAIGC was already organizing its liberation forces into a regular army. In 1968 PAIGC began attacks on Portuguese military outposts and by 1969 was striking urban centers. PAIGC reports that by June 1969 the Portuguese forces had withdrawn to the main urban centers, to those sections linking the main urban centers and to some waterways essential for supplying inland military camps. (p. 143)

"By 1971 it was reported that Portuguese forces were no longer safe in any part of the territory; civilians in urban centers lived in a permanent state of alert; and most Portuguese officials have sent their families back to Portugual. Portuguese forces continued their frequent bombing of the liberated areas. In June 1971 despite Portuguese repression, PAIGC artillery with infantry support prepared to break through the Portuguese defenses of Bissau, the capitol, and attacked military positions in the town. The attack on Bissau was followed up with an intensification of political activities in the capitol. (ibid.)

"In 1973 the PAIGC reported that almost ¾ of the territory had been liberated and ⅔ was under PAIGC control." (ibid. page 144)

The Special UN Mission visiting Guinea-Bissau in May 1972 reported *"that the struggle for the liberation of the territory continues to progress and that Portugal no longer exercises any effective administrative control in large areas of Guinea-Bissau are irrefutable facts*. (Emphasis supplied). According to PAIGC, the liberated areas now comprise either more than ⅔ or between ⅔ and ¾ of the territory." (ibid, p. 144.)

Compare this report from UN and other observers who visited the territory with the view of the State Department that the PAIGC has control over no more than ⅓ of the territory. Note, on my visit to Guinea-Bissau in August 1971 it was clear then that even the capitol city of Bissau was an armed camp and that the Portuguese were hard pressed.

On the basis of the report of the Special Mission, the Special Committee on April 13, 1972 adopted a resolution that "expresses its conviction that the successful accomplishment by the Special Mission of its task—establishing beyond any doubt *the fact that de facto control in these areas is exercised by the Partido Africano da independencia da Guinea-Cabo Verde, the national liberation movement of the territory—constitutes a major contribution by the United Nations in the field of decolonization"* (operative para. 5)

It is to be noted with respect to the question of Cape Verde, that the proclamation of the new state (see attached for text) addresses this point precisely:

"It is the duty of the state of Guinea-Bissau to accelerate by all possible means expulsion of the aggressive forces of Portuguese colonialism from the part of the territory of Guinea-Bissau they still occupy and to intensify the struggle in the Cape Verde islands, an integral and inalienable part of the national territory of the people of Guinea-Bissau and the Cape Verdes.

"In the Cape Verde islands, the popular assembly of the Cape Verdes will be set up at the opportune moment. It will create the supreme sovereign body of our people in its unified state—the supreme assembly of the people of Guinea-Bissau and the Cape Verdes."

III. People

The reporter who has made continuous observation of the developments in Guinea-Bissau, Basil Davison has reported:

"Most of the PAIGC area was in the deeply populated south where Amilcar Cabral had built up a system based on village support." (Sunday Times, 21 January 1973).

The Special UN Mission "was impressed by the enthusiastic and wholehearted cooperation which PAIGC receives from the people in the liberated areas and the extent to which the latter are participating in the administrative machinery set up by PAIGC and of the various programs of reconstruction."

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*A19023/ADD. 3, 19 September 1972.

"According to detailed figures produced by the PAIGC, the total number of registered voters was 85,517. Direct and secret elections were then held in the villages where 'yes' and 'no' votes were cast for lists of local candidates for each sector. A total 82,032 persons cast their votes. Of this total 79,680 voted yes and 2,352 no. (From the working paper of the UN Secretariat on the establishment of the People's National Assembly in Guinea-Bissau" (p. 143 ff.)

On the basis of the experience of the Special Mission to Guinea-Bissau, the Special Committee unanimously adopted a resolution affirming on April 13, 1972 that PAIGC is "the only and authentic representative of the people of the territory." (operative paragraph 2)

IV. The US Test of Recognition of a New State: Acquiescence of the Colonial Regime

First, our own history must be cited as the refutation of any requirement that the acquiescence of the colonial power is an indispensable condition for U.S. recognition of a new state.

The facts here, moreover, clearly establish that the government of Portugal itself has rendered any such requirement by our government inoperative. The United Nations has rejected Portugal's claim that the colonies are an integral part of Portugal. Portugal took no steps to comply with the 1960 Declaration on the Granting of Independence to Colonial Countries and People, G.A. Res. 1514 (and G.A. Res. 1542)—resolutions in which the international community called on all colonial powers (and in particular Portugal) to take immediate steps towards the transfer of power to the people of non-self-governing territories (and in particular to the people of Guinea-Bissau.) Nor did Portugal comply with G.A. Res. 2621 of October 12, 1970 which contains a full program for the implementation of the Declaration. In G.A. Res. 2918 of November 15, 1972, the General Assembly has condemned "the persistent refusal of the government of Portugal to comply with the relevant provisions of these and other UN resolutions." On November 22, 1972 our government supported the action of the Security Council in unanimously adopting S.C. Res. 322 which called on Portugal to enter into negotiations "with the parties concerned". Portugal responded by defending her position that UN bodies under the charter (Article 27) were not competent to deal with the matter.

Moreover, in its proclamation of independence, the new state declared that:

"It supports the solution of conflicts between nations by negotiations; and in this context in accordance with the resolutions of the highest international bodies, it declares it is prepared to negotiate a solution to end the aggression of the Portugese colonial government."

On September 29, 1973 the Agence France Presse reported that the Portuguese government flatly rejected the offer to discuss a solution to the situation and that an official source said the Portuguese government:

"is not disposed to discuss with terrorists who represent nobody, unless it is foreign powers and interests, especially now that they have proclaimed a fictitious independence."

The continued intransigence of Portugal with respect to the offer of negotiations and its history, as found by the United Nations in G. A. Res. 2818, of "the continuation by Portuguese military forces of the indiscriminate bombing of civilians, the wholesale destruction of villages and property and the ruthless use of napalm and chemical substances in Angola, Guinea-Bissau and Cape Verde and Mozambique" reduce any such requirement of acquiescence of the colonial regime to absurdity.

Under international law, it is established that "so long as the new entity exercises sovereign authority over some inhabitants and in some territory, the three indispensable elements of statehood (government, territory and people) exist, and the new state may be recognized as an international personality. (2 Whiteman p. 113, citing Schwarzenberger, International Law (1957)).

U.S. INTERESTS

Since the state of Guinea-Bissau possesses those prerequisites of statehood (machinery of state, substantial control of territory and consent of the governed), the question becomes what is the U.S. interest with respect to the recognition of the new state. There is no real issue here because the interest of the United States must be on the side of the principles which we have pledged in the United Nations charter, including:

—the development of "friendly relations among nations based on respect for the principal of equal rights and self determination of peoples". [Art. 1(2)] Thus our NATO alliance with Portugal cannot be an excuse for our condoning its struggle to repress equal rights and self determination of the people of Guinea-Bissau.

—the achievement of "international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion". [Art. 1(3)] Thus our NATO alliance with Portugal cannot be an excuse for failure to promote and encourage respect for human rights and fundamental freedoms for the people of Guinea-Bissau.

Further, an enlightened view of our foreign policy, economic and geo-political interests make clear that our interests lie in recognizing the new state. Let us not, on the eve of our Bicentennial, turn our back on the words of Jefferson in 1972 in reference to the revolution in France: "It accords with our principles to acknowledge any government to be rightful which is formed by the will of the nation, substantially declared."

CONCLUSION

It is for these reasons that I call on the United States:

(1) to recognize the State of Guinea-Bissau

(2) to comply with the General Assembly resolutions calling on all states to provide moral and material assistance to the people of Guinea-Bissau.

Further, if our government nevertheless refuses to take the above course, I specifically call upon it: first to state fully and honestly its policy reasons and not to hide behind the subterfuge that it does not have sufficient facts to make a determination; and secondly, not to block or seek to block the admission of Guinea-Bissau into the United Nations or the Specialized Agencies.

ADDENDUM

Finally, I would draw your attention to the following:

The publication of the hearings of the Subcommittee on Africa on the Implementation of the Embargoes against South Africa and Portugal and Related Issues—These hearings are quite revelatory, particularly with respect to the growing supportive relationship between the United States government and Portugal.

The publication of the hearings of the Subcommittee on Africa on Minority Rule and Refugees in Africa. Only last week President Mobutu advised that 800,000 refugees have fled to Zaire alone because of Portuguese colonialism.

The necessity for continued vigilance less the infamous Azores Agreement be renewed. This Agreement which was concluded in 1971—leading to my resignation from the U.S. delegation to the General Assembly—is coming up for renewal now, as it expires in early 1974. (See attachment for further information) As to the meaning of the Azores Agreement, Dr. Caetano advised a Portuguese audience that

"The treaty is a political act in which the solidarity of interest between the two countries is recognized and it is in the name of that solidarity that we put an instrument of action at the disposal of our American friends who are also now allied."

The growing concern of the Congress as to U.S. government support of Portugal, as indicated by the adoption of the House and Senate of the Young and Tunney amendments, respectively, to the foreign aid bill, providing that both assistance under the Foreign Assistance Act, and the furnishing of defense articles or services or of P.L. 480 Agricultural Commodities *to Portugal shall be suspended* if it is determined that such assistance or item has been used in support of Portugal's military activities in its African colonies.

WE SHOULD KEEP OUR PERSPECTIVE

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. Waggonner) is recognized for 5 minutes.

Mr. WAGGONNER. Mr. Speaker, I was interested to read today's prediction by the New York Times that "ahead lies perhaps the most sweeping investigation ever made of an American political figure," referring to the confirmation of the Vice-Presidential nominee.

I do not question the accuracy of this prediction or the propriety of a complete examination of the nominee's qualifications. I simply want to issue a warning. As these proceedings move forward, it is as certain as night follows day that during the next few weeks, a large bevy of investigative reporters in search of an elusive Pulitzer prize, overzealous congressional staffers, and some Members of Congress will be placing the nominee under a microscope subjecting him to scrutiny that demand superhuman qualities. You can count on them to treat minor incidents from the past as major revelations in the hopes of promoting their own individual ambitions. There is nothing that attracts ambitious people more than the prospect of universal acclaim as a "giant killer."

If we allow ourselves to be entrapped during these proceedings, the House will be the victim, not the President or the nominee. I do not suggest anything less than a thorough examination because the nominee comes from our ranks or an examination that does not establish sound precedent. I simply suggest that a perspective should be maintained as we move forward in this matter. We should resist any effort to stampede us into demanding standards beyond the reach of any public figure including Members of Congress. We should proceed with all deliberate speed as we would want Congress to proceed if each of us were in Jerry Ford's shoes.

VETERANS DAY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, October 22 is Veterans Day. It is a national holiday set aside to pay our respects and offer our thanks to the millions of men who have interrupted and even sacrificed their lives in military service to keep this Nation free. The Nation will always be indebted to these men. Over the years a wide array of programs and services have been designed to help these young men and women make a smooth transition from military to civilian life, to help those injured and wounded in the service of their country, and to provide for widows and children left behind.

Perhaps the best known of these programs is commonly referred to as the GI bill, a program of educational assistance that offers veterans at least $220 per month for up to 36 months at educational institutions of their choice. The single veteran is thus eligible for a $1,980 scholarship for each of 4 school years, making the GI bill the most generous Federal scholarship available. With Veterans Day around the corner, it seems appropriate to take a close look at this $2.5 billion veterans program and how well it is serving the veteran.

The conclusions from such a study are startling to anyone who has casually assumed that the Federal Government is taking good care of its ex-GI's. In fact, educational benefits are not equivalent to the benefits provided to veterans following World War II. Those who most need GI bill education benefits, that is, those who had the least education before entering the service, use the GI bill far less than their more educated counterparts. Finally, whether or not a Vietnam veteran can take advantage of his GI bill benefits depends more on the State in which he resides than upon any other factor. As a result many States, including New York, are losing millions of dollars in GI bill benefits which could be flowing into private and public colleges in the State because veterans find it too difficult to use the GI bill.

Some of these conclusions are well known to many observers of veterans programs and to the Veterans' Administration itself. For example, although the Veterans' Administration doesn't like to admit it, dollar for dollar we give today's ex-GI less than we gave his father after World War II. In those years, the GI bill paid for practically all tuition, books, and educational fees, with the payment going directly to the college chosen by the veterans. In addition, the VA paid each veteran $75 per month for living expenses, putting a 4-year education at a public college or university within the reach of every veteran. Today there is no direct tuition payment, and increases in the cost of living plus the dramatic increase in educational costs at both public and private colleges, have made today's GI bill relatively less helpful for the GI who wants to return to school. For example, in 1948, the $75 per month living allowance received by veterans represented 35.4 percent of average U.S. monthly earnings as determined by the U.S. Department of Labor. Using that measure today, 35.4 percent of average monthly earnings represents $220 per month—ironically, the exact payment Vietnam veterans receive to cover all educational expenses as well as living cost.

The level of assistance provided by the GI bill may help explain why those who need the GI bill the most use it the least. Substantial additional resources are needed by the ex-GI if he wants to use the GI bill to return to school, but the chronic, above-average unemployment facing the veteran and the difficulty in securing educational loans certainly contributes to discouraging veterans. Those with the least preservice education are likely to be the most negative about their prospects for further education anyway, and the economic obstacles thrown into their path must seem insurmountable in many cases. As a result veterans who had some preservice college experience are two to three times as likely to return to college or junior college as high school graduates, and up to four times as likely as those veterans who dropped out of high school before entering the service. Stated another way, about 20 percent of Vietnam era veterans have less than a high school education, yet these men account for only about 3 percent of those veterans enrolled in college or junior college under the GI bill.

Perhaps the most startling conclusion of all, however, is the fact that there is a clear geographic use pattern of GI bill education benefits, with a wide variation in the number of veterans who use the GI bill in each State. For example, 37 percent of California's Vietnam era veterans have used the GI bill to go to college or junior college, but only 17 percent of New Jersey's veterans have. This is a remarkable disparity.

A comparison of utilization rates by States reveals the fact that Western and Midwestern States seem to enroll far more of their veterans in schools than other parts of the country. No Eastern State has more than 25 percent of its eligible Vietnam-era veterans enrolled in college under the GI bill, but 19 other, primarily Western States do. Perhaps this pattern is explained by the relative availability of inexpensive, accessible, public education opportunities supplied by State colleges and junior and community colleges. The growth of these types of institutions has been uneven nationally concentrating primarily in the South and West. A veteran returning to a State with an underdeveloped community college system has a set of opportunities far less attractive than the veteran in a State with a fully developed system. The costs at private colleges are out of reach for most veterans, and if public college opportunities are not readily available, the use rate drops.

Let me describe this pattern as it relates to my own region of the Nation and as it compares to California. The percentage of veterans who have ever used the GI bill to go to college in New York is 21.3 percent; in New Jersey, 17 percent; and in Connecticut, 19.4 percent. California's 37-percent use rate far outstrips all of these figures. Interestingly enough, California also has 763,000 junior college slots, compared with only 216,000 in New York and 55,000 in New Jersey. Tuition charges for public colleges in these three States are also higher than in California, with the notable exception of the City University of New York, whose low charges have attracted thousands of veterans as students.

When these use rates of the GI bill are translated into Federal dollars the consequences are truly staggering. In the fiscal years 1968 through 1973, California veterans have received $1,270,000,000 in GI bill payments. New York veterans have received $457,360,000 or a little more than one-third what California's veterans have received even though New York has almost two-thirds the number of California's veterans. In fiscal year 1973 alone, California's veterans received $380,085,982 in GI bill education benefits and New York only $141,885,629. Because New York State has not been able to attract as many veterans into its educational institutions, New York's veterans and the educational institutions of the State have been losing hundreds of millions of dollars. California has not been getting more than its share or depriving the veterans in other States, however, since the GI bill is an open-ended program for which Congress appropriates whatever funds are needed. While I can estimate the dollar losses to the State of New York, it is impossible to estimate the damage of the lost training opportunities, the potentially higher skills, higher incomes, and higher taxes paid by a better educated work force. The World War II and Korean war GI bills had a great broadening effect on our society by giving men and women veterans the skills they needed to become competitive. Today's GI bill operates in such a way that some States may be losing their ability to compete with others, as huge disparities in the Federal Government's largest educational assistance program continue.

All of these problems with the current GI bill can be solved. I am today introducing some of the necessary legislative solutions, most of which I have introduced in previous Congresses. Foremost among these is an immediate increase in GI bill educational assistance allowances from the current base of $220 to $250 a month, with scaled increases depending on the number of the veterans dependents. The 13.6-percent increase would compensate for cost-of-living increases, making the return to school a more attractive option for many veterans. I have been advocating this step since I first came to Congress 9 years ago. This legislation would also allow veterans 10 years in which to use the GI bill, rather than the current 8, and would allow veterans to accelerate their educations and speed up the rate at which they can draw on their educational entitlement. These measures would make the GI bill more flexible and encourage veterans to return to school. Finally, this bill would give all veterans an additional 9 months of educational assistance, to compensate for the fact that so many veterans have professional reasons for continuing their educations after college into graduate school.

I am also introducing a bill to provide for direct tuition payments of up to $1,000 for each school year as a means of equalizing the opportunities of veterans in the several States. A veteran's chances for higher education should not depend on what State he lives in. A national GI bill should provide nationally comparable benefits, which the current GI bill clearly does not.

I was encouraged to note last week that the Education and Training Subcommittee of the House Veterans' Affairs Committee has already accepted some of these proposals, including the 13.6-percent increase in benefits, the 10-year entitlement period, and the additional 9 months of benefits. I am hopeful that action will also be taken on the direct tuition proposal, which is crucial to the future of thousands of discouraged veterans who have found the doors to higher education shut in their faces.

The final element of a restructured veterans education program does not require new substantive legislation. The veterans cost of instruction program operated by the Office of Education, pays a bonus to colleges which increase their enrollment of veterans by 10 percent. While the current program discriminates against those colleges with large veteran enrollments, its principal problem is that it is underfunded. Although only $25 million has been appropriated, $144 million has been requested by colleges and universities all over the Nation. New York State received $1,471,568 of this amount but could use 10 times as much. The cost of instruction program promises to be just the incentive colleges need to enroll veterans and provide the remedial, counseling and supportive services which will not only get veterans into school but to stay there until graduation as well. I am hopeful that the Appropriations Committees of the House and Senate will approve greatly expanded funding for this program in this fiscal year.

Today's GI bill provides inadequate benefits which are used least by those who need them the most. Its usefulness depends too heavily on what State the veteran returns to. The program I have outlined would increase benefits to a level comparable to those granted veterans of previous wars. The direct tuition payments would equalize access to higher education for all veterans and wipe out State differentials which have deprived too many veterans in New York and other States of a realistic chance at higher education. Adequate funding for the cost of instruction program would provide the necessary incentive to colleges to reach out to veterans and increase the utilization of the GI bill.

The measures I have outlined are a bare minimum if we are to fulfill our responsibility to the men and women who have served their Nation so well. Service in an unpoular war should not make service to these men and women unpopular as well. An improved GI bill is both obligation and necessity.

PERSONAL ANNOUNCEMENT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I was unavoidably absent from the floor for rollcalls 532, 533, and 534. Had I been present and voting, I would have voted "aye" on rollcall 532, "noe" on rollcall 533, and "noe" on rollcall 534.

THE WORLD STRENGTH OF COMMUNIST PARTY ORGANIZATIONS

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, the 25th annual report of the U.S. State Department's Bureau of Intelligence and Research regarding the world strength of Communist Party organizations has recently come to my attention, and for the benefit of those of my colleagues who may not have seen it, I would like to report a few of its highlights.

The State Department notes that the "vulnerability of a country may have no direct relationship to the size of its Communist Party." This is a significant declaration, confirming what many of us who are concerned with the Communist menace have long maintained. Italy, for example, has a very large Communist Party but it has not gone Communist as a nation while Fidel Castro, with only a relative handful of cobelievers, was able to subvert Cuba.

The State Department says 1972 membership among Communists outside the United States totaled 47.7 million—half a million more than in 1971.

Most ruling Communist parties did not report gains in membership last year while in the nonruling Communist parties of Japan and Italy plus the newly created one in Bangladesh there were sufficient increases to boost nonruling party membership to 6.1 percent of the world Communist total.

The report puts party membership in Red China at 17 million and in the Soviet Union at 14.7 million. Of the 14 countries in which Communists are ruling today, the Chinese Communists and Russians account for 71 percent of total world Communist membership. However, the figure for mainland China dates back to 1961 because there have been no new figures released since then, the State Department reported.

A total of 39 Communist Parties are proscribed, as of December 1972, but the State Department adds that "many other countries would not tolerate Communist activities if the parties attained any importance; and in most countries where Communist Parties are legal but not in power, their activities are restricted in some degree."

Due in large part to the Communist takeover of mainland China in 1949 and Cuba in 1959, world party membership has more than doubled since 1948 when it amounted to 21.4 million.

The report notes that "the Communist movement in 1972 maintained its customary show of dutiful loyalty to Moscow by most parties, large and small" but there were still periodic outbursts from Western European and Australian Communists over the U.S.S.R.'s heavy-handed treatment of Czechoslovakia in 1968 and since.

The dispute between the Soviets and Red Chinese increased in vehemence and vitriol in 1972 and there are now 25 countries in the world with both pro-Moscow and pro-Peking Communist Parties. Among ruling parties, only Albania sides with Peking. The State Department considers North Korea and North Vietnam neutral, Yugoslavia and Romania "independent" on the Sino-Soviet question and all the rest decidedly pro-Soviet.

Peking enjoys its greatest support among nonruling parties in Burma, Cambodia, Thailand, Malaysia, Singapore, and New Zealand. Nonruling parties which are critical of both Peking and Moscow are found in Japan, the Netherlands, Spain, Sweden, and Reunion. With the possible exception of parties in Laos and South Vietnam, the rest appear to side with Moscow.

The report points out that in Yugoslavia party membership is falling off, the number of workers in the party amount to only 28.8 percent and the number of workers in the 620-member, 5-chambered Federal Assembly is 5—a fact publicly deplored by Yugoslav Communist leaders.

Excluded from the State Department survey is the Communist Party of the United States, however, the 1973 Yearbook on International Communist Affairs, published by the Hoover Institution Press at Stanford University, tells us that in 1972, General Secretary Gus Hall reportedly claimed a party membership of between 16,000 and 17,000 dues-paying members and from 120,000 to 125,000 "state of mind" Communists. This would have meant an increase of 1,000 to 2,000 regular members over the 1971 figure. In May 1972 the current membership of the party's youth organization, Young Workers' Liberation League was reported at 1,150.

I consider the membership figure given out by Gus Hall to be a highly inflated one. As I advised this House on July 19 of this year, there have been no registrations conducted of Communist Party membership in the past 15 years and party leaders really don't know what the membership of the party is at the present time.

Communist Party officials, in giving membership figures to the press for any particular year or years, have varied considerably indicating that the party uses the term "member" to suit its own needs. The numerical strength of the Communist Party as a measuring device for determining the party's potential as a threat to our internal security is misleading for it does not reflect the true facts. It is vital to recognize that the current hard-core CP membership through its fanaticism, its propaganda, and its masked activities through front groups and infiltration of mass organizations, wields an influence far out of proportion to the actual number of party members. A good example of this was organization of the National Defense Organization Against Racist and Political Repression—NDO—in mid-May. I reported at some length on this Communist Party, U.S.A. front group to the House on May 17, 1973, noting at the time that the NDO had attracted the support of a number of well-meaning noncommunists who endorsed NDO's program for opposing internal security legislation and attempting to repeal security statutes now on the books.

I said at that time that "there are whose who may scoff at the significance of the NDO program, but let us make no mistakes; the CP does not consider the NDO program insignificant. Those who choose to downgrade the threat of this Communist Party-directed operation are sadly underestimating the zeal and dedication of some of the participants."

We must ever be alert to the activities of the Communist Party U.S.A.—no matter what their claimed or actual membership may be—for they are dedicated to causing much mischief in pursuit of their avowed goal of subverting and ultimately destroying our system and institutions of government.

ACCREDITATION OF HOSPITALS: FIRE HAZARDS AT BETHESDA NAVAL HOSPITAL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, our colleagues will recall my interest in the subject of the accreditation of hospitals and the fact that I have introduced three bills—H.R. 1898, 1899, 1909—during this session of the 93d Congress. I regret to report that as of this date, there has been no action on any of these proposals.

Mr. Mal Schecter has recently written a preceptive article dealing with the history of the Joint Commission on the Accreditation of Hospitals for the magazine "Hospital Practice." I am including his article as a part of my remarks and commend it to all those who wish to gain a better understanding of the accreditation process and why it is necessary for the Congress to act on the legislation I have introduced.

With regard to the Bethesda Naval Hospital, I invite our colleagues particular attention to Mr. Schecter's comments, to wit:

> Yet much of it is a firetrap; specifically, the hospital's 14-story tower, which is set on a 4-story pedestal.
>
> What qualifies it as a firetrap, according to fire-safety experts consulted by "Hospital Practice," is the fact that the tower has but a single stairwell. The Life Safety Code of the National Fire Protection Association requires at least two means of egress from patient floors. Elevators, which cannot be relied upon in fires, are not legitimate egresses under the code.
>
> The presidental quarters are in the pedestal, with plenty of escape routes, the Navy says. But there are no external fire escapes to bring down Members of Congress and other dignitaries who typically are given private rooms in the tower. Some 110 of the hospital's 690 beds are above the tenth floor, which probably would be impossible to evacuate with ladders. The usual patient load on these floors is 75 to 90. Most of the patients are said to be ambulatory.

Mr. Speaker, I am including as a part of my remarks, a memorandum from Dr. D. J. Monarch of the Department of the Navy dated October 25, 1972, and an exchange of correspondence I have had with officials of that Department. I have also included the text of the bills dealing with the subject of accreditation which I have introduced.

ARBITER OR ADVISER: JCAH TACKLES TASK OF BEING BOTH

In 1918, the Regents of the young American College of Surgeons suppressed the first report on hospital standardization. In the basement of a New York hotel, they incinerated the names of hospitals that could not meet the simple requirements. Some 700 had been visited; only 89 made the grade. Some prestigious institutions did not.

The forerunner of the nation's foremost hospital accreditation program, conducted now under the Joint Commission on Accreditation of Hospitals, was thus born on a tide of embarrassment. One critic has called the incineration "intellectual and moral cowardice." Yet, says a JCAH commissioner, Dr. Carl P. Schlicke, a less "tactful" approach might have aborted the program.

In the present age of public accountability for professional activity, JCAH today faces a dilemma similar to that resolved by the hotel burning of survey records. It would like to be the public's friend but it can function, in its view, only by being the professional's confidant.

Meanwhile public expectations have changed and to some laymen, who, rightly or wrongly, consider that JCAH functions (or should function) as arbiter and guarantor of good care, JCAH's modus operandi is obsolete and in need of revision. Even some JCAH advocates seem to see a handwriting on the wall: Change or die. Dr. Schlicke, writing in *JAMA*, put it this way:

"In my opinion, the JCAH will have to broaden its base and include representatives of the public on its governing board. They should serve not as a disruptive minority group but as responsible participants in policymaking. The JCAH needs their advice regarding the acceptability, accessibility, and aptness of health services."

He suggests representation as well from nursing, allied health professions, and possibly "even from government." Such representation need not sacrifice decision-making by professionals in their own sphere. Looking further ahead, he believed JCAH "will have to develop and adopt methods of judging the substance and quality as well as the surroundings of medical care. It will have to have the courage to adopt and apply standards for the delineation of clinical privileges. If it will do these things, I believe it will endure."

Some critics believe the end of the line has been in sight for some traditional JCAH precepts for some time. For example, the commission maintains it is not the regulator the public thinks it is and its accreditation certification is not a public guarantee of quality care at the institution. Rather, JCAH is a consultant and the certificate is an indicator. Yet, institutions recognize that the certificate is the gateway to far more than a friendly JCAH pat on the back. Accreditation is the basis for regulatory actions. Sixteen Blue Cross plans base institutional eligibility to serve subscribers on hospitals' being accredited. The federal government in Medicare and Medicaid also takes accreditation as prima facie evidence of qualification to serve. A hospital's acceptability as a site for training interns and residents is based on accreditation. Therefore, critics contend, JCAH's insistence that it is not regulatory but consultative or tutorial may be technically correct but practically wrong or misleading.

The commission's Executive Director, Dr. John D. Porterfield, protests that JCAH is not responsible for the uses to which outside groups put accreditation. Acceptance of a regulatory role would undercut the quintessential JCAH function of tutoring institutions on how to improve voluntarily. Instead of confiding, hospitals would start hiding their problems from surveyors, he suggests. Yet some hospital and consumer observers say that in many institutions this is an anachronistic posture: a lot of hiding goes on precisely because of the need for accreditation.

"Consumers and government want much more from us than we are prepared to give," says Dr. Porterfield. JCAH, he continues, is prepared to survey the "nest"; approval signifies likelihood that the "egg" of patient care is not in bad odor. He believes there is a clear linkage between a good environment for patient care and its excellence, but the linkage is not guaranteed. Critics of JCAH agree but believe the preannounced surveys, lasting from one to three days, are superficial, subjective, and too reliant on paperwork.

As a matter of principle, JCAH has avoided direct assessment of the quality of medical care, insisting the job be done by the hospital medical staff. JCAH does review records indicating the staff's care-review activity. JCAH's avoidance of direct assessment has been partly due to political problems: medical staffs have been jealous of outside interference or demands for accountability. It has been partly because of technical problems: objective tools for evaluating care have been slow in coming.

But in this regard, too, events are propelling JCAH in directions it never dreamed of a decade ago. Expressed principally through government is a demand for public accountability of the quality of care. The 1972 Social Security Act authorized Professional Standards Review Organizations as mechanisms to assure the medical need for and quality of services under Medicare and Medicaid. These peer review mechanisms obviously are to be available for application to privately financed care, too. The demand by government and the public for assurances has put many health care bodies on the spot. Among them are JCAH's prime sponsors—the American Hospital and American Medical associations. Each controls 7 of the 20 seats on the JCAH Board of Commissioners, with three seats each held by the American College of Surgeons and American College of Physicians. The demand for public accountability has produced a competition among various groups for hegemony over peer review. The AMA is pushing harder than ever for peer review while the AHA is promoting a general, inhospital plan called Quality Assurance Program. JCAH, itself on the spot, is at center stage because it has produced possibly the only widely available practical method of self-audit of medical staff performance. The system, developed coincidentally with the preparation of federal legislation and application of the 1970 revised JCAH standards, is being explained nationally through Trustee-Administrator-Physician Institutes.

Though still not directly assessing quality of care, JCAH may be approaching—by requiring use of its audit system or the equivalent—its public image of guarantor of quality care. Peculiarly enough, the more successful the commission is in improving hospital performance, the greater the public reliance and expectation and the more likely will be pressures to reform JCAH into a quasi-public body, some observers believe. The clash of public and professional expectation may produce a break in the commission's historic policies.

The differing concepts of what JCAH is, how it serves or should serve the public interest, and what it ought to be present an enormous public relations problem. Dr. Porterfield has been at pains in congressional hearings to distinguish among accreditation, licensure, and certification. He told a Senate health subcommittee last year that accreditation "was never intended as a device to protect the public, even though in former decades it was almost the only identifiable benchmark of reliability." He acknowledged that consumers see accreditation as a protective guarantee of quality. Accreditation, he indicated, begins where licensure ends, licensure being a government agency's approval of an institution as fit to serve the public by virtue of meeting minimum essential standards. "All we can say, with our accreditation, (is) that the hospital is apparently living up to a normal, reasonably close approximation to nationally adopted standards and that we have no reason to think that (it) will willfully be in default on a certain day," Dr. Porterfield told Sen. Edward M. Kennedy (D–Mass.).

Some problems of defining JCAH result from its own growth and evolution amid changing expectations. Its $1.3 million budget of 1969 mushroomed to $4.5 million in 1972. The annual workload is now 2,800 hospital surveys. The frequency of surveys and their depth, the toughening and addition of standards, and the widening of special accreditations for longterm care facilities, institutions for the mentally retarded, and psychiatric hospitals have put a strain on JCAH resources. Simultaneously, the commission has undertaken a federal contract to list hospitals with special services, such as cancer and heart disease facilities, possibly a forerunner of more special accreditations. JCAH also has begun experiments in collaborative surveys with several state licensure agencies and with the California Medical Association, which directly evaluates the quality of the medical care "egg" while JCAM assesses the "nest." Added to all this is the medical-audit initiative.

Some critics think JCAH has bitten off more than it can chew, given its income, sponsors, and staff. One result may be that the quality of its surveying has become spotty. Dr. Porterfield acknowledges that JCAH has egg on its face because it accredited and then, following a *Chicago Sun-Times* exposé of deplorable conditions, had to disaccredit the city's Cermak prison hospital; the original survey was poorly done. Ralph Nader's Health Research Group has charged that JCAH pulled its punches in granting a two-year accreditation to a Maryland hospital with poor record-keeping procedures. However, numerous federal and private hospital sources report JCAH does a solid job in general, despite occasional lapses.

Some JCAH problems may relate to the doubling of its survey staff in the last few years. The corps of 41 full-time and 29 part-time surveyors includes 36 physicians (17 full time), 18 hospital administrators (14 full time), and 13 nurses (10 full time). The turnover is a glaring 50% annually, says Dr. Henry Speed of JCAH's Hospital Accreditation Program. The big turnover among physicians, many of whom are retirees, is laid to the tough "gypsy" life they lead, perhaps three months on the road for a single itinerary. At about $17,000 a year, physician pay is a restriction of recruitment. The commission would like to pay more but its income from fees is paced by what small hospitals can afford; they bridle at the current $350 per diem. Another strain comes from the impending retirement of veteran JCAH officials, such as Dr. Otto Arndahl, longtime head of the Hospital Accreditation Program.

Additional pressure stems from the realization that JCAH needs a modern, formalized curriculum for training surveyors to meet the investigative, instructional, and diplomatic complexities of the accreditation visit. Techniques of detecting problems and giving consultation are being studied as part of a surveyors' "West Point" in preparation. Meanwhile a vastly stepped-up effort to teach the medical audit procedure is being led by Charles Jacobs, assistant JCAH director. A lawyer, he is one of several new faces in an aging hierarchy, and is director of legal affairs as well as of professional education activities.

The tempo and variety of current activity hardly suggest a moribund organization. The commission has moved from antiquated quarters to the 21st floor of the mammoth John Hancock Center on Chicago's Near North Side, within easy walking distance of the AMA, AHA, and Blue Cross Association headquarters. Occupying virtually the entire floor, the offices impress the visitor with bustling activity, informality, and, just before the accreditation committee meets, piles of records and correspondence in a rush of processing.

The corporate existence of JCAH as an Illinois not-for-profit corporation dates from 1951. In 1919, the year after the records-incineration episode, the American College of Surgeons began operating a hospital standardization program, six years in preparation. The original standards fit on a single page; current standards take 150 pages. Basic principles were that standards of practice would be developed and applied to hospital performance by professionals, taking into account "the unique position of each institution of its own community." The ACS operated the program on several thousand dollars a year, obtained entirely from dues. But the load grew. Finally, the ACS asked the American College of Physicians, AHA, AMA, and the Canadian Medical Association to form a joint commission. (The Canadians withdrew in 1959 and formed their own national program.)

Since 1951, JCAH has revised standards from time to time, enlarging their scope from concern mainly with hospital and medical staff organization to such other facets as environmental and fire-safety services.

The year 1965 was a watershed. With standards overdue for upgrading, JCAH found itself in a central role in Medicare legislation. The law used accreditation as a basis for hospital eligibility in the program. Simultaneously, Congress authorized an alternative entry into Medicare through application by state agencies of federally prepared standards—which the statute said could not outstrip those by JCAH. The law stimulated self-examination by JCAH and the growth of state licensure agencies, thus etablishing an alternative national benchmark to the JCAH system. By writing JCAH standards into Medicare, Congress gave the commission a regulatory function Dr. Porterfield says it never asked for. The delegation of power later was attacked in lawsuits as unconstitutional.

The year 1965 was a watershed in other respects as well. Dr. Porterfield, a former deputy surgeon general of the U.S. Public Health Service and past president of the American Public Health Association, became JCAH executive director. Also that year, an Illinois court decided in the celebrated Darling case that a hospital governing board was responsible to patients for quality of medical care. The decision, says JCAH's Mr. Jacobs, dissipated the myth that medical care was solely within the province of physicians and beyond reach of the hospital corporation. One effect of the decision was to thrust JCAH into redefining standards covering relationships between the governing board and medical staff. It had to develop a means by which the medical staff could satisfy the governing board that responsibility for checking the performance of the staff was being met.

The limelight Medicare cast on JCAH proved to be unflattering. In 1967, the Health Insurance Benefits Advisory Council, Medicare's chief advisory group, mostly comprising professional persons and some consumers, told Congress that JCAH standards were applied inadequately by individual surveyors and that some placed an undesirably low ceiling on health and safety conditions. The council called for federal standards. "In response to this criticism, JCAH introduced team surveys and reduced the maximum interval between surveys from three years to two," says Dr. Schlicke, JCAH commissioner.

Other observers believe JCAH was confronted with a survival crisis. The growth in government regulatory systems seemed to be catching up with JCAH making its existence questioned as redundant, some observers say. In 1970, two lawsuits by groups representing senior citizens attacked the Medicare-JCAH relationship. Citing 76 violations of more than 16 JCAH standards at District of Columbia General Hospital and even more at San Francisco General Hospital, the plaintiffs asserted that JCAH set "inadequate standards for patient care in hospitals which treat Medicare patients" and enforced these standards in a manner "not calculated to protect patients' rights to adequate hospital care." Accreditation permitted the hospital to continue receiving over $2 million annually from Medicare despite "overwhelming evidence" in JCAH's possession that the hospital rendered "inadequate and unsafe treatment to San Francisco's elderly citizens who are dependent upon it for medical care." Since the Medicare law rendered accredited hospitals immune to federal oversight, and since JCAH had no mechanism for public hearings, the plaintiffs said they had to sue. (The suits were mooted in 1972 when Congress changed the Medicare-JCAH relationship to permit federal oversight and promulgation, if necessary, of standards exceeding JCAH's.)

Consumerism also left a mark on the revised JCAH standards in the form of a preamble embodying a statement of patients' rights, which antedates by two years the AHA's 1973 statement of patients' rights. JCAH established a consumer advisory committee and agreed to meet regularly with a Coalition on Health Care that evolved from the committee. But it resisted demands that one third of the JCAH board be consumers, that each survey team include a consumer, that consumers have a right to appeal an accreditation decision, and that survey records be made public. After the 1969–71 period, consumer interest seems to have diminished, according to Dr. Porterfield.

In 1969, the revised JCAH standards were completed and distributed for discussion and approval. They had taken four years to develop by a research staff of four and 21 advisory panels comprising 320 experts working under a $605,000 Kellogg Foundation grant. Many professional observers believe the revisions marked a substantial upgrading. But a few believe the standards were simply a tightening of the old minimum-essential level and the inclusion of several additional areas in the interest of being comprehensive. The commission describes standards as having moved up from minimum essential to "optimum achievable," an amorphous concept under which institutions are judged accreditable if they approximate a level of performance that is within reach, though not ideal.

Some observers are skeptical about the extent of upgrading in the new standards, which were adopted in 1970. A recent unsigned commentary in the *Georgetown Law Journal* finds that they undercut the hospital's obligation, as stated in *Darling*, to ensure that physicians request consultation under certain circumstances. The 1956 JCAH standards, the article says, held the staff responsible for seeing that its members "do not fail in the matter of calling consultants as needed." The new standards declare that use of consultations and qualifications of consultants should be reviewed as a part of medical care evaluation, the article says, adding: "This weakening of the 1956 Standards is inconsistent with the statement of the (JCAH board) that the (new) Standards were designed 'to raise and strengthen the Standards from their present level of minimum essential to the level of optimum achievable.' The Commission appears to be more interested in insulating hospitals from liability than in improving the quality of medical care."

An authority on medical records administration believes the new standards are not very high. "Hospitals won't allow it," she comments. "They want the accreditation certificate for third-party insurers and other purposes. In 1970, JCAH did not raise standards so much as tighten them up at the old, inadequate level by bringing in more detail."

Such critical comments, Hospital Practice found in a score of interviews, were in the minority. Fairly typical of comments were those by an official of the 326-bed Samuel Merritt Hospital, Oakland, Calif. Dr. James A. Stark, president of the medical staff, believes the new standards help assure good patient care and give the medical staff a springboard for obtaining reforms. He adds, however, that there are physician complaints that JCAH requirements on recordkeeping go overboard by demanding more information than pertinent to some inpatient admissions. A Michigan hospital administrator commented tersely, "JCAH is getting tougher."

Some observers think JCAH has picked up speed in prodding for improved hospital performance, possibly moving a bit faster than many hospitals would like. Dr. Porterfield reports that about 20% of surveyed hospitals now receive less than the two-year accreditation, a considerably larger percentage than in the past. In the 1960's, reaccreditation of most large hospitals was virtually automatic, but that era may have ended—at least for large municipal hospitals—with the disaccreditation of Boston City Hospital in 1970. Recent statistics suggest that JCAH denies almost 1 in 4 hospitals the maximum accreditation period. In January-March 1973, the commission reviewed 965 hospitals, of which 740 received a two-year and 174 a one-year accreditation. The remaining 51 were not accredited.

Accompanying the revised standards were new procedures for implementing them. They call for the iristitution to complete a presurvey questionnaire to help delineate problems to be focused on by the surveyors. A self-survey by the hospital during the year in between surveys also is called for so that JCAH can check on progress in meeting promises to improve. How well the entire system works is not entirely clear as yet, since it is still on a shakedown cruise. Dr. Porterfield believes it is working out. In an AHA study in the New York area, some 14% of hospitals said professionals were not stimulated by the JCAH survey, and 8% said postsurgery feedback was not worthwhile; presumably the rest were not dissatisfied.

Several hospital consultants remarks that JCAH probably has its greatest impact on smaller institutions. At the same time that they have difficulty meeting standards, JCAH seems to make greater allowances for them in the application of surveyor judgment. The discretion allowed to the surveyor and the JCAH review hierarchy is said to "dilute" standards. The commission's position is that tailoring in implementation is necessary if a national set of standards is to apply to institutions with diverse resources. Consumer critics believe, however, that JCAH at bottom lacks an objective basis for finding a hospital accreditable; it is possible, they say, for an institution with severe deficiencies to be judged qualified. A federal official says that criticism applies both to JCAH and to Medicare assessments; in Medicare, the doctrine by which certification can be made despite deficiencies is called "substantial compliance," and it derives conceptually from the JCAH system. However, being governmental, "substantial compliance" is challengeable in the courts as permitting arbitrary and capricious certifications, according to some consumer lawyers.

The presumption on which the JCAH system rests, according to Dr. Porterfield, is that medical-hospital professionals know how to conduct the delivery of medical care expertly, have a public trust to do so, and can be trusted to discipline themselves. In the current climate of public attitudes toward the medical care "system" or health "industry," that presumption is under considerable strain. The Department of Health, Education, and Welfare now has the power to conduct validation surveys of JCAH-accredited hospitals and to write standards different from JCAH's. The development of Professional Standards Review Organizations under government auspices also indicates that there may be less than total reliance on the traditional view. Moreover, JCAH itself has opened the door to consumer inputs into what had been entirely professional deliberations on development of standards and has revised its policy on releasing accredition information concerning specific hospitals. Although the survey recommendations are confidential, JCAH now tells the public whether or not a facility is acrcedited, for how long, and the forthcoming survey dates.

Also signifying the "public accountability" climate have been advances in government licensure and certification programs. As these rise above primitive, or minimum essential levels, pressure is generated on JCAH to move ahead. Some observers suggest JCAH's evolution should be into a system that recognizes excellence by grading hospitals, while licensure or accreditation recognizes basic fitness to serve the public.

One member of Congress who has a different view of JCAH's future is Rep. John Saylor (R-Pa.), an influential member of House committees on interior and veterans' affairs. He has introduced, in the last two congresses, bills to create a 32-member Federal Commission on Accreditation of Hospitals. Three seats would go to consumers the rest mainly to physicians and other professional persons. The body would set and enforce standards, provide the public and hospital workers with an opportunity to make comments during an inspection, publish results, and make accreditations. Termination of accreditation would mean removal from the Medicare and Medicaid programs and the end of any federal financial aid, such as grants for training, construction, and demonstration services. A disaccredited federal hospital would stop operating until reformed. Mr. Saylor has also introduced bills to pull the Veterans Administration out of the JCAH system unless the JCAH furnished VA hospitals with detailed findings, not just summary reports and recommendations. He has published in *Congressional Record* the summary reports and recommendations by JCAH on a score of VA hospitals and long-term care facilities.

The Saylor bills are not considered likely to get very far, but they are indicative of a growing trend on Capitol Hill. An approach that has been relatively comfortable for physicians and hospitals has now come under challenge.

How Some "Outsiders" Assess JCAH Performance

How well does JCAH really work?

Objective studies are lacking on the impact of the Joint Commission on Accreditation of Hospitals in effecting improvement at specific hospitals. Detailed findings by surveyors—which not even the hospitals receive—are stored in a closely supervised room at JCAH's Chicago office. Not even Executive Director John D. Porterfield can emerge from the room without some staff member's comment implying the inadvisability of removing them. The nitty-gritty details of survey findings, however, are imparted orally at an end-of-survey summary conference at the hospital. Apart from the two-year, one-year, or non-accreditation judgment, the JCAH document received at the hospital contains little news, hospital officials say. Two Michigan hospital administrators assert the real value of the survey lies in the surveyor's comments, helpful tips, and on-the-spot answers to questions.

Some JCAH reports are said to encompass the "best" of two worlds by making numerous recommendations for change (thus implying many major problems) while still offering full accreditation. To some elements in the hospital field, this kind of strategy also offers the "worst" of two worlds by noting severe problems but implying, with accreditation, that they aren't intolerable.

That accreditation may not assure quality of care was a point emphasized in a lawsuit involving District of Columbia General Hospital. In 1970, the 951-bed institution was downgraded from the then maximum accreditation period of three years to one year. with notice that a second one-year accreditation would not be allowed. The 30 recommendations by JCAH called for correcting dangerous environmental conditions, establishing a chief executive with real authority to deal with the city bureaucracy, rebuilding antiquated obstetric facilities as planned, adding clinical lab personnel, and studying the adequacy of the outpatient department staff. Patients' advocates thought the hospital should have been disaccredited, thus threatening $2 million of Medicare (and Medicaid) reimbursement the city received and, presumably, forcing reform. In 1971, a patient's lawsuit contested Medicare participation based on accreditation. It cited 76 violation of 16 JCAH standards as indicated by house staff, other employees, and community members. Lost records, lack of nurses, poor lab reports, and other deficiencies "render the hospital unable to provide medical care . . . in compliance with Joint Commission standards," which, the suit said, didn't guarantee Medicare beneficiaries the protections promised in federal law.

Also in 1971, after the death of a patient who had waited six hours in the emergency room, a federal judge ordered D.C. General to meet its own requirements of having at least three licensed physicians on duty in the emergency room at all times. Hospital users alleged that only one physician, usually an intern, was on duty. Nonetheless, while under the injunction and with the Medicare suit still pending, the hospital gained a two-year accreditation.

While D.C. General, with all its problems, was receiving a two-year accreditation, another eastern hospital—with half the beds and far fewer than half the problems—was accredited similarly for two years. That two hospitals in vastly different shape can receive the safe "full" accreditation is a fact, puzzling to outsiders, of the JCAH system and makes an evaluation of that system difficult.

Officials at the eastern hospital, voluntary, nonprofit, and anonymous by request, believe JCAH was of little value to them. They found the local government's licensure review far more helpful. Placed side by side, the three-page JCAH document and the 10-page licensure document read like reports on different institutions. They reflect differing emphases. The licensure report had nothing on adequacy of medical recordkeeping, on which JCAH dwelled, finding too many incomplete physical examinations and too many belated records.

The licensure report called for delineating of surgical privileges for all physicians, for creation of an emergency treatment manual, for changing the 1:1,000 adrenalin dilution erroneously posted on an emergency cart to 1:10,000, and for establishing nurses' duties to report the sending of blood and urine for analysis and reactions to blood transfusions. The JCAH report had nothing on these points.

"There's no comparison about the depth of the reports," says a hospital executive. "JCAH sent in three surveyors for three days; the licensure crew of eight was here for three days. If it weren't for outside requirements for having accreditation, I think the hospital could drop JCAH." A medical staff official generally concurred, though he felt JCAH had taken a big step forward by devising a practical retrospective medical care audit procedure. JCAH is advising hospitals that this or an equivalent system must be in operation by their next surveys.

In California, where JCAH and the California Medical Association are working cooperatively, it is possible for both to approve a hospital despite major deficiencies. In 1972, JCAH awarded Valley Medical Center of Fresno, a 583-bed county facility, a two-year accreditation. It recommended improvement in peer review, medical staff minutes and voting procedures, documentation of pharmacy-therapeutic committee work, medical recordkeeping, and fire protection. The medical association approved the medical staff activities after finding parallel but not identical deficiencies, including 2,500 delinquent patient records, inadequacies in review and documentation of medical credentials, and deficiencies in emergency room organization and in physicians' understanding of methods of lowering infection rates.

New York State sources provide mixed criticism of JCAH from the standpoint of one of the better licensure programs. JCAH has good marks in evaluating medical staff, with a potential considered excellent to bring further improvement because of its medical audit system. But JCAH is rated less effective than the state in evaluating nurse staffing, rehabilitation therapy, nutritional services, and physical environment (i.e., fire safety). "Too many hospitals are being tolerated by JCAH with physical environment problems," says a state official. (Other officials said JCAH's special accrediting program for psychiatric hospitals was way behind in making surveys, and the long-term care facilities' program was rated poor.) Sources in several other states said JCAH generally did better than licensure programs but had a glaring weakness in not following up to see deficiencies corrected.

Perhaps the closest thing to a nongovernmental hospital rating service on a national basis is conducted by such veterans' groups as the American Legion. The Legion sends six field representatives into Veterans Administration hospitals around the country, seeing each once in 15 months. Visits last a week and include tours of the facility, chats with employees and patients, and interviews with hospital officials. Recommendations are sent directly to the Administrator of Veterans Affairs.

Taking the Legion as a benchmark provides a limited perspective on JCAH, suggesting that it may miss significant problems. In May 1972, both the Legion and JCAH visited the 260-bed VA Hospital in Washington, D.C. The JCAH called for better, individualized nursing care plans, a nursing representative on the medical records committee, written reports and evaluations of all fire drills, authenticated signatures on medical records, and pertinent, complete nursing notes. It gave a two-year accreditation.

The Legion reported excessive delays for patients in radiology, up to six hours, because of overcrowding and inadequate staff. Among other problems, it found totally inadequate space for the pharmacy. Overall, the report concluded that veterans got "a good quality of care" but there were urgent space problems.

Two Veterans Administration observers divided on JCAH's value. One commended JCAH for giving the agency an independent appraisal based on "good" standards and implementation. He acknowledged, however, that standards represent an estimate of what the hospital field in general will tolerate and that VA is several cuts above that level. One VA hospital was justifiably disaccredited, triggering immediate concern. But the other VA official found JCAH's work superficial when compared with VA's own internal audits. "JCAH misses too much," the official said.

PRESTIGIOUS, ACCREDITED, YET IN PART A FIRETRAP

Because it takes care of the President, Supreme Court justices, members of Congress, and other dignitaries besides servicemen, the Bethesda (Md.) Naval Hospital (below) ranks as one of the most politically and professionally sensitive health care institutions in the nation.

Yet much of it is a firetrap: specifically, the hopsital's 14-story tower, which is set on a four-story pedestal.

What qualifies it as a firetrap, according to fire-safety experts consulted by HOSPITAL PRACTICE, is the fact that the tower has but a single stairwell. The Life Safety Code of the National Fire Protection Association requires at least two means of egress from patient floors. Elevators, which cannot be relied on in fires, are not legitimate egresses under the code.

The presidential quarters are in the pedestal, with plenty of escape routes, the Navy says. But there are no external fire escapes to bring down members of Congress and other dignitaries who typically are given private rooms in the tower. Some 110 of the hospital's 690 beds are above the tenth floor, which probably would be impossible to evacuate with ladders. The usual patient load on these floors is 70 to 90. Most of the patients are said to be ambulatory.

The Navy recognizes what officers privately call "the tower crisis" by having frequent fire drills and the installation of fire-safety devices. The building is all concrete and steel; it won't burn, the Navy says, and tower patients could get away from fire on lower floors by going further upstairs. However, fire-safety experts point out that noncombustible structures tend to retain smoke, the big danger to patients.

The Joint Commission on Accreditation of Hospitals noted the fire-safety hazard in its biennial survey of the hospital. Nonetheless, although it is supposed to apply the Life Safety Code, it accredited the hospital for a full two-year period.

Some independent hospital consultants believe JCAH may have violated its own rules by giving the hospital more than a provisional, one-year accreditation. A one-year accreditation would have started the flagship hospital down the road to disaccreditation. JCAH rules on severe structural fire hazards require correction within a year or installation throughout of automatic sprinklers. Replacement of the tower as a patient care facility would take five years but Congress has yet to be asked for the $100 million the Navy estimate expanding and renovating the hospital and allied facilities will cost. The tower does not have automatic sprinklers because, the Navy says, the structure is noncombustible.

Asked why the JCAH had given the two-year accreditation, JCAH Executive Director John D. Porterfield consulted a detailed survey report. He said it included a Navy memorandum implying that the hazard would be corrected within a year. However, the memo's reference to "major new hospital construction commencing a year from now" [i.e., beginning in October 1973] does not apply to removing patients from the hazardous tower, HOSPITAL PRACTICE discovered on obtaining the memorandum. The reference actually is to preparatory work.

The JCAH recommendations and comments on the naval hospital were obtained under the federal Freedom of Information Act despite Navy resistance. Other federal installations provided JCAH reports as part of this journal's attempt to learn how the JCAH process works at the grass roots.

"There is no way to remedy the problem without new construction," a Navy spokesman said. He insisted the tower was safe and as proof cited the fact that no fires had ever occurred there and that JCAH would not have offered a two-year accreditation if it thought the situation dangerous.

According to the JCAH report, "as previously recommended, attention is directed to the potential fire hazard existing in the tower floors where there are three blind corridors, with patients, and only one exit in the fourth corridor. In addition, the hospital should plan to move patients out of the lower building to areas appropriately secure from fire hazards."

The precast concrete structure was designed in 1938 by President Franklin D. Roosevelt on the back of an envelope. He dedicated the hospital when it was completed in 1942. Fire-safety experts unanimously agreed no such structure would be built today as a hospital facility.

MEMORANDUM

From: Public Works Officer
To: Administrative Officer, Naval Hospital
Subj.: Status of Fire Protection Engineering Survey

1. During discussion on 24 Oct. 1972 with Mr. C. V. Wynne of the JCAH inspection team, certain questions were raised relative to what progress has been achieved in eliminating fire protection deficiences. During the previous JCAH visit they were appraised of military construction project P–040 for correction of the deficiencies within hospital spaces at an estimated cost of $1,100,000. This project was included in the Navy's five year military construction program. Recent approval of the RTKL core study conclusions and the DOD medical facilities replacement and modernization program will result in major new hospital construction commencing approximately one year from now. The facility problems associated with NH Bethesda are certainly more than fire protection deficiencies thus the emphasis on new facilities has preempted MILCON project P–040 which was limited to fire protection deficiencies. Of course our new facilities will be designed in accordance with current code requirements thus we can optimistically look forward to a modern medical facility without fire protection hazards.

2. During the interim since the last JCAH visit progress has been made in eliminating fire hazards. Combustionable ceiling tile and partioning has been eliminated from numerous hospital spaces. A new CO_2 system has been installed in the Navy Exchange galley and a facility project has been submitted to BUMED for installation of a CO_2 system in the main galley with estimated funding in summer 1973. The new pharmacy was equipped with an automatic sprinkler system. The new air conditioning system incorporated current code requirements for smoke detection, automatic shutdown and fire dampers. Continued progress towards correcting deficiencies will be subject to availability of resources.

3. Mr. Wynne also inquired about the status of emergency power for CCU and doctors paging system. Emergency power service has been provided to the CCU in 3–B. It was determined that the doctors paging system would not be connected to the emergency power system due to the use of "Bell Boy" paging units for key personnel.

D. J. MONARCH, Jr.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 30, 1973.

Hon. JOHN W. WARNER,
Secretary of the Navy,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: As one who served for some time in the U.S. Navy and as one who has been a patient several times in the Naval Hospital in Bethesda, I was concerned by the report of the Joint Commission on Accreditation of Hospitals, providing accreditation for the Hospital for two more years, which found several deficiencies.

Under "Environmental Services," I think that points 1, 3, and 4 are of particular importance, and I was amazed to learn that there are "three blind corridors with patients, and only one exit in the fourth corridor." Item 6, having to do with doors and fire separations, is of great importance, as I am sure you know, and I am wondering what steps are necessary to correct these deficiencies. Is it lack of money or a lack of planning, or a combination of both?

As you may know, I have introduced in the last Congress and in the present Congress three proposals to set up a new commission of accreditation of hospitals and reorganize this procedure. Be that as it may, I am quite concerned over the report which deals with the Bethesda Naval Hospital and would appreciate your full comments on this subject.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

P.S.—I am personally surprised at the stupidity of the accreditation group in failing to call attention to the vulnerability of the "tower" in case of fire, explosion, or other disaster.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., June 8, 1973.

The Honorable JOHN P. SAYLOR,
House of Representatives
Washington, D.C.

DEAR MR. SAYLOR: Thank you for your recent letter regarding the Naval Hospital, Bethesda, and its accreditation. I appreciate your concern in this matter. Continuing approval of the facility was given by the Joint Commission on Accreditation of Hospitals (JCAH) on the basis of an evaluation of the seriousness of the deficiencies in relation to proposed remedies for the cited problem areas.

Your concern with the environmental services portion of the report, particularly as it relates to fire safety, is well founded. This was discussed in detail with the JCAH reviewers, although not reflected in the survey document. In particular, item 4 was intended to reflect the potential danger in the tower building because the structure has only one stairwell. The Navy is presently working to expeditiously correct this as well as other cited deficiencies.

The problems existing at Bethesda are recognized, and appropriate immediate and long range solutions have been initiated.

Thank you for your continuing interest in the Navy and in the Bethesda Naval Hospital. If I may be of any further assistance, please do not hesitate to contact me.

Sincerely,

FRANK SANDERS,
Under Secretary of the Navy.

H.R. 1898

A bill to authorize the Secretary of Health, Education, and Welfare to require hospitals as a condition to participation in Federal programs to meet accreditation standards established by him

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if the Secretary of Health, Education, and Welfare determines that the accreditation standards applied to a hospital by the Joint Commission on Accreditation of Hospitals do not assure the delivery of safe, effective, and economical health care in that hospital, he may (under regulations prescribed by him) require, as a condition to (1) its receipt of any grant, contract, or loan under any law administered by him, and (2) its eligibility to participate as a provider of services under title XVIII or XIX of the Social Security Act, that the hospital meet such accreditation standards as the Secretary may by regulation prescribe.

H.R. 1899

A bill to establish the Federal Commission on Accreditation of Hospitals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Commission on Accreditation of Hospitals Act".

TITLE I—ESTABLISHMENT OF COMMISSION

ESTABLISHMENT

SEC. 101. There is established a commission to be known as the Federal Commission on Accreditation of Hospitals (hereinafter in this Act referred to as the "Commission").

MEMBERSHIP

SEC. 102. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of thirty-two members as follows:

(1) The chief medical officer of the Veterans' Administration (or his designee) and a medical officer designated by the Secretary of Defense shall be ex officio members of the Commission.

(2) Nine members shall be appointed by the Comptroller General of the United States. Of the members appointed under this paragraph, six shall be appointed from persons who are experienced in the administration of hospitals and three shall be appointed from members of the general public.

(3) Twenty-one members shall be appointed by the Secretary of Health, Education, and Welfare. Of the members appointed under this paragraph, six shall be appointed from practicing physicians and fifteen shall be appointed from persons employed in any allied health profession, nurses, and engineers experienced in the construction and operation of hospitals.

A vacancy in the appointed membership of the Commission shall be filled in the manner in which the original appointment was made.

(b) TERMS.—

(1) Except as provided in paragraphs (2) and (3), the appointed members shall be appointed for terms of six years.

(2) Of the members first appointed by the Comptroller General, three shall be appointed for terms of two years and three shall be appointed for terms of four years, as designated by the Comptroller General at the time of appointment; and of the members first appointed by the Secretary, seven shall be appointed for terms of two years and seven shall be appointed for terms of four years, as designated by the Secretary at the time of appointment.

(3) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) PAY AND TRAVEL EXPENSES.

(1) Except as provided in paragraph (2) and subsection (e), members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(d) QUORUM.—Seventeen members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(e) CHAIRMAN.—The Chairman of the Commission shall be elected by the members of the Commission from the membership of the Commission. The Chairman shall serve for a term of four years or until the expiration of his term of office as a member of the Commission, whichever occurs first. The Chairman shall serve on a full-time basis and shall be compensated at the annual rate authorized for level V of the Executive Schedule.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members, but not less often than once every three months.

DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

SEC. 103. (a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at the rate of basic pay in effect for grade GS-18 of the General Schedule.

(b) STAFF.—Subject to such rules as may be adopted by the Commission, the Director may appoint and fix the pay of such personnel as he deems desirable.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Director and the personnel appointed under subsection (b) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

GENERAL POWERS OF COMMISSION

SEC. 104. (a) HEARINGS AND SESSIONS.—The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) OBTAINING DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

TITLE II—ACCREDITATION

DEFINITIONS

SEC. 201. For purposes of this title:

(1) The term "hospital" shall have the meaning prescribed for it by section 645(c) of the Public Health Service Act (42 U.S.C. 291o), except that it shall also include outpatient facilities, rehabilitation facilities, and facilities for long-term care (as those facilities are defined, respectively, by sections 645(f), 645(g), and 645(h) of such Act).

(2) The term "accreditation standards" means standards the attainment and maintenance of which, in the judgment of the Commission, are requisite to the delivery of safe, effective, and economical health care in hospitals. Such standards shall include—

(A) requirements relating to the design, construction, and maintenance of hospital buildings;

(B) training and experience qualifications for hospital personnel, including physicians employed by a hospital or permitted to use its facilities, nurses, food service employees, and employees engaged in the allied health professions:

(C) requirements for provision, at a reduced rate or without cost, of services to persons unable to pay therefore; and

(D) requirements respecting the organization and delivery of health care in hospitals.

ACCREDITATION STANDARDS

SEC. 202. (a)(1) The Commission shall by regulation establish (A) accreditation standards for hospitals, and (B) procedures (i) to determine if a hospital is in compliance with such standards, (ii) for accreditation of those hospitals determined to be in compliance with such standards, and (iii) for termination of accreditation of a hospital found to be in noncompliance with such standards.

(2) Procedures established under clauses (B) (i) and (ii) of paragraph (1) shall—

(A) prescribe the effective period of an accreditation;

(B) prescribe the minimum number of inspections or surveys required for accreditation;

(C) permit a reasonable opportunity for the submission of comments, during an inspection or survey, by the employees of the hospital being inspected or surveyed and by other persons in the community served by the hospital who are interested in the delivery of health care in the hospital;

(D) require the assessment and collection of such fees as may be necessary to reimburse the United States for the costs of inspections and surveys under this title; and

(E) provide for the publication and distribution of the accreditation determinations of the Commission and the basis for such determinations, including the results of surveys and investigations.

(3) Procedures established under clause (B) (iii) of paragraph (1) shall require the Commission to give written notice of noncompliance when it finds a hospital to be in noncompliance with the Commission's accreditation standards. The notice—

(A) shall be served on the persons responsible for the operation of the hospital (as determined by the Commission) and on the State health agency which has jurisdiction over the hospital, and

(B) shall be designed to fully inform the persons receiving it of the basis for the Commission's determination of noncompliance, shall specify the corrective action that must be taken to bring the hospital into compliance with the accreditation standards, and shall provide a ninety-day period, beginning on the date the notice is served, for bringing the hospital into compliance with the accreditation standards.

(b) The Commission shall conduct survey and accreditation programs which will encourage members of the health professions and hospitals voluntarily to—

(1) promote high quality of care in all aspects in order to give patients the optimum benefits that medical science has to offer;

(2) apply certain basic principles of physical plant safety and maintenance, and of organization and administration of function for efficient care of the patient; and

(3) maintain the essential services in the facilities through coordinated effort of the organized staffs and the governing bodies of the facilities.

(c) No member or employee of the Commission who was employed by, or permitted to practice in, a hospital during the five-year period preceding an inspection or survey of it conducted under this title may participate in the inspection or survey or in any determination of the Commission made on the basis of such inspection or survey.

ENFORCEMENT

SEC. 203. If the Commission determines that a hospital for which a notice of noncompliance has been served in accordance with regulations made under section 202 (a)(3) is not, after the expiration of the ninety-day period specified in the notice, in compliance with the accreditation standards in effect under this title and—

(1) if the determination is made with respect to a Federal hospital, the head of the department or agency of the United States which operates the hospital shall terminate its operation until such time as the Commission accredits the hospital; or

(2) if the determination is made with respect to any other public or private hospital, no Federal financial assistance may be paid to or on the behalf of the hospital, and the hospital shall not be eligible to participate as a provider of services under title XVIII or XIX of the Social Security Act, until such time as the Commission accredits the hospital.

For purposes of paragraph (2) of this section, the term "Federal financial assistance" includes payments under grants and loans under the Public Health Service Act.

H.R. 1909

A bill to amend title 38 of the United States Code to prohibit payment of hospital inspection fees by the Administrator of Veterans' Affairs to the Joint Commission on the Accreditation of Hospitals until certain information regarding such inspections is received by the Administrator

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5001 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Administrator may not pay to Joint Commission on the accreditation of Hospitals any fee or other charge for any inspection by the joint commission of any Veterans' Administration hospital or domiciliary until after the Administrator receives from the joint commission a copy of the surveyors report and such other information regarding the inspection as the Administrator may require.".

SAN CARLOS MINERAL STRIP

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the San Carlos mineral strip bill, H.R. 7730, has been strongly opposed by the major environmental organization of this country. The concept of paying money from the taxpayers' pockets to reimburse 32 Arizona ranchers for Federal grazing permits, they have correctly said, would violate longstanding national policy and could create a new Federal liability amounting to an estimated $362 million.

In case the seriousness of this matter is in doubt, let me remind my colleagues that legislation is already pending in both Houses of Congress that would require the Federal Government to pay the permittees for any grazing permits that are canceled. H.R. 7730 is only the nose of the camel. After the camel puts its nose into the tent, the whole camel is sure to follow; that is, the next step would clearly be to extend the principle of the San Carlos bill to all the public lands, as is contempated in this other legislation to which I have referred.

The Salt Lake City Tribune, a respected voice in the heart of cattle country, has editorialized against the concept of H.R. 7730, pointing out that if it is applied to other public lands it would deny Federal land-management officials the flexibility that is needed in good resource management.

I am hopeful that a new version of the San Carlos bill can be worked out; that it will not open this long-settle issue all over again. Fairness to the grazing permittees in the San Carlos mineral strip need not entail an attack on our fundamental public land policies.

With respect to the issues mentioned here, I am appending to my remarks the editorial from the Tribune, a letter from the national conservation organizations, and a letter from Friends of the Earth:

[From the Salt Lake Tribune, Oct. 4, 1973]

COMPENSATION FOR LOST GRAZING BAD PRECEDENT AND WRONG

While the $362.5 million figure that Friends of the Earth see as the ultimate cost to American taxpayers if the Congress enacts the San Carlos Mineral Strip bill might be something off the top of someone's head, the conservation group's opposition to the bill is proper.

There is something very wrong with compensating any lessee simply because the lessor chooses not to renew the lease. At least, it is wrong if the man occupying any premises is given adequate notice that his lease is going to be cancelled.

The bill would authorize payment of $2.5 million to a group of Arizona ranchers because their cattle have been pushed off land that has been returned to the San Carlos Apache Indians. Formerly the ranchers used the land for grazing.

The point made by Friends of the Earth legislative director George Alderson that, "The bill would set an unacceptable precedent and enthrone livestock grazing as the dominant use of all public lands being used under permit," is well taken.

Federal land and resources managers, knowing that they would likely be required to compensate cattle and sheep men, would likely be very reluctant, even for some very sound ecological reasons, to cancel or substantially change a grazing permit. They would thus be denied a necessary flexibility that is inherently part of a good resource management plan.

This is not to argue against reasonable notification if for good conservation management reasons a grazing permit must be withdrawn or altered. Such notification is only fair to the rancher. He must have sufficient time to arrange for additional grazing, negotiate other grazing permits or change his methods of operations.

But to pay a rancher because his grazing permit has been withdrawn would be the equivalent of paying him for the loss of property he never owned. The land under consideration in the San Carlos Mineral Strip has never belonged to those Arizona ranchers They have only been given federal permission to use, a privilege they had to pay for.

Nevertheless, the title for that land, regardless of how many years the land has been used by the ranchers, has never been conveyed to the ranchers. The land remains public land.

Those ranchers have suffered no less because the land has been turned back to the Apaches. The ranchers have received everything they have paid for—the right to graze the land. And in all probability, at prices far below what they would have had to pay if they had been leasing private land of comparable quality.

The mere fact that they probably enjoyed some pretty cheap grazing for many years more than compensates them for any imagined loss they might have incurred by withdrawal of their grazing permits.

WASHINGTON, D.C.,
September 26, 1973.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR MR. SAYLOR: This is in response to your letter of September 24, requesting our views on the San Carlos Mineral Strip bill, H.R. 7730.

The San Carlos bill would direct the Department of the Interior to pay livestock owners for the termination of their grazing permits on some 200,000 acres of formerly Federal land in the "San Carlos Mineral Strip" in Arizona. The land in question was returned to the San Carlos Apache Indian Tribe in 1969, and the Tribe gave notice to the ranchers three years ago that their grazing privileges would be cancelled. The Tribe later granted extensions to allow grazing to continue until June, 1973.

Under long-standing Federal policy, grazing permits confer no vested rights that are compensable by the Government, but only a privilege which can be revoked without compensation. The Taylor Grazing Act (43 U.S.C. 315b) explicitly states:

"The issuance of a permit pursuant to the provisions of this Act shall not create any right, title, interest or estate in or to the lands."

(The only exception to this principle was enacted by the Congress in 1942, covering only the cancellation of grazing privileges for war or national defense purposes.)

In our view, it is absolutely essential to maintain this policy, because it insures that our public lands will not become a captive of the livestock industry. These lands must serve many public purposes besides grazing, including recreation, water and wildlife. If livestock owners secure a vested right in grazing permits, the other public uses will be relegated to a subservient status.

The ranchers holding Federal grazing permits in the San Carlos Mineral Strip were just as aware as thousands of other permittees on the national forests and public domain lands their grazing privileges could be revoked at any time without compensation. In addition, they had three years' notice of the planned cancellation. While holding these permits, the ranchers also enjoyed the advantage of grazing at fees far below what they would have had to pay on equivalent private grazing lands.

By directing the Interior Department to pay the San Carlos Strip permittees for their cancelled permits, H.R. 7730 would establish a precedent completely at odds with many years' Federal policy. This bill would constitute a Congressional recognition of a compensable property right in Federal grazing permits. This could establish a Federal liability in grazing permits all over the country amounting to hundreds of millions of dollars. Whenever a grazing permit were cancelled by the Department of Interior or Agriculture, either to convert the land to a higher public use or to let it recover from overgrazing, the permittee would have to be paid with the taxpayers' money.

Although H.R. 7730 contains language disclaiming that it constitutes a precedent, we believe that its true significance is indeed to abrogate the policy that has thus far protected our public range lands from being monopolized by the livestock industry. The basic circumstances of the grazing permits in the San Carlos Mineral Strip are the same as those in countless grazing areas throughout the National Forest System and the public domain lands.

We note that H.R. 7730 is opposed by both the Department of the Interior and the Department of Agriculture.

The undersigned organizations recommend that the principle of the grazing permit as a non-compensable privilege be upheld. Unless the bill is amended to remove the provisions authorizing compensation for cancelled permits, we would strongly oppose H.R. 7730.

Sincerely,

William E. Towell, Executive Vice-President, American Forestry Association; Jane Risk, Director, Washington Office, Animal Protection Institute; Stephen Seater, Staff Biologist, Defenders of Wildlife; James Conroy, Legislative Coordinator, Environmental Action; Douglas W. Scott, Northwest Representative, Federation of Western Outdoor Clubs; George Alderson, Legislative Director, Friends of the Earth; Lewis Regenstein, Executive Vice-President, Fund for Animals; Cynthia Wilson, Washington Representative, National Audubon Society; Brock Evans, Washington Representative, Sierra Club; Carl R. Sullivan, Executive Secretary, Sport Fishing Institute; and Stewart Brandborg, Executive Director, the Wilderness Society.

FRIENDS OF THE EARTH,
Washington, D.C., September 28, 1973.

DEAR CONGRESSMAN: Environmentalists strongly oppose the San Carlos Mineral Strip bill (H.R. 7730), which may come to the House floor next Thursday, October 4. This bill is opposed not only by Friends of the Earth, but by the following national organizations:

National Audubon Society, National Wildlife Federation, Sierra Club, Sport Fishing Institute, Wildlife Management Institute, and The Wilderness Society.

The San Carlos bill would set a precedent for recognizing a vested right in the grazing permits which many ranchers hold, allowing them to pasture livestock on federal lands. Under long-standing national policy, established by the Congress, such permits are not a right, but a privilege, and the permittees cannot demand to be compensated by the federal government if their permits are cancelled to convert the land to a higher public use. The thousands of permittees throughout our national forests, national grasslands and public domain lands know that they will not be compensated if their permits are cancelled.

This well-established policy would be abrogated by H.R. 7730. The policy of the San Carlos bill, if applied to all public-land grazing permits, would result in a new federal liability of hundreds of millions of dollars. It would also enthrone livestock grazing as the dominant use of all pubic lands now under permit, because it would give livestock owners a vested right that is enjoyed by no other users of the public lands.

Under the policy established by H.R. 7730, if grazing needed to be curtailed for public purposes—such as to protect watershed or wildlife values, to establish a recreation area or national park, or simply to let the land recover from past overgrazing—the government would have to pay off the permittees with the taxpayers' money.

Even though the bill disclaims being a precedent, it will certainly be used as one by ranchers seeking compensation through the Courts and the Congress. This bill unnecessarily re-opens an issue that was settled long ago.

We would not oppose this bill if it were restricted to acquisition of the ranchers' base property (land owned in fee) within the San Carlos Mineral Strip. But compensation for public-land grazing permits is a policy that we believe the Congress should firmly reject.

Sincerely,

GEORGE ALDERSON,
Legislative Director.

THE END OF AN ERA—AFTER 231 YEARS

Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in the year 1737, an ironmaker named Peter Grubb obtained a warrant for a 142-acre tract of land in Pennsylvania in what is now Lebanon County, in order to develop the "rich and abundant" iron ore that was to make the Cornwall mine of Big Hill, Middle Hill, and Grassy Hill, famous throughout prerevolutionary America, and indeed, right up through today. Iron ore mining began in the year 1742, and continued with only short interruptions, until Hurricane Agnes boiled through the area last year.

In its 231 years of production, the mine gave us over 110 million tons of iron ore in addition to copper, cobalt, gold, silver, and sulfur. For years, the Cornwall was this country's only source of cobalt east of the Mississippi River.

After more than two centuries of operations, the Cornwall mine is being phased out of existence by the Bethlehem Steel Corp. which took title to the mine in 1921. The deep pits were filled with water after the hurricane of 1972 and the surface operations have ground to a halt in 1973. In the nature of all things dealing with free enterprise and the interplay of natural economic laws, th Cornwall mine ceases to operate at the crossing of the imaginary lines on the imaginary chart showing projected profitability and/or marginal utility.

Bethlehem Steel Corp. has not indicated it would return the surfaced-mined area of the operation to its original contour, but I am confident the corporation will make an extra special, public-spirited effort to preserve the area as an attractive and suitable historic site. Such preservation would be natural considering the importance of the Cornwall mine in the pageant of American industrial prowess.

A brief history of the mining at Cornwall appeared in the recent issue of Bethlehem Review, and knowing of the interest of all our colleagues in the subject of mining, and their corollary interest in matters relating to our Government's forthcoming 200th birthday. I have appended the article to my remarks for their perusal:

Mined Since 1742: Historic Era Ending at Cornwall

Bumper crops of corn and wheat did not make the gently rolling, fertile farmland around Big Hill, Middle Hill, and Grassy Hill, in Lebanon County, Pa., famous. An abundance of iron ore did. Farmers were not destined to work those hills and surrounding countryside. Ironmasters and hardrock miners were. And they have—for almost 250 years.

Next month, one of the most fascinating—and certainly the longest—chapters in American iron mining history will draw to a close. The mine that has been producing iron ore since before the Revolutionary War, which turned out cannons and cannon balls for George Washington's army, will give up its last iron ore.

In 1737, when Peter Grubb obtained a warrant for a 142.5-acre tract of land—part of King Charles of England's original landgrant to William Penn—the parcel included the three now famous hills. It was known, because of outcroppings, that the land included "rich and abundant" iron ore. Just how rich and how abundant Grubb could never have imagined. Grubb eventually acquired 450 surrounding acres.

Though others may have been aware of the iron deposit that lay beneath, Grubb certainly was the first to recognize the ore's worth. At least two previous owners of the land were ironmasters in the young colony of Pennsylvania, but they did not bother to mine any of the ore.

Mining began at Cornwall in 1742. Grubb had, by that time, completed his Cornwall charcoal furnace. In the years that followed, charcoal furnaces literally dotted the surrounding countryside.

Ore production, by pick and shovel, mounted. Several men digging and others pushing wheelbarrows easily kept a single furnace supplied. The ore was easy to remove, for it lay close to the surface.

Demand for the ore remained so steady that for almost a hundred years no major change was made in the mining system—no changes beyond the substitution of mule or horsepower for manpower to wheel the ore from mine to furnace. In its first hundred years, Cornwall produced about three-quarters of a million tons of iron ore.

By the 1900's (over 150 years into its operation), the deposit's output had totaled 15 million tons. But the surface barely had been scratched. Actually, the mine was to produce more in its last 30 years of operation than in the first 200.

Toward the end of the 1800's holdings in the mine property—by then held in the name of the Cornwall Ore Banks Company—began to pass into the hands of the Pennsylvania Steel Company. Through acquisition of the Pennsylvania Steel Company, title to the historic ore banks passed into Bethlehem Steel's hands in 1921.

In the second half of the 19th century, the horse-drawn wagons gave way to a steam locomotive and a railroad. By that time, the pit at Big Hill was 250 feet below ground level and the narrow-gage train spiralled its way to the surface on 2½ miles of track. Steam-powered drills replaced manpowered picks and steam shovels replaced manpowered shovels.

Just before Bethlehem took over ownership of the mine, an inclined skip hoist (at a 45° angle) replaced the railroad to move ore to the screening and crushing plant.

There was only one lengthy break in surface mining at Cornwall in its 231-year history. That came in 1953, when geologists and miners thought the economic limits of such mining had been reached. But new techniques and new equipment—primarily a concentrator located at the mine site—gave new life to the pit. Resumed in the early 1960's, surface mining continued until this year.

Though two very shallow shafts had been driven into the ore body below the level of the open pit in the early 1900's, it wasn't until 1921 that the first permanent underground mine—later known as No. 3 mine—was developed. A second and deeper ore body was discovered at about the same time.

Two parallel inclined shafts were sunk in 1927 into a new ore body discovered in the mid-20's. Soon thereafter came the big depression and in 1931 underground operations were stopped. But as steel industry activity picked up in the mid-30's, dewatering of the mine began; deep mining was resumed in 1937.

But work underground in No. 3 mine stopped again in 1940, so as not to disturb the open pit mining operation. But No. 4 mine—more than a mile from the pit—continued to be mined. World War II was looming and ore production became the name of the game.

In 1940 Cornwall turned out a little more than 350,000 tons of ore. Annual production jumped to over a million tons during the war years and on into the 1960's, when output began to taper off. Bethlehem people knew by then that the ore body was nearing depletion and, as early as the mid-1960's, plans were made for the gradual close down of the operation. Shutdown was projected for the early 1970's.

But the planners did not know Hurricane Agnes was due in June, 1972. By the time the torrential rains and flooding stopped, so had deep mining at Cornwall. The underground workings were completely filled with water. Bethlehem simply sealed off the underground openings, but surface mining continued for another year.

Cornwall's iron ore was never as rich as Peter Grubb thought; it ran slightly over 40% iron. But it certainly was as "abundant." The 110 million tons or so of iron ore that Cornwall banks yielded in their 231 years was by no means all the mineral wealth that came from Big, Middle, and Grassy Hills. Copper, cobalt, gold, silver, and sulfur have been separated from the raw ore since Bethlehem took over the property. Cornwall has been this country's only source of cobalt east of the Mississippi River.

Actually, nearly 100 different minerals have been found at Cornwall. And because of its mineral riches, Cornwall has been a mecca for "rock hounds"—rock collectors.

When Hurricane Agnes struck last June, about 650 people were working at Cornwall—in the surface and underground mines and in the concentrator. As the phase-out has progressed, about half of them have been transferred to other Bethlehem operations. Another 200 or so, long aware of the approaching end of mining, have retired on company-paid pensions. Only a handful of people—those with less than two years of service—are currently unplaced, and another couple hundred hold deferred rights to Bethlehem pensions.

CHROME AND OUR NATIONAL INTERESTS

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, legislation has been introduced in Congress to repeal the Byrd amendment to the Strategic and Critical Materials Stockpile Act. This amendment made it possible for the United States to import Rhodesian chromium despite mandatory economic sanctions voted by the United Nations.

Chrome is an essential raw material and is widely utilized in the food, pharmaceutical, chemical, aerospace, atomic energy, and even dairy industries. One of its single most important uses is in the manufacture of stainless steel. Today, more than 40 percent of all stainless steel is earmarked for the production of pollution control equipment.

The United States is totally dependent on foreign supplies of chromium. The largest high grade reserves of this strategic material in the free world are found in Rhodesia. While the United States has measurably increased importation of Turkish and South African chromium, we must, nevertheless, still import 28 percent of our total chromium supply from the Soviet Union. This is a dangerous situation for the United States since Soviet production has been and always will be linked to overriding political considerations.

In view of the current Middle East war and traditional Soviet capriciousness in the foreign policy arena, we cannot permit this Nation to become dependent on Communist-dominated nations for vital raw materials. Détente, if it ever really existed, could conceivably evaporate overnight, leaving the United States hostage to the Soviet Union for continuation of its chromium supplies.

We must also look at what has happened to world chrome prices since the United Nations sanctions were first imposed. Prior to the enactment of sanctions against Rhodesia, American firms were buying chrome for $26.66 per long ton. With the prohibition against the importation of chrome from Rhodesia, the price shot up to $56.39 for Russian ore. As a consequence of the Byrd amendment, the price has stabilized again with Rhodesian ore selling for $38.79 per long ton and Russian ore going for $37.59 to $39.62. Thus, repeal of the Byrd amendment, which will eliminate Rhodesian competition on the world market, will result in a "captive" sellers market where the Soviet Union can extract virtual ransom from the United States for chrome imports.

Increased chrome prices, furthermore, can only result in higher consumer prices in this country, feeding our already spiraling inflation.

In short, the issue is not one of minority rule in Southern Rhodesia, but instead a matter of satisfying U.S. chromium needs. I am concerned only that the United States have an adequate supply of chrome of a competitive grade at a competitive price. If American manufacturers are compelled to abandon importation of Rhodesian chromium, which is less expensive and of a higher grade than alternative sources, then we will be at a decided economic disadvantage in face of stiff competition from nations like Japan, West Germany, and Italy which presumably will continue to purchase Rhodesian chrome. They will be able to produce consumer products and other equipment at a much lower price, undermining the competitive position of many U.S. corporations.

Finally, the United States has no more

business interfering in Rhodesia's internal policies, however distasteful those policies might be to some of our citizens, than we did in involving ourselves in Vietnamese politics.

With this preface, I would like to share with my colleagues certain portions or excerpts from the statement of Mr. Martin N. Ornitz, president of the Stainless Steel Division of the Crucible Materials Group, Colt Industries, Inc., before the African Affairs Subcommittee of the Senate Foreign Relations Committee:

Statement of Martin N. Ornitz

Mr. Chairman and members of the Subcommittee. I am president of the Stainless Steel Division of the Crucible Materials Group of Colt Industries Inc. The specialty steel industries—stainless, alloy and tool steels—are the major consumers of chromium in the United States and overseas.

I thank you for the opportunity to submit this statement to your Committee. I want to take advantage of the opportunity by bringing two points to your attention.

One is the economic consequence for the American citizen of shutting off the United States from access to any source of metallurgical chrome, at a time when worldwide demand for chrome is rising and America must compete for it with a host of other countries.

The second point is that the Committee's consideration of chrome opens the way for you to help find a solution for the problem of the raw materials shortage that besets the United States. Instead of adding to the shortage, as the pending bill would, I urge that you begin the positive search for means to assure the continuing availability of raw materials, particularly chrome. I do not intend to address political aspects of the legislation, about which the Committee is in a position to know more than I, but it is obvious that the narrow and negative approach of the pending legislation will not long—if ever—help the people of Africa in whose interest the legislation was drafted. For Africa is not going to benefit from a "have-not" United States. Africa deserves better than that. The United States deserves better than that.

Regarding the economics, the legislation before you creates a serious immediate problem for the American public. If the legislation is enacted in present form, it will reduce the amount of chromium ore, i.e., chromite, and ferrochrome—a steel-making alloy made from metallurgical chromite—available to the United States. All usable chromite is mined overseas. This reduction of chrome will threaten the stainless steel industry with reduction in output. As a matter of law as well as a matter of consumer preference, stainless is used in many applications that are critical to our way of life and the public health. The dairy industry, for example, uses much stainless steel in the interest of public health, from the milking of the cow, to vats used in cheese-making, to tank trucks that haul milk to the dairy and the dairy equipment itself. Stainless is employed in the making of tractors and a variety of other agricultural machines. Our country needs and the world needs the American farm. Perhaps the relationship between the farm and chrome was overlooked in the advocacy of this legislation.

Furthermore, stainless is one of the specialty metals essential to national defense. It is important in the reduction of air pollution. There are many other uses, which I list later in this statement, including the manufacture of automobiles, airplanes, and railway equipment. I know that the legislation is not aimed by intent at dairymen, at the environmentalists or at national defense or American transportation.

But they are the "innocent bystander" targets of the legislation. It takes chrome to make stainless. There is no escape from that reality.

In summary, the situation is:

The production and consumption of stainless steel and other chrome-bearing specialty steel has increased substantially since 1970 in the United States. Each individual type of market for stainless in the U.S. (except aircraft) has increased since 1970. It has gone from a total domestic consumption of 802,000 metric tons in 1970 to 941,000 metric tons in 1972. The consumption for 1973 first six months is 29 percent greater than in first six months of 1972.

The worldwide demand for the same steels and their production also has increased substantially since 1972. The market for stainless produced in all countries increased by 15 percent from 1971 to 1972, and is further increasing in 1973.

The result is rising demand and worldwide competition for available chromite and ferrochrome from sources outside the United States. Hope for a domestic ore is dashed by the fact that ore identified in Montana is not economically practical in filling ferrochromium requirements. Ferrochrome production in the United States is down due to the problem of chromite availability, cost of compliance with environmental laws, and change in requirements for the type of ferrochrome used resulting from changes in melting techniques.

The change in type of ferrochrome needed results from increasing usage of the new AOD process to make stainless steel. This process greatly increases usage of charge chrome and reduces use of the more expensive low carbon ferrochrome. Crucible believes that the AOD process is a key element in keeping us competitive against foreign made stainless steel. In addition to lowering costs, the process also provides higher quality stainless. Crucible has put in operation a 100-ton AOD unit, which is the largest operating vessel in the world. My company bought practically all of its ferrochrome in the United States until it became almost impossible to do so. The United States is competing with many countries for the available ferrochrome—Japan, Great Britain, France, Sweden, Austria, Belgium, West Germany, Italy, Soviet Union, Peoples Republic of China, Spain, Brazil, Canada, Australia, Mexico, and Norway. Cost as well as availability is a fundamental consideration. If it happens that the only way the United States can obtain chrome is to pay a premium price, the national struggle against inflation is set back.

The specialty steel industry in the United States must have assurance of adequate supplies of ferrochrome. Given the worldwide demand situation, no country can afford the elimination of Rhodesia as a source of chromite for making ferrochrome unless Rhodesia is replaced by assured access to a substitute source. Geologists have not found new supplies in the earth that are being worked. Chromite is mined in several countries, but that fact can be misleading.

For example, it has been pointed out that the Philippines are a source of chromite. That means nothing to the stainless industry in the United States. The Philippine metallurgical chromite desirable for steel-production goes to Japan. The Philippine exports to the United States consist of ore for the refractories industry and is not suitable for steel-making purposes. Philippine chromite production increased from 1968 through 1971 (Metal Statistics 1973, a publication of Fairchild Publications, Inc.), along with increases in the production of South Africa, Turkey, U.S.S.R., Albania, India, Iran, Greece, and Rhodesia. As with the Philippines, not all those sources are available to the United States, because of established commercial relationships, long-term contracting, etc. And not all chromite mined goes into international trade; the U.S.S.R., a major steelmaker, consumes part of its own chromite production.

The world increase in chromite production 1968–71 was 27 percent. The world increase in stainless production 1968–1972 was 24 percent—nearly parallel. At present the ferrochrome supply is so tight that American producers of stainless are on allocation—rationed. Production of stainless cannot be sustained at required levels if one source of chrome is removed without another source of comparable quality and quantity being provided.

An additional problem of sourcing is that not all furnaces used in making ferrochrome can convert all types of ore. Some of the furnaces in South Africa can convert only Rhodesian ore. The character and quality of ores vary. Poor quality ores are included in the statistics of world production, but are not commercially suitable for use.

The report of the National Materials Advisory Board adds these words about quality: "Of the Free World's supply of high-grade ore, 70 percent of the reserves in this quality are found in Rhodesia."

This report is available from the Clearinghouse of Federal Scientific and Technical Information, Springfield, Virginia, 22151 and it contains many facts which clarify the importance of chrome to the future of our country.

Bearing further on the problem of cost and inflation, I would like to comment on recent correspondence between me and members of Congress, some of which was printed in the Congressional Record—Senate, July 16, 1973.

1. World deposits of chromium ore. As stated above it is true that there are deposits of chromium ores in countries other than Russia, Rhodesia, Turkey and South Africa. It is true that there are chromium ore bodies in the United States. I respectfully submit, however, that we must look at this on a practical basis. Ores from many sources cannot be ecomonically or practically used.

2. When I say there is no effective substitute for chromium, I mean no practical substitute. We could, of course, substitute titanium for stainless steel in many applications—or gold or silver for that matter. But not on a practical cost basis.

It has been stated that Turkey might mine more chrome ore "if the United States, Japanese and European consumers were willing to assist them". But why should the Japanese and Europeans subsidize Turkish mines if they are to share the output with their American competitor?

It has been stated that the price of chrome has gone up, not just because of the embargo on Rhodesia but for other world economic reasons. Naturally, laws of supply and demand still govern. But a U.S. buyer of chrome ore cites the following prices he paid, F.O.B. shipping point:

Russian ore—1966 (before sanctions), $26.24 per ton.

Russian ore—1971 (after embargo), $55.50 per ton.

Russian ore—1972 (after Byrd amendment), $45.72 to $47.25 per ton.

Rhodesian ore—1972, $39.50 per ton.

Gentlemen, the specialty steel industry in this country is having a hard enough time staying afloat, what with imports, high expenditures to comply with new laws governing pollution of air and water, rising costs of energy—without having to pay more for chromium than other nations with whom we compete, many of which also signed the U.N. agreement on Rhodesian.

The British Foreign Secretary told Parliament a year ago, "A lot of Rhodesian exports are going to countries which are members of the United Nations and which are supposed to be supporting sanctions."

This hearing is taking place at a time

when the problem of supply of chrome is far more critical than it was when the embargo on Rhodesian chrome imports went into effect and in 1971 when the embargo was removed.

The U.S. Bureau of Mines' Mineral Industry Surveys report of August 7, 1973, on "Chromium in May, 1973," shows that consumption of chromite by the metallurgical industry increased by 46 percent in the first quarter of 1973 compared with the first quarter of 1972.

The comparative figures are 150,788 short tons in January-March 1972; 221,547 short tons in January-March 1973.

The chrome steels made in the United States are shipped to every State. They are indispensable to farming, to transportation, and to the safeguarding of health.

Alloy steels are used in the manufacture of farm equipment, trucks, buses, earthmoving equipment, mining machinery, oil country goods, hand tools, machine tools, power generation equipment, aircraft and space vehicles.

Stainless steels are used in dairy, hospital and restaurant equipment, food processing, oil refineries, power plants, home appliances, automobiles, airplanes, chemical plants, paper mills, and many other vital industries.

Tool steels are used to machine or form the alloy steels, stainless steels and all other materials of construction such as aluminum, copper, plastics and the like.

The catalytic converter which is scheduled to be included in the exhaust system of some 1975 model cars and all 1976 model cars will use approximately 30 to 60 pounds per car of steel containing about 12% chromium. We have been advised by the automotive industry that the requirements for the 1975 model will be around 150,000 to 175,000 tons of this stainless steel. For the 1976 model year this demand can be up to 250,000 tons of 12% chromium stainless steel which would mean the consumption of up to 50,000 tons of ferrochrome per year. An estimate of 20,000 tons made for the Carnegie Endowment for International Peace does not fit the requirement.

The foregoing examples of use of stainless in American society make it obvious that the Congress would be recklessly disruptive if it diminished the ability of the United States to produce stainless in required quantities. Jobs are at stake. The specialty steel industry is an important employer of skilled workers. Investments are at stake, on the farm and in stainless-using industries.

To cut down the availability of chrome would make it impossible for the United States to halt its decline in the share of the world production of metals. The Second Annual Report of the Secretary of the Onterior Under the Mining and Minerals Act of 1970, dated June, 1973, points out that the U.S., which produced 47 percent of steel in 1950, now produces 19 percent. The report notes the problem of the U.S. in obtaining raw materials abroad:

The American "relative role as a world consumer of mineral raw materials . . . has shrunk.

"Consequently, the United States is encountering steadily increasing competition in the acquisition of non-domestic mineral raw materials as other industrialized countries also seek reliable sources of reasonably-priced mineral raw materials."

The report contains a chart showing that all of the chromium used in the U.S. comes from foreign sources. For those sources we are in competition with all the countries producing stainless and alloy and tool steels.

Mr. Chairman, S. 1868 will intensify the problem noted in the report of the Secretary of the Interior. The majority population in Rhodesia cannot benefit from a weakened America. The sacrifice which the enactment of S. 1868 would require of America will only benefit our country's industrial competitors abroad. If our stainless production goes down from lack of chrome, foreign production can continue to rise. Chrome is to stainless what feedgrains are to livestock and poultry. The feedgrain requirement is rising. The chrome requirement is rising. Stainless needs chrome as a hog needs corn.

As long as no replacement source is clearly availabe to the United States for Rhodesian chrome and for ferrochrome made from Rhodesian chromite, I urge the Committee to reconsider its interest in the pending bill.

I am not urging any particular source of supply of chrome ore or ferrochome. The point is that the sources must be adequate to meet the need, and they must be continuingly available as the need grows.

Distinguished men have said that an embargo on chrome from Rhodesia could be offset by use of the chrome in the American stockpile. But that stockpile is not accessible in adequate quantity. Legislation is required to release from the stockpile sufficient quantities to satisfy the increasing requirements. Enactment of a law cutting off Rhodesian chrome without concurrent existence of a law releasing chrome in large quantities from the stockpile would result in shortages that are bound to harm the interest of the many Americans who rely on stainless steel in their daily life and work. The stockpile promises only short-term relief, since its stock of metalurgically useful ore and of ferrochrome is limited. Resort to the stockpile could intensify the problem of the United States when the stockpile is exhausted. Lines of trade from ore-producing and ferrochrome-producing countries to stainless-producing countries can become so fixed for fulfillment of needs of other countries that it will be difficult for the United States to find sources after the stockpile days.

So the stockpile solution is a solution that leads in time to the aggravation of the American raw materials problem.

But if the Committee is morally determined that it will prohibit American access to Rhodesian chrome, it would be shortsighted to do so before Congress legislates full access to the stockpile.

The law removing the embargo which the Congress passed in 1971 is not resigned to benefit the Government of Rhodesia but to lend economic support to the United States in the era of the race for raw materials which the Secretary of the Interior incisively describes. We need materials. Don't shut the door on Rhodesia until you have opened another one of equal utility.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Talcott (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. McClory (at the request of Mr. Gerald R. Ford), for October 18 through October 19, on account of official business.

Mr. Martin of North Carolina (at the request of Mr. Gerald R. Ford), for October 23 through October 31, on account of official business.

Mr. Burgener, for October 23, 24, and 25, on account of assignment as United States representative at the dedication of United States-Venezuela Cultural Center in Maracaibo, Venezuela.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Roncallo of New York) and to revise and extend their remarks and include extraneous matter:)

Mr. Findley, for 5 minutes, today.

Mr. Frenzel, for 5 minutes, today.

Mr. Kemp, for 15 minutes, today.

(The following Members (at the request of Mr. Rose) and to revise and extend their remarks and include extraneous matter:)

Mr. Fraser, for 5 minutes, today.

Mr. Dingell, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Nix, for 5 minutes, today.

Mr. Diggs, for 5 minutes, today.

Mr. Waggonner, for 5 minutes, today.

Mr. Eilberg, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Saylor and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,201.75.

Mr. Holifield, and to include extraneous material.

(The following Members (at the request of Mr. Roncallo of New York) and to revise and extend their remarks:)

Mr. Mitchell of New York in two instances.

Mr. Young of Alaska in two instances.

Mr. Archer.

Mr. Wyman in two instances.

Mr. Edwards of Alabama.

Mr. Huber.

Mr. Price of Texas.

Mr. Derwinski.

Mr. McCloskey.

Mr. Ashbrook in four instances.

Mr. Gilman.

Mr. McEwen.

Mrs. Holt.

Mr. Cleveland.

Mr. Gubser.

Mr. Broyhill of Virginia.

Mr. Nelsen.

Mr. Hanrahan.

Mr. Rhodes.

(The following Members (at the request of Mr. Rose) and to include extraneous material:)

Mr. Preyer.

Mr. Harrington in four instances.

Mr. de la Garza.

Mr. Evins of Tennessee in two instances.

Mr. Slack.

Mr. Gonzalez in three instances.

Mr. Drinan.

Mr. Moss.

Mr. Dingell in three instances.

Mr. Rarick in three instances.

Mrs. Burke of California in 10 instances.

Mr. Wolff in two instances.

Mr. Yatron.

Mrs. Mink.

Mr. Brasco in six instances.

Mr. Ashley.

Mr. Dan Daniel.

Mr. William D. Ford.

Mr. Nix.

Mr. Roush.

Mr. Tiernan in two instances.

Mr. Anderson of California in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6691. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

ADJOURNMENT TO TUESDAY, OCTOBER 23, 1973

Mr. ROSE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 54, 93d Congress, the Chair declares the House adjourned until 12 o'clock noon on Tuesday, October 23, 1973.

Thereupon (at 3 o'clock and 35 minutes p.m.), pursuant to Senate Concurrent Resolution 54, the House adjourned until Tuesday, October 23, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 or rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1461. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 (H. Doc. No. 93-167); to the Committee on Appropriations and ordered to be printed.

1462. A letter from the Federal and State cochairmen, Upper Great Lakes Regional Commission, transmitting the annual report of the Commission for fiscal year 1973, pursuant to section 510 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works.

1463. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the proposed transfer of NASA lands at the Michoud Assembly Facility, New Orleans, La., to the U.S. Postal Service, pursuant to section 7 of Public Law 93-74; to the Committee on Science and Astronautics.

1464. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the proposed reporting as excess of certain NASA lands at the Corpus Christi tracking station, pursuant to section 7 of Public Law 93-74; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Committee on House Administration. H.R. 9075. A bill to authorize the disposition of office equipment and furnishings; with amendment (Rept. No. 93-597). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations, Report on information from farmers' income tax returns and invasion of privacy (Rept. No. 93-598). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 10956. A bill Emergency Medical Services Systems Act of 1973 (Rept. No. 93-601). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD. Committee on Government Operations. Report on evaluating the Federal effort to control drug abuse: Improvin the Federal strategy (Rept. No. 93-602). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on the economy and efficiency of international air travel by Government officials (Rept. No. 93-599). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on income tax return preparation—IRS and the commercial return preparer; IRS taxpayer assistance services (Rept. No. 93-600). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. Boland, Mr. Addabbo, Mr. Pepper, Mr. Nix, Mr. Clark, Mr. Charles Wilson of Texas, Mr. Green of Pennsylvania, Mr. Young of Florida, Mr. Fraser, Mr. Koch, Mr. Carney of Ohio, Mr. Sikes, Mr. Ketchum, Mr. McKinney, Mr. Ryan, Mr. Sarbanes, Mr. Hawkins, Mr. Wolff, Mr. Mayne, Ms. Heckler of Massachusetts, Mr. Biester, Mr. Fascell, Mr. Pike, and Ms. Burke of California):

H.R. 11005. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. ANDERSON of California (for himself, Mr. Biaggi, Mr. Clay, Mr. Dellums, Mr. Harrington, Mr. Podell, Ms. Abzug, Mr. Stark, Mr. Moakley, Mr. Rinaldo, Mr. Rees, Mr. Brasco, Mr. Dominick V. Daniels, Mr. St Germain, Mr. Melcher, Ms. Mink, Mr. Studds, Mr. Matsunaga, and Mr. Adams):

H.R. 11006. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 11007. A bill to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $40,000; to the Committee on Banking and Currency.

By Mr. BINGHAM:

H.R. 11008. A bill to amend title 38 of the United States Code in order to increase the rates of educational assistance and to otherwise improve the educational assistance programs; to the Committee on Veterans' Affairs.

H.R. 11009. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. DOMINICK V. DANIELS (for himself, Mr. Esch, Mr. Perkins, and Mr. Quie):

H.R. 11010. A bill to assure opportunities for employment and training to unemployed and underemployed persons; to the Committee on Education and Labor.

H.R. 11011. A bill to assure opportunities for employment and training to unemployed and underemployed persons; to the Committee on Education and Labor.

By Mr. BROYHILL of North Carolina (for himself and Mr. Robison of New York):

H.R. 11012. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand coverage of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. BURTON:

H.R. 11013. A bill to designate certain lands in the Farallon National Wildlife Refuge, San Francisco County, Calif., as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. CONTE:

H.R. 11014. A bill to provide for the conservation of energy through observance of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. CRONIN:

H.R. 11015. A bill to direct the Administrator of the General Services Administration to release a condition contained in a deed conveying certain real property to the city of Lowell, Mass.; to the Committee on Government Operations.

By Mr. DINGELL (for himself, Mr. Mailliard, Mr. McCloskey, Mr. Biaggi, and Mr. Kyros):

H.R. 11016. A bill to provide additional funds for certain projects relating to fish restoration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EVANS of Colorado:

H.R. 11017. A bill to provide housing for persons in rural areas of the United States on an emergency basis; to the Committee on Banking and Currency.

By Mr. FASCELL:

H.R. 11018. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. FISH:

H.R. 11019. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 11020. A bill to amend the Federal Election Campaign Act of 1971 and the Communications Act of 1934 to provide for more effective regulation of elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. GAYDOS:

H.R. 11021. A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. GIBBONS (for himself, Ms. Holtzman, Mr. Rinaldo, Mr. Sarasin, and Mr. Stokes):

H.R. 11022. A bill to amend the Accounting and Auditing Act of 1950 to provide for the audit of certain Federal agencies by the Comptroller General; to the Committee on Government Operations.

By Mr. HANSEN of Idaho:

H.R. 11023. A bill to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen; to the Committee on Agriculture.

By Mr. HASTINGS (for himself and Mr. Rangel):

H.R. 11024. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other laws to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances; to the Committee on Interstate and Foreign Commerce.

By Mrs. HOLT (for herself, Mr. Ketchum, and Mr. Bauman):

H.R. 11025. A bill to reestablish November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. Steiger of Wisconsin, Mr. Zablocki, and Mr. Fraser):

H.R. 11026. A bill to provide for the establishment of an open cities program between the United States and the Soviet Union; to the Committee on Foreign Affairs.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Conlan, Mr. Cotter, Mr. Parris, Mr. Camp, Mr. Cronin, Mr. Bergland, Mr. Martin of North Carolina, Mr. Pickle, Mr. Brown of California, Mr. Milford, Mr. Thornton, and Mr. Gunter):

H.R. 11027. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Hechler of West Virginia, Mr. Bell, Mr. Davis of Georgia, Mr. Wydler, Mr. Downing, Mr. Winn, Mr. Fuqua, Mr. Frey, Mr. Symington, Mr. Hanna, Mr. Esch, and Mr. Roe):

H.R. 11028. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. ROSENTHAL (for himself, Mr. Adams, Mr. Breaux, Mr. Coughlin, Mr. Fish, Mr. Mitchell of Maryland, and Mr. Stokes):

H.R. 11029. A bill to provide that the special cost-of-living increase in social security benefits enacted by Public Law 93–66 shall become effective immediately, and for other purposes; to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself, Ms. Abzug, Mr. Stokes, and Mr. Wolff):

H.R. 11030. A bill: the Tax and Loan Account Interest Act of 1973; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 11031. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STUDDS (for himself, Mr. Addabbo, Mr. Badillo, Mr. Bafalis, Mr. Barrett, Mr. Bauman, Mr. Brasco, Mr. Byron, Mr. Cleveland, Mr. Cotter, Mr. Dominick V. Daniels, Mr. Davis of South Carolina, Mr. Dent, Mr. Edwards of California, Mr. Gaydos, Mr. Gettys, Mr. Giaimo, Mr. Ginn, Mr. Gunter, Mr. Helstoski, Mr. Hogan, Mr. Ichord, Mr. Jones of North Carolina, Mr. McSpadden, and Mr. Mitchell of Maryland):

H.R. 11032. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. Moss, Mr. Podell, Mr. Rodino, Mr. Runnels, Mr. Ryan, Mr. Sarasin, Mr. Thompson of New Jersey, Mr. Waldie, Mr. Wolff, and Mr. Yatron):

H.R. 11033. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SYMINGTON:

H.R. 11034. A bill to protect the public health and safety by assisting local fire protection districts and departments maintain and improve their firefighting and rescue operations; to the Committee on Science and Astronautics.

By Mr. TEAGUE of Texas (for himself, Mr. Davis, of Georgia, Mr. Mosher, Mr. Hechler of West Virginia, Mr. Bell, Mr. Downing, Mr. Wydler, Mr. Fuqua, Mr. Winn, Mr. Symington, Mr. Frey, Mr. Hanna, Mr. Goldwater, Mr. Flowers, Mr. Esch, Mr. Roe, Mr. Cronin, Mr. Cotter, Mr. Martin of North Carolina, Mr. McCormack, Mr. Bergland, Mr. Pickle, Mr. Brown of California, Mr. Milford, and Mr. Gunter):

H.R. 11035. A bill to declare a national policy of converting to the metric system in the United States, and to establish a national metric conversion board to coordinate the voluntary conversion to the metric system over a period of 10 years; to the Committee on Science and Astronautics.

By Mr. DAVIS of Georgia (for himself, Mr. Blackburn, Mr. Blatnik, Mr. Casey of Texas, Mr. Coughlin, Mr. Drinan, Mr. Fraser, Mr. Gibbons, Mr. Helstoski, Mr. Hosmer, Mr. Ichord, Mr. McKinney, Mr. O'Hara, Mr. Pettis, Mr. Podell, Mr. Quie, Mr. Robison of New York, Mr. Rosenthal, Mr. Tiernan, Mr. Won Pat, and Mr. Matsunga):

H.R. 11036. A bill to declare a national policy of converting to the metric system in the United States, and to establish a national metric conversion board to coordinate the voluntary conversion to the metric system over a period of 10 years; to the Committee on Science and Astronautics.

By Mr. WOLFF (for himself, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mrs. Chisholm, Mr. Collier, Mr. Derwinski, Mr. Fauntroy, Mr. Fraser, Mrs. Grasso, Mr. Harrington, Mr. Moss, Mr. Podell, Mr. Rangel, Mr. Rosenthal, Mr. Stark, Mr. Whitehurst, Mr. Yatron, Mrs. Heckler of Massachusetts, Mr. Mitchell of Maryland, and Mr. Vander Jagt):

H.R. 11037. A bill to amend title 39, United States Code, to prohibit the mailing of knives to persons under the age of 18 years, and for other purposes; to the Committee on Post Office and Civil Services.

By Mr. YOUNG of Georgia:

H.R. 11038. A bill to suspend for a 1-year period the duty on certain carboxymethyl cellulose salts; to the Committee on Ways and Means.

By Mr. YOUNG of South Carolina (for himself and Mr. Davis of South Carolina):

H.R. 11039. A bill to provide for the control of imported fire ants by permitting the judicious use of Mirex in coastal counties; to the Committee on Agriculture.

By Mr. ARCHER:

H.J. Res. 778. A Joint resolution proposing an amendment to the Constitution of the United States relative to force and effect of treaties; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. Bevill, Mr. Dan Daniel, Mr. Scherle, Mr. Taylor of North Carolina, Mr. Thone, Mr. Jones of Oklahoma, Mr. Johnson of Colorado, Mr. Mayne, Mr. Helstoski, Mr. Mazzoli, Mr. Meeds, Mr. Duncan, Mr. Wolff, Mr. Whitehurst, Mr. Fisher, Mr. Mitchell of Maryland, Mr. Eshleman, Mr. Stubblefield, Mr. Lent, Mr. Bell, Mr. Charles Wilson of Texas, Mr. Quie, Mr. Sikes, and Mr. Nix):

H.J. Res. 779. A Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. GONZALEZ (for himself, Mr. Stratton, Mr. Rinaldo, Mr. Cronin, Mr. Denholm, Mr. Pickle, Mr. Yatron, Mr. Runnels, Mr. Nichols, Mr. Patman, and Mr. Won Pat):

H.J. Res. 780. A Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mr. RONCALLO of New York:

H.J. Res. 781. A Joint resolution to provide for the issuance of a special postage stamp in commemoration of Gugliemo Marconi; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING:

H.J. Res. 782. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the ill, the aged, or the incapacitated; to the Committee on the Judiciary.

By Mr. SYMMS:

H.J. Res. 783. Joint resolution to urge the preservation of Israeli sovereignty and territorial integrity and continued friendly relationship with the Arab nations in the Middle East through a balanced settlement of the present conflict; to the Committee on Foreign Affairs.

By Mr. BARRETT:

H. Con. Res. 357. Concurrent resolution expressing the sense of Congress that the President should curtail exports of goods, materials, and technology to any nation that restricts the flow of oil to the United States; to the Committee on Banking and Currency.

By Mr. BRADEMAS (for himself, Mr. Rinaldo, Mr. Rosenthal, and Mr. Stokes):

H. Con. Res. 358. Concurrent resolution expressing the sense of the Congress regarding the free emigration and expression of ideas by citizens of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. FISH (for himself and Mr. Harrington):

H. Con. Res. 359. Concurrent resolution calling for action by the United States with regard to the Schoenau processing center in Austria; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland (for himself, Mr. Helstoski, Mr. Nix, Mr. Badillo, Mr. Seiberling, Mr. Rees, Mr. Bell, Mr. Veysey, Mr. Corman, Mr. Won Pat, Mr. Hogan, Mr. Brown of California, Mr. Coughlin, Mr. Rangel, Mr. Eilberg, Mr. Charles Wilson of Texas, Mr. Roncallo of New York, Mr. Ashley, Mr. Young of Georgia, Mr. Edwards of California, Mr. Foley, Mr. Brasco, Mr. Waldie, Mr. Moakley, and Mr. Fulton):

H. Con. Res. 360. Concurrent resolution expressing the sense of the Congress with respect to the Middle East conflict; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland (for himself, and Mr. Breckinridge):

H. Con. Res. 361. Concurrent resolution expressing the sense of the Congress with respect to the Middle East conflict; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Yates, Mr. James V. Stanton, Mr. Hays, Ms. Abzug, Mr. Price of Illinois, Mr. Charles H. Wilson of California, Mr. Vanik, Mr. Burke of Massachusetts, Mr. Anderson of California, Mr. Burton, Mr. Long of Maryland, Mr. Evans of Colorado, Mr. Koch, Mr. Giaimo, Mr. Sisk, Mr. Morgan, Mr. Bingham, Mr. Roncalio of Wyoming, Mr. Rees, Mr. Meeds, Mr. Wolff, Mr. Fascell, Mr. Rostenkowski, and Mrs. Grasso):

H. Res. 613. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Adams, Mr. Addabbo, Mr. Alexander, Mr. Anderson of Illinois, Mr. Andrews of North Carolina, Mr. Annunzio, Mr. Archer, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mr. Bafalis, Mr. Barrett, Mr. Bell, Mr. Biaggi, Mr. Blatnik, Mrs. Boggs, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Breckinridge, Mr. Brinkley, Mr. Broomfield, and Mr. Brown of California):

H. Res. 614. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Burke of Florida, Mrs. Burke of California, Mr. Carey of New York, Mr. Carney of Ohio, Mr. Casey of Texas, Mr. Chappell, Mrs. Chisholm, Mr. Clancy, Mr. Clark, Mr. Don H. Clausen, Mr. Clay, Mr. Collier, Mrs. Collins of Illinois, Mr. Conable, Mr. Conte, Mr. Corman, Mr. Cotter, Mr. Coughlin, Mr. Crane, Mr. Cronin, Mr. Culver, Mr. Dominick V. Daniels, Mr. Danielson, and Mr. Davis of Georgia):

H. Res. 615. A resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Davis of South Carolina, Mr. de la Garza, Mr. Delaney, Mr. Dellums, Mr. Dent, Mr. Derwinski, Mr. Diggs, Mr. Donohue, Mr. Dorn, Mr. Drinan, Mr. Dulski, Mr. Edwards of California, Mr. Eilberg, Mr. Fish, Mr. Flood, Mr. Flowers, Mr. Foley, Mr. Forsythe, Mr. Frelinghuysen, Mr. Frenzel, Mr. Fuqua, Mr. Gaydos, Mr. Gilman, and Mr. Ginn):

H. Res. 616. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Goldwater, Mr. Gonzalez, Mr. Gray, Mr. Green of Pennsylvania, Mrs. Griffiths, Mr. Grover, Mr. Gude, Mr. Gunter, Mr. Guyer, Mr. Haley, Mr. Hanley, Mr. Hanrahan, Mr. Harrington, Mr. Hastings, Mr. Hawkins, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Heinz, Mr. Helstoski, Mr. Hicks, Mr. Hillis, Mr. Holifield, Miss Holtzman, and Mr. Horton):

H. Res. 617. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Howard, Mr. Huber, Mr. Hudnut, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. Johnson of California, Miss Jordan, Mr. Karth, Mr. Kemp, Mr. King, Mr. Kluczynski, Mr. Kyros, Mr. Leggett, Mr. Lehman, Mr. Lent, Mr. Litton, Mr. McClory, Mr. McCormack, Mr. McEwen, Mr. McFall, Mr. McKinney, Mr. Macdonald, Mr. Madden, and Mr. Mailliard):

H. Res. 618. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Matsunaga, Mr. Mayne, Mr. Metcalfe, Mr. Mezvinsky, Mr. Minish, Mr. Mitchell of New York, Mr. Moakley, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Myers, Mr. Nedzi, Mr. Nix, Mr. O'Brien, Mr. O'Hara, Mr. Passman, Mr. Patten, Mr. Pepper, Mr. Pettis, Mr. Peyser, Mr. Pike, and Mr. Podell):

H. Res. 619. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Preyer, Mr. Pritchard, Mr. Quie, Mr. Railsback, Mr. Rangel, Mr. Reid, Mr. Reuss, Mr. Rhodes, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rogers, Mr. Roncallo of New York, Mr. Rooney of Pennsylvania, Mr. Rose, Mr. Rosenthal, Mr. Roush, Mr. Roy, Mr. Roybal, Mr. Ryan, Mr. St Germain, Mr. Sarasin, Mr. Sarbanes, and Mr. Satterfield):

H. Res. 620. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Scherle, Mrs. Schroeder, Mr. Seiberling, Mr. Shipley, Mr. Slack, Mr. Smith of Iowa, Mr. Spence, Mr. Stark, Mr. Steed, Mr. Steele, Mr. Steelman, Mr. Steiger of Wisconsin, Mr. Stokes, Mr. Stratton, Mr. Studds, Mr. Symington, Mr. Teague of Texas, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Udall, Mr. Van Deerlin, Mr. Veysey, Mr. Vigorito, and Mr. Waldie):

H. Res. 621. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Walsh, Mr. Williams, Mr. Charles Wilson of Texas, Mr. Winn, Mr. Wyatt, Mr. Wydler, Mr. Wyman, Mr. Yatron, Mr. Young of Georgia, Mr. Young of Illinois, and Mr. de Lugo):

H. Res. 622. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr RANDALL:

H. Res. 623. Resolution expressing the sense of the House of Representatives with respect to U.S. involvement in the Middle East crisis; to the Committee on Foreign Affairs.

By Mr. YOUNG of Illinois:

H. Res. 624. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

330. The SPEAKER presented a petition of the Texas Shrimp Association, Brownsville, Tex., relative to protection of the American shrimp industry's fishing rights in the Gulf of Mexico; to the Committee on Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

JERRY FORD—A LEADER

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 13, 1973

Mr. ARENDS. Mr. Speaker, the spontaneous acclaim in the East Room of the White House when the President announced his nomination of Congressman Gerald R. Ford for Vice President is typical of the enthusiastic reaction across the Nation. This choice is an excellent one.

The President had previously noted three basic criteria for the assignment. First, the nominee must be qualified to be President. After all, the Vice President is only a heartbeat away. Second, he must share the views of the President on the critical questions of foreign policy and national defense. Finally, he must be able to work with Congress on programs affecting the national interest. Jerry Ford has all these qualifications—and more.

It has been my privilege to know Jerry Ford throughout all of his 25 years in the Congress. In his job as minority leader and mine as minority whip, we have worked even more closely for the last 8 years. You get to know a lot about a man in that time. Observing him in this day-to-day relationship—often under heavy pressure, called upon many times to make quick judgments which affect the welfare of the country—his performance has never failed to inspire confidence.

Then, too, in leadership conferences at the White House with the President, the Cabinet, and top Government officials, I have also had a unique opportunity to evaluate JERRY's influence on public policy. Here, as well, we have to give him high marks. The success of any legislative program—for any administration—depends to a great degree on the caliber of the party's leadership in Congress. Few fully appreciate the extent or importance of his contributions. His ability is beyond question.

As a person, JERRY FORD knows the meaning of courage, the value of education, the decency of sportsmanship, and the wisdom of moderation. These qualities are not just the product of his Washington years. They go back early in life—to his midwest childhood, to his studies at the University of Michigan and later at Yale, to his naval service, and the practice of law. They are reflected not only in the character and integrity of the man himself, but in the wholesomeness of his family and their lifestyle. He has never neglected them in the pursuit of his career.

Considering the heavy demands of his leadership post, JERRY has never been cavalier about his responsibilities, never callous in his dealings with his colleagues, never scornful of his adversaries. Such would not be his nature. This is all part of his success as a leader. His perennial advice to House freshmen is to "make your office the human link between a vast Federal Government and the individual at home." This, too, is reassuring.

The House of Representatives has been called "the forge of democracy." Certainly the Nation will benefit by JERRY FORD's experience in a time of great need.

COUNTRY MUSIC MONTH

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. EDWARDS of Alabama. Mr. Speaker, most of the words that fill this Chamber describe serious problems that face our country. We talk about inflation, the energy crisis, national defense, scarcities in the marketplace, loss of confidence in government, housing needs, health care, transportation problems, war in the Middle East, and many others. We discuss how these problems often seem to interface and how an exacerbation in one area seems to cause an unraveling in another. We talk again and again about problems that we say should have been solved yesterday or last year or about problems where no immediate solution seems possible.

But, Mr. Speaker, America has solved tough problems before and will do so again. In fact, history has shown that America often thrives on adversity. So I think that it is appropriate occasionally to step from under the clouds of difficulties that sometimes hang over this Chamber to reflect on a lighter subject.

I refer to Country Music Month, 1973, which is transpiring this month at the declaration of President Nixon. Country music has enjoyed unprecedented popularity in recent years, popularity which knows no socioeconomic boundaries. Listening to country music is probably the only way to learn what it really is, but there are words to describe it, words like straightforward, down-to-earth, sincere, homemade, American, and genuine. Names of people and places speak the language of country music, too, names like Roy Acuff, Bill Monroe and the Blue Grass Boys, Flatt and Scruggs, Eddie Arnold, the Carter family, Nashville, the Grand Ole Opry, Tom T. Hall, Johnny Cash, and Merle Haggard, to mention a few.

It was my pleasure not too long ago to see Merle Haggard perform at the White House, and the Americanism of the music came through: "We still wave Old Glory down at the courthouse," Haggard sang, and "we like living right and being free."

Country music is probably only about 50 years old, but its roots run deep into American history. The poor man's music, as it has been broadcast every Saturday night since. Hank Williams, who called my State of Alabama his home, once remarked that—

> You got to have smelled a lot of mule manure before you can sing country music.

But fortunately, you do not have to engage in that olfactory exercise to enjoy listening to country music. So I join President Nixon and the rest of the Nation in saluting country music, a truly American art form.

THE 75TH ANNIVERSARY OF THE KNIGHTS OF ST. CASMER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. YATRON. Mr. Speaker, the Knights of St. Casmer, a Polish-American brotherhood in Reading, Pa., held its diamond jubilee celebration recently to commemorate the 75th anniversary of its foundation. I attended this most memorable affair and would like to congratulate Mr. John Cebula, chairman of the Diamond Jubilee Committee, for his excellent work in making the evening a resounding success.

The observance of the 75th anniversary of the Knights of St. Casmer is certainly an occasion of deep pride for the Polish-American community in my hometown of Reading, Pa. Accordingly, three-quarters of a century ago and beyond, it is quite evident that the Poles have contributed much of their rich cultural, historical, and spiritual heritage to Berks County, our State of Pennsylvania and the Nation. Certainly, in the development and continuing promise of our country, Polish-American citizens will always play a vital role.

This early Polish contribution to America gives us a better understanding of our heritage and helps us to appreciate the principles which should guide us in our endeavors through the years to come. As the Polish-American community in my congressional district undeniably illustrates, the entire history of our Nation—from the first Polish immigrant to American shores 365 years ago until today—contains ample evidence that men and women of Polish blood contributed their toil and talents to the settlement and success of our great Nation.

These facts, Mr. Speaker, should be remembered by all of us and we should take pride in them, especially in view of the diamond jubilee of the Knights of St. Casmer. We should be equally proud, however, of the countless other men and women who came to this land from Poland and have contributed immeasurably to their local communities.

In these days of fast moving events, it is necessary to pause and to reflect upon our proud heritage; to draw strength and inspiration from past accomplishments and use these experiences to achieve present goals. The observation of the 75th anniversary of the Knights of St. Casmer is certainly a day for which we can all be proud.

WASHINGTON STAR-NEWS GIVES BALANCED VIEW OF ENERGY CRISIS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. PICKLE. Mr. Speaker, for the past 2 days there has been spirited debate on the House floor concerning the mandatory allocation of petroleum. During the debate there seems to be a certain disbelief that the energy crisis was a nationwide crisis, and not just one of the upper Midwest and the extreme Northeast.

In view of yesterday's debate, I include in the RECORD an article by John Fialka. This article appeared in the October 17 issue of the Washington Star-News. The article mentions the various areas that are facing a very cold and dark winter because of the shortage of fuel. The article follows:

> Although it hasn't arrived yet, the winter of 1973–74 already looms as one that will be remembered.
>
> In terms of energy, the Ghost of Christmas Future has already appeared in some areas as states and municipalities grapple with plans to meet fuel shortages that could be accelerated by Arab curbs on imported oil.
>
> For instance, according to the Interior Department's new Petroleum Allocation Program office, the City of Austin, Tex., has cut off street, freeway and public park lighting because the city's power company does not have enough natural gas or fuel oil.
>
> From the data now going into PAP files, it appears that the Texans groping down darkened streets will not be struggling alone:
>
> In Massachusetts, Gov. Francis Sargent has asked Civil Defense and the Red Cross to develop plans to feed and house Massachusetts residents if home heating oil runs out.

In Oregon, a ruling by the governor to shut off all outdoor signs will also apply to outdoor Christmas lights this winter.

The mayor of St. Paul, Minn., recently revealed that the city was thinking about closing schools during January and February to save fuel. Statewide, Minnesota school systems are short some 13 million gallons of fuel needed to heat classrooms this winter.

In California, Gov. Ronald Reagan has ordered the heat and air conditioning turned off in state office buildings on weekends.

In Detroit, city officials have decided that the United Fund's 44-foot-high torch will burn only two days this winter.

Some fuel problems are more closely related to the energy crisis than others. For example, the Alabama Power Company in Birmingham has been unable to find enough oil to fire up its new coal-powered boiler. Oil is needed to ignite some coal units.

Last week, PAP received its third complaint from a coal mine that was running out of diesel fuel to operate its machinery.

It would appear, however, that in Washington, where numerous officials are now plotting contingency plans to deal with an expected crisis, there will be plenty of fuel to keep the center of power warm and well lighted.

A White House spokesman said that the temperature in the Executive Offices will run between 70 and 72 degrees, in line with other federal government agencies.

Although it happened once during the energy-fat years of the Johnson era, the spokesman said that there are no plans to turn out the battery of spotlights that illuminate the outside walls of the White House.

"The feeling is that the country wants to mark a place of historical interest," the spokesman explained. He did point out, however, that the White House no longer keeps its fleet of limousines idling outside when not in use.

And the national Christmas tree will shine too, although this year, according to a Park Service spokesman, indirect lights at the base of the tree will reflect off its ornaments.

Because the capital's tree will be a live one, for the first time, he explained, it was feared that hanging strings of light on it might confuse the tree's growing cycle.

"But I don't know whether it'll save any juice or not," he added.

THE PASSING OF EUGENE M. GOODWIN

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DE LA GARZA. Mr. Speaker, funeral services will be held this afternoon at Mission, Tex., for one of the most remarkable men I have ever known.

Eugene M. Goodwin, who passed away at the age of 101 years, befriended me when I was a young man, and I have been so fortunate as to retain his friendship ever since. I remember back through the years how he talked with the small boy I then was as if I were in every respect his peer. All through his long life he retained the faculty of gaining the confidence of young people, even children—mainly, I think, because he talked with them instead of at them.

A native of Missouri, Mr. Goodwin first came to the Rio Grande Valley of Texas in 1925, passing through the area on his way to Monterrey, Mexico. He stopped for a visit with friends and was so impressed by the valley that a year later he returned to stay. He purchased land which was covered with cactus and mesquite and had no irrigation. The area now boasts productive citrus trees—and that is symbolic of the monument created by this outstanding man. A pioneer in the valley citrus industry, he was instrumental in securing a year-round citrus marketing season for south Texas. He organized the Hidalgo County Water Control and Improvement District No. 6 and built the first concrete line canal system for the valley.

During his useful life he received numerous awards in recognition of his outstanding service to the citrus industry. Among these was the Arthur T. Potts Award presented to him by the Valley Horticultural Society in 1957.

Mr. Goodwin, the son of a Methodist preacher, served his church in numerous capacities from young manhood until his later years. He was active in civic affairs and earned the title of "Mr. Rotary of the Valley." He held many offices in Rotary International and was much in demand as a Rotary speaker. He had been honored annually on his birthday by the McAllen Rotary Club until last year when his failing health made it impossible for him to attend.

Mr. Goodwin is survived by a son, Ray D. Goodwin, of Mission, two grandsons and five great-grandchildren. They have a proud tradition to live up to, for Eugene M. Goodwin was in every way a tremendous human being. I proudly pay my respects to his memory.

CONGRESSMAN NIX POINTS OUT THE IMPORTANCE OF THE RESOLUTION OF THE CITY COUNCIL OF PHILADELPHIA SUPPORTING ISRAEL'S FIGHT FOR SURVIVAL

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. NIX. Mr. Speaker, the city of Philadelphia on October 11, 1973, enacted Resolution No. 213, the wording of which I will request be included in the RECORD at the conclusion of my remarks.

The importance of a resolution in support of Israel is that city representatives of one of America's largest cities are willing to go on record in that support in the face of Arab threats to create a heating oil shortage in the United States this winter. This step by the City Council of Philadelphia, under the leadership of its dynamic city council president, George X. Schwartz, is certainly commendable. We all know what Americans may have to face this winter with cold homes and sick children.

But Americans have never submitted to blackmail. Americans know, as the people of Philadelphia know, that we have a commitment to democracy around the world.

Israel is a democracy with a population of 3 million facing the combined hatred of the Arab world with populations 40 times their own size. The Arab nations are dictatorships whose armed might comes from the Soviet Union.

After weighing all of these factors, the City Council of Philadelphia went on record in order to do their share in convincing the Arab world that the mixing of blackmail and oil will not gain them anything in dealing with Americans.

The resolution follows:

RESOLUTION No. 213

Resolution memorializing the President and the Congress of the United States to continue and maintain a policy in support of the State of Israel and to effectively provide the means for the people of the State of Israel to defend themselves in this hour of peril

Whereas, The overt and vicious attack of aggression by Egypt and Syria upon the State of Israel on the most solemn Jewish holy day of Yom Kippur, was an outrage against all men of conscience; and

Whereas, Israel's right to exist within secure boundaries is now manifestly the cornerstone of peace in the Middle East, and since a negotiated peace is the only practical way for Israel to gain the peaceful recognition long sought from its neighbors; and

Whereas, A most earnest appeal must be directed to the governments of Syria and Egypt to forsake the paths of war and violence and to enter into face-to-face negotiations with Israel for peaceful settlement of Middle East problems; and

Whereas, We laud and support the sentiments of the Senate of the United States expressed in Senate Resolution 179 "deploring the outbreak of hostilities in the Middle East and supporting the good offices of the United States by the President and the Secretary of State to urge the participants to bring about a cease-fire and a return of the parties involved to lines and positions occupied prior to the outbreak of current hostilities," leading, hopefully for a more stable condition leading to peace in that region; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the President and the Congress of the United States to continue and maintain a policy in support of the State of Israel and to effectively provide the means for the people of the State of Israel to defend themselves in this hour of peril until there is an Israeli-Arab negotiated settlement based on recognition of Israel's right to exist as a soverign nation with secure borders.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, the Secretary of State, the U.N. Secretary General and the U.S. Ambassador to the United Nations.

AN IMPORTANT BIRTHDAY

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. SLACK. Mr. Speaker, American Airlines and Charleston, W. Va., are sharing an important birthday this month.

It was 40 years ago—on October 18, 1933—that a Ford Tri-Motor operated by one of American's predecessor companies, American Airways, took off from old Wertz Field to give this city its first commercial airline service.

The famed "Tin Goose" left here for Washington, D.C., at 1:20 p.m. carrying a delegation of local and State officials that was headed by West Virginia Gov. H. G. Kump and Charleston Mayor R. P. DeVan.

With a cruising speed of 122 miles per hour, the Tri-Motor took about 2½ hours to reach the Nation's Capital. The 727 Astrojets that American uses at Charleston today could make that same flight in under 50 minutes—carrying 93 passengers compared to the Tri-Motor's capacity of 11.

Said Eric Thon, American's manager here:

> Commercial aviation has been a key factor behind the progress of the Charleston area over the last 40 years, and American is proud to have launched this long and fruitful partnership.

Thon estimated that the airline through the years has boarded about 500,000 passengers and 10,000 tons of cargo here, first at Wertz Field and then at Kanawha County Airport, which was opened in December of 1947.

Between the Tri-Motor and the Charleston introduction of the 727 in February 1969, American served the area with eight different airplanes. They included the twin-engine Curtiss Condor biplane, the famous DC-3, the DC-6 and the four-engine Lockheed Electra.

The airline today operates two daily 727 flights between here and Cincinnati and Chicago, with one of the westbound flights going on from Chicago to San Antonio, Tex. Thon noted that the 42-minute trip to Cincinnati used to take the Tri-Motor 1 hour and 21 minutes.

A Charleston newspaper editor was one of those on hand when the first Tri-Motor arrived at Wertz in preparation for the 1933 inaugural, Thon said. He said the editor summed up the significance of the event for the community with this passage from an editorial:

> There no longer is a question of the success of commercial aviation. Airlines eventually will prove to be as important as railroads and highways now are.

THE HONORABLE HAMILTON FISH, SR.: "HENRY KISSINGER, AN OUTSTANDING SECRETARY OF STATE"

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. GILMAN. Mr. Speaker, the Honorable Hamilton Fish, Sr. who served as a Member of Congress for over 25 years, representing that portion of New York State which now comprises my congressional district recently wrote to me expressing his thoughts concerning the appointment of Dr. Henry Kissinger as our Secretary of State.

In order to give my colleagues the benefit of the thoughts of former Congressman Fish, I insert the following text of his letter in this portion of the RECORD:

LETTER FROM HAMILTON FISH, SR.

DEAR CONGRESS GILMAN: A number of friends of mine have asked me why Henry Kissinger was appointed Secretary of State. They want to know if we did not have some American-born who is qualified for such a high office. Having served as a member of the Foreign Affairs Committee of the House of Representatives for almost a quarter of a century, and as ranking minority member for ten or twelve years, every Secretary of State during that time appeared before our Committee and I knew them personally, all upright and honorable men. The most outstanding was Charles Evans Hughes of New York who had a crystal clear mind. Some of the Secretaries were often vague, indecisive and garrulous.

I naturally have the highest regard and respect for the office of Secretary of State as my own grandfather, Hamilton Fish, served as Secretary of State for eight years and probably no Secretary of State was better versed on international law. He was offered the appointment of Chief Justice and declined on the grounds he had been holding public office for 20 years and not practicing law.

There has probably been no Secretary of State in the last 75 years who has had better training and more experience in foreign affairs than Henry Kissinger. As an instructor at Harvard and as the author of books on foreign affairs, he has devoted his adult life to American international policies and stands almost alone as the chief and ablest spokesman for our foreign policies. Acting as the representative of President Nixon, he did much to help win the war, bring back our Armed Forces from Vietnam and to negotiate an honorable peace. There is no one except the President who is more entitled to the Nobel Peace Prize than Henry Kissinger.

I was also asked why appoint a Jew, born in Germany. My answer to that is that the United States, particularly at this time, needs the most available, ablest and experienced Secretary of State. There is no one who is anywhere near so well qualified or who has such a record of successful negotiations with foreign nations.

I predict that Henry Kissinger, like the famous Disraeli, the Prime Minister of England, will succeed in promoting peace and understanding among the nations of the world within the next three years and will restore our prestige and leadership in the free world, which under recent Administrations, sank to a very low level.

It should be clearly understood by all Americans, regardless of partisanship, that Henry Kissinger was appointed Secretary of State because of his well known abilities, experience, record and will make an outstanding Secretary of State.

HAMILTON FISH, SR.

ENTERTAINER OF THE YEAR AWARD

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DAN DANIEL. Mr. Speaker, last night in Nashville, the Country Music Association honored Roy Clark, cohost of television's "Hee Haw," with its "Entertainer of the Year Award."

With his millions of fans in this country and around the world, Roy's award will win much favor, for he has come to symbolize many of the good qualities which all of us like to see in our heroes. He represents in a commendable way the best in good entertainment and has brought pride to his family, to his native State, to the field of entertainment and indeed to his country.

Because I have the honor of representing Roy's home area in the Congress and because his parents, Mr. and Mrs. Hester L. Clark, of Meherrin, Va., are my constituents, I share the pride which they have in his achievements. Recently while in my district, I had the honor of meeting Mr. and Mrs. Clark and it did my heart good to listen to their accounts of Roy's activities and to see in their faces the satisfaction they enjoy in the progress he has made in his chosen field.

In 1970, the Country Music Association honored Roy as the "Comedian of the Year" and he has received many other recognitions in the highly competitive field of country music. His versatility, good humor, and native ability to communicate have stood him well. Although he did not have the benefit of professional music training, he is accomplished in playing the guitar, violin, banjo, trumpet, trombone, piano, and drums. "Hee Haw" is seen each week by millions and his personal appearances around the country have endeared him to an army of fans who love good country music and the light-hearted humor which has become a trademark.

But Roy is more than an entertainer, he has expended much time and effort in the promotion of many worthwhile causes. One of the principal ones of these is the "Johnny Horrizon" environmental program, sponsored by the Department of the Interior. He has given himself unselfishly in the promotion of the goals of this program and officials of the Department are high in praise of his efforts to promote good environmental practices and conservation of our natural resources.

Born on April 15, 1933, near Meherrin, Roy and his family moved to Washington in 1942 and most of his early steps toward a music career were taken in the metropolitan area, in the company of Jimmy Dean and other entertainers, who also went on to stardom. He travels widely and makes a favorable imprint wherever he goes and I am convinced that, at heart, countless millions of Americans subscribe to the basic concepts of honor, patriotism, decency, and love of family which Roy so well exemplifies.

DOLLAR DEVALUATION NOW AGGREGATES 30 PERCENT IN 2 YEARS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the recent vote by the House on the appropriation of $2.2 billion to maintain the value of U.S. contributions to international financial institutions points up the fact that the value of the dollar has dropped about 30 percent in recent months since the disastrous Smithsonian monetary conference.

The Smithsonian conference in December of 1971 was hailed by then Secretary of the Treasury John Connally as the world's greatest monetary meeting. As a result of this conference the dollar was devalued 7.89 percent and Congress then appropriated $1.6 billion to maintain the value of the dollar in its participation in international financial institutions.

However, the fruits of this conference turned sour—the effort collapsed—and this year a further devaluation of 10 percent was put into effect, further eroding the dollar.

With the increase in the value of other currencies, the dollar now is estimated to be worth 70 percent of its value 2 years ago.

The $1.6 billion appropriation and the $2.3 billion appropriation recently voted total $3.9 billion appropriated just to maintain the par value of our contributions to the International Monetary Fund, the World Bank, the Inter-American Development Bank, the International Development Association and the Asian Development Bank.

I voted in opposition to the $2.3 billion appropriation to these institutions because I think it is time we faced up to reality—I believe the time has arrived to carefully reconsider, evaluate and drastically curtail our participation in these foreign-aid programs. Resulting in devaluations of the dollar and bad balance-of-payments situation.

The facts are that this administration is willing to do for other countries what it refuses to do for our people at home.

We need to strengthen the dollar—not continue to weaken it and siphon off billions of dollars into the "Alice in Wonderland" financial world of international monetary institutions.

It is certainly my hope that the appropriate committees of the Congress will carefully review this entire matter and develop legislation to bring about a more practical approach to our massive foreign-aid programs.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 35

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HARRINGTON. Mr. Speaker, handguns in today's society do not serve the purpose of the innocent citizen. Rather, they protect the criminal whose victims die quickly and certainly when assaulted with this deadly weapon.

More lives are lost than saved by homeowners who keep a gun on hand for protection; neighbors are often mistaken for prowlers, playing children shoot—and do not miss, and during an argument, the gun is easy to wave around and threaten with; and when someone gets killed the regrets are too late.

The only way to get the guns away from the criminals before they use them is by handgun control legislation. And the best way to prevent accidental killings is to make owning a handgun illegal for private citizens.

At this time, I would like to include a September 27 article from the Washington Post:

NE HOLDUP VICTIM DIES OF WOUNDS

The manager of a Northeast delicatessen died yesterday at Freedmen's Hospital from gunshot wounds he received Sept. 18 during a holdup at the delicatessen, Washington police reported.

Police said Mehmet Derberoglu, 40, of 5823 36th Ave., Hyattsville, was shot by one of the two armed men who held up the Kris Delicatessen, 2 Quincy Pl. NE. One of the men disarmed Derberoglu and shot him with his gun as the second robber took an undetermined amount of money from the cash register.

Derberoglu's brother, Zeki Ceci, 24, a clerk in the store, was shot once in the right hand by the robbers as he chased them from the store, firing several shots at them from a revolver kept in the shop.

A suspect, Robert David Grinnage, 21, of 203 P St. NW, was arrested shortly after the robbery in a nearby alley. He was charged with robbery and held at D.C. jail. Police said he will be charged with homicide in Derberoglu's death.

SURGICENTERS NEED STUDY BY HEW NOW

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ROUSH. Mr. Speaker, in January of this year the second free-standing surgical center in the United States was opened in Fort Wayne, Ind. Since that time the Fort Wayne Surgical Center has been providing a valuable health care service to the people of my district in northeastern Indiana.

I believe it is time for the Department of Health, Education, and Welfare to recognize that surgicenter patients should be eligible for medicare and medicaid. And I believe that the "Federal foot dragging" discussed in the following article from the September 26, 1973, Arizona Republic should stop:

FEDERAL FOOT-DRAGGING

As anyone who has been sick knows, health care costs have mounted astronomically in the last few years.

In 1970 two Phoenix physicians, Dr. Wallace A. Reed and Dr. John L. Ford, came up with an idea that would reduce hospital costs. They secured permission to build a free-standing surgical facility in which minor operations could be done and allow patients to go home the same day.

A good example is a tonsillectomy. Until Dr. Reed and Dr. Ford opened Surgicenter, most persons wanting their tonsils removed had to spend two days in a hospital, with costs running up to $100 a day. In Surgicenter a patient can walk in, have the operation, spend four or five hours under medical supervision to be sure there are no complications, and walk out.

Because a surgeon can schedule four or five minor operations in quick succession, he can save time. Because the patient can walk in and walk out, without having to stay in bed for a couple of days, he can save money.

Although most hospitals opposed licensing of Surgicenter, they soon realized the procedure was a good one. Today the big Phoenix hospitals have made their own surgical facilities open to ambulatory patients.

In the three and a half years since it opened Surgicenter has completed 16,000 operations without a death or a life-threatening complication. Most health care insurance companies, both commercial and non-profit, pay Surgicenter a portion of what they would pay a hospital for the same services.

But Medicare, the Social Security Administration's program that pays a large portion of hospital bills for everyone over 65 years of age, has refused to make payments of any sort to Surgicenter.

Surgicenter has been writing letters to, and holding conferences with, Social Security Administration officials. All efforts to get Medicare support for the Surgicenter program have failed.

Last October Congress passed a law authorizing the secretary of the Department of Health, Education, and Welfare to develop a demonstration project with Surgicenter. The Social Security Administration, which is under HEW, was ordered to carry out the law's provision. The last communication from the Social Security Administration, dated May 17, suggested that "further delays of unpredictable duration are to be anticipated."

The preceding quotation is from a bulletin Surgicenter recently sent to its Community Advisory Committee. In commenting on Medicare's delay, Dr. Reed and Dr. Ford said: "For the first two or three years, we were somewhat amused by this known inability of the federal bureaucracy to move effectively. Now, however, it's beginning really to alarm us, not because of what it means financially—we are managing to get along without Medicare Part A paying its way—but because of what it portends for the survival of our society."

It is hard to understand why the federal government, which is at least partly responsible for spiraling health costs, shows such disregard for a cost-cutting program that has worked well in Phoenix.

It is impossible to understand why the federal government cannot even run a demonstration project to determine for itself whether Surgicenter is a success or a failure.

THE JUVENILE COURTS AND LAWYERS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HELSTOSKI. Mr. Speaker, every community, large or small, has been confronted in varying degrees with the problem of the juvenile delinquent.

As the caseload of the juvenile courts increases in number and societal impact, it is imperative that lawyers who practice in this field have a full awareness of the dimensions of their professional responsibilities to the system, the litigants, and the bar.

Because of his experience as presiding judge of the Juvenile and Domestic Relations Court of Passaic County, N.J., and his formidable credentials of scholarship and community leadership in the field of social service, Judge Harold M. Nitto is particularly qualified and gives a highly authoritative quality to his views on the functions of the juvenile court and the lawyers who practice in that particular area of the law.

I wish to present to my colleagues the article written for the Reporter, a publication of the Passaic County Bar Association, by Judge Harold Nitto. I commend this article to my colleagues and hope that it may serve as a guide to many of the juvenile courts throughout the country.

The article follows:

THE JUVENILE COURTS AND LAWYERS

(By Judge Harold M. Nitto)

The Juvenile Court is not the forum for assemblyline treatment of troubled and disturbed children. It is not the unpleasant and unprofessional place which, in the past, many attorneys may have avoided and many laymen criticized. The Juvenile Court of today is a sophisticated, complex, professional and concerned branch of our court system which warrants equal recognition with any other type of court. This positive definition, however, is totally dependent upon the individuals who operate within this court. In order for the Juvenile Court to attain its optimum level of effectiveness, both the judge and the attorney must demonstrate a high degree of skill, initiative, and concern.

This court is but one branch within the overall court structure which has been developed to deal with the varied types of problems which confront our society. The performance level of sophistication and professionalism in the Juvenile Court should not be any lower than that in any other court. The personal trauma to a charged and convicted juvenile defendant is at least as severe as that of any adult criminal defendant or one who is ordered to pay damages in a civil lawsuit. The important fact which must be remembered is that the judge and the attorney must approach each juvenile case on an individual basis. By so doing, we can achieve a strong and effective Juvenile Court System and maintain and enhance the respect for all courts.

The lawyer who practices in the Juvenile Court must be a highly trained and skilled professional advocate whose sole function is to reach a full and proper adjudication of his client's problems. He must realize that this court is no different from any other court in relation to the time and preparation which must be put into each case. He must also realize that the scope of his preparation must include a careful factual analysis in the context of the applicable law.

Representation in this Court requires that a lawyer should be fully knowledgable of the procedural details of practice in the Juvenile Court. Finally, the lawyer must keep himself informed of those areas of constitutional law which specifically relate to the juvenile offender. It is most significant that the base area of legal rights which are involved in juvenile law are now frequently overlooked. Prior to 1967 the parens patriae theory prevailed within the courts and the juvenile was considered to have very few personal rights. However, in 1967 the landmark decision of In re Gault, 387 U.S. I (1967) transformed the Juvenile Court into an entirely different forum. While the Supreme Court in Gault did not make a sweeping conclusion that the juvenile defendant was entitled to all the procedural guarantees which apply to an adult criminal defendant, it did specifically hold that the due process clause of the Fourteenth Amendment applies to state juvenile court proceedings. The Court explicitly noted that the defendant is entitled to a reasonable and fair notice of the charges made against him, he is entitled to be represented by legal counsel; he has the right to be free from self-incrimination and also the right to cross examine witnesses. Of course, this case opened up the entire spectrum of juvenile rights. Whether one agrees with Mr. Justice Black, who, in his concurring opinion stated, "I think the Constitution requires that he (the juvenile) be tried in accordance with all the guarantees of all the Bill of Rights made applicable to the States by the Fourteenth Amendment," or whether one's views align more so with Mr. Justice Stewart in dissent, who said, "Whether treating with a delinquent child, a neglected child, a defective child, or a dependent child, a juvenile proceeding's whole purpose and mission is the very opposite of the mission and purpose of prosecution in a criminal court", the fact remains that the rights of the juvenile defendant have been established and must be recognized and protected.

The lawyer of today who practices in the Juvenile Court must be fully cognizant of the fact that there are many crucial stages of the proceedings in which the juvenile's right to certain constitutional guarantees must be advanced. This principle applies from time of arrest, (In re Gault, supra), to the question of waiver of jurisdiction, (Kent v. United States, 383 U.S. 41 (1966)), to the degree of proof necessary to substantiate a finding against a juvenile defendant (In the Matter of Samuel Winship, 397 U.S. 358 (1969)). These rights are so precious and so significant that any lawyer who fails to recognize their application is doing a great disservice both to his client and to his profession.

The lawyer who practices in the Juvenile Court must not only be well versed in the applicable statutory, procedural, and case law, but he must also be equipped to deal with the sociological, psychological, and sometimes medical aspects which surround many juvenile problems. Before the attorney can attempt to counsel his client, he must fully understand the underlying causes of the existing problem. This, in all probability, will involve an in-depth sociological and psychological analysis of the problem. While attorneys must rely on the expertise of probation officers, psychologists and psychiatrists, they must still prepare themselves to the extent that they can confer with these experts and participate meaningfully with them in the recommendation process. It is for this reason that a skilled and concerned attorney is needed to represent a juvenile defendant.

In summary, every lawyer who practices before the Juvenile Court must realize that this representation is as demanding as any other type of case. He must prepare himself to fully understand the underlying problems of the juvenile and although this aspect may involve many hours of preliminary study and discussion, the time spent is priceless in relation to the overall result which will benefit the client. The attorney must be fully sensitive to the needs of his client and he must exert extra effort not only to develop an initial rapport with his client, but to maintain the element of trust throughout. The attorney must assert his legal skills with the same vigor as he would in any other case. Finally, because of the special nature and treatment which is accorded juvenile problems, the initial disposition is not always the ultimate disposition and the attorney must be fully aware that each case involves a good deal of follow-through on his part. This follow-through will, of course, demand his time and effort, but again, these additional hours will prove to be invaluable in the overall benefits to the juvenile offender and to the proper solution of his problems.

The lawyer who practices in the Juvenile Court will find full satisfaction for his effort and skill.

U.S. TAX DOLLARS SUPPORT THIEU POLICE STATE REPRESSION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. SEIBERLING. Mr. Speaker, I recently received a petition from 67 people in my district asking for an end to U.S. aid to the police force and prison system of South Vietnam.

The interesting thing about this petition is that it was circulated by its author, a factory worker, among his fellow workers in a tire-mold plant, and all but five of the people to whom he showed it signed the petition.

The people who signed this petition have a great respect for human liberty and self-government, and are disturbed that their tax dollars are being used to undermine these principles in South Vietnam. The text of the petition, along with an article from the Akron Beacon Journal, follows my remarks.

Mr. Speaker, there are between 50,000 and 250,000 political prisoners in South Vietnam. The police force in South Vietnam has increased from 20,000 men in 1964 to 120,000 in 1972. The South Vietnamese ground and air forces have increased from 216,000 men in 1964 to 1.1 million in 1972. These forces are being supported by American tax dollars.

The South Vietnamese economy is largely supported by American dollars as well. The South Vietnamese Government relies on American aid to maintain the economic, military, and repressive political structure in South Vietnam. It seems to me that, at the very least, we should insist that none of our economic aid be used to construct or operate political prisons or a system for repression of basic liberties and human rights.

ANTI-VIET SUPPORT STUNS HIM

(By Bruce Larrick)

When Phillip LoCascio, 22, went to his fellow workers at the Goodyear tire mold plant in Stow asking them to sign petitions opposing foreign aid to South Vietnam, the results astounded him.

In a plant where LoCascio doubts he would have gotten a handful of signatures four years ago, 67 of the 72 men he asked signed the petition "to express support for the deletion of aid to South Vietnam's prison system and police force."

"I doubt if even I would have signed the thing four years ago," said LoCascio, of 1006 Oakland av., Akron.

"If the men in Stow feel we should discontinue the support, it's an indication that most American people would support it. Most of those guys are over 30 and generally conservative."

The petition written by the 1969 Hower High School graduate argues against the approximately $20.4 million for South Vietnamese police in a foreign aid bill now being considered by a House-Senate conference committee.

It states in part: "We believe our hard-earned tax dollars should not be given to a country that detains thousands of civilians on charges as minor as 'a declaration of neutrality.'"

LoCascio said he wrote to the South Vietnamese embassy in Washington, D.C., asking the officials there to respond to charges that as many as 250,000 South Vietnamese may be political prisoners.

"You know how they responded?" he asked. "They said it was only about 50,000!"

LoCascio, a machinist at the plant, mailed copies of the petition to Sen. J. William Fulbright (D-Ark.), chairman of the Senate Foreign Relations Committee; Rep. Thomas E. Morgan (D-Pa.), chairman of the House Foreign Affairs Committee and Rep. John F. Seiberling (D-Akron).

Text f the Petition Received by Mr. Seiberling

"The below signed wish to express support for the deletion of aid to the prison system and police force of South Vietnam.

We believe our hard-earned tax dollars should not be given to a nation that imprisons thousands of its own civilians for offenses as minor as "a declaration of neutrality." We understand that President Nguyen Van Thieu uses approximately 20.4 million U.S. dollars to operate his police force and prison system, and we also know that American manufacturers have supplied nearly all of the equipment needed for the operation of these institutions.

There have been numerous reports on the tortures, beatings, and executions without trial in South Vietnam. However, we do not advocate American intervention into Thieu's policies; we merely want our federal government to discontinue funding and condoning the police-state of South Vietnam.

We are Americans who hope to see an improvement in our country's reputation abroad, as well as at home. It is hard for us to trust, praise, and respect a nation that promotes an undemocratic dictator such as Thieu.

South Vietnam has existed 95% on our financial aid for the last ten years, when we could have used the billions of dollars right here in the United States.

Mr. Seiberling, please work for the cause of justice, humanity, and our economy. Stop financial aid to South Vietnam's prison system and police force."

ALASKA DAY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. YOUNG of Alaska. Mr. Speaker, today marks a very special date in Alaska. On October 18, 1867, in Sitka, the Russian flag was lowered and the American flag raised to symbolize the transfer of sovereignty over the Alaskan territory from Russia to the United States. Alaskans are commemorating that historic occasion today by celebrating Alaska Day.

Since that memorable date, there have been three major achievements in the development of Alaska—the Statehood Act, making Alaska the 49th State in 1958, the Native Land Claims Act in 1971, and the passage of legislation for construction of the trans-Alaskan pipeline this year.

Of these three important victories for Alaska, I have had the very exciting opportunity of contributing to the last—the legislation to construct the pipeline. This is a major piece of legislation, not only for Alaska, but for the other 49 States, both in its employment of local as well as nonlocal skilled workers and the many benefits this major source of oil will have for the entire country.

I am very proud to have been elected to the Congress by this State and I am sure my colleagues will join me in celebrating the 106th year of flying the American flag over Alaska. We can appreciate now, more than ever, the contributions of a unique culture and beauty that Alaska has brought us.

AMERICANS FOR DEMOCRATIC ACTION OPPOSE FORD NOMINATION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Ms. ABZUG. Mr. Speaker, on October 14 the National Board of Americans for Democratic Action adopted a resolution opposing the confirmation of GERALD FORD as Vice President of the United States. As a man next in line for the Presidency, nominated by the President whose own tenure is presently in jeopardy, the nominee must be clearly fit to serve as President. GERALD FORD is not such a man. According to ADA, FORD's voting record over the last decade averages 9 percent. His latest labor rating charted by the AFL–CIO's Committee on Political Education was 11 percent in 1972. The League of Conservation Voters gave him a 23 percent environmental rating last year, up from 17 percent in 1971

The ADA resolution on the Vice-Presidential nominee and the ADA Legislative Newsletter containing a summary of FORD's voting record follow. I urge my colleagues to read these documents carefully.

The articles follow:

Resolution Adopted at National Board Meeting

Americans for Democratic Action,
Washington, D.C., October 14, 1973.

VICE-PRESIDENTIAL NOMINEE

On the basis of his record thus far developed, ADA opposes the confirmation of Gerald R. Ford as Vice President of the United States. We urge Congress to confirm only a nominee who is clearly fit to serve as President of the United States. Especially where a nomination is made by a President whose tenure is in jeopardy, the Congress should deliberate long and carefully before approving the designate.

The apparent popularity of a nominee should not cause Congress to act quickly. The committees of the House and Senate and the full Congress itself should consider Mr. Ford fully and deliberately. Speed is not essential; care is. Congress must remember the candidates normally are subjected for months to public scrutiny during the campaign and election in the usual political process. During those months the candidates' policy positions are made clear. That process is not now available. Therefore Congress must provide an effective substitute, recognizing that it is acting as surrogate for the electorate.

Congress should require a full investigation into the allegations of mishandling of the nominee's campaign funds. During its interrogation of Mr. Ford Congress should fully satisfy itself on the following issues:

(a) The responsibility of a President to enforce civil rights legislation.

(b) The responsibility of a President to protect civil liberties, including protection against invasion of privacy and wiretapping.

(c) The responsibility of the President to fully inform the Congress and the American people and to limit claims of executive privilege and confidentiality.

(d) The responsibility of a President to secure congressional authorization to commit armed forces to hostilities.

(e) The responsibility of the President to faithfully execute the laws including expenditure of funds for the purposes appropriated by Congress.

(f) The responsibility of the President to obey decisions of the courts.

ADA Legislative Newsletter: Gerald Ford Should Not Be Confirmed

Rep. Gerald Ford (R-Mich.) may be the next President of the United States. Richard Nixon could well leave office during the next three years, through death, resignation—or impeachment. The decision of the U.S. Appeals Court ordering the President to release the tapes makes his future uncertain, to say the least.

It is in this light that Gerald Ford should be judged. He is not simply a candidate for the vice presidency, a ceremonial job with few duties. He is not merely a stand-in for Spiro Agnew. His nomination should be considered in terms of his fitness to be President of the United States.

It is on this basis that Americans for Democratic Action opposes his confirmation. ADA urges consideration of Ford's record in office just as any candidate for President is so judged. Congress should confirm a nominee who is clearly fit to serve as President, and Gerald Ford is not such a man.

Its decision on Ford—selecting someone who may become President—will be Congress' first act under the 25th Amendment. Normally a candidate is subjected for months to public scrutiny during the campaign and election. That process is not now available. Each Member of Congress should treat Ford's nomination as he or she would treat it in a voting booth for in this case Congress is a surrogate for the electorate.

The apparent popularity of a nominee should not cause Congress to act quickly. This Administration's past record of appointments makes it clear that other candidates for high position merited more scrutiny. The Carswell, Haynsworth, Mitchell, Stans, Haldeman, Erlichman, Magruder, Dean and Colson selections—to say nothing of Agnew—highlight the need to consider Ford fully and deliberately. Speed is not essential; care is. Both the full House and Senate as well as their respective committees must regard this nomination with great concern.

GERALD FORD'S RECORD

If elevated to the Presidency, Gerald Ford will be called upon to make decisions on key national and international issues. His record hardly qualifies him for that position.

Ford's record, to say the least, places him squarely among the most reactionary elements of the House. This record dates back well before he became Minority Leader in coup in which he defeated Rep. Charles Halleck (R-Ind.) in 1965. His ADA rating over the last 24 years follows:

Year:	*Percent*
1949	15
1950	33
1951	38
1952	31
1953	36
1954	22
1955	60
1956	57

Year:	Percent
1957	67
1958	42
1959	22
1960	33
1961	10
1962	13
1963	0
1964	15
1965	11
1966	0
1967	13
1968	17
1969	7
1970	12
1971	8
1972	6

His cumulative rating is 24 percent and his record over the last decade averages nine percent.

Ford's labor rating is not much better. The AFL-CIO's COPE (Committee on Political Education) scores on Ford as compiled by Congressional Quarterly show Ford with a 33 percent rating in 1969, 0 percent in 1970, 25 percent in 1971 and 11 percent in 1972. He has a lifetime cumulative COPE rating of 14 percent.

Ford's environmental rating is just as bad. The League of Conservation Voters gave Ford 23 percent in 1972 and 17 percent in 1971. His record on ten key votes in the previous decade averaged 10 percent.

On specific issues:

Vietnam War—Rep. Ford was a consistent supporter of the war under Presidents Johnson and Nixon. He opposed every piece of legislation to end the war, including ten votes this year and eight last Congress.

Military Spending—Ford has consistently supported high military spending, always opposing even modest efforts to restrain defense spending. He voted for the ABM in 1969 and opposed the Aspin (D-Wis.) amendment earlier this year to cut $950 million from military authorizations.

Domestic Spending—While a big spender for the military, Ford is very frugal in funding domestic programs. He has voted against public housing, rent subsidies, federal aid to elementary and secondary schools, public works in high employment areas, mass transit aid, Medicare, model cities, urban renewal and the 1967 poverty program. He is more generous on bills to help business interests, supporting the loan to Lockheed, the SST and subsidies to shipbuilders.

Labor—Ford has a poor labor record. He voted for "right-to-work" laws in 1965, opposed providing workmen's compensation to migrant workers in 1970, publicly opposed the Farm Worker's boycott in 1971, and this year voted to weaken the minimum wage bill.

Civil Rights—Ford has a record of voting for civil rights legislation on the final vote, but he supports crippling amendments while the bill is in progress. He voted to eliminate a provision for federal examiners in the 1965 Voting Rights Act which, if successful, would have emasculated the bill. He voted to recommit the 1966 Civil Rights Bill in order to delete the fair housing provision. He supports "freedom-of-choice" school desegregation plans and supports a constitutional amendment to ban school busing completely in civil rights cases.

Women's Rights—While Ford voted for the Equal Rights Amendment, he failed to vote for or against a weakening amendment. He supported an amendment to limit EEOG powers to enforce the law, and voted against the child care bill.

Environment—Besides voting for the SST, Ford has voted to increase logging in national forests, and against the 1965 Clean Air Act.

In sum, Gerald Ford on the issues has an extremely poor record. While he is a popular man throughout Congress, congressional "clubbiness" should not become an excuse to overlook Ford's stands on issues. He should be judged as a potential President.

The Wall Street Journal, in an October 15 editorial, summed up the case on Gerald Ford: "The nomination of Mr. Ford caters to all the worst instincts on Capitol Hill—the clubbiness that made him the choice of Congress, the partisanship that threatened a bruising fight if a prominent Republican presidential contender were named, the small-mindedness that thinks in terms of who should be rewarded rather than who could best fill the job."

Gerald Ford cannot best fill the job. It is doubtful that he can fill the job at all.

STATEMENT ON NOBEL PRIZE AWARD TO LE DUC THO

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. CRANE. Mr. Speaker, the announcement that this year's Nobel Prize for Peace will be shared by Secretary of State Henry Kissinger and North Vietnam's Le Duc Tho has been greeted with enthusiasm by many, but with some serious questions as well.

The New York Times, for example, in its editorial of October 17, 1973, noted that:

> The awarding of the Nobel Peace Prize to Henry A. Kissinger of the United States and Le Duc Tho of North Vietnam is, at the very least premature. The truce agreement they achieved in months of tortuous negotiation and mutual recrimination was promptly met by new combat.

The Times noted that:

> The withdrawal of American troops from South Vietnam has not yet brought Southeast Asia to a state that can conceivably be called peace.

The reason why peace has not been brought to Southeast Asia is, in large measure, the same reason for believing that the award of the Nobel Prize for Peace to Le Duc Tho is seriously in error. It is the Communist regime in Hanoi which is determined to make the truce signed in Paris a mockery. Its goal of dominating South Vietnam is the same as it ever was, and its conduct since the signing of the truce is an indication that the rhetoric of peace has simply been a smokescreen for the actions of war.

The evidence of North Vietnamese violation of the Paris truce agreement is overwhelming. In April, for example, Henry Kissinger said that:

> It is a brutal fact that North Vietnam has systematically . . . and cynically violated the "important clauses of the Vietnam peace settlement.

Dr. Kissinger told an Associated Press meeting that:

> The United States was very disappointed in the compliance by the North Vietnamese with the agreement. We have believed, and have said so publicly, that the end of the war in Vietnam should start a process of normalization in the relations between Hanoi and the U.S.

He cited as the major North Vietnamese violations—

> The commitment to withdraw from Cambodia and the commitment to withdraw from Laos—which was unconditional—the commitment not to introduce troops or supplies into South Vietnam—which was also unconditional except through authorized checkpoints—(and) respect for the Demilitarized Zone on which we spent four weeks in Paris.

At that same time the State Department declared that rebel forces fighting in Cambodia are "trained, supplied, and supported" by North Vietnamese regular army forces.

On July 19, 1973, Michel Gauvin, head of the Canadian delegation to the International Commission of Control and Supervision, left Saigon after having struggled for nearly 6 months to make the commission an effective peace-keeping organization.

At a news conference, Mr. Gauvin asserted that the Communists had created insurmountable obstacles to policing the cease-fire. He said that Poland and Hungary, which along with Canada and Indonesia made up the commission, had consistently refused to acknowledge publicly violations of the truce by the Vietcong and the North Vietnamese, and charged that the Vietnamese Communists generally had not cooperated with the commission.

Terror within South Vietnam has continued since the cease-fire. Officials of the Vietnamese Confederation of Labor—SVT, South Vietnam's trade unión movement, told AFL-CIO leaders that,

> The long struggle for control of the South Vietnamese people is entering a new and important phase, full of uncertainties and difficulties. The North Vietnamese and the Viet Cong are stepping up their terror activities, including the assassination of union officials, village and hamlet leaders.

CVT President Tran Quoc Buu points out that since the January 28 cease-fire went into effect, more than a dozen labor leaders, including Can Van Nang, a vice president of the strong national federation of tenant farmers, had been "brutally assassinated." Can Van Nang was killed in Communist terrorist action in Van Binh province.

Concerning Hanoi's record with regard to abiding by the truce agreement, columnist James Reston, writing in The New York Times of March 11, 1973, notes that,

> . . . the plain fact seems to be, if U.S. intelligence reports are even close to the mark, that Hanoi has shipped as many as 300 tanks into the South—the evidence is that they are cheating.

We could take pages of the RECORD up with additional indications of North Vietnam's continued support of terrorism, and violation of almost every provision of the truce agreement.

All of this should make it clear that any Nobel Peace Prize based upon the January 28 cease-fire agreement is not only "premature" but also ill-advised. To give a peace award to Le Duc Tho, the representative of a government which is committed to imposing its will through the use of force, makes a mockery of the values the Nobel Prize was meant to advance.

LOSS OF A GREAT ECONOMIST

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ASHBROOK. Mr. Speaker, a few days ago one of the few giants in the field of economics died. Of course, I am speaking of Ludwig von Mises who has been described as "the greatest analytical economist of his generation." I would add that he was one of the major free market economists of any generation.

Von Mises wrote 19 volumes during his lifetime as well as hundreds of articles. Among his works are "Theory of Money and Credit," the manumental "Human Action," "Omnipotent Government," "The Anti-Capitalist Mentality," "Socialism," and "Bureaucracy." At a time when some seem to be in a headlong flight from the free market system, it may do us all well to reread his works and remember his message.

At this point, I include in the RECORD "Salute to von Mises" by Henry Hazlitt which appeared in the October 1, 1973 issue of Barron's. This article commemorated von Mises' 92d birthday. His work will live on in his many books and articles.

SALUTE TO VON MISES—FOR 92 YEARS HE HAS FOUGHT THE GOOD FIGHT

Last Saturday marked the 92nd birthday of Ludwig von Mises, the greatest analytical economist of his generation. He has also been one of this century's ablest champions of private enterprise and the free market.

Those 92 years have been amazingly fruitful. In conferring its Distinguished Fellow award in 1969, the American Economic Association credited Mises as the author of 19 volumes if one counts only first editions, but of 46 if one counts all revised editions and foreign translations.

In his late years other honors have come to Mises. He was made an honorary doctor of laws at Grove City College in 1957, an honorary doctor of law at New York University in 1963, an honorary doctor of political science at the University of Freiburg in 1964. In addition, two *Festschrifts* were devoted to him—*On Freedom and Free Enterprise* in 1956, containing essays in his honor from 19 writers, and *Toward Liberty*, a two-volume work published in 1971 on the occasion of his 90th birthday, with contributions from 66 writers.

But such honors, even taken as a whole, seem scarcely proportionate to his achievements. If ever a man deserved the Nobel Prize in economics, it is Mises. But in the few years of its existence, that award has gone to a handful of so-called "mathematical economists"—in large part, one suspects, because only a parade of unintelligible mathematical equations impresses the laymen responsible for finding laureates as being truly "scientific," and perhaps because granting it to economists primarily for their mathematical ability relieves the donors from seeming to take sides in the central political and economic issues of our time—the free market vs. government controls and "planning," capitalism versus socialism, human liberty versus dictatorship.

Ludwig von Mises was born on September 29, 1881, in Lemberg, then part of the Austro-Hungarian Empire. He entered the University of Vienna in 1900, studied under the great Eugen von Boehm-Bawerk, and acquired his doctorate in law and economics in 1906. In 1909, he became economic adviser to the Austrian Chamber of Commerce, a post he held till 1934.

In 1913, following the publication of his *Theory of Money and Credit* the preceding year, he was appointed professor of economics at the University of Vienna, a prestigious but unpaid post that he also held for 20 years. His famous seminar in Vienna attracted and inspired, among others, such brilliant students as F. A. Hayek, Gottfried Haberler and Fritz Machlup.

In 1934, foreseeing the likelihood that Hitler would seize Austria, Mises left, advising his students to do the same. He first became professor of international economic relations at the Graduate Institute of International Studies in Geneva. In 1940, he came to the United States.

Mises was already the author of more than half a dozen books, including three masterpieces, but only one of these, *Socialism: An Economic and Sociological Analysis*, had been translated into English. So Mises was practically unknown here, and, as the fashionable economic ideology then was Keynesianism and its New Deal offspring, he was shrugged off as a reactionary.

Gaining an academic appointment proved difficult. Turning to books, he wrote *Omnipotent Government*, a history and analysis of the collapse of German liberalism and the rise of nationalism and Nazism. It was not until 1945 that he became a Visiting Professor at the Graduate School of Business Administration of New York University, a post he held until 1969.

His body of work is large and impressive. But we can confine ourselves here to considering two of his three masterpieces—*The Theory of Money and Credit*, which first appeared in German in 1912; *Socialism*, originally in German in 1922; and *Human Action*, which grew out of a first German version appearing in 1940.

Mises' contributions to monetary theory have been too numerous to list completely. For one thing, he succeeded in integrating the theory of money with the great body of general economic theory. Before him general economic theory and the theory of money were kept separate, almost as if they were unrelated.

Mises also saw the fallacies in the proposals of the so-called monetarists, that "the price level" could or should be stabilized by government managers who increased the quantity of money by a certain percentage every year. He saw that inflation cannot be automatically controlled—that because of its changing effects on expectations, an increase in the quantity of money, in its early stages, tends to increase prices less than proportionally; in its later stages, more than proportionally.

Mises also rejected the simplistic concept of "the price level." He pointed out that increases in the quantity of money do not raise all prices proportionately; the new money goes to specific persons or industries, raising *their* prices and incomes first. The effect of inflation is always to redistribute wealth and income in ways that distort incentives and production, create obvious injustices, and enkindle social discontent.

Moreover, Mises presented in this book, for the first time, at least the rudiments of a satisfactory explantion of the business cycle. He showed that boom and bust were by no means inherent in capitalism, as the Marxists insisted, but that they did tend to be inherent in the monetary and credit practices prevailing up to that time (and largely since). The fractional bank-reserve system, and the support furnished by central banks, tend to promote the over-expansion of money and credit. This raises prices and artificially lowers interest rates, thus giving rise to unsound investment. Finally, for an assortment of reasons, the inverted pyramid of credit shrinks or collapses and brings on panic or depression.

Mises' *Socialism* is an economic classic written in our time. It is the most devastating analysis of the system ever penned. It examines that philosophy from almost every possible aspect—its doctrine of violence, as well as that of the collective ownership of the means of production; its ideal of equality; its proposed solution to the problem of production and distribution; its probable operation under both static and dynamic conditions; its national and international consequences.

This is by far the ablest and most damaging refutation of socialism since Eugen von Boehm-Bawerk published his memorable, *Karl Marx and the Close of His System*, in 1898. It is more. Boehm-Bawerk confined himself mainly to an examination of Marx's technical economics. Mises scrutinized socialism in all its ugly aspects.

His outstanding contribution was to point out that socialism must fail because it is incapable by its very nature of solving "the problem of economic calculation." A socialist government does not know how to distribute its labor, capital, land and other factors of production to the best advantage. Since it does not know which commodities are being produced at a social profit and which at a social loss, it does not know how much of each commodity or service to plan for.

In short, the greatest difficulty to the realization of socialism, in Mises' view, is intellectual. It is not a mere matter of goodwill, or of willingness to cooperate energetically without personal reward, "Even angels, if they were endowed only with human reason, could not form a socialistic community." Capitalism solves this problem of economic calculation through money prices and money costs of both consumers' and producers' goods, which are fixed by competition in the open market.

On the basis of this single achievement, the late Oscar Lange, a Marxist economist who later became a member of the Polish Politburo, once proposed that future socialists erect a statue to Ludwig von Mises. Said Lange: "It was his powerful challenge that forced the socialists to recognize the importance of an adequate system of economic accounting to guide the allocation of resources in a socialist economy." Lange was at least brought to recognize the problem and thought he had solved it. In fact, the only way that socialists can solve it is by adopting capitalism.

Because it illustrates not only the cogency of his logic, but also the depth of his feeling, the power of his intellectual leadership, and the uncanny foresight with which he judged the course of events more than 40 years ago, I cannot forbear from quoting a passage from the last page of Mises' *Socialism:*

"Everyone carries a part of society on his shoulders; no one is relieved of his share of responsibility by others. And no one can find a safe way out for himself if society is sweeping towards destruction. Therefore everyone, in his own interests, must thrust himself vigorously into the intellectual battle. None can stand aside with unconcern; the interests of everyone hang on the result. Whether he chooses or not, every man is drawn into the great historic struggle, the decisive battle into which our epoch has plunged us."

As the eminent French economist Jacques Rueff once put it: "Those who have heard him have often been astonished at being led by his cogency of reasoning to places whither they, in their all-too-human timorousness, had never dared to go."

RUSSIA'S SUCCESSFUL HAMSTRINGING OF DÉTENTE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. BRASCO. Mr. Speaker, I have long hoped that some agreements might at last emerge to ease the long years of tension between the United States and the Soviet Union. In recent months, it looked as if such a possibility was very real. Regrettably, the events of the past week have changed my thinking.

When the Syrians and Egyptians launched their surprise attack upon Israel, it had to be with the full knowledge of the Russians, otherwise why else would they have evacuated their dependent personnel in the affected countries? Certainly they had advance knowledge of what was contemplated by the Syrians and Egyptians, especially in light of the fact that Russia is the only important supplier of armaments for the combatant Arab States, and has been the sole supplier for some years now.

When President Nixon and Brezhnev met last year in Moscow, a number of communiques were issued, pledging both sides to an easing of tensions. Russia's leader poured out soothing words like oil upon the waters, and everyone congratulated themselves on all the progress we were making toward détente with the Soviets.

Today, that entire scenario emerges as a vast sham, although, to his credit in this, President Nixon cannot be accused of bad faith. When the fighting broke out in the Middle East, the United States asked for great power cooperation to end it, and was rebuffed. Nor was this all. Rather, it turned out to be merely the commencement of a calculated policy of Soviet deceit, warmongering and betrayal. In the process, the Russians played with the very essence and balance of world peace.

While the fighting grew in intensity, the Russians were engaged in a careful, methodical campaign throughout the entire Arab world to draw every nation possible into the growing combat. How callously and cold-bloodedly the Russians acted. Tunisia, Algeria, Lebanon, and Jordan were all actively encouraged by the Russians to join in ganging up on Israel, once the hostilities were well underway. Here was an invitation to holocaust across the globe. Here was the true face of the Soviet Union. Each of the letters delivered by every Russian ambassador repeated the same message. In effect, Russia was saying, "Jump in now, boys, and kill Israel while you have the chance."

Détente cannot survive such irresponsibility. One can only term the Russian behavior a calculated policy designed to insure Israel's destruction. In the process, she acted with incredible cynicism toward the United States. While putting on the face of reconciliation, the Soviet regime was busily engaged in going about its old business of seeking world domination and hegemony at the expense of the West. No matter how it is bent to and fro, the final result still emerges the same.

To compound the bloody, chancy business, the Russians have emerged with a massive airlift of modern weapons to the irresponsible aggressor states in the Middle East who staged the Pearl Harbor-style sneak attack, Syria and Egypt. Once again, here is the true face of Soviet thinking and diplomacy.

Brezhnev is revealed as the same kind of cynical Communist dictator as his predecessors. He may wear a business suit, smile, pat children on the head, and make little jokes to the television camera. However, in the past few days he and the regime he heads emerge as purveyors of weapons to desperate gamblers who would plunge mankind into the ultimate and final battle. It is bad enough to place a loaded pistol with a hair trigger into the hands of an irresponsible child. But what does one think of the person who deliberately does so, and seeks to gain at your expense by it? Does one then proceed to trust that calculating, cynical opportunist with one's life savings, virtue, and future? Hardly.

The Soviets are like a drunkard who can never stop. They cannot resist the opportunity to conquer a part of the world on the sly and on the cheap. Having been burned by Arab irrationality again and again, they seek to maintain control over the uncontrollable, even though it is like running through a powder magazine with a lighted torch.

The United States must carefully reconsider any and all agreements, formal and otherwise, with the Soviet Union. If they were willing to act in this thrice deceitful manner in the Middle East, how will they act in a crisis with us. Suppose in some three-cornered disagreement with China, we suddenly find ourselves confronted with a unified Russia and China arrayed against us. Are we not fools to believe these people, when the recent Middle East actions on their part are piled upon the chicanery of other similar actions?

Previous to this, only those on the most conservative edge of the American political spectrum took such a stance. While I have not converted to that philosophy, however, it is my feeling that numbers of Americans who are of the liberal philosophical persuasion share my feelings. This by itself does not augur well for the so-called "détente" promoted so assiduously by many among us. Perhaps Senator HENRY JACKSON is right when he states that the Russians are more like a burglar walking down a hotel corridor, stating aloud that he has reformed while he simultaneously turns the handle of every doorknob he happens to pass.

BEYOND DESEGREGATION—WHAT OUGHT TO BE DONE?

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. PREYER. Mr. Speaker, a main concern of American public life in the last century has been to bring the black man from slavery into the mainstream of American society. In the long view of history, our country will be judged to have made a great effort, unprecedented in the history of mankind, to achieve this goal.

The capstone of this effort was to have been the integrated school system. It was thought that the integration of schools would work out very much like the integration of athletic teams and of restaurants, motels, movie houses and other public facilities. Once the discriminatory laws and customs were broken down and blacks, even if only a few, were admitted to formerly all white schools, integration would follow naturally and relatively painlessly. Everyone would realize how unfair the past practices had been and would welcome the new dispensation as lifting a great load of guilt from the national conscience. It has not worked out that way, because the desegregation of schools, unlike the desegregation of sports and lunch counters, involves the restructuring of educational institutions and conflicts with other important values.

It is difficult for liberal and progressive people to admit that integration is not working, for they have invested an enormous amount of emotional capital in the ideal of integrated schools, and they continue to see the difficulties as being caused primarily by white racism. While a small number of parents may be die-hard segregationists, I submit that the majority of them are conscientious and sincere and are concerned for the welfare of their children. They are good citizens, who by and large, have faithfully supported public education and who have provided the resources to nourish it. They have also accepted integration as right and just. But they are heartsick to see the deterioration in discipline and in the quality of education in our schools and what this means for the future of their children. They see the education and life chances of their children being jeopardized in the interest of improving others. They do not object to leveling up, but violently resist leveling down.

Actually, the effort to bring the black man into the mainstream of society through school desegregation has been both a success and a failure. It has been a success in that the principle of legal, official segregation has been denied everywhere. The legal structure of segregated schools has been destroyed and the idea repudiated. For moral as well as historical reasons, all of the United States stand firmly for the principles of racial equality. This has been a considerable achievement. But it has been a failure in that dismantling the legal, official structure of segregation has not automatically integrated schools.

The extent of the failure can be illustrated by two points on which there is a reasonable degree of consensus: First, there is a high degree of racial segregation in the Nation's public schools despite Brown v. Board of Education; and, second, there is a substantial gap between Negro and white educational achievement levels.

The exclusive response of courts to these two problems has been to order more actual integration of schools. To the question of how much further we should push beyond the abolition of official segregation—and thereby increase actual integration in schools—the courts have answered that the objective is "the greatest possible degree of actual racial balance as closely as possible through the use of cross-busing. This is where the trouble begins.

Racial balance as a remedy for illegal segregation derives a logical and idealistic appeal from being the opposite of official segregation. The black columnist for the Washington Post, William Raspberry, has said:

> Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just. It ain't necessarily so.

The courts have been unable to achieve the best educational results using this racial balance approach because courts cannot control all the conditions necessary to bring about educationally effective integration. We do not have much evidence on what makes for educationally effective integration, but the evidence we do have, primarily the Coleman Report, indicates that improving the education of low-income students requires integration with middle-income students in a proportion that assures a majority of middle-income students. There is no benefit derived from mixing low-income students with other low-income students, and if low-income students constitute a majority when mixed with middle-income students, the education of both groups suffers. This means that educationally effective integration requires a delicate balancing of low-income and middle-income students.

The courts, however, are unable to control this balance because people are free to live wherever they choose and are free to send their children to private schools. As a result, we get the phenomenon of "white flight" from the public schools and "resegregation," and the educationally effective balance is continually disturbed.

It is difficult to condemn any parent, rich or poor, for seeking the best schooling for his child that he can find and afford. But parents with lower incomes have much less choice, and this has an invidious consequence, because where the integration of schools is possible, the burden of bringing it about falls heaviest on low-income whites. Many low-income parents have chosen their place of residence largely on the basis of the schools available, exercising almost the only degree of choice they have. It is small wonder that they explode emotionally when they are told that their children must be sent elsewhere to further what they consider a vague sociological goal rather than the interests of their children. They resent this as an unfair restriction on their freedom of choice, rather than being concerned with busing as such.

In some areas of the country, especially the large cities of the North and East, integration by racial balance seems a practical impossibility. For example, it is hard to see how the 20-square-mile black area of Chicago can be integrated in any practical way. This situation creates two consequences. It leads to a discriminatory legal double standard whereby law and school policy are applied differently in different areas of the country. Furthermore, it begs the question of what is to be done about the black inner-city schools of our large cities, for they should not be left in isolation while we turn our attention to integrating those schools in which integration is possible.

The controversy over school integration has, of course, led to demands on Congress to "do something." Congressional response has been uncertain. Only in the past 2 years has Congress considered comprehensive legislation to deal with the problems as a whole or attempted to express a national policy on the subject. The objective of these comprehensive bills, with different degrees of emphasis, is to formulate a national policy designed to encourage a reduction of de facto—unofficial—school segregation and to deal constructively with the problem of achievement disparities in those situations in which racial concentration remains. The comprehensive bills fall into three major categories.

The first category of proposed legislation is based on "improving the schools where they are." The instrument for doing this is compensatory spending. The difficulty with this approach, apart from its overtones of a return to the "separate but equal" doctrine, is that there is a great deal of evidence to indicate that compensatory spending has no measurable effect in improving the educational achievements of the recipients.

Educational achievement appears to depend, as Christopher Jencks has written, not on the quality of the school itself but "largely on a single input, the characteristics of the entering children." These characteristics are determined by a number of factors, including genetics, environment—especially the first 4 years—family background—including the nutrition of the mother when pregnant with the child—and the influence of television. Compensatory spending on schools touches none of these factors.

Compensatory spending as the sole answer to our school problem is no answer. But despite the findings that compensatory programs have little effect on achievement, compensatory spending should not be ruled out as a part of the answer.

The second category of comprehensive legislation is addressed to court remedies. An example is H.R. 13915, passed last year by the House of Representatives. This bill also includes compensatory spending features, but its main thrust is directed at limiting the remedies courts may apply when discrimination has been found.

Such bills endorse the principle of an integrated school system, but would limit the remedies the courts can apply to bring an integrated system into existence. They do not ban all busing, but tightly circumscribe busing remedies that may be ordered in de jure cases, that is, cases in which officially sanctioned segregation exists. H.R. 13915, for example, directs that a court may not resort to busing until it has first sought to bring about an integrated school system by attempting other specified remedies. If the goal of a unitary school system is not achieved in this fashion and if it then becomes necessary to bus, such busing is limited to the school nearest or next nearest to the student's residence.

There are several problems with this category of legislation. In addressing itself primarily to the question of excessive busing remedies, it is largely silent on the question of reducing racial concentration in unitary school systems. Its positive legislative policy toward de facto school segregation is weak, putting all its eggs in the basket of compensatory education. The inner-city school is left largely untouched.

There is also a practical difficulty with the "next nearest school" provision of H.R. 13915. In most cities of 50,000 or above in population, blacks tend to live together in one or more sections of the city. These sections are often bordered by low-income white areas. As a result, busing to the next nearest school will usually result in mixing two low-income groups, since middle-income sections are often further removed geographically from black sections. The educationally effective mix of middle-income students with low-income students, as recommended by the Coleman Report, is not achieved, and the low-income white is further embittered.

These problems can be avoided. Congress unquestionably has the authority to deal at large with the problems of education, although it is treading on dangerous ground whenever it attempts to control judicial decrees in an area in which the courts are applying the Consituation. H.R. 13915, and other bills in the second category of legislation, seek to stop the courts from granting certain remedies but do not attack the problems at which these remedies are directed. Congress goal should be to use its legislative power to reduce the need for busing in achieving a unitary school system. This is much better than creating false hopes by attempting to foreclose the remedies of the courts.

The third category of pending legislation before Congress attempts to address the problems rather than the courts. An example of this type of legislation is the Preyer-Udall bill which was first introduced last year. The principal draftsman of this bill is Prof. Alexander Bickel, Chancellor Kent Professor of Law and Legal History at Yale Law School. The bill does not seek to give a categorical answer to the problems of schools, because in our judgment, the problems of unequal and inadequate educational results and of racial concentration in some schools are not susceptible of resolution by a categorical national policy.

The bill also recognizes that the courts are poor instruments for bringing about specific reforms in education. When confronted with racial isolation in a school district that is doing little on its own to attack the problem, a court will order busing because there is little else it can do that will have much impact. A court may well decide that it is foolhardy to insist on racial balance, which busing promsies but all too often fails to achieve, as the sole or even the principal means of solving the problem of racial isolation in a particular school district. But what else is the court to do? We need to assist the courts by offering them alternatives to busing rather than just prohibiting the use of busing.

How can we bring about this new educational reality and develop constructive alternatives for the courts' consideration? Such alternatives will appear only when the reins of education control are handed back to local officials. Otherwise, embittered communities will continue to watch from the sidelines as the courts administer clumsy and drastic remedies to their educational ailments. Community involvement and community control might become a reality if local school districts were required to take a hard, organized look at their problems and then to devise a comprehensive 10-year plan for improvement. Such a plan would be more than a simple desegregation scheme. It would necessarily include methods to reduce racial concentrations, but it would also include any number of innovative techniques to improve the educational process, as a whole. Significantly, there is every reason to believe that school districts in the process of charting their own educational course might be viewed differently by Federal judges who so often in the past have had only a choice of either issuing a busing decree or seeing nothing done.

The Preyer-Udall bill carries out this suggestion. It would require that each State within 2 years of enactment submit a plan to carry out the objectives of the act, that is, to improve and equalize educational results throughout the Nation and to alleviate racial isolation. Federal financial assistance would vary not only in accordance with the population of a State, but also in accordance with the number of minority families. Plans would be reviewable annually and would be geared to achieve their objectives in 10 years. Acceptable plans would include one or more of such features as magnet schools, educational parks, cooperative exchanges, and joint participation programs for minority-group and nonminority-group children who attend different schools, whether public or private. The list contained in the bill is not exclusive. Its purpose is to give examples of techniques that might be included in a State plan.

Each plan would be developed in consultation with local educational agencies, a local advisory committee, including parents of students, and a State advisory council. A National Advisory Council, appointed by the President, would work with the Secretary of Health, Education, and Welfare in developing criteria for the approval of plans and in reviewing the operation of the plans.

The bill also includes a "majority transfer" provision which gives a student a right at the beginning of the school year to transfer from a school in which his race is in a majority to a school in which his race is in a minority, with transportation furnished. This is a first step and would result in siphoning off some students from inner-city schools to the suburbs, thus relieving racial isolation. Experience indicates, however, that it would not result in any mass exodus.

Another feature of the bill is an "equalization of resources" provision which directs local educational agencies to eliminate disparities in educational practices between schools that result in unequal educational opportunities. Eight examples of such disparities are listed, such as comparative overcrowding of facilities, higher pupil-teacher ratios, provision for fewer student services and inadequate buildings. This provision could be easily coordinated with new tax law to provide a structure through which new financing plans for schools could be channeled. Rather than the hit-or-miss system of each school district applying for grants, it would provide for a coordinated statewide program for the use of such funds.

It should be pointed out that the Preyer-Udall bill does not require busing. Our real range of action probably involves modest and limited busing, together with the use of other techniques, such as redrawing of neighborhood attendance zones, magnet schools and majority-minority transfers. The recent Lambda study indicates that we can revise the more extensive busing plans and still carry forward desegregation.

It could be argued that the Preyer-Udall approach is utopian and will only provide an excuse for more delay and foot dragging. However, there are two powerful inducements for the States to submit plans for approval. The first inducement is Federal financial support for needed educational programs. The second is the threat of a court takeover, with the probable imposition of a mathematical racial balance decree if no good faith effort is made to achieve the objectives of reducing racial concentrations and reducing the disparities of educational achievements among schools.

All three branches of the Federal Government can share the blame for the emotional controversy over busing. Clearly, something must be done. But it is important that the balance to be struck be morally and intellectually right. Congress should act in cooperation with the courts and not in conflict with them.

The question is one not of goals but of the wisest choice of means to achieve racial desegregation in the schools. The courts have adjudged proportional racial balancing, achieved by busing, as the best temporary answer. But this is a bad long-term answer. It is disruptive to society. It damages our educational system. It results in resegregation and therefore is futuile by its own terms. Proportional racial balance, as ordered by the courts, is not the best and only way to reach the goals of improving our schools, providing equal educational opportunity and overcoming racial concentration. Rather, we should put our funds and energies into developing new educational plans, locally evolved and locally administered.

Mr. Speaker, yesterday the gentleman from Arizona (Mr. UDALL) and I are reintroducing our legislation of last year in substantially identical form. I commend this bill to our colleagues and hope it will receive the serious consideration that we believe it deserves.

VETERANS DAY—1973

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. PRICE of Texas. Mr. Speaker, the history of Veterans Day itself reflects the military history of our troubled times. It has evolved from an observance commemorating the termination of hostilities of World War I to a day of solemn recollection and acknowledgement of the debt we owe to all of the brave men who gave their lives in our country's defense. On Veterans Day we now also honor the veterans among us who bore the brunt of battle and served their country well in its times of peril and need.

On November 4, 1921, Congress, by joint resolution, authorized the President to proclaim November 11—of that year only—a Federal legal public holiday in honor of the burial of the Unknown Soldier at the Arlington National Cemetery. During the years that passed immediately thereafter, the observance, held each November 11 at 11 a.m., the month, day, and hour of the cessation of World War I hostilities, became known throughout the country as Armistice Day.

In 1938, Congress declared the day to be a permanent Federal legal public holiday. The statutory language of the act of Congress by which this was achieved was brief and businesslike for a day that carried such a heavy burden of emotion, especially for those who had lost a loved one in the First World War:

> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; that the 11th day of November in each year, a day to be dedicated to the cause of world peace and to be hereafter celebrated and known as Armistice Day, is hereby made a legal public holiday to all intents and purposes and in the same manner as (other legal public holidays).

After World War II and the Korean conflict, the inappropriateness of confining a holiday to the commemoration of the ending of the First World War was apparent; Congress, therefore, by an act approved on June 1, 1954, changed the name of the day from Armistice Day to Veterans Day. Thus the designation was made all-inclusive, and November 11 was thereafter observed in honor of both the dead and the living members of the Armed Forces of the United States.

This year, under the provisions of the Monday Holiday Act, we observe Veterans Day on the fourth Monday in October. I would like to say that I am very much opposed to the moving of Veterans Day from its traditional day of observance—November 11—to its present date. I have sponsored legislation to return Veterans Day to its rightful historical place, and I trust that the Congress and the President will join in making the 11th day of the 11th month once again our national and honored Veterans Day.

In honoring Veterans Day, let us remember that each man answered his country's call according to the dictates of his own conscience. One of the most moving expressions of this individual sense of responsibility was made by Washington during the first year of his Presidency when he addressed the Legislature of the State of Connecticut in these words:

> I have obeyed a summons to which I can never be insensible . . . When my country demands the sacrifice, personal ease must always be a secondary consideration.

For those veterans who were fortunate enough to have returned unscathed, we must remember the war-caused disruption of their lives, their willingness to risk the desperate hazards of combat, and the agonizing separation from their loved ones which they endured.

We are also well aware that the contribution of our veterans to the national welfare is not limited only to wartime. The evidence of their leadership is all about us, in business, in public life, and in the professions. Our last five Presidents have been veterans, and today veterans are contributing to a stronger and better America through their efforts in every form of human endeavor.

But we are all tragically aware that all the Veterans Days that have been observed, and all these that will be observed, can never bring back those who have died, or fully compensate the maimed and ill among our veterans. Yet we must do something to express our devotion and thanks, and our Veterans Day observance are one of the ways that we have adopted. Let us therefore observe Veterans Day in the proper spirit of humble thanksgiving for the gift of freedom bestowed upon us by our American fighting men, and pray that we shall not again be forced to ask our young men to take personal risk in our defense.

KEEP ST. ALBANS NAVAL HOSPITAL OPEN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. WOLFF. Mr. Speaker, evidence of community support for keeping St. Albans Naval Hospital open continues to mount. This support is not for turning this facility into an animal quarantine center, as the Department of Agriculture has proposed, but rather to keep the hospital operating to serve the half a million veterans of Queens, Nassau, and Suffolk Counties. These veterans, many of whom became disabled in an unpopular war, deserve the best attention that this country can provide. I would like to insert the following statements of the Jamaica Hospital and the Podiatry Society of New York in the RECORD:

THE JAMAICA HOSPITAL,
Jamaica, N.Y., October 11, 1973.

Congressman LESTER WOLFF,
Great Neck, N.Y.

DEAR CONGRESSMAN WOLFF: The Ambulatory Care Advisory Committee of Jamaica Hospital consists of consumers and providers of health care, and has a consumer majority. The Ambulatory Care Advisory Committee is deeply concerned with health services in the entire borough of Queens as well as in our own hospital. We wish to go on record that we oppose the closing of St. Albans Hospital.

There is a serious shortage of hospital beds and ambulatory care facilities in the borough of Queens. We suggest that the hospital be converted to a Veterans Administration hospital which will also include community health facilities and thus provide needed health care to veterans, their families, and to the Queens community.

Very sincerely yours,
GEORGE MCCOY,
Ambulatory Care Advisory Committee of Jamaica Hospital.

THE PODIATRY SOCIETY OF THE STATE OF NEW YORK,
October 9, 1973.

Hon. LESTER WOLFF,
Great Neck, N.Y.

DEAR MR. WOLFF: As president of the Queens Podiatry Society of the State of New York, I would like to inform you that our Executive Board and Board of Trustees in Queens County has gone on record to oppose the discontinuance of the present program at the St. Albans Naval Hospital. It is our firm conviction that this facility be reorganized to service the surrounding community as a public health center.

Yours very truly,
DR. LESTER S. KELLER,
President.

NEW YORK STATE LOSES A DISTINGUISHED CITIZEN

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. McEWEN. Mr. Speaker, the death of the Honorable Fred A. Young took from my constituency one of its most outstanding and respected citizens. Judge Fred A. Young, who died on October 16, was an able lawyer who had distinguished himself as a legislator, jurist, and, above all, as a politician in the very best sense of the term. Beginning as a justice of the peace in his village, he went on to serve as a member of the New York Assembly, a State senator, judge of the New York State Court of Claims and, finally, as presiding judge of that court. A former county chairman, he was elected in 1963 as chairman of the New York Republican State Committee. Most of my New York colleagues on both sides of the aisle knew Fred Young as a friend.

I include the following statement by Gov. Nelson A. Rockefeller on the death of Judge Young:

STATEMENT BY GOV. NELSON A. ROCKEFELLER

The death of Judge Fred A. Young takes from New York State a man respected for his abilities as legislator, political leader and judge—beloved for his kindness to his fellow man.

Fred Young served the people of New York with distinction and energy. He won acclaim as a practicing attorney and county chairman in Lewis County. He rose through the ranks of public life to become successively a State Assemblyman, a State Senator and Judge of the Court of Claims.

A lifelong Republican, Fred served as a county chairman for more than 15 years. His popularity among the men and women of his party was underscored in 1963 when he was elected head of the Republican State Committee—a post in which he served with characteristic vitality and effectiveness. Known to fellow Republicans throughout the nation, Fred was also vice chairman of the New York delegation to the GOP National Convention in 1964.

His accomplishments as Presiding Judge of the Court of Claims are a matter of record. He took justifiable pride in the reduction of a large backlog of cases before the Court during his last term as Presiding Judge.

Fred Young's generosity and humanity will always be legendary. It is virtually impossible to chart the number of worthy causes to which he dedicated himself. He was my friend and I valued that friendship. Mrs. Rockefeller and I extend our deepest sympathies to Mrs. Young, their two children and all other members of the family.

GLYPTOTHECA, PINACOTHECA, AND THE NEED FOR THE MUSEUM SERVICES BILL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. BINGHAM. Mr. Speaker, the strike by the Museum of Modern Art's employees in New York City is but one indication of a growing need for Federal financial assistance to insure the well-being of the Nation's museums. H.R. 10596, the Museum Services Act, would establish a program of grants and technical assistance to ease the financial strains affecting many, if not all, of the country's museums.

The purpose of the Museum Services Act is to enable institutions with small endowments, such as the Museum of Modern Art, to absorb increased labor, material, acquisition, and exhibition costs without sacrificing their hard-earned reputations that are so important in drawing the viewing public, and hence, local fiscal support. The bill would not place the entire burden on the Federal Government as the only source of money, but would provide the support needed to insure that the educational and cultural benefits provided the public through this medium are not lost.

I commend to my colleagues an article that appeared in the October 16, 1973, edition of the New York Post detailing the situation facing the Museum of Modern Art:

IT IS THE BOTTOM LINE IN A PAY PROTEST

(By Jane Perlez)

There were several prints of Picasso's "Boy Leading the Horse," stuck on cardboard and strung around the neck of strikers parading outside the Museum of Modern Art on E. 53d St. The boy had a sign scrawled across the lower part of his torso. It reads: "We're Down to the Bare Minimum."

The museum's 135 professional and administrative employes who walked out a week ago begin a new round of negotiations today. They feel they are down to the bare minimum in dollars.

More than 40 earn less than $7000 a year. Many earn the minimum $6100. Some of them, like the 26-year-old chairman of the union negotiating team, Susan Bertram, earn $9750.

A senior program assistant responsible for exhibitions sent to South America, Miss Bertram says her salary jumped $3000 in the last year. She credits the rise to the formation of the Professional and Administrative Staff Assn., the first union of professional museum staff in the country.

SOME QUESTIONS

"Eighty per cent of the negotiating unit are women, 75 per cent of the staff are women but 75 per cent of the management are men," says the vigorous, lanky blond. "Why," she asked, "do the salaries of the 40 management staff total more than $1 million, and the total for the 170 people in the bargaining unit only $1.2 million?"

Inside the main doors, film department director Willard Van Dykes, a gray-haired man with a striped bow tie and gray flannel suit, was answering questions at the information desk. Film screenings stopped last week after the projectionists refused to cross the picket line.

"If they stuck to the questions of wages I could listen with more equanimity," he said, looking at the strikers on the sidewalk. "But there's an attempt to take over some of the prerogatives of the management."

And that, according to the museum's labor counsel, Robert Batterman, is the key to the talks. The union wants 16 people in supervisory positions—curators and assistant curators included—given union status. "We've discussed this at great length," Batterman said last night. "But we're at an impasse on it."

Today's meeting with state mediator Solomon Kreitman is the first since the strike began last week. The museum offered a 5½ per cent across-the-board increase over two years.

The union wants a rise in the minimum from $6100 to $7200. As well, it has asked for a nine per cent increase on all salaries for the first year. And it wants a representative on the board of trustees.

Elizabeth Shaw, director for public information, sat in her fifth floor office yesterday afternoon with the chance of the youthful picketers drifting through the windows.

"IT'S VERY DIFFICULT"

"We all know that museum work is not paid as well as any institution that makes money," she said. "This museum has a tiny endowment and it's very difficult. I think we'd like to do better in times of inflation."

How long can the museum tolerate the strike? "We're not hurting," she said.

But some vocal pickets were confident. "Attendance is down 50 per cent. Book sales are right down," said one, citing "friends on the inside."

Al Evanoff, vice president of District 65 of the parent Distributive Workers of America, looked over the picket line and said his 30,000 members were prepared to back the strike. Already, he said, food for the restaurant was not being delivered and garbage not being collected.

JAMES S. COPLEY

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mrs. BURKE of California. Mr. Speaker, a great California newspaper publisher, Mr. James S. Copley, died on October 6. His death was not only a great loss to the newspaper publishing enterprise he headed, but to all Californians.

He was a man with a steadfast belief in American ideals and principles, and refused to compromise those beliefs for expediency or profit. He opposed totalitarianism in any form. He maintained an independent stance throughout his entire career.

Mr. Copley believed that the press had an obligation to present the news fairly and completely. He epitomized the kind of responsibility we expect and deserve in our daily newspapers. His newspapers reflected the professionalism that is a hallmark of good journalism.

When I served in the California State Assembly in Sacramento, I had occasion to deal frequently with the Copley Press and the Sacramento Union, his local paper, on many issues. Although we sometimes did not see eye to eye on a particular issue, my side was always represented factually and fairly. I can say that I always got proper coverage.

Mr. Copley defended our institutions and our heritage with vigor and courage. We are all somewhat the less for the passing of Mr. Copley.

However, I understand that his widow, Mrs. Helen Copley, has pledged to carry on in the same tradition. For that, we are grateful and wish the Copley Press continued life and success.

ADMINISTRATION CONTINUES TO LOSE IMPOUNDMENT BATTLES IN COURT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the administration is continuing to lose court battles contesting the massive and excessive impoundment of funds appropriated by the Congress.

The latest development is a recent refusal by the U.S. Supreme Court to hear a case directly from the State of Georgia which was not channeled through normal appeal procedures. The administration had requested that the case be heard.

States who resisted the effort for a direct trial of the suit in the Supreme Court pointed out that this might delay other cases which will reach the court through the normal appeals process.

Congressional Quarterly reported recently that the administration has lost 25 of 30 impoundment cases in lower courts.

Because of the interest of my colleagues and the American people in this most important matter, I place in the RECORD excerpts from an article in the Washington Post concerning the recent ruling by the U.S. Supreme Court and an article from Congressional Quarterly summarizing legal developments in impoundment cases.

The articles follow:

HIGH COURT DECLINES IMPOUNDMENT TRIAL

(By John P. MacKenzie)

The Supreme Court, rejecting pleas by the state of Georgia and the Nixon administration, refused yesterday to conduct a full-scale trial over the administration's power to impound funds appropriated for Georgia and other states.

In a brief order the court dealt a strategic setback to the administration, which now must continue to fight impoundment battles in lower courts, where it has lost nearly every case.

The court's refusal to entertain the Georgia case was among 900 actions taken as the justices disposed of cases accumulated during the summer.

* * * * *

The bid for a Supreme Court trial over impoundment came in a suit by Georgia demanding appropriated funds for highway, education and anti-pollution projects. Georgia invoked the high court's power to hear lawsuits in which states are a party, but the justices adhered to their practice of avoiding such suits where possible.

Both the state and Solicitor General Robert H. Bork conceded that lower courts also had jurisdiction over the controversy. But they said the fight could be settled sooner by bypassing the lower tribunals.

Ten states and New York City, also locked in impoundment litigation, urged the court to ignore the suit and wait for cases to come up in the regular appellate process. They argued that the court might actually slow the development of other cases if it took charge of the entire problem in prolonged proceedings here in Washington.

"It cannot be overlooked that the government's interests in an impoundment case are served by any delay," the states argued.

* * * * *

IMPOUNDMENT: ADMINISTRATION LOSES MOST COURT TESTS

As Congress nears final agreement on legislation to prohibit executive impoundment of appropriated funds, the Nixon Administration's impoundment policies are taking a solid drubbing in the courts as well. (*Legislation, Weekly, Report p. 2359*)

According to a study being prepared by the Library of Congress, about 30 cases dealing with the impoundment issue have been decided, primarily at the federal district court level. The government was on the losing side in all but five, according to a Library of Congress expert, but will appeal at least 10 of the adverse decisions.

Several suits are aimed at prying loose almost one-third of the $1.8-billion the Department of Health, Education and Welfare (HEW) impounded in fiscal 1973 under a self-imposed spending plan. Because of the pending cases, according to an HEW official, about $559-million was earmarked as "contingent obligations" before July 1, when the funds would have reverted to the Treasury.

Most courts have swept aside the administration's contention that in order to "faithfully execute" the laws, the President may impound funds to control inflation or prevent a tax increase. In most cases, specific anti-impoundment language covering certain programs supersedes the President's discretionary authority to withhold funds, the courts have ruled.

Typical was a decision handed down Aug. 3 by Federal District Court Judge Gerhard A. Gesell ordering HEW to process grant awards totaling $52.1-million for community mental health centers. He termed the President's economic concerns "pertinent," but cited clear statutory obligation to spend the funds.

Because of the special anti-impoundment provision of a 1970 act covering the program, Gesell wrote, the President "does not have complete discretion to pick and choose between programs when some of them are made mandatory by conscious, deliberate congressional action."

SPENDING PLAN CONTROVERSY

The dispute between HEW and Congress over how much was appropriated for HEW programs in fiscal 1973 is a complicated one, stemming from the fact that two regular appropriations bills for HEW in fiscal 1973 were vetoed. Funding was covered by a continuing resolution; its requirements are at the core of the initial controversy. (*1972 Almanac p. 865*)

Congress cleared the resolution June 30, 1972, before the first HEW appropriations bill had emerged from conference. Under the congressional interpretation, the resolution required spending at the lower of the House-passed or Senate-passed figures contained in the first bill. The fact that this bill was vetoed would not alter the resolution's requirements, according to the congressional viewpoint.

Another section of the resolution allowed spending at the lower of the administration's 1973 budget request or fiscal 1972 appropriations, if neither the House nor Senate had passed a fiscal 1973 appropriations bill for HEW. The administration, citing the two vetoed bills, has contended that this provision governed required spending.

The deadlock was complicated further by the administration's decision in January to submit revised fiscal 1973 budget requests for many health programs it proposed to kill or phase out in fiscal 1974. Because these requests were the lowest available funding levels for the disputed programs, HEW has used them as its fiscal 1973 spending plan.

These interpretations have caused both confusion and anger in Congress. ". . . The administration's spending plan changes from day to day and from hour to hour," complained Rep. Daniel J. Flood (D Pa.), chairman of the House Labor-HEW Appropriations Subcommittee, on June 26. "It is like a railroad timetable."

But at the request of House Interstate and Foreign Commerce Committee Chairman Harley O. Staggers (D W. Va.), HEW June 20 submitted figures detailing HEW's impoundment of $1.1-billion Congress claims it appropriated for health programs in fiscal 1973. Staggers termed the impoundments a "sad failure of our government's commitment to serve its people." On July 12, he asked HEW Secretary Caspar W. Weinberger to submit a detailed justification for the impoundments. (*Programs affected, box, next page*)

In addition to the $1.1-billion withheld for health programs, an HEW budget official told Congressional Quarterly that $642-million was impounded for education programs. An additional $70-million was not spent for the Social Security program, he said, because the funds were not needed.

COURT SUITS

Angered by the loss of funds required under the congressional interpretation of the resolution, states and groups representing recipients of HEW funds turned to the courts for relief. Their arguments have centered not so much on the general authority of the President to impound funds, but on the requirements of special congressional directives, written into law, to spend funds appropriated for the programs.

Some key cases were:

The National Council of Community Mental Health Centers won a final injunction Aug. 3 when Judge Gesell ordered HEW to award $52.1-million in mental health center staffing grants. Gesell refused to delay the order pending a likely appeal of the decision.

The National League for Nursing has filed a suit aimed at the release of $21.7-million in nurse training funds. On July 10, the group obtained a preliminary injunction from Gesell requiring HEW to carry over the funds until the case is settled.

Associations representing schools of optometry, pharmacy and podiatry obtained a similar injunction June 26 from a federal district judge in Washington, D.C.

Funds totaling $13.7-million, or 50 per cent of the congressionally required appropriation, were withheld from the schools. A ruling on a final injunction is expected in September.

Suits aimed at the release of about $480-million in education funds have been brought by several states. Pennsylvania, joined by some other states, won a ruling June 28 from Federal District Court Judge Joseph C. Waddy requiring HEW to set aside $380-million in elementary and secondary education funds. A final ruling is expected in early September. Other suits deal with library services and construction funds and special equipment programs.

MANDATORY LANGUAGE

Key to the outcome in the HEW cases is the existence of provisions of law specifically requiring expenditure of health and education funds. A provision (Section 601) of the 1970 extension of the Hill-Burton hospital construction act, passed over a presidential veto, required spending in major health programs. The provision was extended through fiscal 1974 as part of the omnibus health extension bill (PL 93–45). (1970 act, 1970 Almanac p. 221; 1973 extension, Weekly Report p. 1465)

Section 601 is identical to a 1970 amendment to the General Education Provisions Act, covering most education programs. Both provisions provide that funds appropriated before July 1, 1973, for the programs covered "shall remain available for obligation and expenditure until the end of such fiscal year."

In his ruling, Gesell admitted that the meaning of this language was not "readily apparent on its face nor free from doubt," but decided that the legislative history of Section 601 mandated spending of the mental health funds, regardless of the President's general impoundment authority.

Moreover, Gesell said, the President implictly recognized this requirement by stating in his veto message on the 1970 act that Section 601 amounted to congressional insistence that funds "to carry out the programs involved must be spent." Passage of the act over the veto reaffirmed this intent, Gesell ruled.

ADMINISTRATION ARGUMENTS

Government attorneys arguing the HEW impoundment cases have preferred to ignore the special anti-impoundment provisions and stress the administration's general justifications for executive impoundment. According to Pennsylvania Deputy Attorney General James R. Adams, who argued the education suit, government attorneys "effectively conceded that it (the education provision) was not discretionary."

Weinberger wrote Staggers in June that the meaning of the special provisions "remains unclear and most debatable." But reacting to HEW's impoundment of $1.1-billion for health programs, Sen. Jacob K. Javits (R-N.Y.) and 10 other Republican senators wrote Weinberger Aug. 2 to question his interpretation of the provisions.

At Jan. 17 confirmation hearings by the Senate Labor and Public Welfare Committee, the senators wrote, Weinberger said of the mandatory spending requirement for education programs: ". . . I know the mandatory clause requires the spending. That is my interpretation of it."

Arguments over special provisions aside, the government has relied on legal justifications for impoundment outlined Feb. 6 by Deputy Attorney General Joseph T. Sneed before a joint hearing of two Senate committees. (*Weekly Report* p. 291)

Sneed said the President had "an implied constitutional right" to impound funds if spending would aggravate shaky economic conditions or require a tax increase. Laws requiring the President to control the economy, he said, include the Anti-Deficiency Act of 1905, the Full Employment Act of 1946, the Economic Stabilization Act Amendments of 1971 and the debt limit imposed by Congress in 1972.

WEINBERGER DEFENSE

Weinberger's defense of the impoundments has centered on the requirements of his interpretation of the continuing resolution.

". . . It would be quite unrealistic, quite absurd, really," he said in an Aug. 6 television interview, "for the President to say, well, I must pick the interpretation that requires me to spend at the level I vetoed twice, when clearly, from my point of view, from the point of view that the Department of Justice advised me, it doesn't require that."

He also maintained that more spending, especially for programs which the administration believes have outlived their usefulness, would not guarantee improved health programs.

ROGERS REPLY

Appearing on the same television program, Rep. Paul G. Rogers (D Fla.), chairman of the House Interstate Commerce Subcommittee on Public Health and Environment, hotly contested Weinberger's interpretation of the continuing resolution. Earlier, Rogers had threatened subcommittee hearings aimed at seeking the resignation of the HEW officials "who failed to carry out the law" by impounding health funds.

Even in the HEW documents on health impoundments delivered to the Commerce Committee, Rogers said, the department had recognized that congressionally approved health spending was $1.1-billion more than what HEW spent. It "is a little ludicrous, that people who are supposed to receive health funds have to go to court to get the secretary of HEW to carry out the laws that the Congress passed," Rogers complained.

SUPREME COURT FIGHT?

Although the administration has decided not to appeal several adverse rulings in impoundment suits, including the first decision in a Missouri highway fund case handed down April 2, Weinberger has pledged to appeal all HEW cases to the Supreme Court if necessary. (Highway case appeal, *Weekly Report* p. 2284)

Weinberger dismissed adverse decisions to date as the rulings of lower courts without the force of a "definitive Supreme Court decision." He and Rogers clashed again Aug. 6 on the requirements of the lower court rulings.

Weinberger: "You practiced law and you know perfectly well that if you have an adverse—"

Rogers: "That I am bound by the court order until it is overturned, right?"

Weinberger: "But you certainly have every right to appeal it and not to carry (it) out while it's under appeal."

Rogers: "That's not true."

Weinberger: "Well, that is true."

Georgia Case. Because the impoundment suits deal with funds appropriated before final passage of any general anti-impoundment bill, some Supreme Court test of the President's impoundment authority, in the face of special congressional directives to spend funds, is considered likely. Failure by Congress to override a probable veto of an impoundment bill could magnify the immediate importance of any Supreme Court decision.

Georgia, which has brought suit challenging impoundment of highway, water pollution and education funds, is seeking to have the Supreme Court hear its case directly without lower court action. The Justice Department is believed sympathetic to the request because its current approach—fighting impoundment cases all over the country—is proving costly and time-consuming.

IMPACT OF DELAY

The time required to mount even a successful court challenge to HEW impoundments is discouraging also to groups fighting the suits. They are fighting for the release of funds they contend were needed last year and are needed even more desperately now.

Impoundment of $21.7-million of the $38.5-million Congress maintained it appropriated for grants to nursing schools in 1973 will force nursing schools to open their doors in September without enough funds to keep accepted students in school, according to nursing association representatives.

FISCAL 1973 HOLDING PATTERN

In addition, according to an HEW internal memo made public Aug. 26, the department plans to continue to withhold health and education funds in fiscal 1974, pending enactment of an HEW appropriations bill for fiscal 1974.

Until Sept. 30, fiscal 1974 HEW appropriations are covered by a new continuing resolution which specified that programs were to be funded under the congressionally approved terms of the fiscal 1973 continuing resolution. The dispute over the fiscal 1973 resolution thus has been continued. (*Fiscal 1974 resolution, Weekly Report p. 1855.*)

The controversy could last even longer if Congress does not override an expected presidential veto of the fiscal 1974 bill, which passed the House June 26. The House-passed version exceeded the President's budget requests by $1.3-billion. Presidential Counselor Melvin R. Laird has said he would recommend a veto of a bill with that funding level. The Senate version of the legislation is expected to contain even higher funding. (*Weekly Report p. 2361.*)

HEALTH IMPOUNDMENTS

Documents submitted to the House Interstate and Foreign Commerce Committee June 20 by the Department of Health, Education and Welfare and released by the committee July 25 listed the following amounts unspent for major health programs in fiscal 1973:

Mental Health	$199,209,000
Health Services Planning and Development:	
Research and development	13,001,000
Comprehensive health planning	6,886,000
Regional medical programs	89,900,000
Hill-Burton hospital construction	195,254,000
Health Services Delivery:	
Comprehensive health services	5,283,000
Maternal and child health	12,697,000
Family planning	32,442,000
Preventive Health Services	15,982,000
National Institutes of Health:	
National Cancer Institute	58,859,000
National Heart and Lung Institute	44,217,000
National Institute of Dental Research	6,112,000
National Institute of Arthritis, Metabolism and Digestive Diseases	24,043,000
National Institute of Neurological Diseases and Stroke	22,741,000
National Institute of Allergy and Infectious Diseases	10,392,000
National Institute of General Medical Sciences	28,966,000
National Institute of Child Health and Human Development	19,033,000
National Eye Institute	4,120,000
National Institute of Environmental Health Sciences	4,736,000
Research Resources	2,155,000
John E. Fogarty International Center	709,000
Health manpower	297,562,000
*Total	1,095,431,000

* Does not equal the total of listed amounts because of omission of some unspent funds and some spending in excess of amounts included in the continuing resolution, as interpreted by Congress.

MANPOWER LEGISLATION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ESCH. Mr. Speaker, today, I join with Chairman DOMINICK DANIELS of the Select Labor Subcommittee introducing comprehensive manpower reform legislation. I believe that this represents a truly significant step in our current efforts to reform our job training programs.

The chairman and other members of the majority have worked long and hard to make this possible and I commend them for their actions. I also thank our ranking Republican member, Mr. QUIE, and Mr. STEIGER of Wisconsin for their efforts.

It should be emphasized that our agreement today was to disagree. In both bills there is language which specifically includes public employment programs to be utilized at the discretion of the local prime sponsors. In both bills there is a special public employment program. Title II is targeted into the areas of prime unemployment and, more importantly, targeted to the individuals who are in most need of job training and employment.

The specific disagreement is this: Should we mandate from an authorized committee or is this the responsibility of the Appropriations Committee. We would be remiss if we did not give credit where credit is due; that is, to the cooperative efforts not only of the interested parties involved but also the Office of Management and Budget and those in the administration who have worked diligently toward a compromise position.

The specific offer to request $250 million for the remainder of fiscal year 1974 was a most significant contribution by the White House. It is imperative that we move forward on this legislation to utilize the $250 million this year.

The majority believes that they must mandate in the legislation specific amount for fiscal year 1975. The minority view is that that is the responsibility and the prerogative of the Appropriations Committee. It is unreasonable to suggest that the White House can at this time concur with a specific dollar amount prior to the preparation of the fiscal year 1975 budget. What they have emphasized, I believe, is their good faith in recognizing the value of public employment programs and in the immediate allocation of $250 million for this fiscal year. It is obvious that this good faith act will be followed by a continued support of the public employment programs during 1975.

UNITED STATES NEEDS THE "BRICKER AMENDMENT"

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ARCHER. Mr. Speaker, the proposed constitutional amendment I introduce today would better define the treatymaking power of the United States.

This amendment has been known over the years as the Bricker amendment, named for Senator John Bricker who introduced it in 1952. Unfortunately, the proposed legislation failed to receive the two-thirds vote necessary to pass the Senate. The Bricker amendment was a worthwhile idea then and it is especially a worthwhile idea today. It is time we give serious consideration to the content of this amendment.

The participation of the United States in World War II and the aftermath of that war extensively involved our country in world affairs through treaties which required the advice and consent of the Senate and executive agreements, international agreements made by the President without the advice and consent of the Senate. These international agreements have resulted in a whole series of major foreign commitments for the United States.

Article VI, section 2, of the Constitution declares that the Constitution, laws made in pursuance of the Constitution, and all treaties made under the authority of the United States are considered the supreme law of the land. The courts have declared that Presidential power in the domestic field is limited by the Constitution but this limitation does not apply to the matter of foreign affairs. Treaties are not made under the authority of the Constitution but "under the authority of the United States." Treaties and executive agreements stand outside the limits of the Constitution.

This "loophole" in the Constitution has never become a serious problem until recent years. However, with a large number of proposed interational treaties which could affect the basic rights of American citizens like the genocide convention, it has become necessary to make sure that treaties are not brought into effect which could adversely affect the rights and procedural guarantees of American citizens protected by the U.S. Constitution. According to article VI, section 2, treaties may be held valid even though they might achieve a result which would be unconstitutional if contained in other legislation. A treaty has never been declared unconstitutional by the U.S. Supreme Court. A treaty could grant extensive new authority to the Federal Government or some international agency. We need to close this "loophole."

We have seen the expanding role of

the President in foreign affairs and the erosion of the power of Congress in this field. The conflicts in Korea and Indochina merely emphasize this development.

This Congress has been concerned with a war powers bill which would restore to Congress the power to join the President in deciding whether to commit the Nation to a long term war by limiting the time a President could commit U.S. troops in an undeclared war without congressional authorization.

The proper time to assert congressional control is before a commitment is made in a treaty or executive agreement, not after U.S. troops are committed under some international agreement. We need to prevent the problem rather than merely reacting to it. This amendment I propose would also discourage a president from entering into an executive agreement because approval of a treaty on a controversial matter appeared doubtful.

This amendment would prevent a treaty or other international agreement from abridging our constitutional rights and no treaty could become effective as internal law but only through appropriate legislation adopted by the Congress. This amendment would also protect the rights of United States citizens and limit the overwhelming potential power of treaties and executive agreements.

We must deal with closing this "loophole" now. This amendment would not only protect our constitutional rights but would give the Congress a more responsible and more effective role in foreign affairs.

The amendment follows:

TEXT OF THE "BRICKER AMENDMENT"

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relative to force and effect of treaties.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress.

"ARTICLE —

"SECTION 1. A provision of a treaty which denies or abridges any right enumerated in this Constitution shall not be of any force or effect.

"SEC. 2. No treaty shall authorize or permit any foreign power or any international organization to supervise, control, or adjudicate rights of citizens of the United States within the United States enumerated in this Constitution or any other matter essentially within the domestic jurisdiction of the United States.

"SEC. 3. A treaty shall become effective as internal law in the United States only through the enactment of appropriate legislation by the Congress.

"SEC. 4. All executive or other agreements, between the President or any international organization, foreign power, or official thereof shall be made only in the manner and to the extent to be prescribed by law. Such agreements shall be subject to the limitations imposed on treaties, or the making of treaties, by this article.

"SEC. 5. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

CONFIRMATION OF THE VICE PRESIDENT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. RHODES. Mr. Speaker, because the 25th amendment provides that the House, as well as the Senate, will confirm a nominee for Vice President, the House finds itself with an unaccustomed task to perform. To the Senate, this is old hat. They have confirmed appointments ever since the founding of the Republic. The House does not even have an established procedure for this job.

It is my hope that the Committee on Rules will provide a procedure to insure that a resolution on the confirmation of a designee, filed by the Committee on the Judiciary, will be brought expeditiously to the floor of the House and that a roll call vote will be made mandatory. This is certainly a matter of great importance, and each Member should cast his vote on the record, with no delay.

It is my hope that the Committee on the Judiciary will conduct an adequate inquiry into the qualifications of the designee. The American people need to have confidence that the new Vice President is completely qualified in every way to hold that office, and, if necessary, to hold the office of the President.

It is also my hope that the temptation, which I am sure exists, to try to obtain some partisan advantage will be foresworn. This is not a matter for partisan politics. There is a constitutional crisis, and the people of the country expect it to be resolved expeditiously. I feel certain that the people would be angered with the Congress if undue delay were to cause this constitutional crisis to exist longer than absolutely necessary.

I am particularly certain that were the confirmation of the Vice-President-designate to be held hostage for some peripheral reason, such as production of the Watergate tapes, the people of our country would be particularly incensed. They should be. The matter of the tapes is in the courts, where it belongs. I am sure the good sense of the majority of the Democratic Members will prevail, and that nothing as reprehensible as this type of blackmail will be attempted. To prolong our constitutional crisis for such an unworthy purpose would be an act of irresponsibility unworthy of the great Democratic Party and its fine Members serving in the Congress of the United States.

We have a job to do. Let us do it well—and expeditiously.

ACCOLADES FOR "THE STAR-SPANGLED HUSTLE"

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DELLUMS. Mr. Speaker, last year, I was delighted to be able to contribute the foreword to an important new book, "The Star-Spangled Hustle," written by Arthur Blaustein and Geoffrey Faux, and dealing with the relationship between the Nixon administration and the minority business community.

Since its release, the book has received numerous accolades from leaders throughout the Nation and, at this time, I would like to place a number of these comments in the RECORD:

ACCOLADES FOR "THE STAR-SPANGLED HUSTLE"

Edward M. Kennedy, United States Senate: "In a first rate book that mixes the research of academic scholars and the plain writing of old-time reporters Arthur Blaustein and Geoffrey Faux have taken a sharply critical look at the Nixon Administration's policies toward the disadvantaged—policies that comprise 'The Star-Spangled Hustle' for poor Americans. This is a book that should be read by all who are concerned with America's pressing social issues."

Senator George S. McGovern: "The Star-Spangled Hustle is a hard hitting and fascinating book. It reveals how the Nixon Administration has been fooling the American public for four years. Blaustein and Faux have done a fine service to those who are genuinely concerned with this country's major domestic problems."

Representative Shirley Chisholm: "There may be debate in some quarters about the real purpose of the highly touted "Black Capitalism" drive by the Nixon Administration, but there can be little discussion about the results. In *The Star Spangled Hustle*, Arthur Blaustein and Geoffrey Faux have produced a highly readable critical analysis of the sort of thinking which first conceived of the Administration's programs for minority enterprise, and the often cynical exploitation of people's dreams. Society needs to know about the desperation of a people allowed to hope—for a moment, only to see those hopes disappear even more rapidly than the small businesses they had mortgaged their lives for.

"The figures and the facts are there, but Blaustein and Faux have not forgotten about the "people" who are the victims of the "Hustle," and they have let us know, in their compelling book, also who the "Hustlers" and their leaders are.

"There were many of us who wondered why so many of the Government's plans to help develop healthy economic growth in minority communities were so poorly planned, and so tragically underfinanced, so lacking in potential that the outcome was entirely predictable. Who among us was willing, at first, to believe that the tragic failures were a price that the Administration in collusion with big business was willing to pay, "because the corporations were interested in image not performance."

"*The Star-Spangled Hustle* has shredded the veil of benevolent concern with which these programs have been surrounded. Mr. Blaustein and Mr. Faux point out that the total amount of the loans made to minority businesses by the Federal Government in 1971, for example, was less than that which the same Federal Government guaranteed one white-owned firm—the Lockheed Aircraft Corporation—to save it from bankruptcy.

"This great nation and its incredible technology brought us from horse-and-buggy days to a walk-on-the-moon within the space of less than three-fourths of a century surely we possess the talent and the knowledge to solve the problems faced by Black people, Spanish-speaking people, women and others who want to become part of the system of Democratic capitalism. We must not tolerate any further tampering with the aspirations of these people.

"Arthur Blaustein and Jeff Faux have produced an outstanding investigative report which will prove not only an accurate guide to clinical observers and potential victims of this Administration version of the old "shell-game," but a starting point for the future planning—needed to avoid recurrence of this nightmare.

"John Kennedy once said, "A journey of a thousand miles must begin with one step." I believe that *The Star-Spangled Hustle* will help society take that first step."

Reverend Jesse L. Jackson, President, People United to Save Humanity, Operation P.U.S.H.: "Many of the books now written by literary "hustlers" contribute to pollution, this book, if read, understood and action ensues, is part of the solution.

"The scholarship as reflected in the research and clarity by Blaustein and Faux is a major contribution to contemporary, political analysis."

Congressman Louis Stokes (Chairman, Black Caucus): "The Star Spangled Hustle shows how the promise of black capitalism grew dim and finally disappeared under the Nixon Administration. It carefully proves that the concerns of this Administration—for minority poor and disadvantaged Americans—went no further than former Attorney General John Mitchell's statement, "As far as we're concerned, blacks don't exist." It is this attitude that black and poor citizens will have to combat in the fight for economic equality. Blaustein and Faux have written an important book."

Ernesto Cortez, Jr., Mexican-American Unity Council: "The Star Spangled Hustle is an important and thoughtful book that should be read by every Chicano leader."

DeForest Brown, Executive Director, National Congress for Community Economic Development: "The Star Spangled Hustle is a highly readable and important book. Particularly for elected officials and community leaders, i.e. those who are working with Community Action Agencies, Model Cities Programs, Community Development Corporations, co-ops and Legal Services Programs—across the nation. The practical problems and solutions that the book deals with focus directly on the problems of blacks, Chicanos, Indians, Puerto Ricans and white poor (rural and urban ethnic) . . . and in a very practical and real sense the subject matter is not very far removed from the problems of mid-America."

Samuel S. Beard, President, the Development Council: "Blaustein and Faux have written and excellent and incisive book. It is by far the most thoughtful on one of America's most vital domestic issues. It is especially important that this book be read by the leaders of corporate America—bankers, businessmen and other corporate executives who have spoken so often about the private sector having the capacity, the will and the "social conscience" to deal with the problems of race and poverty."

Robert Browne, Director, Black Economic Research Center: "A hard hitting and effective book on a subject of vital importance to the black community and indeed to all of America. The authors have amassed a wealth of informative detail and woven them into a highly readable narrative that tells the black capitalism story *as it is!!* What is most distinguishing about the Star Spangled Hustle is that in a very direct and cogent manner it interrelates various fields and disciplines. Therefore, it should be compelling to those who are concerned with political science, economics, sociology, history, business administration and community planning."

CALIFORNIA LITTLE LEAGUE SUPPORTER RETIRES

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. GUBSER. Mr. Speaker, as an enthusiastic supporter of Little League, it is with regret that I take note of the retirement of Mr. Joseph Kuczler, who has dedicated over 20 years of hard work to Little League baseball. I am honored to have several Little League teams in my congressional district under Mr. Kuczler's leadership, and am proud of the recognition which he has brought to the west coast. I applaud Mr. Kuczler's fine efforts, and recognize what his dedication in carrying out the principles of Little League has meant to our youth.

Some comments about Joe's background follow:

BIOGRAPHY

Joseph Kuczler was born on April 22, 1920, in Wallsenburg, Colorado. His family moved to McKeesport, Pennsylvania, where they resided until 1943 before coming to California.

Joe first became involved in Little League in 1952 as a Coach at Sunnyvale Southern Little League and later became a Manager and League President. By 1958 he had risen to Assistant District Administrator and the following year became Administrator of California District No. 44 which encompasses Campbell, Cupertino, Santa Clara, Sunnyvale and West San Jose, providing recreation for approximately 7000 boys ranging in age from 8 through 18.

Joe is a true volunteer. He has received no salary whatsoever for his 20 years of service to our youth. At his own expense he has attended several Administrator seminars in Williamsport, Pennsylvania, and has attended the semi-annual Little League Congresses in Los Angeles, New York, Washington, Detroit, Houston, Portland and Tampa.

Four of Joe's teams from Congressional District No. 10, represented by Congressman Charles S. Gubser, have competed in Little League World Series play during the past 11 years. Moreland LL won the world title in 1962; Briarwood LL became the 1969 National Champion; Campbell LL was the 1970 runner-up and in 1971 his Big League team (16–18) won the World Championship.

No other District in the United States can match this record.

This year, in recognition of Joe's administrative ability, the Western Regional Director, Al Houghton, awarded the State Championship Tournament to his District—the first time ever to be held outside Southern California.

Recently Joe was honored by the Santa Clara Valley Sportswriters and Broadcasters Association for his contribution to Little League Baseball.

Friday, August 10, a Joe Kuczler Testimonial Dinner was held by the District No. 44 Executive Board at which time State Assemblyman Richard Hayden presented Joe with a commendation; Santa Clara Mayor Gary Gillman gave a plaque and commendation and Chairman Ralph Mehrkens of the Santa Clara Board of Supervisors presented a Resolution concerning Joe's untiring efforts in behalf of the youth of this area.

The following day, the San Jose Bees (K.C. Royal Farm team) honored Joe and his entire Executive Board with a plaque presented at home plate before the game.

AIRLINES OVERSELL TICKETS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ASHLEY. Mr. Speaker, on October 9 my secretary telephoned the American Airlines ticket office and received a confirmed reservation for October 11 on their flight 377 to Chicago, first class. The ticket was subsequently issued and picked up and I arrived at the American Airlines check-in counter at the airport some 15 minutes prior to scheduled departure.

There I was told that my reserved seat was not available because the flight had been oversold. I was further told that this was a common practice which the airline engaged in to offset customers who might not show up after booking a reservation. The American Airlines employee acknowledged that when all passengers with confirmed reservations in fact do show up, their policy is one of first come, first served.

What this means, of course, is that a confirmed reservation, whether first or second class, does not mean a thing as far as American Airlines is concerned. It means, to cite my own example, that when 20 "confirmed" first-class passengers show up for a flight that can accommodate only 18 such passengers, then none of the 18 have a confirmed reservation. They may get on or they may not. It all depends on when they arrive. In my case, obviously, it meant that arriving 15 minutes before flight time was too late, and instead of me a person was seated who bought his ticket after the flight was sold out.

The customer's recourse in this kind of situation is interesting. If a person is actually denied passage on a given flight and the airline cannnot get him to his destination on another flight within 2 hours of the originally scheduled time, the airline has to pay "denied boarding compensation"—under title 14, CFR 250, Civil Aeronautics Board of Regulations—with a minimum of $25 and a maximum of $200.

When no other flights are available and the purpose of the travel is to arrive at a destination by a specific time, then the only recourse of the consumer is to abandon the trip entirely and file for a refund.

Obviously this customer-be-damned attitude and practice on the part of American Airlines and other carriers is condoned with an understanding wink from the CAB. I can only conclude, Mr. Speaker, that if this is the extent of the responsibility that air carriers and their regulatory agency feel the traveling public is entitled to, then it is the obligation of Congress to propose and adopt specific legislation. This I will offer shortly.

FEDERAL ENERGY REGULATION STUDY

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HOLIFIELD. Mr. Speaker, for several decades the Federal Government's role in regulating all forms of energy has continued to grow. This role has sometimes been expanded to achieve short-term and narrow regulatory goals with little attention to the overall coordination of the energy regulation system.

One consequence of this growth in Federal energy regulation has been the creation of a complex network of regulatory agencies, departments, and bureaus. At times, these regulatory units overlap, and occasionally even compete with each other. There are no doubt many inefficiencies in this network, some of which affect not only the interrelationships among the agencies but their inherent capacity to act expeditiously in protecting the public interest.

On June 29 of this year the President directed that a comprehensive study be undertaken of all energy-related regulatory activities of the Federal Government with a view toward determining how these activities could be better organized. This study—the Federal energy regulation study—is now being conducted under the chairmanship of William O. Doub, a Commissioner of the Atomic Energy Commission.

The Federal energy regulation study is about to begin a phase of public participation by inviting interested individuals and groups to submit written statements to the study team and to meet with it in Washington, D.C. This invitation was made in a press release issued by Commissioner Doub on October 15, 1973. Owing to the importance of this matter, I include Mr. Doub's release in the Record following my remarks:

Federal Study Group Seeks Views on Energy Regulation Organizational Problems

Comments from individuals and groups representing a wide variety of interests are being requested by the Federal Energy Regulation Study Team in connection with its study of alternative ways to organize all energy-related regulatory activities of the Government.

A call for statements on this subject was issued today by William O. Doub, Chairman of the study group.

Mr. Doub said:

"We are seeking written statements reflecting a wide spectrum of viewpoints concerning problems in the organization of Federal energy-related regulatory activities. When we have received these statements, we will arrange public meetings in Washington during the mid-November-December period. Our goal is to provide the opportunity for all interested individuals and organizations to comment on these increasingly important matters."

The Federal Energy Regulation Study was established by President Nixon in his June 29 Energy Statement. The President set forth the following scope of the Study:

"I have asked that a comprehensive study be undertaken, in full consultation with the Congress, to determine the best way to organize all energy-related regulatory activities of the Government."

The White House Fact Sheet accompanying the President's Statement further stated:

"A wide variety of interests and objectives are involved, including economic, public health and safety, environment, and adequacy and conservation of energy (demand). The interface with state and local regulatory activities will also be considered and opportunity for Congressional and public participation in the study will be provided."

Mr. Doub, a Commissioner of the Atomic Energy Commission, was asked to head the study, which is focused on ways in which Federal energy-related regulatory activities might be improved. He emphasized that the study will identify alternatives for improving the existing regulatory organization. Mr. Doub has invited comments, criticisms, and suggestions concerning (1) inadequacies of existing organization of Federal energy-related regulatory activities; (2) current or foreseeable energy problems that stem from this regulatory organization; and, (3) ways in which these problems could be alleviated or resolved by changes in such organization.

Written statements should address the following points:

(1) A brief description of the interested individual or group responding to this notice.

(2) Identification of the Federal energy-related regulatory activities, and the Federal agencies performing those activities that affect the interests of the individual or group.

(3) Enumeration of problems in the relations between the individual or group and the Federal agencies identified above. This should be limited only to problems that stem from the existing organization of Federal energy-related regulatory activities: e.g., duplication of regulatory authority, inefficiencies in coordination among several agencies, inadequate coordination among several agencies, inadequate coordination between Federal and state agencies, undesirable administrative redundancies among several agencies, conflicting regulatory goals and/or practices that discourage or bias energy research and development programs, and inabilities of agencies to embrace and implement promising new technologies. This list is not intended to be all-inclusive. The Study Team invites any information pertinent to energy regulatory organization, including the views of those who are aware of problems even though they may not be directly involved.

(4) Suggestions as to how the problems identified could be eliminated or mitigated by a modification or reorganization of Federal energy-related regulatory activities or the overall energy regulation system. The Study Team would also welcome comments on the strong points and desirable features of the existing energy regulation system. Responding individuals or groups should discuss these suggestions with as much specificity and detail as necessary.

All statements should be as brief as possible. In addition, to assure orderly procedures and full consideration of all submittals, responding individuals or groups are invited to:

(1) Submit written statements by November 9, 1973.

(2) Request to meet with the Study Team in Washington, D.C., if such a meeting is desired. This request should be received by the Study Team no later than November 2, 1973. A prerequisite to such a meeting is the submittal of the written statement described above. The format of the meetings will be informal round-table discussions and will be open to interested observers and the news media.

Both the request for a meeting and the written statement should be addressed to: Herbert Brown, Director, Federal Energy Regulation Study, New Executive Office Building, Washington, D.C. 20503. Telephone inquiries should be made to area code 202 395–3686.

Mr. Doub will announce the schedule for the meetings as soon as possible after November 2.

A BILL REQUIRING FEDERAL COMPREHENSIVE SCHOOLBUS SAFETY REGULATIONS INTRODUCED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ASPIN. Mr. Speaker, 100 Members of the House have cosponsored a bill introduced by the distinguished gentleman from California (Mr. Moss) and myself to require Federal comprehensive schoolbus safety regulations.

On September 23, NBC News devoted a portion of a special report to the problem of schoolbus safety. While schoolbuses rarely have accidents, when they do, the results are often catastrophic. Example after example outlined in a recent report indicate the need for Federal comprehensive schoolbus safety regulations.

Last May, the Subcommittee on Commerce and Finance of the Interstate and Foreign Commerce Committee, chaired by the distinguished gentleman from California (Mr. Moss) held 2 days of hearings on this proposed legislation. It is my hope that sometime within the near future, the subcommittee and full committee will consider this bill and that it may reach the House floor.

The need for schoolbus safety is real and urgent. A transcript of the NBC program follows:

NBC News Report, September 23, 1973

Floyd Kalber. Tomorrow morning twenty million American children will board the familiar yellow school bus. These buses are so common now that most of us don't even pay any attention to them. We do know that sometimes school buses are used for controversial purposes, school consolidation and busing for integration, but there is another school bus controversy that's starting to get some attention. People are asking just how safe is the school bus vehicle, and how are the people who drive the school buses hired and trained? There are now some people both in and out of government who have been looking into these things.

Man. Last year there was forty thousand school bus accidents. We had five thousand youngsters who were injured. We had roughly seventeen youngsters killed inside of the buses.

Woman. Some of the bus drivers, you know, they stall the buses out and they really don't know how to shift the gears and . . .

Man. The school bus is nothing more than a modified truck, built on a truck chassis they put thin sheet metal around it and attach hard, bench-like seats to the floor.

Man. The bus, when it is involved in an accident, it literally disintegrates.

Man. We have found in a number of accidents, people driving buses who, I'm sure, you would not want your children to be riding with and I wouldn't want my children to be riding with.

Kalber. A lot of questions about school bus safety have been raised in Congers, New York. High school students from Congers are bused to Nyack, a town on the other side of the Penn Central railroad tracks. On the morning of March nine, 1972, the school bus number 595 began picking up high school youngsters in this comfortable, new section of Congers. An unexpected detour had delayed the bus, and forced driver Joseph Larkin to change his normal route. After picking up forty-nine students, bus 595 started up this road.

On the other side of the hill a slow-moving freight train was headed towards the crossing. At that time there were no gates at this spot. Some of the students who were on the bus that morning describe what happened next.

Boy. Well, everybody was just sitting down like normal, then I heard someone mention up at the top of the hill that there was a train coming.

Girl. We were coming down the hill. A lot of the kids, you know, looked out the window and they saw the train and all of a sudden, you know, they started screaming.

Boy. Bus guy didn't even slow down. You know, then somebody started screaming "stop". The train was right there.

Girl. We just saw the train coming and that's it.

Kalber. Although the train was only going twenty-five miles an hour, the bus was demolished.

(Sirens in background.)

Boy. The train cut through the bus like it was just a piece of paper and I—the roof came off, the sides, totally demolished it.

Girl. The back of the bus, just broke away, turned around with the train for a while and then just broke off. Just got ripped off.

Boy. Couldn't recognize it after the accident. Just was kind of in pieces, you know, like a jigsaw puzzle.

Man. Now, what we saw here was a massive failing in the structure of the bus. In this section of the bus, above the part that was carried down the track, the structure failed almost completely. The rivets were insufficient and the bus literally peeled apart, and when I arrived there about an hour later, examining the seams of the school bus itself, that the metal was hardly bent in most areas, but the metal parted at its joint.

Man. The panels become separated, exposing sharp edges, and children are being thrown about in the bus, and not being contained, and they come in contact with the sharp edges. They call school buses "cookie cutters". We send our kids to school in cookie cutters.

Kalber. This is what happens when a cookie cutter gets into an accident. Five teenagers were killed; two died after falling through the separated floor panels of the bus; all others aboard were injured.

Some in Congers blame driver Larkin, he was convicted of negligent homicide although he insisted he had stopped before crossing the tracks. But a National Transportation Safety Board report put much of the blame on the construction of the bus. The board said there would have been fewer deaths and injuries if the bus had been properly built. The results of this UCLA school bus test, and its own studies of real accidents have caused the Safety Board to demand safer buses.

In this test UCLA placed life-like dummies in a conventional school bus. Most were put in the low-backed seats commonly used today. A number of improved safety seats also were tested.

(Crash.)

If these dummies were real children, many of them would not have survived. Almost five years after the UCLA test the federal government proposed a safety standard on school bus seats; another rule on body strength may be proposed soon.

Doctor Charles Warner of the Highway Traffic Safety Administration explained what his office is trying to do:

Doctor Charles Warner: . . . I'm not happy with it today. I think there needs to be a substantial improvement in the form of padding and anchorage and restraint of seats and children, and I mean to restrain children by improving seats and their anchorages.

Kalber. Why do you want to revise the seats, first?

Warner. Well, there are several things that are wrong with the seats. I think if you were to imagine yourself sitting in a school bus seat, as you probably remember it, there's a, maybe, an inch or an inch and a half diameter steel pipe around many of them. They're not all this way, but many of them have this as the major structure of the seat, around the top of the seat back, that's correct. And that type constitutes a rather significant injury hazard to one who is thrown forward in an impact, if the bus either suddenly stops to avoid an accident or is involved in a crash.

Kalber. Now, why is it there, the pipe?

Warner. Well, the pipe is there because that is a rather inexpensive way to build a seat, and the economics of the competitive school bus procurement process that we have throughout the country today has led us to that kind of seat.

Kalber. There are ten major firms making school buses today. They claim that competitive bidding keeps profit margins low. The manufacturer who can produce a seat or a whole bus a little cheaper gains a big advantage over the rest.

This is the cheapest way to build a bus; a series of metal panels is riveted on to a framework of heavier metal. These buses are being built in one of the country's largest school bus factories, the main plant of the Ward Company in Conway, Arkansas.

Man. Most people are very surprised to learn that the average school bus costs less than a Cadillac or Lincoln Continental. It runs about nine thousand dollars for a sixty-six passenger bus.

Kalber. Every rivet in the bus increases the cost a little more, so the rivets are usually placed as far apart as possible, up to four or five inches. That causes a problem that engineers call "poor joint efficiency". This is another way of saying the joints can pull apart easily on impact.

Charles Ward says he has licked that problem by riveting school buses this way, for any purchaser willing to pay extra money.

Charles Ward. To put in these additional rivets it requires no great advance in the state of our building school buses, you merely drill more holes and put more rivets in the bus and it's something that's not that expensive. To increase the joint efficiency in that bus, the levels that I recommend on a nationwide basis, would cost about two hundred dollars per bus. I think that's a very low figure, and something that school districts could easily afford.

Kalber. A few communities have bought safer buses without prodding from the federal government. This is one of a fleet of Ward's Safety Buses just put into service in Newton, Massachusetts. Eventually all school buses may look like this. Newton school officials seem satisfied with the new, safer buses, although some aren't sure how the safety seat backs will affect student behavior.

The Newton buses are leased from a private contractor. The safety features cost Newton a total of one hundred nine dollars more a day for the twenty-seven bus fleet. So far, it's been a popular investment.

Man. We recognize our responsibility to take them from home to school and back to home in a fashion that each parent would want.

Man. What we looked to was what we were receiving for the additional costs. The fact that the School Committee, in its judgment could feel that they had provided the safest vehicle for children that they were responsible for. These young peopre are our most expensive and most valuable commodity.

Kalber. A lot of manufacturers of school buses and school bus equipment apparently have decided that safety has become a selling point. At this trade show in Chicago a new safety bus and a safety seat conversion kit got a lot of attention.

Demonstrator. . . . along the outside and the inside of the bus. . .

Man. We have taken the old seat and have made an energy absorption system adaptable for the current buses.

Man. We have three of the strainer members running the length of the vehicle, and we're installing an energy absorption system.

Kalber: But there's also a counter offensive. It is indisputable that whatever happens to a school bus in an accident, school bus accidents don't happen often. That fact is often cited by the defenders of the school buses now in use.

Man: Our accident record speaks pretty well for itself. There's no question but what we could do a great deal more in terms of putting in airline seats, well, I don't want to say gingerbread, but this vehicle does do more than keep the rain out, as some people have said. It meets a need, it does the job, and it does it with one very vital item right out in front of us and that is, about as economically as we can do it.

Woman: The school budget has five percent allotted to transportation and that's a pretty general figure, nationally. That's all you can have, and you buy and get as much safety as you can with that. Where does the money come from to buy more features? In other words, we're getting the ultimate out of what we have to work with.

Man: The State of Ohio is third in the nation in peoples transported by a million, three hundred thousand kids a day. Over seven hundred thousand road miles, and yet with all of these children and all of this potential we had two hundred and seventy-two children injured last year inside of buses, two hundred and seventy were treated and released and two held overnight for observation. The chance of being injured is very remote.

Woman: We're the people who own the buses and buy them and operate them. We don't manufacture them, but we're stuck with the end product. We're saying that with the type of safety record that we have, we deserve, as an industry, the right to have things tested.

Kalber: The school bus people admit that their public image has been hurt by the safety controversy. At first they tried to ignore the charges that school buses were poorly built and the drivers badly trained. Now, one group, the private school bus contractors, has been trying to repair the damage with a rather ambitious public relations campaign. This is a part of the campaign; The National School Bus Rodeo in the parking lot of Chicago's Soldier Field. It's considered the Indianapolis Five Hundred for school bus drivers. It's not a race, of course, just the opposite. The drivers are supposed to show how skillfully they can pilot the clumsy-looking buses through a complex obstacle course.

The contractors say this event encourages the drivers to develop their skills. Their association does admit that driver training is a big problem. The federal government has even ordered the states to come up with training programs for school bus drivers. At least a quarter of the states have ignored this federal order and many others have not complied fully.

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RESTRUCTURE OF NATION'S FOREIGN TRADE POLICY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, as a member of the Ways and Means Committee which recently reported out a bill to restructure this Nation's foreign trade policy, I am very much concerned by the actions of the Soviet Union in the war in the Middle East. I am particularly concerned by the effect that Russia's actions are having on this Nation's trade, our economy and, world peace.

The trade bill is very kind to the Soviet Union—a little too kind to my way of thinking—in view of the part the Communists are playing in this conflict.

Last year our Nation made vast concessions to Russia—at considerable cost to our people—in an effort to establish detente between us. I believe the American people truly thought the Communists wanted to bury the hatchet and bring peace to the world.

Mr. Speaker, it appears the American people have been taken by the Communists as a bunch of suckers. In my book there are two ways to play this game. One is for this Nation to immediately halt the shipment of all our farm produce and goods to that country until such time as the Russian Government ceases to fan the fires of war in the Mideast by stopping the shipment of war supplies to the Arab world.

I, as one Member of Congress, am ready to take this action today.

VETERANS DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DINGELL. Mr. Speaker, the United States will honor the American veteran and service men and women of the Armed Forces October 22, 1973—4 days hence—on the first occasion in many years of a Veterans Day observance that finds U.S. troops not committed to battle. However, the international ramifications of the current Mideast crisis are most concerning.

It is my privilege at this time to have this opportunity to honor Americans and their comrades who have fallen in the line of duty in previous U.S. military confrontations and full-scale wars. The American service men and women deserve the thanks of this country for their dedicated efforts to preserve the country, the peace, and the freedom.

I think it is indeed appropriate that the Congress urge the White House to issue a proclamation designating the month of March 1974 to honor the Vietnam veteran.

In this instance, I am referring to the letter I received from our colleagues, Congressmen THAD DULSKI, H. R. GROSS, and BILL SCHERLE. These gentlemen, in their October 10, 1973, letter noted:

> Next March will mark the anniversary of the last soldier's departure from Vietnam. These veterans served their country well and honorably.

In their letter, these three Members of the House of Representatives suggested "that a stamp be issued to commemorate their—the Vietnam veterans—contribution."

The Members informed me that if other Congressmen wanted to join in this effort, and I certainly do, that we should write to Mr. Norman Halliday, the Assistant Postmaster General, urging that the stamp be issued for the Vietnam veterans. Letters of support should be mailed to the Postmaster General in care of the Congressional Liaison Office, Governmental Relations Department, 475 L'Enfant Plaza, Washington, D.C. 20260.

Mr. Speaker, I am happy to join my colleagues in this effort today and direct my support for the Presidential proclamation and the stamp to commemorate the Vietnam veterans.

I will point out that there have been such statements of honor and commemorations for veterans of wars previous to the Vietnam era veteran and I believe such tributes are in order for the veterans of the most recent Southeast Asian war.

THE COMMUNIST PARTY, U.S.A., PEACEFUL COEXISTENCE, AND WARS OF NATIONAL LIBERATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ASHBROOK. Mr. Speaker, as far as the average, trusting American citizen is concerned, I would venture to say that his interpretation of the doctrine of "peaceful coexistence" as it applies to our relations with the Soviet Union is synonmous with the spirit of "live and let live." Unfortunately, the Soviet interpretation is quite different. Here is a definition of peaceful coexistence as it appears in the Soviet publication, Philosophical Encyclopedia:

> Peaceful coexistence is a specific form of class struggle between socialism and capitalism in the international arena . . . The policy of peaceful coexistence which is carried out by socialist countries represents a powerful factor hastening the global revolutionary process . . .

The Soviet definition then goes on to say that—

> Peaceful coexistence does not exclude revolutions in the form of armed uprisings and just national liberation wars against imperialist oppresson which takes place within the framework of the captalist system.

The use of "revolutions in the form of armed uprisings" as a factor of the peaceful coexistence doctrine must come as a surprise to those Americans who view the term in its literal sense.

The Communist Party, U.S.A., has been very careful in recent years to deny that it advocates the overthrow of the Government by force and violence or that it supports violent revolutionaries and terrorists in other countries. We have long known, of course, that these public pronouncements of the Communists were a lie. New evidence of Communist support for violent revolution, guerrilla warfare, and terrorism has just become available. This weekend in Chicago, Ill., a conference will take place for "Solidarity With Africa." The purpose of the conference is to organize support for guerrilla warfare and terrorist groups in Africa. Speakers representing such goups are scheduled to appear at the Chicago meeting.

The Communist Party, U.S.A., is providing the apparatus to organize this conference. The conference coordinator is Franklin Alexander, member of the National Council of the Communist Party. The eastern region coordinator for the conference is Tony Monteiro, a Communist Party member who ran as a Communist candidate for Congress from Philadelphia in the 1972 election. The public announcement of the organization of the conference was made by Tom Curtis, an associate editor at the Communist Party publishing house, International Publishers, and a teacher at a Communist Party school, the Harlem Institute for Marxist Studies, in New York City.

Among the speakers scheduled at this conference are Thami Mhlambiso of the African National Congress and Theo-Ben Guiriaias of the Southwest African Peoples Organization. Both of these men are in the United States representing their organizations at the United Nations. Both organizations—ANC and SWAPO—are presently involved in guerrilla warfare and terrorism and have their publications printed for them by the Communist government of East Germany.

Other speakers at the Chicago conference are Henry Winston, chairman of the Communist Party, U.S.A., and Angela Davis, another Communist Party functionary.

The sponsors of the Chicago conference include a number of identified Communist Party members. These include Carl Bloice, Angela Davis, Jesse Gray, Esther Jackson, Charlene Mitchell, William L. Patterson, John Pittman, Carlos Russell, Jose Stevens, Victoria Stevens, Jarvis Tyner, and Henry Winston. A partial list of sponsors follows:

LIST OF SPONSORS

Rev. Ralph Abernathy—National President, SCLC.

Rev. Forest Adams—Tucker Baptist Church Syracuse, New York.

Afro-American History and Cultural Society, Inc.

Lerone Bennett—Senior Editor, Ebony.

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Black Women and Men—Los Angeles, California.

Carl Bloice—Editor, Peoples World.

Walter Boags—Kentucky Political Prisoners Committee.

Edward Bragg—New York Black Trade Unionists.

Professor Dennis Brutus—Northwestern University, Sec., Int'l Campaign Against Racism in Sports, President, South African Non-Racial Olympic Committee.

Professor George Bunch—Afro-American Studies, Syracuse, New York.

Haywood Burns—Executive Director, National Conference of Black Lawyers.

Margaret Burroughs—Founder, DuSable Museum, Chicago, Illinois.

Father Robert Chapman—Former Director of Social Justice National Council of Churches.

Rev. Ben Chavis—Commission of Racial Justice, United Church of Christ.

Rev. Robert Clay—St. Paul A.M.E. Church, Chicago, Illinois.

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Hoyt Fuller—Editor, Black World.

Emily Gibson—Los Angeles Sentinel, Columnist.

Jesse Gray—New York State Assemblyman, National Tenants Organization.

Dick Gregory—Chicago, Illinois.

Odela Griffin—Southern Committee to Free All Political Prisoners.

Irving Hamer—Urban League, Harlem Street Academy.

Jack Hart—International Representative of the United Electrical, Radio and Machine Workers of America.

Professor Freddye Hill—Northwestern University.

Esther Jackson—Managing Editor, Freedomways.

Hulbert James—President of the Board, Pan-African Skills Program, New York.

Minerva Johnican—Democratic Coalition, Memphis, Tennessee.

Professor Leon Johnson—Trenton State College.

Professor Charles Junior—Rennsaeler Polytechnic Institute.

William Lucy—Secretary-Treasurer, American Federation of State, County and Municipal Workers.

Rev. Wycliff Jangdarrie—Philadelphia, Pennsylvania.

Malcolm X Student Government—Chicago, Illinois.

Professor Bernard Magubane—University of Connecticut.

Kavin Mercodel—President, Harvard-Radcliffe University Association of African and Afro-American Studies.

Ronald McCantz—Seafarers Local 777, Chicago, Illinois.

L. A. Dunigan—International Representative of Textile Workers Union of America; Vice President, Black Labor Leaders, Chicago, Illinois.

Curtis Ellis—Owner, Ellis' Book Stores.

Carl Farris—Labor Director, SCLC.

For Members Only (Black Students Organization)—Northwestern University.

George Murphy—Editor, Washington Afro-American.

Melika A. Najiola—Progressive Black Youth, Memphis, Tennessee.

Dr. Lendor C. Nesbitt—Chicago, Illinois.

Prexy Nesbitt—African Information Service, New York, New York.

Rozell Rufus Nesbitt.

Juana Nkomo—Young Workers Liberation League, Martin Luther King Branch.

Organization of Black Students—University of Chicago, Chicago, Illinois.

Nareshiamh Osei—United Defense Against Repression, Los Angeles, California.

Frank Paige—Black Students Union, University of Kentucky.

Lu Palmer—Editor, Black X-Press.

William L. Patterson—Author, We Charge Genocide.

Gwen Patton-Woods—Former Co-ordinator National Association of Black Students.

Janis Payne—Black Panther Party, Memphis, Tennessee.

Peoples Action Union—Los Angeles, Calif.

Peoples Voters League—Shrevesport, Louisiana.

John Pittman—Editor, Daily World.

Leo Rabouine—Black Caucus; Chairman, Citywide Brewery Workers, New York, New York.

Scottie Ray—African American Solidarity, Solidarity Committee, Chicago, Illinois.

Professor Harold Rogers—Editor, African Agenda.

Carlos Russell—Dean of the School of Contemporary Studies, Brooklyn, New York.

Bill Scott—Committeeman; Local #664, United Auto Workers, Tarrytown, New York.

Vermont McKinney—President, Los Angeles Chapter National Association of Black Social Workers.

Midwest Coalition of Black Trade Unionists.

Charlene Mitchell—Executive Secretary, National Alliance Against Racist and Political Repression.

Professor Leith Mullings—Yale University, Chairperson, Continuations Committee, 10th World Youth Festival.

K. Shabazz—W. E. B. DuBois Community League, Memphis, Tennessee.

Judi Simmons—Southern Conference Educational Fund.

Mary Smith—Black Labor Leaders; Independent Service Employees Union, Chicago, Illinois.

—Black Panther Party, Memphis, Tennessee.

Ray Smith—Teamsters, Local #208, Los Angeles, California.

Jose Stevens—Director, W. E. B. DuBois Community Center, New York, New York.

Victoria Stevens—Campus Director, Young Workers Liberation League.

Lola Taylor—Afro-American Exhibits, Memphis, Tennessee.

Johnnie Tillman—Executive Director, National Welfare Rights Organization.

Edward Todd—Textile Workers Union of American, AFL-CIO.

Jarvis Tyner—National Chairman, Young Workers Liberation League.

Rev. Cecil Williams—Glide Memorial Church—San Francisco, California.

Rev. Hosea Williams—President, Atlanta Branch, SCLC.

Agnes Willis—President, National Afro-American Labor Council, New York, New York.

Clarence Willis—Memphis Committee to End Repression and Free All Political Prisoners.

Stan Willis—University of Chicago Organization of Black Students.

Henry Winston—National Chairman, Communist Party, U.S.A.

John Woodford—Reporter, Chicago Sun Times.

ADAK HIGH SCHOOL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. YOUNG of Alaska. Mr. Speaker, it gives me great pleasure today to call to the attention of my colleagues a unique contribution to the world of sports from the State of Alaska.

Adak High School, located at Adak in the Aleutian Islands, is the westernmost school in the world under the American flag. For the first time in its history, Adak High has a girls' varsity basketball team. This team will travel in February to the regional tournaments on the mainland, with the hopes of advancing to the State tournament.

I am very proud of the Adak High School and the fine contribution of Willie Theis, the girls' basketball coach. I am sure my colleagues join me in wishing the girls every success in this first season's competition.

HELP FOR ELDERLY AMERICANS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, the cost of living has brought such an economic crunch that for some, daily existence is a life or death matter. I am speaking now for our elderly Americans. There is no doubt that inflation has taken its toll on everyone's pocketbook, but those who struggle on limited, fixed incomes have been particularly hard hit.

President Nixon's September 10 state of the Union message proposed few benefits for the elderly. Not only is there a lack of initiative on the part of Mr. Nixon, but he has fought against more social security increases and has recommended even higher medicare payments. This could cost senior citizens $1 billion more for medicare next year.

Combating these difficulties, Congress has made some good strides for legislation to serve the needs of the elderly. The following areas of legislation are especially important:

Social security. To combat spiraling inflation, Congress has passed legislation which will allow recipients to receive a 5.9 percent across-the-board increase, beginning in June of 1974.

Unfortunately, as you are well aware, the cost of living continues to rise and to rise sharply. The price of food alone has taken over 27 percent of our budgets and has increased by 20 percent over last year. An average $10 increase in monthly benefits does not suffice.

It is for these reasons that I have cosponsored legislation which will increase social security benefits to 7 percent. Benefits would also be paid in January 1974, rather than in June.

Pension. I firmly believe that we must seek a system which insures that a person will benefit from every pension contribution made on his or her behalf. Because of this concern, I have introduced the Williams-Javits pension protection bill in the House of Representatives. My bill contains a provision for portability—it permits a working man or woman to retain his or her pension protection insurance even though he or she changes jobs.

Services. The comprehensive older Americans services bill was signed into law May 3, 1973. As a cosponsor of this bill, I am pleased that I had a part in establishing this necessary and important legislation.

The measure contains many programs for community activities and services. It establishes an administration on aging and a national information and resource center which will prepare information related to the needs of senior citizens. It provides for library services, useful part-time work opportunities, and expands the foster grandparent and retired senior volunteer programs. There also will be a national older Americans volunteer program for senior citizens who wish to serve their community.

Nutrition. The national nutritional program for the elderly, administered by the Administration on Aging, is designed to provide older Americans, particularly with low incomes, with low cost, nutritionally sound meals.

Michigan has just recently received $3,518,273 for this program. The program will provide hot meals at least 5 days a week for persons 60 years or older who do not wish to prepare and eat a meal alone or who have difficulties with transpotration to grocery stores or are unable to prepare nourishing meals for themselves.

Another piece of legislation, of special interest to the elderly, is the portion of the Agriculture and Consumer Protection Act of 1973 which allows persons age 60 and over and their spouses to use food stamps to purchase meals prepared by public or private nonprofit eating establishments which regularly serve the elderly at designated times.

Even though Congress has enacted the above measures, there is much more to be acted upon.

Health is one major area of concern. The average elderly American now pays more out of his own pocket for medical treatment than he did before the medicare program was inaugurated in 1966.

There are proposals to establish new programs of health care for aged persons at a cost related to income. However, the administration is sadly uncooperative. It is indeed distressing that President Nixon vetoed the Emergency Medical Services Act which would have provided $185 million over 3 years toward saving the lives of at least 175,000 men and women who die each year for lack of adequate medical services.

Housing and property tax relief are other important areas of concern. There are proposals to provide special allowances for the housing costs of senior citizens and to allow certain property tax deductions for the elderly.

Mr. Speaker, I urge that social security benefits be increased to a minimum of 7 percent and that Congress proceed quickly with enacting further legislation to combat the difficulties faced in the areas of health, housing and tax relief.

The desperate needs for our elderly Americans can no longer wait.

VETERANS DAY—1973

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HANRAHAN. Mr. Speaker, Veterans Day is once again with us, and it is only fitting that a grateful Nation pause to honor those who have answered the call of their country in its time of greatest need. We earnestly pay our respect to the millions of brave men and women who served America all over the world.

And we honor them all, whether they served in battle or performed less hazardous, but equally important, duties elsewhere. For each veteran answered duty's call according to the needs of history and in tune with individual conscience. One of the most moving expressions of this individual sense of responsibility was made by George Washington during the first year of his Presidency when he addressed the Legislature of the State of Connecticut in these words:

> I have obeyed a summons to which I can never be insensible . . . When my country demands the sacrifice, personal ease must always be a secondary consideration.

Yes, Mr. Speaker, Veterans Day is a day for remembrance, gratitude, hope, and prayer. The freedom and liberty which are our heritage today have been preserved only through the sacrifices of our veterans.

Let us make Veterans Day, 1973, therefore, a time when we pay respect to these bravest of men and women—and a time when we pledge ourselves to continue to work for a world in which peace, freedom, dignity, mutual understanding, all that they fought for, become part and parcel of the normal life of men and nations everywhere.

CAMPAIGN FINANCING

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. TIERNAN. Mr. Speaker, in this time of uncertainty regarding the Presidency and the Vice Presidency and the question of political campaign financing I include two articles from the October 3, 1952, issue of U.S. News & World Report in the RECORD at this point:

LETTER OF DANA C. SMITH EXPLAINING THE PURPOSES OF THE NIXON FUND

(Following is the letter written by Dana C. Smith to Arthur Crites on Sept. 25, 1951, explaining the nature and purposes of the Nixon fund.)

Mr. ARTHUR CRITES,
1001 Oleander Avenue,
Bakersfield, Calif.
Re: Senator Nixon's activities.

DEAR MR. CRITES: Bernie Brennan suggested that you will be interested in knowing about a program which we have set up to make Senator Nixon's work more effective, and that you might perhaps be interested in participating in it with us. A group of us here, after the dust of battle had settled and we found that Dick was safely elected, began to realize that electing him was only part of what we really wanted to accomplish. We not only wanted a good man in the Senate from this State, but we wanted him to continue to sell effectively to the people of California the economic and political systems which we all believe in.

It was immediately apparent to us that this would take money and that Dick himself was not in position financially to provide it. We have therefore set up a pool, to which a considerable number of us here are contributing on an annual basis, to meet expenditures which seem necessary to accomplish this object. We have aimed at a total of $20,000 or $25,000 and have succeeded in raising a large proportion of it here. We have only included in our group people who have supported Dick from the start, so that it does not provide any way for people who are "second guessers" to make any claim on the Senator's particular interest.

We have also limited contributions to a minimum of $100 a year and a maximum of $500. The reason for the minimum is that anybody who is not in position to come in for at least that amount without feeling it, should be left to contribute only to regular party activities and campaigns when they come around. The reason for the maximum was so that it can never be charged that anyone is contributing so much as to think he is entitled to special favors.

The type of activities for which this money would be used would be such as the following:

Transportation and hotel expenses to cover trips by the Senator to California more frequently than his mileage allowance permits.

Payment of air-mail and long-distance phone charges above his allowances, and the payment of long-distance charges while here in California.

Preparation of material for the Senator to send out to the people over the State who have supported him, so as to keep in touch with them and let them know what he is doing and why, and obtain their views.

Defraying the expenses of his Christmas cards to the people who worked in his campaign or contributed financially to it. Much to our surprise, we find that this group numbers 20,000.

Paying for getting out material for radio broadcasts and television programs, and for advertising and publicity in connection with them.

There are of course various other similar items involved.

As I was Finance Chairman for Dick during his campaign, he and Bernie asked me to look after this fund, so I am handling it through a trust account subject to review by Bernie and a couple of other stalwarts of Dick's campaign. Nobody is drawing any salary or other compensation out of this, so you can count on it that the money will be effectively used where it will do all of us, including Dick, the most good.

As you helped Dick very substantially during the campaign, I am writing you about it with a two-fold purpose:

1st: So that when you see or hear of money being spent on Dick's behalf you will know how it has been raised and that there isn't anybody who is thereby acquiring any kind of a hold on our Senator.

2nd: So that if you agree with the usefulness of such a program, both to the Senator and all of the rest of us including yourself, and want to come in with us on it, you will know about it and have the opportunity to do so.

Within the limits of the contribution sizes above indicated, we would be delighted to have you join with us in this program, and Dick will of course be very appreciative of your continuing interest. We do not, however, want to conflict with other needed candidate and party contributions, so if you do join us, it should not be with the thought that this will affect what you might otherwise contribute other places where needed. Your check should be drawn to me and will be deposited in my trust account for this fund, which is subject to periodic audit.

Very sincerely yours,

DANA C. SMITH

RADIO ADDRESS OF SENATOR NIXON EXPLAINING HIS USE OF THE EXPENSE FUND

(Following is the text of the radio and television address of Senator Nixon from Los Angeles on Sept. 23, 1952.)

My fellow Americans: I come before you tonight as a candidate for the Vice Presidency and as a man whose honesty and integrity has been questioned.

Now, the usual political thing to do when charges are made against you is to either ignore them or to deny them without giving details. I believe we have had enough of that in the United States, particularly with the present Administration in Washington, D.C.

To me the office of the Vice Presidency of the United States is a great office, and I feel that the people have got to have confidence in the integrity of the men who run for that office and who might attain them.

I have a theory, too, that the best and only answer to a smear or to an honest misunderstanding of the facts is to tell the truth. And that is why I am here tonight. I want to tell you my side of the case.

I am sure that you have read the charge, and you have heard it, that I, Senator Nixon, took $18,000 from a group of my supporters.

Now, was that wrong? And let me say that it was wrong. I am saying it, incidentally, that it was wrong, not just illegal, because it isn't a question of whether it was legal or illegal, that isn't enough. The question is, was it morally wrong. I say that it was morally wrong—if any of that $18,000 went to Senator Nixon, for my personal use. I say that it was morally wrong if it was secretly given and secretly handled.

And I say that it was morally wrong if any of the contributors got special favors for the contributions that they made.

And now to answer those questions let me say this. not 1 cent of the $18,000 or any other money of that type ever went to me for my personal use. Every penny of it was used to pay for political expenses that I did not think should be charged to the taxpayers of the United States.

It was not a secret fund. As a matter of fact, when I was on "Meet the Press"— some of you may have seen it, last Sunday—Peter Edson came up to me, after the program, and he said. "Dick, what about this fund we hear about?" and I said, "Well, there is no secret about it. Go out and see Dana Smith, who was the administrator of the fund," and I gave him his address. And I said you will find that the purpose of the fund simply was to defray political expenses that I did not feel should be charged to the Government.

And, third, let me point out, and I want to make this particularly clear, that no contributor to this fund, no contributor to any of my campaigns, has ever received any consideration that he would not have received as an ordinary constituent.

I just don't believe in that, and I can say that never, while I have been in the Senate of the United States, as far as the people that contributed to this fund are concerned, have I made a telephone call for them to an agency, nor have I gone down to an agency in their behalf.

And the records will show that, the records which are in the hands of the Administration.

Well, then, some of you will say, and rightly, "Well, what did you use the fund for, Senator? Why did you have to have it?"

Let me tell you in just a word how a Senate office operates. First of all, the Senator gets $15,000 a year in salary. He gets enough money to pay for one trip a year, a round trip, that is, for himself and his family, between his home and Washington, D.C., and then he gets an allowance to handle the people that work in his office to handle his mail.

And the allowance for my State of California is enough to hire 13 people. And let me say, incidentally, that this allowance is not paid to the Senator.

It is paid directly to the individuals that the Senator puts on his pay roll, but all of these people and all of these allowances are for strictly official business; business, for example, when a constituent writes in and wants you to go down to the Veterans' Administration and get some information about his GI policy—items of that type, for example. But there are other expenses which are not covered by the Government. And I think I can best discuss those expenses by asking you some questions.

Do you think that when I or any other Senator makes a political speech, has it printed, should charge the printing of that speech and the mailing of that speech to the taxpayers?

Do you think, for example, when I or any other Senator makes a trip to his home State to make a purely political speech that the cost of that trip should be charged to the taxpayers?

Do you think when a Senator makes political broadcasts or political television broadcasts, radio or television, that the expense of those broadcasts should be charged to the taxpayers?

I know what your answer is: It is the same answer that audiences give me whenever I discuss this particular problem.

The answer is no. The taxpayers should not be required to finance items which are not official business but which are primarily political business.

Well, then the question arises, you say, "Well, how do you pay for these and how can you do it legally?" And there are several ways that it can be done, incidentally, and it is done legally in the United States Senate and in the Congress.

The first way is to be a rich man. I don't happen to be a rich man. So I couldn't use that.

Another way that is used is to put your wife on the pay roll. Let me say, incidentally, that my opponent, my opposite number for the Vice Presidency of the Democratic ticket. does have his wife on his pay roll and has had her on his pay roll for the past 10 years. Now just let me say this: That is his business, and I am not critical of him for doing that. You will have to pass judgment on that particular point, but I have never done that for this reason:

I have found that there are so many deserving stenographers and secretaries in Washington that needed the work that I just didn't feel it was right to put my wife on the payroll—My wife sitting over here.

She is a wonderful stenographer. She used to teach stenography and she used to teach shorthand in high school. That was when I met her. And I can tell you folks that she has worked many hours nights and many hours on Saturdays and Sundays in my office, and she had done a fine job, and I am proud to say tonight that in the six years I have been in the House and in the Senate of the United States Pat Nixon has never been on the Government pay roll.

What are other ways that these finances can be taken care of? Some who are lawyers, and I happen to be a lawyer, continue to practice law, but I haven't been able to do that.

I am so far away from California and I have been so busy with my senatorial work that I have not engaged in any legal practice and, also, as far as law practice is concerned, it seemed to me that the relationship between an attorney and the client was so personal that you couldn't possibly represent a man as an attorney and then have an unbiased view when he presented his case to you in the event that he had one before the Government.

And so I felt that the best way to handle these necessary political expenses of getting my message to the American people and the speeches I made—the speeches that I had printed for the most part concerned this one message of exposing this Administration, the Communism in it, the corruption in it—the only way that I could do that was to accept the aid which people in my home State of California, who contributed to my campaign and who continued to make these contributions after I was elected, were glad to make.

And let me say I am proud of the fact that not one of them has ever asked me for a special favor. I am proud of the fact that not one of them has ever asked me to vote on a bill other than my own conscience would dictate. And I am proud of the fact that the taxpayers by subterfuge or otherwise have never paid one dime for expenses which I thought were political and should not be charged to the taxpayers.

Let me say, incidentally, that some of you may say, "Well, that is all right Senator, that is your explanation, but have you got any proof?" And I would like to tell you this evening that just an hour ago we received an independent audit of this entire fund. I suggested to Governor Sherman Adams, who is the chief of staff of the Eisenhower campaign, that an independent audit and legal report be obtained, and I have that audit in my hand.

It is an audit made by Price Waterhouse & Co. firm, and the legal opinion by Gibson, Dunn & Crutcher, lawyers in Los Angeles, the biggest law firm, and incidentally one of the best ones in Los Angeles.

I am proud to report to you tonight that this audit and this legal opinion is being forwarded to General Eisenhower, and I would like to read to you the opinion that was prepared by the certified public accountants.

"It is our conclusion that Senator Nixon did not obtain any financial gain from the collection and disbursement of the funds by Dana Smith; that Senator Nixon did not violate any federal or State law by reason of the operation of the fund; and that neither the portion of the fund paid by Dana Smith directly to third persons, nor the portion paid to Senator Nixon, to reimburse him for office expenses, constituted income in a sense which was either reportable or taxable as income under income tax laws.

"(s) GIBSON, DUNN AND CRUTCHER.
By ELMO H. CONLEY."

That is not Nixon speaking, but that is an independent audit which was requested because I want the American people to know all the facts and I am not afraid of having independent people go in and check the facts, and that is exactly what they did.

But then I realized that there are still some who may say, and rightly so—and let me say that I recognize that some will continue to smear, regardless of what the truth may be—but that there has been understandably, some honest misunderstandings on this matter, and there are some that will say, "Well, maybe you were able, Senator, to fake this thing. How can we believe what you say—after all, is there a possibility that maybe you got some sums in cash? Is there a possibility that you might have feathered your own nest?" And so now what I am going to do—and, incidentally, this is unprecedented in the history of the American politics—I am going at this time to give to this television and radio audience a complete financial history, everything I have earned, everything I have spent, everything I own, and I want you to know the facts.

I will have to start early. I was born in 1913. Our family was one of modest circumstances, and most of my early life was spent in a store, out in East Whittier. It was a grocery store, one of those family enterprises.

The only reason we were able to make it go was because my Mother and Dad had five boys, and we all worked in the store. I worked my way through college and, to a great extent, through law school. And then, in 1940, probably the best thing that ever happened to me happened. I married Pat, who is sitting over here.

We had a rather difficult time, after we were married, like so many of the young couples who might be listening to us. I practiced law. She continued to teach school.

Then, in 1942, I went into the service. Let me say that my service record was not a particularly unusual one. I went to the South Pacific. I guess I'm entitled to a couple of battle stars. I got a couple of letters of commendation. But I was just there when the bombs were falling. And then I returned. I returned to the United States, and in 1946, I ran for the Congress. When we came out of the war, Pat and I—Pat during the war had worked as a stenographer, and in a bank, and as an economist for a Government agency—and when we came out, the total of our savings, from both my law practice, her teaching, and all the time that I was in the war, the total for that entire period was just a little less than $10,000—every cent of that, incidentally, was in Government bonds—well, that's where we start, when I go into politics.

Now, whatever I earned since I went into politics—well, here it is. I jotted it down. Let me read the notes.

First of all I have had my salary as a Congressman and as a Senator.

Second, I have received a total in this past six years of $1,600 from estates which were in my law firm at the time that I severed my connection with it. And, incidentally, as I said before, I have not engaged in any legal practice, and have not accepted any fees from business that came into the firm after I went into politics.

I have made an average of approximately $1,500 a year, from nonpolitical speaking engagements and lectures.

And then, fortunately, we have inherited a little money. Pat sold her interest in her father's estate for $3,000, and I inherited $1,500 from my grandfather. We lived rather modestly.

For four years we lived in an apartment in Parkfairfax, Alexandria, Va. The rent was $80 a month. And we saved for the time that we could buy a house. Now, that was what we took in.

What did we do with this money? What do we have today to show for it? This will surprise you, because it is so little, I suppose, as standards generally go of people in public life.

First of all, we've got a house in Washington, which cost $41,000 and on which we owe $20,000. We have a house in Whittier, Calif., which cost $13,000, and on which we owe $3,000. My folks are living there at the present time.

I have just $4,000 in life insurance, plus my GI policy, which I have never been able to convert, and which will run out in two years.

I have no life insurance whatever on Pat. I have no life insurance on our two youngsters, Patricia and Julie.

I own a 1950 Oldsmobile car. We have our furniture. We have no stocks and bonds of any type. We have no interest of any kind, direct or indirect, in any business. Now, that is what we have. What do we owe?

Well, in addition to the mortgage, the $20,000 mortgage on the house in Washington, a $10,000 one on the house in Whittier. I owe $4,500 to the Riggs Bank, in Washington, D. C., with interest at 4 per cent.

[In his speech, Senator Nixon indicated at one point that the mortgage on the $13,000 home in Whittier was $3,000, at another point that it was $10,000. The latter figure is correct. Nixon's secretary, James Bassett, told reporters later, explaining the discrepancy as "a verbal error."]

I owe $3,500 to my parents, and the interest on that loan, which I pay regularly, because it is a part of the savings they made through the years they were working so hard—I pay regularly 4 per cent interest. And then I have a $500 loan, which I have on my life insurance.

Well, that's about it. That's what we have. And that's what we owe. It isn't very much. But Pat and I have the satisfaction that every dime that we have got is honestly ours. I should say this, that Pat doesn't have a mink coat. But she does have a respectable Republican cloth coat, and I always tell her that she would look good in anything.

One other thing I probably should tell you because if I don't they will probably be saying this about me, too. We did get something, a gift after the election.

A man down in Texas heard Pat on the radio mention the fact that our two youngsters, would like to have a dog, and, believe it or not, the day before we left on this campaign trip we got a message from Union Station in Baltimore, saying they had a package for us. We went down to get it. You know what it was?

It was a little cocker spaniel dog, in a crate that he had sent all the way from Texas, black and white, spotted and our little girl, Tricia, the six-year-old, named it Checks.

And, you know, the kids, like all kids, loved the dog, and I just want to say this, right now, that regardless of what they say about it, we are going to keep it.

It isn't easy to come before a nation-wide audience and bare your life, as I have done. But I want to say some things before I conclude, that I think most of you will agree on.

Mr. Mitchell, the Chairman of the Democratic National Committee, made the statement that if a man couldn't afford to be in the United States Senate, he shouldn't run for the Senate. And I just want to make my position clear.

I don't agree with Mr. Mitchell when he says that only a rich man should serve his Government, in the United States Senate or in the Congress. I don't believe that represents the thinking of the Democratic Party, and I know it doesn't represent the thinking of the Republican Party.

I believe that it's fine that a man like Governor Stevenson, who inherited a fortune from his father, can run for President. But I also feel that it is essential in this country of ours that a man of modest means can also run for President, because, you know—remember Abraham Lincoln—you remember what he said—"God must have loved the common people, he made so many of them."

And now I'm going to suggest some courses of conduct.

First of all, you have read in the papers about other funds, now. Mr. Stevenson apparently had a couple. One of them in which a group of business people paid and helped to supplement the salaries of State employes. Here is where the money went directly to their pockets, and I think that what Mr. Stevenson should do should be to come before the American people, as I have, give the names of the people that contributed to that fund, give the names of the people who put this money into their pockets, at the same time that they were receiving money from their State government and see what favors, if any, they gave out for that.

I don't condemn Mr. Stevenson for what he did, but until the facts are in there is a doubt that would be raised. And as far as Mr. Sparkman is concerned, I would suggest the same thing. He's had his wife on the pay roll. I don't condemn him for that, but I think that he should come before the American people and indicate what outside sources of income he has had. I would suggest that under the circumstances both Mr. Sparkman and Mr. Stevenson should come before the American people, as I have, and make a complete financial statement as to their financial history, and if they don't it will be an admission that they have something to hide.

And I think you will agree with me—because, folks, remember, a man that's to be President of the United States, a man that is to be Vice President of the United States, must have the confidence of all the people. And that's why I'm doing what I'm doing, and that is why I suggest that Mr. Stevenson and Mr. Sparkman, if they are under attack, that should be what they are doing.

Now, let me say this: I know that this is not the last of the smears. In spite of my explanation tonight, other smears will be made. Others have been made in the past. And the purpose of the smears, I know, is this, to silence me, to make me let up.

Well, they just don't know who they are dealing with. I'm going to tell you this: I remember, in the dark days of the Hiss trial, some of the same columnists, some of the same radio commentators who are attacking me now and misrepresenting my position, were violently opposing me at the time I was after Alger Hiss. But I continued to fight, because I knew I was right, and I can say to this great television and radio audience that I have no apologies to the American people for my part in putting Alger Hiss where he is today. And as far as this is concerned, I intend to continue to fight.

Why do I feel so deeply? Why do I feel that in spite of the smears, the misunderstanding, the necessity for a man to come up here and bare his soul, as I have—why is it necessary for me to continue this fight? And I want to tell you why.

Because, you see, I love my country. And I think my country is in danger. And I think the only man that can save America at this time is the man that's running for President, on my ticket, Dwight Eisenhower.

You say, why do I think it is in danger? And I say, look at the record. Seven years of the Truman-Acheson Administration, and what's happened? Six hundred million people lost to the Communists.

And a war in Korea in which we have lost 117,000 American casualties, and I say to all of you that a policy that results in a loss of 600,000,000 people to the Communists and a war which costs us 117,000 American casualties isn't good enough for America, and I say that those in the State Department that made the mistakes which caused that war and which resulted in those losses should be kicked out of the State Department just as fast as we can get them out of there.

And let me say that I know Mr. Stevenson won't do that, because he defends the Truman policy, and I know that Dwight Eisenhower will do that, and that he will give America the leadership that it needs.

Take the problem of corruption. You have read about the mess in Washington. Mr. Stevenson can't clean it up because he was picked by the man, Truman under whose Administration the mess was made.

You wouldn't trust the man who made the mess to clean it up. That is Truman. And, by the same token you can't trust the man who was picked by the man who made the mess to clean it up, and that is Stevenson. And so I say, Eisenhower, who owes nothing to Truman, nothing to the big-city bosses—he is the man who can clean up the mess in Washington.

Take Communism. I say that as far as that subject is concerned the danger is great to America. In the Hiss case they got the secrets which enabled them to break the American secret State Department code.

They got secrets in the atomic-bomb case, which enabled them to get the secret of the atomic bomb five years before they would have gotten it by their own devices. And I say that any man who called the Alger Hiss case a red herring isn't fit to be President of the United States.

I say that a man who, like Mr. Stevenson, has pooh-poohed and ridiculed the Communist threat in the United States—he said that they are phantoms among ourselves—he has accused us, that have attempted to expose the Communists, of looking for Communists in the Bureau of Fisheries and Wildlife. I say that a man who says that isn't qualified to be President of the United States.

And I say that the only man who can lead us into this fight to rid the Government of both, those who are Communists and those who have corrupted this Government is Eisenhower, because General Eisenhower, you can be sure, recognizes the problem, and knows how to handle it.

Let me say this, finally. This evening I want to read to you just briefly excerpts from a letter that I received, a letter which after all this is over no one can take away from us. It reads as follows:

"Dear Senator Nixon:

"Since I am only 19 years of age, I can't vote in this presidential election, but believe me if I could you and General Eisenhower would certainly get my vote. My husband is in the Fleet Marines in Korea. He is in the front lines. And we have a two-month-old son, he has never seen. And I feel confident that with great Americans like you and General Eisenhower in the White House, lonely Americans like myself will be united with their loved ones now in Korea. I only pray to God that you won't be too late. Enclosed is a small check to help you in your campaign. Living on $85 a month it is all I can afford at present, but let me know what else I can do."

Folks, it is a check for $10, and it is one that I shall never cash. And just let me say this: We hear a lot about prosperity these days, but I say why can't we have prosperity built on peace, rather than prosperity built on war? Why can't we have prosperity and an honest Government in Washington, D.C., at the same time?

Believe me, we can. And Eisenhower is the man that can lead the crusade to bring us that kind of prosperity.

And, now, finally, I know that you wonder whether or not I am going to stay on the Republican ticket or resign. Let me say this: I don't believe that I ought to quit, because I am not a quitter. And, incidentally, Pat is not a quitter. After all, her name was Patricia Ryan and she was born on St. Patrick's Day, and you know the Irish never quit.

But the decision, my friends, is not mine. I would do nothing that would harm the possibilities of Dwight Eisenhower to become President of the United States. And for that reason I am submitting to the Republican National Committee tonight through this television broadcast the decision which it is theirs to make. Let them decide whether my position on the ticket will help or hurt. And I am going to ask you to help them decide. Wire and write the Republican National Committee whether you think I should stay on or whether I should get off. And whatever their decision is, I will abide by it.

But just let me say this last word. Regardless of what happens. I am going to continue this fight. I am going to campaign up and down America until we drive the crooks and the Communists and those that defend them out of Washington; and remember, folks, Eisenhower is a great man. Folks, he is a great man, and a vote for Eisenhower is a vote for what is good for America.

GERALD FORD EXCELLENT CHOICE

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. MITCHELL of New York. Mr. Speaker, as with all of my colleagues in the House, I share in pride and honor we feel upon the selection of our distinguished minority leader as President Nixon's choice for Vice President.

Needless to say, I was highly pleased when the President announced Congressman FORD's nomination last Friday evening. Upon returning to the 31st District Saturday morning I was also pleased to learn that so many of my constituents share my feeling that JERRY FORD is the best man for the job.

It was gratifying Saturday evening to discover that one of the earliest editorial endorsements of Congressman FORD's nomination appeared in the Utica Observer-Dispatch, a highly respected newspaper in my district.

In order to give my colleagues the benefit of these observations I wish to insert this editorial in the RECORD.

FORD WISE CHOICE

In making his nomination for vice president last evening, President Nixon listed three qualities that he believed necessary. They were (1) a man qualified to serve as President, (2) one who shared the President's views on both foreign and domestic policy, and (3) a nominee who could be quickly approved by the Senate and House of Representatives.

No one fits these conditions more fully than Gerald R. Ford, who has been minority leader of the House since 1965. He is 60 years old.

He has served for a quarter century in Washington so he knows government, politics and issues intimately. He has been a strong Republican partisan, working with Mr. Nixon and defending the administration's record. Finally—as events last evening at the White House suggested—he is highly respected and popular with his congressional colleagues.

The President wisely took the route away from the so-called glamour possibilities. John Connally, Nelson Rockefeller, Ronald Reagan all were on any lists, but, while all are capable, all would have encountered trouble in winning congressional confirmation. Too many associate them with ambition for 1976 attention.

Mr. Ford inevitably will be viewed as a contender for the presidential nomination. President Nixon, resourceful politician that he is, understands this, but, more importantly, he sees in the man he has picked, one who will work easily and effectively with him, who will bring a high sense of integrity to the No. 2 place, and who will be able to maintain strong ties with Congress.

Although he is well and favorably known in the Congress, Representative Ford should receive full and careful assessment in the Senate and House. All of the nooks and crannies of his personal and political life should be examined. In view of the crisis in confidence that fills much of the national life today, the American people want to know all about this man who now stands the proverbial heart beat away from the presidency.

CONGRESSIONAL LEADERS HAVE NO GREATER RIGHT TO CLASSIFIED INFORMATION THAN ALL MEMBERS OF CONGRESS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DRINAN. Mr. Speaker, I attach herewith an article which I published in the October 19, 1973, issue of the National Catholic Reporter. It is my contention in this article that no President has any right to give classified or secret information to selected Members of the House or Senate.

President Nixon has asserted that he told certain congressional leaders about the secret 3,630 bombings of Cambodia during the 14 months prior to April 30, 1970. This clandestine war cost an estimated $140,000,000. It is my ever deepening conviction that those congressional leaders who knew of these raids and these expenditures and who withheld this information from their colleagues in the Congress are, consciously or otherwise, implicated in the deception of the President.

The article follows:

NIXON BOMBING DEFENSE "INADEQUATE"

(By Robert F. Drinan)

In the statement which I submitted on July 31 justifying the resolution of impeachment of the president, I pointed to the secrecy of the bombing in Cambodia as a clearly impeachable offense. In his press conference at San Clemente, President Nixon pretended that he had resolved this problem in his Aug. 20 address in New Orleans to the Veterans of Foreign Wars. The justification attempted in that talk of the secrecy of the 3,630 air raids during 14 months in Cambodia is inadequate on several counts.

The president stated that the United States was under "no moral obligation to respect the sham" of the neutrality of Cambodia occupied by the North Vietnamese. The president clearly concedes that the United States was under a legal obligation not to bomb a neutral nation.

The president's allegation that the "enemy-occupied sanctuaries" of Cambodia "were no more neutral . . . than was northern France or Belgium in the late spring of 1944 when those territories were occupied by the Germans" is obviously false. France and Belgium were our allies in a war declared by the U.S. against Germany while Cambodia has always been neutral and is not even a member of SEATO.

The fact that allegedly the "Cambodian government did not object to the strikes" cannot justify the first military assault in American history on a neutral nation with which America is at peace. Title 18 of the U.S. Code specifically forbids such an assault. In addition, Prince Sihanouk has on several occasions after Aug. 20 expressly denied that he ever agreed to the bombing.

The president states, furthermore, that he informed "appropriate congressional leaders" of the bombings. In a matter of this gravity there is no such thing as an "appropriate" congressional leader. The president has no constitutional or statutory right of any nature to give information to selected congressional leaders. Any practice to the contrary violates my rights as a member of Congress and the rights of the 474,000 citizens I represent. If classified information is to be given to Congress all 53 members should be given (or denied) that security clearance which is granted, when necessary, even to the GS-4 typist.

The president, seeming to recognize his vulnerability because of his action in launching an air war without telling the American people, states that "there was *no* secrecy as far as the government leaders were concerned who had any *right* to know or *need* to know" (emphasis supplied).

Can a very few congressional "leaders" (a title acquired by sheer seniority and not by any selection by the members of Congress or the people) have any "right" or "need" to know about a secret war costing at least

$140,000,000 which is greater than the identical "right" and "need" of all 535 members of Congress? The answer has to be "no."

The most outrageous contentions made by Nixon to justify 14 months of secret bombing rest on his assertion that "had we announced the air strikes, the Cambodian government would have been compelled to protest" and "the bombing would have had to stop." This shocking double standard evokes two comments:

Cambodia would have been "compelled" to protest, we are told, because that nation is and must continue to be a neutral country. If Cambodia asserted this neutral status the United States, Nixon tells us, would have been required to recognize the truth and stop the bombing! The U.S., in other words, will bomb a neutral nation until or unless that nation protests and proclaims its neutrality before the court of world opinion. In admitting to this incredible way of acting, Nixon concedes that the U.S. would not air bomb a neutral nation—even to save the lives of American soldiers in South Vietnam—if that nation asserted its neutrality as a shield against our B 52s!

Mr. Nixon claims that Prince Sihanouk invited him to visit Cambodia during the first spring of the bombings. The president claims this as evidence of approval by Sihanouk of the bombings. If, however, the head of the Cambodian government is this friendly why would a public protest by him of the bombings—a protest which would have allegedly been inevitable if the U.S. made public the air raids—have compelled the U.S. to stop the strikes? It would not be the point of international law raised by Sihanouk but, to be blunt, by American public opinion.

Mr. Nixon has elaborated hypotheses and premises to justify his secrecy about his escalation of the war into Cambodia eight weeks after he became president. All that he says, and implies, points to the unavoidable conclusion that he conducted the air war over Cambodia in secrecy because he was afraid—or he knew—that American public opinion would not tolerate it.

Such deception, in my judgment, is an impeachable offense.

SOLAR ENERGY: AN IDEA MADE PRACTICAL

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. PICKLE. Mr. Speaker, we are all well aware of the renewed interest in using the sun to supply some of our energy needs in light of growing shortages in other fuels. But I do not think the fact has really hit home how close we are to making this energy source both technically feasible and economically competitive.

In fact, use of solar energy to heat buildings already is technically feasible—is becoming competitive with fossil fuel heating systems—and is, in general, already cheaper than electricity for heating.

Advances are rapidly being made for making solar energy competitive for cooling purposes as well.

A recent article in the Civil Engineering magazine outlines recent progress in this field, and I would like to include it in the RECORD at this time:

SOLAR HEATING AND COOLING: UNTAPPED ENERGY PUT TO USE

(By George O. G. Löf and Dan S. Ward)

The idea of building a home heated by solar energy is not new. As long ago as 35 years the first significant solar space heating project had been initiated. Since then almost two dozen buildings have been designed and built utilizing solar energy for heating. During the years 1958–1960 alone, eight different buildings were constructed, four of which were designed as laboratories, and four destined to be used as residences. Now, with the energy crisis demanding new alternatives, there is another surge of interest in solar buildings.

There is enough sunshine in this country—an average of 4 kilowatt-hours of solar energy per square meter per day—to supply twice the energy need to heat and cool every building. A solar energy system does not require clear days, but also collects diffused solar radiation. Deciduous trees do not interfere with collection. The National Science Foundation predicts that in/by the year 2020, 35% of our buildings will use solar heating and cooling at a savings of $12 billion at present electricity rates.

While the prospects of using solar energy for power generation are still in the stages of considerable uncertainty, the heating of buildings by solar energy is now technically feasible and nearly economically competitive. Locations of successful solar heated buildings in the United States range from Arizona and New Mexico to Colorado and Massachusetts. Techniques have varied with the use of air or water as the heat transfer medium, use of crushed rock, water, or heat of fusion of certain salts for heat storage, widely varying configurations of a solar collector, and a wide range of percentage load carried by the system. But technical feasibility must have an economic counterpart.

ECONOMICS

Richard A. Tybout, Professor of Economics at Ohio State University and author Löf made an extensive cost analysis in eight U.S. cities on a solar climate control system. Conclusions were that solar heating is becoming competitive with fossil fuel heating systems and is, in general, already cheaper than electricity. The economics could be improved even more by adding cooling to the load on the solar systems; thus using the same equipment all year long at very little extra cost.

Author Löf's house in Cherry Hills Village near Denver, Colorado is an example of a solar heated building which has been operating over a long period; in this case fifteen years.

The building utilizes a heating system with air as the heat transport medium and crushed rock as the heat storage material. The system consists of two solar collector banks, two vertical heat storage cylinders, hot water preheater, blower, conventional natural gas furnace, central equipment, and the necessary air ducts. The two collector banks on the roof are surrounded by a four ft (1.22 m) parapet wall. They are 50 ft (15.25 m) long, six ft (1.83 m) high, and face south at an angle of 45° with the horizontal. Each consists of ten "cold panels" and ten "hot panels" located alternately. Glass wool insulation is provided on the back of the panels. Cold air from the house or storage unit enters the cold air manifold and is distributed to the ten "cold collector panels" in each bank. After partial heating, the air passes to the corresponding "hot panes" via cross-connecting ducts. The air is heated further in the hot panels and delivered to the house or storage unit via the hot air manifold and duct system. The collecting panels are of the overlapped glass plate type.

SOLAR COOLING

But the technical uncertainties of solar cooling are considerably greater than those involved with heating systems. This is underscored by the fact that no complete heating and cooling system has ever been built and operated. In an effort to remedy this situation and to answer some of the technical questions, the National Science Foundation recently awarded Colorado State University a grant to design and build the first solar heated and cooled house. The key factor will be the addition of a lithium-bromide absorption air conditioner, modified to utilize hot water from a solar collector instead of a gas flame. The University of Wisconsin will collaborate on the design, and Honeywell will engineer the controls.

There is a considerable advantage to solar cooling since peak demands for air conditioning usually coincide with peak solar radiation levels. It should be stressed, however, that solar systems are designed to supplement, and not replace, conventional heating and cooling units. It is more economical to provide auxiliary energy for prolonged bad weather than to design a solar system which would handle the entire load and be used only a few days a year at full capacity.

Convinced of these facts, a wide variety of architects and engineers are making considerable strides in the solar field. One engineering consultant, Frederick Dubin of Dubin, Mindel, Bloome Associates of New York City, is already working on four projects involving solar energy. Two of the projects are for the General Services Administration of the federal government, and consist of solar heating systems for office buildings to be located in Manchester, N.H. and Saginaw, Mich., In addition, Dubin has plans for a ten-unit condominium in Vermont and an office/laboratory for the New York Botanical Gardens. He feels that large-scale systems are more feasible than single family residences and that primary emphasis in all projects should be on energy conservation and totally integrated systems.

Gerson Meckler, an engineering consultant in Washington, D.C., is also currently working on several designs for solar energy systems. One of them has already been used in a small office building in Denver for Financial Programs, Inc., now in its fifth year of operation. And in Denver, Colo., Cabell-Childress Associates are investigating solar heating in conjunction with a maximum energy conservation design in the construction of a corporate office building for an oil company.

AUDUBON SOCIETY

In other parts of the country, Arthur D. Little, Inc., is devising a solar space conditioned office building for the Massachusetts Audubon Society (MAS) to be located at their headquarters in Lincoln. According to MAS Executive Vice President, Allen H. Morgan, the answer lies in the Society's statement of objectives which includes the key phrase of finding "realistic solutions to environmental problems . . . ". MAS considers the energy dilemma to be one of the most serious environmental problems, and the solar space heating and air conditioning can play a major role in alleviating pressures on the environment. It is their hope to demonstrate a method for conserving energy is feasible, realistic, and environmentally acceptable. J. C. Burke, of Arthur D. Little, Inc., described MAS's concern as ". . . fostering a positive approach toward conservation of energy and environment."

The building design will permit a reasonably large solar collector [3500 sq ft 325.5 m^2)], facing south at a slope of 45°, and will accommodate the MAS requirements for office space, a library, and a lecture hall—a total floor space of approximately 8000 sq ft (744 m^2).

Arthur D. Little, Inc. estimates that depending on the choice of certain design options, the heat demand will be in the range of 40,000 to 70 000 BTU/degree-day (11.72—20.51 kw hr/degree day). Thus a solar system using a two-pane 3,500 sq ft (325.5 m^2) collector is estimated to be able to account for between 65% and 75% of the total seasonal heating load. Heat gain estimates indicate a design air conditioning load of about 15 tons (52.74 kw), most of which will be due to internal heat generation (i.e., lighting and people). Burke hopes that by making skillful use of natural ventilation, it will be possible to minimize the periods of time during which complete air conditioning is required; and further that the proposed 15-ton lithium bromide water cooled absorption machine driven by the solar collector will be able to supply a substantial portion of the air conditioning requirements.

PHOTOVOLTAIC CELLS

Looking even further ahead, Karl Boer, Director of the Institute of Energy Conversion of the University of Delaware, is in the finishing stages of a solar house which, in addition to thermal collectors, will also employ space age photovoltaic cells. These solar cells, which convert solar radiation directly into electricity, are now far too expensive to be commercially used; in competing with electricity from a central power plant, they are two or three orders of magnitude too costly. However Boer is optimistic that mass production and other factors may improve the economics of photovoltaic cells, and in the not too distant future.

The cost of silicon in sufficient purity used in these cells keeps the price up. Alternatives to silicon, such as germanium and cadmium sulfide are being experimented with, but at present are less efficient than silicon. The photovoltaic cell as a source of electricity would be preferable to present means in many ways—it is compact, neat and uncomplicated.

DEMONSTRATION HOME

A photovoltaic conversion system *is* included in the demonstration house being built in Shanghai, West Virginia, designed by Burt, Hill Associates of Pittsburgh, Pa. (See box and Figs. 4, 5, 6, 7.) The home will be occupied by Ms. A. N. Wilson of the Department of Interior, and will be approximately 1,400 sq ft (130.2 m^2) of finished living space and 350 sq ft (32.5 m^2) of mechanical equipment space. Principal construction materials will include reinforced concrete masonry foundation walls, wood floor, wall and roof framing systems, and wood exterior siding. The project will contain several subsystems including: 1. solar thermal collection system; 2. photovoltaic conversion system; 3. wind driven electrical generating system; and 4, aerobic composter, for organic wastes.

The first two sub-systems are intended to provide a platform for the on-going evaluation of various manufacturing techniques, component designs and comparative data. They will be designed and installed in such a manner as to facilitate installation and replacement of the various components. The latter two sub-systems are included primarily for demonstration purposes. The main solar array is 588 sq ft (54.7 m^2), tilted south at an angle of (45° Latitude +6°). A 50% solution of ethylene glycol will be the heat transfer fluid, and the thermal storage system will be a two temperature liquid; sensible heat tank located beneath the residence. The sun should supply about 18% of the residence's heating and electrical needs.

While most authorities are dubious on the power supply prospects, they feel that solar energy stands to mitigate the energy crisis, and in a variety of ways. At this time it is too early to eliminate any realistic possibility. Therefore, while use of photovoltaic cells are further down the road, thermal solar heating and cooling systems will soon be here. And given the encouragement and possible subsidies other industries enjoy, such systems could be commonplace in a few years.

ARMS INVENTORIES IN MIDDLE EAST

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. LONG of Maryland. Mr. Speaker, I have obtained new information which substantiates the feelings voiced by me and others that since the 1967 Six Day war, the Soviet Union has poured arms into the Arab states at unprecedented rates. This report was written just before the Arab attack on October 6, has been published by the American Enterprise Institute, and is entitled "The Arab-Israeli Military Balance Today." It dramatically contrasts with recent statements by the Nixon administration that the Soviets have been acting with moderation and responsibility. Nothing could be farther from the truth.

I insert some of the tables included in the AEI study for the benefit of my colleagues.

Table 1 shows that while the Israelis have only doubled the number of their combat planes, Egypt, Syria, and Jordan have tripled theirs. In 1968 Israel had 230 fighter-bombers; Egypt and Syria had 225 and 25, respectively. By 1972–73 the Egyptians alone had 568 combat aircraft to Israel's 456—about 25 percent more. If we add the total combat aircraft of other possible belligerents—Jordan, Iraq, Libya, Algeria, and Saudi Arabia—the Arab total rises to 1,391 aircraft to Israel's 456.

While the number of Arab combat planes was rising, AEI reports:

The Russians also began improving Egypt's air defenses and increased the number of SA–2 surface-to-air missiles in Egypt from 120 to 180.

While the Soviets have only armed their Arab clients, the United States has shown a disturbing tendency to arm both sides. In fact, the AEI study speculated that the "sale of American F-4E Phantoms to Saudi Arabia" could contribute to "an edge of about 10 percent in terms of first-strike ordnance delivery capability," when added to the 38 French Mirages reportedly ordered by the Saudis. On June 8 I told this House that the proposed sale of E–4's to Saudi Arabia and Kuwait could "only threaten the shaky peace in the Middle East first by fueling an arms race among Arab nations and second by threatening Israel, our closest ally in the Middle East."

Particularly distressing is the fact that Saudi Arabia could use its western F–4's to strike at the heart of Israel, a fact documented in the AEI report.

Other tables demonstrate that Egypt has a 2 to 1 edge in helicopters, and that Egypt—aided by the Soviets—increased its tanks by some 500 percent between 1968 and 1972. The Syrians and Jordanians increased their supply of tanks by 200 percent, while Israel only increased its number of tanks by about 90 percent. These figures, as interpreted by AEI, complement the immediate pre-Yom Kippur forecasts that "Egypt reportedly has been supplied with enough amphibious equipment, including tactical bridges, to move approximately 200,000 troops across the canal."

Mr. Speaker, the United States has given the Soviet Union many concessions in trade and in international bargaining.

We have exacted few, if any, return concessions and accommodations. We have yet to insist to the Soviets that they cut their armament activities in the Middle East to avoid encouraging an arms race among Arabs and a war with Israel.

The facts presented in this report make it clear that the Soviet Union kept right on with the Middle East arms race. It is time the United States bargained as hard as our Soviet counterparts.

The tables follow:

TABLE 1.—COMBAT AIRCRAFT INVENTORIES IN THE MIDDLE EAST

Country/aircraft type	1967-68[1]	1968-69	1969-70	1970-71	1971-72	1972-73
Egypt:						
Mig-21 interceptor	100	110	100	150	200	220
Mig-19 all-weather fighter	45	80				
Su-7 fighter-bomber		40	90	105	110	120
Mig-15 fighter	60	120	120	165		
Mig-17 fighter-bomber					200	200
Il-28 light jet bomber	20	40	30	28	25	10
Tu-16 medium bomber		10	12	15	18	18
Total	225	400	352	463	553	[2] 568
Syria:						
Mig-21 interceptor		60	55	90	100	[3,4] 140
Su-7 fighter-bomber		20	20	40	30	30
Mig-7 fighter-bomber						80
Mig-15 fighter	[5] 25	70	70	80	80	
Total	25	150	145'	210	210	[2] 250
Jordan:						
Hunter ground attack		12	11	20	18	35
F-104A fighter bomber				18	15	15
F-86 fighter		4				
Total		16	11	38	33	50
Iraq	170	213	213	229	220	189
Libya:						
Mirage V ground attack/interceptor						60
Mirage IIIB/E interceptor						12
F–5A interceptor				7	7	10
Total				7	7	82
Algeria:						
Mig–21 interceptor		140	140	140	30	30
Mig–15, 17 fighter-bomber					60	95
Il-28 light jet bomber		30	30	30	24	30
Magister armed trainer					28	26
Total		170	170	170	142	181
Saudi Arabia:						
BAC-167 ground attack				24	20	21
Lightning fighter	4	24	28	35	20	35
Hunter ground attack	4	4	4			
F-86 fighter	12	11	11	16	15	15
Total	20	39	43	75	55	[7] 71

Footnotes at end of table.

TABLE 1.—COMBAT AIRCRAFT INVENTORIES IN THE MIDDLE EAST—Continued

Country/aircraft type	1967-68[1]	1968-69	1969-70	1970-71	1971-72	1972-73
Israel:						
F-4E fighter-bomber/interceptor			(8)	36	75	[4][9] 120
A-4E/H fighter-bomber		48	48	67	72	125
Mirage fighter-bomber/interceptor	65	65	65	60	60	50
Vautour light bomber	15	15	15	12	10	10
Mystere IVA fighter-bomber	25	35	35	30	27	27
Oragan fighter-bomber	50	45	35	30	30	30
Super Mystere interceptor	25	15	12	10	9	9
Magister trainer with limited ground attack capability	50	65	65	85.	85	85
Total	230	288	275	330	368	[2] 456

[1] All data in this table and those following are generally from June 30 to June 30. Losses incurred in the fighting which broke out on Oct. 6, 1973 are not taken into account.

[2] As of Oct. 8, 1973, Institute for Strategic Studies figures are: Egypt 620, Syria 326, Israel 488. (Washington Post, Oct. 8, 1973.)

[3] Includes 40 that reportedly were delivered during previous 3 months. (Washington Post, Apr. 21, 1973.)

[4] "Israel Expected To Seek More Arms," Washington Post, June 19, 1973.

[5] Includes some MIG-17's and 21's.

[6] About 60 have been delivered according to Israeli Foreign Minister Abba Eban.

[7] Does not include reported order of 38 Mirages from France. (Le Monde, Sept. 29, 1973.)

[8] Does not reflect the first deliveries of Phantoms in late 1969.

[9] Does not reflect losses incurred in the Sept. 13, 1973 Israeli-Syrian air battle.

Source: International Institute for Strategic Studies, The Military Balance 1967-1968 (London, 1967), and succeeding issues through 1972-73.

TABLE 4.—HELICOPTER INVENTORIES IN THE MIDDLE EAST

Country and aircraft type	1967-68	1972-73
Egypt:		
Mi-4 and Mi-6	30	—
Mi-1, 4, 6, and 8	—	180
Syria:		
Mi-1	7	4
Mi-4	3	10
Mi-8	—	(1)
Total	10	14+
Jordan:		
Alouette III	4	7
Whirlwind	4	—
Total	8	7
Iraq:		
Mi-1	—	4
Mi-4	9	30
Mi-8	—	12
Wessex	11	—
Total	20	[2] 46+
Libya:[3]		
AB-206	—	2
OH-13	—	3
Alouette III	—	10
Super Frelon	—	6
Total	—	21
Algeria:		
Mi-1		4
Mi-4	[4] 50	42
Hughes 269A		6
Sa-330		2
Total	50	54
Saudi Arabia:		
Alouette III	2	1
AB-204		1
AB-205		.8
AB-206		20
Total	2	10
Israel:		
CH-53C		10
AB-205		30
Super Frelon	40	12
Alouette		20
S-58		------
Total	40	72

[1] Number is unknown.

[2] Iraq has also reportedly received an unspecified number of Mi-6 helicopters. (Dusko Doder, "Soviets Ship Jets, Arms to Syria," Washington Post, 21 April 1973.)

[3] In the summer of 1970 Libya had some helicopters, including 3 Alouette IIs. (Military Balance 1969-1970.)

[4] 1969-1970 was earliest information available.

Source: Military Balance 1967-68, 1969-70, and 1972-73.

TABLE 6.—NUMBER OF TANKS IN THE MIDDLE EAST, 1968 AND 1973 (AS OF 30 JUNE)

Country and vehicle type	1968	1973
Egypt:		
JS-3	20	50
T-62		10
T-54/55	250	1,500
T-34	70	400
Pt-76		100
Centurion Mark 3	30	---------
Total	370	2,060
Syria:		
JS-3		30
T-54/55		900
T-34	200	240
T-54	150	---------
Pt-76		(1)
Old German tanks	50	---------
Total	400	1,170+
Jordan:		
M-60		14
M-47 and M-48		190
Centurion	50	140
M-48	50	---------
Total	100	344
Israel:		
M-60		(1)
M-48	225	450
Ben Gurion	250	250
Centurion		700
Isherman and Super Sherman		200
Super Sherman	175	---------
AMX-13	140	---------
TI-67		100
T-54	200	---------
Total	990	1,700+

[1] Exact number unknown.

Source: Military Balance 1967-68 and 1972-73.

ALASKA PIPELINE BILL

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. TIERNAN. Mr. Speaker, I read in today's Washington Post that the conferees have reached a tentative agreement in their attempts to resolve differences between the House and the Senate version of the Alaska pipeline bill. With the current uncertainty concerning a long-term supply of oil from the Middle East due to the political instability of that region and the fact that the Arabs apparently intend to use oil as a political weapon, it is important that we begin to develop domestic oil reserves with as much speed as possible. Further the 70-percent increase in crude oil prices which has been announced makes the production of domestic oil even more important in relation to our balance-of-payments problem.

I commend Chairman MELCHER and the other House conferees for refusing to give in to the pressures that I understand were put on them by the administration on the question of absolute liability. If the Senate version of the liability clause had prevailed the oil companies would not have been liable for damage caused to the environment by earthquakes or other acts of God.

The conferees have apparently agreed to include "no-fault" liability and to provide for a $100 million trust fund for the purposes of paying for any damages caused by the operation of oil tankers. The establishment of such a fund is to be commended as it insures the availability of moneys to pay for any such damage regardless of the financial condition of the operator of the pipeline or tanker company.

AFL-CIO INSTITUTIONAL TRAINING PROGRAM

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mrs. HOLT. Mr. Speaker, much lip-service has been paid in support of job training programs for inmates in our penal institutions. However, often these programs show little discernable evidence of results.

Dominic Fornaro, president of the Metropolitan Baltimore Council of AFL-CIO Unions, has brought to my attention an offender training project sponsored by his organization, in cooperation with the Maryland Department of Corrections, and private industry. Authorities in this field have testified that the project is demonstrating positive results.

I would like to quote from a letter written by Paul A. Wageley, superintendent of the Maryland Correctional Training Center in Hagerstown, Md.:

> The Maryland Correctional Training Center, its residents and indeed Corrections itself, needs salient programming of this very nature which can and has produced valid accomplishments if it is to ever attain its/their goal of reintegrating the offender to the community. I cannot emphasize too strongly the desire of the Maryland Correctional Training Center to have this project continued.

Robert R. Lucas, assistant director of Urban Services for the National Council on Crime and Delinquency, midwestern office, says:

> Undoubtedly, the AFL-CIO Institutional Training Program that you have going is one of the best of its kind in the United States today.

In future deliberations by this body on projects of this type, the AFL-CIO program will certainly serve as a valuable source of reference.

PEER REVIEW FOR COMPLAINTS AND CRITICISMS OF NURSING HOMES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. WALDIE. Mr. Speaker, throughout the Nation there exist 22,000 long-term residential care facilities for the elderly. Both Federal regulations and State licensing requirements guarantee certain standards of quality in these homes. But quality can always be improved and every effort should be made to better the lives of our respected elderly citizens.

The California Association of Health Facilties has initiated a program that will improve the quality of care for their patients.

Mr. Speaker, I wish to share that plan with my colleagues, and I would like to include in the RECORD at this time an article which appeared in Health News, the monthly publication of the California Department of Health:

LEADERSHIP ROLE—NURSING HOME ADMINISTRATORS ADOPT PEER REVIEW SYSTEM

In an effort to upgrade the quality of life in long-term care facilities, the California Association of Health Facilities has instituted a program which will enable its members to impove standards of care for their patients.

Using a system of Peer Review and an advertising campaign which actively encourages patients and their families to communicate criticism and complaints, CAHF plans to work with members whose standards do not meet state licensing requirements, making it unnecessary for the Department of Health to take action against them.

Adoption of guidelines for Peer Review of nursing homes and other long-term residential care facilities which are members of CAHF were announced in August by Henry Heil, president of the association.

Peer Review is a manifestation of the belief that CAHF can and must take a leadership role in upgrading quality of care, according to John Drobney, newly appointed executive vice president of CAHF. "Such review should be on a regular basis to encourage improvement, not merely to respond to complaints," he said. "Voluntary action on the part of the industry is the best means of achieving the goal of improving quality of care."

Drobny, who had been deputy director of the state Department of Consumer Affairs (formerly the Department of Professional and Vocational Standards) until assuming his present position in July, emphasized that Peer Review is an educational process, not a punitive action. "The objectives of the program are to help facilities correct any deficiencies and meet accepted standards," he added. "CAHF will, as much as possible, provide consultants to visit facilities and offer advice about problems in specific areas."

Formerly known as the California Association of Nursing Homes, Sanitariums, Rest Homes and Homes for the Aged, Inc., CAHF is a nonprofit organization which has as its published objectives improving the quality of life of those persons who are patients or residents in long-term care facilities and assisting the owners, administrators, and employees of such facilities in achieving this goal. Membership in CAHF is open to all licensed residential care or long-term health care facilities in California which subscribe to the association's principles and which are accepted after an evaluation by the local chapter Peer Review Committee.

The health facilities association is coordinating its efforts with those of the Department of Health, according to Howard A. Worley, director of Governmental Relations for CAHF since October 1972. "Copies of reports of surveys of member facilities by the state department will be supplied to local chapter Peer Review Committees," he said. "The committees will seek to upgrade the quality of care by review of the activities of each member on a periodic basis, and by special review when there are repeated or serious deficiencies reported by the Department of Health."

Worley emphasized that about 60 percent of California's long-term care facilities are members of CAHF. "Of course, we cannot assist those facilities that are not members," he added. "But, in the case of member facilities, we can offer our suggestions, advice, and help in their efforts to conform to the high standards set by the state and the association."

As part of its efforts to cooperate with the Department of Health in policing the standards of CAHF members, the association has been working with the Manpower Training Section of the department. "Our Peer Review Committees need assistance in learning methods of surveillance and review, which the department is arranging for us," Worley explained.

While CAHF cannot revoke licenses of those members who refuse to improve their standards of care to conform with state requirements, it has recourse to other disciplinary actions, the governmental relations director asserted. "The association can expel from its membership those who cannot or will not comply, thereby withdrawing its approval of their operation," he stated. "Such a disciplinary measure would be publicized in the media, as well as communicated to the Department of Health."

To provide a mechanism for patients, their relatives, or friends to talk to someone about their problems, frustrations, or difficulties with nursing homes or other health facilities, CAHF is pioneering a program which it calls "Cool Line." Posters advertise the availability of nursing home personnel to discuss complaints and criticism. In the event that the administration of a facility seems unreceptive to such communication the posters provide the telephone number of the CAHF offices.

"Anyone who calls CAHF can be assured that someone will look into his complaint and report back," Worley promised. "Information will be referred to the chapter president, chairman of the Peer Review Committee, or other appropriate persons for investigation and report."

The California Association of Health Facilities is affiliated with the American Nursing Home Association. The CAHF Peer Review program is based on ANHA's Code of Ethics, to which all member facilities must subscribe:

. . . A basic human right of all Americans is to have quality health care which is accessible and acceptable.

. . . Members will provide care which will meet the physiological, psychological, enviromental, and spiritual requirements of the patient-resident in licensed facilities.

. . . Members will provide qualified staff in sufficient numbers to perform competent services to meet the patient's/resident's requirements.

. . . Members are encouraged to engage in research and education which will be done with the assurance that the interest and dignity of the individual is preserved and the conduct of the program is of professional quality.

. . . Members will clearly delineate their policies and will receive and act upon complaints and suggestions, utilizing established procedures of the state and national associations and related community resources.

. . . Members will be an integral part of the community's health program.

CAHF has found that much of the criticism leveled at long-term care facilities comes from misunderstanding and lack of knowledge about the role of the facility in the community. The association hopes that Cool Line will open up dialogue between the facilities and those who use them. "Effective dialogue can be another tool in the effort to provide high quality care for people needing long-term residential care," Worley added.

THE ROAD TO PEACE IN THE MIDDLE EAST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. RANGEL. Mr. Speaker, as the tragic war in the Middle East goes on, there is a growing concern by all men, whatever their allegiances or political philosophy, over the carnage and the terrible, wasteful loss of human lives. Our attention must turn towards an effort to find a way out of this horrible war and a way to provide a lasting peace in this area of the world.

The General Coordinating Committee of the Jewish Cultural Clubs and Societies has adopted a resolution on the war in the Middle East that is addressed towards finding a way toward a lasting peace. It calls first and fundamentally for a guarantee of the continued existence of Israel, the existence of which cannot be questioned as a basis for peace in the Middle East. The resolution also calls for the formation of an Arab Palestinian State on the territories won by Israel in the 1967 war, and for United Nations guarantees of a permanent cease-fire.

Without endorsing these specific proposals, I strongly endorse the thrust of the resolutions issued by the Jewish Cultural Clubs and Societies toward finding a viable basis for a cease-fire to put an end to the current war and towards finding a solution to the grave hostilities between Arab and Jew that threaten continued warfare in the Middle East.

JEWISH CULTURAL CLUBS AND SOCIETIES,
New York, N.Y.

STATEMENT ON THE WAR IN THE MIDDLE EAST

(By the General Coordinating Committee, Jewish Cultural Clubs and Societies, adopted October 10, 1973)

The Jewish Cultural Clubs and Societies express their deep shock and concern at the violation of the cease-fire by Egypt and Syria. War is now raging in the Sinai and Golan Heights. Many lives—both Israeli and Arab—are being lost and more thousands wounded.

It is in the interest of both sides that this war be ended at once, for the termination of the Middle East crisis lies in a political solution, not in war. This was true before Egypt and Syria attacked, and it will be true when a truce is restored.

Foremost in our thoughts is the very existence of Israel. Israel must live, we proclaimed from the day it was founded, and we say it today when many Arab leaders, heads of governments and leaders of terrorist organizations like El Fatah, which are supported by many Arab governments, plot and work to destroy Israel.

We call for a cease-fire at once. It is imperative in behalf of peace, for which the United Nations was established, that the Security Council overcome the malaise of power rivalries and demand a cease-fire and end to the war in the Middle East immediately. Every day's delay results in the tragedy of increased bloodshed among combatants and innocent men, women and children on both sides. Delay also intensifies the danger of the Middle East war growing into a world conflagration.

Most important, it is necessary to end the causes of the wars between Israel and its Arab neighbors by taking definite steps on both sides to effectuate the United Nations Security Council Resolution 242 of November 22, 1967. This would mean agreement to return the occupied territories by Israel on the basis of a peace agreement which will guarantee Israel and the Arab countries secure and recognized borders.

The Jewish Cultural Clubs and Societies oppose the annexation of Arab lands as a barrier to peace in the Middle East. We decry the lack of past initiatives on part of the Israeli government to establish a lasting peace with the Arabs. We condemn the refusal of the Arab countries to enter negotiations for peace and their support of the terrorist organizations which operate from bases in their territories and commit some of the most heinous crimes on record against Israel and humanity. On the one side the terror and threats against the existence of Israel must be halted; on the other side the moves to annex large areas of Arab land must be reversed.

Significantly, the New York Times of October 4, 1973, reports a speech by Israel's Foreign Minister, Abba Eban, made the day before at the United Nations General Assembly in which he said, "it would be agreeable to Israel that a peace settlement include two nations in the area of the former Palestine mandate 'on both sides of the Jordan between the desert and the sea.'

"One of these nations would be Israel, and the other would be 'a Palestinian Arab state in its composition, whatever its name or constitutional structure,' and "that it would be up to the Arabs to determine the precise nature of the state bordering Israel on the East." Then: "Israel, he said, is ready to withdraw forces from the land occupied during the six-day war of 1967, but this withdrawal can come only in a permanent peace agreement and 'to the positions and boundaries determined in the peace agreements.'"

This is in line with the U.N. resolution in 1947 for the establishment of two independent states, an Arab and a Jewish state on the territory of Palestine. There may be a hopeful basis for peace in the policy outlined by Foreign Minister Eban, but before any measures for solving the Middle East crisis can be considered the present war must be ended.

Only a future of Arab-Israel friendship and cooperation can auger well for the existence of Israel and peace in the Middle East. All those who cherish Israel and world peace must work to achieve this, and the Jewish Cultural Clubs and Societies have dedicated themselves to this goal.

GENERAL COORDINATING COMMITTEE.
GEDALIA SANDLER, *General Secretary*.
SAM PEVZNER, *Executive Director*.

THE ENERGY PROBLEM—SCARCITY AMID PLENTY

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. CLEVELAND. Mr. Speaker, in my remarks yesterday in connection with the passage of the Emergency Petroleum Allocation Act of 1973, I commented that, necessary though it was, the legislation did nothing to increase our overall supply of energy. With that action now behind us, there is an urgent need to take stock of our overall energy problems and press for their resolution.

The fact is that this country is running short of energy. It is not a matter of resources; they remain abundantly available. But we do not have effective access to them in terms essential to the Nation's welfare: adequate supplies of all forms, at reasonable and stable prices, without sacrificing our environmental quality, economic vitality, or national security.

I am convinced that this is a reasonable goal and one we are capable of achieving. But it will demand top priority, long-term efforts rivaling, in urgency, resources, and commitment, our Manhattan project in World War II and our program to land men on the moon. Surely, a nation, which by the cooperative effort of Government and industry, has built the world's greatest transportation network—the interstate highway system—can create and implement a national strategy to meet this fundamental need.

Evidence that such an effort is necessary lies in the role energy plays in our society. Our entire way of life is based on a modern industrial economy, made possible by the substitution of energy for human toil. Everything we use—from basic food, clothing, and shelter to the amenities of modern life—depends largely on energy for production, distribution, and use.

Yet, for all its importance to the Nation, we are beginning to run short. The reasons are easy enough to identify. With the same recklessness with which we have abused our environment, we have let abundance blind us to the need for conservation. We have adopted wasteful consumption practices and depleted the most easily recoverable sources of oil and natural gas.

Yet we continue to increase our reliance on energy. There are estimates that per capita use of energy will increase by two-thirds by 1985 over 1970, with each of us consuming the energy equivalent of 100 barrels—4,200 gallons—of oil per year. With population increase, that means a doubling of demand.

At the same time, for a people who pride ourselves on our technological sophistication, we have failed dismally in applying this capability to the energy field. To be sure, we have spent heavily in research on nuclear power generation. But we have neglected or severely shortchanged other resources. Total public and private spending for energy research and development was roughly $1.5 billion last year, with industry spending estimated at $1 billion and Government at a half billion. For the Government portion, well over half of the research dollar has been devoted to nuclear energy.

This imbalance is highlighted by our dependence for the foreseeable future on other sources of energy. The breakdown for all sources of energy for 1972 was: petroleum, 46 percent; natural gas, 32 percent; coal, 17 percent; hydroelectric power, 4 percent; and nuclear power, 1 percent.

Major energy markets are industrial, 32 percent; electric utilities, 25 percent; transportation, 14 percent; residential, 14 percent; and commercial 5 percent. Of the utilities sector 68 percent goes for industrial and commercial purposes, the remainder to residential consumers.

Against this background, it has been estimated that we fail to recover more than a fraction of the resources discovered and we waste half of what we produce.

NO OVERALL ENERGY POLICY

More striking to me is the fact that the Nation has not developed a comprehensive energy policy, with responsibilities fragmented among dozens of executive agencies in Washington, committees of the Congress, and the States.

Regulatory actions and narrowly focused environmental restrictions in the absence of a comprehensive energy policy have created distortions in consumption and fostered uncertainty that deter mobilization of industrial resources to do the long-rang job that must be done.

This is reflected in the origins of the short-term aspects of the energy problem. Prices of clean-burning natural gas sold nationally have been held down by Federal regulation to unrealistic levels. This is demonstrated by higher unregulated prices paid for gas within producer States, higher prices paid for liquefied natural gas imported from abroad and higher prices paid for synthetic gas. This situation has vastly increased demand for natural gas in recent years, deterred exploration for new resources, and distorted the economics of other forms of energy.

The resulting natural gas shortage has prompted utilities and others to switch to oil, already under increased demand pressure from conventional users. Because of environmental restrictions on mining and burning of coal, additional demand for oil results. Despite drastically higher costs, some utilities are beginning to produce synthetic natural gas from naphtha, a petroleum derivative, again adding demand for oil. At the same time, fuel consumption has been increasing rapidly in the transportation market, which means mostly oil. With automobiles accounting for more than half the demand in transportation, fuel economy has declined sharply with increased vehicle weight, power options like air conditioning and the automatic transmission, and environmental restrictions on exhaust emissions.

TOUGH DECISIONS AHEAD

Without massive, long-term efforts to improve our energy posture, we will be confronted with three totally unacceptable alternative: A drastic cutback in energy consumption, with the inevitable economic consequences; wholesale abandonment of our environmental goals; or vastly increased oil imports—if, indeed, we can get them—with dangerous dependence on one of the most politically unstable areas of the world.

We cannot rely on consumption cutbacks alone to bring demand into balance with supply. This overly simplistic solution would have serious drawbacks. It would guarantee stagnation of our economy and abandonment of the aspirations of those who do not share in our general affluence. We would forfeit our ability to bring the disadvantaged into the mainstream of the economy, and sacrifice environmental goals. For example, the billions my Public Works Committee has voted to clean up our rivers and streams simply would not be there.

Nor can we relinquish the environmental goals and our hard-won progress toward them to date. This does not involve an either-or choice between the standard of living and environmental quality. A clean, healthful and attractive environment is becoming recognized for what it is: A very basic element in our standard of living in which all should be able to share. This is not to say that environmental concern should rule out any rescheduling of regulatory action in response to temporary shortages of crisis proportions, provided health standards are maintained. But in our fundamental, long-range policies we must continue to rank steady improvement of the environment among top priorities.

Undue reliance on imports should be quickly ruled out on national security and economic grounds. We often tend to think of world hostilities and antagonisms in terms of persistent East-West tensions and nuclear stalemate. On reflection, however, economic rivalries, anti-U.S. sentiment based on resentment of size and affluence, conflicts based on religion, race, language, and national ambition all suggest vast potential for instability. In these circumstances, legitimate self-interest demands that we maintain a reasonable degree of self-sufficiency. Indeed, to the extent that we continue to import petroleum, the ability to weather a cutoff of import supplies and resist blackmail through increased self-sufficiency should help reduce the likelihood of being threatened.

At the moment, the Arab petroleum exporting nations are threatening to use oil as leverage to force a change in our Middle East policies, emphasizing the reality of these concerns. But over the long pull, even that area's vast supplies are not unlimited.

Petroleum demand in the other industrialized nations of the world is increasing at a rate twice our own. Developing nations, while starting from a much smaller base, are increasing their consumption of petroleum at an even higher rate.

Canada is an example closer to home. When the trans-Alaskan pipeline legislation was first before the House, a trans-Canada route was proposed as an alternative. This I viewed with great skepticism. For one thing, I find it difficult to believe that Canada would welcome a pipeline across thousands of miles of Canadian soil, carrying American oil to Americans, through a pipeline our own country rejected because of possible damage to our own environment.

But, I also concluded that it would be unwise to repose control over a significant portion of our supply in non-U.S. hands. Shortly afterward, Canada proclaimed its intention to reduce exports of crude to this country to reduce its own imports from Venezuela and the Middle East and thus hold prices down. The cutback could be as much as 50 percent over 3 years. To point this out does not necessarily mean to question Canadian cooperation unduly, but merely to emphasize that our national interests too do not invariably coincide. Both governments have primary responsibility to their own people.

ENERGY: KEY TO OUR WAY OF LIFE

An element to all these considerations is cost. With energy use so pervasive in our national economy, energy costs function as a sort of value-added tax, increasing cost at each stage of production and distribution from the raw material to the finished product. It thus influences our standard of living and world standing in exports, an area in which technology holds the greatest promise for our continued vitality.

Many examples of domestic well-being and strong export position can be cited, including aircraft manufacture and computers. But I prefer to cite American agriculture as a striking illustration of vast productivity stemming from our industrial base. Few realize it, but agriculture and directly related industries represent the single largest consumer of our energy-intensive industrial output, accounting for a giant share of demand on the national transportation system, the chemical industry, equipment for extensive mechanization and a vast educational establishment. Development of our advantages in mobility, education, communications and other amenities has gone hand in hand with the release of manpower from agriculture and the comparatively low proportion of disposable income expended for food.

By another measure, the average worker in the United States worked 15 minutes for a pound of medium-priced beef in April 1972, compared to 36 minutes in Germany, 37 minutes in England, 46 in France and 116 in Japan. In the period since, food prices worldwide have increased at rates comparable to or exceeding our own. Spot checks by world capitals in early July showed boneless sirloin running $1.99 a pound in Washington, versus $4.55 in Bonn, $2.99 in London, $2.73 in Paris and Rome, and $14.04 in Tokyo.

Thus, adequate energy at reasonable cost in this field alone serves to illustrate the implications of energy policy in terms of meeting our domestic needs and reaping additional advantage through exports.

NATIONAL GOALS

Hence the goal is indicated at the outset: adequate supplies of all forms of energy, at reasonable and stable prices, without sacrificing our environmental quality, economic vitality or national security.

Our fundamental policy in the years ahead must therefore be to develop a high degree of self-sufficiency in conventional resources while developing the technology for new sources of energy. The experts are virtually unanimous that we can assure future generations of an abundance of clean energy when fossil fuels are depleted only by nuclear power. But we should not be captivated by complexity to the point of ignoring resources far simpler in concept. Tree farming for fuel has been suggested, for example, as generation of a renewable resource which basically represents one form of solar energy conversion.

Self-sufficiency will demand fuller use of available resources, including coal, additional oil offshore, oil shale and nuclear energy. This may well involve higher costs, and will demand immense efforts in research and conservation of energy, which in turn will depend largely on research.

Environmental protection alone poses an awesome research task in the context of our policy objectives. Since production and use of energy involves the harnessing of natural forces, no form of energy yet devised by man has been without some impact on the natural environment. Two examples of energy processes often cited as cleanest, hydroelectric power, one of the oldest, and solar energy, one of the newest, illustrate the point. Hydro power generation emits no pollution into the atmosphere, but effects downstream flow and aquatic life, and requires large amounts of acreage to be flooded for impoundment. Large-scale use of solar energy would require in all probability vast amounts of land for systems of energy conversion cells; alternative systems of reflectors to concentrate solar rays could be attacked as esthetically unacceptable. In reality, many energy policy decisions may well increasingly become a matter of choice among environmental objectives.

Demands for cleaner-burning fuel will lead to continuing research and development in production of synthetic gas and liquid fuel from coal, the most abundant remaining fossil fuel in this country. Vast additional reserves of oil in this country await economic and technological developments to make feasible petroleum extraction from shale deposits. But research also must include new techniques for reclamation of land, if strip-mined, and measures to control pollution of underground water and subsidence in the case of deep mining.

Conservation in the broadest sense will also require new and improved exploration techniques to discover the location of resources and to recover higher percentages of reserves once discovered. For example, it has been estimated that oil production from a given site can yield from 5 to 80 percent of the oil in the ground, with averages improved from 18 to 30 percent over the past two decades; but 30 percent in unacceptable. Offshore oil also will require improved exploration measures and development of safeguards to prevent pollution by "blowouts," and clean-up measures should they occur.

NEED FOR RESEARCH

With electric power generation, as well, we must look to research for greater efficiency and reduction of pollution. Existing systems convert combustion energy at a rate of less than 40 percent. Reduced emission of pollution and demand for raw energy sources would result from substantially increased efficiency in the conversion process. One promising process in the advanced research stage would pass hot gases through a magnetic field to convert otherwise wasted heat—a form of pollution—into energy.

Research must be followed by incentives, particularly in the environmental area. A White House statement issued at the time of the President's April 18 energy message referred to technology developed in this country to remove sulphur dioxide from coal combustion, a major source of pollution from this resource. The statement said two operating installations in Japan have proven highly efficient and reliable, and the process should be applied here in small quantities by 1975. Introduction of such innovations must be accelerated sharply.

The list of energy research topics is nearly endless. New materials alone would have application in new nuclear conversion processes, generation by conventional systems at higher temperatures and greater efficiency, transmission with less resistance and hence less loss.

Energy research, like energy policy must be a coordinated whole, As we move into a more technologically-dependent era decisions involving energy will resemble those in the defense and space fields. We identify an objective, determine the elements of an interrelated system to bring us toward that objective, and invent, research and innovate our way forward. Risks and costs are high. But there is no alternative.

TOO MUCH WASTED ENERGY

Energy conservation—waste in extraction and conversion aside—also means less consumption where possible. The range of possibilities includes more efficient industrial applications, conservation at the individual consumer level, and development of less-wasteful automobiles. Possibilities at the consumer level may appear slight, since residential and commercial consumption is a small portion of overall use. But because of the inefficiencies or loss of energy in the production, conversion, and transmission chains, end-use economies have multiple effect. Potential savings here depend on individual effort. Lower consumption of energy for lighting, insulation to improve heating and cooling, and greater emphasis on more efficient air-conditioning can make a substantial contribution. One utility in Michigan has recently offered customers interest-free loans to finance home insulation. Labeling of energy-consumption ratings of appliances and gas economy of automobiles will help. Recent trends toward smaller cars indicate that information programs toward these objectives will find a receptive response by the public.

Companion measures for the near term will include development of deep-water ports, a subject recently explored by my Energy Subcommittee of the Public Works Committee. Capable of handling imports by way of the new supertankers, these will drastically reduce transportation costs and involve far less danger of spills resulting from collision or grounding.

Domestic refining capacity must also be expanded to avoid repetition of the cycle of shortages of gasoline during summer and heating oil in winter as existing plants work at capacity. For New England, development of capacity is essential to assure availability and to reduce costs, since transportation of refined products substantially affects price.

As we confront the prospect of shortages this winter, the mandatory allocations program we voted yesterday must be administered so as to assure fair allocation of available supplies where needed. Controls, however, have a poor record for any long term solution to the energy problems and indeed have seriously aggravated various aspects of it.

STEPS TOWARD SOLUTION

As indicated earlier, we do not yet have the decision-making structure adequate to the task. My own activities have included support for the Trans-Alaska pipeline, a resolution calling for cooperation among petroleum using nations to forge a common front against divide-and-conquer tactics by Arab producer nations, efforts to obtain information concerning domestic producers' pricing policies, support for legislation to curb oil pollution of the seas, support for geothermal energy research, pressure on the Administration to adopt a fuel allocation program, and cosponsorship of a measure to centralize legislative responsibility for energy in a single committee in the House.

The Administration is pressing for Federal reorganization with creation of a Department of Natural Resources, and reorganization of research responsibilities. This is a worthwhile objective in its own right, and if adopted should help reform the Congress' own approach to energy matters.

The day of cheap and abundant energy is past. We can meet our energy objectives in terms of our economy, our environment and national security. But it will require an end to the swings between crisis and complacency, and an extended period of sustained, informed concern.

Simplistic approaches which attempt to deal singly with surface aspects of the problem, such as rigid regulation of prices at one point or another in the production chain, must be rejected. We have seen how a distorted sense of the "consumer" interest has contributed to the natural gas shortage and fuels. As controls on fuel prices and other products have demonstrated more recently, severe distortions of price and supply can result, with manifest unfairness to segments of the industries involved. Broader and deeper understanding of the problems in all their interrelated aspects is essential to sound public decisionmaking. It is my hope that this statement makes some contribution toward that end.

It is also my hope we can avoid the simplistic and demagogic solution that selects villains for each crisis and solutions for none. The problem has many facets and is immensely complex. Part of the problem is the refusal of politicians to recognize this publicly. Our energy problem must be placed in perspective as a point of beginning for its rational solution.

Then we must mobilize public support for the massive commitment of public resources—Federal spending—which will be necessary to solve the problems we face. While the public role will be great, it will be dependent on our success in stimulating the ability and creativity which unquestionably exists in the private sector.

VETERANS DAY, 1973, WITH LIBERTY AND JUSTICE FOR ALL

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. McCLOSKEY. Mr. Speaker, on October 18, I introduced two bills providing amnesty for those who sought to avoid military service during the recent hostilities in Vietnam.

The first bill, H.R. 10979, is conditioned upon 2 years of humanitarian service—Peace Corps, hospital assistance, firefighting, conservation work, and the like—the second, H.R. 10980, provides for an unconditional amnesty.

I have been working on the details and phraseology of the first bill for some months, since the cease-fire of last January 25. It has been my view until recently that fairness to those who did serve in Vietnam required at least an equal period of humanitarian service on the part of those who did not.

The events of the past week, however, give me great pause in seeking less than full and unconditional amnesty for those who declined to kill fellow human beings in a cause in which they did not believe.

Justice is the cornerstone of our system of government. We daily pledge allegiance to our flag with the ringing declaration: "With liberty and justice for all."

Last week a Vice President of the United States was granted his liberty after admitting that he had wilfully and knowingly filed a false income tax return and had evaded payment of his taxes.

A few days later, a Member of Congress was granted his liberty after admitting that he had obstructed justice and committed mail fraud.

If justice for all permits leniency for high public officials who violate their trust, it seems to me it must also include leniency for those young men who did not want to fight in a war which Congress never declared.

I do not condone the refusal to obey the law by those who went to Canada or deserted between March 1965 and January 1973.

I do feel, however, that their crimes were of no greater degree than those for which 2 of the 537 elected leaders of the Nation have just been sentenced to a fine and straight probation.

Service to the Nation's Armed Forces should be considered no more important than honest service by those who are elected to high office.

We should not impose heavier penalties

on ordinary citizens than we do on our leaders.

Justice for all is our most precious possession as a nation. It remains an elusive goal, yet our constant and continuing quest for equal justice is among the most important effort we can pursue at a time when we are assiduously seeking to restore public faith in the fairness of our system of government and law.

In this vein, Mr. Speaker, I urge reconsideration by those who have set their hearts against amnesty in the past.

The situation is different now.

If justice includes freedom for tax evaders and obstructors of justice, it should include freedom for draft evaders as well.

On the eve of Veterans Day, 1973, we might well accept the principle that justice for all now should mean amnesty for all.

THE 365TH ANNIVERSARY OF THE LANDING OF POLISH IMMIGRANTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DERWINSKI. Mr. Speaker, on October 3, I held a Special Order with the cooperation of a number of Members on the 365th anniversary of the landing of the first Polish immigrants in Jamestown, Va.

As a result of this, I have received a letter from Frank P. Rossiter, mayor pro tempore of the city of Savannah, Ga., which I am pleased to insert in the RECORD at this point:

CITY OF SAVANNAH, GA.,
OFFICE OF THE MAYOR PRO TEMPORE,
October 11, 1973.

DEAR CONGRESSMAN: Impressed by your comments in the Congressional Record on Polish contributions to the United States and the sacrifice of such noblemen as Casimir Pulaski on the altar of American freedom, I thought you would like to know that Savannah did not let the observance pass un-noticed.

Fourth Degree Knights of Columbus held impressive ceremonies on Sunday, October 7th at the Pulaski Monument, located in a beautiful Savannah park. U.S. District Judge Alexander A. Lawrence, historian, author and student of the law, was the speaker. As Mayor Protem, I introduced him.

Monsieur de la Gorce, minister plenipotentiary of France, and the French consul general from New Orleans were also here for the observance of the 194th anniversary of the Siege of Savannah in which Pulaski was killed, along with more than 1,000 Frenchmen. The battlefield is only a few city blocks away from the monument.

Speakers at the various functions brought out details of Pulaski's heroic death, and how the loss of his religious scapulars, had given him a premonition of his impending death.

LaFayette was in Savannah in 1825 to lay the cornerstone for a Pulaski monument. He noted at the cornerstone laying ceremony that he had introduced Pulaski to the American Army, had introduced him to the commander in chief, George Washington, and now some 46 years later he was participating in a ceremony at a monument to the gallant Pole.

The Savannah Historic Site and Monuments Commission after ten-year struggle has a toe-hold to restore the battlefield site. They now have title to 5.6 acres and also some nationally rated historic buildings. About 50 additional acres are available. The French are interested in some form of participation in the project which is in close proximity to I-16 and I-95.

It would be fitting if this project could reach fruition by the time of America's Bicentennial. This was the site of one of the bloodiest battles of the Revolution, and a great example of the ethnic contribution to American freedom by Poles, French, Irish and others who gave their lives in this battle. Why not a national monument, like Andersonville?

Thus would be created a site of great pride for Polish Americans who would want to visit the battlefield during their travels on the two major Interstate Highways.

Permit me to echo the warm sentiments you have expressed on the part Polish-Americans played in making America great.

Sincerely,

FRANK P. ROSSITER,
Mayor pro tempore.

NEDA URGES CLEAN AIR LEGISLATION

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. NELSEN. Mr. Speaker, a declared purpose of this Nation's Clean Air Act is "to promote the public health and welfare and the productive capacity of its population."

As with all environmental measures, it is important to distinguish between its goals, which we all support, and what may be humanly achievable within a given period of time. As we have learned through bitter experience, monitoring of such laws is essential and modifications are occasionally required to accommodate reality.

To use the recent words of the President, addressed to "those who concentrate entirely on clear air:" If a person freezes from lack of fuel, "it doesn't make any difference whether the air is clean."

In this connection, as ranking Republican on the House Public Health and Environment Subcommittee, I was much interested in last month's testimony on the Clean Air Act which was presented before our panel by Mr. Thomas A. Young, President of the National Environmental Development Association. It appears of such pertinence, I submit it for publication in the RECORD at this point in my remarks:

STATEMENT OF NATIONAL ENVIRONMENTAL DEVELOPMENT ASSOCIATION BEFORE THE SUBCOMMITTEE ON PUBLIC HEALTH AND THE ENVIRONMENT, HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE CONCERNING THE CLEAN AIR AMENDMENTS OF 1970, SEPTEMBER 1973

Mr. Chairman, honorable members of the Subcommittee, the National Environmental Development Association appreciates this opportunity to set forth our overviews on the implementation of Public Law 91-604, the Clean Air Amendments of 1970.

National Environmental Development Association (NEDA) is a non-profit, non-political, non-stock corporation comprised of labor, agriculture, industry and other private and public interest organizations and individuals. NEDA was established for the purpose of promoting the conservation, development, and use of America's resources to enhance "the quality of its human environment" 42 U.S.C. 4332. NEDA endeavors to do this by encouraging public awareness and informed input on such proposed or prevailing public policies as may serve to attain or impair that overriding human goal.

As to the matter before the Subcommittee, we espouse as all men must, the objectives of the Clean Air Act—and those other objectives of full employment and economic growth essential to the general welfare of all Americans. In these and other statutory matters affecting the human environment, it is our insistent view, however, that each be pursued in a manner compatible with attainment of the others.

It is therefore fitting that the Subcommittee undertake this oversight review of the Clean Air Act at this time, for it is our considered belief that we are now at a point where one of that Act's major constraints must be moderated, or modified, to accord with the policy of this Nation's National Environmental Policy Act.[1] We discuss that particular constraint later.

As we look back over the past two and a half years, there have been many gains under the Clean Air Act, all of which served to substantially improve air quality, nationwide. The Subcommittee is familiar with these. EPA has promulgated both national primary air quality standards, insuring protection of the public health, and national secondary air quality standards, protecting public welfare. The States have taken and are taking emission control actions which reduce air pollution concentrations, not only in heavily polluted areas, but also in their outer peripheries, and in the outlying rural areas beyond. Emission standards for new motor vehicles have effected a steady reduction in new motor vehicle emissions, and will continue to do so through the nineteen seventies and on into the eighties. And the Federal standards for new stationary sources of emissions, inhibiting atmospheric reactions, further reduce concentration of atmospheric particulates. In brief, it must be admitted that much has been accomplished to fulfill the goals of the Clean Air Act over the past two and a half years.

We must also stress however, that the cost of those accomplishments, the context in which they were imposed, and certain of their other consequences, have been equally arresting. These same past two and a half years have also been a period of disturbing, cumulating economic crises—of towering consumer and other price rises, of inflationary erosions of savings, take home pay, and living standards, of shortages and threatened shortages of energy, fuel and other commodities, of stymied but neeeded new Federal and non-Federal projects and productive capacity, of increasing restrictions on resource use, or mounting dependency on foreign imports, of continuing unemployment for many, and of steadily increasing costs of government—all of which must continue to be borne by the remaining economic activity of other Americans. And we see signs of more of the same to come.

We are not prepared to ascribe those increasingly adverse social and economic trends to the Clean Air Act, or to the Federal Water Pollution Control Act, or Noise Pollution Control Act, or Coastal Zone Protection Act, or National Environmental Policy Act, or any of the numerous other recent environmentalist measures enacted by Congress. It is sufficient merely to point out that there is a necessary and we submit substantial connection between those many measures, and the enormous costs they have entailed, and these adverse social and economic trends.

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[1] That is: "to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of" all Americans PL 91-190, 42 U.S.C. 4331(a).

We therefore respectfully urge that in any report the Subcommittee may issue at the conclusion of these hearings, it emphasize that the objectives of this Clean Air Act must hereafter be implemented, and interpreted by the courts: with greater awareness of the huge cost burdens they and other environmentalist measures impose on the American economy, and in a manner and at a rate that does not further impair its carrying capacity and that of the many millions of its people it must sustain.

More specifically, we respectfully urge that the Subcommittee recommend new legislation overriding recent court determinations, holding that the Clean Air Amendments of 1970 now require States to prohibit *any* "significant deterioration" of air quality, anywhere (i.e., *Sierra Club et al.* v. *Administrator of EPA*, 344F. Supp. 253, DC 1972; affirmed 4 ERC 1815, DC Cir. 1972; affirmed by tie vote, U.S. Supreme Court, 41 U.S.L.W. 4825, June 11, 1973).

Those rulings now bar numerous categories of economic activity, essential economic activity, across the boundless clean air regions of the country. Unless altered, those rulings permanently deny the use and benefit of much of America, and American resources, to present and future generations.

Those rulings clearly were not the legislative intent of the Clean Air Amendments of 1970, or of any other statute with which we are familiar. Whatever the reason for them, be it inapposite legislative language or judicial rigor, resolution of the primal policy question those rulings now present should not be abandoned to the unguided discretion of an administering agency. Further, whatever its eventual answer, as and if reached, it may be overturned anew by the courts, as now happens so often in so many seemingly abstract environmental matters.

Accordingly, we urge the Subcommittee to recommend clarifying legislation, affirming that an otherwise allowable undertaking or activity may go forward, in any area—providing it meets the primary and secondary ambient air quality standards of section 109, protecting both the "public health" and "public welfare from any known or anticipated adverse (air quality) effects."

Thank you very much.

THOMAS A. YOUNG,
President.

SUPPORT OF ISRAEL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. BIAGGI. Mr. Speaker, I am pleased to join with the distinguished majority leader (Mr. O'NEILL) in introducing a resolution reaffirming the continued strong support of the U.S. Government for the nation and people of Israel in their struggle for survival against the Arab States.

This latest tragic and untimely war in the Middle East continues to command the attention and fears of the entire world. The rapidly changing developments in this conflict make it impossible for Americans to remain aloof from this crisis.

A particularly alarming development has been the Soviet Union's unwillingness to work with the United States to bring about a fair and equitable solution to this war. They have demonstrated their full and unequivocal support of the Arab cause with their massive shipments of sophisticated aircraft and other weaponry to assist the Arabs in achieving their objective of destroying the sovereign State of Israel.

While I and others in the House have spoken out deploring the outbreak of hostilities in the Middle East, one fact emerges; the United States has an immediate responsibility to support Israel in her fight for survival. Our policy toward Israel should not be intimidated by Saudi Arabia's or any Arab nations threat to cut off oil supplies to this country. We have never allowed threats of intimidation to govern U.S. policy before, there is no reason to begin now. Our need for Middle East oil is nowhere as great as the need to prevent the democratic State of Israel from falling under the clutches of Russian communism.

The aforementioned resolution would provide this necessary support by calling for the release of all Phantom aircraft as well as tanks and other military equipment which have been contracted for but have not yet delivered to Israel. The need for these materials is immediate and imperative if the beleaguered Israelies are to survive as a nation against the relentless attacks of the Arab nations.

Yet we must remember that the road to peace is not limited to one lane. As much as we can assist the Israelies in achieving military successes, we must also continue to pursue a displomatic solution with an equal if not a greater sense of urgency. I applaud Secretary of State Kissinger for his dedicated efforts at promoting a durable peace in the Middle East.

We are experiencing an extremely perilous time in international relations. It is time that the two superpowers begin to act responsibly in this matter, making their sole objective, peace in this battle-torn area of the world. But, let us assure the Russians that our support of Israel will not waver, and her security and survival remains our foremost priority.

METALS FORMED IN SKYLAB'S WEIGHTLESSNESS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. TEAGUE of Texas. Mr. Speaker, each day a new and important contribution is added to the list of the Skylab program's achievements. In the most recent flight to Skylab, a number of experiments were done with metals to determine how the weightless condition of space could be used to provide new or different alloys. The Wall Street Journal, Wednesday, September 26, 1973, describes the samples returned from Skylab and their significance as possible contributors to improved metals useful to our daily lives. The article follows:

METALS FORMED IN SKYLAB'S WEIGHTLESSNESS RETURN WITH ASTRONAUTS, MAY MAKE SPLASH

HOUSTON.—Aboard the spacecraft that returned from Skylab late yesterday were a few ounces of what may be temporarily the world's most precious metals.

They are some alloys and crystals that were formed in the weightlessness of space and may be unlike any ever seen on earth. The alloys, for instance, are mixtures of elemental metals that can't be mixed on earth because gravity would cause them to separate as they are melted or cooled.

The metals were formed in a small electric furnace aboard the space laboratory by the Skylab 2 astronauts during their record-breaking 59-day flight. The space venture, the second of three planned Skylab flights, ended when the command module carrying the three astronauts and a cargo of experimental results splashed down in the Pacific yesterday at 6:20 p.m. (EDT) about 230 miles southwest of San Diego.

Included in the scientific cargo were three alloys and several semiconductor crystals of the kind used to make transistors and other electronic devices. A dozen industrial and university scientists are anxiously awaiting a chance to study the materials to see if manufacturing in space can produce stronger, purer, more reliable or even new materials.

Of the alloys one is a mixture of lead, zinc and antimony, a second is composed of gold and germanium and the third is lead, tin and indium, said Jo Reger, a materials scientist for TRW Inc. in Redondo Beach, Calif.

Because these materials have different densities, they can be alloyed only in tiny amounts under extremely unusual conditions on earth, such as forcing them to cool during a two or three-second drop from a high tower. In cooling a molten mixture of lead, tin and indium under the influence of gravity, for example, the tin will precipitate out before the other two metals solidify, Mr. Reger said.

Although the alloy samples weigh only fractions of an ounce each, they are "bulk" quantities compared with what scientists have had to work with before, Mr. Reger said. "They're really priceless," he said. What the alloys will be like and what their potential uses will be is, however, uncertain, he added. The experiments are really designed to provide basic clues on why some metals mix and others don't on earth. However, he added, one of the alloys, the lead-zinc-antimony mixture, might be a new superconductor, a material that when cooled to near absolute zero, loses all resistance to electricity.

Also on board was a sample of a semiconductor crystal of indium antimonide which was melted and resolidified aboard the Skylab. The key to making highly reliable and efficient transitors and other semiconductors is getting atoms and molecules of an impurity material distributed uniformly throughout a semiconductor crystal, explained Harry C. Gatos, professor of metallurgical and materials science at Massachusetts Institute of Technology. Gravity interferes with getting a uniform distribution; the molten materials become disturbed because the cooler molecules tend to sink and the warmer ones to rise.

"None of these problems should exist in space where zero gravity should allow the solids to grow from undisturbed melts," Mr. Gatos said. When the crystals from the Skylab are returned to the scientists, "we will study extensively the way they grew in space, the way the active ingredients were distributed there and how the electrical properties in all their details have changed."

If the experiments show that weightlessness can produce better or even new materials, it isn't inconceivable that commercial manufacturing might be done in space. Mr.

Reger noted that the quantities needed of some materials, such as semiconductors, are measured in ounces or only a few pounds. Such quantities wouldn't be difficult to produce in a spacecraft during flights in only a few days or weeks."

A TRIBUTE TO JOHN GALVIN, OUTSTANDING CITIZEN OF WESTERN NEW YORK

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. KEMP. Mr. Speaker, if one is lucky in his lifetime, he will run across someone who has devoted his entire life to public service—to serving the people at any cost, sacrificing his own time for the benefit of others. Such a person is John M. Galvin of Amherst, N.Y.

John is retiring on November 1 as a director of Marine-Midland Bank, but his record of 52 years of outstanding service to the community makes me quite sure that he will continue.

John's life truly exemplifies the American dream. He entered the banking field in 1921 as a messenger for the old Lafayette National Bank, which later became a part of Buffalo Trust Co. before it was merged into Marine in 1925.

After being named an assistant treasurer in 1933, he organized Marine's first Midland time plan department when the bank entered the consumer field 3 years later.

John's career continued to rise as he was promoted to assistant vice president in 1945 and to vice president in 1948. He returned to Marine Midland Bank—Western, in 1951 as director of public relations. John was elected senior vice president in 1958, executive vice president in 1961, and chief executive officer, chairman of the executive committee, and a director in 1962. From 1968 to 1971, he served as vice chairman of the bank's board of directors.

John has earned for himself a reputation for public service for which he can hold his head high. Among his many awards for these services are the Award Citation from the Buffalo Council on World Affairs, the Distinguished Citizens Achievement Award from the Board of Regents at Canisius College, "Boss of the Year" Award from the Buffalo Area Jaycees, "Man of the Year" Award from Buffalo magazine of the Buffalo Area Chamber of Commerce, a National Brotherhood Citation of the National Conference of Christians and Jews, and a Silver Beaver Award from the Boy Scouts of America.

A member of the Board of Trustees of Rosary Hill College since 1966, John has throughout his long career taken an active leadership role in educational, civic, and religious affairs of the community. He is a past president of the Buffalo Area Chamber of Commerce, a cofounder of the United Way of Buffalo and Erie County and has served as a regent of Canisius College.

John's activities in religious affairs in the Diocese of Buffalo include membership on the Executive Board of the Bishop's Lay Council of the Diocese of Buffalo and of the Pastoral Council of the Diocese, and he has also served as a trustee of Catholic Charities of Buffalo. He is a Knight of St. Gregory, a Knight of Malta and a Past Grand Knight and Past District Deputy of Buffalo Council No. 184, Knights of Columbus.

Mr. Speaker, John Galvin has throughout his career served the people of Buffalo and western New York with honor and distinction and I am proud to number him among my friends. I congratulate John for his devotion and dedication to the cause of humanity throughout his lifetime and I extend to him my warmest wishes for his continued health, happiness, and prosperity in the years ahead. When a man is so filled with life as John Galvin, I know that this step means not an end but a beginning—his undampened energies and enthusiasm will be channeled from old triumphs to new pursuits.

FUTURE ROLE OF THE STATE HOSPITAL—ADDRESS BY WILLIAM R. ROY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. DULSKI. Mr. Speaker, on October 11 in Buffalo, N.Y., my distinguished colleague, Dr. William Roy, of the Second District of Kansas, addressed a conference of the future role of the State hospital, sponsored by the Division of Community Psychiatry of the State University of New York at Buffalo and the Western New York Education and Training Team of the New York State Department of Mental Hygiene.

The conference was indeed fortunate to obtain a speaker with his unique qualifications. As a physician for over 20 years, he has firsthand knowledge of medical problems and health needs of the country; as a lawyer and member of the Kansas Bar Association, he is aware of the legal intricacies involved in implementing governmentally assisted health care; and as an active member of the House Subcommittee on Public Health and Environment, he is striving to correlate information from around the Nation and working to formulate constructive legislation from it.

Dr. Roy's thoughtful speech reflects his combined training and experiences. Recent administration proposals for slashing Federal assistance in health care, including dropping community mental health centers, have been postponed pending a thorough congressional study. Scientific and technological advances in medical science as well as changing sociological factors call for reevaluation of our health care delivery systems, and the address last week in Buffalo is a very perceptive one.

I am pleased to insert the text of Dr. Roy's timely remarks on the future role of State mental hospitals, and commend it to my colleagues:

Remarks of Dr. William Roy

The state mental hospital is not dead, nor is it necessarily dying—but it most certainly is headed for a radical change.

In many states throughout the country, as many of you are aware, the decision has already been made to substantially transform the mental hospital system. In many other states, the decision is about to be made.

And these decisions have been made, or are being made, because over the past decade two experiences matured which literally compelled a shift in orientation of the state mental hospital system as we have traditionally known it.

First was the increasing wide-spread use of psychotropic drugs which facilitated the treatment and rehabilitation of the mental patient, and thereby sharply diminished the need for institutional care.

Second—and really the most compelling—was the flowering *of first* the concept *and then* the realization of treatment in the community setting—a happening that was crystallized by the community mental health centers program.

By 1966 or 1967 when the centers program was fully underway—underway in the sense that a number of facilities were then operating and delivering services pursuant to the comprehensive model—it was rapidly becoming clear that the community setting had dramatic advantages over the state mental hospital for the treatment of the mentally ill. Advantages in terms of both dollar savings to both the patient and to the state, as well as savings in terms of human suffering—separations from family, job and friends.

We all know the story—with the comprehensive community program the patient can get treatment sooner and complete the therapy sooner so that his "time out of circulation"—if there is any—is drastically reduced.

With these experiences—the psychotropic drugs and community mental health centers—the public state mental hospital experienced a dramatic decline in the number of resident patients: from 540,604 in 1963 to 275,995 in 1972. And the population continues to decline.

Where, then, goest the state mental health facility—the often old, the often rural facility that too often has been used to warehouse the mentally ill?

Several states, we know, have made the decision to get out of the business of operating state hospitals. In some cases the ownership has simply been transferred to another level of government, usually the county, but in most cases, the change has been a sincere one designed to alter the mode of treatment—to really capitalize on the advantages of the community model.

The most typical reassignment scheme for a state mental hospital is for it to take on the role of a community service facility, most likely with broader responsibilities than it formerly had. In such cases as the facility takes on a new role, it also takes on a new image. The walls and fences come down, the spacious campuses are opened up to general public use and the inhibitions of the community to use the facility tend to drop.

This is essentially the change that is taking place at St. Elizabeth's Hospital in Washington, D.C. One unit was turned into a community mental health center to serve one of the city's four catchment areas. Other parts of the hospital have changed their style of service or orientation—and the public has begun to think of St. Elizabeth's as a resource for them, rather than just a huge but isolated facility that divided up the community.

In Wisconsin, another technique was used for its two state mental hospitals—they were turned into specialized treatment and research facilities. Each of the hospitals has several such specialized facilities, and the purpose is to develop new insights, new skills, new techniques into the treatment of particular mental illness problems—as well as to treat those who are residents of the facility and therefore part of the research effort.

Such a scheme is patterned after the National Institutes of Health, which—although primarily research facilities—treat people with specialized problems as part of the research.

In some instances, conversion to community treatment may not be so simple. Where there is no viable use for the state mental hospital for the treatment of the mentally ill, and the facility is still a good one, then it should be turned over to other pursuits which are in the public interest—schools, general health care facilities, recreational units, and the like.

And some state mental hospitals, indeed, will simply need to be abandoned. Old facilities which are sufficiently dilapidated that they will require near-total rebuilding to be useful. Perhaps these buildings should be torn down and the land used for a totally different purpose.

There are, of course, many problems connected with the transfer of a state mental hospital to new functions. Where these facilities are the main—perhaps the only significant—employer in a community, the community understandably views such a shift as a serious threat to its economic well-being.

But there is no need for serious concern here. The employees of a state mental hospital can be retrained to provide similar types of services within the community-oriented program, or even retrained to serve in the new program to be operated out of the facility.

In those instances where the residents of the facilities continue to need residential care and the hospital is abandoning that role, often the solution has been to find an alternative residential facility, but one which is—it often turns out—more appropriate. The elderly constitute a large segment of this population, and often the change to smaller residential facilities more a part of the community and particularly adapted to the needs of the elderly has proven beneficial.

So I foresee no problem in continuing the transition away from the traditional mental hospital. It is happening, it will continue to happen—the real question is how swift the transition will be.

One of the important questions remaining relating to this transition is what is the appropriate role for federal government.

Although the federally sponsored community mental health centers program has played a key role in developing the community programs and demonstrating their viability—and thus creating the countervailing force to the state hospital system—much of the impetus for redesigning the use of state hospitals, or for closing them down, has come from leaders within the states themselves.

This leadership has come mainly from two directions—

Those responsible for the fiscal stability of the state—the money managers who see the savings in terms of dollars primarily, and only secondarily in terms of benefits to human beings.

And those responsible for the delivery of an effective mental health service program, who do see the savings primarily in terms of improved well-being for those receiving care.

The momentum is there—the thrust is there at the state level, but what the Congress and the Administration does in Washington will also have a significant impact on the rapidity with which the transition is made.

For example, one of the proposals for national health insurance—S. 22, the Kennedy-Griffiths bill—has in it a provision relating to coverage of treatment for mental illness which says, in effect, that there should be unlimited coverage for services provided within the setting of a community mental health center, but that the coverage should be restricted for those services provided in a hospital setting.

Obviously, enactment of such a provision tomorrow would intensely accelerate the rate at which states move from delivering services through a system of hospitals to delivery through a system of community programs.

National health insurance is still some distance off.

But enactment of legislation which will have an impact on the kind of change I am talking about is probably not so far off.

One very real possibility has to do with a change in the Medicaid law. Under the program as presently designed, the provision of clinic—or outpatient—mental health services is optional within the state plan. The Administration has all along opposed the inclusion of required outpatient mental health services because of a fear that the cost will be too great, although it has accepted—and it is part of the Medicaid law—that inpatient hospital services for the mentally ill shall be covered. And Congress has gone along with this distinction.

But now that the Administration is proposing that federal support for the community mental health centers program be eliminated, it is under pressure—as well as a moral obligation—to help develop alternative sources of funding for community mental health programs. Since the federal CMHC staffing grant—once the center is fully operational—essentially goes for paying the cost of delivering services to the poor, an obvious device for supplying some relief is by broadening the medicaid law to require the inclusion of outpatient mental health services in a state medicaid plan. And if the change were accomplished in such a way as to make the delivery of such services in the clinic or community program setting more attractive financially than for those provided in the state mental hospital, then there would be another impetus for states to accelerate the conversion process.

But I think the Administration and the Congress can do more to speed the shift.

Every time we in the Congress consider and pass a piece of legislation that relates in some way to the delivery of mental health services, then we ought to make it clear—through the establishment of incentives—that the way of the future is service delivery within the community program setting.

And every time the Administration deals with such issues through the implementation of rules and regulations or other devices, then it, too, should make sure that the emphasis is on community service programs.

For the momentum is underway. It is now only a question of how swift the transition shall take place.

DRAWING THE CURTAIN OF INDIFFERENCE

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. MOSS. Mr. Speaker, C. P. Snow, the late British writer, once said of the world's hunger crisis:

> We know it is happening. We see people starving before they have died, we know that they are going to die. We know so much, and we can do so little. We turn away. . . . We draw what in England we call curtains, and we try to make an enclave of our own.

Certainly the same can be said of America. For although our Nation has the scientific expertise to send men to and from the moon, and the technical know-how to provide a new heart or kidney for a few, it seems that we have not yet mustered our national will and resources to tackle the basic problems of hunger and malnutrition.

For most Americans this is an unprecedented year of national crisis. Engrossed as we are, however, in the selection of a new Vice President, in the labyrinth of the Watergate scandals and with our current economic problems, we here in Congress must not forget the basic and ominous fact, that everyday throughout the world, more than 130,000 human beings die of starvation and malnutrition.

It is true that we Americans no longer have unlimited food surpluses, but certainly we can allocate our priorities to better serve food shortages in the less-developed countries. Indeed, it is estimated that America's garbage cans over the next year alone will contain enough wasted food to prevent a significant proportion of famine deaths that will otherwise occur in Asia and Africa.

The facts also indicate that congressional response to the problems of world famine are not equal to the severity of the world crisis. World production of food has declined for the first time since World War II, but our humanitarian food shipments under the food for peace program have decreased by as much as 40 percent. In the Sahelian nations of West and Central Africa, where 8 to 12 million human beings face imminent starvation within the next several months, the President has contributed only $12 million and three Air Force planes to supply relief for these drought areas.

U.S. funds for world projects in food production, nutrition, and population planning are the smallest to be allocated in the past 27 years. Indeed, as Fred Bergsten of the Brookings Institute says:

> The U.S. is the least responsive to Third World needs of any industrialized country. U.S. help is small in quantity, and getting smaller. It lags far behind the policies of Europe and Japan. The Administration and Congress must share in this indictment.

During the next 30 years, the population of the world will double. Of the 7 billion people who will be alive in 2000 A.D., nearly 90 percent of them will reside in the less developed countries. Probably one half of these people will be condemned at birth to an early death because of hunger and malnutrition.

There is a direct cause and effect relationship between an increasing population and food scarcity, but birth control is a complicated economic-religious-educational and cultural process that requires significant financial commitment in order to be even partially successful. Yet, for the past 2 years, America's contribution to contraceptive research and development has been frozen at $40 million a year. This is an amount equal to what the Department of Defense spends in less than 7 hours and is $60 million less than what the Department of Health, Education, and Welfare has estimated is needed in order to carry out the mandate of the Family Service and Population Research Act of 1970. All of this in spite of the recent report of the U.S. Commission on Population Growth which recommended substantial increases in governmental assistance for improved birth control methods and education.

We hear a great deal of talk these days about the research for a "generation of peace," yet we continue to spend $80 billion a year for weapons of war, but only pennies for food for peace.

Perhaps it was Adlai E. Stevenson who best summed up the obvious political problems created by hunger, malnutrition, and over-population:

> We travel together, passengers on a little ship all committed for our safety to its security and peace. We cannot maintain it half fortunate, half miserable, half confident, half despairing; half slave—to the ancient enemies of man—half free in a liberation of resources undreamed of until this day. No craft, no crew can travel safely with such vast contradictions. On their resolutions depends the survival of us all.

No one knows all the answers to the problems of worldwide hunger and malnutrition and most of us realize that America alone cannot resolve them. But we must not permit such complexity to lead to inaction and indifference.

Justice Brandeis once said, that the greatest menace to freedom is an inert people. This year alone an estimated 50 million human beings will die from starvation and malnutrition. I only hope that Congress will be aroused by their sufferings and react accordingly. To stimulate debate on this vital subject, I insert the following article from the Wall Street Journal by Roy L. Prosterman, entitled "The Growing Threat of World Famine":

THE GROWING THREAT OF WORLD FAMINE

(By Roy L. Prosterman)

A disaster that could cost as many lives as World War II currently threatens the world. The disaster stems directly and indirectly from the severe food shortage in the less-developed countries. Over the next 12 months, there may be from 10 million to 30 million incremental deaths in these countries as a result of starvation and of diseases rendered fatal by malnutrition. Only a larger effort by the fortunate minority of developed, well-fed nations can prevent this disaster.

The enormous scope of the pending disaster has been obscured until very recent weeks by several factors—the difficulty of collecting and analyzing farm production data, the reluctance of governments in the affected poor countries to set off a panic or hoarding reaction, and the hard-dying hope in each government that it, at least, would somehow be able to buy the needed grain. But even for the most determined optimist, the signs are now clear that the situation is desperate.

World surplus grain stocks are at a 20-year low. A series of floods, droughts and crop disasters in the past year have hit the Philippines, India, Bangladesh, and particularly Pakistan and six West African countries. The UN Food and Agriculture Organization has just called an urgent meeting of the great grain-exporting nations in Rome next Thursday to develop coordinated measures to deal with an anticipated nine million ton wheat shortage in the less developed nations.

Meanwhile, reflecting the drastic shortage of exportable wheat, the Kansas City price for a basic grade, for September delivery, has shot up from $2.06 a bushel in April to an unheard of $5.05. There is also a multi-million ton shortage of rice in Asia.

In considering the massive grain deficit, it should be kept in mind that one million tons of grain represents a year's minimum food supply for between four million and five million people in a less-developed country, and the total grain shortage will probably add up to between 10 million and 15 million tons. Minimum estimates of the shortage in the worst hit countries are:

Country:	*Tons*
India	4,500,000
Pakistan	1,500,000
Bangladesh	1,000,000
African Drought Belt	1,000,000 plus
Philippines	500,000

Substantial shortages also are likely in Indonesia and Sri Lanka (Ceylon) and perhaps in several other countries as well.

Moreover, the shortage will not be "spread out" over the whole population, which would be had enough. For tens of millions of Asians whose crops have been destroyed or who live in cities whose supply sources have dried up, and for millions of African herdsmen who have lost the cattle which are their sole means of support, the dependence on imported foodstuffs over the next year will be *almost total.*

PESTILENCE AND FLOODS

Already, widespread food riots have occurred in India. And malaria, largely dormant since the 1950s, is showing signs of an unwelcome resurgence among the undernourished population. In Pakistan, the floods have hit hardest at the nation's two most populous provinces, Punjab and Sind, destroying a million tons of stored food grains and inundating 5 million acres under cultivation. In the Philippines, the government has had to call on the army to supervise rice distribution.

If nothing is done to head off the impending disaster, the starvation of millions could be accompanied by a widespread breakdown of social and political order that would bring chaos to Asia and invite a series of great power clashes. The destruction of central government control and the "balkanization" of India, for example, could well be the signal for a cataclysmic Sino-Soviet conflict as the two powers struggled for areas of domination or influence. Neither from a humanitarian, nor a religious, nor a pragmatic viewpoint can Americans stand aside as starvation engulfs large parts of the Asian and African continents.

Distressingly, however, press reports in the past few days have indicated that America's humanitarian food shipments under the Food for Peace program—instead of being *increased,* which is the clear need—may actually be *decreased* 40% from last year's rice quantities, and 66% from last year's wheat quantities. Even this may be optimistic under the current approaches at the Department of Agriculture. The volume of food available for distribution through the voluntary agencies (such as CARE) that have administered a good part of America's longstanding antifamine programs is now expected to be the equivalent of only 25% of last year's $197 million volume. The current year's $80 million available appropriation will buy only about what $50 million would buy last year.

If the public and its leaders understand the historic gravity of the issues, this disaster need not occur. Despite the low level of world surplus stocks, most of the famine can still be avoided. World consumption estimates are artificially inflated not only to allow for overeating and waste in the affluent societies but for their hard currency grain acquisitions from one another. The expected nine million ton shortfall of wheat in certain less developed countries compares with anticipated total world production this year of 330 million tons, up 20 million tons from last year. None of the industrialized countries is in the slightest danger of going hungry, and there is in fact ample grain.

But the problem is to find mechanisms insuring that enough of it will be shared with the dozen or so less developed countries where it is urgently needed, and this is a problem of profound difficulty. To solve it will require a maximum effort by the wealthy countries to help, an effort which will almost certainly have to be led and galvanized by the moral authority of the United States in order to be successful, and which would have to mobilize public cooperation and international technical resources on a scale virtually unmatched since the food-saving and food-transporting efforts of World War II.

To deal with the grim prospects of the next 12 months, a series of specific steps will be needed:

(1) The U.S. should send a delegation of highest stature and prestige to the Rome conference called by the FAO for next week. Given the fact that one of the great calamities of the century is almost upon us, it would not be out of line if Secretary of State-designate Henry Kissinger were to attend personally. Paradoxically, however, at midweek some officials at the Department of Agriculture were working actively to boycott the conference. Apparently bureaucratic feathers were ruffled when the FAO failed to consult with them in advance before the call for the conference went out two weeks ago.

(2) If the five-nation conference (U S. Canada, Australia, France and Argentina) confirms the full gravity of the situation, as it is expected to do, a series of deliberate emergency measures should then be taken:

First, to bring home the urgency of the problem, it might be appropriate to have a two-part television presentation, in which a statement by the President was followed by a statement by leaders of Congress. This would be a dramatic means of sounding the alarm and of emphasizing that this was a matter transcending all personal differences.

One major emphasis of all public announcements and appeals should be a World War II-type message: Don't waste food. It is hardly an exaggeration to say that America's garbage cans over the next year will contain a large enough amount of thrown-away food to prevent a significant proportion of the famine deaths that will otherwise occur in Asia and Africa. But in all probability, without a conscious, grassroots effort to prevent waste of food, the surpluses needed to feed the hungry of Asia and Africa simply will not exist. Restaurants offering "two-thirds" or "four-fifths" portions on all their dishes; dieters starting their diets now rather than later; diners having only one appetite stimulating drink before dinner instead of two, thus achieving a double saving of grain—all will help.

(A saving of about 100 calories a day, or around 3% in the food that Americans buy would be equivalent to what is needed to provide a supplemental and probably life-saving 1,000 calories a day to 21 million people in the less-developed countries.)

VOLUNTARY COOPERATION

In all these efforts, the emphasis should be on *voluntary* public cooperation. At no time should the attempt be made to "take away" food that the buying public wants, even if they want it only to overeat or to throw away into their garbage cans. There is no way that the individual or collective buying power of Indians, Africans or Filipinos making $20 to $30 a month can bid it away—even to fend off starvation—from Americans or Canadians making $20 to $50 a day. Only the voluntary withholding of the bid, conscious of the moral choices to be made, can free that food so that the Indian or African or Filipino will not die.

As soon as it became clear that even 1% or 2% was being saved in food consumption through the elimination of waste, action by the Department of Agriculture would be needed to declare corresponding amounts available for famine relief. It is almost certain that certain clarifying changes—changes already in the legislative hopper—by Congress in Public Law 480 or other existing law would be needed to expedite this process. Additional appropriations to acquire the surplus grain would be necessary in the several hundred million dollar range.

Two other measures might add to available surpluses for export to the less-developed nations. One would be the identification of present grain delivery contracts for affluent importing nations, including Russia and Western Europe. The latest Agriculture Department figures show at least nine million tons of wheat firmly committed for shipment to these countries over the balance of the fiscal year. Where such grain has only marginal or future benefits for the importing nation—to raise consumption from 2,800 to 3,000 calories per day, for example, or for use many months from now—there should be strong representations from the U.S. government asking these relatively rich nations to accept *deferred delivery*, so that the grain intended for them can be diverted for immediate delivery to the desperately hungry nations. A second measure would be to work out exchange arrangements, under which nations geographically close to the most needy nations would be urged to send immediate supplies out of their existing stockpiles, with the U.S. and other grain exporting nations making good the loss in later months as transportation becomes available.

Transportation, of course, is a related urgent need. To transport the surplus food that is found would require a large-scale coordinated effort to mobilize world merchant fleets for the shipment of food to the needy countries on a highest priority basis.

(3) Over the longer run, the present crisis underlines the need for vastly improved and increased assistance to agriculture in the less-developed world: Deep-rooted problems such as land tenancy and smallholder credit must be solved if we are not simply to move from crisis to crisis. (The Asian nations that have already made progress in these matters are precisely the nations that are *not* caught up in the present disaster.)

THE MORAL REQUIREMENT

If astronomers told us that a comet would crash into the earth one year from today probably killing 30 million or more people and possibly spinning the whole planet out of its orbit, the whole world would mobilize its technical resources to try to deflect the comet from its path and avoid the disaster. It remains to be seen whether this less tangible but equally certain threat, of massive starvation and political upheaval, can be dealt with in time. The technical resources to avoid the disaster certainly exist on this planet. The crucial question is whether the *moral* resources exist to practice the degree of self-discipline and pulling together which will be needed to mobilize those technical resources in time.

CONGRESS ACTS TO AID THE INDEPENDENT PETROLEUM MARKETER

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HARRINGTON. Mr. Speaker, for the last 6 months independent petroleum marketers have faced serious threats to their economic well-being and, in some cases, have met wtih extinction. Their problems have originated both from the behavior of the major petroleum companies, which have taken advantage of the current oil shortage to cut their supply commitments to independents, and from the administration's Cost of Living Council, which designed more burdensome price regulations than for the petroleum majors.

The independent marketers did not play dead and accept this damage to themselves. They communicated the situation to Congress in a well documented and impressively organized lobbying effort. On September 12, 20 independents from my district visited me in Washington to describe their personal predicaments and present their proposals for corrective action.

Since then, three developments promise substantial relief for the independent sector. First, in response to pressure from independents and Congress, the Cost of Living Council has recently permitted upward adjustments in petroleum product ceiling prices.

Then, on October 17, the House approved the Emergency Petroleum Allocation Act, which is almost certain to be approved by the Senate. The measure directs petroleum producers to allocate their products according to supply relationships existing during corresponding times of the year in 1972. As one who joined my colleague from Massachusetts, Congressman MACDONALD, in cosponsoring the bill when he first introduced it. I want to congratulate him for the skill and care he has shown in guiding this legislation to passage.

The bill provides priority treatment to independents by directing that the program of mandatory allocations contribute to the "preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, nonbranded marketers, and branded independent marketers."

In addition to requiring allocations, the bill permits a dollar-for-dollar passthrough of net increases in the cost of refined products to all marketers or distributors at the retail level. It also directs the President, through the Cost of Living Council, to use the same date in the computation of markup, margin, and posted prices for all marketers or distributors of refined products.

In addition to the allocation measure, on October 11 the House passed an amendment to a bill providing operating funds for the Cost of Living Council forbidding the Council to impose discriminatory price regulations on independent petroleum marketers. The amendment reads:

> None of the funds made available by this Act shall be used by the Cost of Living Council to formulate or carry out a program which discriminates among petroleum marketers in the method of establishing prices for petroleum products.

The general wording of this provision will reinforce the specific passages in the allocation bill regarding passthrough of costs and use of identical dates. The provision should also effectively prohibit the Council from unfairly treating independents in the future.

These two measures are concrete means of aiding the independent marketer. It seems to me, however, that permanent justice for the independent small businessman in the petroleum industry can come only by divestiture legislation—the divorce of marketing activity from the other components of the petroleum industry and the effective breakup of the monopolistic petroleum majors now dominating the industry. In a recently completed 2-year study, the Federal Trade Commission concluded that the industry was indeed beset with a situation of monopoly in which the major oil firms cooperated rather than competed with each other.

Pending this kind of long-term assistance to the cause of free and genuine economic competition in the petroleum field, legislation of the type approved by Congress in the last several weeks is critical to the survival of independent marketers.

I look forward to working with all of my colleagues to improve the business position of independents in the future.

THE PUBLIC INTEREST AND BANK CHARTERING

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ST GERMAIN. Mr. Speaker, yesterday I addressed the House for the purpose of advising my colleagues of the Banking and Currency Committee's intention of bringing to light all facts surrounding the recent disapproval action by the Comptroller of the Currency of an application for a national bank in Key Biscayne. Press and media comments clearly implicate the close personal friend of the President, Mr. C. G. Rebozo, and by inference casts doubt upon the integrity of reviewing officials charged with the duty of reaching such decisions solely based upon the general public's need for additional services in a free and competitive environment.

For the edification of my colleagues, Mr. Speaker, I insert at this point in the RECORD the transcript of Monday's Walter Cronkite's newscast, Wall Street Journal stories of October 15 and 18, and Chairman PATMAN's letter of October 16 to Comptroller of the Currency, James E. Smith.

TRANSCRIPT OF NEWSCAST

CRONKITE. Bebe Robozo's intimate relationship with President Nixon has caused some questions to be asked about Rebozo's relationship with the government agency which regulates a major business interest of his. Robert Pierpoint looked into the situation.

ROBERT PIERPOINT. Charles G. "Bebe" Rebozo is President Nixon's closest friend, considered almost a member of the Nixon family. A Florida businessman, Rebozo is the chairman of the board and the president of the Key Biscayne Bank and Trust Company. Last year, it was one of the most profitable banks in the country for its size, earning a net income as a percent of capital almost twice the national average. It is also one of the fastest-growing banks in a fast-growing area. Its assets have almost tripled since 1968. Key Biscayne Bank is currently the only financial institution on the island.

Because of the opportunities for fun in the sun, more and more people are moving to Key Biscayne, and more and more buildings are being constructed to house them. As Key Biscayne's population keeps growing, so does business here. There are half a dozen hotels, six service stations, four grocery stores, but only one bank. Last year, a group of residents on the Key, dissatisfied with the services offered by the Key Biscayne Bank, decided to organize and try to acquire a charter for a new bank, but none of them had ever fought a monopoly controlled by a close friend of a President of the United States. Here's what happened.

At the outset, a government official warned they might have what he bluntly called "political problems." There followed a careful investigation of the economic and service needs of Key Biscayne by a federal bank examiner, Mr. Richard Sherlock. But in his report, Sherlock noted that "comments of local residents tended to indicate that satisfied business people either owned stock in the existing bank or were taken care of and were afraid to make any adverse comment." Key Biscayne Bank is operated much more like an investment house than a full-service bank. Partly for that reason, Sherlock concluded, "If the existing bank were responsive to the needs of the community, there would be hardly any need for a new bank at all. However, this is not the case."

After a thorough investigation, Sherlock recommended that the application for a federal bank charter be approved. But, in Atlanta, Sherlock's immediate superior, Joseph M. Ream, reversed the field investigator. Ream's disapproval was upheld in Washington by the Comptroller of the Currency, William B. Camp. The rival banking group then requested, and was granted, the right to re-submit its application. A public hearing was held at Atlanta by Regional Administrator Ream. Present at the hearing were officials of the existing Key Biscayne Bank, the bank's lawyers, and a director, Robert Abplanalp, another close friend of President Nixon, as well as Rebozo, himself.

Mr. Fried, what did Mr. Rebozo and Mr. Abplanalp do during the hearing?

MORT FRIED (rival bank group). Nothing. Nothing more than I did. We sat there and listened, but—it's—it's a different type of sitting and a different type of listening, depending on who you are and where you are.

PIERPOINT. Joseph Ream declined to be filmed but denied political pressure. At one point, however, Ream told CBS NEWS that, with Rebozo's interest in the case, Ream knew he had a problem. "I was," he said, "damned if I did and damned if I didn't grant the charter to a rival bank." He didn't, and his decision was upheld by the Comptroller of the Currency.

During the time that Rebozo's bank was fighting the charter application of a potential competitor, its lawyer was a director of the Key Biscayne Bank, Thomas H. Wakefield. In his letter to federal officials. Wakefield opposed the new bank, in part, because he claimed the resident population growth factor of Key Biscayne is vastly exaggerated, and added, there is a highly restricted and limited growth potential for the area. Wakefield also cited a moratorium on construction, "the end of which," he stated, "is not in sight." At the same time, however, a group headed by Wakefield, and including another member of the board of the Key Biscayne Bank, had an application pending for a state savings and loan association charter for the Key. After an initial refusal by the Federal Home Loan Bank Board in Washington for federal insurance required by Florida, Wakefield submitted new data almost identical to the population growth data submitted earlier by the rival bank group.

The construction moratorium having in the meantime been lifted, Wakefield's application also pointed out the strong need for mortgage loans on the Key and for another financial institution to grant them. On July 19th of this year, the savings and loan insurance was granted to the Wakefield group, although the Federal Home Loan Bank Board says it discourages interlocking directorates. With the application to the board was a lease showing the new Key Biscayne savings and loan will locate next door to the bank. The building is owned by C. G. Rebozo.

Federal Home Loan Bank Board Chairman Thomas R. Bomar, a recent Republican appointee, declined to talk to CBS News, but, through an aide, Bomar said he had no need to defend the board's decision to grant the Wakefield group federal insurance, since it had been treated as "a routine case."

The federal approval surprised Florida's comptroller, who was interviewed by Bruce Hall.

BRUCE HALL. How long has it been since a savings and loan association had been approved in the state of Florida?

FRED DICKINSON (Florida Comptroller). That's an interesting question, Bruce. None have been approved, since I've been comptroller, which has been nine years, until this one. And, we have sent others to the Home Loan Bank Board, and they've always, perfunctorily or otherwise, finally just turned them down.

PIERPOINT. The Federal Home Loan Bank Board's chairman had no explanation for why Wakefield's group acquired the first federal insurance in Florida in nine years. Wakefield was asked how he could refute certain data to keep out one financial institution, and then use essentially the same data to support another.

THOMAS H. WAKEFIELD (Director, Key Biscayne Bank). A savings and loan association can be founded for probably the same reasons which, if stated for a commercial bank application, might not support a commercial bank operation. Now, that's—that's my answer to your question, I believe.

PIERPOINT. What is the relationship of Mr. Rebozo to this savings and loan group? He's not listed as a founder, I note.

WAKEFIELD. No, Mr. Rebozo, as I say, when I first mentioned the board of directors on this bank recognize the need of a savings and loan, approved the concept the same as the rest of the board. He has certainly encouraged us. He is not a member of it. He did not participate in any phase of my application and its re-consideration.

PIERPOINT. Wakefield also declared, "We use no influence whatsoever in keeping out competition on the Key."

Rebozo, himself, declined to be interviewed and would not even return calls from CBS NEWS.

We have found no concrete evidence that Rebozo or his associates did anything illegal in maintaining their financial monopoly on the Key. But the fact remains that a charter was granted the savings and loan based on essentially the same date on which a charter was denied the rival bank.

PIERPOINT. Robert Pierpoint, CBS News, Key Biscayne.

CRONKITE. By the way, in another matter of involving Rebozo, the White House today said Mr. Nixon was not aware of any contributions by billionaire, Howard Hughes. Rebozo reportedly received $100,000 in cash from Hughes associates in 1969 and 1970 as a contribution to the President, but Rebozo reportedly has told Senate Watergate investigators that he held the money in a safety deposit box until returning it last spring.

President Nixon is having a White House dinner tonight in honor of former Secretary of State William Rogers. The list of invited guests includes former Commerce Secretary and Nixon campaign fund raiser, Maurice Stans, who's under federal indictment in New York in the Vesco case.

[From the Wall Street Journal, Oct. 15, 1973]

A PLAN FOR A BANK TO COMPETE WITH BEBE REBOZO'S IS BARRED BY UNITED STATES; "IT BOILS DOWN TO CLOUT"

(By Stanley Penn)

NEW YORK.—The Nixon administration has done a good turn for one of President's Nixon's dearest friends, Charles (Bebe) Rebozo.

Mr. Rebozo runs the only commercial bank in the affluent community of Key Biscayne, Fla. A rival group, consisting of lawyers and business people, tried to start a bank in competition with Mr. Rebozo's But the Treasury Department, through the Comptroller of the Currency in Washington, last month rejected the group's application for a bank charter.

The rejection came despite a recommendation by a hearing examiner last year that the new group be given a charter to compete against Mr. Rebozo.

The rival group is bitter. "It boils down to who's got the clout," charges Mortimer Fried, a Key Biscayne lawyer and a member of the group.

"The Rebozo bank doesn't meet the community's needs, and it enjoys a monopoly position," argues B. Mark Fried, a Springfield, Va. lawyer, who's another member of the investing group. (The Frieds aren't related).

Joseph M. Ream, a spokesman for the comptroller, denies the favoritism charge. He says the application was turned down for strictly economic reasons. The Key Biscayne population is too small to justify another commercial bank, says Mr. Ream, who's the comptroller's Atlanta-based, regional administrator of national banks.

Mr. Rebozo, for his part, made it quite clear to federal banking officials that he didn't want a competing bank in his own backyard. To dramatize his opposition, he showed up at public hearings on the matter in Atlanta last June.

"Bebe was sitting there right in the front row," Mortimer Fried recalls.

Also attending the hearings in full view of banking officials was another of Mr. Nixon's close friends, Robert Abplanalp, the wealthy industrialist. Mr. Abplanalp is a director of Mr. Rebozo's bank, according to the comptroller's office.

Key Biscayne is a six-mile-long island connected to Miami by a causeway. It has an estimated 8,000 to 9,000 population. Among the prominent property owners is Mr Nixon, who maintains a vacation residence there.

Mr. Rebozo, a companion of the President when Mr. Nixon is in Key Biscayne, formed Key Biscayne Bank & Trust Co. in 1964. It has had a rapid growth, with total assets now of about $20 million.

The rival group that got turned down largely based its argument on the contention that Key Biscayne's growth warrants a second commercial bank. "By the end of the '70s, we're projecting a population of about 20,000," says Mortimer Fried.

Don MacFarland, a Key Largo, Fla., investor in the unsuccessful group, says federal officials were asserting that Key Biscayne wouldn't grow much above 10,000 people. "That's ridiculous," Mr. MacFarland says.

Mortimer Fried, who patronizes Mr. Rebozo's bank, claims the service leaves a lot to be desired. "You go in there on a Friday around lunch time, there could be 40 to 50 people there, and you find just one teller," he says.

The rival group also made the point to federal officials that Mr. Rebozo's bank is allegedly stingy in handing out loans to the needy, including small business loans.

Thomas Wakefield, vice chairman of Mr. Rebozo's bank, denies it. "We make 95% of all loans requested," he says. "We advertise heavily in Key Biscayne. The whole area is statistically proven to be high income, and the end result is you don't have a high loan demand for our area."

If another commercial bank came in, Mr. Wakefield charges, neither bank would make any money.

Mr. Ream, the regional administrator for the comptroller, concedes that a local examiner found in favor of the rival group when it first applied for a charter. "But a charter application goes through five levels"—two in Atlanta, including the local examiner, and three levels in Washington before a decision is made by the comptroller.

Mr. Ream says that William Camp, then the comptroller, rejected the first application. The rival group sought—and was granted—a reconsideration.

During the second go-round, a different local examiner looked into the matter. He recommended against the group. Mr. Ream, who opposed the application the first time, says he was against it when the group reapplied. James Smith, the current comptroller, then rejected the second application.

Mr. Ream is quick to admit that this was a hot potato. "We pored over this. We knew we'd be damned if we do, and damned if we don't," he says. Mr. Ream adds the comptroller's office has been sued "innumerable times" over the granting and nongranting of charters. "We've never lost a case," he says.

[From the Wall Street Journal, Oct. 18, 1973]

NIXON AIDES DENY ROLE IN RULING BARRING BANK RIVALING REBOZO'S BANK

Presidential spokesman Gerald Warren said there was "no White House involvement whatsoever "in the Comptroller of the Currency's rejection of an application by a group of businessmen and attorneys to open a new Florida bank in Key Biscayne to compete with a bank headed by Charles (Bebe) Rebozo, President Nixon's close friend.

On Monday, this newspaper reported that the rival group's application was turned down last month by Comptroller James Smith despite an earlier recommendation by a bank examiner in Miami that a charter to form a new national bank be granted. Mr. Rebozo's Key Biscayne Bank & Trust Co. is the only commercial bank on the island, which is connected to Miami by a causeway.

Tuesday, Wright Patman, chairman of the House Banking and Currency Committee, asked Comptroller Smith to turn over the whole file in connection with the application's rejection. The comptroller's office, an agency of the Treasury Department, regulates national banks.

Mortimer Fried, a Key Biscayne attorney who was a member of the group that sought to form a competing bank, has charged that favoritism was responsible for his group losing out. "It boils down to who's got the clout," he said.

The comptroller's office has contended that Key Biscayne doesn't have a big enough population to justify a second commercial bank. The Rebozo bank, formed in 1964, has total assets of about $20 million.

In another development, a regional administrator in the comptroller's Atlanta office conceded he'd been in error when he previously told this newspaper that although one examiner had favored the application another examiner had later opposed it.

"I was wrong," said Joseph M. Ream, the regional administrator. "I didn't have the file at the time, and I was talking from memory. Both examiners did recommend approval."

The application for a charter was first rejected by William Camp, then the comptroller, earlier this year.

The rival group was then granted a reconsideration, only to be turned down last month by Comptroller Smith.

Mr. Ream said he opposed the application both times.

COMMITTEE ON BANKING
AND CURRENCY,

Hon. JAMES E. SMITH,
Office of the Comptroller of the Currency,
Washington, D.C.

DEAR JIM: As you are aware, the news media has reported major questions about a charter application for a national bank to compete with the Key Biscayne Bank and Trust Company headed by C. G. Rebozo.

If the news reports are correct, the application of the rival group has been faced with several conflicting decisions at various levels within the Comptroller's office. The end result has been the rejection of the application leaving the Rebozo bank as the sole commercial bank in the immediate area.

The news reports, which emanate from various media, raise very serious questions which I feel must be answered both in the interests of the public and the integrity of the Comptroller's office. At this point, I do not have any data which would either refute or support the position taken by your office and I am in no way prejudging the case.

In the past, when these questions have been raised about charters, this Committee has taken the position that it should review the pertinent facts and I feel that it is important that we do so in this instance. Therefore, I am requesting that your office furnish me with the entire file on this application and the letters and records of telephone calls which bear on the case in any way and which would indicate what outside contracts, if any, were made with the Comptroller's office, at any level, concerning this application.

You are acquainted with the news stories and the television broadcasts in the past few days and I would hope, in addition to the raw file, you would respond to the questions raised in these news articles in the fullest manner possible. I am enclosing a copy of a story which appears in the Wall Street Journal and I also call your attention to the CBS Evening News program of October 15.

In conclusion, I am requesting that you produce for the Committee the fullest report possible on the reason why this application for a rival bank was turned down by you and your predecessor and why the earlier decisions at lower levels in the Comptroller's office were reversed and what economic data is available to support the decisions.

Sincerely,

WRIGHT PATMAN,
Chairman.

OUR COMMITMENT TO ISRAEL

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Ms. ABZUG. Mr. Speaker, I hope there will be speedy House action on a resolution introduced today, which I am cosponsoring, calling on the U.S. Government to maintain Israel's deterrent strength and provide her with Phantom aircraft and other equipment necessary to repel the surprise aggression by the Arab nations and to offset the massive airlift of supplies to Egypt and Syria by the Soviet Union.

As the Yom Kippur war nears the end of its second week, reports about the tragic conflict in the Middle East become more ominous with new evidence of Soviet involvement. We know that the Soviet Union has been airlifting enormous supplies of sophisticated arms and equipment to Egypt and Syria. We know that the Soviet Union's fleet is massing in the Mediterranean.

Rumors of impending peace proposals and formulas for achieving a settlement are also increasing, and these are welcome. A protracted war would mean incredible suffering and sacrifice for the people involved and would also escalate the threat of an international conflagration. The Israelis, who are fighting for the survival of their nation, have made abundantly clear their basic position; they are willing to negotiate, but the security of Israel must be paramount.

As Israeli Foreign Minister Abba Eban said at the United Nations yesterday:

> If you want to know what we will give for a peace agreement, then we will certainly be ready for the most substantial compromises, provided that our basic security is not affected.

While everything must be done to promote a peaceful settlement, we dare not relax in our determination to maintain our commitment to the sovereignty, independence, and preservation of the State of Israel. Our Government has now rightfully decided to continue supplying Israel's defense forces, whose arms, aircraft, and material have been depleted as a result of the Arab aggression. Under existing legislation, which authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself, we are helping Israel to the material without which its survival would be jeopardized and its negotiating position hopelessly compromised. A clear statement by the House in support of that position, as proposed in this resolution, is of the utmost importance.

It is also important not to let ourselves be blackmailed by the statement of the Arab oil-producing nations yesterday that they are cutting oil exports by 5 percent a month. There is no need for any alarm about this particular threat. The fact is that less than three percent of oil consumption by the United States, about 620,000 barrels a day, comes from Arab producers. Just recently the Treasury Department, issued a statement that if the American public took steps to cut back on energy waste, "savings could amount to the equivalent of about 3 million barrels of oil a day.

While taking every necessary measure to guarantee the survival and security of Israel, the United States must use its good offices, in conjunction with other interested governments, to support the search for a peaceful and lasting solution in the Middle East. The American people have long been steadfast friends of the courageous Israelis, who built a great and democratic nation with the strength of a people who suffered the incredible agonies of nazism and who are determined to survive. We must reaffirm our commitment to that humanitarian goal and to the secure existence of Israel.

The text of the resolution follows:

H. Res. 613

Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies

Resolved, Whereas the people of the United States deplore the outbreak of hostilities in the Middle East and earnestly hope that peace may be negotiated in that area; and

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an attack against Israel shattering the 1967 cease fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91–441 authorizes the President to transfer to Israel by credit sale such arms as may be needed to enable Israel to defend itself. THEREFORE BE IT RESOLVED THAT:

It is the sense of the House that the President, acting in accordance with the announced policy of the United States Government to maintain Israel's deterrent strength, and under existing authority should continue to transfer to Israel the Phantom aircraft and other equipment in the quantities needed by Israel to repel the attack and to offset the military equipment and supplies furnished to the Arab states by the Soviet Union.

CPA AND THE BANKING REGULATORS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 1973

Mr. FUQUA. Mr. Speaker, I wish to continue in my attempt at clarifying the impact of the pending Consumer Protection Agency on Federal agencies most likely to be subject to the new unit's advocacy powers as defined in the three bills now before the Government Operations Subcommittee on which I serve.

As you may remember, yesterday I set forth the proceedings of the Cost of Living Council, a small agency, that would be subject to the CPA's advocacy powers as proposed in the bills.

Today, I shall also be concerned with four relatively small agencies: The Office of the Comptroller of the Currency; the Federal Deposit Insurance Corporation; the Federal Home Loan Bank Board, and the Board of Governors of the Federal Reserve System.

As mentioned yesterday, to increase perspective and avoid undue speculation, I have asked the selected agencies to list those actual proceedings undertaken last year that would be subject to CPA advocacy under the various bills.

The bills being considered by us are H.R. 14 by Congressman Rosenthal, H.R 21 by Congressmen Holifield and Horton, and H.R. 564 by Congressman Brown of Ohio and myself.

The major difference between the bills is that H.R. 14 and H.R. 21 would allow the CPA to appeal to the courts the final actions, including inactions, of other agencies; the Fuqua-Brown bill would not grant such an extraordinary power to the nonregulatory CPA.

In this regard, it should be noted that, not counting refusals to act and other inactions, under all bills except the Fuqua-Brown bill—

The Federal Home Loan Bank Board reports that all of its final actions would be subject to CPA court appeal;

FDIC makes a similar statement, citing the Administrative Procedure Act, but also notes specifically that the 85-bank merger approval and 10 cease-and-desist order actions taken by it in 1972 would be appealable by the CPA under its organic statute.

The Comptroller of the Currency specifically lists, for 1972, 1,443 application actions, 147 reorganization actions, 18 conversion actions and 125 Freedom of Information Act actions which would have been appealable by CPA, and

The Federal Reserve did not respond to the question.

As indicated in the responses, many of these CPA appealable actions, by statute, would have to be resolved by de novo court review. That is, the court would be forced, in effect, to act as an administrative agency and come to a final decision on the matter when the CPA appealed.

Mr. Speaker, for the important reasons already stated, I ask unanimous consent to have printed in the Record the responses from these four agencies delineating the various categories of their 1972 proceedings and activities that would have been subject to CPA advocacy under the three pending CPA bills.

The responses follow:

The Administrator of
National Banks,
Washington, D.C., October 1, 1973.

Hon. Don Fuqua,
House of Representatives
Washington, D.C.

Dear Mr. Fuqua: This is in reply to your letter of September 7, 1973, requesting certain factual information in connection with several pending bills (H.R. 14, 21, 564) which would create an independent consumer protection agency (CPA). In order to avoid the delay which would necessarily be incurred if this Office were to comment upon or make recommendations concerning this important legislation, our response is herein limited to supplying the factual data requested. Creation of a CPA could bring about important changes in the operations of the three federal banking agencies, and this is particularly true of the Comptroller's supervisory functions. We therefore appreciate the opportunity to comment upon and make recommendations concerning the proposed legislation and herewith reserve our right to do so at a subsequent date.

The following is a question-by-question response to your inquiries:

QUESTION ONE

The following items subject to 5 U.S.C. 553 were proposed by this Office during calendar year 1972:

1. An amendment to the Securties Act disclosure rules regarding the exemption from § 16(b) of the Securities Exchange Act of 1934 (short swing profit prohibition) of disposition of securities of national banks pursuant to certain mergers and consolidations, 37 F.R. 15000, 25818;

2. Addition of new sections to Title 12 of the Code of Federal Regulations setting forth the eligibility, pursuant to request, of certain securities for purchase, dealing in underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24, 37 F.R. 21622;

3. Adoption of amendments to Part 9, Chapter 1 of Title 12 of the Code of Federal Regulations dealing with the application for exercise of fiduciary powers by national banks pursuant to 12 U.S.C. 92a, 37 F.R. 24161.

QUESTIONS TWO THROUGH FIVE

None.

QUESTION SIX

The following is a representative list of public and nonpublic activities of the type proposed or initiated by this Office during calendar year 1972:

Proceedings to amend, revise, delete or alter the following regulations:

1. Investment securities.
2. Loans secured or covered by government guaranties.
3. Supplemental application procedures for charter, branches, mergers and relocations.
4. Loans secured by obligations of the United States.
5. Interpretive Rulings.
6. Fiduciary powers of national banks; collective investment funds.
7. Securities Act disclosure rules.
8. Ownership reports.
9. Employee stock option and stock purchase plan.
10. Changes in capital structure.
11. Reports of change in controlling ownership.
12. Offering circulars—capital debentures and new bank securities.
13. Required notification to nominate bank directors.
14. Form and content of financial statements.
15. Cease and desist orders; rules and procedures.
16. International operations.
17. Minimum security devices and procedures.

Hearings held at the request of an interested party on applications to:

1. Charter national banks.
2. Merge, consolidate with or purchase the assets of another bank where the resulting bank is a national bank.
3. Establish branches.
4. Relocate offices of national banks.

Informal Activities:

1. Preparation of competitive factor reports issued pursuant to section 3(b) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1842(b)).
2. Proceedings necessary to enforce compliance with the Fair Credit Reporting Act (15 U.S.C. 1681, *et seq.*).

QUESTION SEVEN

The following is a summary representation of all those actions taken by the Comptroller's Office in 1972, with certain exceptions, which might have been reviewed by the courts. It should be noted that it is assumed, solely for the purpose of answering your inquiry, that petitioners for review in each instance would meet the requisite standing requirements to seek judicial review:

Applications for:	
Charters (de novo)	144
Branches (de novo)	1,041
Relocations	[1]200
Mergers	61
Reorganizations:	
New banks	80
"Phantom" banks	67
Conversions	18
Requests for information under the Freedom of Information Act	[2]125

We trust this letter has been responsive to your inquiry.

Very truly yours,
JAMES E. SMITH,
Comptroller of the Currency.

FOOTNOTES

[1] Figures for relocations are not available at this time, so in the interest of speedy reply, an estimate is presented.

[2] This Office does not maintain figures on the total number of requests received under the Freedom of Information Act or their disposition. In answer to a Freedom of Information Act inquiry from the House Foreign Operations and Government Information Subcommittee in September 1971, this Office conducted a search of its records and found that approximately 100 formal requests were received for the period July 4, 1970, through July 4, 1971.

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, D.C., September 20, 1973.

Hon. DON FUQUA,
House of Representatives
Washington, D.C.

DEAR MR. FUQUA: By letter dated September 7, 1973 you requested that the Corporation answer seven questions concerning its activities during the calendar year 1972 in order to provide information for the current hearings on the proposed independent Consumer Protection Agency.

The nature of bank supervision is such that resort by the Corporation to adjudicative proceedings under the Administrative Procedure Act (APA) seldom occurs. We are usually able to discover potentially unsafe or unsound practices at an early stage through the ongoing bank examination process, and voluntary remedial action is often undertaken by the bank before any formal enforcement proceedings are necessary. We are nevertheless responding to your inquiry with the relevant factual information we do have.

QUESTION 1

The Corporation proposed three regulations for comment under the notice and comment provisions of the APA (5 U.S.C. 553) in 1972. Regulations were proposed to further implement the nondiscrimination requirements in residential lending, to permit FDIC employees to own shares of mutual funds which hold the stock of insured banks, and to revise the provision relating to the valuation of trust interests for purposes of deposit insurance coverage.

QUESTION 2

No regulations subject to the on-the-record rulemaking provisions of section 6 and 7 of the APA (5 U.S.C. 556 and 557) were proposed in 1972.

QUESTIONS 3 AND 4

The only administrative adjudications under the APA proposed by the Corporation during calendar year 1972 are as follows:

(1) The Corporation initiated five termination-of-deposit-insurance proceedings against insured banks pursuant to section 8(a) of the Federal Deposit Insurance (FDI) Act (12 U.S.C. 1818(a)).

(2) The Corporation initiated 10 cease-and-desist proceedings against insured nonmember banks pursuant to section 8(b) of the FDI Act (12 U.S.C. 1818(b)).

(3) The Corporation initiated one Notice of Removal against an officer of an insured nonmember bank pursuant to 8(e) of the FDI Act (12 U.S.C. 1818(g)).

QUESTION 5

The Corporation proposed no proceedings on the record other than those mentioned in the answers to questions 3 and 4.

QUESTION 6

The following is a list of representative activities of the FDIC during 1972:

(1) Conducting regular and special examinations of insured banks.

(2) Instituting proceedings to correct unsafe or unsound practices of insured nonmember banks.

(3) Determining the eligibility of State-chartered nonmember banks for deposit insurance.

(4) Authorizing certain bank mergers and the establishment of branches by insured State nonmember banks.

QUESTION 7

As regards the request for all final appealable actions taken by the Corporation in 1972, we would note that the Administrative Procedure Act permits *any* final agency action to be appealed by anyone adversely affected on the grounds that the action was "arbitrary, capricious [or] an abuse of discretion" (5 U.S.C. 701–06). With respect to those final actions which are appealable under a specific statutory provision, the FDIC approved 85 proposed bank mergers which are subject to *de novo* court review if challenged under the antitrust laws (12 U.S.C. 1828(c)). The 10 cease-and-desist orders issued by the Corporation under section 8(b) of the FDI Act would also be appealable.

We hope the foregoing information will be of assistance to you.

Sincerely,
FRANK WILLIE, *Chairman.*

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C.

Hon. DON FUQUA,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: In response to your letter of September 7, 1973, requesting information regarding the administrative activities of the Federal Home Loan Bank Board, we are submitting the following information:

QUESTION 1

What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 (the Administrative Procedures Act notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

A complete listing of these actions can be found in Attachment "A." The list is subdivided as follows: (1) proposals carred over from earlier years, (2) proposals made during 1972—without final adoption, and (3) proposals made and finalized during 1972. In summary, there was a total of 88 proposals considered during 1972, of which 50 were finally adopted.

QUESTION 2

What regulations, rules, rates, or policy interpretations subject to 5 U.S.C. 556 and 557 (that is, A.P.A. rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

During 1972, the Federal Home Loan Bank Board initiated no proceedings which were subject to sections 556 or 557 of Title 5 of the U.S. Code involving regulations, rates or policy interpretations.

QUESTION 3

Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 U.S.C. 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Under the provisions of the Financial Institutions Supervisory Act of 1966, the Federal Home Loan Bank Board has the power to oversee various aspects of the operations of Federal savings and loan associations and institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Based on recommendations and examination reports from the field, the Board authorized 34 formal investigations of associations during 1972. These investigations include the authority to issue subpoenas and to administer oaths so that witnesses could be compelled to testify concerning the affairs of the association or their part in transactions affecting the association under investigation. As a direct result of these investigations, the Board issued eight final cease-and-desist orders and one officer removal order. Four other investigations resulted in negotiated agreements or other informal actions. The remainder either resulted in no action, because of inconclusive evidence, or are in various stages of completion.

QUESTION 4

What adjudications under any provision of 5 U.S.C. Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

During 1972 the Federal Home Loan Bank Board neither proposed nor initiated any adjudicative procedures which fit this description.

QUESTION 5

Excluding proceedings subject to 5 U.S.C. 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

During 1972 the Board acted on 1,103 applications for the creation of, or for significant changes in the operation or structure of, Federal and insured savings and loan associations. These activities are detailed in Attachment "B". While these proceedings are not covered by the provisions of the A.P.A., Chapter 5 of Title 5 of the U.S. Code, Board regulations do provide for an administrative hearing before a supervisory agent with an opportunity for an oral presentation of arguments.

QUESTION 6

Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

(a) The Office of Finance established and implemented during 1972 a new investment policy which allows the Federal Home Loan Banks a diverse range of investments, including additional money market instruments.

(b) During 1972 the responsibility for coordinating, planning, and establishing accounting and auditing policies was centralized in the Chief Accountant's Office, of the Office of Examinations and Supervision. These policies cover the auditing and reporting practices for savings and loan associations in connection with their annual audit reports and certain required financial reports.

(c) There were 15 new registrations of savings and loan holding companies during 1972 and 9 deregistrations. Applications to acquire 25 insured associations were processed for review and decision by the Federal Home Loan Bank Board; 24 applications for holding companies and their nonsavings and loan subsidiaries to borrow funds were considered and approved; and 91 applications for transactions with affiliates were approved by District Office Supervisory Agents.

(d) The Office of the Federal Savings and Loan Insurance Corporation is primarily responsible for furnishing financial assistance such as insurance payouts, loans, contributions, and purchases of assets of problem institutions. The Corporation, as receiver, is now managing the liquidation of five defaulted associations.

(e) In 1972, the Office of Economic Research continued its policy, originated in 1969, of disseminating the findings of its research very quickly to the Board, District Banks, and others through a series of working papers. These papers summarize the work done by OER staff economists on housing problems related to the mission of the Agency and are reproduced at the Board for distribution to all who desire the information. At yearend, there was a total of 41 staff working papers on hand. In addition, OER publishes "invited" working papers, produced by researchers outside the Agency.

QUESTION 7

Excluding actions designed primarily to impose a fine penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Given the normal requirements, such as standing and case or controversy, virtually, if not actually, all of the final administrative actions taken, as described in the answers to the questions above, could have been appealed.

I hope the foregoing information adequately responds to the questions you raised. Please call on me if you require any further information.

Sincerely,

THOMAS R. BOMAR.

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., September 27, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: I am writing in response to your letter of September 7 concerning H.R. 14, 21, and 564, bills which would create a Consumer Protection Agency within the Executive Branch.

Because hearings by the Subcommittee on Legislation and Military Operations have begun, we have not undertaken the extensive research which would be necessary to answer precisely each of the questions you raised in your letter. We are, instead, supplying information which we believe will be generally responsive to your inquiry.

Enclosed are:

1. A copy of the Board's 1972 *Annual Report,* which contains on pp. 67–103 a section entitled, "Record of Policy Actions of the Board of Governors." This section describes the regulations issued by the Board last year, giving a good indication of the scope of the Board's regulatory activities.
2. A list of proceedings and activities of the Board which would be affected by one or more of the pending bills.

Finally, I should like to quote an excerpt from a letter dated April 12 which the Board sent to Chairman Holifield in response to his request for comment on the pending bills.

"Another area of concern to the Board is the power granted the new agency to intervene in the proceedings of other Federal agencies. Both bills would allow the Consumer Protection Agency to intervene in the formal rulemaking proceedings of other agencies, the kinds that are conducted on the record with an opportunity for a hearing. But H.R. 14 would go further, and allow the new agency to intervene in less formal proceedings as well. This authority, if given to the new agency, would present very serious problems to the Board. There are certain actions the Board takes, such as setting margin requirements for the purchase of securities on credit, and approving changes in the discount rate at Reserve Banks, which are directly related to the Board's responsibilities in the area of monetary policy. Intervention by the new agency in the processes which lead to such action would destroy the confidentiality which is essential for the conduct of monetary policy and would severely impair the Board's capacity for timely, decisive action.

"The Board supports the provisions of H.R. 21, which would limit the new agency to intervening in formal rulemaking or adjudicatory proceedings. However, if the committee adopts the approach of H.R. 14, then we would recommend the insertion of the following language on page 19, line 10, by deleting the period and inserting:

, except when the agency for good cause finds that such intervention or participation is impracticable, unnecessary, or contrary to the public interest.

"To be consistent, the same language should be inserted on line 8, page 22.

"Also, the following should be inserted on line 17, page 18, after striking the period: in accordance with subsection (c) below.

"For further substantive commentary on the three bills, the Board defers to the Office of Management and Budget and other Executive Branch agencies. We appreciate the opportunity you have afforded us to comment on these bills, and express the hope that our comments will prove useful to you and your committee in the consideration of this important legislation."

I hope the foregoing information will prove helpful to you and the other members of the Subcommittee. Please let me know if I can be of further assistance.

Sincerely yours,

ROBERT L. CARDON,
Assistant to the Board.

VOTES FOR FREEDOM FROM A SOVIET FORCED LABOR CAMP

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. HUBER. Mr. Speaker, support for the efforts of Andrei Sakharov in his fight for human freedom and dignity in the Soviet Union came to light recently in Moscow. The London Daily Telegraph of October 12, 1973, reports that a letter signed by 16 political dissidents lodged in one of the more notorius forced labor camps in Perm reached Moscow and Western newsmen. Most significant, in my view, is the fact Simas Kudirka, the Lithuanian sailor we turned back to the Soviets in 1970 was among the signers of this letter.

Therefore, I feel that my House concurrent resolution granting Sakharov and Solzhenitsyn honorary U.S. citizenship can become more than just a gesture in these times and play a role in achieving real détente.

The newspaper article follows:

[From the (London) Daily Telegraph, Oct. 12, 1973]

SOVIET LABOUR CAMP BACKING FOR SAKHAROV

(By Tony Conyers in Moscow)

A letter smuggled from a Soviet labour camp and signed by 16 political dissidents backs Academican Andrei Sakharov, the Russian nuclear physicist, in his fight for human rights and freedom in the Soviet Union.

It reached Western correspondents yesterday through dissident sources, who said it had been brought to Moscow from Perm, one of the most notorious labour camps in the country.

It lies in the foothills of the Urals, some 700 miles north-east of Moscow, which in the days of Stalinism was a sprawling camp empire. One of those who was detained there was Anatolv Marchenko, author of "My Testimony"—a harrowing account of camp conditions.

The prisoners' letter condemns the recent campaign in the Soviet Press villifying Sakharov, and claims that all those Soviet citizens who participated in it had made it easier for "prison guards to bait and pressure us."

YAKIR DENOUNCED

They also denounced the former dissident Pyotr Yakir, who last month pleaded guilty with Viktor Krasin to anti-Soviet activities and displayed his willingness to recant his beliefs at a Press conference for Soviet and foreign journalists.

Both were sentenced to three years imprisonment to be followed by three in exile. Later, on appeal, their prison sentences were cut drastically and later this month they are expected to start their period of exile in Siberia.

The 16 prisoners comment: "We are taking this precious occasion to reject before the whole world the lies of the traitor Pyotr Yakir about the actions in the Soviet Union of the democratic movement. Hundreds of political prisoners have not changed their democratic convictions and believe that the cause of democracy in the Soviet Union will win.

One of those who has signed the letter is Simas Kudirka, the Lithuanian sailor who jumped from his ship onto an American Coastguard vessel off the New England coast in 1970. He was handed back by the American ship and is now serving a ten-year sentence at the camp.

Another letter handed to Western correspondents yesterday was signed by Vladimir Osipov, who has served a seven year sentence for his involvement in the underground newspaper *Phoenix* in the early Sixties.

He appealed to amnesty international to intervene over Soviet political prisoners. He gave the names of 63 persons detained for their political beliefs.

PROTECTING THE INTEGRITY OF PRIVATE PENSION PLANS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. ASHBROOK. Mr. Speaker, a growing percentage of the American labor force is being covered by private pension plans. The expansion of these plans to uncovered workers should be encouraged. These private pensions have enabled many people to enjoy a more fruitful retirement.

At the present time more than 30 million Americans are covered by private pension plans. It is expected by 1980 that more than 42 million workers will be covered. Today more than $8 billion in benefits are paid to approximately 6 million retirees. Voluntary private pension plans are now making contributions to the retirement security of about 50 percent of the private nonfarm labor force. It is estimated that this figure will reach 60 percent by 1980.

With the growing number of plans, it is important that the rights of the workers covered be protected. It is also important that encouragement be given to the continued growth of plans and improvement of benefits. To further these ends, the House Education and Labor Committee on which I serve has been investigating pension reform legislation for the past 4 years. The bill that we have reported out of committee—H.R. 2—is much superior to H.R. 4200 which has already been passed by the Senate.

A number of people who depend upon

profit-sharing plans to help finance their retirement programs have rightfully been concerned about the effects that H.R. 4200 would have on their plans.

H.R. 4200 would seriously hurt the pension plans which use profit sharing proceeds. Sears, J. C. Penney, General Mills and many old companies have established excellent records in this area and should be encouraged rather than legislatively discouraged to continue these fine practices.

Protection of the rights of those workers presently covered is assured in H.R. 2. This bill requires vesting the accrued benefits of employees with significant periods of service with an employer. This bill also requires plans to meet minimum standards of funding. These two provisions by requiring stringent vesting and funding standards negate the need for plan termination insurance which unfortunately is also contained in the bill.

Although legislation cannot eliminate all pension plan terminations, possible losses by any such termination would be drastically reduced by including provisions in the bill:

First, to prevent dilution of benefit security in business acquisition and merger situations;

Second, to provide for partial plan terminations with the approval of the Secretary of Labor;

Third, to provide fund distribution priorities on termination so there will be a more equitable distribution of all assets;

Fourth, to prevent "raiding" of assets by participants who leave the plan.

I will continue to work to maintain the integrity of the private pension system. No bill passed by the Congress should have the effect of reducing those contributions or limiting the size of pensions that workers may obtain. Private pension plans are worthwhile. More and better plans should be encouraged to be developed.

SENATE—*Tuesday, October 23, 1973*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, unto whom in all ages men have lifted up their hearts in prayer, as we draw near to Thee, draw near to us. We know not what to ask, but we trust Thee, and Thou knowest what we need—clean hands and pure hearts—goodness and grace and wisdom. Come upon this Nation at this moment of dismay, disappointment, and distress. Give to it a new sense of purposeful direction. Grant enabling grace to the President, the Congress, and all in authority, that they may unite their best efforts for the health and strength of the Nation and for peace and justice in the world.

We pray in His name who came to serve and give Himself for others. Amen.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 18, 1973, the Secretary of the Senate, on October 18 and 19, 1973, received messages from the President of the United States.

EMERGENCY SECURITY ASSISTANCE FOR ISRAEL AND CAMBODIA—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States, received by the Secretary of the Senate on October 19, 1973, under authority of the order of the Senate of October 18, 1973, which, with the accompanying document, was referred to the Committee on Foreign Relations. The message is as follows:

To the Congress of the United States:

I am today requesting that the Congress authorize emergency security assistance of $2.2 billion for Israel and $200 million for Cambodia. This request is necessary to permit the United States to follow a responsible course of action in two areas where stability is vital if we are to build a global structure of peace.

For more than a quarter of a century, as strategic interests of the major powers have converged there, the Middle East has been a flashpoint for potential world conflict. Since war broke out again on October 6, bringing tragedy to the people of Israel and the Arab nations alike, the United States has been actively engaged in efforts to contribute to a settlement. Our actions there have reflected my belief that we must take those steps which are necessary for maintaining a balance of military capabilities and achieving stability in the area. The request I am submitting today would give us the essential flexibility to continue meeting those responsibilities.

To maintain a balance of forces and thus achieve stability, the United States Government is currently providing military material to Israel to replace combat losses. This is necessary to prevent the emergence of a substantial imbalance resulting from a large-scale resupply of Syria and Egypt by the Soviet Union.

The costs of replacing consumables and lost equipment for the Israeli Armed Forces have been extremely high. Combat activity has been intense, and losses on both sides have been large. During the first 12 days of the conflict, the United States has authorized shipments to Israel of material costing $825 million, including transportation.

Major items now being furnished by the United States to the Israeli forces include conventional munitions of many types, air-to-air and air-to-ground missiles, artillery, crew-served and individual weapons, and a standard range of fighter aircraft ordnance. Additionally, the United States is providing replacements for tanks, aircraft, radios, and other military equipment which have been lost in action.

Thus far, Israel has attempted to obtain the necessary equipment through the use of cash and credit purchases. However, the magnitude of the current conflict coupled with the scale of Soviet supply activities has created needs which exceed Israel's capacity to continue with cash and credit purchases. The alternative to cash and credit sales of United States military materials is for us to provide Israel with grant military assistance as well.

The United States is making every effort to bring this conflict to a very swift and honorable conclusion, measured in days not weeks. But prudent planning also requires us to prepare for a longer struggle. I am therefore requesting that the Congress approve emergency assistance to Israel in the amount of $2.2 billion. If the conflict moderates, or as we fervently hope, is brought to an end very quickly, funds not absolutely required would of course not be expended.

I am also requesting $200 million emergency assistance for Cambodia. As in the case of Israel, additional funds are urgently needed for ammunition and consumable military supplies. The increased requirement results from the larger scale of hostilities and the higher levels of ordnance required by the Cambodian Army and Air Force to defend themselves without American air support.

The end of United States bombing on August 15 was followed by increased communist activity in Cambodia. In the ensuing fight, the Cambodian forces acquitted themselves well. They successfully defended the capital of Phnom Penh and the provincial center of Kampong Cham, as well as the principal supply routes. Although this more intense level of fighting has tapered off somewhat during the current rainy season, it is virtually certain to resume when the dry season begins about the end of the year.

During the period of heaviest fighting in August and September, ammunition costs for the Cambodian forces were running almost $1 million per day. We anticipate similar average costs for the remainder of this fiscal year. These ammunition requirements, plus minimum equipment replacement, will result in a total funding requirement of $380 million for the current fiscal year, rather than the $180 million previously requested. To fail to provide the $200 million for additional ammunition would deny the Cambodian Armed Forces the ability to defend themselves and their country.

We remain hopeful that the conflict in Cambodia be resolved by a negotiated settlement. A communist military victory and the installation of a government in Phnom Penh which is controlled by Hanoi would gravely threaten the fragile structure of peace established in the Paris agreements.

I am confident that the Congress and the American people will support this request for emergency assistance for these two beleaguered friends. To do less would not only create a dangerous imbalance in these particular arenas but would also endanger the entire structure of peace in the world.

RICHARD NIXON.

THE WHITE HOUSE, *October 19, 1973.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on the Judiciary.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 18, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, informed the Senate that, pursuant to provisions of section 1, Public Law 689, 84th Congress, the Speaker had appointed Mr. POWELL of Ohio and Mr. MARTIN of North Carolina, as members of the U.S. Group of the North Atlantic Assembly on the part of the House.

The message announced that the House had passed a bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corp., and for other purposes; and

H.R. 6691. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. METCALF) subsequently signed the enrolled bills.

HOUSE BILL REFERRED

The bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, was read twice by its title and referred to the Committee on Government Operations.

ORDER FOR EXTENSION OF PERIOD FOR ROUTINE MORNING BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, there being little if any other business to come before the Senate today, with the possible exception of a conference report, I ask unanimous consent that the period for the transaction of routine morning business today be limited to 3 hours, with statements therein limited to 20 minutes.

Mr. GRIFFIN. Mr. President, reserving the right to object, what is the present order in effect with regard to morning business for today?

The ACTING PRESIDENT pro tempore. In the absence of an order from the floor by unanimous consent agreement, we would go into rule VII.

Mr. GRIFFIN. I see. Then there is no other business——

The ACTING PRESIDENT pro tempore. Under the previous order, there was to be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. GRIFFIN. I thank the Chair. That was my understanding.

The ACTING PRESIDENT pro tempore. Yes.

Mr. GRIFFIN. I wonder whether the distinguished majority whip might, for the time being at least, consider the possibility of extending the period to 1 hour with statements therein limited to 10 minutes.

Mr. ROBERT C. BYRD. Yes; I will be very agreeable to that suggestion. The only reason I made the suggestion was because I would anticipate that Senators on both sides of the aisle may wish to deliver themselves of speeches today in connection with the events of the past weekend and I dare to believe that 3 minutes might not be enough time.

Mr. GRIFFIN. I share the distinguished majority whip's belief. We should lengthen it and provide more time. We can judge later to see whether it is adequate.

The ACTING PRESIDENT pro tempore. Will the Senator from West Virginia restate his modified unanimous-consent request?

Mr. ROBERT C. BYRD. Mr. President. I ask unanimous consent that there be a period for the transaction of routine morning business today, not to exceed 1 hour, with statements therein limited to 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Does the Senator from Michigan seek recognition?

Mr. GRIFFIN. Not at this time, Mr. President.

THE PRESIDENT'S ACTIONS OVER THE PAST WEEKEND

Mr. ROBERT C. BYRD. Mr. President, the events of the past weekend have been unprecedented in the history of our country. So grave are the implications of these events that they cannot be viewed except with the greatest of apprehensions. So shocking were they, in my estimation, as to overwhelm the most credulous observer with utter disbelief.

I have been appalled, as I am sure that millions of Americans have been appalled, by the swiftness of the actions taken by the Chief Executive of our country, actions that I find impossible to believe to be justified or reasonable.

So sobering is the significance of these happenings that even the most trusting citizen should have reason to be concerned about the state of the Nation.

Before I go further, I should recall my personal affection for the President. I do not discount the services which he rendered our country during his years in Congress and his years in the Presidency. For example, I supported his nominees for the Supreme Court because I believed it imperative that the philosophical imbalance of that Court be corrected.

I stood with him on the Vietnam war until the culmination of the Paris peace talks because I believed in his Vietnamization policy, and I felt he was right in refusing to be stampeded by those who appeared to advocate capitulation.

I honored him for his advocacy—in earlier years—of reverence for law and his insistence that order be restored throughout the land.

Over the past year, amid rumblings suggesting impeachment, I have urged restraint. I have repeatedly said that such talk was premature and that there was no clear evidence on which to sustain an impeachment or on which reasonably to expect a resignation from office.

I have consistently urged restraint, even in the face of the growing Watergate scandals.

Even at this hour, I urge restraint.

I am also constrained, however, to state my utter abhorrence of the President's actions over this past weekend. I cannot bring myself to defend such actions. I feel compelled vigorously and publicly to object to them.

The actions to which I address my comments are these:

First. In my judgment, failure of the President to appeal the order of the district court, as sustained by the court of appeals, and his failure to comply with the court's order is, in my opinion—and I emphasize, in my opinion—a clear defiance of the rule of law, the foundation on which this Republic exists.

Second. His firing of the special prosecutor and his abolishment of the special prosecutor's office was a violation of a compact arrived at by the administration and the Senate as a precondition for the confirmation of Elliot Richardson to the Office of Attorney General.

Third. His ordering of the FBI men into the offices of the special prosecutor, the sealing off of records and files within those offices, and the refusal of the FBI men to allow personnel in those offices—as was reported in the newspapers—to remove even their personal belongings from those offices, smacks of tactics foreign to democratic institutions and to democratic government.

Fourth. Returning the Watergate investigation to the authority of the Justice Department placed the executive branch in the position once again of investigating itself.

Now, let me address my attention briefly to each of these actions singly.

First, noncompliance with the orders of the courts. Of course, it is for the court—and not for me—Mr. President, to judge finally as to whether the President has failed to comply with the court order.

If the court decides that there has been compliance, then I will not contend otherwise, even though I may still hold to my own opinion, but let us examine the facts. The President has suggested that Watergate be removed from television and that it be settled in the courts, and I have concurred with that suggestion publicly.

Yet, the President's actions can only serve to hamper and obstruct the judicial process. He stated that he would abide by a "definitive" court ruling on the tapes. Yet, in failing to appeal the lower court's decisions, he deprived the Nation's highest tribunal of any opportunity to make a definitive ruling. He said that he was confident that the Supreme Court would have ruled in his favor. Why, then, did he not give that Court a chance to rule in his favor? If it had been given the opportunity to rule in his favor and had so ruled, the whole controversy surrounding the tapes would have been resolved. There was a definitive ruling by the district court, but the President did not abide by it. He appealed that ruling, and he had a right to appeal that ruling. There was a definitive ruling by the court of appeals, by a 5-to-2 vote, but the President did not abide by it, in my judgment. Both courts ruled that the tapes should be surrendered; the President did not surrender the tapes. He offered, instead, what he called a compromise. Let us examine the compromise.

The compromise is to consist of a so-called summary of portions of the tapes dealing with conversations concerning Watergate. The summary is to be prepared by the President himself. The summary is then to be submitted to Senator STENNIS, who will listen to the tapes and verify the accuracy of the summary. The summary will then be submitted to the Ervin committee and to Judge Sirica.

On its face, the compromise may appear to be a reasonable and valid one. In reality, it falls far short of meeting the requirements under the court orders. As for the Ervin committee, the compromise may very well be sufficient; I do not presume to speak for the committee. The committee took its case to the court and lost; the compromise, therefore, is a gain for the committee. It has gained something, whereas the court gave it nothing.

We have to remember that the legislative committee's purpose, under the Senate resolution, is to secure information on which to base legislation to prevent recurrences of future Watergate scandals. The committee has no duty to find guilt or innocence. It cannot indict; it cannot prosecute; it cannot conduct a trial; it cannot convict.

The court of appeals, in suggesting that the President's lawyers seek a way of compromise, was not directing its remarks to the needs of the legislative committee. It was not directing any effort to accommodate the wishes or the needs of the committee. It suggested a compromise with Cox and Sirica—not with the committee. The thrust of the court's order was directed toward a reasonable approach to the submission of evidence involving the possible commission of crimes for evaluation by the district court and the grand jury. In this regard, the so-called compromise, in my judgment, was no compromise at all. In the first place, as long as the tapes are in existence, they constitute the best evidence as to what the tapes say. A written "summary" of their contents is mere hearsay and is not likely to be viewed as permissible evidence in a court of law. In the second place, the President will not avail himself for cross-examination as to the veracity or the accuracy or the thoroughness of the summary. Unless the tapes themselves, together with handwritten notes, papers, documents, and so forth, are surrendered, the prosecution, of various defendants in the Watergate case—includes Messrs. Mitchell, Stans, Erlichman, and others—dropped, inasmuch as defendants would not be able to adequately cross-examine witnesses produced by the prosecution—witnesses who have testified to the contents of the tapes and whose conversations are reportedly recorded thereon.

Mr. ALLEN. Mr. President, I ask recognition in order that I might yield my 10 minutes to the distinguished acting majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. ALLEN. I yield my 10 minutes to the distinguished acting majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Alabama.

Finally, sight must not be lost of the fact that papers, notes, documents, and other memoranda in the possession of the White House, may be even more important than the tapes in determining guilt or innocence. Hence, a mere summary of relevant portions of the tapes, even if such summary were absolutely accurate and thorough, would not include such other important documents as were being sought by Special Prosecutor Cox. The President himself, some time ago, stated that the tapes could be subject to misconstruction; therefore, the handwritten notes and other papers and memoranda may be vital to the proper construction of the tapes' contents. Again, I say, a summary such as has been proposed in the compromise would, in my opinion, fall far short of the whole story.

The President indicated that a very distinguished Member of this body, Senator STENNIS, would be chosen to verify the accuracy of the summary. Every Senator has the utmost respect for the integrity, the objectivity, and the impeccable reputation of Senator STENNIS. I view the placing of such a responsibility on Senator STENNIS, at this time, a severe imposition, and I regret that he has been asked to shoulder this additional burden. Characteristically, of course, he has responded to the call as one of duty, and I admire him for it. I think it is unfair, however, to expect Senator STENNIS, or anyone else who has not been associated day by day and hour by hour with the Watergate case, to sit in judgment as to the relevancy of tape recorded conversations dealing with the Watergate developments. Judge Sirica has been intimately associated with the Watergate case from its very inception, and he would be the individual best equipped to decide what portions of the tapes are relevant. Both the district court and the court of appeals suggested that the responsibility of making such determinations be his.

As to the firing of Special Prosecutor Cox and the abolishment of his task force, I can only view the action as high handed. I know that there are those who maintain that the President had no alternative but to fire one who refused to obey his orders. Ordinarily, I would agree with that 100 percent. But what were the orders? The orders were for Cox to desist from resorting to judicial process to secure the tapes, papers, handwritten notes, and other documents containing information bearing upon the possible commission of serious felonies. Cox was doing his duty. He was fired for doing his duty. He had already won two court battles in his effort to subpena the tapes which contained conversations the President held between June 1972 and April 1973. Cox's role from the beginning had been that of an independent prosecutor with instructions to seek evidence on the Watergate scandals, even if his search led behind the wall of executive privilege and into the White House files. The President, a long time ago, assured the Nation that there would be no White House coverup. Yet, the special prosecutor not only met repeatedly with obstructions from the White House in his efforts to secure information in the possession of the White House bearing upon the Watergate crimes, but, for his pains, he also was summarily fired and his office was abolished.

Cox could not have desisted without unfaithfulness to the pledge which he gave to the Senate prior to his appointment as special prosecutor. The President was asking him to abandon any further legal challenges to claims of executive privilege. Cox could not do this and remain true to his commitment to the Senate. The nomination of Attorney General Richardson was confirmed on the strength of Cox's assurance that he would follow the Watergate case wherever it led.

The President's abolishment of the special prosecutor's force was in my opinion, an act uncalled for, unjustified, and utterly provocatory. He has professed a desire to avoid confrontation with Congress; yet, the abolishment of the prosecutors' task force deliberately and calculatingly invites confrontation. The President, in appointing Elliot Richardson to be Attorney General, expressed his approval of the appointment of a special prosecutor. Elliot Richardson selected that prosecutor. The President publicly expressed approval of an independent investigation. The guidelines by which the special prosecutor was to conduct his investigation were submitted to the Judicary Committee by Mr. Richardson, and they purportedly had administration backing. Those guidelines were refined during Mr. Richardson's confirmation hearings, and the refinements had the approval of the administration. Why now this drastic action of summarily dismissing the special prosecutor and abolishing the special prosecutor's office, and, with it, the independent investigation?

We hear it said that Mr. Cox was becoming a fourth branch of Government. Yet, two courts had ruled in his favor, and the written record of a Senate legislative committee will sustain a commitment which he was attempting to carry out.

As to the naked use of the FBI on last Saturday to swiftly descend after 9 p.m., upon the special prosecutor's office, preventing Cox's staff personnel from claiming their own personal possessions, can one deny that there is cause to fear what may happen next? Have we been introduced to the American version of the Soviet KGB? Speaking as one citizen and as one Senator, such use of the FBI was reprehensible. It was as though the FBI were closing in on a ring of criminals. One wonders if the Army might not one day be an instrument of misused power.

The very establishment of the office of the special prosecutor resulted from the failure last year and early this year of the Justice Department and the FBI, under Acting Director Patrick Gray, to conduct a thorough investigation of the Watergate scandals. District Court Judge Sirica publicly stated his disappointment with that investigation, and he expressed the hope that congressional committees would get the facts. There is ample history to justify Judge Sirica's frustrations. It was in such a context, that a special prosecutor was selected. Obviously, the executive branch should not be allowed to investigate itself. Yet, that is precisely where we are now. The independent investigation has been squelched. The Justice Department, acting under the direction of an Assistant Attorney General, will again be in charge. That Department is under the direction of the Chief Executive. It is subordinate to him and it is subordinate to his wishes and directions. It should be obvious to anyone that an investigation under such circumstances can never be independent. It is obvious that any real investigation of the Watergate scandals requires prosecutors who are independent and who have the courage to insist upon access to all relevant tapes, papers, notes, and documents at the White House. It is imperative that an independent investigation still be pursued vigorously.

Mr. President, this constitutes my evaluation of the discouraging events of the past week end. I do not maintain that there are yet absolute grounds for impeachment of the President, but I do maintain that there is adequate cause for profound concern. Impeachment is a matter to be determined by the other body, and I will reserve any final personal judgment until trial by the Senate, after the House impeached—if that occurs. Certainly, I do not maintain that, although the firing of Cox is an indirect affront to the Senate and the summary abolishment of the prosecutor's office force smacks of totalitarian authority—these acts, in my judgment, do not in themselves appear to formulate a just basis for impeachment.

However, if the courts should decide that the President has failed to meet the requirements of court orders and that he is, therefore, in contempt of the courts, such, in my opinion, would probably come within the purview of the constitutional reference to "high crimes and misdemeanors," and the foundation would have been laid for the House to consider impeachment proceedings. I hope that, somehow the President will review his position in this regard and will yet fully comply with the order of the courts and submit the tapes and relevant evidence required by the court order.

Finally, Mr. President, considerable sentiment has surfaced to the effect that Mr. Ford's nomination for the Office of Vice President should be held hostage. I think it would be unfortunate if the Congress, under Democratic leadership, sought in this way to repeal the results of last year's election. In my judgment, Mr. Ford's confirmation should rise or fall on the merits of his own personal case and on the basis of his qualifications to fill the Office of Vice President. I may vote against him or I may vote for him, but I will not be a party to intentional delay of action on his confirmation out of pique or as an indirect means of changing the election results of 1972.

Mr. President, I ask unanimous consent to have printed in the Record certain extracts from the hearings of the Committee on the Judiciary—of which I am a member—on the nomination of Elliot Richardson to be Attorney General. The purpose of the extracts is to substantiate the compact agreed upon by the Senate Committee on the Judiciary, and to show that Mr. Cox was living up to his commitment as special prosecutor.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senator Byrd. Mr. Secretary the Assistant Attorney General, Mr. Henry E. Petersen, on September 16, 1972, in a press release, stated in part as follows:

"This investigation has been conducted under my supervision. In no instances has there been any limitation of any kind by anyone on its conduct. Indeed, the investigations by both the FBI and the Grand Jury have been among the most exhaustive and far-reaching that I have seen in my 25 years in the Department."

In the opinion of some of us, at least, the Watergate investigation was not exhaustive, was not far-reaching, and it was not without limitation.

* * * * *

Senator Byrd. Well, Professor Cox, if we may view Watergate as a generic term for infamy, do you see any limitations or outer boundaries whatsoever in connection with the investigations that you will pursue? And if there are any outer boundaries, if there are any off-limits areas, would you state them at this time?

Mr. Cox. There is nothing that I see that this document puts off limits that I could possibly wish to go into. I am more overwhelmed by its scope than by its limitations, Senator. I don't mean that I hope I won't be overwhelmed, but it is a rather awesome thing, to be honest about it. But I don't see anything here that could prevent my doing anything which I felt in my responsibility to myself and to this committe, the other organs of governments, the people, that would limit me in performing them. If I did find anything, I would find some way of insisting that that barrier be removed.

Senator Byrd. The second paragraph, which speaks of your full authority, uses the phrase with respect to that authority,

". . . all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility. . . ."

Can you envision any offense arising out of the 1972 Presidential Election which you would not deem it necessary and appropriate to pursue?

Mr. Cox. Well, I can imagine there being things so small and so remote from senior personnel in the Government, both in distance and time and association that it might be a mistake to encumber myself and my staff with them. That would be my only criteria. In other words, if it seemed to me that this is something that was so trivial and so remote, as I put it—you know, somebody out in the State of X has committed some offense which is a technical one; we investigate and can't find that he has any link to any public figure beyond a county chairman, or seems to have no link with any public figure. I would think that if we had to deal with all of those beyond satisfying ourselves on those very essential points we would be in danger of overwhelming ourselves with trivia.

But I think that one would have to have it very firmly in mind that the special prosecutor wasn't expected by anyone to be sloughing things off. And that would be my leaning unless it was a clear case for interfering with more important things.

* * * * *

Senator Byrd. Mr. Cox, in your opinion, will the Attorney General have any authority whatsoever—based upon the charter, upon your discussions with him, upon your understanding with him—to overrule you in any matter without dismissing you?

Mr. Cox. No, sir, he wouldn't have any such authority that I can think of except there is possibly a little edge in the budgetary matters that we talked about, where one would have to try to go over his head and behind his back, but that is the only one that I recall.

And I should make it perfectly clear that there is no private understanding between us. I know there is no commitment on my part to him. There were some things which weren't originally written down, there may be some commitments that he has made to me that I was relying on, not basically different from his position here, but he didn't ask me for any and I didn't give any, and I guess, Mr. Secretary, they are all written down now, the things we talked about.

Secretary Richardson. I believe they are, yes.

Senator Byrd. Mr. Secretary, do you differ in any matter with the understanding which has been expressed by Professor Cox?

Secretary Richardson. No, I don't. I would feel that if I had thought that something was being done that verged on the edge of an extreme impropriety, that I might bring it to his attention. If he agreed, he presumably would correct it or not do it. If he didn't agree, then, of course, the situation would become one in which the only recourse I could have would be that of dismissal.

* * * * *

Senator Byrd. What would you do, Mr. Secretary, if the President asked you for a report from the Special Prosecutor on the progress of the investigation?

Secretary Richardson. I would refer this to the Special Prosecutor and he would have to decide what the response should be insofar as he is not required to report to me except to the extent that he deems appropriate, so it would follow that any report to the President would have to be looked at in terms of whatever he believed the public interest at stake required.

As I said earlier in the hearings, so far as these investigations are concerned, my own relationship to the White House and the President will have to be an arm's length one in the first instance. And of course, this is especially true for the Special Prosecutor insofar as under these guidelines, he is the one exercising direction and immediate responsibility for the investigation.

* * * * *

Senator Byrd. You don't subscribe to his (Mr. Kleindienst's) broad theory with respect to application of the privilege?

Secretary Richardson. As far as I understand it, no. I would add further that in my view, there is an appropriate role for the courts in the adjudication of a claim of privilege. As between the Congress and the executive branch, the President specifically, there may be a problem in getting adjudication of this issue because, of course, they may conclude that it is a so-called political issue and thus decline jurisdiction. But in a criminal prosecution, where the jurisdiction of a court attaches from the outset, it seems to me appropriate that the court should adjudicate an issue arising out of a claim of privilege by the executive branch or by or on behalf of the President on the one side and a prosecutor of criminal violations on the other.

It is therefore my understanding that for purposes of the Watergate investigation and all the other related matters, if such an issue should arise, the President will be represented by counsel on one side of that issue and that the Special Prosecutor would assert his claim to obtain the information or the evidence on the other, and that if that could not be resolved otherwise, then in my judgment, the issue would have to be resolved by a court.

* * * * *

Senator Byrd. Would the Special Prosecutor have the authority to direct the FBI to broaden the scope of its investigation and to pursue any matter which comes within the context of this charter?

Secretary Richardson. Yes, he would. Of course, he would have some FBI personnel presumably assigned to him as part of the Watergate Special Task Force.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to insert in the Record at this time the guidelines agreed upon by the Judiciary Committee and Mr. Richardson and Mr. Cox during the hearings to which I have alluded.

There being no objection, the guidelines were ordered to be printed in the Record as follows:

Duties and Responsibilities of the Special Prosecutor

THE SPECIAL PROSECUTOR

There will be appointed by the Attorney General, within the Department of Justice, a Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters which he consents to have assigned to him by the Attorney General.

In particular, the Special Prosecutor shall have full authority with respect to the above matters for:

Conducting proceedings before grand juries and any other investigations he deems necessary;

Reviewing all documentary evidence available from any source, as to which he shall have full access;

Determining whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, or for warrants, subpoenas, or other court orders;

Deciding whether or not to prosecute any individual, firm, corporation or group of individuals;

Initiating and conducting prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

Coordinating and directing the activities of all Department of Justice personnel, including United States Attorneys;

Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to such committees.

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

STAFF AND RESOURCE SUPPORT

1. Selection of staff

The Special Prosecutor shall have full authority to organize, select, and fire its own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to assign such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. Budget

The Special Prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.

3. Designation and responsibility

The personnel acting as the staff and assistants of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

CONTINUED RESPONSIBILITIES OF ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

APPLICABLE DEPARTMENTAL POLICIES

Except as otherwise herein specified or as mutually agreed between the Special Prosecutor and the Attorney General, the Watergate Special Prosecution Force will be subject to the administrative regulations and policies of the Department of Justice.

PUBLIC REPORTS

The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assignment submit a final report to the appropriate persons or entities of the Congress.

Mr. HASKELL. Mr. President, I regret very much what I must say today. I speak from my knowledge of what has occurred in the last few months concerning the bringing of impeachment proceedings against the President and of other matters.

The distinguished Senator from North Carolina (Mr. Ervin) and his committee and the special prosecutor, Mr. Archibald Cox, have pursued this case diligently. But now I have to discuss this matter, because it seems to me that we have reached the last straw.

Just last Friday, at midnight, the President announced he would not appeal to the Supreme Court of the United States the decision of the Court of Appeals ordering him to present certain tapes and certain other documents—these possibly much more important than the tapes. The President chose not to appeal, but he also chose not to abide by the judgment of the court.

Our Nation was founded in law and survives on the belief that no man or woman is above the law. I can only conclude from Mr. Nixon's actions that he considers himself above the law. If he is allowed to pursue the course he has chosen, we can come to no other conclusion than that this is the end of the Republic of the United States. But that cannot be allowed to happen. There is only one procedure left to show that we are a government of laws, not a government of men. That is the course of impeachment. I, therefore, hope that the House of Representatives brings the charges.

I recognize, of course, the disruption to the country which would result from impeachment, but I am equally aware that it would mean the end of the country if we allow one man to stand above the law. Should the House of Representatives bring the charges, we in this body would sit as jurors. We would hear the defense and, as jurors would make up our minds. I speak as a prospective juror. I have not prejudged the President. I say only that he is accountable for his actions and that sufficient prima facie evidence exists to call him to account.

I submit that this is not the time for compromise. This is not the time for resolutions. It is not the time for finding ways out. I am sorry to say that the gauntlet has been thrown down.

To illustrate the seriousness of the situation, while I was at home in Colorado over the weekend the telephone at my house rang constantly. Approximately one-tenth of the people did not want to give their names. They were calling in desperation, asking for action by Congress along the lines I have suggested. But they did not want to give their names, because they were afraid of "investigation." It is unthinkable that in the United States of America people should be afraid to criticize, afraid that what happened in Nazi Germany might happen here. The situation which bred such fear must be rectified.

Mr. President, I ask unanimous consent to have printed in the Record following my remarks a more elaborate articulation of my position. May I say again that it is very painful to have to utter these words, but I felt compelled to do so.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR HASKELL

Unless it is prepared by its inaction to guarantee the dissolution of our American government of laws, the House of Representatives must bring immediate impeachment proceedings against President Nixon.

There can no longer be any serious question about the course Richard Nixon has set for this country: government by the whim of a single man. If our faith in the traditional constraints of decency, morality and conscience in government was ever valid, it cannot have survived the unprecedented events of the past few days. Since this country was founded, we have lived with the concept that no citizen stands above the law. Now the President has put himself above the law. I find that intolerable.

Archibald Cox, Elliot Richardson and William Ruckelshaus have not been forced from public service for routine insubordination. They were abhorrent to the President because their integrity forbade them to participate in his scheme to defy the courts and the Congress.

As the President obliterated the last traces of integrity within his administration he simultaneously demonstrated his intense contempt for the Constitution, the Congress, the judiciary and, most tragically of all, the American people. This revelation will benefit us only if it finally galvanizes the House of Representatives into action toward impeachment.

Even though we have heard some tentative discussions of impeachment—the process and the ramifications—since the Watergate miasma began to spread, serious consideration has always given way to fervent hope for another solution. That has been my hope as it must have been for any reasonable man, so repellent is the prospect of subjecting this country to so dangerous and disruptive a procedure as the impeachment of its president.

But we have seen the President defy both the Congress and the courts in their efforts to find a less catastrophic resolution. Now we are bankrupt of alternatives. Now we must turn to the Constitution for our direction. It prescribes the ultimate restraint of a willful President who responds to no other—impeachment.

The prospect of impeachment is still a grave one. But the mortal danger to the country lies in refusing to recognize that there is no other choice. The President has shattered any contrary illusions. And that is the significance of his dismissal of the special prosecutor. The President was answerable, and thus impeachable—triable—months ago for his role in the Watergate affair. But we recoiled from impeachment then so long as there seemed another way to get at the truth—which was, after all, the goal both of Mr. Cox and the Senate Watergate Committee.

The Watergate burglary was only a minor manifestation of a massive attack on the Constitution of the United States waged over the past several years by the administration. Only if all of us see the incident in that perspective can we realize how truly close we are to the loss of the individual liberties we have enjoyed for over 200 years.

Once the storm broke, we became aware of the whole range of incursions the Nixon Administration has made into that body of freedom. We do not know the truth yet about the President's involvement in the systematic electronic eavesdropping, burglaries and intimidations. We don't know the extent of the role in the apparently coercive campaign which raised millions of dollars for his re-election. But we do know these things happened.

We also know attempts were made to subvert justice in the offer of the FBI directorship to Judge Matthew Byrne who was sitting in the Ellsberg case at the time. We know, too, that presumably incriminating documents were destroyed by L. Patrick Gray acting FBI director, at the direction of administration officials. We know these same officials sought to limit the Watergate investigation, asking the CIA to pressure the FBI. Burglary, breaking and entering, suppression of information, interference with judicial processes, eavesdropping—all seem to be standard procedures.

The President's dismissal of Mr. Cox adds nothing material to the evidence that the man in whose administration these abuses were practiced could hardly have been unaware of them. It simply says with finality that there will be no easy answer. But the country cries out for an explanation of the President's participation. The President, at this very moment in contempt of court, has left a single avenue open to us.

As a United States Senator and a prospective juror in the matter, I do not presume to prejudge the President. But he invites prejudgement with his campaign to thwart every reasonable effort to get at the truth.

And we must have the truth. For the one thing we cannot long survive is the shroud of corruption lingering over the Nixon Administration in a kind of evil half-life, contaminating every aspect of government.

An impeachment proceeding will prove that we are a people of laws, that no individual is above the law and that we, in fact, adhere to our Constitution. I urge the House of Representatives to begin the process. Then each member of the Senate, according to his conscience, can weigh the mounting evidence against the President.

Mr. BENNETT. Mr. President, before I begin my prepared statement, I would just like to say this in all candor and friendliness to my friends who feel that the President ought to be impeached: If they are going to sit as jurors, they may morally disqualify themselves in advance by the statements they make on the floor of the Senate, because statements made in strong disagreement with what is going on can carry them over the line to the point where they can be in the position of making it obvious that they have already prejudged the case.

Mr. HASKELL. Mr. President, will the Senator yield for a comment?

Mr. BENNETT. I will be happy to, provided I do not lose any time.

Mr. HASKELL. I certainly do not want the Senator to lose any of his time.

The ACTING PRESIDENT pro tempore. Without objection, the time will not be counted against the Senator.

Mr. HASKELL. The record will show that this Senator said that we would sit as jurors, we would hear the defense, and we would then make up our minds; but the overwhelming prima facie evidence, in my judgment, indicates what has to be done.

Mr. BENNETT. That is just the kind of attitude I am warning my fellow Senators about.

Mr. President, there has been a wide spectrum of reactions to the President's proposal that Senator Stennis become the channel through which the material on the White House tapes would reach the Senate committee, the courts, and the public. These have ranged all the way from acceptance and approval to the most strident kind of partisan denunciations which ended in shrill demands for the President's immediate resignation or his impeachment. The wildest of these now ring a little hollow against the significance of the Russian cooperation in securing yesterday's cease-fire and underline the risks involved in this extreme course of action. They also bring two questions into sharp focus for me. Today I ask all my colleagues to face them with me.

Recognizing fully the seriousness and complexity of the problem created by the uncertainty about the White House tapes, I have first asked myself:

Do the American people want a solution which will do the least damage to the Government itself—and to our international standing and strength, or do they agree with those who see this as a chance to bring President Nixon down—even at the risk of dangerously weakening the Office of the Presidency itself?

The second question follows naturally. If we seek the best possible solution, with which should we be most concerned—the substance or the form?

Because I am one who thinks we ought to choose a solution rather than a circus and substance rather than form, I like the President's proposal to use Senator John C. Stennis as a screening intermediary. In the first place—and most importantly, I trust Senator Stennis—as a man of the highest character and a loyal American, as a Senator tuned to the finest traditions of this body, and as a fine lawyer with sound judicial experience. As the developing course of events swirls around the Watergate episode, all three branches of Government—executive, legislative, and judicial—have been moving on collision courses. When President Nixon, representing the executive branch, entrusted his fate to John Stennis, who has been part of the other two branches—legislative and judicial—I think we have been given a way in which these forces can come together without an explosive confrontation, and be contained and resolved in the magnificent capability and character of this man—whom we all trust. Moreover, this can be the quickest solution of all—Senator STENNIS' report can be ready in a few days, or at most a few weeks—and save the Congress and/or the country from being locked into months of debilitating debate.

Over the weekend the Stennis plan has been denounced as "jerry-built" and "illegal." I do not see it that way at all. Obviously, so long as the tapes are in the President's hands, he can do with them as he pleases. As a matter of fact, this plan is only a variation of the idea put forth by Judge Sirica who, in calling for the tapes, proposed to do essentially what Senator STENNIS will do. In passing, it is interesting to note that Mr. Cox rejected the Sirica proposal also.

Many seem to believe that the President's decision to pass up his right to carry his appeal to the Supreme Court was the action of a desperate man seeking to prevent the exposure of information that he knew would destroy him if made public.

The fact that in turning the tapes over to Senator STENNIS, he also gave him authority to reveal the pertinent data, should set that idea to rest. I think he really made that choice because he feared that if the Executive were to bow completely to the judiciary it would inevitably create a precedent which could weaken his power and that of any of his successors to protect sensitive information from fishing expeditions conducted by resourceful and imaginative lawyers who could bring cases in any one of our 400 Federal courts.

Of course, human nature being what it is, it is easy to see why some politicians and their supporters in the media have rejected this proposal out of hand. As a solution, it is too simple and direct. It is unacceptable to some because it minimizes the opportunity for political exploitation. Instead, it could shorten up the legal process, and thus reduce the prospect for a continuing stream of future headlines.

Most vocal among those who feel they would be shortcircuited by the Stennis solution are those who are even too impatient to wait for the courts. These are mostly Members of Congress who want to move the hoopla and the headlines into the area where they can benefit politically from them. The privilege of participating in a once-in-a-century impeachment proceeding is a heady and exciting prospect. Some want to vent their political spleen, and some, looking beyond a hoped-for successful impeachment, see it as a unique opportunity—an historical first—to transfer the Presidency from one party to another without the risk of an election.

To me, the injection of partisanship into this problem is a dangerous game. Any weakening of the office of the President would represent a chance that it could permanently affect the power of every future President to carry his responsibilities regardless of his party.

To repeat, to me it is ridiculous to charge that the President did it in fear of being forced by the court to reveal something that was on the tapes which would establish his personal guilt. If any such material is there, Senator STENNIS will find it and he has been given complete freedom to reveal whatever may be on the tapes which he feels should be subject to further action by the Senate committee or the courts. His responsibility is to be a filter—not a plug.

To me the values of accepting and following the President's Stennis plan are obvious. By refraining from any rash action until we have the benefit of this study, we preserve the ability of both the President and the Congress to continue to act with power in the present international crisis as well as against our domestic problems. Yesterday's ceasefire in the Middle East was a great and welcome evidence of the value of the détente that the President worked out with Russia, but the hardest work and the greatest need for U.S. strength lies still ahead when the negotiations for the final boundaries begins. You can be sure Russia will be in there doing all she can for her client states. Of what use will our help be to our friends if both the President and Congress are immobilized by what may well prove to be a futile impeachment procedure? Actually both the President and Congress already "have on their plates more than they can say grace over" during the rest of this year.

If the impeachment process were to be justified, it should not be undertaken in a circus atmosphere. It is a most solemn and tragic matter—and ought not to be triggered by trivia or set in motion with a lot of hoopla. I have been heartened to hear the comments of many authorities on this subject, including former Supreme Court Justice Arthur Goldberg. They agree that in the resignations and firing that have taken place over the weekend, the President has not exceeded his consitutional authority or create the basis for impeachment. Still there have been many strident voices calling for it for these reasons, and some Congressmen are fighting for the brief headline that will come to those whose names are on the resolutions that are being introduced in the House today. Still, to me, it is significant that many of the President's most vigorous press critics have stopped short of demanding impeachment now.

So, I close as I began. Facing this very serious problem, do we want a solution or a circus—and if a solution, which is more important to us, form or substance? To me, by entrusting these tapes to Senator STENNIS, the President has offered us a solution with substance, and it is one for which we will not have long to wait and also one that will still allow for appropriate court action if, after Senator STENNIS responds, that seems warranted.

Because I have faith in both President Nixon and Senator STENNIS, this is the solution I prefer—and I hope we will all have the patience to wait for it before we start anything more drastic which might be damaging to the Senate, the Presidency, and the country, and in the end, be revealed as futile and unjustified

INTRODUCTION OF S. 2600, TO PROVIDE FOR THE APPOINTMENT OF AN INDEPENDENT SPECIAL PROSECUTOR

The PRESIDING OFFICER (Mr. ABOUREZK). The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I intend to introduce a bill calling for the appointment of a special prosecutor.

I think that the Senate was on the right course some months ago when it felt that it was completely necessary to have a completely independent special prosecutor look into the matters of prosecuting crimes which occurred in the Watergate events.

At that time, Mr. President, Attorney General Richardson was up for confirmation. And upon his assurances that he would appoint Archibald Cox—who has a high reputation, certainly with me, that he would be given complete independence, and upon such assurances being guaranteed by the President of the United States, the Senate allowed Mr. Richardson to be confirmed and the appointment to be made by Mr. Richardson of Special Prosecutor Cox. We now see that has all come to naught. We find ourselves back in a situation in which the President is now in complete charge of the prosecution of wrongdoing in his Office and investigating possible charges against himself. And we see that now the order of the court is being defied and no one is left to even litigate the bringing of a citation for a ruling to show cause that the order is being defied because of the firing of Special Prosecutor Cox.

I think that right now, more than anything else the people want to know that there is order in this country, that there is a rule of law in this country, and that Congress is trying to bring some order into this matter. I think that what we need to display more than anything else is that we have a course of action and that we will appoint a special prosecutor and attempt to get the truth of the matter and will let the facts speak for themselves and will let the people judge those facts.

Mr. President, I know that several other Members want to introduce bills for this purpose. A letter has been written to Judge Sirica. I have signed that letter along with other Members of the Senate.

I ask unanimous consent that a copy of that letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. JOHN J. SIRICA,
Chief Judge, District Court,
Washington, D.C.

DEAR JUDGE SIRICA: We are the sponsors of bills which would establish the Office of Special Prosecutor as a statutory entity to continue the work begun by the Watergate Special Task Force. Our bills differ in some respects, but they share a common objective: the establishment of an instrumentality to continue the work begun by Mr. Cox' office in such a way as to maximize the chances that justice will be done and the truth told.

Our purpose in writing is to lay to rest any appearance of opinion on our part that the course of action we propose is the only available means for assuring that the investigation proceeds in the most effective way. The introduction of these bills is in no way intended to derogate, or conflict with, the inherent, statutory and constitutional powers vested in the U.S. District Court for the District of Columbia and other Federal courts, or to express any opinion, for or against the exercise of any such powers. Because of our firm commitment to the doctrine of separation of powers, we believe that the exercise of all powers vested in your office is not a matter with which members of other branches of the Federal government should interfere.

We, therefore, take no position on the advisability of exercise of your supervisory power over grand juries to appoint a Special Counsel to present evidence to, and otherwise assist, the special Grand Jury currently investigating various incidents related to the 1972 Presidential Campaign. Although such a Special Counsel may not be provided with the authority to sign an indictment on behalf of the United States, or to conduct post-indictment criminal proceedings, appointment of such a Special Counsel appears to be a legally permissible means of preventing an interruption of the present investigation during the present period of uncertainty.

We hope that this letter, which is being made available to the press and the public, will make clear our firm conviction that officials of other branches should in no way interfere or be perceived to interfere with the efforts of the Judicial Branch to discharge its duties with respect to the Watergate investigation.

Respectfully yours,

STEVENSON.

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Mr. CHILES. Mr. President, the letter was written to assure Judge Sirica that by taking this action, we in no way do away with the power and the right he has as chief judge and as the person now in charge of the criminal matters under investigation.

We are simply trying to take the course that we feel Congress should take. We do not seek to divide his powers at the time we enact into law the office of special prosecutor. We should wrap up the Watergate case. At the same time, I think that the Watergate Committee has performed well for the country and has brought to light many of the events which occurred in that matter. We are now in a position where we do not want to be going in two directions by having the Senate committee and the office of special prosecutor. Enough facts have been developed now so that the Congress can turn this matter over to the courts and to the special prosecutor.

I would hope that at the time we do involve ourselves in the appointing of a special prosecutor and bringing that law into effect, we would then abandon the Watergate Committee and have them go ahead with the recommendations for legislation that would prevent such things occurring in the future.

Further investigation of crimes would be left to the special prosecutor.

Mr. President, I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. STEVENS. Mr. President, did I understand the Senator from Florida to say that he is introducing a bill to allow Congress to appoint a special prosecutor?

Mr. CHILES. Mr. President, I am introducing a bill to allow Congress to create the office of special prosecutor. The appointment would be made by the chief judge.

Mr. STEVENS. Is the Senator from Florida of the opinion that the grand jury is unable to continue its investigation?

Mr. CHILES. The Senator from Florida is of the opinion that the people of the United States want to get the facts and the complete facts in this matter. And the best way to do that is to have an impartial prosecutor that would be available to prosecute this case, and no person, regardless of whether it is Mr. Petersen—who I think possesses a high reputation, certainly with me—involved in the Justice Department now has the confidence of the people or would meet with the approval of the people.

Mr. STEVENS. Mr. President, does the Senator from Florida believe that the court does not have the authority to appoint persons to assist the grand jury, if the judge feels that the prosecutor who is duly designated by the executive branch cannot for any reason carry out his functions?

Mr. CHILES. The Senator from Florida in his remarks also said that he was having printed in the RECORD a copy of the letter which was signed by several Senators who will introduce bills in this particular matter, a letter to Judge Sirica. The letter set forth our statement that in no way would the action we were taking take away any of the rights of the court, but would assist it in carrying out its duties in the appointment of a special prosecutor. This is simply a direction to provide for the office of special prosecutor.

Mr. STEVENS. I notice that the Senator from Florida agrees with the President that the Watergate Committee has served its purpose and that the matter should be left to the courts. Is the Senator from Florida willing to leave the matter to the courts?

Mr. CHILES. Is the President of the United States willing to leave the matter to the courts?

Mr. STEVENS. I think the Senator from West Virginia has very clearly pointed out that that matter remains to be seen. This is a matter between the executive branch and the courts. And the matter still rests with the courts.

Mr. CHILES. If it is a matter between the executive branch and the courts, then I really have a hard time understanding why the Stennis agreement comes into play. It is certainly an agreement involving three parties. And the Senator is correct that the Senator from Florida now feels that if we create the office of special prosecutor—which we should do—and if we set up a special prosecutor, then we should leave the matter to him. I think that the Watergate Committee has completed its task and we should not be going off in several directions. We should leave the matter to the special prosecutor and to the courts.

Mr. STEVENS. Mr. President, I am confused as to what the Senator from Florida suggests, because the Senator from Alaska understands that Judge Sirica has yet to rule on the compromise suggested by the President of the United States.

If that is the case, what in the world is all the hurrah about on the floor of the Senate today?

Mr. CHILES. I would be delighted to try to enlighten the Senator from Alaska. If he is confused, I will be glad to counsel with him and try to enlighten him.

The PRESIDING OFFICER. The 10 minutes of the Senator from Florida have expired.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate may be authorized to receive messages from the President of the United States and from the other body during Senate adjournment over to Friday next at 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S ACTIONS DURING THE PAST WEEKEND

Mr. CURTIS. Mr. President, now is the time to keep cool and to think clearly in reference to Watergate. The facts do not coincide with everything that the headline seekers would indicate.

I believe that Mr. Cox made a serious error in not going along with the arrangement for Senator JOHN STENNIS of Mississippi to listen to the tapes. This arrangement called for Senator STENNIS to have access to the total tapes—not summaries nor excerpts. Senator STENNIS, the chairman of the Senate Committee on Standards and Conduct, stands as the foremost man of integrity in public life today.

Mr. Cox received an executive appointment. Legally his status was that of an assistant to a cabinet officer. The right of the President to remove him raises no legal or constitutional problem. Impeachment talk may be, in the minds of some good smear talk, but there are no legal grounds for impeachment.

The Congress could have passed a law

setting up a totally independent prosecutor for the Watergate matters. This was done back in the 1920's in connection with the Teapot Dome scandal. At that time, the House of Representatives and the Senate passed a statute which provided for the appointment of a prosecutor and the carrying on of the prosecution. I understand this was discussed in the Senate Committee on the Judiciary, but a decision was made not to do so. Instead a procedure was followed involving agreements and understandings.

It seems to me that Mr. Cox ought to have respected the agreement entered into by Senator SAM ERVIN, Senator HOWARD BAKER, and President Nixon and made an attempt to see what would develop following Senator JOHN STENNIS' report.

Mr. President, I think I am quite charitable when I point out that Archibald Cox is no superman, neither is he noted for being a nonpartisan and objective participant in these matters. Let us look at a few of the facts.

When Mr. Cox was given his assignment, according to Assistant Attorney General Petersen, the Watergate case had been 90 percent broken. The seven principals had already been sentenced.

Mr. Cox was given his assignment on May 18. Since that time, three individuals have pled guilty, each to one count of an indictment, as have three corporations in reference to their campaigning contributions and there has been one indictment of another individual. This is not a very impressive record for the Cox bureau of 81 lawyers for whom the Senate voted a recent appropriation of $2.8 million.

The record is very clear that Cox desired not to have the tapes delivered to Judge Sirica but Mr. Cox wanted the tapes himself.

Neither Mr. Cox nor his staff had any part in the handling of the case against Maurice Stans and John Mitchell.

Few people can appreciate the burdens on the President of the United States. Every Congressman and every Senator must delegate matters to his staff that he would like to do himself. Our responsibilities and the size of our constituency are such a small fraction of those of the President. In addition to the tremendous burdens falling on the President in reference to domestic matters, he is the world's foremost peacemaker. His last campaign had to be managed by others. I am convinced that President Nixon not only was not involved but never condoned any wrongdoing and that the real facts were withheld from him far too long.

A few weeks ago I appeared with a panel on the public radio network. The subject of discussion was the Watergate scandals. I asserted that there had been no evidence whatever involving the President of the United States with these wrongdoings. I would like to quote to you what was said by Mr. Edmisten, the assistent counsel to the Ervin committee. Incidentally, Mr. Edmisten has been employed by Senator ERVIN for 10 years. He is in a position to know. Here is what Mr. Edmisten said:

> I agree with Senator Curtis entirely that there's not been any evidence whatsoever to link the President with any of these doings. It's not credible evidence. . . .
>
> Senator CURTIS. I appreciate you saying that. . . .
>
> Mr. EDMINSTEN. . . . and, as a lawyer, I agree, too, that no court in the land would admit an iota of it.

Mr. President, I yield the floor.

Mr. CURTIS subsequently said: Mr. President, earlier today I spoke on matters relating to the Watergate proceedings. Within the last hour I have learned that the President has decided to turn the tapes over to Judge Sirica.

It is my understanding that the President has done this in order to clear up any public misunderstanding. There were people who were not aware that the arrangement called for Senator STENNIS to have total access to the tapes, not summaries nor excerpts.

Earlier I said that I thought Mr. Cox had made an error in not complying with the agreement entered into by Chairman Ervin and President Nixon in reference to the role to be played by Senator STENNIS. It was a wise and fair procedure. Mr. Cox was out of line in the action he took in refusing to go along with the agreement for Senator STENNIS to listen to the tapes. Had Mr. Cox been willing to honor the arrangement entered into by the President and Chairman ERVIN for Senator STENNIS to listen to the tapes, many of the subsequent actions could have been avoided.

Mr. HANSEN. Mr. President, despite the trauma of the times, this is no moment to give way to hysteria. The President proposed to provide a summary of the White House tapes for the special Senate Investigating Committee. Whether this will be accepted by the committee remains to be seen. The President has not defied any court order, according to a statement just recently made by the former Attorney General Elliot Richardson. Certainly, the cries some have made for impeachment proceedings are reactionary and premature.

Impeachment of a President is one of the most serious acts a Congress can take, and it is a step that must not be made on uncertain or emotional grounds. Our Nation has more at stake here than the question of jurisdiction of the White House tapes. The world is in turmoil, with war in the Far East, and war in the Middle East. Stability is needed desperately. It seems justifiable to conclude that no President could discharge the demanding responsibility of that office in these times of increasing crisis without a responsible approach by the Congress and other political leaders in the Nation.

I believe most Americans agree that the challenges of the present and the opportunities for a better more peaceful tomorrow, which these times provide, demand that there be as speedy a resolution to Watergate as is possible. America's future and indeed the future of many millions of people throughout the world is inextricably tied in with the effective President of the United States.

Calm and reason in this Nation are most desirable at all times. They are of the greatest necessity now. Some points on the matter of the White House tapes and the Watergate require court action before they can be resolved. We are a Nation of law, and we must have the patience to let the system work. No nation has a better system.

There is no reason to hold up, or to delay unnecessarily, the confirmation of JERRY FORD. His confirmation is not a part of the Watergate investigation action at all. The country needs to have a Vice President installed for the good of the country. I compliment the distinguished majority whip for voicing essentially the same feelings about JERRY FORD's nomination to the Vice-Presidency.

The President's selection of JOHN STENNIS to hear the White House tapes and determine what is pertinent to the Watergate investigation is a choice with which few Senators would seek to find fault.

Senator STENNIS' integrity and character are unquestionable—second to none. As chairman of the Committee on Armed Services, JOHN STENNIS is in a key position to judge which, if any, of the tapes may be so sensitive as to harm the national security if the confidentiality of them were broken. As chairman of the Committee on Standards and Conduct he enjoys the unqualified admiration of every Member of this body.

His choice by the President deserves the support of every American.

Mr. President, I regret very much that Mr. Cox, the special investigator employed by the executive department of the U.S. Government, did not choose to let the compromise which was worked out by the chairman and the vice chairman of the Special Select Committee of the Senate with the President be implemented. I think that, had that been done, the matter could have moved forward toward resolution far more quickly than now seems likely to be the case, and full prosecution of the Watergate case could have proceeded so as to have permitted the President to discharge with greater effectiveness his very onerous responsibilities worldwide.

I regret that that course was not taken by Mr. Cox. I think that now we are faced with a situation which will undoubtedly draw out further the argument and the debate over the actions of the President.

As was noted by the distinguished Senator from Nebraska (Mr. CURTIS), even the special assistant to Senator ERVIN admitted there was not one iota of evidence to indicate any grounds at all to believe there had been any Presidential involvement in the wrongdoing which we characterize as Watergate.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from Kentucky. I just wanted to use a couple of minutes of his time to make some comments to the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), the majority whip, and to say that I was present this morning as he delivered his statement regarding the problem that confronts the American people and the Senate.

At the outset, let me say that I commend the distinguished Senator from

West Virginia for his remarks. Although I might not agree with them in every detail, I agree with them in principle and in concept. I especially commend the Senator from West Virginia for, in my opinion, rising above the partisan arena and addressing himself in a real and statesmanlike manner to the serious problems we face.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator from New Mexico very much for his comments.

Mr. DOMENICI. Mr. President, I would also say, aside and apart from the Presidential problem, that the Senator from West Virginia, in referring to the President's nominee for Vice President and urging that we get on with that business and not hold it as some kind of club, has shown the kind of statesmanship I expect from him and I commend him again for that.

However, with reference to his statement about the events of the past weekend, I have one question and one observation I should like to share with the distinguished Senator from West Virginia.

As I listened to the events of the past weekend I, too, was concerned about the involvement of the FBI. I concluded, at least temporarily, at one point during the weekend, as did the Senator from West Virginia, that it was perhaps a deplorable condition and one that caused me to think about the kinds of regimes I do not want to be a part of and which our Constitution does not permit. But as I continued to think about it, I thought of what, to me, seemed like a plausible and reasonable alternative so far as what was in the mind of the President at that particular time. I suggest to the Senator from West Virginia, because he was very concerned, that if the Senator had found himself in the same position as the President that particular evening, and had decided that he was going to abolish the office of the special prosecutor, Mr. Cox, and if, in fact, he had arrived at the point in time when he, as President, said, "There is no more Special Prosecutor," that then the President is confronted with another real problem: 3 days from that day, what would people be saying about the evidence in that room? What would some other faction in the Government be saying about its whereabouts, or its destruction, or its disappearance?

I believe that one could conclude, if he was as concerned about this possibility, at that point in time, even politically, that he would not want to face another accusation that he was party to destroying it or getting rid of it, or saying it was pilfered. Even those who had collected it could conclude that they might be subject to such an accusation, such an inference. So I determined that, unless I was prepared to say that the FBI and the people who went down there and the present Director were all acting in concert with some scheme of the President as compared with some true objective of preserving it intact, I should give the FBI the benefit of the doubt. It may be that this was the one way to preserve it and make sure at least that we had a third party who could say it was intact.

As I say, that is an alternative. In all other aspects, I commend the Senator for his comments.

Mr. ROBERT C. BYRD. Mr President, I thank the Senator from New Mexico. I am quick to say there is something certainly to be said for his viewpoint. I recognize the necessity of some action to protect the files and the evidence that had been accumulated there. The way in which it was reported to have been done, frankly, scared me, if I may use a well-understood word, and I am sure that millions of Americans reacted to this in the same way.

It was reported, as I indicated in my statement, that the personnel were not allowed to remove their belongings, their personal items, pictures of their wives and children, and so forth. I thought that was going to the extreme. It seems that there could have been some way whereby the actions taken to protect the evidence could have been taken without this display of raw power.

I regret that the FBI was used in this regard. I understand that after a while, on Saturday evening, the FBI agents were removed. I assume that U.S. marshals have taken their place. I think the appearance of this use of the FBI is what gave me great concern. The manner in which the FBI was used, especially in the context of the events of the past year and a half, merely lends additional credence to the fear that the FBI is being used, and will be used, now and in the future, under any administration, as a super secret police force which will act at the political behest and the beck and call of the Chief Executive, whether he be a Democrat or a Republican, to achieve whatever ends he may seek to promote—be they legitimate or otherwise.

I thank the Senator for his observation.

Mr. DOMENICI. I would comment further, Mr. President——

The PRESIDING OFFICER. The time for morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of the time for an additional hour, if need be, and that there continue to be a limitation on statements therein of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Mexico now has the floor.

Mr. DOMENICI. Let me comment further on the observations of the distinguished Senator from West Virginia.

I wholeheartedly agree with that aspect of his response and discussion with me as it concerns the appearance and the show of force and that kind of attitude, which I think should not be present. In that respect, I concur wholeheartedly.

I think the final test will be what the status is of the evidence in that room. That is why I bring it up. I hope that 2 weeks hence or a month hence, it will prove to have been beneficial ultimately to whatever course we take, that somebody saw to it that it was safeguarded. I do not refer to those who were there because I do not have any reason to mistrust those who worked for Mr. Cox. I am referring to the appearance later on for the American people. But I share the Senator's concern as to what the American people could conclude from the way it was done.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

Mr. WILLIAM L. SCOTT. Mr. President, we ought to consider the organization of our Federal Government and recognize that the Federal Bureau of Investigation is a bureau within the Department of Justice, just as the Office of U.S. Marshal is a branch of the Department of Justice. So when we talk about the Federal Bureau of Investigation seeing that the files are secure, this is the Department of Justice. Frankly, I see nothing wrong with either the U.S. Marshal's Office or the Federal Bureau of Investigation doing this. Both are branches of the Department of Justice.

Mr. DOMENICI. I hope the distinguished Senator does not conclude that I saw anything wrong with it. I was addressing myself to the same proposition.

Mr. WILLIAM L. SCOTT. I appreciate what the Senator was doing.

Mr. COOK. Mr. President, I have read the remarks and listened to most of the remarks of the Senator from West Virginia, and I conclude that I am in agreement with many of them.

The point I want to make with respect to the discussion this morning is that I am very much concerned that many of us are passing judgment on a question that we may have to resolve later, and I am concerned about some of the remarks that many of my colleagues already have made on national television. I heard one over the weekend who said:

> Therefore, I conclude the President should be impeached.

For a Member of the U.S. Senate to pass judgment on what the House will do and then to sit as a juror to make that determination smacks of a conclusion that I doubt seriously the Senator really wants to make.

Another Senator made the remark that if a certain thing happened, this would be an impeachable offense. We have had one impeachment in the Congress of the United States. I have read the entire record, and I could not glean from having read that record that this Member of the Senate could say with absolute clarity that this would constitute an impeachable offense, unless he was trying to pass judgment on his colleagues in the House and saying, "If you will do this, you send it over to us, and we will have a stacked jury."

Mr. President, under the Constitution of the United States, if impeachment proceedings are brought, they are brought in the House. The charges are made and those charges are sent here, and we then act as a jury. The President of the United States cannot ask for a change in venue. It must be heard here.

The only point this Senator wants to make—and to make to all his colleagues—is that I do not think we should have a lynch mob or that the Senate of the United States should constitute a lynch mob and that we should not go around the country, for the benefit of our brethren up in the gallery, behind the Presiding Officer, who want to take a poll as to how many want to vote tomorrow to impeach or not to impeach. This is not a Qualye poll we are going through or a Kraft poll. This is a determination relative to the stability of the Government of the United States.

What bothers me is that we may be able to go through this record, if in fact that does occur, and it comes over here, and be able to stand on this floor at the time this occurs and say that 22 or 31 or 18 Members of the U.S. Senate have already expressed themselves so vehemently that they cannot even sit and listen to the case. Most of the gentlemen who are saying these things are lawyers. I know that in representing a client before a jury anywhere in the United States, they would not let anybody who had made such reports about their client sit on the jury.

When we talk about the agreement that the President proposed to submit to all concerned, to which Mr. Cox disagreed, I would read to Mr. Cox and to the Members of the Senate what the court of appeals said. It did not say that the tapes in toto shall be turned over. It said:

> He may give the grand jury portions relevant to Watergate, by using excerpts in part and summaries in part, in such a way as not to divulge aspects that reflect the pungency of candor or are otherwise entitled to confidential treatment. It is not so long ago that appellate courts routinely decided cases without an exact transcript, but on order of the trial judge settling what was given as evidence.

So I would only say that there is no violation of a court order at this point. I think Elliot Richardson made that clear in his press conference this morning, in his mind, that the President of the United States had not violated a court order.

I suggest, again, that the country is looking to this body relative to whether it can conduct its business here or whether it is going to conduct it in every news medium in the United States, whether it is going to refuse its commitment and totally and completely, piecemeal, prejudge this matter.

This Senator will utilize his judgment and will utilize it to the best of his ability. But I am not going to prejudge it, and I am not going to prejudge it for anybody in the press. I am not going to prejudge it for anybody on television. I must say that this Senator will have a degree of disrespect for those who do so and who must sit on a jury.

Apparently, none of the gentlemen of the press corps ever has to sit on a jury. If they did, they would know the admonition to which they have to subscribe.

So let us use a degree of logic and understanding and calmness, as the Senator from West Virginia has said, because we have a great duty and responsibility that is ours at any time, and we have to fulfill it. I hope we will not fulfill it in a way that routinely gives accolades and routinely extends congratulations and routinely gives a number of reporters and cameras access to one's office so that one can give a good 30-second or 1-minute spot for the late news—because that is not what we are here for.

I hope that if we do judge this matter, we certainly do not judge it as a stacked jury. I do not think that anybody in the United States who is accused of a crime or accused of a civil violation or action wants to be prejudged by a jury that walks by him before he walks into the courtroom and say, "This won't take very long, because we're going to get you." As a matter of fact, the judicial system, thank God, is not set up that way in the United States.

Mr. TAFT. Mr. President, I wish to commend the distinguished Senator from Kentucky for the words he has spoken and to associate myself with them. Certainly this is a time when we must not prejudge any case. I think that every Senator has a duty to withhold his judgment and to examine very carefully any of the questions he may be called upon to decide.

Perhaps I differ to some extent with the Senator from Kentucky in this regard; perhaps not. I think that Senators have another duty that must be considered equally strongly; that is, to try to explain to the American people what the processes and the difficulties are with regard to decisions that may or may not confront this body or the other body, or by those in the executive branch of the Government. I think we cannot move hastily but must gain a clear perspective.

I was particularly impressed this morning to read an editorial in the Cincinnati Enquirer dealing with some of the historical precedents involved. I should like to call the Senate's attention to a certain portion of the editorial in the Enquirer of October 23, which reads as follows:

> By extraordinary coincidence, the crux of President Nixon's difficulties at the moment are strikingly similar to those that beset Andrew Johnson, the nation's 17th President, against whom the House of Representatives instituted impeachment proceedings 105 years ago.
>
> The 40th Congress, as hostile to President Johnson and what he perceived as his mandate as the 93rd has been to President Nixon and his, undertook to declare that the President could not remove from office a Cabinet member to whose confirmation the Senate had consented. President Johnson proceeded to violate the Tenure of Office Act; his impeachment resulted. But after a trial before the Senate that consumed more than two months, President Johnson was acquitted. A further vindication came when the Supreme Court, in Myers vs. the United States, struck down the Tenure of Office Act as an unconstitutional invasion of the President's powers.

Mr. President, I call that to the Senate's attention because I think it points out that even as to an act of Congress, or even as to an act of Congress that is contemplated and may be passed, there are particular circumstances when judgment should be reserved.

Some of us, when this matter was up before—I remember when the distinguished Senator from Massachusetts (Mr. BROOKE), a fine lawyer, who was the attorney general of his State—considered whether law enforcement can be brought up by any branch of the Government other than the executive branch. We should certainly not speculate on arriving at a judgment in regard to such a decision.

The Cincinnati Enquirer this morning published an editorial commenting on the current developments on the national scene. It seems to me that the comments are worth considering by those of us who may be called upon to act.

Mr. President, I ask unanimous consent that the entire editorial from the Cincinnati Enquirer of October 23, 1973, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IMPEACHMENT IN THE AIR

Congress returns from its Veterans Day weekend today with its passions more inflamed than at any time since the beginning of the Watergate inquiry.

Only a week ago, ironically, President Nixon's nomination of Rep. Gerald R. Ford (R-Mich.) to be the new vice president seemed to have inaugurated a long-overdue truce in the President's relations with Congress.

Only hours ago, also ironically, the White House came forward with what seemed an eminently sensible compromise on the thorny issue of the so-called Watergate tapes.

But now Congress is angrier than most Americans have ever seen it. Its mood, its rhetoric are impatient and ugly. Impeachment—with all its shattering implications—is in the air.

By extraordinary coincidence, the crux of President Nixon's difficulties at the moment are strikingly similar to those that beset Andrew Johnson, the nation's 17th President, against whom the House of Representatives instituted impeachment proceedings 105 years ago.

The 40th Congress, as hostile to President Johnson and what he perceived as his mandate as the 93rd has been to President Nixon and his, undertook to declare that the President could not remove from office a Cabinet member to whose confirmation the Senate had consented. President Johnson proceeded to violate the Tenure of Office Act; his impeachment resulted. But after a trial before the Senate that consumed more than two months, President Johnson was acquitted. A further vindication came when the Supreme Court, in Myers vs. the United States, struck down the Tenure of Office Act as an unconstitutional invasion of the President's powers.

The President's dismissal Saturday night of Watergate special prosecutor Archibald Cox came, like President Johnson's effort to remove Secretary of War Edwin M. Stanton, as the climax of a long chain of disputes. In 1868, the President came to regard Secretary Stanton as a virtual agent of his congressional opponents. Last weekend, President Nixon apparently came to see Mr. Cox as hell-bent on forcing a constitutional confrontation of the sort that prudent men customarily seek to avert—a confrontation, moreover, that the White House had gone far to forestall. The reason is that issues resolved before the Supreme Court more often than not have ramifications that reach far beyond the case at hand.

In this instance, any definitive ruling that may be arrived at in the case of President Nixon's tapes presumably would be applicable to all future chief executives.

Certainly, the powers of the presidency would be gravely diminished if presidential documents should become, for all times, subject to the subpoenas of the legislative or judicial branch.

Just as certainly, only the cause of presidential arrogance, again for all times, would be served by a firm declaration that nothing that crosses a presidential desk or occurs in a presidential office may be subpoenaed by either of the two other branches of the federal government.

That is why The Enquirer had hoped, from the very beginning of the tapes dispute, that a satisfactory compromise could be found and a precedent-setting showdown prevented.

We shall learn this week whether the compromise the White House proposed Friday night is a viable one. If it is, the Watergate case's outstanding issues should be resolved relatively quickly. If it is not, even stormier days are likely to lie ahead.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram from the Honorable MIKE MANSFIELD, majority leader of the U.S. Senate, addressed to the Honorable JAMES EASTLAND, chairman of the Judiciary Committee, and dated October 21, 1973, in which the distinguished majority leader urged the chairman of the Committee on the Judiciary to convene a meeting of that committee as soon as possible to consider all the factors involved in the recent developments relating to the ousting of Archibald Cox and of William Ruckelshaus as Deputy Attorney General and the resignation of Attorney General Elliot Richardson.

There being no objection, the telegram was ordered to be printed in the RECORD as follows:

OCTOBER 21, 1973.

Hon. JAMES EASTLAND,
U.S. Senate,
Washington, D.C.

In view of recent developments relative to the ousting of Archibald Cox and William Ruckelshaus and the resignation of Elliot Richardson as Attorney General, I most respectfully request that you convene a meeting of the Senate Judiciary Committee as soon as possible to consider all the factors involved.

Certain promises and pledges were made by the Attorney General to the Senate Judiciary Committee. Certain commitments were made so that Mr. Archibald Cox could assume an independent position as Special Prosecutor. The Senate proceeded in good faith on the basis of those promises, pledges and commitments.

The resignation and discharges of the above mentioned individuals are matters of the highest importance and I believe they should be considered by the full Judiciary Committee as soon as possible. This is a matter which, in my opinion, confronts not only the Judiciary Committee but the full Senate, the Congress and the American people as well.

Sincerely yours,
MIKE MANSFIELD,
Majority Leader, U.S. Senate.

INTRODUCTION OF S. 2603, TO PROVIDE FOR THE CONTINUATION OF AN INDEPENDENT INVESTIGATION OF CERTAIN ACTIVITIES BY HIGH OFFICIALS

SUBMISSION OF SENATE RESOLUTION 191, RELATING TO THE CENSURE OF ROBERT BORK

Mr. STEVENSON. Mr. President, Benjamin Franklin at the Constitutional Convention in 1787 said our Government could end in despotism, as others had before it, only when we ourselves become so corrupted as to need despotic government and incapable of any other form of government.

That day will come when our fear of despotism, or our indignation at corruption, is so long sustained, that we tire, and suffer it, and do nothing.

However much the White House may profess surprise at the public outcry, the day when the American people suffer corruption or despotism in silence is far off. The great strength of the American people, the deeply held conviction that all Americans are equal under the law, our faith in an independent judiciary—all are manifesting themselves.

It is the Congress now, not the American people, which is tested.

As Archibald Cox said:

> It is now up to the Congress to determine whether our system of laws is to be replaced by a system of men.

The institutions of Government will either be defended or corrupted. We have no middle course. The choice is to act, or not to act—to purge ourselves of the corruption or, tired, to suffer it.

The President proposed a deal. But his tapes "compromise," insofar as it applies to the lawsuit brought against Richard M. Nixon by Archibald Cox on behalf of the United States, would not compromise an issue. It would compromise the Government itself. No man subject to an order of court can be permitted to substitute his own action for that required by the court.

As Lincoln said:

> The courts are the tribunals prescribed by the Constitution and created by the authority of the people to determine, expound and enforce the law. Hence whoever resists the final decision of the highest tribunal, aims a deadly blow to our whole republican system of government—a blow, which if successful, would place all our rights and liberties at the mercy of passion, anarchy and violence.

In this case the highest tribunal is the court of appeals. The President proposes to place himself above the court and the law.

Senator STENNIS is a man of unquestioned integrity who would diligently review the tapes and could reasonably do so with respect to the tapes sought by the Senate select committee. In that case no court order binds the President; there a compromise between equal branches of Government is in order.

But to interpose Senator STENNIS, or any other man, between the President and the judicial process is to accept the proposition that the President is not accountable to the law. We dare not accept that proposition.

Of greater importance, access to the tapes by means of a summary or transcript or whatever is intended to be offered is at most access to only a part of the evidence.

The evidence of criminality in the 1972 Presidential campaign goes far beyond the Watergate break-in and coverup; it involves the solicitation and expenditure of illicit campaign contributions, alleged payoffs for campaign contributions, and political espionage.

Moreover, the possible criminal actions of this administration for which the President and his appointees may be responsible go far beyond the 1972 campaign; they include the break-in at the office of Mr. Ellsberg's psychiatrist, the possible misuse of public funds for improvements to the President's personal properties at San Clemente and Key Biscayne, the possible nonpayment of Federal and local taxes by the President, the gift by Mr. Hughes to Mr. Rebozo, and wiretapping cloaked in the mantle of national security.

In all these cases, the evidence lies uniquely within the control of the President. As the court of appeals said in the Cox case—

> The court's order must run directly to the President, because he has taken this unusual step of assuming personal custody of the Government property sought by the subpoena.

The "compromise" permits limited access to only a part of the evidence in the Watergate case. It permits no access to the other evidence or to leads in that case, including the President's logs. On the contrary, the President directed the special prosecutor to desist his efforts to obtain through the courts logs, memoranda, and other documents within the control of the President, notwithstanding they may contain evidence of criminal conduct altogether unrelated to the conduct of official business.

Now, with the removal of Mr. Cox, the investigation of the Nixon administration is under the control of Mr. Nixon. And no one under his control is in a position to challenge his assertion that he and he alone will judge his own case. The "compromise," insofar as the criminal investigation is concerned, demands capitulation.

Public confidence in the integrity of the government, the search for truth and the enforcement of the law all require a thorough and impartial investigation by a prosecutor equipped with the necessary powers and resources, including access to all the evidence. President Nixon's "compromise" tolerates nothing remotely resembling a full, thorough, and independent investigation—and the American people know it.

During Senate confirmation proceedings on the nomination of Elliot Richardson to be Attorney General, both the President and Mr. Richardson acknowledged the importance of a thorough investigation of the 1972 campaign by a truly independent prosecutor. Mr. Richardson, on behalf of the administration, gave the Senate explicit and detailed assurances that the prosecutor would have full authority and all the requisite resources and powers of independence. The record is comprised of exchanges of correspondence between myself and Mr. Richardson, his testimony before the Senate Judiciary Committee and the final guidelines for the prosecutor submitted by Mr. Richardson to that committee. Mr. President, I ask unanimous consent that this correspondence and the guidelines be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENSON. Mr. President, those assurances include "full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into the Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matter which he consents to have assigned to him by the Attorney General."

More specifically, the special prosecutor was assured "full authority" with respect to "conducting proceedings before grand juries and any other investigations he deems necessary"; "reviewing all documentary evidence available from any source as to which he shall have full access"; "determining whether or not to contest the assertion of executive privilege or any other testimonial privilege"; "initiating and conducting prosecutions, framing indictments"; and "filing informations, and handling all aspects of any cases within his jurisdiction."

Mr. Richardson assured the Senate:

> The special prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

In his address April 30, announcing Mr. Richardson's nomination, the President said he was giving Mr. Richardson "absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters," including "the authority to name the Special Prosecutor for matters arising out of the case."

The President said he knew Elliot Richardson would be "fearless in pursuing the case wherever it leads."

In his testimony before the Senate Judiciary Committee hearings on his nomination, Mr. Richardson acknowledged his "absolute authority" from the President and said he was passing on full authority to the special prosecutor.

The crisis now facing us arises because Mr. Richardson and Mr. Cox took their mandate seriously.

The Senate relied upon those assurances of Mr. Richardson and the President, and so did the American people.

The Senate trusted the President, and on this basis of trust, it confirmed the nomination of Elliot Richardson to be Attorney General.

During the Senate debate immediately prior to Mr. Richardson's confirmation I said:

> It is upon the understanding contained in these documents (the correspondence between Mr. Richardson and myself), the record before the Judiciary Committee and the revised guidelines offered by Mr. Richardson, that the investigation will now proceed. I am hopeful the Senate will now approve Secretary Richardson's nomination and the appointment of Archibald Cox, and that the investigation will proceed. If so, it will be upon the assumption that, the Senate's advice and consent given, the rules and the central personalities will not be changed by the Executive branch.

The rules and the central personalities have been changed. The President has broken faith with the Senate and with his own Attorney General who acted at all times wisely and in good faith. The President has relieved the special prosecutor of his duties because the prosecutor performed his duties. The President has disobeyed the orders of two courts, and has sought to set himself above the law.

At this point it would be unwise for Congress to confess its impotence or to commence impeachment proceedings. I do not find either course of action acceptable at this point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRIFFIN. Mr. President, if I may be recognized, I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Michigan.

I propose, instead, several steps which could lead to a more orderly resolution of the dispute in which the President, the Congress, and the courts are enmeshed. These steps could be the last steps before it becomes incumbent on the Congress to take more drastic measures.

I introduce and send to the desk for appropriate reference a bill establishing the office of Special Prosecutor.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. STEVENSON. Mr. President, this office would be headed by a prosecutor with all of the requisite jurisdiction, resources, and powers originally granted Archibald Cox.

Mr. President, I ask unanimous consent that a copy of the bill be printed at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STEVENSON. Mr. President, the appointment of a prosecutor would be made by the chief judge of the district court in Washington, D.C. Under article II, section 2, clause 2 of the Constitution, the Congress has the constitutional power to vest that function in a Federal court.

I also ask unanimous consent that a legal memorandum supporting that conclusion be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. STEVENSON. Mr. President, the chief judge now has the inherent authority to appoint a special counsel to present evidence to and otherwise assist the grand jury. This legislation will transfer additional authority to the judge. A special counsel probably could not be given the authority to sign indictments in the absence of the statute. The prosecutor appointed pursuant to this legislation would have such authority. The appropriation to Archibald Cox would be transferred by this legislation to the new office.

I would not presume to suggest whom the judge might appoint to this office, but Archibald Cox has conducted himself ably and bravely. He is in a unique position to continue the investigation he began. I would hope the judge would favorably consider his credentials and that Mr. Cox might be induced to resume his duties.

This legislation would probably have to be enacted without the President's approval. I believe that is possible. If enacted, the President would receive another, perhaps a last chance, to keep his promises to the Senate, to uphold his oath of office, and to bring this ugly matter to an early conclusion in the courts.

Other Members of the Congress are introducing similar legislation. I have sent a letter to Judge Sirica, which is signed by the sponsors of such legislation in the Senate, assuring him that our actions are in no way intended to derogate from his inherent power, to conflict with that power, or to urge upon him any course of action. His exercise of the power to appoint a special counsel to present evidence to the grand jury would be altogether consistent with action by the Congress to create an office of a special prosecutor to be filled by the judge. The offices would merge. The bills of this nature should in no way discourage—or encourage—the appointment of a specal counsel by Judge Sirica. Mr. President, I ask unanimous consent that a copy of the letter be inserted in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

(See exhibit 4.)

Mr. STEVENSON. Mr. President, I turn now to the availability and continued existence of evidence currently in the possession of the president and his subordinates.

We have seen a consistent pattern of extra-legal efforts to suppress such evidence. The President permitted Haldeman, Ehrlichman, and Dean, who left office in disgrace, access to papers left behind. In the case of men who left office under the most honorable of circumstances—Richardson, Ruckelshaus, and Cox—the Federal Bureau of Investigation was instructed to deny them the access previously accorded the malefactors.

So long as evidence remains in the custody of the President or persons acting on his behalf, there exists the possibility that the evidence will be destroyed or tampered with. As a practical matter, the only way to get at the evidence is to establish an office of special prosecutor which can utilize the existing processes of law to require its production. While it is true that the courts, like the pope, have no battalions at their disposal and could not enforce their order in the face of defiance by the President, presidential noncompliance under those circumstances would serve to indicate the need for more drastic measures. Attempts to destroy or tamper with evidence, with the intent of preventing that evidence from becoming available to law enforcement officials or grand juries, is a crime. The problem is one of detection, and that problem can be surmounted only by the reestablishment of a prosecutor as provided for in this bill.

The importance of full access to all such evidence at the earliest possible time underscores the importance of prompt enactment of this legislation.

Elliot Richardson, as Attorney General, respected the solemn assurances he had made to the U.S. Senate on behalf of himself and the President. He refused to fire the special prosecutor. He acted honorably. He gave up his office before he would break his word. So also did Mr. Ruckelshaus, his immediate successor. Mr. Bork, on the other hand, broke faith with the Senate. He violated the assurances solemnly given on behalf of this administration when, in his first official act, he fired Mr. Cox.

The legally and morally binding nature of the commitment to the Senate was recognized by Mr. Richardson and Mr. Ruckelshaus on October 20. Mr. Bork's action violated that legal and moral commitment made to Mr. Cox and to the U.S. Senate by the administration. It besmirches his reputation and casts grave doubts on his willingness to uphold the law and his oath of office. It is his action which has precipitated the current turmoil.

The Government cannot stand for long if it cannot trust itself. And it cannot stand for long, and remain free, if the people do not trust it. This breach of trust can only lead to greater distrust of the Executive in the Congress and in the citizenry. The public concludes that Mr. Cox was doing his job too well, and the Congress must conclude that the word of the President and his agents is not to be believed. I suggest, Mr. President, that the removal of Mr. Cox by the Acting Attorney General constituted a most dangerous contempt upon the Senate which we dare not approve by our silence.

In order to give the Senate the opportunity to express its disapproval of Mr. Bork's conduct, I also submit a resolution of Senate censure of Mr. Bork based on the actions he has taken. Mr. President, I ask unanimous consent that the resolution be reprinted in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the resolution be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRY F. BYRD, JR. Mr. President, if the Chair will recognize me, I will gladly yield 2 minutes of my time to the Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Virginia.

The PRESIDING OFFICER. The Sentor from Virginia is recognized for an additional 2 minutes.

Mr. STEVENSON. Mr. President, I hope that in its executive session tomorrow the Senate Judiciary Committee, to which my resolution will be referred, will consider the resolution in hearings on Mr. Bork's role in the dismissal of Mr. Cox.

Mr. President, I believe history will record that these were among the best of our times; the people and their elected representatives in the Congress did not tire of the struggle for virtue in Government and freedom. Given the choice between freedom and repose, we saw that we could not have both. We acted—not with courage. For men of faith it takes no courage. We acted with the resolution and decency which have on the whole characterized the actions of the Nation from its birth until recently.

Our duty is clear. The press and the courts and the public have done theirs. I am confident the Congress will do its duty. If the measures which I and others propose in this body today do not resolve the issue, our duty will remain. And we dare not ignore it.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., May 3, 1973.

Hon. ELLIOT L. RICHARDSON,
Attorney General-Designate,
Department of Justice,
Washington, D.C.

DEAR MR. RICHARDSON: As Attorney General you would immediately be faced with an unprecedented task of restoring public confidence in the integrity of the Federal government. We know you share our concern that justice prevail in all questions of official misconduct and that the public receive speedy assurance that an impartial investigation of the so-called Watergate Affair will be conducted thoroughly and relentlessly.

The Senate has called for appointment of an "independent" prosecutor. The true independence and impartiality of the prosecutor is essential. You have the power to make such an appointment. But a prosecutor is not made independent by virtue of an adjective. Neither his selection from outside the Justice Department, nor his approval by the Senate assures independence and a truly thorough and impartial investigation. That depends upon the character of the prosecutor and his authority, and powers and resources.

We trust you to select for this position a man of unquestioned integrity, the highest professional ability and the tenacity with which to get the job done. We also expect you to make the scope of his inquiry broad enough to encompass all illegal conduct arising out of the conduct of the President's recent campaign and the growing evidence that justice has been obstructed in conjunction with that illegal activity. But that is not enough. The minimal powers and resources of a thoroughly independent prosecutor must include:

(1) The power to convene and conduct proceedings before a special grand jury, to subpoena witnesses, and to seek in court grants of immunity from prosecution for witnesses;

(2) The power and financial resources with which to select and hire an adequate staff of attorneys, investigators and other personnel, answerable only to himself;

(3) Assurance that the funds to pay for the services of staff and prosecutor will be continued for the time necessary to complete the investigation and prosecute any offenders;

(4) Assurance that the prosecutor will not be subject to removal from his duties except for the most extraordinary improprieties on his part;

(5) Full access to the relevant documents and personnel of the Department of Justice and all other offices and agencies of the Executive Branch; and

(6) Assurance that the prosecutor would be able to cooperate with any appropriate congressional committees.

The law appears to give you the authority to confer these powers, resources and assurances upon a special prosecutor. If the need arises for legislation to insure these requisites of independence and thoroughness, we will cooperate to that end in every way we can.

In closing we reiterate our trust in you, our confidence in your ability and our hope that forthright action now by the Executive will be enough to resolve these trying matters to the satisfaction and benefit of the nation.

Sincerely,

COSIGNERS OF STEVENSON LETTER TO RICHARDSON

Adlai E. Stevenson, III, Harold E. Hughes, Stuart Symington, Gaylord Nelson, Edmund Muskie, Philip A. Hart, Thomas F. Eagleton, James Abourezk, Lloyd Bentsen, Dick Clark, Joe Biden, William Proxmire, Alan Cranston, and Lawton Chiles.

Hubert Humphrey, John Tunney, Walter F. Mondale, Lee Metcalf, Walter D. Huddleston, William D. Hathaway, Arbaham Ribicoff, Harrison Williams, Frank Church, Quentin Burdick, Mike Mansfield, Jennings Randolph, Thomas J. McIntyre, J. Bennett Johnston, Jr., and Claiborne Pell.

WASHINGTON, D.C.,
May 17, 1973.

Hon. ADLAI E. STEVENSON III,
U.S. Senate.

DEAR SENATOR STEVENSON: Thank you for letter of May 3 and for your expression of confidence in me. I agree wholeheartedly with your observations about the need to restore public confidence. I agree that this end will be served by the appointment of an independence Special Prosecutor with unquestioned integrity, the highest professional ability and great tenacity.

In examining both the record of the Senate Judiciary Committee hearing on my nomination and the points articulated in your letter, I am struck by how close we actually are in our approach to the definition of the Special Prosecutor's role. The detailed description of the Special Prosecutor's authority which I have today sent to the members of the Senate Committee on the Judiciary meets, I believe, all the points enumerated in your letter:

His scope of authority will extend beyond the Watergate case to include all offenses arising out of the 1972 Presidential Campaign and all allegations involving the President, members of his staff and other Presidential appointees:

His powers will include the handling of all prosecutions, grand jury proceedings, immunity requests, assertions of "Executive Privilege" and all decisions as to whom to prosecute and whom not to prosecute;

He will have the authority to organize and select his own staff, responsible only to him, and to secure adequate resources and cooperation from the Department of Justice;

He will have access to all relevant documents;

He will handle relations with all appropriate Congressional Committees; and

He will be subject to removal only by reason of extraordinary improprieties of his part.

Some misunderstanding seems to persist on the subject of the relationship of the Special Prosecutor to the Attorney General. I have repeatedly stated that the Special Prosecutor must be given the authority to do his job independently, thoroughly and effectively. He will possess a truly unique of independent authority within the Department of Justice. But it is also critical, in my view, both in the interests of the effective performance of the Department of Justice as a whole and the speedy and efficient support for the Special Prosecutor's mission, that the Attorney General retain that degree of responsibility mandated by his statutory accountability.

The laws establishing the Department of Justice give the Attorney General ultimate responsibility for all matters falling within the jurisdiction of the Department of Justice. Under the law, there is no way to handle prosecutions under the applicable Federal criminal laws outside that Department. A change in the law making the Special Prosecutor an independent agency, which I think would be wrong and harmful on the merits, could in any event be very complicated and time consuming. The outcome of any effort to change the law would be uncertain, the investigation would be disrupted, and prosecution seriously delayed.

Further, only the Attorney General can effectively insure the cooperation of other personnel within the Department of Justice (and within other agencies of the Exective Branch) and thus assure the marshalling of additional resources, including professional investigatory and prosecutorial staff, when the Special Prosecutor needs them. The Attorney General is responsible for allocating the overall resources of his Department consistent with the proper pursuit of its various responsibilities. Without being able to draw on these resources and the various sources of authority which are vested in the Attorney General as chief legal officer of the National, any investigation by a Special Prsecutor might be severely hampered.

The approach which I have developed is designed to provide the maximum possible assurance to the public that truth and justice will be properly, thoroughly and effectively pursued. As I have said before, the public will have an insurance policy comprised of four clauses:

The integrity of the Attorney General as reviewed and confirmed by the United States Senate;

The integrity of the Special Prosecutor as reviewed and affirmed by the United States Senate;

The terms and conditions articulated in my detailed description of the Special Prosecutor's authority and in testimony before the Senate Judiciary Committee, which assure the authority and independence of the Special Prosecutor; and

The investigation of the "Ervin Committee" as established by Senate Resolution 60.

With best regards,

Sincerely,

Elliot Richardson.

U.S. Senate,
Washington, D.C., May 18, 1973.

Hon. Elliot L. Richardson,
Secretary, of Defense, Department of Defense,
Washington, D.C.

Dear Mr. Secretary: Your letter to me of May 17 is positive and represents a long step in the direction of an "independent prosecutor" in the Watergate episode.

It is my hope that with a clarification of certain points in that letter and your statement to members of the Judiciary Committee that remaining doubts about the impartiality of the investigator can finally be resolved and that justice delayed can now proceed with dispatch and the government can get on with all its business.

Specific points about the prosecutor's functions which you make in your May 17 letter and statement to the members of the Judiciary Committee are still consistent with your statement of May 7 that the investigation would be conducted "in the Department of Justice" and that as Attorney General you would retain "final responsibility" for all matters within the Department.

It would be helpful if at your earliest convenience you could explain the following points in your May 17 letter:

1. You state that the prosecutor's authority will extend to "all *offenses* arising out of the 1972 presidential campaign and all *allegations* involving the President, members of his staff and other presidential appointees." It is unclear whether you intend that the prosecutor will have the authority to investigate allegations of official misconduct of a *non-criminal* nature on the part of Executive branch personnel. The Congress has the constitutional responsibility for making the laws and overseeing the manner in which Executive branch personnel execute those laws. The Congress is the most appropriate body to investigate and make judgments about instances of official misconduct of a non-criminal nature. The Senate is exercising that responsibility. Is it your intention that the prosecutor's functions include the investigation of such non-criminal misconduct?

2. Your letter states that the prosecutor's powers "will include the *handling* of all prosecutions of 'Executive privilege' and all *decisions* as to whom to prosecute and whom not to prosecute." Thus, the only decision-making power to which you explicitly refer concerns questions of whom to prosecute and whom not to prosecute. Is it the Administration's intention to reserve the decision-making responsibility on all such questions as convening grand jury proceedings, seeking in court grants of immunity for prospective witnesses and passing upon whether present or former Executive branch personnel can properly invoke "Executive privilege"?

3. You state that the prosecutor "will have the authority to organize and select his own staff." Does that authority include the authority to select staff members not now employed by the Department of Justice? What financial resources will be at the disposal of the prosecutor with which to retain the services of any such staff members outside the Department of Justice? And will you assure that the personnel and other resources of the Justice Department are at the disposal of the Prosecutor, except in cases where his use of personnel would unduly interfere with other activities of the Justice Department?

4. You state that the special prosecutor "will have access to all *relevant* documents." Is it your intention to reserve the right to determine what is relevant?

5. You state that the special prosecutor "will *handle* relations with all appropriate congressional committees." Is it your intention to reserve the right to control the access of the prosecutor to committees of the Congress, including the furnishing of information to such committees? My own strong conviction is that both justice and the truth will best be served by a prosecutor free to cooperate with both the Executive and the Legislative branches and to help coordinate their potentially conflicting investigatory activities.

6. The most serious doubt left lingering by your letter and oft-repeated statements is that by some law the Attorney General must retain the "responsibility" or final authority. You oppose a law to remove any such conflict between your statutory duty as Attorney General—and your duty to the people as their chief law enforcement official. In the past, Attornies General, including the acting Attorney General in this very matter, have resolved that conflict by disqualifying themselves. Your failure to do so in favor of an independent prosecutor raises no doubts in my mind about your integrity, but many doubts about your freedom to act. You are, after all, an agent of the President and also a servant of the public. Those roles are not inevitably harmonious. Why do you refuse to disqualify yourself in favor of a prosecutor who can serve the people with a singleness of purpose?

Without a resolution of these questions it could be as difficult in the future as it has been in the recent past to find a man of the highest professional attainment and character to serve as prosecutor. In the meantime, delay eats like acid at the public trust and the cause of justice.

With the resolution of the questions raised by this letter and in the hearings of the Senate Judiciary Committee, I would hope your confirmation as Attorney General would proceed rapidly. At the same time, the prosecutor's investigation of the Watergate episode could proceed and in harmony with the investigation by the Senate Commission. If that does not happen, the doubts and suspicions will linger, partisan politics will intrude, the investigations will be disorderly and the integrity of the Presidency impossible to restore for many years, I therefore, look forward hopefully to your early response.

Sincerely,

Adlai Stevenson.

The Secretary of Defense,
Washington, D.C., May 17, 1973.

Hon. Adlai E. Stevenson III,
U.S. Senate.

Dear Senator Stevenson: Thank you for your letter of May 3 and for your expression of confidence in me. I agree wholeheartedly with your observations about the need to restore public confidence. I agree that this end will be served by the appointment of an independent Special Prosecutor with unquestioned integrity, the highest professional ability and great tenacity.

In examining both the record of the Senate Judiciary Committee hearing on my nomination and the points articulated in your letter, I am struck by how close we actually are in our approach to the definition of the Special Prosecutor's role. The detailed description of the Special Prosecutor's authority which I have today sent to the members of the Senate Committee on the Judiciary meets, I believe, all the points enumerated in your letter:

His scope of authority will extend beyond the Watergate case to include all offenses arising out of the 1972 Presidential Campaign and all allegations involving the President, members of his staff and other Presidential appointees;

His powers will include the handling of all prosecutions, grand jury proceedings, immunity requests, assertions of "Executive Privilege" and all decisions as to whom to prosecute and whom not to prosecute;

He will have the authority to organize and select his own staff, responsible only to him, and to secure adequate resources and cooperation from the Department of Justice;

He will have access to all relevant documents;

He will handle relations with all appropriate Congressional Committees; and

He will be subject to removal only by reason of extraordinary improprieties on his part.

Some misunderstanding seems to persist on the subject of the relationship of the Special Prosecutor to the Attorney General. I have repeatedly stated that the Special Prosecutor must be given the authority to do his job independently, thoroughly and effectively. He will possess a truly unique level of independent authority within the Department of Justice. But it is also critical, in my view, both in the interests of the effective performance of the Department of Justice as a whole and the speedy and efficient support for the Special Prosecutor's mission, that the Attorney General retain that degree of responsibility mandated by his statutory accountability.

The laws establishing the Department of Justice give the Attorney General ultimate responsibility for all matters falling within the jurisdiction of the Department of Justice. Under the law, there is no way to handle prosecutions under the applicable Federal criminal laws outside that Department. A change in the law making the Special Prosecutor an independent agency, which I think would be wrong and harmful on the merits, could in any event be very complicated and time consuming. The outcome of any effort to change the law would be uncertain, the investigation would be disrupted, and prosecution seriously delayed.

Further, only the Attorney General can effectively insure the cooperation of other personnel within the Department of Justice (and within other agencies of the Executive Branch) and thus assure the marshalling of additional resources, including professional investigatory and prosecutorial staff, when the Special Prosecutor needs them. The Attorney General is responsible for allocating the overall resources of his Department consistent with the proper pursuit of its various responsibilities. Without being able to draw on these resources and the various sources of authority which are vested in the Attorney General as chief legal officer of the Nation, any investigation by a Special Prosecutor might be severely hampered.

The approach which I have developed is designed to provide the maximum possible assurance to the public that truth and justice will be properly, thoroughly and effectively pursued. As I have said before, the public will have an insurance policy comprised of four clauses:

The integrity of the Attorney General as reviewed and confirmed by the United States Senate;

The integrity of the Special Prosecutor as reviewed and affirmed by the United States Senate;

The terms and conditions articulated in my detailed description of the Special Prosecutor's authority and in testimony before the Senate Judiciary Committee, which assure the authority and independence of the Special Prosecutor; and

The investigation of the "Ervin Committee" as established by Senate Resolution 60.

With best regards,

Sincerely,

Elliot Richardson.

U.S. Senate,
Washington, D.C., May 3, 1973.

Hon. Elliot L. Richardson,
Attorney General-Designate, Department of Justice, Washington, D.C.

Dear Mr. Richardson: As Attorney General you would immediately be faced with an unprecedented task of restoring public confidence in the integrity of the Federal government. We know you share our concern that justice prevail in all questions of official misconduct and that the public receive speedy assurance that an impartial investigation of the so-called Watergate Affair will be conducted thoroughly and relentlessly.

The Senate has called for appointment of an "independent" prosecutor. The true independence and impartiality of the prosecutor is essential. You have the power to make such an appointment. But a prosecutor is not made independent by virtue of an adjective. Neither his selection from outside the Justice Department, nor his approval by the Senate assures independence and a truly thorough and impartial investigation. That depends upon the character of the prosecutor and his authority, powers and resources.

We trust you to select for this position a man of unquestioned integrity, the highest professional ability and the tenacity with which to get the job done. We also expect you to make the scope of his inquiry broad enough to encompass all illegal conduct arising out of the conduct of the President's recent campaign and the growing evidence that justice has been obstructed in conjunction with that illegal activity. But that is not enough. The minimal powers and resources of a thoroughly independent prosecutor must include:

(1) The power to convene and conduct proceedings before a special grand jury, to subpoena witnesses, and to seek in court grants of immunity from prosecution for witnesses;

(2) The power and financial resources with which to select and hire an adequate staff of attorneys, investigators and other personnel, answerable only to himself;

(3) Assurance that the funds to pay for the services of staff and prosecutor will be continued for the time necessary to complete the investigation and prosecute any offenders;

(4) Assurance that the prosecutor will not be subject to removal from his duties except for the most extraordinary improprieties on his part;

(5) Full access to the relevant documents and personnel of the Department of Justice and all other offices and agencies of the Executive Branch; and

(6) Assurance that the prosecutor would be able to cooperate with any appropriate congressional committees.

The law appears to give you the authority to confer these powers, resources and assurances upon a special prosecutor. If the need arises for legislation to insure these prerequisites of independence and thoroughness, we will cooperate to that end in every way we can.

In closing we reiterate our trust in you, our confidence in your ability and our hope that forthright action now by the Executive will be enough to resolve these trying matters to the satisfaction and benefit of the nation.

Sincerely,

Cosigners of Stevenson Letter to Richardson

Adlai E. Stevenson, III, Harold E. Hughes, Stuart Symington, Gaylord Nelson, Edmund Muskie, Philip A. Hart, Thomas F. Eagleton, James Abourezk, Lloyd Bentsen, Dick Clark, Joe Biden, William Proxmire, Alan Cranston, and Lawton Chiles.

Hubert Humphrey, John Tunney, Walter F. Mondale, Lee Metcalf, Walter D. Huddleston, William D. Hathaway, Abraham Ribicoff, Harrison Williams, Frank Church, Quentin Burdick, Mike Mansfield, Jennings Randolph, Thomas J. McIntyre, J. Bennett Johnston, Jr., and Claiborne Pell.

The Secretary of Defense,
Washington, D.C., May 21, 1973.

Hon. Adlai E. Stevenson III,
U.S. Senate,
Washington, D.C.

Dear Senator Stevenson: Thank you for your letter of May 18. I certainly share your hopes that any remaining doubts about the impartiality of the independent investigation and prosecution, to be handled by Archibald Cox, can now be finally resolved. Hopefully, as you so aptly point out, justice delayed can now proceed with dispatch and government can get on with all its business. I have just given members of the Senate Committee on the Judiciary a somewhat revised version of the guidelines under which the Special Prosecutor would operate. A copy is enclosed for your information.

In response to the specific questions raised by your letter, let me make the following points.

1. While the Special Prosecutor's functions would focus primarily on the investigations and prosecution of criminal offenses, he may in the process uncover improprieties or irregularities of a non-criminal kind. He would be free to take whatever action with regard to such improprieties or irregularities as he deemed appropriate, including disclosing them publicly and reporting them to other authorities for their action. There will inevitably, of course, be considerable overlap with the Ervin Committee's investigations, whether or not prosecution is sought in specific cases.

2. It is not my intention to reserve decision-making responsibility on any of the matters enumerated in the description of the Special Prosecutor's duties and responsibilities, as to which he is given full authority. Thus, all decisions as to grand juries, assertions of executive privilege, and seeking grants of immunity will be made by the Special Prosecutor, in a manner consistent with applicable statutory requirements.

3. The Special Prosecutor will have authority to select staff members not now employed by the Department of Justice. The Special Prosecutor will have all the financial resources that he will reasonably need for all his activities, including funds with which to hire non-departmental personnel. I will assure, as the guidelines make clear, that the personnel and other resources of the Department will be at the disposal of the Special Prosecutor, to the extent he may reasonably require them.

4. The Special Prosecutor, not the Attorney General, will determine what documents may be relevant to his mission.

5. The Special Prosecutor will be fully free to make all decisions relating to his dealings with Congressional Committees. I will not control the Special Prosecutor's access to any committee.

6. Having provided the Special Prosecutor with a charter which assures his total operational independence from the Attorney General, together with the resources necessary to carry out his mission effectively, I see no need to "disqualify" myself. I have no personal stake in this matter other than to see that justice be done swiftly, thoroughly and fairly. I hope that the selection of former Solicitor General Cox for the position of Special Prosecutor makes my determination in this regard amply clear.

I regard the questions you have raised as fair and responsible and I have tried to answer them in that spirit. I trust that the Senate and the Department of Justice can and will cooperate in this mission of enormous public importance. I will certainly do everything in my power to see that this occurs.

With kindest regards,

Sincerely,

Elliot L. Richardson.

Duties and Responsibilities of the Special Prosecutor

The Special Prosecutor—There will be appointed by the Attorney General, within the Department of Justice, the Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters *which he consents to have* assigned to him by the Attorney General.

In particular, the Special Prosecutor shall have full authority with respect to the above matters for:

Conducting proceeedings before grand juries and any other investigations he deems necessary;

Reviewing all documentary evidence available from any source, as to which he shall have full access;

Determining whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, *or for warrants, subpoenas, or other court orders;*

Deciding whether or not to prosecute any individual, firm, corporation or group of individuals;

Initiating *and conducting* prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

Coordinating and directing the activities of all Department of Justice personnel, including United States Attorneys;

Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters *and determining what documents, information, and assistance will be provided to such committees.*

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. *The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities.* The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

STAFF AND RESOURCE SUPPORT

1. *Selection of Staff*—The Special Prosecutor shall have full authority to organize, select, *and hire* his own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to *assign* such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice, including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. *Budget*—The Special Prosecutor will be provided with such funds *and facilities* to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, *and such requests shall receive the highest priority.*

3. *Designation and Responsibility*—The personnel acting *as the staff and assistants* of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

Continued Responsibilities of Assistant Attorney General, Criminal Division—Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

Applicable Departmental Policies—Except as otherwise herein specified *or as mutually agreed between the Special Prosecutor and the Attorney General,* the *Watergate Special Prosecution Force* will be subject to the administrative regulations and policies of the Department of Justice.

Public Reports—The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall *upon completion* of his assignment *submit a final report to the appropriate persons or entities of the Congress.*

Duration of Assignment—The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until *such time as, in his judgment, he has* completed *them* or until a date mutually agreed upon between the Attorney General and himself.

EXHIBIT 2

S. 2603

A bill to provide for the continuation of an independent, thorough investigation of certain activities by high federal officials and persons acting in concert with them

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill may be cited as the Independent Investigation Act of 1973.

SEC. 2. The Congress finds and declares—

(a) That the conduct of a thorough, fair and impartial investigation of possible violations of Federal law occurring in connection with the 1972 Presidential primaries and general election and any campaign, canvass, or other activity related to such election is essential to the restoration of public confidence in government, to the fullest possible public disclosure of the facts about illegal or improper activities performed in connection with the 1972 Presidential elections, and to the dispensation of equal and exact justice to all persons and organizations against whom charges have been or may be directed;

(b) That the goals enumerated in paragraph (a) of this section cannot be accomplished if the investigation is conducted by an individual subject to dismissal by the President of the United States, the Attorney General, or any other official in the Executive Branch of the United States Government;

(c) That the October 20, 1973 dismissal of Special Prosecutor Cox, coupled by statements made on behalf of the President concerning the future conduct of the investigation, make it clear that investigators serving within the Justice Department will be denied access to important tapes, papers, and other evidence in the possession of the President of the United States and other Federal officials, and that such investigators will not be permitted to utilize established procedures of law to issue or enforce any subpoenas that may be required to secure such tapes, papers, or evidence;

(d) That the national interest requires, and Article II, Section 2, Clause 2 of the Constitution permits, the investigation to proceed under an agency over which the President of the United States and other Executive Branch officials who are or may be targets of the investigation shall have no control.

SEC. 3. There is hereby established an Office of Special Prosecutor (hereinafter referred to as the "Office").

SEC. 4. The Office is empowered to investigate (i) possible violations of Federal law, and possible instances of official misconduct by Federal officials, which occurred in connection with the 1972 Presidential primaries and general election and any campaign, canvass, or other activities related to such election and (ii) allegations of other illegal conduct or official misconduct on the part of the President, members of the White House staff, or Presidential appointees.

SEC. 5. The Office shall be headed by a Special Prosecutor, who shall be appointed by the Chief Judge of the United States District Court for the District of Columbia pursuant to Article II, Section 2, Clause 2 of the Constitution of the United States. The Special Prosecutor shall serve for a term beginning upon his appointment and ending on June 30, 1977, and shall be removable only by impeachment.

SEC. 6. The Special Prosecutor shall have exclusive jurisdiction over the conduct of all investigations, prosecutions, and civil actions on behalf of the United States to enforce all provisions of Federal law violated by (i) any person in connection with the Presidential primaries and general election of 1972, and any campaign, canvass, or other activity related to such election; or (ii) by the President, members of the White House staff, or Presidential appointees. The Attorney General shall cooperate with the Special Prosecutor to the fullest extent possible to insure that the Special Prosecutor has exclusive control of all activities relating to any such investigation and prosecution resulting from such election.

SEC. 7. Notwithstanding any other provision of law, the Special Prosecutor is vested with all of the powers and duties of the Attorney General of the United States and of the United States Attorney in any judicial district of the United States in which legal proceedings are or may be brought pursuant to this Act, insofar as such powers and duties are necessary to the performance of the duties of the Special Prosecutor under Section 4. The powers granted under this section include, but are not limited to, the power to convene and conduct proceedings before grand juries (including special grand juries) of the United States, the power to subpoena witnesses, the power to frame indictments, and the power to seek in court grants of immunity from prosecution for witnesses.

SEC. 8. The Special Prosecutor shall have power to employ and fix the compensation of such attorneys, investigators and other personnel as he deems necessary without regard to the provisions of Title 5, United States Code, governing employment in the competitive civil service, and without regard to Chapter 51 and subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title. Any person so employed shall be answerable only to the Special Prosecutor.

SEC. 9. The Attorney General shall, to the maximum extent consistent with the performance of his other duties, permit the Special Prosecutor to utilize the personnel, facilities, and other resources of the Department of Justice in carrying out his duties under this Act.

SEC. 10. Each department, agency, and independent instrumentality of the Government shall cooperate with the Special Prosecutor.

SEC. 11. All personnel of the Office shall, upon request, appear before, consult with, and cooperate in other respects with all Congressional committees having jurisdiction over any aspect of the Office's activities.

SEC. 12. The Office shall remain in existence until such time as the Special Prosecutor certifies to the Chief Judge of the United States District Court for the District of Columbia that all investigations and prosecutions conducted pursuant to this Act have been completed, or on June 30, 1977, whichever occurs first. The certification shall be accompanied by a full and complete report of all activities conducted by the Office.

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act. Such funds shall remain available, without fiscal year limitation, until expended. All funds appropriated to the Watergate Special Task Force pursuant to The State-Justice-Commerce Appropriations Act for fiscal year 1974 and not previously expended shall be by virtue of the enactment of this legislation be transferred on the date of enactment to the account of the Office; to be expended by the Special Prosecutor in furtherance of the functions the Office is empowered to perform. The Office shall submit its budget requests directly to the Congress and shall furnish the Office of Management and Budget with informational copies thereof.

SEC. 14. In the event that the United States District Court for the District of Columbia, prior to the enactment of this legislation, appoints one or more persons to serve as special counsel to the special grand jury currently investigating incidents relating to the 1972 Presidential campaign, and in the event that funds to compensate such person or persons for services rendered or expenses incurred are unavailable, any funds transferred to or appropriated for the Office shall be utilized to compensate or reimburse such person or persons.

SEC. 15. In the event that the President of the United States, or anyone acting on his behalf, or any other person initiates legal proceedings challenging the constitutionality of any provision of this act, the Office shall have the right to defend the constitutionality of this Act in any such proceeding, and shall be entitled to utilize the funds transferred or appropriated to the Office to defray any expenses incurred in the course of such a defense. No decision invalidating any portion of this Act shall take effect until such decision becomes final. Exclusive jurisdiction over lawsuits challenging the constitutionality of this Act shall reside in the United States District Court for the District of Columbia.

SEC. 16. The invalidation of any provision of this Act shall not affect the validity of any other provision of this Act.

EXHIBIT 3

CONSTITUTIONAL BASIS FOR LEGISLATION CREATING THE OFFICE OF SPECIAL COUNSEL OR SPECIAL INVESTIGATIVE AGENCY

Article II, Section 2, clause 2, of the Constitution provides in general for appointment by the President, with the advice and consent of the Senate, of "All . . . officers of the United States." However, it also provides that "Congress may by Law vest the Appointment of such inferior Officers, as they deem proper, . . . in the Courts of Law."

Acting under this grant of authority, Congress has frequently provided for appointment of federal officers by the federal courts. For example, 28 U.S.C. sec. 546, provides:

"The district court for a district in which the office of United States Attorney is vacant may appoint a United States Attorney to serve until the vacancy is filled."

Even though United States Attorneys are appointed to their full terms by the President, with the advice and consent of the Senate, 28 U.S.C. sec. 541, and carry out "executive" branch duties, *Ponzi* v. *Fessenden*, 258 U.S. 254, *United States* v. *Cox*, 342 F. 2d 167 (5th Cir. 1965), this provision for filling vacancies by judicial appointments does not violate the constitutional provisions of Separation of Powers. *United States* v. *Solomon*, 216 F. Supp. 835 (D.C.N.Y. 1963).

It is settled that Congress, acting under Article II, section 2, clause 2, may provide for appointment by the courts of officers other than judicial officers. Thus the power of the judges of the United States District Court for the District of Columbia to appoint members of the District of Columbia School Board under D.C. Code sec. 31-101 was upheld against constitutional attack in *Hobson* v. *Hansen*, 265 F. Supp. 902 (D.C.D.C. 1967). And the power of Congress under this clause to provide for judicial appointment of judicial officers has been upheld by the Supreme Court. *Ex parte Siebold*, 100 U.S. 371 (1880).

It is thus clear that—regardless of the label one might attach to the Office of Special Prosecutor—Congress has constitutional power to vest the appointment of that officer in the courts of law. The only limitation on that appointment power that has been adopted by any court construing the constitutional provision is that the duty of the appointed officer "may not have such incongruity with the federal function as would void the power sought to be conferred." *Hobson* v. *Hansen, supra*. And it is clear that counsel for grand juries and prosecutors do not exercise powers incongruous with the federal function.

EXHIBIT 4

OCTOBER 23, 1973.

The Honorable JOHN J. SIRICA,
Chief Judge, U.S. District Court, Washington, D.C.

DEAR JUDGE SIRICA: We are the sponsors of bills which would establish the Office of Special Prosecutor as a statutory entity to continue the work begun by the Watergate Special Task Force. Our bills differ in some respects, but they share a common objective: the establishment of an instrumentality to continue the work begun by Mr. Cox' office in such a way as to maximize the chance that justice will be done and the truth told.

Our purpose in writing is to lay to rest any appearance of opinion on our part that the course of action we propose is the only available means for assuring that the investigation proceeds in the most effective way. The introduction of these bills is in no way intended to derogate, or conflict with, the inherent, statutory and constitutional powers vested in the U.S. District Court for the District of Columbia and other Federal courts, or to express any opinion, for or against the exercise of any such powers. Because of our firm commitment to the doctrine of separation of powers, we believe that the exercise of all powers vested in your office is not a member with which members of other branches of the Federal government should interfere.

We, therefore, take no position on the advisability of the exercise of your supervisory power over grant juries to appoint a Special Counsel to present evidence to, and otherwise assist, the special grand jury currently investigating various incidents related to the 1972 Presidential Campaign. Appointment of such a Special Counsel appears to be a legally permissible means of preventing an interruption of the present investigation during the present period of uncertainty.

We hope that this letter, which is being made available to the press and the public will make clear our firm conviction that officials of other branches should in no way interfere or be perceived to interfere with the efforts of the Judicial Branch to discharge its duties with respect to the Watergate investigation.

Respectfully yours,

ADLAI E. STEVENSON.
WALTER F. MONDALE.
LAWTON CHILES.
EDWARD M. KENNEDY.
JOHN V. TUNNEY.
ALAN CRANSTON.

EXHIBIT 5

S. RES. 191

Whereas, on April 30, 1973, President Nixon nominated Elliot Richardson to be Attorney General and conferred upon Mr. Richardson the "absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters," including the authority, where Mr. Richardson deemed it appropriate, "to name a special supervising prosecutor for matters arising out of the case,"; and

Whereas Mr. Richardson, during Senate Judiciary Committee hearings on his confirmation to be Attorney General, represented that, if confirmed, he as Attorney General would appoint such a special supervising prosecutor and indicated that as such prosecutor he would name Archibald Cox: and

Whereas Mr. Richardson and Mr. Cox represented to the Senate Judiciary Committee in a document entitled "Duties and Responsibilities of the Special Prosecutor" the terms of an agreement between them as to the authority Mr. Cox would have as Special Prosecutor; and

Whereas in this document Mr. Richardson represented that the Special Prosecutor would have "full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters" which the Special Prosecutor consented to have assigned to him by the Attorney General; and

Whereas in this document Mr. Richardson further represented that the Special Prosecutor would have "full authority" with respect to these offenses, allegations and other matters for, among other things, "conducting proceedings before grand juries and any other investigations he deems necessary", "reviewing all documentary evidence available from any source", as to which Mr. Cox would have "full access", and "determining whether or not to contest the assertion of 'Executive Privilege', or any other testimonial privilege"; and

Whereas in this document Mr. Richardson further represented that in exercising his authority the Special Prosecutor would have "the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice"; that "The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part"; and that the Special Prosecutor would carry out his responsibilities, ". . . with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General" and the Special Prosecutor; and

Whereas the Senate Judiciary Committee relied upon the aforementioned representations made by Mr. Richardson as Attorney General-designate under the plenary authority delegated to him by the President in reporting Mr. Richardson's nomination favorably to the full Senate; and

Whereas the Senate in turn relied upon these representations in confirming Mr. Richardson to be Attorney General; and

Whereas Mr. Cox, acting as the Special Prosecutor, did seek within the Courts certain documentary evidence from the President, and the Courts upheld the contentions of Mr. Cox to a substantial degree, and

Whereas the President refused to comply with the order of the United States Court of Appeals for the District of Columbia but instead directed Mr. Cox to agree to a certain arrangement in regard to seeking the documentary evidence Mr. Cox had been seeking and to desist future efforts to seek evidence from the President; and

Whereas Mr. Cox refused to comply with this Presidential directive, indicating that under the commitment he and Mr. Richardson had made to the Senate and to the American people through the Senate he (Mr. Cox) would continue to seek in Court any documentary evidence as he saw fit; and

Whereas President Nixon thereupon directed Mr. Richardson to remove Mr. Cox from his duties as Special Prosecutor; and

Whereas in recognition of his "firm and repeated commitments" under oath to the Senate Mr. Richardson refused to comply with the Presidential directive to remove Mr. Cox but instead resigned the office of Attorney General; and

Whereas President Nixon then directed Deputy Attorney General William Ruckelshaus to dismiss Mr. Cox, and Mr. Ruckelshaus also refused to carry out this directive and resigned his post as Deputy Attorney General; and

Whereas President Nixon thereupon designated Mr. Robert Bork to serve as Acting Attorney General and directed him to remove Mr. Cox from his duties, and Mr. Bork did in fact purport to remove Mr. Cox from his duties; and

Whereas this purported act by Mr. Bork was in derogation of the commitment made under oath to the United States Senate by Mr. Richardson as Attorney General-designate, upon the authority of the President, and Mr. Cox had not in fact committed any "extraordinary improprieties" which could permit his removal from office; and

Whereas Mr. Bork did not give Mr. Cox "the full support of the Department of Justice" of the Special Prosecutor as had been represented under oath to the Senate would be given Mr. Cox as Special Prosecutor: Now, therefore, be it

Resolved—

(1) that the Senate hereby finds the aforesaid action of Robert Bork is a breach of the aforesaid assurances made by Elliot Richardson on behalf of the President of the United States to the United States Senate, and

(2) that the Senate hereby condemns Robert Bork for removing Archibald Cox as Special Prosecutor in derogation of the aforesaid solemn assurances made to the United States Senate.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I rise to commend House Speaker Carl Albert for his assertion today that the Congress should act expeditiously on the nomination of Representative Gerald Ford to be Vice President.

Speaker Albert emphasized in his statement that Representative Ford should not be held hostage because of any disagreements that Congress might have with the President of the United States.

Coming from Speaker Albert, these comments are most significant. Speaker Albert conceivably could benefit from a delay in the consideration of the nomination of Representative Ford to be Vice President, as Speaker Albert now is the first in line for the Presidency.

However, Carl Albert is not that kind of a man.

In his statement today he reflects, I think, the views of the vast majority of the American people that the qualifications of Representative Ford for the high office to which he has been nominated should stand on their own and should not be confused with other issues.

I, too, hope that the Senate and the House will act thoroughly but expeditiously on the nomination of Representative Ford to be Vice President of the United States.

I commend Speaker Albert for his statement today. I have a very high regard for the Speaker of the House. He is a dedicated, fine American, and the statement he has made today will enhance his prestige and standing in the hearts of the American people.

Mr. President, I yield back the remainder of my time.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Virginia, and I concur in the statement he has made. The remarks which the Speaker of the House of Representatives made today certainly indicates that we will go forward with the nomination of the new Vice President.

Mr. President, over the long weekend we heard many irate comments concerning President Nixon's firing of Archibald Cox. We have heard and seen wild talk and irresponsible resolutions demanding impeachment of the President.

It is my judgment that we have enough crises in the world without manufacturing another here in the Halls of Congress.

These are precarious times which call for strong leadership in international affairs. President Nixon, with the able assistance of Secretary Kissinger, has provided this leadership. With all due respect to others in Congress and in the Federal Establishment, I do not know of anyone who could at this moment step into the job of President and provide the world leadership which is demanded.

We must consider that President Nixon is not just the leader of this Nation; he is the world leader who has risen to the occasion time and again when peace was threatened.

His bold initiative in sending Secretary Kissinger to Moscow to arrange for a cease-fire in the Mideast is only the latest in a great series of achievements aimed at maintaining world peace.

I seriously doubt that had any other man been President of this Nation that we could have maitnained our détente with the Soviet Union in the face of the strains caused by the Mideast war.

No one else that I can conceive of as taking the President's job could offer us the powerful leadership which we need to solve the energy crisis, to stop the decline of the dollar in the world, and to come up with a new international trade agreement which will assure both free and fair trade.

With emotions running high and the Cox firing to fuel the flames, some would have us hurl ourselves over a cliff in this troubled time.

Mr. President, I believe that rash action at this time by the Congress could be disastrous to the Nation and to the world.

Many events are taking place at this very moment which could change the situation regarding the so-called Watergate tapes.

Nothing will be lost by waiting a day, a week, or a month before we take the next step to resolve the issue over the Watergate.

Mr. President, I believe that the compromise offered by President Nixon is reasonable and should be acceptable to reasonable men. I would point out that President Nixon has given considerable ground. He has gone just as far as he possibly can and yet protect the principle of separation of powers. To demand more is to demand that the President yield a part of his constitutional prerogative. He fears—and rightly so—that this case could set a dangerous precedent which would make it impossible for future Presidents to benefit from confidential conversations with advisers, including the military, and with leaders of other nations.

The President has acted to avoid a constitutional crisis. Responsible leaders in this country have accepted the compromise as a solution to this terrible dilemma.

When tempers cool, and when the partisan bombast subsides, then I believe there will be an understanding that the compromise offered by the President was, indeed, the wisest course to follow.

Mr. President, I believe President Nixon had no other choice than to fire Mr. Cox. It has always been my feeling that the appointment of Mr. Cox was a terrible mistake because of his known partisanship. The cadre of anti-Nixon assistants he assembled to help investigate the case only confirmed my fears. Let me make it clear that I do not believe the Special Prosecutor and his staff should be pro-Nixon. What we needed was an impartial, objective operation, and that is not what we had under the direction of Mr. Cox.

When Mr. Cox pressed for a constitutional confrontation after Mr. Nixon had achieved the means to avoid one, it was obvious that he had to go.

Those who are demanding a showdown on this issue are putting narrow, selfish desires to damage President Nixon before the national and international good.

To force the tapes issue further is tantamount to using nuclear weapons to settle a dispute for which a sensible compromise already has been offered at the conference table.

THE PRESIDENT AND THE LAW

Mr. SYMINGTON. Mr. President, inasmuch as it expresses much of my own thinking in this controversy, I ask unanimous consent that an editorial in the Washington Star-News of Monday, October 22, entitled "The President and the Law," be inserted at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Star-News,
Oct. 22, 1973]

The President and the Law

As FBI agents swooped down on his office and took possession of the files, Archibald Cox said it is now up to Congress, and ultimately the American people, "whether ours shall continue to be a government of laws and not of men." We would add that the courts, too, still have a part to play. Otherwise, the ousted special prosecutor just about summed it up.

President Nixon has blundered catastrophically in his handling of the White House tapes issue, and has placed himself in an untenable position in relation to the courts. Unless he can find a way to back-track quickly—and he is not behaving like a man who has much idea of retreating—he is on a course which could lead to unimaginable difficulties.

For starters, it seems almost inevitable hearings looking toward impeachment proceedings shortly will get under way in Congress.

Where did the President go so wrong?

His critical error was not the firing of Cox, which triggered the departure also of the attorney general and his deputy. Nixon should have let the special prosecutor do the job for which he was hired. But presidents, technically speaking, have a right to fire whole cabinets if they see fit. It may indeed be that by the time Cox ended his remarkably effective news conference Saturday afternoon, it was too late for Nixon. Perhaps as a chief executive whose direct order had been defied, he really had no choice by then but to order Cox removed.

Nor was it wrong for Mr. Nixon to try to work out a compromise solution to his dilemma, a solution whereby he could comply in spirit, as he saw it, with the courts' demand for information as to the content of the tapes, but a solution which at the same time would not involve surrender on the basic issue of executive privilege. There is such an issue. There is substance to the contention that an administration could not function if its private consultations might at any time be laid bare at the order of a judge.

The President's willingness to provide digests of the tapes in question, authenticated by Senator Stennis, did assure so far as we are concerned that nothing on those tapes which related to Watergate would escape the grand jury's and the public's attention. That is no small concession—what part, if any, Mr. Nixon played in the Watergate cover-up has been, after all, the central question plaguing us all.

It seems clear that the President made his crucial mistake when, having learned that Cox was opposed to the suggested compromise, he forbade him to pursue in court any further effort to secure the tapes themselves. It was here that Mr. Nixon irretrievably crossed his Rubicon, precipitating what the White House now recognizes as the "firestorm" of events of Saturday. At that point, the President did two things. First, he broke the solemn word of his administration, offered at Elliot Richardson's confirmation hearing, as to the freedom of action that would be allowed the special Watergate prosecutor. Specifically, among other things, the senators were promised that the prosecutor would have full authority for "determining whether or not to contest the assertion of 'executive privilege.'" The prosecutor would be free to contest this issue. The courts would decide.

But the second thing Mr. Nixon did, in his Friday directive to Cox, was to make it cruelly plain that, so far as he was concerned, the courts would not decide between him and the prosecutor. He, the President, had done the deciding. The courts would not be permitted to hear from the prosecutor on this issue.

There would, moreover, be no appeal to the Supreme Court, such as might produce that definitive decision by which Mr. Nixon had once promised to abide. There would be no production of the tapes and other evidentiary material the District Court had ordered produced. There would be the digests described in the White House "proposal"—no longer a proposal, but a course of action proclaimed by the President. The courts, presumably, could like it or lump it. And Cox was forbidden to argue, on behalf of the grand jury, that the court was entitled to anything more.

Why? Why was it necessary to pursue this arbitrary course, flouting established institutions for the resolving of disputes? The office of special prosecutor had been set up to provide the courts with an officer who could argue the Watergate cases with no taint of White House influence, avoiding any suspicion that the administration might try to continue to cover up. Why at the crucial moment subject it, as just another twig on the executive branch, to precisely the sort of presidential control and interference from which it had been promised immunity?

Why should not the White House present its proposal to the court, while Cox stated his objections? Why should the court not decide?

Quite simply, because President Nixon has sought to adopt a position above the law. And that, to put it gently, has most serious implications for the future of government in the United States. There is a name for a system in which the executive assumes such a position. The name is dictatorship.

The Star-News hopes and believes that the courts and Congress will stand up to the challenge that has been thrown at them. We hope and believe, too, that Richard Nixon will turn back from the dark road which can lead only to tragedy for him and for the country.

THE DURABILITY OF DÉTENTE

Mr. HANSEN. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Joseph Alsop, entitled "The Durability of Détente," published in the Washington Post on Monday, October 22, 1973, so that most Americans will be better able to understand the dimensions of our problems worldwide and why it is so important that we dispatch as quickly as we possibly can the whole Watergate matter in order not further to undermine and weaken the ability of the United States of America to discharge its very significant duties, not only for our people but also for human beings everywhere.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 22, 1973]

THE DURABILITY OF DÉTENTE

(By Joseph Alsop)

While we wait for the outcome of the battles in the Mideast, it is worth asking what the war there has done to the Nixon-Kissinger foreign policy. In this poisonous city, the number of people who never do their homework is constantly increasing. These people are now speaking of the Nixon-Kissinger policy's "collapse," on the ground that the Soviet-American "détente" has been shown to be worthless.

This is nonsense. The policy devised for President Nixon by Secretary of State Henry A. Kissinger was always a gamble against uncertain odds. What has happened in the Mideast has undoubtedly made the odds for the future look more dubious and worrisome. But there are times when men and nations have no alternatives to the best gamble that happens to be open to them.

The place to begin is with this matter of alternatives. The United States always had all sorts of alternatives in the happier time when the United States possessed superior military strength, and was united on the need for a serious world power position. But that was by no means the case by the time President Nixon and Secretary Kissinger became responsible for foreign policy.

By then, a ferocious attack had long been in progress on the American defense program and any kind of American policy based on power. The success of the attack was amply demonstrated, from the start of the Nixon years, by the annual drama of the defense budgets, always inadequate, yet always cut, and even then never passed by more than a vote or two in the Senate.

The men responsible for this shocking situation were such senators as Mike Mansfield (D-Mont.), J. William Fulbright (D-Ark.), Stuart Symington (D-Mo.) and many more, plus their countless allies in the House, in the intellectual world and in the media. From the very start, therefore, Dr. Kissinger was the first architect of U.S. foreign policy since 1941 who had to try to win the game with a terribly weak hand to play.

There are no sure bets for anyone who must try to win with a weak hand. The only chance is to choose the best gamble, and then to play the cards astutely. This has been the real success of the Nixon-Kissinger team. What has happened in the Mideast has not altered that success, although it has greatly darkened the future outlook.

It is here that we come to the problem of "detente" with the Soviet Union, as organized by President Nixon and Secretary Kissinger. For those who did their homework, the ambiguity of this "detente" was always perfectly plain. It was in fact analyzed in full detail in four reports in this space written well before the renewed Arab attack on Israel. The ambiguity, of course, lay in the fact the "detente" was no more nor less than a well justified gamble.

The Soviets, quite obviously, had long been approaching a final choice between two policies profoundly different in character and impact on the world. The first policy was to try to make the Soviet economy work much better by massive importations of credits and technology from the West. This inescapably requires what is called "detente."

The second policy was to escape from the increasingly dangerous Soviet internal economic mess by maximum exploitation of the main Soviet asset, which is greatly superior military power. This choice, if finally made, will automatically transform all the preparations for "detente" into a series of tranquilizers for the West, in advance of the Soviet attack. The first major Soviet attack, if launched, was and still is most likely to be a preventive nuclear attack on China.

Faced with the certainty that the Soviets were getting ready for so fundamental a choice, the President and Dr. Kissinger made a basic decision, and then took two steps to implement that decision. Their decision was that the United States would face a situation worse than the Hitler-time, if the Soviets were to opt for the policy based on naked use of military, and even nuclear power. The steps taken were to make what amounts to an informal, temporary and preventive alliance with Peking, and meanwhile to offer Moscow what is called "detente."

The aim of offering "detente" to Moscow was bleakly practical. It was to make the first of the two policies above-outlined—the one *not* based on naked use of military power—look more attractive and more feasible to the Kremlin's policy-makers. For obvious reasons, this hard inner-reality could not be loudly proclaimed from any public rostrum, although it was not hard for the clear-eyed to perceive. As an effort to influence a future Kremlin decision, it was also a gamble in the true sense.

The Soviet-sponsored Arab attack on Israel has now affected the U.S. gamble, by making it seem considerably more likely that the Kremlin is leaning toward a policy based on naked military power. But if guilty men are to be sought for this Soviet leaning, the right place to look is among those Americans who have worked so hard to undetermine the U.S. defense posture and power position in the world. That is the long and short of it.

PROVISIONAL ORDER FOR RECOGNITION OF SENATOR KENNEDY ON NOVEMBER 2, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, if the Senate is in session on November 2, the distinguished Senator from Massachusetts (Mr. KENNEDY) be recognized for not to exceed 15 minutes after the recognition of the two leaders or their designees under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 689) to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. Metcalf) on today, October 23, 1973, signed the enrolled bill (S. 907) to authorize the appropriation of $150,000 to assist in financing the Arctic winter games to be held in the State of Alaska in 1974.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS

Mr. ALLEN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9639.

The PRESIDING OFFICER (Mr. Hughes) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment No. 5 to the conference report on the bill (H.R. 9639) to amend the National School Lunch Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

Mr. ALLEN. Mr. President, this is the conference report on the school lunch bill, and the parliamentary situation is that only one amendment remains unresolved between the House and the Senate, that being amendment No. 5, an amendment by the Senate which was amended by the House, returned then to the Senate, and the Senate added an amendment which would save harmless four States, the States of New York, New Jersey, Maryland, and Rhode Island, with respect to the free lunch payment of 45 cents provided by the bill, inasmuch as they were already receiving up to a cent and a half per free lunch more than the 45 cents allowed by the bill. The Senate amendment provided that these States would be saved harmless in the future, and that they would receive this additional amount, the amount that they are now receiving, and would not be cut back.

The House of Representatives rejected the Senate amendment, and has sent it back at this time.

I ask unanimous consent that the Senate recede from its amendment to the House amendment to the Senate amendment No. 5, in order that we can then seek to amend the amendment once again.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, I would ask the indulgence of the distinguished Senator from Alabama, because the ranking minority member of the Committee on Labor and Public Welfare (Mr. Javits), who has an interest in this matter, as the Senator from Alabama knows, is on his way to the floor.

Mr. ALLEN. Yes, I understand. The Senator from Alabama is paving the way for action by the Senate.

Mr. GRIFFIN. I would imagine and believe that he would not object to such action, but I wonder if further proceedings could be temporarily held in abeyance until he arrives.

Mr. ALLEN. I have no objection to that. This move at this time is being made by the Senator from Alabama at the request of and with the full knowledge of the distinguished Senator from New York. If he wishes to speak on the matter, it is quite agreeable.

Mr. GRIFFIN. Mr. President, I am now informed that we had better not wait for the distinguished Senator from New York, because he is absent on official business.

Mr. ALLEN. I see. As I stated to the distinguished Senator from Michigan——

Mr. GRIFFIN. And I am advised by the Senator's staff that the matter is in perfect order, and meets with the approval of the distinguished Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment No. 5 with an amendment, which I now send to the desk and ask that the clerk please state.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ALLEN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. Allen's amendment is as follows:

> Immediately after the matter to be inserted by the House amendment to the Senate amendment, insert the following sentence: "Notwithstanding the foregoing two sentences, (1) for the fiscal year beginning July 1, 1973, no special assistance factor under this section 11 shall, for any State, be less than the average reimbursement paid for each free lunch (in the case of the special assistance factor for free lunches), or for each reduced price lunch (in the case of the special assistance factor for reduced price lunches), in such State under this section in the fiscal year beginning July 1, 1972; and (2) adjustments required by the sentence immediately preceding this sentence shall be based on the special assistance factors for the fiscal year beginning July 1, 1973, as determined without regard to any increase required by the application of this sentence."

Mr. ALLEN. Before putting the question, Mr. President, this amendment, instead of saving harmless these States indefinitely for the future, saves them harmless for only the current fiscal year. It is the understanding of the Senator from Alabama that this amendment will be agreed to by the House and that that will complete the enactment of the bill.

Mr. President, the House rejected by a vote of 125 yeas to 218 nays on October 18 a Senate amendment to the House amendment to the Senate amendment numbered 5 to H.R. 9639. The purpose of the defeated Senate amendment was to prevent any State from receiving less Federal reimbursement under section 11 of the National School Lunch Act than the State received during the last school year.

While all schools were guaranteed a minimum of 40 cents per meal for free lunches under section 11 of the National School Lunch Act, many schools were able to receive additional reimbursement under an exception in the law. Under this exception any school which needed an amount of reimbursement greater than the minimum of 40 cents to serve lunches could receive such greater amount if it could prove its need to the State agency. Both the House and the Senate, in passing H.R. 9639, eliminated this exception.

Under the new section 11 provided for in the conference report the States will receive Federal reimbursement on the basis of the number of free lunches served multiplied by a minimum of 45 cents. For reduced price lunches the States will receive reimbursement based on the number of reduced price lunches served multiplied by 35 cents. The Committee on Agriculture and Forestry and the conferees felt that we were giving all States an increase under the terms of H.R. 9639. However, subsequent to approval of the conference report it has been pointed out that four States, New York, New Jersey, Rhode Island, and Maryland, were receiving an average statewide reimbursement of more than 45 cents under existing law.

The amendment which was offered by the Senator from New York (Mr. Javits) and accepted by the Senate would have provided that no State would receive less under section 11 than it received during the last school year. However, the House rejected this amendment when it was considered on October 18. It was pointed out in House debate that, under the terms of the Senate amendment, the four States in question would continue to receive a higher rate of reimbursement than other States under the so-called escalator clause. In fiscal year 1973, New York received a statewide average rate of 46.5 cents; New Jersey a rate of 45.8 cents; Rhode Island a rate of 45.5 cents; and Maryland a rate of 45.4 cents. Under Senate amendment numbered 5 as amended by the House and as was amended by the Senate action of October 16, these 4 States would have continued to enjoy higher reimbursement rates than the other 46 States.

In opposing the Senate amendment the ranking minority member of the House Committee on Education and Labor (Mr. Quie) indicated that he would not be opposed to a hold-harmless amendment which would apply to fiscal year 1974 only. The amendment which is being offered today would apply only to fiscal year 1974 and it would provide that in subsequent years the four States in question would receive no higher rate of reimbursement under section 11 than any other State.

The PRESIDING OFFICER (Mr. Hughes). Will the Senator from Alabama please renew his request?

Mr. ALLEN. Yes. I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment numbered 5 with an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? What is the pleasure of the Senate?

EXTENSION OF TIME FOR TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, has the period for morning business expired?

The PRESIDING OFFICER. 10 minutes remain.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for routine morning business be extended for an additional 10 minutes, with a limitation on statements therein of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BUSINESS

Mr. GRIFFIN. Mr. President, notwithstanding the fact that I was earlier recognized for 10 minutes, at which time I yielded to the Senator from Illinois, I now ask unanimous consent that I may be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NEW METHOD FOR SELECTING VICE PRESIDENTS

Mr. GRIFFIN. Mr. President, before eruption of the events of this past weekend, I had prepared a speech for delivery today. In the speech, which I shall proceed to deliver, I propose as a small step in the direction of the parliamentary system, a constitutional amendment to give Congress a direct role in the selection of all future Vice Presidents in a manner similar to that already provided under the 25th amendment in the case of a vacancy.

Frankly, my one and only reservation about the merit of my own proposal has been the concern that a highly partisan, opposition-controlled Congress might frustrate the process by holding a vice presidential nominee hostage for purposes of political extortion.

Ironically, even before the opportunity arrived today to formally present my proposal to the Senate, noises were sounded in connection with events over the weekend indicating that my worst fears about the performance of Congress under such circumstances might be realized, even in the case of the nomination of Congressman Ford, whose selection obviously reflected a high regard for the views of Congress.

If Congress should actually operate now to hold the Ford nomination hostage as some have openly threatened to do, it would not only frustrate implementation of the 25th amendment, but it would tend to prove that Congress itself is unworthy of a broader role in selecting future Vice Presidents as I am suggesting.

The clamor now being heard in some quarters for impeachment of the President affords no legitimate excuse whatever for delaying consideration of the Ford nomination on its merits. I was encouraged to hear the distinguished majority whip, the Senator from West Virginia (Mr. Byrd) make clear in his earlier remarks that he shares this view, and I salute him for his statesmanship in that regard.

If anything, suggestions being heard that impeachment proceedings might be a possibility should hasten, rather than delay, confirmation by a responsible Congress of a nominee like Gerald Ford.

Surely, no one could deny that, if narrow partisan considerations were put aside, there could be no question about the national need now to have a Vice President in office—a Vice President who is well qualified to step up and serve as President if necessary.

As a man of the Congress with a long and distinguished record of experience, Jerry Ford precisely fits those specifications. If Congress does not now proceed to confirm him with reasonable dispatch when the national need is so apparent, Congress will dismally fail an important test bearing on the merits of any proposal to expand the powers of Congress.

Accordingly, I hope and trust that Congress in this time of trial and testing will prove worthy of even a broader role in the selection of all future Vice Presidents by demonstrating that it is capable of putting the national interest above purely partisan interests.

THE PROPOSAL

Mr. President, 2 weeks ago the Vice President of the United States resigned his office under unprecedented circumstances. A little over a year earlier, the Vice-Presidential nominee selected by the Democratic Party at its national convention resigned just as the 1972 campaign was getting underway.

As everyone knows, the circumstances which led to the two resignations were entirely different. However, both cases have underscored the urgent need for meaningful reform of the traditional method of selecting the Vice President of the United States.

An essay which appeared in the August 7, 1972, edition of Time magazine included this paragraph:

> It is all done in a 3:00 a.m. atmosphere by men in shirtsleeves drinking room-service coffee—elated, frantic politicians running on sleeplessness, juggling lists, putting out phone calls, arguing in the bathrooms, trying to make their reluctant minds work wisely as they consider an afterthought: the party's nominee for Vice President of the U.S. It is the worst kind of deadline politics. For a year or two, or even more, the vast American political machine has been rumbling and ramshackling along, sifting presidential possibilities. Now a running mate must be chosen, checked out, signed on and presented to the convention with a triumphant but seldom very credible flourish ('Tom who?' 'Spiro who?')—all in a matter of hours. It is a procedure that invites error. Thus, most vice presidential candidates are too hastily chosen by only one man and his advisors without any real democratic process or sufficient investigation.

Surely, the American people deserve—and they are rightfully demanding—a better method than that for selecting the person who stands only a heartbeat away from the Presidency.

Today I announce my intention to introduce a resolution to amend the Constitution of the United States which in effect would provide:

First. That nominees for Vice President would not be selected at party conventions;

Second. That after a Presidential election, but prior to his inauguration, the President-elect would name his choice for Vice President;

Third. That the nomination would then be subject to confirmation by both Houses of the new Congress which convenes, following the election, in January.

In other words, my proposal would make certain that each future Vice President will be very carefully selected, with Congress as well as the President playing a significant role in the selection process, following a procedure similar to the one already available for filling a vacancy under the 25th amendment.

It is my strong view that almost any of a number of available alternatives would serve the national interest better than the traditional method now used to select the Vice President.

After careful consideration, I have decided to advance this approach for a number of reasons:

First. Instead of nominating a Vice President because his selection at the convention would balance the ticket or pay off a political debt, my proposal would emphasize and focus upon the national need to select an outstanding Vice President who would be highly qualified to step into the shoes of the President of the United States, if necessary.

Second. In contrast to the hurried, harried, haphazard way a Vice President is now selected, almost as an afterthought at the political convention, my proposal would allow the President-elect—as well as Congress—ample time for sober reflection, thorough investigation and deliberate consideration in choosing the Vice President.

Third. Speaking through their elected representatives in Congress, the people would have a stronger, more effective voice in the selection of a Vice President. As a practical matter, the people have little or no voice in the selection process as it now operates.

Fourth. Because the principal duty of a Vice President is to preside over the Senate, it is altogether appropriate that Congress should play a role in his selection. The President would be required to take the views of Congress into account, and it logically follows that such a procedure would encourage a closer working relationship between the White House and Capitol Hill.

Fifth. It is also important that the very operation of such a process inevitably would serve to elevate and increase the significance of the Vice President, thereby making the office more attractive to outstanding leaders of Presidential stature.

I recognize that the bold reform proposal which I now put forward may not be the perfect or final answer. But I am confident of one thing: it represents a major improvement over the process as it now operates.

THE PROBLEM IN PERSPECTIVE

Throughout our history, a number of very able men have held the office of Vice President. One of them serves the Nation now as President; another serves with us in the Senate.

Since the founding of the Republic, 12 Vice Presidents have attained the Presidency—8 of them directly because of the death of a President. In all, Vice Presidents have been called upon to serve 24 of the 32 years for which their deceased predecessors were chosen.

It is unfortunate that the Constitutional Convention of 1787 devoted only slight attention to the subject of the Vice-Presidency. Our Founding Fathers were divided as to whether the country even needed a Vice President at all.

A strange paradox has flowed from that early treatment of the subject by the Constitutional Convention. The Nation's second highest officer is assigned only minor insignificant duties but, at a moment's notice, he must be ready to exercise the vast, awesome responsibilities of the most powerful office in the world.

As John Adams put it:

> I am Vice President. In this I am nothing; but I may be everything.

Passage of time has done little to resolve the paradox. As historian Donald Young has written, Harry Truman conferred with President Roosevelt only twice, outside of Cabinet meetings—

> During his 82 days as Vice President. Several years after he succeeded Roosevelt, he remarked that he was the worst prepared man for the responsibility of the Presidency since Andrew Johnson. The Vice President has not even been told of the existence of the atomic bomb.

No wonder that Harry Truman, in his salty, characteristic way once commented that all the Vice Presidents in history—

> Were about as useful as a cow's fifth teat.

The absurd contradiction between what the office of Vice President is, and what the incumbent may become, poses a dilemma not only for those who must select a Vice President, but also for those who are considered for the office. At one and the same time, the office is both tempting and yet very unattractive to leaders of true Presidential stature.

John Nance Garner summed up his frustrations with this earthly comment:

> The Vice-Presidency isn't worth a pitcher of warm spit.

Throughout most of our history, Vice Presidents have been politically impotent and generally ignored, except when a President's death suddenly propelled one of them into the White House. No wonder it became popular to downgrade and poke fun at the Vice-Presidency.

Thomas R. Marshall, Vice President under Woodrow Wilson said: Once there were two brothers—one ran away to sea, the other was elected Vice President, and nothing was ever heard of either of them again.

Since the Presidency of Dwight D. Eisenhower, the Vice Presidency has commanded a bit more attention and respect. Mr. Justice Powell, when he testified before a Senate Committee in 1965 as President of the American Bar Association, made this statement:

> In considering any proposal on this subject, it is well to keep in mind that the office of Vice President has indeed become one of the most important positions in our country. The days are long past when it was largely honorary and of little importance in itself. For more than a decade the Vice President has borne specific and important responsibilities in the executive branch of Government. In addition, he has to a large extent shared and participated in the executive functioning of our Government, so that in the event of tragedy, there would be no break in the informed exercise of executive authority.

Despite the fact that some progress has been made, much more is needed. For the sake of the training of the person who holds the office, and for the well-being of the Nation which might suddenly inherit a new leader, the Vice President should be given even more responsibilities and should be allowed to work more closely with the President in the performance of his difficult duties.

President Nixon has a special opportunity to move in that direction now, particularly in light of the outstanding qualifications, experience and abilities of his Vice President-designate, Gerald R. Ford.

As we know, a growing recognition of the importance of the Vice President, combined with the obvious need for procedures to establish succession in the event of Presidential inability, led to development and adoption of the 25th amendment, ratified in 1967.

But, of course, the safeguards written into the 25th amendment were not designed to affect procedures for selecting a Vice President in the normal course of events.

ALTERNATIVES FOR REFORM

Even though there is general agreement that defects abound in the present system for selecting a Vice President, the ideas for reform are about as legion as the critics. Needless to say, it is one thing to find fault, but is it quite another to come up with a workable, acceptable alternative.

To date, most suggestions for change have focused on the need for reform of political party procedures.

These suggestions run the gamut from choosing the Vice Presidential nominees in a national primary to selection of Vice Presidential nominee by party leaders after the national party convention is over, much as the Democrats last year picked their replacement candidate for Vice President.

Even a simple change in convention scheduling would help a bit. I refer to a change so that the party's candidate for President would be nominated on the first day of a national convention, with selection of the Vice Presidential nominee taking place at least 2 days later. During the interim, the convention could focus on such matters as its party platform.

While convention procedural reform could be helpful, I have concluded that more drastic steps are desirable and really necessary—steps such as the one I am proposing.

Some have suggested that the easiest way to solve the problem would be to abolish the office altogether. Of course, that would solve nothing. Even in normal times a vacancy in the Presidency can produce a critical gap in leadership. But in times of crisis, the seriousness of such a gap is magnified many times over. I believe the Nation needs not only a Vice President—but a strong, well qualified Vice President.

On balance I have concluded that the most meaningful and effective reforms in the method of selecting the Vice President would be achieved by amending the Constitution as I am proposing rather than merely seeking to manipulate convention procedures.

Prompt and meaningful reform of the Vice Presidential selection process can be vital to the future of our Nation. To secure action in time for the 1976 elections, we must begin now. The Constitution cannot be amended overnight. Vigorous, searching debate of my proposal and other proposals is essential.

In any crusade to achieve reform the most important step—is the first step. I believe my proposal has great merit, and that it should be adopted. But even if my effort does nothing more than to sharpen the issues, to precipitate a national debate, and to set in motion the wheels of reform, it will serve a very useful purpose.

Mr. President, I send to the desk the joint resolution that I am introducing today and ask unanimous consent that the text be printed at this point in the Record.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

S.J. Res. 166

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after the date of final passage of this joint resolution:

"Article —

"Section 1. Except as provided in section 2 of the twenty-fifth article of amendment, the Vice President shall be selected in accordance with the provisions of this article of amendment.

"Sec. 2. Each candidate for election to the office of the President shall submit to the President pro tempore of the Senate and to the Speaker of the House of Representatives, not earlier than the day after the day on which electors are appointed under section 1 of article II and not later than the next following fifteenth day of December, the name of a candidate for selection as Vice President. The President pro tempore and the Speaker shall receive the names without regard to whether the Congress is meeting at the time of their submission, and shall order an immediate investigation of each individual whose name is submitted with respect to his eligibility and suitability to serve as Vice President. Any individual whose name is submitted may withdraw his name from consideration, at any time prior to noon on the third day of January of the next year immediately following such fifteenth day of December, by written request submitted to the President pro tempore and to the Speaker. If any individual withdraws his name from consideration, the candidate who submitted that individual's name shall be notified in writing of the withdrawal of the name by the President pro tempore and the Speaker, and shall submit to those officers another individual's name within three days after being so notified.

"SEC. 3. Upon determining who is the President elect (if such determination is made before noon on the 20th day of January of such year), each House of Congress shall proceed to the consideration of the candidacy of the individual whose name was submitted by the President elect as a candidate for selection as Vice President. A majority vote of both Houses of Congress shall be necessary to select a Vice President under this section.

"SEC. 4. If the Congress fails to approve the candidate for Vice President named by the President elect within 10 days after the day on which the President elect is determined and in any event before noon on the 20th day of January of such year, or if the President elect has not been determined before that time, the office of the Vice President shall be filled in the manner provided in section 2 of the twenty-fifth article of amendment.

"SEC. 5. Any person who is ineligible under the Constitution to hold the office of President shall be ineligible to hold the office of Vice President.

"SEC. 6. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 7. This article shall take effect on the first day of May next following its ratification.".

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains under the order for morning business?

The PRESIDING OFFICER. Two minutes.

Mr. ROBERT C. BYRD. I ask unanimous consent that there be an extension of time for the transaction of routine morning business, of not to exceed 1 hour, with statements therein limited to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S ACTIONS OVER THE PAST WEEKEND

Mr. McGEE. Mr. President, I had not intended to speak today, but in light of developments over the weekend and the many and diverse opinions that have been publicly expressed I think that one more will not do any harm.

I venture into this rather short statement with some trepidation. I am not a lawyer. I am not on the Judiciary Committee. But I suppose I would be a member of the jury, in spite of my professorial background, in the event more serious proceedings were to be undertaken in the House. It is in that context that I wanted to express for the record of this body my own reflections on this matter.

I would have to start by confessing that I was ill-prepared for the latest development over the weekend. I had boarded a plane in my hometown of Laramie, Wyo., Saturday afternoon, to fly to Dallas, Tex. ,for the purpose of addressing a United Nations group in honor of the anniversary date of the founding of the U.N.

When I landed in Dallas, there was, without any warning, an assemblage of the local press. They wanted to know what I thought about the most recent developments in Washington. I began to address myself to the resignation of the Vice President of the United States. They said, "Oh, no, we are not talking about that. Haven't you heard what has happened?"

That shows what can happen when one gets on an airplane. It is a kind of shattering experience to think that one can ride on a plane for a couple of hours and not learn that tumultuous events are happening on the ground.

I recall that I had my press secretary look up for me the number of times in the last 12 months that I have revealed my ignorance—at least my sentiments. I am sure that on six memorable occasions I summoned the media to make statements about developments in the Watergate case. On each of those six times I made the mistake of being inexact.

So this time I have sworn, pledged, and vowed not to make any direct forecasts or any predictions. But I would be less than honest if I failed to confess that I have been deeply shaken by the events of the weekend. As to those who would try to torture the right of the President to fire Mr. Cox and others, I would only have to say that they miss the whole point. The issue was not whether it was the prerogative of the President. The issue was the integrity of the appointment of the independent, special investigator, who apparently was fired because there was a difference of opinion concerning just what he had been appointed to do. It is this which looms largest in the minds of the people with which I had occasion to talk and who have confronted me with questions in the 2 or 3 days since the event. It is not the legality; it is the lack of wisdom, the lack of judgment, the shattering of credibility, that all seems to surface.

So in the light of that, I shall say what I have to say. The question should be approached, not in a legal sense, but I would hope a little bit in the historical sense, since that was my own profession for many years before entering this distinguished Chamber. In that sense, my petition is that we proceed with caution and with cool heads.

The whole prospect of impeachment proceedings ought to have a sobering effect on every Member of this body. The track reeord of the U.S. Senate on the impeachment of Presidents is not a distinguished one. There has been only one such occasion, the impeachment of Andrew Johnson right after the American Civil War. Andrew Johnson was impeached by the House for almost totally disgraceful reasons; narrowly partisan political reasons; tortured, unfair, persecutional reasons. It was a sorry, sorry episode in our country's history and should not serve as a parallel for any consideration at the present time, except to have taught us how not to proceed if such a situation were ever to arise again.

What I am saying is that I think it is most important that we have a little less rhetoric on this matter, at this moment. We should allow a moment for the cooling of heads to occur. Then as we proceed to the examination of the record in the other body, that it be done for the right reasons. It should be pursued for substantive reasons, for reasons of truth and proving facts, rather than for political considerations emotional considerations, publicity considerations, or whatever else. There already has been enough demeaning of the processes of government in the last year, and we should not indulge in still more. I think it behooves all of us in this body to proceed with that single thought uppermost in our minds, so that we can contribute to the restoration of dignity to the governmental mechanism and its processes by proceeding in an orderly way.

I know that we are all human. Sometimes it is easier to seek quick solutions. But I think the important thing is that we seek to achieve a wise solution, that we bring about a fair and just conclusion, and that we sort out the various factors that are exigent at the present time.

I think, likewise, that it should be sobering to us—at least it is to me—that we ought to be careful about saying who is guilty or who is not. At least, I think I should be, if I am to end up being a member of the jury. Do I not call into question my fitness to be a member of the jury if I pronounce the outcome before the vote is submitted?

What I am saying does not condemn those who are already calling for impeachment; but rather to say that we ought to be certain of what we are doing; certain of our reasons; in low key; and surrounded by the dignity for which these times desperately cry in this moment of serious national crisis.

I thought Archibald Cox put it correctly in his news conference, when we all heard him say, in effect, that what we must not overlook is that we are a nation of laws, not a nation of men. Men come and go, some good, some less good. But it is the law and the procedures through law that represent an ongoing continuity that is needed to establish the credibility of a system of government.

I think that is one of the things that loom large in the minds of many people around the world who do not aways understand our system, when they see us wracked by these grave crises. They are amazed when they have seen, on many occasions, how we have proceeded to make corrections and adjustments and have pursued in prosecutions where necessary, within the Constitution and under the law. They are amazed when in almost any other area of the world governments would have fallen, the system would have collapsed, a junta would have taken over, or there would have been open rebellion and civil strife.

I think, thus, we ought to keep in mind what it is we are exhibiting to the rest of the word; that is, that whenever we have a grave crisis, there is always a place for the orderly procedure under the rules prescribed in advance by the Constitution or statutes. It is for that reason that I beseech my colleagues to join hands in responding to the seriousness of this moment, in a way that lends prestige to this body.

I would add a footnote in light of the remarks just made by the distinguished minority whip of the Senate, the Senator from Michigan (Mr. Griffin). I belong to that group in the other party who deplored any unreasonable delays in the selection of a Vice President. It was my view that there was too much of a delay as it was in waiting another month in the consideration of this question. I do think, in light of the record, there must be an intensive inquiry. A great many things are already known. With the facilities of investigation that are available, we do not need to strain or stretch it out. I think events of the past weekend make it even more imperative that we expedite a sober consideration of the pending nominee, Jerry Ford.

I would say, in that context, Mr. President, that, as a Democrat, I would certainly hope that no partisan rancor or political expediency be permitted to intrude into the considerations of that question. This question is far bigger than Democrats or Republicans or independents. It is a question that really holds very much of the resilient qualities capable of emanating from our system of government, and we have to evaluate them as Americans and as people first, and as partisans last, if at all.

So, Mr. President, I express the humble hope that calm spirits will prevail, that cool heads will lead, and that warm hearts will prevail; hearts that understand a system that others around this world have sought to emulate. I sincerely hope we will equate our responsibilities with the best interests of our Nation.

Mr. BAYH. Mr. President, I ask unanimous consent to introduce into the Record a statement which I made on yesterday relative to this whole matter which we have been discussing, based on the facts that existed at that time.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Bayh

The events of the past week have placed unprecedented stress on our Constitutional form of government. We are at a critical point in history, confronting a fundamental test of whether political decision-making will be permitted to subvert our judicial institutions and, in fact, our very system of government.

Unlike most other nations, for almost 200 years, our governmental institutions have survived and our nation has prospered because Presidents, Congresses, the courts and individual citizens have placed the rule of law above personal partisan political advantage and have determined that preservation of our precious, yet fragile, form of government is more important than any one individual.

One hundred years ago Abraham Lincoln said, "No man is above the law." At this moment, that basic concept, and its corollary that all citizens should be treated equally under the law, are in greater jeopardy than at any previous point in our history. President Nixon's decision to ignore the judicial process and to discharge those who refuse to go along with his decisions specifically raises the question—is one man—even the President—above the law.

We all know what happens to most average Americans who run afoul of the law.

A driver who speeds pays a fine and perhaps loses his license.

A burglar who breaks into our homes is jailed.

A small businessman who violates the seemingly endless maze of federal regulations is fined.

The average citizen who cheats on his income tax feels the force of law, a fine and likely imprisonment.

The average citizen who commits perjury or extortion can well expect to end up behind bars. In short, each of us know, we either obey the law or we pay the price.

If that is what happens to most of our citizens, isn't that what we should expect to happen to all of our citizens? (Unfortunately, that logical and appropriate expectation is in jeopardy).

Two former Cabinet officers are under indictment for accepting a bribe of $100,000 in connection with a proceeding before the Securities and Exchange Commission.

There are well documented reports that a single industry offered a $2 million "campaign contribution" in exchange for a government decision providing windfall profits for its members.

Former top White House aides have been charged with a wide variety of criminal offenses, including perjury and obstruction of justice. Some have been indicted, and others have already pleaded guilty.

A doctor's office has been burglarized, and his confidential patient-doctor relationship violated, under orders emanating from the White House under the guise of national security.

Executives of major corporations have acknowledged that persons raising money for the President's reelection campaign actively solicited and accepted illegal campaign contributions, even to the point of implying that refusal would bring adverse regulatory action by the government.

And, of course, there is Watergate—which has come to mean not only the break-in at Democratic National Committee headquarters, but the full range of law violations designed to subvert the electoral process.

There has been an attempt made to imply that these misdeeds are normal in the political process. "They all do it" has been the common excuse and the result has been to further erosion of public confidence in the basic political process of our system.

When our homes are broken into, or our money stolen, we expect the culprit to feel the full force of law. In the cases I have just listed, no one is stealing money from our pockets; they are trying to steal our political heritage, our freedom, and to corrupt our system of justice.

Given the enormous magnitude of the crimes with which we must deal, it is all the more imperative to carry out the pledge made by President Nixon on April 30. He said, in a speech to the American people, "justice will be pursued fairly, fully, and impartially, no matter who is involved."

Many agreed with the President in August when he said, "The time has come to turn Watergate over to the courts where the question of guilt or innocence belongs. The time has come for the rest of us to get on with the urgent business of our nation." We desperately hoped to put Watergate behind us—to convict the guilty and exonerate the innocent—and get on about the business of the country.

Yet the President's recent decision to ignore a lawful court order that he provide the courts with access to his controversial tapes prevents fair, full or impartial administration of justice. The President's action actually makes it impossible to prosecute successfully the law violators through the courts. The fact is, that as a matter of law, the withholding of the tapes and the other evidence requested will prevent the conviction of the defendants in many of these cases, since under the law these defendants can demand that evidence, in the possession of the government, which may tend to prove their innocence be produced. (Brody v. Maryland 373 U.S. 83/1963).

Whether or not the tapes actually disclose Presidential involvement, so long as the President refuses to produce them for the court, it will be impossible to convict many of those whose guilt can be clearly established without the tapes. So even before we confront the crucial question of whether the President can ignore a lawful court order the American people must be alerted to the fact that as long as the President refuses to give the courts access to the evidence in his possession, no amount of prosecutorial skill can provide for the conviction of those guilty individuals who can hide behind the defense provided by the President himself.

Even more important than sending the Watergate conspirators to jail, is the fact that the President has deliberately broken an implicit commitment to the Senate and to the American people that there would be an *independent prosecution* of Watergate and related cases by a special prosecutor. That commitment was made when the President vested full authority for the Watergate case in former Attorney General Elliot Richardson authority to appoint an independent special prosecutor, and allowed Mr. Richardson's nomination to go forward after the Attorney General designate has assured the Senate Judiciary Committee that Mr. Cox could proceed fully and without constraint.

At the time of Mr. Richardson's nomination the President said, "I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have instructed him that if he should consider it appropriate, he has the authority to name a special supervising prosecutor for matters arising out of the case."

When the Senate confirmed Mr. Richardson, the President was well aware of the pending appointment of Archibald Cox as Special Prosecutor and of the special prosecutorial arrangement made by Mr. Richardson with the Senate and at no time uttered one word of objection. It is only now, when the special prosecutor, Mr. Cox, is prosecuting those involved, that the President enters his objection.

Thus, in addition to making prosecution more difficult, if not impossible, the President has denied the American people their right to a full, impartial and independent prosecutor who can restore confidence in the integrity of our legal system.

Last spring, when the Richardson nomination was before the Judiciary Committee, and the terms under which a special prosecutor would be appointed was the central issue, I was deeply and directly involved in the negotiations surrounding Mr. Cox's appointment and the precise terms of that appointment. Along with Senator Hart I engaged in elaborate and protracted negotiations with Mr. Richardson and Mr. Cox. The end product of those negotiations was an understanding of the conditions that would ensure an independent prosecution of the Watergate and attendant cases. The President's action of the past week destroys these efforts to let each American know that the courts would deal with the Watergate conspirators absent from political pressure and influence.

This obvious disrespect for the rule of law is what has created the grave Constitutional crisis that looms before us, posing a subtle but ominous threat to the very survival of our system of government with its checks and balances. This crisis stems directly from the President's refusal to abide by a lawful court order.

The President urged that Watergate be decided in the courts. Two courts have ruled against the President and he has refused to appeal the courts' decision to the Supreme Court. Rather the President has chosen to ignore the court orders. He has refused to obey the law.

Mr. Cox, for his part, was entirely correct in rejecting the extra-legal compromise offered by the President. That compromise must be regarded as unacceptable, not only because it ignored a court order, but because it seeks to substitute a privately agreed upon arrangement for a well established judicial procedure.

The net result of the resignation of Attorney General Richardson and the calculated dismissal of William Ruckelshaus and Mr. Cox, is that it vests in the Justice Department responsibility for prosecution of the violations of the law in Watergate and other cases previously within the jurisdiction of the special prosecutor. The American people are painfully aware of the fact that this is the same Justice Department which grossly mismanaged the Watergate prosecution prior to the 1972 elections, and prior to the appointment of the special prosecutor.

The President's actions have produced a ground swell of opinion demanding impeachment. It is clear that the House of Representatives has the responsibility of considering such a course of action.

But, perhaps there is one last chance to restore the rule of law to America, short of impeaching the President.

With this goal in mind, later this week I will introduce legislation requiring the appointment of a new special prosecutor and a deputy special prosecutor by the chief judge of the District Court for the District of Columbia. By calling for the appointment of two such special prosecutors, I am following the precedent established in the Teapot Dome case, when President Coolidge appointed prosecutors of differing political parties. The statute would assign to prosecutors the same responsibilities previously assigned to Professor Cox pursuant to the Guidelines agreed upon by the Senate Judiciary Committee, the Attorney General and Professor Cox and the President. Similarly, the special prosecutors would be by statute be given the full range of powers ordinarily available to the Attorney General of the United States investigating alleged misconduct and initiating and conducting all phases of the prosecutorial function.

The legislation would authorize the special prosecutor to organize and hire such staff as he may reasonably require, and provide him with an appropriate budget. In this regard, the legislation would again parallel the Guidelines under which Professor Cox has been operating successfully. The Department of Justice would be directed to provide such assistance as the prosecutor reasonably requests, including the investigatory resources of the FBI. If the prosecutor determines it necessary, he would be empowered to hire and direct his own investigatory staff. The special prosecutor, like Professor Cox, would be required to submit a final report to Congress; beyond that, he would be free to determine the need for additional reports and the time when his assignment is complete. Following the precedent of the Guidelines, the Chief Judge of the District Court could remove the special prosecutor or his deputy only for "extraordinary improprieties."

I recognize that this proposal involves legislation in areas where there are few constitutional precedents. But it is the President—not the Congress—who has set us adrift in these unchartered waters. I believe the Congress possesses the power under the Constitution to establish an independent prosecutor to pursue allegations of corruption by the very highest officials of the executive branch, the institution ordinarily charged with enforcing the criminal laws.

In the first place, Article II, Section 2 of the Constitution provides that "the Congress may by law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." The Supreme Court has specifically held that the Congress may vest the power in the federal courts—pursuant to Article II, Section 2—to appoint "officers" performing various functions, generally those related to the work of the judiciary. See *Ex Parte Hennen*, 38 U.S. (13 Pet.) 230, 257–58 (1839) (clerks of the courts); *Ex Parte Siebold*, 100 U.S. 371, 397–98 (1880) (supervisors of Congressional elections); *Rice* v. *Ames*, 180 U.S. 371, 378 (1901) (United States Commissioners).

The special prosecutor is intended to perform functions which are intimately involved with the powers and responsibilities of the Judicial Branch. As with any attorney, representing the prosecution or the defense, he would discharge his functions as "an officer of the court." The District Courts are already authorized to appoint United States Attorneys—prosecutors—to fill temporary vacancies in their Districts. 28 U.S.C. § 546. And the validity of this provision has been specifically upheld against a constitutional challenge that it violates the separation of powers. *United States v. Solomon*, 216 F. Supp. 835 (S.D.N.Y. 1963). For these reasons, I believe that the Congress validly may vest the appointment of the special prosecutor in the Chief Judge of the District Court of the District of Columbia. It is essential to note that perhaps no other constitutional entity can so well perform the function required in this case—appointing a prosecutor of alleged corruption in the executive branch. As the Supreme Court said in holding that Congress could vest the appointment of Federal election supervisors in the Federal courts:

> It cannot be affirmed that the appointment of the officers in question could, with any greater propriety, and certainly not with equal regard to convenience, have been assigned to any other depository of official power capable of exercising it. *Neither the President, nor any head of department, could have been equally competent to the task. Ex Parte Siebold,* 100 U.S. 371, 398 (1880) (emphasis added).

Moreover, I believe that independent constitutional support for my proposal may be found in Article I, Section 8, Clause 17 of the Constitution, which authorizes the Congress to "exercise exclusive legislation"—plenary authority—over the District of Columbia. Congress acts in this capacity as a state legislature and the states clearly have authority to provide for the appointment of a special prosecutor in this manner. And a three judge federal court has held—both under Article I, Section 8 and under Article II, Section 2—that the Congress can constitutionally vest the District Court judges of the District of Columbia with powers far afield of their ordinary judicial responsibilities, specifically, the power to appoint the members of the District of Columbia Board of Education. *Hobson v. Hanson*, 265 F. Supp. 902 (D.D.C 1967), appeal dismissed, 393 U.S. 801 (1968).

Many of the alleged acts were performed in the District of Columbia, and a substantial amount of evidence concerning them remains in the District of Columbia. The legislation would provide that the special prosecutors would be authorized to bring suits in any court of competent jurisdiction, either in the name of the United States or in the name of the District of Columbia. This would allow the prosecutors to pursue crimes under either federal law or District of Columbia law (which, for example, contains a broad perjury provision).

Moreover, Article I, Section 8, Clause 18 empowers the Congress "to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof." The power to prosecute corruption within the Executive Branch is plainly a power vested by the Constitution in the government of the United States. More specifically, the Constitution specifically refers to the functions of the grand jury in the fifth amendment. And if the Congress can empower a prosecutor to conduct a grand jury proceeding aimed at producing an indictment or presentment against those guilty of such corruption, surely the necessary and proper clause permits the Congress to provide also for the independent prosecution which the Constitution anticipates following grand jury action.

As Chief Justice Marshall wrote more than 150 years ago: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional." *McCulloch* v. *Maryland*, 17 U.S. (4 Wheat.) 316, 421 (1819). I believe the necessary and proper clause was intended to provide Congress with sufficient flexibility precisely so that it could deal with difficult and unforeseeable circumstances such as the President has precipitated in this case.

In recent years there has been much political verbiage about crisis in government and screaming headlines that threaten to dull our senses to the historical nature of the situation now confronting this nation. But, like the story of the boy who cried wolf, the wolf is now at the door. The response of the Congress and the American people must be unflinching and unyielding. Otherwise, we could well find that those things we hold dear—our freedom and our liberty, indeed the very foundation of our democracy—have slipped away and left 210 million Americans hostage to the unlimited power of one man—the President.

We have known the rule of law in this country for two centuries. In Anglo Saxon jurisprudence it stretches back 500 years. Prudent and thoughtful men must now consider seriously the use of the ultimate option available when all others fail to ensure justice and the rule of law. The President may have left us no alternatives but impeachment. Perhaps it is the only alternative available to protect our system of laws.

My bill to establish an independent prosecutor is one last effort to make our system of justice function. If this last option fails, we have no alternative but to impeach the President and replace him with one who recognizes that even presidential power must be controlled. When efforts to protect presidential rights threaten to destroy our constitutional system and the guarantees that treat all citizens equally under the law—the people must prevail.

Mr. BAYH. Mr. President, I suggested in that statement a concern which I still have over the position the President has put the Senate, the Congress, and this Nation in, in which we may have no alternative but to seriously study, consider, and perhaps even ultimately act, on the matter of impeachment. I hope it does not come to that, Mr. President.

I listened with great care to what my friend and colleague from Wyoming suggested, and share the thoughts that he expressed. I think perhaps one other thought needs to be expressed—that we are desperately in need of whatever courageous action is necessary to try to shore up confidence in the whole system of government in the minds of the people of this country. Whenever a nation and its people lose confidence in the ability of its system to provide equality of treatment under the law for all of its citizens, then we shake the very cornerstone and foundation of the system.

I suggested on yesterday that one possible alternative to immediate and irreconcilable confrontation was the proposal contained in the statement just introduced into the RECORD to provide another vehicle for the appointment of a special, independent prosecutor, because where the country now is crying impeachment because of presidential action and where we need to give careful consideration to the merits of this outcry, I think it is also important for us to recognize that we have a responsibility to see that justice be done, whether it is conviction or exoneration, for those individuals who have been implicated in the Watergate affair.

So far as I, as a Member of the Senate, am concerned, I think we have a responsibility to see the carrying out of the pledge that was made by former Attorney General Richardson, by former Special Prosecutor Cox, and, by inference, the President of the United States, when he permitted us to proceed with the Richardson nomination and the Cox appointment, fully aware of the special problem facing us, with his own words promising a special approach, a nonpartisan and independent approach, so that wherever the tangled web of Watergate leads, the people of this country will have confidence that all the facts are on the table, that we are not playing politics as usual, that the great systems of this country are going to be permitted to function, that the guilty are going to be convicted and the innocent are going to be exonerated, that the great, the near great, and the not so great are going to be treated equally under our laws.

We are, as my friend from Wyoming has said, a nation of laws, not of men. It has been repeated historically with every generation, but I think it is also incumbent upon us to recognize that the way the laws are treated, the way they are administered, determines the caliber of justice and the caliber of government and, indeed, the confidence of the people in their government. It is almost impossible to separate men from laws, and indeed it is an axiom that hardly bears repeating that no man, large or small, should be above the law.

I yield the floor.

Mr. METCALF. Mr. President, the events over the weekend are so startling and so alarming that everyone in America is shocked and stunned. I have listened to the television reports, read three newspapers, the Washington Post, the Washington Star-News and the New York Times. I have heard not only reports of the compromise offered by President Nixon, but the reaction of the people concerned, Special Prosecutor Cox, Attorney General Richardson, Deputy Attorney General Ruckelshaus and others.

Many of my congressional colleagues in the House and Senate have made statements about impeachment. Many have suggested that this is the only course left to the Congress and the American people. In this context I make a personal statement.

I have never thought that the Senate committee, the Ervin committee, would be entitled to the Presidential tapes. As an investigative committee of the Senate, the Ervin committee is bound by statute and constitutional precedent. I concur with the opinion of Judge Sirica denying the tapes to the committee. Hence I agree that the ranking members of the Senate committee should have acquiesced to the President's proposal to let Senator STENNIS listen to the tapes and approve a summary. It appears that this was better than anything that the committee could have achieved through court action.

On the other hand, it would appear that Special Prosecutor Cox had no choice but to refuse to agree to this so-called compromise. The reasons that have already been stated this morning and that were enunciated in Mr. Cox's statement are self-explanatory. No prosecutor could prepare a case with such evidence missing, and every defense lawyer would object, and properly so, to the withholding of such vital information. Under the commitments made by the President and the agreement between Attorney General Richardson and the Senate Judiciary Committee at the confirmation hearings there was no other alternative than to resign. As honorable men, Mr. Cox, Mr. Richardson, and Mr. Ruckelshaus kept their word and refused to obey an order that would cause them to violate their promises or the express promises of President Nixon.

This morning and over the weekend several of my colleagues in the Senate have talked about impeachment. This is, of course, as has already been suggested by the Senator from Utah (Mr. BENNETT) a very delicate matter. In case an impeachment proceeding is instituted by the House of Representatives, the Members of the Senate will sit as the court and jury to decide the veracity of the charges brought by the House of Representatives. It will be the various articles of impeachment that will be voted upon by the Senate. Each Member of the Senate will vote guilty or not guilty in accordance with the evidence adduced. It is like a familiar legal story about the man who was charged with a crime and appeared before the judge at the preliminary hearing. The judge said, "How do you plead, guilty or not guilty." The accused said, "Your Honor how do I know I haven't heard the evidence?"

If an impeachment is brought it will be incumbent upon each Senator to vote upon the question as to whether the managers on the part of the House of Representatives have proved each respective article of the impeachment proceedings.

Several Senators have made statements about impeachment. Some have suggested that this is the only way to discover whether or not the President has failed to carry out his constitutional oath of office. Others have looked at the events of the last weekend and suggested that impeachment is the only recourse. I agree with the warning that the Senator from Utah expressed earlier today. Intemperate pronouncements might lead to a defense attorney's motion to disqualify such a Senator. But I have heard no such pronouncements.

Every Senator who has suggested impeachment has done so with the reservation that it would be incumbent upon the House managers to prove their case. Certain analogies come to mind. Frequently judges are called upon to issue preliminary restraining orders upon the basis of ex parte evidence presented. Just as frequently the same judge upon a hearing on the merits of the case will dissolve such order and dismiss the case.

In many of our States grand jury proceedings have been replaced by the prosecutor's appearance before the trial judge and asking for an information citing the accused for a crime. Sometimes this same judge presides at a trial without a jury and finds that the evidence is insufficient to convict. It is in this sense that some Members of the Senate are suggesting that there be an impeachment, if that is the last alternative but when the case comes to the Senate for trial and determination, if it ever does, these same Senators will adhere to their special oath to "do impartial justice according to the Constitution and laws."

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. GRIFFIN. Mr. President, I ask that the period for morning business be extended, on the same basis, for an additional 30 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

Report of Overobligation of an Appropriation

A letter from the Executive Director, Advisory Commission on Intergovernmental Relations, reporting, pursuant to law, on the overobligation of an appropriation. Referred to the Committee on Appropriations.

Report of Federal Power Commission

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a summary report entitled "Steam-Electric Plant Air and Water Quality Control Data, 1970" (with an accompanying report). Referred to the Committee on Commerce.

Report of Commission on American Shipbuilding

A letter from the Chairman and Members of the Commission on American Shipbuilding, transmitting, pursuant to law, a report of the Commission (with an accompanying report). Referred to the Committee on Commerce.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Metcalf):

Two joint resolutions from the Legislature of the State of California. Referred to the Committee on Commerce:

"Assembly Joint Resolution No. 17

"Relative to urging Congress to adopt a uniform certificate of title law

"Whereas, The need for a uniform, nationwide certificate of title law for vehicles is substantial and would help reduce interstate vehicle theft; and

"Whereas, Even if California, or any other state, were to develop the most effective controls imaginable for the prevention of illegal titling and stolen vehicle conversion, if other states have no title laws or very inadequate ones, the interstate aspects of vehicle theft will continue to create serious problems; and

"Whereas, Not all states have certificate of title laws and the certificate of title laws of some states are very weak and nearly as states have no title laws or very inadequate title laws whatsoever; and

"Whereas, because of this, it is possible for a vehicle stolen in California to be registered or titled in another state and sold or retitled in yet another state, or even in California if the numbers on the document are not the same as on the vehicle stolen; and

"Whereas, Two congressional bills were submitted last year which, in part, would have required certificate of title legislation in all states; and

"Whereas, These provisions of the bills were deleted so that states could be given the opportunity to develop such legislation on a voluntary basis; and

"Whereas, California would very much like to see eliminated the major governmental weakness in vehicle theft prevention which is external to California, thereby deterring interstate traffic in stolen vehicles; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature respectfully memorializes the President and Congress of the United States, if all states do not voluntarily enact adequate certificate of title statutes by the end of 1973, to enact legislation requiring each state to enact such statutes and to establish the necessary procedures and safeguards to assure a reasonable degree of integrity for the certificates of title issued thereunder; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Attorney General of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"Assembly Joint Resolution No. 48

"Whereas, The United States is the only major industrial nation in the world that has not adopted the metric system as the principal system of measurement; and

"Whereas, the Secretary of Commerce has determined in a study authorized by Congress that the increasing use of the metric system is inevitable and that the adoption of the metric system would improve our position in world trade markets; and

"Whereas, Other nation's trading communities like the European Economic Community are establishing restrictive industrial standards favoring the metric system; and

"Whereas, the metric system would aid our educational system by simplifying the teaching of math and shortening the time needed to learn math; and

"Whereas, The State of Ohio has already instituted a 10-year plan to convert all highway mileage signs to metric; and

"Whereas, The spreading use of the metric system is creating confusion and unnecessary antipathy towards the metric system; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California jointly*, That the Legislature respectfully memorializes the Congress to enact this year legislation establishing the necessary machinery to coordinate the conversion from the imperial system to the metric system, and to establish a deadline of 10 years in which to achieve metric conversion; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORT OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERT C. BYRD (for Mr. Cannon), from the Committee on Rules and Administration, without amendment:

H. Con. Res. 301. Concurrent resolution providing for the printing as a House document "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives" (Rept. No. 93–479).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CHILES:

S. 2600. A bill to provide for the appointment of an independent special prosecutor to prosecute certain investigations into criminal activities. Referred to the Committee on the Judiciary.

By Mr. BIBLE:

S. 2601. A bill to provide for commercial outdoor recreation purposes of certain lands of the forest reserves created from the public domain, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENSON:

S. 2602. A bill to provide that daylight savings time shall be observed on a year-round basis. Referred to the Committee on Commerce.

S. 2603. A bill to provide for the continuation of an independent, thorough investigation of certain activities by high Federal officials and persons acting in concert with them. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD (for Mr. Bentsen):

S. 2604. A bill designating the Texarkans Dam and Reservoir on the Sulphur River as the Wright Patman Dam and Lake. Referred to the Committee on Public Works.

By Mr. HELMS (for Mr. Thurmond):

S. 2605. A bill to prohibit the export of agricultural grain to any country which reduces the quantity of oil normally exported by such country to the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE:

S. 2606. A bill for the relief of Grant J. Merritt and Mary Merritt Bergson. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. Magnuson):

S. 2607. A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area in the State of Washington;

S. 2608. A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Washington as "Alpine Lakes Wilderness" and "Enchantment Wilderness" for inclusion in the national wilderness preservation system;

S. 2609. A bill to designate certain lands as wilderness; and

S. 2610. A bill to designate the Alpine Lakes Wilderness, Snoqualmie, and Wenatchee National Forests, in the State of Washington.

Referred to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN:

S.J. Res. 166. A joint resolution proposing an amendment to the Constitution of the United States with respect to the selection of the Vice President of the United States. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 2600. A bill to provide for the appointment of an independent special prosecutor to prosecute certain investigations into criminal activities. Referred to the Committee on the Judiciary.

(Senator Chile's remarks when he introduced the above bill and the ensuing debate are printed earlier in the Record.)

By Mr. STEVENSON:

S. 2602. A bill to provide that daylight savings time shall be observed on a year-round basis. Referred to the Committee on Commerce.

Mr. STEVENSON. Mr. President, this winter the American people face an energy crisis of unprecedented proportions.

Cold homes, closed schools, rotting grain, and idle factories are not only possible—they are a certainty, unless we find the national will to live by a new energy ethic—the ethic of conservation.

Why and how this happened is the subject of much debate. But whatever the reasons, everyone agrees that little can be done over the short run—particularly this winter—to increase our limited energy supplies.

We are short over 629 billion cubic feet of gas. We are short 1.3 billion gallons of propane. Under the best of circumstances, we were expected to be short over 100,000 barrels per day of fuel oil this winter. A colder than average winter here or in Europe, anything less than record domestic refinery production and a threatened Arab oil boycott could leave us with shortages of 1 million barrels per day of fuel oil and another 1 million barrels per day of crude oil.

If we cannot increase supplies, we must find ways to decrease demand. And we must do it together as individuals and as businesses and nationwide. The bill I am introducing today, calling for year-round daylight saving time, offers the Congress and the Nation a unique opportunity to take a decisive step in that direction.

On October 28—next Sunday—we are scheduled to turn our clocks back 1 hour and return to standard time. A soon to be released study by the Rand Corp. in California suggests that this time change may increase our total energy deficit this winter by as much as one-third to one-half. The time has come for the Congress and the administration to decide whether this energy starved Nation can afford to leave daylight saving time behind.

The Rand study—the most comprehensive on the subject to date—concludes that daylight saving time could save approximately 2 percent of all electrical output. Preliminary data indicates that the energy savings could be substantially higher during the peak load months of December, January, and February.

The production of electricity consumes one-third of all our Nation's energy resources. Assuming only a 2-percent electrical savings this winter, year-round daylight saving time would result in saving three-quarters of 1 percent of all our energy needs. That is 25 percent of our projected shortfall of 3 percent—and that is from electricity generation savings alone.

It previously has been assumed that the greatest energy savings from year-round daylight saving time would result from decreased electrical generation. Perhaps the most significant finding of the Rand Study is the 2 percent projected savings of fuel oil and natural gas which may result from decreased commercial and residential heating needs. Approximately 39 million homes and 3.3 million commercial buildings are heated with natural gas, and another 16.5 million homes and almost 1 million commercial buildings with fuel oil. These are also the fuels which are expected to be in shortest supply this winter.

Combining all these savings, the Rand study estimates the total energy saving from year-round daylight savings time may run as high as 1½ percent of our total energy needs this winter. This is one-half of our total projected shortfall of 3 percent.

In view of these substantial savings and the critical energy shortages we face this winter, my bill provides for a 1-year test of year-round daylight saving time as an energy conservation measure. It also authorizes the Department of Transportation, as administrator of the Uniform Time Act, to submit an evaluation of this 1-year trial to the Congress.

Daylight saving time was initiated as an emergency conservation measure during both world wars. The need is as great now. And the need is to move quickly. If daylight saving time makes any sense as an energy conservation measure, every effort must be made to avoid the energy loss and personal inconvenience which will occur with the scheduled time change this Saturday. Now is the time for Congress to move.

In addition to offering substantial fuel savings, daylight saving time will also help reduce crime, improve traffic safety, produce more daylight for the convenience and pleasure of most people and eliminate the confusing twice yearly time changes. Work and school schedules could be adjusted to convenience those adversely affected by early morning darkness.

Daylight saving time offers the opportunity to act quickly and easily to provide substantial energy savings while simultaneously providing a national focal point for sorely needed personal conservation initiatives. When used in conjunction with a conscientious nationwide energy conservation program of individual action, the energy savings associated with daylight saving time increase many fold.

The bill I am introducing today resolves that it is time we embark upon a nationwide energy conservation campaign, including personal efforts to:

Turn thermostats down several degrees, especially at night;

Limit unnecessary automobile travel and hold down the speed of necessary travel by automobile;

Keep automobiles in tune and buy small, efficient automobiles;

Use public transportation whenever possible;

Turn off office air-conditioners and heating plants an hour earlier in the afternoon;

Make a conscious effort to limit unnecessary use of lights; and

Shut off all unnecessary office building lights and outdoor displays.

These are only a few of the many individual actions which, together with daylight saving time, could save hundreds of thousands of barrels of petroleum products a day. In the short run, energy conservation is the only answer we have.

We are in serious trouble, and we are in serious need of strong national leadership to make energy conservation work—forthright leadership that rallies the Nation to the task.

Now, more than ever, the people are looking to the Congress for answers. It is time we establish a nationwide energy conservation program. And we can begin this week in Congress by passing year-round daylight saving time.

The future of the Nation may depend on how we meet the challenge of this winter's energy crunch. The stakes are simply too high to ignore a measure as promising as daylight saving time.

Mr. President, I ask unanimous consent that the full text of the Emergency Daylight Saving Time Energy Conservation Act of 1973 be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Daylight Savings Time Energy Conservation Act of 1973".

Sec. 2. The Congress hereby finds and declares—

(a) that the United States faces the probability of severe energy shortages, especially in the winter of 1973–1974 and in the next several winters thereafter;

(b) that taking into account curtailments of all other fuels, the most optimistic estimates of this shortage for the winter of 1973–1974 may be expressed as a shortfall of 100,000 barrels per day of number two fuel oil;

(c) that various studies by the Department of Transportation and other governmental and nongovernmental agencies indicate that if daylight saving time were in effect year-round there would be an energy saving of from one-half to three per centum of all energy used in electrical power generation;

(d) that although no definitive studies have been done on the savings of energy in areas other than electrical power generation, there are indications that there would be savings in these other energy areas;

(e) that the studies referred to in clause (c) of this section indicate that if daylight saving time were extended to be in effect year-round, such action by the Federal Government could serve as an incentive for other energy conservation by individuals, companies, and various governmental departments, agencies, and other entities at all levels of government, and that these energy conservation efforts could lead to greatly expanded energy savings and would help to meet the projected energy shortages, and that these energy conservation efforts could include but not be limited to such actions as:

(1) turning down thermostats several degrees, especially at night;

(2) limiting unnecessary automobile travel and holding down the speed of necessary travel by automobile;

(3) keeping automobiles in tune and buying small, efficient automobiles;

(4) using public transportation whenever possible;

(5) turning off office air conditioners and heating plants an hour earlier in the afternoon;

(6) making a conscious effort to limit unnecessary use of lights; and

(7) shutting off all unnecessary office building lights and outdoor displays; and

(f) that in addition, the use of year-round daylight saving time could have beneficial effects in other areas affecting the public interest, including the reduction of crime, improved traffic safety, more outdoor playing time for the children and youth of our nation, greater utilization of our parks and recreation areas, an expansion of tourism and travel, and the elimination of the confusion during the twice-yearly changeover in times which occur in most areas of the nation; and

(g) that the emergency nature of an energy shortage in the winter of 1973–1974 requires at least the temporary enactment of year-round daylight saving time.

Sec. 3. Section 3 of the Uniform Time Act of 1966 is amended by inserting at the end thereof the following:

"(d) Notwithstanding any other provision of law (1) the one hour advance in time provided by subsection (a) of this section shall continue during the period from 2 o'clock antemeridian on the last Sunday of October, 1973, until 2 o'clock antemeridian on the last Sunday of April 1974, and (2) the provisions of clauses (1) and (2) of subsection (a) of this section shall not apply during such period."

SEC. 4. The Secretary of Transportation shall (1) make an investigation and study for the purpose of determining the amount of energy in its various forms which is conserved as a result of the extension of daylight saving time pursuant to the amendment made by this Act, and (2) report the results of such investigation and study, together with his recommendations to the President and the Congress not later than June 30, 1974.

By Mr. STEVENSON:

S. 2603. A bill to provide for the continuation of an independent, thorough investigation of certain activities by high Federal officials and persons acting in concert with them. Referred to the Committee on the Judiciary.

(Senator STEVENSON's remarks when he introduced the above bill and the ensuing debate are printed earlier in the RECORD).

By Mr. ROBERT C. BYRD (for Mr. BENTSEN):

S. 2604. A bill designating the Texarkana Dam and Reservoir on the Sulphur River as the Wright Patman Dam and Lake. Referred to the Committee on Public Works.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Texas on the introduction of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BENTSEN

I am introducing today a bill to rename the Texarkana Dam and Reservoir in Texas the Wright Patman Dam and Lake.

The Texarkana Dam and Reservoir was authorized by the Flood Control Act of 1946 and was completed in 1958. It has operated successfully for the purposes of flood control, water supply, and recreation. The reservoir's recreational use is of particular pride to my state, and has provided enjoyment to over 2½ million visitors every year.

I am asking that the Congress rename this dam and reservoir for Wright Patman because he is a great Texan, a great statesman, and, above all, a great American.

Wright Patman has served continuously in the U.S. House of Representatives since March 4, 1929. Previously, he had been a member of the Texas State House of Representatives from 1921 to 1924, and also served as district attorney for the fifth judicial district of Texas from 1928 until his election to the Congress. As Chairman of both the powerful Committee on Banking and Currency and Joint House-Senate Economic Committee, and Vice-Chairman of the Joint House-Senate Committee on Defense Production, Congressman Patman has the ability to influence greatly the lives of all Americans. He has served with great distinction during his 45 years in Congress and has earned the respect and affection of his colleagues and constituents.

Chairman Patman has been particularly interested for many years in the field of water resources development, and it is only fitting that the Texarkana Dam and Reservoir be renamed in his honor The success of the dam epitomizes his contributions to the field of water resources and honors him for his many unselfish years in public service.

As I have stated before here on the Senate floor, I believe that the late President Johnson summed up very well what we all know about Congressman Wright Patman:

"(Few) have served longer and with more experience than Wright Patman. None has served better and few as well. He represents the best in America's conscience and heritage, but most of all he always votes and fights for what he believes is best for the folks."

I realize that it is a departure from traditional policy to rename a porject for a sitting Member of Congress, but I believe that departure in this case is more than justified by Chairman Patman's unique record of service and dedication.

I am very proud to call Wright Patman my friend, and I strongly urge the support of my colleagues in passing this bill.

By Mr. HELMS (for Mr. THURMOND):

S. 2605. A bill to prohibit the export of agricultural grain to any country which reduces the quantity of oil normally exported by such country to the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HELMS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from South Carolina on the introduction of the bill, together with an insertion.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR THURMOND

In recent times, the investments of Amercan corporations and their stockholders have frequently been expropriated by foreign nations. These nations initially welcome with open arms U.S. capital investment and then at a later date nationalize the fruits of these investments.

In a typical example, one of our corporations will invest millions of dollars in a foreign nation to develop a particular property. It will then spend considerable time and additional money in bringing the property to maximum operating efficiency. Once these properties have been developed by American expertise and money, then they are nationalized by the benefiting nation.

Mr. President, there is also the very real problem of various nations attempting to influence U.S. foreign policy by threatening to nationalize our properties or by restricting imports upon which this country has depended for a number of years. I speak with specific reference to the current situation with which our Nation is faced in the Middle East. Although normally the conduct of American foreign policy by the Executive Branch should not be unduly restricted, in my opinion, it is incumbent upon the Congress to act when necessary to protect American investments and to discourage outright extortion. For these reasons, I send to the desk legislation which would require the President to prohibit any export from the United States of grain to any nation which is found to have reduced, for political purposes, the quantity of oil normally exported by such country or to have nationalized any of our properties in these countries. Any prohibition against such exports will be lifted when the offending nation ceases such activity or when such nation pays just recompense to our Nation. The President shall keep Congress currently informed of all actions taken by him under this Act.

Mr. President, I have obtained from the Agriculture Department some very informative figures on grain imports from many of the Middle Eastern countries. I add some tables to my remarks and urge all of my colleagues to give careful consideration both to these tables and to this legislation.

PERCENT IMPORTS OF CONSUMPTION

	1971–72	1972–73	*1973–74
Egypt:			
Wheat	49.5	54.0	53.3
Feed grain	.6	1.5	3.0
Iran:			
Wheat	34.6	16.4	14.6
Feed grain	25.2	33.3	23.3
Iraq:			
Wheat	28.2		38.5
Feed grain	32.9		
Jordan:			
Wheat	39.2	41.8	79.1
Feed grain	22.2	20.8	29.2
Kuwait:			
Wheat			
Feed grain		100.0	100.0
Lebanon:			
Wheat	[1] 101.4	72.9	93.3
Feed grain	[1] 104.9	[1] 101.2	81.7
Saudi Arabia:			
Wheat	100.0	100.0	100.0
Feed grain	100.0	100.0	100.0
Syria:			
Wheat	58.3	9.1	35.3
Feed grain	11.7	2.0	20.5
Israel:			
Wheat	54.0	60.2	54.2
Feed grain	92.1	96.2	96.6

[1] Percent of imports is greater than 100 percent due to build up of stocks.

*Estimated.

IMPORTS: WHEAT AND FEED GRAINS FOR SPECIFIED COUNTRIES

[1,000 metric tons]

	1971–72	1972–73	*1973–74
Egypt:			
Wheat	1,695	1,900	2,100
Feed grain	19	50	110
Iran:			
Wheat	1,116	770	770
Feed grain	276	395	300
Iraq:			
Wheat	320	0	500
Feed grain	250	0	0
Jordan:			
Wheat	125	150	238
Feed grain	10	11	7
Kuwait:			
Wheat	0	0	0
Feed grain	0	7	10
Lebanon:			
Wheat	448	291	347
Feed grain	213	163	76
Saudi Arabia:			
Wheat	350	350	350
Feed grain	25	25	25
Syria:			
Wheat	698	100	400
Feed grain	40	10	100
Israel:			
Wheat	293	339	315
Feed grain	862	952	1,033

*Estimated.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 2607. A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area in the State of Washington;

S. 2608. A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Wash., as "Alpine Lakes Wilderness" and "Enchantment Wilderness" for inclusion in the national wilderness preservation system;

S. 2609. A bill to designate certain lands as wilderness; and

S. 2610. A bill to designate the Alpine Lakes Wilderness, Snoqualmie, and Wenatchee National Forests, in the State of Washington.

Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce for appropriate reference four distinctly different land use classification bills pertaining to the rugged and indeed beautiful Alpine Lakes region of Washington State. These bills represent the culmination of exhaustive research, including natural resource inventories of the Alpine Lakes region by private business, conservation organizations, and by the U.S. Forest Service—all of whom have recommended different approaches for preserving what is commonly referred to as the Alps of North America.

I wish to have it completely understood from the outset, Mr. President, that I am introducing all of these measures because of their timeliness, not because I support any particular proposal. The public hearings which must be held in the House and the Senate will serve as the proper forum for reaching decisions as to which areas should be added to the national wilderness preservation system and which should be categorized as national recreation areas, botanical areas, scenic, areas, management units, or continued to be managed by the U.S. Forest Service under their normal management system as required by the Multiple Use Sustained Yield Act of 1960. My colleague, Senator Magnuson, who is cosponsoring all bills and all seven members of the Washington State delegation from the House who are introducing identical bills share my beliefs in this regard.

Because of its beauty and immense natural resource values, the North Cascades and in particular the Alpine Lakes region have been the subject of many books, reports, and travelogs almost since the first Federal forest reserves were established in the 1890's. Because of the early and continuing controversy over whether a North Cascades National Park should be established, together with associated problems of resource balance between competing users, a North Cascades study team was appointed in 1963 to "explore in an objective manner all resource potentials of the area and the management and administration that appears to be in the public interest." The multiagency team spent 2½ years studying more than 6 million acres of Federal land in the North Cascades before publishing their comprehensive report in October 1965. I should emphasize that the North Cascades study team engaged in one of the most complete public airings of regional land use policy that this country has ever witnessed.

Mr. President, in 1967 and 1968, I devoted considerable time to legislation encompassing much of the North Cascades region, time which culminated in the establishment of a 505,000-acre North Cascades National Park. Another 700,000 acres of dramatic alpine scenery, active glaciers, and mountain lakes in northern Washington were placed in a special status, including the Ross Lake and Lake Chelan Recreation Areas, and Pasayten Wilderness, and additions to the Glacier Peak Wilderness.

Because of the sheer magnitude of undertaking long-range land use patterns for the entire North Cascades area, only those study team recommendations dealing with land north of the Stevens Pass Highway were the subject of legislation in 1967 and 1968. The measures I am introducing today represent one more step toward total congressional consideration of the study team's recommendations.

Nationwide interest has been focused on the entire Alpine Lakes area as a result of the establishment of the North Cascades National Park and related land areas. Conservationists for many years have expressed their concern about the protection, management, and development of the lands involved in these measures. Because of the public's concern for protection for the outstanding natural beauty and grandeur, much of the Alpine Lakes area is currently being managed for its exceptional scenic wilderness and recreational values.

Mr. President, the extensive field hearings which were held during the long and complex debate on the North Cascades Park legislation enabled Congress to enact legislation which, I believe, best represented the needs of the majority of citizens. In an effort to see that all sides are heard on the Alpine Lakes proposals, I anticipate using the same procedures here. I feel it is essential that all alternatives be considered and the public be provided with a full opportunity to discuss them in depth so that we may make the wisest decision with regard to the future use of the beautiful Alpine Lakes region.

It might be useful at this point, Mr. President, to review the North Cascades Study Team recommendations for treating the Alpine Lakes region. While there was considerable disagreement between study team representatives of the National Park Service and the U.S. Forest Service as to classification of the Alpine Lakes area, the final position of the study team was:

> NORTH CASCADES STUDY TEAM RECOMMENDATIONS
>
> Recommendation I. An Alpine Lakes Wilderness Area should be established.
>
> On the crest of the Cascade Mountains, between Snoqualmie and Stevens Pass, is an extremely beautiful area of high mountain lakes and peaks believed to be unmatched elsewhere in the country. Much of this area has been in limited area status under Forest Service management.
>
> The team concurs with the Forest Service proposal to create a wilderness area of some 150,000 acres. The area clearly meets the standards for classification as wilderness. Some additional miles of low standard trails should be developed for camping, hiking, riding, hunting, and similar wilderness pursuits.
>
> Recommendation II. An Enchantment Wilderness Area should be established.
>
> This area of about 30,000 acres in the Mount Stuart Range lying east of the recommended Alpine Lakes Wilderness Area. It is an area of outstanding scenic qualities, of sharp contrasts in elevation and topography, of challenging mountain climbing, and without roads.
>
> The National Park Service recommended that the Alpine Lakes and Enchantment areas be combined into one, but the Forest Service recommended that the two areas be kept separate in order to permit better access and the development of a connecting road between Leavenworth and Cle Elum Lake. . . . The study team agreed with the Forest Service.

The National Park Service, in addition to supporting a single unit wilderness area, also recommended that the wilderness "be the core of a larger surrounding recreation region." This concept is similar in many respects to the legislative proposal I am introducing today for the Alpine Lakes Protection Society—an organization of conservationists which was established in 1968 for the purpose of advocating the preservation and protection of the Alpine Lakes region. Their proposal calls for land classification of some 936,000 acres, including a core wilderness area of 364,000 acres surrounded by a national recreation area consisting of 562,000 acres. Approximately 41,000 acres of the proposed wilderness are now in private ownership. Since there is no condemnation authority in the Wilderness Act, under their proposal this land would have to be acquired by the Federal Government either by purchase or exchange.

The second bill I am introducing at the request of another organization, the Alpine Lakes Coalition, closely resembles the original U.S. Forest Service recommendations to the North Cascades Study Team in 1965. The coalition proposal calls for an enchantment wilderness of 44,000 acres and an Alpine Lakes Wilderness of 172,000 acres with a corridor between these two areas. The remaining acreage outside the wilderness area would continue to be managed in accordance with the multiple use concept as established by the Multiple Use Sustained Yield Act of 1960.

The Alpine Lakes Coalition was recently formed following an extensive land use and natural resources inventory study conducted by a team of land managers from the forest products industry. The coalition is composed of forest industry representatives from several firms as well as recreation and business organizations including the Association of Washington Business, the Big Game Council, the Central Washington Cascades Study Team, the Northwest Mining Association, Outdoors Unlimited, the Pacific Northwest Four Wheel Drive Association, the Washington Farm Forestry Association, the Pacific Northwest Ski Association, the Trailer Coach Association, the Washington State Horsemen, Inc., the Washington State Snowmobile Association, the Washington Trail Riders Association, and the Western Environmental Trade Association.

The third legislative plan for the Alpine Lakes I am introducing is at the request of Dr. Pat Goldsworthy, a noted conservationist, on behalf of the North Cascades Conservation Council, the Sierra Club, Friends of the Earth, and the Mountaineers. Their proposal calls for a single unit wilderness area of approximately 600,000 acres. Like the ALPS proposal, there is a substantial amount of private property contained within their wilderness area request.

Mr. President, the last bill I am introducing represents the wilderness proposal of Region 6 office of the U.S. Forest Service. While this measure does not have the official administration stamp of approval of the executive branch, I am introducing it now because it could be up to 14 months before a final position would be taken by the administration regarding the Alpine Lakes. It was also felt by members of the Washington State congressional delegation and most individuals concerned with the Alpine Lakes that all the proposals should be introduced together in an effort to provide a forum for comment prior to and during subsequent congressional hearings.

I want to commend the Forest Service at this time for their work in defining the land use alternatives for the Alpine Lakes area and for their conduct in involving the public in their decision-making process. While many people disagree with the Region 6 recommendation of a 285,000 acre single-unit wilderness area, the Forest Service has nonetheless focused a great deal of public attention, and rightly so, on this magnificent area.

Under the Region 6 proposal, only their recommendation for wilderness would require congressional action. It is their intent to administratively classify some 634,000 acres surrounding their wilderness proposal as a "management unit" and another 24,000 acres as "Tumwater Canyon and Mount Index Scenic Areas." While the land use criteria for the management unit have not been clearly defined by the Forest Service, it is felt by most observers that national recreation area classification would be a logical statutory framework for the Forest Service region's management unit.

Mr. President, I ask that the text of these four bills be inserted in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2607

A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area in the State of Washington

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF AREA—STATEMENT OF PURPOSES

SEC. 1. In order to preserve the scenic, scientific, historic, recreational and wilderness values of the Alpine Lakes region of the Cascade Mountains; to provide for the public outdoor recreation use, education, inspiration and enjoyment thereof by the people of the United States; to assure orderly and quality development or use of private lands within the region in a manner consistent with the purposes of this act, and to further the purposes of the Wilderness Act, there is hereby established, subject to valid existing rights, the Alpine Lakes National Recreation Area (hereinafter referred to as the "area") in the State of Washington.

BOUNDARIES OF AREA—WILDERNESS AREA CORE

SEC. 2. Alpine Lakes National Recreation Area shall comprise that particular area which is shown on a certain map, identified as Alpine Lakes National Recreation Area (proposed by Alpine Lakes Protection Society) 1972, which is on file and which shall be available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. As a part of the Alpine Lakes National Recreation Area, the core of such area, as depicted on the above-described map, is hereby designated as a Wilderness Area (hereinafter referred to as the "core") in accordance with the Wilderness Act.

ADMINISTRATION BY SECRETARY OF AGRICULTURE

SEC. 3. The administration, protection and development of the area shall be by the Secretary of Agriculture (hereinafter referred to as the "Secretary") in accordance with the provisions of this Act, and, to the extent consistent with these provisions, the laws, rules, and regulations applicable to national forests. The core shall be managed pursuant to the Wilderness Act, and regulations issued pursuant thereto, except as provided in sections 4, 5, and 8 of this Act.

ACQUISITION OF PROPERTY—AUTHORITY OF SECRETARY

SEC. 4. (a) The Secretary shall acquire by purchase with donated or appropriated funds, by gift, exchange, transfer from any Federal agency, or otherwise, such lands, waters, or interests therein within the boundaries of the area as he determines to be necessary or desirable for the purposes of this Act.

(b) Without limitation upon the preceding subsection, the Secretary may acquire less than fee interests, including scenic easements, when, in his judgment, such acquisition will sufficiently protect the interests of the United States for the purposes expressed in this Act.

(c) Any non-corporate owner or owners of improved residential property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain for a term ending at the death of such owner or owners, the right of use and occupancy of such property which does not unduly impair the scenic, natural or recreation values of the area. The Secretary shall pay to such owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. Such valuation shall be in accordance with the provisions of section 4(g) hereof. The retention of a right of use and occupancy shall not exempt the owner thereof from the provisions of section 5 of this Act.

(d) In exercising the authority to acquire granted by this Act, the Secretary shall, to the extent practicable, make such acquisitions in accordance with the following priorities—

(1) lands devoted to uses incompatible with, or needed to prevent threatened development or uses which would be incompatible with the purposes of this Act,

(2) lands within the core,

(3) other lands needed for preservation or protection of the scenic, natural or recreational values of the area, and

(4) lands needed for development of facilities.

Within each of the foregoing priorities, the Secretary shall give primary consideration to acquisitions where the owner needs to sell for reasons of personal hardship, or where the owner has placed or intends to place his property on the market for transfer.

(e) Notwithstanding any other provisions of law, any Federal property located within the area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for his use in carrying out the provisions of this Act.

(f) In exercising his authority to acquire property by exchange the Secretary may accept title to any non-Federal property within the area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal and which is not within any other Wilderness or Primitive Area: *Provided*, That the Secretary shall not convey to the grantor any federally owned property within the area unless—

(1) such exchange will not substantially impair the scenic, natural or recreational values of the area;

(2) federally owned property outside of the area cannot reasonably be used for the exchange; and

(3) the exchange will not result in any decrease in federally owned property within the core. Federally owned property within the area shall not be conveyed in exchange for non-Federal property elsewhere. In selecting federally owned lands outside of the area to convey under this subsection, the Secretary shall make such selection without regard to whether such lands have similar characteristics to those lands the Secretary seeks to acquire. The values of properties exchanged pursuant to this subsection shall be approximately equal or, if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(g) In acquiring any lands or interests therein the Secretary shall not pay more than the fair market value thereof. Such lands or interests shall be valued without regard to any decrease in the value thereof that may have resulted from the promulgation of regulations or adoption of zoning ordinances pursuant to section 5 of this Act: *Provided*, That the provisions of the last preceding sentence shall cease to be in effect after a period of ten years from the date of this Act.

REGULATION OF LAND USES—CONDEMNATION AUTHORITY

SEC. 5. (a) After consulting with appropriate local zoning agencies, the Secretary shall make and publish regulations, which may be amended from time to time, specifying standards for zoning ordinances to be adopted and applied by appropriate local zoning agencies to privately owned property within the boundaries of the area. Standards specified in such regulations shall have the object of assuring that the highest and best use of such privately owned land is consistent with the purposes of this Act and the management plans adopted by the Secretary pursuant to section 6 of this Act. Such regulations shall be as detailed and specific as is reasonably necessary to accomplish such objective and purpose.

(b) The appropriate local zoning agencies shall submit to the Secretary for his approval any zoning ordinance intended to apply to privately owned property within the area. The Secretary shall approve any zoning ordinance or any amendment to zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(c) The Secretary shall, at the request of any local zoning agency having jurisdiction over privately owned lands within the area, assist and consult with such zoning agency in establishing zoning ordinances. Such assistance may include payments for technical aid.

(d) The Secretary shall, at the request of any owner of privately owned lands within the area, assist and consult with such owner regarding ways for such owner to use his property in a manner which is consistent with or in furtherance of the purposes of this Act.

(e) The Secretary is authorized to condemn privately owned lands or interests therein within the area if—

(1) such property is put to any use which does not conform to an approved zoning ordinance and the Secretary's regulations; or

(2) such property is made the subject of a variance, conditional use permit, or other exception to an approved zoning ordinance

that does not conform to any applicable standard contained in regulations issued pursuant to this section; or (5) zoning in accordance with standards contained in regulations issued pursuant to this section is incapable of legally preventing a use of privately owned land which may substantially impair the scenic, natural or recreational values of the area. Before any condemnation action is commenced, the Secretary shall notify the owner of such property in writing that condemnation is being considered. Such notice shall contain a detailed statement as to why the Secretary believes that the use made or planned to be made of the property authorizes the Secretary to condemn that property. Any such owner shall have sixty (60) days following receipt by him of that written notice within which to discontinue or abandon the existing or proposed use referred to in such notice. Discontinuance or abandonment of such use within such sixty-day period shall have the effect of prohibiting the Secretary from acquiring such property by condemnation by reason of such use. In any case in which such use is not discontinued or abandoned within such sixty-day period, the Secretary may acquire such property by condemnation. The Secretary shall initiate no condemnation action under this section until he has made every reasonable effort to acquire such property by negotiation and purchase. A certificate of determination by the Secretary or his designated representative that such reasonable efforts have been exhausted shall be prima facie evidence of compliance with this requirement. This section shall not be construed as limiting any authority to condemn granted to the Secretary by any other law.

(f) In any action to condemn privately owned lands or interests therein pursuant to the provisions of this Act, such land or interests shall be valued to include compensation for any decrease in the value thereof, not otherwise compensated for, that may have resulted from the promulgation of regulations or adoption of zoning ordinances pursuant to this section: *Provided*, That the provisions of this subsection shall cease to be in effect after a period of ten (10) years from the date of this Act.

(g) In the event condemnations authorized by this section involve estimated expenditures in excess of current appropriations for these purposes, the Secretary shall proceed with such condemnations as current appropriations permit in accordance with the priorities established in section 4 (d) of this Act.

MANAGEMENT PLANS

SEC. 6. In the administration, protection and development of the area outside of the core (hereinafter called the "perimeter"), the Secretary shall prepare and implement a land and water use management plan, which shall include specific provision for, in order of priority: (1) protection of scenic, natural, scientific, and historic features contributing to public enjoyment, inspiration and education; (2) public outdoor recreation benefits; and (3) such protection, management and utilization of renewable natural resources, including forage and forest products, as is consistent with and does not significantly impair the scenic, natural or recreational values of the area. The Secretary shall, to the extent possible, apply the provisions of this section to privately owned lands in accordance with section 5 of this Act.

(b) The Secretary shall, as a part of the preparation of management plans for the perimeter, establish zones wherein timber harvesting on federally owned lands either shall not be conducted or shall be in accordance with the following guidelines. In a zone established by the Secretary including all lands within one mile of the core and such other areas as the Secretary may designate, utilization of commercial timber shall be limited to the following: (1) cutting related to construction and maintenance of recreational, scientific or historic facilities; (2) removal of trees posing a danger of injury to persons or property; (3) sanitation cutting of timber posing a substantial threat to other portions of the area or adjacent forest lands from insects, disease or fire hazard, where alternative means of protection are not feasible and where such cutting will not have a serious impact upon the scenic, natural or recreational values of the area; and (4) salvage cutting of timber killed or seriously injured by catastrophic events, including, but not limited to, fire, insect or disease epidemics, where such cutting will not substantially impair the scenic, natural or recreational values of the area. Salvage cutting in this zone shall not be undertaken to recover normal forest mortality. Elsewhere outside of the core, harvesting by clearcut shall not exceed thirty (30) percent of all acreage logged within the area in any year. Units for harvesting by clearcut shall not exceed twenty-five (25) acres per unit and shall not encroach upon streams, lake shores and existing trails. All harvesting shall be in accordance with landscape management practices with measures to assure prompt reforestation. No timber harvesting may be conducted in watersheds of local communities and reclamation districts without prior consultation by the Secretary with the parties to be affected.

(c) The Secretary shall, as a part of the preparation of management plans for the perimeter, conduct an inventory outside of the core of potential recreation facilities including, but not limited to ski areas, tramways, and lodges, including site surveys and feasibility studies where necessary, with the assistance of non-governmental specialists generally recognized for their technical ability and expertise in these fields. Such surveys and studies shall, where applicable, consider the impact of any such facilities upon the Wilderness Area Core.

(d) The Secretary shall, in furtherance of management plans for the perimeter, adopt regulations regarding off-road motorized traffic in those portions of the area outside of the core. In adopting such regulations, the Secretary shall consider the extent to which such traffic is compatible with other recreational uses of the area, potential disturbances of soil, vegetation and wildlife, fire prevention, and the availability of other public and/or private lands for the use of off-road motorized traffic by the public.

(e) The Secretary shall, in furtherance of management plans for the perimeter, adopt regulations regarding motorized water traffic on lakes and streams within the area. In adopting such regulations, the Secretary may prohibit such private traffic on those lakes and streams or portion thereof which, in his judgment, are suitable for canoe and kayak use.

(f) The Secretary shall, in furtherance of management plans for the perimeter, establish policies regarding the location and design of existing and proposed roads. In establishing such policies, the Secretary shall give primary consideration to the natural, scenic and recreational values of the area, rather than the convenience to or speed with which such roads may be traveled by the public or the lowest ratio of construction and maintenance costs. In determining the design standard for any road to be reconstructed, such standard shall be based upon projected usage of such road in accordance with its existing design, rather than in accordance with its proposed design. No new roads of a permanent nature shall be constructed except for primary recreation use.

(g) The Secretary shall permit the reasonable use of Lakes Kechelus, Kachess and Cle Elum for irrigation and municipal water supply purposes.

HUNTING AND FISHING

SEC. 7. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the area in accordance with applicable Federal and State laws. The Secretary, after consultation with the Washington Department of Game, may designate zones where and establish periods when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Nothing in this section shall affect the jurisdiction or responsibilities of the Washington Department of Game under other provisions of state law with respect to hunting and fishing.

MINING

SEC. 8. The lands within the area, subject to valid existing rights, are hereby withdrawn from location, entry or patent under the United States mining laws. The Secretary, under such regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands under his jurisdiction within the recreation area outside of the core in accordance with the provisions of section 192c of Title 30, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area outside of the core in accordance with the Mineral Leasing Act of February 25, 1920, as amended, or the Acquired Lands Mineral Leasing Act of August 7, 1947, if he finds that such disposition would not have serious adverse effects on the scenic, natural or recreational values of the area: *Provided*, That any lease or permit respecting such minerals in lands administered by the Secretary shall be issued subject to such conditions as he may prescribe, including but not limited to, adequate provisions for site restoration.

AIRCRAFT OVERFLIGHTS

SEC. 9. The Secretary shall consult with appropriate officials of the Department of Transportation, Department of Defense, and the Washington State Aeronautics Board regarding flights by aircraft over the area. In cooperation with such officials, the Secretary may adopt regulations regarding flight paths, altitudes, and other provisions applicable to all or certain types of aircraft flying over or near the area.

UTILITY EASEMENTS

SEC. 10. The Secretary shall consult with the Bonneville Power Administration regarding means for reducing the scenic impact of electric transmission lines through the area. The Secretary shall not grant easements for additional lines unless additional lines cannot be installed in existing corridors, the capacity of lines in existing corridors cannot reasonably be increased, or location of additional lines outside of the area is not practicable. If the Secretary determines that additional easements are required, preference shall be given to such easements through Stampede Pass, rather than the Snoqualmie Pass area. The Secretary shall require, to the extent practicable, multiple use corridors for other utilities requiring transmission easements.

WILD AND SCENIC RIVERS

SEC. 11. All portions within the area of the following rivers are hereby designated for study and recommendations for inclusion with the National Wild and Scenic Rivers System: Cle Elum, Icicle, Miller, Skykomish (south fork), Snoqualmie (all forks), Tye, and Wenatchee.

(b) There shall be no new water impoundments or diversions within the area except for reasonable irrigation and municipal water supply purposes. There shall be no new water impoundments or diversions outside of the area substantially affecting the quantity or quality of water in streams flowing through the area.

STATE JURISDICTION

SEC. 12. Nothing in this Act shall deprive the State of Washington or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 13. There is hereby authorized to be appropriated such sums as may be necessary for the acquisition of land and interests in land pursuant to sections 4 and 5 of this Act. There is also authorized to be appropriated such sums as may be necessary for the study of and/or development of recreation facilities pursuant to section 6 of this Act.

S. 2608

A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Washington as "Alpine Lakes Wilderness" and "Enchantment Wilderness" for inclusion in the national wilderness preservation system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in furtherance of the purposes of the Wilderness Act (78 Stat. 890) that the Secretary of Agriculture is hereby authorized and directed to classify and manage as wilderness—

(1) those certain lands in the Snoqualmie and Wenatchee National Forests, Washington which comprise approximately one hundred seventy-two thousand acres and which are generally depicted on a map entitled "Alpine Lakes Wilderness" and dated October 3, 1973, and

(2) those certain lands in the Wenatchee National Forest, Washington which comprise approximately forty four thousand acres and which are generally depicted on a map entitled "Enchantment Wilderness" and dated October 3. 1973.

SEC. 2. As soon as practicable after such classification, the Secretary of Agriculture shall promptly transmit to the Congress a map and legal description of these wilderness areas and such description shall have the same force and effect as if set forth in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. Upon classification the wilderness areas designated by this Act shall be known as the "Alpine Lakes Wilderness" and the "Enchantment Wilderness" and shall be administered by the Secretary of Agriculture in accordance with the same provisions and rules as those areas designated as wilderness by the Wilderness Act of September 3, 1964 (78 Stat. 890), except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

S. 2609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ALPINE LAKES WILDERNESS

SEC. 101. In accordance with section 3(b) of the Wilderness Act (78 Stat. 890; U.S.C. 1132(b), there are hereby designated as wilderness certain lands in the Snoqualmie and Wenatchee National Forests, Washington, which comprise approximately six hundred thousand acres as depicted on a map entitled "Alpine Lakes Wilderness Conservations Groups Proposal, June 1973" these lands shall be known as "the Alpine Lakes Wilderness".

SEC. 102. As soon as practicable after this Act takes effect, the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") shall file a map and a legal description of the Alpine Lakes Wilderness (hereinafter referred to in this Act as the "Wilderness") with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act; *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 103. The wilderness designated by this Act shall, upon filing of the legal description and map, was provided for in section 102 be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by the Act as wilderness areas, except that any references in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

TITLE II—LAND ACQUISITION

SEC. 201. Within the boundaries of the Wilderness, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that he may not acquire any such interests within the Wilderness without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this Act.

S. 2610

A bill to designate the Alpine Lakes Wilderness, Snoqualmie, and Wenatchee National Forests, in the State of Washington

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the area generally depicted on a map entitled "Alpine Lakes Wilderness—proposed", dated September, 1973, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Alpine Lakes Wilderness within and as a part of the Snoqualmie and Wenatchee National Forests, comprising an area of approximately 285,200 acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Alpine Lakes Wilderness with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Alpine Lakes Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

By Mr. GRIFFIN:

S.J. Res. 166. Joint resolution proposing an amendment to the Constitution of the United States with respect to the selection of the Vice President of the United States. Referred to the Committee on the Judiciary.

(Senator GRIFFIN's remarks when he introduced the above joint resolution are printed earlier in the RECORD.)

ADDITIONAL COSPONSORS OF BILLS

S. 847

At the request of Mr. ROBERT C. BYRD, for Mr. NELSON, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 847, the School Bus Safety Act.

S. 948

At the request of Mr. MONDALE, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 948, to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees.

SENATE CONCURRENT RESOLUTION 55—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF THE REPORT OF THE PROCEEDINGS OF THE 46TH BIENNIAL MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF AS A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. BAYH, for himself and Mr. HARTKE) submitted the following concurrent resolution:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the forty-sixth biennial meeting of the Convention of American Instructors of the Deaf, held in Indianapolis, Indiana, from June 24, 1973, through June 29, 1973, be printed with illustrations as a Senate document. Five thousand five hundred additional copies of such document shall be printed for the use of the Joint Committee on Printing.

SENATE RESOLUTION 191—SUBMISSION OF A RESOLUTION RELATING TO THE CENSURE OF ROBERT BORK FOR REMOVING ARCHIBALD COX AS SPECIAL PROSECUTOR

(Referred to the Comimttee on the Judiciary.)

(The remarks Senator STEVENSON made when he submitted this resolution appear earlier in the RECORD.)

SENATE RESOLUTION 192—SUBMISSION OF A RESOLUTION TO URGE THE PRESERVATION OF ISRAELI SOVEREIGNTY AND TERRITORIAL INTEGRITY AND CONTINUED FRIENDLY RELATIONSHIP WITH THE ARAB NATIONS IN THE MIDDLE EAST THROUGH A BALANCED SETTLEMENT OF THE PRESENT CONFLICT

(Referred to the Committee on Foreign Relations.)

Mr. HELMS. Mr. President, the ceasefire in the Middle East is a welcome development. A conflagration anywhere in the world carries with it the danger that the two superpowers may be gradually sucked in, one on each side, with an escalation of the conflict into a major confrontation. In the present circumstances, the United States was being drawn deeper and deeper into the affair. On Friday, the President asked for $2 billion in grants for military aid to Israel, of which more than $800 million has already been spent. U.S. Marines were dispatched to the region, and U.S. ships were standing by. The danger of an incident became more prominent, an incident which could lead us to a more direct conflict with the Soviet Union.

Setting aside the potential for involvement with the Soviet Union, the confrontation was one which the United States could never win. The U.S. interest lies with both sides in the unending dispute. Israel is an object of much sentimental sympathy by many Americans who directly or indirectly participated in the establishment of that nation. But the United States has also had longstanding friends among the Arab nations, and we also participated in the modern development of those areas. Indeed, we have a situation in which neither side is our enemy, and neither side bears ill will toward the United States, except in so far as each has a perception that we are aiding the other side.

The United States interest, as I think everyone agrees, is in the achievement of a long-term settlement. It also lies in diminishing the perception of each side that we are aiding the other. In a highly emotional situation, where suspicions breed paranoia, it may be impossible to remove the duel perception. Simply being "even-handed" is not enough. Even-handedness leads to the doctrine that we must supply weaponry to one side to match the supply of arms which the Soviet Union gives to the other. Thus we have an even-handed escalation of the potential for conflict.

Instead, what we must do is to recognize the realities of the situation. A long-term solution must provide for a balanced political settlement, rather than balanced escalation of the potential for armed conflict. Israel is a fact of modern life, and any settlement must guarantee her political sovereignty, territorial integrity, and economic viability. At the same time, Israel must recognize the territorial integrity of her neighbors. The territories which Israel seized by force of arms in 1967 must be given back to the nations from which they were wrested. This is a hard saying, but it must be said. At the same time, Israel's fears of massive troops concentrations on her border can be allayed by establishing appropriate demilitarized zones. These zones can be on both sides of the old boundary lines, and sufficiently broad to include whatever natural obstacles and distances may be suitable. Civilian administration of the areas seized by Israel should be reestablished immediately, including whatever portions may be demilitarized.

Such a settlement would satisfy the essence of the immediate controversy. Israel's aspiration for buffer zones would be fulfilled; at the same time, the desire of the Arab nations for the return of their territories would be met. But it would not satisfy the long-term problems. The problem of the Palestinian refugees remains a festering sore. It is not only a problem of justice, but a problem of practical politics. The Arab guerrilla movements have been spawned in the refugee camps, where the young men have no hope and no future, and seek fulfillment in the burning cause of justice. They have not only committed terrorist acts throughout the West, but have incited political pressures and armed revolt against the moderate Arab leaders. They are not the cause of unrest in the Middle East, but they provide the tinder for ungovernable passions. It must be said that Israel has not fully recognized her obligations in this matter, nor have the Arab nations been able to provide the means for a solution.

Finally, we must turn to those means by which the economies of this region can be made equal partners in the system of free market countries. Israel has demonstrated that she can be economically viable, particularly if she does not have to maintain the burden of armaments. The Arab nations are divided into the oil producers and those who are not. Yet even the have-nots have other resources which could be the base for economic development. We must help the Arabs to diversify, and for those with a surplus of oil revenues to invest in their neighbors, so that the benefits of free enterprise can be spread around. We must not expect even the oil-producing nations to be content with the role of being suppliers of natural resources to the West.

Nor must we overlook the role that U.S. private enterprise can play in this diversification. We should look forward to the day when there will be a broad range of private industrial relationships between the United States and our Arab friends, helping the Arabs to develop their own economies, instead of simply being the recipient of oil royalties. Even our cooperation in the past, I fear, has been somewhat one-sided. A prime aim of such activity should be to provide an economic base for the solution of the problem of jobless refugees. We must not make the mistake of thinking that material means will solve the whole problem, but it is nevertheless an element that should be included.

In my view, a balanced political settlement would provide the long-term basis for peace in the Middle East. It is close to the terms under which the Arabs have indicated for the first time that they would sign a permanent treaty. We should use our influence with Israel, and it should be considerable, to induce them to sign a permanent treaty. I believe that a treaty could be signed in 6 months, if the basic premises of both sides were met as I have outlined.

Accordingly, Mr. President, I am today introducing a sense of the Senate resolution along the broad outlines I have suggested. In this resolution I am joined by Senators MCCLURE of Idaho, SCOTT of Virginia, and THURMOND of South Carolina. I invite other like-minded Senators to join as cosponsors.

Mr. President, I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION 192

Whereas, the negotiated cease-fire in the Middle East is a welcome development because military conflict endangers the political and economic structure of the entire region; and

Whereas, any permanent settlement must guarantee the political sovereignty, territorial integrity and economic viability of Israel; and

Whereas, the unresolved problems of Palestinian refugees and the unsettled territorial controversies will continue to increase rather than to reduce tensions in the area; and

Whereas, arms shipments by the superpowers to both sides can lead only to a renewal of military confrontations and to the potential of subsequent involvement by the super-powers; and

Whereas, the economic prosperity and future development of all nations of this region and of all nations which are dependent upon stability in the distribution of world energy resources can be jeopardized by the increase of Soviet influences in the area; and

Whereas, the recent tragic events demonstrated the necessity for a permanent balanced political solution rather than the maintenance of balanced military forces; Now therefore be it

Resolved, That it is the sense of the U.S. Senate that the President should continue his mediation between the opposing parties of the area to bring about a long-term, lasting peace settlement. Such a peace should consider all the political and economic realities of the region, including the territorial integrity of all states involved, the need of Israel for protective buffer zones, the Arab aspiration for the return of their territories, and the long-term development of a sound economic base for the elimination of social and political problems. In this spirit, the settlement should include—

(1) Re-establishment of the civilian administration of the Sinai Desert and Golan Heights areas and the west bank of the Jordan River under Egypt, Syria, and Jordan, respectively;

(2) Establishment of broad demilitarized zones on the borders between Israel and its neighbors;

(3) Achievement of a just settlement of the Palestinian refugee problem;

(4) The cooperation of major free market countries and the Arab world in a long-range program of technical and industrial investment and development, with special emphasis upon the creation of job opportunities for Palestinian refugees;

(5) The negotiation and signing of a permanent peace treaty within six months after the cease-fire.

ADDITIONAL COSPONSORS OF SENATE CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. CURTIS, the Senator from Tennessee (Mr. BAKER) and the Senator from Ohio (Mr. TAFT) were added as cosponsors of Senate Concurrent Resolution 52, expressing the sense of Congress relative to friendship with the Republic of China.

ADDITIONAL COSPONSORS OF SENATE RESOLUTIONS

SENATE RESOLUTION 189

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Texas (Mr. TOWER), I ask unanimous consent that he be added as a cosponsor of Senate Resolution 189, relating to the transfer to Israel of Phantom aircraft and other equipment.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEARING ON NOMINATION OF RUSSELL W. PETERSON TO BE MEMBER OF COUNCIL ON ENVIRONMENTAL QUALITY

Mr. JACKSON. Mr. President, on Tuesday, October 30, the Committee on Interior and Insular Affairs will hold an open public hearing on the President's nomination of Russell W. Peterson to be a member of the Council on Environmental Quality. The hearing will begin at 2:30 p.m. in room 3110 of the Dirksen Senate Office Building. The public is invited to attend, and any Member of the Senate wishing to participate is welcome to do so.

For the information of the Senate, I ask unanimous consent that a biographical sketch of Governor Peterson be placed in the RECORD at this point in my remarks.

There being no objection, the sketch was ordered to be printed in the RECORD, as follows:

The President today announced his intention to nominate Russell W. Peterson, of Rehoboth, Delaware, to be a member of the Council on Environmental Quality. The President also announced that upon his confirmation by the Senate he would designate Mr. Peterson as Chairman of the CEQ. As both member and Chairman he will succeed Russell E. Train, who held the positions from February 9, 1970, until he became Administrator of the Environmental Protection Agency on September 13, 1973.

Governor Peterson was Governor of Delaware from 1969 to 1973. Since leaving office he has been Chairman of the Executive Committee of the National Commission on the Future of America in Its Third Century.

From 1942 to 1969, Governor Peterson was with E. I. DuPont de Nemours & Co., Inc., in Wilmington, Delaware, serving as: Research Director, Textile Fibers Department (1954–55, 1956–59), Merchandising Manager, Textile Fibers (1955–56), Director, New Products Division, Textile Fibers (1959–62), and Director, Research and Development Division, Development Department (1963–69). He is also a former Chairman of the Board of Directors and former Chairman of the Executive Committee of the Textile Research Institute, Princeton, New Jersey.

He was born on October 3, 1916, in Portage, Wisconsin. Governor Peterson received his B.S. degree in 1938 and his Ph. D. in 1942 from the University of Wisconsin, where he was elected to Phi Beta Kappa.

Governor Peterson is married to the former E. Lillian Turner. They have two sons and two daughters.

The Council on Environmental Quality was established by the National Environmental Policy Act of 1969 to formulate and recommend national policies to promote the improvement of the quality of the environment. The Council consists of three members. Current members are Dr. Beatrice E. Willard and John A. Busterud.

ADDITIONAL STATEMENTS

AIMS OF ANGELS, TOOLS OF TYRANTS

Mr. FANNIN. Mr. President, one of the finest journalists in this area is Mrs. Shirley Scheibla, the Washington editor of Barron's.

On October 10, Mrs. Scheibla was the speaker at the luncheon of the Security Subcommittee of the National Security Industrial Association in Washington.

The title of her talk, "Aims of Angels, Tools of Tyrants," refers to the mistaken actions taken by Congress in the name of ecology and the public good. She provides us with a penetrating analysis of the devastating effect that actions by the Environmental Protection Agency can have on the economic security of our Nation.

This country's ability to compete on the world market already is threatened by high wages and lagging productivity; additional self-inflicted burdens of costly and unnecessary environmental controls administered in an adversary manner will cause economic and social disaster.

Mr. President, I believe all Members of Congress should consider the points made in this excellent speech, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AIMS OF ANGELS, TOOLS OF TYRANTS

Scientists probably won't know for years the full significance of the astronauts' proven ability to live in space for 59 days. But one bad fallout from the space program already is readily apparent—the widespread belief that the United States government can do just about anything if it devotes enough resources to it.

The War on Poverty already has proven that this is not true. Instead of ending poverty, it has created monumental problems. Now the government has embarked on a crash program to stop pollution and make everything safe and beautiful. Like the elimination of poverty, it's a hard goal for politicians to quarrel with.

BEYOND GOAL-SETTING

This newest crash program, however, now has gone beyond the goal-setting stage. In addition to your activities of looking for those who would overthrow the government by force, it would be well worth your while to examine what this program has done so far and where it is leading. It has waked the nation up to the need to control pollution, and that is indeed laudable. But the hysteria and insistence on a crash program to end pollution at all costs already has made serious inroads on the profit system and actually has been counter-productive in several important instances. Unguided by common sense and the art of the possible, it can lead to totalitarianism and the end of capitalism.

ENERGY SHORTAGE

Since nothing can disrupt industry or bring a nation to its knees faster than an energy shortage, let's take a look first at what the environmental movement has done in that field. The fuel shortage is forcing the United States to currently import oil at a record rate of over a million barrels a day from the unstable, unfriendly Middle East. Yet if court action by environmentalists had not blocked construction of the Alaskan pipeline, today we already would be receiving over a million barrels a day from that one source.

Even if Congress passes pending legislation during this session to enable construction to go forward, we could not receive oil from that pipeline for four years since that is the minimum time required for construction. Meantime, the estimated cost of the pipeline has escalated from $1.5 billion to $3.6 billion, and a large part of one of the richest oil fields in the world lies unexplored because of lack of means to transport new discoveries.

(The planned capacity of the pipeline is 2 million barrels a day, while already discovered oil would mean 1.2 million barrels a day.) Let us all pause for a moment and give thought to Alaska's caribou and permafrost and the price we are paying for their comfort and preservation.

OFFSHORE OIL AND GAS

Another tremendous source of domestic oil and natural gas lies offshore. According to the Interior Department, about 3 million acres a year in prime prospective tracts should be made available for exploration. But back in 1971 when the Department started a five-year program calling for general lease sales, the Natural Resources Defense Council obtained a court injunction which held up the sale of 346,000 acres from December 1971 to September 1972. Environmentalists have protested the sales of more than a million acres of leases since then and are threatening to take the Interior Department to court over the first lease sale in the Florida Gulf Coast, scheduled for December of this year. Also taking in parts of Mississippi and Alabama, it is expected to involve 800,000 acres.

NASSIKAS WARNING

To help encourage exploration for natural gas, the Administration has called for ending price regulation by the Federal Power Commission. But FPC Chairman John Nassikas told me, "If we just de-regulated all gas, that wouldn't solve the problem because, without opening up the federal offshore leases, it would only run up the price and not bring out enough gas."

Thus, the environmentalists are discouraging exploration for one of the cleanest and most environmentally acceptable fuels.

SANTA BARBARA

Because of pressure from environmentalists, the Interior Department, in apparent violation of sanctity of contract and due process of law, indefinitely suspended 35 oil leases in the Santa Barbara channel. They are located in the vicinity of a blowout which several years ago poured oil over 400 square miles of ocean surface and 100 miles of coastline. However, production at the blowout site is continuing because capping would increase the risk of another disaster. As for the area comprising the 35 leases, the Geological Survey has concluded it is no more prone than any other to blowouts and that the potential benefits outweigh the slight risk involved in drilling.

OIL IMPORT QUOTAS

Back in 1959 the Interior Department imposed oil import quotas on grounds of national security. It said the quotas were essential to encourage domestic exploration and development. The idea very clearly was to bring about high enough prices for such encouragement. Prices never got that high, however, and the hoped for production boost did not occur. Because of pressure from the consumer movement, the Interior Department let the oil companies know it would increase imports if prices got too high. Now, of course, regardless of prices, the situation is too desperate to continue their import quotas.

DEEPWATER PORTS

The most efficient way to handle the increasing imports is to build deepwater ports, and several groups of companies are interested in spending the hundreds of millions of dollars each one would cost. Such ports would require legislation, however, and, naturally, the environmentalists are opposing it.

REFINERIES

They already have blocked construction of several refineries in the U.S. Let me just tick off a few: A Stuart Petroleum refinery at Piney Point, Md. to operate in conjunction with a bulk plant it already has there; a 100,000 barrel a day facility by Supermarine Inc. at Hoboken, N.J. on the site of the old Todd Shipyard; a 65,000 barrel a day refinery by North East Petroleum at Tiverton, R.I.; expansion of the Amerada Hess plant at Port Reading, N.J. and expansion by Chevron East at Perth Amboy, N.J.

Shell Oil Co. tried to build a 150,000 barrel a day refinery on Delaware Bay but ran into a state law obtained by the environmentalists which prohibits refineries and other heavy industry within 10 miles of the coast. McClean Fuels Co. wanted to build a 200,000 barrel a day refinery at three different locations, South Portland, Me., Searsport, Me. and Riverhead, L.I., but failed to get environmental approval.

FUEL PENALTIES

Discouragement for obtaining petroleum would seem to dictate stringent use of it, but environmentalism is resulting in just the opposite. At the beginning of this year when he was head of the Office of Emergency Preparedness, General George Lincoln said that cleaning up auto exhausts already has cost 300,000 barrels a day of extra gasoline and will cost about two million barrels a day by 1980. Additional safety equipment means more fuel penalties because of the extra weight. Also, taking the lead out to please environmentalists means a 15% to 20% decrease in fuel efficiency.

BOILER FUEL

Because of the natural gas scarcity, the Federal Power Commission has been trying to discourage wasteful use of it as a boiler fuel. But here again environmental demands are causing trouble. The Commission is finding that many firms feel forced to use clean natural gas for boiler fuel because of anti-pollution requirements. Incidentally, some who converted their facilities to use oil because of FPC pressure and natural gas scarcity now are having trouble getting oil.

COAL IS BLACK

Coal, of course, is the only domestic fuel in plentiful supply. But it's name is black with environmentalists because it is dirty. Filters have not yet been perfected. Neither has liquified coal. Meantime reliance on limited supplies of low-sulphur coal is creating much economic hardship.

Since there are inadequate resources for extensive hydro-power, and technology is still evolving for oil shale, thermal, solar, tidal and other exotic sources of power, that leaves only the atom. But that's anathema to environmentalists.

NUCELAR POWER PLANTS

In a massive fuel study released early this year, the National Petroleum Council said that 23 nuclear power plants with a capacity of 20,000 megawatts will be delayed six months to three years by environmental obstacles. Let me stop here to translate for you the meaning of 20,000 megawatts. That's 20 million kilowatts, and a kilowatt is equal to 1,000 watts. I have a good-sized home covering 3,000 square feet, and it has 50 kilowatts. The next time we have a brown-out or black-out, you might consider how many homes, offices and factories those 20 million kilowatts would power. (The Council also said each year's delay could cost the electric utility industry between $5 billion and $6 billion.) For 17 months following the Calvert Cliffs decision by the Court of Appeals the Atomic Energy Commission licensed no plants at all while it took time to do the environmental studies required.

Now Ralph Nader and Friends of the Earth have gone to court to force closure of 20 of the 31 operating plants but have failed to obtain an immediate injunction, and the issue of whether they should be closed is still pending before a court of appeals.

AUTOS

A new game plan is to penalize use of private autos and compel greater travel by public transportation. This, so the reasoning goes, not only would mean purer air, but less use of gasoline, thus leaving more petroleum for other purposes. So far as I can determine however, no one has figured out how the nation's cities, already strapped financially, are going to be able to afford the big outlays for public transportation this will require. The tendency is to look to the federal government, but I suggest that those who do so also take a look at the current size of the federal budget. Also ignored is how greater public transport would affect the private auto market and, in turn, the nation's economy since the auto industry makes up such a large part of it.

CLEAN AIR ACT

The transportation edicts are framed by the Environmental Protection Agency under authority of the Clean Air Act which is one of the greatest instruments of tyranny fashioned by Congress. Although EPA itself admits that some of its orders under it lack scientific validity and that it is having trouble equating economic costs with health benefits, woe be to anyone who doesn't obey EPA. The Act calls for fines of up to $25,000 a day and imprisonment up to a year for a first violation of EPA rules and $50,000 a day and two years for a second offense. In some instances compliance requires passage of state laws. Yet, the Bill of Rights notwithstanding, the penalties for non-compliance apply to state and local officials as well as ordinary citizens.

Under the Act, EPA also is struggling with what one official calls the "biggest challenge in the air program" by trying to nail down specific requirements for about 50,000 individual stationery sources.

NONDEGRADATION OF CLEAN AIR

But that's only one facet of the Clean Air Act. Last June, in a case brought by the Sierra Club, the U.S. Supreme Court upheld the ruling of a lower court that there must be no significant degradation of air quality, even for areas which presently have cleaner air than required by federal standards. This could throttle industrial development for clean areas. In a stab at defining "significant" in a way that woulld allow some development, EPA held hearings in August on four rules it suggested. The Sierra Club, however, has notified EPA that it doesn't like any of the ideas and will take the agency to court if it tries to implement any of them.

LAND USE CONTROLS

The draconian Clean Air Act notwithstanding, EPA officials still aren't satisfied with their tools for forcing purity in the air and elsewhere. They are advocating legislation which would require an EPA okay for any use to which land might be put. Thus, a buyer who paid a handsome sum for a choice site with a specific use in mind might find that use vetoed by EPA—if the land use planning legislation goes through. If it does, kiss property rights good-bye in the name of purity.

WATER POLLUTION

Agency action under the Water Pollution Act is not so far along since the measure was enacted only last year. Here too, however, it appears that EPA is using it to impose expensive controls on industry. They are expected to cost billions of dollars and cause some plant closings. Nevertheless, in a study for EPA not yet made public, the National Academy of Sciences has found that many of EPA's criteria are faulty and lack adequate scientific justification.

DDT

EPA also administers the nationwide ban on DDT. The depredations of the Gypsy Moth in the east as a result are well known. Now the Tussock Moth is devastating northwest forests and worsening the shortage of timber. Consequently, some of the original Senate sponsors of the DDT ban are trying to get it rescinded.

OSHA

The Occupational Safety and Health Act, administered by the Labor Department, is providing just as potent anti-business weapons as the environmental and consumer movements. A year ago George C. Guenther, then Assistant Secretary of Labor for Occupational Safety, told me that under OSHA, the Labor Department commands enough power to put everybody out of business. That is not hard to understand. Senator Carl Curtis (R., Neb.) told the Senate that regulations implementing the law make up a stack 17 feet high. Virtually every employer is in violation of OSHA one way or another, and the Labor Department has authority under the law to assess fines without court review. Critics of the law are legion and even include some of its original Congressional sponsors. One of the main complaints is that it is inflating the cost of doing business without corresponding gains in safety and health.

As this cursory glance shows, the environmental and allied movements are using the aims of angels to fashion the tools of tyrants. Let us hope that the hysterical crash program soon succumbs to the rule of reason so that we can get on with the job of cleaning up under the system which affords the greatest freedom, efficiency and general well-being of any yet devised by man.

ISRAEL'S RIGHT TO EXIST IN PEACE

Mr. MONDALE. Mr. President, I would like to call to the attention of my colleagues an eloquent statement written by an eminent group of professors at the Hebrew University of Jerusalem during the fighting in the Middle East.

Mr. President, I believe this statement is still worth reading now that a tentative cease-fire has been agreed to by Israel and Egypt. Indeed, their message becomes even more appropriate.

As the professors state:

> We feel that it is the duty of free men . . . to insist on the overriding duty of the Arab states to recognize Israel's right to exist in peace, and to demonstrate this by agreeing immediately to meet the representatives of Israel for discussion and negotiation.

I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE STAFF OF THE HEBREW UNIVERSITY OF JERUSALEM, OCTOBER 10, 1973

For the fourth time since its creation, Israel is engaged in battle with the neighboring Arab world. It is a battle which is uneven in two respects. In the first place, if Israel wins, the Arab world will endure; if the Arabs win, Israel will cease to exist. Secondly, there is no equivalence in the forces engaged. Syria and Egypt have drawn on enormous forces, both of manpower and materiel. Sixteen other Arab countries have expressed their solidarity with them, and a number have already sent units of their armed forces to join in the battle. Israel faces this situation as a small people fighting on its own. Nearly all of our students, and most of our colleagues, are today in uniform.

We, the undersigned, have always used our right as free men to express our views on our country's policies, both external and internal; and some of us has disagreed with some of these policies in the past. Today it is clear to all of us beyond any shadow of doubt, that Egypt and Syria prepared this attack over a long period, and deliberately chose to launch it on the Day of Atonement, the most sacred day in the Jewish calendar.

It is equally clear to us that, though aware of the Egyptian and Syrian plans, the Government of Israel chose to abstain from a preemptive strike, and rather to do all it could to avert the danger by a diplomatic effort.

The real issue today, as it was in 1967, is the determination by Egypt and Syria to destroy Israel.

We are doubly convinced that the road to meaningful negotiations for a peaceful outcome has always been open to the Arab states. Had that road been taken by the Arab states, the response of our people and our government would have been such as to ensure that every conceivable step to bringing these negotiations to a mutually acceptable and positive conclusion would have been made by us.

The Egyptian and Syrian attack against us on the Day of Atonement, has led us to the painful conclusion that the policy of the present governments of the Arab states, is to go to any length to destroy the existence of Israel.

There can be no peace in the Middle East, unless the right of our people to independence and continued existence in Israel is fully recognized by our neighbors.

There can be no peace until the Arab states change their policy, and understand that the future of the Middle East must take the form of peaceful co-existence between them and Israel.

The cause of organizing a peaceful world is based on the right of all peoples to free existence and harmonious national self-expression and self-government. These rights cannot be denied to Israel and its people.

For this reason, we feel that it is the duty of free men throughout the world who cherish the cause of peace and see it as pre-condition for humanity's survival and development, to insist on the overriding duty of the Arab states to recognize Israel's right to exist in peace, and to demonstrate this by agreeing immediately to meet the representatatives of Israel for discussion and negotiation.

The Arab doctrine of prior agreement by Israel to withdraw from territory, is illogical and unacceptable. Everyone of us is wholly convinced that our very existence today—that we have been able, at considerable cost in lives, to withstand Egyptian and Syrian assault and turn it back—are due to the fact that this doctrine was rejected by us. The way in which the Egyptian and Syrian attack was prepared and launched must convince the world that this rejection was thoroughly justified.

The argument has been heard that having suffered military defeat in the past, the Arabs cannot be expected to negotiate with Israel without a "gesture" from Israel. The "gesture" demanded has been that Israel should place the Arabs unconditionally, and before any agreement or commitment on their part, in a condition where, as experience shows, it would be made easier for them to attack Israel. We cannot agree that this is morally acceptable or practically feasible. Nor should the world agree. For the fourth time since 1948, we have seen our country besieged and attacked, our friends and relatives killed; we have been the target of terror on a world-wide scale; yet today, when everyone of us has members of his family, students and colleagues, at the front, we say that we remain ready for a peace process with our Arab neighbors. A peace process must mean mutual recognition, with peaceful co-existence as its goal, achieved by free negotiations. In the circumstances which have arisen, the secure nature of the agreed boundaries is, more than ever, seem to be imperative. The nature of the territorial settlement will only emerge as a function of mutual trust.

We address ourselvs to our colleagues, to students, and to men of good will all over the world in the hope that they will use their influence to the utmost to bring home to the Arab countries the demand of the world that the language of hate and vilification, and the dialogue of war, must be replaced by the dialogue of peaceful co-existence.

Shlom Avineri, Joseph Ben-David, Ernst Bergmann, Aryeh Dvoretzky, Samuel Eisentadt, Saul Friedlander, Natan Goldblum.
Jack Gross, Yehoshafat Harkabi, Avraham, Harman, Alex Keynan, Don Patinkin, Joshua Prawer, Michael Rabin.
Nathan Rotenstreich, Gershom Scholem, Moshe Shilo, Gabriel Stein, Jacob Talmon, Ephrain Urbach, David Weiss.

The above signatories are on the staff of the Herbrew University in Jerusalem.

ENVIRONMENTAL PROTECTION AGENCY REGULATIONS

Mr. NELSON. Mr. President, the Environmental Protection Agency—EPA—has promulgated regulations in the July 5 and September 7 issues of the Federal Register pursuant to sections 301—effluent guidelines—and section 402, the National Pollutant Discharge Elimination System—NPDES—of the Amendments to the Federal Water Pollution Control Act—FWPCAA—of 1972 establishing those agricultural pollution areas that will be classified as "point sources" and thereby have to file for a NPDES permit and meet the zero discharge of waste effluent guideline by 1985.

The EPA regulations define both large and small "concentrated animal feeding operations" as "point sources" although the EPA later excluded farm operations with less than 1,000 beef cattle, 700 dairy cows, 290,000 broilers, 180,000 laying hens, 55,000 turkeys, 4,500 hogs, 35,000 feeder pigs, 12,000 sheep and lambs and 145,000 ducks from compliance with sections 301 and 402 of the act.

During the debate of the FWPCAA Congress clearly indicated that small farm operations were not to be considered "point sources" of pollution unless they met three criteria developed by Senator Muskie in a colloquy on the floor of the Senate with Senator Dole. It appears that neither set of the EPA regulations follows the congressional intent in the manner small farm operations are excluded from the compliance with the act.

The Natural Resources Defense Council—NRDC—has filed suit against the EPA alleging that the agency cannot define all concentrated animal feeding operations as "point sources" and then exclude small operations when the act specifically states that all "point sources" are to be controlled through the issuance of a permit and compliance with published effluent guidelines.

The NRDC agrees that there should be a numerical cutoff determined with public hearings that distinguishes a small farmer-feeder operation, a "nonpoint source," from a large "concentrated animal feeding operation" that is a "point source." The public interest law firm does not specifically object to the feedlot-point source criteria established by Senator Muskie, rather they object to the way EPA has drafted its regulations.

Furthermore, numerous constituent letters indicate that the public has not had an adequate and full opportunity to draft responses for consideration in the decisionmaking process. In fact, public hearings were not held in Wisconsin until October 2, 7 days before the public comment period expired on the draft effluent guidelines.

Therefore, in a letter to the Administrator of the EPA, Mr. Russell Train, I have urged the EPA to: First, extend the public comment time for the September 7, 1973, effluent limitation guidelines, second, hold public hearings on both the NPDES and effluent programs, and third, redraft these two sets of regulations to reflect in specific language the congressional intent and legislative history—Legislative History , volume II, pages 1298–99—of the FWPCAA as it pertains to agricultural problems.

The July 5 regulations developed the numerical cutoff point for farm operations that must file for a NPDES permit while EPA's second set of regulations establish effluent guidelines for point sources of pollution under section 301 of the act. The September 7 draft effluent regulations initially proposed that all farmers regardless of size would have to meet a zero-discharge-total confinement of runoff by 1985. Seven days before the public comment time expired, the EPA announced a dramatic change in policy: The farm operations that were exempt from the NPDES regulations would now be exempt from the effluent guideline limitation program. This action appears not only to be in variance with the law but contrary to published EPA policy—38 Federal Register, 128, page 18001.

The question is one of implementation rather than intent. Senator Muskie's colloquy clearly sets forth criteria which the EPA should follow in determining whether feedlots are "point sources" of pollution. The criteria state:

> "If a man-made drainage ditch, flushing system or other such device is involved and if any measurable waste results and is discharged into water, it is considered a 'point source.' Natural run-off from confined livestock and poultry operations are not considered a 'point source' unless the following concentrations of animals are exceeded: 1,000 beef cattle, 700 dairy cows, 290,000 broiler chickens, 180,000 laying hens, 55,000 turkeys, 4,500 slaughter hogs, 35,000 feeder pigs, 12,000 sheep or lambs, 145,000 ducks. Any feedlot operations which result in the direct discharge of waste into a stream that transverses the feedlot are considered point sources without regard to number of animals involved."

This statement shows that if a feedlot is a "point source" a permit is to be required. The Congress gave the EPA the discretion to distinguish between a "concentrated feeding operation", which would require a permit and effluent guidelines and a farmer-feeder operation which would not.

The EPA admits the proposed regulations will be most harsh economically on the small farm and will in fact promote the decline of the small operation and encourage the growth of larger facilities which are less family oriented.

The Wisconsin Legislature has expressed its concern by passing a joint resolution calling for the EPA to amend its regulations. In addition, a large number of constituents have written to me asking for more time to draft comments to the EPA.

Mr. President, I ask unanimous consent that my letter to EPA Administrator Train and the Wisconsin Legislatures joint resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 9, 1973.

Hon. RUSSELL TRAIN,
Administrator, Environmental Agency, Washington, D.C.

DEAR MR. ADMINISTRATOR: I am concerned over the EPA regulations which have been published in the Federal Register that establish the National Pollution Discharge Elimination System (NPDES) and the effluent limitation program of the Federal Water Pollution Control Act Amendments of 1972 (FWPCAA). It appears to me that neither set of regulations follows the Congressional intent of the legislation. Furthermore, numerous constituent letters indicate that the public has not had an adeqaute and full opportunity to draft responses for consideration or meaningfully participate in the decision-making process, and in fact, public hearings were not held in Wisconsin until October 2.

The National Resources Defense Council's suit raises serious legal questions surrounding the manner in which the EPA has exempted small farm operations from compliance with the mandates of PL 92–500. The Congress clearly did not intend that small farm operations would be covered by the permit and effluent limitation program except when such farm was a "point source" of pollution as described by Senator Muskie in his discussion of legislative intent on the floor of the Senate (Legislative History, Vol. II, pp. 1298–99).

The EPA's final regulations which will be published in the *Federal Register* should make a clear distinction between a "concentrated animal feeding operation", a point source pollution problem covered by the NPDES program, and a small farmer-feeder operation, a non-point source.

On October 2, 1973, seven days before the public comment times for the effluent limitation was due to expire, two representatives of the Region V EPA briefed members of the state legislature, the Governor's office, and members of the public at a public hearing in Madison, Wisconsin. Not only did that meeting come too late in the 30-day review period but a significant change in policy was anounced by Mr. John Kirkwood. A message from Robert Sansom indicated that those farmers who qualified for exclusion from the July 5 NPDES regulations would also be excluded from complying with the September 7 effluent guidelines. This action appears not only to be in variance with the law but contrary to published EPA policy (38 *Federal Register* 128 p. 18001).

To permit adequate public participation in the review of the proposed standards the time limit for the reception and consideration of citizen comments should be extended. In addition public hearings should be shceduled to permit the public full opportunity to comment on the specific proposals to implement the legislation.

The EPA must promulgate its regulations on sounder legal grounds. The July 5, 1973 *Federal Register* citation clearly states that, "the agency proposes to exclude for the present time certain classes of agricultural and silvicultural point sources from the requirements of the NPDES program." The Sansom telegram extends this exclusion to the effluent guidelines. According to the FWPCCAA, the NPDES program provides for the establishment of a permit program to regulate the "discharge of any pollutant" or combination thereof. Section 502(6) defines "pollutant" among other substances as "agricultural wastes discharged into the water" of any kind. The terms "discharge of pollutants" and 'discharge of a pollutant" seem to include "discharge of any pollutant" are defined in section 502(12) of the Act as meaning, "any addition of any pollutant to navigable waters from any source." Navigable waters (section 502(7)) is defined as, "The waters of the United States . . ." Finally, the term, "point source," is defined (section 502(14) to include any, "concentrated animal feeding operation . . . from which pollutants are or may be discharged.

Although the EPA exempted small farm operations there is a serious question they did so pursuant to the guidelines spelled out by Senator Muskie. The intent of the Congress is clear: *all* point sources of pollution are to be covered by the NPDES program. Section 502(14) does not define "concentrated animal feeding operations." Senator Muskie in a colloquy with Senator Dole on the floor of the Senate on November 2, 1972, sets forth criteria which the EPA should follow in determining whether feedlots are point sources. The criteria state:

"If a man-made drainage ditch, flushing system or other such device is involved and if any measurable waste results and is discharged into water, it is considered a 'point source.' Natural run-off from confined livestock and poultry operations are not considered a 'point source' unless the following concentrations of animals are exceeded: 1,000 beef cattle, 700 dairy cows, 290,000 broiler chickens, 180,000 laying hens, 55,000 turkeys, 4,500 slaughter hogs, 35,000 feeder pigs, 12,000 sheep or lambs, 145,000 ducks. Any feedlot operations which result in the direct discharge of waste into a stream that transverses the feedlot are considered point sources without regard to number of animals involved."

This colloquy clearly shows that if a feedlot is a "point source," a permit is to be required. The Congress gave the EPA the discretion to distinguish between a "concentrated animal feeding operation," which would require a permit and a small feeder-farmer operation which would not.

There seems to be a good deal of unresolved controversy surrounding the numerical formula that determines who is excluded under present EPA regulations. Should EPA choose to redraft their regulations along the lines suggested by the Senate a numerical formula would still be needed to distinguish between a small farmer-feeder operation and a point source concentrated animal feeding operation. The Secretary of Agriculture has suggested an even more stringent definition for an agricultural point source. He defines a "concentrated animal feeding operation" as:

". . . a feed lot, feed yard, or confined feeding facility having more than 300 animal units at one time. Feed lots, feed yard, or confined feeding facilities shall mean the feeding of livestock on sites or facilities from which wastes must be removed and that are not normally used for raising crops, or on which no vegetation intended for livestock feeding is growing. Thus, permit applications will be required from operators of feed lots, feed yards, or confined feeding facilities having the equivalent of 300 animal units. The following data are suggested as minima for the requirement of a permit:

"Slaughter steers or heifers	300
Dairy cows	200
Boilers	35,000
Laying hens	32,000
Turkeys	10,000
Butcher hogs	1,200
Feeder pigs	10,000
Sheep	2,300"

The Sansom telegram represents a significant change in policy at a very late stage in the decision-making process. Such changes should be printed in the Federal Register and given the opportunity to be fully examined and discussed in public. It is clear that the public has not had the opportunity to fully participate in the review and consideration of these regulations. Therefore, I urge you to: (1) extend the public comment time for the September 7, 1973 effluent guideline regulations (2) hold public hearings on both the NPDES and effluent limitation regulations and (3) redraft these two sets of regulations to reflect in specific language the Congressional intent and the legislative history of the FWPCAA as it pertains to agricultural pollution problems.

Sincerely,

GAYLORD NELSON,
U.S. Senator.

STATE OF WISCONSIN: 1973 SENATE JOINT RESOLUTION 80

Request the U.S. environmental protection agency to amend the proposed effluent limitations guidelines for the feedlots category of the federal water pollution control act.

Whereas, on September 7, 1973, the U.S. environmental protection agency published proposed rules in the Federal Register concerning effluent limitations guidelines for the feedlot category of the federal water pollution control act; and

Whereas, the proposed rules apply to nearly all producers of milk, meat and eggs in the state of Wisconsin; and

Whereas, the proposed rules require that by 1977, the water runoff from a feedlot containing dairy cattle, beef cattle, hogs or poultry shall be postively stopped from entering streams except in unusual circumstances; and

Whereas, to meet the requirements demanded by the proposed rules, most Wisconsin producers of milk, meat and eggs would have to spend a prohibitive amount of money in order to stay in production; and

Whereas, the prefatory statement to the proposed rules as set out in the Federal Register of September 7, 1973, contains language indicating that the environmental protection agency accepts the fact that small producers are going out of business and being replaced by larger facilities and that this trend will be accelerated by these proposed rules; and

Whereas, Wisconsin farmers, who produce over 16% of the total volume of milk in the United States, are primarily small producers with 77% of the milking cows in Wisconsin being in dairy herds of less than 50 heads; and

Whereas, if the proposed rules as finally published do not include exemptions for the small producer, it will mean the ruin of the small family farm in Wisconsin and an increase in the cost of food to the consumer; and

Whereas, representatives of the environmental protection agency appearing at the joint hearing of the senate agriculture and rural development committee and the assembly agriculture committee on October 2, 1973, testified that the agency interpretation is that the proposed rules would only apply to dairy herds of over 700 head, beef herds of over 1,000 head, herds of swine of over 2,500 head or to significant contributors to pollution; and

Whereas, the proposed rules do not contain any specific exemptions or make any reference to the assertion that the proposed rules only apply to significant contributors to pollution or make any attempt to define what constitutes a discharge from an animal feedlot or the discharge which constitutes a significant contributing source of pollution; and

Whereas, the farmers of Wisconsin, who have been leaders of the state and of the nation in stopping the excessive erosion of the land and in protection of the water supply, are willing to continue to be leaders in developing methods of water pollution control by cooperating with reasonable laws and regulations; now, therefore, be it.

Resolved by the senate, the assembly concurring, That the environmental protection agency is strongly urged to amend the proposed rules concerning feedlots to include specific exemptions which exempt, for example, operations containing less than 700 dairy cattle, 1,000 beef cattle and 2,500 swine and that definitions be provided specifying what constitutes a discharge from an animal feedlot and what discharge constitutes a significant contributing source of pollution; and, be it further

Resolved, That the proposed rules also be amended to direct that in all cases enforcement shall be carried on in a reasonable manner to avoid the dislocation of present producers and to provide for survival and revitalization of the small farmer; and, be it further

Resolved, That duly attested copies of this resolution be immediately transmitted to Mr. Phillip B. Wisman, EPA Information Center, Environmental Protection Agency, Washington, D.C. and to each member of the congressional delegation from Wisconsin.

GENOCIDE CONVENTION UNJUSTLY CRITICIZED

Mr. **PROXMIRE**. Mr. President, critics of the Genocide Convention have expressed their concern that ratification of this treaty would make a wide range of activities subject to punishment under international law.

Article II of the convention defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

First. Killing members of the group;

Second. Causing serious bodily or mental harm to members of the group;

Third, Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Fourth. Imposing measures intended to prevent births within the group; and

Fifth. Forcibly transferring children of the group to another group.

In a number of previous statements before the Senate I have pointed out that the Genocide Convention does not apply to many of the acts which some of its critics fear that it would. The Senate Foreign Relations Committee has enumerated those concerns which are not covered by the Genocide Convention:

It does not alter the rules of warfare, or the obligations of parties to the Geneva Conventions on the treatment of prisoners or war and the protection of civilian persons in time of war.

It does not apply to civil wars as such.

It does not apply to discrimination, racial slurs, and insults and the like.

It does not apply to voluntary population control measures.

It does not apply to the past.

However distressing some such actions may be, they do not constitute genocide under the terms of the Genocide Convention and the understandings attached to it.

Mr. President, we must ratify the Genocide Convention.

THE NEED TO ESTABLISH AN OFFICE OF CONGRESSIONAL LEGAL COUNSEL

Mr. **MONDALE**. Mr. President, I recently introduced legislation (S. 2569) to establish an Office of Congressional Legal Counsel to aid in our attempts to insure that the executive branch obeys the law and the will of Congress.

In the October 17 edition of the Minneapolis Star, Austin Wehrwein analyzes this proposal and effectively demonstrates the need for its speedy adoption. I urge that this article be read as an excellent summary and analysis of the important changes that the establishment of such an office could bring about.

Mr. President, I ask unanimous consent that Mr. Wehrwein's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

House Counsel for Congress

(By Austin C. Wehrwein)

Watergate didn't create arrogant excutive clout.

It was made possible by the existence of power there to be abused, by an accelerated, cumulative growth centered in the White House.

That trend can be summed up in two words. Before Watergate they served, in effect, as the White House's response to congressional challenge.

They were, "So what?"

The rebuttal to that, henceforth, might well be: "So we'll sue you."

This is the point of a new bill introduced by Sen. Walter F. Mondale, D-Minn., which was inspired by Ralph Nader.

Under it the legislative branch would create its own law office. Explained Mondale:

"This office would give senators and congressmen an in-house capability to bring suit against illegal executive branch actions."

The concept in full is a breakthrough.

Still, there are partial precedents.

The General Accounting Office (GAO) is Capitol Hill's own auditing and fiscal investigation agency. It is deep into legalism all the time, of necessity.

The Office of Legislative Counsel aids members in the drafting of bills, a highly technical legal art.

But neither litigates.

Impoundment brought the "so what" problem to the fore.

In the recent past there have been some 20 often successful impoundment lawsuits, including one involving rural disaster relief in Minnesota, brought by the Farmers Union.

A leading precedent for the Mondale concept was the lawsuit brought by the Missouri Highway Commission in which 22 Senators and five representatives filed an amicus curiae brief.

A. U.S. Court of Appeals affirmed a lower court's ruling that the secretary of transportation could not, contrary to express law, block appropriated funds.

Too, members of Congress filed lawsuits to attempt to end the war. Others have filed suits to gain information under the Freedom of Information Act. These cases have, however, been less successful than the Missouri highway case.

On the other hand, Mondale joined three other senators in suing successfully for the ousting of Howard Phillips from his job as acting director of the Office of Economic Opportunity (OEO). It seems the White House just hadn't bothered to send his name up to Capitol Hill for confirmation, so he had no legal right to his paycheck.

The crucial missing element in such tests is that the actual litigation was handled by private lawyers, not by employees of Congress.

Mondale praised their work. But he thinks that if the prerogatives of the legislative branch are to be restored it must have the full potential present only in an Office of Congressional Legal Counsel (CLC). Its own law firm, so to speak, one always on tap. More precisely, what lawyers call "house counsel."

The "senior partner" would be appointed by the speaker and the president pro tem of the Senate from nominations made by the leaders of both parties in both houses.

The CLC would render legal opinions.

It would, armed with appropriate authority, work with private parties bringing civil actions against the executive branch.

It could intervene in actions testing executive abuse of power. Or it could actually represent either house, or committees and individual members or employees of Congress involved in a test of the "validity of any official proceedings."

Finally, and again only after obtaining the green light under regulations, the CLC could iself bring civil actions.

In sum, the CLC would have a busy schedule, including the representation of the Congress and individual members both as plaintiffs and defendants.

This adds a new dimension to our governmental process.

Historically, the power to investigate and the power of the purse were the main joists and beams under the lawmaking function.

Mondale is now proposing the Congressional power to employ, as well as make, the laws so as to guarantee that the executive shall faithfully execute them, constitutionally.

THE NEED FOR A CEASE-FIRE IN THE MIDDLE EAST

Mr. **BAYH**. Mr. President, it was indeed distressing to learn this morning that the cease-fire has not taken hold in the Middle East. While we must strive for implementation of the cease-fire and adherence to the U.N. Security Council resolution, we must not lose sight of the fact that a major reason for the continued fighting has been the refusal of Syria, Iraq, and Jordan to accept the terms of the Security Council resolution.

Although the reason for the collapse of the cease-fire in the Suez area is less clear, there have been news reports that Egypt—after accepting the terms of the cease-fire—sought to take certain strategic lands and thus precipitated the fresh outbreak of fighting in that region.

Regardless of the success in restoring the cease-fire, it is clear that Israel will require massive military assistance to re-equip its forces and to maintain a balance with its Arab enemies who have received large amounts of sophisticated military hardware from the Soviet Union.

To this end I called some days ago for the United States to provide Israel with Phantom aircraft and other military equipment necessary to replace losses since war broke out and to maintain the power balance essential to maintaining any cease-fire which will, inevitably, be fragile and subject to great stress.

On Friday the President responded to those of us who had recommended military aid for Israel by requesting a $2.2 billion authorization to guarantee Israel the hardware it must have. I am pleased to support the President's request and shall certainly do all that I can to see that Israel receives the assistance we realize is so crucial to her survival and to lasting peace.

But I must remind my colleagues that the President, as he did last year, has sought to lump together aid for Israel and aid for Cambodia. The President's request includes an additional $200 million in military assistance to Cambodia, something of much less obvious merit than aid to Israel.

I have never had any problem distinguishing in my mind between U.S. policy in the Middle East and U.S. policy in Indochina. The President has repeatedly tried, as he is now doing, to draw a parallel in these two troubled areas, despite the fact that the situations and the U.S. national interest are really quite different in Israel and Cambodia.

Last year the Senator from Idaho (Mr. Church) and I were successful in offering an amendment to weigh aid to Israel and aid to Cambodia separately. As a member of the Senate Appropriations Committee I shall again seek to draw a necessary and valid distinction between these two separate and very different matters of foreign policy.

There simply has not been adequate justification for a supplemental military aid program for Cambodia. Indeed, I am confident that if the President did not have the more compelling argument of aid to Israel he would not even be seeking the supplemental request for Cambodia at this time. We must not be blackmailed into this piggyback arrangement, whereby we have to authorize highly questionable aid for Cambodia in order to help Israel at a time of great duress.

Without an elaborate review of old arguments, let me say briefly there is no valid analogy between Israel—fighting to defend itself from a calculated invasion made possible by Soviet aid—and Cambodia—where the question of external involvement is far less obvious and the basic character of the government is so different from the democracy in Israel.

Aiding a democracy from external attack is something we can and must do; aiding a nondemocratic government in a battle of uncertain origins is something we had better look at very carefully.

I want to reiterate my deep hope that a cease-fire can be arranged in the Middle East, as a necessary prelude to direct negotiations among the belligerents on a final peace agreement to end 25 years of intermittent warfare. But there will not be such a cease-fire, nor a lasting peace in the Middle East unless the United States provides Israel with the equipment—including aircraft—essential to restoring a balance of power. To this end I am prepared to support the President's request for a supplemental military assistance program for Israel, but reserve the right to seek a sharp distinction between that program and the proposed supplemental aid to Cambodia.

FAMILY HEARINGS

Mr. MONDALE. Mr. President, recently the Subcommittee on Children and Youth, which I chair, began a series of hearings on the "American Families: Trends and Pressures." In these hearings we are seeking to understand what influence governmental policies have on families, and to determine the extent to which public policies are helping or hurting families.

Several weeks ago, the St. Paul Pioneer Press included a very kind editorial supporting the purposes and objectives of this inquiry. The editorial said in part:

> There is no denying there are significant trends affecting the family's structure and its effectiveness as a basic unit in society and that pressures on the traditional nuclear family organization are growing . . .

Because it contains such a clear and concise statement of the goals of the subcommittee's investigation, I ask unanimous consent that a copy of this thoughtful editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A New Mondale Inquiry

Minnesota's Senator Walter Mondale, the work of his rather generously publicized Select Committee on Equal Education having been concluded, has launched hearings in another, but related field, as chairman of the Subcommittee on Children and Youth. The Inquiry is into "American Families: Trends and Pressures."

There is no denying there are significant trends affecting the family's structure and its effectiveness as a basic unit in society, and that pressures on the traditional nuclear family organization are growing, so the inquiry is germane. As the Christian Science Monitor recently observed, it may not be a subject to give a potential presidential candidate (which Mondale is) daily headlines and TV exposure, but "all the national issues impinge on the family. The state of the family tempers or aggravates all (of them)."

Right now the hearings are concentrated on the economic pressures on the family. The findings, judging by what has been heard so far, doubtless will bolster Mondale's long-pursued objectives of government helps to those Americans struggling at or under the poverty income level.

Robert Coles, who won the Pulitzer Prize this year for his books on minority and "backwoods" families, was the lead-off witness for the Mondale subcommittee. His plea was for greater consideration for the mental and emotional burdens placed on a family whose breadwinner is unemployed or underemployed. "A jobless man's situation becomes a wife's mood," Coles said, "(and) a child's feeling for what is in store for him or her, too." In other words, welfare payments and government subsidies cannot remove this psychological burden and therefore do not attack the problem at its base. Depending upon how much impact testimony of this sort may have on Congress and the public, the work of Mondale's subcommittee could bring fundamental changes in the direction and application of legislation affecting the poor.

Not as dramatic as Sen. Ted Kennedy's impending attack on the natural gas suppliers, and certainly without the exposure the Watergate hearings have given a couple of Republicans mentioned as possible presidential candidates, Mondale's work may have more basic meaning. And it would be unfair to the senator and to the work of his subcommittee to suggest that the hearings are part of any campaign build-up. There is no reason to believe Mondale's humanitarianism and interest in the well-being of the American family are anything but sincere and deeply motivated.

THE 4-F SHORTAGE: FOOD, FUEL, FERTILIZER, AND FORESIGHT

Mr. ABOUREZK. Mr. President, the senior Senator from South Dakota (Mr. McGovern) has a well-deserved reputation as a spokesman for family farmers. He has served 4 years in the House of Representatives, 2 years as director of the food for peace program, and 11 years in the U.S. Senate. He has been a member of the Agriculture Committee in both House and Senate.

On October 16, 1973, Senator McGovern spoke to the annual convention of the South Dakota Farmers Union. His remarks once more establish the depth of his concern and understanding regarding American agriculture.

He points out that even in a time of high farm prices and high farm income, the picture is not entirely rosy. Energy production has not been adequate to meet agricultural needs. Fertilizer is in short supply. Prices on the commodity markets have been characterized by wild fluctuations. Transportation has not been adequate to meet rural needs.

All of these shortages are at least partially explained by the failure of foresight. We need not accept shortages as inevitable. Most of all we need not accept the ultimate demise of the family farm as unavoidable.

Senator McGovern is committed to the concept that the family farm is the cornerstone of American food and fiber production. In his remarks he suggests four steps that will help preserve the family farm and will help provide the foresight needed as we move from an era of abundance to an era of scarcity.

Mr. President, I feel that the remarks of Senator McGovern are of such importance that I would commend them to each and every Member of the U.S. Senate. I ask unanimous consent that his comments be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The 4-F Shortage: Food, Fuel, Fertilizer, Foresight

(By Senator George McGovern)

It is an unusual pleasure to be here tonight, with so many of my long-time friends—farm leaders whose advice and opinions have been invaluable to me for all the 16 years that I have been in Washington.

As I reflect over those four years in the House of Representatives, two as President Kennedy's Food for Peace director, and nearly 11 years as your Senator, I find it difficult to name any single year which has been so momentous for American agriculture as the past year.

Average prices for farm products surpassed 100 per cent of parity for the first time since 1952. Corn stands at 114 per cent, wheat at 127 per cent.

U.S. farm exports this year will set another new record—probably approaching $20 billion.

You are harvesting an all-time record crop—nearly six billion bushels of corn, two billion bushels of wheat and one and one-half billion bushels of soybeans.

A harvest-season price of $2.50 per bushel for corn and $4.75 per bushel for wheat is almost unheard of.

And there are no surpluses overhanging the market, threatening to force prices down to depression levels.

At no time since I became your representative in Washington—at no time since I first joined the House Agriculture Committee back in 1957—could it have been possible to report such encouraging facts.

"Secretary of Agriculture Butz, as early as May of this year, was referring to prosperity for agriculture as ". . . the promised land of sustained growth, profitable production, and income commensurate with that realized by non-farm sectors of the economy . . ."

But is the picture honestly that rosy? Have we really reached the "promised land" in American agriculture?

Let's examine a few more developments of the past year.

The productive miracle of the American farm, for the first time since World War II, could not produce all the food to meet domestic and foreign demand.

U.S. energy production, for the first time, failed to make enough petroleum available for every need. There is not enough propane for crop drying, and many fuel dealers could not meet commitments for harvest operations.

Fertilizer is in seriously short supply. Anhydrous ammonia alone is projected to be one-million tons short in 1974, and many farmers already cannot obtain fertilizer for this fall's field preparation.

The prices of future contracts on many commodities have swung wildly up and down, out of all relation to supply and demand, causing anxiety and uncertainty throughout the food chain.

Boxcars have not been available to move grain to market.

A number of Federal rural assistance programs—REA, rural water and sewer, conservation cost-sharing and others—were arbitrarily cut back by the Administration earlier this year.

And the cost of everything you buy—from feed and feeder livestock to machinery, supplies and interest rates—have increased enormously.

These problems have led to unprecedented complications.

For the first time when the Nation was not at war, the Administration imposed price controls on food and farm products. For the first time in memory, limitations were placed on farm exports.

In the cities, housewives held angry meetings to denounce the price of food and, at least by inference, denounce the farmer for unfairly increasing his prices.

It has been an eventful year for American agriculture. And no wonder that many of us, despite the most encouraging farm prices in a quarter century, have been justifiably nervous.

Most of you have wondered, as I have, how the strongest nation in the history of the world, with the most advanced economy and sophisticated technology, could blunder into chronic shortages of the "three F's"—food, fuel and fertilizer.

The answer, it seems to me, lies in the shortage of a fourth "F"—foresight.

We have known for years that per capita food consumption in the United States and the rest of the developed world has been growing faster than the world's capacity to produce.

We know that the American consumer has become accustomed to 110 pounds of beef, 65 pounds of pork, and 560 pounds of milk and dairy products each year. And we know that rising incomes in the industrial nations make it possible for consumers in other countries—notably Japan and Western Europe—to want and to bid for as much.

Yet we did not plan for an era of scarcity. We continued to plan as if we were destined for centuries of abundance.

It took no great prophet to warn that a Nation with 6 per cent of the world's people using 34 per cent of the world's energy resources would some day exhaust those supplies.

Yet we continue to build two-ton automobiles to carry one person to and from work, consuming a gallon of gasoline in every 7 or 8 miles.

And certainly it has been apparent for many years that, as developing nations improved their economies, they would learn and want the tools of modern food production.

But still, in the face of rapidly rising world demand for farm inputs such as fertilizer, the world's capacity to produce fertilizer slipped relatively behind.

I wonder how it might have been different if the foresight and the ideas of the people in this arena tonight had been setting American food and farm policy. By looking back at some of the policy recommendations over the past 10 or 15 years, I think we can see how it might have been different.

Had one of your key recommendations prevailed, America would have had a strategic reserve, stored on farms, adequate to cope with periods of unanticipated demand such as we have just seen.

We would have had adequate supplies to meet export needs such as that of the Soviet Union last year, without the need for a massive taxpayer subsidy for the grain trade, and without selling one-fourth of your wheat crop in a manner that did not adequately reimburse the producer.

If we had adopted the kind of price policies advocated by the Farmers Union for so many years, food prices and farm income would have moved up steadily over the past 25 years, rather than ballooning in a period of a few short months.

I am convinced that the anguish expressed by consumers earlier this year would have not occurred, if only food and farm prices had kept pace with urban people's incomes and the increases in cost of everything else they buy.

As a result, there would have been no boycotts, no pressure for price rollbacks, and no imposition of this year's unfair and self-defeating food price controls by the President.

Your forward-looking transportation policies could have served to prevent, or at least ease, the crunch created by the lack of rail facilities to move grain to market.

Certainly, the time-honored Farmers Union position on price and income supports, had it been listened to many years ago, would have resulted much earlier in the kind of "target price" system which is in this year's farm bill. But it would have been a far better one.

I am pleased with this year's farm bill, because it establishes in part the concepts first articulated in the Brannan Plan a quarter-century ago. It sets a minimum price, below which the Federal government will not permit farm income to fall. And if market prices should drop below that minimum target price, a direct payment makes up the difference.

And it almost goes without saying that your forward-looking advocacy of greater public control of the Nation's energy resources could have prevented the kind of energy shortage which American farmers are facing this year.

But the Farmers Union position which I regard as the foundation on which all other policies rest is your unending insistence on the family farm as the cornerstone of American food and fibre production.

Had American agricultural policy been established on the firm protection of America's farm families, I am convinced that we would not find ourselves in the contradictions which face us today.

The consumer would be less prone to criticize our agricultural sector if he or she knew that the principal beneficiary of increased food prices were families just like them, and not the corporate giants whose principal responsibilities are to wealthy stockholders.

The substantial increases in farm income this year would be spread more evenly, and spent more widely in the rural communities of America.

And there would have been, over the past dozen years, sustained growth in the farm market for fuel, fertilizer and other farm inputs which are in short supply, and healthy railroad systems serving all rural America.

But, to my regret, this kind of foresight has been lacking in Washington. And we are faced with a number of problems and challenges which must be met. I would like to outline for you just *four* of the steps which, I believe, we must take to prevent a recurrence of many of the less hopeful developments of the past year.

First, we must re-direct our policy from one which grew out of a surplus mentality to one which deals with an age of scarcity. That means we must come to grips with America's role as a food provider in the face of spreading world hunger. We no longer have surpluses to give away, and we must determine how we are to respond to famine and drought in less developed areas.

Maintaining a capability to provide food for those in need is not only a humanitarian goal, but one which is important to every American farmer. This week I released a study, done for my Senate Nutrition Committee, which demonstrates the impact on the American farm economy of our domestic and foreign food assistance programs. It demonstrates how Food for Peace, food stamps and child feeding programs have provided a sustained, steady source of farm income.

The senior Republican member of the Senate, George Aiken of Vermont, has joined me in an effort to establish a U.S. policy of cooperation and leadership in the development of domestic and foreign food reserves. We should never be caught short again, such as we were in 1973.

Second, we must do more to provide incentive to American farmers to produce the food and fibre that will be demanded by a growing world population and rising world income.

That means that the Secretary of Agriculture should fully use the powers granted under the new farm bill to make it more certain that the farmer will earn a profit if he expands production as the Secretary asks.

One significant action by the Secretary this year goes counter to that goal. In calling for all-out feed grain production, Secretary Butz established a national acreage allotment of 89 million acres for 1974. That compares with 130.1 million acres this year. While it is not likely that prices will fall significantly in 1974, and deficiency payments to make up the target price are not likely to be paid on the farmer's allotted acreage, such a low allotment is a dangerous precedent. It further increases the financial risk of not getting your crops planted or harvested because of natural disaster, because the bill provides disaster payments only on allotted acres.

And it means that we should increase the target prices in existing law. When we set the target prices in the Senate Agriculture Committee in April of this year, we used figures which then represented 70 per cent of parity. But by the time the bill came out of Conference, because of the threat of a veto, they had been reduced—to $2.05 per bushel for wheat, $1.38 for corn. And we lost two years of the escalator clause.

But since we started to draw up the farm bill, production costs have increased 7.6 per cent—that's an annual rate of almost 18 per cent. To be fair, then, and have the Federal government share the risk of all-out production, I believe the target price should be increased to at least 70 per cent of parity. Based on today's prices and costs, that means $2.46 for wheat and $1.65 for corn.

Compared with today's market prices, target levels such as those are modest indeed.

Third, we must reform the system of commodity futures trading which affects the price of everything you sell and everything you buy.

Last Friday, I introduced a bill to overhaul the system of Federal regulation of commodity exchanges, in the hope that we can stop the excessive speculation which brought soybean prices to $12.90 a bushel—a price that no farmer in this room ever received or is likely ever to receive.

I propose the creation of an independent, five-member Commodity Exchange Commission, patterned after the Securities and Exchange Commission, which regulates the stock market. My bill would give that commission significantly expanded powers to deal with speculators, and to prevent conflicts of interest which can serve to harm both farmers and consumers.

Some sort of legislation is likely to pass the Congress next year. I have spent the last four months studying the need for reform, and I am convinced that the time is at hand for a positive result.

And *fourth*, we should enact the Family Farm Act of 1973. Senator Abourezk and Senator Gaylord Nelson of Wisconsin and I have introduced a bill which would prohibit farming by large, non-farm corporations which compete unfairly with the family farmers of America.

They are not more efficient; they are less efficient. But they have tax breaks and can compete unfairly for capital, machinery, and other production inputs.

These four steps, I submit, would help develop a system of production of food and fibre which would fairly reward the men and women whose labors are at the very heart of that system. It would be fair to the consumers in our great cities, and to the people of the world.

Such policies would help restore America's image in the world community. And they would, more than anything else, affirm America's leadership in the world.

It does us little good to have the most damaging weapons and the strongest war machine if our economy is in chaos and our capacity to produce food is in disarray. Because America must be more than a first-rate military power. We must be a first-rate moral power if we are to bring peace and order to a troubled world.

With your help, and your continued foresight, we can build the kind of world that we deserve and our children require.

MAKING AMERICA SAFE FOR DEMOCRACY

Mr. McGOVERN. Mr. President, tonight I will address an audience at the Virginia Commonwealth University in Richmond, Va. This is an address which grows out of weeks of thought on my part as to the constitutional crisis the Nation now confronts. I have come to the painful conclusion that given the disturbing revelations of misconduct in the Nixon administration, the dismissal of Special Prosecutor Cox, and the difficulty of pursuing unanswered questions by other methods, that the time has come to begin impeachment proceedings.

Since the election last year, I have been reluctant to speak on the President's involvement in Watergate, because I felt my remarks might be interpreted as the vindictive behavior of a defeated candidate. But I have now come to the conclusion that the only way we can restore public confidence in our constitutional system and establish either the President's innocence or his guilt once and for all is through the constitutional process of impeachment.

I ask unanimous consent that the full text of the address I intend to deliver this evening be printed in the RECORD,

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MAKING AMERICA SAFE FOR DEMOCRACY

(By Senator GEORGE McGOVERN)

In the oath of office taken by the President and members of Congress, there is a single thread from which the fabric of our Republic is woven—and that is to protect and defend the Constitution.

If this thread is broken, then the tapestry on which we have predicated almost two hundred years of our national existence becomes unraveled and meaningless. Those who disregard the Constitution do so at their own peril. And when the office they hold is high enough, and their power great enough, any defiance of the Constitution imperils us all.

The Constitution has been challenged before. And we have survived, because men of honor have put the law and the Constitution above all other concerns. And now we are being tested again.

I do not know what is on those celebrated White House tapes. I do not even care to speculate.

But I do know this: America cannot function with a President who believes he is above the law and who claims the right to defy the Courts, the Congress, and the Constitution.

And I also know that after this turbulent weekend, there is just one agency left with a constitutional remedy. It is the Congress, and the remedy is impeachment. And if we fail to use that remedy, then we, too, invite the contempt of the American people. So as a citizen who loves this nation and as a United States Senator, I believe that the House of Representatives should exercise its constitutional power to begin impeachment proceedings.

We are surrounded by grave national concerns. Yet, the national government is at a standstill, paralyzed by the worst political scandal in our history.

We turn on the news hoping to hear about progress on the fuel crisis so that there will be enough heating oil this winter. Instead, we hear that still another White House aide has been indicted.

We hope to hear that inflation is abating, but instead, we read that the "law and order" Vice President of the United States, after protesting his innocence for so long, has copped a plea to avoid a prison term.

We hope to learn that crime is more nearly under control. Instead, we hear more about a crime wave at 1600 Pennsylvania Avenue.

And finally, we learn that one clear difference between Mr. Nixon and Mr. Agnew is that Mr. Agnew could not fire the people who were investigating him.

Mr. Nixon would have us believe that our national government has not responded to urgent needs in other areas because the Congress has been "wallowing" in Watergate.

But let us not forget who created this wallow and who now keeps us in it—not those who are determined to seek out the truth and to punish the guilty—but those who committed and condoned crimes and who now obstruct justice.

Since the election a year ago, I have been reluctant to speak on the President's involvement in Watergate. For many months I have remained almost silent in the belief that it might seem vindictive for the defeated presidential candidate to comment on the conduct of his opponent's campaign.

So when I have discussed this issue, I have expressed a desire to accept the President's claim of innocence. And I have suggested that even these bad times for the few who have failed the American people could lead to good times for the American system by inspiring a new appreciation for the rule of law and a new respect for the Constitution.

But those hopes, without prompt and vigirous action by the Congress, no longer hold.

How can we take seriously the President's claim to the presumption of innocence if by his every action he invites the assumption of guilt?

And how can we proclaim a renewed faith in the Constitution, if we fail now to use the constitutional mechanisms devised by the framers for precisely the condition we are in today?

It is important that we know the nature of that remedy—that we understand what impeachment does and does not mean. For what I propose today is not that Mr. Nixon be removed from office; it is only that we begin this one kind of inquiry that he must take seriously, because he knows it could lead to that result.

Our constitutional draftsmen understood the lessons taught by the rule of powerful and often arrogant monarchs in England. They feared an excess of power in executive hands. And they took two steps to prevent it.

First, they established checks and balances among the three branches of government. The war power and the power of the purse—those most susceptible to abuse—were placed in the Legislature, the branch closest to the people.

And second, the framers understood that even checks and balances in the Constitution might not suffice in the absence of checks and balances in the President's own conscience. I think they recognized that even the most carefully constructed system could not restrain any leader who was determined to thwart it. So Congress was given the power to investigate the conduct of the President and, in cases of high crimes or misdemeanors, to remove him from office.

If we draw a parallel with the laws by which the rest of the American people are governed, the role of the House of Representatives is similar to that of a Grand Jury. If after investigating and evaluating the facts, a majority of the House votes for impeachment, all that means is that probable cause of wrongdoing has been found and that the case should be tried by the Senate. In other words, the House, like a grand jury, may bring an indictment, which then opens the way for a trial by the Senate.

After the President is impeached by the House of Representatives, the Senate determines his guilt or innocence, with the Chief Justice of the United States presiding over the trial. And here, the standard is more stringent. While the impeachment, or indictment, is accomplished by a simple majority vote in the House, conviction, or removal from office, cannot be voted by anything less than a two-thirds majority in the Senate.

So the procedure is straightforward. It includes ample safeguards for the President and rigorous standards of proof.

And while it provides that remedy, the Constitution also assures that the removal of one man shall not mean either the collapse of the Presidency or the fall of our system. Indeed, James Madison and his colleagues saw the power of impeachment as an essential restraint against arbitrary one-man rule.

The American people can be assured that the government will continue. Considering the performance of government over the past nine months, it may well be that impeachment, far from damaging our political system, is the best method of restoring public confidence in that system. It could dispel the dark clouds over the White House, either by vindicating the President's claim of innocence or by replacing him with someone who will heed the obligations of the Constitution.

As a member of the Senate, I must reserve my judgment on conviction until the case is before the Senate. But the process of impeachment should begin now.

Indeed, some authorities, including members of the House of Representatives and the entire national board of the distinguished American Civil Liberties Union, have seen grounds for impeachment for some time.

In describing the "decisive engine" of impeachment, James Madison declared that it should make the President personally responsible for his subordinates—"to superintend their conduct so as to check their excesses." Certainly, there is cause to question whether that responsibility has been met.

The list of Nixon Administration offenses includes bribery, forgery, burglary, perjury, unlawful wiretapping, obstruction of justice, destruction of evidence, improper use of sensitive government agencies such as the Internal Revenue Service, the FBI and the CIA, and the "fixing" of antitrust suits.

If Mr. Nixon knew about this criminal behavior and either condoned it or covered it up, he has obviously betrayed his high office. If he did not know that all about him, his top aides were sabotaging our democratic process, he is obviously unqualified to lead a great nation.

The President's oath of office requires that he uphold and defend the Constitution, which assigns the war power to Congress. Yet, Mr. Nixon deceived the Congress and the American people by covering up and denying fourteen months of bombing in Cambodia. Did that action uphold the Constitution, or were the Constitution and the presidential oath both betrayed?

Those activities and others—including the establishment of a White House "plumbers" unit with a mandate which contemplated clear violations of law—all raise the impeachment question.

But Mr. Nixon has gone much further. He says he offers compromise through the courtesy of Senator Stennis on the White House tapes; but in fact, he stands in contempt of definitive orders by the United States District Court and the Court of Appeals. Judge Sirica did not instruct Mr. Nixon to summarize selective portions of the tapes for a single Senator of his choosing. He ordered him to surrender the tapes for examination by the Court. The Court of Appeals sustained Judge Sirica. The President's obligation was to appeal those decisions of the highest Court in the land, or else to obey them. He has done neither. And his conduct not only prevents a full and fair investigation of his own role in a clear defiance of the rule of law; it also jeopardizes the prosecution and the defense of other alleged participants in Watergate.

Finally, Mr. Nixon stands in contempt of the United States Senate. Elliot Richardson was confirmed as Attorney General only after the President pledged that Mr. Richardson would have absolute authority to make all decisions bearing upon the Watergate case and related matters . . . [including] the authority to name a special supervising prosecutor for matters arising out of that case."

And before he was confirmed, Mr. Richardson promised the Senate that he would do just that, and that the special prosecutor would be independent. Mr. Richardson kept his promise, even though he was ordered to violate it, and even at the risk of his career. And Mr. Nixon kept appointing acting Attorneys General until he found one who wanted the job badly enough to dismiss Special Prosecutor Cox and then seal off and close down his office, and stop the Watergate inquiry dead in its tracks.

In effect, Mr. Nixon has served notice that no inquiry by the Justice Department or by the judicial system will be permitted to follow the truth into the oval office. Is this not clearly an obstruction of justice? Surely, Mr. Nixon knows that the Senate insisted on an impartial prosecutor in the first place because it had ample reason to doubt the reliability of the Administration's investigation of itself. But beyond this, the courts have spoken clearly to Mr. Nixon and he has chosen to ignore their orders.

After this most recent constitutional challenge, the Congress has no choice but impeachment.

Other nations have fallen in the wilderness in which we now wander, where the pursuit of power breaks the bounds of principle, where there is justice only for some and finally liberty for none.

Yet, there is a beacon in the gathering darkness; it has lighted our way and the work of our forbearers throughout the life of this land. That beacon is the Constitution, and if we follow it now, we can come home again to the true America. We can live once more by ideals instead of deals. We can be ruled once more by democratic traditions instead of dirty tricks. We can step again to the message which has seemed until recent days to be sounded only by a distant drummer—a faith which was kept by Archibald Cox even as he lost his position—that ours must be a government of laws, not of men, and certainly, not of one man. No one man is indispensable to the Presidency, but the Constitution is indispensable. The law must be sustained; and the highest officials of government have the most solemn obligation of conscience to bend their wishes and their will before the bar of justice.

So the question of impeachment is put to the Congress and the country. We hoped to avoid it, but it has come. We sought to avert a constitutional crisis, but unless we face it, we will sanction and perhaps fasten upon our children the excess of an unrestrained executive power. If what this President has done is not a cause to begin impeachment, what can ever call any President to account?

This is not a partisan matter, but a matter of principle. Elliot Richardson and William Ruckelshaus are Republicans who resigned, not to help the Democratic Party, but because they put duty to America ahead of any political party. And this is not an attack on the Presidency, but a defense of it. For if we condone, even by our inaction, the wrongs of Watergate and the White House horrors, our political process will be dishonored; the office of the Presidency will be disgraced; and we will be blamed as long as men read or remember history for betraying the promise of America.

We cannot wait for history's judgment. We must have the courage to judge. We must find a way out of the wilderness. And there is only one path, marked out for us by Thomas Jefferson in the Declaration of Independence and by James Madison, the father of the Constitution. Here in this historic City, we remember their heritage; and in every part of this country we must resolve to make our own. We must follow our conscience and our Constitution wherever they take us, even to impeachment. We can change Presidents, but we must not change our principles.

Almost sixty years ago, a great Virginian and a great President, Woodrow Wilson, called on the people of this nation to make the world safe for democracy. Now, we the people must summon ourselves to a task at least as difficult and even more fundamental—to make America safe for democracy.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a call of the calendar beginning with Calendar No. 444 and extending through Calendar No. 450.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The resolution (S. Res. 178) authorizing additional expenditures by the Committee on Interior and Insular Affairs for routine purposes was considered and agreed to as follows:

Resolved, That the Committee on Interior and Insular Affairs is authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $25,000 in addition to the amount and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946, and in S. Res. 96, agreed to May 10, 1973, and S. Res. 137, agreed to July 20, 1973.

ADDITIONAL COPIES OF SENATE HEARINGS ON COPYRIGHT LAW REVISION

The resolution (S. Res. 188) authorizing the printing of additional copies of Senate hearings on copyright law revision was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on the Judiciary one thousand additional copies of the hearings before its Subcommittee on Patents, Trademarks, and Copyrights during the present session on Copyright Law Revision.

SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 170) authorizing supplemental expenditures by the Committee on Veterans' Affairs for inquiries and investigations which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 1, after the word "Resolved," strike out "That S. Res. 47, Ninety-third Congress, agreed to February 22, 1973, is amended as follows:

(1) In section 2, strike out the amounts "$100,000" and "$40,000" and insert in lieu thereof "$250,000" and "$50,000", respectively." and, in lieu thereof, insert: "That section 2 of Senate Resolution 47, Ninety-third Congress, agreed to February 22, 1973, is amended by striking out the amounts "$100,000" and "$40,000"

and inserting in lieu thereof "$210,000" and $50,000", respectively."

The amendment was agreed to.

The resolution, as amended, was agreed to.

ORDER FOR PRINTING OF A COMPILATION OF THE 25TH AMENDMENT

The Senate proceeded to consider the resolution (S. Res. 183) authorizing the printing of a compilation of materials on the 25th amendment as a Senate document which had been reported from the Committee on Rules and Administration with an amendment on page 1, at the beginning of line 6, strike out "document for the use of that committee." and insert "document, of which one thousand copies shall be for the use of the Committee on the Judiciary and one thousand copies shall be for the use of the Committee on Rules and Administration."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That a compilation entitled "Selected Materials on the Twenty-fifth Amendment", prepared by the Subcommittee on Constitutional Amendments, Committee on the Judiciary, be printed as a Senate document, and that there be printed two thousand additional copies of such document, of which one thousand copies shall be for the use of the Committee on the Judiciary and one thousand copies shall be for the use of the Committee on Rules and Administration.

ORDER FOR PRINTING ADDITIONAL COPIES OF HEARINGS ENTITLED "U.S. INTERESTS IN AND POLICY TOWARD THE PERSIAN GULF"

The concurrent resolution (H. Con. Res. 275) providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests in and Policy Toward the Persian Gulf" was considered and agreed to.

ORDER FOR PRINTING ADDITIONAL COPIES OF REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

The concurrent resolution (H. Con. Res. 322) to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States was considered and agreed to.

ORDER FOR PRINTING AS A HOUSE DOCUMENT THE CONSTITUTION OF THE UNITED STATES

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 184) to print as a House document the Constitution of the United States which had been reported from the Committee on Rules and Administration with an amendment on page 2, add the following new section:

Sec. 2. There shall be printed fifty-one thousand five hundred additional copies of the document authorized by section 1 of this concurrent resolution for the use of the Senate.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 23, 1973, he presented to the President of the United States the following enrolled bills:

S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974; and

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Helms). Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 442 and 443.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES AND IMMUNITIES TO THE ORGANIZATION OF AFRICAN UNITY

The bill (S. 1526) to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Organizations Immunities Act (22 U.S.C. 288–288f) is amended by adding at the end thereof the following new section:

"Sec. 12. The provisions of this title may be extended to the Organization for African Unity in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.".

CERTAIN PRIVILEGES GRANTED TO THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

The bill (H.R. 5943) to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States was considered, ordered to a third reading, read the third time, and passed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Friday, October 26, 1973, the Senate will convene at 12 o'clock noon.

Under the order previously entered, after the recognition of the two leaders or their designees under the standing order, there will be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to the usual three minutes.

I do not anticipate any business, unless there are measures on the Calendar which have been cleared for action and possibly any conference reports that may be available and awaiting action.

I do not, at this time, anticipate any yea-and-nay votes.

ADJOURNMENT TO FRIDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Friday next.

The motion was agreed to; and at 3:07 p.m. the Senate adjourned until Friday, October 26, 1973, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate on October 19, 1973, pursuant to the order of October 18, 1973:

FOREIGN CLAIMS SETTLEMENT COMMISSION

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1973 (reappointment).

HOUSE OF REPRESENTATIVES—*Tuesday, October 23, 1973*

The House met at 12 o'clock noon.

Rabbi Sally Preisand, Stephen Wise Free Synagogue, New York, N.Y., offered the following prayer:

Once again, we consecrate ourselves to the task of building a better world. Those who sit here have been granted positions of authority by their fellow citizens. May they use their power wisely and for the good of all, and may their decisions ever reflect a true sensitivity toward human needs. May they uphold the law of righteousness in America and courageously defend the democratic system wherever its survival is threatened. Proud of our achievements, yet aware of our shortcomings, may all our citizens unite in the spirit of concord and compassion to solve the problems of contemporary life and to create a world in which all people might at last live together in peace and in unity with none to make them afraid.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

RABBI SALLY PREISAND

(Ms. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, today we have been privileged to hear the prayer and receive the guidance of Rabbi Sally Preisand, assistant rabbi of the Stephen Wise Free Synagogue in New York.

This is indeed a historic occasion for more reasons than one. One is because, Mr. Speaker, Rabbi Preisand is the first woman rabbi in America and the first to offer the morning prayer to the House of Representatives.

Ordained over a year ago, Rabbi Preisand is now associated with one of the finest synagogues in all New York, the Stephen Wise Free Synagogue, which serves many of my constituents and those of other Members of this House. Educated at the University of Cincinnati and the Hebrew Union College, she fulfills all the duties of a member of the clergy. She performs marriages and leads confirmation classes and Hebrew studies; she meets with the youth groups and with the trustees; she works with the elderly and the young; and conducts the Friday night and Saturday morning worship services.

But as Rabbi Preisand has said, "A rabbi is also a leader and a counselor." Rabbi Preisand recognizes the importance of her position as a model for young Jewish women. She has said, "I'm proud, perhaps proudest, that now little girls can grow up knowing they can be rabbis if they want to." Her accomplishments have been recognized by many all over the country.

As we learn from her words today, so can we learn from her life; to help others, to give leadership and to be open to change within the institutions of our society must be our goal, as it is hers.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS JUDICIARY COMMITTEE TO STUDY IMPEACHMENT QUESTION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, let us review the action of the President of the United States.

No other President in the history of this Nation has brought the highest office in the land into such low repute. His conduct must bring shame upon us all.

By his highhanded firing of the special prosecutor, President Nixon has violated the solemn promise he made to the Congress and to the American people on nationwide television last April 30.

The resignation of the Attorney General, Mr. Richardson, and the Deputy Attorney General, Mr. Ruckelshaus, was the only course available to honorable men. And of honorable men, this administration has had few enough. Now it is poorer still by two and many excellent staff assistants.

I have never seen such an avalanche of angry telegrams. The Capitol required extra help on the switchboard over the weekend. The Western Union lines were jammed.

Mr. Speaker, many people are demanding impeachment. They have suffered patiently through the whole sordid Watergate mess. In the American spirit of fairplay and the right to a presumption of innocence, they accepted the arrangement proposed by President Nixon last April—a special prosecutor who would investigate Watergate wherever it might lead and who would make the truth known to the American public. Those were the terms fixed by President Nixon himself.

Now he has chosen to violate those terms—deliberately and with premeditation. His act raises serious questions of President Nixon's ability to govern this Nation.

He has left the people no recourse. They have had enough doubledealing. In their anger and exasperation, the people have turned to the House of Representatives. It is the responsibility of the House to examine its constitutional responsibilities in this matter. The case must be referred to the Judiciary Committee for speedy and expeditious consideration. The House must act with determined leadership and strength.

LEGISLATION TO PROHIBIT PRESIDENT FROM APPOINTING ACTING DIRECTOR OF FBI

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, I have today introduced a bill which I have had under consideration for some time, a bill which would prohibit the President of the United States from appointing an Acting Director of the FBI. I do not believe that any man should be able to appoint an Acting Director of the FBI and ask that the files of anyone whom he chose be turned over to the President.

I have given this authority to the oldest-in-seniority Justice of the Supreme Court, and then just to make sure I have said that anyone who acts under color of authority of the President be liable to 6 months in jail and a $10,000 fine.

I urge the Committee on the Judiciary to take immediate recognition of this bill and to enlarge it so that a President of the United States cannot appoint an Acting Director of anything for any period whatsoever.

The President should not be able to tell a day enforcement officer, "Do what I tell you to do and I will promote you; or I will fire you if you do not." This is dictatorship and contrary to the American system.

REPUBLICAN LEADERSHIP SUPPORTS REFERRAL OF RESOLUTIONS TO COMMITTEE ON JUDICIARY

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I wish to announce to the Members of the House that the House Republican leadership met this morning and I communicated the information to the distinguished Speaker of the House that we do support the referral of any resolutions to the House Committee on the Judiciary.

IMPEACHMENT OF THE PRESIDENT

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, I have introduced a resolution of impeachment.

I have done so because I think the crisis that today confronts the country demands that we in the House not step away from confronting that crisis by taking less than the concrete step of impeachment. To begin an "inquiry," to begin less than an impeachment process, is an admission on the part of the House of Representatives that this body is not willing to accept the responsibility that the Constitution thrusts upon it, and that the bizarre actions of the President last weekend thrust upon it.

The President's incredible and bizarre actions this last weekend have culminated a long pattern of pure and unmistakable obstruction of justice. The President has shown utter contempt for the judicial branch of the Government. He has shown equal contempt for the legislative branch of the Government. The President does not believe in a rule of law. His arrogance and lawless activity can no longer be tolerated.

If the House of Representatives refuses to embark upon a proceeding of impeachment, the House of Representatives will be deserving of that contempt.

Mr. Speaker, I urge the House of Representatives to commence impeachment proceedings against the President immediately.

PROPOSED SELECT COMMITTEE

(Mr. SISK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, it is with a great deal of sorrow that I find myself in a situation today where I introduced a resolution to create a select committee of 15 Members empowered and with full authority to report an impeachment resolution to the House within 30 days, or such other resolution of censure or anything else that that committee may find necessary to meet this situation.

Mr. Speaker, I deeply regret that this action is necessary, but this Nation is confronted not only with a constitutional crisis, but a question of whether, in fact, the President of the United States has placed himself above the law and has actually violated laws.

Mr. Speaker, certainly in connection with the statement made by the minority leader a few moments ago, I will support a full-scale investigation and immediate action by the Judiciary Committee, if that is the desire of the leadership. But I want it clearly understood that I feel very strongly that this matter must be done immediately, that we can no longer drag our feet; that it is no longer a matter that can be swept under the rug and that we must proceed expeditiously, because the country demands it. I think America demands it in equity and in justice.

Therefore, we as Members of this House must live up to our constitutional requirements and meet our obligations.

PROPOSED IMPEACHMENT PROCEEDINGS

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I as chairman and 11 other Members of the House were in Ankara, Turkey, to attend a meeting of the North Atlantic Assembly, when on early Sunday morning we received this news. The immediate decision was, because we did not know what might happen today, to return; and we arrived only at 11:30 today at Andrews Air Force Base. But I can say that when this word was given to the standing committee which met on Sunday of what the President had done, there was absolute amazement, shock, and horror, from every delegate there. In any other country in the world the President would have resigned. If he had not, he would have been forced by a vote of no confidence by precipitating this crisis and taking over as his domain the judiciary of the United States.

I have supported the President a lot more than I have ever opposed him. I have supported him almost 100 percent in foreign policy, but I cannot condone this kind of action.

I would have no more confidence in the Justice Department under his handpicked man than I would in an Egyptian war communique.

I just want to say that I am willing to wait for a reasonable investigation, that is, in a reasonable length of time; but if it drags on, then I think the House will be confronted with some Member calling up an immediate impeachment resolution for a vote up or down.

IMPEACH THE PRESIDENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, will the gentlewoman yield?

Ms. SCHROEDER. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I have introduced today a resolution setting forth reasons why President Nixon should be impeached for high crimes and misdemeanors.

The President has shocked the Nation by defying a Federal court order on the tapes and violating a solemn commitment to the Senate by summarily dismissing special prosecutor, Archibald Cox, and abolishing his office. There has been a groundswell of protest from every part of the Nation, from Republicans as well as Democrats, from citizens who profoundly respect our constitutional form of democracy and are appalled that the Chief Executive does not.

A common theme appears in the phone calls and telegrams pouring into my office: The President is not above the law or beyond the reach of the courts. He must be called to account for his actions through the process of impeachment by the House and trial by the Senate.

Since last May I have been asking the House Judiciary Committee to inquire into the conduct of the President to determine whether he has committed impeachable acts. I believe it is now evident that he has done so. His contempt for the Constitution, the courts, and the people, as seen in the Cox dismissal, climaxes a long series of unlawful and antidemocratic actions by the President. His attempt to cover up the evidence and to shut down the Cox investigation indicates that the trail was indeed leading into the Oval Office.

The articles of impeachment I have offered charge the President with seven separate violations of the Constitution and the law, ranging from the tapes issue and the ouster of Mr. Cox to the impounding of funds and the secret, illegal bombing of Cambodia.

All these and other charges should be thoroughly investigated by the Judiciary Committee so that the people may have the full facts.

IMPEACHMENT OF THE PRESIDENT

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, my office and my home have been flooded with calls from constituents since the President discharged Special Prosecutor Cox last Saturday evening.

One woman from Rhinelander, Wis., called me at 12:30 Saturday night. She told me that last November, even though she was 8½ months pregnant, she had distributed literature in support of the reelection of the President. She asked me to please support impeachment proceedings. Her call was not unique. Many good Republicans are every bit as disturbed as Democrats over the sobering turn of events of this weekend.

There are many important questions surrounding the events of the past weekend and the entire Watergate controversy. But, for the country, the most important question to ask is whether Richard Nixon's Presidency has lost its usefulness. I believe it has. For this President, trust is gone, belief is gone, the public's good will is gone, and nothing short of a miracle will restore it.

Presidents are elected for 4 years to govern, not to rule, and it is sadly apparent that this President can no longer really govern.

Mr. Speaker, I believe you and a delegation from the House should call upon the President, pledge early action on the nomination of Representative FORD to the Vice Presidency, and urge Mr. Nixon's immediate resignation for the good of the country upon the confirmation of Mr. FORD. That would be the best thing Mr. Nixon could do for the country.

CENSURE OF THE PRESIDENT

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LONG of Maryland. Mr. Speaker, heretofore, I have been reluctant even to think about impeachment, but if the President persists in his defiance of the courts, and in his orders to the Federal prosecutors not to seek to invoke the judicial process further to compel production of recordings, notes, and memoranda regarding the Watergate prosecution, then our Constitution is imperiled and Congress has no alternative, but to proceed with impeachment proceedings.

I represent a district which voted for Nixon by a 75-percent margin. Yet, yesterday, I received 239 telephone calls of which 200—5 to 1—were for impeachment. These calls came from people of all economic conditions and political persuasion. Never has anything even approached this outpouring of sentiment in my district. It is as if a dam had broken.

First, I support the launching of an inquiry leading to impeachment.

Second, if the inquiry results in a finding that the President is in violation of the law, and of the Constitution, I shall vote for impeachment.

Third, I urge that the investigation into the qualifications of GERALD FORD be speeded up, in the hope that Congressman FORD can be confirmed by Congress as Vice President with the view of removing any political considerations from the impeachment proceedings.

Fourth, I came here today introducing a resolution of censure of the President; a resolution that does not prejudice or preclude any subsequent proceedings for impeachment.

PREMATURE IMPEACHMENT PROCEEDINGS

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FISHER. Mr. Speaker, I am amazed at the Members who have so prematurely urged impeachment proceedings against the President. After all, as of this time, what has he done? The Attorney General has said the President as of this time has violated no court order.

The issue over revealing the contents of recordings of private conversations by the President with his aides has been litigated extensively. Last week Mr. Nixon announced a plan to reveal the contents of the recordings and have the accuracy and completeness of his summary verified by Senator JOHN STENNIS. That arrangement had the approval of Senator ERVIN and of Senator BAKER, spokesmen for the Senate Watergate Committee. If it is not approved by Judge Sirica, then that would present another question. But that point has not yet been reached.

In regard to the President firing Archibald Cox, who had defied the President's plan to reveal the contents of the tapes, that certainly is no grounds for impeachment. I recall that when President Truman fired General McArthur, thousands of telegrams of protest were received on Capitol Hill. But no one even suggested impeaching Truman. After all, Mr. Cox worked for the executive branch and President Nixon was his boss.

Let us restrain ourselves until the outcome of the President's proposal to reveal the contents of the tapes has been determined.

IMPEACHMENT OF THE PRESIDENT

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, it is with a heavy heart that I rise today to call for the impeachment of President Nixon for the high crime of refusal to obey an order of the Federal Court of Appeals of the District of Columbia. If the law of the land is to be maintained and anarchy or totalitarianism to be avoided, there is no alternative but that the President comply with the order of the court or suffer this body to begin immediate impeachment proceedings.

This weekend the Nation was rocked by the news of the resignations of Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus and the firing of Special Watergate Prosecutor Archibald Cox. These tragic events bring to a head the unconscionable abuse and arrogation of power by the President of the United States who has placed himself in defiance of both the courts and the laws of our land.

Indeed, the issue of impeachment concerns more than the President's refusal to comply with the order issued by District Judge John Sirica and the U.S. Court of Appeals that he turn over the White House tapes in a specific and prescribed manner. The shielding of witnesses in criminal investigations through the improper use of executive privilege, the seizing and sealing of the Special Prosecutor's files and the concealment and withholding of documents and other evidence relating to alleged criminal activities constitute a shocking and blatant obstruction of the process of justice, which is itself a felony and clearly an impeachable offense.

Mr. Speaker, the President's actions leave the Congress no alternative but to act to bring about whatever procedures may be necessary for a return to orderly government within the democratic process.

PROPOSED IMPEACHMENT OF THE PRESIDENT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, as a result of the President's incredible actions last Saturday which resulted in the removal from Government of Attorney General Richardson, Deputy Attorney General Ruckelshaus and Special Prosecutor Cox, I am joining those of my colleagues who are introducing impeachment resolutions.

It was my hope that this action would not be necessary—that the President would comply with the order of the Federal courts—that the President would allow the special prosecution to move without restraint; that the President would support due process of law.

The President's dissolution of the prosecution is equivalent to an order that further proceedings be dropped against indicted former Attorney General Mitchell, against indicted former Commerce Secretary Stans, against indicted White House aides, as well as other White House manipulators.

The President's action grossly violates his solemn constitutional promise to support the laws of the land. He leaves the Congress with no other alternative than to review his disobedience to the law and his right to remain in office.

A RESOLUTION OF IMPEACHMENT

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, like every other Member who rises to speak today, I have given long and careful thought to my own remarks, and I speak with all my feeling.

I think President Nixon has broken the law and he has violated his sworn oath of office. He has done this not once, but several times. By so doing, he has disgraced his country and himself. This is a matter of great sadness; it is also a cause of justified public outrage. The President has broken his word to the American people and has violated the bond of sacred trust that must exist between the President and our people.

The President with his specific actions of the last week is openly involved in a criminal obstruction of justice. If he does not cease this obstruction and end his lawlessness, then he leaves the American people and this Congress no choice but to remove him from office. We can have only one set of laws in America, and they must apply equally to all of us.

Therefore, my sworn oath of office to protect and defend our Constitution and our laws requires me to file a formal resolution of impeachment. As soon as I can properly and carefully prepare such a resolution, I will so file it.

A LEGISLATIVE LYNCH MOB

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, time and time again today this situation has been called unprecedented. Those Members who are students of history know that this situation is not unprecedented. It happened to a President of the United States from my home State of Tennessee. Shortly after the Civil War, a man stood for unity, stood against the Congress of the United States for even treatment of all parts of this Nation, and he was lynched legislatively in this House. It took one man in the U.S. Senate being hauled in on a stretcher to save this Nation from one of the blackest spots that would have been in its history.

It was President John F. Kennedy in his book, "Profiles in Courage," who finally told the true story of what happened.

I warn everyone in this House to go slowly. Do not be part of a legislative lynch mob. This can happen, as it did happen in this House to Andrew Johnson shortly after the Civil War.

For those who would rush into this proceeding without going through an investigation, without going through the procedure suggested by the gentleman from Michigan (Mr. GERALD R. FORD), I have here a symbol for their actions.

THE PRESIDENT HAS NOT DEFIED A COURT ORDER

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, let us not go off the deep end here today. It is very clear that Mr. Cox and the President have been having differences in regard to the former's jurisdiction. It is also obvious that the President feels very deeply about the privilege of Executive papers for this President or any President.

It does not make sense to me, and I am sure it does not to most of us, for the President not to appeal the Court of Appeals decision, and then after having failed to appeal within the designated limit, to offer a compromise, which if it is not accepted can only result in a possible contempt citation.

But let it be remembered at this hour that the President has not yet defied a court order of any court in this land. It is to be fervently hoped that he will not do so, for at stake is the very integrity of our system, our system of justice and even the Constitution of the United States itself.

At this juncture the developments of the past few days are regrettable but not impeachable. I think it is important to set the record straight in this respect, in light of some of the near hysterically misleading statements we have been listening to this noon.

IMPEACHMENT OF PRESIDENT NIXON

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Speaker, this Congerss has an opportunity today to display a maturity of legislative judgment in response to outcries for the impeachment of President Nixon.

We must not, Mr. Speaker, be led down the garden path of prejudgment behind the prejudice of the Nation's press, and the political bias of the anti-Nixon claque in our country.

Archibald Cox has chosen to set himself above the compromise on the tapes worked out between the President and the Senate Watergate Committee. To allow Mr. Cox to continue in office would be to allow him to function as a fourth branch of Government.

Every one of us, Mr. Speaker, understands the President's right to confidentiality in the operation of his office. None of us could long remain in office if we violated the confidentiality of the daily letters we receive and conversations we have with our constituents. They trust us to protect their privacy in their discussions with us regarding their marital, financial, emotional, employment, and other personal problems.

Let us proceed, Mr. Speaker, as the people's Representatives, and determine the full facts before we allow mass media hysteria to replace reasoned judgment.

IMPEACHMENT CRY PREMATURE

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, following the cries of impeachment which have been heard this morning, I would observe that some persons uttering this cry are well-meaning and sincere, others are mounting sheer sloppy demagoguery. Mr. Speaker, all cries are premature and not well founded.

Article II, section 4 of the Constitution states:

> The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high crimes and Misdemeanors.

What are these high crimes and misdemeanors committed by President Nixon?

I find it rather amazing that anyone could demand the impeachment of the President of the United States—the most extreme action the Congress could take and which has never happened to a President in our history—simply because he fired an employee of the executive branch which he appointed. Nowhere in the Constitution of the United States do I find such action listed as an impeachable offense. It may not have been good judgment, but it is certainly no crime.

If the firing of one's employee, in this case Mr. Cox, is a high crime of misdemeanor, then I say that there has not lived a President who should not have been impeached.

Is the President's high crime or misdemeanor that he is defying the courts?

I think not. Less than 1 hour ago the Acting Attorney General of the United States relayed the word that talks were underway and that negotiations were being considered to resolve the tapes conflict. I predict that if the courts order President Nixon to produce the tapes he will comply.

Mr. Speaker, the President of the United States has been charged with no crime, and he has committed no crime. This morning's cries of impeachment are, to say the least, premature and unfounded.

CONFIRMATION OF GERALD R. FORD AS VICE PRESIDENT

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, the resignations this weekend of Attorney General Elliot L. Richardson, and Deputy Attorney General William D. Ruckelshaus, and subsequent removal from office of Watergate Special Prosecutor Archibald Cox, are serious and grave steps taken by President Nixon.

On a number of occasions, President Nixon has demanded that Watergate be tried in the courts. This is exactly what Watergate Prosecutor Cox was attempting to do when fired by the President.

The resignations and firing which were brought about by Mr. Nixon represent a 180-degree turn in his commitment to the Congress and the American people to have a thorough, full, and impartial investigation into the Watergate incident and its subsequent coverup effort. Actually, when President Nixon appointed Elliot Richardson as Attorney General, William Ruckelshaus as Deputy Attorney General, and Richardson appointed Archibald Cox as Watergate Prosecutor, Mr. Nixon was selecting his own people and repeatedly announced that he had complete confidence in their integrity and character.

Due to this abrupt reversal on the part of the President, I am willing to participate in the debate of possible impeachment proceedings. However, I must make clear my total opposition to any impeachment of the President prior to the confirmation by the House and Senate of Gerald Ford as Vice President.

When Gerald Ford was nominated to be Vice President a week ago last Friday, that action was met by acclaim by almost all Republicans and Democrats in Congress. It is time now to put aside partisan politics and confirm Mr. Ford's nomination, before any attempt is made to institute impeachment proceedings.

CONGRESSIONAL INVESTIGATION WITH RESPECT TO IMPEACHMENT

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, the Congress must immediately pick up the threads of the investigation which have been cut by the President this weekend. We should retain Mr. Cox to continue this investigation.

The President may now agree to a court order but, because of the imminent danger of an unprecedented constitutional impasse, the Congress must assemble all evidence which would point to an impeachment of the President so that we are prepared to act with reason and justice, and without prejudice.

IN SUPPORT OF PRESIDENT NIXON

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASSMAN. Mr. Speaker, I would be remiss in my responsibility as a God-fearing and God-loving American if I did not express myself now as my heart and conscience dictate, keeping in mind that of my position you may deprive me, but of my integrity, never.

Our great country has never had a bad President. Some have been greater than others, and in my considered judgment history will record Richard M. Nixon as the greatest President this Nation has ever had. We should be commending this great President, not condemning him. We are inclined to forget too quickly what he has accomplished for this land that we love.

He concluded, under most difficult circumstances, the Vietnam war; he established a dialog with Mainland China and doubtless prevented them from going into the arms of Russia. This act may have prevented world war III. And, it appears, that he is well on his way to bringing peace in the Middle East.

There comes a time when the fainthearted run for the showers; then, those with courage must speak up. I am taking my position on the side of the President, because I believe he possesses unimpeachable integrity. I contend that his troubles began when he put the Communist, Alger Hiss, in jail.

Those with the brains of a juvenile moron know that the President is working within the framework of the law. We should not persecute our President for trying to protect the office of the Presidency. There are those who would settle for nothing less than to force the President, if they could, to confess to crimes he has not committed. There are those who would destroy the Presidency if it would mean the destruction of Richard M. Nixon.

IMPEACHMENT IS NOT THE ANSWER

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I also think that talk of impeachment at this time is unreasonable.

If we impeach President Nixon, what happens next? I believe that after the people of the Nation get over the shock of the last 2 weeks, they are not going to support this drastic action.

Mr. Speaker, quite frankly, this talk of impeachment gives me a knot in my stomach.

ON IMPEACHMENT

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, the indignation of those who have spoken out concerning the President's brash and irrational actions in dismissing Mr. Cox and Mr. Ruckelshaus and causing the resignation of Mr. Richardson is well founded. What he has done deserves the sharpest of criticism and condemnation.

Should we now proceed with impeachment? What a profound and difficult question to deliberate. Mr. Speaker, I am overwhelmed by the events which have overtaken us. I, too, am indignant and have strong feelings concerning the President's action and immediate judgment is tempting; however, because of the importance and the gravity of this matter my decision on the question of impeachment must be well considered and deliberate. It must be consistent with the dictates of the Constitution and the laws of the land and above all serve the best interests of my country and its people. My decision will be made accordingly.

THE PRESIDENT'S ALTERNATIVES

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, when I first heard of the arrangement to release the tapes on Saturday, I felt relieved. This seemed like a happy solution in order to avoid a confrontation on the question of separation of powers, and I thought that maybe we will get Watergate behind us and get on with the country's normal business.

It was my impression that Mr. Cox wanted the tapes to obtain information regarding Watergate. The President has said that he would release the information on the tapes pertaining to Watergate. Senator ERVIN has agreed to this arrangement. Apparently Mr. Cox wanted more and refused to compromise. Mr. Cox threw down the gauntlet.

The President had no alternatives but to ask for his resignation. How can that possibly be a high crime and misdemeanor? What court order has the President disobeyed?

Elliot Richardson made it clear that the President had violated no court order, speaking in his press conference this morning.

Mr. Speaker, let us act like professionals and not guardhouse lawyers.

IMPEACHMENT PROCEEDINGS

(Mr. STEIGER of Arizona asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Arizona. Mr. Speaker, I will not belabor this unduly, but I would suggest that perhaps there is a single area of agreement that everybody who is concerned about this problem could confront. One is that the problem is very genuine because the feelings not only in this House but in the Nation are very genuine; two, we have an assigned task before us which can help to alleviate the problem of what to do with the President's apparent disregard for at least the feelings of many people in this country and the feelings of many people in this House, that is, to address ourselves to our constitutional assignment regarding the confirmation of the Vice President designate.

Mr. Speaker, that is a problem we must confront. If we confront that now and dispose of that and confirm the gentleman from Michigan as Vice President, then we can approach completely objectively the problem of whether or not the President is indeed guilty of any high crimes, treason, or misdemeanors.

I urge that we get on not only with the rhetoric that I know is inevitable, but with the constitutional obligation of confirming the gentleman from Michigan.

CRIME DOESN'T PAY—EXCEPT FOR NIXON

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, the President has maliciously manipulated the law to suit his mischief by capriciously eliminating a man charged with investigating one of the most odious episodes in our political history. And today the President attempts to kiss off months of frustration of the legal investigative officer's efforts to get the evidence by simply divulging the contents of 10 tape recordings.

The time has come for a body truly independent of and coequal with the executive branch to bring all the facts to the fore. It is abundantly clear that we cannot expect any employee of the present administration to put the handcuffs on his employer. Since Mr. Cox had a staff of more than 80 lawyers, the Judiciary Committee must be authorized to hire at least that number for the purpose of investigating charges including but not limited to the following:

CHARGES

I. Bribery (USCA, 18–203, 18–201(g), 2 years/$10,000). ITT deal, milk deal, Vesco deal. (USCA 18–201(d), 15 years/3X value value of bribe.) Hush money to Watergate defendants. (USCA 201 (b) and (f), 3X monetary equivalent of bribe/15 years.) Offer of FBI to Byrne.

II. Misprision of Felony (USDA 18–4, 3 years/$500). Failure to report break-in of Ellsberg's psychiatrist's office.

III. Wiretapping (USCA 18–2511, 5 years/$10,000). DNC bugging/tapping, 1969 taps on newsmen.

IV. Perjury (USCA 18–1621) and subornation of perjury (USCA 18–1622) (each 5 years/$2,000). Submission of false reports on Cambodian bombing to Congress.

V. Obstruction of criminal investigations (USCA 18–1510, 5 years/$5,000). Use of CIA to prevent FBI investigation of Mexican laundry. Hush payments to Watergate defendants, withholding of information from Ellsberg jury, prohibition of investigation of plumbers, disguising corporate campaign contributions to avoid penalties.

VI. Conspiracy against rights of citizens (USCA 18–241, 10 years/$10,000). Denial of Ellsberg's right to fair trial by withholding evidence.

CONFIRMATION OF VICE-PRESIDENTIAL NOMINEE IS FIRST ORDER OF BUSINESS IN CONGRESS

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOGAN. Mr. Speaker, we have a serious constitutional crisis confronting us. This is not the time for partisan rhetoric but a time for calm, objective, rational deliberation.

If this body is going to seriously consider an impeachment resolution, each Member of the House is comparable to a member of a grand jury who is being asked whether the accused is guilty before the facts are heard. This is especially true for those of us who serve on the Judiciary Committee.

The firing of Special Prosecutor Cox is not the real issue. As the head of the executive branch, the President has the power and the right to fire any appointees in his administration. Firing a subordinate is certainly not an impeachable offense.

Defiance of a court order, however, is another matter and herein lies the constitutional dilemna confronting us. The separation of powers between the three branches of the Federal Government is the cornerstone of our system of government. Can one branch compel the other to do something which the other branch feels contravenes the separation of powers? That is the constitutional crisis facing us. How we resolve it could have ramifications for succeeding centuries.

The solution of this issue is more important than the personality of Richard M. Nixon or the Nixon administration. The consequences are historic and that is why it is so imperative that we be statesmanlike rather than partisan in our deliberations and judicious in our statements.

The Congress has a paramount responsibility before us which takes precedence over impeachment resolutions and all else: that is the prompt confirmation of the President's nominee for Vice President. There is an intolerable vacuum in our Government until this vacancy is filled. We cannot and should not tarry in this discharge of our responsibilities under the Constitution.

Let us get on with this important task

at once before we consider anything else. We cannot even consider impeachment until this question is resolved.

MORE DELEGATED POWER

Mr. GROSS. Mr. Speaker, I assume that you will shortly lay before the House a message from the President requesting $2.2 billion to finance his intervention in the Middle East war.

President Nixon's unilateral intervention—without the advice or consent of Congress—is another demonstration of what takes place when a spineless, irresponsible Congress delegates its powers to a President. Beyond the perilous act of intervention in a war, it leads as in this case to a projected colossal raid on America's already overburdened taxpayers.

Mr. Speaker, I believe it is especially important that those who voted to give the office of President almost unlimited power, as well as those who performed in the role of doves 3 months ago, hear this message. Or have the wings of the Vietnam doves suddenly been stilled by the moulting process in the Middle East?

To the end that all Members will be able to hear and report promptly to their constituents on this proposed $2.2 billion raid on their constituents' pocketbooks, I will urge that a quorum be present when the message is read.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

October 19, 1973.

The Honorable CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 3:03 p.m. on Friday, October 19, 1973, and said to contain a message from the President concerning emergency security assistance for Israel and Cambodia.

With kind regards, I am
Sincerely,
W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I believe that the request for $2,200,000,000, or $2,400,000,000 is of sufficient interest to the Members of the House that all Members ought to hear it. Therefore, Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 543]

Adams
Alexander
Barrett
Beard
Biaggi
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Butler
Carey, N.Y.
Casey, Tex.
Chisholm
Clark
Clay
Dellums
Derwinski
Diggs
Dulski
Foley
Fraser
Gettys
Green, Oreg.
Grover
Guyer
Hansen, Wash.
Harsha
Harvey
Johnson, Pa.
Jones, Tenn.
Keating
McKay
Macdonald
Mailliard
Michel, Ill.
Mills, Ark.
Mitchell, Md.
Moorhead, Pa.
Murphy, Ill.
Myers
Poage
Quie
Rees
Roy
Roybal
Ryan
St Germain
Sandman
Saylor
Scherle
Skubitz
Slack
Spence
Steele
Steelman
Stuckey
Udall
Van Deerlin
Veysey

The SPEAKER. On this rollcall, 371 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMERGENCY SECURITY ASSISTANCE FOR ISRAEL AND CAMBODIA—MESSAGE FROM THE PRESIDENT (H. DOC. 93-170)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

I am today requesting that the Congress authorize emergency security assistance of $2.2 billion for Israel and $200 million for Cambodia. This request is necessary to permit the United States to follow a responsible course of action in two areas where stability is vital if we are to build a global structure of peace.

For more than a quarter of a century, as strategic interests of the major powers have converged there, the Middle East has been a flashpoint for potential world conflict. Since war broke out again on October 6, bringing tragedy to the people of Israel and the Arab nations alike, the United States has been actively engaged in efforts to contribute to a settlement. Our actions there have reflected my belief that we must take those steps which are necessary for maintaining a balance of military capabilities and achieving stability in the area. The request I am submitting today would give us the essential flexibility to continue meeting those responsibilities.

To maintain a balance of forces and thus achieve stability, the United States Government is currently providing military material to Israel to replace combat losses. This is necessary to prevent the emergence of a substantial imbalance resulting from a large-scale resupply of Syria and Egypt by the Soviet Union.

The costs of replacing consumables and lost equipment for the Israeli Armed Forces have been extremely high. Combat activity has been intense, and losses on both sides have been large. During the first 12 days of the conflict, the United States has authorized shipments to Israel of material costing $825 million, including transportation.

Major items now being furnished by the United States to the Israeli forces include conventional munitions of many types, air-to-air and air-to-ground missiles, artillery, crew-served and individual weapons, and a standard range of fighter aircraft ordnance. Additionally, the United States is providing replacements for tanks, aircraft, radios, and other military equipment which have been lost in action.

Thus far, Israel has attempted to obtain the necessary equipment through the use of cash and credit purchases. However, the magnitude of the current conflict coupled with the scale of Soviet supply activities has created needs which exceed Israel's capacity to continue with cash and credit purchases. The alternative to cash and credit sales of United States military materials is for us to provide Israel with grant military assistance as well.

The United States is making every effort to bring this conflict to a very swift and honorable conclusion, measured in days not weeks. But prudent planning also requires us to prepare for a longer struggle. I am therefore requesting that the Congress approve emergency assistance to Israel in the amount of $2.2 billion. If the conflict moderates, or as we fervently hope, is brought to an end very quickly, funds not absolutely required would of course not be expended.

I am also requesting $200 million emergency assistance for Cambodia. As in the case of Israel, additional funds are urgently needed for ammunition and consumable military supplies. The increased requirement results from the larger scale of hostilities and the higher levels of ordnance required by the Cambodian Army and Air Force to defend themselves without American air support.

The end of United States bombing on August 15 was followed by increased communist activity in Cambodia. In the ensuing fight, the Cambodian forces acquitted themselves well. They successfully defended the capital of Phnom Penh and the provincial center of Kampong Cham, as well as the principal supply routes. Although this more intense level of fighting has tapered off somewhat during the current rainy reason, it is virtually certain to resume when the dry season begins about the end of the year.

During the period of heaviest fighting in August and September, ammunition costs for the Cambodian forces were running almost $1 million per day. We anticipate similar average costs for the remainder of this fiscal year. These ammunition requirements, plus minimum equipment replacement, will result in a total funding requirement of $380 million for the current fiscal year, rather than the $180 million previously requested. To fail to provide the $200 million for additional ammunition would deny the Cambodian Armed Forces the ability to defend themselves and their country.

We remain hopeful that the conflict in Cambodia be resolved by a negotiated settlement. A communist military victory and the installation of a government in Phnom Penh which is controlled by Hanoi would gravely threaten the fragile structure of peace established in the Paris agreements.

I am confident that the Congress and the American people will support this request for emergency assistance for these two beleaguered friends. To do less would not only create a dangerous imbalance in these particular arenas but would also endanger the entire structure of peace in the world.

RICHARD NIXON.

THE WHITE HOUSE, *October 19, 1973.*

USE OF HEALTH MAINTENANCE ORGANIZATIONS CHAMPUS PROGRAM

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 603 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 603

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Louisiana (Mr. Long) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes on the minority side to the distinguished gentleman from California (Mr. Del Clawson) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 603 provides for an open rule with 1 hour of general debate on H.R. 10586, a bill to amend title 10, United States Code to authorize the use of health maintenance organizations in providing health care.

H.R. 10586 authorizes dependents of active duty military personnel, and dependents of retired military personnel to utilize health maintenance organizations as an alternative to the health care now provided by the civilian health and medical program of the uniformed services—commonly known as CHAMPUS.

Enactment of this bill is not expected to result in any increased cost to the Federal Government.

Health maintenance organizations—HMO's—are organized systems of health care providing comprehensive services for enrolled members at a fixed-prepaid annual fee. HMO's place great emphasis on preventive services, rehabilitation services, and diagnostic services on an ambulatory basis.

Mr. Speaker, I urge adoption of House Resolution 603 in order that we may discuss and debate H.R. 10586.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 603 is an open rule with 1 hour of general debate, providing for the consideration of H.R. 10586, authorizing the use of health maintenance organizations as an alternative to the CHAMPUS program.

The purpose of H.R. 10586 is to permit beneficiaries under the CHAMPUS program to utilize health maintenance organizations.

The CHAMPUS program—Civilian health and medical program of the uniformed services—presently is limited to traditional health insurance concepts. This bill would allow the Department of Defense to utilize health maintenance organizations—HMO's—as an alternative to the CHAMPUS program. An HMO is an organized system of health care providing comprehensive services for enrolled members for a fixed prepaid annual fee. The bill would prohibit the Defense Department from entering into a contract which would provide for annual payments by both the beneficiaries and the Government of an amount greater than an estimated annual cost for comparable care provided under the CHAMPUS program.

Dissenting views were filed by Members Treen, Montgomery, and Armstrong opposing this bill. They note that "prepaid group practice systems are frequently akin to supermarket medicine, with impersonal and uncoordinated care." Further they point out that the Defense Department might be held liable for the quality of the medical care delivered under the contracts. They oppose passing this bill until HMO's have proved effective.

In September of this year, the House passed a bill, H.R. 7974 from the Interstate and Foreign Commerce Committee to provide funds to assist in setting up HMO's. The present bill, H.R. 10586, is a different piece of legislation reported out by the Armed Services Committee.

Mr. Speaker, regardless of any individual position on the bill, the rule is an open rule and the House, upon its adoption, can work its will.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, those of us who oppose this legislation are not opposed to the adoption of the rule.

It is a very simple bill, and it should come to the floor and be discussed. We will refrain at this time from making remarks and discussing the proposed legislation. We have no objection to the rule itself.

Mr. DEL CLAWSON. Mr. Speaker, I have no further requests for time.

Mr. LONG of Louisiana. Mr. Speaker, I have no requests for time, and, consequently, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FISHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10586, with Mr. Adams in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Fisher) will be recognized for 30 minutes and the gentleman from California (Mr. Gubser) for 30 minutes.

The Chair now recognizes the gentleman from Texas.

Mr. FISHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a rather simple bill. It simply allows dependents and survivors of active duty military and military retirees and their dependents a free choice to make use of health maintenance organizations—HMO's—as an alternative to the CHAMPUS program.

This bill is supported by the administration. To begin with, I emphasize that the use of HMO's is expected to reduce, not increase, the costs to the Government because inpatient hospital days are expected to be reduced. The bill specifically prohibits the Government from entering into any contract with a HMO where the costs exceed the present average costs to the Government and the beneficiary.

Under the CHAMPUS program, enacted in 1956 and later amended, outpatient benefits are provided for retired members and their dependents and also for the survivors of deceased retired members and their dependents and also for the survivors of deceased retired members and dependents of active duty members. Beneficiaries contribute to the cost under CHAMPUS.

CHAMPUS has been popular and now covers about 6 million persons. Under CHAMPUS the main thrust is in treating ailments after they occur, whereas under the HMO emphasis is on prevention. Unlike the limited coverage provided by CHAMPUS, HMO covers vaccinations, rehabilitation services, diagnostic services, baby care, and other treatments designed to prevent serious illness and hopefully avoid the need of so much normal hospitalization and possibly lingering illnesses.

HMO's are organized systems of health care providing comprehensive services for enrolled members for a fixed, prepaid fee. Because their revenues are fixed, their incentives are naturally to keep patients well for they benefit from patient well days, not sick days.

HMO plans have been rather thoroughly tested by such organizations as the Group Health Cooperative of Puget Sound and the widely acclaimed Kaiser Foundation Health Plan, to mention but two. The Kaiser plan serves more than 2½ million members, and is almost 100 percent self-supporting. It has an investment of $350 million of its own money in hospital and clinicial facilities.

The various programs under HMO have been able to reduce, nationwide, traditional average costs per hospital admission from $594, as with Blue Cross and medicare, to the average cost of only $397 under HMO. In other words, the average hospital admission cost under HMO is about one-third—and in some instances one-half—less than the traditional medicare average.

Under the pending legislation, the Secretary of Defense after consulting with the Secretary of Health, Education, and Welfare, could utilize so-called HMO's in providing a variety of vital services which are not now permitted under the law which limits and restricts the coverage of services under CHAMPUS. Membership under this proposed plan would be voluntary—no compulsion whatever on the individual who voluntarily chooses to participate in lieu of the CHAMPUS program. It provides an alternative at no cost whatever to the Government per beneficiary, and indeed over the long pull it will in all likelihood reduce the Government's cost. And it would give the people who participate the same privilege that has been accorded civil services employees for many years.

In conclusion, if you want to enable a lot of people to save a lot of money and at the same time get more services for their investment, here is your chance. It deserves to be overwhelmingly approved.

Mr. GUBSER. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Chairman, I am reluctant to rise and oppose this because of my great regard for the chairman of our subcommittee, the gentleman from Texas (Mr. FISHER). He has labored effectively and quite fairly for this bill. However, I feel constrained to do so for several reasons.

This legislation is controversial, and, I suppose, for the Committee on Armed Services, more controversial than most, inasmuch as there were 14 votes against reporting the bill favorably. I will quickly cover the five reasons why I oppose this legislation.

First of all, I do not think the soundness of the HMO program or concept has been proven in this country. Despite the fact that we have had HMO's for approximately 40 years, only some 2½ to 3 percent of our population has chosen to avail themselves of this type of medical care. It is true that HMO's are not available throughout the country, but according to the report filed by this committee, approximately 20 percent of our population is within the service areas of HMO's. This would mean some 40 million people have HMO's available, and yet only 5 to 7 million people have chosen that type of medical care.

I am concerned about the Department of Defense placing its stamp of approval on a form of medical care, the soundness of which has not been proven. One of the most successful of these plans—and one which will be cited by the proponents of this legislation—is the Kaiser plan in California.

Let me quote to the Members what Dr. Sidney Garfield, one of the founders of the Kaiser plan said recently, and I quote:

> Prepayment makes medical care a right by eliminating fee-for-service, and for years we have been deeply concerned with our relative inability to keep up with the soaring demand that this right produces, and to maintain a level of service satisfactory to us.
>
> It is distressing to realize that elimination of fees can be as much a barrier to early care as the fee itself. The reason is that when we removed the fee, we removed the regulator of flow into the system.

Continuing to quote Dr. Garfield:

> The result is a massive uncontrolled flood of . . . the well, the worried well, the early sick, and the sick into the point of entry—the doctor's appointment—on a first-come, first-served basis that has little relation to priority of need. The impact of this demand overloads the system and, since the well and worried well are a large component of that entry mix, their usurping of doctor time actually acts as a barrier to the entry of the sick.

That is a founder of the Kaiser plan speaking.

So, first of all, I am concerned about the soundness of the HMO concept. Second, while I concur in the right, and defend the right of doctors to join together in groups of this type, and I defend the right of people to elect this type of medical care—that is a basic element of human freedom—I think it is another thing entirely to have Government encourage this type of program through subsidy, either directly or indirectly.

Third, we are dealing here with a population that is much more mobile than the average population of the country. We are dealing with military dependents primarily. These people move around, and in many States of this country HMO's are actually illegal, or there are legal impediments, and in still other areas there are no HMO's at all.

So the Members can see that for a mobile population the idea of contracting for medical services in advance for a given period of time has serious defects.

Fourth, I am concerned about the cost. I respectfully dissent from the chairman of the committee's remarks about cost. I would not be up here if I were fairly well convinced that this legislation would reduce costs, because I think that is an important factor, but I do not think it is going to reduce costs. This bill does not provide an authorization for funds. Indeed the bill provides, as the proponents point out, that under this program the Department of Defense may not spend more than the combined cost of the CHAMPUS program—but that is the point. Under the CHAMPUS program, the Government is paying approximately two-thirds of the costs and the beneficiaries approximately one-third.

Under this bill the Government may pick up the entire cost. We spent in fiscal year 1973, as the Government's part of the CHAMPUS program, $522 million. The beneficiaries spent approximately $266 million, which made a total expenditure of $788 million. Under this bill the Government could pay all of that.

Assistant Secretary McKenzie came before the committee and said in response to a question that he felt the Government would have to pay about 90 percent of the enrollment fee in order to attract a sufficient number of eligibles into this program. Under the bill the Government legally could pay 100 percent. But if it has to pay 90 percent to attract enough people into this program, that would mean, if we took the fiscal year 1973 for illustrative purposes, that instead of the Government paying $522 million, it would pay $709 million, an increase of $187 million.

I know that the proponents will respond that the HMO program is going to cost less. I will be glad to debate that and the statistics on which that assumption is based.

But, let me get to the fifth and final reason why I oppose this bill. This is an entirely new concept for the Department of Defense. Heretofore our dependents of military people and retired people and dependents of deceased retired military people were entitled, under the CHAMPUS program, to select their own doctors and discuss with their own doctors the type of medical care that each person thought he needed, and that the doctor thought would be needed, and then the patient could elect the type of medical care suggested by the doctor. Under the HMO program the Defense Department would contract with the health maintenance organization and the beneficiary would become legally a third-party beneficiary. That is, the Department of Defense would have a contract with the organization, and the beneficiary would find that his entitlement to services are determined by the interpretation of that contract by the Department of Defense and the health maintenance organization.

What is this going to mean? Whenever an eligible under this program elects an HMO program and finds that the services are not adequate, or that he cannot get the doctor he wants, or that he should have hospitalization, but the HMO says he does not need it and he is not going to be given it, then the complaint would come right back to the Department of Defense and right back to us as Members of Congress. It puts us and the Defense Department in a continual supervisory role over the HMO program.

In summary, who wants this program? The American Medical Association took no position. Another organization, small in number but nevertheless an association of physicians, the American Associations of Physicians and Surgeons opposed this bill. The second largest medical organization in America, the Council of Medical Staffs, opposed this bill.

Do the military people want this program? Do the dependents want this program?

Let me refer the Members to the remarks that were made by the chairman of our subcommittee when we began consideration of this legislation. It was reported by him that in 1968 the Department of Defense commissioned the School of Public Health and Administrative Medicine of Columbia University to conduct a study of CHAMPUS. They reported in 1969 and made recommendations concerning the use of HMO's. This was a study commissioned by the Department of Defense, and these were the recommendations (quoting from Chairman Fisher's statement):

"That the Department of Defense conduct a survey to determine whether or not an interest exists among persons eligible for the CHAMPUS in having offered to them a program of comprehensive care from civilian sources as an alternative to the present CHAMPUS benefits; that if such interest exists, the Department of Defense work out with one or more prepaid group practice plans a method of giving service families a choice between present CHAMPUS benefits and a prepaid group practice program, on an experimental basis; and that a comparative study of the two alternative modes of medical care delivery be conducted throughout the experimental phase." In other words, they recommended a study be made to determine if there was interest, and if there was, then to conduct a program on an experimental basis. In testimony before our subcommittee in response to a question I asked of the DOD witness, he said, no, that no survey had been made by the DOD to determine if there was interest.

Just the other day we voted on this floor, and some of us were opposed to it, to spend $240 million to experiment with HMO's, to provide grants and certain start-up costs incident to starting up HMO's.

We recognized it to be an experimental program.

I say we should postpone this program by voting down this bill. Let us not give the stamp of approval of the Department of Defense on HMO's just yet; let us find out what happens with the experimental program that this House has approved.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. GUBSER. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana for the purpose of responding to a question from the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I was interested in the gentleman's statement that the American Medical Association took no position on this question. I was wondering if that and all other medical associations were given an opportunity to testify, and what if anything was said.

Mr. TREEN. Mr. Chairman, it might be better for someone else to comment on that question. As I understood it this legislation was originally not considered controversial. I do not know that originally notices were sent to them, but they were at a later time. Perhaps the chairman of the subcommittee could answer that.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Texas.

Mr. FISHER. Mr. Chairman, in response to the gentleman's inquiry, I will tell him that last year when this identical legislation was before a subcommittee of the Committee on Armed Services, the American Medical Association was contacted and given an opportunity to express an opinion. They did not choose to do so, and expressed themselves as being neutral regarding it.

Mr. DICKINSON. Mr. Chairman, I thank the chairman for his reply.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Charles H. Wilson of California).

Mr. CHARLES H. WILSON of California. Mr. Chairman, I wish to reply to some of the dissent voiced in opposition to the legislation before us. I refer to the CHAMPUS legislation that would authorize the Defense Department to use the facilities of health maintenance organizations as an alternative to the traditional CHAMPUS program.

The proposal, it seems to me, is not complicated. It would simply permit the Secretary of Defense to utilize HMO's where they exist to provide medical care for the dependents of members of the Armed Forces. That these facilities exist is a fact. They exist for nearly 8 million Americans. These HMO's provide high-quality medical care in comprehensive benefit packages in areas that cover 20 percent of our population.

Yet the opposition would have us believe that there is something untried and experimental about such programs.

In an effort to bolster their dissent the opponents of this reasonable proposal quote—out of context, I might add—Dr. Sidney Garfield, a founder of the Kaiser prepaid group medical practice program. Dr. Garfield is quoted as warning that prepaid group practice tends to create a flood of what he calls the worried-well, the early sick, as well as the really sick into the doctors' offices.

Now, of course, if the opponents had read the rest of Dr. Garfield's article in Scientific American, they would have discovered that what he was advocating was a screening process to screen healthy people out or away from the busy doctors.

Of course, there are lots of well people who are worried. But there are obvious ways to handle such problems. These worried-well persons may need some treatment or some attention other than the attention of a busy internist.

Health maintenance organizations have learned to handle such problems the same as individual fee-for-service physicians have learned their lessons. All Dr. Garfield really was saying was that some screening process is a must if a prepaid group practice plan is to keep itself from being overwhelmed by the worried-well and others who may not really need the doctors' time.

The other side of the coin, so to speak, is that there are an uncounted number of Americans who need medical attention but do not go to a doctor simply because of the possibility of catastrophic costs.

It seems to me that, in the name of humanity, it is better to chance the possibility of having to screen out the worried-well so that we may be sure that we take care of the truly ill.

There is nothing extreme about the CHAMPUS proposal before us. It does not state that the HMO concept is the only concept to be utilized. It simply says that if an HMO exists in the area where the Armed Forces dependents are living, and if the CHAMPUS beneficiaries so choose, they may elect, voluntarily, to participate in the HMO program. What's wrong with that? Is not that a kind of freedom of choice that we so often hear advocated.

I am in favor of giving CHAMPUS beneficaries the choice. It will not cost the Government any more money than the CHAMPUS program now costs because the proposed law is written in such a way as to prevent increased costs.

Such alternate medical care plans are already available to medicare and medicaid beneficiaries. We should see that the rapidly growing HMO program is at least made available to CHAMPUS beneficiaries, if they so desire. That is all the legislation asks.

I would add that there is really no difference in the HMO and the regular military hospital.

The gentleman from Louisiana was suggesting that by utilizing HMO's, if I understood him correctly, the patient would be perhaps losing the opportunity of the individual physician and might not be able to go to a hospital, if he so desired, or might not have the personal attention that he would have if he went to an HMO, as contrasted to a private physician.

I think we should remember that the whole CHAMPUS program is designed to utilize private physicians only in those cases where military hospitals are not available to the individual. If a person goes to a military hospital, he has no choice of physician. He has no choice of going into the operating room and having an operation at the individual's request.

I think this is very similar to what a person would have who was to go to a military hospital, where ordinarily the beneficiary of the military would be going, if one were available to him.

The Defense Department is in complete support of this program. They have determined that it does not require any additional experimentation.

The record of the HMO's that are in practice and have been operating for many years now is certainly convincing. There is no reason why we should have to experiment at all.

I hope we can pass this legislation with the minimum amount of difficulty.

Mr. GUBSER. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. Armstrong).

Mr. ARMSTRONG. Mr. Chairman, I rise in opposition to the legislation. I do so with some reluctance, because when I initially heard the concept underlying this proposal, it seemed to me a hopeful one. Certainly there is no field for which innovation is more seriously needed than in controlling the costs of a medical practice. It is obvious to all of us the advances in medical science and technology have been matched by a rapid escalation in costs that threatens health care availability to all Americans.

Unfortunately, however, on closer examination, particularly at the urging of the gentleman from Louisiana, I became convinced that there are serious defects in this legislation. I announce my opposition in this perspective, so that Members will know that I do not oppose the concept, but simply this legislation, which I think is premature.

There are four reasons why I shall vote against this proposal. First, because I think it authenticates a concept which at least in part is still experimental.

Regardless of all that may be said, this is not a well accepted concept of medical practice throughout the United States. It is in its essence an experiment.

Second, there have been inadequate data to substantiate the cost projections. Although I am not prepared to say what the costs will be, I personally believe HMO's will cost more, not less, than conventional medical practice.

Third, this legislation will require the Department of Defense to undertake a supervisory burden which it is ill-equipped to handle; that is, the supervision and administration of HMO contracts.

Finally, as my friend from Louisiana has aptly pointed out, there has been little showing that the beneficiaries of this program are interested in having it adopted.

In the absence of any compelling need, and without a showing of interest by those who are to be served by the HMO programs, it seems to me to be wrong to adopt it at this time.

So, Mr. Chairman, for these reasons I shall vote against it, and I urge the Members of the Committee of the Whole to do the same.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I would like to thank my subcommittee chairman, the gentleman from Texas (Mr. FISHER) for yielding me this time, and I commend him for being very fair concerning this bill. I say that because I oppose this legislation.

I am sorry that not all of my colleagues could have heard the gentleman from Louisiana (Mr. TREEN) and the gentleman from Colorado (Mr. ARMSTRONG) when they spoke in opposition to this bill. They made some very, very strong points.

Mr. Chairman, I rise in opposition to the bill under consideration which would allow the use of health maintenance organizations as an alternative under the CHAMPUS program. I am afraid if we pass this bill we will only be opening a can of worms that will gnaw away at the presently successful and efficient means of delivering civilian health care for certain dependents of the uniformed services. Furthermore, I feel very strongly that the proposed legislation will lead to increased costs for the Federal Government regardless of the unsubstantiated statements by Department of Defense officials to the contrary. They have no experience on which to base their statements. If it doesn't cost the Government more money, it will in all probability prove to be more expensive to the present beneficiaries of the CHAMPUS program.

The Group Health Association of America, which by the way supports this bill, has admitted in a letter to the House Armed Services Committee that 25 States in the Nation will not allow HMO's or would be restrictive to the development of HMO's. These States are Alabama, Alaska, Arkansas, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, West Virginia, and Wyoming.

Mr. Chairman, considering the fact that military personnel are always being transferred from one section of the Nation to another, I just wonder what would happen when a military person is transferred from an HMO State to a State that does not allow HMO's. I am afraid this situation would prove intolerable and would play havoc with the program.

Would a serviceman stationed in California who had paid for a year's medical care under an HMO and was transferred to a non-HMO State after 3 months be refunded for the balance of the year? As you can see there are all kinds of possibilities for administrative headaches.

Those favoring this bill make the argument, with which I disagree, that the traditional fee-for-service method of health care induces physicians to prescribe unnecessary treatment in order to increase their profits. If we assume the existence of that kind of doctor, there is a similar risk that the doctor will under prescribe because that would increase his profits as a member of a health maintenance organization.

Mr. Chairman, I feel very strongly that we are rushing into an area in which there is very limited experience on which to base a firm conclusion of success. For this reason, I urge my colleagues not to tamper with the successful CHAMPUS program and to defeat this bill.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I wonder if the gentleman knows what the States are in which HMO's have been in practice, and for how long, and what their success has been.

Mr. MONTGOMERY. Mr. Chairman, the main States are California and the State of Washington. They have had HMO's for about 40 years.

Mr. DICKINSON. I will ask further, Mr. Chairman, what degree of success have they had there, if the gentleman knows?

Mr. MONTGOMERY. I think all in all there are 2.5 million people in the country who do use the HMO program. As stated, by the gentleman from Louisiana (Mr. TREEN), one of the founders of the Kaiser program said what concerned him most was that it would get too many people coming into the HMO programs and they would not be able to take care of them as stated on the report.

Mr. DICKINSON. As the gentleman knows, I serve on the subcommittee out of which this legislation comes. I have very grave reservations, also, first as to the health aspects of it and, second, because there is no proof whatsoever of need.

Third, let me say we have already set up a pilot program in the Congress in the sum of $240 million to prove the efficiency and the value of HMO's.

I see no reason at this time for us to get the military involved. Is there any assurance now that those who are subject to coverage under the CHAMPUS program will not be forced somewhere along the line to go to the HMO's and lose their present benefits?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISHER. Mr. Chairman, I yield the gentleman one additional minute.

Mr. MONTGOMERY. There is no assurance. I believe I told the gentleman there were 2.5 million people in the United States covered. I believe the figure is 6 million.

Mr. FISHER. Will the gentleman yield to me?

Mr. MONTGOMERY. I yield to the chairman of the committee.

Mr. FISHER. The gentleman did say there were 2.5 million people covered by HMO's in this country. Actually there are about 7 million people covered, and those are just in the places where it is being used. It now covers 2.5 million people in the Kaiser foundation alone in their health plan. According to their witness, they are highly pleased with it and strongly recommend the enactment of this legislation.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from Louisiana.

Mr. TREEN. I was very interested in the gentleman's remarks about the fact that the people in this HMO program, in going from an area where there is an HMO to one is which there is not would have problems. They would also have this problem; under this bill the Department of Defense would contract with each individual HMO and, these contracts could be different in different areas. In other words, you could have a different set of medical benefits from one HMO to the next. That is not only possible, but I think it is contemplated by the legislation. So you would have the problem of the military dependent moving from one set of benefits to a different one.

Mr. MONTGOMERY. Plus, 25 States are not eligible under their State laws.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman.

Mr. HICKS. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I am in favor of H.R. 10586 which would authorize the CHAMPUS program to utilize health maintenance organizations. I think our armed forces personnel and their dependents ought to have the same freedom of choice in health care that other Federal personnel has. Other Federal employees and the beneficiaries of the Social Security Administration's medicare program and the beneficiaries of the medicaid program are permitted to select health maintenance organizations to provide medical care. Or if they desire they may select the traditional health insurance arrangement.

The opponents of this legislation apparently do not understand that HMO's offer their enrollees a more comprehensive health-care package than other programs at no increased cost to the Federal Government. There is nothing new about HMO's. Prepaid group medical practice plans have been in existence in the United States in various forms for about 40 years. They are self-supporting, highly efficient deliverers of quality medical care to their member enrollees. For example, the Kaiser prepaid group practice plan delivers good medical care to approximately 2½ million enrollees.

All that this legislation would do is to lift the restriction the present law has and permit the Defense Department, after consultation with the Secretary of Health, Education, and Welfare, to enter into agreements with existing HMO's to provide health care to CHAMPUS beneficiaries.

This would not cost the Federal Government any more of the taxpayers' money than it now spends on the CHAMPUS program. That cost restriction is written into this legislation.

There are approximately 6 million persons now covered by the CHAMPUS program and the 1973 fiscal year cost of the program was $522 million.

In reading the report of the Committee on Armed Services which recommends passage of the legislation, I note that HMO's, in some cited cases, have been able to cut hospitalization costs for Medicare beneficiaries under the national average. This indicates to me that HMO's can, and do, provide high quality care at greater economy because of their efficiency of operation.

I note also that the Secretary of Defense, under this legislation, would have authority to contract with HMO's without having to adhere to cost-sharing arrangements prescribed in the existing CHAMPUS law and without regard to the prohibitions on certain types of care such as immunization and well-baby care, prescribed in the present law.

The Civilian Health and Medical Program of the Uniformed Services, the full name of CHAMPUS, should be modernized so that the Defense Department can take advantage of the expanding HMO program. I understand that there are already between 7 and 8 million Americans who are voluntarily enrolled in some form of HMO across the Nation. Our CHAMPUS beneficiaries should have the same opportunity to enroll in HMO's if they desire. That is all the legislation proposes. It is a good proposal and should be approved. I urge my colleagues to vote in favor of H.R. 10586.

Mr. RANDALL. Mr. Chairman, I support H.R. 10586 which would give CHAMPUS beneficiaries, about 6 million of them, a choice of medical care. I will emphasize that thought repeatedly in these remarks. That is all this legislation does—provide a choice for beneficiaries.

A rumor is going around the floor as to the high cost of this program. Actually, it will probably be less than some of the alternatives we have been talking about.

This bill in effect provides that if an HMO organization, which means a health maintenance organization, exists and operates in an area, then the beneficiaries in such area may, if they desire, choose to receive benefits from an HMO. That is all there is to the bill.

The gentleman from Mississippi who just left the well listed 25 States that do not have HMO service. Well, there would be no choice in those areas. I was very glad to observe he did not enumerate some of the States in the Midwest such as Kansas, Missouri, and Iowa. We do have some large military bases in the midlands and CHAMPUS beneficiaries will have a choice there.

Mr. FISHER. Will the gentleman yield?

Mr. RANDALL. I am glad to yield to the distinguished chairman of our subcommittee.

Mr. FISHER. In respect to the fact, as pointed out by the distinguished gentleman from Mississippi, that only 25 States now permit HMO's and 25 do not, let me say this:

I think it should be made clear the reason they are not is because of some technicality in the law where the HMO's have to go through some sort of a corporation procedure to quality to operate in that State. So it is a rather technical thing. I might add that several States in recent years have changed their laws, and several of the States are in the act of changing them.

So it is entirely up to Mississippi and Texas and those States that are not now permitting HMO's to operate to change their law, and make use of the HMO's if they see fit, at any time that their State legislatures may choose.

Mr. RANDALL. I thank our subcommittee chairman, the gentleman from Texas, for his comments.

Mr. Chairman, the law as it now exists does not give CHAMPUS beneficiaries a choice of any kind. Present law provides they must receive their medical care from a fee-for-service physician and be reimbursed for covered benefits by an indemnity insurance program. Of course, we are all aware that all other Federal employees as well as the beneficiaries of the medicare and medicaid programs are now permitted by law to choose to receive their medical care from a prepaid medical group practice plan. Only CHAMPUS—which means civilian health and medical program for the uniformed services—only CHAMPUS beneficiaries are not provided this choice.

Mr. Chairman, I confess to be no great expert on matters concerning HMO's. I did enjoy a conversation a few minutes ago with our colleague from Kansas, Dr. ROY, whom I see is getting ready to participate in this debate. The gentleman can be very convincing as to the merits of the HMO plan in rebuttal of some of the arguments that have been heard on the floor here a few moments ago.

The proposed bill specifically states that no more of the taxpayers' money can be spent to institute this new program. So no matter what rumors you hear it will not cost the Government any more money. Regardless of some of the careless allegations that may have been made, there will be no added cost and in the long run it may very well cost less.

Now, what may not be realized is that the prepaid group medical practice plans have existed in the United States in one form or another not just for a matter of 2, 3, 4, or 5 years, but for 40 long years. Right now these HMO's provide for and serve the needs of about 8 million Americans of all ages. These programs have been self-supporting, and are regarded by knowledgeable persons in the health field as highly efficient programs, and from some small measure of personal experience I can report that they give quality medical care for their enrollees.

I am sure the Members all know about the Kaiser plan out on the west coast. Here in Washington, D.C., there are three such HMO's, the best known of which is the Group Health Association, which dates back to 1937, and which now has about 90,000 enrollees. Mr. Chairman, I neglected to mention that the enrollees in the Kaiser plan number about 2.5 million.

Now is the time for Congress to modernize the CHAMPUS program. Let us make it possible for the members and their dependents to take advantage of this—and, note this—only if they so desire, of the medical care facilities of prepaid practice plans, if those plans are available in the area they reside. Of course, we have all just been exposed to the fact that in some of the States the choice may not be available.

Mr. Chairman, if we enact this legislation it does not mean endorsement for any single kind of medical program. There was an expression of fear or worry awhile ago by someone that we are putting the stamp of approval of the Government on the HMO plan if we pass this bill. This is not true, all we are providing for is freedom of choice. And the obvious question is why should we deny only the beneficiaries of members of the Armed Services this freedom of choice?

The Nation today is spending an estimated $83 billion annually for medical care. There are those who feel—and I am among them—that the American people are not really getting their money's worth. Prepaid group practice plans are one way that the American people can get more for their money. I am convinced on the record of several such prepaid group practice plans, that these HMO's can and do offer high-quality medical care at reasonable cost. In some cases, I have determined, these programs can cut overall costs because of their efficiency of operation and because of greatly reduced hospital utilization.

Mr. Chairman, the opponents of this legislation would have us believe that we would be making guinea pigs out of 6 million members of the Armed Forces and their dependents. Nothing could be farther from the truth. These programs have been in existence many years and the results are well documented.

Mr. Chairman, I urge my colleagues to support H.R. 10586 and to enable CHAMPUS beneficiaries to participate, if they choose, in existing medical care plans that already are available to all other Federal employees.

Mr. GUBSER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I rise for

the purpose of asking a question or two. I think the Members recall that our committee, the committee on Interstate and Foreign Commerce, came out with an HMO bill a while back.

The bill we are now considering includes language prohibiting annual payments to a beneficiary which would exceed the estimated average annual cost for comparable care that could be provided under the cost-sharing provisions of CHAMPUS. I do not know what provisions are in CHAMPUS for payments for health care, but this language would imply that any payments which would be permitted under CHAMPUS would also be permitted for an HMO.

The things we sought in the HMO bill was to provide that a premium for an enrollee would not be payed by the Government. The reason for this was that, if we do that, really what we would be doing would be to put the Government in competition with existing health care delivery systems, which would be unfair.

So I am wondering, would this lead to a Federal Government payment of premiums where an enrollee was shifted from the CHAMPUS program to the HMO? This is a question that I think we ought to clear up.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Texas.

Mr. FISHER. I thank the gentleman for yielding.

In response to the question by the gentleman from Minnesota, I think there is some confusion in that area which I recognize, but, as I understand it, we now pay on a contributing basis with the beneficiaries as the Government does under the CHAMPUS program. That sort of thing would be continued, as I understand it, under the HMO, if that service is chosen by those who would have the option to do so. The purpose, as I understand it, of the amendment that was added to the bill after it was sent up to the Congress was to put a ceiling on the total amount that could be spent to be sure that it would not cost any more than it would under the CHAMPUS program. That is the purpose of it.

Mr. NELSEN. I think that is a laudable provision. However, in the deliberations in our committees, we felt that HMOs should be encouraged. However, we did feel that the idea that the premium be paid for by the Government, or part of it, would put the existing medical delivery system at a disadvantage because one would be subsidized and the other would not be. However, we want the HMO to have a chance. I do not know what the ramifications here would lead to, but I just want to call that to the Members' attention, and I hope the understanding is that we do not move in a subsidy direction.

As far as the pre-emption is concerned, some of the States do not permit an HMO. In our bill there was a preemption provision but we struck it in markup and I hope we will hold firm in conference—so it is not in the House bill now. We feel the States ought to make their own decisions on these matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GUBSER. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. In connection with the remarks of the gentleman from Minnesota who was just in the well, I wanted to make sure that my understanding and that the understanding of the committee is correct with respect to how much the Federal Government may pay under this program. Is it not true under this bill that the entire cost of the program, that is, the entire enrollment fee may be paid by the Government and that under the CHAMPUS program approximately one-third of the cost of medical care is paid for by the beneficiary and approximately two-thirds by the Government?

Under this bill the limitation is that the Government may not pay more than the total combined cost to the Government and the beneficiary, but there is no restriction on what percentage of that total the Federal Government may pay; is that correct?

Mr. FISHER. I think the legislation speaks for itself. It is quite clear, I think, that it does provide a ceiling over which the total cost cannot be increased. If through the operation of this system we can save the beneficiaries any money, I am sure the gentleman from Louisiana will agree with me that that would be a laudable objective, and that may very well be the result of what we are undertaking here.

Mr. TREEN. Mr. Chairman, if the gentleman will yield further, that may be a laudable objective. I was only trying to clear up the proposition that the Government itself may end up paying a greater percentage of the total medical costs of this program than it did under the present CHAMPUS program.

Mr. FISHER. I think the gentleman's concern is not well founded. When this thing is implemented, if and when it is enacted into law, the Secretary of Defense in collaboration with the Secretary of Health, Education, and Welfare would work out programs and contracts and take into account all these things and make appropriate provisions in those contracts or those arrangements that are worked out to see to it that it does not cost the Government any more money than is now paid under the CHAMPUS program. I think we have a right to assume that they will follow that obligation which stems from the wording of the law we are dealing with here today.

Mr. TREEN. I thank the gentleman. I hope he is correct.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LEGGETT), an author of one of the bills.

Mr. LEGGETT. Mr. Chairman, I would like first to commend the chairman of the subcommittee and the chairman of the full committee and those members of the full committee who were enlightened and voted for this legislation and for reporting the bill out in the form in which we have it on the floor today.

I think that this bill is correlative to the legislation which we passed on this floor just a few weeks ago by a vote of 369 to 40, where we agreed we wanted to stimulate at a total Federal cost of about $250 million—the Senate bill is about $800 million and we will have to get together on a hybrid form—but we indicated and very strongly that we wanted to encourage not only Kaiser but also all other doctors in the United States to get together in the form of these HMO's to give better treatment to people.

The gentleman from Louisiana has had some trepidation about this legislation and I think the trepidation is sincere but I do not believe that it is well founded. To begin with, the allegation is made that the soundness of these programs has not been proven. They have been proven in 40 years in California with the Kaiser program and with a great number of other people and organizations around the country. While we have 2.5 million who are subscribers in the State of California and three other Western States, we can see that merely allowing for creation of HMO's does not mean that the HMO's totally dominate the scene.

As far as allowing the program to interrelate with other Federal systems, we have the precedent of Federal employees where the Federal departments are allowed to contract with Kaiser and other health medical organizations for civil servants and for Federal civil service retired people, and I think that is an excellent precedent.

The question is also raised that HMO's allow for over treatment of the well and the worried well. I think that if that is true we run into the same problem with the Veterans' Administration treatment and with the Army and Navy and Air Force hospital treatment, because that is exactly the system they have, and if the Members of the House will consider it just for a moment, that is exactly the system we have. We have in fact through the Capital physician's services a health maintenance organization that we take advantage of.

The statement is made that the Government should not encourage these HMO's. We are not encouraging here just the Kaiser program. We are encouraging every single group of private doctors in the country to get together under the bill we passed a few weeks ago and at the same time dovetail that legislation in with the pending bill.

The statement is made that mobile populations will be confused and hampered by this legislation. That is not true at all because we have 7 million members of group health organizations around the country today who, when they are injured or suffer trauma or malaise outside the group health area of treatment, are treated in private facilities and that bill is then taken care of by the group health organization.

As far as cost, as cited at pages 143 and 144 of the report, we have adequate proof under the social security system that, for the Federal employee health benefits programs, under Blue Cross system, the annual hospital utilization rate is 878 days per 1,000 subscribers.

Under group health program, annual hospital utilization is 418 days per 1,000 subscribers. Under the budget experimentation, the average cost was $594 per participant, per hospital admission. Under the group health cooperative program, the average cost was $387, substantiating the fact that we save in fact about a third by allowing the Government, and particularly the Department of Defense, to participate if they want to.

This is a "may" situation. This is a "may" bill. They may contract and allow some participation in this program.

The question is raised, is there a demand? I would say that there is, because I receive calls every week in my offices in California from people demanding a better service than they are currently getting, because the existing military hospitals cannot handle the CHAMPUS beneficiaries. They do not like, some of them, to go out into the private arena. They would rather be covered by a type of HMO capability. That is exactly what they are used to in the Air Force hospitals, the Army hospitals, the Navy hospitals, and I think if we want to be fair to these dependents, we will enact this legislation without hesitation.

Mr. Chairman, we have here today a bill which will finalize the action we took 6 weeks ago when we passed legislation to assist in the development of health maintenance organizations. This bill will make the use of those facilities available to the millions of CHAMPUS beneficiaries in the United States who are currently not able to do so under the auspices of that program. It is also very good news for those of us with an interest in saving Federal money, for there is specific provision here that this bill shall not cost us one penny more than we are paying for health care for military beneficiaries; all it does is to allow these people to choose the kind of health care they want. The CHAMPUS budget will continue to cover the costs as it has in the past, with no expansion of it asked or required.

That is just one problem the bill meets. Another is the problem we face with doctors in uniform. We have a severe crunch in military medicine in that we cannot get doctors, our hospitals are overcrowded, and our potential caseload in those hospitals grows every day. We enacted the CHAMPUS bill to allow dependents and retirees to overflow into the private sector, and even that proved inadequate. These dependents and retirees object to being treated outside of military hospitals not because they object to the quality of care in the civilian sector, but because they are used to the type of care where they get all their medical services in one place, and they like it. My own district has a large number of military people, and I can document this from letters I have received. So what we would do here would be simply to make this type of care an option for them in the civilian sector, thus helping to release military medical facilities for the care of the active duty military without abandoning their other patients.

I would like to point out further that we have hospitals that we just built that are being underutilized; we must come up with better ways to utilize them beyond what we currently have available. The House has already recognized the efficacy of the HMO approach by passing the HMO assistance bill by the overwhelming vote of 369 to 40. Additionally, I might point out that the committee reported a bill identical to this one in the 92d Congress, but it was not called up for a vote on the floor. We are not trying to break hard ground with any wild-eyed new proposals here, we are justifying to provide medical care to those to whom we have that obligation at the least possible cost.

Since we seem to keep coming back to cost whenever we talk about medical care, let me point out another very significant point in that regard. Members are, I am sure, acutely aware of the high cost of providing medical care; in that regard HMO's have established a tremendous record in lowering that cost. The hearings on this bill produced the fact that some HMO's have been able to deliver health care services at one-third less cost than the Federal Government is paying through the medicare program. Certainly there is no good reason why we should not be eager to avail ourselves of savings of that magnitude.

Mr. Chairman, in the final analysis this bill does nothing more than to give CHAMPUS beneficiaries medical parity with the rest of the United States; however, desirable side effects of this action abound. It will cost us not one dime more than we are now paying, it introduces flexibility into the medical programs we have available, and it releases badly needed military medical space and manpower to its primary task, that of caring for the active duty military. I strongly recommend that we pass the committee's bill as reported.

Mr. GUBSER. Mr. Chairman, I yield 3 minutes to the chairman of the committee, the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I yield to the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Chairman, the purpose of the legislation before us is simple enough. It would enable the Defense Department to take advantage, under the CHAMPUS law, of qualified health maintenance organizations in providing Armed Forces beneficiaries with health care. The Defense Department states that such an alternate system would not cost the Federal Government any more money that the present program, which totaled $522 million for fiscal year 1973.

The CHAMPUS law is now written in such a manner as to limit the operation of the program to the health insurance indemnity concepts and methods as traditionally utilized.

The HMO concept, as I understand it, provides for the delivery of direct medical care to the beneficiaries who are enrolled in such programs. A fixed prepaid fee would be paid by the Defense Department for each enrollee. These HMO's, or prepaid group medical practice plans, are organized systems of health care providing comprehensive medical services.

The HMO concept is not new nor is it experimental. There are an estimated 8 million Americans currently enrolled in such programs in several States.

These existing HMO plans provide high quality medical care to their enrollees of all ages. These HMO's are organized in various ways but they all provide their enrollees with a mixture of outpatient and hospital care through a single organization and under a single payment mechanism.

I am particularly attracted to the finding that because HMO revenues are fixed the incentives are to keep patients well because HMO's benefit from healthy patients and not sick ones. I am assured that the cost structure of the prepaid group practice program is designed to prevent illness and to promote prompt recovery.

I have always thought that to some extent it is unfortunate that our traditional medical care system seems to emphasize restoring health when sickness occurs rather than emphasizing the maintaining of health and the prevention of costly illness.

The experience of the Federal employees health benefits program has amply demonstrated that HMO's can reduce the expense of hospitalization while, at the same time, furnishing a broad array of health care benefits on a quality basis.

I am convinced that opening up the CHAMPUS program to permit our Armed Forces' dependents to utilize prepaid group practice plans, if they so desire, is a sound and economically feasible proposal. It is a step in the right direction to bringing higher quality medical care to those who are entitled to participate in this program.

Everything about the changes proposed in the CHAMPUS law makes good sense and I urge my colleagues to support this sensible and potentially cost-saving option for CHAMPUS beneficiaries.

Mr. FISHER. Mr. Chairman, I yield to the distinguished gentleman from Kansas (Mr. ROY).

Mr. ROY. Mr. Chairman, I rise in support of H.R. 10586. As I understand the bill, after closely listening to the debate, it will provide a choice to CHAMPUS beneficiaries of care from either an HMO or the traditional health care systems in the area.

There has been some comment that HMO is not sound.

After many weeks of study in our subcommittee, we concluded that the concept is sound. We have closely examined the many HMO's that care for over 6 million people in this Nation. There is strong evidence that they care for people for a lesser cost because they are an organized system of medical care, and under this system of prepaid, relatively comprehensive benefits, HMO's are able to care for people in appropriate facilities and with appropriate personnel.

I will not take your time to speak to many other points made by the opposition. They have been adequately answered but I think one is particularly important. That is the point that there are a number of states which presently have laws which appear to prohibit HMO's. Many times these laws appear to prohibit HMO's and after a period of time and study are found not to prohibit HMO's.

I want to point out that the laws,

where they exist, were not conceived as laws to prohibit HMO's. They date back to the 1930's, when Blue Shield laws were established for provider insurance programs. Some require, for example, that the Board of Directors be entirely physicians or a majority be physicians. This kind of law was not intended to prohibit HMO's. They were good laws for the purposes of establishing Blue Shield, but not for the purposes of establishing HMO's.

Mr. Chairman, in closing I want to place the emphasis on choice. I think the reason our subcommittee and this House decided by an overwhelming margin to assist in the establishment of HMO's is because we felt that we were introducing an element of competition in the health-care delivery system. I do not think any of us who support HMO legislation conceive that HMO's will become the only system of health care in this country. We want people wherever possible to have a choice and the benefits which ordinarily come from competition in our great free enterprise system to be available to all who seek health care. In order to make these benefits of competition available, we have properly passed a law which permits medicare and medicaid beneficiaries to choose whether to receive their health care from HMO's or from the traditional system.

The bill is one more step to permit freedom of choice of the individuals—in this case CHAMPUS of recipients—whether they purchase health care from HMO's.

Today everyone who pays for their own health care has this choice. I think those who are assisted in their medical care by CHAMPUS should also have a choice.

I want to compliment the gentleman from Texas (Mr. FISHER) and the others on the committee for bringing this bill to the floor.

I would also like to say, this is an enlightened approach by the Defense Department bill.

I urge support of this bill and yield back the balance of my time.

Mr. GUBSER. Mr. Chairman, I yield myself such time as I may consume.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Illinois briefly.

(By unanimous consent, Mr. ANDERSON of Illinois was allowed to speak out of order.)

ANNOUNCEMENT THAT PRESIDENT NIXON WILL TURN OVER TAPES

Mr. ANDERSON of Illinois. Mr. Chairman, I merely want to inform the Members that according to the UPI at 2:28 p.m., President Nixon has agreed to turn over the secret Watergate tapes for judicial review.

Mr. GUBSER. Mr. Chairman, I rise in support of this bill as one of its coauthors.

First, I would like to address myself to some of the points that have been made in good faith by the opponents of this bill. It has been mentioned there were 14 Members in the Armed Services Committee who voiced their opposition. It so happened that I was not present that day, but it is my understanding there was a great lack of information and a great deal of misunderstanding which permeated the committee room.

It is my considered opinion that if a vote were to be held today, there would be considerably less than 14 votes in opposition.

It has been said today that HMO's are bad medicine. The Kaiser plan has been mentioned. I happen to have several thousand constituents who are subscribers to the Kaiser plan. All that I have spoken to unanimously approve it as a very marvelous health care plan and they are very well satisfied.

Representatives of the California Medical Association have come into my office and told me that they have no objection to health maintenance organizations. All they ask is that organized medicine be given a chance to participate in the policymaking.

If the California Medical Association, which is an adjunct of the American Medical Association, is not opposed to HMO's, why are they bad medicine?

The opposition has quoted a former official of the Kaiser plan. I would like to counter that with a statement from a study of the "military medicare" conducted by the Columbia University School of Administrative Medicine and Public Health.

It says, and I paraphrase it in an effort to save time, that the Government has recognized the potential value of prepaid group practice plans, and goes on to say, in effect, that the CHAMPUS program is a likely place to extend the HMO principle. This is from the Columbia University School of Administrative Medicine and Public Health.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Texas.

Mr. FISHER. It should be emphasized that since the Kaiser plan has been referred to by those who have reservations under this, it should be emphasized that the Kaiser spokesman before our committee is strongly in support of this legislation. It should also be emphasized that the Kaiser plan covers 2.5 million voluntary beneficiaries and costs the Federal Government not one dime.

Mr. GUBSER. I thank the gentleman.

The question of whether HMO is good medicine or not is not the point at issue here today. That issue was settled several weeks ago when this House in its wisdom determined that $244 million of the taxpayers' money should be used to subsidize the development of HMO's.

Mr. Chairman, there is no subsidy in this bill. This is not going to cost any more than the CHAMPUS program will already cost. This House has made the decision that HMO's are a worthwhile area to pursue. So that is not the issue before us today.

What is the issue? The issue is: Shall we discriminate against the dependents, the civilian dependents of military personnel, simply because their fathers or their guardians happen to wear the uniform of the United States? All this bill does is to give exactly the same option to the Department of Defense in the care of civilian dependents as it gives to the dependents of the Federal employees.

Why should we discriminate against a person, a civilian, because his parent happens to be in the uniformed services?

This is only a test. It is not an endorsement of health maintenance organizations; it is not mandatory; it does not penalize a patient who transfers from an HMO area to one which is not an HMO area, because he is covered by contract and his HMO must pay for the cost of his care in that non-HMO area. At the very worst, he still is allowed the benefits of the CHAMPUS program.

This bill does not deny him a thing if he transfers; it only adds to his options.

Mr. Chairman, we are not putting the Government into the medical business by this bill. We are in it. It costs $2,200,000,000 a year for military medicine, of which $522 million is the cost of the CHAMPUS program.

This bill could save money, because if we will look at page 4 of the report, we will find that invariably the people who are enrolled in group hospital plans spend less time in the hospital than those who are covered under individual health insurance policies. This could save money.

Basically a health maintenance organization is an organized system of health delivery which renders or arranges for the provision of health services to a defined population on a prepaid basis. The services are delivered through a medical group comprised of qualified personnel in the necessary specialties, who are either directly employed or are in a contractual relationship with the prepaid group practice plan. The advantages to the subscribers of health services are numerous. The emphasis is placed on outpatient preventive care, avoiding costly hospitalization except where necessary.

In prepaid group practice plans we have what can be called one-stop care with a full range of comprehensive services offered in a single setting. Because the plans are prepaid the expense of illness or injury at the time it occurs, when the consumer can least afford it, is avoided.

Mr. Chairman, and members of the committee, this legislation is long overdue. The report on the legislation shows that we are now spending $522 million for the CHAMPUS program. Like health costs generally, coupled with inflation, we can expect even higher costs in the next few years. In providing this option to CHAMPUS beneficiaries an element of cost control is possible. In fact, in the 1967 Report of the President's National Advisory Committee on Health Manpower, it was concluded that prepaid organized systems that provide health care on a direct service basis have been able to give high quality care with maximum economic efficiency. Moreover, a study of enrollment and utilization of health services under the Federal employees health benefits program, conducted under the auspices of the Health Services and Mental Health Administration, prepared by an eminent health economist, George Perrott, shows some fairly dramatic differences between prepaid group practice and indemnity type plans. For example, hospital utilization is from one-third to one-half that of the other plans. The rate of inpatient surgical procedures are significantly lower. The hearings cite data from the Perrott studies. Page 4 of the report cites some of this supporting data. I suggest to you that the evidence and the experience of these programs over the last 25 years make it a demonstrable fact that a qualified HMO will more than adequately serve the health needs of those eligible CHAMPUS beneficiaries who choose them.

Additional reasons why the military should be interested in the potential of prepaid group practice are the crowded conditions which presently prevail in military outpatient facilities, the limitations on preventive and diagnostic benefits under CHAMPUS—by contrast with their availability to beneficiaries using military facilities—and the utility of the group practice plans as potential yardsticks for measuring the quality of care throughout the program.

We recommend that CHAMPUS embark on a series of steps designed to bring the program abreast of the other Federal programs in its capacity for growth, evolution, and experimentation.

Mr. Chairman, the supporting evidence in favor of this legislation is conclusive. This bill is a modest proposal which can help improve the administration of the CHAMPUS program by the Department of Defense. It deserves the strong support of the House of Representatives.

The CHAIRMAN. The gentleman from California (Mr. Gubser) has yielded back the balance of his time.

The gentleman from Texas (Mr. Fisher) has 2 minutes remaining.

Mr. FISHER. Mr. Chairman, I yield myself those remaining 2 minutes.

I do that for the purpose of underscoring and emphasizing the point which the gentleman from California (Mr. Gubser) just made when he said that under the HMO's relative to admissions to the hospital, the time consumed in admissions into the hospital is much less than under the traditional systems which we are generally familiar with and to which many of us are often subjected.

Actually, nationwide, in the millions of instances upon which those statistics are based, it has been found that hospital admissions for individuals run about $594 for the Blue Cross and the medicare people.

Mr. Chairman, do the Members know what it runs under HMO's?

It is one-third less, $387. It runs one-third less than it does for the traditional, ordinary hospital admission. That is because they treat them in a manner that prevents them from having to go to the hospital.

It is a great program, Mr. Chairman, and it should be promptly approved overwhelmingly by this committee.

Before closing, however, Mr. Chairman, I want to tell this committee of the valuable service Mr. David Treen renders to the Armed Services Committee and to subcommittee No. 2 of that committee, which I have the honor to chair. He always sees that both sides of every question are explored. He has rendered that service to the Members of the House today. I commend him on the excellent presentation.

Nevertheless, I urge your support of H.R. 10586.

Mrs. HOLT. Mr. Chairman, I rise to express my opposition to H.R. 10586 which would authorize the Department of Defense to contract with Health Maintenance Organizations to provide health care to the beneficiaries of the Department's CHAMPUS program for retired servicemen, the dependents of active military personnel, and survivors of deceased active duty and retired servicemen.

CHAMPUS is a good program and I believe that it should be expanded to include preventive medicine; that is, physical examinations and immunizations. I feel that the evidence is less than conclusive that Health Maintenance Organizations will add tangible improvements to the CHAMPUS program. I am concerned that this legislation would put an official Department of Defense stamp of approval on HMO's which at this point are still in the experimental stages. There is also the distinct possibility that the widespread use of prepaid group practice systems will result in impersonal and uncoordinated health care.

There are a number of questions which should be answered concerning Health Maintenance Organizations before opening up CHAMPUS to this mode of health care. Congress recently adopted an authorization bill for HMO experimentation. It would seem to me that it would be more prudent to wait until we can evaluate the results of this experimentation before altering the CHAMPUS program.

All of us are concerned about improvements in the delivery of health care services. However, we must exercise caution that in our efforts to improve the system, we do not destroy existing well-functioning programs.

For these reasons, and the fact that HMO's are currently not available in 25 States, I must oppose the passage of H.R. 10586.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 55 of title 10, United States Code, is amended as follows:

(1) By adding the following new section at the end thereof:

"§ 1089. Use of health maintenance organizations

"In carrying out the provisions of section 1079 and 1086 of this title, the Secretary of Defense, after consulting with the Secretary of Health, Education, and Welfare, may contract, under the authority of this section, with health maintenance organizations as identified by the Secretary of Health, Education, and Welfare. The provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086 of this title when the Secretary of Defense determines that such a deviation would serve the purpose of sections 1071 through 1089 of this title. Such a contract, however, may not provide for annual payments per beneficiary, by the Government and a beneficiary, of any amount greater than the estimated average annual cost for comparable amounts of care of similar quality provided under the cost-sharing arrangements prescribed in sections 1079 and 1086 of this title.".

(2) The analysis is amended by adding the following item:

"1089. Use of health maintenance organizations.".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Adams, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care, had directed him to report the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TREEN. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 345, nays 41, not voting 48, as follows:

[Roll No. 544]

YEAS—345

Abdnor
Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Dingell
Donohue
Dorn
Drinan
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Gonzalez
Grasso
Gray
Gubser

Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Railsback
Randall
Rangel
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Ruppe
Sarasin
Sarbanes
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—41

Archer
Armstrong
Ashbrook
Broyhill, Va.
Clawson, Del
Cochran
Collins, Tex.
Conlan
Crane
Daniel, Robert W., Jr.
Dennis
Devine
Dickinson
Downing
Flowers
Flynt
Ginn
Goldwater
Goodling
Green, Pa.
Gross
Hammerschmidt
Holt
Huber
Landgrebe
Landrum
Lott
Montgomery
Moorhead, Calif.
Nelsen
Parris
Powell, Ohio
Quillen
Rarick
Robinson, Va.
Rousselot
Ruth
Satterfield
Symms
Treen
Young, Fla.

NOT VOTING—48

Alexander
Anderson, Ill.
Biaggi
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Fla.
Butler
Casey, Tex.
Derwinski
Diggs
Dulski
Foley
Ford, Gerald R.
Gettys
Green, Oreg.
Griffiths
Grover
Hansen, Wash.
Harvey
Johnson, Pa.
McKay
Macdonald
Maraziti
Mills, Ark.
Moorhead, Pa.
Murphy, Ill.
Myers
Poage
Quie
Rees
Roybal
Ryan
St Germain
Sandman
Saylor
Scherle
Schneebeli
Slack
Spence
Stanton, J. William
Steele
Udall
Van Deerlin
Veysey

So the bill was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Gerald R. Ford.

Mrs. Hansen of Washington with Mr. Casey of Texas.

Mr. Moorhead of Pennsylvania with Mr. Foley.

Mr. Macdonald with Mr. Scherle.

Mr. Biaggi with Mr. Saylor.

Mr. Diggs with Mr. Dulski.

Mr. Gettys with Mr. Butler.

Mrs. Green of Oregon with Mr. Myers.

Mr. Slack with Mr. Burke of Florida.

Mrs. Griffiths with Mr. Grover.

Mr. St Germain with Mr. Brown of Ohio.

Mr. Van Deerlin with Mr. Derwinski.

Mr. Murphy of Illinois with Mr. Harvey.

Mr. Udall with Mr. Brown of Michigan.

Mr. Alexander with Mr. Buchanan.

Mr. Mills of Arkansas with Mr. Johnson of Pennsylvania.

Mr. Rees with Mr. Anderson of Illinois.

Mr. Roybal with Mr. Quie.

Mr. Ryan with Mr. Maraziti.

Mr. McKay with Mr. Schneebeli.

Mr. Sandman with Mr. Spence.

Mr. Steele with Mr. J. William Stanton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT TO FILE REPORT ON DRUG ABUSE EDUCATION ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a report on the Drug Abuse Education Act.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PRELIMINARY INVESTIGATION TO DETERMINE IF SUFFICIENT GROUNDS EXIST FOR IMPEACHMENT PROCEEDINGS

(Mr. MILFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILFORD. Mr. Speaker, I have introduced a House resolution directing our Judiciary Committee to conduct a preliminary investigation, to determine whether or not sufficient grounds exist for this House to consider formal impeachment proceedings against the President of the United States.

According to our Constitution, impeachment proceedings can only be instituted by the House of Representatives. This action cannot be initiated in the Senate or the judicial branch.

Our Nation is in turmoil. This past week, the American people were incensed and the Congress was insulted when the President summarily dismissed an independent prosecutor. Emotions were further aroused when he seized that prosecutor's records and effectively stopped a judicial review of his alleged wrongdoings.

Let it be clearly understood by all, I am not proposing an impeachment proceeding nor am I avoiding one. I am simply saying that a formal impeachment action is a very drastic measure that will gravely affect this Nation. We should know what we are doing before we initiate such an action.

The majority of both the Congress and the American people have an indefinable "gut" feeling that our President has not been totally honest with us in his conduct of national affairs. Some even believe that he has committed gross illegal acts and indiscretions, warranting immediate impeachment. Even his most enthusiastic supporters now have gnawing doubts.

In truth and in fact, none of us really know. The type of investigation that could factually prove or disprove these suspicions, has not been conducted. Furthermore, the very backbone of our Constitution and Bill of Rights dictates that every person has the right to be proven guilty before he is convicted.

The majority of both the Congress and the American people insist that the President is not beyond our laws. I agree. But I also insist that any action against the President must be conducted in accordance with our laws and Constitution. This means that he must have the full rights of any accused person.

In keeping with these basic constitutional rights, one cannot be convicted on the basis of press reports, emotional feelings, editorial opinions, nor highly charged partisan statements issued by headline-seeking politicians. When one fairly discounts these factors, a portion of the case against the President fades away.

On the other hand, there has been substantial and credible evidence to indicate the possibility that the President of the United States may have been involved in illegal, immoral, or unethical activities. If true, these do warrant formal impeachment proceedings.

Again—we are not sure. We do not have the positive and credible evidence that would allow us to make such a decision.

Our sister body, the Senate, has been conducting an investigation that indirectly involved Presidential actions. However, the Senate's primary purpose was to look at our election laws. Furthermore, in the opinion of many people, that investigation evolved into a "TV spectacular" rather than a factual investigation for truth. The Senate has neither the power nor the authority to initiate an impeachment action.

Until this past Saturday, Special Prosecutor Cox had been methodically and properly investigating alleged Presidential indiscretions through our judicial system. If his investigation could have continued, it would have provided this House with a reliable indicator concerning the need for formal impeachment proceedings.

While the dismissal of Mr. Cox indicates the need for the House of Representatives to investigate, this action alone does not necessarily dictate the need for immediate formal impeachment proceedings.

In defending his actions against Mr. Cox, the President contended that the special prosecutor was his employee and that the employee had refused to obey his command. However, the President's action was contrary to his own word and violates the basic rules of our system of justice.

In effect, the President—who was an accused—fired the "district attorney" and insisted on having direct control over his own prosecutor, his own judge, and his own jury.

Furthermore, the President argued that he cannot be tried in a court of law as long as he is in office. This may be technically correct. I shall not debate that point. Neither will I participate in arguments concerning executive privileges, confidential conversations, and other complex points of law.

On one point, I am sure: The Constitution clearly states that the President can be indicted by the House of Representatives. I am not sure that we should bring an indictment at this point in time.

Our judicial system very wisely uses a grand jury to conduct preliminary investigations of all major criminal allegations. The grand jury investigates significant evidence against an accused and recommends a full trial if that evidence warrants. In my resolution, I am doing exactly the same thing.

In the resolution that I introduced today, we would appoint a proper forum that will have indisputable constitutional power to investigate all serious allegations against the President of the United States. Rather than a formal impeachment proceeding, this special subcommittee will in effect be the "grand jury" of the House of Representatives.

After this subcommittee has done its work—within the specified 30-day period—it will report back to the full House. Afterward, each individual Member will then be able to responsibly make a decision concerning the advisability of holding formal impeachment proceedings.

Mr. Speaker, I request immediate consideration of this resolution, and I ask each of my colleagues to support it.

RESOLUTION TO INVESTIGATE ACTIONS OF PRESIDENT RICHARD M. NIXON

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, what a terrible day it is when the people of the country fear for the future of its institutions, not from any threat by an external enemy or an internal revolt, but from the actions of the President of the United States. Yet that is the situation we are facing today.

Since Saturday evening's announcement by the White House, my offices in Washington and Akron have received over 750 telephone calls and telegrams about the President's actions. During my service in Congress, no other single event has produced such an incerdible volume of communications from my constituents in a comparable period of time. The reaction indicates the gravity of the situation and the degree of the crisis of confidence in the integrity of the Federal Government.

The common reaction combines shock, fear, and a sense of having been betrayed. Over 90 percent of the communications I have received have been critical of the President. A clear majority have demanded impeachment. The message my constituents have sent to Washington is unmistakable: Americans still demand that their government be administered according to the Constitution and laws of the United States.

As Members of Congress, we are individually and collectively sworn to protect and defend the Constitution. Today, we face an unprecedented series of events which the public perceives—and with good reason—as a threat to that Constitution.

Mr. Speaker, Congress must discharge its constitutional authority to investigate the serious allegations of impeachable conduct by the President of the United States.

With other members of the Judiciary Committee and of the House, I intend today to introduce a resolution calling upon the Judiciary Committee to investigate the President's activities and to determine whether there are grounds for impeachment or other action by the House of Representatives. My resolution does not call for the impeachment of the President. It merely calls for an investigation into the President's activities, including those concerning the Watergate case and related matters.

The actions of this past weekend raise grave questions about the ability of the Justice Department to carry out an impartial investigation of White House involvement in the Watergate case and in other incidents suggesting impropriety and criminal activity by Government officials.

Mr. Speaker, I am today cosponsoring a bill introduced by the distinguished gentleman from Iowa, JOHN C. CULVER, which would create an independent prosecutor. However, even if such an independent prosecutor were created, the same problems might arise which confronted Special Prosecutor Archibald Cox in his efforts to obtain evidence from the White House.

It is in the interest of the public, the President, and the Congress to clear the air in the most expeditious manner possible. I believe that the proper way to accomplish this is for the House Judiciary Committee—pursuant to the powers of the House of Representatives under the impeachment clauses of the Constitution—to initiate at once an investigation to determine whether facts exist which would justify a resolution of impeachment of Richard M. Nixon or other appropriate action.

Mr. Speaker, I include the text of my resolution in the RECORD at this point:

H. RES. 645

Resolved, That the Committee on the Judiciary immediately undertake an investigation of the activities of Richard M. Nixon, President of the United States, including his activities in connection with the so-called Watergate case and related matters, in order to ascertain all facts bearing on the possible commission by Richard M. Nixon of high crimes and misdemeanors under section 4 of article II of the Constitution, and that upon completion of such investigation said Committee report to the House its recommendations with respect thereto, including, if the Committee so determines, a resolution of impeachment.

IMPEACHMENT OF THE PRESIDENT

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker, my colleagues, there comes a time in every man's life when he must face up to his own integrity, with the hope that his integrity mirrors the integrity of the House and the integrity of the United States of America.

I stand before you this morning agonized, because I do not want—I do not desire to take this quantum step. But, my heart, my conscience, my soul, all that is me, demands that this step be taken. The step is very simple.

I shall introduce today a resolution calling for the impeachment of Richard Milhous Nixon, President of the United States. This is not an easy decision, and it is not a happy decision for me. I love my country as much as any man, woman, or child within the sound of my voice, but the reality is, that this Nation is being wracked by an exquisite agony, and that agony is the result of the President having interposed himself in the judicial process, having placed himself above the law of the land, and having treated the Congress and my countrymen with contempt.

I would urge and entreat the Members' support of my resolution which requires the impeachment of the President, charging him with high crimes and misdemeanors.

Mr. Speaker, a man was dismissed from his job. Another resigned. And this country cries for impeachment of its President. How has this come to pass? How have we come to be here today?

True, the man held no ordinary job. His was the responsibility, by virtue of congressional and Presidential mandate, to investigate one of the most far-reaching scandals this country has ever known.

The resignation of the other man? Well, perhaps he was a friend of the one fired. Or perhaps he was merely a man who realized that the justice for which he thought he had been working, no longer existed.

I am talking about the wielding of arbitrary power. The kind of power which exists in a dictatorship, not in a democracy.

Is this single issue important enough to warrant impeachment? I personally think so. However, the President has provided us with a lengthy list of breaches of trust, of obstructions of justice. Ours is no longer a difficult decision to make. The illegal and secret bombings of Cambodia, the commitment of public funds without the authorization of Congress, the dismantlement of programs upon which the lives of millions of poor, aged, and handicapped citizens depended, the sanctioning of illegal wiretaps and the ensuing violations of private property. Each of these singly provide sufficient grounds; cumulatively, they spell out an unquestionable course of action.

For nearly 200 years the President of the United States has been to the American people the embodiment of the principles upon which this country was founded. Richard Nixon himself was elected on a platform of law and order. That election has since been rendered tragically farcical. The law has been perverted. No vestige of order exists.

We cannot look at the Constitution of the United States without being conclusively struck by the overwhelming intention of its framers that no man be allowed to put himself above the law. The Constitution reflects this country's fervent rejection of monarchy, of dictatorship. The framers of the Constitution felt that they had laid a governmental framework strong enough to keep any man from taking the law into his own hands. The very stability of our country has been based on the fact that while administrations may change every 4 years, the law remains constant.

Now the very stability of our country is threatened. One man has succeeded in overriding the dictates of the Constitution. He will continue to do so unless we stop him. We, as Members of the House of Representatives, are the only ones who can do this. Know well, fellow colleagues, that if Richard Nixon is allowed to make a mockery of the U.S. Constitution for another 3 years to the point at which it will become meaningless as document and as law, it will be because you failed to act when the mandate was upon you.

IMPEACH THE PRESIDENT

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, I am today cosponsoring the resolution of impeachment against President Nixon authored by the gentleman from California (Mr. WALDIE) and the Democratic study group resolution reestablishing the special Watergate prosecutor independent of the President.

These are basic steps essential to restore order and sanity to our National Government and to reestablish public confidence in our political process. In my judgment, these resolutions are now the most urgent business of the Congress and while a tragic war in the Middle East and urgent social problems here at home demand our attention, the impeachment of Richard Nixon and the continuation of the Watergate investigations and prosecutions must be the highest priority.

It is ironic indeed that the man who campaigned from coast to coast in 1968 on a pledge to restore respect for the law has now become the Nation's No. 1 lawbreaker and obstructer of justice. Let this serve as a lesson to those who are so easily seduced by the glib and easy rhetoric of politics, and who cannot be bothered with determining whether any substance lies behind the slogans.

I find it incredible that the movement within Congress for impeachment is not overwhelming. What the President has done—in its most basic terms—is assume to himself the right and power to determine who shall be prosecuted for serious crimes, what evidence will be made available for such prosecutions, and to whom that evidence will be given. These are not the constitutional prerogatives of a President of the United States. They are the powers of a dictator, or an absolute monarch.

What Richard Nixon has forgotten, or has chosen to ignore, is that regardless of how strong or dominant the Presidency has become since the founding of the Republic, we are still a Nation governed by the rule of law, not by the rule of men. Once men—elected or appointed—are permitted to become a greater power than the law, the very fabric of our political and social life will be destroyed.

Richard Nixon's contempt for the law and for our constitutional system really was apparent long ago, in the conduct of the war in Southeast Asia. I still feel there were more than adequate grounds for impeachment on the basis of the Nixon war policies and, even now, would welcome a broadening of the current impeachment effort to include that ground, although I recognize that many of my colleagues would feel that adding the war issue might be a distraction.

The task of Congress now is to restore decency, honor and justice to our political process. Impeachment is a most serious and drastic measure, but it is the sole mechanism available to us. Richard Nixon's contempt for the American people, for the Congress, for the courts, for his very oath of office, has cut the cord of accommodation and mediation. Whatever upheavals may be caused by the impeachment of the President would not compare with the chaos that would exist were he not brought to justice.

HOUSE OF REPRESENTATIVES SHOULD CONSIDER IMPEACHMENT RESOLUTION

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, I asked for this time to discuss a topic we all have been forced to seriously consider during the recess. I refer, of course, to the impeachment of the President of the United States.

President Nixon, by his actions over the weekend, has defied the courts of the United States. He has defied the desires of the American people that charges of corruption in his administration be fairly investigated. And he has defied the Congress of the United States to do anything about it.

Mr. Speaker, as much as I respect the Presidency and its traditions, I have reluctantly concluded that consideration of an impeachment resolution by the House of Representatives is the only answer. It is the only totally effective remedy yet available if any of the serious charges against the administration are to be thoroughly investigated and it is the only means by which President Nixon can effect to clear his administration of these charges, if they are unjustified.

The American public will not believe an in-house investigation. They will believe, and perhaps rightly so, that an inhouse investigation cannot rise above the suspicion of whitewash.

This suspicion was in part encouraged by the performance of the Justice Department in the early stages of the Watergate investigation. After all, creation of a special prosecutor's office itself was to answer these suspicions and avoid further allegations of coverup.

The public's suspicions were confirmed over the weekend when President Nixon fired the special prosecutor and abolished his office. The departure of the top two appointees in the Justice Department only confirms the widespread belief that Archibald Cox was fired for doing his job too well.

Now we have an acting Attorney General who pledges to run the now inhouse investigation with vigor. What I would like to know is that if a vigorous investigation was what the White House really wanted, why did not the President keep Archibald Cox on the job?

I respect Mr. Bork's statement and I hope he succeeds in his intentions. But no matter how hard he or the remaining staff tries, they cannot prevent being subverted in their desires if they listen to the President's statements.

We are left with no demonstrably reliable means by which the public can learn if the President was involved in Watergate, whether improper influence was exerted in the ITT antitrust settlement, the raising of dairy support prices, the remodeling of the President's San Clemente home, the issuance of bank charters to Presidential friends, the enrichment of large grain distributors and the activities of Presidential staff members with more zeal than judgment.

It is for these reasons that Congress must take over the investigation for the good of America. And the best way to base this investigation is upon a resolution of impeachment. Impeachment is the means the Founding Fathers of this Nation placed in the Constitution to protect us from dictatorial excesses. The revolution that brought about the existence of the United States resulted from our experiences with kings and royalty. The Constitution deliberately created an elected President under the law to avoid any future would-be kings above the law. Impeachment is the only constitutional remedy to deal with a President who believes himself beyond the law.

I think last weekend's events clearly demonstrate what President Nixon thinks of the law's restraints. He violated an order by the U.S. court of appeals. And he fired and impeded those persons who were bringing out the facts about the worst corruption charges in American history.

Consideration of an impeachment resolution is the best legal position from which a congressional investigation can proceed. Setting up another special prosecutor or a special committee without an impeachment resolution would only mean more spinning of wheels. Even if guilt was established, the House would then still have to conduct a further investigation before any action on articles of impeachment could be taken.

Secondly, only a proper impeachment investigation would have sufficient legal standing to override Presidential claims of executive privilege. Executive privilege cannot be a defense in the impeachment process. Under this process, the House can require the President to produce any and all materials it feels is necessary and relevant to its inquiry—including those refused to the special prosecutor and the Senate Watergate Committee.

It is an intrusion by the legislative into the executive branch, agreed; but the purpose of impeachment is to allow this intrusion to save the Nation from the excesses of executive power.

I feel that Congress must investigate under the legal standing of an impeachment—rather than create another committee to investigate whether there should be an investigation.

I have similar qualms about creation of a special prosecutor's office by the legislature. It may be an improper intrusion into executive domain simply because it does not have the sound legal basis of an impeachment resolution. And again, there is the inadequacy of trying to investigate the grounds for possible impeachment without having the ability to report an article of impeachment for House action.

I believe the House committee system is precisely adapted for an intensive, fair investigation of these allegations under the legal shelter of a resolution of impeachment. Any such committee should hire Archibald Cox as its special counsel.

Impeachment is a strong word—a word most of us mouth reluctantly and with great sadness. But the tumultuous events of this year and last weekend leave the Congress little choice. I believe Congress must not sidestep, procrastinate or approve cosmetic investigations. It is time to stand up and be counted. It is time to initiate an investigation under a resolution of impeachment to determine whether the Nation should continue under a President who believes himself above the law and its constraints.

INVESTIGATION TO DETERMINE WHETHER GROUNDS EXIST FOR IMPEACHMENT OF THE PRESIDENT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I have today introduced a resolution calling for an investigation to determine whether grounds exist for the impeachment of the President of the United States.

The thought of subjecting our Nation to the trauma of a Presidential impeachment deeply disturbs me, yet I feel Congress now has no other recourse than to stare that possibility directly in the eye.

It is a prospect which I never thought I would ever have to face. It is a prospect which I hope may still be averted.

But the events of the past weekend mean to me that serious questions which should have been resolved in an orderly manner by the courts now cannot be so resolved in the absence of an independent prosecution.

By his action in ordering the dismissal of Special Prosecutor Archibald Cox, President Richard Nixon has circumvented the process through which the grave allegations against his administration were to have been fairly evaluated in our system of courts.

I do not pretend to know whether this act by the President, of itself, or in concert with previous actions, constitutes an impeachable offense.

I do know, however, that our Constitution clearly holds the House of Representatives responsible for determining whether a President should be impeached—and thus be tried before the Senate on the question of whether he must forfeit his office.

I also know that the people of America want—and deserve—to know the answer to this question—an answer which only the Congress can provide.

The very thought that our President could be, or should should be, impeached is poisonous to the conduct of our Nation's affairs. It dangerously limits the President's abilities to act, creating a form of paralysis which imperils the welfare of the country.

It is my belief that this poisonous attitude is rampant across the land in the minds of well-meaning citizens, and therefore the question of impeachment must be resolved—one way or the other—as quickly as possible.

My resolution proposes simply that an imemdiate investigation be made as to whether grounds exist for impeachment. Such an investigation should first endeavor to define, as precisely as possible, what constitutes an impeachable offense.

Second, there should be a rigorous examination of Mr. Nixon's actions as President to determine whether they fit the definition.

The investigation should not involve—and I wish to stress this—philosophical or political activities by the President which might be at variance with the preferences of a majority of the Members of Congress. The President, indeed, has an electoral mandate, and has a perfect right to disagree with Congress on questions of philosophy and policy. I will defend that right.

Along that line, I think it incumbent upon the House to proceed expeditiously with its consideration of the nomination of Minority Leader Gerald Ford for Vice President. As in the consideration of impeachment, philosophical and political differences should play no part in the decision on Mr. Ford's qualifications to assume the office of Vice President.

I disagree most vehemently with the suggestion that Congressman Ford's nomination should be held "hostage" until such time as President Nixon's situation is resolved.

I believe that, if an examination of Mr. Ford's finances and his past conduct in public office shows no discrepancies, and if Mr. Ford is able to demonstrate a proper grasp of the duties and responsibilities of the office of the Vice Presidency—as well as the Presidency he may someday occupy—he should promptly be confirmed.

In the event that it should become necessary to remove President Nixon from office, I think it would be most unfortunate and most divisive if the Speaker of the House of Representatives, a member of the opposition political party, were to be in line to succeed to the Presidency simply because the Democratic Congress had declined to approve a Republican nominee for Vice President.

In conclusion, I simply wish to say that this is a painful day in my life. I have no desire to play any part, however slight, in bringing about the turmoil and upheaval of a Presidential impeachment. But, I feel that my oath of office requires that I move to force House consideration of that terrifying prospect.

If the President is not subject to impeachment, he deserves nothing less than a declaration by the House that they have so found. If he is subject to impeachment, the people of the country deserve nothing less than House action to bring him to trial before the Senate for a determination as to whether he should be removed from office.

IMPEACHMENT OF THE PRESIDENT OF THE UNITED STATES

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, it is with considerable regret that on this day I have introduced a resolution calling for the impeachment of the President of the United States, Richard M. Nixon.

I have taken this action only after long and careful consideration. It had been my hope that the President would relent and obey the orders of the Federal courts. He has refused to do so and at the moment is before the courts which may make a determination as to whether or not he is in contempt.

My action is predicated not only on the President's handling of the tape question. The resolution cites seven specific charges in the bill of particulars.

Viscount James Bryce reminds us in "The American Commonwealth" that impeachment:

> Is like a one hundred ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at.

There can be no doubt that President Nixon has generated "an enormous charge of powder." Obviously, the President of the United States is a large mark. The founders put the impeachment provisions in the Constitution after careful deliberation. The founders were agreed that:

> The power of impeachment ought to be, like Goliath's sword, kept in the temple and not used but on great occasions.

The tragic fact is that the President, by a long series of actions, has literally demanded that the sword of impeachment be taken from the temple. I believe that no reasonable person will disagree with my feeling that the President's firing of Prosecutor Archibald Cox, Attorney General Richardson, and Assistant Attorney General Ruckelshaus has created "a great occasion."

James Madison told the Virginia Ratification Convention that:

> If the President be connected, in any suspicious manner with any person, and there be ground to believe that he will shelter men he may be impeached.

The President's refusal to make available the tapes and documents which the courts have ordered him to release indicates that the President is sheltering a number of persons who have been part of his administration in that his refusal amounts to the withholding of essential evidence needed in the judicial process. I have, therefore, in the exercise of my oath to support the Constitution no alternative but to introduce a resolution of impeachment. A copy of my resolution including the charges is included.

SPECIAL PROSECUTION CONSERVANCY ACT

(Mr. CULVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULVER. Mr. Speaker, I am today introducing a bill to reestablish the special Watergate prosecutor independent of control by the President.

This is most emphatically not a partisan proposal. It is a serious effort to redress the evident conflict of interest that deprives the Executive of the capacity to conduct a fair and evenhanded prosecution of those persons other than the President who have been implicated in the Watergate affair. It addresses the fundamental proposition that, in matters of public importance especially, justice must not only be done, but be seen to be done.

In preparing this measure, we have consulted preliminarily with experts in constitutional law. They have advised us that there appears to be adequate justification, at least in the present circumstances, for conferring the appointing authority on the chief judicial officer who supervises the work of the grand juries principally concerned. The relevant legal considerations are set forth in a brief memorandum we have prepared to accompany the bill.

Interestingly enough, we have discovered that Richard M. Nixon is on record essentially in support of our approach. In 1951, while in the U.S. Senate, Mr. Nixon introduced legislation that would have empowered any district judge to appoint an independent special counsel on request of a grand jury. This counsel would have had charge of the investigation and would have had power to sign indictments. The bill I am introducing is narrower, since it is focused only on the Watergate and related prosecutions where there is an established conflict of interest involving the regular prosecution.

I must emphasize that this measure in no way substitutes for or concludes consideration of the entirely separate matter of impeachment. Nor does it take a position upon the agitated question of release of the White House tapes. Deliberation upon those questions may and should go forward in the appropriate forums. No matter how they are resolved, it will still be necessary to restore the evenhanded administration of justice and to conserve the prosecutional resources developed to date. That is the object of my bill.

Mr. Speaker I will include the text of my resolution and a summary of the effect at a later point in the RECORD.

PROPOSED IMPEACHMENT OF THE PRESIDENT

(Mr. FASCELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, with millions of Americans, I was stunned and dismayed by the President's actions this weekend.

By directing the Special Prosecutor, Archibald Cox, to cease efforts through the courts to obtain tapes or other Presidential documents, and engineering his firing, the President reneged on the solemn pledges made by the administration to the U.S. Senate and the American people that there would be a truly independent investigation.

The President summarily has destroyed the independence of the criminal investigation and prosecution of suspects and defendants in the Watergate and related cases. He thus makes it appear that there is a continued, determined and calculated effort to defeat the ends of justice by obstructing or hampering it.

The President apparently refuses to fully obey a Federal court order to make available evidence which could assist in establishing the guilt or innocence on grave criminal charges affecting former high Government officials of his administration. By his decision not to seek a decision by the Supreme Court, the President is bound by the district court decision. It remains to be seen whether the district court will accept the so-called "Stennis Proposal" as action in compliance with its order.

The President has precipitated a constitutional confrontation between the three branches of Government unprecedented in our history. As one commentator has pointed out, Mr. Nixon, who has based his refusal to make the disputed tapes available to the courts and the Congress on the principle of "Executive privilege" and the separation of powers, chose a member of the legislative branch to review the executive branch tapes to comply with a court order of the judicial branch. His actions have brought dismay, frustration, and disbelief. He has cast doubt in the minds of millions of Americans on the ability and stability of our democratic institutions. The very heart and soul of our Government is at stake.

Only Congress and the American people can redress these grievances.

The Congress must act swiftly and positively to restore the independence of the criminal investigations and prosecutions and take whatever steps are necessary to assure prompt and orderly disposition of all criminal cases.

I have, therefore, today joined the sponsoring legislation to provide for the appointment of a special Watergate prosecutor independent of the President. The resolution is designed to assure the integrity of the special prosecutor's staff and records, incorporate in statute the guidelines for the special prosecutor's independence, give him independent authority to collect and safeguard evidence and extend the life of the grand jury—scheduled to expire on December 5, 1973—for an additional 6 months.

The Congress must simultaneously proceed to broaden the entire investigation of the Watergate and related incidents to determine if there is an impeachable offense against the President.

Toward this end, I am today also joining in the introduction of a resolution authorizing and directing the House Judiciary Committee to inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of the committee Mr. Nixon has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the constitutional powers of the House of Representatives. The committee is directed to report its finding to the House. And I would hope that the action contemplated in the resolution be initiated at the earliest possible time.

IMPEACHMENT OF THE PRESIDENT

(Mr. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKINNEY. Mr. Speaker, we stand in the House of Representatives today at a troubled time in our history. The cries are ringing out throughout the Nation for impeachment of the President of the United States. I do not take these cries lightly. Nor do I underestimate the confusion and the argumentation that will go forth as to whether the President is impeachable or not.

I feel that the basic confidence of the American people in their Government is at stake. I do not think we can get lost in the political or legal arguments of impeachment and do nothing under the excuse of parliamentary time and legal maneuvering.

Mr. Speaker, I would suggest to you that this House, this building, stands for rule by law, not by fiat from any man. That if any officer of the Government subverts or puts himself above the law, or manipulates the law to destroy its credibility and effect, that this House must be concerned about democracy and its survival.

Mr. Speaker, I would make several suggestions today. First, I would suggest that you use the total power of your office and that of the Senate leader's office on your side of the aisle to pass through these bodies immediately special legislation calling for the reestablishment of a special prosecutor under the power of the Congress of the United States; second, I would request that you set up a committee structure to immediately study all the impeachment resolutions that will be introduced today and to study the legal aspects of the President's actions; third, I would further request that this study be given a very severe time mandate and that these special bodies or committees report back to the general body of the House within the period of 1 month so that the House may either act on impeachment, should that be the proven course, censor, should that be the proven course, or indict for criminal offense, should that be the necessary course.

Mr. Speaker, I would suggest that a cloud hangs over the very beliefs that this building stands for. If we, as the representatives of the people, allow that cloud to remain, I seriously question the future of our Nation as we love and know it.

IMPEACHMENT OF THE PRESIDENT

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, it is profoundly shocking to have one Member of the House after another come to the well of the House and talk about impeachment of the President of the United States. Almost without exception, each one who did so expressed his regret, and because I have great respect for the Members of this House, I do not doubt the sincerity of those expressions of regret.

However, I do doubt the judgment which impels anyone to speak of impeachment at this particular time in our history, particularly when one examines the Constitution of the United States.

The words of the Constitution are rather plain. It says that impeachment may lie for the commission of high crimes and misdemeanors.

I ask each Member to reflect upon those words and then ask himself if there have been high crimes and misdemeanors committed which would justify impeachment.

It has been said that the President has defied an order of the court. The former Attorney General of the United States not over an hour ago said that this is not true; he has not defied an order of the court. Actually, what the President did was to propose an alternative which would in his mind, and I think in the minds of many of us, have actually complied in the spirit of the order which was issued by the District of Columbia court of appeals. The key members of the Watergate Committee approved of his proposal. The Attorney General of the United States not only approved of it, but had a lot to do with its formulation. The only one who did not approve of it was the special prosecutor, Mr. Cox.

Mr. Speaker, I ask the Members, was Mr. Cox appointed with the idea of setting him up as a fourth branch of the Government who would not have to answer to anybody at all? I do not think that this was the intention of the Executive nor the intention of the Congress when Mr. Cox' office was set up.

Was it a high crime or misdemeanor for the President of the United States to fire Mr. Cox, or to accept the resignation of the Attorney General and the Deputy Attorney General? Of course not. No one has indicated that such was the case. If this were the case, then we would have impeached many Presidents in the past who have from time to time made controversial personnel changes, but there has been no talk of impeachment in those cases.

I am afraid, Mr. Speaker, that those who are talking about impeachment today have been thinking about impeachment for a long time. I do not think that this suddenly came bursting full blown from the brows of the Members on my right. I think there has been a lot of thinking about this; a lot of wishful thinking, I might say. The American people do not deserve this. Our people have had one blow after another for the last several months, and it does not do the Republic or the people of the United States any favor to talk about impeachment at a time like this, with no evidence available to justify impeachment.

I ask, Mr. Speaker, that this talk be stopped immediately, and that we proceed with the business of serving our people and this Republic.

CONGRESS MUST NAME PROSECUTOR

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, we have all been shocked by the firing of Archibald Cox and the resignations of Mr. Richardson and Mr. Ruckelshaus. The Nation still faces many unanswered questions and the answers to those questions still must be found. The precedent for this type of appointment was set during the Teapot Dome Scandal and I feel the precedent is appropriate here.

Under a bill I have introduced the House and Senate would be required to appoint an individual of the highest character and integrity to serve as special prosecutor for the Government of the United States. The selection of the special prosecutor would be required to be made from outside the Government and also be required to be made from among individuals who do not now hold any public elective office.

The appointment of the special prosecutor would be made by a majority vote in each House. Once appointed, the special prosecutor would be indepedent from any department or agency of the United States and would have authority to appoint his own independent staff to assist him with the investigation and prosecution.

I am convinced that this current confidence crisis will escalate still further if the future handling of Watergate is not now conducted in an impartial, unprejudiced manner—free from partisan political controversy. Only by adhering strictly to the traditional American concepts of jurisprudence can we be certain that the further handling of these tragic cases will be conducted in a just and impartial manner.

As to the matter of impeachment, I believe that at this moment the best procedure is to refer the resolutions on this to the Judiciary Committee for prompt and complete consideration and recommendation. A matter of such gravity should be handled with careful deliberation, not in heat and emotion.

I personally believe that the President had the legal power to fire Cox, but that he has acted unconstitutionally in a number of other important matters. He has, for instance, ended programs and projects which the law has directed him to carry out. This is unconstitutional, according to the courts, and I believe this to be so.

I would hope that the President would rectify this situation and that this weakness in his administration can thus be removed from the area of consideration in the impeachment hearings. In saying this I am not referring to impoundment procedures allowable under the deficiency Act; but to the the actual killing of entire programs and projects directed by law. This he cannot constitutionally do.

IMPEACHMENT PROCEEDINGS

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, as one who has been a former district attorney and who understands that the House sits as an indicting body on the question of issuing articles of impeachment, I had been prepared today to offer a resolution that there be a select committee appointed to consider impeachment. I felt that a select committee would be a better vehicle than the Committee on the Judiciary which already has pending before it the confirmation of a new Vice President.

There being a resolution for impeachment pending, I have examined the precedents and found it could be either called up immediately or referred to the House Committee on the Judiciary or referred to a select committee.

I have been assured by the leadership—and I accept that assurance—on both sides of the aisle that this matter will be referred to the Committee on the Judiciary.

You can call it investigation, you can call it whatever you wish. But when that resolution is heard, and it is going to be heard before the Committee on the Judiciary, then evidence will be taken, I have been assured, as well as procedures established so that the matter of impeachmen can be presented in an orderly fashion to the House with a recommendation either for or against.

I personally feel, as I am sure most Members of the House do, that we do not have the evidence at this point to determine whether or not articles of impeachment should be drafted, and those articles, once drafted, taken to the Senate for trial. Therefore, I hope the Committee on the Judiciary will proceed immediately—and it is my understanding that they will—so that it can be presented to the House for our considered judgment.

I think there is a grave constitutional crisis, caused by the existing conflict between the executive and the judiciary. The only remaining way to resolve that crisis is through the constitutional process, which puts the responsibility on this House to proceed in an orderly fashion with impeachment proceedings.

IMPEACHMENT PROCEEDINGS

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, in the light of recent developments which have culminated in the resignation of the Attorney General and Deputy Attorney General, as well as the dismissal of the special Watergate prosecutor, it is not surprising that serious, and in many respects, irrational attacks have been directed against the President of the United States.

However, it would be both unwise and unbecoming for this body to take summary action which would brand the President's conduct as amounting to "an impeachable offense."

Mr. Speaker, there is serious doubt on the question of the authority of the Watergate Committee or of the district court to require the production of taped accounts of private and confidential conversations between the President and members of his staff. In the district court, the judge recognized the limitations on ordering any such production of taped conversations by directing that he would first undertake to review the taped conversations—privately—and then determine what part or parts, if any, might appropriately be reported to the grand jury.

The special prosecutor appealed from this ruling, contending that the entire tapes should be surrendered to him—and it is important to observe that the special prosecutor appeal was denied and his appeal dismissed. Indeed, the court of appeals in its opinion, called attention to the significance of conversations which had been held by the special prosecutor, counsel for the President, and the court, in an effort to avoid a needless constitutional adjudication.

There is other qualifying evidence in the opinion, leading to the view that some such compromise as that arranged by counsel for the President and the Attorney General, with the chairman and ranking minority members of the Senate Watergate Committee were consistent with achieving justice without impairing the constitutional separation of powers inherent in this celebrated case.

Mr. Speaker, it would seem entirely appropriate for the House Judiciary Committee to consider the various aspects of the charges and countercharges involving the so-called Watergate case. However, initially, it would seem important for the committee to consider the legal and constitutional grounds upon which such hearings would be warranted. It is my considered opinion that the committee should consider the right of a court or committee of the Congress to order the surrender of confidential and private conversations engaged in by the President of the United States with his staff. Clearly, if the so-called Watergate conversations may be demanded, there would seem to be no end to the demands which the Congress or the courts might make with respect to private White House conversations.

Mr. Speaker, the other legal question involved is whether the President as head of the executive branch of Government, may be denied the right to control the execution or enforcement of the laws. In this connection, the Office of President—and not the President as an individual—is in control of the executive branch. While subject to the laws as an individual, it would not seem possible for some third party—or fourth branch of Government—to possess autonomous authority to proceed against the President. The Constitution does not provide for, and the people have not granted any authority to the so-called special prosecutor to assume the prerogatives of the Congress or to supersede the President in his role as head of the executive branch. At any rate, this presents very sensitive and technical, legal, and constitutional questions.

Mr. Speaker, it is my hope that the House Judiciary Committee or an acceptable subcommittee may review these constitutional and legal questions preliminary to any consideration of charges of wrongdoing or so-called impeachable offenses leveled at the President of the United States.

Mr. Speaker, the stability and effectiveness of the U.S. Government, both in the management of our domestic as well as our foreign affairs are dependent upon a strong governmental system. The strength of our President, as a national as well as an international leader are beyond question. The entire free world looks to our Nation's leadership for an enduring peace, and for the solution of the grave international problems, including improved relations with the People's Republic of China, and an era of détente between the nations of Eastern Europe and the Western free world.

Mr. Speaker, I hope that we can use both patience and judgment in our efforts to meet this critical challenge. Let us hope that an acceptable resolution of the pending court proceedings—similar to that agreed upon in the Senate Watergate hearings—may be reached.

IMPEACHMENT PROCEEDINGS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, article II, section 3 of the Constitution very clearly reads that the President "shall take care that the laws be faithfully executed."

The President has deliberately precipitated a series of events to enable him to remove a special prosecutor whom he has long wanted to remove because that prosecutor's activities were embarrassing to the President personally, although the special prosecutor has attempted to carry out the orderly processes of justice.

Very clearly in this situation President Nixon is obstructing justice. I have, therefore, introduced a resolution of impeachment, and I have also cosponsored resolutions to reestablish by statute the independent office of special prosecutor.

This grave constitutional crisis is not only an issue of the special prosecutor personally but the issue of his office, his papers, and his independence in carrying out an investigation of criminal activities which are apparently reaching too close to the President and the White House. The President seems to be oversensitive to the special prosecutor and has, therefore, sacrified both Mr. Richardson and Mr. Ruckelshaus to stop the prosecutor from doing his duty.

Mr. Speaker, I was most interested in what the gentleman from Ohio (Mr. ASHLEY) related with regard to the background of the impeachment of President Andrew Johnson. That political impeachment has cast an inhibiting cloud over all of our actions today.

The brilliant description that John F. Kennedy wrote in "Profiles of Courage," sank into the consciousness of every American, and has muted and slowed down the requests for impeachment, both by Congress and the Nation.

We do not want to proceed with any political impeachment, such as occurred with Andrew Johnson. Therefore, when the people today demand impeachment they are demanding it in a sober fashion against the background of that unfortunate chapter in American history.

I believe such an impeachment resolution deserves a very thorough inquiry by the Committee on the Judiciary. The President is clearly obstructing justice. Entirely too much emphasis has been placed on "the tapes," when the fundamental issue is whether the President is obstructing justice, placing himself above the law, and refusing to insure that the laws be "faithfully executed."

ON IMPEACHMENT

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GRAY. Mr. Speaker, as one who has been subjected to inuendo, smears, and false accusations by members of this administration, I could very easily rise today and say that I immediately would vote to impeach President Nixon; however, my conscience requires that I not take such precipitious action. I have always followed the standard of justice that a person is innocent until proven guilty. Mr. Speaker, the American people are upset over the firing of Special Prosecutor Archibald Cox who was told by the President that he had a free hand in investigating not only Watergate but any other charges of misconduct. As far as I am concerned, the tapes issue was not the real reason for Mr. Cox's firing. I think this was proven by the turn of events this afternoon. If the President knew last Saturday that he was willing to eventually turn over to the courts the tapes in question as he did today, why then would he go ahead and allow the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus in order that Acting Attorney General Bork could go ahead and fire Mr. Cox? For these reasons, I feel that the entire matter of a specal prosecutor should be considered before any thought should be given to impeachment. Accordingly, I support the following resolution in order that all the facts surrounding this dispute can be considered. I am sure every Member of Congress, both Democratic and Republican, would then be in a better position to judge what course of action Members of Congress should take in fulfilling their constitutional responsibilities. The resolution follows:

Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the power of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

FIRING OF SPECIAL PROSECUTOR

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, I was outraged to learn last Friday night of President Nixon's peremptory firing of special prosecutor Archibald Cox. It was an out and out violation of the pledges he had given the country when Elliot Richardson was named Attorney General and Mr. Cox was appointed special prosecutor. The impression given the country at that time by Mr. Nixon's statement was that Mr. Cox would be given total independence and cooperation in all his endeavors to investigate and bring to justice those who had committed offenses in or against the Government. Now the President has slammed the door on judicial investigation by his dismissal of Mr. Cox. Can anybody believe that the Department of Justice can or will do an impartial thorough job of the task now assigned to them?

The legislative branch must continue that investigation to seek the truth about all the wrongs committed by Mr. Nixon's appointees and associates. I have cosponsored a resolution, Mr. Speaker, which requests the House Committee on the Judiciary to make that investigation to determine whether an impeachment should be voted against President Nixon. The committee must act expeditiously. The country is now shaken by the actions of Mr. Nixon not only in the Watergate scandals but in so many other curious and potentially scandalous incidents as well. The committee should lay aside its other business and devote itself to this most important question.

I have also joined, Mr. Speaker, as a cosponsor of a resolution seeking the appointment of a special prosecutor to carry on in court the investigation begun by Archibald Cox. That inquiry should not be dependent upon the whims of a President whose administration is being investigated.

Finally, Mr. Speaker, this is not only a question of the disclosure of the tapes. The tapes are only one source of information. That is why the President's proposal of using Senator STENNIS to hear the tapes to check a Presidentially prepared summary is so inadequate. There are documents, letters, records, and so forth, that are also proper subjects for investigation.

The American people deserve to know what their Government has done in the past and is doing now. The present crises in Government will not be alleviated nor will the confidence of the people be restored until that information is forthcoming.

FRIGHTENING EVENTS

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, the resignations of the two highest Justice Department officials and the firing of Special Prosecutor Archibald Cox as well as the ruthless seizure of his offices and files by the FBI are frightening events. The Nation has been shocked to witness such arrogant abuse of governmental power to protect the private interests of one man. Only 2 weeks ago we saw the resignation and virtual guilty plea to tax evasion of the Vice President of the United States. That was a plea contrived in such a way as to insure that the American people would never be able to ascertain the facts which brought about this bizarre event.

Mr. Speaker, I call for the impeachment of the President, the impoundment of all relevant tapes, records, documents and files in the Justice Department and the White House, and the continuation of the special prosecutor in order to completely prosecute all those guilty of crimes, including the President.

The recent actions of Richard Nixon have led me to believe as firmly as I have ever believed in anything, that this country is in mortal danger. I urge all my colleagues to consider with the gravest seriousness the fundamental interests of this Nation in preserving our democratic form of government.

The true honor of the country, its ability to believe in itself, in its laws, in its governmental system, and in its public officials is in danger of being not just damaged, but permanently crippled or destroyed.

Great questions remain concerning the exceptional situation of the resignation and conviction of the second highest official of this Nation, and until these questions about the number and extent of Mr. Agnew's crimes are resolved, publicly for the entire Nation to judge, we must not act on another Nixon appointment to the same position. The American people have a right to know. We cannot entrust to a man so implicated, and who I believe must be impeached, the power to choose the next President of this country. To do so would be foolish and blind, and a betrayal of trust.

Having witnessed the actions of the past few weeks I cannot but wonder if they were not almost designed to overwhelm the American people and induce a state of shellshock rendering them incapable of recognizing the significance of subsequent acts. Each crisis blurs the last and now we have the resignations of two Justice Department officials who in contrast to so many others displayed high principles and concern for the Nation. Such men, apparently, the Nixon administration cannot long endure. This Nation cannot long endure Richard Nixon. We must impeach him now.

The remarkable thing about the events of the last weeks, months and years is not simply that Mr. Nixon has done what he has done, but that this Nation did not see it coming; and that even now we may not be able to imagine what may yet happen in his remaining 39 months.

Impeachment proceedings are no longer premature, they are essential to the future well-being of this Nation. The disruptive nature of such proceedings now pales beside the clear and present danger which Richard Nixon poses to our Nation, our liberties, and our self-respect.

I call for the immediate impoundment by the court, if not by the Congress, of Mr. Cox's files, of the Presidential tapes, and of all documentary evidence and material requested by Mr. Cox in connection with his investigation. Every hour that these materials remain in the possession of an interested and biased party to the investigation, there is great risk of destruction, alteration, and improper disclosure to adversary parties, all of which we have already seen occur.

The only action capable of countering demonstrated Presidential defiance of the Senate and the courts is for all responsible Members of Congress to rise above party concerns and rid ourselves of this Nation's worst President, by impeachment. Furthermore, I call upon all citizens who care about their country to let those who represent you, know of your continued and persistent outrage at the current President's behavior. Let them know you demand impeachment.

Mr. Speaker, my office has been flooded with telegrams, letters and telephone calls from citizens all over this Nation who are outraged at the dictatorial, despotic conduct of Richard Nixon. Every single person, without exception, has urged his impeachment.

Mr. Speaker, at a time like this in our history it is well for all of us to remember the words of someone who said, "Resistance to Tyranny is Obedience to God."

Mr. Speaker, I ask unanimous consent that a copy of the resolution which I intend to file with the House be printed in the RECORD at this point.

H. Res. —

Resolved, That Richard M. Nixon, President of the United States, is impeached of high crimes and misdemeanors.

IMPEACHMENT PROCEEDINGS

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, the President has given this House no alternative but to ge ahead with impeachment proceedings. This does not mean we are to take a vote today, tomorrow, or next week, and no one is proposing that. It does mean the Judiciary Committee must proceed expeditiously and responsibly to investigate charges that have been lodged and to make appropriate recommendations to this House.

Mr. Speaker, it has been almost a year and a half since the abortive breakin of the Democratic National Committee's office at the Watergate. In these past months, the scandal, corruption, and crisis have constantly intensified, as wave after wave of shocking new developments have splashed onto the front pages of our newspapers and poured forth from television sets. This unending stream of revelations has left us stunned and waiting for some indication that the flow of scandal will at some point stop, that all the facts will be revealed, and that we can then pause and assess the situation.

The events of October 19 through 23 seemed for a while to shortcircuit the need for that kind of pause and reflection. President Nixon dismissed the Deputy Attorney General and the Watergate special prosecutor, forced the resignation of the Attorney General, and abolished the Watergate Special Prosecution Force, all in the name of a compromise solution to the issue of access to Presidential tapes and documents. The nationwide reaction to this apparent defiance of the courts, the Congress, and the American people was staggering in its vehemence. The letters, telegrams, and telephone calls to my office and many others were full of outrage and insistent calls for impeachment. The reaction apparently so startled the White House that today the President's lawyer announced to Judge John Sirica that the President will, once again, reverse himself and comply with the orders of the Court of Appeals, releasing the subpenaed tapes and documents to Judge Sirical for an in camera inspection.

Many questions remain unanswered. The special prosecutor who obtained the subpena which the President will reluctantly obey is no longer on the job. Who will now press the investigation? Can we really believe that the Justice Department will prosecute those individuals associated with the White House for crimes growing out of Watergate as vigorously as the special prosecutor?

The country demanded a special prosecutor early this year and the President's conduct with respect to the tapes makes me feel that the need for the special prosecutor is more acute now than ever. What will the tapes reveal about the President's and other high officials' involvement in a wide range of illegal activities and their subsequent coverup? These and other critical questions could well lead many of us to once again hold our breaths and wait for another shoe to drop, another revelation, another indictment. However, in good conscience I can no longer wait for the ultimate development in this prolonged crisis before deciding what action should be taken.

I have today joined with many of my colleagues in introducing a resolution directing the Judiciary Committee to inquire into the official conduct of the President to determine whether his removal from office is warranted. I believe this investigation will and should result in the reporting to the full House of Representatives of a resolution to impeach the President.

This call for the initiation of impeachment proceedings is not to be taken lightly. I have refrained from such action for the 17 months since Watergate first entered the political lexicon. Impeachment is not to be used as a weapon of partisanship, or as a means of expressing or resolving political differences. I do not so use it today. Impeachment proceedings, beginning with the investigation of the many charges which have been developed over the past months, are a responsible reaction to the accumulated controversy and political rot which surpass partisan differences. The administration's obstruction of justice and assault on the Constitution and the individual liberties it protects can no longer be tolerated. The patterns of malfeasance and misfeasance, of official deception and belated disclosure, have been repeated so often and stretch so far into the core of the President's government that his resignation or removal from office appears to be the only honorable way to resolve the present crisis and restore the people's faith in government.

The resolution I have introduced today mandates a thorough investigation of all the allegations regarding the President's misconduct in office. Should the Judiciary Committee recommend to the House that articles of impeachment be presented to the full House, as I believe it should, the process would be one not unlike that which we use to initiate criminal proceedings against an ordinary citizen. The House in the case of the President would have a function similar to the grand jury—that is to lay the charges of misconduct. If the House agrees, it will impeach, just as the grand jury indicts. Instead of a regular trial court, in the case of a President, the Senate acts as a court, with the Chief Justice of the Supreme Court presiding. The text of the resolution follows:

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

I am supporting this form of resolution because I believe that the Judiciary Committee must be given the discretion to fashion articles of impeachment on the basis of the evidence they receive. Some of my colleagues have made valiant and commendable attempts to list those charges upon which the President should be tried before the Senate, and I am in sympathy with those efforts; however, for myself I prefer to withhold the introduction of such a resolution until all the evidence, including the tapes just turned over to Judge Sirica, have been made available.

The responsibility of the Judiciary Committee to sift through this mass of conflicting data is enormous, but it is one which must be accomplished without unnecessary delay. By giving the Judiciary Committee responsibility to decide, in the first instance which alleged offenses committed by the President warrant impeachment, we will provide the House with a highly scrutinized document, which we may be reasonably certain is free from the errors of passions which lie in hastily conceived charges.

The range of possible charges to be laid against the President is broad. First and foremost, presumably, would be obstruction of justice, through some or all of the following: Participation in the Watergate coverup, including involvement of the CIA, restriction of the Justice Department investigation, frustration and finally abolition of the Office of the Special Prosecutor; seizure of files and other evidence material to investigations by Federal grand juries; offering a high Federal post to the presiding judge at the Ellsberg-Russo trial; and withholding information regarding the Ellsberg breakin from a Federal court. Other possible grounds for impeachment include Mr. Nixon's creation of "the plumbers," a special White House group to engage in covert illegal operations in the United States; abridgement of citizens' first amendment rights by illegal wire-tapping of staff telephones and those of newsmen that disagreed with the administration; the employment of the FBI, IRS, or other Government agencies to "get" political enemies; the ordering of 14 months of secret bombings in neutralist Cambodia and the deception of the American people with respect to it; and finally the receipt of massive campaign contributions in return for favorable action by the Federal Government, for example, with regard to permissible milk prices.

Neither the Judiciary Committee's investigation of the President's conduct, nor the submission of the tapes to Judge Sirica lessen the need for a special prosecutor, independent of the executive branch of the Government, for Watergate related cases. To meet the demands of the American people for full and fair prosecution of Watergate crimes, I have also joined in sponsoring legislation to reestablish the office of Special Prosecutor. This legislation should be a complement to, rather than a substitute for, the Judiciary Committee's investigation. The bill would authorize Judge Sirica to appoint a new special prosecutor and assure the integrity of existing staff and records pending his appointment. It would also extend the life of the Watergate Grand Jury so that it may complete its investigation, and give the special prosecutor sufficient funding to do the kind of job the American people have a right to expect.

A RESOLUTION OF INQUIRY

(Mr. ASHLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHLEY. Mr. Speaker, because President Nixon appears committed to the obstruction of justice and thwarting of the political process, I have today introduced a resolution directing the Committee on the Judiciary to inquire into and report back to the House of Representatives with respect to whether or not there is probable cause of Presidential wrongdoing sufficient to justify impeachment proceedings.

I was interested in the comments of the gentleman from Tennessee (Mr. (KUYKENDALL), Mr. Speaker, because it was just over 100 years ago that my great grandfather James M. Ashley, served in this body, and introduced the impeachment proceedings against President Andrew Johnson. I have studied that action and what led to it and what its consequences were. That resolution of impeachment failed, as it should have, because it was introduced by my great grandfather for purely partisan political reasons.

The same cannot be said, Mr. Speaker, of the resolution that I have offered today nor, I think, of the other resolutions offered by my colleagues. This is not a partisan action on my part or on their part. The truth of the matter is that the President has given us no alternative. There has been a question in all of our minds for months and months as to whether or not with respect to the Watergate situation the President had clean hands or whether he did not, in which case it would be our responsibility to consider impeachment proceedings. This body, very wisely I believe, has taken the view that there must be strong evidence of illegal acts by the President to satisfy the constitutional requirements with regard to impeachment. Instead of moving precipitously against the President, this body has preferred to allow the facts to be developed by the special prosecutor's office headed by Mr. Cox and by the Senate Watergate Committee.

The issue today is in sharper focus. If the President persists in his refusal to turn over the tapes and other evidence in his possession, in defiance of a Federal court order, would such a thwarting of the judicial process be sufficient grounds for impeachment? By firing Archibald Cox and dismantling his independent investigatory unit, is the President guilty of obstruction of justice?

The issue, Mr. Speaker, is whether our Nation is being governed by a rule of law or by a ruler who sets the law as he deems appropriate.

These are the questions that Americans are asking today and I believe it is the responsibility of this House to provide answers.

LEGISLATION ESTABLISHING AN INDEPENDENT OFFICE OF SPECIAL PROSECUTOR

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. We confront a grave national crisis. Our Constitution, rule of law and our institutions are threatened by Presidential actions of recent days.

The President:

First, appears to be in direct violation of Federal court orders;

Second, he obstructs justice, not delivering relevant evidence of possible criminal acts to the grand jury and Senate Watergate Committee;

Third, he jeopardizes criminal trials of dozens of former administration officials by interfering with functions of the Prosecutor;

Fourth, he breaches public commitments and his own Executive order by discharging Cox.

Fifth, he breaches commitments to the Senate and the people by denying the Prosecutor full authority to contest assertions of "executive privilege," and by countermanding his decisions.

The House has sole constitutional duty to initiate proceedings to consider Presidential impeachment for offenses and breaches of duty. I do not feel the House will shirk its duty.

We must continue investigation and prosecution of Watergate-related crimes jeopardized by Presidential actions. I am introducing a bill to establish an independent office of Special Prosecutor to have exclusive authority for investigating and prosecuting such offenses. It provides that the Prosecutor shall have exclusive authority to conduct proceedings before grand juries, to obtain documentary evidence from Government agencies to determine whether to contest assertion of "Executive privilege," to determine whether to seek immunity for witnesses, and to prosecute any individual or corporation.

The prosecutor will be appointed and may be removed solely by the chief judge of the Court of Appeals for the District of Columbia. Appointment is with advice and consent of the Senate. All records in possession of Cox and his staff on October 21, 1973, will be transferred to the Prosecutor.

We must assure our people this is a government of laws, not of men; that prosecution of persons violating Federal law will not be frustrated by Presidential actions. This legislation is a first step toward restoring public confidence in Government.

IMPEACHMENT PROCEEDINGS

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, today is both a dramatic and potentially traumatic day in our Nation's history. Members of Congress are very vocal in expressing their views and the views of many of their constituents who are deeply concerned and frustrated by the President's action over the weekend.

With the President's decision to dismiss Special Prosecutor Archibald Cox and the related resignations of Attorney General Richardson and Deputy Attorney General Ruckleshaus, the country has lost three highly qualified, distinguished, and experienced public servants, and many people are wiring, writing, and calling my office indicating their lack of confidence in President Nixon and calling for his resignation or impeachment. In time of crisis, as always, I firmly believe we in the Congress owe it to ourselves, the American public, and the principles and traditions on which our Government was founded to place matters of this nature in proper perspective.

The resignation of the President, even in the face of serious crisis now confronting the country, remains an uncertainty. Of course, as everyone knows, the Congress has the authority and power to initiate impeachment proceedings, and no one would accuse any Member of Congress of prejudging and convicting the President if the Member were to begin now to study and evaluate the purpose and application of impeachment proceedings. But let us remember a few important factors about impeachment.

First, impeachment is a means of removing the President from office for high crimes, misdemeanors and other reasons, and its infrequent use in the history of our country attests to the grave implications it holds for the political stability of the Nation. It would do us all well to remember, then, that the House of Representatives does not—or at least should not—bring impeachment proceedings against a President of the United States as a result of the deepest partisan differences, no matter how divisive the relations between the President and Congress comes to be. In my view, impeachment of a President can and should only be sought when and if it is clearly determined that the President has committed some crime or, in current parlance, when it is proven that he has in fact placed himself "above the law."

Apart from this issue, the fundamental question that must still be resolved, however, is whether or not the American people will get the full, impartial adjudication of the Watergate matter to which they are clearly entitled. As Mr. Ruckelshaus said yesterday, "the need at this point to see that the trials are carried forward probably outweighs" the President's claim of privilege and protection of confidentiality. Legally valid that the President "get the facts out" as he has promised by making the Watergate-related portions of Presidential tapes available to the courts if justice requires it.

To continue the process of "carrying forward" which Messrs. Richardson, Ruckelshaus, Cox, and millions of Americans deem so important, and to which President Nixon pledged his full support, the Congress has another alternative—it can and should move now to authorize the appointment of a free and independent investigating authority by the courts for gathering the facts and prosecuting the Watergate case, so this tragic chapter in our history can be brought to its long-awaited end.

As Attorney General Richardson said this morning, the President has not defied any court order or given an indication of doing so. In a legal sense, he apparently has further appeals opportunities available to him and, further, the courts and Judge Sirica, specifically, can consider the possibility of approving the President's compromise offer which he, the President, feels is necessary to uphold the established principles of confidentiality and separation of powers between the three branches of Government.

This compromise offer, as I understand it, included an authenticated summary of the tapes including relevant quotes and was offered to Judge Sirica and the Watergate Select Committee of the Senate.

Senator JOHN STENNIS, who has been described by his colleagues in the Senate and more recently in a radio interview with Senator ERVIN as a man of impeccable integrity and character, has been asked to review and verify the authenticity of the tapes. The decision of the court of appeals itself authorized the preparation of summaries by the District Judge. Verbatim quotes are to be included in the summary.

It is my understanding that Attorney General Richardson played a major role in the preparation of this compromise and advanced it as a means of avoiding a constitutional confrontation and the potential crisis that might develop.

In my view, all of this could have been avoided by turning over these tapes to the courts but obviously the President feels very strongly about precedents and his constitutional obligation to protect the Office of the Presidency and the separation of powers, principle, and tradition.

What is really at stake is confidence, integrity and trust in and of governmental institutions and processes. This must be restored, above all, and restored immediately. The people are, very appropriately, demanding it. We need the earliest possible judicial determination of any verified record. The court has issued a subpena at the request of the grand jury for the tapes and certain documents. If the President fails to respond to the satisfaction of the court, he could be held in contempt of court. This is a matter that must be determined by the court at the earliest possible time.

However, time and public patience are running out. The President and the President alone must satisfactorily explain the reasons for his actions to and redeem himself with the American people. They have a right to expect this type of leadership from any President.

The international crisis in the Middle East, the energy crisis, the economy, the cost of living, and the many other problems facing this Nation demand his and our full attention—free from the burdens of this constitutional crisis.

The electorate gave President Nixon an overwhelming mandate and vote of confidence indicating their faith in him and his policies. Now, however, people have lost faith in him and his administration. I believe his place in history and the well-being of our people is dependent in large part on the restoration of that faith and confidence.

INDEPENDENT PROSECUTOR IS ESSENTIAL

(Mrs. HECKLER of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, like millions of Americans, I am shocked and appalled at the President's dismissal of Special Prosecutor Archibald Cox and the elimination of the independent investigator's office. The result has been the loss of three outstanding public officials—Cox, Attorney General Elliot Richardson, and Deputy Attorney General William Ruckelshaus—further weakening the Presidency and harming the entire Nation during one of the most troubled times in our history.

For this reason, I believe it essential that the Congress promptly approve a resolution I am introducing today calling for appointment of a new independent prosecutor to pursue the Watergate affair and allied crimes, with the appointment subject to confirmation by the Senate.

I am relieved that President Nixon agreed today to satisfy the court order by turning over the White House tapes, thus avoiding a constitutional crisis. If he had only done so last week, we could have averted the crisis of the past weekend, the loss of three public officials of well-known integrity, and the resulting damage to public confidence.

This is a Nation of laws and not of men. If the President fails to satisfy the court order to make the White House tapes, or a compromise acceptable to the courts, available, then he will precipitate a constitutional crisis by taking the position that he is above the law.

What little credibility remaining with this administration is further diminished by the loss of three men of excellent reputation. Mr. Richardson and Mr. Ruckelshaus resigned out of conscience and I commend them for it.

I have personally known Mr. Richardson for many years, and while I have not always agreed with him, I respect his ability and integrity.

The actions of the White House during the past few days convince me that now, more than ever, we need a thorough, independent investigation to get to the bottom of these crimes.

THE IMPEACHMENT OF PRESIDENT NIXON

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, it is with regret that I have concluded that there is only one course of action left for the Congress of the United States to take on behalf of the people of this Nation if our democracy is to survive.

Accordingly I plan to introduce a resolution to impeach the President.

I do not quibble with a President's right to fire his staff. But in this instance President Nixon has gone far beyond the prerogative of merely firing a staff member. He has stepped solidly in between the promised impartial investigation of his own soiled administration and the right of Americans to know the final answer to the question of the President's conduct in office. When the President abolished the office of special prosecutor he abolished impartiality with it. President Nixon has broken the people's trust both in him and in the office of the Presidency. He has in this final act of disregard for justice laid before the people his intentions to obstruct—not to uphold—the laws and the Constitution which he twice swore to uphold as President. I regard this as a high crime against the people of this Nation.

In a country which shuns public controversy, the Congress has been asked repeatedly to hold back action and to offer the President compassion.

But the President no longer deserves this defense. It is up to the Congress to act now to protect the American people from further abuses of power.

This Nation is in need of moral leadership. It obviously cannot expect it from the President. It must be able to expect it from the Congress. If we fail our people in this crisis, we shall have yielded to what is expedient rather than what is just.

For all that has happened, there is nothing left to cheer in this Presidency. From the corruption of public trust of the Vice President, to the obstruction of justice and secret police tactics of the Presidency, there has been a relentless decadence which has sapped the people's confidence in justice as well.

We are a nation of law and morality. And we shall remain that way only if the people, the courts, and the Congress remain true to their pledge of allegiance to country and not allow loyalty to one man obscure this solemn responsibility.

The President's professed dedication to constitutional principle which previously prompted him to refuse to surrender the tapes to the court, suddenly with cries for impeachment from all corners of America ringing in his ears, gave way to the shallow and obvious expediency of saving his own skin.

It is my firm view that the tapes were a clever subterfuge to obscure the real struggle. It is clear to me that the President accomplished his major objective, that of firing the independent prosecutor whose investigation was closing in on the President's own activities.

If our Government based on law is to survive, we must insist on a full and impartial investigation to determine all the facts in the Watergate scandal and related matters bearing on President Nixon's fitness for office. Without an independent special prosecutor within the executive branch, the Congress must now assume this responsibility which can be done only by impeachment proceedings.

During impeachment the Congress has the full and uncontestable right to the highest and best evidence. It can initiate and conduct its own inquiry. The refusal of the Executive to supply requested information can in itself become grounds for impeachment, and it is in this context that we must proceed. Given President Nixon's repeated efforts to block the disclosure of relevant data, together with his attempts to obstruct the orderly process of justice by firing Mr. Cox, it has now been demonstrated that we can expect no reliable solution to the problem unless Congress acts.

I believe we must proceed with the impeachment of President Nixon so that the American people can finally know that justice has prevailed.

IMPORTED FIRE ANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. YOUNG) is recognized for 60 minutes.

Mr. YOUNG of South Carolina. Mr. Speaker, the imported fire ants, samples of which I hold in these bottles in my hand, are a hazard to the health and safety of any person or animal living in an area which they infest. They concentrate in mounds in open fields and forests.

Members of my staff have counted 200 of these mounds in a 5-acre field in South Carolina. One of my constituents, an employee of the South Carolina Public Service Authority, stepped off his truck into a fire ant bed, and before he could undress, he had 156 bites. An employee of the State highway department has holes and rotten places on his legs from fire ant bites. One farmer has lost more than 100 pigs at birth due to the fire ants' swarming. Young cattle have been killed and there is even one case of a full-grown bull being fatally attacked.

Doctors have reported an unusually high number of cases where treatment for these bites was required in my district. There have been more complaints about fire ants this year than ever before, and I have literally hundreds of pleas for help.

What makes all of this so tragic, Mr. Speaker, is that the help is available. Help could be given. This help, however, is blocked by a ridiculous ruling from the Environmental Protection Agency. The chemical pesticide, Mirex, can and does eliminate the fire ant. Because of the biology and life cycle of the imported fire ant and the composition of Mirex bait, there are two periods in the year in which treatment can be effectively made—from about March 15 to May 15—and from about September 1 to November 15. The bait is most likely to attract ants after the end of August since the colonies will by then have grown large enough to have continuous foraging activities. Scientists from the Department of Agriculture and from State universities agree that the only effective and practicable method of distributing this poison is by airplane. Ground broadcast application will not work and the cost of even such partial treatment is four times as high as aerial application. The Environmental Protection Agency permits the aerial application of Mirex except on or near rivers, streams, lakes, ponds, and other aquatic areas, and also—this is where we find fault—it prohibits the aerial application of Mirex in coastal counties or parishes.

The Environmental Protection Agency admits that troublesome concentrations of Mirex have not been demonstrated in the aquatic environment and is prohibiting such aerial application only because the Administrator says:

> I am naturally reluctant to permit distribution of Mirex bait in a manner that might contaminate estuaries and lakes and streams.

The U.S. Department of Agriculture, the State departments of agriculture in the affected areas, the State universities knowledgeable in this area, and I, all believe that the environment will be equally well protected if the Agency's orders were amended to delete the reference to coastal counties. This would still prohibit the treatment of estuaries, rivers, streams, lakes, swamps, ponds, heavily forested areas, and other aquatic areas; thus the protection of the aquatic environment which was the rationale for the Agency's prohibition of aerial application in coastal counties would not be impaired. At the same time, people living in coastal counties and in areas remote from estuaries would receive the benefit of the imported fire ant cooperative control program.

There are presently 72 infested coastal counties containing 8 million people in a land area of 37 million acres. Protection of estuaries from contamination is a function of distance and topography, not political boundries. Some coastal counties contain areas as far as 80 miles from the coast, while some noncoastal counties contain areas only 5 miles from the coast. Compare Baldwin County, Ala., a coastal county, with Washington County, Fla., a noncoastal county. Contour maps and aerial photographs show that most of the 72 infested coastal counties have significant upland areas identical to those in noncoastal counties. A good example is Horry County, S.C. This area is infested by the imported fire ant—735,000 acres of infestation and this acreage grows each year that treatment is disallowed. This infested area is, in virtually every respect, identical to an upland area in a noncoastal county. There is a high percentage of rich, heavily farmed area with no direct drainage whatsoever into the estuaries. Further, a major highway, U.S. 17, runs above the coastline and it would be highly improbable for there to be any movement of Mirex bait into the estuary from aerial treatment on the inland side of this highway. The Environmental Protection Agency might have good arguments that it would be inadvisable to have aerial application too close to the estuary, but areas far removed therefrom could and should be so treated with no significant risks of contamination. An examination of a contour map would show that the sensitive area to be avoided in this county is really the Waccamaw River which originates in North Carolina.

Yet the danger of contamination is as great in noncoastal counties in North Carolina, as it is on the South Carolina coast. In such noncoastal counties, the river would be protected not by an artificial coastal county prohibition, but rather by the prohibition of aerial treatment upriver. We seek the same treatment for coastal counties.

I have been using Horry County as an example because I am, of course, most familiar with it. Some counties come within 5 miles of the coastline yet do not actually touch the coast so spraying is allowed, while in Horry County, we are not even allowed to spray 43 miles from the coast. Everyone knows that I am for preserving the environment in every way possible, but the EPA is using political boundaries—county lines—and the only justification I can see for this is because it is easier on them to do it this way rather than to judge cases on the basis of their individual facts and merits. All of the other 72 coastal counties with fireant infestation deserve the same treatment.

Earlier this summer my office sought, along with the Horry County Agricultural Extension Agent, Clemson University, and the U.S. Department of Agriculture, a special exemption for Horry County to permit the aerial spraying of Mirex bait in 90,000 of the 735,000 infested acres. The closest approach to the coastline was 8 miles. The plan had been worked out with careful coordination from the EPA. The Department of Agriculture has proposed a close monitoring program. Every effort to compromise and cooperate in good faith has been made. Shortly before the August recess, two officials of the Environmental Protection Agency sat in my office and gave me the green light—the go-ahead that some kind of aerial spraying in Horry County would be allowed so long as the proposed plan would stay away from aquatic areas. Clemson University was notified, the county was notified—the Mirex was purchased and the planes were hired—yet in mid-September, the Agency went back on its commitment, given by its agents in my office. EPA wants to await the results of a public hearing which was scheduled this spring, then rescheduled this summer, then rescheduled for late summer, then rescheduled for fall, now rescheduled for winter before modifying its existing orders relating to Mirex.

Mr. Speaker, EPA has bamboozled many good and decent people who look to them for help into missing this year's opportunity to control the fire ant. These people will have to live with the fire ant for another year. I do not think we in the Congress should permit EPA to go through this same process once again.

Last week I introduced legislation to require the Administrator of the Environmental Protection Agency to modify his Mirex orders, to delete the prohibition of aerial application within coastal counties or parishes and yet at the same time to permit such applications by using the same standards applicable to the noncoastal counties. H.R. 11039 would not tamper with EPA's tentative, unsupported, determination that Mirex might, in some cases, be potentially harmful to aquatic organisms. What it would do is require EPA to quit letting arbitrary, artificial, political boundaries from determining the environmental policy of the United States.

These ants are a health hazard—they are injurious to livestock, people, and farms. We cannot stand by and watch them damage our people just because **some Washington** bureaucrats apparently have no intention of being bothered with this serious problem. If the Environmental Protection Agency is unwilling to be responsive to the needs of our people, then it is Congress' responsibility to act.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of South Carolina. I would be glad to yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the gentleman's efforts in bringing this information before the House.

I will ask the gentleman, is there any way we could get those fire ants turned loose down at the EPA offices?

Mr. YOUNG of South Carolina. Mr. Speaker, I would like to respectfully submit to the gentleman from Idaho that they would not let me bring them up here alive. I agree that would have been a very appropriate place to put them. The only way I could bring them here would be to bring them in formaldehyde.

Mr. Speaker, I thank the gentleman for his question.

We are very concerned about this problem, and yet we seem to get no real response from these folks. We feel the best way to do it is to bring it to the attention of this Congress, because we feel the final law of this land rests with this body.

Mr. Speaker, these mounds are some 2 feet high, and these fire ants are very tenacious as they attack not only animals but human beings in our area. We feel very strongly that something needs to be done immediately to stop this epidemic in the coastal counties of this area.

Mr. DAVIS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of South Carolina. I would be glad to yield to my colleague, the gentleman from South Carolina.

Mr. DAVIS of South Carolina. Mr. Speaker, I join my distinguished colleague from South Carolina, in asking the Congress to grant some form of relief from the growing and very serious problem of fire ant infestation.

As is well known, the chemical agent Mirex is one of the best proven killers of fire ants. Mirex, in order to be effective against this pest, needs to be spread over a wide area. Airborne distribution is the only feasible way of doing this, but the Environmental Protection Agency has prohibited aerial application of Mirex in the coastal counties of the Nation and, in particular, the First District of South Carolina, regardless of ecological safety measures taken in advance and regardless of the distance from the coastline of the proposed spraying.

That is a pretty arbitrary ruling by the Environental Protection Agency. It specifically forbids aerial spraying of Mirex. And it further sets forth restrictions against ground use that pretty effectively curtail use of the chemical at all.

Time and again, complaints have been voiced to EPA officials concerning this arbitrary policy, but in true bureaucratic fashion the EPA has turned a deaf ear on these complaints and has steadfastly refused to modify its policy.

The EPA had promised to hold public hearings on the fire ant problem, but they have delayed the hearings for months now. I have in my files some of these hearing notifications, and the files go back over a year. Time and again, the EPA has delayed the hearings. Time and time again, the people affected by the spread of fire ants have been thwarted by the EPA in their attempts to tell their side of the story.

I have a suspicion that at least part of the reason for this lackadaisical attitude on the part of the Environmental Protection Agency is that officials there have a generally hazy view of what the fire ant problem is all about.

Undersecretary of Agriculture J. Phil Campbell, for instance, said in a meeting in the Longworth Building in May that—and I use his words now—"the problem is mainly that of a people pest and is not damaging economically."

That kind of statement shows a general unfamiliarity with the fire ant. Of course it is a "people pest," as anyone who was ever bitten by the fire ant will be quick to tell you. But it is a very major economic problem also. It is so "damaging economically" that 50 farmers in and around Colleton County in South Carolina, which is part of my district, were distressed enough to come to a meeting on the fire ant problem. They sure thought the fire ant was "damaging economically" and they were there to find out what could be done to solve the problem. My files are absolutely bulging with letters from people concerned with the infestations of fire ants in their fields and pastures and forests. My files are filled with requests for immediate help in fighting this so-called people pest.

Just how serious is the problem? Let me quote from a letter of a cattleman in Charleston County, S.C.

> I have a cattle ranch on Highway 17, and the fire ants are about to run us crazy. For a long time, the government had a program of spraying Mirex from airplanes which kept the ants well under control and almost had them eradicated. However, in the last two or three years, that program has been stopped, and the fire ants have really taken over the pastures. The only treatment we know is to take buckets of mirex and treat with a spoon each individual mound. I am sure you can see the impossibility of this practice.

This cattleman and others in the First District of South Carolina have told me of the death of calves and, in some instances, full-grown steers, from multiple bites of the fire ant. Others tell of the serious injury to their livestock by what one government official describes in an off-hand manner as being a "people pest."

Any ant which can kill a full-grown cow is a pretty awesome insect. For those here today who are unfamiliar with the fire ant, let me describe to you how they operate. Fire ants build nests of dirt above the ground. They resemble a few shovelsful of dirt piled up. If you take a stick or something and just scrape off some of the dirt, you will behold literally millions of rather smallish red ants swarming in the nest.

When an animal steps into a nest like this, the ants simply swarm all over it. They inflict very painful bites, which effectively destroy tissue and cause infection. An animal can die of shock from the multiple bites, or it can die of infection or a combination of the two factors. In any event, an animal can die.

Human beings are not immune, either. If you can imagine an adult beef steer being killed by a swarm of fire ants, it is easy to imagine what they could do to a toddler who accidentally wandered into a nest. As far as humans are concerned, I have a letter in my files about a young woman in the Charleston area. The letter comes from her mother and tells about an incident early this year:

> In April, while in her yard, one fire ant stung her on her toe. She was instantly on fire and had what the medical people call a massive reaction. Only the fact that a neighbor could get her to a doctor, we believe, saved her life. Now we understand, if she is stung again, she would have less than five minutes to get medical help. Her doctor has provided her with a small kit to give herself medication, in the hope that if she is stung, she can ward off a reaction long enough to get to a hospital.

I think that letter from a constituent does more than anything I could say to place the fire ant problem in its proper perspective. The fire ant certainly is more than a "people pest." It is a people killer in some cases. It is a livestock killer. And in that light, it can wreak economic havoc.

I just wish some of the Agriculture Department and Environmental Protection Agency decisionmakers would get out from behind their desks here in Washington and travel to the First District of South Carolina to get a firsthand look at the severity of the fire ant problem.

They would see entire fields and pastures dotted with fire ant beds. They would see forest land which is unsafe to walk through for the same reasons. They would see surburban lawns with fire ant nests.

The people do not know what to do. On a recent trip in my district, I was shown a large fire ant bed in a lady's front yard. She knew what it was but not what to do about it. She had not been advised by the Agriculture Department or the EPA about Mirex. She was of the opinion that gasoline might work on the nest. It would not. The ants simply burrow underground and come to the surface some distance away, where they build a new nest.

Surely this situation has got to be rectified. Fire ants are an increasing problem in my district as well as other portions of South Carolina. Coastal areas are not the only places affected. And South Carolina is not the only Southern State affected.

We have got to have a totally effective program to eradicate the fire ant, and that includes a program which can be used in the coastal areas in the Southeast. If we do not have such a program, we will simply be wasting money on a half-hearted effort.

To quote a source in State government in South Carolina:

> The EPA has literally tied our hands as far as eradication of fire ants is concerned, and control programs are also likely to be affected.

The Environmental Protection Agency has, to be sure, recently issued an order allowing limiting air spraying of Mirex in six Southeastern States this fall. The order is similar to one in the early part of the year, but the order permits Mirex by aerial spraying only on fields near small streams and farm ponds which are not shown in U.S. Geological Survey maps with a scale of 1:24,000.

The order bars this spraying from coastal counties, even counties which have only a small portion of their borders touching the ocean and others which touch not at all but have a stream running into a river.

So, when the ant is driven from the interior land areas by the Mirex spraying, they are, in all likelihood, going to migrate into the coastal areas, where they are already in residence in great numbers.

Many of the farmers in the coastal areas of my district, already contending with large fire ant colonies, cannot fight such a handicap any longer, and they certainly will not know what to do with even more of the insects.

Some sort of realistic compromise is in order here, and it must come pretty soon. I understand the environmental concerns relating to Mirex, but I would point out that no one has definitely proven any ecological disasters in the past due to aerial spraying of this pesticide. I am of the opinion that some measures must be implemented immediately in the coastal areas of the Southeast, and if the Environmental Protection Agency is not ready to take them, then the Congress must.

The environment we are protecting, after all, includes animals and human beings affected by the fire ant.

If the EPA will not get off dead center on this question, I feel Congress must do it for the EPA. Let us work out some acceptable formula with the EPA so that the coastal areas can get some relief, but let us not just continue to turn a deaf ear to the complaints we are hearing from these areas.

And if the EPA wants no part of this problem, then I say the Congress must be prepared to go its own way. We are speaking of people with a problem here, the very same people who elect us to office and who expect us to help them and work for them.

I join with my colleague from South Carolina in supporting legislation which will lay down new ground rules for battling the fire ant. And I would urge all of my colleagues to do likewise.

Mr. YOUNG of South Carolina. Mr. Speaker, I wish to thank the gentleman from South Carolina (Mr. Davis) for his comments.

I would like to conclude by recognizing the gentleman from Pennsylvania (Mr. Goodling).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for giving me this time. I wish to rise in support of what the gentleman is saying.

While I do not have a fire ant problem in my district, just this morning the gentleman from Idaho (Mr. Symms) told EPA some things that they did not like to hear.

I think it is time EPA gets somebody into its organization who knows something about the practical application of pesticides. Apparently they have no one down there who does.

Our argument this morning was on banning the use of DDT to control tussock moths and gypsy moths which we have throughout the entire country.

We hear a great deal about conserving, conserving, conserving. Our environmentalists say nothing but conserve, conserve, conserve. Yet we have lost millions of acres of trees which we desperately need today for lumber, and in spite of that they refuse to allow us to use DDT.

So I compliment the gentleman for bringing this to the attention of this House.

Mr. YOUNG of South Carolina. I would like to thank the gentleman from Pennsylvania. I could not agree with him more about the moths.

I am glad to yield now to the gentleman from Idaho (Mr. Symms).

Mr. SYMMS. I would like to congratulate the gentleman for bringing this matter before the House.

We have had the same problem with regard to coyotes eating up sheep in the western part of the United States. We want to preserve the coyotes, but we do not want to destroy the sheep.

We have the same problem with timber, as the gentleman from Pennsylvania (Mr. Goodling), mentioned. We could go on and on and on with many other items.

If there has even been a time in our history when we need to have common sense with regard to the conservation of our natural resources, now is the time.

Many of the decisions coming out of the bureaucratic arm of our Government overrule the professionals in the other branches of the Government who want to make the right decisions in this regard.

I point out that the Forest Service has skilled technicians who are capable of making proper decisions, but they are not allowed to use their professional abilities to seek out the tools that they should use simply because the Environmental Protection Agency's irrational and irresponsible decisions have been coming out of that organization with regard to the use of DDT and many other pesticides and rodenticides which are very clearly defined under the proper act.

However, the EPA has new authority and becomes a very activist agency. We cannot afford that at this time in our history.

I commend the gentleman from South Carolina for bringing this matter before the House today.

Mr. YOUNG of South Carolina. I would like to thank the gentleman from Idaho for his remarks.

I believe we need to be practical here. One of the things we need to point out is that the Myrex used to destroy the fire ants is a pellet form of insecticide which is put out for use. Ants carry that Myrex into the ants hills inside and in turn it is given to the queen fire ant. When the queen ants eats this Myrex, it in turn destroys the queen.

We have the method here. What concerned us throughout this whole matter is that the method is in hand. Yet the EPA allows us to treat within 5 miles of the coast in a county whose boundary does not touch the coast. Yet they prohibit us from treating 43 miles inland. That is unreal because we have such a desperate need to rid this area of the epidemic of fire ants which we have in our area.

ELECTION CAMPAIGN ESPIONAGE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Don H. Clausen) is recognized for 20 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today to introduce legislation that I believe would make a significant contribution in the area of election campaign reform and which I further believe is consistent with the inherent responsibility of the Congress to insure open and free elections in this country.

I am a politician and I am proud of my profession. Throughout my 17 years in elected public office at both the local and national levels of goverment, I have witnessed with increasing frequency and momentum the steady downgrading and maligning of this honorable profession.

More important than our individual and collective reputations, however, has been a corresponding loss of public faith and confidence in both our governmental and political processes in this country.

Watergate and related episodes, as we are aware, have pointed up some facets of political campaigning that have shocked and surprised not only the general public, but many of us in elected positions as well, who—naively or not—believed we knew everything there was to know about practical politics. Granted, I have read and heard about political "dirty tricks" practically all my life and, as I look back now, I recall that many people passed them off as inevitable and even humorous political pranks. And, further we have all heard of individual cases of political bribery and extortion and many of us in this body have known some of the principals involved. But, they were always "isolated cases" and many of us assumed they represented little more than that tiny handful of misguided people in politics who "make us all look bad."

Out of the Watergate revelations, however, has come a term that has come into increasing usage in describing recent political election activities. That term is "political espionage" which I would describe as the "practice of political spying or the use of political spies to obtain information about and/or disrupt the plans and activities of other political candidates or committees." If nothing else, Watergate has caused me to look into and reflect upon just how valid and widespread "political espionage" has become in American election campaigns, particularly in Presidential campaigns. It has caused me to question, for instance, whether massive vote frauds in the 1960 Presidential election in fact resulted in the wrong person being "elected" President of the United States. After all, massive frauds in five populous States do not just happen. And I wonder, now, having reflected on the 1972 Presidential election and others, how many able, qualified, and deserving candidates for Federal elective office may have been defeated or driven out of the race solely because of political espionage and the dirty tricks which can and often do result?

Sooner or later every concerned American and every Member of this body will have to ask himself the question. "Is this what we want in our political process?" If we are to continue to pride ourselves on having "free and open elections" in this country, how much longer can or should we be expected to tolerate political spying? Quite frankly, I find the term "political espionage" repugnant and repulsive when equated to free and open elections.

I believe I speak for many Members of this body when I say that political espionage has no place in American politics and that legislation to deal with it is an idea whose time has come.

There is no question in my mind that public trust and confidence in government, in politics, and in politicians has reached a new low in American history. As elected officials, we have a choice. We can either sit by, do nothing, and witness a further deterioration in public confidence in our system of government which has the potential of destroying it, or we can face the issue and take positive and constructive actions that will help restore trust, faith, and confidence in this country. The choice is ours. The responsibility to act and take the initiative is ours.

Thus far in this first session of the 93d Congress we have witnessed the introduction of bill after bill intended to strengthen campaign financing in one way or another. Certainly, this is a matter of genuine concern to the American people, to those of us who are faced with the awesome prospects of raising thousands and thousands of dollars every 2 years to get reelected, and to those who challenge us every 2 years and must do likewise. To my knowledge, however, not a single piece of legislation has been introduced thus far to deal with political espionage or spying.

Today, Mr. Speaker, I am introducing such a bill, known as the Election Campaign Espionage Act of 1973. Specifically, my bill serves a three-fold purpose:

First. It would prohibit any employee or volunteer working on behalf of one candidate or political committee to provide any service to another candidate or committee with the intent of interfering with any election or campaign activity of such other candidate or political committee.

Second. It would prohibit the use of contributions or any campaign funds for the above purpose, or to aid in the commission of any other offense already prohibited by State or Federal law such as wiretapping, electronic surveillance, burglary, breaking and entering, and so forth.

Third. It establishes as a felony any attempt on the part of an employee or volunteer working in a political campaign to intentionally or deliberately conceal any known or suspected violation of this act or any provision of the Federal Election Campaign Act of 1971 dealing with campaign financing and the reporting thereof.

Section 1 of the bill addresses itself to the fundamental technique of political spying—that of "planting" people representing one candidate or committee into the headquarters or campaign of an opponent for the express purpose of gathering information and/or interfering with the election. Developing the specific language in this section was difficult but I believe it is both specific and comprehensive enough to make its meaning and intent unmistakable.

For the purpose of this section, an "employee" is defined as any individual volunteering a portion or all of his time on behalf of any candidate or political committee excluding any individual having the status of independent contractor with respect to such candidate or committee.

Section 2 of the bill goes one step further by prohibiting the use of contributions or any campaign funds for the "planting" of political operatives or for any other illegal purpose. One of the lessons learned from the Watergate break-in and related acts of political espionage was the astonishing realization that thousands of dollars worth of campaign funds were spent to purchase equipment for illegal purposes. Thus, while the acts of breaking and entering, burglary and "bugging" were unlawful, purchasing the equipment was not, provided it was reported in accordance with existing campaign financing laws. So, this provision of the bill attempts to close that glaring loophole as well.

Section 3 of the bill makes it a felony to conceal or "coverup" known or suspected violations of this act. Throughout the Watergate hearings, I was struck by the fact that, apparently, countless individuals who may have been involved directly with the "dirty tricks" that went on—were nevertheless aware that such activities had been conceived, planned, and carried out. In researching this point a little further, I also learned that the Congress had failed to include a "concealment" provision in enacting the Federal Election Campaign Act of 1971 as it relates to the recording and reporting of campaign finances. In my judgment, this is a "door" that must be closed. Had we had such provisions in effect in 1972, I venture to say the Watergate "whistle" would have been blown a lot earlier than was actually the case. In considering this or any future campaign reform legislation, I believe the Congress must include safeguards against coverups by spelling out provisions which prohibit the deliberate or intentional concealment of unlawful campaign acts.

On the question of punishment upon conviction of any of the three offenses established in this legislation, I have specified a maximum $10,000 fine or imprisonment for not more than 10 years.

In offering this legislation for consideration I realize full well that it is not the comprehensive election reform "package" that is needed to repair the ailing body politic in this country. I am also aware and sensitive to the fact that we in the Congress must avoid what some have described as "an orgy of reform" or "band-aid reform" or reform which takes on the appearance of change just for the sake of change.

In the wake of Watergate and the ongoing hearings by the Senate Select Committee on Presidential Campaign Activities, it no doubt will be the view of some that we should wait until the committee has completed its hearings and deliberations on needed campaign reform legislation so that we might have a better understanding of what the problem is and the benefit of the committee's findings and recommendations. With respect to a comprehensive reform approach, I agree with this contention. On the question of political espionage and spying, however, I for one do not feel constrained in the least. On the contrary, I believe it is absolutely essential that this or a similar measure not only be included in any comprehensive campaign reform "package" that may be forthcoming, but that the Congress act swiftly to end political espionage before next year's election campaigns get underway.

Therefore, it is with this conviction and this sense of urgency that I offer this legislation now. I would hope that extensive and broad-based hearings into the question of political spying could be initiated soon and that the House will take the lead and exert the necessary leadership in this much-needed area of campaign reform.

Lest there be any misunderstanding, this legislation is neither intended as nor does it constitute criticism of this or any other administration. Rather, it is a reflection and a commentary on political campaigning in this country over many years. The fundamental reform embodied in this legislation goes far beyond Watergate and the need for it did not originate with Watergate. Watergate was merely the catalyst.

I am told that a nationwide poll some 15 years ago showed that 80 percent of the American people thought government could and should be trusted—but, that in the intervening years, that percentage has declined to the point that, today, only 1 in 2 Americans places much trust or confidence in the integrity of public office holders. Certainly, we in Congress and in government cannot restore this massive erosion of public faith overnight, or through the enactment of laws alone. But, we must begin somewhere and we must begin soon.

I am convinced that if we, as Federal legislators, can demonstrate to the American people by word, by deed, and by personal example that we are worthy and deserving of their trust and that we have truly engaged in the kind of political soul searching that is essential in these trying times, we can indeed turn the tide and restore public confidence in government.

In the coming days, I will be contacting all of my colleagues on both sides of the aisle urging cosponsorship and favorable consideration of the Election Campaign Espionage Act and their support for it. In addition, I will be asking the committee to which this bill is assigned to hold hearings promptly and I am hopeful that it will be so considered.

This question of campaign reforms is, without a doubt, one of the most compelling challenges facing the 93d Congress, and I am both confident and optimitic that we will rise to the occasion by enacting this or comparable legislation which will help bring political espionage in America to its much deserved end.

THE CASE OF ZELIK GAFONOVICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RONCALLO) is recognized for 2 minutes.

Mr. RONCALLO of New York. Mr. Speaker, the right to emigrate is a universal human right which the Soviet Union agreed to honor, but, regretfully, does not. Emigration from the Soviet Union is very restricted.

Therefore, friends in Israel of Zelik Gafonovich and freedom-loving people everywhere have reason to be concerned about his fate.

Except for one synagogue, this 24-year-old Jew from Vilna can find almost no evidence in his city of the thriving, intensive cultural and spiritual life which once earned for it the name Jerusalem of Lithuania. At present, Soviet Jewish youth in increasing numbers feel that there is no future for Jewish life in the Soviet Union. They want to live in Israel, and are ready to face whatever danger lies ahead there.

Almost 2 years ago, Gafonovich applied to OVIR—passport office—for an emigration permit to Israel. It was denied, and since that time the Soviet authorities have subjected him to harassment and punishment.

On February 21, 1973, 2 days before the defense of his thesis, Gafonovich was summarily expelled from the Technical Institute. He had been a good student and had incurred no reprimands. Yet his expulsion was demanded by the chairman of the Lithuanian KGB—secret police—and carried out by the institute administration without delay.

Also, the telephone in the family's apartment was disconnected because the family had received personal calls from Israel. Court action by Sarah Gafonovich against the director of the Vilna City Telephone Network was dismissed. Zelik sent letters of protest to the Soviet authorities demanding the reconnection of the telephone.

Zelik's apartment has been searched many times. It is feared that the KGB will find some pretext for arresting him and that he will be imprisoned.

Congress must pass the Mills-Vanik bill and help open the gates of emigration from the Soviet Union.

PRESIDENT NIXON AND THE WATERGATE TAPES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, I asked for this special order because I am deeply concerned as to the manner in which this body appeared disposed to respond to recent developments involving the Watergate tapes, the firing of the special prosecutor, and the resignation of the Attorney General and his deputy.

I outlined some of my thoughts on the subject in a statement I issued in response to numerous requests much earlier today and which I am inserting in the RECORD following these remarks.

Many of the 1-minute speeches which were delivered here since this morning—including calls for impeachment—reflected a disturbing inclination to prejudgment.

The Congress, which so often has been accused both rightly and wrongly of inaction, today seemed moved to overreact and to do so in ill-conceived haste.

The Vice President requested this body for an action which well could have had the effect of initiating impeachment proceedings against him. It would be ironic indeed if this body, so recently reluctant to respond to that request on grounds court action was in progress, now dismissed all caution in this instance. Yet the courts are manifestly at work on matters which would bear on the subject of impeachment.

I have recently reread John Kennedy's Profiles in Courage treatment of the popular passions over the impeachment of Andrew Johnson, and find disturbing parallels in the emotions evident in this body earlier today.

Naturally, I am pleased that the President has seen fit to release the tapes, as I myself urged this morning. Another of the more operative of my observations concerns the difficulty in making a definitive statement that will not be at once overtaken by events.

Many questions remain unresolved by the President's decision concerning the tapes, and in view of them I maintain my support for a congressional investigation or an inquiry by an impartial body established by the Congress. Hopefully it would be conducted in a calm and thoughtful manner in keeping with the momentous responsibilities we bear.

Watergate and its ramifications require that we find the facts and face the facts—with fairness and fortitude. The times demand it. We should not overreact, nor should we act precipitously as we deal with complex and critical problems which test our very capacity for self-government.

The statement follows:

CLEVELAND STATEMENT ON WATERGATE INVESTIGATION

The events of the past weekend have been deeply disturbing to me in view of my repeatedly stated support for thorough and impartial investigation and prosecution of all implicated in criminal activity. I regret the resignations of the Attorney General and his deputy and their reasons for resigning. It is difficult if not impossible to speak definitively on a fast moving and complex situation which is still developing.

As to the question of the Watergate tapes, it has yet to be determined whether the compromise offered by the President's attorneys represents a reasonable compliance with Judge Sirica's order acceptable to the courts. This will be resolved in further court action, which in turn may shed further light on the President's grounds for dismissing Mr. Cox.

While recognizing a president's need to protect the confidentiality surrounding certain activities of his office, I believe the higher interests of the office and the nation now dictate release of the tapes as required by the courts.

I regard talk of impeachment as premature, in that final court determinations bearing on the possible grounds for impeachment have yet to be made. I'm also afraid it will give Congress a tempting excuse not to act promptly on the Ford nomination. Although action on impeachment may be premature, I would support a Congressional inquiry or the establishment by Congress of an independent investigatory unit, or both.

MILITARY INVOLVEMENT IN MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MARAZITI) is recognized for 5 minutes.

Mr. MARAZITI. Mr. Speaker, in times of war, events move swiftly. No one knows what at any moment will trigger the military involvement of the United States in another tragic war.

The stage is set for another "Vietnam."

Therefore, it behooves us to act at once to take precautions and prevent our military involvement in the Mideast holocaust.

I do not object to the sale of military equipment to Israel. However, I do, vehemently, object and deplore the delivery of the equipment into Israel and the combat zone by American planes and transport and the use of American military personnel to unload the equipment in Israel or the combat zone.

The Defense Department has announced that American Air Force Reservists are participating in an airlift directly to Israel and approximately fifty—50—American military personnel are on the ground in Tel Aviv unloading U.S. military supplies.

This action cannot and should not be tolerated by Congress.

I call on the President to forthwith cease and desist in the use of American personnel—military or civilian—and the use of American transport to deliver and unload military supplies directly into Israel or the combat zone.

OUR COMMITMENT TO THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, from the beginning, I have deplored the outbreak of hostilities in the Middle East and have earnestly hoped that a peace would be negotiated in that area. Consequently, I welcomed with relief the news early Monday morning that a cease-fire resolution, unanimously agreed to by the United Nations Security Council, had been accepted by at least two of the principal combatants, Israel and Egypt, ending 14 days of untold terror and hardship for all. Today, I find it impossible to express my disappointment that after only a few hours the cease-fire has completely crumbled and the carnage is continuing unabated.

In determining the U.S. response to this situation, we must remember that Israeli intelligence had knowledge of the inevitability of conflict because of the arms buildup in the nations surrounding her. However, the Israelis exercised restraint in not attacking first and thereby gaining a tactical advantage. This restraint, proof of Israel's desire to seek a solution to the Mideast impasse by means other than all-out war, has cost her greatly in terms of men and materiel. Therefore, I have strongly supported the Nixon's administration's decision to replace weapons lost by the Israelis, and, in view of the renewed hostilities, I believe it is imperative that the United States continue this policy.

I applaud the continuing efforts by the President, Secretary of State Kissenger, the United Nations, and the Congress to effect a lasting peace in this troubled area of the world. As of last week, 12 resolutions had been introduced to the Congress reemphasizing the need for a prompt response to this crisis. These resolutions are proof that congressional support of the President's action in the Middle East remains steadfast. More important, however, is a statute enacted by the 91st Congress which authorizes the President to transfer to Israel by credit sale such arms as may be needed to enable Israel to defend herself. I plan to direct my energies to the implementation of this law.

In my opinion, before we can achieve a semblance of lasting peace in the area, there must exist a balance of power from which to negotiate by force of words not arms. Maintaining this balance is the commitment we must pursue.

THE WAR IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, I spoke and wrote about the sad and tragic happenings in the Middle East on many occasions during the past 2 weeks. Today I have the hope that at least a cease-fire has occurred and that hopefully some type of lasting peace may now be worked out.

It is still indeed dreadful to think of the enormous casualties and the personal tragedies which have come to some 12,000 Israeli soldiers west of Suez in Egypt and another body of many thousands of Israeli soldiers deep in Syria far beyond the Golan Heights only a few miles from Damascus.

Everyone thinks with sorrow of how Soviet Jews in Kiev, Moscow, and Leningrad must feel with respect to the postponement of the enactment of the trade bill with the Jackson-Vanik amendment.

About the only bright spots in the entire picture of Israel's fourth war in 25 years is the fact that the United States has lived up to its commitments and that the United States during the first 12 days of the conflict authorized shipments to Israel of material costing $825 million. We are told by the Pentagon that the shipments to Israel by the United States equaled the fantastic outpouring of military hardware by the Soviets for Egypt and Syria.

It should be noted that much of the equipment sent by the United States during the war will be paid for by Israel and that all previous U.S. military equipment sent to Israel was paid for by that nation and not received on a grant or gift basis. New legislation is necessary for Israel to receive military equipment on a direct-grant basis.

I think at this particular time it will be helpful if we review first, the consistent foreign policy of America toward Israel as enunciated by the Congress, second, the vast amount of aid to the Arab States given by the United States over the past 20 years and third, the new perils which Israel will confront in the months and years ahead.

I. CONSISTENT CONGRESSIONAL INTENT TO ASSIST ISRAEL

From the very day of the establishment of Israel in 1948 by the United Nations, the Congress of the United States has consistently authorized assistance to this small nation. I have often wondered whether it would not be better if the mutual assistance agreements between Israel and the United States were not reduced to a treaty or a clear executive agreement. I raised this point with officials in Israel on more than one occasion. They took the position that this was the problem of the United States and that they had every confidence that they could continue to rely upon the bipartisan policy of aiding Israel which has always been an unchallenged feature of American law.

In 1949 Congress made it clear that Israel was eligible to receive military assistance from the United States under the provisions of the Mutual Defense Assistance Act. Similarly on December 7, 1951, Congress gave aid for refugee and relief projects under the terms of the Economic Assistance Agreement.

During the 1950's and 1960's Israel was able to purchase those items necessary for its defense from the United States. After the Six-Day War in 1967 Congress made it overwhelmingly clear in section 651 of the Foreign Assistance Act that it was a policy of the United States to provide Israel with an adequate deterrent force. The language of this section reads as follows:

> It is the sense of Congress that the President should take such steps as may be necessary . . . to negotiate an agreement with the government of Israel providing for the sale by the United States of such number of supersonic planes as may be necessary to provide Israel with an adequate deterrent force capable of preventing future Arab aggression by off-setting sophisticated weapons received by the Arab states and to replace losses suffered by Israel in the 1967 conflict.

On October 7, 1970, the Congress once again made American intentions toward Israel very clear. In section 501 of the Armed Forces Appropriation Authorization Act the Congress set forth these words:

> The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment . . .

The authority for sales provided by this section 501 was further extended to December 31, 1973. On February 7, 1972, the Congress clarified and updated its policy with these words:

> It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in

> his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

It should be pointed out that when President Nixon on October 19, 1973, urged the Congress to appropriate $2.2 billion for Israel he was carrying out his legal obligation pursuant to section 3 quoted above wherein it is provided that, should the President find the authorization for the sale of military equipment to Israel to be "insufficient," the "President should promptly submit to the Congress requests for an appropriate supplementary authorization."

It should also be pointed out, however, that the $2.2 billion for Israel proposed by President Nixon is the largest grant ever urged by any President for the military needs of Israel. President Nixon noted that he is "requesting that the Congress approve emergency security assistance to Israel in the amount of $2.2 billion." The President noted that if the conflict moderates or is brought to an end very quickly "funds not absolutely required would of course not be expended."

It is most significant that the total amount of grants—not loans or credits—to Israel during all of the years from 1946 to 1972 came only to a total of $420 million.

II. STATISTICS ON AID TO THE ARAB NATIONS AND TO ISRAEL DURING THE PAST 25 YEARS

Many Americans appear to feel that the U.S. Government has given very vast sums to Israel during the 25 years of its existence. As noted above, however, Israel has received only $420 million compared to at least $2.7 billion granted outright by the United States to the Arab States during the years 1946 to 1972.

During the past several years the Arab States have, of course, also received at least $6 billion in military equipment from Russia and other Communist states. This massive acquisition of military hardware by the 10 Arab States began when Czechoslovakia in 1955 first sent arms to Egypt.

Israel, in order to be prepared against a possible onslaught from its fantastically well equipped neighbors, has expended vast sums on its defense. In 1972 41 percent of Israel's total budget went for defense purposes. In that same year, 1972, 26 percent of the total gross national product of Israel was expended for military purposes.

Since Israel receives virtually nothing for its own defense from other governments the Israeli people have taxed themselves to an incredible extent. In 1972 the tax on an annual salary of $5,000 was 50 percent; the tax in that same year on a salary of $10,000 was 63 percent.

The external debt of Israel continues to mount in a very dangerous way. The external debt mounted from $2.1 billion in 1970 to $4.1 billion in 1973. This means that Israel continues to have the highest per capita foreign currency debt in the world. In 1972 the service charge on the external debt of Israel amounted to $687 million.

In 1972 Israel had the burden—although a happy one—of resettling 31,652 Soviet Jews who came to Israel on a permanent basis.

U.S. military aid to Arab nations in the decade between 1961 and 1971 included the sum of $221 million for Jordan, and $172 million to Saudi Arabia.

In early June 1973 I protested the then recently announced plans of the United States to sell between 24 and 30 sophisticated F–4 Phantom fighter-bombers to Saudi Arabia. In June the State Department indicated that it would require Saudi Arabia to make a pledge that if it received these planes it would not use them against Israel.

Under congressional questioning, however, Under Secretary of State Joseph Sisco conceded that there was no way that the United States could guarantee that these aircraft would not be used against Israel.

In addition to the extensive military aid which Arab nations receive from the United States during the past several years, these Arab countries received in the years 1961 to 1971 at least $3.8 billion worth of military equipment from the USSR.

Shocking as it may appear, in the year 1972 the United States sold to Saudi Arabia $306 million worth of arms.

In the light of the foregoing facts it is clear that the aid given to several Arab States has far exceeded that given to Israel. In fact Israel has received only one-seventh of all of the vast amount of American money extended to the enemies of Israel. Consequently the $2.2 billion proposed by the Nixon administration for Israel would be merely an extension of the policy of "even-handedness" which the Nixon administration has mentioned on many occasions as one of the principles embraced by the Nixon administration in its dealings with the Middle East.

III. THE PROBLEMS AND DIFFICULTIES AHEAD FOR ISRAEL

Those who are opposed to any assistance for Israel regularly bring up the question of the Palestinian refugees. Although no one pretends that enough has been done to resettle these individuals, it is overwhelmingly significant that the United States in the past 22 years has given $525,224,592 for the relief of these unfortunate persons. This sum constitutes 65.7% of the UNRWA income. All of the Arab States have given some $23 million, or about 3 percent of the total income over the past 22 years of the 2 million Palestinian refugees.

Little Israel has given almost $4 million to the Palestinian refugees while Russia has contributed not a single ruble.

Just as Russia orchestrated the past agonizing war in the Middle East, so also has Russia victimized the Palestinian refugees and permitted Arab rulers to exploit the unfortunate situation of these individuals.

On October 21, 1973, as some of the most savage fighting in the Sinai and in Syria was going on, a constituent phoned me and identified himself as a person of Arab ancestry. He revealed to me that his grandmother lived in Damascus and demanded to know how I could justify Israeli hostilities against that city. I did everything within my power to make clear to this man that I deplored the hostilities and felt just as much anguish of soul for every Arab casualty as for every Israeli casualty. I indicated to this caller that I had personally viewed in June 1972 the incredibly squalid living conditions of Palestinian Arabs in and around Bethlehem. I pointed out, however, that these people of Arab origin were being exploited by the rulers of the countries where they resided and that these rulers in turn were being exploited by the Soviet Union. I indicated that I was not in agreement with Dr. Henry Kissinger's statement with regard to the Soviet Union's action in the 1973 war. In the early days of that war Secretary Kissinger commented:

> If you compare their (the Russians') conduct in this crisis to their conduct in 1967, one has to say that Soviet Union behavior has been less provocative, less incendiary, and less geared to military threats than in the previous crisis.

I would rather be included to agree with Mr. Seymour Graubard, the national chairman of the Anti-Defamation League of B'nai Brith, who charged that the Soviet Union was coordinating the entire war with an aim to control Middle East oil supplies in order to gain "an energy stranglehold more effective than armies of occupation."

I am not certain that I was entirely persuasive to my constituent who called, but the fact of his grandmother's residence in Damascus made a profound impression upon me and deepened enormously my conviction and my hope that the war of October 1973 in the Middle East simply must become the war that will end all wars in that vast region of the Earth.

As the debate emerges in the Nation with respect to the granting of the $2.2 billion to Israel, many American citizens, sincerely troubled about the possibility of another Vietnam-type war in the Middle East, will object that the United States should remain neutral with respect to the disputes among nations in the Middle East. From the foregoing very clear declarations of congressional intent toward Israel it should be very clear that successive administrations are not operating on some vague Tonkin Gulf resolution, but rather on a carefully articulated bipartisan policy enunciated by the Congress over a long period of time.

Senator Eugene McCarthy, the original founder of the protest against the war in Vietnam, wrote very persuasively a few days ago about the total difference between the quagmire in Southeast Asia and the battle for the preservation of the territorial integrity of Israel. Senator McCarthy wrote as follows:

> The historical record amply demonstrates that any sign of America's equivocation in the Middle East is an inducement to Arab adventurism.
>
> These inducements have come from an odd coalition in our country. Equating their own special interests with the national interest, some oil companies have sought to blame Israel for an energy shortage having nothing to do with the existence of Israel and very little to do with our support for it. At the same time, some in the liberal community have foolishly adopted the facile anti-Israel rhetoric of Third World politics. From whatever source, calls for American neutrality in the Middle East offend every sense of justice and international morality.

It is very unfortunate in my judgment that President Nixon has combined his request for $2.2 billion to Israel with a request for $200 million for military assistance to Cambodia. Many people, including myself, will reject the request of the President for $200 million for additional ammunition for the Cambodian armed forces. The President notes that since the end of the U.S. bombing on August 15, there has been an increase of Communist activity in Cambodia. The President feels that the Cambodian forces which, in his view, have successfully defended the capital of Phnom Penh as well as the principal supply routes, should be given military equipment so that they will be able to defend themselves against the fighting which will in all probability be resumed after the current rainy season.

It is unfortunate that the President has linked the request of aid for Israel and Cambodia because, as appropriately the President himself has pointed out, the recommendation of assistance for Israel is entirely new, since Israel has obtained all of its military equipment up to this time "through the use of cash and credit purchases."

It is to be hoped that the Christian churches in America and elsewhere will finally be able to understand the problems that Israel has confronted in the wars of 1949, 1956, 1967 and 1973. Unfortunately the National Council of Churches, a body which represents most Protestant denominations, in its statement on October 15, 1973, did not see the realities of the Middle East situation. The National Council of Churches statement called for an embargo on military assistance to Israel and in fact did not even point out that Syria and Egypt were the aggressors on October 6, 1973.

Despite this unfortunate statement I see everywhere Christian and religious spokesmen who understand as never before the situation in which Israel finds itself.

During the recent past I recommended that the Vatican give diplomatic recognition to Israel. As is well known the Holy See has formal diplomatic relations with more than 70 nations of the earth. The absence of diplomatic relations, as is the case of the United States, cannot be said to bring any harm to a nation but it was my judgment that "all Christians owe reparations to the Jewish people because of all of the afflictions they have suffered at the hands of Christians." I recommended that the Holy See take the occasion of the 25th anniversary of the establishment of Israel as the occasion for the establishment of diplomatic relations between the Vatican and Israel.

In the days and weeks ahead I think that it is very important that the diplomatic efforts of the U.S.S.R. and the United States to bring about peace in the Middle East should not go beyond inducing the parties into direct and open negotiations. It seems to me that no peace terms, either provisionally or permanently, should be imposed by outside third parties. Similarly any attempt to enforce a cease fire should not result in granting a reward to Egypt or Syria because they initiated the attack on Yom Kippur.

Every effort must be made to reassert and re-emphasize the fact that Israel has never asked for American troops to fight in the Middle East and that she never will require or ask that American military personnel come to assist Israel. To raise such a possibility simply flies in the fact of every reality and every fact of history in the 25 year history of Israel.

Mrs. Golda Meir, the Prime Minister of Israel stated the essence of the conflict in the Middle East in these beautiful words on October 13, 1973:

> We did not ask for the war of 1967. It was forced on us . . . no sooner was the war over then the Israeli government asked the heads of the Arab states: Now let us sit down, as equals and negotiate a peace treaty. And the answer came back from Khartoum,—no recognition, no negotiation, no peace.

Mrs. Meir summed up the struggle simply but eloquently in these words:

> We are a small people, surrounded by enemies, but we have decided to live.

I am happy to say that 224 Members of the United States House of Representatives have sponsored a resolution supporting the administration's decision to supply Israel with aircraft and arms. As one of the cosponsors of this resolution I am happy to have this clear and cogent reaffirmation of the traditional strong support guaranteed by the Congress through so many years for the support of Israel. The resolution condemns Egypt and Syria as aggressors in the war and accuses the Soviet Union of supplying the Arab States by a "massive airlift of sophisticated military equipment."

I close these comments on Israel by quoting in full House Resolution 616 of the 93d Congress:

> Whereas the people of the United States deplore the outbreak of hostilities in the Middle East and earnestly hope that peace may be negotiated in that area; and
>
> Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and
>
> Whereas the armed forces of Egypt and Syria launched an attack against Israel shattering the 1967 cease-fire; and
>
> Whereas Israel refrained from acting preemptively in its own defense; and
>
> Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war; is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and
>
> Whereas Public Law 91–441 authorizes the President to transfer to Israel by credit sale such arms as may be needed to enable Israel to defend itself: Now, therefore, be it
>
> *Resolved,* That it is the sense of the House that the President, acting in accordance with the announced policy of the United States Government to maintain Israel's deterrent strength, and under existing authority should continue to transfer to Israel the Phantom aircraft and other equipment in the quantities needed by Israel to repel the attack and to offset the military equipment and supplies furnished to the Arab States by the Soviet Union.

SOUTH AFRICAN POPULATION REMOVAL SCHEME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Diggs) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, I would like to bring to the attention of my colleagues the situation in South Africa in which thousands of people are being disqualified, uprooted, and resettled in areas designated purely on the basis of race. This resettlement process is in accordance with the Group Areas Act and is implemented by the Minister of Planning whose decision cannot be appealed. The policy includes initiating "growth points" for racial groups provided with insufficient funds, and the eradication of "black spots" in white areas by removing Africans to barren "homelands." I must point out that these policies are in flagrant violation of articles 55 and 56 of the United Nations charter in which all state members of the United Nations pledge to "take joint and separate action in cooperation with" the United Nations to promote "universal respect for and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." I wish to submit a 1973 report on "Population Removal Schemes" by the South African Institute of Race Relations for the benefit of my colleagues.

Population Removal Schemes

(By Frank Joffe)

INTRODUCTORY NOTE

The removal of large numbers of people from their homes, and their resettlement in new townships or in rural areas, some of which are many hundreds of kilometers distant, has been a constant feature in the implementation of Government policy.

It has never been clear precisely how many individuals have been involved in removal schemes of various sorts, nor is it clear how many may yet be affected. However, the numbers are large, and the final figures will number millions rather than thousands.

The following collation of official material is nowhere near complete, as will be indicated in various places. However, it does serve to clarify the situation as it now stands, as well as giving a basis from which estimates may be extracted in order to arrive at some indication of the numbers affected by removal policies. In most cases, the reason for the lack of inclusion of relevant information is simply that the particular information is not available. In some instances the Minister concerned has refused to provide information in reply to Parliamentary questions. The figures that are used, however, are all taken either from the official reports of relevant Government departments, or from answers to questions put in the House of Assembly.

The different racial groups are affected largely by distinct policy implementations, under the provisions of different Acts of Parliament. In many cases, however, sections of more than one group are affected in by a single scheme. This is especially true of proclamations under the Group Areas Act.

GROUP AREAS

Broad policy

Over and above the implementation of the Group Areas Act in the segregation of the different race groups in specific towns, certain policy considerations have governed the proclamation of group areas in entire districts. Government policy has been stated at various times since 1966, in the Reports of the Department of Planning as well as by relevant Ministers.

In the Cape Province two boundaries have been designated, resulting in the division of the southern part of the territory into three areas: the area east of the line from Aliwal North to Fort Beaufort and thence along the Kat and Fish Rivers to the sea; the area west of the line joining Colesberg and Humansdorp; and the section between these two areas. These areas are referred to as the Eastern Cape, the Western Cape, and the Cape Midlands. The Cape Province north of the Orange River is referred to as the Northern Cape.

In the application of the Group Areas Act, it has been the official policy to restrict, as far as possible, the proclamation of Coloured and Indian group areas in the Eastern Cape in an attempt to ensure the settlement of these groups in the Western Cape. The labour policy has also been based on the principle of employment preference for the Coloured group in the Western Cape and Cape Midlands, and the African group in the Eastern Cape.

In Natal, a similar division has been drawn between those areas north of the Tugela River (Zululand), and the remainder of the Province. Group area proclamations have been geared to the gradual removal of the entire Coloured and Indian populations living north of the Tugela (except for the descendants of John Dunn).

There are no Indian group areas in the Orange Free State, and in this province Coloured areas have been confined to predetermined "growth points".

In the Transvaal it is convenient to distinguish between the Witwatersrand, the Vaal Triangle, Pretoria and Johannesburg (the PWV region), and the remaining areas. The arbitrary division into East and West Transvaal, using Pretoria as a reference point, is made for ease of identification.

The concept of "growth points" has also been applied to group area proclamation policy in the Transvaal. Rather than entrench the defacto Coloured and Indian inhabitants in the smaller towns, a policy of proclaiming group areas for these groups at specific local centres is apparently being applied. The entire populations of the outlying areas will eventually be required to vacate their homes, and move to the nearest "growth point". As yet, however, some ambiguity exists, since group areas have already been proclaimed in the Transvaal in some towns *not* designated as growth points. The promise has also been made repeatedly that these group areas will not be arbitrarily deproclaimed, but that they will not be developed beyond their present needs. However, the situation of the relevant groups in these towns is anything but secure.

In all, 1,325 group areas of different types had been proclaimed up to 30 June 1971. It has been officially estimated that while 1,648 White families had been moved or would be moved in terms of group area proclamations, no fewer than 111,991 Coloured, Indian and Chinese families were affected. Thus it is immediately obvious that the implementation of this policy has resulted in the minimum of upheaval for the White population group at the expense of the other groups, of which something in the region of 500,000 people have had to vacate their homes.

NUMBERS AFFECTED BY GROUP AREA PROCLAMATIONS

From the inception of the Group Areas Act to 31 December 1972, 1,513 White families, 44,885 Coloured families, 27,694 Indian families and 71 Chinese families had been moved as a result of the application of the Act.

Official estimates of the numbers still to be moved in terms of group area proclamations as at the same date were 135 White families, 27,538 Coloured families, 10,641 Indian families, and 1,162 Chinese families. The figures for each province are given below:

	White	Colored	Indian	Chinese
Number of families moved to Dec. 31, 1972:				
Transvaal	414	7,579	7,375	
Natal	780	1,519	19,154	
Orange Free State		1,017		
Cape	319	34,770	1,165	71
Number of families moved during 1972:				
Transvaal	2	423	795	
Natal	68	61	389	
Orange Free State		118		
Cape	10	3,495	216	3
Number of families still to be moved at Dec. 31, 1972:				
Transvaal	29	2,099	2,399	725
Natal	80	2,730	6,977	25
Orange Free State		1,753	7	1
Cape	26	20,956	1,258	411

GROWTH POINTS

Growth points in decentralised areas have been established, and at certain of these, the employment of Indian and Coloured labour is being encouraged. It is to be expected, then, that the development of these areas will take precedence and that group areas proclaimed in these centres will be developed further. It has been stated that the development of group areas in other centres will be discouraged.

In the 1971 White Paper on the Report of the Inter-Departmental committee on the Decentralisation of Industries, the following growth points for Indians and Coloured were mentioned:

Coloured

Bloemfontein, Meilbron, Kimberley, De Aar. Beaufort West, Upington, Mossel Bay/George/Knysna, Oudtshoorn.

Indian

Stanger, Verulam, Tongaat.

The Department of Planning had mentioned prior to this, that rather than declare group areas in each outlying town, Coloured and Indian groups would be encouraged to settle in "self-supporting" communities in specific focal areas. Even some group areas already declared were to be limited only to those already resident there, and development was to be discouraged.

It would appear to be the intention of the Government to establish a Coloured growth point for the Western Cape region, to the North of Cape Town, at Faure, and to the South-East at the Firgrove—Macassar complex.

The situation at this stage remains very unclear. In order to decentralise industry, development is encouraged in certain areas, and the labour supply in these areas must be assured. However no final statement has been made by either the "Growth Points Committee" or the Commission of Enquiry into the Decentralisation of Industry. Further complications arise out of the stated plan to develop rural Coloured communities. Whatever the final decision on these policies may be, it is certain that over and above the hundreds of thousands of people who have had to move from their homes as a result of the implementation of the Group Areas Act, many more will yet have to move if any of the decentralisation and growth point plans are to be carried out, and if schemes for the regional grouping of Coloured and Asian people are to be promoted.

REMOVAL OF AFRICANS

While the application of the Group Areas Act has been responsible for the removal of mainly Indian and Coloured families from their original homes, the African people have been affected more seriously by the implementation of the policy of consolidating the homelands.

Black spot removals

In the report of the Tomlinson Commission it was estimated that 188,660 morgen of land should be purchased in order to accommodate Africans from "Black Spots". These were farms owned by Africans but situated in predominantly White rural areas.

Official estimates made in 1961, of the area of these "Black Spots" before removal schemes began were:

Natal 48,390 morgen comprising 210 separate areas.

Transvaal 55,000 morgen comprising 55 separate areas.

Cape 62,022 morgen comprising 63 separate areas.

Orange Free State 7,787 morgen comprising 4 separate areas.

Total 173,199 morgen comprising 332 separate areas.

When the rounding-off of badly situated African areas was taken into account as well, the total area to be cleared was estimated at 728,537 morgen, including 469 "Black Spots".

By July 1961, 16 "Black Spots" measuring 15,255 morgen had been cleared in the Transvaal, and another 16 measuring 4,398 morgen had been cleared in the Cape Province.

Since the inception of the policy of "Black Spot" removals however, plans for the consolidation of the homelands have been altered, and are still in a state of flux. Thus it is not known how many people may eventually be required to move.

In addition to the clearing of "Black Spot" enclaves in White areas, certain removals have been made in the process of homeland consolidation, mainly in order to round off the boundaries.

The tables below give the official figures for the clearing of "Black Spots" and boundary consolidation:

Up to	1963	1964	1965	1966	1967	1968	1969	1970
Land area cleared: [1]								
Natal	2,367	1,118	465	97	4,432	1,990	1,046	2,837
Transvaal	39,746	1,280	761	7,580	7,113	489	3,801	1,558
Cape	49,813	622	31,023	16,222	1,560	3,373	2,014	3,005
Orange Free State	Nil	704	Nil	176	Nil	Nil	Nil	3,384
Total	91,926	3,725	32,249	24,076	13,105	5,852	6,861	10,784

Up to	1963	1964	1965	1966	1967	1968	1969	1970
Number of Africans removed: [2]								
Zulu	24,579	1,100	358	52	600	1,325	1,623	452
Tswana	11,677	3,455	4,060	725	600	225	1,565	150
Lebowa								8
Ciskei								160
N. Sotho	14,170			95	400	310	6,602	
Xhosa	697	22	310	16	150	230	304	
Total	51,123	4,577	4,728	888	1,750	2,090	10,094	770

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[1] Areas for the years up to and including 1968 are given in morgen, while those for 1969 and 1970 are in hectares.

[2] Figures up to and including 1965 represent the number of individuals involved, while figures for the remaining years are for the number of families removed.

In a reply to a question in the House of Parliament, the Minister gave the estimated total number of persons removed from "Black Spots", small scheduled areas and outlying parts of other scheduled areas since 1948, as 175,788.

By the end of 1971, it was indicated that 63,255 ha. of "Black Spot" land remained to be cleared, while 196,530 ha. of poorly situated scheduled land would have to be vacated. Since then, however, the position has changed with the publication of official plans for the partial consolidation of the various homelands.

The Minister of Bantu Administration stated in February 1972 that an estimated 300,000 Africans in Natal still had to be resettled. However, the Natal Agricultural Union estimate, based on the subsequently proposed partial consolidation, was that 343,000 Africans, 8,400 Indians, 2,500 Coloured persons and 6,157 Whites would be involved in resettlement. Figures for the other homelands are not available.

REMOVAL OF SQUATTERS

The official figure given, at the end of 1962, for the number of persons resident as squatters in White rural areas was 109,882, of whom 40,763 had been resettled. In addition 3,433 labour tenants were described as "redundant", and 1,620 of these had been resettled in homeland areas.

The following are the figures of the Department of Bantu Administration, showing the resettlement of people in terms of the Native Trust and Land Act of 1936:

1962	42, 383
1963	15, 897
1964	6, 859
1965	1, 358
1966	16, 236
1967	3, 345
1968	23, 730
1969	44, 089
1970	21, 177

Thus, more than 175,000 people have been removed from White rural areas as being resident illegally, or redundant in terms of labour requirements. Others are likely to be required to move.

In recent years, an attempt has been made to phase out the labour tenant system, and thus labour tenants have become increasingly subject to removals. It was estimated in 1971, that possibly 400,000 Africans were affected by this "phasing out" of labour tenants on farms of Whites in Natal alone.

In answer to a question in the Assembly, the Minister of Bantu Administration said that at the end of 1970 there were 2,996 registered labour tenants in the Transvaal, and 24,589 in Natal. (These figures exclude their dependents.) There were none in the other provinces.

REMOVALS FROM URBAN AREAS

In February 1971, the Minister of Bantu Administration gave the following figures for the number of Africans removed from urban areas in 1970:

	Men	Women	Total
Witwatersrand	23, 267	1, 528	24, 795
Cape Peninsula	191	35	226
Pretoria	3, 551	498	4, 049
Durban	2, 695	2, 071	4, 766
Port Elizabeth	13	2	15
Total	29, 717	4, 134	33, 851

In 1969 the numbers were marginally lower, except in the case of Pretoria. The totals then were:

Men	30, 238
Women	3, 019
Total	33, 257

It is not possible to estimate how many Africans have actually been required to vacate the urban areas as a result of the implementation of "pass law" legislation. The above figures indicate only the numbers physically removed during the particular year.

THE GAS BUBBLE—X

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, San Antonio, Austin, and other Texas cities that rely on Coastal States Gas Co. for their fuel supply have been undergoing curtailment for months, because Coastal sold more gas than it could deliver.

Up until this time, the situation has been held in reasonably good check. Nobody has suffered any great catastrophe, although industrial plants have been closed, and although electricity use has been cut back. Austin can live without streetlights for awhile, and so can San Antonio, but there is definitely a limit on how much gas supplies can be curtailed before very serious damage is done. We have been hurt, but not mortally.

This relatively happy state of affairs might not last much longer, thanks to a little-known aspect of Coastal's business practices.

Coastal made several deals, not long ago, wherein they sold actual gas reserves. These reserves were supposed to have been developed for customers like Austin and San Antonio, which had contracts calling on Coastal to deliver certain amounts of gas. In other words, Coastal promised San Antonio and other customers to develop reserves sufficient to deliver a certain amount of gas. Then it took those same reserves and sold them. San Antonio gets a lot of nothing, for which it has paid about $200 million, Coastal gets millions in illicit profits, and the new customers get the gas that San Antonio paid to have developed.

These new contracts are known as diversion contracts. They call on Coastal to divert from its customers the gas that comes from the reserves that the new customers bought from Coastal. In all, these contracts will take away from the Coastal system serving Texas about 25 percent of its total supply. This is supposed to happen on November 1.

Today, Coastal should be delivering about 1.8 billion cubic feet of gas per day in Texas. It actually is capable of delivering only about 1.4 billion cubic feet a day. After the diversion contracts go into effect, that will drop to less than a billion cubic feet a day. That is less than the amount that is estimated to be required for human use needs in the system served by Coastal's Texas subsidiary. If the diversion contracts go into effect, and those Texas customers have no alternate fuel available for electrical generation and industrial needs, Coastal's Texas customers will be in the dark and without jobs. Those whose homes depend on electricity for heat and cooking would be without heat or power. If Coastal had devised some means of destroying the Texas communities they serve, the company could not have come up with a better idea than the diversion contracts.

But there is no need for this threat to exist. I believe that the diversion contracts are illegal.

San Antonio and other customers have asked the Texas Railroad Commission to set aside the diversion contracts, and I hope that it will do so. But there is no assurance that this will be done before the fateful day of November 1.

I have accordingly recommended that the Texas attorney general seek an injunction to prohibit the diversion contracts from being enforced until Coastal's victims are able to determine their rights and exercise their appeals to the administrative agencies and the courts. If the contracts go into effect, Coastal's Texas customers will be irreparably damaged—and some would face absolute disaster.

Whatever the outcome of this, I think that everyone should know what Coastal has done here. It has told one customer that it will furnish gas, if that customer will pay to develop the necessary reserves. Then, with the reserves in hand—paid for by the customer, it went to someone else and sold the reserves to them—leaving the first customer with empty pockets and empty pipelines.

The diversion contracts are sheer thievery. Coastal, and Oscar Wyatt, who dreamed up the whole scheme, should never be allowed to get away with this. If the diversion contracts are allowed to go into force, there is not a community in America that can feel it has a valid contract with its gas supplier. America can afford only one Oscar Wyatt—if even that. His breed has no place in business, or anywhere else.

I hope that Coastal's customers can obtain justice, and that means retaining the gas they have bought and paid for. It also means that some way, some day, Coastal will have to pay for every dime of the hundreds of millions of dollars' worth of damage this pack of thieves has inflicted on millions of innocent people.

CPA AT DSA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, I wish to continue with my attempt to prevent any confusion similar to that experienced by us last Congress. We soon shall consider on the floor again proposals for a Consumer Protection Agency to advocate the interests of consumers in Federal decisionmaking.

As you know, I have been introducing into the Record letters I have received from Federal agencies which are subject to a CPA's advocacy rights as proposed in the bills now before a Government operations subcommittee on which I serve. These agencies were asked to list their 1972 proceedings and activities that would be subject to CPA action and to delineate them by the various categories set forth in the bills.

I have already inserted material from five small agencies—the Cost of Living Council, and four of the banking regulatory agencies. Today, I would like to call your attention to the proceedings and activities of another small agency, the Defense Supply Agency, which would be subject to the CPA's powers under the bills.

The bills are H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD, HORTON, and others, and H.R. 564 by Congressman BROWN of Ohio and myself.

The major difference between the bills is that H.R. 14 and H.R. 21 would allow the CPA to appeal to the courts the final decisions of other agencies. The Fuqua-Brown bill would not grant such an unprecedented power to a nonregulatory agency. In addition, with regard to the DSA, only the Fuqua-Brown bill would exempt from CPA's jurisdiction the national security functions of any agency. Therefore, at least as far as procurement of goods and services for military purposes, the DSA would not be covered by H.R. 564.

On the critical question of giving the CPA court appeal power, the Rosenthal and Holifield-Horton bills would grant such a far-reaching right to the CPA wherever anyone else had such a right. Under both of these bills, it would be up to the CPA's sole discretion to determine if there were sufficient consumer interest to intervene fully in an agency proceeding, and, having so intervened, it would have an unchallengeable right to appeal the decision arising out of such proceeding. Under both bills, as well, the CPA could appeal decisions arising out of proceedings in which the CPA never appeared, although the court may deny such an appeal if it makes certain unlikely findings. As mentioned, the Fuqua-Brown bill would not allow the CPA to appeal to the courts any final decision of its brother agencies.

With this in mind, it is worthy to note that there were at least 863,000 actual appealable decisions made by the DSA in 1972. I say "actual decisions" because, under the two bills which would allow appeal, a refusal to act—inaction—is also appealable by the CPA.

Counting the estimated 40,000 to 60,000 actual appealable decisions listed by the Cost of Living Council and the several thousand noted by the banking agencies, the DSA information puts the tally of potentially appealable decisions annually by the CPA at almost the million mark—for five small agencies, alone.

This, of course, is not to say that the CPA would find sufficient consumer interest in all or most of these decisions to want to participate in them or appeal them. The technical legal power to do so is all that we can judge now, a power not found in the Fuqua-Brown bill.

Mr. Speaker, for the important reasons already stated, I insert in the RECORD information from the Defense Supply Agency which shows that Agency's 1972 proceedings and activities which would be subject to the CPA's advocacy powers as proposed in the various bills now in subcommittee.

DEFENSE SUPPLY AGENCY,
Alexandria, Va., September 26, 1973.
Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: This is in reply to your letter of 7 September 1973 asking about the activities of this Agency as they relate to H.R. 1421, and 564, 93d Congress, bills to create an independent Consumer Protection Agency.

Before considering your specific questions, I believe it would be helpful to provide a brief statement of the general functions and responsibilities of the Defense Supply Agency (DSA). This Agency is responsible for the procurement, storage and distribution of assigned items for use by the military services. DSA also administers most contracts awarded by the military services and conducts the DoD Contract Compliance Program (Executive Order 11246, as amended) and Industrial Security Program. Other major functions are: Property disposal (including the sale of Department of Defense surplus personal property); cataloging; management of idle industrial plant equipment; and administration of the Defense Documentation Center.

Post exchanges and commissary stores are resale activities operated by the military services rather than by DSA. We do, of course, purchase many of the subsistence items that are sold through the commissary stores. However, the determination of the items that will be sold in the commissaries and the preparation of specifications that are used are the responsibility of the military services. Also, the inspection of such items is performed by Department of Agriculture and military service veterinary personnel. With respect to items sold by post exchanges, DSA furnishes a portion of their milk requirements, as well as some standard military uniform items procured by this Agency. Clothing items are normally sold through clothing stores operated by the military services.

None of the activities conducted by this Agency are subject to the procedures of 5 U.S.C. 553, 554, 556, and 557. There are, however, some activities conducted by this Agency which involve hearings and decisions based on the record. These are:

a. Appeals to the Armed Services Board of Contract Appeals (ASBCA) involving disputes arising under contracts awarded or administered by this Agency (Armed Services Procurement Regulation Appendix A);

b. Proposals to impose sanctions on a contractor for failure to comply with the Equal Opportunity requirements of Executive Order 11246, as amended; and

c. Proposals to debar a contractor because of criminal conduct or other action which reflects adversely on the contractor's integrity as it relates to the performance of Defense contracts (ASPR 1–604).

In addition to the proceedings listed above, the following Agency activities, although not involving hearings, may be of interest to you:

a. Pre-award surveys designed to determine whether a proposed contractor has the necessary facilities and technical and financial ability to perform a Defense contract satisfactorily (ASPR Appendix K).

b. Inspection of products for the purpose of assuring that items delivered meet contract specifications. As mentioned above, this does not include the inspection of some subsistence items for troop issue or commissary resale.

c. Suspension of contractors suspected of criminal conduct in the performance of Defense contracts (ASPR 1–605). This is a temporary measure designed to protect the interests of the Government pending further investigation of a contractor's activities.

d. Protests by bidders or contractors to the Comptroller General (GAO). With the above comments in mind, the answers to your specific questions are set forth below:

Since none of the DSA activities are subject to the rulemaking, adjudication, and hearing provisions of the Administrative Procedures Act, Questions 1, 2, 3, and 4 are answered, "None".

Question 5 relates to proceedings on the record after an opportunity for hearing. As indicated above, for the Agency this includes appeals to the Armed Services Board of Contract Appeals, proposals to impose sanctions against a Defense contractor for violation of the Equal Opportunity clause, and debarments. For DSA in Calendar Year 1972 there were 184 appeals filed with the ASBCA and two debarments were initiated by the Agency.

With respect to Question 6, see general discussion above.

In view of the nature of the functions and responsibilities assigned to this Agency, it is not feasible to list all the final actions which could have been appealed to the Courts during 1972. The following information, however, may be helpful to you in connection with Question 7. During Calendar Year 1972 this Agency awarded approximately 774,000 procurement contracts and 89,000 sales contracts. Any bidder whose bid was not accepted, as well as any contractor who was dissatisfied with a decision of the ASBCA, could have brought a court action to test the validity of the action taken concerning him. As a matter of information, only nine court actions involving the award or administration of DSA contracts were filed in calendar year 1972.

Sincerely,

D. H. RICHARDS,
Major General, U.S.A.,
Deputy Director.

GO AHEAD WITH IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, President Nixon's last-minute agreement to turn over to Judge Sirica the nine tapes and supporting documents requested by Special Prosecutor Archibald Cox is a victory of the American people, but the issues requiring consideration of impeachment by the House Judiciary Committee remain as urgent as ever.

In the last few days, Americans all over the country, of all political beliefs, from plain citizens and members of the AFL–CIO, to law professors and the president of the American Bar Association, spoke out passionately in defense of the Constitution and the rule of law, which the President was challenging.

The President's attempt at total defiance of the courts has been turned aside. Under the storm of protests and rising demands for his impeachment, Mr. Nixon has been forced to back down. My office alone received hundreds of phone calls and telegrams calling for impeachment.

Sweet as this victory is, we must not overlook what Mr. Nixon has gotten away with. Special Prosecutor Archibald Cox remains ousted, and his office abolished. The Justice Department remains beheaded, its integrity shattered. The special files gathered by the Cox investigators remain in custody of the President's puppets.

The Congress must demand the immediate reinstatement of Mr. Cox and the reestablishment of the special prosecutor office, which was created as a solemn commitment to the U.S. Senate. If the President fails to do this, Judge Sirica has the authority to name Mr. Cox as counsel to the grand jury and to subpena all the files, and I urge him to do so.

In addition to introducing a bill of impeachment earlier today charging the President with seven separate violations of the Constitution over a period of time, I am also cosponsoring a bill to establish a special prosecutor that will be truly independent of manipulation by the President.

I am gratified that leaders of the House Judiciary Committee have indicated they will continue with their plans to inquire into the impeachment issue. The American people cannot feel confidence in government so long as a President who has exhibited such contempt for the Constitution and the judicial process throughout his tenure remains in office.

The articles of impeachment I introduced earlier today against President Nixon accuse him of separate violations of this Constitution and the law over a long period of time.

The articles cover charges of unlawful conduct in connection with the President's defiance of the court order on the tapes, his dismissal of Special Prosecutor Cox and seizure of his files, his establishment of a personal secret police within the White House that engaged in burglaries, wiretaps, espionage and perjury, his obstruction of justice in the Ellsberg-Russo case, violations of campaign fund laws, his impounding of funds appropriated by Congress, and his authorization of the secret bombing of Cambodia.

In addition, there remain unanswered questions about Mr. Nixon's involvement in the Watergate coverup, in the ITT scandal, the milk deal, the mysterious Howard Hughes contribution of $100,000 to Mr. Nixon's closest friend, Bebe Rebozo, as well as mounting evidence of Presidential wrongdoing in connection with payment of taxes and misuse of taxpayers' money to improve his personal property at Key Biscayne and San Clemente. All these are issues into which a House Judiciary inquiry must look very closely.

It is tragic that President Nixon should have precipitated this national crisis over the tapes in the midst of an international crisis. While the people of Israel were fighting for the survival of their nation, their strongest supporters, the American people, were forced to turn their attention to the survival of their democratic institutions of law.

I welcome this administration's support for Israel and its efforts to achieve a peaceful settlement of the Middle East war. It is evident, however, that the President was attempting to use our justified concern over the outcome of this war to mute criticism of his shocking defiance of the court and his firing of the special prosecutor. This is a familiar tactic of the President, who habitually invokes "national security" as a blanket rationalization for his unlawful acts and violations of civil liberties.

Just how far along the President thought he was in his bid for one-man rule was evident in a report by New York Times columnist Anthony Lewis about the statement made by the President's chief adviser on civilian affairs, General Haig. This military man called Assistant Attorney General William Ruckelshaus and asked him to do what the Attorney General had refused to do, to fire Mr. Cox. When Mr. Ruckelshaus also refused, according to Mr. Lewis, General Haig said, "This is an order from your Commander in Chief." No wonder that news commentators said that Washington, D.C., this past weekend smelled of an attempted coup d'etat.

Only the vigilance of the Congress, the courts and the American people can keep our democratic rights safe. They are certainly not safe in the hands of President Nixon.

Text of resolution follows:

HOUSE RESOLUTION —

Resolved by the House of Representatives, that

Whereas, there is substantial evidence of President Richard M. Nixon's violation of his oath of office, the Constitution and laws of the United States and his lawful usurpation of power,

Resolved, that President Richard M. Nixon be impeached for high crimes and misdemeanors under Article 2, Section 4 of the Constitution of the United States,

Resolved, that the articles agreed to by this House, as contained in this resolution, be exhibited in the name of the House and of all the people of the United States, against Richard M. Nixon, President of the United States, in maintenance of the impeachment against him of high crime and misdemeanors in office, and be carried to the Senate by the managers appointed to conduct the said impeachment on the part of this House.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States, charging him with high crimes and misdemeanors in office.

ARTICLE I

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has defied an order of the United States Court of Appeals for the District of Columbia Circuit to produce for inspection of the court certain tapes, documents and other materials requested by Special Prosecutor Archibald Cox.

ARTICLE II

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has dismissed Special Prosecutor Cox, abolished his office and seized control of files and evidence that are material to investigations by federal grand juries, in violation of his commitment to the United States Senate, upon which confirmation of Elliot Richardson as United States Attorney General was based, that the Special Prosecutor would have full and independent authority to carry out investigations and to utilize the judicial process.

ARTICLE III

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary to the Constitution and laws of the United States, has invaded the First Amendment rights of citizens of the United States by establishing within the White House a personal secret police, operating outside the restraints of the law, which engaged in criminal acts including burglaries, wiretaps, espionage and perjury.

ARTICLE IV

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has participated together with a principal aide in the obstruction of justice by offering a high federal post to the presiding judge during the Ellsberg-Russo trial and, for a prolonged period, withholding from the federal court knowledge of the burglary of the office of one of the defendant's psychiatrist.

ARTICLE V

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, was either fully aware of or criminally negligent about violations of federal law in the collection and illegal use of campaign funds to ensure his reelection in November, 1972.

ARTICLE VI

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, did impound and refuse to spend more than $40 billion in funds for domestic programs affecting the health, safety and welfare of the American people, which were appropriated by the Congress in legislation signed into law by said President.

ARTICLE VII

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has usurped the war-making and appropriation powers of the Congress as set forth in Article I, Section 8 of said Constitution by authorizing the secret bombing of neutral Cambodia and falsification of official reports about military actions in Cambodia, and by deliberately concealing the bombing from Congress and the people of the United States.

WE MUST GUARD AGAINST DIVISIVENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, the American people are stunned and unbelieving. Staggered by the previous disclosures of 1973, they have held on thinking that sooner or later the hearings, investigations and trials would conclude and the truth would be out and justice would be done.

Now they reel from another body blow: Elliot Richardson, Archibald Cox, William Ruckelshaus—the three men whose presence guaranteed complete disclosure and fearless pursuit of all the facts—have been forced out by the President.

The calls and telegrams to my office confirm what everyone knows: Confidence in our Government and its leaders sinks to record lows. What is worse, no end is in sight.

While the President adamantly digs in to "tough it out," large numbers of Representatives openly call for impeachment and even moderate and conservative Members of the House begin to seriously weigh the need for such proceedings. And if the President and the courts keep on their respective courses, here is the agony the country could face in the coming weeks and months:

The vice presidential nomination of GERALD FORD is held hostage pending court suits and impeachment proceedings;

The House may actually be forced to vote in impeachment of a President—only the second time in this Nation's history;

Judge Sirica refuses to dismiss the tapes case and holds a President in contempt; appeals follow and the Supreme Court must ultimately decide;

The Senate refuses to confirm a new Attorney General unless a new prosecutor is appointed or a law is passed establishing an independent prosecutor's office;

The evidence compiled against the President and his associates is seized by the Justice Department amid charges that it will be destroyed or tampered with;

The Watergate grand jury expires as legislation to extend its life is vetoed or embroiled with other issues.

Surely the people of this country deserve better than this from their Congress and their President. There is, I suggest, a better way. But it will require sacrifice and restraint and magnanimity on the part of all of us—and most especially from Richard Nixon. It will require that we all stop maneuvering for partisan advantage and uttering loud ultimatums against each other. The Congress must give something basic and the President must respond.

I propose:

First. The Democratic Congress give up any effort, apparent or real, to reverse the election of 1972 and somehow parlay the Agnew tragedy into a Democratic President. Gerald Ford is a member of the party that won that election. He is a man of integrity whom Richard Nixon has picked as the person to carry out his foreign and domestic policies in the event he ceases to be President. The Congress should expeditiously complete its investigation of the Ford nomination, and finding no irregularities, as I expect will be the case, confirm the nomination.

Second. When Mr. Ford has been confirmed, Mr. Nixon should resign. The President is a proud and often stubborn man, whose Presidency is not without solid achievements. To step aside will be difficult for him, but I believe he loves his country and has the greatness to make this ultimate political sacrifice so the Nation he has led can have some semblance of unity once again.

I would hope that the major national Republican leaders might now ponder whether they cannot best serve their country and their party by urging President Nixon to step aside.

This proposal—and only this proposal—offers any prompt and conclusive way out of the jungle in which this great country finds itself. We would all do well—our President especially—to remember the ordeal of another President, Lyndon B. Johnson, who found himself to be the symbol of disunity, and who had the greatness to move aside. In his speech of March 31, 1968, he said:

> The ultimate strength of our country and our cause will lie not in powerful weapons or infinite resources or boundless wealth, but will lie in the unity of our people . . .
>
> And in these times as in times before, it is true that a house divided against itself by the spirit of faction, of party, of region, of race, is a house that cannot stand.
>
> There is division in the American house now. There is divisiveness among us all tonight. And holding the trust that is mine, as President of all the people, I cannot disregard the peril to the progress of the American people and the hope and the prospect of peace for all peoples.
>
> So, I would ask all Americans, whatever their personal interests or concerns, to guard against divisiveness and all its ugly consequences.

PRESIDENT RELEASES TAPES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Riegle), is recognized for 10 minutes.

(Mr. RIEGLE asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. RIEGLE. Mr. Speaker, I wish I were not rising so late in the day when so few people are in the Chamber, but that is the way the procedures work here. But I think it is important to comment, if to no one else, at least to the people who are in this Chamber now, on the announcement that we had a few minutes ago that the President changed his mind and decided to release the nine tapes to Judge Sirica relating to the Watergate case.

Mr. HUNT. Mr. Speaker, will the gentleman yield at that point?

Mr. RIEGLE. I will yield a little later, but I will not at this time.

Mr. HUNT. Mr. Speaker, I want to get an audience for the gentleman.

Mr. RIEGLE. I will not yield to the gentleman at this time.

CALL OF THE HOUSE

Mr. HUNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. Evidently a quorum is not present.

Without objection, a call of the House will be ordered.

There was no objection.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 545]

Alexander
Anderson, Ill.
Ashley
Biaggi
Blatnik
Bolling
Brasco
Broomfield
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Fla.
Butler
Carey, N.Y.
Casey, Tex.
Chamberlain
Chisholm
Clark
Conlan
Conyers
Delaney
Dent
Derwinski
Dickinson
Diggs
Dulski
Esch
Evins, Tenn.
Findley
Fish
Foley
Ford, Gerald R.
Fraser
Fulton
Gettys
Goldwater
Gray
Green, Oreg.
Grover
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harsha
Harvey
Hébert
Holifield
Horton
Ichord
Johnson, Pa.
Jones, Tenn.
King
Landrum
Lujan
McClory
McKay
Macdonald
Mallary
Mathis, Ga.
Melcher
Michel
Mills, Ark.
Moorhead, Pa.
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
O'Neill
Parris
Patman
Pepper
Poage
Powell, Ohio
Quie
Rees
Reid
Roberts
Rose
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Saylor
Scherle
Schneebeli
Shipley
Skubitz
Slack
Spence
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stuckey
Teague, Tex.
Tiernan
Udall
Van Deerlin
Veysey
Widnall
Wilson, Charles H., Calif.
Zion

The SPEAKER. On the rollcall 327 Members have recorded their presence by electronic device, a quorum.

By uanimous consent, further proceedings under the call were dispensed with.

PERSONAL ANNOUNCEMENT

Mr. PEPPER. Mr. Speaker, I entered the Chamber at the time the announcement was being made. I should like for the Record to show that I am present.

PERSONAL ANNOUNCEMENT

Mr. CAREY of New York. Mr. Speaker, I was detained and was unable to reach the Chamber in time to record my presence on the last rollcall.

PERSONAL ANNOUNCEMENT

Mr. HANLEY. Mr. Speaker, I also was unable to reach the Chamber in time to record my presence on the last rollcall.

PRESIDENT RELEASES TAPES

The SPEAKER. The gentleman from Michigan (Mr. Riegle), has 9 minutes remaining.

Mr. RIEGLE. Thank you, Mr. Speaker.

I am flattered by this wonderful turnout at this late hour to hear what I have to say in this special order.

The gentleman from New Jersey, my friend of long standing, John Hunt called this quorum call. As to the circumstances, I had risen to speak on a 10-minute special order, John asked me to yield, and I declined to yield at that point. He then moved a call of the House.

I would not want the gentleman from New Jersey to think I would not yield to him at the end of my remarks, because certainly I would.

I prefer not to yield until such time as I complete my statement. Then I will yield first to the gentleman from New Jersey.

So, Mr. Speaker, the reason I took a special order today was to respond to the announcement of a few moments ago that the President apparently changed his mind and decided to release the nine tapes in question under the appeals court order to Judge Sirica.

At this time it is not clear whether the information that the White House will release goes beyond just the tapes and gets to very profoundly important question of the documents and the relevant memoranda and White House logs which Special Prosecutor Cox spoke about and which he indicated quite clearly had been denied him up to this point.

I believe several points ought to be considered right now before any more time passes. No. 1, it seems to me that what the President has said by this action is that the special prosecutor was right in insisting that the tapes be turned over; namely, that the President comply with the court order.

Apparently, on reflection, the President has decided that the special prosecutor was right. That represents a gain and one that is useful.

I believe now it is fundamentally important the the President likewise act to reinstate the special prosecutor. What he has in effect said is that the special prosecutor was right from the beginning.

I hear some snickers in the chamber. I hear some snickers here. I think that is unfortunate, because there is one thing that the American people want today. It is not a partisan question. I believe they want the facts and they want the truth.

They want to find out who is guilty and who is innocent.

It seems to me that we all have a right to have that done, and that was the purpose for a special prosecutor. There were very few Members in this Chamber on either side of the aisle who objected to the establishment of a special prosecutor when this thing began. As a matter of fact, there was a very strong sentiment that there was a clear need for a special prosecutor. There still is.

There is just as much need for a special prosecutor today. I think we all know that the Watergate part of the story is probably the smaller part of the story now. I assume that most Members have seen the story on the wire that the trial of Maurice Stans and John Mitchell in New York had to be postponed today, because the White House is withholding evidence. That has nothing to do with Watergate. That is the Vesco case.

Are we going to proceed to allow the courts to work to find out who is guilty and who is innocent? Or are we not? That is a question which the President has not answered.

So, Mr. Speaker, I think what is appropriate now is that the President, in light of the fact that he has admitted today that he was wrong—he admitted it by turning over the tapes—ought to reinstate his special prosecutor, and he ought to do it today before any time is lost or any records are lost or misplaced, or what have you.

I believe this House ought to express itself on that point, and I hope that all the Members in the House will express themselves on that point. If there is some good reason why the special prosecutor should not be reinstated. I would like to have the Members rise later and explain what that reason might be.

I think, secondly, the question of the supporting memoranda and documents and the White House logs is absolutely vital. In other words, their submission, turning those over to the courts, is every bit as important as the tapes themselves, because when I heard our former colleague and friend, Mel Laird, speak on "Meet the Press" on Sunday, he finished the question as to whether the supporting documents would be turned over by saying,

> Well, the tapes themselves are a more complete record.

Well, they are a more complete record if they are in their origial form. I suppose they are, but there is no way we can know that now. Many people in the country ask that question, I think quite properly. The only way to know if the tapes have been altered is by checking them against the memorandums and supporting documents and the White House logs that were prepared at exactly the same time.

So it is essential that they be turned over. As a matter of fact, if we had to do without one or the other, they probably are more useful than the tapes.

So what is the President's position in that area?

Finally, as I said before, the Watergate situation, I think, today is the smaller part of this whole thing. I think the White House would like to make that be the issue, because that sort of gets over into the area of political sabotage, and most people in the country take a dim view of politics and they tend to give that less weight.

But we are talking about a whole pattern of criminal activity. We are talking about special deals, about enemy lists, about favors, about money changing hands with no accurate records. We are talking about special audits by the Internal Revenue Service and a number of other things.

I do not honestly believe that there is a single Member in this chamber in either party who believes that this Government should operate that way. I know that in the 6 years I spent here in the House as a Member of the Republican Party, I never at one time heard one Republican colleague of mine advocate a police state under any kind of a President. Never once did I hear that. And I do not think they advocate that today, and I know that Members of the Democratic Party do not advocate that.

However, that has been the pattern, and it must be cleaned up, and the American people have a right to have it cleaned up. That is why we had a special prosecutor.

And so we have seen the President, through what seems to be a very clever maneuver, a very tricky maneuver, say, "No, you cannot have the tapes," and then we have the prosecutor do what he should do, and he says, "Mr. President, I cannot comply because that violates the court order."

So then the President fires the prosecutor and then promptly takes his advice.

Let us not be fooled by this. The American people are not going to be fooled by this.

I think what is at stake here is whether this chamber and we, as a Congress, really mean anything. When we talk about "law and order," that has got to mean law and order for everybody, and I think we have to be as quick to dismiss people and to punish people in either party if they commit offenses and break the law.

There cannot be two sets of rules. If we let the President or ourselves or any public officeholder commit crimes and get away with it and say they have special powers, we are doing the wrong thing. We are saying to every potential criminal in this country, dope addicts and muggers and others, that if you have the raw power to commit whatever crime you want to, you can get away with it. That is what we say when we allow that kind of a precedent.

Does the President live by a different set of rules? I hope not, because he should be the premier example of obeying the law.

Laws have been broken in a dozen cases here. You know them better than I do. I do not have to cite them. The milk deal, the Vesco and the ITT deal, and all the rest of the things. Who knows what the true facts are? But are we to say we do not have the right to know that a coverup can go on by means of a diversion of a special prosecutor who gets booted out because he was doing exactly what he should be doing, namely, tracking down the facts?

I want to know who is guilty and who is innocent. I will be the first person into this well, the first person into this well, to congratulate the President of the United States if after a full and unhindered independent investigation he is cleared of all wrongdoing. I will be the first person into this well to congratulate him and pledge my support for the remainder of his term.

But if the coverup goes on, we will destroy our country and destroy the meaning of this Congress and destroy both political parties. We can do it if you want to. We can do it out of loyalty to an individual, but I think that is wrong.

Mr. BRECKINRIDGE. Mr. Speaker, I rise in support of the remarks of the gentleman from Michigan (Mr. RIEGLE) and while welcoming the reported action of the President in releasing the Watergate tapes to Judge Sirica, I deny that this action puts an end to the matter or meets the exigencies of the constitutional crisis imposed upon America by the President's action in denying the independent investigation and prosecution called for under the rule of law.

Mr. Speaker, today I joined with the gentleman from Iowa (Mr. CULVER) and others, in introducing the Special Prosecutors Conservancy Act of 1973 for the purpose of securing inviolate the constitutionally ordained separation of powers and checks and balances inherent in our form of government, and the maintenance of the independence of the judiciary in the administration of justice.

The statement of the Honorable Chesterfield H. Smith, president of the American Bar Association, as it appears in today's New York Times has set forth below, makes clear the fact that—

> There can be no menace to our security from within and none from without more lethal to our liberties at home and fatal to our influence abroad than this defiant flouting of laws and courts.

The article follows:

THE CONSTITUTIONAL CRISIS

(By Chesterfield H. Smith)

CHICAGO.—As the President of the American Bar Association, I urge in the strongest terms that appropriate action be taken promptly by the courts, and if necessary by Congress, to repel the attacks which are presently being made on the justice system and the rule of law as we have known it in this country.

The American Bar Association last spring called for the appointment of an independent prosecutor with responsibility for the investigation and prosecution of the Watergate affair. The A.B.A. position was based upon its Standards for Criminal Justice, which provide that a prosecuting officer should have no conflict of interest or the appearance of a conflict of interest. Thus, under the standards, it would be improper for an investigation of the President himself, of the office of the President, or of the executive branch of the Federal Government to be conducted by a prosecutor subject to the direction and control of the President.

Based upon assurances made publicly by high officers of the Administration, the A.B.A. was most hopeful that Archibald Cox would be allowed to pursue justice in all aspects of his investigation without control by those whom he was charged with investigating.

Now, the President, by declaring an intention, and by taking overt action, to abort the established processes of justice, has instituted an intolerable assault upon the courts, our first line of defense against tyranny and arbitrary power. The abandonment, by Presidential fiat, of the time-tested procedures to insure the equitable distribution of justice constitutes a clear and present danger of compelling significance.

The substitution, again by Presidential fiat, of a makeshift device—unilaterally improved and conferring upon one individual functioning in secret the power to test evidence—may well be acceptable for a Congressional investigation, but to also insist that it be utilized by the courts in criminal proceedings is an assault of wholly unprecedented dimension on the very heart of the administration of justice. The absolute gravity of the situation demands the most resolute course on the part of the courts and, if necessary, Congress.

There can be no menace to our security from within and none from without more lethal to our liberties at home and fatal to our influence abroad than this defiant flouting of laws and courts. I express my hope and confidence that the judicial and legislative forces of this nation will act swiftly and decisively to repeal and correct this damaging incursion by the President upon the system of justice, and therefore upon our basic liberties.

I hope also that the President will change his course and cease what I believe to be an unprecedented flouting of the rule of law. I also believe that the Congress should, as its first priority, re-establish the office of the Special Prosecutor and make it independent.

The people of this country will never believe that justice has been done until such time as the independent prosecutor is permitted to go into all aspects of Watergate without limitations or control imposed on him by those whom he has reason to believe are possible participants. At the same time, it is clearly proper that those who are being investigated by the Special Prosecutor present their objections to his conduct to the courts for a determination as to whether such conduct is legally permissible.

I pledge to see that the A.B.A. assist the United States District Court for the District of Columbia and any other Federal court in the discharge of its duties and responsibilities in this constitutional crisis.

I applaud the acton of three great lawyers, Elliot Richardson, William Ruckelshaus and Archibald Cox, who have emphasized to the nation that they are lawyers who honor the tradition of the legal profession and that they are lawyers who properly and without hesitation put ethics and professional honor above public office.

The question of impeachment must, Mr. Speaker, in the final analysis, find its resolution in the judicial system and the investigatory processes of the House. The Special Prosecution Conservancy Act of 1973 is the sine qua non to the reestablishment of the balance of power and integrity of our system of government. I urge its early passage.

THE EVENTS OF THE DAY

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, I will be happy to yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. I rise for the purpose of clarification. Considering the fact that my colleague from Michigan did not see fit to carry out what he said he would do; namely, let me answer him.

I want the RECORD to reflect why I called a quorum.

The gentleman from Michigan in his initial address made some facetious remarks that there was no one in this House again to hear an important message, as usual. I do not want the RECORD to be sanitized when he gets through as to the reason why I called that quorum. I am certain the President of the United States will be most happy to accept the gentleman from Michigan's apology when he gets ready to make it, which I doubt he ever will.

Mr. BROWN of California. Mr. Speaker, I had intended to make a few remarks about the events of the day myself, but in view of the circumstances which have developed, I would merely like to request unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, today I have joined in the introduction of two measures designed to bring about consideration by this House of articles of impeachment of the President of the United States. It is not merely Richard Nixon I seek to impeach, but an entire style of politics, an approach to the use of power which takes the attitude that the end is so virtuous—namely the election of Richard Nixon to office—that any means necessary to that end is legitimate no matter what laws are broken, what institutions are corrupted, or what reputations are sullied.

Lest anyone mistakenly believe that the events popularly known as Watergate are somehow peculiar to the period of the 1972 election and the excesses of persons involved in what they viewed as a holy crusade to save the country from the fate of a McGovern Presidency, one can readily find similar examples in each of Mr. Nixon's past major campaigns. Not only that, but many of the very campaign aides who demonstrated so well their talent for using any means necessary to elect Richard Nixon a decade ago or a quarter century ago have been carried with him up to the present. Mr. Nixon cannot dissociate himself from the actions of his aides in the White House and the Committee to Reelect the President when he knew only too well what these men were prepared to do to elect him.

In 1946 when Mr. Nixon first ran for public office, it was against veteran Congressman Jerry Voorhis, named "first in integrity" among Members of the House of Representatives by the Washington newsmen. As a member of the House Committee on Un-American Activities he had even authored the Voorhis Act which was bitterly assailed by the Communist Party publication People's Daily World.

Nevertheless, Mr. Nixon, following the advice of his public relations adviser, Murray Chotiner, accused Voorhis of being a dupe of the Communists and of "consistently voting for the Moscow-PAC-Henry Wallace" line in Congress. In the same fashion as the anonymous phone calls in the New Hampshire primary that were used to sabotage the Muskie campaign, Mr. Voorhis' candidacy was subjected to anonymous phone calls to voters who were told that he was a Communist.

With Murray Chotiner as his campaign manager in his 1950 campaign for the U.S. Senate, Mr. Nixon depicted his opponent U.S. Representative Helen Gahagen Douglas as the "Pink Lady," distributing over a half million flyers printed on pink paper which purported to demonstrate that she had voted the same way as the New York Congressman Vito Marcantonio who was outspoken in his Communist sympathies. The flyer, of course, did not mention that a majority of the Democrats in this body had voted the same way and that Richard Nixon himself had done likewise on many occasions.

During the course of the Watergate investigation, not surprisingly, we have learned that Mr. Chotiner was responsible for corrupting the journalistic coverage of the 1972 campaign by his use of paid spies who masqueraded as legitimate news reporters while preparing reports on the Democratic campaigns to be read by White House officials the next morning.

Moving closer to the present, we come to Mr. Nixon's losing 1962 campaign for Governor of California. During that campaign he honed techniques that were to prove useful 10 years later. Among these was the use of a $70,000 phony mailing. California Democrats received a large post card from the nonexistent "Committee for the Preservation of the Democratic Party." Purporting to be a poll, the card's "questions" were instead used to put across a Nixon campaign message that the Democratic Governor was a captive of extremists. In addition, this phony Democratic committee solicited contributions from the Democratic voters to "preserve our Democratic processes."

The State's official Democratic Party went to court and a State judge ruled against the Nixon campaign committee and its campaign manager, one H. R. Haldeman. It held that:

> In truth and in fact, such funds were solicited for the use, benefit and furtherance of the candidacy of Richard M. Nixon.

The judge found that the phony postcard poll "was reviewed, amended and finally approved by Mr. Nixon personally." The judgment was never appealed.

It is not surprising that extensive use was made of phony mailings in 1972 by Nixon campaign worker Donald Segretti. Responsible for payments to Mr. Segretti and for recommending approval of his activities to H. R. Haldeman, was former Presidential Appointments Secretary Dwight L. Chapin. Mr. Chapin is also famous as a result of John Dean's testimony that it was Chapin who proposed getting some thugs to discourage a lone demonstrator in Lafayette Park. And when one examines the list of Mr. Nixon's paid campaign aides in the 1962 gubernatorial campaign he finds, in addition to H. R. Haldeman, Dwight L. Chapin plus Herbert Kalmbach and Ronald Ziegler. Other men who participated in the Nixon campaign that year were Maurice Stans, John Ehrlichman, and Murray Chotiner.

Mr. Speaker, those of us in this body from California remember only too well these and similar facets of Richard Nixon's willingness and the willingness of the men with which he surrounds himself to use whatever means they see as necessary to obtain and hold political power. Watergate is not an aberration. It is merely 1946, 1950, and 1962 on a grander scale. It is also a demonstration of what happens when a person such as Richard Nixon has at his fingertips the powers of the executive branch of the Government.

The investigations of the Watergate Committee and the Special Prosecutor have been only too successful in revealing for all to see the extremes to which Mr. Nixon and his aides are willing to resort. It was for this reason that Richard Nixon found he had to end the work of the special prosecutor and it is for this reason that Richard Nixon must be impeached.

RESOLUTION OF INQUIRY INTO THE QUESTION OF IMPEACHMENT

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 10 minutes.

Mr. OWENS. Mr. Speaker, in the past 5 days, we have witnessed events unprecedented in American history. On Friday, the President failed to appeal from a decision directing him to produce for judicial inspection tapes, notes and other memoranda which had been subpenaed by the special prosecutor. Instead, he announced arbitrarily a so-called compromise and demanded that everyone—the courts, the Senate Watergate Committee, and the special prosecutor—accept it. The special prosecutor, with good reason, refused to abide by the President's attempt to settle unilaterally the suit for the tapes.

The summaries of the tapes which the President proposed to supply would not be sufficient to enable the grand jury to reach an informed decision as to the necessity of indicting individuals under investigation. The summaries would not be admissible as evidence in court, in any trials which come out of the grand jury investigation. Finally, and perhaps most importantly, the President ordered the special prosecutor not to seek court orders for any further records of Presidential conversations, papers or records.

On Saturday the President forced the resignation of the Attorney General Elliot Richardson, and the Deputy Attorney General William Ruskelshaus, who in good conscience could not carry out the President's order to dismiss Mr. Cox and thereby destroy the independent status of the special prosecutor's office. Such independent status was and is essential to reestablish the integrity of the executive branch and the rule of law.

After forcing the resignation of the only uncompromised men in the Justice Department, the President ordered the special prosecutor's office and files sealed and placed under FBI guard. Those are the tactics of a dictator, a man who fears independence and the orderly and impartial pursuit of justice.

This afternoon, incredibly, the President announced that he would comply fully with the court of appeals' order to produce the tapes. This seemingly erratic action raises the gravest questions about the President's motives in dismissing Mr. Cox. If the President's sole concern had been preserving the confidentiality of the tapes, why was he willing to go to such extraordinary lengths last week to preserve that confidentiality, and then reverse his decision 5 days later? His action certainly lends credence to the argument that the confrontation with the special prosecutor was planned in order to create a pretext for his removal.

I believe that the President had the special prosecutor fired, not because of any impropriety on the prosecutor's part, but because Mr. Cox exercised the very qualities of independence which his task demanded. His firing leads me to the conclusion that the President feared the revelations and actions which could come from the special prosecutor's investigations into a host of improprieties involving the White House and the President himself.

Those improprieties include the following:

On July 25, 1970, the President personally approved the "Huston Plan" for domestic political surveillance by such methods as breaking and entering, wiretapping, and military spying on civilians.

The President usurped the warmaking powers of Congress by the bombing of neutral Cambodia and deliberately concealing the bombing from Congress.

The President established within the White House a secret police, the so-called "Plumbers," who operated outside the law, engaging in criminal acts including burglary and perjury.

The President compromised Judge Byrne by offering him the post of FBI director while the judge was trying the Ellsberg case.

The White House directed the settlement of the ITT antitrust case at a time when ITT was making a substantial contribution to the Republican Party.

The milk support prices were raised after the dairymen made a substantial contribution to the President's reelection campaign.

The President has engaged in a pattern of practice seeking to cover-up crimes related to the Watergate break-in, including early attempts to limit the scope of the Watergate investigation, use of campaign contributions to buy the silence of Watergate conspirators, and, most recently, the firing of the special prosecutor.

The gift of his Vice Presidential papers, for which the President received a substantial tax break, raises questions that he has used the IRS improperly for his personal enrichment.

The financing and tax implications of the purchases of the San Clemente and Key Biscayne residences of the President are of doubtful propriety.

This list, as well as the conduct of the Watergate investigation prior to the creation of the special prosecutor's office and other incidents, clearly demonstrates the need for a prosecutor who is independent of the White House and the entire executive branch.

Of greatest emergency this afternoon is the necessity of protecting the files and evidence already gathered by the special prosecutor and assuring an independent prosecution of this investigation. Consequently, I have today cosponsored a bill which would reestablish the special prosecutors' office as a branch of the judiciary.

This bill would authorize Chief Judge Sirica to appoint a new special prosecutor, who could then be removed only by Judge Sirica or his successor chief judge. It would provide funding for the prosecutor's staff, and direct the FBI to provide him with such investigations and material as he may require. It would also extend the life of the Watergate grand jury, now due to expire on December 5, for 6 months, and for longer periods if Judge Sirica found further extensions to be necessary. Finally, the bill encourages Judge Sirica to disqualify himself from judging any cases brought by the special prosecutor whom he appointed.

I have also cosponsored a resolution calling for the establishment of an investigation into the necessity of impeachment, as I promised last Sunday morning. I am here inserting that statement and the resolution for the RECORD.

There is a danger that any move in the direction of impeachment will be seen as an attempt by Democrats to replace the Republican President with a Democratic Speaker of the House. The Democrats do not seek such an advantage. Nor can my party even appear to wish such an eventuality. This issue transcends all partisan concerns, and to allow such an appearance could raise such partisan feelings as to make an objective inquiry into a possible impeachment completely impossible. For that reason, I believe that the House must expedite the hearings and consideration of GERALD FORD to be Vice President. If, for some reason, he is not confirmed, then provision must be made to place a Republican next in line of succession in the event that the President should be impeached. This could be done by our election of a Republican, of Presidential capabilities, as temporary Speaker of the House.

Above all, Mr. Speaker, we must have the courage to assert the proper role of the House of Representatives at this time of grave constitutional crisis. If we will proceed vigorously, in a manner completely free from partisan objectives, we can be sure the country will support us in our attempts to make a rational judgment about the continuation of Richard Nixon as President of the United States.

The items follow:

STATEMENT FROM REPRESENTATIVE WAYNE OWENS

The President's erratic actions of the last two days are unsupportable, in my opinion, by any theory of executive privilege. He has allowed and would allow persons of his own choice to hear the disputed tape recordings, yet has refused definitive court orders that they be secretly heard by impartial judges who would protect the confidentiality of non-criminal matters.

I have concluded that the President was less than honest when he said that he wanted all the facts to come out, because he has destroyed the only chance that the judicial process could bring out the truth by removing the only uncompromised men in the Justice Department.

This leaves a very reluctant Houses of Representatives no alternative to commencing impeachment proceedings immediately. I hope and pray we have the courage to face up to that responsibility in a sober, judicious manner, completely free of partisanship or political overtones.

RESOLUTION

Resolved, That the Committee on the Judiciary immediately undertake an investigation of the activities of Richard Nixon, President of the United States, to ascertain all facts bearing on the possible commission by him of high Crimes and Misdemeanors under section 4 of Article II of the Constitution, and that upon completion of such investigation said Committee report to the House its recommendations with respect thereto, including, if the Committee so determines, a resolution of impeachment.

THE PRESIDENT AND ARCHIBALD COX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, the action of President Nixon in dismissing Special Prosecutor Archibald Cox and closing down his office is perhaps the greatest outrage against the public ever worked by a President on the American people.

Piling crisis upon crisis, virtually all of them swirling about his own conduct of the presidency and his own campaign for reelection, the President has now committed the ultimate indiscretion of a leader. He has broken faith with the people, with the Congress and with the courts.

Pressed for some shred of credibility some months ago, the President appointed an "independent" prosecutor who would be unhindered in his search for the truth in the Watergate scandal, the coverup, election law violations and other matters. Now, like a bad sport, he wants to take his marbles and go home. He wants to change the rules in the middle of the game. He would change the Constitution and then do away with due process.

There is no more deadly action he could take in a nation that has revered its constitutional democracy. He would do away with the even distribution of justice. This recent move of the President amounts to transferring the crisis of confidence the people have felt about the man, to a crisis of confidence about the office, and the Government.

This Nation works because the people believe that government works toward evenhanded justice for all, through due process and without favoritism by the administration, the Justice Department or the courts. It is this usurping of constitutional privilege and power on top of demonstrated dirty tricks and crime in the quest for more power that brings this matter before the House today.

Previously Presidential actions were akin to this most recent outrage, but this is nonetheless shocking.

When the late J. Edgar Hoover would not lend the FBI to the White House as political operatives, the White House set up its own special investigative unit—the Plumbers—who then proceeded to violate the private and civil rights of those who had incurred the administration's wrath. And the Plumbers broke practically every law on the books in the process. Guided from the White House, they used, and were used, by deceit, misrepresentation, half truths and a feeling they were above the law of the land while they were working out of the White House.

As Prosecutor Cox moved with due process closer to the truths about this most corrupt of administrations, he was summarily dismissed, his record impounded, and his investigation set back to where it was 6 months ago.

Mr. Speaker, we are here today considering this matter of impeachment because it was thrust on us by an administration indifferent to the structures of the Constitution and the requirements of a civilized society.

Let us act accordingly.

IMPEACHMENT PROCEEDINGS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON. Mr. Speaker, this past weekend's events, where the President fired his special prosecutor and precipitated the resignation of his Attorney General and Deputy Attorney General, were the latest in a chain of events that has raised grave doubts about the propriety of President Nixon remaining in office.

Over the months there have been numerous allegations of criminal wrongdoing extending to the highest levels of the White House. Now he has broken his promise that these charges would be pursued by a Special Prosecutor to wherever they lead.

These activities have rightly generated an unprecedented public outrage and demands that the President be removed from office. Under the Constitution, the House of Representatives has the responsibility for initiating impeachment proceedings. This resolution, that is being introduced by 61 of my colleagues and myself, directs the Judiciary Committee to begin its investigation to determine if grounds exist for impeachment.

It is imperative that this inquiry begin immediately. Only by a proper and thorough investigation can this matter be resolved in the fair matter dictated by the Constitution.

Following is a list of 61 Members cosponsoring this legislation.

LIST OF COSPONSORS

Abzug, Anderson, G., Aspin, Bergland, Bingham, Brasco, Brown, G., Burton, Boland, Brademas, Chisholm, Culver, Conyers.

Dellums, Drinan, Eckhardt, Edwards, Evans, Fascell, Fauntroy, Foley, Ford, W., Fraser, Giaimo, Grasso, Green, Harrington, Hawkins, Helstoski, Hicks.

Howard, Jordan, Karth, McCormack, Mazzoli, Metcalfe, Mezvinsky, Mink, Moakley, Mollohan, Moorhead, (PA), Murphy, J., Nedzi, Obey, O'Hara, O'Neill, Pepper.

Podell, Rees, Rooney, Fred, Roybal, Schroeder, Seiberling, Stark, Studds, Symington, Tiernan, Thompson, Udall, Yates, Young, A.

Resolution, directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

PUBLIC REGULATION BEFORE PRIVATE MONOPOLY

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, natural gas provides more than 36 percent of our domestic energy. It is the cleanest of fossil fuels, its combustion producing far less air pollution than any other conventional fuel. In some areas, it is the only fuel that can be burned in quantity without significantly violating air quality standards and causing hazards to public health. These desirable properties, together with availability at reasonable prices, have caused demand for natural gas to increase rapidly.

At the same time since 1968 reported reserve additions have lagged behind annual consumption. During the past year, 15 of the Nation's largest interstate pipelines were unable to provide enough gas to meet needs of customers. In many communities, natural gas is not available to new customers.

Deregulation has been offered as a solution by the administration. In my judgment, however, the deregulations of interstate natural gas called for by the President indicates he believes, rather simply, that what is good for the oil industry is also good for the country. If prices of natural gas, for example, were allowed to increase by 30 percent, the value of natural gas reserves would climb by $300 billion. More drilling would perhaps occur, but "windfall profits" for the industry would be staggering. The policies advocated by the President would increase benefits for the industry, but at the expense of the American consumer. In essence, deregulation is part of the problem, and not part of the solution. I am, therefore, introducing today a comprehensive regulatory proposal to provide an alternate approach, known as the Oil and Gas Regulatory Reform Act.

I am proposing this regulatory reform bill because the pattern of recent shortages of gasoline, threats of renewed scarcities of heating oil, and rising prices of petroleum products have suggested the existence of serious structural problems and anticompetitive behavior within the petroleum industry.

The Cost of Living Council; and States of New York, Hawaii, Florida, Colorado, Minnesota, and Massachusetts have either filed suit or are about to bring antitrust actions against major oil companies. In Los Angeles, the Antitrust Division of the Justice Department is conducting an inquiry to determine whether there was a massive conspiracy to fix wholesale and retail gasoline prices in 1971 and 1972. Recently, James Halverson, Director of the Federal Trade Commission's Bureau of Competition, testified before the Senate Anti-Trust and Monopoly Subcommittee:

> 1. Serious underreporting by natural gas producers to the Federal Power Commission of natural gas reserves has existed and continues to exist;
>
> 2. Procedure of reporting reserves through subcommittees of the American Gas Association composed of employees of major producers could provide the vehicle for a conspiracy among companies involved to underreport gas reserves, but more information is needed in this area.

Cost of Living Council Director Dunlop recently stated that—

> Rapidly increasing prices for gasoline are one of the major contributors to inflation in this country.

The Federal Trade Commission on July 17, 1973, issued a complaint against the Nation's eight largest petroleum companies charging monopolization and maintenance of a noncompetitive market structure.

Because the petroleum industry does not appear workably competitive I propose a Regulatory Reform Act designed to assure adequate supplies of petroleum at reasonable prices to consumers. Principal provisions of this proposal are:

Extend Federal Power Commission regulatory authority to intrastate transportation and wholesale sales of natural gas. This would eliminate an arbitrary distinction currently existing between interstate and intrastate gas. The public cannot be adequately protected if more than 40 percent of the market is not subject to a uniform, comprehensive system of regulation. As a result of the current situation, the intrastate market has been able to enjoy substantial economic advantage in competing with the interstate market. There have been massive diversions of natural gas for low priority industrial uses within producing States. There is no more reason to assume that the intrastate market is any more competitive structurally than the interstate market. Consequently, regulatory protections would be desirable there, too.

It would authorize the Federal Power Commission to establish a national area rate in a rulemaking procedure. Variations in rates for different regions would be preserved, however, to account for differences in area costs. Such a national area rate would be based on cost of production and subject to congressional disapproval. The Commission is authorized to grant exemptions to the national area rate in a rulemaking procedure. Variatotal revenues. This bill would incorporate incremental pricing concepts in marketing of synthetic and liquified natural gas. Small producers producing less than 10 million M.c.f. of gas per year would be exempted from Federal Power Commission price regulation. This procedure would streamline FPC regulation and eliminate the enormous regulatory lag currently plaguing the Commission.

Title I of this bill requires natural gas companies to report efforts to increase gas reserves and directs the Commission to conduct an independent evaluation of such reserves. Hard facts behind producers' claims of declining natural gas reserves must be subjected to public scrutiny.

Gas producers are seeking and obtaining massive price increases for the purpose of stimulating their investment in new gas exploration and development. Many believe the gas shortage has been deliberately exacerbated by industry to obtain approval of excessive rates from the FPC. My proposal would authorize and direct an independent comprehensive evaluation of natural gas reserves to settle this issue.

Title I establishes a workable procedure for filing and approval of contracts by natural gas producers. It would remove a major area of uncertainty for producers by sanctifying contracts approved by the Commission. The Commission would be authorized to allocate natural gas production among pipelines to assure equitable distribution among all regions and classes of customers.

We must ascertain whether this new streamlined natural gas regulatory structure should be extended to cover oil production as well. The Cost of Living Council, under authority of the Economic Stabilization Act, is currently regulating the price of petroleum products. This job is not being done effectively because their staff is wholly inadequate, controls are temporary, and petroleum companies do not utilize a uniform system of accounts. To correct these serious deficiencies, we must build a record on the question of whether or not the Federal Power Commission should also assume primary responsibility for petroleum economic regulation.

We should discover whether or not effectiveness of Federal Power Commission regulation of natural gas is impeded by its lack of jurisdiction over oil. It has been suggested that, if a comprehensive regulatory mechanism is desirable for natural gas, the same regulatory system would be appropriate for the oil industry. Both natural gas and oil are developed and produced by similar methods, natural gas and oil are substitutes for each other in terms of uses, they are in great demand to meet the Nation's growing energy needs while proved reserves are both declining and inadequate. To a large extent, both natural gas and oil are produced by the same persons: Major petroleum companies.

Both natural gas and oil producers suffer from the same structural imperfections and patterns of anticompetitive behavior and, consequently, the free market cannot be relied upon to assure adequate supplies of either natural gas or oil to the consumer at reasonable prices. For these reasons, we must inquire whether oil should also be covered by applicable provisions and regulatory framework of the Natural Gas Act.

Title II of this bill addresses the special problem of oil pipeline transportation. Senate hearings on the "Fair Marketing of Petroleum Products Act" and exhaustive Federal Trade Commission investigations convince me major oil companies have abused and exploited ownership and control of oil pipelines to maintain and reinforce a noncompetitive market structure and limit supply of crude oil to independent refiners.

This proposal would give the Federal Power Commission power to compel pipeline operators to provide service and storage facilities to producers and refiners meeting reasonable minimum requirements. Noncompliance by any pipeline owner would subject him to treble damage suits. It further gives the Federal Power Commission authority over construction of oil pipeline facilities, transferring all functions of the Interstate Commerce Commission with respect to regulation of oil pipelines under Part I of the Interstate Commerce Act to the Federal Power Commission.

I need not remind my colleagues that the history of Federal Power Commission regulation has been uneven, to say the least. At times, it has been dominated by those very interests it is charged with overseeing. There is almost universal dissatisfaction with the way the FPC has performed in the past 5 years. While I do not believe regulation is to blame for current shortages of natural gas, it appears the agency misresponded on many issues, if it responded at all.

Therefore, a preferable solution to the problem of anticompetitive behavior in structures may well be divestiture and deconcentration of all our energy industries. Until a structure of workable competition is restored, I believe an effective, comprehensive system of regulation of economic aspects of natural gas production and oil transportation is necessary.

For what America needs is what we still do not have—a truly national, public-oriented energy policy that addresses itself to the harsh realities of our present crisis while presenting rational solutions toward their resolution. To paraphrase a current industry slogan: A nation that runs on oil and gas cannot afford to run short of governmental policies that allocate energy reserves effectively, sagaciously, and in a manner that will most productively contribute to the improvement of the general welfare. In my judgment, the Oil and Gas Regulatory Reform Act represents a significant step in this direction.

WASHINGTON STATE CONGRESSIONAL DELEGATION INTRODUCES FOUR ALPINE LAKES BILLS

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, the Washington State congressional delegation is today introducing four separate bills to extend wilderness classification to the lands in the Alpine Lakes region of our State. One of the bills also creates a national recreation area.

The four proposals are recommendations made by the various user-conservation groups and by region 6 of the U.S. Forest Service. The delegation emphasizes that we are beginning the legislative process on Alpine Lakes with no fixed boundaries in mind, no commitment to this or that specific proposal. All four measures are being introduced so that they may receive a fair hearing.

Special recognition has been accorded to the Alpine Lakes region for over 27 years, for in 1946 the U.S. Forest Service designated 256,000 acres as the Alpine Lakes limited area. More recently the North Cascades study team in 1965 recommended creation of a 150,000-acre Alpine Lakes Wilderness Area and a 30,000-acre Mount Stuart Wilderness Area.

What makes the Alpine Lakes country so unique is that nature has given us an area close to major population centers in which 5 out of 7 biotic or life zones are represented. Half of Washington's population lives within 60 miles of the Alpine Lakes area.

Mountain scenery in the Pacific Northwest is spectacular by any measure, but in the Alpine Lakes region you find 700 lakes, heavily timbered valleys, and soaring peaks all within a relatively compact area. Since the Cascades act as a weather barrier, you have in the Alpine Lakes region a tremendous differential in the amount of rainfall. The forests are characterized by variety with Douglas-fir, nobel fir, western larch, lodgepole pine, and even ponderosa pine represented.

Proximity to population centers and the fragile nature of some of the Alpine Lakes terrain makes it imperative that we extend wilderness classification to some of the land and that ways be found to disperse recreationists. In its environmental impact on the region 6 proposal, the Forest Service observed:

> In 1972, 930,000 persons stopped to engage in recreational pursuits in the Alpine Lakes area. Based on an average expenditure of $10 each day, they spent $23,500,000. With increased National recognition and prediction of upward trends in outdoor recreation, this figure could be expected to be five times greater in the year 2020 based on 1972 dollars.

Later in the report, the Forest Service cautions:

> Estimates of future use indicate that hiking will increase fourfold in popularity by 2020, while pleasure driving could triple by the same year. Unless proper emphasis in the form of management planning and funding aimed toward a better dispersion of recreation users is forthcoming, an increase in restrictions to the individuals using these lands appears imminent.

Aside from its recreation resources, the Alpine Lakes country contains a significant timber resource. In the high mountain terrain, nearly all the land is owned by the U.S. Forest Service. As one moves out into the lower valleys, "checkerboard" ownerships prevail. Alternate sections are owned by both the Government and by private corporations. The principals are Burlington Northern, Weyerhaeuser, and Pack River Lumber Co.

All four bills we are introducing today will have an impact on timber harvesting, although the exact estimates are difficult to obtain. Not only do various groups and the U.S. Forest Service use different calculations, but the Forest Service itself is proposing a "management area" around the wilderness core that could, according to the Forest Service, bring about a 30-percent reduction in the annual allowable timber cut.

Two of the bills call for substantial amounts of private land to be classified as wilderness. It should be understood from the outset that there is no general condemnation authority in the Wilderness Act and that designating private land as wilderness would probably require land exchanges. Since the Forest Service would be trading away some of its land, such exchange would remove these lands from the allowable cut calculations.

Now I would like to describe briefly the four bills.

The first measure creates a 285,000 acre wilderness area and is the recommended land use plan of region 6 of the U.S. Forest Service. The Forest Service cannot give its stamp of approval to the proposal since it has not been cleared by the Office of Management and Budget and by the White House. But this will take months, and the congressional delegation asked the Forest Service in September of 1971 to expedite its work on the Alpine Lakes region.

Not contained in the bill are significant land use proposals made by the Portland office of the agency. They have suggested acquisition of some private inholdings so that another 82,000 acres could be managed as wilderness. They are recommending an Index Mountain and Tumwater Canyon Scenic Area totaling 24,000 acres. Finally and most importantly, Region 6 recommends that 443,754 acres of national forest land and 190,110 acres of private lands be included in something they call a "management area." Dispersed recreation, facilities for the same, timber harvesting, and watershed protection are the management objectives in this unit, although the Forest Service is vague as to precise resource impacts and allocations.

The second proposal comes from the Alpine Lakes Coalition, a group of timber industry and other recreation users. This bill creates an Alpine Lakes Wilderness Area of 172,000 acres and an Enchantment Wilderness Area of 44,000 acres. Surrounding the wilderness but not identified in the legislation is a very large multiple-use management unit.

The third measure is the bill presented by a coalition of conservation groups including the North Cascades Conservation Council, the Friends of the Earth, the Sierra Club, and the Mountaineers. This bill establishes an Alpine Lakes Wilderness Area of approximately 600,000 acres, including large amounts of land now held by the three major landowners described earlier. This bill also envisions closure of several roads.

The fourth proposal is offered by the Alpine Lakes Protection Society, and this measure creates an Alpine Lakes Wilderness Area as a 364,000 acre "core" within a national recreation area that totals 926,000 acres. Much of the plan involves private land. Within the wilderness and national recreation area the Forest Service is to be given broad authority to acquire land, limit timber harvesting, and prescribe zoning regulations. Clearcutting would be limited to units no larger than 25 acres. Lands within the area will be withdrawn from location, entry, or patent under the mining laws of the United States.

Mr. Speaker, these four bills are constructive and positive in the way they seek to classify the magnificent Alpine Lakes country. It is my hope that citizens of Washington State and the Nation will study the proposals carefully and give the delegation their views. We are uncertain just yet when hearings might be held, but the delegation will be conferring to map out a schedule. Now that the bills have been introduced, the U.S. Forest Service and private owners should exercise prudence in resource management. The Forest Service in particular should be cautious in the decisions made concerning lands within the boundaries of the various proposals. With the helpful cooperation of public agencies and private groups we will be able to move forward and set aside the Alpine Lakes area for the use and enjoyment of our people.

END OF AN ERA—KEY WEST NAVAL STATION CLOSES

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, on Wednesday, October 17, 1973, the submarine U.S.S. *Amberjack* was decommissioned. The significance of this event lies in the fact that the *Amberjack* was the lone vessel still stationed at the Key West Naval Station. Thus, the submarine's retirement marks the end of 150 years of history for the Navy Base at Key West.

The base was first established on April 3, 1823, by Commodore David Porter as a depot for the West India Squadron, created to fight the pirates who plundered the Caribbean in those days. Porter tagged Key West "the Gibraltar of the Gulf" because of its strategic location and its qualities as a fine natural port.

During the Civil War, Key West became the busiest port in the Nation. The only Union port in the South, it was the headquarters of the Union's naval blockade. Following the war the naval presence lessened but the city of Key West blossomed. By 1890 it had become the biggest city in Florida and one of the richest in the country, despite the fact that it was to remain accessible only by water until the 1920's. Key West again became the center of the Nation's naval activity during the Spanish-American War, as it lies only 90 miles across the Straits of Florida from Cuba. In World War I Key West was an important submarine warfare research center. During World War II 14,000 ships passed through the port.

Key West geared up from its peacetime routine as a quiet Navy town for the last time in October of 1962 when the Cuban missile crisis made the base the scene of furious activity as the headquarters for the U.S. blockade of arms shipments to Cuba.

Following the Cuban crisis, the Key West base became, for the most part, a submarine base. In more recent years the naval station has suffered a disproportionate share of cutbacks. These severe cutbacks occurred despite the vigorous and eloquent objections of those who felt that Key West was one of our Nation's most important naval installations and that such heavy cutbacks represented cockeyed priorities within the military establishment. Supporters of the Key West base argued that Key West was the most strategically located position within the U.S. mainland for the defense of the Gulf of Mexico, the Panama Canal, the Caribbean, and the Southeast United States.

As the sighting of German U-boats off the Florida coast in World War II and the Cuban missile crisis both graphically demonstrated, the Southeast has long been the soft underbelly of the defense of the U.S. mainland. In both of these crises, the strategic value of Key West was made dramatically clear. There has been nothing to demonstrate that this area has become strategically less crucial since then. The complete elimination of seaborne military capability on the basis of economic limitations does seem, under these circumstances, to be poor planning.

Besides having demonstrated its strategic importance for over 150 years, Key West has demonstrated that it is physically an excellent naval location. The port of Key West is deep and well-protected, and lies only 6 miles from the deep waters of the Florida Straits. No other U.S. port lies so close to waters deep enough for complete submarine security and maneuverability.

In spite of these and many other points made by proponents of a viable Key West Naval Station, the severe cutbacks have continued. It eventually became obvious to those most concerned that the Key West Naval Base was doomed to death by slow strangulation. Thus, the events of last Wednesday, the deactivation of Key West's last naval vessel, came as no surprise. However, the lack of surprise makes this event no less sad, for it underscores the end of a strategically important naval base, as well as the end of an era: For the first time in 150 years ships of the U.S. Navy will not be stationed at Commodore Porter's "Gibraltar of the Gulf."

Mr. Speaker, I include two articles from the Miami Herald and an article from the Key West Citizen which portray vividly the illustrious history of the Key West Naval Station:

[From the Miami Herald, Oct. 13, 1973]

IT'S ANCHORS AWEIGH FOR KEY WEST BASE

(By Jeanne Bellamy)

The wheel of history will make another turn next Wednesday at the U.S. Naval Station at Key West, which observed its 150th birthday last April 3. Oddly, its shift toward civilian use will have circular overtones in relation to its origin.

The last submarine to be based at the station, the diesel-powered Amberjack, will be decommissioned Wednesday as the Navy moves toward an all-nuclear force. The base itself will be mothballed early next year, but the nearby Boca Chica Naval Air Station's roster of manpower will be beefed up by more than the loss at the sub base.

Meanwhile, the City of Key West has leased a pier and building at the naval station annex as facilities for the Port of Key West. Its first visitor, due Oct. 19, will be the MS Bolero, which will return every Friday for a 15-hour stay.

The Bolero is a luxury cruise car liner with space for 500 passengers. She will sail from Miami and Key West each Saturday for stops in three Mexican Gulf ports before retracing her course.

The link with Mexico seems to complete a circle started long ago by Commodore David Porter, who was quite a guy. During the War of 1812, he skippered the Essex when she rounded Cape Horn in 1813 and became the first Navy vessel to display the American colors in the Pacific, where she cruised for a year, supporting herself entirely by capturing enemy ships.

Porter was tapped to command the West India Squadron, then engaged in suppressing piracy. On April 3, 1823, Porter established a depot at Key West and put Marines ashore to protect the stores and provisions of his base against "the buccaneering brethren of the coast." Porter's two years with the squadron left the pirates virtually out of business.

At one point in this assignment, Porter was displeased by the reception given his men at a port in Puerto Rico, then owned by Spain. He landed a force and demanded an apology. The incident was seized upon by his enemies, who succeeded in having him suspended briefly.

Proud and sensitive, Porter resented deeply any penalty for upholding the honor of the flag, as he saw it. He resigned in 1826 and accepted an offer to head the Mexican navy at $12,000 a year, then an immense sum, plus a large land grant.

He served the Mexican government for three years, which included a year of cruising, chiefly near Key West. His salary went unpaid and the experience wrecked his fortune. His friends had the upper hand by this time in Washington under President Jackson, and Porter ended his career in diplomatic posts in Algiers and Turkey.

Passengers on the cruises between Key West and Mexico may sense that they are sailing in the wake of Commodore Porter.

[From the Miami Herald, Oct. 18, 1973]

TEAR HER TATTERED ENSIGN DOWN—KEY WEST BASE LEFT SHIPLESS

(By Wright Langley)

KEY WEST.—The submarine USS Amberjack was decommissioned Wednesday, leaving the 150-year-old Key West Naval Station without a ship. * * *

The Navy has now converted almost exclusively to nuclear-powered subs that have far greater speed, range and firepower.

However, the mostly civilian audience heard Rear Adm. John H. Maurer, commander of the base and a World War II submarine skipper himself, hold out hope that "the possibilities for future naval vessels (at Key West) are not necessarily foreclosed."

The base, he said, "will continue to occupy an important geographical location."

Merriken, whose sub had never fired a torpedo in anger despite being named after a vessel whose squadron sank 96 ships off South Florida during World War II, greeted the Amberjack's new crew in Portuguese.

"I am very happy," he told Brazilian Capt. De Fragata Silva Castro and his crew, "that the ship I have been so proud of will not die today, but will live on under your care and guidance."

Replied Rear Adm. Ramon Labarthe, Brazilian naval attache from Washington, "Friendship is stronger between submarine people."

The Amberjack, the sixth U.S. sub turned over to the Brazilian Navy, will sail to Philadelphia for repairs before heading for her new home port. Asked what his country needed with submarines, a Brazilian officer replied, "We have a large coastline to take care of."

Wednesday's ceremonies marked the end of a 150-year era that saw "The Gibraltar of the Gulf," as Key West was once termed, serve as port for thousands of vessels that swept into her harbor under both sail and steam.

And though the area's economic loss will be more than offset by the arrival of Reconnaissance Attack Wing One early next year at nearby Boca Chica Naval Air Station, the psychological blow to a city whose history is so intertwined with the Navy is harder to measure.

"It's a nostalgic thing," says Mayor Charles (Sonny) McCoy of the prospect of a naval station without ships. But respect for the past has not prevented the City Commission from mounting a determined effort—complete with an updated master plan that will evaluate the uses of the property—to latch on to the station when it is closed.

If that happens, the dream of some Navy officers that America's southernmost naval base will once again assume its role of guardian of the Caribbean seems unlikely to materialize, despite the island's strategic location.

It was that location that first attracted Commodore David Porter, the venturesome commander of the West Indian Squadron assigned to rid the area of pirates. A man whose buccaneering instincts matched those of the "brethren of the coast" he fought, Porter spent two years chasing the pirates across salt water flats in shallow-bottomed boats and an old ferryboat he brought from New York.

Terming Key West, which at that time was unconnected to the mainland, the "Gibraltar of the Gulf," Porter convinced Secretary of the Navy Smith Thompson to establish a depot on the Key. On April 3, 1823, Porter and a contingent of Marines landed to do just that. The Navy had come to stay.

It was not until 1844, however, that architect Robert Mills, a protege of Thomas Jefferson and the man who designed the Washington Monument, was selected to design the base's first permanent building, a hospital. In 1943, the facility was converted to quarters for WAVEs.

In 1856 "Building 1," which today is headquarters for the U.S. Coast Guard station, was built, and the base continued to grow as the nation plunged into Civil War.

Though most islanders were Confederate sympathizers, Key West was the only Southern port that remained in Union hands during the war.

As the most active port of the period, Key West saw 300 captured blockade runners hauled in to anchor under the guns of Fort Taylor in addition to hosting Union warships.

Though activity at the base slumped with the end of the war in 1865, Key West by 1890 had swelled to 18,000 people, making it Florida's largest city. And as the Hearst newspaper empire to the north signaled the onset of the Spanish-American War, the naval base again began to fill up with warships and men.

In fact, one of the first shots of the war was fired just offshore by the USS Nashville, which sent a shell across the bow of the Spanish steamer Buena Ventura. Ignorant of the newly declared war, the captain raised his flag—and promptly became the first captain taken prisoner.

Sitting just 90 miles off Cuba the station was briefly the home of the entire U.S. Atlantic Fleet and was considered the most important in the nation. Many of the dead crewmembers of the battleship USS Maine, which mysteriously exploded in Havana harbor on February 15, 1893, are buried in local cemeteries.

After the war, Key West fell back into what one naval historian termed "a state of leisure" and remained virtually dormant until 1914 and the onset of World War I. The station then became headquarters for the Seventh Naval District, with repair facilities for convoy escort vessels, while serving as home port for anti-submarine patrols.

The "war to end all wars" also brought Thomas Edison to the base to work on a "top-secret" project—developing depth charges—and saw the first submarines tie up there. This period also saw the development at the base of the Momsen Lung, the first submarine escape device, which was tested in the clear waters off the key.

By 1932, though, the station had been cut back to almost nothing, serving as home for a Navy radio station and staffed by just 17 men. There was so little activity that civilians were permitted to use Navy facilities for docking, and Pan American Airways landed its seaplanes in the submarine basin.

But by September, 1939, the station was again closed to civilian traffic as America prepared for World War II. And the next few years saw the greatest activity in the base's history, as more than 14,000 ships logged into the port and shore strength surged to as many as 15,000 men at one time.

The end of the war saw Key West again decline in size, though not in publicity, for it became one of President Harry Truman's favorite vacation spots. Truman stayed at Quarters "A" on the base 11 times. It became known as "The Little White House" and, unlike President Nixon's two vacation homes today, is still the property of the Navy.

October 1962 saw the station again achieve front page prominence during the week long Cuban missile crisis. President John F. Kennedy and British Prime Minister Harold MacMillan conferred on the Key about the crisis while Navy ships were dispatched to quarantine Castro's island.

Since then, however, the base has steadily declined in size, influence and prestige. In recent years, it has been almost exclusively a submarine port, home of the Fleet Sonar School as well as Submarine Division 12, the last of the all-diesel powered sub divisions in the Atlantic Fleet.

And today, with diesel-powered subs rapidly going the way of the Caribbean buccaneer, "The Gibraltar of the Gulf" is an unneeded anachronism.

[From the Key West Citizen, Oct. 16, 1973]

End of an Era: Last Key West-Based Submarine To Go

The USS Amberjack (SS–522), the Navy's last operating diesel submarine, commissioned in 1946, will be decommissioned tomorrow afternoon at the submarine base and turned over to the Brazilian Navy. Her departure will mark the end of nearly 33 years of submarine service in Key West.

Since its beginning in Key West as Submarine Squadron 12 in December, 1940, the sub base here has been assigned more than 50 submarines and two tenders, the USS Gilmore and the USS Bushnell.

The squadron was credited with sinking 96 enemy ships during WW II, totaling more than 400,000 tons. Only one submarine was lost in action.

Submarine activity in Key West began with the assignment of three subs to provide service to the Fleet Sound School. By September, 1941, SubDiv 12 totaled seven new R-Class boats which served as training ships until the outbreak of the war.

After WW II, all seven subs had either been decommissioned in Key West or ordered to Philadelphia for that purpose.

Submarine Squadron 12 was dissolved in 1945 after Japan surrendered, but was reorganized on July 1, 1952, in Key West. The subs participated regularly in Fleet exercises, deployments to the Mediterranean, operations with NATO and with the Atlantic Fleet Training Group in Guantanamo, Cuba.

Squadron 12 was officially decommissioned here in June.

The Amberjack, the last submarine assigned to Squadron 12 still remaining in Key West, is the third vessel to be decommissioned here this month. Earlier, the USS Tirante (SS–420) and the USS Kretchmer (DER–329) were decommissioned.

The decommissioning ceremony of the Amberjack, delayed for several days so that the Brazilian Naval Attache to the United States, Rear Admiral Ramon Gomes Leite Labarthe, could be present to accept the sub for his country, is set for 2 p.m. tomorrow at the sub base.

The USS Amberjack was commissioned in March, 1946 and joined the fleet immediately after WW II. She took the name of the first Amberjack (SS–219) which, during WW II sank or damaged more than 40,000 tons of enemy shipping before being sunk herself in 1943.

Amberjack was converted to a guppy type sub in 1952 and joined Submarine Squadron 4, then headquartered in Key West. In the same year, when Squadron 4 was transferred to Charleston, the sub was transferred to Squadron 12, which remained in Key West until its decommissioning this year.

In addition to many cruises to the Mediterranean area, the Amberjack attained notoriety by being the first American submarine to visit the port of Tunisia. She was recently called into action during the Sea-Link rescue operation in which the Navy assisted in a rescue attempt of an oceanographic submarine trapped wreckage in the Gulf of Mexico.

While the decommissioning marks the end of an era in Key West, the Navy, also sees the event as an historic occasion. With the passing of the Amberjack the U.S. Navy submarine service will be comprised entirely of nuclear powered ships.

NEW HOPE FOR U.S. LATIN AMERICAN POLICY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, one of the United States' most astute observers of inter-American relations is Mr. Milan B. Skacel, president of the Chamber of Commerce of Latin America in the United States. In Mr. Skacel's October monthly letter to the chamber's membership, he comments favorably on Secretary of State Henry Kissinger's recent expressions of interest in improving hemisphere relations. I am certain that Mr. Skacel's comments on Dr. Kissinger's efforts to improve relations and on our own often contradictory attitudes toward developments in Latin America will be of great interest to all Members of Congress:

A Policy for Latin America

(By Milan B. Skacel)

New York, October 1973.—One of the best kept secrets in these days of leaks and confessions is that the United States has no comprehensive policy for Latin America. The main reason for discretion has little to do with national security considerations. The sad fact is that few people seem to care, one way or the other.

Official Washington, however, now seems determined to risk intruding on America's preoccupation with inflation and football, and help us rediscover the existence of our neighbors south of the Rio Grande. There is no danger of raising the consciousness of the American public to a level of acute concern. After all, Latin America has been there for a long time, and treating it in a parenthetical manner has become accepted practice. Yet even a modest initiative is worthy of note.

The new Secretary of State, Dr. Henry Kissinger, has taken a step in the direction of closer hemispheric cooperation when he recently called on Latin American governments to join with the U.S. in a "new dialogue" that would reexamine the basic structure of U.S.-Latin American relations.

"We in the United States will approach this dialogue with an open mind," Dr. Kissinger said. "We do not believe that any institution or any treaty arrangement is beyond examination."

The Kissinger address to Latin American foreign ministers and ambassadors has been interpreted as a major effort by the Nixon Administration to work out a fresh approach to the problems in the Hemisphere. The Secretary of State also has revived the old concept of amity based on mutual needs.

"If the technically advanced nations can ever cooperate with the developing nations," he said, "then it must start here in the Western Hemisphere."

RHETORIC AND REALITY

Dr. Kissinger's remarks have generally been well received, and understandably so. Latin Americans have long felt that the U.S., concerned with Asia and Europe, has lost interest in closer hemispheric ties. Moreover, the Nixon-Kissinger "grand design" of five equidistant powers seemingly has left Latin America to fend for itself—relegated to the periphery of the global struggle for influence and recognition. This apprehension has not been laid to rest, but the U.S. initiative in reopening the door to a more vigorous, possibly fruitful, interchange of views and ideas is doubtless welcome.

It is of prime importance, however, to retain perspective and avoid wishful thinking. The Alliance for Progress, for example, also had been hailed as a milestone in hemispheric relations, but rhetorical overkill and unrealistic expectations soon helped turn this promising venture into a point of contention between the U.S. and the Latin American republics. The irresponsible claim that Latin America could be "transformed" within a decade into an economically viable and socially less stratified area exploded in the faces of overoptimistic theoreticians, and the attendant letdown soured the public and many dedicated inter-Americanists on grandiose schemes of any kind.

Today, in trying to open up new vistas in U.S.-Latin American relations, unpleasant home truths must be faced, persistent myths debunked, and pet dogmas exposed and discarded.

It is, of course, always fashionable, and safe, to contend that the U.S. should confine its support and friendship to the "democratic forces" in Latin America. But what is "democratic"? If a regime is deemed to be "democratic" when its policies and actions reflect the wishes, and enjoy the support, of a majority, then both the rightwing Brazilian government and the left-oriented government of Peru probably qualify. Yet neither has come to power by constitutional means—another requisite for a regime to be considered "democratic."

If we are searching for "democratic forces" that would be willing and interested in introducing in their respective countries a form of government based on the U.S. model, then we are guilty of rank hypocrisy. We tried exporting our brand of democracy in the late 1940's and the 1950's, and failed. It did not take root in climates vastly different from our own, nor were the putative recipients persuaded that it suited their needs and national aspirations. If today, after more than three decades of trying to ram down other people's throats the idea that our type of government is "best" for everybody and anybody, we were to extend our friendship only to those whose system of government meets our criteria, America would be lonely indeed.

No one can, or should, expect the United States to cease opposing, at least in principle, totalitarianism of any kind. We cannot do otherwise, if we wish to preserve our self-respect and the ideals the country was founded upon. Yet neither must we allow our individual political or ideological preferences to warp our judgment and sense of fair play.

There are those, for example, who now argue that the repression in the People's Republic of China has been necessary to unify the country and accelerate its economic and social development. The same people, however, inveigh against military rule in Latin America, although the military, too, contends that only a "strong" government—divorced from politicking and ideological confrontation—can plan and implement meaningful economic growth in parts of Latin America.

The issue is not whether these are compelling arguments, or merely a rationale for a takeover. The issue is rather who or what makes us Americans so "wise" and "superior" as to know best what system of government will, or will not, work for another country. Surely our own domestic problems of the past 15 years should have taught us to shun absolute judgments and question our "infallibility."

We simply cannot have it both ways. On the one hand, we often deplore Latin America's lack of determination and forcefulness in charting its future; on the other, we cling to the old role of a tutor who feels duty bound to tell its pupils exactly what to do, and how to do it. If we really want the Latin American countries to become our equal partners, has not the time come to treat them as adults, and let each country develop and live under a system of government that suits its needs—rather than one that conforms to our preferences?

At the same time, however, our Latin American friends would be well advised to temper the compulsive Yankee-baiting that has become a national pasttime in several Latin American countries. Finding a ready whipping boy is a time-honored diversionary tactic, but, in the long run, it is conducive neither to helping resolve deep-seated internal problems, nor to laying the groundwork to genuine partnership based on respect and tolerance.

Secretary of State Kissinger's address, it is hoped, may mark the begining of a new, more realistic period in U.S.-Latin American relations. The question now is whether all parties can forget about old wounds, discard counterproductive stereotypes, and help translate lofty rhetoric into reality.

CALL FOR WORLD CONFERENCE ON ENERGY CRISIS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am today introducing legislation calling on the President to initiate action necessary for the convening of a World Energy Conference at the soonest practicable date. While the recent action by Arab oil-producing nations to cut back production and to boycott American markets and other nations sympathetic to Israel has focused increased attention on the need for international cooperation to assess and meet energy needs, the need for concerted action is far greater than simply as a response to this political and economic pressure.

It has become increasingly clear that present energy sources are insufficient for the long-term continued economic growth and prosperity of people throughout the world. And the consequences of substantial reliance, particularly by the United States, on a single energy resource which is subject to political manipulation clearly point to the need to develop economical alternative sources. In my judgment, the severity of these problems demands the collective research capability and know-how of all nations.

The present world situation would best be served by an immediate World Energy Crisis Conference for the purpose of discussing: the ramifications of the decision by certain oil-producing nations to reduce production; immediate steps, including self-imposed rationing, to counter those ramifications and to reduce dependence on Near East oil supplies; and the possibility of large-scale joint research projects on alternative energy sources.

At that emergency meeting plans for a long-term Energy Resources Conference should be considered. Such a long-term conference would be convened for the purpose of: exploring new ways to promote world energy planning; reviewing the world's energy requirements and resources; expanding and coordinating worldwide research into energy conservation and the development of new sources of energy; establishing a plan for world cooperation in the fair allocation of energy resources whenever unexpected disturbances threaten ordinary patterns of energy allocation; and exploring the implications for the world's ecology of project patterns of energy use through the end of the century.

A long-term joint study of all aspects of energy needs and sources would have important implications for all nations of the world. There must be recognition of the scope of world energy needs and development of coordinated actions to meet those needs without endangering economic growth or the environment. All contingencies must be studied and programs developed to meet all situations.

While our goal has been to achieve independence in meeting our energy requirements, I feel that the necessity for interdependence among all nations is growing. The pervasive nature of this crisis demands decisive, concerted international cooperation, and I am hopeful the international conference which I propose will be held in the near future.

PROVIDING FOR APPOINTMENT OF SPECIAL PROSECUTOR

(Mr. CULVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CULVER. Mr. Speaker, this bill is not intended as a substitute for impeachment, but as a responsible first step to deal with immediately pressing problems. The bill would:

Assure the integrity of the special prosecutor's staff and records pending the appointment of a successor;

Authorize Judge Sirica—or a successor chief judge—to appoint a new special prosecutor;

Encourage the judge to disqualify himself from sitting on any cases brought by his appointee;

Incorporate in statute law the guidelines for the special prosecutor's independence presented to the Senate Judiciary Committee last spring;

Give the special prosecutor independent authority to collect and safeguard evidence, with the FBI reporting to him for this purpose;

Extend the life of the grand jury which is scheduled to expire on December 5, 1973; and

Authorize the necessary funding for the activities of the special prosecutor.

The bill follows:

H.J. RES. —

Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the Special Prosecution Conservancy Act of 1973.

SEC. 2. The Chief Judge of the United States District Court for the District of Columbia is vested with supervisory jurisdiction to issue and enforce all orders necessary and appropriate to insure the integrity and inviolability of all files, notes, correspondence, memoranda, documents, physical evidence, and other records and work product compiled, obtained or otherwise produced and maintained by the Office of Special

Prosecutor from the date of assumption of that office on May 24, 1973 until the appointment of a successor Special Prosecutor pursuant to Section 3 of this Act.

Sec. 3. The Chief Judge of the United States District Court for the District of Columbia is vested with authority to appoint a Special Prosecutor for the purposes and with the powers set forth in this Act, and to replace said officer only for extraordinary improprieties in the exercise of his responsibilities as an officer of the court.

Sec. 4. The Chief Judge of the United States District Court for the District of Columbia, after making an appointment or reappointment pursuant to Section 3 of this Act, shall be expected to excuse himself from presiding over or otherwise participating in any prosecution or other judicial proceeding arising out of the exercise of responsibilities by a Special Prosecutor appointed by him.

Sec. 5. The Special Prosecutor appointed pursuant to this Act may, without regard to the laws relating to the competitive service, appoint or reappoint such permanent or temporary staff at such salaries (not to exceed the rate of $36,000 per annum) as may be necessary to assist in the exercise of his responsibilities, and may for that same purpose make use of necessary support services and facilities at Government expense. The United States Department of Justice is authorized and directed to pay the salaries and expenses of the Office of Special Prosecutor hereunder, including any that may have accrued and remain unpaid since October 20, 1973, all from its general funds including contingency funds. Notwithstanding any other provision of law, any impounding or withholding or other impediment to the provision of such funds shall be unlawful.

Sec. 6. Anything in the laws of the United States regarding the authority and responsibilities of the Attorney General or of the several United States Attorneys to the contrary notwithstanding, the Special Prosecutor shall have exclusive authority and responsibility on behalf of the United States of America to conduct all grand jury presentments and all other criminal proceedings, including without limitation the initiation and conduct of prosecutions, the framing and signing of indictments and the filing of informations, and all pre-trial and post-trial motions, orders, trials, appeals, petitions, and other processes (whether initiated before or after his assumption of duties) in all Federal courts including the Supreme Court of the United States, arising out of any or all of the following acts or transactions:

(1) all offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate.

(2) all offenses arising out of the 1972 Presidential election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility.

(3) allegations of criminal offenses involving the President, members of the White House staff, or other Presidential appointees.

(4) other matters previously being conducted by the Special Prosecutor who assumed office on May 24, 1973, whether on his own motion or on delegation from the Attorney General, and

(5) such new matters, bearing a proximate relation to the foregoing, as the Chief Judge of the United States District Court for the District of Columbia may deem appropriate for assignment to the Special Prosecutor, and which the Special Prosecutor consents to accept.

Sec. 7. The Special Prosecutor shall have full access to and use of the material described in section 2 of this Act, and shall have power throughout the territory of the United States to compel the production of testimonial and documentary or physical evidence relating to any or all of the subject matter described in section 6 of this Act. In particular, and without limiting the generality of the foregoing, the Special Prosecutor shall have full power to—

(1) determine whether and how far to contest the assertion of "executive privilege" or any other testimonial or evidentiary privilege;

(2) determine whether or not application should be made to any Federal court for a grant of total or partial immunity to any witness, consistently with applicable statutory standards, or for other warrants, subpoenas, or other court orders including an order of contempt of court;

(3) issue instructions to the Federal Bureau of Investigation and other domestic investigative agencies for the collection and delivery solely to the Special Prosecutor of information and evidence bearing on matters within the jurisdiction of the Special Prosecutor, and for safeguarding the integrity and inviolability of all files, notes, correspondence, memoranda, documents, physical evidence, and other records and work product compiled, obtained or otherwise produced and maintained by the Office of Special Prosecutor; and

(4) decide whether or not to prosecute any person and how to conduct and argue any appeals or petitions arising out of his prosecutorial activities.

Sec. 8. All offices, departments, and agencies of the Federal government shall cooperate fully with all lawful requests by the Special Prosecutor for information and assistance. In particular, the Department of Justice shall assign to the temporary supervision and control of the Special Prosecutor such personnel as he may reasonably require.

Sec. 9. The Special Prosecutor shall have the authority and responsibility to deal with and appear before Congressional committees having jurisdiction over any aspect of the matters covered by this Act, and to provide such information, documents and other evidence as may be necessary and appropriate to enable any such committee to exercise its authorized responsibilities.

Sec. 10. (a) Notwithstanding any provision of rule 6(g) of the Federal Rules of Criminal Procedure, or any other law, rule, or regulation—

(1) the United States District Court for the District of Columbia is authorized to extend the term of the grand jury of that court which was impaneled on June 5, 1972, for an additional period of six months, if the court determines that the business of that grand jury has not been completed at the expiration of the term otherwise provided by law;

(2) the United States District Court for the District of Columbia is authorized further to extend the term of that grand jury for additional periods of six months, if the court determines that the business of that grand jury has not been completed at the end of any six-month term as extended under this section, but the term shall not be extended more than 36 months under paragraphs (1) and (2); and

(3) during any period of extension under this Act, the grand jury shall have the powers and duties of a grand jury during its regular term.

(b) With respect to any failure to extend the term of the grand jury under this section, the grand jury shall be considered a special grand jury, and the failure to extend shall be considered a failure to extend under section 3331(b) of title 18 of the United States Code.

Sec. 11. The Special Prosecutor may from time to time make public such statements or reports, not inconsistent with the rights of any accused or convicted persons, as he deems appropriate; and he shall upon completion of his assignment submit a final report to the Chief Judge of the United States District Court for the District of Columbia and to the Speaker of the House of Representatives and to the President Pro Tempore of the Senate.

Sec. 12. The Special Prosecutor shall carry out his responsibilities under this Act until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Chief Judge for the United States District Court for the District of Columbia and himself.

Sec. 13. There is authorized to be appropriated to the Office of Special Prosecutor hereunder such sums as may be necessary to carry out the purposes of this Act.

Sec. 14. The invalidity of any portion of this Act shall not affect any other portions thereof, which shall remain in full force and effect.

Sec. 15. The Congress declares that the faithful execution of the provisions and purposes of this Act, and the noninterference therewith, is a matter of the highest public trust.

Mr. Speaker, at this point I also include the following list of 83 Members who are cosponsoring this legislation:

Ms. Abzug, Mr. Addabbo, Mr. Anderson, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mr. Bergland, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Brown of Michigan.

Mr. Brademas, Mr. Burton, Mr. Breckinridge, Mr. Carney, Mrs. Chisholm, Mr. Clay, Mr. Cotter, Mr. Danielson, Mr. Dellums.

Mr. Eckhardt, Mr. Edwards, Mr. Evans, Mr. Fascell, Mr. Fauntroy, Mr. Foley, Mr. William D. Ford, Mr. Fraser.

Mr. Giaimo, Mrs. Grasso, Mr. Gunter, Mr. Hamilton, Mr. Hanley, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia.

Mr. Helstoski, Mr. Hicks, Mrs. Holtzman, Mr. Howard, Mr. Jordan.

Mr. Karth, Mr. Koch, Mr. Leggett, Mr. McCormack, Mr. Matsunaga, Mr. Melcher, Mr. Metcalfe, Mr. Mezvinsky, Mr. Mitchell, Mr. Moakley, Mr. Mollohan, Mr. Nedzi, Mr. Obey.

Mr. O'Hara, Mr. Owens, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Rees, Mr. Reid, Mr. Rooney, of Pennsylvania, Mr. Rosenthal, Mr. Roush, Mr. Roy, Mr. Roybal.

Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mr. Sisk, Mr. Smith of Iowa, Mr. Stark, Mr. Stokes, Mr. Symington, Mr. St Germain, Mr. Thompson, Mr. Tiernan, Mr. Udall, Mr. Waldie, Mr. Wilson of California, Mr. Wolff, Mr. Yates, Mr. Young of Georgia.

Mr. Speaker, the agreement reached between former Attorney General Richardson and the Senate Judiciary Committee, whereby a special prosecutor was appointed and endowed with carefully enumerated authority to conduct an independent prosecution of offenses arising out of or related to the 1972 Presidential campaign, embodied a recognition of a conflict of interest in these extraordinary proceedings between the Executive as prosecutor and the Executive as potential defendant. That conflict of interest persisted and provoked the discharge and resignations of Special Prosecutor Cox, Attorney General Richardson, and Deputy Attorney General Ruckelshaus.

In the wake of these departures, there are pending indictments and criminal investigations involving a number of former high Federal officials other than the President himself. These officials, being no longer in office, are not subject to impeachment power of the House. Information and evidence bearing on their guilt or innocence remains in the possession of the President. The President's actions in removing from office Justice Department officials who disagree with his treatment of this information and evidence shows that the Department has been deprived of the capacity to conduct an independent prosecution. At the present time, it is this Department that has succeeded to custodial responsibility for the staff and work product of the special prosecutor.

It is imperative to assure the integrity and independence of these resources. For this purpose a special prosecutor independent of control by the Executive is required. The proposed Special Prosecutor Conservancy Act would assign the supervisory and appointive powers necessary to this task to the chief judge of the U.S. District Court for the District of Columbia.

This action would join together the sum of the constitutional authorities possessed by the legislative and judicial branches. The Federal judiciary has inherent as well as statutory authority to effectuate its orders and to preserve the integrity of pending grand jury and other judicial processes. It may as one analogy appoint trustees in bankruptcy to conserve assets in contention before a court. The Congress has the appropriations power and the "necessary and proper" clause to make the constitutional system work. In addition under article II the Congress may by law "vest the appointment of such inferior officers, as they think proper—in the courts of law." From sources of authority such as these, and in the extraordinary circumstances of the day, it is reasonable to conclude that the Congress and the courts together have power adequate to endow with the requisite authority an independent special prosecutor.

There is to be sure no Federal precedent directly in point, just as there is no precedent for the constitutional confrontation that makes this action necessary. In the Teapot Dome scandal, an independent prosecution was established by the usual process of legislation confirming the appointive authority on the President, by and with the advice and consent of the Senate. But President Harding was by then no longer in office, and no conflict of interest afflicted his successor.

At least one of our States has dealt by law with this situation in a manner comparable to that proposed in the Special Prosecution Conservancy Act. In Illinois, when a prosecution affects the interests of the officials who would normally conduct the prosecution, the presiding judge has authority to appoint a special prosecutor; it was pursuant to this law that Attorney Banabas Sears was appointed to conduct the prosecution of Chicago State's Attorney Hanrahan.

Present Federal law also supports the appropriateness of such an appointment; 28 United States Code section 546 empowers a district court to appoint a U.S. Attorney to fill a vacancy in that office. This statute has been on the books, and appointments have been made under its authority, at least since 1898.

Beyond the appointment question is the question of combining administrative and adjudicative functions in the same affair. It could well offend due process of law for a judge who has appointed a prosecutor to sit in judgment on a cause involving that prosecutor. The judiciary is of course itself habitually alive to such consideration. For this reason, the proposed act sets forth Congress expectation that the appointive judge would excuse himself from participating in such cases.

There is a possibility that the President would claim continuing authority to direct the exercise of the special prosecutor's responsibilities, or to discharge him, or to direct Federal marshals to refrain from executing court orders. Section 15 of the proposed act would emphasize the seriousness of any such action by declaring the faithful execution of the purposes of the act, and the noninterference therewith, to be "a matter of the highest public trust."

LET'S TAKE TIME TO GET THE FACTS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, no man can be above the law. The question is has the President placed himself above the law. He failed to comply in full with the court orders on the Watergate tapes. This controversy brought on the firing of Archibald Cox and the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus. On the surface it looks as if the President has made a serious mistake; one which has brought on his deepest crisis.

There are widespread demands for impeachment, but impeachment of a President is a traumatic process which can tear a nation apart. It should be resorted to only when there is clear evidence of gross wrongdoing. We do not have all the facts, and we need facts, not controversy. America has had too much of controversy. Internal dissension is beating our country to its knees. Congress should move quickly to get the facts, then decide what course of action is proper.

IRAN'S ACCEPTANCE OF RESPONSIBILITY ON PEACEKEEPING IN VIETNAM

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, little public note has been taken of the recent entry of Iran into the peacekeeping force in Vietnam. Congress and the American people have reason to be grateful to this staunch friend of freedom.

It was disappointing when Canada threw up its hands and left the International Commission for Control and Supervision in Vietnam. Few have been surprised that the Communist-oriented nations in this force have been far from cooperative. Their zeal for the Viet Cong and North Vietnamese have made the mission of the Commission exceedingly difficult. A new, strong voice was needed for the peace keeping body.

Iran was selected as a proper choice to fill the vacancy created by Canada and Iran unhesitatingly accepted the responsibility. Here is a nation of peace-loving people. It has been a true friend of the United States. It knows the horrors of war and the value of peace.

The Government of Iran, in announcing its decision to step into the void in Vietnam, did so with the full knowledge it would not be an easy task. At best, the peace there is fragile, but Iran knows that, when it comes to working for peace, even limited success is better than no success at all.

I have met and talked with many of the leaders of the Iranian Government. I gained clear impression that Iran recognizes its responsibility to the community of nations. Iran has emerged as a strong leader in that part of the world; it has done great things for its own people, and is dedicated to the principles of peace, freedom, and progress.

The world needs the leadership which Iran provides. Iran asks for nothing except to be an integral pat of the free world. It does not engage in a policy of harassing its neighbors.

Truly Iran has demonstrated its friendship to the United States. The people of America should be proud of our relations with Iran and we should all be grateful this outstanding nation is on duty in Vietnam to do what it can to keep alive the flame of peace which flickers there.

Beyond doubt, Iran's role as a peacekeeper will bring credit to its people and its government.

ON IMPEACHMENT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it is with a sense of overwhelming responsibility and sadness that I urge the President to resign and that I join with other Members in cosponsoring a resolution to initiate impeachment proceedings. Over the course of the last year I have been importuned by constituents to sponsor impeachment resolutions and have declined to do so because I believed such proceedings to be premature if initiated prior to the report of the Ervin committee. I advised those who wrote to me that the report of the Ervin committee was essential if impeachment proceedings were to have any real meaning and garner the support of the necessary number of Members of this House to pass such a resolution, and not simply be an idle gesture in a matter involving such grave consequences for the country.

As the result of the President's action over the weekend and in particular the President's indication of his apparent intention to avoid an order of the U.S. district court to produce for the inspection by the Chief Judge of the U.S. District Court for the District of Columbia certain tapes, documents, and other materials requested by Special Prosecutor Archibald Cox, relating to the break-in of the Democratic Headquarters on June 17, 1972, I believe that Members of Congress have no alternative but to initiate proceedings at this time.

This is a government of laws, not of men. The President like all citizens of this country, is subject to those laws. He is not above the law. He is the President, not the emperor. It is not too late for the President to reconsider his action and to comply with the order of the U.S. district court and I urge him to do so.

This is not a time to be unreasonable or vindictive. Too much unreason and spite has already been employed by the White House. Their contempt for honesty and fairness cannot become the prevailing attitude in Congress for resolving this crisis. Too much is at stake.

But at the present time, we have a President who by his own actions has so undermined the public trust in his office that his capacity to govern is in serious question. And we have no Vice President yet to replace him. Furthermore, there is no longer any special prosecutor with full authority and complete independence to pursue the Watergate investigation with all its menacing ramifications.

We will not avoid this crisis by pretending with the White House that one does not exist. For if the Congress were to accede to half-measures which permit the President to defy the courts and limit the investigation, then the public's trust in the legislative branch would be undermined as well.

We must not pursue a popular course of action because it is politically self-serving. We must not pursue a partisan course of action because it is politically expedient. We must pursue a course of action that considers impeachment on legitimate grounds, that respects the civil liberties of every citizen including the President and that once and for all guarantees the American people the right to a full and fair inquiry of all Watergate-related matters.

The Congress must appoint an independent prosecutor to carry out the investigation started by Archibald Cox. Indeed it would be helpful if it were Cox himself. It is clear that we no longer can rely on a Justice Department appointee to pursue an investigation free of pressure and limitations imposed by the very persons that are being investigated.

In taking these initiatives we cannot be certain that we will redeem the damage already done. But our "democratic experiment," almost two centuries old and now in such grave jeopardy, gives to this Congress an unprecedented burden and opportunity. If our American constitutional system fails to work now, we will have repudiated our past and lost our future.

VETERANS INFORMATION DAY

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I am pleased to announce that tomorrow, October 24 from 10 a.m. to 5 p.m., a Veterans Information Day for Members of Congress will be held in room S207 of the Capitol. The National Committee, Jobs for Veterans, in cooperation with the other Government committees and agencies concerned with veterans is sponsoring the event.

James F. Oates, Jr., national chairman of Jobs for Veterans, will be on hand to greet our honored guests, former POW's and disabled veterans of the war in Vietnam, and the Members of Congress. Our former colleague, Bill Ayres, hopes that everyone will take advantage of this excellent opportunity to show their interest and concern for our returning veterans. This is a rare chance to get the latest information on how the laws which we've passed are taking effect at the local level.

I am sure you will find it worth your while to stop by room S207 in the course of the day. If you cannot make it, please send someone from your staff.

A CASE FOR ACCOUNTABILITY

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, the events of this past weekend emphasize the intensity and dimensions of the fundamental question forcing itself upon the people and the Congress. The question is what accountability is there in the office of the Presidency short of the election procedure. I cannot answer this question for every man. For myself, the answer is clear and lies in two parts. First, the President is accountable to the judiciary if one believes in and supports two simple, but powerful precepts that this is a government of laws, not men and that all men are equal under the law. Second, in the event these simple precepts are thwarted either by the guise of separation of powers or under a plea of the transcendence of national security, then we are faced with the constitutional proviso for impeachment proceedings. The Founding Fathers were all too familiar with the penchant of executives by whatever name—King or President—toward the abuse of power. Aware, as they so painfully were, of the weaknesses of the flesh that pervade all living men, they provided the ultimate court for the determination of responsible and responsive leadership in all Federal offices, including the Presidency. They included impeachment in the Constitution as a procedure to test stewardship of office.

We are not faced with Watergate, the tapes, personalities such as Cox or others, but with the solemn question of the accountability of the President. Remember that in the procedure of impeachment, what is tested is the stewardship of the occupant of the office, not the viability nor integrity of the office itself. The strength of our institutions rests on the effectiveness of the passage of power under the conditions prescribed and ordained in the Constitution. Up to now all the tests of the viability of this system and the laws which govern the retention and passage of power have been met and passed.

For this representative of the people, the question of accountability of the President of the United States, does at this time warrant a serious and sober consideration of the procedure for impeachment. I come to this determination from two basic conclusions: First, that the question of accountability has on the available evidence reached proportions both in substance and in procedural posture which dictate a decision by the process of impeachment; and second, because I sincerely and earnestly believe that a thorough investigation of the relevant questions is essential to assure that this ultimate and unusual last political resort for accountability be not lightly nor erroneously employed.

Mr. Speaker, some Members of the Congress will no doubt say that if the President now delivers the tapes and documents to the court that any discussion of impeachment should cease. I disagree. The fact that the American people will by their outcry of calls and telegrams have brought Richard Nixon kicking and screaming before the bar of justice is no credit to Mr. Nixon. The fact remains that he was prepared to defy the law as long as he could get away with it.

The events of the past few days make it obvious that the President was willing to violate the law not as a matter of conscience or principle, but solely as a matter of tactics. This flagrant disregard for his constitutional oath to faithfully execute the laws, now more clearly than ever, raises the question of whether allegations of similar abuses of power are in fact not true or may not be repeated in the future.

I ask my colleagues to keep in mind the incisive, if simple doggerel current in some coffee houses:

> As you go through life, my brother, no matter what your goal—keep your eye upon the donut and not upon the hole.

I think it is in order here, Mr. Speaker, for us to remind ourselves that the handing over of the tapes is not the ball game. It is still incumbent upon the Congress to look at the way in which the President has handled this affair in the context of other events which suggest that the abuse of power and public confidence in this one instance was not an isolated case at all, but a part of a general pattern of abuse of power.

Let me address myself to what I find are the most cogent areas of investigation:

First. The President must be held accountable to answer fully the questions raised concerning obstruction of justice even though he has complied with this latest court order. It must be remembered that the issue of releasing the tapes arose after it became apparent that appointment of a Special Prosecutor was necessary. The premise for that appointment was that the criminal activity of the administration could reach into the Oval Office itself. Last Saturday night, the President argued that high constitutional principles necessitated his circumvention of the Special Prosecutor and his manipulation of the adversary procedure which is the very foundation of the Anglo-American system of law. But it can now be clearly seen that the President's position on the tapes was not for the protection of his office—but for the protection of his person.

Mr. Speaker, I submit that this on-again-off-again manipulation of the judicial process requires an inquiry by the Congress into whether there are grounds for holding the President accountable for obstructing justice, not only in this latest series of events, but during the entire course of the various judicial and grand jury proceedings into corruption in his administration.

Second. The President must be held accountable for the caliber and quality of men selected by him to share in and to give expression to the power of his office. To be sure, all Presidents must and should be granted the concession that some error in judgment of personnel is inevitable and should be tolerated. At the same time, it must be clear that a wide and pervasive misjudgment which so invades and dominates the office as to touch and taint all who stand near and speak for the President raises a question of accountability and complicity that cannot be lightly dismissed and cannot be characterized as a predictable limitation in assessing the behavior or standards of a fellow human.

Let me just add, Mr. Speaker, that we in the House should insure that we are not tempted also to sacrifice the integrity of our own appointment procedures by subjecting the appointment of the Vice President to any unwarranted delays or partisan considerations. I am one Democrat who holds the matter of the approval of the Vice Presidential-designate as completely separate from the question of impeachment of the President.

Third. The President must be held accountable for alleged abuses of power which threaten the fabric of the civil service system .Those acting for and in the name of the President have allegedly invaded the ranks of those serving in the departments of Government, not just at the first and second level, but pervasively and have allegedly followed a practice of pressure and badgering which reached to the third and fourth levels and below. Certainly all Presidents have been and will be plagued with the frustrations which accompany the task of making the vast Federal bureaucracies responsive to their leadership. But must we also concede that this well recognized fact justifiies the furtive foiling of a basic section of the existing law the President has sworn to uphold?

Fourth. The President must be held accountable for allegedly turning agencies created to serve the public into menial servants of politics. There is the legion of the SEC and Vesco, of the FTC and the dairies, of the Justice Department and ITT, of the CIA and Watergate, and of the FBI and political surveillance. Should we not review the specific evidence and explore for more?

Fifth. The President must also be held accountable for the suspicion that he has used his office to gain for himself personal compensation outside that provided by law. Let us not forget that the Constitution itself provides that the President shall receive no "other emolument" besides that set down in statute.

Mr. Speaker, this list of areas of investigation is not meant to be inclusive. The fact that the charges against the current President are so numerous itself demands that investigative proceedings by the House under its impeachment responsibilities be undertaken. It is the entire pattern of events that has been exposed—the entire pattern of falsehood, of coverup, of obstruction, of interference—which requires attention now. If some of these actions were required by national security, then let that issue be before the Committee of the Judiciary and before the House as it considers the question of laying a bill of particulars before the Senate. But let us not shrink from our duty—for that duty is all too clear.

These past abuses of power, culminating in the events of the past few days, make it imperative that the House Judiciary Committee begin to investigate the actions of the administration to determine whether or not there are sufficient grounds for impeachment, and also to recommend to the House the ground rules under which such a proceeding should be conducted. If we are to undertake this grave responsibility, we must insure that it be done in the soberest manner and with the utmost credibility. To this end, the purposes of each step we may take must be made fully explicit to the American people. They must understand that to impeach a President is not to remove him from office, but merely to bring charges against him, and that it is tantamount to bringing an indictment against someone by a grand jury. The actual determination of guilt or innocence and the removal from office is a matter before the U.S. Senate. Theirs is the task of judging the evidence relating to articles of impeachment handed down by the House of Representatives.

Mr. Speaker, the fact that this procedure has been set in motion only once in our Nation's history makes it imperative that we proceed on the basis of sober reflections and not emotion. This historic vacuum, however, should not dissuade the Congress from this undertaking.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURKE of Florida (at the request of Mr. ARENDS), for today through October 29, on account of official business to attend the Interparliamentary Union.

Mr. BLATNIK (at the request of Mr. O'NEILL), for this week, on account of official business.

Mr. SAYLOR (at the request of Mr. GERALD R. FORD) on account of medical reasons.

Mr. STEELE (at the request of Mr. GERALD R. FORD), from October 23 to November 3, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SISK, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. LENT) to revise and extend their remarks and include extraneous material:)

Mr. DON CLAUSEN, for 20 minutes, today.

Mr. RONCALLO of New York, for 2 minutes, today.

Mr. CLEVELAND, for 5 minutes, today.

Mr. MARAZITI, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. FINDLEY, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

(The following Members (at the request of Mr. BRECKINRIDGE), to revise and extend their remarks, and to include extraneous matter:)

Mr. DRINAN, for 5 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. ROONEY of Pennsylvania, for 5 minutes, today.

Mr. CULVER, for 15 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. RIEGLE, for 10 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. MELCHER, for 5 minutes, today.

Mr. OWENS, for 10 minutes, today.

Mr. PODELL, for 10 minutes, today.

Miss HOLTZMAN, for 5 minutes, today.

Mr. BURTON (at the request of Mr. BRECKINRIDGE), for 5 minutes, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

Mr. GROSS to revise and extend his remarks and include extraneous matter immediately preceding reading of President's message.

Mrs. HECKLER of Massachusetts to revise and extend her remarks and include extraneous matter with 1-minute speeches today.

Mrs. MINK to revise and extend her remarks and include extraneous matter to be included with 1-minute speeches today.

Mr. BRECKINRIDGE to extend his remarks following those of Mr. RIEGLE.

Mr. MAHON.

(The following Members (at the request of Mr. LENT) and to include extraneous material:)

Mr. RHODES in five instances.

Mr. WIDNALL.

Mr. KETCHUM.

Mr. SEBELIUS.

Mr. MCCLOSKEY in three instances.

Mr. HORTON.

Mr. ROBISON of New York.

Mr. CARTER in three instances.

Mr. HOSMER in three instances.

Mr. BAKER.

Mr. WYMAN in two instances.

Mr. DERWINSKI in two instances.

Mr. HAMMERSCHMIDT.

Mr. MCCLORY.

Mr. CRONIN.

Mr. YOUNG of South Carolina.

Mr. GROSS.

Mr. MILLER in six instances.

Mr. MICHEL in five instances.

Mr. ZWACH.

Mr. DEL CLAWSON.

Mr. KEMP.

Mr. Cohen.

Mr. Whitehurst in two instances.

(The following Members (at the request of Mr. Breckinridge), and to include extraneous matter:)

Mr. McFall.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Long of Maryland.

Mr. Badillo.

Mr. Drinan.

Mr. Fascell in three instances.

Mr. Waldie in three instances.

Mr. Boland in five instances.

Mr. Harrington in five instances.

Ms. Abzug in 10 instances.

Mr. Long of Louisiana.

Mr. Kyros.

Mr. Hawkins.

Mr. Flowers in two instances.

Mr. Breckinridge in two instances.

Mr. Obey in three instances.

Mr. Zablocki in two instances.

Mr. Biaggi in five instances.

Mr. Carney of Ohio in two instances.

Mr. Anderson of California in two instances.

Mr. Hungate.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did October 18, 1973, present to the President, for his approval a bill of the House of the following title:

H.R. 9590. Making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock p.m.) the House adjourned until tomorrow, Wednesday, October 24, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1465. A communication from the President of the United States, transmitting amendments to the request for appropriations in the budget for fiscal year 1974 for emergency security assistance for Israel and Cambodia (H. Doc. No. 93–168); to the Committee on Appropriations and ordered to be printed.

1466. A communication from the President of the United States, transmitting an amendment to the request for appropriations in the budget for fiscal year 1974 for foreign assistance to Pakistan, Sahelian Africa, and Nicaragua (H. Doc. No. 93–169); to the Committee on Appropriations and ordered to be printed.

1467. A communication from the President of the United States, transmitting notice of his intention to waive the restriction of section 620(m) of the Foreign Assistance Act of 1961, as amended, as it applies to military assistance for fiscal year 1974 to Portugal, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

1468. A letter from the Assistant Secretary of Defense, transmitting a report that no use was made during the period January 1 to June 30, 1973, of funds appropriated in the Department of Defense Appropriation Act, 1973, or the Military Construction Appropriation Act, 1973, to make payments under contracts for any program, project, or activity in a foreign country except where it was determined that the use of currencies of such country acquired pursuant to law was not feasible; to the Committee on Appropriations.

1469. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting a report of the facts concerning a Department of the Navy shore establishment realinement action at the Construction Battalion Center, Davisville, R.I., pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

1470. A letter from the Under Secretary of Agriculture, transmitting a statement of Departmental views on S. 2482, a bill to amend the Small Business Act; to the Committee on Banking and Currency.

1471. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of accommodations, facilities, and services for the public within the Ross Lake National Recreation Area, Wash., during a period ending December 31, 1988, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1472. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 198, *the Confederated Tribes of the Warm Springs Reservation of Oregon*, plaintiff, v. *the United States of America*, defendant, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1473. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of September 1973, of the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Affairs.

1474. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on the administration of the ocean dumping permit program authorized under the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92–532), covering activities through June 23, 1973; to the Committee on Merchant Marine and Fisheries.

1475. A letter from the Chairman and members, Commission on American Shipbuilding, transmitting the report of the Commission, pursuant to the Merchant Marine Act of 1970; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 9295. A bill to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State Univeristy (Rept. No. 93–603). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Science and Astronautics. H.R. 11035. A bill to declare a national policy of converting to the metric system in the United States, and to establish a national metric conversion board to coordinate the voluntary conversion to the metric system over a period of 10 years. (Rept. No. 93–604). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 9456. A bill to extend the Drug Abuse Education Act of 1970 for 3 years; with amendment (Rept. No. 93–605). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. Tiernan, and Mr. Steele):

H.R. 11040. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 11041. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that act with respect to small businesses; to the Committee on Education and Labor.

H.R. 11042. A bill to amend title 23, United States Code, to insure that no State will be apportioned less than 80 percent of its tax contribution to the highway trust; to the Committee on Public Works.

By Mr. BENNETT:

H.R. 11043. A bill to provide for the appointment of a Special Prosecutor to prosecute any offenses against the United States arising out of the "Watergate affair"; to the Committee on the Judiciary.

By Mr. BERGLAND (for himself, Mr. Andrews of North Dakota, Mr. Bowen, Mr. McSpadden, Mr. Seiberling, Mr. Fraser, Mr. Leggett, Mr. Preyer, Mr. Litton, Mr. Thone, Mr. Mathias of California, Mr. Hungate, Mr. Melcher, Mr. Johnson of Colorado, Mr. Johnson of Pennsylvania, Mr. Breckinridge, Mr. Charles Wilson of Texas, and Mr. Railsback):

H.R. 11044. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. CARNEY of Ohio:

H.R. 11045. A bill to establish uniform dates for the holding of Federal primary elections; to the Committee on House Administration.

H.R. 11046. A bill to authorize voluntary withholding of District of Columbia, Maryland, and Virginia income taxes in the case of employees of the House of Representatives and the Senate; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 11047. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DON H. CLAUSEN:

H.R. 11048. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for other purposes; to the Committee on House Administration.

By Mr. FULTON:

H.R. 11049. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. FUQUA:

H.R. 11050. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mr. GINN:

H.R. 11051. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. GRIFFITHS:

H.R. 11052. A bill to amend title 28 of the United States Code to provide that, in the event of the failure of the President to appoint a Director of the Federal Bureau of Investigation, by and with the advice and consent of the Senate, upon a vacancy occurring in that Office, the Justice of the Supreme Court who has longest served as a Justice of that Court shall in certain cases appoint such a Director, and for other purposes; to the Committee on Judiciary.

By Mr. KING:

H.R. 11053. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself and Mr. Harrington):

H.R. 11054. A bill to amend the National Security Act of 1947 to prohibit the Central Intelligence Agency from providing training or other assistance in support of State or local law enforcement activities; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. Cohen, Mr. Stark, and Mr. White):

H.R. 11055. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Meeds, Mr. Fish, Mr. Edwards of Alabama, Mr. Blatnik, Mr. Sisk, Mr. Young of Georgia, Mr. Quie, Mr. Shriver, Mr. Mayne, Mr. Robinson of Virginia, Mr. Fraser, Mr. Burgener, Mr. Archer, Mr. J. William Stanton, Mr. Kemp, Mr. Carney of Ohio, Mr. Danielson, Mr. Pepper, Mr. Corman, Mr. Johnson of Colorado, and Mr. Vanik):

H.R. 11056. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Udall, Mr. Baker, Mr. Walsh, Mr. Long of Maryland, Mr. Lent, Mr. Thomson of Wisconsin, Mr. Roush, Mr. Keating, Mr. White, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Scherle, Mr. Charles Wilson of Texas, Mr. Pritchard, Mr. Young of Illinois, Mr. Roy, Mr. Froehlich, Mr. Aspin, Mrs. Sullivan, Mr. Wright, and Mr. Roncalio of Wyoming):

H.R. 11057. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Hosmer, Mr. Goldwater, Mr. Badillo, Mr. Dellums, Mr. Eshleman, Mr. McKinney, Mr. McDade, Mr. Young of South Carolina, Mr. Helstoski, Mr. Annunzio, Mr. Hechler of West Virginia, Mr. Wyatt, Mr. Harvey, Mr. Breaux, Mr. Hicks, Mr. Bingham, Mr. Cleveland, Mr. Mitchell of New York, Mr. Metcalfe, Mr. Hastings, Mr. Studds, Mr. Moorhead of California, and Mr. Reuss):

H.R. 11058. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. MEEDS (for himself, Mr. Pritchard, Mrs. Hansen of Washington, Mr. McCormack, Mr. Foley, Mr. Hicks, and Mr. Adams):

H.R. 11059. A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area, in the State of Washington; to the Committee on Interior and Insular Affairs.

H.R. 11060. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 11061. A bill to designate the Alpine Lakes Wilderness, Snoqualmie and Wenatchee National Forests, in the State of Washington; to the Committee on Interior and Insular Affairs.

H.R. 11062. A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Washington, as "Alpine Lakes Wilderness' and "Enchantment Wilderness" for inclusion in the National Wilderness Preservation System; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H.R. 11063. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MOAKLEY:

H.R. 11064. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

H.R. 11065. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. MOSS (for himself, Mr. Aspin, and Mr. Dingell):

H.R. 11066. A bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself and Mr. Dingell):

H.R. 11067. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. PARRIS:

H.R. 11068. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Vigorito, Mr. Hechler of West Virginia, Mr. Charles Wilson of Texas, Mr. Helstoski, Mr. Frenzel, Mr. Charles H. Wilson of California, Mr. Gunter, Mr. Seiberling, Mr. Wolff, Mr. Long of Maryland, Mr. Roush, Mr. Cotter, Mr. Rangel, Mr. Stark, and Mr. Drinan):

H.R. 11069. A bill to prohibit without congressional approval expenditures of appropriated funds with respect to private property used as residences by individuals whom the Secret Service is authorized to protect; to the Committee on Public Works.

By Mr. ROYBAL (for himself, Ms. Abzug, Mr. Badillo, Mr. Brown of California, Mrs. Chisholm, Ms. Collins of Illinois, Mr. Davis of South Carolina, Mr. Dellums, Mr. Eckhardt, Mr. Edwards of California, Mr. Fascell, Mr. Fraser, Mr. Harrington, Mr. Helstoski, Mr. Leggett, Mr. Lehman, Ms. Mink, Mr. Moakley, Mr. Mollohan, Mr. Moss, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Roe, and Mr. Rooney of Pennsylvania):

H.R. 11070. A bill to provide for the establishment of a National Office for Migrant and Seasonal Farmworkers within the Department of Health, Education, and Welfare, with responsibility for the coordinated administration of all of the programs of that Department serving migrant and seasonal farmworkers; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. Roy, Mr. Sarbanes, Mr. Sebelius, Mr. Stark, Mr. Thompson of New Jersey, and Mr. Waldie):

H.R. 11071. A bill to provide for the establishment of a National Office for Migrant and Seasonal Farmworkers within the Department of Health, Education, and Welfare, with responsibility for the coordinated administration of all of the programs of that Department serving migrant and seasonal farmworkers; to the Committee on Education and Labor.

By Mr. CULVER (for himself, Ms. Abzug, Mr. Addabbo, Mr. Anderson of California, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mr. Bergland, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Brown of California, Mr. Brademas, Mr. Breckinridge, Mr. Burton, Mr. Carney of Ohio, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Cotter, Mr. Danielson, Mr. Dellums, Mr. Eckhardt, Mr. Edwards of California, and Mr. Evans of Colorado):

H.J. Res. 784. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. Fascell, Mr. Fauntroy, Mr. Foley, Mr. William D. Ford, Mr. Fraser, Mr. Giaimo, Mrs. Grasso, Mr. Gunter, Mr. Hamilton, Mr. Hanley, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Miss Holtzman, Mr. Howard, Miss Jordan, Mr. Karth, Mr. Koch, Mr. Leggett, Mr. McCormack, Mr. Matsunaga, and Mr. Melcher):

H.J. Res. 785. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. Metcalfe, Mr. Mezvinsky, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mollohan, Mr. Nedzi, Mr. Obey, Mr. O'Hara, Mr. Owens, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Rees, Mr. Reid, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roush, Mr. Roy, Mr. Roybal, Mr. St Germain, Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, and Mr. Sisk):

H.J. Res. 786. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. Smith of Iowa, Mr. Stark, Mr. Stokes, Mr. Symington, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Udall, Mr. Waldie, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Yates, and Mr. Young of Georgia):

H.J. Res. 787. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.J. Res. 788. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 789. Joint resolution to authorize the President to proclaim the last Friday of April of 1974 as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. RUTH:

H.J. Res. 790. Joint resolution designating the week commencing February 3, 1974, as "International Clergy Week in the United States" and for other purposes; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. Bell, Mr. Biaggi, Mr. Blackburn, Mr. Eilberg, Mr. Fisher, Mr. Frenzel, Mr. Goldwater, Mr. Hogan, Mr. Ketchum, Mr. Koch, Mr. Long of Maryland, Mr. Mitchell of Maryland, Mr. O'Brien, Mr. Won Pat, Mr. Podell, Mr. Rhodes, Mr. Steelman, Mr. Widnall, and Mr. Charles Wilson of Texas):

H. Con. Res. 362. Concurrent resolution: a resolution to commend the courageous action of Andrei Sakharov and Aleksandr Solzhenitsyn; to the Committee on Foreign Affairs.

By Mr. BARRETT (for himself, Mr. Nix, Mr. Davis of South Carolina, Mr. O'Neill, Mr. Madden, Mr. Holifield, Mr. Edwards of California, Mr. Morgan, Mr. Flood, Mr. Eilberg, Mr. Studds, and Mr. Green of Pennsylvania):

H. Con. Res. 363. Concurrent resolution calling for the President to curtail exports of goods, material, and technology to nations that restrict the flow of oil to the United States; to the Committee on Banking and Currency.

By Mr. FASCELL:

H. Con. Res. 364. Concurrent resolution expressing the sense of the Congress with respect to the present world energy crisis; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H. Con. Res. 365. Concurrent resolution of censureship without prejudice to impeachment; to the Committee on the Judiciary.

By Ms. ABZUG:

H. Res. 625. Resolution impeaching Richard M. Nixon, President of the United States, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. ASHLEY:

H. Res. 626. Resolution directing the Committee on the Judiciary to investigate whether there are grounds for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BINGHAM:

H. Res. 627. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Ms. Abzug Mr. Anderson of California, Mr. Aspin, Mr. Bergland, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mr. Boland, Mr. Brademas, Mrs. Chisholm, Mr. Culver, Mr. Conyers, Mr. Dellums, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Evans of Colorado, Mr. Fascell, Mr. Fauntroy, Mr. Foley, Mr. William D. Ford, Mr. Fraser, Mr. Giaimo, and Ms. Grasso):

H. Res. 628. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mr. Hicks, Mr. Howard, Miss Jordan, Mr. Karth, Mr. McCormack, Mr. Mazzoli, Mr. Metcalfe, Mr. Mezvinsy, Mrs. Mink, Mr. Moakley, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Nedzi, Mr. Obey, Mr. O'Hara, Mr. O'Neill Mr. Pepper, Mr. Podell, and Mr. Rees):

H. Res. 629. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Mr. Rooney of Pennsylvania, Mr. Roybal, Mrs. Schroeder, Mr. Seiberling, Mr. Stark, Mr. Studds, Mr. Symington, Mr. Tiernan, Mr. Thompson of New Jersey, Mr. Udall, Mr. Yates, and Mr. Young of Georgia):

H. Res. 630. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committeee on Rules.

By Mr. HECHLER of West Virginia:

H. Res. 631. Resoluton that Richard M. Nixon, President of the United States, is impeached of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H. Res. 632. Resolution to appoint a Special Prosecutor; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts (for herself, Mr. Cotter, Mr. Moss, Mr. Duncan, Mr. Rosenthal, Mr. Mitchell of Maryland, Mr. Podell, Mr. Won Pat, Mr. Stark, Ms. Holtzman, Mr. Riegle, Mr. Gaydos, Mr. Rangel, Mr. Bray, Mr. Gonzalez, Mr. Koch, Mr. Leggett, Mr. Goldwater, Mr. Harrington, and Mr. Horton):

H. Res. 633. Resolution creating a Select Committee on Privacy; to the Committee on Rules.

By Mr. McCLOSKEY:

H. Res. 634. Resolution of inquiry; to the Committee on the Judiciary.

H. Res. 635. Resolution for the impeachment of Richard M. Nixon; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H. Res. 636. Resolution: an inquiry into the existence of grounds for the impeachment of Richard M. Nixon, President of the United States; to the Committee on Rules.

By Mr. MILFORD:

H. Res. 637. Resolution providing for the establishment of an Investigative Committee to investigate alleged Presidential misconduct; to the Committee on Rules.

By Mr. MITCHELL of Maryland (for himself, Mr. Burton, and Mr. Fauntroy):

H. Res. 638. Resolution impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. Stokes, Mr. Fraser, and Mr. Rosenthal):

H. Res. 639. Resolution expressing the sense of the House that there be no action on confirmation of the Vice Presidential nominee until such time as the President has complied with final decision of the court system as it regards the White House tapes; to the Committee on the Judiciary.

By Mr. O'NEILL (for himself, Mr. Bolling, Mr. Brooks, Mr. Broyhill of Virginia, Mr. Cleveland, Mr. Dan Daniel, Mr. Fauntroy, Mr. Fisher, Mr. Fraser, Mr. Keating, Mr. McCloskey, Mr. McCollister, Mr. Riegle, Mr. J. William Stanton, Mr. Thone, Mr. White, Mr. Won Pat, and Mr. Young of Alaska):

H. Res. 640. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. OWENS:

H. Res. 641. Resolution directing the Committee on the Judiciary to investigate the question of impeachment of the President; to the Committee on Rules.

By Mr. REID (for himself, Ms. Abzug, Mr. Aspin, Mr. Boland, Mr. Dent, Mr. Eckhardt, and Mr. McCloskey):

H. Res. 642. Resolution directing the Committee on the Judiciary to inquire into commencement of impeachment proceedings; to the Committee on Rules.

By Mr. ROSENTHAL:

H. Res. 643. Resolution for the impeachment of President Richard M. Nixon, and for other purposes; to the Committee on the Judiciary.

By Mr. ROY:

H. Res. 644. Resolution directing the Committee on the Judiciary to investigate the official conduct of the President; to the Committee on Rules.

By Mr. SEIBERLING (for himself, Ms. Abzug, Mr. Drinan, Mr. Fraser, Mr. Hechler of West Virginia, Mr. Edwards of California, Mr. Rooney of Pennsylvania, Mr. Sarbanes, Ms. Holtzman, Mr. Danielson, Mr. Lehman, and Mr. Conyers):

H. Res. 645. Resolution to investigate the activities of Richard M. Nixon, President of the United States; to the Committee on Rules.

By Mr. SISK:

H. Res. 646. Resolution to create a Select Committee to consider an impeachment resolution against the President of the United States, and for other purposes; to the Committee on Rules.

By Mr. THOMPSON of New Jersey (for himself, Mr. William D. Ford, Mr. Badillo, and Mr. Waldie):

H. Res. 647. Resolution of impeachment; to the Committee on Rules.

By Mr. WALDIE (for himself, Ms. Abzug, Mr. Badillo, Mr. Brown of California, Mr. Clark, Mr. Dellums, Mr. Drinan, Mr. Fauntroy, Mr. Fraser, Mr. Hechler of West Virginia, Mr. Leggett, Mr. Meeds, Mr. Rangel, Mr. Rees, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Charles H. Wilson of California, Mr. Burton, Mr. Long of Maryland, Mr. Vanik, Mr. Koch, Mr. Thompson of New Jersey, Mr. Moakley, and Mr. William D. Ford):

H. Res. 648. Resolution impeaching President Richard M Nixon; to the Committee on the Judiciary.

By Mr. WALDIE (for himself, Mr. Stark, Mr. Helstoski, Mr. Clay, and Mr. Podell):

H. Res. 649. Resolution for the impeachment of the President of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FREY:

H.R. 11072. A bill for the relief of South Florida Council, Inc., Boy Scouts of America; to the Committee on Interior and Insular Affairs.

By Mr. REUSS:

H.R. 11073. A bill for the relief of Grace Nien-Tsu Yu; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

321. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the Charles River watershed proposal of the Army Corps of Engineers; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XXII,

331. The SPEAKER presented a petition of Milton Mayer, New York, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

MARVIN JONES MEMOIRS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. MAHON. Mr. Speaker, one of the most distinguished Americans of this century is Judge Marvin Jones, who served 24 years in Congress, from 1917 to 1941.

The Texas Western Press of the University of Texas at El Paso has performed a fine public service in publishing a few weeks ago the memoirs of this outstanding government leader, who has devoted more than half a century to public service.

Elected to Congress from the Amarillo, Tex., district, Judge Jones served in the House of Representatives with distinction until he resigned to take a position as Judge of the U.S. Court of Claims in 1941. As a Congressman he wrote a record of achievement in the field of agriculture without parallel in the history of this country, serving as chairman of the House Committee on Agriculture from 1931 until his resignation from Congress.

In 1943 Marvin Jones became Assistant Director of Stabilization and later that year War Food Administrator, a position which he held until the end of World War II. Judge Jones enjoys the distinction of being one of a very few U.S. citizens to have served in a high-level position in all three branches of the Government.

Serving from 1947 to 1964 as chief judge of the U.S. Court of Claims, Marvin Jones has been a senior judge of the U.S. courts since that time. He divides his time between his old hometown, Amarillo, Tex., and Washington, D.C., where he maintains an office at the Court of Claims, 717 Madison Place, NW.

Friends of Judge Marvin Jones and students of the history of this century will be interested in his colorful memoirs. The following is a captivating column about Judge Jones which appeared in the Avalanche-Journal newspaper of Lubbock, Tex., on September 18, 1973.

ONE MAN'S OPINION

(By Kenneth May)

As a small schoolboy, Judge Marvin Jones of Amarillo recalls, he walked across a pasture of a field where some of his brothers and sisters were working.

"My brother Hub asked me where I was going and I replied, 'I am going to Congress'. They made quite a joke of it," Jones writes in his memoirs.

"Brother Hub" is Hub Jones of Lubbock and Judge Marvin Jones is one of the few men in history to hold top jobs in all three branches of the federal government.

In a book newly published by the Texas Western Press at the University of Texas-El Paso, Jones tells his story in a folksy manner.

He calls the book simply, "Marvin Jones Memoirs." It is filled with anecdotes and personal bits of philosophy with which the West Texas reader can easily identify.

Jones did, indeed, go to Congress. He served the Panhandle-Plains area from 1917 to 1941 and was chairman of the House Agriculture Committee when the New Deal record of farm legislation was written.

During the war, Jones served as War Food Administration, earning a "You did a great job, Marvin" from President Franklin D. Roosevelt.

Jones was appointed chief judge of the U.S. Court of Claims in 1947 and became a Senior Judge of U.S. Courts upon his partial retirement in 1964.

Through it all, he carried with him the philosophy that "it's all right to dream if you don't go to sleep."

Among those who gave the young Congressman good advice during his early years in Washington was John Nance Garner.

"He advised me to be careful of what I placed in the Congressional Record the first two or three years," Jones writes. "He told me a man is not beaten on what he does not say."

Jones got favorable response, though, to a speech he made in 1919 about a move advocating use of the bomb and torch to achieve social and political reform.

He suggested that those who preached violent resolution be deported to remote islands to try out "their absurd doctrines on one another."

During the first 100 days of the Roosevelt Administration, Jones recalls, he handled more major bills in their passage through Congress than did any other member.

"These included the Agricultural Adjustment and Soil Conservation Act, the act for Refinancing of Farm Mortgages, the Farm Credit Administration Act and the measure reducing the gold content of the dollar," he points out.

During that time, too, he was instrumental in getting a number of regional governmental offices headquartered in Amarillo.

Jones became a favorite of President Roosevelt's, who appointed him to the U.S. Court of Claims in 1940. Early in World War II, though, he was asked to become assistant to James F. Byrnes, the Director of Stabilization.

Then, in 1943, Roosevelt summoned Jones.

"The President called me to say he was appointing a new United States War Food Administrator, adding facetiously that the choice was between Herbert Hoover and me," Jones writes.

"I responded that Mr. Hoover had had a lot of experience. He (the President) laughed and said that I must take it," Jones adds.

"He suggested that I should resign and that he would later reappoint me to the place I then held or a better one. I said the way he had the food job set up, no man could hold it for six months and then be confirmed to any other position.

"He laughed again and said, 'You can'," Jones relates.

For the remainder of the war, Jones was the dominant voice in allocating food to the armed forces, the civilian population and to our primary allies.

In an appendix to the book, editor Joseph M. Ray notes that "one technique Marvin Jones mastered (while in Congress) might be termed 'dealing from strength'."

In one such instance, Jones ran into a bureaucratic stone wall with regard to the special problems of dealing wih wind erosion.

He won his point by holding up the annual appropriation for any Soil Conservation until the bureaucracy saw the light.

Jones' book is filled with anecdotes, some at his own expense as when he asked another Congressman to agree that his hat "makes me look like a statesman."

"No, I wouldn't quite say that," came the reply. "It goes as far as a hat can."

BUYERS OBJECT TO BUCKLING UP

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. GAYDOS. Mr. Speaker, auto salesmen in my western Pennsylvania district report a strong and bitter customer opposition to the federally regulated seat-belt, shoulder-harness combination system which is mandatory on the 1974 models.

The objection is to the fact that the harnesses must be buckled up completely before the new cars can be started. The people, according to the salesmen, do not like this. Indeed some fear it, citing the possibility of being trapped if the apparatus fails.

I know the safety experts who dictated this regulation have good reasons to believe that seat and shoulder belts can save lives by holding a person in place and keeping him from being thrown against the windshield or out of the car in case of a crash. But the complaints in the auto showrooms, the salesmen say, go beyond this theory and into the realm of individual liberty.

"People just do not like to buckle up, and we are the first to know about it," salesman Jerry Nuzum told William Allan, Pittsburgh Press features editor, who investigated the matter.

"Everyone wants to know how to get around them," Joe Mazza, a sales manager, added and then summed up the public reaction to the belt system as "terrible!"

Jim Stockton, another salesman, told Mr. Allan that more complaints can be expected once the new car purchasers "really find there is nothing they can do" about the belts.

It seems to me that, in this regulation, the power of Government indeed has moved, perhaps unwittingly, into an area of the citizen's inherent rights. Seat and shoulder belts may be fine protections for the motorist. But they are effective only when a crash occurs and thus serve no purpose in increasing traffic safety generally, or in reducing the public peril. They apply only to the individual and to compel him to use them by attaching them to his car's ignition system, and making it a punishable crime to unhook them, is for Government to assume the "Big Brother" role.

"Big Brother" may know best in this matter and have surveys to support the view. But we remain a nation of some rugged individualism and there are bound to be millions of our citizens who will resent this, and many are already expressing their resentment in the auto salesrooms. They are willing to obey orders to protect others. But they still think they should make the decisions necessary to protect themselves.

Our Nation has attempted in other matters to regulate the individual in his own personal interest. Prohibition had this objective even though a part of the liquor ban was thought to be in the public interest because of the public effects of drunkenness. But in every instance where large numers of individuals concluded that Government rules were a trespass on their individual rights, these rules have been circumvented and, in time, grossly violated. The new seat and shoulder harness regulation appears headed for this kind of result—another widespread breach of law—and, because of it, I feel our safety experts had better reconsider the matter now in all its aspects and not only in the light of what they think is something needed to force us as individuals to protect ourselves. I respect the individual's right to make his own choice. As for myself, I will continue to buckle up.

FORCED BUSING IS HINDERING RATHER THAN HELPING BLACKS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BAKER. Mr. Speaker, in representing the Chattanooga, Tenn., area, the interests of our citizens becomes a concern in the light of a recent syndicated column by Kevin Phillips. The vast majority of my constituents are concerned about quality education more than any facet of the busing controversy. Most would endure the gross inconvenience in racial assignment if it was doing any good educationally. We have had good relations between the races and have made great strides in establishing a climate of cooperation among all our people. I contend for opportunity for every citizen regardless of race, creed, color, or national origin. To expend money and energies at this risk of community tranquility without reasonable assurance of success has to be highly questionable.

I include for the RECORD the column of Kevin P. Phillips:

[From the Chattanooga News-Free Press, Oct. 17, 1973]

FORCE BUSING IS HINDERING RATHER THAN HELPING BLACKS

(By Kevin P. Phillips)

WASHINGTON.—When the U.S. Supreme Court takes up as it soon must, the question of school busing, each Justice ought to be required to read—ten times if necessary—an incredibly good socio-legal analysis published in the Indiana University Law Journal for May, 1973.

I have just read it myself for the first time, and it is a bomb. It ought to be excerpted and reprinted wherever common sense still prevails in this land, because it shatters the whole legal concept of busing, using exactly the criteria promulgated by liberals in support of the idea.

One column is not enought to do justice to Jeffrey J. Leech's article, but I shall try. His theme is simple: that busing has slowly developed as the judiciary's method of carrying out the basic sociology of the orginal 1954 school desegregation case, namely that separate education generated inferiority in black students and otherwise impaired their educational and mental development. Ultimately, in the 1971 Swann (Charlotte, N.C.) case, the Supreme Court approved busing as a legitimate tool to "desegregate" and thereby ameliorate the educational and psychological burdens of black children.

What Leech has done is brilliantly simple. He has studied all available surveys of the impact of busing in cities that have it, and his research assembles a stunning array of "current sociological evidence which indicates that busing to achieve integration may in fact produce no educational gains, may hinder the psychological development of black children, and may intensify racial misunderstanding."

His sociological research emphasizes three categories of busing impact: (1) on achievement levels; (2) on the psychology of black youngsters; and (3) on improved race relations. Each analysis is devastating in its documentation, but space allows only the summaries:

(1) Achievement levels: In ten cities, six show mixed or inconclusive results (Sacramento, Hartford, Rochester, Buffalo, Evanston, White Plains) and four show either losses or no significant gains (Ann Arbor, Berkeley, Boston, Riverside). "In every city studied, busing failed to reduce the gap between black and white achievement. In fact, most cities reported that the achievement gap had grown even larger after busing. Scholars who have reviewed the evidence, including Armor, Bell, Edmonds, Glazier and St. John, have concluded that busing has little if any effect on the academic achievement of either black or white children. Thus, the most recent sociological evidence fails to confirm a basic premise underlying the rationale for court-ordered busing, i.e.. that it will positively affect the academic performance of minority children."

(2) Psychological effects: "In summary, researchers have found that busing for racial integration significantly lowered black students' educational aspirations in Ann Arbor and Boston, the only two cities which studied this problem. At the same time, the academic self-concepts of black students were significantly lowered in Boston and Evanston, raised in Ann Arbor (males) and not significantly altered in Ann Arbor (females), New Haven and Riverside. Viewing this evidence in its most farvorable light, busing for racial integration would appear to lower black students' educational aspirations and have no consistent effect on their academic self-concepts. . . . The evidence reveals that the busing experience imports few psychological benefits to black children and may inflict harmful psychological consequences upon them."

(3) Improved Race Relations: "In summary, the busing studies available demonstrate rather conclusively that busing for racial integration has produced little or no improvement in race relations. In fact, the results appear to be to the contrary. In Ann Arbor and Riverside, interracial peer acceptance declined. In Boston, busing heightened racial consciousness and encouraged separatist ideologies. In Buffalo, Evanston and Rochester, disciplinary problems, frequently with racial overtones, threatened termination of the busing programs. In no city did busing appear to increase interracial contact or better racial understanding."

There is still some reason for hope. Leech cites the Mapp case (Chattanooga, Tenn.) as an example where the U.S. Appeals Court weighed the new sociological evidence and found that "induced busing" would have an adverse effect on educational achievement and race relations. This is consistent with the Swann case, which left the door open to antibusing findings where busing would "significantly impinge on the educational process." Therein lies the hope: that the Nine Justices of the High Court will read the wisdom of Mapp and the wisdom of Leech and, having done so, will use new sociology to redress the injury of the old.

A LETTER FROM EUROPE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WHITEHURST. Mr. Speaker, one of my young constituents, who is currently studying in Europe, recently wrote an article for the Alternative, entitled "A Letter from Europe." In this article, Mr. Christopher Hughes offers his own reactions and some selections from the European press on issues currently confronting our Nation. I believe that the thoughts presented in this article merit the attention of my colleagues, and I am consequently inserting "A Letter from Europe" in the RECORD for their consideration:

A LETTER FROM EUROPE

(By Chris Hughes)

Having grown up in Europe as a military brat during the late sixties, when a dollar was still what our own hordes of U.S. tourists used to call "real money"; when it was still financially feasible (and socially chic) to blitz Europe on $5 a day, or in assembly-line tours for quick lunch-counter intellectualizing; my recent return to Europe, as a college student, has brought me to a rude awakening. America is no longer regarded as the towering paragon of uncontested strength. To the contrary, our international credibility has now been seriously eroded, and our international stature and prestige have declined accordingly.

I left the United States for Europe in January of this year, after having worked in the national election for the Republican ticket. Nixon's overwhelming victory, I believed, apparently like many others, was a popular mandate to reverse the trend of the New Deal-Great Society philosophy which for so long had prevailed in Washington, D.C. But then the Watergate affair broke.

I have had to rely on European press coverage of the Watergate for most of my information, coverage which has not always illustrated a terribly astute awareness and understanding of our political process. Nonetheless, European attitudes and interpretations of this event are still very important because of the far-reaching implications which could develop in Euro-American relations.

In Paris, where I had been attending the Sorbonne University, one of France's most highly respected and widely read newspapers, *Le Figaro,* argued that the Watergate hearings have been turned into a Disneyland for lawyers and that those (Senators and committee staffers) who have allowed the hearings to flounder into ridiculousness are forgetting that not only is the President himself a lawyer, but that he is, in fact, one of the country's best. *Le Figaro* also defended the President's refusal to release the White House tapes *carte blanche,* and argued that without such privilege no government is possible. The newspaper further stated that "in standing fast he [Nixon] is defending the integrity of the Presidency itself. The time will come when the versatile American democracy will be grateful to him for this."

Although reaction elsewhere in Europe has not always been that abiding, Europeans are most concerned about what they feel has been a decline of confidence on the part of the American public in its leadership. England's liberal newspaper, *The Guardian,* expressed a fairly common European reaction to the Watergate hearings when it charged that the Watergate committee was somewhat reminiscent of the McCarthy hearings of the fifties. One of Europe's most conservative newspapers, Rome's *Il Tempo,* argued more provocatively and lashed out at Senator Ervin's committee, charging that the hearings seemed to be a colossal machination aimed at undermining both Nixon and Nixon policy. One of the most revealing observations on this issue, however, came from the German political weekly *Die Zeit.* Discussing what it called the decline in presidential power and a catharsis for the United States, *Die Zeit* also pointed out that probably no American administration will be interested in foreign policy to the extent of the Nixon Administration. Thus it concluded, "particularly for Europeans, the Nixon-Kissinger team is an optimum and is absolutely irreplaceable." Europe, in short, is concerned with the international implications emanating from Watergate.

1973 was designated the "Year of Europe" by the Nixon Administration. The United States and its European allies were expected to rejuvenate Europe's postwar Atlantic alliance system as a solid basis for the upcoming fall negotiations, on mutual and balanced force reductions in Europe (MBFR), between the NATO countries, the Soviet Union, and its Warsaw Pact allies. But although some low-keyed transatlantic talks are underway between the United States and its European allies to establish a common front for the fall conference, the common political purpose of the West, as well as the social and economic compatibility of the United States and Europe, has been severely strained in recent months.

The European concern over present and future U.S. economic and defense policies has arisen because of two dollar devaluations in short succession, the continuing erratic behavior of the dollar on the international money exchanges (which is both a symptom and a cause of the uncertainty in Euro American relations), as well as the imposition of agricultural export restrictions. Europeans reacted particularly sensitively to the agricultural embargo of soybeans and one French newspaper asserted that the embargo was deliberately aimed at Europe's Achilles' tendon (its lack of resources), to demonstrate U.S. power over Europe. If nothing else, the embargo did force the Europeans to realize that the Americans were not only willing to close down their market to them without warning, but that the Europeans themselves were to become the first victims of the newly established détente. A major factor in the scarcity of agricultural products, of course, had been the U.S. decision to sell grain and corn to the communist giants, irrespective of European needs and the traditional transatlantic ties.

Thus, there is unrest among the European nations. They are concerned about the weakness of the U.S. dollar, U.S. disregard for its allies, and the pace of Mr. Nixon's moves toward détente with the Soviets. Of particular concern for the Europeans is whether a "Watergate-weakened" White House can resist congressional pressures to unilaterally reduce U.S. troop strength in Europe.

Recent reports that the United States is about to announce formal diplomatic recognition of East Germany may not be surprising to the governments of Western Europe, but it has surprised many private citizens. Further, the United States' willingness to give the Soviets whatever help they need to stabilize their economy (which in turn permits the Soviets to channel their resources into the military realm), has also raised doubts in European minds about American reliability. These doubts have been further compounded by the recent report in *Jane's Fighting Ships,* the world's most authoritative annual study on the world's military navies. The 1972–73 edition of *Jane's* reported that the Soviet navy has made (and is continuing to make) "staggering advances," and that the U.S. navy has now been relegated to second position (to the Soviets) among the globe's naval powers—no slight task for what has been historically a land locked bear.

These events have produced an assessment which is gaining increasing acceptance in Europe and which was recently expressed by the *London Daily Mail.* Arguing that the United States is sick of foreign wars and responsibilities, the *Daily Mail* commented: "More and more Americans are saying, What does it matter to us if the whole of Southeast Asia goes Communist? Is it worth risking a single GI for Cambodia? Will we live to hear Americans ask whether it is worth risking a single American life for Britain? . . . Now that the Watergate comedy show is switched off for a moment, you can just hear the Kremlin purring as it prepares to lap up the cream."

The impact of recent events has, then, not been lost on those who fear the possible "Finlandizing" of Western Europe. As one commentator in Europe observed " 'Finlandization' of Europe would (perhaps) mean no basic change in the social order, but there would be no American troops in Europe and NATO would be dissolved. Western European governments would be so weak as a result that they would be forced to coordinate their foreign policies with the Kremlin. This is not a very promising prospect."

Although the President's calendar of events has not been firmly established yet, it is already quite clear that the President will be cautiously received in Europe. Unless very intensive preliminary work is done before Nixon's visit, the Administration's attempt to revitalize Euro-American relations and to produce some very tangible political returns, as well as trade and monetary reforms, could fall far short of its goal.

Unfortunately, not even these many events seem to startle the Europeans out of their atavistic resentment and mutual suspicions of each other. Thus the transatlantic alliance and the very nature of the international system is in question and, for the western alliance at least, there is need for serious misgivings. For the Europeans, therefore, Nixon's attempt to put Watergate behind him is being applauded so that he can direct his attention to these many problems. And, looking in from the outside. I too believe it would be wise to allow our judicial process to take over Watergate so that the country's leadership can direct its attention to issues which may well determine the course of future history.

THE NOMINATION OF GERALD FORD AS VICE PRESIDENT

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. SEBELIUS. Mr. Speaker, a few days ago, in the newsletter I regularly send to the people in my congressional district, I made several comments regarding the nomination of Congressman Gerald Ford as Vice President and I would like to share them with my colleagues:

Since attending the White House ceremonies involving the nomination of a new Vice President, I have been doing quite a bit of thinking and I would like to share a few personal throughts with you.

My experience within the Kansas State Senate in some ways led me to look at government and public service through rose colored glasses. Within the Kansas legislature, I never once questioned whether or not government could be responsive to the needs of the individual citizen. That we could find answers to our problems in Kansas was assumed; where there was a will there was a way. Since coming to Congress, I confess my staff and I have been most frustrated in trying to make "big government" more responsive to the needs of citizens in our rural areas. It has been an uphill battle and getting steeper all the way.

Last week, the President invited and solicited suggestions for nominees for the office of Vice President. My single suggestion, along with those of many others, was hand delivered to the White House. I felt that with this nomination, somehow, someway, integrity and faith in government must be restored. I felt that at this very difficult time in our nation's history we needed a man of unquestioned integrity and, just as important, a man whose experience would enable all of us to work together to once again make government a partnership with people. I suggested Jerry Ford.

Hopefully, this nomination will help to heal the divisions that have developed and grown too wide between the executive and the legislative branches of government. I have worked with Jerry Ford ever since coming to the Congress. He is not flamboyant, he is not a charismatic man, he will not seek the spotlight of publicity and he is not politically ambitious. My observation of Jerry Ford is that he is an expert at getting along with people and in bringing folks of differing views together behind a compromising position. Most important, he knows how to make government work for people.

Perhaps it was because I was privileged to be part of a moment in history, but for the first time since serving in the Kansas legislature, I feel as if we can begin to build anew a working and effective partnership between the federal government and the citizens of the "Big First" district.

ALBERT HOPES TO STAY IN HOUSE

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McFALL. Mr. Speaker, there is a plaque in the Speaker's lobby which, as a reference to past Speakers, reads "Speakers of the House of Representatives, chosen by the people, honored by the preferment of their associates, these makers of history are memorialized as a tribute of their worth to the Nation." It is a source of comfort in these trying times to know this tradition of greatness is being continued by the distinguished gentleman from Oklahoma, the Honorable CARL ALBERT. In the past few weeks Speaker ALBERT has, again, demonstrated insight, courage, and plain commonsense in his actions relating to the conduct of the House. These actions truly justify the continued preferment of his associates, and, I might add, their sincere gratitude.

Mr. Speaker, I am pleased to include in my remarks an article about Speaker ALBERT which recently appeared in the Boston Globe:

[From the Boston Evening Globe, Oct. 11, 1973]

ALBERT HOPES TO STAY IN HOUSE

WASHINGTON.—Until President Nixon picks a vice president and has his choice confirmed by Congress, the next in line for the Presidency will be a man who already has a job he likes better.

Carl Albert wanted to be Speaker of the House of Representatives from the day he entered Congress in 1947, and when he made it in 1971 he declared his highest political ambition had been achieved.

Any disclaimer of interest in being President by a politician is usually regarded with skepticism, but in Albert's case there is no reason to doubt it.

For one thing, at age 65 there is little likelihood of his being nominated by the Democrats—unless, of course, he should succeed to the office while a replacement for Spiro T. Agnew is being found.

But more importantly, Albert seems genuinely convinced that the House of Representatives, as the branch of government closest to the people, is the ideal place for a public servant to be, and that the head man of the House has the ideal job.

Albert formed his opinion about the House as a schoolboy in the tiny southeastern Oklahoma town of Bug Tussle. The area's Congressman visited the two-room schoolhouse one day and his talk about Congress and Washington fired the imagination of the little barefoot boy, who even now stands only 5 feet, 4 inches tall with his shoes on.

Albert went on to an outstanding scholastic career, winning election to Phi Beta Kappa at the University of Oklahoma and later gaining a Rhodes scholarship that saw him through three years and two law degrees at Oxford University, England.

He returned to the US in the midst of the Depression and had to put aside his political ambitions to make a living, first as an office clerk in Oklahoma City and then as a lawyer for an oil company.

While serving as a legal officer during World War II, he met and married a pretty Pentagon clerk named Mary Harmon. They have a daughter, 25, who teaches school in Washington, and a son, 18, who is a freshman at Harvard.

Albert got his chance to come to Congress in 1946 when the incumbent congressman decided the night before the filing deadline not to run for reelection. Albert raced to Oklahoma City to beat the deadline and plunged into a campaign against three other candidates in the Democratic primary. He won by 359 votes and hasn't had any trouble being elected since. A fellow freshman in the class that entered Congress that year was Richard Nixon.

Even before he was elected, Albert had formed a friendship with the late Speaker Sam Rayburn, whose Texas district bordered Albert's, and Rayburn took the eager young Oklahoman under his wing. In 1954 he made Albert the Democratic whip and in 1961, when Rayburn died, Albert moved up to majority leader.

He achieved his goal of speaker when John McCormack retired in 1970.

After a shaky start in the last Congress, Albert has succeeded in welding the House Democrats into a more effective majority and has led a reform movement that has brought him more power than any speaker has enjoyed since "Czar" Joe Cannon did in the early 1900s.

GREATER LOWELL ASSOCIATION FOR RETARDED CITIZENS CELEBRATES 20TH ANNIVERSARY

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CRONIN. Mr. Speaker, on November 9, 1973, the Greater Lowell Association for Retarded Citizens will celebrate their 20th anniversary of service to the Greater Lowell community embracing the towns of Groton, Pepperell, Townsend, Billerica, Tyngsboro, Tewksbury, Chelmsford, and Wilmington.

The beginnings of this organization were humble. Concerned because there was no local aid for parents of retarded children or for the retarded themselves, about a dozen parents met in Lowell to organize. With the aid of a local legislator to guide them in organizing, these people undertook the task of bringing hope, understanding, and dignity into the lives of the retarded. Today, thanks to the work of these organizers, the retarded citizens of this community can look forward to specialized training that enables them to realize their entire potential as citizens with occupations that fully utilize their capabilities.

One year after they organized, the president of the association presented a modest budget to the members—$2,910. It covered a salary for a teacher one afternoon a week, supplies, summer camp fees, a speech therapist, and a small scholarship for a promising student to take courses to help train the retarded. Slowly, over the years, help arrived in many forms. One anonymous donor contributed two shares of IBM stock which was quickly converted to cash. Religious, civic, and fraternal organizations rallied to give support in time, skills, and money. Students from local colleges and high schools volunteered time and skills both to train the retarded as well as repair and maintain the association's facilities. Labor organizations also gave talents and funds. Local businesses and industries lent trained management specialists to aid the association in solving many of its problems, both financial and administrative.

Last year, the budget was in excess of $26,500. The association now owns a school and recreational facilities; employs a full time executive director who oversees the entire operation; maintains a halfway house for retarded adults plus a staff of specialists to aid retarded citizens. It is my contention that the spirit that motivated these people to form the association and the manner in which the community supports it represents Americanism in its finest and most typical spirit.

The association has become an old and respected member of the Greater Lowell community. I congratulate them on their fine record on this their 20th anniversary, and hope that the association will continue to ably serve the citizens of this area for years to come.

WILLIE MAYS

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. FLOWERS. Mr. Speaker, when the 1973 baseball season ended in Oakland on Sunday, it also marked the conclusion of the active career of one of the game's most colorful players—Willie Mays. After 22 seasons, the "Say Hey Kid" has hung up his glove at age 42.

Willie Mays was an enthusiastic ballplayer and the spirit he aroused in his teammates is the real meaning of baseball. His retirement brings to a close an era of baseball the likes of which we will probably never see again.

Born in Westfield, Ala., on May 6, 1931, Willie was raised in nearby Fairfield in my congressional district. He was already a regular in left field for the Birmingham Black Barons in 1950 when the New York Giants acquired him at age 19.

He played one full season and a portion of another in the minors before being called up by the Giants just 19 days after his 20th birthday. The stories of the exploits and achievements of Willie Mays are many. It is interesting to note that his first hit in the majors was a homerun over the left field roof in the Polo Grounds. He went on to hit 19 more homers that first year and was named National League Rookie of the Year.

To list all of Willie Mays' career figures would take many pages. His name appears often in the record books of baseball. But these facts and figures do not tell the whole story. They cannot tell you about the type of player Willie was and the many hours of enjoyment and pleasure he gave the fans. Those of us who grew up watching and listening to the game of baseball as played by

Willie Mays can truly say we saw a great man at work.

There should be no doubt that when the mandatory 5-year wait expires the famous No. 24 of Willie Mays is a sure bet for inclusion in the Baseball Hall of Fame.

DONALD R. NEWHOUSE, RECOGNIZED NATIONAL EXPERT IN NEWSPAPER AUTOMATION, AND SPRINGFIELD, MASS., CIVIC LEADER

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BOLAND. Mr. Speaker, my home city of Springfield, Mass., was stunned last Thursday night at the sudden death of Donald R. Newhouse, general manager of the Springfield Newspapers, and a widely respected community leader.

Mr. Newhouse was recognized throughout this country as an expert in newspaper automation, served as chairman last year of the American Newspaper Publishers Association's computerization and production management committees, and had been a consultant to newspapers making changes in mechanical departments.

Although he went to Springfield 6 years ago from Portland, Oreg., to supervise the design and construction of the new Springfield Newspapers building and plant, he soon became known for his civic involvement and leadership. As recently as 2 weeks ago, Mr. Newhouse led a group of 40 members of the Greater Springfield Chamber of Commerce to the Nation's Capital as chairman of "Operation Washington III," a biennial visit of community leaders for briefings by Federal agencies and members of the Massachusetts congressional delegation.

Mr. Newhouse was also a trustee of Springfield Hospital Medical Center, a trustee of Hampshire College and Springfield Community Technical Community College, a member of the executive committee of the Pioneer Valley United Way, chairman of the finance committee of the Metropolitan Springfield YMCA, a member of the Zoological Society board and publicity chairman of the Springfield Rotary Club. Early last week, Massachusetts Welfare Commissioner Steven A. Minter asked Mr. Newhouse to serve on the State welfare advisory board. He also served on the boards of Beth-El Temple and the Springfield Jewish Federation.

Mr. Speaker, in his eulogy at funeral services Sunday, Rabbi Jordan Ofseyer summed up the feelings of Mr. Newhouse's many friends and associates when he characterized him as—

> An accomplished man combining in one person qualities of wisdom, courage, and a gentle sense of humor.

Mr. Newhouse began his newspaper career as a copyboy on the Long Island Press in New York, where he worked for 7 years, advancing to assistant Sunday editor before enlisting in the Army Signal Corps in World War II. He received an electrical engineering degree from Massachusetts Institute of Technology in 1950 and went to the Portland Oregonian as production manager and later became business manager. He was a cousin of Samuel I. Newhouse who owns the Newhouse group of newspapers.

Mr. Speaker, Mr. Newhouse represented the very best of what a newspaperman ought to be. His passing is a great loss to the newspaper profession and our community of Metropolitan Springfield. I join with many other friends of Donald R. Newhouse in expressing profound sorrow to his beloved wife, Mrs. Leila Newhouse, and their five children.

The loss of Donald R. Newhouse to employees of the Springfield newspapers was best summed up by Linda Siteman of the Springfield Union staff and Joseph W. Mooney, editor of the Springfield Union and the Sunday Republican. I insert their signed articles at this point with my remarks, together with an editorial printed in the Springfield Daily News.

The material follows:

DONALD NEWHOUSE WAS JUST BEGINNING

Donald Newhouse came to us as a stranger six years ago, but now leaves many friends.

He came from Oregon to apply his knowledge and experience to the task of designing, erecting and equipping our newspaper plant, and to be our general manager.

To us and to himself, he promised that he would devote his full attention to the building project until it was finished. However, he found it difficult to decline any request for his time and talents in community service.

At the time of his death Thursday, the community had only started to feel the full impact of his generosity and leadership.

He was on the boards of several leading charitable institutions and was "going up the chairs" in the United Way, the Metropolitan YMCA and other organizations.

We who have benefited from his broad knowledge, good judgment and oversized capacity for work know that his community service was really only beginning.

If the community misses him, we will miss him more, and that gives us at least a dim realization of how much his family will miss him. Our community has lost a leader of great capacity, our newspapers have lost a capable and understanding manager, and our sympathy is with his wife and children who must sustain the much greater loss.

THE QUIET MAN

Donald R. Newhouse, the general manager of The Springfield Newspapers, died Thursday night during lengthy heart surgery at the age of 54.

He is gone from Springfield as quietly as he arrived.

But the mark he left in six years is equal to most men's lifetime accomplishments. It will reverberate for a long time.

He has left a legacy to his adopted city in terms of civic performance, newspaper skill and family devotion. And for a man who touched adversity when a sniper shotgunned him in his former Oregon home during a newspaper strike, he bounded back without flinching. He surmounted the physical pain and distress. He achieved success without leaning on anyone.

He had the capacity for anything. If it was a broken newspaper part, he fixed it with expertise. If it was a damaged employe's psyche, he mended it with logic and nurtured it with kindness. If it was humorous, he laughed. If it was conservative, he applauded.

He was stubborn when he felt he was right. He was tractable when he was wrong . . . and able to admit it.

He was a listener, not a talker. A doer, not a procrastinator. A giver, not a taker.

He was unassuming, yet for someone nearing the peak of community leadership his influence was catching. He made sense out of the intricate problems that stymied most. The conclusions of others were his beginnings.

He was a family man who worked devotedly to make the home he, his wife and five children lived in a happy and worthwhile place.

To those nearest him, we extend our condolences. And while theirs is the greatest emptiness, it has touched his friends and co-workers, too. His calm competence was appreciated by all.

These are the tangibles. The intangibles that made him a friend are missing.

What Don Newhouse gave his family, his profession and his community will remain. But the man was a little more unique and irreplaceable than most.

He is missed already.

BECAUSE HE CARED, WE CARED, TOO

(By Linda Siteman)

You didn't have to make an appointment to see Donald R. Newhouse. You just walked in.

Employes at The Springfield Newspapers said yesterday they hadn't lost a boss in the death of their general manager. They had lost a friend, co-worker.

Newhouse had had several brushes with death.

The first was in October, 1960, when he was shot and seriously wounded by an unknown assailant during a bitter strike of the stereotyper's union at the Portland Oregonian while he was general manager there.

While recuperating, Newhouse was scheduled to be flown to a convalescent hospital in Florida for rest. He missed the plane, which crashed en route.

And later, while standing in the entry hall to the Oregon Museum of Science and Industry, which he helped found, he was nearly struck by a massive piece of machinery when a pulley rope snapped.

He never walked anyplace. He always zoomed. But he had time for his employes.

Mechnically-inclined and always tinkering with a piece of machinery or an electronic gadget, Newhouse was often in the composing room talking with "the guys."

"He was just one of the guys to them," a secretary recalled. "He viewed his employes as people, as individuals."

If "the guys" in the composing room had problems, he knew of them. He was easy to talk to. He listened.

He knew most of his employes by their first name. And they called him by his. He didn't like to be "Mr. D."

He liked to fish, and to talk fishing with other buffs of the sport. Recently, he purchased a new boat to get in some blue fishing. He offered it to an employee who had ruined his own boat in an accident, so a planned fishing vacation wouldn't be spoiled.

And when employes brought in broken radios and tape recorders—as they often did—he took them home and repaired them.

Don Newhouse was like that. He was witty and kind, innovating and intelligent. He was himself. And he didn't care what you were, as long as you weren't trying to be someone else. He cared, and because he did, we did, too.

WHAT WE NEED IS HOUSING, NOT ANOTHER STUDY OF THE HOUSING PROBLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, the executive director of the National Urban League, Vernon E. Jordan, Jr., penned his reaction to the administration's long-awaited housing program in his weekly syndicated column which appeared in the October 12, 1973, issue of the New York Voice.

Mr. Jordan's reaction to the President's housing message is the same as that expressed by others who have been working to meet and overcome our Nation's housing crisis: that Mr. Nixon has suggested no solutions to the crisis that he has worsened because of his ill-timed, ill-advised moratorium on Federal housing subsidy programs. All he has done, after 9 months of study, is come forth with a proposal for further study of the housing needs of the Nation's poor. What the poor need is housing, not another study. This message comes through clearly in Mr. Jordan's column entitled "Housing Crisis Deepens."

The article follows:

HOUSING CRISIS DEEPENS

(By Vernon E. Jordan, Jr.)

The Administration's long-awaited housing program has finally been unveiled and while it contains some constructive elements it falls far short of the kind of comprehensive building and subsidy package that would finally lick this country's ever-deepening housing crisis.

On the same day that it was announced, the Commerce Department reported that new housing starts fell again in August, as they have almost without a break since the start of the year. At the very least, this nation has to build two million new homes each year just to keep a bit ahead of a serious housing shortage. It is now doubtful whether as many as 1.5 million new homes will be built this year.

Part of the reason for this is the credit crunch. Interest rates have sky-rocketed, putting a damper on housing construction and pricing housing beyond the reach of most people. The Administration proposes to deal with this by extending a tax credit to lending institutions, primarily savings and loan associations, as a reward for investing in the housing market.

This may ease the credit crunch but it doesn't do anything to bring housing money into black neighborhoods or into many central city areas. The Urban League's study of Savings and Loans in Bronx County, New York, showed a persistent policy of disinvesting in areas where black and other minorities are residents. Elsewhere in the country too, there seems to be a pattern of pulling in deposits from ghetto areas and investing them elsewhere. It seems to me that along with further incentives to such institutions must go stricter regulation.

The Administration offers other suggestions aimed at increasing access to tight money by builders and developers but offers little new in the way of housing the millions who have been priced out of the market by spiraling costs, inflation and discrimination.

It seems to be leaning in the direction of a housing allowance—a rent subsidy that would allow poor people to rent houses or apartments at the market rentals with the federal government picking up the tab.

As the President recognized in his message, this is an idea that needs a lot more testing than has been done to date. So he proposes the plan for the elderly, with its expansion to low-income families later, perhaps not until 1975. This means, in effect, that housing for poor and moderate income families will be placed in limbo for at least two years and maybe more. What are people supposed to do in the meantime: live in the parks?

The problems connected with housing allowances are serious ones. Unless a housing allowance program has a strong counseling element built into it, a lot of people are going to be cheated and the government will lose millions. Previous housing subsidy programs floundered on this very point as unscrupulous people took advantage of house-hungry buyers and left the government with unpaid mortgages running into the hundred of millions of dollars.

Any housing allowance plan must also be accompanied by rigid code enforcement or face the probability of exploitation by slumlords. We've had enough experience with welfare departments paying exorbitant rentals to landlords running slumholes to know the dangers.

And without a permanent high rate of building, a housing allowance scheme may just drive the market level of rentals up, leaving everyone in a worse condition. This is not to say the allowances won't work; they very well might work and further tests may show us how to overcome these problems.

But the basic flaw in the housing message is that it does nothing to overcome the critical housing shortage facing moderate income families and doesn't even promise anything to relieve their plight beyond an "iffy" proposal that may start two years from now.

WELFARE MYTHS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HAWKINS. Mr. Speaker, the facts about welfare have been stated many times but some people still do not want the truth.

Others, often public officials, deliberately spread false information to cover up their own shortcomings.

The following "Dear Ann" letter states the case in a clear and unmistakable fashion. I am sure it will not stop the lies about welfare but it sure tells the facts as they are:

ANN LANDERS: SOME FACTS ABOUT WELFARE

DEAR ANN LANDERS: I am 15 years old. Dad died four years ago of cancer. There are five children in the family younger than I. My dad didn't belong to a union, he was self-employed, had no social security, and his insurance just barely covered his medical bills. Three years ago Mom had to go on welfare.

When we buy groceries with stamps some folks in the store look at us as if we are taking money out of their pockets. Sure, people on welfare cost taxpayers money, but Dad paid his taxes when he was alive and Mom can't feed us kids on what she makes working in a bakery.

I read some facts about welfare in an article put out by The Committee on Political Education. Every American should see it. You run the biggest billboard in America, Ann. Please print it.

Fact No. 1: People wind up on welfare not because they are cheats or loafers but because they are poor. They are poor not only in money, but in everything. They have had poor education, poor health care, a poor chance at decent employment and poor prospects for anything better.

Fact No. 2: Of the 15 million people on welfare, two million are aged, permanently disabled or blind. Three million are mothers.

Fact No. 3: Nobody is getting rich on welfare. At best, it allows barebone living. Maximum payment for a family of four ranges from $700 a year in Mississippi to $3,600 in New York, New Jersey, Massachusetts and Connecticut.

Fact No. 4: Cheating on welfare is not rampant, but minimal. No program involving 15 million people can be completely free of fakers. Probably less lying and cheating goes on in the Welfare Department than in the Internal Revenue Department.

Fact No. 5: Welfare mothers are not having babies just to collect extra money. Nearly 70 per cent of all children on welfare are legitimate, according to HEW.

Fact No. 6: The welfare rolls are not made up mostly of blacks. More than 48 per cent of the welfare families are white, 43 per cent black, the remaining are Orientals American Indians and other ethnic groups.

I hope this will help to reduce bigotry and clear up some misunderstanding—You Might Be Next.

DEFEAT OF THE JAVITS AMENDMENT—A BLOW FOR POOR YOUNGSTERS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BADILLO. Mr. Speaker, I was deeply saddened and disturbed at the defeat of the Javits hold harmless amendment to the National School Lunch and Child Nutrition Acts. The amendment was designed to assure that no State receive less than it did last year under section 11 of the act, moneys of which go solely to pay for free and reduced price lunches.

The defeat will mean a crushing blow to children in New York State, 635,000 of whom received free lunches last year. Of these meals 477,600 were served in schools designated as "specially needy," meaning that over 60 percent of their students came from poor families. These institutions have designed their programs and planned their budgets in anticipation of the badly needed increases in reimbursement rates and will have a difficult time in absorbing instead a reimbursement cut.

Mr. Speaker, I would not and did not advocate that children in any one State receive preferential treatment at the expense of youngsters in other States. This was not the purpose of the amendment, and a perusal of the Senate colloquy makes this very clear. The language was designed merely to allow States with especially high procurement costs and unusually high populations of needy children to fulfill the mandate of Congress and provide the youngsters with a balanced, nutritious meal a day.

Food procurement costs in New York City have risen 20 percent over the

1972–73 level for this program, adding a total of $7.6 million to the school lunch budget. Labor costs rose 9 percent, accounting for another $3.2 million. Overhead expenses went up an unprecedented 10 percent, costing the city an additional $1 million. Contrary to the impression created during the debate, this is no "free" program for the city of New York. Last year it earmarked an approximate $20 million in municipal funds to assure the continuance of this effort and this year its contribution is expected to be commensurate. The $1,852 differential the amendment would have secured would not have represented a windfall—it would merely have assured that all the city had to find additional funds for was the $11.8 million in cost increases without having to absorb, in addition, a reimbursement loss.

Mr. Speaker, I feel certain that a majority of those voting against the amendment did not want to penalize poor youngsters—that they voted against the measure because of a misunderstanding of the prevailing situation. I hope that some way will be found and found soon to rectify this situation.

YEAR-ROUND DAYLIGHT SAVING TIME

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WHITEHURST. Mr. Speaker, I am introducing into the RECORD an editorial from the Ledger-Star of Norfolk, Va., one of the outstanding newspapers in the Old Dominion. It clearly states reasons for year-round observance of daylight saving time. The energy crisis facing the country this winter is fast approaching. Steps must be taken to reduce the amount of fuels consumed, and I believe the Federal Government can take action providing the opportunity to make a zero-cost reduction by passing the daylight saving time bill, H.R. 7647. The editorial follows:

FAST TIME ALL THE TIME

Tidewater's Rep. William Whitehurst and Rep. Craig Hosmer of California, an early-rising former admiral, have taken a good opportunity to propose switching the United States' clocks and clock-watchers to year-round Daylight Savings Time, which the country now runs on from the last Sunday in April to the last Sunday in October.

As Mr. Whitehurst reminded West Virginia Congressman Harley Staggers, whose House Commerce Committee has present custody of the Whitehurst-Hosmer legislation, year-round DST was employed during World War II as an energy conservation measure. It reduced evening-hour peaks in electrical power consumption, which are even higher in winter than summer.

At this juncture, as everyone knows by now, the United States is confronted by the possibility of not having enough fuel oil to get through the winter. Already Washington has initiated distributor-level rationing and a public information campaign to reduce consumption, steps reminiscent of World War II. And the situation may get worse.

The Middle East war and the Arab oil-producers' attempts to blackmail the West add to the uncertainty. Thus, the U.S. cannot afford to overlook any practical precautionary measure. The one Reps. Whitehurst and Hosmer are suggesting is not only practical, it also would offer the country an opportunity to try out a further extension of Daylight Saving Time, which has steadily gained favor since its year-round use was dropped at the end of World War II.

The proposal is "timely" also in that quick action by Congress, as urged by Rep. Whitehurst, would permit sliding into the new system without the scheduled Oct. 28 clock-resetting exercise. This should lessen the impact even if it does not remove all the controversy.

There certainly would be some opposition, for the uniform time system in use now, though a vast improvement over the crazy-quilt of DST areas and varying DST periods once prevailing during the summer, is actually a compromise designed to split the year 50-50 between the Standard Time advocates and the DST proponents.

Many of the "slow time" defenders are farmers who labor by the sun, transact their business by the clock and value an extra hour for morning chores before the stores open. They would be loath to give up their half-year. But their number dwindles, and there are cogent arguments on the other side.

Bit by bit for a generation, rural America has been adjusting to a trend favoring the city's and the suburb's clock-punchers, who like the extra hour of sunlight at the end of the work day—for recreation, lawn ministrations, or as protection against being mugged. The urgency now to conserve fuel just might prove to be the decisive factor in placing the country, clocks, cows and all, on "fast time" all the time.

GERMAN DAY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. COLLINS of Texas. Mr. Speaker, each year in Texas we honor our citizens of German descent by celebrating German Day. Our German population has long played a vital part in the history of our State by contributing to our heritage their outstanding cultural, educational, and scientific achievements. This year, German Day was especially dedicated to Gershon Canaan, a prominent architect and civic leader in Dallas. Gershon typifies the characteristics of hard work and dedication which have made our German-Americans valuable as leaders in our State and our country.

I would like to include an editorial from the October 13, Dallas Morning News concerning Gershon Canaan and German Day:

GERMAN DAY

Back in 1963, German Day was initiated in Texas, honoring the large part played in in building our state by the pioneers of the mid-19th century and subsequent constructive immigrants. No people other than our U.S.A. forefathers have played as important and continuing role in Texas development as the Germans who founded several towns and were great citizens in others. The start 11 years ago of signalizing a German Day was the inspiration of Gershon Canaan, Dallas architect and native of Germany. Canaan brought to this country his sense of fervid patriotism nearly a quarter century ago.

German Day will be fittingly celebrated in Texas, Dallas and notably at the State Fair Sunday, Oct. 14, by making Gershon Canaan the official honoree of the occasion. The start will be made Saturday night in the eleventh annual pre-German Day banquet but will continue on through the always interesting program on the day itself.

Although now an American citizen, Canaan represents the Federal Republic of Germany as its honorary (and active) consul here and has been awarded his native country's Distinguished Order of Merit for exceptional service. He was also awarded in 1964 our own Presidential Citation for outstanding contribution as Design Consultant to the U.S. Public Housing Administration.

German Day symbolizes honor to whom honor is due, most of all this is to the generations of Texas Germans who have done so much for us both as citizens and as soldiers in our two world wars. A similar debt of gratitude is owed in other states to a great people who have helped build America since the first German colony landed in this country 290 years ago in 1683.

Presidential, gubernatorial and mayoralty proclamations greet the day. It is fitting that every Texan join this weekend in commemorating service, achievement and superb loyalty, all exemplified by our German Americans.

BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC., OF AMERICA, OCTOBER 23, 1973

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mrs. MINK. Mr. Speaker, when the equal rights amendment is ratified next year, it will mark the culmination of more than 30 years of struggle on its behalf by the Business and Professional Women's Clubs, Inc., of America.

Long an active organization interested in seeing women "counted as people," this week the BPW is marking another milestone of growth since its formation in 1919 with the celebration of National Business Women's Week, October 21 to 27. The form of excitement they are generating over this event is a concerted drive for ratification of the equal rights amendment. In line with this effort the BPW, no stranger nor token contributor to the struggle for equality for women, has set a goal of $250,000 for its equal rights amendment ratification fund.

Their ratification drive began last Saturday with their national federation president Ms. Jean McCarrey's press conference in Springfield, Ill. Her stop was the first to 14 States that have not yet ratified the equal rights amendment and which have State legislatures meeting in 1974. Her objective is to clarify the benefits of the equal rights amendment and to urge its passage. President McCarrey's National Business Women's Week tour will see her meeting people at press conferences, banquets, receptions, rallies, and a multitude of other activities. She will often be eating breakfast in one State, lunch in another, and sitting down to dinner in yet a third State. In air miles, President McCarrey will have crossed the country at least twice over by the end of National Business Women's Week.

The BPW's efforts will certainly form an important and valuable contribution to our struggle for "8 More in '74!" Congratulations to the National Federation of Business and Professional Women's Clubs of America as they celebrate National Business Women's Week with the struggle for equal rights.

FDA REGULATION: HOW MUCH PROTECTION CAN WE STAND?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CRANE. Mr. Speaker, at the present time the United States is lagging seriously behind Great Britain and other countries in the introduction of new therapeutic drugs.

In the 10 years before the 1962 drug regulations, the pharmaceutical industry produced and marketed an average of 43 new medicines each year. Between 1963 and 1970, this figure dropped to 17. In the last 5 years, the average has fallen to 13.

A recent study shows that nearly four times as many new drugs became available during the last decade in Britain as in the United States. When examined by therapeutic category, this drug lag was found to be most marked in the areas of cardiovascular, gastrointestinal, and respiratory medicine, and diuretic, and antibacterial therapy.

Writing in the September 1973 issue of Private Practice, the journal of the Congress of County Medical Societies, Allan C. Brownfeld, newspaper columnist and recently named that journal's editor, discusses the impact of FDA regulations upon the Nation's health.

Reviewing a study conducted by Prof. Sam Peltzman of UCLA, Mr. Brownfeld writes that:

> He found that the cost of delaying a beneficial innovation is approximately 10 to 100 times the value of avoiding a mistake. Peltzman estimates that delaying the drugs that conquered tuberculosis by 2 years would have meant about 45,000 additional deaths, and twice that number of additional persons with the disease.

In addition to keeping new drugs off the market, Mr. Brownfeld points out that the FDA has also been—

> Removing old remedies—such as combination cough medicines and vitamin combinations—which it now deems to be in violation of rules concerning "safety" and "efficacy".

Part of the problem, he writes, is that—

> The governmental bodies regulating drugs are almost totally devoid of practicing doctors who base their judgments on daily clinical evaluation in routine settings. The FDA has only 4,500 employees and of these there are only approximately 200 physicians, 80 pharmacologists and 100 pharmacists. What we face, more and more, is medical regulation by bureaucrats, something which is unprecedented even in countries with socialized medicine.

It is time for the Congress to assert its authority in this area, to carefully review the manner in which the Food and Drug Administration has kept new drugs from the American market, and has removed remedies long believed to be effective. Such agencies are not meant to be autonomous, but to follow carefully developed guidelines developed within the Congress. In many respects, we in this body have neglected our responsibilities in this field.

I wish to share with my colleagues the article, "FDA Regulation: How Much Protection Can We Stand?" by Allan C. Brownfeld, as it appears in the September 1973 issue of Private Practice, and insert it into the Record at this time.

The article follows:

FDA Regulation: How Much Protection Can We Stand?

(By Allan Brownfeld)

The role of the Food and Drug Administration in approving new drugs for use by Americans, and withdrawing drugs from the market when they are deemed unfit for use, has stirred increasing controversy in recent months.

There is mounting evidence that the FDA, rather than helping to improve the nation's health, has hindered the development of new drugs and kept many important new medications from the American market. Critics have argued that if penicillin were developed today, it would be ten years before Americans would have the legal right to use it. The FDA, in addition, has arbitrarily removed from the market many drugs which have been used effectively for years in treating a variety of health problems.

The FDA was created in 1906 with the protection of the public its primary aim. Since that time, the powers of the agency have been strengthened considerably. Today it is a huge bureaucracy which has the power to determine which drugs can—and which cannot—be used.

The two following examples illustrate the problem faced in making new drugs available for use.

One drug which the FDA has effectively kept from the American market is Dimethyl sulfoxide (DMSO). Originally synthesized in 1866, it remained a laboratory curiosity for more than three quarters of a century. The medical applications of this drug sprang from a collaboration in the early 1960s between chemist Robert Herschler of the Crown Zellerbach Corporation and Dr. Stanley Jacob of the University of Oregon Medical School.

Herschler had been experimenting with DMSO, until then used primarily as a liquid solvent for industrial purposes, and told Dr. Jacob that the solvent could carry other substances deep into the interiors of plants and trees. If it could penetrate plant membranes, he wondered, could DMSO have similar effects within the human body?

The two men set up an experiment on rats, scald-burning them while the animals were under anesthesia. When the anesthesia wore off, the rats treated with DMSO sat more quietly in their cages than did the others. Herschler and Jacob surmised that the DMSO might have acted as a painkiller.

Some time later, Herschler accidentally suffered burns of his hand and forehead. He phoned Jacob. "I want to be a human guinea pig for DMSO," he said. Jacob then daubed the drug on Herschler's left hand, but left the other burns untreated. Within minutes, the pain and swelling disappeared from the treated areas and remained in the untreated spots.

Working with animals, the two men demonstrated that DMSO could pass through tissues, taking other substances along; that it would reduce inflammation; that it could clock nerve conduction (which would explain DMSO's effect as a painkiller). Later on, Dr. Jacob and Dr. Edward Rosenberg, associate clinical professor of medicine at the Oregon Medical School, had almost 100 per cent success in their use of DMSO on 20 patients with bursitis. Other research turned up encouraging progress in treating the common cold. Rubbing DMSO on the skin of the nose, for example, relieved congestion and drainage problems for several hours. Using DMSO for sinusitis removed pain and symptoms for several days.

During the summer of 1965 a major German drug manufacturer sponsored the first international symposium on DMSO and 140 German and Austrian physicians attended, as did Dr. Jacob and Dr. Rosenberg. The exchange resulted in the sanctioned use of DMSO as a prescription drug in Germany and Austria as of September 1, 1965.

Despite its overwhelming success, DMSO was banned in the United States by the FDA. The ostensible reason: "Certain species of animals treated with DMSO had developed changes in the lens of the eye." Discussing the FDA action, Senator Mark Hatfield (R-Oregon) declared that, "There was no proof that DMSO had any deleterious effect on the eyes of a single human being. The FDA action was premature . . . Dr. James Goddard, then chief administrator of FDA, is a very aggressive, very dogmatic man, and he was determined to rule in all areas of medical drugs. The tragedy of thalidomide . . . was fresh in everyone's minds, and the FDA was anxious not to let anything like that happen again. So they got over-cautious without being at all scientific. It was a political reaction."

DMSO is now used safely and effectively throughout the world—but not in the United States, where it was developed.

Another drug therapy kept from the American market is the "U" series developed by Dr. Henry Turkel which, experts state, can effectively remove accumulations in such diverse genetic disorders as Down's syndrome, arteriosclerosis, the adult form of diabetes, ataxia telangiectasia, certain forms of arthritis produced by accumulations, various allergies, angioneurotic edema, and those forms of leukemia in which the patient has the Philadelphia chromosome.

Primarily used in therapy for mongoloid children, the "U" series is now effectively being used in England, Israel, West Germany, Switzerland, and many other countries—but not in the U.S. where it was developed, except for the city of Detroit. Before the 1962 amendments to the Food and Drug Act, more than 40 doctors in the United States were improving the health and outlook of mongoloid children by using the "U" series to remove the internal pollutants responsible for the artificial starvation and consequent retardation on the mongoloid child. Today, interstate shipment of the drugs in the "U" series have been made illegal.

Part of the problem are bureaucratic regulations demanding proof of the "safety" and "efficacy" not only of the drug, but of every ingredient in it. Dr. Turkel declares that, "Very few substances can be guaranteed to be safe for all human beings, because of our individual idiosyncrasies and allergies. Very few medicines can be guaranteed to be effective for all patients, for the same reasons. Congress opened a Pandora's box when it permitted bureaucrats to determine 'safety' and 'efficacy' of substances for purposes of interstate shipment. Congress added to the possibility of abuses by not demanding guidelines for new drug applications—so that the FDA could always respond with the words 'incomplete' or 'incorrect' regardless of the data on the application, without supplying any further information about the data required. This . . . can make it possible for those officials to approve or disapprove any application almost at their whim."

In his book *New Hope For Mentally Retarded—Stymied By The FDA* (Vantage Press, 1972, Dr. Turkel writes that, "Until the 1962 law, when making proof of safety and efficacy a necessary preliminary was passed, the FDA intimidated companies whose drug they did not wish to approve by rejecting the labeling. In the case of the 'U' series, the medications must be taken as a series and not as individual drugs. Just as a pile of bricks, a stack of lumber, and some window glass do not make a suitable habitation, but first must be put together with mortar, nails, and other material to make a house, the individual ingredients of the series do not make a suitable medication for the removal of excessive metabolites. I stated that it was impossible to write labeling for the individual ingredients—that the labeling would have to be for the entire series."

Dr. Jean Lockhart of the FDA told Dr. Turkel that, "It is our opinion that it may be impossible to write suitable labeling for efficacy of this product; in view of the cytogenetic basis of Mongolism we recommend that you abandon work on this application." This "recommendation" was more strongly worded by the Commissioner of Food and Drugs in a letter dated November 26, 1963: "Discontinue administering it to human beings. You may submit additional information when available . . ." This, noted Dr. Turkel, "is a neat trick: stop investigating the action of the drug and submit more information regarding the action of the drug when available. This agency decides who shall be treated and who shall not; who shall live and who shall die. This agency is symbolic of power abused, power given because of an accident of judgment by politicians."

Opposition to the FDA is becoming increasingly vocal. Economist Milton Friedman recently urged repeal of the 1962 amendments to the Food, Drug and Cosmetic Act because the "unduly stringent" requirements were delaying the approval of new drugs.

Testifying before the FDA's National Advisory Drug Committee, Dr. Robert D. Dripps, vice-president for health affairs of the University of Pennsylvania, declared that, "Our present system has shortcomings in concept and application that may be adversely affecting pharmaceutical progress, medical practice, and the health of our people."

Dr. Dripps cited these "concerns": (1) "Extraordinary lengthening of time for the development and approval of new drugs in this country; (2) . . . continued discontent with the U.S. system of drug regulation among various sectors of our society . . .; (3) . . . increasing bureaucratic involvement in the research process itself . . .; (4) . . . unnecessary delay in the introduction of useful agents . . .; (5) . . . potentially useful compounds are being prematurely discarded because of extreme caution in the interpretation of animal toxicity data that science may some day learn are inapplicable to man."

In a recent economic study to determine whether a drug was "good" or "bad," Sam Peltzman of U.C.L.A. used the decisions doctors make in the marketplace as his basic criterion. If over a long period of time they continue to prescribe a medicine, if it withstands the "ultimate test" of time, then Peltzman categorized it as "good." He stated that, "I wouldn't feel disturbed if a doctor relies on that information which he thinks is most reliable."

The basic question addressed by Peltzman was whether the public had benefited by the 1962 amendments to the drug law. For the most part these amendments required manufacturers to provide substantial pre-marketing evidence of efficacy, in addition to the pre-marketing evidence of safety required by the existing law. The amendments also tightened the requirements for safety and empowered the FDA to act against false and misleading promotion of drugs to physicians.

Peltzman concluded that the amendments have done far more harm than good and that the public would be well served by their repeal. Milton Friedman, citing the Peltzman data, went even further. To comply with the amendments, "FDA officials must condemn innocent people to death. Indeed, further studies may well justify the even more shocking conclusion that the FDA itself should be abolished."

Citing the Peltzman data, Dr. Friedman noted that, "The stiffer standards had a spectacular effect on the rate of innovation. In the 12 years prior to 1962, 41.5 'new chemical entities'—that is, really new drugs—were introduced on the average each year; in the next eight years. 16.1. And their introduction was delayed by two years on the average."

Friedman expressed the view that, "Peltzman used highly imaginative techniques to assign dollar values to the benefit from suppressing harmful drugs or postponing the introduction of useful new drugs . . . To make sure that his results would hold up, he leaned over backward, overstating benefits from the stricter standards, and understating costs. And of course, he recognized full well that dollar estimates are a pale reflection of the human benefit and harm in terms of lives saved and lost. But that seems the only feasible way to get a numerical measure that combines the value of comfort gained by relief of a minor distress, days gained by avoiding or shortening illness and lives gained by curing a hitherto deadly disease."

According to Peltzman's estimates, the 1962 drug amendments cost consumers of drugs over and above any benefits—$200 to $500 million per year at a very minimum. This is 5 to 10 per cent of the money spent annually on drugs. It is as if a 5 to 10 percent tax were levied in drug sales and the money so raised was spent, writes Friedman, "on invisible monuments to the late Senator Kefauver."

To discover the effects of regulation on the more dramatic mistakes and discoveries, Peltzman examined the costs to society of a thalidomide type mistake, the benefits to society from a penicillin type success, the frequency of such occurrences prior to 1962, and the areas, notable heart disease and cancer, where major discoveries are needed for the future.

Making the assumption that no discoveries would permanently be kept from the market by the post-1962 procedures, and that their only effect would be to delay an innovation by two years, he found that the cost of delaying a beneficial innovation is approximately 10 to 100 times the value of avoiding a thalidomide mistake. Peltzman estimates that delaying the drugs that conquered tuberculosis by two years would have meant about 45,000 additional deaths, and twice that number of additional persons with the disease.

The FDA has been exercising its authority not only in preventing new drugs from reaching the market, but in removing old remedies—such as combination cough medicines and vitamin combinations—which it now deems to be in violation of rules concerning "safety" and "efficacy."

Commenting upon the FDA's regulations concerning vitamins and food supplements, syndicated columnist Nicholas von Hoffman noted that, "The FDA, an outfit that has as poor a record as any regulatory agency around, has at length succeeded in scoring one triumph. It has brought about a marriage between Rep. Bella Abzug . . . and Craig Hosmer, the right wing Republican . . . Rep. Abzug has joined with about 150 other members of the House in sponsoring a bill authored by Hosmer which would prevent the FDA from putting into force a series of regulations making vitamins and food supplements less convenient and more and more expensive to buy."

Discussing the FDA's lack of responsiveness to the very real criticisms leveled against it, Von Hoffman declared that, "The FDA has mounted a campaign that suggests that any one who opposes it, the medical cartels and the drug companies, are kooks, faddists and secret sympathizers with the John Birch Society. People once thought much the same of Pasteur, for it has been the peculiar tradition of medicine in the last 200 or 300 years to prefer exorcism and excommunication of new hypotheses to the scientific testing of them. The non-MDs, and even some of the doctors of this era will not be intimidated by old dogmas and old dogmatists, even if they are enforced by the power of the state. People want more and better than the FDA can give them. . . ."

Members of Congress are showing renewed interest in the role being played by the FDA. Rep. Jerry Pettis (R-Cal.), a member of the House Ways and Means Committee, said that "a convergence of dissatisfaction with food, drug, biological product and other regulatory programs" indicates that changes in the law are needed.

Discussing the action of February 9, 1973 in which the FDA, through the Federal Register, declared its intention to remove 23 cough mixtures from the market, Rep. Philip M. Crane (R-Illinois) noted that, "This action is only part of a continuing effort by the FDA to eliminate the use of standard-dose combinations. The decisions made in this field are the result of bureaucratic determinations from within the FDA and its advisory panels . . . It is essential that we carefully review the extensive and often arbitrary authority which has been given to the Food and Drug Administration."

The fact is that the governmental bodies regulating drugs are almost totally devoid of practicing doctors who base their judgments on daily clinical evaluation in routine settings. The FDA has only 4,500 employees and of these there are only approximately 200 physicians, 80 pharmacologists and 100 pharmacists. What we face, more and more, is medical regulation by bureaucrats, something which is unprecedented even in countries with socialized medical systems.

In a letter to the House Commerce Subcommittee on Health, some of the nation's leading scientists and physician-researchers declared that the FDA has been too strict and arbitrary in its use of power. They noted that, "We believe a change in the drug regulatory system is badly needed. The system too often stifles creativity and escalates costs of research; perpetuates a continuing decline in the number of new drugs entering the market in this country; and may be depriving the practicing physician of agents beneficial to patient care."

Efforts to challenge this arbitrary power through the Courts have not been successful. In June, 1973, the FDA won a major victory in the Supreme Court which frees it to proceed with a four-year timetable for removing what it calls "ineffective prescription medicines" from the marketplace.

Agency counsel Peter Hutt believes that the Court's 7-0 decisions in three related cases have implications reaching far beyond prescription drugs. By incorporating a rare advisory opinion on the estimated 100,000 to 500,000 over-the-counter medications, the rulings validated the agency's efforts to halt the marketing of such drugs if they are "ineffective, unsafe, and misbranded."

In addition, said Hutt, the court has implicitly removed doubts about the legality of FDA's industry-wide approaches to regulation of food, food additives, and medical diagnostic products.

Common questions run through all of the FDA's regulatory efforts in each field: is the agency limited to merely acting on marketing and other proposals submitted by regu- industry generally contends? Or can the FDA lated companies and to suing violators, as make rules that deal comprehensively with each basic regulatory issue?

In the June rulings, the Court dealt with industry challenges to the FDA's across-the-board approach to the 1962 amendments requiring manufacturers to provide, within two years, substantial evidence of efficacy for thousands of prescription drug products marketed in the previous twenty five years. Justice William O. Douglas said that case-by-case regulation may be "the way best to serve the public's needs" but said the public's needs are "opposed and paramount." Consequently, "the comprehensive rather than the individual treatment may indeed be necessary for the quick effective relief" from medicines sold with unsubstantiated claims, Douglas said.

If forbidden to proceed on a comprehensive basis against "ineffective" prescription drugs it wanted to bar from sale, the FDA would have to hold possibly 3,500 separate hearings, "each one lasting probably for weeks," Douglas said.

The Supreme Court has, in effect, said that drugs may be removed from the market without a hearing. This is consistent with the FDA's view of its own authority. Counsel Peter Hutt stated, at the Food and Drug Law Institute Conference in December, 1972, that, "Except where expressly prohibited, I believe FDA is obligated to develop whatever innovative and creative regulatory programs are responsible and most appropriate to achieve fundamental objectives laid down by Congress. I am not at all certain that FDA has yet begun to explore the full reaches of existing statutory authority."

Mr. Hutt's former law partner, Mr. H. Thomas Austern of Covington and Burling law firm in Washington, D.C. describes this interpretation of agency authority in his reply to Mr. Hutt: "It is no distortion of his (Mr. Hutt's) basic approach to read it as meaning: Everything we want to do that is not specifically prohibited can be made mandatory, if we think it is in the public interest."

Commenting upon this formulation of the FDA role, the National Ethical Pharmaceutical Association declared that, "If every attorney of every government agency took a similar position, there would be very little need for a Congress to enact laws. Mr. Hutt further believes that the FDC Act may be regarded as a constitution granted to FDA by the Congress. This General Counsel of FDA incredibly states further that judgment and discretion play an even more important role in the administration of the Act than does the statutory language itself: This not only violates legal principles, but also ignores the actions and intent of Congress."

Unfortunately, the FDA is much like other administrative agencies in that it has become, more and more, a law unto itself, outside of the effective control of the Congress. Rather than having laws passed by the men and women they elect to Congress, and who must return to them at stated intervals for their approval or disapproval, Americans are now subjected to a maze of rules and regulations and policy decisions which are made by non-elected government administrators—"bureaucrats."

Our government was created as one of strict checks and balances. In *The Federalist Papers,* James Madison states plainly: "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself." Today, many of these controls are gone.

The first thing that is needed with regard to the Food and Drug Administration is the reassertion of Congressional authority over what that organization is, in fact, doing. In addition, Congress needs to state quite clearly what it means by such broad terms as "safety" and "efficacy." To permit non-doctors in the Congress and non-doctors in the bureaucracy to determine which drugs can be used and which cannot is a dangerous manner through which to "control" the drug market.

Dr. Warren D. Smerud of Concordia College has made a suggestion which merits consideration. He writes that, "One alternative which may be worth considering would be to allow the FDA to require labeling of all medications which FDA 'experts' are not convinced are effective with a label simply notifying the physician that the medication although recognized as 'safe' is not recognized as efficacious, or some equivalent in acceptable bureaucratese. Possibly some physicians would take such a notice as a quasi-divine verdict; others, one suspects, would be capable of an independent appraisal."

Beyond this, in a free society should not men and women have a right to take drugs which all admit are "safe" but which some doubt are "efficacious?" Does freedom stop at the door to the doctor's office, or should it go beyond?

Hopefully, these questions and others concerning the FDA will be asked—and answered. The current dilemma can be permitted to continue only at great risk to the health of the American people and to their freedom. Though few seem aware of it, the two—health and freedom—may have a relationship that also is worthy of consideration.

AMBASSADORS OF GOOD WILL

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. COHEN. Mr. Speaker, today we welcome Washington's own Arena Stage Theater Company back from a tour in the Soviet Union. These ambassadors of good will truly represent the most sincere efforts to bring the peoples of the Soviet Union and the United States together.

Their expression of détente was not political nor economic, but a détente of the spirit. Through their portrayal of "Our Town" and "Inherit the Wind," they reached out and lessened the gap of understanding in a way that politicians and tourists cannot do.

As a strong supporter of the recently authorized extension of the National Foundation for the Arts and the Humanities, I believe the fine arts are the medium through which all can find understanding.

As I said in a statement I made at the time the foundation was extended, the song of a bird may have no monetary value, no cost-benefit ratio, and perhaps no moral purpose, but its influence is nonetheless humanizing. In this sense, the same must be said for the arts and the humanities, for they reach the highest form of expression, of history and prophecy. And I would respectfully suggest that we do not measure the success of a society or a civilization in terms of its gross national product, but in the quality and the character of the men and women it produces.

The arts and humanities give us inspiration and the impetus to reach for the ideal. And, given the times in which we live, there can be no greater need. As a recipient of support from the foundation, the Arena Stage Theater Company has certainly manifested Congress legislative intent. I applaud its success.

DÉTENTE DELUSION DEBUNKED

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DRINAN. Mr. Speaker, a very perceptive editorial entitled "Détente Delusion Debunked" by Joseph G. Weisberg, the distinguished editor of the Jewish Advocate, an extraordinarily fine weekly published in greater Boston and read throughout the Nation.

Mr. Weisberg makes the point that it has been Russia which has planned and precipitated the war in the Middle East. He notes that Russia has had designs on the Middle East since Czarist days and that an Arab victory would serve Russian purposes.

I commend this very thoughtful and persuasive editorial to my colleagues:

DÉTENTE DELUSION DEBUNKED

(By Joseph G. Weisberg)

It is ironic that the announcement Tuesday of the Nobel Peace Prize to Dr. Henry A. Kissinger should have come on the morning after the pledge by Russia to "assist in every way" the Arab war on Israel. The cynical Soviet decision not only dashed hopes for an immediate joint superpower move to halt the hostility in the Middle East, but threw cold water on the Nixon Administration's passionate pursuit of detente.

Yet Moscow's determination should come as no surprise, for, if the truth be recognized, there has been no Russo-American detente, only the delusion of one. A look at the record of the past year will show that the United States is held by the Soviet Union as a teabag to be dipped to satisfy its thirsts. The craving for grain and favored nation status may have induced the USSR to speak softly, but it still speaks out of both sides of the mouth.

If détente were in Moscow's mind, it would not have been laid low by the pledge to give all-out support to the Arab cause in naked defiance of Secretary of State Kissinger's warning that "détente cannot survive irresponsibility in any area, including the Middle East."

The Soviet Union is pragmatic. It is also mendacious and treacherous, as past actions prove. It broke through on MIRV weapons despite the SALT talks. It went back on its promise not to move up or install new missile sites on the Egyptian side of the Suez Canal exacted as a condition precedent to the 1970 Ceasefire. Now it has reneged on its recent agreement with the United States not to exacerbate the situation in the Mideast.

Russia has a number of designs in the Middle East: a desire since Czarist days for a warm port, a short trade route to the Far East, control of oil supply as control over the West, availability of Arab billions for her own economic development, and the spread of communism, among other objectives.

Most of these goals conflict with U.S. interests and those of its allies. While, therefore, it will serve Russian ends to have an Arab victory, such victory would be a defeat not only for Israel, but for the U.S.

This war and that of 1967 would not have occurred had not Russia seized upon Arab hostility against Israel to entrench herself in Arab lands through the supply and resupply of billions of dollars worth of sophisticated weapons. It can be assumed that Russian adventurism in the Middle East will stop short of actual physical participation in combat because of the risk of military confrontation with the United States. It is obvious, however, that the Soviet Union is prepared to fight to the death of every Arab and Jew to gain dominion over that part of the world. Let's face it, this is more Russia's war than it is Arabdom's.

In a display of hypocrisy that exceeds even the hyperbole of "chutzpah," Russia has branded Israel in the United Nations as an "international gangster" and an "aggressor nation" and demands that she draw back to her vulnerable 1948 borders, conveniently overlooking her own enlarged frontiers drawn over land formerly Finnish, Latvian, Estonian, Lithuanian and Polish.

Russian involvement in the Mideast conflict was assailed by Israeli Premier Golda Meir in a heart-rendering state of the war message to the Knesset this week deploring the toll of casualties. She was also scathing in her attacks on Britain and France. Britain, she said, has put an "embargo on the shipment of arms to Israel at a time when we are fighting for our very life" and the shooting down of Mirage jets by Israeli forces proves that "Israel's repeated protests against French sales of these fighters to Libya has been justified."

In contrast, she paid tribute to the United States saying, "Its people and its government are dear to us."

Mrs. Meir concluded: "I am certain that when we have succeeded in bringing our enemies to the verge of collapse representatives of various states will not be long in volunteering to try to save our atackers by means of a ceasefire and then there will be considerable activity at the Security Council of the United Nations. At any rate, now as in previous wars, the ceasefire depends first and foremost on the strength of the Israeli armed forces."

Israel has made it plain that she seeks not troops from America. What she needs is planes, tanks and armaments to replace her heavy losses and electronic equipment to counter missile strikes.

In helping this doughty little nation America helps herself.

THE WORLD LOSES ITS GREATEST CELLIST

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BADILLO. Mr. Speaker, in the death of Pablo Casals the world has not only lost one of its greatest musical geniuses but also a great humanist and a staunch defender of democratic institutions. Also, the people of Puerto Rico have lost one of their most distinguished and beloved adopted sons.

A man of deep compassion and feeling for his fellow man, Casals was a forceful and effective spokesman for the cause of peace and opposition to tyranny, whether of the right or left. Both his personal and professional lives were dedicated to the cause of peace and better understanding among the peoples of the world. Pablo Casals held deep convictions and, at times, spurned awards and honors which might compromise his personal beliefs—a quality which we have seen sorely lacking in recent months.

This great musician, composer, conductor, and world citizen chose to spend his latter years in Puerto Rico and during the remainder of his life he made many significant contributions to the quality of life on the island—foremost of which is the annual Casals Festival which attracts musicians and audiences from all parts of the world. It is most appropriate that his last composition—A Hymn to Peace—was commissioned by the United Nations as this so accurately reflected his thoughts and background.

The esteem and respect in which Pablo Casals was held by all peoples was aptly noted by the late philosopher Thomas Mann when he declared that Casals "is one of those artists who come to the rescue of humanity's honor." Pablo Casals was certainly an outstanding musician because he was personally a great man. I deeply lament his passing—both for myself and for future generations in this land and others.

THE NATION CAN SURVIVE MR. NIXON'S IMPEACHMENT; BUT CAN DEMOCRACY SURVIVE MR. NIXON?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROSENTHAL. Mr. Speaker, I have today filed a resolution of impeachment against President Richard M. Nixon.

Although impeachment is an extraordinary remedy to invoke against a sitting President, Mr. Nixon has made it clear that he will not answer to any other process. He has proclaimed himself above the law—above the courts, the Congress, and the Constitution.

When the President fired Special Watergate Prosecutor Archibald Cox, he did much much more than dismiss a "disobedient" subordinate employee, as Mr. Nixon's apologists would have us believe. Mr. Cox's appointment was a response, in the first instance, to a widely held belief throughout the country that the executive branch had been tarnished by extreme corruption and that only a special and independent prosecutor could ferret out this corruption and restore the Nation's faith in its Government in Washington.

Archibald Cox stood for the rule of law and the preeminence if constitutional government in a democratic America. His appointment by former Attorney General Elliot Richardson with the concurrence of Mr. Nixon, was a sacred contract entered into by the President with the Congress and the American people. Mr. Nixon has now deliberately breached that contract; he has gone back on his word; he has violated his oath of office.

Mr. Speaker, there are a number of tragic ironies surrounding this terrible crisis:

It is ironic that the man who promised the Nation "law and order" has wrought only disobedience to the law and disrespect for the Government;

It is ironic that the man who said that the Watergate affair belonged in the courts and not in the public arena, flaunted the unmistakable order of the U.S. courts until impeachment pressure from Congress forced an apparent reversal of that decision.

Mr. Speaker, I view my action today in filing this impeachment resolution as an affirmation of my faith in America and my trust in the American people. This great Republic can survive the impeachment of its President; but it cannot I fear survive 3 more years of doubt, cover-up, and Presidential disrespect for the law.

THE AGNEW DISGRACE

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. MOSS. Mr. Speaker, much has been written by journalists about the varied performances of former Vice President Spiro Agnew, but none has described his machinations more tellingly than Charles McCabe, in his popular column, the Fearless Spectator, appearing in the San Francisco Chronicle on October 17, 1973. The column follows:

THE AGNEW DISGRACE

Among the ceremonial duties delegated by Mr. Nixon to his Vice President, Mr. Spiro T. Agnew, was the presidential neurosis about the press. When Mr. Agnew took after us here "effete snobs" of the media, he was as surely Charlie McCarthy as Mr. Nixon was Edgar Bergen.

That was before the summer of '73, when Mr. Nixon got in deep trouble, and Mr. Agnew allowed, a little less privately than proved to be useful, that he could don the purple without so much as an altered hem. That, too, was before Agnew got dumped and confessed to a felony, and before his 19-minute free TV whine of Monday.

That the political air is corrupt these days we do not have to be told. If your breakfast has fully settled, let us consider the way Mr. Agnew used the press, and by extension everyone who was affected by what the press disclosed, in his shameless public plea bargaining to save his skin from going behind prison bars.

In his first plea bargaining sessions, which were admittedly set in motion by Mr. Nixon, a sentence in the slammer was apparently a condition insisted upon by Assistant Attorney General Henry E. Peterson, representing Justice. Mr. Agnew apparently figured he could do better than this; but not in the office of Mr. Peterson.

After these bargaining sessions, late in September, Mr. Agnew entered upon as conscienceless a program of hype as has been seen in many a day. He yelled some more about his "purgatory," knowing he was guilty as Cain. He put the heat on the White House. "I will not resign if indicted! I will not resign if indicted!" He waltzed into the House demanding an impeachment hearing.

He began leaking portentous quotes to the weeklies. "I have been completely destroyed, in my judgment. My political future is zero . . . I am fighting for my integrity and my reputation. That is more important now than any political office." Those words were spoken when Mr. Agnew knew he was guilty as Cain.

He attacked Henry E. Peterson directly if not by name as one of those who were ineffectual in getting to the bottom of the Watergate scandal and "are trying to recoup their reputations at my expense. I am a big trophy."

The big trophy, in a super grandstand play, had his lawyers sue a group of newsmen to reveal their sources, especially of a quote attributed to Mr. Peterson: "We've got the evidence. We've got it cold." When he made his play Mr. Agnew knew this statement to be the bald truth, whether Mr. Peterson said it or not.

All these deviousities, all those brave grand speeches to adoring groups of Republican women, can now be seen as the efforts of a not-very-smart crook to keep out of jail at any cost.

The tactic worked, as we know. Mr. Nixon's top political and personal priority had become the dumping of his Vice President. The President would have paid anything to achieve this. He just about did. Mr. Agnew may see the inside of a slammer yet; but it will not be the doing of Mr. Nixon.

The whole scheme is a mighty depressing story. Brother Agnew went out with a whimper. Not, however, without making a lot of bang bang noises. I, for one, feel ever so slightly had by the whole performance.

Try as one might, you can't blame the press or the telly in this instance. If the Vice President of the Republic decides to lie himself blue in the face about his probity, what the hell can the press or anybody else do? Public lying of this stripe is a serious crime, but it's not on the books as such.

I'm far from suggesting that Democrats or Tories or Prohibitionists do not lie. They most certainly do, since mendacity is the high road to public office. But few have used the public with such cynical brutality as this desperate man. As the man said in the North Beach bar, "There's no way you can libel that guy."

JOE CREASON

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CARTER. Mr. Speaker, just recently I read this poignant story from the pen of Joe Creason in the Louisville Courier-Journal. I submit it for persual of the Members.

The story follows:

JOE CREASON

How does one go about separating fact from fiction—or, perhaps better put, should one even attempt to separate fact from fiction—in what undoubtedly is a real, All-American folk tale?

Today being Veterans Day, let me pass on a simple little tale that comes encased in the barest framework of fact and you judge if the absence of exact names, dates and places are important.

The tale comes to me from a Louisville friend, Herbert F. Hillenmeyer, and was told to him many years ago by his mother. When you read it, I think you'll understand why, after all the years, he never sees a yellow butterfly without thinking of the story.

The time is prior to World War I; the place a Midwest farm; the main character is a laughing, blond-headed little boy. As she watches him playing in the summer meadows, his doting mother always notices a cluster of yellow butterflys dancing almost like a vapor above his head. They move with him wherever he goes, accentuating his sunny disposition.

The boy grows up, is drafted into WW I service and is sent to France. Eventually his mother receives the dreaded telegram—missing in action. He is never found.

Comes the day for the burial of the Unknown Soldier in the heroes grave at Arlington National Cemetery. The boy's mother is present for the ceremony. Sorrowfully, she wonders if the soldier being honored could possibly be her missing son. Against all odds, could it possibly be he?

Then suddenly she has her answer. For over the head of the casket, dancing like a vapor as it is borne toward the tomb, is a cluster of yellow butterflies.

VETERANS' AFFAIRS CHAIRMAN DORN ADDRESSES AMERICAN LEGION EXECUTIVE COMMITTEE MEETING

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the distinguished chairman of the House Veterans' Affairs Committee recently addressed the National Executive Committee of the American Legion in Indianapolis, Ind. Chairman DORN spoke about a number of important veterans' issues which are the subject of very serious consideration by the Veterans' Affairs Committee of the Congress.

For the benefit of my colleagues, I include the text of the press release covering Chairman DORN's remarks:

PRESS RELEASE

In his report to the Legion's National Executive Committee, Dorn said that the Congress is presently engaged in processing two important pieces of veterans benefit legislation that, when enacted, will improve benefits for several million veterans. Chairman Dorn said that following lengthy hearings the Subcommittee on Education of the Veterans Affairs Committee has reported a bill which would grant a 13.6% increase in education and training allowances. Under this formula, the rate for a single veteran would go from $220 to $250 per month for the full time trainee with the same percentage increase across the board for all other classes of trainees and types of training. In addition, Chairman Dorn said that the Education Subcommittee had recommended an extension of two years for the period in which the veteran may take training. Under existing law, a veteran must complete all his training within a period of eight years. The Veterans Affairs Subcommittee has recommended an additional two years.

Dorn said that the Subcommittee had also recommended that the vocational rehabilitation program for disabled Vietnam veterans be made identical to the World War II program which was more liberal. The additional first year benefit cost of the legislation recommended by the Subcommittee was estimated at $555 million. Chairman Dorn said that he expected the full Committee to act quickly and that he is striving to gain passage of the bill by the House as soon as possible and hopes that the bill can become law before the Congress adjourns.

Chairman Dorn briefed the Legion Executive Committee on the status of nonservice connected pension legislation and told the body that a bill raising pension rates for about two million veterans and widows is in the final stages of consideration and that the bill had passed both the House and Senate, and that the Committees were in the process now of working out the differences between the two bills. Chairman Dorn predicted that agreement will be achieved soon and expressed the hope that this bill could be signed by the President in time for the veterans and widows to receive a raise in their pension checks at least by January 1 of next year. Chairman Dorn said that the pension bill would provide about $246 million in additional pension benefits for veterans and widows.

Chairman Dorn referred also to a bill which the House of Representatives passed in May of this year that is aimed at making more attractive service in the Reserve and National Guard. This bill, which is presently pending in the Senate, would provide 365 day insurance coverage under the Servicemens Group Life Insurance Program for members of the Reserve and National Guard in amounts up to $15,000. At the present time, these individuals are covered only while they are actually engaged in training or on active duty. The bill contains a provision which would permit the reservist who has completed at least twenty years service to retain his insurance coverage after separation until he reaches age 60 and becomes eligible for retirement. Dorn said that this is one of several provisions supported by the Department of Defense and the Congress aimed at making Reserve and National Guard service more attractive. The Senate has not yet acted on this bill, but Chairman Dorn said that he expected them to do so in the near future.

Chairman Dorn lauded the American Legion for its cooperation with the Congress and commended the practical approach and restraint of the organization. Chairman Dorn said, "Legislation practically conceived and executed with consideration for the other citizens of the nation who pay the tax bill is the correct way to benefit veterans. Under these guidelines we have been able to produce a very good legislative program for veterans and their dependents this year. Upon completion of the education bill and the pension bill, which are presently being considered, Congress will have achieved for veterans additional benefits exceeding $800 million."

"Execution of a program such as this is not easy," said Congressman Dorn, "particularly when we must give careful consideration to the level of Government expenditures. Success of this kind is dependent on a cooperative approach between the veteran organizations, the Congress and the Administration."

REMARKS BY ADM. E. R. ZUMWALT, JR.

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HAMMERSCHMIDT. Mr. Speaker, in view of recent weeks of debate and scrutiny over authorizations and appropriations for our national defense needs, I would like to share with my colleagues some timely remarks made by Adm. E. R. Zumwalt, Jr., Chief of Naval Operations.

Admiral Zumwalt, on October 11, addressed the National Newspaper Association's 88th Convention in Hot Springs, Ark. Since he delivered this speech in my congressional district, I am inserting it in the Record. In my judgment, his discussion of military responsibility and the need for a more rational debate of issues merits attention and serious consideration.

Remarks by Adm. E. R. Zumwalt, Jr.

I am delighted to have this opportunity to be with you and to talk briefly about the Navy, but equally important to me, to express a few of my thoughts on the matter of communicating with people from the perspective of my office and some of the experiences I have had in this area over the years.

It would be presumptuous and naive of me to attempt to lecture this group on the subject of how to, or for that matter, how *not* to communicate with people. You have forgotten more about the technical nature of this subject than I, as a military officer, will ever begin to know. I do believe, however, that I might possibly contribute something to this evening's discussion by passing along a few observations from the perspective of an observer and often a participant in the daily, and often confusing, debate on national military priorities.

Before setting sail into those troubled waters, however, let me first touch lightly upon what it is that we in the Navy have been up to in the past few years in order to set some frame of reference and perhaps explain how I found myself the subject of and a participant in that debate on military priorities.

As I am sure all of you know, the question of our military and, in turn, our naval budget has been the subject of considerable discussion of late. The fundamental question seems to break down to the simple matter of whether or not we are spending too much for defense.

As I enter the final nine months of my tour as Chief of Naval Operations, and look back at what has transpired in the preceding three and a quarter years. I am more than ever convinced that my original assessment of where we were in 1970—and what lay ahead for the Navy—was correct. In my approach to the job, I attempted to identify the major problem areas that I felt were the most pressing and most influential on our future Navy.

It seemed to me then, as we wound down the war in Vietnam, that our people were beginning to go through the same type of psychological rejection of things military as we have seen after every war. A major difference, however, was that disenchantment with Vietnam formed only a fraction of the sociological forces involved. The American people also are more than ever determined to influence the direction of their own lives; more quick to question those established institutions that those of us of the older generation took for granted, and more eager to turn to social ills of the community.

Technological advances in modern communications helped provide the instant translation of these ideas and attitudes as never before, and from these came new factors that had to be considered in leading our military services:

We would soon see an end to the draft and an all-volunteer armed forces.

There was, and would continue to be, severe questioning of military service as a suitable career for our young men and women.

The nation's desire to turn swords into plowshares needed to be recognized as a sincere desire to do what is right, but at the same time should be considered in the light of an undeniable need for maintaining creditable military forces for our nation's defense.

We have now reached that era of an all-volunteer Navy, and while we have gone through some growing pains in gearing up our recruiting effort to meet the challenge, I am pleased to report that we are making good progress in obtaining both the numbers and quality of personnel that we believe are necessary to keep the Navy a viable force. We still have a difficult and demanding job to do in this area, and we are going to need your help in getting across the very important message that a career in our nation's armed services still is an honorable one. That it offers our young people as fine an opportunity for career satisfaction as any other profession you might name.

We have also made considerable progress in retaining those people who were already on active duty in the Navy. Our reenlistment rates for first-tour sailors have increased each year for the past three years, from about 10% in 1970 to a current rate of about 23%. As you are probably aware, we have introduced a host of changes designed to make service in the Navy a more desirable career. These changes, coupled with recent pay increases, have, I believe, contributed in large measure to these increased reenlistment rates.

It was also, I might add, these series of changes—which, for your information, amounted to more than two hundred actions—that have been the subject of considerable controversy both within and without the Navy. I shall return to that later.

Finally, as to the matter of swords and plowshares, it was here that I found a combination of forces at work that appeared to me to require the greatest attention.

First, it was apparent that the mood of the country was such that it would demand reductions in defense expenditures. At the same time, however, I was faced with the prospect of a rapidly aging U.S. Fleet and a rising Soviet Navy, one which, for the first time since World War II, has become able to seriously challenge our ability to maintain our maritime alliance, an alliance which has been fundamental to the security of this island nation of ours from more than three decades.

I am deeply concerned about this growing Soviet Navy, but not because I believe that the Soviet Union will attack us, either with their substantial nuclear arsenal or their conventional land and sea forces. I am concerned, rather, with our known ability to respond in a meaningful and convincing manner to any threat of possible military confrontation by the Soviets—a response that is credible, believable and convincing enough that friend or foe, alike, will clearly recognize that we have the military might to take any stand we perceive to be in our vital national interest.

The problem, then, was how to be responsive to this obvious desire to reorder our national priorities and at the same time reconstruct a Navy that had reached a point of near obsolescence in many areas in the face of the growing Soviet fleet.

I elected to go at this in two ways. First, to ruthlessly cut back on the number of aging ships and aircraft still in active service in order to redirect the money used in keeping them going into the construction of new equipment. Toward that end, your Navy has, in the past five years, reduced in size by nearly 47%—down from 926 ships in 1968 to a projected 522 ships by the end of this fiscal year. We have also come down some 22% in the number of our aircraft and some 17% in the number of personnel.

At the same time, we have begun design and construction of a number of new ships which I like to refer to as a Hi-Lo mix. Simply put, this consists of a few high cost, highly effective ships such as our fourth nuclear-powered aircraft carrier, the CVN-70; our Trident submarine and its long range missile system; the F-14 aircraft, the most advanced aircraft weapons system in the world today; and the SSN-688 nuclear-powered attack submarine. The low end of the mix would be made up of larger numbers of less costly ships. In this area we are planning on a new ship known as the Sea Control Ship, in effect a small carrier which can handle up to 17 helicopters or vertical take-off aircraft; a new class of patrol frigate to give us the redundancy in weapons platforms we need to carry out our anti-submarine and anti-air requirements in fleet defense, and a new class of patrol hydrofoil equipped with surface-to-surface anti-ship missiles to operate in the narrow seas areas against large surface ships. Finally, in the area of research and development, we are working on a Surface Effect Ship which rides on a cushion of air and can travel at speeds up to 80 or 100 knots. It has the potential for revolutionizing war at sea with its ability to outrun submarines and even their torpedoes.

I have greatly oversimplified the foregoing objectives, in the interest of not making this address run on all night. It is important for you to keep in mind, though, that I thought these objectives, however simple in concept, nevertheless proscribed the direction in which we should proceed, considering the mood of the country at the time. I still do.

Very soon after assuming my present post, I began to learn some very interesting things about communicating with people, both within and without the Navy. Let's look first at the matter of the personnel initiatives.

When I assumed my present post in the summer of 1970, I was, of course, familiar with something called a "NAVOP" message—in essence, a telegram from the Chief of Naval Operations to all ships and stations. "NAVOP" messages were the primary vehicle for periodically passing the word to all hands on matters of individual concern ranging from, say, advisories that a certain type of canned fruit was spoiled and it might be well to deep six it or risk food poisoning, to matters of policy or other topics of Navy-wide importance and interest.

It seemed to me a good idea to use this form of communications to get out the word on our personnel changes. However, I had had enough experience to know that, by and large, most people in the Navy knew that NAVOP messages, while theoretically the exact words of the CNO himself, were, in fact, more likely those of a junior action officer whose job it was to look after canned fruit. Since I felt so strongly about the need for personnel changes, and having once been a CO myself on the receiving end of those NAVOPS, I decided that I would number each that I personally put out starting with Z-1, Z-2 and so on up the ladder, so that all of our people would know that it was indeed the CNO who personally put out the word. Thus began, as the NAVY TIMES named them, the now-famous Z-Grams.

I quickly learned several important lessons. There was no doubt who was sending the message, but there were a lot more people reading them than I thought would do so. Parenthetically, there also was an even larger number who were not reading them but thought they knew what was in them, anyhow. Third, despite the fact, as I mentioned earlier, that more than two hundred separate personnel actions have been initiated by the 118 Z-Grams, only one really caught the eye of the public and this one was immediately and widely misunderstood.

It was at this point that I learned another lesson, one that no public official should ever overlook: It is folly to presuppose that whatever makes sense to you will be equally clear to everyone else. As a case in point, my "notorious" directive which changed hair standards was greatly misunderstood by the press, and within and without the Navy, because we did a poor job in explaining it at the very beginning by not spelling out clearly and exactly what the new standards were. Many were left with the impression that it was now permissible for sailors to let their hair grow down to their shoulders if they wished. In fact, a sailor's hair must still present a tapered appearance in the back, may not hang over his collar, and his sideburns may come only to the bottom of his earlobe.

Thus it was I quickly learned that if you want to get the message out you indeed can do it, but you had best be sure you know who is receiving it and you have made your point clearly.

This, then, leads me to my final points on the matter of communicating with people. My first, in-depth experience iwth the press came during my time as Commander of our Naval Forces in Vietnam, where for some 20 months I was exposed to the Saigon press.

During that time I believed I talked to just about every newsman and woman who covered the war while I was there. Much has been written and said about the job they did in reporting on Vietnam. Opinions range from S. L. A. Marshall's strong criticism of the quality of press coverage of the war to charges by a number of Saigon bureau chiefs in 1969 that the military ". . . is deliberately withholding information from the news media."

I suspect the truth, as usually is the case, lies somewhere in between and that Peter Braestrup of the WASHINGTON POST put it best: "We were right, I think, more often than we were wrong," he said. "Whether that is a sufficiently good collective batting average on a crucial story remains a question."

Regardless of one's opinion of the coverage of the war, I can report that I never once had my faith in a reporter betrayed and, so long as the ground rules were clear on both sides, was never deliberately misquoted or taken out of context. This had also been my experience in my present job.

This is not to say that I have not been criticized by the press nor that I do not expect to come under fire from you or your colleagues again. I have, and I do, and I hope that I have the good sense and grace to realize that this is what the game is all about. After all, even Thomas Jefferson, despite his claim that he preferred a nation without government to a nation without newspapers, was accused by the press of being an athiest, keeping a mistress, trying to seduce a friend's wife and padding his expense account.

At this point, you might well conclude either that I am pandering to your good intentions or that my relations with the press, as far as I am concerned, have been delightful and I am satisfied with the status-quo.

Neither of these conclusions would be correct. The fact of the matter is, I am greatly disturbed by what I perceive to be a dangerous and unnecessary but continuing gap between public officials and you of the fourth estate. By this I do not mean to suggest that the press and government should hold hands together and agree, as the song goes, that everything is beautiful. It is not, and it probably never will be. Keyes Beech of the Chicago Daily News, whom I got to know in Vietnam, said, "The relationship between the information officer and the press should be one of mutual suspicion." I agree completely.

What worries me is that the gap has become a gulch and, in too many cases, suspicion has become contempt. I think this is a very dangerous state of affairs for the American public—the people both of us claim to represent. I see examples of this almost every day in carrying out my responsibilities as Chief of Naval Operations. I believe that we in uniform are at fault and I believe that some of the fault lies with the press.

In the case of the military, there is simply no question of our responsibilities to the American people and one of the most important of those responsibilities is keeping them informed of what we're doing and why—insofar as security will allow. We must be accountable to that public for our actions in doing so. Much less understood among my fellow officers, however, is the role of the press in representing the public in its quest for that accounting.

I believe that the press also has a responsibility to educate themselves on current defense issues as fully as they can. There are, of course, many reporters I could name whose knowledge of the Pentagon is greater than my own. There are many others, however, who have a tendency to "tune out" when the man in uniform speaks, or to discount his 30 or 40 years of military experience when stacked up against that of the non-governmental "military analyst" who has never flown a plane, never carried a rifle or never been the target of enemy fire, and uses his lack of experience to qualify himself as being objective.

Let me go on record for you, now, as I have for your colleagues elsewhere, as stating firmly that I believe completely that our military defense needs are a legitimate and vital subject for intense discussion and debate.

What I find difficult to accept, however, is the growing tendency to assume that the man in uniform is overpaid, underworked, not too bright and, therefore, is not to be trusted in what he says. I just cannot buy that, and neither should you.

Only in the heat of combat is unquestioning obedience an inviolable rule. But in your own business, don't let yourselves be snowed by those who only ask questions, without putting forth rational solutions to the problems they like to discuss.

No rational military man will object to criticism based upon knowledge, or questions stemming from a genuine desire to learn. What he does object to is polemics based upon ignorance and bias. Doubtless you feel much the same.

In summary, I would like very much to see a more rational debate of issues that need discussion. We have had enough polemics during the past ten years and it is time that we get back to that utopian world of Keyes Beech, one of "mutual suspicion."

I await your questions.

PROTECTING THE BIG CYPRESS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROGERS. Mr. Speaker, on October 3, the House took one of the most significant environmental actions of the 93d Congress by passing legislation to establish the Big Cypress National Preserve in Florida.

I have worked with my colleagues in the Florida delegation for several years to bring this matter to the attention of the Congress and I am certainly gratified by this recent House action. I represented most of the area know as the Big Cypress for 18 years until congressional redistricting took this area out of my district in 1973, and I am convinced that there is not a more unique, unspoiled area in the Eastern United States than the Big Cypress.

Equally significant is the recent action of the State legislature and the Governor of Florida in approving $40 million of State money for acquisition of lands in the Big Cypress. I am certainly hopeful that the Senate will follow the lead of the House and give this legislation speedy consideration.

At this point in the RECORD, I would like to include the text of an editorial from the October 20 edition of the Washington Post entitled "Protecting the Big Cypress." This is an excellent summary of the needs and goals of the House passed legislation and I commend it to my colleagues in the other body.

PROTECTING THE BIG CYPRESS

Despite the daily abuses to the land by strip mining and continued neglect of such national shorelines as Fire Island, occasional notes of triumph are sounded. One of these recently came when the House of Representatives approved legislation to establish the Big Cypress National Preserve in Florida. The Big Cypress Watershed—a true watershed, not the metaphorical kind—is a subtropical land area of about 2,450 square miles in southern Florida. A significant part of that is a central subbasin not yet exploited by man. It is this subbasin—570,000 acres—that is proposed for preservation.

In few other places is nature so delicately balanced. The flat land of the Big Cypress ecosystem slopes seaward at a barely perceptible two inches per mile and any variation in the water level—due to man's tampering—can change the ecology of several thousand acres of land. The Big Cypress lies north of the Everglades National Park, and more than half of the waterflow into the bays and estuaries of the park comes from the natural drainage systems of the cypress swamp. The House Committee on Interior and Insular Affairs did not exaggerate when it noted that "it is difficult to imagine an area with more oustanding scientific values than (the) Big Cypress-Everglades ecosystem. Students of the evolution of life and the biologists will find the resources of this area almost unequaled. It is equally important as a wildlife sanctuary. In addition to the thousands of migrating birds which utilize the area as a feeding, nesting and resting place, it provides the proper habitat for more than 20 animals whose status has been listed . . . as rare, endangered, or otherwise in jeopardy."

Politics at its creative best has helped protect this national treasure. Florida's state legislature, persuaded by Gov. Reubin Askew, has put up $40 million for land purchases. Committee chairman, Rep. James A. Haley (D-Fla.), combined both local and national interests when he worked energetically for the bill. In addition, the Interior Department has given solid support to the preserve and agrees to the proposed $116 million share of federal money. What is now needed is immediate Senate action to pass similiar legislation. Opportunities for enlightened policies toward the environment do not come along every day.

McCLOSKEY RESOLUTIONS ON IMPEACHMENT AND THE COX INVESTIGATION FILES

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McCLOSKEY. Mr. Speaker, I have filed today two resolutions, the first seeking to protect the integrity of the files of the Watergate special prosecution force abolished by the President last Saturday, and the second a resolution of impeachment specifying five instances of high crimes and misdemeanors which have been admitted in Presidential speeches and news releases.

The impeachment resolution does not include the President's refusal thus far to comply with the order of Chief Judge Sirica of August 29, 1973, as modified by the decision of the Court of Appeals for the District of Columbia Circuit dated October 12, 1973. I am hopeful that the President will yet elect to comply with Judge Sirica's order, as modified.

The resolutions are set forth in full below:

H. RES. —

Resolved, That the Acting Attorney General of the United States, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, true copies of all papers, documents, recordings, memoranda, and items of evidence in the custody of the Special Prosecutor and Director, Watergate Special Prosecution Force, Archibald Cox, as of noon, Saturday, October 20, 1973.

H. RES. —

A resolution for the impeachment of Richard M. Nixon

Resolved by the House of Representatives, That a Committee be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Richard M. Nixon, President of the United States, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives does hereby exhibit these particular articles of impeachment against him, and make good the same.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

ARTICLE I

Richard M. Nixon, President of the United States, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors in that he wilfully and knowingly violated Title 18, Section 3 of the United States Code in that knowing that offenses against the United States had been committed by G. Gordon Liddy, E. Howard Hunt and others during their employment by the United States Government or by the Committee to Re-elect the President, the said Richard M. Nixon assisted the said G. Gordon Liddy and E. Howard Hunt and others in order to hinder and prevent their apprehension, trial and punishment.

ARTICLE II

The said Richard M. Nixon, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors, in that he wilfully and knowingly violated Title 18, Section 4 of the United States Code in that having knowledge of the actual commission of a felony cognizable by a court of the United States on the part of G. Gordon Liddy, E. Howard Hunt and others, the said Richard M. Nixon concealed and did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States.

ARTICLE III

The said Richard M. Nixon, commencing on or about June 15, 1971, and continuing until on or about May 11, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated title 18, section 1505 of the United States Code in that in a proceeding pending before the United States District Court for the Southern District of California, entitled, *United States* v. *Ellsberg,* the said Richard M. Nixon corruptly influenced, obstructed, impeded and endeavored to influence, obstruct and impede the due and proper administration of the law under which such proceeding was being had before such Court.

ARTICLE IV

The said Richard M. Nixon, commencing on or about June 18, 1973, and continuing until October 23, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated title 18, section 1510 of the United States Code in that he willfully endeavored by means of bribery, misrepresentation and intimidation to obstruct, delay and prevent the communication of information relating to a violation of criminal statutes of the United States to criminal investigators employed by the Department of Justice of the United States and by Archibald Cox, Special Prosecutor and Director, Watergate Special Prosecution Force.

ARTICLE V

The said Richard M. Nixon, on or about July 15, 1970, committed a high crime and misdemeanor by issuing an order entitled Top Secret Decision Memorandum, The White House, Washington, D.C., July 15, 1970, authorizing and directing agencies and employees of the United States Government to violate the constitutional rights of American citizens to be secure in their persons, houses, papers, and effects from unreasonable search and seizure; such order specifically authorized and directed searches and seizures by means of burglary, breaking and entering of the mails and by wiretapping without proper order of the Court; that at the time of issuing such order, the said Richard M. Nixon know the actions he was authorizing and directing to be unconstitutional, illegal, and in violation of his oath of office as President of the United States.

PEACE CORPS CONTINUES TO WIN FRIENDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DERWINSKI. Mr. Speaker, at a time when many people in this country are doubting the validity and effectiveness of our foreign assistance programs, it is encouraging to see that the Peace Corps continues to win friends not only in the United States but, most important, in the countries that it serves, thereby proving to be one of our most effective foreign programs.

In working toward and achieving the three goals mandated by its enabling legislation: To help developing nations meet their needs for trained manpower; to promote better understanding of American people on the part of the people being served; and to promote better understanding of other peoples among Americans, the Peace Corps is, indeed, proving that there is still a spirit of dedication and service among the American people.

I have recently received a copy of a speech delivered by Dr. Robert K. A. Gardiner, Executive Secretary of the Economic Commission for Africa, during a recent Peace Corps country directors conference in Monrovia, Liberia.

Since 1962 Dr. Gardiner has been Executive Secretary of the United Nations Economic Commission for Africa headquartered in Addis Ababa, Ethiopia.

A native of Ghana, he studied at Cambridge and Oxford Universities and has been a lecturer at various universities throughout the world. A career civil servant both in the national and international fields, Dr. Gardiner is a worldwide recognized authority on Africa.

It is, indeed, a great satisfaction for those of us who have supported the Peace Corps to have this man who is so involved in the development problems of Africa speak so highly of the Peace Corps and pay tribute to the work the organization and its volunteers are carrying out in Africa.

At this point I would like to share with my colleagues some excerpts from Dr. Gardiner's speech:

EXCERPTS FROM DR. GARDINER'S SPEECH

It is, however, most unrewarding to concentrate on worldwide and regional negotiations without preparing the domestic base. For instance, in the commodity market only those who produce efficiently and at reasonable costs can compete successfully in the sale of their products. It is only those countries which produce semi-manufactures and manufactures who can hope to gain access for their products into the markets of the industrialized countries. This has actually happened. At present, only about 12 countries are responsible for about 80 percent of the export trade of developing countries in semi-manufactures and manufactures. Benefits from Africa's relations with Europe are also dependent on productivity and ability to take advantage of opportunities offered in a competitive market. This is why the grassroot activities of voluntary agencies are so important. The approach of these agencies is realistic and of the population by the generation of new ideas; the imparting of new skills; the provision of water; the improvement of farming methods, storage, marketing and credit facilities; the increase in food production; and better nutrition and health, etc. In 1970, ECA took a count of the activities of voluntary agencies and realized that they were sponsoring about 20,000 projects. Thus these agencies with their seemingly modest resources, reinforced with commitment and dedication, are fostering fundamental changes.

On close examination one discovers that the international voluntary agencies, the United Nations system, bilateral donor institutions and volunteer services such as the Peace Corps and IVS, are all tackling socio-economic problems in Africa from different angles. It is therefore necessary for us to be familiar with what each member of this very mixed group is doing, not merely in the negative sense of avoiding duplication but rather more positively, to enable the members of this group to complement each other's effort.

Already Peace Corps is involved in a growing number of multilateral programmes in connection with river blindness, rural health, urban planning, smallpox eradication and rural development. This trend has the support of OECD and the World Bank and some of the countries involved include Canada, the Netherlands, Germany, Japan and Austria. Some of the agencies working with the Peace Corps such as CARE, Catholic Relief Service and OXFAM as well as the IVS, have made working arrangements with ECA. It is my hope that as a result of this conference, similar arrangements may be entered into between Peace Corps and ECA.

At the beginning of the First Development Decade, the general idea was that the rate of economic advancement could be measured in terms of increases in the GNP and per capita income. The generally accepted view now is that economic growth is necessary but more as a rough indicator than as a target.

The idea was that overall growth measured in quantitative terms would percolate through the community. This "trickle-down" notion of development does not appear to provide a satisfactory explanation of the persistent poverty of the masses of the population. The percolation of prosperity to all levels of society is not taking place rapidly enough to relieve the poverty and deprivation of a great majority of the community.

The international strategy for the Second Development Decade has shifted its emphasis from the quantitative approach as a measure of economic advancement to the material well-being of populations. In this respect, one may say that the UN system is beginning to catch up with the ideas and programmes of the international voluntary agencies. Agencies such as OXFAM have always placed special emphasis on agricultural development including the training of young farmers; improvement of rural health, water systems for irrigation, livestock and human needs; and basic vocational training in such skills as carpentry, welding and auto-mechanics. All these activities include not just production for one season or provision to satisfy an immediate need, but also the imparting of skills and knowledge which enable communities in developing countries to fend for themselves. A recital of the main topics in the programme of the Peace Corps, namely agriculture and rural development, formal and informal education, health, public works and business advisory services demonstrates how deeply involved the Peace Corps is in the development process in Africa.

I would like to single out certain significant features of the Peace Corps programme. The curricula of African schools are devoid of intensive programmes for the teaching of mathematics and science. African governments appreciate this shortcoming but the lack of teachers, laboratories and equipment has been a serious constraint. The most serious has been the lack of teachers. Peace Corps Volunteers are playing a vital role in meeting this need—over 500 volunteers are teaching these subjects in African schools and the demand is very likely to increase. In teaching these subjects, the Peace Corps is not merely serving the needs of the educational system, it is playing a significant role in laying the basis for the application of science and technology to economic and social development in Africa.

Low productivity is also the result of the general lack of skills. Most African countries have little or nothing in the way of vocational and technical education or even an effective apprenticeship system. True, indigenous tradition provided for some form of apprenticeship but this was mostly in connection with activities which approximate more to subsistence production than to production for a market economy. Moreover, the educational system has led to a structure of the labor force which consists of a large number of unskilled labor on the one hand, and a sprinkling of professionals, with little or nothing, in between. In other words, the middle of thhe pyramid of skills consisting of technicians, craftsmen and ancillary personnel in agriculture, trade and industry is missing. This is where a radical socio-economic change in Africa must start. The masses of farmers and potential middle-grade personnel constitute a very powerful lever for economic expansion. They form the market for agricultural as well as industrial products.

The Peace Corps has been active in the field of vocational and technical training. The urban development and public works sector is involving Africans in activities which were confined until recently, to a few expatriate supervisors in charge of banks of unskilled labourers in such areas as urban planning, housing, water and sewage systems, electricity, road construction and in general, the provision of the physical infra-structure or social capital. There is a training component in the public works programme which allows for formal instruction in organized classes and acquisition of skills on the job. I have cited the public works sector as an illustration, but training on-the-job in courses, seminars and workshops informs all the other sectors in which the Peace Corps operates. By working alongside African technicians and artisans-in-training, Peace Corps Volunteers are helping African States to build up a better appreciation of the middle-level personnel and also giving such personnel a sense of identity and inculcating in them a feeding of pride and work discipline.

Work in the technical field illustrates more than anywhere else, the increasing sophistication of the needs of the African countries. This has already been observed by the Peace Corps and the policy of programming from strength, to use the language of the Peace Corps Plan for 1973, illustrates the flexibility and pragmatic nature of the Peace Corps programme. To paraphrase the implications of the Peace Corps approach: some parts of the US have special skills in irrigation; American universities produce each year a large number of graduates in mathematics and science; the executives and managers of some of the most successful national enterprises and of powerful multinational corporations are products of American Schools of Business Administration; the US can also claim extensive and varied expertise in animal husbandry; in education, experiments in modern techniques of teaching have been carried on, on an immense scale in the US. All these are sources of strength of the Peace Corps and if I interpret the policy correctly, the Peace Corps offers to assist in areas where the US has established a reputation for competence and excellence. I believe that publicity should be given to this principle and if it were done, confidence in the Peace Corps which is already great, would increase and the value of a Peace Corps Volunteer would be more fully appreciated.

Vocational and technical training will unleash forces for development which are at present dormant. The masses of unemployed and underemployed persons are a drag on development. Their contribution to the national product is minimal. Their participation in the exchange economy is insignificant and their place as part of the market, namely consumers, assisting in the circulation of purchasing power is unfilled. With the spread of education, a rapid population growth and the exodus from the rural areas, there is no doubt that the most serious challenge to social and political stability as well as economic advancement in Africa, is the growing number of unemployed. This is an area where all agencies, bilateral, multilateral and voluntary, should explore and institute programmes to cope with the situation. Already, the ILO is taking a lead in this area and has undertaken studies in a number of countries including Kenya. About five other African countries are on the waiting list.

In at least three areas—agriculture, health and rural development—the Peace Corps is playing a significant role in checking what may be described as the "sucking undertow" which drags down societies into poverty or at best, holds back development. Among the multiple causes of low productivity and poverty, hunger, disease and ignorance feature prominently. The underfed and undernourished African worker is often described as being lazy, sluggish and unproductive. The lack of water systems, sanitary and social amenities aggravate health problems which further reduce the output of the debilitated rural worker. Rural communities suffer from ignorance of better techniques to increase their output. African governments have emphasized repeatedly the need to introduce modern ideas into rural areas and this is why most of them accord top priority to agriculture and rural development. The communities in rural areas participate actively in efforts to improve roads in order to break their isolation, and in the construction of clinics to facilitate the provision of medical care, and of schools and cmmunity centres to support formal education and literacy classes. At present, the rate at which new ideas seep through into the rural areas is very slow. Are there quicker ways of promoting change? Are our methods too cumbersome and expensive? These are some of the issues which we need to examine.

The drought in the Sahel has drawn our attention dramatically to the frailty of African economies, especially rural economies. There is a threat of a world-wide grain shortage. Up to now, a large number of African countries have been receiving food support under the PL–480 programme which is now likely to be modified because the surpluses have either already disappeared or are in the process of depletion. These developments put an extra emphasis on the need to increase food production, an effort which the Peace Corps has been supporting actively. In this regard, the Peace Corps operating in 23 countries in Africa can serve as a vehicle for the dissemination of the results of successful experiments. One can think of the possible effect of sharing experience from the minimum package programme of Ethiopia, the Ujama village scheme of Tanzania, the feed yourself campaign of Ghana, etc.

The business and industry advisory programme represents a peace building effort. Historical reasons have confined Africans to the role of small retail shop owners. In some countries, they did not attain even this modest role before independence. As a result, there is intense feeling against foreigners—even non-tribesmen who own and run enterprises. One should mention here the expulsion of aliens from Ghana and several other countries and the nationalization of foreign owned businesses, industries and banks. The feeling is understandable, but African economies are not likely to develop rapidly without the participation of outside skills and capital. Migration of skills has played and still continues to play, an important role in the advancement of economies in all parts of the world. The resentment against foreigners and the fear of economic domination will undoubtedly diminish when enough Africans enter business and industry as sole owners or partners of industrialists and traders already in the field. Moreover, relations between African states and multinational corporations are likely to improve when more Africans understand industrial operations and can negotiate effectively on behalf of their governments. It is therefore very necessary to have a programme which helps small businessmen and trains Africans to qualify as supervisors, executives and managers.

The language training programme of the Peace Corps is a unique service. Technical assistance in language teaching from the former metropolitan countries has been directed to schools in the ex-colonial territories—the United Kingdom to English-speaking countries and France to francophone countries. The Peace Corps, on the other hand, has been teaching English and training prospective teachers of English in French-speaking countries.

As you know, the continent of Africa is virtually cut up into anglophone and francophone segments. Under such circumstances, the teaching of English by about 380 volunteers in French-speaking Africa is a mission of reconciliation. African States have recognized the need to be able to share ideas in their principal working languages and have resolved that French and English be taught in their secondary schools—English in French-speaking States and French in English-speaking ones. There is another important aspect to the language teaching programme. A modern language is a key to the world beyond the confines of an African State. Sometimes, even within the nation-state in many instances, there is no national language and a foreign language serves as a medium of communication and instruction. Apart from solving the immediate problems, I believe that the techniques introduced by the Peace Corps, if well mastered, can be applied to the teaching of indigenous languages as well.

Peace Corps activities in the field of education, illustrate changes in the demand and the complexity in the requirements of African countries. Assistance has been provided for teaching in primary schools, in secondary schools and teachers training institutes. The pattern has more or less followed very closely the evolution and expansion of education in newly independent States. Provision has been made for specialist courses such as industrial arts, curriculum development, physical training, home economics, use of mass media, library science, audiovisual aids, the organization and operation of national archives and help to African universities to improve the qualifications of their lecturers. The trend has been from direct teaching to the training of trainers. This is as it should be; because the effort of the Peace Corps is expected to have a multiplier effect.

It seems to me that the Peace Corps has grown in stature and matured in ideas. An ideal volunteer is described as "a participant in the process of development, living with people in rural areas, working with them, talking their language". The qualities expected of a volunteer are very exacting and are in this respect, in keeping with the high ideals of the late President Kennedy whose administration created the Corps. The volunteers' methods of working with people is a key factor in development. It makes it possible for people in rural areas to observe change taking place before their very eyes. This in itself, will influence and change attitudes.

The importance of this is summed up in the observation "Money (all forms of aid) can narrow the gap. Only people can bridge it." We may not all be good linguists, but when the people amongst whom we work notice that we are trying, it increases their confidence in us. I notice that the Peace Corps disavows all claims to being "an economic planning and development agency." Perhaps they do not wish to be mistaken for bodies like the Economic Commission for Africa. I do not blame them. But the important principle which emerges from this disavowal is the recognition of the fact that rural communities have some ideas of their needs even if they are unable to satisfy them. On the other hand, the Corps is not obliged to respond positively to every request. This is a basis for mutual respect and trust. In this sense, a volunteer is essentially a skilled person who responds to a request to perform a specific task.

In the documents concerning the Corps, there are references to bi-nationalism which I interpret to mean that the Corps attempts to find a local base so that it does not appear or act as an alien imposition on host countries. In many parts of Africa, there are signs of the beginnings of local volunteer organizations, work camps as well as national service corps organized by governments. If there is any possibility of some links being established it is possible to find a formula which will enable the youth of the countries which the Peace Corps and other Volunteer organizations serve to emulate the sentiments which inspire them.

NACOA FINALLY HOLDS A PUBLIC MEETING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. OBEY. Mr. Speaker, the National Advisory Committee on Oceans and Atmosphere—NACOA—will hold a public meeting this Friday and Saturday—at least "to the extent of the very limited seating available on a first come, first served basis"—and it is about time that NACOA did so.

Last May, NACOA gave unlawfully scant 1-day notice that it was going to hold a closed meeting—such brief notice that anyone wishing to challenge the closure decision under the Federal Advisory Committee Act was precluded from doing so. A representative of Science Trends wanting to attend the meeting then challenged in the only way left—by refusing to leave—and was escorted from the premises by four uniformed Federal guards.

On September 18, when NACOA announced in the Federal Register it would be meeting September 27 through 29 and that the first day's session would be closed to the public for "discussion of pending legislation," I inserted the meeting notice in the RECORD and pointed out that—

First. The proposed closure did not appear to comply with the Federal Advisory Committee Act;

Second. NACOA's eagerness to retreat behind closed doors to discuss pending legislation did not square with the tough talk it had used in the annual report to the President and the Congress it filed on June 29.

To provide a detailed account of that NACOA meeting last May, highlight related problems, and indicate what the Federal Advisory Committee Act's open-meeting requirement has meant in terms of the greater availability of health and science news, I should like to insert items from the issues of Science Trends for May 14 and October 8, sent to me by its editor, Art Kranish, as well as NACOA's notice of public meeting from the Federal Register of October 19.

The material follows:

COMMERCE BARS PRESS

Four uniformed Federal guards ejected a representative of Science Trends from a government agency this past week to prevent press coverage of an advisory group drafting a national report on marine and atmospheric policies and programs.

The action was ordered by Commerce Department officials despite a Congresssional mandate opening such meetings to members of the press and public, under the Federal Advisory Committee Act of 1972.

Chairman W. A. Nierenberg of the National Advisory Committee on Oceans and Atmosphere (NACOA) refused to open the scheduled meeting at Commerce Department headquarters until the Trends representative agreed to leave.

The request was declined on the basis of the Advisory Committee Act and the Freedom of Information statutes. In addition, it was pointed out that the Committee had failed to provide the advance notice required by statute and by White House guidelines.

After a delay of almost one hour, four police guards were called in to escort the Trends representative from the building.

Nierenberg is Director of the Scripps Institution of Oceanography and a member of the informal Science and Engineering Council (SEC) organized by supporters of President Nixon in the last campaign. (Science Trends, April 30–May 7, 1973).

NACOA is composed of 25 members appointed by the President from state and local governments, industry, science and other interests. The group is preparing a report requested by Congress, covering such topics as coastal zone management, energy, minerals, living resources, ocean science, atmospheric programs, engineering support and operations.

Trends Publishing has covered a number of similar advisory committee meetings since the Advisory Act went into effect, without encountering any opposition from Departmental or committee officials.

Opening the committees to press coverage in this manner has resulted in news stories on such topics as the artificial heart program, coal/gas conversion, National Science Foundation summer faculty support, cadmium emissions, science information programs, radiation/drinking water standards, energy programs, and other matters of scientific and technical interest.

Committee members have ordered, and Trends has not contested, a policy which closes such meetings when competing grant applications are under discussion, or when classified national security matters are involved.

However, the NACOA action was the first instance in which Trends has been barred on other grounds, which would appear to violate the Congressional mandate that advisory committee meetings "shall be open to the public."

NACOA and Department officials based their action on the grounds that the Committee would discuss "working documents" and "exchanges of opinions and discussions which, if written" would be exempt from Freedom of Information statutes.

The "if written" clause is being viewed by the press as a major loophole which permits agencies to close advisory sessions, virtually at will.

A similar opinion is being pressed in Washington by the Institute for Public Interest Representation, which is affiliated with the Georgetown University Law Center.

Jane Dolkart, an attorney-member of the group, which is preparing several court challenges, said that there is nothing in the legislative history of the Advisory Committee Act or the Act itself pertaining to an exchange of views.

"Such committees," she said, "almost by definition, exist to give advice to an agency, and there will almost always be an exchange of views. This kind of rationale could be used to close virtually all advisory meetings."

In their discussions, before the Trends representative was forced to leave the NACOA meeting room, officials generally conceded that they had failed to follow statutory requirements of reasonable advance notice of such meetings, which has been interpreted by the White House Office of Management and Budget as requiring at least ten days advance notice in the "Federal Register."

NACOA did not file its notice with the Federal Register until Tuesday, May 8, for publication in the edition of May 9. The meeting was held Thursday, May 10, as had been planned several weeks ago.

A Committee member suggested that this delay was inadvertent, and added that news media representatives were probably too sensitive as to such matters as the result of the Watergate scandals.

According to a report released this past week by the Office of Management and Budget, there were more than 1400 advisory committees in existence in 1972; representing a substantial growth from the time when George Washington appointed the first such group, to assist him in dealing with the Whiskey Rebellion.

Officials estimated that such committees cost the government approximately $25 million per year, in addition to the time spent by Federal employees involved in committee efforts.

AGENCIES OPEN ADVISORY MEETINGS

Three Federal agencies decided this past week to open previously-closed advisory committee meetings, following protests by Trends Publishing, Inc., that they were failing to follow laws and regulations.

The protests were made by Trends on the basis of the Federal Advisory Committee Act, which sets forth a National policy of "open" meetings between government officials and advisers from outside the government.

As previously reported (SCIENCE TRENDS, 5/14/73 and 9/10/73), the law, when observed by the agencies concerned, has made available a wide variety of scientific and technical information.

The developments of the past week, opening meetings to the press and public, each represent a reversal of policy, since the sessions were originally expected to be closed.

The agencies and the meetings include:

The National Advisory Committee on Oceans and Atmosphere.—This group, which has never held an open meeting in Washington, held two days of open sessions to discuss, in considerable detail, the status and future prospects of subjects ranging from marine pollution to short-term weather forecasts. This advisory committee deployed uniformed guards earlier in the year to prevent press coverage of similar sessions.

The Atomic Energy Commission.—This agency originally announced that its Research Subcommittee would hold closed meetings in Washington, Oct. 8–9. Trends protested, and also pointed out that, contrary to law, the agenda was being kept secret. AEC subsequently decided to open most of the meeting, and disclosed that basic research aspects of coal as an energy source, including gasification and liquefaction, would be discussed.

The National Science Foundation.—This agency scheduled meetings with representatives of scientific societies and industry, and turned down requests by Trends to have the sessions open. Following a subsequent protest, Director H. G. Stever agreed to permit the press and public to attend his Oct. 24 meeting with members of the industrial scientific research community. They will be permitted to take notes, submit questions or statements in writing, and may ask questions at a closing press conference.

In the case of AEC and NSF, Trends was represented by the Institute for Public Interest Representation, Georgetown University Law Center.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF MEETING

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting on October 26–27, 1973. The meeting will be open to the public. All sessions will be held in room 6802 of the U.S. Department of Commerce Building 14th and Constitution Avenue NW., Washington, D.C. Both sessions will begin at 9 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Public Law 92–125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

A general agenda consists of the following topics:

"Friday the 26th—agency briefings on Federal programs related to multiple-use management in the coastal zone and offshore areas of the United States.

"Saturday the 27th—review of NACOA draft study on marine science. Discussion of NACOA work in progress and plans for future meetings."

The public will be admitted to the extent of the very limited seating available on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman. Persons wishing to make formal statements must notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967–3343.

Issued in Washington, D.C., on October 16, 1973.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc. 73–22269 Filed 10–18–73; 8:45 a.m.]

NORMAN CHANDLER

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DEL CLAWSON. Mr. Speaker, the loss of Norman Chandler, so long associated with a great newspaper, the Los Angeles Times will be deeply felt in the entire community in southern California served by that newspaper. His leadership in civic affairs will also be keenly missed. Today's issue of the Los Angeles Times contains an editorial tribute which I commend to the attention of my colleagues in the House. The editorial follows:

[From the Los Angeles Times, Oct. 23, 1973]

NORMAN CHANDLER

Norman Chandler, whose memory will be honored by family, friends, associates and civic leaders today in private services, was the principal architect of Times Mirror's rapid growth to its present position as one of the world's leading communications companies.

He built the foundations for this enterprise with his prior leadership of The Times, of which he was the third publisher.

As a businessman, he presided over some of the greatest expansion in the history of The Times, and left it firmly established on a sound economic base.

As a newspaperman, he laid the groundwork for the comprehensive metropolitan daily of news, opinion, entertainment and information that The Times has become.

As a person, he brought to The Times those values he expressed last December while thinking back on his leadership: "I wanted to be fair to all sides, to all people. I wanted The Times to be respected by our readers and by our advertisers. But, above all, I wanted to render the greatest possible public service that a publication could."

To public service in the ordinary sense of the phrase he was no stranger. He served on many boards. He was a trustee of USC and, for more than 30 devoted years, of Caltech. He worked, often quietly but always powerfully, on many civic enterprises. He energetically supported the successful efforts of his wife, Dorothy Buffum Chandler, to keep open the Hollywood Bowl, and then to build the Music Center An abiding special interest of his was the Times financed multitude of facilities and activities for young people.

But for Mr. Chandler, public service meant chiefly public service through The Times and its parent company, Times Mirror, and it was to these that he devoted more than 50 years of wise attention, balancing a sharp eye for detail with a long view of what The Times and Times Mirror were to become.

That view encompassed the future excellence of The Times as a newspaper, and the growth of Times Mirror as an enterprise.

On the business side of the paper, he early undertook a process of modernization that is still going on. On the editorial side, he began the shift from a paper of moderate size and modest ambitions to The Times of 1973.

When he was publisher of The Times, from 1944 to 1960, the paper under his direction campaigned for the economic and cultural development of Los Angeles, for improved highways, for cleaner air. He was a vigorous defender of the free press.

After relinquishing the title of publisher in 1960, he led Times Mirror, as chairman of the board and later as chairman of the executive committee, into the program of expansion that has made it the nation's largest communications company.

To the thousands of persons here and around the world who know Norman Chandler in his business and public capabilities, he was man of dignity and gentle forcefulness. Those who know him more intimately had the great good fortune to know even better his indelible personal qualities: his unfailing thoughtfulness, his natural courtesy, his resolute, unpretentious courage, his steadfast allegiance to family, to friends, to associates and to conscience.

IMPEACHMENT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HUNGATE. Mr. Speaker, when the subject of impeachment is under discussion by many, these writings and remarks of Alexander Hamilton, Richard Sheridan, and Edmund Burke may be of interest.

ALEXANDER HAMILTON, 1787, "THE FEDERALIST PAPERS," PAGE 416

> The President of the United States would be liable to be impeached, tried, and, upon conviction of treason, bribery, or other high crimes or misdemeanors, removed from office; and would afterwards be liable to prosecution and punishment in the ordinary course of law. The person of the King of Great Britain is sacred and inviolable; there is no constitutional tribunal to which he is amenable; no punishment to which he can be subjected without involving the crisis of a national revolution. In this delicate and important circumstance of personal responsibility, the President . . . would stand upon no better ground than a governor of New York, and upon worse ground than the governors of Virginia and Delaware.

Richard Brinsley Sheridan in 1787 delivered a 5-hour speech against Warren Hastings, Governor General of India. Despite widespread acclaim—Lord Byron called it "The very best oration ever conceived or heard in this country"—no full copy of this address exists. A short excerpt will give an idea of its style.

> The public capacity of Mr. Hastings exhibits no proof that he has any just claim to . . . greatness. We see nothing solid or penetrating, nothing noble or magnanimous, nothing open, direct, liberal, manly, or superior, in his measures or his mind. All is dark, insidious, sordid and insincere. Wherever he has option in the choice of his objects, or his instruments, he instinctively settles on the worst. His course is one invariable deviation from rectitude. And the only trace or vestige of system discernible in the whole of a dozen years' administration is that of "acting without any." The serpent may as well abandon the characteristic obliquity of his motion for the direct flight of an arrow, as he can excuse his purposes with honesty and fairness. He is all shuffling, twisting, cold and little. There is nothing open or upright, simple or unmixed. There is by some strange, mysterious predominance in his vice, such a prominence as totally shades and conceals his virtues. There is, by some foul, unfathomable, physical cause in his mind, a conjunction merely of whatever is calculated to make human nature hang its head with a sorrow or shame. His crimes are the only great thing about him, and these are contrasted by the littleness of his motives. He is at once a tyrant, a trickster, a visionary, and a deceiver. He affects to be a conquerer and law-giver, an Alexander and a Caesar; but he is no more than a Dionysius and a Scapin . . . He reasons in bombast, prevaricates in metaphor, and quibbles in heroics.
>
> Like a vulture with her harpy talons grappled into the vitals of the land, they flap away the lesser kites, and they call it protection. It is the protection of the vulture to the lamb.

On June 13, 1788, Sheridan spoke at the Hastings trial:

> The inquiry, which now only remains, my lords, is whether Mr. Hastings is to be answerable for the crimes committed by his agents. It has been fully proved that Mr. Middleton signed the treaty with the superior begun in October, 1778. He also acknowledged signing some others of a different date, but could not recollect the authority by which he did it! These treaties were recognized by Mr. Hastings, as appears by the evidence of Mr. Purling, in the year 1780. In that of October, 1778, the jagir was secured, which was allotted for the support of the women of the Khord Mahal. But still the prisoner pleads that he is not accountable for the cruelties which were exercised. His is the plea which tyranny, aided by its prime minister, treachery, is always sure to set up. Mr. Middleton has attempted to strengthen this ground by endeavoring to claim the whole infamy in those transactions and to monopolize the guilt. He dared even to aver that he had been condemned by Mr. Hastings for the ignominious part he had acted. He dared to avow this because Mr. Hastings was on his trial, and he thought he never would be arraigned; but in the face of this court, and before he left the bar, he was compelled to confess that it was for the lenience and not the severity of his proceedings that he had been reproved by the prisoner.
>
> It will not, my lords, I trust, be concluded that because Mr. Hastings has not marked every passing shade of guilt, and because he has only given the bold outline of cruelty, he is therefore to be acquitted. It is laid down by the law of England, that law which is the perfection of reason, that a person ordering an act to be done by his agent is answerable for that act with all its consequences, quod facit per alium, facit per se. Middleton was appointed in 1777 the confidential agent, the second self of Mr. Hastings. The Governor General ordered the measure. Even if he never saw nor heard afterward of its consequences, he was therefore answerable for every pang that was inflicted and for all the blood that was shed. But he did hear, and that instantly, of the whole. He wrote to accuse Middleton of forbearance and of neglect. He commanded him to work upon the hopes and fears of the princesses, and to leave no means untried, until, to speak his own language, which was better suited to the banditti of a cavern, "he obtained possession of the secret hoards of the old ladies." He would not allow even of a delay of two days to smooth the compelled approaches of a son to his mother on this occasion! His orders were peremptory. After this, my lords, can it be said that the prisoner was ignorant of the acts or not culpable of the consequences? It is true he did not direct the guards, the famine, and bludgeons; he did not weigh the fetters, nor number the lashes to be inflicted on his victims; but yet he is just as guilty as if he had borne an active and personal share in each transaction. It is as if he had commanded that the heart should be torn from the bosom, and enjoined that no blood should follow. He is in the same degree accountable to the law, to his country, to his conscience, and to his God!

In the same debate, in 1788, Edmund Burke closed with these words:

> I impeach Warren Hastings, Esquire, of high crimes and misdeameanors.
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> I impeach him in the name of the Commons of Great Britain in Parliament assembled, whose parliamentary trust he has betrayed.
>
> I impeach him in the name of the Commons of Great Britain, whose national character he has dishonored.
>
> I impeach him in the name of the people of India, whose laws, rights, and liberties he has subverted; whose properties he has destroyed; whose country he has laid waste and desolate.
>
> I impeach him in the name, and by virtue, of those eternal laws of justice which he has violated.
>
> I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed in both sexes, in every age, rank, situation, and condition of life."

PRESIDENTIAL LAWLESSNESS WARRANTS IMPEACHMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, never before in America's history has there been a Presidential administration so marked by lawlessness and callous disregard for human rights.

President Nixon's latest actions in defiance of a court order to turn over the tapes of telephone conversations relating to Watergate is an inexcusable undermining of our system of justice. But we should not be surprised by the events of the past few days. We should not be surprised in the firing of Archibald Cox and the total dismantling of the Special Prosecutor's office. We should not be surprised at the President's attempts to thwart the course of justice. America has had ample warning of the lawlessness of this President.

Tale after sordid tale of the Presidential abuses have emerged since Richard M. Nixon took office in January of 1969. His latest indication of contempt for the courts, the Constitution, and the Congress is consistent with his previous behavior and his prostitution of the highest office in the land.

The entire Watergate episode with its political sabotage, political espionage and attempted coverup is only one example of this lawlessness.

There is also the fact of illegal campaign contributions which helped fund his reelection.

There is also the fact of special favors granted by the Nixon administration to big political contributors.

There is also the fact of the White House plumbers unit which conducted illegal burglary raids on the office of Daniel Ellsberg's psychiatrist.

There is also the fact of the administration's blatant attempt to bribe the Federal judge conducting the Ellsberg trial by offering him the position of Director of the Federal Bureau of Investigation.

There is also the fact that the Department of Justice illegally wiretapped people whose political views differed from those of the President. And the White House illegally wiretapped employees of the National Security Council. And it illegally wiretapped high level officials in Senator MUSKIE's campaign staff.

There is also the fact of White House lying and covering up the illegal bombing of Cambodia, denying the truth to Congress and the American pepole.

There is also the fact of President Nixon's impoundment of money appropriated by Congress for crucially needed housing, health, employment, and education programs.

There is also the fact of President Nixon's illegal effort to dismantle the Office of Economic Opportunity and to unlawfully allow Howard Phillips to serve as Acting Director of OEO.

There is also the fact of the misuse of Federal funds to improve the value of private property owned by Richard M. Nixon in California and Florida.

There is also the fact of special privileges given by Federal regulatory agencies and executive departments to the personal friends of the President.

It is time to see that the perpetrators of illegal actions connected with Watergate and the 1972 Presidential elections are brought to justice. It is time for impeachment.

MRS. BETTY BANKS: QUEENS WOMAN OF THE YEAR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BIAGGI. Mr. Speaker, on October 25, the Queensboro Council for Social Welfare will bestow their prestigious Queens Woman of the Year Award on Mrs. Betty Banks.

Few women have been as richly deserving of this high honor as Betty Banks. To know her is to know a rare and unique individual, a person with seemingly endless energy and dedication to serve her fellow citizens of Queens. As a long-time resident of Jackson Heights, she has unselfishly devoted both time and energy to philanthropic, humanitarian, civic, and cultural organizations throughout Queens.

Her particular work on behalf of the Queens Chapter of the American Red Cross has earned her the respect and recognition by the residents of Queens for the truly wonderful individual she is.

In addition, Mrs. Banks has contributed much to such varied and important organizations as the Queens Botanical Gardens Association, the National Conference on Christians and Jews, and the Committee for Italian Migration.

Betty Banks' work has not gone unnoticed in the past. She is the recipient of a number of prestigious awards, including the Cardinal Cushing Award, she is a past honoree of AMITA and she was cited in 1969 as the Outstanding Citizen of Queens by the borough president. Yet the Queens Woman of the Year Award still has a special significance for Betty Banks, because she is being honored by her fellow friends and neighbors of Queens for her outstanding work on their behalf.

I would also like to pay tribute to the Queensboro Council for Social Welfare, the presenters of this Queens Woman of the Year Award. The council serves a vital role in the Queens Community as the main coordinating agency for all the various health and welfare agencies in Queens. The council has provided thousands of residents of Queens with expert referral and informational services to help make life a little brighter for these people in hours of need.

Despite all the time Betty Banks donates to working with the aforementioned organizations, she still finds enough time to be a dedicated and loving wife. In fact she and her husband, Jack, will be celebrating their 50th wedding anniversary next year. Let me at this time be the first to offer them my sincerest congratulations and best wishes for continued happiness. Betty Banks over the years seems to have an uncanny ability to defy age. Her boundless energy and youthful looks at age 68 make women 20 years younger envious.

Mr. Speaker, it has been my distinct honor to pay tribute to this fine humanitarian and good friend, Betty Banks. I am confident that the coming years will find her continuing in the work she loves so much. I congratulate the Queensboro Council for Social Welfare for their excellent choice of Betty Banks as Queens Woman of the Year, and assure them that they could not have made a more appropriate choice.

THE IMRE NAGY CASE AND ITS REPERCUSSIONS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HORTON. Mr. Speaker, on June 17, 1958, the Hungarian and Soviet news agencies simultaneously reported that Imre Nagy, Prime Minister of Hungary during the revolution of October 1956, and several other leaders of the revolution had been tried and sentenced, and that four of them, Imre Nagy, Pál Maléter, Miklós Gimes and József Szilágyi had been executed.

Today, the 17th anniversary of the Hungarian Revolution, rekindles our memory of these events and offers us an opportunity to assess the case of Imre Nagy and his codefendants.

The Soviet troops crushed the popular uprising on November 4, 1956. Imre Nagy, the duly appointed Prime Minister of Hungary, and his associates were forced to seek asylum at the Yugoslav Embassy at Budapest. After the end of the fighting, Imre Nagy and his government were removed from office and János Kádár was appointed Prime Minister. The Kádár government concluded diplomatic negotiations with the Yugoslav Government, according to which Imre Nagy and his entourage were granted safe conduct, including a promise that they "will not be molested for their past political activities."

On the basis of this agreement Imre Nagy and the others decided to leave the Yugoslav Embassy but they were immediately arrested by Soviet military personnel in front of the Embassy building.

Contemplation of this action leads one to two alternative conclusions. If the Soviet authorities acted with the approval of the Government of Hungary, then the latter violated its international obligation "not to molest" Imre Nagy and his associates. If, however, the Soviet military personnel acted without the Kádár government's approval, or in spite of that government's wishes, then this step was the precursor of the "limited sovereignty" formulated by Leonid Brezhnev 10 years later to justify the Soviet intervention in Czechoslovakia.

If the arrest of Imre Nagy and his associates was illegal, his trial was an even more flagrant violation of both the international obligations undertaken by the Government of Hungary and the Hungarian law in force at that time.

The safe conduct granted Imre Nagy obviously became fully operative again the moment the Kádár government gained custody of Imre Nagy and the others arrested with him by the Soviets, even if the arrest had been made without their complicity. The subsequent move by the Hungarian Government to convict persons granted safe conduct must be considered, by any lawful standard, as a serious violation of an international undertaking. That this arrest was regarded as such is proven by the fact that the Yugoslav Government described the actions of the government of Hungary in its protest note as "a gross and unprovoked attack on Yugoslavia."

The fact that Imre Nagy and his codefendants were tried and sentenced by a Special Bench of the Supreme Court during a secret trial was also a serious violation of several Hungarian laws in force at the time. Section 27(1) and (2) of the constitution of the Hungarian People's Republic, as in force in 1958 explicitly provided that—

> (1) The Council of Ministers shall be responsible for its activities to Parliament. It shall regularly render reports on its work to Parliament.
>
> (2) The Chairman ([or] his deputy) and the members of the Council of Ministers shall also be individually responsible for their actions and conduct. A special law shall regulate the manner of impeachment.

The special law referred to in section 27(2) of the constitution has never been adopted by the legislature. Therefore, Law No. III of 1848 on the Creation of a Responsible Hungarian Government was still applicable, because the provisions of this law have not been repealed or superseded, even up to the present day.

According to this law only Parliament has jurisdiction in a case instituted against the Prime Minister or a member of the Council of Ministers for any malfeasance or misfeasance committed in their official capacity. Reading the official communications there cannot be any doubt that, apart from minor details, all acts charged to Imre Nagy and his codefendants had been committed in their official capacity. Thus, the Special Bench of the Supreme Court lacked jurisdiction in the cases of Imre Nagy, Pál Maléter, Zoltán Tildy, and Géza Losonczy.

The secrecy of the trial was another violation of the existing laws. The Code of Criminal Procedure in effect in 1958 provided that the public may only be excluded from a criminal trial by the court if such a measure is required for the preservation of state, military, or official secrets, or for moral reasons. The official announcement on the trial and convictions—which is even today the only source material regarding this case—does not give any justification for the exclusion of the public from the trial.

In retrospect it may be said that the

reasons for the extreme secrecy were not legal, but entirely political. Less than 2 years after the revolution, the Government of Hungary probably did not feel secure enough to withstand the possible reverberations of an open political trial. Neither was the Soviet Union prepared to bear the burdens of a long lasting trial in the face of publicity from the world press.

The facts that this secrecy has lasted for 15 years and that during this period not a shred of evidence concerning the trial has come to light raise serious doubts as to whether such a trial was ever held at all. It is indeed remarkable that for the past 15 years not one of the participants; that is, judges, clerical staff, prosecutors, defense counsel, surviving defendants, family members of the former—in such an important event of recent history has yet come forward to reveal the slightest detail of the alleged trial. The official announcement carefully avoided any legal or personal references, and the charges listed in it were given in a narrative form without including the citations of the laws on which the charges or the convictions were supposedly based. Even less was said about the evidence on which the sentences were justified. No person participating in the trial, except for the defendants, was ever named. Such secrecy is very unusual in the history of Communist regimes not only in Hungary, but also in the other Communist-dominated countries, including the Soviet Union.

In view of this secrecy and the lack of sources and evidence it would be an exercise in futility to deal in detail with the charges of conspiracy to overthrow the government, treason, and the other "crimes" mentioned in the official announcement.

It should be enough to mention that it is difficult to understand how a duly and lawfully appointed prime minister could conspire to overthrow by force a government led by himself. Neither is it clear how treason may be said to exist, if a high official of a country wants to rid his own country from any occupying force. Questions like these would probably have been innumerable had any solid evidence of the trial ever been available.

Instead of such a guessing game it seems more worthwhile to try to assess the effects of the revolution of October 1956, and the supreme sacrifice of Imre Nagy and his fellow martyrs.

It may be paradoxical to state that one of the most important consequences of the Hungarian revolution was the détente between the United States and the Soviet Union. It is true that during and after the revolution, and again in 1958, after Nagy's execution was announced, the official circles and public opinion of the West, including the United States, openly condemned the Soviet Union for the suppression of the revolution in Hungary, and later for the execution and imprisonment of its leaders. However, nothing was done to aid the Hungarians in their fight for freedom. The reasons for this inactivity may be found in the Yalta Agreements in which the United States agreed to regard Hungary as belonging to the sphere of Soviet interest.

Prior to 1958 the Soviet Government had not been certain whether or not, beyond the occasional outburst resulting from the cold war, real adherence to the former agreements could be expected. The total passivity of the Western World, following the example of the United States, gave proof that the American Government would strictly observe any agreement to which it was a party, even if the other parties violated the same agreement.

A thaw in cold-war relationships had begun, and this process—despite some relapses like the Cuban missile crisis, or the 1968 intervention in Czechoslovakia—led to a better understanding between the two superpowers.

But the obvious question still remains: has the sacrifice of Imre Nagy and that of the other known and unknown heroes of the Hungarian revolution benefited Hungary and her much tormented people? The answer to this question must also be given in the affirmative.

It is undeniable that the fate of the Hungarian nation today is better than it was before October 1956. This, of course, does not mean that the free world may be satisfied with its progress, nor are the Hungarians satisfied. The process of liberalization is very slow indeed. Soviet troops in large numbers are still on Hungarian soil because of the Warsaw Pact which Imre Nagy attempted to renounce. Political oppression and the one-party system are still the main features of life in Hungary today, but the methods used to enforce them are less harsh than before.

It is undoubtedly the result of October 1956, that the ruling regime realized, and apparently were able to convince even the overlords in the Kremlin, that at least some regard must be given to the wishes of the consumer, the man in the street, and this has resulted in the reform of the country's economic management.

One of the most important demands of the revolutionary youth in 1956 was that the government put an end to the isolation of Hungary from the Western countries, their civilizations and cultures. The flight of 300,000 refugees over a few weeks gave dramatic emphasis to this demand. Most of those who left their homeland fled for political reasons; or simply because they wanted to live the rest of their life in freedom. But a great number of them, especially the young people, came out, because they were curious to know what lay beyond the Iron Curtain, so carefully guarded by the Communist rulers.

Slowly the Government of Hungary realized that such isolation is an untenable policy, and today more Hungarians may travel abroad in 1 year than have been allowed in a decade prior to 1956. Similarly, more foreigners, particularly from the Western countries, may visit Hungary, thus giving rise to a cultural exchange for which the world may be grateful to Imre Nagy and his fellow martyrs.

The increasing cultural intercourse has inevitably led to economic and political connections between Hungary and the rest of the non-Communist world, even with the United States. Although the major share of Hungary's foreign trade is still tied to the Soviet Union and its satellites in COMECON, economic connections with the West are slowly growing, and even the Soviet Union is following the example of Hungary. This is also an important result of the October revolution of 1956.

It is impossible to tell what would have happened to Hungary and to the rest of the world if the 1956 revolution and Imre Nagy's declaration of neutrality had been successful. But it is safe to say that even though the revolution was crushed and Imre Nagy and his associates, both named and nameless, paid with their lives, it was not a worthless sacrifice because, for their efforts, the world and the fate of the Hungarians therein is a little better today.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL, NO. 36

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HARRINGTON. Mr. Speaker, I have received many letters in response to my daily gun control inserts. One of the major points in these letters is the belief that handgun legislation would not reduce violent crime. A recent article in the Washington Post clearly demonstrates that this assertion is wrong. In this article, Dr. Czajkoski, expert on criminology, concludes:

> Gun control legislation would reduce the murder rate.

I would like to ask when Members of Congress are going to respond to the facts of gun control, rather than to their emotions. The facts show conclusively that gun control would prevent many of the murders committed by handgun.

I include a murder that might have been prevented, and the article from the Washington Post entitled, "Gun Laws Linked with Murders."

The material follows:

DICE-GAME DEATH BRINGS 6 YEARS

A 6-year prison sentence was given yesterday to a 33-year-old man convicted of manslaughter in the fatal shooting of another man after an argument over whether crooked dice were being used in a dice game.

Bernard Baskerville, of the 200 block North Mount street, received the sentence for the shooting of David L. Powell, 35, of the 1600 block West Fayette street, last November 10 at a tavern in the 1500 block West Fayette street.

Baskerville had been accused by the shooting victim of using crooked dice. Even though Mr. Powell was assured by the tavern manager that the dice were not irregular, he nevertheless continued his complaint and approached Baskerville, who whipped out a pistol and shot him, according to testimony produced by Mark Van Bavel, the prosecutor.

Judge Albert L. Sklar imposed the term in Criminal Court.

GUN LAWS LINKED TO MURDERS

ATLANTA, GA., September 25.—An absence of gun control legislation in Southern cities may be one reason why those metropolitan areas are dominating the nation's murder statistics according to some professional observers.

FBI data show Atlanta leading the nation in 1972 with a rate of 23 slayings per 100,000 population, followed by Gainesville, Fla.; Little Rock, Ark.; Greenville, S.C.; Columbus, Ga.; Tuscaloosa, Ala.; Richmond, Va., and Savannah, Ga.

Out of 53 metropolitan areas that reported 12 or more homicides per 100,000 population, 42 were in a 12-state Southern region.

"Generally in the South, restrictions on gun ownership are rather loose," said Dr. Eugene Czajkoski, chairman of the department of criminology at Florida State University.

He said although statistics are unreliable, he is personally convinced that gun control legislation would reduce the murder rate. In a telephone interview from his Tallahassee office, he claimed Northern cities have tighter gun restrictions.

Based on per 100,000 population, New York reported 19.1 murders last year while Los Angeles reported 12.8. Las Vegas had 18.3, Baltimore 17.6, Detroit 17.3 and Chicago 11.5.

By comparison, Gainesville had 22.3, Little Rock and Greensville 20.4, Columbus and Tuscaloosa 20.2, Richmond 19.8, Savannah 19.2, Raleigh, N.C., 18.7, Lubbock, Tex. and Memphis, Tenn., 18.6, New Orleans and Jackson, Miss., 17.9, Charlotte, N.C., 17.6, Chattanooga, Tenn., and Jacksonville, Fla., 17.4.

Houston reported 17.3 murders per 100,000 population, Birmingham, Ala., and Augusta, Ga., reporterd 17.1 and Wilmington, N.C., had 17.

"If I had my way they would take every handgun ever made and throw them in the river," said Georgia Division of Investigation Director William Beardsley.

ESEA

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. LANDGREBE. Mr. Speaker, on October 2 of this year I introduced H.R. 10639, a bill to phase out over a 4-year period Federal aid to education authorized by the Elementary and Secondary Education Act. The reasons the passage of such a bill is urgent are many: first, Federal aid to education is unconstitutional; second, Federal aid has not in fact aided education, but has generally had no measurable effect on the education of children, and where its effects have been measurable, they are generally detrimental to education; third, Federal aid has accelerated the removal of the control of children from parents and has given it to the State; and fourth, Federal aid has increasingly been directed toward noncognitive learning, that is, away from education altogether and toward the modification of the behavior of children and the inculcation of alien values in the minds of children. In view of these facts, it is deceitful to label H.R. 69 as Federal aid to education: It is not designed for education, and it has not aided education. The only slightly truthful word in the phrase "Federal aid to education" is "Federal", and that is a weasel word that obscures the source of the money expended under the ESEA: the American people.

Miss Solveig Eggerz, in an article which appeared in the July 14, 1973 issue of Human Events, has ably described and enlarged upon reasons 2, 3, and 4 given above for the phaseout of Federal aid. I commend her article to the attention of my colleagues in the House and ask that it be printed in the RECORD:

FEDERAL AID TO EDUCATION SHOULD BE ABOLISHED

(By Solveig Eggerz)

The liberal-dominated House Education and Labor Committee is about to press upon the public's back a new version of the multi-billion-dollar Elementary and Secondary Education Act (ESEA), the federal government's most potent vehicle for intervening in local school affairs. Sponsored by Chairman Carl Perkins (D-Ky.), and backed by the Republicans' ranking member, Rep. Albert Quie of Minnesota, the legislation will not only cost some $2-billion-plus per year but is designed to commit the taxpayer to funding ESEA for at least five more years.

While many of the ESEA advocates may think this legislation contributes to the welfare of children, there is no more reason to think it will solve our education ills than there is to believe bloodletting will cure a hemophiliac. A closer look at the projects for deprived children under Title I, the experimental programs of Title III and the similar fare offered under Title V forces the question—what in the world did the kids ever do to deserve this?

If test scores and evaluations are any indication, the $8.77 billion spent thus far on compensatory education under Title I has all been wasted.

Indeed, the progressive infusion of federal funds into education appears to parallel a downward trend in test scores in basic skills. While it may be too much to say that federal funding is the sole cause of this, it's clear that governmental programs controlled from Washington have done nothing to improve the knowledge of children and in many cases have worsened the educational situation.

The National Assessment of Educational Progress revealed recently that 15 to 20 per cent of the nine-year-olds cannot read at all, ranging from 7 per cent in the affluent suburbs to 35 to 45 per cent in the extreme inner city. Despite the fact that more Americans go to school for more years than ever before, some 15 to 20 per cent of adults are functionally illiterate.

Children in cities such as Washington and Chicago read below grade level and the situation seems to be deteriorating. In Boston, the head of the school board has proposed that the amount of time pupils spend on reading be doubled because reading scores have dropped to a record low.

In New York, the percentage of public school pupils reading below grade level has increased every year. In May 1966, 45.7 per cent of the city's second-graders were reading at or above the national norm for that grade. On the national reading test last year, the figure had dropped to 42.3 per cent. The reading scores had fallen off even more sharply in other grades.

An idea of just how bad things have become can be gleaned from the actions of an 18-year-old graduate of Galileo High School in San Francisco who recently filed a million-dollar suit charging that the school system had failed to teach him how to read.

Traditional reservations about federal aid to education were overcome in 1965 by selling ESEA to Congress as basically an anti-poverty bill. Those who should have balked at involving the federal government in a multi-million-dollar school program were soothed into support when ESEA was described as aid to children rather than as aid to schools.

But Title I programs, far from really aiding children, seem aimed more at decorating the schools with new equipment, "innovative" programs, and courses that patronize the poor rather than in teaching the tough, basic skills necessary for children to succeed in later life.

"For all their variety, the programs have generally suffered from one fundamental difficulty: they are based on sentiment rather than on fact," states Prof. Edmund W. Gordon who coauthored the book, *Compensatory Education for the Disadvantaged*.

Much of the compensation comes in the form of arbitrary material gain. Mark Arnold, congressional correspondent for the *National Observer*, in his survey of Title I schools in Washington, D.C., found in one school, among other things, 33 record players, 37 film strip projectors, 24 radios, three sewing machines and three washer/dryer combinations.

Of Title I programs he says, "From the first time the first $5.4 million was received in 1965 with little time for advance preparation, the program has been characterized by poor planning, sloppy management, superficial evaluation, and until recently, precious little concern with results."

Many of the innovations introduced through Title I do not nourish the intellect, but focus on mental health concerns such as "self-image" or "self-awareness." Moreover, there is an abnormal amount of money spent on complicated machinery, new teaching methods and "cultural enrichment" programs.

Black psychologist Kenneth B. Clark, who believes in a tough curriculum for children, shows a marked lack of enthusiasm for this variety of innovation, much of it funded through Title I.

For minority children, Clark says, "there is a proliferation of enrichment programs . . . in fact, one of the burdens of being a child in a predominantly minority school is that you have no way of protecting yourself from innovative programs."

A large portion of Title I funds go for the hiring of "para-professionals" to aid the schools. Most of these people come from the neighboring community and many of them cannot provide assistance to the children beyond helping them tie their shoelaces and put on their galoshes. Any cutback in Title I funds threatens this army of "para-professionals" with unemployment, thus making such cutbacks politically unpopular.

Dr. Rhoda L. Lorand, a clinical psychologist in New York City, has been sharply critical of the para-professionals and the programs they're engaged in. People are "fooling themselves if they think these programs give the children what they need," she says. "You can't kill two birds with one stone—both provide the children with the kind of people they need and find general employment for the community."

"These children should only be taught by teachers who *choose* to teach in the ghetto, by people who really care," says Dr. Lorand. "Just having a lot of people around, just hiring anyone who happens to be in the neighborhood, isn't going to help. Just throwing a lot of money at them isn't doing any good."

George Weber of the Council for Basic Education has done a study of inner-city schools in the hope of finding successful ones. In his booklet, *Inner City Children Can Be Taught to Read: Four Successful Schools*, Weber lists several qualities common to successful inner-city schools. Among them are strong leadership and high standards at the top, emphasis on reading, the use of phonics, special reading personnel and individualized attention.

While all four schools were Title I schools, this was not the reason for their success, Weber points out. "Rather it's just the opposite. It's a sign of the failure of Title I that I came up with only four successful schools."

A disbeliever in the value of federal funds to education, Weber says Title I is based "on the simplistic faith that money can do the job. . . . Although some schools have made good use of Title I money, most of it has been spent to no effect."

Harvard sociologist Christopher Jencks,

who views things through Socialist-tinted glasses and might be considered an ally of Title I, has acknowledged its shortcomings. He states in his expansive study of the schools, *Inequality*, that "students in Title I programs do worse than comparison groups as often as they do better. . . . These programs have often been misspent. Often they have been widely diffused. Their aims are typically hard to pin down.

"Most announce improved reading or mathematics achievement as their principal goal, but many also seek to improve students' self-concept, eliminate truancy, prevent dropouts, improve school community relations, increase parent involvement or prevent fallen arches."

While some short-term evaluations of Title I programs have shown gains in achievement, these gains have proven to be temporary in nature. More importantly, the average inner-city child continues to drop farther behind the national norm, whether he has been in a Title I program or not.

One of ESEA's original sponsors, former Rep. Roman Pucinski (D.-Ill.), called the program "a monumental flop."

The conclusions of Title I evaluations have been more depressing each year. In its first report on Title I in 1967 the Office of Education disclosed that in 19 tests covering basic skills participating children had diminished their lag on 10 tests but increased it on the other nine. The second-year report showed the Title I child to be farther behind national norms after going through the program than he had been before.

Harry Piccariello did an evaluation of Title I for the Office of Education in 1969 in which he noted that significant change occurred in 108 of the 198 projects studied and that of these 58 were significant positive changes. He points, however, to the 50 significant *negative* changes and states that "the implication here is that participation in Title I programs for these children resulted in lower achievement than would have been the case had they not participated in these Title I projects at all."

The most conclusive evaluation of Title I to date, done by the American Institute for Research in March 1972, found that "ESEA Title I has never been implemented nationally as intended by Congress," and that, "there is little evidence at the national level that the program has had any positive impact on eligible and participating children."

Despite this mass of negative data on Title I, Congress apparently is still under the delusion that by pouring out huge doses of federal funds "deprived" children will be miraculously educated. But a number of experts in the field have demonstrated that good education does not depend on the sums spent per pupil.

James S. Coleman of Johns Hopkins University, who in 1965 and 1966 headed the largest and most thorough examination of American public schools ever undertaken, discovered the following: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physician and economic resources going into a school have very little relationship to the achievements coming out of it." He concluded that "if it were otherwise, we could give simple prescriptions: increase teachers' salaries, lower classroom size, enlarge libraries and so on. But the evidence does not allow such simple answers."

The *New York City School Fact Book* found in 1969: "The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance. . . ."

Harvard's Prof. Jencks said in 1969 that "Variations in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman Report implied." In his 1972 magnum opus on education, *Inequality*, Prof. Jencks elaborated on the point:

"More specifically, the evidence suggests that equalizing educational opportunity would do very little to make adults more equal. If all elementary schools were equally effective, cognitive [by which Jencks means the ability to manipulate words and numbers, assimilate information and come to logical conclusions] inequality among sixth-graders would decline less than 3 per cent. If all high schools were equally effective, cognitive inequality among twelfth-graders would hardly decline at all, and disparities in their eventual attainment would decline less than 1 per cent.

"Eliminating all economic and academic obstacles to college attendance might somewhat reduce disparities in educational attainment, but the change would not be large. Furthermore, the experience of the past 25 years suggests that even fairly substantial reduction in the range of educational attainments do not appreciably reduce economic inequality among adults.

"The schools, of course, could move beyond equal opportunity, establishing a system of compensatory opportunity in which the best schooling was reserved for those who were disadvantaged in other respects. The evidence suggests, however, that educational compensation is usually of marginal value to the recipients. Neither the over-all level of educational resources nor any specific, easily identifiable school policy has much effect on the test scores or educational attainments of students who start out at a disadvantage. Thus even if we reorganized the schools so that their primary concern was for the students who most needed help, there is no reason to suppose that adults would end up appreciably more equal as a result. . . ."

In short, there is no reason whatsoever to believe that federal aid to education is anything but a drain on the taxpayer. Yet Congress does not even question the value of these programs. The primary source of discord in the House Education and Labor Committee at the present time is not whether to continue ESEA, but just how the funds should be divided.

Traditionally, Title I funds have been channeled into the most impoverished school districts. Rep. Albert Quie (R.-Minn.), the ranking Republican on the committee, proposes a somewhat different method, which seems to have caught the fancy of many of the members. Quie would like to spend the most funds in areas where students score the poorest in national standardized tests as judged by the National Assessment of Educational Progress. The Quie proposal not only ignores the studies cited above, but adds a new wrinkle in placing a premium on having the students do poorly; i.e., a negative incentive. The worse the students, the more money from Washington.

Under the Quie plan, moreover, the NAEP, funded by such liberal outfits as the Office of Education, the Ford Foundation and the Carnegie Corporation, would not only assess student skills but student progress in becoming a good citizen (the "Attainment in Citizenship" program). The development of national goals for citizenship could obviously be controversial, particularly under the auspices of an organization dependent on liberal sources for money.

Title I, however, is not the only problem with ESEA. Funded at only $146 million a year, as opposed to the $1.8-billion figure for Title I, Title III is frequently not seen as the sometimes silly, sometimes pernicious provision that it is.

With emphasis on exporting "experimental" and "innovative" pilot projects to school districts throughout the country, projects filled with sham are often aimed at altering the values of Middle America. Title III has a great potential for rendering harm.

"Change agent" is a household word in Title III projects. Gerald Kluempke, secretary of the National Advisory Council on Supplementary Centers and Services, ESEA, Title III, urged the Appropriations Labor-HEW subcommittee in recent testimony not to abolish Title III, but to reexamine "the role of the Office of Education as a change agent."

The Office of Education is presently planning an evaluation of Title III and four other OE programs to assess their "impact as agents of change."

What sort of change? Instead of being content with the goal of getting students to develop basic skills, a goal it has distressingly failed to attain, the Office of Education, through Title III programs, wants to mold children in the image of the liberal. Title III projects often focus on making a child skeptical of religion, the police and parental authority. Title III projects also indulge in much foolishness. For instance:

On-the-Job Training in Human Relations Education is a project in Buffalo, N.Y., which sets "attitudinal and behavioral objectives." Among the Title III projects to win the "Educational Pacesetter Award" this year are many behavior modification programs. While some "behavior mod" programs are merely a method whereby good learning behavior is reinforced through rewards, many are geared toward developing certain liberal values and attitudes.

An award winner is *Project Adventure* in Hamilton, Mass., which received $86,800 in federal funds and promises to "transmit a sense that life should be entered into fully, actively and compassionately."

A typically unintellectual endeavor is *Self-Direction Through Group Dynamics* in Danvers, Mass. The $75,000 in federal funds and $30,000 in local funds go toward "helping students and faculty improve their concepts of themselves, their awareness of their own and others' feelings, their communication skills and their capacity to function effectively in a group."

Project on Student Values in Grand Rapids, Mich., promises to test students for their "value orientation." Because of Title III's orientation toward change, clues to what we can expect in the future as a result of funding these projects can be read out of Title III projects.

Project Redesign, for example, already covers 10 per cent of the schools in New York. It calls for a "New System of Education" which instead will emphasize "direct, real and relevant experiences," "human interaction," and "positive self-concept."

In short, federal aid to education is a monstrous waste of money. Because it has been a massive failure, ESEA can be abolished without qualms of conscience that a small child's education is at stake. Indeed, it would be argued that a small child's education depends on the elimination of ESEA.

IMPEACHMENT OF PRESIDENT RICHARD M. NIXON

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WALDIE. Mr. Speaker, I rise today to introduce a resolution of impeachment against the President of the United States. I wish to assure the Speaker and my colleagues that I sincerely wish this moment had not come. If there were any other recourse, even within reasonable sight, of restoring public confidence in Government; of assuring that the President obeys the Constitution and the laws of the land as every other American must; and of determining that the President actually did not authorize, concur in, or cover up burglary, breaking and entering, illegal wiretapping, espionage, and perjury—I would then not take this course of action.

However, this Nation is now confronted with a constitutional crisis of unprecedented proportions. The events of the past weekend alone are simply staggering. The President first defied an order of one of the Nation's highest courts to produce tape recordings and documents, memorandums, and other material relevant to the investigation of the sordid affair we now know as "Watergate."

The President then fired Special Prosecutor Archibald Cox and dismantled and abolished his entire office. He then forced the resignation of the Nation's two top law enforcement officers, Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus.

Within hours, therefore, the President had disobeyed a court order and substituted his own arrangement which was called a "compromise" but was actually an order to cease further inquiry into a number of legitimate areas, and then divested himself and the country of the services of three men of high principle and honor, characteristics which have been sadly lacking in many of the President's closest associates and advisers.

Mr. Speaker, the events of the past weekend are the culmination of President Nixon's repeated attempts to institutionalize his notion that the Executive has unlimited powers and is accountable to no one, and they make it abundantly clear that the President does not intend to obey the law of the land, nor keep promises made to Congress, nor abide by his oath of office made twice to the people.

It is indeed regrettable that the President, by the acts of the past weekend, and the many others which he has undertaken to systematically obstruct the investigation of the "Watergate" and related incidents, has made a resolution of impeachment necessary. However, we can no longer avoid the conclusion that impeachment is the only legal and proper avenue remaining for us to preserve the integrity and form of our Government as provided for in our Constitution. Thomas Jefferson wrote:

> An elective despotism was not the government we fought for, but (we fought for) one which should not only be founded on free principles, but in which the powers of the government should be so divided and balanced among several bodies . . . as that no one could transcend their legal limits, without being effectually checked and restrained by the others.

The President has ignored the traditional separation of powers and thereby brought about this constitutional crisis. We have no other reasonable and effective choice but impeachment.

The people of this country have every right to expect Congress to zealously protect our constitutional form of government. In addition, the people of this country have a right to know the truth about activities, such as "Watergate," which may have subverted our free electoral processes. The people have a right to expect the executive branch of Government to be free from personal misconduct, and to operate in conformity with the legal and moral system; the people have the right to know that no member or branch of the Government, and no citizen, is above or beyond the law.

We are now faced with a President who, by ignoring the Constitution and by obstructing justice, may limit or destroy these rights. The President has made clear that he will not comply with the law as interpreted and set forth by the U.S. Court of Appeals. The President has systematically sought to delay and obstruct the investigation of misbehavior surrounding the 1972 Presidential elections. In addition, we know by the personal admissions of certain participants, that this misbehavior involved high-ranking staff members of the administration; and we cannot escape the fact that at least one individual has charged that the President himself had knowledge of this misbehavior long before the facts were made public. Finally, some criminal indictments have been issued in connection with activities undertaken during the 1972 Presidential election and, at the time of his discharge, Special Prosecutor Cox was in the process of presenting further indictments.

When Mr. Cox was told late Saturday that he was fired as special prosecutor—President Nixon having finally found an Acting Attorney General willing to do the deed—he responded with one sentence:

> It is now up to the Congress and the people to uphold the principle that ours is a government of laws, not of men.

Congress and the people are now left with only one way to vindicate the rule of law and the constitutional structure of this Nation. That way is impeachment. All other courses of action have been blocked by the President.

It has been said that last Saturday was not "7 days in May," but 1 day in October. In Communist countries, fascist dictatorships, "banana republics," and other nations where democracy is supposedly more fragile than in America, it is all too familiar for the head of state or the leader of a coup to announce that he has regretfully decided, in the best interests of the state, to dissolve the legislature. Last week President Nixon announced that the process of justice in the United States was being dissolved, insofar as it relates to the high crimes, obstruction of justice, and attacks on our electoral system that have come to be known as Watergate. This was a Presidential coup directed at the rule of law on which the Nation is based, and at the judicial and legislative branches in their attempts to meet their constitutional responsibilities.

Impeachment is not a course to be taken lightly; to shrink from it now, however, is to take our constitutional system and the rule of law lightly. But it must be remembered that impeachment is what the Founding Fathers intended should be used in such a time as we now find ourselves—where the President deems himself answerable to no one, not even the courts. Impeachment is part of the law—it is mentioned in the Constitution five times. Unless the House faces up to its duty, the people will again perceive the House as unwilling to assert its legitimate role as one of the equal branches of the Government.

Mr. Speaker, impeachment is serious business. But in my view, all other ways within our constitutional system for dealing with the scandal and crisis of Watergate have been tried, and have now been ruthlessly cut off by the President himself:

First, the regular processes of criminal justice were tried first, and failed.

The trial of the "seven" Watergate defendants is now universally acknowledged to have been a sham, shot through with perjury and obstruction of justice designed to protect the higher-ups in the White House and the Committee To Re-elect the President. This was why a special prosecutor was appointed, President Nixon having specifically authorized Attorney General Richardson to do so, and why the Senate's Select Committee was established. The work of the Special Prosecutor and the Select Committee reassured the American people that their processes of law and government were working. President Nixon has now defied and repudiated those processes.

Second, President Nixon now stands in open defiance of a final order of a Federal court.

The Court of Appeals, affirming District Judge Sirica, has ordered the President to turn over his tapes to the court, so it may determine what portions, if any, are needed by the grand jury. When President Nixon last Friday refused to appeal that order to the Supreme Court, it became final and binding. President Nixon declares openly to the Nation that he will not obey the court's order. This abrogation of the judicial process not only withholds evidence needed by the grand jury, but may result in dismissal of all cases brought against Watergate defendants, since the defendants can demand dismissal if the Government refuses to produce relevant evidence in its possession. This defiance would equally block the efforts of any other prosecutors, regular or special.

Third, President Nixon has abrogated the prosecutorial function by dismissing the Special Prosecutor, dismantling his entire investigation, and compelling the the two Attorneys General who refused to go along to resign.

President Nixon authorized Attorney General Richardson to appoint a special prosecutor; with the President's approval, Richardson promised that the Special Prosecutor would be independent, would not be interfered with, could contest claims of executive privilege in court, would not be fired except for extraordinary misconduct. In firing Cox because he pursued his duty, the President has abrogated the prosecutorial function just as he repudiated the judicial one.

He seeks to assure that there will be no real or independent prosecution of the Watergate offenders. This is a coverup of a coverup, an obstruction of process of justice aimed at those guilty of obstructing justice. Any notion that the Justice Department can step into the shoes of the special prosecutor is negated, not only by the original Justice Department performance, but by the President's obvious reason for firing the special prosecutor—his prosecution was too good for the President's comfort—and by the President's firing of the two Attorneys General who dared to assert their independence last Saturday.

Fourth. President Nixon has also defied the Congress and repudiated its processes.

In at least two ways, he has undercut and frustrated the attempts of Congress to uphold the rule of law, to inform the public, and to develop necessary legislation regarding the events of Watergate.

He has refused to make available to the Senate Select Committee evidence it needs for its investigation.

By dismissing the special prosecutor for pursuing his investigation, the President has reneged on his commitment to the Senate, through Attorney General Richardson, to appoint a special prosecutor and give him appropriate independence and powers.

So the efforts of Congress to use two of its constitutional powers in the Watergate crisis—the power to investigate, and the power of the Senate to advise and consent to Cabinet nominations—have met with obstruction, repudiation, and deception on the part of the President.

The other branches of the Government, acting in good faith and within their constitutional authority, have thus tried various ways to uphold the rule of law and the interest of the public with regard to Watergate, but all their attempts have been blocked by President Nixon. The legitimate actions of the grand jury and the courts, of the special prosecutor, and of the Congress have all been defied and repudiated.

However, as I noted earlier, Mr. Speaker, the most recent events are but the last in a long series of actions which constitute a systematic and concerted attempt by the Nixon administration to subvert the Constitution of the United States.

The litany of impeachable offenses that have accumulated during the past 5 years are truly shocking. I will simply list the most salient.

First, the President personally approved plans for political surveillance by such methods as burglary, breaking and entering, and wiretapping. At the time of approval, Mr. Nixon was advised that certain aspects of the "Huston Plan" were illegal, and yet the plan was ordered implemented, and were stopped after 5 days only at the insistence of J. Edgar Hoover.

Second, the Nixon administration conducted a clandestine bombing campaign in Cambodia for over 14 months, and not only withheld information from the American people and the Congress concerning this matter, but also told the American people that such raids were not occurring. This subversion of the war-making powers necessitated a falsification of records and documents by the executive branch, and, in my view, because the funds spent on the bombing was obtained from the Congress under "false pretenses," they were spent in an unconstitutional manner.

Third, the Nixon administration established within the White House a super secret police force known as the "plumbers" which acted outside of the law for the political purposes of the Nixon administration.

The list of potentially impeachable offenses would also include:

A deliberate assault on civil liberties.

The use of governmental powers to harass critics.

Interference with peaceful assembly and protest.

A continuation of the impounding of funds, notwithstanding the fact that every court decision on this subject has found impoundment to be unconstitutional and,

The attempt to pervert and subvert the various agencies of the executive branch, including the Justice Department, the State Department, the Defense Department, and the Central Intelligence Agency.

Therefore, Mr. Speaker, it is clear that the House should impeach the President. The reasons for impeachment are not limited to events of the past weekend, but are rooted in the concerted and systematic attempt by the President to subvert the Constitution.

The events of this weekend were indeed symbolic, however, for in dismissing three men who have clearly demonstrated a high degree of character, honesty, and courage, Mr. Nixon placed in unmistakable contrast his parting accolades to Mr. Haldeman and Mr. Ehrlichman.

In this regard, I would like to quote James Madison, on the responsibility of the Executive for the acts of his subordinates:

> I think it absolutely necessary that the President should have the power of removing from office. It will make him, in a peculiar manner, responsible for their conduct and subject him to impeachment, if he suffers them to perpetrate with impunity high crimes and misdemeanors against the United States or neglects to superintend their conduct as to check their excesses.

Mr. Speaker, in view of the myths that abound as to the various grounds for impeachment, I feel it appropriate to state why there are presently existing grounds for impeachment, even if one assumes the absence of proof of indictable crime.

One of the grounds for impeachment is "high crimes and misdemeanors." Because these words are familiar words in criminal law some persons have erroneously concluded that this ground of impeachment necessarily involves an indictable offense as that term is used in the criminal law. However, precedent in the Senate clearly confirms that impeachment for "high crimes and misdemeanors" does not require an indictable offense. As Prof. Raoul Berger, the country's leading expert on impeachment, recently wrote:

> The great preponderance of authority, including extrajudicial statement by Chief Justice Taft and Justice Hughes, regards "high crimes and misdemeanor" as not confined to criminal conduct.

The country's Founding Fathers well understood that the institution of impeachment had a much broader base than the criminal law. Hamilton said impeachment was to reach misconduct of public men in abusing or violating some public trust. It was for injuries done immediately to the society itself. It was a method of national inquest into the conduct of public men. In No. 65 of the Federalist Papers, Hamilton pointed out that England and several of the States regarded the practice of impeachment "as a bridle in the hands of the legislative body upon the executive servants of the Government."

The Senate has appreciated the broad meaning of "high crimes and misdemeanor." For example, the Senate has convicted a judge in an impeachment proceeding on the ground that his conduct was "to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice."

Although I would not go so far, evidently this history of impeachment led the minority leader GERALD FORD to conclude as follows in 1970:

> What, then is an impeachable offense? The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the other body considers to be sufficiently serious to require removal of the accused from office—there are few fixed principles among the handful of precedents. CONGRESSIONAL RECORD, volume 116, part 9, page 11913.

By what I have just said I do not mean to imply that crimes in the sense that term is used in criminal law may not be involved in the proposed impeachment proceeding. There is every reason to suspect that criminal activity is involved and will be revealed in an investigation that cannot be thwarted by coverups and the discharge of prosecutors when they begin to uncover the crimes. However, my point is that the institution of impeachment has a higher purpose than the ferreting out of crime and criminals. As Hamilton said, it is a "national inquest" into the conduct of public men, or as John Pym said at the impeachment of the Earl of Strafford—

> To alter the settled frame and constitution of government is treason in any state. The laws whereby all other parts of a Kingdom are preserved should be very vain and defective, if they have not a power to secure and preserve themselves.

I suspect that there will be efforts to compare this impeachment with the impeachment of Andrew Johnson. There is no similarity in the two cases. The impeachment of Andrew Johnson was undertaken for the basest of political motives, and was not founded upon the sort of misconduct which is present here. Andrew Johnson was the victim of an aggressive Congress intent on pursuing a personal vendetta against a particular individual. Here, as I have already discussed, every effort has been made to avoid this final choice. We now know that, because of the actions of President Nixon, impeachment is the only procedure which can guarantee a full resolution of the issues before us. We have tried to use every mechanism of government within our control, and President Nixon has impeded each of our efforts. Accordingly, we must turn to impeachment.

Just before the Constitution was signed in Philadelphia on September 17, 1787, Benjamin Franklin addressed the Convention and focused upon the nature of the people and their government. He said:

> [T]here is no Form of Government but what may be a Blessing to the People if well administered; and I believe farther that this is likely to be well administered for a Course of Years, and can only end in Despotism as other Forms have done before it, when the People shall become so corrupted as to need Despotic Government, being incapable of any other.

I reject the notion that we, the people of the United States, have become so corrupted as to need despotic government. It is specifically for this reason that we must regrettably make use of the impeachment process.

Moreover, Mr. Speaker, the people are demanding action on this matter. Responsible Members of the Congress should no longer talk about the impossibility of impeachment, but about the need to cleanse our Nation. Impeachment is not so much designed to remove Richard Nixon from office, as it is to preserve the Constitution, and it is the only alternative for saving the Nation's democratic form of government from Executive fiat and tyranny.

DOCTOR IMMIGRATION TERMED HARMFUL

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROGERS. Mr. Speaker, in recent years, I have become more and more concerned about the numbers of foreign doctors immigrating to the United States. Not only does this situation have an adverse effect on those nations from which these doctors are emigrating, but it points up the reliance of the U.S. medical system on these foreign-trained physicians. I recently read an article in the October 17 edition of the New York Times entitled "Doctor Immigration Is Termed Harmful in U.S. and Abroad."

This article was written about the remarks of Dr. Richard Warren of Harvard at the recent Congress of the American College of Surgeons in Chicago. It is a most interesting article and I would like to insert it in the RECORD at this point for the benefit of my colleagues.

DOCTOR IMMIGRATION IS TERMED HARMFUL IN UNITED STATES AND ABROAD

CHICAGO, October 16.—Immigration of doctors to the United States must be stopped, a Harvard professor, Dr. Richard Warren, says.

Instead of allowing foreign doctors to immigrate, the United States should provide for medical training for Americans, Dr. Warren says. He spoke as a panelist on surgical manpower at the annual clinical congress of the American College of Surgeons.

Dr. Warren said at a news conference that although many foreign-trained physicians were outstanding, others had inferior training.

He added that it was unfair for these doctors to leave their homelands, which have invested vast amounts of money in their education.

About half of the doctors graduating from medical schools in the world outside the Communist nations are trying to get into the United States, he said.

Seven per cent of doctors practicing in the United States in 1971 were foreign medical graduates, Dr. Warren reported, and 3,000 of the net increase of 7,000 doctors in the United States in 1971 were foreign medical graduates.

While 7,000 Filipino doctors practice in the United States, he said, there are only 6,000 American black doctors.

Dr. Robert A. Chase of Stanford University said it was "a national shame" that the United States did not have space for those who wanted to attend medical school.

Dr. Francis D. Moore, of Harvard, added that there were 70,100 applications for the 13,500 openings in the most recent freshman medical school classes.

THE "HOLIDAZE"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DERWINSKI. Mr. Speaker, the Star Tribune publications, serving south suburban Cook County, Ill., have a well-deserved reputation for the quality of their editorial commentary. I believe it is appropriate that I insert in the RECORD today that publication's editorial of Thursday, October 18, on the subject of Monday holidays.

Since we observed one of the most traditional holiday dates yesterday, the point made in this editorial certainly applies:

THE "HOLIDAZE"

Tradition, it appears, is stronger than expediency. Or at least that is one conclusion that can be drawn from recent efforts by governmental groups and others to manipulate the calendar in the name of leisure.

In 1970 the Illinois General Assembly, in accordance with recommendations of the federal government, adopted legislation switching five commemorative holidays from the traditional dates to a Monday close to the original date. The date was to create more "three-day" weekends. Now, however, less than three years later, three of the official state observances have been restored to their former dates.

The latest about-face in the "holidaze" sweepstakes in Illinois involves Memorial day—or Decoration day, as it was once known. Originally it was observed on May 30. Then it was switched to the last Monday in May. Now, by action of the state legislature, it's back to May 30.

Other observances that have been restored to their traditional dates are Lincoln's birthday (February 12) and Veterans day (November 11).

The only survivors of the 1970 edict are Washington's birthday (from February 22 to the third Monday in February) and Columbus day (from October 12 to the second Monday in October).

To date, we're happy to report, there are no plans to switch the traditional observance of Independence day. It would be a little silly to celebrate the Fourth of July on any other date. Tradition deserves more consideration than it enjoyed for a time.

MR. TERRY JONES—FATHER OF THE YEAR, 1973

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. STARK. Mr. Speaker, I would like to take this opportunity to say a few words about Mr. Terry Jones, a constituent of mine who has recently been named "Father of the Year, 1973," by the Minority Adoption Committee—MAC. He has been selected as the adoptive father who best typifies the essential qualities of parenthood which MAC is seeking for all children in need of love, security, and permanent homes.

Mr. Jones, at the age of 31, is a fine example of a concerned and active citizen who any child would be proud to claim as his or her father. While pursuing his goal of teaching social science on the university level, Mr. Jones has been actively involved in serving his community. He has worked as an assistant human relations coordinator for the city of Berkeley and has assisted in the development of the Berkeley model cities program. He has also done individual and group counseling for the Contra Costa County Probation Department. Most recently Mr. Jones has been a teaching assistant at the University of California at Berkeley and the director of the health care outreach project in Richmond, Calif.

Mr. Jones has made an invaluable contribution to the community by volunteering his time, knowledge, and effort to better the economic, social, and political lives of the black citizens of Vallejo by helping to organize and develop the Black Society on Unity and Liberation. He has developed and staffed a tutorial project in the Vallejo area as well as having recruited black students to the school of social welfare, working closely with the black caucus and black faculty of the University of California, Berkeley.

In addition to his many other activities, Mr. Jones is a member of the California Association of Afro-American Educators and the Associated Bay Area Black Social Workers. In 1972, to make their lives more complete, Mr. Jones and his wife adopted a baby boy through MAC.

I am sure that his family and all who have seen his efforts will attest to the fact that Mr. Jones is one of the most outstanding men of our community. A man of fine character, Mr. Jones' concern for others is admirable. Thank you, Mr. Jones, for all that you have done to make our community a better place to live.

ON LEGISLATION TO DECRIMINALIZE THE PERSONAL USE OF MARIHUANA

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KOCH. Mr. Speaker, the national movement toward removing or substantially reducing the criminal penalties against the possession for personal use of marihuana has taken a major step forward as a result of two recently enacted Oregon statutes.

The statutes, passed in the 1973 session of the Oregon State Legislature and signed by Governor McCall, have as their aim the substantial reduction of penalties for private possession and use of marihuana. The statutes provide that possession of less than 1 ounce of marihuana be classed as a violation, that is, neither a felony nor a misdemeanor—punishable by a maximum of a $100 fine. Possession of more than 1 ounce of marihuana may be treated by the court, at its discretion, as a misdemeanor—which in Oregon is punishable by no more than 1 year imprisonment and/or $1,000 fine.

The other new substantive legal change provides that the prior record of a convicted marihuana possessor and/or user may be expunged upon a successful petition to the court by the individual, 3 years after the person's conviction.

A civil law suit has been filed in Federal District Court in Washington, D.C. by the National Organization for the Reform of Marihuana Laws—NORML—to have prohibitions against personal marihuana use presently in existence on the Federal, State, and local levels declared unconstitutional as "an unwarranted intrusion into the private lives of millions of Americans." In addition, the suit seeks to establish the position that current penalties for marihuana use constitute cruel and inhuman punishment, and that the present laws deny "equal protection of the laws" since the use of potentially more harmful substances such as alcohol and cigarettes have no penalty attached.

The National Commission on Marihuana and Drug Abuse—the Shafer Commission—appointed by President Nixon has stated as its first recommendation that possession of marihuana for personal use no longer should be considered as a criminal offense, though it does urge that marihuana possessed in public remain contraband, subject to seizure and forfeiture.

Such prestigious and conservative organizations such as the American Bar Association and the National Education Association have urged that possession for personal use be decriminalized. The ABA even supports the dropping of penalties for "casual distribution of small amounts not for profit." Texas has made the possession of two ounces or less of marihuana a misdemeanor punishable with a maximum of a 6-month jail sentence and a $1,000 fine. The new penalty is in sharp contrast to the previous situation in Texas where the average sentence for marihuana violators was 9½ years, with one defendant receiving the incredible sentence of 30 years for the use, not sale, of marihuana.

It is clear that a profound rethinking on this subject is occurring and in light of these developments I am surprised that my bill, H.R. 6570 which would decriminalize, not legalize personal use of marihuana, has garnered only eight sponsors.

The Javits-Koch bill has four straightforward provisions: a. Possession of marihuana for personal use whether in public or private of 3 or less ounces would no longer be a crime, b. marihuana in an individual's lawful possession would no longer be considered contraband subject to seizure and forfeiture, c. marihuana intoxication would not be a valid defense to any violation of Federal law, and d. that the sale, distribution, or transfer for profit would continue to be a crime.

My bill, I believe, would put into legislation what is now accepted as the reasonable attitude of the medical, legal, and sociological professions—and most importantly, the bill reflects the attitude of the people of this country.

The Shafer Commission in its original report found that 24 million Americans have tried marihuana at least once, that 8,300,000 still use the drug occasionally, and that 500,000 are heavy users. The Shafer Commission's most recent figures as of February 1973, showed that 26 million Americans, or 16 percent of the adult population has used marihuana at least once, and that 13 million Americans smoked marihuana on a regular basis. The number of potential felons under present law that thus exist is simply staggering. This wholesale disregard for the marihuana statutes by a substantial segment of our population can only serve to bring law in general into disrepute and public contempt. We must remove the present savage penalties that apply to the mere possession of marihuana. And remember, my bill does not in the least affect the current criminal penalties against sale for profit of marihuana, which will continue.

Let us not try to enforce the unenforceable. Let us bring our laws in line with reality. Let us change the law by decriminalizing possession for personal use of marihuana.

The following are two articles from the Washington, D.C., Star-News and Time magazine which deals with the Oregon and other governmental actions to reduce penalties for marihuana possession. I have also included the Congressional Research Service summary of the Federal legal recommendations of the National Commission on Marihuana and Drug Abuse—the Shafer Commission.

[From the Washington Star-News, Aug. 7, 1973]

OREGON POT PENALTY NOW JUST A TICKET

(By William Hines)

For the next several months at least, the state of Oregon is likely to be happy land for members of the drug subculture.

In a move unparalleled on the state level in this country, the Oregon legislature passed—and Gov. Tom McCall late last month signed—a measure removing nearly all penalties for simple possession and use of marijuana.

As a result, since July 23, under Oregon law, possession of up to an ounce of pot has been not a felony or even a misdemeanor but a mere "violation," similar to a traffic ticket, punishable only by a fine of no more than $100 and not carrying with it the stigma of a permanent criminal record.

The purpose of the law, as perceived by McCall and the majority of the state legislators, was not to foster the drug habit, but to remove a lifelong blot from the records of youngsters guilty of nothing more than smoking a disapproved but not very dangerous weed. Trafficking in marijuana remains a felony in Oregon as elsewhere.

Owing to a technicality unintended by the law's framers, criminal penalties for possession of up to an ounce of hashish or "hash oil" also were eliminated. As any "head" will testify, an ounce of either of these marijuana derivatives is a substantal amount.

McCall said upon signing the measure that he was aware of the hashish loophole but was reluctant to veto the bill because of it, lest a death blow be dealt to the worthwhile objective of decriminalizing marijuana. He urged the legislature to close the loophole when it meets early next year.

[From Time magazine, Sept. 10, 1973]

GRASS GROWS MORE ACCEPTABLE

It could be written off to the kids last year when the city council of Ann Arbor, Mich., voted to make marijuana use a misdemeanor subject to a maximum fine of $5, payable by mail. And this spring the radicals were apparently responsible as 60% of Berkeley, Calif., voters passed the "marijuana initiative," which ordered police to give marijuana laws "their lowest priority" and required authorization of the city council for any "arrest for possession, use or cultivation" of the weed. Both cities' policies were later knocked out. But last month in Washington, D.C., a still more revolutionary idea came from an unexpected source: the American Bar Association proposed the total removal of criminal laws against marijuana possession in small amounts.

POPULAR DRUG

With the A.B.A. behind decriminalization of pot, can the rest of the nation be far behind? Perhaps not. Since 1971 state legislatures across the nation, with the notable exception of Rhode Island, have reduced possession of small amounts of grass from a felony to a misdemeanor. Supporting the trend are prestigious organizations like the National Conference of Commissioners on Uniform State Laws (lawyers, judges, law professors and state officials who draft model legislation). The American Medical Association favors the misdemeanor penalty for possession in "insignificant" amounts, though it advocates more research on the drug. A National Commission on Marijuana and Drug Abuse survey shows that 26 million Americans have tried grass, and 13 million are regular users.

Just how far the weed has come with the middle class since the first furtive puffs in college dormitories in the 1960s was evident at the A.B.A. convention. A year ago, Whitney North Seymour Sr., past president of the A.B.A., helped water down a decriminalization motion. This year Seymour was the first speaker in favor of the revised resolution. Says he: "Reflecting on the consequences of criminal penalties to the 20-odd million young people using marijuana. I decided that we ought to concentrate on trying to stop sales and start removing penalties for possession." Seymour was joined by a host of law-and-order spokesmen, and the motion even received personal endorsement from a representative of the hard-line National District Attorneys Association. When the votes were counted, the A.B.A. was solidly behind dropping penalties for both possession of limited quantities and "casual distribution of small amounts not for profit." The lawyers' vote showed concern that police and courts have been busy with pot cases at the expense of more serious crime. The A.B.A. was also distressed over the dangerous legal precedent of open disregard for marijuana laws. Concluded Frank Fioramonti, legislative counsel to NORML (National Organization for the Reform of Marijuana Laws): "When the A.B.A. delegates get around to advocating a progressive step, you know it's an idea whose time has come."

The idea has arrived in some other surprising places.

Until this year Texas was known as a dangerous place indeed to smoke. Eight hundred marijuana offenders were in jail, serving an average sentence of 9½ years for possession. Thirteen were in for life, and Lee Otis Johnson, a black activist arrested in 1968, was sentenced to 30 years for having passed a marijuana joint to an undercover agent. Last May the Texas legislature voted to make possession of two ounces or less of marijuana a misdemeanor punishable with a maximum six-month jail sentence and $1,000 fine.

In 1968 pot-smoking hippies were a key target of Atlanta police. Virtually all of Georgia drug-law enforcement resources were directed against pot. Then last year the state legislature reduced first-offense possession of one ounce or less to a misdemeanor. Today only 20% of the state's anti-drug campaign is aimed at marijuana.

On Oct. 5, Oregon will become the first state to remove completely criminal penalties for the private possession and use of grass. The new law reclassifies possession of up to one ounce as a "violation," with a maximum penalty of a $100 fine. Offenders will receive no criminal record, in effect making pot smoking no more criminal in Oregon than illegal parking.

Elsewhere in the country, resistance to softer pot laws continues. Though possession of marijuana in small quantities is now just a misdemeanor in Maine, police around Baxter State Park this summer are conducting a campaign to arrest campers who light more than camp fires. So far, raiders have busted more than 150 vacationers and slapped them with a total of $40,000 in fines. In Massachusetts, despite reduced penalties for marijuana use, 47% of all drug arrests in the state are still for pot. Florida Circuit Court Judge Edward Cowart declares: "The thing that bothers me most is that authorities say they have yet to find someone on the hard stuff who didn't start with marijuana." Says Albert Le Bas, chief of the civil division of the Los Angeles County sheriff's office: "Our concern is that there is still conflicting medical testimony on how harmful it is to the body."

California legislators voted last year to reduce marijuana possession to a misdemeanor, but Governor Ronald Regan vetoed the bill. State law now offers a range of penalties for first-offense pot possession from probation to a ten-year jail term. The nation's harshest drug law is New York's, making life sentences mandatory for some hard-drug offenses but leaving marijuana possession punishable as either a misdemeanor or a felony. State police officials say that enforcement will be minimal against pot smokers. Prosecution of pushers in New York, as in all other states, will remain a top priority. * * *

Congressional Research Service Summary: National Commission on Marihuana and Drug Abuse

RECOMMENDATIONS

"The Commission is of the unanimous opinion that marihuana use is not such a grave problem that individuals who smoke marihuana, and possess it for that purpose, should be subject to criminal procedures. On the other hand, we have also rejected the regulatory or legalization scheme because it would institutionalize availability of a drug which has uncertain long-term effects and which may be of transient social interest.

"In general, we recommend only a decriminalization of possession of marihuana for personal use on both the State and Federal levels. The major features of the recommended scheme are that: production and distribution of the drug would remain criminal activities as would possession with intent to distribute commercially; marihuana would be contraband subject to confiscation in public places; and criminal sanctions would be withdrawn from private use and possession incident to such use, but, at the State level, fines would be imposed for use in public."

RECOMMENDATIONS FOR FEDERAL LAW

Possession of marihuana for personal use would no longer be an offense, but marihuana possessed in public would remain contraband subject to seizure and forfeiture.

Casual distribution of marihuana for no remuneration or insignificant remuneration not involving profit would no longer be an offense.

A plea of marihuana intoxication shall not be defense to any criminal act committed under its influence, nor shall proof of such intoxication constitute a negation of specific intent.

TAX-FREE VACATION—FOR DOCTORS ONLY

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McCLOSKEY. Mr. Speaker, I believe all of us have wondered from time to time at the rising expression of resentment over Congress failure to move with meaningful tax reform.

A doctor in my district recently sent me the enclosed advertisement with the words:

> Any workingman earning a marginal income should justifiably be outraged at this kind of robbery of tax dollars.

After reading the advertisement, offering expensive trips to Mexico tax free, but only to doctors, I am forced to agree. Is it not time we insisted on a comprehensive tax reform which will more fairly distribute the privileges and burdens of being an American citizen?

The advertisement follows:

[Advertisement]

Tax Deduct a Glorious Vacation in the Sun

MCI PROUDLY PRESENTS ITS EXCLUSIVE TAX DEDUCTIBLE DECEMBER VACATIONS, YOUR CHOICE OF JAMAICA OR ACAPULCO

The Club: Medical Convocations International is a club for doctors only. The purpose of the club is to arrange a variety of exciting trips throughout the year (at least one per month) and combine them with medical conferences so that the doctor may deduct the cost of the trip.

Future Vacations: M.C.I. offers vacation-conferences with a wide and varied list of itineraries. M.C.I. will offer at least one trip per month and several during holidays and vacation seasons. M.C.I. is anticipating trips of varying types: long and short, conducted tours and simple vacations, to resorts and to places unique and exotic. M.C.I. looks forward to serving your travel needs while keeping you up to date on your profession.

AN EXCITING WEEK IN GLAMOROUS ACAPULCO

Acapulco: Mexico's gift to the jet-set and to anyone else who loves sand and sea. A lively town . . . yet with miles and miles of uncrowded beaches. Dance all night or retire early and be on the beach at dawn. Glittering sun, gleaming waters and beautiful people. Join us at Las Brisas . . . the jewel of Acapulco. Here you will enjoy your own private casita, with private terrace, bar, refrigerator and private (or sharing) pool. Las Brisas is situated on a bluff overlooking Acapulco Bay and you will enjoy the panorama from your own private terrace with your own private bar stocked with ice, soft drinks, alcoholic beverages and fresh fruit. After the sun has slipped into the sea, lively Acapulco awaits you. Join us . . . December 1–8.

SPLENDID, LUXURIOUS MONTEGO BAY YOURS FOR A WEEK

Jamaica: Translated means "land of wood and water." The legendary beauty of Jamaica is still unspoiled . . . tropical birds sing, exotic flowers and fresh fruit grow wild, sparkling rivers wind through blue-green mountains. Jamaica is the Old World, the New World . . . a world unto itself. Make it your world for one glorious week at the Half Moon Hotel and Cottage Club, in Montego Bay. This distinguished hotel boasts gourmet cuisine, a mile long beach, 60 exotic areas, an 18 hole golf course, 7 tennis courts, fishing and sailing. The Half Moon . . . where an exclusive club atmosphere is the keynote. . . . Jamaica . . . where everyone seems to be happy. Join us . . . December 10–17.

The details: Since these fabulous vacations are available only to M.C.I. club members, a fee of $50.00 will make you a member and enable you, your family and guests to enjoy these and/or any other M.C.I. vacations. Acapulco: Price is $257.00 per person, plus air fare and includes a double room at Las Brisas, continental breakfast, transfers and baggage, all taxes and gratuities, all seminars, and a special cocktail party for all club members.

Montego Bay: Price is $360.00 per person, plus air fare and includes double room at the Half Moon, breakfast and dinner daily, six days of green fees, transfers and baggage, all tips and taxes, all seminars and a special cocktail party for all club members.

Upon receipt of reservations, M.C.I. will arrange your air transportation from your home town. Air arrangements must be made through M.C.I. and our travel department will secure the most economical fares available.

Instructions: To join M.C.I., just fill out the top of the coupon and enclose a check or charge No. in the amount of $50 which is also tax deductible. To reserve space on this trip, fill out the entire coupon and enclose your $50 membership fee and a deposit of $100 per person travelling. We will immediately forward to you your Club membership kit and confirmations. Payment in full is due by October 15, 1973.

THIS IS A GOOD TIME

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ZWACH. Mr. Speaker, to say that the world is plagued by problems is a gross understatement.

War in the Middle East, unrest, violence, and revolution in many countries; hunger and famine; lack of ethics in governments; crime and immorality, all constitute an indictment of our way of life.

Some people ask, "Was the world ever in a worse state?"

The answer is easy—"Yes."

Almost every age has had its period of deep dispair from which we always arose to new heights.

Margery Burns, a rural newspaper columnist in our Minnesota Sixth Congressional District, pointed this out in a recent article which I would like to share with my colleagues by inserting it in the Record:

This Is a Good Time

You are enjoying this wonderful world, aren't you? You have a good life. Really good.

To help you realize how lucky you are to be living today, take a quick look at another time . . . the 14th century. The Pulitzer Prize winning writer, Barbara Tuchman, tells of that time as an epidemic of plague, famine, war, violence, bad government, oppressive taxes, decline of morals, and many other unbelievable things.

That was the time of the Black Death, the plague that swept over the known world and killed a third of the population. The people were already weakened by famine which was brought on by over-population in proportion with the primitive way food was produced. And then came a series of heavy rains and floods with even a sudden Little Ice Age. Miss Tuchman says, "This makes it the most lethal episode known to history, which is of some intrest to an age equipped with the tools of overkill."

The plague killed with a "terrifying speed". Whole families died, leaving empty houses and property a prey to looters. Wolves came down from the mountains to attack plague-stricken villages, crops went unharvested, dikes crumbled, salt water reinvaded and soured the lowlands, the forest crept back.

"For lack of gravediggers, corpses piled up in the streets or were buried so hastily that dogs dug them up and ate them . . .

"People reacted variously, as they always do; some prayed, some robbed, some tried to help, most fled if they could, others abandoned themselves to debauchery on the theory that there would be no tomorrow."

That was the time, too when the Church was divided under two popes. There was no conflict of ideology, it was simply a squabble for the office of the papacy, and it lasted for 50 years. Countries, principalities and towns took sides, and that brought on endless wars. The public lost confidence in the Church and its integrity.

This was the time of the Hundred Years' War which actually lasted from 1337 to 1453. Everyone fought against everyone else constantly. Fighting was the way of life for all the landed nobles and knights.

Miss Tuchman writes, "Every one of these conflicts threw off Free Companies of mercenaries, organized for brigandage under a professional captain, which became an evil of the period as malignant as the plague."

When a sovereign halted his war for the time being, he quit paying his soldiers, and that's when they started plundering on their own. They ravaged the countryside, "burned, pillaged, raped and slaughtered their way back and forth across Europe. No one was safe, no town or village knew when it might be attacked. . . . Smaller bands, scavenged like jackals, living off the land plundering, killing, carrying off women, torturing peasants for their small horde of grain or townsmen for their hidden goods, and burning, always burning. . . . Destruction and cruelty became self-engendering, not merely for loot but almost one might say for sport."

The plague came back at intervals of every twelve to fifteen years over the second half century. And because of all the terrible things happening, the working class erupted time and again against the cost of constant wars which the people paid for in "hearth taxes, salt taxes, sales taxes, and the debasement of coinage."

Yet they came through that horrible period in history.

So, when you look around you today, knowing you can live the way you want to, say the things you want to say, enjoy these beautiful summer days in any way you wish you must feel very thankful you are living now.

AMERICAN DENTAL HYGIENISTS CELEBRATE GOLDEN ANNIVERSARY

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KYROS. Mr. Speaker, I would like to call attention to the observance by the American Dental Hygienists' Association of their golden anniversary this month. At the 50th anniversary meeting of the association in Houston, October 28 to November 1, some 2,000 dental hygienists from across the Nation will meet to celebrate an era that has seen the profession of dental hygiene play a significant role in maintaining the oral health of the Nation.

From a nucleus of only 46 dental hygienists representing 11 States—California, Colorado, Connecticut, Illinois, Iowa, Massachusetts, Michigan, New York, Ohio, Pennsylvania, and West Virginia—the association has grown to include over 12,000 active members representing the 50 States, the District of Columbia, and Puerto Rico.

With the primary goal of providing oral hygiene care and instruction, the dental hygienists of the Nation, since their organization in September 1923, have assumed the basic responsibilities fundamental to every profession. The ADHA, headquartered in Chicago since 1958, has fostered organizational growth and dental hygiene education. It has produced a journal and other publications along with maintaining liaison with the communications media. It has sponsored a loan and scholarship program for students, a junior membership status for students, and an office of educational services. The ADHA now has some 8,100 junior members.

With all States licensing dental hygienists since 1951, more than 140 accredited dental hygiene education programs now exist. In addition, the association has become involved with dental hygiene developments worldwide, sponsoring four international symposia on dental hygiene.

The association has cooperated with other agencies in developing accreditation of dental hygiene programs, achievement and aptitude testing procedures, licensure in all States, and national board examination in dental hygiene. Working relationships have been established with the American Dental Association, American Dental Assistants' Association, and many other related organizations, thereby strengthening the role of the dental hygienist on the oral health care team.

The concept of preventive dentistry is not a new idea. Dentists have advocated and taught effective oral hygiene habits to prevent tooth decay since the invention of the toothbrush, but the idea of turning over to a dental assistant the primary responsibility for maintenance and instruction of oral hygiene for patients was not formalized until the early 1900's.

Today, dental hygienists are trained for a minimum of 2 years, and are engaged in much more than the polishing and cleaning of teeth, although this remains one of their primary duties. They prepare dental X-rays, and instruct patients in proper techniques for the cleaning of teeth, gum treatment, and the role of nutrition in oral health. Working under the supervision of dentists, many dental hygientists have expanded their functions to include curettage and root-planing in the treatment of periodontal disease and administering anesthesia, as well.

As dental hygienists have become more involved in organizational efforts to make the public more aware of their role in providing dental care, the ADHA has expanded to operate on various levels. A Washington office was established in 1971 to maintain liaison with Federal health programs affecting dental hygiene practice and education, as well as make known the association's views on significant items of health legislation.

Educating the public to good oral health as an integral part of total physical well-being continues to be a major concern of the profession, as well as encouraging the continuing education of dental hygienists and setting standards for implementing innovative dental hygiene techniques in keeping with State practice acts.

It is apparent, then, that dental hygienists have established themselves as an indispensible part of the dental health team by relieving the dentist of those responsibilities for which the hygienist is specially trained, thereby increasing dentists' productivity, and by offering the patient professional expertise to aid establishment of a good oral health regimen.

Although dental hygiene has come into its own as a profession in recent years, it has by no means reached a static stage. ADHA's constant innovation and continuous involvement with dental health concerns at every level—educational, legislative, and direct care delivery—are evidence that the association is still striving to fulfill its goals and thereby, better address the Nation's oral health needs.

I am happy to salute the ADHA and the dental hygiene profession as they commemorate 50 years of growth and service to the Nation.

LUDWIG VON MISES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. CRANE. Mr. Speaker, Ludwig von Mises, one of the foremost economists of the century and one of the most dedicated advocates of freedom and of a free economy, died at the age of 92 on October 10, 1973.

Professor von Mises was a firm opponent of government intervention in the economy and developed a complex theory of the business cycle resulting from the expansion and contraction of the money supply. Booms, he said, resulted from the expansion of fiduciary bank credit, which inflated the money supply and artificially lowered interest rates. This in turn led to overinvestment, which set the economy up for a slump. Depression would follow as the expansion of the money supply was brought to a halt. Rational economic organization, he believed, was logically impossible in the absence of free markets.

The economist was born in Lemberg, Austria, on September 29, 1881. He left his professorship at the University of Vienna as the Nazis approached Austria, and became professor of International Economic Relations at the Graduate Institute of International Studies in Geneva.

Discussing his career, Leonard Silk, writing in the New York Times, noted that:

> Professor von Mises was credited with helping to revive respect for free-market economics in Europe. He was considered by some the intellectual godfather of the German post-war "economic miracle."

While Professor von Mises believed in government, the kind of government in which he believed was noninterventionistic. He wrote:

> In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of anti-social action on the part of refractory individuals and groups of individuals.

The failure of socialism, he believed, lay in its denial of the sovereignty of the consumer. Only 5 years after the Russian Revolution he wrote in his volume, Socialism, that Marxist economics lacked an effective means for "economic calculation," or an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus, he pointed out, socialism is inherently condemned to inefficiency, if not disorder.

The real threat in the West, Professor von Mises believed, was not outright socialism, but Government intervention in the economy. Discussing the career of Ludwig von Mises, Prof. William H. Peterson, a former New York University faculty colleague, notes that, for Von Mises, intervention by Government was "ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price support, from pushing minimum wages up and to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation."

In his important book, Bureacuracy, Professor von Mises pointed out that Government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of consumers."

In an era when lesser minds accepted the intellectual fads of the moment, Ludwig von Mises stood for what he believed to be time-tested truths. Professor Peterson notes that:

> Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the soveignty of the consumer, the limitation of the state, the efficacy and democracy of the market. He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable.

It is with a real regret and sense of loss that we mark the passing of Ludwig von Mises. I wish to share with my colleagues the essay written in memory of Professor von Mises by Prof. William H. Peterson, as it appeared in the Wall Street Journal of October 12, 1973, and insert it into the RECORD at this time:

[From the Wall Street Journal, Oct. 12, 1973]

LUDWIG VON MISES: IN MEMORIUM

(By William H. Peterson)

"Laissez faire does not mean: let soulless mechanical forces operate. It means: let individuals choose how they want to cooperate in the social division of labor and let them determine what the entrepreneurs should produce. Planning means: let the government alone choose and enforce its rulings by the apparatus of coercion and compulsion." Ludwig von Mises—"Planning for Freedom." 1952.

A generation of students at New York University's graduate business school who took the economics courses of Ludwig von Mises remember a gentle, diminutive, soft-spoken, white-haired European scholar—with a mind like steel.

Professor von Mises, who died Wednesday at the age of 92, was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

All this was subsumed under the title of his 900-page, magnum opus, "Human Action," first published in 1949. Mr. von Mises, a total anti-totalitarian and Distinguished Fellow of the American Economic Association, was professor of political economy at New York University for a quarter-century, retiring in 1969. Before that he had a professorship at the Graduate Institute of International Studies in Geneva. And before Geneva he had long been a professor at the University of Vienna—a professorship which the oncoming Nazi "Anschluss" take-over of Austria, understandably, terminated.

Among his students in Vienna were Gottfried Haberler, Friedrich Hayek, Fritz Machlup, Oskar Morgenstern and Karl Popper who were to become scholars of world renown in their own right.

Starting right after World War II, Mr. von Mises gave three courses at NYU: Socialism and the Profit System, Government Control and the Profit System, and Seminar in Economic Theory. In each course he carefully established the primacy of freedom in the marketplace. He stated that the unhampered pricing mechanism, ever pulling supply and demand toward equilibrium but never quite reaching it, is the key to resource optimization and, indirectly, to a free and creative society.

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies: capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and groups of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., noncoerced—individual choice is the key to personal and societal development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preference in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

The problem, as Mr. Hayek later pointed out, is of the use of knowledge in society. A central planning board cannot obtain the knowledge of the decentralized market. To do so ultimately would be to require the central planning board to know as much as each human actor. Thus this knowledge is far beyond the reach of any centralized agency, even with the aid of computers.

Some years afterwards, Oskar Lange, then of the University of California and later chief economic planner of Poland's Politburo, recognized the challenge of the von Mises critique on Socialist economic calculation. So he in turn challenged the Socialists to somehow devise a resource allocative system to duplicate the efficiency of market allocation. He even proposed a statue in honor of Mr. von Mises to acknowledge to invaluable service the leader of the Austrian School had presumably rendered to the cause of socialism in directing attention to this as yet unsolved question in Socialist theory. The statue has yet to be erected in Warsaw's main square.

But probably to Mr. von Mises the more immediate economic threat to the West was not so much external communism as internal interventionism—government ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price supports, from pushing minimum wages up to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation.

As in socialism, interventionism also incurs the problem of economic calculation, of denial of consumer sovereignty. In his "Bureaucracy," he held that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of the consumers."

On the other hand, he maintained, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion of its usefulness." He concluded, therefore, "the problem of bureaucratic management is precisely the absence of such a method of calculation." Indeed, interventionism, he maintained, usually achieves results precisely opposite to those intended; subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

So, citing German interventionist experience of the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held so-called middle-of-the-road policies sooner or later lead to some form of collectivism, whether of the Socialist, Fascist or Communist mold.

INTERVENTION BREEDS INTERVENTION

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad, What otherwise would be simply the voluntary action of priviate citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. van Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and ultimately stagnation. Further, it results in the swelling of the public sector and shrinking of the private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market.

He apposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

Mr. Speaker, Ludwig von Mises was ignored by many in the academy because his belief in freedom and in the free market ran counter to the intellectual orthodoxies of the day. He was not concerned, however, with the passing academic fads of the moment, but with the eternal truths about the nature of man and society.

Slowly, men of equally independent mind began to gather about him, and at his death he began to witness a revival of philosophy of freedom and free enterprise. Discussing this fact, one of his close friends, Prof. Murray Rothbard, writes that:

> I am confident that Mises was heartened by these signs of a new awakening of freedom and of the sound economics which he had carved out and which was for so long forgotten.

I would like to share with my colleagues Professor Rothbard's very personal farewell to Ludwig von Mises as it appeared in Human Events of October 20, 1973, and insert it into the RECORD at this time:

LUDWIG VON MISES: 1881–1973

(By Murray N. Rothbard)

For those of us who have loved as well as revered Ludwig von Mises, words cannot express our great sense of loss: of this gracious, brilliant and wonderful man; this man of unblemished integrity; this courageous and lifelong fighter for human freedom; this all-encompassing scholar; this noble inspiration to us all. And above all this gentle and charming friend, this man who brought to the rest of us the living embodiment of the culture and the charm of pre-World War I Vienna.

For Mises' death takes away from us not only a deeply revered friend and mentor, but it tolls the bell for the end of an era; the last living mark of that nobler, freer and far more civilized era of pre-1914 Europe.

Mises' friends and students will know instinctively what I mean: for when I think of Ludwig Mises I think first of all of those landmark occasions when I had the privilege of afternoon tea at the Mises': in a small apartment that virtually breathed the atmosphere of a long lost and far more civilized era. The graciousness of Mises' devoted wife Margit; the precious volumes that were the remains of a superb home library destroyed by the Nazis; but above all, Mises himself spinning in his inimitable way anecdotes of Old Vienna, tales of scholars past and present, brilliant insights into economics, politics and social theory, and astute comments on the current scene.

Readers of Mises' majestic, formidable and uncompromising works must have been often surprised to meet him in person. Perhaps they had formed the image of Ludwig Mises as cold, severe, austere, the logical scholar repelled by lesser mortals, bitter at the follies around him and at the long trail of wrongs and insults that he had suffered.

They couldn't have been more wrong; for what they met was a mind of genius blended harmoniously with a personality of great sweetness and benevolence. Not once has any of us heard a harsh or bitter word escape from Mises' lip. Unfailing gentle and courteous, Ludwig Mises was always there to encourage even the slightest signs of productivity or intelligence in his friends and students; always there for warmth as well as for the mastery of logic and reason that his works have long proclaimed him.

And always there as an inspiration and as a constant star. For what a life this man lived! Ludwig Mises died soon after his 92nd birthday, and until near the end he led his life very much in the world, pouring forth a mighty stream of great and immortal works, a fountainhead of energy and productivity as he taught continually at a university until the age of 87, as he flew tirelessly around the world to give papers and lectures on behalf of the free market and of sound economic science—a mighty structure of coherence and logic to which he contributed so much of his own creation.

Ludwig Mises' steadfastness and courage in the face of treatment that would have shattered lesser men, was a never-ending wonder to us all. Once the literal toast of both the economics profession and of the world's leaders, Mises was to find, at the very height of his powers, his world shattered and betrayed. For as the world rushed headlong into the fallacies and evils of Keynesianism and statism, Mises' great insights and contributions were neglected and scorned, and the large majority of his eminent and formerly devoted students decided to bend with the new breeze.

But shamefully neglected though he was, coming to America to a second-rate post and deprived of the opportunity to gather the best students, Ludwig Mises never once complained or wavered. He simply hewed to his great purpose, to carve out and elaborate the mighty structure of economics and social science that he alone had had the genius to see as a coherent whole; and to stand four-square for the individualism and the freedom that he realized was required if the human race was to survive and prosper. He was indeed a constant star that could not be deflected one iota from the body of truth which he was the first to see and to present to those who would only listen.

And despite the odds, slowly but surely some of us began to gather around him, to learn and listen and derive sustenance from the glow of his person and his work. And in the last few years, as the ideas of liberty and the free market have begun to revive with increasing swiftness in America, his name and his ideas began to strike chords in us all and his greatness to become known to a new generation.

Optimistic as he always was, I am confident that Mises was heartened by these signs of a new awakening of freedom and of the sound economics which he had carved out and which was for so long forgotten. We could not, alas, recapture the spirit and the breadth and the erudition, the ineffable grace of Old Vienna. But I feverently hope that we were able to sweeten his days by at least a little.

Of all the marvelous anecdotes that Mises used to tell I remember this one the most clearly, and perhaps it will convey a little of the wit and the spirit of Ludwig Mises. Walking down the streets of Vienna with his friend, the great German philosopher Max Scheler. Scheler turned to Mises and asked, with some exasperation: "What is there in the climate of Vienna that breeds all these logical positivists [the dominant school of modern philosophy that Mises combatted all his life]?" With his characteristic shrug, Mises gently replied: "Well, after all, there are several million people living in Vienna, and among these there are only about a dozen logical positivists."

But oh, Mises, now you are gone, and we have lost our guide, our Nestor, our friend. How will we carry on without you? But we have to carry on, because anything less would be a shameful betrayal of all that you have taught us, by the example of your noble life as much as by your immortal works. Bless you, Ludwig von Mises, and our deepest love goes with you.

SUPERPORT CONTROL

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. LONG of Louisiana. Mr. Speaker, the energy crisis is one of the paramount issues of the day. How we solve this problem will affect all future generations. Playing no small part in the ultimate solution will be the deepwater harbor—the superport. Because of this, I wanted to share with my colleagues a most interesting editorial which appeared in the October 13, 1973, edition of the New Orleans States-Item. The text follows:

The Nixon Administration is attempting to convince Congress that states should not have the final say concerning the construction of superports off their coastlines. The argument should be resisted.

As the people of Louisiana are well aware from experience with the offshore oil industry, superports will mean added responsibilities in the area of support facilities, and added environmental dangers.

It is only right that those who must assume the responsibilities and dangers should have the final say over such installations.

Transportation Secretary Claude S. Brinegar, representing the administration before the House Subcommittee on Water Resources and Energy, urged rejection of a bill that would give states veto power over superport construction off their coasts.

"The cumulative impact of a bunch of no's is that we are rationing gasoline and running out of fuel oil," he argued.

He contended that oil is a vital element of the nation's transportation system and the final authority for the construction of a superport must be made at the federal level.

All of this may be true, but the fact remains that the states have a right to oversee the development and operation of facilities with such a direct bearing on the lives of those most closely associated with them.

That is why Louisiana has a Superport Authority. If a superport is to be built off the coast of Louisiana, it must be done right.

Outside of the Nixon Administration there is considerable agreement for final state jurisdiction. Those who believe that the states should have the final say in the matter include the members of the Louisiana Deep Draft Harbor and Terminal Authority (the Superport Authority), and the Southern Governors' Conference.

The Nixon Administration is attempting to stampede Congress with doomsday predictions on the energy crisis.

Congress should not bow to the administration arguments. The final decision on the construction of superports should be made by the states required to live with them.

AMNESTY MUST NOT BE FORGOTTEN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DELLUMS. Mr. Speaker, the bitterness of the war years lives on. More than ever we need comprehensive amnesty legislation, so that we may—to use a current phrase—move beyond the obsessions of the past. More and more people are beginning to realize that amnesty legislation may set a good precedent in these troubled times.

One of the most determined opponents of amnesty has recently received a suspended sentence. No one has suggested that he now wear a distinguishing mark, as he once did in the case of resisters. I say this in no spirit of taunting bitterness, but—could this man now find it in his heart to advocate suspending the penalties of those who transgressed the law, not through greed, but through conscience? Who stood up and received the penalties Mr. Agnew understandably wished to spare himself and his family?

All around us the powerful are toppling, betrayed by their distorted view of the world. But let us not allow the sound of the crashing pillars of state smother the sound of those languishing in our prisons, or living in barren flats in Sweden and Canada, or looking for a job with the stigma of a bad military discharge. There is no greater duty than to remember the weak, and I ask my colleagues to take time from their pressing concerns to undo the damage the war has wrought—more for our sake than theirs.

At this point I would like to put in two statements on amnesty and tax resistance that have been prepared by the Church of the Brethren and adopted by their annual conference of this year. I think these are excellent statements that bring out all aspects of the question in a fair, clear manner. The statement on amnesty is especially to be commended for emphasizing the duties and opportunities of local communities to do the job of amnesty on the concrete, human level. I hope these statements will remind us of an issue that should not be forgotten, and will not be forgotten until it is resolved:

CONFERENCE STATEMENT, 1973—AMNESTY

AN ANNUAL CONFERENCE STATEMENT

The following "Statement of the Church of the Brethren on Amnesty" was adopted by the Church of the Brethren Annual Conference, Fresno, CA, June, 1973.

INTRODUCTION

There are thousands of persons today who have felt the effects of the dividing wall of hostility which has been generated by war. Social relationships in the family and between families have been damaged because persons have had different beliefs and convictions about war. Even after the war has been declared over, there remain divisions which cause suffering for persons and groups in our society.

The Church of the Brethren regards this situation with concern and sorrow not only because we believe that war is sin, but also because we understand that the gospel message can bridge the walls of hostility which exist, between exiles, families, and government.

At its root, the concept of amnesty had to do with the biblical understanding of reconciliation. How can there be reconcilation between parents and children in the United States? How can there be reconciliation between the government and exiles? How can there be reconciliation between those with different opinions on war? How can we restore the unity of our nation while maintaining integrity both for the country and its people?

We, the members of the Church of the Brethren, believe that reconcilation is most likely if the following things occur:

1. The United States Government should grant unconditional amnesty to all those who are alienated from their nation because of their personal acts of conscience in relation to war.

2. Christians, both individually and as denominations, should become agents of reconciliation wherever such service is needed.

BIBLICAL BASIS

In the New Testament, the theme of reconciliation is central to the understanding of God's love for persons in Jesus Christ. The gospel calls us to a ministry of reconciliation.

First, according to Ephesians 2:14, reconciliation is a gift of God. *For he is our peace, who has made us both one, and has broken down the dividing wall of hostility* . . . Through God's action in Jesus Christ, there is reconciliation between people while there are differences (John 10:16,; Galatians 3:28). Even though the disagreements on many issues separate people within our nation, there can be reconciliation if we accept it as God's gift.

A declaration of amnesty follows this model. Through amnesty, a government can forget the legal penalties connected with the actions of a group of persons, and thereby declare that the unity of its people is more important than continued hostility and division. Amnesty can bring reconciliation even though significant differences remain on the issues at stake, because such an action removes the punitive measures related to such differences. Reconciliation is a gift of God and he will bring peace if we trust him (Psalm 118:8–9).

Second, according to II Corinthians 5:18, the church is called to be an agent of reconciliation. (*All this is from God who through Christ reconciled us to himself and gave us the ministry of reconciliation.*) The Church of the Brethren has always taken this Scripture seriously and we have set out to be reconcilers. As Christ was the mediator between sinners and God, so the Church is called to a ministry of reconciliation between persons and God and between people in conflict with one another.

Whatever the government does about amnesty, there will be need for reconciliation. Many men have become alienated from their families and local communities and now want to be reunited. Many young people could return home now without legal difficulties, and may if they have a supportive community. Some may decide to return and face the legal penalties rather than remain as exiles. On many levels there is work of reconciliation which could be done by the Church. The Scriptures lead us to such a ministry.

HISTORICAL BACKGROUND

Throughout its history, the Church of the Brethren has taken seriously the task of bringing persons together. During the Revolutionary War the Brethren refused to side with either army, but worked to bring peace in their communities. It was Elder John Kline in the War between the States who tirelessly rode the circuit of reconciliation to keep persons as one in faithfulness to Christ. During and following World War II, Brethren took in and aided Japanese-American refugees. The present situation presents the Brethren another opportunity to be involved in healing the wounds of war and to be faithful to the ministry of reconciliation.

THE PRESENT CRISIS

The question of amnesty is being debated in the press, discussed on radio and television, and kept much alive in our nation's capital. Several amnesty bills and resolutions have been introduced since the present session of Congress began.

In any discussion of amnesty, we are talking about hundreds and thousands who have suffered some legal disability because of war. For instance, tens of thousands of these persons have come out of the military service in the Indochina War with less than honorable discharges, have been convicted of Selective Service violations or have become exiles, for conscience's sake.

CONCLUSION

Therefore, we come to these conclusions on the question of amnesty:

1. As United States citizens, we believe that reconciliation is more important for our nation than the punitive wrath of the law. We favor unconditional amnesty for all those who due to an act of conscience are alienated because of war. We recommend the officers of Annual Conference make these views known to the President and appropriate persons in Congress.

2. As Christians we believe that our ministry of reconciliation begins now. Whatever the government does, we must begin working now to bring reconciliation between those who have become separated because of their views on war. We recommend the following action:

(a) We recommend that our members and local congregations provide a supportive community for all persons who desire reconciliation with their government, families, and/or local communities. This might involve such activities as providing a context in which persons can talk with their parents or children, providing a home for those who need a place to live while becoming reestablished in a community, helping men who choose to face a prison experience.

(b) We recommend our General Board provide program and resources to help members and local congregations be agents of reconciliation for persons alienated from their government, their families and/or their local communities. This might involve communication with and support of exiles and deserters in various parts of the world, publicity on the services, and education of local congregations.

We pray that reconciliation can become a reality and that our nation can become unified around purposes which reflect the will of God in our time.

Adopted by the Church of the Brethren Annual Conference, 1973. A related statement is available:

"A Statement of the Church of the Brethren," Annual Conference, 1970, 15¢.

CONFERENCE STATEMENT, 1973—TAXATION FOR WAR

AN ANNUAL CONFERENCE STATEMENT

The following statement on "The Christian's Response to Taxation for War" was adopted by the Church of the Brethren Annual Conference meeting in Fresno, CA, June 1973.

THE REPORT OF THE COMMITTEE

This study assumes as its background the church's long-established position regarding peace and war and, in particular, the Statement of the Church of the Brethren on War as adopted by the 1970 Conference. What is affirmed there, that all war is sin and that the gospel calls us to the way of peace, is taken for granted in this paper without further investigation.

That the payment of federal taxes inevitably involves one in war and preparation for war is self-evident (See Exhibit A. This and other exhibits are in a separate printed piece.) Yet when the Christian understanding is applied to this issue, the matter immediately becomes complex and problematic. On the one hand, our calling is to obey God rather than men, to witness for Christian peace and presumably, also, to protest the evil of war. But on the other hand, the New Testament makes it clear that the Christian just as certainly has been called to stand alongside his fellowmen, to participate in their common life, and to take a responsible role in the larger world.

Regarding taxes, then, the first calling would seem to imply that the Christian should entirely divorce himself from that society which has dedicated its energies to the waging of war and refuse to support it in any way—including, of course, tax support. However, the second calling would imply a Christian obligation to participate fully in the social effort of humanity—including, of course, the payment of one's fair share of taxes. The problem is to find the proper balance between these two callings.

This finding of balance is complicated by the difficulty in distinguishing between "war taxes" and other taxes when the government itself makes no such distinction. Still further complication is introduced when the question arises as to whether one actually is able to withhold tax money or in any way affect the amount that ultimately is spent for war purposes. That matter is not an easy one.

NEW TESTAMENT GUIDANCE

As we turn to the New Testament we realize that the early Christians had to seek the same balance that we do; undoubtedly there have been few if any times in history when a Christian's tax bill did not include "war taxes." And it is certain that money paid to the Roman Empire went not only to support war but also idolatry, slavery, and other evils as well.

The New Testament, of course, is consistent in its opposition to war and violence; yet at every point where the particular issue of taxes is raised, the counsel is to pay them; no explicit precedent for withholding them is to be found.

Paul, in Romans 13:4–8 (NEB), speaks in terms of general principle: "You are obliged to submit. It is an obligation imposed not merely by fear of retribution but by conscience. That is also why you pay taxes. The authorities are in God's service and to these duties they devote their energies. Discharge your obligations to all men; pay tax and toll, reverence and respect, to those to whom they are due. Leave no claim outstanding against you, except that of mutual love (cf. 1 Peter 2: 13–17).

When faced with the specific question of paying taxes to Caesar, Jesus' response was "Pay Caesar what is due to Caesar, and pay God what is due to God." (Matthew 22:15–22; cf. Mark 12:13–17 and Luke 20:19–26). The intended implication would seem to be that what belongs to God is much more inclusive and in every way prior to what belongs to Caesar. And yet if Jesus' statement means to indicate as legitimately belonging to Caesar, it is precisely that coin of taxation which Caesar himself had minted.

Finally, in Matthew 17:24–27, Jesus, in order "not to cause offense," shows himself willing to pay even that tax which, he asserts, could not rightly be claimed of him. The reference may be to the temple tax, although Jesus does speak of "earthly monarchs" collecting it. Be that as it may, the temple came under just as strong a judgment from Jesus as the state did. And it seems clear that the gospel writer wants to use this incident to teach, with Paul, that the liberty of the Christian is not a license for him to disregard his civic obligations in matters such as tax payment.

Certainly, all of the above texts must be held in tension with such commands as obeying God rather than men, separating oneself from evil, not conforming to the world, and so on. But the evidence is that, in this tension, the New Testament Christians found their proper balance to include the paying of taxes rather than the withholding of them (see Exhibit B).

THE BRETHREN TRADITION

Historical research (see Appendix) indicates that the official position of the church consistently has been that of paying all taxes, including some that were much more directly "war taxes" than any that can be so identified today. Indeed, even the *possibility* of withholding taxes was given almost no consideration until very recently. When such consideration was given, the church in every instance granted the right of conscience to tax resisters even while declining to recommend their action. It should be noted, too, that some of the Brethren who have been most honored for their peace witness also took a stand in favor of paying taxes; the person's position regarding tax payment was not made a test of his commitment to Christian peace.

THE CURRENT SITUATION

One complicating aspect of tax resistance is the fact that tax monies are not clearly differentiated into military and non-military categories; most of the functions of government are financed out of the same general fund. Money withheld (if that actually is possible) is withheld as much from the humane programs of the government as from military programs; and it takes some care to make it clear that what one is protesting is *war* and not taxation in and of itself. In our day, the telephone tax comes the closest to being an explicit "war tax"—although even that situation is debatable (see Exhibit C).

The Christian's problem is further complicated by the fact that he cannot actually withhold taxes, deprive the war effort of funds, or prevent his money from being used for war purposes—short of doing without a telephone (and perhaps other items subject to federal excise taxes), keeping his income below taxable level, or resorting to questionable dodges (see Exhibit D). Whatever taxes the individual does not pay voluntarily, the government is able to collect by means of liens and confiscations (and penalties which have the effect of actually increasing the amount of one's money that goes to the government).

In its effect, then, tax resistance must be understood simply as one means of registering strong and dramatic opposition to war—a protest which may or may not be more effective than other means of protest. In fact, unless it is also accompanied by some other form of witness, tax refusal, in and of itself, has the disadvantage of being sheerly negative protest against war rather than a positive witness to the Prince of Peace and his way.

THE FINDING

We find no specific biblical counsel directing that taxes should be withheld, while we do find some calling for the payment of taxes even to a sinful, militaristic government. However we can appreciate the fact that a number of Brethren, out of a truly Christian aversion to war based on the total Spirit and life of Jesus and the overall teachings of the New Testament do feel led of God to make protest by means of tax refusal. But whatever action the Christian takes, it should mark a serious and dedicated effort to realize the lordship of Jesus Christ and become obedient only to him. It should never be merely the practice of a current political technique on the one hand or a heedless and cowardly way of avoiding trouble for oneself on the other.

RECOMMENDATIONS

Although the Brethren cannot agree as to whether tax withholding is proper, they all can recognize the propriety of using the means of dissent which the social order itself recognizes and provides. We recommend, therefore, that all who feel the concern be encouraged to express their protests and testimonies through letters accompanying their tax returns, whether accompanied by payment or not, in correspondence with appropriate legislators and officials, and in other such ways.

We recommend, also that both the denomination and individual Brethren give strong and active support to appropriate legislation providing alternative tax arrangements for peaceful purposes for those persons conscientiously opposed to war.

A FINAL PLEA

We plead for a mutual and brotherly honoring of one another in this matter. To those whose reading of scripture leads them conscientiously to pay their full tax requirement, may they recognize the sincere Christian intention of the withholders in their desire to protest against what the New Testimony clearly identifies as the sinfulness and demonism of war. To those who because of their Christian conviction conscientiously feel that they must withhold payment in some degree, may they realize that their brethren who pay are themselves striving to be obedient to the instruction of scripture and dare not be assumed to be any less dedicated to the Prince of Peace than are those who withhold.

Finally, we would consider it most unfortunate if, because of the taxation issue, the church allows its peace emphasis to become focused upon this on particular technique of anti-war protest and so be diverted from the much more important matters of deepening our biblical and theological understanding of the Christian peace position and of being about the positive work of reconciliation at all levels of human interaction through our witness to Him who is our Reconciliation.

Adopted by the Church of the Brethren Annual Conference, 1973. (G-4) 9-27-73, Price: 20c, 1150-750-250. Related statements available: the Appendix to this statement called "The Historical Tradition of the Brethren Regarding the Payment of Taxes for War Purposes," free, attached; "A Statement of the Church of the Brethren on War," Annual Conference, 1970, 15c; and "Taxes for War Purposes," a statement adopted by the General Board, November 1967, 5c).

CONGRESS MUST REESTABLISH THE OFFICE OF SPECIAL WATERGATE PROSECUTOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, President Nixon's decision to turn over the Watergate tapes to District Court Judge John Sirica for judicial review indicates that the cries of the outraged public and Congress have reached the President's Camp David mountain top. The President has obviously decided that he cannot maintain his arrogant position of total defiance of the courts, the Congress, the Constitution, and the American people.

To celebrate this as a victory of reason over arrogance, however, is premature. The President has decided to comply with the court order to produce specific tapes and documents requested by Special Watergate Prosecutor Archibald Cox. He has, however, succeeded in removing the special prosecutor and by so doing has succeeded in insulating himself and his White House associates from further investigation of Watergate and other campaign finance-related matters.

We do not know what is on the tapes Mr. Nixon is giving over to Judge Sirica. We can be sure, however, that the President is not turning over material that will directly implicate him in any of the Watergate crimes. We can also be certain that despite assurances the Department of Justice will not vigorously pursue a Watergate investigation. It is clear that no Attorney General can conduct such an investigation and keep his job.

What is needed is the establishment of an independent prosecutor by the Congress who will be able to investigate the President's role in Watergate related crimes and deliver his evidence to the Watergate grand juries. I am cosponsoring legislation to establish an independent Office of Special Prosecutor which will be filled by judicial appointment and will be charged with the responsibility of conducting a full, unimpeded investigation of White House involvement in all the Watergate and campaign finance-related crimes.

UNITED STATES—SHOCKED AND DISCOURAGED

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KETCHUM. Mr. Speaker, I was shocked and discouraged, as were millions of people across the United States, at the President's precipitate and ill-advised action in firing Special Prosecutor Archibald Cox and thus causing the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus.

When we consider the assurances given Mr. Cox at the time of his appointment and repeated thereafter, we realize that Mr. Richardson and Mr. Ruckelshaus had no alternative to resignation when ordered to fire Mr. Cox. I congratulate and commend Mr. Cox for his tenacity and his courage in his long struggle to work through the courts and to see that the court's order concerning the tapes be respected.

I think that it is easy to understand the willingness of Senators Ervin and Baker to accept the President's suggested compromise. After all, Judge Sirica had quite properly denied them any other legal access to the tapes. After all the Senate committee is an investigative, not a judicial body.

The issue remains as to whether the compromise satisfies the directive of the U.S. Court of Appeals. After that court upheld Judge Sirica's order, the President chose not to appeal to the Supreme Court. Although I am not a lawyer, this implied to me that the President intended to comply with the court's order. Now Judge Sirica must decide whether the order has been complied with. I rather doubt that he will rule in the affirmative.

Mr. Speaker, the President in his action has thrown down the gauntlet to the people of this country through their Congress. We in this body dare not yield, for to do so would be to admit that one man is above the law. This must never be.

So now, let us wait for the judgment of the court and study Judge Sirica's opinion before embarking on any crash course. Then, at the appropriate time, let us undertake whatever actions are necessary for the good of this Nation.

MR. GEORGE VICTOR, POET LAUREATE, OF THE 19TH OHIO CONGRESSIONAL DISTRICT

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Saturday, September 29, 1973, new congressional district offices to serve the citizens of the 19th Ohio District who reside in Trumbull County were officially opened. On that occasion, Mr. George Victor, of 1135 Ward Avenue NW., Warren, whom I have designated "Poet Laureate of the 19th Ohio Congressional District," presented a poem he wrote entitled, "Liberty."

In his poem, Mr. Victor expresses appreciation for my efforts to improve communication between the citizens of the 19th Ohio District and their Government in Washington, and pride at being an American. Mr. Speaker, it is people like Mr. Victor that make public service so rewarding. I insert his beautiful poem in the Record at this time:

LIBERTY

(By George Victor)

As I look out and see you folks from here upon this dias,
I do believe I am a man who does not have any type of bias,
I wear a title for which I'm proud, I'll share it with every man—I am a Warrenite and a nephew of dear old Uncle Sam.
To me he is the greatest and gives me quite a thrill, because my friends and neighbors "my liberty I have still."
Today before your eyes a working man am I and as I look upon you, I see many a wonderful eye,
Yes you have your problems—this I really know—but really good Americans—this is the way, life does go,
So as I stand here and speak I really am so proud—cause I'm just a working millwright and yet in this great land—"me", I can speak out loud.
So cheer up—be happy and really friends be gay—for now our Congressman has given us another easier way—
To come and speak and say our words of what we would like to see done and if you as true Americans use this facility I'm sure you will enjoy some fun.
Its great to be an American—living in this city I love—I really enjoy—you people your like the stars above,

Thank God that we have this freedom—like
me standing here to speak—just step
forth my neighbors—please don't be
mild and meek.

This office has been opened for you my
friend—come in and speak the truth
and if you just look over at that flag
you will see it—as living proof.

Good luck—God bless you Congressman—
and I thank God I'm a nephew of
Uncle Sam and I have met you folks
that care and really give a dam.

ATTEMPTS AT ENERGY CONSERVATION BY THE GENERAL SERVICES ADMINISTRATION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROBISON of New York. Mr. Speaker, the uncertainty of the depth of the energy crisis confronting us has given us all pause to consider our stewardship of the energy we consume. Too often we, both individually and collectively, talk a good deal about what can, or should, be done but without actually taking positive, concrete steps to accomplish meaningful energy conservation.

For that reason, it is refreshing and encouraging to note the initiative which is being taken by the General Services Administration to conserve energy. The efforts of the General Services Administration deserve our support, and it is my hope that the following remarks by Larry Roush, Commissioner of the Public Building Service, will become a pattern for not only Government, but for the private sector as well. The kind of commitment to energy conservation evidenced in these remarks need to be shared by all Americans.

Mr. Speaker, I intend to do what I can to bring these energy-saving ideas to the attention of the larger and industrial building operators in my congressional district. At the moment, the most practical way of doing so would seem to be through my area's chamber of commerce, with the hope in mind that they, in turn, will pass this information along to where it could do some good. This is essential because since the saving of energy ought to be a nationwide, cooperative effort, the Federal Government—with its responsibility for only 200 million square feet of building space out of some 2.5 billion square feet in private use—can only lead and encourage others to follow. In conclusion, I now encourage my colleagues to follow my example in this regard.

The remarks of Commissioner Roush follow:

ENERGY CONSERVATION IN BUILDINGS

(By Larry F. Roush)

For the people present in this meeting today, the word "conservation" needs no definition in ordinary conversation. It is my contention, however, that as we develop an energy conservation policy for public office buildings, the general understanding of "conservation" is not enough. We have recognized that this word means more than just "saving," and that energy conservation must be a continuing effort to achieve the *best balance between the benefits and costs* of energy use.

The Public Buildings Service has been vitally concerned with the conservation of energy for many years. In our primary role as the builders and operators of office space for the Federal Government, we have attempted to use the most economical source of energy, while using it in the most efficient manner. We have had several on-going energy conservation programs to reduce energy consumption in 2,600 GSA-owned and operated buildings nationwide. These programs were not based primarily on the development of new technologies, but rather emphasized more efficient use of energy in existing buildings.

We quickly realized, however, that new technologies needed to be developed and tested, and their energy conservation features quantified, if we were to achieve optimum energy utilization in existing office buildings and those planned for the future. GSA's energy conservation policy for public office buildings is to incorporate features which insure the best possibilities of energy use. To do this we have attempted to recognize the trade-offs in terms of energy conservation, work area, costs and the environment in general.

For example, in considering the trade-offs between energy conservation and the work area, we must consider the people and the services they provide. For any energy conservation system to be viable, it must be compatible with the comfort and safety requirements of the occupants. We must answer many questions such as: How much light is really required to do specific kinds of work? What noise levels can be tolerated before they become distracting? How "good" are our current air purification and odor control systems? What levels of heat, humidity, and air movement provide the optimum level of thermal comfort for the building occupants? The answers to these and similar questions can provide the information necessary to balance energy usage against an adequate work environment. To do this we must apply the latest systems for measuring these factors in an actual work situation where we can correlate the human response with the environmental conditions.

To evaluate these and other energy conservation related questions, we needed a laboratory—a place where we could accurately measure and compare various energy conservation systems and their impact. And, in June 1972 Mr. Sampson designated the new Federal Office Building in Saginaw, Michigan, as the GSA Environmental Demonstration Building. Most of the experimental features of the Saginaw Project are directly related to environmental concerns. The prime energy conservation feature of the Saginaw Project is the proposed solar energy collector.

Recognizing the need for additional experimental work in energy conservation, the Administrator designated the new Federal Office Building in Manchester, New Hampshire, as the GSA Energy Conservation Building.

For the Manchester Project, we put together a design team consisting of the architect-engineer, an energy conservation consultant, the National Bureau of Standards and GSA. Energy conservation was made a prime design parameter to be considered equally with function, firesafety, life cycle cost and aesthetics. Determinations were made regarding features, systems, and equipment which would contribute greatly towards reduction in energy requirements *before* developing a concept for the building. From the very beginning of the design process, energy conservation possibilities were given major attention.

The final design of the building is expected to make a positive contribution to the urban surroundings and provide a pleasant interior environment for employees and visitors. We expect the building to operate with at least 20 percent less energy consumption than other comparable existing buildings.

In addition to energy conservation features in the basic architectural design, we intend to demonstrate energy savings in the mechanical, electrical, lighting, plumbing, and space conditioning areas. We have included such energy conservation features as heat recovery systems, computer programmed mechanical and electrical systems, and a solar collector. Once the building is complete with the various energy conservation systems installed, they will be monitored and evaluated, based on built-in instrumentation and occupant reaction. From this experimentation we will be able to develop guidelines and criteria for use in the design and constructon of future buildings.

I would like to pause for a moment—to quote the President—as he said on September 10: "while energy is one of our Nation's most pressing problems, and while the preservation and effective use of our natural resources is an imperative policy goal, it is presently impossible to administer these related objectives in a coordinated way. Our abilty to manage our resources and provide for our needs should not be held hostage to old forms and institutions." I couldn't agree more and commend the President for his initiative to create Governor Love's office and his proposal for the new Energy Research and Development Administration.

The NBC white paper on the Energy Crisis, aired over two weeks ago, emphasized that there were over 40 Federal government agencies involved in some way or another with the energy question. To my way of thinking this indicates that; first, there is a great deal of enthusiasm to solve the problem and secand that it must become a coordinated effort if we are going to effectively manage the solutions to our problems. Governor Love's office is a great step toward pulling us all together. GSA hopes that the Manchester and Saginaw projects will help act as a catalyst for the coordination of the *technical* effort.

But the need to conserve energy is *real* and *now*. Therefore, our greatest efforts are being made toward reduction of energy use in the buildings we presently operate.

As you all know, President Nixon has established a requirement to reduce the Federal Government's anticipated energy consumption by 7 percent. In this regard, GSA views its responsibility as the overseer of energy utilization in Federally-occupied buildings and of eliminating wasteful practices and concepts which developed during the past period of apparent energy abundance.

In order to fulfill this requirement we established a task force to develop and implement GSA's accelerated energy conservation program. When we considered that our annual utilities cost exceeds *$90 million* and that all resources in our buildings equate to over 5 billion kilowatt hours. We also had to review those current building operating practices which result in the consumption of substantial quantities of energy, such as nighttime cleaning operations, lighting levels and the temperature being maintained in our buildings.

It is imperative that you as executives in your organizations gear onto what we're doing. And, it is important to emphasize that, in revising operational procedures, it is critical that the employees at the grass roots level be aware of what you're doing and why you're doing it. This is a voluntary effort and when dealing with existing buildings, the occupants must be educated to energy saving actions.

Accordingly, to the extent feasible, the following changes in operating practices are being initiated in all GSA-operated/owned buildings and GSA's 7,800 leased buildings. I think you can do the same things in your space:

We have advanced nighttime force-account cleaning operations *from* the 5 p.m.–1:30 a.m. time frame *to* 11 a.m.–7:30 p.m. daily.

We have reduced the amount of lighting

required in various space throughout a building without reducing the level at work stations;

We have raised (by 4 degrees) the setting on room thermostats serving office space during the airconditioning season to a range of 76–78 degrees;

And, we have lowered the setting (4 degrees) on room thermostats serving office space during the heating season to a range of 70–72 degrees; and

In addition we have made appropriate temperature and lighting changes in other types of space to realize similar energy savings.

Lessors who provide building services and utilities have been notified by the regional PBS offices to take appropriate action to reduce the anticipated energy consumption during the next 9 months by 7 percent.

Federal agencies have been notified that the aforementioned practices are being initiated, to the extent feasible, in all GSA-managed buildings in a way which will not impair the provision of vital services, nor curtail the proper functioning of the departments and agencies. In addition, each Federal agency has been requested to designate a headquarters representative as a point of contact to assist in realizing these objectives.

These revised operating practices already have been adopted in our Central Office and Regional Office Building, both in Washington, with excellent results.

As an example of savings that may be realized, 22 percent of the fluorescent light tubes have been removed from buildings here in Washington, with an opportunity to do more. Assuming we are able to achieve similar savings throughout the nation, we will eliminate approximately 1.2 million tubes and save 164 million kilowatts of electrical energy each year.

We believe that with the changes in operation, we will be able to reduce our overall energy consumption by approximately 20 percent. This equates to over 1 billion kilowatt hours of electricity or 600,000 barrels of oil or 580,000 tons of coal that may be saved per year. But we're not stopping here:

—We have begun a building profile study to determine the energy consumption characteristics of existing buildings as affected by their physical features.

—We are conducting an Air Change Rate Study to determine the minimum number of air changes required for acceptable heating and air conditioning of buildings.

—We are conducting a study of lighting levels and distribution required for the performance of the various work tasks in Federal buildings.

—And we are conducting a study to develop a fully automated building control system using computer techniques and sophisticated equipment to optimize operations, manpower and energy utilization.

The research and the efforts in existing buildings will help GSA accomplish the President's conservation goal. They can be far more valuable, however, if we can get them out to industry and local government. To that end, we have written to all of the nation's governors and the mayors of 20 of our largest cities to urge their cooperation in the energy conservation effort.

We think we have a strong start in the race to alleviate an energy crisis. But all of our efforts are really minimal when you consider that we only have the responsibility for 200 million square feet out of 2.5 billion square feet of space. 200 million out of 2.5 billion!! That means that you are very important. Have your employees turn off lights, lower thermostats, etc. I hope we can rely on you for this assistance in our effort, and we will assist you in yours, because it will take the voluntary cooperation of many Federal employees if it's going to be a complete success.

Thank you.

HOUSE OF REPRESENTATIVES—*Wednesday, October 24, 1973*

The House met at 12 o'clock noon.

Charles F. Betts, associate conference council director, North Alabama Conference, the United Methodist Church, offered the following prayer:

O living God, who has made today a time for greatness, be to this House of Representatives a sign that hope's promised hour is now.

May all of us receive this day's alarms as a call to choose for the truths we cherish. Against the winds that push toward war, may we take one step toward lasting peace. Surrounded by broken dreams of personal glory, may we act with a stronger trust in common people. Pressured by the insistent demands of human need, may compassion claim a new place in our hearts.

Stir us, O Lord, to live as those who intend the future. Give us courage to right those wrongs nearest us. And give us energy to shape the swirling forces of change for mankind's good. In Thy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States;

H. Con. Res. 275. Concurrent resolution providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests In and Policy Toward the Persian Gulf"; and

H. Con. Res. 322. Concurrent resolution to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States.

The message also announced, that the Senate receded from its amendment to the amendment of the House of Representatives to the amendment of the Senate numbered 5 to the bill (H.R. 9639) entitled "An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs," and concur in the amendment of the House of Representatives to the amendment of the Senate numbered 5 with an amendment.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 184. Concurrent resolution to print as a House document the Constitution of the United States.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1526. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity.

REV. CHARLES F. BETTS

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I was honored today to have my brother-in-law, the Reverend Charles F. Betts, from my State of Alabama, give the opening prayer on the floor of the U.S. House of Representatives.

Reverend Betts is from Birmingham, Ala., and received the bachelor of arts degree from the University of Alabama, bachelor of divinity degree from Emory University, and served for 3 years as director of the Wesley Foundation at the University of Alabama.

He has served as pastor of several United Methodist Churches in Alabama and at the present time is the associate conference council director, North Alabama Conference, of the United Methodist Church.

I am very happy to have this member of my family to offer prayer here today.

TANKS AND PLANES FOR PEACE

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, we must not let Watergate—serious and critical as it is—prevent an opportunity for lasting peace in the Middle East and throughout the world. Make no mistake, Mr. Speaker, there are those in the world who would take advantage of the Washington situation to advance their sinister ends. The second cease-fire in 24 hours has been broken by the aggressors, apparently fearful that their aggressive war is ending disastrously. When the third cease-fire is reached we must make sure that this is not a trick or stalling tactic by the aggressor nations, designed to stop the Israeli flanking movement and gain time to regroup and reattack with new Russian armament.

Regardless of cease-fires or resumption of fighting it is essential in the interest of peace that the United States provide Israel with military armaments for its defense. While the Russians continue to pour in arms and materiel to the aggressor nations the United States has no alternative.

Appeasement is not the answer. Submission to oil blackmail is not in the the interest of peace. Appeasement and blackmail led directly to World War II, the bloodiest in history. The raving racist Hitler was aided and abetted by appeasement. Blackmail was his trump card. We must not let it happen again.

Mr. Speaker, again I urge the House to approve the resolution calling for tanks, ammunition, and planes for Israel. Lack of modern equipment in Israel will only whet the appetitite of the aggressor and contribute to more war with the risk of a world conflagration. To strengthen Israel is a giant step toward world peace.

A RESOLUTION TO RESTORE COX, RICHARDSON, AND RUCKELSHAUS TO THEIR POSITIONS

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, while I believe the investigation to determine whether there are grounds for impeachment of the President, initiated by the House of Representatives, should continue and the Senate should make such inquiries as it chooses to make and the Watergate grand juries under Judge Sirica should continue their investigation, nevertheless, I think the President should immediately restore the office of independent prosecutor and rename Archibald Cox to that position, should renominate Elliot Richardson as Attorney General, and renominate William Ruckelshaus as Deputy Attorney General. I am introducing in the House today a resolution that it is the sense of the House and Senate that the President should do that.

THREAT OF VETO ON ALASKAN PIPELINE BILL

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MELCHER, Mr. Speaker, because I believe the whole House is entitled to know what goes on concerning the Alaskan pipeline conference, both behind the scene as well as on the scene, I take the time of the House this morning to tell of a threat of a veto.

I was visited yesterday by Mr. Roy Ash to convey that message to me, that he would recommend a veto unless the bill were changed materially. He requested changes in five areas.

Not only is it the 11th hour for Mr. Ash to be approaching me on this matter, but it is half past quitting time, because the conferees have had their last meeting. While we will review any technical or inadvertent mistakes in our deliberations, we are not receptive to Mr. Ash, or other members of the administration, who approach us at this late hour on opening up the whole bill to accommodate their wishes.

I am not impressed by Mr. Ash's threat that we must rewrite five provisions of the bill which he advocates, or else. I am including at the end of my statement the factsheet which was presented to me.

The five points that he mentioned included the provisions to exempt stripper wells from price controls. The conferees as of yesterday after being polled by committee staff, have agreed to a 10-barrel limit which had been in the original Senate bill. This partially removed objections by Dr. John Dunlop, Chairman of the Cost of Living Council.

On the other points, the conferees had given considerable consideration to: First broadening the Federal Trade Commission's regulatory authorities; second, taking from the Office of Management and Budget the prerogative of screening regulatory agencies questionnaires and turning them over to the General Accounting Office for review; third, Senate confirmation of the Director of the Energy Policy Office and the head of the Mining Enforcement and Safety Administration; and, fourth, the provision for liability without fault up to $100 million for oil spills at sea. This point certainly is not urgent as it will be 3 years until completion of the pipeline before any oil on tankers.

The conferees have given consideration to all of these points. Mr. Ash and other Government officials have had sufficient time since the Senate bill was passed in July and the House bill on August 2 to make their views known to the individual conferees but they have only now become dragons spouting fiery threats of a veto if their wishes are not followed by the conferees, the conference reconvened and the bill amended to, first, restrict power of the Federal Trade Commission; second, protect the power of the Office of Management and Budget over regulatory agencies; third, protect the power of the President to make appointments without Senate review; and fourth, reduce the extent of oil company liability for oil spills at sea.

Mr. Ash and his party were in my office when word came that the President had agreed to obey the order of the court in regard to the Watergate tapes.

Possibly Mr. Ash did not overhear, or did not get the message inherent in that announcement.

In any event, I did not appreciate what seemed to me rather highhanded ultimatums to reconvene the conferees and revise the bill to suit Mr. Ash's tastes about the OMB's powers, the President's powers, and the oil company's marine liability.

I am very much for the bill as it is being reported, and I believe a large majority of the House Members support it.

It was for that reason I assured Mr. Ash and his party that they were completely free—it was their right—to attempt to get someone to offer a motion to recommit with instructions to the conferees.

I believe in decisions openly and regularly arrived at—not deals consummated in executive meetings at the point of a popgun pointed by Mr. Ash.

Following are the objections Mr. Ash presented to me:

FACT SHEET—CONFERENCE COMMITTEE ACTION ON ALASKAN PIPELINE BILL (S. 1081)

The following agencies have deep reservations about the following provisions approved by the Conference Committee on the Alaskan Pipeline Bill:

Cost of Living Council—opposes exemption from the Stabilization Act of the output of leases the wells of which produce less than 20 barrels per day. Inasmuch as 40 percent of the nation's crude is estimated to come from wells under the twenty-barrel criterion, the maintenance of a ceiling on the balance would be untenable. Domestic prices would inevitably rise to world prices. The immediate effect would be to increase gasoline prices at the pump to 8 cents per gallon and home heating oil by an even greater amount.

Department of Justice—opposes authorization of the Federal Trade Commission to take its enforcement actions in its own name directly into Federal courts at all levels if the Department of Justice does not first take the action proposed by the FTC. This provision would set a precedent for similar autonomy by all other agencies and seriously damage the Department of Justice's control of federal litigation.

Energy Policy Office—The requirement that the incumbent Director (as well as the incumbent head of the Mining Enforcement and Safety Administration) would have to be confirmed by the Senate is particularly troublesome in view of the President's veto of a similar requirement for the OMB Director and Deputy Director on constitutional and policy grounds.

Offices of Management and Budget—opposes deletion of the authority granted OMB under the Federal Reports Act of 1942 to review and approve requests for business information by all independent regulatory agencies. The authority transferred to the General Accounting Office would be a review and advisory one only, so that GAO could not ultimately prevent an agency from making burdensome, duplicative requests. GAO opposes the transfer. The immediate and predictable result would be a proliferation of requests for information from industry.

Industry—We are informed that the petroleum industry is quite concerned with the strict liability provisions governing the sealeg portion of the oil transportation scheme. A significant burden of proof would be placed on the vessel owner or operator, and he would be liable for the first $14 million of allowable claims. The balance up to $100 million would be paid out of a fund created by taxing oil owners five cents per barrel. However, other legal liability could exist as well. Industry representatives have conveyed the initial reaction that these provisions require them to seriously reassess the desirability of becoming involved in the Alaska Pipeline venture.

THE PRESIDENT IS NOT OFF THE HOOK

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, the President's decision to release the Watergate tapes is a welcome one, but it is by no means the end of the constitutional and leadership crisis his administration has precipitated.

Still unresolved is the question of access to the letters and documents related to those tapes which Special Prosecutor Cox had been seeking. Still unresolved are the apparently endless leads which Mr. Cox and his staff had been following and which reportedly touch on crimes not directly related to the Watergate affair, but which involves this administration at its highest levels.

In view of this, the House of Representatives must press on with its inquiry into grounds for impeachment and it must begin now to prepare for its prosecutorial role in an impeachment proceeding. I call upon the Judiciary Committee to move immediately to take on the investigative and prosecutorial functions demanded by a preimpeachment inquiry and the impeachment proceeding itself. In particular, the committee must begin now to put together the professional staff and other resources that are necessary and should such an effort require additional funds in the committee budget, I am confident the House will vote its approval.

In addition, the reestablishment of a completely independent special prosecutor to continue the work of Mr. Cox and his staff is an immediate and urgent priority. It is vital that the rule of law be reaffirmed and applied to the leaders of Government, as well as to private citizens. Unless and until that is done, our National Government will be crippled by a cloud of suspicion and distrust.

GROWING NEED FOR INDEPENDENT PROSECUTOR TO PURSUE INVESTIGATIONS ONCE UNDER MR. COX'S JURISDICTION

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, last Friday, I approved a letter to Mr. Archibald Cox concerning the ITT affair.

I wrote this letter as a member of the House Interstate and Foreign Commerce Committee's Special Subcommittee on Investigations. This subcommittee has spent 10 months investigating the actions of the Securities Exchange Commission with regards to the ITT-Hartford merger, and other related matters to the ITT affair.

My letter makes four points:

First. Mr. William Casey, former Chairman of the SEC, in my judgment with the knowledge and encouragement of certain White House officials, did everything he could to keep from a committee of the Congress certain ITT documents.

Second. Possible improprieties involved with the transfer of Hartford stock by ITT to Mediobanca of Italy, and later to the Dreyfus Fund;

Third. Inconsistencies between the testimony by Charles Colson to our subcommittee and a memorandum he wrote to H. R. Haldeman over a year earlier; and

Fourth. The revelation before our subcommittee that officials in the White House passed documents held by the FBI to investigators for ITT.

Now, Mr. Speaker, to whom do I send my letter?

Mr. Henry Petersen announced last year that he had withdrawn himself from consideration of ITT matters. He said that he did so, because he had testified before the Senate during the Kleindienst confirmation hearings. Since these hearings form the main reference point for certain aspects of the ITT investigations, Mr. Petersen felt that he could not properly participate in the ITT investigations.

Obviously, Mr. Speaker, serious study needs to be given to the question of who is going to finish, with thoroughness, the ITT investigation begun by Mr. Cox. One must contend now that there is a growing need for an independent prosecutor to pursue this and other investigations once under Mr. Cox's jurisdiction.

REFUSAL TO ACCEPT NOBEL PEACE PRIZE

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, I note with some interest that Le Duc Tho has refused to accept the Nobel Peace Prize. I congratulate Mr. Tho on his decision because his announcement is a recognition of what every fair minded and impartial observer in the world recognizes, and that is that there does not exist any peace in South Vietnam. It has been estimated that 50,000 people have been killed since that so-called peace came into existence.

If Mr. Kissinger wants to be honest about it he should elect to turn down his share of the Nobel Peace Prize as well.

WATERGATE, ITT, AND NOMINATION OF GERALD R. FORD

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, I would like to suggest to the distinguished gentleman from Texas who just referred to a letter he had written concerning ITT to Mr. Cox, that Mr. Cox was the wrong place for his letter to be sent. Mr. Cox was appointed Watergate special prosecutor, and any letter that the gentleman has written concerning ITT should be directed to the head of the Department of Justice.

Incidentally, yesterday I informed this House I was willing to debate the merits of the impeachment of the President. However, a President can be impeached for only certain reasons. The action of the President in releasing the tapes yesterday afternoon has removed the President from any probability of possibility of impeachment.

I would also like to say I stressed yesterday that a week ago last Friday the nomination of GERALD R. FORD for Vice President was met with acclamation by most Members of the House and the Senate and that we should rapidly move forward with the confirmation of GERALD R. FORD as Vice President.

ATOMIC ENERGY COMMISSION

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FISH. Mr. Speaker, today I am introducing legislation to authorize industrial operations of the Atomic Energy Commission.

The projected plans for nuclear power development and expansion in the Hudson Valley in New York and throughout the United States has understandably troubled many of us. People are rightfully concerned about safety and want to be reassured. Therefore, now is the time for a full-scale scientific inquiry into the licensing and regulation of nuclear powerplants. The Congress and the American people have a right to know more about the problems and hazards involved before we make a commitment to nuclear power that will soon be irrevocable.

My bill would authorize a comprehensive investigation by the National Academy of Sciences, which would then report its findings and recommendations back to Congress within 1 year. During the period that the study is being conducted, the AEC would be prohibited from issuing any new construction permits. The scope of the inquiry will include such items with safety implications as: First, current AEC licensing procedures; second, present criteria for selecting the location of nuclear plants; third, plant security and design; fourth, ongoing AEC monitoring of plant operations; fifth, the level of routine radioactive emissions now permitted; sixth, environmental effects of nuclear plants; seventh, the risk of accident; and eighth, present plans for protecting the public should an accident occur.

I do not mean to downplay the seriousness of the energy crisis. We must deliver new energy sources as quickly as we can. But, at the same time, we cannot allow ourselves to be panicked into a nuclear energy policy that could prove disastrous in the long run.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS HOUSE WILL CONDUCT ITS IMPEACHMENT INQUIRY IN AN ORDERLY, THOROUGH, AND EXPEDITIOUS FASHION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, like everyone else, I was glad to hear that President Nixon has agreed to turn over the Watergate tapes to the court.

That is a very appropriate recognition of the fact that we are a Nation of laws and not of men, and that no man—not even the President—is above the law.

This action by the President, however, does not change the status of the impeachment resolutions referred to the Judiciary Committee yesterday. It permits the House and the Judiciary Committee to undertake the inquiry in an orderly, thorough, and expeditious fashion.

The House is not driving toward a preordained objective. It is, instead, conducting a careful and deliberate inquiry into possible grounds for impeachment.

But there is no doubt that we owe it to the American people to conduct the most conscientious investigation of which we are capable. The House leadership has already said—and I repeat today—that we will support the Judiciary Committee with all the special staffing, financial assistance and other resources necessary to this inquiry. Chairman Rodino will be able to supplement his excellent judiciary staff with whatever specialists or experts he needs.

PERMISSION TO HAVE UNTIL MIDNIGHT FRIDAY, OCTOBER 26, 1973, TO FILE CONFERENCE REPORT ON S. 1081, GRANTING RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the managers in the conference on S. 1081, granting rights-of-way across Federal lands, have until midnight Friday to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

THE CASE OF BORIS PAVLOVICH AZERNIKOV

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, the Soviet Union is not complying with the very declaration they signed in 1966, the Universal Declaration of the Rights of Man, which sets forth the principle of free immigration for all people. Today in the Soviet Union people are not free to emigrate.

Boris Pavlovich Azernikov is a physician who submitted documents for emigration to Israel at the end of June 1971, and on August 10 of that year was arrested.

Boris had attended an ulpan—program of intense Hebrew study—in Leningrad and joined the organization in April of 1970.

In June of 1970 Boris worked to create a Zionist youth summer camp. Then on June 15, a few hours after the so-called plane hijacking in the Leningrad airport a search was made in Boris' apartment and his place of work. He was not in Leningrad at the time but was vacationing in Odessa. Boris was not arrested, but a friend with him was and this friend was convicted at the second Leningrad trial to 5 years in prison.

After his return to Leningrad Boris was summoned for questioning by the KGB. He was summoned 25 times during the summer and autumn of 1970. The KGB had found typewritten brochures on Jewish culture, history, and language in this room in Leningrad.

During 1970 and 1971 Boris was required to testify in the first and second Leningrad trials in which he gave testimony in defense of the defendants. When Boris was arrested, after applying for his passport for emigration to Israel, he was presented with the same charges as those convicted at the second Leningrad trial. Judging by everything the KGB had no other "new materials" except his conduct at the two trials. The question is whether Boris' arrest is a warning of an even harsher policy in relation to the Jews in the Soviet Union.

Mr. Speaker, the situation confronting Soviet Jews is awaiting our immediate attention. We are their only hope. We can help by passing the Mills-Vanik amendment.

SUCCESSFUL SURGERY ON THE HONORABLE JOHN P. SAYLOR OF PENNSYLVANIA

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO of Wyoming. Mr. Speaker, Members of the House, I would yield to Chairman James Haley of the Committee on Interior and Insular Affairs if he were here. I would like to report to the Members that he reported to the Committee on Interior and Insular Affairs this morning the good news that our friend and colleague, Mr. Saylor, of Pennsylvania, was operated upon this morning in Houston for the removal of a huge aneurysm from his aorta.

Mr. Speaker, the physicians have pronounced the surgery a success. I am happy to report this to the House.

RELEASE OF TAPES NOT ENOUGH

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Maryland. Mr. Speaker, I was relieved as were most House Members by the announcement yesterday in court by the President's counsel that the tapes and various documents and memorandums will be released to Judge Sirica and that the President will comply with the law.

Nevertheless, I want to point out that last night I spent some hours in my district office. I could not get away because the phone was constantly ringing. I had three people helping answer the calls and I talked to many people myself.

Very few of them who called seemed mollified by this apparent concession of the President.

Something has happened—the dam has broken, as I said yesterday—and the people are expressing long pent-up feelings.

Mr. Speaker, the President and his supporters should be advised that the President has two strikes on him and that one more major defiance of morality and law that he committed in the firing of Mr. Cox or in the refusal in the first instance to obey a desire of the courts, will give momentum to impeachment proceedings that will not be stopped.

IMPEACHMENT SHOULD BE EXAMINED BY THE JUDICIARY COMMITTEE

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, I was more than gratified a few moments ago to hear the very distinguished majority leader of the House, my friend, Mr. O'Neill from Massachusetts, inject into these somewhat ribald discussions we have been hearing here in the last couple of days about the impeachment of the President, some reservation and restraint into the prior discussions. I want to thank him.

I believe he is entirely right that the impeachment procedure should be examined by the Judiciary Committee in a sensible light and the findings then brought to this floor.

I do not believe it is inherent upon this House membership to discuss mollification of the people by the President. Rather we should stick to the plain, ordinary truth without satire.

I am not alluding to the gentleman from Massachusetts (Mr. O'Neill). I allude to another Member who spoke on the floor today. I would like to compliment Mr. O'Neill; his remarks were timely.

What has been done, what we have seen and witnessed in many respects here on this very floor, has been the conviction, without a bona fide indictment, of the President of the United States before the evidence is in.

I simply say if these people who are so hellbent to have the President removed from office have any information, regardless of what it might be, that it be just cause for impeachment, that would satisfy the constitutional requirements, then let them come forward now and speak their piece or forever hold it in the future.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 546]

Alexander
Anderson, Ill.
Ashley
Aspin
Biaggi
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Fla.
Carey, N.Y.
Chisholm
Dellums
Derwinski
Diggs
Edwards, Ala
Gettys
Gray
Green, Oreg.
Grover
Hansen, Wash.
Harrington
Harvey
Hastings
Hébert
Heckler, Mass.
Henderson
Johnson, Pa.
Ketchum
Kuykendall
Lott
McCloskey
McKay
Macdonald
Mills, Ark.
Mitchell, Md.
Moorhead, Pa.
Myers
Rees
Rooney, N.Y.
Ryan
St Germain
Sandman
Saylor
Shipley
Shriver
Sikes
Steele
Steiger, Ariz.
Sullivan
Symington
Teague, Tex.
Van Deerlin
Veysey
Wyman

The SPEAKER. On this rollcall 377 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. PEPPER. Mr. Speaker, on behalf of the Committee on Rules I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce that the Chair will receive unanimous-consent requests, but not for speeches.

RICHARDSON AS SPECIAL PROSECUTOR

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, the need for a special prosecutor has been made more imperative, not less, by the events of recent days. Still at stake is the integrity of the governmental processes which have now been under question for over a year.

The integrity of our Government, and the confidence of the American people in it, cannot be restored by lodging the responsibility for this investigation within the Department of Justice. Congress should establish and fill the office of the special prosecutor immediately.

This is not because the Department is without integrity. In fact, the events of recent days make clear that the leadership of the Department has demonstrated remarkable integrity at considerable personal sacrifice.

Nor do I mean to insinuate that the man who would be in charge of the investigation, Assistant Attorney General Henry Petersen, lacks the ability or desire to prosecute the Watergate case fully.

As Mr. Richardson stated yesterday, the investigation remains within the Justice Department now, "the situation is fraught with great difficulty." Perhaps the greatest difficulty will be the credibility of the entire investigation, not because of the people leading it, but because of the way they gained their position of leadership.

Always hanging over Mr. Petersen and others will be the sword of Damocles which slew Archibald Cox. Will the public believe that the sword has been forever sheathed?

If "the whole milieu of national concern" was the reason for the President's wise decision to give up the tapes yesterday, as Alexander Haig suggested, that national concern must be satisfied by continuing the independence of the special Watergate prosecutor.

In all that has developed in the last few days, one man stands head and shoulders above the rest—Elliot Richardson. He has demonstrated clearly that his integrity is above reproach. Of utmost importance to Congress, he has demonstrated that his word is binding; that he can make a commitment to Congress and stand by it, no matter who challenges it.

For this reason, I suggest that the Congress designate Elliot Richardson special Watergate prosecutor. His demonstrated integrity should be sufficient to assure Republicans and Democrats alike that he will keep whatever commitment he might make to Congress and to the American people in assuming this new responsibility. More than any other person, Mr. Richardson can help to restore the public confidence in the institutions of government, which is so lacking today.

CONFERENCE REPORT ON S. 607, LEAD-BASED PAINT POISONING PREVENTION ACT AMENDMENTS

Mr. BARRETT. Mr. Speaker, I call up the conference report on the Senate bill (S. 607) to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of September 25, 1973.)

Mr. BARRETT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, S. 607, a bill to amend and extend the Lead-Based Paint Poisoning Prevention Act, was passed by the House on September 5, 1973, by an overwhelming vote of 368 to 11 and it previously passed the Senate on May 9, 1973. Your conferees met September 19 and have produced a conference report which reflects, in my opinion, the basic provisions of the bill as passed by the House. There were seven items in disagreement on this conference report and only two of them were major controversial points.

The conference report adopted the House provision authorizing the Chairman of the Consumer Product Safety Commission, instead of the Secretary of HEW, to conduct research on multiple layers of lead-paint film and to submit a complete report on his findings and recommendations to the Congress no later than December 31, 1974.

The conference report also contains the Senate provision with the House provision providing for consultation of the Secretary of HEW and the Secretary of HUD with regard to steps and conditions to be taken to prohibit the use of lead paint in residential structures receiving any Federal assistance and would also prohibit the application of lead paint in the manufacture of certain toys and utensils that may be used by children.

Probably the most controversial provision in conference was the establishment of a new definition of the safe level of lead paint. The present definition of the safe level of paint is 1 percent lead by weight. The conferees adopted the House provision that the new definition of safe level of lead based paint would be 0.5 percent up until December 31, 1974, and that after December 31, 1974, the definition of lead-based paint would be 0.06 percent lead by weight except that if prior to December 31, 1974, the Chairman of the Consumer Product Safety Commission, based on studies conducted in accordance with section 301(b) of this act, determines that another level of lead, not to exceed 0.5 percent, is safe shall be effective after December 31, 1974.

Authorizations contained in the Senate-passed bill were $300 million and in the House passed bill were $105 million. Conferees agreed on a total authorization of $126 million greatly below the level in the Senate bill and only $21 million above the authorizations contained in the House passed bill.

The conference report also contains the House provision providing for Federal preemption of any and all laws of States and local governments regarding the requirement prohibitions and standards relating to lead content in paints on any other surface coating in materials which differs from the provisions of this act or regulations issued pursuant thereof. The Senate bill contained no similar provision.

The final item in disagreement was the Senate provision providing that no funds appropriated pursuant to the authorization of section 314(e) of the Public Health Service Act shall be available for lead-based paint poisoning control of the type authorized under the Lead-Based Paint Poisoning Prevention Act. The conference report contains this provision.

Mr. Speaker, I believe that this conference report basically reflects the bills as was passed by this body on September 5, and believe that the House should act promptly to approve this most important piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. WINDALL).

Mr. WIDNALL. Mr. Speaker, I support the conference report on S. 607, the Lead Based Paint Poisoning Prevention Act now before us.

As the gentleman from Pennsylvania (Mr. BARRETT) has stated, our conference was quite constructive. The report will verify that the bill has been strengthened without sacrifice of major features passed by the House.

As I have previously stated, there is an urgency associated with the prevention of poisoning of our children through the ingestion of lead-based paint. It is a matter that demands the application of all appropriate resources and facilities for the most comprehensive and effective results.

I urge passage of the bill as reported by the conference.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Kentucky.

Mr. CARTER. I thank the gentleman for yielding.

Mr. Speaker, I regret to say that in this bill today we have four times the amount of money authorized which is spent each year for rheumatoid arthritis, and three times as much money as is spent in the detection and research on diabetes. This is all out of proportion. Certainly I want to see sufficient funds in this bill to take care of children who have lead poisoning from the ingestion of lead-based paint, but, again, we are going overboard and spending too much in this area.

We are not basing our authorizations on morbidity, mortality, or economic impact of the disease.

I thank the distinguished gentleman for yielding.

Mr. ROSENTHAL. Mr. Speaker, I rise in support of the conference report on S. 607, a bill to amend the Lead Based Paint Poisoning Prevention Act. The Senate approved the report last week, and I urge the House to give its assent today. This is a good bill; although it does not provide the assistance I had hoped for when I introduced H.R. 3006, it does combine the best features of the House and Senate passed bills and represents a significant step toward detecting, curing, and preventing a disease which afflicts some 400,000 American children.

Fewer than 16,000 of these young victims actually receive treatment and half of them are left mentally retarded. About 200 youngsters die each year from lead poisoning.

In my city of New York there are 30,000 children who each year suffer from lead poisoning, but fewer than 1,000 cases are reported each year. Lead poisoning is a disease endemic to the slums. Although the city outlawed the use of lead in interior paints more than 10 years ago, leaded paint still remains on walls which have been covered with new nonleaded coats.

Nearly 2½ million children are vulnerable to lead poisoning because they live in substandard housing with leaded paint peeling off interior walls. Many mothers are unaware of the dangers of eating lead chips and are not prepared to indicate to the physician that such dangers exist in the home. What is more, the early symptoms of lead poisoning are vague—nausea, lethargy and crankiness—consequently both parent and physician have a difficult time attributing the symptoms to their proper cause.

Even hospital treatment to remove the lead is not a completely effective means to combat lead poisoning. Simply sending a deleaded child back to a leaded environment where he can once more swallow peeling chips of lead-based paint is as ridiculous as curing a man of pneumonia and then forcing him out into a freezing rainstorm with no shoes, no hat, and no coat.

This bill authorizes $63 million a year for 2 years for the detection, treatment, and elimination of lead-based paint poisoning plus research to find the best methods to remove lead-based paint from interior and exterior surfaces of residences.

This legislation, as approved by the conferees, limits the lead content of interior paint to 0.5 percent by weight until December 31, 1974. After that date, the limit drops to 0.06 percent, unless the Product Safety Commission shows that a higher level—not to exceed 0.5 percent—is safe.

I commend the conferees for writing a valuable piece of consumer health legislation and urge my colleagues to support this measure. Its enactment will stand as a tribute to our late colleague William Fitts Ryan of New York, who for so long worked for this type of legislation and to whom much of the credit must be given for the current awareness in the Congress and in the Nation about lead poisoning.

Mr. BARRETT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to on S. 607.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENDING THE ENVIRONMENTAL EDUCATION ACT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 600 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 600

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3927) to extend the Environmental Education Act for three years. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Indiana (Mr. MADDEN) is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume. Mr. Speaker, House Resolution 600 provides for consideration of H.R. 3927, which, as reported by our Committee on Education and Labor, would extend for a period of 3 years the Environmental Education Act of 1970. The resolution provides an open rule with 1 hour of general debate, with the time being equally divided and controlled by the chairman and ranking minority member of the committee.

House Resolution 600 further provides that, after general debate, the bill shall be read for amendment under the 5-minute rule, at which time it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule. At the conclusion of such consideration, the Committee would rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall then be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, the proposed legislation would continue the highly successful environmental education programs which were instituted under the authority of the 1970 act. While the primary focus of these programs has been in elementary and secondary schools and in local communities, environmental studies have actually been aided at all levels: from preschool to college and adult education levels.

The committee has noted that in fiscal years 1971 and 1972, a total of 236 projects in environmental education were supported in all of the 50 States, including 78 projects for curriculum, 33 for statewide assessment and dissemination, 21 community education programs, 20 outdoor study centers, 15 personnel training programs, and 69 other individual grants.

The result of environmental education on such a broad scale has been an increasing national awareness of the critical role that the individual citizen plays in helping to solve the problems of environmental pollution.

Mr. Speaker, the battle against pollution is a continuing one. Building upon accomplishments under the 1970 act, H.R. 3927 would assist the public to acquire a better understanding of such major problems as land use and area development, automobile pollution requirements and the energy crisis. To accomplish its objectives H.R. 3927 would authorize the following appropriations: Fiscal year 1974, $5 million; fiscal year 1975, $15 million; and fiscal year 1976, $25 million.

Mr. Speaker, I urge the adoption of House Resolution 600 in order that H.R. 3927 may be considered.

Mr. DEL CLAWSON. Mr. Speaker, House Resolution 600 provides for the consideration of H.R. 3927, extending the Environmental Education Act, under an open rule with 1 hour of general debate. The rule also makes the committee substitute in order as an original bill for the purpose of amendment.

The primary purpose of H.R. 3927 is to extend for 3 years the Environmental Education Act.

This act provides grants to encourage awareness of environmental problems. For example, in fiscal years 1971 and 1972, a total of 236 projects in environmental education were supported, including 78 projects for curriculum, 33 for statewide assessment and dissemination, 21 community education programs, 20 outdoor study centers, 15 personnel training programs, as well as 69 small grants.

There are no departmental letters in the committee report. However, the report indicates that administration witnesses opposed this bill, preferring instead the administration-proposed Better Schools Act, a special education revenue sharing, which would allow States and local school districts to support environmental projects as their priorities determine.

Minority views were filed by Members LANDGREBE, ASHBROOK, and HUBER arguing that there is no valid reason for extending this act. They point out that ecological issues have been brought to "the height of public consciousness." They also point out that this narrow categorical grant program, is not consistent with the President's budget, or his effort to provide broader categories of assistance, thus leaving more discretion at the local level.

Additional views were filed by Members QUIE, ERLENBORN, ESHLEMAN, KEMP, and TOWELL, noting that this act was never intended to be permanent legislation. They propose a 1-year extension to provide an orderly phaseout of Federal involvement.

Mr. Speaker, regardless of the position of a Member on the subject legislation, the rule is an open rule and should be adopted in order that the House may begin debate on H.R. 3927.

Mr. Speaker, I have no requests for time.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HOSMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 369, nays 15, answered "present" 1, not voting 49, as follows:

[Roll No. 547]

YEAS—369

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Pa.
Griffiths
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harsha
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—15

Ashbrook
Camp
Collins, Tex.
Conlan
Crane
Davis, Wis.
Flynt
Gross
King
Landgrebe
Martin, Nebr.
Mathis, Ga.
Poage
Symms
Young, S.C.

ANSWERED "PRESENT"—1

Mollohan

NOT VOTING—49

Anderson, Ill.
Ashley
Aspin
Biaggi
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Corman
Davis, Ga.
Derwinski
Esch
Gettys
Gray
Green, Oreg.
Grover
Hanna
Hansen, Wash.
Harrington
Harvey
Hastings
Hébert
Heckler, Mass.
Johnson, Pa.
Ketchum
McKay
Macdonald
Mills, Ark.
Myers
Rarick
Rees
Rooney, N.Y.
Ryan
St Germain
Sandman
Saylor
Shipley
Shriver
Steele
Steiger, Ariz.
Sullivan
Van Deerlin
Veysey
Vigorito
Widnall
Wolff
Wyman

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Macdonald.

Mr. Rooney of New York with Mr. Wyman.

Mr. Gray with Mr. Widnall.

Mr. Blatnik with Mr. Shriver.

Mr. Harrington with Mr. Sandman.

Mr. Shipley with Mr. Saylor.

Mr. St Germain with Mr. Hastings.

Mrs. Sullivan with Mr. Brown of Michigan.

Mr. Wolff with Mrs. Heckler of Massachusetts.

Mr. Ashley with Mr. Esch.

Mrs. Hansen of Washington with Mr. Anderson of Illinois.

Mr. Vigorito with Mr. Myers.

Mr. Mills of Arkansas, with Mr. Burke of Florida.

Mr. Gettys with Mr. Johnson of Pennsylvania.

Mrs. Green of Oregon with Mr. Brown of Ohio.

Mr. Corman with Mr. Grover.

Mr. Biaggi with Mr. Buchanan.

Mr. Hanna with Mr. Harvey.

Mr. Rarick with Mr. Derwinski.

Mr. Rees with Mr. Steele.

Mr. Ryan with Mr. Aspin.

Mr. McKay with Mr. Van Deerlin.

Mr. Davis of Georgia with Mr. Steiger of Arizona.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BRADEMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3927) to extend the Environmental Education Act for 3 years.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana (Mr. Brademas).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3927 with Mr. Roush in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Indiana (Mr. Brademas) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Eshleman) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. Brademas).

Mr. BRADEMAS. Mr. Chairman, I rise in support of H.R. 3927, a bill to extend the Environmental Education Act for 3 years.

BACKGROUND

The Select Subcommittee on Education, which I have the honor to chair, Mr. Chairman, held hearings on this bill during April and May. On May 24, the subcommittee reported H.R. 3927 by a vote of 7 to 3 and on May 30, the measure was reported out of the full Committee on Education and Labor by a voice vote.

The strong favorable vote in both the subcommittee and the full committee reflects, Mr. Chairman, the bipartisan support the Environmental Education Act enjoys.

I should like at the outset, Mr. Chairman, to commend, in particular, the gentleman from Kentucky, the chairman of the Education and Labor Committee (Mr. Perkins) as well as the gentleman from Minnesota, the ranking minority leader (Mr. Quie), the gentleman from Idaho (Mr. Hansen), the gentlelady from Hawaii (Mrs. Mink), and the gentleman from New York (Mr. Peyser).

FLEXIBLE AUTHORITY

Briefly, Mr. Chairman, the original act, signed into law on October 30, 1970, provides flexible and broad authority for support of environmental education activities, particularly in elementary and secondary schools and in local communities.

Specifically, the Environmental Education Act provides for:

The encouragement, and support of the development, demonstration, and evaluation of innovative and improved curricula in environmental studies;

The dissemination of significant materials for use in teaching at the preschool, elementary, secondary, college and adult education levels;

The initiation and maintenance of programs in environmental education at the elementary and secondary schools level;

Preservice and inservice teacher training programs;

The training of other educational and public service personnel, including community, business, and professional leaders, as well as Government employees at the local, State, and Federal levels;

Adult and community education programs;

The development of programs and materials for use by the mass media in dealing with ecological problems;

Outdoor ecological study centers.

GREAT NEED

Evidence of the great need for the environmental educational program, Mr. Chairman, lies in the following statistics:

In the 3 years in which this effort has been funded, fiscal years 1971, 1972, and 1973, the Office of Environmental Education has received over 4,700 applications, with requests totaling approximately $180 million.

Yet the Office of Environmental Education, Mr. Chairman, has been able to fund only 286 projects at a cost of $5.843 million.

Clearly, Mr. Chairman, both the educational community, and the public, understand the need to better inform our citizenry about the wide array of problems we call environmental if we are to adequately address such problems as air and water pollution and the energy crisis.

MAJOR PROVISIONS

Mr. Chairman, H.R. 3927 extends the act for 3 additional years—that is through fiscal year 1976, at the following levels:

Fiscal year 1974, $5 million.

Fiscal year 1975, $15 million.

Fiscal year 1976, $25 million.

The bill further provides for the continuation of the Advisory Council on Environmental Education through June of 1976.

SUPPORT FOR H.R. 3927

Mr. Chairman, without exception, the question of the need for environmental education has not been challenged and the committee views this measure as the best Federal approach to environmental education activities.

There were suggestions that we extend the act for 1 year in order for the Education and Labor Committee to consider consolidating this program with other education measures. The committee has concluded overwhelmingly that environmental education should not be a part of a consolidation plan and agrees with the earlier actions of the subcommittee that the broad flexible authority reflected in this act does not fit the definition normally referred to as a "narrow categorical program."

PRESIDENTIAL SUPPORT

Mr. Chairman, there have been many expressions of support for the concept of environmental education, but perhaps none more heartening than the many statements issued in the past several years by President Nixon.

For example, the President said in his February 8, 1971, message to Congress:

> The building of a better environment will require in the long term a citizenry that is both deeply concerned and fully informed. Thus, I believe that our educational system, at all levels, has a critical role to play.

On June 29 of this year, yet another eloquent statement of Presidential support was heard when the President delivered a lengthy statement on the energy crisis.

Said the President:

> But the final question of whether we can avoid an energy crisis will be determined by the response of the American people to their country's needs.

And, he concluded:

> I believe that the American people must develop an energy-conservation ethic.

The committee has therefore, Mr. Chairman, accepted the views expressed by President Nixon, as well as other members of this administration; namely, that environmental education studies and activities are a cornerstone of effective action aimed at solving environmental problems and enhancing environmental protection.

And we have accepted, as well, Mr. Chairman, the opinion of the many students, educators, environmentalists, and other public witnesses, that extension of the Environmental Education Act is essential to the development of better understanding on the part of the American people of the ecological problems we are now beginning to confront.

OTHER PROBLEMS

Mr. Chairman, let me take just a minute before concluding my remarks to comment on several problems which members of the Committee on Education and Labor have encountered with respect to the administration of the Environmental Education Act.

I refer, Mr. Chairman, to the intent of Congress with respect to the National Advisory Council on Environmental Education as well as the position of the Office of Environmental Education within the Office of Education.

Mr. Chairman, when Congress originally approved the Environmental Education Act, we clearly intended that there be a strong and active advisory body for the Office of Environmental Education.

Yet the Advisory Council, mandated by the law, was not appointed for a full year after passage of the legislation, and we have discovered that the Council was not actively involved in the development and implementation of the environmental education program as we intended.

So I want to make it crystal clear, Mr. Chairman, that the Advisory Council, which is continued by the legislation before us today, is to be fully involved with the continued development of the programs supported by the Office of Environmental Education.

Yet another area of concern, Mr. Chairman, has been the fact that, until recently, the Director of the Office of Environmental Education has not had the access to the Commissioner of Education which we in Congress intended when we approved this act.

So that there will be no misunderstanding on this point, either, Mr. Chairman, let me make clear the intent of Congress that the Office of Environmental Education is supposed to be an important element in the Office of Education, and the Director of that Office is to report directly to the Commissioner of Education, and not be submerged within the bureaucracy.

Mr. Chairman, let me conclude by noting that we debate this bill to extend the Environmental Education Act at a time of grave crisis with respect to the wise allocation and use of our resources.

For we must, within the very near future, make crucial decisions on the energy policies which will be established as national goals.

We will have to make some judgments, for example, on the wisdom of offshore drilling in the Atlantic to seek additional sources of oil.

We will have to decide the proper means of allocating scarce fuel oil so that families are not facing bitter winters without adequate heat.

And we will, of course, have to continue to grapple with the problems of automatic emissions which are now the most significant source of the pollutants which are befouling our air.

Mr. Chairman, it is critical to the formation of sound judgments on these matters of crucial national importance that the public be informed and aware of the issues involved.

The Environmental Education Act, Mr. Chairman, is designed to stimulate and strengthen public discussion of these issues. I, therefore, urge my colleagues to join with me to support passage of H.R. 3927.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Chairman, initially I want to commend the chairman of the Select Subcommittee on Education, our colleague from Indiana, John Brademas, for his work on this legislation. Largely through his insights and leadership in 1970, we constructed and approved an act which in a variety of ways deals with problems which we had ignored for too long a time.

The Environmental Education Act is a well-designed response to widespread pleas from school officials for aid to assist the public in a better understanding of environmental problems and what we must do about them. In the intervening 3 years, progress under the act has been substantial despite inadequate appropriations. Clearly the act has contributed toward the stimulation of a broad national awareness of and interest in ecological issues.

Everyone of the 50 States participated in well over 200 projects in environmental education which were supported in fiscal year 1971 and fiscal year 1972. Thousands of teachers and community leaders received training and participated in workshops designed to deal with many areas of interest in environmental studies.

As has been indicated, appropriations have been modest. But Mr. Chairman, to the extent that these appropriations were available, the record shows a significant amount of activity under the act in line with congressional intent.

The bill before us today seeks to extend the act for an additional 3 years. The committee report provides ample justification and support for taking such action. I will mention only one item as it by itself demonstrates why the act should be extended. During the last 3 years, close to 5,000 applications have been received requesting funds totaling $180,000,000. Only 286 requests were funded.

In effect, the interest and requests of schools across the Nation are still pending and it is in response to these that we are urging the continuation of the program.

Mr. Chairman, the proposed authorizations for the 3-year program are more modest than I would want and far more modest than what our hearing record shows is needed. The proposed authorization for the current fiscal year is only $5,000,000. This is $20,000,000 less than last year's authorization. For fiscal year 1975 and fiscal year 1976, the authorizations move to $15,000,000,000 and $25,000,000 respectively.

Mr. Chairman, this is a good bill and I think it is a bill which deserves the support of the House membership.

Mr. BRADEMAS. I thank the distinguished chairman of the committee.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. ESHLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, my love of the outdoors and the beauty of nature has always been a source of great strength and inspiration to me. I am concerned as an individual that this Nation do everything to protect our environment and the gifts that God has given to us. Anything that we, as Members of Congress, can do to provide the means which help protect and improve the quality of the world I favor. Quite often, however, the question of how best to achieve a goal becomes a point of disagreement. Today we have before us the Environmental Education Act which provides dollars to educate children about ecology and how they can contribute to a cleaner, healthier environment. While I am supporting this bill I think it is important that my colleagues be aware that there are other Federal dollars from other legislative authorities which are being spent within the public schools on this subject and, in fact, exceed the amount which is being expended under this act.

During the deliberations on the Elementary and Secondary Education Act in the Committee on Education and Labor I attempted to incorporate environmental education into a package of programs being consolidated in a new title. It was my feeling then that schools throughout the Nation should be given an opportunity to make the determination as to where environmental education programs fit in relationship to all other programs and that they—the local schools—should be allowed to establish and set their own priorities. I was convinced that the existing programs which are presently funded under title III of ESEA gave school systems the flexibility that I was seeking and were making a significant impact in our schools. A compromise consolidation plan was adopted by the committee but environmental education was not included as part of the agreement. While I still believe that environmental education should have been a part of the consolidation, and would hope that it would be incorporated in some future Congress, I feel that the consolidation which we developed was a good one.

So that Members may be better able to understand just why I felt environmental education would be a good basis for building a base of support under consolidation, I am inserting at this point a listing of title III projects on environmental education which was compiled by the National Advisory Council on Supplementary Services and Centers and was supplied to me by the Office of Education. Although the projects listed were funded in fiscal year 1972 they reflect what the Office of Education is still doing under this title.

Title III ESEA—Environmental Education and Environmental Education Related Projects

ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE III

Los Angeles City Unified School District, Los Angeles, California, $292,000.

Title· A Model Educational Program in Ecology, K-Adult Education

A comprehensive program in ecology from K-Adult Education will be developed, implemented and monitored. A sequential program in environmental education will be developed, and instructional materials for pupil and teacher use will be prepared. An ecology center complex will be established; two mobile ecology laboratories will be developed; and a television series on ecology for elementary and secondary school levels will be produced.

District School Board of Lee County, Fort Myers, Florida, $111,400.

Title: Model Strategy for an Effective Environmental Education Program.

A program to foster environmental awareness, sensitivity and responsibility on the part of students at all grade levels will be implemented. Curriculum materials for grades

6–8 will emphasize understanding ecological consequences. For grades K–5 materials will center on environmental awareness, sensitivity, and very basic ecological concepts. Students will acquire skill in sampling, surveying, and maintaining environmental conditions.

Community Unit School District No. 200, Woodstock, Illinois, $80,000.

Title: Woodstock Environmental Education Project.

An environmental education program will be established to develop positive attitudinal and behavioral patterns of teachers, students, and other citizens concerning environment so as to effect improvement and enhancement of environmental quality. Students, teachers, and parents will identify environmental problems of the area, State, and Nation; will formulate proposed solutions to identified problems and will develop materials and programs to augment the existing curriculum. Through these activities, participants will gain understanding of ecology and will learn to identify environmental problems, and to work through legal means for orderly solutions.

Shawnee Mission Unified District No. 512, Shawnee Mission, Kansas, $111,000.

Title: Cooperative Learning Through Environmental Activities in Nature.

An environmental education program will be established which will eventually serve the entire school district. The program will include cross-curricular involvement, interaction among children at all grade levels, indoor-outdoor ecological study, urban-suburban-rural-underdeveloped areas field studies, and cooperative use of existing county park facilities and nonprofit outdoor education foundation facilities. An environmental education laboratory will be cooperatively developed. Selected school personnel will participate in a summer workshop to develop the program and related audiovisual materials including programmed cassette tapes for small group student field study.

School District of City of Wyandotte, Wyandotte, Michigan, $240,000.

Title: Strategies for Environmental Education—Project SEE.

A model environmental education program aimed at developing people who are consciously aware of their environment and are motivated to assume an active role in efforts to maintain and improve the environment will be implemented. The curriculum will include specially designed environmental education packages which will be utilized by selected students. Efforts will be made to involve the entire community in the project on a continuing basis. University personnel will assist in the preservice and inservice environmental education of teachers.

Sole Supervisory District to Putnam and Westchester Counties, BOCES, Yorktown Heights, New York, $250,000.

Title: The Area Education Agency's Role in Developing Environmental Education.

An educational program involving two school districts will be developed. Activities in each district will focus on establishment of multi-district student environmental monitoring network concerning air, water, soil, waste, noise and population to function first within the project area and later to spread throughout and beyond the State. The project will also establish a clearinghouse to deal with environmental materials for elementary and secondary education and will plan for the active involvement of State Education Department and State Environmental, Conservation Staff, as well as the 45 other Boards of Cooperative Education Services (BOCES) in the State.

Golden Valley School District No. 275, Golden Valley, Minnesota, $162,469.

Title: Community Environmental Studies Program for Grades 5–12.

An environmental studies program will be established to promote environmental literacy through continued exposure to underlying principles and concepts presented within the matrix of the learner's immediate experience. Participants will make naturalistic field observations to describe the socioecological research, classical design and statistical procedures, controls, social action and survey methods. The learner's knowledge of man-land problems will stem from observations and experiences with environmental problems in the social context within which they occur.

Berks County School Board, Reading, Pennsylvania, $112,000.

Title: An Interdisciplinary Problem Solving Approach in Environmental Education.

An interdisciplinary, problem-solving curriculum in environmental education for all age levels will be developed in conjunction with the State-funded construction of facilities at the Nolde Forest State Park. The curriculum will be developed around five major resource areas—water, earth, biological resources, meteorological resources, and heritage—and will be pilot-tested in the Park facility and surrounding communities. Teacher training in the use of the facilities and curriculum will also be conducted.

Anderson School District No. 5, Anderson, South Carolina, $115,000.

Title: An Environmental-Ecological Education Center.

An environmental/ecological education center will be established for exceptional students, including academically talented and handicapped students. A resident and day environmental learning center will be developed on a 45 acre site near a lake. There all environmental resources and problems peculiar to the area will be investigated by the participating students and their teachers.

Carteret County Board of Education, Beaufort, North Carolina, $100,000.

Title: School Community Cooperative Environmental Studies Project.

A program designed to promote self-directed and investigation-oriented learning which molds schooling with education in the "real life" of the community and the total environment by placing students in actual situations to observe the functioning of the socioeconomic system. Three classes of juniors and seniors of "moderate abilities and ambitions" will be placed in a full-year, halfway elective course replacing their regular English, social studiec, and science program in order to conduct individual and group field research in the community.

Laramie County School District #1, Cheyenne, Wyoming, $60,000.

Title: ECO Curriculum Development and Learning Laboratory.

A curriculum development and learning laboratory and satellite sites will be established to develop and present an environmental education curriculum for Grades K–12 and a special curriculum for handicapped children. The curriculums will emphasize knowledge of environmental problems, methods of solving these problems and will be developed by instructional teams from social, behavioral and hard sciences.

In addition, the National Advisory Council on Supplementary Centers and Services has reported 60 projects totaling $4,419,051.

PROJECTS SUBMITTED BY THE NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

ALABAMA

Reading Enrichment and Outdoor Education, Tuscaloosa, Ala., $30,000.

ALASKA

The Kenai Environmental Education Program, Soldotna, Alaska, $85,463.

ARIZONA

Space Sciences In A Controlled Environment, Buckeye, Ariz., $25,000.

CALIFORNIA

Project MER (Marine Ecology Research), Pleasant Hill, Calif., $75,658.

Humboldt County Environmental Education Project, Eureka, Calif., $105,145.

COLORADO

Cultural Relationship of Man to His Environment—Past, Present, Future, Delta, Colo., $14,400.

CONNECTICUT

Pratt Outdoor Center, New Milford, Conn., $2,500.

DISTRICT OF COLUMBIA

Model Comprehensive Program in Urban Environmental Education, Wash., D.C., $130,000.

FLORIDA

Broad Spectrum Environmental Education, Program, Cocoa, Fla., $151,713.

Interdisciplinary Environmental Education, K–12, Ft. Lauderdale, Fla., $135,974.

Environmental Sensitivity Project, Pensacola, Fla., $81,000.

Environmental Laboratory, Arcadia, Fla., $50,000.

GEORGIA

Student-Teacher Environmental Relationships Investigations, $199,127.

Project Success Environment, $244,000.

ILLINOIS

Operation Survival Through Environmental Education, Grafton, Ill., $124,810.

The Upper Mississippi River Eco-Center, Thomson, Ill., $83,380.

INDIANA

Indianapolis Public Schools Resident Outdoor Education Program, Indianapolis, Ind., $10,000.

IOWA

Project Eco, Ames, Iowa, $84,547.

Handicapped Children's Nature Study Center, $17,923.

LOUISIANA

Environmental Education Curriculum, Development, St. Martinville, La., $93,293.

MAINE

Maine Environmental Education Project, Yarmouth, Maine, $52,385.

Maine Environmental Improvement, Yarmouth, Maine, $93,293.

MARYLAND

Environment—A Basis for Curriculum, Oakland, Maryland, $185,629.

MASSACHUSETTS

Project SCENIC, Auburn, Mass., $40,000.

Project QUEST (Quality Urban Environment Studies Training), Brockton, Mass., $56,465.

Project ECOS (Environmental Center for Our Schools), Springfield, Mass., $97,365.

MICHIGAN

Discovery Through Outdoor Education, Mt. Clemens, Mich., $54,985.

Education in the Natural Environment, Grand Rapids, Mich., $24,900.

MINNESOTA

Eco-Experiences, Grand Marais, Minn., $90,000.

MISSOURI

Environmental Ecological Education Program, Chesterfield, Missouri, $91,000.

MONTANA

Powell County Environmental Curriculum, Center, Deer Lodge, Montana, $27,100.

Environmental Education Curriculum Project, Hamilton, Montana, $20,696.

NEVADA

Verdi Outdoor Education Facility, Verdi, Nev., $36,000.

NEW JERSEY

Pollution Control Education Center, Union, N.J., $83,905.

Implementation of the New Jersey State

Master Plan for Environmental Education, Upper Montclair, N.J., $442,600.

NORTH CAROLINA

Environmental/Ecological Education, Morganton, N.C., $75,542.

Environmental/Ecological Education, Oteen, N.C., $75,542.

Environmental Science Study Curriculum, Washington, N.C., $84,965.

OHIO

Center for the Development of Environmental Curriculum, Willoughby, Ohio, $136,000.

Robinson Environmental Centers, Akron, Ohio, $125,000.

PENNSYLVANIA

Tayamentasachta, Greencastle, Pa., $14,752.

Transdisciplinary Involvement Program, Pittsburgh, Pa., $20,800.

Environmental Education Program, Pittsburgh, Pa., $5,678.

Project LIFE (Living Instruction for Ecology, Waynesburg, Pa., $27,000.

SOUTH CAROLINA

Oceanographic Science Conceptual Schemes Project, Charleston, S.C., $27,345.

SOUTH DAKOTA

Inter-Lakes Environmental and Outdoor Education K–8, Chester, S. Dak., $47,902.

Environmental Education K–12, Rapid City, S. Dakota, $42,400.

TEXAS

Study of Ecology of Lower Rio Grande Valley, Harlingen, Texas, $10,000.

Environmental Education Curriculum for Ft. Worth Indian School District Outdoor Learning Center, Ft. Worth, Texas, $20,000.

VERMONT

Development of Outdoor Ecological Laboratory, Bellows Falls, Vt., $15,000.

VIRGINIA

Craig County Conservation and Recreation Exploration (CARE), New Castle, Va., $77,000.

Program for the Gifted, Hampton, Va., $54,403.

WASHINGTON

Weather Satellite Station, Kirkland, Wash., $33,000.

Center for Ecological Studies, Mount Vernon, Wash., $55,016.

A Model Marine Science Lab, Poulsbo, Wash., $78,000.

Project Ecology (Environmental Career-Oriented Learning), Seattle, Wash., $25,000.

WISCONSIN

ICE—Instruction, Curriculum, Environment, Green Bay, Wisc., $89,302.

K–12—Environmental Education Curriculum Menomonie, Wisc., $25,000.

WYOMING

Kemmerer Outdoor Lab, Kemmerer, Wy., $61,046.

GUAM

Environmental Education for Guam Schools, Agana, Guam, $53,102.

The total sum for projects submitted is $6,052,920.

ESEA TITLE III PROJECTS FOR ENVIRONMENTAL EDUCATION

ALASKA

The Kenai Environmental Education Program, Mr. Peter Larson, Kenai Peninsula Borough School District, Environmental Education Program, P.O. Box 1266, Soldotna, Alaska 99669.

ARIZONA

Project OUTREACH, Dr. Paul Plath, 2042 W. Thomas Road, Phoenix, Arizona 85015.

CALIFORNIA

A Model Educational Program in Ecology, Kindergarten Through Adult, Mr. Grant R. Cary, 1044 N. Hayworth, Los Angeles, California 90046.

An Environmental Approach to Investigation and Inquiry in Science, Mr. Leon Hunter, Barstow Unified School District, 551 South H Street, Barstow, California 92311.

Planning Solutions to Urban Educational Problems, Mr. William Webster, 1025 Second Avenue, Oakland, California 94606.

COLORADO

Cultural Relationship of Man to His Environment—Past-Present-Future, M. C. Kreutz, Route 1, Box 66, Delta, Colorado 81416.

CONNECTICUT

Pratt Outdoor Center, Dr. Daniel Hart, Paper Mill Road, New Milford, Connecticut 06776.

Project Outdoors, Mrs. Norman B. Newton, Natural Science Center, 269 Oak Grove Street, Manchester, Connecticut 06040.

Talcott Mt. Science Center, Mr. Donald La Salle, Montevideo Road, Avon, Connecticut 06001.

DELAWARE

Environmental Laboratory, Mr. Hess G. Wilson, New Castle-Gunning Bedford School District, Blound Road, New Castle, Delaware 19720.

DISTRICT OF COLUMBIA

Model Comprehensive Program in Urban Environmental Education, Mr. Rueben Pierce, Department of Science, Presidential Building, 415–12th Street, N.W., Washington D.C.

FLORIDA

Broad Spectrum Environmental Education Program, Dr. Clair Bemiss, 705 Avocado Avenue, Cocoa, Florida 32922.

Interdisciplinary Environmental Education K–12, Mr. John Arena, 3600 S.W. 70th Avenue, Ft. Lauderdale, Florida 33314.

Environmental Learning Laboratory, Mr. John A. Reynolds, P.O. Box 759, Arcadia, Florida 33821.

Environmental Sensitivity Project, Mr. Roy Hyatt, Environmental Studies Center, 2501 North Hayne Street, Pensacola, Florida 32503.

Model Strategy for an Effective Environmental Education Program, Mr. William F. Hammond, Gwynne Institute, 2266 Second Street, Ft. Myers, Florida 33901.

Resource-Use Outdoor Education Center, Mr. James M. Phillips, P.O. Box 539, Perry, Florida 32347.

GEORGIA

Student-Teacher Environmental Relationships Investigations, Mr. Fred Schlein, Savannah Youth Museum, 4405 Paulsen Street, Savannah, Georgia 31405.

ILLINOIS

Woodstock Environmental Education Project, Mr. James Hires, Woodstock School, 14124 South Street Rd., Woodstock, Illinois 60098.

Operational Survival Through Environmental Education, Mr. Ray Miller, Box 122, Grafton, Illinois 62052.

Sell: Student Endowment Learning to Live, Barry Gowin, Superintendent, Meridian Community Unit School District 101, Mounds, Illinois 62964.

IOWA

Project ECO, Dr. Luther Kiser, 120 S. Kellogg, Ames, Iowa 50010.

KANSAS

Cooperative Learning Through Environmental Activities in Nature (Project CLEAN), Mr. Ernie Kumpf, 7235 Antioch Street, Shawnee Mission, Kansas 66204.

Environmental Education Demonstration Project, Mr. Donald French, 1601 Van Buren, Topeka, Kansas 66612.

KENTUCKY

Environmental Education, Mr. Harold Grooms, Bourbon County Board of Education, Paris, Kentucky 40361.

MAINE

Maine Environmental Education Project, Mr. Dean Bennett, Intermediate School, Yarmouth, Maine 04096.

MARYLAND

Environment—A Basis for Curriculum, Mr. Ernest Spoerlien, Garrett County Board of Education, 40 S. Fouth Street, Oakland, Maryland 21550.

MASSACHUSETTS

Project SCENIC, Mr. Paul Lemire, Randall School, West Street, Auburn, Massachusetts 01501.

Project SURVIVAL, Mr. Richard Todd, Locke Junior High, Allen Road, Billerica, Massachusetts 08121.

Project QUEST (Quality Urban Environment Studies Training), Mr. Bill White, Brockton High School, Brockton, Massachusetts 02402.

Project ECOS (Environmental Center for Our Schools), Mr. Clifford Phaneuf, 195 State Street, Springfield, Massachusetts 00108.

MICHIGAN

Strategies for Environmental Education, Mr. Thomas Sparrow, 639 Oak Street, Wyandotte, Michigan 48192.

MINNESOTA

Environmental Learning Center, Mr. Gerald Foldenauer, Cook County High School, Grand Marais, Minnesota 55604.

Education in the Natural Environment, Mr. Robert Block, 820 Pokegama Avenue North, Grand Rapids, Michigan 55744.

Inter-disciplinary Environmental Workshop, Mr. Robert Hofflander, Box 152, Windom, Minnesota 56101

Environmental Science Center, Mr. Richard Myshak, Independent School District No. 275, 5400 Glenwood Avenue, Minneapolis, Minnesota 55422

Community Environmental Study Project, Mr. Mike Naylon, 5400 Glenwood Avenue, Golden Valley, Minnesota 55422

Mobile Science Laboratory, Mr. Charles Carpenter, Brookside Junior High School, 1209 Columbus Street, Albert Lea, Minnesota 56007

Environmental Mobile Laboratory, Mr. Sherwood Cleveland, Box 191, Anoka, Minnesota 55303

MISSOURI

Environmental Ecological Education Program, Mr. Verlin Abbott, Parkway School District, 455 North Woods Mill Road, Chesterfield, Missouri 63017

MONTANA

Powell County Environmental Curriculum Center, Mr. Gary Swant, Powell County High School, Deer Lodge, Montana 59722

Environmental Education Curriculum Project, Mr. John Smith, 408 Daly Avenue, Hamilton, Montana 59840

NEVADA

Verdi Outdoor Education Facility, Mr. Brian Wise, Verdi Elementary School, Verdi, Nevada 89439

NEW HAMPSHIRE

Nature Study Center, Mr. Emile Rocheleau, Monadnock Regional High School, RFD #1, Keene, New Hampshire 03431

Squam Lakes Science Center, Mr. Gilbert Merrill, Holderness, New Hampshire 03245

Dartmouth Outward Bound Center, Mr. Frederick S. Bartlett, P. O. Box 481, College Hall, Hanover, New Hampshire 03755

NEW JERSEY

Pollution Control Education Center, Dr. James M. Caufield, Union Public Schools, 2369 Morris Avenue, Union, New Jersey

Implementation of the New Jersey State Master Plan for Environmental Education, Dr. Edward Ambry, New Jersey State Council for Environmental Education, Montclair State College, Upper Montclair, New Jersey 07043

NEW MEXICO

Outdoor Education, Mr. John Cox, 724 Maple, S.E., Albuquerque, New Mexico 87103

NEW YORK

The Area Education Agency's Role in Environmental Stewardship, Dr. Frank Thompson, 42 Triangle Center, Yorktown Heights, New York 10598

NORTH CAROLINA

Environmental/Ecological Education, Mr. Earl Whitener, Burke County Schools, Drawer 989, Morganton, North Carolina 28655

School/Community Cooperative Environmental Studies, Mr. Will Hon, Courthouse Annex, Beaufort, North Carolina 28516

Environmental/Ecological Education, Dr. Larry Liggett, Environmental Education Center, 13 Veterans Drive, Oteen, North Carolina 28805

Environmental Science Study Curriculum, Mr. William Moffit, Washington City Schools, P.O. Box 466, Washington, North Carolina 27889

OHIO

Center for the Development of Environmental Curriculum, Mr. Dennis M. Wint, 37047 Ridge Road, Willoughby, Ohio 44094

PENNSYLVANIA

Knowledgeable Action to Restore Our Environment (Project KARE), Dr. Donald L. Wright, Colony Office Building, Route 7 & Butler Pike, Bell, Pennsylvania 19422.

An Interdisciplinary Problem-Solving Approach in Environmental Education, Mr. Louis Ritrovato, Nolde Forest State Park, Box 392—R.D. 1, Reading (Cumru), Pennsylvania 19601.

Tayamentasachta, Mr. Fred C. Kaley, Greencastle Antrim S.D., 370 S. Ridge Avenue, Greencastle, Pennsylvania 17225.

Transdisciplinary Involvement Program, Mr. Frank Christy, Fox Chapel Area S.D., 611 Field Club Road, Pittsburgh, Pennsylvania 15238.

Environmental Education Program, Dr. Robert C. Campbell, State College Area S.D., 131 W. Nittany Avenue, State College, Pennsylvania.

Living Instruction for Ecology, Mrs. Alberta R. Covert, Central Green S.D., Waynesburg, Pennsylvania 15370.

SOUTH CAROLINA

Oceanographic Science Conceptual Schemes Project, Gary Awkerman, 3 Chisolm Street, Charleston, South Carolina.

An environmental-Ecological Education Center, Mr. Ryan Faulkenberry, Anderson County School District No. 5, P.O. Drawer 439, Anderson, South Carolina 29621.

SOUTH DAKOTA

Inter-Lakes Environmental and Outdoor Education K–8, Mr. Major Boddicker, Chester Area School District, Chester, South Dakota 57017.

Environmental Education K–12, Dr. E. R. McLaughlin, Instructional Materials Center, 827 Franklin Street, Rapid City, South Dakota 57701.

TENNESSEE

Oak Ridge Schools Phase II Simulation Project, Mr. Peter H. Cohan, Cooperative Science Center, Inc., 156 Adams Lane, Oak Ridge, Tennessee 37830.

TEXAS

Living Curriculum, 5th Grade, 3210 W. Lancaster, Forth Worth, Texas 76107.

Study of Ecology of Lower Rio Grande Valley, 1409 E. Harrison Street, Harlingen, Texas 78550.

VERMONT

Development of Outdoor Ecological Laboratory, Mr. William Lienhard, Atkinson Street, Bellows Falls, Vermont 05101.

VIRGINIA

Craig County Conservation and Recreation Exploration (CARE), Mr. Walton F. Mitchell, Jr., P.O. Box 245, New Castle, Virginia 24127.

WASHINGTON

Weather Satellite Station, Mr. Clayton Lanum, Lake Washington School District, Box 619, Kirkland, Washington 98033.

Center for Ecological Studies, Mr. Patrick Hayden, Mount Vernon School District, 1219 E. Division Street, Mount Vernon, Washington 98273.

A Model Marine Science Lab, Mr. Andrew Driscoll, School of Marine Science, Route 1, Box 631, Poulsbo, Washington 98370.

WISCONSIN

ICE—Instruction, Curriculum, Environment, Mr. Robert J. Warpinski, CESA No. 9, 1927 Main Street, Green Bay, Wisconsin 54301.

K–12—Environmental Education Curriculum, Mr. David Schiotz, Menomonie Public Schools, 718 North Broadway, Menomonie, Wisconsin 54751.

WYOMING

Conservation Center for Creative Learning, Mr. Robert Legoski, Starrett Junior High School, Lander, Wyoming 82520.

Kemmerer Outdoor Lab, Mr. Bill Mowry, Kemmerer Junior High School, Kemmerer, Wyoming 83101.

ECO Curriculum Development and Learning Laboratory, Dr. Bill Edwards, Rural Route 1, Box 550A, Cheyenne, Wyoming 82001.

PUERTO RICO

San Cristobal: Environmental Studies, Mrs. Ines Julia Guzman de Perez, Social Studies Program, Department of Education, Hato Rey, Puerto Rico 00919.

VIRGIN ISLANDS

Environmental Studies Program, Mrs. Doris Jadan, Outdoor Education Teacher, Department of Education, P.O. Box 630, St. Thomas, Virgin Islands 00801.

Mr. ESHLEMAN. Mr. Chairman, I yield such time as may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I rise today in support of H.R. 7056, the Environmental Education Act extension. The passage of the Environmental Education Act of 1970 was a major step toward awakening the American public to the environmental problems and possible solutions which lie in the years ahead. The programs it has funded have begun the process of establishing an understanding of ecological issues.

It would be hard to do anything at all which would not help this much-neglected field. But, although the act of 1970 was a great beginning, neither the act, nor its administration has fulfilled early hopes. The Congress has not tried to accommodate to the wishes of an unenthusiastic bureaucracy, or more importantly, to the needs of local and regional environmental educators.

When this act passed in 1970 the public response was overwhelming. In that first year, without any advance publicity, almost 2,000 project funding requests were submitted within 2 weeks. Despite growing administrative apathy at the Office of Environmental Education and discouraging amounts of redtape, this outflow of interest and support continued. The Office of Environmental Education was moved five times in 18 months. The Federal Advisory Council was extremely late in getting started and never did fully function. Programs which were successful were not shared with those who were attempting similar projects, nor was information on successful projects generally disseminated or coordinated.

The record of the Congress has not been all that good either. We have consistently underfunded the program. This year we are actually considering an extension after the appropriations bills have already been considered. This, to me, does not represent much of a commitment to the ideal of environmental education.

On May 15 I testified before the Select Subcommittee on Education in favor of a bill which had initially been drafted by a group of some of the outstanding environmental educators in the midwest region. I cannot adequately explain this bill to this committee in 5 minutes, so I do not intend to introduce that as a substitute here. But, I am extremely hopeful that it will receive more than a cursory review in next year's hearings.

My bill is one attempt to overcome some of the known difficulties we have encountered, by making limited, but important changes. The committee bill, which I will support, has ignored known problems and while it will keep environmental education afloat, it will condemn our Federal environmental education program to continued mediocrity.

The primary purpose of my proposal would remain the same as the act the committee bill extends; to educate our citizens of all ages about environmental quality and substance. That purpose is great, but the committee bill, unfortunately, would not achieve it. My proposal will come closer to the achievement of these purposes.

The principal features of my proposal, as distinguished from the existing law are these:

First. The purposes and findings are only altered to stress local responsibility.

Second. Reorganization of the National Advisory Council.

Third. Decentralization of OEE by the creation of regional councils and offices.

Fourth. Allowing State input in grants and allocation of 90 percent of Federal grants at the regional level. This would free the central OEE for coordination, information, and financial assistance and give local people "the piece of the action" they need; and

Fifth. Providing for 1-year funding at $10 million to force annual program reevaluation.

My proposal will not make up for insufficient funding, but it will provide for more effective use of the funds now available.

I will support the committee bill, but I consider it a half-hearted effort, indicative of a congressional unwillingness to seek effective solutions to real problems.

Mr. ESHLEMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. I thank the gentleman for yielding.

Mr. Chairman, it was 3 years ago, as the distinguished chairman of the subcommittee has pointed out, that the Congress first passed the Environmental Education Act, unanimously if my memory serves me. I was one of those, along with the chairman, the distinguished gentleman from Indiana (Mr. BRADEMAS), the gentleman from New York (Mr. REID), and the gentleman from New York (Mr. SCHEUER), who wrote the original Environmental Education Act. The reasons for its original enactment apply today with equal or greater force. I might note that while we did have strong expressions of support from those within the executive branch, who identified this as a high priority program their deeds have not measured up to their words. There has been something less than enthusiastic support, the kind of support that is needed to give the program a reasonable chance to achieve its purpose and to demonstrate its value.

Since we enacted the original law 3 years ago, however, there have been several changes in the country and the world that make it even more urgent that it be renewed and vigorously implemented. In recent months we have come face to face with some tough issues that require hard choices involving attitudes toward the environment and other high priority national needs. We are facing the question of utilization of our coal resources versus the problems of strip mining and air pollution from burning certain kinds of coal. We are faced with the need to license construction of nuclear plants, while at the same time being concerned with the effects of radiation and thermal pollution.

We want to have clean water. We passed a tough Clean Water Act some months ago, but there was a price tag on the measure necessary to achieve clean water. We want clean air.

We are now finding it necessary to pay the cost in terms of the investment in new technology and application of air-pollution-control devices to assure clean air.

We are finding that limitations on the use of chemicals, fertilizers, herbicides and insecticides conflict with the growing need to provide ample supplies of food at stable prices.

We are finding—and I would say particularly in the West—that our failure to make provision for the intelligent use of DDT under carefully controlled circumstances will deprive us of billions of board feet of lumber, because of tussock moth infestation, that we require to meet the housing requirements of the Nation. We are faced with these hard choices. The need, therefore, is to have some intelligent basis for making rational decisions, so that we can meet important national goals while transmitting to future generations a clean and wholesome environment.

The bill before us does not provide for conservation education; it provides for environmental education covering a whole spectrum of issues.

These include conservation but include also the economics that the gentleman from Pennsylvania (Mr. SHUSTER) will call to the attention of the Members. It includes also the necessity of incorporating as a component in all of education the environmental considerations, and this includes, in addition to economics, the engineering, the scientific disciplines, the architectural studies and all the rest. There needs to create an awareness of the environmental concerns in making the decisions in all of these disciplines. For these reasons we cannot afford not to continue with the kinds of innovative programs such as this to help build this basis of knowledge and understanding on which the public and their representatives in government can make intelligent decisions.

Mr. Chairman, most Americans are aware of the deterioration of the quality of the environment and genuinely desire to reverse that trend. Three years ago when the original Environmental Education Act was passed unanimously by both House and Senate we recognized that our normal system of education had not adequately prepared us to meet current demands on the environment's fragile resources. Three years ago we were impressed with the necessity of providing a contingent education for sound resource management and environmental planning. It was clear that the education system needed to be revised and revitalized in this area if we were to cope effectively with the ecological crisis.

Environmental education of an adequate nature was not then envisioned as simply another name for conservation education or outdoor education. It was more far-reaching, embracing approaches and materials from the natural sciences, the social sciences and the humanities coordinated into a total view of man's relationship with his surroundings. Just adding courses dealing with environmental problems to existing curricula would fall far short of the need.

That need for understanding went beyond the reach of our public schools. The Environmental Education Act, signed into law October 30, 1970, was intended by the Congress to address the environmental needs of all citizens.

Congress took action on many environmental fronts, but the creation of an effective program to increase citizen awareness of the serious consequences of ecological mismanagement was considered essential.

President Nixon emphasized the point saying:

> The basic causes of our environmental troubles are deeply embedded. It should be obvious that we cannot correct such deep-rooted causes overnight. We must see nothing less than a basic reform in the way society looks at problems and makes decisions. Our educational system has a key role to play in bringing about this reform. It is also vital that our entire society develop a new understanding and new awareness of man's relation to his environment—what might be called environmental literacy. This will require the development and teaching of environmental concepts at every point in the education process.

That key idea referred to by the President in 1970 was reemphasized in testimony given by Tom Dustin, executive secretary of Izaak Walton League, before hearings on the Environmental Education Act in April. He said:

> It is essential for the well-being of our nation, and indeed of much of the rest of the world, that the confrontation between environmental imperatives and the developments of civilization be lowered. Our experience leads us absolutely to the conclusion that only through education is there the slightest hope of creating a public outlook capable of achieving this goal.

The work envisioned in the Environmental Education Act of 1970 has just begun. The Office of Environmental Education is beginning to overcome initial difficulties. It is becoming a visible and efficient beacon directing national attention toward new and imaginative environmental education.

After undergoing the trials and expenses of making this program operational, it is now proposed that we dismantle it, that its impetus be sifted back through other agencies into the system deemed inadequate in the first place.

But the need has not diminished and the goal has not been met. Provided initially with such a very modest budget for so momentous a task, appropriations never even approximated authorizations. Actual program funding totaled only $1.7 million in 1971 and $3 million in 1972. Three thousand five hundred applications were received but only 236 grants were awarded. Original provisions of the bill authorized $45 million over the 3 years.

The estimated program funding for fiscal 1973 is $3.1 million. Despite these limitations, public interest has remained high and fiscal 1973 applications are expected to reach earlier levels.

Because of cuts below the original intent of the act, there has not been a fair opportunity to see how well the program really can work. Even so, the act has served a tremendously valuable role in stimulating environmental programs all across the country.

The arguments presented against continuing the Environmental Education Act have been adequately answered in the Education and Labor Committee's report, accompanying H.R. 3927 which I introduced with the distinguished chairman of the Select Subcommittee on Education, Congressman JOHN BRADEMAS of Indiana.

It is my pleasure to serve on that subcommittee and I wish to take this opportunity to commend the very able efforts of its chairman, Mr. BRADEMAS, and thank him for initiating the informative and worthwhile hearings on this measure. I recommend the record of those hearings, conducted in April and May of this year, as presenting strong support for continuation of the Environmental Education Act.

As an original sponsor of the 1970 act, I would also like to include portions of my statement during initial passage of the bill at the conclusion of my remarks today.

It is of upmost importance that this extension of the Environmental Education Act be adopted, that our sincere efforts of the Congress only 3 years ago will not have been in vain. In making this judgment there are two price tags to be considered. One in the very moderate cost of renewing this worthwhile program. The other, if we continue to live on borrowed time, will be the price we will someday have to pay for our ecological misunderstanding. I do not think we can afford to pay that price.

[From the CONGRESSIONAL RECORD, Aug. 3, 1970, CONGRESSIONAL RECORD, vol. 116, pt. 20, pp. 26991–92]

EXCERPTS FROM A STATEMENT OF CONGRESSMAN ORVAL HANSEN IN SUPPORT OF THE ENVIRONMENTAL EDUCATION ACT OF 1970

As we enter the decade of the 1970's, concern about the quality of the environment has intensified. We see all around us disturbing signs of the ecological crisis and the steady deterioration of the environment. The danger we face in the degradation of the quality of the water, air, soil, and other elements necessary to sustain life should not be underestimated.

The President, Members of Congress, and the public have indicated their willingness and desire to allocate a greater share of this Nation's resources to counteract pollution and to provide expanded and improved recreational facilities for our citizens.

To help provide the assurances that these resources will be wisely and efficiently used we must build a base of knowledge and understanding to serve as a foundation for the comprehensive programs needed to awaken the Nation to the crisis and to stimulate an adequate response. There is need for a major educational effort directed at developing a better understanding and attitudes toward our environment in order that future generations will not be confronted with the same problems.

The problem is much deeper than the development of improved technology and better methods of pollution control. While we must continually strive to improve technology and to find better ways to dispose of our waste, the more basic need is to develop an awareness in all of the people of the dimensions of our environmental problems and to equip them with the knowledge and understanding needed to solve these problems.

There are real signs of hope for our country and for mankind. Throughout the country there is an awakening concern, especially on the part of young Americans, to the dangers to the environment which go far beyond protests against pollution of our land, water and air. The rapidly rising awareness of the environment reflects a deepening sensitivity to the fundamental values of human life.

To meet the ecological crisis we will need an informed citizenry that is educated about the whole spectrum of issues that are called environmental. There is also a need to change basic attitudes toward the environment and man's place in it. The Environmental Education Act that is before us today is a response to these needs.

Environmental education is defined in the bill as follows:

"The educational process dealing with man's relationship to his natural man-made surroundings, and includes the relation of population, resource allocation and depletion, conservation, technology, and urban and rural planning to the total human environment."

At the present time most environmental education in the school system is limited to education and conservation. Few textbooks or integrated courses of study are available which represent an adequate presentation of ecological principles, of the problems and responsibilities connected with environmental management or of the fundamental criteria needed to maintain an ecological balance.

The bill before us proposes to help remedy these deficiencies by:

Encouraging and supporting the development, demonstration and evaluation of innovative and improved curiculums in environmental studies;

Providing for the dissemination of significant materials for use in programs at preschool, elementary, secondary college, and adult education levels;

Initiating and maintaining programs in environmental education at the elementary and secondary school level;

Conducting preservice and inservice teacher training and training of other educational and public service personnel, community, business and professional leaders, and Government employees at local, State and Federal levels;

Operating adult and community education programs which would attract individual citizens and citizen groups in their communities;

Developing programs and materials for use by the mass media in dealing with the environment and ecology, and

Planning outdoor ecological study centers.

While there are encouraging signs that educational institutions throughout the country are developing programs of environmental education, witnesses before the committee emphasized the need for the kind of Federal leadership that this bill will provide.

It is anticipated that during the first operative year of the bill, priority will be given to the development of new and improved curriculums in environmental studies. This is a fundamental step in the establishment of an effective nationwide educational effort aimed at increasing environmental awareness on the part of young people and adult citizens alike.

The bill also provides a curriculum developed with Federal funds as well as other curriculums deemed by the Secretary of Health, Education, and Welfare to have use in environmental education programs may be tested in pilot programs to determine their effectivenes. The bill allows for a more effective system of dissemination of the curriculum materials and other information regarding the environment and ecology which are developed under funds provided by the bill.

The bill provides that grants may be made for the preparation and distribution of materials and the development of programs suitable for use by mass media in dealing with the environment and ecology.

It is significant that the training programs provided for under the bill are not limited to the traditional formal classroom. A great deal of valuable environmental education can and does occur outside the classroom and outside the school itself. There are many noneducational institutions that can qualify for grants to provide training programs outside the ordinary classroom setting. Under one of the provisions of the bill the Secretary is authorized to make small grants—up to $10,000 annually—to citizens groups, volunteer organizations working in the environmental field, and other public and private organizations for conducting courses, workshops, seminars, symposiums, institutes and conferences especially for adult and community groups.

Mr. Speaker, while the amount of money authorized by this bill is relatively modest when measured against the magnitude of the challenge, it can provide a powerful stimulus to harness and mobilize the collective concerns, talents and energies of those within and outside the educational system in the development of programs that can help to turn the tide and give this generation an opportunity to leave the world we live in to future generations in better condition than we found it. In meeting this challenge the problem we face and the response we must make was eloquently summed up by an eminent theologian Prof. Joseph Sittler of the University of Chicago, who emphasized the importance of our own attitudes toward the world we live in and the need to develop a reverence for the earth. In his testimony before the subcommittee Professor Sittler said:

"If the world of not-self is felt as a mere resource to be used it will surely be used; if the world is regarded as a gift, a wonder, as a reality having an integrity of its own—it will be rightly used. That proposition is swiftly and powerfully true; and our present ecological crisis is a result of the denial of its truth. For nature, though often silent is not without power to condemn as well as power to bless man. And, when man so uses nature as to deny her integrity, defile her cleanliness, disrupt her order, ignore her needs—the reprisals of insulted nature taken an often slow but terribly certain form. Nature's protest against deflement is ecological reprisal."

The prompt passage and effective implication of this bill will reassure an anxious nation that the Congress is determined to rise to the challenge.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman from Idaho for yielding and I commend him for his remarks, and particularly for raising the point that it is essential for any environmental education program to deal in truth and in fact rather than in blind emotionalism.

Today this country is in serious trouble in many areas because too many persons claiming to be environmentalists, who are, in reality, only self-proclaimed experts are dealing exclusively in emotionalism rather than in fact. Thus we have a total banning of the use of DDT in our forests and we have almost a billion board feet of timber destroyed this year alone from the Tussock moth and the gypsy moth. We have what amounts to the complete ban on sulfur dioxide in our atmosphere because standards have been set that cannot be attained. As a result, 400 central power stations have been forced to burn oil rather than coal, which thus has helped precipitate the present energy crisis we face today.

We find situations in which the Environmental Protection Agency is setting unreachable standards for the amounts of heat that can be absorbed by some of our rivers and lakes, making it virtually impossible to build nuclear reactors or fossil fuel plants in many areas where they are required.

What we need is a discussion of fact with respect to the environment; not fancy and blind emotionalism that ties our hands. It is certainly my hope that any educational program dealing with the environment, while teaching the value of preserving the environment, will also teach us to deal in truth and in fact rather than in blind emotionalism.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. ESHLEMAN. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I, too, commend the gentleman for what he had to say as well as indicate my awareness of the importance of the point the gentleman from Washington (Mr. McCormack) just made and indicate my own intention to support the amendment the gentleman from Idaho has already indicated will be offered later by the gentleman from Pennsylvania (Mr. Shuster) which will provide for taking into account in the educational programs the economic impact.

Mr. ESHLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. Peyser).

Mr. PEYSER. Mr. Chairman, I rise at this time merely to join with the other Members in support of this legislation.

One of the comments that has been raised by some who have questioned this legislation has been that this act was never intended to become a permanent act. While I think the extension of this act for another 3 years is in no way necessarily making it permanent, I think the problems we have been facing with the environment and the beginnings we are now making in schools and in places where young people can be reached toward educating them to not only the problems but also how to live in our environment. I hope nobody is going to feel that the continuation of this act for the next 3 years is in any way overextending the interest that the Congress should have in the environmental problems facing this country.

Mr. BIAGGI. Mr. Chairman, I rise in support of the bill H.R. 3927 to extend the Environmental Education Act for 3 years.

This act was conceived in 1970 after the Congress and the administration recognized the important need to provide solutions to the grave environmental problems which this Nation faces. The purpose of this act is to provide comprehensive environmental education activities and courses in schools and organizations throughout the United States so as to educate both children and adults to the environmental problems of the day.

Yet as important as the need is for this legislation, this administration has seen to it to provide the act with pitifully inadequate funding. In the 3 years in which this effort has been funded, the Office of Environmental Education has received over 4,700 applications from schools and organizations seeking $180 million. Unfortunately out of these requests only 286 requests have been able to be funded at a total appropriation of only $8.694 million. This represents a tragic situation, as many of the casualties represented extremely worthwhile and innovative programs which would have greatly aided this effort.

Yet despite these fiscal adversities and limitations, the Environmental Education Act can point with considerable pride to the significant accomplishments it has achieved in the stimulation of public concern and action on ecological issues.

It is because of my strong belief that education is a key to the solving of our environmental crises, that I urge this worthwhile program be extended for 3 years. It is only through this extension that a unified national effort to reach solutions to these real problems can be achieved.

To continue the present funding policies will only result in continued large-scale apathy of the public to these important problems.

Mr. Chairman, I wish to pay particular tribute to the Committee on Education and Labor and the distinguished sponsor of the bill, Mr. BRADEMAS, for reporting out this excellent legislation. I urge its immediate passage so as to indicate to the American people our concern with the preservation of our environment.

Mr. PRICE of Illinois. Mr. Chairman, we consider the extension of the Environmental Education Act at a time when the ecology movement must be given strength by fully informing the American people as to the problem which confronts us. As Dr. Robert McCabe, president of the National Association for Environmental Education told the Education and Labor Committee:

> We are in the crucial transitional phase of moving from volunteerism to institutionalization.

Concern with the environment has lost much of the crusade-like glamor it had only 3 or 4 years ago, and our task is to replace that initial attractiveness with an educational foundation for a lasting commitment.

In three state of the Union messages and three special messages on the environment, President Nixon has spoken for the need for environmental literacy, new values and attitudes, and environmental awakening. The President tells us:

> The building of a better environment will require in the long term a citizenry that is both deeply concerned and fully informed. Thus, I believe that our educational system of all levels has a critical role to play.

Caspar Weinberger, Secretary of Health, Education, and Welfare, has said that—

> Governmental action to protect the quality of life in California or anywhere can succeed only if the public understands and supports that action. Therefore, the first and most important role for government is in our schools.

I trust that these words were the product of genuine conviction and not uttered merely because it seemed the fashionable thing to do at the time. Mr. Chairman, the Environmental Education Act meets the very objectives of which the President and his HEW Secretary have spoken so enthusiastically, and it thus deserves the support of every member of this House.

The Environmental Education Act has already demonstrated its effectiveness. In my district, with its significant heavy industry and a large industrial labor force, the problems of pollution and working environment are of grave concern to all citizens. Last year the Office of Environmental Education indicated its willingness to work with union people by funding the Committee for Environmental Information in St. Louis. CEI has brought members of the United Auto Workers and the Teamsters Union together with environmental writers and scientists for the purpose of identifying special environmental information needs of industrial workers, and developing the educational material necessary to meet those needs. It is this type of educational structure that the Environmental Education Act has fostered, and we need more of the same.

Mr. Chairman, I urge my colleagues to support this extension so that every sector of the American community can be informed of the real problems facing life on this planet.

Mr. MILLER. Mr. Chairman, what began just 2 years ago as a demonstration effort to stimulate environmental education has predictably become a full-fledged permanent member of the categorical aid program club. Once an idea gets programed around here it turns into flypaper—you just cannot get rid of subsidizing it at the Federal level. That which is to be temporary will be permanent and self-justifying. It is a closed process that feeds on itself.

Through its seed money the Federal Government has moved what I think is a very good idea of environmental education off the ground and given it wings of its own. Widespread public support and enthusiasm for the concept should be adequate to asure that it will be incorporated in many school curricula and community programs.

State and local government are generally in much better financial shape these days than the Federal Government to carry the ball for environmental education. As a matter of fact, this coming week we will be asked to vote on another national debt limit increase. Washington cannot afford to pick up every idea that comes along and put money into it. Moreover, the U.S. Treasury nurses a whole host of narrow, categorical programs that are either outmoded or which could be spun off and picked up locally. This program is a good place to start.

Mr. ESHLEMAN. Mr. Chairman, I have no further requests for time. I reserve the balance of my time.

Mr. BRADEMAS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3(c)(1) of the Environmental Education Act (20 U.S.C. 1532) is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Advisory Council shall continue to exist until July 1, 1976.".

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I am intrigued by some of the wording in this bill, particularly in the majority report. I notice something new, the word "S-y-n-e-r-g-i-s-m."

Mr. Chairman, I would like to ask the chairman of the committee or someone conversant with this bill, if that means a sneeze or a cough? Just what does that mean?

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I might say to my friend from Iowa that this phrase was employed, as the committee report indicates on page 10, not by the Committee, but was originally employed by the Office of Education for defending its proposition, which the Committee did not accept, that environmental education activities could be supported under other legislative authorities as distinguished from this one. It was used in that context.

Mr. GROSS. Mr. Chairman, it seldom fails in this place, when we have a first class boondoggle before us, that there is some fancy word put on display.

How did the gentleman pronounce that?

Mr. BRADEMAS. The gentleman from Indiana did not pronounce it, but the gentleman from Iowa did pronounce it correctly.

Mr. GROSS. I spelled it.

Mr. BRADEMAS. Synergism.

Mr. GROSS. I have never seen a boondoggle that did not contain something like this. I wondered if this was a word of common usage down in the hills and hollows of Kentucky and the sand dunes of Indiana—synergism.

I thank the gentleman. He has explained something that I had never before seen, and I have been around a few years.

The committee report says that on October 8, 1971—and the gentleman understands I am reading from the majority report—"Dr. Rodney Brady—"

I do not know what kind of a doctor he is—on October 8, 1971, Dr. Rodney Brady of the Department of Health, Education, and Welfare promised the Senate Subcommittee on Intergovernmental Relations a breakdown, totaling $11.2 million, of funds being spent on environmental education and other authorities.

Over 6 months later, on April 17, 1972, Dr. Don Davis, formerly with the Office of Education, was unable to give the House Select Subcommitte on Education such a breakdown, but instead provided the committee with a listing of only $4.6 million while promising that a listing of $11.4 million would be available in June 1972. Dr. Davis went on to claim that the Office of Education would be spending over $14 million in fiscal 1973 on environmental education.

The committee did not receive the 1972 listing until May 17, 1973—fully 18 months after the list had first been promised.

The committee still has not received the 1973 breakdown.

The committee goes on to say on page 11 of the report that—

> The Committee, in light of the 18-month delay involved in producing this so-called "synergy"—

Or whatever it is—

> list, as well as the changing contents of the listing, and the doubtful nature of many of the projects included, is not satisfied that the Office of Education did, in fact, spend over $11 million in 1973 under other legislative authorities, on environmental education.

Despite all of these doubts and the failure of these bureaucrats to give the committee the information it sought, the committee is going to provide $5 million in the current fiscal year, $15 million for fiscal year 1975, and $25 million, five times the amount this year, for fiscal 1976.

If we vote for this bill, we will be the biggest dupes on Earth.

What in the world is to be done under the terms of this bill? Educate people in what?

I believe one Member said that moths have destroyed a billion feet of lumber, or something to that effect. Is this $45 million for moth eradication?

What is it to be spent on? How much other money is being spent on the so-called environment? The record is silent.

This bill ought to be defeated out of hand.

Yesterday we had before the House a message from the President and a bill accompanying it, calling for delegated power to the President—untrammeled power—to spend $2.2 billion in financing his intervention in the war in the Middle East.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. Gross was allowed to proceed for 1 additional minute.)

Mr. GROSS. Where is it proposed to get $2.2 billion for that purpose? And there is a forgiveness clause in the legislation that the administration sent up. The beneficiaries of that $2.2 billion need not pay back one single dime if the bill is enacted as the administration wants it.

When is it proposed to start saving some money around here to pay these bills? Or is the House going to go on irresponsibly piling up the national debt, increasing the deficit and inflation?

This unjustified request for $45 million in this bill ought to be defeated.

Mr. LANDGREBE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-one Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 548]

Anderson, Ill.
Ashbrook
Aspin
Barrett
Biaggi
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Clark
Cleveland
Corman
Coughlin
Danielson
Davis, Ga.
Derwinski
Diggs
Drinan
Dulski
Esch
Fraser
Gettys
Giaimo
Gray
Green, Oreg.
Grover
Gude
Hansen, Wash.
Harrington
Harvey
Hastings
Hébert
Horton
Hosmer
Johnson, Pa.
Ketchum
Leggett
Long, La.
McKay
Macdonald
Mills, Ark.
Murphy, N.Y
Myers
Nichols
Rangel
Rees
Reid
Rooney, N.Y.
Ryan
St Germain
Sandman
Saylor
Seiberling
Shipley
Shriver
Steele
Steelman
Steiger, Ariz.
Sullivan
Teague, Tex.
Van Deerlin
Veysey
Wiggins
Winn

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Roush, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 3927, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 368 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Page 2, line 7:
>
> Sec. 2. Section 7 of such Act is amended by striking out "and" after "1972," and by inserting after "1973," the following: "$5,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976,".

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Shuster: at the end of the bill add the following:
>
> Sec. 3. Section 2(b) of such Act is amended by inserting "while giving due consideration to the economic implications related thereto" following "maintain ecological balance."
>
> Sec. 4. Section 3(2) of such Act is amended by inserting "and economic impact" following "technology."
>
> Sec. 5. Section 3(c)(1) of such Act is amended by inserting "economic" following "medical,".

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to our distinguished Speaker.

(By unanimous consent, Mr. Albert was allowed to speak out of order.)

VISIT TO THE CHAMBER BY FORMER SPEAKER JOHN W. M'CORMACK

Mr. ALBERT. Mr. Chairman, I take this time to advise my colleagues, if they have not already learned it, that one of the greatest Members ever to serve here, one of the greatest leaders this Congress ever produced, younger than ever, honors us with his presence today, Speaker McCormack.

[Applause, the Members rising.]

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. SHUSTER. Mr. Chairman, the thrust of my amendment provides that the economic implications of environmental decisions should be recognized as an inherent part of the environmental issue. My amendment provides that we give balance to the question of our environment. Specifically, my amendment does three things. First, it changes the purpose of the act to give due consideration to the economic implications of the environmental question; second, it changes the definition of the act which defines environmental education to include the economic impact as part of environmental education.

Third, it changes the knowledge and experience required for members of the Environmental Educational Council to include economic experience and education as part of the background which such members should possess.

Mr. Chairman, I believe we must concern ourselves with protecting the environment but at the same time we must face the reality of considering the very important economic implications relating thereto.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, the gentleman from Pennsylvania has discussed his amendment with us on this side of the aisle and we are prepared to accept it.

Mr. ESHLEMAN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Pennsylvania (Mr. Eshleman).

Mr. ESHLEMAN. Mr. Chairman, I believe the gentleman's amendment strengthens the bill and we accept it on this side of the aisle.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, I thank the gentleman for yielding and commend him for offering his amendment to this bill. It emphasizes one of the major purposes of the original bill and carries out the clear intent of the Congress as spelled out in the bill's legislative history. I support the amendment.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in wholehearted support of this amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER). Often we find ourselves embroiled in very heated rhetoric concerning any environmental issue and in our very forthright desire to clean up our environment we overlook the necessity for close scrutiny of the economic impact of our activities.

This legislation will provide us a very fine vehicle with which to insure adequate review of any economic environmental situation under consideration. I am firmly convinced that we must not allow ourselves to needlessly jeopardize one segment of our environment in our earnest quest for a more palatable place to live. At times we tend to overlook the "environmental impact" of the loss of jobs on a community and all its programs when a major industry of that city is forced to close its doors, because of stringent environmental regulations.

Mr. Chairman, please do not misunderstand what I am saying. I have spent most of my adult life involved in our environment. As a professional meteorologist I was harping on the need for cleaner industries and automobiles long before it became a popular pastime for many of our pseudoenvironmentalists. I have despaired as the atmosphere over my fine Dallas-Fort Worth midcities area has become increasingly polluted and have stood in amazement at the seeming lack of concern for our total environment.

The essence of what I am saying, Mr. Chairman, is that we are now calling for a hard look at our "total environment" when we are making those much needed long-range planning decisions aimed at a better place to live and a cleaner environment in which to exist. I am saying that the economic portion of our "total environment" has been virtually ignored and that situation simply cannot be allowed to continue. A man is miserable if he breathes heavily polluted air or is angered by foam in the water he drinks—but, Mr. Chairman, I would proffer that he is equally disturbed if his job is taken from him by an environmental issue that has not given just consideration to his economic needs. I would suggest that his understanding of our aims for a cleaner environment are greatly curtailed if he is worried about how he is to feed his family. I would insist that his hope for a better tomorrow is greatly dimmed if he is sleepless at night, because he has no income with which to meet his mortgage payments. Mr. Chairman, we must consider every aspect of our environment if we are to be truly encouraged toward a better tomorrow, and I most earnestly submit that the economic impact on any activity is an integral part of that environment. Mr. SHUSTER's amendment will provide at least one vehicle with which we can review the "total environment" we are all so earnestly discussing.

I would again reiterate that my genuine concern for our environment predates our current "fad environmentalist" by at least 15 years. But, as a trained meteorologist, and as a former small businessman, I can see both sides of the fence. I would question where the income to clean the parks and streets is going to come from if we arbitrarily close those job-producing factories. I would wonder where the taxes to pay for the local and national "environmental councils" are to come from if our American worker is out pounding the pavement trying to simply find a way to feed his family. Mr. Chairman, my district has been, in the past, highly dependent upon Federal national defense expenditures. Many of my folks at home are aerospace workers and, because of the cutback in defense aviation production, are either working reduced hours or are simply out of work. I do not feel justified, Mr. Chairman, in adding to the burdens of these fine people by asking them to give up additional jobs without strong justification. We simply cannot say "close down this business because it is polluting"—but must diligently work toward finding that well balanced "compromise" for which our system of government is so famous. Mr. Chairman, I am firmly convinced that Mr. SHUSTER's amendment is a step in that direction and I wholeheartedly urge its passage.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I commend the gentleman. It is about time we start to concern ourselves with the environmental rulings that seriously affect our economy and which have helped to bring on the present energy crisis.

I congratulate the gentleman from Pennsylvania for the amendment he has offered.

Mr. SHUSTER. I thank the gentleman.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Chairman, I commend the gentleman from Pennsylvania and I support his amendment.

Mr. SHUSTER. I thank the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Chairman, this is not the first time that the distinguished gentleman from Pennsylvania (Mr. SHUSTER) has called the attention of this House to the importance of coupling considerations of how to improve the quality of our environment with the economic implications thereof. Congressman SHUSTER serves with great distinction on the Public Works Committee, and there is no better place in the Congress to learn this fact.

One of our areas of jurisdiction is the economic development of disadvantaged areas in the United States. Another one of our jurisdictions is a matter of controlling water pollution. These considerations are often in head on and crushing conflict.

Mr. Chairman, it makes absolutely no sense in the world to improve the quality of our environment if there is nobody around with a decent job who can afford to enjoy it. This is not to say and I am sure that the gentleman from Pennsylvania agrees with me that we must relax our efforts to improve the quality of our environment. This is simply to say that we have to do so in an intelligent manner and give our job producing industries fair opportunity to adjust to new requirements. We must also be mindful of the fact that they are sometimes competing with industries in other parts of the world where environmental requirements are not as strict as ours.

Mr. Chairman, I believe my colleagues may be interested in a recent poll of my constituents in which I addressed myself to the precise problem area which the amendment offered by the gentleman from Pennsylvania addresses. I asked my constituents, whether in view of the fact that major public projects of economic significance must undergo extensive assessment as to their environmental impact, should major environmental measures be subjected to similar scrutiny as to their economic impact. More than 75 percent of my constituents answered in the affirmative, which reveals a heartening public awareness of the need to give balance to the environmental issue.

Mr. Chairman, I repeat that this does not mean that we should relax our efforts to improve the environment, rather it means that we should make a common cause of commonsense, so that our battle can be more effectively waged.

Other questions in my poll revealed that my constituents consider improving the environment one of the major problems facing our country, that it is not receiving adequate attention by various levels of government, and even with the energy crisis facing us, environmental restrictions should not be relaxed. I commend the gentleman from Pennsylvania for his efforts to bring balance to the issue.

Mr. Chairman, on another note, I would like to state for the RECORD that I am not recorded as being present for the proceedings under the last quorum call. I was attending a meeting in the Rayburn Building cosponsored by the Public Relations Society of America, George Washington University, and International Management and Development Institute. My distinguished constituent, James Carter, who is chairman of the Nashua Corp. in Nashua, N.H., was with me at the meeting. We were not notified of the quorum call in a timely manner and although I reached the floor before the proceedings under the quorum call concluded, the Chair did not recognize my presence.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. LANDGREBE moves that the Committee now rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

Mr. LANDGREBE. Mr. Chairman, I take note of the amendment that just passed that perhaps sugar-coats this bill a little bit and makes it perhaps more acceptable to some, but in my opinion it still leaves us dealing with an unnecessary bill and a bill which is, if nothing else, certainly fiscally unsound.

Mr. Chairman, before us today is a bill extending the Environmental Education Act for 3 years and authorizing expenditures over seven times as great as the amount spent during the past 3 years of its operation.

Apparently the sponsors and supporters believe that there has been not enough propaganda by the Federal Government for the express purpose of creating a nature ethic. On the contrary, the act has succeeded in achieving its stated goal of raising the national consciousness to a high level of environmental concern. During the past 3 years the country has been swept by hysterical movements seeking to enlighten us about the ecology crisis to the point where we are faced with a severe fuel shortage which may rapidly push our civilization in the direction the ecologists wish it to be pushed—back to nature.

The supporters of the 3-year extension of this act apparently believe insufficient damage has been done so far. They are determined to enlarge the propaganda machine which has contributed to the stoppage of the Alaskan pipeline, the cessation of offshore drilling, the banning of DDT, and the slowing down of the building of electric generating plants and oil refineries. The full consequences of these "achievements" have yet to come and might be felt by all of us this winter.

Mr. Chairman, I would just like to take a moment to read the first paragraph of the additional views for those Members who may have overlooked them; the additional views introduced by my colleagues, Mr. Quie, Mr. Erlenborn, Mr. Eshleman, Mr. Kemp, and Mr. Towell:

> Quite often a Member of an authorizing committee finds himself in the awkward position of supporting the concept or program under his Committee's jurisdiction but opposing the specific piece of legislation authorizing it. Such is the case with H.R. 3927. While we agree with the intent of this bill, we feel that the time has come for responsible Members of Congress to critically evaluate each program as it is up for renewal and determine whether it should be continued as an individual categorical program or combine its purposes with programs having broader goals.

I would also like to read just a few lines of the minority views introduced by myself, Mr. Ashbrook and Mr. Huber:

> There is no valid reason for extending the Environmental Education Act.
>
> First of all, the Act was never intended to be permanent. Its purpose was to stimulate nationwide interest in environmental education—a goal which, as explained by Assistant Secretary of Health, Education and Welfare Sidney P. Marland in his testimony before the Select Education Subcommittee, has been fulfilled.

My dear colleagues, I would remind the Members that the administration is opposed to this legislation. It is unnecessary legislation; it is fiscally unsound legislation.

The purposes of the original act have been achieved, which is in itself unfortunate. But some Members of Congress wish to see the program continue. The only reason I can fathom for their support of the extension is that they fear to be considered "antienvironmental." At the risk of being so considered, I advocate termination of this program, and defeat of H.R. 3927, for I am on the side of the human beings, and not, as Justice William O. Douglas once declared that he was, on the side of the fish. The 45 million dollars that this bill would authorize are dollars collected from the workingmen and women of this Nation and ought to be returned to them for their use as they see fit, and not as we see fit.

If this bill passes, specific instructions should accompany it, stating that its funds must be used to finance educational programs designed to explain why it is more important not to disturb the migratory pattern of reindeer than it is to have a warm home in the winter and the use of a private automobile. Perhaps the extended Act could also fund programs explaining why it was necessary that 10,000 people should die of malaria in Ceylon last year following the prohibtion of the use of DDT.

Once the American people understand that those deaths resulted because DDT allegedly weakened the shells of eggs laid by certain birds, they will be well on the way toward developing a "nature ethic."

In conclusion, I believe that passage of this bill will only serve to debase public understanding of man, nature, and the economy. Like all governmental programs that exceed the proper limitations of a government, this program is doing more harm than good. Its effects on the thinking of the American people are incalculable, but the effects of such thinking are becoming more obvious as winter approaches, and the energy crisis worsens.

I respectfully urge the acceptance of my motion.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the motion offered by the gentleman from Indiana. I hope it will promptly be voted down.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Indiana (Mr. Landgrebe).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. LANDGREBE. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the preferential motion was rejected.

AMENDMENT OFFERED BY MR. SYMMS

Mr. SYMMS. Mr. Chairman, I offer an amendment.

The Clerk read as folows:

> Amendment offered by Mr. Symms: On page 2, line 10, strike the remaining portion of the bill following "1974."

Mr. SYMMS. Mr. Chairman, I will be very brief. My amendment, very simply, stops this bill from being a 3-year authorization and brings it back to a 1-year authorization.

I think after we have gone through a cold winter, we may have a little different outlook on some of the environmental hysteria that has swept this country in the past 10 years. I think it would be well advised for the House to save the $40 million my amendment would deauthorize and keep in mind next year in June, if we feel that this is a valuable program, and we could then extend the act at another time when it would be more appropriate.

Mr. Chairman, it was just last week in the House that we passed a mandatory fuel allocation rationing bill. Both proponents and opponents of the bill pointed out that we were not doing anything to produce any oil or petroleum products. I would think that this amendment would be very sensible, and both those who find themselves opposing and those who are for this concept, can support this amendment instead of authorizing millions and millions of dollars to be spent in the future. We could bring it back and authorize it for 1 year.

I would say that the gentleman from Pennsylvania (Mr. Shuster) in his amendment, does make the bill a little bit more palatable, but I believe as the gentleman from Indiana (Mr. Landgrebe) has pointed out, we still have our same problem here; that is, what business is this of the Federal Government in the first place?

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Idaho.

Mr. Chairman, by virtue of the evidence set forth in the debate earlier today and by virtue of the evidence adduced in the hearings and summarized in the committee report, it seems clear to me it is essential that this program be funded for at least another 3 years in order to carry out the purposes of the act.

I hope the gentleman's amendment is defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. Symms).

The question was taken; and on a division (demanded by Mr. Symms) there were—ayes 58, noes 64.

RECORDED VOTE

Mr. SYMMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 252, not voting 42, as follows:

[Roll No. 549]

AYES—140

Abdnor
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Bauman
Beard
Bevill
Blackburn
Bray
Breaux
Broyhill, Va.
Burgener
Burleson, Tex.
Butler
Byron
Camp
Cederberg
Chappell
Clancy
Clawson, Del
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.

Davis, Wis.
de la Garza
Dennis
Devine
Dickinson
Dingell
Dorn
Downing
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fisher
Flowers
Flynt
Fountain
Frelinghuysen
Frey
Gilman
Goldwater
Gonzalez
Goodling
Gross
Guyer
Hammerschmidt
Hanrahan
Harsha
Heinz
Henderson
Holt
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Kazen
Kuykendall
Landgrebe
Landrum
Latta
Lent
Lott
Lujan
McClory
McEwen
Madigan
Maraziti
Martin, Nebr.
Mathias, Calif.
Mathis, Ga.
Michel
Milford
Miller
Montgomery
Moorhead, Calif.
Nichols
Parris
Pettis
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quillen
Railsback
Rarick
Rhodes
Robinson, Va.
Rogers
Roncallo, N.Y.
Rose
Rousselot
Ruth
Satterfield
Scherle
Schneebeli
Sebelius
Shuster
Skubitz
Smith, N.Y.
Spence
Steiger, Ariz.
Stephens
Stuckey
Symms
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Treen
Vander Jagt
Vigorito
Waggonner
Walsh
Wampler
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wydler
Wylie
Young, Fla.
Young, S.C.
Zion

NOES—252

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Badillo
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Boggs
Boland
Bowen
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Conte
Conyers
Corman
Cotter
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Ginn
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Gunter
Haley
Hamilton
Hanley
Hanna
Hansen, Idaho
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Jarman
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Keating
Kemp
King
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, La.
Long, Md.
McCloskey
McCollister
McCormack
McDade
McFall
McKinney
McSpadden
Madden
Mahon
Mailliard
Mallary
Mann
Martin, N.C.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Quie
Randall
Rangel
Regula
Reuss
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Sarasin
Sarbanes
Schroeder
Seiberling
Shoup
Sikes
Sisk
Slack
Smith, Iowa
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stokes
Stratton
Stubblefield
Studds
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thone
Thornton
Tiernan
Towell, Nev.
Ullman
Vanik
Waldie
Ware
Whalen
White
Whitten
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NOT VOTING—42

Anderson, Ill.
Andrews, N.C.
Aspin
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Coughlin
Davis, Ga.
Derwinski
Esch
Gettys
Green, Oreg.
Grover
Hansen, Wash.
Harrington
Harvey
Hastings
Hébert
Johnson, Pa.
Ketchum
McKay
Macdonald
Mills, Ark.
Myers
Rees
Reid
Rooney, N.Y.
Ryan
St Germain
Sandman
Saylor
Shipley
Shriver
Steele
Sullivan
Udall
Van Deerlin
Veysey
Young, Alaska

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I supported the amendment that just failed by a rather substantial margin. I do not know that it is all that important that the 1-year extension be defeated in favor of the 3-year, but the point I would like to make here is the difference between the appropriation level of the past several years and the authorizing level, and to point out here again that an authorizing level is no magic figure.

If we go back to when this act was initially authorized, it was at a $5 million level for 1971, and it moved to 15 in 1972 and 25 in 1973, and here we are in 1974, after taking another look at it, proposing to extend it right back at the authorizing level we initially thought we had to have 3 years ago. So it kind of proves to me, and to some of those of us who serve on the Committee on Appropriations, that we have been right all along in restraining ourselves when it came time to appropriate for this program. Maybe we ought not be criticized as severely as we are sometimes when we do not appropriate more than 25, 50, or 75 percent of the authorizing level for some of these pieces of legislation.

So it is only with a word of caution that I speak here today. I wonder whether or not we are still escalating this authorization figure too rapidly. Taking a look at the committee report, we find that in 1971 the program was authorized at $5 million and we only appropriated $2 million; in 1972 it was authorized at $15 million, and we saw fit to provide only $3½ million; and in fiscal year 1973 it was authorized at a level of $25 million and we appropriated $4 million. But then there was only $1.45 million actually spent in the fiscal year because of a contract problem in the Division of Contracts and Grants in the Office of Education.

So I am not altogether sure, depending upon what kind of arguments we get in the balance of the debate here, as to whether I will be supporting the bill on final passage or not, but I simply wish to issue the warning here that I am quite sure that our Committee on Appropriations, if it is passed at this level of funding, will not be inclined to appropriate the full amounts authorized in the legislation.

If I vote no on final passage it does not necessarily mean I am absolutely opposed to the legislation, but rather the excessive limits of the authorizing levels.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

In reading the report, did the gentleman find any real justification for the program and the amounts of money that are here proposed, or any amount, for that matter? Did he find any real justification?

Mr. MICHEL. I cannot see the arguments at the level at which the authorization is pegged. I do not feel, however, that we ought to dismiss it out of hand. I am not yet to that point, but willing to give it a further chance, because some of these programs in the initial experimental stage have not had the opportunity to operate fully. I am willing to give it a chance to succeed, but I have not been overwhelmingly impressed with what has been done to date.

Mr. GROSS. If the gentleman will yield further, I wonder why the committee proposes to quintuple the appropriation of $5 million in this fiscal year to $25 million in 1976, and a 3-year total of $45 million when there is no real justification. Why we do not get figures in this report as to the total spending for all the environment programs?

Mr. MICHEL. The questions the gentleman from Iowa raises are very good ones, and they are, frankly, unanswered, unless the chairman of the committee can answer them.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I thank the gentleman for yielding.

I think there are two points. First of all, as the gentleman will realize in reading the report, members of our committee were equally critical of the failure of the Office of Education to make available, after repeated requests on our part, the kind of information to which the gentleman from Iowa has alluded. We shall continue to badger the Office of Education to give us such information.

Second, with respect to the amount of money authorized and appropriated, as the gentleman from Illinois has indicated, the authorizing figure for fiscal year 1974 is $5 million, and the House has already voted $4 million. In that respect I think there is a closer linkage between the authorization and appropriation figures than might first appear.

The gentleman from Indiana is sensitive to this kind of point the gentleman from Illinois has made. That indeed is one of the reasons several of us on the subcommittee reduced the overall authority in the bill from the $60 million as the bill was originally introduced to $45 million.

So I would say finally I support the point made by the gentleman from Illinois. I think certainly it is something we should have in mind. The authorizing committee tries to use its best judgment and the Appropriations Committee tries to use its best judgment, and the authorizing committee thinks the figures in the bill represent our best judgment.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, when the gentleman from Indiana speaks of the original proposal as having been for $60 million, he is simply bearing out the usual action of that committee. They are never modest in asking for money in the Labor and Education Committee. I am not at all surprised that they settled for $45 million rather than $60 million, but I am concerned by the gentleman's admission that they sought information and could not get it, yet, without justification, the committee seeks to hike spending on this boondoggle up to $45 million.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Roush, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3927) to extend the Environmental Education Act for 3 years, pursuant to House Resolution 600, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 335, nays 60, not voting 39, as follows:

[Roll No. 550]

YEAS—335

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashley
Badillo
Bafalis
Barrett
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Mass.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Sarasin
Sarbanes
Schroeder
Sebelius
Seiberling
Shoup
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vanik
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—60

Archer
Ashbrook
Baker
Bauman
Beard
Burleson, Tex.
Burlison, Mo.
Butler
Camp
Clawson, Del
Cochran
Collier
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Devine
Dickinson
Fisher
Flynt
Goldwater
Goodling
Gross
Henderson
Holt
Huber
Hutchinson
Ichord
Jones, N.C.
King
Landgrebe
Lott
McEwen
Martin, Nebr.
Mathis, Ga.
Michel
Miller
Montgomery
Poage
Powell, Ohio
Rarick
Robinson, Va.
Rousselot
Ruppe
Ruth
Satterfield
Scherle
Schneebeli
Steiger, Ariz.
Symms
Taylor, Mo.
Treen
Vander Jagt
Vigorito
Whitten
Wiggins
Young, S.C.

NOT VOTING—39

Anderson, Ill.
Aspin
Blatnik
Bolling
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Derwinski
Frey
Gettys
Green, Oreg.
Grover
Hansen, Wash.
Harrington
Harvey
Hastings
Johnson, Pa.
Ketchum
Kuykendall
McKay
Macdonald
Mills, Ark.
Myers
Rees
Reid
Rooney, N.Y.
Ryan
St Germain
Sandman
Saylor
Shipley
Shriver
Steele
Sullivan
Van Deerlin
Veysey
Widnall
Young, Alaska

So the bill was passed.

The Clerk announced the following pairs:

Mr. Macdonald with Mr. Anderson of Illinois.

Mr. Rooney of New York with Mr. Derwinski.

Mrs. Hansen of Washington with Mr. Buchanan.

Mr. Blatnik with Mr. Brown of Michigan.

Mr. Harrington with Mr. Frey.

Mr. Shipley with Mr. Grover.

Mr. Mills of Arkansas with Mr. Burke of Florida.

Mr. Gettys with Mr. Harvey.

Mrs. Green of Oregon with Mr. Saylor.

Mr. Reid with Mr. Brown of Ohio.

Mr. St Germain with Mr. Hastings.

Mrs. Sullivan with Mr. Kuykendall.

Mr. Aspin with Mr. Myers.

Mr. McKay with Mr. Sandman.

Mr. Rees with Mr. Shriver.

Mr. Ryan with Mr. Steele.

Mr. Van Deerlin with Mr. Widnall.

Mr. Young of Alaska with Mr. Johnson of Pennsylvania.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERSONAL EXPLANATION

Mr. GREEN of Pennsylvania. Mr. Speaker, through some mistake, I am recorded as having voted "no" on rollcall No. 544, on yesterday, October 23, 1973. I did not intend to vote "no." I support the measure then under consideration and wish to make my support clear. If the rules allowed, I would ask unanimous consent that the printed recording of my vote in the permanent RECORD be changed.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS

Mr. PERKINS. Mr. Speaker, I call up from the Speaker's desk the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs, with a Senate amendment to the House amendment to Senate amendment No. 5, and consider the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to the Senate amendment as follows:

> Immediately after the matter to be inserted by the House amendment to the Senate amendment insert the following sentence: "Notwithstanding the foregoing two sentences, (1) for the fiscal year beginning July 1, 1973, no special assistance factor under this section 11 shall, for any State, be less than the average reimbursement paid for each free lunch (in the case of the special assistance factor for free lunches), or for each reduced price lunch (in the case of the special assistance factor for reduced price lunches), in such State under this section in the fiscal year beginning July 1, 1972; and (2) adjustments required by the sentence immediately preceding this sentence shall be based on the special assistance factors for the fiscal year beginning July 1, 1973, as determined without regard to any increase required by the application of this sentence.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. PERKINS moves to concur in the Senate amendment to the House amendment to Senate amendment No. 5.

Mr. PERKINS. Mr. Speaker, subsequent to our action on last Thursday rejecting a Senate amendment to the school lunch program, the Senate has adopted a further amendment which I believe is responsive to the House concerns.

As was indicated in our previous debate, the school free and reduced price lunch program in four States—New York, New Jersey, Maryland, and Rhode Island—would be adversely affected by the provisions of H.R. 9639. The first Senate amendment which we rejected was designed to hold harmless these States from any loss in section 11 funds for free and reduced price lunches. That Senate amendment would have continued indefinitely a preferred reimbursement rate for these States, and I believe it was because of this indefinite continuation that the House rejected the Senate amendment.

Recognizing our concern, the Senate yesterday receded from its initial amendment with an amendment which in effect holds harmless these four States only for the current fiscal year. As my colleagues know, H.R. 9639 guarantees a minimum 45-cent reimbursement rate for free lunches and a minimum 35-cent reimbursement rate for reduced price lunches. The Secretary may set a higher rate. If the Secretary promulgates the minimum rate, however, under the Senate amendment the rate in New York will be 46.5 cents, in New Jersey 45.8 cents, in Rhode Island 45.5 cents, and in Maryland 45.4 cents instead of the 45-cent rate which will be paid elsewhere. These are the average rates paid in these four States last year.

The important and significant difference in the amendment before us now and that rejected last week is that the preferred rate is only guaranteed in the current fiscal year. It is a 1-year hold harmless provision which I believe in equity and justice we should adopt.

Unless we adopt this provision, there is a likelihood that these four States will receive less section 11 funds than they received last year.

Mr. Speaker, the States have incurred this indebtedness in good faith. They acted last year under the law. In terms of dollars the difference totals $2,400,000. Assuming the same number of lunches are served as last year, New York will receive $1,852,000; New Jersey, $260,000; Maryland, $182,000; and Rhode Island, $77,000—more than what they would receive without the amendment. After the fiscal year, I must repeat, these four States will be treated like all other States.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I thank the chairman, the gentleman from Kentucky (Mr. PERKINS) for yielding before me.

Mr. Speaker, I, too, join with the gentleman from Kentucky in urging that this body concur in the Senate amendment. As I had indicated in my comments the other day when we debated the Senate amendment, it would be acceptable to me for us to have the hold-harmless provision for this school year. We are already in the school year, and we have the budget problems right now. However I did not want such a provision to continue beyond this school year for special treatment for those States.

Also, Mr. Speaker, I am pleased that the language is written so that the adjustments that are needed because of increased cost of living will not be made on top of, say, in the case of New York, 46½ cents, but rather on top of 45 cents, just as all the other States, and so with the expected increase in the cost of living all States would be treated the same, or if we did not have an increased cost of living then they would all still be the same at 45 cents.

Mr. PERKINS. The gentleman from Minnesota is absolutely correct.

Mr. QUIE. I thank the gentleman again for yielding me this time.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS).

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members who may desire to do so may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL STATEMENT

Mr. HANRAHAN. Mr. Speaker, yesterday on rollcall No. 545 I was recorded not present. I was present and recorded myself present, but I was shown as not present in the CONGRESSIONAL RECORD.

THE UNITED STATES STILL LIVES

(Mr. COTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. COTTER. Mr. Speaker, the surprise decision by the President yesterday to abide by the lawful decisions of the court of appeals and the district court is a victory for the American people.

Bowing to unprecedented public outrage and pressure, the President was literally forced to do the right thing. This was not an exercise in leadership as much as an exercise in leadership as it is still a commendable first step to reestablishing confidence in the American institutions.

I hope the President in his speech tonight will again heed the people's voice and reestablish the Office of Special Prosecutor. In so doing, I urge the President to give both verbal and written assurances that he and his White House aides will not only give the special prosecutor full independence, but also full cooperation in his multifaceted investigation.

Further, Mr. Speaker, I can think of nothing that would help ease the cataclysmic events of last weekend than the reappointment of Elliot Richardson as Attorney General and Archibald Cox as special prosecutor.

Never in my political career have I witnessed the torrent of mail, telegrams, and telephone calls that followed the actions of the President this weekend. Of the over 340 letters and telegrams and 120 telephone calls, there was only 1 letter and 7 telephone calls supporting the President. The rest overwhelmingly called for the immediate impeachment of the President, and calls I have been receiving today indicate a continuing support for the preliminary investigation being undertaken by the House Judiciary Committee.

I am hopeful that the President will act constructively in his speech tonight and move to reaffirm the people's faith in our institutions. However, I am confident that even if the President falls short in his own efforts to restore confidence in his Presidency, the American people are eminently capable of continuing their Government institution.

In short, Mr. Speaker, the United States lives—its strength is in its people and in its elected officials who heed the basic good instincts of our people.

TAX TREATMENT OF REAL ESTATE INVESTMENT TRUSTS

(Mr. LANDRUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LANDRUM. Mr. Speaker, the bill I have introduced today deals with the tax treatment of real estate investment trusts. The real estate investment trust—REIT—industry was accorded special tax treatment with the enactment in 1960 of the Federal tax amendments which, in general, provided real estate investment trusts with the same general conduit principle that had been applied to mutual funds; that is, substantially all of the income of the REIT must be passed through the REIT each year to its shareholders. This income will be taxed to them, and not to the REIT owners. In the case of REIT's this means that the income from equity and mortgage investments in real estate and other permitted income sources would be distributed to investors each year and taxed to them without being subjected to a tax at the REIT level.

The purpose of this special tax treatment for REIT's is to provide an opportunity for small investors to secure advantages from investing in real estate normally available only to those with larger resources. This allows these smaller investors to invest in real estate assets under professional management and allows them to spread the risk of loss by the greater diversification of investment which can be secured through the means of collectively financing projects which the investors could not undertake individually.

In order to qualify as a REIT under the present tax laws for purposes of the conduit treatment, the trust must satisfy three tests on a year-by-year basis: organizational structure, source of income, and nature of assets. These conditions are intended to allow the special tax treatment for REITs only if there really is a pooling arrangement which is evidenced by their organizational structure, if their investments are basically in the real estate field and if the income is clearly passive income from real estate investment, as contrasted to income from the active operation of businesses involving real estate.

With respect to the organizational structure, a REIT, in general, must be an unincorporated trust or association—which would be taxable as a corporation but for the REIT provisions—managed by one or more trustees, the beneficial ownership of which is evidenced by transferable shares or certificates of ownership held by 100 or more persons, and which would not be a personal holding company even if all its adjusted gross income constituted personal holding company income.

With respect to the income requirements, at least 75 percent of the income of the REIT must be from rents from real property, interest on obligations secured by real property, gain from the sale or other disposition of real property—or interest therein, including mortgages—distributions from other REIT's, and abatements or refunds of taxes on real property. An additional 15 percent of REIT income must come from these sources, or from other interest, dividends, or gains from the sale of securities. Income from stock or securities held less than 6 months, or real property held less than 4 years—except in the case of involuntary conversions—cannot equal as much as 30 percent of the REIT's income.

With respect to the asset requirements, a REIT must have at least 75 percent of its assets in real estate, cash and cash items, and government securities. However, not more than 5 percent of the assets can be in securities of any one nongovernment-non-REIT issuer, and such holdings may not exceed 10 percent of the outstanding voting securities of such issuer. In addition, no property of the REIT may be held primarily for sale to customers.

In addition, a REIT is required to distribute at least 90 percent of its income—other than capital gains income—to its shareholders during the taxable year, or declare it as a dividend by the due date for filing its tax return for the year—including any extension—and pay the dividend within 12 months from the close of the taxable year. If all of these conditions are met, then a REIT is qualified for the special conduit treatment which allows the income that is distributed to the shareholders to be taxed to them without being subjected to a tax at the trust level so that the REIT is only taxed on the undistributed income. Otherwise, a REIT that does not meet the requirements for qualification would be treated as a corporation, in which case all of its income would be taxed to the REIT first, not just the undistributed income.

Although the provisions have been amended from time to time, the basic rules with respect to REITs have remained the same since their enactment in 1960. Since that time, the REIT industry has grown enormously in size and is responsible for a large proportion of the investment in the real estate field in the United States today. There are, however, certain problems that have arisen with respect to the REIT provisions which could significantly affect the industry if they are not modified.

Basically, these problems relate to the fact that under present law if a REIT does not meet the various income, asset and distribution tests, the REIT will be disqualified from using the special tax provisions even in those cases where the failure to meet a requirement was unintentional. This would have the effect of not only changing the tax status of the REIT itself—which could result in substantial economic loss to the REIT since its income would be subject to tax at the corporate rates at a time when it has already been distributed to shareholders—but also would affect the interests of the public shareholders in the REIT. It appears to me that to totally disqualify a REIT where it unintentionally fails to meet one or more of the qualifying requirements is too harsh a penalty and that less drastic penalties should be provided, which will nevertheless maintain the original objectives in the REIT law provisions.

The bill that I have introduced is intended to alleviate this type of problem in those cases where a REIT inadvertently fails to meet a requirement for qualification and also deals with a limited number of other problems. The following is a brief summary of some of the major features of the bill:

First. Under present law, a real estate investment trust—REIT—is required to distribute 90 percent of its taxable income each year to its shareholders. If it does not meet this requirement, the trust will be disqualified as a REIT and must pay tax on its income as if it were a regular corporation. This could cause problems for a REIT which in good faith believed it met the 90-percent distribution requirements, but upon audit, did not meet the requirements—this could occur, for example, with an increase on audit of the taxable income of the REIT. The bill establishes a deficiency dividend procedure which would allow a REIT that fails to meet the income distribution requirements upon an audit by the Internal Revenue Service to make a late distribution to its shareholders, to avoid disqualification. This procedure would only be available if the REIT initially missed the 90-percent distribution requirement for reasonable cause. Furthermore, the REIT would be subject to interest and penalties on the amount of the adjustment under this procedure.

Second. Under present law, certain percentages of a REIT's income must be from designated sources, and if the source tests are not met it must pay taxes on its income as if it were a regular corporation. This could cause problems for a REIT which in good faith believed it met the income source tests, but upon audit, did not meet the tests—this could occur, that is, with an increase on audit of the REIT's gross income. The bill provides that a REIT that fails to meet the income source test upon audit by the Internal Revenue Service would not be disqualified but would be allowed to pay tax on the amount by which it failed to meet the source tests. This provision would be available only if the REIT initially had reasonable ground to believe and did believe that it met the income source tests.

Third. A REIT also may inadvertently have difficulty under present law meeting the income source tests if it must foreclose on a mortgage that it owns. For example, the interest a REIT receives on a loan secured by a real estate mortgage may be qualified income, but the rents received from the same property acquired upon foreclosure may not qualify. The bill provides that a REIT would not be disqualified because of income which it receives from foreclosure property since, presumably, the REIT should not be held responsible for the type of lease or other transaction entered into by its mortgagee. At the election of the REIT, a 2-year grace period—generally subject to two 1-year extensions—would be afforded so that the REIT could liquidate the foreclosed property in an orderly manner.

However, during the grace period, the REIT would pay corporate tax on the nonqualified income received from property acquired on foreclosure.

Fourth. Present law prohibits a REIT from holding any property for sale to customers. This rule has been difficult to apply because of the absolute prohibition on holding such property and because of problems involved in determining when a REIT holds property for sale. The bill changes this rule to allow the REIT to have up to 1 percent of its gross income from such sources; this income however, would be subject to corporate tax. Any income from such sources in excess of 1 percent would be subject to an additional tax under the provisions discussed in paragraph (2) above, rather than disqualify the REIT, provided the REIT had reasonable ground to believe that the excess income would not be determined to be from such sources.

Fifth. Certain types of income which customarily are earned in the real estate business but which now do not qualify under the income source tests are treated as qualifying income under the bill. These include first, certain rents from property leased together with the real property; second, charges for services customarily furnished in connection with the rental of real property whether or not such charges are separately stated; and third, commitment fees received for entering into agreements to make loans secured by real property. Because these and the other amendments discussed above remove a significant portion of income from the category of unqualified income—which now may be 10 percent of a REIT's gross income—the income source requirements are increased by the bill so that unqualified income could be only 5 percent of gross income.

Sixth. Under the bill, REIT's would be permitted to operate in corporate form; under present law, REIT's must operate as a trust or association.

Seventh. Certain other changes are made concerning technical rules applicable to REIT's, such as, regarding income from sale of mortgages held for less than 4 years, and regarding options to purchase real property.

I would like to point out that prior to my introducing this bill the staff of the Joint Committee on Internal Revenue Taxation reviewed in detail the matters dealt with in the bill. On the basis of this initial study, the staff recognizes the need for corrective legislation in the areas covered by this bill and advises me that the solutions proposed probably are reasonable ones.

I have requested the staff to continue to review the bill to make sure that the solutions adopted, particularly in the more difficult problem areas, are the best ones.

Mr. Speaker, I am authorized to say that in the introduction of this bill today the gentleman from California (Mr. PETTIS) and the gentleman from New York (Mr. CONABLE) also will appear as cosponsors of the bill.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I am cosponsoring the bill introduced by Mr. LANDRUM dealing with the tax treatment of real estate investment trusts. The special tax treatment of real estate investment trusts was provided in 1960 primarily to allow small investors to pool their resources for purposes of investing in the real estate field. In general, a real estate investment trust—REIT—is treated for tax purposes as a conduit in which case the income that is earned on its investments must be passed through to the investors and is taxed to them rather than being taxed at the REIT level, as long as the REIT meets certain qualifying requirements.

The real estate investment trust industry has grown at a rapid pace since the enactment of the special tax provisions in 1960. It has contributed significantly to the expansion in the real estate field by providing an additional source of investment money, especially during periods when other channels for mortgage loans and other real estate investment money has been tight.

Although the success of the REIT's since the enactment of the tax provisions has been considerable, certain problems have arisen with respect to some of the tax provisions applicable to REIT's which in certain cases have the effect of disqualifying a REIT if one of the conditions for REIT status is not met, even though it may have been inadvertent on the part of the REIT. Disqualification of a REIT could present significant problems, since the failure to meet a qualifying requirement may not be determined until a future year in which case the income has already been distributed by the REIT to its shareholders. This bill deals with these types of problems, as well as certain other problems, to allow a REIT to continue its special status when it has inadvertently failed to meet a requirement for qualification.

I understand that the staff of the Joint Committee on Internal Revenue Taxation, which initially reviewed this legislation, recognizes the need for corrective legislation in the areas covered by this bill and will continue to review the legislative proposals contained in the bill. I agree with Mr. LANDRUM that the staff should make sure in its further study that the solutions proposed are the best ones.

IMPEACHMENT OF THE PRESIDENT

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STARK. Mr. Speaker, I believe the President's decision to release the tapes cannot divert us from pursuing an investigation of conduct which could lead to his impeachment.

The country's stubborn system of justice has begun its inexorable movement toward truth, and no act of the President, however desperate, can stop it.

Too much has occurred, much of it even before the incidents brought to light by Watergate. In my judgment, the President's prolonging of the Indochina war was, of itself, an impeachable offense.

The Watergate revelations, and the Agnew affair have revealed the Nixon administration as the most corrupt in the history of the Nation.

Reviewing incidents of the past several months is like reading a James Bond thriller, and the last chapters have yet to unfold. Recall with me, if you will, the paranoic yet effective political sabotage which corrupted our electoral processes, the conspiracy, bribery, burglaries, espionage, destruction of accusatory documents, wiretaps, land deals, economic favors, and all the rest involving the topmost political figures in the Nation, persons closest to the Chief Executive of the most powerful Nation in the world, his Cabinet officers, the Vice President, perhaps the President, himself.

We must find out exactly what happened. Why is the executive branch allowed to misuse its power to such an extent? What is the nature of the Presidency today? What business did the Deans and Ehrlichmans, and Haldemans have in the White House in the first place? Were they performing legitimate business of the country? Is it legitimate business to violate the rights of Americans to select a Presidential candidate? Is it a legitimate business which protects special interests and grants favors to friends of the President?

We must have answers to these and similar questions before the conscience of our democracy will be satisfied. Only the truth will preserve the continuity of our Government and the truth will prevail.

Despite this scandal, the worst in U.S. history, our standards are high and our institutions strong. Otherwise, unscrupulous conduct surrounding the Presidency might never have been exposed in the first place. It is this strength, our Republic, which will carry us through the present crisis and make us even stronger.

We need not fear the actions of one man, however powerful or dictatorial he seeks to be, so long as we maintain our freedom under the law of the land, our freedoms to question, to expose, to seek and live the truth.

WAR IN THE MIDDLE EAST

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUPPE. Mr. Speaker, the war in the Middle East is a tragic event for millions of Arabs and Jews caught up in the irrationality of armed conflict. It is also fraught with dangers for America.

We have a historic and traditional responsibility toward the security of Israel—a responsibility which cannot be abrogated. At the same time, however, we have an ever-growing dependence on the Arab nations of the Middle East for our energy needs. We can in no way equate these two exigencies, and I am certainly not suggesting that we negotiate the security of Israel for the sake of our energy needs. However, there have been statements in the national news media to suggest that the threat of an oil embargo by the Arab nations should not be taken too seriously. In order to put the so-called oil question of the Middle East conflict into focus, I would like to discuss with my colleagues the degree of our Nation's dependence on Middle East oil resources.

Most estimates agree that during the first half of this year, the United States imported an average of 807,000 barrels per day of crude oil from Saudi Arabia, Iran, Algeria, and Libya. Another 230,000 barrels per day comes from Egypt, Tunisia, and Kuwait. In addition, a considerable amount of Arab crude oil is sent to Canada, Europe, and the Caribbean to be refined into fuel oil, gasoline, and other distillates before it is shipped to the United States. We are currently purchasing about 336,000 barrels of refined product from Europe, of which about 80 percent originated in the Middle East. From the Caribbean, we are getting some 1.6 million barrels per day. Of this amount, about 16 percent, or 250,000 barrels per day, is refined from Middle East crude. Canada now exports about 1,056,000 barrels per day of crude oil to the United States from its western oil fields. In turn, Canada purchases Middle East oil for consumption in its eastern regions. Presumably, a Middle East embargo would force Canada to further limit its exports, and it is estimated that Canada would withhold about 400,000 barrels a day for its own use.

Therefore, the result of an embargo by the Arab oil producing nations would be a reduction of Arab oil imports to the United States of about 2 million barrels per day.

Mr. Speaker, I am not suggesting, by any means, that our dependence on Middle East oil should be the determining factor in our policy in that region of the world. However, at the same time, we cannot ignore the energy-related consequences of our actions in the Middle East.

UNPARALLELED ARTISTRY

Mr. de la GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. de la GARZA. Mr. Speaker, the death of Maestro Pablo Casals removed from the living Earth a musical genius and a human being whose great soul reached out to all mankind. Although the world is diminished by his passing, he left behind a legacy that will forever enrich the lives of all who heard him perform.

On the occasion, in 1969, of his last appearance in Washington, a performance of his oratorio "El Pesebre." I was moved as I listened to the magic sounds he produced to jot down what I was pleased to call a poem—an effort to express, however inadequately, the feeling aroused in me by his unparalleled artistry.

I was bold enough to send the maestro my effort, and shortly afterward I received a generous letter of acknowledgement from Senor Casals. He even invited me to visit him should I ever come to Puerto Rico, where he had made his home for many years, an invitation which I regret to say I never had the pleasure of accepting.

My poem, entitled simply "Pablo Casals," has never been published. I insert it here, not in pride of authorship, but as a heartfelt tribute to a man who, during his long life, brought beauty into the lives of a multitude of people:

Pablo Casals

Music—Music, the word does no justice to the sound—
Sound—it's almost a sacrilege to call it sound—
Vibrations—it would seem vulgar—to speak so of his work—
What then, what then is this thing Casals creates?
The Universe in motion tempered by the soul,
The rhythm of the heavens,
The wind of light,
The sound of time,
The voice of God—
We should sample of his wonders with the utmost of delight,
For few will have the privilege of being in his presence—
And when he shall leave us, to grace the heavens with his soul—
We shall be jealous of the Lord,
And through an eternity and more
The angels will lay claim to him, but we on earth shall still exclaim:
"Though the beauty of his soul befits the heavens,
" 'Pao' nonetheless belongs to us."

—Kika de la Garza.

APPOINTMENT OF A SPECIAL PROSECUTOR

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, today I am presenting for the consideration of the Congress a measure calling for the appointment of a special prosecutor to continue the investigation and prosecution of those responsible for the perpetration of gross crimes in connection with the 1972 election for the Presidency of the United States.

This measure calls for the Chief Judge of the U.S. District Court for the District of Columbia to appoint such Special Prosecutor.

Mr. Speaker, the President of the United States has broken faith with the American people and with the Congress in firing Special Prosecutor Archibald Cox. However, I do not believe that this particular action warrants impeachment proceedings. What he did was legal, but it certainly was with flagrant disregard of our understanding at the time of the appointment of Mr. Cox.

I think it critical to any such discussions to point out that the President has not directly flaunted a court order. That is a critical point in consideration of impeachment discussion.

Mr. Cox was appointed upon the confirmation of Elliot Richardson as Attorney General. It was our clear understanding that when such Special Prosecutor was named, he would be allowed to conduct an investigation wherever the trail might lead.

It was, therefore, astounding to find Mr. Cox was issued orders to cease and desist in his efforts to secure the Presidential tapes through lawful court proceedings. He was placed in a position where compliance was impossible and he was dismissed in an unprecedented act.

The incident was then followed by the resignation of the Attorney General and the firing of the Deputy Attorney General. They had no other choice, for to have done otherwise would have been to destroy the very reason they were nominated and confirmed—to bring respect back to the U.S. Department of Justice.

While my bill does not designate the individual to be named, that not being proper, it would certainly be my recommendation, if asked, that Mr. Cox be named to this new position.

Mr. Speaker, this is a difficult period when our institutions of Government have suffered losses of credibility, the like of which this Nation has seldom seen.

It is time that this administration stopped going on television with a plea to the American people to explain one crisis after another and get down to the business of governing. I cannot find in any of these speeches any comments that would have been as productive as allowing the special prosecutor to continue and complete his work.

In an effort to see that the circumstances we have seen this week do not happen again, one section of my bill would provide that the special prosecutor not be subject to the supervision or control of the President. He can be removed only for neglect of duty or malfeasance in office, but for no other cause.

I doubt that such a presumptive act as the removal of Mr. Cox would be attempted again. If it were, then we would have to make a judgment on those circumstances and proceed as a government of law and not of emotion or whim.

The President has now agreed to comply with the court order to turn over the tapes to Judge Sirica. Why did he have to put us through this crisis and add further to the doubt and suspicion surrounding us in this period? He could have done this last week and alleviated the devisiveness for which he must take a large share of the responsibility.

I want to add to these comments a very strong recommendation that the Congress move immediately with the consideration of a nomination of Congressman GERALD FORD to be the Vice President of the United States. His nomination should in no wise be a part of the controversy over the circumstances relating to the firing of Mr. Cox.

Congress can show the American people that we are not petty or partisan when such matters of grave importance are to be considered. His nomination should be considered on his fitness to serve as Vice President of the United States and on no other basis.

Personally, I have the highest possible regard for his ability and integrity.

Much is going to be said in the coming days about impeachment. It is a part of our system that those who feel such action is justified present their views. I ask only that the Judiciary Committee move with dispatch in its deliberations. I personally appreciate the statements made yesterday by Speaker ALBERT and Judiciary Committee Chairman RODINO. They are in the finest traditions of this institution and we are fortunate to have their leadership in this sensitive time.

My colleagues, the situation is grave and the hour is late.

We are faced with a loss of confidence in government which transcends the imagination. All public officials are going to be tarred with this brush and it is a heartrending situation.

Here we face another crisis in the Middle East and an energy crisis the like of which we have never experienced. The economy is of grave concern.

The Vice President has pled guilty to a grave offense and forced to resign in order not to be sentenced to prison.

It is in this atmosphere that I call for the appointment of another special prosecutor. Back in May I said that only with a complete and total disclosure would this matter be set to rest. I said at the time:

> I think it is just as important that the finger of suspicion be lifted from the innocent as it is to pinpoint the guilty.

Mr. Speaker and my colleagues, I continue in that view.

The circumstances surrounding the firing of Mr. Cox can only add fuel to the flames of strife and discord. It is my considered judgment that the naming of another special prosecutor outside the province of the administration would be justified and warranted in these circumstances.

I urge the prompt and favorable consideration of this measure.

NEW PROGRAM AFFECTING PEANUT FARMERS

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, just this morning the Secretary of Agriculture has announced a new program affecting all the peanut farmers in the country, most of which are in the South. The Secretary said he was going to cut off price support for peanuts found to contain aflatoxin; eliminate the transfers of allotments by lease or sale by the owner; increase the present charges from $15 to $17 per ton for storage, handling and inspection costs; permit no tolerance in acreage compliance; and transfer full field and supervisory functions from grower associations to the county and State ASC offices.

These actions by the Secretary would, in effect, wreak havoc with the entire peanut industry.

I asked the representative from the Department of Agriculture what these changes were supposed to say in the way of dollars and cents. The answer was $6.6 million.

Of course, this is a lot of money, but, Mr. Speaker, when we examine what is proposed here we see that the administration would wreck the entire economy of a section of the country to say $6.6 million in the interests of so-called economy, while at the same time the administration wants to give $1½ billion to Southeast Asia, $2.2 billion in aid to Israel, $200 million more to Cambodia, and ad infinitum.

Mr. Speaker, I say this is silly.

Apparently, certain high, heartless Agriculture officials have decided to single out the peanut-producing States of the South as whipping boys so we can give more foreign aid to countries to buy their friendship.

Today's announcement by the Agriculture Department concerning peanuts would, if implemented, severely damage the agricultural economy of my district, the Second District of Alabama—"Peanut Capital of the World."

Mr. Speaker, my district, with the possible exception of my distinguished colleague from Georgia's Second District, DAWSON MATHIS, produces more peanuts than any other district in the United States. Therefore, it is only natural that I vehemently condemn this unwarranted and callous action by a few unthinking, insipid "intellectuals" in the Agriculture Department.

I strongly urge the Secretary of Agriculture to reconsider these hasty actions. Furthermore, I promise that I will do all I can to fight the implementation of these discriminatory and possibly illegal actions.

WE MUST NOT RUSH INTO IMPEACHMENT PROCEEDINGS

The SPEAKER pro tempore (Mr. MILFORD). Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, yesterday as I came back to my office from the House of Representatives, the cries of "impeach him" were still ringing in my ears. Many Members of Congress exercised their right to speak out on the President, Watergate, Archibald Cox, the Presidential tapes, the obstruction of justice, and all the rest.

To hear it all, you would believe that this great Nation of ours is going to come tumbling down, and the truth is we do face a real crisis.

Yesterday, Tuesday, was the first day that the House had been in session since the President proposed his compromise to the court concerning the tapes and since the firing of Special Prosecutor Cox and the resignations of Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus.

The cries of impeachment are the end result of the frustration and bewilderment of the last 6 months as revelation after revelation of the whole sordid Watergate affair has been spread before the people. Telegrams and phone calls are coming in from all over the country now and, from what I have been told by many Members of Congress, I estimate that 99 percent of them are saying "get rid of the President."

And so there is almost a feeling of mob hysteria.

The impeachment resolutions that have already been hurriedly introduced have been referred to the House Judiciary Committee for hearings and investigation before the matter comes to the House for a vote.

Television crews have been in my office, the wire services have been ringing my phone off the wall, newspaper reporters come by or call, and everyone wants to know how I am going to vote. Everybody wants an instant comment and frankly many of them seem somewhat distressed that I will not join the crowd calling for "impeachment now."

Well, the truth is that I may well have to vote in the next few days or weeks on the question of impeaching the President, and I am not about to take a position "now" on that vote without having all the facts.

The impeachment of a President, any President, is almost too awesome to contemplate. It cannot, it must not be done in an air of frenzy and emotion. By the same token, it must not be done on the basis of partisan loyalty. In fact, if ever there was a time when a vote should be approached on a nonpartisan basis, it is in the case of impeachment.

It is true that the country has been thrown into a turmoil, and it is equally true that we must not allow that turmoil to drive us to impeaching the President unless it is clearly warranted.

The present crisis is all tied up in those blasted tapes. I urged the President months ago to release the tapes, because I felt there was such a crisis of confidence in our Government that the people desperately needed to know that the President had nothing to hide. I know that he feels very strongly about "executive privilege" and "separation of powers," but the need to come clean with the people, to me, is overriding. Fortunately, the President, at the 11th hour, has now advised the court and the Nation that he will turn over the tapes to the court. It is too early to assess the real effect of his last minute decision as far as impeachment is concerned. In the last few days, things have happened so fast that it has been extremely difficult to finish a speech before new events have changed the whole thing. At any rate, a new prosecutor must be named so this whole mess can be resolved just as soon as possible.

To those folks in my district who have urged me to move immediately for impeachment, I just have to say: "Go slow." Let us be sure what we are doing before we invoke this extraordinary remedy which has been adopted only once in the history of this Nation. The cry for impeachment, however sincere, is one thing. But to actually cast that vote when the historic roll is called is something entirely different.

SOVIET MILITARY MIGHT: WESTERN MADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 60 minutes.

Mr. ASHBROOK. Mr. Speaker, Korea, Hungary, Cuba, Vietnam, Czechoslovakia, the Middle East—the presence of the Soviet Union has been felt in all these and many other places. In none of these places has the Soviet Union been a promoter of peace. Soviet space shots, Soviet missiles, Soviet invasions, and Soviet aid to other aggressive countries have all depended on their ability to produce weapons of war—depended on their technology. But that is not quite true either. In a few words, there is no such thing as Soviet technology.

Perhaps as much as 90 to 95 percent of Soviet technology came directly or indirectly from the United States and its allies. Now this may sound incredible, but the facts substantiate this claim. Soviet aggression is dependent upon American-made and Western-made technology.

In effect the United States and the NATO countries have built the Soviet Union—its industrial and its military capabilities. This massive construction job has taken 50 years. Since the revolution in 1917, it has been carried out through trade and the sale of plants, equipment, and technical assistance.

By listening to administration spokesmen—or some newspaper pundits—you get the impression that trade with the Soviet Union is some new miracle cure for the world's, and particularly America's, problems.

That is not quite accurate.

Peace through trade?

The idea that trade with the Soviets might bring peace goes back to 1917. The earliest proposal is dated December 1917—just a few weeks after the start of the Bolshevik revolution. It was implemented in 1920 while the Bolsheviks held power. They needed foreign supplies to survive.

Last year the Soviets needed wheat. They only had one place to purchase that wheat—the United States. Did our Government use that Soviet need to extract something for the United States in return? Our Government did not. Instead, the American taxpayers were forced to subsidize the Soviet wheat deal with several hundred million dollars of their tax money.

Seemingly not learning anything from the wheat deal, the administration has now asked for most-favored-nation status and other concessions for the Soviet Union. When some have suggested that the Soviets should also give something in return, the State Department's reply has been that we cannot get involved in the internal affairs of the Soviet Union. There seems to be no similar prohibition about getting involved in the internal affairs of Rhodesia or other friendly countries.

The American financial newspapers give accounts of further credits from the Export-Import Bank, American governmental agencies, and American banks. First National City Bank of New York still has $40 million in unsettled claims against the Soviet Union. An estimated $200 million in validated claims is owed by the Kremlin to U.S. citizens.

The history of our construction of the Soviet Union has been blacked out—much of the key information is still classified—along with the other mistakes of the Washington bureaucracy.

Fifty years of dealing with the Soviets has been an economic success for the U.S.S.R. and a political and economic disaster for the United States. It has not stopped war, it has not given us peace. It has given the Soviets increased industrial and military power and the ability to accomplish its never ceasing goal of world domination.

The United States is spending billions of dollars a year on defense. A defense that is made necessary by the threat and aggression of the Soviet Union and other Communist countries. While we are spending billions on defense, we still help build that enemy we are defending against.

Let us take a look at a statement made by Stalin to Ambassador Averell Harriman. This is what Harriman told the State Department that Stalin said to him:

> About two-thirds of all the large industrial enterprises in the Soviet Union had been built with United States help or technical assistance.

That is right, in Stalin's own words, two-thirds of Soviet large industry was made with U.S. help. By the way, today Harriman is still in favor of trade with the Soviet Union. Much of the other third was built by firms from Germany, France, Britain, Italy, and so on.

Stalin could have said also that the explosive and ammunition plants originated in the United States.

From 1930 to 1945 only two major items—SK-B synthetic rubber and the Ramzin "once-through" boiler—and about a handful of lesser designs can accurately be considered the result of Soviet technology. Almost every other important technological advance and skill was transferred from the West.

At least 218 firms from the West were involved in the building of Soviet industry and military capability from 1930 to 1945. Of this number, 139 were American. The Western buildup of Soviet technology helped make possible Soviet expansion in Eastern Europe, the Berlin blockade, and Soviet aid to North Korea and Communist China while they were fighting the United States. The massive technical assistance continues right down to the present day.

Now the ability of the Soviet Union to create any kind of military machine, to ship missiles to Cuba, to supply arms to North Vietnam, to supply arms for use against Israel—all this depends on its domestic industry.

In the Soviet Union about three-quarters of the military budget goes on purchases from Soviet factories.

This expenditure in Soviet industry makes sense. No army has a machine that churns out tanks. Tanks are made from alloy steel, plastics, rubber, and so forth. The alloy steel, plastics, and rubber are made in Soviet factories to military specifications, just like in the United States.

Missiles are not produced on missile making machines. Missiles are fabricated from aluminum alloys, stainless steel, electrical wiring, pumps, and so forth. The aluminum, steel, copper wire, and pumps are also made in Soviet factories.

In other words, the Soviet military gets its component parts and materials from Soviet industry. There is a Soviet military-industrial complex just as in our country. The Soviet military base depends on the Soviet industrial base just as in our country. Steel can be used for consumer goods or weapons, just as in our country when we build their industrial capacity. We build their military capacity, just as in our country.

This kind of reasoning makes sense to the man in the street. The farmer in Ohio knows what I mean. The salesman in California knows what I mean. The taxi driver in New York knows what I mean. But the policymakers in Washington do not accept this kind of commonsense reasoning, and never have.

So let us take a look at the Soviet industry that provides the parts and the materials for Soviet armaments: The guns, tanks, aircraft.

SOVIET INDUSTRY—WESTERN MADE

Advanced weapon technology relies on sophisticated computers. Between 1959 and 1970, General Electric, through its European subsidiaries sold to the Soviet Union a number of medium capacity computers. Soviet computer technology has always been years behind that of the West. GE has been helping the Soviets progress. IBM and RCA through subsidiaries have also sold computers to the Soviets. Computers would be the main purchase in any Kissinger-promoted trade expansion with our enemy.

The Soviets have the largest iron and steel plant in the world. It was built by McKee Corp. It is a copy of the U.S. Steel plant in Gary, Ind.

All Soviet iron and steel technology comes from the United States and its allies. The Soviets use open hearths, American electric furnaces. American wide strip mills, Sendzimir mills and so on—all developed in the West and shipped in as peaceful trade.

The Soviets have the largest tube and pipe mill in Europe—1 million tons a year. The equipment is Fretz-Moon, Salem, Aetna Standard, Mannesman, and so forth. Those are not Russian names.

All Soviet tube and pipemaking technology comes from the United States and its allies. If you know anyone in the space business, ask them how many miles of tubes and pipes go into a missile.

The Soviets have the largest merchant marine in the world—about 6,000 ships. I have the specifications for each ship.

About two-thirds were built outside the Soviet Union.

About four-fifths of the engines for

these ships were also built outside the Soviet Union.

There are no ship engines of Soviet design. Those built inside the U.S.S.R. are built with foreign technical assistance. The Bryansk plant makes the largest marine diesels. In 1959, the Bryansk plant made a technical assistance agreement with Burmeister & Wain of Copenhagen, Denmark—a NATO ally—approved as peaceful trade by the State Department. The ships that carried Soviet missiles to Cuba 10 years ago used these same Burmeister & Wain engines. The ships were in the *Poltava* class. Some have Danish engines made in Denmark and some have Danish engines made at Bryansk in the Soviet Union.

About 100 Soviet ships were used on the Haiphong run to carry Soviet weapons and supplies for Hanoi's annual aggression. I was able to identify 84 of these ships. None of the main engines in these ships were designed and manufactured inside the U.S.S.R.

All the larger and faster vessels on the Haiphong run were built outside the U.S.S.R.

All shipbuilding technology in the U.S.S.R. comes directly or indirectly from the United States or its NATO allies.

If you think that is bad, let us take one industry in more detail: motor vehicles.

All Soviet automobile, truck, and engine technology comes from the West; chiefly the United States. Study each Soviet plant, its equipment, and who supplied the equipment. The Soviet military has over 300,000 trucks—all from these U.S.-built plants.

Up to 1960 the largest motor vehicle plant in the U.S.S.R. was at Gorki. Gorki produces many of the trucks American pilots used to see on the Ho Chi Minh Trail or would see now if they were flying there. Gorki produces the chassis for the GAZ-69 rocket launcher used against Israel. Gorki produces the Soviet jeep and half a dozen other military vehicles. These same vehicles were used this month in the Arab attack on Israel.

And Gorki was built by the Ford Motor Co.—as peaceful trade.

In 1968 while Gorki was building vehicles to be used in Vietnam and Israel, further equipment for Gorki was ordered and shipped from the United States.

Also, in 1968 we had the so-called "Fiat deal"—to build a plant at Volgograd three times bigger than Gorki. Dean Rusk and Walt Rostow told Congress and the American public this was peaceful trade—the Fiat plant could not produce military vehicles.

Let us not kid ourselves. Any automobile manufacturing plant can produce military vehicles. I can show anyone who is interested the technical specification of a proven military vehicle—with cross-country capability—using the same capacity engine as the Russian Fiat plant produces.

THE FIAT DEAL

The term "Fiat deal" is misleading. Fiat in Italy does not make automobile manufacturing equipment—Fiat plants in Italy have U.S. equipment. Fiat did send 1,000 men to Russia for erection of the plant—but over half, perhaps well over half, of the equipment came from the United States, from Gleason, TRW of Cleveland, and New Britain Machine Co.

So in the middle of a war that at that time had killed 46,000 Americans and countless Vietnamese with Soviet weapons and supplies, the Johnson administration doubled Soviet auto output. These are the uncontroverted facts. The Johnson administration also supplied false information to Congress and the American public.

In 1971, the Soviets received equipment and technology for the largest heavy truck plant in the world: Known as the Kama River plant. It will produce 100,000 heavy 10-ton trucks per year—that is more than all U.S. manufacturers put together.

This will also be the largest plant in the world. Period. It will occupy 36 square miles.

Will the Kama truck plant have military potential?

The Soviets themselves have answered this one. The Kama truck will be 50 percent more productive than the Zil-130 truck. Well that is nice, because the Zil-130 truck is a standard Soviet army truck. It is used in Vietnam and the Middle East.

Who built the Zil plant? It was built by the Arthur J. Brandt Co. of Detroit, Mich.

Who is building the Kama truck plant? That is classified "secret" by the Washington policymakers. I do not have to tell you why.

The Kama River plant will be only a small endeavor though if reported negotiations between General Motors and the Soviet Union are successful. GM is negotiating to build a mammoth heavy truck plant in Siberia which some reports say will be twice as large as the Kama River plant.

The Soviet T-54 tank is in Vietnam. It was in operation at Kontum, An Loc, and Hue. It is in use today in Vietnam. It is being used against Israel.

According to the tank handbooks, the T-54 has a Christie-type suspension. Christie was an American inventor, not a Russian.

Where did the Soviets get a Christie suspension? Did they steal it? No, why should they. They stole our atomic secrets, but get our technology through the front door.

They bought it. They bought it from the U.S. Wheel Track Layer Corp.

However, this administration is apparently slightly more honest than the previous administration.

In December 1971, I asked Assistant Secretary Kenneth Davis, of the Commerce Department—who is a mechanical engineer by training—whether the Kama trucks would have military capability. In fact, I quoted one of the Government's own interagency reports. Mr. Davis did not bother to answer, but I did get a letter from the Department and it was right to the point. Yes. We know the Kama truck plant has military capability; we take this into account when we issue export licenses.

These files are all classified. I cannot get them declassified. The Government will supply military technology to the Soviets, but gets a little uptight about the public finding out. I can understand that.

Of course, it takes a great deal of self-confidence to admit in writing that you are building factories to produce weapons and supplies for a country providing weapons and supplies to kill Americans, Israelis, and Vietnamese.

Many people—as individuals—have protested our suicidal policies. What happens? Well, if you are in Congress—you probably get the strong arm put on you—not me, but most. I have personally sued the Pentagon for release of the Penkovisky papers.

If you are in the liberal academic world—you soon find it is OK to protest U.S. assistance to the South Vietnamese but never, never protest U.S. assistance to the Soviets. Forget about the Russian academics being persecuted or the Jews who cannot emigrate—we must not say unkind things about the Soviets.

If you press for an explanation, what do they tell you?

First, you get the Fulbright line. This is peaceful trade. The Soviets are powerful. They have their own technology. It is a way to build friendship. It is a way to a new world order.

This is demonstrably false. The Soviet tanks in An Loc are not refugees from the Pasadena Rose Bowl parade. The Soviet ships that carry arms to Haiphong are not peaceful. They have weapons on board, not flower children or Russian tourists.

Second, if you do not buy that line you are told, "The Soviets are mellowing." This is equally false.

The killing in Israel and Vietnam with Soviet weapons does not suggest mellowing, it suggests premeditated aggression. Today—now—the Soviets are sending more arms to the Middle East. For what purpose? To put in a museum?

No one has ever presented evidence, hard evidence, that trade leads to peace. Why not? Because there is no such evidence. It is an illusion. Our trade in the 1930's with a war-bent Japan proved that.

It is true that peace leads to trade. But that is different than what is occurring today. You first need peace and then you can trade. That does not mean if you trade you will get peace.

But that seems too logical for the Washington policymakers and it is not what the politicians and their business backers want anyway.

Trade with Germany doubled before World War II. Did it stop World War II?

Trade with Japan increased before World War II. Did it stop World War II?

What was in this German and Japanese trade? The same means for war that we are now supplying the Soviets. The Japanese air force after 1934 depended on U.S. technology. And much of the pushing for Soviet trade today comes from the same groups that were pushing for trade with Hitler and Tojo 35 years ago.

The Russian Communist Party is not mellowing. Concentration camps are still there. The mental hospitals take the overload. Persecution of the Baptists and other Christians continues. Harassment of Jews continue. Persecution of dissidents continues.

The only mellowing is when a Harriman and a Rockefeller get together with the bosses in the Kremlin. Some think that is good for business, but it is not much help if you were a GI at the other end of a Soviet rocket in Vietnam.

There is even a question whether trade with the Soviets is good for business. In 1926 a leading Soviet spokesman had the following to say about East-West trade and Western concessions in the Soviet Union.

> On the one hand, we admit capitalist elements, we condescend to collaborate with them; on the other hand our objective is to eliminate completely, to conquer them, to squash them economically as well as socially. It is a furious battle, in which blood may necessarily be spilled.

Immediately preceding Brezhnev's recent visit to the United States, a leader of the Communist Party in Moscow stated:

> In politics you may conclude alliances with the Devil himself if you are certain that you can cheat the Devil.

The Soviets, like Hitler in his book "Mein Kampf," are telling us their plans, but too many in the West refuse to believe the Soviets just as in the 1930's many would not believe Hitler's own words.

I have learned something about our military assistance to the Soviets.

It is just not enough to have the facts—these are ignored by the policymakers.

It is just not enough to make a commonsense case—the answers you get defy reason.

Only one institution has been clear-sighted on this question. From the early 1920's to the present day only one institution has spoken out. Not the chamber of commerce. Not the manufacturers association. Only the AFL–CIO has been consistently right.

From Samuel Gompers in 1920 down to George Meany today, the major unions have consistently protested the trade policies that built the Soviet Union. Because union members in Russia lost their freedom and union members in the United States have died in Korea and Vietnam, the unions know—and apparently care.

No one else cares. Not Washington. Not big business. Not the Republican Party. Not the Democratic Party. Few of us buck the tide to warn you.

And 100,000 Americans have been killed in Korea and Vietnam—by our own technology.

The only response from Washington and each administration is the effort to hush up the scandal.

These are things not to be talked about. The professional smokescreen about peaceful trade continues.

The plain fact is that irresponsible policies have built us an enemy and maintain that enemy in the business of totalitarian rule and world conquest. The tragedy is that intelligent people have bought the political double talk about world peace, a new world order and mellowing Soviets.

I suggest that the man in the street, the average taxpayer-voter thinks more or less as I do. You do not subsidize an enemy.

When this story gets out and about in the United States, it is going to translate into a shift of votes. I have not met one man in the street so far—from New York to California—who goes along with a policy of subsidizing the killing of his fellow Americans. People are usually stunned and disgusted.

It requires a peculiar kind of intellectual myopia to ship supplies and technology to the Soviets when they are instrumental in killing fellow citizens.

What about the argument that trade will lead to peace? Well, we have had United States-Soviet trade for over 50 years. The first and second 5-year plans were built by American companies. To continue a policy that is a total failure is to gamble with the lives of several million Americans and countless allies.

You can not stoke up the Soviet military machine at one end and then complain that the other end came back and bit you. Unfortunately, the human price for our immoral policies is not paid by the policymakers in Washington. The human price is paid by the farmers, the students, and working and middle classes of America—and our fighting men in Korea and Vietnam.

The citizen who pays the piper is not calling the tune—he does not even know the name of the tune.

Let me summarize my conclusions:

First. Trade with the U.S.S.R. was started over 50 years ago under President Woodrow Wilson with the declared intention of mellowing the Bolsheviks. The policy has been a total and costly failure. It has proven to be impractical—this is what I would expect from an immoral policy.

Second. We have built ourselves an enemy. We keep that self-declared enemy in business. This information has been blacked out by successive administrations. Misleading and untruthful statements have been made by the executive branch to Congress and the American people.

Third. Our policy of subsidizing self-declared enemies is neither rational nor moral. I have drawn attention to the intellectual myopia of the group that influences and draws up foreign policy.

Fourth. The annual attacks in Vietnam and the wars in the Middle East are made possible only by Russian armaments and our assistance to the Soviets.

Fifth. This worldwide Soviet activity is consistent with Communist theory. Mikhail Suslov, the party theoretician, recently stated that the current détente with the United States is temporary. The purpose of the détente, according to Suslov, is to give the Soviets sufficient strength for a renewed assault on the West. In other words, when you have finished building the Kama plant and the trucks come rolling off—watch out for another Vietnam.

Sixth. Internal Soviet repression continues—against Baptists, against Jews, against national groups, and against dissident academics.

Seventh. Soviet technical dependence is a powerful instrument for world peace if we want to use it. So far it has been used as an aid-to-dependent-Soviets welfare program. With about as much success as the domestic welfare program.

Why should they stop supplying Hanoi? The more they stoke up the war the more they get from the United States. Not only do the Soviets get more goods from the United States, they get them on credit. The U.S. Export-Import Bank is providing credits to the Soviet Union with an interest rate of 6 percent. It costs the Export-Import Bank 7¾ percent to raise that money it lends to the Soviet Union. The U.S. Government subsidizes the Export-Import Bank, which means, of course, the American taxpayer is picking up the bill. While interest on mortgages are 9½ percent in many parts of the United States, the Soviet Union gets loans at 6 percent on materials that they will use to defeat us. If they get most-favored-nation status which this administration foolishly pushes, they will get even lower interest rates.

Why did the war in Vietnam continue for over 4 long years under this administration before it finally was ended?

With 16,000 killed under the Nixon administration alone?

We can stop the Soviets and their friends in Hanoi, in the Middle East, in Cuba or anywhere, anytime we want to, without using a single gun or anything more dangerous than a piece of paper or a telephone call.

But that has not been done. Instead, the present administration seeks most-favored-nation status for the Soviet Union, extends credits to that totalitarian country, and concludes commercial agreements. All this some want to give to the Soviets while we receive precious little in return.

We have Soviet technical dependence as an instrument of world peace. The most humane weapon that can be conceived.

We have always had that option. We have never used it. Americans should wonder why.

Few people care. I have been telling this story for more than 10 years. Now it is even fashionable for Republicans to hold hands across the caviar with our bloody Communist enemies. The press is hopelessly pro-Soviet trade. Yet the American people must be alerted. One who has done that for decades is my good friend Anthony Sutton of the Hoover Institution. He has just published a book entitled "National Suicide"—Arlington House. It is a massively factual research into the suicidal policies I have outlined today. A true patriot, Mr. Sutton deserves to be listened to by every American. I gratefully acknowledge his research and help in the preparation of these remarks. His book is must reading for those who want to avert another Pearl Harbor.

MATTER OF EXTREME URGENCY AND IMPORTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 5 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, I rise to speak about a matter of extreme urgency and importance. The activities of the President of the United States have brought our great Nation to the brink of what could be the most serious crisis in our history.

We have reached a point at which we can no longer turn on a television or pick up a newspaper without learning of still another charge of corruption and lawlessness related to the administration of Richard Nixon.

Mr. Nixon, in his tenure as President, has demonstrated a total disregard for the two most crucial elements of our democracy—our laws and our Constitution.

Since Mr. Nixon has taken office, we have seen top White House officials forced to resign because of their participation in and coverup of illegal actions; we have seen two Cabinet members—including an Attorney General—indicted on criminal charges; we have seen former White House aides plead guilty to criminal charges, and we have seen the Vice President of the United States resign his office and submit himself before the court to be convicted for criminally violating our Federal tax laws.

Further, we have watched as President Nixon has done everything in his power to subvert the judicial process and to prevent the gathering of evidence when legitimate attempts are made to seek out and convict persons who have broken our laws.

In light of the events which have occurred during this past weekend, there is little reason to doubt that the President himself has participated in the crimes of his administration—and as a result, the country is in an uproar.

In response to this, yesterday my friend and distinguished colleague from New Jersey (Mr. THOMPSON) and I undertook three separate actions to restore order and justice to our troubled Nation.

First, we cosponsored legislation to reestablish the Office of the Special Prosecutor and safeguard the evidence compiled by the staff of the former special prosecutor, Mr. Archibald Cox.

Second, we cosponsored a House resolution instructing the Judiciary Committee to investigate the official conduct of the President to determine whether he has been guilty of any high crime or misdemeanor.

Third, we took the extraordinary step of introducing a resolution of impeachment—and I might add, Mr. Speaker, we did so very reluctantly. In doing so, we charged President Nixon with committing acts which, in the contemplation of the Constitution, amount to bribery and other high crimes and misdemeanors, and we set forth seven specific allegations.

One charge in our resolution was that Mr. Nixon refused to obey the mandates issued against him by the courts of the United States. This charge was specifically directed at the President's refusal to comply with the court's order to submit to it the White House tapes which were subpenaed by the special prosecutor. Shortly after introducing our resolution, we learned that the President's lawyer, in an abrupt turnabout, announced that President Nixon would comply with the court's mandate and would submit the tapes to the U.S. district court. But let us look, as this morning newspaper did, at what it took to make our President comply with the court's order.

It took the resignations, in protest, of the two top Justice Department officials; the firing of the Watergate special prosecutor and abolition of his office; the breaking of a solemn compact with the U.S. Senate; a call for the President's removal from office by leaders of the AFL–CIO unions representing 13.6 million workers; a virtual breakdown of the machinery of Western Union under the weight of an avalanche of telegrams to Members of Congress calling for Presidential impeachment; the formal beginnings of an impeachment process in the House; an outpouring of critical editorial opinion from around the country, and a raw warning from his own party's congressional leaders that they could not save him unless he changed course.

Now this evening, we are told, Mr. Nixon intends to address the Nation and tell us that all is well—that by handing over the tapes, the crisis is over.

Mr. Speaker, if the President feels that by handing over the tapes he has ended the crisis, he is dead wrong.

The tapes are merely a side issue. The major question is, whether in light of all the evidence, the President has committed any crimes for which he may be impeached. The real issue is whether or not the President is fit or deserving to hold that high office—and this issue is not resolved merely because the President has announced his decision to comply with a court order to hand over the tapes.

The issue of the tapes is only a part of one of several serious charges we have brought against Mr. Nixon. The others still remain.

Mr. Nixon must be called upon to answer the charge that he attempted to corrupt the judicial process by trying to influence a judge who was presiding over a case concerning prior illegal conduct of the President or his agents.

He must be called upon to answer the charge that he deliberately misled the American people by giving false and perjured testimony, through his official agents, to the U.S. Senate with respect to the bombing of Cambodia and other military action.

Mr. Nixon must be called upon to answer the charges of illegal bugging and wiretapping, of accepting illegal campaign donations, of bribery, and of removing the Attorney General solely because he was unwilling to carry out the President's dirty work.

Mr. Speaker, at no time in my 9 years of service in this body have my constituents been so united and vocal in their outrage over any given issue. They have completely lost faith in their President and they are frightened. The Constitution has specifically provided a mechanism to respond to the present situation, and that mechanism is impeachment.

Impeachment is a procedure by which this body makes a determination based on the evidence and facts before it as to whether or not there is sufficient evidence to justify bringing a Federal officer before the Senate to stand trial for a specific charge or charges.

The evidence is now mounting before us, and the people are waiting. The duty and responsibility is now ours alone, and we have an obligation to fulfill it. We can do so only by commencing with impeachment proceedings at once.

BLACK CAUCUS DEMANDS MOVE ON IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker, as chairman of the Congressional Black Caucus I wish to share with my colleagues in the House a joint statement issued by members of the caucus.

This statement is in response to the large number of inquiries as to the position of our organization relative to the question of the impeachment of Richard Nixon. Today the Congressional Black Caucus issued the following news release:

Caucus Demands House Move on Impeachment

The Congressional Black Caucus, sharing an opinion held by millions of Americans, is dismayed and shocked by recent actions on the part of Richard M. Nixon. In the opinion of the Congressional Black Caucus, the decisions to discharge Archibald Cox and abolish the office of Special Prosecutor were both irresponsible and unconscionable. The totality of recent events culminating in the resignation of the two highest Justice Department officials unnecessarily precipitated a constitutional crisis. The end result represents not only an insult to the intelligence of American citizens but also an assault on established governmental institutions and more fundamentally the Constitution itself.

The call for impeachment of Richard Nixon is neither new nor unique. Members of the Congressional Black Caucus introduced impeachment resolutions as long as two years ago, based upon the strong contention that Nixon was carrying on an illegal war in Southeast Asia. Nixon's adventurism in Indochina was—and is—both illegal and impeachable, and the cascade of ensuing executive crimes—the ITT, Vesco, milk and wheat deals, Watergate and all its associated criminal activities, the shady campaign contributions and payoffs, and Nixon's bevy of illegal impoundments of critical social program funding—only further serve to strengthen the position that Richard Nixon should—and must—be removed from office.

The Congressional Black Caucus urges the leadership of the House of Representatives immediately to define and establish procedures and mechanics for dealing with consideration of the impeachment of Richard Nixon. We further urge that these procedures be made known to all members of the House and to the American people without delay.

The Members of the Congressional Black

Caucus oppose any consideration of Gerald Ford's nomination for Vice President of the United States. The consensus is that to do so before the question of impeachability of Richard Nixon is resolved constitutes utter misinterpretation of basic priorities. Therefore, the Congressional Black Caucus recommends that the Democratic Leadership of the House instruct the Judiciary Committee to hold in abeyance any consideration of Gerald Ford until a full and thorough determination has been made concerning the pending serious charges of high crimes and misdemeanors against the nation by Richard Nixon.

The Nixon agreement to comply with the order of the Court to release the tapes is a complete vindication of Mr. Cox's insistence that Nixon comply with the Court's order. The Congressional Black Caucus therefore insists that Richard Nixon now reestablish this independent Prosecutor's Office and that Mr. Cox be reappointed immediately. Only in this manner will the American people be assured of an honest, objective and vigorous pursual of all ramifications of Watergate in the original manner promised by Nixon when he promised an investigation which would be pursued "fully and fearlessly, wherever it may lead."

The Congressional Black Caucus strongly recommends that all citizens concerned about this current crisis make their concerns known to the leadership of the House immediately. Contact Carl Albert, Speaker; Thomas P. O'Neill, Jr., Majority Leader; John J. McFall, Majority Whip and Peter W. Rodino, Jr., Chairman, Committee of the Judiciary.

CONSUMER PROTECTION AGENCY AT NLRB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, we shall soon consider on the floor of this House proposals for creation of a Consumer Protection Agency which will advocate the interests of consumers in Federal decisionmaking. For this reason, I wish to continue my effort to avoid the confusion experienced in the last Congress when similar bills were considered.

A Government Operations Subcommittee, on which I serve, is now considering three CPA proposals. The bills are H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD, HORTON, and others, and H.R. 564 by Congressman BROWN of Ohio and myself.

The major difference among the bills is that H.R. 14 and H.R. 21 would both allow the CPA to appeal the final decisions of other agencies to the courts while the Fuqua-Brown bill would not grant this nonregulatory agency so extraordinary a power.

As you know, I have asked those Federal agencies which would be subject to the CPA's advocacy rights to list their 1972 proceedings and activities which would be subject to CPA action and to delineate them by the several categories set forth in the bills.

I have been introducing their replies in the RECORD, and have already inserted material from six small agencies: the Defense Supply Agency, the Cost of Living Council, and four of the banking regulatory agencies.

Today I wish to call to your attention the proceedings and activities of another small, but important and highly visible, agency which would be subject to the CPA's power under the proposed bills, the National Labor Relations Board.

The NLRB, in 1972, held 2,900 unfair labor practice and representation proceedings. The chairman of the NLRB asserts that the agency "would not be classed as a consumer-oriented agency." However, in response to my request the AFL–CIO submitted a legal opinion to our subcommittee which stated that—

> It is possible to imagine instances in which the CPA might wish to take a position contrary to the position of a union in NLRB proceedings.

It should be noted that, should the CPA participate in NLRB adjudications—as the AFL–CIO memorandum observes—it would join the general counsel of the NLRB as a second prosecutor against the union. The union would thus be faced with double prosecution. And, remember, the CPA has the right to carry its attack on the union into the courts by appealing an unfavorable NLRB final decision under two of these bills, but not the Fuqua-Brown bill.

The Rosenthal and Holifield-Horton bills would grant the CPA the right to appeal whenever anyone else had such a right. These bills would allow the CPA, whenever the CPA determined there was sufficient consumer interest, to intervene fully in an NLRB proceeding and then to have the unchallengeable right to appeal the resulting decision. Further, even where the CPA did not take part in the agency proceeding, the CPA could appeal the agency decision to the courts, except where the court makes certain unlikely special findings.

The Fuqua-Brown bill, however, would not allow the CPA to appeal any final decisions of its sister agencies to the courts. While the NLRB letter lists only 1,200 decisions in 1972 as appealable, it also lists new areas of jurisdiction for the NLRB, and consequently for the CPA: Horse racing, dog racing, and symphony orchestras.

While the CPA would not be likely to find a sufficient consumer interest in all or even most of the proceedings of the NLRB, the technical legal power to do so, and to appeal them, would be granted by some CPA bills. Only the Fuqua-Brown bill would withhold that power.

I might add that, for the six small agencies already reported, the number of actual 1972 decisions technically appealable by the CPA under all bills except the Fuqua-Brown bill is now approximately 1 million annually. I say "actual decisions" because under the other two bills, the CPA could appeal refusals to act as well as action. And, I repeat, we have only considered six tiny agencies.

Mr. Speaker, for these important reasons, I insert in the RECORD information from the National Labor Relations Board and the opinion letter of the associate general counsel of the AFL–CIO, which shows how the proceedings of the NLRB would be subject to the CPA advocacy powers as proposed in the various bills now in subcommittee.

NATIONAL LABOR RELATIONS BOARD,
Washington, D.C., September 14, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FUQUA: Your letter of September 7, 1973, requesting responses to seven questions dealing with our Agency's operations and the impact if an independent Consumer Protection Agency (CPA) were created under H.R. 14, 21, and 564, has been carefully reviewed.

As you are undoubtedly aware, the National Labor Relations Board is a quasi-judicial Agency whose two principal functions are to investigate questions concerning employee representation and to resolve them through elections and to investigate and prosecute unfair labor practices brought against employers and unions. Except for rulemaking, the Board has no statutory authority to initiate proceeding *sua sponte*, and an unfair labor practice charge or election petition must be filed to invoke our jurisdiction. Any "person" may file a charge or petition. Representation proceedings under Section 9 of our Act are not subject to the adjudicatory provisions of the Administrative Procedure Act while unfair labor proceedings are so subject. Our rulemaking proceedings under Section 6 of the Act are subject to the APA and permits interested parties to participate through submission of written data, views or arguments, with or without oral argument.

With this background in mind, the following responses to your questions follows:

Question 1: Proposed Rule Making—1972.

Answer: (a) Exercise of jurisdiction over the Horseracing and Dogracing Industries (July 18, 1972).

(b) Offers of Reinstatement to Employees in the Armed Forces (August 4, 1972).

(c) Exercise of jurisdiction over Symphony Orchestras (August 19, 1972).

Question 2: Regulations, rules, etc., subject to APA Sec. 556, 557 proposed during 1972.

Answer: None.

Question 3: Administrative Adjudications subject to 556, 557.

Answer: All unfair labor practice proceedings numbering approximately 1200 in 1972.

Question 4: Adjudications imposing directly fines, penalty, etc.

Answer: None.

Question 5: Excluding proceedings subject to 5 U.S.C. 554, 556, 557, what proceedings on the record were held by the Agency in 1972.

Answer: All representation hearings, approximately 1700 in calendar year 1972.

Question 6: A list of representative public and non-public activities.

Answer: (a) Oral arguments monthly before the Board in actual cases (public).

(b) Budget hearings in House of Representatives and Senate (basically nonpublic).

(c) Administrative meetings of Board Members on administrative matter (nonpublic).

(d) Budget meetings of Chairman and budget officer (nonpublic).

(e) Rules Revision Committee Meetings (nonpublic).

(f) Panel of Board Members—on pending cases (nonpublic).

(g) Board agenda on pending cases (nonpublic).

(h) Selection Committee meetings on Regional Directors (nonpublic).

(i) Meetings with American Bar Association Committees and Chambers of Commerce Committees (nonpublic).

(j) Hearings in unfair labor practice and representation proceedings approximately 2900 (public).

(k) Upon request, meetings with litigants by General Counsel or his representative to discuss merits of case in issue (nonpublic).

Question 7: What final actions could have been appealed in 1972.

Answer: All unfair labor practice decisions, approximately 1200 in number, are appealable to the United States Circuit Courts.

It should be kept in mind that being in the labor-management field, our Agency, unlike others, would not be classed as a consumer-oriented Agency. I trust the above information will be helpful.

Sincerely,

EDWARD B. MILLER,
Chairman.

JUNE 28, 1971.

Hon. CHET HOLIFIELD,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: My attention has been called to the colloquy between Congressman Fuqua and Mr. Kenneth Peterson during the Hearings on H.R. 14. The question was raised by Representative Fuqua whether cases could arise in which the Consumer Protection Agency might intervene under Section 204 in a proceeding before the National Labor Relations Board for the purpose of taking a position adverse to the interests of some union. Mr. Peterson stated that he would consult counsel on this matter and provide an answer for the record.

I think that it is possible to imagine instances in which the Consumer Protection Agency might wish to intervene in a proceeding before the NLRB to take a position contrary to the interests of a union. In order for the Agency to intervene, however, not only would the proceeding have to affect the interests of consumers but the Agency would have to find that these consumer interests might not be adequately protected unless the Agency intervened. It is rather unlikely that this second finding could be made, since in proceedings where unions are respondents under the National Labor Relations Act the adverse position is already represented by the General Counsel of the NLRB and by counsel for the employer.

Since the hearing Representative Fuqua, on June 23, wrote Mr. Peterson requesting that we not only supply an answer for the record, as Mr. Peterson had undertaken to do, but that we supply "a legal memorandum on what proceedings of the Department of Labor would be subject to intervention under the bill . . ." While we would like to accommodate Representative Fuqua we simply do not have the legal staff to do so.

Yours very truly,

THOMAS E. HARRIS,
Associate General Counsel.

COMMITTEE ON THE JUDICIARY MUST DEAL WITH IMPEACHMENT RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, as we all know, President Nixon yesterday said he will comply with Judge Sirica's order, as modified by the Court of Appeals, to make the White House tapes available.

Notwithstanding that this proposed compliance comes 3 days after the court's deadline, I am gratified by the President's dilatory law and order position.

And notwithstanding that this proposed compliance comes—

Only after a blatant attempt to subvert Judge Sirica's order;

Only after the removal of Prosecutor Cox, Attorney General Richardson and Deputy Attorney General Ruckelshaus; and

Only after a bipartisan outpouring of outrage from the Congress and the American people;

Notwithstanding these facts, I appreciate the President's new-found spirit of cooperation.

But the President has missed the point—by turning over the tapes he will not stop the movement in the House of Representatives to inquire into impeachment. Of the eight charges contained in such a resolution introduced yesterday by my esteemed colleague Representative WILLIAM FORD of Michigan and me, only one deals with the White House tapes. This body must still deal with the remaining seven charges:

First. That the President may have committed acts which, in contemplation of the Constitution, amount to bribery, and high crimes and misdemeanors;

Second. That the President may have corrupted the judicial process through conversations with the deciding judge, in cases then pending in the U.S. Courts, concerning the appointment of the said judge to higher Federal office;

Third. That the President may have intentionally misled the American people, and, through his appointed spokesmen, given false, misleading, and perjured testimony to the U.S. Senate concerning his prior activities in connection with the bombing in Cambodia;

Fourth. That the President may have violated the Constitution and laws of the United States by engaging in illegal and unauthorized electronic surveillance of private citizens and into the proper and privileged activities of political opponents;

Fifth. That the President may have violated the laws of the United States by soliciting and accepting illegal donations for use in his political campaigns, and by conspiring with others to keep this illegal activity secret;

Sixth. That the President may have knowingly solicited, accepted, and concealed large cash emoluments and other things of value from private individuals to influence governmental decisions favorable to said donors;

Seventh. That the President may have violated the laws of the United States and a public pledge and promise made to the U.S. Senate, by removal of or forcing the resignation from the high office of the Attorney General of the United States, persons who were competent and faithful in the discharge of their public duties, and by appointing a person to said high office solely because he was willing to discharge a "special prosecutor" whose security and tenure was immunized by law from Presidential dismissal.

Indeed, with President Nixon's recent history for veracity and changing course, we cannot even now be confident that Judge Sirica's order will be complied with. And after compliance there remain the questions of the tape's contents and their electronic integrity.

In light of these matters, the Judiciary Committee must continue to develop procedures for handling impeachment resolutions and must begin the appropriate inquiries into the remaining charges set forth in those resolutions.

President Nixon cannot be permitted to trade nine tapes for complete immunity from criminal and congressional inquiry.

GEN. ALEXANDER HAIG: A CIVILIAN?

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, one of the most disturbing aspects of recent Nixon maneuvers on Watergate is the conduct of the White House Chief of Staff, Alexander Haig. It ill serves the national interest or mood to have a general in the White House whose actions and language are more appropriate to a military junta than a civilian government.

Many Americans were shocked by his "the Commander in Chief has given you an order" language to Deputy Attorney General Ruckelshaus and Haig's order to seal off the offices of the special prosecutor by the FBI. These may not have been significant moments when compared to the President's reckless actions over the weekend but they added to an apprehension of what was happening or might happen.

It seems the White House has no intention of abandoning the arrogant style that was the hallmark of H. R. Haldeman and John Ehrlichman. The palace guard is now run by a general who forgets that the President and his staff are the public's servants not its masters.

It is a continuing disgrace to our democratic traditions that President Nixon has given such power to men so lacking in subtlety and so contemptuous of our traditions.

When I was in the Army, I had to learn how to do things in a military manner. Now that General Haig is a civilian, he should relearn how to do things in a civil manner.

TEAPOT DOME REVISITED?

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, many voices have been raised across the land in recent months decrying what has come to be known as "the energy shortage." Foremost among those weeping copious tears and frightening the public have been the major oil companies whose policies have, in large part, been responsible for mismanagement of our vast energy resources. Obsessed with greed and oblivious to consequences of wasteful exploitation, the few companies dominating our oil and gas industries have squeezed consumers in a variety of illegal, cynical ways.

For years, the oil industry has been characterized by monopoly and combinations in restraint of trade. A recent 2-year study by the Federal Trade Commission shows beyond a shadow of doubt that power concentrations within this industry are worsening. Eight major corporations control most supplies of crude oil, refinery capacity, pipelines and marketing networks.

Not content with such domination, these few corporations have mounted a new compaign aimed at annihilating what remains of their competition, including independent refiners and marketers. Deliberately withholding existing supplies of raw materials, they have driven significant numbers of these independent business enterprises into bankruptcy, where they are easy prey for major oil companies seeking to acquire their resources and facilities.

On the retail level, gasoline station operators are caught between the rock and the hard place as oil companies owning their franchises raise tank wagon prices and government has not allowed them, up-to-now, to compensate for such hikes. No move is made to prevent continued price hikes by the majors as their profit figures indicate. To indicate how massive such profits are, I enclose a recent report on how much money they made and what percentage of increase their profits showed in the second quarter of this year.

2D QUARTER PROFITS OF THE NATION'S 10 LARGEST OIL COMPANIES[1]

[Dollar amounts in millions]

Company	Sales	Profits	Percent change from 1972
Exxon	$5,830.0	$510.0	+54
Mobil[2]	2,880.0	184.2	+41
Texaco[3]	2,727.0	267.5	+44
Gulf[2]	2,397.0	195.0	+82
Standard (California)	1,817.2	181.7	+42
Standard (Indiana)[2]	1,527.2	121.3	+37
Shell[3]	1,211.9	89.5	+54
Atlantic Richfield[4]	1,069.8	68.4	+50
Continental[2]	1,029.9	51.7	+24
Occidental	810.3	26.9	+566

[1] Ranking based on 2d quarter sales in dollars.
[2] Sales include excise taxes and other income.
[3] Sales include other income.
[4] Sales include excise taxes.

Source: Business Week; Aug. 11, 1973, p. 79.

This, however, is only an introduction. Not content with this kind of pillage at the expense of everyone in the Nation using gas and oil products, they have sought out every last advantage, seeking to exploit it at public expense. One such attempt involves the outcry over the "energy crisis," and how individual majors are seeking to exploit it, even down to exploiting naval petroleum reserves.

The President indicated in his second state of the Union address that he was going to ask that the Elk Hills, Calif., Naval Petroleum Reserve be opened up in the name of this energy crisis in order to alleviate predicted shortages. Apparently he was unaware at the time of certain circumstances surrounding this reserve, which I now take the liberty of bringing to his attention.

There are four such Navy oil reserves. One is the well-remembered Teapot Dome Reserve in Wyoming. Another is a vast tract in Alaska as large as Indiana. A third is Buena Vista Hills in California. The fourth is the one I address myself to here; Elk Hills, Calif.

Exploring the Elk Hills situation, I have discovered some rather unique facts which I believe the President, the Congress, the public and the press should know.

First, Standard Oil of California operates the field and has been extracting oil from it in significant quantities at given intervals with consent of the Navy. Payment for such withdrawals has been deferred for some time. Presently, SOCAL owes the Navy some $24 million.

Second, Shell Oil, largely foreign-owned, possesses a contract with the Navy allowing it to obtain such oil as may be pumped out of the ground at the reserve.

Third, the only pipelines leading out of the Elk Hills Reserve are owned by Atlantic Richfield and Standard Oil of California. If the reserve is opened as the President indicated and begins producing 160,000 barrels of oil daily for 1 year—which was the publicly announced production goal—then Shell will claim the oil, trade it off, and transfer title to it when it enters any other major's pipeline. Taxpayer's oil will be sold by the majors for what it will bring—an average of some $3.60 per barrel based on going market prices in the Elk Hills area, as of today.

Informed legal opinion notes that if the reserve is opened for other than a military emergency, SOCAL could take the Navy to court, stand a chance of abrogating the contract, and seek forgiveness of the $24 million owed the Navy in deferred payments.

Simultaneously, even if the contract remains in existence and production is expanded, SOCAL would be entitled to receive, under the agreement, some 22 percent of all production. Capital expenditures by the company could be deferred and a gross of $576,000 daily would be realized by sale of the 160,000 barrels daily at $3.60. SOCAL would, therefore, come into a windfall of some $115,000 daily, at public and Navy expense, profiting from the energy shortage SOCAL weeps so copiously about. This comes to a minimum of $42 million in pure profit for one company in 1 year alone, not counting what Arco and Shell would be making.

Another rather curious combination of circumstances came to light as I investigated the Elk Hills situation, mainly revolving around the rather intriguing activities of the Bureau of Land Management of the Department of the Interior.

Federal regulations prohibit issuance of oil and gas leases by BLM within a mile of a naval petroleum reserve boundary. Over Navy protests and in violation of such a rule, the BLM issued such leases around and adjacent to the Elk Hills Reserve to—by sheer coincidence—Standard Oil of California, which proceeded to drill a well within 1 mile of the reserve boundary and, by luck and accident, I am sure, hit major oil strikes.

This has resulted in significant drainage of oil pools under the Elk Hills Reserve, requiring the Navy to drill offsetting wells from which were extracted significant quantities of oil which then became available to the same company through Shell. SOCAL gains while its illegal drilling outside the reserve had caused the problem.

One question immediately arises. If SOCAL's illegal drilling near the Elk Hills boundary is forcing the Navy to drill offset wells, why are the Navy and the Justice Department not acting to obtain an injunction to restrain them? Surely they should be halted in their course until it can be ascertained whether or not their drilling is damaging the reserve. By granting of similar leases at Teapot Dome where drilling was performed to within 50 feet of the reserve boundary, the major oil pools there have also been partially drained.

This summary has only barely scratched the surface of what may end up as an offense against the public as blatant and unprincipled as the Teapot Dome imbroglio. What emerges is a cumulative attempt by several major oil corporations to loot a Government oil reserve with connivance or incompetence by Government authorities. If Elk Hills is opened to exploitation now, without built-in protections for the Navy and the taxpayer's interests, SOCAL will reap massive windfall profits, and so will other majors.

The country will be the loser, especially the Navy and oil consumers. Price-fixing also figures in this scandal, to be covered in another presentation I shall make. It is touched upon in a letter I have just sent to the President informing him of what I have ascertained. At a minimum, an excess profits tax should be imposed on any and all operations covering Elk Hills oil. Declaring private carriers to be common carriers when carrying Elk Hills oil is another useful alternative. Certainly, no one should benefit from a shortage which they have had a large part in creating. That was the useful, pertinent principle established in World War II, and it should apply today just as well.

Further, an investigation of the most intense sort is called for in regard to activities of the Bureau of Land Management and the manner in which it defied the law and the Navy in allowing this situation to develop around the Elk Hills and Teapot Dome Reserves. One year ago, in a Government Accounting Office report, this activity was reported. Yet, seemingly, it escaped congressional and Presidential attention. Today, hopefully, that situation is remedied and the people will find out how—in at least this one way—major oil companies were seeking to use the energy crisis as a shield from behind which to loot the patrimony of our Nation.

At this point, I am including a copy of the letter I have sent to the President informing him of this situation and evidence I have unearthed. Copies of the Shell and Standard Oil of California contracts plus the GAO report are available in my office, if anyone should wish to examine them at length and in depth.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 18, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I noted with interest your proposal to open up the Elk Hills Naval Petroleum Reserve in California because of the "energy shortage." Sharing your concern over oil shortfalls and wishing to ensure that neither our Navy's needs nor the taxpayer's interest should come to harm, I have delved into the Elk Hills situation, discovering factors worthy of your attention.

The question of naval oil reserves is fraught with danger to any government, particularly in light of the Teapot Dome Scandal and questions which would inevitably arise concerning opening up and exploitation of such resources. A recent report by the General Accounting Office entitled, "Capability of the Naval Petroleum & Oil Shale Reserves To Meet Emergency Oil Needs," estimates value of proven recoverable resources owned by the Navy in this reserve at a minimum of $2.6 billion.

It is publicly proposed to open up Elk Hills to production of at least 160,000 barrels of oil daily. Shell Oil Company, largely foreign-owned, possesses a five year contract to purchase all current and projected production from that Reserve at a price based on average current posted prices, largely set throughout California by Shell and Standard Oil of California. Under such a contract, which I have a copy of, if massive production is instituted, will Shell not benefit in the form of windfall profits? Unless any new production is let out for bids to independents under open bidding, what is to prevent Shell from claiming all new production? Further, who could or would compete with Shell in such a situation? There are no storage facilities at Elk Hills, so any production must be sold and moved immediately. What is to prevent an Alaska North Slope situation from developing, when a consortium of major oil companies joined together to offer bids? Suppose their bid is far below market prices?

This oil must be marketed upon extraction. Only a pipeline assures this. It is my understanding that the only pipeline leading out of Elk Hills and from the reserve to market are owned entirely by two major oil companies: Standard Oil of California and Atlantic Richfield. There is a strong possibility that Shell could take title to Elk Hills production, immediately transferring it to the majors owning existing pipelines, in exchange for a portion of their profits to be derived from its sale. Additionally, Shell could receive other payment in form of substantial, equal allocations of oil from any other majors involved, at Shell refineries in other locations. Such tradeoffs are common between major oil companies and have been consistently termed practices in restraint of trade.

When the Shell contract was advertised and the invitation for bid was put out, bidders were required to provide prior certification of assured transportability. The sole method of transport available at the time was through the Standard Oil of California or other private carrier lines. Was the Navy aware then there was a strong possibility of prior arrangement between Shell and Socal for use of the line? Could this not be termed collusion, especially because both Shell and Socal emerged as the prime bidders?

Use of a private carrier line means sale of oil to the carrier when it enters the pipeline. If Elk Hills is opened, Shell will be able to transfer the major share of Navy oil produced in any crisis to Socal. Socal will be able to sell it for what the market will bear, or to another private carrier yielding a substantial profit. Is this in the taxpayers interest?

Involvement of private carrier lines in such a context means a possibility of price arrangement between the majors in question. One small bidder, Pima Refining Co., was, I have discovered, rejected in bidding because of lack of transportation facilities. Certainly examination of the invitation for bid and the transcript of proceedings on bid-letting is in order. In light of the fact that the Justice Department was supposed to review such proceeding thoroughly, was there any concern with investigation of possible collusion and antitrust action? Inexplicably, no action has been taken. Now both companies are in line to profit immeasurably from a national emergency at taxpayer expense.

After Teapot Dome, a requirement was put through under President Roosevelt that all contracts respecting any Navy oil reserves must be reviewed by Justice before presentation to the President or Armed Services Committees of each House of Congress. Existing contracts and government concessions to industry have drastically altered the viability of several of the reserves, allowing private oil interests to drain away oil from the outside, while in some cases draining it from within a reserve. Why has Justice done nothing about what seems to be an obvious situation?

Pricing discrimination and artificially low prices for state-owned crude oil involving both these companies and their posted pricing are presently under investigation in California by the Joint Committee on Public Domain of the State Assembly, headed by J. Kenneth Corey (D.-Garden Grove). Dominance by Socal and Shell, plus questions surrounding such pricing make their position vis-a-vis Elk Hills more suspect. Compounding this compromising situation is the fact that companies involved in this investigation have largely refused to cooperate. Instead, they are attempting to enjoin the state legislature's investigation of their pricing procedures, refusing to surrender requested information.

Once any oil comes into possession of majors, another windfall profit could accrue through manipulation of posted prices. A bid price is based on prices posted in vicinity of an oil field. Nothing can prevent majors involved from merely posting prices far in excess of what is charged today. The ongoing California State Assembly investigation has discovered that free market prices established by open bidding were found to differ by $1.25 per barrel from what was being paid the state under a posted contract much like that Shell enjoys on Elk Hills, showing they have had experience in manipulation defrauding the state, which can now be applied to a massive defrauding of the Federal Government. To prevent unacceptable profits at public expense, the Federal Government should impose limitations in form of an excess profits tax on Elk Hills oil, as was done in World War II to prevent profiteering in an emergency. Another alternative open to government is to declare private carrier pipeline systems leading to Elk Hills directly to be common carriers all the way to final delivery points for the purpose of carrying Elk Hills oil during any emergency. I stand ready to sponsor any legislation you might seek to implement these objections.

Another windfall profit could be in order for Socal if Elk Hills is opened up for any other reason than national defense. A unit plan contract is presently in force between the Navy and Socal. Socal is both unit and nonunit operator of this field. At given intervals, Socal has been permitted to remove significant quantities of oil from Elk Hills under agreement with government. Through June 30, 1973, Socal owes the Navy and taxpayers approximately $24,000,000 in deferred payments for removals in production and cost balances related to maintenance and development of both Navy and Socal wells. These monies are owed under terms of an existing contract. Socal has been allowed to remove approximately 25 million barrels of oil from the field as payment for entering into the contract with the Navy. Socal may be able to claim the entire contract is ended if Elk Hills is opened up for any purpose other than military emergency. This would not only forgive the $24,000,000 and the obligation concerning the 25 million barrels, but would leave Socal free to drain U.S. Government oil from the reserve through adjoining wells at will.

Alternatively, even if the contract remains in existence, and should production be opened up, Socal, under the existing contract, would receive somewhere in the neighborhood of 22% of all production. Any capital expenditures by the company in that case would be deferred in terms of payments to the government at a later date. If production is set at 160,000 barrels daily, as has been publicly suggested and projected and the price per barrel is $3.60, based on today's going prices, the gross would come to $576,000 daily. At least $115,000 per day would go to Socal. This comes out to a minimum of some $42,000,000 in one year; hardly a pittance.

Another point concerning the Elk Hills Reserve revolves around curious actions of the Bureau of Land Management of the Interior Department. Federal regulations prohibit issuance of oil and gas leases by BLM within a mile of a petroleum reserve boundary, unless the land is being drained by private operators already or it is determined after consultation with the Navy that the Reserve could not be adversely affected. In the cases of Teapot Dome and Elk Hills, the BLM issued such leases. At Teapot Dome, BLM allowed an oil company to drill to within 50 feet of reserve boundaries, despite protests by the Navy and in violation of regulations. This policy, I am informed, began in the fifties, when BLM allowed the first encroachments. In the case of Elk Hills, the BLM has allowed such drillings by Socal up to ½ mile of the reserve boundary, where the company has made major oil strikes, draining off Navy oil through the law of capture, and significantly injuring the Reserve. In self-defense, as was the case in the Teapot Dome situation, Navy has been forced to undertake offset drilling, extracting large quantities of oil. Such extractions have made more oil available to Shell under its contract. Presumably, Shell must have marketed such oil through the Socal pipeline, the major artery leading to market from that reserve.

The other day, testimony by R. G. Rothwell, Deputy Director of the Logistics & Communications Division of the General Accounting Office confirmed what I had established by independent investigations; questionable and illegal granting of permission to drill for oil to private companies has damaged and depleted two of four Navy oil reserves. In the face of Navy protests in one case and Navy inertia and inaction in the other, the Bureau of Land Management has allowed Elk Hills and Teapot Dome to be harmed. It seems that Teapot Dome has been significantly affected, both in terms of being a naval oil reserve and for purposes of relieving any emergency situation involving a domestic energy crisis.

The far richer Elk Hills field is in the process of being drained by such illegal production, in this care carried out by Socal, which would directly benefit as a result of opening of the reserve. In this case, the Bureau of Land Management is also the major culpable party. The Navy, in fact, is currently drilling two new wells at Elk Hills to offset recently initiated additional private production next to the reserve.

A major investigation of the Teapot Dome Reserve's status is in order. It is my understanding that wells there are not capable at this point of major production. If the reserve has been harmed, we have a second Teapot Dome scandal of serious proportions. An intense investigation should be made of illegal drilling presently being carried on in the buffer zone around Elk Hills by Standard Oil of California under BLM auspices. We can no longer ignore what the General Accounting Office revealed about this state of affairs last year.

Before Elk Hills is opened to exploitation and drainage, BLM, oil company activities surrounding the reserve and the Teapot Dome situation should and must be carefully investigated and the results be made publicly known. If windfall profits have already accrued to major oil companies and more such are in the offing, we should know before further steps are taken. I assure you, sir, of my willingness to cooperate with you in protecting the public interest.

Sincerely,

John E. Moss,
Member of Congress.

In addition, it is my understanding that boundary drilling in violation of existing Federal regulations and allowed by the Bureau of Land Management has significantly harmed the Teapot Dome Reserve, creating, if proven to be true, a second scandal. I have asked the President for a complete investigation of this state of affairs, as well.

CONGRESSMAN BILL GUNTER PROPOSES TOTAL FINANCING OF FEDERAL ELECTIONS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, my good friend and colleague from Florida, the Honorable Bill Gunter of the Fifth Congressional District, recently introduced H.R. 10889, which proposes total financing of federal elections, to include primary as well as general elections.

Bill outlined his proposal in a recent speech to the Kansas City Rotary Club where he was a guest speaker. Given the timeliness of this proposal in light of recent events in politics with which we are all aware, I thought our colleagues would want to familiarize themselves with Bill's proposal as he outlined it in his speech.

Speech by Congressman Bill Gunter

Nine years ago, Americans opposed public financing of presidential elections by the convincing margin of seventy-one to eleven percent.

Now, the latest Gallup Poll reveals an incredible turn-around—nearly two-thirds of those polled recently favored public financing of congressional as well as presidential campaigns.

A lot of water has spilled over the gate in nine short years.

Mr. Agnew may not have intended it, but his speech to the Nation contained the essential elements that make a strong and compelling case for public financing.

In stepping down, the former Vice President appeared as stunned by events as those he supported and those who supported him. The charges of accepting cash contributions from contractors were based, after all, he said, on common practices in politics as he knew them to be.

And there is more truth to what Mr. Agnew had to say than many would care to admit.

The fact is that as long as candidates for public office are dependent upon private contributions for the financing of their campaigns, there will continue to be influence peddling and favors to the few at the expense of the general public.

Indeed, it is evident that the most convincing argument to be made for public financing is the desirability of removing both the undue influence of monied interests, and the extortion of contributions or gifts by the politicians from the business interests of this country.

The man-bites-dog analogy occurs when the tough political fund raiser shakes down the reluctant contributor. We saw it aplenty last year. The setting of $100,000 quotas by the Committee to Reelect the President on a number of firms which had legal and business matters pending before various Federal regulatory agencies.

The assessment of individuals at one percent of net worth for campaign donations.

The outright pressuring and shake-down of American Airlines and other businesses . . . the laundering of money through Mexico . . . the suitcases brimming with cash . . . the tax loopholes which permit big donors to avoid gift taxes by breaking down large contributions into smaller donations and distributing them to various committees supporting the same candidate.

Last year, the president and his supporters spent $60 million to stay in office. Senator McGovern and his supporters spent nearly $24 million in a losing effort to unseat the president. Both of the amounts are staggering . . . and both carry the same unsatisfactory and unsavory implications.

A senatorial campaign in many states can cost upward of $2 million per candidate and $200,000 spent in a race for the House of Representatives is not uncommon at all.

But these are only the obvious costs . . . there are other costs as well.

Disregarding the likelihood that much more than the $145 million that was reported for Federal campaigning in 1972 was actually spent, the American citizen is becoming increasingly and painfully aware of significant "hidden expenses."

Hidden expenses are the increases you pay for milk at the grocery store and for oil at the gas pump because wealthy interests gave major contributions to a politician in a position to grant favors.

There was the matter of the $400,000 in campaign contributions by milk producers to the President's reelection efforts, followed closely in time by a healthy boost in Federal price supports for milk.

Today, this is costing consumers . . . the public, if you will . . . between $500 and $700 million a year in higher prices. I might add that this sum alone would provide three to five the times the cost of financing all Federal elections from President down to the fifth congressional district in the state of Florida . . . in which I have some interest.

Then there was the half-million dollars donated in 1968 and tripled to $1.5 million in 1972 by the oil lobby to the Nixon campaigns for President. There are those who argue that there is a cause and effect relationship between that donation and the fact that despite a recommendation of his own cabinet task force, the President has resisted lifting oil import quotas.

This cost to consumers is estimated at $5 billion a year—30 times the most expensive estimate of the biennial cost of public campaign financing of all Federal elections.

"Should we publicly finance our election campaigns?" asked Jerry Landauer in the Wall Street Journal. "Don't kid yourself," he wrote, "We already do."

These are some examples of the hidden costs of financing elections under the present system. I hope you will agree with me that it is too much of a price to pay.

But there are other problems as well with our present system . . . a system which allocates money to incumbents, to the sure winners, to those who cozy up to, and become the handmaidens of the rich and the super rich.

Most Americans would agree that we should have vigorously competitive elections. The truth is that most elections are decided virtually by default. The incumbent has the advantage of office and more ready access to the donors.

If, however, through public financing each candidate has equal access to campaign financing, and incumbent and challenger alike are beholden to the voters in the purest meaning of the phrase . . . then, we just might revitalize politics in the United States of America.

You might see more of your elected representative. And he, in turn, might pay a little more attention to what the ordinary voter has to say.

There are five major proposals pending before the U.S. Senate and a sixth in the House of Representatives which advocate some form of public financing. I recently submitted a bill which proposed total public financing for all federal elections to include primary as well as general elections campaigns.

My bill differs from the others in certain key respects. Most importantly, it precludes private contributions to individual candidates . . . this, in my opinion, is vital if public financing is to succeed. The bill does allow private contributions up to $100.00 to the National party of the individual's choice.

It authorizes a unique petition procedure for a candidate to qualify for federal office . . . which also serves as a safeguard to prevent persons from receiving public funds who do not have or cannot generate a substantial base of support.

In the case of a primary election for the U.S. House of Representatives, for example, the signatures of 3,000 individuals who are eligible to vote would be necessary to qualify a candidate for disbursements from the public fund.

The sum per qualified candidate in this particular race would be $40,000. In the event of a runoff election, each candidate would receive $20,000 and the winner an additional $60,000 for the general election. Similar petition procedures involving greater numbers of eligible voters are provided for campaigns for the U.S. Senate and for the office of President and Vice President.

Suffice it to say that the petition procedure serves two very useful purposes.

First, it insures that persons who qualify have significant public support and, secondly, it entices incumbent officeholders as well as challengers to get out and campaign vigorously among their constituencies.

In closing, a word about cost.

Those who think I've come up with a scheme to bankrupt the U.S. Treasury are quite mistaken. Under the most generous cost analysis, which imagines three times the number of qualified candidates as ran in 1972 . . . an unlikely event . . . the total expenditure would be $174 million a year for all federal races or less than one-tenth of one percent of the annual federal budget. To break it down another way, the cost would be $1.25 per year per eligible voter.

If the number of candidates is, more realistically, twice the number as in 1972, the cost would be $150 million per year or $1.06 per voter per year. But the real question is not whether we can afford to publicly finance elections, but whether we can afford not to. How else can we get ourselves out of the political morass we are in today?

How else can we realize an ideal we all learned not so long ago in school:

That in America, one man's vote is worth the same as any other man's.

DALLAS-FORT WORTH TO OPEN WORLD'S LARGEST AIRPORT THIS MONTH

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, an article concerning the mammoth engineering undertaking of the world's largest airport appeared in the September issue of Consulting Engineer.

With interest being so widespread in the Dallas/Fort Worth Regional Airport since its dedication last month, I would like to include the articles by Stanley Cohen, senior editor, for the Record:

Dallas/Fort Worth To Open World's Largest Airport This Month

(By Stanley Cohen)

Dallas/Fort Worth Airport, the largest airport in the world, is scheduled to open this month on a plot of ground that is larger than Manhattan Island. The opening will mark the completion of only the first phase of construction. The entire project is being earmarked for the year 2001, making Dallas/Fort Worth the first jumbo jetport of the 21st century.

The $700 million airport, which sprawls across the North Texas Plains midway between Dallas and Fort Worth, covers some 17,500 acres, or more than 27 square miles. Its area is large enough to contain New York's John F. Kennedy International Airport, Chicago's O'Hare, and Los Angeles' International Airports combined. Size, however, is only the most apparent distinction. Its planners contend it will be the world's most sophisticated airport in providing passenger comfort and airline operating efficiency.

When Dallas/Fort Worth opens, this is what the passenger will find:

Four half-loop terminal superstructures with a total of 66 passenger gates. This capacity will serve some 8 million passengers expected to enplane during the first year of operation. Ultimately, 260 passenger aircraft gates will be available in 13 half-loops, accommodating an estimated 100,000 passengers a day by the year 2001.

A series of modular "mini-terminals" within each terminal loop. Each independent module will serve passengers for one group of airplanes with air traveler able to park his auto directly opposite his flight gate. Walking distances, thus, will be minimal.

Spacious runways, taxiways, and apron areas, allowing jumbo jets plenty of room to maneuver. Planes will be able to land and move quickly through taxiways into terminal areas. Movement from terminal to runway for takeoff also will be unrestricted.

An automated AIRTRANS people-mover system, with electrically-powered and guided vehicles whisking passengers and baggage throughout the airport complex. AIRTRANS will provide the link between the four terminal half-loops, remote long-term parking areas, an on-site 450-room hotel, and the Federal Aviation Administration control facility. Average riding time between any two points will be eight to 12 minutes.

On the whole the project has been planned to meet virtually every problem known to the aviation industry, ranging from noise to saturated airways and penned-in runways, as well as a variety of environmental considerations.

A LONG HISTORY

The decision to build the world's largest airport is not made at a whim. In fact, the first suggestion of a regional airport for Dallas/Fort Worth can be traced as far back as 1927, the year that Charles A. Lindbergh flew the first solo flight across the Atlantic

Fort Worth moved into commercial aviation in 1927 with the construction of Meacham Field on the city's far north side. That same year, the two cities held brief discussions on the possibility of a regional field. However, the talks proved fruitless, and Dallas struck out on its own with the purchase of the Army airport known as Love Field in 1928.

Both airfields were improved and expanded during the 1930s, but as larger aircraft, such as the four-engine airliners began operation, more expensive improvements were necessary. The airlines also became reluctant to operate from two fields as close together (the two cities are only 34 miles apart) as those of Dallas and Fort Worth because of the costs involved.

The question of a regional airport was raised again in 1940 when both cities requested Federal help for expansion of their airports. In 1941 the Army asked the Civil Aeronautics Administration (forerunner of the Civil Aeronautics Board) to help locate an airfield for its use midway between Dallas and Fort Worth. The CAA turned to Arlington, then a city of only 4000 people and ideally located between the two larger cities. Plans were made for a 1000-acre facility called Midway Airport to be located in Arlington (at the present site of Greater Southwest International Airport) and governed by a seven-member board drawn from all three cities. Once again, difficulties developed, this time with respect to the location of the terminal buildings, and in 1943 Arlington took over the operation of the airport at the request of the U.S. Secretary of Commerce, Jesse Jones.

Dallas, in the meantime, decided to proceed with further development of Love Field to make it a major aviation center. Fort Worth acquired Midway from Arlington in 1947 and continued to expand it in the early 1950s into what is now Greater Southwest International Airport.

The Federal Government continued to press for a single facility, and following years of hearings, negotiations, amendments to the State constitution, and voter referendums, the Dallas/Fort Worth Regional Airport Board was formed in 1965. The New York City-based consulting firm of Tippetts-Abbett-McCarthy-Stratton was engaged to prepare the site selection report, which was completed and submitted by the end of 1965. By 1968, TAMS also completed the airport master plan report and the highway development program and was retained as general consultant responsible for overall management and coordination of the project as well as planning, design, and construction management of the entire project except for the terminal complexes and the AIRTRANS system. The terminals were to be designed by a joint venture of two firms: Hellmuth Obata and Kassabum, of St. Louis; and Brodsky, Hopf & Adler, of New York City. The AIRTRANS system was developed by the Ground Transportation Division of the LTV Aerospace Corp., of Dallas.

THE AIRPORT CRISIS

In the sweep of its size and the detail of its design, Dallas/Fort Worth is a response to the airport tangle that has been enveloping the country. Air traffic has been growing at a staggering rate. Total U.S. airline enplanements reached 170 million in fiscal 1971 and 183 million in fiscal 1972. It is expected to hit 524 million by 1984. Many airports already are close to saturation. Los Angeles International, Moissant in New Orleans, O'Hare in Chicago, and both LaGuardia and Kennedy International in New York are running out of room. Kansas City International is the only new facility to be opened since the age of the jumbo jet. Dallas/Fort Worth will be the second and, very likely, the last for the foreseeable future.

The airport crisis has been compounded by the passage of the Airport and Airways Development & Revenue Act of 1970, in which Congress confined airport development projects to those that "shall provide for the protection and enhancement of the national resources and the quality of the environment of the nation." Since it is virtually impossible to build a major airport without matching Federal funds, many authorities believe that no new airports will be built until the act is revised.

THE NOISE FACTOR

Although Dallas/Fort Worth was begun prior to the passage of the 1970 airport act, environmental considerations, particularly noise levels, played a major part in the design and, in fact, were the principal factors in determining its Texas-size dimensions. A computer study was used by TAMS to simulate the noisiest airplane in existence, operating at full capacity and on a hot day—conditions that cause planes to make the most noise. An acceptable noise level was agreed upon—one that already has won court approval—and these tests established the boundaries of the airport. Even when fully developed to meet air traffic demands of the year 2001, the airport's northern and southern boundaries will be more than three miles from the ends of the primary runways, and crosswind runways will end two miles from the airport limits.

The sound analysis took into consideration an estimate of the number, type, and operating characteristics of aircraft expected to be in service by 2001. This information was supplemented by the findings in the Federal Aviation Administration's 1966 air traffic computer simulation study. The results confirmed that 144 peak hour operations could be accommodated.

Aircraft noise is mainly a function of engine characteristics, power setting during takeoff and landing operations, the frequency of these operations, the time of day, and the distance from aircraft. Other factors that affect noise levels, but are relatively unpredictable, are wind direction, temperature, and cloud cover at the moment of observation. All of these were taken into account in making the study.

Also significant in the noise study were projections of aircraft conversion to all-jet operations up to 1985, when it is expected that all airlines using the airport will have converted to jet aircraft. Shortly after 1985, the commercial fleet is expected to retire all turbojet equipment, replacing it with turbofan equipment. The increase in the proportion of these aircraft—including the McDonnell Douglas DC–10, Boeing 747, Lockheed L–1011 and L–500, and Boeing 2707 Supersonic—also was considered in the computer simulation, as many international flights are diverted from traditional seacoast points of entry.

ECOLOGICAL CONCERNS

Ecology also was considered before the site of the airport was chosen. Prior to land acquisition, approximately 12,000 acres of the site were devoted to agricultural uses. Part of the present land management program includes leasing some 2000 of these acres to a resident farmer for agricultural purposes. There are no significant bodies of water, forests, fish, or wildlife species that will be endangered, nor any recreational areas, wildlife refuges, or areas of scenic beauty that will be disturbed by the development and operation of the airport. Neighboring municipalities are rezoning land adjacent to the airport to discourage the construction of such incompatible buildings as schools, hospitals, or residences.

Concern for the ecology has made the airport the site of one of the largest landscaping projects in the country. During the early stages of its design, ecology-conscious planners determined that D/FW's miles of steel and concrete should be in harmony with nature. The result was a master plan calling for greenbelts along airport roadways and in infield areas of the terminal buildings. More than 1.4 million ground cover plants, 10,000 trees, and 3600 shrubs are being used in the project at a cost of $1.5 million.

THREE STAGE PLANNING

The overall plan for Dallas/Fort Worth Airport calls for three developmental stages, the opening to be followed by target dates in 1985 and 2001. The first stage will consist of a 3-million-square-yard runway, taxiway, and apron pavement system; taxiway bridges designed for 1¼ million-pound aircraft; a 10-lane spine highway system; all utilities and communications; four terminal buildings; and 66 passenger gates. The FAA is providing the control tower complex and navaids for the airport. Highways and interchanges at the north and south entrances are being constructed by the Texas Highway Department in accordance with the highway program recommended by TAMS.

The Dallas/Fort Worth facility is the first new airport conceived and planned using the Computer Simulation Facility of the FAA's National Aviation Facilities Experimental Center. In 1968, computer simulation studies by TAMS and the D/FW Airport planning staff on air-space saturation beyond 1985 and subsequent projections indicated that the new regional airport and its 80 nautical-mile air-space could sustain an ultimate annual enplanement demand of more than 50 million passengers.

EXPANDABLE RUNWAYS

Initially, the airport will provide three commercial runways capable of simultaneous aircraft operations, with 66 passenger and 12 cargo gates. The master plan calls for three more runways for commercial use and a ground capacity of 230 passenger aircraft gates and 200 all-cargo gates. In addition, a 5000′ runway will be built later to service general aviation, and two small landing areas are earmarked for STOL (Short Take-Off and Landing) aircraft. Runways will be sufficiently long and thick to handle any plane now in service, and they will be readily expandable to service the rocket-powered aircraft envisioned for future commercial use.

The Phase I layout will include two main north-south runways—one on each side and parallel to the terminal/spine road complex—and a single northwest-southeast crosswind runway. The main runways will be 11,400′ long and 200′ wide, each serviced by two, 100′-wide, full-length, parallel taxiways. The cross-wind runway will be 9000′ by 200′, with a single parallel taxiway.

The possibility of expansion was built into the runway system. The main runways can be extended to 13,400′, and future parallel main runways extending 20,000′ can be added. Additional main runways also would have single parallel taxiways. The present crosswind runway could be extended to 11,000′, and another crosswind runway of similar length could be located on the west side of the airfield.

A time-oriented computer simulation was developed by TAMS to evaluate the performance of the runway, taxiway, and apron layout under various operating environments. This was used to test design and control modifications for improving the efficiency of aircraft ground operations. The program traced the entire series of operations that each aircraft performs between arrival and departure, including runway selection, landing and take-off runway occupancy, turn-off selection, taxiway routing, runway crossings, taxiing delays, parking, apron routing, and gate assignment. Movements to and from cargo and maintenance facilities also were monitored. Operating conditions were varied to test different wind directions, weather conditions, and the effects of flow control. Airline assignments also were varied to determine maximum efficiency of operation.

The computer simulation was coordinated with the FAA and the airlines. The FAA developed the operating rules and procedures to control ground traffic at D/FW, and the airlines provided their projections of future service, including the number of flights, types of aircraft, and gate service times. The simulation concentrated on three time periods—1975, 1985, and the saturation period, probably around the year 2000. The studies showed that certain taxiways could be deleted from the ultimate plan and the construction of others could be deferred from Phase I without impairing operating efficiency.

LOOP SYSTEM OF TERMINALS

The original plan for Dallas/Fort Worth called for a standard terminal design, with long fingers, or corridors, connecting the gates to the main terminal. Parking facilities were to be located directly over the passenger terminal area, with access provided by elevators and escalators. However, horizontal walking distances would have varied from a minimum of 350′ to as much as 1000′, about a fifth of a mile.

In 1968, Thomas M. Sullivan, who was the chief airport planner for the Port of New York Authority and directed the development of Kennedy, LaGuardia, and Newark Airports, was appointed executive director of D/FW. He opted for a drive-to-the-gate concept, which allows the passenger to drive to an entrance opposite his aircraft, thus reducing walking distances to a minimum. As a result, the central plan is replaced with a loop system, which consists of a series of modular mini-terminals. In addition to permitting the traveler to drive directly to his own departure gate, the loop systems provide for modular expansion as airline needs grow.

The drive-to-gate concept is similar to that used at local airports in some of the nation's smallest cities. There one might find a small parking lot fronting a single terminal building which has one ticket counter, one gate, and one plane waiting to be boarded. The D/FW plan, in use since last November at the new Kansas City International Airport, enables the traveler to park his auto in front of the terminal gate serving his flight. Here again, computer simulations were used to program passenger flows and the location of the various functions within the terminal.

LONG-RANGE OUTLOOK

The mini-terminals are contained in four half-loop, crescent-shaped terminal buildings. The mini-terminals will serve a small group of airplanes, and modules can be added as more planes are used. The master plan calls for a total of 13 terminal crescents, increasing the number of gates from 66 to as many as 260, all capable of handling jumbo jets.

Ticketing, check-in services, and baggage check, as well as facilities such as newsstands, lunch counters, and rest rooms will be located near the check-in areas. From front building door to plane door, the passenger may walk as little as 120′ after parking his car in front of the terminal building opposite his aircraft gate. Terminal space below the passenger level will be used for airline offices, a utility road for service equipment, and the airport's intra-airport transportation system.

A modular concept, using precast concrete members, was employed in building the terminal structures. The precast members were factory-formed off-site and trucked in for building assembly. The precast columns and beams were assembled into small modular structural units, permitting maximum flexibility in the size of the facilities to meet the requirements of the individual airlines. The use of structural wedges made the semicircular shapes possible and allowed for the expansion of the terminal buildings. Each of the terminals can be expanded from a length of several hundred feet to a maximum of 3600′. The flexibility of design enabled the buildings to be constructed initially with a minimum cross section of 45′, providing a corridor with small hold rooms, and enlarging where necessary to encompass baggage handling, baggage claim equipment, ticketing areas, holding rooms, amenities, and other areas that may be required by future types of aircraft. Holding the modules to a workable size will make it easy to modify the buildings with minimum interference to the normal function of the operating airport.

ACCESS TO AIRPORT

D/FW has been designed for ease of access to and from the airport, which is accessible from both the north and south. The passenger arriving in his own car will drive along International Parkway, a multilane, high-speed roadway. Passenger traffic will use a separate roadway from trucks and other service vehicles to eliminate confusion and keep traffic flowing.

Concise, easy-to-read signs provide the necessary information on the use of the airport. Large pylons, bearing logos of the various airlines, will be mounted in the median areas of International Parkway adjacent to the terminals serving those airlines. Further signs will indicate which airline terminals are coming up so that drivers will have ample time to turn off into the terminal areas. Signs on the roadways will direct the passenger to the enplaning area, where he will be able to leave his bag with a skycap and drive to a convenient parking location. Boarding areas will be denoted by graphics at the entrances to the terminals.

The terminal roadway system has two road levels. The lower level allows enplaning passengers to drive close to the aircraft gate. The elevated level permits deplaning passengers to get into departing transportation also adjacent to their aircraft gate.

AIRTRANS PEOPLE-MOVERS

Movement within the airport will be as fluid as travel to and from. The decentralized design of Dallas/Fort Worth created the need for a mobile link among its various parts. The solution was found in AIRTRANS, a people-mover system that uses electrically-powered and guided vehicles to move passengers, baggage, mail, and refuse throughout the airport complex.

Basically, two factors were involved in designing the AIRTRANS system: some passengers will come in on one airline and leave on another; and some will leave from one terminal and return to another while their automobile remains at the first terminal.

Initially, the system will use a total of 68 vehicles. Fifty-one of these will be passenger models with a capacity of 40 persons. Seventeen utility vehicles—similar in appearance to a railroad flat-car—will carry baggage, mail, supplies, and trash. The cars are rubber-wheeled and constructed of a fiberglass shell mounted on a chassis equipped with commercially available components. Traveling mainly in pairs, they will move through 13 miles of U-shaped, concrete guideways, connecting terminals with remote parking areas, the on-site hotel, FAA control facilities, and a support area containing an airmail facility and three commissaries. There will be 53 stations.

A central control console system will monitor AIRTRANS movements. There will be 13 predetermined routes and the routing of each car will be controlled by on-board logic. This, however, will be subject to modification by inputs from the central controller to change vehicle routing. Route flexibility is made possible by advance switch design, which allows cars to branch off and reenter the main guideway path, bringing service where it is needed without breaking the flow of straight-through traffic. With a maximum speed of 17 miles an hour, AIRTRANS will have an average ride time of 10 minutes from any one point in the airport to any other. The cars could be adapted for higher-speed operations outside the airport. The system will have a total handling capacity of 9,000 passengers, 6,000 pieces of luggage, and 70,000 pounds of mail and supplies each hour.

CARGO HANDLING

When Dallas/Fort Worth is completed, it will likely be handling more freight than a seaport. Manufacturers in the area already use air freight service extensively. Forty percent of these firms now ship at least a portion of their products by air. Hundreds more, within easy driving time of the airport, could make use of air freight.

Projections indicate that air cargo traffic will total some 100,000 tons in 1975, increase to 160,000 tons by 1980, and rise to 410,000 tons by 1985. Initially, the freight will be channeled through facilities the airlines have constructed in, or in close proximity to, terminal areas. However, D/FW has in its master plan the eventual development of two cargo cities, one at the north and one at the south end of the airport. Each area could be developed to hold up to 100 gates, with each gate large enough to facilitate loading and unloading jumbo jet aircraft. Full development of the facilities could make D/FW the rival of any seaport.

A NEW AIR AGE

The impact of Dallas/Fort Worth Airport on North Texas is expected to be staggering. Projections call for the employment of 18,000 people on-site by 1975, with a like number of jobs being created off-site because of the airport's existence. Daily population figures, including passengers, employees, and visitors, will skyrocket from just under 90,000 in the first year of operation to nearly 220,000 by 1985. Every community in the area will see tremendous growth. Estimates are that 100,000 people will be moving into the area annually for at least 10 years. Economically, the facility is expected to contribute almost $267 million in direct purchases of goods and services in North Central Texas in its first year of operation. An additional $360 million will be spent indirectly in support of airport operations in the area.

Dallas/Fort Worth will be America's first jumbo jetport built for the 21st century. It might also be more than that. In time, it will provide North Texas with direct air links to all parts of the world. It could do for that section of the country what the intersection of railroad lines did for Chicago in the early 1900s. It could, in effect, be the first step in rearrangement of the country's geographic pivots. A new Air Age may be upon us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Green of Oregon (at the request of Mr. Ullman), for October 22 through October 30, on account of church convention.

Mr. Buchanan (at the request of Mr. Gerald R. Ford), from September 18, on account of official business as U.S. Delegate to the United Nations.

Mr. Mosher (at the request of Mr. Gerald R. Ford), for today through November 5, 1973, on account of Ditchley Foundation Conference on World Energy Resources and Requirements and Their Effect on International Relations.

Mr. Ketchum, for the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Sarasin) and to revise and extend their remarks and include extraneous matter:)

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Ashbrook, for 60 minutes, today.

(The following Members (at the request of Mr. Ginn) to revise and extend their remarks and include extraneous material:)

Mr. William D. Ford, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Stokes, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. Thompson of New Jersey, for 5 minutes, today.

Mr. Diggs, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Perkins, and to include extraneous material.

Mr. Gross, and to include extraneous matter.

Mr. Green of Pennsylvania, for his remarks to appear immediately following rollcall No. 544, in the House, on Tuesday, October 23, 1973, in permanent Record.

Mr. Milford, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $470.25.

(The following Members (at the request of Mr. Sarasin) and to include extraneous matter:)

Mr. Hanrahan.

Mr. Robison of New York.

Mr. Dickinson in two instances.

Mr. Erlenborn.

Mr. Shuster.

Mr. Hunt.

Mr. Heinz in two instances.

Mrs. Holt.

Mr. Conte.

Mr. Hogan.

Mr. Rousselot.

Mr. Hosmer in four instances.

Mr. Smith of New York.

Mr. Derwinski.

Mr. Ashbrook in four instances.

Mr. Widnall.

Mr. Wyman in two instances.

Mr. Bray in two instances.

Mr. Bauman in three instances.

Mr. Kemp.

(The following Members (at the request of Mr. Ginn) and to include extraneous material:)

Mr. Nichols.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Evins of Tennessee in three instances.

Mr. Lehman in three instances.

Mr. Stokes.

Mr. Alexander in 10 instances.

Mr. Fisher in three instances.

Mr. William D. Ford.

Mr. Bennett.

Mr. Rees in two instances.

Mr. Byron in 10 instances.

Mr. Harrington in three instances.

Mr. Reid.

Mr. Riegle.

Mr. Dorn in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on October 23, 1973, present to the President, for his approval a bill of the House of the following title:

H.R. 6691. Making apppropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

Accordingly (at 3 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Thursday, October 25, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1476. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting a work plan for the Nutwood Watershed project, Illinois, which involves no single structure providing more than 4,000 acre-feet of total capacity, pursuant to 16 U.S.C. 1005; to the Committee on Agriculture.

1477. A letter from the Secretary of Defense, transmitting a report on disbursements made from the appropriation for "Contingencies, Defense" during fiscal year 1973, pursuant to Public Law 92–570; to the Committee on Appropriations.

1478. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Marine Corps Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1479. A letter from the Acting Secretary of State, transmitting the first annual report on arms, ammuntion, and implements of war exported under license to all foreign countries and international organizations, covering fiscal year 1972, pursuant to section 657 (a)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1480. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LONG of Louisiana: Committee on Rules. House Resolution 655. Resolution providing for the consideration of HR 10956. A bill, Emergency Medical Services Systems Act of 1973 (Rept. No. 93–606). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 656. Resolution providing for the consideration of HR 9456. A bill to extend the Drug Abuse Education Act of 1970 for 3 years (Rept. No. 93–607). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 657. Resolution providing for the consideration of H.R. 10710. A bill to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes (Rept. No. 93–608). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI (for himself, Mr. Carney of Ohio, Mr. Cohen, Mrs. Collins of Illinois, Mr. Grover, Mr. Hanley, Mr. Helstoski, Mr. Johnson of Pennsylvania, Mr. Lehman, Mr. Mitchell of Maryland, Mr. Nix, Mr. Stark, Mr. White, and Mr. Won Pat):

H.R. 11074. A bill to amend the Export Administration Act of 1969 to provide for the regulation of the export of agricultural commodities; to the Committee on Banking and Currency.

By Mr. BIESTER (for himself, Mr. Coughlin, Mr. McDade, and Mr. Heinz):

H.R. 11075. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. BRINKLEY (for himself, Mr. Jones of North Carolina, Mr. Bevill, Mr. Eilberg, Mr. Podell, Mr. Ginn, Mr. Wright, Mr. Hungate, Mr. Helstoski, Mr. Waldie, Mr. Mazzoli, Mr. Tiernan, Mr. Davis of South Carolina, Mr. Mathis of Georgia, and Mr. Harrington):

H.R. 11076. A bill to provide for a comprehensive, coordinated 5-year research program to determine the causes of and cure for cancer, to develop cancer preventative vaccines or other preventatives, and for other purposes; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 11077. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. FAUNTROY:

H.R. 11078. A bill to protect trade and commerce against the unlawful restraints and monopoly of organized baseball; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 11079. A bill to authorize an independent study of the civil nuclear power functions and special industrial operations of the Atomic Energy Commission; to the Joint Committee on Atomic Energy.

By Mr. FROEHLICH:

H.R. 11080. A bill to establish an Office of Rural Health within the Department of Health Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 11081. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself and Mr. Saylor):

H.R. 11082. A bill to establish a loan program to assist industry and businesses in areas of substantial unemployment to meet pollution control requirements; to the Committee on Banking and Currency.

By Mr. LANDRUM (for himself, Mr. Corman, Mr. Conable, and Mr. Pettis):

H.R. 11083. A bill to amend the Internal Revenue Code of 1954 with respect to the taxation of real estate investment trusts; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 11084. A bill to amend the Voting Rights Act of 1965 to guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens who are residing or domiciled outside the United States; to the Committee on House Administration.

By Mr. McKINNEY:

H.R. 11085. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11086. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for regular physical examinations; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 11087. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. MORGAN (by request):

H.R. 11088. A bill to provide emergency security assistance authorizations for Israel and Cambodia; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself and Ms. Holtzman):

H.R. 11089. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for drug abuse therapy programs in schools; to the Committee on Education and Labor.

By Mr. PRICE of Texas:

H.R. 11090. A bill to provide a tax credit for expenditures made in the exploration and development of new reserves of oil and gas in the United States; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 11091. A bill to amend the Social Security Act to require the use of forms and documents printed in languages other than English, in appropriate cases, under the various Federal-State public assistance programs; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 11092. A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES V. STANTON (for himself, Mr. Danielson, Mr. Edwards of California, Mrs. Grasso, and Mr. Won Pat):

H.R. 11093. A bill to regulate Federal election campaign financing by establishing a Federal Election Campaign Bank and by establishing a Board of Elections and Ethics; to the Committee on House Administration.

By Mr. STUCKEY (for himself and Mr. Gude):

H.R. 11094. A bill to extend the protection of the mechanic's lien law of the District of Columbia to subcontractors beyond the first tier, and for other purposes; to the Committee on the District of Columbia.

By Mr. WAMPLER:

H.R. 11095. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE:

H.R. 11096. A bill authorizing the extension of the American Canal at El Paso, Tex., and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11097. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON of California (for himself and Mr. Veysey):

H.R. 11098. A bill to clear title to certain real property located in the vicinity of the Colorado River in Imperial County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of South Carolina (for himself, Mr. Rose, Mr. Young of Texas, Mr. Breaux, and Mr. Huber):

H.R. 11099. A bill to provide for the control of imported fire ants by permitting the judicious use of Mirex in coastal counties; to the Committee on Agriculture.

By Mr. ZWACH (for himself, Mr. Harrington, and Mr. Railsback):

H.R. 11100. A bill to amend title 39, United States Code, to maintain and extend rural mail delivery service; to the Committee on Post Office and Civil Service.

By Ms. ABZUG:

H.R. 11101. A bill establishing an Office of Congressional Legal Counsel; to the Committee on House Administration.

By Mr. DONOHUE:

H.J. Res. 791. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. NIX:

H.J. Res. 792. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 793. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself and Mr. Waldie):

H. Con. Res. 366. Concurrent resolution expressing the sense of the Congress that the President should reappoint Archibald Cox as special prosecutor, and renominate Elliot Richardson as Attorney General, and renominate William Ruckelshaus as Deputy Attorney General; to the Committee on the Judiciary.

By Ms. ABZUG (for herself, Mr. Badillo, Mrs. Burke of California, Mr. Burton, Mr. Clay, Mr. Dellums, Mr. Drinan, Mr. Fraser, Mr. Helstoski, Mr. Leggett, Mr. Mitchell of Maryland, Mr. Podell, Mr. Rangel, Mr. Stark, Mr. Stokes, Mr. Waldie, and Mr. Young of Georgia):

H. Res. 650. Resolution impeaching Richard M. Nixon, President of the United States, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. KOCH:

H. Res. 651. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mrs. MINK:

H. Res. 652. Resolution impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself and Mr. Badillo):

H. Res. 653. Resolution to express the sense of the House that there will be no action on the nomination for Vice President until such time as the President has complied with the final decision of the court system as it relates to the White House tapes; to the Committee on the Judiciary.

By Mr. ROE:

H. Res. 654. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BURKE of California:

H.R. 11102. A bill for the relief of Tze Tsun Lee; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 11103. A bill for the relief of Leila M. Eitz (Dieu Thi Minh Nguyet); to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

WALTER HARNISCHFEGER: A GREAT AMERICAN PASSES

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. GROSS. Mr. Speaker, on September 21, 1973, the United States lost one of its most distinguished citizens with the death in Milwaukee, Wisconsin, of Walter Harnischfeger at the age 77. Free men everywhere are poorer for his passing.

Walter Harnischfeger's long and distinguished career as one of this country's most enterprising industrialists spanned a period of more than 60 years from the time he began work as an apprentice at 10 cents an hour until his retirement as chairman of the board of the Harnischfeger Corp., one of the Nation's leading manufacturers of construction equipment.

It was my pleasure and privilege to have known this great American over a period of years and I can say without hesitation that his friendship was one of my most valued possessions.

He was tireless in his advocacy of the sound principle that fiscal sanity must be practiced by government, just as it must be practiced by prudent individuals everywhere.

For those whose lives were not directly enriched by Walter Harnischfeger, I include for insertion in the Record at this point a brief biography:

BIOGRAPHY OF WALTER HARNISCHFEGER

Walter Harnischfeger was born in 1895, the son of Henry Harnischfeger, one of the two co-founders of the Harnischfeger Corporation.

He began his business career in his father's firm as a ten-cent-an-hour apprentice at the age of 16. After serving several years as an apprentice in the shop, engineering, estimating, and service departments, he became a salesman and began a series of assignments requiring extensive travel throughout the United States and abroad. From that time on, Walter Harnischfeger was a ceaseless world traveler and a perceptive student of industry and politics in many quarters of the globe.

Largely self-educated, Harnischfeger acquired some formal education by attending night school during his apprentice years. This led to an interest in "learn-while-working" educational institutions, such as the Milwaukee School of Engineering. Harnischfeger took a deep interest in this school and eventually became Chairman of its Board of Regents. For many years his generosity and enthusiasm were keystones in the school's steady growth.

Upon the death of his father in 1930, Walter Harnischfeger became President of the firm and in 1959 became Chairman of the Board.

For many years, Harnischfeger conducted a tireless campaign seeking to encourage a sound fiscal operation in the government. He argued that the public pocket was not bottomless and that even the government had to conduct its affairs in a business-like manner within its income. He decried "give-away" programs, yet he encouraged aid to the underprivileged countries of the world through sound investment programs which enabled the people in those countries to help themselves. As a result of this attitude, the Harnischfeger Corporation became international in operation with eight overseas manufacturing plants making substantial contributions to the economies and welfare of communities in Germany, Japan, Canada, Australia, Chile and Brazil.

Mr. Harnischfeger has long been recognized for his intense interest in people, places and current events. He was a world traveler and an avid champion and believer in the rights and dignity of the individual.

HIS ACTIVITIES INCLUDED

Member of the Board of Trustees of the American Enterprise Institute for Public Policy Research, Washington, D.C.

Member of the Board of Directors of the American Institute for Foreign Trade, Phoenix, Arizona.

Member of the Board of the Milwaukee Chapter of the American Red Cross.

Tustee of America's Future, Inc., New Rochelle, New York.

Member of the Board of Directors of the Boys' Clubs of America, New York, New York.

Former National Chairman and Honorary Chairman of the Citizens Foreign Aid Committee, Washington, D.C.

Member of the Advisory Board of the Committee for Constitutional Government, New York, New York.

Member of the Federal Finance Committee of the Council of State Chambers of Commerce. Formerly Chairman of the Committee for Constitutional Government, New York, New York.

Member of the Federal Finance Committee of the Council of State Chambers of Commerce. Formerly Chairman of the Committee on Federal Expenditures.

Member of the Board of Directors of the Far East-America Council of Commerce and Industry, Inc., New York, New York.

Member of the Greater Milwaukee Committee for Community Development.

Member of the Board of Trustees and Executive Committee of the Herbert Hoover Birthplace Foundation, Inc., West Branch, Iowa.

Member of the Advisory Board of Leader Dogs for the Blind, Rochester, Michigan.

Member of the Board of Trustees and Governors of the Menninger Foundation, Topeka, Kansas.

Honorary Chairman of the Board of Regents of the Milwaukee School of Engineering. Formerly Chairman of the Board of Regents.

Member of the Finance Committee of the National Association of Manufacturers. Former Director.

Director of National Economic Council, Inc., New York, New York.

Member of the Executive Committee of the International Section of the New York Board of Trade, Formerly Vice Chairman.

Member of the New York Chamber of Commerce.

Member of Omicron Delta Alpha.

Trustee of the Pestalozzi Foundation of America, Inc., New York, New York.

Trustee of the United States Inter-American Council and Member of the Executive Committee, New York, New York.

Former Member of the Advisory Committee of the Federal Reserve Bank—7th District, Chicago, Illinois.

Former Director and Chairman of the National Affairs Committee of the Milwaukee Association of Commerce.

Former member of the National Defense Committee of the United States Chamber of Commerce.

Former Director of the Wisconsin Manufacturers' Association.

Mr. Harnischfeger served as a Delegate to the Congress of the International Chamber of Commerce at Lisbon, Portugal; Vienna, Austria; Naples, Italy; and Copenhagen, Denmark.

Mr. Speaker, one who knew him well, Mr. Eugene F. Rinta, executive director of the Council of State Chambers of Commerce, wrote as follows to members of the Council on Mr. Harnischfeger's death:

STATEMENT OF MR. EUGENE F. RINTA

Many of you knew "W. H." as an active member of the Council's Federal Finance Committee and a regular attendee at the Council's annual meetings until just a few years ago when his health began to fail. A few of you know that he was the first Chairman of our Federal Expenditures Subcommittee and that, ever since the Council became active in national affairs after World War II, he was one of the most active and loyal participants and supporters that the Council has ever had.

I, personally, have had the privilege of association and friendship with Walter Harnischefeger for almost 25 years, not only during our committee meetings but more so during innumerable luncheons and dinners with only a few, if any, others present. To me he was much more than an eminently successful industrialist, of which this nation has many. He was the most public-spirited citizen I have known. He did not favor causes commonly characterized as the "do-gooder" approach. Instead, he was a vigorous advocate of government fiscal policies and other measures designed to produce sound economic growth with stable prices to the benefit of all.

Through his extensive travels on all continents, he many years ago became aware of the futility and waste of our foreign aid programs. Typically, he let his views be known and he testified on numerous occasions before Senate and House committees responsible for the annual foreign aid bills. Similarly, he has consistently called for elimination of wastes in defense and domestic nondefense spending and for better overall spending control.

A tribute that well describes W. H. was expressed in January 1960 by his good friend, the late former President Herbert Hoover. Mr. Hoover said:

"I have enjoyed the friendship of Walter Harnischfeger over many years.

"He is one of the most sturdy of Americans. He has built up a large enterprise from the grass roots in true American fashion. He has a great knowledge of our foreign relations from frequent study on the ground in nations abroad. He has devoted a large part of his fortune to charity and the promotion of public welfare.

"In sum, Walter Harnischfeger is the Uncommon Man which the American way of life creates."

Truly the nation has lost a great citizen and the Council has lost a great friend.

Mr. Speaker, to me the most fitting epitaph to Walter Harnischfeger is one he might well have written himself. It goes like this:

Life did not pass me by.

I passed by it.

Fully aware that my place only filled the space left by someone before me, and that it would be filled by another after I was gone.

My purpose, while here, was to take the place given me, to fill it with what I could to help my family, my friends, my country and my company.

To you who might fill my space when I am gone I say . . . do what your conscience dictates, say what your mind believes, influence favorably those whom you meet, and accept the fact that you are mortal. Mourn my passing only to the extent that my passing by influenced you. And, after you have briefly mourned, move on.

REQUEST FOR COMMEMORATIVE STAMP

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BIAGGI. Mr. Speaker, the United States during the course of history has been proud of its achievements of producing the highest level of educational excellence among its citizenry. The reason for this is partially due to the high caliber of our institutions of higher education. One of the foremost leaders in this field has been Hunter College of New York.

Hunter College has submitted a request to the Citizens Stamp Advisory Council to have a commemorative stamp issued to honor the college. I feel this request is worthy of favorable consideration in light of the following facts.

Hunter College was the first institute to offer free higher education for women. In addition, it was the first public institution to establish a free kindergarten in the United States.

Hunter College throughout its long and illustrious history has always been in the forefront of civic, community, and even international life. Without a doubt, Hunter College's single most distinguished honor was its being chosen as the first seat of the United Nations during the first days of the world body's existence. Hunter College has made its influence felt in the community as well as with the establishment, by their alumni association of the Lenox Hill Neighborhood Settlement House and Northrop Camp for underprivileged children.

Hunter College also points with pride to her distinguished list of alumni. Included on this impressive list is my colleague from New York, Ms. Bella Abzug, as well as Bess Myerson, former consumer affairs commissioner for the city of New York. The alumni list of Hunter College reads like a veritable "Who's Who" of prominent individuals in all major professions.

In light of these significant credentials, I recommend that they write to the Citizens Stamp Advisory Council and urge them to issue this commemorative stamp. Hunter College has provided quality education for over 100 years, and the issuance of this stamp would be a fitting tribute to the unique contributions and historic firsts this institution has made to the educational history of the United States.

VETERANS DAY CELEBRATION IN BIRMINGHAM

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. NICHOLS. Mr. Speaker, at America's largest Veterans Day celebration in Birmingham, Ala., on Monday, Gen. Creighton W. Abrams gave a speech that captured the feelings of the American public toward the country's role in preserving world peace.

General Abrams, long recognized as one of the finest members of our military service, supported the feelings of détente that the Government has established with other world powers. He did not stop here though but further explained that to keep a lasting peace we must keep a strong military to protect us from coercive threats.

I submit General Abrams' speech to the Record for I feel the remarks merit the reading of all Members of Congress:

Address by Gen. Creighton W. Abrams, Chief of Staff, U.S. Army, World Peace Luncheon, Birmingham, Ala., Monday, October 22, 1973

It is a pleasure for me to be here, among so many people who have come together to honor our veterans. It is especially gratifying at a time when it sometimes seems that in the heat of debate and discussion about our policies, the sacrifices of those who fought for their country are forgotten. It is a rare opportunity indeed, for me—or for any officer in the United States Army—to be able to talk directly with so many people about their Army—our Army. I appreciate this chance to tell you how I see the Army today, and how it fits into the world picture.

The environment today is a difficult one for the country's security. The word "détente" has gained some currency.

"Détente" is expressed by some as a fact.

It is applauded by others as a policy.

It is saluted by still others as a new era.

And it provides the basis—at least the semantic basis—for some who would reduce military capabilities to what I believe would be a dangerous level, some who desire that we withdraw out of hand large numbers of troops deployed in Europe against very real and very capable opposing forces, and some whose philosophies discourage young men and women from serving their country in its Armed Forces.

I think it's fair to say that we may be enjoying the beginnings of détente—but we do not have world peace. For some people, the fact that we, ourselves, are not at war may be peace enough. But unless we can lessen the threat of war everywhere in the world, we cannot have a stable, durable peace in which we can depend.

Détente is an idea, a perception of intentions among countries. As such, it is not an objective fact. It can change as quickly as perceptions change. But we must deal in facts—in the reality of power, of capability, of strength—when we are addressing the Nation's security. We should not cast off the dream of peace—God help us if we lost that vision. We should not ignore the hope that possible détente offers, and all the benefits it could bring to mankind. But neither should we lose sight of the real threats and the real dangers where they exist, and of our need to be prepared for them.

We do not have world peace. We do not have peace in any Utopian sense. Nor do we have peace in the down-to-earth sense of a greatly lessened need for our military forces. Yet, today, less than a year after the last U.S. ground combat forces were brought home from Southeast Asia, our Army is less than half the size it was at the peak of our effort there. We are many divisions smaller, and we have fewer weapons. These are in the facts and realities of our capability.

It is also interesting to observe that we are the only major power to have reduced our forces in Europe in the past decade. The Warsaw Pact nations, and the Soviet Union itself, have not reduced their forces. The fact is, in past years, the Warsaw Pact forces have grown steadily and at a rather impressive rate. Again, possible détente—but not assured peace. And again, the delicate balance between hope—human hope—and reality.

In my period of service, which includes the span of three wars, I can tell you that I don't need or want any more war—but then I could have made the same statement a month after I arrived in Europe in 1944. Nobody in his right mind welcomes war, especially those who have seen it. The carnage, the destruction, the pain are beyond telling. But the less prepared we are, the more wishful our thinking, the greater the costs of war when it comes.

I came into the Army in 1936. Where I was, we were a horseback and rifle Army in a country that was still largely convinced that we couldn't have another World War. The idea that we had ended the possibility of war at Versailles blinded many of us to reality. We had heard that there was a German Army, but we ignored the facts in our desire for peace—until we were forced into action. And you know what happened. We did not prepare. When we could no longer avoid it, we got thrown into a huge war in Europe—unready, ill-trained in many respects, saved only by distance and the time bought by our Allies' efforts. In the Pacific, we have Pearl Harbor and Bataan to remember for our complacent outlook. The cost was dreadful. In Europe, in Africa, in the Pacific we paid and paid and paid again—in lives and in blood—for our unpreparedness; we paid for our insistence that because our shores were not under direct attack, we were at peace.

When that war ended, we erased history again.

When the Korean War broke out, our situation was not much different than it had been in the opening days of the Second World War. We were not prepared. We were not adequately trained. We were not adequately equipped. But we entered the war rapidly, throwing half-ready units in to buy time for the Army to get ready. And again, during those early days in Korea, we paid dearly for our unpreparedness with our most precious asset: the lives of men.

The monuments we raised to heroism and sacrifice in each of these wars are really surrogates for the monuments we owe ourselves; monuments for our blindness to reality, for our indifference to real threats to our security, for our determination to deal in intentions and perceptions, and for our wishful thinking about how war could not come.

In this period of possible détente—not real peace, but possible détente—we are opposed by formidable strength. We face, at various places around the world, strong and capable adversaries, becoming stronger all the time. These are facts. As our relations throughout the world improve, we should consider that we have more and more to gain by preventing another war, and there is only one way I know of to do that. The only way that really ever has worked is for us to maintain our own strength, our capability and our own resolve to defend our security, our freedom, and those of our Allies.

And so for the Army today, this means we must be ready, prepared to stand for our country. Insuring that the Army is prepared is my most fundamental duty, and it is the Army's mission today, as always.

For the Army to be prepared, we must look beyond the countable, measurable indicators of preparedness. We must look to a spirit of preparedness. A "ready" spirit is a precious commodity for our Army: it gives credibility to our strength. And by our credible strength we assure our friends and deter our enemies in the interests of peace.

We hold and nurture and support this precious spirit everywhere in the Army—and we anxiously look for it elsewhere in the country. For this spirit of readiness cannot be sustained by the Army alone. It must have its roots in the rest of the country, or it cannot survive. There must be clear evidence throughout the country that we, as a Nation, are prepared, that we have the spirit and will do what is necessary to defend the country, and to insure its well-being. We must hear the people express their determination:

To support the efforts of their Army,

To meet the needs of the country,

And to avoid the terrible costs of being prepared too late or not at all.

The spirit of preparedness must resound so that any potential enemy can discern it, and can see that he cannot set out on a cheap adventure at our expense.

We cannot do this from the reclining position. We cannot say, "If you start something with us, we will spring to arms," for there will be too little time to begin to get ready. We must be far more committed, far more dedicated, far more prepared than that.

Each time we have faced major war unprepared, we have barely gotten ready in time, and the costs have been atrocious and a disgrace to this Nation. With the support of the people of this Nation, we should not have to pay that price again.

I have faith in this country, and its people. And of course, I have faith in our Army. We have met challenge upon challenge, at home and overseas, in ways that only a Nation of great spirit could have met them. If we set ourselves to the task of preparing for war if it comes, of being ready to meet the challenge of war before it is upon us, we shall be achieving the real peace that men everywhere can understand, and that nations everywhere can respect. Other men have given greatly of themselves for this peace. We cannot let them down.

GIVING THE COMPUTER A CONSCIENCE

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HEINZ. Mr. Speaker, the mushrooming data banks that will store law enforcement information on over 50 million Americans pose an obvious threat to their civil liberties. Doubtless, we are beginning to see evidence that data banks, unguarded and uncontrolled, can cause embarrassment or even severe economic hardship to individuals in this country.

The current issue of Harper's magazine carries a provocative article on the dangers of data banks by J. Taylor DeWeese. A native of my own Pittsburgh and a distinguished young attorney now working in Philadelphia, he is also a member of the Federal Advisory Committee on Data Banks. "Tate," who has been helpful in answering a number of my questions on this subject, suggests that we control the computer and give it a conscience in order to protect the rights of our citizens who become involved with law enforcement agencies. I respectfully insert the reprinting of the article, which follows:

GIVING THE COMPUTER A CONSCIENCE

(By J. Taylor DeWeese)

Two of every five American males will be arrested on a nontraffic charge at some time in their lives. For urban residents, it's three out of five; for blacks, four out of five. A Presidential Commission on Law Enforcement estimates that at this rate some 50 million Americans will have criminal arrest records by the end of the decade.

When they are arrested, their names will be sent to a local data center, then forwarded to the FBI computer at the National Crime Information Center (NCIC) in Washington. There, the record will be encoded on magnetic tape and fed into a data bank that can be instantaneously accessible to employers, police, courts, and credit bureaus at the push of a button on any of some 40,000 remote-access terminals scattered across the country. A "criminal" record for each person remains in the system forever—even if the charges are dismissed, or the matter is referred to the juvenile courts, or the convicted offender is fully rehabilitated.

The Federal Law Enforcement Assistance Administration has spent nearly $90 million to create more than one hundred local data banks. The FBI began feeding criminal histories into its computer last year, and hopes to have the entire national network of local data centers operational by 1975.

The mushrooming data banks that will store law-enforcement information on over 50 million Americans pose an obvious threat to civil liberties. For, despite the presumption of innocence written into the Constitution and the Judeo-Christian doctrine of redemption, a person once accused of a crime is permanently relegated to second-class citizenship. His chances of gaining lawful employment, credit, insurance, education, and community acceptance are greatly diminished. For the person once convicted, these opportunities are often extinguished altogether.

The potential for injury is magnified by the very real possibility that a person's record will be inaccurate or misleading. One-third of the FBI's records are incomplete because local courts and police agencies have failed to submit the final disposition of the charge. Why the FBI continues to broadcast records it knows are inaccurate remains a mystery.

Even more disturbing, many people who have never been associated with a crime will find their names on record. The local crime computer in Kansas City, Missouri, for example, contains the following questionable categories of information: local and national intelligence subjects, college students known to have participated in disturbances, persons with a history of mental illness, persons suspected of shoplifting, persons who have confronted or opposed government officials. Thus, an individual who has merely sought medical treatment or appeared "suspicious" may find himself in files labeled "criminal justice information." The slipshod standards in Kansas City are especially disturbing, because the system was built up during the tenure of police chief Clarence M. Kelley—who is now director of the FBI.

In the past, the inefficiencies of traditional record-keeping gave individuals at least some hope of escaping their past and starting a fresh life. Records scattered across the geographic landscape were lost, buried, or simply inaccessible. A person had a second chance—if only by default.

Today, the growing network of computer record repositories guarantees the immortality of past charges, offenses, and suspicions. The data banks will become a kind of prison—a "record prison"—as the computer with its indefatigable memory and its instantaneous recall locks many into their status as criminal offenders and walls them off from the rest of society. For the record prisoner there is no possibility of parole or time off for good behavior, and no hope of release.

To avoid this scenario, we cannot and need not pull the plug on the computers. Ironically, the same technology that magnifies the potential for abuse offers some opportunities to safeguard individual rights. Computers can be programmed to forget as well as to remember. Complex schemes for expunging names that would have taken hundreds of clerks thousands of man-hours to accomplish can easily be programmed into the computer and performed automatically in a matter of seconds. Codes and passwords can be built into modern data systems to prevent unauthorized access. The computer's memory can be compartmentalized so that users with the right password can get certain information but not other portions of the data. In short, the National Crime Information Center can be programmed to police itself.

Effective controls on the computer must address the threshold issue. Namely, certain classes of personal information—because of their questionable value to law enforcement, their private nature, and their potential for harmful misuse—should be excluded outright from data banks. Legislation should prohibit the inclusion of political surveillance data in the NCIC or its federally funded counterparts at the state and local levels. The retention of such information has a chilling effect on the full expression of First Amendment political rights.

The data banks should be permitted to collect and disseminate only information of an official nature. Raw, unverified intelligence data and informant reports should be excluded. Similarly, all medical information, including records of mental health treatment and narcotics rehabilitation, should be prohibited.

Official criminal justice information should exclude all data on youth arrests and juvenile court proceedings as well as lower-level brushes with the law, such as vagrancy, drunkenness, traffic violations, and disorderly conduct.

All information that is retained should be carefully screened for accuracy and periodically "cleansed" to remove stale data. The precise provisions of any scheme will generate considerable controversy and will be the product of debate and compromise. Therefore, the following suggestions are designed merely to illustrate the principles at work in striking a balance between the interests of law enforcement and those of the individual.

In determining the length of time data should be stored, it would be helpful to differentiate between the two categories of users: "insiders" and "outsiders." "Insiders" are law-enforcement officials using the system for strictly law-enforcement purposes—the solution of a specified crime. setting bail, determining a sentence. "Outsiders" are licensing agencies, employers, credit bureaus, insurance companies—those who are interested in a person's past as a predictor of present character.

When an individual suspected of a crime is apprehended by the police, a record of his arrest would be entered in the data system. However, it should be sealed to "outsiders" and disseminated only to law-enforcement users.

If the individual has no previous convictions and is acquitted of the present charge, the arrest record should be sealed to *all* users after a probationary period of two years. If the individual is convicted of a new crime during the probation period, his previous arrest would become a permanent part of his record for law-enforcement use. However, only the conviction portion of his record would be disseminated to outsiders.

Likewise, if the individual had a previous conviction, the record of his arrest would be permanently retained for law-enforcement use, but the nonconviction portion of his criminal history would be sealed to outsiders.

In short, all arrests not resulting in conviction would be sealed to employers, licensing agencies, and other outsiders. If an individual had no previous convictions and had a clean record for two years following his arrest, his arrest record would be sealed to all users. If his record was clean for four years, the arrest record would be expunged altogether.

In response to such schemes, law-enforcement officials may contend that the retention of an arrest record serves the legitimate needs of law enforcement even when the individual has no previous conviction. There is some support for this contention. Acquittal means only that the defendant was not proven guilty beyond a reasonable doubt. It can result from the death of a single witness or the illegal seizure of evidence. With this in mind, the drafters of remedial legislation should consider including a provision allowing the police to make application to a federal court for an order authorizing the continued maintenance of an arrest record for law-enforcement purposes. This relief should be exceptional and should be granted only in those cases in which the petition has substantially shown the existence of special circumstances. In the case of the individual who has never been convicted of a crime, the possibility that arrest data will be leaked to outsiders warrants the sealing and ultimate destruction of nonconviction records in the absence of exceptional circumstances.

Arrest records are only one dimension of the problem. Programs should also be designed for expunging the records of convicted first offenders and of offenders with multiple convictions, although the probationary periods should be must longer.

The thoughtful application of computer technology will also help preserve distinctions between authorized and unauthorized use. Manual record-keeping often made efforts to regulate use meaningless. Files marked "sealed" or "for official use only" afford the individual little real protection. Computers offer new safeguards. Think of the data base of a computer's memory as a tree with data leaves on its various branches. Data of varying sensitivities can be stored in different leaves. As a user passes through the hierarchy of memory, the computer can run an automatic check on the user's security clearance to determine if he is authorized to proceed into that area of the memory bank. For instance, the computer could be programmed to grant outsiders access to conviction data while denying them arrest information.

To help ensure observance of the insider-outsider distinction, all criminal data systems should be under the control of a disinterested agency that is neither an inside nor an outside user of criminal records.

The FBI is definitely not a disinterested agency, and its indiscriminate data collection has received so much detailed criticism that one state—Massachusetts—refused to become part of the National Crime Information Center. This decision cost Massachusetts dearly in lost federal funds, but state officials nevertheless resolved not to participate in a system with such a loose regard for individual rights. They recognized a principle that should apply to all computer crime networks—that unproven accusations, ancient transgressions long since expiated by responsible conduct, and inaccurate and misleading information should not be indiscriminately broadcast under governmental auspices.

The reality of the modern computer closely resembles the heartless nature of Omar Khayyám's Moving Finger which, "having writ,/Moves on: nor all thy Piety nor Wit/ Shall lure it back to cancel half a Line, / Nor all thy Tears wash out a word of it." Like the Moving Finger, computers lack the inherent ability to forget, to forgive, to understand.

By giving the computer a conscience, we can give many more Americans a chance for a fresh start and a new life.

ARE POSTAL CHANGES FOR THE BETTER?

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ALEXANDER. Mr. Speaker, no example better illustrates the truth of the saying that not all changes are for the good than the actions of our Postal Service. I would like to share with my colleagues at this point a letter from two of my constituents commenting on the mail service between their city in eastern Arkansas and the State university in the extreme western portion of the State:

HELENA, ARK.,
October 17, 1973.

Hon. WILLIAM ALEXANDER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: We are writing to inform you of the poor mail service from Helena to other points in Arkansas. Our son is a student at the Univ. of Ark. at Fayetteville and it takes two days for a letter to reach him from Helena. The reason for this is that all mail leaving Helena is sent to Memphis where it is resorted and then sent to points in Arkansas. We do not have direct mail service from Helena to Little Rock which we did have up until a few months ago.

We wish that something could be done to improve all mail service.

Sincerely,

BARTON G. WELLBORN,
ELIZABETH WELLBORN.

IS THE DOOR CLOSED?

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. SHUSTER. Mr. Speaker, the tragedy of the Vice President has evoked criticism and shock, sympathy and disillusionment, from every strata of our society. Indeed, such emotions are justified, but the real tragedy may not yet be uncovered.

The real tragedy may be those young, talented, and aspiring public servants who may choose to drop out of public life rather than be subjected to constant pressures by their financial supporters. The real tragedy may be those candidates who cannot afford to finance a campaign and who have to rely on the contributions of their supporters, for such contributions may dwindle quickly rather than undergo constant and threatening scrutiny.

Our political system has suffered a jolt. But we cannot allow the quality of government to suffer as a result. Steps must be taken to insure that each and every qualified candidate for public office be given the same opportunity, the same chance to be elected.

Mr. Speaker, the Altoona Mirror, a daily newspaper in my congressional district with a circulation of approximately 36,000, has recognized this manifestation of the Vice President's tragedy, and had an excellent editorial in the October 20, 1973, issue. I insert at this time the editorial in the RECORD, so that all may share in the remarks of this enlightened newspaper:

IS THE DOOR CLOSED?

Is the door to high public office now closed to the sons and daughters of the poor, the middle class and even the moderately well-to-do citizens of the United States? Is the lock to that door contrived so that only the golden key of the multimillionaire will open it? Has the party that has always claimed to be most interested in the poor, the working people, the minority groups now adopted the theory that only the very, very rich have the right to select from their own group those who are to head this nation?

The persecution as well as the prosecution of Spiro T. Agnew as vice president of these United States raises these serious questions. Are those who proclaim themselves as liberals really liberal in the ordinary sense of the word? Or are they more interested in building an autocracy in this nation than in preserving it as a democracy? How long can they fool so many people into thinking that those who possess great material wealth are the only ones fitted for high office?

The son of the hard-working but poor Greek immigrant possessed a real political talent. It might have been buried forever if some of his friends had not encouraged him with gifts of money and influence, for even the smaller political offices are won by campaigns, and campaigns need money. Not all political contributions are made in the expectation of getting favors in return for the donations. Sometimes friends and neighbors just like to see a young politician get ahead in his chosen profession.

As the young politician rises in stature and the jobs become larger, the costs of getting elected also rise. Corporations are forbidden to give campaign contributions, but organized labor groups are not. Neither are those millionaires to whom the big political contribution is merely "pocket money." Fund-raising for candidates is usually turned over to people who have the ability to raise funds, and candidates are not always aware of the ways by which such funds are raised.

"The new morality" seems to suggest that the candidate is responsible for everything that happens in his campaign. They seem to forget that most candidates spend all their strength and thought in the campaign itself. They exhaust their physical energy shaking hands, making speeches, rushing hither and yon to "meet the people," but somehow they are supposed to also know all that is going on in the other campaign to raise funds for them and for their party.

"The new morality" can forgive a man whose companion drowns while he escapes from the same car and "forgets" to report the accident until all hope for the trapped companion is gone. He can escape questions at an inquest. He can escape questions when he is reelected to high public office. His family has money.

We do not condone the buying of political favors. Neither do we think a government expenditure of tax money to finance elections would be a safe way to insure fair elections. We do not believe that big unions should contribute great sums of money to buy influence at all levels of government from dues extracted from the working people. We do believe that all those who cherish real democracy, who want the door open for men of talent, should reexamine their own capacity to give money and effort toward the election of those in whom they believe.

Isn't it about time our two great political parties quit name-calling, mud-slinging and character assassination and get back to clear-cut political objectives that define the party stand on leading questions?

Keep the door open for those whose talents for political leadership outweigh the circumstances of their birth.

MADRIGAL SINGERS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. SMITH of New York. Mr. Speaker, in these times of international tensions, it is encouraging to hear of efforts to dispel the image of the "ugly American" and promote good will.

Sixteen boys and girls from my district, calling themselves the Madrigal Singers of LaSalle Senior High School, toured Romania for 3 weeks this summer. Recently, the supervisor of music for Niagara Falls public schools, James E. Buffan, received a letter from Charles Abdoo, president of American Youth Performs, Inc., sponsors of the tour.

> It is obvious that the small group of Madrigal Singers from Niagara Falls has won the hearts of the Romanian people.

Mr. Abdoo said:

> And, this tour probably did more to cement better relations between the United States and Romania than anything that has happened to date.
>
> We were glad to sing for anyone who asked us.

The youngsters say they sang not only in scheduled concerts, but in restaurants and hotel lobbies and even while walking down the street during their sightseeing tours.

> Their joy and enthusiasm were contagious to the Romanian people.

Mrs. Margaret C. Bowen, LaSalle music teacher, says of her group:

> Wherever we went people stopped to watch or join in our activities.

The Madrigal Singers were born about 3 years ago as an extracurricular, after-school activity. The students raised funds for their trip through donations from area corporations and individuals, community concerts, sales of bumper stickers and buttons, raffles, and a dinner dance.

I applaud and thank the Madrigal Singers: Marlisa Bach, Sherry Brothers, Cynthia Conmy, Robert Crouch, Susan Fallon, Barbara Gruver, Hillard Harris, Wayne Heck, Majorie Horne, Mary Ellen Illig, Matthew Keller, William Potter, Suzanne Ranchil, Linda Reisig, Lois Stipp, and William Woods.

Also, those who accompanied them deserve praise:

Mrs. Bowen, Miss Judith Ottaviani, the Rev. Vincent Verrastro, Terence Brown, and Bonnie Milburn.

ISRAEL IS NOT VIETNAM

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. LEHMAN. Mr. Speaker, the President has requested that the Congress authorize emergency security assistance for Israel.

There are many reasons for American support for Israel and for the judgment that Israel is different from South Vietnam.

South Vietnam is a military dictatorship where opposition politicians and religious leaders are jailed and newspapers critical of the government are suppressed. Israel is a democracy with strong opposition parties and freedom of speech.

In Southeast Asia, the fighting was Vietnamese versus Vietnamese. Israel is the victim of attacks across recognized cease-fire lines by military forces of other nations and other peoples.

The South Vietnamese Government asked for U.S. troops from the beginning of their war and Americans did most of the heavy fighting there for a number of years. In four wars, Israel has never asked for American troops. It has proven it is willing and able to fight its own wars.

Our effort in the Middle East is limited to counterbalancing Soviet arms sent to the area. In Vietnam, the mistake was sending American troops, in addition to equipment, while the Soviets and the Chinese were supplying only equipment.

In Vietnam, American psychological warfare experts felt it was necessary to launch special campaigns to win "the hearts and minds" of the South Vietnamese people to the cause of their government. There is no such problem in Israel.

The United States spent years trying to force the South Vietnamese to sit down at the conference table with their adversaries. Additional months were spent quarreling over the shape of the table. For years Israel has been actively seeking to sit down and negotiate all differences with its adversaries.

It is no secret that South Vietnamese officials pocketed millions of dollars in U.S. economic aid. Aid to the Israelis has meant the draining of swamps, the building of factories and the resettling of refugees in desert areas which were barren for a thousand years.

There is one last reason why Americans know that Israel is different from Vietnam. They know a Vietnamese nation will survive regardless of the outcome of the war in Southeast Asia. If Israel loses its war, it would be the end of the Israeli nation.

ACTION ON THE GEOTHERMAL FRONT

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HOSMER. Mr. Speaker, 3 years ago Congress passed and the President signed the Geothermal Steam Act of 1970. This act authorized the Secretary of the Interior to identify and lease Federal lands with a known or potential geothermal promise. It was an important first step in the development of this resource.

Tuesday a second important step was taken in this regard: The Department of the Interior released a massive final environmental impact statement, as required by section 102(c) of the National Environmental Policy Act. The thrust of the impact statement is that the development of geothermal energy is not without some environmental consequences, but that these impacts are not intolerable and in some cases far less severe than those of competing energy sources.

I think it is important to note that the Department took a full 3 years to draw up implementation plans and to study the environmental ramifications involved in the exploratory development of this vital new resource. This was longer than I had thought it should take. But in a very real sense, this time-consuming yet necessary process shows us that the Department and the administration are firmly committed to the idea that we can, must, and will meet the energy demands of the years ahead with a balanced concern for the many environmental equities involved. The many departmental officials who took part in this effort deserve thanks and respect for their diligent efforts.

It is now time to proceed with a measured and considered program to develop what could eventually be a vital cornerstone of the energy sector. Geothermal energy offers much to those with the vision and wherewithal to grasp its implications.

FINEST EAGLE SCOUT IN THE UNITED STATES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HUNT. Mr. Speaker, John S. Jordan, 17, a resident of my congressional district, has been chosen as the best of the best by the National Activities Committee of the Boy Scouts of America in Chicago. John reached the finals by being judged the outstanding Explorer Eagle Scout in the Northeastern part of the country and Europe in mid-September.

I had the distinct pleasure of meeting this young man not too long ago when he visited a Masonic lodge. Contrary to what many think about the youth of today, John Jordan, I feel, typifies what is right with the youth of America and what is right about our great country. He is completely dedicated to his God, his family and his country.

Nothing could please me more than to take this opportunity to pay tribute to Eagle Scout John S. Jordan of Oaklyn, N.J.

I submit the enclosed article from the Courier-Post so that my colleagues might share his accomplishments.

The article follows:

Singled Out as Finest Eagle Scout in United States—Oaklyn Youth Is Chosen Best of the Best

(By Pete Finley)

In between serving as the current Boy's State governor of New Jersey, winning the outstanding biology student award at Collingswood High School, being elected to the National Honor Society, being the drum major of his high school band, playing first solo trombone for the dance band at the same school and lots of other things too numerous to mention, John Jordan has just been chosen THE Eagle Scout of the entire United States.

The 17-year-old high school senior was picked as the best of the best by the National Activities Committee of the Boy Scouts of America in Chicago earlier this week. He reached the finals by being judged the outstanding Explorer Eagle Scout in the Northeastern part of the country and Europe in mid-September.

LOCAL START

John and other finalists began the quest for the impossible dream by first winning the nod of their local activities committee which, in John's case, was the Camden County unit. According to John, almost all Eagle Scouts and Eagle Explorer Scouts were eligible which meant that literally thousands of candidates were in contention.

The finalists represented the best from six geographical areas of the country. There were 12 finalists, six Explorer Scouts and six Scouts.

In February the two winners will get the red carpet treatment which includes a Congressional breakfast on Capitol Hill in Washington, followed by a personal interview with President Richard M. Nixon.

John, who lives at 119 Woodland Terrace, Oaklyn, with his mother and maternal grandparents, hopes to study medicine "in some top university like Dartmouth." He wants to "serve his fellow man" and considers the role of a physician "as a very special way to serve." "If I find that I don't like medicine, I'll enter some other form of social work," he said.

A member of Explorer Post 335 of the Camden County Council, John started as a Cub Scout at age eight, advancing to Scout which, he said, is geared to age groups from 11 to 15. At 15, he became an Explorer Scout, an activity which includes coeducational programs up to age 21.

John said the academic discipline and personal motivation which helped get him where he is "was due in a large measure to the many trying and demanding experiences of scouting which developed character and leadership qualities that might have lain dormant."

A member of the First United Methodist Church of Collingswood where he is song leader for Sunday School and youth organist, John finds relaxation in music and swimming "in whatever spare moments I have."

He said he will remain in Scouting "probably for the rest of my life" in one capacity or another. The program has "too much to offer to others for me not to stay interested in it," he said.

BENNETT ACTS ON AGNEW GRAFT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BENNETT. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following: The recent disclosures surrounding the resignation of Vice President Agnew have led me to believe that legislation is very much needed which would require that all U.S. Government contracts for services and materials be awarded to the lowest qualified bidder. I have prepared such legislation, the wording of which is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all contracts by the United States Government for services and materials shall be awarded to the lowest qualified bidder, including contracts for architectural and engineering work. Further, that all contracts financed in whole or in part by Federal funds shall be awarded only to the lowest qualified bidder, including contracts for architectural and engineering work.

This legislation includes Government contracts for architectural and engineering work now passed out generously without bids to interested firms. The bill would also provide that all contracts financed in whole or in part by Federal funds would be awarded to the lowest qualified bidder.

The 40-page statement compiled against the former Vice President reveals in the State of Maryland what is apparently a longtime pattern there of political corruption through the noncompetitive awarding of contracts. I believe that Congress should do everything it can right now to see that this is no longer allowed on the Federal level.

I am currently seeking cosponsors for this legislation.

SPECIAL NIXON-COURT-CONGRESS CRISIS QUESTIONNAIRE BEING SENT TO CONSTITUENTS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HEINZ. Mr. Speaker, the events of the past week surrounding the Watergate investigation threaten government with a confrontation that may only be resolved by action in the Congress. Because I value the opinions of my constituents and want their advice, I am mailing the following questionnaire to each household in the 18th Congressional District of Pennsylvania.

My constituents are asked about their recent and prospective voting habits, how they view themselves politically, whether they feel the office of the President is above the law under any circumstances, and their opinion of impeachment proceedings against the President should he refuse a court order to turn over relevant tapes and documents regarding the Watergate.

Moreover, the poll attempts to gage the level of trust people have in their elected public officials. It seems to me that restoring eroded confidence is of vital importance to all elected officials. I am hopeful this questionnaire will reveal the extent of the work ahead for all of us in public life.

Mr. Speaker, I ask that the full text of the questionnaire be printed at this point in the Record.

The text follows:

1. Did you vote in the 1972 Presidential election?

2. Would you vote if a national election were held right now?

3. Do you intend to vote in the 1974 General Election for a governor, U.S. Senator, and U.S. Representative?

4. What is your political registration? (Republican, Democrat, not registered, other)

5. Which of the following best describes your political views? (Check one)

Conservative
Moderate
Liberal

6. Do you feel that the office of the President is above the law under any circumstances?

7. With the abolition of the office of the Special Prosecutor, would you favor action by Congress to establish a Special Prosecutor's Office to pursue the Watergate grand jury investigation?

8. Which of the following best expresses your feelings about the President's actions to dismiss Special Watergate Prosecutor Cox and force the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus? (Check one)

Strongly approve
Mostly approve
Mostly disapprove
Strongly disapprove
No opinion

9. How would you feel about impeachment proceedings if the President refuses to obey a court order to turn over Watergate tapes, telephone logs and other relevant documents?

Strongly favor
Mostly favor
Mostly opposed

Strongly opposed
No opinion

10. How would you describe your attitude toward elected public officials (Check one).

Trust all
Trust most
Trust some
Trust none

CHILD ABUSE AND NEGLECT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BIAGGI. Mr. Speaker, last week I introduced a new, compromise bill on child abuse and neglect, H.R. 10968. I think it is now pertinent to make clear in some detail the features of this compromise of the several bills, including my own, currently before the Select Education Subcommittee of the Education and Labor Committee.

The bill has three titles. Title I establishes a clearinghouse in the newly created Office of Human Development in the Department of Health, Education, and Welfare. The purpose is to centralize information concerning the many and various efforts that are currently being made on the question of abuse and neglect. This is similar to my data bank proposal and the clearinghouse proposal of other bills; $1 million annually is authorized for this title.

Title II is the crucial provision. It authorizes $20 million annually to States which submit appropriate child abuse and neglect plans to the Secretary of Health, Education, and Welfare.

The rationale is that certain minimum facilities and procedures are necessary in the community if money spent is to be of any value.

I wish to emphasize the plan requirements in the bill represent minimum standards for State action, and are not meant to mandate a detailed blueprint for child services. The States are left free—as they should be—to write the details of their own programs on child abuse and neglect.

Specifically, the State plans must include an effectively enforced child abuse reporting law, mandatory reporting requirements, immunity from prosecution for reporting—should there be any difficulties with a mistaken report—and a provision for misdeameanor penalty for those who fail to report.

The State plan must also provide for prompt investigation of complaints of abuse and neglect, and contain minimum procedures for handling the broad problems of prevention and treatment. Additionally, it must provide for emergency custody of the child in appropriate cases.

Finally, the State agency is mandated to enter into cooperative arrangements with private, nonprofit groups to insure all the resources of the community are utilized.

Title III authorizes $5 million annually for demonstration grants for research, training, and innovative projects. This meets the special needs in this area not served by a State program, and assists the funding of existing private programs already doing useful work in these areas.

H.R. 10968 is a compromise between my previous bill, which relied exclusively on funding State agencies with State plans, and those bills concentrating on demonstration grants and further studies.

My bill adds demonstration programs to the State agency mechanism, but drops the study commission called for in the demonstration grant approach.

It is my conviction that existing studies and research programs cover the need in this area. Moreover, I am concerned that a bill which concentrates on further study—through the creation of a National Commission—will delay a commitment to a broad based program. We have sufficient information to proceed with the beginings of such a program, while continuing to study the program through the mechanisms associated with both the State programs and the demonstration grants.

Finally, I have altered the definition of abuse to include neglect, a much larger and tougher problem in the long run. This area, touching on matters such as exploitation of the child, and severe detriments to his psychological health—is so closely related to the problem of abuse that I feel it should be treated as an integral part of the problem.

MININUKES AND DISESTABLISHMENT OF THE AIR FORCE AND OTHER THINGS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HOSMER. Mr. Speaker, on Friday last, I spoke at a Navy dinner sponsored by the Armed Services Committee of the city of Long Beach. The remarks covered such subjects as resupply in the Mideast, the advisability of disestablishing the Department of the Air Force, possibilities for using small, clean, discrete nuclear weapons, called mininukes, and their implications to NATO and to the Navy, whose 198th birthday the occasion was celebrating, and other things. The text of these remarks follows:

U.S. NAVY BIRTHDAY, 1973

This evening we have gathered to celebrate the 198th birthday of the United States Navy—an institution described by Herman Wouk as a thing "conceived by geniuses for operation by idiots."

But whatever its origin and whoever may have been its creator, the United States Navy stands today—in ships—in men—in tradition—in spirit—and in its unparalleled record of victories at sea—as indisputably the greatest Navy that history has ever known.

And, we rededicate ourselves to keeping it that way.

I am proud and grateful for my 33 years service as an enlisted man and officer in that Navy's Reserve Forces. I know each of you is proud and grateful for your own particular association with this unparalleled organization.

In this audience tonight are many who have been shipmates with the great naval persons of our times such as: Chester Nimitz, Ed Spruance, Bull Halsey, Arleigh Burke, Jack McCain, Tom Moorer, Bud Zumwalt, Hyman Rickover and a host of others who—in hot war and cold—have protected their country with courage and brilliance.

And behind shining leaders such as these—and as it always has been from our Navy's beginning in 1775 to this very moment—active duty personnel, reservists, civilian employees, dependents and retirees have combined forces to forge a proud naval tradition of commitment and service to our Nation.

These people, and people like yourselves who support this Navy so loyally, constitute our naval family. This family, through nearly two centuries of peace and war, has continued to affirm the truth of President John Adams' words that "naval power is the natural defense of the United States."

From sail to steam to nuclear power—from cutlass and cannon to guided missiles—from the open seas to outer space—the unfailing skill, selfless sacrifice and wholehearted devotion of the Navy family have remained ever constant to place and to maintain our Navy at its historic pinnacle of preeminence.

By this ceremony today we rededicate ourselves to maintaining this Navy's dominance of the world's oceans during the indefinite future. For, it is only by control of the seas that an island nation such as ours can, for long, control its own destiny.

This each of you knows as surely as you know that day follows the night. And, what each of you also suspects, is that it will be no easy task to keep control of the seas and maintain that preeminence of the United States Navy in the years ahead. That is the prospect as I see it, too. That is what I want to speak with you about this evening.

It is said that those who fail to remember the lessons of history are doomed to relearn them. In the recent period of relaxation of tensions between the world's two superpowers some people in very high places have already forgotten those lessons. Ignoring the ceaseless stream of battles and conflict that have characterized the relations of people and nations throughout history, the House of Representatives, within just the past few weeks, dealt a stunning blow to the defense of this nation by adopting the Aspin amendment imposing a blanket reduction in this year's defense authorization of almost a billion dollars. Then the United States Senate came within two votes of killing the TRIDENT submarine program which is so essential to the deterrence of a nuclear attack on this Nation. On vote-after-vote other measures were adopted, one-by-one, each dealing some further blow to the capability of the armed forces of the United States to defend the United States.

All this was done by those who quickly forgot the existence of an inexorable ebb and flow in hostility between nations which was only recently reaffirmed at an awful cost in American lives by the Vietnam War. To such naive legislators the Russians seem friendly; therefore they are friendly. Things are what they seem. That is the fallacy of *post hoc ergo propter hoc,* and any nation which embraces such a delusion must embrace it as a hari-kari knife.

An essay under my name in the August issue of U.S. Naval Institute Proceedings warns that no nation can fall for long below a certain minimum level of defense effort without arousing the instincts of predators. Fortunately some of the House and Senate blows to the Armed Services Authorization bill were eased because the outbreak of the renewed fighting in the Arab-Israeli war served to remind some of my Congressional colleagues of the existence of such predatory instincts.

But even so, the long range trend in this country is definitely anti-military and that means that those of us who do remember History's lessons are going to be hard pressed to garner appropriations from the Congress year-after-year which will support the minimum necessary national defense.

Even today, in real terms of constant value dollars, 1974 Defense Department resources will be almost 14% below those of 1964, that year being the last peacetime year before Vietnam. Our military investment in ships, research and construction will be almost a third lower in 1974 than it was 10 years ago in 1964. This means that this year the U.S. defense effort will be lower than during any year of the 1950's—a decade when things were relatively placid.

But the truth is that things generally around the world and things particularly between the United States and the Union of Soviet Socialist Republics are just not that much better than they were then.

In my Naval Institute article I pointed out that the current detente between the U.S. and the U.S.S.R. and the Peoples Republic of China occurs not because we all suddenly love each other. Communist dogma decrees that all other systems must be destroyed; and that until they are, the world is not safe for communism; and that communist military power is the ultimate instrument by which the world is to be made safe for communism. Now, dogma does not say when all this is to be done or exactly how, and it warns against doing it in some reckless or adventurous way that risks ultimate defeat. Dogma also is a little unclear about many other things and the Soviets and the Chinese interpretations of them are quite at odds. In fact, they have fallen into a serious dialectical dispute with each other about it all.

And, even more relevant to the situation at hand, those two countries also have fallen into a much more basic kind of a dispute. Each is a growing, vital, expanding society. Each knows that achieving its ultimate destiny requires expansion into the vast Siberian heartland of Asia. Moreover, both know that, as enormous as the vacant real estate is, there is room enough there for just one of them, not for both of them. Thus they recognize and acknowledge themselves to be in a bitter conflict for ultimate survival.

Detente simply means that while those two are fighting their intramural Communist battle—which might well turn into a hot war, even employing nuclear weapons—the rest of us may be able to relax somewhat for a little while. But it certainly does not mean that we can pound our swords into plowshares. It does not even mean that the United States can assume that the P.R.C. and the U.S.S.R. will not call a truce in their own dispute if an opportunity arises whereby they can temporarily join forces to eliminate the United States as the next largest threat to either of them.

That is one reason why the current war in the mideast poses such dangers to us. I do not believe the Soviets at this point want that war to get out of hand. I believe they want to deal with their China problem first and for that reason they will try reasonably hard to keep alive the spirit of detente with the West.

But should the United States move too decisively in the mideast—move too far toward developing circumstances there inimical to the basic interests of the Soviet Union—then there is a possibility that Moscow can come to believe that its self-interest can only be forwarded by a direct confrontation with the United States. I hope we are smart enough—and patient enough—to avoid precipitating that kind of a confrontation. I believe we are. I pray we are.

Despite the caution I have just expressed, I think the United States and Russia can get away with replenishing the material losses their respective client states are suffering as the fighting goes on. I believe that each will carefully look the other way as this is discreetly done. But neither had better try any augmentation—and they both know it.

But, there are other players in the mideast tragedy and therefore other dangers.

There are rumors that Israel has nuclear bombs and would use them as a last resort if pressed too hard.

There are rumors that Red China might clandestinely give a few nuclear weapons to either or both sides, hoping to trigger an escalation of warfare in the mideast which would envelope the superpowers in mushroom clouds that simultaneously consume both of China's superpower enemies.

In addition to these nuclear threats, there is the volatile, unpredictable psychology of the Arabs to consider. This might lead to an effort by them to pressure and distress the United States through denial of petroleum which we are coming to rely upon in ever increasing measure. Such a move would likely disturb Western Europe and Japan as much or more than the United States.

Nothing of what I have said in this recital of the perils and dangers our country faces in just one region of the world can be anything but deeply disturbing to each of us. I only ask that you try to visualize how much more hazardous the situation might become—and how much deeper in harm's way we might be—if today in the Mediterranean there were no United States Sixth Fleet.

Today's crisis is another vivid current history lesson pointing to the absolute indispensability of U.S. naval forces to the security of our nation.

Think about it—and then try to give me one good reason why we should allow those to succeed who want to scuttle the United States Navy in the name of economy, or under the banner of "social needs", or alleged "human priorities", or any other soft-headed slogan. This Navy is not only our life-line, it is basic to our national life itself.

Yet this is the Navy that is steadily being debilitated by reductions in dollar support from the Congress and by the steady erosion of the buying power of the dollars it does manage to lay hold of. A moment ago I mentioned that we are living through a bleak period of anti-militarism which is likely for the indefinite future to severely restrict the allocation of public resources to defense. Therefore we must examine ways by which the reduced number of dollars likely to be available can suffice to buy the bare minimum defense effort which experience in our hostile world tells us we cannot safely be without.

At this point I am going to take a brief stroll through the political minefields by examining two of those possible ways. One has to do with the Air Force and the other with nuclear weapons of a new type which are clean and discrete in their effects. A few months ago I coined for them the name "mininuks" and that is how they are known in the Pentagon, NATO and elsewhere.

First, as to the Air Force, born in 1947, during post-WWII enthusiasm for the wild blue yonder. Today, 26 years later, there exists a very legitimate question—and it is a hot one—whether reconsolidating airpower functions back into the Army and the Navy from whence they came might lead to considerably improved effectiveness in the expenditure of limited defense dollars. As it is we tend to think of the defense appropriation as a pie to be sliced up annually in three roughly equal pieces. Yet the burden of defense necessities in the post Vietnam world do no fall equally at all. They fall heaviest on the Navy which must function worldwide, next on the Army, and last on the Air Force. I'm not going to delve any further into the subject of disestablishing the Air Force. I just light the fuse and toss it, realizing the thing is likely to be back in my face by the time it is ready to go off.

And, the same is probably true for the subject of mininuks to which I now proceed. Let me introduce it by recalling that the essence of military power is the ability to destroy, which we conventionally think of in terms of 100, 500, 1000, 5000 and 10,000 pound bombs and warheads. Paradoxically, if we possess such a capability for destruction of military forces and the ability to project it wherever and whenever it is needed, we are unlikely ever to use it, simply because others are deterred by this potential from challenging us.

Unfortunately, of late the cost of lugging that power around and projecting it when and where needed has escalated considerably and there is no end to this economic phenomenon in sight. If we are going to continue to adequately defend our interests and our independence with fewer dollars that buy less, then we are going to have to explore less costly ways of going about it.

I'll return to the Navy situation in a minute, but the thought I have in mind is most easily projected by reference to its application in a land war situation. Let's think for the moment of the defense of Europe by NATO forces from an invasion by Soviet forces, or, put another way, NATO's ability to deter such an invasion by maintaining an obvious capability to repel it. Now, think of a map of that area with a lot of red dots on the Soviet side of it representing tanks and soldiers and airplanes. Think of a lot of blue dots on our side of the map representing American and other NATO forces.

At this point, if you are thinking realistically, you are seeing a lot more of their red dots than you are seeing of our blue dots—and the disparity in numbers and strength is growing. One reason it is growing is that a Soviet tank costs maybe $100,000, while the NATO tank we need to neutralize it costs maybe $1,000,000. At those prices our side can soon get tilted out of the game. We need an equalizer. We need an equalizer which we can afford to buy in quantity and project against those tanks and destroy them if they come after us.

To accomplish that kind of destruction with 1000 pound bombs requires a lot of $2 million airplanes operating from several $200 million bases backed up by a $2000 million logistics supply train. In contrast, a clean and discriminate mininuk might pack the effect of 1000 pounds of TNT in less than a 100 pound package. This small, clean package of destruction might be accurately delivered at a rather modest cost by a relatively small piece of artillery or a guided rocket. Even on a tight budget one could afford to buy enough of this kind of blue dots to stand off a very large number of their kind of red dots.

Now let us return to the naval arena and test out what the potential is there for this anti-red dot mininuk thing.

As prices now stand, in capital costs alone, projecting naval destruction from a patrol frigate costs $50 million per frigate and $90 million per each new 963 Spruance class destroyer. From a 92,000 ton nuclear carrier the cost runs about a billion dollars for the ship and a half billion more for an air wing. The new 10,000-ton nuclear guided missile destroyers cost a quarter of a billion dollars each, without their missiles.

But for a 1,000-ton, 80-mile-an-hour surface effect ship, the cost is $2½ million.

Yes, that's right—not $50 or $90 or $250 or a thousand million dollars, but only $2½ million for a ship that could carry enough light, mininuk-tipped guided rockets to equal the firepower of a modern DD. You could buy 36 of them for the cost of one single 963 class destroyer. The potentiality of this new and infinitely cheaper kind of naval hardware, if and when combined with the clean, sharp destructive potential of mini-weight mininuks, is truly startling. The combination offers an equalizer at a price we can afford to pay which can put us efficiently back into the business of controlling the seas and defending this country's vital national interests.

The barrier to utilizing it is simply the fact that mininuks bear the stigmatized nuclear name.

The truth is that, though based on nuclear principles, the nature and destructive power of this warhead will be much closer to that of gunpowder than it is to an atomic bomb. The general public must be brought to understand this so we can get over the antinuclear psychological hurdle that prevents mininuk additions to the defense arsenal of the United States. This roadblock constitutes a particularly severe handicape to development of the less costly naval hardware our Navy must have if it is to acquire the quantity of naval surface units required to assure freedom of the seas in the face of rapidly expanding hostile forces.

As indicated, the two propositions I have spoken of tonight are highly controversial—so controversial that neither of them has had the informed public discussion they deserve. I hope tonight may help serve to break the ice.

But whether it does so or not, I am confident that our unique naval heritage and the spirit of Navy Birthday 1973 which we have been privileged to share together this evening will continue to guide our Navy's growth in the year ahead as we rededicate ourselves with pride, professionalism and patriotism to the tasks that lie before us.

WEST VIRGINIA REHABILITATION ASSOCIATION CITES CONGRESSIONAL OVERSIGHT OF REHABILITATION LEGISLATION

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. PERKINS. Mr. Speaker, on August 3, during an oversight hearing on the Rehabilitation Services Administration, conducted by the Select Subcommittee on Education, so ably chaired by our colleague from Indiana, Mr. BRADEMAS, it was revealed that a memorandum, written by William A. Morrill, Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare, called for the dissolution of the highly successful, 53-year-old program of vocational rehabilitation.

Knowledge of the existence of this memorandum, Mr. Speaker, has led to strong and heated reaction throughout the country.

Evidence of that reaction is a resolution, unanimously approved by the West Virginia Rehabilitation Association during its annual meeting on September 5 which commends Congressman BRADEMAS and the Select Subcommittee on Education for their diligence in protecting handicapped Americans.

Mr. Speaker, I insert the resolution at this point in the RECORD:

WEST VIRGINIA REHABILITATION ASSOCIATION,
Charlestown, W. Va., September 10, 1973.

Hon. JOHN BRADEMAS,
Chairman, Select Education Subcommittee of the House Committee on Education and Labor, U.S. Congress, Washington, D.C.

DEAR MR. BRADEMAS: Enclosed is a Resolution passed unanimously by the West Virginia Rehabilitation Association during its annual meeting on September 5, 1973, expressing strong support for you and members of the Select Education Subcommittee of the House Committee on Education and Labor in the oversight hearings on the State-Federal Vocation Rehabilitation program. The Association, made up of 1,020 members, recognizes your efforts to protect the Vocational Rehabilitation program against any moves to dismantle and destroy it.

I am sending copies of the Resolution to other members of the Subcommittee and to Congressmen from West Virginia.

Sincerely yours,

EDDIE MICKEL, *President.*

RESOLUTION

Whereas, Congressman John Brademas and the Select Education Subcommittee of the House Committee on Education and Labor conducted oversight hearings on the State-Federal Vocational Rehabilitation program; and

Whereas, Congressman Brademas and the Subcommittee were alert to a move by the Department of Health, Education, and Welfare to dismantle the Vocational Rehabilitation program; and

Whereas, Congressman Brademas and the Subcommittee took prompt and decisive action to protect the Vocational Rehabilitation program against any moves to destroy it: Therefore be it

Resolved, That the West Virginia Rehabilitation Association and its 1,020 members commend Congressman Brademas and the Subcommittee for their diligence, scrutiny, and concern in the oversight hearings toward protecting handicapped people against Administration moves to dismantle and destroy the program they so desperately need; and be it

Resolved further, That this resolution be sent to Congressman Brademas and each member of the Select Education Subcommittee of the House Committee on Education and Labor.

EDDIE MICKEL, *President.*

WE NEED A NEW MINIMUM WAGE BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ERLENBORN. Mr. Speaker, there are chairmen who watch things happen; chairmen who complain about what has happened; and chairmen who make things happen.

The chairman of our General Subcommittee on Labor (Mr. DENT) watched while the minimum-wage bill headed toward a veto. Then he complained when it was vetoed.

He can still rank among chairmen who make things happen by bringing a new minimum-wage bill to the floor. If he tries hard enough, he could make the new year start right for millions of people.

THREE ARTICLES ON EVENTS OF RECENT DAYS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. RIEGLE. Mr. Speaker, three items appear in today's Washington Star-News that shed important light on events of recent days. One is a news story by James Polk; the other two are editorial page columns, one by James Reston, and the other by Charles Bartlett.

I include these three items for the interest of my colleagues:

[From the Washington Star-News, Oct. 24, 1973]

LETTER REVEALS MILK LOBBY OFFER

(By James Polk)

The milk lobby, while seeking White House favors, promised President Nixon $2 million in campaign contributions in a letter written by a former Nixon aide and congressman.

Patrick J. Hillings of California, the former aide who had won Nixon's old seat in The House, sent the letter to the President telling him of the offer of campaign money from the milk lobby a few months before the Nixon administration raised price supports for the dairy industry.

The milk lobby eventually gave $422,500 for the Nixon campaign, starting the week of the price increase.

Hillings, then a Washington attorney for the milk lobby, wrote to Nixon on Dec. 16, 1970, asking the President to approve import quotas on ice cream and other dairy products. Nixon granted them.

The Hillings letter, now in the possession of the Senate Watergate committee, is considered a major piece of evidence in the probe of the controversial Nixon dairy donations.

The letter is the first indication that Nixon personally knew about the forthcoming flow of money from the milk lobby while the favorable decisions were being granted to the dairy industry.

Witnesses from both the campaign organization and the milk lobby had testified previously in a federal court case that no money had been promised before the prices were raised.

Records show the campaign checks started arriving in March 1971 during the same week that the Nixon administration reversed itself and increased price supports in a move estimated to be worth $700 million to the dairy industry.

Two days before that turnabout, Nixon had met with dairymen in the Cabinet Room as they asked for the price intervention. According to testimony, the farm leaders gathered with Hillings in his nearby law offices before walking over to that White House meeting.

The three major milk groups in the Midwest, including the giant Associated Milk Producers, Inc. (AMPI), based in Texas, were clients of Hillings' law firm.

Hillings opened his December 1970 letter to Nixon on quotas by saying "This letter discusses a matter of some delicacy . . ."

Then, before making his argument for import protection, Hillings mentioned that the milk lobby had made about $135,000 in campaign contributions to GOP candidates in the 1970 Senate and House elections. He added:

"We are now working with Tom Evans and Herb Kalmbach in setting up appropriate channels for AMPI to contribute $2 million for your re-election. AMPI also is funding a special project."

Herbert W. Kalmbach, the President's personal attorney in Los Angeles, and Thomas W. Evans, a former Nixon law partner in New York, were key fund-raising officials for the 1972 campaign.

The "special project" mentioned by Hillings remains a mystery. The milk lobby did furnish a $5,000 campaign check in September 1971 that was used to pay the costs of the White House plumbers' break-in in the Daniel Ellsberg case, but there is nothing to tie that with Hillings' 1970 letter.

Hillings was urging the President to approve import quotas on dairy products already recommended by the U.S. Tariff Commission. Nixon put them into effect on Dec. 31, 1970.

Hillings' association with Nixon goes back a quarter-century, to when he was an assistant to Nixon as a congressman. When Nixon won a Senate seat in 1950, Hillings was elected to succeed him in the House district east of Los Angeles. He served four terms.

As a Washington lawyer, Hillings practiced in the same firm that another longtime Nixon loyalist, Murray Chotiner, joined upon leaving the White House in March 1971, two weeks before the milk price increase.

Chotiner has testified he went back to talk with his White House colleagues that month and warned them, "If you don't help the farmer, you don't get his support." But he said he was referring to votes, not money.

Consumer advocate Ralph Nader has charged the price boost was a favor granted in return for the campaign donations and has sued in federal court to have the increase rolled back. Chotiner and other witnesses have denied Nader's allegation in the suit, which is still pending.

Hillings, now 50, returned to California in 1970. He could not be reached last night for comment.

Copies of both the Hillings letter and a White House memo in 1972 that cited the $2 million commitment have been obtained by the Star-News.

Even though the contribution promise was never completely fulfilled, the milk lobby did become one of the five largest donors for the Nixon campaign last year.

Most of its money was contributed in a $327,500 outpouring in 1971, made through several dummy committees in Washington. But after news stories uncovered the milk money and coupled it to the price increase, the contributions stopped. The final $95,000 did not come until the last weeks before the 1972 election.

Only a few days after the Nader suit was filed, former White House aide Gordon R. Strachan told Nixon chief-of-staff H. R. Haldeman in a Feb. 1, 1972, memo that Kalmbach was "very concerned."

Strachan noted Kalmbach might be subpoenaed and suggested that he not be used any more "in the milk project because of the risk of disclosure." Haldeman replied he would discuss the problem with then Atty. Gen. John N. Mitchell.

That memo mentions an aide to former Treasury Secretary John Connally.

The aide, Jake Jacobsen, was mentioned as one of two men handling the milk pledge. Strachan quoted Kalmbach as predicting that Jacobsen and the other person "will deliver, though they have cut the original 2,000 commitment back to 1,000."

In political shorthand the figures referred to $2 million and $1 million. But the tap on the milk money was actually closed a few days later.

Testimony in the Nader suit shows Kalmbach met in February 1972 with the new head of AMPI and when that official said all further donations would be made on public record, Kalmbach informed him a short time later that he was "terminating" his request for AMPI money.

THE TAPES BUY TIME

(James Reston)

The one thing you have to say for Richard Nixon is that he knows when he is licked. Almost everything he always said he would never do—compromise with Moscow, recognize Peking, accept deficit financing, or be unfaithful to his promises—he has done. And he has done it again by releasing the Watergate tapes, which he said he would never release.

It was a clever move. He has retreated from one mess to another, but he has gained time. It will take weeks to get the tapes down on paper and to get a new team to take over the prosecution at the Justice Department, but meanwhile, he has gotten rid of Archibald Cox, the "independent" prosecutor, which was probably his objective, and he has postponed—though he has not avoided—a critical battle with both the courts and the Congress.

The President, was in terrible trouble before he switched and agreed to let the tapes go to the courts. He judged Archibald Cox well enough. He gave Cox a dishonorable order he knew Cox wouldn't accept, and he was right.

But the President misjudged Atty. Gen. Richardson, and Deputy Atty. Gen. Ruckelshaus. He appealed to Richardson to concentrate on the Middle East crisis, and stay on even if Cox disappeared.

The White House didn't even give Richardson time to respond to the President's order to fire Cox. Gen. Alexander Haig called Richardson at 7 o'clock last Saturday night and told him the President was sending him a message, which seemed to call for an answer from Richardson, but while the attorney general was trying to draft a reply, the White House put out its announcement that Cox was fired.

Then the White House turned to Ruckelshaus to fire Cox, and Haig not only told him this was an order from "the commander in chief" but appealed to him on patriotic grounds to carry out the order. Ruckelshaus, according to his associates, replied that patriotism was not the same as obedience, that in his mind it was sometimes the opposite, and that he would not comply. So he was fired.

Meanwhile, Richardson appealed to the President's aides and lawyers to consider what the reaction would be in Congress and in the country if they fired Cox for carrying out the independent prosecution he was promised by the President and the attorney general, but his appeals were rejected.

It is interesting and significant that during those critical five days when Richardson was negotiating with the White House staff, and warning them not to fire Cox or force his own resignation, the President never discussed the problem personally with his own attorney general, until the very end when it was clear that the President was determined to get rid of Cox. Only then, when Richardson said he would resign if Cox was fired, did the President agree to see him.

It was a typical, bold, and desperate Nixon play, but this time it didn't work. Public reaction went against the President.

Accordingly, the President was confronted with precisely the power struggle he had sought to avoid. The Congress was proceeding toward impeachment proceedings in the House. The unions were demanding his dismissal from the presidency. More important, the old Republican establishment, led by the leaders of the bar, was denouncing the dismissal of Cox and the resignation of Richardson.

Facing all this, and the prospect that the controversy would go back into the streets if he defied the courts and the Congress, the President agreed to hand over the tapes. This will avoid the clash for a time but not for long.

For once he has admitted the tapes to evidence in the courts, it will be hard for him to exclude other relevant documents, or to argue against another special prosecutor. He is rid of Cox for the moment, but not of prosecution. He has saved his skin, but not his honor.

Ironically, he chose to challenge in this latest of his political crises three men—Cox, Richardson and Ruckelshaus—who had become the most attractive and articulate symbols of objectivity and probity in his administration. And in the process, he lost all three.

This has shocked Washington more than anything since the Watergate burglary, and while he now has time to try to sort things out, he has affronted his own most loyal supporters and even his own Cabinet, and raised the most serious questions about his moral authority to govern over the next three years.

THE AX THAT FELL ON COX

(Charles Bartlett)

With yesterday's release to Judge Sirica of the Watergate tapes, the dust has settled enough to discover that President Nixon fired Archibald Cox because he ran out of tolerance for a pack of Ivy League lawyers who seemed bent on running him to the ground.

On May 22 the President described Cox as a symbol of his determination "to see the truth brought out." However, by late summer he became convinced, mainly by the anguish of ex-associates who were being investigated, that the special prosecutor posed a running affront to the presidency. Cox would have been fired earlier if the President had not needed to wait out the Spiro Agnew drama.

Temperament more than tactics seems to have forced the denouncement. Cox was viewed with emotion from the White House as a swollen-headed professor propelled by partisan malice into an anti-Nixon crusade. While wholly at odds with this observer's, the White House view gained substance from the "highly motivated" demeanor of some of the young lawyers he recruited.

Two factors make it appear that the President did not force the hounds out of the hunt because they were getting close to his heels. First, according to an objective source who should know, Cox's sleuths have not acquired evidence that involves Nixon in criminal activities. Second, the elimination of Cox makes it almost certain that another special prosecutor, named by Congress or the grand jury, will take up the inquiry, perhaps at an even hotter pace.

The negotiations over the tapes were carried on last week against the growing awareness of insiders that Nixon meant to dump Cox at his earliest opportunity. His use of the tapes issue was a tricky, clever gambit. It is obvious that he could have sought acceptance of his compromise from the Court of Appeals without disturbing his arrangement with the special prosecutor.

The gambit fooled the three senators—John Stennis, Sam Ervin and Howard Baker—who were apparently not told that they were being offered no more or less access to the tapes than the grand jury was to have. They gratefully took what they were offered without realizing that they had undermined the special prosecutor. If members of Congress had been quicker to grasp what was going on, they might have saved Cox with their protests.

The President will pay a high price for relief from his antipathy towards Cox. In losing Elliot Richardson and William Ruckelshaus, he draws further upon his dwindling reservoir of trust. Richardson was the honest broker, the public-interest mediator between the President's narrow concept of the Cox mandate and the wide horizons of the Watergate scandal. Nixon is now without a broker, even without an attorney general.

He has nettled his skeptics once again with a show of arrogant disregard for an earlier commitment. He added chill to the drama by deploying the FBI in a Gestapo-type flourish on Saturday night. With the surrender of the tapes, he is no closer to losing his office than he was before, but he has pulled further away from the hearts of his countrymen.

Nixon has virtually insured that the onus of Watergate prosecutions will no longer be left to the control of his administration. He has provoked a vacuum which Congress or the grand jury will fill. He can at least take one comfort—his next tormentor will probably not be Archibald Cox, a man too modest to be drawn by fate into a serialized contention with the President.

NATIONAL SECURITY—NO. 1 PRIORITY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. YOUNG of Florida. Mr. Speaker, as a member of the House Armed Services Committee I have long been concerned over the state of our national security and military readiness, especially in view of the readiness of some groups to slash deeply into our military budget without regard for consequences.

Therefore, I was especially pleased to learn that the 1973 National Convention of the Military Order of the World Wars set the tone of its deliberations by declaring without equivocation that our national security must be accorded priority above all other programs. Following is the text of the first day resolution which sets forth the position that we should fund and implement without delay those military programs necessary to maintain our preeminent military posture in the world.

The resolution follows:

NATIONAL SECURITY—NO. 1 PRIORITY

Whereas, military strength second to none and the will to use it in defense of our national interests is the surest path to peace; and

Whereas, our national posture in current and projected negotiations for military detente and arms control is vitally dependent upon our present and projected military strength; and

Whereas, serious efforts are being made to erode this goal which at this time has been projected to a twenty year low; and

Whereas, other national programs can flourish only when our national security is assured.

Therefore be it resolved, that The Military Order of the World Wars in National Convention assembled, affirms that national security should have first priority among all national programs and calls upon the Congress to expand, as necessary, the military funding needed to continue our country as a first rate power in the world.

MRS. HELEN "CHILDS" BOYDEN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. CONTE. Mr. Speaker, I come with a profound sadness in my heart today to inform my colleagues of the death of a fine and gentle woman, Mrs. Helen "Childs" Boyden, wife of the late, renowned headmaster of Deerfield Academy in Deerfield, Mass., Frank L. Boyden.

Lest you think Helen Boyden will be remembered only as the wife of a great man, I would point out that this woman stood in no man's shadow. She was helpmate, soulmate, companion, and colleague to the headmaster. Her dedicated work at Deerfield Academy as an accomplished teacher of mathematics and science complemented that of her husband.

A native of Deerfield and a graduate of Smith College, Helen Childs came home to Deerfield Academy as a science teacher in 1905. Headmaster Boyden warned her then:

> If you ever have any trouble with the boys, remember that I'll be on their side.

From the beginning, she was on the boys' side, too.

In 1907, the headmaster and Helen Childs were married. Years later, the headmaster was to write this tribute to his wife:

> She is much more important than I am. She has a wonderful sense of humor and deep affection for the boys. She has more influence on the boys than I have. She makes them want to do the work. Her judgment is excellent. It is interesting that a combination such as the two of us could get together. She could have been the head of any school.

It would be hard to imagine a woman more respected by more people. She was held in high regard by the academic community and was awarded honorary degrees by a number of institutions including her own alma mater, Smith College; St. Lawrence University; Trinity College; and Mount Holyoke College. She left an indelible impression on her students and her passing will be noted with sorrow by all of them, many of whom have labored in this Chamber.

I was privileged to call Helen Boyden my good friend. Although she was buried on Monday, her memory, like that of her husband, will live on in the hearts of all of those who have been members of the Deerfield "family" throughout the years. At this time, I would like to ask my colleagues to join me and my wife, Corinne, in expressing our deepest sympathy to her children John, Theodore, and Elizabeth, and her grandchildren.

SANTA ANA RIVER FLOOD CONTROL HELP REQUESTED

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HOSMER. Mr. Speaker, a serious and threatening condition exists in Orange County, Calif., with respect to the flood potential of the Santa Ana River. A large number of my constituents in California's 32d Congressional District could be adversely affected. The nature and extent of the problem as well as the key to its solution is contained in my letter of October 17 to Gov. Ronald Reagan requesting his help and the help of California's Legislature in establishing a unified flood control authority for both upper and lower reaches of this river. The letter follows:

OCTOBER 17, 1973.

Re Santa Ana River Basin flood control problem.

DEAR GOVERNOR REAGAN: For some months I have been seeking a solution to the multi-billion dollar flood threat posed in Orange County by the Santa Ana River. If this river ever goes out of control, thousands of my constituents in California's 32nd Congressional District as well as many other citizens of the County would be disastrously affected.

This letter requests your help and that of the California Legislature to forestall such a tragedy.

Various data and reports on the problem originated by the Los Angeles District of the U.S. Corps of Engineers reveal that in Orange County what is known for planning purposes by the Engineers as a Standard Project Flood could result in over $2 billion in damages to homes, businesses, industries, transportation, local governments, other entities and from work lost.

I have an overlay map indicating that such a flood could inundate as many as 100,000 acres of Orange County, including part or all of the communities of Fountain Valley, Huntington Beach, Seal Beach, Surfside, Sunset Beach, Costa Mesa, Los Alamitos, Garden Grove, Westminster, Santa Ana, Tustin, Midway City, Orange, Anaheim, Cypress, Stanton, La Palma, Buena Park, Fullerton and Yorba Linda.

Even what is known as a 100-year flood (one which records suggest could occur about once a century) could cause an estimated half-a-billion dollars in damages in Orange County's coastal plain, with depths of water rising up to 7 feet over 35,000 acres of homes, businesses and public properties.

The Engineers have devised several alternate plans for the control of these and lesser floods of the Santa Ana River which, with its tributaries, runs through Orange, Riverside and San Bernardino Counties. They have calculated their costs to range from about $300 million to some $450 million. Orange and San Bernardino Counties have passed resolutions supporting Alternate Plan #6. Riverside County appears to favor something like #6. This degree of consensus among the counties appears to be based less on the merits of Alternate Plan #6 as an effective flood control instrumentality than it does a belief that this plan is the one least offensive to Riverside and San Bernardino interests.

Alternate Plan #6 contemplates a very large dam in the Mentone area which would be located astride the San Andreas Fault. A board of experts is being convened by the U.S. Corps of Engineers to evaluate the wisdom of such a location. It will probably take some time to act and I gather that extensive drilling and other geologic work would have to follow before any final technical decision could be expected. If it is negative, things must start from scratch again. Meanwhile, the clock ticks toward the inevitable time when actual flood conditions could materialize.

The root of our difficulty in coming up with a really effective plan to protect Orange County citizens from flooding lies in the disparity between physical benefits and financial burdens any plan will impose among the three affected counties. Although a major fraction of the costs of any of the various alternative flood control plans suggested would be borne by the Federal government, depending on the alternative selected, *direct* local costs could range from a few million dollars in the case of some alternatives to many millions in the case of others. Additionally, numerous *indirect* local costs, such as removing land from the tax rolls, relocating homes, farms and industries and the like, will result from any flood control project.

Whereas most of the beneficiaries of flood control will be Orange County taxpayers it can be assumed that most of the local costs will fall primarily on taxpayers living at the River's upper reaches in Riverside and San Bernardino counties where most of the actual flood control works would be located. This is partly because there are different flood control districts for each county, each with its separate financial structure. Upstream areas hardly can be expected to jump with joy at the prospect of assuming substantial costs which benefit them less than others. Nor, can they be expected to embrace an alternative which provides the most technically effective flood control but at a far higher price to them than some cheap but less adequate alternative.

I respectfully suggest to you, and by copy of this letter to the state legislators and county governments of the affected area, that for the purpose of overall Santa Ana River Basin flood control the existing control districts of each of the counties be consolidated by law into one unity with the power, insofar as possible, to allocate the direct and indirect local costs of flood control in the Basin up and down the River in some reasonable relationship to local benefits. Or, if there are more simple ways to achieve the same end, that they be adopted quickly so that we can get on with the necessary flood control construction in a timely fashion, in a fair fashion, and in an adequate fashion.

My point is, that if this situation is to be met, if disastrous flooding sometime in the near or intermediate future is to be avoided, then responsible officials of the State of California must initiate the required measures for speeding the achievement of a local consensus on a safe and adequate project. Until this is done, progress is stymied because the Federal government cannot, will not and should not attempt to impose its will in this local matter upon local people and local interests.

Some reasonable agreement among them is an absolute condition precedent to getting on with further major flood control work in the Santa Ana River Basin.

It is impossible for the U.S. Corps of Engineers to ask Congress for Federal millions for any project unless and until there is general agreement along the River on a carefully planned and technically sound project. As soon as, but not until, that is done, I and others of California's delegation in the Congress can bear our weight in Washington to enact the necessary major Federal appropriations.

Obviously, even if the help I ask you for is swift to come, the inherent delay in organizing and funding a project of the magnitude involved, and the lead time required for building it, will aggregate a period of several years. Thus, even if all goes smoothly, the odds for the occurrence in Orange County of a 100-year flood sometime during the next 10 years are 1 in 10. The odds for the occurrence of the larger and more devastating Standard Project Flood are 1 in 20 or 30. Consequently, the prospects are far from negligible that the Santa Ana River Basin will experience serious flooding before a project can be completed to protect it.

For that reason I strongly urge homeowners and businessmen in the area to avail themselves of Federally subsidized flood insurance available through regular brokers. Presently, the limits on this insurance are $17,500 for a house, $5,000 for its contents and $30,000 for commercial buildings. Legislation which has passed the House of Representatives and is pending in the Senate will raise these limits to $35,000, $10,000 and $100,000, respectively.

The potential value of this insurance in relation to the flood risks present in the communities listed earlier in this letter should not be lightly regarded. Pending completion of an adequate Santa Ana River Basin Flood Control Project, I hope that public officials of the affected area will join me in publicizing the availability of this insurance to residents and property owners in the Basin.

I also believe that cities, counties and flood control districts in the area should explore the feasibility of obtaining blanket flood control insurance for all interests within their political boundaries, and financing the premiums by a special local flood control tax to be enacted for that specific purpose.

Thank you and the other responsible officials for all you will do to straighten this matter out.

Sincerely,

CRAIG HOSMER,
Member of Congress.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 37

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HARRINGTON. Mr. Speaker, today I am inserting an article on a murder-suicide that has destroyed the lives of a husband and wife.

Gun control legislation is the only way to help stop these "easy" killings.

The Washington Post article from October 16 is included below:

MURDER-SUICIDE RULING IN DEATHS

A D.C. medical examiner ruled yesterday that the shooting death of a 26-year-old man and his 25-year-old wife in Anacostia Sunday night were murder and suicide.

Deputy Medical Examiner Dr. William J. Brownlee said Steven Michael Greene, of Oakland, Calif., had apparently killed his estranged wife, Carolyn Hill Greene, 3035 Massachusetts Ave. SE, in a wooded area near her home here, and then taken his own life by shooting himself in the head.

Police said they believed Greene had arrived here from Oakland sometime Saturday. But they said they did not know when he met his wife, who has been working here as a secretary.

Charles Crocker, who has been living in the red brick apartment building where Mrs. Greene had been living, said the woman arrived in the District one or two months ago. He said he did not know her and had only seen her in passing.

Neither police nor any neighbors could give any reason for the incident.

The bodies were found about 9 p.m. Saturday near the bottom of a hill at Minnesota and Anacostia Avenues, SE, about two blocks from the woman's home.

WELFARE MYTHS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. LEHMAN. Mr. Speaker, unfortunately, there has been a great deal of misunderstanding about our welfare system. The picture of hundreds of thousands of free-loading welfare cheaters getting rich off the American taxpayer is pure myth.

While there are certain areas of the system which need correction, the facts show that welfare goes largely to those groups in our Nation which are unable to help themselves—the aged, blind, disabled, children, and mothers who must stay home to care for young children.

Ann Landers has recently printed a letter from a youngster whose family was forced by tragedy to go on welfare. The letter seeks to dispel some of the more popular welfare myths.

The letter follows:

DEAR ANN: I am 15 years old. Dad died four years ago of cancer. There are five children in the family younger than I. My dad didn't belong to a union, he was self-employed, had no social security, and his insurance just barely covered his medical bills. Three years ago Mom had to go on welfare.

When we buy groceries with stamps some folks in the store look at us as if we are taking money out of their pockets. Sure, people on welfare cost taxpayers money, but Dad paid his taxes when he was alive and Mom can't feed us kids on what she makes working in a bakery.

I read some facts about welfare in an article put out by the Committee on Political Education. Every American should see it. You run the biggest billboard in America, Ann. Please print them.

Fact No. 1: People wind up on welfare not because they are cheats or loafers but because they are poor. They are poor not only in money, but in everything. They have had poor education, poor health care, a poor chance at decent employment and poor prospects for anything better.

Fact No. 2: Of the 15 million people on welfare, two million are aged, permanently disabled or blind. Three million are mothers.

Fact No. 3: Nobody is getting rich on welfare. At best, it allows barebone living. Maximum payment for a family of four ranges from $700 a year in Mississippi to $3,600 in New York, New Jersey, Massachusetts and Connecticut.

Fact No. 4: Cheating on welfare is not rampant, but minimal. No program involving 15 million people can be completely free of fakers. Probably less lying and cheating goes on in the Welfare Department than in the Internal Revenue Department.

Fact No. 5: Welfare mothers are not having babies just to collect extra money. Nearly 70 per cent of all children on welfare are legitimate, according to HEW.

Fact No. 6: The welfare rolls are not made up mostly of blacks. More than 48 per cent of the welfare families are white, 43 per cent are black, the remaining are Orientals, American Indians and other ethnic groups.

I hope this will help to reduce the bigotry and clear up some misunderstanding.

—You Might Be Next

Thank you for helping educate millions of people today. I checked your facts with the Department of Health, Education and Welfare and they are correct.

U.S.A. IS NOT SO BAD, A CANADIAN REPORTS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. FISHER. Mr. Speaker, with so many bad things being said about our country these days, it is refreshing to have some contrary viewpoints, particularly from a friendly Canadian named Gordon Sinclair. His remarks, which should be read by everyone, are contained in an editorial which appeared in the October 8 issue of the San Antonio Light, which follows:

GOOD NEIGHBORS

Gordon Sinclair, a Canadian commentator and author of several books, wrote the following article several weeks ago. We reprint it from the Anchorage Daily Times as a refreshing view at a time when Canadian-American relations are somewhat strained—partly, to be sure, because of controversies involving the trans-Alaska pipeline project. The article is as follows:

"The United States dollar took another pounding on German, French and British exchanges . . . It has declined there by 41 per cent since 1971, and this Canadian thinks it is time to speak up for the Americans as the most-generous and possibly the least-appreciated people in all the Earth.

"As long as 60 years ago, when I first started to read newspapers, I read of floods on the Yellow River and the Yangtze. Who rushed in with men and money to help? The Americans did.

"They have helped control floods on the Nile, the Amazon, the Ganges and the Niger.

"As the rich bottomland of the Mississippi is under water, no foreign land has sent a dollar to help.

"Germany, Japan and, to a lesser extent, Britain and Italy, were lifted out of the debris of war by the Americans, who poured in billions of dollars and forgave other billions of debts.

"None of those countries is today paying even the interest on its remaining debts to the United States.

"When the franc was in danger of collapsing in 1956, it was the Americans who propped it up and their reward was to be insulted and swindled on the streets of Paris.

"I was there; I saw it.

"When distant cities are hit by earthquake, it is the United States that hurries in to help . . . Managua, Nicaragua, is one of the most-recent examples. This year, 59 American communities have been flattened by tornadoes. Nobody has helped.

"The Marshall Plan, the Truman policy, all pumped billions upon billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent, warmongering Americans.

"I'd like to see just one of those countries that is gloating over the erosion of the United States dollar build its own airplanes.

"Come on, let's hear it!

"Does any other country in the world have a plane to equal the Boeing jumbo jet, the Lockheed Tristar or the Douglas 10? If so, why don't they fly them? Why do all international lines except Russia fly American planes?

"Why does no other land on Earth even consider putting a man or woman on the Moon?

"You talk about Japanese technocracy and get radios. You talk about German technocracy and you get automobiles. You talk about American technocracy and you find men on the Moon, not once, but several times . . . and safely home again.

"You talk about scandals and the Americans put theirs right in the store window for everybody to look at.

"Even their draft dodgers are not pursued and hounded. They are here on our streets. Most of them . . . unless they are breaking Canadian laws, are getting American dollars from Ma and Pa at home to spend here.

"When the Americans get out of this bind . . . as they will . . . who could blame them if they said 'the hell with the rest of the world. Let someone else buy the Israel bonds. Let someone else build or repair foreign dams or design foreign buildings that won't shake apart in earthquakes.'

"When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are still broke.

"I can name you 5,000 times when the Americans raced to the help of other people in trouble.

"Can you name me even one time when someone else raced to the Americans in trouble?

"Our neighbors have faced it alone and I'm one Canadian who is tired of hearing them kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their noses at the lands that are gloating over their present troubles.

"But there are many smug, self-righteous Canadians.

"And finally, the American Red Cross was told at its 48th annual meeting in New Orleans that it was broke. This year's disasters . . . with the year half over . . . had taken it all and nobody has helped."

WHY IS NACOA MEETING IN A CLOSET?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. OBEY. Mr. Speaker, the public meeting of the National Advisory Committee on Oceans and Atmosphere this Friday and Saturday is to be held in room 6802 of the U.S. Department of Commerce Building, and NACOA has announced that the public will be admitted "to the extent of the very limited seating available on a first-come-first-served basis."

Now, a completely public meeting of NACOA is something of a novelty, so no one knows how many people will turn out to witness the proceedings. I am curious, however, why this advisory committee of 25 members will be meeting in dinky room 6802—which is little more than a closet—when the Commerce Department auditorium is available, at least for the Saturday session.

I cannot help thinking that NACOA, which has large-scale responsibilities, prefers a small-scale audience.

UNITED NATIONS WEEK

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ASHBROOK. Mr. Speaker, United Nations Week is an appropriate time to take a good look at that international organization. It has been popular to refer to its as "man's best hope" for so long that we rarely take a good hard look at the work of that body. Is it really man's best hope for peace. In all honesty, I answer "no." Man's best hope for peace, I am certain, still rests in a strong and vital United States of America. Despite the hopes and aspirations of founders, the U.N. gives little indication it will be able to cope with serious international problems.

It was founded in the hope that the victorious allies in World War II would continue their "commitment" to peace. However, even then the Communists were not committed to peace and 28 years later are even less committed. If the past 28 years have shown anything, it is that it is difficult if not impossible to have general rules of behavior acceptable to Communist and free states. By their very nature, Communist states utilize an entirely different rule. If the U.N. were limited to nations which have open and free societies, it could come closer to achieving its purpose.

Having followed the United Nations closely through the years, I can safely make two categorical statements: First, the United Nations should in no way be given any of our basic American sovereignty nor should we trust its decisions for important peacekeeping operations. Second, none of its actions should be implemented in any way or form in this country without a specific vote of Congress. There are too many inconsistencies and errors in its operation.

A case in point is a recent resolution adopted by the Committee on Colonialism regarding the status of Puerto Rico. By a vote of 12 to 2, the U.N. committee affirmed Puerto Rico's right to independence. The resolution requests that the United States "refrain from taking any measures which might obstruct the full and free exercise by the people of Puerto Rico of their inalienable right to self-determination and independence." It also keeps the Puerto Rican question under the Colonialism Committee's "continuous review."

John Scali, our Ambassador to the United Nations, has rightfully labeled this resolution "ludicrous." In a free and open election held last year, 51 percent of the Puerto Rican people voted for the Popular Democratic Party, a party which advocates maintenance of the current commonwealth status. Another 43 percent voted for the New Progressive Party, which is pressing for statehood in the United States. Only 5 percent of the electorate cast ballots in favor of the Independence Party.

The Committee on Colonialism is, therefore, pushing a plan that has been rejected by 95 percent of the voters. Perhaps, as Mr. Scali indicates:

It may be some consolation to the people of Puerto Rico, who undoubtedly will be as outraged as I am by this blatant interference in their internal affairs, to realize that many of the nations which took the lead in supporting the resolution do not permit their citizens freely to express their views on who will govern them and for how long.

If Americans watched the day-to-day actions and votes in the U.N., they would not be calling it man's best hope for peace. In my observations, it is interesting that the loudest critics of the United States here at home are more often than not the same ones who want some basic American sovereignty transferred to the U.N.

"MR. BUCK" OUTSTANDING AS COMMUNITY LEADER

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ALEXANDER. Mr. Speaker, since coming to Congress, I have dedicated a large portion of my energies and time to legislation and programs designed to assist the development of nonmetropolitan communities. However, programs and legislation do little good if the citizens themselves are not interested and concerned over the future of their cities.

I would like to share with my colleagues an article on one man from my hometown who has contributed greatly to the development of Osceola. Mr. J. C. Buchanan has exhibited endless energy in working with the civic organizations and the people of Osceola to improve and expand the economy and general welfare of the people who live there. Knowing such men gives me continued enthusiasm for the future of nonmetropolitan America and our Nation:

"MR. BUCK" OUTSTANDING AS COMMUNITY LEADER

(By Phil Mullen)

Since 1946, J. C. Buchanan has contributed as much or more to the expansion of the local economy, and to the general welfare of the community, as any other citizen.

"Mr. Buck" has received recognition in these columns before but what has made this writer think of him lately has been his great good sense about other people and his relationship with them.

He is a master salesman but he goes further than that. For instance, he has never been chincy in delegating authority to his son-in-law, Dewey Neely, who is vice president of the firm and then he gets along so very well with all of his help, because of his sincere interest in their personal welfare and he has a very low turnover of personnel at Buchanan Chevrolet & Olds.

One salesman came back a couple of years ago from 20 years of service in the Air Force and said that he had planned all of those years to "come back one day and sell cars for Buck."

He was one of the organizers of the Osceola Chamber of Commerce in 1947 and served on the board of directors almost continuously until about three years ago when he said, "It's time for a younger man to take over." More demonstration of good sense.

Mr. Buchanan is one of the four local leaders given most of the credit for the record industrialization of this small city. When the Chamber of Commerce was organized, those 36 years ago, members dug down in their pockets and put up their own money to encourage more housing and to afford more job opportunities for the community.

The other three who engaged in that long drive for industry were late Mayor Ben F. Butler, Faber White and Harold Ohlendorf.

When things looked bleak, Mr. Buchanan never lost his drive, never stopped working, and there is no telling how much those four gentlemen spent out of their own pockets to finance the trips that had to be made "up north" to contact the industrial headquarters and make the sales presentation about the attraction of Osceola.

Some 2,000 people now employed on the Industrial Park, their families, and the entire community well know and appreciate this work.

"Mr. Buck" never quit, until a few years ago, and he can register more enthusiasm than anyone in the State of Arkansas about his home town and how it is still due growth and economic expansion.

Mr. Buchanan began his association with the Chevrolet Motor Co. in 1925. He is a native of Nebooville, Tenn. and began "coming across The River to Blytheville to sell automobiles when he was in knee britches." He spent 20 years in Blytheville before being able to acquire the operation of the agency in Osceola. Since that time, he has, with his valued associates, made the Osceola agency one of the most successful in the nation and he has been highly recognized by his fellow dealers on district and regional levels and by General Motors, several times.

As a widower, Mr. Buchanan married the former Miss June Armintrout in 1937 and this is one fine lady. The daughter, Helen, and her husband, Dewey Neely, say, "June has been everything a mother could be to us." The grandchildren, Kerri, Jay Lynn and Fanny, echo those sentiments.

"Mrs. Buck" was an expert insurance agency secretary for years then she joined the automobile firm and for years she has been a perfect complement to her husband. To everyone who comes calling, she has a friendly smile and a cheerful greeting, but she never intrudes herself.

In recent years, Mr. and Mrs. Buchanan have been taking long vacations, in Arizona, and at other noted spots but they seem to have been around home much lately.

"Buck" has been a member of the Osceola Rotary Club for many years, and he always seems to have a happy good time at the luncheons but here, also, he doesn't try to occupy the spotlight.

His great business knowhow has resulted in the establishment of two other Chevrolet agencies, the Bill Childers place in Poplar Bluff, Mo. and the Charles Cannon place in Ponca City, Okla.

What prompted this piece about Mr. Buchanan this week were the thoughts of this writer about our own personal relationship.

We've had some rugged political differences but they never became personal. He made it plain always that such differences had nothing with our doing business with each other and using each others products and services where such would be of benefit.

And you'll have to give him credit. He stands up for what he believes, for the good of the community, and he'll speak out plainly. Perhaps that's the best test of all of a good citizen—his activity in local politics, his drive, sometimes controversial, in community affairs, have never cost him a dime's worth of business.

Seeing him active around the auto agency you'd never accuse him of being one of the Elder Businessmen of the City but he does take it much easier than he used to.

Because he has built an organization that will take care of the business, if need be, and he has built a reputation that will last.

PRESIDENCY SHOULD BE FORD TEST

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. STOKES. Mr. Speaker, in view of the latest evidence of President Nixon's unfitness to continue in office, it is most important that the Congress entertain second thoughts about confirming his nomination for the Vice Presidency. Regardless of the particular nominee's virtues, anyone handpicked by a man so committed to trampling the Constitution and laws of this democracy, must be thoroughly and rigorously examined to determine just what kind of President he will be.

Only the day before the firing of Archibald Cox and the abolition of the special prosecutor's office, Mr. William C. Barnard, chief editorial writer of the Cleveland Plain Dealer, wrote:

> One year ago it was unthinkable that President Nixon might be impeached or forced to resign because of scandals in his administration. It is no longer unthinkable. . . . Because of these political uncertainties, Congress must not look at Ford in light of his vice presidential qualifications, but instead must determine whether he is capable of being president.

Bill Barnard displayed sharp foresight. But how could even he have known that just 24 hours after publishing that statement, the whole of the American people would suddenly cry out for the President's impeachment?

I wish to share with my colleagues the well-considered admonition Mr. Barnard has addressed to us:

PRESIDENCY SHOULD BE FORD TEST

There is a growing possibility that Richard M. Nixon may not serve out the final three years of his presidency.

This is a harsh observation, but it is one borne out by the incredible events of the past year. The reputations of President Nixon and his administration have been under constant assault for political treachery and immorality. There appears no letup to the barrage of accusations and evidence.

The following circumstances should be kept in mind when Congress considers the nomination of Gerald R. Ford to fill the vacancy in the office of vice president:

For the first time in the history of the United States a vice president has been forced to resign his office because of criminal wrongdoing.

Two former Nixon cabinet members, former Atty. Gen. John N. Mitchell and former Secretary of Commerce Maurice H. Stans, await trial on felony charges. They are under indictment for perjury. Former White House counsel John W. Dean III has been named a coconspirator with them.

Several lesser personages in the Nixon administration are under investigation or have been indicted for activities connected with the Watergate break-in or the President's re-election campaign.

And still the bottom is not in sight. Both the Senate committee and the U.S. attorney general are continuing their separate investigations. Special prosecutor Archibald Cox last week won a U.S. appellate court decision that ordered Nixon to turn over to a district judge presidential tape recordings related to Watergate. These are crucial and could exonerate or implicate the President.

Still another committee of Congress is investigating the use of government funds at President Nixon's private estates. The chairman of that committee has said evidence has been turned up that raises "serious questions of propriety."

Never has the presidency been so besmirched. Public opinion polls have never before recorded such low trust in the presidency. Seldom has Congress regarded the presidency so suspiciously.

One year ago it was unthinkable that the vice president and other top members of government might be forced to resign and face criminal prosecution. It is no longer unthinkable, it is now fact.

One year ago it was unthinkable that President Nixon might be impeached or forced to resign because of scandals in his administration. It is no longer unthinkable. The Watergate investigations have an uncontrolled momentum and no one can predict what their outcome will be.

It is in this atmosphere that Congress is considering the vice presidential nomination of Ford. Because of these political uncertainties. Congress must not look at Ford in light of his vice presidential qualifications, but instead must determine whether he is capable of being president.

President Nixon's removal from office is a possibility that is not relished, but it is a possibility that exists.

STATEMENT REGARDING WATERGATE TAPES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HOSMER. Mr. Speaker, the degree of confidentiality with which a U.S. President, as the head of a separate and independent branch of the Government, shall conduct his business has been in steady dispute with the Congress and the courts since the inception of the Republic.

President Nixon's position in this regard in connection with the Watergate tapes is neither more nor less than a part of this historic issue.

I thought that the compromise worked out to satisfy the court's order by furnishing verified summaries of the tapes was an intelligent approach which respected both public and Presidential interests. I believe Special Prosecutor Cox properly could have agreed to it. When he chose not to do so, his logical course was to resign in disagreement, as did the Attorney General.

Since this matter is one involving disagreement among legal experts on an ambiguous question of constitutional law, I do not regard impeachment of the President as a logical response to the situation.

Moreover, it appears to me that the President's subsequent action in releasing these tapes may set an unhappy precedent. How skillfully Judge Sirica handles them will have a lot to do with that. Advisers to Presidents could become reluctant to speak frankly knowing that their words might be freely publicized. Representatives of other nations might be inhibited unduly in discussing grave matters of state with American Presidents for the same reason.

In short, the real question here is not, as Cox said, whether we will have government by law rather than government by men, but whether we shall have government or whether we shall have a public mess.

AFL–CIO CALLS FOR RICHARD NIXON TO RESIGN OR BE IMPEACHED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. RANGEL. Mr. Speaker, the public outcry over the President's actions this past weekend has been amazing. On October 22, at the 10th Constitutional Convention of the AFL–CIO, the executive council adopted a resolution asking for the resignation of President Nixon, and in the event of his failure to resign, his impeachment. I have taken the liberty of placing this resolution into the CONGRESSIONAL RECORD, for the benefit of my colleagues:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON PRESIDENT NIXON TO THE 10TH CONSTITUTIONAL CONVENTION, BAL HARBOR, FLA., OCTOBER 22, 1973

The Constitutional crisis that began with what the White House once described as a "third-rate burglary" has now been brought to a head by the absolutely unprecedented and shocking actions of President Nixon within the last 48 hours.

In rapid succession, these events have taken place:

The President demanded that Attorney General Elliot Richardson fire special Watergate prosecutor Archibald Cox. Richardson refused and resigned. The President demanded that Deputy Attorney General William D. Ruckelshaus fire Cox. Ruckelshaus refused and was fired. The President ordered his Solicitor General, Robert H. Bork, to fire Cox, and Bork, now Acting Attorney General, complied. The President ordered the FBI to seal off the offices of the special prosecutor, the Attorney General and the Deputy Attorney General—thereby, in effect, taking possession of the Watergate evidence.

These incredible actions have revealed the extent to which Mr. Nixon is prepared to go to prevent the full disclosure of evidence relating to the Watergate cover-up and other charges of criminal conduct by high government officials. He had already refused the orders of two courts to turn nine of his tapes bearing on the Watergate matters over to Judge John Sirica.

The President seems determined not to discharge the chief obligation of his office. Article II, Section 3 of the Constitution states that, "he shall take care that the laws be faithfully executed." But Mr. Nixon seems utterly determined to frustrate the full and impartial administration of the law.

When the Senate Judiciary Committee confirmed the appointment of Cox, it acted with the understanding, spelled out in the guidelines drawn up by the Attorney General, on May 19, that he would have: "full authority with respect to . . . determining whether or not to contest the assertion of 'executive privilege' or any other testimonial privilege. . . . The attorney general will not countermand or interfere with the special prosecutor's decisions or actions. . . . The special prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

The special prosecutor's decision to press forward on the legal front to obtain the President's tapes hardly constitutes an "extraordinary impropriety." On the contrary, it constitutes the fulfillment of his mandate to "review all documentary evidence available from any source, as to which he shall have full access."

Similarly, the refusal of Attorney General Richardson to fire Cox was in accordance with the understanding between him and the special prosecutor, which understanding was also at the basis of the Senate's confirmation of Mr. Richardson as Attorney General.

Mr. Nixon's determination to prevent judicial examination of his tapes, no matter what the cost to our constitutional system, can only further erode public confidence in him. When the President appears fearful of facing a Supreme Court composed in large measure of his own appointees, the public can scarcely resist the darkest speculations.

We believe that the American people have had enough. More than enough.

We therefore call upon Richard Nixon, President of the United States, to resign.

We ask him to resign in the interest of preserving our democratic system of government, which requires a relationship of trust and candor between the people and their political leaders.

We ask him to resign in the interest of restoring a fully functioning government, which his Administration is too deeply in disarray to provide.

We ask him to resign in the interest of national security.

If Mr. Nixon does not resign, we call upon the House of Representatives forthwith to initiate impeachment proceedings against him.

We also call upon the Congress to hold up further consideration of the President's Vice President-designate, Mr. Ford. Clearly, a President who has placed himself on the brink of impeachment should not be allowed to name his successor until the charges against him have been disposed of satisfactorily.

We concur completely with Archibald Cox, who said at the time of his dismissal: "Whether we shall continue to be a government of laws and not of men is now for Congress and ultimately the American people to decide."

Impeachment is not a prospect we contemplate with pleasure. No decent American can derive any partisan satisfaction whatever from the misfortune of his nation. And surely the American labor movement is not interested in aiding any reckless attacks on the Presidency. We are especially concerned about the office of the Presidency in these times of grave danger on the international front.

But the cause of peace and freedom in the world cannot be served by a discredited Presidency at home. Our allies' best hope—mankind's best hope—lies in the strength of our democratic institutions.

Justice may be done, the risks of not doing it being more than a democracy can safely bear.

CONGRATULATIONS TO JAMES DAVIS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. REES. Mr. Speaker, it is with great pride that I would like to share with you the accomplishment of a constituent of mine, James Calvin Davis of Studio City, Calif. Jim has been approved as an Eagle

Scout and will receive the award at the Court of Honor of Troop No. 139 on November 3, 1973.

This young man has been very active in the Scouting program for several years. He recently exemplified the spirit of Scouting by building friendships with Scouts he met at the National Boy Scout Jamboree in August of this year, and by acting as host to two Japanese Scouts on their first visit to the United States. Jim still maintains a sincere correspondence with his former Japanese guests.

I am sure my colleagues will join with me in extending hearty congratulations to James Davis. He represents the large segment of our youth who constructively contribute to their communities and to whom our Nation will turn for guidance in the years to come.

UNITED NATIONS CELEBRATES ITS 28TH ANNIVERSARY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BIAGGI. Mr. Speaker, today is the 28th annual celebration of United Nations Day throughout the world. It is a time when we should reflect on the history and accomplishments of this important institution, over the 28 tumultuous years of its existence.

It is particularly appropriate that as we celebrate United Nations Day 1973, we find it actively working toward the achievement of a durable cease fire to quell the raging warfare in the Middle East. The successful accomplishment of this will serve to silence the critics of the United Nations who feel that it no longer represents a viable institution for the solving of major world problems.

The United Nations can point to other significant achievements in the year 1973. The most significant action taken by the United Nations was the admittance of East and West Germany. This important action was interpreted by many international observers as a real breakthrough in solving the East-West tensions over the thorny questions of Germany.

It has been claimed by many international experts that the basis under which the United Nations was formed is no longer applicable today. Yet I contend that an international policy based on collective security is more viable today than at any other time in the 28 years of the United Nations' existence. With the emerging détente between the two super-powers, the United States and the Soviet Union, the emphasis will now shift to other major world powers such as China, Japan, and Germany, thus transferring our former bipolar world into a multipolar one. It is in this format that the United Nations can serve its most useful function.

It is in light of these facts that this year's celebration of United Nations Day is truly a significant event. I look forward to its continued growth and hope its influence is felt more in 1974 as we aim for the establishment for a generation of peace in the world.

IMPORTANCE OF A STRONG NATIONAL DEFENSE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. DICKINSON. Mr. Speaker, on October 16, I was happy to invite a group of about 40 of our colleagues to meet informally with the distinguished Representative from Florida, Mr. LOUIS FREY, JR., who had just returned from a week in Israel. His acute observations, drawn from contact with Israeli civilian and military leaders all over the country, offered us a stark and chilling lesson in the need for defense preparedness. Let me give some examples:

First, the Israeli reserve forces were mobilized and committed to battle in 3 days. Some reserve units were in combat on the first day. Although the Arab forces apparently achieved considerable surprise, they were stopped without decisive military gains soon after the outset, by the very quick arrival of Israeli reservists. This is not to say that decisive psychological gains were not made.

There is a lesson for America here—an echo of 1776: We must have the desire to be and stay free. We have got to get behind our own Reserves and "get with it." The Reserve components, adequately trained and prepared, constitute an economical and essential insurance against threats to the United States.

Second, both sides in the Mid-East have been inflicting heavy damage with an assortment of very advanced antitank and antiaircraft systems. In fact, some are more sophisticated than any in our own arsenal. Arab effort centers around the sophisticated and highly mobile SA-6 and SA-7 antiaircraft missiles, and the Snapper antitank missile, all of which can deploy forward with armored units.

The SA-7 or Strella missile is man-portable, has a heat-sensing guidance system, and has been particularly effective against Israeli tank-fighter bomber teams. Press reports indicate that the Israelis have countered with the Shrike antiradiation missile, the Sparrow and Sidewinder air-to-air missiles, and a variety of electro-optical guided bombs.

Here is another lesson for thoughtful men: The combat environment of the future will be more uncertain than ever, as new technology is brought to bear. Supremacy in a future contest will depend greatly on current research and development, a field in which I would remind you that the Soviets are moving ahead with great speed. Obviously, we must mind our own progress here, and not fall asleep over the past success of American technology.

Third, there has been considerable surprise both in Israel and in this country that the Arab forces did not dissolve like a $2 suit in a heavy rain once the battle was fully joined. They have performed very creditably. Some Arab units have performed valorously. There is no question that rigorous training, improved leadership, and a sense of purpose have inspired both sides to do better. It is all a matter of attitude.

We, in America, should thereby recognize that a vigorous and spirited defense begins with a vigorous and spirited defense attitude. We cannot permit wooly-headed thinkers and flatulent critics to "rip off" the American military casually and destructively. Too much is at stake. We should instead nourish and invigorate the all-volunteer force by fostering constructive criticism when it is due, balanced praise when it has been earned, and by infusing the armed services with a keen sense of national responsibility and purpose.

Mr. Speaker, in an era of détente, when hopes are high for a structure of lasting peace, the Mid East war reminds us brutally that any such structure will be fragile, uncertain, and filled with latent danger.

It is not militarism to understand this; it is not warmongering to prepare against such hazards. It is, rather, basic to our discharge of citizenship. And the thoughtful, patriotic citizen should be in the forefront of such understanding. He will turn away from it at his peril and to the peril of all.

EXTENSION OF ENVIRONMENTAL EDUCATION ACT NOT NEEDED

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ASHBROOK. Mr. Speaker, when the Environmental Education Act was enacted in 1970, it was not envisioned as a permanent piece of legislation. Its purpose was to encourage State and local school authorities to develop and support environmental education programs.

This purpose has certainly been achieved. Public awareness of environmental issues has probably never been at a higher level. Hundreds of environmental programs have been instituted, many of them initiated by students, teachers, and communities without any money from the Federal Government.

Today, however, we are asked to extend the Environmental Education Act for 3 years at a cost of $45 million. Despite the fact that the goals of the program have been achieved, many Congressmen seem intent on expending another $45 million for this bill rather than risk being labeled antienvironment.

This program should be terminated. We should not extend the act for an additional 3 years simply because it has the word "environment" in its title.

The following minority views on this legislation were joined in by Mr. LANDGREBE, Mr. HUBER, and myself:

MINORITY VIEWS ON H.R. 3927

There is no valid reason for extending the Environmental Education Act.

First of all, the Act was never intended to be permanent. Its purpose was to stimulate nationwide interest in environmental education—a goal which, as explained by Assistant Secretary of Health, Education and Welfare Sidney P. Marland in his testimony before the Select Education Subcommittee, has been fulfilled.

There is, we trust, no doubt that environmental and ecological issues have been brought to the "height of public consciousness." If there is any other issue presently more "sacred" to the public, we are not aware of it. As evidence, one need only note that Congress, never an institution to be out of step with the "public interest," has passed a virtual tidal wave of legislation designed to "protect the environment." As further evidence, one need only observe the extreme reluctance of many Members of Congress to oppose H.R. 3927, even though they agree that the program has served its purpose; apparently the fear of being labeled "anti-environment" is just too much to cope with.

Secondly, extension of the Environmental Education Act is inconsistent not only with the President's budget request but with his government reform strategy as well. The Act represents the sort of unduly narrow, categorical program which the Administration is in the process of phasing out in favor of broader categories of assistance which leave more decision making in the hands of State and local school officials. Since there is an automatic one-year extension of this Act, we have until June 30, 1974, to phase out funding under this authority and intergrate environmental educational efforts into the various broader authorities for Federal aid to education if we do so choose.

Let us acknowledge that this program has fulfilled its intended goal. Let us not waste the taxpayers money by extending an act simply because it has the word "environment" in its title.

Earl F. Landgrebe,
John M. Ashbrook,
Robert J. Huber.

WILLIAM McPHERSON McGILL

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BYRON. Mr. Speaker, last week William McPherson McGill, one of Frederick County's most distinguished citizens, passed away. Mr. McGill, a Frederick County schoolteacher for 48 years, was the last teacher in the county to teach in a one-room school.

William McGill is remembered as a "Gentleman of the Old School" who kept his pupils on a strict schedule timed by his gold watch, who taught the three R's, plenty of geography and the flora and fauna of the woods and fields around his schools. He gave up a principal's job at Foxville to keep alive Phillips Delight, a one-room elementary school on the mountain near Catoctin Hollow.

Mr. McGill began teaching in 1910 at the Catoctin Furnace School. He served at Creagerstown Elementary, Ijamsville, the Deerfield School, Graceham, Bloomfield, Phillips Delight, and Foxville. He retired in 1955. William McPherson McGill will be sorely missed by his family and friends and his many ex-students. His many contributions to education and his community will be long remembered.

TELEPHONE PRIVACY IN KENTUCKY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ASPIN. Mr. Speaker, the assistant attorney general of Kentucky, Mr. Robert V. Bullock, has informed me that a telephone solicitation act will be presented to the Kentucky Legislature in January 1974, for its consideration.

I have sponsored in the House for the past 2 years a telephone privacy bill which will allow individuals to place a no-trespassing sign on their telephone. Individual telephone subscribers will be able to indicate that they do not wish to be solicited over the phone for commercial reasons.

Kentucky's proposal goes much further and makes it unlawful for any person to solicit the sale of merchandise or services by telephoning a prospective purchaser at his home.

Similar legislation has also been introduced in the Virginia Senate and public hearings have been held.

Telephone privacy, I believe, is the right of every citizen. I am hopeful that through either Federal legislation or actions by individual States that telephone subscribers will be able to halt the relentless attempts of telephone salesmen to hawk their wares over the phone.

A copy of the proposed Kentucky statute follows:

Consumers' Advisory Council, Department of Law: An Act Relating to Telephone Solicitation

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Chapter 367 of the Kentucky Revised Statutes is created to read as follows:

It shall be unlawful for any person to solicit the sale of merchandise, goods or services primarily to be used for personal, family or household purposes by telephoning a prospective purchaser in his home.

Section 2. A new section of Chapter 367 of the Kentucky Revised Statutes is created to read as follows:

Section one of this act shall not apply to any telephone solicitation of a prospective purchaser who has an established charge account, or an established course of sales transactions between the prospective purchaser and the seller or company causing the solicitation.

Section 3. A new section of Chapter 367 of the Kentucky Revised Statutes is created to read as follows:

Section 1 of this Act shall not apply to non-profit charitable organizations who solicit for funds or charitable donations only, and who do not offer an accompanying sale of merchandise, goods or services, whose sales price does not exceed $3.00.

Section 4. A new section of Chapter 367 of the Kentucky Revised Statutes is created to read as follows:

Any person who conducts telephone solicitations to prospective purchasers in violation of this Act shall be guilty of a misdemeanor and be fined not less than $500 nor more than $1,000 or confined for 6 months or both, and for the second offense shall be fined not less than $500 nor more than $1,000 and shall be confined for not less than 30 days nor more than 90 days, and for conviction of a third offense shall be fined not less than $500 nor more than $1,000 and confined for not less than 90 days nor more than 10 months, and the Attorney General or a Commonwealth Attorney or a County Attorney may prosecute for a violation of this Act.

SPACE TECHNOLOGY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. TEAGUE of Texas. Mr. Speaker, a recent article in the Lincoln Star by Dick Holman, Friday, September 14, 1973, discusses several innovations which were directly derived from our national space program. I include Mr. Holman's article in the Record as an example of the many and continuing contributions that our national space program is making to the daily lives of every American:

Space Technology Offers Better Chuck-hole Filler

(By Dick Holman)

Lincoln's chuck-hole problem—the bane of winter and spring motorists—could be solved with the technology that helped send man into space.

Louis Mogavero of the National Aeronautics and Space Administration (NASA) explained Thursday that the chuck-hole remedy is one of many spin-offs—new techniques and materials developed in the space effort—that NASA is offering the public.

"We try to return to the taxpayer some of his investment in the space and aeronautics program," said Mogavero, deputy director of NASA's technology utilization office.

He told newsmen that NASA wants to transfer technology to supply the needs of users—and let the free enterprise system take over."

For example, Mogavero said NASA learned municipalities are looking for a better chuck-hole filler that won't sink or crack. NASA took a thermoplastic used chemically to bind solid rocket propellants, adapted its technology and tested it.

"From preliminary observations," he said, "it seems a better mix" than what's available now.

Another NASA space spin-off has become available only in recent weeks: the rechargeable heart pacemaker.

NASA adapted a long-term battery developed for satellite power systems. The agency applied the same reliable miniaturized circuitry to the pacemaker.

NO OPERATION

"All the patient does now is put on a vest, plug it in and recharge the battery through induction." The innovation precludes expensive and hazardous operations required to recharge earlier pacemakers, he said.

NASA offers the spin-offs to municipalities, industry, business and entrepreneurs for free, Mogavero said; yet he said "we have trouble" convincing them to commercialize the technology for public use.

However, great numbers of spin-offs have already been put to practical applications.

Mogavero explained that a woman paralyzed from the neck down now operates her arm with very fine movements using a tongue switch. "For the first time in 18 years, she wrote a letter to her daughter," he said.

The switch was adapted from NASA's remote control devices.

EYE SWITCH

Because of tremendous G-forces that pinned astronauts to their seats, NASA developed a light sensor that reflects into the the astronauts' eyes and allows them to manipulate controls by mere eye movement.

That same technology, Mogavero said, has been adapted to allow an invalid to guide his wheel chair.

In nonmedical advances, he said, one spin-off allows inexpensive extraction of pure costly metals from abandoned cars. Another rapidly detects drug use through urinalysis, a technique "so finely tuned that it can pick up the casual user—once a week," he explained.

For the refrigerator in the home or the refrigerated boxcar, he showed a tiny IWI, an irreversible warning indicator, which indicates by color change if frozen goods have thawed.

The IWI costs two cents in large quantities and six cents in smaller quantities, and can prevent food poisoning, for example, if the power went out while a family was out of town.

BEGAN IN 1962

In an address to the Professional Engineers of Nebraska Thursday evening, Mogavero said the technology utilization program began in 1962.

He explained how NASA teams all over the U.S. "seek out technical problems that might lend themselves to solution by adaptations of existing space technology."

When a technology can be applied for commercial use, the information can be extracted from NASA's data bank or NASA puts the party in direct contact with the NASA inventor or innovator, he said.

"One of the problems we are working on is to effect changes in the NASA patent policy that ought to encourage more businessmen to use technology which is patented," he said. "NASA is now able to accelerate commercial use (of spin-offs) by granting exclusive licenses much earlier than was allowed under the old regulations."

Mogavero emphasized that "all this is not NASA hornblowing. It represents long hours of work and promotion of the idea that the taxpayers are entitled to maximum mileage for their hard-earned space dollars."

LOTTERIES: VICE AND VIRTUE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. CRANE. Mr. Speaker, at the present time in the city of Chicago, there are many who advocate a city lottery. Their argument is that since criminal lotteries take in $100 million a year and benefit only those who illegally operate them, and since a legal lottery would benefit the city, that it be instituted.

In fact, a report by the chairman of the license commission was given to the city council which declared that a legal city lottery would gross at least $150 million.

A number of States have entered the gambling business. The arguments for doing so are similar to those now being heard in Chicago. Too often, the arguments against doing so are not given the hearing they deserve.

We have all heard the argument that since people gamble anyway, why not benefit the State. George Will, writing in the Washington Post, expresses the view that this is no reason for Government to enter a self-destruction business on a grand scale.

Irving Kristol, writing in the Wall Street Journal, declares that—

> The case for legalized gambling is, at bottom, simply an argument in favor of the government raising revenues by swindling its citizens rather than taxing them.

When we speak of legalized gambling, Kristol notes, we are not speaking of simply rescinding the laws which make gambling illegal. He notes that—

> We are, in most cases, talking about legalizing it in a very special way—i.e., either as socialized industry or a regulated and monopolistic (or oligopolistic) "public utility." And we are inclined to think, these days, that such an extension of the public sector represents a natural increment to the "welfare state."

When government gets into the gambling business, according to Mr. Kristol:

> It necessarily assumes the responsibilities for seeing that this business grows and prospers. In effect, it proclaims that gambling is not a necessary evil but an inherently good thing. And it does this while telling its citizens that, if they are to be good Americans, they should work hard, save their money, shun all get-rich schemes. Is this not ridiculous?

If we believe that gambling should be legalized, then the thing to do is simply to repeal the laws prohibiting it. Gambling then would become a free and open part of the marketplace.

What those who seek State and city run lotteries are asking for, however, is something far different, it is not the legalization of gambling, but its socialization.

Concluding his article, Mr. Kristol writes that—

> If we legalize gambling in principle and then socialize it to boot, we have declared that it is in no way a blameworthy activity. That's going too far.

I wish to share this important article by Irving Kristol, which appeared in the September 13, 1973, Wall Street Journal, with my colleagues, and insert it into the RECORD at this time:

VICE AND VIRTUE IN LAS VEGAS

(By Irving Kristol)

LAS VEGAS. NEV.—They smiled indulgently when I said I was going to visit my sister and brother-in-law in Las Vegas. Oddly enough, I was telling the truth—well, half the truth anyway. The other half of the truth, of course, was that I was going to Las Vegas to indulge in the vice of gambling.

I use the word "vice" advisedly. The kind of gambling one does in Las Vegas is a vice. We are not, after all, talking about a friendly and convivial game of poker or canasta. That is more in the nature of "gaming" than of gambling. There is nothing friendly or convivial about Las Vegas. It is all impersonal and solitary—one abandons oneself to fantasies of omniscience, omnipotence, and of getting something for nothing. It most definitely undermines the classical virtues (moderation, self-reliance, self-discipline, thrift, diligence, etc.) while nourishing the classical vices (extravagance, avarice, the lack of social responsibility, etc.). Moralists and psychiatrists agree that this kind of gambling is altogether a bad thing; which is, I suppose, why it is so intensely pleasurable.

I have always been rather fond of Las Vegas because it candidly is an utterly vicious place (i.e., a place for vice). Despite the big-name entertainment and the lavish decor, everyone knows what the business of Las Vegas is, and everyone knows what transactions he has come to participate in. Set in the midst of a barren desert, with no industry of any kind, no pretty scenery or natural charms, Las Vegas exists for sinning and nothing else.

Or at least it used to. For Las Vegas is changing. Not only are more and more people coming every year—they are a different kind of people. Las Vegas now boasts a Holiday Inn and a Howard Johnson's. And it is attracting, in ever greater numbers, a Holiday Inn and Howard Johnson's crowd—cluttered station wagons, yelping dogs, whining children and all. The Chamber of Commerce is very proud of the fact that so many "middle Americans" are now casually stopping off here for a few days of fun and games. I am appalled. It is not only that they will ruin Las Vegas as an authentic city of occasional sin; these are people who are helping to obliterate the distinction between vice and innocent entertainment—a distinction crucial to a self-governing polity, in which (to borrow a phrase from "America the Beautiful") we propose to "confirm our soul in self control."

DANGER AHEAD

Las Vegas inverts the normal moral situation: here, vice is public and only virtue is a private affair. Such inversion is tolerable so long as one realizes how abnormal it is. But once Las Vegas comes to be regarded as just another vacation resort, to which one takes the family without a qualm, we are in danger of losing our moral bearings. Las Vegas may end up more virtuous—but only by de-moralizing the rest of the country.

The significance of the changes under way in American manners and morals is highlighted by the latest issue of Forbes to reach the Las Vegas newsstands. Its lead story, "Gambling: the Hottest Growth Industry?" predicts—with a confidence not to be challenged—the growing legalization of gambling in state after state. The cover is graced with a photograph of the late W. C. Fields peering from behind a "hand" of cards. Only four cards are visible; the fifth is presumably up his sleeve.

Now, I yield to no man in my admiration of W. C. Fields. A world without such deviants and eccentrics and rebels against morolaity would be a tedious place. But for a W. C. Fields to emerge in full splendor, he needs a "straight" millieu. One can envisage him easily enough at a typical Holiday Inn, selling snake oil or running a crooked game of bingo. In Las Vegas, he'd be trampled to death by the rush of housewives to the slot machines.

Do we really want to go the way of legalized gambling? There are important issues involved, which no one seems to be seriously discussing. In part, this is because serious discussion of moral issues—e.g., drugs, pornography, sexual promiscuity—goes against the spirit of the age, which would have trouble recognizing a moral issue if it ran over one on Main Street, in broad daylight. But in the case of gambling there is another reason why the moral aspect of the matter is so vigilantly ignored. This is because, when we are talking about legalizing gambling, we are in most cases talking about legalizing it in a very special way—i.e., either as socialized industry or a regulated and monopolistic (or at least oligopolistic) "public utility." And we are inclined to think, these days, that such an extension of the public sector represents a natural increment to the "welfare state."

The most common argument in favor of legalizing gambling is that a lot of people gamble anyway, so why make it a criminal activity? Let's "de-criminalize" it and thereby reduce the crime statistics. Despite its superficial plausibility, this argument makes little sense. If it is to be applied to gambling, it can be applied with equal cogency to faith-healing, "pyramid" sales schemes, and all such activities, now illegel, where the victim is a willing participant in the crime. The SEC does not sanction stock market swindles, even where the odds against the investor are scrupulously spelled out somewhere in a prospectus. And gambling—as distinct from what I have called "gambling"—is, technically, a swindle; the payoffs on bets must be less than fair, and the overwhelming majority of the "investors" must eventually lose their money, if the gambling enterprise is to survive and prosper.

Besides being unconvincing, this argument in favor of legalized gambling is disingenuous. Just how disingenuous may be discovered by asking the question: If we wish to legalize gambling, why not simply erase the prohibitions from the law books and leave the rest to private enterprise? The rejoinder will be either (a) that gambling under private enterprise will cheat the ordinary more than the state will (which is not always true, as every horse-better in New York City knows), or (b) that profits from such a sinful activity as gambling ought not to line private pockets but should rather be directed into the public purse. That last proposition is clearly absurd in its moral logic; as George Will has pointed out in The Washington Post, the fact that government cannot prevent people from being self-destructive is no reason for government to go on a grand scale. But morally absurd or not, this is the argument that counts. The case for legalized gambling is, at bottom, simply an argument in favor of the government raising revenues by swindling its citizens rather than by taxing them.

The article in Forbes makes it quite clear that the impetus for legalized gambling comes from the promise it holds of raising substantial revenues in a "painless" way. When the idea of legalized gambling began to take shape some years back, our state budgets were indeed in bad shape. But today that is no longer the case. For various reasons—revenue sharing, the declining birth rate, general prosperity—most states are now running budgetary surpluses, and tax cuts are becoming more common than tax increases. Nevertheless, there are a great many people in our society whose notion of "progressive" politics is always to be thinking of new ways for the government to spend money for the welfare of its citizens. And since taxation is unpopular, these people have persuaded themselves that it is in the public interest for the government to swindle its citizens so that it can then launch programs that would improve their lives, materially and spiritually.

As a result, various forms of legalized gambling are already in existence in several states while other states are contemplating the inaurguration of them. And we have learned something very interesting from our experience so far. This is that legalized gambling, if it is to "work" (i.e., raise revenues), must be run like any other business selling any other commodity. It has to be advertised and promoted: non-gamblers have to be *persuaded* to gamble. It has to be attractively packaged: there must be various forms of gambling to suit pocketbooks large and small, and to satisfy diverse tastes for a speculative fling. It must be innovative: new modes of gambling have to be devised and introduced, lest people become bored with losing their money. It must be deceptive: the odds against winning are emphatically *not* printed on your betting ticket. And both the stakes and the bets have constantly to be increased, so people can ignore their continuing losses while dreaming of an ultimate "killing."

DOES IT MAKE SENSE?

In short, when government gets into the gambling business it necessarily assumes the responsibilities for seeing that this business grows and prospers. In effect, it proclaims that gambling is not a necessary evil but an inherently good thing. And it does this while telling its citizens that, if they are to be good Americans, they should work hard, save their money, shun all get-rich-quick schemes. Is this not ridiculous? Does it really make sense for the government to insist that no one has a legal right to work for a penny less than the minimum wage and for the government then to encourage us all to blow our week's wages at the betting cage? Does it really make sense for the government to enact a mountain of legislation—from SEC registration to the labeling of consumer products—which protects people from unwise expenditures while urging them to make the unwisest expenditure of all, i.e., a gambling bet?

Of course it is ridiculous. And dishonest. And corrupting, both of people and government. But the urge to spend the people's money for the people's welfare is so powerful (and so mindless) that it actually comes to seem proper to cheat the people in order to get this money to spend on their welfare. This is paternalism run amok.

I have no doubt that there are some silly anti-gaming laws on the books—petty laws. ineffectual laws, which ought simply to be repealed. And if we really are tired and bored with enforcing the laws against *gambling*, then the honest thing to do is to repeal them as well. Gambling will then be the free folly of an individual.

But if we legalize gambling in principle, and then socialize it to boot, we have declared that it is in no way a blameworthy activity. That's going too far. One Las Vegas, far away and only sometimes visited, we can easily tolerate—even benignly tolerate. But one is quite enough.

MR. NIXON TAKES A WHITEWASH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. RANGEL. Mr. Speaker, despite the President's recent action in complying with the U.S. District Court of Appeals' decision that he hand the disputed tapes over to Judge Sirica, serious questions still remain as to whether the investigation into his administration's activities will be able to continue unimpeded. It is, I think, most important that Congress immediately act to reestablish, by statute, the office of the special prosecutor, thereby insuring its independence from the President and the Executive Branch.

I am taking the liberty of inserting Mr. Tom Wicker's article on this subject which appeared in the October 23 edition of the New York Times. I am sure that my colleagues will be interested in Mr. Wicker's remarks on the need for an independent investigation into the Nixon administration's activities:

MR. NIXON TAKES A WHITEWASH

(By Tom Wicker)

WASHINGTON.—Richard Nixon has ordered his own whitewash. He has put an end to an investigation of his Administration's activities that he had promised would be independent, unhindered and complete, and he has reasserted his political direction of the Department of Justice.

In so doing, Mr. Nixon has made it impossible that any Justice Department continuation of the Cox investigation could be credible, conclusive or acceptable to the American people, much less effective in uncovering wrongdoing. If Mr. Nixon had wanted a no-holds-barred inquiry, he would not have fired Special Prosecutor Cox; if the Justice Department now attempts to provide such an investigation anyway, Mr. Nixon has left no doubt that he will stop that, too, by firing the next crop of investigators.

That the Watergate investigation has been quashed by the man being investigated should not be obscured by all the diversions this devious politician has prepared to disguise it. White House lawyers apparently are going into court to argue that Mr. Nixon's unilateral proposal of a self-serving means of resolving the tapes controversy met the court requirement that he turn the tapes over to Judge Sirica. They will argue further that this proposal was indeed a "compromise," although it takes two sides to a controversy to make a compromise, and although, on its face, Mr. Nixon's proposal was more nearly a flat accompanied by a peremptory order to Mr. Cox not to return to the courts in further pursuit of the tapes.

It also is being argued that this Nixon power play is a compromise because it was accepted, more or less, by Senator Ervin, whose flabby inadequacy as an investigator was finally made clear, and by Senator Baker, who is a Republican Presidential possibility, on behalf of a committee that had no say in their decision. In fact, the committee already had been denied the tapes by the courts, so that the two Senators were not compromising but swallowing a Nixonian handout of sucker-bait. At that, they did not then know that their acceptance would be used to make Mr. Cox appear intransigent; although they presumably did know, as Mr. Nixon surely did, that whether or not they accepted on behalf of the Senate committee had no bearing on what the special prosecutor had to do on behalf of the grand jury for which he originally had sought the tapes.

As for Mr. Nixon's selection of John Stennis as auditor of the tapes—a political master-stroke—it is no reflection on Mr. Stennis' undoubted veracity to inquire why he, but not a Federal judge in his chambers, should pass on the accuracy of the "summaries" Mr. Nixon proposed to provide; or to point out that the proposal would set aside the normal judicial process, by Nixonian decree, in favor of an ad hoc arrangement with nothing to recommend it but the reputation of one elderly and infirm man. As Mr. Cox explained, moreover, however John Stennis might vouch for them, no court would or should accept "summaries" rather than the tapes themselves as evidence for either the prosecution or any defendant—which may be something Mr. Nixon had in mind all along.

All of these matters are diversionary and are being advanced by White House double-talk artists in order to hide from the public the snuffing out of Archibald Cox's special investigation, and the reassertion of the same kind of political control of the Justice Department that made Mr. Cox's appointment necessary in the first place.

That appointment was forced upon Mr. Nixon by Congress because the Senate would not have confirmed Elliot Richardson as Attorney General without the promise that a special prosecutor would be named and given independent powers to investigate; and Mr. Richardson's resignation was in recognition of that promise and of its violation by Richard Nixon. Therefore, Congress has no choice, if it is not to see its expressed will thwarted by Mr. Nixon's perfidy, but to reestablish a special and independent investigation in such a manner that Mr. Nixon cannot nullify it by whatever new tricks he may devise.

How this may be done, as to a general investigation into all the alleged offenses, is not clear, but as to Mr. Nixon himself, there is ready at hand a resolution by Representative B. F. Sisk of California that the House of Representatives establish a select committee to inquire into the question of impeachment. To impeach, which only the House can do, is not to remove Mr. Nixon from office but to indict him in specified charges, which then would be turned over to the Senate for a fair trial on the merits of the case.

Mr. Nixon could not quash such a constitutionally based House inquiry. He could not contend that it violated the separation of powers. If he refused to respond to its subpoena, the committee of inquiry could draw its own conclusions, and make its own recommendations. By thwarting the legal process, Mr. Nixon has asked for precisely such political judgment.

TAPIRS, TAKINS, KINODO DRAGONS—ONLY AT THE BRONX ZOO, AND SOON A MONORAIL, TOO

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BINGHAM. Mr. Speaker, the Bronx Zoological Park, no doubt the finest institution of its kind, plans a most exciting new endeavor—a 40-acre Asiatic wildlife complex for such exotic creatures as kinodo dragons, Siberian tigers, giant bats, mouse deer, takins, gaurs, clouded leopards, and tapirs. And to protect the animals and the viewers from each other, there are plans to build a ground level monorail that can be halted at the command of the guide any time something unusual happens among the animals.

This project exemplifies the best efforts of zoo planners to provide the excitement and wildness of a first-class zoo in an urban setting. It would be regrettable if the money needed to realize these plans were not forthcoming. The museum services bill (H.R. 10596) designed to provide project grants and technical assistance would, if enacted, help to insure the success of endeavors such as that planned for the Bronx Zoo.

I commend to the attention of my colleagues an article appearing in the New York Times on October 19:

Asia Is Coming to the Bronx Zoo

(By Murray Schumach)

A monorail with expert lecturers, will be the style in which visitors to the Bronx Zoo's projected 40-acre Asiatic wildlife complex will watch kinodo dragons, Siberian tigers, elephants, rhinocerous, giant bats, mouse deer, the largest wild cattle in the world and other exotic creatures from the Arabian Peninsula to Java.

Moreover, the ground-level monorail will be built in such fashion that although it will run alongside the Bronx River Parkway for a stretch, as well as across the Bronx River, the rider will at all times, be turned from views of traffic and other unpleasant reminders of urban civilization.

This, and other aspects of the Asian exhibition that will be mostly outdoors, were disclosed yesterday by William G. Conway, director of the Bronx Zoo, after he appeared before the City Planning Commission, at City Hall, to urge inclusion of $5.5-million by the city for this development.

"The complex will be the most exciting thing of its kind ever built," Mr. Conway said. He said that the monorail will be able to be halted at the command of the guide any time he sees anything unusual happening among the animals.

NO NUTS, PLEASE

After leaving the hearing, he said that the New York Zoological Society has already committed itself to $6.5-million and that the work has started on the plans that the city has looked upon favorably in the past.

"The smallest section of this Asiatic wildlife complex," he said, "will be bigger than our present African plains for the lions." The plains cover about three acres and is now the zoo's largest display.

Mr. Conway, when asked if youngsters would be able to give peanuts to the elephants as they roam the outdoor Asian area, replied:

"No. We want to stop this custom of giving peanuts to elephants. The peanuts are no better for elephants than they are for people."

Included in the new exhibition area will be a building that will contain slithering pythons, treetop-swinging orangutans, and the komoto dragons.

SCHOOL IS PLANNED

One of the major outdoor features will be the Siberian tigers, of which the zoo now has a breeding group that has enabled the institution to raise between four and seven cubs a year. This work is particularly important because Mr. Conway said that there are now believed to be less than 180 Siberian tigers in their natural state left in the world.

Once the Asiatic exhibition is open, the zoo's old lion house will be phased out and be replaced by a school to teach conservation. Live animals will be part of the courses at this school.

The designer of the new exhibition is Morris Ketchum and Associates, of 919 Third Avenue, architects for the widely acclaimed World of Birds and World of Darkness at the Bronx Zoo.

Among other creatures in the new Asian exhibition, Mr. Conway continued, will be cranes, tapirs, takins (relatives of the musk ox, which are from Boreno), gaur, or giant wild cattle, that stand six feet at the shoulder; clouded leopards and flying foxes, which are bats with five-foot wingspreads.

Mr. Conway said that very few trees would have to be cut down for the new exhibition and that the natural beauty of the area would be protected since the building will be partly underground and be almost concealed by trees and other greenery.

Mr. Conway said that the New York Zoological Society began planning the project in 1969 and is hopeful that the first stage—the outdoor phase—will be open by 1975 and that the indoor section will be completed a year later.

The area for evoking Asia in the Bronx will run from the zoo's southern boundary at 180th Street north almost to the Pelham Parkway, and east from the Bronx River to the Bronx River Parkway. It is an underdeveloped tract within the zoo's 252 acres.

SECRETARY OF ARMY CALLAWAY DISCUSSES VOLUNTEER ARMY

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. DICKINSON. Mr. Speaker, recently I spoke on the floor of the House regarding the concept of an All-Volunteer Army and the fact that more support ought to be given to this effort.

Last Monday the Secretary of the Army, the Honorable Howard H. Callaway, addressed the Association of the U.S. Army convention here in Washington on this same subject. The Secretary's remarks should be of interest to other Members of the Congress and I, therefore, am inserting them in the Record at this point:

Address by the Honorable Howard H. Callaway

Ladies and Gentlemen, distinguished guests:

I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional considerations about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working! It is working because there are still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army! We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second, most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunity for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they are more mature. The Army has trained them, given them each a mission, and then held them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens.

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering quality, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems; we spend our time and energy working on them. We are trying many news approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offense has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve Components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve Components to offset some of our shortfall. As you know, Reserve Component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augmentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve Component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, only 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have all 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—The Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretend to be an expect on this, but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft. I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so. I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said that, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative, and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about the public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

Thank you.

LEGAL SERVICES OUTRAGE

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BAUMAN. Mr. Speaker, in the very near future, this House will be taking up consideration of the Legal Services Corporation bill once again. The bill drawn up by the Senate differs considerably from the version passed by the House, and would, in my opinion, have disastrous effects on the country. No one knows better the vast potential for abuse in an independent Legal Services Corporation than the former Director of OEO, Howard Phillips. In a front page article in a recent issue of Human Events, the conservative Washington weekly, Mr. Phillips details the twisted road the bill has taken here on the Hill, and offers a warning about the consequences of enacting legislation without the minimal safeguards provided in a number of amendments passed here in the House in June.

Mr. Phillips also details the role which the White House could play, if it were of such a mind. I sincerely hope that the President takes note of the entreaty of the man he appointed to oversee the phasing out of the Office of Economic Opportunity, and I present Mr. Phillips' article here for the Members' consideration:

SENATE VOTE NEARS—WILL NIXON SWALLOW LEGAL SERVICES OUTRAGE?

(By Howard Phillips)

The moment of truth is close at hand in which will be resolved one of the most critical, yet least debated, domestic policy issues of the past decade: Legal Services. To a very great extent the outcome will be shaped by the attitude of Richard Nixon and those he has named to man his White House staff.

No activity of the federal government in the modern political era has had a more revolutionary impact on our society than legal services. In terms of leftist organizational success, high-impact radical propagandizing, pervasive administrative and legislative lobbying, landmark test case litigation, provision of patronage to the McGovern Democratic left, and countless other ways, the legal services program has become the state-subsidized theocracy of America's Liberal Establishment. It *is* the "establishment of religion," albeit a secular religion, against which James Madison and other libertarians warned us in the context of an earlier era. It is the extra-procedural instrument by which a militant left-wing political minority wields power, subsidized by the taxes of the American people.

While Nixon spokesmen irrelevantly denounce "acid, amnesty and abortion," legal services attorneys are quietly at work using Nixon Administration funds to promote liberalized drug policies, abortion on demand, and assistance to military dissenters.

While the President's legislative representatives lobby for the Alaska pipeline, legal services activists have played a leading role in delaying it. While Nixon opposes forced busing, legal services promotes it. While the President lectures about the work ethic and workfare, legal services leads the legislative strategy and grass-roots lobby for "welfare rights."

With funds, not just from the Office of Economic Opportunity, but the Departments of Health, Education and Welfare, Housing and Urban Development and the Law Enforcement Assistance Administration and other agencies as well, they have made their presence felt at San Quentin, in the front line of the anti-war movement, in Cesar Chevez' strategy meetings, in organizing for the American Indian Movement, in rent strikes, in underground newspapers, in marches against the President; they have become the vanguard of the "proletariat" which they have helped create.

Now the issue is coming to a head.

Operating in closed meetings, without yet having afforded any opportunity for public hearings, the Senate Committee on Labor and Public Welfare rushed this past week to mark up and send to the floor a heavily liberalized version of the proposal for a non-accountable Legal Services Corporation.

If the Senate committee has its way, the present legal services program would be locked into place without any of the procedural safeguards adopted by the House of Representatives in June, and minus the organizational accountability to the Congress and the President which are now available to curb abuses.

Critics of the OEO legal services program have pointed out that, under a centralized national corporation, with virtually all decisions made in Washington, rather than in the localities where the program operates, it has been relatively easy for a small clique to exercise undue influence over legal services policies and funding decisions.

Furthermore, legal services attorneys, compensated by salary, rather than fee, have found themselves much freer than attorneys in private practice to devote their energies to personal political priorities, rather than simply to respond to client needs. As a consequence of the monopoly staff system, which excludes reliance on private practitioners, clients are unable to be assured of assistance, let alone the choice of their own attorney. It is the salaried attorney who decides which clients and what causes shall gain attention.

Because current legal services policies have encouraged group representation, political organizing, legislative lobbying, propagandizing of the poor with radical social doctrines, and related activities, the House on June 21, adopted more than a score of amendments to limit such misdirection of resources. Without these restrictions, which are by no means comprehensive or fully adequate, present program outrages would be locked in and exacerbated, beyond the reach of accountability to elected officials.

Now, according to Senate insiders, the liberal committee has determined not only to emasculate the safeguards adopted by the House, but also to make the bill even weaker than the watered-down compromise introduced by the Administration in May.

The Labor and Public Welfare Committee, which is dominated by such prominent liberal senators, as Edward M. Kennedy (D.-Mass.), Walter Mondale (D.-Minn.), Thomas Eagleton (D.-Mo.), Gaylord Nelson (D.-Wis.), and William Hathaway (D.-Maine), relies for its GOP leadership on ranking Republican Jacob Javits—who, more often than not, is merely an extension of the Democratic leadership. Giving support to Javits on the Republican side are J. Glenn Beall (Md.), (brother of Vice President Agnew's prosecutor. Maryland U.S. Attorney George Beall), Richard Schweiker (Pa.), Robert Stafford (Vt.) and Robert Taft (Ohio).

Other liberal Democrats on the committee includes Chairman Harrison Williams (N.J.), Harold Hughes (Iowa), Alan Cranston (Calif.) and Claiborne Pell (R.I.).

Subcommittee action on the corporation bill was completed on October 2 and 3. Prodded by Senators Javits and Kennedy, ratification by the full committee and subsequent referral to the Senate floor was expected to have been completed within a few days thereafter.

Contrary to the assumption of those observers who have relied on Washington newspaper accounts for information about the legal services controversy, the Labor and Public Welfare Committe has not acted on the legal services bill which was adopted by the House on June 21. That bill has been sidetracked by the Democratic leadership of the Senate which has been heavily lobbied by politically oriented legal services grantees to start "from scratch" with a more permissive bill, free of restrictions on their actiivties.

It has been the equally significant objective of the program's attorney beneficiaries to deny jurisdiction over the proposed corporation to the relatively moderate Senate Judiciary Committee, which would normally have jurisdiction over legal services legislation and power of review over presidential appointments to the prospective corporation's Board of Directors.

The Standing Rules of the Senate state that the committee on the Judiciary shall have referred to it "*all* proposed legislation, messages, petitions, memorials and other matters related to . . . judicial proceedings, civil and criminal. . . ." (emphasis added.) Nothing in the rules would even seem to suggest Labor and Public Welfare's claim to authority over the legal services program, once it is separated from OEO.

But the legal services lobby has so far succeeded on both fronts, blocking the House bill *and* Judiciary jurisdiction.

When the House-passed bill reached the Senate, an attempt was made by liberals to refer it inconspicuously to the Senate Committee on Labor and Public Welfare. This tactic failed when Michigan Sen. Robert Griffin questioned it, inquiring whether the Judiciary Committee might not more properly receive the referral. Fearing an adverse parliamentary ruling, liberal senators decided to let the House bill "be held at the desk of the Senate," a procedural move to avoid a clear showdown on the Judiciary issue at this time. This left them free to proceed with a "clean" bill in Labor and Public Welfare.

In a related action, when the Brock-Helms proposal for a client-oriented, decentralized legal services program was referred to Judiciary, liberal staffers arranged to keep it bottled up, without hearings, in a new subcommittee headed by California Sen. John V. Tunney, the former roommate of Ted Kennedy, who received strong support from legal services employes when he defeated George Murphy in 1970.

The importance of the jurisdictional question is particularly evident given the history of recent months: In order to gain Labor and Public Welfare Committee approval of his appointment as OEO director, Alvin Arnett, who had been my principal administrative officer during the period in which I headed OEO, found it necessary to repudiate all his previous activities, not just iterms of rhetoric, but with respect to specific policy and funding decisions. He, in effect, surrendered control over the agency's management to the super-liberal committee, in return for a $42,500 salary and a chauffeured limousine.

Even if the President appoints men and women of stronger character than Arnett to the board of the corporation, they will become subject to persistent pressures from Javits and his colleagues to surrender key principles as a condition of Senate approval. Although Judiciary jurisdiction would not, of itself, assure immunity from prosecution, it would go a long way toward removing the legal services program from the clutches of an exclusive liberal clique and enhancing the prospect of independent governance for the new corporation.

Leading the fight for a radicalized version of the corporation proposal has been the rabidly anti-Nixon American Civil Liberties Union (ACLU), whose leaders have been plotting the impeachment of Richard Nixon in close cooperation with legal services activists. In fact, one of OEO's legal services back-up centers was founded by Father Robert Drinan, the congressman from Massachusetts who introduced the first impeachment resolution against Nixon. While dean of the Boston College Law School, Drinan played a key role in organizing the OEO-funded National Consumer Law Center, which bears the mark of his influence even today.

Despite ACLU's activities, ironically, the present advantage which Senate liberals enjoy in their legal services strategy and negotiations with the White House derives in large part from the fact that President Nixon now seems more interested in getting the corporation quickly passed and operational than do the radical forces which will benefit most from its enactment. As a consequence, Senate liberals feel encouraged to hold out for the best deal they can get on the corporation bill's provisions.

Liberal staff members of the Labor and Public Welfare Committee also reportedly plan to delay confirmation of corporation board members until they get appointees from the White House who will, for the most part, serve the present program's policies and grantees intact.

A major consideration in taking the pressure for a corporation off the liberals is their present control of the legal services program at OEO. The office has not had a designated director since early July. Day-to-day direction is now under the guidance of Dan Bradley, a protege of Watergate Committee Assistant Counsel Terry Lenzner. As a special assistant to Arnett, Bradley runs the show, with Frank Duggan, a left-wing Texas Democrat serving as operation chief. An ally of former Sen. Ralph Yarborough, Duggan was a bitter foe of both John Connally and John Tower while working with the AFL–CIO Committee on Political Education (COPE). Bradley and Duggin are busy "staffing up" their offices with like-minded colleagues, preparing for the corporation.

With Arnett's concurrence, legal services program guidelines and administration have reverted to the kind of permissive disregard of the law which characterized earlier periods of liberal program domination. Program funds are once again disbursed "among friends" at the whim of the leftist clique which dominates the program nationwide. In the short run, at least, program attorneys could hardly do better under a corporation. So they've decided to "up the ante" and see how many more concessions will be granted by eager White House staffers.

As senate liberals negotiate with Jim Cavanaugh, assistant director of the Domestic Council, the legal services lobby is helped by an incredibly foolish White House strategy which seeks a corporation at any cost.

Led by Office of Management and Budget Assistant Director Paul O'Neil, management-budget officials have been hard at work since November 1972 to "protect" President Nixon from his original determination to eliminate, not merely cover up, destructive and unproductive OEO activities.

Instead of cutting out bad grants and changing unwise policies, their objective has been to reduce "political flak" by shifting OEO components, unchanged, to new bureaucratic homes. They hoped to appease conservatives with the appearance of change, while keeping liberals happy with increased funding levels and the "institutionalization" elsewhere of OEO-initiated activities.

It is O'Neil's current tactic, adopted by Arnett and Cavanaugh, to whom Arnett reports, to insist that unless corporation legislation is swiftly passed and a board of directors is promptly confirmed, OEO, against the President's wishes, would have to continue. This isn't true, and the argument better serves the goals of the ACLU—which hopes to rush a legal services program into existence—than it does Richard Nixon. Despite O'Neil, OEO can be eliminated as an operational institution whenever the White House decides to veto further appropriations for its activities.

No matter what the President does, ACLU will still dislike him. His policies should be accountable not to legal services liberals, but to those who supported his re-election. Conservatives are tired of the cosmetic rhetoric reflected in the "corporation at any cost" strategy and anxious to see if real reform of anti-poverty programs is on the President's agenda.

Another flaw in the present Administration thinking can be seen in the notion that specific provisions in the legal services bill are unimportant, so long as the President has sole power to appoint its national board of directors. This OMB-promoted view is arrogant, ignorant and short-sighted, Even if Richard Nixon's leadership were provably infallible, it must be borne in mind that he will not always be President. Congress was created by the founding fathers to help assure that we would have a government of laws, to transcend the sway of any individual. Congress writes laws to provide us with safeguards against human imperfection in circumstances we cannot always foresee. These safeguards are especially needed in a corporation removed from both presidential and congressional control, with board members little more accountable than justices of the Supreme Court. Because legislated safeguards are absent from the present program and because the White House has sought to avoid criticism from the left through a policy of administrative neglect, legal services is presently excessively characterized by abuse.

If it is bad now, without safeguards, while theoretically accountable to the President directly, might things not get worse under an independent corporation? Would not responsible governance in the absence of statutory safeguards be even less likely under boards named by a President Mondale or President Kennedy?

ACLU has taken notice of the White House's apparent retreat from earlier positions and interpreted this as a sign of continuing decline in President Nixon's political strength.

In a Septemer 21 Legislative Memorandum ACLU urged its allies to raise their demands: ". . . [W]e have every right to insist on Senate passage of an uncompromisingly strong bill. Ironically, the Watergate scandal seems to be helping this effort . . . there should be far less negative pressure coming from the White House than there was last spring. And it is all the more possible for the Senate to pass a strong bill."

ACLU is being joined in its effort to prove the emasculation of Richard Nixon by a wide range of liberals who support the "Action for Legal Rights" legal services lobby. These include Clinton Bamburger, John W. Douglas, Jacob Fuchsberg, Roswell Gilpatric, Arthur J. Goldberg, Terry Lenzner, Sargent Shriver and Cyrus Vance. With a staff operation led by California Rural Legal Assistance veteran Mickey Bennett and former OEO Migrant chief Noel Klores, they have received important covert assistance from White House Counsel Leonard Garment and HEW Under Secretary Frank Carlucci.

If they win, it will only be a result of Richard Nixon's acquiescence. The simple fact is that, through his power of veto, President Nixon can insist on legislation that meets high standards.

Solid commitments and solemn promises were made last spring that the President would veto any bill which was the slightest degree to the left of the compromise version he sent to Congress in May—a draft already dangerously weakened by liberal pressures before it was sent to the Hill.

As part of those commitments and promises, conservatives were encouraged to advance strengthening amendments. The clear, oft-repeated message was "We welcome and will stand by such amendments."

On June 21, the House, though by no means doing a perfect job, did tighten some loopholes.

Now, as is evident to the opposition, White House spokesmen are waffling. The commitments are being conveniently fudged. It is said that the President is tired of the issue and wants to "get it off his back."

A lot of people still have faith that the President, in the final analysis, will use the power of his office to achieve a result consistent with his promises to conservatives. Others believe that Mr. Nixon simply wants to survive in office for the balance of his term and has concluded that, to do so, he must abandon domestic policy-setting to his liberal adversaries, in Congress, and in his own bureaucracy.

For a great many of us, this will be the moment of truth.

NERVE GAS TESTING PLANNED

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Ms. ABZUG. Mr. Speaker, we are now facing the prospect of open-air testing of deadly nerve gas. Jack Anderson's column of October 22 reports that the Pentagon has not yet decided whether it is necessary but would request permission before testing. I urge my colleagues to refresh their memories on this issue and refuse such permission.

Recently the Pentagon planned to transport this lethal gas by rail from Colorado to Utah. Because of the concern of Representative WAYNE OWENS, hearings were held and the plan was dropped. The Army also announced that a small portion of its Colorado stockpile would be destroyed—a portion already obsolete.

This does not solve the problem of dangerous weapons stored at some seven other points around the country; nor of the dangers ahead in testing the new "binary" weapons. Unfortunately, however, the Army's announcement ended the hearings and conveyed the impression that the problem of chemical weapons was solved. On the contrary, the Pentagon has simply found newer and "better" ways to make and stockpile chemical weapons, which should be totally outlawed.

I was privileged to present this point of view to the House Armed Services

Committee hearings and would like to include that testimony in the Record, along with the relevant portion of Jack Anderson's column.

The material follows:

Army Weighs Open-Air Gas Tests

(By Jack Anderson)

The Army is considering open-air tests of a deadly new nerve gas, presumably at Utah's Dugway Proving Ground where 6,400 sheep were killed five years ago in similar field tests.

The Army is trying to develop a nerve gas that would be safe to handle. The gas is produced by mixing two chemicals, which can be stored separately with complete safety. They are loaded into a shell, which is exploded over the target. This creates a chemical reaction that causes the deadly gas.

This binary system, as it is called, requires extensive testing. So far, the Army has confined its research to simulated tests. But an Army report states that, if permission can be arranged, "a limited number of open-air tests will be performed."

Alarmed over the possibility these tests may be conducted on the Utah range, Rep. Wayne Owens (D-Utah) has fired off a private letter to Army Secretary Howard Callaway.

"How soon is open-air testing of binaries to begin?" demands Owens. "When will congressional and EPA approval be sought?"

The Army Secretary hasn't replied to Owens, but a Pentagon spokesman told us: "No decision has been made as to whether it will be necessary to do open-air testing. If the decision were made, we would request permission."

The experts agree, however, that final development of the binary system nerve gas would be difficult without open-air tests.

Footnote: President Nixon has outlawed the production of biological but not chemical weapons. Critics of the binary system fear that the terrible nerve gas formula would be easy for small nations to produce. The two elements in the gas are fairly simple to make.

Statement of Bella S. Abzug

Mr. Chairman, I appreciate this opportunity to present my views on the urgent question of chemical weapons.

I welcome the announcement made yesterday by Army Secretary Callaway, that some 500,000 gallons of nerve gas stored at the Rocky Mountain Arsenal will be destroyed. I believe the Secretary is sincere in his wish to dispose of this menace, for he has earlier indicated that he saw no justification for keeping it. Let us hope that he will proceed with dispatch—since for four years now, the Army has promised to dispose of this lethal gas. For all those years, 4600 *tons* of poisonous gases have been stored within a mile of one of the nation's busiest airports, just outside of Denver. The citizens of the area have been immensely disturbed, as they should be—a plane crash at that location would be catastrophic.

We have lived so long with lethal weapons that we almost take them for granted; yet this situation is truly incredible.

There is enough nerve gas at the Rocky Mountain Arsenal to wipe out every human being on this earth, several times over. A drop of GB the size of a pin-head can kill a person in ten minutes. Yet the stuff is stored in steel containers, above ground, a mile from an airport.

Recently the Army proposed to move some of it to another depot in Utah (where a huge amount of chemical agents is already stored. This proposal too was frought with danger. In the last few years we have seen many instances of citizens evacuated from their homes because of derailments or explosions of ammunition trains. In 1968 there were over 8000 railroad accidents in the United States. The Army has no right, now or ever, to subject citizens to such hazards.

I confess that I am skeptical about the content of the Secretary's announcement, however. There are eight locations in the country at which nerve gas is stored. Apparently it is not to be destroyed. Further, the attitude of the Department of Defense and the Administration is elusive.

You have heard the testimony of Rep. Wayne Owens, whose bill is being considered here. When he attempted to get information on the need for chemical weapons in modern defense strategy, he received full cooperation from the CIA and the Arms Control Agency; but from the Department of Defense he met "an absolute refusal to discuss the issue at all—even to allow lower level staff people to brief me." Such was the reception accorded the Representative whose District is vitally affected by these weapons.

As you are well aware, the United States has not yet signed the Geneva Protocol of 1925, outlawing poisonous or asphyxiating gases and bacteriological warfare. During the war in Vietnam, the Administration wanted to continue using chemical herbicides. Now that the hated war is ended, that rationale is removed, and the nation should move at once to join over 100 other countries, including all the big powers, who have ratified the Protocol. But the Chairman of the Senate Foreign Relations Committee has not yet received a reply from Mr. Nixon, to his letter of April 15, 1971, raising questions about the Protocol.

Mr. Owens' bill, H.R. 9745, calls for a reevaluation of the United States policy of stockpiling chemical nerve agents. I believe that this must be done—but that the Congress and not the Administration must make such a review.

The Army's announcement does not obviate the need for legislation to control the manufacture, use, storage and disposition of chemical weapons. I commend the intent of Mr. Owens' bill, but I fear that in actuality it would permit, rather than prevent, transportation of nerve gas. Its stated purpose is "to insure that no public funds be used for the purpose of transporting chemical nerve agents to or from any military installation in the United States for storage or stockpiling purposes unless it is the sense of the Congress to do so," but three conditions would nullify this effect. Transportation is prohibited *unless*

(1) the President has made known to Congress his position on the status of herbicides and tear gas under the Geneva Protocol of 1925;

(2) the President has provided Congress with a reevaluation of the necessity for the US policy of stockpiling chemical nerve agents and

(3) the President has certified to the Armed Services Committee of Congress that such transportation is necessary in the interest of national security and that its disposal by detoxification would be seriously detrimental to the chemical weapon deterrent capability of the United States.

"National security" as we have recently discovered, can cover a multitude of sins. The President could easily certify to the necessity of moving and storing gas for "national security" reasons, and no one could verify his statement.

It seems to me that we must provide a broader legislative mandate. Senator Floyd Haskell has called for a nine-month study to determine the best and safest method of eliminating *all* existing supplies of chemical warfare agents, the cost and time necessary to carry out such a program and the manner in which such a program should proceed. He believes, as I do, that our entire stockpile of chemical agents should be destroyed.

It is terrifying enough that our nuclear over-kill is in the nature of 10 to one: that is, we are able to kill every person on earth ten times over. Must we cling to this stockpile of chemical overkill also? In the nuclear age it is obsolete since it cannot be safely transported. Representative Frank Evans of Colorado has correctly stated that "the supreme irony of our chemical nerve agents is that they pose the greatest danger to our own people."

There is no justification to continue to store this horrendous materiel anywhere in this country or in the world. We have already rejected a first-use of it; and the thought that its existence would deter nuclear attack is illogical on its face. The danger, again, is to our own people.

Further, as Mr. Owens has pointed out, our refusal to destroy this stockpile encourages smaller nations to develop and maintain chemical weapons, which are so much easier to develop than a nuclear capability. Certainly it does nothing to promote a climate of international trust.

I am not reassured by the Army's announcement that it now plans binary munitions production—in which two ingredients are stored separately and not combined until the munition is ready for firing. The proliferation of such techniques would make it easier for small countries—even for terrorist and dissident groups—to obtain life-obliterating weapons. It would still leave the problem of open-air testing, already scheduled for the Dugway Proving Ground. A few years ago, open air testing at Dugway resulted in the death of 6400 sheep; next time, it could be people.

Apparently the Department of Defense is trying to take back with one hand what it gives with the other. If under public pressure it is compelled to destroy existing stockpiles of chemical weapons, it will start their immediate replacement with binary weapons. Meanwhile, we retain an offensive chemical capacity, and continue research on new toxic agents.

It is time—indeed it is already past time—that the Congress review the entire function of chemical warfare. I am convinced that it will be found useless, costly and so hazardous that no more time must be lost in deactivating such weapons.

AIDING GRADUATE STUDENTS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. DULSKI. Mr. Speaker, as our Nation very properly gives its attention to the worsening energy crisis, a medical educator from Buffalo, N.Y., has issued a terse warning that our resources of "mind power" also are not endless.

During a Buffalo town meeting last week, Dr. M. J. Smith, assistant director of education at Roswell Park Memorial Institute, expressed concern for the national policy phasing out training of biomedical personnel.

Dr. Smith explains carefully why she feels it is a mistake to replace fellowships and training grants as the basic system of supporting research students.

Mr. Speaker, as part of my remarks, I include the text of Dr. Smith's presentation:

Remarks of Dr. M. J. Smith

Today, we are all well aware of the potential damage to our nation that develops when our natural resources are taken for granted.

However, it would appear that we do not learn from our mistakes.

We are here this afternoon not to remind you that our resources are in jeopardy but to speak of the imminent stifling of our most precious resource—"our mind power". It has to become clear that "a mind is a terrible thing to waste".

We need these minds to solve the energy crisis we are facing as well as a human crisis in terms of biomedical research with which we at Roswell Park Memorial Institute are so absorbingly involved.

The Federal administration has taken the position that the "need for greater numbers of biomedical personnel has passed", and that the supply of researchers will soon exceed the demand. Furthermore, they argue that this oversupply will lead to a situation of unemployment.

DISPUTE ON FEDERAL FACTS

These arguments are not consistent with the projections of the NIH reports that state that by 1983 we will need 112,360 biomedical scientists as compared to 66,800 in 1961. Accordingly, we question the justification for phasing out of training program at all levels and particularly for our young, gifted, potential biomedical personnel.

Also, this has been questioned rigorously by other representatives of the biomedical community to the point of causing the administration to revise its decision by promising a token $30 million for only restoring a training program that will be predominantly for post doctorates.

HEW promised that by October 1 the new rules governing the $30 million post doctoral fellowship program would be forthcoming. However, today is October 15 and we are still waiting to see these new guidelines which are being held up because of lack of agreement on pay-back provision and the manner of selecting participants.

BIOMED SURPLUS QUESTIONED

The President's Science Advisory Committee has stated that "the implication that we are training a surplus of biomedical Ph. D.'s appears unfounded. All but 1.3% of those Ph. D.'s graduated in 1968–69 found positions in which they are expertly utilizing their graduate education."

Furthermore, we must realize that with every new advance made, a broad range of research opportunities is created expanding the potential job market. The new proposed system of supporting students through investigators with research contracts and grants as an alternative to fellowships and training grants has been described.

We consider this system inadequate first because it tends to restrict students to specific projects and forces students to work only with professors having such money. An organization could not develop a dependable, identifiable training program of excellence using a research project grant technique.

BREAKDOWN OF TRAINING AIMS

We have had experience with this approach and it leads to a breakdown of training objectives. Moreover, it perpetuates the training of individuals in those departments rich in research grants and therefore does not assure training in critical areas of professional and supportive personnel needs in research areas, be it in cancer or in the area of supplying energy.

The objectives of a training grant and that of a research project grant are different. The trainee is forced to limit his thinking to the objectives of the investigator's grant rather than training himself to being an excellent researcher. He is forced to play the role of a technician.

INCREASE COSTS OF GRANTS

Secondly, this would increase the costs of a research grant inasmuch as we would have to pay salaries which are higher than stipends. If you did this, staff members or departments could only support a small number of employees at the expense of ongoing research effort.

We would recommend that:

1. NIH training grants be continued and even expended to meet shortages in personnel in the pre and post doctoral basic and clinical disciplines that provide research and service.
2. NIH training grants be continued and expanded for supportive personnel that provide service and research in areas where there are identifiable shortages.
3. Such training functions be conducted primarily at centers that are equipped to train professional and supportive personnel in basic and clinical areas.
4. NIH make a strong defense against using research project grants to support trainees because it is not reliable fiscally and does not assure excellence in training since it would not be consistent with the objectives of the research project grant and would not assure the training of personnel in critical areas.

RISK OF OVER-EXPECTATIONS

One of our greatest concerns is the risk of inordinately high expectations on the part of the Congress and the public. We must not think of this program as comparable to a moon shot or an atom bomb program. It cannot be regarded as a crash program for the accelerated implementation of known basic science.

Instead, this is a program in basic science matched with the endeavor to bring the best of today's science to solve crucial problems. We are not in search of a magic bullet, but rather are attempting to mobilize the best brains available in this nation and the world to insure that they have an opportunity to make their maximum contribution to the cause of solving problems and of minimizing the time required for the solutions to benefit the people of the world.

CORPORATE RESPONSIBILITY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. PEYSER. Mr. Speaker, I was shocked and disappointed to see a recent statement by the former Deputy Secretary of Defense, and the present chairman of the board of the Hewlett Co., Mr. David Packard, in which he called for a curtailment of corporate support for higher education. Mr. Packard, at a luncheon sponsored by the Committee for Corporate Support of American Universities, not only called upon corporations to withhold their support from American colleges and universities, but also asked these same corporations to restrict any money that they do give to specific projects.

I am frankly amazed that someone with the background and long-term involvement in national affairs that Mr. Packard has would call for corporations to curtail contributions at a time of financial crisis for colleges and universities.

Anyone who has had an involvement with the problems of higher educational institutions knows the financial problems which these institutions now face. They also know the problems that restricted gifts necessarily create, although they are better than no contribution at all.

My belief, which has been shared by corporations for a good many years, is that corporations have a moral obligation to help colleges and universities when it is economically possible. At this time, the Government recognizing the financial plight of colleges and universities is seeking ways, not only to increase aid for needy students, but to give institutional aid to institutions of higher education throughout the country.

Mr. Packard's statements are clearly insensitive to the needs of our young people and to our colleges and universities across the country. His proposal runs counter to our governmental efforts in this area, and if adopted by the corporate community, could effectively reduce all forms of individual and corporate contributions. If we were to follow his theory through, I can see where perhaps only five or six major universities would receive aid. For instance, a great many corporations would believe that their money would yield the greatest benefit to them by investing it in specific programs at Harvard, MIT, Stanford, and the like, and then recruiting those program graduates for their corporations.

While I have nothing but respect for these universities, smaller and less well known schools also contribute greatly to the country and to the corporate community. They should in no way be ignored. They supply corporate leaders, and community leaders who interrelate to corporations.

It is estimated that at the present time, corporations give less than 1 percent of their pre-tax earnings to colleges and universities. Surely this is not a level that should be reduced. In recent years, many corporations have developed a program of raising dollar for dollar any gifts made to colleges and universities by their employees. The Packard proposal could place this program, which is proving to be very successful, in great jeopardy.

The Packard proposal would academically and financially brankrupt our colleges. He has obviously flunked his course in corporate responsibility for academic institutions, and I urge the corporate community to reject his suggestions.

USA IN MINIATURE

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. PARRIS. Mr. Speaker, my constituent, Mr. John R. Kanline, of Alexandria, Va., has been diligently attempting for some time to gain the approval and assistance of the Federal Government, U.S. industry, and the general public for a project entitled "U.S.A. in Miniature," to be completed in time for the 1976 Bicentennial celebration.

On August 3, 1973, I included Mr. Kanline's letter to the editor of the Washington Star-News in the CONGRESSIONAL RECORD. As a follow-up on this subject, Mr. Kanline has provided me, in letter form, with an "action outline" for the implementation of this proposal. At this time, under my leave to revise and extend my remarks, I include that letter in the RECORD:

SEPTEMBER 28, 1973.

DEAR CONGRESSMAN PARRIS: I appreciate your remarks on the proposal inserted in the August 3, 1973, Congressional Record and would like to add this to your "thoughts on the Bicentennial." The idea, you recall, is to create a small park in the National Capital area depicting the major sights of the U.S.A. in miniature as a major feature of the Bicentennial in 1976, and patterned after a similar park in the Netherlands called "Modurodam."

Modurodam is four acres in size with walkways interspersing the miniaturization of historical and modern features of the Netherlands with 44,000 lights, 2 miles of miniature operating railroad, shipping ports, windmills, oil refineries, manufacturing plants, etc. This park has operated for fifteen years at a profit.

To create a similar U.S. feature in time for the 1976 Bicentennial would require the interest and support of a number of segments of the U.S. such as government, general public, industry, agriculture and most of all the Bicentennial Commission and the media. I therefore suggest the following action outline for consideration of those who may see this:

(1) Government support in promoting and checking the feasibility of the proposal, including the Smithsonian, the Bicentennial Commission, the Park Service, the tourist section of the Department of Commerce, etc.;

(2) Individual and collective action of the Congress in suggesting to the Commission special features and sights from their constituencies for inclusion in this unique national park;

(3) The most necessary support of industry to participate in the technical creation of manufacturing plants in miniature such as steel mills, refineries, railroads, shipping ports, etc., and to help also by having certain segments of industry help finance parts of the project. This would constitute an excellent form of advertising:

(4) Historians, architectual designers and the Smithsonian to suggest historical topics for inclusion and to insure authenticity with financial help from philanthropic organizations;

(5) News media interest and support to editorialize the foregoing and help in its promotion in order to build up general public support. Their articles could be based on the letters to the Editor in both local papers and your article in the August 3, 1973, Congressional Record;

(6) The needed support of local citizens for the proposal and to make such support known to the Bicentenial Commission so this project can become a reality;

(7) Local government interest in a suitable location.

Since my earlier letter I have learned that several parties alerady have designs and cost estimates in hand for consideration.

I have also contacted steel companies, automobile manufacturers, insurance companies, refining companies, food manufacturers, camera and film producers, national associations of soft drink and beverage companies, and for the most part the response was enthusiastic after local representatives had passed the contents of your "Thoughts on the Bicentennial" on to their home offices.

My interest in this is non-monetary and stems from a visit my wife and I took to Modurodam several years ago.

With the vast resources of this nation, I cannot see why "U.S.A. in Miniature" cannot be created for the Bicentennial and its 40 million visitors to this area, as well as for the local children and adults who would find it both entertaining and educational.

JOHN R. KANLINE.

CHARLES T. BUSH, PATUXENT NAVY MAN OF THE YEAR

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BAUMAN. Mr. Speaker, in these days of volunteer military service it is well for the Congress to recognize those who are willing to work in their capacity as members of the military and the naval forces. It has come to my attention that PNI Charles T. Bush has been chosen by the Navy League to be the Patuxent Navy Man of the Year. Chief Bush's reputation at the Patuxent Naval Air Test Center, Md., where he is stationed, is one of the highest order. He has not only been very active in his own profession achieving an excellent rating, but he has also been a model member of the community in which he lives as well as a leading layman in his church.

Mr. Speaker, these are the kind of men who our Armed Forces need, and I am happy to bring to the attention of the House the outstanding record of this young man. I include at this point in my remarks an article from the Guardian of Lexington Park, Md., regarding PNI Charles T. Bush:

PATUXENT NAVY MAN OF THE YEAR

A dynamic young petty officer in Oceanographic Development Squadron Eight has been named Patuxent Navy Man of the Year for 1973. He is PN1 Charles T. Bush, 28 career counselor and personnel office supervisor in VXN–8.

PN1 Bush was selected from five nominees by a panel of representatives from the Naval Air Test Center, Naval Air Station and Fleet.

He will be presented a plaque and cash award by Mr. R. F. Gabrelcik, president of the Patuxent River Council of the Navy League, in ceremonies commemorating the Navy's 198th birthday on Oct. 13 at the Petty Officers Club. Witnessing the presentation will be RAdm. Roy M. Isaman, NATC commander; Capt. T. J. Kilcline, NAS commanding officer; and Cdr. R. L. Barr, VXN–8 commanding officer.

Honored as Navy Man of the year in his squadron in 1972 and 1973, PN1 Bush was a runner-up for the Patuxent River award last year. He also was nominated for the Navy League's Admiral Claude V. Ricketts Award in 1972.

PN1 Bush has been assigned to VXN–8 almost four of his seven years in the Navy.

He gained attention up the Navy chain of command earlier this year when he conceived and organized a coast-to-coast recruiting flight for a project airplane assigned to the squadron.

During one weekend between deployments, the Project Magnet visited Modesto, Calif.; St. Louis, Mo.; Oklahoma City, Okla.; and Groton, Conn. Advance contact with Navy recriting offiecrs in those cities resulted in 2,500 persons being exposed to the Navy and its unique project to measure the earth's magnetic field.

PN1 Bush organized a career development program which has boosted VXN–8's retention of first-term reenlistments to an average of 49 per cent. This figure compares to the Fleet norm of about 18 per cent.

PN1 Bush also created a Personnel Quality Control Board which aids division officers by identifying individuals who require specific training. The board also screens marginal performers.

The Patuxent Navy Man of the Year is active in the church, serving as an Eucharistic Minister, the highest rank a layman can attain. He has served as vice president and as chairman of the Liturgy Committee of the Patuxent River Catholic Parish Council.

PN1 Bush is a native of Baltimore.

He and his wife Joyce and three children, Tommy, 4; Gregory, 2; and Jennifer, two months, live aboard the station.

THE URGENT NEED TO DEVELOP SOLAR ENERGY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. VANIK. Mr. Speaker, with the outbreak of yet another Middle East war our domestic energy crisis has been thrown into the chaotic turmoil of international politics. On Wednesday of last week ministers from 11 Arab oil states agreed to restrict exports to the United States. This restriction is to be progressive: Five percent reductions each month until the pre-1967 boundaries are reestablished and "the legitimate rights of the Palestinian people are restored."

On Sunday it was announced that the Arab States had rejected this plan as too moderate and decided instead on a total boycott of American markets. Whatever the scheme, the intent is clear: It is political blackmail, clear and simple.

We will undoubtedly weather this crisis. Only about 10 percent of our total crude oil consumption of 17 million barrels a day comes from the Middle Eastern sources. Deputy Secretary of Treasury William Simon has already outlined steps that consumers and industry can take to cut our consumption by as much as 3 million barrels a day. There is good reason to believe that these conservation strategies—such as turning down thermostats and cold water clothes washing—can be successful in limiting our immediate dependence on Arab oil.

The major failing of these proposals is that they are highly individual actions. They depend for their success on the almost instantaneous development of a "conservation ethic" among consumers and industry. I am confident that Americans can meet this challenge. But I am concerned that we may be shortsighted in not understanding the vast dimensions of our oil shortage problem. The fact is that with present consumption trends, we will become increasingly dependent on Arab oil. The small conservation steps Mr. Simon suggests we take today will be no insurance for our security tomorrow.

We are all aware that the equation of declining domestic production and booming consumer demand adds up to our further dependence on foreign sources of petroleum. The National Petroleum Council, in projecting petroleum imports from all sources, estimates that by 1985, 57 percent of our total petroleum demand will be made up by imports.

The Middle East States are in the best position to supply this need. They are sitting on the largest known pools of oil in the world—over 67 percent of proven crude oil resources.

In today's unstable world, this overwhelming dependence on outside sources for petroleum imposes on our national security a serious vulnerability. Quoting from a study of the Senate Interior Committee:

> The growing proportion of total U.S. energy supply coming from foreign sources, or from particular regions, blocs or countries magnifies the potential impact on the U.S. economy from a variety of contingencies including wars or international political confrontations and insurrection or sabotage in producing regions.

An equally serious eventuality—because it is certain to occur—is the net outflow of capital from the United States to oil producers. In this development there are two impacts that must be considered. The first is the ability of the U.S. economy to support this massive outflow of capital. Estimates of the impact of this outflow vary widely, but it is certain to reach the neighborhood of $10 billion annually by 1980. While there is good reason to hope that the economy will support an outflow of this size without seriously threatening the dollar by expanding our own exports, there is little reason for optimism.

Most of the dollars flowing out of the United States will end up in the treasuries of small countries with a narrow economic base. Ordinarily, we could expect revenues from international trade to find their way to more populous countries with diverse economies. In this situation the dollars would be absorbed in the economic system without serious disruptions to world monetary flows. Unfortunately, the Arab countries are undiversified economies; there is oil production and little else. There are no wide-scale social programs and little incentive to develop other sectors of their economies. As the result, the governments of these countries have been able to accumulate enormous liquid monetary balances.

To quote again from the Senate Interior Committee report:

> By the 1980s the total incomes of the Middle Eastern and North African producing nations will reach many billions of dollars per year and their balances could cumulate to hundreds of billions.

Last winter, we had a brief look into the chaos these large sums of dollars can bring. By dumping these reserves on the world market Arab governments not only can aggravate the instability of international money markets but also can actually precipitate a crisis in the shaky system of international currency flows. In short, the Arab nations hold much more than oil. With these cash reserves they are in a position to gain an unparalleled position of power in the international economic system.

The conclusion of these ominous projections is that the United States must take steps now—today—to insure our future security by:

First, initiating immediately a Manhattan project for energy research and development, and

Second, limit our overdependence on petroleum by increasing the efficiency with which we consume it.

What is the Nixon administration doing to meet this challenge? After months of procrastination the administration's energy message was a remarkably low voltage document. The apparent Presidential strategy is to press for increased domestic production through the construction of the Alaskan pipeline, expanded leasing on the Outer Continental Shelf and increased tax incentives for drilling—while promoting a blind faith in nuclear power development. Quite simply, the President's program is narrow and shortsighted. There is no significant mention of energy conservation. There is no significant mention of solar energy. There is no consideration whatsoever of the environmental consequences of increased domestic energy consumption and production. And what is perhaps most worrisome of all, there is no evidence that the President comprehends the immense hazards—to the public health and the national security—of a headlong plunge to nuclear energy.

Planning for our energy future involves sophisticated and complex matters of policy. We cannot expect an administration which took 5 months to decide on a mandatory allocation plan to have much foresight in projecting our Nation's future energy needs. To provide another approach, I have introduced legislation to establish a massive, national program of energy research and development. This research will be funded by a $4 billion trust fund created through a tax on energy usage. An independent Commission will develop an overall energy strategy and fund research into technologies which offer the hope of clean, safe, and secure energy sources for the future. I would like to turn now to one of these alternatives—solar energy—in order to illustrate more completely the shallow, parochial nature of the Nixon energy program.

The President has announced—with apparent pride—that the National Science Foundation budget for solar research has been increased from a little over $3 million in fiscal year 1973 to over $12 million in fiscal year 1974. This is not so much a glorious victory for the advocates of solar energy as an admission of serious underfunding in past budgets.

The primary responsibility for solar research exists with the National Science Foundation, although some work is being done by the Atomic Energy Commission, the National Aeronautics and Space Administration, the Department of Housing and Urban Development, and the National Bureau of Standards of the Commerce Department. This diffusion of responsibility is largely a product of the low priority that has been assessed historically to solar research. There has been no established national priorities or goals. As a result, research has been geared to solve specific technical problems with little comprehension of the overall potential of solar research. By injecting more money into this research network, the Nixon administration has done little to solve the organizational and administrative obstacles to wide-scale adoption of realistic solar energy technology.

Basically, solar energy has three potential applications. The first is meeting the heating and cooling demands of residential and commercial buildings. The second is the generation of electricity. The third is the production of "clean" fuels such as methane through the conversion of organic solids. Because solar energy is a diffuse source of energy, conversion of the sun's radiation—to thermal, electrical, or chemical energy—suffers from unusually low efficiency levels. But in the heating and cooling of buildings, solar energy has found a perfect application. In fact, the technology for accomplishing this task is already at hand. What is needed is a coherent, national program to bring this technology out of the laboratory and to the stage of commercial development.

Significant strides have been taken already to this goal. Aside from numerous residential homes which depend on the sun for a significant portion of their energy requirements, a number of office buildings are now being designed and built to include solar space conditioning. The General Services Administration is planning two such buildings: One in Manchester, N.H.; the second in Saginaw, Mich. In addition the Massachusetts Audubon Society will build a solar office building in Lincoln, Mass., soon. Undoubtedly solar buildings will become increasingly popular as people begin to realize the long-run economic advantages of this design.

What is lacking in these efforts is a sense of urgency and national commitment. As we have seen, we can continue our reckless consumption of petroleum only at the peril of our national security. We must begin to move along a number of fronts to restrict our reliance on petroleum. Solar energy presents an obvious starting place.

Accordingly, I have introduced legislation—the Solar Energy Development Act—to publicize and unify the drive toward solar heating and cooling of buildings. This proposal has been sponsored by 39 of my colleagues. By establishing three distinct but interrelated programs, this legislation will move the solar equipment industry off economic dead center. By 1985, 10 percent of all new buildings should be built with solar equipment. In 40 years, 85 percent would be equipped.

Clearly, solar energy is not the only answer to our energy shortages. But there is not going to be any one answer. Any comprehensive energy strategy for the future will be multi-faceted and diverse. In this regard, solar heating and cooling must be considered as one of the most realistic potential alternatives for the future.

Equally as certain is the fact that we as a nation will no longer be able to consume wastefully enormous amounts of energy. The Nixon administration in its energy pronouncements seems to assume our enormous demand for energy is inevitable. Just a cursory examination of our energy consumption pattern reveals clear evidence of widescale inefficiencies. To withstand the trauma of declining domestic production without generating an unstable dependence on foreign sources, we must begin now to "tighten our belts." The obvious place to start is with the gas guzzling American automobiles.

The United States, which contains 5.7

percent of the world's population, owns 46.1 percent of the world's automobiles. There are 97.65 millions cars circulating around our country consuming 73.5 billion gallons of gasoline each year. Seen in this perspective of our total energy budget, the automobile claims 14.3 percent of our energy consumed.

In terms of inefficiency, the automobile is perhaps the most inefficient machine invented by man—and that efficiency has been declining steadily in recent years. Blame for this decline has been shoved on the emission control devices mandated under the Clean Air Act. This blame is misplaced. A much more significant factor is the increased weight of American automobiles, the greater use of optional equipment, and, simply, the reluctance of management in Detroit to design energy efficiency into their automobiles.

To insure that efficiency becomes a serious consideration in the automaker's future plans, I have introduced, with Senator Frank Moss, the Fuel Economy Act of 1973. Beginning in model year 1977, this proposal establishes a graduated excise tax on all new cars based on the fuel economy of the vehicle. A car which achieves over 20 miles per gallon pays no tax. As the car's efficiency declines, the tax increases.

Through this tax the consumers of America will be insured of efficient automobiles in the future. In addition this provision will insure a one million barrel a day savings in our Nation's consumption of crude oil.

In the sweep of history, the "Petroleum Age" will be but a small episode in the events of man. It is the moral responsibility of the Federal Government to prepare the American people for the inevitable adjustments ahead. In this critical area, as in many others, the Nixon administration has revealed a bankruptcy of spirit and ideas. Congress must now assume the responsibility and the leadership to guide our Nation to a new and safe energy age.

PABLO CASALS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Ms. ABZUG. Mr. Speaker, the death this week of Pablo Casals has taken from the world a great musician and a great humanitarian.

Throughout his long life, Pablo Casals used his great talents to defend the principles of liberty and freedom, unwilling to deny his conscience. Pablo Casals adopted Puerto Rico as his home for the last years of his life, bringing honor to the people of Puerto Rico and the United States.

I am inserting this tribute from the New York Times by Alden Whitman to Pablo Casals into the Record to pay homage to a great human being, whose life represents a standard of excellence to all humanitarians and all lovers of music.

The article follows:

[From the New York Times, Oct. 23, 1973]

Casals, the Master Cellist, Won Wide Acclaim in Career That Spanned 75 Years

(By Alden Whitman)

"I think it goes like this," a cello student struggling with a Johann Sebastian Bach suite once told Pablo Casals.

"Don't think," the master cellist replied. "It is better to feel."

With this emphasis on an inner sensitivity to a composer's intentions, Casals was able to demonstrate what luminescent and human music could be drawn from the strings of a rather awkward instrument. In concerts and recordings over some 75 years, he provoked awe and applause for the profundity of his insights, the felicity of his playing and, above all, the soaring purity of his interpretations of baroque and classical composers. Bach was his specialty, but he was also at home with Boccherini, Mozart, Brahms, Beethoven, Schumann and Dvorak.

At the same time Casals (he pronounced the name KaaSAALS) won much admiration and acclaim as a man of probity and principle for his humanitarianism, his personal musical "crusade for peace" and his one-man stand against the regime of Francisco Franco in his native Spain. Few musicians achieved in their own time the international renown accumulated by Casals.

Part of this fame in the United States at least, came very late in life and rested on Casal's talents in conducting, which he fancied as his real métier and which he had practiced, mainly in Europe, since 1920. Conducting gave him a sense of fulfillment, he said, because orchestras, with their human teamwork, are "the greatest of all instruments."

Early in his career, on his first American tour in 1901, a falling rock crushed the fingers of his left hand. His first thought, as Casals recalled it, was, "Thank God, I won't have to play the cello any more." He associated that reaction with his desire to conduct.

After a period of semiactivity in Europe starting in 1945, Casals went to Puerto Rico to live in 1956. He was then 79 years old and seemed spent. The next year, however, he started the Festival Casals, which became an annual springtime program of concerts. He had a heart attack just before the opening of the first festival, but he recovered buoyantly in the following years, using an orchestra brought together by Alexander Schneider, the violinist and an old friend. The concerts drew thousands of mainlanders to the island and introduced the post-World War II generation of music lovers to Casals.

Then in 1961 he joined Rudolf Serkin's Marlboro Music Festival in Vermont, where each July he conducted the orchestra and gave master classes in the cello. And, beginning in 1962, he conducted a choral work in New York every year. His first presentation was his own oratorio, "El Pesebre" ("The Manger"), a lengthy composition dedicated "to those who have struggled and are still struggling for the cause of peace and democracy."

WHITE HOUSE CONCERT

In this period of resurgence, Casals gave a widely publicized cello recital at the United Nations in New York in 1958 to mark that organization's 13th anniversary. Three years later he played to a distinguished gathering at the White House on the invitation of President John F. Kennedy.

The public attention that Casals generated in those years helped also to swell sales of his cello recordings, and this, in turn, created new esteem for his wizardry with the bow. Thousands who never saw him nonetheless came to know him intimately.

Another element of his appeal to the public was his apparent refusal to age or grow stale. "Sometimes I feel like a boy," he told an interviewer in 1964. "Music does that. I can never play the same piece twice in the same way. Each time it is new."

Watching him rehearse an orchestra when he was 89, an astonished student exclaimed:

"When the maestro came onto the stage he looked 75. When he stepped on the podium he seemed even 10 years younger. And when he began to conduct he could have been a youngster ready to chase Easter eggs."

INNOVATIONS IN PLAYING

In the musical world, Casals's enduring reputation was associated with two accomplishments: his single-handed restoration to the repertory of Bach's cello music, especially the six magnificent unaccompanied suites; and his innovations in bowing and fingering that gave the cello a new and striking personality in orchestral and solo works.

He greatly lightened the work of the left hand, for example, by changes of finger positions, thus adding to its mobility. He also showed that it was possible to attain fresh subtleties in tone by freer bowing.

His own style was aristocratic. He made the most difficult passages seem simple yet luscious, all the while shunning pyrotechnics and gimmicks.

Casals came upon the Bach suites by accident when he was 13 years old and browsing with his father in a Barcelona music shop.

"I forgot entirely the reason of my visit to the shop and could only stare at this music which nobody had told me about," he said years afterward. "Sometimes even now, when I look at the covers of that old music, I see again the interior of that old and musty shop with its faint smell of the sea.

"I took the suites home and read and reread them. For 12 years after that I studied and worked every day at them. I was nearly 25 before I had the courage to play one of them in public."

When he did play them, the suites were disclosed as a transcendent musical experience, not the abstract exercises they had previously been believed to be.

"For me, Bach is like Shakespeare. He has known all and felt all," Casals told Bernard Taper in a Profile published in The New Yorker in 1961. "He is everything. Everything except a professor. Professor Bach I do not know. When people ask me how I play Bach, I say, 'I play him as the pianist plays Chopin.' There is such fantasy in Bach—but fantasy with order."

Casals was of medium stature—not much taller than his Groffriller cello—and not heavily built. The top of his head had been bald since his early 20's. In repose, his face and his blue-gray eyes (behind round glasses) tended to be somber, but a smile imparted radiance and geniality to his face.

He was direct in his speech, exceedingly polite, a careful dresser (youthful photographs show him to have been quite a dandy in a romantic sort of way) and quietly dignified. He relaxed by reading, playing tennis, chatting with friends, smoking a pipe (he was rarely without one) and, in his late years, by watching Westerns on television.

To hear Casals was a moving and memorable experience. He sat with his eyes closed, his head turned sidewise and a little lifted, as though he were communing with some secret muse. His fingering and his bowing were so flawless that they seemed automatic, yet it was evident that they resulted from concentration.

He had superb savoir-faire. Once when a loose cuff bothered him, he stopped playing, slowly took off the cuff, put it on the floor and resumed playing where he had left off. When a string broke he would retire from the stage, replace it and, returning to his chair, start the solo from the beginning, such was his drive for perfection.

When Casals played a chamber music program at Perpignan, France, in July, 1951, Howard Taubman, then music critic of The New York Times, wrote:

"As a musician Casals is all of a piece. Whether he conducts as he did in the second orchestral program of the Bach-Mozart-Beethoven festival . . . or plays the cello, there is a fine-grained consistency running through all his musical labors . . .

"His work at the cello . . . was remarkable for its modesty and restraint, and if one listened closely one could hear innumerable felicities of technical mastery. As an admiring violinist observed, 'Do you note the four shades of color he got in one bow?' "

Casals was an ardent supporter of the Spanish Republican Government. He never reconciled himself to the Franco regime, which he considered tyrannical. With the Franco victory in 1939 he went into self-imposed exile, living until 1956 in Prades, France, some 40 miles from the Spanish frontier.

Up until 1958 he refused to visit the United States because it recognized Franco. "I have great affection for the United States," he said when he moved to Puerto Rico, "but as a refugee from Franco Spain I cannot condone America's support of a dictator who sided with America's enemies, Hitler and Mussolini. Franco's power would surely collapse without American help."

But Casals bent his attitude sufficiently to play at the United Nations in 1958 because of "the great and perhaps mortal danger [of nuclear war] threatening all humanity."

Then in 1961 he relented further and played at the White House. In subsequent years he came to this country for regular yearly visits.

Pablo Carlos Salvador Defillo de Casals was born in the Catalan town of Vendrell, 40 miles from Barcelona, on Dec. 29, 1876, the second of 11 children of Carles and Pilar Defillo de Casals. His father was the town organist.

"From my earliest days," Casals recalled, "music was for me a natural element, an activity as natural as breathing." He could sing in tune before he would talk clearly, and at the age of 5 he was a soprano in the church choir. His father taught him the piano, violin and organ, and when he was 8 he began substituting for his father as church organist.

Shortly after Pablo's 10th birthday he heard a cello for the first time when José Garcia performed in Vendrell. After some coaxing, the elder Casals bought his son a cello and gave him a few lessons. Pablo was fascinated by the instrument and proved so adept at it that he quickly exhausted his father's pedagogical abilities.

ENROLLED IN MUSIC SCHOOL

With his mother's backing and against the wishes of his father (who wanted the boy to become a carpenter), Pablo—not quite 12—went with his mother to Barcelona, where he enrolled in the Barcelona Municipal School of Music. To earn his living he played evenings for dances with a trio at the Cafe Tost. and later he persuaded the owner to devote one night a week to classical music.

That night attracted serious musicians to the bistro, including Isaac Albéniz, the composer and pianist. When Casals was graduated from music school at the age of 17 with first prizes for cello, piano and composition, Albéniz gave him a letter of introduction to Count Guillermo de Morphy, a music patron who was an adviser to Queen Mother Maria Christina in Madrid.

The Count, taken with the young cellist, introduced him to Maria Christina, who was also charmed and who granted him a monthly stipend of 250 pesetas (about $50) for his studies.

Casals lived in Madrid from 1894 to 1897, going to school at the Royal Conservatory of Music, playing duets with the Queen Mother (she was a fair pianist), chatting with the child who was to become Alfonso XIII and being guided in his general education by the Count de Morphy.

From Madrid, Casals and his mother went to Brussels, but, miffed by an unfriendly reception at an audition there, he went to Paris, where he played at the Folies-Marigny at a wage barely sufficient to keep him and his mother from starvation. After a short time they returned to Barcelona, where Casals got a job teaching at the music school. For two years he taught cello, played it in the Barcelona Opera orchestra, gave concerts in churches and formed a string quartet, all the while saving money for a return to Paris.

In the fall of 1899, just before his 23d birthday, he arrived in that city again, carrying a letter of introduction to Charles Lamoureux, the eminent conductor, from the Count de Morphy. When Casals presented himself for an audition, the conductor was annoyed by the intrusion. Nonetheless, the cellist sat down and began to play parts of the Lalo Cello Concerto. With the first notes, Lamoureux hoisted himself up from his desk and stood facing Casals until he finished playing, whereupon he embraced the young man and said, "My boy, you are one of the elect!"

SENSATIONAL DEBUT

Lamoureux immediately engaged him to play the Lalo concerto with his orchestra, and Casals made his Paris debut Nov. 12, 1899. He created a sensation there, as he did in London shortly afterward. In Britain he also played for Queen Victoria.

From then on his career was made, and he never lacked for engagements or for an audience. He commanded top fees, but lived economically.

For the next 20 years, until 1919, Casals, using Paris as his base, played in the principal cities of Europe and the Americas. He made his New York debut in 1904, playing the Saint-Saëns Cello Concerto with the orchestra of the Metropolitan Opera and winning a chorus of critical bravos. Later that season he was the cello soloist here in Richard Strauss's "Don Quixote," with the composer conducting his own tone poem.

Many of Casals's performances in those years were chamber music, which he played with Jacques Thibaud, the violinist, and Alfred Cortot, the pianist. In the United States he also gave chamber music recitals with Harold Bauer, the pianist, and Fritz Kreisler, the violinist, and with Kreisler and Ignace Paderewski, the pianist.

In that period Casals formed intimate friendships with such musicians as Georges Enesco, Maurice Ravel, Camille Saint-Saëns, Sergei Rachmanioff, Gregor Piatigorsky, Emanuel Feuermann, Artur Schnabel, Eugene Ysaye and Paul Hindemith.

In 1914 Casals married Susan Metcalfe, the American lieder singer. It was his second marriage, the first, to Guilhemina Suggia, a Portuguese cellist, in 1906, had ended in divorce six years later. For several years Casals was the piano accompanist for Miss Metcalfe, a soprano, and at one point he considered dropping his career to further hers. However, the couple parted in 1920.

After World War I and with the breakup of his marriage, the cellist turned his energies to Barcelona, where, in 1920, he founded the Orquestra Pau (Catalan for Pablo) Casals and subsidized it for seven years at a total cost of $320,000 until it became self-supporting. In these years (and afterward) he was its principal conductor.

Early in the nineteen-twenties Casals also founded the Workingmen's Concert Association in Barcelona, which gave its members, in return for nominal dues, an opportunity to attend Sunday morning concerts of his orchestra and to set up their own musical groups.

As busy as Casals was in Barcelona, he also found time to give concerts in the United States and in Europe and to appear in what seemed increasingly to be his favorite role, that of a conductor. He led the London Symphony, the New York Symphony and the Vienna Philharmonic.

When the Spanish Republic was proclaimed in 1931, Casals became one of its eager and hard-working supporters, all the more because the Republic restored many of his native Catalonia's ancient rights and granted the area a good deal of autonomy. He was president of Catalonia's music council the Junta de Musica, and, during the Civil War, he gave hundreds of benefit concerts abroad for the Republic and put a large part of his personal savings at its disposal. The Government, in turn, named streets and squares for him and encouraged his exertions to bring great music to the common people.

Casals was in Barcelona in January, 1939, when the Franco forces burst into the city, but he made good an escape to France, vowing never to return to Spain while Franco was in power. (Apart from a fleeting trip to Spain in 1955 to attend the funeral of his long-time close friend and housekeeper, Mrs. Francesca Vidal de Capdevila, he never did.)

After several demoralizing weeks of despondency in Paris, during which he grieved for his country, he went to live in Prades among the thousands of Spanish exiles. There he helped to organize the care of the Catalans held in French camps and solicited funds for them from his friends all over the world. He continued to live in Prades in World War II.

Toward the end of the war he went on tour again. In the autumn of 1945, however, he cut short a concert trip in Britain and retired to Prades.

In explanation, he said he had assumed that an Allied victory would doom not only Hitler and Missolini but also Franco. The democracies, he went on, had disillusioned him by not acting to topple Franco. He was therefore suspending his concert career until Spain was freed. He had, he pointed out, ceased playing in Germany with the rise of Hitler, had not played in Italy in the thirties, nor had he appeared in Russia after the Bolshevik Revolution. He said he could not separate his beliefs as a human being from his conduct as an artist.

Casals lived quietly and simply in Prades for close to 12 years. In 1950, however, he was prevailed upon to soften somewhat his vow of musical silence and take part in a Bach bicentenary festival. The event, which attracted hundreds of music lovers from many parts of the world, was held in the big Church of St. Pierre in Prades. The critics found that Casal's bow had lost none of its magic.

In that and subsequent Prades festivals Casals appeared in a triple role—as soloist, as chamber music ensemble player and as conductor. In these concerts he was joined by many internationally famous musicians, including Dame Myra Hess, Rudolf Serkin, Joseph Szigeti and Isaac Stern.

Some indication of a further shift in Casal's thinking came in 1951 in a colloquy with Albert Schweitzer, the humanitarian and philosopher. "It is better to create than to protest," Dr. Schweitzer said in urging the cellist to return to the concert stage. "Why not do both—why not create and protest both?", Casals replied. And he seemed to follow that course in his last years.

After a period of self-examination, Casals went to Mexico in 1956 for his first concert date outside the Prades area. It was there, in 1960, that "El Pesebre" had its premiere. The oratorio became the banner of his peace mission, which he carried to many major cities in the Western world. Discussing this crusade, he said in 1962:

"As a man, my first obligation is toward the welfare of my fellow men. I will endeavor to meet that obligation through music, the means which God has given me, since it transcends language, politics and national boundaries."

In August, 1957, when he was 80, he married Marta Montañez, one of his cello students, who was then 21. They lived in a cheerful modern house on the beach at Santurce, P.R., where Casals liked to take an early morning stroll before beginning his day by playing a Bach work on the piano. "It is like a benediction on the house," he said.

Casals had the unstinted admiration of his fellow artists. And one of them, Mr. Stern, put their feelings this way:

"He has enabled us to realize that a musician can play in a way that is honest, beautiful, masculine, gentle, fierce and tender—all these together, and all with unequivocal respect for the music being played and faith in it."

Appearing in New York last summer for a free Central Park concert with Mr. Stern—it was cut short by rain before the cellist could perform—Casals pronounced what could stand as his epitaph.

"What can I say to you?" he asked the assemblage. "I am perhaps the oldest musician in the world. I am an old man, but in many senses a very young man. And this is what I want to be, young, young all your life, and to say things to the world that are true."

TRIBUTE TO CALIFORNIA HOSPITAL WOMEN'S AUXILIARY

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ROUSSELOT. Mr. Speaker, I would like to congratulate the Women's Auxiliary of California Hospital who will, on Friday, November 2, celebrate 50 years of volunteer service to the greater Los Angeles community. I am happy to join in this expression of appreciation and gratitude to the many members of the women's auxiliary who have, over the past half century, given generous support and tireless effort to help provide for the health care needs in the Los Angeles area. The California Hospital is a member of the Lutheran Hospital Society of Southern California, and the president, Samuel J. Tibbitts, is a constituent of my 24th Congressional District, residing in San Marino, Calif. A great many of my constituents have participated in a meaningful way to contribute to the beneficial works of the auxiliary, and I would like to submit to my colleagues in the U.S. House of Representatives a brief review of the activities of California Hospital's Women's Auxiliary over the past 50 years:

BACKGROUND INFORMATION, WOMEN'S AUXILIARY OF CALIFORNIA HOSPITAL

Founded on November 21, 1923, the Women's Auxiliary of California Hospital is entering its second half-century of volunteer service—proud of its venerable history and young enough in spirit to adapt to changing times and fresh perspectives.

The Auxiliary, one of the first hospital-affiliated women's groups to be organized in California, now has more than 600 members. They provide a wealth of services and fund-raising support to California Hospital Medical Center, a major 325-bed non-profit institution encompassing acute and out-patient care, educational programs and research activities.

Launched in 1887 as the third health care facility in Los Angeles, CHMC now includes the following divisions: the California Hospital School of Nursing, the California Pediatric Center and the Southern California Cancer Center.

In addition to staging periodic benefit events, Auxiliary members are involved in supplying tray favors; hostessing expectant mothers at "Stork Socials"; allocating scholarships for nursing students, and assisting at their capping and graduation exercises; operating the hospital's Gift Shop; overseeing baby photos and supplying substantial financial aid to the maternity and gynecology clinics.

Over the years, Auxiliary volunteers have donated more than one million volunteer hours and contributed nearly $700,000.00, earmarked for the medical center's growth and expansion.

Substantial donated sums have been used to help finance new physical medicine and emergency units, the prayer chapel, the pediatric wing, a remodeled medical-surgical unit, and the ultra-modern new Diagnostic and Treatment Center.

The Auxiliary was formed at the suggestion of G. W. Olson, then superintendent at California Hospital, who assembled women from several Lutheran churches. He asked them to organize an auxiliary—to work together to provide a "free bed" for impoverished patients. The call to organize was met enthusiastically, with 66 women signing the charter.

During the first ten years of its existence, the Auxiliary underwrote costs for 142 "free bed" patients, in addition to donating $7000.00 to the hospital. The Depression years put a temporary damper on fund-raising efforts, but the interest and enthusiasm of this dedicated band has remained undaunted to date.

JOHN C. CREAN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. REES. Mr. Speaker, John C. Crean, one of the leading industrialists in the United States and founder and chairman of the board of Fleetwood Enterprises, is an individual whose dedication to the basic principles of American citizenship is worthy of the attention and commendation of this body.

Despite the great demands he must meet as the head of a large business organization, Mr. Crean has for many years given freely of his time and his resources for many philanthropic endeavors—all aimed toward giving a helping hand to his fellow man.

John C. Crean is indeed America's modern-day Horatio Alger. A native of Compton, Calif., Mr. Crean, an ex-paperboy and printer's devil, started from scratch a mere 20 years ago and built Fleetwood Enterprises into a dominant position in the design and manufacture of mobile homes and trailers.

And in the best tradition of good citizenship he is doing something to give back to the country and to his fellow Americans some of the benefits of his astounding success.

John Crean, and his gracious wife, Donna—parents to two sons and two daughters—best express their interest in their multi-varied philanthropic activities:

> We are happy to be able to share our success with others. Sharing and giving away some of our surplus helps keep our values straight.

While the Creans' philanthropic contributions are many and varied—including their gift of $1 million toward the construction of a YMCA in Anaheim, Calif.—the unselfish use they make of their historic 93-acre Rancho Capistrano is worthy of particular attention.

The Creans have made available the beauty and facilities of this great California ranch to civic, philanthropic, and religious groups representing the entire spectrum of American life—and on an entirely free basis.

Practically every week in the year some of these groups are utilizing the ranch and enjoying its manifold facilities—particularly large encampments of Girl Scouts and Boy Scouts. These facilities include a historic ranchhouse, horse riding trails, picnic grounds, a municipal-sized swimming pool, and a private lake, stocked with fish.

Many thousands of people—young and old—have had and will continue to have the opportunity of enjoying and experiencing the beauty and the natural environment of this great California ranch—due to the generosity and the spirit of sharing as expressed by Mr. Crean.

I am proud to have John C. Crean as a citizen of my State, and I believe that the example that he has set should be an inspiration to citizens of our business community and most deserving of the highest commendation of this legislative body.

VICE PRESIDENT-DESIGNATE FORD SHOULD BE CONFIRMED

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. BAUMAN. Mr. Speaker, I am disturbed at attempts presently being made by some Members of the majority party to tie the confirmation of Representative GERALD FORD as Vice President to the continuing battle over Watergate-related matters, and to his position on one political issue or another. I think most Americans will find this shameful opposition unacceptable. I am happy to note that both of the daily newspapers in Baltimore, neither of which is particularly fond of the Republican administration these days, have stated editorially their wishes for speedy hearings and confirmation of Representative FORD, free of any extraneous conditions imposed on the basis of partisan considerations. I believe that their positions are correct, and I share them at this time with the membership:

[From the Baltimore Sun, Oct. 23, 1973]

A VICE PRESIDENT NEEDED

Congress has a duty under the Twenty-fifth Amendment to proceed with the filling of the vice presidency regardless of the latest escalation in the Watergate crisis. Indeed, the case for giving the nation a second-in-command is more compelling than ever because of the weakness of the first-in-command. This is not a plea for the confirmation of Gerald R. Ford, *per se*, because Congress must look thoroughly into Mr. Ford's background and qualifications. But it is a plea that Mr. Ford not be held hostage to the erratic behavior of President Nixon—behavior that has led to crises for impeachment from some respected figures on Capitol Hill.

Senator Kennedy, among others, has argued that Mr. Nixon's selection of Mr. Ford should not be accepted so long as Mr. Ford supports the President's stand in the Watergate tapes controversy. We disagree. We disagree not because we in any way condone the President's intolerable attempts to put himself above the law. We disagree because in important matters a Vice President-designate (like a Vice President in office) must be expected to give the President his loyalty. The alternative would be a kind of stress that could be dangerous or disruptive to the country, as the Agnew affair proved in its final stages.

The very fact for the first time impeachment of the President is attracting serious attention lends a special importance to the selection of a new Vice President. Whether he is to be Mr. Ford or another nominee must remain beside the point pending the congressional inquiry of Mr. Ford. What is not beside the point, however, is the unsavory political situation that would develop if the Democratic majority in Congress sits tight and does nothing while Mr. Nixon's future is in doubt. In such a case, Speaker Carl Albert, a Democrat, would stand as next in line of succession to the Republican incumbent in the White House. And the partisan strife inherent in these circumstances would be such that Congress could never handle the impeachment process with the judicial detachment envisaged by the Constitution. Democrats would be subject to accusations of trying to gain the White House for narrow party interests. Those Republicans appalled by Mr. Nixon's conduct would be under terrible pressures not to reverse the voters' selection of a GOP President last November.

We have no faith in schemes whereby Mr. Albert would become President, select a competent Republican as Vice President and then—maybe—resign. The Twenty-fifth Amendment dealing with the presidential succession was framed seven years ago to meet some of the problems stemming from the relative inflexibility of our system. To manipulate its provisions would be an affront to the Constitution at a time when the spirit and language of that doctrine are our last refuge.

[From the Baltimore News American,
Oct, 23, 1973]

WHAT'S GOING ON HERE?

The confirmation of Gerald Ford as vice president seems to be running into a Democratic roadblock that is as politically motivated as it is unwarranted. The Democrats in Congress are trying to link the Watergate tapes to Ford's confirmation, when one really has absolutely nothing to do with the other.

It is curious that the loudest advocates of delay are Senator Kennedy and Representative Thomas O'Neill Jr., both Democrats from Massachusetts which is the only state out of 50 that President Nixon failed to win in 1972. And it is curious that, without a vice president, the next heart beat to the White House belongs to the Speaker of the House, Carl Albert, a Democrat from Oklahoma.

Sen. Kennedy and his clique may be hoping for a confrontation between the President and the Supreme Court that will lead to impeachment proceedings against Mr. Nixon. The odds against this taking place are large; even if impeachment proceedings were held, it remains unlikely that the President would be drummed out of office by Congress.

Then, why make such an issue over the vice presidency with so many ifs, buts and maybes strewing the road to a Democratic takeover of the White House? Why demand that Mr. Ford, who for 25 years in the House has never opposed the constitution, never urged an unconstitutional act, now give proof that he believes in the constitution? His quarter-century of service speaks eloquently to that point.

What's going on here is partisan politics as usual, at a time in this nation's history when the federal government is enduring a unique sequence of events.

The constitution requires a vice president. Congress should confirm Mr. Ford with deliberate speed. It is the one congressional action that can be taken right now to regularize the government.

OFFICE OF THE SPECIAL PROSECUTOR

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, I am somewhat saddened by comments I have seen in the press and other news media in the last 18 or 20 hours indicating that those who would defend the recent actions of the President seem satisfied to suggest that now that the President of the United States has acknowledged that he, like other Americans, should obey the orders a court which are not under appeal but final in their nature, that this is sufficient unto the moment, and we should get on about other business and disregard the events that outraged the American public this last weekend.

The essential elements still missing from this country are public confidence in its President, in its government, and in its government's institutions. Until the President reassures the American people by reappointing the special prosecutor, Mr. Cox, or by appointing someone with the same mandate that the special prosecutor was given in the assurances that were made to the American people and Congress earlier this year by the President himself. That is, that these matters would be clearly and openly examined, and the public would be informed. I am afraid that the great outpouring of concern that was understandibly demonstrated over this past weekend by the American people will not subside.

Simply turning over some of the tapes under duress of court orders will not and should not satisfy the peoples' demand for a full and honest investigation.

Mr. Speaker, President Nixon's firing of the special prosecutor, Archibald Cox, and the subsequent abolishment of his office, shocked the nation, and he has grossly misled the American people and the United States Congress in his previous support of the special prosecutor's office.

It appears that the President took it upon himself to break a solemn compact when he was confronted with honest men who would not bend to his will. After urging that Watergate be "left to the courts," the President denied Mr. Cox the authority to return to the courts to obtain a judicial ruling on criminal evidence needed for prosecution. Mr. Cox had no choice—he was to forgo the notes and memoranda which were also covered by the subpenas, and he was to forgo any attempt to obtain any similar evidence relating to the other aspects of his investigation—or be fired. We now know what happened.

The public outrage will not subside until the people are satisfied that the Watergate and related investigations will continue with some assurance of honesty and integrity. Mr. Nixon, and those who blindly support his actions, seem to be satisfied that he has shrewdly and effectively stopped the investigations of Watergate and related criminal activities by firing the special prosecutor when he thought the trail of lawlessness pursued by Mr. Cox was leading the prosecutors to the President and his cronies.

The Senate had proceeded in good faith with the appointment of Elliot Richardson as Attorney General. This was based largely on Mr. Nixon's solemn promise to the Senate concerning the provisions for an appointment of a special prosecutor.

The special prosecutor had received full authority to investigate and prosecute all offenses arising out of the 1972 presidential election. He had received full authority to conduct proceedings before grand juries and to review all documentary evidence available from any source. He had received full authority to determine whether or not to contest the assertion of "executive privilege" or any other testimonial privilege. He had received assurances that the Attorney General would not countermand or interfere with his decisions or actions. Finally, he had received assurances that he would not be removed from his duties except for extraordinary improprieties on his part.

Clearly, Mr. Nixon has vigorously shaken the confidence of the American people, its existing institutions and the Congress in the firing of the special prosecutor and the abolishment of his office. There is no reason for confidence in further prosecutions without the Office of the Special Prosecutor. How could a Justice Department continuation of the Cox investigation be credible when the President has demonstrated that enthusiastic investigation of criminal activity will threaten the prosecutor with being fired or forced out.

Chesterfield H. Smith, president of the American Bar Association, justified the creation of a special prosecutor's office in saying:

> It would be improper for an investigation of the President himself, of the Office of the President, or of the Executive Branch of the Federal Government to be conducted by a prosecutor subject to the direction and control of the President.

The President told us he understood this and agreed to it.

Nixon's own appointee, William Ruckelshaus, former Deputy Attorney General, had expressed doubt that the Justice Department could conduct an independent investigation. He said:

> For one thing, the department will be under such pressure after the events of the weekend that it might find it difficult "not to prosecute" when the evidence might be too slim to risk prosecution. He stressed that the investigation should be "done on an independent basis."

Former Attorney General Elliot Richardson, said just yesterday, that the administration should appoint a new prosecutor. He said that a "completely independent" special prosecutor "is an important guarantee of the integrity of any investigation." Mr. Richardson was the one gentleman who had restored our confidence in the honor and courage of men in public office when he resigned rather than compromise or succumb to pressure.

Mr. Speaker, it is my strong feeling that the President should reappoint Mr. Cox and his staff or appoint some other able and trustworthy prosecutor who will have the same privileges and rights of independence which the Senate and the President had agreed upon last spring.

Congress must not fail to insist that the President allow that these investigations be continued in the same honest and independent manner to which Mr. Cox and his staff had worked.

If the President fails to do this, it is up to the Congress to preserve the integrity of these investigations by reestablishing the Office of the Special Prosecutor.

A STATEMENT OF CONCERN

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HELSTOSKI. Mr. Speaker, as a result of the dramatic events of the past few weeks, people throughout the Nation have begun to question the fundamental values of this society and the future of the American political system. It is within this context that I want to share with you and my colleagues something that has come to my attention.

Recently, a statement of concern, focusing on moral and ethical principles in public life, was unanimously adopted by the Baptist Joint Committee on Public Affairs. The committee, which adopted the resolution October 3, is a denominational agency in the Nation's Capital maintained by eight national Baptist bodies in the United States.

This statement, I believe, is noteworthy for two reasons. Primarily, the group has succeeded in offering perceptive insight into some of our national problems. In addition, however, I think this statement is a good example of the kind of forceful leadership groups such as the Baptist Joint Committee can provide in a time of crisis. Mr. Speaker, the statement follows:

A Statement of Concern

Believing that separation of church and state does not mean separation of religion from government or politics, nor should it imply the divorce of religion's basic moral and ethical principles from the conduct of public affairs, we voice our concern over some recent developments in public life and reaffirm our commitment to the fundamental principles of democracy.

At a time when there is widespread distrust of government resulting from the abuse of political power, we need to be reminded of the premises upon which our government was constituted. We are gratified that there is today a widespread reaction against this abuse. Indeed, we view this reaction as evidence of the intrinsic strength of our American tradition.

The times call for an affirmation of trust in the basic principles of the American system of democracy. These include: (1) government's powers are derived from the consent of the governed; (2) the harmful potential in any concentration of governmental power makes necessary the distribution of powers among those who make, execute, and interpret law; (3) government is to protect the rights and liberties, and to promote the well-being of all people; and (4) all public officials must be subject to law in both public and private conduct.

In affirming these principles, we express our faith in the ultimate triumph of the right and of the truth in a nation whose citizens are dedicated to justice and righteousness in every aspect of life. In this confidence, we urge our people to exemplify and to require character and integrity in both public and private life, and to discharge responsibly their duties as citizens. Moreover, we encourage our Christian young people to seek for themselves a vocation through which they may make their contribution to government and to society in general.

OKTOBERFEST

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HOGAN. Mr. Speaker, the Oktoberfest celebrations held during the month of October is one of many ways which the German people illustrate their festive mood and their appreciation for all mankind.

I wish to insert into the RECORD a poem written by Otto H. Kappus, in 1966, entitled, "Amerika." I recommend this poem to all my colleagues as it portrays the feeling of the many German-Americans and of their concern for the protection of the civil and political rights of citizens in this country.

I insert both the German version and the English translation.

Both versions of the poem follows:

America

You, America, Freedom's land,
Best of all upon this earth,
To you will I devote my strength
Till life's last hour comes to me.

You have our highest dreams fulfilled
Of justice and equality,
And have fraternal hatred stilled
And freed us from all class dispute.

The weight from troubled soul you took,
The weight of vain and haughty pride,
Again restoring mankind's worth
And built for us an epoch new.

Whether Christian, Jew, German, Slav,
Whether black or white, rich or poor,
No matter what our ancestry,
All of us are equal here.

Millions have in you found keep,
Those oppressed in their own land
Here now in peace and quiet dwell
Where now new generations stand.

So let us thank our Mighty Father,
That we are freemen of this land,
And let us not relax or waver
Till all men know this fortune too.

OTTO H. KAPPUS.

SEPTEMBER 13, 1966.

Amerika

Amerika, Du Land der Freien,
Du bestes auf dem Erdenrund!
Dir will ich meine Kräfte weihen,
Bis zu der letzten Lebensstund'!

Du hast den höchsten Traum erfüllet
Von Gleichheit und Gerechtigkeit,
Und hast den Bruderhass gestillet,
Befreit uns von dem Klassenstreit.

Auch nahmst hinweg die Seelenbürde
Der eitlen Überheblichkeit.
Du gabst uns wieder Menschenwürde
Und schufst so eine neue Zeit.

Ob Juden, Christ', ob Slav', Germanen,
Ob weiss, ob schwarz, ob arm, ob reich,
Wer immer waren unsere Ahnen,
Hier sind wir all einander gleich.

So wurdst Du Zuflucht für Millionen,
Die einst bedrückt in ihrem Land,
Hier nun in Ruh' und Frieden wohnen,
Sodass ein neu Geschlecht erstand.

Drum lasst uns dem Allmächtgen danken,
Dass Bürger wir von diesem Land,
Und lasst uns weichen nich noch wanken,
Bis alle Welt dies Glück erkannt!

OTTO H. KAPPUS.

13. September 1966.—Dem Bürgerverein gewidmet, am 30, September 1966.

NIXON'S FAILURE TO TRUST PEOPLE BRINGS MISTRUST OF GOVERNMENT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. EILBERG. Mr. Speaker, President George Meany recently addressed the American Federation of Labor-Congress of Industrial Organization Convention with his usual candor on the present administration's stewardship of the National Government. I am inserting excerpts of his remarks in the RECORD for the review of our colleagues:

Nixon's Failure To Trust People Brings Mistrust of Government

The past two years have been years of grave problems for America. The labor movement, obviously, has not escaped the problems that affect all Americans in their daily lives. Neither will we escape the problems that are certain to come in the future.

Overriding all others is the crisis of public confidence in the institutions of government. Certainly Watergate has played a role in eroding public trust in government. But the erosion began when the people perceived that the government did not trust them enough to tell them the whole truth.

The Administration did not tell them the whole truth about its economic policies and their terrible consequences for working people.

The Administration did not level with the American people about the Russian grain deal.

The Administration has not let the people in on what is really going on in our international relations.

And surely the Administration cannot expect the full trust and confidence of the American people when it pursues tax policies that penalize them for not being rich, while rewarding corporate wealth and special interests.

In a democracy, government rests on the informed consent of the governed, and the informed consent of the people can only be won by a government of candor.

Watergate would not have brought on the constitutional confrontation that faces this country today if the truth had been told on June 18, 1972. The economy would not be on the brink of a recession if the President had lived up to his promise of February 19, 1969, that inflation would be curbed without increasing unemployment.

The free trade union movement in America grew out of the soil of democracy. It was nurtured by the rights and liberties which are enjoyed by free citizens. Whenever those rights are threatened, whenever people are subordinated to money, then the free trade union movement is threatened.

Every American is affected every day by this Administration's mismanagement of the economy. Economic controls, as practiced by this Administration, are a sham and a shame.

The economic picture is deteriorating. Swollen corporate profits and exorbitant interest rates are feeding inflation but the Administration refuses to restrain the worst inflationary factors in the economy.

Housing construction is at a virtual standstill and threatens to trigger widespread unemployment. Worker buying power is declining, yet the Administration continues inequitable wage controls and vetoes a minimum wage bill that would bring some small measure of economic relief to low-income workers.

In fact, economic conditions today closely resemble those that led to the recession of 1969–70 and threaten again to cause recession this year.

Contrary to the opinion of some commentators and editorialists, the trade union movement in America is alive and well.

Affiliated unions have reported some collective bargaining gains, despite employer eagerness to serve as enforcers of the President's wage controls. There continues to be a steady, appreciable gain in membership, led by organization of government employes. In addition, several unions have reported new interest on the part of white collar workers in joining the labor movement.

Particularly heartening is the increase in union membership among members of minority groups in all industries and trades. This development brings new strength and talent to the labor movement and at the same time represents another signpost of progress in the continuing struggle for civil rights. For the surest way for minorities to be able to enjoy their civil rights is through the economic security and human dignity for which the labor movement has always stood.

Today, the labor movement is stronger politically than it has ever been in history. Many unions that had no political action programs before have good programs now.

The 1974 election becomes more and more important with every veto. The President is determined to falsely tag Congress with a "do-nothing" label, as a means of countering Watergate and of diverting attention from his own legislative failures.

In reality, the President is not seeking speedier congressional action, nor is he attempting to work with Congress as a co-equal branch of government. The President is using the veto, threats of the veto, and the impoundment of funds to blackmail Congress into accepting his own narrow programs.

President Nixon labels every program that benefits people as "inflationary," and every program that benefits the wealthy and the corporations as "in the national interest."

We reject that philosophy. We say that America cannot afford to junk decades of social progress for the many in the interest of further enrichment of the privileged and the powerful.

MEDIA VIOLENCE AND ITS EFFECT ON CHILDREN

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. HELSTOSKI. Mr. Speaker, I recently had the opportunity to preview a report soon to be published in the American Psychological Association's journal Development Psychology, studying the effects of media violence on children's behavior. Violence has become an increasingly accepted part of our lives, due in part, to the increasing amount of violence we allow to penetrate our home entertainment. Many of us have been concerned that the American people can, and have been anesthetized to violence at home and abroad through increasingly violent programs on television. The APA study lends great support to this fear.

The study showed that children who saw an aggressive film and then were made responsible for monitoring the behavior of younger children were much less likely to seek appropriate adult help when the younger children misbehaved than children who had not seen the film. The children appeared to have learned to tolerate real life aggression by being exposed to media violence. This suggests the frightening possibility that while some children are incorporating media-initiated violent responses into their everyday behavior, even more may be learning to tolerate them. Viewing violence under the guise of "entertainment" may increase tolerance to aggression occurring in the real world, and thus make a person less willing to assist when he witnesses such behavior in his own life.

I commend this study to the attention of my colleagues:

DOES MEDIA VIOLENCE INCREASE CHILDREN'S TOLERATION OF REAL LIFE AGGRESSION? [1]

(By Ronald S. Drabman [2] and Margaret Hanratty Thomas)

ABSTRACT

Twenty-two male and 22 female third and fourth graders were randomly divided into groups for a 2 (sex) by 2 (film, no film) factorial design. Children in the aggressive film group saw a cowboy film which depicted many violent events. All children were led to believe that they were responsible for watching the behavior of two younger children whom they could see on a video (TV) monitor. The younger children at first played quietly, then progressively became destructive. Their altercation culminated in a physical fight ending with the apparent destruction of the TV camera. The dependent measures were (1) the time it took a subject to seek adult help after the younger children began to be disruptive, and (2) whether or not the subject waited until the younger children had begun to abuse one another physically before seeking adult help. Results indicate that children who saw an aggressive film took longer to seek adult help than children who did not see the film. More importantly, children in the film group were much more likely to tolerate all but violent physical aggression and destruction before seeking help.

The widespread portrayal of violence in television and movies has come under strong attack during recent years due to increasing evidence that observation of such displays may foster similar behavior on the part of viewers. It is well documented that exposure to filmed violence may increase the likelihood that young children will exhibit aggressive behaviors toward both inanimate and live victims (e.g., Bandura, Ross, & Ross, 1961, 1963; Hanratty, *et al.*, 1969; Hanratty, O'Neal, & Sulzer, 1972; Liebert & Baron, 1972). These authors have consistently demonstrated that the presentation of media violence can provide opportunity for acquisition of novel aggressive skills and can encourage performance of similar behaviors through modeling and disinhibitory influences.

In addition to these effects, however, it appears reasonable to speculate that observation of filmed aggression may affect viewers in other undesirable ways. There is some evidence to suggest that children's conceptions of reality may be influenced by media dramatizations. In a study by Siegel (1958), seven-year-old children who heard radio serials about taxi drivers were asked to predict the ending of a newspaper story that was focused on a local cab driver. Those children who had listened to a dramatization in which taxi drivers were portrayed as being unusually aggressive attributed much more violence to the driver in the newspaper story than did children who had heard a radio serial in which taxi drivers behaved in a nonviolent manner. The conclusion that children's attitudes about the real world may be affected by fictional presentations is strengthened by the fact that only children who understood that newspapers report real events were retained in the final analysis.

Also, some writers have suggested that repeated observation of violence can result in emotional habituation (e.g., Goranson, 1970). Indeed, Berger (1962) demonstrated that adult subjects' emotional arousal progressively declined while watching a victim receive a large number of painful electric shocks. Similar findings have been reported by Lazarus and his associates (Lazarus, 1966; Lazarus & Alfert, 1964; Speisman, Lazarus, Mordkoff, & Davidson, 1964).

If observation of violence serves to shape viewers' expectancies about real life and behavior and/or reduce emotional responsivity to witnessed violence, it seems likely that reactions to aggression encountered in everyday life may be affected significantly by exposure to media violence. Specifically, it is proposed that viewing violence under the guise of "entertainment" may increase one's tolerance of aggression which occurs in the real world and thus make one less willing to aid when he witnesses such behavior in his own life. The present study was designed to assess the effects of viewing filmed violence and children's subsequent readiness to report to an authority figure an argument and fight between two younger children.

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[1] The assistance of Gregory J. Jarvie who served as the experimenter is gratefully acknowledged. Thanks for providing subjects are due Sister Ann Olivia, principal of St. James School. This research was supported, in part, by National Institute of Mental Health Grants 1–RO3–MH24502–01 and 1–RO3–MH22189–01A1 to the first and second authors, respectively.

[2] Requests for reprints should be sent to Ronald S. Drabman, Department of Psychology, Florida Technological University, Box 5000, Orlando, Florida 32816.

METHOD

Participants and design

The subjects were 22 boys and 22 girls from the third and fourth grades of a parochial elementary school which serves a predominantly middle class area of a southern city. The study was carried out near the end of the school year. The same 21-year-old adult white male acted as the experimenter for all subjects. The experimental design was a 2×2 factorial with the variables of treatment condition (aggressive film versus no film) and sex of subject.

Procedure

The experimenter met each subject individually at the classroom and explained that he wanted the subject to "play some games." He then remarked that he was ahead of schedule and suggested that before beginning he show the subject his "new trailer." Upon arrival at the trailer, which was located in the school yard, the experimenter explained that the trailer was being used sometimes by a friend to work with kindergarten children from another school. The large room inside the trailer contained a variety of toys suitable for young children (i.e., a large number of blocks, picture books, crayons, and toy milk bottles). At the far end of the room, a large camera was mounted on a tripod. The experimenter pointed to the camera and said: "We have a a T.V. camera here. It takes pictures of everything going on in this room. In fact, it's taking pictures of us right new!" The experimenter then escorted the subject to a room in the school building where they were to "play games." Subjects in the *aggressive film group* were then shown an 8-minute western featuring Hopalong Cassidy. The film depicted several gunbattles, shootings, and fistfights. Immediately thereafter, the experimenter glanced at his watch and explained that he needed to make an important phone call. He then continued:

"I have somewhat of a problem. You see, I promised my friends who will be working with younger children in the trailer today that I would watch the children for him while he's gone. See, I can turn on this T.V. set and watch what's happening in the trailer. [The experimenter then turned on the monitor which showed the still vacant trailer.] Oh good! They haven't gotten there yet. There's no one there now. Well, I might get back before they arrive, but if I don't, could you watch the children for me? Thanks a lot. Just watch the T.V. and if the children get there before I come back, then you keep an eye on them. I imagine they'll be O.K. but sometimes little kids can get into trouble, and that's why an older person should be watching them. If anything *does* happen, come get me. I'll be in the principal's office."

Subjects in the *no film group* were given the same instructions immediately after their arrival at the room in the school building.

Each child then witnessed the same videotaped sequence. The purpose of the visit to the trailer was to insure that the subject would believe that the events he saw on the monitor were live.

After two minutes of tape which showed the unoccupied trailer, an adult male and two young children (a 4-year-old girl and a 5-year-old boy of approximately equal size) entered the trailer. The adult told the children that he had to leave, but that they could play while he was gone. After the adult left the children played quietly with crayons and paper for approximately one minute. They then each built two structures with the blocks. The girl criticized the boy's building, stating that hers was much nicer. After an interchange of derogatory comments, the boy maliciously knocked over one of the girl's buildings. The children continued arguing and destroyed each other's remaining buildings. They then began to push and threaten one another. The girl began chasing the boy, crying, while he taunted her with repeated shouts of "You can't catch me!" She hit him several times and, as they struggled near the camera, it appeared as though it was knocked over and had fallen to the floor. At this point, the video portion went dead, and the radio briefly continued while the children yelled accusations of blame at each other. Finally, the boy shouted "Watch out!", and a loud crash was heard. No more sounds were audible afterward.

The experimenter remained in the hallway outside the room and recorded the time which had elapsed from the beginning of the tape and the moment at which the subject left the room to notify him. If the subject did not respond within 70 seconds after the audio portion ended, the experimenter re-entered the room and inquired if anything happened.

Debriefing

The experimenter immediately assured the subject that everything was being taken care of. He told the subject that his friend was now at the trailer and that no real harm had been done. No child appeared to have been upset by the experience. Finally, the experimenter asked the subject to solve five mazes and praised his performance warmly. Each child was thanked for his participation and given a candy bar.

RESULTS

Latency scores were computed by subtracting the amount of time which had elapsed before the first blocks were knocked down from the total time recorded by the experimenter. This number provided an accurate measure of the length of time during which the subject viewed the altercation before notifying the experimenter. Since these data were neither normally distributed nor showed homogeneity of error variance, nonparametric analyses were used. Table 1 presents the median latency scores for subjects in each of the four experimental groups. Comparisons by Mann-Whitney *U* tests revealed that, as anticipated, children who had seen the aggressive film responded more slowly than children who had not seen the film ($z=1.82$; $p=.034$) while sex of subject was not related to speed of responding ($z=0.27$, $p=0.39$).

TABLE 1.—MEDIAN LATENCY SCORES (IN SECONDS) FOR SUBJECTS IN THE 4 GROUPS

	Males	Females
Film	Md=104 range=13 to 196	Md=119. range=59 to 196.
No film	Md=63 range=13 to 196	Md=75. range=21 to 139.

Furthermore, since the primary interest was to determine the effect of viewing aggression and children's subsequent toleration of such behavior, subjects who notified the experimenter were classified on the basis of whether they responded to the children's arguing and destruction of each other's property or whether they responded only after more extreme forms of aggressive behavior were witnessed (i.e., hitting each other or breaking the camera). An analysis of these data (presented in Table 1) revealed a highly significant effect for treatment condition ($x^2=6.69$, $df=1$, $p<.01$). Whereas 58% of those subjects in the no film condition who notified the experimenter did so *before* the children began to fight physically, only 17% of the subjects in the film group responded to this type of aggression. Nonresponders were excluded from this analysis. There were 4 nonresponders in the film group and 3 in the no film condition. An analysis with these subjects included yielded similar results

$$(x^2=6.70, df=1, p<.01).$$

Analysis of the relationship between sex and number of responders before and after the critical event yielded no differences.

$$(x^2=1.93, df=1, p>.17).$$

TABLE 2.—SUBJECTS SEEKING HELP BEFORE OR AFTER PHYSICAL VIOLENCE

	Number of subjects responding before	Number of subjects responding after
Film	3	15
No film	11	8

Note: Nonresponders were excluded from this analysis.

Similarly, nonresponders were excluded from this analysis. There were 5 boys and 2 girls who failed to respond. An analysis with these subjects included also failed to reach significance ($x^2=0.42$, $df=1$, $p>.50$).

DISCUSSION

These results provide support for the notion that children's responsivity to real life aggression may be affected by previous observation of fictional violence. Latency scores were related to exposure to the aggressive film, and the basis on which the subject's decision to summon adult help was made also is clearly influenced by this variable. Several possible explanations of this effect are tenable. First of all, if media presentations furnish children with a concept of "what the world is really like" (National Commission on the Causes and Prevention of Violence, 1969; Siegel, 1958), then witnessing aggressive behavior on television and in movies may serve to make the viewer more likely to consider conflict and fighting as normative behaviors. Thus, when real life aggression is witnessed, it is not considered to be surprising or unusual and therefore does not seem to warrant action on the part of the observer. A similar interpretation is focused on contrast effects. Since it is quite unlikely that one might see aggression in his own life which is as extreme as that usually presented in the media, real life aggression might often seem to be trivial in comparison. Also, exposure to violence may reduce emotional responsivity to subsequent scenes of violence (Goranson, 1970) thereby making it less likely that individuals will react quickly. Because the subjects in the control group did not see a film, differential arousal might be offered as an alternative explanation for these findings. However, since all subjects were told explicity what they should do, it would seem that if subjects who had seen the aggressive film were more aroused than subjects in the no film group, then increased arousal should result in quicker responding by subjects in the film group (e.g., Spence, 1956; Zajonc, 1965). Further research is necessary to explore these alternative interpretations.

Many questions remain unanswered, and research is currently underway to investigate the impact of such variables as the degree and type of violence exhibited in the aggressive film, the age of the subjects, and characteristics of the participants in the real life aggression. However, the results of this study, taken together with others in which the modeling and disinhibitory effects of media violence have been demonstrated (Bandura, Ross, & Ross, 1961, 1963; Hanratty *et al.*, 1969; Hanratty, O'Neil, & Sulzar, 1972; Liebert & Baron, 1972), suggest the frightening possibility that while some children are incorporating such violent responses into their everyday behavior, even more may be learning to tolerate them.

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TREASURY DEPARTMENT STUDY SUPPORTS THE VANIK-MOSS APPROACH TO CONSERVE GASOLINE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. VANIK. Mr. Speaker, the recent cutoff of petroleum supplies by the Arab States to the United States underlines the importance we must now attach to immediate efforts to cut down our wasteful consumption of irreplaceable petroleum. The gas-gulping American automobile presents us with an ideal starting point.

Despite the fact that as a nation we account for only 5.7 percent of the world's population, we own 46.1 percent of the world's automobiles. There are 97.65 million cars circulating around our country, consuming 73.5 million gallons of gasoline each year—that is 14.3 percent of the total energy this Nation consumes.

In recent years the efficiency of the American automobile has seriously declined. Contrary to popular attitudes, this decline is attributable not so much to emission control as to increased vehicle weight and more optional equipment. This trend can and must be reversed. I have introduced with Senator FRANK MOSS legislation to encourage the production of more efficient automobiles through the imposition of a graduated excise tax (H.R. 9859).

The administration has been taking quiet steps in this direction. Under Secretary of the Interior John C. Whitaker recently announced that the Interior Department is actively contemplating the taxation of inefficient automobiles.

In addition, the Treasury Department has done some excellent work in evaluating the strength of the tax approach. Using a tax schedule similar to the one I have proposed in H.R. 9859, Treasury estimates that 1 million barrels of gasoline a day could be saved by 1980—that is the equivalent of over 2 million barrels of crude oil.

For the interest of my colleagues I am submitting this Treasury study to the RECORD:

TREASURY DEPARTMENT STUDY

SUMMARY

This study recommends a fuel economy tax to be levied on automobiles beginning in 1975.

The tax is based upon miles per gallon ratings developed by a uniform testing procedure to be conducted by automobile manufacturers under EPA guidance.

Basically the tax would establish a national automobile standard of 20 miles per gallon. Cars getting that mileage or better would pay no excise tax. Less efficient cars would pay a tax proportional to their fuel consumption. This tax was developed in lieu of a horsepower tax or a weight tax which are shown to be less effective.

The purpose of the tax is to save gasoline through encouraging the industry to design and produce more efficient vehicles. The basis for setting the tax rates are studies which assert that the industry can produce large cars which yield close to 20 miles per gallon using existing technology without sacrificing comfort, styling, or exhaust emission standards.

The tax should have the following effects.

1. Through inducing manufacturers to produce more efficient cars and reducing automobile purchases of large cars, it would save increasing amounts of gasoline. By 1980, the saving should reach 1 million barrels a day of gasoline.

2. The revenue from the tax would peak at $2.78 billion by 1976. Thereafter, it would rapidly decline as cars became more efficient and motorists increase their purchases of smaller cars. By 1980, the tax would draw about $600 million per year.

The tax is similar to bills already introduced this year in the Senate and the House designed to accomplish the same purpose.

The draft of the paper has been reviewed by staff in EPA, the Department of Transportation, and in Treasury tax analysis.

Introduction

One recurring energy conservation suggestion has been the thought that we could save considerable amounts of gasoline if we were to shift to more efficient automobiles. This has been constantly in the news columns of late, for example, in the *New York Times Magazine* on June 10, 1973, entitled "Auto-Suggestion." This memorandum is an exploration of the concept of a tax designed to encourage vehicle economy.

The trend in vehicle economy

Miles per gallon in passenger vehicles has been coming down significantly since 1050.

Automobiles in 1950 were averaging 14.95 miles per gallon. By 1972, this has dropped to 13.57. Why has automobile efficiency fallen so much? There seem to be several reasons.

a. Heavier cars

A study by the Environmental Protection Agency dated November 1972, entitled "Fuel Economy and Emission Control" indicates that vehicle weight is the most significant determinant of miles per gallon. Cars have been getting significantly heavier during the last 20 years. Each year the same model automobile is heavier than the year before. In 1955, for instance, the largest Ford V–8 weighed 3,236 lbs. By 1965, this weight grew to 3,422 lbs. and today a similar car weighs 4,292 lbs. The Cadillac Series 75 grew during the same period from 5,015 lbs. to 5,783 lbs. Even the Pinto grew from 1972 to 1973 from 2,094 lbs. to 2,216 lbs. In the absence of any economic incentives to reduce weight, therefore, cars are growing heavier, and hence greater users of fuel. On the other hand, much of the added weight has gone into safety or convenience features such as stronger frames, automatic transmissions, heavier but better tires, etc.

b. Increased accessories in automobiles

Factory installed power-using equipment has grown significantly in the last 10 years. Automatic transmissions have grown from 71 percent in 1960 to 93 percent in 1972. Power steering from 39 percent in 1960 to 86 percent in 1972. Factory air conditioning, the most costly of all, in terms of fuel use, has grown from 6.9 percent in 1960 to 70 percent in 1972. These added features require the use of addtiional gasoline.

c. *Antipolution features*

Pollution controls added since 1970 also take their toll in gasoline mileage. The EPA study shows that they have reduced engine efficiency by about 7 percent over comparable models without the pollution controls.

d. Urbanization of our population

We are becoming increasingly urbanized. Each year more of our population lives in urban areas and less in rural areas. In fact, 1960 to 1970, for instance, urban populations gained by 19.2 percent, whereas rural populations declined by 0.3 percent. This has a definite effect on mpg. City driving involves more stop and go, more idling, more fuel wastage than open country driving. This trend will probably continue.

The shift to smaller cars

Despite the long-term downward trend in fuel economy, the previous graph shows that in 1971 and 1972 the rate of decline in fuel economy has been less than it was in previous years. Why should this be so?

One important reason is that the public is shifting to the purchase of smaller cars. The following chart gives an indication of the change in the new car registrations during the last six years.

REGISTRATION OF NEW CARS BY GENERAL MARKET CLASS

Market class	1967–73 calendar years, percentage of total registrations							
	1967	1968	1969	1970	1971	1972	1973	1973 sales[1] (thousands)
High price class (Cadillac, Lincoln, etc.)	2.9	2.6	2.9	2.3	2.7	2.7	2.4	238
Medium price class (Pontiac, Olds, Buick, etc.)	17.8	17.0	16.8	13.7	15.1	14.5	12.7	1,257
Regular size (Ford, Chevrolet, Plymouth, etc.)	28.6	27.0	25.7	22.5	20.9	19.3	16.3	1,614
Special sports type (Chevrolet Monte Carlo, Ford Mustang, Chevrolet Camero, etc.)	12.8	11.7	11.1	10.3	8.6	8.2	9.9	980
Intermediate size (Ford Torino, Chevrolet, Olds Cutlass, etc.)	21.8	24.0	22.2	21.0	18.1	19.2	18.8	1,861
Compact size (Chevrolet Nova, Ford Maverick, Dodge Dart, Plymouth Valiant, etc.)	6.7	7.1	9.8	13.8	12.1	12.9	14.4	1,425
Subcompact size (Vega, Pinto, Gremlin)				1.6	7.4	8.2	9.6	950
Foreign cars	9.3	10.5	11.2	14.7	15.1	14.5	15.9	1,574
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	9,900

[1] Projected based on current trends and R. L. Polk data.

Source: Ward's Automobile Yearbook based on R. L. Polk data.

A more practical way of looking at the same figures is to see the change in the percent of large cars (medium, regular size, intermediate size, and special sports type) versus small cars (compact, sub-compact) and foreign cars since 1967. High price cars are excluded. They remain at the same level regardless of time and price and continue to be about 2.6 percent of the market. This could indicate that these vehicles occupy a special place in the market due to prestige or other reasons, and are highly price-inelastic.

The percentage of large cars has fallen from 81 percent in 1967 to 57.7 percent in 1973, while the percentage of compacts, sub-compacts and foreign cars has risen from 16.0 percent in 1968 to 39.9 percent in 1973. What this indicates is that the public is shifting its buying habits and buying smaller cars. Why should this be so?

Reasons for the shift

The reasons for shift to smaller cars appear to be many. One important reason may be that a higher percentage of the public are buying second and third cars now which tend to be smaller than the basic family car. The percentage of households which own two or more cars increased from 19.0 percent in 1961 to 29.8 percent in 1971, a 50 percent increase.

A second reason is a general change in the public taste in transportation. Foreign cars, for instance, have become popular, although their percentage of total U.S. sales have grown from 9.3 percent to 15.9 percent since 1967, a gain of 6.6 percent, while those of American make sub-compacts have grown from 0 to 9.6 percent in only three years.

It is unlikely that the increasing prices of new cars has been a major factor in encouraging car buyers to shift to less expensive models. New car prices have risen more slowly than those of the cost of living.

CAR PRICE INCREASES COMPARED WITH COST OF LIVING INCREASES

	Percent change from previous year	
	All items[1]	Cars[2]
1967	3.0	2.2
1968	4.7	3.63
1969	6.1	1.83
1970	5.5	3.51
1971	3.4	5.90
1972	3.4	2.62

[1] Source: Bureau of Labor Statistics, reported in the Economic Report of the President, 1973, p. 252.

[2] Automotive News Almanac, Apr. 30, 1973, p. 78.

In fact, in real terms, the percentage of the family income spent on automobile purchases is declining. In 1950 a new car represented 62 percent of the average family income. By 1970, this figure had declined to 35%.*

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* Source: 1972 Automobile Facts and Figures, page 41.

AFL-CIO URGES NIXON RESIGNATION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Ms. ABZUG. Mr. Speaker, on Monday, October 22, 1973, the AFL-CIO, the Nation's most powerful labor organization, called for President Nixon's resignation, or if the President refuses to resign, impeachment:

We believe that the American people have had enough. More than enough.

We therefore call upon Richard Nixon, President of the United States, to resign.

We ask him to resign in the interest of preserving our democratic system of government, which requires a relationship of trust and candor between the people and their political leaders.

We ask him to resign in the interest of restoring a fully functioning government, which his Administration is too deeply in disarray to provide.

We ask him to resign in the interest of national security.

If Mr. Nixon does not resign, we call upon the House of Representatives forthwith to initiate impeachment proceedings against him.

They also asked that Congress hold up the consideration of Representative GERALD FORD for Vice President:

Clearly, a President who has placed himself on the brink of impeachment should not be allowed to name his successor until the charges against him have been disposed of satisfactorily.

I insert the full text of the AFL-CIO statement for the benefit of my colleagues:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON PRESIDENT NIXON TO THE 10TH CONSTITUTIONAL CONVENTION, BAL HARBOUR, FLA., OCOBER 22, 1973

The Constitutional crisis that began with what the White House once described as a "third-rate burglary" has now been brought to a head by the absolutely unprecedented and shocking actions of President Nixon within the last 48 hours.

In rapid succession, these events have taken place:

The President demanded that Attorney General Elliot Richardson fire special Watergate prosecutor Archibald Cox. Richardson refused and resigned. The President demanded that Deputy Attorney General William D. Ruckelshaus fire Cox. Ruckelshaus refused and was fired. The President ordered his Solicitor General, Robert H. Bork, to fire Cox, and Bork, now Acting Attorney General, complied. The President ordered the FBI to seal off the offices of the special prosecutor, the Attorney General and the Deputy Attorney General—thereby, in effect, taking possession of the Watergate evidence.

These incredible actions have revealed the extent to which Mr. Nixon is prepared to go to prevent the full disclosure of evidence relating to the Watergate cover-up and other charges of criminal conduct by high government officials. He had already refused the orders of two courts to turn nine of his tapes bearing on the Watergate matters over to Judge John Sirica.

The President seems determined not to discharge the chief obligation of his office. Article II, Section 3 of the Constitution states that, "he shall take care that the laws be faithfully executed." But Mr. Nixon seems utterly determined to frustrate the full and impartial administration of the law.

When the Senate Judiciary Committee confirmed the appointment of Cox, it acted with the understanding, spelled out in the guidelines drawn up by the Attorney General, on May 19, that he would have:

"full authority with respect to . . . determining whether or not to contest the assertion of 'executive privilege' or any other testimonial privilege. . . . The attorney general will not countermand or interfere with the special prosecutor's decisions or actions . . . The special prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

The special prosecutor's decision to press forward on the legal front to obtain the President's tapes hardly constitutes an "extraordinary impropriety." On the contrary, it constitutes the fulfillment of his mandate to "review all documentary evidence available from any source, as to which he shall have full access."

Similarly, the refusal of Attorney General Richardson to fire Cox was in accordance with the understanding between him and the special prosecutor, which understanding was also at the basis of the Senate's confirmation of Mr. Richardson as Attorney General.

Mr. Nixon's determination to prevent judicial examination of his tapes, no matter what the cost to our constitutional system, can only further erode public confidence in him. When the President appears fearful of facing a Supreme Court composed in large measure of his own appointees, the public can scarcely resist the darkest speculations.

We believe that the American people have had enough. More than enough.

We therefore call upon Richard Nixon, President of the United States, to resign.

We ask him to resign in the interest of preserving our democratic system of government, which requires a relationship of trust and candor between the people and their political leaders.

We ask him to resign in the interest of restoring a fully functioning government, which his Administration is too deeply in disarray to provide.

We ask him to resign in the interest of national security.

If Mr. Nixon does not resign, we call upon the House of Representatives forthwith to initiate impeachment proceedings against him.

We also call upon the Congress to hold up further consideration of the President's Vice President-designate, Mr. Ford. Clearly, a President who has placed himself on the brink of impeachment should not be allowed to name his successor until the charges against him have been disposed of satisfactorily.

We concur completely with Archibald Cox, who said at the time of his dismissal: "Whether we shall continue to be a government of laws and not of men is now for Congress and ultimately the American people to decide."

Impeachment is not a prospect we contemplate with pleasure. No decent American can derive any partisan satisfaction whatever from the misfortune of his nation. And surely the American labor movement is not interested in aiding any reckless attacks on the Presidency. We are especially concerned about the office of the Presidency in these times of grave danger on the international front.

But the cause of peace and freedom in the world cannot be served by a discredited Presidency at home. Our allies' best hope—mankind's best hope—lies in the strength of our democratic institutions.

Justice must be done, the risks of not doing it being more than a democracy can safely bear.

LABOR DELEGATES ARE NOT SATISFIED—CONSTITUTIONAL CRISIS CALLED UNRESOLVED BY NIXON MOVE

(By Philip Shabecoff)

BAL HARBOUR, FLA., Oct. 23.—Delegates to the A.F.L.–C.I.O. convention here, who voted yesterday to ask President Nixon to resign, were startled but not satisfied today when they learned that the President had decided to surrender the Watergate tape recordings to a Federal judge.

The news broke just after the convention adjourned, and George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, said he would have no comment for the time being.

But other delegates said that they felt the President's reversal had not resolved the constitutional crisis and raised still more questions about the President's stability. Jerry Wurf, President of the American Federation of State, County and Municipal Employes, called the President's action one more illustration of the frightening irresponsibility of this man."

Mr. Wurf said that he took some comfort from the fact that the President had obviously seen that the American people "would not sit still for the kind of games he was playing." But the union leader added that the President must resign or be impeached.

ADDRESS BY HUMPHREY

Earlier, in an address to the convention, Senator Hubert H. Humphrey accused President Nixon of being a "man obsessed with power" and warned that "our existence as a democracy and our constitutional tradition of balanced and limited power are in mortal danger as of this hour."

Former Vice President Humphrey, after reviewing the recent actions of the President, asserted that "this pattern of behavior of exercising unrestrained power is dangerous; it is dictatorial; it is unacceptable for a free people."

The Minnesota Democrat who ran against Mr. Nixon in 1968, called on Congress and the judiciary to "act responsibly" to resolve the crisis of the Presidency.

He said that a new special prosecutor should be appointed either by Federal Judge John J. Sirica or by a special act of Congress and that the prosecutor should be given full access to evidence and all independent powers to carry forth the Watergate case.

"It is essential that this new inquiry be beyond the political reach of the President," Mr. Humphrey said.

He also urged "appropriate committees" of Congress to hold hearings quickly on impeachment motions filed by members of the House of Representatives. However, Senator Humphrey did not urge impeachment himself, explaining that as a Senator he would have to sit as judge or jury, if the House voted impeachment and that he did not want to "prejudge this case."

UNION ISSUES FADE

This tenth biennial convention of the A.F.L.–C.I.O. was dominated by the Presidential crisis to the extent that trade union issues faded almost into the background, at least on the floor of the meeting itself.

The only other major issue on the floor during this final day of the convention was the Middle East. It was not a controversial issue.

The convention voted unanimously for a resolution condemning what it said was Arab aggression against Israel, praising Israel's free democratic society and called on the United States Government to carry out a "massive airlift" of all equipment and supplies needed by Israel to replace her losses.

The convention also passed a resolution condemning the "violence" and "suppression" of the military junta in Chile and asked the United States Government to take diplomatic measures to speed the re-establishment of civilian rule and full political and trade union rights in that South American country.

DISTINGUISHED NEWSPAPERMAN WILLIAM B. STREET PASSES

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. KUYKENDALL. Mr. Speaker, it is my sad task at this time to announce to my colleagues, and particularly to those from the Mid-South area, that we have lost a friend and a distinguished newspaperman. I have just been informed of the death, this morning, of William B. Street, the political editor of the Memphis Commercial Appeal.

Those of us in public life who knew Bill Street can testify that honesty and fair play in journalism has lost one of its most devoted advocates. I think it fitting, and the way he would have wanted it, that he died at his typewriter in the Commercial Appeal newsroom, of a heart attack.

I will ask for a special order in the House next Tuesday, and invite those Members who knew him to join me in a tribute to a friend and outstanding journalist.

WHO IS AT FAULT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. DERWINSKI. Mr. Speaker, it is very easy to blame all problems, real and imaginary, on others. We in public service recognize that while we deserve criticism for many of the problems that government has failed to solve, we are often criticized for events over which we have little or any control.

Harry "Scoop" Sklenar is a veteran journalist and editor of the Des Plaines Valley News, serving a number of constituents in my congressional district. His column of Thursday, October 18, is a truly penetrating, philosophical commentary which I am pleased to insert into the RECORD:

WHO IS AT FAULT

(By Harry Sklenar)

It was said that Diogenes spent a lifetime with a lantern seeking an honest man and failed. And a great Teacher told a crowd, "Whom among you without sin shall cast the first stone?" and none complied.

Perhaps Diogenes looked only in the high elective offices of the land, judging from recent disclosures of a top judge being termed guilty of accepting racing stock at below cost for allegedly securing favorable racing dates, reading that a U.S. Vice President pleaded no contest to charges of income tax evasion, and those Chicago policemen and their superior who were found guilty of gathering regular pay-offs from tavern owners.

Note, it takes two persons to complete a dishonest deal; one, the person making the offer, and another, the person accepting. Why is it so seldom that the person making the offer is given some form of punishment?

Perhaps we are all at fault for maintaining a society in which such acts are tolerated, becoming more acceptable rather than the exception to the point of having a relative add a device to a model car a youngster had allegedly constructed to assure victory.

Thus rather than cast a cynical eye on those holding political office and stating the system is rotten, remember it was you and I who make it so. We nominate the office holders, then endeavor to blemish their characters with wild accusations unrelated to their ability, then discover that few persons of high moral character and caliber care to even make a campaign try.

Currently, the Illinois state legislature is to consider a stronger ethics bill, yet the Governor, while backing the bill, is refusing to disclose the names of his own campaign contributors.

During the last decade, our character and moral principles dropped considerably. Today, we have states adding revenue from running lotteries with a portion of such revenue going to schools, then holding that gambling is wrong. Besides the gambling issue, we have the U.S. Supreme Court ruling on obscenity issues.

How many blemishes do you have on your character? Why not just take a casual observation on how many times you wished to hand a policeman some money for not writing that arrest ticket, or buying a magazine or book purely because it exhibits nude photos, or by attending films of that nature? To what extent have you added to the sales volume of cigarettes when printed warnings advise you desist? Cigarette sales have been on the increase despite those warnings of being detrimental to your health.

While seeking to curtail the selling and smoking of cigarettes on one hand, we attempt to legalize the smoking of marijuana on the other. We jail persons for race horse betting outside of the track and hold it is perfectly legal for betting inside.

We learn that TV exhibitors hold that portrayals of violence and criminal methods have no effect on children, yet use this same media to aid children to learn to read and use television in schools to aid in the child's learning process.

It is strange that mankind has survived this long without introducing sex lessons at the grade school level, or taking surveys on bedtime practices.

If we take to blaming politicians for the state of evil, society or the system, remember it is just the mass of individuals such as you and I which make up society and formulate that system.

This means that each of us is responsible to stop these evil practices simply because "everyone else is doing it." Look at your own conscience and let that be your guide.

PROVOST MARSHAL GENERAL RAMSEY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. CARTER. Mr. Speaker, it is indeed a pleasure to share with the Members of this body an impressive monograph on Provost Marshal General Ramsey, which appeared recently in the Government Executive.

Gen. Lloyd B. Ramsey is originally from my congressional district and I am proud to say has had an outstanding and distinguished career as a true leader.

The article follows:

Provost Marshal General Ramsey

Ernie Pyle, the late famed war correspondent, once had this to say about the caliber of troops in the U.S. Army's Military Police Corps during World War II:

"The Military Police haven't the taint to them that they did in the last war. This time, they're a specially picked, highly trained permanent organization.

"From the MPs I saw, judging by their demeanor and their conduct, I believe that, next to Rangers and Paratroopers, they really are the pick of the Army."

While many veterans of World War II and subsequent wars can attest to the effectiveness of the Military Police Corps in maintaining troop discipline and promoting law and order within the Army, few ex-soldiers are likely to recall that their infrequent dealings with MPs were noticeably friendly.

But then breaking up saloon brawls involving drunken GIs, bawling out military drivers who are causing traffic jams, collaring troops who are absent without leave, and thwarting supply thieves (with which any army abounds) hardly are activities designed to enhance the MPs' popularity.

The role of MPs vis-a-vis the rest of the Army, however, has been changing in recent years, according to Maj. Gen. Lloyd B. Ramsey, whose command includes the Military Police Corps.

"We've increasingly emphasized the training of the MP to be a friend of the soldier," Ramsey said, "and standards for becoming an MP are much higher than those of the average soldier."

Today's MP, he said, spends as much or more time trying to keep soldiers out of trouble as he does dealing after the fact with flagrant lawbreakers or troublemakers. The emphasis is on choosing MP recruits who are sensitive to soldiers' problems.

Both in military police school, which is not under Ramsey's command, and throughout the Corps worldwide, heavy emphasis is placed upon human relations training and the application of psychological principles rather than force where possible in achieving Corps goals.

Ramsey said that in his three years as Provost Marshal General he has "tried to get out in the field as much as possible because that's where you find out what the problems are."

VISITS WITH A PURPOSE

He said, "These aren't inspection trips. They are trips I take to find out how we at the headquarters level can assist our people in the field to do a better job.

"We found, for example, that the vehicles the MPs were using were in terrible shape.

"Now we have what we call a law enforcement sedan going out to field installations. It has a bigger motor to support power demands of more sophisticated communications equipment, the siren, lights and so on. It has heavier upholstery because MPs continually have to get in and out of a vehicle and this is hard on the upholstery. And there are other features that will give MPs more maneuverability."

Among other activities or proposed changes prompted by the field visits:

"A study is now under way of our entire communications system—what types of radios should be installed in which of our cars, for example?"

The MPs uniform is being studied with an eye to making it more functional—"the dress uniform now is simply too restricting considering the vigorous activities MPs sometimes have to engage in. Also I think we're going to go to a badge instead of the traditional arm brassard."

The Corps, which is responsible for investigating misdemeanors but not felony crimes, has established a job slot for a "military police investigator" (MPI).

"Their big job is crime prevention." Ramsey said, "and they've done a tremendous job. We put them in civilian clothes or uniforms of some other branch if necessary. The MPIs broke up a mugging operation near one post theater. Another time, they shut down a house of prostitution being run by a service club."

The Military Police Corps is considering replacing its combat .45-caliber pistol with the .38 used by most civilian police which is less lethal in crowd situations and easier to handle.

Ramsey noted that military crime rates often rise and fall in patterns similar to those of the civilian population. During the past fiscal year, he said, Army crime rates have been on a downward trend, except for marijuana use offenses which have increased.

The office of Provost Marshal General also has responsibility for correction, custody, and rehabilitation of military prisoners, physical security of installations, traffic control involving military operations, handling of prisoners of war and civilian internees during wartime, apprehension of absentees and civil disturbance and disaster control.

Some 1100 longterm military prisoners are held in the Army's disciplinary barracks at Ft. Leavenworth, Kan. About 1000 prisoners given sentences of six months or less are now with the Army's Retraining Brigade at Ft. Riley, Kan., where, hopefully, they will be rehabilitated and later returned to duty.

"The latest psychological, sociological, educational and vocational ideas are applied in our rehabilitation program," Ramsey said. "They get humane motivational training and are kept up to date in basic combat techniques. If they don't make progress we discharge them after their sentence is up. But we have had a high degree of success with this effort."

Before the job was turned over to the Defense Supply Agency in July, Ramsey's office provided physical security advice to vital defense industries, and such surveys, he said, "kept me on the road a lot."

Maintaining security of arms rooms and other Army supply facilities remains a difficult problem. Ramsey said. He added, "We are always studying the newest types of locking and intrusion detection devices.

Army deserters have a tougher time staying out of Ft. Leavenworth these days. A data file on deserters and absentees is maintained at Ft. Benjamin Harrison, Ind., and linked to the FBI's National Crime Information Center. "A man now can be picked up for a traffic violation somewhere and turn up as a deserter when they run it through the NCIC." Ramsey said.

Ramsey, 55, saw extensive combat during World War II, received multiple wounds, was awarded the Distinguished Service Medal and many other citations and decorations, and rose to infantry regiment and division staff posts. During 1969, he commanded the 23rd Infantry Division in Vietnam.

The word "leadership" crops up frequently when Ramsey is talking. He considers vigor and the ability to communicate two of the more important attributes of a good leader. A former athlete, he himself remains vigorous by working out in the gym regularly and playing badminton and golf. And his visits to the field help keep communications lines open.

"If a young man gets good leadership," Ramsey said, "he is going to be a good soldier. It is as simple as that."

ROBISON CALLS FOR INDEPENDENT "SPECIAL PROSECUTOR"

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ROBISON of New York. Mr. Speaker, upon hearing that President Nixon agreed, this afternoon, to turn the White House tapes over to Judge Sirica in compliance with the court of appeals affirmative decision, one of my House colleagues said, "Whew, what a helluva high-wire act."

My own reaction is somewhat comparable for, though I have been cautioning both my constituents and myself to cool it insofar as early tendencies to conclude that the President, by his actions last weekend, had "put himself above the law" and was moving—in the words of the Waldie impeachment resolution as introduced in the House today—"knowingly and wilfully to obstruct justice" were concerned, it was obvious all along that the President had precipitated one of the most serious constitutional crises ever to plague and divide this Nation.

It will be difficult, now, to put back the pieces. Not all of them probably can be put back. Two of the brighter stars in the Nixon administration—Elliot Richardson and William Ruckelshaus—have left their posts and, at the moment at least, we are without a special prosecutor to carry on the Watergate investigation with some assurance that, in the end, the full truth about Watergate would come out.

As to the latter problem, Congress should probably move now to do what it might better have done in the beginning—that is, to establish, through legislation, an independent special prosecutor for the purpose of completing the Watergate investigation who would not, then, be answerable, as was Archibald Cox, to the executive branch. It is largely hindsight, but it has seemed to me to have been an anomalous situation in which we placed Mr. Cox—that is, to charge him, as an employee of the executive branch—and, clearly, subject to removal from office by the President—to investigate that same executive branch all the way up to its top. From the beginning, this put the President and Mr. Cox in an awkward situation—an adversary situation—in which a confrontation like that which has now occurred was probably inevitable.

I have no way of knowing if Mr. Cox would resume his investigatory work into Watergate should Congress now so reestablish the special prosecutor post but that is at least a possibility. The chances of bringing either Mr. Richardson or Mr. Ruckelshaus back into Federal service are probably more remote, but they will be missed.

Looking back, I believe a number of things need to be said in behalf of the President. There are those, of course, who will give Mr. Nixon no quarter. To them—and this includes a number of my constituents who have contacted me over the weekend—the only reason the President did not earlier release the disputed tapes was because they must have been dangerously self-incriminating. As to that, we shall soon now see. But my earlier response was, if the tapes would have so incriminated the President why, then, did he agree to let Senator STENNIS hear them in their entirety? In point of fact, I now repeat what I also said, earlier in the weekend, to the effect that I felt the so-called Stennis compromise was not all that bad if what we really wanted to know from the tapes was the depth, if any, of Presidential involvement in either organizing Watergate or directing its subsequent attempted coverup. If the major question was over whether Judge Sirica or Senator STENNIS should hear the tapes, it was not on that ground, alone, that the President could be found to have moved "to obstruct justice."

Of more serious import, here, is the question—still unresolved—of the President's meaning in, at the same time, denying Mr. Cox access to other White House documents and material that might be pertinent to the Watergate inquiry. Perhaps Mr. Nixon will also backtrack now on this issue, as I think he should, though another way around that impasse — if it persists — would be through passage of the kind of law Prof. Alexander Bickel, of Yale, has suggested giving the Federal courts jurisdiction to enforce congressional subpenas. If we go that route, along with legislation recreating the independent special prosecutor post, it is clear that the President has not—as some have charged—put the executive branch above the other two branches of our Federal Government, nor could he do so if we are serious about pressing these matters.

Further, in the President's behalf, it needs to be suggested, at least, that he felt his proposed compromise was within the spirit, if not the letter, of the original Sirica decision as somewhat modified by the court of appeals. In my own judgment, this would have been obvious to all if, at the time of advancing that compromise, Mr. Nixon had also filed a timely appeal to the Supreme Court from the court of appeals decision. I cannot imagine that he did not get such advice for it would not only have been a necessary and proper legal move, but would also have avoided giving the appearance—with his compromise being considered as the judicial process moved on—of having put himself, on a take-it-or-leave-it basis, "above the law." Though this is water-over-the-dam, if such a course had been followed, I doubt that Mr. Cox would have felt is necessary to balk as he did, with his resulting dismissal followed by the Richardson resignation and the Ruckelshaus dismissal.

What all this points up once again, I feel, is that, despite the personnel changes that have been made in upper White House staff echelons, the President still remains too isolated both from public opinion and from those who, at least on occasion, could give him wise political advice.

In summary, the President sought to do what he thought was right but, in the manner chosen, botched the doing of it. With gratification and relief, I welcome the corrections in position be made today.

One final word about that question of impeachment: With alarm, did I note how readily that word sprang to so many lips—with scarcely a thought to the actual consequences, or to what such a traumatic experience, long-drawn out as it would be, would also be for a Nation already beset by so many serious problems and challenges both at home and abroad. I do not question the motives of those of my colleagues who have led today's impeachment drive, but it should be clear to all objective observers that, with the Vice Presidency now vacant, something like a political coup d'etat was being initiated and organized in an effort to overturn the mandate given by the electorate last fall which, if not given Mr. Nixon personally, was given in support of the political philosophy he was thought to generally espouse.

The President is not out of the Watergate woods yet—perhaps he never will be. But, if consideration must again be given to his impeachment on whatever grounds, let it be done only after the most mature and deliberative of thought on all our parts including that of the news media, large portions of which—over these past few days—came close to succumbing to that kind of advocacy journalism against which one of its own most distinguished spokesmen, Walter Cronkite, warned here in Washington only last week.

MENACE OF MULTINATIONAL CORPORATIONS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. GAYDOS. Mr. Speaker, there is increasing concern over what effect the growth of American multinational corporations have on the American worker and the economy of the United States. Presently, there are hearings being conducted in the U.S. Senate on this very question.

I deem it appropriate, therefore, to insert into the RECORD for the consideration of my colleagues a resolution adopted by the 38th UE International Convention. The resolution appeared in the October 8 issue of the UE News.

The resolution follows:

MENACE OF MULTINATIONAL CORPORATIONS

A resolution on "The Menace of the Multinational Corporations" adopted by the 38th UE International Convention pointed out that these corporations now hold nearly $300 billion in cash reserves, more than twice as much as held by all central banks and monetary institutions.

This huge financial power is used to dictate policy to governments, menace workers and even the independence of nations.

One million American jobs were lost within five years as these corporations moved operations to cheap wage areas outside the U.S. The electronics industry was one specifically mentioned by the U.S. Tariff Commission as the center of such expansion away from the United States.

The convention resolution emphasizes that the interests of working people in foreign countries and those in the United States "can only be advanced by organizing and standing up to these Multi national corporations together." Such solidarity would help stop the attempts of the corporations to pit workers of one country against those of another "hammering down their standards of living and conditions of work."

The resolution calls for the UE to establish contact with foreign unions "in line with its policy of no discrimination as to ideology, in order to determine what cooperative steps must be taken to curb the power of the multi national corporations. . . .

That UE together with foreign unions encourage and assist the organization of unions where employees of such corporations are presently organized.

That UE fight the propaganda of those corporations which try to represent themselves as benevolent promoters of world peace and prosperity.

That the UE support legislation designed to curb the power of the multi-national corporations, such as the following provisions of the Burke-Hartke bill:

"(a) Compelling U.S. companies to pay U.S. income taxes on foreign profits whether or not the profits are returned to the U.S.

"(b) Repealing the U.S. tax credit allowed companies on foreign taxes.

"(c) Preventing the use of accelerated depreciation for overseas equipment.

"(d) Taxing the transfer of patents to overseas plants.

"(e) Empowering the President to ban the transfer overseas of capital and technology.

"(f) Repealing the sections of the tariff code that provide an incentive for U.S. manufacturers to ship components across the border to low wage nations for assembling and other production.

"(g) Compelling officials of U.S. international corporations employed abroad to pay U.S. income taxes on their earnings abroad.

"(h) Repealing the overseas Private Investment Corporation which insures multinationals against the loss of the foreign investments."

Finally, the resolution states: "At all times, the UE should take the position that international organization of the workers themselves, not legislation, is the only effective way to deal with the multi-national corporations."

NO MORE HONORARY OR COURTESY APPOINTMENTS TO ADVISORY COMMITTEES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. OBEY. Mr. Speaker, a letter in the October 19 issue of Science notes that Frank Sinatra accepted appointment to the National Advisory Heart and Lung Council to fill a 1-year unexpired term, then did not attend council meetings or contribute to the council's work between meetings.

The letter-writer, Julius H. Comroe, Jr., of the Cardiovascular Research Institute, School of Medicine, University of California at San Francisco, explains that he is bringing the matter to public attention, now that Mr. Sinatra's term has expired, for this reason:

> Simply in the hope that the public may ask the secretary of H.E.W. that there be no more honorary or courtesy appointments to working councils whose responsibilities require the dedicated efforts of all its members.

I think that his point is a good one, and I ask that his letter be printed in full.

The letter follows:

CARDIOVASCULAR RESEARCH INSTITUTE, SCHOOL OF MEDICINE, UNIVERSITY OF CALIFORNIA,
San Francisco, Calif.

APPOINTMENTS TO WORKING GOVERNMENT COUNCILS

In December 1972, Frank Sinatra was appointed a member of the National Advisory Heart and Lung Council, to fill a 1-year unexpired term. This council, by law, consists of 5 ex officio members and 18 members appointed by the secretary of the Department of Health, Education, and Welfare (HEW). The National Heart, Blood Vessel, Lung and Blood Act of 1972 states that 5 of the 18 "shall be selected from members of the general public who are leaders in the fields of fundamental or medical sciences or in public affairs." Neither I nor any other council member questions the principle of appointing nonscientists to the council, or the wisdom shown by the secretary of HEW in the appointment of any individual. However, the scientists on the council do have a right to expect full participation of all members in the heavy work load of the council, and to expect that the nonscientists will bring new concepts and fresh points of view to the council's discussions—and express these effectively. The council must meet from four to six times a year, and members must spend much time between meetings on the council's business.

Mr. Sinatra accepted appointment to the council but did not attend even part of the four council meetings held since then (15 to 17 March, 29 and 30 March, 13 to 15 June, and 17 and 18 September), nor did he contribute to the council's work between meetings. Since his term has now expired, why bring the matter to public attention? Simply in the hope that the public may ask the secretary of HEW that there be no more honorary or courtesy appointments to working councils whose responsibilities require the dedicated efforts of all its members. Surely the government can find ways to honor those whose special talents or contributions deserve recognition without lessening the effectiveness and prestige of its working councils.

JULIUS H. COMROE, JR.

OFFICE OF CONGRESSIONAL LEGAL COUNSEL NEEDED TO CHALLENGE ILLEGAL EXECUTIVE ACTIONS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Ms. ABZUG. Mr. Speaker, over the past several years we have witnessed an escalating succession of illegal actions on the part of the executive branch—actions flaunting the laws of the United States, the will of the Congress, and most importantly the trust of the American people.

The President's firing of Special Prosecutor Archibald Cox, in violation of a solemn agreement between the Attorney General and the Senate, is merely the most recent of these arbitrary and illegal acts. Mr. Nixon's seizing of evidence, material to the investigation of the Federal grand jury, his violation of the first and fourth amendment rights of U.S. citizens by sanctioning an elaborate series of wiretaps, burglaries, and espionage, his interference with the judicial branch during the Ellsberg-Russo trial, his illegal use of campaign funds to insure his reelection, his impounding of more than $40 billion in funds for domestic programs, and his authorization of secret bombing in Cambodia represent some of the President's illegal actions during the past year.

Today I have introduced legislation that would enable Members of both Houses of Congress as elective officials to challenge illegal executive actions in the courts through the mechanism of Congressional Legal Counsel. This bill, establishing an Office of Congressional Legal Counsel, is similar to legislation introduced by Mr. MONDALE in the other body.

The head of the Office of Congressional Legal Counsel would be appointed by the Speaker of the House and the President pro tempore of the Senate, from among names submitted by the majority and minority leaders of the House and Senate. Duties of the Counsel would include a variety of informational and representational activities.

First, he—or she—would be required, upon request of either House of Congress, a joint committee, a committee, at least 3 Senators or 12 Representatives, to render a legal opinion on questions arising under the Constitution and laws of the United States. These questions would include whether:

A request for information or inspection of records under the Freedom of Information Act was properly denied by an agency of the U.S. Government;

A nomination, or an agreement with a foreign country or regional or international organization, should have been submitted to the Senate for its advice and consent;

An activity has been undertaken or continued, or not undertaken or continued, by the executive branch of the U.S. Government in violation of the law or the Constitution or without any required authorization of law; and

Funds appropriated by Congress have been impounded in accordance with law.

Second, he would be required, upon requests from any of the same types of parties above, to advise and cooperate with other private parties bringing civil actions against officers and employees of the executive branch, or any agency or department thereof, regarding their execution of the laws and Constitution.

Third, he would be required, upon a similar request, to intervene or appear as amicus curiae in pending actions in Federal or State courts in which the issue is the constitutionality or interpretation of a law of the United States, or the validity of any official proceeding of or official action taken by either House of Congress, joint committees, committees or members, or any officer or employee of the Congress.

Fourth, upon request, he would be required to represent either House, a joint committee, committee, Member or employee of Congress in any legal action pending to which such House, committee, or employee is a party, and in which there is placed in issue the validity of any official proceeding of, or official action taken by, such House, committee, member, or employee.

Fifth, and most importantly, if the Congressional Legal Counsel has rendered a legal opinion, and if requested by either House, a joint committee, a committee, at least 6 Senators or at least 24 Representatives, he would be required "to bring a civil action, without regard to the sum or value of the matter in controversy, in a court of the United States to require an officer or employee of the executive branch of the U.S. Government, or any agency or department thereof, to act in accordance with the Constitution and laws of the United States as interpreted in such opinion."

The Congressional Legal Counsel, therefore, would be empowered to undertake a wide variety of activity, including representing the Congress and individual Members both as plaintiffs and defendants.

Most importantly, the bill would provide the Congress with an effective legal voice in combating illegal executive branch actions such as impoundment, overly broad claims of Executive privilege, failure to submit nominations to the

Senate for confirmation, and other similar abuses.

The statute would confer broad standing on the Office of Congressional Counsel in its representational activity, so as to afford the Congress with wide-ranging authority in challenging executive branch action in the courts.

Just as the Office of Legislative Counsel has, over the years, aided Members of the House and Senate in developing important legislation, so should an Office of Congressional Legal Counsel aid us in reasserting the power which we need to insure that this legislative function is carried out by an often balky executive branch.

Mr. Speaker, I insert the text of the bill I have introduced at this point in the RECORD:

H.R. —

A bill establishing an Office of Congressional Legal Counsel

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of this Act—

(1) "Member of Congress" means a Senator, Representative, Delegate, or Resident Commissioner;

(2) "Member of the House of Representatives" includes a Representative, Delegate, or Resident Commissioner;

(3) "State" includes any territory or possession of the United States; and

(4) "impounding of budget authority" includes—

(A) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available;

(B) withholding, delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated);

(C) withholding, delaying, deferring, freezing, or otherwise refusing to permit a grantee to obligate any part of budget authority (whether by establishing contract controls, reserves, or otherwise); and

(D) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SEC. 2. (a) There is established within the Congress the Office of Congressional Legal Counsel, which shall be under the direction and control of the Congressional Legal Counsel. The Congressional Legal Counsel shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate from among recommendations submitted by the majority and minority leaders of the House of Representatives and the Senate. Such appointment shall be made without regard to political affiliation and solely on the basis of his fitness to perform the duties of his office. The Congressional Legal Counsel shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) The Congressional Legal Counsel may appoint and fix the compensation of such Assistant Legal Counsels and other personnel as may be necessary to carry on the work of his office. All such appointments shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of their office.

(c) The Congressional Legal Counsel shall promulgate for his office such rules and regulations as may be necessary to carry out the duties imposed upon him by this Act. He may delegate authority for the performance of any such duty to any officer or employee of the Office of the Congressional Legal Counsel. No person serving as an officer or employee of such office may engage in any other business, vocation, or employment while so serving.

(d) The Congressional Legal Counsel shall cause a seal of office to be made for his office, of such design as the Speaker of the House of Representatives and the President pro tempore of the Senate shall approve, and judicial notice shall be taken thereof.

SEC. 3. (a) It shall be the duty of the Congressional Legal Counsel—

(1) to render, upon request of either House of Congress, a joint committee of Congress, any committee of either House of Congress, at least three Senators, or twelve Members of the House of Representatives, legal opinions upon questions arising under the Constitution and laws of the United States, including but not limited to, whether—

(A) a request for information or inspection of a record or other matter under section 552 of title 5, United States Code, was properly denied by an agency of the United States Government;

(B) a nomination, or an agreement with a foreign country or regional or international organization, should have been submitted to the Senate for its advice and consent;

(C) an activity has been undertaken or continued, or not undertaken or continued, by the executive branch of the United States Government in violation of the law or the Constitution or without any required authorization of law;

(D) a budget authority has been impounded in accordance with law;

(2) upon the request of either House of Congress, a joint committee of Congress, any committee of either House of Congress, at least three Senators, or at least twelve Members of the House of Representatives—

(A) to advise and to consult and cooperate with parties bringing civil actions against officers and employees of the executive branch of the United States Government or any agency or department thereof, with respect to their execution of the laws, and the Constitution of the United States; and

(B) to intervene or appear as amicus curiae on behalf of persons making such request in any action pending in any court of the United States or of a State or political subdivision thereof, in which there is placed in issue the constitutionality or interpretation of any law of the United States, or the validity of any law of the United States, or the validity of any official proceeding of, or official action taken by, either House of Congress, a joint committee of Congress, any committee of either House of Congress, or a Member of Congress, or any officer, employee, office, or agency of the Congress;

(3) to represent, upon request, either House of Congress, a joint committee of Congress, any committee of either House of Congress, a Member of Congress, or any officer, employee, office, or agency of the Congress in any legal action pending in any court of the United States or of a State or political subdivision thereof to which such House, joint committee, committee member, officer, employee, office, or agency is a party and in which there is placed in issue the validity of any official proceeding of, or official action taken by, such House, joint committee, committee member, officer, employee, office, or agency; and

(4) if an opinion has been rendered in accordance with subparagraph (1) of this section, and upon request of either House of Congress, a joint committee of Congress, any committee of either House of Congress, at least six Senators, or at least twenty-four Members of the House of Representatives, to bring civil actions, without regard to the sum or value of the matter in controversy, in a court of the United States to require an officer or employee of the executive branch of the United States Government, or any agency or department thereof, to act in accordance with the Constitution and laws of the United States as interpreted in such opinion.

(b) Upon receipt of written notice from the Congressional Legal Counsel to the effect that he has undertaken, pursuant to subsection (a)(3) of this section, to perform any such specified representational service with respect to any designated action or proceeding pending or to be instituted, the Attorney General shall be relieved of responsibility and shall have no authority to perform such service in such action or proceeding except at the request or with the approval of the Congressional Legal Counsel.

SEC. 4. (a) Permission to intervene or to file a brief amicus curiae under section 3 (a) (2) (B) of this Act shall be of right, and may be denied by a court only upon an express finding that such intervention or filing is untimely and would significantly delay the pending action.

(b) Where an actual case or controversy exists, persons making requests under section 3(a)(4) of this Act shall have the right to obtain judicial review of the conduct in question without regard to the requirements for standing as set forth in any statutes, rules, or other requirement of standing.

(c) For the purpose of all proceedings incident to the trial and review of any action described by subsection (a)(3) of section 3 with respect to which the Congressional Legal Counsel has undertaken to provide representational service, and has so notified the Attorney General, the Congressional Legal Counsel shall have all powers conferred by law upon the Attorney General, any subordinate of the Attorney General, or any United States attorney.

(d) The Congressional Legal Counsel, or any attorney of his office designated by him for that purpose, shall be entitled for the purpose of performing duties imposed upon him pursuant to this Act to enter an appearance in any such proceeding before any court of the United States without compliance with any requirement for admission to practice before such court, except that the authorization conferred by this subsection shall not apply with respect to the admission of any person to practice before the United States Supreme Court.

SEC. 5. All legal opinions rendered by the Congressional Legal Counsel under section 3(a)(1) of this Act shall be published and made available for public inspection under such rules and regulations as the Congressional Legal Counsel shall promulgate.

SEC. 6. (a) Section 3210 of title 39, United States Code, is amended—

(1) by inserting immediately after "respective terms of office" the following: "the Congressional Legal Counsel,"; and

(2) by inserting immediately before "or Legislative Counsel" the following: "Congressional Legal Counsel,"

(b) Section 3216(a) of such title is amended by inserting immediately before "and Legislative Counsel" the following: "Congressional Legal Counsel,".

SEC. 7. There are authorized to be appropriated to the Office of the Congressional Legal Counsel such sums as may be necessary for the performance of the duties of the Congressional Legal Counsel under this Act. Amounts so appropriated shall be disbursed by the Secretary of the Senate on vouchers approved by the Congressional Legal Counsel.

DOUBLES IRON CONTENT OF WHITE BREAD

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. ROBERTS. Mr. Speaker, the Food and Drug Administration has taken action which could endanger the health of all Americans.

After 3 years of controversy and in the face of dire warnings from competent hematologists, the FDA has ordered the Nation's bakeries to double the iron content of white bread.

One California hematologist has pointed out, obviously to no avail, that excess iron in the body can produce cirrhosis of the liver and pancreas, heart failure, diabetes, and impotence in males. Another physician who has treated iron-related disorders predicted that many Americans would have an iron overload in 10 years.

The FDA Commissioner admits that there is legitimate concern about our getting too much iron in our diets, but he still favors the regulation, because his research shows that Americans are not getting enough iron in their diets.

The Commissioner's concern about deficiencies in the diets of Americans is admirable, but his dictatorial act to make them consume more iron at a risk to life and health is unthinkable.

It may be all right with the American Bakers Association if we start getting medication at the grocery store instead of the local pharmacy, but I believe that most Americans would be more interested in the approval of hematologists, the real specialists in this area.

"No official comments were received from national or international hematologial societies," wrote the FDA in its regulation. That is hardly reason to assume the silent approval of responsible spokesmen in this field of medicine.

The order also sets higher iron levels for enriched bread and rolls and for enriched dough. It reads:

> The Commissioner, on his own initiative, proposed that the standard for enriched bread, rolls, or buns also be amended by inserting the statement that iron and calcium may be added only in forms which are harmless and assimilable.

Unfortunately, what is harmless and assimilable is obviously open to debate. The FDA proposal has considerable support among the medical profession. But, there is also significant opposition from others in that same medical profession. The potential harm in adding to the iron content of bread is simply too important to be ignored.

It should not be the right of any Federal bureaucracy or any one bureaucrat to use the American public as human guinea pigs in a dietary supplement experiment.

I urge my colleagues to read the following United Press International account of the FDA action as it appeared in the October 13 edition of the Tyler, Tex., Morning Telegraph, one of the outstanding newspapers in my district.

> DOUBLE RATION OF IRON DUE IN CONTENT OF WHITE BREAD
>
> WASHINGTON.—In an order criticized by some doctors as a dangerous human experiment, the government Friday ordered the nation's bakeries to double the iron content of white bread.
>
> The Food and Drug Administration said it was issuing the order, after three years of study and controversy, because research indicated Americans are not getting enough iron in their diet—partly because of the declining use of iron cookware. It will go into effect in six months.
>
> Dr. William H. Crosby, chief of hematology at the Scripps Clinic in La Jolla, Calif., said there has been "absolutely no work done" to demonstrate that more iron in bread would be safe or effective.
>
> "The manufacturers would not and could not provide such evidence," he said. "The fact that it may not be safe is really unconscionable."
>
> Crosby said excessive iron can cause cirrhosis of the liver and pancreas, diabetes, heart failure and impotence in males.
>
> Dr. Margaret Ann Krikker of Albany, N.Y., a general practitioner who has treated iron-related disorders and who helped circulate a petition against the proposal signed by more than 100 doctors, told UPI:
>
> "This is an experiment, in my view an irresponsible experiment, unprecedented in the history of mankind . . . I predict a very significant portion of the population will have an iron overload in 10 years."
>
> Dr. Alexander Schmidt, FDA commissioner, told UPI he realized there was "legitimate concern" from physicians who have said the move might result in too much iron in the diet—a potentially dangerous situation since the body can store and use iron but not eliminate it.
>
> But he added: "As people's eating habits change, a significant number of people in the United States are getting less and less iron and becoming anemic. Some very good surveys have shown that as many as a quarter of young women in some areas have iron deficiency anemia . . ."
>
> A spokesman for the American Bakers Association, which asked the FDA to order the change, said, "There are many children and women who are in menstruating years who have diagnosable anemia. This isn't going to cure that overnight, but it will make a very substantial contribution toward that."
>
> The order sets higher iron levels for enriched bread and rolls and for enriched flour dough.
>
> The new level of iron for enriched flour will be 40 milligrams per pound, compared to a present range of 13 to 16.5 mgs; for enriched bread it will be 25 mgs., compared to 8–12.5 presently.

RAW JUDICIAL POWER

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. LANDGREBE. Mr. Speaker, on September 11 I introduced House Joint Resolution 717 proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons irrespective of their ages, health, functions or conditions of dependency. Such an amendment is made necessary by the Supreme Court's incredible decision last January prohibiting States from enacting laws prohibiting or regulating abortions. Associate Justice White in a dissenting opinion, said:

> I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions and announces a new constitutional right for pregnant mothers and with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing state abortion statutes.

Mr. Justice White later refers to the Court's decision as "an exercise of raw judicial power" and a more apt description of this decision cannot be made. Because the Supreme Court has abdicated its constitutional duty to interpret law and has elected to enact law, it becomes incumbent upon Congress and the people of these United States to restore the Constitution to its proper place as the basis and foundation of the American system. This can first be accomplished by dispelling the myth that the Constitution is what the Supreme Court says it is. It is Abraham Lincoln who said in his first inaugural address:

> If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

The Constitution is most emphatically not what the Supreme Court says it is; the Supreme Court is what the Constitution says the Supreme Court is. Since the Constitution places judicial power and not legislative power in the Supreme Court, one can only conclude that the Supreme Court itself has overstepped the bounds of the Constitution, and that its decision in Roe against Wade is unconstitutional. Those sworn to uphold the Constitution of the United States are obliged by their oaths to perform precisely that action, and are not obliged to uphold a decision of the Supreme Court. Such an oath binds them to the Constitution as they have been given by God to understand the Constitution. Conversely, such an oath binds them to oppose the Supreme Court when the Court has acted unconstitutionally. It is for this reason that I have introduced the resolution proposing a constitutional amendment. As a Representative it is the very least I could do to fulfill the oath I have taken to uphold the Constitution.

B'NAI B'RITH STATEMENT ON MID-EAST CONFLICT

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 1973

Mr. MOAKLEY. Mr. Speaker, as I speak to you now, I am heartened by news of a U.N.-sponsored cease-fire in the Middle East.

I fervently hope this will mean an end to the bloodshed and suffering in that beleaguered part of the world.

Along with other concerned colleagues, I introduced several resolutions in recent days to assist in Israel's defense against overwhelming odds. These measures called for first, an acceleration of the flow of economic and military aid to Israel; second, the initiation of diplomatic action to confine the war to its original combatants and third, an American commitment to bring about a negotiated settlement to the war.

At this time I should like to bring to the attention of my colleagues the following sensitive appraisal of the conflict by the B'nai B'rith Council of Greater Boston:

STATEMENT OF THE B'NAI B'RITH COUNCIL OF GREATER BOSTON

AN ANALYSIS OF THE CONFLICT

Egypt and Syria have once again chosen to violate a cease fire. Their armed forces crossed the cease fire lines initiating another major war. The battle is still fluid; the outcome uncertain. But surely one must ask why have the Arabs started a war that they are likely to lose?

THE ARAB PLAN

A. Even a small territorial gain would be a victory—if it could be solidified by a U.N. intervention for the establishment of a new cease fire. If the Egyptians, for example, can retain a bridgehead on the East Bank of the Canal, the two armies will no longer be separated by water, and the pressure for an imposed settlement will have been enhanced. The Arabs negotiating stance (if they choose to negotiate) would be stronger. Given the well-known UN pro-Arab bias and the "clout" afforded by Arab oil, a cease fire could be called as soon as the Egyptians consolidated any battle gains. They started this war in order to change the meaning and intent of UN Resolution 242. They seek to impose complete withdrawal of Israeli forces without linking it to a freely negotiated settlement and the establishment of secure boundaries. In this way they hope to set the stage for another round of war.

However, if the Israelis successfully counter-attack into Egyptian and Syrian territory, the Arabs count on the UN to bail them out. No cease fire will be passed by the UN Security Council, unless and until the Egyptians approve it—no matter what they say in public.

B. The Arab aim is to put an end to the State of Israel. As Nasser freely admitted, even the ostensibly limited objectives of today are stepping stones to a definitive solution tomorrow—the destruction of the State of Israel. At the same time, they are secure in the knowledge that no Israeli victory, however swift and large, can threaten the continued existence of any Arab states. The Arabs, therefore, feel, that given the disposition of international power they have everything to gain by attacking Israel. They place little value on human life and can gamble with impunity since the international community is not disposed to restrain them.

HISTORICAL BACKGROUND

The attack by Egypt and Syria is only the most recent in a long and unremitting series of Arab aggressions against Israel going back to the formation of the State.

1. In November 1947 the United Nations voted to partition Palestine. The Arabs refused to accept the decision and immediately began country-wide assaults on the Jewish community in an attempt to "drive the Jews into the sea." In May of 1948, when the UN recognized the State of Israel, the full brunt of Syrian, Egyptian, Jordanian and Iraqui army units was concentrated on Israel in a concerted attack. The result, contrary to general expectation, was an Arab defeat.

2. In the years that followed, the Arab states refused to recognize the existence of Israel and their responsibilities under the UN Charter. After years of terrorist raids from Egyptian territory and Arab refusal to allow Israel its rightful maritime passage through the Suez Canal and also into the Red Sea via the Straits of Tiran the Israeli forces finally reacted and drove to the Suez Canal in 1956. Israel withdrew her forces, only on the basis of UN and other specific international assurances on the use of the Suez Canal and the Red Sea, and the establishment of a UN presence in the Sinai and Sharm-el Sheik. Nevertheless, immediately upon the Israeli withdrawal, the Egyptians closed the canal to Israeli shipping. The Arabs continued to deny the right of Israel to exist. Terrorists soon resumed incursions along other frontiers. Moreover, the Arabs chose to maintain a "state of belligerency"—which meant that they claim the right to undertake any and all warlike acts. On the other hand the Arabs argued that Israel must be held to their cease fire obligations and had no right to respond.

3. In 1967, President Nasser of Egypt decided the time was ripe to reverse the verdict of 1956. He unilaterally expelled the UN peacekeeping forces from the Sinai; he closed the Straits of Tiran—thus cutting off Israel's lifeline from Eilat to Africa and the Far East, constituting, under international law, an act of war—and poured enormous quantities of armor and infantry into the Sinai right up to Israel's vulnerable front lines.

In Cairo and the other Arab capitals, as American television viewers will recall, officially-inspired mobs paraded carrying banners with the skull and cross bones, and called for "Death to the Jews", while government radio stations interspersed martial airs with a call to "drive the Jews into the sea" and similar blood slogans. On June 5, Israel finally replied, destroying Egyptian and Syrian air power, and after Jordan bombarded Jerusalem, Israel responded to that attack.

In 1967, when Israel did not have defensible borders, she lost more men, proportionately, in 6 days of war than the U.S. lost in 10 years in Indo-China.

Israel and the world, hoped and believed, that this victory, so costly to both sides, would finally bring the Arabs to the negotiating table. But backed by the Russians and their allies in the United Nations, the Arabs attempted instead to rewrite history. They tried to convince the world that they were the victims instead of the criminal aggressors. They tried to regain their lost territory by diplomatic pressure, citing Israel's gains after such Arab attack and subsequent defeat, as evidence of Israel's "expansionist" tendencies—like the boy who killed his parents and asked the court for mercy as an orphan.

4. The Egyptians, who in 1967 were saved by the UN cease fire, broke a cease fire again by initating massive artillery strikes against Irsaeli forces in what Nasser called "The War of Attrition". The Egyptians felt that they would wear the Israelis down by trading deaths. When the Israelis refused to acquiesce in their assigned role, and, by air strikes, caused great losses to Egyptian forces, Egypt accepted a cease fire—this time arranged by the U.S. It was not even a few hours old before the Egyptians boldly used it as a cover for advancing Russian missile launches closer to the Canal in violation of the agreement it had made a few hours before.

5. Now, in October 1973, when they found it politically convenient, they have once again violated the cease fire and initiated hostilities.

CONSEQUENCES

What are the consequences of this Arab aggression likely to be if the Arabs are permitted once more, to escape the responsibilities of their actions?

1. It will make peace harder to achieve. Israel and thoughtful people throughout the world cannot be expected to soon forget this infamous Arab attempt at a Pearl Harbor, which occurred on Yom Kippur, the holiest religious holiday in Judaism.

2. It will confirm Israel's conviction that Arab promises and agreements are not to be relied on; that cease fires are merely tactical conveniences to be shed when no longer wanted; and that the only assurance of safety and survival remains—defensible borders.

The Israelis are the survivors and heirs of the pogroms and concentration camps of Europe, and refugees and heirs of refugees from Arab lands. They have suffered and died enough and will not stand by and allow themselves to be decimated once again. They want and need peace more than the Arabs because they can afford war less and are a peaceful people; but the first step for peace must come from the Arabs.

RESOLVED

A true and lasting peace is now, as it has been in the past, the only sensible goal for U.S. policy in the Middle East.

Because we, as Americans and as Jews, are committed to real peace; because we see clearly the dangers, futility and immorality of continued appeasement of the Arabs, because we are tired of violence and bloodshed, and because, as has been seen over the past 25 years; a truce is meaningless, an armistice is meaningless, a cease fire is meaningless, we declare our firm and unyielding solidarity with the people of Israel in their insistence upon secure, recognized and defensibe borders, to be achieved in a settlement of Middle East problems through free and untrammelled negotiations between the parties directly concerned in the conflict.

Therefore, we call upon:

1. All thoughtful people to condemn and oppose the brutal Egyptian/Syrian aggression.

2. The U.S. to accelerate the flow of arms and economic aid to Israel and, in particular, to replace immediately the equipment lost in the current fighting.

3. The President to maintain his long-range policy of the last 3 years, the essence of which is "no imposed solution" to the Middle East conflict.

4. All thoughtful people to recognize that the United Nations has prevented rather than aided the search for peace in the Middle East for 25 years. It has been morally bankrupt in its one-sided pro-Arab resolutions. In its present disposition it has no useful role to play in the resolution of this conflict. We, therefore, urge the U.S. to work for the restoration of the integrity of the UN by acting in accordance with the high ideals on which it was founded—even if we must stand alone.

HOUSE OF REPRESENTATIVES—*Thursday, October 25, 1973*

The House met at 12 o'clock noon.

Msgr. John Gannon, St. John's Church, St. John's Rectory, Clinton, Mass., offered the following prayer:

Almighty God, who has given to us countless blessings as a free people, may we gathered here today invoke Thy aid. Thou who has said "by wisdom the house shall be built and by prudence it shall be strengthened, by instruction the storerooms shall be filled with all precious and most beautiful wealth," guide and help us that we, the representatives of a people so act as to deserve the fullness of Thy life.

God, author of all knowledge, guide and strengthen our country by giving to each of us the will to use with zeal the opportunities and the talents to create a better world of peace, justice, and equal opportunities for all.

Jesus of Nazareth, You once said that anyone who wants to be a leader must learn to be everyone's servant. Teach me why the truly great leaders, those who accomplished the greatest good for the largest number of people, were men and women who knew that to lead is to serve. Motivate us to begin leading those we represent by discovering their needs and by striving to help them to live up to their potential. In true humility and spirit guide us through this day knowing that our words, decisions, and verdicts are accountable not alone to the trust of our fellow men but also to the Supreme Lawgiver.

Trusting always in God and with confidence in his aid may this session of the Congress of our country enact legislation to benefit all, to relieve the oppressed, to judge for the fatherless, and to defend the weak in the name of the Father and of the Son and of the Holy Spirit. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MSGR. JOHN F. GANNON

Mr. **DONOHUE**. Mr. Speaker, today we have been privileged to hear the opening prayer and receive the spiritual guidance of the Reverend Monsignor John F. Gannon, P.A., V.G., pastor of St. John's Catholic Church in Clinton, a community within my home county in Massachusetts.

Monsignor Gannon was born in Worcester, Mass., was graduated from Holy Cross College there in 1930, and was ordained into the priesthood at the American College in Rome, Italy, on December 5, 1933.

His first assignment was as curate at Our Lady of the Rosary Parish in Clinton. At the end of 1 year there, his superiors, because of the exceptionally high qualities of spiritual leadership he had demonstrated, selected him to found and establish the Italian Parish of St. Ann in the city of Leominster, Mass.

In further recognition of his extraordinary priestly dedication and administrative wisdom and energy, Monsignor Gannon was chosen, in 1950, as the first chancellor of the new Catholic Diocese of Worcester. In that same year, he was appointed monsignor papal chamberlain by Pope Pius XII. In 1952, he was appointed domestic prelate and vicar general of the Worcester Diocese. He was elevated to protonotary apostolic in 1960 by Pope John XXIII and was also designated pastor of St. John's Parish in Clinton. Monsignor Gannon currently continues to serve as vicar general of the Worcester Diocese, as well as pastor of St. John's Church.

I am sure that Monsignor Gannon's moving prayer today will inspire us all to continue to exert our fullest individual talents and energies in the patriotic discharge of the tremendous legislative responsibilities that face the Congress in this most critical period of our national and world history.

DALLAS HONORS FORMER CONGRESSMAN EARLE CABELL

(Mr. **MILFORD** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **MILFORD**. Mr. Speaker, I would like to make an announcement of an event that many of our Members will be quite interested in. A former Member of this House, Congressman Earle Cabell, of Texas, will be honored by citizens of Dallas tomorrow afternoon on the occasion of his 66th birthday.

Congressman Cabell is now out of the hospital and continues to battle his ailment with the same spirit of determination that you have seen him display on the floor of this House.

If Members would like to send telegrams to this great American citizen and former colleague, you may send your wire to: Congressman Earle Cabell, 610 Noel Page Building, Dallas, Tex. 75206.

His actual birthday party will be held in that building Friday afternoon, October 26, 1973, from 3 to 5 p.m.

Congressman Cabell is being honored by citizens of Dallas for his outstanding service as a leader in business and civic affairs, as former mayor of Dallas, and as an outstanding Member of this House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** laid before the House the following communication from the Clerk of the House of Representatives:

October 24, 1973.

Hon. Carl Albert,
The Speaker,
House of Representatives.

Dear Mr. Speaker: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's office at 5:35 p.m. on Wednesday, October 24, 1973, and said to contain H.J. Res. 542, Joint Resolution concerning the war powers of Congress and the President, and a veto message thereon.

With kind regards, I am,
Sincerely,
W. Pat Jennings,
Clerk, House of Representatives.

WAR POWERS RESOLUTION—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–171)

The **SPEAKER** laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I hereby return without my approval House Joint Resolution 542—the War Powers Resolution. While I am in accord with the desire of the Congress to assert its proper role in the conduct of our foreign affairs, the restrictions which this resolution would impose upon the authority of the President are both unconstitutional and dangerous to the best interests of our Nation.

The proper roles of the Congress and the Executive in the conduct of foreign affairs have been debated since the founding of our country. Only recently, however, has there been a serious challenge to the wisdom of the Founding Fathers in choosing not to draw a precise and detailed line of demarcation between the foreign policy powers of the two branches.

The Founding Fathers understood the impossibility of foreseeing every contingency that might arise in this complex area. They acknowledged the need for flexibility in responding to changing circumstances. They recognized that foreign policy decisions must be made through close cooperation between the two branches and not through rigidly codified procedures.

These principles remain as valid today as they were when our Constitution was written. Yet House Joint Resolution 542 would violate those principles by defining the President's powers in ways which would strictly limit his constitutional authority.

CLEARLY UNCONSTITUTIONAL

House Joint Resolution 542 would attempt to take away, by a mere legislative act, authorities which the President has properly exercised under the Constitution for almost 200 years. One of its provisions would automatically cut off certain authorities after sixty days unless the Congress extended them. Another would allow the Congress to eliminate certain authorities merely by the passage of a concurrent resolution—an action which does not normally have the force of law, since it denies the President his constitutional role in approving legislation.

I believe that both these provisions are unconstitutional. The only way in which the constitutional powers of a branch of the Government can be altered is by amending the Constitution—and any attempt to make such alterations by legislation alone is clearly without force.

UNDERMINING OUR FOREIGN POLICY

While I firmly believe that a veto of House Joint Resolution 542 is warranted solely on constitutional grounds, I am also deeply disturbed by the practical consequences of this resolution. For it would seriously undermine this Nation's ability to act decisively and convincingly in times of international crisis. As a result, the confidence of our allies in our ability to assist them could be diminished and the respect of our adversaries for our deterrent posture could decline. A permanent and substantial element of unpredictability would be injected into the world's assessment of American behavior, further increasing the likelihood of miscalculation and war.

If this resolution had been in operation, America's effective response to a variety of challenges in recent years would have been vastly complicated or even made impossible. We may well have been unable to respond in the way we did during the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation in 1964, and the Jordanian crisis of 1970—to mention just a few examples. In addition, our recent actions to bring about a peaceful settlement of the hostilities in the Middle East would have been seriously impaired if this resolution had been in force.

While all the specific consequences of House Joint Resolution 542 cannot yet be predicted, it is clear that it would undercut the ability of the United States to act as an effective influence for peace. For example, the provision automatically cutting off certain authorities after 60 days unless they are extended by the Congress could work to prolong or intensify a crisis. Until the Congress suspended the deadline, there would be at least a chance of United States withdrawal and an adversary would be tempted therefore to postpone serious negotiations until the 60 days were up. Only after the Congress acted would there be a strong incentive for an adversary to negotiate. In addition, the very existence of a deadline could lead to an escalation of hostilities in order to achieve certain objectives before the 60 days expired.

The measure would jeopardize our role as a force for peace in other ways as well. It would, for example, strike from the President's hand a wide range of important peacekeeping tools by eliminating his ability to exercise quiet diplomacy backed by subtle shifts in our military deployments. It would also cast into doubt authorities which Presidents have used to undertake certain humanitarian relief missions in conflict areas, to protect fishing boats from seizure, to deal with ship or aircraft hijackings, and to respond to threats of attack. Not the least of the adverse consequences of this resolution would be the prohibition contained in section 8 against fulfilling our obligations under the NATO treaty as ratified by the Senate. Finally, since the bill is somewhat vague as to when the 60 day rule would apply, it could lead to extreme confusion and dangerous disagreements concerning the prerogatives of the two branches, seriously damaging our ability to respond to international crises.

FAILURE TO REQUIRE POSITIVE CONGRESSIONAL ACTION

I am particularly disturbed by the fact that certain of the President's constitutional powers as Commander in Chief of the Armed Forces would terminate automatically under this resolution 60 days after they were invoked. No overt Congressional action would be required to cut off these powers—they would disappear automatically unless the Congress extended them. In effect, the Congress is here attempting to increase its policy-making role through a provision which requires it to take absolutely no action at all.

In my view, the proper way for the Congress to make known its will on such foreign policy questions is through a positive action, with full debate on the merits of the issue and with each member taking the responsibility of casting a yes or no vote after considering those merits. The authorization and appropriations process represents one of the ways in which such influence can be exercised. I do not, however, believe that the Congress can responsibly contribute its considered, collective judgment on such grave questions without full debate and without a yes or no note. Yet this is precisely what the joint resolution would allow. It would give every future Congress the ability to handcuff every future President merely by doing nothing and sitting still. In my view, one cannot become a responsible partner unless one is prepared to take responsible action.

STRENGTHENING COOPERATION BETWEEN THE CONGRESS AND THE EXECUTIVE BRANCHES

The responsible and effective exercise of the war powers requires the fullest cooperation between the Congress and the Executive and the prudent fulfillment by each branch of its constitutional responsibilities. House Joint Resolution 542 includes certain constructive measures which would foster this process by enhancing the flow of information from the executive branch to the Congress. Section 3, for example, calls for consultations with the Congress before and during the involvement of the United States forces in hostilities abroad. This provision is consistent with the desire of this Administration for regularized consultations with the Congress in an even wider range of circumstances.

I believe that full and cooperative participation in foreign policy matters by both the executive and the legislative branches could be enhanced by a careful and dispassionate study of their constitutional roles. Helpful proposals for such a study have already been made in the Congress. I would welcome the establishment of a non-partisan commission on the constitutional roles of the Congress and the President in the conduct of foreign affairs. This commission could make a thorough review of the principal constitutional issues in Executive-Congressional relations, including the war powers, the international agreement powers, and the question of Executive privilege, and then submit its recommendations to the President and the Congress. The members of such a commission could be drawn from both parties—and could represent many perspectives including those of the Congress, the executive branch, the legal profession, and the academic community.

This Administration is dedicated to strengthening cooperation between the Congress and the President in the conduct of foreign affairs and to preserving the constitutional prerogatives of both branches of our Government. I know that the Congress shares that goal. A commission on the constitutional roles of the Congress and the President would provide a useful opportunity for both branches to work together toward that common objective.

RICHARD NIXON.

THE WHITE HOUSE, *October 24, 1973.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and joint resolution will be printed as a House document.

The question is, Will the House, on reconsideration, pass the joint resolution (H.J. Res. 542), the objections of the President to the contrary notwithstanding?

MOTION OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I move that further consideration of the veto message from the President on House Joint Resolution 542 be postponed until Thursday, November 1, 1973.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

The motion was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
October 24, 1973.

The Honorable CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: On this date I have been served a summons and copy of the complaint in a Civil Action by the United States Marshal that was issued by the U.S. District Court for the District of Columbia. This summons is in connection with Civil Action No. 1872–73, Vladimir A. Zatko vs. The United States of America, The U.S. Congress and Richard Milhous Nixon, The U.S. President assigned to Judge J. Waddy in the U.S. District Court for the District of Columbia.

The Summons requires the Congress of

the United States to answer the complaint within sixty days after service.

The Summons and complaint in question are attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

With kind regards, I am,

Sincerely,

W. Pat Jennings,
Clerk, House of Representatives.

Washington, D.C.,
October 24, 1973.

Hon. Robert H. Bork,
Acting Attorney General of the United States, Department of Justice, Washington, D.C.

Dear Mr. Bork: I am sending you a certified copy of a summons and complaint in Civil Action No. 1872–73 filed against the United States Congress and others in the United States District Court for the District of Columbia, and served upon me this date by the U.S. Marshal.

In accordance with 2 U.S.C. 118 I have sent a certified copy of the Summons and Complaint in this action to the U.S. Attorney for the District of Columbia requesting that he take appropriate action under the supervision and direction of the Attorney General. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

With kind regards, I am

Sincerely yours,

W. Pat Jennings,
Clerk, U.S. House of Representatives.

Washington, D.C.,
October 24, 1973.

Hon. Harold H. Titus, Jr.,
U.S. Attorney for the District of Columbia, U.S. Courthouse, Washington, D.C.

Dear Mr. Titus: I am sending you a certified copy of a summons and complaint in Civil Action No. 1872–73 filed against the United States Congress and others in the United States District Court for the District of Columbia, and served upon me this date by a U.S. Marshal.

In accordance with Title 2, U.S. Code, sec. 118, I respectfully request that you take appropriate action, as deemed necessary, under the "supervision and direction of the Attorney General" of the United States in defense of this suit against the U.S. House of Representatives.

I am also sending you a copy of the letter that I forwarded this date to the Attorney General of the United States.

With kind regards, I am

Sincerely,

W. Pat Jennings,
Clerk, U.S. House of Representatives.

[U.S. District Court for the District of Columbia, Civil Action File No. 1872–73]

Vladimir A. Zatko, Plaintiff, v. The United States of America, The U.S. Congress, Richard Milhous Nixon, The U.S. President, Defendants.

To the above named Defendant: The U.S. Congress.

You are hereby summoned and required to serve upon plaintiff's P.P., whose address is Vladimir A. Zatko, P.O. Box B–34189, San Quentin State Prison, Tamal, California 94964, an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

James F. Davey,
Clerk of Court.
Mary B. Deavers,
Deputy Clerk.

Date: October 4, 1973.

APPOINTMENT OF CONFEREES ON S. 386, AMENDING THE URBAN MASS TRANSPORTATION ACT OF 1964

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 386) to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Patman, Minish, Gettys, Hanley, Brasco, Koch, Cotter, Young of Georgia, Moakley, Brown of Michigan, Widnall, Williams, Wylie, Crane, and McKinney.

THE VETO OF THE WAR POWERS RESOLUTION

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Speaker, I deeply regret the President's veto of the war powers resolution, House Joint Resolution 542. I am also disappointed by the President's attempted justification of such action.

The President's veto message is filled with vague generalities and unsupported allegations. More dismaying still, the message asserts the continued Presidential supremacy in decisionmaking on war and peace despite some lipservice to the contrary.

When the President states this resolution would seriously undermine "this Nation's ability" to act decisively and convincingly in international crises, does he really mean the whole Nation—including the public and its elected Congress—or the incumbent in the White House?

When he speaks of acting "decisively and convincingly" in international crises, does he have in mind mainly a free hand for the President or, as provided in our constitutional system, shared authority in foreign policy decisions?

Unfortunately, when viewed in the entire context of the message the answers to these questions will not be happy ones for the American people who believe in the constitutional mandate for a balance of powers.

Mr. Speaker, in the brief time I can make only a few initial comments about this unfortunate message:

The assertion that House Joint Resolution 542 would take away "authorities which the President has properly exercised under the Constitution for almost 200 years" is simply not true.

Constitutional lawyers and scholars have testified in favor of this legislation in lengthy hearings. Unfortunately, historically Presidents assumed unto themselves the power to send American forces into combat in foreign lands without proper congressional approval.

The basic fact is that the Constitution assigns to Congress, alone, the power to declare war. It confers authority on the President in this field only as Commander in Chief to execute any hostilities to which Congress may commit the Nation—not to start such hostilities himself.

House Joint Resolution 542 takes no constitutional power away from the President. It only affirms Congress rightful role.

The claim that House Joint Resolution 542 would undermine our foreign policy is totally unsubstantiated.

When the President professes concern about "unpredictability" of American behavior should the resolution become law, I think most Members will agree that recent events have shown that the President is not more predictable.

The allegation that the resolution, if it had been law, would have damaged the American response in a number of crises of recent years—including the current Middle East emergency—is not supported by fact. As a matter of fact, just the opposite is true. This resolution would enable Congress to participate more effectively and intelligently in foreign policy decisions relating to such crises.

Despite what the message contends, the resolution does not fail to require congressional action in an emergency. To the contrary, the resolution carefully provides for a yes-or-no vote under almost any conceivable circumstance in which the provisions of the measure would apply.

If the Congress decides not to approve the commitment of American forces abroad, I cannot agree with the President that this would handcuff him through failure to take positive action. The right for Congress not to declare war is as proper as its equal right to do so.

Lastly, the President suggests a nonpartisan commission to study the constitutional roles of the Congress and the President in foreign affairs and make recommendations. He makes no reference to the special Commission on the Organization of the Government for the Conduct of Foreign Policy, which is already set up and due to report on such matters by June 30, 1975.

As Members are aware, proposing a study commission is a time-honored way of sidetracking an issue. We need no further study now. The legislation before us is the product of 3 years of painstaking deliberation.

Mr. Speaker, the time is nearing for us "to act decisively and convincingly" to restore the responsibility of Congress under the Constitution to share in judgments of war and peace.

The vote to override the President's veto of the war powers resolution is scheduled for November 1, a week from today. I hope Members will take the opportunity in the intervening time to review the hearings and past congressional actions on this historic measure, and then vote overwhelmingly for its enactment into law.

Mr. Speaker, I notice that in one newspaper account today I am quoted as having little hope of an override vote in the House. This is not the case. To the contrary, I wish to point out that in the last two House votes on this bill the number of votes needed for a two-thirds majority has been reduced from 32 to 3.

I have confidence that recent events will add further to the mounting nonpartisan majority in the Congress who will reassert its constitutional authority. I submit this action will renew the faith and trust of the American people in their government.

PERSONAL EXPLANATION

Mr. HENDERSON. Mr. Speaker, on rollcall 546, the call of the House on October 24, 1973, I was in the Chamber, placed my card in the box, but was not recorded.

Had I been recorded, I would have been shown as present for the call of the House.

CELEBRATING NATIONAL SPACE WEEK

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, I would like to bring to the attention of my colleagues that the city council of Oneonta has recently declared and celebrated National Space Week. The city council's action places them alongside the State of New York and over 20 other States that have joined together to celebrate our achievements in exploring outer space. There has been considerable turmoil over the funds we have used to venture into space and some question as to whether or not the money could have been better spent elsewhere. I would like to spend a minute in showing that, although much of the value of our efforts in space is intangible, there are many visible and positive results from our various space programs.

Recently, newspapers have carried probably one of the most exciting and positive results our space research has yet developed. I am referring to the discovery by one of our satellites that a simple barb wire fence may not only stop the Sahara Desert's encroachment into farmland, but may also finally enable man to reclaim the desert and make it livable. The benefits of drought-starved Africa could be enormous.

We should also note that today's technology developed from our space program is helping to prevent crop failures in India, and our satellites are charting ecological damage in America. Satellites are being used to beam television programs halfway around the globe, and the technology developed for use in our space programs promises to lead to breakthroughs in firefighting and medicine. The computer and computer processing industry are direct outgrowths of the NASA space program. The studies of the sun undertaken by the astronauts of Skylab II may help our scientists for ages to come.

I am sure you can all agree that it is fitting to be celebrating our efforts in space and I am sure you join me in congratulating the city council of Oneonta for observing and celebrating our space program.

WE MUST NOT SEND U.S. TROOPS TO MIDDLE EAST

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, because I fear the temptation to divert from the very embarrassing situation at home that all the alternative possibilities will not be explored, I have sent the following telegram to the President:

> Mr. President, I urge that you exhaust every alternative before undertaking any move to send U.S. troops to the Middle East. If both U.S. and Soviet forces are placed in that area the risks of global war will be intolerably high. Considering the instability of the situation I respectfully recommend that you call upon the United Nations to immediately create an international force to police a cease fire in the Middle East. Such a force could protect the interests of all parties without further endangering world peace. Surely the great powers could finance such an international peacekeeping effort while others could furnish the necessary manpower. A mixed force with a mandate from the great powers might yet resolve the crisis and I hope that you will undertake to make the United Nations an effective instrument for stabilizing the situation and reducing the present great danger of armed confrontation between the United States and the Russia Soviet Union.

NECESSARY TO APPOINT A SPECIAL PROSECUTOR TO CONTINUE WATERGATE INVESTIGATION

(Mr. TAYLOR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Speaker, today I am joining those who are insisting that a special prosecutor be appointed to continue the Watergate investigations. I have introduced a bill which directs Judge John Sirica to appoint a special prosecutor and I hope that the judge will reappoint Archibald Cox.

It is wrong for the President or any other person to decide who can investigate him and how it shall be done.

The prosecutor must be free to exercise his own judgment and to follow the evidence wherever it leads. In order to reestablish public confidence, it is important that the people know that he has such freedom.

Hopefully either President Nixon or Judge Sirica will take quick action to recreate the special prosecutor's office and the passage of this legislation will not be necessary.

THE LATE HONORABLE DAVID HOGG

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, I rise with regret to announce the death of a former Member of the House of Representatives, David Hogg.

Mr. Hogg passed away last Tuesday evening; he was 86 years of age. He served in the House of Representatives from March 4, 1925, to March 3, 1933. Until his last illness he was active in the practice of law in Fort Wayne, Ind., and commanded great respect from his colleagues because of his keen mind and outstanding ability. He was recognized as a legal advocate and scholar.

Mr. Hogg was born near Crothersville, Jackson County, Ind., August 21, 1886; he attended the common schools, was graduated from Indiana University College of Liberal Arts at Bloomington in 1909, and from the law department of Indiana University in 1912, was admitted to the bar in 1913 and commenced practice in Fort Wayne, Ind.

He was active in the affairs of the Republican Party; served as chairman of the Allen County Republican Committee 1922–24. Mr. Hogg was a dedicated church layman and devoted much of his time and energies to the work of his church.

Mr. Speaker, I had great personal admiration for Mr. Hogg. He was a man of great integrity and a pillar of strength in his profession, in his church, and in his community. I wish to extend my own heartfelt condolences to his widow, Mildred. May God sustain her in this hour of sorrow.

REFERRAL OF BILLS ON WATERGATE-RELATED MATTERS TO SUBCOMMITTEE ON CRIMINAL JUSTICE

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, various bills relating to the creation of a special independent prosecutor and extension of the grand jury term for Watergate and Watergate-related matters have been referred to the Subcommittee on Criminal Justice of the Committee on the Judiciary.

Hearings are beginning Monday. Further announcements will be made later today after the subcommittee meets to consider appropriate procedures to follow.

IMPEACHMENT RESOLUTION

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I rise to say that I am today filing a formal resolution of Presidential impeachment. The bill of particulars covers five specific criminal violations. I hope and expect that the Committee on the Judiciary will carefully examine each item.

It is also my intention to later file a further article to this bill of particulars on another matter, namely, criminal violations in the manipulation of milk price supports in exchange for campaign contributions.

As I have said before, there can be only one set of laws in America, and they must apply equally to all of us. A President who violates the law must be removed from office. There is no other recourse.

PERMANENT DAYLIGHT SAVING TIME

(Mr. HANRAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANRAHAN. Mr. Speaker, for many years now, Americans have dutifully switched their clocks forward and backward in spring and fall—on and off daylight saving time, never questioning the wisdom behind continuing this practice. Now it appears to me that it is in the national interests to establish a permanent daylight saving time, for several reasons:

First, it has been clearly demonstrated that automobile drivers are more tired, less alert, and more often under the influence of alcohol during evening rush hours than morning rush hours—why compound that problem with darkness? Great Britain has experienced a 3.2-percent decrease in traffic fatalities since establishing permanent daylight saving time.

Second, research studies indicate that America's crime rate may be reduced by the established of year-round daylight saving time.

And finally, and most importantly, our Nation is now in the midst of a serious energy crisis which is expected to get worse, unless we citizens learn to conserve our precious, limited supply of fuel. Studies indicate that the establishment of a year-round daylight saving time would reduce America's fuel consumption by a minimum of 2 percent. While that figure may sound relatively insignificant, in actuality we are talking about at least 30,000 barrels of oil a day. It is the many small steps such as these which we can take, that will add up in the long run to sizable savings in fuel consumption.

I think this practical means of conserving our limited amounts of fuel should be implemented immediately. If Congress can expeditiously provide for the elimination of TV blackouts of football games, it can expeditiously serve the Nation's best interests by establishing year-round daylight saving time. For this reason, I ask my colleagues support of legislation I am today introducing to extend daylight saving time to the entire calendar year.

CONSUMERS-FARMERS EXPECT MEAT PRICE REDUCTION

(Mr. ZWACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZWACH. Mr. Speaker, on October 12, Secretary of Agriculture Butz told the National Association of Food Chains that supermarkets have fattened their profit margins instead of cutting their retail prices on beef and pork.

Secretary Butz concluded that consumers and producers alike expect that every cent less the producer receives on his cattle and hogs should be realized and passed on in retail savings on beef and pork to consumers.

I agree with the Secretary. To date we have seen little or no reduction in supermarket prices since the going rate to producers has dropped about one-third.

Back on August 14 live cattle prices reached $57.50 per hundred pounds at south St. Paul. Yesterday the prices had dropped to $40.75 per hundred pounds, a decline of $16.75 in 2 months.

Also on August 14, live hog prices reached $61.50 per hundred pounds. Yesterday the price had dropped to $44 per hundred pounds, a decline of $17.50 in 2 months.

Yet the retail prices on beef and pork have not receded proportionally. I think it is time for prices paid by consumers to reflect the decrease in price received by producers. After all, when supermarket prices rose because of increased prices to producers, consumers screamed bloody murder. Now wholesale prices are down on beef and hogs, but supermarket prices remain high.

Is the farmer to blame for this? I say no. I say it is time to look to the middleman, the processor, the transportation firms, and the supermarket ownership and management for some of the answers for the increase in supermarket prices. I contend, as Secretary Butz contends, that the farmer is not to blame for the continued high prices of beef and pork in the local supermarkets.

U.S. TROOPS MUST NOT BE COMMITTED IN THE MIDEAST WITHOUT CONGRESSIONAL AUTHORIZATION

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. SCHERLE. Mr. Speaker, today I have introduced the following resolution:

RESOLUTION

Resolved, That it is the sense of the House of Representatives that United States combat troops not be introduced, committed, or involved, in any way or manner, directly or indirectly, in the present armed conflict in the Middle East without prior Congressional authorization.

The purpose of this resolution is to prevent the Congress from passing another Gulf of Tonkin resolution which would give the executive branch blanket authority to engage in the Mideast conflict to whatever extent they feel necessary. If we learned one thing from the Vietnam conflict it is that any commitment of American manpower should be carefully reviewed by the Congress. It is imperative that the United States continue to supply assistance to Israel—short of manpower—at the same level that the Russians are aiding the Arabs nations. Americans hope for a quick cessation of hostility in that area of the world.

THE UNITED STATES WILL STAND BY COMMITMENTS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I am deeply disturbed by today's announcement of the potential movement of Russian forces to the Middle East.

We in Congress have recently had many discussions about domestic situations affecting congressional and Presidential prerogatives. But I think it important at this point that we reassure the world that Americans do have direction, that we do have purpose, and that we will stand by our commitments around the world.

I am confident that in spite of developments of recent days that the executive and the legislative branches of our Government will work closely together to protect our national interests and security.

Mr. Speaker, we are a strong and proud Nation that believes in peace and in justice. Let no nation of the world sell the United States short on courage or resolve.

INTERFERENCE WITH LEGISLATIVE RESPONSIBILITY OF JUDICIARY COMMITTEE

(Mr. RAILSBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I have had the privilege of serving on the House Judiciary Committee since being elected to Congress in 1966 and have always been impressed with the cooperation and impartiality of the members of the committee in working for constructive and meaningful legislation. This year, it seems to me, we have not been very productive and it is becoming more and more apparent that we are losing some of the bipartisan cooperation.

We have much unfinished business, including the confirmation hearings on GERALD FORD, revision of the Criminal Code, parole reform, rules of evidence, death penalty legislation, copyright revision, newsmen's privilege, and many other important matters.

Now we are told, via the press, that the House Judiciary Committee is going to begin a "broad scale" investigation into "Watergate related" matters and other matters concerning the "President's conduct." All of these things were done, as far as I know, without consultation with the minority members of the Judiciary Committee and in some cases, I suspect, without authorization by the committee.

If the Judiciary Committee is to regain its rightful position as an effective legislative body then there has to be cooperation, there have to be priorities established, and there have to be ground rules set. I am particularly troubled by reports that the chairman seeks subpena power for himself. The demonstrated lack of communication on the Judiciary Committee makes it imperative that the full committee act as a collegial body in exercising its subpena power and not grant a special authority to a single individual.

The procedures outlined by the chairman could result in an unparalleled fishing expedition and seriously interfere with our designated legislative responsibility.

CONGRESSMAN WHALEN INTRODUCES SPECIAL PROSECUTOR'S BILL

(Mr. WHALEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. WHALEN. Mr. Speaker, I today have introduced a bill to establish a special independent Watergate prosecutor under the judicial branch of Government.

Appointment authority would be in the hands of the chief judge of the U.S. District Court for the District of Columbia, who presently is John Sirica.

My intent in proposing this legislation is to provide for a continuation of the undertaking initiated by former special prosecutor Archibald Cox but to create that office outside of the Executive branch. Over the weekend, I indicated my intention to seek support for special prosecutor legislation which House Judiciary Chairman RODINO and I sponsored earlier this year. That proposal, however, provided for the President to name the special prosecutor, which, under the present circumstances, makes the bill unsuitable.

THE CASE OF EITON FINKELSTEIN

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, emigration from the Soviet Union is not free. The Soviet Jews are especially victimized by the harsh emigration practices of the Soviet passport office.

Eiton Finkelstein, a former physics graduate student from Vilna, Lithuania, is one of these victims. In 1967 Finkelstein applied for and was denied an emigration permit to Israel. This action resulted in his expulsion from the Moscow Physics-Technical Institute. Employment in his field was barred to him, and he now does unskilled work in a metal crafts factory.

The passport office keeps denying him permission on the ground that he is in possession of "secret information" because of his graduate work. But Finkelstein has not attended the institute in 5 years, and denying him a visa on security grounds is no longer applicable.

He is being subjected to harassment by the KGB, the Soviet Secret Police, in order to discourage others from applying for emigration permits. His friends fear that he will soon meet the fate of other activists and that he will be imprisoned.

Although he has been denied a visa about 20 times, Finkelstein's determination to emigrate to Israel remains undiminished, for with the extinction of Jewish cultural and educational institutions, and with only a token number of synagogues open, he sees no future for the Jewish people in the Soviet Union.

Mr. Speaker, nations that seek trading relations with us should adhere to a principle enunciated in the Universal Declaration of Human Rights; namely, the right of free emigration. It is therefore incumbent upon this Congress to stand behind the Mills-Vanik amendment.

VICE PRESIDENCY SHOULD BE FILLED TO REMOVE CONFLICT OF INTEREST

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I most respectfully suggest that if the impeachment question which is being discussed were viewed as part of the judicial process, participants with a conflict of interest would disqualify themselves from participation.

I believe it follows that so long as there is no Vice President the Members of the majority party have an obvious conflict of interest in that their party stands to gain the Presidency if our present President is removed.

If the Members of the majority party put their country above politics, as I believe the vast majority of them do, they will move expeditiously to fill the Vice Presidency and thereby remove an obvious conflict of interest.

ALERT FOR MILITARY DRAMATICALLY ILLUSTRATES NEED FOR WAR POWERS BILL

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, I want to express my agreement with the remarks made by my colleague, the gentleman from Wisconsin (Mr. ZABLOCKI) expressing his regret that the President did see fit to veto the war powers bill. It is one of the ironic twists of history that on the very same day the American people received news that some of our forces have been placed on alert over the Middle East crisis they would also receive news that the President had seen fit to veto the war powers bill.

The events of recent days I think illustrate dramatically the need for Congress to put on the statute books this very carefully constructed war powers bill and I hope when the day comes my colleagues will join me to override the veto.

EMERGENCY MEDICAL SERVICES SYSTEM ACT OF 1973

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 655 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 655

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10956), the Emergency Medical Services Systems Act of 1973. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 10956, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill, S. 2410, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 10956 as passed by the House.

The SPEAKER. The gentleman from Louisiana is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes to the minority to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. LONG of Louisiana. Mr. Speaker, House Resolution 655 provides for an open rule with 1 hour of general debate on H.R. 10956, a bill to create the Emergency Medical Services Systems Act of 1973.

House Resolution 655 also provides that it shall be in order to move to strike out all after the enacting clause of S. 2410 and insert in lieu thereof the provisions contained in H.R. 10956 as passed by the House.

Mr. Speaker, H.R. 10956 proposes to create new authority under the Public Health Service Act for the development and improvement of emergency medical services.

This measure is identical to S. 504 which was passed by Congress in July of this year and vetoed by the President on August 2, 1973, except that it does not contain the provision relating to the continued operation of the public health service hospitals. The hospital provision has since been incorporated into another bill and the conference report containing this matter is expected to come back to the House floor soon.

The estimated cost of this bill is $185 million over a 3-year period. It authorizes grants and contracts for feasibility studies, planning, establishment, operation, and expansion of emergency medical systems as well as research and training to save lives.

Mr. Speaker, this bill can help to save thousands of lives each year so I urge adoption of House Resolution 655 in order that we may discuss and debate H.R. 10956.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 655

provides for the consideration of H.R. 10956, the Emergency Medical Services Systems Act of 1973. This is an open rule with 1 hour of general debate. In addition, the rule makes it in order to insert the House-passed language in the Senate bill, S. 2410.

The primary purpose of H.R. 10956 is to provide new authority for the support of emergency medical services.

This bill is identical to the emergency medical services bill vetoed by the President earlier this year, except that it does not contain the provisons relating to the continued operation of the Public Health Service hospitals.

This bill authorizes programs of grants and contracts for planning, establishment and expansion of emergency medical systems. It provides funds for research and training. This bill also provides that there be established an Interagency Committee on Emergency Medical Services.

The total cost of his bill is estimated at $185,000,000.

Mr. Speaker, I urge the adoption of the rule so the bill may be acted upon.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Kentucky (Mr. Carter).

Mr. CARTER. Mr. Speaker, the bill we are considering, H.R. 10956, The Emergency Medical Services Systems Act of 1973, is a truly significant piece of legislation. It would assist communities throughout the Nation to develop and improve their emergency medical services systems. In so doing, the bill would contribute directly to saving tens of thousands of lives each year.

There is, however, one serious shortcoming in this bill. It does not provide enough assistance directed specifically to rural areas. In 1972 twice as many people died from accidental deaths in rural areas as did in urban and suburban areas. This is particularly telling when one considers that only 25 percent of the Nation's people live and work in our rural areas. It leads one to the very obvious conclusion that the emergency systems in rural communities are not able to keep pace with their area needs.

For this reason, with the approval of the distinguished gentleman from Kansas (Mr. Roy), I am offering amendments to H.R. 10956 which would assure more assistance to the needy rural areas.

I should very quickly note that these provisions would in no way change the structure of the program authorized by this bill. The dollar level will stay exactly the same—$185 million over the next 3 years.

It is also important to note that the Senate adopted a similar set of amendments for its emergency medical services bill.

The first of these amendments would allow the Federal Government to pick up 75 percent of the cost of improving or expanding emergency medical services systems in needy areas. As the bill is presently written, no area can receive more than 50 percent Federal funding for these purposes. Such a limitation may be well for most areas of the Nation, but it would work a very real hardship on many of our poorer rural localities. These areas would find it difficult, if not impossible, to pay half the cost of purchasing sophisticated equipment and implementing up-to-date systems.

The second amendment would simply assure that there will be at least some funding priority given to research projects dealing with rural emergency services. Certainly the entire emergency medical services field is ripe for innovative research, but the problems of rural America are particularly acute. Funding priority for this research specialty would provide a much needed boost for these worthwhile efforts.

The third amendment in which Dr. Roy of Kansas and I concur would increase the rural set-aside from 15 percent, as it now appears in the bill, to 20 percent.

As I have already indicated, a greatly disproportionate share of accidental deaths occur in rural America. Distances between facilities are great and manpower is in short supply in these areas. Furthermore, rural communities generally have little in the way of financial resources with which to initiate needed improvements.

Therefore, Mr. Speaker, I strongly support H.R. 10956 with the amendments the gentleman from Kansas and I have agreed upon.

Mr. ROY. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I am happy to yield to the distinguished gentleman.

Mr. ROY. I think my colleague from Kentucky with whom I have worked closely on the emergency medical services bill and on the amendments he so carefully explained. I want to emphasize, with him, the need for emergency medical services in rural areas.

Deaths due to accidents in rural areas have been reduced in recent years as a result of greater concern for safe living and working conditions and by improvements in emergency health services. Farming, however, remains the third most perilous occupation. Automobile accidents that occur in rural areas are more often fatal than those that occur in urban areas. In rural North Dakota, fatal accidents occur at a rate of 63.4 per 100,000 people and in Mississippi it ran 70.1 per 100,000 people. By comparison, urban States, such as New York and Massachusetts, have rates of 41.8 and 41.7 per 100,000 people.

So we can see that accidents do occur more often, and are more frequently fatal, in rural areas. Adequate emergency medical services would serve to improve this situation markedly.

In addition, 34.8 percent of the Nation's population live in nonmetropolitan areas and they receive much less than that proportion of funds from HEW for support of medical programs and services.

For example, less than 10 percent of all health research and development program dollars went to nonmetropolitan areas in fiscal year 1970.

The SPEAKER. The time of the gentleman has expired.

Mr. QUILLEN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. CARTER. Mr. Speaker, I yield further to the gentleman from Kansas.

Mr. ROY. Thank you. Approximately 15 to 20 percent of the comprehensive health planning money goes to nonmetropolitan areas.

About one-eighth of total regional medical programs spending is in nonmetropolitan areas.

In view of this record, I think it is obviously necessary that we place a minimum on the amount of emergency medical services money to be spent in rural areas.

I am very happy to support the amendment of the gentleman from Kentucky (Mr. Carter) to do that. I appreciate his support on the amendment to go to 75 percent of the grants for rural areas to instruct the Secretary to give special consideration to applications for grants or contracts for research relating to the delivery of emergency medical services in rural areas.

I thank the gentleman for yielding.

Mr. CARTER. I was happy to yield to the gentleman.

Certainly it is a pleasure to work with him on the Subcommittee on Public Health and Environment.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. Broyhill).

(By unanimous consent, Mr. Broyhill of Virginia was allowed to speak out of order.)

A TIME FOR FORTHRIGHT ACTION IS AT HAND

Mr. BROYHILL of Virginia. Mr. Speaker, the definitive decision in the long controversy over Watergate, special prosecutors, and White House tapes came not from the Supreme Court nor from a committee of Congress but from the American people, including those in the 10th District of Virginia I have the honor to represent.

It was a voice of citizen concern for their country, a collective voice that was heard loud and clear in the Halls of Congress, the corridors of Justice, and the Oval Room at the White House.

I am proud of those who raised their voices and cast their ballot on behalf of a troubled nation. It came at the right time in the right way from reasonable men and women, not in a rage or rebellion but with the solemn conviction that all facts, all truths, all injustices must be laid on the table in final adjudication.

It is my belief that the Congress, the courts, and the Executive will now proceed to examine without prejudgment, free of the prejudice of political bias, and news media hysteria, every facet of the Watergate and related affairs, however long and tedious the task.

As a Member of Congress, I understand President Nixon's concern for the confidentiality involved in affairs of state. Initially, I supported the President's position on the confidentiality of the conversations that took place in the privacy of his office.

I have had literally thousands of conversations with and tens of thousands of letters from those I have represented during my 21 years of service of a highly personal nature, involving their marital, health, family, employment, retirement, and their political problems and I have respected those confidences as they expected I would.

I honor the President's anxiety over the same issue and I share his convictions that out of the chaos of today the concern of tomorrow must not be neglected.

Our Founding Fathers, as I read the Constitution of the United States, gave no authority to a committee of Congress, nor a single Member thereof to force the executive branch into acts detrimental to national security and well-being. Nor does the Constitution allocate such powers to a single Federal judge, however lofty, his legal apprehension.

We have a tripartite government and all issues of vital concern to the Nation must be sifted through the constitutional thicket, however befuddling the maze, if the Republic is to function as it has for almost 200 years.

We do not have a fourth branch of Government, only three, and none of these include the mass media, political organizations, nor organized pressure groups.

Nonetheless, the American people have emphasized the fact, by their response, that they want extraordinary measures to be taken in this case, even though it means a temporary abandonment of the principle of confidentiality of the oval office of the President insofar as the Watergate affair is concerned. This is the only way this response can be interpreted. Therefore, the President, the Congress, and the courts must comply with the people's decision.

I believe there is a cleared path to the truth we seek. It is readily apparent the American people want a special prosecutor to get at the full facts in this whole affair. If there is to be another one and I think there should be, his role should be most clearly delineated and his ultimate responsibility must be to the American people.

All three branches of Government may have made mistakes in trying to get at the truth of Watergate. If so they must now tread with precision into the morass of misdeeds, real or imagined, if the voice from the American people is to be answered with honor, as it must be.

We are a Nation of new beginnings. We are a people of deep understanding and compassion for the mistakes of men, both those who govern and those who are governed. Now more than ever, we must test that compassion with precision, justice, and fairness. The time of political and press hysteria has ended. The time for hard decisions and forthright congressional and judicial action is at hand.

I am convinced the President understands this; I am convinced the Congress understands; I am convinced our courts will respond to this.

I believe the talk of impeachment has encouraged prejudice and political rabble-rousing. I believe it should be held in abeyance until the legally constituted arms of our democracy have had time to comply with the decision of the American people, without interference, cover-up, or fear of the truth.

The American people have had the courage to speak collectively across this land. The challenge for the truth, lies now in the hands of those who govern. It is a challenge that stretches across political partisanship, the public survival of any officeholder, and of every level of business or industry. The President's action in turning over the tapes to the court is proof he, too, holds this conviction.

No man is above the law. Each man has a right to test the law as he sees fit, within the framework provided by the system of government available to all. Each should have the right to bring that test to the bar of justice, free from preconviction allegations outside the realm of justice, and with every protection provided by our judicial system including the rights of the President of the United States.

This, I believe, is what the American people have cried out for; this, I believe, is what the American people justly deserve in their concern for their future; this is what I stand for and have spoken out for.

I believe we are on our way to securing it, and will do so in protection of our national interest and the orderly process of government.

Mr. QUILLEN. Mr. Speaker, I have one more request for time, and I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Speaker, I will be brief in my remarks, as this is the second time in but a few weeks that we are considering emergency medical services legislation.

The bill before us represents, word for word, the finished product of the House—Senate conference committee on the preceding emergency medical services measure. There is, however, one critical distinction—this bill contains no amendment relating to the Public Health Service hospitals.

It was the inclusion of the PHS hospital provision which compelled me to vote against the original bill. Without that amendment, I am now able to give, as I indicated I would, my full support to this bill, H.R. 10956.

The measure now under consideration would provide assistance to qualifying governmental and not-for-profit entities to plan and develop comprehensive emergency medical services. Funds are also available to assist currently functioning systems to expand and improve their services.

In assuring the availability of adequate emergency services it is not enough to provide for ambulances and drivers alone. Certainly these are important commodities, but they are only the very basic roots of an effective system. Ambulances are of no use if there are no staffs to man them. These staffs should be ready to serve the emergency victim any time of the day or night. Emergency situations do not occure on a convenient 9 to 5 schedule, 5 days a week. They can happen any time, and usually seem to happen at the least convenient times.

Our bill requires that grantee systems maintain adequate vehicles and always-ready, well-trained staffs to man those vehicles.

There are several other requirements, or mandatory goals set forth in the bill. Some of these deal with communications, emergency room availability, development of an areawide disaster plan and proper coordination with neighboring systems.

In all honesty, this very extensive list of requirements caused me some concern. In certain areas of our country it will not be easy to satisfy each and every one of these items. For this reason we have given the Secretary of HEW authority to extend the time period in which a locality must comply with difficult requirements. If, after a proper showing, the Secretary determines that it is absolutely impossible for a locality to meet a certain provision, he may approve a reasonable, workable alternative for that area.

I am confident now that this program, if properly administered, should not exclude any area because of a lack of ability to achieve certain highly sophisticated objectives.

The bill also provide a 15-percent set-aside for rural areas. This, I want to strongly emphasize, is only a minimum figure. Two-thirds of the accidental deaths which occur in this country are in the rural areas. Considering that only 25 percent of our population lives in these areas, and that less than half of the accidents occur there, this alarming two-thirds death figure makes it apparent that rural emergency services are, by far, the least adequate. This situation is compounded by a shortage of skilled planning and medical personnel in these areas. I would hope that rural America is not made a poor sister in this program. Adequate funds and technical assistance must be made available to rural localities if this program is to effectively deal with our Nation's most needy areas.

I would ask my colleagues to note that what we have employed in this legislation is a seed money approach. We do not intend to have the Federal Government replace local governments in accepting prime responsibility for financing and operating emergency medical services systems. This is now, and shall remain, a proper function for the local communities. We are merely providing seed money to get these smaller units of government over the hump toward developing truly superior emergency medical services programs.

Mr. Speaker, this is an important, lifesaving program and I urge my colleagues to support it.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 2, not voting 52, as follows:

[Roll No. 551]

YEAS—380

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Badillo
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Bolling
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Green, Pa.
Griffiths
Gross
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Shipley
Shoup
Shuster
Sikes
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Collins, Tex.
Landgrebe

NOT VOTING—52

Ashley
Aspin
Bafalis
Blackburn
Blatnik
Boland
Brasco
Brown, Ohio
Buchanan
Burke, Fla.
Burton
Clawson, Del
Conlan
Conyers
Derwinski
Dingell
Dorn
Gettys
Goldwater
Gray
Green, Oreg.
Grover
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Johnson, Colo.
Ketchum
Macdonald
Mailliard
Mills, Ark.
Moorhead, Pa.
Mosher
Moss
Myers
Rees
Reid
Riegle
Ryan
St Germain
Sandman
Saylor
Seiberling
Shriver
Sisk
Slack
Steele
Teague, Tex.
Van Deerlin
Waldie
Wright

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Brasco with Mr. Shriver.
Mr. Gray with Mr. Myers.
Mr. Sisk with Mr. Saylor.
Mr. Teague of Texas with Mr. Mosher.
Mr. Blatnik with Mr. Mailliard.
Mr. Boland with Mr. Burke of Florida.
Mrs. Green of Oregon with Mr. Del Clawson.
Mrs. Hansen of Washington with Mr. Buchanan.
Mr. Reid with Mr. Derwinski.
Mr. St Germain with Mr. Bafalis.
Mr. Van Deerlin with Mr. Harvey.
Mr. Moorhead of Pennsylvania with Mr. Conlan.
Mr. Dingell with Mr. Blackburn.
Mr. Moss with Mr. Brown of Ohio.
Mr. Gettys with Mr. Goldwater.
Mr. Burton with Mr. Grover.
Mr. Riegle with Mr. Conyers.
Mr. Waldie with Mr. Hastings.
Mr. Mills of Arkansas with Mr. Sandman.
Mr. Dorn with Mr. Steele.
Mr. Hawkins with Mr. Ryan.
Mr. Ashley with Mr. Aspin.
Mr. Harrington with Mr. Rees.
Mr. Macdonald with Mr. Slack.
Mr. Wright with Mr. Seiberling.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10956) Emergency Medical Services Systems Act of 1973.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10956, with Mr. MATSUNAGA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. NELSEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I rise in support of H.R. 10956 a bill to give the Secretary of the Department of Health, Education, and Welfare new authority to support the development and expansion of emergncy medical services.

This legislation is by now familiar to all of you. H.R. 10956 is identical to the conference report on emergency medical services vetoed earlier by the President, except that the provisions dealing with the U.S. Public Health Service hospitals have been omitted. The legislation would, in summary, create new authority under the Public Health Service Act for assistance by the Secretary of Health, Education, and Welfare in the development and improvement of emergency medical services. Specifically, the bill:

First. Defines "emergency medical service systems" and specific requirements for such systems which applicants for assistance must meet to qualify for grants or contracts.

Second. Authorizes programs of grants and contracts for feasibility studies and planning establishment and initial operation, and expansion and improvement of emergency medical services systems.

Third. Authorizes programs of grants and contracts for research and training in emergency medical services; and

Fourth. Requires that these programs be administered through an identifiable administrative unit, that there be estab- emergency medical services, that an annual report be submitted to the Congress on the programs, and that a report be submitted to the Congress 1 year after enactment on legal barriers to the effective delivery of emergency medical services. The total cost over the next 3 years would be $185 million.

While you all know how much this legislation is needed, I would like to remind you of the need for this legislation with a few facts:

Our committee found in its hearings that one of the most visible and unnecessary parts of our country's health care crisis is the present deplorable way in which we care for medical emergencies: 55,000 people die every year in automobile accidents; 16,000 children die every year in accidents; 275,000 people die every year from heart attacks before they reach the hospital. Our committee believes that as many as 35,000 of these deaths could be prevented by adequate, effective emergency medical services. In addition untold injury and unnumbered dollars could be saved by these same services.

Experts have estimated, for instance, that the cost of accidental death, disability, and property damage is $28 billion a year. This is good legislation. This is legislation to which essentially all Members of the House have already committed their support. This is legislation which will save American lives. Therefore, I urge its adoption.

We have two eminent doctors on our committee and we are very fortunate in having both of them and I congratulate both of them. I understand that today they will offer three amendments which will be helpful to the rural areas of America. I believe when the amendments are explained to the committee that everyone will be in favor of them. They will give just a little bit more attention to the rural areas and do it without changing the amount of money in any way.

At this point I congratulate every member of the Public Health and Environment Subcommittee not only for the work they have done on this bill but also for the work they have done throughout the year.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, I commend the able chairman, the gentleman from West Virginia and the members of the committee for this bill.

I want to ask the gentleman about one possibility. The city of Miami Beach, which is in my district, is spending about $300,000 a year keeping a number of emergency vehicles at the fire stations on the beach, fully equipped for emergency care for people who have acute illness. Each of these vehicles has a doctor in attendance in constant readiness to go with that vehicle to any emergency that might be occurring. Representatives of that group came here the other day to see me to determine whether or not that kind of thing, which they say has saved many lives already and within 2 minutes can get to any place on the beach with a doctor, might be helped by this bill, as well as others who have such systems for saving the lives of people. Is there any likelihood or possibility of that kind of program receiving assistance under this act?

Mr. STAGGERS. Yes, there is. It is temporary help, as all of the bill is. We do not plan to subsidize this program forever. We are just trying to get organized, to get the community started and into business on this. In all the areas of America where there is service they can use moneys for expansion and for modernization and they can get help in this way.

Mr. PEPPER. I would hope, Mr. Chairman, if the gentleman will yield further, that as this measure develops and progresses from time to time and with the experience that will be acquired under it, that it might expand if it is not already at that point, so the cities as well as rural areas might be encouraged to set up such systems of giving aid. Would that be compatible with the ideas of the gentleman and the able members of his committee to work toward that objective?

Mr. STAGGERS. That is the real objective of the bill, to have such services all over America, and when it gets to working properly the Federal Government will get out of it.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, I join the gentleman from West Virginia in support of the bill and also the amendments which will be offered by our two distinguished Members as the gentleman mentioned. This is a better bill.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I appreciate the chairman of the Interstate and Foreign Commerce Committee yielding to me.

I have assured the chairman and others on the committee privately that despite the comments I made during the debate on the veto or at the time of the conference report, or in consideration of the bill in the House that I would support a second version only if it literally followed the proposal that was before us at that time. I do approve of this bill now on the floor. In addition I will support it if there are some reasonable adjustments that I understand may be offered in the form of several amendments. In other words, what I am saying is that my previous comments were not literal, my comments were figurative. I am flexible as to the amendments I understand may subsequently be introduced.

I appreciate the chairman yielding so I may clarify my previous comments.

Mr. STAGGERS. Mr. Chairman, I appreciate the remarks of the distinguished minority leader. I think the three amendments have been discussed with him, and I think he is in support of these three amendments because, in my opinion and I think also in his opinion, they make a stronger bill and a more equitable bill.

Mr. GERALD R. FORD. Mr. Chairman, that is my understanding, that it makes it a better bill with some adjustments to take care of unique situations.

Therefore, with those amendments, I support the legislation which is on the floor from the Committee on Interstate and Foreign Commerce, and I appreciate very much this opportunity to clarify my position.

Mr. STAGGERS. Mr. Chairman, I am very happy to have those comments, because so far as I know, the committee will certainly fight any other amendments which will be coming up. We have been through this several times. I do think the three amendments will make a stronger and more equitable bill.

Mr. Chairman, I yield to the gentleman from Pennsylvania, a member of the committee.

Mr. HEINZ. Mr. Chairman, I would like to join in the spirit of the minority leader's remarks, and also rise to compliment the chairman of the committee, Mr. STAGGERS, for his cooperation and hard work; also, our subcommittee chairman, Mr. ROGERS of Florida, for the excellent and expeditious manner in which he has presented this bill.

I rise in support of H.R. 10956, the Emergency Medical Services Act.

As a long supporter of EMS, and as a cosponsor of this years original EMS bill as reported from our Health Subcommittee, I believe the need for upgraded and coordinated emergency medical services in this country is absolutely clear. A simple investigation of the appalling toll of highway accidents and heart attacks reveals the thousands of American lives that could be saved if prompt and proper medical care were given at the scene and en route to the hospital. Hearings before our Health Subcommittee uncovered the fact that each year 15 to 20 percent of all highway victims could be saved if prompt and effective emergency care were available. 8,000 to 11,000 highway deaths would be prevented each year. In addition, 10 percent of the 275,000 heart attack fatalities could be saved by proper emergency care.

In just these two areas alone, auto accidents and heart attacks, each year as many as 35,000 Americans could be saved from tragic, unnecessary deaths.

As a cosponsor of the Emergency Medical Services Act, I believe Congress must act now to correct the weaknesses in this country's emergency medical facilities and practices. This year $350 will be spent on health care for every man, woman, and child in America, yet only 83 cents of that will finance emergency medical services. The results of this minuscule investment in emergency health care are a national scandal:

Only 10 percent of all emergency rooms are equipped to handle grave medical and surgical emergencies;

Only 17 percent of acute care hospitals have 24-hour physician staffing;

Only 5 percent of America's ambulance personnel have had adequate first aid training;

Each year more than 20,000 Americans are permanently injured or disabled by untrained ambulance attendents.

There is a need, therefore, for Federal assistance that will assure people the emergency care they desperately need. That is why we need this EMS bill—to help our States and local communities forge ahead in developing first-class emergency health services in their areas. In the Pittsburgh area, part of which

I represent, Federal assistance when combined with the dedicated health professionals in western Pennsylvania comprehensive health planning and at the University of Pittsburgh Medical School, will mean that necessary training and equipment will be supplied and a true system of emergency medical care will be developed and coordinated in the Pittsburgh area.

Mr. Chairman, I salute the Public Health and Environment Subcommittee chairman, Paul Rogers, for his prompt action on EMS. While this legislation had to be returned to the subcommittee because of an earlier Presidential veto sustained by the House, the distinguished gentleman from Florida exercised his usual wise and timely leadership paving the way for a successful bipartisan partnership to make quality emergency medical services a reality.

I urge all my House colleagues to give this critical legislation their wholehearted support.

Mr. NELSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Chairman, I rise to congratulate the committee for bringing this needed bill back to us after removing the nongermane Public Health Service hospitals amendment.

I particularly salute my distinguished colleague from Minnesota, Ancher Nelsen, for his work in insisting that emergency medical services be considered separately on its own merits. As one of his cosponsors, I know it will be approved today because it is a good step forward in helping to develop vitally needed emergency medical services.

Also, as one who voted to sustain the prior veto because of the offending Public Health Services amendment, I am pleased to have the opportunity to help move this worthy measure forward.

Again, I want to thank the distinguished gentleman from Minnesota for his leadership, without which this measure might never have appeared before us. I urge passage of this bill.

Mr. NELSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. Camp).

Mr. CAMP. Mr. Chairman, I strongly support the Emergency medical services systems legislation we have before us today and urge my colleagues to vote for H.R. 10956, which I consponsored.

Current statistics on accidental deaths and disabilities are more than alarming. They indicate that traffic fatalities are now occurring at a rate of 55,000 per year, with nonhighway accidents adding another 63,000 deaths per year. The need for immediate passage of H.R. 10956 becomes disturbingly clear when you consider that proper emergency care could save approximately 60,000 lives annually in our country.

H.R. 10956 attempts to meet this crisis in health care by authorizing $185 million over a period of 3 years to encourage local units of government to establish effective emergency medical systems which could spell the difference in life and death for accident victims. Five new programs are created to provide Federal assistance for feasibility studies and planning, establishment and initial operation, and expansion and improvement of emergency medical services systems; for research in emergency medical techniques; and for training programs.

I am particularly pleased to note that the committee has seen fit to strengthen language in the report on this bill concerning the special problems of rural communities. It seems all too apparent to me that rural areas, suffering a much higher ratio of deaths and disabilities in proportion to the number of emergency incidents, must be afforded special protection in any legislation dealing with development of emergency medical systems. H.R. 10956, as reported, specifies that 15 percent of the authorized funds shall be available only for grants and contracts in rural areas and the report emphasizes that this 15 percent is only a minimum. I think it is imperative that the Congress make every effort to assure adequate support for rural emergency care and, in fact, I would like to see even stronger provisions protecting rural areas.

Mr. Chairman, I would hope that we will not have any difficulty in getting this legislation approved by Congress and signed by the President in an expeditious manner. We know there is a crying need for the development of communitywide emergency medical services systems. H.R. 10956 is vital to the health of the entire Nation and I believe the safeguards written into the bill for rural areas will mean much to the people of my district. Again, I urge support for this much needed legislation.

Mr. NELSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois, (Mr. Michel).

Mr. MICHEL. Mr. Chairman, early last month I voted to sustain the President's veto of this bill, which at that time contained the provision relating to the Public Health Service hospitals.

I still have reservations about this legislation, even though I believe its objectives are laudatory. I would hate to see this turn into just another equipment program of the kind we have seen so often on the Labor-HEW appropriations subcommittee.

How many times have we brought something out to the floor with flags waving, the band playing and its proponents telling us what a significant new step it is in helping the poor, curing the sick, aiding the disadvantaged, and so on, only to have it turn into a grant or equipment boondoggle that really helps no one but the guy who cashes the Federal check?

If we are going to approve this program, I would hope we would not just forget about it, as we do so many, and not follow through with proper oversight and review by the authorizing committee to make sure it does what it is designed to do.

There is perhaps a chance that the President will sign this version if he is convinced that it adequately provides for the special problems of the rural communities, so if we are going to send it back to him again, I would urge that we make sure the bill is not deficient in this respect.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Florida, the chairman of the subcommittee (Mr. Rogers).

Mr. ROGERS. Mr. Chairman, once again the House is being called upon to provide desperately needed emergency medical services to our people. The subcommittee on Public Health and Environment has reported this bill on three occasions, and this is the fifth time the House has considered whether our communities need and deserve comprehensive emergency medical services.

On the four previous occasions, the House has answered "yes" by overwhelming votes, although we were unable—by a mere four votes—to override the unfortunate veto of the conference report.

Mr. Chairman, this bill is identical to the conference report presented to the President last July, except that it does not contain the provisions relating to the continued operation of the Public Health Service hospitals. This bill will give a start to local EMS programs, which must be community based and community funded after the initial Federal startup support. It calls for the step-by-step development, in our urban areas and in our rural areas, of sophisticated emergency medical services systems with proper transportation, communications, training of personnel, and facilities to assure access to medical services in emergeny situations; $185 million is authorized for 3 years.

Mr. Chairman, we know what can be done with EMS. This bill will pay for itself in monetary savings, but its value cannot be measured in terms of reduction of death and suffering.

Mr. Chairman, my colleagues on the subcommittee, Mr. Roy and Mr. Carter will offer amendments to strengthen provisions in the bill pertaining to assistance to rural areas. I am in full support of these bipartisan amendments authored by the two distinguished physician members of the subcommittee. It is my understanding from talking to the distinguished minority leader, Mr. Ford, that he supports these amendments and that their adoption would have no effect on his position in support of this bill.

I urge my colleagues to again overwhelmingly approve the Emergency Medical Services Act of 1973—as they have done four times in recent months—so that the President and the American people know that Congress is insistent on bringing critically needed emergency medical services to our communities.

Mr. NELSEN. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. Roy).

Mr. ROY. Mr. Chairman, I will not prolong this time in discussion. I would like to say that Dr. Mary Tierney, a volunteer in my office, worked for 6 months on this legislation very closely with the staff of the committee. I think we are all indebted to her for the contribution she made.

I congratulate the gentleman from Florida (Mr. ROGERS), my chairman, and the others on the subcommittee for working so diligently. I urge that the bill be passed.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. ROY. I yield to the gentleman from Minnesota.

Mr. NELSEN. The gentleman from Kentucky (Mr. CARTER) wishes to extend his remarks following those of the gentleman from Kansas, if the gentleman will agree.

Mr. ROY. I agree.

Mr. CARTER. Mr. Chairman, today we are considering the Emergency Medical Services Systems Act of 1973.

Section 1201 consists of definitions.

Section 1202 consists of: First, grants for studying the feasibility of establishing—through expansion or improvement of existing services or otherwise—and operating an emergency medical services system; and second, planning the establishment and operation of such a system.

Section 1203 includes grants and contracts for establishment and initial operation of emergency medical services systems.

These grants and contracts are to be given to States, a unit of general local government, a public entity administering a compact or other regional arrangement or consortium, or any other public entity and any nonprofit private entity.

Section 1204 provides for the expansion and improvement of emergency medical services systems, including the acquisition of equipment and facilities and the modernization of facilities.

Section 1205 provides that the Secretary may make grants to public or private nonprofit entities, and enter into contracts with private entities and individuals, for the support of research in emergency medical techniques, methods, devices, and delivery.

Section 1206 includes the entities to which grants and contracts can be made, and the method in which they are to be made.

Section 1207 authorizes, for the purpose of making payments pursuant to grants and contracts under sections 1202, 1203, and 1204, the appropriation of $30,000,000 for the fiscal year ending June 30, 1974; $60,000,000 for the fiscal year ending June 30, 1975; and $70,000,000 for the year ending June 30, 1976.

Of the sums appropriated for any fiscal year, not less than 15 percent shall be made available for grants and contracts under this title for such fiscal year for emergency medical services systems which serve rural areas.

Of sums appropriated, 15 percent is made available for grants and contracts under section 1202 which relates to feasibility studies and planning;

Sixty percent for grants and contracts related to establishment and initial operation for such fiscal year;

And 25 percent of such sums shall be made available only for grants and contracts under section 1204—this relates to expansion and improvement of existing medical facilities.

After June 30, 1976, 75 percent of such sums shall be made available only for grants and contracts under section 1203—this is for establishment and initial operation.

And 25 percent shall be made available for grants and contracts under section 1204—this relates to expansion and improvement of existing facilities.

The program shall be administered by the Secretary through an identifiable administrative unit within the Department of Health, Education, and Welfare.

An interagency committee on emergency medical services will be established. The Secretary of Health, Education and Welfare or his designee shall serve as chairman of the committee; the membership shall include representation from the Departments of Transportation, Justice, Defense, the Veterans' Administration, the National Science Foundation, the Federal Communications Commission, and the National Academy of Sciences, and such other Federal agencies as the Secretary determines; and five individuals from the general public appointed by the President from individuals who by virtue of their training or experience are particularly qualified to particpate in the performance of the committee's function.

Section 1210 requires the Secretary to prepare and submit an annual report to the Congress on the implementation of this legislation.

On page 24 of this bill, section 776 provides for training in emergency medical services.

The Secretary may make grants to enter into contracts with schools of medicine, dentistry, osteopathy, and nursing, and training centers for allied health professions to assist in meeting the cost of training programs in the techniques and methods of providing emergency medical services, including the skills required in connection with the provision of ambulance services.

For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974.

An adequate number of necessary ground, air, and water vehicles and other transportation facilities to meet the individual characteristics of the system's service area will be provided.

Central communications systems will be established so that requests for emergency health care services will be handled by a communications facility. Adjacent areas will be joined in networks so that assistance can be given from one area to another; and that in case of disaster, such services can be combined to care for those who are affected.

The best facilities we have for diagnosis, treatment rehabilitation and transportation are none too good.

From 350,000 to 400,000 people die each year of heart attacks. It has been estimated by health authorities that 60,000 of these might well be saved with better trained ambulance attendants and medical personnel.

Some 54,000 people are killed each year on our highways. Thousands more are permanently injured due to faulty handling by untrained personnel; thousands more could well be saved.

As many of you know, up until approximately 3 years ago, funeral homes throughout much of the United States, and particularly in my State, furnished ambulance services. But a regulation from DOT required any company offering ambulance service to have two trained attendants on duty at all times. Because of this implementation of the Federal regulation, almost every ambulance company or funeral home offering ambulance service in my area was forced out of business.

A small company simply cannot afford to keep six trained men on duty during a 24-hour period. The funeral homes and many of the ambulance companies went out of business, and as a result the burden fell on the counties, the small county hospitals throughout Kentucky and the United States.

This places an intolerable financial burden upon our counties and hospitals. It would range in cost from $70,000 in a small county to millions of dollars in a county like Jefferson County. The Federal Government here in Washington promulgated these regulations and placed this enormous financial burden upon our small counties and communities.

Therefore, I submit, Mr. Chairman, that it behooves us to help the small counties throughout the United States in training ambulance personnel, and with financial assistance in the purchase of equipment necessary for adequate and meaningful ambulance service.

Many times on our highways, among the 54,000 who are killed each year, a femoral, brachial or carotid artery may be severed. The attendance of a skilled technician might well prevent a fatal hemorrhage. This legislation provides for such trained attendants. Will you, Mr. Chairman, be the one to deny the unfortunate person who is hemorrhaging to death the skillful care and attention which is necessary to save his life?

Mr. Chairman, on our highways, of the 54,000 who are killed each year, many suffer serious spinal injuries with pressure upon the spinal cord. Without experienced care, loading and transportation, this would result in irreparable paralysis. Would you, Mr. Chairman, vote to deny that person with a spinal injury the right to have a skilled attendant to see that he is not paralyzed as a result of unskilled handling?

The cost of this bill is $185,000,000, a little more than we pay each year for our deployment of troops in Italy, a little less than we pay for our military installations in Great Britain. It would result in the savings of at least 60,000 people a year from fatal heart attacks, 30-odd-thousand people from crippling injuries.

Mr. Chairman, this bill is supported by almost every medical organization in the United States, the American Heart Association, the American Cancer Society, the American Hospital Association, the Association of Mayors and of County Officials.

The sum of money which we authorize today will cost approximately as much as a destroyer. We need to make our country stronger from within and a better place in which to live.

FACT SHEET

1. Accidents are leading cause of death among persons from 1–37 years old.

2. Accidents are fourth leading cause of death of all ages.

3. Montana—47.9/100,000 motor vehicle deaths. New Jersey—18.3/100,000 motor vehicle deaths.

4. An accident in a rural area is 4 times as likely to cause death than a similar accident in a urban area.

5. In 1972: 17,600 motor vehicle deaths in urban areas; 37,100 motor vehicle deaths in rural areas.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I strongly support this legislation—H.R. 10956—which is the revised version of the vetoed Emergency Medical Services System Act—which should provide some assistance to the ever mounting medical needs of my area and which should ease, in many respects, the tremendous financial burdens under which many of my area's hospitals are staggering.

Accidents are killing more persons in the productive age group and are the fourth most common cause of death. Heart attacks are striking down people in the prime of life. Poisonings and drug overdose require immediate medical attention. Unnecessary loss of life and disability resulting from sudden death and sudden illnesses are mounting.

This type legislation which would increase the planning and coordination of emergency medical services by local communities, States, and the Federal Government; which would provide expanded resources for the establishment, initial operation, expansion, and improvement of emergency medical service system; which would provide expanded research training, coordination, and rationalization of the presently fragmented and duplicative Federal programs for emergency medical services is something desperately needed.

Our hospitals are being burdened with a load they cannot afford to carry either in terms of personnel or in terms of mounting costs and resulting inabilities of some people to pay—with the result that they become charity patients—and the local areas have neither the financial resources or capabilities to pick up the total of the expenses accruing to the hospital system.

This is wide-ranging legislation. Our Nation possesses the expertise and the ability to provide efficient, effective, and acceptable emergency medical services to all our citizens.

The committee has done an excellent job in working up this legislation, for which I commend them, and it is my hope that something can be done as a result of it to fill the needs existing nationally—and certainly in the area I am privileged to represent.

The House is proposing three ways to fund the implementation of emergency medical services: First, by planning and feasibility grants and contracts; second, by establishment and initial operation grants; and third, by expansion and improvement grants.

With everybody working together and this legislation being affirmatively considered, we are taking a long step down the road toward helping communities develop comprehensive and improved emergency medical service—thereby fulfilling their requirement to the areas they serve.

I cannot urge too strongly my colleagues to vote affirmatively on this tremendously important piece of legislation.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SYMINGTON), a member of the committee.

Mr. SYMINGTON. Mr. Chairman, I just want to express my gratitude to the Republican members of the committee and the minority leader, Mr. GERALD R. FORD, for joining with us in what I believe is a bill that will mean a great deal to this country and for which the country will be grateful.

I want to thank the gentleman from Florida (Mr. ROGERS), the chairman of the subcommittee, and all the hardworking staff members who worked so diligently on the bill.

I commend it to the House with my wholehearted support.

Mr. BUCHANAN. Mr. Chairman, I would like to join today with many of my distinguished colleagues in support of H.R. 10956, the Emergency Medical Services Systems Act of 1973.

This measure, which I am proud to cosponsor, offers an excellent solution to a most pressing problem in our Nation today. Nearly 120,000 Americans die annually as a result of traffic and other accidents and an additional 275,000 from heart attacks. Of these deaths, an estimated 40,000 lives could be saved each year if proper emergency care were available at the scene, en route to hospitals, and in emergency rooms.

We are all aware that health care costs have soared in recent years. This legislation would provide grants for planning, development and initial operation, expansion and improvement of emergency medical service systems and related training research programs. This bill would help already overburdened local health care organizations initiate vitally needed emergency health care.

Perhaps one of the best features of this bill is that it supports the initial impetus toward an effective emergency medical services system while still enabling the State and local governments to develop from the federally financed nucleus a program of their own designed locally to meet local needs.

The Birmingham area is a prime example of an area that would benefit greatly from this program. In 1972 a $300,000 Federal grant was made to the University of Alabama in Birmingham for a pilot program to coordinate efforts to the cities of Birmingham, Homewood, Mountain Brook, Hoover, and Vestavia Hills to handle medical emergencies, including major disasters. At the time the grant was made, each of these cities had a partially functional emergency medical system. This legislation, coupled with the earlier grant and the efforts being made by the area governments will enable the entire Birmingham area to continue development of an effective, fast acting, emergency medical services system. The benefits accruing to the Birmingham area as a result of this program are only but an example of the assistance this program could provide nationally if this legislation is passed.

Mr. Chairman, I wholeheartedly support this program which I believe will provide a valuable contribution to the well-being of hundreds of thousands of our citizens each year.

Mr. ABDNOR. Mr. Chairman, I rise in support of the bill here being considered to increase the amount of funds to be allocated to rural areas. I can best contribute to this discussion by pointing out the medical situation in my State of South Dakota.

Many lives are lost annually in South Dakota because of delays en route to the hospital, in reaching the patient, inadequate care at the scene, and inadequate training in use of equipment both en route and at the emergency room. In addition, no adequate communication system, transportation network, or trained emergency medical personnel exists to save those many lives which are lost due to accidents or sudden severe illness. This cost in lives is high with 70 percent of motor vehicle deaths alone occurring in rural areas with less than 2,500 population.

The problem in my State is not necessarily the same as in the large metropolitan and urban areas of the United States. South Dakota's basic problem is that of a small rural population with large geographic distribution. The principal industry of South Dakota is farming which is notorious as a high accident risk occupation. In addition large numbers of sportsmen and tourists bring added burdens to the emergency medical system year-round but particularly in the summer months to the Black Hills region where more than 2 million visitors alone visit Mount Rushmore in just 3 months.

No total comprehensive emergency medical system exists, and there is an obvious and implied need coming from our shortage of doctors and sparsely located hospitals.

The highway system in South Dakota, serving the local population, as well as a considerable number of tourists, has recorded 123,804 traffic accidents resulting in 2,520 deaths over the 10-year period 1962 through 1971. We lack an adequate transportation system to get the patients to where they can even receive the most common of first aid care.

There are six Indian reservations in my district and jurisdictional responsibilities preclude assistance from State governments. I need not say here how badly we need better health care delivery systems for the Indians. The important point is that this EMS bill will be the only comprehensive approach for the Indians to utilize to meet their needs for emergency attention and access to the hospitals.

Rural America is experiencing the outmigration of her medical personnel. It is a well known fact that the medically trained leave rural areas before the general population begins to leave. We are very thankful and honored by the doctors who have remained, but we badly need the assistance of this bill to enable the development of a means whereby the outlying patient can be delivered to where the doctors are and facilities exist to accommodate his health needs.

I applaud the committee's intent to assure a minimum funding share for rural areas, but 15 percent is not enough, and somewhat doubt if 50 percent would be enough. We cannot ignore the medical needs of the rural areas for it can be shown that people move away into the cities not only for job opportunities, but in order to be close to facilities and personnel where their life-support needs are available if needed.

Mr. CONTE. Mr. Chairman, $851 million over a 3-year period of time is a tremendously modest proposal when compared to the life and death situations which confront thousands of Americans each year. A recent report by the National Academy of Sciences bears out the sad fact that our emergency medical services are, quote:

> One of the weakest links in the delivery of health care in the Nation.

There are no coherent systems for the provision of emergency medical services in the country today. The worth of what services we have varies tremendously from town to town. The results of such a situation are obvious—while the death rates continue to rise, our ability to deal with the problem declines.

It is conservatively estimated that 175,000 people die needlessly each year. Highway deaths alone constitute 56,000 of these victims, and we can save possibly as many as 11,000 of those roadway fatalities each year with the passage of this measure.

Aside from accidental deaths, the aged of this country find little solace in having to rely on present systems. In fact, they find the situation to represent a deadly threat to their lives which they must face on a day-to-day basis. It is a bad joke for them to be told that nearly half of the country's available ambulances are provided by funeral homes. They do not see the humor in the fact that, should they suffer some sort of seizure and live just beyond the jurisdictional line of a local emergency service, they may not be eligible for care because a law or policy would prevent an ambulance from crossing that boundary.

The statistics are astounding—nearly 400,000 victims of heart attacks die before they can get to either a doctor or a hospital. This bill could signal the updating and expansion of mobile emergency coronary units to take care of a good portion of these people. This bill could provide funding for the further research and training we so desparately need to improve our techniques for providing emergency medical care. This bill could, at last, provide us with fleets of totally equipped, first-rate ambulances, which could speed the injured and sick to fully equipped and staffed hospital emergncy rooms. Sixty thousand lives could be saved enroute from pick-up site to hospital.

We need this program. There is too much good in it to deny it to the American people.

All of us here in this Chamber, I am certain, have received countless pieces of mail; many calls, in support of this measure. Labor, veterans, civic groups, the public at large desire it and need it. The President, himself, has listed emergency medical services as an administration priority.

Let us get on with it. Let us enable our communities to include up-to-date emergency service in their health systems. They need our help. State and local governments are already strapped; what programs they have cannot survive without our help.

Let us get on with it.

Mr. DERWINSKI. Mr. Chairman, as a cosponsor of H.R. 10956, the emergency medical services bill, I am pleased that Congress is cooperating with the President in bringing this measure to the floor. This is a program I have strongly supported and I hope that we can complete the legislative process before Congress adjourns this fall.

The purpose of this bill is to give each Member of Congress an opportunity to vote, up or down on the EMS program without having to vote on the nongermane PHS hospital issue at the same time. Support for this approach has been indicated by the administration as well as a willingness to cooperate with Congress in producing an EMS program.

Emergency medical services can spell the difference between life and death. This bill would assist in developing better EMS delivery throughout the Nation.

The State of Illinois is a leader in emergency medical services and needs, as do the other States, the benefits which could be derived from this bill to further develop our fine emergency medical services system. I strongly urge your support of this bill which would establish an effective nationwide emergency medical services system.

Mr. PRICE of Illinois. Mr. Chairman, I rise in support of the Emergency Medical Services Systems Act of 1973. Emergency medical services are sorely needed to aid our Nation's already overburdened medical facilities. Improved emergency services could save 60,000 lives a year now lost to accidents and sudden illness. Accidents are the Nation's fourth most common cause of death yet our medical system can not cope with the problem. Proper emergency medical services will save lives.

This measure, insuring adequate emergency services to the American public, has already met a Presidential veto. The veto has already delayed the development of emergency care systems for several months. I feel such an important consideration should be beyond the scope of partisan politics. Let us no longer deny the public access to adequate emergency medical services.

The emergency medical service systems would provide community based emergency services through the Department of Health, Education, and Welfare. It would help communities develop comprehensive plans for medical services including ambulance services, emergency rooms and other facilities with properly trained personnel.

It is my hope that this measure be passed with wide bipartisan support. I urge my colleagues to vote for the passage of H.R. 10956.

Mr. KYROS. Mr. Chairman, I rise today in support of H.R. 10956, which would provide desperately needed improvements in the administration and delivery of our Nation's emergency medical services systems. I urge the Members of this body to act swiftly and decisively on this bill so that it can be enacted into law without further delay.

The need for this legislation, Mr. Chairman, is clear: It is reliably estimated that 60,000 lives are lost each year, because of the inadequacy of our Nation's emergency medical services. It is shocking that we have virtually the same emergency medical system that we had 50 years ago.

The current situation in my State of Maine, as in most States, is not very encouraging. Only 70 of our 2,500 licensed ambulance attendants meet the standards recommended by the Department of Health, Education, and Welfare. The others have advanced Red Cross training, but that is simply not enough to meet a wide range of emergency situations. Of even greater concern, is the fact that only 5 out of Maine's 63 hospitals have round-the-clock physician coverage. These are the sorts of situations which H.R. 10956 seeks to correct.

Mr. Chairman, it is estimated that 10 percent of Maine's 1,400 annual coronary fatalities and up to 20 percent of its 270 annual automobile deaths could be prevented. Passage of H.R. 10956 will be a giant step in that direction.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 10956, the Emergency Medical Services Act now before us.

Federal assistance to communities in the area of emergency medical services is long overdue.

It is shocking to learn that accidents are the fourth major cause of death in our United States, frequently terminating lives at the height of productivity.

Yet, this statistic should not be shocking for we are all aware of the frequency with which this killer strikes—deaths on the highways, fires, drownings, poisonings and freak accidents—all part of the sad news on any given day.

We, in Congress, have a real opportunity to reduce this toll as we consider H.R. 10956. It is estimated that improved and adequate emergency care could save approximately 60,000 lives annually.

While we may be overly optimistic in hoping for vast reductions in accidental death tolls, we do have assurances that by passage of this legislation we will be saving lives and averting serious injuries. We must heed this call.

I know that many of you have shared my feelings of pride for those selfless, knowledgeable individuals, who volunteer to serve in ambulance corps, and the frustration we have felt when these very same people approach us seeking State or Federal aid for purchasing equipment and for training programs.

We will all be proud, in light of their dedication and devotion to their fellow man, to report to them that the Federal Government has finally recognized their needs and taken the initiative to encourage their good work.

Accordingly Mr. Chairman, I urge my colleagues to support these worthy objectives by voting in favor of H.R. 10956, the Emergency Medical Services Act of 1973.

Mr. RANDALL. Mr. Chairman, I enthusiastically support the Emergency Medical Services Act. Such a statement in this instance happens to be one that can be backed up with a measure of proof because on September 12, when the House sustained the veto on H.R. 6458 or S. 504, I voted to override the veto.

The President said he had two basic objections to S. 504 or H.R. 6458. First, that $185 million was too much to spend, even though it is a fact that only 10 percent of our Nation's hospitals are adequately equipped to handle medical emergencies. Then he objected to the eight Public Health Service hospitals, as to this objection the President should have known there is even a need for additional hospitals.

The new legislation, H.R. 10956, was introduced on October 19. It is similar to S. 504, the vetoed bill, with two exceptions. First, the provision relating to the eight Public Health Service hospitals has been deleted, and, second, in this new bill there is a new or special recognition given to the rural areas.

Mr. Chairman, I was pleased to note that in the bill as it came to the floor today, there was included a provision of not less than 15 percent of the sums appropriated be available for grants and contracts in the rural areas.

It was even more pleasing to note that by a floor amendment which was passed under a voice vote this 15 percent was increased to 20 percent. Moreover, the bill requires the Secretary of Health, Education, and Welfare to provide assistance needed by any communities in the rural areas to apply and qualify for the awards.

Mr. Chairman, the report accompanying this bill indicates the cost of this legislation, will, during its lifetime be about $185 million.

It has long been my belief we should not express the expense to save human lives in terms of cost in dollars but as one of the best investments this country can make. I do not have the figures at my fingertips but in the debate that took place at the time of the veto if we add all annual highway fatalities to all nonhighway deaths and when it is further considered that all these lives could be saved by prompt emergency medical service, then the expenditure for saving an individual life added up to approximately $1,000 per person.

Surely, we have not reached a point in this country that we can afford not to make an investment of such a small amount to try to save the lives of our citizens.

Mr. ROBISON of New York. Mr. Chairman, I rise to support passage of the Emergency Medical Services Act of 1973, a measure of such compelling purpose and scope that it has survived every possible obstacle before coming to us today. This time I am confident we shall see a large vote of approval, and I must admit to some personal satisfaction over that possibility, after riding the crests and ebbs of this bill for so long. I have been an ardent backer of the Emergency Medical Services Act from the beginning, when my colleague from West Virginia (Mr. MOLLOHAN) and I introduced the initial namesake of this proposal; and I have shared with other supporters of the bill the considerable frustration of watching a very necessary initiative become enmeshed in unrelated questions.

Twice before, this bill has come before us in substantially the same form as we now have it, and each time it was successfully approved, because a large majority of my colleagues were convinced by the facts in support of this proposal. What has been documented in the succession of committee reports which have come to us is that tens of thousands of lives will be saved, if the provisons of this legislation are carried out.

It is equally true that the Federal Government has a necessary role in assisting the development of emergency medical services throughout the country. The Federal Government is uniquely disposed to coordinate research and technological development which seeks improved means to treat patients at the site of accident or other medical trauma. The Federal Government is singly capable of evaluating and disseminating the results of innovations in emergency health care which are developed in various parts of the country. And, perhaps more importantly, the Federal Government must be concerned that whenever a citizen leaves his home and travels to another part of the country, that individual has some assurance of capable and timely medical treatment, wherever emergency strikes.

Contrary to the statements of a few of my colleagues, this legislation does not initiate a new Federal responsibility. It is not a new program, as some have maintained. Rather, the Emergency Medical Services Act pulls together the more than 25 Federal programs which now function in various agencies and offices of the executive branch, and the proposal, thereby, forms a consistent national policy governing Federal support and monitoring of emergency medical services.

The Federal Government has long recognized the need for coordination and research assistance—even direct funding assistance for the purchase of equipment—however, the Federal effort thus far has been characterized by many independent, unrelated efforts spread throughout a number of executive agencies. What coordination there is results primarily from the informal contacts which various administrators have developed in the course of their work. Until Congress began to consider this legislation, there had been no serious questioning of the need for a coordinating procedure which would lend both uniformity of purpose and consistent policy guidelines to the dozens of programs already in existence.

We have, for instance, one Federal agency—the National Highway Traffic Safety Administration—attempting to implement Federal guidelines concerning ambulance attendant training and ambulance equipment, while other Federal agencies, such as the Social Security Administration and the Veterans' Administration, are paying for ambulance services without questioning the standards of performance of those providing the service.

Through the Emergency Medical Services Act of 1973, the Federal Government will gain an "identifiable" administrative unit, within the Department of Health, Education, and Welfare, which shall administer all grants and contracts provided by the legislation and shall also be the responsible collecting point and the point of dissemination for all information and study results which might contribute to the improvement of emergency medical transportation and care.

In addition to the creation of an identifiable "lead agency," the measure before us establishes an Interagency Committee on Emergency Medical Services for the sole purpose of coordinating the presently disparate programs in emergency medical services, and for evaluating the adequacy and technical soundness of those programs.

To my mind, this is what the Emergency Medical Services Act is all about. It is preeminently a reorganization bill, which would bring together scattered Federal activities into a uniform and coordinated Federal assistance effort for emergency medical services. Should my colleagues have any doubt of the considerable need for an effectively functioning Federal effort, they need only look at the printed hearings which accompany this bill. Several of the salient points of those hearings have been reiterated today, and it is because of the commitment and dedication of the distinguished chairman of the Interstate and Foreign Commerce Committee, and the continuing concern of our colleague from Florida (Mr. ROGERS), that these facts have become part of the record of this Congress.

The facts and figures I refer to are a frightening litany of unnecessary death and disability which might be prevented if local communities and State governments have the purposeful leadership of those Federal agencies which are charged with providing assistance and guidance to local and regional ambulance systems.

Today, we must answer the need which should be obvious to every one of my colleagues, by completing final and overwhelming House passage of the Emergency Medical Services Act of 1973. I urge my colleagues to vote favorably on this legislation.

Mrs. HOLT. Mr. Speaker, I rise today to speak in support of the Emergency Medical Services Act of 1973. There is no excuse, in the light of modern medical knowledge, why we need lose thousands of Americans annually. It has been stated that 60,000 heart attack victims would be saved by competent, swift, well-trained emergency medical personnel; 16,000 children would live each year, whom we would otherwise lose from fatal accidents, and 20 percent of all automobile fatalities could be averted by the utilization of modern equipment and skillful ambulance attendants.

We could spare needless anguish, disfigurement, and death by our vote today. We could relieve the burden of the isolated, rural community struggling to maintain adequate emergency room care in county hospitals. We could utilize the talents of veteran corpsmen, already trained in emergency and trauma work. We could save 30,000 Americans from crippling injuries, by insuring that they would receive immediate and careful handling. We could use our increased medical knowledge to bring benefits to communities across the Nation where hundreds die each year, not because medical knowledge was unavailable, but because that knowledge was not used.

We could stimulate planning, research, and action for regional emergency medical services. We could relieve human suffering at its most immediate level. And we could do all this at a cost which will surely be offset by the staggering expenses involved in long term care, rehabilitation and even death. It is a very small investment for such great dividends.

I urge my colleagues to join with me in supporting this vital and overdue legislation.

Mr. WIGGINS. Mr. Chairman, it is evident to all of us that there is nearly unanimous agreement as to this bill. However, I do wish to indicate my opposition to it and to state very briefly why I oppose the bill.

I have never felt that the subject of providing emergency medical services is a subject in which the Federal Government necessarily should involve itself. It seems to me that this is in essence a local responsibility, and in many places around this country, local areas and communities have responded to and met that responsibility. They certainly have in my area of southern California. I cannot believe that other areas of this country could not, if challenged to do so, meet their own responsibilities of providing emergency medical services for their own citizens.

Accordingly, Mr. Chairman, I am going to vote no on this bill, and I regret very much that we are moving down a path which is going to involve the Federal Government once again in what is essentially a local matter.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. Of course, I will yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would just like to remind the gentleman that the money goes to the communities, and the communities can spend the money in any fashion they see fit. There are communities in this country such as that served by the gentleman from California which do not need these funds, but they are very few in America. We have many communities that need the help which we are going to give them and the cooperation which we will extend, and they cannot do the job alone. I do not think that we should legislate only for our own constituents, but that we should legislate for America.

Mr. WIGGINS. Mr. Chairman, I assure the gentleman that my community does need money. The difference is that my community has taxed itself historically to provide the service it now provides its citizens. What the gentleman is asking, I am afraid, by his legislation is that my people should also pay for services for other areas in addition to their own, and I object to this.

Mr. STAGGERS. Mr. Chairman, I believe the gentleman is wrong, because in the small counties in my State, we have several of these areas that simply need some help and some expertise and some trained personnel, and I am sure the gentleman's constituents could use that help.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time on this side.

Mr. NELSEN. Mr. Chairman, I have no further requests for time, but I believe the gentleman from Kentucky (Mr. CARTER) has an amendment he wishes to offer.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 10956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Medical Services System Act of 1973".

EMERGENCY MEDICAL SERVICES SYSTEM

SEC. 2. (a) The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XII—EMERGENCY MEDICAL SERVICES SYSTEMS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'emergency medical services system' means a system which provides for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery in an appropriate geographical area of health care services under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations) and which is administered by a public or nonprofit private entity which has the authority and the resources to provide effective administration of the system.

"(2) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(3) The term 'modernization' means the alteration, major repair (to the extent permitted by regulations), remodeling, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

"(4) The term 'section 314(a) State health planning agency' means the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a).

"(5) The term 'section 314(b) areawide health planning agency' means a public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b), and the term 'section 314(b) plan' means a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b).

"GRANTS AND CONTRACTS FOR FEASIBILITY STUDIES AND PLANNING

"SEC. 1202. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206 (a)) for projects which include both (1) studying the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating an emergency medical services system, and (2) planning the establishment and operation of such a system.

"(b) If the Secretary makes a grant or enters into a contract under this section for a study and planning project respecting an emergency medical services system for a particular geographical area, the Secretary may not make any other grant or enter into any other contract under this section for such project, and he may not make a grant or enter into a contract under this section for any other study and planning project respecting an emergency medical services system for the same area or for an area which includes (in whole or substantial part) such area.

"(c) Reports of the results of any study and planning project assisted under this section shall be submitted to the Secretary and the Interagency Committee on Emergency Medical Services at such intervals as the Secretary may prescribe, and a final report of such results shall be submitted to the Secretary and such Committee not later than one year from the date the grant was made or the contract entered into, as the case may be.

"(d) An application for a grant or contract under this section shall—

"(1) demonstrate to the satisfaction of the Secretary and the need of the area for which the study and planning will be done for an emergency medical services system;

"(2) contain assurances satisfactory to the Secretary that the applicant is qualified to plan an emergency medical services system for such area; and

"(3) contain assurances satisfactory to the Secretary that the planning will be conducted in cooperation (A) with each section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) such area, and (B) with any emergency medical services council or other entity responsible for review and evaluation of the provision of emergency medical services in such area.

"(e) The amount of any grant under this section shall be determined by the Secretary.

"GRANTS AND CONTRACTS FOR ESTABLISHING AND INITIAL OPERATION

"SEC. 1203. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for the establishment and initial operation of emergency medical services systems.

"(b) Special consideration shall be given to applications for grants and contracts for systems which will coordinate with statewide emergency medical services system.

"(c) (1) Grants and contracts under this section may be used for the modernization of facilities for emergency medical services systems and other costs of establishment and initial operation.

"(2) Each grant or contract under this section shall be made for costs of establishment and operation in the year for which the grant or contract is made. If a grant or contract is made under this section for a system, the Secretary may make one additional grant or contract for that system if he determines, after a review of the first nine months' activities of the applicant carried out under the first grant or contract, that the applicant is satisfactorily progressing in the establishment and operation of the system in accordance with the plan contained in his application (pursuant to section 1206 (b) (4)) for the first grant or contract.

"(3) No grant or contract may be made under this section for the fiscal year ending June 30, 1976, to an entity which did not receive a grant or contract under this section for the preceding fiscal year.

"(4) Subject to section 1206(f)—

"(A) the amount of the first grant or contract under this section for an emergency medical services system may not exceed (i) 50 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs for such year; and

"(B) the amount of the second grant or contract under this section for a system may not exceed (i) 25 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 50 per centum of such costs for such year.

"(5) In considering applications which demonstrate exceptional need for financial assistance, the Secretary shall give special consideration to applications submitted for emergency medical services systems for rural areas (as defined in regulations of the Secretary).

"GRANTS AND CONTRACTS FOR EXPANSION AND IMPROVEMENT

"SEC. 1204. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for projects for the expansion and improvement of emergency medical services systems, including the acquisition of equipment and facilities, the modernization of facilities, and other projects to expand and improve such systems.

"(b) Subject to section 1206(f), the amount of any grant or contract under this section for a project shall not exceed 50 per centum of the cost of that project (as determined pursuant to regulations of the Secretary).

"GRANTS AND CONTRACTS FOR RESEARCH

"SEC. 1205. (a) The Secretary may make grants to public or private nonprofit entities, and enter into contracts with private entities and individuals, for the support of research in emergency medical techniques, methods, devices, and delivery.

"(b) No grant may be made or contract entered into under this section for amounts in excess of $35,000 unless the application therefor has been recommended for approval by an appropriate peer review panel designated or established by the Secretary. Any application for a grant or contract under this section shall be submitted in such form and manner, and contain such information, as the Secretary shall prescribe in regulations.

"(c) The recipient of a grant or contract under this section shall make such reports to the Secretary as the Secretary may require.

"GENERAL PROVISIONS RESPECTING GRANTS AND CONTRACTS

"SEC. 1206. (a) For purposes of sections 1202, 1203, and 1204, the term 'eligible entity' means—

"(1) a State,

"(2) a unit of general local government,

"(3) a public entity administering a compact or other regional arrangement or consortium, or

"(4) any other public entity and any nonprofit private entity.

'(b) (1) No grant or contract may be made under this title unless an application therefor has been submitted to, and approved by, the Secretary.

"(2) In considering applications submitted under this title, the Secretary shall give priority to applications submitted by the entities described in clauses (1), (2), and (3) of subsection (a).

"(3) No application for a grant or contract under section 1202 may be approved unless—

"(A) the application meets the application requirements of such section;

"(B) in the case of an application submitted by a public entity administering a compact or other regional arrangement or consortium, the compact or other regional arrangement or consortium includes each unit of general local government of each standard metropolitan statistical area (as determined by the Office of Management and Budget) located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted;

"(C) in the case of an application submitted by an entity described in clause (4) of subsection (a), such entity has provided a copy of its application to each entity described in clauses (1), (2), and (3) of such subsection which is located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted and has provided each such entity a reasonable opportunity to submit to the Secretary comments on the application;

"(D) the—

"(i) section 314(a) State health planning agency of each State in which the service area of the emergency medical services system for which the application is submitted will be located, and

"(ii) section 314(b) areawide health planning agency (if any) whose section 314(b) plan covers (in whole or in part) the service area of such system,

have had not less than thirty days (measured from the date a copy of the application was submitted to the agency by the applicant) in which to comment on the application;

"(E) the applicant agrees to maintain such records and make such reports to the Secretary as the Secretary determines are necessary to carry out the provisions of this title; and

"(F) the application is submitted in such form and such manner and contains such information (including specification of applicable provisions of law or regulations which restricts the full utilization of the training and skills of health professions and allied and other health personnel in the provision of health care services in such a system) as the Secretary shall prescribe in regulations.

"(4) (A) An application for a grant or contract under section 1203 or 1204 may not be approved by the Secretary unless (i) the application meets the requirements of subparagraphs (B) through (F) of paragraph (3), and (ii) except as provided in subparagraph (B) (ii), the applicant (I) demonstrates to the satisfaction of the Secretary that the emergency medical services system for which the application is submitted will, within the period specified in subparagraph (B) (i), meet each of the emergency medical services system requirements specified in subparagraph (C), and (II) provides in the application a plan satisfactory to the Secretary for the system to meet each such requirement within such period.

"(B) (i) The period within which an emergency medical services system must meet each of the requirements specified in subparagraph (A) is the period of the grant or contract for which application is made; except that if the applicant demonstrates to the satisfaction of the Secretary the inability of the applicant's emergency medical services system to meet one or more of such requirements within such period, the period (or periods) within which the system must meet such requirement (or requirements) is such period (or periods) as the Secretary may require.

"(ii) If an applicant submits an application for a grant or contract under section 1203 or 1204 and demonstrates to the satisfaction of the Secretary the inability of the system for which the application is submitted to meet one or more of the requirements specified in subparagraph (C) within any specific period of time, the demonstration and plan prerequisites prescribed by clause (ii) of subparagraph (A) shall not apply with respect to such requirement (or requirements) and the applicant shall provide in his application a plan, satisfactory to the Secretary, for achieving appropriate alternatives to such requirement (or requirements).

"(C) An emergency medical services system shall—

"(i) include an adequate number of health professions, allied health professions, and other health personnel with appropriate training and experience;

"(ii) provide for its personnel appropriate training (including clinical training) and continuing education programs which (I) are coordinated with other programs in the system's service area which provide similar training and education, and (II) emphasize recruitment and necessary training of veterans of the Armed Forces with military training and experience in health care fields and of appropriate public safety personnel in such area;

"(iii) join the personnel, facilities, and equipment of the system by a central communications system so that requests for emergency health care services will be handled by a communications facility which (I) utilizes emergency medical telephone screening, (II) utilizes or, within such period as the Secretary prescribes will utilize the universal emergency telephone number 911, and (III) will have direct communication connections and interconnections with the personnel, facilities, and equipment of the system and with other appropriate emergency medical services systems;

"(iv) include an adequate number of necessary ground, air, and water vehicles and other transportation facilities to meet the individual characteristics of the system's service area—

"(I) which vehicles and facilities meet appropriate standards relating to location, design, performance, and equipment, and

"(II) the operators and other personnel for which vehicles and facilities meet appropriate training and experience requirements;

"(v) include an adequate number of easily accessible emergency medical services facilities which are collectively capable of providing services on a continuous basis, which have appropriate nonduplicative and categorized capabilities, which meet appropriate standards relating to capacity, location, personnel, and equipment, and which are coordinated with other health care facilities of the systems;

"(vi) provide access (including appropriate transportation) to specialized critical medical care units in the system's service area, or, if there are no such units or an inadequate number of them in such area, provide access to such units in neighboring areas if access to such units is feasible in terms of time and distance;

"(vii) provide for the effective utilization of the appropriate personnel, facilities, and equipment of each public safety agency providing emergency services in the system's service area;

"(viii) be organized in a manner that provides persons who reside in the system's service area and who have no professional training or financial interest in the provision of health care with an adequate opportunity to participate in the making of policy for the system;

"(ix) provide, without prior inquiry as to ability to pay, necessary emergency medical services to all patients requiring such services;

"(x) provide for transfer of patients to facilities and programs which offer such followup care and rehabilitation as is necessary to effect the maximum recovery of the patient;

"(xi) provide for a standardized patient recordkeeping system meeting appropriate standards established by the Secretary, which records shall cover the treatment of the patient from initial entry into the system through his discharge from it, and shall be consistent with ensuing patient records used in followup care and rehabilitation of the patient;

"(xii) provide programs of public education and information in the system's service area (taking into account the needs of visitors to, as well as residents of, that area to know or be able to learn immediately the means of obtaining emergency medical services) which programs stress the general dissemination of information regarding appropriate methods of medical self-help and first-aid and regarding the availability of first-aid training programs in the area;

"(xiii) provide for (I) periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided in the system's service area, and (II) submission to the Secretary of the reports of each such review and evaluation;

"(xiv) have a plan to assure that the system will be capable of providing emergency medical services in the system's service area during mass casualties, natural disasters, or national emergencies; and

"(xv) provide for the establishment of appropriate arrangements with emergency medical services systems or similar entities serving neighboring areas for the provision of emergency medical services on a reciprocal basis where access to such services would be more appropriate and effective in terms of the services available, time, and distance.

The Secretary shall by regulations prescribe standards and criteria for the requirements prescribed by this subparagraph. In prescribing such standards and criteria, the Secretary shall consider relevant standards and criteria prescribed by other public agencies and by private organizations.

"(c) Payments under grants and contracts under this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary determines will most effectively carry out this title.

"(d) Contracts may be entered into under this title without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) No funds appropriated under any provision of this Act other than section 1207 or title VII may be used to make a new grant or contract in any fiscal year for a purpose for which a grant or contract is authorized by this title unless (1) all the funds authorized to be appropriated by section 1207 for such fiscal year have been appropriated and made available for obligation in such fiscal year, and (2) such new grant or contract is made in accordance with the requirements of this title that would be applicable to such grant or contract if it was made under this title. For purposes of this subsection, the term 'new grant or contract' means a grant or contract for a program or project for which an application was first submitted after the date of the enactment of the Act which makes the first appropriations under the authorizations contained in section 1207.

"(f)(1) In determining the amount of any grant or contract under section 1203 or 1204, the Secretary shall take into consideration the amount of funds available to the applicant from Federal grant or contract programs under laws other than this Act for any activity which the applicant proposes to undertake in connection with the establishment and operation or expansion and improvement of an emergency medical services system and for which the Secretary may authorize the use of funds under a grant or contract under sections 1203 and 1204.

"(2) The Secretary may not authorize the recipient of a grant or contract under section 1203 or 1204 to use funds under such grant or contract for any training program in connection with an emergency medical services system unless the applicant filed an application (as appropriate) under title VII or VIII for a grant or contract for such program and such application was not approved or was approved but for which no or inadequate funds were made available under such title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1207. (a)(1) For the purpose of making payments pursuant to grants and contracts under sections 1202, 1203, and 1204, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975; and for the purpose of making payments pursuant to grants and contracts under sections 1203 and 1204 for the fiscal year ending June 30, 1976, there are authorized to be appropriated $70,000,000.

"(2) Of the sums appropriated under paragraph (1) for any fiscal year not less than 15 per centum shall be made available for grants and contracts under this title for such fiscal year for emergency medical services systems which serve or will serve rural areas (as defined in regulations of the Secretary under section 1203(c)(5)).

"(3) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1974, or the succeeding fiscal year—

"(A) 15 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1202 (relating to feasibility studies and planning) for such fiscal year;

"(B) 60 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1203 (relating to establishment and initial operation) for such fiscal year; and

"(C) 25 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1204 (relating to expansion and improvement) for such fiscal year.

"(4) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1976—

"(A) 75 per centum of such sums shall be made available only for grants and contracts under section 1203 for such fiscal year, and

"(B) 25 per centum of such sums shall be made available only for grants and contracts under section 1204 for such fiscal year.

"(b) For the purpose of making payments pursuant to grants and contracts under section 1205 (relating to research), there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, and for each of the next two fiscal years.

"ADMINISTRATION

"SEC. 1208. The Secretary shall administer the program of grants and contracts authorized by this title through an identifiable administrative unit within the Department of Health, Education, and Welfare. Such unit shall also be responsible for collecting, analyzing, cataloging, and disseminating all data useful in the development and operation of emergency medical services systems, including data derived from reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204.

"INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 1209. (a) The Secretary shall establish an Interagency Committee on Emergency Medical Services. The Committee shall evaluate the adequacy and technical soundness of all Federal programs and activities which relate to emergency medical services and provide for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and shall make recommendations to the Secretary respecting the administration of the program of grants and contracts under this title (including the making of regulations for such program).

"(b) The Secretary or his designee shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Science Foundation, the Federal Communications Commission, the National Academy of Sciences, and such other Federal agencies and offices (including appropriate agencies and offices of the Department of Health, Education, and Welfare), as the Secretary affecting the functions or responsibilities of emergency medical services systems, and (2) five individuals from the general public appointed by the President from individuals who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Chairman, but not less often than four times a year.

"(c) Each appointed member of the Committee shall be appointed for a term of four years, except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(2) of the members first appointed, two shall be appointed for a term of four years, two shall be appointed for a term of three years, and one shall be appointed for a term of one year, as designated by the President at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(d) Appointed members of the Committee shall receive for each day they are engaged in the performance of the functions of the Committee compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Secretary shall make available to the Committee such staff, information (including copies of reports of reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204), and other assistance as it may require to carry out its activities effectively.

"ANNUAL REPORT

"SEC. 1210. The Secretary shall prepare and submit annually to the Congress a report on the administration of this title. Each report shall include an evaluation of the adequacy of the provision of emergency medical services in the United States during the period covered by the report, and evaluation of the extent to which the needs for such services are being adequately met through assistance provided under this title, and his recommendations for such legislation as he determines is required to provide emergency medical services at a level adequate to meet such needs. The first report under this section shall be submitted not later than September 30, 1974, and shall cover the fiscal year ending June 30, 1974."

(b)(1) Section 1 of the Public Health

Service Act is amended by striking out "titles I to XI" and inserting in lieu thereof "titles I to XII".

(2) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XII (as in effect prior to the date of enactment of this Act) as title XIII, and by renumbering sections 1201 through 1214 (as in effect prior to such date), and references thereto, as sections 1301 through 1314, respectively.

TRAINING ASSISTANCE

SEC. 3. (a) Part E of title VII of the Public Health Service Act is amended by inserting after section 775 the following new section:

"TRAINING IN EMERGENCY MEDICAL SERVICES

"SEC. 776. (a) The Secretary may make grants to and enter into contracts with schools of medicine, dentistry, osteopathy, and nursing, training centers for allied health professions, and other appropriate educational entities to assist in meeting the cost of training programs in the techniques and methods of providing emergency medical services (including the skills required in connection with the provision of ambulance service), especially training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act.

"(b) No grant or contract may be made or entered into under this section unless (1) the applicant is a public or nonprofit private entity, and (2) an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant or contract under this section shall be determined by the Secretary. Payments under grants and contracts under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. Grantees and contractees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974."

(b) Section 772(a) of such Act (42 U.S.C. 295f–2(a)) is amended—

(1) by striking out "or" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and

(3) by inserting after paragraph (13) the following new paragraph:

"(14) establish and operate programs in the interdisciplinary training of health personnel for the provision of emergency medical services, with particular emphasis on the establishment and operation of training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act."

(c) Section 774(a)(1)(D) of such Act (42 U.S.C. 295f–4(a)(1)(D)) is amended by inserting "(including emergency medical services" after "services" each time it appears.

STUDY

SEC. 4. The Secretary of Health, Education, and Welfare shall conduct a study to determine the legal barriers to the effective delivery of medical care under emergency conditions. The study shall include consideration of the need for a uniform conflict of laws rule prescribing the law applicable to the provision of emergency medical services to persons in the course of travels on interstate common carriers. Within twelve months of the date of the enactment of this Act, the Secretary shall report to the Congress the results of such study and recommendations for such legislation as may be necessary to overcome such barriers and provide such rule.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. ROY

Mr. ROY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROY: Page 7, insert "(i)" after "exceed" in line 21, and insert before the period at the end of line 22 the following: ", or (ii) in the case of a project for an emergency medical services system for a rural area, 75 per centum of the cost of that project (as so determined)".

Mr. ROY. Mr. Chairman, the amendment is a simple amendment.

Under the section on grants and contracts for expansion and improvement of Emergency Medical Services Systems, there is permission for grants and contracts not to exceed 50 percent in all other areas.

The amendment provides for the Secretary to go to 75 percent in rural areas.

The purpose of this is that in rural areas financial resources are frequently less and often rural areas have more to do to develop their medical services systems than urban areas.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am agreeable to the amendment.

Mr. NELSEN. Mr. Chairman, I move to strike the last word.

I just want to comment that in the hearings in our committee, two of our members were very concerned about the rural areas and the lack of assurances that an adequate effort will be made to support EMS programs in these localities.

The two gentlemen I speak of are Dr. CARTER and Dr. ROY. Both these doctors ought to know this subject. Both these gentlemen today got the idea and are going to offer an amendment. They agreed on it and are going down the road together in support of this amendment, which I believe makes this an even more acceptable bill that will do a better job.

Mr. GROSS. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, far be it from me to strike a discordant note in this love feast that is going on now with respect to this bill.

I would just like to ask the Chairman of the Committee one simple question, and that is:

How much is this bill going to cost in total?

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, the total authorization is $185 million for a 3-year period, and we hope, I will inform the gentleman from Iowa, that at the end of that time we will not have to come back.

Mr. GROSS. Did the gentleman say the figure is $185 million?

Mr. STAGGERS. The gentleman is correct. That is less than $63 million a year.

Mr. GROSS. Mr. Chairman, I will not ask the gentleman the $64 question or the $164 question, which is: Where he proposes to get the money for this new and costly program.

I will simply thank him for his response, wish the taxpayers a good afternoon and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. ROY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARTER: Page 18, line 23, strike out "15 per centum" and insert in lieu thereof "20 per centum".

Mr. CARTER. Mr. Chairman, I will be quite brief.

As it happens, 66 percent of the accidental deaths occurring in the United States occur in rural areas. The rural areas, we can see, are ill prepared at the present time to take care of these accidents, and that is one of the reasons why we have so many of these deaths.

This amendment would provide that 20 percent of the funds authorized would go to rural areas. It is just that short and simple, and I urge support of this amendment.

I am happy to have worked closely with the distinguished gentleman from Kansas (Mr. ROY) toward the development of amendments emphasizing the needs of our rural areas.

The bill itself will be helpful in supplying emergency medical care to the sick and injured throughout our country. Transportation will be afforded by means of this bill by land, air, or water to assist those who are injured or who are sick.

Funds for training physicians, doctors, dentists and allied medical professionals in emergency medical services will be supported by the Federal Government so that if seriously sick or dangerously injured an individual will receive the best in emergency medical care.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

I would like to commend the gentleman from Kentucky and the gentleman from Kansas for offering the amendments they have. I think they are really essential in order to make this a good bill. It is a good bill now, but they make it more equitable and it goes to the very heart of the problem. Dr. CARTER has said.

Sixty-six percent of accidents in these rural areas occur and they are ill prepared to handle them and need help.

This side of the committee accepts it, and I personally accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. CARTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROY

Mr. ROY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROY: Page 8, insert at the end of line 3 the following: "The Secretary shall give special consideration to applications for grants or contracts for research relating to the delivery of emergency medical services in rural areas."

Mr. ROY. Mr. Chairman, I think the amendment speaks for itself. Again this is a part of the three amendments on which I worked with the distinguished gentleman from Kentucky (Mr. CARTER).

This simply states that the Secretary is directed by the legislation to give special consideration for applications and grants for research relating to the delivery of emergency medical services, again emphasizing the rural areas.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

I might say this is a part of the agreement worked out. I think this, too, is very essential for the rural areas. I am prepared to accept the amendment, and all on this side are, too.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. ROY).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUNAGA, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 10956) Emergency Medical Services Systems Act of 1973, pursuant to House Resolution 655, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. STAGGERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 364, nays 18, not voting 52, as follows:

[Roll No. 552]

YEAS—364

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bowen
Brademas
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Devine
Dickinson
Diggs
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Pa.
Griffiths
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rangel
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robison, N.Y.
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shuster
Sikes
Skubitz
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—18

Archer
Burleson, Tex.
Collins, Tex.
Crane
Dennis
Flynt
Gross
Hutchinson
Ichord
Landgrebe
Mahon
Rarick
Robinson, Va.
Smith, N.Y.
Steiger, Ariz.
Symms
Treen
Wiggins

NOT VOTING—52

Bafalis
Blackburn
Blatnik
Bolling
Brasco
Brown, Ohio
Buchanan
Burke, Fla.
Burton
Clawson, Del
Conlan
Conyers
Derwinski
Dingell
Dorn
Gettys
Gray
Green, Oreg.
Grover
Gubser
Hansen, Wash.
Harrington
Harvey
Hastings
Hawkins
Johnson, Colo.
Ketchum
Macdonald
Mailliard
Milford
Mills, Ark.
Moorhead, Pa.
Mosher
Moss
Myers
Randall
Rees
Reid
Riegle
Rodino
Ryan
St Germain
Sandman
Saylor
Shriver
Sisk
Slack
Steele
Teague, Tex.
Van Deerlin
Waldie
Wright

So the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Moorhead of Pennsylvania.
Mr. Rodino with Mr. Ryan.
Mrs. Hansen of Washington with Mr. Waldie.
Mr. Teague of Texas with Mr. Wright.
Mr. Harrington with Mr. Shriver.
Mr. Brasco with Mr. Mailliard.
Mr. Burton with Mr. Harvey.
Mr. Macdonald with Mr. Burke of Florida.
Mr. Mills of Arkansas with Mr. Del Clawson.
Mr. Moss with Mr. Hastings.
Mr. Reid with Mr. Buchanan.
Mr. Sisk with Mr. Grover.
Mr. St Germain with Mr. Conlon.
Mr. Conyers with Mr. Rees.
Mr. Dingell with Mr. Hawkins.
Mr. Gettys with Mr. Myers.
Mr. Dorn with Mr. Bafalis.
Mr. Gray with Mr. Sandman.
Mrs. Green of Oregon with Mr. Mosher.
Mr. Randall with Mr. Blackburn.
Mr. Milford with Mr. Saylor.
Mr. Riegle with Mr. Derwinski.
Mr. Slack with Mr. Brown of Ohio.
Mr. Van Deerlin with Mr. Steele.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 655, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the Senate bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical service systems.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 2410 and to insert in lieu thereof the provisions of H.R. 10956, as passed, as amended, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Medical Services Systems Act of 1973".

EMERGENCY MEDICAL SERVICES SYSTEM

SEC. 2. (a) The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XII—EMERGENCY MEDICAL SERVICES SYSTEMS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'emergency medical services system' means a system which provides for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery in an appropriate geographical area of health care services under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations) and which is administered by a public or nonprofit private entity which has the authority and the resources to provide effective administration of the system.

"(2) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(3) The term 'modernization' means the alteration, major repair (to the extent permitted by regulations), remodeling, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

"(4) The term 'section 314(a) State health planning agency' means the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a).

"(5) The term 'section 314(b) areawide health planning agency' means a public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b), and the term 'section 314(b) plan' means a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b).

"GRANTS AND CONTRACTS FOR FEASIBILITY STUDIES AND PLANNING

"SEC. 1202. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for projects which include both (1) studying the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating an emergency medical services system, and (2) planning the establishment and operation of such a system.

"(b) If the Secretary makes a grant or enters into a contract under this section for a study and planning project respecting an emergency medical services system for a particular geographical area, the Secretary may not make any other grant or enter into any other contract under this section for such project, and he may not make a grant or enter into a contract under this section for any other study and planning project respecting an emergency medical services system for the same area or for an area which includes (in whole or substantial part) such area.

"(c) Reports of the results of any study and planning project assisted under this section shall be submitted to the Secretary and the Interagency Committee on Emergency Medical Services at such intervals as the Secretary may prescribe, and a final report of such results shall be submitted to the Secretary and such Committee not later than one year from the date the grant was made or the contract entered into, as the case may be.

"(d) An application for a grant or contract under this section shall—

"(1) demonstrate to the satisfaction of the Secretary the need of the area for which the study and planning will be done for an emergency medical services system;

"(2) contain assurances satisfactory to the Secretary that the applicant is qualified to plan an emergency medical services system for such area; and

"(3) contain assurances satisfactory to the Secretary that the planning will be conducted in cooperation (A) with each section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) such area, and (B) with any emergency medical services council or other entity responsible for review and evaluation of the provision of emergency medical services in such area.

"(e) The amount of any grant under this section shall be determined by the Secretary.

"GRANTS AND CONTRACTS FOR ESTABLISHING AND INITIAL OPERATION

"SEC. 1203. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206 (a)) for the establishment and initial operation of emergency medical services systems.

"(b) Special consideration shall be given to applications for grants and contracts for systems which will coordinate with statewide emergency medical services system.

"(c)(1) Grants and contracts under this section may be used for the modernization of facilities for emergency medical services systems and other costs of establishment and initial operation.

"(2) Each grant or contract under this section shall be made for costs of establishment and operation in the year for which the grant or contract is made. If a grant or contract is made under this section for a system, the Secretary may make one additional grant or contract for that system if he determines, after a review of the first nine months' activities of the applicant carried out under the first grant or contract, that the applicant is satisfactorily progressing in the establishment and operation of the system in accordance with the plan contained in his application (pursuant to section 1206(b)(4)) for the first grant or contract.

"(3) No grant or contract may be made under this section for the fiscal year ending June 30, 1976, to an entity which did not receive a grant or contract under this section for the preceding fiscal year.

"(4) Subject to section 1206(f)—

"(A) the amount of the first grant or contract under this section for an emergency medical services system may not exceed (i) 50 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs for such year; and

"(B) the amount of the second grant or contract under this section for a system may not exceed (i) 25 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 50 per centum of such costs for such year.

"(5) In considering applications which demonstrate exceptional need for financial assistance, the Secretary shall give special consideration to applications submitted for emergency medical services systems for rural areas (as defined in regulations of the Secretary).

"GRANTS AND CONTRACTS FOR EXPANSION AND IMPROVEMENT

"SEC. 1204. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for projects for the expansion and improvement of emergency medical services systems, including the acquisition of equipment and facilities, the modernization of facilities, and other projects to expand and improve such systems.

"(b) Subject to section 1206(f), the amount of any grant or contract under this section for a project shall not exceed (i) 50 per centum of the cost of that project (as determined pursuant to regulations of the Secretary, or (ii) in the case of a project for an emergency medical services system for a rural area, 75 per centum of the cost of that project (as so determined).

"GRANTS AND CONTRACTS FOR RESEARCH

"SEC. 1205. (a) The Secretary may make grants to public or private nonprofit entities, and enter into contracts with private entities and individuals, for the support of research in emergency medical techniques, methods, devices, and delivery. The Secretary shall give special consideration to applications for grants or contracts for research relating to the delivery of emergency medical services in rural areas.

"(b) No grant may be made or contract entered into under this section for amounts in excess of $35,000 unless the application therefor has been recommended for approval by an appropriate peer review panel designated or established by the Secretary. Any application for a grant or contract under this section shall be submitted in such form and manner, and contain such information, as the Secretary shall prescribe in regulations.

"(c) The recipient of a grant or contract under this section shall make such reports to the Secretary as the Secretary may require.

"GENERAL PROVISIONS RESPECTING GRANTS AND CONTRACTS

"SEC. 1206. (a) For purposes of sections 1202, 1203, and 1204, the term 'eligible entity' means—

"(1) a State,

"(2) a unit of general local government,

"(3) a public entity administering a compact or other regional arrangement or consortium, or

"(4) any other public entity and any nonprofit private entity.

"(b)(1) No grant or contract may be made under this title unless an application therefor has been submitted to, and approved by, the Secretary.

"(2) In considering applications submitted under this title, the Secretary shall give priority to applications submitted by the entities described in clauses (1), (2), and (3) of subsection (a).

"(3) No application for a grant or contract under section 1202 may be approved unless—

"(A) the application meets the application requirements of such section;

"(B) in the case of an application submitted by a public entity administering a compact or other regional arrangement or consortium, the compact or other regional arrangement or consortium includes each unit of general local government of each standard metropolitan statistical area (as determined by the Office of Management and Budget) located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted;

"(C) in the case of an application submitted by an entity described in clause (4) of subsection (a), such entity has provided a copy of its application to each entity described in clauses (1), (2), and (3) of such subsection which is located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted and has provided each such entity a reasonable opportunity to submit to the Secretary comments on the application;

"(D) the—

"(i) section 314(a) State health planning agency of each State in which the service area of the emergency medical services system for which the application is submitted will be located, and

"(ii) section 314(b) areawide health planning agency (if any) whose section 314(b) plan covers (in whole or in part) the service area of such system, have had not less than thirty days (measured from the date a copy of the application was submitted to the agency by the applicant) in which to comment on the application;

"(E) the applicant agrees to maintain such records and make such reports to the Secretary as the Secretary determines are necessary to carry out the provisions of this title; and

"(F) the application is submitted in such form and such manner and contains such information (including specification of applicable provisions of law or regulations which restrict the full utilization of the training and skills of health professions and allied and other health personnel in the provision of health care services in such a system) as the Secretary shall prescribe in regulations.

"(4) (A) An application for a grant or contract under section 1203 or 1204 may not be approved by the Secretary unless (i) the application meets the requirements of subparagraphs (B) through (F) of paragraph (3), and (ii) except as provided in subparagraph (B)(ii), the applicant (I) demonstrates to the satisfaction of the Secretary that the emergency medical services system for which the application is submitted will, within the period specified in subparagraph (B)(i), meet each of the emergency medical services system requirements specified in subparagraph (C), and (II) provides in the application a plan satisfactory to the Secretary for the system to meet each such requirement within such period.

"(B) (i) The period within which an emergency medical services system must meet each of the requirements specified in subparagraph (A) is the period of the grant or contract for which application is made; except that if the applicant demonstrates to the satisfaction of the Secretary the inability of the applicant's emergency medical services system to meet one or more of such requirements within such period, the period (or periods within which the system must meet such requirement (or requirements) is such period (or periods) as the Secretary may require.

"(ii) If an applicant submits an application for a grant or contract under section 1203 or 1204 and demonstrates to the satisfaction of the Secretary the inability of the system for which the application is submitted to meet one or more of the requirements specified in subparagraph (C) within any specific period of time, the demonstration and plan prerequisites prescribed by clause (ii) of subparagraph (A) shall not apply with respect to such requirement (or requirements) and the applicant shall provide in his application a plan, satisfactory to the Secretary, for achieving appropriate alternatives to such requirement (or requirements).

"(C) An emergency medical services system shall—

"(i) include an adequate number of health professions, allied health professions, and other health personnel with appropriate training and experience;

"(ii) provide for its personnel appropriate training (including clinical training) and continuing education programs which (I) are coordinated with other programs in the system's service area which provide similar training and education, and (II) emphasize recruitment and necessary training of veterans of the Armed Forces with military training and experience in health care fields and of appropriate public safety personnel in such area;

"(iii) join the personnel, facilities, and equipment of the system by a central communications system so that requests for emergency health care services will be handled by a communications facility which (I) utilizes emergency medical telephonic screening, (II) utilizes or, within such period as the Secretary prescribes will utilize, the universal emergency telephone number 911, and (III) will have direct communication connections and interconnections with the personnel, facilities, and equipment of the system and with other appropriate emergency medical services systems;

"(iv) include an adequate number of necessary ground, air, and water vehicles and other transportation facilities to meet the individual characteristics of the system's service area—

"(I) which vehicles and facilities meet appropriate standards relating to location, design, performance, and equipment, and

"(II) the operators and other personnel for which vehicles and facilities meet appropriate training and experience requirements;

"(v) include an adequate number of easily accessible emergency medical services facilities which are collectively capable of providing services on a continuous basis, which have appropriate nonduplicative and categorized capabilities, which meet appropriate standards relating to capacity, location, personnel, and equipment, and which are coordinated with other health care facilities of the system;

"(vi) provide access (including appropriate transportation) to specialized critical medical care units in the system's service area, or, if there are no such units or an inadequate number of them in such area, provide access to such units in neighboring areas if access to such units is feasible in terms of time and distance;

"(vii) provide for the effective utilization of the appropriate personnel, facilities, and equipment of each public safety agency providing emergency services in the system's service area;

"(viii) be organized in a manner that provides persons who reside in the system's service area and who have no professional training or financial interest in the provision of health care with an adequate opportunity to participate in the making of policy for the system;

"(ix) provide, without prior inquiry as to ability to pay, necessary emergency medical services to all patients requiring such services;

"(x) provide for transfer of patients to facilities and programs which offer such followup care and rehabilitation as is necessary to effect such followup care and rehabilitation as is necessary to effect the maximum recovery of the patient;

"(xi) provide for a standardized patient recordkeeping system meeting appropriate standards established by the Secretary, which records shall cover the treatment of the patient from initial entry into the system through his discharge from it, and shall be consistent with ensuing patient records used in followup care and rehabilitation of the patient;

"(xii) provide programs of public education and information in the system's service area (taking into account the needs of visitors to, as well as residents of, that area to know or be able to learn immediately the means of obtaining emergency medical services) which programs stress the general dissemination of information regarding appropriate methods of medical self-help and first-aid and regarding the availability of first-aid training programs in the area;

"(xiii) provide for (I) periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided in the system's service area, and (II) submission to the Secretary of the reports of each such review and evaluation;

"(xiv) have a plan to assure that the system will be capable of providing emergency medical services in the system's service area during mass casualties, natural disasters, or national emergencies; and

"(xv) provide for the establishment of appropriate arrangements with emergency medical services systems or similar entities serving neighboring areas for the provision of emergency medical services on a reciprocal basis where access to such services would be more appropriate and effective in terms of the services available, time, and distance.

The Secretary shall by regulations prescribe standards and criteria for the requirements prescribed by this subparagraph. In prescribing such standards and criteria, the Secretary shall consider relevant standards and criteria prescribed by other public agencies and by private organizations.

"(c) Payments under grants and contracts under this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary determines will most effectively carry out this title.

"(d) Contracts may be entered into under this title without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) No funds appropriated under any provision of this Act other than section 1207 or title VII may be used to make a new grant or contract in any fiscal year for a purpose for which a grant or contract is authorized by this title unless (1) all the funds authorized to be appropriated by section 1207 for such fiscal year have been appropriated and made available for obligation in such fiscal year, and (2) such new grant or contract is made in accordance with the requirements of this title that would be applicable to such grant or contract if it was made under this title. For purposes of this subsection the term 'new grant or contract' means a grant or contract for a program or project for which an application was first submitted after the date of the enactment of the Act which makes the first appropriations under the authorizations contained in section 1207.

"(f) (1) In determining the amount of any grant or contract under section 1203 or 1204, the Secretary shall take into consideration the amount of funds available to the applicant from Federal grant or contract programs under laws other than this Act for any activity which the applicant proposes to undertake in connection with the establishment and operation or expansion and improvement of an emergency medical services system and for which the Secretary may authorize the use of funds under a grant or contract under sections 1203 and 1204.

"(2) The Secretary may not authorize the recipient of a grant or contract under section 1203 or 1204 to use funds under such grant or contract for any training program in connection with an emergency medical services system unless the applicant filed an application (as appropriate) under title VII or VIII for a grant or contract for such program and such application was not approved or was approved but for which no or inadequate funds were made available under such title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1207. (a) (1) For the purpose of making payments pursuant to grants and contracts under sections 1202, 1203, and 1204, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 3, 1975; and for the purpose of making payments pursuant to grants and contracts under sections 1203 and 1204 for the fiscal year ending June 30, 1976, there are authorized to be appropriated $70,000,000.

"(2) Of the sums appropriated under paragraph (1) for any fiscal year, not less than 20 per centum shall be made available for grants and contracts under this title for such fiscal year for emergency medical services systems which serve or will serve rural areas (as defined in regulations of the Secretary under section 1203(c)(5)).

"(3) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1974, or the succeeding fiscal year—

"(A) 15 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1202 (relating to feasibility studies and planning) for such fiscal year;

"(B) 60 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1203 (relating to establishment and initial operation) for such fiscal year; and

"(C) 25 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1204 (relating to expansion and improvement) for such fiscal year.

"(4) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1976—

"(A) 75 per centum of such sums shall be made available only for grants and contracts under section 1203 for such fiscal year, and

"(B) 25 per centum of such sums shall be made available only for grants and contracts under section 1204 for such fiscal year.

"(b) For the purpose of making payments pursuant to grants and contracts under section 1205 (relating to research), there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, and for each of the next two fiscal years.

"ADMINISTRATION

"SEC. 1208. The Secretary shall administer the program of grants and contracts authorized by this title through an identifiable administrative unit within the Department of Health, Education, and Welfare. Such unit shall also be responsible for collecting, analyzing, cataloging, and disseminating all data useful in the development and operation of emergency medical services systems, including data derived from reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204.

"INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 1209. (a) The Secretary shall establish an Interagency Committee on Emergency Medical Services. The Committee shall evaluate the adequacy and technical soundness of all Federal programs and activities which relate to emergency medical services and provide for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and shall make recommendations to the Secretary respecting the administration of the program of grants and contracts under this title (including the making of regulations for such program).

"(b) The Secretary or his designee shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Science Foundation, the Federal Communications Commission, the National Academy of Sciences, and such other Federal agencies and offices (including appropriate agencies and offices of the Department of Health, Education, and Welfare), as the Secretary determines administer programs directly affecting the functions or responsibilities of emergency medical services systems, and (2) five individuals from the general public appointed by the President from individuals who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Chairman, but not less often than four times a year.

"(c) Each appointed member of the Committee shall be appointed for a term of four years, except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(2) of the members first appointed, two shall be appointed for a term of four years, two shall be appointed for a term of three years, and one shall be appointed for a term of one year, as designated by the President at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(d) Appointed members of the Committee shall receive for each day they are engaged in the performance of the functions of the Committee compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Security shall make available to the Committee such staff, information (including copies of reports of reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204), and other assistance as it may require to carry out its activities effectively.

"ANNUAL REPORT

"SEC. 1210. The Secretary shall prepare and submit annually to the Congress a report on the administration of this title. Each report shall include an evaluation of the adequacy of the provision of emergency medical services in the United States during the period covered by the report, and evaluation of the extent to which the needs for such services are being adequately met through assistance provided under this title, and his recommendations for such legislation as he determines is required to provide emergency medical services at a level adequate to meet such needs. The first report under this section shall be submitted not later than September 30, 1974, and shall cover the fiscal year ending June 30, 1974."

(b)(1) Section 1 of the Public Health Service Act is amended by striking out "titles I to XI" and inserting in lieu thereof "titles I to XII".

(2) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XII (as in effect prior to the date of enactment of this Act) as title XIII, and by renumbering sections 1201 through 1214 (as in effect prior to such date), and references thereto, as sections 1301 through 1314, respectively.

TRAINING ASSISTANCE

SEC. 3. (a) Part E of title VII of the Public Health Service Act is amended by inserting after section 775 the following new section:

"TRAINING IN EMERGENCY MEDICAL SERVICES

"SEC. 776. (a) The Secretary may make grants to and enter into contracts with schools of medicine, dentistry, osteopathy, and nursing, training centers for allied health professions, and other appropriate educational entities to assist in meeting the cost of training programs in the techniques and methods of providing emergency medical services (including the skills required in connection with the provision of ambulance service), especially training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act.

"(b) No grant or contract may be made or entered into under this section unless (1) the applicant is a public or nonprofit private entity, and (2) an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant or contract under this section shall be determined by the Secretary. Payments under grants and contracts under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. Grantees and contractees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974."

(b) Section 772(a) of such Act (42 U.S.C. 295f–2(a)) is amended—

(1) by striking out "or" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and

(3) by inserting after paragraph (13) the following new paragraph:

"(14) establish and operate programs in the interdisciplinary training of health personnel for the provision of emergency medical services, with particular emphasis on the establishment and operation of training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act."

(c) Section 774(a)(1)(D) of such Act (42 U.S.C. 295f–4(a)(1)(D)) is amended by inserting "(including emergency medical services" after "services" each time it appears.

STUDY

SEC. 4. The Secretary of Health, Education, and Welfare shall conduct a study to determine the legal barriers to the effective delivery of medical care under emergency conditions. The study shall include consideration of the need for a uniform conflict of laws rule prescribing the law applicable to the provision of emergency medical services to persons in the course of travels on interstate common carriers. Within twelve months of the date of the enactment of this Act, the Secretary shall report to the Congress the results of such study and recommendations for such legislation as may be necessary to overcome such barriers and provide such role.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10956) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to further request of the gentleman from West Virginia?

There was no objection.

PERSONAL EXPLANATION

Mr. RODINO. Mr. Speaker, I would like to announce that I was on important committee business and that I failed to vote on the vote which was just taken. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. RANDALL. Mr. Speaker, I unavoidably missed the vote on the bill just passed due to official business.

Had I been present, I would have voted "aye."

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tonight to file the report on H.R. 11104, to provide for a temporary increase in the public debt ceiling, along with any supplemental and/or minority views.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader the program for the remainder of the week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am happy to yield to my friend from Massachusetts.

Mr. O'NEILL. I shall be happy to respond to the gentleman's inquiry.

Mr. Speaker, the program for the House of Representatives for the week of October 29, 1973, is as follows:

Monday, there will be no legislative business. The House will be in session.

Tuesday, there will be consideration of H.R. 9456, the drug abuse education extension bill, under an open rule with 1 hour of debate.

Wednesday, there are scheduled S. 1081, the conference report on the trans-Alaskan pipeline authorization, and the bill providing for the public debt limit increase, subject to a rule being granted.

For Thursday and the balance of the week, there are scheduled the vote on the veto override of House Joint Resolution 542, the war powers resolution; and H.R. 10265, audits of the Federal Reserve Board, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced later.

I am sure Members are aware of the fact that there are many important conference committees meeting on pending legislation at the present time, and it could very well be that during the course of the week, after Monday, we will have conference reports to consider.

ADJOURNMENT OVER TO MONDAY, OCTOBER 29, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, in this mad rush to adjournment is any provision being made or is any plan being made for a recess for Thanksgiving and again for Christmas?

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. I must say that there was talk involving the leadership, in the whip organization meeting a week ago. Thanksgiving was informally discussed, and the tentative conclusion was that we would be in recess the week of Thanksgiving.

I am sure the gentleman is aware of the situation which exists around here, with the Senate majority leaders concerning the events of the last weekend. There is legislation pending before the Congress.

I am sure all Members are aware of the fact that an alert has taken place today.

The important legislation, other than that, which we had anticipated, would have been the debt limit bill, the trade bill and completion of action on the military procurement and construction authorization, as well as the bills for the defense procurement and construction appropriations, and the foreign affairs appropriations. That would have been the necessary legislation work for the year.

It is hard to estimate and it is hard to pin down any particular time when we are going to adjourn finally for the year. I would have to say that there are present plans for a week off at Thanksgiving time, with a great possibility that we would not be in on the Friday before that week and not be in on the Monday after. Those are in the formative stage. The Speaker will discuss the matter with the minority leader.

Mr. GROSS. I take it from those remarks Grandpa GROSS can be prepared to wear his Christmas uniform in Washington?

Mr. O'NEILL. I say, not seriously of course, that the gentleman would not make much of a Santa Claus.

Mr. GROSS. With considerable respect, I do not propose to be a Santa Claus.

Let me ask the gentleman, in a more serious vein, when may we expect to get the conference report on the Defense Department procurement authorization bill?

Mr. O'NEILL. I would have to say that is subject to action by the gentleman from Louisiana (Mr. HÉBERT). After having talked with the gentleman I would say we can expect it to be called up next week.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE MIDDLE EAST SITUATION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, may I say that on my way to the White House this morning, to the briefing of the leadership on both sides of the aisle for the House and the Senate, I was listening to the radio and heard that we had an alert. When I arrived at the White House this morning, the President and Mr. Kissinger gave a confidential report to the leadership as to what the conditions were in the Middle East situation at that time.

Some of the Members, particularly on my side of the aisle, have questioned me about the meeting. I have been reluctant to say anything that transpired, because I feel it was confidential.

I actually believe that the Nation at this particular time is going through a very, very serious 24 or 48 hours. I must say, after having listened to the President and after having listened to Mr. Kissinger, to my mind there is absolutely nothing political in this matter.

Mr. Speaker, I want the Members of the Congress of the United States to know that the alert is of serious consequence to our Nation. I hope that the matter which is presently before the world is settled in the U.N. within the next 24 hours.

I listened this morning to Mr. Kissinger in his briefing, and he discussed many of these matters with us. I do not want to go into these matters myself, but I do wish to address myself to the Members on my side of the aisle.

I want to say this to the Members: in time of crisis we stay together.

In my opinion, there is nothing political about what is going on now. It is really a deep and a serious matter, and it is one of great interest to this country.

PERSONAL EXPLANATION

Mr. GUBSER. Mr. Speaker, on the vote just concluded, on the consideration of the Emergency Medical Services Systems Act of 1973, I was present, I inserted my card, and voted "aye." I would like the RECORD to show that, although I was present and did vote "aye," this electronic device failed to record my vote.

PERSONAL EXPLANATION

Mr. SEIBERLING. Mr. Speaker, I missed the vote on the legislation which we enacted today, the Emergency Medical Services Systems Act of 1973, because I was unavoidably detained. Had I been present, I would have voted "aye."

A CHANCE FOR PEACE

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, the future of the Middle East is not much clearer now than it was before the new cease-fire was proposed and agreed to. On the Suez front the battle rages with each side blaming the other for the violation. In the north, Syria, showing her normal distrust for peace has not answered the proposals and Iraq has flatly rejected them. Still the prospects for temporary quiet are good by virtue of Israeli control of the military situation. The Egyptian forces on the East bank of Suez are threatened with annihilation and the Syrians have been neutralized.

If Mr. Kissinger and Mr. Brezhnev had agreed upon a settlement before the war broke out a great deal of suffering might have been avoided. The complicity of the Soviets in encouraging the fighting is clear. Nonetheless an agreement has now been reached and we must lay recriminations aside and look to the future. The terms of the cease-fire are ambiguous. They refer to an immediate implementation of the 1967 U.N. resolution. It is precisely the interpretation of the 1967 agreement that has been at issue these past 6 years. The Arabs hold that a complete Israeli withdrawal from all captured territories is a necessary prerequisite to a settlement, while Israel holds that any withdrawal can only be an element in a negotiated settlement for secure boundaries. The gulf is enormous.

But there is hope. Part of the cease-fire arrangement calls for negotiations to implement the 1967 resolution. If Egypt makes good on this promise there may at last be the direct negotiations which Israel has consistently maintained are the necessary first step towards peace. If both sides can modify their fears and their pride perhaps true progress can be made.

The Egyptians while, in the end, defeated in battle have demonstrated to themselves, to the world, and to the Israelis that they are brave men and good soldiers. Their army will not return home in the bitter disgrace which followed the 6-day war. This newfound self-confidence may enable them to deal more realistically at the conference table. The negotiations will, at best, be long and difficult and the security of Israel can in no wise be jeopardized; but the arrangement worked out with the Soviet Union does provide some hope for peace, if not for overconfidence.

All in all, I am truly gratified by the curernt policy of the U.S. Government. I only wish the administration were as rational in all its actions. In addition to achieving a cease-fire through diplomatic efforts, we have properly assured the military security of Israel. Already over $800 million worth of arms have been rushed to Israel to counter massive continuing shipments by the Russians to Syria and Egypt. The Soviet action left this country with no choice: Israel could not be left weaponless. I would also commend the administration's request for authority to provide $2.2 billion in military assistance to Israel.

In the past Israel has always paid for American arms and she will continue to do so to the extent possible. However, the enormous losses incurred in the war make it necessary to grant the President this new authority. The costs have been literally in the billions and these arms must be replaced as security needs dictate not according to an ability-to-pay timetable. The future is obscure and Israel must be safe if our hopes for peace are once again disappointed. I am confident that Congress will approve the President's request due speed.

PEANUT PROGRAM

(Mr. MATHIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATHIS of Georgia. Mr. Speaker, yesterday morning the Secretary of Agriculture, Mr. Earl Butz, proved once again that this administration could care less about the farming community in this country. In proposing the new administrative changes for the 1974 peanut program, he not only displayed disdain for the farmer but a gross lack of knowledge about the actual growing of peanuts. Rather than delving on all the proposed changes, I think the new regulation to eliminate the transfer of allotments by lease or sale epitomizes the complete irrationality of the new decisions.

This one regulation could destroy the entire peanut program in itself for the simple reason that most farmers have already leased their allotments for the 1974 crops and in many cases the money has already changed hands.

While the Department is espousing the theory that agricultural exports will decrease our balance-of-trade deficits, they are playing God with individuals whose livelihood depends on making a livable income from farming, and I challenge Mr. Butz to closely examine the individual farmers while he is manipulating them on an international level.

Spokesmen for the Department made a commitment to the members of the Agriculture Committee that before any new changes were made that they would come to the Hill and sit down with us and discuss any new changes. Based on previous actions, I guess I should not have been so naive as to have believed them.

I would only remind the Secretary that behind his demagogic colloquy, the peanut community recognized the threat to destroy the program by administrative action if Congress does not pass new legislation. This threat is not new. as the Department knows, and when and if they come to discuss these proposals they had better have more accurate information than they have been publishing. I might also suggest to the Secretary that, instead of using consultants who probably think peanuts grow on trees, that he seek the advice of some Georgia farmers who make their living growing and selling peanuts.

Let me close, Mr. Speaker, by simply stating that this administration seems committed to the idea that if it runs out of people to alienate, it should double its efforts to find somebody new. I congratulate them on being successful once again.

REESTABLISHMENT OF THE OFFICE OF THE SPECIAL PROSECUTOR

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COHEN. Mr. Speaker, during the past 5 days we have witnessed a display of national anger and concern which I believe has been seldom matched in this county's history. When on Friday evening, the President announced his compromise concerning the tapes and also instructed Mr. Cox as special prosecutor to cease and desist from further judicial efforts to secure tapes, notes and memoranda regarding the 1972 election and related events, a chain of events was set into motion which with the resignations of the Attorney General and Deputy Attorney General and the dismissal of the special prosecutor culminated in a true national crisis in confidence. The American people, whose Nation had been founded on the principles of equality and justice, suddenly felt that they could expect neither from their own Government, and they made it very clear that they would not tolerate this kind of situation.

The President's sudden decision Tuesday to submit the actual tapes to the district court and his firm statement through his counsel Charles Alan Wright that he did not consider himself above the law, was a welcome and reassuring response to the intense public reaction, and I believe it has begun to dispel the terrible suspicions that the President was trying to circumvent justice.

Hopefully, the President will go even further tonight in his efforts to reassure the American people.

Regardless of these developments, however, one fact is still evident. Though the President has a constitutional right to dismiss Archibald Cox and abolish the Office of Special Prosecutor, his doing so was a principal factor in precipitating the present crisis. The firm reassurances of Acting Attorney General Bork that the Justice Department under Henry Peterson will continue to pursue the investigations started by the special prosecutor have done little to assure the public that criminal violations not related to the tapes will be vigorously investigated. I have come to believe, therefore, that only the appointment of a new special prosecutor under the old guarantees and guidelines of independence will be really effective in restoring the confidence of the Nation. For this reason, I am today introducing a resolution on behalf of myself and Congressman John Anderson, Howard Robison, Joel Pritchard, and Ronald Sarasin which urges the President to immediately reestablish the Office of the Special Prosecutor and to appoint a new Attorney General. The resolution also provides that before the Attorney General is confirmed he is to inform the Congress of whom he will name as Special Prosecutor and pledge that he will do everything in his power to protect the independence of that individual in fulfilling the duties of the office. Finally, the resolution provides, as an extra protection, that the Special Prosecutor himself would be subject to Senate confirmation.

There are several reasons behind the offering of this resolution. First, I feel it essential that the Congress clearly states that the Justice Department should not lack congressional confirmed and publicly supported leadership during this critical period when so many questions have been raised about the Department's ability to perform its responsibilities. Second, while I personally have every confidence in the ability and dedication of Mr. Bork and Mr. Peterson in the handling of the Watergate prosecution, I also realize that many others in this country have serious doubts about the amount of independence and flexibility they can actually maintain, faced as they are with inevitable pressures from both the White House and the public. In situations such as we are now facing, it is vital that we have not only justice, but the appearance of justice as well, and in my view only the reestablishment of the Special Prosecutor's Office can achieve this effectively.

The resolution also reflects my belief that the Office of the Special Prosecutor should continue to be located in the executive branch and within the Justice Department. I am aware of the bill that has been introduced by a number of my colleagues which would provide for reestablishing the office under the protection of the judicial branch with the new special prosecutor to be appointed by the chief judge of the U.S. District Court. I feel, however, that two serious objections can be raised to this approach. For one, there is considerable doubt whether it would be considered constitutionally correct. Regardless of individual opinion on this issue, it is certain that enactment of such legislation would lead to a protracted process of Presidential vetoes and/or challenges in the courts and thus divisiveness and delay. This would be incalculably discouraging and frustrating to the Nation. Second, I believe it could prove ultimately disastrous to the basic principle of separation of powers to fuse the judicial and executive functions. Even if the chief judge disqualifies himself from the case after appointing the special prosecutor, I fear that charges could develop of collusion between the prosecutor and the presiding judge, which would forever taint the impartiality of the judicial branch, however unfounded those charges might be.

It has been maintained that recent events have proven that it is impossible to have this investigation housed in the executive branch since it is pursuing possible misconduct of high executive officials. The dismissal of Mr. Cox by the President is cited as ultimate proof. In my opinion, however, the contrary is true. While Mr. Cox admittedly had great difficulties in procuring certain materials from the White House, I believe it would be even more difficult for an individual outside the executive branch and the Justice Department to obtain that information.

Also, the placement of the Office within the Justice Department actually insulated it from the White House, principally because of the Attorney-General's public commitment that he would work to maintain the independence and impartiality of that investigation. Because of that commitment, Special Prosecutor Cox was dismissed only after both the Attorney General and Deputy Attorney General had resigned. And I believe we would all admit that those resignations were a substantial reason for the intensity of feeling that developed in this country over the President's action and for the resulting decision of the President to submit the tapes. Recognizing the effectiveness of this mechanism, I believe that it should be continued, rather than taking the office out of executive branch or setting it up, as others have proposed as an independent agency. Further, I feel that the events of the past weekend will make it even more difficult for the President to discharge the special prosecutor without evidence of extreme improprieties and without the full support of the Attorney General.

In summary, I firmly believe that the most prompt and effective method of restoring public confidence is to reestablish the Office of the Special Prosecutor under procedures and guidelines which have already been established and proven effective. I hope that my colleagues will support me in this effort. Further, it is my hope and expectation that the President will agree to the wisdom of this course of action and act promptly to appoint a new Attorney General and provide for the continuation of the Office of Special Prosecutor.

DEATH OF THE HONORABLE FRANK SMALL, JR.

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, it is my sad duty to advise the House of the death of a former Representative, the Honorable Frank Small, Jr., of Maryland.

GENERAL LEAVE

Mrs. HOLT. Mr. Speaker, I ask that all Members may have 5 legislative days in which to extend their remarks in the Record relative to the life, character, and service of the late Honorable Frank Small, Jr.

The SPEAKER pro tempore (Mr. Mazzoli). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

BRINKMANSHIP IN THE MIDEAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Maraziti) is recognized for 7 minutes.

Mr. MARAZITI. Mr. Speaker, the Mideast crisis rages with constant uncertainly. This morning's news weakens us with reports that U.S. troops are on Red alert. The cease-fire is uncertain with violations on both sides.

This is not new. History is lined with evidence that cease-fires can rarely be successsfully imposed on nations at war.

What then will be the future of the U.S. role?

We are presently supplying Israel with major items of military weapons.

To date, we have already supplied over $800 million worth of material. On Tuesday, the President requested an additional $2.2 billion of military aid for Israel.

Presently, we are supplying these items on a cash-credit basis. However, buried in the President's message is the possibility of grant assistance as well.

The legislation the Executive asks us to pass gives him the authority to release Israel from its contractual obligation to pay for those defense articles and services, leaving the burden to the American taxpayer.

I do not object to the sale of arms to Israel. What I do object to is the obscure manner in which the American taxpayer may be asked to foot the bill of a war effort in which they again do not want to become involved.

Further, American military personnel are being used to ship and unload these supplies in the war zone. The distinction between a "Loadmaster" on an Air

Force cargo plane, or a "military adviser" quickly becomes lost when American lives are lost as a result of military action.

Let us not be lulled into a false sense of security that the President could not commit troops to the fight without the express consent of Congress.

I submit for the Record copies of the Middle East Peace and Stability Act and the Gulf of Tonkin resolution as they appear in the United States Code.

Although the Middle East Peace and Stability Act was passed some 7 years prior to the Gulf of Tonkin resolution, they are strikingly similar with respect to the President's authority to use American troops in armed intervention, if in his determination such action is necessary.

I am sure there are many in Congress who voted for the Gulf of Tonkin resolution, but would not have voted for it if they knew what hindsight tells them now. Yet, we are possibly faced with the same kind of piecemeal escalation of American men, dollars, and material to the Mideast.

The presence of American military personnel in Israel resembles the embryonic stages of our presence in the tragedy of Vietnam.

Congress, may or may not be in support of Israel. However, let the issue be decided here, in Congress by the American people.

If we have learned anything from the lessons of Vietnam, it should be that Congress must make the decision. Then, at no time in the future can it be said that the people were hoodwinked by Executive action.

It is the people, through their elected representatives, who should decide whether or not we as a nation support Israel, and if so, to what extent.

Let there be no mistake. It is we, the people, who shoulder the responsibility and pay the full price of our national commitments.

Therefore I urge the support and passage of House Resolution 607, which prevents the use of American troops in the Middle East without the express consent of Congress.

Let me further say we should let the White House and the Congress take heed of the temper of the American people and act accordingly.

Mr. Speaker, the Middle East Peace and Stability Act and the Gulf of Tonkin resolution are as follows:

Chapter 24A.—Middle East Peace and Stability

Sec.
1161. Economic assistance.
1162. Military assistance; use of armed forces.
1163. United Nations Emergency Force.
1164. Report to Congress.
1165. Expiration.

SECTION 1961. ECONOMIC ASSISTANCE

The President is authorized to cooperate with and assist any nation or groups of nations in the general area of the Middle East demanding such assistance in the development of economic strength dedicated to the maintenance of national independence. Pub.L. 85–7, § 1, Mar. 9, 1957, 71 Stat. 5.

SECTION 1962. MILITARY ASSISTANCE; USE OF ARMED FORCES

The President is authorized to undertake, in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any such nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided,* That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States. Pub.L. 85–7, § 2, Mar. 9, 1957, 71 Stat. 5.

Library references: War and National Defense—46; C.J.S. War and National Defense § 61.

SECTION 1963. UNITED NATIONS EMERGENCY FORCE

The President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East, with a view to maintaining the truce in that region. Pub.L. 85–7, § 4, Mar. 9, 1957, 71 Stat. 6.

Library references: International Law—10.45; C.J.S. International Law § 17.

SECTION 1964. REPORT TO CONGRESS

The President shall wherever appropriate report to the Congress his action hereunder. Pub.L. 85–7, § 5, Mar. 9, 1957, 71 Stat. 6; Pub.L. 87–195, Pt. IV, § 705, Sept. 4, 1961, 75 Stat. 463.

Library references: United States—28; C.J.S. United States. §§ 29, 30.

HISTORICAL NOTE

First Amendment. Pub.L. 87–195 substituted "whenever appropriate" for "within the months of January and July of such year."

Repeals. Section 705 of Pub.L. 87–195, which amended this section, was repealed by section 401 of Pub.L. 87–565, Pt. IV, Aug. 1, 1962, 76 Stat. 263, except in so far as section 705 affected this section.

Legislative History: For legislative history and purpose of Pub.L. 87–195, see 1961 U.S. Code Cong. and Adm.News, p. 2472.

1965. EXPIRATION

This chapter shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress. Pub.L. 85–7, § 6, Mar. 9, 1957, 71 Stat. 6.

Library references: Statutes—172; C.J.S. Statutes §§ 307, 308.

VI. Authorization To Employ Armed Forces

MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

Pub. L. 88–408, Aug. 10, 1964, 78 Stat. 384, provided that:

"Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress."

Mr. GROSS. Will the gentleman yield?

Mr. MARAZITI. I yield to the gentleman from Iowa.

Mr. GROSS. Let me say to the gentleman that I was one of those who voted for the Gulf of Tonkin resolution, under the persuasion of presenting a unified front.

It is a vote that I will regret for the rest of my life.

I want to commend the gentleman for an excellent statement, and I thank the gentleman for yielding.

Mr. MARAZITI. Mr. Speaker, I thank the gentleman. Let me say, Mr. Speaker, that I was present when the gentleman from Iowa made a statement several months ago, and for that statement I will respect the gentleman for the length of my life.

IMPEACHMENT

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. Williams) is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Speaker, President Nixon had promised Congress and the American people a full and complete investigation into the Watergate incident and its subsequent coverup. To accomplish this he appointed Elliot Richardson as Attorney General and William Ruckelshaus as Deputy Attorney General and Richardson appointed Archibald Cox as the Watergate special prosecutor. Repeatedly, the President expressed his complete confidence in the integrity and character of these men and assured them of complete independence in their investigation.

The President was ordered by the U.S. Court of Appeals to furnish Federal Judge Sirica with nine specific tapes which Watergate Special Prosecutor Cox had requested. The President attempted to offer a compromise but Cox rejected the offer. The President then ordered Richardson to discharge Cox but Richardson resigned rather than do so. When Ruckelshaus refused to fire Cox, his resignation was also accepted. This made the third man, Robert Bork, the Acting Attorney General, and he did fire Cox.

These resignations and firing represent a 180-degree turn in the President's commitment to the Congress and the American people. The President's actions during the weekend of October 19 turned many American people against him. When the House reconvened on October 23, a number of impeachment resolutions were offered by many Congressmen. I indicated my willingness to participate in the debate of possible impeachment proceedings but I made it clear that I would oppose all impeachment efforts until the House and Senate had confirmed GERALD FORD as Vice President. I know, from working closely with FORD for 7 years, that he is an outstanding leader.

Yet, during the afternoon of October 23, 1973, Nixon announced that he would surrender the nine tapes to Judge Sirica. This is exactly what the President could have done a week earlier, thereby avoiding the loss of confidence of many American people and avoiding the resignations and the firing. The releasing of the tapes does decrease the possibility of impeachment as it removes the possibility of the President being held in contempt of court. The investigation of Watergate, which was a product of the Committee To Reelect the President and which had absolutely no connection with the Republican Party, must be completed in a thorough and impartial manner.

WAR IN THE MIDDLE EAST

On the holiest day of the Jewish year, Yom Kippur, the Day of Atonement, Arab armies from Egypt and Syria made a sneak attack on Israel to open a new Mideast war. The Israeli Armed Forces have withstood the onslaught and have advanced into Syria and Egypt, but have suffered frightening losses. The Soviet Communists had given the Arab allies military equipment more sophisticated than that given the North Vietnamese to use against us. Three days after the fighting began, the Soviets started an airlift of military supplies for the Arabs. This airlift grew to massive proportions, yet Soviet Prime Minister Kosygin arrived in Cairo around October 16 to arrange a cease-fire with Egypt, Syria, and Israel.

The Arab intent was clearly the annihilation of the state of Israel. The United States began to supply Israel with replacement aircraft and established an American airlift in an effort to resupply the Israelis.

A cease-fire was agreed upon and supported by Russia and the United States. The cease-fire was broken but will undoubtedly be reestablished. The President has asked Congress to authorize assistance of $2.2 billion for Israel because the magnitude of the current conflict has far exceeded Israel's economic capacity to continue with cash and credit purchases. I am ready to support this appropriation, but I would not support the commitment of American forces in the Mid-East since the Israelis are capable of defending themselves.

I joined in a telegram to President Nixon concerning the cease-fire which said in part:

> When the cease-fire does come, the United States must use all of its resources to get Egypt, Syria and Jordan to agree to direct negotiations with Israel.

SOCIAL SECURITY INCREASE

I have requested the acting chairman of the House Ways and Means Committee to accept a 7-percent increase in social security benefits to take effect January 1, 1974, rather than the 5.9 percent increase which was supposed to go into effect June 1, 1974. The Senate Finance Committee has already added this proposal to H.R. 3153, previously passed by the House, which makes technical amendments to the supplemental security income program. All the House conferees on H.R. 3153 have to do to put this increased benefit into effect on January 1, 1974, is accept the Senate provision during the conference.

My action is in response to the spiraling increases in the cost of living which have severely hurt 30 million Americans who live on fixed incomes from their social security benefits. Inflation has seriously eroded the value of the dollar. Food prices have soared 20 percent in this year alone, and food accounts for 27 percent of the average older American's budget. The September wholesale price index showed a slight decrease indicating that inflation in the United States has started to level out.

The estimated cost of a 7-percent increase in January would be $1.6 billion in the current fiscal year. This would raise the average benefit to an older couple to just under $300 per month. We must act now to provide our senior citizens a sufficient income so that they can live in dignity. Anything less than this 7-percent increase would clearly be too little and too late.

OUR FEDERAL BUDGET

In fiscal year 1973 the Democratic-controlled Congress ran up a budget deficit of $14.4 billion. On October 18, Treasury Secretary George Shultz testified before the House Ways and Means Committee that in this fiscal year, fiscal year 1974, the President's budget requests will lead to a balanced budget at a spending level of $270 billion. However, there are 19 standing legislative committees in the House, all Democratic controlled, and all authorizing expenditures.

For this reason, I am working to win consideration of my bill to control expenditures. Earlier this year I again cosponsored legislation to establish a Joint Congressional Committee on the Budget, which would establish a spending ceiling, make certain that Federal revenues would cover this ceiling and then make certain that spending was kept within the ceiling. Our annual interest payment on the money we owe will be approximately $40 billion in this fiscal year. Even though the budget shows that we owe $462 billion, we have also borrowed from our numerous trust funds, such as $55 billion from the social security trust fund and $7 billion from the highway trust fund, and these are not included in the $462 billion figure.

URBAN MASS TRANSPORTATION ACT

On October 3, 1973, with my help, the House passed the Urban Mass Transportation Act, H.R. 6452. This bill extends the Urban Mass Transportation Act of 1964 by authorizing $400 million over the next 2 fiscal years for operating subsidies for urban mass transit, and increases the portion of capital cost funded by Federal grants.

This year alone Federal capital improvement grants for mass transit will reach $870 million, from funds authorized under the Federal Highway Aid Act of 1973, S. 502, which was passed with my help in April 1973. These grants are necessary since various links of the Interstate System running through centers of urban areas have drawn people away from mass transit and into their automobiles. S. 502 includes half fare for the elderly and the handicapped.

Mass transit must be improved in order to avoid choking our metropolitan areas with automobiles and diminish air pollution. With the capital improvement grants authorized by S. 502, and with operating subsidies to keep mass transit lines in operation until they can be improved, every metropolitan area should be able to take advantage of these two programs.

I will continue to support Federal subsidies to urban mass transit systems until they can make the necessary improvements. Then the operating subsidy should be used only long enough to attract people to use the mass transit systems. Once this happens, I am confident that additional Federal subsidy will not be necessary as urban mass transit systems become self-supporting. In fact, Red Arrow operated at a profit until it was taken over by SEPTA.

TODAY'S COLLEGE-BOUND VETERAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 15 minutes.

Mr. WALSH. Mr. Speaker, today's college-bound veteran is faced with an extremely difficult problem. Often, the college of his choice is an expensive one in terms of both tuition and living costs.

The single veteran receives less than $2,000 for the expenses he incurs at an institution of higher learning. More often than not, this barely covers the cost of living, let alone tuition.

Studies show that the average cost of tuition across the country in public institutions for a school year is $419. Some 40 percent of all veterans pay more than this amount, leaving less than $1,500 for living expenses.

I am, today, introducing legislation which will help alleviate this situation and assist in permitting our veterans a wider choice of a college or university, and make it possible for him to make ends meet at the same time.

My proposal is simple: Pay the veteran, in addition to his regular educational benefits, any tuition cost for the school year that exceeds $419. No payment, however, would exceed $600. In other words, the veteran would receive the difference between $419 and his actual tuition cost, but not more than $600.

Mr. Speaker, the cost of education, like everything else today, is spiraling upward. The unemployment rate for veterans is inordinately high, but a proper education will help alleviate this. But only if the veteran can áfford to attend a college he chooses.

The veteran has made a major contribution to his country. He has risked his life for low pay over a period of years. The benefits he receives following separation from the service were earned many times over. They are well deserved.

Recent studies have shown that veterans who must pay more than the national average are receiving benefits that are less generous than their World War II counterparts. With cost of living increases and spiraling tuition rates, the disparity becomes more pronounced as time goes forward.

A recent Washington Post editorial backing my proposal said it was a step "clearly in the right direction." The editorial also pointed out the disparities between World War II and current GI bill benefits.

Mr. Speaker, I feel this proposal is the very least we can do for those who have served well and want very much to make a worthwhile contribution to a better way of life for this great Nation. Many of my colleagues have already indicated support for this measure and I urge the entire membership of the House to push for the speedy enactment of this legislation.

A TRIBUTE TO SPEAKER ALBERT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. McSpadden) is recognized for 5 minutes.

Mr. McSPADDEN. Mr. Speaker, I rise today to point out that, after this period of domestic agony has passed, and it will pass, and this Republic, comprised of the 50 United States, survive, as it shall survive, history will record the part one man played in saving this Republic.

History will record that, had this man been less trained, less talented, less intelligent, less experienced, or less regarded by his colleagues and the other two branches of the Federal Government: I respectfully submit that had this man been more power hüngry, or had his own personal regard placed in a tier of values well below his love, devotion and concern for our Nation and its people, the year 1973 would be written as the year of the greatest civil discord since 1865.

President Andrew Johnson was the only President of the 37 who faced impeachment trial. The impeachment of the President, over a century ago, failed by the vote of one man, Senator Edmund G. Ross of Kansas. That one vote, one vote less than the two-thirds required, preserved the integrity of the Presidency, and the separation of powers, the very keystone of our democracy. The question is relevant then as it is now. Mr. Speaker, I would submit that the person to whom I refer will take a like spot in our Nation's history.

Had my longtime friend and colleague, the Congressman from the Third District of Oklahoma not been encouraged as he strived for an elementary education at Bug Tussle, had he not been nurtured and trained at McAlester High School and the University of Oklahoma, where he was described by the president of that great university as the most excellent student in its existence, history might have been changed.

Had he not combined great drive for excellency at Oxford University as a Rhodes scholar, all of whom must be all-around men of high character and superior scholarship; had he not served his country honorably and well during World War II and been elected to the 80th Congress, history might have been changed.

Mr. Speaker, I submit that if the little giant from Little Dixie had not served the people of his district with diligence and ability so as to be reelected to each successive Congress and had he not risen to more and more positions of responsibility and leadership within the Congress, history might have been changed.

The wisdom, leadership, judgment, and practical application of what we at home call "Oklahoma horse sense" of the honorable Carl Albert has been clearly demonstrated over the years, the past few days, and more specifically, since that day when the Nation found itself without a Vice President. As Speaker of the House, he, under the Constitution, was a heartbeat from the highest office in the land; a position I am sure he did not cherish and one I do not envy.

The historians, some day will record much of "today" as history and I would submit, Mr. Speaker, had the Speaker of the House of Representatives been a person other than Carl Albert, the history they will record could have been far from the history they will record. His leadership after the events of this past weekend has had an everlasting action on the pages of history.

In closing, Mr. Speaker, I would submit that this country, this great, viable, thriving, struggling, still young, and growing Nation, and future generations, owe a great debt of gratitude, unrepayable, to Carl Albert for being the man he has become.

CONGRESSMAN JIM WRIGHT SPEAKS ON HOUSING CRISIS IN UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, as a member of the Housing Subcommittee I have been decrying the plight of the many Americans who find that they can no longer afford to purchase a home. I would like to take this opportunity to insert in the Record a most perceptive speech made on this subject by my most distinguished colleague, the Honorable Jim Wright, when he spoke to the Texas Association of Home Builders in Fort Worth last week.

How To Get the Housing Program Off the Ground—And Prices Back to Earth

(Remarks of Congressman Jim Wright)

Last Saturday, October 13—one week ago today—marked the 160th anniversary of the laying of the cornerstone for the White House . . . a memorable occasion in the history of our nation.

Thirty-one days ago, President Nixon submitted to the Congress a message on housing.

My personal conviction is that we are fortunate to have already built the White House. If we had to start from scratch today, it would be infinitely more difficult!

If that seems glib and facetious, I don't really intend it to be. Those of you who know me are probably aware that I am not in the habit of summarily condemning an idea, message, or plan, merely because I disagree with a portion of it.

Nor do I propose to do so with the President's analysis of our current housing needs. There are several features of his message which warrant early and favorable response.

My overall reaction, however, is one of disappointment, for the President suggested nothing really new—certainly nothing which will quickly and effectively ease the increasing dilemma of trying to provide homes for America's families at prices they can afford.

There is nothing inherently wrong with the basic Housing Programs we presently have on the books, despite suggestions to the contrary. The failure of recent years has not been with the law, but with its implementation.

In 1934 a concerned Congress revitalized the theretofore piratical mortgage market by introducing the federally guaranteed amortized mortgage, requiring only small down payments and permitting up to 30 or 40 years for complete maturity. Regulated low interest rates made it possible for people to buy homes they could afford.

There was a lot of resistance to that proposition originally, but the proof of the pudding is in the eating. The conventional mortgage market soon fell in line with virtually the same type of financing, and everyone found that it worked.

In just one generation, it literally transformed this country from a nation of renters into a nation of home-owners. In 1934, only about 30% of the American people could ever really hope to own the houses they lived in. By the late 1950's, 70% were buying homes.

I mention this recent history because there are younger people here tonight who may not know that, at one time, the average first mortgage on a home ran 5–8 years. And required down payments were so high that a second mortgage business flourished throughout the country, making 30–40% of the required down payments available.

That's what prompted all those old melodramas depicting a heartless lender with a high hat and long moustache leering at the widow and suggesting things more dire than foreclosure.

In 1937, because Congress recognized that there was no way the building industry could house the itinerant or the truly poor, the

Housing Act of that year paved the way for Public Housing.

There arose a great furor against that law, too, and there still is a lot of objection to it.

"Why," the question goes, "should we who pay taxes help house those who don't?"

There are many answers to that question. Fundamentally, the answer is this:

Shelter is one of the three necessities of life. A humane people will no more condemn some of its members to suffer inadequate shelter than it would will them to go without sufficient food or clothing.

In a nation as wealthy as ours, every family should be entitled to certain minimum privileges, including a decent palce to live.

Pride in one's family surroundings is the starting place of good citizenship. Slums breed not only crime, but despair, alienation, and hostility toward society itself.

There are mothers in Washington, D.C. who stuff cotton in their children's ears at night to keep out cockroaches—and this environment is not exactly a seed bed for constructive citizenship.

It costs the average taxpayer something like $5 a year for the Housing Subsidy program, to provide decent shelter for this unfortunate segment of our own people.

You and I probably spent that much on this meal tonight.

Now those two laws, with subsequent amendments, are the only ones which control the financing and construction of American housing. They have remained on the books all these years and have made possible all the good things Mr. Nixon enumerated in his message. Permit me to quote briefly from the first page of that document. The President said:

"The housing record of recent decades should be a source of pride for all Americans. For example, the proportion of our people who live in substandard housing dropped from 43% in 1940 to only 7% in 1970. During the same period, the proportion of Americans living in houses with more than one person per room dropped from 20% to 8% and the proportion of our housing considered dilapidated fell from over 18% to less than 5%."

One vital point which the President neglected to mention—and perhaps did not think about—is that, during most of these years of dramatic progress, the cost of housing—while increasing—was consuming a steadily decreasing percentage of the average family's income. That's why homebuilding flourished, and why the industry prospered.

And that fact, when you get right down to it, is the basic reason for the decline in new home starts.

Closely related—at the very heart of the matter—is the fact that those very solid accomplishments of the nation and of the homebuilding industry to which the President called attention were chalked up during a 30 year period in which the average interest rate on home loans was between 5 and 6%.

This year we have seen the emergence of 10% loans—and a substantial decline in housing activity.

In my opinion, the principal deficiency of present administration policy is its failure to come to grips with the one truly profound illness affecting the housing market today—the cost of money.

In many markets, the young family trying to buy a $25,000 home—certainly not a mansion by present standards—must agree to pay over the period of amortization approximately $75,000.

You and I know that they simply cannot afford it, And an increasing number of *them* know it.

To expect them to pay three times the value of the property—simply for the privilege of borrowing—is, in a word, unconscionable.

The President recommended that we get all "anachronistic" usury laws raised where they exist and have Congress knock the roof off insured home loan interest rates. To a large degree, this has been done.

As a temporary alleviant, this should get more money available for home loans in the short range future. But for the long run, it can only be historically retrogressive, socially repressive and counter-productive.

The biggest single obstacle to new housing is the upward spiral of the interest rate, which has risen almost 65% just since the beginning of this year.

A like rise in the cost of almost any other vital necessity would have caused riots in the streets.

The approach by the Administration to this problem is not unlike that of a hopeless City Council deciding that, since they cannot afford the cost of eliminating crime, perhaps they ought to legalize crime.

I submit that it does no good simply to make it easier for people to get into debt if in the process we make it almost impossible for them ever to get out of debt.

It seems to me that what is really needed throughout the entire economy—and the only thing that will provide any lasting relief to our housing problems—would be a concerted plan, administered across the board by every agency of government, to bring about a gradual and systematic reduction in interest rates at the pace of approximately one-half of a percentage point every six months until the prime rate returns to six percent or less.

There are numerous palliatives that can provide some measure of help. For one thing, we recently increased the money for forest development roads in the highway bill to increase the supply of lumber. For another, Congress is attempting to curb the massive deportation of logs to Japan which has decreased the domstic supplies and increased prices.

The President has made several suggestions to increase the supply of housing money: tax credits, forward commitments, cash payments to low income tenants. Each of these may help to some degree, but none of them is especially new.

We've had Sections 235 and 236 to help house the low and modest income families. We've seen a measure of success in Section 23 which provides Leased Housing.

Each of these programs was decent and humane in concept. Each has suffered in some degree from greed on the one hand and poor management on the other.

All of us have heard the horror stories about tenants and occupants—even owners—who abuse, mutilate, demolish and ultimately abandon some of these projects which our tax dollars have made possible. I have seen a few such examples. They don't do much for your faith in human nature.

Fortunately, they represent an almost miniscule percentage of the whole. But they get wide publicity. And they leave the taxpayer understandably outraged.

Fortunately, most Americans—when given a chance—will rise to the occasion. And that is what has made the nation great.

There is one experimental program which never has really gotten off the ground because it has never received a very high planning priority, but it in my opinion contains the greatest potential promise of all for America's low income families.

This is the low rent program which allows a family to qualify for eventual ownership by its own demonstration of responsible occupancy. If all payments are duly met and the property truly well maintained for a period of two or three years, the family is allowed to convert the rent it already has paid into a downpayment, convert future monthly payments into amortization and equity and ultimately to own the unit.

I don't know much about homebuilding. But I think I know something about the public. And this is the kind of subsidized housing the public will willingly support.

If I were the President—or the Secretary of HUD—this is the kind of program I'd be pushing with all the strength of that office.

For the rest of it . . .

Rather than an abandonment of existihg laws, even if only in name, what the nation needs is more money for housing at rates people can afford.

Here, for what its's worth, is a thought:

Why couldn't some new source of mortgage money be devised which would permit the very people who keep the mills and the factories running—the "middle Americans" who work and pay taxes and send kids to school and try to set aside a modicum of security for old age—to enjoy a home in peace rather than in anger and frustration?

Why could it not be arranged that all American business—foreign and domestic—be required to divert a very small portion of their overall profits to a centralized mortgage fund?

Such a diversion would not exactly constitute a tax, because a return would be made on it.

Suppose that the amount of the profit for a given corporation, be it computed at 1% or 1/10%, were channeled through some agency to a local bank or savings and loan at a charge of say 3%. Possibly a mortgage could be made at 6%.

Now it is true that a car manufacturer, for example, might not enjoy on that diversion the interest he could otherwise make; but, on the other hand, it might make it possible for a lot of mortgagors to keep trading for that manufacturer's cars for the life of their mortgages.

I am neither a sage, an Olympian prophet, nor an accountant. I'm not even certain that what I've just suggested makes economic sense. But it is, at least, an idea.

I do know this:

That a homeowner is a taxpayer, a contributor, a citizen with a vested stake in the future of this country;

That the expansion of home ownership produces the best possible base for national stability;

That a nation of homeowners is a nation best equipped to survive the vicissitudes of economic and social upheaval;

That a decent home for every American at a price he can afford is a dream worth pursuing and a goal not impossible of fulfillment;

And that American capitalism has introduced something entirely new in the history of mankind—the very real possibility of the humblest citizen's becoming a capitalist himself, owning a piece of property however modest, and getting at least a piece of the action. That, to me, is what America is all about.

You as homebuilders have a stake in all of this, and an indispensable role to perform in bringing it to pass.

INTERNATIONAL MONETARY REFORM AND FLOATING RATES: WHY NOT LEAVE WELL ENOUGH ALONE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, August 15, 1971, was one of the better days in American economic history.

The administration, finally realizing that self-imposed stagnation in the domestic economy was not the way to fight inflation, ordered across-the-board price-wage controls. Realizing also that it was the fixed exchange rates of Bretton Woods which had produced the international crisis of the dollar, the administration closed the gold window, and permitted the dollar to float.

Both actions—the freeze and the float—worked excellently well.

Inflation was held under control during phase I and phase II. Then, last January, the administration abandoned effective price controls, and the indexes shot upward. We still have not gotten control of inflation.

This retrogression on the domestic front is now being duplicated on the international front. The world's money masters at Nairobi last month resolved to sink the float and to go back to "stable but adjustable" rates—the very system which got us into trouble in the first place.

WHY THE WORLD FLOATED

After a 4-month float for the dollar, exchange rates were fixed again at the Smithsonian Institution in December 1971.

The Smithsonian agreement, however, proved not to be durable, and began to fray in the summer of 1972. It was finally abandoned in February 1973, when massive international flows of liquid capital exceeded the willingness of central bankers to defend the Smithsonian rates. Another realinement was proposed in February 1973. But by the end of the month this schedule of exchange rates had also proved untenable. After being closed for a period, exchange markets were reopened in March. A number of major currencies, including the U.S. dollar and the Japanese yen, were allowed to float. A group of European nations decided to attempt a joint float of their currencies against the rest of the world.

Prior to the institution of the float in March 1973, there had been widespread calls for international monetary reform. Our congressional Joint Subcommittee on International Economics repeatedly joined in that call for reform.

We had seen the old Bretton Woods system of "fixed but adjustable" exchange rates bring about crisis after crisis. All through the 1960's, the dollar had progressively become more overvalued. The United States was able to over-import from abroad, over-invest abroad, over-travel abroad, and over-militarize abroad. Foreign countries were able vastly to increase their imports to this country.

But we finally began to realize that our over-valued dollar had caused us to run into short-term debt overseas to the tune of around $100 billion. And our trading partners suddenly realized that they were working like dogs in order to give Americans discount prices. Fixed rates were the cause of these miseries.

THE COMMITTEE OF 20 BEGINS

The demand for reform finally bore fruit. In July 1972, the IMF established the Committee of 20, representing all its members, to negotiate the reform of the international monetary system. Chief on the list of reforms was to move away from the Bretton Woods system of "stable but adjustable" rates.

Then, right in the midst of the Committee of 20's deliberations, came the involuntary float of March 1973. De facto, and in contravention of the spirit and letter of Bretton Woods, the international monetary system had reformed itself. To be sure, a little tidying up might be necessary. Perhaps the language of Bretton Woods should be altered to conform to the post-March 1973, float. And some sort of agreed rule for when nations might intervene to affect the exchange rate of their currencies should be adopted.

But the Committee of 20, and the world's monetary authorities, with a momentum all their own, have for the last 7 months kept drawing up detailed plans for "reform", with all the passion for mechanical perfection of the drafters of the Weimar Constitution.

Meanwhile, the reformed international monetary system has been performing rather well.

While the 7 months since last March have not provided a sufficiently long period from which to draw definitive conclusions about the success of floating exchange rates, they come off well when we consider the relevant questions: First, have floating exchange rates weathered the political and economic storms of recent months? Second, have world trade and world investment prospered under floating exchange rates?

The answer to both questions is yes.

WEATHERING THE STORM

Exchange markets were calm, and day-to-day changes in rates small, until May, when the potential economic implications of the Watergate and the possibility of a prolonged impeachment battle shook confidence in the dollar, and when the true dimensions of the rate of inflation in the United States came to be recognized worldwide. Naturally, the value of the dollar began to slip, and did not stop falling on the exchanges until, by July, it had tumbled a significant amount.

Was this reaction irrational, and are the central bankers and finance ministers who denigrate floating rates wise prophets of economic events in whom we can confidently trust? I believe that the market's reaction was rational. Its post-July recovery is due not so much to central bank intervention in New York and overseas, but rather to the strengthening U.S. trade balance, to a seemingly decreased likelihood for a time that the President would be impeached, to a lifting of our embargo on exports of soybean and protein feeds, to a rising trend of U.S. interest rates, and to a simultaneous decline of German interest rates.

Thus, if exchange rates have fluctuated in the period since May 1973, it is only because underlying economic and political forces have fluctuated. Events that could have caused severe crises under "fixed but adjustable" rates were readily digested.

EXPANDING TRADE AND INVESTMENT

Now let us ask how well floating rates have served the goals of international economics—expanding international trade and investment?

As the Governor of Italy's central bank, Guido Carli, noted in his Nairobi speech, notwithstanding the difficulties arising from exchange rate flexibility, "world trade has continued to expand at a record rate."

The latest IMF annual report notes that, due to reduced economic growth rates in several major industrial countries, including the United States, total world trade grew in 1971 at a rate of 5.7 percent, as contrasted with the annual average for 1960 through 1970 of 8.3 percent. But in 1972 the growth rate of world trade returned to 8.2 percent, virtually the same as the long-term trend. In 1973, when the most serious adverse effects from closed exchange markets and the horror of fluctuating rates might have been anticipated, the IMF annual report says:

> Imports into the industrial countries as a group continued to accelerate in the first several months of 1973, notwithstanding the fact that this was a period of marked deceleration . . . in the growth of imports into the largest importing country, the United States. In volume terms, world trade the first half of 1973 is estimated to have been about 12 percent higher than in the same period of 1972.

In other words, during the first half of 1973, world trade expanded at an annual rate that had not been equalled since 1968.

What about investments?

U.S. direct investment abroad expanded substantially during the first half of 1973. In fact, the total for the first half exceeded that for all of 1972. Probably U.S. direct investment overseas was reflecting increased domestic corporate earnings, and brisk rates of economic expansion abroad, and had not yet fully taken into account the impact of exchange rate changes.

More interestingly, however, foreign direct investment in the United States during the first half of 1973 also exceeded the totals for all of 1972. During the second quarter of this year, foreign direct investment in the United States recorded the largest quarterly inflow since the first 3 months of 1970. Moreover, foreigners made net sales of U.S. equities this year only in the month of May. Thus the decline in the dollar under fluctuating exchange rates hardly seems to have had the expected result of frightening foreigners away from investment in the United States.

WE CANNOT STAND SUCCESS

Thus, floating rates have survived the tempests. They have lubricated a great expansion of world trade and investment.

And for their success, they are about to be abandoned by the world's money doctors.

At this year's IMF meeting in Nairobi, the Chairman and Vice Chairman of the Committee of 20 presented their first outline of reform. This outline reflects their view on the stage reached in the committee's discussions; it does not carry the formal endorsement of the committee. The outline states:

> The exchange rate mechanism will remain based on stable but adjustable par values, and countries should not make inappropriate par value changes . . . Countries may adopt floating rates in particular situations, subject to Fund authorization, surveillance, and review.

BACK TO METHUSELAH

What does the phrase "stable but adjustable par values" mean? From the discussions and speeches I heard at Nairobi, it means nothing less than a return to fixed exchange rates:

The new managing director of the International Monetary Fund, H. Johannes Witteveen, set the tone for the attack on floating rates:

> We may draw some lessons from our recent experience with floating exchange rates. The experience has shown that, while the rigidity of rates in the old system must be avoided, free-floating offers no panacea for the problems confronting us in the exchange field. Understandably, exchange rates do not always take sufficient account of the lags involved in the effects of exchange rate adjustments on international trade. As the initial effects of changes in rates will usually be small, or even perverse, such changes cannot immediately restore an equilibrium position. Markets may become disappointed with the apparent failure of the balance of payments to adjust, and as a result, may allow currencies to appreciate or depreciate beyond the point needed to achieve equilibrium in the medium term. Also, as we have recently seen, market psychology can be sharply affected by a variety of special and temporary influences, both economic and non-economic.
>
> Freely floating rates cannot, therefore, be relied upon to reflect underlying payments trends and thus to achieve appropriate currency relationships. . . .
>
> Recent experience has shown the advisability of using intervention to prevent disorderly market conditions and excessive deviation from exchange rates considered to be appropriate in the medium term. For this reason, I welcome the resumption of intervention by central banks since July. I hope this will prove to be a first step in a gradual move toward a situation in which intervention is more widely used to stabilize exchange rates and to support an appropriate and internationally agreed set of currency values.

POOR-MOUTHING THE FLOAT

Similarly, the French Minister of Economy and Finance, Valery Giscard D'Estaing, said:

> The only good thing one can say about present practices is that they are providing their own proof that they do not work. Currency floats do not contain inflation, nor do they ensure correct market rates. This has been demonstrated beyond a shadow of a doubt . . . The idea of fixed and adjustable par values now appears to have gained wide acceptance . . . But it is also necessary that currency floats be authorized only on an exceptional and temporary basis.

The Belgian Deputy Prime Minister and Minister of Finance, Willy de Clerq, said:

> If the right to float were to be generally recognized in the new system without any limitation being applied, as regards either duration or the nature of the exceptional circumstances deemed to warrant it the very principle of "fixed but adjustable exchange rates" would become devoid of meaning. . . . Floating exchange rates seem to us to be a very poor reflection of the fundamental equilibria . . . The same applies in the case of over-frequent parity changes.

The Netherlands Minister of Finance, W. F. Duisenberg, said:

> We are, I believe, entitled to draw the conclusion that the exchange market alone isn't capable of establishing an orderly system of exchange rates. The market stands in need of clear guidelines if it is to achieve this goal; official intervention to keep exchange rates within agreed margins is essential. . . . The dangers inherent in the present world monetary situation make it necessary for an agreement to be reached speedily on a system of fixed exchange rates which can be adjusted in good time.

Our own Secretary of the Treasury, George Shultz, said:

> There is full acceptance of the idea that the center of gravity of the exchange rate system will be a regime of "stable but adjustable par values," with adequately wide margins and with floating "in particular situations". . . . It would be a fundamental error to mistake the present arrangments for monetary reform.

In Nairobi, four explicit criticisms were leveled against the fluctuating exchange rate regime: First—private parties dealing in exchange markets were asserted to have a short-range view, to overlook medium and long-run fundamental economic trends, and therefore, to cause excessive short-term fluctuations in exchange rates. Second—floating exchange rates were claimed to be subject to large fluctuations induced by massive speculative international transfers of liquid assets. Third—floating exchange rates were said to be unable to contain inflation, or to prevent the transfer of inflationary pressures from one country to another. Fourth—floating rates would prompt countries to resort to competitive devaluations during periods of high domestic unemployment.

I shall address these criticisms in turn.

IS THE MARKET SHORTSIGHTED?

Is the economic outlook of private exchange dealers and international traders and investors more shortsighted than that of monetary officials, and can the officials determine appropriate exchange rates more accurately than private parties? If the dollar fell to unreasonably low levels during the period from mid-May through the third week of July and consequently became undervalued, a self-correcting recovery has since set in.

The decline resulted largely from the daily revelations of the Watergate hearings, from rampant inflation in the United States, and from the absence of proper harmonization between United States and German monetary policies.

Could monetary officials confidently assert in May and June that political uncertainties in the United States would be resolved, and that the economic consequences of these uncertainties would be trivial?

The ultimate outcome of this investigation, and its economic consequences, are still in doubt. Only through the most gratuitous type of Monday-morning quarterbacking can monetary officials assert that they had a deeper understanding of political events in the United States than did the exchange dealers.

I am not asserting that monetary authorities should be prohibited from intervening in exchange markets, or that such intervention is invariably harmful. On the contrary, at times, most recently in July, central bank intervention was beneficial to help make a market for the dollar and to strengthen the confidence of those exchange dealers who were willing to take positions in dollars. After all, one cannot expect exchange dealers, traders, and investors to adapt overnight to a fluctuating exchange rate regime after fixed parities had been the norm from 1958 to 1971.

What I do challenge is the assertion that monetary authorities have a more accurate view than the market of what are appropriate exchange rates in the light of fundamental economic trends. After all, it was the monetary authorities who brought us the disequilibria of the 1960's and early 1970's, the abortive Smithsonian agreement, and the short-lived February 1973 realinement. Their past record has not been such as to give one confidence in their omniscience, or to continue them as the arbiters of the exchange rate structure.

THE IMPACT OF SPECULATIVE CAPITAL FLOWS

The second criticism of fluctuating exchange rates was that they change in response to large international transfers of liquid assets, frequently referred to loosely as speculative capital flows. The observation is certainly correct that under a regime of floating rates, the actual prices at which currencies trade in exchange markets are affected by international asset transfers, and that these rates, having been altered, have an impact on the magnitude and pattern of international trade and investment.

The only way to prevent large capital flows from having an impact on exchange rates is either to impose controls in an attempt to stifle the flows, or to counter them through official intervention in exchange markets. Controls have been shown to be ineffective when the incentives promoting international asset transfers are strong.

Similarly, the amount of official intervention needed to counter large flows has frequently been in excess of the resources that monetary institutions—for a variety of reasons—have been willing to commit to this purpose. When the dollar has been under pressure, sometimes foreign central banks have not been willing to increase their dollar reserves by the amounts that would be required to override the capital inflows. In addition, large increases in a country's reserves over a short period tend to expand its domestic monetary stock by similar amounts. Often countries have not been willing to tolerate the inflationary consequences of such large jumps in their domestic money supplies.

The critics in Nairobi overlooked some relevant considerations pertaining to large international transfers of liquid assets and their impact on exchange rates.

First, what is speculation? Speculation is defined by economists as purchasing an asset without also entering into a contract to sell that asset sometime in the future. This is also known as taking an uncovered position, and taking an uncovered position in foreign currencies or assets denominated in them is international monetary speculation. Speculation is not inherently evil, covert, underhanded, malicious, or necessarily harmful to the general public. It results from the normal desire of private individuals to employ their assets profitably, not only in foreign currencies but also in commodities and real estate.

What nobody in Nairobi bothered to mention was that most international monetary speculation that has occurred in the 1970's has been stabilizing rather than destabilizing, tending to push exchange rates toward levels which would help to diminish payments surpluses and deficits and to reestablish a sustainable equilibrium of trade and investment flows. If most speculative transfers tended to push exchange rates away from equilibrium levels, then that speculation could be termed destabilizing. But in fact the depreciation of the dollar and the appreciation of other currencies has helped the United States to rectify its external trade position and to redress incentives that caused excessive American investment abroad and that discouraged foreign investment here.

Only under the pressure of unprecedented political uncertainties and galloping inflation in the United States did speculative transfers possibly produce a marginal undervaluation of the dollar. The extent of any such undervaluation is far from clear. In any event, the market is demonstrating its growing ability for self-correction.

Three speakers in Nairobi—Finance Minister Aichi from Japan, Bank of Italy Governor Carli, and German Finance Minister Schmidt—mentioned the beneficial effects of floating rates in helping discourage excessive international transfers of liquid assets. Under fluctuating rates, if one currency appears to be a candidate for depreciation and another a candidate for appreciation, a flow of liquid funds tends to occur from assets denominated in the former to assets valued in the latter. This flow tends to bring about the expected consequences.

But then the incentive to transfer assets internationally is also eliminated. Avoided are both the disruptive effects on international trade and investment of controls over capital flows, and the inflationary consequences of large increases in the domestic money supplies of countries attracting funds.

For this reason, Finance Minister Schmidt said, "exchange rate elasticity will have to provide the needed protection" against large movements of capital that cannot be derived from international coordination of monetary policies and administrative controls. The cost of this benefit is some short-term fluctuation in exchange rates, and the consequent effects on trade and investment. But no benefit is costless, and the economic damage resulting from massive central bank intervention in futile attempts to defend disequilibrium exchange rates is much more costly.

DO FLUCTUATING RATES CONTAIN INFLATION?

Third, it was charged that fluctuating exchange rates do not contain inflation. I have just explained how flexible rates can help prevent the large international asset transfers and consequent reserve stock and money supply bulges that, for example, proved so disastrous to German domestic monetary management over the past decade. In this regard, it could be more persuasively argued that fixed rates tended to create inflation internationally. Otmar Emminger, Deputy Governor of the German Central Bank, adopted precisely this line of argument in a lecture delivered last June.

If a nation experiences excess demand and domestic inflation, then it will tend to export less and import more. Under fixed exchange rates, this tendency to draw more resources from the rest of the world and to transmit demand pressures overseas meets no price resistance. But, under floating rates, the value of its currency would tend to deteriorate. The consequence would be to help maintain its level of real exports, to discourage the growth of imports, and so to help contain demand pressures within its own borders.

THE DANGER OF COMPETITIVE DEPRECIATION

The Minister of Finance from the Netherlands, W. F. Duisenberg, raised the issue that fluctuating rates might tempt governments to resort to competitive exchange rate depreciation during periods of high unemployment:

> Full employment is a high priority for national governments; if it were put in jeopardy, governments might conceivably resort to manipulating exchange rates for the benefit of their domestic policy, and the drawbacks of the present system of floating exchange rates would then appear fully and clearly.

Mr. Duisenberg raised a legitimate point. No exchange rate regime or international payments adjustment mechanism can work without international surveillance. If a nation is experiencing high unemployment, it would reasonably be expected to ease its domestic monetary policies. The resulting decline in interest rates could well prompt an outflow of capital and some deterioration in the value of its currency. With fluctuating exchange rates, an international body would be needed to insure that governments did not carry easy money policies beyond the point that could reasonably be expected to stimulate domestic expansion. Liberal credit availability should not be used to manipulate exchange rates and promote exports at the expense of other countries.

What this criticism overlooks, however, is that fixed rates are subject to the same fault. For years the German mark and Japanese yen were undervalued. The Governments of these countries adamantly refused to revalue these currencies or let them freely appreciate to a level that would have avoided further reserve accumulation. During these years of undervaluation, German and Japanese workers produced goods for sale in the U.S. market that American laborers otherwise would have produced. Thousands of manufacturing jobs were transferred overseas as a result of the availability of foreign plant, equipment, and labor at discount prices. Whatever the exchange rate regime, the IMF must be in a position to review the policies of governments that affect the external values of their currencies.

CONGRESS WILL NOT APPROVE RETROGRESSION

The post-March 1973, de facto reform has as its central characteristic that nations should be allowed freely to choose between floating exchange rates, which the United States has elected, and "fixed but adjustable" exchange rates, which are favored by the countries of the European Economic Community.

In contrast to other countries, the United States particularly needs floating exchange rates. The international trade of the United States is only some 9 percent of the gross national product, as opposed to some 40 percent in countries like Great Britain, France, and Germany, and even large percentages in Belgium and the Netherlands. Unlike other countries, therefore, the United States cannot rely on overall monetary and fiscal policy to alter our international payments position. The expansion or contraction in GNP required to bring about a given change in our trade balance is simply too large to make the use of overall monetary and fiscal policy feasible.

The United States must therefore depend on exchange rate adjustments to maintain an appropriate balance-of-payments position with the rest of the world. Thus, the United States cannot accept an international monetary reform which gives up the option, as a normal procedure, of letting the dollar adjust to market pressures in order to maintain a satisfactory external equilibrium. Yet the IMF's proposed "stable but adjustable" rates, apparently agreed to by the United States, would prevent our selecting floating rates as our normal regime.

It is time to speak plainly. The United States should insist on the option of floating that has already been achieved in practice. We should not be led astray by the nostalgic hankerings of others for another regime of "fixed but adjustable" rates.

It takes the U.S. Congress to approve a new international monetary system. And Congress, unless I am very much mistaken, will simply not approve a so-called "reform" which puts the United States in the box of "fixed but adjustable" rates, with floating permitted only "in particular situations." The rest of the world should be aware of this now.

LEAVE WELL ENOUGH ALONE

The United States should speedily extricate itself from the maelstrom into which it is descending. We should withdraw our endorsement of the Nairobi "fixed but adjustable" rates "reform." We should make it clear that the United States, and anyone else so minded, should have the option of floating their currency. We should do so at once, and certainly no later than at the next meeting of the Committee of 20 in January.

With the air thus cleared, the Committee of 20 can go on in a streamlinued way to meet its July 31, 1974, deadline. Questions such as SDR's, convertibility, the dollar overhang, intervention will yield easier solutions as a result of this clearing of the air. I shall discuss these questions in a second speech in a few days.

The present option to float is working. Let us leave well enough alone.

STATEMENT CONCERNING H.R. 8005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, I would like to insert for the thoughtful consideration of my colleagues the statement of Anthony Mazzocchi of the Oil, Chemical, and Atomic Workers International Union on H.R. 8005, to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and restore the United States to its position as a law-abiding member of the international community. Mr. Mazzocchi's statement carefully examines the effects on American workers and the loss of jobs caused by the enactment of the Byrd amendment and the importation of Rhodesian chrome to the United States. He stresses that—

> The price of employment for American workers should not be the health and safety in a clean environment, just as the price of freedom for the Black Rhodesians should not be valued in terms of cost of chrome and ferrochrome in the U.S. market. Yet Black Rhodesians and American workers have been pitted against each other in a manner not only insulting to their integrity, but to the basic and universal values of human dignity.

The text of the full statement follows·

Statement of Anthony Mazzocchi, Citizenship-Legislative Director, Oil, Chemical, and Atomic Workers International Union, Before the Subcommittee on International Organizations and Movements, House Committee on Foreign Affairs, Concerning H.R. 8005, October 12, 1973

On August 8, 1973 the Oil, Chemical and Atomic Workers International Union (OCAW) passed a resolution in support of the present Congressional attempt to restore economic sanctions against Rhodesia. I would like to submit the resolution to the record. It is our belief that the Byrd Amendment was a dangerous breach of an international trust vital to a responsible, interdependent world, as well as a callous blow to the struggle of the Black Rhodesians to control their own lives. We are concerned that 750 workers in the ferrochrome industry have already suffered the loss of their livlihoods due to this legislation, as may many more; furthermore, as the union representing many of Union Carbide's industries, including its domestic ferrochrome, we are particularly concerned about its hypocritical stance and dissemination of misleading information on this issue.

When Ian Smith's Rhodesian Front Party proclaimed Rhodesia's unilateral Declaration of Independence (UDI) in November 1965, rather than resorting to the all too usual military means of dealing with insurgents, Britain opted to bring the problem to the United Nations for international jurisdiction. Determining that the situation was a threat to the peace (the number of blacks killed by whites, and whites killed by blacks in Southern Africa in recent years should be proof of this threat) the Security Council, of which the U.S. is a prominent member, agreed to invoke an economic embargo against Rhodesia. Under the U.N. Participation Act of 1945, the U.S. committed itself to abide by the Charter of the U.N. If there were any doubts about the embargo's effectiveness or it seriously jeopardizing our own national security, we should have exercised our veto then. But even if these doubts did not arise until after the enactment of sanctions, the unilateral decision by the U.S. to simply selectively ignore the boycott, was a shockingly irresponsible way for a world leader to act. Doubts about an international decision should have been discussed within the international oragnization in which the decision was first made, with the intent of exploring every possible alternative action. As John Sheehan of the United Steelworkers points out in a letter to Congressman Fraser on August 8, 1972:

> "If the embargo on chrome ore is to be questioned, then also the whole embargo technique should be questioned, and not just that aspect which affects the properties of two American companies holding mining deposits in Rhodesia."

Closer scrutiny of the factors underlying the Byrd proponents' arguments reveal more than just mining deposits at stake in Rhodesia. As we now know, Union Carbide also owns a rather sizable and ever expanding ferrochrome processing facility in Rhodesia on which much attention has been focused in these recent Congressional hearings. It is no surprise then that Union Carbide stressed their fears about dependence on the Soviet Union for chrome ore. One wonders if the company were to own chrome mines and ferrochrome plants in Russia whether the subject of dependence would be less of a threat and more of a profitable assurance as dependence on Rhodesia now is.

In fact, from the perspective of Union Carbide, the National Security argument was nothing less than specious. While Carbide was decrying the dangers of our dependence on the Communists for the strategically critical chromium ore, especially in time of war (although it must be noted that our 10 year involvement in S.E. Asia was conspicuously overlooked in their evaluations of "hypothetical" war needs), the company was also eargerly jumping the band wagon of detente with the Soviet Union and other Communist countries. In the June 17, 1973 *Wall Street Journal*, it was reported that Union Carbide has signed a three year, $15 million contract with the Soviet Union for the purchase of naphtha, an important petrochemical feedstock. It was also reported that Union Carbide's previous sales to the Soviet Union of such products as agricultural chemicals, processed chemicals and plastics have amounted to almost $9 million. In December 1970, the sale of more than $2 million worth of organic chemicals and other industrial materials was the result of the Corporation's exhibit, reportedly the largest American one, at Moscow's Chemistry-70 Fair. Last year, Union Carbide in Canada 75% affiliated with Union Carbide in the Unitd States, participated in a Canadian trade exposition in Peking, and this year sold some of its technology to Poland.

It is clear to us that Union Carbide has been manipulating foreign policy to its own benefit. Done at the expense of other companies in the ferrochrome industry, such action is a travesty of the concept of free trade expounded so often from the other side of the Corporation's mouth.

It is necessary, however, to understand the difficulties the ferrochrome industry has been in for the past decade. On page 23 of the report by Ms. Diane Polan at the Carnegie Endownment for International Peace, it is pointed out that:

> "This industry, which recently consisted of four major and two minor producers, has been in decline since the early 1960's—*before* UDI and *before U.N.* sanction against Southern Rhodesia. It has been hard hit by imports and rising labor and power costs, as well as requirements to install costly pollution control devices to meet stiff new Federal air quality standards."

The report goes on to cite that by 1965, again before UDI, the number of companies in the U.S. producing ferrochrome dropped to six, from eleven in 1961. This, it says, was paralleled by a conspicuous increase in ferrochrome imports, including South Africa as a major contributor.

This analysis of the problems besetting the industry can be supported by a look at any of Union Carbide's Annual Reports during the latter half of the sixties. Under the sections concerning domestic ferroalloys, the constant variable of blame for difficulties in this industry went to heavy foreign imports, with a variety of other reasons contributing to the problems throughout the years, including "reduced steel operating rates, reduction of inventories by customers, and strikes at several plants." Not until 1969 was inaccessability to chrome from their Rhodesian mines mentioned as a source of difficulty. By 1971 there was again no mention of Rhodesian chrome, only of the steel industry slowdown and an all time high in ferroalloy and steel imports.

Yet we were advised that the way to save jobs was by lifting the embargo. The irony of dealing with the problem of ferroalloy imports by adding more imports has become too painfully clear for the 750 workers at the Stubenville and Brilliant, Ohio ferrochrome plants.

In May 1973 the Ferroalloys Association petitioned the U.S. Tariff Commission for relief from imports, stating that:

> "Unless aid is forthcoming soon it will only be a matter of time until almost all domestic production of ferrochrome and chromium metal will cease and the bulk of our country's requirements will be supplied from and dependent on foreign production."

Mr. F. Perry Wilson, Union Carbide's Chairman of the Board, seemed to concur with this prediction when he stated in an April 4, 1973 interview with the *Wall Street Transcript:*

> ". . . obviously as time goes on and competition from other parts of the world gets keener . . . we will have to go where the ore is found and electrical cost is competitive . . . this suggest overseas expansion."

Moving to where the ore and "electrical cost is competitive," i.e. Rhodesia, would clearly be less of a hardship for Union Carbide than implied. For those members of OCAW whose livlihood depends on the vitality of the ferroalloys industry in the U.S., such a move could be disasterous.

The key question for our workers, of course, is if sanctions are reimposed, and Union Carbide is cut off from its Rhodesian supplies of chrome and ferrochrome, how would this affect chrome and ferrochromium related operations at the Corporation's plants in Alloy, West Virginia and Marietta, Ohio? The answer at this time can only be speculative, but we feel that the greater chance of job security lies in the reimposition of economic sanctions against Rhodesia.

According to our information, a breakdown of Union Carbide's sources of chromium ore for domestic use is 69% from Russia, 20% from Rhodesia, with the remaining 11% from other places such as Turkey. At Alloy, where 50 of our 1,200 members are included in ferrochrome products, the two chrome furnaces are relatively new and have all the required air pollution equipment. The company put considerable amounts of money into building these furnaces so as to meet the necessary pollution requirements, and it would seem foolishly wasteful to close down these operations if only 20% of its chromium source was discontinued.

At the Marietta plant where this issue concerns 300 of our 1,000 members, the Simplex chrome and Electrolytic chrome operations rely on the ferrochrome produced from the two furnaces at the same plant. While Carbide is then, apparently still depending on the Soviet Union for its chromium ore, its Rhodesian ferrochrome imports are not being used for its own ferrochromium related operations at Marietta and Alloy, but are instead directly contributing to the influx of low-cost, foreign imports with which other domestic ferrochrome and ferroalloy producers must compete. It would seem that lack of access to Rhodesian ferrochrome would only pinch the profits gained rather unfairly at other ferroalloy companies' expense.

We fear that if it is cheaper for Union Carbide to move its operations to southern Africa, as it most certainly would be, in the not too distant future the Corporation might just decide to move all of its ferrochromium related operations there also. This kind of possibility not only prophesizes the loss of scores of American workers' jobs, and the doom of the domestic ferroalloys industry, already in serious trouble, it adds a new twist to the national security argument, for then America would truly be dependent on others for another of its vital and strategic materials.

For those who might question whether or not it is really cheaper for company operation in Rhodesia, allow me to elaborate on a few facts mentioned in our resolution. Although Union Carbide claims its presence in Rhodesia provides some golden opportunities for a better life for the Blacks in Rhodesia, no amount of photographs in its Annual Reports of smiling natives standing next to an Ever-Ready Battery truck can hide the fact that the mining of chrome in Rhodesia is largely accomplished with forced labor. Almost all of the workers in these operations are black migrants. They must sign individual long term (often 12 months) work contracts. During the contract the worker cannot leave his job, he is confined to company property and company barracks. He may not leave to visit his family, and breaking this agreement constitutes a criminal act.

Mr. Ted Lockwood of the Washington Office on Africa, presented some grim African wage statistics to the Senate Subcommittee on Africa on September 12:

"In 1973 wages paid to Africans in Rhodesia were 1/11th of wages paid to Europeans . . . Gross disparities in wages based on race appear in the statistics of Union Carbide's operations in Rhodesia. In 1970 it paid its African workers $46 to $130 a month while it paid $122.50 to $750 a month to European workers. According to statistics compiled by the Rhodesian 'government,' 1971 wages for African workers in the mining industry were R $353 per year (U.S. $565 per year or $47 per month). The average for Europeans, Coloureds and Asians in the mining industry was R $4,310 per year or U.S. $7,696 per year or $641 per month. Thus in mining wages a racial disparity of 1:13 existed."

Trade unionism is practically non-existent in Rhodesia. Mr. Lockwood points out that the Industrial Conciliation Act of 1959 with subsequent amendments imposes severe conditions on the right to strike and prohibits assistance from any international trade union movement. Gatherings of 12 or more Africans require official permission and are often closely supervised or taped by the Smith regime when meetings occur. Collective bargaining is virtually impossible, while the vast majority of Africans are simply barred access to trade unions. As Mr. Lockwood logically concluded, "It is not surprising that labor costs in the Rhodesian ferrochrome industry are only 10% of the cost of production."

The chrome and ferrochrome industry is also highly subsidized by the Rhodesian government: subsidies are given in the form of cheap electricity and transportation. This kind of subsidy and the fact that there are no environmental controls in Rhodesia is more than likely what Mr. Wilson was thinking about when he talked about moving operations to where "the electrical costs are competitive."

Competition for Union Carbide and the proponents of the Byrd Amendment reeks with the most insidious aspects of the profit motive. The price of employment for American workers should not be their health and safety in a clean environment, just as the price of freedom for the Black Rhodesians should not be valued in terms of cost of chrome and ferrochrome in the U.S. market. Yet Black Rhodesia and American workers have been pitted against each other in a manner not only insulting to their integrity, but to the basic and universal values of human dignity.

The Oil, Chemical and Atomic Workers Union is not so presumptuous as to contend that H.R. 8005 will be the panacea S. 503 was claimed to be. The U.S. ferroalloys industry has for a long time been, and still is in danger for its very life; reinstatement of sanctions may not be the boost it needs, but we know that without sanctions, Rhodesia imports are certainly not the boost this industry needs. Nor can H.R. 8005 promise Rhodesian Blacks their long overdue independence, but we are sure that our compliance once again with sanctions would certainly be a more honest and effective affirmation of our support for their struggle. As H.R. 8005 would also stand as a reaffirmation of our respect for international agreements, our hope is that its passage would inspire us to vigorously search within the U.N. for all possible ways to help the Black Rhodesians break their chains of oppression.

A RESOLUTION TO INVESTIGATE POSSIBLE GROUNDS FOR IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Thompson) is recognized for 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, I am today introducing, with 15 additional cosponsors, a resolution urging the Judiciary Committee to investigate possible grounds for impeachment. This brings the total number of House Members introducing this bill to 76. Recent events have demonstrated the urgency of prompt action by the committee, and I hope that a full inquiry can begin shortly.

AGRICULTURAL RESEARCH INSTITUTE ANNUAL MEETING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. Andrews) is recognized for 30 minutes.

Mr. ANDREWS of North Dakota. Mr. Speaker, the tremendous contribution of agriculture to the social and economic well-being of the Nation and the world, along with the research necessary to assure American farmers will be able to continue to make this contribution, is deserving of a great deal more attention. At the recent annual meeting of the Agricultural Research Institute in Washington, D.C., Dr. A. Richard Baldwin, vice president-executive director of research for Cargill, Inc. set the theme for the meeting with some outstanding remarks. Dr. Baldwin, who is president of ARI, discussed five major points about agricultural research and offered six suggestions on where new investments can strengthen the program.

I insert Dr. Baldwin's speech in the Record at this point and commend them to my colleagues:

Introductory Address Agricultural Research Institute Annual Meeting

(By Dr. A. Richard Baldwin)

The most efficient agricultural production system the world has ever seen is providing unbelievable supplies of food and fiber here in our nation. Agricultural research developed the technology which made the inputs of capital and the private enterprise system work efficiently.

Furthermore, the public and private investment in agricultural research has been so favorable that for every dollar invested there has been a return of 25 to 100 dollars. The consumer has been the main beneficiary of obtaining lower priced goods and a more reliable supply. Most of the rest of the world also has been able to feed and clothe itself better, because the knowledge gained here has been shared with them.

Yet those great contributions to the social and economic well-being of the nation and the world are not receiving their just attention! At no time within our memory has American and world agriculture come under such close scrutiny. In these times of budget cuts and fiscal awareness, we find our public and private agricultural research funds severely limited.

The challenges of meeting the burgeoning needs of our people now and in future generations must be met. So this afternoon I would like to try to clarify the problem by discussing five major points about our agricultural research. Then I'd like to offer six suggestions on where new investments can strengthen the program.

The first main point is the urgent need for more production research.

It is hard to become accustomed to talking about full agricultural output after so many years of burdensome surpluses and of subsidies for *reducing* production. Yet seemingly overnight, poor crops in many parts of the world and the affluence of Europe, Russia, Japan, and the U.S. have created unprecedented demands for our agricultural products.

Our economy depends more and more on agricultural production. Our international balance of trade in the 1972–73 crop year was highlighted by the largest positive contribution coming from agricultural products—$5.6 billion. By contrast, non-agricultural goods had a trade deficit of $9.1 billion.

So it's important to *all* of us for farmers to increase their production of crops, meat, milk and eggs at lower cost. Here's one way of gauging the need for technology to improve. During World War II we had all-out food production to feed the American population of 137 million. But that level of technology couldn't meet the demands of 210 million Americans in 1973 when we're again gearing up for high-level production. And surely the demands of the year 2000 when we have 300 million people in America cannot be met be continuing to use today's technology.

Another reason technology must improve is the limited availability of land. Too much of our good farmland disappears each year for urban development, environmental protection, conservation, recreation, and transportation. Also, much of the idle land being returned to production these days has marginal potential, and increased land by irrigation is expensive.

If it takes the production of about one-half acre to feed one person per year, think of this: there are more than 70 million new mouths to feed on this globe every year. That's as many people as we have living right now in the 24 states west of the Mississippi River. It means every 12 months the world needs the additional output of a new Iowa and Illinois together, and there is no new land like that!

The problem is getting more serious all the time. A person born in 1930 had two billion neighbors on this planet. It took two million years to reach that population. By the year 2000, that septuagenarian will have more than six billion neighbors. Three times as many people to feed in just one lifetime!

Those are reasons why agricultural research must be increasingly aggressive in developing new and more productive varieties of crops, livestock and poultry. We must solve the difficult basic genetic problems. We must develop new and improved methods of controlling insects and other pests. We must come up with even more efficient farm equipment and management practices. We must lower the costs of irrigation and slow down erosion losses.

Furthermore, weeds, insects, and diseases do not give up. So agricultural researchers recently have used some of their limited research funds to fight Southern Corn Leaf Blight, Gibberella, and aflatoxin in Midwest corn, Encephalmalacia in Texas horses, the Citrus Black Fly in Texas groves, Newcastle disease in California poultry, the Gypsy Moth in Eastern forests, the Tussic Moth in the Pacific Northwest, the Southern Pine Beetle in Southern forests, and the Sugar Cane Stalk Borer in Florida's citrus groves. Even more of the research funds are being used to check the safety of nitrosamines in cured meats and late blight in potatoes.

Research to develop resistances to diseases and pests of crops, livestock and poultry is never ending because mutations of the diseases and pests make new problems.

Those aren't the only challenges to agricultural research. A *second* major point is that there is an urgent need for agricultural research on ways to protect and expand the quality of life.

We must continue to learn more about the essential nutritional needs of humans as well as livestock and poultry.

We must expand our knowledge of control and utilization of the byproducts of production. Solid nutrients from fields and feedlots must stay out of waterways, and farm odors must be kept out of urban areas. Proposals to recycle urban sludge and solid wastes on farmland require additional effort by agricultural scientists to study the safety of the heavy metals and pathogens that accompany the wastes.

Agricultural researchers also have taken up the vital challenge of employment and the general quality of life in the countryside, where nearly half of our population say they would really prefer to live.

In view of these vital challenges that will require tremendous efforts to solve, my *third* point is that agricultural research has the experience and capabilities for tackling these problems.

Let's look at the track record. Agricultural research led the way to more efficient production of crops, meat, milk and eggs by means of new varieties of plants and animals, improved fertilizers, irrigation, machinery, tillage and husbandry practices, better resistance to diseases and other pests, and new methods of farm management and marketing.

But it didn't stop there. Agricultural research has helped alleviate human suffering through basic discoveries related to vitamins, essential mineral elements, commercial production of penicillin, antibiotics, vaccines, viruses, genetics, artificial insemination, organ transplants, and control of anemias and diseases.

The environmental protection movement first surfaced in agriculture. Advances have been made in soil and water conservation, effects of air pollution, reforestation, and game management. Fundamental knowledge was acquired in economics, management, and social adjustment to technological change.

Our *fourth* point is that in spite of urgent needs for greater agricultural production, environmental enhancement, and rural development and the proven abilities to make major contributions in these areas, agricultural research is inadequately supported to meet the growing challenges of the future.

Agricultural research is such an "alphabet soup" of abbreviated agency names and multilayered organization charts that it is often difficult for the outsider to get the big picture. And it *is* a big picture! More than $1 billion a year divided about equally between public and private funding, and well over 20,000 agricultural scientists.

About 40% of the public half of agricultural research is conducted by 4,500 scientists in three agencies in the United States Department of Agriculture or USDA. Biggest is the Agricultural Research Service or the ARS, which had a budget of about $188 million in the last fiscal year. The House is considering a bill that would cut $15 million for fiscal 1974. This comes after similar cuts in the past two years which have meant closing 22 research locations, abandoning 42 lines of work, and leaving hundreds of jobs vacant after turnover. Other agencies under the USDA are the research arm of the Forest Service, which could see a $5 million cut from its previous budget of about $52 million, and the Economic Research Service or the ERS which may have $63,000 trimmed from its previous budget of $15,568,000.

About 60% of public research is done by 6,000 scientists at the state level, mainly in the 54 State Agricultural Experiment Stations known as SAES. Most are located on campuses of land-grant colleges and universities. For several years they have received about $260 million annually from nonfederal sources such as state legislatures; grants-in-aid from other agencies of government, foundations, and agribusiness; as well as donations from farmers' groups collected as a checkoff on agricultural production marketed by their members.

The federal government also contributes to state programs through a mechanism called the Hatch Act and an administrative agency called the Cooperative State Research Service or the CSRS. Hatch Act funds were about $69 million last year. Congressional debate has kept the upcoming budget on a roller coaster ride up and down. Right now a joint conference committee is recommending a $1 million increase, primarily for higher salaries.

The CSRS disburses funds for two other significant programs. One is for agricultural research in 17 colleges of predominantly Black student enrollment, which were established in the year 1890. These "1890 Colleges" received long-overdue additional research money during fiscal 1972. This coming year they may get $10,883,000—a most satisfying trend. We're delighted to have several representatives from the 1890 Colleges among our Agricultural Research Institute (ARI) membership.

Another program administered by CSRS involves four new centers for regional cooperation on rural development. Funds don't begin to match the size of the challenge, however. The four programs covering the entire United States must share $300,000 at present.

Let's take a look at private industry. Although there are no precise budget figures available, my personal feeling is that private industry generally is not much more aggressive in its half of the agricultural research investment. Inflation is causing many firms to reduce research projects that lack early profitability. Also, some companies being faced with sharply higher research costs for developing pesticides and feed additives that can meet new regulations in the fields of consumer and environmental protection, have curtailed research in these areas.

Our *fifth* observation is that one of the possible reasons for restrictive budgets is the recent public criticism of agricultural research. Public agricultural research has undergone extensive review by a select National Academy of Sciences committee. Twenty suggestions were made for improved efficiency. Many of these have been put into effect by state and federal agencies. However, negative criticism in the press apparently has created an unfavorable attitude among the public that resulted in restricted appropriations by state legislatures and Congress.

Furthermore, this negative atmosphere has discouraged the public from comprehending recent, significant changes which have occurred in agricultural research in response to the NAS suggestions. I would like to describe a few of these.

One area is administrative. Both state and federal programs have tightened up their organizations. Joint federal and state planning committees are now functioning on a regional basis. Planning and review of projects by peers has been broadened. The private sector has been invited to participate in public research planning committees.

Another area is substantial changing of research emphasis to meet new needs. For example, the SAES in six years ending last year has had to reduce its effort by 232 scientist man-years (SMY's). Nevertheless, natural resources research increased 164 (from 592 to 756 SMY's). Research on communities, people, and institutions increased 104 (443 to 547). Environmental quality research rose 171 (74 to 245). Unfortunately, those changes had to be made at the expense of such production items as research on field and horticultural crops which declined 136 (2,461 to 2,325) and livestock and poultry research which went down 110 (1,382 to 1,172).

The issue of rural development which I spoke about earlier is another important area of increased emphasis. Establishment of priorities and pooling of knowledge on a regional basis are just getting activated at the new rural development centers. They are located at Cornell University in New York state for the Northeast Region, at Iowa State University for the North Central Region, and at Oregon State University for the Western Region. In the South, a regional council is based at Mississippi State, and Tuskegee Institute in Alabama is filling the same role for the 1890 colleges.

Still another improvement has been in the area of better communications. For example, the USDA's Agricultural Research Service has moved closer to its "customers" by dividing into four regional centers at Beltsville, Maryland; New Orleans, Louisiana; Peoria, Illinois; and Berkeley, California. The national coordinating office remains here in the Washington area. The object is to work more closely with state experiment stations and other agricultural researchers on a regional basis. You'll be pleased to know that our ARI group has had representatives on all the ARS/SAES Regional planning groups.

In fact, the ARI makes a unique contribution to the general improvement in communications. Our membership has representatives from 147 organizations from among state experiment stations, federal agencies, scientific organizations, and leaders of agribusiness research. We're a lot like an agricultural research information *exchange*. We discuss priorities in meetings like this one. We commisson study panels. We cooperate with other scientific organizations such as our host—the National Academy of Sciences; plus the Board on Agricultural and Renewable Resources; the Space Applications Board; the Agricultural Research Policy Advisory Committee; the National Industry-State Agricultural Research Council; the Council for Agricultural Science and Technology; the National Agricultural Institute; and the National Agricultural Communications Board.

I think changes like these prove that agricultural research is trying to meet the needs of today and tomorrow, and that it is cognizant of suggestions made for constructive improvements.

It is in that same spirit that I approach the following six suggestions on where public and private fund-setting agencies could make appropriate increases in the agricultural research investment to generate even larger returns for consumers. We need new technology fo the years 1980, 1990, and 2000.

1. Agricultural research budgets should be made adequate to provide for inflation. Al-

most all budgets are failing to keep pace with the fact that research costs rise about 6% a year by inflation. No change in money from one year to the next actually results in less support.

2. Additional funds should be considered to provide more and/or better facilities and staffing in order to meet the ever-increasing research needs for our future agriculture. Likewise, funds for full staff operations should be provided when new facilities are built.

3. Congress could provide sufficient funds to the National Agricultural Library at Beltsville, Maryland to improve exchange of essential information required by agricultural scientists. This could be operated much like the National Library of Medicine. The agricultural library could use microfilm and computer to house the world's greatest collection of agricultural indexes, reports, periodicals, and references. Every library of land-grant universities and Colleges of 1890 should have quick electronic access to the data, instead of the current practice of every library having to try to collect everybody else's reports.

4. Current Research Information System (CRIS) needs additional funding to assure that all its project reports from public agencies are adequate, and current retrieval and distribution are complete and rapid, and a procedure be developed to include project reports from other research institutions.

5. I'd like to encourage more effective use of agricultural research results by a) more priority type planning between the researchers and the customers of research information and b) more urgency on the dissemination and application of research results. This would help avoid unwanted duplication, and direct the use of funds to the most urgent research needs of farmers, extension workers, rural communities, and agribusiness.

6. I'd like to offer one specific research project suggestion. Last year there were economic eruptions felt 'round the world when weather devastated crops on almost every continent. But so far there is no government agency, university, or private firm working to adapt the available technology of space satellites to worldwide monitoring of crop conditions. Agriculture needs this service. It is a challenge that needs attention and adequate funding either within the USDA or under the auspices of NASA.

In summary, we've discussed urgent needs for agricultural research on increased production, enhancing the environment, and rural development. Agricultural research has the experience and abilities to fulfill these needs if adequately funded. Funds have been restricted due to fiscal awareness and unfavorable public criticisms. Public agricultural research has responded to many of the NAS suggestions for improvements. Finally, we've suggested six ways in which additional funds could be profitably used.

Agricultural research is such an essential investment that we must take advantage of it.

PROPOSAL TO RAISE DEBT CEILING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 5 minutes.

(Mr. VANIK asked and was given permission to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, this morning the Committee on Ways and Means, over my protest, reported out a bill increasing the debt ceiling. It is as yet uncertain whether it will come to the floor of the House under a closed rule or an open rule. I expect to urge the Committee on Rules to give the House an opportunity to add a tax reform proposal or a social security proposal to this legislation.

I think the Members of the House are entitled to an opportunity to express themselves on these two items as a part of that legislation.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I would also like to point out to the House that they have proposed to raise the debt ceiling to some $477.5 billion, an outrageous proposal at this time, and it is an outrageous proposal that cannot be justified.

Mr. Speaker, I voted against raising this debt ceiling. I pointed out that they could have gotten along with a debt ceiling of $470 billion up until January 31, 1974, or they could have at least kept it down to the limit of $475 billion. But, overnight, suddenly a request came in, and they have raised it up to the astronomical height of $477.5 billion.

This country is headed for a collision course with chaos. It is about time we did something about it. This is the only vehicle that is left with which we can do it. We can talk all we want to about the new Committee on the Joint Control of the Budget, but the only place we can act is in this debt ceiling bill.

I remember the speeches that were made on the floor of the House down through the years. I realize the country has to pay its bills, but we would not raise the debt ceiling so high as to be an incentive for the Congress and the executive branches to spend more money.

ONEONTA—CITY OF THE HILLS

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, the New York State Department of Commerce's magazine recently featured the fine community of Oneonta, N.Y., and I want to share the article with my colleagues and the readers of the Record.

As the article clearly indicates, Oneonta is an attractive and thriving community, a center for business, commerce, and education in one of the most beautiful natural settings I have ever seen.

The article follows:

Oneonta—City of the Hills

"We're a big, friendly farm town, that's all," says James Lettis, an auctioneer and the Mayor of Oneonta, New York, the "City of the Hills."

George Tyler, executive manager of the Greater Oneonta Chamber of Commerce, agrees with this modest appraisal up to a point. But, he hastens to add that this Otsego County city of 16,000 on the banks of the Susquehanna River is a *growing*, friendly farm town.

This growth he attributes to a working triple-threat formula: "Industry-Education-Shopping."

Industrial growth has been phenomenal. There was practically no industry in Oneonta in 1960. Today, area firms like Miller Trailer, Inc., Astrocom Electronics, Gladding-Del-Rey, Custom Electronics, Inc., Medical Coaches, Mold-A-Matic, Oneonta Dress Company, West-Nesbitt Inc., Sheffield Chemical, and many more, find in Oneonta an ideal industrial home.

Miller is Oneonta's newest industry, having begun full-scale production in December. This subsidiary of the Ryder system today manufactures a full line of Ryder truck and trailer transportation equipment, turning out 30 truck bodies and three 40-foot platform bodies daily, while employing 260.

Astrocom in nearby Colliersville employs more than 250 in the production of about 50 varieties of headsets and microphones. A major portion of Astrocom's business is for the U.S. Government and original equipment manufacturers, and the young firm has made substantial contributions to the nation's space program.

About 100 work at Gladding-Del-Rey, a division of Gladding Corporation, producing some 20 models of mobile recreation vehicles. Hottest Gladding item is the 30-foot "Fifth Wheel," a luxury split-level apartment on wheels.

"Industrial success in Oneonta is based on two factors," notes Robert W. Moyer, president of the Otsego County Development Corporation, as well as Wilber National Bank. "Helping existing industry expand and presenting an overall picture of community cooperation and good environment that proves singularly attractive to prospective new industries."

"The key lies in Oneonta, quite simply, being a good place to live," echoes Al Sayers, president of the Greater Oneonta Chamber and vice president and general manager of the city's major radio station, WDOS.

"I can see only growth in our future," adds Mayor Lettis.

Oneonta combines all the advantages of city living with a quiet, rural atmosphere. The city is centrally located, with convenient access to the entire Northeast market, almost equidistant from Albany, Utica and Binghamton, and smack in the center of one of the State's prime dairy farming areas.

Oneonta will become even more of an economic hub when I–88, the superhighway that will connect Binghamton and Albany, becomes a reality in a few years. A section around Oneonta is expected to be complete by December of this year.

In addition, Oneonta is just 64 miles from the east-west Thruway, 71 miles from the Northway to Canada, 61 miles from the North-South Expressway, and 60 miles from Route 17, which skirts the bottom of the State nearly to New York City.

Oneonta Municipal Airport, opened in 1966, makes Oneonta accessible by air, with two flights daily into LaGuardia in New York City provided by Catskill Airways, Inc.

The city's two fine colleges, Hartwick and State University College at Oneonta, have longbuttressed Oneonta's reputation as a major educational center. In addition, four elementary, one junior high, a new high school, a parochial school and one private school provide approximately 3,700 students with a fine consolidated school system. The Board of Occupational Education Services supplies vocational training facilities for about 300 students.

Hartwick College was founded in 1928, an outgrowth of Hartwick Seminary which was established in 1797. Today, it offers 21 major areas of liberal arts study to approximately 1,600 students.

Latest addition to its modern 16-building campus on Oyaron Hill overlooking the city is a $4 million Center for the Arts, expected to be fully occupied this fall.

State University College at Oneonta, an institution of higher learning at Oneonta since 1889, offers a wide variety of educational programs and awards both graduate and undergraduate degrees. With 5,000 students, 1,000 employees, and a budget of $15 million, Oneonta State is a dominant factor in the economic, social, educational and cultural life of the greater Oneonta area.

The third component of Oneonta's winning formula is its retail community. Shopping is unexcelled, with many excellent stores and shops servicing a trading population of some 100,000 within a 50-mile radius. Retail sales in Oneonta totaled in excess of $50 million in 1972, 46.6 percent of retail sales in all of Otsego County.

Four shopping centers spice the Oneonta retailing scene. The newest is Pyramid Mall, an enclosed climate-controlled complex of some 127,000 square feet. The others are Oneonta Plaza, West End Shopping Plaza and the Jamesway.

Oneonta abounds in greenery, with beautiful Neahwa and Wilber parks in the city, and State parks in Cooperstown and Gilbert Lake State Park in neighboring Laurens. There are three public golf courses and one private. Water sports enthusiasts can revel in nearby Goodyear and Arnold lakes, and incomparable Otsego Lake in Cooperstown.

For the spectator sportsman, the Class A Oneonta Yankees of the New York-Pennsylvania Baseball League, and the semi-pro football Oneonta Indians provide professional sport excitement. The city's two colleges provide baseball, basketball, wrestling and soccer thrills.

In 1972, Oneonta became the soccer capital of the State, when SUCO nosed out Hartwick in the NCAA torunament in a game played in Oneonta and then went from there to the finals at Edwardsville, Illinois. This interest has spilled over into the city's soccer program, with about 1,300 kids enrolled.

Quality of living is high in Oneonta, which once enjoyed considerable glory as a "Railroad Town." In fact, Oneonta, once inhabited by Algonquin and Iroquois Indians, really began to grow in 1865 when the Albany and Susquehanna Railroad, now the Delaware and Hudson, reached the city. By the early 1870's, Oneonta was a railroad center of national importance. At one time, 72 passenger trains operated in and out of Oneonta daily. The D & H roundhouse was one of the largest, and its turntable the longest, in the world. The "hump system" of switching freight cars was developed in Oneonta.

Today, the Oneonta scene is a modern and progressive one, with growing colleges, prosperous industry and a healthy and growing retail shopping base. An Urban Renewal project is well beyond the planning stage, with Federal approval having been granted for the 300,000 square foot, $5 million plus project that will alter the face, but not the vibrant personality, of the city. At present, two new buildings are under construction, seven buildings are being rehabilitated and one is being rehabilitated with an addition.

All in all, the "City of the Hills" is a city on the move!

PUBLIC OPINION AND ITS IMPACT

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, in the 5 years that I have been a Member of Congress, I have never witnessed a more vociferous and overwhelming outpouring of emotion as the mail I have received on the subject of the impeachment of the President. In just 3 days, and my office is still reading and counting, I have received 2,195 letters and telegrams calling for the impeachment of the President and 22 letters supporting the President. Many of those writing to me are doing so for the first time and the emotions conveyed range from the deepest sadness and disillusionment to the greatest anger.

Clearly as a result of the public outcry, the President yesterday agreed to turn over the White House tapes to Judge John Sirica. If anyone doubts the effect of public opinion, the outpouring of mail over the last few days to all Members of Congress and the White House and the President's subsequent reaction must surely remove those doubts.

TRUCKS CONTINUE TO POLLUTE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it has been brought to my attention through an article which appeared in the New York Times, of October 13, 1973, that the Environmental Protection Agency is either unwilling or unable to set necessary antipollution regulations for our Nation's 23 million trucks at this time. The article quotes a trucking industry representative's response in avoiding tough regulation as "the most effective coup that industry has pulled off on the Environmental Protection Agency."

Eric Stork, Deputy Assistant Administrator of the Agency, is cited in the article as predicting new regulations for trucks would be in effect by 1977 or 1978, though some officials of that Agency and apparently the trucking industry as well, are confident that such standards will not be in effect until 1980. Given the severe air quality problems of our central cities, that is an intolerable and unnecessary delay.

While there are only about one-fourth the number of trucks as cars on the road—23 million trucks to 100 million cars—a truck emits in the range of 10 times the pollutants as a car does. Though there are undoubtedly technical problems in setting the standards, it can be done. Indeed, the New York City Department of Air Resources has established tests to arrive at such standards. They are admittedly imperfect but far better than no standards.

I have written to EPA Administrator Russell Train requesting that whatever has to be done, testing or otherwise to establish antipollution norms for trucks be done now. To wait until 1980 or even 1977 would show an indifference by the Federal Government which could only be described as gross negligence. The Commissioner of the Department of Air Resources of New York City, Fred C. Hart, has told me that with current schedules of antipollution device implementation for cars, trucks would be causing 80 percent of the central Manhattan air pollution by 1980.

Without controls over truck emissions the current levels of truck pollution will make it virtually impossible for New York City to meet the ambient air quality standards required by the Clean Air Act.

It should be unacceptable to this Congress if the Environmental Protection Agency fails to immediately meet this problem. And if it fails to undertake to discharge its responsibility, then Congress will have to undertake to mandate these standards.

ELLIOT RICHARDSON

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, Elliot L. Richardson by his decision to resign rather than break his commitments to the Congress and to the American people, has provided us all with an outstanding example of the kind of integrity we should expect in high public office—integrity which has been unfortunately lacking in too many instances in recent years.

Since his appointment this spring as Attorney General, Elliot Richardson has consistently recognized that his office involved an obligation extending to all the people of this Nation. His understanding of the need for a special prosecutor in the Watergate case and related matters is perhaps the most obvious example, but there are many more.

Alone among recent Attorneys General, Elliot Richardson comprehended the vital necessity that the Justice Department not only be impartial but that it be perceived as impartial. In his short term as the Nation's chief law enforcement officer, he initiated a series of reforms designed to restore public confidence in the administration of justice by the Department of Justice.

Elliot Richardson had sought to remove the Justice Department from politics. He had initiated action to monitor ethics within the Department and to require records of communications to the Department by persons not directly concerned with matters before it. He had directed the reopening of the Kent State investigation and of the decision by his predecessors not to convene a grand jury.

I sincerely hope that his successor in the Office of Attorney General will reaffirm these policies.

As a member of the Judiciary Committee, I have followed closely the public acts of the Justice Department under the leadership of Elliot Richardson. While I did not always agree with his decisions, I would like to take this opportunity to commend Mr. Richardson's openness and fairness and his dedication to justice.

The Justice Department and the United States were well served while Elliot Richardson was Attorney General. I might add that, as a Harvard college classmate of Mr. Richardson, I have been particularly gratified by the honor his career has reflected on his alma mater.

Mr. Speaker, in August Attorney General Elliot Richardson made an illuminating speech to the American Bar Association outlining his reforms at the Justice Department. The text of his speech follows these remarks.

Address by Elliot L. Richardson

In addressing this great organization of lawyers, I speak as a lawyer who has returned to a profession he loves. Believing in the law as the organizing principle of an ordered society and the indispensable attribute of a humane one, I am sensitive to the law's imperfections and jealous of its reputation. Like you, I am eager to be called upon to play a part in assuring that all the members of our profession are held to its high ideals.

As a lawyer charged with heading the national government's legal department, I feel a special responsibility—and a special concern—toward the law. Whatever stains—whatever calls into question—the integrity of the Department of Justice damages confidence not simply in the Department but in government itself.

Confidence is not a structure built of stone that can withstand the buffeting winds of accusation and mistrust. It is the expression, rather, of trust itself. It is as fragile as it is precious, as hard to restore as it is easy to destroy. And yet it is obvious that trust is necessary to the very possibility of free self-government. The good health of the body politic needs the tonic of skepticism, but it cannot long survive massive doses of cynical acid.

Having taken office as Attorney General in the midst of the darkening cloud of suspicion and distrust engendered by Watergate, I recognize it as my first duty to do what I can to eliminate the causes of distrust. This is the charge the President placed upon me. This is the undertaking to which I have devoted my principal efforts since becoming Attorney General. This will continue to be the objective of my stewardship of that office—and I hope this tour will turn out to be longer than my past assignments!

I am reminded of the words of a great judge, a great legal scholar and man who gave much to the law—Mr. Justice Cardozo. As he said at the end of his "Ministry of Justice" address:

"The time is right for betterment. The law has its epics of ebb and flow. One of the flood seasons is upon us. Men are insisting, as perhaps never before, that law shall be made true to its ideal of justice."

For the Department of Justice, the first step toward betterment must be to look squarely and unblinkingly at the factors which have impaired confidence in us, however unfair their generalized formulation may be to the overwhelming majority of Department employees. Ninety-nine and $^{44}/_{100}$% pure is not now—if it ever was—good enough.

There are, it seems to me, three factors which—in the climate of Watergate—have contributed to diminished confidence in the Department of Justice:

(1) the suspicion that political considerations or political influence can color the administration of justice;

(2) the suspicion that who you are or what you stand for is reflected in the inconsistent or unfair application of legal standards;

(3) the suspicion that the Department is not sufficiently honest in its communication with press and public.

The first of these factors—the question of politcal influence affecting the administration of justice—is not a new one, but Watergate has given it a new burst of prominence.

In recent history, under both parties, the Attorney General has been more than a political appointee, he has frequently been—before and after he came to the Department of Justice—a politcal operative as well. Now, I have nothing aaginst political operatives. I have been one myself. And there is still a place for politics as usual—but not in the Department of Justice. To the extent we are handicapped by the suspicion of political influence, we cannot afford to have at the head of the Department—or in any of its key positions—a person who is perceived to be an active political partisan. Past Attorneys General have, I know, been able to draw a line between their political and professional responsibilities. But a citizen of the Watergate era who perceives an Attorney General wearing his political hat is scarcely to be blamed for doubting whether he ever really takes it off.

I have decided, therefore, that one direct contribution I can make to countering the suspicion of political influence in the Department of Justice is not only to foreswear politics for myself but to ask my principal colleagues to do the same. It is my earnest hope that those who follow us will see fit to make the same promise. Other Departmental employees, including the U.S. Attorneys, have recently been reminded by the Supreme Court that the Hatch Act is still alive and well, and on their part no new self-denial is needed.

I am, in addition, today announcing the issuance of a Departmental order formalizing and making uniform a procedure for making records of contacts with Departmental personnel by outside parties. The order requires Departmental employees to make a memorandum of each oral communication about a matter pending before the Department from a "non-involved party." The employee will keep one copy of the memorandum and place another in the case file.

A "non-involved party" is someone with whom the employee in the routine handling of the matter would not normally have contact, including Members of Congress and their staffs, other government officials, and private persons not directly concerned in the matter. Only news media representatives are excluded.

This new reporting system should result in at least two useful by-products. One is a contemporary record of contacts with the Department that can be called upon should the need arise to rebut some accusation of improper influence. Beyond that, its very existence will discourage approaches to the Department by those who are not confident of the purity of their motives.

As one more step in the same direction we have put an end to the practice of giving a Senator or Congressman, through advance notice, the chance to announce a grant in his state or district. While this is a time-honored practice—and there may be nothing inherently wrong with it—it does inevitably, if not intentionally, create the public impression that the Senator or Congressman had some sort of influence on the result when, in fact, he had nothing to do with it.

The second of the factors affecting confidence in the Department of Justice—the suspicion that who you are or what you stand for is reflected in the inconsistent or unfair application of legal standards—is one which, like so many, lends itself more easily to rhetorical expressions of concern than to rigorous attention to concrete performance.

It seems to me requisite that we fully appreciate what may seem like so much more facile rhetoric: that our democratic system fundamentally cannot tolerate—cannot withstand—one law for the rich and another for the poor, one law for the strong and another for the weak, one law for Washington and another for the country.

It is imperative—not only morally requisite but practically requisite—that our democratic rhetorical commitment to fairness-across-the-board be matched by consistent performance.

To ensure the consistent and fair application of legal and moral standards by the Department of Justice, I am considering the establishment of an Inspector General's Office—with full authority and responsibility to assure that those who are charged with executive responsibility for a precious public trust are consistently worthy of that trust. At my regular weekly staff meeting later today I will appoint a Committee on the Office of the Inspector General to analyze this concept and to report promptly to me on the merit of its application to the Department of Justice.

Bill Ruckelshaus, whom the President has nominated as Deputy Attorney General, will serve as chairman of this Committee—whose membership will also include the Director of the FBI and representatives of affected components of the Department.

To help ensure greater consistency in the application of legal standards across the country and across levels of government, I have established an Advisory Committee of U.S. Attorneys and taken steps to foster more frequent and more systematic contact with the National Association of Attorneys General. It is my hope that, working together, we may find ways to develop and implement coherent and consistent approaches to matters of widespread public concern—in such areas as consumer protection, drug abuse prevention and protection of the environment.

In so doing, we must of course recognize our obligation to preserve those variations in practice which are vital to the health of our pluralistic system. But we cannot allow ourselves to foster or to preserve practices which undermine respect for the capacity of the system to treat people—all the people—fairly under law.

The third area in which we are attempting to counter suspicion and create confidence is in the center and openness of our conduct of the administration of justice.

We start from the awareness that we are accountable to the people of the United States. The Department of Justice has no interests and no objectives separable from theirs. We have an affirmative responsibility toward enabling them to make wise and responsible choices among clashing policies and competing interests. We have a corresponding responsibility to help assure that they are as fully informed as possible about what we are doing and why. This means that information in our hands should be withheld only where in a given case some clear public interest outweighs the public interest in freedom of information. The burden of proof should always be on establishing the need for withholding information.

Where the administration of justice is concerned, there are inevitably numerous situations is which this burden has to be assumed. But most people are quite ready to recognize that the protection of a confidential source, the safeguarding of an individual reputation or the conduct of an investigation creates a legitimate need for confidentiality. The harder task is to make sure in each instance that the need is real and to insist upon the application of consistent standards.

As the Government's chief legal agency, we have a special responsibility for the administration of the Freedom of Information Act by the Government as a whole. It is vital that the justified expectations of our citizens for access to Executive information not be thwarted by administrative delays or inconsistent responses from the various agencies. Accordingly, in my testimony before three Senate subcommittees on June 26, I announced four new steps that the Justice Department would undertake immediately to insure that the Act fulfills its promise of opening up Government and bringing it closer to the people. As the first of these steps, I have advised all Executive agencies that our litigating divisions will not defend Freedom of Information lawsuits unless the Freedom of Information Committee in our Office of Legal Counsel has been consulted prior to denial of a request.

I am, further, initiating a comprehensive government-wide study of the Freedom of Information Act for the guidance of both the Executive Branch and the Congress in improving the administration of the Act and clarifying its provisions.

The way in which the Department of Justice carries out its functions in any situation where reporters or news media are involved is also important. Reporters have a primary responsibility to the public, just as we do. This responsibility can lead them into controversial situations. But the prosecutorial power of the Department should never be used—not even by indirection or innuendo—in a way that could weaken the exercise of First Amendment rights. Responsive to this concern, the Department of Justice in 1970 issued guidelines restricting issuance of subpoenas to the news media. These have worked so well that only 13 subpoenas have been issued and only 2 of those were contested. These guidelines have been viewed as a model for the nation.

With the same concerns in view, we are now considering a new Departmental directive which will require my specific approval before a newsman can be questioned, served with a subpoena, or made a defendant in any Federal court proceeding.

Such, then, are the measures for dispelling suspicion and restoring confidence presently in effect or under consideration. More can certainly be done, and we are continuing to look for additional such measures. Suggestions will be welcome. But there is another—and more affirmative—side of the confidence-building process, and that is in the improvement of performance.

One obvious opportunity is in the management of the Department. My predecessors, by and large, have had little interest in this area, perhaps because they have thought of the Department as first and foremost a law office and only incidentally as a government department like other government departments. Having come to Justice directly from four and a half years in other bureaucratic institutions, I tend to emphasize its latter aspect. It is a fact, at any rate, that the Department includes nearly 50,000 people, of whom only 6½% are lawyers. Its biggest components are the FBI, the Immigration and Naturalization Service, the Bureau of Prisons, and the newly created Drug Enforcement Agency. These agencies, together with the Criminal Division, the Parole Board, and the Pardon Attorney, embrace all the elements of a criminal justice system except the courts. And yet, ironically, the Department has never had a comprehensive criminal justice planning capacity, notwithstanding our consistent preachment to the states and their subdivisions through LEAA that comprehensive planning is a prerequisite for the efficient allocation of criminal justice resources.

One of my aims is thus to build at the Federal level the kind of comprehensive planning capacity we have been urging on the states. More broadly, we need to apply the same approach to the allocation of resources for all Departmental functions. Our review of fiscal 1975 budget requests is just now getting under way, and each part of the Department, including the litigating divisions, is being asked to explain not only what resources, in terms of money and manpower, it allocates to which existing tasks, but also to rate those tasks on a priority scale. New requests will be similarly rated, and Assistant Attorneys General and bureau heads will be required to make tough choices whether to scrap old programs or whittle them down in order to accommodate new priorities.

To assist in this process I plan to create a new division in the Department to be headed by an Assistant Attorney General for Management and Budget. It is much too soon, however, to make any grandiose claims for the rigor and rationality of the likely results. To plan, to budget, to allocate is to choose, and in all too many areas of Departmental responsibility, we lack the criteria for intelligent choice. Our statistical data base is inadequate. Our ability to determine what works and what doesn't work—our capacity, in other words, to evaluate—is rudimentary. And while it is inherently difficult to measure the comparative costs and benefits of alternative approaches to dealing with any human situation, to recognize that the task is hard is no excuse for the failure to tackle it.

Take, for example, today's announcement of the Uniform Crime Report for 1972, which showed a two per cent drop in crime nationwide—the first in 17 years. Violent crime increased two per cent last year, which is certainly nothing to brag about, but it does represent the smallest increase in 11 years.

I wish I could tell you with certainty what caused that decrease. I certainly believe the strenuous efforts of the Justice Department, the Law Enforcement Assistance Administration's massive grants to all parts of the criminal justice system, and coordinated planning in each of the states had a lot to do with it. But the truth is no one knows with certainty what the causes of the reduction are, and finding out is one of the things we need to work on.

For us at Justice the opportunities that lie ahead are full of promise and excitement. We can help people to be less afraid by giving them less reason to be fearful. We can cut the toll of drug abuse and prevent young people from seeking employment in crime because no other employment is open to them. We can speed the administration of justice and promote the consistency of sentencing. We can bring honesty and realism to the question of why our correctional systems so seldom correct. We can cut through restraints on the freedom to compete and protect the victim of consumer fraud. We can bring greater equity and efficiency to the administration of our immigration laws. We can help bring about a cleaner environment. We can show by the promptness and courtesy, as well as the fairness and responsiveness, of our dealings with all of our fellow citizens that we recognize their individual worth.

In all of this we shall work closely with you, for we know you share the same ends and the same devotion to the law as a means to their achievement. By our actions, singly and in combination, we can take part in the building of a new confidence.

Thank you very much.

JAMES H. QUELLO

(Mr. MITCHELL of Maryland asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, the President has nominated James H. Quello to serve on the Federal Communications Commission. I oppose Mr. Quello's nomination because despite his surface connections with the black community, I believe he is not sufficiently sensitive to the needs of black citizens, our aspiration in the world of the media. No one can deny that telecasts and broadcasts have tremendous impact on our lives and these can influence public opinion in a significant fashion.

However, there are other good reasons to oppose the Quello nomination. These reasons are spelled out in the editorial, "Why a Broadcaster" published in the Baltimore Afro-American newspapers. I would hope that my colleagues in the House will join me in opposing the nomination of Mr. Quello after reading this editorial.

WHY A BROADCASTER?

Why is it so important to President Nixon that a broadcaster be placed on the Federal Communications Commission?

Apparently the FCC works effectively without people whose interest in the industry could be stronger than their concern for the public welfare. Nixon's addition of former broadcaster Robert Wells (1966–1971) did nothing special for the FCC.

If the President goes ahead with the proposed nomination of retired industry man James H. Quello, a negative reaction will result.

For one thing, a confidential memorandum discussing his sensitivity to minorities and their problems rated Quello negatively.

In addition, Quello's former connections with Storer Broadcasting and Capital Cities Broadcasting Corp. would put him in a position of possibly removing himself from hearings involving stations that reach millions of people in some key markets.

The FCC has available to it expert broadcasting area people. It does not need a man with broadcasting history to assure its effectiveness. It certainly does not need a man with questionable sensitivity to minority problems among its members.

The public is losing one of the best representatives it ever had on the FCC with the departure of Nicholas Johnson.

The challenge to the FCC will be great over the next several years. It should not be hampered by fears that some of its members could be more interested with the industry's welfare than with that of the public.

President Nixon should keep that in mind when he makes appointments. The Senate must be aware of it when called upon to consent to any nomination.

PROPOSED CHANGE IN TRANSITIONAL RULES OF CHARITABLE REMAINDER TRUSTS

(Mr. BURKE of Massachusetts asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I am today submitting for the Members attention some of the written statements of Shriners Hospitals for Crippled Children before the House Ways and Means Committee on the subject of tax reform, April 13, 1973. I feel it is imperative that the Members of this body act to approve H.R. 3227, legislation I have introduced this session, which will provide an extended transitional rule to conform certain unqualified charitable remainder trusts to the existing rules of section 644 of the Code so as not to unfairly deplete trust funds passing to charity. The evidence and justification for this move is ample and ably set forth in the following testimony:

TESTIMONY

I. SUPPORT OF PROPOSED CHANGE IN TRANSITIONAL RULES OF CHARITABLE REMAINDER TRUSTS

A. Summary

Under existing law, I.R.C. Sec. 2055(e) denies an estate a charitable contribution deduction for the value of a charitable remainder unless the contribution is in the form of a charitable remainder annuity trust or charitable remainder unitrust described in Sec. 664. A correlative result is that the unqualified interest, if in a trust, is not exempt from income tax (as are Sec. 664 trusts) and is subject to tax under the rules of Subchapter J. Existing regulations permitted unqualified charitable remainder trusts to be amended, if allowed under local law, and the amended (i.e., conformed) trusts are treated, for federal tax purposes, as if these trusts had been correctly drawn originally. See Regs. § 1.664—1 (f) (3). The benefits under the regulation did not continue beyond December 31, 1972 (unless a judicial proceeding was begun before that time and amendment of the testamentary or inter vivos trust occurs thereafter). The transitional rule contained in H.R. 3227 would continue, in purpose and effect, the same rights granted by the regulations for an additional three years in the case of testamentary trusts. It does so by adding new Sec. 2055 (e)(3) and providing the Treasury Department with regulatory authority to deal with related federal tax matters affecting such trusts. The three additional years represents, in our judgment, and that of other public charities, the time reasonably and actually necessary to avoid undue hardship in the implementation of present law. The extension of time provided for in H.R. 3227 gives public charities the opportunity to reclaim substantial sums in lost trust principal[1] and assure that reformed charitable remainder trusts are subject to those private foundation rules which Congress thought appropriate for Sec. 664 trusts.

B. Description of need for extended transitional rule

Shriners Hospitals for Crippled Children receive approximately 100 wills each month providing bequests and devises and of this number there are, on the average, about 15 each month providing for charitable remainder trusts. Since the effective date of Secs. 664 and 2055(e), it received and became the beneficiary of more than 100 unqualified charitable remainder trusts created by testators who died after December 31, 1969.[2] The usual reasons for the failure of the charitable estate tax deduction (under Sec. 2055(e)) are as follows:

1. The trusts are not in proper annuity or unitrust format; or

2. The annuity trust or unitrust was inexpertly drafted and does not conform to the governing instrument rules contained in the statute, regulations and/or Rev. Rul. 72-395, I.R.B. 1972-36, 21; or

3. Existing instruments (in existence on October 9, 1969) were modified by codicils, both substantively and non-substantively, requiring the will to be treated as republished. (S. Rep. 91-552, 91st Cong., 1st Sess. at p. 34, fn. 5). See, Prop. Regs. § 20.2055-2 (e)(3) and (4), 37 F.R. 7895 (April 21, 1972).

If a trust contained in the will does not conform to the provisions of Sec. 664 and the regulations, the estate is denied a charitable contribution deduction under Sec. 2055(e). In the absence of a tax clause in the will, the incremental tax attributable to the loss of the deduction normally comes from the corpus of the split interest trust under the uniform rules governing allocation of federal estate tax.[3] This means, for example, in several of our unqualified trusts upwards of $250,000 in additional federal estate tax (payable by reason of the failure to have a qualified trust) comes out of the share of the monies otherwise payable to us upon the death of the income beneficiary. Likewise, if a charitable remainder trust is beneficiary of the residuary of an estate, and the will has the normal tax clause requiring that all federal taxes be paid out of the residuary, the additional estate tax due because of Sec. 2055(e) again falls upon the public charity. Thus, although the drafting error was made by the testator or his lawyer, the loss of trust principal (paid in additional estate taxes) is borne in nearly all events by the public charity. Since one of the principal purposes of Sec. 664 was to preserve and protect the charity's interest in the remainder, it is a peculiar irony that that particular change in law has the effect of depriving the public charities of amounts the law was trying to assure it would receive.

Of the 100 unqualified trusts, about 20 trusts involve a sufficient economic interest impelling us to seek reformation of the instrument by judicial proceeding or agreement between all parties in interest, if permitted by state law. Agreements by all concerned with the testamentary trust—except the decedent—to amend or conform the testamentary trust contained in the will may be done, without resort to judicial proceedings, pursuant to state legislation enacted principally on the initiative of our organization.[4] In addition, we are a party to various judicial proceedings where executors ask the local courts to amend or conform unqualified testamentary trusts to the requirements of Sec. 664. The parties in interest seek to have the local court add all of the necessary terms and conditions to the trust provisions contained in the will, to delete those provisions inconsistent with Sec. 664 and, thereby, provide a basis for the estate to claim a charitable deduction under Sec. 2055(a) not otherwise allowable because of Sec. 2055(e). When all the interested parties voluntarily join in these proceedings, we usually find that a court will enter a decree creating the necessary form of annuity trust or unitrust. The executor, thereafter, files his original or amended estate tax return, claiming the appropriate deduction for the present value of the remainder interest. Through December 31, 1972, the opportunity to reform unqualified trusts would preserve for our charitable activities approximately $500,000 to $750,000 in trust principal (with a corresponding loss in federal estate tax revenues).

C. Review of Expired transitional rules contained in Tax Reform Act of 1969 and regulations

It was recognized by the Congress that the new rules for these trusts would require a certain amount of time to facilitate the changeover from the previous standards.[5] Section 201(g) of the Tax Reform Act provides that in the case of wills in effect on October 9, 1969, the old rules would apply if the decendent dies prior to October 9, 1972 without having republished his will by codicil or otherwise.[6] Even this latter condition may be modified. (*Cf.* H. Rep. 92-781, 92d Cong., 2d Sess. (to accompany H.R. 1247)). The transitional rule contained in the Tax Reform Act permitted an estate tax charitable deduction for trusts using the far less restrictive format permitted by prior law and *did not require reformation of the governing instrument.*

As the drafting process for the Sec. 664 regulations was undertaken, it became apparent that implementation of that section created a number of problems for the uninformed or underadvised testator. The Act's transitional rule was too narrowly drawn to protect the innocent. The first set of proposed regulations were promulgated August 5, 1970, 35 F.R. 12467. Under Prop. Regs. § 1.664-1(f), the Treasury Department attempted to minimize the adverse impact upon contribution deductions for governing instruments, drafted after the transitional rule date of October 9, 1969, which did not conform to the requirements of either Sec. 644 or the additional governing instrument tests contained within the proposed regulations.

The regulations permitted a reformed inter vivos or testamentary trust to be treated as a qualified trust for all purposes, including the allowance of a charitable deduction for income, estate or gift tax purposes as if the will (or other governing instrument) of the donor, regardless of when drawn, had been properly drafted in the first place. Amendments to reformed trusts had to be concluded by January 1, 1971 (or judicial proceedings begun before such date). After lengthy hearings on the original regulations, the August 5, 1970 regulations were withdrawn and a new set of proposed regulations were promulgated on September 18, 1971, 36 F.R. 18667.

During the intervening period, the Treasury Department published T.I.R. 1060 (December 18, 1970) and T.I.R. 1085 (June 11, 1971) extending the date for effecting reformation. At a subsequent hearing on the reproposed regulations. Shriners Hospitals suggested that the regulations make permanent the opportunity given to executors, trustees and other interested parties of unqualified charitable remainder trusts to amend the governing instrument to conform it to the rules of Sec. 664 and proposed regulations. A permanent "transitional" rule for the regulations was rejected.

It is apparent from both versions of the proposed regulations and the final regulations that the Treasury Department agrees that amendments to unqualified instruments (regardless of the date the trust was created after July 31, 1969) by judicial proceeding, binding agreement or otherwise,[7] until December 31, 1972,[8] was proper to assure orderly transition ino the new rules governing charitable remainder trusts.

D. General discussion of application of H.R. 3227

H.R. 3227 amends Sec. 2055(e) to add Sec. 2055(e)(3), a relief provision aimed at reducing the hardship caused by the enactment, in 1969, of the complex charitable remainder trust rules affecting certain charitable "bequests, legacies, devises or transfers." It should, accordingly, be liberally construed to effectuate its purpose of allowing a charitable deduction when the final version of the trust conforms to Sec. 664.[9] Its premise is that the resultant qualified trust, effectuated through judicial proceeding or binding agreement, was actually in the will (or other governing instrument) as of the date of the decedent's death.

H.R. 3227 liberalizes the amendment or conformation rights contained in Regs. § 1.664-1(f)(3) as applied to Sec. 2055(e). The bill has a number of material distinctions which should be noted in the event questions may arise as to the scope or extent of its application. Under the regulations, the original bequest or transfer had to be in trust and such trust had to be created subsequent to July 31, 1969 and prior to December 31, 1972 (apparently even if created as a revocable trust). In addition, at the time the trust was created, the governing instrument (whether deed of trust or will) had to give the qualified beneficiary "an irrevocable remainder interest in such trust." Regs. § 1.664-1(f)(3)(i).

1. H.R. 3227 requires only an "interest in property" to pass from the decedent to the charitable beneficiary. If the interest is not in trust at the time of decedent's death (*viz.*, from January 1, 1970 to December 31, 1975), the deduction is nevertheless allowable if the interest is properly and timely amended or conformed under proposed Sec. 2055(e)(3).

(2) The key date for application of the reformation right is the date of death of decedent, not the date on which the original transfer in trust (if that is the case) occurred. Under the regulations, it appears that if a revocable trust was created and funded before July 31, 1969 and later became irrevocable because of the death of one of the income beneficiaries or relinquishment of certain powers, no right of amendment or conformation exists in the regulation. This "creation" problem is eliminated by H.R. 3227, and the deduction allowed, where the transferred interest is properly and timely amended or conformed under proposed Sec. 2055(e)(3).

3. The regulations require that the donor have originally transferred an irrevocable remainder interest. This is not required by H.R. 3227. If the charity received, by reason of the death of the decedent, a future remainder, regardless of form, including clearly conditional interests, it is eligible to seek reformation of that interest into a Sec. 664 trust. For example, assume a charity received an interest from a decedent which provided for private income interests but a charitable remainder *only if* the decedent's daughter, childless at his death, dies without descendents who survive both her and her mother. Under prior law no deduction was

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Footnotes at end of article.

available (*Estate of Sternberger* v. *United States,* 348 U.S. 197 (1955)) because there was the possibility that the transfer to charity would not become effective. Under H.R. 3227, an estate tax charitable deduction is allowed if the end result is a qualified charitable remainder trust described in Sec. 664. In other words, H.R. 3227 will permit transfers or bequests conditional in form (*Cf.* Rev. Rul. 64–129, C. B. 1964–1, Part 1, 329) to be rendered deductible if they become unconditional in fact by an amendment or conformation contemplated by proposed Sec. 2055(e)(3).

4. Under prior law, before a deduction was allowable for the value of the charitable remainder in trust, the probability of invasion or divestment or dissipation (including allocation of capital gains to the income beneficiary) by the Trustee, for the benefit of the income beneficiary, had to be "so remote as to be negligible." *Ithaca Trust Co.* v. *United States,* 279 U.S. 151 (1929). Thus, as stated in regulations (Regs. § 20.2055–2(b)) applicable to decendents dying before January 1, 1970 (and thus unaffected by Sec. 2055(e) in its present form):

"If, as of the date of a decedent's death, a transfer for charitable purposes is dependent upon the performance of some act or the happening of a precedent event in order that it might become effective, no deduction is allowable unless the possibility that the charitable transfer will not become effective is so remote as to be negligible. If an estate or interest has passed to or is vested in charity at the time of a decedent's death and the estate or interest would be defeated by the performance of some act or the happening of some event, the occurrence of which appeared to have been highly improbable at the time of the decedent's death, the deduction is allowable. If the legatee, devisee, donee, or trustee is empowered to divert the property or fund, in whole or in part, to a use or purpose which would have rendered it, to the extent that it is subject to such power, not deductible had it been directly so bequeathed, devised, or given by the decedent, the deduction will be limited to that portion, if any, of the property or fund which is exempt from an exercise of the power. The deduction is not allowed in the case of a transfer in trust conveying to charity a present interest in income if by reason of all the conditions and circumstances surrounding the transfer it appears that the charity may not receive the beneficial enjoyment of the interest."

Regardless of the foregoing considerations, such as ascertainability of the value of the charitable interest as of decedent's death, a deduction will nevertheless be allowed if the transferred interest is properly and timely amended or conformed. Thus, even where prior law would have caused loss of the deduction,[10] if a testamentary trust as orginally created is amended or conformed so that there are *no* invasion rights (as required by Sec. 664, the deduction is permitted.

For example, suppose the decedent, by will, created an unqualified testamentary charitable remainder trust (without annuity or unitrust format) and, under the original terms of the testamentary trust, permitted the trustee to distribute to the wife such amounts of corpus as were necessary for her "happiness" (*Merchants Nat'l Bank* v. *Comm'r,* 320 U.S. 256 (1943)) or for her "pleasure" (*Henslee* v. *Union Planters Nat'l Bank,* 335 U.S. 595 (1949)). Under prior law, no deduction was allowed. Under proposed Sec. 2055(e)(3), a deduction would nevertheless be allowed if the trust is properly and timely amended or conformed to the unitrust or annuity trust format to extirpate all provisions which would disallow the deduction.

In similar fashion, suppose the decedent, by will, created an unqualified testamentary charitable remainder trust (without annuity or unitrust format) and the original trust permitted allocation of all capital gains to ordinary income for the benefit of the private beneficiary. Under prior law, the charitable deduction was not allowable. *Gardiner* v. *United States,* 1972–1 USTC §12,841 (9th Cir. 1972). A deduction would be allowed if the trust is properly and timely amended or conformed under Sec. 2055(e)(3) (which bars such allocations).

5. Under prior law, the death of a noncharitable income beneficiary was not treated as a disclaimer in order to render deductible a charitable bequest which was speculative at the time of decendent's death. *City National Bank and Trust Co.* v. *United States,* 312 F. 2d 118 (6th Cir. 1963). There may be instances when an income beneficiary may die after the period specified in the final flush sentence of Sec. 2055(a), necessitating the type of adjustment covered by H.R. 3227. When it is clear from the will that the deceased income beneficiary's interest passed from the decedent at the date of his death, then a court of competent jurisdiction, through a post-mortem guardianship, could appoint a guardian to facilitate the amendment or reformation enabling the estate to claim the deduction for the present value of the property passing to charity computed as of the date of decedent's death. In the above case, the deduction would be computed without regard to the income beneficiary's death, using the actuarial tables (age and sex) applicable at the time of the testator's death. No increase in the estate tax deduction would occur by reason of the premature death of the income beneficiary.

E. Expanded transitional rule induces unqualified trusts to become subject to Internal Revenue Service oversight

Part of the Chapter 42 limitations imposed upon private foundations' activities are applied to charitable remainder annuity trusts and charitable remainder unitrusts described in Sec. 664.[11] These rules are applied to qualified charitable remainder trusts to prevent the use of such trusts as vehicles to avoid the limitations placed on private foundations:

"Prior law did not impose restrictions or requirements on nonexempt trusts similar to those imposed by the Act on private foundations. In addition, the allowability of a charitable contribution deduction (for income, gift, and estate tax purposes) for a gift to charity in the form of an interest in trust was not conditioned on the existence of provisions in the trust instrument which prevent the trust from violating restrictions or requirements of this nature. * * * If a nonexempt charitable trust were not subject to many of the requirements and restrictions imposed on private foundations, it would be possible for taxpayers to avoid these restrictions by the use of nonexempt trusts instead of private foundations. * * * The Act prevents the avoidance of the foundation rules by providing generally that nonexempt charitable trusts are subject to most of the same requirements and restrictions as are imposed on private foundations. The restrictions made applicable are those relating to termination of private foundation status, governing instruments, self-dealing, retention of excess business holdings, and the making of speculative investments or taxable expenditures." [Generally, General Explanation of the Tax Reform Act of 1969, Dec. 3, 1970, at p. 88]

The two important limitations which apply to charitable remainder trusts deal with limitations on self-dealing (I.R.C. Sec. 4941) and making of taxable expenditures (I.R.C. Sec. 4945). Self-dealing limitations exist as a shield for the charitable remainder:

"[To] minimize the need to apply subjective arm's-length standards, to avoid the temptation to misuse private foundations for noncharitable purposes, to provide a more rational relationship between sanctions and improper acts, and to make it more practical to properly enforce the law, the Act generally prohibits self-dealing transactions and provides a variety and graduation of sanctions, as described below. This is based on the belief by the Congress that the highest fiduciary standards require complete elimination of all self-dealing rather than arm's-length standards." [Generally, General Explanation of the Tax Reform Act of 1969, *supra,* at pp. 30–31]

With the repeal of Secs. 681(b) and (c),[12] and the factor that none of the Chapter 42 taxes are applicable to unqualified charitable remainder trusts.[13] an unqualified charitable remainder trust is free of any federal tax limitations on self-dealing or similar noncharitable activities. Under prior law, Secs. 681(b) and (c) could be applied to the charitable income interest or charitable remainder interest regardless of the deductibility (or extent thereof) of the value of the property placed in trust representing the charitable interest. The limitations of these provisions dealt not only with application of Sec. 642(c) (charitable deductions of trusts) but could affect the deductibility of future contributions to the split interest trust by operation of Sec. 503(e).

If unqualified trusts are reformed to conform to the provision of Sec. 664 and Sec. 2055(e), such trusts become subject to the rules of Chapter 42 to the extent provided by Sec. 4947(a)(2). Assuming the basic purpose of Chapter 42 is to preserve and protect monies dedicated to public uses and prevent abuse of such funds, a bill which induces unqualified trusts to become subject to the rules of Chapter 42 will complement the legislative purposes for applying Chapter 42 to Sec. 664 trusts in the first place. The Government would be bringing into the regulatory scheme additional trusts which otherwise would have been free of any self-dealing, investment or similar limitations. This regulation or enforcement consideration should not be minimized in evaluating the total net effect of the transitional rule being suggested.

FOOTNOTES

[1] In most cases, loss of the estate tax charitable deduction means the tax is satisfied out of the property representing the principal of the trust destined eventually for charity.

[2] Under Sec. 201(g)(4)(A), Tax Reform Act of 1969, I.R.C. Sec. 2055(e) is effective, as to testamentary charitable transfers, for decedents dying after December 31, 1969.

[3] *Cf.* I.R.C. Sec. 2205 with McKinney's Cons. N.Y. Laws (Book 17B), Estates, Powers and Trust Law, § 2–1. 8. Annotated Code of Maryland, Art. 93 § 11–109 ("Uniform Estate Tax Apportionment Act").

[4] D.C. Code, Title 21, § 1801(d) (1972 Supp.); Annotated Code of Maryland, Art. 16, § 199D–1 (1972 Supp.); Ohio Code, §109.-232 (1972 Supp.). These statutes permit the trustee and all beneficiaries to agree, among themselves, to reform the instrument without resort to judicial proceeding in order to conform the instrument to the requirements of Sec. 664. Absent a legislative grant to perform the amendment or conformance rites, an action for reformation or, in probate parlance, "construction" is necessary to alter the testamentary disposition. *Cf. Estate of Pearlbrook,* CCH Private Foundation Reporter, ¶ 7310 (N.Y. Surrogates Ct., N.Y. County, August 7, 1972).

[5] For a recent study of policy considerations inherent in tax legislation, see Note, Setting Effective Dates for Tax Legislation: A Rule of Prospectivity, 84 *Harvard Law Review* 436 (1970).

[6] See generally, Prop. Regs. § 20.2055–2(e)(3) and (4), 37 F.R. 7895 (April 21, 1972).

[7] See, H. Rep. 92–610, 92d Cong., 1st Sess. (to accompany H.R. 11489) at p. 7.

[8] The reformation date of December 31, 1971 contained in Prop. Regs. § 1.664–1(g)(3), 36 F.R. 18671, was extended to June 30, 1972 by T.I.R. 1120 (December 17, 1971) and extended in the final regulations to December 31, 1972 in I.T. Regs. § 1.664–1(f)(3).

[9] Because of a public charity's interest in an estate, the Supreme Court, sometime ago, upheld the tax benefits which in reality flowed to a hospital despite a "technical formality" which the Government tried to use to disallow the deduction. *Lederer* v. *Stockton*, 260 U.S. 3, 8 (1922). Since then, it has been generally recognized that deduction provisions which create incentives to give to charity should not be narrowly construed because they are "liberalizations of the law in the taxpayer's favor, * * * begotten from motives of public policy * * *." *Helvering* v. *Bliss*, 293 U.S. 144, 151 (1934).

[10] Rev. Rul. 70–452, C.B. 1970–2, 199.

[11] I.R.C. Sec. 4947(a)(2). Prop. Regs. § 53.4947–1(c)(1)(ii), 36 F.R. 5240 (March 18, 1971).

[12] 101(j)(18) of the Tax Reform Act of 1969.

[13] I.R.C. Sec. 4947(a)(2)(B).

PRESIDENT NIXON SOFTENS A CRISIS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I call yesterday's editorial of the Miami Herald to the attention of my colleagues in the House.

I do so because it expresses concisely and clearly a sensible viewpoint on matters over which the entire Nation has been agonizing:

THE LAW IS NOT DEFIED—AND A CRISIS IS SOFTENED

"This President," said his counsel yesterday in open court, "does not defy the law." In that motion Mr. Nixon turned over The White House Tapes and apparently all other relevant Watergate documents to the federal court which had subpoenaed them.

The President's wise action came better late than never. Whether it will cure the counts against him in Congress, where the House Judiciary Committee had begun a study of whether he should be impeached, cannot be determined at once. And whether this capitulation will appease the American people who, as former Attorney General Elliot Richardson said yesterday, are his ultimate judges, is problematical.

Our feeling, however, is that a constitutional crisis has been avoided, at least for the moment. Indeed, it is a feeling of relief.

In the words of Chesterfield Smith, who urged the President to change his course, defiance of the U.S. Court of Appeals and of U.S. District Judge John Sirica constituted an "attack on the justice system and the rule of law as we have known it in this country."

Mr. Smith, of Lakeland, a distinguished member of the Florida Bar and president of the American Bar Association, must have spoken tellingly for many aggrieved Americans. His organization seldom wets its toes in the hot waters of public controversy. But such were the dimensions of the crisis.

More is the pity, of course, that the crisis ever had to be precipitated. It made a shambles of the Justice Department and it diverted the nation and the White House with it from the new suddenly menacing developments of the Middle East war.

There are still demands in Congress for impeachment, and we have said, Go slow. Watergate and this week's aftermath is only one matter. Mr. Richardson mentioned the "integrity" of the judicial system, and he might as well have alluded to integrity in the executive. Disclosures about election spending and allegations about funds for favors are other factors. From every sign the American people have lost confidence in the Nixon administration. If Mr. Nixon has broken no law, he is yet cast in the public eye as a malefactor of political power.

If there is to be action in Congress we recommend the course of the House Judiciary Committee which is beginning a sober and orderly study of whether the President has in fact done anything for which he should be impeached.

It is through its representatives elected at the shortest intervals and most often answerable to them that the people govern themselves. The public should await the outcome of that inquiry without emotion and with, we think, well-placed confidence. For this is not the time for the Republic to go off half-cocked.

METRIC CONVERSION BILL (H.R. 11035) CONTAINS SEVERAL DEFECTS

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, it appears that the House Rules Committee will grant a rule within the next few days authorizing debate on the proposed metric conversion bill as reported by the House Committee on Science and Astronautics.

It is with some reluctance that I express dissatisfaction and disagreement with certain parts of this legislation. However, it is my feeling that the measure in its present form fails to fulfill the existing need for establishment of a mechanism for developing a coordinated national program for conversion to the metric system over a 10-year period.

Mr. Speaker, the title of the bill would seem to limit the measure to establishment of a national policy—instead of providing for a national program for conversion to the metric system of weights and measures. In addition, to require development of a comprehensive plan subject to later congressional or Presidential veto constitutes a built-in delay of at least 14 months before we can proceed to express a national commitment to convert to the metric system.

Mr. Speaker, many of my colleagues joined me in sponsoring a separate bill in the form of H.R. 19720. While I would prefer that measure as a substitute for the committee bill (H.R. 11035), I plan to limit my proposed changes to two amendments to H.R. 11035, which I will attach to these remarks for the further information of all of my colleagues.

Mr. Speaker, the first amendment will do nothing more than change the title of this bill to emphasize that we are indeed establishing "a program for the United States to convert to the international metric system."

Mr. Speaker, the second amendment would have the effect of making a national commitment now to convert to the metric system over a 10-year period, and would charge the Metric Conversion Board with carrying out a general conversion to metric measurements. The Board would be authorized to develop detailed plans and timetables and to generally guide the Nation in a coordinated, voluntary program in which every element of our society would participate.

Mr. Speaker, it is my understanding that none of the other nations which have engaged in a coordinated conversion to the international metric system has adopted the approach which is contained in the committee bill; namely, the development of a "comprehensive plan" subject to approval by the President and the Congress as well as the Department of Commerce. Indeed, it is my further understanding that the Canadian authorities encountered difficulties following their original decision to convert to the metric system—by authorizing the very kind of "comprehensive plan" which is required by the committee bill (H.R. 11035).

It is quite obvious that in developing a coordinated program of general conversion to the metric system of weights and measures, there must be separate and distinct plans which relate to the various segments of our society which are subject to the conversion program. The details, the timetables, and other subjects must undergo almost continual review and revision—particularly because of the voluntary and coordinated nature of the overall conversion program.

Mr. Speaker, with the benefit of the experience of many other nations, England, Australia, New Zealand, among others, for us to demand by legislation requirements which have been discredited in these other nations would appear on its face to be a grave mistake. This is the principal defect in the committee bill which my second amendment endeavors to correct.

Mr. Speaker, unless this second amendment is adopted, it cannot be said that the Congress is taking a decisive step to convert to the metric system. Instead, the bill as presented to the House contains built-in dangers which might delay indefinitely any such important step.

Mr. Speaker, it would be my hope that the Department of Commerce and the members of the Science and Astronautics Committee, as well as all of my colleagues in the House who are interested in providing a constructive and coordinated program of conversion to the international metric system, would join in supporting these two vital amendments.

Mr. Speaker, the two proposed amendments follow:

AMENDMENT NO. 1 TO H.R. 11035, AS REPORTED

OFFERED BY MR. M'CLORY

The title is amended to read as follows: "A bill to establish a program for the United States to convert to the international metric system."

AMENDMENT NO. 2 TO H.R. 11035

REPORTED BY MR. M'CLORY

Strike out all of Sections 9, 10, and 11 (beginning on line 14 of page 6 and ending on line 21 of page 11) and by renumbering the remaining sections of the bill accordingly, and inserting in lieu thereof, the following:

The Board is charged with the responsibility of implementing, with the voluntary participation of every interested sector and group in the United States, the recommendations of the United States metric study, undertaken pursuant to the Act approved August 9, 1968, including—

(1) that the United States change to the

international metric system deliberately and carefully;

(2) that this be done through a coordinated national program;

(3) that detailed plans and timetables be worked out, within the guiding framework established and from time to time revised by the Board, by the various sectors and interests of the society themselves;

(4) that priority be given to educational programs to be carried out in the Nation's elementary and secondary schools and institutions of higher learning, as well as with the public at large, which shall be designed to enable all Americans to think and work in metric terms and which shall include—

(A) public information programs conducted by the Board through the use of newspapers, magazines, radio, television, other media, and through talks before appropriate citizen groups and public and private organizations;

(B) counseling and consultation by the Board, in cooperation with the Secretary of Health, Education, and Welfare and the Director of the National Science Foundation, with educational associations and groups so as to assure that the international metric system is made a part of the curriculums of the Nation's educational institutions and that teachers and other appropriate personnel are properly trained to teach the international metric system; and

(C) consultation by the Board with appropriate State and local weights and measures officials to assure that such officials are informed of steps being taken to convert to the international metric system;

(5) that the appropriate representatives of American enterprise participate in international standards activities;

(6) that in order to encourage efficiency and minimize the overall costs to society, the general rule should be that any changeover costs shall lie where they fall;

(7) that the Board establish such committees and advisory panels as it deems necessary to work with the various sectors of the American economy and governmental agencies in the implementation of the international metric system; and

(8) that the target date for conversion shall be January 1, 1985 after which date the nation shall be predominantly, although not exclusively, metric.

(9) that the Board shall cease to exist after the target date.

SPECIAL PROSECUTOR AND GRAND JURY HEARINGS

(Mr. HUNGATE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, yesterday the chairman of the Committee on the Judiciary announced that the Subcommittee on Criminal Justice has been assigned various legislative proposals dealing with the establishment of an independent special prosecutor and legislative proposals to extend the life of the grand jury in the District of Columbia which is now considering various Watergate and Watergate-related matters.

At a subcommittee meeting today, it was decided that, because of the urgency and importance of these issues, hearings will begin on Monday, October 29, at 10 a.m., in room 2141, Rayburn House Office Building. They will continue on Wednesday, October 31; Thursday, November 1; and, if necessary, on into the following week.

Persons and organizations wishing to make their views known to the subcommittee should promptly contact counsel, Subcommittee on Criminal Justice, House Committee on the Judiciary, room 2137, Rayburn House Office Building, Washington, D.C., 20515—telephone number 202-225-0406.

The subcommittee has decided to proceed first on that phase of the legislation which would extend the grand jury's term, and expects to complete action on it on October 29, 1973.

On October 31, the subcommittee will turn its particular attention to legislative proposals for the appointment of a special prosecutor.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS THAT DESPITE THE PRESIDENTIAL CRISIS, THE OLD ECONOMIC CRISIS REMAINS

(Mr. O'NEILL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, since last weekend, the Nation's attention has been riveted on the crisis precipitated by President Nixon's firing of the special prosecutor, Archibald Cox.

There has almost been a tendency to forget such common, everyday crises as the price of food, the cost of living generally, and the prospects for employment.

Yesterday, Herbert Stein, Chairman of the Council of Economic Advisers, brought these matters to the Nation's attention once again. In a press conference, Mr. Stein said the Nation could expect an increase in unemployment in 1974. He suggested that credit will remain tight. And he could not say exactly when the price spiral might start to slow down.

For the housewife, and for all of us, that means continued high food prices. On that score, Mr. Stein retreated to a familiar administration refrain: Things are getting worse, but at a slower rate.

He said food prices would continue to go up during the next few months but, by later next year, food prices would no longer be a major concern of the housewife.

Well, Mr. Speaker, that is wonderful news—for next year. But the housewife and her family and all of us have to eat today and tomorrow and every day while we are waiting for the moderately rosy future predicted by Mr. Stein.

Despite the Watergate tapes mess in which the President has entangled himself—despite the international crises that we are confronting, the old problems still remain. The American people still suffer from the neglect, ineptitude, and negative economic policies perpetrated by this administration since it took office.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Burton (at the request of Mr. O'Neill), for today, on account of death in family.

Mr. Brasco (at the request of Mr. O'Neill), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Sarasin) to revise and extend their remarks and include extraneous material:)

Mr. Hanrahan, for 5 minutes, today.

Mr. Maraziti, for 7 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Williams, for 15 minutes, today.

Mr. Walsh, for 15 minutes, today.

(The following Members (at the request of Mr. Sarasin) and to revise and extend their remarks and include extraneous matter:)

Mr. Andrews of North Dakota, for 30 minutes, today.

(The following Members (at the request of Mr. Andrews of North Carolina) to revise and extend their remarks and include extraneous matter:)

Mr. McSpadden, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Reuss, for 60 minutes, today.

Mr. Diggs, for 5 minutes, today.

Mr. Thompson of New Jersey, for 5 minutes, today.

Mr. Vanik, for 5 minutes, today, to revise and extend his remarks and include extraneous material.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Donohue, immediately following the prayer.

(The following Members (at the request of Mr. Sarasin) and to include extraneous material:)

Mr. Peyser in two instances.

Mr. Young of South Carolina.

Mr. Esch.

Mr. Steiger of Wisconsin in four instances.

Mr. Gilman.

Mr. Spence in two instances.

Mr. Sebelius.

Mr. Davis of Wisconsin.

Mr. Walsh.

Mr. Ashbrook in two instances.

Mr. Lent in three instances.

Mr. Kemp in two instances.

Mrs. Holt in two instances.

Mr. Hosmer in three instances.

Mr. Treen.

Mr. Symms.

(The following Members (at the request of Mr. Andrews of North Carolina) and to include extraneous matter:)

Mr. Young of Georgia in six instances.

Mr. Badillo in two instances.

Mr. Hamilton in 10 instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Ashley.

Mr. Kluczynski.

Mr. Rooney of New York in two instances.

Mr. Vanik in two instances.

Mr. Dellums in five instances.

Mr. McCormack.

Mr. Harrington in four instances.

Mr. Jones of Tennessee in six instances.

Mr. Pickle.

Mr. Melcher.

Mr. Andrews of North Carolina.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9639. An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

ADJOURNMENT

Mr. ANDREWS of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Monday, October 29, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1481. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and material, and for expenses involving the production of lumber and timber products, covering the fourth quarter of fiscal year 1973, pursuant to section 712 of Public Law 92-570; to the Committee on Appropriations.

1482. A letter from the Assistant Secretary of the Interior, transmitting a report on a major change being proposed in the plan for the Seedskadee project, Colorado River storage project, Wyoming; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ULLMAN: Committee on Ways and Means. H.R. 11104. A bill to provide for a temporary increase of $13 billion in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974 (Rept. No. 93-609). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ULLMAN (for himself and Mr. Schneebeli):

H.R. 11104. A bill to provide for a temporary increase of $13 billion in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974; to the Committee on Ways and Means.

By Mr. BRADEMAS (for himself, Mr. Pepper, Mr. Eshleman, Mr. Perkins, Mr. Bell, Mr. Thompson of New Jersey, Mr. Dellenback, Mr. Dent, Mr. Esch, Mr. Dominick V. Daniels, Mr. O'Hara, Mr. Hansen of Idaho, Mr. Hawkins, Mr. Peyser, Mr. William D. Ford, Mr. Sarasin, Mrs. Mink, Mr. Meeds, Mr. Burton, Mr. Gaydos, Mrs. Chisholm, Mr. Biaggi, Mrs. Grasso, Mr. Mazzoli, Mr. Badillo, and Mr. Lehman):

H.R. 11105. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. BROWN of California:

H.R. 11106. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of alcoholic beverages is not a deductible expense; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Pettis, and Mr. Mailliard):

H.R. 11107. A bill to amend the Philippine Trade Act of 1946 in order to remove the quota on Philippine cordage at the close of calendar year 1973; to the Committee on Ways and Means.

By Mr. DIGGS (for himself, Mr. Nelsen, Mr. Stuckey, Mr. Dellums, Mr. Rees, Mr. Fauntroy, Mr. Howard, Mr. Rangel, Mr. Breckinridge, Mr. Stark, Mr. Broyhill of Virginia, Mr. Gude, Mr. Landgrebe, and Mr. McKinney):

H.R. 11108. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on the District of Columbia.

By Mr. DULSKI:

H.R. 11109. A bill to name the Federal Office Building in Buffalo, N.Y., the "Robert F. Kennedy Federal Office Building"; to the Committee on Public Works.

By Mr. GUBSER:

H.R. 11110. A bill to incorporate World War I Overseas Flyers, Inc.; to the Committee on the Judiciary.

By Mr. HANRAHAN:

H.R. 11111. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho:

H.R. 11112. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966 (80 Stat. 772); to the Committee on Education and Labor.

By Mr. HÉBERT (for himself and Mr. Bray) (by request):

H.R. 11113. A bill to amend title 10, United States Code, to authorize the selective continuation of certain regular commissioned officers on the active lists of the Army, Navy, Marine Corps, and Air Force upon recommendation of a selection board, and for other purposes; to the Committee on Armed Services.

By Mr. KUYKENDALL:

H.R. 11114. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

By Mr. MATHIS of Georgia:

H.R. 11115. A bill to amend the Truth in Lending Act to exempt from coverage under the act credit transactions involving extensions of credit for agricultural purposes; to the Committee on Banking and Currency.

H.R. 11116. A bill to amend the Economic Stabilization Act of 1970 to exempt stabilization of the price of fertilizer from its provisions; to the Committee on Banking and Currency.

H.R. 11117. A bill to provide financial assistance for a demonstration program for the prevention, identification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes; to the Committee on Education and Labor.

H.R. 11118. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for 4 additional years, and for other purposes; to the Committee on Public Works.

By Mr. MITCHELL of Maryland (for himself, Mr. Hawkins, Mr. Moakley, Mr. Wampler, Mr. Conyers, Mr. Harrington, Mrs. Chisholm, Mr. Dellums, Mr. Mazzoli, Miss Jordan, and Mrs. Schroeder):

H.R. 11119. A bill to establish the Federal Protective Service Police force within the General Services Administration, provide minimum training, pay, and other benefits for such police force, and for other purposes; to the Committee on Public Works.

By Mr. MIZELL:

H.R. 11120. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the New River as potential component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. PATTEN:

H.R. 11121. A bill to assure opportunities for employment and training to unemployed and underemployed persons; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Ms. Abzug, Mr. Addabbo, Mr. Anderson of California, Mr. Baker, Mr. Bergland, Mr. Biester, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Brasco, Mr. Breckinridge, Mr. Brown of California, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Carney of Ohio, Mrs. Collins of Illinois, Mr. Coughlin, Mr. Cronin, Mr. Culver, Mr. Dellums, Mr. Dingell, Mr. Drinan, Mr. Dulski, and Mr. Duncan):

H.R. 11122. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fish, Mr. Flood, Mr. William D. Ford, Mr. Fraser, Mr. Gonzalez, Mr. Gray, Mr. Green of Pennsylvania, Mr. Gude, Mr. Gunter, Mr. Guyer, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Ms. Holtzman, Mr. Horton, Mr. Howard, Mr. Johnson of Pennsylvania, Mr. Johnson of California, Mr. Koch, and Mr. Kyros):

H.R. 11123. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Long of Maryland, Mr. McCormack, Mr. McDade, Mr. Madigan, Mr. Matsunaga, Mr. Mayne, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Mitchell of New York, Mr. Moakley, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Morgan, Mr. Moss, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nix, Mr. Obey, Mr. Patten, Mr. Podell, Mr. Randall, Mr. Rangel, Mr. Rees, and Mr. Reid):

H.R. 11124. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Riegle, Mr. Rodino, Mr. Roe, Mr. Rooney of Pennsylvania, Mr. Rose, Mr. Rosenthal, Mr. Rostenkowski, Mr. Roybal, Mr. Ruppe, Mr. Ryan, Mr. St Germain, Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mr. Slack, Mr. James V. Stanton, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Thompson of New Jersey, Mr. Thone, Mr. Tiernan, Mr. Waldie, and Mr. Walsh):

H.R. 11125. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. Whitehurst, Mr. Bob Wilson, Mr. Charles Wilson of Texas, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Won Pat, Mr. Wydler, and Mr. Yatron):

H.R. 11126. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 11127. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the authority of the Secretary of Health, Education, and Welfare with respect to foods for special dietary use; to the Committee on Interstate and Foreign Commerce.

H.R. 11128. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 11129. A bill to amend the Internal Revenue Code of 1954 to provide an additional personal exemption of $750 for certain volunteer firemen; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Podell, Mr. Helstoski, Mr. Nix, Mr. Stokes, Mr. Riegle, Mr. Won Pat, Mr. Murphy of New York, Mr. Carney of Ohio, Mr. Rangel, Mr. de Lugo, Mrs. Burke of California, Mrs. Chisholm, Mr. Young of Georgia, and Mr. Harrington):

H.R. 11130. A bill to create a National Landlord and Tenant Commission, to establish housing courts, and to define or to provide therefor the rights, obligations, and liabilities of landlords and tenants so as to regulate the activities of the commercial rental housing operations which affect the stability of the economy, the amount of person's real income, the travel of goods and people in commerce, and the general welfare of all citizens of this Nation; to the Committee on the Judiciary.

By Mr. SKUBITZ (for himself and Mr. Sebelius):

H.R. 11131. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Elkhart, Kans., for airport purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of North Carolina:

H.R. 11132. A bill to provide for the appointment of a Special Prosecutor by Judge John J. Sirica of the U.S. District Court for the District of Columbia, to investigate and prosecute any offense with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. SMITH of Iowa (for himself, Mr. Culver, Mr. Mezvinsky, Mr. Gross, Mr. Mayne, Mr. Scherle, and Mr. Karth):

H.R. 11133. A bill to authorize the Secretary of Transportation to provide mass transportation assistance essential for the movement of basic commodities and energy resources to and from production areas and major distribution and processing centers; to the Committee on Interstate and Foreign Commerce.

By Mr. WALSH:

H.R. 11134. A bill to amend chapter 34 of title 38, United States Code, to authorize additional payments to eligible veterans to partially defray the cost of tuition; to the Committee on Veterans' Affairs.

By Mr. WHALEN:

H.R. 11135. A bill to provide for the appointment of an independent Special Prosecutor to prosecute certain investigations into criminal activities; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mrs. Burke of California, Mr. Dominick V. Daniels, Mr. Eilberg, Mr. Gude, Mr. Diggs, Mr. Kyros, Mr. McCloskey, Mr. Lehman, Mr. Preyer, Mr. Rangel, Mr. Pettis, Mr. Riegle, Mr. Studds, Mr. Nix, Mr. Patten, Mr. Hanna, Mr. Vigorito, Mr. Charles Wilson of Texas, and Mr. Yatron):

H.J. Res. 794. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. McDADE:

H.J. Res. 795. Joint resolution asking the President of the United States to declare Sunday, November 25, 1973, "MIA Awareness Day" to pay tribute to members of the Armed Forces who are missing in action in Indochina; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. Adams, Mr. Anderson of California, Mr. Bevill, Mr. Brown of California, Mr. Danielson, Mr. Dellums, Mr. Denholm, Mr. Edwards of California, Mr. Fascell, Mr. Flood, Mr. Ketchum, Mr. Mathis of Georgia, Mr. McCloskey, Mr. Meeds, Mr. Melcher, Mr. Montgomery, Mr. Morgan, and Mr. Moss):

H.J. Res. 796. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. MATSUNAGA (for himself, Mr. Nichols, Mr. Owens, Mr. Pepper, Mr. Pickle, Mr. Roybal, Mr. Saylor, Mr. Seiberling, Mr. Stark, Mr. Teague of California, Mr. Thone, Mr. Towell of Nevada, Mr. Vanik, Mr. Vigorito, Mr. Whitehurst, Mr. Charles H. Wilson of California, and Mr. Yatron):

H.J. Res. 797. Joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. THOMSON of Wisconsin:

H.J. Res. 798. Joint resolution designation of the second full week of October of each year as "University Extension Homemaker Week"; to the Committee on the Judiciary.

By Mr. LONG of Maryland (for himself, Mr. Burton, Mr. Murphy of New York, Mr. Fascell, Mr. Hillis, Mr. Leggett, and Mr. Patten):

H. Con. Res. 367. Concurrent resolution expressing the sense of the Congress with respect to possible curtailment of oil supplies from Arab producers; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. Andrews of North Carolina, Mr. Badillo, Mr. Bevill, Mr. Gunter, Mr. Hanley, Mr. Murphy of Illinois, Mr. Rangel, Mr. Reuss, Mr. Rosenthal, Mr. Stark, Mr. Stokes, and Mr. Won Pat):

H. Con. Res. 368. Concurrent resolution expressing the sense of the Congress that the President should reappoint Archibald Cox as Special Prosecutor and renominate Elliot Richardson as Attorney General, and renominate William Ruckelshaus as Deputy Attorney General; to the Committee on the Judiciary.

By Mr. RODINO:

H. Con. Res. 369. Concurrent resolution to print as a House document, House Committee Print on Impeachment, Selected Materials; to the Committee on House Administration.

By Mr. COHEN (for himself, Mr. Anderson of Illinois, Mr. Robison of New York, Mr. Pritchard, and Mr. Sarasin):

H. Res. 658. Resolution expressing the sense of the House that the Office of the Special Prosecutor be reestablished; to the Committee on the Judiciary.

By Mr. McDADE:

H. Res. 659. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Beard, Mr. Duncan, Mr. du Pont, Mr. Fulton, Mr. Lujan, Mr. Milford, Mr. Mitchell of Maryland, Mr. Towell of Nevada, and Mr. Wright):

H. Res. 660. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. RIEGLE:

H. Res. 661. Resolution for the impeachment of Richard M. Nixon; to the Committee on the Judiciary.

By Mr. ROYBAL:

H. Res. 662. Resolution impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors; to the Committee on the Judiciary.

H. Res. 663. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. SCHERLE:

H. Res. 664. Resolution expressing the sense of the House that U.S. combat troops not be introduced in the Middle East conflict without prior congressional authorization; to the Committee on Foreign Affairs.

By Mr. THOMPSON of New Jersey (for himself, Mr. Addabbo, Mr. Blatnik, Mr. Corman, Mr. Gaydos, Mrs. Burke of California, Mr. Carney of Ohio, Mr. Stokes, Mr. Lehman, Mr. Koch, Mr. Long of Maryland, Mr. Rosenthal, Mr. Roy, Mr. Charles H. Wilson of California, Mr. St Germain, and Mr. Hechler of West Virginia):

H. Res. 665. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. WALDIE (for himself and Mr. Stokes):

H. Res. 666. Resolution for the impeachment of the President of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

322. The SPEAKER presented a memorial of the Legislature of the State of Wisconsin, relative to Federal highway trust funds; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

By Mr. HUNT:

H.R. 11136. A bill for the relief of Brandywine-Main Line Radio, Inc., WXUR and WXUR-FM, Media, Pa.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

332. By the SPEAKER: Petition of the city council, Miami Beach, Fla., relative to national unity on the Middle East conflict; to the Committee on Foreign Affairs.

333. Also, petition of the city council, Binghampton, N.Y., relative to daylight saving time; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

THE DEDICATION OF THE MEDICAL COLLEGE OF OHIO

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASHLEY. Mr. Speaker, on Friday, October 12, our distinguished colleague and close friend from my own great State of Ohio, Congressman Charles Mosher, was the principal speaker at the banquet, during the dedication of the first building on the permanent campus of the new Medical College of Ohio in Toledo, in my congressional district. His address was entitled "Declaration of Interdependence: Scientists, Students, Professors, Politicians—We Need Each Other!"

As the ranking minority member of the House Science and Astronautics Committee, and as a recognized authority in the vital, complex field of public policy formation for science and technology, Charles Mosher was well equipped to offer stimulating and insightful remarks to those assembled, and he did not let them down.

As the Toledo Blade commented in an editorial a few days later—

> Mr. Mosher, a living example of enlightened statesmanship, spelled out articulately and eloquently the need for closer ties between the Medical College of Ohio and area universities, and between the medical community and the government. His appeal for more extensive training of doctors so that they are better acquainted with the processes of government—particularly those involving decisions of funding medical science—was especially well taken.

I believe that the full text of Chuck Mosher's speech in Toledo deserves and demands special attention, and so I include it here for the Members:

DECLARATION OF INTERDEPENDENCE: SCIENTISTS, STUDENTS, PROFESSORS, POLITICIANS—WE NEED EACH OTHER!

I do feel very privileged to participate in this happy occasion this very significant, important celebration.

It happens that back in the 1950's I was a very active member of the Ohio Senate, in Columbus, as Chairman of the Senate Committee on Education and Health. And I remember well our early discussions, out of which finally developed (was it in 1964?) the Ohio General Assembly's decision to charter a new, state supported medical college here at Toledo.

So, it is with considerable personal satisfaction that I participate in this celebration of very impressive, tangible evidence that medical education and the medical sciences are indeed now in being, are alive and well, a dynamic force in this community.

My satisfaction in witnessing this accomplishment . . . my enthusiastic congratulations to all who have been most responsible for it, for this superb new Life Sciences Building . . . are rooted in an acute awareness of the difficult decision-making process required to bring this school to fruition, and also of the often agonizing decisions which constantly will burden all who are responsible for charting its future.

I emphasize that the first crucial decisions, the birth pains for the Medical College at Toledo, were political decisions, voting decisions in the state legislature. By the time your charter finally was voted, I was long since gone from Columbus to Washington. I cannot claim any personal credit for it; but from long legislative experience I am intimately aware of how complex that political process is, at best. So, to all of you, I urge your very realistic awareness . . . indeed, I *warn* you . . . that the future of this college, its vigor and quality and usefulness, will continue to depend in large part on policy decisions voted in both Columbus and Washington.

I strongly suggest that you who are most aware of and concerned for medical education, for medical research, for higher education in general (the realities, the needs and problems, the vast opportunities) . . . I suggest it is imperative that you take a most aggressively active, personal role in our political process. We legislators truly need your help as we struggle to process and vote wise and effective decisions. We politicians live a very kaleidoscopic, fragmented life, buffeted constantly by every conceivable interest. Often, it is extremely difficult to give any major problem . . . such as medical education . . . the concerted attention it may deserve. Each of us may become quite knowledgeable in some policy area related to our committee assignment. But in general it is true that we must rely on strong staff support and on the advice of presumed "experts". Most of us need and welcome the information, advice and criticism we receive from informed and concerned citizens and, certainly, concerning health policy decisions, or medical education and medical science decisions, we surely need (and I urgenly solicit) the assistance of many of you who are here this evening.

I implore you to communicate with your state legislators in Columbus and with your representatives and Senators in Washington, more frequently and more effectively. I repeat, we truly *need* your help!

I further suggest it might be appropriate now for medical colleges to begin to make an overt effort, as part of the curriculum, to "educate" future physicians concerning the rationale and processes of government, especially the formulating of public policy decisions which impact on the life sciences and the delivery of health services.

Only 25 years ago, I am told, about 31 percent of all medical research in the United States was funded by the federal government. By 1972, last year, that proportion had leaped to 63.7 percent. I'm guessing that long before the year 2000, at least 90 percent of policy for the funding of the life sciences will be by government decisions.

Thus, it is clear that all aspects of health services increasingly will be subject to social pressures, to legislative decisions. Hopefully these will be carefully and wisely considered, but sometimes, inevitably, by popular whim. It is my observation that doctors in general know little about the whys and hows of such decisionmaking. I submit it is imperative they learn.

Now, I assume that the legislative decision in Columbus by which the Medical College at Toledo was charted, resulted from a conviction that Ohio was training too few doctors. There was public discussion, some expert evidence, strong and increasing popular pressures, vigorous competition among several metropolitan areas where a new medical college might be located, and then the struggle to get funds appropriated . . . these essentially political pressures brought this school into being, the politically perceived need for Ohio to train more physicians.

(And, as a footnote, let me assure you that I use such phrases as "political process" or "political decision" only in their favorable sense, I use them with respect and devotion, despite my painful awareness of the faults, distortions, scandals that so weaken our political system.)

Essentially those same political pressures . . . the popular alarm because there are too few doctors, the skyrocketing costs for health care, the inequitable distribution of medical services, and unequal ability to pay for those services, especially as related to a growing popular belief that good health and good health care should be birthrights for all Aemricans rather than the privilege of a wealthy few . . . those same political pressures inevitably will produce from the Congress (perhaps as soon as 1974) some form of National Health Insurance Program for federally sponsored medical services available to all of us.

Nobody can say at this point what the details of that national program will be. A wide range of plans are being discussed. But I believe I am accurate in reporting that there does prevail among congressmen an uneasy belief that the success of *any* form of national health services program will require, first of all, a major increase in trained manpower . . . more physicians, more nurses perhaps, and probably a great many more paramedical technicians and assistants.

So, from the Ohio General Assembly in Columbus, and it is strongly echoed from Washington, there is a very forceful mandate on the Medical College at Toledo to produce more physicians. That is why this school exists, that is why we are dedicating a great new Health Sciences Building.

But what kind, what quality of physicians should Toledo produce, and what shall be the training emphasis here? I suspect neither Columbus or Washington is yet giving you any precise mandate as to your professional product, other than just the popular demand for more and more.

And certainly I don't have the credentials to offer expert judgments in attempting to answer those crucial questions: What kind of physicians shall we produce, and how shall we do it?

But I *do* have my own personal prejudices and hopes in that regard. As with paintings, I don't know much about art, but I know what I like. And so, just to be provocative, I will describe in quick, broad terms the physicians I hope the Medical College at Toledo will graduate.

First, I hope you will NOT attract nor train men and women who look upon their MD degree and license to practice as primarily sure tickets to personal wealth. I do not resent in anyone the accumulation of a modest fortune, if it is well earned in some useful, productive and creative, legitimate way; but I would resent it very much if this medical college became largely a trade school, producing mostly clever, glib, efficient, bedside-manner physicians intent on the business of making a profit. Personally, I am very pleased by recent reports that today's medical students are more socially concerned and service minded, men and women of sharpened conscience.

It is difficult to teach such qualities as humane compassion, sensitivity, moral wisdom, intellectual curiosity, creative imagination, scholarliness, sense of humor, humility and persistent, lifelong passion to learn . . . but I do believe you can, and you must, encourage those qualities in your students and in the physicians you graduate.

Especially, apropos this new Health Sciences Building which we now celebrate, I hope Toledo will produce physicians who by training and habit will be throughout their professional careers effective problem solvers, rather than mere routine prescribers or manipulators.

As I see it, the tremendous importance of involving a medical student in laboratory science, is to acquaint him (or her) with, and encourage a thorough understanding and appreciation of the scientific attitudes and methods, hopefully to excite a lifelong professional interest in, and by habit an intellectual bent toward the search for new knowledge and better understanding, so that his medical practice shall be always a continuing extension of his medical education.

I hope there will be here a very aggressive effort to involve medical students in the research of the scientists who shall be the primary users of these laboratories; but I suggest also the increasing involvement of undergraduates, of pre-med students from the neighboring universities of Toledo and Bowling Green. And most certainly, your clinical teaching faculty should have access to these laboratories and should be encouraged to become actively involved in good research.

My reference to the University of Toledo and to Bowling Green State University indicates a strong hope that this medical college will increasingly, intimately interrelate with those two universities. Frankly, I doubt the wisdom of any professional school isolated from a university atmosphere, and I assume this is not. It is of the very essence of a university that all its various elements shall be interacting, interdependent, mutually stimulating and mutually nourishing; and a medical college surely needs to be part of such a university community . . . especially so if, as many experts are saying, there needs to be a strong introduction to the biomedical sciences for undergraduate students, well before they enter a medical college.

Anticipating this evening, some weeks ago, I asked a friend, Dr. Frank Huddle, senior specialist for science and technology in the Library of Congress Research Service, for advice on what I should say here. And, because he is a sometime philosopher and classicist, I was not surprised when he urged me to take as my inspiration for these remarks several excerpts from *New Atlantis*, written by Sir Francis Bacon very early in the 17th Century. Some of you may remember that Bacon describes there an imaginary foundation for education and science which he calls "Salomon's House" and for its purpose he says:

"The end of our foundation is the knowledge of causes, and secret motions of things; and the enlarging of the bounds of human empire, to the effecting of all things possible."

And in later passages, Bacon describes how that foundation will send into all parts of the universe "merchants of light" who shall gather in "all the books and abstracts, and patterns of experiments of all other parts", while others will try new experiments, others will analyze and interpret . . . and then most significantly Bacon tells his plans for activities which we today often label "technology transfer", the broad and usefully effective spreading and application of new knowledge.

Frank Huddle told me that Bacon's concept of Salomon's House in *New Atlantis* created a great stir in intellectual circles of that day and was immediately responsible for the founding of The Royal Society, now long since a most distinguished and famous British institution.

He also said, "Tell them in Toledo, it is imperative that scientists, students, teachers and physicians be Baconians, rather than Cartesians." And when I raised my questioning eyebrow, he went on to explain that the Cartesian ideal is for great minds (or talented scientists, I suppose) to work alone, in isolation and secrecy, whereas Baconians (as described in *New Atlantis*) are greater team players, working together in the gathering, sharing, critical analysis, spreading and application of a broad spectrum of new knowledge.

So, that Salomon's House ideal is exactly the burden of these remarks tonight, my enthusiastic hope and expectation that the dedication of this Health Sciences Building, symbolizes a genuine, firm commitment to the philosophy that graduates of the Medical College at Toledo shall be trained to work together in the ways of science . . . to have a persistent thirst for new knowledge, and better understanding and to make careful, methodical, critical distinctions and interpretations.

Despite all the glittery, sophisticated achievements of medical science in recent years, despite all the prophesies and promises of near magical technologies and miracle medicines, expectations of an end to disease and longer life for everybody . . . despite all this rhetoric which has raised the pressures of popular expectation and impatient demand to a probably impossible level . . . I am increasingly convinced that today's physicians and medical scientists, in relative terms (relative to 50 or 100 years from now), really don't begin to know enough, are really not adequate to the demands upon them. I am convinced we have only begun to learn the what and the how at least of the future of the medical profession.

But I very quickly and readily admit that also is even more true of my own political profession. And, incidentally, I am sure that students of government (or of political science if you accept that term) often would benefit greatly by more exposure to and understanding of the hard sciences, the disciplines of the laboratories.

Scientists hypothesize and experiment. Physicians practice. And the political decision making process now is largely by mere trial and error. But note that in all of these professions . . . in hypothesizing, experimenting, practicing, and process by trial and error . . . in each of these exercises there is inherent the basic assumption that the truth is very tentative, almost certain to change, surely in need of perfecting. Note that all of us . . . scientists, professors, physicians, legislators . . . enjoy considerable status as professionals; but I submit that anyone who professes, no matter what, should always be accepted with a grain of salt, with fingers crossed, with skepticism . . . and it is imperative that every professional be challenged and insistently challenged again, so that he (or she) shall be kept humble and forced to rethink, and to learn more.

Thus, you can see that my own view of what today's education for tomorrow's medical practitioners should be, obviously is still rooted in the then very revolutionary recommendations of the famed Flexner report in 1910. After more than 60 years, Flexner still has a lot of validity. Some impatient critics are demanding that we should speed medical education by diluting it with short cuts; but I am very skeptical of any such urgings. Again, I protest against any willingness to turn medical schools into mere trade schools. I urge that university officials resist strongly any popular or governmental or financial pressures which might now stampede them into unwise, retrogressive expedients. Hopefully, I interpret this dedication of your new science building as Toledo's dedication to maintaining *quality* and *progress* in medical education.

But at the same time, I fully recognize and insist on the necessity for change, change that improves and makes progress. Goals and priorities inevitably must change, to meet the needs of our changing way of life; of society's new demands. America today is profoundly different from the America of 1910, the year of the Flexner Report, recognized as a great turning point in the history of medical education. But I submit that we almost constantly are passing through possible turning points, through crossroads in policy making. Public policy is never fixed, it is dynamic, constantly wracked by the stresses and strains of new and changing people pressures; and in our increasingly intricate, interdependent society, certainly the goals, priorities and methods of medical education and medical science constantly will feel those stresses and strains.

If the future of medical education and medical science today seems to be extraordinarily uncertain, hanging in the balance, I suggest that is only part of the painfully apparent fact that *all* of our national policy directions are extremely uncertain right now. The future directions and levels in medical schools and in the health sciences will depend on decisions, political decisions yet to be made in many other areas . . . and no accurate prediction of those decisions is yet possible.

What will be the nature of a national health insurance system when it comes? Will the emphasis be on prepayment for medical services, or on the traditional fee-for-service system? An emphasis on preventive medicine, on ambulatory care, on group practice, much greater emphasis on and demand for more effective therapy . . . for care, rather than merely supportive care? Will there be an expansion, or contraction of hospital services as we know them today? Those are only a few of the questions which pop into my mind, to which none of us as yet can venture responsible answers.

And until there are some fairly definite answers, medical colleges can only guess what our medical manpower will be, which specialities will be in short supply, and thus what emphasis should be changed in training patterns. We can only guess . . . except as we surely know that we will need to train MORE medical personnel, and more will be women, and more will be from minority group origins.

What does it mean, as some are telling us, that medical colleges should no longer gear their output so much to the demands of the medical profession as to the needs of society?

Perhaps it means (and I assume this would be a really radical change) that physicians of the future might be trained not so much for the traditional one-to-one, doctor-patient relationships, for attention to the individual who is ill, but trained rather to be part of a team of physicians, nurses and other paramedicals whose target will be the health needs of groups or of communities of people. It is argued that this social emphasis is necessary to "optimize", to make more effective and at lower costs and with greater equity, the services of physicians who are in limited supply.

That troublesome choice, like many others, will depend increasingly on decisions we will make in Washington. But one very significant turn was taken very recently when the President proposed and both houses of the Congress voted, in differing forms, legislation for rapidly expanding Health Maintenance Organizations (HMO's) with federal government encouragement, guidance and financial assistance. The House vote on September 12 was overwhelmingly favorable, 369 to 40. There are fundamental differences between the House and Senate bills, and these will be difficult to compromise in the Conference Committee; but I submit that message from Capitol Hill is now very clear, the federal government soon will begin some form of very significant increased support for HMO's, as an attempt to improve the delivery of more effective, more economical health services . . . and this is only one step, with others to follow.

Now, I also suggest it is extremely important to recognize that many other public problems, many national needs and opportunities, and therefore national policy decisions which are well outside the realm of medical sciences and medical practice as usually perceived, nevertheless do influence profoundly and immediately our national health standards, the morbidity and mortality rates of the American people. Among today's examples of such national policy decisions that come quickly to mind are those required because of pollution and ecological concerns, or the energy and food scarcities, nutrition problems, narcotics, alcohol and tobacco abuses, highway and air traffic casualties, crime in the streets and proposed gun controls, plus prison and courts reform, fire prevention and safety, bad housing, poverty . . . you name it!!

Thus, the traditional realms of medical science and medical services are expanding into and are inextricably part and parcel of the much larger complex of all our public policy decisions. Surely, for example, medical research must increasingly be concerned with environmental health problems, with all public health problems in the broadest sense.

There is an immense popular enthusiasm and concern today for a complex pattern of human experience, impossible as yet to define in precise terms but which is often labeled the "Quality of Life". That enthusiasm and concern is strongly reflected in policy makers. And we see it particularly in the amazing (in some respects now alarming) leap in levels of expectation, the heightened standards demanded as acceptable or popularly anticipated, or required of government . . . for the conservation and enhancement of natural resources, protection of a balanced ecology, abatement of all forms of pollution, protection of consumers, eradication of poverty and hunger, provision of good housing . . . these are only a few of those popular demands; and certainly very high on any such list in the public's mind is better health services. And many people actually expect an end very soon to all major illnesses.

These popular demands, these extremely heightened expectations, are not being met in actual practice. President Johnson's promise to end poverty has so far failed miserably. Many of President Nixon's most heralded proposals are as yet only rhetoric . . . witness his "welfare reform" program. Bitter experience is beginning to prove very convincingly that it is most often a serious mistake, inevitably misleading and disappointing, to pick any small piece of the great complex of public problems and with great fanfare and promise (but usually with far too little funding) try to target a crash program for the solution of that particular piece of our problems, when we perhaps by that very effort tend all the more to neglect other related problems. Time after time, we legislators learn the probability that in trying to solve one problem, we inflame or create others . . . for human society is an extremely complex, organic whole, somewhat like the individual human organism.

Do not misunderstand me. I do *not* say solutions to our social problems are impossible. I am not discouraged. I say only that we in government have much to learn, have only begun to seek the effective scientific understanding and therapeutic treatment of social ills. We are as yet only groping, as I suspect medical practitioners are as yet only groping.

But the public, with its heightened expectations and impatience, tends to be considerably disappointed and disillusioned with all of us, for our failure to produce the miracles the public often believes we promised them. Scientists, teachers, physicians, politicians . . . all of us share a certain uneasy lack of credibility, of disdain in much of the popular opinion today, because we so obviously fail to accomplish what an impatient society expects of us.

The space program's dramatic successes are perhaps an element in this unhappy situation. I have constituents who say to me, "Now that NASA has put men on the moon and returned them safely, how come you can't put a man into Lake Erie and return him safely."

The public finds it very difficult to understand the truth, as you and I know it, that most of our great public problems . . . medical, social, health, energy, food, housing, transportation and environmental problems, including Lake Erie's pollution and eutrophication . . . these are far, far more complicated and difficult than was the seeming miracle of traveling to and from the Moon.

NASA's superb Apollo effort is the rare example of a crash program that succeeded. The Manhattan Project, to create an atomic bomb, was another such success. But I suggest that crash programs in the health sciences are as yet of very dubious wisdom or value. At the moment, with considerable fanfare and rhetorical promise, we are committing vastly increased funding to targeted research for the conquest of cancer and to cures for heart disease. Those have been named officially by the White House and the Congress as the two great priorities for our health expenditures, presumably because statistically they are the two greatest killer diseases.

Along with everyone else, I voted for those crash funds. I hope both efforts are a surprising success, and very soon. Personally, I feel extremely vulnerable to both cancer and cardiac troubles.

But as a legislator largely involved in the whole realm of national science and technology policy decisions, I am very skeptical about the wisdom or efficacy of such extreme distortions of program effort as are represented in the crash funding of targeted cancer and heart research. Other diseases also are big killers; and still other diseases do not kill so much as just make life miserable. It might best be recognized that death does not happen to any one person nearly so often as do distressing, debilitating illnesses for which we desperately need cures in order to enhance our "Quality of Life."

The fact is, during this period of enforced budget constraints, by allocating more money narrowly to cancer and heart research, we are robbing funds from all other elements of medical research; some programs are being barely maintained at previous levels in terms of absolute dollars, others are getting fewer dollars . . . all really are getting much *less* support, because the dollars are eroded by inflation. Thus, we may terribly handicap the ability of medical colleges, including Toledo, to improve and expand their research efforts, to meet the broader, valid demands upon them.

Most significant of all is the fact that in narrowly targeting research on cancer and heart disease, we quite probably, almost certainly are cutting back in the broad, basic fields of biomedical research which undergird and sustain all applied research, and which actually will be found essential to the success of even the target research.

It is true that nearly all national policy decisions translate into money, into expenditure levels as a measure of their priority importance. Nevertheless, it should be evident to all of us by now that more dollars do not necessarily buy more productive research nor at any level of our health services delivery system will a greater concentration of dollars necessarily buy that much more health. We've still a lot to learn about how best to invest the taxpayer's dollars in support of good research; but I suggest, perhaps the first requirement should now be stability of funding.

The doubts, the skepticism, the unhappy realities I have stated in my last few paragraphs apply throughout the whole spectrum of all science and technology policy making and funding in the federal government today. The uncertainties are everywhere, just as they are in the medical sciences . . . in part because of the rigid budget constraints and inflation; in part because of the huge pressures of popular expectation and demand, contrasted to the disappointing product of the golden age of expensive and expanding scientific activity in the past 20 years; in part because of the vigorously competing claims of many other public needs and government activities, many of which assert the necessity for changing priorities for research.

The fact that all of us are groping, that all science related policy is in flux, is dramatized in the new and uncertain responsibilities that have been loaded onto the National Science Foundation and its Director, Dr. Guy Stever, after the President dismantled his Office of Science and Technology and removed his Science Advisor from the White House level. These uncertainties also are seen in controversies over the future of NASA and the AEC; the inadequate funding for NOAA and the Coastal Zone Management program; the wide ranging struggle for jurisdictional control, directions and priorities in our immense new emphasis on energy-related research; the growing resistance to military R&D; the growing realization of how much we still have to learn in the environmental sciences; the growing awareness that many of our great national laboratories are not being used fully, nor as effectively and creatively as they should; and in the policy controversies current between the Congress and the Administration . . . especially the very controversial, new initiatives in decision-making by the Office of Management and Budget (OMB).

I wish we could find examples of that in the political world! Dr. Huggins described for us this afternoon a biological process which he asserts is established with certainty, nothing about it is treacherous, he said. The examples I have just cited and many other examples that could be cited, indicate that we in government . . . in the executive and legislative alike . . . have hardly begun to understand fully the needs and opportunities in science and technology as tools for the solution of vast public problems; there is a crucial need for us to strengthen, to be more foresighted and effective in our policy making procedures. And, in that regard, I urge your attention to a newly authorized staffing arm of the Congress, our Office of Technology Assessment (OTA), as one truly hopeful sign that we may be moving in the right direction.

Above all, we need more long time stability and assurance in our authorizations and appropriations for all basic research, especially in support for the life sciences. We have been afflicted with too much go-and-stop, stop-and-go, hurry up-and-wait.

And as a final note of unhappiness, I will inject here my own strong impression that Ohio, our own state, is very inadequate in any efforts it may be making on an official organized basis . . . I know of no such efforts . . . to provide vigorous leadership and support for the sciences and for new uses and development of technology. Obviously, your new Health Sciences Building is an exception to this complaint. But I do believe some Ohioans with special genius should be given a mandate, and the means necessary, to identify more clearly what needs and opportunities and resources exist in our state and for our state. And I especially emphasize that word *opportunities*. For example, I am confident there should be organized far more positive, creative, profitable working relationships between Ohio and the federal government. And I do hope that some of you present here tonight might be persuaded to work more vigorously to achieve that purpose.

Now, in conclusion, I remind you again of the distinction between the Baconian and the Cartesian ideals . . . the Cartesian emphasis on the great mind at work productively, but in seclusion and secrecy, in contrast to the Baconian belief in the many working productively together, sharing and distributing the fruits of their new knowledge. I cited the Health Sciences Building we are dedicating here as a prime example today of that Baconian idea, where excellent scientists, medical students, undergraduate students and members of the clinical faculty will be working and learning and sharing productively together.

I spoke also hopefully, of a growing interrelationships, mutually nourishing, between this medical college and the Universities of Toledo and Bowling Green.

I mentioned a variety of other such interrelationships . . . group practice of medicine; the interaction of many other national policy decisions with developments in policy for health services and for the life sciences; the danger in distortions from individual, crash programs, that result in neglect of broadly based stability in scientific research; and the need for a more productive coordination between the State of Ohio and the federal government, to use and develop more fully the scientific and technological resources of our State.

And I have reiterated in several ways a strong, urgent belief that physicians and scientists should be much less shy, should in fact be much more activist . . . but wisely and knowledgeably activitist . . . in participating in the political process by which so many profoundly important decisions are made in government which dictate the directions in which the medical professions and medical education must move.

My subject tonight, as listed on the program, was "Science and Public Support of Research". Perhaps I have touched on that subject, but superficially.

But now I have decided the title of these overly long remarks really should be "A Declaration of Interdependence".

I hope I don't sound too much like Karl Marx's "Workers of the World Unite!"

I *do* say to scientists, to students, to professors, to physicians, to administrators, and to policy-making politicians . . . we very much depend on each other, we *need* each other!

MATCOM CELEBRATES INTERNATIONAL CREDIT UNION WEEK

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. BAUMAN. Mr. Speaker, this week, October 22–26, is International Credit Union Week. Some 280 credit unions in the State of Maryland are observing the event, and among them is the MATCOM Federal Credit Union at Edgewood Arsenal.

Organized in 1953 by civilian and military employees of the Army Materiel Command in Baltimore, MATCOM has experienced enormous growth since then. Today, it enjoys a membership exceeding 14,000 and its assets are approaching $9 million. It is the 12th largest credit union in Maryland.

Like many credit unions, it grew from small beginnings. For the first 3 years or so, volunteers performed the work necessary to maintain and build the credit union. By the end of 1956, the board of directors had decided that MATCOM had grown to the point where it was necessary to hire a paid staff member to manage the office during the 3 days a week when the office was open. At that point, MATCOM had 324 members and $47,245 in assets.

Over the next 22 months, MATCOM experienced a 574 percent growth. A second employee was added to the payroll in October 1958. Today, MATCOM employs seven full-time and three part-time staff members.

MATCOM has provided needed financial assistance to thousands of members, making 43,623 loans during its 20 years of service. Funds have been borrowed for hundreds of reasons. There is little doubt that the loan services it provides have averted personal tragedies for many of its members.

Members' savings accounts earn generous dividends, which are compounded semi-annually. An interest refund of 5 percent was paid on June 30 of this year. Members can borrow at low interest rates, and many who have found it difficult or impossible to borrow from outside sources have found MATCOM ready to help them. Since its inception, it has made loans totaling $41,411,153.

The kind of service which MATCOM provides the civilian and military personnel of the Edgewood Arsenal area of the Aberdeen Proving Ground is representative of the benefits offered by the 23,000 Federal credit unions throughout the United States to their 20 million members. It is a record of which they can be justly proud, and I take pleasure in congratulating them this week. Their services are invaluable, and I wish them continued growth in the future.

BOLL WEEVIL ERADICATED IN U.S. TEST

HON. EDWARD YOUNG

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. YOUNG of South Carolina. Mr. Speaker, a number of economic and ecological benefits will flow from a boll weevil eradication program: First, cotton—unlike oil-base synthetics—is produced by an eternal energy source, the Sun. Second, 40 percent of all agricultural pesticides in the United States go into the cotton crop, whereas a successful eradication program can reduce this amount up to 75 percent. Third, the export demand/internal supply squeeze on cotton will be relieved, not only by the recapture of the $200 million annual loss to boll weevil damage, but also by the increased acreage planted to cotton by those farmers who previously had given up on cotton as a profitable crop.

I call to your attention a fine article prepared by the United Press International which appeared in the Washington Post of October 24, 1973:

BOLL WEEVIL ERADICATED IN U.S. TEST

Agriculture Department scientists said yesterday a successful two-year test proves they now have the techniques needed to drastically reduce the volume of pesticides used in farming by virtually eradicating a historic insect pest—the cotton boll weevil.

Since more insecticides are currently used to control the boll weevil than any other insect, its eradication would reduce the volume of pesticides pumped into the environment by American agriculture by about one-third, officials said in a statement. They added that elimination of the insect to the point at which it is no longer an "economic pest" would trim cotton production costs by around $275 million a year.

The two-year experiment, officials said, succeeded in practically exterminating the weevil in test areas by use of a carefully timed and staged combination of control measures including sex-lure traps and release of sterile male weevils.

Agriculture Department officials said the pilot test, which proved elimination of the boll weevil as an economic pest is "technically feasible . . . by the use of ecologically acceptable techniques," was conducted in a 5,000-square-mile area of Southern Mississippi and adjacent parts of Louisiana and Alabama.

By last spring, officials said, surveys found no evidence of boll weevil reproduction in 235 of the 236 cotton fields in the core of the test area where all suppression techniques were used. The only weevils found were in a lightly infested field near the border of the core area.

NATIONAL SECURITY—TOP PRIORITY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. SPENCE. Mr. Speaker, a popular political cry in recent years has been "We must reorder our priorities." By this is meant, of course, that we must take money away from military programs so that the "savings" can then be made available to certain social-welfare-type endeavors.

For just as long, others of us here in Congress have tried to illustrate the dangers of such rhetoric. We have pointed out, for example, that the same inflation which boosts food prices also undermines the funds we have available for an already precarious military posture.

Fortunately, there still exist a number of newspapers in this country which are invaluable allies in making some of these factors known to the American people. One such editorial voice belongs to South Carolina's largest newspaper, the State. Earlier this month, the State printed a particularly outstanding editorial, which made an invaluable contribution to American military preparedness.

So that my colleagues may have the benefit of the timely points made in the editorial entitled "Top Priority Must Go to National Security," from the State, I insert it at this point in the RECORD:

TOP PRIORITY MUST GO TO NATIONAL SECURITY

Americans who worry about their nation's security can take some comfort from the Senate's approval of $21 billion for the procurement and development of weapons, but the comfort may be temporary. And it certainly should not lead to complacency.

There are strong forces in Congress these days, and especially in the Senate, which would whittle defense expenditures to the bone. This week's final 91–7 vote of approval for weapons procurement is misleading. More indicative of the serious threat to national security is the 49–47 vote by which the Senate barely saved the Navy's Trident missile submarine program.

The attitude of the self-styled liberals in Congress is both dangerous and disheartening. For one thing, it reflects either an ignorance or an indifference to the potential threat of Russian superiority in weapons systems. In some areas of defense activity, notably in naval developments, the Russians already are outstripping America's rate of progress.

Furthermore, there is a tendency among many congressmen to use the Pentagon as a whipping boy or scapegoat in their efforts to gain funds for use elsewhere. Capitalizing on the unpopularity of the American involvement in South east Asia, several ranking Democrats in Congress seek to divert needed military funds to their pet domestic programs.

Sen. Hubert Humphrey was in full voice (when isn't he?) during the debate on the weapons procurement bill. Seeking to trim the measure by $750 million, the Minnesota senator called upon the Senate to exercise "fiscal responsibility."

"I hear that time and again," he shouted. "Let's have some of it."

We agree that fiscal responsibility is indeed needed in the halls of Congress. But it should be applied not just to military spending but to the hosts of social welfare programs which have grown at a rate far surpassing anything in the defense sector.

In 1963, for example, defense spending accounted for almost 50 per cent of total national budget. This year, that ratio is expected to be in the range of 30 per cent. But, thanks to non-defense spending, the federal budget itself has grown 150 per cent in that decade, aptly described as "the era of triumphant liberalism."

For social welfare programs alone, federal expenditures burgeoned from $37 billion in 1965 to $92 billion within six years. And despite President Nixon's efforts to curb such spending, there seems little inclination on the part of the Democratic Congress to slacken the pace.

Federal spending has gotten completely out of hand. But the onus for extravagance rests not upon the military but upon the domestic sector.

Between two of the goals enumerated in the Constitution of the United States—"to provide for the common defense" and "to promote the general welfare"—Americans must insist that Congress give priority to the former. Without it, the latter could be meaningless.

URANIUM ENRICHMENT VIEWS OF HOLMES ALEXANDER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HOSMER. Mr. Speaker, many newspapers throughout the Nation recently carried Columnist Holmes Alexander's article discussing the Nation's new needs for nuclear fuel. I have received considerable favorable response and helpful comments from readers of the item and am pleased to ask that it be reproduced below as it was syndicated.

A LANGUISHING BUSINESS OPPORTUNITY

(By Holmes Alexander)

WASHINGTON, D.C.—The United States still holds an important and wealth-producing "atomic monopoly." But this multibillion-dollar advantage lies dormant and neglected. Deadline for decision making comes up next month when the Joint Atomic Energy Committee opens its October hearings on what to do about the uranium-enrichment industry. This business is already earning substantial revenue in a Free World market that could absorb 40 times its present supply.

Rep. Craig Hosmer (R-Calif.) knows more than anybody else about this obscure and neglected area of the energy crisis. This 11-term Congressman and Rear Admiral (U.S. Naval Reserve) worked as a lawyer at the Los Alamos Scientific Laboratory before election to the House in 1952 and has concentrated on nuclear-related matters ever since. In an extraordinary appeal this month, Hosmer asked the press, members of Congress and of the Administration, as well as the industrial and scientific community for "comment and discussion." He adds:

"These will be particularly valuable if made in the form of oral and written statements for the Joint Committee on Atomic Energy, Phase II, hearings, but the anonymity of anyone wishing to submit data to me in confidence will be fully respected."

At the risk of offering a dull column on an opaque subject, I think it in the public interest to donate my mite. There is no need to beat the gongs about the clear and present energy crisis nor about the need for America to make money that would ease the deficit in our international balance of payments. But there exists a residual superstition about the Hiroshima A-bomb, and a popular reluctance to believe in the vast potential of "peaceful" atomic uses.

Since the invention in 1950 of the H-bomb, the A-bomb has become nonexistent, a horse-and-buggy relic of the military arsenal. As a consequence, the manufacture of "enriched uranium" at the three government plants at Oak Ridge, Tenn., Paducah, Ky., and Portsmouth, Ohio, was drastically cut back, and the atomic concentration was reduced from a military high to a commercial low.

As Hosmer points out, the enriching of uranium is a "service," not a "product." The customers are the U.S. companies and industrialized friendly nations which have use for reactors to generate power. This is a very profitable business, and some 40 per cent of the sales are in the revenue-raising export trade.

In the so-called "separative" work, each unit sells for $50, and by the end of the century the sales are calculated to peak at $56-billion. At the present writing, the Atomic Energy Commission's cash receipts for sales to domestic and foreign buyers have passed the $1-billion figure.

It will be asked—why would such a lucrative and monopolistic enterprise need any promotion? One hangup is that the Nixon Administration has been waiting around for private industry to take over. The history of superstition, along with the financial risk and the antitrust laws, have proved too great an inhibition.

Hosmer is proposing to transfer the AEC facilities to a government corporation, the U.S. Enrichment Corp., as a starter. This will keep the business going, but only until "a responsible" U.S. applicant appears, at which time the government corporation will "suspend . . . for as long as private U.S. firms undertake to supply demand."

Immensely complex as the matter is, the essential ingredient is simplicity itself—popular acceptance of which will allow Congress and the Administration to get a move on.

HOWARD PHILLIPS ON ANTI-POVERTY PROGRAMS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASHBROOK. Mr. Speaker, Howard Phillips, the former Director of the Office of Economic Opportunity, has been writing a number of columns explaining the true situation within the governmental bureaucracy that is supposedly fighting poverty. These columns should be read by all in the Congress in order that a better understanding be obtained of this area.

Mr. Phillips urges the Nixon administration to stand up against the bureaucrats and their vested interests and to do the business of the people. At this point I include in the RECORD Phillips' article "How So-Called Anti-Poverty Programs Really Work" from the October 20, 1973, issue of Human Events:

HOW SO-CALLED ANTI-POVERTY PROGRAMS REALLY WORK

(By Howard Phillips)

The degree of influence exercised by liberal Democrat members of the "legal services establishment" on some officials of the Administration can be deduced from the following personal communication to a top OEO official from an OEO grantee:

"What the s - - - do you mean sending me a letter like this? Do you read what you sign or are you unable to understand the legal implications (including the lack thereof) of things which you write?

"You and Steve seem to be hell-bent on putting me in a position where ULI no longer is in existence as of tomorrow and this whole f - - - up mess over at OEO becomes a matter of public controversy which will make any current problems with CRLA look like a Sunday School picnic. Jean"

The author of the above diatribe, sent June 30, 1971, was Jean Cahn, a member of the OEO National Advisory Committee on Legal Services and co-dean of the Urban Law Institute, which has been funded at a rate in excess of $550,000 per year by OEO and has received additional hundreds of thousands from other federal departments. ULI's co-dean is Edgar Cahn (Jean's husband), the former special assistant to R. Sargent Shriver, the first director of OEO.

Mrs. Cahn was complaining to Fred Speaker, then head of the OEO Legal Services Program, that he had signed a letter to her which affirmed that OEO was "presently planning to fund the Urban Law Institute of

Antioch College at a level in excess of ULI's fiscal 1971 funding level."

This was not enough for Mrs. Cahn, who wanted a firm commitment on which she could borrow funds. In order to get what she wanted she threatened Speaker and Steve Huber, then in charge of legal services research and development projects, with public criticism "which will make any current problems with CRLA look like a Sunday School picnic."

This Cahn-Speaker "dialogue" bears consideration for more than the obvious irony of a federal grantee insisting in its "right" to federal subsidy. In a larger sense it typifies the legalized extortion engaged in by an elite group of Washington liberals at the expense of the over-all public.

Mr. Cahn referred to CRLA (California Rural Legal Assistance), an OEO-financed program which California Gov. Ronald Reagan had the temerity to veto, thereby incurring the daily disfavor of the nation's press and the Liberal Establishment in general, which sought to make the governor's decision and the Nixon Administration's reaction to it a *cause célèbre*.

Speaker and his superiors at OEO well knew the ability of the legal services "club" to harass divert and besiege bureaucrats who were less than fully cooperative. At the drop of a phone call there would be editorials in the Washington *Post*, New York *Times*, *New Republic*, and other Establishment organs. Investigative reports would appear on national television and thousands of letters would be generated, through the efforts of grantee employes and advisers whose causes and pocketbooks seemed threatened by shifts in policy.

To an Administration sure of its course and sufficiently confident to counter criticism of its policies, the threat of harassment would have little impact. Unfortunately, however, most Nixon Administration officials quickly learn that embarrassing press controversies are to be avoided. Surrendering a few hundred thousand, or million, dollars here and there, even to the President's enemies, provokes far less criticism from superiors than would a nasty article on page one of the Washington *Post*.

This tendency to avoid controversy—even such avoidance requires surrender in substantive points—became even more pronounced in the wake of Watergate, when top White House officials determined it necessary to limit the fronts on which the President was being attacked (forgetting the idea of themselves attacking on all those fronts).

The opposition learned very early how to read the signals. When your demands are in danger of being rejected, threaten attack. Offer "protection" in the form of a kind word from a newsman, to those who cooperate. In this manner, the bureaucracy continues to respond not to any Nixon-led "New American Revolution," but to the policies, programs and people of the Liberal Establishment who still dominate domestic decision-making in the fifth year of Richard Nixon's presidency.

Until Nixon is himself prepared to assert leadership in the shaping and implementation of domestic policy, he will be President in name only, yelding the "business of the people" to continued domination by the "hit men" of the prevailing liberal orthodoxy.

MELWOOD TRAINING CENTER

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mrs. HOLT. Mr. Speaker, I recently had the opportunity to visit the Melwood Horticultural Training Center during their fourth annual day in the country affair. This was a most enjoyable and informative occasion.

Melwood is a private, nonprofit center which uses horticulture to teach vocational skills, job responsibility, and work attitudes to mentally retarded young people at three training sites in Prince Georges and Charles Counties in Maryland. During its brief, 10-year existence, Melwood has been transformed from a mere concept to a functioning institution which has been described as a "model for the Nation." The graduates of Melwood are going on to lead productive lives holding competitive jobs side by side with nonhandicapped workers.

This project is impressive both because of its results and because it serves as a national example of what concerned citizens can accomplish. I am extremely pleased to have the opportunity to commend the work of the Melwood Center and wish it every success in the future.

FDA'S WAR AGAINST VITAMINS AND THE BEGINNING OF A COUNTERATTACK

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. PICKLE. Mr. Speaker, the Food and Drug Administration's increasing propensity to issue sweeping new regulations in the guise of protecting the consumer has reached a new high with the final regulations, of August first of this year, on vitamins and food supplements.

They are prohibiting the food supplement industry from making claims about their products even when the claims are scientifically accurate. They presume to judge how much and what ingredients may be included in a "food supplement" even though eminent nutritionists widely disagree in this field.

Already pending before this Congress are several bills designed to correct these regulations. I call attention to H.R. 643 which I have the honor to cosponsor as well as several other bills now before the subcommittee on Public Health and Environment of the House Interstate and Foreign Commerce Committee. Hearings will be held next week on this important consumer legislation.

A recent article in the magazine Private Practice published by the County Medical Associations tells exactly what these regulations will do unless we enact legislation immediately. I would like to reprint that article at this time in the Record.

The article follows:

FDA's War Against Vitamins and the Beginning of a Counterattack

(By J. F. Baldacchino, Jr.)

Few groups in the United States, it is probably safe to say, are more familiar with the Food and Drug Administration's proclivity for issuing sweeping new regulations than the practicing physician. Although purportedly designed to bring about "consumer protection," in practice these regulations, often have the opposite effect. Yet, even practicing physicians may be startled by the sheer scope of the agency's recently proclaimed vitamin-mineral regulations.

Briefly stated, the new edicts, first published as proposals in the January 19 issue of the *Federal Register* and decreed as final regulations on August 1, 1973, will:

Limit the potencies of the permitted nutrients in a vitamin-mineral food supplement to a low, narrow range;

Redefine as "drugs" many products previously defined as "food supplements," subjecting them to the same unrealistic efficacy requirements that already plague the pharmaceutical industry;

Prohibit the food-supplement industry from making a number of promotional claims or suggestions about its products, even when scientifically accurate;

Limit the permissible combinations of ingredients in a dietary supplement; and

Limit the ingredients which may be included in a dietary supplement by permitting the inclusion of only those vitamins and minerals deemed necessary by the F.D.A.

The regulations establish what the F.D.A. terms a "U.S. Recommended Daily Allowance (RDA)" for each of 19 vitamins and minerals recognized as "essential" by the agency. According to the F.D.A., these Recommended Daily Allowances which are generally higher than the old Minimum Daily Requirements that they replace, are "sufficient to meet the nutritional needs of essentially any healthy individual." In defense of this position, the F.D.A. points out that the RDAs are based upon the recommendations of the National Academy of Sciences-National Research Council.

"The single most important purpose and effect of the regulations," Alexander M. Schmidt, F.D.A. commissioner, declared, "is to require full and honest labeling and fair promotion of vitamin and mineral products, whether marketed as foods, dietary supplements or as drugs . . . The regulations don't ban any vitamin or mineral from the market or force any manufacturer willing to provide proper formulation and full labeling out of business."

The fact remains, however, that the allowances for many of the nutrients fall extremely short of the dosages suggested by other, equally reputable nutrition experts. The RDA for Vitamin C. for example, is 60 milligrams. Yet, Dr. Linus Pauling, winner of a Nobel Prize for his research in chemistry, recommends that persons take 50 times that amount daily to prevent colds.

Despite the wide variation of opinion among nutritionists, the F. D. A. regulations arbitrarily accept the RDAs as "facts" and decree that all food supplements containing more than 150 per cent of the RDA will henceforth be redesignated as drugs.

While there has been much confusion concerning the fate of these newly classified drugs, with many fearing that all food supplements exceeding the upper limits on nutrient levels would be confined to use by prescription only, the F.D.A. denies this charge, pointing out that many of the newly defined "drugs" will probably be sold, like aspirin, as over-the-counter products.

Despite the F.D.A.'s denials, critics are less than satisfied. Initially, they point out, the recent orders already subject two nutrients to prescription sale. Beyond this, the F.D.A. admits that it plans to review the remaining products to decide which others should be similarly restricted. In view of the agency's past actions, they argue, it is difficult to be optimistic.

Restricted to prescription use thus far will be any vitamin product containing in excess of 10,000 I.U. of Vitamin A or 400 I.U. of Vitamin D. The reason for this, according to the F.D.A., is that there is a danger of toxicity in the ingestion of these vitamins in amounts exceeding those levels. Such danger, the agency says, is well documented in the medical literature.

The National Nutritional Foods Association challenges the F.D.A. claim. An examination of the evidence, declares this organization, which has been presented by the F.D.A. to substantiate its claim, "demonstrates . . . a total lack of support" for its position.

The NNFA points out that of the 104 references published in the December 14, 1972 *Federal Register* to support the agency's restrictions on Vitamins A and D, 84 were published before the Food and Nutrition Board, National Research Council, and National Academy of Sciences published its "Recommended Dietary Allowances," Seventh Edition in 1968.

"At the time when the overwhelming majority of the reports in the Vitamin A bibliography were available," the NNFA study continued, "the Food and Nutrition Board stated on Page 23 of its publication that, 'If large doses of Vitamin A (20 to 30 times the RDA) or of carotene are ingested for long periods of time, manifestations of toxicity develop.' "

The RDA for Vitamin A is 5,000 I.U. per day. Thus, the NNFA continued, in referring to toxicity at levels of 20 to 30 times the RDA, the Food and Nutrition Board speaks of manifestations of Vitamin A toxicity when taken at dosages of 100,000 to 150,000 I.U. per day for long periods of time.

Similarly, the NNFA study states, in its consideration of Vitamin D toxicity, the Food and Nutrition Board's 1968 publication states that, "there is no evidence that intakes of the order of 2,000 to 3,000 I.U. per day produce hyper-calcemia beyond infancy."

"It is thus obvious," the NNFA concluded, "that notwithstanding the reports set forth in the bibliography used to support the present proposal, the Food and Nutrition Board has considered the problem of toxicity at levels far beyond the arbitrary and unreasonably low levels for which prescription requirements are now being suggested."

This is the same Food and Nutrition Board which the F.D.A. has cited so proudly as the source for its vaunted RDAs and has referred to as "the recognized authority for determining vitamin and other nutritional requirements for the human . . ."

The new F.D.A. regulations have also been challenged by the National Health Federation, which represents health food enthusiasts. "There is no question about the fact that we will go to court," said Clinton Miller, the federation's vice president. He said that the suit would allege that the F.D.A. hasn't any authority to establish minimum and maximum amounts of vitamin and mineral content of supplements and that, in any event, lengthy agency hearings have not established the need for such restrictions.

Mr. Miller said that the federation also will pursue efforts to get Congress to overturn the regulations. It claims 165 House sponsors so far for a bill to prohibit F.D.A. restrictions on vitamins and minerals unless a safety threat can be demonstrated.

In New York, Morris Aarons, general counsel for the National Association of Pharmaceutical Manufacturers, which represents smaller drug and vitamin makers, called the F.D.A. action "absolutely wrong and without basis." He said that if necessary the association would take legal steps to block the regulations.

Edgar Udine, president of Hudson Pharmaceutical Corp., an 80%-owned subsidiary of Cadence Industries Corp., said that under the new regulations "people will have to pay more for vitamins if they want to continue taking the same dosages."

If public reaction to the new regulations has been laced with confusion on the prescription issue, there can be little doubt about the meaning of the other F.D.A. decrees which shed a great deal of light on the agency's attitude toward the taxpayers who support it. These, according to the new edicts, are findings of fact:

"Lay persons are incapable of determining, by themselves, whether they have, or are likely to develop, vitamin or mineral deficiencies. There is no rationale for allowing the promotion of dietary supplements of vitamins and/or minerals to the general public. . . . Vitamin or mineral deficiencies are unrelated to the great majority of symptoms like tiredness, nervousness, and rundown condition. . . ."

That many experts disagree with these so-called "facts" means nothing to the F.D.A. Indeed, even where there is agreement that food supplements may do some good, bureaucrats at the F.D.A. worry that the average consumer, poor creature, lacking the omniscience that stems from government employment, might be confused by scientifically accurate statements and buy more than he needs.

To preclude such a catastrophe, the F.D.A. regulations forbid manufacturers from making numerous truthful statements about their products.

Prohibited, for instance, will be any true claim or even an implication that any diet of ordinary foods may not supply adequate nutrients. Also proscribed will be any suggestion, even if correct, that the vitamin content of foods is affected by the soils in which they are grown or by the manner in which they are stored or processed.

Carrying its concern to even more extreme lengths, the agency has reduced to a handful the combinations of ingredients that will be available in coming years. Outlawed will be such products, now available, as a B-complex formula or the combination of calcium and Vitamin D. Never mind that many experts recommend such combinations. Never mind that many people want to buy them. Never mind that—with few, if any, exceptions—none of these products are toxic—or are even claimed to be

Virtually banned by the regulations will be the sale of the "P" vitamins, otherwise known as the bioflavonoids. Although these items can be sold as single-ingredient products, no claims whatsoever can be made concerning their nutritive value or may they be included in combination with any of the "essential" vitamins or minerals.

The reason for this restriction, the agency says, is that there is no scientific evidence to prove any nutritive value in the bioflavonoids; and "it is false and misleading to combine nutrients of proven value with food factors of unproven nutritional value because of the clear implication that the latter have nutritional value similar to the former."

Despite the F.D.A.'s flat denunciation of the bioflavonoids, however, there are hundreds of studies which attest to their value in preventing bodily disorders.

Discovered in 1936 by Albert Szent-Gyorgyi—a Hungarian physician, chemist and Nobel Prize winner—the bioflavonoids were found to help patients with bleeding problems that had not responded to Vitamin C. Because the substances appeared to have a curative action on the permeability of capillaries, they were called Vitamin P for permeability.

Prevention Magazine reports that it found more than 500 studies attesting to the efficacy of the bioflavonoids in almost every known disease state. It declared that, "We found that there are more than 200 different substances under the umbrella generally known as bioflavonoids. Not all of them are biologically active. We found that they are never toxic even in massive doses."

How many studies were found that judged the bioflavonoids ineffective? *Prevention Magazine* discovered only two, and stated that, ". . . it is these two studies both published in the *Journal of the American Medical Association* which reverberate through a subsequent review of the literature which is quoted in the *Pharmacological Basis of Therapeutics*, the text of which Dr. Alfred Gilman co-authored and which Dr. Gilman quotes in the decision which, as a member of the National Academy of Sciences, he drew up for the F.D.A."

There is significant data on the other side. In a national symposium at the New York Academy of Sciences held in 1955, for example, scientists reported that bioflavonoids appear to strengthen the wall of capillaries. In many disorders, such as polio, chicken pox, coronary thrombosis, ulcers, diabetes, high blood pressure and hemorrhages the walls of the capillaries are weakened. Because of this condition, scientists have searched for ways to decrease capillary fragility. Numerous drugs have been tried, but at the symposium in New York City, scientists reported in many cases the bioflavonoids seemed to be the most effective—and with no side-effects.

The intransigence which has characterized F.D.A. pronouncements on this subject has taken its toll in public opinion. Public response to the new edicts has been the strongest in the agency's history, with more than 95 per cent of all comments opposed.

Responding to this outcry, more than 165 members of Congress have agreed to cosponsor HR 643, introduced by Rep. Craig Hosmer (R-Cal.), that would prevent the Food and Drug Administration from banning the sales of truthfully labeled food supplements for reasons other than safety and fraud.

"Many of us are aroused," says Hosmer, "at the thought of the F.D.A. putting unneeded restrictions and regulations on vitamins and vitamin supplements. This, in my opinion, is just another attempt by the bureaucrats to control our very lives. I am confident that the majority of the American people have the wisdom and good sense to consume these items properly and beneficially."

With Congress finally peering into the F.D.A.'s closet, perhaps a few other skeletons might be brought out for public inspection. A good place to start: The aforementioned regulations keeping proven medications off the American market.

COLLEGE FOR PRISON INMATES PROPOSED

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. WALSH. Mr. Speaker, I would like to call the attention of my colleagues to a bold new educational concept for rehabilitation in the correctional system.

The State University of New York and the Department of Correctional Services are exploring the establishment of a college for inmates to be located at the Department's complex at Bedford Hills, about 40 miles north of New York City.

Chancellor Ernest L. Boyer and Commissioner Peter Preiser recently announced that the proposed college, the first of its kind in the Nation, would make it possible for both men and women to engage in full-time study toward a 2-year degree in liberal arts or science.

In addition, a joint task force established by the university and the Department of Correctional Services will conduct a thorough study of higher educational opportunities in the 24 different correctional facilities of the State.

Chancellor Boyer emphasized that the college would be a unique experiment—a correctional facility which also serves as a separate campus—and would supplement the wide range of credit and occupational courses currently offered by State university at seven of New York State's correctional facilities.

Initially, the college would offer associate in arts and associate in science programs to 250 inmates. The task force would develop methods of selecting qualified students from the statewide inmate population and would work toward a network of programs which would draw upon the statewide higher education resources of the university. Chancellor Boyer said that administrative and faculty personnel for the college would be recruited from within the university itself.

Chancellor Boyer and Commissioner Preiser anticipate a program of counseling, remedial work, and college-level instruction at other correctional facilities which would provide basic academic or technical skills and introduce the possibility of full-time collegiate study for other groups of inmates.

Commissioner Preiser stressed the value of a liberal arts education in helping inmates to understand society and their place in it and in seeing themselves as a functional part of that society.

I commend Dr. Boyer and Commissioner Preiser for the tremendous strides they are making in helping to return prisoners to society to lead productive lives. The net result of this innovative program will most certainly benefit society at large as well as the inmates involved.

CONSTITUENTS WANT IMPEACHMENT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HARRINGTON. Mr. Speaker, I rise today to give my colleagues an indication of how my constituents and the Nation feel about the impeachment of the President. Beyond my role as a legislator, responsible to my own conscience, I must also, of course, take into account the diverse views and interests of my constituents. Each must strike this balance in his or her own way: to weigh out consciences with the views of the people we were elected to represent. Where little conflict arises, all the better. In such a case as this, where public opinion may be running well over 50 to 1 in favor of impeachment, I submit that the choice has already been made and that it is the duty of the Congress to begin impeachment proceedings immediately.

It is in this spirit that I enter the following statistics concerning the letters and telegrams I received between Saturday and last night. I urge my colleagues to do the same, so we may all see more clearly where the country stands.

In favor of impeachment, 291; opposed to impeachment, 6.

LEGAL SERVICES ABUSES

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. TREEN. Mr. Speaker, the September 22 issue of Human Events included an article by former OEO Acting Director Howard Phillips which, quoting an OEO-financed publication, spelled out a number of recent legal services activities of questionable character. I hope the points raised will receive serious consideration before Congress takes final action on this legislation.

LEGAL SERVICES ABUSES

(By Howard Phillips)

Who would argue with the concept that America's less affluent citizens should have equal access to the nation's system of justice? Yet how many citizens realize that tax dollars appropriated under the banner of "legal aid for the poor" is in fact used to subsidize a wide-ranging liberal agenda for social change?

The fact is that present legal services activities subsidized by the Office of Economic Opportunity (OEO) and other government agencies are used to finance a nationwide network of nearly 3,000 legal services attorneys, hundreds of organizations, and additional thousands of support personnel who are almost totally free to establish their own priorities for issues to receive attention and access to legal services resources. With nearly $80 million in support annually from OEO alone, they work full-time, using the judicial system to change public policy.

The scope and nature of the "high-impact litigation" by these dedicated activists with law degrees is regularly reflected in *Clearinghouse Review*, a publication financed by OEO through a grantee at the Northwestern University School of Law.

The August 1973 edition of the magazine is typical, with case reports on legal services activities as diverse as a class action attack on the U.S. Postal Service for refusing to hire persons with histories of illegal drug abuse, a suit against Roy Ash, the head of the Office of Management and Budget, challenging the President's impoundment of funds for environmental programs, and a U.S. Supreme Court appeal insisting on the right of an unmarried minor to obtain contraceptives.

Other recent or pending cases receiving aid through the OEO program include:

A Pennsylvania suit challenging the detention of a convicted felon accused of committing an additional crime while free on bail;

A Washington State suit in which attorneys of the Prison Legal Services Project argued that their client, imprisoned on a marijuana charge, had been subjected to cruel and unusual punishment;

A Miami case arguing that seizure of an automobile by the U.S. Bureau of Customs in connection with an allegation of illegal possession of drugs violated the plaintiff's right to due process;

A Merced, Calif., case to gain reinstatement of a high school student accused by school administrators of participating in a race riot and improperly having in his possession a bicycle chain;

A suit by the Western Center on Law and Poverty contesting a college's termination of federal aid to a student convicted of battery in connection with a campus racial melee;

New York and Hawaii suits, knocking down the requirement that government employes be citizens of the United States;

A class action demanding that an Iowa statute prohibiting the civil service employment of convicted felons to be set aside;

A successful challenge to the denial to aliens of Medicare supplemental medical insurance benefits;

A suit supporting the demand of the Eastern Kentucky Welfare Rights Organization that tax-exempt status be denied hospitals refusing to provide free services to poor people;

A Boston class action challenging the city's right to discontinue or threaten to discontinue methadone treatment without a hearing;

A suit by the National Juvenile Law Center against parents who withdrew their child from psychiatric treatment;

A San Francisco Youth Law Project challenge to the State of California's attempt to reconvict a juvenile defendant of second degree murder after his initial conviction was reduced by a juvenile court judge to manslaughter;

A Missouri suit questioning the transfer to adult court jurisdiction of a minor charged with four counts of murder;

A West Virginia case demanding that the warden of the State penitentiary show cause why a prisoner should be denied his liberty before assigning the prisoner to solitary confinement;

A Norwalk, Conn., case challenging the authority of the state welfare department to close down a local welfare office solely on the grounds of administrative efficiency.

Although the above list represents only a partial sampling of one month's reported activity, it is well to observe that many of the cases described appear to have been undertaken in clear violation of regulations and statutes governing legal services activity.

Theoretically, OEO-funded attorneys are precluded from providing representation to those who are not poor or who are voluntarily poor, and in criminal cases. Unfortunately, these prohibitions, drafted with gaping loopholes, have been broadly interpreted and weakly enforced by the national office of legal services.

This points clearly to the need for Congress to spell out with precision the uses to which it wishes legal services appropriations to be put.

Shall legal services be provided so that minor children may bring suit against their parents? Are non-citizens to be represented while needy children are turned away? Are suits on behalf of prison inmates to be allowed at the expense of the noncriminal poor? Should attorneys for the poor be concentrating on marijuana and student disorder cases?

These are just a few of the questions which the U.S. Senate should face when it takes up the proposal for a Legal Services Corporation later this month. For, while attention has focused on presidential usurpation of congressional power, legal services attorneys seem to be having a far greater impact on the course of public policy than either Richard Nixon or Carl Albert.

SOUTHERN JOURNALISM LOSES A LEADER

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. JONES of Tennessee. Mr. Speaker, one of the South's most astute political columnists passed away unexpectedly yesterday in Memphis, Tenn. William B.

Street, political editor of the Memphis Commercial Appeal, was respected throughout the South by fellow journalists and politicians alike.

Bill Street was my friend, but our friendship never kept him from taking issue with me when he felt it necessary. I would sometimes call on him for advice on important matters and his comments always cut through to the basic facts. He was a master at paring away the rhetoric and getting to the real issues involved.

The Memphis Commercial Appeal has lost a man of stature. Its readers will miss Bill's sharp and incisive columns. I have lost a good friend and want to express openly my condolences to his wife, Maxine, and the rest of his family.

THE HONORABLE J. VAUGHAN GARY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ROONEY of New York. Mr. Speaker, it was with a great deal of sadness and a deep sense of personal loss that I received word of the passing of my good and longtime friend and former colleague, J. Vaughan Gary of Virginia on last September 6.

Vaughan Gary served his country well and often in many and diverse capacities. He was a soldier during the First World War, a practicing lawyer in Richmond, president of the Richmond Bar Association, and a trustee of the University of Richmond. His service to both his State and his country continued with his service in the Virginia General Assembly from 1926 to 1934.

After leaving the legislature his public service continued as chairman of the Virginia advisory legislature council committee. He was also a leader in the study of the interaction of Federal and State governments in slum clearance and penal reform.

In 1945, Vaughan was elected to the House of Representatives and served here for 20 years until his retirement in 1965 at the age of 72. It was my great honor to have served with Vaughan Gary on the Appropriations Committee, January 28, 1946, until his retirement. We served together on the State, Justice, Commerce, Judiciary Subcommittee of which I was chairman, and on Foreign Aid Subcommittee of which he was chairman.

Mr. Speaker, it was my pleasure to have known and served with Vaughan. He was a true Virginia gentleman, with whom I traveled over most of the world. He enjoyed a host of friends on both sides of the aisle during his two decades in the House. I am sure his memory is cherished by all those who knew him and that my sense of personal loss is shared by many, both in this Chamber and in the other body.

To Mrs. Gary and her family, I extended the Rooneys' deepest sympathy and personal condolences.

AMBASSADOR YASUKAWA'S SPEECH TO JAPAN-AMERICAN SOCIETY OF WASHINGTON

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. NIX. Mr. Speaker, Ambassador Takeshi Yasukawa of Japan made his first speech since coming to the United States before the Japan-America Society of Washington on October 11.

As one who served in Washington more than 10 years ago from 1957 to 1961, Ambassador Yasukawa is an old friend of the United States and it is a pleasure for me to welcome him to the United States in his new capacity.

Ambassador Yasukawa's speech was a statesmanlike address and I was gratified to find in it his belief in the firm bond uniting Japan and the United States through our joint commitment to democratic freedoms.

The Ambassador's speech was also notable for its measured and frank discussion of the security and economic problems which face our two countries and for his confidence that these problems would be solved through cooperation between us.

Because of his excellent statement of our problems and his optimistic appraisal of their solution, I am pleased to submit Ambassador Yasukawa's speech herewith for the information of my colleagues.

The speech follows:

ADDRESS BY H. E. TAKESHI YASUKAWA

It is a great pleasure and honor for me to have this opportunity to make by first speech as Japan's Ambassador to the United States before the Japan-America Society of Washington.

I served in our Embassy in Washington more than 10 years ago, from 1957 to 1961, and tonight I am very pleased to meet many old friends I have known since then. Tonight, I have also a great pleasure of meeting many new friends and nothing is more encouraging and reassuring in performing my duties as Ambassador than to meet old friends and new friends all assembled in this room.

In the realm of international relations there are many dimensions. There are the economic dimensions, the political ones, and there are also the cultural dimensions. Your distinguished Society symbolizes the human dimension in U.S.-Japanese relations at its best. You are the personification of what is finest, most sensitive, and most informed in this respect, and as a result, the Japan-America Society is an important forerunner for advancing greater understanding and rapport between our two countries.

Your invitation therefore gives me a very welcome opportunity to share with you my views of U.S.-Japanese relations as they are today, and also to offer you my hopes and expectations for the future.

The timing is appropriate for another reason. The partnership between our two countries, which has matured very rapidly over the past quarter century—and especially over the last few years—has now reached a critical threshold. Indeed, the entire structure of international relations is in transition. The cold war confrontation is hopefully being eased by cautious steps toward a more stable and less dangerous deterrent balance and by the gradual expansion of East-West commercial and other exchanges, although we have a long way to go before a truly stable and lasting peace can be established all over the world.

North-South relations, between the developed one third and the developing two thirds of the world's peoples, are also being transformed by such "new" issues as the threatened gap between world demand and supply of energy resources, industrial raw materials and food, as well as by the demands of the developing countries for increased capital and technology.

Simultaneously, the international economic structures which have supported over the last quarter century the most rapid world economic growth and trade expansion in history may no longer be fully adequate to meet the world's current and future needs.

All these developments at once are now compelling governments and private interests around the globe to examine new trends and forces, and to weigh possible solutions which in many cases have little precedent in the past.

As Prime Minister Tanaka observed during his recent visit to the United States, "world politics have reached the most significant turning point since the war." The new dimension of our time, Mr. Tanaka indicated, is an "international interdependence" which creates "challenges (that) can be met only through global cooperation, and especially through the close collaboration of Japan, the United States and Europe." It is precisely this new dimension in the Japanese-American partnership that I should like to explore with you today.

The enduring foundations for our trans-Pacific partnership were succinctly summarized by President Nixon and Prime Minister Tanaka in the joint communique they issued, following their summit talks in Washington, last August 1. These are: "a common political philosophy of individual liberties and open societies, and a sense of interdependence."

Japan and the United States are firmly bound together by our shared commitment to democratic freedoms. This same bond, of course, also links Japan to the other great democracies as well, and it is one of the reasons why Secretary of State Kissinger has been seeking lately about what amounts to an Atlantic-Pacific community of democratic powers.

Given this common philosophical foundation, Japan and the United States have developed a natural interdependence over the last two decades. At the peak of cold war tensions in the early 1950s, our two countries entered into a mutual security arrangement, which was renewed and revised in 1906. Under the treaty, the United States is committeed to defend Japan against an armed attack. Japan, on its side, provided military bases to the United States as a contribution to the maintenance of peace and security in the Far East. These security links remain in force and are still the ultimate guarantee of Japan's security.

As I mentioned before, the world is now moving from an era of confrontation to one of dialogue. As a result, one now hears an argument in Japan that we no longer need the U.S.-Japan Security Pact. But I cannot accept such an argument. The most important element for the security and development of a country is for people to be able to do their day-to-day work with a sense of security. The Japanese people have been able to devote themselves to nation building, the economic development of their country, in particular, with such a sense of security for the last 20 years. Though world tension is becoming more relaxed, if the U.S.-Japan Security Pact were to be abolished, it is easy to foresee how insecure many Japanese would feel.

On the other hand, I realize that not a small number of Americans feel that Japan's defense efforts, in comparison with the commitments given by the United States for the defense of Japan, are inadequate. I cannot accept this argument either. In the small territory of Japan, crowded with 104 million people, large U.S. bases are maintained. The Japanese government, in order to maintain these U.S. bases effectively, takes heavy responsibilities not only financially, but also politically and psychologically. I should like to refer, in this respect, to the testimony of former Secretary of State Rogers who said that these U.S. bases in Japan contributed not only to the defenses of Japan, but also to the peace and security of the Far East, and thereby served the interests of the United States itself. The U.S.-Japan Security Pact therefore conforms to the mutual interests of both Japan and the United States.

Furthermore, Japan's Self-Defense Forces, which currently consume about one percent of the gross national product, are now undergoing a five-year $15 billion modernization program, which will greatly improve Japan's self-defense capabilities within her constitutional limits.

On the economic front also, the Japanese-American interdependence has matured over the years, and has changed significantly in quality and potential. For many years—in fact, even in the late 19th century—the United States has been the principal market for Japanese exports. The nature and quality of these exports has changed enormously, however, especially during the last decade or so as the fast-growing Japanese economy has become increasingly competitive in high-technology, high-quality industrial and consumer goods.

For the United States, Japan has long been its largest overseas market, second in value only to the continental U.S.-Canadian trade. Moreover, U.S. exports to Japan are more diversified than U.S. exports to any other country. Japan is by far the world's largest customer for American farm products. In the last U.S. fiscal year, Japan became the first country in the world to import more than $2 billion of American agricultural commodities a year. Japan is also a major world market for both U.S. raw materials and manufactured goods, including a high growth in demand for very high technology manufacturers—computers, aircraft, machine tools, etc.—and for quality consumer goods, such as home appliances and sporting goods and high-fashion apparel.

As might be expected in so vast and complex economic interdependence, we have had our share of problems—on both sides—in this relationship. Until the mid-1960s, most of the problems were on the Japanese side—substantial trade deficits with the United States and chronic payments deficits on a multilateral basis. During the mid-60s the deficits shifted to the U.S. side. And, during the last two years, as overall U.S. trade slipped into unprecedented deficits, Japan found itself in the unaccustomed position of being America's largest creditor on trade account, and a major surplus country in foreign currency reserves.

You will recall that it has taken a number of cooperative measures among all the principal trading and financial powers—including two successive multilateral currency realignments—to begin to reverse the deficit trend in U.S. trade. Japan took the most stringent measures in this joint global effort, including a 36 percent upvaluation in the yen against the dollar, unilateral tariff cuts and removal of quantitative restrictions and other trade barriers, selective export restraints, accelerated purchases of U.S. exports, an accelerated outflow of Japanese direct foreign investments, and a virtually complete decontrol of foreign investment in Japan.

You are also aware, I am sure, of the rapid and very welcome results of these combined efforts to restore equilibrium to U.S. imports from Japan grew by only 10.4 percent over the same period in 1972, while U.S. exports to Japan increased 68.6 percent. The U.S. deficit in its trade with Japan will almost certainly be cut in half this year, and should be in near balance once again within another 12 to 24 months. Largely as a result of the multilateral currency realignments, overall U.S. trade is also moving toward the black, and may be in reasonable balance by the end of 1973.

The efforts made by the United States in controlling domestic inflation, increasing the productivity of its industry and encouraging its industry to exploit foreign sales opportunities, undoubtedly, have made essential contribution to the improvement of the situation and the maintenance and furtherance of such efforts are expected in the future.

Much more important, probably, we need to understand that the world economy will never be quite the same again, now that we have crossed this historic threshold. One of the most important features is the emergence of new economic powers, such as the enlarged European community and Japan. The Soviet Union, China and the other centrally planned economies have so far had only a marginal impact on wider international trade, but that impact may increase rapidly.

And, as I suggested earlier, the resource-rich developing countries are demanding a much larger voice in world economic affairs, and a much larger share of world capital, technology, management expertise, and the benefits of economic growth and social modernization.

The most urgent task the world faces is to develop workable solutions to these common problems. We have reached a historic turning point where we need to cooperate creatively on the basis of our interdependence which has newly emerged.

High on our agenda is the job of restoring a healthy momentum to world trade expansion. The abnormal trade imbalances of the last couple of years not only undermined world monetary and price stability, they also revived protectionist formulas which threatened the orderly development of international trade. The GATT negotiations on trade which were successfully launched last month by the Ministerial Conference held in Tokyo, must succeed in upholding the principle of free trade while making necessary adjustments to the world trade mechanism to meet our present needs.

The healthy expansion of the world economy naturally requires world monetary reform. We must combine all our efforts to reach satisfactory solutions on this important issue by July next year as agreed in Nairobi last month. The most careful attention must also be paid to the problem of ensuring equitable access to finite energy resources and essential minerals and other industrial raw materials—especially in times of political stress. And the advanced industrialized democracies would also be wise to pool their research efforts in the development of alternative energy sources and raw materials substitutes.

There are a number of other difficult questions on our immediate agenda. One is inflation, which is apparently endemic in some measure to all high-growth, high-consumption societies, and which has become an international rather than a purely domestic concern. Another is industrial pollution and the management of environmental quality. This has also become an international concern first, because it is a costly byproduct of industrialization and second, because the effects of air and water contamination are not contained by imaginary national boundaries.

Perhaps the most urgent common problem we face is the challenge of speeding economic modernization of the developing regions. This is a matter, not of choice, but of necessity to endure future world stability and peace, to sustain world economic growth and prosperity, and to fulfill the legitimate aspiration of well over half the world's population.

Aid to the developing nations is, in fact, one of the stoutest pillars in Japan's foreign policy. Japan's annual aid outflow, which reached two and three quarters billion dollars last year, is second only to U.S. aid in value, and represents nearly 1% of our GNP. Japan's economic cooperation program is expanding steadily in value, and should match current U.S. aid levels in several years. For example, Japan is assuming a larger share of the economic aids to developing countries in Asia.

Of course, this does not mean that the role of the United States has diminished. On the contrary, it remains highly important. I am convinced that this provides one of the areas where Japan and the United States can most effectively cooperate. In this connection, I should like to emphasize that aid to the developing countries enjoys full support of our people. Deeply committed to the promotion of international security and peace, the people of Japan believe that a generous and effective foreign aid program is their principal contribution in this respect.

Now, I have referred to some of the important problems we face today. Although many of these problems are economic in origin, their political significance can never be ignored.

Japan is already trying to broaden its participation in world affairs, both multilaterally and bilaterally. Following Prime Minister Tanaka's visit to the United States, Japan has been very active in the current session of the United Nations, where it is contributing not only at the policy level, but to which it has also made a substantial financial contribution to ease the problems of this world-organization.

Moreover, as you are aware, Prime Minister Tanaka has been busy since late September in a broadly-based trip to Europe and the Soviet Union. His travels have been described in American newspapers as "the most extensive round of international summitry ever undertaken by a Japanese Prime Minister". Certainly his trip symbolizes a new phase in Japan's role in the world, in which it is trying to strengthen its ties and understanding with the European nations, and also to underscore that Japan is very much involved in world affairs today. This is another indication that Japan is preparing to "carry more load", politically and economically, in the international field.

For my part, I am optimistic about the future, Japan is not a large country; it is barely the size of California, with half the population of the United States. It is also a very vulnerable country—crowded and strategically vulnerable in this age of weapons of mass destruction, and vulnerable also in the sense that it depends for survival on imports of 90 percent or more of its energy and raw materials requirements. Very clearly, Japan's vital interests lie in a world that is at peace, and is working together to share the benefits of stable growth and prosperity. It is understandable, therefore, that we Japanese are eager to make our full contribution to the building of a more peaceful and more prosperous world society.

There is another important reason for my optimism. This is the extraordinary experience our two countries have shared in building one of the most productive and dynamic partnerships in the history of international relations. It is a remarkable relationship because our two peoples are, in so many respects, different and even distant from each other's comprehension. We had profound differences in an earlier generation, and we have had misunderstandings and even apprehensions of each other over the past few years. As my Prime Minister mentioned when he visited here last summer, "our capacity to communicate with each other is seldom equal to the demands of our evolving relationship."

Yet our relationship *has* evolved and matured. We have surmounted our most difficult problems, and are learning new reasons for broadening and deepening our cooperation. The United States and Japan, the two most productive societies in the community of democratic nations, are making their interdependence work for the common good.

That, I believe, is the most exciting dimension of the Japanese-American partnership, and a living demonstration to the world that peace and cooperation are indeed possible.

Let me thank you once more for your kind invitation to be with you this evening, and for your courteous attention. In speaking before the members of the Japan-America Society, I feel that I am speaking *with* understanding friends rather than *to* a number of persons in the United States who understand and are interested in Japan and U.S.-Japanese relations will grow substantially. For in the final analysis, the human dimension is the critical one, and our mutual capacity for understanding is the key for consolidating and amplifying the progress which has already been made.

Thank you most sincerely.

YOUNG REPUBLICANS CONCERNED OVER PROPOSED UNICEF CONTRIBUTIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASHBROOK. Mr. Speaker, in the October 4 Congressional Record, I pointed out that UNICEF, a United Nations agency heavily dependent on American financial contributions, is on the verge of giving aid to both North Vietnam and Communist controlled areas in South Vietnam. UNICEF's executive board has already authorized extending aid to North Vietnam and to the Communists in the South as part of a $30 million program for Indochina in 1973-74. Recent reports indicate that Hanoi is now negotiating with UNICEF officials in order to obtain this assistance.

The Young Republican National Committee, representing approximately 500,000 young Americans, has expressed its concern over the proposed UNICEF contributions. At its board meeting on October 21, the National Committee adopted the following resolution:

Whereas, the United States has spent over 46,000 lives; $150,000,000,000+; and 10 years fighting a "no-win" war in Vietnam, and

Whereas, the American people expressed strong opposition to the proposals for giving post-war aid to Communist North Vietnam, and

Whereas, UNICEF has stated their intent to supply aid to North Vietnam and Communist controlled areas of South Vietnam and

Whereas, UNICEF receives about 30% of its budget from the United States Government and additional funds from voluntary contributions from American citizens, especially on Halloween of each year, therefore

Be it resolved, that the Young Republican National Federation urges the state and local Y.R. organizations to inform their local communities of the intent of UNICEF to supply aid to North Vietnam and Communist controlled areas of South Vietnam.

I commend the Young Republican National Committee for adopting this resolution. Young Republicans can play a major role in educating their communities on this important issue.

CAFETERIA PRICES FOR GENERALS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASPIN. Mr. Speaker, I recently revealed that while Pentagon cafeteria prices continue to climb, Army generals can still gorge themselves of a sumptuous full-course meal for only $1.

The Star-News enterprising columnist, John Cramer, has discovered that the chief of the Army Materiel Command, Gen. Henry A. "Hank" Miley, has a similar mess operating at the AMC's new headquarters in Alexandria.

General Miley recently spent $12,000 to set up carpeting and to equip his 10th floor commanding generals mess.

Mr. Cramer compares cost of a full meal for the general at his mess—$1.70—to the same meal purchased by the ordinary civil servant in the regular AMC cafeteria at $3.67. Now, Mr. Speaker, a general makes at least $40,000 when all his benefits are added in. A secretary probably earns less than $10,000. Mr. Speaker, why is it that the highly paid general buys a cheap meal, while a secretary making four times less pays more than double for the same meal? I wonder what General Miley's answer is?

Mr. Cramer's article follows:

General Miley's Mess Beats Secretary's, $1.70 to $3.67

(By John Cramer)

The milicrats do very nicely when it comes to lunching in style—cheaply and partly at taxpayer expense.

Take four-star Gen. Henry A. (Hank) Miley who bosses the big Army Materiel Command from new headquarters on Eisenhower Avenue in Alexandria.

Recently, he spent $12,000 (a one-time expense to the taxpayers but with continuing cost for lost office space) to set up, carpet and equip a 10th-floor Commanding General's Mess, seating 30 generals, colonels and top civilians.

He staffs it, full-time, with a warrant officer and four enlisted men (at continuing cost to taxpayers).

In Miley's mess, a cocktail costs 55 cents and a beer 50. In a first floor bar, called the Supply Room, where the working stiffs can buy a drink, a cocktail goes for $1.25 and a beer for 75 cents, though occasional "specials" offer lower prices.

Miley's mess has waiter service. The hired hands pay a premium for it if they eat in the Supply Room. Most elect an adjoining cafeteria, where all items are sold a la carte; no specials.

Lunch in Miley's mess still costs a flat $1.25, though official word is that it soon will go to $1.50. On any given day it offers a choice of two entrees.

So, just for fun, I took a typical entree from a typical Miley menu (Aug. 31) and priced the general's lunch at what his secretary would have had to pay had she bought the same items at price-controlled rates in the AMC cafeteria.

I assumed that both had a single pre-lunch cocktail—his at 55 cents, hers at $1.25—plus a modest 15-cent tip. Then, when the secretary moved next door to the cafeteria, she found herself paying:

Soup du jour: bean with bacon or jellied tomato madriline, 35 cents.

Ham and asparagus roll, with cheddar cheese sauce, 95 cents.

Southern style corn, 25 cents; hot roll, 10 cents; butter, 3 cents.

Lemon pudding, sherbet or ice cream, 25 cents.

Large coffee, 25 cents.

So, including a cocktail, Miley and company would end up paying $1.70 with waiter service. The secretary, with a 4 percent sales tax on $2.18 for her lunch, would pay $3.67. (No tax on a general's mess.)

Moreover, we can assume that the servings in the general's mess are fairly generous and not subject to the strict portion control typical of government cafeterias. We further can assume that it's permissible to ask for "seconds."

In fairness to the general, let it be said that executive dining rooms are common in both industry and nondefense U.S. agencies though never, ever staffed by military personnel.

In fairness, too, let it be added that Miley is something of a piker free-loader compared with other top brass in the area.

A later review in this column will report just how handsomely Pentagon milicrats lunch at taxpayer expense.

NATIONAL SECURITY: THE DOLLAR IMPACT

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. SPENCE. Mr. Speaker, since becoming a Member of Congress my primary interest has been national defense. I have devoted a great deal of time to studying the relative strengths and weaknesses of our military posture in the world, vis-a-vis the Soviet Union. As in the case of most of those who have troubled to research this complex subject, digging beyond the rhetoric for a close look at the facts, I have become alarmed. In my opinion, it is increasingly important that we somehow make the American people aware of what our country faces militarily.

Fortunately, among those who have taken the initiative in this area is an especially able colleague of ours, who is also a close personal friend. Congressman Larry Hogan has supplied a very effective and articulate voice to the one priority which transcends all others in importance—that of national security. I, for one, am grateful for Larry's efforts in this regard, and I know that millions of Americans share my respect and admiration for his vital work.

Recently, Mr. Speaker, Congressman Hogan delivered an address which was exemplary of those outstanding contributions which I mentioned earlier. It is important that each of us has the opportunity to read and consider the points Larry made in the speech he delivered before the national security symposium of the Reserve Officers Association on October 18, 1973. Therefore, I submit the address by Congressman Hogan, entitled "National Security: The Dollar Impact," to be printed in the Record at this point:

National Security: The Dollar Impact

(Address by Congressman Larry Hogan)

I want to talk today about the relationship between our economy and our military expenditures for national defense.

One of the most important upward pressures on inflation is, of course, government spending. Costs balloon when the federal budget rises, and the rising federal budget balloons costs still further. In 1960 we were spending less than one hundred billion dollars. Today we are spending over two and one-half times that amount. If we are to get a handle on rising prices, we will have to get a handle on government spending.

However, while virtually everyone extols the virtues of thrift, especially for Uncle Sam, specifically where the cuts should come is one of the most complex and difficult areas of deliberation which Congress faces.

One part of the budget that receives a great deal of attention, primarily because its size makes such a spectacular target, is defense spending. But it is our allocations for defense that deserve the most thoughtful and meticulous scrutiny of all, for our survival as a nation is at stake.

America is blessed with a very broad economic base that provides more goods and services to more people than any other nation in the world. Our gross national product is well over a trillion dollars. We could never have developed that kind of economic base and industrial capability if we had been weak. We have had both the ability and the resolve to protect our national interests.

Our ties to other nations grow more important all the time. Our trade in essential raw materials is growing. For some time we have looked overseas to get a large share of aluminum and manganese and tin. But now our own resources of all types of materials are diminishing, and we are blocking access to some of our other resources. In the immediate years to come, we will begin to import at least half of the iron, lead and tungsten we need. Petroleum imports are growing at tremendous rates.

The demand for petroleum is one of the most visible problems. If your gas station is closed when you run out of gas, or if you could get only ten gallons last time you wanted to fill the tank, you were feeling the pinch first-hand.

Last winter schools and factories in the midwest had to shut down from shortages of heating oil, and this spring farmers did not have sufficient fuel to dry crops. The worst might be yet to come.

The lesson that energy is an essential ingredient in our economy is not new, but it is being driven home with more force now than ever before.

Regardless of the arguable reasons for the shortages we face, one fact is clear: As our demand for energy escalates, our need for imported oil is going up with it. Domestic petroleum production has leveled off, exploration, for various reasons, is decreasing, but demand for energy in this country is growing at almost five percent a year. The shortage will largely be filled with oil, and the oil supply will have to come from the Middle East where Iran and the Arab States have the available reserves. We brought in only 4 to 8 percent of our total oil suply from the Middle East last year. By 1985 the share will have grown to 30 or 40 percent. If an oil tap that large were ever cut off, it would create more problems than a few motorists staying home on a vacation weekend. The economy might be mortally wounded.

At a time when our economic dependence on imported oil is increasing, potential threats that might deny access to that oil are increasing as well. The Arabs have just increased rates and indicated they intend to cut production.

Control of sea lanes by the U.S. Navy is no longer a foregone conclusion. The Soviet Navy has been growing by leaps and bounds to the point that Capt. John Moore, editor of the highly respected Jane's Fighting Ships, recently suggested that the Soviets have overtaken us as the number one naval power. They continue to build submarines and increase submarine construction capacity. Their fleet has now been expanded to include one deployed and at least one aircraft carrier under construction. The use of aircraft carriers is a wholly new area of sea control for the Soviet Union.

The presence of these ships and the Russian manned missile sites are not aimed at Israel but rather at our own fleet.

The size of the Soviet fleet is sobering but so is global reach. Their presence in the Mediterranean has been boosted to a complement of over 60 ships, and they are well established in the Indian Ocean. There is a clear possibility—and a dangerous one because of the location of the oil-rich Persian Gulf—that the Indian Ocean will become a private pond for the Russian Navy.

The existence of all those foreign ships does not necessarily suggest the likelihood of hostilities in the foreseeable future. But oil is so vital to our economy that we would be foolish to disregard the potential threat if our supply lines are cut off during some crisis.

Relaxed tension between the East and the West cannot assure our security, and this is not the time for our country to be lulled into the belief that a promising outlook for detente obviates the need to be strong militarily. I welcome better relations in the world, as everyone does, but I am also aware of the needs of national security and the importance of maintaining our strength. During a recent speech here on the Hill, the West German Defense Minister observed that there were not three different Soviet Unions, one with whom we have detente, one who is backing Arab nostilities and another in conflict with Red China, they are all one and the same.

Raw materials in general, and oil in particular, are not our only economic ties to the outside world. The interdependence of all nations has been growing steadily for years. Trade statistics reflect our own increased involvement. Six years ago the United States exported over thirty billion dollars in goods and imported a little more than 26 billion dollars in goods from other countries. Last year, five years later, the United States exported over 48 billion dollars and imported over 55 billion dollars in goods. This economic fact of life has a dramatic effect on our military posture.

Some effects of our trade have had highly visible impacts on the country: The wheat deal with the Soviet Union, imports of automobiles and cotton products from Western Europe and a variety of imports from Japan. Multinational corporations have grown in size and influence, and foreign direct investment in American domestic industry has increased suddently in the last year. This also has serious ramifications for our position in the world balance of power.

All of this points to growing economic interdependence in the world. Our economy is now very sensitive to the degree of cooperation, good relations, and support of our allies, and even our adversaries.

In spite of this, critics of defense spending want to make unilateral reductions in American manpower stationed abroad and cut back military support and assistance to weaker countries, as well as to reduce our weapon and hardware development and production. Nothing could do more to undermine the confidence of allies and raise questions about the integrity of American commitments and threaten our own security. You simply cannot implement that kind of policy in isolation. That is, you cannot alter sensitive security and military policy without affecting trade and monetary relations. Where such action might have been feasible years ago, today it works against the orderly progress of important negotiations and the general stability of international economic relations.

As an interesting side comment, many of those who have been the most vociferous foes of military spending are now clamoring for the shipment of more arms and planes to Israel. Apparently they don't see this as any way impractical or paradoxical.

The protection of trade relations is one area that requires us to spend money on defense. The economic consequences of *not* spending that money go far beyond the potential threat of trade disruption. Other consequences strike at the functioning heart of the domestic economy in a direct way.

The Defense Department is far and away the biggest business organization in the world. During the last fiscal year DOD employed a little over one million civilians and paid them twelve-and-a-half billion dollars. There are currently 2,350,000 men and women in uniform here and abroad. The economies of many sections in the country are intensely dependent on military installations. In any one area, removal of an installation, or part of it, would create an economic vacuum. (Again in the hypocrisy by many of those Congressmen who argued the loudest for military cutbacks, screamed the loudest when military bases in their congressional districts were closed.) But the point I'm trying to make that our domestic economy can be seriously delocated by defense cuts.

The effect of removing base functions and dock facilities from New England is devastating. Rhode Island estimates the loss and dislocation of over 25,000 jobs in a region where unemployment is already high. The direct payroll loss equals five percent of the state's total income, with secondary effects of lost local expenditures magnifying the impact. Massachusetts, also in the throes of unemployment, is being hit as hard. In other words if the defense worker has no money to shop in his local stores, those whose livelihood are dependent upon those stores are also dislocated.

Severe economic dislocations are even more likely to occur when funding reductions are made in military research, development and procurement. The impact of lost contracts for specialized industry creates pockets of economic depression around the country.

Over seven percent of the country's total work force is employed in defense. The proportion of defense-related employment in manufacturing is comparable to the overall seven percent ratio. There are also large numbers of defense-related employees in mining, transportation, communications and electronics.

At the peak of the Vietnam war, 1968, one-tenth of the work force was in defense in one form or another. Five-and-one-half percent of private business employment was involved in defense work. Three years later, total defense employment had dropped two-and-one-half percent, and defense-related employment in private business had dropped an incredible two percent to three-and-one-half percent.

Reduction of men in uniform because of the ends of our involvement in Southeast Asia, has put more men into the domestic workforce and this aggravates the unemployment problem created by defense cutbacks.

It is no coincidence that overall unemployment in the country rose a little more than two percent over the same period as defense spending decreased. The unemployment ills of the country in the last two or more years have been closely tied to reduced government purchasing power in the defense field.

A particularly discomforting aspect of defense unemployment is its impact on highly skilled groups in the work force. Part of America's greatness is her reserve of skilled manpower, and our economy is rooted in the innovations and technological progress created by a broad base of scientists and engineers. Think of the automobile, the sewing machine, the jet engine, nuclear power, computers, or the laser. Breakthroughs like these hold together our complex economic structure. Let the reservoir of scientists dry up, let the expertise of engineers waste away, neglect the training of technicians, and the economy will stagnate.

Defense spending on research, development and procurement has a lot to do with the skilled manpower resources and industrial base for the economy as a whole. Defense industries support and provide the scientists that ultimately contribute to innovations in the civilian sector. Progress in defense technology spills over into useful benefits in non-military areas. Progress in one area is inseparable from progress in the other for industries such as aviation, communications, medicine and electronics. Communication satellites are one important example among many. The early exploration in this area was done by the Army Signal Corps. Since then, the work has expanded into a multi-million-dollar industry.

Take away defense contracts, and highly educated and experienced scientists and engineers are deprived of their jobs, with virtually no opportunity for similar employment. Only two years ago there were nearly 100,000 unemployed workers in the aerospace industry. This can have serious implications for the continued advance of aerospace technology and recruitment of young scientists into the field. Fortunately, many of the very large number of unemployed scientists are back at work, but not without a battle.

Take the B–1 bomber as an example. It is estimated that the 13.6 billion dollars gross investment in this system will generate a cumulative rise of 37 billion dollars in the gross national product. That means 60,000 aerospace jobs and 100,000 supporting jobs around the country. The tax revenue returned to our Treasury from the resulting incomes could be as much as seven billion dollars for the federal government and four billion dollars for state and local governments. In spite of that economic picture, the bomber has been a highly controversial project and has been threatened with cancellation more than once.

Just as we need to maintain a strong base of skilled manpower in the country, we also have to see that vital industrial capacity does not seriously erode from neglect.

There are a number of highly specialized industries in the country that depend on government contracts for their survival. As has become evident in recent years, they simply do not have the financial strength to carry enormous overhead costs, much less tool up for new projects on their own without government contract support.

The dangers of withdrawing that support over the long term are two-fold. First, we will undermine our basic industrial capacity. Industrial potential has been one of the pillars of America's greatness in facing crises. Its importance was clearly demonstrated in World War II.

Second, we will lose the technological edge that enables us to maintain a healthy trading position with other industrialized nations. This country has long been on the frontier of technology, and we are traditionally the leading exporter of sophisticated machines and equipment. The competitive edge will be quickly lost to Europe and Japan if we give our specialized industries no support. Without arguing the merits of the plane, that is exactly what we did by canceling the supersonic transport, a plane that is being produced now by England and France together. The balance-of-payments loss we suffer from canceling that project may prove to be very costly as well as the domestic employment.

Shipbuilding is a very good example of an area where defense spending is crucial. The nation has to have a strong merchant marine, particularly in this day and age. We need to carry imported oil and other products in our own ships as often as possible to reduce the outflow of American dollars. The demand around the world for tankers is growing at such a pace as to question whether enough ships will be available to carry our oil. There are 47 tankers under construction or on order in this country today. Without shipbuilding subsidies from the Federal Government, this industry would have disappeared long ago.

After 1966, private shipyard employment in the United States began to drop off. Employment in naval shipyards had already begun to fall by then. But now we have managed to turn that trend around, and our shipbuilding potential is being revitalized. Production is beginning to move again at a vigorous pace. We are still at a competitive disadvantage with Japan in shipbuilding, as in so many other areas.

Forty-eight percent of American shipbuilding is devoted to naval vessels, and the percentage is higher if one excludes non-self-propelled vessels such as oil drilling rigs. The defense budget, then, accounts for almost half of shipyard work. After revitalizing the industry, if we turn around and cut back on support now, the immediate impact will be layoffs and lost income. If the cuts are substantial, we will have to close many of the yards and forego any hopes of competing in world shipbuilding.

In looking for savings, we must be sure not to whittle away at the substance of defense programs. The distinction between fat and lean is often not made, and criticism is too frequently directed at defense spending in general—across the board. The reason is not because particular items in the budget are unnecessary, but because the budget, on the whole, seems so large. Those large figures need to be put into perspective.

Inflation has created distortions in defense spending. If we look at recent budgets in terms of constant dollars, the squeeze between demands for drastic cuts and the demands for an adequate defense becomes evident.

While critics call for a reduction in the military budget and a reordering of priorities, the fact is that since 1968, defense spending has gone down by 34 billion constant 1974 dollars, and other federal spending has gone up by 50 billion constant dollars. In fact, defense spending is down by ten percent, again in constant dollars, since fiscal year 1964. That was before we became deeply enmeshed in the Indochina war. Were it not for the dramatic rise in costs associated with increased military wages, retirement and fringe benefits, and were it not for inflation, defense spending would be much smaller than it appears.

Indeed it is reasonable to ask: Is the level of defense spending today too small? Inflation has dangerously affected the kinds and numbers of weapons we buy today and most drastically, those we need to develop and improve. As costs rise and real purchasing power diminishes, it may be that we spend too little on defense rather than too much.

Suggestions to cut military spending even further may be motivated by a desire to hold down the federal budget and fight inflation, but the result would do a great deal more harm than good. Harm would be done not only to the military security of the country, but also to the economy. What is penny wise is often pound foolish. We can only be as healthy economically as we are strong militarily. This fact must not be forgotten.

The economies of Japan and Germany were rebuilt at such a staggering rate because they did not have to spend money for military defense. They concentrated on profitable industries while sheltered under our very protective defense umbrella. Clearly economy and defense are inextricably entwined and established.

MAJ. GEN. CHARLES CARMIN NOBLE

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. LONG of Louisiana. Mr. Speaker, during the great Mississippi River flood of 1973, the people of Louisiana and the entire lower Mississippi Valley came perilously close to disaster. During this period the Nation's largest river reached levels in Louisiana and throughout other valley States, not previously experienced during the lifetimes of many of the residents.

Our flood this year was the third greatest flood of the century. Only the floods of 1927 and 1937 crested at higher levels. The threat posed by these waters was far-reaching and severe. But the human suffering and loss was substantially lower than in the previous floods. By way of comparison, approximately 40 deaths were attributed to the flood this year; in 1927 the death toll was 216. During the flood period last year, some 40,000 persons were evacuated from their homes, all in an orderly manner. During the flooding of 1937, more than 800,000 persons had to leave their homes, many of them literally fleeing for their lives.

One may ask, "Why this striking difference?" I believe that the difference is that this year we had both an effective flood control system and a man who was so capable and so determined that he was going to make the system work, complete or not.

To fully appreciate the contribution of this man, we must trace the development of the situation beginning before the flood waters ever began to rise.

The residents of the lower Mississippi Valley had not experienced a major flood since 1945. Many different groups, for a variety of reasons, felt that the need for new flood control construction was not pressing. Floods were felt to be a thing of the past. Those who most depended on an effective flood control system, had been lulled into complacency by the uneventful course of recent history.

Fortunately for the residents of the lower Mississippi Valley, the President of the United States, acting at the request of the U.S. Army, had in 1971, appointed a distinguished engineer and soldier, Maj. Gen. Charles C. Noble, to serve as president of the Mississippi River Commission. Furthermore, Major General Noble would also serve as division engineer for the lower Mississippi Valley Division. As an experienced engineer, General Noble realized that floods continued to pose a major threat to the people of the Mississippi Valley. As unusually heavy rains fell throughout the vast drainage system of the Mississippi River, he began to prepare for a major flood.

In speeches throughout the State, he warned that conditions were ripe for a major flood during 1973. He stated before a committee of the Louisiana State Legislature "I am paid to worry, so I am worrying," awoke the minds of many to the danger at hand. But, General Noble did more than worry. He was responsible for protecting the lives and property of millions of American citizens along the length of the lower Mississippi River, and he began to act to carry out that responsibility.

He began by pressing ahead with a divisionwide, flood fight exercise scheduled for the spring of 1973. In order to make the exercise as realistic for the military as for civilians, he directed that members of the levee boards and other local agencies be invited to fully integrate their activities with the Commission's plans. The feedback and the sense of involvement generated by this civilian participation strengthened the overall flood control program.

In other areas, General Noble began preparatory actions, often against the backdrop of harsh criticism. These actions were based on his concern for the residents of the Mississippi Valley whom he was sworn to protect. He knew that every effort must be made to provide the maximum possible protection to those threatened by flooding. After careful study he came to the conclusion that the existing plan for flood protection in the lower valley, the M.R. & T. project, was basically sound. This plan, expressing the intent of the Congress and the best thinking of engineers familiar with the flood protection system, would form the foundation for his decisions in the days ahead. Although the M.R. & T. project was less than half completed, General Noble had to make it as effective as possible against the flood he believed was soon to come.

From December through June, General Noble was up and down the more than 1,200 miles of the swollen river. He led the preparations for the flood in cities and towns throughout the valley. City officials and private citizens alike benefited from his advice and assistance. He kept in constant communication with local directors in areas all along the river. By keeping abreast of what was going on and what was needed, he was able to make the necessary rapid decisions that often meant life or death. He was determined that every possible effort be made to protect lives and property.

I do not believe that it would be an exaggeration to say that General Noble's efforts were a major factor in our victory over the river. His professional competence and unquestioned integrity provided the sound decisions and the responsible leadership necessary to meet the crisis. Hard decisions, in an atmosphere of conflicting pressures, had to be made to make the plan work. In these decisions, he proved time and time again that his sole desire was to protect the residents of the valley area in accordance with the adopted plan. No sign of personal enrichment or desire for personal recognition ever colored his actions. His accomplishments, far above the call of duty, clearly mark General Noble as deserving of the highest honors this Nation can bestow.

It is ironic that at this time of highest recognition, Maj. Gen. Charles Noble is being forced to retire before the end of a normal 4-year tour of duty as president of the Mississippi River Commission. As a result of being passed over for promotion to the grade of permanent major general, General Noble will be forced to retire in August of 1974, instead of September of 1975.

Recent events clearly show that the people of the lower Mississippi Valley would be poorly served by the forced retirement of this valuable officer. He is the driving force behind the program to repair the damages to the flood control system resulting from the recent flooding. Furthermore, programs under his direction are modernizing the existing system and increasing its overall effectiveness. The successful completion of these repair and construction programs requires the unique blend of determination and experience that only General Noble can provide.

Mr. Speaker, it is my sincere hope that the next selection board considering promotions to the grade of permanent major general will favorably act on Charles Carmin Noble. In the event that the board should fail to act, I hope that the President, upon appropirate recommendation from the Secretary of the Army, would grant an extension of service for this dedicated and distinguished public servant. The people of Louisiana and the entire lower Mississippi Valley need the services of Major General Noble for the full 4-year term.

RESOLUTION ON COMPILATION OF EVIDENCE

HON. IKE F. ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ANDREWS of North Carolina. Mr. Speaker, when the House reconvenes next week, I shall introduce a resolution directing the Committee on the Judiciary to prepare a compilation of information and evidence tending to prove or disprove the commission of any act by Richard M. Nixon which amounts to an impeachable offense.

I am including this resolution in the RECORD, prior to introducing it, for consideration by my colleagues and invite any who wish to do so to join in cosponsoring it:

A resolution directing the Committee on the Judiciary to prepare a compilation of information and evidence tending to prove or disprove the commission of any act by Richard M. Nixon which amounts to an impeachment offense

Whereas, in recent months allegations have been made with respect to the possible commission of impeachable offenses by Richard M. Nixon with respect to his campaign for election to the office of President in 1972 and his conduct of the office of President; and

Whereas, such allegations have created a situation of utmost national gravity and have led many citizens to request that the House of Representatives consider the initiation of impeachment proceedings; and

Whereas, the Committee on the Judiciary has begun an investigation with respect to impeachment proceedings; and

Whereas, Members of the House of Representatives should have access to and be able to assess any information and evidence which assist them in the dispassionate and thorough performance of their functions in any impeachment proceedings; and

Whereas, information and evidence are presently available from various sources, including the Department of Justice, the Federal Bureau of Investigation, the Senate Select Committee on Presidential Campaign Activities, news periodicals, and individuals, but there is no central source of information and evidence which may be used by Members of the House of Representatives; and

Whereas, it is important that there be made available to Members of the House of Representatives a central source of information and evidence tending to prove or disprove any allegation made with respect to the conduct of Richard M. Nixon: Now, therefore, be it

Resolved, That (a)(1) the Committee on the Judiciary (hereinafter in this resolution referred to as the "committee") shall, as a whole or through any subcommittee of the committee, conduct research and prepare a report based upon such research which compiles, categorizes, and indexes information and evidence tending to prove or disprove the commission of any act by Richard M. Nixon which may amount to an impeachable offense under section 4 of article II of the Constitution of the United States.

(2) Such report shall include a reference to any provision of Federal or State law violated by any such act and the penalty imposed for violation of such provision.

(3) In conducting such research and preparing such report, the committee shall, with respect to the alleged commission of any impeachable offense, determine those allegations on which to obtain evidence and to include in the report. The committee shall provide Richard M. Nixon with an opportunity to respond to any such allegation in any manner he deems appropriate. The committee shall include any such response as part of its report, except that such inclusion shall not delay the committee in completing such report.

(b) The committee shall, as soon as practicable, furnish to Richard M. Nixon and to each Member of the House of Representatives a copy of the report prepared by the committee under subsection (a).

A BASIS FOR PEACE

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. SEBELIUS. Mr. Speaker, throughout the past few years there has been fighting in the Middle East and now with the latest outbreak of war there we must look for a lasting solution to the situation between the Arabs and the Israelis. A distinguished editor in Kansas, Whitley Austin, offered his solution in an editorial in the Salina, Kans., Journal on October 11 and I would like to commend it to the attention of my colleagues:

A Basis for Peace

What could be the basis of peace in the Middle East?

After listening to both sides in the past as a reporter on the spot, I am convinced there are 2 essentials. The pride of the Arabs must be restored and Israel must be secure as an established nation.

Jerusalem, the Israeli declare, is not negotiable. They have developed it as their capital to the point that the city can not be internationalized. But because it contains the Dome of the Rock, a holy place for Moslems, the right of free access and worship for Arabs must be zealously protected.

The Palestinian refugees should be compensated for their seized lands and that long-festering wound healed.

To feed themselves, the Israeli probably must keep the Jordan valley west of the river. But the Golan Heights are chiefly of military significance. Some concessions here must be made to Syria provided it is agreed boundary lines are to be respected.

As for the Sinai, the keys are the Suez canal and Sinai oil. The Egyptians should have it back. But the Israeli also should have the right to use the canal and they should be assured of a continued oil supply, not only from Iran, their present major source, but also from Saudi Arabia.

Fold this into your Book of Genesis and see if the settlement is not along these general lines, if, indeed, the rival sons of Abraham can ever reach agreement.

THE FORD NOMINATION

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. LENT. Mr. Speaker, I noted with interest an editorial which appeared in the October 25 Washington Post, which urged rapid action on the nomination of Representative Gerald Ford as Vice President. The 25th amendment was adopted to insure continuity in the executive branch of Government, and the letter and the spirit of that amendment demand prompt action on the Ford nomination. I include the text of the editorial in the Record at this point:

The Vice-Presidential Vacancy

Every political crisis produces, among other things, a rash of ill-considered statements. By way of illustration, consider the suggestion, now being widely offered, that the Congress should delay action on the nomination of Rep. Gerald R. Ford to be Vice President. There have been arguments that Congress has no obligation to take up a nomination made by a President who faces possible impeachment proceedings. There has been talk of holding Mr. Ford as a hostage for better behavior by the President. There is the possibility—which some apparently find quite tantalizing—that the congressional Democrats, by failing to confirm Mr. Nixon's nominee, could engineer the elevation of one of their own, House Speaker Carl Albert, to the presidency if Mr. Nixon should be unable to complete his term—and thus sweep their party into a position of power it could not come even close to winning in last year's election.

The first point to note about this entire approach is that Speaker Albert quite properly is having none of it. Mr. Albert said Tuesday that the House should act on the Ford nomination quickly and that a new Vice President should certainly be confirmed before formal impeachment proceedings, if any, are begun against the President. The Speaker's concern is doubly understandable because events have placed him in a very awkward spot. As long as the vice-presidential vacancy remains, Mr. Albert faces the prospect of having to play a leading role in impeachment proceedings which could put him in the White House. Similiarly, as long as his nomination is pending. Mr. Ford has such an intense and involved personal stake in the proceedings that it would, in fact, be fitting for him to take himself out of any argument over impeachment—rather than lead the defense of the President in the House, as he is now doing.

The situation is doubly entangled in the House because the Judiciary Committee must deal with not only the Ford nomination, but also the impeachment investigation and the issue of a special prosecutor. In contrast, the Senate Rules Committee is not overburdened and should be able to process the nomination expeditiously. It would be useful for the Senate to take the initiative—and to take its lead from majority whip Robert C. Byrd's statement the other day that the nomination should not be held up, but should "rise or fall" on Mr. Ford's own qualifications for the vice-presidential post.

Such calls for prompt action reflect a sound understanding of the obligations imposed on Congress by both the 25th Amendment and the current low state of political affairs. In political terms, the last thing that the country wants or needs is any more distress, disunity and narrow partisanship. All this would certainly result from an attempt to hold the nomination of Mr. Ford as hostage, either to Mr. Nixon's future performance or in anticipation of the President's impeachment. Moreover, it would be profoundly wrong—and probably self-defeating as well—to try to turn impeachment into a congressional coup d'etat which would install a Democrat in the White House. That would be precisely the sort of cynical, exploitative abuse of power which the American people are now reacting so strongly against.

In contrast, there are large national benefits in the course which Speaker Albert advocates—the prompt completion of the investigations, the hearings, the committee reports, the floor debates and the votes in both houses on the nomination of Mr. Ford. Settling the issue of succession would remove one source of public uncertainty. It would also demonstrate that the Congress can perform responsibly at a time when a sense of responsibility is a precious commodity in public life.

Prompt action on the nomination also happens to be the only course which satisfies the letter and spirit of the 25th Amendment. The whole intent of Section II of that amendment is to insure that the nation will almost always have a Vice President—someone chosen specifically for that particular job, and able to bring both a reasonable degree of competence and some measure of continuity to the presidency if called on to assume that post. In other words, Section II of the amendment was approved so that the Speaker of the House would *not* henceforth be next in line to become President, except if an almost unthinkable disaster should remove both President and Vice President simultaneously from the scene. This reform acknowledged the fact that Speakers of the House, however able and experienced, are elected for a different job by a different, smaller constituency and sometimes, as now, by the opposition party.

Those who favor blocking the nomination of Mr. Ford, and keeping Speaker Albert next in line, are thus urging a course which Congress and the states specifically repudiated by approving the 25th Amendment. They are also pressing a course fraught with the most dangerous kind of political mischief. It is interesting to recall that the possibility of such perilous partisan sport was discussed during the Senate floor debate on the 25th Amendment in 1956. Then-Sen. Ross Bass (D-Tenn.) suggested that a Congress controlled by the opposition "would have much more of a problem in confirming the recommendations of the President if we knew . . . that one of our own people would go to the job next." The situation, Senator Bass said, "becomes a political bomb." To this Sen. Birch Bayh (D-Ind.), floor leader for the amendment, replied:

"I have more faith in the Congress acting in an emergency in the white heat of publicity, with the American people looking on. The last thing Congress would dare to do would be to become involved in a purely political move."

It is up to Congress to show that such faith was justified.

TIME TO CHANGE WAY WE CHOOSE OUR VEEPS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ESCH. Mr. Speaker, in recent days, I have been pointing out the urgent need for the major political parties to change the system of selecting Vice-Presidential nominees. Certainly the woes that befell Democrats in 1972 and Republicans this year provide ample evidence that reforms must be instituted before the 1976 Presidential election.

I recently wrote Chairman George Bush, of the Republican National Committee, to express my concern. He has informed me that the reactivated Coordinating Committee will consider the question of the nominating process for Vice President. In addition, the Democratic Party's Commisison on Vice-Presidential Selection will meet in Washington on November 7 to examine ways to reform that party's method of selecting Vice-Presidential nominees.

It is time all of us take a close look at the pitfalls in the current system. Candidates for Vice President can be nominated without even a cursory check of their qualifications. The stakes are too high for that kind of arrangement since eight Presidents have died while in office.

I have provided for the Record some of the editorial comment given the various alternatives proposals. The following editorial from the Ann Arbor News on October 19 offers still another point of view:

From Our Point of View: Time To Change Way We Choose Our Veeps

The Eagleton and Agnew affairs have demonstrated the haphazard way in which this country chooses the number two person in government. This makes two times in a little more than a year that the second man on the ticket has had to get off.

Theodore White, in "The Making of The President 1972," says that the way Americans choose Vice Presidents has always been absurd.

For 17 of the past 27 years, writes White, America had been governed by Presidents who made their entry to that office from the Vice Presidency. Yet the choice for that office "is the most perfunctory and generally the most thoughtless in the entire American political system."

That's probably no exaggeration. Spiro Agnew was the foundation stone of Nixon's southern strategy in 1968. Southern leaders such as Sen. Strom Thurmond objected to Lindsay, Percy and Reagan, among others. In the end, only Agnew and Gov. Volpe of Massachusetts were acceptable.

McGovern picked Eagleton for the normal reasons (balancing the ticket, photogenic qualities) but also in fatigue at a late hour. His background wasn't properly researched, with the result that he had to step down from the ticket weeks later when it was learned that he had a history of mental illness.

And so it goes. John F. Kennedy passed by all the logical choices and picked Lyndon Johnson because Texas was vital and he needed Johnson for the election. Eisenhower picked Nixon in 1952 on the basis of staff recommendation—or so Theodore White claims.

There ought to be a more rational system of selecting a presidential running mate. This office is simply too important for an individual to be chosen on political expediency. His selection ought not be an afterthought, the anticlimactic event in a heavy schedule for tired conventioneers.

He is often a sop to the presidential nominee's defeated party rivals. Americans need the chance to scrutinize vice presidential hopefuls; they don't have that chance now. Presidential nominees pick running mates not on the basis of philosophical compatibility, but to reconcile defeated party factions. The result is often a vice presidential nominee at odds with the presidential nominee himself.

It's time to change all that. One possibility would be for candidates to announce for the office of Vice President and actively campaign for that office before the conventions. That way, press and public would have a chance to look the man over. Letting Congress pick the Vice President, as some today are proposing, doesn't seem to be any improvement over the present "catch as catch can" method.

FEDERAL ASSISTANCE TO COLLEGE STUDENTS—PART II

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. LEHMAN. Mr. Speaker, despite the recommendations of the Council for Economic Development and the Carnegie Commission that tuition at institutions of higher education should be increased, the word I get from my constituents is that tuition is already high enough, and in fact, is getting out of reach for the middle income family.

Financial assistance thus becomes a necessity, and I would like to share with my colleagues a letter which I recently wrote to Commissioner Ottina, and his reply, regarding the outlook for the next school year on Federal aid to students.

The letter and reply follows:

SEPTEMBER 27, 1973.

Hon. JOHN OTTINA,
Commissioner, Office of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR COMMISSIONER OTTINA: I am now in the process of preparing an information package for high school seniors regarding Federal assistance programs for post-secondary education.

I have attached a list of some specific questions relative to this, and would appreciate any answers you might provide.

With best wishes, I am

Sincerely,

WILLIAM LEHMAN,
Member of Congress.

BASIC EDUCATIONAL OPPORTUNITY GRANTS

1. Will BOGS grants for the 1974 school year be restricted to freshmen attending school full-time, who did not attend a post-secondary institution prior to July 1, 1974?

2. When should students apply?

3. What will be the size of grants awarded, generally?

GUARANTEED STUDENT LOANS

1. When should students apply:

2. Who may qualify for an interest-subsidized loan?

3. What will be the size of loans awarded?

4. What is the allowable cumulative total for Florida?

SUPPLEMENTARY EDUCATIONAL OPPORTUNITY GRANTS

1. When should first year students apply?

2. When should upper classmen apply?

3. What is the cumulative total that may be granted for four years of study? For five?

4. What percentage of these grants have gone to students with family incomes of less than $10,000 per year? Of less than $7000 per year?

COLLEGE WORK-STUDY

1. When should first year students apply? Upper classmen?

2. What is the average annual compensation?

3. What is the range of wages which may be paid?

4. What percentage of the work-study jobs have gone to students with family incomes of less than $10,000 per year? Of less than $7,000 per year?

NATIONAL DIRECT STUDENT LOANS

1. When should first year students apply? Upper classmen?

2. What is the total cumulative loan allowable?

3. What percentage of NDSL loans have gone to students with family incomes of less than $10,000 per year? Of less than $7,000 per year?

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., October 19, 1973.

Hon. WILLIAM LEHMAN,
House of Representatives,
Washington, D.C.

DEAR MR. LEHMAN: Thank you for your letter of September 27, concerning the information package about the Federally sponsored student financial aid programs which you are preparing for high school seniors. In addition to responding to the questions in the attachment to your letter, I am enclosing a recently published fact sheet describing these Federal programs.

BASIC EDUCATIONAL OPPORTUNITY GRANTS

At the present time, the extent of the 1974–75 recipient population for Basic Grants and the size of the grants are dependent upon the amount ultimately appropriated for the program. Since the amount stated in the President's budget and that proposed in the House and in the Senate differ substantially, any comments on your first and third questions about Basic Grants would be highly speculative. The Basic Grant applications for the 1974–75 academic year are expected to be available in February 1974. Students should apply as soon as the forms become available.

GUARANTEED STUDENT LOANS

To insure that the student has funds in hand at the appropriate time, we suggest that he initiate the application process for a Guaranteed Student Loan about three months prior to the time he will need the money to meet his educational costs. Any student who demonstrates a need for the funds to meet his educational costs according to a need analysis performed by the financial aid officer at his college and reviewed by the lending institution may qualify for interest benefits. A student may borrow up to $2,500 per academic year from a lender in Florida if his educational costs require borrowing to that extent. Total loans outstanding may not exceed $7,500 for undergraduate or vocational students. This maximum may be extended to $10,000 for students who borrow for graduate study.

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS, COLLEGE WORK-STUDY EMPLOYMENT, AND NATIONAL DIRECT STUDENT LOANS

These three Federal student financial aid programs are college-based, i.e., the participating institutions receive the Federal program funds and award them to their needy students in accordance with applicable law, regulations, and guidelines. Each institution establishes its own deadline for receipt of applications and publishes that date in its catalogue. Both first year students and upper classmen should apply to the financial aid officer at their college or university before the institution's published deadline date.

A supplementary Educational Opportunity Grant may range from $200 to $1,500 per year. and cannot exceed one-half of the student's financial aid package. The SEOG may be received for up to four years of undergraduate study However, it may be received for a fifth year when the course of study requires the extra time. The total that may be awarded is $4,000 for a four year course of study or $5,000 for a five year course.

Wages paid under the College Work-Study Program may range from the current minimum of $1.60 to $3.50 per hour. The current projection of average annual compensation under the program is $580.

The cumulative amount a student may borrow under the National Direct Student Loan Program relates to the number of years of study the student has completed:

(a) $2,500 if the student is enrolled in a vocational program or if he has completed less than two years of a program leading to a bachelor's degree.

(b) $5,000 if the student is an undergraduate who has already completed two years of study toward a bachelor's degree. (This total includes any amount the student borrowed under NDSL for undergraduate study.)

(c) $10,000 for graduate study. (This total includes any amount borrowed under NDSL for undergraduate study.)

Data on the percentage of these three forms of assistance that has been awarded to students from specific family income levels are set forth below. Unfortunately, 1970 is the most recent year for which this information is available. Data for 1971 and 1972 are still being processed for computer analysis, and data for 1973 are currently being submitted by participating colleges and universities. The family income categories on the annual institutional Fiscal Operations Report are not divided at $7,000 and $10,000 as would be necessary to provide the percentage distributions you requested. There are divisions, however, at $9,000, $7,000, $6,000, and $3,000. Since Fiscal Year 1974 is the first year of operation for the SEOG Program, data are shown below for its predecessor, the Educational Opportunity Grants Program.

[In percent]

	National defense student loan	College work-study	Educational opportunity grants
0 to $2,999	22.2	27.4	31.0
$3,000 to $5,999	25.8	29.3	41.7
$6,000 to $7,499	13.9	14.8	15.2
$7,500 to $8,999	12.1	11.2	7.9
$9,000 and over	26.0	17.3	4.2

I hope you will find this information helpful. If I can be of further assistance. please do not hesitate to let me know.

Sincerely,

PETER P. MUIRHEAD,
Deputy Commissioner for Higher Education.

THE VICE PRESIDENT'S RESIGNATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks I submit the following:

THE VICE PRESIDENT'S RESIGNATION

(By Congressman LEE HAMILTON)

In another stunning development in the most tumultuous year in modern American politics, Vice President Agnew's resignation, after he admitted evasion of federal income taxes, startled and saddened the nation.

My first reaction to this unprecedented personal and national tragedy was compassion for the former Vice President and his family, regardless of the actions which caused his resignation. There is no joy and no cause for celebration in seeing a man crash down from the nation's second highest political office to a convicted felon.

In my view the Vice President's action was appropriate. It avoided the peril to the nation of having a Vice President under indictment and involved in lengthy court proceedings, and as Mr. Agnew has acknowledged, the American people deserve a Vice President who commands their unimpaired confidence and trust. The 40-page summary of evidence against Mr. Agnew prepared by the Dept. of Justice described a decade of activity by Mr. Agnew, from County Executive in suburban Baltimore County to Vice President of the U.S., during which he received cash in envelopes, kickbacks and payments from engineers and businessmen who wanted government business. The settlement of the Agnew case may not be a triumph of justice, but it represents an acceptable solution to an unprecedented case, in which the claims of justice, politics, and the Constitution were inextricably mixed. The Vice President avoided jail, which the federal judge in the case acknowledged would be the ordinary sentence for the crime, but the public interest of removing a Vice President under criminal indictment was served, as was the political interest of the President.

The news of the Vice President's resignation also gave me a sense of depression. At a time when the American people have experienced so many disappointments and disillusionments that their confidence in their political leaders and institutions is at a low ebb, Mr. Agnew's resignation is yet another staggering blow to millions of decent, honest and much put-upon Americans who want desperately to believe in the integrity of their high officials. Whether you agreed with Mr. Agnew or not, many Americans did believe in him, considered him their champion, and saw in him an extraordinary politician, purer and better than other politicians. Their cynicism and suspicion of American politics can only be reinforced by the fall of the man who was the preeminent American spokesman for law and order and attacker of permissiveness.

His resignation raises all sorts of difficult questions. Did he receive favored treatment and avoid a jail sentence because of his high office? And, if he did, will Americans believe that the law falls with equal application on the powerful and the powerless? What about the process by which Vice Presidents are selected? How is it possible that the process failed to reveal so obvious a pattern of corruption? Do all politicians, as the cynics insist, really take payoffs? How can we really remove the taint of money from the political process? Can we really believe any politician?

I am hopeful that the former Vice President's resignation will prompt further efforts in the Congress to improve campaign practices and procedures for selecting Vice Presidents, and provide all of us in government with a new determination to give the people integrity in government. It is that quality, above all others, that I think the American people now want in their government.

The immediate task of the Congress is to act with care and dispatch in confirming the President's nomination of Congressman Gerald Ford of Michigan as Vice President. Under the 25th Amendment to the Constitution, the Congress has an obligation to examine fully Mr. Ford's competence, not only for the responsibilities of the Vice Presidency, but for the more important ones he would assume if he became President.

Although I experienced some misgivings about the festive spirit surrounding the President's announcement of Mr. Ford, and thought that since it followed immediately upon the tragedy of the resignation, the occasion demanded a serious and restrained atmosphere, Mr. Ford is a popular choice in the Congress, and, barring unforeseen developments, I expect to join a majority of my colleagues in confirming his selection.

A UNIQUE INNOVATION IN CORRECTIONS REFORM

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. BADILLO. Mr. Speaker, one of the most frequent complaints I receive from inmates in both State and Federal correctional institutions, as well as from groups seeking prison reforms, is the lack of adequate or meaningful educational programs. The failure of prisons systems in general to provide proper educational programs which will prepare the offender with substantive and useful training is often one of the basic causes for various disturbances which occur from time to time. There is little question, but that some affirmative action in this critical area is long overdue and that steps must be taken at all levels in the corrections field to correct what are frequently inadequate education programs.

A very large percentage of prison inmates are uneducated and unskilled. Often they are unable to secure even a basic education or usable skills during their confinement and, upon their release, they are frequently unable to find employment or some type of rewarding work. This is one reason why the rate of recidivism continues to remain at high levels.

In recent years there have been some very laudable and successful efforts to provide worthwhile education to prison inmates and, in a few States—Texas, Illinois, and Connecticut—full-fledged, separate school districts have been established for prisons and these institutions thereby are able to benefit from Federal and State educational assistance programs. Shortly after the Attica tragedy, I proposed that the State of New York undertake such a program and create a separate school system specifically for the corrections system. It has a number of important advantages in terms of having the ability to provide good educational services to prison inmates. Regrettably, action has never been taken on my proposal.

Nevertheless, the State of New York has launched what is probably one of the most unique corrections education programs in the country—the establishment of a new State college solely for prison inmates. The New York State Department of Correctional Services and the State University of New York are developing plans to create a college—to be located at Bedford Hills, N.Y.—in which both male and female prisoners will study on a full-time basis toward 2-year liberal arts or science degrees.

I commend both the Department of Correctional Services and the State University of New York for their efforts to undertake this very innovative and worthwhile effort and hope that the proposal can be implemented at the earliest practicable date.

In order that our colleagues may learn more about this proposal I insert, for inclusion in the RECORD, an article from yesterday's New York Times and a joint news release from SUNY and the Department of Correctional Services:

[From the New York Times, Oct. 24, 1973]

COLLEGE FOR PRISONERS DUE IN 1974

(By Gene I. Maeroff)

The establishment of a new state college at which all of the students will be prison inmates is expected to be approved this morning by the trustees of the State University of New York.

Officials of the State University and the State Department of Correctional Services believe that the fully accredited, two-year college for men and women at Bedford Hills in Westchester County would be the first of its kind in the country.

The project is subject to the approval of the State Board of Regents and the Governor Dr. Ernest L. Boyer, chancellor of the State University, and others think there will be no obstacles to that approval.

Except for a few prisoners performing supportive services, only inmates who will be full-time students at the college are expected to be assigned to the prison. The tentative name of the institution is the State University Community College at Bedford Hills and it is to open next year, perhaps as soon as February.

COCHAIRMEN FOR TASK FORCE

Dr. Timothy S. Healy, vice chancellor for academic affairs at the City University of New

York, is taking a leave of absence to be co-chairman of a task force to plan the college.

Informed sources say that Dr. Healy, a Jesuit priest and former vice president of Fordham University, will become the first president of the college, though such an announcement has not been made.

The other co-chairman of the task force will be Edward W. Elwin, deputy commissioner for program services in the Correctional Services Department.

"This is an attempt to make serious the business of rehabilitation," Dr. Boyer said. "The college will have a liberal arts curriculum because the prison system already has vocational programs and the problem is not so much to prepare inmates for jobs as to educate them in the broader sense and give them a better self-image."

In a joint statement, Dr. Boyer and Peter Preiser, the Correctional Services Commissioner, said "We believe the proposed programs will make it possible for more prisoners to move back into society and lead productive lives."

The Bedford Hills Correctional Facility closed its men's division for renovation last April. It is proposed that the institution be reopened as the combination prison-college with 150 to 200 inmates.

In addition, according to spokesmen, 50 inmates at the neighboring women's division of the Bedford Hills Correctional Facility will be enrolled in the college. About 350 women are confined in the prison, which is the only one for women operated by the state.

Mr. Elwin said that the men prisoners at Bedford Hills would be selected from among the 13,000 confined at facilities throughout the state. An inmate-student will have to have a high school diploma or an equivalency certificate, which can be earned through the prison system's educational program. Classes for men and women will be separate at the beginning, Dr. Boyer said, with the professors going back and forth between the two facilities.

Prisoners who become students will have sentences ranging from a year to life and will be eligible to participate regardless of the offense for which they were convicted.

Pending approval of the State Legislature, the educational costs of running the institution will be paid by the State University and maintenance will be borne by the Department of Correctional Services.

Students will not be charged tuition, making the college the only tuition-free unit within the State University. Students will be able to earn up to an associate degree and will be guaranteed the right to transfer their credits to other colleges in the State University after their release from Bedford Hills.

"Arrangements are also being made with the City University for transfer provisions," Dr. Healy said. "This is important because the vast majority of the prisoners are from the city."

The decision to start the college apparently grew out of the studies undertaken to improve the prison system following the uprising at the correctional facility in Attica in September, 1971, in which 43 persons died.

Besides planning the college, the task force will also study educational opportunities in all 24 of the state's correctional facilities and recommend how best to build a "feeder system" for assigning students to Bedford Hills.

ESTABLISHMENT OF A COLLEGE FOR INMATES

ALBANY, October 24.—The State University of New York and the Department of Correctional Services are exploring the establishment of a college for inmates to be located at the Department's complex at Bedford Hills.

Chancellor Ernest L. Boyer and Commissioner Peter Preiser today announced that the proposed college, the first of its kind in the nation, would make it possible for both men and women to engage in full-time study toward a two-year degree in liberal arts or science.

In addition, the University and the Department of Correctional Services announced establishment of a joint task force to conduct a thorough study of higher educational opportunities in the 24 different correctional facilities of the State.

Co-Chairmen will be Dr. Timothy S. Healy, City University of New York's vice chancellor for academic affairs, who will join State University, and Edward Elwin, deputy commissioner for program services in the Department of Correctional Services. They will be assisted by other educators and correctional personnel.

In a joint statement, Dr. Boyer and Commissioner Preiser said:

"The time has come to introduce a bold new educational concept for qualified inmates to improve the prospects of rehabilitation in the correctional system.

"We anticipate a program of education which will lead to a degree and also provide opportunity to transfer to a baccalaureate program upon release.

"We're convinced such a college program and a carefully coordinated program of supporting educational activities at other correctional facilities will benefit society at large as well as the inmates involved. We believe the proposed prorgams will make it possible for more prisoners to move back into society and lead productive lives."

Chancellor Boyer emphasized that the college at Bedford Hills, about 40 miles north of New York City, would be a unique experiment—a correctional facility which also serves as a separate campus—and would supplement the wide range of credit and occupational courses currently offered by State University at seven of New York State's correctional facilities.

Initially, the college would offer Associate in Arts and Associate in Science programs to 250 inmates. The task force would develop methods of selecting qualified students from the statewide inmate population.

Classes for 200 males would be conducted in an existing but presently unoccupied facility at the Bedford Hills complex which would be refurbished to provide classroom and living space. Another 50 female inmates would receive instruction in the adjacent facility which they presently occupy.

Year-round operation is anticipated, possibly through a four-quarter calendar. Operational and facilities modification costs are being developed, and will be shared by the University and Correctional Services.

The joint task force will work toward a network of programs which would draw upon the statewide higher education resources of the University. The programs would build upon the instructional activities now offered by the State University at six New York State correctional facilities and provide a "feeder" system for new students at the college at Bedford Hills as classes graduate.

Chancellor Boyer and Commissioner Preiser anticipate a program of counseling, remedial work, and college-level instruction at other correctional facilities which would provide basic academic or technical skills and introduce the possibility of full-time collegiate study for other groups of inmates.

"The aim is not to move in one direction only or to focus on a single facility. Rather, we hope to develop a kind of master plan which will lead to a more rational and better coordinated educational program for inmates," Chancellor Boyer said. "Bedford Hills would be a key project in this educational network."

Commissioner Preiser hailed the proposed college as a "major step forward in one area that corrections has never really tried.

"We have run the gamut of varying kinds of treatment," he said. "Now," he continued, "we are in the stages of implementing a long-needed approach. I especially believe that a liberal arts education can help inmates to understand society and their places in it, improve their self-image and see themselves as a functional part of that society.

"We have concentrated on job training and vocational skills—which certainly have a place—but, if we can truly build self-image, understanding and attitude, vocational adjustment will take care of itself," the Commissioner concluded.

Chancellor Boyer said that administrative and faculty personnel for the college would be recruited from within the University itself.

Dr. Boyer pointed out that each year more than 1,000 New York State inmates qualify for high school equivalency diplomas in addition to 440 who take courses under auspices of University campuses. He said this demonstrates keen interest in education among inmates and clearly establishes that such academic work can be successfully completed.

Dr. Healy will bring vast experience in university administration and in literary, classical, and clerical scholarship to his new mission with the State University.

An ordained Jesuit priest, Dr. Healy holds three earned degrees, two magna cum laude, from Woodstock College in Maryland; an M.A. degree from Fordham University, a Ph.D from Oxford, and other academic honors from Faculté St. Albert in Louvain, Belgium.

Since 1969 he has had chief responsibility for academic and curricular planning for the 20 units in the 259,000-student City University system.

His teaching career at Fordham began as a member of the Fordham Preparatory faculty in 1947. He was later to serve as a member of Fordham University's English Department, rising from the rank of instructor to full professor; as director of alumni relations, as academic vice president, and from 1965 to 1969 as executive vice president. Dr. Healy graduated from Regis High School in New York City and attended various parochial and public schools in Queens and Manhattan.

Mr. Elwin assumed his position with Correctional Services on March 3, 1972. He has responsibility for directing, coordinating and administering such operational programs as inmate classification and movement, correctional industries, education and guidance and counseling in all state correctional facilities. He earned his bachelor's degree from Brooklyn College and his master's degree in public administration and correctional management from New York University.

Before joining the Department of Correctional Services, Mr. Elwin was deputy chief probation officer for the Second Judicial District, Kings County, New York.

When the plans for the new college at Bedford Hills are completed, they will be submitted to the Governor for his approval and subsequent consideration by the Regents and by the Legislature at the 1974 Legislative Session.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 38

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HARRINGTON. Mr. Speaker, a lot of people in this country are making money from the manufacture and sale of handguns, which, in turn, are responsible for more than half of the murders in this country every year.

A recent study has estimated that the amount of handguns presently in private ownership is enough to provide "one deadly handgun for every 1.5 American families." And, consequently, a majority of the people murdered by handguns are killed by a friend or relative.

I would like to include an article by Nathan Cobb of the Boston Globe, June 3, 1973, entitled "Booming Handgun Business Soars to Record $75 Million." And today's murder from the Baltimore Sun also follows:

Youth, 15, Charged in Classmate's Death

A classmate of a 15-year-old boy found shot dead near the old St. Mary's Seminary on Paca street Tuesday has been arrested and charged with homicide in the death.

The dead youth was identified yesterday as Darrel J. West, of the 400 block Watty court, a student at PS 176. Arrested Tuesday at his home was James Anthony MacDougall, 15, of the 600 block West Mulberry street, a classmate.

Booming Handgun Business Soars to Record $75 Million

(By Nathan Cobb)

It's official.

The handgun—used by more murderers in the United States than all other weapons combined—is now as American as baseball.

During 1972, retail pistol and revolver sales across the country soared to a high of $75.6 million, according to excise tax figures filed with Internal Revenue Service (IRS). Americans spent roughly an equal amount—$76.1 million—on all types of baseball goods during the same year, the National Sporting Goods Assn. reports.

A month-long Globe study of the sale, ownership and use of America's number one criminal weapon concluded that despite Federal and Massachusetts laws passed in 1968 ostensibly to slow the massive flow of handguns into private hands, manufacturers and dealers of these deadly and concealable guns are enjoying a business boom.

In fact, becoming an economic equivalent of the "national pastime" has been only one recent accomplishment of the burgeoning handgun trade. Some others:

According to IRS figures, dollar volume of US retail handgun sales last year rose 59.4 percent over 1968, the year stiffer Federal laws governing handgun purchase were passed. During the same period, other firearm and ammunition sales rose only 14.1 percent.

American manufacturers produced 902,701 handguns during the last six months of 1972, according to newly-required reports filed with the Bureau of Alcohol, Tobacco and Firearms (ATF) of the US Treasury Dept. This is approximatelly a 50 percent jump over figures compiled in 1968 by a special presidential commission, and it represents a four-fold increase during the past decade. Additional figures filed with ATF show that four out of 10 guns now being made for private sale in the United States are handguns.

Imported handguns, which the 1968 Federal Gun Control Act restricts to those deemed "particularly suitable" or "readily adaptable" for sporting use, are skyrocketing in number. Last year, 439,883 handguns were imported for sale in this country, a solid 23.4 percent jump over 1971. In fact, handgun imports have now reached the level of the mid-1960s, when concern over their number led to a ban on the importation of small, cheap, so-called "Saturday Night Specials."

The 1968 law has spawned a whole new domestc industry of "Saturday Night Special" manufacturers, located primarily in New York and Florida, who are churning out tiny .22 and .25 caliber handguns which cost between $5 and $25. Because Federal law technically bans only the importation of frames for "non-sporting" guns, these new manufacturers have been able to apply for permits to import enough other types of parts to assemble 4,322,800 handguns since 1968.

"There's definitely been a shift in emphasis toward handguns by gun buyers," said Saul R. Arnstein, co-owner of the Ivanhoe Sports Center in Watertown during a recent interview. "Since 1968, handgun sales are up while rifle and shotgun sales are down. Our estimated percentages used to be about 50–50. Now about 70 percent of our sales are handguns, while 30 percent are rifles and shotguns."

Today, Arnstein's retail and wholesale gun dealership, which he claims is the largest in New England, sells 3000 handguns a year. In 1968, he estimates he sold about 1500.

Although a small number of handgun owners use their weapons for target shooting and hunting, the weapon's success and popularity comes primarily from its effectiveness as a killer and maimer of human beings.

"But the handgun is not only just a murder weapon," William J. Taylor, Supt.-in-Chief of the Boston Police Dept. explained recently: "There's no question that the ready availability of handguns increases all types of crime. I'm talking about robberies, rapes, everything. The handgun is definitely the most prevalent weapon in crime. And it's growing."

New England is the handgun manufacturing capital of the country. Of 68 domestic gun manufacturers listed in the 1973 issue of "Gun Digest," a gun trade directory published by the Chicago-based magazine of the same name, 17 are located in New England, far more than in any other single region. Ten of these are handgun makers, including the prestigious Smith and Wesson Inc., of Springfield and Colt Industries of Hartford, Conn.

(New England also holds two dubious handgun manufacturing distinctions. The .22 caliber pistol that Sirhan B. Sirhan used to murder Sen. Robert F. Kennedy was made by the Iver-Johnson Arms and Cycle Works, Inc. in Fitchburg, and the .38 with which Arthur H. Bremmer shot Gov. George C. Wallace was manufactured by the Charter Arms Corp., of Bridgeport, Conn.)

These and other handgun manufacturers have consistently refused to release production statistics, and until ATF recently required that they file such figures dating back to July 1, 1972, no Federal agency kept track of how many guns were being stockpiled in America.

In 1968, subpoenas were required from the National Commission on the Causes and Prevention of Violence to make figures public. Then it was learned that America had legitimately produced 22.6 million handguns for private sale since 1899 to go with the 5.4 mililon handguns that had been legally imported. Since the commission's initial findings, the recent handgun boom has buoyed the country's private arsenal by 12 to 15 million more concealable firearms.

Says William F. Fitzgerald, director of the Firearms Record Bureau of the Massachusetts Dept. of Public Safety: "Keeping track of the growing number of handguns isn't like taking a population count. Unlike people, guns don't die off. Very, very few of them ever disappear. The total number just keeps growing"

Thus, most current estimates of handguns place the national total at somewhere between 30 and 40 million—or about one deadly handgun for every 1.5 American families.

And the total continues to mount.

Although Massachusetts has relatively strong laws governing handgun purchase (roughly 25 percent of the state's 70,284 legal gun sales last year were handguns, and only about one out of every 135 handgun sales in the U.S. takes place in the Bay State), a Globe survey of local dealers revealed that business is brisk.

Some retailers reported sales up as much as 50 percent over 1968, when Massachusetts passed what is considered to be one of the toughest gun laws in the nation.

According to the Firearms Record Bureau, there are approximately 110,000 persons in Massachusetts with licenses to carry (and therefore purchase) handguns, as well as another 300,000 people who possess Firearms Identification Cards (F.I.D.), which allow them to keep guns in their homes. Both are issued by the local police chief in the gun owner's city or town. An F.I.D. card may also be used to purchase a handgun when accompanied by a sepcial permit to do so which is also issued by local police.

The Massachusetts system, however, registers legal owners, not guns. As Arthur A. Montouri, special agent in charge of the ATF put it recently, "A person with an F.I.D. card or a license to carry can own 20 guns. And often does."

Further, law enforcement officials interviewed this week contend that only a portion of the state's handgun owners have licenses, and that growing legal sales represent only part of the handgun market.

"I'd guess that for every legal owner there are two illegal owners," offered Lt. Det. Jerome P. McCallum, acting head of the homocide bureau of the Boston Police Dept. "It just seems to me that everyone and his brother has a handgun around here."

Clearly, these are bonanza days for the more than 150,000 Federally licensed gun dealers across the country, whether they are handling Colt's powerful 357 Magnum or the handy Model 733 .32 caliber revolver manufactured by Harrington and Richardson Inc., Worcester.

"The handgun supply simply hasn't been able to keep up with the demand," said James F. Mahoney, a clerk at Bob Smith's Sporting Goods, a Boston retailer and wholesaler. "For instance, Smith and Wesson has cut their allocation to us in half because they have so many orders."

Some manufacturers, Smith and Wesson included, sell through wholesalers. Others, such as Colt, move guns directly to retailers. The two-stage mark-up is approximately 35 percent, with about 15 percent going to the wholesaler if he is included.

While some of the increased sales are undoubtedly for sporting purposes, dealers report that the major reason people are buying handguns is fear—generally of other people with guns.

At Bob Smith's Sporting Goods, merchandise manager Stephen Vinciguerra stated that 60 to 70 percent of the firm's handgun sales are to people who want to "protect" themselves. "I'm selling handguns to guys who've never bought a gun before and who said they'd never buy a gun," Vinciguerra said. "They're buying good quality .22s, .25s, .32s and .38s. People are scared. There isn't a merchant in downtown Boston who doesn't have a gun under his coat."

Such buyers are apparently unconcerned by warnings similar to that which came from the National Commission on the Prevention of Crime and Violence, stating that handgun owners are more likely to shoot themselves or a member of their family than stop a criminal.

This view was echoed recently by Supt. Taylor, Boston's number two cop. "If these people think a gun will do any good to prevent a robbery, they're mistaken," Taylor said. "They'll just cause a threat to the criminal and the criminal will respond with more violence. Believe me, the criminal will make the first move. And if you move second, you're in trouble."

Meanwhile, the deadly stockpile continues to grow across America. A handgun legally crosses a sales counter every 12.6 seconds, and illegal transfers probably occur as frequently.

Handguns are in bedside tables, closets and bureaus. They're in cellars, garages and automobiles. Before the decade is out, there will be one handgun for every male in America.

"My house is a fortress," boasted one Boston gun dealer recently, taking up the cry for even more guns. "Why, I could hold off twenty guys from in there."

THE FUTURE OF THE AMERICAN GOVERNMENT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. DELLUMS. Mr. Speaker, for a long time the present incumbent of the Presidential office, Richard Nixon, has disgraced that office in the eyes of the American people—and our whole country in the eyes of the world—by his arbitrary illegal acts and by his devious smokescreen of lies, evasions, and self-serving, self-pitying pleas with which he tries to cover his tracks.

Congress has been forced to sit back and take it, ever fearful of the consequences of removing him in a time of crisis and division. But the events of autumn, 1973, force us in Congress to ask ourselves whether we can avoid any turmoil by letting him stay—or whether Richard Nixon is using the powers of his office to destroy the very things that make politics in a democracy possible.

Politics in a democracy is possible only with a minimum of trust.

When the President violated a solemn commitment to the Senate and the American people to respect the independence of the special prosecutor, Richard Nixon showed that he thought that promises are not worth the paper they are written on, and are to be discarded when convenient. After the lies about the bombing in Cambodia—after the former Vice President threatened to divide the country for personal purposes—it becomes evident that the Government no longer even tried to gain men's loyalty by rational persuasion, but instead by force and trickery.

Politics in a democracy is possible only with a minimum of credibility in our judicial institutions, which provide the boundaries for political differences and conflicts. But to follow the plea bargaining of the formerly hard-hearted Mr. Agnew with a purge of the Justice Department removes from this scandal-ridden administration even the faintest sense of a commitment to fair play and self-restraint.

Politics in a democracy is possible only when there is some understanding of the difference between military discipline, based on unquestioning obedience, and civilian government, based on the dedicated loyalty of talented professionals.

Mr. Nixon had so forgotten this elemental distinction that he was surprised when Mr. Richardson and Mr. Ruckelshaus refused to obey his dishonorable orders.

There is one more fact that must be realized. This country has not quite yet lost the habit of freedom. When democratic politics are not possible, orderly stable government is not possible. We cannot go on to solve the real problems of our society when the head of our Government has so much to hide that he cannot avoid forcing us into crisis after crisis.

For all these reasons, there is only one course of action for the liberal—for the conservative—for the radical or the reactionary—for anyone interested in real issues instead of the petty crimes of inadequate men: Impeach the President.

HOW LIBERALS BENEFIT FROM TAXPAYER FUNDS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. SYMMS. Mr. Speaker, with all the talk we have heard this year about political dirty tricks and politicalization of the Federal Government by Nixon administration officials, it is easy to forget that a great many powerful forces in the bureaucracy are hostile to the President and on good terms with the people who lost the 1972 election. The OEO legal services program has been a horn of patronage plenty for close associates of Sargent Shriver, for example.

It is not just the idea of patronage to the "out" party that bothers me. Some of the activities being funded with tax dollars would seem improper even if they benefited members of my own party—which they do not.

For evidence of my concern I refer readers of the RECORD to a September 29 article by Howard Phillips, the former head of OEO:

HOW LIBERALS BENEFIT FROM TAXPAYER FUNDS

(By Howard Phillips)

Who said George McGovern and Sargent Shriver lost the last election? At the Office of Economic Opportunity (OEO) they seem to have all the advantages of incumbency—still able to subsidize their friends with large grants, honorific titles, comfortable consultancies and salaries, tax-paid travel, and more. Even worse, they continue to dictate policy to a Watergate-weakened White House staff, implementing policies which should be anathema to Richard Nixon and the "New American Majority" which elected him.

Witness the Urban Law Institute of Antioch College. Before the Watergate "exposé" in March, OEO funding was to have been phased out. In fact, on Nov. 2, 1972, the liberal acting director of Legal Services, Theodore Tetzlaff, wrote: "... the grant now being proposed for Antioch represents a 50% cutback in the amount of funds provided Antioch Law School last grant year. And it is the intention of the Office of Legal Services that this amount will be reduced by 50% again during the next and final grant year. That is, by this schedule the Office of Legal Services will phase out its support for the grantee."

Now, OEO Director Alvin J. Arnett is reportedly planning to refund it.

Headed by Joan Cahn and her husband, Edgar, former special assistant to Shriver in his days at OEO, the program had been "expelled" by George Washington University only to be rescued, in 1971, by Frank Carlucci, who ran OEO before becoming No. 2 man at the Office of Management and Budget, then under secretary of HEW.

Amply subsidized by the federal government, the co-deans Cahn have been leading their student charges in challenges to TV license renewals in Washington, D.C., Chicago, and Los Angeles, in critical studies of revenue sharing, and in efforts to facilitate the use of cable TV as a means of propagandizing on "poverty" issues.

The overall goals of the Antioch program include shaping nationwide changes in law school curricula to foster greater emphasis on "poverty" concerns, providing research support to legal services back-up centers, and awarding academic sabbaticals to preferred legal services attorneys.

That Antioch has well-placed friends high in the Nixon White House is evidenced in a July 24, 1972, letter from Mrs. Cahn to Leonard Garment, a life-long liberal Democrat who is special counsel to President Nixon. The letter says in part:

"DEAR LEN: * * * A specific request. Time is of the essence. Can you help us over at Commerce to break loose some Public Works money. . . . As for the politics of it, we obviously can't turn the District Republican—but we can get strong backing from District Republicans and the School of Law can legitimately be projected nationally as a product of this Administration since its very existence is due to the untiring efforts of Frank Carlucci."

Mrs. Cahn added: "Our funding now comes from Commerce (OMBE) as HEW, Labor, and HUD, so we are no longer simply a legal services program."

A more dangerous Shriver crony who has gotten fatter on OEO dollars during the Nixon Administration is E. Clinton Bamberger Jr., and Shriver's personal pick as the first director of the OEO Legal Services program when it began in 1965. A pal of ex-Maryland U.S. Sen. Joe Tydings Jr., Bamberger has also been president of the National Legal Aid and Defenders Association, another OEO grantee.

Since taking office at the end of June, Director Arnett has given hundreds of thousands of dollars in OEO grants and contracts to projects in which Bamberger has been deeply involved.

The NLADA has not only been awarded a direct subsidy of nearly $300,000 by Arnett, it has also had restored to it the right to collect dues from federal grants made to hundreds of other OEO-funded projects. In 1972, more than $100,000 was raised in this manner from legal aid organizations, most of which were OEO supported.

It should give President Nixon little comfort to know that two of NLADA's vice presidents have been Terry Lenzner, now assistant chief counsel for the Senate Watergate Committee, and John Douglas, who in 1972 was national cochairman of the McGovern campaign. The executive director of NLADA is James Flug, who previously was a Senate staffer for the Hon. Edward M. Kennedy (Flug's wife, Carla, is an employe in the OEO Office of Legal Services. Flug was preceded as executive director by Frank Jones, whom Donald Rumsfeld had fired as deputy director of the OEO Legal Services Office.)

The Board of Directors is amply peopled

with legal services veterans and present officials of OEO grantees, as well as prominent liberals, like former Atty. Gen. Nicholas Katzenbach, Mrs. Lucy Benson of the League of Women Voters, and Washington, D.C., lawyer Howard Westwood. A few token Republicans are retained for their value when it is time to lobby for funds or liberal policies.

An active force for "law reform," both in landmark litigation and legislative corridors, NLADA is subsidized by OEO to "monitor" and provide "technical assistance" to legal services grantees throughout the nation. This is achieved through "training" conferences and a network of 1,200 consultants.

Bamberger has also been a prime mover behind the Micronesia Legal Services program which, at his urging, received an initial grant of $60,000 in 1971 from then OEO Director Frank Carlucci.

This program has proven to be one of the most insidious legal services projects, fomenting anti-American sentiment, attacking Defense Department activities in the Trust Territories, even threatening action against the United States in the United Nations.

One of the project attorneys, Dennis Olsen, has actively criticized America's "institutional imperialism," urging that America "be compelled to pay for crimes" and stimulating support for "direct radical action."

Olsen is a booster of a man named Ataji, whom he compares with Ché Guevara, the late Cuban Communist leader. He says that "Ataji and his people—with the help of a handful of fellow travelers from the Peace Corps and the OEO—can win significant battles to reclaim their integrity as an island nation. But alone they can never finally prevail against the brazen power of America. Only pressure from liberals and radicals and humanists within the United States can render any real change in the policy and attitude of American administrators in the Pacific." If this be legal aid for the poor, make the most of it.

In addition to whatever ideological sustenance Mr. Bamberger may derive from such sentiments, the program affords mainland members of the Micronesia Legal Services advisory board, of whom Bamberger has been one, the luxury of cost-free stopovers in Hawaii while en route to semi-annual board meetings in the Pacific islands.

Moreover, at least one OEO employe, Frank Duggan, has had a free trip to Japan financed by Uncle Sam, on the way home from an inspection tour of the Micronesia program. Duggan, by the way, who came to OEO on the patronage of Texas Democrats Ralph Yarborough and Ben Barnes, and who worked for AFL–CIO COPE, now heads the Operations Division in the OEO Office of Legal Services at a salary in excess of $30,000 per year.

Prompted by my concerns, which were backed up by top officials at the Department of State and Interior, the White House agreed in March of this year to discontinue funding of the Micronesia program. For whatever reason, Mr. Arnett refunded it in August.

Still another Bamberber boondoggle recently funded by Arnett is a contract to Bamberger's own Law School, to provide training and technical assistance for Legal Services attorneys. More will be written of this program in a subsequent column.

The real test of whether President Nixon gets out of the Watergate syndrome will lie in the degree to which he can regain control of the executive branch and remove appointees who seek credit with his enemies for flouting the policies on which he won re-election.

Until then, the "business of the people'" is being handled by those who lost in 1972.

ADMIRAL RICKOVER'S INSPIRING COMMENTS ON THE PURPOSE OF MAN

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HOSMER. Mr. Speaker, I am sure that everyone who has ever known Adm. H. G. Rickover has in some way been inspired by his contact with this remarkable man. Another sparkling facet of his mind is revealed by the following item from the editor's page of U.S. News & World Report for October 22:

THE PURPOSE TO LIFE

(NOTE.—Weeks before political scandals in Washington reached the headline proportions of the present, Vice Admiral Hyman G. Rickover made one of his frequent appearances before a congressional committee and discussed the moral fiber of America. The Admiral has for years let his caustic criticism range from bureaucracy to educators to ethics, to name just a few of his many targets. This time committee members asked this concept of man's purpose in life. His impromptu reply is excerpted below.—Howard Flieger, Editor.)

Man's work begins with his job, or profession. Having a vocation is always somewhat of a miracle, like falling in love. . . . But having a vocation means more than punching a timeclock. One must guard against banality, ineptitude, incompetence, and mediocrity.

We as a people seem inclined to accept average or mediocre performance. Mediocrity can destroy us just as surely as perils far more famous. It is important that we remember to distinguish between what it means to fail at a task and what it means to be mediocre. There is all the difference in the world between the life lived with dignity and style which ends up failing, and one which achieves power and glory, yet is dull, unoriginal, unreflective, and mediocre. In a real sense, what matters is not so much whether we make a lot of money, hold a prestigious job, or whether we don't; what matters is that we become people who seek out others with knowledge and enthusiasm—that we become people who can enjoy our own company.

Most of the work in the world today is done by those who work too hard; they comprise a "nucleus of martyrs." The greater part of the remaining workers' energy goes into complaining. Employes today seldom become emotional about their organization or its output; they are ony interested in getting ahead. And many organizations are killing their employes with kindness, undercutting their sense of responsibility with an ever-increasing permissiveness. This is a fatal error, for where responsibility ends, performance ends also.

The sense of responsibility for doing a job right seems to be declining.

The willingness to act and to accept responsibility is a symptom of America's growing self-satisfaction with the status quo. . . .

A major reason why so large a majority is smugly docile is that it has accepted the unwritten rules of the game: Don't rock the boat as long as you get your cut. Why become worked up over corruption as long as there are enough benefits of the fallout to go around? Once the acceptance of corruption becomes sufficiently widespread, effective exposure seems threatening to too many people and interests. Clamor for closing loopholes declines in direct proportion to the number of people who benefit from loopholes of their own. Freedom of speech seems less important when the majority persuades itself that it is not likely ever to want to speak out to complain.

For the person who strives to excel, to shoulder responsibility and to speak out, there is an enemy wherever he turns. The enemy is a man who has a total willingness to delegate his worries about the world to officialdom. He assumes that only the people in authority are in a position to know and act. He believes that if vital information essential to the makng of public decisions is withheld, it can only be for a good reason. . . .

The enemy is any man whose only concern about the world is that it stay in one piece during his own lifetime. . . . Nothing to him is less important that the shape of things to come or the needs of the next generation.

To struggle against these enemies, and against apathy and mediocrity, is to find the purpose to life.

NO BED OF ROSES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. GAYDOS. Mr. Speaker, despite the fact that spokesmen for the administration have been tossing bouquets of flowers into the air and shouting hosannahs about our Nation's dwindling deficits in international trade, I want to dispel the notion that everything is smelling like roses.

It is not. There are onions in the rose garden. We still have a trade deficit and we have a continuing deficit in one of our most important industries—steel. Admittedly, there has been a slight decline in steel imports in general. This is due directly to an almost unprecedented demand for steel throughout the world. But there has not even been a dip in the importation of key specialty steels. To the contrary, these vital products have shown a marked increase.

The latest figures from American Iron and Steel Institute clearly show our foreign steel competitors have developed a taste for the meat-and-potato market of the American steel industry. The value of imported steel exceeded the value of our steel exports by more than $171 million in September, although our overall merchandise trade deficit was just $16.6 million.

Through August, our steel trade deficit was nearly $1.2 billion whereas the entire merchandise trade deficit was only $720 million. The declared value of foreign steel shipped here during 1972 is 10.3 percent higher than during the same period last year. Why? Because of the increase in key specialty steels. Tool steel is running nearly 64 percent over last year's pace and alloy steels are up nearly 7 percent.

Mr. Speaker, I hope my colleagues will not allow the smell of roses emanating from the White House to affect their vision. I hope they will not smell roses and not see the thorns. Our steel industry still is being hurt by foreign imports.

As long as it is, our workers are being hurt. As long as they are being hurt, our Nation is being hurt. I am inserting AISI's latest steel trade announcement into the RECORD for the consideration of my colleagues:

STEEL REMAINS TRADE PROBLEM, DESPITE IMPROVEMENTS ELSEWHERE

WASHINGTON.—Although the overall U.S. merchandise trade balance continues to improve, the trade balance in steel mill products does not.

Preliminary government data show that the value of steel imported into this country exceeded the value of U.S. exports of steel by $171.2 million during the month. This compares with an overall U.S. merchandise trade deficit for August of just $16.6 million.

Through the first eight months of 1973, this country's trade deficit in steel had reached nearly $1,282,600,000. During this same period, the entire U.S. merchandise trade deficit for all commodities was only $720,200,000.

August's steel imports of 1,316,000 tons raised the total for the first eight months of this year to 10,436,000 tons. Although this was 3.1 percent below the total recorded during the same period of 1972, the declared value of the foreign steel entering this country through August of this year was 10.3 percent higher than it was during the comparable period of last year.

Despite the slight decline in overall steel imports, foreign shipments of key specialty steel products have increased this year. Through August, for example, imports of tool steels were running 63.8 percent ahead of their 1972 pace, while foreign shipments of other alloy steels were up 6.9 percent.

Steel imports into the Gulf Coast region were up slightly over last year, while those into the Atlantic and Pacific coastal regions had dropped slightly. Foreign steel shipments into the Great Lakes area were running more than ten percent below their comparable 1972 pace.

THE VOLUNTEER ARMY IS WORKING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, on Monday, October 15, Secretary of the Army Howard H. Callaway addressed the Association of the U.S. Army here in Washington.

Secretary Callaway spoke clearly and well about the progress of the volunteer Army. He pointed out that those seeking a return to the draft are not facing up to today's realities—the facts show "the volunteer Army is working."

Two of Secretary Callaway's points bear special attention. He noted that many have a distorted picture of the volunteer Army's progress, because of the monthly open discussion of goals and quotas. He said:

> But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

Further, he emphasized that transition to a volunteer Army has made our military better, both in terms of discipline improvements and combat readiness improvements. He cited the 9th Infantry Division at Fort Lewis, Wash., which I recently had the opportunity to visit. This unit is made up almost entirely of volunteers—and at 102 percent strength. The Army Secretary also said:

> Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer army.

Discipline trends in this transitional period have shown reductions in the rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial and separations under less than honorable conditions.

Such indicators are encouraging. We can be even more encouraged by this impressive statement by an official who has one of the best perspectives into the way the volunteer Army is progressing. I commend it to your attention:

KEYNOTE ADDRESS BY THE HONORABLE H. CALLAWAY

Ladies and Gentlemen, distinguished guests: I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional consideration about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working. It is working because thereare still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army. We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second, most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunities for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they're more mature. The Army has trained them, given them each a mission, and then held them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens!

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering quality, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems; we spend our time and energy working on them. We are trying many new approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve Components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months, for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve Components to offset some of our shortfall. As you know, Reserve Component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augmentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve Component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, only 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have all 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—The Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretend to be an expert on this, but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft. I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so. I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said that, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative, and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

A TRIBUTE TO WILFRED JENKS, ILO DIRECTOR GENERAL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASHBROOK. Mr. Speaker, for the last 6 years I have had the opportunity of being a delegate to the International Labor Organization. At these sessions I was particularly impressed by the work of Wilfred Jenks, Director General of the ILO. It is therefore with deep sorrow that I note the recent passing of Mr. Jenks.

Wilfred Jenks dedicated his life to strengthening and improving the ILO. During his 42 years with the ILO, he served under every Director General in the history of that organization. His career was capped in 1970 when he himself became Director General of the ILO.

I have admired the courage, dedication, and leadership displayed at all times by Mr. Jenks. His tireless work in behalf of the working man and for human rights will long be remembered. The ILO and the peoples of the world have lost the services of an outstanding international civil servant.

IS JOB MARKET HEALTHY?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. MICHEL. Mr. Speaker, last week AFL–CIO President George Meany was in Florida charging the President with "increasing unemployment" and giving the Nation "inflation without jobs."

At about the same time, the Peoria Journal Star was running an article entitled "Current Area Job Market 'Very Good.' "

The article quotes Thomas E. Barden, manager of the Peoria office of the Illinois State Employment Service as saying:

> This would be considered a worker's market right now because we've got a lot of job openings and we're looking for applicants. Out of the ten and a half years I've been here, I think this has been our best year. Already this year we've helped place 4,700 people in jobs, compared to 3,600 that we placed all of last year.

He went on to say that from August to September this year his file of job applicants decreased by another 1,400 persons.

There is considerable contrast between Mr. Meany's remarks and the report given by Mr. Barden. Enough of a contrast to make one wonder just how well Mr. Meany is in touch with the employment situation in this country.

The article follows:

CURRENT AREA JOB MARKET "VERY GOOD"

"It's very good," said Bob Schmidt. "I don't think it's been this good in a long time."

Schmidt is a manpower analyst in the regional Illinois State Employment Service office here, and he was talking about the current job market in this area—and the low unemployment rate.

"This would be considered a worker's market right now," said Thomas E. Barden, who is manager of the Peoria office of the state employment service, "because we've got a lot of job openings and we're looking for applicants."

"Out of the 10½ years I've been here, I think this has been our best year. Already this year we've helped place 4,700 people in jobs, compared to 3,600 that we placed all of last year."

Also, he says that from August to September this year his file of job applicants decreased by another 1,400 persons.

"I don't mean that we placed that many people in jobs in that time," he says, "but that's how many found work, either with help from us, or someone else, or on their own."

"We've done a lot of placement in the factories this year," said Barden. He said there have been a number of cases where factory workers will leave one plant to take a better paying job at another, and that this then creates more job openings.

Local factories have been going full steam and have been hiring, he said.

The employment service office here, in new quarters at Jefferson and Fayette, keeps a "job bank" of work available in Peoria and 10 other nearby counties.

As of the start of this month, there were 976 "listings" in that job bank, which Barden said involved 2,663 job openings.

Out of these, Barden said 75 were for professional-type work—"all kinds of engineers, draftsmen, registered nurses, licensed practical nurses, registered pharmacists, medical technicians."

There also were 42 listings for manager trainees, either in the fast food industry, retail trade, or savings and loans.

And there were 350 listings in the file for clerical jobs, sales clerks, bookkeepers, secretaries, receptionists, or general office work.

The demand for skilled work professional workers, especially engineers, is especially good. Machinists, welders, auto mechanics and tool and diemakers are also in demand.

"Any tool and diemaker could walk into almost any town and get a job right now," says Barden.

There is also a big market now for people to work in the retail trades, as store clerks or salespeople.

The opening of two area shopping centers—Pekin Mall and Northwoods Mall—swelled the number of job openings in those fields. Some stores in the Northwoods have had trouble finding enough help, while other places in other parts of town have had trouble with people leaving to take jobs in the new centers.

And the low rate of unemployment in this area doesn't make it easier for employers to get help—at least the kind they want.

The Tri-County (Peoria, Tazewell, Woodford) unemployment rate for August was 3.3 per cent, compared to a rate of 3.7 per cent for the state and 4.7 for the nation.

Last month, the Tri-County jobless rate dropped to 2.9 per cent, or 4,650 people without work out of a total work force of 159,075 persons.

Barring any upheaval such as a strike that would idle large numbers of workers, Schmidt looks for the unemployment rate to dip to about 2.7 per cent this month.

The low unemployment rate makes it especially rough for manufacturing firms to get workers, Schmidt said, "and the people they can get they don't want. But usually, if you're at least trainable, they'll take you."

Schmidt attributes the low unemployment here now to "just the good economic climate. The demand for the type of goods we handle in this area has gone way up."

And the rate is always lower in September and October because "all your manufacturing is going strong; construction work is at high tide; canning plants are canning; bottling plants are bottling, and so forth."

The state employment service office here doesn't merely wait for jobs or job seekers, however.

There are field representatives in the office who go out and call on businesses and industries periodically, checking their needs for workers.

Also staff members are sent periodically to several area towns—such as Eureka and Chillicothe—with the list of jobs available in the 10-county area and seek out job applicants.

Barden noted that he also works with local agencies or groups, Tri-County Urban League, Illinois Central College, and others, exchanging information on jobs available and job applicants.

And just this week, the state employment service opened a new branch office in Sheridan Village shopping center.

Barden also pointed out that services offered by the office are not strictly for people who are out of work, but that help also will be given to people seeking a change of jobs, or better or higher paying jobs.

THE CHICAGO BOARD OF TRADE TRIES TO DUCK

HON. JOHN MELCHER

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. MELCHER. Mr. Speaker, for about 4 years now, I have had a bill before Congress to require commodity exchanges offering futures contracts for farm commodities to establish multiple delivery points for the commodities.

The Chicago Board of Trade has recently announced two new delivery points for corn and soybeans: St. Louis, Mo., and Toledo, Ohio.

The board has for years been telling us that they were "studying" the designation of additional points. But their study excuse had worn threadbare, so now they have come out with an inadequate number of points—just two of them, neither centrally located, instead of the 15—suggested to be necessary by an Iowa State University study to make delivery on contracts reasonably possible.

Obviously aware that the two were not sufficient to quiet the demand for enough delivery points to tie the cash and future markets closely together, the board has accompanied its designation of the two alternate points with some more bait—it is still considering designation of Des Moines, Iowa, it announces.

This whole episode is simply proof that there must be full Government regulation of the commodity markets: They have no intention of self-reform beyond the minimum absolutely necessary to get by.

It does not take years to study the freight rates, necessary discounts, and transportation patterns involved in alternate point designation. There are problems, all right. But I am increasingly convinced that the biggest problem bothering the exchange, and taking so long to settle, is the question of who owns the warehouses in the cities to be designated for delivery. Is it the big grain firms that dominate the markets, or co-ops and independents that will accept and issue warehouse receipts to all who wish to deliver grain? If independents, that would make impossible the profitable market squeezes through which the sheep are shorn of their currency at the boards of trade.

The purpose of multiple delivery points is to make it possible for producers, grain elevators and other legitimate hedgers to deliver their grain and never get caught with undeliverable contracts outstanding, on which they can be required to pay whatever the longs want to extort from them.

If the exchanges are honest about wanting to be service establishments that serve a useful purpose, they would make delivery on contracts readily possible. When they duck—as the Chicago Board of Trade is doing—and limit or avoid the designation of enough delivery points to make such delivery readily possible—they are making opportunities for squeeze plays, shear the lambs, and do a disservice to producers, legitimate marketing establishments, and the consumers of the Nation.

Congress must either create a commission with authority to take control of commodity markets out of the hands of the scalpers and speculators or forbid trading entirely in commodities that present delivery problems.

NEW PROSECUTOR, FULL DISCLOSURE AND A VICE PRESIDENT NEEDED NOW

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. MILLER. Mr. Speaker, with regard to the events of this past weekend, let me first comment that the departure of Elliot Richardson and Bill Ruckelshaus is most regrettable. Both are men of great competence and high personnal integrity and have served their country well over the last 5 years.

I have long believed that an independent investigation of Watergate would not only be in the national interest but would best serve the cause of justice. I still believe that. Accordingly, if the President does not appoint a new special prosecutor with the independence to investigate and prosecute completely, the Congress should do so. The integrity of the criminal justice system is at stake and I believe that the American people should be confident in the assurance that all the truth behind Watergate will be found and those guilty of wrongdoing will be properly punished.

I have fully appreciated the President's position with respect to the confidentiality of private conversations and documents and believe that certain official acts of the President should enjoy executive privilege under the Constitution. However, at this unprecedented time in our Nation's history the President would further the national interest by granting the judicial process full access to materials relevant to criminal investigation. I am, therefore, pleased that President Nixon has decided to abide by the district and appellate court decisions and turn over the subpenaed tapes to Judge Sirica. This action should go a long way in resolving conflicting testimony and establishing in fact what the President knew and when he knew it.

There are indeed serious questions of Government credibility and viability that must be confronted. It is critcially important that reason and good judgments prevail, not the emotions of reaction. Clearly, the House of Representatives is constitutionally empowered to make certain judgments with respect to the conduct of the executive branch. However, its first responsibility now is to proceed forthwith in the consideration of confirming a new Vice President. The nomination of JERRY FORD should not be held hostage to the resolution of any other issue. The Government requires a Vice President and I believe the American people expect the Congress to discharge its duty and approve one.

In brief then, the President should appoint a new special prosecutor as soon as possible and make available all relevant White House material to the grand jury. The Congress should move swiftly in its consideration of the nomination of GERALD FORD.

Tuesday's Washington Star-News and today's Washington Post carried editorials stating that the Congress has a constitutional responsibility to confirm a new Vice President under the 25th amendment. At this point I enter the full texts of these editorials:

FORD AND THE "FIRESTORM"

The nomination of Gerald R. Ford to be vice president is in danger of becoming a casualty of the "firestorm" over the Watergate tapes. Predictions are being heard on Capitol Hill and elsewhere that his confirmation will be held hostage to the outcome of the tapes controversy, or perhaps even to the ultimate determination by Congress on whether it will or will not move for impeachment of President Nixon.

We think that would be a mistake. It would be in the best interests of the nation for the Congress to proceed with all deliberate speed to hearings on the Ford nomination and to his confirmation.

In this time of turmoil, the needs of the country demand that some order and stability be brought to the political and governmental scene. If Congress refuses to fill the vice presidential vacancy, we believe it can only add to the tension abroad in the land and to the bewilderment people feel over the events that have shaken the foundations of the republic.

A compelling reason for filling the vacancy is that last November the people, by an overwhelming margin, voted in a Republican administration. It would be a travesty if, by a quirk of fate or an action of Congress, the voters were to find themselves with a Democratic president.

No doubt many people believe that a major reason for Mr. Nixon's continued troubles over Watergate and related matters is that some Democrats, and perhaps a few Republicans, have never accepted the result of the 1972 election and are doing their best to get Mr. Nixon removed from office. Confirmation of Ford by the Democrat-controlled Congress would do much to dispel that notion, for it would put a Republican in line to succeed Mr. Nixon.

Without a vice president, the next in line of succession is House Speaker Carl Albert, a Democrat. We believe that House Minority Leader Ford has the professional, political, moral and physical qualifications for the office of vice president and to succeed to the presidency if necessary. There is less certainty in our mind concerning Albert.

Moreover, the Congress, having put in motion the 25th Amendment to the Constitution providing for presidential succession and for filling vice presidential vacancies, and having seen it approved by the states, has no right to capriciously disregard or delay unduly the procedures established in that amendment. It has no right to withhold confirmation of a vice presidential nominee because it may not like what a President is doing on another matter.

Another argument in favor of prompt action on Ford is that Congress would be in a better position to deal with its confrontation with Mr. Nixon. Having provided a presidential successor of Mr. Nixon's party, it could then stand back and look at the tapes controversy and Mr. Nixon more dispassionately.

Many scenarios can be written about what might happen as a result of Mr. Nixon's ill-considered actions of last Saturday. But we do not believe that should interfere with the confirmation of Ford, and we hope the Congress will get on with it.

THE VICE-PRESIDENTIAL VACANCY

Every political crisis produces, among other things, a rash of ill-considered statements. By way of illustration, consider the suggestion, now beng widely offered, that the Congress should delay action on the nomination of Rep. Gerald R. Ford to be Vice President. There have been arguments that Congress has no obligation to take up a nomination made by a President who faces possible impeachment proceedings. There has been talk of holding Mr. Ford as a hostage for better behavior by the President. There is the possibility—which some apparently find quite tantalizing—that the congressional Democrats, by failing to confirm Mr. Nixon's nominee, could engineer the elevation of one of their own, House Speaker Carl Albert, to the presidency if Mr. Nixon should be unable to complete his term—and thus sweep their party into a position of power it could not come even close to winning in last year's election.

The first point to note about this entire approach is that Speaker Albert quite properly is having none of it. Mr. Albert said Tuesday that the House should act on the Ford nomination quickly and that a new Vice President should certainly be confirmed before formal impeachment proceedings, if any, are begun against the President. The Speaker's concern is doubly understandable because events have placed him in a very awkward spot. As long as the vice-presidential vacancy remains, Mr. Albert faces the prospect of having to play a leading role in impeachment proceedings which could put him in the White House. Similarly, as long as his nomination is pending, Mr. Ford has such an intense and involved personal stake in the proceedings that it would, in fact, be fitting for him to take himself out of any argument over impeachment—rather than lead the defense of the President in the House, as he is now doing.

The situation is doubly entangled in the House because the Judiciary Committee must deal with not only the Ford nomination, but also the impeachment investigation and the issue of a special prosecutor. In contrast, the Senate Rules Committee is not overburdened and should be able to process the nomination expeditiously. It would be useful for the Senate to take the initiative—and to take its lead from majority whip Robert C. Byrd's statement the other day that the nomination should not be held up, but should "rise or fall" on Mr. Ford's own qualifications for the vice-presidential post.

Such calls for prompt action reflect a sound understanding of the obligations imposed on Congress by both the 25th Amendment and the current low state of political affairs. In political terms, the last thing that the country wants or needs is any more distress, disunity and narrow partisanship. All this would certainly result from an attempt to hold the nomination of Mr. Ford as hostage, either to Mr. Nixon's future performance or in anticipation of the President's impeachment. Moreover, it would be profoundly wrong—and probably self-defeating as well—to try to turn impeachment into a congressional coup d'etat which would install a Democrat in the White House. That would be precisely the sort of cynical, exploitative abuse of power which the American people are now reacting so strongly against.

In contrast, there are large national benefits in the course which Speaker Albert advocates—the prompt completion of the investigations, the hearings, the committee reports, the floor debates and the votes in both houses on the nomination of Mr. Ford.

Settling the issue of succession would remove one source of public uncertainty. It would also demonstrate that the Congress can perform responsibly at a time when a sense of responsibility is a precious commodity in public life.

Prompt action on the nomination also happens to be the only course which satisfies the letter and spirit of the 25th Amendment. The whole intent of Section II of that amendment is to insure that the nation will almost always have a Vice President—someone chosen specifically for that particular job, and able to bring both a reasonable degree of competence and some measure of continuity to the presidency if called on to assume that post. In other words, Section II of the amendment was approved so that the Speaker of the House would not henceforth be next in line to become President, except if an almost unthinkable disaster should remove both President and Vice President simultaneously from the scene. This reform acknowledged the fact that Speakers of the House, however able and experienced, are elected for a different job by a different, smaller constituency and sometimes as now, by the opposition party.

Those who favor blocking the nomination of Mr. Ford, and keeping Speaker Albert next in line, are thus urging a course which Congress and the states specifically repudiated by approving the 25th Amendment. They are also pressing a course fraught with the most dangerous kind of political mischief. It is interesting to recall that the possibility of such perilous partisan sport was discussed during the Senate floor debate on the 25th Amendment in 1965. Then Sen. Ross Bass (D-Tenn.) suggested that a Congress controlled by the opposition "would have much more of a problem in confirming the recommendations of the President if we knew . . . that one of our own people would go to the job next." The situation, Senator Bass said, "becomes a political bomb." To this Sen. Birch Bayh (D-Ind.), floor leader for the amendment, replied:

"I have more faith in the Congress acting in an emergency in the white heat of publicity, with the American people looking on. The last thing Congress would dare to do would be to become involved in a purely political move."

It is up to Congress to show that such faith was justified.

U.S. ECONOMY AND TRUCKING INDUSTRY

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. KLUCZYNSKI. Mr. Speaker, because we so often see trucks as individual units of freight movement, we sometimes tend to overlook the impact and importance of trucking as an industry.

Likewise, some of the remedies proposed for our Nation's economic and transportation problems are not viewed from the standpoint of how they would affect that industry and its ability to continue to provide vital service. This is particularly true in the case of some of the simplistic solutions offered, such as those which would measure the value of transportation service only on a basis of ton-miles.

Illuminating comments on this subject were made recently by a gentleman I have known for many years and for whose credentials in the transportation field I have great respect—Mr. Allan C. Flott, director of the department of research and transport economics of the American Trucking Associations, of Washington, D.C. Mr. Flott delivered his remarks before the symposium on truck marketing trends at Houston, Tex., on October 2, under the title, "The Trucking Industry and the U.S. Economy—A Look Ahead."

The remarks are as follows:

THE TRUCKING INDUSTRY AND THE U.S. ECONOMY—A LOOK AHEAD

(Remarks of Allan C. Flott)

By any reasonable method of measurement, trucking is the principal means of distributing the output of our complex economy to consumers.

Trucking is virtually the only means of moving goods about our cities, and it also handles the biggest part of the job of transporting them between cities.

Trucking has become the number one mover of goods in the United States because it can produce better transportation service—the kind of transportation service our economy must have if it is to maintain its position in this increasingly competitive world—for most of our economy at the lowest expenditure of resources.

Despite its efficiency—and it could be more productive were it not for certain artificial and unjustified restraints imposed upon it—it is under concerted attack from many quarters, including high government officials, as inefficient and wasteful. And there are in progress right now in Washington, plans designed not merely to stifle the growth of truck service but actually to shrink it by diverting freight from truck to railroads.

These misguided proposals are based upon the erroneous, yet deeply-rooted, belief on the part of some of our most influential planners that the task of transportation in our economy is to move tons—not goods—and that the distance they are moved somehow adds to their importance.

This is similar to the concept that the job of our farmers is to produce tons—not apples, potatoes and milk—and that our manufacturers should produce not clothing, television sets and steel—but tons. Thus, using the ton-mile or the movement of one ton—no matter what it consists of—one mile as the criterion, it is argued that truck service costs more than rail service, uses more fuel than rail service, and creates more pollution and highway congestion among other things to perform the same task as rail service. All of these conclusions are based upon invalid comparisons of truck and rail service.

Let me cite a few examples to illustrate what I am talking about. Here are some statements by Federal government spokesmen and from official government publications which illustrate the problem.

Here is one from the Office of Emergency Preparedness which appeared in its publication, "The Potential For Energy Conservation," released about a year ago:

"Enormous differences exist in the energy efficiency of the transportation modes. Airplanes are less energy-efficient than automobiles which are in turn less energy-efficient than buses and railroads for passenger movement. For freight movement, airplanes are less energy-efficient than trucks and considerably less efficient than pipelines, waterways, and railroads."

Here is another from a recent press release from the Environmental Protection Agency, which listed these "facts" and "remedies".

"Railroads carry one half of intercity freight tonnage at one tenth of the total fuel consumption . . . . promote shifting of intercity freight from highway to rail."

One final quote: In its 1972 National Transportation Report—Present Status-Future Alternative, The U.S. Department of Transportation said:

"The Nation's railroads hauled an estimated 760 billion ton-miles of cargo in 1970—37 percent of all intercity ton-miles, 35 percent of total ton-miles—to make them by far the Nation's largest freight carrier in terms of ton-miles carried. All trucking, intercity and local, for hire and private combined, carried just over 400 billion ton-miles. . . . In terms of impact on the economy, railroads are the Nation's most important intercity carrier."

I could go on and on citing similar statements from DOT, as well as Congressional staff sources, but I'm sure you are aware of the situation.

So that I am not misunderstood, I want to make it clear that I am not attacking the railroads. They are an efficient and necessary means of moving certain goods vital to the American economy. What I am attacking is the method of measuring freight transportation which suggests—actually claims—that rail and truck service can be properly compared and the role of transportation in our economy equated in terms of the number of tons moved multiplied by the number of miles they are moved.

This is similar to saying that the output of our Nation's farms can be properly measured in tons and that the way to insure the most efficient use of our agricultural land, labor etc. is to favor production of crops that yield high tons per acre, man-hour, fuel and so forth. Thus, if sugar beets yield high productivity levels in tons, their production should be encouraged at the expense of producing lettuce or apples, which might yield fewer tons per acre, man-hour etc.

In order to put things into perspective, let's look at our National Transportation System as a whole and then separate it into its components. The figures I am going to use to do this are not mine. They come from a Department of Transportation publication entitled "Transportation Projections 1970–1980." I have not reviewed them critically, so don't attribute them to me. They differ from most of the statistics in this area since they presumably cover only goods moving in "commerce" and the revenue or expenditure figures are expressed in constant (1958) dollars. I use them primarily because they are all from the same source and should be comparable.

Based on this source, we find that in 1970, all forms of transportation—airway, pipeline, railway, waterway and highway—moved 8.5 billion tons of goods in commerce. Of this total, 3.2 billion tons moved in local commerce by trucks. "Commerce" is stressed because trucks perform many services in our economy which are not counted as transportation. Thus, the use of trucks in construction and trade as well as in servicing our cities—trash removal and highway maintenance, for example—are not included in these data; yet, they are responsible for many of the trucks that are on the roads.

There are several other ways in which freight transportation output is measured. The most widely used unit (misused would be a better term) of freight transportation production is the ton-mile about which I talked earlier. This is defined as the movement of one ton the distance of one mile. Using this criterion, we find that all forms of transport performed—or produced—2,063 billion ton-miles of freight service in 1970. Of this total 35 percent was performed by rails, 28 percent by water, 21 percent by pipeline, 15 percent by truck and less than 1 percent by air. Local trucking, which handled more than 37 percent of the tons, performed only 2 percent of the ton-miles. Thus, intercity transport, responsible for 63 percent of tons, produced 98 percent of ton-miles.

Transportation service is also measured in terms of revenues of carriers or, more broadly, in the amount spent to move goods. When this criterion is used we find that about 40 billion dollars was spent (in 1958 dollars) to move goods in commerce in 1970. (Remember, these are all DOT figures.) Of this total 63 percent was spent for truck service, 28 percent for rail, 4 percent for pipeline, 4 percent for water, and 1 percent for air. Thus, it can be seen that a larger portion of our national transportation expenditure is made for truck service than for that of all other modes combined.

This brings us to the nub of the question. What is the proper way to measure transportation service?

Let's take a look at what happens to the relative size of the several modes when we use ton-miles on the one hand and revenues or expenditures on the other.

As I pointed out earlier, trucks produced only about 15 percent of total ton-miles, but accounted for 63 percent of the expenditures for the movement of goods in commerce. Obviously, truck service costs a lot more per ton-mile than does that provided by other forms of transport. Does this mean that truck transport is inefficient? Not on your life. What it means is that the concept of comparing different kinds of transportation in terms of ton-miles is wrong.

Let's take another look at the question of relative efficiency. If we take the total ton-miles of transportation service reported by DOT for 1970, which is 2 trillion 63 billion, and divide that figure into the $40 billion of expenditures, we find an average of 1.93 cents per ton-mile. For local trucking we find that expenditures were 26.23 cents per ton-mile. For air, it was 23.19 cents; for all intercity trucking, the rate per ton-mile was 5.46 cents; for rails, 1.54 cents; for pipeline, 0.39 cents; and for water, 0.25.

What does all this mean? Does it mean that railroads can move goods for one-fourth of truck costs or that water carriers can move freight for one-sixth of rail costs? Of course not. If it did, the answer to all our transportation problems would be simple: Just ship everything by water. The impracticality of this suggestion is readily seen. Yet those who suggest that great savings—in resources, cost, manpower, energy etc.—could be achieved by shifting freight from trucks to rail fail to recognize that for the kinds of goods they move and the kinds of service they provide, trucks are the low cost mode of transportation in every sense.

I've dwelt on this matter of the ton-mile because, as was pointed out earlier, this inappropriate measure is being widely used to "prove" that trucks are "inefficient". Unfortunately, the public generally doesn't have the technical background to see through the erroneous nature of such claims.

That means that you and I must tell the story like it is. We must point out that transportation is not a homogeneous undertaking in which a single product is involved. We must make people aware of the fact that transportation is just as widely diversified as is agriculture and manufacturing. For example, movement of iron ore cannot be properly compared with the movement of furniture in terms of cost per ton-mile.

Fortunately for the country, and for trucking, shippers know this. Demand for truck service is at an all-time high despite the campaign to impede its growth. And the demand for truck service is going to continue to increase relatively as well as absolutely for the foreseeable future.

Evidence of the strong demand for truck service is everywhere. In the first half of this year, for example, the gross revenues of the trucking companies regulated by the Interstate Commerce Commission were up about 16 percent; tons carried up about 11 percent; miles operated about the same above the levels achieved in the first half of 1972.

At this rate, the gross revenues of interstate regulated portion of the industry will reach about $21.5 billion for the year. This compares to about $15 billion for the railroads.

With so large a portion of our total transportation dollar being spent for trucking, one would expect that responsible government officials would be looking for ways in which they could help to improve the efficiency of the industry rather than foolishly seeking ways to discourage its growth.

One means of improving the efficiency of trucking, particularly intercity trucking, is readily at hand. This is to upgrade our outmoded size and weight laws. As many of you know, the U.S. Bureau of Public Roads (now the Federal Highway Administration) conducted a study at Congressional direction. This showed that our highways can accommodate—safely and economically—larger and heavier vehicles than are currently permitted under Federal and, in many cases, state laws. Lifting existing standards could go a long way toward alleviating both highway congestion and the cost crunch.

As I've said earlier, I have brought along some numbers that you might like to look at. Included in these numbers are DOT projections to 1980 for the various transport measures I've cited for 1970. You'll see from those data that even DOT expects trucking to increase its share of the total transportation market at least through 1980. Don't be confused by the differences between those figures and others I've given you. The DOT 1970 and 1980 projected figures are in 1958 dollars, whereas the others are in current dollars.

Let me sum up by saying that trucking is far and away the most important and efficient means of moving goods in this Nation and is becoming the chief means of moving goods throughout the world. Just look at our principal competitors in the world markets—Germany, Japan and even Russia. Yet, the future of trucking in America is being seriously threatened by misguided policies based upon an erroneous concept of measuring transportation service and efficiency.

If this same method, using physical standards only (weight and distance) were applied in any other segment of our economy—for example, if an attempt were made to compare the output and efficiency of a steel mill with that of a clothing manufacturer in terms of tons or cost per ton—the fallacy would be apparent to all. Yet, in transportation we find comparison of the output and cost of moving steel and clothing measured in the number of tons moved times the miles that they moved. We even compound this error by including the weight of packing material and using the miles moved rather than the distance between the points between which the goods are moved. Thus, heavier packing required to permit a shipment to withstand the rigors of movement by one mode, and wasteful circuitous miles are added to the productivity of the movement.

Remember: The United States has the best and most efficient transportation system the world has ever known. It is the only system in the world where the companies which provide the services are almost all privately owned. It achieved this level by allowing the shippers to choose the way they want to move their goods.

The trucking industry has played a significant role in the development of our system. It must be allowed to continue to contribute to our overall economic growth.

It isn't easy to dislodge long-held ideas, no matter how erroneous. It is going to take a lot of effort to overcome the idea that the ton-mile is a meaningful unit of transportation output. If intelligent decisions about our transportation system for the future are to be made, however, this must be done.

Each of us in the industry, and that includes all of you, must tell our story. We must point out the fallacious basis for the efforts to impede our growth. We and our Nation can't be allowed to adopt second best solutions to critical problems.

HOUSE SHOULD CONTINUE IMPEACHMENT INQUIRY: SEEK APPOINTMENT OF NEW SPECIAL PROSECUTOR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on October 23, I introduced in the House of Representatives a resolution which provides that:

> *Resolved*, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

The delivery of the tapes to Judge Sirica in no way should deter the House from continuing its investigation into whether the President has engaged in impeachable offenses.

Further I believe—and I told this to the Speaker—the Judiciary Committee should hire Archibald Cox as a special counsel and then immediately subpena all of Cox's records and files at the Justice Department and employ them in the committee's own investigation.

In addition, I feel strongly that a new special prosecutor should quickly be appointed by Judge Sirica or the Congress through legislative mandate, should name a new special prosecutor to continue the investigative work of the task force which was headed by Cox.

In my mind, the President still faces serious charges involving the obstruction of justice and criminal investigations, wiretapping, bribery—Vesco, the wheat and milk deals—failure to report the break-in of Ellsberg's psychiatrist office, use of CIA to cripple FBI investigations, and the submission of false reports to Congress relating to the bombing of Cambodia.

If proven, these and other charges fit with the "high crimes and misdemeanors" impeachment clause of the Constitution.

A final determination by the Judiciary Committee should be made on all charges before we can and should quiet the voices seeking impeachment of Richard Nixon.

The committee also must expeditiously consider GERALD FORD's nomination as Vice President.

I do not believe his nomination should be tied to the committee's newest—most critical—responsibility, the inquiry into possible criminal actions by the President.

PROTECTION OF OUR FOREST LANDS IS PROTECTION OF THE ENVIRONMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. RARICK. Mr. Speaker, I feel that it is appropriate, during National Forest Products Week, that the Forests Subcommittee of the House Committee on Agriculture has conducted hearings to determine what legislative measures Congress can take to preserve and protect large areas of forests in this country from the ravages of insects.

Though the subcommittee was primarily concerned with the insect infestation problem on our Nation's forest lands, we were also interested in how this problem affects other agricultural crops.

The bill we considered, H.R. 10796, which has been authored by our colleague the Honorable MIKE MCCORMACK and cosponsored by 13 other Members, would authorize and direct the Administrator of the Environmental Protection Agency "to accept and approve registration applications filed with him pursuant to section 3(c)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a (c)(1)) by the U.S. Department of Agriculture for the application of DDT to forest or other agricultural lands as are, in the opinion of the Secretary of Agriculture, required for the control of and the protection against insect infestations of such lands."

The bill is designed to restore to the Secretary of Agriculture discretionary powers to provide the American farmer and forester with the best available tools to combat insect infestation and thus insure maximum production and an adequate supply of timber and other agricultural crops to meet the needs of all Americans.

We recognize that a problem of major proportions does indeed exist. We are concerned over this and wonder if we can afford to wait while alternative solutions are proposed and examined. We feel that it is not only tragic but costly that we stand by and see hundreds and thousands of acres of beautiful and valuable timberland devastated annually by insect infestation such as that facing the Nation from the ravages of the gypsy and tussock moth when we know that these pests can be controlled through the effective application of DDT. If the use of this pesticide is not made available soon, entire forests may be wiped out, with extensive secondary environmental damage.

It appears to us that we had better take a long hard look at all the alternatives, including the controlled use of DDT, before our environment is "protected" into extinction. We are concerned with excessive environmental rhetoric and believe that our concern for our environment must be balanced with a recognition of human and economic needs that must be met if we are to progress toward our goal of more and better housing for all Americans. We clearly have a problem which must be solved.

It was gratifying to see the President's concern, expressed in his proclamation of National Forest Products Week, for "the protection and renewal of our forest resources." This is precisely the aims of the Forests Subcommittee during these hearings.

Our forests lose more timber each year through devastation by insects than is lost through forest fires. The bill considered by my subcommittee would give the Department of Agriculture, and thus the Forest Service, another tool needed to protect the forest environment from further degradation by insect epidemics. When vast areas of our national forests are destroyed by insect infestation, it is clear that secondary environmental damage will occur. If we do not use the safe, effective weapons, we have to combat the destructive army of insects in our forests, the overall environment of the forests, and ultimately the entire country will suffer.

We must not allow this to happen.

I include in the RECORD the text of the President's Proclamation 4252:

PROCLAMATION 4252: NATIONAL FOREST PRODUCTS WEEK, 1973

As a Nation, we have grown increasingly dependent upon the resources of our forest lands, especially wood and wood products. As the 1970's have brought record worldwide demands for housing, pulp, paper, building materials, and furniture, Americans have become more keenly aware of the need for careful management and development of our timber resources so as to ensure a continuous supply of timber and other forest products. As Theodore Roosevelt put it many years ago, forest protection does not limit our resources but "on the contrary, gives the assurance of larger and more certain supplies."

We have also come to recognize the importance of the forest products industry to the vitality of the Nation's economy and the maintenance of our high standard of living. For example, the thousands of products that are manufactured from wood each year represent one-fifth of the industrial raw materials in the Nation. Forest products industries provide five percent of the Nation's employment, and five percent of our gross national product originates in timber based activities.

Projections for future demands of wood and wood products, both at home and abroad, indicate that consumers will want and need even more forest products in the 1980's and beyond. This means that we must give even greater attention to the protection and renewal of our forest resources. We must find better and more efficient ways to use our timber supply, ways which are consistent with our environmental values. And we must improve the technology for reclaiming and recycling forest products.

In order to give further recognition and emphasis to the importance of forest resources and forest products to the Nation, the Congress has by joint resolution of September 13, 1960 (74 Stat. 898) designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week and has requested the President to issue an annual proclamation calling for the observance of that week.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 21, 1973, as National Forest Products Week. I ask that public attention be directed through appropriate activities and ceremonies to the importance of forest products in American life and to the responsibility we have for protecting and using them in the most intelligent manner possible.

In witness whereof, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.

RICHARD NIXON.

GENE KRUPA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. HELSTOSKI. Mr. Speaker, American jazz is a music form unique to our country. It began here, in New Orleans and Chicago, expressing the peculiarly American rhythm and drive that has made us a great nation. It became a symbol of the United States abroad, reflecting European views about our vitality.

The musicians who played this jazz are unique to our country, too. They developed the sound and the beat because they lived it. They also lived the American dream, rags to riches stories that are part of our heritage, rising from poor families to become famous and respected musicians.

American jazz has lost a man who was part of this unique set of men, a man whose drums beat out the tempo of his times. Gene Krupa, as much as any other American musician, drew people to jazz with his style: the audience not only heard the music of Gene Krupa's drums, it saw the music. From the early 1920's when he began playing in Al Gale's band and with Joe Kayser, through his work with Red Nichols, Irving Aaronson, and Buddy Rogers in the early 1930's, during his starring appearances with Benny Goodman and while leading his own bands, Gene Krupa made music on the drums, sounds with substance and continuity. His blurred hands style and chewing gum were as world famous as his Drum Boogie solo with matches on a match-box and his work on the 1936 hit, "Sing, Sing, Sing."

Mr. Speaker, I would like to join the many fans and friends of Gene Krupa in offering deepest sympathy to his children, Gene Michael and Mary Grace, and to his brother Julius. Gene Krupa's drums made America listen to itself, and we liked what we heard. Our music will miss him.

I include several news articles and the "Who's Who of Jazz" biography on Mr. Krupa's life and accomplishments:

[From the New York Times, Oct. 17, 1973]

GENE KRUPA, REVOLUTIONARY DRUMMER, DIES

(By John S. Wilson)

Gene Krupa, who changed the drummer in jazz bands from a timekeeper to a soloist through his flamboyant performances in Benny Goodman's orchestra in the nineteen-thirties, died yesterday at his home in Yonkers. He was 64 years old.

The cause of death was not announced immediately, but Mr. Krupa had been suffering from benign leukemia for the last 10 years. He had entered a hospital in Yonkers last week for treatment of a heart problem connected with his leukemia.

Mr. Krupa, whose success was due at least as much to the eye-catching image he created as it was to the sounds he produced on his drums, declared a few years ago:

"I've succeeded in doing two things. I made the drummer a high-priced guy and I was able to project enough so that people were drawn to jazz."

APPLAUSE-ROUSING STYLE

As a young man with the Goodman band, Mr. Krupa was lean, wiry and handsome. He hunched over his drums, chewing gum in vigorous tempo with the beat, a dangling lock of black hair waving back and forth in front of his eyes, which filled with an almost fiendish zest as he flailed away at his snare drum, tom-toms and cymbals. Suddenly he would rear back, holding both arms in the air as he pounded his bass drum with a foot pedal. And then, perspiration dripping from him like a tropical rainfall, his arms and drumsticks became a blur of motion as he built his solo to a crashing climax.

The cheers that filled the dance halls, nightclubs and theaters when he had finished sounded more like the response at an athletic event than a musical performance. As a result, the long drum solo quickly became a sure-fire applause rouser in jazz and has continued on through the rock era.

Despite the frenzied, flashy showmanship of his solos, Mr. Krupa tried to give them substance and continuity.

"Before I begin a solo," he told George Simon, a jazz historian who is a drummer himself, "I try to have a good idea of what I'm going to play. Then, while I'm playing, I'll hum some sort of thing to myself, something maybe like 'boom-bid-bee, boom-bid-bee, boom' and follow that with another phrase that relates to the one I just played.

FROM CHICAGO GROUP

"At the same time I keep humming to myself, so that each syllable becomes not only a separate beat, but also a separate sound. That's very important because drums, if they're to be musical, must produce sounds, not just noise. So a 'boom' could be a deep-sounding tom-tom and a 'dang' a rim shot on the snare drum and a 'paaah' could be a thin cymbal."

Mr. Krupa, who was born in Chicago on Jan. 15, 1909, came into jazz as part of a group of young musicians who were identified with "Chicago style" in the late nineteen-twenties—a group that included Benny Goodman, Eddie Condon, Bud Freeman and Jimmy McPartland, among others.

He was drumming with a band of youngsters called the Frivolians on a summer job at Wisconsin Beach near Madison, Wis., when he was 12. At 16, he entered St. Joseph's College, a preparatory seminary in Indiana to study for the priesthood, but dropped out after a year.

During the next 2 years he played in a band led by Thelma Perry, a girl bass player, in the Benson Orchestra of Chicago and in Leo Shukin's orchestra, which included Joe Sullivan, pianist, Mezz Mezzrow, saxaphonist, and Frank Teschemacher, clarinetist, all destined to become well-known jazz figures. He jammed with other young jazz-minded musicians at the Three Deuces and began to study drums with a variety of teachers.

He made his first record on Dec. 9, 1927, with the McKenzie-Condon Chicagoans, a group organized by Red McKenzie, a singer, and Mr. Condon. The Chicagoans also included Mr. Freeman, Mr. McPartland, Mr. Sullivan and Mr. Teschemacher, all of them making their recording debuts.

BROKE RECORDING TRADITION

This was one of the first recording sessions on which a bass drum had been used. Normally drummers used only small drums and wood blocks on records, because it was feared that the vibrations caused by a bass drum would cause the recording needle to jump. When Mr. Krupa innocently set up his usual equipment, including the bass drum, the recording manager rushed into the studio shouting, "You can't use those drums. Throw those drums out!"

But the musicians protested, and a compromise was reached when rugs were put down to absorb the vibrations.

"Gene beat the heck out of the drums all the way through the set," Mr. McPartland recalled, "which was fine for us because he gave us a good solid background."

During the next eight years, Mr. Krupa played in Chicago and New York, sometimes with his jazz friends in Red Nichols's or Mal Hallet's bands, more often in dance bands such as Irving Aaronson's, Russ Columbo's or Buddy Rogers. He was playing with Mr. Rogers in Chicago when he got the call to join Benny Goodman's new band in February, 1935.

DUBIOUS ABOUT CHANGE

Mr. Krupa was dubious about making the switch, because Buddy Rogers' band worked steadily, while the Goodman band, less than a year old, was a very shaky proposition that had already lost jobs at Billy Rose's Music Hall and at the Roosevelt Grill in New York. The drummer finally decided to take a chance with Mr. Goodman.

"From the time he joined us," Mr. Goodman recalled several years later, "Gene gave the band a solidity and firmness, as far as rhythm was concerned, that it never had before."

With the Goodman band, Mr. Krupa was able to put into practice some of the drummer's showmanship that he had been learning from watching Cuba Austin of McKinney's Cotton Pickers and from Chick Webb ("the most luminous of all drum stars," Mr. Krupa called Mr. Webb. "The master, the little giant of the big noise!").

His showmanship reached full flower with "Sing, Sing, Sing," a tune by Louis Prima that the Goodman band began playing early in 1936. At first this was a relatively standard Goodman-type arrangement by Jimmy Mundy, including a vocal by Helen Ward. But it was gradually extended as, midway through the performance, the band switched to Chu Berry's "Christopher Columbus" and Gene Krupa went to work on his tom-toms to create the first extended jazz drum solo.

A few months after he joined the Goodman band in 1935, Mr. Krupa took part in the first recording by the Goodman Trio, an experiment that had first been tried at a party at the home of Mildred Bailey, the singer, when Mr. Goodman, Teddy Wilson, the pianist, and Miss Bailey's nephew, a drummer, extemporized a few pieces.

Mr. Goodman liked the results so much that he decided to make some trio records, using Mr. Krupa. The success of these records not only set a style for big bands to draw small groups from the full band but pointed toward a small-group format that Mr. Krupa used in the last two decades of his career.

By early 1938, Mr. Krupa, who had become as celebrated as a drummer as Mr. Goodman was as "King of Swing," was at odds with the bandleader. Shortly after the precedent-setting concert by the Goodman band at Carnegie Hall in January, 1938, Mr. Krupa left the band and formed one of his own.

His band quickly developed a popularity that rivaled that of the Goodman band, particularly after Anita O'Day came on as vocalist and Mr. Krupa hired Roy Eldridge, a trumpet star who had been leading his own band.

SERVED JAIL TERM

Mr. Krupa's career was threatened in 1942 when he was arrested in San Francisco on a charge of possession of marijuana and served an 84-day sentence. He was released only after the chief witness against him, a valet Mr. Krupa had recently hired, recanted his testimony and the charges were dropped.

On his release, he joined Benny Goodman's band for several weeks in 1943, testing public reaction to his arrest. It seemed to be favorable to him—so favorable, in fact, that he was voted the country's outstanding drummer in January 1944. For the next six months he toured with Tommy Dorsey's orchestra and then formed a new big band of his own that, like the Dorsey band of the period, included a large string section.

The band was a disappointment to most Krupa fans, but, as he cut away the strings, it got back in a swinging groove but with new accents to accommodate the new sounds that were coming into jazz in the nineteen-forties, including arrangements by such young newcomers as Gerry Mulligan.

Mr. Krupa continued to lead his big band until 1951, when he began three years of touring with the Jazz at the Philharmonic troupe. From then on he led trios of quartets, at first featuring Charlie Ventura, a saxophonist who had been with the second of his big bands, and, from 1954 on, Eddie Shu, another saxophonist.

TEMPORARILY RETIRED

In 1960, he suffered a heart attack, and, on physician's orders, reduced his performances to six months a year. More than half of his time (18 weeks a year) was spent at the Metropole, just off Times Square. In 1967 he announced his retirement—"because I felt too lousy to play and I was sure I sounded lousy."

But three years later, chafing at his idleness, he was back at work again on a limited schedule. Last spring and summer, he made several appearances with the other members of the original Benny Goodman quartet—Mr. Goodman, Teddy Wilson and Lionel Hampton on vibraphone. They played at Carnegie Hall on the opening night of the Newport Jazz Festival in New York last June. His last appearance was with the quartet in August at Saratoga Springs, N.Y.

Mr. Krupa's first wife, Ethel, whom he married in 1933, died in 1955. He was divorced from his second wife, the former Patricia Bowler, whom he married in 1959. Survivors include two adopted children and a brother, Jules of Chicago.

A requiem mass will be held tomorrow at St. Denis Roman Catholic Church in Yonkers. The body will be flown to Chicago for burial.

[From the Washington Star-News, Oct. 17, 1973]

Gene Krupa Dies at 64; Was Swing Era Drummer

Yonkers, N.Y.—Jazz drummer Gene Krupa died yesterday at his home here. He was 64.

Mr. Krupa had been released from Yonkers General Hospital a week ago after undergoing treatment for heart problems associated with leukemia. Mr. Krupa had suffered from benign leukemia, for which he required periodic blood transfusions.

His last public appearance was Aug. 18 in Saratoga, N.Y., with Benny Goodman, whose band he joined in 1934.

Survivors include two adopted children and a brother, Jules, of Chicago.

Mr. Krupa suffered a heart attack in 1960, which kept him inactive for a time. He retired in 1967, but came back in 1970, leading a quartet at New York's Plaza Hotel.

Last summer, during the Newport Jazz Festival in New York, he played with the reunited Goodman quartet, including clarinetist Goodman, pianist Teddy Wilson and Lionel Hampton on the vibes.

Mr. Krupa also appeared July 4 at the renaming of the Singer Bowl in New York at Louis Armstrong Stadium. Later in the summer, Mr. Krupa gave a eulogy at the funeral of Jazz banjoist Eddie Condon.

After graduation from high school in his native Chicago in 1925. Mr. Krupa got a summer job as a soda jerk at a Wisconsin Beach "dime-a-dance" hall. When the drummer in the dance band fainted across the soda fountain, Krupa substituted for him and played the rest of the season.

After the summer, his family sent him off to a seminary in Rensselaer, Ind., where he studied for the priesthood. The following year, after his father's death, he left the seminary to play drums in Chicago. His first records were made in 1928 with a Chicago group.

In 1929 he went to New York to play in the orchestra of George Gershwin's show "Strike Up The Band." The orchestra, said to be the first white swing band on Broadway, included Goodman, Condon and trombonist Glenn Miller, and was led by Red Nichols.

After stints with bands led by Buddy Rogers and Goodman, Mr. Krupa formed his own orchestra in 1938. He remained a band leader thereafter, except for one year—1943, when he served a six-month prison term for a narcotics conviction. After his release he was briefly with Goodman and Tommy Dorsey before reforming his own band.

[From the Washington Post, Oct. 17, 1973]

GENE KRUPA, FAMED DRUMMER, DIES AT 64

(By Jean R. Hailey)

Gene Krupa, whose frenetic drumbeat sent teenagers jitterbugging in the aisles during the swinging 1930s and 1940s, died yesterday at his home in Yonkers, N.Y. He was 64.

Mr. Krupa, one of the most famous drummers of his time, had been suffering from leukemia for the last 10 years, his agent said. He had been released about a week ago from Yonkers General Hospital after undergoing treatment for a heart condition associated with the disease.

Mr. Krupa had performed infrequently in recent years because of his illness. This summer, however, he had appeared three times with the original Benny Goodman quartet. There was Mr. Krupa on drums, Goodman on clarinet, Lionel Hampton on vibes and Teddy Wilson on piano.

They were seen and heard in Chicago and Saratoga, N.Y., and at the Newport Jazz Festival in New York's Carnegie Hall.

It was in Carnegie Hall in 1937 that the quartet introduced "Sing, Sing, Sing," a number that featured Mr. Krupa on the drums and brought him world fame. The recording of it blared for years from juke boxes across the country.

Mr. Krupa, whose hands moved so swiftly that cameras had to be speeded up to record the action, was the idol of the bobby-soxers, not only because of his rhythm that sent young people into gyrations but also because of his handsome face.

As his tempo increased, the black wavy hair fell into his eyes, his head twisted from side to side, his jaw worked at a rapid pace on the chewing gum that seemed an integral part of him.

The audience not only heard the music of Gene Krupa. It saw it.

He had personal problems. There was a marijuana conviction in the 1940s that sent him to jail.

He was both loved as a person and respected as an artist by his associates in the field of music.

"Gene was really a gentleman, a real human being and just about one of the nicest people that ever lived. He never had a bad word for anybody . . . He'll be missed and he'll certainly be remembered," Goodman, himself a gentle man, said after learning of Mr. Krupa's death.

"One of the finest persons I've ever known, as friend and in every other capacity. He was the man who popularized the drum as a solo instrument," said Wilson, one of the jazz greats on the piano.

One of Mr. Krupa's toughest rivals, drummer Buddy Rich, said:

"I feel all cracked up—really bad. Gene was very gentle, very helpful, a very understanding man. I love the guy and I think he felt the same way about me. I don't think that Gene and I ever thought of each other as being competition to each other—he played the way he played it and I play the way I play it and we tried to do the best thing we could for the art of jazz and the art of drumming."

Mr. Krupa's heyday began when he joined Benny Goodman in 1934. It was the era of the big bands, swing music and one-night ballroom stands across the country.

Goodman had many stars, Eddie Condon, Glenn Miller, Red Nichols to name a few, but Mr. Krupa was the soloist who shone the brightest at that time. In addition to "Sing, Sing, Sing," he cut such memorable discs as "Dinah" and "Tea for Two."

By 1938, he was ready to branch out with his own band and it was an immediate success. With such sidemen as Charlie Ventura, Teddy Napoleon, Roy Eldridge and Gerry Mulligan, he toured the world.

"Sing, Sing, Sing" was still going strong, but now there were other songs, "Dark Eyes," "Drum Boogie" and "Let Me Off Uptown."

He was riding high until 1943 when he was charged and found guilty of contributing to the delinquency of a minor by using his valet to transport marijuana cigarettes. He served a six-month prison term.

The enormous publicity given his case pictured him as a dope addict and he lost much of his following.

After his release, Mr. Krupa worked briefly with Goodman and then with Tommy Dorsey before again forming his own band.

Once again he toured the country on one-night stands, but the successes of the past evaded him, although he announced his own personal war against marijuana, noting that his earlier trouble had "taught me the hard way that marijuana or any drug can ruin a musician."

In the early 1950s, with the advent of rock and roll, he quit the big band business to work with small combos. His name was no longer a headliner.

In 1960, Mr. Krupa suffered a heart attack that kept him inactive for awhile and he retired in 1967. He tried a comeback in 1970 with a quartet, but that, too, went nowhere when it came to headlines.

This past summer, in addition to appearing with the Goodman quartet, he was at the renaming of the Singer Bowl in New York as Louis Armstrong Stadium, and he gave a eulogy at the funeral of Eddie Condon.

Born Eugene Bertram Krupa in Chicago, Mr. Krupa started playing drums at the age of nine. From then on and throughout his career, if he wasn't working out on actual drums, he was practicing on a pad.

After graduating from high school in Chicago, Mr. Krupa got a job as a soda jerk at a local dance hall. When the band drummer fainted, he stepped in as a substitute and was on the way.

He played with Joe Kayser's band in Chicago and then in 1928 headed for New York, where he joined Red Nichols and met Benny Goodman. The rest is history.

Besides personal appearances with other bands as well as his own, he played drums on radio and TV and in a number of films, including "Some Like It Hot," "Ball of Fire," and "Syncopation." He also played in the Broadway musicals, "Strike Up the Band" and "Girl Crazy."

A film was made of his life, with Sal Mineo playing Mr. Krupa.

He is survived by two adopted children, Gene Michael and Mary Grace, and a brother, Julius Krupa, of Chicago.

[From Who's Who of Jazz]

KRUPA, GENE (DRUMS)

Born: Chicago, Illinois, 15th January 1909.

Attended Bowen High School, later studied at St. Joseph's College in Indiana—during summer vacations played a season with 'The Frivolians' in Madison, Wisconsin. In 1925 began studying percussion with teachers Al Silverman, Ed Straight, and Roy Knapp. During that year worked with Al Gale's Band and Joe Kayser, subsequently with Leo Shukin, Thelma Terry, Mezz Mezzrow, the Benson Orchestra, Eddie Neibauer's Seattle Harmony Kings, etc. Moved to New York (1929), began working for Red Nichols, and during next two years worked mainly in theatre bands directed by Nichols.

During the early 1930s played in various commercial bands including Irving Aaronson's Russ Columbo (1932), Mal Hallet (1933), and Buddy Rogers (1934). Starred with Benny Goodman from December 1934 until February 1938, then formed own big band for debut at Steel Pier, Atlantic City, in April 1938. Continued to lead own successful band until May 1943 when circumstances outside of music forced him to disband.

In San Francisco for a short while, then returned to New York and studied harmony and composition. Rejoined Benny Goodman in September 1943 until mid-December 1943, then joined Tommy Dorsey in New York, remaining with that band until following July. Left to organise own big band which got underway late in 1944—initially it proved to be an enormous band hovering between the 30- and 40-piece mark—it settled down to a more usual formal and enjoyed wide success until 1951.

From September 1951 began to tour regularly in 'Jazz At the Philharmonic' shows—usually featured with own trio. Toured with own trio/quartet in the 1950s (including trips overseas), also appeared regularly at the Metropole, New York. Temporarily inactive in late 1960 through heart strain, then resumed leading. In June 1963 led specially formed big band in Hollywood, a year later made second visit to Japan with own quartet. From 1954 Gene and Cozy Cole ran a drum-tuition school in New York. Continued leading own small groups during the 1960s. A supposedly biographical film 'The Gene Krupa Story' (retitled 'Drum Crazy' in some countries) was released in 1959, the role of Gene Krupa was played by actor Sal Mineo—Gene recorded the soundtrack. Semi-retirement from October 1967 until leading own quartet at Hotel Plaza, N.Y. (1970). Has resumed regular playing, occasionally touring.

Film appearances include: 'George White's Scandals', 'Some Like It Hot', 'Beat The Band', 'The Benny Goodman Story', etc.

RESOLUTION DIRECTS INQUIRY INTO ACTIONS OF PRESIDENT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. REID. Mr. Speaker, I have introduced this week a resolution which directs the House Judiciary Committee to undertake an immediate inquiry into various actions which have been taken by President Nixon, and to report back to the House within 30 days with its specific recommendations, including whether or not there exists probable cause for the House to commence formal impeachment proceedings against the President.

I think it vital that the Judiciary Committee act on these issues of importance with deliberate speed; while their consideration should not, of course, be precipitous, neither should it be protracted. The 30-day period I have proposed would, I believe, afford reasonable opportunity for a preliminary investigation.

Mr. Speaker, our country looks now to the House of Representatives for thoughtful leadership and for appropriate action. Although the President has decided to respond at least in part to the district court mandate and turn the tapes in question over to Judge Sirica, there remains the question of other related documents and memoranda which, as of this moment, the President does not plan to release. Clearly, the withholding of these documents not only could preclude prosecution of present and potential defendants of alleged crimes relating to the Watergate matter, but also could deprive present and potential defendants of access to evidence tending to establish their innocence.

The Judiciary Committee should not, of course, limit itself to the matter of the tapes or documents; in addition, I would hope that it would investigate possible invasions of civil liberties and rights of American citizens by the so-called Plumbers unit, the significance of the Huston memorandum, questions involving the personal finances of the President, and other matters which could be construed to be in violation of laws of the United States and may indeed constitute "high crimes and misdemeanors" for which the President may be subject to impeachment and conviction.

Mr. Speaker, I insert in the Record the full text of the resolution I have introduced. The resolution follows:

Resolution

Whereas the President of the United States, Richard M. Nixon, has been ordered by the United States District Court for the District of Columbia to produce to said Court certain tapes and documents pursuant to a subpoena *duces tecum* of the Federal grand jury investigating the so-called Watergate matter; and

Whereas the order of the District Court has been affirmed by the United States Court of Appeals for the District of Columbia Circuit; and

Whereas a temporary stay of the mandate of the Court of Appeals and the order of the District Court has expired; and

Whereas since the expiration of the temporary stay, the order of the District Court has been, and continues to be, in full force and effect; and

Whereas the President has not produced the tapes and documents specified in the subpoena *duces tecum* to the District Court since the expiration of the temporary stay of the order of the District Court; and

Whereas the President ordered the Special Prosecutor, Watergate Special Prosecution Force, to desist from efforts to obtain for the Federal grand jury the tapes and documents in question, and ordered the Special Prosecutor dismissed after the Special Prosecutor announced his intention not to desist therefrom; and

Whereas the withholding of the specified tapes and documents by the President could result directly in the prevention of due prosecution of present and potential defendants for alleged crimes relating to the so-called Watergate matter; and

Whereas the President's withholding of the specified tapes and documents could, alternatively, deprive present and potential defendants of access to evidence tending to establish their innocence; and

Whereas the actions of the President recited herein above may constitute contempt of a Court of the United States, refusal by the President to "take care that the Laws be faithfully executed" as he is commanded by Article II, Section 3 of the Constitution of the United States, and obstruction of criminal investigations and of justice in violation of the laws of the United States; and

Whereas these actions may, therefore, constitute "high Crimes and Misdemeanors" within the meaning of Article II, Section 4 of the Constitution for which the President may be subject to impeachment and conviction: Now, therefore, be it

Resolved, That the Committee on the Judiciary is hereby directed immediately to undertake an inquiry to determine whether, as a result of the matters recited herein above, or of any other matters not recited herein, there exists probable cause for the House of Representatives to commence formal consideration of impeachment of the President, and, further, at the conclusion of its inquiry, but not later than thirty (30) days following enacting of this Resolution to transmit its judgment to the House, together with whatever specific recommendations it may deem appropriate.

ABOUT KILLING THE UNBORN

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. LANDGREBE. Mr. Speaker, recently an excellent essay has come to my attention on the subject of abortion written by Dr. Medford Evans, who was chief of security for the atom bomb project. The article appeared in the magazine the Review of the News about a month after the Supreme Court announced its decision in the Roe against Wade case last January I enter the article in an abridged form in the Record:

About Killing the Unborn

(By Medford Evans)

The Supreme Court January 22, 1973, ruled that state laws forbidding abortion are unconstitutional because they interfere with the right of privacy. Not only did seven of the nine men decide to absolve women of the first duty of motherhood—to keep the child alive—they also absolved physicians of the oath of Hippocrates which had previously, for some twenty-four centuries, guided the profession. Supreme Court decisions are supposed to end controversy, but this decision will deepen, if possible, the controversy over legalizing abortion.

For the Court did not *merely* legalize abortion. It prohibited laws intended to prevent abortion. A woman and her physician are not simply *permitted* to agree upon disposing of the unborn child, states are *forbidden to interfere* with the right of the two of them to kill the unborn child. Such an agreement, says the Court, is a private matter, and any interference by law unconstitutional. Whether the woman's husband has any right to object is a point the Court avoided. He is plainly enough of less importance than her physician.

It will be said that I have already begged the question on the main point at issue—which is whether an embryo or fetus prior to the seventh month of gestation is a human being, a person susceptible of being "killed." The Court avoided deciding when life begins (a question which is difficult only for those who do not like the obvious answer), contenting itself with the observation that "the unborn have never been recognized in the law as persons in the whole sense." Neither have minor children long out of the womb. Webster defines *majority* as "the age at which full civil rights are accorded"; yet the right to life—being accorded not by the state but by God—is, or has been, in our society recognized as belonging to infants. Indeed, if there is a difference, the infant's right to life is felt to be superior to that of the adult, certainly to that of the adult male. "Women and children first" into the lifeboats. The right to life has also been accorded to unborn children. That is why the states have *had* anti-abortion laws. The denial of the unborn's right to life is what makes the Court's decision so hideously revolutionary.

It will be objected that I am guilty of some kind of anthropomorphic fallacy when I refer to an embryo or a fetus as "un unborn child," or speak of the right to life of "unborn children." Children, I shall be told, are little darlings playing joyfully on the grass, or at worst little monsters smearing crayons on the wallpaper. A *fetus* (unpleasant word, don't you think?—but so scientific!) is not a *child,* for heaven's sake!

You are entitled to your opinion, but *Webster's Third New International Dictionary* (the unabridged) gives the following definition:

> child . . . 1 a: *an unborn or recently born human being: Fetus, infant, baby . . .*

Webster's Seventh New Collegiate is briefer, but almost equally embarrassing to Mr. Justice Blackmun: "child . . . 1 a: an unborn or recently born person." According to Webster, then, the unborn are not only "human beings," but also "persons." And a fetus is a child, is a baby.

According to the Associated Press, the Court's opinion was "supported with medical, religious, and philosophical as well as legal references." We should expect that—except for "religious" references. The Court has a well-established precedent for relying on social science rather than the law; yet one wonders how it reconciles *religious* references with its recent interpretations of the doctrine of the separation of church and state. I for one am glad to hear that the Court will now consider religious authority. I call its attention to a Biblical passage which it may possibly have overlooked, since its attention seems to be only recently turned to such considerations. The first chapter of the Gospel according to Saint Luke gives the story of the Annunciation of Jesus preceded by the annunication and conception of John the Baptist. We read how the angel Gabriel, having foretold to Mary the most blessed event which awaited her, continued:

> *And, behold, thy cousin Elisabeth, she hath also conceived a son in her old age; and this is the sixth month with her, who was called barren.*
>
> *And Mary arose in those days, and . . . entered into the house of Zacharias, and saluted Elisabeth.*
>
> *And it came to pass, that, when Elisabeth heard the salutation of Mary, the babe leaped in her womb. . . .*

Saint Elizabeth certainly had no doubt that the child she was carrying was a live person. She told the Virgin Mary, "As soon as the voice of thy salutation sounded in mine ears, the babe leaped in my womb for joy." The unborn child not only leaped, but felt the motion of joy.

The question whether an unborn child is a person within the meaning of the law is the crux of the decision in the anti-abortion case. The Court correctly recognized this fact, but incorrectly reasoned regarding the legal meaning of *person,* and thus answered the question wrong. I speak as a friend of the court of public opinion. If it be asked how I, a nonlawyer, can dispute the correctness of the reasoning of the Supreme Court regarding a constitutional matter, my reply is:

First, the Constitution is not what the Supreme Court says it is, the Supreme Court is what the Constitution says *it* is. Second, the Constitution itself is the basic law of the land, and the Constitution is a document written in the English language. It is too important a law to be left to the lawyers. Third, the final word on the meaning of such a document is not to be left to *any* small group of persons, but is to be approached (possibly never achieved) by the serious consideration of all reasonable men who understand English and are loyal to the United States. Fourth and finally, I am a Ph.D. in English from a reputable university (Yale) and a loyal citizen of the United States.

Here is the Court's opinion as to what constitutes the crux of the case:

The appellee [State of Texas] *and certain amici* [friends of the court] *argue that the fetus is a "person" within the language and meaning of the 14th Amendment. In support of this they outline at length and in detail the well-known facts of fetal development. If this suggestion of personhood is established, the appellant's case, of course, collapses, for the fetus' right to life is then guaranteed specifically by the Amendment.*

Exactly. We shall return to emphasize what the Court here admits, that if personhood is established the easy-abortion case collapses, and to reinforce the argument that the right to life is guaranteed, by reference other than that to the Fourteenth Amendment. But because the matter is so important, and because we do not wish to be too far out of context, let me quote further from the Court's opinion, as excerpted in the *New York Times* of January 23, 1973:

The Constitution does not define "person" in so many words. The use of the word is such that it has application only postnatally.

All this, together with our observation that throughout the major portion of the 19th century prevailing legal abortion practices were far freer than they are today, persuades us that the word "person," as used in the 14th Amendment, does not include unborn.

I suppose the *New York Times* excerpt must here be incomplete. Surely Mr. Justice Blackmun, speaking for the majority, would not say "All this," referring to the two brief sentences of the preceding paragraph. Yet if he did actually go through the Constitution accumulating instances of the use of the word *person*, the paragraph would be less, not more, impressive. Mr. Justice Blackmun's sentence, "The [*constitutional*] use of the word [*person*] is such that it has application only postnatally," actually is, if it was not intended to be, equivocation. The word *person* is used in the Constitution only to specify who is not eligible to hold specified offices, or to define immunities, such as the provision that no person shall be convicted of treason without the testimony of two witnesses to the same overt act or confession in open court, and the provision that the migration of persons whom the states at the time thought proper to admit (euphemism for slaves) should not be prohibited before 1808. There is no use of the word *person* in the Constitution which has any relevance to the question of whether an unborn child is a person when abortion of the unborn child is at issue. Yet the question can be resolved logically, as follows:

The primary meaning of the word *person* in English is a *human being*, as distinguished from an animal, plant, or thing. A person is observable, or capable of acting or being acted upon. *Person* is plainly not a synonym for *any human being who has full civil rights and liberties*. The original Constitution twice refers to slaves as persons (Article I, Section 9, Clause 1, and Article IV, Section 2, Clause 3). The Fourteenth Amendment itself indeed begins with the statement "All persons born or naturalized in the United States . . . are citizens." *Born and naturalized* are both restrictive modifiers, and do *not* mean that aliens not naturalized, or children not born, are not persons—simply that they are not citizens. But the Constitution nowhere provides that noncitizens may be freely deprived of life.

A person is a human being considered in external relations. That is why the baby in the womb seems to its mother to be a person, but hardly seems so to others until after it is born. Yet when other people deal with an unborn child, it becomes a person. It becomes a person to the physician, which is doubtless why Hippocrates proscribed abortion.

The Constitution does not enumerate all individual rights, but it assumes at least those of the Declaration of Independence, and covers, as does the Declaration, a multitude of rights with the general terms *life* and *liberty*. The Declaration speaks of "life, liberty, and the pursuit of happiness"; the Fifth and Fourteenth Amendments of the Constitution restore the earlier Lockean formula of *life, liberty*, and *property*. Liberty, being a political term, has little or no relevance to the case of an unborn child. As for pursuit of happiness, who can say? That is indeed a private, not to say a subjective, matter; the unborn child may or may not have resources of his own. So many people want to retreat to the womb, they must believe they were happy there. (But they should be careful; they might get killed.)

Regarding *property*, I should suppose (not being a lawyer, I do not know, and language and logic alone will not solve this one) that a posthumous child can inherit property, which would seem to imply rights as a person at the time of his father's death, when the child itself was yet unborn. I have heard, too, that welfare mothers have claimed benefits for unborn children.

Life and the right to life are another matter entirely. The child in the womb cannot have civil liberty, and cannot be deprived of it; he may or may not have property rights and may or may not be deprived of them; but he certainly *does* have life and *can* be deprived of it. Let us consider that for just a moment.

No one has a right to what in the nature of things he cannot possess, and not possessing cannot lose. No one has a right to that which belongs to another, or to no human being. A *right* is a just claim to possession, which may or may not be enforced, either by him whose right it is, or by his protector. Rights may in general be conferred or taken away by higher authority. Certain rights are unalienable as rights, but unfortunately quite alienable by usurpation of authority in a wicked world. It has never been said better than in the Declaration of Independence:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness—that to secure these rights, governments are instituted among men, . . .

With regard to other rights the status of the unborn child may be moot or ambiguous. But to life he has the unalienable right with which his Creator endowed him. He has this right more perfectly than he will ever have it again, for so long as he is unborn he will not be able to forfeit it through crime or other error of his own.

That the unborn child may be deprived of life by other persons puts him into relationship with these persons, and it is this relationship which makes him not only a human being, but also a person. If the unborn child were not in society, his mother and her physician could not remove him from society. Fetal death is not possible without fetal life, but if the fetus has life he has a right to it.

The Constitution is the supreme law of the land; the Declaration of Independence, ratified by the Treaty of Paris of 1783, is the basis of the Constitution. There would have been no "We, the people of the United States" without the Declaration. The Constitution itself was ordained and established to "secure the blessings of liberty to ourselves and our posterity." Thus, Constitutional rights belong to the unborn, and become real as soon as the unborn can be identified. (If a woman knows that she is pregnant—and she would have to know this to want an abortion—she knows that she ought not to have an abortion, she knows that the duty of motherhood has already begun, that someone is alive within her body, someone who has a right to life—no greater than her own, but the same. As a rule, the two rights are not irreconcilable; if they were, the human race wouldn't be here.)

"All men are created equal." If they are created equal, they are equal when they are created. When is that? The Supreme Court pretends that this is a difficult question. Difficult indeed if you expect to know in a particular case the precise microsecond when the particular life began—though even here husbands and wives who think back can in some cases figure out pretty well when it must have been.

In general terms, there is no other rational answer to the question when men are created than: *at the time the sperm fertilizes the ovum*. When else? Mr. Justice Blackmun, writing for the majority of the Court, assumes a curious know-nothing position:

We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy and theology are unable to arrive at any any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer.

If that phony-sounding intellectual modesty were genuine, the judiciary would not be revolutionizing laws of the states of the Union, suborning violation of the Hippocratic oath, treating fatherhood with scarcely disguised contempt (the Texas case didn't raise the question of the rights of fathers, said the Court), and inciting mothers—rightfully the most revered of human beings—revered *because* they sacrifice themselves for their children—to quasi infanticide.

Actually, "those trained in the respective disciplines" mentioned have a pretty practical consensus regarding "when life begins." I hold no great brief for the *Encyclopaedia Britannica*, but it is not exactly eccentric in such matters, and its article "Pregnancy" reads in part as follows:

Life has its beginning in the egg cell or ovum. . . . During healthy reproductive life one ovum is shed each month from one or the other ovary (ovulation). . . . there is only a short critical interval in the cycle during which fertilization is possible. . . . If the ovum is not fertilized, it escapes in the next monthly loss of blood. If it is fertilized by a sperm cell (spermatozoon), pregnancy has begun.

Dr. Henry E. Garrett, former head of the psychology department at Columbia and president of the American Psychological Association, says in his book *Psychology And Life:* "When the egg of the female parent has been fertilized by the sperm of the male parent, life of the new individual begins." He then describes the contribution of chromosomes from each parent. When the genetic composition of an individual is determined, his life begins. Do we have to assume a know-nothing attitude about that?

It follows that every person from the time of conception has the right of equal protection of the laws, which includes the right not to be deprived of life without due process of law. Such due process might logically enough hinge upon a determination whether continuing the life of the embryo will critically endanger the life of the mother. Killing in self-defense or in defense of another is justifiable. It is difficult to imagine any other legitimate reason for abortion. If illegitimacy were a reason, it would follow that illegitimate children not aborted before birth should be destroyed after birth. Similarly with deformed children. Indeed, infantcide for these or lesser reasons has been practiced in the history of mankind, but seldom if ever in the civilized world in the Christian Era.

"Spontaneous abortion," says the *Columbia Encyclopedia*, "may occur after the death of the fetus and hemorrhage in the uterus." According to the *Encyclopaedia Britannica*, the World Health Organization in 1950 established the following classification to account for events less precisely known as stillbirth or abortion:

> . . . *group I, early fetal death—pregnancy of less than 20 weeks; group II, intermediate fetal death—pregnacy from 20 to 28 weeks; group III, late fetal death—pregnancy of more than 28 weeks; group IV, fetal death with length of pregnancy unknown.*

Consider the simple but powerful significance of the expressions "death of the fetus" and "fetal death" which are precise medical and legal language. The noun *death* is defined as, the end of life, the intransitive verb *die* as, to end life. The transitive verb *kill* is defined as, to cause the end of life, to deprive of life.

Accident or disease may cause death, may kill. Human action may cause death, or kill. When fetal death occurs as a result of human action, killing occurs. Killing is not necessarily murder, not necessarily manslaughter, but it is killing. If a fetus is a human being, causing the death of a fetus is homicide.

Is a fetus a human being? It is a being, it is real. If the mother is human, the fetus is human. To cause the death of a human fetus is homicide. There is no basis for asserting the contrary.

What is generally called abortion is, then, homicide. That is not to say that abortion must never be performed. Sometimes homicide is justified. But it is not justified unless it is recognized for what it is, and the action taken only under the most severe circumstances.

SPECIAL AMERICAN SYSTEM TO KEEP ISRAELIS SUPPLIED WITH JETS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. ASPIN. Mr. Speaker, for years we have been told that the military assistance we supply and the bases we maintain in Spain and Greece are essential to protect our interests in the Middle East and especially our policy of supporting Israel. Because of the Arab-Israeli war and the U.S. decision to resupply Israel with the munitions necessary to replace losses we have found once again that our Government was not telling the truth. Far from supporting our efforts, Greece and Spain have hindered them, even going so far as to deny our aircraft carrying supplies, refueling, or even overflight rights. Consequently, we must bypass direct routes and rely on midair refueling, thereby raising costs and no doubt causing delays.

Meanwhile we continue to pump more and more arms into those dictatorships which, probably for the sake of Arab oil, are willing to disregard the interests of the United States and Israel. How can we be sure they would assist us in more serious situations such as a war in Central Europe? The answer is plain that we cannot rely on bought allies and should certainly reexamine our military assistance policies and the justification for vast U.S. overseas military bases. It seems so far that our enormous expenditures are worthless when we need the facilities and the cooperation that we thought we were buying.

I include in the RECORD an article on this subject from the New York Times of October 25, 1973:

U.S. JETS FOR ISRAEL TOOK ROUTE AROUND SOME ALLIES

(By Leslie H. Gelb)

WASHINGTON, October 24.—Diplomatic sources said todav that the United States was forced to set up a special system to rush supplies to the Israelis because some of its North Atlantic Treaty Organization allies, along with Spain, balked at any cooperation.

The sources said that the refusal was based on a fear that the Arab countries would cut off Europe's oil supplies.

The resupply effort from bases in the United States, involved aircraft carriers and Air Force tanker planes, military officials disclosed.

The Navy and the Air Force had to adopt this roundabout system, the diplomats said, because—with the exception of Portugal and, to some extent, West Germany—some key Western European countries along the supply route made it clear that aircraft bound for Israel could neither land on nor fly over their territory.

A main reason cited by Washington over the years for American military aid to Greece and Turkey has been to make it possible to use bases on their territory in Middle East crises. Air Force contingency plans, according to knowledgeable sources, have looked to at least tacit Greek Government cooperation in an Arab-Israeli conflict.

The Turkish Foreign Ministry announced Oct. 11 that American military installations "are for the security and defense of the North Atlantic Treaty area and have been set up solely for defense cooperative purposes of Turkey." Nevertheless, a number of American officials report, Soviet resupply aircraft heading for Egypt and Syria have flown over Turkey and the Turkish Government has not publicly protested.

The Greek Government also ruled out any role in the supply flow to Israel.

NAVY PLAN FOR PLANES

The United States Navy had a plan for the urgent supply of A-4 Skyhawks to Israel. According to informed Congressional and Government officials, it worked in the following manner:

The Skyhawks, piloted by Navy men, took off from the East Coast and landed in the Azores to refuel. They then flew to the carrier John F. Kennedy, stationed near Gibraltar, and were refueled by tanker aircraft.

The next leg took them into the Mediterranean, where they landed on the carrier Franklin Delano Roosevelt and stayed overnight. The last leg took the Skyhawks into the eastern Mediterranean, where they refueled in the air near the carrier Independence.

Twenty to 30 Skyhawks were ferried to Israel, and 30 to 50 were sent on Navy transport ships.

The Air Force had worked out an alternative plan for the use of Greek airfields for the delivery of F-2 Phantom fighter-bombers. Government sources sketched the plan this way: The Phantoms, piloted by Air Force men, went via the Azores to the eastern Mediterranean, where they were refueled in the air by Air Force tanker planes.

About 40 have followed this route, officials say, and eight more are on the way.

The Skyhawks and the Phantoms retained their United States markings until they landed in Israel, where Israeli markings were applied. The American pilots returned home on transport planes.

Not a single incident involving these aircraft has been reported, the officials said.

The home base of the Air Force tankers used to refuel the Phantoms could not immediately be determined. Some sources asserted that during the first days they flew from the American bases in Spain. This stopped, the sources said, when the Spaniards objected. Another source, without denying that Spanish bases were used initially, said the tankers had been flying from the Azores, which are Portuguese.

Another resupply issue that remains somewhat clouded concerns West Germany. Government officials concede that in the first days of the Arab-Israeli fighting Air Force cargo planes flew from the American base at Ramstein, carrying small arms and munitions. Aviation Week, an authoritative source on such matters, says that these aicraft flew over Austria, Yugoslavia and Greece, all prohibited territory. Officials here deny this but will not suggest other possible routes.

The diplomatic effort became quite complicated, according to the diplomatic sources, with Washington and other NATO capitals jockeying to avoid open confrontation. At first it was said Washington simply decided not to raise the question of landing and flight rights, hoping its allies would look the other way.

However, the Governments of Greece, Turkey, Spain and Italy publicly forbade their territory to American aircraft. Other Governments, including that of Britain, made their positions clear privately. Portugal, was under pressure from the United States, the sources asserted, and agreed to use of the Azores base.

The sources asserted that the United States representative at NATO, Donald Rumsfeld, was asked to win support for American policy in the Middle East but was unable to do so, for the oil issue outweighed unity.

Two factors were at work in United States governmental discussions, a number of officials said:

One was that while the bulk of Soviet supplies to the Arabs were moving by sea, Hungary and Bulgaria, allies of the Soviet Union and Yugoslavia, a nonaligned nation, admitted Soviet cargo aircraft. Other airborne supplies, the sources asserted, were moved over Turkish territory either in regularly scheduled civilian aircraft or in military transport vessels.

The other factor, the sources relate, was the history of American aid to Greece, Turkey and Spain in the expectation that they would cooperate against the Russians in the Middle East.

From 1946 to 1972, according to Senate Foreign Relations Committee records, United States military aid to Greece totaled $2.3-billion, to Turkey $3.6-billion and to Spain $843-million, the figures do not take account of surplus stocks.

This year, the Nixon Administration has requested about $6-million in grant aid and support for Spain, over $250-million in various forms of military and economic aid to Turkey, and $65-million in credit sales to Greece. The requests were made, at least in part, in expectation of assistance in the Middle East.

President Nixon, responding in July, 1972 to George McGovern's criticism of aid to Greece, said that without aid to Greece and aid to Turkey you have no viable policy to save Israel.

The United States Ambassador to Greece,

Henry J. Tasca, testifying before the House Foreign Affairs Committee on the role of Greece in a Middle Eastern crisis, said in August, 1971, that Greece had been and would continue to be "very cooperative in all of our security problems."

Particularly irksome, officials say, is the Spanish Government's position, since it will not allow the United States to use the $500-million chain of American-built bases.

CONGRESSMAN KEMP HAILS 1973 PULASKI PARADE IN BUFFALO

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. KEMP. Mr. Speaker, October 11 marked the 194th anniversary of the death of Count Casimir Pulaski, the Polish nobleman and patriot of our American Revolution.

In 1777, Benjamin Franklin wrote to George Washington from Paris concerning General Pulaski praising him as: "an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country."

At General Washington's request, Pulaski formed the first American cavalry unit and because of his heroic actions, which resulted in saving Washingtons army, he was commissioned a brigadier general in charge of the Continental Army's horsemen.

Pulaski fought bravely and brilliantly in many more battles to help gain our Nation's freedom and once again saved Washington's army from near destruction near Philadelphia. On October 11, 1779, General Pulaski finally succumbed to wounds he had suffered in a particularly gallant episode at the Battle of Savannah.

Mr. Speaker, the life of General Pulaski, one of the greatest patriots and military strategists of all time, stands as an inspiration and symbol of hope to freedom-loving people everywhere—and especially to his native land of Poland which today, as in Pulaski's time, suffers under the yoke of Russian repression.

In 1971, I visited Poland along with other members of my Education and Labor Committee and during my visit I was constantly reminded of the close ties we in America have with freedom-loving people of that nation. The words of one Polish worker with whom I spoke will always stay with me: "We have rebuilt Warsaw in spite of communism." The spirit of Pulaski lives on today in Poland and that proud spirit will never be conquered.

Mr. Speaker, each year in western New York, we honor General Pulaski by having a Pulaski Day Parade in Buffalo. And each year I am sure that the parade is the best ever and cannot be excelled.

Mr. Speaker, again this year the Pulaski Day Parade was better than ever, with my distinguished colleague, Mr. DULSKI of New York, as grand marshal. It has been described as one of the largest and most successful parades of any kind ever to be held in Buffalo. There were more units, more floats, more bands, than ever before. Even facing the stiff competition of a televised Buffalo Bills football game, the parade had a record crowd of some 80,000 persons lining the streets along Broadway between Bailey and Fillmore Avenues.

My good friend, THAD DULSKI, led the parade along with our special guest Navy Capt. Paul Weitz of the Skylab I space mission. It was due to the efforts of THAD DULSKI that Captain Weitz was able to attend the parade and meet personally with many of our leading citizens.

The selection of the astronaut, Captain Weitz, as parade guest of honor, was tied in with the parade theme, "The Year of Copernicus," in honor of the celebration of the 500th birthday of Nicolaus Copernicus, the Polish genius, who boldly challenged the prevailing scientific theories of his day and through his studies provided the foundation for modern astronomy and our present day explorations of space.

The General Pulaski Association of the Niagara Frontier, Parade Chairman Eugene R. Mruk, and the Honorable THADDEUS J. DULSKI, are all to be commended for their dedicated work which made the 1973 Pulaski Day Parade one of the most memorable in the history of western New York.

Mr. Speaker, our fellow citizens of Polish heritage have made countless contributions to our Nation. I am proud that so many Polish Americans reside in my district and serve with me in Congress. Although I was unfortunately unable to attend the 1973 Pulaski Day Parade, I would like to pay tribute at this time to that great patriot and to Copernicus as we commemorate Pulaski Day and the Year of Copernicus.

Mr. Speaker, I include for the information of my colleagues, an editorial and article describing the Buffalo Pulaski Day Parade from the October 4 Am-Pol Eagle, the leading Polish-American publication of the Niagara frontier.

The material follows:

A JOB WELL DONE

The bright, sunny day helped. So did the presence of Skylab astronaut Paul J. Weitz. But when all things are considered, it was the dedicated efforts of members of the General Pulaski Association of the Niagara Frontier that made last Sunday's Pulaski Day Parade one of the most successful in memory.

Everything went perfectly during the parade. There was perfect balance between musical units, marching units and floats. There were remainders of the contributions made to mankind by parade namesake Casimir Pulaski and Polish astronomer Nicolaus Copernicus, whose quinquecentennial was the theme of this year's parade. Also much in evidence in both marchers and spectators was a pride in being Polish Americans, a feeling that seems to be renewed each year through the parade.

Much of the credit for the success of this year's parade must be given to Parade Chairman Eugene R. Mruk. Mr. Mruk devoted countless hours over the past six months making sure that Polonia's largest single annual event would be successful. Praise must also be given to Congressman Thaddeus J. Dulski, Parade Grand Marshal. whose efforts in having Capt. Weitz attend the parade contributed much to the Copernican theme of the event.

Polonia can be proud of its tribute to Casimir Pulaski and Nicolaus Copernicus. It was an event that will be remembered for many years to come. Its success will be difficult to duplicate.

PULASKI DAY PARADE HAILED AS MOST SUCCESSFUL IN MEMORY

Last Sunday's Pulaski Day Parade, blessed by sunny skies and warm temperatures, was hailed by veteran observers of Polonia's annual tribute to Revolutionary War hero Casimir Pulaski as the best and most successful in memory. Despite competition from a locally televised Buffalo Bills football game, Buffalo Police Department officials estimated that some 80,000 persons lined Broadway between Bailey and Fillmore Aves., to view the various floats and marching units participating in the parade.

Eliciting the greatest response from parade watchers were floats depicting the heroics of Gen. Pulaski and the scientific contributions of Nicolaus Copernicus, to whom this year's parade was dedicated. The "Year of Copernicus" was chosen as the theme for this Thirty-Seventh edition of the Pulaski Parade because 1973 is the 500th Anniversary of the birth of the famed Polish astronomer.

Leading the parade's line of march as it moved down Broadway were Congressman Thaddeus J. Dulski, Grand Marshal, and Navy Capt. Paul Weitz, a member of the Skylab I space mission who was a special guest at the parade in keeping with its Copernican theme.

Also in the first division were Rt. Rev. Msgr. Francis X. Wlodarczak, Honorary Grand Marshal, Parade Chairman Eugene R. Mruk, Gen. Pulaski Association President Arthur F. Kilichowski. Erie County Executive Edward V. Regan, and Lackawanna Mayor Joseph Bala.

After completing the parade's line of march, dignitaries viewed the remainder of the parade from a reviewing stand located in front of the Franczak Branch Libary. Included among the guests were three bishops: Most Rev. Daniel F. Cyganowski, Bishop of the Buffalo-Pittsburgh Diocese of the Polish National Catholic Church; Most Rev. Edward Head, DD, Bishop of the Diocese of Buffalo; and Most Rev. Bernard McLaughlin, Auxiliary Bishop of Buffalo. Also on the reviewing stand were parade chaplain Rev. Edward Kaukus, and Mayor Stanley Makowski. Edward Reska served as parade marshal.

Judges from the New York Penn Parade Judging Association selected the following units as best in their classifications:

Sr. Drum Corps—1st prize—Kingsmen Drum Corps.

Sr. Bands—1st prize—Sanborn Fire Co.; 2nd prize—Royal Canadian Legion Polish Veterans Branch 418, St. Catharines.

School and Jr. Bands—1st prize—Hinsdale Central School Band; 2nd prize—Depew H.S. Marching Band.

Pipe Bands—1st prize—Gordon Highlanders.

Uniformed Marching Units—1st prize—Hinsdale Fire Dept.; 2nd prize—Canisius College R.O.T.C.

Floats—1st prize—Holy Mother of the Rosary Cathedral—Man on the Moon Thanks to Copernicus; 2nd prize—Polish Union of America—PUA Youth Association; 3rd prize—Lechici Assoc.

Unattached Color Guard—1st prize—Baker Victory Guys and Gals; 2nd prize—Royal Rhythm Steppers; 3rd prize—Boston Amvets Post 209.

Jr. Drum Corps—1st prize—71st Lancers of Cheektowaga & Sloan; 2nd prize—Commodore Drum & Bugle Corps; 3rd prize—Polish National Alliance Youth Band; 4th prize—Mavericks Drum & Bugle Corps.

Sr. Twirling Corps—1st prize—Welland Rosettes.

Jr. Twirling Corps—2nd prize—Welland Rosettes.

Men's Drill Team—1st prize—Baker Victory.

Women's Drill Team—1st prize—Baker Victory; 2nd prize—Royal Rhythm Steppers.

Unique Units—1st prize—Erie County Parks and Recreation Sr., Citizens Unit—Kazoo Band; 2nd prize—Sacred Heart Academy—Kazoo Band.

CASE FOR IMPEACHMENT STILL STRONG AS EVER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. BROWN of California. Mr. Speaker, now that the President suddenly has reversed his public position and agreed to comply with the law—at least in part—by turning over his tapes to the court, many administration apologists are saying that the case for impeachment existed until Mr. Nixon agreed to turn over the tapes, but that his decision of Tuesday returned him to his previous status of law-abiding, unimpeachable President.

As I pointed out Tuesday, however, Richard Nixon's most recent actions—the firing of Special Prosecutor Cox and all that went with it—merely constitute a continuation of policies and attitudes that have characterized his handling of the entire Watergate affair, and, in fact, his entire administration; indeed, his entire political career. This was no isolated incident, to be forgiven and forgotten. From his first year in office, when he secretly ordered the illegal bombing of the sovereign nation of Cambodia—a country with which the United States was at peace—President Nixon has consistently violated the laws and the Constitution that he is sworn to protect.

When one thinks of the Oval Office today, one thinks of ITT entanglements, dairy industry payoffs, public financing of personal real estate improvements, illegal campaign donations, possible extortion, illegal fund impoundments, secret invasions, personal income tax difficulties, Cabinet members and high-ranking executive office staff members who have been indicted or convicted or who have resigned under fire—I could go on, but the list seems endless.

Let us keep in mind Edmund Burke's often-quoted remark that—

> The only thing necessary for the triumph of evil is for good men to do nothing.

Too many of us did nothing in 1946, when Richard Nixon smeared the Honorable Jerry Voorhis and entered this body. Too many of us did nothing when Richard Nixon 4 years later was elected to the Senate by the same tactics. Too many of us did nothing in 1952 when the Checkers scandal gave us our first evidence of Nixon's willingness to bend the law for his personal political advantage. And too many of us did nothing 10 years later when gubernatorial candidate Nixon was found by the courts to have personally reviewed, amended, and finally approved an illegal phony mailing sent out during the campaign to California's Democratic voters—a smear piece against the incumbent Democratic Governor, soliciting financial support which supposedly would go to a "Committee for the Preservation of the Democratic Party," but which in fact was designed by members of his own Republican campaign staff, which included such men as Dwight L. Chapin, Herbert Kalmbach, Ronald Ziegler, Maurice Stans, John' Ehrlichman, Murray Chotiner, and, as campaign manager, H. R. Haldemann. The money these Democrats donated to what they believed was a Democratic Party organization was actually used by the Nixon campaign, of course.

Too many times, too many good men and women have done nothing. Mr. Speaker, we must not stand aside and let evil triumph once again. The fate of our beloved Nation rests in the hands of the Congress in this dark hour. We have the power to determine whether this "noble experiment" shall continue, or shall end in a Fascist dictatorship through the inaction of the people's elected representatives.

I implore every Member of this House to respond to the massive outpouring of sentiment which has erupted throughout the Nation, to respond to our own consciences, and to move forward with all necessary steps to impeach Richard Nixon before it is too late.

SENATE—*Friday, October 26, 1973*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our help in ages past, our hope for years to come, we come to Thee this day with thankful hearts for diminished violence, for the reprieve from larger wars, and for the promise of peace. Keep the warlike spirit from infecting our personal lives, the Congress, our Nation, or its leaders. Make us kindly but firm, compassionate but resolute, possessed of quiet hearts, clear minds, and sound judgment. Keep us ever sensitive to our local, our global, and our humane responsibilities. Grant to the President, his counselors, to all our leaders, and to the leaders of other nations that higher wisdom which Thou dost give to those who trust Thee and whose allegiance to Thee transcends all lesser loyalties. Once more from the depths of our being, we pray, "Thy kingdom come, Thy will be done on Earth as it is in Heaven."

We pray in the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 23, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 386) to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas and for other purposes, disagreed to by the Senate; had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. PATMAN, Mr. MINISH, Mr. GETTYS, Mr. HANLEY, Mr. BRASCO, Mr. KOCH, Mr. COTTER, Mr. YOUNG of Georgia, Mr. MOAKLEY, Mr. BROWN of Michigan, Mr. WIDNALL, Mr. WILLIAMS, Mr. WYLIE, Mr. CRANE, and Mr. MCKINNEY were appointed managers of the conference on the part of the House.

The message further announced that the House had passed the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 5 to the bill (H.R. 9639) to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

The message further announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 3927. An act to extend the Environmental Education Act for 3 years; and

H.R. 10586. An act to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States; and

H.R. 9639. An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. Metcalf).

The enrolled bill (H.R. 689) to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection, signed October 23, 1973, by the Speaker, was signed today by the Acting President pro tempore (Mr. Metcalf).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3927. An act to extend the Environmental Education Act for 3 years; to the Committee on Labor and Public Welfare.

H.R. 10586. An act to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that any committees which may wish to meet today may be so authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING AS A HOUSE DOCUMENT "A HISTORY AND ACCOMPLISHMENTS OF THE PERMANENT SELECT COMMITTEE ON SMALL BUSINESS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES"

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 301.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The assistant legislative clerk read as follows:

House Concurrent Resolution 301, providing for the printing as a House document "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives of the United States."

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the resolution (H. Con. Res. 301) was considered and agreed to.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that no legislative business is expected to be acted on today or called up, other than what has already been transacted, and in view of the fact that Senators may wish to make statements in excess of 3 minutes—which is provided for by the order entered into previously—I ask unanimous consent that there be a period for the transaction of routine morning business of not to exceed 2 hours—and I certainly hope it will not take that long—with statements therein limited to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, reserving the right to object—could I have 3 minutes now?

Mr. ROBERT C. BYRD. I am trying to get an order to supplant the 3 minutes with 15 minutes limitation so that the Senate could speak five times as long.

Mr. FULBRIGHT. I do not want to speak that long.

The ACTING PRESIDENT pro tempore. The Chair will recognize the Senator from Arkansas if the Senator from West Virginia is through.

Mr. ROBERT C. BYRD. Did the Chair act on my unanimous-consent request?

The ACTING PRESIDENT pro tempore. Yes. The Chair said that, without objection, it was so ordered.

Mr. ROBERT C. BYRD. I thank the Chair.

The ACTING PRESIDENT pro tempore. Does the acting minority leader desire recognition at this time?

Mr. BUCKLEY. Mr. President, not at this time. I have a statement I should like to make.

Mr. FULBRIGHT. I have a brief statement I should like to make.

Mr. BUCKLEY. I gladly yield to the Senator from Arkansas.

Mr. ROBERT C. BYRD. Would the Chair lay before the Senate a message first?

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO MESSAGE

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Senate which the clerk will state.

The assistant legislative clerk read as follows:

October 23, 1973.

Senator James O. Eastland,
President pro tempore of the U.S. Senate, Washington, D.C.

Dear Mr. President: On Tuesday, October 23, 1973, shortly after the Senate had taken a recess until Friday, a message was received by me from the President of the United States, addressed to the Senate, which purports to contain a veto message on S. 1317, an act to authorize appropriations for the United States Information Agency.

I am herewith delivering to you the said message for presentation to the Senate.

Sincerely,

Francis R. Valeo,
Secretary of the Senate.

The ACTING PRESIDENT pro tempore. The Chair now lays the President's message before the Senate which will be spread upon the Journal and printed in the Record, without being read at this time, if there is no objection.

The Chair hears no objection, and it is so ordered.

The text of the message is as follows:

To the Senate of the United States:

I am returning today without my approval S. 1317, the United States Information Agency Appropriations Authorization Act of 1973.

The major purpose of this bill is to authorize appropriations for operation of the USIA during fiscal year 1974. Unfortunately, however, the Congress has injected a separate issue which, in good conscience, I must oppose.

Traditionally, when it is deemed necessary for a Department or Agency to withhold certain confidential information that has been requested by the Congress, the President issues a directive or statement prohibiting the disclosure of such information and explaining the reasons for his action. The two branches then explore means of compromise by which data can be supplied in a way that is consistent with the constitutional obligations of each branch.

Section 4 of S. 1317 ignores this precedent. Instead, it would penalize the USIA with a possible cut-off of funds if it failed to meet a demand for confidential internal information made by the Senate Committee on Foreign Relations or the House Committee on Foreign Affairs—however unreasonable that demand might be.

The Justice Department has advised me that section 4 is an unconstitutional attempt on the part of the Congress to undermine the President's constitutional responsibility to withhold the disclosure of information when, in his judgment, such disclosure would be contrary to the public interest. From George Washington on, my predecessors have defended this Presidential responsibility, recognizing that the traditional division of powers and comity between the executive and legislative branches must be maintained. I intend to do no less.

A practical effect of section 4 would be to restrict the USIA access to sensitive foreign policy information essential to carrying out its mission. The Agency could also be forced to disclose internal documents and working papers which do not represent approved policy. Failure of the Congress to respect the confidentiality of such papers would prevent a free and frank exchange of views within the USIA and between it and other parts of the executive branch—an exchange that is vital if the USIA is to function as an effective arm of American foreign policy.

This Administration has invoked Executive privilege to withhold information only in the most compelling circumstances and only after thorough, thoughtful evaluation of the facts. As evidence of our good faith, the USIA has complied as fully as possible with every Congressional request for information during the authorization and appropriations hearings this year, and will continue to do so. For example, it provided the Senate Foreign Relations Committee alone with detailed answers to more than one hundred substantive questions prior to this year's authorization hearings.

If a President failed to take a stand in this instance to protect the division of powers and uphold the doctrine of Executive privilege, the door would be opened to even more serious encroachments on the constitutional system. Already, provisions similar to those in section 4 are contained in two vital bills at very advanced stages in the legislative process—S. 2335, the economic foreign assistance authorization bill, and S. 1443, the security assistance authorization bill.

The issue at stake is simple. It involves far more than the confidential documents of the USIA or our other foreign affairs and national security agencies. Rather, it involves the preservation of the basic ability of the executive branch to continue to function and perform the responsibilities assigned to it by the Constitution. Unless privacy in the preliminary exchange of views between personnel of the Executive agencies can be maintained, the healthy expression of opinion and the frank, forthright interplay of ideas that are essential to sound policy and effective administration cannot survive.

RICHARD NIXON.

THE WHITE HOUSE, *October 23, 1973.*

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message remain at the desk temporarily.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLARIFICATION OF VIEWS ON MIDDLE EAST CONFLICT

Mr. FULBRIGHT. Mr. President, I wish to clarify my views regarding the events of yesterday and the article by the Associated Press carried in the Washington Post this morning, which I believe may be misleading in some respects.

First, I strongly support the Secretary of State in his efforts to bring an end to the conflict in the Middle East.

Second, I support the Secretary's policy of détente with the Soviet Union.

These matters are interrelated, and I believe that the policy of détente contributed to the action of the Security Council yesterday, supported by 14 members, including the Soviet Union.

When asked about the statement by the Senator from Washington, characterizing a mesage from the Soviet Union to the President as "brutal," I stated that I thought that was an inappropriate way to describe it; that I considered it to be urgent but not "brutal" or threatening; and that this description of the note tended to increase our difficulties, to undermine any possibility of détente, and to increase further the arms race, military appropriations, and, in general, the tensions resulting from the war, which are already very great.

I regret that it was thought necessary by the National Security Council to order an alert, but I do not criticize that decision. The vote in the Security Council yesterday is, I believe, a justification of my view that the policy of détente is still viable and in our interest, and also that it is inaccurate to characterize the attitude of the Soviet Union as being "brutal."

In summary, I think the Secretary of State has shown determination, restraint, and wisdom in the way he has handled this affair.

Mr. President, I wish, in that connection, to have printed in the RECORD an article published in the Washington Post this morning, which I consider to be incomplete because it, by no means, reflects all that I said.

I also ask unanimous consent to have printed in the RECORD an article entitled "Some Small Hope," written by Stewart Alsop, and published in Newsweek magazine for October 29, 1973. I think it is quite significant that this writer suggests that it is in the interest of Israel to move in the direction which I believe the Secretary of State and the President are now moving. I would hope that this view will be taken seriously. I feel that the Secretary is doing everything possible, under great difficulty, to bring about a cessation of hostilities and also a beginning of negotiations designed to implement that policy which, in a general way, was announced by the administration as long ago as 1969 and has sometimes been referred to as the Rogers plan.

With this statement, I hope that any misunderstanding of my attitude may be clarified.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 26, 1973]

FULBRIGHT DOUBTS ALERT JUSTIFIED

Sen. J. W. Fulbright (D-Ark.) said last night he doubts the administration's alert of U.S. forces was justified by Middle East developments.

Secretary of State Henry A. Kissinger said earlier that President Nixon had no choice but to act as he did. He described the alert as a precaution taken in view of ambiguity about possible Soviet intervention in the Middle East.

Fulbright, chairman of the Senate Foreign Relations Committee, said a Soviet note to President Nixon on the Arab-Israeli conflict apparently was couched in urgent terms, "but from what I know, it was not threatening."

He said he had felt since a White House briefing he attended yesterday morning that the situation was not one of crisis and that this feeling was borne out later in the day when the U.N. Security Council approved a peacekeeping force that excluded the big powers.

He suggested the crisis atmosphere may have been promoted to support the Pentagon military budget.

Fulbright also said the alert is likely to make it more difficult for Congress to override President Nixon's veto of the war powers resolution limiting use of U.S. troops in combat without congressional approval to a 60-day period.

At the White House, spokesman Gerald L. Warren said in response to Fulbright's assertions that "the reality of the situation was described by Secretary Kissinger" at his news conference.

SOME SMALL HOPE

(By Stewart Alsop)

WASHINGTON.—In 1947, that indomitable lady, Golda Meir, dressed as an Arab woman, made her way secretly to Amman, the capital of Jordan, to see old King Abdullah and enlist his support for the future state of Israel.

Her dangerous mission failed—Abdullah was assassinated shortly thereafter. But it may be worth recalling now. That was probably the last time that any of the current generation of Israeli leaders saw any Arab city, except the grubby towns occupied by Israel in 1967. And the difference between then and now tells something about what is happening now.

By chance, this writer was also in Amman in 1947. The other Arab capitals of that era were hardly vacation spots, but Amman was a dreadful place. The town was constructed largely of mud, the smell of excrement was inescapable and Amman's inhabitants were sad, undernourished creatures, shuffling about in dirty nightgowns.

The year 1947 was the tag end of the era of British imperialism. In Jordan, a British general, Glubb Pasha, was the real power behind the throne. In Iraq, a British Arabist, one Stewart Perowne, made no bones about the fact that he was really running the country. British troops still occupied the Kasr el Nil barracks in Cairo, and the British ambassador was accompanied by outriders as a visible symbol of his imperial power. Syria was still a French dependency in all but name.

A RESPECTABLE CITY

Twenty-two years later, I again visited Amman, and I was astonished by the change. I found, instead of the sprawling mud village I remembered from 1947, a respectable little city, built largely of stone, and with a water and sewer system better, I was told, than in many American towns of comparable size. The population seemed well-fed and reasonably cheerful.

When Mrs. Meir thinks of Amman, it would be only natural for her to see in her mind's eye the Amman of 1947, as I did before I went back there. But the Arab countries have changed. They have changed a lot more than the older generation of Israeli leaders may have allowed for. And that change confronts Israel with the most cruel of all the dilemmas that have faced that small beleaguered nation in its short history.

What has changed the Arab countries is money—money, plus time, plus Russian weapons. Most of the money is oil money, of course, but by no means all of it—the change extends to the oil-poor states, like Jordan and Egypt. Time has seen the debasing era of foreign control fade in the Arabs' racial memory—nobody calls the Egyptians "wogs," these days, as the British used to do, to their faces.

Russian weapons, notably the SAM-6 antiaircraft missile, have made it possible for the Arabs to challenge, for a while at least, the vastly outnumbered Israelis. But it would be an illusion to suppose that weapons wholly explain what has happened. Good weapons are no use in the hands of soldiers who panic and run, as the 1967 war proved. This time the Arabs have stood and fought.

In terms of technical proficiency, national cohesion and raw human courage, the Israelis remain the superiors of the Arabs. But as this war demonstrates, the gap is certain. It is certain to close further.

CLOSING THE GAP

Nahum Goldmann, former president of the World Zionist Organization, foresaw the closing of the gap in 1970, when it was the conventional wisdom that the Israelis were unchallengeably and permanently superior to the Arabs militarily. He wrote in Foreign Affairs:

"History proves that an imposed peace does not last for long, even if a defeated people is forced for a certain time to accept a truce extracted by arms. In the case of Israel and the Arabs, this probability is much smaller in view of the tremendous numerical superiority of the Arab peoples . . . at the moment, and probably for some time to come, the qualitative superiority of Israel is outstanding; it is unrealistic, however, to rely on it forever; the Arab peoples have created a brilliant civilization in the past and will no doubt one day acquire the technical know-how of the West, both in peaceful endeavors and in warfare."

The "qualitative superiority of Israel" is almost surely enough to make certain another Israeli victory, though a more costly one than ever before. But what happens when Israel wins? The Israeli Chief of Staff says that Israel will "break the bones" of the Arabs, and other Israelis talk about "teaching them a lesson, once and for all." But how? By using the nuclear weapon to destroy the Aswan Dam? By the population bombing of Cairo or Damascus, or their military occupation? By seizing still more Arab land? Or simply by hanging on like bulldogs to the 25,000 square miles of Arab land that Israel won in 1967?

The last is the most likely answer. Continued occupation plus "creeping annexation" constituted the basic Israeli policy before the war started. As a result of the Arab attack, many Israelis, including former "doves," believe that the post-1967 borders saved Israel in this war, and must be held at all costs.

A TERRIBLE TIME

It is not at all hard to see why they should think so. But if that is to be Israel's policy, another war is predictable, and another, and another after that, until at last a terrible time could come when the lesson-teaching would be done by the Arabs. Nothing is more clear by now than that there can be no peace while Israel holds great reaches of Arab land and rules as conqueror a million Arabs.

Goldmann quotes the great Chaim Weizmann as saying that the Arab-Jewish conflict is "a clash between two rights, not between right and wrong, and that is what makes it so . . . difficult." Difficult it certainly is. But there may be some small hope where there was none before.

At least Sadat has said what Nasser never said—that he is willing to sign a peace treaty recognizing Israel's right to exist. The United States has a brilliant new Secretary of State who, as himself a Jew, can hardly be accused of anti-Semitism. It was Henry Kissinger, back in 1970, who stated the basic American policy: "The United States is committed to defend Israel's existence, but not Israel's conquests."

For the Israelis to accept demilitarization of her borders or international guarantees as a substitute for the conquests that have provided the post-1967 borders would require a great and bold risk. But it is now more obvious than ever before that to hold onto those conquests will surely in the long run involve far greater risks. That is why there may be some small hope where there was none before.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on October 18, 1973, the President had approved and signed the following bills:

S. 84. An act for the relief of Mrs. Naoyo Campbell;

S. 89. An act for the relief of Kuay Ten Chang (Kuay Hong Chang);

S. 396. An act for the relief of Harold C. and Vera L. Adler, doing business as the Adler Construction Company; and

S. 1141. An act to provide a new coinage design and date emblematic of the Bicentennial of the American Revolution for dollars, half dollars, and quarter dollars, to authorize the issuance of special silver coins commemorating the Bicentennial of the American Revolution, and for other purposes.

And that on October 19, 1973, the President had approved and signed the following bills:

S. 278. An act for the relief of Manuela Bonito Martin;

S. 795. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes;

S. 1016. An act to provide for the use or distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes; and

S. 1914. An act to provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE CRISIS OF CONFIDENCE

Mr. BUCKLEY. Mr. President, the public's immediate and extraordinary response to the events of the past week is a matter of the most profound political significance. At the heart of the matter is whether the President will be able to maintain that minimum degree of public confidence that will enable him to resume a role of effective leadership; and on the manner in which he meets this crisis of confidence may well depend the public's ultimate confidence in the Presidency itself.

Analytically, neither his compromise proposal on the Watergate tapes—one which met with the approval of the Senators most directly concerned—nor the firing and resignation of administration officials warranted the unprecedented calls for the President's resignation or impeachment that they have produced. It would seem, therefore, that the telegrams and letters and phone calls flooding Washington can be taken as conclusive evidence of a far deeper—and a deeply troubling—public concern. It is clear that a sizable portion of the public requires reassurance that our governmental system is strong enough to survive the impact of the repeated shocks that have recently shaken Washington and the Nation; and it is the first obligation of all who hold public responsibility to recognize and address this political imperative.

On July 24, 1973, on the first occasion I had to comment on the President's refusal to give up the tapes, I said:

> I think he (President Nixon) has painted himself into a very tight corner, unnecessarily, and foolishly. . . . (O)ne ought not to precipitate Constitutional confrontations. I think the virute of our Constitution has been the fact that it contains a number of gray areas, . . . at one point or another (in the past) the Congress or the President has backed away. This has avoided brittle court determinations of where the lines are to be drawn . . . I think clearly in the instant case the consensus of the American people will be that the President, while he has the right to exercise the privilege, ought not to be exercising it in this manner.

Last month I wrote:

> The head-on confrontation precipitated by Judge Sirica's order could and should have been averted. For this, the President must assume the blame. I say this even though I believe his position may be technically correct. Given the political facts of the Watergate situation, given his patent lack of public support, he ought to have backed away from a constitutional showdown. He could have done so without compromising the principle of executive privilege, for a privilege can be waived.

Unfortunately, "hysterical" is the best word to describe much of the media and public's response to the President's compromise with Senators ERVIN and BAKER and the subsequent series of events that evolved from that compromise. Contrary to public myth, the President broke no law in effecting that compromise. He, in fact, offered an accommodation that was acceptable to the chairman and vice chairman of the Watergate Committee, one that many felt should also prove acceptable to the court. He broke no law in firing Mr. Cox. He was not in contempt of court because of his actions for the simple reason that Judge Sirica never ruled on those actions. The President deserved a more rational and more informed criticism of his actions last week than the calls for impeachment that issued from persons who ought to have known better, calls which in themselves contributed to an overwrought public reaction to last week's events.

Yet, the fact of a hyperemotional criticism of the President for the wrong reasons does not relieve us of the obligation to acknowledge the seriousness of the current mood, nor the fact that it is in large part the product of the President's own errors of judgment. He misread the public's overriding desire to hear those portions of the tapes relevant to the Watergate inquiries. Thus his own persistent attempts to protect the principle of executive privilege have been met with increasing suspicion especially after he placed himself athwart the explicit directives of two Federal courts. As events have proven, the fact that his position may be constitutionally correct has not protected him or the Nation from the political consequences of his actions.

It is one of history's great ironies that, having vowed never to give up the tapes in order to avoid setting new precedents his successors would have to live with, he should finally have been forced by mounting pressures to capitulate on precisely that constitutional question of executive privilege he had so doggedly fought to protect. Thus, the President finds that he has both lost the battle for the tapes and endangered the principle he sought to defend. He could have, as I suggested, waived executive privilege and given up the tapes voluntarily under appropriate safeguards. But he did not and we find ourselves in a dilemma unprecedented in our history.

What can be done to restore confidence in the office of the President and in Government itself? I believe that three essential steps must immediately be undertaken, one by the President, one by Congress, and the third by the courts and the White House together.

First, I call upon the President to appoint a special prosecutor to carry on the work begun by Mr. Cox. This prosecutor should be appointed by the President and be confirmed by the Senate.

I want to make it clear that my call for a new special prosecutor is in no way based on my acceptance of the idea that the appointment of a special prosecutor is, in the normal course of events, either desirable or necessary under our system. Nor do I want to suggest any lack of confidence in Acting Attorney General Bork or in Assistant Attorney General Petersen. I am fully confident that they intend and would in fact carry forward a vigorous, effective investigation of all aspects of the Watergate affair and would not tolerate any attempt at interference with their discharge of their responsibilities. I am convinced that they would do an exceptionally thorough and competent job, and that the ends of justice would be fully served should they continue to be in charge of the investigation.

But this has become beside the point. These are extraordinary times and we must accept extraordinary measures if we are to achieve the primary goal of restoring public confidence. Given the current climate, any prosecution conducted within ordinary Justice Department channels will be held suspect by too many Americans, and will be subject to criticisms and innuendo, however unjust or however irresponsible, from the President's critics. Only an independent prosecutor can achieve the full confidence and credibility that the times so urgently require.

Second, Congress must move expeditiously in considering the nomination of GERALD FORD to be Vice President of the United States. Congress has a clear duty to the people and to the Constitution to proceed without delay on the matter. It is unthinkable that Mr. FORD should be held hostage to partisan considerations. To play politics with the matter of succession, to violate the clear spirit and intent of the 25th amendment, would further undermine public confidence in and respect for Government.

Congress, too, has a clear obligation to recognize the extraordinary nature of the current discontent. Anything less than a truly statesmanlike approach to the matter of succession would be a historic disservice the Nation and to Congress itself. Narrow concern for political advantage cannot be allowed to stand in the way of restoring a sense of stability and continuity. I speak of the public's right to what might be called a constitutional anchor, the knowledge that we once again have a Vice President of the United States.

Third, Judge John Sirica and the White House should immediately resolve any difficulties concerning the manner in which the tapes will be given to the judge and any questions of national security concerning the tapes. No interest could conceivably be served by a public haggling over the mechanics by which matters irrelevent to the grand jury's deliberations are excised.

These are three essential steps toward restoring confidence in the Presidency and in our system of government. It is not an exaggeration to state that at the present moment the very Office of the Presidency needs to be protected from the misjudgments, the passions, and the thoughtless partisanship that have already taken so heavy a toll.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

FOREIGN ASSISTANCE REPORT

A letter from the Assistant Secretary of State transmitting, pursuant to law, a confidential report entitled "Annual Foreign Assistance Report, Part 3" (with an accompanying report). Referred to the Committee on Foreign Relations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A joint resolution from the Legislature of the State of California. Referred to the Committee on Appropriations:

"ASSEMBLY JOINT RESOLUTION No. 18

"Relative to the Anadromous Fish Conservation Act

"Whereas, Congress in extending the Anadromous Fish Conseravtion Act (P.L. 91–249) made funds appropriated under such act available until expended; and

"Whereas, The Secretary of the Interior through administrative regulation has required the obligation of funds within the year of appropriation; and

"Whereas, Orderly planning, programming, and budgeting for participation by the various states is not feasible within the period of the fiscal year which remains after allocation; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California memorializes the Secretary of the Interior to extend the period of obligation for funds appropriated under the Anadromous Fish Conservation Act through the fiscal year following the year of appropriation; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California. Referred to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION No. 19

"Relative to anadromous fish conservation

"Whereas, The Anadromous Fish Conservation Act (Public Law 89–304, as amended by Public Law 91–249) provides that federal costs for projects administered by a single state shall not exceed 50 percent; and

"Whereas, Man's encroachment into the environment continues to negatively affect anadromous fish resources; and

"Whereas, There are insufficient state funds to accomplish all the programs necessary to properly maintain and enhance the anadromous fisheries; and

"Whereas, Several states have difficulty in providing enough matching funds to meet half the cost of some of the many needed projects; and

"Whereas, By paying 75 percent of the costs, the federal government could enable the states to match funds for many additional, severely needed projects; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President to support, and the Congress of the United States to enact, changes in the provisions of the Anadromous Fish Conservation Act to provide that the federal share for anadromous fish conservation projects be increased to 75 percent; and be it further

"*Resolved,* That the Legislature of the State of California further memorializes the President to support, and the Congress of the United States to enact, legislation to increase the annual expenditure authorization under such federal act to $20,000,000 and to increase the appropriation up to the amount authorized in order to more fully meet the needs of the anadromous fish resource, and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California. Referred to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION No. 20

"Relative to the Federal Water Project Recreation Act

"Whereas, The Federal Water Project Recreation Act (P.L. 89–72) prescribes that full consideration be given to enhancement of fish and wildlife as a purpose of federal water projects; and

"Whereas, Anadromous and resident fish populations of the Pacific Coast traverse state lines and are exceptionally valuable resources of national significance for which the demand is greater than the supply; and

"Whereas, Some federal water developments may have the potential for increasing anadromous and resident fish resources with benefits to both commercial and sport fishermen; and

"Whereas, The act requires that nonfederal interests must agree to pay one-half of the separable costs and all operation, maintenance, and replacement costs assigned to fish and wildlife enhancement in connection with federal water projects; and

"Whereas, State or local agencies often do not possess the financial capability of meeting the cost-sharing provisions of the act, and because of budgetary limitations, the fish and wildlife enhancement purposes of the project will be deleted, permanently eliminating project potentials for enhancement; and

"Whereas, The act limits federal funding to $100,000 for fish and wildlife enhancement at projects authorized prior to 1965, and among such projects many opportunities to enhance fish and wildlife resources cannot be fully realized within this limitation; and

"Whereas, Some question exists as to the application of the provisions of the act to areas downstream from a project but within the project impact area, although it is in such downstream areas that enhancement may be achieved for species such as salmon and steelhead trout; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the Federal Water Project Recreation Act (P.L. 89–72) as follows:

"(a) To make all costs of enhancing anadromous and resident fishes at federal water developments nonreimbursable federal costs; and "(b) To provide for operation and maintenance of such enhancement facilities by either federal or nonfederal bodies as may be appropriate; and

"(c) To remove the $100,000 limitation that presently applies to projects authorized prior to 1965; and

"(d) To specifically include enhancement in areas downstream from any project but within the impact area of such project; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Secretary of Commerce, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of Wisconsin. Referred to the Committee on Finance:

"1973 SENATE JOINT RESOLUTION 3

"Memorializing congress to release this state's share of held-back federal highway trust funds

"Whereas, an exceptionally harsh winter has left the surfaces of Wisconsin's highways in need of extensive repairs; and

"Whereas, the construction of new and improved highways is vital to this state's growing transportation needs; and

"Whereas, Wisconsin's climate, because of rapidly changing seasons, provides only a limited number of months suitable for highway construction, making it necessary that highway work commence as soon as the weather allows; and

"Whereas, despite these pressing present needs the United States department of transportation is holding back highway trust funds; and

"Whereas, this state's share of these funds had reached approximately $70,000,000 by June 30, 1972; now, therefore, be it

"Resolved by the senate, the assembly concurring, That immediate congressional action be taken to release this state's share of held-back highway trust funds at the earliest possible date; and, be it further

"Resolved, That duly attested copies of this resolution be transmitted to the secretary of the federal department of transportation, the secretary of the senate of the United States, the chief clerk of the house of representatives and the members of Wisconsin's congressional delegation."

A resolution of the Military Order of the World Wars urging the retention of control of the Panama Canal. Referred to the Committee on Armed Services.

A resolution of the Military Order of the World Wars urging the defense of national interests firmly and on a timely basis. Referred to the Committee on Foreign Relations.

A resolution adopted by the City Commission of the city of Fort Lauderdale, Fla., requesting the State and Federal governments to take measures to insure an adequate supply of chlorine for municipal water and sewage treatment plants. Referred to the Committee on Labor and Public Welfare.

PRESENTATION OF PETITIONS

RESOLUTION OF ALABAMA STATE LEGISLATURE ADVOCATING RECONFIRMATION OF FEDERAL JUDGES

Mr. ALLEN. Mr. President, during the almost 200 years of our national existence, there have been many changes in our way of life, as each generation has attempted to reshape the government to meet changing public needs.

But one of the most sharply felt and most disputed changes has been the gradual accumulation of powers in the Supreme Court to the extent that not only judicial authority, but also legislative and executive powers and functions are today exercised by the nonelective judicial branch of the Federal Government.

These actions have reshaped our Government and Constitution to fit a pattern drawn and cut by the Supreme Court. The Supreme Court's despotic seizure of power and authority over the past three decades has badly damaged the delicate system of checks and balances which were purposely built into our federal system by those wise and dedicated leaders who wrote our Constitution.

At the very beginning of the first session of the 92d Congress I introduced a joint resolution proposing an amendment to the Constitution of the United States relating to terms of office of Justices of the U.S. Supreme Court and Judges of other Federal courts and providing that Federal judges, who are assuming legislative or executive powers, be made responsible to the people or to the elected representatives of the people by limiting their terms of appointment while providing for reappointment subject to reconfirmation by the Senate.

Mr. President, the problems I speak of have not decreased, and Americans everywhere are increasingly concerned with this situation. During its regular 1973 session the Alabama Legislature passed House Joint Resolution 191, memorializing Congress to submit to the States a proposed constitutional amendment requiring periodic reconfirmation by the U.S. Senate of all Federal Judges. This is an important document not only because of the subject, but also because it is an official resolution of a State legislature.

Mr. President, I ask unanimous consent that this resolution, H.R. 191, passed by the Alabama Legislature be printed in the RECORD so it may be brought to the attention of all Members of this body and to the legislatures of the other States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution was referred to the Committee on the Judiciary. It reads as follows:

HOUSE JOINT RESOLUTION 191

Resolution memorializing Congress to submit to the fifty States a proposed constitutional amendment to require that all Federal judges who are appointed for life must be periodically reconfirmed by the United States Senate

Whereas, the appointment of federal judges for life tenure have often-times resulted in a man being placed in a high federal judgeship who is irresponsible and not suited for the office; and

Whereas, there needs to be some procedure whereby this republic may be safeguarded from such irresponsible persons holding high federal office; now therefore

Be it resolved by the Legislature of Alabama, both Houses thereof concurring; That the United States Congress is hereby memorialized to submit to the fifty states of this republic a proposed Constitutional Amendment to the United States Constitution to require that all federal judges who are appointed for life be periodically reconfirmed by the United States Senate every ten years in order to continue holding their office.

Be it further resolved, That copies of this resolution be sent to all members of the United States House of Representatives and the United States Senate.

RESOLUTION OF ALABAMA STATE LEGISLATURE SUPPORTING FORT McCLELLAN AT ANNISTON, ALA.

Mr. ALLEN. Mr. President, the citizens of Alabama are deeply concerned over a study by the Department of the Army considering the closing of Fort McClellan, Ala., which is headquarters of the Women's Army Corps, the U.S. Women's Army Corps Center and the U.S. Women's Army Corps School. Earlier this year the Secretary of the Army announced his decision to make use of Fort McClellan's excellent facilities and location as the new home for the U.S. Army Military Police School—a decision which has yet to be implemented.

Fort McClellan has a long and honored place in the Army's roster of military bases. The long and pleasant relationship between the Army community at Fort McClellan and the civilian neighbors has been exemplary, a fact which has been of immeasurable value to the Army in meeting its responsibilities.

Mr. President, during its recent 1973 session, the Legislature of the State of Alabama passed House Joint Resolution 219, a resolution opposing the closing of the military base at Fort McClellan.

I ask unanimous consent that this resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution was referred to the Committee on Armed Services. It reads as follows:

HOUSE JOINT RESOLUTION 219

Resolution opposing the closing of the Military Base at Fort McClellan

Whereas, the announced decision that a study is being made to consider the closing of Fort McClellan at Anniston, Alabama has come as a distinct shock to the citizens of this state and particularly to the people of the Anniston area; and

Whereas, strong local support has always been given to the military forces at Fort McClellan since, when with the declaration of war with Germany in 1917, the War Department was rapidly surveying the country for possible camp sites, the citizens of Anniston patriotically underwrote additional funds in the amount of $136,000 necessary to compensate owners of crops planted on the desired site, an obligation which cost the citizens of Anniston much anxiety and hard work and was not paid off until 1934; and

Whereas, the unusually favorable climate of Anniston, the high caliber civilian personnel, including master craftsmen available for employment at the Fort and the economic, civic, social and cultural contributions of the military have resulted in a closely interwoven relationship of mutual respect between Fort McClellan personnel and the citizens of Anniston, a fact which is attested to by the large number of military retirees and five of the six past commanding officers of Fort McClellan who have chosen to make Anniston their permanent home; and

Whereas, the consideration of any plan to close Fort McClellan is a particularly severe blow in view of the fact that Fort McClellan was the home of the WACs and the plans were in the making to double the WAC strength by 1976, and that plans and expenditures have already been made in reliance upon the anticipated move of the Military Police School to Fort McClellan with the expected base strength to be 10,051, including some 8,851 military and 1,200 civilians by 1975; now therefore

Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That we respectfully request the Army to study thoroughly and evaluate carefully the many advantages of keeping its installation at Fort McClellan open and activated to its fullest capacity and that all plans to close its facilities at that place be definitely abandoned as soon as possible.

Be it further resolved, That copies of this resolution be sent to the following:

The Honorable Howard H. Callaway, Secretary of the Army, Department of the Army, Washington, D.C. 20310.

General Creighton Abrams, Chief of Staff, Department of the Army, Washington, D.C. 20310.

Resolved further, That copies of this resolution also be sent to Senators John Sparkman and James Allen and to each member of the Alabama delegation in the House of Representatives of the United States Congress, with the urgent request that each officer do everything in his power which is necessary and appropriate to maintain the military facilities at Fort McClellan and to prevent the closing of its base of operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HASKELL, from the Committee on Interior and Insular Affairs, with amendments:

S. 702. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado (Rept. No. 94–480).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Harry J. Hogan, of Maryland, to be an Assistant Director of the ACTION Agency.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. ROBERT C. BYRD, from the Committee on the Judiciary:

Thomas Arny Rhoden, of Mississippi, to be U.S. marshal for the southern district of Mississippi;

J. Raymond Bell, of New York, to be a member of the Foreign Claims Settlement Commission of the United States; and

Charles R. Work, of the District of Columbia, to be Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BAYH (at the request of Mr. Hart, Mr. Ervin, Mr. Kennedy, Mr. Burdick, Mr. Robert C. Byrd, Mr. Tunney, Mr. Mathias, Mr. Abourezk, Mr. Bible, Mr. Biden, Mr. Case, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Fulbright, Mr. Gravel, Mr. Haskell, Mr. Hathaway, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Ribicoff, Mr. Schweiker, Mr. Stevenson, Mr. Talmadge, Mr. Weicker, Mr. Williams, Mr. Montoya, Mr. Proxmire, Mr. Symington, Mr. Cannon, Mr. Magnuson, Mr. Metcalf, Mr. Randolph, Mr. Eagleton, Mr. Cranston, Mr. Nelson, Mr. Hughes, and Mr. Johnston):

S. 2611. A bill to insure the enforcement of the criminal laws and the due administration of justice; establish an independent special prosecutor. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 2612. A bill to amend title 28, United States Code, to make the United States liable for damages caused as the result of ultrahazardous activities in which the United States is engaged. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 2613. A bill to amend section 2 of the National Housing Act to increase the maximum principal amount of home improvement loans which may be insured thereunder and to increase the maximum maturity of such loans. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HUGHES (for Mr. Eagleton):

S. 2614. A bill to amend the Economic Stabilization Act of 1970 to provide for the application of price controls to certain export sales. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARTKE:

S. 2615. A bill to establish an Office of Counsel General in the legislative branch of Government, and for other purposes. Referred to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAYH (at the request of Mr. Hart, Mr. Ervin, Mr. Kennedy, Mr. Burdick, Mr. Robert C. Byrd, Mr. Tunney, Mr. Mathias, Mr. Abourezk, Mr. Bible, Mr. Biden, Mr. Case, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Fulbright, Mr. Gravel, Mr. Haskell, Mr. Hathaway, Mr. Hatfield, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Pastore, Mr. Pell, Mr. Ribicoff, Mr. Schweiker, Mr. Stevenson, Mr. Talmadge, Mr. Weicker, Mr. Williams, Mr. Montoya, Mr. Proxmire, Mr. Symington, Mr. Cannon, Mr. Magnuson, Mr. Metcalf, Mr. Randolph, Mr. Eagleton, Mr. Cranston, Mr. Nelson, Mr. Hughes, Mr. Johnston, Mr. Packwood, Mr. Huddleston, and Mr. Hartke):

S. 2611. A bill to ensure the enforcement of the criminal laws and the due administration of justice; establish an independent Special Prosecutor. Referred to the Committee on the Judiciary.

INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973

Mr. BAYH. Mr. President, the very essence of Democracy is that the people consent to be governed under a system in which they vest their faith and confidence. That system, and thus the strength of the Government, are dependent on maintaining the public's faith and confidence.

Today, as never before in our history, that faith and confidence are shaken, to such an extent, that our system of government is facing a crisis of unprecedented proportions.

If we are to govern effectively and responsively, the Congress must set out as its first order of business the difficult, but absolutely essential, goal of reestablishing the public faith and confidence from which all else proceeds in a democracy. And no amount of high-sounding lip-service will do the necessary job; the need is for immediate, constructive action to restore the faith of the American people in their governmental institutions.

In determining the appropriate course of action, Mr. President, we need only to look at the source of the problem. The American people, with good cause, regard the President's dismissal of Special Prosecutor Archibald Cox, and the forced resignations of the two top officials at the Department of Justice, as sufficient evidence that equality under the law is not being maintained and that justice is not being served.

Thus, the one thing we can do here in Congress to reverse this tidal erosion of confidence is to enact, speedily, legislation to create a new special prosecutor whose independence will be above reproach. That prosecutor must not answer to Congress, nor to the President. That prosecutor can answer only to the American people. Indeed, by the public outcry which has ensued since Mr. Cox was dismissed, it may be said that the public has demanded of us that we act in this regard.

To this end, I am introducing this measure today for Senator Hart, myself, and Senators Ervin, Kennedy, Burdick, Robert C. Byrd, Tunney, Mathias, Abourezk, Bible, Biden, Case, Chiles, Church, Clark, Fulbright, Gravel, Haskell, Hatfield, Hathaway, Humphrey, Inouye, Jackson, Javits, McGee, McGovern, McIntyre, Mondale, Moss, Muskie, Pastore, Pell, Ribicoff, Schweiker, Stevenson, Talmadge, Weicker, Williams, Montoya, Proxmire, Symington, Cannon, Magnuson, Metcalf, Randolph, Eagleton, Cranston, Nelson, Hughes, Johnston, Packwood, Huddleston, and Hartke.

I send the bill to the desk and ask that it be appropriately referred, and I ask unanimous consent to have the bill printed in the Record following my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

(See exhibit 1.)

Mr. BAYH. I should say that this measure, which is of great import, is the product of joint labors. I believe that special note should be directed at the leadership and the focal point of the joint effort—namely, the distinguished Senator from Michigan (Mr. Hart), who is unable to be here and to introduce the bill himself. He and his chief staff assistant, Mr. Wides, have exercised the kind of prudence and legislative responsibility to which the Senate is accustomed.

Also, the distinguished services of Senator KENNEDY, who is absent because of official business, have been extremely important. He and his staff, particularly Mr. Thomas Susman, have made a significant contribution, and the Senator has spoken eloquently on the need for the proposed legislation.

Senator TUNNEY and I, as members of the NATO Parliamentary delegation, were on our way to Ankara. In the middle of the night, in London, we were awakened. We immediately returned. Senator TUNNEY's staff, along with mine, had a significant input into this measure, and I know that the Senator from California is extremely concerned about the matter.

Senator BURDICK, another member of the Committee on the Judiciary, made significant contributions to this measure in the form of amendments.

Senator BYRD, our distinguished assistant majority leader, as a member of the Committee on the Judiciary, also has expressed his concern and has added significant prestige to this measure by cosponsoring it.

The Senator from Maryland (Mr. MATHIAS), a dedicated and determined member of the Committee on the Judiciary, has continuously brought leadership and guidance in this area. The Senator from Illinois (Mr. STEVENSON) and the Senator from Florida (Mr. CHILES) are among those Senators who earlier made independent proposals, not specifically like the one introduced today, but they have joined as cosponsors of this measure. The thrust of their initial action was very similar to the action sought here.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from Montana (Mr. METCALF) be added as a cosponsor because he also has shown a great deal of interest in this matter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. Mr. President, our legislation would require the Chief Judge of the U.S. District Court for the District of Columbia to appoint a special prosecutor and a deputy special prosecutor to take over the investigation and prosecution of the Watergate case and other matters which had been in Mr. Cox' jurisdiction.

These prosecutors would have full authority to proceed through the legal system so that justice can be served. They will have the necessary prosecutorial powers, staff, budget, and essential freedom to determine when their assignment is completed. Consistent with guidelines under which Mr. Cox had been operating, they could be removed from office only by the chief judge of the district court and only in the instance of "extraordinary improprieties."

I realize there are those who have called upon the President to appoint a new special prosecutor, and he may yet do so. But if that course is pursued we will again be in a situation in which a person, or persons, charged with the investigation of the executive branch would be beholden to the executive branch and subject to dismissal by the President. One thing our system of government cannot withstand is another trauma such as that of the past week and I caution my colleagues not to fall prey to an approach fraught with such danger.

There are those who say confidently that it would be incredible to think that the President would follow the same path again. However, I cannot help but recall that Mr. Richardson and Mr. Cox, in testimony to the Senate Judiciary Committee last spring, both said it was unthinkable that the President would dismiss a special prosecutor appointed by the Attorney General. Since that unthinkable exercise has come to pass, let us not jump to the unsubstantiated conclusion that it could not happen again.

Moreover, since our overriding objective here is to find a means to the restoration of public confidence in government, elected officials, and the impartial execution of justice, we must insist on the unquestioned and irrevocable independence of the prosecutors responsible for the Watergate and related cases. Were the President to appoint the prosecutor there would be no way to guarantee the independence which is the very key to the success of this effort.

We can perceive clearly the need for this independence if we are to adhere to the promise the President made to the American people on April 30. He said, at that time—

> Justice will be pursued fairly, fully, and impartially, no matter who is involved.

The inviolate independence of the prosecutors is the only way possible that the American people will be satisfied that fairness, thoroughness and impartiality are being observed. The public must know without an iota qualification, that the persons charged with the administration of justice are totally free from the inevitable constraint and possible dismissal which would result if they were appointed by the President.

The fact is that we must insist on both the reality and the appearance of independence for the persons charged with pursuing justice in Watergate. There has not been a time in my memory when cynicism and skepticism were so widespread among the public. And, sadly, given the events of recent months it is becoming increasingly difficult to dissuade those skeptics and cynics. Can anyone doubt that reasonable men would conclude that cynics and skeptics have the evidence on their side?

Thus, even if the President were to appoint a respected, nonpartisan independent prosecutor and give that person guarantees that the White House would not interfere in the investigation, we would still be without the appearance and ultimate reality of independence.

Such a route will simply not reawake public faith in the pursuit of justice; nor provide the urgent impetus toward the restoration of confidence of which I spoke a moment ago. No one was better able to engender public confidence than Mr. Cox, and recreating his situation is simply not responsive to the new situation we are facing.

There have been suggestions that the President could appoint a special prosecutor to be confirmed by the Senate and perhaps, under some elaborate device, subject to dismissal only with the concurrence of the Senate. This approach would have the unfortunate effect of injecting politics into an area which must be totally void of partisan consideration. I do not want Congress, any more than I want the President, to be in the inappropriate position of being able to dismiss a prosecutor.

How can we expect the American people to accept the validity of our claim to independence, impartiality and thoroughness if either the executive or legislative branches are in a position to infringe on the administration of justice.

I am gratified by the growing momentum which has developed in the Congress, the media, the legal community, and among the public since Monday when I first announced my intention to introduce the legislation now being presented to the Senate. Indeed, the number of cosponsors of this bipartisan legislation, including half the members of the Judiciary Committee, as well as the geographical balance of the sponsoring Senators, provides clear evidence of a wide national interest in this approach.

Permit me to review briefly the specifics of this legislation—the Independent Special Prosecutor Act of 1973.

In its findings and declarations the bill states that—

> Public confidence in the integrity of the Nation's criminal justice system cannot be maintained if the investigation of allegations and prosecution of illegal acts of high officials of the executive branch of Government are carried out under the authority of the executive branch itself.

The special prosecutor and deputy special prosecutor, to be appointed by the chief judge of the U.S. District Court for the District of Columbia, would be empowered to investigate:

First. The Watergate break-in and attendant offenses;

Second. Other offenses during the 1972 Presidential campaign;

Third. Offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff; and

Fourth. All other matters which had been under investigation by former special prosecutor Archibald Cox.

The special prosecutor would have all necessary powers to pursue every legal path toward the fulfillment of his assignments and the full administration of justice.

In addition, all the material, evidence, and information generated by the special Watergate prosecution force under Mr. Cox would be available to the new independent special prosecutor and the new prosecutor would be empowered to continue all legal steps begun by Mr. Cox.

As a further step to help protect the independence of the new special prosecutor, the bill specifically states that funding for the special prosecutor's office not go through the White House Office of Management and Budget. Clearly such an arrangement is necessary, for otherwise the White House would be in a position where it could possibly use budget authority to limit the staffing and thoroughness of the investigation.

The special prosecutor and deputy special prosecutor could only be removed from office by the chief judge and then only in the instance of extraordinary improprieties. The special prosecutor is left the final determination as to how long he must remain in office so that the administration of justice will not only be fair and impartial, but thorough as well.

I would like to now turn to a discussion of the constitutionality of the mechanism we propose today. There have been some questions raised in this regard that I would like to put to rest. I might note, at this point, that some 23 of the deans of the Nation's most distinguished law schools have endorsed our proposal and are of the opinion that it is constitutionally sound.

I ask unanimous consent, Mr. President, that the formal statement signed by these legal scholars be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

(See exhibit 2.)

Mr. BAYH. Article II, section 2 of the Constitution provides that the President—

> Shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law;

But this clause then goes on to say—

> The Congress may by law vest the appointment of such inferior officers, as they think proper in the President alone, in the courts of law, or in the heads of departments.

It is this last clause of article II from which Congress derives its authority to name a special prosecutor who is appointed by the "courts of law." These clear words give Congress the discretion to authorize the judicial appointment of officers of the United States.

The Supreme Court's interpretation of this clause of the Constitution dates back to 1839 where the Court held in *Ex parte Heinen*, 38 U.S. (13 Peters) 225, 257–58, that this appointment power could be granted only to departments of the Government "to which the officer to be appointed most appropriately belonged."

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. TUNNEY. Mr. President, I yield 5 minutes to the Senator from Indiana.

Mr. BAYH. I appreciate the courtesy of my friend from California. I see him now, but I must say that when I first heard of this I was asleep when he called me in our hotel rooms in London. It was the urgency of the situation that brought us here instead of our continuing to Ankara. I think the Senator from California was here when I pointed out that it was the Senator from California who was "early on" part of the joint effort to move into this problem. This is not an individual effort; this is a joint effort.

Mr. TUNNEY. I think the Senator is making a very clear statement of the purport of the legislation, and I think he ought to continue, so the Congress and the country understand exactly what we are attempting to do. When the Senator is through outlining the nature of the bill, I will make remarks concerning the bill itself.

Mr. BAYH. I appreciate the Senator's statement. I apologize to my colleagues for the length of this statement, but if we are talking about constitutional arguments to sustain the position of those who are urging this proposal, it requires some particularity.

Forty years later, the court in ex parte Seibold, 100 U.S. (10 Otto) 371, 397–98 (1879), somewhat qualified this language in upholding a statute which authorized judges to appoint election supervisors. The Seibold court criticized the impracticality of a formalistic inquiry as to the department to which an officer "most appropriately" belonged, and indicated instead that congressional grants of authority to the judicial branch would be upheld unless such authority, and this is a key point, was incongruous with the judicial function.

Thus, for example, though Congress could not authorize the courts to appoint the Ambassador to the Hague, we could authorize the appointment by the courts of officers exercising judicial functions. The basic test is one of "congruity versus incongruity." The appointment of a sperial prosecutor would not produce incongruity with the normal judicial function because the court would not be involved in any continuing administration of prosecutions.

The possibility that the court or a particular judge of that court might also sit in trial upon cases brought by the special prosecutor it appointed would not affect the validity of the appointment since judges appoint defense counsel who routinely appear before them in trial, and, more importantly, our present Federal statutes provide that Federal district judges may appoint officers to fill vacancies in the U.S. attorney's office, lawyers who act as prosecutors for the Government (28 U.S.C. 546). See also, *Hobson* v. *Hausen*, 265 F. Supp. at 916–917.

It is true that there is broad language in some cases which deal with the relation between judges and prosecutors to the effect the proper prosecutorial discretion is an inherent executive function, and that prosecutorial discretion must remain unfettered by the courts. The most important of these cases is the opinion of the fifth circuit in *U.S.* v. *Cox*, 342 F.2d 167 (5th Cir., 1965). There the Attorney General refused to authorize the signing of grand jury indictments when ordered to do so by the district judge.

The Court of Appeals noted that "the functions of prosecutor and judge are incompatible." (*Cox* at 192) The crucial distinction, however, is that this line of cases deals with attempts by grand juries, courts, or plaintiffs to compel an unwilling prosecutor to initiate or stop a specific prosecution. As one of our most distinguished jurists, Judge Minor Wisdom pointed out in the Cox case:

> In the interest of justice and efficiency there should be some person able to prevent an unjust prosecution (*Cox* at 193).

As the branch of Government charged with carrying out our national policy on law enforcement, the executive is the proper organ to make such a judgment.

Executive discretion in this area is thus based on considerations of justice and efficiency, as well as upon the doctrine of separation of powers. In other words where the issue is one of prosecutorial discretion it is best exercised in its legitimate way by the executive. Legitimate meaning the traditional Anglo-American concept of measuring the punishment in individual cases to fit the crime. In present circumstances, however, legitimate prosecutorial discretion is not at issue since now we are faced with the issue of how the prosecutor of the executive branch can most fairly and objectively prosecute itself.

The appointment of a special prosecutor by the chief judge of the district court does not impinge on the critical area of prosecutorial discretion. No specific prosecutions are required in the statute, and the broad discretion contained in the charter for the special prosecutor insure that the very limited powers of removal will not be used to control him in the exercise of his discretion. Thus he will be fully able to prevent unjust prosecutions as well as to initiate those which are just.

While these policies are usually best weighed by the executive, there is a clear danger that where the executive is investigating itself, such executive discretion could defeat the purposes of the investigation. These special circumstances transform the arguments based on discretion into arguments in favor of a prosecutor free from the control of the executive branch. This is all the more pertinent considering the confidence problem which exists in the country today.

The PRESIDING OFFICER. The additional 5 minutes of the Senator have expired.

Mr. TUNNEY. Mr. President, how much time does the Senator want?

Mr. ALLEN. Mr. President, I ask for recognition in order that I might yield time to the Senator.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. TUNNEY. Does the Senator require any more time?

Mr. BAYH. I hate to impose further on the Senate, but perhaps another 4 or 5 minutes, because of the complexity of the subject.

Mr. TUNNEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. TUNNEY. I will yield another 5 minutes to the Senator.

Mr. BAYH. Is it possible that the Senator from Indiana might be given additional time?

Mr. ROBERT C. BYRD. No, no; Mr. President, I would have to object.

Mr. ALLEN. Mr. President, if the Senator would yield to me in order that I might obtain recognition, I will yield 10 minutes.

Mr. TUNNEY. Mr. President, I have been recognized. I have 10 minutes. I have yielded another 5 minutes to the Senator. If I run out of time, perhaps the Senator will yield me time.

Mr. ALLEN. Fine.

Mr. BAYH. I thank my colleagues.

Let us turn to the separation of powers arguments. The formal argument against a congressionally authorized, judicially appointed special prosecutor boils down to a simple assertion that such a procedure infringes upon the separation of powers. But the separation of powers is not a formal, rigid doctrine dividing our Government into watertight compartments.

As the Supreme Court said in the famous and important case, *Humphrey's Exector* v. *United States*, 295 U.S. 602, 631 (1935), where the court upheld the power of Congress to prevent the President from dismissing a member of the Federal Trade Commission—

> Whether the power of the President to remove an officer shall prevail over the authority of Congress to condition the power by fixing a definite term and precluding a removal except for cause will depend upon the character of the office.

The congressional power to authorize district judges to appoint prosecutors in certain circumstances has long been recognized in the Federal statutes as I have indicated. Although the district court opinion which upheld the validity of this statute emphasized the temporary and provisional nature of such an appointment it contained no suggestion that there is any inherent impropriety in such a procedure based on an improper mixing of functions.

Many States whose constitutions adhere to the separation of powers doctrine grant similar and even broader powers of prosecutorial appointments to State judges.

The doctrine of separation of powers is a functional one stemming from the basic concept that each of the separation powers is designed to serve as a check and balance on the others and that all power should never be in a single set of hands; that each holder of power should be subject to the scrutiny and restraint exercised by the other holders of power if arbitrary government is to be avoided.

It would be anomalous if this notion of separation of powers could be used to allow the executive to exercise power in its own case unchecked and unscrutinized and produce the ironic result of the executive branch investigating itself.

I turn now to the "necessary and proper" clause of article I, section 8. This clause clearly is an enlargement of the powers expressly granted to Congress. It was designed in such broad terms so as to enable the Legislature to select any means reasonably adapted to effectuate its constitutionally sanctioned powers.

As Justice Marshall wrote in the classic necessary and proper case, *McCulloch* v. *Maryland* (4 Wheat. 316 (1819):

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

In addition, the necessary and proper clause gives Congress a share in the responsibilities lodged in the other departments of government by virtue of its power to enact legislation necessary to carry into execution all powers vested in the National Government.

The direct applicability of the necessary and proper clause to the immediate question is readily apparent when one considers that, first, Congress has a direct grant of constitutional authority to establish a procedure for the appointment of inferior officers by the courts of law. That having been expressly authorized by article II, section II, it then follows that with the legitimate end "all means which are appropriate, which are plainly adapted to that end, which are not prohibited—are constitutional." The vesting of power to appoint an independent special prosecutor in the chief judge of the district court is clearly an appropriate means, plainly adapted to a legitimate end.

A second rationale is evident when one views Congress power to enact legislation necessary for the execution of all powers vested in the National Government. The power to investigate and prosecute alleged criminal activity in the executive branch is a power vested in the National Government. The necessary and proper clause has been interpreted to mean Congress can share in the responsibilities lodged in other departments of the government and the vesting of the power of appointment by the Congress in the chief judge of the district court for the creation of an independent special prosecutor clearly falls within this meaning of necessary and proper.

Mr. President, White House aides have publicly acknowledged the serious miscalculation made by the President in his actions of last weekend. The Secretary of State yesterday made direct reference to the "crisis of authority" facing this Nation.

Earlier this week we teetered on the brink of an even more serious problem, when there was the possibility that the President might defy a court order. Fortunately, he chose not to take that extreme step and in doing so showed the capacity to reverse himself when the national interest and public pressure demanded it.

I salute him for recognizing this interest.

While the President's compliance with the court order is a constructive step, it does not resolve the continuing crisis of confidence confronting us, nor has it stopped the public outcry for the thorough, unbiased administration of justice. We have a long road to travel before our Government can again claim the respect of the American people, and we can take a crucial and giant step down that road by passing the legislation being introduced today.

I fervently hope that the Congress will act speedily and affirmatively in passing this bill, and suggest to the President that he join us in the effort as part of an overall effort to correct past abuses and to begin the necessary reconstruction of the foundation of our democracy.

Mr. President, I would like to make one final point.

While we have the compelling responsibility to fulfill the constitutional and legal requirement that justice be administered fairy, fully, and impartially, no matter where the investigation may go and no matter who is involved, we have a second responsibility. That responsibility is to the prompt administration of justice. The American people rightly want to speed the day when all of the guilty are convicted and all of the innocent exonerated.

The importance of speed can best be demonstrated in the fact that until every allegation of misconduct is thoroughly investigated and until all offenses are fully prosecuted it will be exceedingly difficult to focus the full attention and energies of our Government and citizens on other vital national issues.

Of the other proposals that have been advanced for the prosecution of these cases, none offers the same speedy resumption of the special prosecutor's efforts as the bill we are introducing today. To develop some intricate procedure for the appointment of a special prosecutor will delay the time when this unfortunate episode in American history will be behind us.

Let us act now, let us have the chief judge make the necessary appointments as soon as possible, let us provide for the speedy, fair administration of justice in the pending cases, and let us move on to the other important business of this country.

EXHIBIT 1

S. 2611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Special Prosecutor Act of 1973".

SEC. 2. The Congress finds and declares that—

(a) Serious allegations of illegal acts of high officials of the Executive branch of government cannot under present extraordinary circumstances be fully and properly investigated and prosecuted by the Executive branch itself.

(b) Public confidence in the integrity of the nation's criminal justice system cannot be maintained if the investigation of such allegations and prosecution of illegal acts by high officials of the Executive branch of government are carried out under the authority of the Executive branch itself.

(c) The establishment of a Special Prosecutor independent of the Executive branch of government is "necessary and proper" under Article I, Section 8 of the Constitution of the United States to ensure the enforcement of the criminal laws and the due administration of justice through a complete investigation of such allegations and a vigorous and uncompromised prosecution of accused offenders.

(d) A Special Prosecutor independent of the Executive branch of government should properly be appointed by the Judicial branch of government, and Article II, Section 2 of the Constitution of the United States provides authority for Congress to vest such appointment "in the courts of law".

(e) The establishment of an independent

Special Prosecutor is an appropriate exercise of the power under Article I, Section 8 of the Constitution of the United States to "exercise exclusive legislation in all cases whatsoever" over the District of Columbia, in that many such activities are alleged to have occurred in the District.

SEC. 3. (a) The Chief Judge of the United States District Court for the District of Columbia (hereinafter referred to as the "Chief Judge") is authorized and directed to appoint a Special Prosecutor who shall have the duties and powers prescribed in this Act. The Chief Judge is further authorized and directed to appoint a Deputy Special Prosecutor, who shall assist the Special Prosecutor in the performance of his duties and who, in the event of the disability of the Special Prosecutor or vacancy in the office of Special Prosecutor, shall temporarily become Special Prosecutor until the Chief Judge appoints a Special Prosecutor in accordance with Section 8 hereof.

(b) The Special Prosecutor is authorized and directed and shall have exclusive jurisdiction, to investigate, as he deems appropriate, and prosecute against and in the name of the United States—

(1) offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(2) other offenses arising out of the 1972 Presidential election;

(3) offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff;

(4) all other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. § 0.37, rescinded October 24, 1973); and

(5) offenses relating to or arising out of any such matters.

SEC. 4. The Special Prosecutor shall have full power and authority with respect to the matters set forth in Section 3 of the Act:

(1) to conduct proceedings before grand juries and other investigations he deems necessary;

(2) to review all documentary evidence available from any source;

(3) to determine whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

(4) to receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security and if necessary contest in court, including where appropriate through participation in in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(5) to make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(6) to initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file informations, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States, and

(7) notwithstanding any other provision of law, to exercise all other powers as to the conduct or criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorney under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 26 C.F.R. 301.6103 (a)-1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

SEC. 5. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties enumerated in Section 3 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R. § 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and Grand Jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. § 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 20, 1973.

SEC. 6. The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorney, and part-time consultants, without regard to the provision of title 5, United States Code governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other Department or agency of the federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to, affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation.

SEC. 7. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

SEC. 8. Notwithstanding any other provisions of law, the Special Prosecutor shall submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

SEC. 9. The Special Prosecutor shall carry out his duties under this Act within two years, except as necessary to complete trial or appellate action on indictments then pending.

SEC. 10. The Chief Judge is empowered to dismiss the Special Prosecutor or the Deputy Special Prosecutor, if, in his discretion, he determines that the Special Prosecutor or the Deputy Special Prosecutor has willfully violated the provisions of this Act or committed other extraordinary improprieties, and for no other reason. In the case of the disability of the Special Prosecutor or Deputy Special Prosecutor, as determined by the Chief Judge, or the vacancy of either office, the Chief Judge shall be authorized to appoint a successor.

SEC. 11. The Special Prosecutor solely shall exercise the powers and perform the duties specified herein. Neither the Chief Judge or the President of the United States, nor any other officer of the United States shall have any authority to direct, countermand, or interfere with any action taken by the Special Prosecutor pursuant to this Act. Neither the President of the United States, nor any other officer of the United States, shall have any authority to remove the Special Prosecutor from office.

SEC. 12. The Special Prosecutor is authorized from time to time to make public such statements or reports as he deems appropriate and is authorized and directed upon completion of his duties to submit a final such statement or report to the Congress and the President.

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EXHIBIT 2

STATEMENT OF LAW SCHOOL DEANS

Whereas, substantial evidence exists that close associates of the President of the United States, and possibly the President himself, have engaged in a deliberate effort to obstruct justice;

Whereas public trust in the administration of justice requires that the evidence of such misconduct be investigated by prosecutors independent of those under investigation;

And whereas the President has prevented such an independent inquiry from being conducted,

Therefore, we the undersigned, deans of American law schools, respectfully petition the Congress of the United States to take the following measures:

We urge that Congress act immediately by statute to establish a special Watergate prosecutor's office, with the special prosecutor to be appointed by a specified law court (as authorized in Article II, Section 2 of the United States Constitution) and with complete independence of the executive branch of Government.

The President's stated refusal to comply with court rulings requiring him to produce relevant evidence raises a serious question as to whether he will cooperate fully with a Congressionally established prosecutor. There being only one course clearly open to the American people to protect against this contingency, we urge further that the House of Representatives create a select committee to consider the necessity of Presidential impeachment or refer the matter to its Judiciary Committee.

Albert Sacks, Harvard; Michael I. Sovern, Columbia; Abraham Goldstein, Yale; Robert B. McKay, New York University; Phil C. Neal, Chicago; Theodore St. Antoine, Michigan; Bernard Wolfman, Pennsylvania; Thomas Ehrlich, Stanford; Clinton Bamberger, Catholic; Adrian S. Fisher, Georgetown; Herbert O. Reid, Howard; Gordon Christiansen, American; Monroe H. Freedman, Hofstra; Kenneth L. Penegar, Tennessee; Otis King, Texas Southern; Willard D. Lorenser, West Virginia; Lindsay Cowen, Case Western Reserve; Edward Halbach, University of California at Berkeley; Richard Schwartz, State University of New York at Buffalo; and Monrad Paulsen, University of Virginia.

The names of additional Deans are expected.

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Michigan (Mr. HART).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR HART

Mr. President, let me thank, first of all, Mr. Bayh, the Sentaor from Indiana, for agreeing to introduce a bill for me and 50 others establishing a court-appointed independent special prosecutor.

Under the provisions of our bill, the Chief Judge of the District Court for the District of Columbia would appoint the prosecutor and his deputy.

This legislation is sponsored by eight members of the Senate Judiciary Committee, six Republican Senators, and five members of the Select Watergate Committee.

In making this proposal, we are concerned with restoring public confidence in government which is necessary to make our system work, and, if possible, in the present Administration.

The fact that questions about possible connections between the Administration's troubles at home and the conduct of its foreign policy were raised at Secretary of State Kissinger's press conference yesterday indicates the degree of suspicion which exists in our country.

It is because we face serious crises at home and abroad, which can be met only by a government which has the support of our people, that we must press ahead with an investigation of Watergate and related events. And we must do so in a way that gives the public confidence that it will be done absent any hint of cover-up from the Republican Administration and free of any taint of partisanship through influence from the Democratically-controlled Congress.

Only in that way can the suspicion which now exists be ended. And that is why the Special Prosecutor should be named by the Judicial branch, and why the appointment of a Special Prosecutor by the President will fail to meet the independence rightfully demanded by the public.

Last Spring some considered the possibility of Congress establishing by statute the office of the independent Special Prosecutor. The idea was dropped when Elliot Richardson and Archibald Cox came before the Judiciary Committee and outlined safeguards which we had hoped would provide for the Prosecutor's independence.

Unhappily that "clear and firm" commitment turned out to be less than a guarantee, so today we are again faced with the task of providing for an independent investigation.

This bill would give the court-appointed Special Prosecutor the authority to operate as Professor Cox did. The prosecutor could:

Conduct grand jury proceedings;

Review all documentary evidence from any source;

Determine whether or not to contest claims of executive privilege;

Seek subpoenas, warrants or grants of immunity;

Frame indictments, conduct prosecutions and appeals.

The appointing judge could, under the bill, dismiss the Special Prosecutor only for extraordinary improprieties. Further, the files gathered by Professor Cox and his investigators would be turned over to the court-appointed Prosecutor.

Requests for funding would be conveyed directly to Congress by the Prosecutor. Tenure of the office would be two years, plus the necessary time to complete litigation.

The Constitutional basis for this bill is Article II, Section 2, which says: ". . . the Congress may by law vest the Appointment of such inferior Officer as they think proper, in the President alone, in the Courts of Law or in the Heads of Departments."

The deans of 20 law schools this week endorsed the constitutionality of Congress providing for an Independent Prosecutor.

All questions surrounding the constitutional basis have by no means been completely resolved. The authority from Article II, Section 2, has been used before, but not frequently. However, the unusual circumstances we now find ourselves in warrant an unusual remedy.

Mr. TUNNEY. Mr. President, I think that the Senator from Indiana has given an excellent statement demonstrating the need for this legislation. He has also outlined the specific provisions contained in the legislation.

Mr. President, as this long week has gone by, the mood of shock and outrage at the firing of the Watergate special prosecutor and the forced resignations of the Attorney General and Deputy Attorney General has not dissipated.

At a period in our history when dramatic event has been piled on dramatic event, the President's precipitous purge of the Justice Department frightened and galvanized the mood of millions of Americans.

My office has received, as of 10 a.m. this morning, over 7,000 telegrams and 5,000 letters. Inasmuch as it takes 3 to 4 days for a letter to move from California to Washington, D.C., I daresay that we will be receiving many thousands of additional letters over the next few days. Of these more than 12,000 telegrams and letters, all but 251 urged impeachment of the President. Many of them were written by lifelong Republicans. Many of them were written after the President's sudden reversal and decision to comply with the court order and surrender the tapes and documents. What many of the letters say is that the President's action is too little and too late.

No issue during the 9 years I have served in Congress has triggered such a swift and massive response from constituents.

There is no question that last weekend's action was wrong—and illegal. The President did not purport to order the dismissal of the Watergate special prosecutor on the only ground provided for such dismissal in the charter which the Senate had negotiated with Mr. Cox and then Attorney General Richardson. I might add that this contract, this charter, for the special prosecutor was published by the Attorney General in the Federal Register. Instead of firing Mr. Cox for committing "extraordinary improprieties," the President fired him for failing to carry out a direct command of the President—not to pursue the tapes issue any further.

The President's advisers said the matter came down to who was President: Richard Nixon or Archibald Cox. Acting Attorney General Bork, in explaining why he agreed to fire Mr. Cox on orders of the President, said he knew that someone would have to fire Cox and that the President's decision was "final and irrevocable. I also knew that he had the right to fire any member of the executive branch."

It is this last statement that persuades me no adequate investigation of Watergate and related scandals can ever take place unless the President is prevented from removing a prosecutor who gets too close to the White House door. It is well to remember here that analogies to past scandals, like Teapot Dome, are inadequate. There, a prior adiministration was being investigated. President Coolidge, who retained authority to appoint and fire the prosecutors in the case, was not himself under investigation. Even imputing the best of motives to President Nixon in the current case, there is no way he can be impartial about an investigation which concerns his own involvement.

Mr. President, the issue is simply whether an administration, any administration, can investigate itself with the fullness and fearlessness that the American people demand. After all we have gone through in this year of trauma and crisis, I believe it is clear that the people, whose confidence in the administration has been so badly shattered, would not, nor could not accept such a charade.

It is well to remember that appearances sometimes take on the quality of reality. It seems to me in view of this that we must have legislation that will create a special prosecutor wholly outside the executive branch.

Therefore, I join today in cosponsoring the Independent Special Prosecutor Act of 1973, a bill which a number of my collegues on the Judiciary Committee and myself developed to establish a special prosecutor immune from the whims of the White House. At this moment, a total of 42 Members of the Senate have agreed to cosponsor the legislation.

Essentially, the bill provides that the chief judge of the U.S. District Court for the District of Columbia—currently Judge Sirica—would appoint a special prosecutor and deputy special prosecutor to serve for a 2-year term, subject to extension if litigation is in process. The powers of the prosecutor include all those mentioned in Mr. Cox's charter and, in addition, include the power to review all evidence sought but withheld on grounds of national security, and the power to act as attorney for the Government. All materials in the possession of Mr. Cox or his staff are to be delivered to the new prosecutor, and he has authority to carry on all prosecutions, cases, litigation, and other proceedings that Mr. Cox had begun, even if some of those activities have been halted by successor counsel after Mr. Cox was fired on October 20. The prosecutor and his deputy can only be removed by the chief judge if he finds either of them has committed "extraordinary improprieties," and for no other reason.

Mr. President, I acknowledge that some raise the issue of whether such a mechanism can be set up outside of the executive branch. Considerable research has been done on this point and the conclusion is that, on balance, the precedents and the specific language of the Constitution justify the approach we have taken. Moreover, in the case at issue here, the President has shown that he is unwilling to allow any employee subject to his control to carry out the independent investigation necessary to, in the words of one Member of the House, give the President a clean bill of health or a bill of impeachment.

The President—and the American people—deserve an end to these long months of agony. Only through the approach mandated in this legislation will we reach an end.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. Mr. President, if the Chair will recognize me, I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for an additional 10 minutes.

Mr. TUNNEY. Mr. President, I thank the Senator from Alabama. I will not need 10 minutes.

I think it is most important that the Senate Judiciary Committee begin early hearings on the legislation so that we can have a bill out of committee within the next 10 days to 2 weeks. I would then urge a quick vote in the Senate, so that the special prosecutor will be able to continue the investigation that was stopped as a result of the firing of Mr. Cox.

In reading through my mail and my telegrams, I have been alarmed by the loss of credibility that the President of the United States has sustained at this time. I think that when we talk about loss of credibility of the President, we are talking about not only the problems that the President has had in getting a legislative program through Congress and the crisis of confidence domestically, but we are also talking about the fact that other nations may very well begin to doubt that the Government of the United States can function in an effective and efficient manner.

I have no reason to know why it was that the National Security Council and the President decided to call for an alert of our Armed Forces around the world, other than the statement that Mr. Kissinger made yesterday. I am prepared to take Mr. Kissinger at his word that it was necessary to call for such an alert, because there was the fear that the Soviet Union might take initiatives, including the unilateral sending of troops into the Mideast situation, which would not only polarize matters in that area, but could lead to a great power confrontation.

Even so, I cannot help but speculate, in my own mind, that the Soviet Union may have been prepared to send troops unilaterally into the Middle East, because there was a perceived weakness in the ability of the President of the United States to govern. This perceived weakness is critical, not only in the context of the Middle East situation, but with respect to our international relations throughout the world.

We never know when the next crisis may erupt. Therefore, in order to overcome this perceived weakness in our leadership at home, the Congress must not allow this matter of the special prosecutor to be delayed or to protract the consideration of this legislation. I think it is absolutely essential that the special prosecutor be in office within the next 10 days or 2 weeks to pursue and resolve the matters under investigation by Mr. Cox when he was fired.

I would also like to say that I am one person, one Democrat, who does not feel that we ought to hold GERALD FORD's confirmation hostage to a resolution of the Watergate investigation. I think that Mr. FORD is entitled—not only under the 25th amendment of the Constitution and not only because of the Senate's responsibility to consider his nomination, but in terms of common decency—to have his background investigated by the appropriate committees of the House and the Senate, so that there can be an expeditious vote on his qualifications to be Vice President. It would be my hope that while the Judiciary Committee of the Senate moves ahead with the consideration of legislation to create the office of a special prosecutor and to designate a new special prosecutor, the Rules Committee will continue, as they plan to do, to hold hearings on Mr. FORD. I would also hope that the House Judiciary Committee, which has the responsibility not only for the passage of special prosecutor legislation but also the investigation of Mr. FORD, will continue apace on a dual track system on both matters.

Unless this crisis of confidence is resolved expeditiously, this country will suffer irreparable damage. I do not mean that we ought to limit the investigation in any way, or that we should try to whitewash any White House involvement in illegal matters.

The Constitution of the United States applies to any man, no matter how powerful, be he the President or some other person not in such exalted office. This issue was resolved at Runnymede in England, back in the days of King John, when he was forced to sign the Magna Carta. We do not apply divine right to our leaders in this country any more than the divine rights of kings is accepted in those countries that have monarchies.

I do think, however, that time is of the essence, and I am deeply concerned that if delays occur, we will not only lose credibility as to our capacity to rule effectively in matters of this kind, but I think such a loss of credibility could be very damaging to us around the world. The Soviet Union may well attempt to take advantage of such a situation. It is, therefore, imperative that we move expeditiously to solve this crisis of confidence in our Chief Executive.

Mr. President, I ask unanimous consent that a statement by the distinguished Senator from Massachusetts (Mr. KENNEDY) be included in the RECORD following my remarks on the bill that was introduced today to establish an independent special prosecutor.

Senator KENNEDY is unavoidably absent today and he wanted his remarks on this bill to be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

I join Senator Philip Hart, six other Senate Judiciary Committee members and over 40 other colleagues today in introducing legislation to establish an independent Special Prosecutor—totally, completely, and unquestionably free from White House influence—to investigate Watergate and all other offenses related to the 1972 Presidential election.

I emphasize that independence because it is the influence, interference, and other actions of the White House and the President which have carried the nation to the brink of a Constitutional crisis.

Only an unprecedented public outcry produced an 11th hour reversal of the President's announced intention to defy a court order.

Yet, even that action cannot erase from the public record the unprecedented and frightening events of the past days, events which have further eroded public confidence in the institutions of government.

The President ordered the firing of the Special Prosecutor, Mr. Cox. He ordered the abolition of the Office of Special Prosecutor. He sought to deny to the courts material that was viewed as essential to the prosecution of those who are being investigated for their complicity in a wide range of criminal offenses.

Finally, the President forced the resignaions of the Attorney General and the Deputy Attorney General, two men who placed their pledges to the Constitution and to the public interest above their loyalty to a single individual.

Had others within this Administration shown an equivalent courage, the ship of state would not be facing the violent gales that now threaten its future.

Instead, we now find ourselves left once again with a proposal by the Administration to forget about the headlines of the past year, to forget about the indictments against a former Attorney General and a former Secretary of Commerce, to forget about the clouded departure from office of Dwight Chapin, Jeb Magruder, Patrick Gray, John Dean, Richard Kleindienst, H. R. Haldeman, John Erlichman, David Young, Gordon Strachan, Robert Odle, Egil Krogh, and John Caulfield, to forget about the recent resignation of the Vice President, to forget about the charges of perjury and obstruction of justice against former White House aides, to forget about the wiretapping, to forget about the secret campaign funds, to forget about the officially inspired burglaries of the Watergate and of Daniel Ellsberg's psychiatrist.

We are being told again to forget and to rest assured that the investigation of possible felonies, which may reach far into the White House, will be carried out vigorously by men whose authority rests in the White House.

The American people have had that assurance before. They recall President Nixon's statement concerning the investigation of the Watergate of October 5, 1972. "I agreed with the amount of effort that was put into it. I wanted every lead carried out to the end because I wanted to be sure that no member of the White House staff and no man or woman in a position of major responsibility in the Committee for Re-Election had anything to do with this kind of reprehensible activity," he said.

That was a year ago when the President was satisfied with the effectiveness of the investigation.

Again, this year on March 3, they recall the President said: "I will simply say with regard to the Watergate case what I have said previously, that the investigation conducted by Mr. Dean, the White House Counsel, in which, incidentally, he had access to the FBI records on this particular matter because I directed him to conduct this investigation, indicates that no one on the White House Staff, at the time he conducted the investigation . . . was involved or had knowledge of the Watergate matter."

Again, the President was satisfied with the investigation.

They recall also when the President stated with regard to another investigation, this one allegedly carried out by Mr. Ehrlichman, "An investigation was conducted in the most thorough way."

They recall that throughout the past year we were assured that acting FBI Director Gray was leaving no stone unturned in getting to the bottom of this sordid affair.

Yet those investigations did not break through the cover-up. They did not bring the guilty to the bar of justice. Time after time, the investigations under the thumb of the White House produced only whitewashes.

Finally, it was for those reasons that the Senate Judiciary Committee, the entire Senate, and the American people demanded an independent special prosecutor who would not be responsible to the White House.

In the wake of the resignations of Mr.

Haldeman and Mr. Erlichman and Mr. Kleindienst, even the President seemed to recognize the public demand for an independent prosecutor.

In his statement announcing the appointment of Mr. Richardson, he stated: "I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have instructed him that if he should consider it appropriate, he has the authority to name a special supervising prosecutor for matters arising out of the case."

"Whatever may appear to have been the case before, whatever improper activities may yet be discovered in connection with this whole sordid affair. I want the American people, I want you to know beyond the shadow of a doubt that during my term as President, justice will be pursued fairly, fully and impartially, no matter who is involved," continued the President.

When Mr. Richardson came before the Committee he stated that he would name a special prosecutor, independent of his own control and independent of the White House.

He said: "I do think that the public is entitled to an additional measure of reassurance as to the integrity of the process, and that, of course, is why I would propose to appoint a special prosecutor."

In the agreement finally submitted to the Committee establishing the independence of the Special Prosecutor, Mr. Richardson, as the President's nominee, established a contract with the Committee. The agreement read: ". . . the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

Under no conceivable construction could the actions of Mr. Cox be deemed "extraordinary improperties." His actions were approved by the U.S. District Court and the U.S. Court of Appeals.

Indeed, the President's action in dismissing the Special Prosecutor may well have been an "extraordinary impropriety" on his own part. Certainly, James Madison, the principal architect of the Constitution and one of the greatest founding fathers, thought that such an act would be an impeachable offense in and of itself. The point was raised by Madison in 1789 during the famous "Removal Debate" in the First Congress. At the time, Madison was a member of the House of Representatives from Virginia. In discussing the possible abuse by the President of his power to remove officials in the Executive Branch of Government, Madison said:

"The danger, then, consists merely in this—the President can displace from office a man whose merits require that he should be continued in it. What will be the motives which the President can feel for such abuse of his power, and the restraints that operate to prevent it? In the first place, he will be impeachable by this House, before the Senate, for such an act of maladministration, for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust.

"But what can be his motives for displacing a worthy man? It must be, that he may fill the place with an unworthy creature of his own.

"The injured man will be supported by the popular opinion; the community will take sides with him against the President; it will facilitate those combinations, and give success to those exertions which will be pursued to prevent his re-election."

Two days ago, Mr. Richardson told the American public exactly where he stands on the firing of Mr. Cox. When asked what he would have done in Mr. Cox's shoes, he said: "I would have done what he has done."

Mr. Richardson had told the Judiciary Committee in May that the President "could dismiss me, but the special prosecutor would be my appointee, in this case an appointee who, although not technically confirmed by the Senate, would still have been the subject of full opportunity for the Senate to satisfy itself as to his qualifications. And if I were directed to fire him and I refused, and I would refuse in the absence of some overwhelming evidence of cause, then the President's only recourse would be to replace me."

"Now again, these are things that in the present circumstances are so remotely possible as to be practically inconceivable.

Yet that is precisely what has occurred.

And it has occurred through the President breaking his pledge to the Senate and to the American people.

Once again, Mr. Richardson stated in his testimony: "The President . . . is pledged to a full and thorough investigation. He is pledged to cooperate in assuring that all the facts emerge."

The contract with the Senate was obviously agreed to by the President. Had he disagreed, he could have withdrawn the nomination.

We also had the statement of President Nixon on May 22 regarding the Special Prosecutor's determination to secure the full truth. "In this effort, he has my full support," the President told the nation.

We had as well the statement of Senator Scott at the Richardson hearings, in which he commented: "Now, the President this morning made it clear to me that he will in no way intervene in the selection of the prosecutor nor in the conduct of his office . . . that the investigation must proceed without fear or favor to the full and complete truth and toward the final fixing of responsibility through the judicial process."

Now we have the final admission by Charles Alan Wright, the President's attorney, the admission made two days ago, that the President indeed had broken his pledge to permit the independent special prosecutor to pursue justice, "fairly, fully and impartially."

The pledge was clearly made and now the pledge has been clearly broken, shattered in a billion pieces.

The intervention of the President, Mr. Richardson said, in "the way that the special prosecutor does his job and so on, would be totally at variance with the whole approach he set forth. It just will not happen."

It has happened.

And today, the nation watches as this 200-year experiment in constitutional government stands against its most severe test since the Civil War.

The President not only ordered the firing of a man who was conducting the inquiry with dedication, sacrifice, and commitment, he ordered the firing of a man who was conducting the inquiry with success.

It was that success that apparently has prompted the President to break his own pledges and to unilaterally abrogate the agreement with the Senate.

The President not merely fired Mr. Cox, but he also abolished the Office of Special Prosecutor. That action emphasizes the small value that ultimately was placed on producing the whole truth in the tragic Watergate affair and the corruption of the political process which accompanied it.

For by his unilateral action, the President has said that the system of justice shall not operate freely. Instead, he has tucked the investigation safely back into the Justice Department—from where the Senate and the public originally demanded it be removed—with no guarantee of independence, in fact, no pretense of independence.

It is the Administration again attempting to sit as prosecutor, judge and jury of its own indictment. And it is a continuation of the past history of White House whitewashes of the alleged involvement of the nation's highest officials in the Watergate Affair.

This week the Acting Attorney General has placed in the hands of Assistant Attorney General Henry Petersen the responsibilities formerly carried out by the Special Prosecutor.

Without casting any aspersions on the integrity or competence of Mr. Petersen, he has been on the record in the past in questioning the need for the special prosecutor. He, as all Justice Department employees, ultimately can be dismissed at the willl of the President. Mr. Petersen recognizes that fact, telling the Watergate Committee last August: "If the President calls you up . . . you click your heels and say, 'Yes, sir.'" While I have no doubt that Mr. Petersen would reject any effort to compromise his investigation, we are operating in an area where the public confidence has been badly shaken. No appearance of being responsive to the will of the President in conducting this investigation can be permitted.

Finally, we know that if there is a belief that the investigation is not totally independent, then it is less likely that individuals will come forward and offer potentially incriminating evidence to the prosecutor. Earlier this year, convicted Watergate conspirator James McCord offered an explanation why he wrote directly to Judge Sirica. Mr. McCord said, "I cannot feel confident in talking with an FBI agent, in testifying before a Grand Jury whose U.S. Attorneys work for the Department of Justice, or in talking with other government representatives."

For all of these reasons, it is simply unacceptable to permit the Special Prosecutor's office to be abolished and the investigation submerged within the Justice Department.

For these reasons, and in this light, I have taken the following steps:

First, I introduced a resolution in the Senate Judiciary Committee urging that now that the tapes issue has been removed as a matter of controversy, Mr. Cox be reinstated as Special Prosecutor to permit his work to continue while the Senate is acting on legislation to establish a fully independent Special Prosecutor. I hope that the Committee will consider and act on this resolution next week.

Second, I asked for hearings of the Senate Judiciary Committee on the firing of Mr. Cox. The hearings that begin Monday will permit us to explore in depth not only the reasons for his dismissal, but also the lessons that we have learned concerning the need for full independence of the White House in the conduct of this investigation.

Third, I urged along with other Senators that the materials, documents and files of the Office of Special Prosecutor be retained by that task force and that none of those documents be turned over or made available to persons at the White House or to any other unauthorized person or to any person under investigation.

Finally, I am joining other Senate Judiciary Committee members in introducing legislation today to establish a permanent independent Special Prosecutor's Office totally free from the control of the President to complete the investigations begun by Archibald Cox. The single loophole of the guidelines establishing the special prosecutor is that he ultimately can be fired by the President—one of those being investigated. That loophole has now been used by the President to thwart the Watergate investigation. We must act now to see that this loophole is closed once and for all.

The bill I am introducing today would provide for the appointment of a Special Prosecutor to fulfill the duties and responsibilities vested in the former Special Prosecutor set up by Attorney General Richardson pursuant to agreement with the Senate Judiciary Committee. Since it has become clear that the President will not respect the independence of a prosecutor over whom he has any authority, our bill establishes the Special Prosecutor outside the President's reach. The Special Prosecutor and a Deputy Special Prosecutor are to be appointed by the Chief Judge of the United States District Court for the District of Columbia. I believe that Congress clearly has the constitutional power to vest such appointment in the Chief Judge under Article II, section 2 of the Constitution, which states that "the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

It is certainly clear that Congress can vest in the courts appointment power over officials performing duties relating to the responsibilities of the Courts. Congress has also provided that the courts can fill vacancies in the office of the United States Attorney, and upon such appointment by the court that U.S. Attorney is vested with the full prosecutorial powers of one duly nominated to that office by the President and confirmed by the Senate. But some question has been suggested whether, once properly appointed, the Special Prosecutor can exercise what is essentially considered an "executive function, given the Constitution's vesting of "executive power" in the President in Article II, section 1.

The most recent precedent we have is the Senate's passage of S. 272, which would establish a "Federal Election Commission" with authority to initiate civil and criminal proceedings and to prosecute, defend, or appeal any court action to enforce the law established by that bill and certain named statutes previously enacted. But as early as 1870 and 1871 Congress enacted "Enforcement" Acts which provided for judicial appointment of election supervisors—a role later incorporated into executive branch responsibilities under the 1965 Voting Rights Act. So there exist clear precedents for the vesting of what might otherwise be considered "executive" powers in officials appointed by the Judicial branch of government.

In addition to Article II, section 2, the Constitution provides authority for this bill under the "necessary and proper" clause. Under that provision, the Congress may "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." In the bill being introduced today, Congress makes explicit findings that the "serious allegations of illegal activities of high officials of the Executive branch of government cannot, under present extraordinary circumstances, be fully and properly investigated and prosecuted," and that "public confidence in the integrity" of the criminal justice system and of such investigation and prosecution cannot be maintained if they are "carried out under the authority of the Executive branch itself." Thus we believe that, under these extreme and special circumstances, the extraordinary step of establishing a Special Prosecutor as an appointee of the Judicial Branch is necessary and proper.

Mr. Nixon, as United States Senator in 1951, apparently believed it constitutional and indeed desirable that under ordinary circumstances a "special counsel" could be "appointed by the court" and empowered to conduct investigations and even sign indictments. A number of law school deans and professors and other constitutional experts around the country have concluded that the approach embodied in our legislation is constitutional. So did Mr. Nixon when he was in the Senate. And so do the sponsors of this bill.

(I ask unanimous consent that this bill introduced by then Senator Nixon in 1951 be printed in the RECORD at the conclusion of my remarks.)

The jurisdiction and powers given the Special Prosecutor in this legislation are adapted from the original charter for the Office of Special Prosecutor, developed between the Senate Judiciary Committee and Attorney General-designate Elliot Richardson in May of this year. Of course, the Special Prosecutor is vested with such additional authority as he needs to function fully and effectively without approval or any special authorizations necessary from the Attorney General or any other official of the Executive Branch. Thus, for purposes of appearances in court, entry before the Grand Jury, and signing indictments under the United States Code and the Federal Rules of Criminal Procedure, the Special Prosecutor is deemed to be an "attorney for the government."

In addition to those powers and authorities contained in the original Special Prosecutor's charter, our bill gives the Special Prosecutor authority to "receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security and if necessary contest in court, including where appropriate through participation in in camera proceedings, any claim of privilege or attempt to withhold on grounds of national security." This provision is added, although the original Special Prosecutor's authority in this regard was established through questioning during Judiciary Committee hearings with Mr. Richardson, to make clear Congress' intent that the full and thorough prosecutions undertaken by the Special Prosecutor not be impeded by continuing claims of the Executive branch that vague and often abstract notions of national security prohibit disclosure of information necessary for the Prosecutor's faithful performance of his responsibilities in enforcing the laws of the United States.

The proposed legislation provides further that all files and papers relevant to the work of the Special Prosecutor be delivered into his possession, and that he become successor counsel to any actions initiated by the original Special Prosecutor, even where there has been some intervening action by the Department of Justice.

While the Special Prosecutor will be authorized to call upon the Federal Bureau of Investigation and the Department of Justice generally for assistance in carrying out his responsibilities under the act, he will also have the authority to appoint his own legal and investigative staff. Of course we make it explicit that the Special Prosecutor be given access to departmental records, not only of the Criminal Division but also to the FBI, including fingerprint and other such records, as well as investigative and substantive materials.

As in the Judiciary Committee charter for the first Special Prosecutor, the new independent Special Prosecutor will be authorized to make statements and reports as appropriate and to submit a final report of his activities to the Congress and the President. And the Special Prosecutor will be able to go directly to Congress for appropriations to carry out his functions under this act.

Our bill provides that the Special Prosecutor shall carry out his duties for a two-year term, except as necessary to complete trial or appellate action on matters then pending, and the Chief Judge is given the power to dismiss the Special Prosecutor or his Deputy if the Judge finds that he has violated the provisions of the act authorizing his appointment or if he has committed "extraordinary improprieties," and for no other reason. This language is also borrowed from the Senate Judiciary Committee charter for the original Special Prosecutor. Congress, I believe, has full confidence that the Chief Judge will abide by these provisions faithfully—certainly a confidence that can no longer be extended to the Executive branch.

Finally, the bill states: "Neither the Chief Judge or the President of the United States, nor any other officer of the United States shall have any authority to direct, countermand, or interfere with any action taken by the Special Prosecutor pursuant to this act. Neither the President of the United States, nor any other officer of the United States, shall have any authority to remove the Special Prosecutor from office." This is the heart of the legislation. For even if the President decides to appoint another Special Prosecutor to replace Mr. Cox, that person will take office knowing that the President can dismiss him at any time, and will dismiss him for doing his job too well and too independently. Only legislation creating an independent Special Prosecutor insulated from such pressures and threats can fully restore the nation's confidence in the ability of our criminal justice system to weather the current crisis.

S. 2086

A bill to authorize in certain cases the appointment of special counsel and investigators to assist grand juries in the exercise of their powers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the analysis of chapter 215 of title 18, United State Code, is amended by inserting immediately after item 3328 the following new item:

"3329. Powers of grand jury; special counsel and investigators; limitations on discharge; signing of certain indictments; charge."

SEC. 2. Title 18, United States Code, is further amended by inserting immediately following section 3328 a new section as follows:

"§ 3329. Powers of grand jury; special counsel and investigators; limitations on discharge; signing of certain indictments; charge

"(a) Any grand jury impaneled before a district court may inquire at the instance of the court or an attorney for the Government, or at its own instance, whether a crime cognizable by the court has been committed.

"(b) Any grand jury undertaking an inquiry upon its own initiative shall be entitled to the services of a special counsel and special investigators, not exceeding   in number, who shall be appointed by the court before which any such grand jury was impaneled with the approval and upon the request of twelve or more jurors. Any such special counsel shall be entitled to compensation at the rate of $, and any such special investigators shall be entitled to compensation at the rate of $, per day for each day engaged in investigating or presenting evidence in connection with such inquiry. Such compensation shall be paid by the United States marshal on the voucher of the foreman of the jury out of any funds available for the payment of fees to grand and petit jurors.

"(c) Whenever a grand jury shall give notice to the court that it wishes to undertake an inquiry, such grand jury shall not be discharged by the court prior to such time as the court shall receive notice that such inquiry has been completed. The notice provided for in this subsection shall be given in writing signed by twelve or more members of the grand jury.

"(d) Upon the completion of any inquiry undertaken by a grand jury upon its own initiative, the grand jury may prepare one or more indictments upon the concurrence of twelve or more jurors and return such indictment or indictments to the judge in open court. Any such indictment shall be signed by the foreman and by the special counsel, if one shall have been appointed pursuant to subsection (b).

"(e) The district judge, on empanelment of a grand jury, shall charge the grand jury of its rights under this section."

Mr. FULBRIGHT. Mr. President, I have today cosponsored S. 2611, a bill to direct the chief judge of the U.S. District Court for the District of Columbia to appoint a special prosecutor. I fully believe that a special prosecutor is needed to help restore the confidence of the American people in the operation of our system of justice. I do not believe that the American people will be satisfied with an investigation carried out by a department of a President's own administration, no matter how highly regarded the officials conducting that investigation may be. While I fully support the basic philosophy behind S. 2611 of creating a prosecutor with complete authority to investigate and, where appropriate, to prosecute all offenses connected with the 1972 Presidential election and all offenses alleged to have been committed by the President, his appointees, or members of his White House staff, I believe that my fellow Senators and I will want to consider any suggestions that could improve this bill. I shall consider myself free to make such suggestions as the bill moves through the legislative process, and I am confident that such suggestions will be thoroughly considered by the Senate Judiciary Committee.

By Mr. STEVENSON:

S. 2612. A bill to amend title 28, United States Code, to make the United States liable for damages caused as the result of ultrahazardous activities in which the United States is engaged. Referred to the Committee on the Judiciary.

Mr. STEVENSON. Mr. President, at present, if a private party engages in an ultrahazardous activity—which courts have traditionally defined as an inherently dangerous activity involving a high risk of harm—and thereby causes damages, the private party may be held strictly liable for the damages caused. But if that same activity is engaged in by the Federal Government, the Federal Government may not be held strictly liable.

This anomaly was put in clearer perspective by the 1972 Supreme Court decision in *Laird* v. *Nelms*, 406 U.S. 797. In that case the sonic boom of an Air Force SR–71 caused $16,000 in damages to the private residence of Jim Nelms. Nelms sued the Government under the Federal Tort Claims Act. It seems clear that he could have recovered in almost every jurisdiction if a private plane flying at supersonic speeds had caused the damage. The Supreme Court held, however, that since the Federal Tort Claims Act is only a partial waiver of immunity, a claimant must prove that the Government acted negligently beyond its discretionary function in order to be awarded relief. In other words, the Court held that the Federal Government is not strictly liable for this and presumably all other ultrahazardous activities under the Federal Tort Claims Act.

Except through private bills enacted by Congress, an injured party does not have the right to seek recovery under existing Federal law.

The Military Claims Act of 1956 affords an administrative remedy, awarded at the discretion of the Secretary of Defense, for damages to property or for personal injury or death where the loss was not caused by a negligent or wrongful act of the claimant. But this act does not provide adequate protection. From 1961 to 1970, over 39,000 sonic boom claims were filed with the Air Force seeking over $29,000,000 in damages. Of the 39,000 claims, only 14,000 were settled for a little over $1,000,000. This is only 2 to 3 percent of the original relief sought. In addition, claimants under the Act do not have the right to a judicial review of the decision, and before 1970, claims could not exceed $5,000 and had to be accepted in full satisfaction of the claim. A 1970 amendment increased the ceiling to $15,000. It should be noted that the Military Claims Act has not been used as a vehicle for claims involving ultrahazardous activities other than sonic booms, and Congress has not taken any other steps to insure a right to relief from loss of property of personal injury caused by ultrahazadous activities.

I see no reason why the Federal Government should remain immune while private persons can be sued for the identical dangerous conduct. I am therefore introducing legislation to eliminate the inequity of Federal immunity from liability for such tortious conduct. The bill amends the Federal Tort Claims Act to allow for recovery from the Federal Government of damages caused by ultrahazardous activities in which the Federal Government engages.

Except for sonic booms, which the bill clearly sets forth as an ultrahazardous activity, what constitutes an ultrahazardous activity would depend on the laws of the State where the activity occurred. This is the procedure under the Tort Claims Act in negligence and other cases.

I would emphasize that the scope of the amendment is not limited to sonic boom cases but covers other types of ultrahazardous activities as well. I anticipate that such activities as blasting, storing explosives, nuclear testing, airplane spraying, test-firing guns, and testing experimental planes would also be covered by the bill.

Mr. President, this bill seeks justice. It is only fair that a person who suffers damages because of a dangerous activity engaged in by the Federal Government should be "made whole." We have already recognized this principle in the Federal Tort Claims Act for other kinds of tortious activity engaged in by the Federal Government and its representatives. Surely we can apply this same principle of fairness and equity to ultrahazardous activities. I urge the Congress to act quickly on this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1346 (b) of title 28, United States Code, is amended by adding at the end thereof the following: "Jurisdiction under this subsection shall include exclusive jurisdiction of civil actions on claims against the United States, for money damages, for injury or loss of property, or personal injury or death caused by the act or omission of any employee of the Government acting within the scope of his office or employment and while engaged in an ultrahazardous activity. For the purpose of this subsection, the term 'ultrahazardous activity' includes, but is not limited to, flying an aircraft at a speed in excess of the speed of sound.

(b) Section 2680(a) of such title 28 is amended by inserting after "Any claim" the following: "(other than a claim based upon the act or omission of a Government employee committed while engaged in an ultrahazardous activity)".

SEC. 2. The amendment made by the first section of this Act shall not apply to any claim arising prior to the date of enactment of this Act.

By Mr. McGOVERN:

S. 2613. A bill to amend section 2 of the National Housing Act to increase the maximum principal amount of home improvement loans which may be insured thereunder and to increase the maximum maturity of such loans. Referred to the Committee on Banking, Housing and Urban Affairs.

HIGHER FARM LOAN LIMIT

Mr. McGOVERN. Mr. President, I introduce for appropriate referral an amendment to the National Housing Act. The amendment is very simple and inexpensive, but it will fill a great need in the farming communities around the country as well as in South Dakota.

During recent visits to my home State, I encountered a number of constituents who feel that the maximum loan amount provided for financing new construction of farm buildings is much too low. The present figure is $5,000. My amendment would increase that figure to $10,000 and extend the maturation period of the loan by 5 years.

I have discussed this problem with bankers and builders as well as farmers, and their opinions are unanimous. They all agree that farm buildings of whatever nature—whether barns or sheds or shops or simple storage—simply cannot be constructed for $5,000 or less.

Mr. President, we have very few opportunities to present relatively simple changes that will not overburden the Federal budget and that will make a big difference to the small family farmer who is struggling to keep up with the corporate interests and the move toward agribusiness. This amendment presents just such an opportunity and I sincerely hope that the Senate Banking Committee will see fit to include it in the final version of the omnibus housing legislation they are now considering.

I ask unanimous consent that the text of my amendment be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the National Housing Act is amended—

(1) by striking out "$5,000" in clause (1) and inserting in lieu thereof "$10,000"; and

(2) by striking out all before the proviso in clause (2) and inserting in lieu thereof the following: "(2) if such obligation has a maturity in excess of twelve years and thirty-two days, except that such maturity limitation shall not apply if such loan, advance of credit, or purchase is for the purpose of financing the construction of a new structure for use in whole or in part for agricultural purposes".

By Mr. HUGHES (for Mr. EAGLETON):

S. 2614. A bill to amend the Economic Stabilization Act of 1970 to provide for the application of price controls to certain export sales. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HUGHES. Mr. President, on behalf of the Senator from Missouri (Mr. EAGLETON), I introduce a bill and I ask unanimous consent that a statement prepared by him in connection with the bill be printed at this point in the RECORD, together with the text of the bill itself.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR EAGLETON

Mr. President, I send to the desk a bill to amend the Economic Stabilization Act and ask that it be referred to the appropriate committee. I further request that the text of the bill be printed in the Record at the conclusion of my remarks.

The purpose of this amendment is to require the Cost of Living Council to subject exports of fertilizer to the same or equivalent price controls that apply to domestic sales of those commodities.

Mr. President, the American farmer today is confronted with a potentially calamitous shortage of fertilizer. Unless immediate steps are taken to deal with the problem, our whole farm program could be undermined and with it hopes for lower food costs.

Secretary of Agriculture Earl Butz recently forecast a shortage of 4 million tons of fertilizer in the next growing year, which translates into 20 million tons of lost grain production. There are many who think that that is a conservative estimate. The Fertilizer Institute, for example, puts the shortage at 5 million tons or 25 million tons of grain.

To get some idea of the impact this could have on food production and prices in this country, one should consider that the Russian grain deal involved only 16 million tons of grain.

The fertilizer problem stems in the first instance from restricted plant capacity and from the shortage of phosphates and of natural gas which is used in manufacturing anhydrous ammonia. Even so, I believe we would have an adequate supply of fertilizer next year were it not for the impact of Phase IV price regulations which have stimulated a substantial increase in U.S. exports of fertilizer, up some 30 per cent in the last fiscal year.

Under the Cost of Living Council program, most domestic sales of fertilizer are subject to strict price controls. Foreign buyers, however, are free to bid whatever they want. Given the enormous world demand for this basic commodity and given the abundance of devalued American dollars available overseas, it is not surprising that foreign buyers are scrambling to get what they can of our domestic production, even while some of these same countries—Korea, Taiwan and the Philippines—have placed embargos on their own exports.

The price being bid today by foreign buyers of U.S. fertilizer is, on average, about 30 per cent above the controlled domestic price and, in specific cases, 75 per cent or higher. For example, ammonia in September was selling at $40 a ton here at home, but attracting bids of $70 a ton when sold abroad. Urea was going for $67 a ton in the U.S. but $110 to foreign buyers.

No one can fault U.S. producers—who incidentally turn out about 25 per cent of the world's supply of fertilizer—from yielding to this price differential despite their preference to supply American farmers first. Even without foreign competition, I believe the present price ceiling is too low to assure these companies a fair return on their investments let alone to provide incentive for expanding production. So, in connection with the proposal I am making today, I would strongly support an upward adjustment of the ceiling price.

However, I would not favor complete deregulation of fertilizer prices at this time, as some have proposed. I am very much concerned that this would lead to unconscionable price increases and windfall profits. Even then it might not accomplish the purpose since foreign buyers would still enjoy the advantage of bidding with devalued American dollars.

It might be another matter if deregulation would stimulate additional production—the normal consequence of increased prices. In the case of fertilizer, however, production is sharply limited by plant capacity (already fully utilized) and the scarcity of raw materials, especially natural gas and phosphates. No matter what is done it will be several years before any substantial new supplies will come on line. Before that happened, unlimited world demand would drive the price out of reach of many farmers.

So long as the ceiling price is set at a level that allows recovery of cost and a decent return to the producers I think we will have a long range expansion of our fertilizer production while keeping price within reasonable bounds.

The bill I am offering would not create any obstacle for foreign buyers that was not there before the imposition of Phase IV price controls. It seeks merely to equalize the competition between our own farmers and those abroad and to correct the decisive advantage given foreign buyers by the Phase IV program. Under this program, I anticipate that overseas purchases would return to historical patterns, with the foreign buyer actually benefiting since the price he would pay would presumably be below the level which unlimited competition would produce.

Mr. President, it makes no sense for this country to follow policies which encourage the export of a commodity as basic to our food production as fertilizer. It is urgent that we correct this situation and I urge prompt action on my bill.

S. 2614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following:

"(k)(1) Except as provided in paragraph (2), any order or regulation which is issued under the authority conferred by this section, and which stabilizes the price of fertilizer shall apply to export sales of fertilizer, except that in applying any price ceiling to the price of any fertilizer export, there shall be excluded the additional cost of transportation and handling caused by the fact that the fertilizer is being exported.

"(2) The President or his delegate may exempt from the provisions of paragraph (1) any export sale which is determined to be necessary to meet fertilizer needs of the United States."

By Mr. HARTKE:

S. 2615. A bill to establish an Office of Counsel General in the legislative branch of Government, and for other purposes. Referred to the Committee on Rules and Administration.

A LEGAL COUNSEL FOR THE CONGRESS OF THE UNITED STATES

Mr. HARTKE. Mr. President, today I introduce a bill to establish a legal counsel for Congress to assist the legislative branch in the performance of its duties.

I first introduced a bill to establish a legal counsel in the Congress in 1967, as S. 1384. The bill that I introduce today was introduced in the 93d Congress on September 10, as an amendment to S. 1541, and is now being considered by the Committee on Government Operations.

The Founding Fathers of our Nation provided that the powers of the U.S. Government be distributed among the legislative, executive, and judicial branches. By this separation of powers and a number of checks and balances, the writers of the Constitution hoped to avoid excessive concentration of power which would lead to abuse. This system has stood the test of time because it has allowed for flexibility and change in a world in which enormous changes have taken place. To meet the changes, major shifts of power from the States to the Federal Government and from the legislative branch to the executive branch have taken place. These shifts in power have to some extent been necessary to cope with the problems of our age. The courts have kept in step with the times by challenging the encroachment of the Federal Government upon the rights and liberties of citizens. The executive has grown to meet the demands of a modern society. However, the legislative branch has not kept in step with these developments and has not acted to preserve its domain in a changing world. Consequently the doctrine of separation of powers and the doctrine of checks and balances are threatened by the fact that the legislative branch has not developed the means of dealing with the vast amount of power in the executive bureaucracy.

As the volume of business, size, and number of agencies and departments in the executive branch has proliferated, Congress has been forced to allow the executive branch to develop its own rules, regulations, and procedures, while at the same time relying more and more upon the executive branch to supply it with the information needed to legislate on complex subjects. As the size of this executive leviathan has grown to powerful proportions, Congress has done little to see that it remains responsive to congressional oversight and thus to the people. Today the legislative powers of Congress are in fact threatened by the vastness of the executive complex.

There is an increasing need for Congress to expand its watchfulness not in order to interfere with the proper functioning of the executive branch, but to insure its proper functioning by timely action to prevent abdication of its powers and abuse of powers delegated to the executive agencies. When Congress has been specific in its delegations of power, the agencies concerned have tended to be more able to apply themselves to the tasks at hand. By the same token, agency performance should be improved if Congress has a means to indicate when the departments and agencies have lost sight of the direction Congress has set forth.

The conflicts between the interests of Congress and those of the executive branch have increased with the proliferation of departments and agencies designed to serve special constituencies. These constituencies represent separate interests, which makes it increasingly necessary for Congress to have someone who can speak not for the constituencies which become involved in the daily administering of legislation, but for the Congress and the people who sought the legislation in the first place. Congress has always depended upon the courts and litigation to control the executive branch, and upon the Justice Department, which is simply another arm of the executive, to represent the view of Congress before the courts. However, in view of the vast changes which have taken place in recent years, the time has now come to equip Congress with the tools needed to challenge the growing supremacy of the executive in this area.

There have been cases in which there has been a sufficient conflict of interest between Congress and the Executive, or sufficient special interest by Congress, to make it desirable for special counsel for the Congress to be appointed to appear before the courts as amicus curiae. It is the duty of Congress to enact legislation, and there is certainly enough work in this area to keep it busy, but Congress needs assistance in seeing that the legislation once passed actually becomes the law and remains the law. This is not to suggest that the enforcement of laws or the interpretation of laws is the proper domain of Congress, nor that the courts have an obligation to read statutes the way Congress reads a statute. Indeed, Congress does not always have one clear intention, nor has its intention always been expressed clearly in the law it enacts. However, in an age where executive powers have become so extensive, the courts should be eager to seek the viewpoint of Congress on its laws in order to offset the growing power of the Executive, and it should be the practice for Congress to present its view before the courts if it so chooses.

At present the Justice Department represents the "United States" in court proceedings, and this is as it should be. However, the courts, like the framers of the Constitution, have always been concerned about the absolute power of the man who not only enforces the law but can also make the law he will enforce.

Thus, since the Justice Department acting as a party to a case often presents the view of the executive branch that has made the regulations involved in the outcome of the case, it would seem to be only appropriate for the courts to consult Congress which made the law as to whether those regulations were an appropriate exercise of its delegation of authority. A counsel for the Congress would not be in the business of enforcing the law, but rather he would provide an authoritative interpretation of the laws on behalf of the institution of Congress rather than for the courts to rely solely upon the Justice Department or another party to the case. The court in the final analysis is to make the decision in the case as to which view of the law will be held valid, but it will be after listening to arguments, not only by the executive branch, but by the Congress as well.

Thus, in some cases, a remedy to abuse of executive powers may be found by the presentation of congressional intent to the Court. However, there often is no real remedy to be obtained from a court. In these cases which involve resolutions on foreign affairs or cases which are still at an earlier stage of executive rulemaking, if Members and committees of Congress could obtain the legal opinion of its counsel upon matters in dispute, some restraining influence might be exerted upon the executive branch.

To summarize, Congress needs a voice after legislation has been passed. This voice is that of a lawyer who will go before the courts and represent the Congress just as a private lawyer does, but he will not, except in exceptional cases such as contempt of Congress, actually intervene or initiate a case. Like a private lawyer, he will have functions as an adviser to Congress and in the presentation of legal opinion to committees or Members of Congress he will indicate whether the laws which Congress has adopted are being respected by the executive branch of the Government. I am today introducing legislation to establish a legal counsel for Congress.

The counsel of Congress should be the finest legal counsel Congress can obtain. Although this proposal limits his term of office to 4 years, it is probable that he would remain in office even as the composition of Congress changes. That is not only because his appointment is to be made without regard to political affiliation, but also because Congress would hesitate to remove a man who conscientiously attempted to ascertain the meaning of legislation and represent the interest of Congress as an institution. Congress would hesitate to politically devalue an office which would be so valuable to it. It is not, however, inconceivable that Congress may decide that its counsel has failed to maintain those high standards for which it hopes. In such cases, it would be in congressional interest to name a new man. Thus, the power of the congressional counsel would be directly proportional to his loyalty to ascertaining as accurately as possible the meaning and intent of legislation.

There are certain built-in checks on the Counsel General. First, he must have the authority of either the House or Senate Judiciary Committee to enter a court as an amicus. Second, his position as an amicus is limited to presenting the viewpoint of Congress on the constitutionality of its laws and to representing Congress in assisting the courts to ascertain the meaning of its legislation. To the extent that his views on the meaning of legislation are solidly based, he will become respected by the courts. However, to the extent that he would come under control of some political faction, he would tend to be disregarded by the courts.

There will be a great deal of restraint acting on any man who dares to present the legislative intent of Congress and act as the lawyer representing Congress. Like a private lawyer he must represent his own client, and also be persuasive to the court. It is indeed the quality of the counsel which would determine his success. Furthermore, there is essentially nothing new in his function since the Congress already has someone interpreting its intent in the form of the Attorney General. However, no matter how fine a lawyer he may be, the Attorney General is still a part of the executive branch which the Congress is seeking to control and cannot escape representing the interests of the executive branch. In an age where the volume of business has become so great that Congress cannot maintain a watchful eye over all the executive agencies, the idea that the Attorney General can present the view of congressional intent is in effect to allow the administrative agencies of the Government to have more and more opportunity to promulgate law at variance with the will of Congress. Much of the history of administrative law centers around the question of the delegation of authority of a growing and complex society. This delegation of authority has often been necessary. However, the courts in their development of administrative law have laid down limitations on the powers of the legislative agencies to make their own law. The delegation doctrine may at times seem rather broad, but the idea remains that Congress must not abdicate its powers wholesale to the executive branch. The Congressional Counsel General might be considered as an additional check against the executive power in support of that doctrine.

The precedent for such an officer in the legislative branch comes in part from the existence of the General Accounting Office which functions as an agency of Congress. The General Accounting Office under the Comptroller General makes independent examinations of the way that government agencies fulfill their financial responsibilities. The Comptroller General has access, with limited exceptions, to the papers of all departments. He also determines accounting procedures, settles accounts for disbursing and collecting officers, and renders decisions on the legality of expenditures of public funds. In many respects the Congressional Counsel General would be far more limited than the Comptroller General in that he will have no access to papers nor will he have any decision-making powers affecting the other branches of the government.

THE FUNCTIONS OF THE CONGRESSIONAL COUNSEL GENERAL

The counsel for Congress under my bill will perform functions at several stages of the legal process subject to "such rules as the Committees on the Judiciary of the Senate and House of Representatives may prescribe jointly from time to time."

First of all, the Congressional Counsel General would "perform such duties with respect to legislative review of executive actions as shall be prescribed by such rules." Congress often fails to take into account all the factors which later arise in the administration of legislation. In order to encourage the administrative agencies and departments to respect congressional legislation, Congress must do a far better job of legislative oversight. Thus, the counsel of Congress could assist Congress in the initiation of new and corrective legislation. By reviewing the actions of courts and administrative agencies, he will uncover areas of policy where there is no existing legislation, where the existing legislation is unclear, or where legislation is in effect being made by the Executive. Each year, the counsel could present to Congress an agenda of law revisions with recommendations and alternatives to be considered. This would greatly help Congress perform its oversight and legislative review function. Emphasis upon this particular role of the Counsel General may very well reduce the role he will have to play in subsequent court proceedings.

Second, the counsel of Congress would "render to committees and Members of Congress advice with respect to the purpose and effect of provisions contained in acts of the Congress or to be inserted in proposed legislative measures." Thus; the counsel would provide upon request confidential advisories on the effects and constitutionality of proposed legislation during the legislative process so that legislation will have more likelihood of having effect and being enforced.

Third, the counsel of Congress would "render to committees, Members, and disbursing officers of the Congress, and to the Comptroller General, legal opinions upon questions arising under the Constitution and laws of the United States." The Congressional Counsel General, through the rendering of legal opinions upon the laws of Congress to committees of Congress, will provide a way for Members and committees of Congress to present an authoritative viewpoint to executive departments and agencies upon the validity, but not the merit, of regulations such as the new antidumping regulations or various income tax regulations. In this capacity the counsel will speak authoritatively in the sense of being the counsel representing Congress. However, he will have no dictatorial powers in as much as any department or agency will still be able to promulgate any rules it wishes and then test their validity in court.

In this capacity the counsel of Congress could maintain, with the coordination of the respective committees of Congress, the history, purpose, and intent of legislation so that after enactment of legislation there will be a complete and authoritative legislative history. This legislative history would become part of the material to be sent to the President with a bill and entered into the Federal Register or a similar publication. This will not only enable the executive to perform its function better but also assist future counsels of Congress in performing their functions of rendering legal opinions and representing Congress before the courts on the meaning of its laws. It should be noted that the proposal does not seek to integrate the legal staffs of the committees or legislative counsel. This is deliberate in order to maintain the pluralism of views within the Congress which the present system provides.

Fourth, the counsel would "appear as amicus curiae, upon the request, or with the approval, of the Committee on the Judiciary of the Senate or House of Representatives, in any action pending in any court of the United States in which there is placed in issue the constitutional validity or interpretation of any act of the Congress, or the validity of any official proceeding of or actions taken by either House of Congress or by any committee, Member, officer, office, or agency of the Congress." The courts will still have the right to determine who may appear as amicus curiae, but this section will make it possible for the courts to accept the Congressional Counsel General in the capacity of lawyer for Congress.

Fifth, the counsel would "represent, upon the request, or with the approval of the Committee on the Judiciary of the Senate or House of Representatives, either House of Congress or any committee, Member, officer, office, or agency of the Congress in any legal action pending in any court of the United States to which such House committee, Member, office, or agency is a party and in which there is placed in issue the validity of any official proceeding of or action taken by such House, committee, officer, office, or agency." The Congressional Counsel General would be authorized to replace the Attorney General in this capacity. The reason for this stems from the peculiar interest of Congress in these cases, and the right of Congress to prosecute its own contempt cases. Although this authority has been in the past delegated to the Justice Department, the existence of a full-time congressional counsel would only make it appropriate that he be responsible for a case within the traditional powers of Congress.

The purpose of these provisions is to restore the authority of Congress to make valid law. Individual Congressman or committees could follow the course of a bill after its enactment, but Congress already has its hands full with current legislation. Furthermore, no one Congressman can speak with much authority, nor can a committee coordinate these efforts without a large staff working in this area exclusively. On the other hand it has been suggested that the Justice Department could be made into an independent agency, but the question would then arise as to how to control it and make it responsible to the people. The Congressional Counsel General would be tied directly to the legislative branch.

In summary, the proposal to create a Congressional Counsel General is perhaps a novel one, but one which is necessitated by the growth of administrative bureaucracy. It is a means to assist Congress internally by assisting it in performing its oversight function, by review of executive and judicial acts as well as by assisting in improving its legislation. It is also a means to assist Congress externally by keeping the administrative departments and agencies responsive to Congress from which their authority is derived. In both his internal and external functions the Congressional Counsel General will assist in making Congress a more effective branch of our Government and thus strengthen the principle of separation of powers.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF PURPOSE

SECTION 1. That the Congress finds and declares that there is a need for a professional legal counsel to the Congress learned in the law, the Constitution and the legislative process; that the Congress is a coequal branch of the United States Government with specific powers under Article I of the United States Constitution; that the enactment of laws necessitates the continual review of such laws under the United States Constitution; that representation of the Congress in the co-equal Judiciary branch in all matters of law and fact is now a function of the co-equal branch, the Executive; that to ensure the continued equality of the three branches of government under the United States Constitution and to advise Members of the constitutionality of proposed legislation, it is hereby declared to be the intent of Congress to establish within the legislative branch an Office of the Counselor General which will carry out the purposes herein setforth.

ESTABLISHMENT

SEC. 2. (a) There is established in the legislative branch of the Government the Office of Counsel General (hereinafter referred to as the "Office");

(b) There shall be in the Office a Counsel General (hereinafter referred to as the "Counsel") and a Deputy Counsel General (hereinafter referred to as the "Deputy Counsel"), each of whom shall be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives and confirmed by a majority vote of each House;

(c) The Counsel and Deputy Counsel shall be chosen without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office;

(d) The Office shall be under the control and supervision of the Counsel, and shall have a seal adopted by him. The Deputy Counsel shall perform such duties as may be assigned to him by the Counsel, not inconsistent with this Act, and during the absence or incapacity of the Counsel, or during a vacancy in that office, shall act as the Counsel;

(e) The annual compensation of the Counsel shall be the same as Members of Congress. The annual compensation of the Deputy Counsel shall be at the rate provided for level IV of the executive schedule in Title 5 of the United States Code.

(f) No person may serve as Counsel or

Deputy Counselor while a candidate for or holder of any elected office, whether local, State or Federal, or while engaged in any other business, vocation, or employment;

(g) The terms of office of the Counsel and the Deputy Counsel first appointed shall expire on January 31, 1977. The terms of office of Counsels and Deputy Counsels subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provision of subsection (h), a Counselor or Deputy Counsel may serve until his successor is appointed.

(h) The Counsel or Deputy Counsel may be removed at any time by a joint resolution of the Senate and House of Representatives, when, in the judgment of the Congress, either has become permanently incapacitated, or has been guilty of any felony, misconduct, or any other conduct involving moral turpitude.

DUTIES OF THE COUNSEL GENERAL

Sec. 3. (a) It shall be the duty of the Counsel General, under such rules as the Committees on the Judiciary of the Senate and the House of Representatives may jointly prescribe from time to time, to:

(1) Render to committees, Members, and disbursing officers of the Congress, the Comptroller General and other officers exclusively within the legislative branch, legal opinions upon questions arising under the Constitution and laws of the United States;

(2) Render to committees and Members advice with respect to the purpose and effect of provisions contained in Acts of the Congress, or to be inserted in proposed legislative measures;

(3) Perform such duties with respect to legislative review of executive actions as shall be prescribed by such rules;

(4) Appear as *amicus curiae*, upon the request, or with the approval, of the Committee on the Judiciary of the Senate or the House of Representatives, in any action pending in any court of the United States in which there is placed in issue the constitutional validity or interpretation of any Act of the Congress, or the validity of any official proceeding of or action taken by either House of Congress or by any committee, Member, officer, office, or agency of the Congress; and

(5) Represent, upon the request, or with the approval of the Committee on the Judiciary of the Senate or the House of Representatives, either House of Congress or any committee, Member, officer, office, or agency of the Congress in any legal action pending in any court of the United States to which such House committee, Member, officer, office, or agency is a party and in which there is placed in issue the validity of any official proceeding of or action taken by such House, committee, Member, officer, office, or agency.

(b) Upon receipt of written notice from the Counsel to the effect that he has undertaken pursuant to subsection (a)(5) of this section to perform any such specified representational service with respect to any designated action or proceeding pending or to be instituted in a court of the United States, the Attorney General shall be relieved of responsibility and shall have no authority to perform such service in such action or proceeding except at the request or with the approval of the Counsel General.

(c) The Counsel shall seek the assistance and cooperation of a Member, committee, officer, office, or agency in all proceedings under this Act when such Member, committee, officer, office, or agency is a party to an action or has a present or future interest in the action.

ADMINISTRATIVE PROVISIONS

Sec. 4. (a) In order to carry out the provisions of this Act, the Counsel is authorized to—

(1) appoint and fix the compensation of such Assistant Counsels General, clerks, and other personnel as may be necessary to carry on the work of the Office, Assistant Counsels General shall be appointed without reference to political affiliations and solely on the basis of fitness to perform the duties of the office;

(2) to make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the duties of the Office under this Act;

(3) delegate authority for the performance of any such duty to any officer or employee of such Office;

(4) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(5) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

AUTHORIZATION OF APPROPRIATIONS

Sec. 205. There are hereby authorized to be appropriated to the Office of the Counsel General such sums as may be required for the performance of the duties of the Counsel General under this Act. Amounts so appropriated shall be disbursed by the Secretary of the Senate on vouchers approved by the Counsel General.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 847

At the request of Mr. Robert C. Byrd (for Mr. Nelson), the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 847, the School Bus Safety Act.

S. 1769

At the request of Mr. Robert C. Byrd (for Mr. Magnuson) the Senator from Washington (Mr. Jackson) and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of S. 1769, a bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 2422

At the request of Mr. Mathias, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 2422, a bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape.

S. 2602

At the request of Mr. Stevenson, the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 2602, a bill to provide that daylight saving time be observed on a year-round basis.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE JOINT RESOLUTION 165

At the request of Mr. Domenici, the Senator from Oklahoma (Mr. Bartlett), the Senator from Utah (Mr. Bennett), the Senator from Tennessee (Mr. Brock), the Senator from New Jersey (Mr. Case), the Senator from Texas (Mr. Tower), the Senator from Kansas (Mr. Dole), and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of Senate Joint Resolution 165, the Vocation Education and Vocation Industrial Clubs of America Week.

PUBLIC WORKS AUTHORIZATION ACT OF 1973—AMENDMENT

AMENDMENT NO. 635

(Ordered to be printed and referred to the Committee on Public Works.)

Mr. STEVENSON submitted an amendment intended to be proposed by him to the bill (H.R. 10203) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

SOCIAL SECURITY AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 636

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE. Mr. President, I am introducing today an amendment to H.R. 3153, to liberalize the provisions of the Federal disability insurance law for blind persons.

On five separate occasions, the proposal has been approved by the Senate during the past dozen years. As an indication of the support which this disability for the blind bill has received in this Chamber, no less than 61 of my colleagues joined me in sponsoring the proposal as a bill this year.

My amendment would make it possible for a blind person who has worked for a year and a half in social security-covered work to qualify and draw disability benefits payments so long as he remains blind and regardless of his earnings. The present law requires that a blind person have worked in covered employment in 20 of the last 40 quarters. That eligibility requirement fails to take into account the fact that a blind person finds it difficult to secure work of any kind, however employable he may be on the basis of talents and training.

My amendment gives legal recognition to another hard fact confronting the blind—they must always function without sight in a society structured for sight, and they must work in an economy organized by sighted people for sighted people. As a result, the blind person will need varying degrees of sight to assist him no matter what he does or how able he may be, and the only sure way to get this help is to hire it. The blind person must thus have disability insurance payments to serve as a continuing source of funds to hire sighted assistance.

It is my hope, Mr. President, that this 93d Congress will be known as the most important of all Congresses for blind Americans. It can achieve that distinction if we enact the disability insurance for the blind amendment which I introduce today so that, at long last, blind people can be liberated, and elevated to a more equal relationship with their sighted fellows.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 636

At the end of the bill, insert the following:

Sec. 6. (a) Section 214 (a) of the Social Security Act is amended by adding "or" after the semicolon at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

"(4) in the case of an individual who has died and who was entitled to a benefit under section 223 for the month before the month in which he died, 6 quarters of coverage;".

(b) Section 215(b)(1) of such Act is amended by striking out "shall be the quotient" and inserting in lieu thereof "shall (except as provided in paragraph (5)) be the quotient".

(c) Section 215(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5) In the case of an individual who is blind (within the meaning of 'blindness' as defined in section 216(i)(1)), such individual's average monthly wage shall be the quotient obtained by dividing (A) the total of his wages paid in, and self-employment income credited to, all of the calendar quarters which are quarters of coverage (as defined in section 213) and which fall within the period after 1950 and prior to the year specified in clause (i) or clause (ii) of paragraph (2)(C), by (B) the number of months in such quarters; except that any such individual who is fully insured (without regard to section 214(a)(4)) shall have his average monthly wage computed under this subsection without regard to this paragraph if such computation results in a larger primary insurance amount."

(d) Section 216(i)(3) of such Act is amended to read as follows:

"(3) The requirements referred to in clauses (i) and (ii) of paragraph (2)(C) are satisfied by an individual with respect to any quarter only if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 and filed application for benefits under section 202(a) on the first day of such quarter, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with such quarter, or (ii) if such quarter ends before he attains (or would attain) age 31, not less than one-half (and not less than 6) of the quarters during the period ending with such quarter and beginning after he attained the age of 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage; or

"(B) he is blind (within the meaning of 'blindness' as defined in paragraph (1) of this subsection) and has not less than 6 quarters of coverage in the period which ends with such quarter.

For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a prior period of disability unless such quarter was a quarter of coverage."

(e) The first sentence of section 222(b)(1) of such Act is amended by inserting "(other than such an individual whose disability is blindness as defined in section 216(i)(1))" after "an individual entitled to disability insurance benefits".

(f) Section 223(a)(1) of such Act is amended—

(1) by striking out the comma at the end of subparagraph (B) and inserting in lieu thereof "or is blind (within the meaning of 'blindness' as defined in section 216(i)(1)),";

(2) by striking out "the month in which he attains age 65" and inserting in lieu thereof "in the case of any individual other than an individual whose disability is blindness (as defined in section 216(i)(1)), the month in which he attains age 65"; and

(3) by striking out the second sentence.

(g) Section 223(c)(1) of such Act is amended to read as follows:

"(1) An individual shall be insured for disability insurance benefits in any month if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 and filed application for benefits under section 202(a) on the first day of such month, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with the quarter in which such month occurred, or (ii) if such month ends before the quarter in which he attains (or would attain) age 31, not less than one-half (and not less than 6) of the quarters during the period ending with the quarter in which such month occurred and beginning after he attained the age of 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage, or

"(B) he is blind (within the meaning of 'blindness' as defined in section 216(i)(1)) and has not less than 6 quarters of coverage in the period which ends with the quarter in which such month occurs. For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a period of disability unless such quarter was a quarter of coverage."

(h) Section 223(d)(1)(B) of such Act is amended to read as follows:

"(B) blindness (as defined in section 216(i)(1))."

(i) The second sentence of section 223(d)(4) of such Act is amended by inserting "(other than an individual whose disability is blindness, as defined in section 216(i)(1))" immediately after "individual".

Sec. 7. In the case of an insured individual who is under a disability as defined in section 223(d)(1)(B) of the Social Security Act, who is entitled to monthly insurance benefits under section 202(a) or 223 of such Act for a month after the month in which this Act is enacted, and who applies for a recomputation of his disability insurance benefit or for a disability insurance benefit (if he is entitled under such section 202(a)) in or after the month this Act is enacted, the Secretary shall, notwithstanding the provisions of section 215(f)(1) of such Act, make a recomputation of such benefit if such recomputation results in a higher primary insurance amount.

Sec. 8. The amendments made by sections 6 and 7 shall apply only with respect to monthly benefits under title II of the Social Security Act for and after the second month following the month in which this Act is enacted.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 565

At the request of Mr. Tunney, the Senator from New Jersey (Mr. Case) was added as a cosponsor of amendment No. 565, intended to be proposed to the bill (S. 1724) to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes.

AMENDMENT NO. 575

At the request of Mr. Robert C. Byrd (for Mr. Montoya), the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of amendment No. 575, intended to be proposed to the bill (S. 1029) to provide, in cooperation with the States, benefits to individuals who are totally disabled due to employment-related respiratory diseases and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths.

NOTICE OF HEARINGS ON PROPOSED HELLS CANYON LEGISLATION

Mr. JACKSON. Mr. President, it was recently announced that hearings on proposed Hells Canyon legislation would be conducted at LaGrande, Oreg., on December 3, by the Senate Subcommittee on Parks and Recreation. This date has subsequently been changed to December 6. Hearings on this proposed legislation will also be held at Lewiston, Idaho, on December 14 and 15.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

John H. deWinter, of Maine, to be U.S. marshal for the district of Maine for the term of 4 years, reappointment.

Henry A. Schwarz, of Illinois, to be U.S. attorney for the eastern district of Illinois for the term of 4 years, reappointment.

John J. Twomey, Jr., of Illinois, to be U.S. marshal for the northern district of Illinois for the term of 4 years, vice John C. Meiszner.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, November 2, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

INFORMATION HEARINGS ON REPORT OF NATIONAL COMMISSION ON MATERIALS POLICY

Mr. METCALF. Mr. President, I wish to remind all interested Senators and the public that the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs is holding information hearings on the report of the National Commission on

Materials Policy on October 30 and 31 and November 1.

The Commission's report contains many important recommendations about the need to strike a balance between production of goods and protection of the environment. The subcommittee will hear from a number of witnesses from Federal agencies and industry and from individual experts. We have asked them to discuss the need for legislation or administrative action by Federal agencies.

These hearings mark the beginning of a continuing study by the subcommittee of national materials policy.

The hearings will begin at 10 a.m. in room 3100, Dirksen Senate Office Building.

ADDITIONAL STATEMENT

YEAR-ROUND DAYLIGHT SAVING TIME

Mr. STEVENSON. Mr. President, tomorrow night millions of Americans will turn their clocks back 1 hour as the Nation goes through the annual ritual of changing from daylight saving time to standard time.

This year, however, it is a ritual we can ill-afford.

The United States faces the most serious energy shortage in its history. Standard time will increase the shortage.

Last Thursday when I introduced S. 2602—a bill providing for year-round daylight saving time as the centerpiece of a nationwide energy conservation campaign—I had hoped that the Congress and the administration might act in time to avoid the energy loss and personal inconvenience that would occur following the time change this weekend.

As the week passed, it became increasingly clear that it would be impossible to hold hearings on S. 2602 before Saturday. In the absence of hearings, the only hope of passage soon enough to avert the time change depended upon administration support. While repeated contacts throughout the week with administration officials proved encouraging, as of this morning the administration had not been able to reach an official position on daylight saving time. So now it appears we will turn our clocks back tomorrow night.

While the Congress and the administration remained silent, the people spoke out. Chicago Today asked its readers to fill in a ballot indicating their position on my bill. In one of the largest returns ever recorded by the paper for this kind of poll, readers expressed support for year-round daylight saving time by a margin of 20 to 1.

I have received—and I understand other Members of the Congress have, too—hundreds of letters favoring the change. The two most frequently mentioned reasons for favoring year-round daylight saving time were energy conservation and greater personal safety and convenience.

Much has been said about the energy crisis. But increasingly the people want to know what the Government is going to do about the energy crisis.

In the short run—particularly this winter—our hope lies in energy conservation. Yet, it is almost November, and we do not have a nationwide energy conservation program.

The time is long overdue for the Federal Government to provide the leadership it will take to make energy conservation work—in our homes, in our businesses and nationwide.

As both a national energy conservation measure and a psychological focal point for individual conservation initiatives, year-round daylight saving time would go a long way toward restoring the public's confidence in the ability of the Federal Government to deal with our shortrun energy problems.

Combining savings in electricity, natural gas and fuel oil, year-round daylight saving time could conserve anywhere from one-half to 1½ percent of the Nation's total winter energy needs. This is a substantial portion of our total projected shortfall of three percent.

In conjunction with a conscientious nationwide energy conservation program of individual action, the energy savings associated with daylight saving time would increase manifold. S. 2602 resolves that it is time we embark upon a nationwide energy conservation campaign.

S. 2602 provides for a 1-year test of year-round daylight saving time and authorizes the Department of Transportation, as the administrator of the Uniform Time Act, to submit an evaluation of this 1-year trial to the Congress.

In addition to offering substantial fuel savings, year-round daylight saving time would also help reduce crime, improve traffic safety, produce more daylight for the convenience and pleasure of most people, and eliminate the confusing twice-yearly time changes. Work and school schedules could be adjusted to the convenience of those adversely affected by early morning darkness.

Because I believe the Nation's confidence in the Government's ability to deal with our energy problems is at stake, I am fully committed to the passage of a bill like S. 2602 as soon as possible.

In view of the substantial energy savings that could be achieved with year-round daylight saving time and the critical shortages we face this winter, the Senate Commerce Committee will convene hearings on November 9 for the purpose of considering the necessary legislation. It is my hope that the committee will be able to report out a bill in time for enactment prior to the peak winter electrical load months of December, January, and February. It is unfortunate that in the interim we must suffer both unrecoverable energy losses and the personal inconvenience of further time changes.

In an effort to speed the passage of this legislation, I have today written to the Secretary of the Interior, the Secretary of Transportation, and the Director of the President's Energy Policy Office to urge again that the administration support the concept of year-round daylight saving time as an energy conservation measure.

The time has come to let the nations of the world know that the United States is taking decisive action to deal with its short-range energy problems.

An effective conservation program—nationwide and personal—is the best answer we have to foreign governments which would exploit our current energy shortages. We can demonstrate that we will not be intmidated by oil producers. By showing that we can and will act decisively to conserve energy, we will enhance the prospects of peace in the Middle East.

The stakes are simply too high to ignore a measure as promising as daylight saving time.

Mr. President, I ask unanimous consent that several articles and an editorial from Chicago Today, and an editorial from WBBM-TV in Chicago be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Chicago Today, Oct. 22, 1973]

SAVING DAYLIGHT—AND ENERGY

Sen. Adlai Stevenson [D., Ill.] has come up with a proposal that strikes us as extremely sensible: in fact it struck us that way six weeks ago, when we ran an editorial favoring it. At a press conference Thursday, Stevenson called for keeping the nation on daylight saving time all year round, instead of the present patchwork system in which some states [including Illinois] have six months of daylight saving, and others have none. Under present federal law, this is the only option the states have.

Year-round daylight saving—to quote our Sept. 7 editorial—"would mean that a bigger share of most people's active working day would take place in daylight, with resultant sizable savings in electricity for lighting." Stevenson estimates the electrical reduction at 2 per cent; the savings in oil used for electrical generation would be perhaps 30,000 barrels a day.

The amount is not decisive, but it would be a big help—not only in saving energy resources, but in lessening American dependency on foreign oil supplies with all their touchy political involvements.

We hope the Senate Commerce Committee, which will have the first chance at Stevenson's bill, gives it a sympathetic hearing.

[WBBM-TV editorial, Chicago, Ill.]
Oct. 24, 1973]

DAYLIGHT SAVING TIME

On October 28th, Illinois and 46 other states will adhere to a silly practice that has far outlived its usefulness. We're going to shave off the hour we gained during the summer and return to Central Standard Time. Daylight Saving Time will be gone again until next season.

We are supporting Sen. Adlai Stevenson, who is calling for year-round Daylight Saving Time. The only way to make the change is through Congressional decree.

We need Daylight Saving Time for several reasons. Having that extra hour of daylight would certainly help improve traffic safety, especially with all those cyclists on the road. Stevenson's main contention is that Daylight Saving Time would help conserve fuel in a time when gas and oil reserves are sinking. The extra hour would save as much as 2% in electrical output. This translates into something like a saving of 30,000 barrels of oil a day. Another strong reason for Daylight Saving Time is the possible prevention of crime. It takes an hour of darkness from the criminally inclined.

Those in favor of Standard Time are in the main farmers who say Daylight Saving Time disrupts their chores and upsets the animals. We have no doubts, however, that cows can be trained to give milk on Daylight Saving Time. If you're tired of turning over at 2:00 in the morning twice a year to keep setting your clock, then write to Sen. Stevenson in support of his bill for year-round Daylight Saving Time.

That is the opinion of management of WBBM-TV.

[From Chicago Today, Oct. 25, 1973]

READERS BACK DAYLIGHT TIME, 20-1

Sen. Stevenson's bill calling for a one-year test of year-round daylight saving time has been overwhelmingly endorsed by Chicago Today readers.

In response to Today's poll, readers responded 20 to 1 in favor of the bill introduced in the Senate Tuesday by the Illinois Democrat.

Stevenson said if his bill is passed before the nation switches back to standard time on Sunday, it could result in a saving of half the nation's projected fuel shortage for the next year.

Of the 1,448 readers who responded to the poll, 1,300 approved the year-round daylight saving plan and only 65 said they preferred year-round standard time.

The greatest number of persons who gave reasons for approving perpetual daylight time cited the energy savings and added personal safety for both adults and children by extending daylight into the winter evening hours.

The other reason cited most frequent was elimination of the inconvenience of having to shift time twice each year.

"The Chicago Today poll shows that this certainly is a case where the people are way ahead of the politicians," a spokesman for Stevenson said.

He said the senator will cite the results of the poll tomorrow when he will attempt to obtain Senate approval of his daylight time bill.

Stevenson's bill was drawn up with the aid of preliminary findings of a comprehensive study on domestic fuel usage by the Rand Corporation.

"It previously has been admitted that the greatest energy savings from year-round daylight time would result from decreased electrical generation," Stevenson told the Senate.

"Perhaps the most significant finding of the Rand study is the 2 per cent projected savings of fuel oil and natural gas which may result from decreased commercial and residential heating needs."

Stevenson noted that the savings on heating and electrical generation resulting from daylight time combined with individual fuel economics could save the nation one-half its projected fuel shortage.

"Daylight time was initiated as an emergency conservation measure during both World Wars," Stevenson said. "The need is great now—and the need is to move quickly."

"Every effort must be made to avoid the energy loss and personal inconvenience which will occur with the scheduled time change this Sunday. Now is the time for Congress to move," he said.

The senator urged all persons who favor year-round daylight time to write or telegraph Secretary of Transportation Claude Brinegar. The Department of Transportation, which administers the current Uniform Time Act of 1966, will make the official evaluation of year-round daylight time under the terms of Stevenson's bill.

Other government officials who have an interest in the bill are Secretary of Interior Rogers Morton and former Colorado Gov. John Love, head of the federal Energy Policy Office.

State Rep. Harold Katz [D.,Glencoe], long-time advocate of year-round daylight time, said he will introduce a resolution in the Illinois House next week in support of the Stevenson bill.

Katz said he believes much of the opposition to daylight time in the state's rural areas simply does not exist except in the minds of some legislators.

"I agree with Sen. Stevenson that the people are ahead of the politicians on this issue," Katz said.

[From Chicago Today, Oct. 22, 1973]

YEAR-ROUND DAYLIGHT SAVING?

The first America's proponent of daylight saving time was Benjamin Franklin, a notorious tightwad, seeking solution to his personal energy crisis—the excessive use of expensive candles.

While ambassador to Paris be advocated setting clocks ahead an hour, making more daylight hours available for human activities thereby cutting down on his consumption of candles.

He told Parisians the new time scheme would spare them from unnecessarily inhaling candle smoke when they arose in the morning and would enable them to fully enjoy the early part of the day.

PRO

Now, another energy crisis has spurned another major push for year-round daylight time. Last Thursday Sen. Stevenson (D., Ill.) announced he will introduce a bill this week calling for daylight time as a part of a plan to conserve dwindling reserves of gas and oil.

He supported his proposed legislation with a study by the Rand Corp. showing that the nation's electrical consumption would be cut by as much as 2 per cent by the adoption of perpetual daylight saving time.

The Stevenson bill will be the third calling for year-round daylight time introduced in the Senate since mid-March, indicating considerable support from Senate colleagues, particularly among urban and suburban constituents.

An avid supporter of extended daylight time here is State Rep. Harold Katz (D., Glencoe).

Speaking for his North Shore constituents, Katz says he particularly favors extended daylight time because of the extra daylight hours it affords families—and particularly children—and the added safety factor during the winter months.

"It's much better for our kids because it gives them daylight in the afternoon hours when they can use it the most."

Illinois and 46 other states, will return to Central Standard Time on Oct. 28 under the terms of the Uniform Time act of 1966.

Sen. Stevenson (D., Ill.) has pledged to mount a campaign in the Senate this week to pass legislation calling for year-round daylight saving time which he says will save the nation thousands of barrels of scarce oil daily by reducing electrical consumption by 2 per cent.

Under the current federal Time Act, states may adopt one of two plans—six months of daylight time and six months of standard time or 12 months of standard time.

The issue of daylight time has been bitterly contested for years with the major division of opinion between the urban and rural communities.

This article presents the opposing viewpoints.

Chicago Today also wants to know your opinion. Please fill out the coupon and send it to TIME, Chicago Today, 441 N. Michigan Av., Chicago, Ill. 60611.

CON

"You can't tell a milk cow we're going on daylight saving time," said George Doup, president of the Indiana Farm Bureau Inc.

"And we're totally opposed to year-round daylight time," said Doup, head of the state farm bureau which in 1967 persuaded the state legislature to exempt virtually all of the state from central daylight time.

"Indiana tried daylight time one year and then at the next general assembly it was removed and I have not heard any static from either the urban or rural communities," Doup said.

He said one of the major reasons for opposing saving time on either a part, or full-time basis is the disruption it causes the farmer who is becoming increasingly dependent on the urban community.

"Farmers need to attend more meetings, classes, and other events off the farm than they did before," he said.

Doup scoffed at Sen. Stevenson's citing of the energy shortage as the reason for proposing year-round daylight time.

"There are plenty of other ways to conserve energy and we will have to be willing to accept some of them," he said.

He also said the government should get off dead center and immediately begin construction of the trans-Alaska pipeline to allow development of the huge North Slope oil fields.

But most important, Doup said, "We must find ways to trade grain for energy—we have grain and we don't have oil so we must keep the agricultural trade channels open."

Both Doup and Fay Meade, secretary-treasurer of the Wisconsin Farm Bureau Federation, cite the National Farm Bureau resolution to support daylight time only for the months between Memorial Day and Labor Day, with the right of each state legislature to vote total exemption.

Meade said farmers are "bothered a lot" by the twice-annual time changes. He also said a major objection to daylight time is that it forces rural children to wait by the roads in the dark for school buses in the morning.

YOU BE THE JUDGE

With the current energy crisis and this nation's increasing dependence on imported oil, do you think we should adopt a year round daylight saving time law?

Yes ______________________________
No _______________________________
Comment __________________________

Send to Time, Chicago Today, Room 530, 441 N. Michigan Av., Chicago, Ill., 60611.

THE MEANING FOR DÉTENTE

Mr. DOMENICI. Mr. President, this morning's edition of the Washington Post carried an editorial discussing what it termed to be "the true contours of Soviet-American détente." I think it is illuminating. The editorial correctly, I think, denies the notion that détente is or should be a sure and easy solution to great-power tension. Rather, détente is an attitude, an understanding, a frame of mind in which the great powers continue to conduct their rivalry and pursue their sometimes conflicting goals with, as the editorial states, "some sense of the need for pulling back on this side of the brink." Perhaps détente is a sober understanding of the responsibility imposed on a great power, a responsibility to the rest of the world—indeed, to all humanity—that the holder of the power to annihilate humanity must exercise extra restraint, even in the face of grave provocation. I think that if we can understand this, we can finally recognize the limits and true contours of détente and thus enable us to use it wisely and well.

Mr. President, I ask unanimous consent that the entire editorial from the Washington Post of October 26, 1973, entitled "And the Meaning for Détente" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AND THE MEANING FOR DÉTENTE

The culmination of the Mideast crisis yesterday etched in unforgettable if not historic terms the true contours of Soviet-American detente. As a result of the failure of the United Nation's earlier cease-fire calls to halt the momentum of battle, the Soviet Union apparently found itself faced with the imminent collapse of its Egyptian ally's army. As a great power, the Kremlin simply could not countenance being seen again, as in 1967, as an unreliable patron—a "pitiful helpless giant," if you will. So Moscow took steps aimed—we may not soon know which—either to introduce its own forces at the side of Egypt or to precipitate a political crisis whose intended result was to offer Egypt another form of relief.

President Nixon was then confronted with a situation in which his own ally's fortunes, and the United States' own principle of great-power conduct, were coming under challenge. He responded, in our view, with admirable firmness and restraint. On the unanimous advice of his National Security Council, he took certain "precautionary" moves to alert American forces, in order to convey to the Russians, who had made moves of their own, that he understood the great-power stakes. Through Secretary of State Henry Kissinger, he made known unmistakably the American judgment that either power's introduction of military forces into the Mideast, and especially a unilateral Soviet entry, could threaten "all that has been achieved" in improvement of relations so far. Again through Dr. Kissinger, he kept open an avenue for Soviet moderation, by not laying down an open challenge to Moscow and not spelling out the details of the situation in a way that would have tightened the demands on Soviet pride. Finally, he produced in the United Nations a satisfactory alternative—an enlarged emergency force, without participation by either Russians or Americans—to deal specifically with the possibility of Egyptian collapse. We presume Mr. Nixon also let the Israelis know just how important he regarded their own restraint to be.

The result was, in our view, perhaps the single most significant vindication of "détente," that much abused word, which the world has seen to date. It was a vindication all the more valuable for preventing an extremely serious potential disruption of great-power relations. It is entirely wrong, we believe, to say that the very flowering of the crisis demonstrated how illusory or unworkable détente. That is a view which may flow easily from the rosy and unreal image elaborated earlier by Mr. Nixon and others who spoke feelingly of building a "structure of peace." But it is a view consistent with the continuing reality of great-power rivalry.

Détente should never have been received, or purveyed, as the sure and easy solvent of great-power tensions. It never could be more than what it turned out to be this week: an attitude, an understanding, a frame of mind in which the two great powers could pursue their various political interests, and conduct their rivalry, with some sense of the need for pulling back on this side of the brink. Whether in this crisis we were in fact that close is something we may know more about when the administration produces, as Dr. Kissinger said it would, the appropriate texts and facts. A judgment on that can wait. What is important now is to note, with sober thankfulness, that the relationship created by Mr. Nixon and Mr. Brezhnev in recent years served both of them well in their contest this week.

"The United States and the Soviet Union are, of course (ideological and to some extent political adversaries," Dr. Kissinger said yesterday. But, he went on, "we possess, each of us, nuclear arsenals capable of annihilating humanity. We, both of us, have a special duty to see to it that confrontations are kept within bounds that do not threaten civilized life . . .We will oppose the attempt by any country to achieve a position of predominance, either globally or regionally. We will resist any attempt to exploit a policy of détente to weaken our alliance. We will react if a relaxation of tensions is used as a cover to exacerbate conflicts in international trouble spots. We have followed this principle in the current situation."

Dr. Kissinger added a final observation about the contours of détente: "If the Soviet Union and we can work cooperatively, first toward establishing the ceasefire and then toward promoting a durable settlement in the Middle East, then the détente will have proved itself," he said. It must now be the American and Soviet purpose to make the second part of the statement—promoting a durable settlement—real.

CONSERVING OUR ENERGY

Mr. MATHIAS. Mr. President, my distinguished colleague from Maryland in the Senate recently received the recognition due him for his activities on behalf of conservation of our natural resources. Senator BEALL's efforts were the subject of a report by Leo J. Paulin, one of Maryland's most eminent columnists, in his publication, the Paulin Letter. I ask unanimous consent that Mr. Paulin's report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CONSERVING OUR ENERGY

Maryland's Senator J. Glenn Beall, Jr., is moving to the front as an advocate for conservation of our national resources. In a recent address before the Maryland Chamber of Commerce and before the National Association of County Agricultural Agents, he advanced some very practical suggestions for conserving our energies.

"Increasing our supply of fuel is one answer to America's energy problem but conservation may be even more important," he said.

"Increasing our supply is something that we must rely on our government and our great scientific and business communities to handle, but conservation is something that we all can participate in.

"In the long run, it may be more important than discovering vast new resources of fossil fuels," he said.

Senator Beall said a recent Commerce Committee report estimated that nearly 60 per cent of the energy used in the United States is wasted.

"Experts have concluded that by the year 2000, we could reduce per capita energy consumption by some 37 per cent with proper conservation procedures—without reducing in any way our standard of living," the senator said.

The size of automobiles is a major factor in fuel waste. Increasing the weight of a car by 500 pounds can cut gasoline mileage by 14 per cent.

Senator Beall said there are estimates that if the average weight of an automobile was reduced to 2500 pounds, the projected consumption of fuel in 1985 would be the same as the 1975 level. That would represent a savings of 2.1 million barrels of oil per day.

Improving home insulation could save a home owner up to $150 a year in heating bills. A two-degree adjustment in thermostats would save the equivalent of 600,000 barrels of oil per day by 1980.

Senator Beall said long-range solutions to the energy crisis may be found through research involving new sources of power, such as solar, nuclear and geothermal energy.

For the time being, however, America's energy needs can only be met by increasing our use of convention fuels or finding ways of using these fuels more efficiently.

"A vigorous energy conservation program can give our nation the extra time it needs to fulfill the promises of these new technological developments, the senator said.

RURAL HOUSING

Mr. ABOUREZK. Mr. President, it has recently come to my attention that the Farmers Home Administration's "strategic objectives" for fiscal years 1975–79 do not include a priority for rural housing.

I count myself among the many in Congress who would like to see the Farmers Home Administration programs for rural housing strengthened and expanded in every possible way.

Thus it is my hope that the failure of the Farmers Home Administration to include a strong priority for rural housing in its stated goals was an accident or an oversight.

In any event it is a question which I think deserves clarification from the administration.

This is no slight matter, because the Congress is right now in the process of considering new housing legislation and the Farmers Home Administration, despite whatever its own in-house priorities may be, is in fact the primary vehicle for delivery of assisted mortgage credit in rural America.

Mr. President, I ask unanimous consent to print in the RECORD a recent newsletter from the Housing Assistance Council on this subject as well as a copy of the FHA directive to which I have referred.

There being no objection, the newsletter was ordered to be printed in the RECORD: as follows:

CONTRADICTIONS AT FARMERS HOME?

Although the Farmers Home Administration has focused nearly half of its attention—and funds—on rural housing programs, an apparent trend has emerged over recent months that seems to contradict these efforts.

The latest indication of this trend is the exclusion of rural housing from the recent listing of FmHA "Strategic Objectives" for Fiscal Years 1975–79. The list is part of a directive issued in August by new Administrator Frank B. Elliott to all FmHA state directors outlining future policy.

The non-mention of housing in the list of objectives, representing "the principal focal points for program planning, priority-setting, and resource allocation," will effectively reduce home construction for low income families in rural areas. Although not specifically noted in the same directive, housing could be included under "Resource Constraints": "Every effort should be made to redirect resources from obsolete, ineffective or lower priority on-going programs to meet higher priority needs."

An earlier move to dampen Farmers Home housing activity was a directive in May calling for an average of 10.3 percent reduction in FmHA staff nationwide by July 1, 1974 (HAC NEWS # 16). The cut will severely limit new loan activity.

The de-emphasis of housing seems ironic at a time when FmHA program activity is one of the highest in years. There was an 804 percent increase in program level from FY 1960 to 1972, but only a 67.5 percent staff increase. In addition, Farmers Home made 44.4 percent of its Section 502 loans with interest credit nationwide in FY 1973, despite the housing moratorium.

It also is peculiar that Elliott issued two June bulletins calling for increased lending activity to minorities and new emphasis on the Section 504 program (HAC NEWS # 21). A June 8 bulletin to all state directors stated "Recognizing that a large percentage of substandard housing in rural areas is occupied by minorities, special efforts should be made to increase minority participation in our Rural Housing loan program." A June 29 bulletin said, "Approximately 50 percent of the annual authorization for Section 504 loans has been used in recent years. A special effort should be made to meet the housing needs of low-income families with this authority."

The President, in his housing message to Congress on September 19, did not criticize the FmHA programs, and in fact, highlighted the need to emphasize rural housing. There is no question that without FmHA's unique production record, thousands of rural families would remain in substandard homes.

It is obvious that some clarification of policy at FmHA is needed.

Strategic Objectives

Agency FY 1975–1979 program and financial plans should give priority to approved Presidential Objectives and should emphasize increasing supplies of agricultural commodities to meet growing domestic and export demands; assuring adequate farm income and strengthening the family farm; increasing agricultural exports; improving agricultural productivity; eliminating poverty-caused hunger and malnutrition; accelerating the development of rural communities; assuring adequate supplies of timber within environmental constraints and achieving equal opportunity.

While additional problem areas will receive consideration, including activities for improving the quality of the environment and developing natural resources, these eight strategic objectives represent the principal focal points for program planning, priority-setting, and resource allocation.

RESOURCE CONSTRAINTS

Proposed program levels for FY 1975 should conform to outlay targets specified in the June 20, 1973, memorandum calling for program and financial plans. Projections for subsequent years should assume continuation of a restrictive Federal budget for the next five years. Priority should be given to funding levels needed to meet approved Presidential Objectives.

Every effort should be made to redirect resources from obsolete, ineffective, or lower priority on-going programs to meet higher priority needs.

Limitations on Federal employment and average grades will continue to be restrictive. Preference will be given to alternatives that make maximum use of State and local agencies and private enterprise.

ORGANIZATION AND MANAGEMENT FACTORS

Management objectives to be built into forward planning include:

Continued progress under the President's New Federalism program, including decentralization; streamlining of assistance programs; and relocation of USDA activities from Washington to the field, with consolidation of field offices.

Achieving economies through full application of new technology and expansion of Department-wide centralized common services;

Consolidating research facilities and coordinating Federal and State research activities for the purpose of improving overall efficiency of agricultural research operations and programs;

Improving Department-wide management through an effective career development program;

Achieving equality of participation in USDA programs, and equality in USDA employment opportunities, for all minority groups; and

Implementing the management information and control system to improve attainment of approved annual targets and long-range guides.

U.S. Department of Agriculture,
Farmers Home Administration,
Washington, D.C., August 8, 1973.
Subject: Objectives and Constraints.
To: All State Directors, FHA.

As we move out together in the Farmers Home Administration, we will be doing so under the objectives, constraints and organization and management factors as listed on the attachment.

Please review these in order that we may make all of our actions consistent within these policies.

Frank B. Elliott, *Administrator*.

NUCLEAR POWERPLANTS

Mr. DOMENICI. Mr. President, late last month, here on the Senate floor, some concerns were expressed about the safety of nuclear powerplants. Several good points were raised, to some of which I hope to reply today.

At the outset, let me admit that I am neither a professional scientist nor a member of the Joint Committee on Atomic Energy. But I do represent a State which probably has more outstanding nuclear scientists than any other and which, for all intents and purposes, has been the cradle of applied nuclear science.

I number many of those scientists among my friends, and, as friends do, they offer me the benefit of their guidance and counsel. I would like to share with this body today some of their observations on the question of the safety of nuclear powerplants.

Before we look at the subject of safety alone, however, perhaps we should examine some ideas which must underlie any observations we make about it. Here is what many of my scientific friends tell me:

First, it is an incontrovertible fact of life that we cannot go on indefinitely consuming fossil fuels of which we have only a finite supply. Sooner or later, it is going to run out. Therefore, while our fuels still last, we must do the research necessary to develop practical alternate sources of energy.

Second, we must recognize there are other demands on our fossil fuel supply: these same fossil fuels, which took millions of years to form, are the critical raw material for our vast petrochemical industry which contributes so much to our lives, with products ranging from synthetic fibers to life-giving medicines. Considering the potentially greater economic and social value of coal as a chemical raw material, there may come a time when we will have to raise serious questions about the wisdom of merely oxidizing it to obtain the energy it contains.

For these reasons alone, it is clearly incumbent on us to slow and eventually end the voracious consumption of this vital raw material for fuel, and proceed with all deliberate speed to develop every potential source of energy—solar energy, geothermal energy, controlled thermonuclear energy, energy from fission reactors, and others. And the time is now.

It is this urgency that requires us to examine carefully every possible energy resource available to us right now, and it is a fact that of all the sources I have listed, only one has presently been developed to the point where it can be of help to us in the short term. That one is the nuclear fission reactor, on whose safety some of my colleagues have cast some doubt.

While I share the concern for safety and hope that some answers on the issue will be forthcoming from the Atomic Energy Commission, I remind this body of three things:

The first is that since the fission reactor is the only such resource we presently have at hand in this crisis, it must be used. That does not mean that we must risk a nation's safety to use it. Rather, it means the opposite, that we must find ways to make it safe to use, if need be.

Second, and almost in passing, I will ask this body when and where we ever can proceed in any of our affairs with the kind of total safety some seem to insist on only when it comes to nuclear affairs. What, that is worthwhile, has ever been achieved without risk? What does a prudent man ever do except weigh risks against potential benefits before deciding whether or not to proceed?

But the prudent man—and this is my third point—weighs real risks, not merely fancied ones.

What do we really, factually know about nuclear powerplants? Well, here is one thing—perhaps not as lurid as the Wall Street Journal or the Washington Post would like—but a fact all the same: experience to date shows that nuclear powerplants cost less in fatalities and injuries per megawatt hour produced than does the conventional generating station in your own hometown.

Let me be even more specific. As many of you know, the National Safety Council is composed of organizations that have committed themselves to promoting greater safety in their operations. Each year, it presents an award to the organization with the best safety record. I think it is of interest that this award has been won every year since 1962 by none other than the Atomic Energy Commission and its prime contractors, representing more than 100,000 workers.

Let me explain how it works. The award is based on the number of accidents per million man-hours. In 1970, the last year for which complete figures are available, the national average for all industry was 15.2 accidents per million man-hours. National Safety Council members nearly halved that with a rate of 8.87 accidents per million man-hours. The private nuclear power industry bettered that mark with a rate of 6.2, and the AEC topped everybody with a rate of only 1.28 accidents per million man-hours, less than a tenth of the national average.

In his comments last month, one of our colleagues raised the specter of a nuclear accident in which fission products could be dispersed in the countryside killing many people. I was concerned about this and consulted with some of my scientific friends. Here is what they told me about that:

In order for this sort of accident to occur, the following four events would be required. First, the primary cooling system would have to rupture, an event, I am told, that has never occurred. Second, the emergency core cooling system also would have to fail. Third, the containment vessel would have to rupture. And finally, the containment building also would have to rupture. The AEC has previously referred to the chances of this remarkable coincidence of events as "an unlikely accident." My friends told me it has about the same chances as that of a 747 crashing in JFK Stadium during a Redskin game.

The question of nuclear plants susceptibility to sabotage or enemy attack also was raised. When I asked about that, I was told that nuclear powerplants are so heavily constructed that it would take an atomic bomb to rupture them from the outside. If you already have an atomic bomb in the area or can target one in that precisely, why bother with the nuclear plant?

Finally, since some people are concerned about the possibility of an explosion in a nuclear plant, I asked my friends about that. The phrase they used to characterize this possibility is an exact, scientific one: "essentially nonexistent." I repeat: the possibility of an explosion is essentially nonexistent.

Why then is there so much fear about the use of nuclear power? One of my scientific friends put it this way:

> If the first form in which gasoline was introduced into the world had been napalm, we would still be riding around in horse-drawn carriages.

I think that part of the problem is that we are used to one method of power generation and so tend to think of it as safe—as we think of our own homes as safe, which is far from factual. The other method is new—hence mysterious, and to many eyes, dangerous.

But this is no time for such superstition—if there ever is a time for that sort of deliberate suspension of intelligent thinking. We need nuclear power, and all the other suorces we can develop, as fast as we can develop them.

So, in view of this need, what must we do? It appears to me that if we are concerned about potential hazards of nuclear power, we should embark on a kind of research that will increase their safety and reduce still further the chances of "an unlikely accident." We can make the level of hazard from nuclear plants as small as we wish, depending only on the amount of research we are willing to do and the construction costs we are willing to tolerate. In short, our situation is this: We cannot let potential danger stop development of nuclear powerplants. Instead we must solve the danger problem, as intelligent men will always try to do.

At the same time, we also must provide the research and development funds to expand our knowledge about each of the other energy sources on which exploration has begun—solar, geothermal, and controlled thermonuclear energy. We also must be concerned about the limited availability of fissionable uranium. And it is this very problem that gives a special urgency to our development of the fast breeder reactor which can supply us with a virtually limitless supply of fuel and energy.

Just as I plead with you not to let fear stand in the way of our expansion of our supply of nuclear fission reactors, with equal strength I urge you not to let false economy stand in the way of research to develop these other alternate sources of energy, which we so urgently need.

Too often we have seen the Congress of the United States take a position of pride over the stemming of a flood when it has in fact only inserted a finger in the dike. That kind of shortsightedness will not serve us here, because our energy problem is of such depth and breadth as to be amenable only to broad gage solutions.

Mr. President, I most respectfully urge this body to give careful consideration to these facts concerning both the safety of current nuclear powerplants and the need for the development of new sources of energy with all deliberate speed. This problem is upon us right now and challenges this body to take intelligent and aggressive action now. I am confident that we will rise to meet it.

DAYLIGHT SAVING TIME

Mr. PELL. Mr. President, once again this Sunday, people throughout the United States will go through the annual ritual of turning back their clocks, ending daylight saving time for another 6 months. Unfortunately, in the present circumstances, as we are confronted by a growing energy crisis, the return to standard time will place an added burden on energy supplies.

Early in this session of Congress, on March 15, I introduced a bill (S. 1260) to provide for year-round daylight saving time. Since that time, the case for year-round observance of daylight saving time has become even more persuasive. I am pleased that the Senate Commerce Committee has taken cognizance of the merit of this proposal by scheduling a hearing on the subject.

Just a few days ago I returned from Rhode Island where I spent several days examining the effects of the fuel shortage upon firms in the State. While we experienced difficulties this summer, the disruptions now are even more noticeable with several firms having to lay off employees or cutback operations because of the inability to obtain petroleum products or raw materials made from crude oil and natural gas. In my State, already severely affected by economic disruptions, fuel shortages would lead to further serious problems beyond mere inconvenience.

Unquestionably, the most significant effect of the daylight saving time extension is the potential for energy savings in the consumption of electricity. Although more information is needed, reports do indicate the possible reduction in consumption of electricity by 1 to 2 percent. While this may seem insignificant in light of total energy consumption, it is important to note that the production of electricity consumes one-fourth of all our Nation's energy resources. Furthermore, it is the fastest growing consumer of energy. By 1985, it is expected that electric utilities will consume the largest percentage of all energy through the production of electricity. Hence, the potential for energy savings will be even greater in 10 years at a time when demands for Mideast oil will more than double.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, a memorandum on potential energy savings under daylight saving time prepared by the Rhode Island Turnpike and Bridge Authority and provided by Mr. James Canning, director.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Recently Senator STEVENSON brought to my attention a Rand Corp. comprehensive study of the potential for energy savings from year-round daylight saving time. This data, which shows fuel oil and natural gas savings, has added new dimensions to the importance of energy savings. Combining all the savings, Rand estimates a total energy savings of as high as 1½ percent. This reduction would represent from three to four times the total energy consumption for the State of Rhode Island or more than one-fourth of all energy consumption in New England for a year. Given the problems faced across the Nation last year as a result of the fuel shortages and the widespread disruptions to date, these potential energy savings should be enough to warrant the extension of daylight saving time.

There are, however, some equally important benefits by extending daylight saving time. According to the National Safety Council for example, the rate and severity of traffic accidents is the highest just after sundown. Hence, as we return to standard time on Sunday, commuters from then on will be forced to return home during the hours of greatest hazard and at a time when more fatigued and least alert. That additional hour of daylight would make it possible, during most of the winter months, for commuters to reach their homes before the onset of darkness, without requiring them to travel to work in darkness during the morning.

Another key benefit would be the reduction in street crime. Statistics indicate that robbery, muggings and purse snatching are most frequent during the early evening. With the extra hour of daylight saving time at a time when most of the work force is enroute home, criminals would be less apt to threaten these individuals returning to their families.

It seems quite clear to me that the benefits of extending daylight saving time far outweigh the continuation of the present system. As we look ahead to the increased demands upon our energy sources, the reasons for changing to year-round daylight saving time become all the more important. This would be one of the wisest energy conservation moves we could make and at no cost or loss to anyone, and I urge early and favorable consideration of this legislation.

Exhibit 1

ESTIMATE OF SAVINGS IN FUEL USED FOR LIGHT AND HEAT BY REMAINING ON DAYLIGHT SAVING TIME INSTEAD OF CHANGING TIME AS SCHEDULED TO BE DONE ON THE LAST SUNDAY IN OCTOBER

In Rhode Island in winter months, November, December, January and February, the sun sets at about 5:00 P.M. on Standard Time. Twilight begins before this and accordingly all over the New England region households turn on their lights at about 4:00 P.M. These lights remain on until an average time of 10:00 P.M., or a period of six hours. If the New England region should remain on Daylight Saving Time the sun would set in winter months at about 6:00 P.M., with twilight beginning about one-half hour before this, and household lights going on at about 5:00 P.M., or one hour later than if on Eastern Standard Time. Lights in the average household will still be turned off at about 10:00 P.M., having been on for a period of only five hours instead of six. This is a saving of 16.6% in energy (fuel) needed to produce electric power for household lighting. The saving for light in office buildings and business establishments will approach 50% since they close much earlier than the 10:00 P.M. figure used for households.

Also, in talking to engineers from various New England power companies, I find that prior to shifting off of Daylight Saving Time, there are two peak load periods of energy consumption. One of these is called the evening cooking load, and the other is the evening lighting load. One boiler generator combination can carry these two loads since they do not coincide. However, immediately after shifting off of Daylight Saving Time in October, these two loads occur at the same time, and most all power companies in New England find it necessary to put another generating combination on the line. This is very costly in terms of fuel consumption and could be eliminated by staying on Daylight Saving Time, especially since this extra generating system is only needed for the period of the peak load.

Further, in talking to an engineer from a local power company, I find that immediately after changing time at the end of October, the electrical load increases about 9%, and when the time is changed back in late April the electric load drops about 6%. Some of this is due to the higher heat needs for the months of November and April vs. the months of May and October. However, most of this change I believe is due to the change in the lighting load.

Concerning heating, usually household heat is maintained at or about 72° between the hours of 7:00 A.M. to 10 P.M. As the evening approaches the thermostat is turned higher and higher to maintain this heat. After changing time in October, this act of turning up the thermostat occurs earlier (at about 4:00 P.M. vs. 5:00 P.M.) and still continues until 10:00 P.M. In effect, if we did not change time we would have one more hour of solar heat heating our homes during our waking hours, or, also, we would delay by one hour the need to turn the heat up. At 10:00 P.M. the heat would be turned down for the night. The saving would not be as much as that for light, but it would be at least one hour out of the fifteen hours we are awake. One out of fifteen is a saving of 6.7%. This, averaged with the saving for light, will average out to about 10.0% by not changing time.

This is significant and I believe might just be the amount needed to carry us through the winter on a short fuel supply.

The above considerations are mainly for the State of Rhode Island, but the use of electricity and fuel in New England is quite regionalized. However, the further East one goes within the same time zone, the more fuel is saved by staying on Daylight Saving Time. There are some rather larger metropolitan areas in the Eastern side of this zone, such as Boston, Portsmouth (New Hampshire), Portland, Fall River, and New Bedford, wherein the saving would exceed the 10% if time were not changed. Hence I would recommend that the entire New England Region stay on Daylight Saving Time.

These principles, although not new, first became apparent in Germany after World War I, and were used successfully after World War II in Europe when fuel was in a critically short supply.

I am sure that the possibility of effecting these savings could be established by a study of the records of the various utility companies in New England, and I would recommend that this be done also.

Michael P. Smith,
Chief of Maintenance.

SAFEGUARDING THE PRIVACY OF INDIVIDUAL BANK ACCOUNTS

Mr. MATHIAS. Mr. President, recently, the Supreme Court announced that it would review lower court decisions concerning the constitutionality of the 1970 Bank Secrecy Act. I am pleased at this development, for I feel very strongly that this law permits unconscionable and unconstitutional invasions of the privacy of all Americans. I am hopeful that the Court will significantly decrease the opportunities for such serious mischief.

It should be clear to all of us, however, that there is an urgent need for statutory standards which would insure the privacy of individual bank accounts. Such standards should make clear that no Government officials would be able to review individual bank accounts without receiving consent from the bank customer or permission from a Federal judge.

Last year, Senator Ervin and I submitted legislations which would establish such a standard. Hearings were held on the bill. On July 19, 1973, Senators Cranston, Brock, Tunney, Ervin, and myself introduced similar legislation, S. 2200. This bill is now pending before the Subcommittee on Financial Institutions of the Senate Banking, Housing and Urban Affairs Committee. I am hopeful that action will be taken on this important legislation in the very near future.

In order to further explain the importance of this legislation, I ask unanimous consent that a news account of the Supreme Court's decision to review the constitutionality of the Bank Secrecy Act be printed in the Record.

There being no objection, the news account was ordered to be printed in the Record, as follows:

High Court To Decide if Bank Secrecy Act Is Constitutional; Cable-TV Case Docketed

Washington.—The Supreme Court agreed to decide whether the 1970 Bank Secrecy Act is Constitutional.

A lower court has struck down the law's requirements for reporting domestic banking transactions, but it has upheld the act's record-keeping regulations and its provisions requiring reports of foreign banking transactions.

BANK SECRECY ACT

The Bank Secrecy Act was adopted by Congress in October 1970 to "reduce the maintenance of appropriate types of records . . . where such records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings." It requires financial institutions to maintain customary ledger-card records for commercial and savings accounts, plus microfilm of almost all checks, drafts or similar instrument drawn on or presented for payment or received for deposit or collection.

The Bank Secrecy Act also authorizes the Treasury Secretary to subpoena certain of these records and to share them with other government agencies, such as the Federal Bureau of Investigation, in connection with specified inquiries.

The act had been scheduled to take effect July 1, 1972, but was held up when the law was challenged in separate lawsuits filed by the American Civil Liberties Union and by the 158-member California Bankers Association. In September 1972, a three-judge federal appeals court panel in San Francisco held two to one that the law's domestic reporting provisions are unconstitutional. The panel said those provisions, along with the Treasury Secretary's subpoena power, violate the right of privacy guaranteed under the Constitution's Fourth Amendment.

However, the panel said it didn't find any constitutional violations in the act's record-keeping requirements or provisions covering foreign banking transactions. Both the government and those challenging the act sought high court review, urging the Supreme Court to reverse that part of the lower court ruling adverse to them. The court is likely to rule on the case later in its present term.

HON. ALF M. LANDON SPEAKS AT BAKER UNIVERSITY

Mr. DOLE. Mr. President, former Kansas Gov. Alf M. Landon recently shared his insight on the current political and international scene with the faculty and student body of Baker University. Speaking at the Baldwin, Kans., campus of this outstanding institution, Governor Landon brought his years of experience and finely honed powers of observation to bear on many of the trends and events making headlines today.

I found his views—particularly those relating to the importance of our national defense capabilities—to be quite thought-provoking and timely. And I ask unanimous consent that the text of his remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

On Political Questions

(By Alf M. Landon)

I am honored with your invitation to be the first speaker on your convocation for the ensuing academic year.

I am not going to discuss the obvious advantages you have in this splendid university to cultivate cultural and spiritual values. However, a well-rounded education requires interest in what is occurring in daily life around us as covered by daily newspapers, radio and television. This gets us closer to life as it is than what we read in books.

I am going to discuss—as a proud politician—the exciting and stimulating venturesome and unending time-consuming task of politicians necessary in governing people. That is true at all levels of government, starting with the public officials of municipalities, counties, states and the nation. Euphemistically, they are frequently referred to as public servants, when, as a matter of fact, they are the governing people. Yet they are never the masters of the people because they must always bear in mind that the ultimate power always rests in the hands of the voters.

The saving grace of America is that there are always sizeable groups interested in public service of one kind or another. Some love to preach or to teach—or to participate in civic clubs, chambers of commerce or lodge activities. Some love politics.

While I have been interested and active in politics from my earliest days, it has not been a vocation with me. The only paying full-time public job I ever had was four years as governor of our great and beloved state.

I cut my eye teeth in politics as County Chairman in the Progressive Party campaign in 1914. That old Bull Moose party was the party of the youth. We were the "wild" men of those days.

Before the Bull Moosers were the Populists. Their party lasted longer than the old Progressive Party. Yet both had a definite effect in shaping future state and national governments. The principles they advocated were subsequently adopted by the two major parties and have long been the law of the land.

The principal legislative changes they advocated were: direct primaries; popular election of U.S. senators; state and national regulation of big business; government warehouses for surplus agricultural crops; organization of free labor; women's suffrage and stringent regulations of women and child labor.

The old Bull Moose slogan, "Pass prosperity around," along with the New Nationalism that Theodore Roosevelt advocated in his Osawatomie, Kansas, speech in August, 1910, really describe the policies of both major parties that brought government in tune with the changing times in subsequent years to the extent that government power is now used to plan our national economy.

That, of course, means a great increase in the power of central government. So politicians are necessary not only in making decisions by the voters and working them out in both legislation and administration.

That brings me to the present heated discussion of the constitutional use and extent of executive power and the law, on which the judicial system will have the final say, as so many times in our history.

The question of executive privilege communication—although of great importance in the efficient operation of our immense government bureaucratic structure of today—misses the basic issue—compared to the steadily growing concentration of power in the chief executive that has been created by the Congress in managing the country's economy in meeting modern problems of our complex industrial and social life. That was never dreamed of in the original constitutional debates dealing with individual civil rights.

George Washington is rightfully called the father of our country. By the same token, John Marshall, the first Chief Justice of our Supreme Court—in establishing the implied powers of the presidency by his constitutional decisions—could rightfully be called the father of the executive power of the presidency.

That issue was fought over in the state conventions ratifying the constitution and has been fought over ever since. Perhaps the Watergate scandal will occupy a place in history of bringing—through judicial decisions—a clear definition—a summation—of the constitutional relationship between the President and the Congress and the vested power of each.

It is interesting that the warnings in those state conventions of the opposition speakers—like Patrick Henry—of the danger to our Republic of the ambiguous terms in the constitution as to the powers of the presidency—are now being heard once more from those rightfully incensed by the Watergate scandal, yet who are unmindful of far greater concentration of power in the hands of the chief executive.

The Watergate scandal is going to wind up in the courts where it started. Archibald Cox, the special prosecutor, and his staff—all strong and energetic active Democrats named by President Nixon's attorney general—are energetically and carefully preparing their criminal cases for presentation to the federal grand jury.

I do not dismiss lightly the extent of the stupid Nixon appointees' participation in the abuse of law and free political expression of human political rights.

I do not believe that the Watergate scandal threatens the future existence of our republic, as the ebullient Senator Sam Irvin describes it.

Af far as the future of our great and beloved republic is concerned, I have protested for forty years at the lack of concern at the steady increase in executive power concentrated in the presidency by and through the steady streamlining of economic legislation that started with President Franklin Delano Roosevelt's administration.

In the present Congress, there is pending legislation that will further nationalize American railroads. Just consider the tremendous increase in presidential power that is.

Furthermore, it is not a sound answer to the drastic changes in American transportation that are plainly in sight. America's railroads are not only the cheapest way of transportation; they also best meet ecological demands.

There are pending in the Congress some four or five different proposals for a solution to the northeast railroad crisis. These grow out of the Order of the Federal District Judge in charge of the Penn Central reorganization in granting further delays on the plea of the trustees that Congress should be given an opportunity to act in the matter. The court, by its inaction and refusal to exercise its powers, has confronted the Congress with unacceptable alternatives.

The trustees of the Penn Central, appointed by this judge, have been unable to secure funds for its continued operation. Why does not the judge give them the wide authority of receivers to liquidate the present indebtedness of the Penn Central and thereby have available its tremendous assets of some 15.8 billion dollars for refinancing and continuing its operation? The creditors—including preferred and common stock holders—would have to be satisfied with a scaling down of their investments, with the hope that—with sound financial and operating management—they could recover some of their loss.

Instead, he is asking the Congress to provide the necessary capital to continue the operation of the Penn Central.

What right does the Congress have to protect private investors against losing any money, at the expense of the American taxpayers?

I am opposed to the Congress taking this action. I opposed the Lockheed loan. If we start in now again with the Penn Central, will we have to bail out the five other northeastern railroads in bankruptcy and the six or seven other American railroads in financial distress? If the Congress is to assume the responsibility the Federal District Judge in the Penn Central case somewhat arrogantly confronts them with, it will mean they must also appropriate funds for these other railroads.

That is nationalization of the railroads through the back door. Think what awesome power this adds to the presidency—and what huge amounts of taxes the American taxpayers will have to dig up.

There is also legislation pending in the Congress that delegates increased power to the president of raising and lowering tariffs. It is almost impossible for the Congress to act on the spot when immediate action is required on matters of this kind. But the American presidents have already power to act on tariff questions that they have not used. Then why should the Congress give them additional power?

In almost any area you choose, it is awesome the power the Congress has delegated to the President—or to the executive officers under his control. This great increase in executive power has occurred with little protest in the last 40 years.

In 1974—certainly 1976—the basic issues are going to be what they have always been—even in tribal days—under any form of government—at any time and in any clime: simple existence. The cost of living. What you eat and what you wear. Whether times are good or bad. Jobs.

I sum it up easily—prosperity—and that requires enduring peace.

Peace is dependent on the foreign policies of President Nixon. We are not out of the bad lands of the cold war yet. Much can happen in foreign affairs between now and November, 1976.

For twenty-odd years, I have urged a detente with Russia and China—and promptly supported President Nixon's momentous policies with them.

Our President is in an extremely difficult position of pushing the Congress for adequate defense appropriations and, at the same time, pursuing his foreign policies that have changed the world.

Now is no time for the Congress to cut the President's defense budget, thereby endangering maintenance of our present level of military strength.

Such action would jeopardize President Nixon's work plans for a general disarmament agreement between governments, for it would prematurely and unilaterally disarm our nation. It would rob the United States of its strongest negotiating element, since other countries would have no great motivation to disarm.

It would leave America in a weakened position to reach a genuine and workable detente with Russia.

Peace is vitally based on multilateral disarmament and mutually beneficial trade relations. President Nixon's remarkable ability to negotiate those must not be reduced at this crucial juncture in the world's history. The stakes are high—peace and prosperity. We cannot afford to throw them away.

If we continue to find our way to the sound ground of collective agreements between different major governments that induce realistic cutting of enormously expensive military structures and promote better trade and commerce, and a higher standard of living—then the worldwide prosperity caused by enhancing continued peaceful prospects for the future will be of great importance to peoples all over the world for generations to come.

RESTORING NORMAL RELATIONS WITH SWEDEN

Mr. PELL. Mr. President, as a strong supporter of Senate Resolution 149 calling for restoration of normal friendly relations with Sweden and a prompt exchange of ambassadors—action long overdue—I was delighted by the Senate action on October 4 adopting the resolution. I had hoped that the administration would respond to this urgent sense of the Senate by some immediate indication of intention to seal the breach in our traditionally close and beneficial relations with Sweden. I have maintained all along that this interruption should never have occurred in the first place. As I informed the Senate at the time (Congressional Record, January 6, 1973, p. 415), our refusal to receive a new ambassador from Sweden was "mistaken, petty, and inappropriate." It resulted from an unfortunate tendency on the part of the administration to take action affecting foreign affairs on the basis of pique.

In the case of Sweden, our brusque action was obviously prompted by the outspoken words of the Swedish Prime Minister in condemning U.S. terror bombing of North Vietnam during the Christmas season last year. In doing so, the Prime Minister reflected, too, the dismayed reaction of many of us in the Congress and of millions of other American citizens.

Happily, congressional action finally terminated our military involvement in Indochina. Thus a source of friction has been eliminated from the relations between two old and good friends with far more in common than in dispute.

Both our countries have much to gain from working closely together in defeating common enemies of mankind—poverty, violence, environmental, economic and social disorders. I have often said that if you want to foresee what is going on in the world on these fronts 5 years from now, take a look at what Sweden and the rest of Scandanavia are doing today.

The present sullen state of our relations with Sweden does not foster this mutually beneficial cooperation. This is why I think it is so important that the administration act in accordance with Senate Resolution 149. I urge this action now.

NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS

Mr. MATHIAS. Mr. President, this week—the week of October 21–27—the National Federation of Business and Professional Woman's Clubs, Inc., is recognizing all working women in their programs across the country. Appropriately in Maryland, this week follows by just a few days an event that was held in Baltimore. It was a women's fair, held in recognition of efforts by women to create a more meaningful role for themselves in society. The programs of the Business and Professional Women's Clubs, Inc., in Maryland and across the country, are a constructive part of this process. They deserve recognition and commendation. I am pleased to be able to join in the tribute that is being paid to the National Federation of Business and Professional Women's Clubs, Inc., as they observe this special week.

ARMS TO ISRAEL

Mr. STEVENSON. Mr. President, I am pleased that, after an initial delay, the administration decided to supply Israel with the equipment necessary to offset the massive infusion of Soviet armaments to the Arab belligerents in the current conflict. This step will help eliminate incentives to aggression and thereby create a climate in which a durable cease-fire and ultimately a settlement can be arrived at.

I ask unanimous consent that a copy of some remarks I made on this subject on October 12 be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Excerpts From a Speech by Senator Stevenson, as Delivered in New York City, Friday, October 12, 1973

When I ran for the Senate in 1970, I was charged with having a split personality when it came to matters of war and peace; I was, according to my accusers, a dove about Vietnam—but a hawk about Israel.

I explained then that Israel is a free and democratic state—devoted to the principles of cooperation, not coercion. South Vietnam was not.

Israel has sought to buy arms and fight her own battles. South Vietnam did not.

There are some other, deeper reasons why Israel deserves the support and admiration of our government and our people.

The tiny nation of Israel symbolizes mankind's atonement for ancient injustices. Israel represents one of those rare moments when mankind has sought to restore what was taken away; to recompense a people dispossessed for centuries.

Israel shows what faith and energy and genius can do. The people of Israel have literally made the desert bloom, and Israel has made herself a model of economic and social creativity. Such achievements deserve to stand.

Israel is something rare among the nations of the earth: a nation founded not for reasons of conquest or empire, but in the service of an idea. The United States, also, is such a nation—and perhaps that is one reason we feel such a kinship with Israel: both of us trace our roots as nations to some deep and worthy principles.

For all these reasons, Israel deserves to live.

For all these reasons, Israel deserves to prosper.

And for all these reasons, Israel must have the means to defend herself against attack and the means to protect herself in the future.

I believe the Administration should immediately use its power—power that Congress gave the President in 1971—to help Israel re-supply herself with arms: arms to match the arms supplied to her enemies by other nations, and arms to assure the continued defense of Israel against aggression.

I urge the President to use that power—to use it immediately. It will be a sad day in the history of our proud country if it submits to blackmail. History would not look kindly upon our generation if we failed to grant Israel the means to survive, to succeed—and to live in peace. *Israel must not be sold for a barrel of oil.*

We must live up to our difficult responsibilities in the Middle East: to guarantee the survival of Israel, and promote a climate within which the parties will negotiate, as only they can, a just and enduring peace.

MILITARY RECORDS FIRE AT ST. LOUIS

Mr. HARTKE. Mr. President, as members of this body will recall, early on the morning of July 12, 1973, a fire was discovered on the sixth floor of the Military Personnel Records Center near St. Louis, Mo. That fire burned for 5 days, and when it was over, some 21.8 million military service records, principally belonging to Army veterans discharged between 1912 and 1959, were severely damaged or destroyed. As chairman of the Committee on Veterans' Affairs, I immediately sought to determine how this would affect applications for veterans' benefits which must be based on proof of service or, in the case of a disability, service connection. I therefore continue to closely follow developments in the aftermath of the fire, and recently received a detailed status report from the General Services Administration (GSA) which I believe will be of interest to my colleagues.

EXTENT OF DAMAGE TO RECORDS

GSA has informed me that an estimated 3.2 million of the 21.8 million records located on the sixth floor at the time of the fire can be salvaged. Records on the other floors were not damaged by the fire, although some suffered minor water damage. The specific files affected are as follows:

Army personnel discharged between November 1, 1912, and December 31, 1959: 2.5 million of 20 million can be salvaged;

Air Force personnel discharged between September 25, 1947, and December 31, 1963, last names beginning with the letters "I" through "Z"; 423,000 of 1.4 million can be salvaged; and

Army personnel discharged between January 1, 1973, and time of the fire; 314,000 of 316,000 can be salvaged.

It is interesting to note that some papers are being saved by placement in a space age vacuum chamber where they are dried out by lowering the humidity to approximately 15 percent.

SUBSTITUTION OF RECORDS

An Interagency Military Personnel Records Policy Working Committee was established by the Archivist of the United States to determine how much of the information destroyed is available from other Government records. The group met four times during the summer and reported that the information required to obtain benefits in the 18.6 million cases where service files were destroyed can be obtained in most instances from Veterans' Administration records, military payrolls and pay vouchers, Selective Service records, and other similar material maintained by Federal agencies.

PREVENTING A REPETITION

GSA has concluded that—

> There were serious deficiencies in the fire protection system at the Military Personnel Records Center.

Sprinklers had not been installed; some 60 percent of the records were in cardboard boxes rather that metal file cabinets; in addition, there had been 11 minor fires at the Center in the 2½ years prior to the July 12 blaze, six of them classified as cases of suspected arson. GSA has submitted to Congress a $7.9 million prospectus for restoring and upgrading the facility, including the installation of fire-rated partitions, fire detection systems, and automatic sprinklers. A request for supplemental funding is being prepared, and I stand ready to support it with the hope that my colleagues will see fit to do so as well. It appears to me that the duplication of military service records, perhaps by microfilm, with placement in a second location, also deserves careful consideration as an advisable precaution. I certainly expect that one such unfortunate tragedy, inconveniencing on the order of 20 million veterans, is sufficient to insure that all necessary steps will be taken promptly to prevent a recurrence.

The Senate Committee on Veterans' Affairs, which I am privileged to chair, is encouraged by the speed and good sense displayed by the GSA and other agencies in responding to this crisis affecting so many former American servicemen and their families. My distinguished colleagues can be assured that I and the members of the Veterans' Affairs Committee will continue to keep close tabs on this matter, and that we will initiate any legislation that the situation dictates as necessary to insure that the veterans affected receive the benefits and services to which they are entitled.

THE UNITED NATIONS

Mr. McGEE. Mr. President, on Wednesday of this week, the United Nations celebrated its 28th anniversary. In connection with this historic event, I believe we all should pause to reflect upon the intense difficulties of the Middle East and turn to serious consideration of the shared hopes of all Americans for a renewed faith in the United Nations.

We have seen for the first time, under the aegis of the United Nations, the Soviet Union and the United States cosponsoring resolutions calling for an end to major conflict in the world. The U.N. Security Council action has been a most hopeful sign for citizens of the world as the two major powers of our planet have turned to the only universal body we have in search of a solution to a very dangerous and delicate conditon in the Middle East.

Secretary-General Kurt Waldheim has often pointed out that collective measures for the prevention and removal of threats to the peace are required. Certainly, the United States and the Soviet Union are to be congratulated for this shared collective response. The crisis in the Middle East is not over, as events of yesterday bring reality harshly into focus. The situation remains potentially explosive, although the crisis appears to be easing. However, at some other time in the past, the major power resistance to seeking a solution would have been out of the question. Today, we are witnessing an historical period whereby the mutuality of interests between the two major powers, no matter how limited they might be, have apparently kept us from going over the brink. As a result, we have seen both the Soviet Union and the United States turning to the United Nations for a resolution of the crisis.

For the first time, the two major powers have also jointly requested the Secretary-General to "take measures for immediate dispatch of United Nations observers to supervise the observance of a cease-fire." Realistically, this is the manner by which the Security Council is able to play effectively its intended role under the Charter for the effecting of peace and security throughout the world.

As we are within the second quarter century of the United Nations, it seems appropriate to consider our goals in relation to improving the effectiveness of the United Nations and how the United States may reasonably proceed with that task.

Our firsthand experience at the U.N. has brought home the realization that, after 28 years of existence, the Organization, established to "save succeeding generations from the scourge of war," has not been able to exert any significant part of its cardinal mandate. However, with the joint efforts of the major powers, and particularly Secretary of State Henry Kissinger's responsible leadership, it is clear Security Council action may indeed move us to a new day and a new atmosphere of understanding, no matter how painfully slow the process may be. Previously, without a joint understanding between the Soviet Union and the United States, the U.N. had neither the power nor the moral authority to cope with the member nations' proclivity for violence.

In the past, the U.N. became an instrument through which concerted international action became possible in limited areas of human endeavor. The Organization has served as a mirror of the complex, disjointed, at times unpleasant reality, which characterizes the international community. The fault lies not with the institution, but with those who made it what it is—the sovereign nations of this world, each governed by its own ambitions and fears, each jealous of the prerogatives of its independence. The United Nations is uniquely their creature. It is neither more nor less than what the member states have been willing to make it.

The United States is one of the members partly responsible for this state of affairs; for, although we have played a major role in the founding and perpetuation of the Organization, American policy has encouraged little real growth in the U.N. Futhermore, we have extolled the virtues of international cooperation, while withholding from the U.N. the full measure of our political support which the Organization has needed in order to become an effective instrument for peace and progress in the world community.

It is hoped, as we reflect upon the observance of the 28th anniversary of the United Nations, that, under the leadership of Secretary Kissinger, a new emergence of American policy at the U.N. will be forthcoming—a policy which will bring the U.N. from the perimeter of our foreign policy efforts into the center of our international considerations.

It is also appropriate to reflect on congressional attitudes as they concern the United Nations. We are continually besieged by assaults on the organization in the Congress. Hardly a week passes that expressions of disenchantment, condemnation, or calls for disengagement from the institution are not heard. I suppose these expressions are to be expected since certain appeals have to be made to certain constituencies. It is an easy way out, for it does not require making difficult decisions which result in constructive approaches to our involvement in the U.N. I believe it also reflects a certain loss of faith in all mankind, a dilemma I personally do not share.

I would point out that the United Nations provides us with the vehicle to search out what limited areas of mutual interest may exist in the world today. In this way, we are laying a foundation, based upon a mutuality of interest, which can only serve to strengthen the international bond among nations. I sincerely believe that we must aggressively pursue this course if we are ever to have the chance of coming to grips with chaotic global concerns and problems.

With these reflections in mind, it would be my hope that sincere efforts be launched in the Congress to gain a greater appreciation for the potential of the United Nations and its positive accomplishments. To do otherwise is to "cop out" on the world as an admission that we do not possess the capability or capacity, as a nation, to work effectively in strengthening our institutions.

A HOME ON SINKING SAND

Mr. HARTKE. Mr. President, the mobility of the 20th century has made interstate land sales a very attractive market. Most of the purchases are of vacation homes or of land to be used when the buyer retires. The ownership of such property continues to rise sharply. In 1967, 1.7 million households owned second homes. In 1970, this figure rose to 2.9 million, approximately 4.9 percent of all households.

There are an estimated 10,000 developers of vacation homes in the United States. Many of them are honest and provide a quality vacation home. However, some developers take a person's lifetime earnings in exchange for a swamp or patch of desert. It is the unscrupulous dealer that must be regulated before more families lose their savings.

Mr. President, Robert H. Boyle wrote an article for the July 23, 1973, issue of Sports Illustrated magazine which, after thorough investigation, notes many of the frauds and swindles being perpetrated on the people.

My bill, S. 1753, which I introduced May 8, 1973, would require the licensing of developers and their agents. In order to attain a license, a developer would have to be of good character and business reputation; trained and experienced in the field; and not have committed any acts contrary to the intent of the bill within the past 5 years.

Mr. President, my bill would go a long way toward securing and preserving the savings of the families in America which seek a vacation home.

Mr. President, I ask unanimous consent that the article by Mr. Boyle appearing in the July 23, 1973, issue of Sports Illustrated, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUY NOW AND CRY LATER

(By Robert H. Boyle)

(Step right up, folks. Hurry, hurry. Get some land and build your dream house for those declining years: golf in your backyard, tennis two blocks away, water all around, and fish—suckers—everywhere.)

The case of Mrs. Gomer Jones, widow of the Oklahoma athletic director and football coach, is simple and instructive for potential buyers of vacation homesites. When Mrs. Jones went to see the New Mexico lots that her husband had bought for retirement, she broke down and cried and subsequently *gave* her lots away.

There are an estimated 10,000 developers in the vacation home business in the U.S. Some have projects that are well conceived both financially and environmentally. But unfortunately, there are too many projects that are bad on either one count or the other or both. Indeed, the vacation home business, especially undeveloped lot sales, is rife with deceptive practices, and state and federal agencies have their hands full running down complaints from the victimized. There is so much fraud rampant that Vince Conboy, a real estate broker in Naples, Fla. and a crusader against the bunco artists roaming his state, says, "It's the single biggest swindle in the country."

George K. Bernstein, who recently took over and shook up the Office of Interstate Land Sales Registration in the U.S. Department of Housing and Urban Development, says of the industry, "Though there are many reputable developers who have every intention of performing their promises, there are those who are not reputable. We are dealing with salesmen—across the board, even among the reputable companies—who promise you the world and who are working on a commission, and thus have an incentive to sell and lie through their teeth."

For all the warnings by responsible public officials, it is almost impossible for any American with a postal address or a telephone to escape the hard-sell salesmen. Slick brochures bursting with color photographs of the great outdoors pour through the mail, and the phone rings with unsolicited calls about your chance for a second home in the wilderness—that retreat by the lake, your own beach on the sea. There are all sorts of come-ons, ranging from free plastic dishes to a free dinner at a local restaurant. The gullible who accept are met by an army of salesmen who wear bell-bottom trousers and have more teeth than Bert Parks. They pin a card on your lapel proclaiming you "Mr. V.I.P.," and within two minutes they are calling you by your first name. The pitch varies, but essentially it has the same opener. After dinner a movie is shown about the paradise you can buy. Both the film and the salesmen emphasize that Sleazy Acres is "totally planned," down to the new lake stuffed with bass built along the lines of Chicago aldermen. If the project is in Florida, anywhere in Florida, it is always "near Disney World." Wherever the locale there almost always are swimming, water skiing (and maybe skiing, too), sauna baths, a yacht club, horseback riding, sailing, golf and, if you're lucky, a kiddie zoo! You can't miss. The salesmen have an assortment of lines. "Why I'm buying here myself just as an investment." "Sail into coves no one else knows about." "Go out in the early morning, breathe deeply and catch a whiff of the American dream." In too many cases the dream turns out to be a nightmare. That desert "ranchette" turns out to be a quarter-acre lot miles from nowhere, and the water only 800 feet away is just that, straight down. The southern hideaway is just that, too; many buyers can never find theirs behind the stands of swamp grass. Resale value is often nil. But then again, you have to have vision, as the salesman says.

Whenever a land-development scheme is announced, conservationists are usually the first to protest. Aside from any rip-off of the public—and there may be none at all involved—a development might not only put a stress on the environment but become a tax burden. Last year the Northern Environmental Council in Duluth, which takes in a host of organizations from Michigan to the Dakotas, issued a paper noting that "Local and county zoning regulations have, with very few exceptions, shown themselves to be almost useless when dealing with large-scale developments. These mass recreational promotions suddenly create vast new urban communities without adequate local government or public services." As the study points out, the promoter departs when the lots are sold, and "Left behind is usually a weak landowners association and the same rural township government to deal with mounting demands imposed by hundreds of new homeowners who expect road maintenance, sanitary-waste disposal, fire and police protection, lake and (often) dam management and miscellaneous public services including schools for those who become permanent residents. In fact, a whole new urban community arises overnight, too large and complex for the capabilities of local governments to deal with."

When the NOREC made a study of a shore development on Lake Superior in Minnesota it reported that 40% of the shore surveyed was "unsuitable for soil absorption sewage disposal systems because the soil is too heavy or underlain with rock to permit percolation. And an additional 27% of Minnesota shoreline . . . is so permeable that it permits too rapid a percolation rate for complete neutralization of sewage contaminants before reaching the lake water." In Wisconsin, Senator Gaylord Nelson warned, "With vast areas of the state still unzoned, and weak controls on the massive new leisure living developments now being planned throughout the state, we are about as well equipped to deal with the recreation revolution as someone planning to shoot spitballs at a tornado. If we don't act decisively now, in a decade the once pristine environment of northern Wisconsin will be turned into a recreation slum. . . ."

Senator Nelson is working on an amendment to Senator Henry Jackson's federal land use bill that would make developers prove that their projects are environmentally justified, but the fact is that even where there are laws some developers will do their best to bend them. In New York, for example, it is not just a matter of legislative statute but an actual state constitutional amendment that forest preserve lands in the Catskills and Adirondacks must remain "forever wild." This constitutional amendment, adopted in 1894 after destructive logging of lands owned by the state since colonial days, has been upheld time after time by the voters. Even so, battles crop up, and there are several fights going on now. In the Catskills, John H. Adams, a former assistant U.S. attorney who is now the executive director of the Natural Resources Defense Council, has personally filed suit, along with Friends of the Earth, the Atlantic chapter of the Sierra Club and the Theodore Gordon Flyfishers, against Rockland Town authorities to prevent Mr. and Mrs. Fred Haas from developing Edgewood Lakes, Inc., a 400-acre property divided into half-acre vacation lots. Adams alleges that the town unlawfully amended zoning to allow the subdivision and, moreover he charged that sewage from the development would pollute Waneta Lake and the Beaver Kill, which are designated as forever wild areas under the state constitution. The Haases filed a counterclaim against Adams alleging that he was indulging in malicious prosecution and had prompted newspaper articles to appear that caused them financial harm. Decisions in the case may be a year off, but the New York State Department of Environmental Conservation has ruled, as the result of a hearing requested by petition, that although it is not opposed to the project, no sewage effluent could be placed either in Waneta Lake or the Beaver Kill.

In the Adirondacks, the largest wilderness area east of the Mississippi, conservationists have been contesting two proposed mammoth developments. The first of these, dubbed "Ton-Da-Lay" by promoter Louis Papparazzo, would house 20,000 people on 18,5000 acres near Tupper Lake. The second, as yet unnamed by the Horizon Corporation, is supposed to be set on 24,000 acres in the northern section of the mountains. Now, however, both projects may come to naught, at least as envisioned in the eyes of the developers. Following the recommendations of the Adirondack Park Agency, the state legislature last May passed a bill imposing strict rules on development of privately owned land, so strict in fact that one conservationist says, "Massive second-home developments in the Adirondacks will be a thing of the past."

In part, the Horizon Corporation's announcement of its purchase of land in the Adirondacks prompted the legislative action. In an open letter to New York newspaper editors and state officials, Harvey Mudd II, director of the Central Clearing House, a conservation group in Santa Fe, N. Mex., wrote in June 1972, "The people of New York will get no 'bargain' if the Horizon Corporation is allowed to develop the 24 thousand acre property in the Adirondack State Park. . . . Horizon Corporation controls nearly a quarter of a million acres of land in New Mexico in or near two gigantic parcels known as Paradise Hills and the Rio Communities (Rio del Oro, Rio Grande Estates, Rancho Rio Grande). Their massive sales organization in New York State sells these 'sure fire investments' to thousands of New Yorkers every year who are led to believe that they are buying a lot on the edge of a verdant golf course, when in fact they are getting a piece of worthless desert half a dozen miles from the nearest utility tie-up or community services.

"Horizon Corporation sends many thousands of letters urging people to invest successfully in real estate, Horizon Corporation itself is the successful investor. They purchase large tracts of land in New Mexico, the price often under $200 an acre, cover the land with lot grids and sell it to the gullible in small size lots at prices that usually exceed $4,000 an acre. . . . The real estate section of the *Albuquerque Journal* is full of Horizon Corporation resales, which are well under the original price paid. The market is glutted with second-sale subdivision lots, and the company is certainly making no repurchases itself.

". . . Horizon's largest holding in New Mexico exceeds 145 thousand acres. As of July 16, 1971 (when the latest Property Report was filed), only 154 homes had been built. In this operation, core unit development, a few houses, a golf course, and a sales office is used as the bait to sell the remote desert land."

In New Mexico, a Nirvana for big-city dwellers, more than one million acres have been scissored into small lots on paper. This land, if built upon, could accommodate more than eight million people, eight times the present state population. New Mexico's landscape is now ticktacked with roads bulldozed out of the desert (state law requires developers to provide access to lots), and the dust they raise contributes to air and stream pollution. In essence most of the parcels are ghost lots, peddled to people far away. Often the sales theme is investment. Horizon has advertised, "You can make money here even if you can't spell

Albuquerque." When various civic, consumer-protection and conservation groups banded together last year to back a bill in the legislature that would have allowed the state to reject new developments that lacked sufficient water supply, they were soundly beaten, even though the legislation was supported by Governor Bruce King and leading newspapers. As State Senator Eddie Barboa argued in debate, "I don't see why we should spend hours worrying about somebody in New York spending $1,500 or $2,000 on a worthless piece of New Mexico land that doesn't have water. If they're that stupid, let them spend it. . . . I have a friend who is a stewardess with one of the airlines that flies them in and she tells me these people don't even drink water."

Many out-of-staters who buy lots are surprised to discover that it can rain heavily in the desert. A South Carolina man who bought a Deming ranchette after reading an ad in the *Washington Post* later decided to sell. He wrote a realtor in New Mexico, and the realtor replied, ". . . I am very sorry to inform you that I have been unable to interest anyone in [your property] at any price. . . . I don't know if you have seen the lots or not, but all the access roads, as well as the lots themselves, are under water during wet weather . . . when it is wet not even four-wheel drive vehicles can reach them"

Land sales in Florida are often an impossible mess. Robert J. Haiman, managing editor of the *St. Petersburg Times*, which has run a series of exposes, says, "The sale of Florida swampland to unsuspecting Northerners has long been a national joke. But it's not funny. It's a national scandal." With all deference to conservationists, Vince Conboy points out that the state has spent more money to protect alligators than it has to prevent buyers from being devoured by salesmen. Florida is crisscrossed with paper lots that are either under water or unreachable or hold no likely prospect of development for several hundred years, as Conboy makes clear in a book he wrote and published, *Expose, Florida's Billion Dollar Land Fraud*. Conboy is no anarchist slinging mud at the real-estate establishment. He has short hair and belongs to Kiwanis and the Knights of Columbus. Now 70 years of age, he is a native of Wisconsin who moved to Florida 15 years ago as a real-estate broker. In Wisconsin he had worked for the Federal Government as an appraiser, and what he found going on in Florida real estate shocked him into becoming a crusader. When the *St. Petersburg Times* assigned Staff Writer Elizabeth Whitney to check Conboy's allegations in *Expose*, it found him "virtually unimpeachable on almost every point." Conboy, who has gotten little help from either state or federal authorities, is particularly outraged by Golden Gate Estates near Naples in Collier County. GAC Properties, formerly the Gulf American Land Corporation, noted in a recent report that it had sold almost all the 113,000 acres in the subdivision. "They paid $100 to $150 an acre and sold it for as much as $1,800 an acre," Conboy says. "They went in and drained it so there are fires now. In fact, it's a forest-fire nightmare. The company boasted it would be the largest subdivision in the world, but in all this 113,000 acres there are just three houses after 10 years."

One of the houses is occupied by Wald and Mary Mitchell from Akron. The Mitchells, who are in their 70s, sank almost $6,000 of their savings into their lot, and rather than lose most of that trying to sell, they decided to build. However, they are so far out in the boondocks that they cannot afford a telephone. The phone company said the house was so remote that it would cost the Mitchells $2,880 to bring in a line. Even if the Mitchells could afford a phone, they would have little time to chat on it since fire fighting is a full-time job. In a two-month period they had to fight off fires on four fronts that threatened to engulf their little home.

Conboy says, "More than $100 million has been invested in that drained swamp by wonderful people. Some might call them suckers or fools for buying lots there, but these buyers were people who had been reared in a trusting way, people who couldn't believe that human beings could be so low as to steal their life savings." According to Conboy, Florida has more than two million lots that have little or no resale value even though many were purchased at fancy prices as an investment. When he began making noises about this, a General Development Corp. subsidiary wrote to his wife offering a $2,000 profit on lots she owned in Port Charlotte. Conboy replied that he would be happy to sell if General Development would repurchase all similar lots owned by other buyers for $1,500 each. The company refused.

The hard-sell hucksters peddling second home lots in Florida, New Mexico and other parts of the U.S. are having a feast on U.S. servicemen overseas. The European edition of *Stars and Stripes* last December devoted three special eight-page news supplements to U.S. land sales companies doing about $30 million a year of business in Europe with GIs. "All companies plead innocence of wrongdoing." *Stars and Stripes* said, "but exhaustive research in Europe turned up case after case of misrepresentation and half-truths, sins of omission and commission, advertising exaggeration and high-pressure sales tactics." Misrepresentation went so far that a salesman told one soldier that Discovery Bay was in Florida and not Mississippi.

Although European Command regulations prohibit land companies from operating on posts, the companies make the regulations a farce by routinely hiring military personnel as salesmen or scouts to find buyers. One master sergeant admitted he had collected $5 for every husband and wife "unit" that he steered to GAC. The former U.S. Army Europe commander-in-chief, General Bruce C. Clarke, has gone to work for Horizon to handle public relations. General Clarke, who last fall invited key military authorities to have lunch with him at various locations in Germany, prepared a mail-order flyer for Horizon entitled, "Why the Military Man Should Acquire Land—by General Bruce C. Clarke, U.S. Army, Retired." General Clarke was hopeful that authorities would allow salesmen who "qualify" to solicit on posts, but, as Captain David Naugle, chief of the Army's legal assistance division in Europe, advised *Stars and Stripes*, the best way to handle land salesmen is to "boot them into the North Sea."

For all the fraud and misrepresentation going on, relatively few of the swindled realize that they have recourse to a federal agency that has recently started going after the swindlers. The agency is the Office of Interstate Land Sales Registration run by George Bernstein and his deputy, John McDowell, in the Department of Housing and Urban Development. The agency, usually abbreviated as OILSR, came into being in 1968, primarily because Senator Harrison Williams Jr. of New Jersey was angered at seeing the elderly victimized while buying retirement lots. Still, until Bernstein took over the agency had accomplished little and was considered a lap dog of the land-sales industry.

A lawyer by profession, Bernstein is unusal in that he wears two hats; before he took over as OILSR chief, he was, and still is, the Federal Insurance Administrator, a position in which he caused some flap by going after Blue Cross. When he assumed controls at OILSR, he adopted the policy that he has followed to this day. "I publicly called our relationship with the land-sales industry an adversary relationship. They said we should 'work together.' My constituency is not the regulated industry but the public." That is rather a mild statement for Bernstein, who is given to such comments as "This is a bad industry—it's an industry not used to being regulated," or "I cut the big red apple and watch the worms crawl out." An aide has said, "Around here we rate developers from zero to minus 10."

The law under which Bernstein operates, the Interstate Land Sales Full Disclosure Act, requests developers selling subdivisions of 50 or more unimproved lots less than five acres in size, in interstate commerce, to file a detailed Statement of Record with OILSR. They must also give purchasers a Property Report that contains 19 items taken from the Statement of Record on such matters as the availability of sewer and water service or septic tanks and wells, distances to nearby communities over paved or unpaved roads, the number of homes currently occupied, soil conditions that could cause problems in construction, utility services and other matters. If the developer fails to give the buyer a copy of the Property Report either before or when he buys, the buyer may void the purchase. Moreover, should the developer fail to comply with the Full Disclosure Act in any way or indulge in fraud, the buyer may sue for damages, which are often measured by the purchase price and court costs. In addition, OILSR can seek criminal penalties of up to five year in prison, a fine up to $5,000, or both. Even if a developer is operating only within one state, Bernstein and OILSR can get him if he has used the U.S. mails. There are some drawbacks to the law. For one, if a buyer fails to understand the property Report and fails to understand or doesn't read the fineprint saying no water is available, he is in tough luck. As they say at OILSR, "The law will light the threshold but not unlock the door." Then again, as Bernstein puts it, "A developer could be raping the land ecologically, and there's not a thing we could do as long as there is full disclosure."

Still, the law can be effective, and to make certain that the public became aware of it and his office, Bernstein and McDowell made a nationwide swing of 17 cities last year to hold public hearings on the law and to listen to the aggrieved. They heard one horror story after another. The company that drew the most complaints was GAC, one of the largest developers. Most of the complaints concerned misleading sales practices and misrepresentation.

Last October Bernstein really stunned the American Land Development Association when he announced that a federal grand jury in Atlanta had returned a 22-count criminal indictment against four individual corporate officers, three corporations and eight land salesmen. One of the corporate officers indicted was Frank A. Carcaise, president of Great Northern Development Corporation and also chairman of the board of the American Land Development Association. Adding salt to the wound, Bernstein said, "If we were looking for a case illustrating all the abuses about which we have been warning the public at our abuses hearings we couldn't have found a more frightening example." Among the charges by the grand jury, all of which revolved around a development known as Treasure Lake of Georgia, Inc., were that the defendants had failed to register and file a Statement of Record prior to initial sales and that there was misrepresentation after they finally did; obtained by fraud the signatures of buyers on documents which showed that a Property Report had been received when it had not; showed buyers phony pictures of a lake, a golf course and other recreational improvements in a conspiracy consisting of "devices, schemes and artifices to defraud and establish a practice and course of business which would operate as a fraud and deceit."

In response to the land swindles and in

answer to bad planning, several states—notably Vermont, California and Maine—have recently passed legislation to protect both the buyer and the environment. In California, Boise Cascade recently agreed to a $58.5 million settlement of lawsuits brought against the company for false and misleading sales practices, following a halt last July of recreational land sales. The Sierra Club *Bulletin* noted, "What sort of enterprise is it where a large, financially responsible corporation, with millions of dollars in assets, thousands of stockholders and a large staff of experts should fall so low while dozens of tacky operations continue to thrive? Boise's experience confirms what many have known all along—that the recreational land business, dealing in a largely unnecessary product that few people can afford, usually must rely for its success on glib salesmen and naive customers."

New legislation is pending on the federal level. Congressman Morris K. Udall of Arizona has introduced a bill that would, among other things, prohibit interstate advertising, and Congressman Barry Goldwater Jr. of California is drawing up a bill that would create a Securities and Real Estate Commission patterned on the Securities and Exchange Commission. Such a commission would regulate interstate land sales, not simply administer the Full Disclosure Act.

Yet for all the laws now on the books or aborning, much of the grief involved in land sales could be avoided if potential buyers used common sense. Any buyer interested in land should personally inspect it, carefully read the Property Report, have the land independently appraised and then confer with a lawyer before signing anything. As with any major purchase, but with land especially, let the buyer beware.

THE ROLE OF THE U.N.

Mr. McGEE. Mr. President, throughout the course of this year, we have been subject to an incessant denigration of the United Nations in the U.S. Congress.

It is therefore ironic, as the world confronts another Middle East crisis, one which could have forced the great powers over the brink, that the entire international community has turned to the U.N. in an effort to resolve this confrontation.

In this morning's Washington Post, Stephen S. Rosenfeld placed the United Nations' role in the proper perspective when he succinctly observed:

> It (the U.N.) provided a forum—one otherwise unavailable—in which the great powers and the Mideast combatants could register their common understanding that the shooting should end.
>
> Egypt and Israel could not, yet, make their own cease-fire. A cease-fire call from the United States and the Soviet Union, separately or together, would have put them in a direct guarantor's role, which neither of them wanted and which the local parties would have distrusted as a great-power dictate. Only a cease-fire appeal "laundered" through the United Nations could have been politically acceptable to all.

While realistically assessing the limitations of this international organization, it should be apparent to all that there is a continuing, and even increasing, role for the United Nations to play in our highly complex world. While it may be the political thing to do in appealing to a certain constituency by calls for our disengagement from the United Nations or the dissolution of the organization altogether, it certainly does not reflect a wisdom or an understanding of international politics in the 1970's. I believe this attitude reflects a complete loss of faith in all mankind, a belief which I certainly do not share.

I believe Mr. Rosenfeld's assessment to be particularly acute and timely. For this reason, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE U.N.: FULFILLING ITS ROLE

(By Stephen S. Rosenfeld)

Let's hear it for the United Nations, not just because Wednesday was U.N. Day but because this was a week in which the U.N. once again showed its stuff. Consider, in order, what the world organization did.

It provided a forum—one otherwise unavailable—in which the great powers and the Mideast combatants could register their common understanding that the shooting should end.

Egypt and Israel could not, yet, make their own cease-fire. A cease-fire call from the United States and the Soviet Union, separately or together, would have put them in a direct guarantor's role, which neither of them wanted and which the local parties would have distrusted as a great-power dictate. Only a cease-fire appeal "laundered" through the United Nations could have been politically acceptable to all.

When the first appeal did not take, there arose the plain need to strengthen it, to turn it from an abstract summons to a real presence, and so U.N. observers were dispatched to the scene.

When Egypt began to feel the situation was souring, it turned quickly to the U.N. as the one place where a brave and indignant face could be put on its nervousness, by means of words. Those who deprecate this tactic should ask themselves whether they would have preferred to have Egyptian President Anwar Sadat launch a new offensive.

When the second cease-fire appeal did not take, still another proposal was advanced for a large "United Nations emergency force," intended as an effective alternative to direct Soviet or American participation. This result did indeed come about.

And now, one hopes, a search for an abiding settlement in the Mideast is to go forward within the framework of the U.N. Security Council resolutions of 1967 and 1973. These two settlement resolutions receive their moral authority, if not their political authority, from the fact that they represent an explicit and unanimous international consensus, a consensus which there is no other procedure or mechanism for establishing, outside the U.N.

Now, no one making a tally of the U.N.'s modest but real services during this Mideast crisis period can ignore the conventional streetwise cry that once again the U.N. has "failed"—failed because it could neither prevent nor immediately end the war and because it could not act at all until the two great powers came to a partial meeting of the minds.

A vast amount of good-willed nonsense about the U.N. is in circulation on any given day, especially, one might say, on U.N. Day. This Wednesday, for instance, the New York Times published a letter from a gentleman of the "man's best hope" school in which he declared that the problem is "the U.N. has not yet been given the authority to act as a world security system."

To that, most sensible people would have to say "amen." The day the U.N. is given the authority to act as a world security system is the day that world security utterly disintegrates. The U.N. can alternately provide a connection or a cushion between conflicting states, and this can often enhance their security. But to imagine that any state with choice in the matter would put its fate up to an international organization, whether it was dominated by friends or foes, is not idealistic but absurd, an escapist notion.

Often countries are chastised for not allowing the U.N. to roll over them. The Soviet Union used to be considered the pariah whenever it used its veto; these days it's usually Israel. It is common for countries so isolated to put the knock on the U.N., as the Russians tried to do with their aborted "troika" proposal and as the Israelis try to do with their scorn. Thankfully, the United States has been a bit less high and mighty about the matter ever since its automatic majority disappeared and its own policies came under criticism, at about the same time.

GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Mr. HASKELL. Mr. President, on September 4, 1973, the Administration on Aging announced in the Federal Register their proposed rules for the Grants for State and Community Programs on Aging. The Colorado State Department of Social Services, the State unit which implements the Older Americans Act, has reviewed the proposed rules and generally agrees that the rules will assist the State agencies in their service to the older population. The executive director, Mr. Con F. Shea, and the director, Mr. Robert F. Robinson, of the Colorado Department of Social Services have some reservations, however, about particular provisions. I ask unanimous consent that letters from Mr. Shea and Mr. Robinson to Dr. Flemming, the Commissioner on Aging, a resolution from the full Colorado Commission on the Aging, and the Notice of Proposed Rulemaking be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
DEPARTMENT OF SOCIAL SERVICES,
Denver, Colo., September 20, 1973.

Subject: Proposed Rules 45 CFR Part 903 Grants for State and Community Programs on Aging Published Federal Register September 4, 1973.

Dr. ARTHUR S. FLEMMING,
Commissioner Delegate, Administration on Aging, Department of Health, Education, and Welfare, Mary Switzer Building, Washington, D.C.

DEAR DR. FLEMMING: As one state which has diligently espoused programs for the aging, and which we feel is in the vanguard for innovation and pushing of Older Americans Act programs, we are deeply disturbed with one provision of the proposed rules, and that is Section 903.63(d) which would prohibit sub-units of a state agency on aging from being area agencies on aging. It would be permissible to designate the entire state as the area agency on aging under the proposed rule 903.57(f), but we believe that it would be better to subdivide the state for administrative convenience utilizing the structure of the 12 state planning regions Colorado has designated under provisions of OMB Circular A–95.

These would be combined as necessary so that the entire state could be served by the rather limited administrative resources available under Title III.

Such organizational structure would be prohibited by 903.63(d) as proposed and will result in a fragmented program with many active and interested general purpose units of local government being left out because of the severe restrictions on aged, minority populations which are also in the proposed rules. Furthermore, some of the fine programs already in existence under the former Title III would not be included in the fragmented areas and could not get funding in the future.

I am sure that Congress did not intend such a result in its passage of the Amendments to the Older Americans Act contained in Public Law 93–29.

We ask that Section 903.63(d) be withdrawn so that Colorado's Department of Social Services, the designated state agency for Titles III and VII of the Older Americans Act, is allowed the option of designating regional offices of its Division of Services for the Aging for the reasons stated above.

Sincerely,

Con F. Shea,
Executive Director.

Department of Social Services,
Division of Services for the Aging,
Denver, Colo., September 25, 1973.

Subject: Proposed rules 45 CFR part 903 grants for State and community programs on aging, published Federal Register, September 4, 1973.

Hon. Arthur S. Flemming, Ph. D.,
Commissioner, Administration on Aging, Department of Health, Education, and Welfare, Washington, D.C.

Dear Commissioner Flemming: The Colorado Commission on the Aging and the Division of Services for the Aging (the organizational unit in Colorado identified to implement the Older Americans Act) have reviewed the proposed Rules for the State and Community Programs on Aging. In general we accept the premise that the rules will assist the state agencies in better serving the older population. However, we take exception to some specific areas.

1. As indicated in the letter from Mr. Con F. Shea, the Executive Director of the Department of Social Services, we concur with him that "it would be better to divide the state for administrative purposes, utilizing the structure of the twelve state planning regions Colorado has designated under provisions of OMB Circular A–95." We concur in his request that this Division be given the option of establishing regional offices to implement the proposed rules.

2. We feel that the rules as currently written do not provide adequately for direct services to the older people, but are too strongly focused on planning and coordination, particularly when one considers the limited resources available to the state agency. A large state such as Colorado, with extreme geographic and demographic differences, will require large planning service areas with few centers of population. In some cases regional centers may have less than three or four thousand older people, yet will be thirty to forty thousand square miles in area. Administratively it will become extremely difficult to implement planning on an equitable basis throughout such a region.

3. We are particularly disturbed with the proposed structure for the advisory committee. We recognize the merit and desirability of including consumers on such a committee, and also the professionals, but are concerned that there is no place for public representatives. For example, currently the Colorado Commission on the Aging is composed of eleven persons on a statewide basis, all interested in the problems of the elderly and of tremendous assistance to the staff. At the same time, using the guidelines proposed in Section 903.50, Paragraph (c) there might be only one or two of those persons who could remain on the Commission should these rules become effective. One of the major values of the advisory committee is their important place in state structure and their ability to communicate with the Governor and the General Assembly and Members of Congress on a personal as well as professional level. To lose this could adversely affect the program and the older people in the state. We propose that the advisory committee include consumers, professionals, and representatives of the general public.

4. We feel that our state in particular is not receiving an equitable amount of administrative funds to carry out the purposes of this Act. For example, for Wyoming with under 100,000, Colorado with nearly 300,000, and Minnesota with over 600,000, older people to have the same fiscal support of $160,000 is not only unrealistic, but inequitable. We recognize the need of the larger states with populations in the millions, to have additional funds, but feel our state is not receiving sufficient funds to effectively administer the programs that are outlined in the Amendments.

5. We feel the one year limitation on support of area plans and area administration as outlined in Section 903.4, Subparagraph (b) is too limiting, particularly in the beginning periods of the program, because those agencies will be required to submit simultaneously, first and second year plans, and this before they have any opportunity to review the resources available in the community and do any real planning or coordination.

The State Agency will be required to make judgments based on insufficient information from these area agencies as to whether or not we have selected the best area agency on aging, though they have not been given an opportunity to prove their full capabilities.

The Colorado Commission on the Aging, at the Annual Retreat, considered and supported unanimously the attached Resolution. They requested that we forward this to you with our letter commenting on the proposed Rules.

We strongly recommend that the changes and revisions shown above be included in the Rules when they are published. We feel this would be in the best interest of the older people, and that the state agencies would be able to carry out their assigned function with a minimum of confusion and a maximum of effort.

Sincerely,

Robert B. Robinson,
Director, Colorado Commission on the Aging and Division of Services for the Aging.

Colorado Commission on the Aging

RESOLUTION

Whereas, the Colorado Commission on the Aging has for the duration of the Older Americans Act and its concerns, been in the forefront of the advocacy and implementation of its spirit and intent of the provision of the Older Americans Act, and,

Whereas, the Staff of the Division of Aging of the Colorado State Department of Social Services and the Commission, have made possible a variety of services for the aging in the entire state, and have successfully achieved the purposes of the Administration on Aging and created a sense of cooperation among the various segments of the aging population and those local agencies which administer to the needs of the aging which could be defeated by a change which might contribute to such a defeat.

Be it resolved that: Section 903 be modified or interpreted in such a way as to provide for a single effective state agency with an advisory relationship to the Commission, so that the Division of Aging of the Department of Social Services may continue to expand its service to the entire state in the manner it has been operating since its inception with such provisions as the revised regulations include, but modified or interpreted to make this possible.

Particularly it is the sense of the Commission that the limitations, restrictions and conditions embodied in Section 903.57 are too limiting to make possible the freedom of choice and determination of administration procedures necessary to implement a satisfactory program as called for by the legislation enacted by the Congress. Accordingly, it is recommended that such operating interpretations mutually satisfactory to the Administration on Aging and the State Department of Social Services be arrived at by negotiation between officials of the Administration on Aging and the State Department of Social Services.

Adopted September 16, 1973 at Loveland Colorado.

[From the Federal Register, Vol. 38, No. 170, Sept. 4, 1973]

Department of Health, Education, and Welfare

Office of the Secretary

[45 CFR Part 903]

GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Commissioner on Aging, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement a new title III of the Older Americans Act of 1965, as amended by P.L. 93–29, the Older Americans Comprehensive Services Amendments of 1973.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objectives thereto which are submitted in writing to the Commissioner on Aging, U.S. Department of Health, Education, and Welfare, Mary Switzer Building, 330 C Street SW., Washington, D.C. 20201, on or before October 4, 1973. Comments received will be available for public inspection in Room 3086, Mary Switzer Building, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Area Code 202–963–3581). The Commissioner on Aging will hold a public hearing on these proposed regulations in Washington, D.C. on September 17, 1973. Such hearings will be held between 9:30 a.m. and 5 p.m., in Room 5104, New Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C. Persons desiring to comment on these proposed regulations at such hearing should file a request with the Commissioner on Aging no later than September 12, 1973. Additional information may be obtained from the Office of the Commissioner, Administration on Aging, (Area Code 202–963–3581).

Upon the promulgation of these regulations, guidelines will be issued by the Commissioner on Aging. These guidelines will be designed to provide the additional guidance necessary to assure implementation of this program in conformity with the Act and the regulations.

Federal financial assistance extended under Part 903 is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Dated August 27, 1973.

Arthur S. Flemming,
Commissioner on Aging.

Approved August 27, 1973.

Stanley B. Thomas, Jr.,
Assistant Secretary for Human Development.

Approved August 28, 1973.

Frank C. Carlucci,
Acting Secretary.

(Catalog of Federal Domestic Assistance Program No. 13.700—Grants to States for Community Programs.)

Part 903 of Title 45 of the Code of Federal Regulations is revised to read as follows:

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AUTHORITY: Sec. 301, P.L. 93-29, 87 Stat. 36-45 (42 U.S.C. 3021-3025).

Subpart A—Purpose

§ 903-1 Purpose of the program.

(a) It is the purpose of the program under title III of the Act to encourage and assist State and area agencies to concentrate resources in order to develop greater capacity and to foster the development of comprehensive and coordinated service systems to serve older persons.

(b) The systems are to be developed by the agenies' entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services, and where necessary, to reorganize or reassign functions.

(c) The goals of the comprehensive and coordinated service systems are to:

(1) Secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

(2) Remove individual and social barriers to economic and personal independence for older persons, including the provision of opportunities for employment and volunteer activities in the communities where older persons live.

(d) In order to achieve this purpose, the resources made available under title III shall be used to:

(1) Provide for the development and implementation by designated State and area agencies, in conjunction with other planners and service providers, and older consumers of service, of State and area plans which set forth specific program objectives and priorities for meeting the needs of the elderly with emphasis on the needs of low income and minority elderly;

(2) Increase the capability of State and area agencies to develop and implement action programs designed to achieve the coordination of existing social service systems in order to make such systems more effective, efficient, and responsive in meeting the needs of the elderly;

(3) Draw in increasing commitments from public and private agencies which have resources that can be utilized to serve the elderly, and encourage such agencies to enter into cooperative arrangements directed toward maximum utilization of existing resources on behalf of the elderly;

(4) Make existing social services more accessible to older persons in need through the development and support of services such as transportation, outreach, information and referral and escort which can increase the ability of older persons to obtain other social services; and

(5) Promote comprehensive services for the elderly through the development and support of social services which are needed by older persons but which are not otherwise available.

(e) Funds made available under this part shall be used primarily to provide maximum incentive for attracting support from public and private agencies having resources for programs for the elderly.

(f) Funds made available under this part may be used to provide social services only when it has been clearly shown that:

(1) Such services are needed and are not already available; and

(2) No other public or private agency can or will provide such social services.

(g) Agencies providing services to older persons under this part must seek reimbursement for the cost of providing the services when a third party (including a government agency) is authorized or is under legal obligation to pay such costs.

§ 903.2 Definitions.

In addition to the definitions set forth in § 901.2, of this chapter, the following definitions are applicable for purposes of this part:

(a) "Area agency" means the single agency designated by the State agency to be responsible for the program described in this part within a planning and service area designated by the State agency.

(b) "Area plan" means the document submitted annually by an area agency to the State agency for approval which sets forth goals and measurable objectives and identifies the planning, coordination, administration, social services, and evaluation activities to be undertaken to carry out the purposes of this title.

(c) The term "comprehensive and coordinated system" means a system for providing all necessary social services in a manner designed to:

(1) Facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

(2) Initiate, develop and make the most effective use of social services in meeting the needs of older persons; and

(3) Use available resources efficiently and with a minimum of unnecessary duplication.

(d) The term "low income" means those persons whose income is below the current Department of Commerce, Bureau of Census poverty threshold.

(e) The term "minority" means those persons who identify themselves as American Indian, Negro, Oriental, or Spanish language, and members of any additional limited English-speaking groups designated as minority within the State by the State agency.

(f) The term "multipurpose senior center" means a community facility for the organization and provision of a broad spectrum of services, which may include the provision of health, social, and education services (as defined in § 903.2(g)), and provision of facilities for recreational activities for older persons.

(g) For the purposes of this part, the term "social services" means only the following services:

(1) Coordination activities which link together, in support of common objectives, existing planning and service resources, and

assure the utilization of such resources for the purpose of developing and carrying out action programs and activities which will result in improvement, expansion, and, as necessary, initiation of services needed by older persons.

(2) Information sources or services which provide a location where State, area or other public or private agencies or organizations;

(i) maintain current information with respect to the opportunities and services available to older persons, and develop current lists of older persons in need of services and opportunities; and

(ii) employ a specially trained staff, including bilingual individuals as appropriate, to inform older persons of the opportunities and services which are available, and assist such persons to take advantage of such opportunities and services.

(3) Referral services which assist individuals to identify the type of assistance needed, place individuals in contact with appropriate services, and followup to determine whether services were received and met the need identified, and which provide for the maintenance of proper records for use in identifying services offered and gaps in existing services systems.

(4) Transportation services designed to transport older persons to and from community facilities and resources for the purpose of applying for and receiving services, reducing isolation, or otherwise promoting independent living, but not including a direct subsidy for an overall transit system or a general reduced fare program for a public transit system. Such transportation services shall be, insofar as possible, part of an area transportation plan;

(5) Services designed to encourage and assist older persons to use the facilities and services available to them, including:

(i) Outreach services, including search and find activities, which seek out and identify hard-to-reach individuals and assist them in gaining access to needed services; and

(ii) Escort services which assist individuals who, for a variety of factors, are unable to use conventional means of transportation to reach needed services, or require such assistance for reasons of personal security or protection.

(6) Counseling services which provide direct guidance and assistance in the utilization of needed health and social services, and help in coping with personal problems which threaten personal health and social functioning;

(7) Health related services which identify health needs of individuals, and assist such individuals to obtain health services under Medicare, Medicaid, or other health services programs, and from other public or private agencies or providers of health services; planning, as appropriate, with the individual in need of service, and health providers, to help obtain continuity of treatment and carrying out of health recommendations; assisting such individuals where appropriate to secure admission to medical institutions and other health related facilities; and home health services as defined in paragraph (g) (8) (iii) of this section;

(8) Preventive services to avoid institutionalization, which may include any of the following services;

(i) Periodic screening and evaluation which provide for an assessment of an individual's need for those medical and social services necessary to retain his capacity for self-care and to maintain independent living in his home as long as possible;

(ii) Homemaker services which provide care for elderly individuals in their own homes and help them maintain, strengthen and safeguard their personal functioning in their own homes through the services of a trained and supervised homemaker;

(iii) Home health services which provide basic health services to individuals who can be cared for at home, including part-time bedside nursing care under medical supervision, occupational, physical, and speech therapy, homemaker-home health aide services, the services of a home health aide, and home delivered meals services which meet the nutritional standards prescribed in part § 909 of this Chapter;

(iv) Chore services which provide for the performance of household tasks, essential shopping, simple household repairs, and other light work necessary to enable an individual to remain in his own home, when, because of frailty or other condition, such individual is unable to perform such tasks himself;

(v) Friendly visiting services which provide regular visits to the homes of socially and geographically isolated individuals to provide socialization;

(vi) Telephone reassurance services which provide for telephone calls at specified times as often as necessary, to or from individuals who live alone, or who are temporarily alone, to determine if they are safe and well, if they require special assistance, and to provide psychological reassurance;

(vii) Protective services which are designed to assist those elderly persons carry out the activities of daily living who, because of impaired mental or physical functioning are unable to manage their own affairs, or protect themselves from neglect or hazardous situations without assistance from others; and

(viii) Housing assistance to aid individuals in obtaining adequate housing through the provision of technical help (as contrasted to financial help) in order to improve their present living arrangements or to relocate to more suitable housing when needed.

(9) Recreational services which foster the health and social well-being of individuals through social interaction and the satisfying use of time;

(10) Continuing education services, including consumer education, which are designed to provide individuals with opportunities to acquire knowledge and skills suited to their interests and capabilities through either formal academic courses or informal methods, with a view toward either vocational or personal enrichment;

(11) Legal services which provide legal advice and counseling to older persons in matters of importance to the individual, including serving as an advocate of older persons who have consumer problems;

(12) Welfare services which seek to assure the health and well-being of individuals, which neither duplicate nor overlap any cash assistance and social service programs, and the health and social services provided under Medical Assistance.

(h) The term "unit of general purpose local government" means:

(i) A political subdivision of the State, or a grouping of such subdivisions, whose authority is broad and general and is not limited to only one function or a combination of related functions; or

(ii) An Indian tribal organization, including any Indian tribe, band, group, pueblo, community, or Alaskan native village, which has a recognized governing body which performs substantial governmental functions.

Subpart B—The State Plan

§ 903.12 Purpose and content of the State plan.

In order for a State to be eligible for grants for a fiscal year from the allotments of funds under title III of the Act, it shall submit a State plan, prior to the beginning of each fiscal year, to the Commissioner for approval. The State plan shall consist of:

(a) A detailed commitment that the title III program will be carried out in keeping with the provisions of the Act and all regulations, policies and procedures established by the Commissioner; and

(b) A fiscal year operating plan which shall include:

(1) An analysis of the needs and characteristics of the elderly population in the State with emphasis on low income and minority older persons, and an identification of those persons who will be given priority in the implementation of the State plan;

(2) A statement of the goals and measurable objectives, in priority order, established for the title III program which relates to the national goals and objectives established by the Commissioner for a fiscal year and announced to the States;

(3) An identification of the barriers to achievement of the objectives established;

(4) An inventory and analysis of the resources available in the State to meet the needs of older persons; and

(5) A plan of action which describes in detail how the title III program will be implemented and how the funds made available under this part will be allocated by the State agency.

§ 903.13 Designation of the State agency.

(a) The State Plan shall identify the sole State agency that has been designated to:

(1) Develop the State plan to be submitted to the Commissioner for approval;

(2) Administer the State plan within the State;

(3) Be primarily responsible for the coordination of all State activities related to the purposes of the Act;

(4) Divide the entire State into distinct areas (hereinafter referred to as "planning and service areas") in accordance with the requirements prescribed in § 903.57;

(5) Designate a public or nonprofit private agency or organization as the area agency on aging for each planning and service area for which an area plan will be developed;

(6) Approve the area plans developed by such area agencies;

(7) Monitor and assess the implementation of each area plan, including the progress toward the achievement of the objectives set forth in the plan; and

(8) Carry out all other functions and responsibilities as prescribed in this part for the State agency.

§ 903.14 Authority of the State agency.

The State plan shall contain certification by the State Attorney General that the State agency has the authority to submit the State plan; is the sole agency responsible for the conduct of all the functions prescribed for such agency in this part; and that nothing in the State plan is inconsistent with State law.

§ 903.15 Review of plan by Governor.

The State plan must be submitted to the State Governor for his review and approval, and the State plan must provide that the Governor will be given an opportunity to review and approve all amendments to the State plan.

§ 903.16 Plan submission and approval.

The State plan shall be submitted for approval within 60 days following the effective date of this part, and for each fiscal year thereafter, at least 60 days prior to the beginning thereof. Any State plan or amendment meeting the requirements of this part as determined by the Commissioner shall be approved.

§ 903.17 Plan amendments.

The State agency's administration of the program under this part shall be in conformity with the State plan as approved by the Commissioner. Whenever there is any material change in the content or administration of the State plan as approved, or when there has been a change in pertinent State law or in the organization, policies, or operations of the State agency affecting the plan, the State plan shall be appropriately amended.

§ 903.18 Plan review.

The State plan as approved and all amendments thereto shall be subject to such review as the Commissioner may prescribe.

§ 903.19 Plan disapproval.

No State plan or any modification thereof, submitted under title III of the Act, shall be finally disapproved without first affording the State reasonable notice and opportunity for a hearing.

§ 903.20 Withholding of funds.

(a) Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to the State agency administering a State plan approved under title III of the Act, finds that: (1) The State is not eligible under section 304 of the Act; (2) the State plan has been so changed that it no longer complies with the provisions of the Act; or (3) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State agency that no further payments will be made to the State under title III of the Act (or in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State under title III of the Act (or payments shall be limited to projects under, or portions of, the State plan not affected by such failure).

(b) If there is no appeal, or if the action taken by the Commissioner is upheld as a result of an appeal in keeping with the procedures prescribed in § 903.21 of this subpart, the Commissioner shall take action to disburse the funds withheld in the following manner:

(1) The Commissioner shall, by whatever steps he deems appropriate, notify those appropriate public or nonprofit private organizations or agencies or political subdivisions of such State that they may submit a State plan under the authority of section 304(d)(3) of the Act for use of the allotments (or portions thereof) unused by the State as a result of action taken under paragraph (a) of this section.

(2) Any State plan so submitted must conform to all the requirements and procedures related to the submission of State plans prescribed in this part.

(3) The Commissioner shall give priority to any State level public agency submitting such a plan that has the authority and capacity to administer this program on a statewide basis. If no such State level public agency submits a plan, consideration shall then be given to those other agencies submitting such a plan that have the authority and capacity to administer this program on a Statewide basis.

§ 903.21 Appeal procedures.

A State which is dissatisfied with a final action of the Commissioner under § 903.19 or § 903.20 may appeal to the U.S. Court of Appeals for the circuit in which the State is located, by filing a petition with such court within 60 days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

Subpart C—State Agency Organization

§ 903.34 Organization of the State agency.

The State plan shall provide that there will be a single organizational unit within the State agency designated in accordance with § 903.13, with delegated authority for, and whose principal responsibilities shall be, Statewide planning, coordination, administration, and evaluation of programs and activities related to the purposes of the Act, including all other functions prescribed for such agency in this part. Such unit shall be identified in the State plan. If the State agency is an independent single purpose agency, in its entirety, may constitute the single unit. In all other cases, the single organizational unit must be placed at an organizational level within the State agency to assure effective performance of all the responsibilities of the unit prescribed in this part. In establishing an organizational structure for the unit, including determination of the need for a State regional structure for the unit, due consideration shall be given to the geography of the State, the number and concentration of older persons, and other special conditions in the State.

§ 903.35 Methods of administration.

(a) The State plan shall provide for the use of such methods of administration as are necessary for the proper and efficient administration of the plan, and for the conduct of all functions for which the State is responsible under the plan and this part, including the coordination and integration of activities related to the purposes of the Act, adequate controls over operations, procedures for the development and standards, recordkeeping and reporting procedures, monitoring programs supported under this part, evaluation of program activities, and effective supervision of staff.

(b) If certain specified portions of the plan are to be administered by an agency other than the State agency, the State plan shall provide for such methods of administration as are necessary to assure the applicability of all requirements set forth in the State plan and this part.

§ 903.36 Staffing of the single organizational unit.

(a) The State plan shall contain a staffing plan that sets forth the projected staffing of the single organizational unit for the fiscal year for which the plan is submitted. The staffing plan must set forth the number and type of personnel employed, and the timetable for the hiring of staff set forth in such plan.

(b) The State plan must provide that:

(1) The single organizational unit will be headed by an individual qualified by education and experience to assume leadership of the program, assigned full-time solely to this activity; and

(2) Adequate numbers of qualified staff, including members of minority groups, will be assigned full-time, solely to the single organizational unit, to assure the effective conduct of the responsibilities under this part.

(3) Subject to the requirements of merit employment systems of the State, preference shall be given to persons aged sixty or over for any staff positions (full-time or part-time) in the State agency for which such persons qualify.

(c) The staffing plan contained in the State plan approved for a fiscal year must be followed in all personnel actions taken by the State agency.

(d) The State agency may contract for technical assistance to assist its staff in the performance of their duties and responsibilities.

§ 903.37 Standards of personnel administration.

(a) The State plan shall provide that methods of personnel administration will be established and maintained in the State agency administering the State plan and in local public agencies conducting activities under this part in conformity with the Standards for a Merit System of Personnel Administration, Part 70 of this title, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards. Under this requirement, laws, rules, regulations, and policy statements, and amendments thereto effectuating such methods of personnel administration are a part of the State plan. Statements of acceptance of these standards must be obtained from all local public agencies conducting activities under this part, and methods must be established by the State to assure compliance by local jurisdictions. Citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in Part 70 of this title or to modifying or superseding standards issued by the U.S. Civil Service Commission must be submitted with the State plan. Copies of the materials cited and of similar local materials maintained by a State official responsible for compliance by local jurisdictions must be furnished to the Department on request.

(b) The State plan shall provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure equal employment opportunity. This plan shall be made available for review upon request.

(c) The Commissioner shall exercise no authority with respect to the selection, tenure of office or compensation of any individual employed in accordance with such methods.

Subpart D—Functions and Responsibilities of the State Agency Under the State Plan

§ 903.47 Statewide planning, coordination, administration, and evaluation.

In addition to the responsibilities of the State agency as prescribed in § 903.13, the State plan shall provide that the State agency shall:

(a) Carry out ongoing planning, coordination, administration, and evaluation activities necessary to implementation of the title III program; and

(b) Provide an ongoing program of technical assistance to the designated area agencies in the development and implementation of the area plans on aging.

§ 903.48 Planning.

(a) The State plan shall provide that the State agency shall carry out those activities necessary for effective planning on behalf of all older persons in the State, including:

(1) Establishment of specific goals and measurable objectives in aging related to the purposes of the Act, and the goals established by the Commissioner;

(2) Conduct of special studies related to the needs of the elderly;

(3) Conduct of issue analyses in areas of special concern to the elderly; and

(4) Data gathering and analysis on the needs of the elderly in keeping with paragraph (c) of this section;

(c) The State plan shall provide that the State agency shall undertake or arrange for the regular collection of data on the needs of the elderly throughout the State, in consultation with the National Clearinghouse on Aging. The data collected shall include such areas of need as:

(1) Income;
(2) Physical and mental health;
(3) Housing;
(4) Employment;
(5) Nutrition;
(6) Social services;
(7) Transportation; and
(8) Any other subject area deemed appropriate by the State agency.

The data collected must identify the location, special needs and living conditions of those older persons found to be in greatest need in the State for the purpose of determining the population of older persons that will be given priority in the utilization of the funds available under this part. In this effort, special attention shall be given to the needs of low income and minority older persons in the State. The State agency shall take such steps as are necessary to move toward the development of a system that will provide for the systematic storage, retrieval, and analysis, of such data, and other data made available from the Administration of Aging, and for the dissemination of such data to other public and private agencies and organizations having programs affecting the elderly in the State, and the public at large.

§ 903.49 Coordination and linkage of programs.

(a) The State plan shall provide that the State agency will establish such procedures and mechanisms that are necessary to assure the effective linkage and coordination of all State planning and service activities and programs related to the purposes of the Act. To this end, the State agency will seek to develop and maintain effective working relationships with those public and private agencies having programs which affect the elderly, including the following activities:

(1) Dissemination of information on the needs of the elderly;

(2) Joint funding and programming to achieve the objectives established in the State plan to the maximum extent feasible;

(3) Development of interagency actions concerning State and area plans and objectives, and assessment of progress and problems in implementation of the plans; and

(4) Reporting of activities on aging under this program throughout the State;

(b) The State plan shall provide for the furnishing of technical assistance to public and private agencies and organizations engaged in activities relating to the needs of older persons.

(c) The State plan shall provide that the State agency shall enter into agreements with appropriate State or, until such time as area plans are submitted and approved, local public or private agencies and organizations, for joint utilization of their services and facilities in the administration of the plan and in the development of programs and activities for carrying out the purposes of the Act.

(1) The State plan shall provide that the State agency will carry out those programs and activities designed to bring about maximum possible coordination between the resources available under titles I, X, XIV and XVI of the Social Security Act and title VI, added by the Social Security Amendments of 1972, and the operation of the programs under this part. The State plan shall describe the activities to be undertaken by the State agency to accomplish such coordination.

(2) The State plan shall provide that the State agency, in conjunction with the designated area agencies, shall take the initiative in endeavoring to work out arrangements whereby recipients of grants or contracts for nutrition projects under § 909 of this chapter, mutually agree with area agencies, that such nutrition projects shall be made part of the comprehensive and coordinated service system for older persons under title III.

§ 903.50 Administration.

(a) *Training and manpower development.*—(1) The State plan shall provide for the initiation of a program designed to achieve the objective of a training and staff development program concerning the implementation of the Act, for all professional staff of State and area agencies and principal staff of all service programs initiated under this part. All expenditures of Federal resources under section 301(a)(1) of the Act for training shall be consistent with such program.

(2) The State plan shall provide that personnel working on Older Americans Act programs at the State and area levels will attend such training programs that are specifically developed for such individuals by the Administration on Aging at designated training centers, and that in all title III awards, the State agency will assure that adequate funds are budgeted to pay the travel, per-diem and tuition costs of such individuals that atend such training.

(b) *Participation of Older Americans in implementation of the State plan.*—The State plan shall provide that procedures will be developed by the State agency that will assure effective participation of actual or potential consumers of services under this program in the implementation of the State plan at the State and local levels. These procedures shall provide for periodic public hearings on concerns of the elderly in the State with adequate public notice for such hearings.

(c) *Advisory committee.*—The State plan shall provide for the establishment of an advisory committee to the single organizational unit on the implementation of the State plan. At least one-half of the membership of such committee shall consist of actual consumers of services under this program, including low income, and minority older persons, at least in proportion to the number of minority older persons in the State, with the remainder being broadly representative of major public and private agencies and organization in the State who are experienced in or have demonstrated particular interest in the special needs of the elderly. This committee shall meet at least quarterly.

(d) *Public information.*—(1) The State plan shall provide for a continuing program of public information specifically designed to assure that information about the programs and activities carried out under this part are effectively and appropriately promulgated throughout the State.

(2) The State plan shall provide that the State agency will pursue a policy of freedom of information and that the State plan, approved title III program applications, all periodic reports made by the State agency to the Commissioner in accord with paragraph (g) of this section, and all Federal and State policies governing the administration of the title III program in the State will be available at reasonable times and places in the offices of the State agency for review upon request by interested persons including representatives of the media.

(e) *Review and comment on applications.*—The State plan shall provide that the State agency will review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance relating to meeting the needs of older persons.

(f) *Fiscal administration.*—The State plan shall provide for such accounting systems and procedures as are needed to control and support all fiscal activities under title III in accordance with guidelines issued by the Administration on Aging. The State plan shall provide for the maintenance by the State agency and all recipients of awards under this part, of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all monies received and the nature and amount of all charges claimed to lie against the allotments to the States.

(g) *Reports.*—The State plan shall provide that the State agency will make such reports to the Commissioner in such form and containing such information as may reasonably be necessary to enable him to perform his functions under title III of the Act, and will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 903.51 Evaluation.

(a) The State plan shall provide that the State agency will conduct ongoing monitoring, assessment, and periodic evaluation (including the capturing and recording of information relative to changes in public and private organizations in the field of aging and changes in the lives of older persons), of activities and projects carried out under the State plan, in accordance with criteria established by the Commissioner against national and State goals. The operations of the area agency on aging, and the total program of each planning and service area for which an area plan is developed, and each title III project outside such areas, shall be evaluated on-site by the State agency at least annually prior to the funding anniversary of such programs. The results of these evaluations shall be in writing, and shall be submitted to the Commissioner.

(b) The State plan shall provide that the State agency will evaluate on an ongoing basis the extent to which existing public and private programs in the State meet the needs of older persons, especially those older persons who will be given priority in the implementation of the programs under this part. As part of this responsibility, the State agency shall undertake an analysis of the services and resources available for serving older persons in the State. The data resulting from such analysis shall be updated at least on an annual basis and shall be submitted to the Commissioner.

(c) The State plan shall provide that the State agency and all recipients of awards under this part will cooperate in the carrying out of evaluations of the title III program by the Administration on Aging or those organizations having contracts with the Administration on Aging for such purposes.

§ 903.52 Establishment and maintenance of information and referral sources.

The State plan shall provide that the State agency will work toward establishing and maintaining information and referral sources in sufficient numbers, which will seek to achieve linkages with other information and referral sources in the State capable of serving the elderly, so as to assure that all older persons in the State who are not furnished adequate information and referral services under plans developed by area agencies will have reasonably convenient access to information normally available through such sources.

§ 903.53 Direct provision of social services by the State agency.

The State plan shall provide that no social service will be provided directly by the State agency, except where, in the judgment of the State agency, based on an assessment of needs of older persons and the resources available to meet such needs, provision of such service by the State agency is necessary to assure an adequate supply of such service and that no other agency in the State could effectively deliver such service. All such cases in which the State agency anticipates providing social services directly shall be identified in the State plan. This provision does not apply when the State agency designates a single planning and service area under § 903.57(f).

§ 903.54 Demonstration projects of Statewide significance.

(a) The State agency is authorized to carry out demonstration projects of Statewide significance relating to the initiation, expansion, or improvement of social services in relation to the purposes of this part. The State plan shall identify the demonstration projects proposed for funding during a fiscal year, the objectives of the projects, the projected impact or significance of the projects, the cost projections related to the projects, and the method by which the projects will be evaluated. The approval of all such demonstration projects shall be in the form of approval of the State plan each year. Such demonstration projects, as approved, shall be financed with funds made available under § 903.110 of this part and shall be subject to the cost sharing requirements for such funds.

(b) The State agency shall evaluate such projects at least annually in accordance with the method specified in the State plan. The results of these evaluations shall be submitted to the Commissioner.

Subpart E—Designation of Planning and Service Areas by the State Agency

§ 903.57 Designation of planning and service areas.

(a) The State plan shall provide that in order to carry out the purposes of this program, the State agency shall divide the entire State, after taking into consideration the provisions of paragraphs (b) through (e) of this section, into distinct multicounty, county, Metropolitan or city areas called planning and service areas. Wherever possible, an Indian reservation shall be designated as a distinct planning and service area.

(b) The State plan shall provide that in determining the boundaries of planning and service areas in the State, the State agency shall consider those factors, including those set forth under paragraphs (c) through (e) of this section, that will most significantly contribute toward the achievement of the purposes of title III, including:

(1) The boundaries of existing areas within the State which were drawn for the planning or administration of planning or social service programs;

(2) The location of units of general purpose local government within the State;

(3) The geographical distribution of individuals aged sixty and older in the State;

(4) The incidence of need for social services as determined by the data on the needs of the elderly collected by the State agency (including the numbers of low income and minority older persons residing in such areas); and

(5) The distribution of resources available to provide social services.

(c) The State plan shall provide that in every case, in determining the boundaries for planning and service areas, the State agency shall designate as a planning and service area, any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more, or which contains 15 percent or more of the State's population aged sixty or over, except that the State agency may designate as a planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance the effective administration of the program authorized by this title.

(d) The State plan shall provide that the State agency may include in any planning and service area designated pursuant to the provisions of paragraph (e) of this section such additional areas adjacent to the unit of general purpose local government or region so designated as the State determines to be necessary for, and will enhance, the effective administration of programs authorized by this title.

(e) The State plan shall provide that in addition to paragraphs (b) through (d) of this section, and in order to avoid creating sub-State boundaries solely for the purposes of title III, the State agency shall conform to the boundaries of those planning and development districts or regions established by the State in accordance with the provisions of Part IV, 2, of Office of Management and Budget Circular A–95 (issued pursuant to the Intergovernmental Cooperation Act of 1968), or under the Comprehensive Planning Assistance program authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), or under the Areawide Health Planning Project Grant program authorized under section 314(b) of the Public Health Service Act (42 U.S.C. 246(b)).

(f) (1) The State agency may, with the approval of the Commissioner, designate all or substantially all of the State as a single planning and service area covering all or substantially all of the older persons in the State. The Commissioner's approval will be in the form of approval of the State plan each year;

(2) In considering a State's proposal, the Commissioner will consider these factors;

(i) Is the State too small to be divided effectively?

(ii) Is the size and distribution of the elderly population such that division of the State would spread coordination and management resources too thinly to be effective?

(iii) Is the State agency capable of performing area agency functions for the entire State?

(iv) Has the State constituted the entire State as one area for other planning or social service administration purposes?

(3) With the approval of such designation, the single organizational unit of the sole State agency shall be considered the area agency for such area, and shall assume all the functions and responsibilities as prescribed for the area agency in this part. In all such cases, the area plan shall be submitted each fiscal year to the Commissioner for review and approval prior to the obligation of funds, by the State agency for the implementation for such plan.

(g) The boundaries of the planning and service areas determined by the State agency shall be identified in the State plan. The State plan shall include a certification that the proposed boundaries of the planning and service areas have been cleared through the clearinghouse process established in accordance with Office of Management and Budget Circular A–95. The State plan shall include a statement of the rationale for the manner in which the State has been divided.

§ 903.58 Determination of planning and service areas for which an area agency on aging will be designated and for which an area plan will be developed.

(a) The State plan shall provide that for the first year of implementation of the program under this part, the planning and service areas for which an area agency will be designated and for which an area plan will be developed shall encompass not less than 60 percent of the total population of persons aged 60 or over in the State. The Commissioner may approve a State plan providing for coverage of less than 60 percent if the State agency can show that:

(1) The allotment available to such State for the purposes of this title is insufficient to meet this objective;

(2) The application of such requirement will result in serious barriers to achievement of the goals and objectives of this part; and

(3) Such requirement would cause undue difficulties in implementing the title III program because of the size and distribution of the elderly population in the State.

(b) The State plan shall provide that in determining the planning and service areas for which area agencies will be designated and area plans will be developed, or which will continue to receive funds under this part, the State agency shall give priority to those areas having significant concentrations or proportions of low income and minority older persons 60 years of age or older.

(c) The State plan shall describe how the State agency determined the areas for which plans will be developed and/or the areas for which plans have already been developed and approved by the State agency.

Subpart F—Designation of Area Agencies by the State Agency

§ 903.63 Designation of area agencies on aging.

(a) The State plan shall provide that following the determination of planning and service areas for which area plans will be developed, and prior to the obligation of funds to such areas to carry out the purposes of this part, the State agency shall designate a single public or non-profit private agency or organization as the area agency on aging.

(b) The State plan shall provide that the State agency shall establish procedures for considering views, with respect to the designation of the area agency on aging, offered by units of general purpose local government in the planning and service area.

(c) The State plan shall provide that for an agency or organization to be designated as an area agency on aging, it must be:

(1) An established office of aging which is operating within a designated planning and service area; or

(2) Any office or agency of a unit of general purpose local government which is designated for this purpose by the chief elected official or officials of such unit; or

(3) Any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose; or

(4) Any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning, coordination or provision of a broad range of social service, within such planning and service area.

(d) The State agency or any regional unit thereof shall not be eligible to be designated as an area agency on aging, except as provided in § 903.57(f). In addition, no other agency of the State or regional unit thereof shall be eligible to be so designated.

(e) The State plan shall provide that in designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to develop and carry out the area plan and the functions prescribed in § 903.66.

(f) The State plan shall provide that when in accordance with § 903.57(a), the planning and service area boundaries are essentially coterminous with those of an Indian reservation, the tribal organization of that reservation shall be designated as the area agency, unless it is determined by the State agency that such Organization does not have the capacity to carry out the area plan.

(g) The State plan shall provide that, before an agency may be designated as an area agency on aging, the State agency must obtain adequate assurances that the agency will have the authority and capacity to develop an area plan, and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area.

§ 903.64 Organization of the area agency.

If the area agency designated by the State agency in accordance with § 903.63 has responsibilities that go beyond programs for the elderly, there must be created within such agency a single organizational unit with delegated authority for, and whose principal function shall be, the effective implementation of the program described in this part. It shall be the responsibility of this unit to carry out directly all of the functions and responsibilities prescribed in this part for the area agency.

§ 903.65 Staffing of the area agency.

(a) The area plan developed by the area agency shall contain a staffing plan for the area agency which sets forth the number, type of personnel employed and the timetable for the hiring of staff to carry out the functions and responsibilities of the area agency on aging. Such plan must provide that the area agency, or unit within such agency responsible for this program will:

(1) Be headed by an individual qualified by education or experience, working full-time, solely on the implementation of the area plan on aging under this program; and

(2) Provide for adequate numbers of additional qualified staff working full or part-time, including members of minority groups, for the development and implementation of the plan and the conduct of functions prescribed in this part for such agency.

(b) Once the staffing plan of the area agency has been approved by the State agency, such plan must be adhered to in all personnel actions taken by the area agency.

(c) The State plan shall provide that, subject to the requirements of merit employment systems of local government, preference shall be given to persons aged sixty or over for any paid staff positions (full-time or part-time) in the area agency for which such persons qualify.

§ 903.66 Functions and responsibilities of the area agency.

(a) The State plan shall provide that each area agency on aging shall develop, and submit annually to the State agency for approval, an area plan on aging that conforms to the provisions of §§ 903.78 and 903.79, designed to develop comprehensive and coordinated programs for older persons throughout the planning and service area.

(b) In addition to the development and administration of an area plan on aging, an area agency shall directly carry out, to the maximum extent feasible, the following functions:

(1) Provision of leadership and advocacy on behalf of all older persons within the geographic area for which the agency is responsible;

(2) Determination of the need for social services in the planning and service area, with special emphasis on the needs of low income and minority elderly;

(3) An inventory of the resources available within the area to meet the needs of the elderly and in evaluation of the effectiveness of the services provided by the public and private agencies within the area in meeting such needs;

(4) Establishment of measureable program objectives and priorities for implementation of the area plan, in keeping with the goals and objectives established by the State agency;

(5) Planning with existing planning agencies and the providers of services in the area concerning the needs of the elderly;

(6) Either directly or through contract or grant, provide for an action program designed to:

(i) coordinate the delivery of existing services for the elderly; and

(ii) pool untapped resources of public and private agencies in order to strengthen or inaugurate new services for older persons;

(7) Periodic evaluation of the impact of activities carried out pursuant to the area plan, including the views of older persons participating in such activities;

(8) Conduct of periodic public hearings concerning the needs of the elderly;

(9) Collection and dissemination of information concerning the needs of the elderly;

(10) Provision of technical assistance to providers of social services in the planning and service area covered by the area plan;

(11) Where necessary and feasible enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area, carried out through Federally assisted programs or other public or nonprofit agencies;

(12) Where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary or paid basis, in the delivery of such services to children;

(13) Establish an advisory council which shall meet at least once each month. The council shall consist of representatives of program participants and the general public, including low income and older minority persons at least in proportion to the number of minority older persons in the area, and shall advise the area agency on all matters relating to development and administration of the area plan and operations conducted thereunder. At least one-half of the membership of such council shall be made up of actual consumers of services under the area plan. Where a nutrition project established under § 909 of this chapter is located within the planning and service area for which an area plan is to be developed, the director of such project shall also be included on the advisory council. Where more than one nutrition project is located within such planning and service area, the directors of such projects shall designate one of their number to represent all the nutrition projects of the area on the Advisory Council; and

(14) Take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under the area plan.

§ 903.67 Direct provision of social services by the area agency.

(a) The State plan shall provide that no social service under this part will be provided directly by the area agency, except where the State agency has granted specific approval to the area agency to do so. With the exception of information and referral services and coordination activities, no such approval may be given by the State agency unless the agency designated was providing social services prior to its designation as an area agency, or it can be clearly shown that the direct delivery of a service is necessary to assure an adequate supply of such services, and that no other agency in the area can or will effectively deliver such service.

(b) The approval for the area agency to deliver a social service directly shall be in the form of approval of the area plan on aging by the State agency.

§ 903.68 Public information.

(1) The area agency shall provide for a continuing program of public information specifically designed to assure that information about the programs and activities carried out under the area plan are effectively and appropriately promulgated throughout the planning and service area;

(2) The area agency shall pursue a policy of freedom of information. The area plan, all periodic reports made by the area agency to the State agency, and all Federal and State policies governing the administration of the title III program in the area will be available at reasonable times and places in the offices of the area agency for review upon request by interested persons, including representatives of the media.

Subpart G—Area Plans on Aging

§ 903.78 Development of the area plan.

(a) In accordance with guidelines established by the Commissioner regarding the content and format of the area plan, the area agency designated in accordance with § 903.63 shall develop and submit, on an annual basis, an area plan on aging to the State agency for approval. This plan must set forth in detail how the area agency proposes to develop a comprehensive and coordinated system for the delivery of social services to the elderly.

(b) The State plan shall set forth the criteria established by the State agency for determining whether an area plan as submitted by an area agency meets all of the requirements of the Act and this part. Any area plan which fails to meet such criteria shall not be approved.

(c) The area plan shall contain an assurance that the area agency designated has the authority and capacity to carry out directly all of the functions and responsibilities prescribed in § 903.66.

(d) The area plan shall provide that the area agency, in conjunction with the State agency, shall take the initiative in endeavoring to develop arrangements with recipients of grants or contracts for nutrition projects under Part 909 of this chapter whereby, subject to mutual agreement of both parties, such projects shall be made part of the coordinated and comprehensive system of services for older persons to be established under the area plan.

(e) The area plan shall provide assurances for maximum coordination between the programs and activities under the area plan, and the resources available under titles I, X, XIV, and XVI of the Social Security Act and title VI added by the Social Security Amendments of 1972 in order to achieve comprehensive and coordinated service programs for older persons as prescribed in this part.

§ 903.79 Conditions for approval of an area plan by the State agency.

(a) In order to be approved for the award of funds under this part by the State agency, the area plan must provide for:

(1) A continuous process of planning by the area agency, including the defining and redefining of objectives and the establishment of priorities; and

(2) The launching or strengthening of action programs within the area for coordinating the delivery of existing services for older persons, and for the pooling of untapped resources in order to strengthen existing services or inaugurate new services for older persons. Such activities may be carried out directly by the area agency, by a grant from the area agency to a public or nonprofit private agency, or through a contract between the area agency and a public or private agency in the planning and service area, and are subject to the provisions of § 903.83(c).

(3) The activities under paragraph (a) (1) and (2) of this section shall be carried out throughout the designated planning and service area in accordance with criteria established by the Commissioner.

(b) After the area agency has met the requirements of paragraph (a) of this section, a State agency may award funds to include as part of the area plan, support for those service programs found necessary to assist older persons to become aware of the social services available in the area (information and referral and outreach services),and to assist them in having access to these services (transportation and escort services).

(c) After the area agency has met the requirements of paragraph (a) of this section, and the services in paragraph (b) of this section have been made available to older persons in the planning and service area, a State agency may award funds to include as part of the area plan support for other social services needed by older persons, but which no public and private agencies of the area can or will provide. Only those services defined in § 903.2(g) (6) through (12) may be supported with funds made available under this part.

(d) In all cases, the area plan shall provide that priority be given to those activities and services which will assist and benefit low income and minority older persons throughout the planning and service area, and shall assure, to the extent feasible, and with respect to resources made available under the plan, low income and minority individuals will be served at least in proportion to their relative numbers in the planning and service area.

§ 903.80 Implementation of the area plan.

(a) Pursuant to its approval of the area plan, the State agency shall award all funds under this part to support implementation of the plan only to the designated area agency.

(b) With the exception of coordination and information and referral services which may be provided directly by the area agency subject to approval by the State agency and the conditions prescribed in § 903.67, the area agency shall enter into contracts on grants with other agencies providing services within the planning and service area for the actual delivery of those social services for which funds may be made available under the area plan. The area agency may contract with public or private nonprofit agencies or organizations, or profit-making organizations, for such purposes.

(c) The area plan shall provide for contracts or grants under the area plan to be operated by minority individuals, at least in proportion to their relative number in the planning and service area.

(d) It shall be the responsibility of the area agency to:

(1) Monitor on an ongoing basis the performance of the contracting agencies and grantees under the area plan, and ensure that funds made available by the State agency are expended in keeping with the purposes for which they were awarded; and

(2) Conduct periodic evaluations of the activities conducted under the area plan.

§ 903.81 Training of personnel engaged in implementation of the area plan.

The area agency shall make provision for the training of personnel necessary for implementation of the area plan, and the attendance of such individuals at designated training centers established by the Administration on Aging for individuals having specific responsibilities under the area plan.

§ 903.82 Establishment and maintenance of information and referral sources.

(a) The area plan shall provide that the area agency will take such steps as are designed to achieve the establishment or maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonable convenient access to such sources.

(b) Such information and referral sources shall be established or maintained in close coordination with the information and referral services which are available through the District Offices of the Social Security Administration of the Department. To the maximum extent possible, the services and resources available through such offices shall be utilized by the area agency for this purpose.

§ 903.83 Federal financial participation in activities under an area plan.

(a) Federal funds under this part may be used to pay up to 75 percent of the cost of the development and administration of the area plan on aging by the area agency and the conduct of the functions of such agency as prescribed in this part.

(b) Following the designation of an area agency, and prior to the submittal of an area plan, the State agency may make a one-time award of funds, subject to the provisions of paragraph (a) of this section, to the designated area agency for the development of the area plan to be submitted to the State agency for approval. Such an award may not be for a period in excess of six months.

(c) Funds under this part may not be awarded to carry out any of the activities prescribed in § 903.79 of this subpart until the area plan has been approved by the State agency. Once a plan has been approved, Federal funds may be used to pay up to 90 percent of the cost of the activities approved under the area plan.

§ 903.84 Duration of Federal support for activities under an area plan.

(a) The State agency shall approve an area plan for a maximum of one year. Funds provided under § 903.83(b) shall not be considered part of the first year of support. Prior to annual refunding of an area plan, the State agency must conduct an annual on-site evaluation of the area program. The State agency may approve refunding of the area plan, in whole or in part, when such evaluation demonstrates that:

(1) Substantial progress has been made in achieving the objectives of the area plan; and

(2) Substantial efforts have been made to attract financial resources from other public and private sources for the support and continuation of programs under the area plan.

(b) In keeping with paragraph (a) of this section, contracts made by area agencies with public or private nonprofit agencies or organizations or profitmaking organizations to conduct activities under the area plan, shall be limited to one year. Renewal of such contracts shall be limited to a maximum of one year at a time, and shall be subject to the final action taken by the State agency on refunding the area plan as a result of its program evaluation.

(c) Refunding of any social services under the area plan beyond three years must be approved by the Commissioner. Such approval by the Commissioner will be granted only when it can be shown that substantial efforts have been made by the area agency to attract resources for such social services from public and private agencies, and that the support requested will not be available from such sources in the forseeable future.

Subpart H—Activities and Services Not Under Area Plans on Aging

§ 903.94 Purposes for which awards may be made.

(a) The State plan shall provide that funds may be awarded by the State agency to projects not under area plans only when such projects will contribute directly toward achieving the purposes of title III set forth in § 903.1 of this part.

(b) Initiation of any social services under this subpart as defined in § 903.2(g) shall be permitted only when all older persons living in areas not covered by area plans have reasonably convenient access to information and referral services as defined in § 903.2(g) (2).

§ 903.95 Eligibility of applicants.

Only public or nonprofit private agencies are eligible for awards under this subpart.

§ 903.96 Approval of awards.

(a) The State plan shall provide that the State agency shall assure that each proposal to be considered for approval under § 903.94 must:

(1) Be submitted for comment to the local office on aging (if any) having jurisdiction over the geographic area from which the proposal is submitted;

(2) Be submitted for comment through the clearinghouse process established under the Office of Management and Budget Circular A–59.

(3) Have clearly specified objectives that are in keeping with the priorities established under § 903.94; and

(4) Be designed to serve primarily low income and minority older persons.

(b) That State plan shall provide that awards under this subpart will be approved initially for a maximum of 1 year. Before additional support is awarded for any subsequent year, the State agency must conduct an on-site evaluation of the project to determine if the objectives of the project are being met. The evaluation findings shall be submitted to the Commissioner.

(c) The State agency shall assure that only those projects which are making substantial progress toward achieving the objectives for which they were approved will be considered for refunding for any subsequent project year under this subpart.

§ 903.97 Federal financial participation.

(a) Federal funds under this subpart may be used to pay not more than 75 percent of the cost of activities and services under this subpart.

(b) Sponsors of existing projects must maintain the level of their non-Federal share in accordance with the requirements of § 903.138 of this part.

(c) Financial support may continue for activities under this subpart for as long as the State agency determines that such activities are effectively meeting the needs for which such award was made, and the purposes of title III, or until such activity is incorporated under an area plan.

Subpart I—Authorization and Allotments for Planning, Coordination, Administration, and Evaluation of State Plans

§ 903.107 Authorizations.

Amounts appropriated as authorized by section 303 of the Act may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 percentum, of the cost of the administration of its State plan, including the administration of the State plan amendment relating to title VII of the Act, incurred during the fiscal year for which such sums are appropriated, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of the analysis related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social services.

§ 903.108 Use of State planning funds for administering area plans.

Any sum allotted to a State under section 306 of the Act for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used, as approved by the Commissioner, by such State to supplement the amount available under section 303(e) (1) to cover part of the cost of the administration of area plans. Approval by the Commissioner for the use of such funds in this manner will be in the form of approval of the State plan each fiscal year.

§ 903.109 Use of area planning monies on a statewide basis.

Any State which has designated a single planning and service area pursuant to § 903.57(f), may elect to pay part of the costs of the administration of State and area plans either out of sums allotted under this part or out of sums made available for adminisration of area plans pursuant to § 903.123, but shall not pay such costs out of sums allotted under both such sections.

§ 903.110 Allotments to the State for planning, coordination, administration, and evaluation of State plans.

Federal funds appropriated under section 306 of the Act for any fiscal year shall be allotted among the States in the following manner:

(a) From the sums appropriated for any fiscal year under section 303 for carrying out the purposes of this subpart, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in all States, except that:

(1) No State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made, or $160,000, whichever is greater, and

(2) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made, or $50,000 whichever is greater. For the purpose of the exception contained in clause (1) of this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

§ 903.111 Reallotment of funds for planning, coordination, administration, and evaluation of State plans.

The amount of any State's allotment under § 903.110 for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under § 903.110 of this subpart for that year, but such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such allotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under § 903.110 for that year.

§ 903.112 Reduction in allotment amounts.

A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditues from such sources for the preceding fiscal year.

Subpart J—Authorization and Allotments for Area Planning and Social Services Programs

§ 903.122 Authorizations.

Amounts appropriated as authorized may be used to make grants to each State with a State plan approved under section 305 of the Act (except as provided in section 307 of the Act) for paying part of the cost incurred during the fiscal year for which such sums are appropriated for the purposes of:

(a) The development and administration of area plans by area agencies on aging:

(b) The development of comprehensive and coordinated systems for the delivery of social services under area plans; and

(c) Activities not under area plans.

§ 903.123 Allotments for area agencies and social services.

(a) From the sums appropriated for a fiscal year each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that:

(1) No State shall be allotted less than one-half of 1 percent of the sum appropriated for the fiscal year for which the determination is made;

(2) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 percent of the sum appropriated for the fiscal year for which the determination is made; and

(3) No State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (1) above, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

§ 903.124 Limitations on awards.

(a) From a State's allotment for a fiscal year under section 303 of the Act, such amount as the State agency determines, but not more than 15 percent thereof, shall be available to pay part of the costs of the development and administration of area plans;

(b) For the fiscal year beginning July 1, 1974 and for each fiscal year thereafter, not more than 20 percent of a State's allotment under section 303 of the Act, may be used to pay part of the costs of activities and services in areas not under an approved area plan developed by an area agency and approved by the State agency.

§ 903.125 Reallotment of funds for area agencies and social services.

Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under § 903.123 of this subpart will not be used by such State to carry out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

Subpart K—General

§ 903.135 Public funds as part of the non-Federal share.

For fiscal year 1975, and for each fiscal year thereafter, not less than 25 percent of the non-Federal share of the total expenditures under the State plan shall be met from funds from State or local public sources.

§ 903.136 Payments.

Payments of grants or contracts under this part may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine.

§ 903.137 Audits.

All fiscal transactions by the State agency, any other agency (if any) administering part of the plan, and any project grantee under title III of the Act, are subject to audit by the Department to determine whether expenditures have been made in accordance with the Act and this part.

§ 903.138 Maintenance of effort.

(a) A State's allotment under section 303 of the Act for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 of the Act are less than its expenditures from such sources for the preceding fiscal year.

(b) The State plan shall provide reasonable assurance by the State agency that there will be expended by each recipient of an award under this part, for the purposes for which payments are made for activities under this part, for the year for which such payments are made and from funds from non-Federal resources, an amount not less than the amount expended for such purposes from such funds during the previous year.

§ 903.139 Confidentiality.

(a) The State plan shall provide that the State agency will take steps to insure that no information about, or obtained from, an individual, and in possession of an agency providing services to such individual under the plan, shall be disclosed in a form identifiable with the individual without the individual's informed consent.

(b) The State plan shall provide that lists of older persons compiled pursuant to § 903.2 (g)(2) shall be used solely for the purpose of providing social services, and only with the informed consent of each individual on such list.

§ 903.140 Opportunity for hearing.

(a) The State plan shall provide that any area agency on aging whose request for approval of an area plan is denied, will be afforded an opportunity for a hearing before the State agency.

(b) The State plan shall provide that any project applicant in areas not covered by an area plan, whose application for approval is denied, will be afforded an opportunity for hearing before the State agency.

§ 903.141 State licensure requirements.

The State plan shall provide that where the State or local public jurisdictions require licensure for the provision of social services, agencies providing such services under this part shall be licensed, or shall meet the requirements for licensure.

§ 903.142 Fees for social services

(a) The State plan shall provide that agencies providing social services under this part shall provide older persons receiving such services the opportunity to pay all or part of the costs of the social services provided. Where such services are provided under an area plan, the area agency shall consult with the advisory council to the area agency regarding the proposed fees to be charged.

(b) The State plan shall provide that each individual recipient shall determine for himself what he is able to contribute toward the cost of the social service. No older person shall be denied a social service because of his failure to pay all or part of the cost of such service.

(c) The State plan shall provide that the methods of receiving payments from individuals shall be handled in such a manner so as not to differentiate among individuals' payments publicly.

§ 903.143 Continuation of support for existing activities.

(a) The State agency is authorized, with the prior approval of the Commissioner, to continue Federal support for community project activities which meet the requirements of the Act, but which do not meet all of the requirements of this part, if such projects had been approved and funded prior to the effective date of these regulations.

(b) Such Federal financial assistance shall be available for not more than one year following the effective date of these regulations.

(c) A State agency request to continue such assistance shall be in writing, and shall set forth the reasons for which the State agency makes such a request, including:

(1) A showing that failure to continue support for the project would result in serious harm to the persons served, or to the effort for aging in the area of the project; and

(2) A showing that the State agency and community project have exhausted all efforts to obtain continuing financial assistance from other sources.

§ 903.144 Requests for postponement.

(a) In cases where a State agency has determined that it is unable to meet the requirements prescribed under this part, because such requirements in implementation of the title III program will place undue hardship on older persons, it may request the Commissioner to approve, for a specified period of time, not to exceed 120 days, a postponement of such requirements. This provision does not apply to the requirements of this part mandated by statute.

(b) The State agency shall submit a request for a postponement in writing to the Commissioner. The request shall state why the State agency is unable to meet the requirement, and therefore has need for a postponement; the effect of not granting a postponement on the implementation of the title III program; and what steps the State agency will take (and the time required), to meet the requirements for which postponement is requested.

(c) The Commissioner shall approve the postponement if he finds that it is needed to prevent undue hardships on older persons and that there is reasonable expectation that the State agency will be able to meet the requirements within the postponement period.

[FR 73-18646 Filed 8-31-73; 8:45 am]

ADMINISTRATION'S HOUSING PROGRAM

Mr. HASKELL. Mr. President, on September 19, 1973, President Nixon presented the administration's housing program to the American public. He has since that time sent to Congress legislation which implements that housing message.

In the September 19 message, there was a small section entitled "Improving Rural Housing." It is an extremely short piece and I would like to read it to you in its entirety.

> The problems of providing good housing in our rural areas are especially challenging, not only because the proportion of substandard housing is greater in rural areas but also because these areas often lack the resources to foster greater economic development—and better housing. Of course, many of our housing programs and proposals are designed to assist all families, urban and rural alike. But there is also a special need to address in a special way the rural housing challenge.
>
> Our recent housing study concludes that the basic housing problem in many rural areas is that our major financial institutions are not represented in these areas and that credit is therefore inadequate. The Farmers Home Administration has done a great deal to help change this picture—but further efforts are needed. At my direction, the Department of Agriculture and the Department of Housing and Urban Development will seek additional ways of correcting this situation and increasing credit availability in rural areas.
>
> In my Community Development Message last March 8th, I emphasized that "in pursuing a policy of balanced development for our community life, we must always keep the needs of rural America clearly in sight." I mentioned then my continuing support for a revenue sharing approach for rural development, acknowledging that the Rural Development Act fell short of what I preferred in this regard. I went on to indicate my intention, after fully evaluating the effectiveness of this act, to seek whatever additional legislation may be needed. I repeat that pledge today.

Now while the administration talks about the good work of the Farmers Home Administration and the need to develop additional efforts—and I agree with them—what has the administration been doing? They have ordered staff reductions which will average 10.3 percent nationally. This seems ironic when FmHA loan activity is at a peak level and some 44.4 percent of the section 502 homeownership loans using interest credit. Since 1960, FmHA has increased its housing activity by 804 percent while the staff has increased by only some 67 percent. The proposed staff cuts can only serve to slow up a fine rural housing program and expose it to the evils that beset urban programs from inadequate staffing.

The Congress legislated the Rural Development Act of 1972. The implementation of this act will be the responsibility of the Farmers Home Administration. This then presents an already understaffed agency with a new set of programs to administer. How can a staff cut at this time even be considered?

As part of this "economy" effort the administration is proposing to substitute fee inspectors and fee appraisers for the work normally done by Farmers Home Administration staff. I would remind you that many of the scandals in the various HUD programs were directly attributable to the use of such contracted help. The 15th report of the House Committee on Governmental Operations entitled "Defaults on FHA-Insured Programs—Detroit, Mich.," tells the story very clearly. A major factor in preventing such scandals in FmHA programs has been the fact that there has been a FmHA employee with ongoing responsibility available to perform the needed services.

Further, on August 8, 1973, Gen. Frank B. Elliott, Farmers Home Administration Administrator, issued a Bulletin No. 4707 (002) to all FmHA State Directors. This was titled "Objectives and Constraints". I am enclosing this document as part of the record. In the statement of "Objectives", General Elliott lists eight priorities which are:

First, increasing supplies of agricultural commodities to meet growing domestic and export demands;

Second, assuring adequate farm income and strengthening the family farm;

Third, increasing agricultural exports;

Fourth, improving agricultural productivity;

Fifth, eliminating poverty-caused hunger and malnutrition;

Sixth, accelerating the development of rural communities;

Seventh, assuring adequate supplies of timber within environmental constraints; and

Eighth, achieving equal opportunity.

Now I am sure that most would agree that the eight listed objectives are generally desirable, though this administration has had some strange ideas about preserving the family farm. The disturbing part of this list of objectives is that housing is not included.

This is strange indeed when you consider that housing represented 58 percent of the total dollar obligations of FmHA in fiscal year 1972. Housing has grown steadily in importance in FmHA activity so that it is today the largest part of the FmHA program. The attached statistics will give you a perspective on the growth of housing as a percentage of the FmHA total program effort.

Fiscal year	Total obligations	Housing obligations	Percentage
1969	$1,431,925,647	$512,089,854	35
1970	1,639,748,570	793,834,671	48
1971	2,414,315,915	1,399,097,122	57
1972	2,789,805,921	1,618,776,715	58
1973	3,754,945,003	1,863,309,283	49

The drop in fiscal 1973 can be attributed to the administration's housing moratorium.

The statistics I have presented not only establish the growing importance of housing as part of the FmHA budget, they show that we, the Congress, have recognized the housing problems in rural areas by authorizing and appropriating increasing amounts of money. This year has been no exception. The agriculture appropriation bill contains significant increases for FmHA housing programs.

While the administration has talked about rural housing problems, the Congress has acted. What is apparently now occurring is that the intent of Congress is being negated by bureaucratic restructuring of priorities.

If rural America is to survive, it will be necessary for housing to be high on any list of priorities. I am concerned that the Farmers Home Administration is being subjected to inordinately high staff cuts. I am concerned that housing is being downgraded by this administration. I ask that you join me in demanding that housing be restored to its rightful position of importance.

RETIREMENT INCOME SECURITY FOR EMPLOYEES ACT

Mr. NELSON. Mr. President, the Joint Committee on Internal Revenue Taxation has prepared an excellent summary of the landmark pension legislation passed by the Senate on September 19. This summary is particularly helpful because it compares proposed changes with present law regarding pensions. As could be imagined, there is great demand for this summary and I have been informed by the staff of the Senate Finance Committee that the demand is quickly exceeding the supply. To meet the demand for this summary, therefore, I ask unaimous consent that an excerpt from the committee print be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF H.R. 4200

I. REVENUE EFFECT

There are several different kinds of revenue effects which can be expected to arise from H.R. 4200, the Retirement Income Security for Employees Act, as passed by the Senate. These are summarized in table 1. First, three provisions designed to equalize the tax treatment of pensions have an impact on tax deductions. These are the provisions raising the maximum deductible amount that the self-employed can set aside annually for their retirement, making provision for a retirement savings deduction for those not now covered under any retirement provisions, and a provision which limits the maximum retirement benefit and the maximum deductible contribution on behalf of corporate employees.

Tax revenues are also affected by the modification of the tax treatment of lump-sum distributions.

A third category of revenue effect as a result of the imposition of two new taxes. One of these is the audit fee tax, designed to pay for the cost of the administration of pension plans by the Internal Revenue Service, and the second is the premium tax to provide necessary revenue for plan termination insurance. However, since both of these taxes are deductible for income tax purposes, the revenue gain which would otherwise occur is decreased to some extent.

Finally, a fourth category of revenue effect from the bill arises not because of any change in tax deductions as such, but rather because increased amounts are expected to be set aside for vesting and funding. The bill imposes additional requirements in the areas of vesting and funding which must be met if the present favorable treatment for pensions is to continue to be available. It is expected that these new requirements will result in employers making larger contributions to retirement plans, resulting in larger income tax deductions.

TABLE 1.—*Estimated annual revenue effect of the Retirement Income Security for Employees Act as passed by the Senate—at 1973 levels of income and employment*

[Millions]

I. Provisions designed to equalize tax treatment under pension plans:	
Increase in maximum annual deductible contribution by the self-employed under H.R. 10 plans to the greater of $750 (but not in excess of earned income) or 15 percent of earned income (up to $7,500)[1]	−$175
Allowing individuals not covered by pension plans to deduct annually up to the greater of $1,000 (but not in excess of earned income) or 15 percent of earned income (up to $1,500) for contributions to personal retirement plans, except that where employers also contribute the overall ceiling is $1,000 (longrun effect)[1]	—355
Limiting to $100,000 the maximum annual compensation for purposes of calculating the deductible contribution on behalf of corporate employees and limiting to 75 percent of the first $100,000 of compensation the maximum annual retirement benefit[2]	+40
Total, provisions designed to equalize tax treatment under pension plans	−$490
II. Revised tax treatment of lump-sum distributions from qualified plans (long-run effect)[3]	+35
III. Revenue effect of new taxes:	
Audit fee tax of $1 a year for each employee covered by plan[4] to finance IRS administration of provisions relating to pension plans and exempt organizations)	+30
Tax to finance plan termination insurance ($1 per plan participant)[5]	+30
Gross revenue collections	+60
Revenue loss due to tax deductions taken by employers:	
For audit fee tax[4]	−14.4
For tax to finance plan termination insurance[5]	−14.4
Total offset of new taxes against income tax collections	−28.8
Net revenue effect of new taxes	+31.2
IV. Revenue effect of minimum vesting provision:[6]	
Case 1: Assuming that the additional employer contributions to pension plans resulting from the minimum vesting requirement constitute a substitute for cash wages	−130
Case 2: Assuming that the additional employer contributions to pension plans resulting from the minimum vesting requirement constitute an addition to cash wages	−265
Case 3: Assuming that benefit levels of pension plans are adjusted downward to absorb the additional employer contributions to pension plans resulting from the minimum vesting requirement	0

Provisions designed to equalize tax treatment of retirement plans.—It is estimated that the provision increasing the maximum annual deductible pension contribution by self-employed persons on their own behalf to the greater of $750 (but not in excess of earned income) or 15 percent of earned income (up to $7,500) will result in an annual revenue loss of $175 million. The provision allowing individuals not covered by pension plans to deduct annually up to the greater of $1,000 (but not in excess of earned income) or 15 percent of earned income (up to $1,500) for contributions to personal retirement plans is expected to involve a revenue loss amounting to $225 million for 1974 and rising to $355 million for 1977 (at 1973 income levels). On the other hand, limiting to $100,000 the maximum annual compensation for purposes of calculating the deductible contribution on behalf of corporate employees and limiting to 75 percent of the first $100,000 of compensation the maximum annual retirement benefit is expected to increase revenue by $40 million a year at 1973 income levels. Altogether, when fully effective, these three provisions involve an estimated annual net revenue loss of $490 million.

Tax treatment of lump-sum distributions.—The revised tax treatment of lump-sum distributions from qualified plans (which provides for taxing that part of lump-sum distributions which is attributable to 1974 and later years as ordinary income under a separate tax rate schedule) is expected to result in relatively small increases in revenue over the next few years since the bulk of the lump-sum distributions in such years will be attributable to pre-1974 years. However, after a transition period, this provision can be expected to result in annual revenue gains amounting to $35 million a year based on 1973 levels of income.

New taxes and their effect on income tax deductions.—An audit fee tax of $1 a year for each employee covered by a qualified pension, profit-sharing, bond purchase, or stock bonus plan is expected to produce an estimated $30 million of revenue annually. The proceeds of this tax are allocated by the legislation for financing the Internal Revenue Service administration of provisions relating to pension plans and exempt organizations.

The second new tax is imposed on employers with qualified plans, except money purchase, stock bonus, and profit-sharing plans, and is to be used to finance plan termination insurance ($1 per plan participant, except that where employers elect to have no liability for losses a higher rate will be set by the trustees of the Guaranty Corporation). This tax, which is effective for plan years and taxable years beginning after 1973, is expected to raise an estimated $30 million annually.

However, there is an offset to the revenue gain expected from the two new taxes. Employers can take income tax deductions for the new taxes which, of course, will have the effect of reducing the net cost of these taxes to them. It is estimated that an annual revenue loss of $14.4 million will be incurred for 1974, and later years, as a result of deductions taken for payments of the audit fee tax; similarly it is estimated that revenue will be reduced $14.4 million for 1974, and for later years, as a result of deductions taken for the taxes required to be paid to finance plan termination insurance.

These deductions against income tax reduce the revenue from the new taxes from $60 million to about $31 million.

Revenue effect of minimum vesting and funding provisions.—The new minimum vesting standard, which generally becomes effective for plan years beginning after 1975, will also involve an indirect loss of revenue, ranging from zero to an estimated $265 million a year (at 1973 income levels).

The minimum vesting requirement involves little or no revenue loss to the extent that the benefit levels of plans are adjusted to absorb the increased employer costs resulting from the requirement. This is because, in that event, the requirement would have no effect on the deductions taken for contributions to plans or on the taxable income of covered employees. If the additional amounts required to be contributed to pension plans as a result of the vesting standard are a substitute for cash wages, rather than a net addition to cash wages, the annual revenue loss is estimated at $130 million. This could occur, for example, if the additional employer payments into the pension plan are taken into consideration in setting future wage increases. In this event, the revenue loss results from the fact that the covered employees are permitted to postpone payment of tax on the employer contributions involved, instead of being required to pay tax currently, as would be the case had they received an equivalent amount of wages. Some part of this postponed $130 million of taxes presumably will be recovered in the future in tax payments on the benefits paid out by the plan.

The upper range of the estimate, $265 million, represents the revenue loss if it is assumed that the additional employer payments into the pension plans required by the new vesting standard constitute an addition to the cash wages that will be paid in any event. In this case employers will have larger total wage bills (for the sum of cash wages and wage supplements) and hence will take larger tax deductions, giving rise to a $265 million revenue loss.

Footnotes at end of article.

It appears that realistically there is likely to be a combination of the three effects suggested above. However, it appears probable that the annual revenue loss will be in the vicinity of $130 million, the mid-point of the range.

No revenue estimate is given for the increased funding requirements under the bill. Data are not available which would make a reliable estimate of this type possible. However, it is believed that the minimum funding requirements will have a relatively modest revenue effect.

II. PARTICIPATION AND COVERAGE

(Secs. 201 and 261 of the Senate bill and secs. 401 and 410 of the Code)

1. Plan participation—Age and service requirements

Present Law

The Internal Revenue Code does not generally require a qualified employer pension, profit sharing, stock bonus, annuity, or bond purchase plan to adopt any specific age or service conditions for participation in the plan.[7]

Existing administrative practice allows plans to exclude employees who (1) have not yet attained a designated age or (2) have not yet been employed for a designated number of years, so long as the effect is not discriminatory in favor of employees who are officers, shareholders, supervisors, or highly compensated employees. Also, under administrative practice, a plan may exclude employees who are within a certain number of years of normal retirement age (for example, 5 years or less) when they would otherwise become eligible, if the effect is not discriminatory.

On the other hand, in the case of a plan benefiting owner-employees,[8] the plan must provide that no employee with 3 or more years of service may be excluded (sec. 401 (d)(3)).

The Senate bill (H.R. 4200)

The Senate bill provides that a plan which is qualified under the Code is not to require, as a condition of participation, more than one year of service, or an age greater than 30 (whichever occurs later).[9] It was felt that this rule will significantly increase coverage under private pension plans, without imposing an undue cost on employers. In addition, the bill contains a "look back" rule, which provides that once an employee becomes eligible to participate in a pension plan, his years of service with the employer (on and after the effective date of the plan) before becoming a participant, up to a maximum of 5 years, are to be credited toward his required years for minimum vesting (sec. 221(a) of the bill). Additional preparticipation service, beyond 5 years, is to be credited to the employee for any years for which (although the employee technically may not have been a participant) the employee contributed to the plan or the employer contributed on the employee's behalf. The bill does not provide any authority to exclude from the plan those employees hired within any specified number of years of normal retirement age.

For purposes of these rules, an employee is considered to have performed a year of service if he was employed for more than 5 months during the year, for at least 80 hours each month.[10] The "year" of service may be a calendar plan, or fiscal year, whichever is applied on a consistent basis under the plan.

Service with a predecessor of the employer is to be counted for purposes of the eligibility requirements to the extent provided in Treasury regulations. In the case of a multiemployer plan, service with any employer who was a member of the plan when the service was performed is to be counted toward an individual's participation requirement (see sec. 705 of the bill).

The provisions of present law with respect to coverage under an owner-employee (H.R. 10) plan are not changed by the Senate bill. Present law already requires relatively early participation (after 3 years of service) and 100-percent immediate vesting in the case of owner-employee plans. It was concluded that the retention of these provisions of present law was needed to protect employees in such cases.

Generally, these provisions apply to plan years beginning after the date of enactment. However, to allow time for amendment, in the case of a plan already in existence on the date of enactment, the provisions apply to plan years beginning after December 31, 1975 (or, if later, plan years beginning after the expiration of a preexisting collective bargaining agreement or after December 31, 1980, whichever is earlier).

2. Plans where a collective bargaining unit is involved; other antidiscrimination provisions

Present law

Under present law (sec. 401(a)(3)), a qualified retirement plan must cover either (1) a specified percentage of all employees (generally 70 percent of all employees, or 80 percent of those eligible to benefit under the plan if at least 70 percent of all employees are eligible) [11] or (2) such employees as qualify under a classification which is found by the Internal Revenue Service not to discriminate in favor of employees who are officers, shareholders, supervisors, or highly compensated employees. (A plan is not *per se* discriminatory for purposes of these rules merely because it is limited to salaried or clerical employees.)

Also, under present law, either the contributions or the benefits provided under a qualified plan must not discriminate in favor of employees who are officers, shareholders, supervisors, or highly compensated employees.

The Senate bill (H.R. 4200)

The Senate bill provides that collective bargaining employees may be excluded for purposes of applying the coverage test of the tax laws where there is evidence that retirement benefits have been the subject of good faith bargaining between the union employees and the employer in the negotiations relating to the most recent contract. Thus, if pension plan coverage had been discussed with the representtives of the union employees and no pension coverage was provided, either because the union employees were covered under a union plan (which might or might not offer comparable benefits to those provided under the employer plan), or because the employee representatives opted for higher salaries, or other benefits, in lieu of pension plan coverage, or for some other valid reason, then it would be permissible to exclude those union employees from the plan, or provide them with a lesser or different level of benefits without prejudice to future coverage if the subject is raised and agreed to in subsequent negotiations.

In addition, with respect to the coverage and antidiscrimination requirements, the bills provide for the exclusion of those employees who are nonresident aliens with no United States income from the employment in question. Also, for purposes of these requirements, the bills provide that employees of all corporations who are members of a "controlled group of corporations" (within the meaning of sec. 1563(a)) are to be treated as members of the same corporation (to prevent avoidance of the coverage and antidiscrimination requirements through the establishment of a management company or otherwise through the use of 2 or more corporations).

III. VESTING

(Secs. 221 and 261 of the Senate bill and secs. 401, 411, 413, 4973, and 6690 of the Code)

Present law

Plans which qualify under the Internal Revenue Code are now required to provide vested (i.e., nonforfeitable) rights to participating employees when they attain the normal or stated retirement age. Employees must also be granted vested rights if the plan terminates or the employer discontinues his contributions.

However, qualified employer plans are generally not required to provide vested rights to participating employees before normal retirement age unless this is considered to be necessary—in view of the likely pattern of employee turnover—to prevent discrimination against the rank and file employees in favor of officers, shareholders, supervisors, and highly paid employees. In other words, preretirement vesting is required only where its absence might cause discrimination in favor of officers, etc., who could be expected to remain with the firm long enough to retire and qualify for benefits, while the rank and file employees would continually be separated from the firm and lose their benefits.

Under an owner-employee plan,[12] the rights of all employees must vest in full as soon as they become participants (sec. 401 (d)(2)(A)).

The Senate Bill (H.R. 4200)

The Senate bill provides that a qualified retirement plan (whether trusteed or insured) would be required to give each participant vested rights to at least 25 percent of his accrued benefit from employer contributions after 5 years of service, plus 5 percentage points a year for each of the next 5 years of service and 10 percentage points a year for each year of service thereafter. This means that there must be 100 percent vesting after 15 years of service. (Also, under the bill, each participant would have to be fully and immediately vested in his accrued benefit derived from his own contributions.) Also, under a "look back" provision, once an employee becomes eligible to participate in a pension plan, his years of service with an employer before becoming a participant, up to a maximum of 5 years, are to be credited toward his required years for minimum vesting (if the pension plan was in existence during those years). Thus, an employee who began his service at age 25, and became a participant at age 30, would be 100 percent vested in his accrued benefits at age 40, after 15 years of service.

Generally, the vesting requirements of the bill apply to all accrued benefits, including those which accrued before the effective date of the provision, in order to afford protection to older employees who will already have the bulk of their working years (and benefits accrued during their lifetimes) behind them on the date when the act becomes effective. Years of service prior to the effective date are also to be counted for purposes of determining the extent to which the employee is entitled to vesting.

To allow some flexibility in the general vesting rule, the Senate bill provides that any plan which, on the date of enactment, provides for 100 percent vesting of employer contributions by the end of the tenth year of the employee's service with the employer under the plan may continue to use this vesting schedule. Also, a class year plan may meet the vesting requirements under the bill if the plan provides for 100 percent vesting of the employer contributions within 5 years after the end of the plan year for which the contributions were made.

The term "year of service" for purposes of these rules is to be defined under regulations

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Footnotes at end of article.

prescribed by the Department of Treasury (after consultation with the Department of Labor) for years ending prior to January 1, 1982. After that time "year of service" is to be defined as any year where the employee has more than 5 months of service with at least 80 hours of work each month.

Under the Senate bill, no rights to accrued benefits, once vested, can be assigned or alienated under a qualified plan, and such rights cannot be forfeited (except that benefits attributable to employer contributions may be forfeited in the event of death, or if the employee withdraws his own mandatory contributions to the plan).

To help enforce the vesting requirements, the bill also provides for the imposition of an excise tax on the employer in cases where the employer is not complying with the vesting requirements in practice, even though the plan contains a vesting schedule which is consistent with the requirements of the bill. Initially, the tax would equal 5 percent of the accumulated vesting deficiency and could go to 100 percent of this amount if the offense were not corrected. Also, the Secretary of the Treasury is authorized to bring actions for equitable relief to restrain plans from failing to comply with the vesting requirements in practice (sec. 262 of the bill).

In addition, the bill contains a provision which would authorize highly mobile employees, such as engineers, to trade off high benefits which might be available under one pension plan of their employer for the right to participate in another plan with lower benefits but very rapid vesting. Also, under the bill, the Secretary of Labor is authorized to develop recommendations for modifications of Federal procurement regulations to insure the highly mobile professional, scientific, technical and other personnel in occupations employed under Federal contracts will be protected against forfeitures of their retirement benefits.

Generally, these provisions are to apply to plan years beginning after the date of enactment. In the case of a plan already in existence, to allow time for amendment of the plan, the provisions will apply in plan years beginning after December 31, 1975. However, if the Secretary of Labor should find that implementation of the vesting requirements will impose "substantial economic hardship" on the plan, he will certify this fact to the Secretary of Treasury and the effective date may be postponed for a period of up to 6 years as recommended by the Secretary of Labor. The provisions will apply to Government plans in plan years beginning after December 31, 1980.

IV. FUNDING

(Sec. 241 of the Senate bill and secs. 4971 and 4972 of the Code)

Present law

Under present tax law, contributions to a qualified pension plan must be sufficient to pay the liabilities created currently (i.e., the normal pension costs) plus the interest due on unfunded accrued pension liabilities (past service costs) (regs. § 1.401–6(c) (2) (ii)).[13] This is to keep the amount of unfunded pension liabilities from growing larger, but does not require any contributions to be made to amortize the principal amount of the unfunded liabilities.

Pension plan costs[14] generally are estimates and are based on actuarial calculations. Consequently, all actuarial methods, factors, and assumptions used must, taken together, be reasonable and appropriate in the individual employer's situation (Regs. § 1.404(a)–3 (b)). When applying for a determination letter from the Internal Revenue Service that a plan is qualified, the actuarial methods, factors, and assumptions used generally must be reported to the Service, along with other information to permit verification of the reasonableness of the actuarial methods used. Changes in actuarial assumptions and methods must be reported annually to the Service.

The value of plan assets also affects the amount of contributions. Under administrative rulings, assets may be valued by using any valuation basis if it is consistently followed and results in costs that are reasonable.

Actual experience may turn out to be different from anticipated experience, resulting in experience loss or experience gain. Depending on the circumstances, the contributions needed to make up experience losses may be deducted currently or may be added to past service costs and deducted only on an amortized basis.[15] Similarly, depending on the circumstances, experience gains may reduce the plan cost currently or reduce costs under one of the spreading methods used to determine the amounts deductible.[16]

If an employer does not make the minimum required contributions to a qualified plan, under administrative practice the deficiency may be added to unfunded past service costs. However, the plan also may be considered terminated, and immediate vesting of the employees' rights to the extent funded, may be required.

The Senate bill (H.R. 4200)

H.R. 4200 would establish new minimum funding requirements for qualified pension, profit-sharing, and stock bonus plans designed to give assurance that these plans will accumulate sufficient assets within a reasonable time to pay benefits to covered employees when they retire. These rules are to apply to any pension, profit-sharing, or stock bonus plan which, after December 31, 1975, has qualified (or has been determined to qualify by the Internal Revenue Service) under sec. 404(a)(2) or sec. 401(a) of the Code. These minimum funding requirements are to continue to apply to such plans and trusts even though they later lose their qualification.

Generally, under these requirements the minimum amount that an employer must annually pay under a defined benefit pension plan includes the normal cost of the plan (as under current law) for currently accruing liabilities, plus amortization of past service costs, experience losses, etc. The minimum amortization payments required by the bill are calculated on a level payment basis—including interest and principal—over various stated periods of time and take into account the accrued liabilities whether or not vested. Generally, initial past service costs (and past service costs established by substantial plan amendments), both vested and unvested, must be amortized over no more than 30 years, and experience losses generally must be amortized over no more than 15 years. (Decreases in cost from substantial plan amendments also generally are to be amortized over 30 years, and experience gains are to be amortized over 15 years.) In calculating experience gains and losses, values of fund assets may be determined on a current basis or, if used consistently, on the basis of a moving average over not more than 5 years.

If an employer would otherwise incur substantial business hardship for a plan year, the Internal Revenue Service may waive that year's required payment of normal costs, and amounts needed to amortize past service costs and experience losses; the amount waived must be amortized over no more than 10 years, and no more than 5 waivers may be granted for any 10 consecutive years.

For money purchase pension, profit-sharing, and stock bonus plans, the minimum amount that an employer must annually contribute to the plan is the amount that must be contributed for the year under the plan formula (or other system used by the plan to determine the contribution level). For purposes of this rule, a collectively bargained plan which provides an agreed level of benefits and a specified level of contributions during the contract period is not to be considered a money purchase (or other type of defined contribution) plan. This type of plan is subject to the funding provisions of the bill, and contributions must be made which are adequate to fund the agreed benefit on the basis required under the bill.[17]

The Senate bill provides essentially the same rules for multiemployer plans as for other plans, except that 40 years is given to amortize past service costs and the initial unfunded liability, and any such 40-year period may be extended by the Secretary of Labor for up to an additional 10 years in cases where he determines that otherwise there would be substantial hardship for 10 percent or more of the contributing employers involved.

Because of the importance of actuarial determinations, the Senate bill requires the enrollment of actuaries before they may practice as such before the Internal Revenue Service, and requires periodic reports by actuaries.

The funding rules established by the bill are in addition to the present rules which provide the maximum deduction limits for contributions to a plan. However, in any event a contribution that is required by the minimum funding rules is deductible currently.

The bill would impose an excise tax on the employer if he fails to fund the plan at the minimum required level (but only if a waiver has not been obtained). The tax initially is to be 5 percent of the accumulated funding deficiency at the end of the plan year. The 5 percent tax is to be imposed for each plan year in which the funding deficiency has not been corrected. Additionally, in any case in which the 5 percent tax is imposed and the accumulated funding deficiency is not corrected within the correction period allowed after notice by the Internal Revenue Service, a 100 percent tax is imposed on the accumulated funding deficiency. In accord with present law respecting the excise taxes with regard to private foundations, neither the 5 percent nor the 100 percent taxes are to be deductible.

The funding provisions are to apply to plan years beginning after the date of enactment, for plans established after that date. These provisions are to go into effect for plan years beginning after December 31, 1975, for plans in existence on the date of enactment, however in cases of substantial economic hardship (as determined and certified by the Secretary of Labor) this may be extended to years beginning after 1981.

V. OTHER PROVISIONS ASSOCIATED WITH VESTING AND FUNDING

(Secs. 261, 262, 281, and 282 of the Senate bill and secs. 401 and 404 of the Code)

1. Right to elect a survivor annuity

Under present law, there is no requirement that a qualified retirement plan must offer the option of a survivor annuity. This can result in a hardship where an individual primarily dependent on his pension as a source of retirement income is unable to make adequate provision for his spouse's retirement years, should he predecease her.

To deal with this situation, the Senate bill requires that a joint and survivor annuity must be offered with respect to any benefit under a qualified retirement plan which is payable as an annuity. The benefit is to be paid as a joint and survivor annuity (with the survivor annuity being not less than half the annuity payable to the participant), unless the participant elects not to receive it in this form, within 2 years of normal retirement age, after receiving a written explanation concerning the terms of the annuity. The survivor annuity must be at

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Footnotes at end of article.

least half of the amount payable to the participant during the joint lives of the participant and his spouse.

This provision generally applies to plan years beginning after the date of enactment. However, in the case of a plan in existence on the date of enactment, the provision applies to plan years beginning after December 31, 1975.

2. Prohibition against maintaining nonqualified plans

Present law

Generally, as an employer maintains a funded plan which does not meet the requirements for qualification under the Internal Revenue Code, no deduction is allowed for contributions to the plan by the employer until the rights of the employees on whose behalf the contributions are made are no longer subject to a substantial risk of forfeiture or are actually paid. At that time, a deduction generally is allowed the employer, but the employee then must take the contribution into his income. Also the earnings on these contributions are not tax exempt.

Unfunded plans are the most common type of nonqualified plans and are typically found in a small business where the employer simply continues a part of the employee's salary after retirement. Unfunded plans are normally referred to as "pay as you go" plans, because they are not funded and the employer pays benefits out to his retired employees on a "pay as you go" basis. They receive no special tax benefits. Payments generally are deductible when made.

In comparison with the nonqualified plan, under the qualified plan the employer may deduct contributions to the plan when they are made, the earnings on the contributions are tax exempt, and the employees generally do not have to take the contributions into income until benefits are actually distributed to them. Thus, while there are substantial tax advantages to maintaining a qualified pension plan under present law, the maintenance of a nonqualified plan is not prohibited.

The Senate bill (H.R. 4200)

The Senate bill contains a provision which would prohibit any employer (in interstate commerce) from establishing a retirement plan (other than a profit-sharing plan) which does not meet the qualification requirements of the Internal Revenue Code. The Secretary of Treasury is to enforce this prohibition by obtaining an injunction against the continued maintenance of such nonqualified plans. In addition, no deduction will be allowed for a contribution by an employer under any such plan, even if the employee is required to take the amount of the contribution into income. Certain exceptions are provided in the case of plans maintained by governmental units, churches, fraternal societies, plans maintained to comply with workman's compensation laws, plans maintained outside the United States for noncitizens, and deferred compensation arrangements. In general, the bill distinguishes between pay as you go pension plans, which would be prohibited, and deferred compensation arrangements for officers and 5-percent shareholders, which would not. Generally, a plan could be maintained as a deferred compensation arrangement if it (1) was not in writing, (2) provided a benefit which is required to be paid in full within 5 years after it accrues, (3) is solely for officers or employees who are 5 percent stockholders in the corporation, or (4) does not provide a determinable retirement benefit.

Generally, these provisions would be effective for taxable years beginning after December 31, 1975.

3. Protection of pension rights under government plans

Plans of the Federal Government, and State and local governments, are not subject to the funding requirements of the bill because the Senate believed that taxing power of a governmental unit should generally be adequate to insure that funds will be available to pay the pensions which have been promised by governmental units. However, in some cases, questions have been raised, in view of the size of the future pension payment commitments, as to whether this may represent too heavy a future tax burden. In view of this, the Secretary of the Treasury is authorized and directed to make a study of the funding of government plans, which takes account of the minimum funding standards under the bill, and the taxing power of the governmental unit, and make recommendations as to whether it would be advisable to require such plans to comply with the funding requirements applicable to private pension plans, or some other funding standard, as recommended by the Secretary. The Secretary is to file his report with the Ways and Means Committee on the Senate Finance Committee by December 31, 1976.

4. Protection of the pension rights of highly mobile employees through use of the Federal procurement regulations

Many employees, such as engineers, who are employed in industries engaged to a substantial extent in the performance of Federal contracts, have an unusually high rate of mobility which is imposed to a considerable extent as a result of terminations or modifications of Federal contracts, grants, or procurement policies. As a result of this unusual mobility, these employees are particularly susceptible to the loss of their pension rights due to changes in their employment status before they can become vested.

To meet this situation, the Senate bill authorizes the Secretary of Labor to develop, in consultation with professional societies, business organizations, and other Federal agencies, recommendations for modifications of Federal procurement regulations to ensure, to the maximum possible extent, that professional, scientific, technical and other personnel employed under Federal contracts shall be protected against loss of their pensions resulting from job transfers or loss of employment. Such recommendations are to be published in the Federal Register within six months after enactment and are to be adopted by each Federal department and agency unless the head of such department or agency has substantial grounds for determining that the recommendations should not be applied in the case of his department.

VI. PORTABILITY

(Secs. through 310 of H.R. 4200 and secs. 402 and 403 of the Code)

Present law

Under present administrative practice, when an employee changes jobs an amount representing his vested benefits in his former employer's qualified retirement plan may, in certain circumstances, be transferred to the retirement plan of his new employer without the employee being taxed on the transfer. For this to be done, both his former and new employers must agree to the transfer, the transfer must be possible under the terms of both the plans and trusts involved, and the Internal Revenue Service's administrative requirements as to the method of transfer must be met. However, transfers of employee interests between qualified plans upon changes in employment do not appear to be usual.

The Senate bill (H.R. 4200)

The Senate bill includes several provisions that deal with portability. First, the bill establishes a voluntary central portability fund for the use of employees who leave an employer with vested retirement plan benefits. Second, the bill allows an employee to receive a complete distribution from his former employer's qualified plan and recontribute this amount within 60 days of receipt to the qualified plan of a new employer, or to the central portability fund or an individual retirement account, without being taxed on the distribution. Third, the bill provides that the Social Security Administration is to keep records of plans which an employee leaves with vested retirement benefits so that, upon retirement, he will know whom to consult to obtain his retirement benefits. These features of the bill are discussed below.

The bill establishes a voluntary central portability fund to enable an employee who changes jobs to consolidate all of his vested retirement benefits under one program (sec. 301 et seq. of the bill). Employers with tax-qualified plans may register (and withdraw registration) with the central fund on a voluntary basis. When an employee leaves an employer who is registered with the central fund, he may direct the employer's qualified plan to pay the value of his entire vested benefits to the central fund. The central fund is to establish an account for each employee on whose behalf it receives funds. The central fund will invest its assets and its income will be allocated to the participants' accounts. Funds may be invested in U.S. government obligations or interest-bearing accounts (or certificates of deposit) of banks, savings and loan associations, and credit unions which are members of a Federal insurance system (*e.g.*, Federal Deposit Insurance Corporation).

This income will not be taxed until it is distributed to the participants or their beneficiaries, and transfers between the central fund and qualified plans will be tax-free.

On a participant's retirement (no earlier than age 59½ and no later than age 70½) the central fund will pay him the value of his account or, at his request, will distribute an annuity contract to him. If a participant is disabled, payment may be made at that time, or if he dies prior to retirement or disability payment will be made to his beneficiaries. Alternatively, if a participant is hired by an employer who is a member of the central fund, the participant may direct (with this employer's concurrence) the central fund to transfer the value of his account to the new employer's qualified plan, to purchase actuarially equivalent retirement benefits in this plan. This transfer would be tax-free.

The central fund is to be operated by the Pension Benefit Guaranty Corporation (the Corporation is also in charge of the insurance program, as indicated below). Its administrative expenses in carrying on the portability program are to be provided for by appropriations. The Corporation is to establish the rules which govern the fund's operation, including its relations with individual participants and employers.

The bill also provides that an employee may receive, tax-free, a complete distribution of his interest from a qualified retirement plan if he reinvests (within 60 days after receipt) the full amount of the assets received in another qualified plan, in an individual retirement account (described subsequently), or in the central portability fund (sec. 309 of the bill). However, amounts equal to the employee's own voluntary nondeductible contributions to the plan need not be reinvested. This tax-free roll-over is available only with respect to complete distributions from a plan that occur within 12 months after termination of employment.

Employees who frequently change employment may have difficult problems in locating their former employers and the retirement plans in which they have vested benefits. To deal with this problem, the bill provides that each retirement plan must file an annual statement regarding individuals who have terminated employment and have a right to a deferred vested benefit in the plan (sec. 151 et seq. of the bill) and must also provide each such individual with a certificate of his rights. The Social Security Administration is to maintain records of the retirement plans in which individuals have vested benefits and is to provide this information to plan participants and beneficiaries on request and also upon their application for Social Security benefits, whether or not by request.

The provisions regarding the central portability fund and the tax-free roll-over are effective upon enactment of the bill. The Social Security registration provisions are to be effective for plan years ending after 1973.

VII. PLAN TERMINATION INSURANCE

(Secs. 401 through 491 of the Senate bill and secs. 162, 401, and 4981 of the Code)

The purpose of plan termination insurance is to provide a guarantee that participants will receive their full vested benefits (at least up to some specified income level) upon the termination of a plan. With the strengthening of funding requirements, the losses of vested benefits from the termination of a plan should significantly decrease. Nevertheless, since even the new funding requirements do not provide for the immediated funding of all unfunded vested liabilities and since the market value of plan assets can vary widely from year to year, the new funding rules give no guarantee that the termination of a plan may not result in the loss of a participant's benefits. These terminations may occur because of a closing or sale of a business, a merger, or because an employer decides to stop funding a plan in order to cut costs.

Present law

Present law does not require pension, profit-sharing, etc., plans to insure their liabilities.

The Senate bill (H.R. 4200)

A governmental corporation called the Pension Benefit Guaranty Corporation is established within the Department of Labor to provide plan termination insurance through administration of the Pension Benefit Guaranty Fund (Sec. 401 *et seq.* of the bill). The Corporation is to be directed by a board of directors consisting of the Secretaries of Labor, of the Treasury, and of Commerce, with the Secretary of Labor as chairman of the board.

The insurance program would be basically funded through premiums (imposed as taxes to lessen collection costs) imposed upon employers at an initial flat rate of $1 per plan participant. For plan years ending after 1976, however, the premium rate would be set by the Corporation according to the cost experience of the program. Because of the lesser possibility of termination in cases of multiemployer plans, a separate premium rate schedule could then be used for participants in multiemployer plans. These subsequent premium rates must be approved by Congress.

In addition to the amounts paid through the premium taxes, up to $100 million may be borrowed by the Corporation from the Secretary of the Treasury to avoid unexpected financial difficulties.

In order to be "qualified" for tax benefits in the sense of the Internal Revenue Code, defined benefit plans must provide plan termination insurance coverage for their participants through payment of the (excise tax) premiums. Defined contribution plans, such as money purchase, stock bonus, and profit-sharing plans would be excluded from the program because their benefits are defined in terms of amounts of employer contributions, and not in terms of promised, insurable, defined benefits to be paid to participants. Plans for governmental employees also are excluded because the power to tax is considered an adequate substitute for the insurance. In addition, plans of tax-exempt churches (or organizations or conventions of such churches) are exempted. However, these churches may elect to have their plans covered, and a church plan is not exempt from the coverage if it is only for employees of an unrelated trade or business, or if the plan is a multiemployer plan and one of the employers in the plan is not a church. Finally, plans for employees of tax-exempt fraternal societies are excluded if no contributions to the plan are made by the employer.

Coverage of a plan participant is limited to the lesser of 50 percent of the participant's average monthly gross income during his highest-paid five consecutive year period as a plan participant or $750 monthly (adjusted for changes in the Social Security contributions and benefits base). This coverage limitation includes any distributions from the terminating plan. All vested benefits that were created (whether resulting from the creation of a new pension plan or from the amendment of an existing plan) at least three years prior to the plan termination are to be insured. (This period is five years for plans in which employers elect to avoid liability for insurance losses by paying higher premiums, as discussed infra.) Whether the benefits were accrued or became vested before, or after, the enactment of the bill would be irrelevant. Coverage includes both retirement benefits and ancillary benefits (such as death or disability benefits) vested under one or several plans, but the amount that may be paid to any participant from the Fund, regardless of the number of plans in which the employee participated, cannot exceed the $750 per month limitation (adjusted to reflect changes in the Social Security contributions and benefits base).

Benefits of self-employed persons are also covered by the Fund, but their insurance payments are to be reduced by their proportionate share of any funding deficiency at the time the plan terminates.

In order to discourage the unrealistic creation of employee benefits, and the shifting of liabilities to the Corporation by employers who have the means to fund those liabilities, employers are liable to the extent of 30 percent of their net worth for the Corporation's payments upon terminations of their plans, but employers may elect to avoid this liability by paying an additional premium in an amount to be determined, from time to time, by the Corporation. By paying this additional amount for five years, employers would escape liability for subsequent terminations of their plans, if they do not remain in the same general line of business or become parties to reorganizations during the three years following the terminations.

If an employer ceases to exist by reason only of a change in identity, form, or place of organization, or in instances of liquidations or reorganizations, the successor corporation would remain liable for the Guaranty Corporation's loss.

In order to prevent possible abuses of the insurance system, the bill provides a mandatory system of allocation of plan assets applicable in cases of insured terminations. This is accomplished by setting aside first all voluntary contributions by employees, then allocating to participants all mandatory contributions (contributions required by the plan or required to obtain employer contribution benefits), then allocating to participants the amounts necessary to continue benefits that had been paid already for at least three years prior to the termination of the plan, but at the level that existed three years prior to the termination. Finally, any remaining plan assets would be allocated to participants to the extent of their other guaranteed benefits.

To avoid abuse of the insurance program by paying benefits in anticipation of a plan termination, certain large lump-sum distributions made within three years prior to termination and periodic payments that began within that time could be partially recaptured by the Corporation, except that no recapture could be made for benefits paid on account of disability or after the death of the participant and this rule in individual hardship cases.

Special provisions are made, in the case of multiemployer plans, for employers who withdraw from operation of the plans, where these employers have been contributing 10 percent or more of the plan's contributions. These employers could be required to pay into escrow their share of any potential employer liability, or to post a bond, upon their withdrawal from the plan. If the plan terminated within five years the payment or the bond (to the extent needed) would be turned over to the insurance Corporation, otherwise it would be returned to the employer. Other employers who have withdrawn can also be required, if feasible, to contribute their share of any loss if the termination occurs within five years of their withdrawal.

Alternatively, the Corporation could allocate the funds of a multiemployer plan into two or more funds and treat as a terminated plan those funds allocated to workers no longer covered by the plan, whenever it determines that employer withdrawals have endangered the rights of the employee-participants. The Corporation could waive both of these possibilities if it is satisfied that the members of the multiemployer group have entered into reciprocal indemnification agreements that insure that liabilities will be paid in the event of plan failure.

VIII. REPORTING AND DISCLOSURE

(Secs. 501 through 507 of the Senate bill)

Present law; reporting to government agencies

Every employer who maintains a funded retirement plan must file returns annually with the Internal Revenue Service, regardless of whether the plan is qualified or whether a deduction is claimed for the current year (regs. § 1.404(a)-2(a)). The employer's return generally must include information on the type of plan, plan coverage, participation requirements, vesting, benefits, funding, and actuarial methods and assumptions. Employer returns also must include a statement of all plan assets and liabilities and a statement of receipts and disbursements, including benefits paid.

A return disclosing whether the trust engaged in transactions which may have been "prohibited," (and a statement describing the transactions) must be filed annually with the Internal Revenue Service by the trustee of a qualified retirement trust. (Prohibited transactions include self-dealings between the trust and interested parties, and are described in the section on Fiduciary Standards.)

The Welfare and Pension Plans Disclosure Act (29 U.S.C. § 301 *et. seq.*) also provides for reporting of welfare and retirement plan transactions. Under this Act, most private employers (except certain tax-exempt organizations) engaged in interstate commerce or in an industry or activity affecting commerce who have welfare or retirement plans covering more than 25 participants must file a description of the plan with the Secretary of Labor when the plan is established or amended (29 U.S.C. §§ 303, 305). This report describes the plan coverage, plan administrators, plan benefits, and includes basic plan documents.

Further, if a covered plan includes at least

100 participants, an annual report must be filed with the Labor Department providing information on plan participants, funding, benefits, actuarial assumptions and methods, assets and liabilities, receipts and disbursements, and transactions between the plan and interest parties. The financial data required by the Labor Department in its annual report is more detailed than that required by the Internal Revenue Service; therefore, the annual report filed with the Labor Department is accepted by the Service as satisfying its financial reporting requirement.

Present law: Disclosure to employees

Under Treasury regulations, employees must be informed of the establishment of a qualified retirement plan and its basic provisions (regs. § 1.401–1(a)(2)). This may be done by furnishing each employee with a copy of the plan, but where this is not feasible substitute methods may be used. Satisfactory substitutes must describe the essential features of the plan, and may be in the form of a booklet given to the employees or a notice posted on the company's bulletin board. Substitutes must state that the complete plan may be inspected at a designated place and times on the company's premises.

Under the Welfare and Pension Plans Disclosure Act, the plan description and annual reports filed with the Labor Department must be available for examination by participants and beneficiaries in the principal office of the plan. Additionally, upon written request, a copy of the plan description and summaries of the annual reports must be mailed to participants and beneficiaries (29 U.S.C. § 307).

The Senate bill (H.R. 4200)

The Welfare and Pension Plans Disclosure Act is amended by the bill to require that additional information be provided in the plan descriptions and annual reports filed with the Labor Department (secs. 502 and 503 of the bill). Furthermore, annual reports generally would be required for private funded employee benefit plans of any size maintained by an employer or employee organization affecting interstate commerce and coverage would be extended to most tax-exempt organizations (secs. 502 and 503 of the bill). Annual reports also would include the opinion of an independent auditor based on an annual audit (sec. 502 of the bill).

However, under the bill the Department of Labor could provide exemptions from these reporting requirements. It is anticipated that this authority to grant exemptions would be used on a relatively broad basis in the case of small plans. For example, it is anticipated that they might well be exempted from the filing requirements but nevertheless be required to have the same type of information generally available to their employees and also available in the case of an audit by Labor Department personnel. In addition, even where exemption is not granted, the Department of Labor is authorized to prescribe simplified reporting requirements for small plans.

Annual reports would include additional information of all investments, and include separate detailed schedules for transactions involving securities, other investment assets, and certain loans and leases (sec. 502 of the bill). Additionally, detailed reporting would be required for all transactions involving interested parties. Detailed actuarial information also would be required, in order to allow evaluation of the funding of the plan.

In addition to current requirements on disclosure to employees, plan administrators would have to furnish (or make available) to each new participant a summary of the plan's important provisions, including an explanation of plan benefits and the circumstances which would disqualify a person from receiving benefits (sec. 503 of the bill). Every three years a revised summary of the plan's provisions would be furnished (or made available) to participants. (Plan descriptions would be required to be written in a manner calculated to be understood by the average participant.) Participants also would be entitled to obtain copies of all the underlying plan documents. When a participant terminates service with a vested pension right, he would be given a certificate setting forth the benefits to which he is entitled (sec. 151 of the bill). Any participant or beneficiary may also request and receive a statement of benefit rights and benefit credits accrued.

In addition, the Internal Revenue Code would be amended to provide that applications for qualification of employee benefit plans (except for plans covering less than 26 persons) and annual returns filed with regard to these plans would be available to the public (sec. 706(k) of the bill).

The disclosure and reporting provisions are to be effective January 1, 1974.

IX. FIDUCIARY STANDARDS

(Secs. 511 through 522 of the Senate bill and sec. 4974 of the Code)

Present law

A retirement plan trust may be qualified under the Internal Revenue Code only if it is impossible under the government instrument for trust funds to be used for any purpose other than the exclusive benefit of the employees or their beneficiaries (sec. 401(a)(2)). In addition, a retirement plan trust will not be exempt from taxation if it engages in any of the specifically defined "prohibited transactions" (sec. 503).

Under administrative rulings, an investment generally meets the "exclusive benefit" requirement if it meets the following standards: the cost of the investment does not exceed fair market value, a fair return commensurate with the prevailing rate is provided, sufficient liquidity is maintained to permit distributions, and the safeguards and diversity that a prudent investor would adhere to are present. (IRS Publication 778 (February 1972).)

"Prohibited transactions" include the lending of funds to certain interested persons without receipt of adequate security and a reasonable rate of interest. Other prohibited transactions with disqualified persons include payment of excessive salaries, providing the trust's services on a preferential basis, susbtantial purchases or sales of property for other than adequate consideration, and engaging in any other transaction which results in a substantial diversion of trust assets.[18] If the trust engages in any prohibited transaction, it will lose its tax-exempt status for at least one year.

The Senate bill (H.R. 4200)

Both the Welfare and Pension Plans Disclosure Act and the Internal Revenue Code are to be amended to provide new standards of conduct for fiduciaries of employee benefit plans (secs. 511 and 522 of the bill). The Secretary of Labor is to have primary responsibility for administering the general fiduciary standards (such as the "prudent man" rule described below) and for administering the investment standards governing these plans.

The Secretary of Labor and the Internal Revenue Service both would administer the fiduciary standards that prohibit certain specific transactions ("prohibited transaction"). The Secretary of Labor would have primary responsibility to administer the prohibited transaction provisions with regard to fiduciaries, and the Service would have primary responsibility with regard to parties in interest.

The Secretary of Labor would administer the fiduciary provisions by bringing civil actions to surcharge a fiduciary (and civil actions could also be brought by participants and beneficiaries). The Service would impose an excise tax on parties in interest who participated in a prohibited transaction. This excise tax would replace the prohibited transaction provisions now in the Internal Revenue Code.

The fiduciary standards provided under the bill are outlined below. The fiduciary standards of the bill generally would supersede State standards of fiduciary conduct (see. 699 of the bill).

A fiduciary would be required to act as a "prudent man acting in a like capacity and familiar with such matters * * * in the conduct of an enterprise of a like character and with like aims" (sec. 511 of the bill). This "prudent man" rule would govern investing and other conduct such as custody of assets, protecting plan assets from loss or damage, etc. In addition, fiduciaries would be required to act in accordance with plan documents and for the exclusive benefit of participants and beneficiaries.

Investments by fiduciaries of plan assets would be governed by the prudent man rule and also, in the case of securities of the employer, by specific rules. Pension plans could have no more than 7 percent of plan assets in employer securities. Profit-sharing, stock bonus, thrift and savings, and similar plans would not be subject to this limitation if the plan documents so provided. Also, leasebacks of real property (and related personal property) to employers would be treated the same as holding employer securities (sec. 511 of the bill). Plans would be allowed ten years to divest themselves of excess securities (and leases) now held. In addition, without the approval of the Secretary of Labor a plan generally could not invest in assets outside the jurisdiction of U.S. district courts (sec. 511 of the bill). All the provisions discussed up to this point would be enforced by the Department of Labor, through civil actions.

Certain additional transactions involving plan assets and parties in interest would be specifically prohibited, under both the civil action and tax provisions. These include leases, purchases and sales,[19] extension of credit and furnishing of goods and services between plans and parties in interest. Prohibited transactions also would include use of plan assets by or for the benefit of parties in interest, dealings with plan assets in the interests of fiduciaries or parties in interest, and receipt by fiduciaries or parties in interest of consideration from other parties in connection with transactions involving plans. Additionally, fiduciaries would be prohibited from representing or acting for other parties with regard to the plan. Generally, the prohibition of these transactions would in the case of fiduciaries be enforced by the Department of Labor (and by participants and beneficiaries) by civil actions. The prohibition of these transactions insofar as parties in interest are concerned is to be enforced by the Internal Revenue Service by the imposition of excise taxes.

Exemptions could be provided from the prohibited transactions. The Secretary of Labor and Secretary of Treasury jointly could exempt classes of transactions or individual transactions from these prohibitions. Any such exemption would be after published notice to interested parties (and the opportunity to intervene), and could only be granted on joint findings that the exception is administratively feasible, is in the interests of all plans involved, and protects the rights of all participants and beneficiaries of these plans.

The bill also exempts specific transactions, generally allowing non-discriminatory loans by plans to participants if the loans are adequately secured and at a reasonable interest rate, and allowing plans to pay reasonable

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Footnotes at end of article.

compensation to fiduciaries for services to the plan. Additionally, it would not be a prohibited transaction to pay reasonable compensation to parties in interest for office space or for other services necessary to operate the plan, nor would it be prohibited for an individual to serve as an officer, employee, etc., of a party in interest. The bill also allows receipt by fiduciaries or parties in interest of benefits as participants or beneficiaries in a plan. These exceptions from the prohibited transaction rules would apply equally to the civil action and tax provisions.

To prevent undue hardship, transition rules are provided for situations where plans are now engaging in activities which do not violate current law but would be prohibited under the bill. Ten-year transition periods would be available for the lease or joint use of property and for loans between a plan and party in interest under an existing contract. Additionally, where property is now under lease or joint use and qualifies for the ten-year transition rule, it could be sold at arm's-length terms to a party in interest.

Persons convicted of specified crimes would be prohibited from serving employee benefit plans for five years after conviction or end of imprisonment (unless the U.S. Board of Parole waives the prohibition). Violation of this provision would be a crime subject to a $10,000 penalty and one year imprisonment. Removal of trustees would be through the Department of Labor and enforcement of the criminal penalties would be through the Department of Justice.

In the case of the provisions to be administered by civil actions brought by the Secretary of Labor (or participants and beneficiaries), fiduciaries (and certain parties in interest) who violate the fiduciary standards would be liable to the plan for its losses or for the profits they made as a result of the breach of fiduciary duty in which they participated. Joint fiduciaries generally would have the duty to prevent a breach by other fiduciaries, or could avoid liability for surcharge by appropriate objection and notice to the Secretary of Labor. Exculpatory agreements also would be prohibited.

Parties in interest who participate in taxable prohibited transactions would be subject to a 5 percent excise tax on the amount involved in a transaction for each taxable year (or part of a year) that the transaction was not corrected. Additionally, if the transaction was not timely corrected after notice, a party in interest who participated in it would be subject to a 100 percent excise tax on the amount involved. These taxes generally follow the format of the excise tax on self-dealing with private foundations, enacted as part of the Tax Reform Act of 1969.

These taxes would be nondeductible and payment would not relieve parties in interest from their duty to the plan of correcting the transaction.

Generally, all employee benefit plans established by employers or employee organizations engaged in or affecting interstate commerce would be subject to the Welfare and Pension Plans Disclosure Act. However, the Welfare and Pension Plans Disclosure Act would not apply to government plans, workmen's compensation or unemployment compensation or disability insurance plans, certain religious organization plans, and plans maintained outside the U.S. primarily for the benefit of employees who are not citizens of the U.S. (sec. 502 of the bill). Generally, all tax-qualified plans would be subject to the excise tax on prohibited transactions (sec. 522 of the bill). However, government plans and certain church plans would not be subject to the excise tax.

The prohibited transaction provisions are to go into effect on January 1, 1975. The other fiduciary standard rules are to go into effect January 1, 1974 (sec. 512 and 522 of the bill).

X. ENFORCEMENT

(Secs. 101, 102, 601, 641, and 691 through 699B of the Senate bill and secs. 4975, 7476, 7477, and 7802 of the Code)

Present law

Plans which meet the requirements of the Internal Revenue Code (e.g., exclusively for benefit of employees, nondiscriminatory in regard to coverage and benefits, limit on contributions for self-employed persons under H.R. 10 plans) receive special tax treatment to foster their growth. It is not necessary, in order to receive this special tax treatment, that a prior determination be obtained from the Internal Revenue Service. However, to assist employers in their development of plans or plan amendments, the Internal Revenue Service issues determination letters that proposed plans or amendments qualify for the special tax treatment. As a practical matter, since taxpayers generally wish to be assured in advance that their plans or amendments will qualify, they obtain prior determinations from the Internal Revenue Service. Such a determination is with respect to the qualification of the plan (sec. 401 of the code) and tax-exempt status of the related trust (sec. 501 of the code).

Under the Internal Revenue Service's published procedures, this determination generally takes the form of a determination letter from a district director. The district director may request technical advice from the national office on issues arising from a request for a determination letter. Also, the applicant may request national office consideration of the matter if the district director does not act within 30 days from notice of intent to make such a request, or acts adversely.

Standards are set forth under which the national office is to determine whether it will entertain a request for consideration of a case. One situation where a request will be entertained is where the contemplated district office action is in conflict with a determination made in a similar case in the same or another district. The procedure provides for a conference in the national office, if it is requested by the applicant. In addition, determination letters issued by the district director are subject to post review procedure in the national office.

The Internal Revenue Service, besides granting prior determinations, also administers the tax provisions of the Internal Revenue Code relating to the continued qualification of pension and profit-sharing plans. If a plan does not comply with the requirements of the Internal Revenue Code, these special tax benefits are lost. Thus, to a considerable extent, the provisions of the Code in this area are self-enforcing (i.e., those in charge of a plan have an interest in seeing to it that the plan continues to comply with the antidiscrimination requirements, that the plan does not engage in prohibited self-dealing transactions, and that it otherwise acts in such a manner to preserve the complex of tax benefits to both the employer and the participants and their beneficiaries).

In addition, the Department of Labor administers the Welfare and Pension Plan Disclosure Act of 1958 (P.L. 85–832, as amended by P.L. 87–420), discussed above, under Reporting and Disclosure.

The Senate bill (H.R. 4200)

The bill is designed to provide additional opportunities for redress in case of disagreement with a decision of the Internal Revenue Service on retirement plan matters. Both employees and employers will be allowed to appeal determination letters issued by the Internal Revenue Service to the United States Tax Court after exhausting their remedies under the Internal Revenue Service's administrative procedures. Employees as well as employers are to be allowed to participate in the Service's administrative proceedings. If either the employer or the employee exercises his right of appeal and requests the Tax Court to issue a declaratory judgment, the other party is to have the right to intervene in the proceedings.

All interested parties to the controversy are to have an opportunity to participate in the administrative determination of the matter and to have an opportunity to contest the Internal Revenue Service's determination of the matter.

A second enforcement procedure under the bill requires an arbitration procedure to be provided in each employee benefit plan, for settlement of claims under the plans. The Department of Labor will prescribe regulations for the type of arbitration provisions which are to be included in the plans.

The bill establishes within the Internal Revenue Service a new office, headed by an Assistant Commissioner, to be known as the Office of Employee Plans and Exempt Organizations. This office is to have the supervision and direction of the basic activities of the Internal Revenue Service in connection with pension, etc., plans (governed by secs. 401 through 414 of the code) and tax exempt organizations (exempt from tax under sec. 501(a) of the code).

As discussed above (in Fiduciary Standards), the Secretary of Labor is to have primary responsibility in administering standards of conduct with respect to fiduciaries by bringing civil actions to enjoin or remedy a breach of conduct. The bill also provides that plan participants and beneficiaries may bring civil actions to redress breaches of fiduciary duties. The Internal Revenue Service is to have primary responsibility for enforcing restraints on specified prohibited transactions with respect to parties in interest, through an excise tax. Further, the bill provides for an excise tax on violations of the funding standards and on violations of the vesting standards.

The bill also provides for the imposition of a $1 audit-fee-excise tax on the employer for each plan participant in a qualified employee plan to provide for Internal Revenue Service costs of administering the retirement plan provisions. For purposes of administration and collection of this tax, the employment tax provisions of the tax law are to be applicable. However, this tax is to be deductible as a trade or business expense. The tax is with respect to participants of plans which are qualified under the tax laws and does not apply to agencies or instrumentalities of the United States, a State, or political subdivision.

The bill, in general, preempts State laws that "relate to the subject matter regulated by this Act or the Welfare and Pension Plans Disclosure Act * * *." However, general State regulatory (dealing with insurance, banking) and criminal laws would continue to apply.

The bill makes it illegal to discriminate against any participant or beneficiary for exercising any right to which he is entitled under the bill.

XI. EMPLOYEE SAVINGS FOR RETIREMENT

(Secs. 701 and 706 of the Senate bill and secs. 72, 219, 408, 409 and 4960 of the Code)

Present law

Generally, an employee is not allowed a deduction for amounts which he contributes from his own funds to a retirement plan. There is no provision for an employee to establish his own retirement plan with tax-free dollars. Also, while an employer's qualified plan may allow employees to contribute their own funds to the plan; [20] no deduction is allowed for these contributions (except to the extent that tax excludable contributions

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Footnotes at end of article.

made in connection with salary reduction plans, described below, may be viewed as employee contributions). However, the income earned on employee contributions to an employer's qualified plan is not taxed until it is distributed.[21]

In the case of a salary reduction plan, however, in the past employees have been permitted to exclude from income amounts contributed by their employers to a pension or profit-sharing plan, even where the source of these amounts is the employees' agreement to take salary reductions or forgo salary increases. If the plan met certain nondiscrimination requirements, the Internal Revenue Service in the past had taken the position in a few private rulings that, under certain circumstances, the amount of the salary reduction would be treated as an employer contribution to a qualified pension plan, not taxable to the employee (until benefits were received from the plan). The maximum amount that could be so treated generally was 6 percent of compensation.[22]

On December 6, 1972, the Service issued proposed regulations (37 Fed Reg. 25938) which would change this result in the case of qualified pension plans by providing that amounts contributed by an employer to such a plan in return for a reduction in the employee's total compensation, or in lieu of an increase in such compensation, will be considered to have been contributed by the employee and consequently will be taxable income to the employee.[23] Public hearings have been held on these proposed regulations, but regulations in final form have not yet been issued.

The Senate bill (H.R. 4200)

In general.—Under the Senate bill, any individual who was not covered during a year as an active participant in a qualified retirement plan, or a government plan (whether or not qualified), or a section 403(b) annuity plan,[24] is to be permitted a deduction of $1,000 a year from earned income, or (if greater) 15 percent of earned income up to $1,500, for contributions to a personal retirement account. The bill provides that the deduction in this case is to be from gross income, and as a result can be taken even by those taxpayers who also take the standard deduction. Earnings on these contributions would also be tax free (until actually distributed to the employee as benefits from the account).

In the case of a married couple, each spouse may establish his or her separate retirement savings account and the $1,000 (or 15 percent $1,500) limitation is to be applied separately to the earned income of each spouse. For this purpose, earned income is to be determined without regard to State community property laws.

Under the bill, the employee can establish hs own retirement savings account, or the retirement savings can be made through the medium of contributions by an employer (either in the form of additional compensation provided by the employer or a salary reduction plan) if there is no qualified, government, or section 403(b) plan in which the employee in question is an active participant.

Where individual retirement accounts are set up by the employer, the aggregate tax excludable contributions and tax deductible contributions by the employee (which are to be accounted for separately in the records of the account) are not to exceed $1,000 per year.[25] Of course, all benefits under the salary reduction plan are to be immediately vested since the contributions, in effect, either represent compensation to the employee or come from his own funds.

Requirements for an individual retirement account.—If an individual wishes to establish an individual retirement account, the trustee of the account would have to maintain, under the provisions of a written governing instrument, a separate accounting of the individual's contributions, the earnings on them, and the distributions made either to the individual involved or to his beneficiaries. The balance in the account could, for example, be invested in insurance annuity contracts, in a common trust fund managed by a bank, in a savings account with a savings and loan institution or a credit union, or in stock of a mutual fund. However, in any case, the funds must be held by a bank or other person who establishes to the satisfaction of the Service that the manner in which it will hold the balance in the account is consistent with the intention of the new provision. The funds might be held in a trust, a custodial account, an annuity contract, or any similar arrangement approved by the Secretary of the Treasury.

The bill also contains a number of other provisions designed to ensure that the accounts will be used for retirement savings, many of which are similar to requirements which are already in the law with respect to H.R. 10 plans.

For example, the written governing instrument is to provide that no contributions in excess of the deductible limit can be made to the plan. Any excess contributions inadvertently made would have to be refunded to the individual with interest within 6 months after notice of the excess contribution was sent by the Internal Revenue Service. If the excess contributions were not repaid, the account would be disqualified for that year and all succeeding taxable years. In this case, the individual would also be required to take into income the assets of the account (valued as of the first day of the taxable year in which the account became disqualified), reduced by any contributions in the account for the current year (for which deductions are denied).

In addition to the rules on excess contributions, the written instrument is also required to provide that no distributions can be made to the individual prior to age 59½, except in the event of death or disability. On the other hand, under the bill, the plan is required to begin distributions not later than the year during which the individual attains the age of 70½, and distributions then have to be made at least on a ratable basis over the remaining lifetime (or period of life expectancy) of the individual, or of the individual and his spouse. After age 70½, an excise tax of 10 percent a year is imposed on the proportion of the individual's account that represents the amount that should have been (but was not) distributed. Also, under the bill, no tax deductible contributions could be made to the account during or after the taxable year during which the individual attains the age of 70½.

If the individual establishing the account dies before his entire interest in the account has been distributed to him, the governing instrument is generally to require that the undistributed assets be distributed, or be applied to the purchase of an annuity for his beneficiaries, within 5 years after his death. However, this rule does not apply if distributions began prior to his death, and the account was to be completely distributed over a period not exceeding the life expectancy of the individual and his spouse (measured as of the time when distributions from the account began).

In addition, if the assets of the account are invested in an insurance contract, the governing instrument must provide that any refunds of premiums are to be held by the insurance company and applied toward the payment of future premiums or the purchase of additional benefits within the current taxable year or the next succeeding year.

Premature distributions.—Premature distributions frustrate the intention of saving for retirement, and the bill, to prevent this from happening, imposes a penalty tax. If a premature distribution from the account is made before the individual attains the age of 59½, the distribution is subjected to a penalty tax of 30 percent of the amount of the taxable distribution.[26] This is in addition to any other income taxes payable on this distribution, and would not be offset by any tax credits. Also, this tax would not be treated as reducing the individual's tax liability under the minimum tax provisions (sec. 56).

The penalty tax is not to apply in the event of distribution due to death or disability.

To permit flexibility with respect to the investment of an individual retirement account, the bill provides that money or property may be distributed from an individual retirement account, without payment of tax, if the same amount is reinvested by the individual within 60 days in another qualifying individual retirement account.

Taxation of beneficiaries.—Generally, the proceeds of an individual retirement account are to be taxable to the individual when distributed. Since the contributions to the account will be made with tax free dollars, the employee's basis in the account will be zero.

The amounts distributed to the individual are not to be eligible for capital gains treatment, and the special averaging rules applicable to lump sum distributions (under sec. 72) are not to be available. However, the individual would be permitted to use the general averaging rules (sec. 1301).

If any individual borrows money, pledging his interest in the retirement account as security, the portion pledged as security is to be treated as a distribution from the retirement account to the individual. Any contribution to an individual retirement account, or any income of the account, applied to the purchase of current life insurance protection under any retirement income, endowment, or other life insurance contract also will constitute income to the individual.

For purposes of the estate and gift taxes the amounts in individual retirement accounts are not to be excluded from tax (secs. 2039(c) and 2517).

Other rules.—Under present law, if an asset of an individual is transferred pursuant to a divorce settlement, the individual is deemed to realize gain on the difference between his basis in the asset and its fair market value at the time of the transfer (if the asset has appreciated). Under the bill, if an individual retirement account is transferred to the individual's spouse pursuant to a divorce decree, or settlement agreement, this transfer is not to be taxable under the bill.

Qualified retirement bonds.—In addition to the various types of investment described above in which an individual retirement account can be placed, the bill also provides that these amounts may be invested annually in retirement bonds to be issued by the Government. The bonds are to be issued under the Second Liberty Bond Act and provide for the accumulation of interest until the time of redemption. In conformity with the general provisions for individual retirement accounts, the bill provides that the bonds generally can be cashed only after the individual has reached the age of 59½ years, or if he becomes disabled or dies before that age.[27]

Consistent with the general rules for individual retirement accounts, the bill provides that the bonds are to cease to bear interest when the individual reaches age 70½. In addition, during that year the individual is also required to take any of these bonds he is still holding into income, even if he does not cash them in.

Also the bill provides that bonds are to cease to bear interest not later than five years after the death of the individual in whose name the bonds have been issued.

Footnotes at end of article.

The bonds are to be issued in the name of the individual who purchases them for his retirement and are not to be transferable, under any circumstances, except to his executor in the event of his death (or to a trustee for his benefit in the event he became incompetent to manage his own affairs). For example, the bonds could not be pledged for the payment of debts, and could not be assigned to a trustee in bankruptcy. Also, the bonds could not be awarded to the individual's spouse as the result of a divorce settlement.

When the bonds are redeemed, the full proceeds of the bonds, including any interest earned on them, is to be treated as ordinary income to the individual, whose basis in the bonds would be zero. However, if the individual chose to do so, he could treat this income under the general averaging provisions of the tax law (sec. 1301 et seq.).

Salary reduction and cash or deferred profit-sharing plans.—As discussed above, until recently, the Internal Revenue Service had taken the position that amounts contributed to a qualified retirement plan on a salary-reduction basis could, under certain conditions be considered as tax excludable employer contributions to the plan. Under the bill, this treatment is continued with respect to contributions to a qualified pension or profit-sharing plan made prior to January 1, 1974. Thereafter, as is already true under present law in the case of employee contributions under the Federal Civil Service Retirement Plan or similar government plans, contributions which are really employee contributions (whether required to be made or made at the individual option of the employee in return for a reduction in his compensation, or in lieu of an increase in such compensation) are to be treated as such and will no longer be excludable from income by the employee. The only modification in this rule is that where an individual is not covered by a qualified plan, a government plan, or a section 403(b) annuity plan, employer contributions of up to $1,000 per annum can be made to an individual retirement account under a salary reduction arrangement. Income earned on amounts contributed under a salary reduction plan prior to 1974 would for the future remain tax exempt as also would the earnings of these amounts.

Section 403(b) annuity plans.—Under present law, the proceeds of a section 403(b) annuity plan, for the benefit of teachers or employees of tax-exempt organizations, may be invested only in insurance contracts. The Senate bill provides that the assets of these accounts may also be invested in mutual funds, under appropriate custodial restrictions.

Effective date.—These provisions will apply with respect to taxable years beginning after December 31, 1973.

XII. LIMITATION ON CONTRIBUTIONS

(Secs. 702, 704, and 706 of the Senate Bill and Secs. 72, 401, 404, 412, 414, and 1379 of the Code)

Present law

Under present law, different rules are provided for employer and employee contributions in the case of plans for self-employed individuals (H.R. 10 plans), plans of "regular" corporations, and plans of electing small business corporations (subchapter S).[28] These are described below.

H.R. 10 plans.—The amount of deductible contributions to an H.R. 10 plan on behalf of a self-employed person cannot exceed the lesser of 10 percent of his earned income[29] or $2,500 (sec. 404(e)). In addition, nondeductible contributions may be made in certain cases, but these contributions on behalf of owner-employees may not exceed the lesser of 10 percent of earned income or $2,500. Allowable voluntary contributions by employees of self-employed individuals must be at least proportionate to allowable voluntary contribution for self-employed (sec. 401(e)(1)(B)(ii)).

"Regular" corporate plans.—In the case of a "regular" corporate plan there are no limitations on how much may be contributed by the employer. There are, however, limitations on the amount of the contribution that is deductible. Different limitations apply to profit-sharing and stock bonus plans and to pension plans.

In the case of profit-sharing or stock bonus plans, the amount of the contribution that is allowable as a deduction is not to exceed in the aggregate 15 percent of compensation to employees covered under the plan. Contributions in excess of the 15-percent limitation may be carried over to future years. In addition, within certain limits, to the extent that an employer does not make the full 15-percent contribution in one year he may increase the amount of his deductible contribution in a future year.

In the case of pension plans, the amount of the contribution that is deductible is not to exceed 5 percent of the compensation to employees covered under the plan, plus the amount of the contribution in excess of 5 percent of compensation to the extent necessary to fund normal pension costs and remaining past service costs of all employees under the plan as a level amount or as a level percent of compensation. In the alternative, the taxpayer may compute the limit his deduction to his normal cost for the plan on his deductible contributions by limiting plus 10 percent of the past service cost of the plan (sec. 404(a)). In practice, these limitations have very little effect in limiting contributions to regular corporate pension plans.

Where an employer contributes to two or more retirement plans which are governed by different limits on deductions (pension, profit-sharing or stock bonus, or employee annuities), the total amount annually deductible under the plans cannot be more than 25 percent of compensation otherwise earned by the plan beneficiaries. If any excess is contributed, it may be deducted in the following year; the maximum deduction in the following year (for carryover and current contributions together) is 30 percent of compensation. A carryover is available for additional excess contributions which are deductible in the succeeding taxable years in order of time.

Subchapter S plans.—The limitations on the deductibility of contributions to a subchapter S corporation plan are the same as those in "regular" corporate plans. However, a shareholder-employee (an employee who owns more than 5 percent of the outstanding stock of such a corporation) must include in his gross income the amount by which the deductible contributions paid on his behalf exceed the lesser of 10 percent of his compensation or $2,500 (sec. 1379(b)).

Professional corporations.—Generally, lawyers, doctors, accountants and certain other professional groups in the past have been unable to carry on their professions through the form of corporations because of the personal nature of their responsibility or liability for the work performed for a client or patient. Consequently, their contributions to retirement plans were limited by the rules governing self-employed persons. In recent years, however, all States have adopted special incorporation laws which provide for what are generally known as "professional corporations." These have been used increasingly by groups of professional persons primarily to obtain the more favorable tax treatment for pensions generally available to corporate employees. The Treasury Department, in the so-called Kintner regulations, held that professional corporations were not taxable as corporations. A number of court cases, however, have overturned the regulations and the Service has now acquiesced and generally recognizes these professional corporations as corporations for income tax purposes.

The Senate bill (H.R. 4200)

H.R. 10 plans.—The Senate bill increases the maximum deductible contribution on behalf of self-employed persons to the lesser of $7,500 or 15 percent of earned income. (A similar, although not identical, rule is applied in the case of defined benefit pension plans.) However, no more than the first $100,000 of earned income may be taken into account in applying the percentage limits. The $100,000 ceiling on the earned income rate base means that a self-employed person with more than $100,000 income will have to contribute at a rate of at least 7½ percent on behalf of his employees if he wishes to take the full $7,500 deduction on his own behalf (in order to comply with the antidiscrimination requirements.)[30] The Senate bill also contains a minimum as to the amount self-employed individuals may set aside each year as a deductible contribution to a pension plan even though it exceeds the otherwise applicable percentage limitation. Each year a self-employed individual may set aside as a deductible contribution up to $750 out of his earned income even though this exceeds 50 percent of his earned income.

Also, the Senate bill contains a formula which would allow the self-employed, in effect, to translate the 15 percent-$7,500 limitation on contributions, to which they would otherwise be subject, into limitations on benefits which they could receive under a defined benefit plan.

Under the formula, the basic benefit for the employee (in terms of a straight life annuity commencing at the later of age 65 or 5 years from the time the participant's current period of participation began, with no ancillary benefits) is not to exceed the amount of the employee's compensation which is covered under the plan (up to a maximum of $50,000)[31] times the percentage shown on the following table.

Age at start of current period of participation:	*Percentage*
30 or less	6.5
35	5.4
40	4.4
45	3.6
50	3.0
55	2.5
60 or over	2.0

The percentages in early years are higher to reflect the fact that contributions made during these time periods earn interest for a longer period prior to retirement than contributions made in later years.

To illustrate how this formula would work assume that a self-employed person enters a defined benefit plan at age 30, and participates in the plan for 5 years, with income covered under the plan of $20,000 per annum. At age 35, he leaves the plan, but at age 50, he again becomes a participant. For the first 5 years his covered income is $30,000 per year, then $40,000 for the next 5 years, and finally $50,000 for the last five years prior to his retirement.

The benefit would be computed as follows:

Age	Compensation per year	Rate	Benefit earned per year	Total benefit
30 to 35	$20,000	6.5	$1,300	$6,500
50 to 55	30,000	3.0	900	4,500
55 to 60	40,000	3.0	1,200	6,000
60 to 65	50,000	3.0	1,500	7,500
Total				24,500

Footnotes at end of article.

Thus, the maximum benefit which could be paid to that individual under that plan in the form of a single life annuity commencing at age 65 with no ancillary benefits would be $24,500 per year.

In addition, the Senate bill contains a provision generally limiting the annual benefits which can be paid out under defined benefit plans to 100 percent of the participant's average compensation from the employer during his highest 3 consecutive years of earnings adjusted for changes in the cost of living.

Another provision of the Senate bill would allow self-employed individuals, in effect, to pool their contribution limitations. In effect, a plan could provide that the senior partners in a law firm could accrue more than their share of retirement benefits, if the more junior partners accrued less than their share, the benefits do not result in prohibited discrimination, and the overall contribution limits were met. In such a case, however, the 75 percent-$100,000 limit on corporate plan benefits (described below) would also apply.

Contributions by self-employed persons (and other cash basis taxpayers) would be deductible, under the Senate bill, if they were made at any time up to the point when the Federal income tax return for the year in question is due (whereas, under present law, the contributions must be made by the end of the taxable year). Also, the Senate bill would permit owner-employees to withdraw their voluntary contribution to a self-employed plan prior to retirement, without penalty, whereas, under present law, this may not be done by owner-employees (although it may be done by other participants).

Corporate plans.—The Senate bill imposes limitations on the contributions which may be made or the benefits which may be paid under qualified corporate plans for all employees.

Under the Senate provisions, in the case of a defined benefit plan, no deduction is allowable for contributions in excess of those necessary to fund (from employer contributions and the earnings therefrom), a basic benefit in the form of a straight-life annuity commencing at age 65 (with no ancillary benefits), in excess of 75 percent of the participant's average high-three year compensation from the employer, not in excess of the first $100,000 per year. In other words, the basic pension benefit from employer contributions cannot exceed $75,000 per year. (To the extent that employee contributions are made the $75,000 limit could be exceeded.) This benefit would have to be funded over at least, a 10-year period and in the case of employees who participated in the plan for less than 10 years, the maximum permissible benefit would be scaled down proportionately.

In the case of a defined contribution plan (a money purchase pension, profitsharing, or stock bonus plan), the corporation would be permitted to make deductible contributions sufficient to fund for the employee a pension on this same 75 percent of average high-three year pay basis. For example, if an ex-employee had an average high three years salary of $50,000, this figure would be multiplied by 75 percent ($37,500) to determine the maximum amount of pension the employee would be entitled to receive. The amount of contributions needed to fund this size pension would then be computed. First, the amount of the pension would be multiplied by a conversion factor of 10 (in the case of a basic benefit commencing at age 65) to determine the total funding which will be needed to provide the pension at age 65 ($375,000). Second, from this amount ($375,000) will be subtracted any amounts already contributed by the employer on behalf of the employee (together with the past earnings on these contributions and the assumed interest which will be earned in future years on these contributions before the employee's retirement). The difference between these two amounts is called the "unfunded limitation balance" and (subject to certain other limitations imposed under present law) the employer may deduct contributions which, together with 6-percent earnings on these contributions, will be sufficient to build up to a $375,000 balance by the time the employee reaches normal retirement age.

If the corporation has both a defined benefit plan and a defined contribution plan, the maximum benefit payable under the defined benefit plan would have to be reduced in proportion to the amount of the benefit which was funded through the defined contribution plan.

Subchapter S corporations.—Under present law (sec. 1379 of the Code), as described above, shareholder employees of subchapter S corporations are subject to contribution limitations which are very similar to the limitations imposed on self-employed individuals. Under the Senate bill, these provisions would be repealed, and subchapter S corporations would be subject to the same limitations as other corporations.

Money purchase plans.—The Senate bill contains a provision that tax excludable contributions to a money purchase plan cannot exceed 20 percent of the employee's compensation. Any additional contributions on behalf of the employee must be included in income by him.

Any amount included in gross income under this provision would be considered as part of the employee's investment in the contract for purposes of computing the taxable amount of a distribution from the plan of the employee. However, these contributions would be considered to be made by the employer for purposes of qualification of the plan. If the employee's rights under the plan should terminate before tax excludable payments under the plan equaled the amounts included in gross income under this provision, a tax deduction would be allowed equal to the unrecovered contributions.

Custodial accounts.—Under present law, a custodial account may be treated as a qualified trust, but only if the custodian is a bank, and the investments are made solely in annuity, endowment, or life insurance contracts (and certain other conditions are met) (sec. 401(f)). The Senate bill would allow the custodian of the account to be someone other than a bank; however, the custodian would have to establish, to the satisfaction of the Internal Revenue Service, that it would manage the assets of the account in a manner consistent with the intention of the tax law. Also, the Senate bill would provide that someone other than the trustee or custodian, including the employer, can have authority to control the investments of the plan account, either by directing the investment policy of the plan, or by exercising a veto power.

Effective date.—Generally, these provisions will take effect in years beginning after December 31, 1973.

XIII. LUMP-SUM DISTRIBUTIONS

(Sec. 703 of the Senate bill and secs. 72, 402, and 403 of the Code)

Present law

Retirement benefits generally are taxed under the annuity rules (sec. 72) as ordinary income when the amounts are distributed, to the extent they do not represent a recovery of the amounts contributed by the employee. However, an exception to this general rule under the law in effect before the Tax Reform Act of 1969 provided that if an employee's total accrued benefits were distributed or paid from a qualified plan within one taxable year on account of death or other separation from service (or death after separation from service), the taxable portion of the payment was treated as a long-term capital gain, rather than as ordinary income.

The capital gains treatment accorded these lump-sum distributions allowed employees to receive substantial amounts of deferred compensation at more favorable tax rates than other compensation received currently. The more significant benefits under this treatment apparently accrued to taxpayers with adjusted gross incomes in excess of $50,000, particularly in view of the fact that a number of lump-sum distributions of over $80,000 have been made.

To correct this problem, the Tax Reform Act of 1969 provided that part of a lump-sum distribution received from a qualified employee's trust within one taxable year on account of death or other separation from service (or death after separation from service) is to be given ordinary income treatment, instead of the capital gains treatment it had been given under prior law. The ordinary income treatment applies to the taxable portion of the distribution (i.e., the total distribution less the employee's contribution) which exceeds the sum of (a) the benefits accrued during plan years beginning before 1970, and (b) the portion of the benefits accrued thereafter which does not consist of employer contributions (sec. 402 (a)(5) and 403(a)(c)).

The 1969 Act provided a special limitation in the form of a seven-year "forward" averaging formula which applies to the portion of the lump-sum distribution treated as ordinary income. An employee (or beneficiary) is eligible for the special 7-year forward averaging provision if the distribution is made on account of death or other separation from service (or death after separation from service)[22] and, in the case of receipt by an employee, if he has been a participant in the plan for 5 or more taxable years before the taxable year in which the distribution is made.

The Senate bill (H.R. 4200)

The Senate bill substitutes for the computational procedure provided under the 1969 Act a new procedure designed to simplify the calculations required to determine the tax while preserving revenues at at least as high a level as they would be under the proposed regulations.

Under the Senate bill the portion of the distribution attributable to post-1973 value, in excess of the employee's own contributions, is to be taxed as ordinary income, but the tax is to be determined separately from any other income which he may have and is to be eligible for 15-year averaging. The portion of the contribution attributable to pre-1974 value is to receive capital gains treatment and is to be included with the taxpayer's other income in determining his tax liability for the year of the distribution.

In computing the ordinary income element on the post-1973 value, a special minimum distribution allowance is to be provided to give assurance that the tax on relatively small lump-sum distributions will not be appreciably more than under present law. This allowance is half of the distribution up to $20,000. Above that level, it is phased out on a $1.00 for $5.00 basis with the result that it is entirely eliminated for distributions of $70,000 or more.

In determining the proportion of a distribution attributable to pre-1974 value (and, therefore, eligible for capital gains treatment) and the portion attributable to post-1973 treatment (and therefore treated as ordinary income but with 15-year averaging), the bill provides that the allocation is to be made on the basis of the amount of time in which the employee was covered by the plan before 1974 and after 1973.

In order to treat all distributees the same, all computations of tax on the 15-year averaging ordinary income portion are to be made

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Footnotes at end of article.

on the basis of the tax schedule for unmarried individuals.[33] For this purpose, community property laws are to be ignored, and as a result, a distributee in a community property State is to compute his tax on the basis of the entire amount of the distribution.

The bill provides that where the distributee accrued part of the value of his lump-sum distribution as a regular corporate employee and part as a self-employed individual, the 5-year averaging available for self-employed individuals is to be used for the entire distribution if the number of years while he was covered as a self-employed individual exceeds 50 percent of the total time he was a participant in the plan. Otherwise, the 15-year averaging rule is to apply to the entire amount.

To protect against possible tax avoidance possibilities the bill provides that distributions made during the previous five years are to be included in the 15-year averaging computation for purposes of determining the tax on the last distribution. When the total tax is determined, however, the amount of tax liability on any earlier distributions is to be subtracted and the tax on the final distribution is to be the remainder. All distributions made within the prior five years to the same distributee are to be subject to this 5-year lookback rule.[34]

The computation of the ordinary income element in the lump-sum distribution is to take into account any annuity purchased for the distributee in the year of distribution (or in the prior five years where the lookback provision applies). The value included for purposes of the annuity is its cash surrender value. Although the value of the annuity is included for purposes of determining the tax on the remainder, its value is not taxed as a part of the lump-sum distribution.

No changes are made with respect to the basic tax treatment of distributions of employer securities.

FOOTNOTES

[1] Effective for taxable years beginning after 1973.

[2] Effective for plan years beginning after 1973 for plans adopted after July 24, 1973, and effective for plan years beginning after 1975 for plans in existence on July 24, 1973.

[3] Takes effect Jan. 1, 1974.

[4] Effective for calendar years beginning after 1973.

[5] Effective for plan years and taxable years beginning after 1973; where employers elect to have no liability for losses a higher rate will be set by the trustees of the Guaranty Corporation.

[6] The minimum vesting provision is effective for plan years beginning after 1975 for plans in existence on the date of enactment; for plans adopted after the date of enactment the vesting requirement applies to plan years beginning after the enactment date. NOTE.—There will be some revenue loss from funding but data are not available to determine the extent of this loss.

[7] As described below (2. Plans Where a Collective Bargaining Unit is involved: Other Antidiscrimination Provisions), a qualified plan must meet certain standards. Several of the alternative standards require certain percentages of employees, or of eligible employees, to be covered by the plan, but in such cases the employer is permitted to exclude employees who fail to meet the plan's service requirements, not exceeding five years of service. If the coverage standards are met, conditions other than age or service conditions may still be imposed, except in the case of owner-employee plans. The Senate bill would not change this rule.

[8] An owner-employee is a sole proprietor or a partner with a greater than 10-percent interest in capital or profits (see 403(c)(3)).

[9] This rule applies whether or not the plan is a trusted plan. That is, a plan funded through purchase of annuities from an insurance company is subject to these rules; as is a plan with investments managed by a trustee.

[10] This test of service is to be applied with regard to the actual employment of that employee. In this respect, it differs from similar definitions under present law (secs. 401(a)(3)(A) and 401(d)(3)), which determine employment service on the basis of the employee's "customary employment".

[11] In applying these numerical tests under present law, there are excluded employees who have been employed not more than a minimum period prescribed by the plan (up to 5 years), part time employees (customary employment for not more than 20 hours in any one week), and seasonal employees (those whose customary employment is for not more than 5 months in any calendar year).

[12] An owner-employee is a sole proprietor or a partner with a greater than 10-percent interest in capital or profits (sec. 401(c)(3)).

[13] The minimum funding requirement of present law applies only to pension and not to profit-sharing or stock bonus plans.

[14] In determining costs, an employer must take into account factors such as the basis on which benefits are computed, expected mortality, interest, employee turnover, and changes in compensation levels.

[15] Under the "10 percent" deduction limit (sec. 404(a)(1)(C) of the Code), if the deficiency occurs using the same assumptions as previously, the additional contributions may be deducted currently. If the deficit results from a loss in asset values or revaluation of liabilities using more conservative assumptions the deficit may be added to past service cost. Rev. Rul. 57–550, 1957–2 C.B. 266.

[16] See Rev. Rul. 59–153, 1959–1 C.B. 89, discussing a pension plan using the "entry age normal method," where adjustment for gains is generally made by deducting the amount of gains arising in any year from the next year's deductible limit under sec. 404(a)(1)(C). See also Rev. Rul. 65–310, 1965–2, C.B. 145, discussing a plan using the "frozen initial liability method," where adjustments for gains are spread automatically as a part of current and future normal costs.

[17] The only exception might be an instance where employers, in the aggregate, had no substantial voice in the determination of the levels and forms of benefits.

[18] More stringent rules govern trusts benefiting owner-employees who control the business (sec. 503(g) of the Code).

[19] Transfer of mortgaged property in some cases would be treated as a sale or exchange.

[20] Generally, if the plan allows it, employees may make voluntary contributions to a qualified retirement plan of up to 10 percent of compensation. I.R.S. Publication 778, p. 14 (Feb. 1972).

[21] At one time, Congress took the position that a contribution to an H.R. 10 plan on behalf of a self-employed person was made half by the employer and half by the self-employed person: no deduction was allowed for half of the contribution (the half regarded as "contributed by" the self-employed person). This limitation (sec. 404(a)(10)) was repealed for taxable years after December 31, 1967.

[22] In the case of employees of tax-exempt charitable, educational, religious, etc., organizations and employees of public educational institutions, a specific statutory provision provides for employer contributions of up to 20 percent of compensation, times years of service, reduced by amounts previously contributed by the employer for annuity contracts on a tax excluded basis to the employee (sec. 403(b)). The regulations under the statute allow the employer contributions to be made under these salary reduction plans. Antidiscrimination provisions that apply generally to qualified plans do not apply to those tax sheltered annuities. The Senate bill does not affect the tax treatment of these contributions.

[23] The proposed regulations would not affect the tax treatment of contributions to certain qualified profit sharing plans, where the contributed amounts are distributable only after a period of deferment: however it was indicated that there would be reconsideration of the rulings permitting exclusion of such profit sharing contributions. (Rev. Rul. 56–497, 1956–2 C.B. 284: Rev. Rul. 63–180, 1963–2 D.B. 189: Rev. Rul. 68–89, 1968–1 C.B. 402.)

[24] If contributions were made on behalf of an individual under a plan during the taxable year, he would generally be considered an active participant for that year.

[25] Any amount deductible or excludable under these provisions is not to be considered to be part of the employee's investment in the contract for purposes of computing the taxable part of the distribution, since all of the contributions would be made, in effect, with tax-free dollars. If contributions in excess of these limits are made, the employer is not to receive a deduction for the excess contribution, and all excess would have to be repaid to the employer.

[26] The distribution would not, however, be subject to the penalty provided under section 72(m)(5) for premature distributions to owner-employees.

[27] Such a bond could be redeemed within 12 months after issuance, but no interest is payable if it is redeemed in that period.

[28] All the types of plans must, in addition to the rules described below, meet the general reasonable compensation tests (sec. 162). The statute does not specify limitations on the benefits which may be paid under a qualified pension plan. However, in Rev. Rul. 72–3, 1972–1 CB, 105, the Internal Revenue Service ruled that pension benefits from a qualified pension plan are intended as a substitute for compensation, and that in general a plan which provides benefits in excess of an employee's compensation is therefore not qualified.

[29] "Earned income" is generally defined as being equivalent to "net earnings from self-employment"—the kind of income that may be subject to self-employment taxes in lieu of FICA taxes (secs. 401(c)(2) and 1402).

[30] The limitations on nondeductible contributions on behalf of owner-employees in a self-employed plan is not increased, however.

[31] For purposes of the antidiscrimination rules, the maximum amount of compensation which is to be taken into account is $100,000.

[32] Self-employed taxpayers, on the other hand, continue to be eligible for their special 5-year forward averaging only on lump-sum distributions received on account of death, disability as defined in sec. 72(m)(7) of the Code, or if received after age 59½ and, in the case of receipt by an employee, after at least 5 years of participation.

[33] Distributees in computing the tax on their other income (including the capital gain element of the distribution) may use any appropriate tax schedule. They may also use, when appropriate, the regular 5-year averaging method for the tax on this other income.

[34] For this purpose, the five years is to be measured from the time the distribution is reported to the insurance Corporation for purposes of the plan termination insurance provisions described above.

ORDER FOR VOTE ON THE VETO OVERRIDE OF S. 1317, USIA AUTHORIZATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with regard to consideration of the Presidential veto message on S. 1317, that on the debate with respect to the vote which will occur on overriding the President's veto message there be a time limitation of 1 hour and 45 minutes, the time to be equally divided between the distinguished Senator from Arkansas (Mr. FULBRIGHT) and the distinguished minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the time for debate on the override of the Presidential veto begin running on Tuesday next at the hour of 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the overriding of the President's veto of S. 1317 occur at the hour of 4:30 p.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate go into executive session to consider treaties on the Executive Calendar, Nos. 18 through 21, with the understanding that there will be no votes on these treaties today.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATENT COOPERATION TREATY AND ANNEXED REGULATIONS—EXECUTIVE S (92D CONG., 2D SESS.

The Senate, as in Committee of the Whole, proceeded to consider Executive S (92d Cong., 2d sess.), the Patent Cooperation Treaty, done at Washington on June 19, 1970, together with the regulations under the Patent Cooperation Treaty annexed thereto, which was read the second time, as follows:

PATENT COOPERATION TREATY

The Contracting States,

Desiring to make a contribution to the progress of science and technology,

Desiring to perfect the legal protection of inventions,

Desiring to simplify and render more economical the obtaining of protection for inventions where protection is sought in several countries,

Desiring to facilitate and accelerate access by the public to the technical information contained in documents describing new inventions,

Desiring to foster and accelerate the economic development of developing countries through the adoption of measures designed to increase the efficiency of their legal systems, whether national or regional, instituted for the protection of inventions by providing easily accessible information on the availability of technological solutions applicable to their special needs and by facilitating access to the ever expanding volume of modern technology.

Convinced that cooperation among nations will greatly facilitate the attainment of these aims,

Have concluded the present Treaty.

INTRODUCTORY PROVISIONS

Article 1—Establishment of a Union

(1) The States party to this Treaty (hereinafter called "the Contracting States") constitute a Union for cooperation in the filing, searching, and examination, of applications for the protection of inventions, and for rendering special technical services. The Union shall be known as the International Patent Cooperation Union.

(2) No provision of this Treaty shall be interpreted as diminishing the rights under the Paris Convention for the Protection of Industrial Property of any national or resident of any country party to that Convention.

Article 2—Definitions

For the purposes of this Treaty and the Regulations and unless expressly stated otherwise:

(i) "application" means an application for the protection of an invention; references to an "application" shall be construed as references to applications for patents for inventions, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, and utility certificates of addition;

(ii) references to a "patent" shall be construed as references to patents for inventions, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, and utility certificates of addition;

(iii) "national patent" means a patent granted by a national authority;

(iv) "regional patent" means a patent granted by a national or an intergovernmental authority having the power to grant patents effective in more than one State;

(v) "regional application" means an application for a regional patent;

(vi) references to a "national application" shall be construed as references to applications for national patents and regional patents, other than applications filed under this Treaty;

(vii) "international application" means an application filed under this Treaty;

(viii) references to an "application" shall be construed as references to international applications and national applications;

(ix) references to a "patent" shall be construed as references to national patents and regional patents;

(x) references to "national law" shall be construed as references to the national law of a Contracting State or, where a regional application or a regional patent is involved, to the treaty providing for the filing of regional applications or the granting of regional patents;

(xi) "priority date," for the purposes of computing time limits, means:

(a) where the international application contains a priority claim under Article 8, the filing date of the application whose priority is so claimed;

(b) where the international application contains several priority claims under Article 8, the filing date of the earliest application whose priority is so claimed;

(c) where the international application does not contain any priority claim under Article 8, the international filing date of such application;

(xii) "national Office" means the government authority of a Contracting State entrusted with the granting of patents; references to a "national Office" shall be construed as referring also to any intergovernmental authority which several States have entrusted with the task of granting regional patents, provided that at least one of those States is a Contracting State, and provided that the said States have authorized that authority to assume the obligations and exercise the powers which this Treaty and the Regulations provide for in respect of national Offices.

(xiii) "designated Office" means the national Office of or acting for the State designated by the applicant under Chapter I of this Treaty;

(xiv) "elected Office" means the national Office of or acting for the State elected by the applicant under Chapter II of this Treaty;

(xv) "receiving Office" means the national Office or the intergovernmental organization with which the international application has been filed;

(xvi) "Union" means the International Patent Cooperation Union;

(xvii) "Assembly" means the assembly of the Union;

(xviii) "Organization" means the World Intellectual Property Organization;

(xix) "International Bureau" means the International Bureau of the Organization and, as long as it subsists, the United International Bureau for the Protection of Intellectual Property (BIRPI);

(xx) "Director General" means the Director General of the Organization and, as long as BIRPI subsists, the Director of BIRPI.

CHAPTER I: INTERNATIONAL APPLICATION AND INTERNATIONAL SEARCH

Article 3—The International Application

(1) Applications for the protection of inventions in any of the Contracting States may be filed as international applications under this Treaty.

(2) An international application shall contain, as specified in this Treaty and the Regulations, a request, a description, one or more claims, one or more drawings (where required), and an abstract.

(3) The abstract merely serves the purpose of technical information and cannot be taken into account for any other purpose, particularly not for the purpose of interpreting the scope of the protection sought.

(4) The international application shall:

(i) be in a prescribed language;

(ii) comply with the prescribed physical requirements;

(iii) comply with the prescribed requirement of unity of invention.

(iv) be subject to the payment of the prescribed fees.

Article 4—The Request

(1) The request shall contain:

(i) a petition to the effect that the international application be processed according to this Treaty;

(ii) the designation of the Contracting State or States in which protection for the invention is desired on the basis of the international application ("designated States"); if for any designated State a regional patent is available and the applicant wishes to obtain a regional patent rather than a national patent, the request shall so indicate; if, under a treaty concerning a regional patent, the applicant cannot limit his application to certain of the States party to that treaty, designation of one of those States and the indication of the wish to obtain the regional patent shall be treated as designation of all the States party to that treaty; if, under the national law of the designated State, the designation of that State has the effect of an application for a regional patent, the designation of the said State shall be treated as an indication of the wish to obtain the regional patent;

(iii) the name of and other prescribed data concerning the applicant and the agent (if any);

(iv) the title of the invention;

(v) the name of and other prescribed data concerning the inventor where the national law of at least one of the designated States requires that these indications be furnished at the time of filing a national application. Otherwise, the said indications may be furnished either in the request or in separate notices addressed to each designated Office whose national law requires the furnishing of the said indications but allows that they be furnished at a time later than that of the filing of a national application.

(2) Every designation shall be subject to

the payment of the prescribed fee within the prescribed time limit.

(3) Unless the applicant asks for any of the other kinds of protection referred to in Article 43, designation shall mean that the desired protection consists of the grant of a patent by or for the designated State. For the purposes of this paragraph, Article 2(ii) shall not apply.

(4) Failure to indicate in the request the name and other prescribed data concerning the inventor shall have no consequence in any designated State whose national law requires the furnishing of the said indications but allows that they be furnished at a time later than that of the filling of a national application. Failure to furnish the said indications in a separate notice shall have no consequence in any designated State whose national law does not require the furnishing of the said indications.

Article 5—The Description

The description shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art.

Article 6—The Claims

The claim or claims shall define the matter for which protection is sought. Claims shall be clear and concise. They shall be fully supported by the description.

Article 7—The Drawings

(1) Subject to the provisions of paragraph (2)(ii), drawings shall be required when they are necessary for the understanding of the invention.

(2) Where, without being necessary for the understanding of the invention, the nature of the invention admits of illustration by drawings:

(i) the applicant may include such drawings in the international application when filed,

(ii) any designated Office may require that the applicant file such drawings with it within the prescribed time limit.

Article 8—Claiming Priority

(1) The international application may contain a declaration, as prescribed in the Regulations, claiming the priority of one or more earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property.

(2) (a) Subject to the provisions of subparagraph (b), the conditions for, and the effect of, any priority claim declared under paragraph (1) shall be as provided in Article 4 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property.

(b) The international application for which the priority of one or more earlier applications filed in or for a Contracting State is claimed may contain the designation of that State. Where, in the international application, the priority of one or more national applications filed in or for a designated State is claimed, or where the priority of an international application having designated only one State is claimed, the conditions for, and the effect of, the priority claim in that State shall be governed by the national law of that State.

Article 9—The Applicant

(1) Any resident or national of a Contracting State may file an international application.

(2) The Assembly may decide to allow the residents and the nationals of any country party to the Paris Convention for the Protection of Industrial Property which is not party to this Treaty to file international applications.

(3) The concepts of residence and nationality, and the application of those concepts in cases where there are several applicants or where the applicants are not the same for all the designated States, are defined in the Regulations.

Article 10—The Receiving Office

The international application shall be filed with the prescribed receiving Office, which will check and process it as provided in this Treaty and the Regulations.

Article 11—Filing Date and Effects of the International Application

(1) The receiving Office shall accord as the international filing date the date of receipt of the international application, provided that that Office has found that, at the time of receipt:

(i) the applicant does not obviously lack, for reasons of residence or nationality, the right to file an international application with the receiving Office,

(ii) the international application is in the prescribed language,

(iii) the international application contains at least the following elements:

(a) an indication that it is intended as an international application,

(b) the designation of at least one Contracting State,

(c) the name of the applicant, as prescribed,

(d) a part which on the face of it appears to be a description,

(e) a part which on the face of it appears to be a claim or claims.

(2)(a) If the receiving Office finds that the international application did not, at the time of receipt, fulfill the requirements listed in paragraph (1), it shall, as provided in the Regulations, invite the applicant to file the required correction.

(b) If the applicant complies with the invitation, as provided in the Regulations, the receiving Office shall accord as the international filing date the date of receipt of the required correction.

(3) Subject to Article 64(d), any international application fulfilling the requirements listed in items (i) to (iii) of paragraph (1) and accorded an international filing date shall have the effect of a regular national application in each designated State as of the international filing date, which date shall be considered to be the actual filing date in each designated State.

(4) Any international application fulfilling the requirements listed in items (i) to (iii) of paragraph (1) shall be equivalent to a regular national filing within the meaning of the Paris Convention for the Protection of Industrial Property.

Article 12—Transmittal of the International Application to the International Bureau and the International Searching Authority

(1) One copy of the international application shall be kept by the receiving Office ("home copy"), one copy ("record copy") shall be transmitted to the International Bureau, and another copy ("search copy") shall be transmitted to the competent International Searching Authority referred to in Article 16, as provided in the Regulations.

(2) The record copy shall be considered the true copy of the international application.

(3) The international application shall be considered withdrawn if the record copy has not been received by the International Bureau within the prescribed time limit.

Article 13—Availability of Copy of the International Application to Designated Offices

(1) Any designated Office may ask the International Bureau to transmit to it a copy of the international application prior to the communication provided for in Article 20, and the International Bureau shall transmit such copy to the designated Office as soon as possible after the expiration of one year from the priority date.

(2)(a) The applicant may, at any time, transmit a copy of his international application to any designated Office.

(b) The applicant may, at any time, ask the International Bureau to transmit a copy of his international application to any designated Office, and the International Bureau shall transmit such copy to the designated Office as soon as possible.

(c) Any national Office may notify the International Bureau that it does not wish to receive copies as provided for in subparagraph (b), in which case that subparagraph shall not be applicable in respect of that Office.

Article 14—Certain Defects in the International Application

(1)(a) The receiving Office shall check whether the international application contains any of the following defects, that is to say:

(i) it is not signed as provided in the Regulations;

(ii) it does not contain the prescribed indications concerning the applicant;

(iii) it does not contain a title;

(iv) it does not contain an abstract;

(v) it does not comply to the extent provided in the Regulations with the prescribed physical requirements.

(b) If the receiving Office finds any of the said defects, it shall invite the applicant to correct the international application within the prescribed time limit, failing which that application shall be considered withdrawn and the receiving Office shall so declare.

(2) If the international application refers to drawings which, in fact, are not included in that application, the receiving Office shall notify the applicant accordingly and he may furnish them within the prescribed time limit and, if he does, the international filing date shall be the date on which the drawings are received by the receiving Office. Otherwise, any reference to the said drawings shall be considered non-existent.

(3)(a) If the receiving Office finds that, within the prescribed time limits, the fees prescribed under Article 3(4)(iv) have not been paid, or no fee prescribed under Article 4(2) has been paid in respect of any of the designated States, the international application shall be considered withdrawn and the receiving Office shall so declare.

(b) If the receiving Office finds that the fee prescribed under Article 4(2) has been paid in respect of one or more (but less than all) designated States within the prescribed time limit, the designation of those States in respect of which it has not been paid within the prescribed time limit shall be considered withdrawn and the receiving Office shall so declare.

(4) If, after having accorded an international filing date to the international application, the receiving Office finds, within the prescribed time limit, that any of the requirements listed in items (i) to (iii) of Article 11(1) was not complied with at that date, the said application shall be considered withdrawn and the receiving Office shall so declare.

Article 15—The International Search

(1) Each international application shall be the subject of international search.

(2) The objective of the international search is to discover relevant prior art.

(3) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any).

(4) The International Searching Authority referred to in Article 16 shall endeavor to discover as much of the relevant prior art as its facilities permit, and shall, in any case, consult the documentation specified in the Regulations.

(5)(a) If the national law of the Contracting State so permits, the applicant who files a national application with the national Office of or acting for such State may, subject to the conditions provided for in such law, request that a search similar to an international search ("international-type search") be carried out on such application.

(b) If the national law of the Contracting State so permits, the national Office of or acting for such State may subject any national application filed with it to an international-type search.

(c) The international-type search shall be carried out by the International Searching Authority referred to in Article 16 which would be competent for an international search if the national application were an international application and were filed with the Office referred to in subparagraphs (a) and (b). If the national application is in a language which the International Searching Authority considers it is not equipped to handle, the international-type search shall be carried out on a translation prepared by the applicant in a language prescribed for international applications and which the International Searching Authority has undertaken to accept for international applications. The national application and the translation, when required, shall be presented in the form prescribed for international applications.

Article 16—The International Searching Authority

(1) International search shall be carried out by an International Searching Authority, which may be either a national Office or an intergovernmental organization, such as the International Patent Institute, whose tasks include the establishing of documentary search reports on prior art with respect to inventions which are the subject of applications.

(2) If, pending the establishment of a single International Searching Authority, there are several International Searching Authorities, each receiving Office shall, in accordance with the provisions of the applicable agreement referred to in paragraph (3)(b), specify the International Searching Authority or Authorities competent for the searching or international applications filed with such Office.

(3)(a) International Searching Authorities shall be appointed by the Assembly. Any national Office and any intergovernmental organization satisfying the requirements referred to in subparagraph (c) may be appointed as International Searching Authority.

(b) Appointment shall be conditional on the consent of the national Office or intergovernmental organization to be appointed and the conclusion of an agreement, subject to approval by the Assembly, between such Office or organization and the International Bureau. The agreement shall specify the rights and obligations of the parties, in particular, the formal undertaking by the said Office or organization to apply and observe all the common rules of international search.

(c) The Regulations prescribe the minimum requirements, particularly as to manpower and documentation, which any Office or organization must satisfy before it can be appointed and must continue to satisfy while it remains appointed.

(d) Appointment shall be for a fixed period of time and may be extended for further periods.

(e) Before the Assembly makes a decision on the appointment of any national Office or intergovernmental organization, or on the extension of its appointment, or before it allows any such appointment to lapse, the Assembly shall hear the interested Office or organizaton and seek the advice of the Committee for Technical Cooperation referred to in Article 56 once that Committee has been established.

Article 17—Procedure Before the International Searching Authority

(1) Procedure before the International Searching Authority shall be governed by the provisions of this Treaty, the Regulations, and the agreement which the International Bureau shall conclude, subject to this Treaty and the Regulations, with the said Authority.

(2)(a) If the Internatonal Searching Authority considers

(i) that the international application relates to a subject matter which the International Searching Authortiy is not required, under the Regulations, to search, and in the particular case decides not to search, or

(ii) that the description, the claims, or the drawings, fail to comply with the prescribed requirements to such an extent that a meaningful search could not be carried out, the said Authority shall so declare and shall notify the applicant and the International Bureau that no international search report will be established.

(b) If any of the situations referred to in subparagraph (a) is found to exist in connection with certain claims only, the international search report shall so indicate in respect of such claims, whereas, for the other claims, the said report shall be established as provided in Article 18.

(3)(a) If the International Searching Authority considers that the international application does not comply with the requirement of unity of invention as set forth in the Regulations, it shall invite the applicant to pay additional fees. The International Searching Authority shall establish the international search report on those parts of the international application which relate to the invention first mentioned in the claims ("main invention") and, provided the required additional fees have been paid within the prescribed time limit, on those parts of the international application which relate to inventions in respect of which the said fees were paid.

(b) The national law of any designated State may provide that, where the national Office of that State finds the invitation, referred to in subparagraph (a), of the International Searching Authority justified and where the applicant has not paid all additional fees, those parts of the international application which consequently have not been searched shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

Article 18—The International Search Report

(1) The international search report shall be established within the prescribed time limit and in the prescribed form.

(2) The international search report shall, as soon as it has been established, be transmitted by the International Searching Authority to the applicant and the International Bureau.

(3) The international search report or the declaration referred to in Article 17(2)(a) shall be translated as provided in the Regulations. The translations shall be prepared by or under the responsibility of the International Bureau.

Article 19—Amendment of the Claims Before the International Bureau

(1) The applicant shall, after having received the international search report, be entitled to one opportunity to amend the claims of the international application by filing amendments with the International Bureau within the prescribed time limit. He may, at the same time, file a brief statement, as provided in the Regulations, explaining the amendments and indicating any impact that such amendments might have on the description and the drawings.

(2) The amendments shall not go beyond the disclosure in the international application as filed.

(3) If the national law of any designated State permits amendments to go beyond the said disclosure, failure to comply with paragraph (2) shall have no consequence in that State.

Article 20—Communication to Designated Offices

(1)(a) The international application, together with the international search report (including any indication referred to in Article 17(2)(b)) or the declaration referred to in Article 17(2)(a), shall be communicated to each designated Office, as provided in the Regulations, unless the designated Office waives such requirement in its entirety or in part.

(b) The communication shall include the translation (as prescribed) of the said report or declaration.

(2) If the claims have been amended by virtue of Article 19(1), the communication shall either contain the full text of the claims both as filed and as amended or shall contain the full text of the claims as filed and specify the amendments, and shall include the statement, if any, referred to in Article 19(1).

(3) At the request of the designated Office or the applicant, the International Searching Authority shall send to the said Office or the applicant, respectively, copies of the documents cited in the international search report, as provided in the Regulations.

Article 21—International Publication

(1) The International Bureau shall publish international applications.

(2)(a) Subject to the exceptions provided for in subparagraph (b) and in Article 64 (3), the international publication of the international application shall be effected promptly after the expiration of 18 months from the priority date of that application.

(b) The applicant may ask the International Bureau to publish his international application any time before the expiration of the time limit referred to in subpargaraph (a). The International Bureau shall proceed accordingly, as provided in the Regulations.

(3) The international search report on the declaration referred to in Article 17(2)(a) shall be published as prescribed in the Regulations.

(4) The language and form of the international publication and other details are governed by the Regulations.

(5) There shall be no international publication if the international application is withdrawn or is considered withdrawn before the technical preparations for publication have been completed.

(6) If the international application contains expressions or drawings which, in the opinion of the International Bureau, are contrary to morality or public order, or if, in its opinion, the international application contains disparaging statements as defined in the Regulations, it may omit such expressions, drawings, and statements, from its publications, indicating the place and number of words or drawings omitted, and furnishing, upon request, individual copies of the passages omitted.

Article 21—Copy, Translation, and Fee, to Designated Offices

(1) The applicant shall furnish a copy of the international application (unless the communication provided for in Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee if any), to each designated Office not later than at the expiration of 20 months from the priority date.

Where the national law of the designated State requires the indication of the name of and other prescribed data concerning the inventor but allows that these indications be furnished at a time later than that of the filing of a national application, the applicant shall, unless they were contained in the request, furnish the said indications to the national Office of or acting for that State not later than at the expiration of 20 months from the priority date.

(2) Notwithstanding the provisions of paragraph (1), where the International Searching Authority makes a declaration, under Article 17(2)(a), that no international search report will be established, the time limit for performing the acts referred to in paragraph (1) of this Article shall be two months from the date of the notification sent to the applicant of the said declaration.

(3) Any national law may, for performing the acts referred to in paragraphs (1) or (2), fix time limits which expire later than the time limit provided for in those paragraphs.

Article 23—Delaying of National Procedure

(1) No designated Office shall process or examine the international application prior to the expiration of the applicable time limit under Article 22.

(2) Notwithstanding the provisions of paragraph (1), any designated Office may, on the express request of the applicant, process or examine the international application at any time.

Article 24—Possible Loss of Effect in Designated States

(1) Subject, in case (ii) below, to the provisions of Article 25, the effect of the internatitonal application provided for in Article 11(3) shall cease in any designated States with the same consequences as the withdrawal of any national application in that State:

(i) if the applicant withdraws his international application or the designation of that State;

(ii) if the international application is considered withdrawn by virtue of Articles 12(3), 14(1)(b), 14(3)(a), or 14(4), or if the designation of that State is considered withdrawn by virtue of Artcile 14(3)(b);

(iii) if the applicant fails to perform the acts referred to in Article 22 within the applicable time limit.

(2) Notwithstanding the provisions of paragraph (1), any designated Office may maintain the effect provided for in Article 11(3) even where such effect is not required to be maintained by virtue of Article 25(2).

Article 25—Review By Designated Offices

(1) (a) Where the receiving Office has refused to accord an international filing date or has declared that the international application is considered withdrawn, or where the International Bureau has made a finding under Article 12(3), the International Bureau shall promptly send, at the request of the applicant, copies of any document in the file to any of the designated Offices named by the applicant.

(b) Where the receiving Office has declared that the designation of any given State is considered withdrawn, the International Bureau shall promptly send, at the request of the applicant, copies of any document in the file to the national Office of such State.

(c) The request under subparagraphs (a) or (b) shall be presented within the prescribed time limit.

(2)(a) Subject to the provisions of subparagraph (b), each designated Office shall, provided that the national fee (if any) has been paid and the appropriate translation (as prescribed) has been furnished within the prescribed time limit, decide whether the refusal, declaration, or finding, referred to in paragraph (1) was justified under the provisions of this Treaty and the Regulations, and, if it finds that the refusal or declaration was the result of an error or omission on the part of the receiving Office or that the finding was the result of an error or omission on the part of the International Bureau, it shall, as far as effects in the State of the designated Office are concerned, treat the international application as if such error or omission had not occurred.

(b) Where the record copy has reached the International Bureau after the expiration of time limit prescribed under Article 12(3) on account of any error or omission on the part of the applicant the provisions of subparagraph (a) shall apply only under the circumstances referred to in Article 48(2).

Article 26—Opportunity to Correct Before Designated Offices

No designated Office shall reject an international application on the grounds of noncompliance with the requirements of this Treaty and the Regulations without first giving the applicant the opportunity to correct the said application to the extent and according to the procedure provided by the national law for the same or comparable situations in respect of national applications.

Article 27—National Requirements

(1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in the Treaty and the Regulations.

(2) The provisions of paragraph (1) neither affect the application of the provisions of Article 7(2) nor preclude any national law from requiring, once the processing of the international application has started in the designated Office, the furnishing:

(i) when the applicant is a legal entity, of the name of an officer entitled to represent such legal entity,

(ii) of documents not part of the international application but which constitute proof of allegations or statements made in that application, including the confirmation of the international application by the signature of the applicant when that application, as filed, was signed by his representative or agent.

(3) Where the applicant, for the purposes of any designated State, is not qualified according to the national law of that State to file a national application because he is not the inventor, the international application may be rejected by the designated Office.

(4) Where the national law provides, in respect of the form or contents of national applications, for requirements which, from the viewpoint of applicants, are more favorable than the requirements provided for by this Treaty and the Regulations in respect of international applications, the national Office, the courts and any other competent organs of or acting for the designated State may apply the former requirements, instead of the latter requirements, to international applications, except where the applicant insists that the requirements provided for by this Treaty and the Regulations be applied to his international application.

(5) Nothing in this Treaty and the Regulations is intended to be construed as prescribing anything that would limit the freedom of each Contracting State to prescribe such substantive conditions of patentability as it desires. In particular, any provision in this Treaty and the Regulations concerning the definition of prior art is exclusively for the purposes of the international procedure and, consequently, any Contracting State is free to apply, when determining the patentability of an invention claimed in an international application, the criteria of its national law in respect of prior art and other conditions of patentability not constituting requirements as to the form and contents of applications.

(6) The national law may require that the applicant furnish evidence in respect of any substantive condition of patentability prescribed by such law.

(7) Any receiving Office or, once the processing of the international application has started in the designated Office, that Office may apply the national law as far as it relates to any requirement that the applicant be represented by an agent having the right to represent applicants before the said Office and/or that the applicant have an address in the designated State for the purpose of receiving notifications.

(8) Nothing in this Treaty and the Regulations is intended to be construed as limiting the freedom of any Contracting State to apply measures deemed necessary for the preservation of its national security or to limit, for the protection of the general economic interests of that State, the right of its own residents or nationals to file international applications.

Article 28—Amendment of the Claims, the Description, and the Drawings, Before Designated Offices

(1) The applicant shall be given the opportunity to amend the claims, the description, and the drawings, before each designated Office within the prescribed time limit. No designated Office shall grant a patent, or refuse the grant of a patent, before such time limit has expired except with the express consent of the applicant.

(2) The amendments shall not go beyond the disclosure in the international application as filed unless the national law of the designated State permits them to go beyond the said disclosure.

(3) The amendments shall be in accordance with the national law of the designated State in all respects not provided for in this Treaty and the Regulations.

(4) Where the designated Office requires a translation of the international application, the amendments shall be in the language of the translation.

Article 29—Effects of the International Publication

(1) As far as the protection of any rights of the applicant in a designated State is concerned, the effects, in that State, of the international publication of an international application shall, subject to the provisions of paragraphs (2) to (4), be the same as those which the national law of the designated State provides for the compulsory national publication of unexamined national applications as such.

(2) If the language in which the international publication has been effected is different from the language in which publications under the national law are effected in the designated State, the said national law may provide that the effects provided for in paragraph (1) shall be applicable only from such time as:

(i) a translation into the latter language has been published as provided by the national law, or

(ii) a translation into the latter language has been made available to the public, by laying open for public inspection as provided by the national law, or

(iii) a translation into the latter language has been transmitted by the applicant to the actual or prospective unauthorized user of the invention claimed in the international application, or

(iv) both the acts described in (i) and (iii) or both the acts described in (ii) and (iii), have taken place.

(3) The national law of any designated State may provide that, where the international publication has been effected, on the request of the applicant, before the expiration of 18 months from the priority date, the effects provided for in paragraph (1) shall be

applicable only from the expiration of 18 months from the priority date.

(4) The national law of any designated State may provide that the effects provided for in paragraph (1) shall be applicable only from the date on which a copy of the international application as published under Article 21 has been received in the national Office of or acting for such State. The said Office shall publish the date of receipt in its gazette as soon as possible.

Article 30—Confidential Nature of the International Application

(1) (a) Subject to the provisions of subparagraph (b), the International Bureau and the International Searching Authorities shall not allow access by any person or authority to the international application before the international publication of that application, unless requested or authorized by the applicant.

(b) The provisions of subparagraph (a) shall not apply to any transmittal to the competent International Searching Authority, to transmittals provided for under Article 13, and to communications provided for under Article 20.

(2) (a) No national Office shall allow access to the international application by third parties, unless requested or authorized by the applicant, before the earliest of the following dates:

(i) date of the international publication of the international application.

(ii) date of the receipt of the communication of the international application under Article 20,

(iii) date of the receipt of a copy of the international application under Article 22.

(b) The provisions of subparagraph (a) shall not prevent any national Office from informing third parties that it has been designated, or from publishing that fact. Such information or publication may, however, contain only the following data: identification of the receiving Office, name of the applicant, international filing date, international application number, and title of the invention.

(c) The provisions of subparagraph (a) shall not prevent any designated Office from allowing access to the international application for the purposes of the judicial authorities.

(3) The provisions of paragraph (2) (a) shall apply to any receiving Office except as far as transmittals provided for under Article 12(1) are concerned.

(4) For the purposes of this Article, the term "access" covers any means by which third parties may acquire cognizance, including individual communication and general publication, provided, however, that no national Office shall generally publish an international application or its translation before the international publication or, if international publication has not taken place by the expiration of 20 months from the priority date, before the expiration of 20 months from the said priority date.

CHAPTER II: INTERNATIONAL PRELIMINARY EXAMINATION

Article 31—Demand for International Preliminary Examination

(1) On the demand of the applicant, his international application shall be the subject of an international preliminary examination as provided in the following provisions and the Regulations.

(2) (a) Any applicant who is a resident or national, as defined in the Regulations, of a Contracting State bound by Chapter II, and whose international application has been filed with the receiving Office of or acting for such State, may make a demand for international preliminary examination.

(b) The Assembly may decide to allow persons entitled to file international applications to make a demand for international preliminary examination even if they are residents or nationals of a State not party to this Treaty or not bound by Chapter II.

(3) The demand for international preliminary examination shall be made separately from the international application. The demand shall contain the prescribed particulars and shall be in the prescribed language and form.

(4) (a) The demand shall indicate the Contracting State or States in which the applicant intends to use the results of the international preliminary examination ("elected States"). Additional Contracting States may be elected later. Election may relate only to Contracting States bound by Chapter II as Article 4.

(b) Applicants referred to in paragraph (2) (a) may elect any Contracting State bound by Chapter II. Applicants referred to in paragraph (2) (b) may elect only such Contracting States bound by Chapter II as have declared that they are prepared to be elected by such applicants.

(5) The demand shall be subject to the payment of the prescribed fees within the prescribed time limit.

(6) (a) The demand shall be submitted to the competent International Preliminary Examining Authority referred to in Article 32.

(b) Any later election shall be submitted to the International Bureau.

(7) Each elected Office shall be notified of its election.

Article 32—The International Preliminary Examining Authority

(1) International preliminary examination shall be carried out by the International Preliminary Examining Authority.

(2) In the case of demands referred to in Article 31(2) (a), the receiving Office, and, in the case of demands referred to in Article 31(2) (b), the Assembly, shall, in accordance with the applicable agreement between the interested International Preliminary Examining Authority or Authorities and the International Bureau, specify the International Preliminary Examining Authority or Authorities competent for the preliminary examination.

(3) The provisions of Article 16(3) shall apply, *mutatis mutandis*, in respect of International Preliminary Examining Authorities.

Article 33—The International Preliminary Examination

(1) The objective of the international preliminary examination is to formulate a preliminary and non-binding opinion on the questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), and to be industrially applicable.

(2) For the purposes of the international preliminary examination, a claimed invention shall be considered novel if it is not anticipated by the prior art as defined in the Regulations.

(3) For the purposes of the international preliminary examination, a claimed invention shall be considered to involve an inventive step, having regard to the prior art as defined in the Regulations, if it is not, at the prescribed relevant date, obvious to a person skilled in the art.

(4) For the purposes of the international preliminary examination, a claimed invention shall be considered industrially applicable if, according to its nature, it can be made or used (in the technological sense) in any kind of industry. "Industry" shall be understood in its broadest sense, as in the Paris Convention for the Protection of Industrial Property.

(5) The criteria described above merely serve the purposes of international preliminary examination. Any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not.

(6) The international preliminary examination shall take into consideration all the documents cited in the international search report. It may take into consideration any additional documents considered to be relevant in the particular case.

Article 34—Procedure Before the International Examining Authority

(1) Procedure before the International Preliminary Examining Authority shall be governed by the provisions of this Treaty, the Regulations, and the agreement which the International Bureau shall conclude, subject to this Treaty and the Regulations, with the said Authority.

(2) (a) The applicant shall have a right to communicate orally and in writing with the International Preliminary Examining Authority.

(b) The applicant shall have a right to amend the claims, the description, and the drawings, in the prescribed manner and within the prescribed time limit, before the international preliminary examination report is established. The amendment shall not go beyond the disclosure in the international application as filed.

(c) The applicant shall receive at least one written opinion from the International Preliminary Examining Authority unless such Authority considers that all of the followng conditions are fulfilled:

(i) the invention satisfies the criteria set forth in Article 33(1),

(ii) the international application complies with the requirements of this Treaty and the Regulations in so far as checked by that Authority,

(iii) no observations are intended to be made under Article 35(2), last sentence.

(d) The applicant may respond to the written opinion.

(3) (a) If the International Preliminary Examining Authority considers that the international application does not comply with the requirement of unity of invention as set forth in the Regulations, it may invite the applicant, at his option, to restrict the claims so as to comply with the requirements or to pay additional fees.

(b) The national law of any elected State may provide that, where the applicant chooses to restrict the claims under subparagraph (a), those parts of the international application which, as a consequence of the restriction, are not to be the subject of international preliminary examination shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

(c) If the applicant does not comply with the invitation referred to in subparagraph (a) within the prescribed time limit, the International Preliminary Examining Authorty shall establish an international preliminary report on those parts of the international application which relate to what appears to be the main invention and shall indicate the relevant facts in the said report. The national law of any elected State may provide that, where its national Office finds the invitation of the International Preliminary Examining Authority justified, those parts of the international application which do not relate to the main invention shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to that Office.

(4) (a) If the International Preliminary Examining Authority considers

(i) that the international application relates to a subject matter on which the International Preliminary Examining Authority is not required, under the Regulations, to carry out an international preliminary examination, and in the particular case decides not to carry out such examination, or

(ii) that the description, the claims, or the drawings, are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on the novelty, inventive step (non-obviousness), or industrial applicability, of the claimed invention,

the said Authority shall not go into the questions referred to in Article 33(1) and shall inform the applicant of this opinion and the reasons therefor.

(b) If any of the situations referred to in subparagraph (a) is found to exist in, or in connection with, certain claims only, the provisions of that subparagraph shall apply only to the said claims.

Article 35—The International Preliminary Examination Report

(1) The international preliminary examination report shall be established within the prescribed time limit and in the prescribed form.

(2) The international preliminary examination report shall not contain any statement on the question whether the claimed invention is or seems to be patentable or unpatentable according to any national law. It shall state, subject to the provisions of paragraph (3), in relation to each claim, whether the claim appears to satisfy the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined for the purposes of the international preliminary examination in Article 33(1) to (4). The statement shall be accompanied by the citation of the documents believed to support the stated conclusion with such explanations as the circumstances of the case may require. The statement shall also be accompanied by such other observations as the Regulations provide for.

(3)(a) If, at the time of establishing the international preliminary examination report, the International Preliminary Examining Authority considers that any of the situations referred to in Article 34(4)(a) exists, that report shall state this opinion and the reasons therefor. It shall not contain any statement as provided in paragraph (2).

(b) If a situation under Article 34(4)(b) is found to exist, the international preliminary examination report shall, in relation to the claims in question, contain the statement as provided in subparagraph (a), whereas, in relation to the other claims, it shall contain the statement as provided in paragraph (2).

Article 36—Transmittal, Translation, and Communication, of the International Preliminary Examination Report

(1) The international preliminary examination report, together with the prescribed annexes, shall be transmitted to the applicant and to the International Bureau.

(2)(a) The international preliminary examination report and its annexes shall be translated into the prescribed languages.

(b) Any translation of the said report shall be prepared by or under the responsibility of the International Bureau, whereas any translation of the said annexes shall be prepared by the applicant.

(3)(a) The international preliminary examination report, together with its translation (as prescribed) and its annexes (in the original language), shall be communicated by the International Bureau to each elected Office.

(b) The prescibed translation of the annexes shall be transmitted within the prescribed time limit by the applicant to the elected Offices.

(4) The provisions of Article 20(3) shall apply, *mutatis mutandis*, to copies of any document which is cited in the international preliminary examination report and which was not cited in the international search report.

Article 37—Withdrawal of Demand or Election

(1) The applicant may withdraw any or all elections.

(2) If the election of all elected States is withdrawn, the demand shall be considered withdrawn.

(3)(a) Any withdrawal shall be notified to the International Bureau.

(b) The elected Offices concerned and the International Preliminary Examining Authority concerned shall be notified accordingly by the International Bureau.

(4)(a) Subject to the provisions of subparagraph (b), withdrawal of the demand or of the election of a Contracting State shall, unless the national law of that State provides otherwise, be considered to be withdrawal of the international application as far as that State is concerned.

(b) Withdrawal of the demand or of the election shall not be considered to be withdrawal of the international application if such withdrawal is effected prior to the expiration of the applicable time limit under Article 22; however, any Contracting State may provide in its national law that the aforesaid shall apply only if its national Office has received, within the said time limit, a copy of the international application, together with a translation (as prescribed), and the national fee.

Article 38—Confidential Nature of the International Preliminary Examination

(1) Neither the International Bureau nor the International Preliminary Examining Authority shall, unless requested or authorized by the applicant, allow access within the meaning, and with the proviso, of Article 30(4) to the file of the international preliminary examination by any person or authority at any time, except by the elected Offices once the international preliminary examination report has been established.

(2) Subject to the provisions of paragraph (1) and Articles 36(1) and (3) and 37(3)(b), neither the International Bureau nor the International Preliminary Examining Authority shall, unless requested or authorized by the applicant, give information on the issuance or non-issuance of an international preliminary examination report and on the withdrawal or non-withdrawal of the demand or of any election.

Article 39—Copy, Translation, and Fee, to Elected Offices

(1)(a) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 22 shall not apply to such State and the applicant shall furnish a copy of the international application (unless the communication under Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each elected Office not later than at the expiration of 25 months from the priority date.

(b) Any national law may, for performing the acts referred to in subparagraph (a), fix time limits which expire later than the time limit provided for in that subparagraph.

(2) The effect provided for in Article 11(3) shall cease in the elected State with the same consequences as the withdrawal of any national application in that State if the applicant fails to perform the acts referred to in paragraph (1)(a) within the time limit applicable under paragraph (1)(a) or (b).

(3) Any elected Office may maintain the effect provided for in Article 11(3) even where the applicant does not comply with the requirements provided for in paragraph (1)(a) or (b).

Article 40—Delaying of National Examination and Other Processing

(1) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 23 shall not apply to such State and the national Office of or acting for that State shall not proceed, subject to the provisions of paragraph (2), to the examination and other processing of the international application prior to the expiration of the applicable time limit under Article 39.

(2) Notwithstanding the provisions of paragraph (1), any elected Office may, on the express request of the applicant, proceed to the examination and other processing of the international application at any time.

Article 41—Amendment of the Claims, the Description, and the Drawings, Before Elected Offices

(1) The applicant shall be given the opportunity to amend the claims, the description, and the drawings, before each elected Office within the prescribed time limit. No elected Office shall grant a patent, or refuse the grant of a patent, before such time limit has expired, except with the express consent of the applicant.

(2) The amendments shall not go beyond the disclosure in the international application as filed, unless the national law of the elected State permits them to go beyond the said disclosure.

(3) The amendments shall be in accordance with the national law of the elected State in all respects not provided for in this Treaty and the Regulations.

(4) Where an elected Office requires a translation of the international application, the amendments shall be in the language of the translation.

Article 42—Results of National Examination in Elected Offices

No elected Office receiving the international preliminary examination report may require that the applicant furnish copies, or information on the contents, of any papers connected with the examination relating to the same international application in any other elected Office.

CHAPTER III: COMMON PROVISIONS

Article 43—Seeking certain kinds of protection

In respect of any designated or elected State whose law provides for the grant of inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, or utility certificates of addition, the applicant may indicate, as prescribed in the Regulations, that his international application is for the grant, as far as that State is concerned, of an inventor's certificate, a utility certificate, or a utility model, rather than a patent, or that it is for the grant of a patent or certificate of addition, an inventor's certificate of addition, or a utility certificate of addition, and the ensuing effect shall be governed by the applicant's choice. For the purposes of this Article and any Rule thereunder, Article 2(ii) shall not apply.

Article 44—Seeking two kinds of protection

In respect of any designated or elected State whose law permits an application, while being for the grant of a patent or one of the other kinds of protection referred to in Article 43, to be also for the grant of another of the said kinds of protection, the applicant may indicate, as prescribed in the Regulations, the two kinds of protection he is seeking, and the ensuing effect shall be governed by the applicant's indications. For the purposes of this Article, Article 2(ii) shall not apply.

Article 45—Regional patent treaties

(1) Any treaty providing for the grant of regional patents ("regional patent treaty"), and giving to all persons who, according to Article 9, are entitled to file international applications the right to file applications for such patents, may provide that international applications designating or electing a State party to both the regional patent treaty and the present Treaty may be filed as applications for such patents.

(2) The national law of the said designated or elected State may provide that any designation or election of such State in the international application shall have the effect

of an indication of the wish to obtain a regional patent under the regional patent treaty.

Article 46—Incorrect translation of the international application

If, because of an incorrect translation of the international application, the scope of any patent granted on that application exceeds the scope of the international application in its original language, the competent authorities of the Contracting State concerned may accordingly and retroactively limit the scope of the patent, and declare it null and void to the extent that its scope has exceeded the scope of the international application in its original language.

Article 47—Time limits

(1) The details for computing time limits referred to in this Treaty are governed by the Regulations.

(2) (a) All time limits fixed in Chapters I and II of this Treaty may, outside any revision under Article 60, be modified by a decision of the Contracting States.

(b) Such decisions shall be made in the Assembly or through voting by correspondence and must be unanimous.

(c) The details of the procedure are governed by the Regulations.

Article 48—Delay in meeting certain time limits

(1) Where any time limit fixed in this Treaty or the Regulations is not met because of interruption in the mail service or unavoidable loss or delay in the mail, the time limit shall be deemed to be met in the cases and subject to the proof and other conditions prescribed in the Regulations.

(2) (a) Any Contracting State shall, as far as that State is concerned, excuse, for reasons admitted under its national law, any delay in meeting any time limit.

(b) Any Contracting State may, as far as that State is concerned, excuse, for reasons other than those referred to in subparagraph (a), any delay in meeting any time limit.

Article 49—Right to practice before international authorities

Any attorney, patent agent, or other person, having the right to practice before the national Office with which the international application was filed, shall be entitled to practice before the International Bureau and the competent International Searching Authority and competent International Preliminary Examining Authority in respect of that application.

CHAPTER IV: TECHNICAL SERVICES

Article 50—Patent information services

(1) The International Bureau may furnish services by providing technical and any other pertinent information available to it on the basis of published documents, primarily patents and published applications (referred to in this Article as "the information services.").

(2) The International Bureau may provide these information services either directly or through one or more International Searching Authorities or other national or international specialized institutions, with which the International Bureau may reach agreement.

(3) The information services shall be operated in a way particularly facilitating the acquisition by Contracting States which are developing countries of technical knowledge and technology, including available published know-how.

(4) The information services shall be available to Governments of Contracting States and their nationals and residents. The Assembly may decide to make these services available also to others.

(5) (a) Any service to Governments of Contracting States shall be furnished at cost, provided that, when the Government is that of a Contracting State which is a developing country, the service shall be furnished below cost if the difference can be covered from profit made on services furnished to others than Governments of Contracting States or from the sources referred to in Article 51(4).

(b) The cost referred to in subparagraph (a) is to be understood as cost over and above costs normally incident to the performance of the services of a national Office or the obligations of an International Searching Authority.

(6) The details concerning the implementation of the provisions of this Article shall be governed by decisions of the Assembly and, within the limits to be fixed by the Assembly, such working groups as the Assembly may set up for that purpose.

(7) The Assembly shall, when it considers it necessary, recommend methods of providing financing supplementary to those referred to in paragraph (5).

Article 51—Technical assistance

(1) The Assembly shall establish a Committee for Technical Assistance (referred to in this Article as "the Committee").

(2) (a) The members of the Committee shall be elected among the Contracting States, with due regard to the representation of developing countries.

(b) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of intergovernmental organizations concerned with technical assistance to developing countries to participate in the work of the Committee.

(3) (a) The task of the Committee shall be to organize and supervise technical assistance for Contracting States which are developing countries in developing their patent systems individually or on a regional basis.

(b) The technical assistance shall comprise, among other things, the training of specialists, the loaning of experts, and the supply of equipment both for demonstration and for operational purposes.

(4) The International Bureau shall seek to enter into agreements, on the one hand, with international financing organizations and intergovernmental organizations, particularly the United Nations, the agencies of the United Nations, and the Specialized Agencies connected with the United Nations concerned with technical assistance, and, on the other hand, with the Governments of the States receiving the technical assistance, for the financing of projects pursuant to this Article.

(5) The details concerning the implementation of the provisions of this Article shall be governed by decisions of the Assembly and, within the limits to be fixed by the Assembly, such working groups as the Assembly may set up for that purpose.

Article 52—Relations with other provisions of the treaty

Nothing in this Chapter shall affect the financial provisions contained in any other Chapter of this Treaty. Such provisions are not applicable to the present Chapter or to its implementation.

CHAPTER V: ADMINISTRATIVE PROVISIONS

Article 53—Assembly

(1) (a) The Assembly shall, subject to Article 57(e), consist of the Contracting States.

(b) The Government of each Contracting State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(2) (a) The Assembly shall:

(i) deal with all matters concerning the maintenances and development of the Union and the implementation of this Treaty;

(ii) perform such tasks as are specifically assigned to it under other provisions of this Treaty;

(iii) give directions to the International Bureau concerning the preparation for revision conferences;

(iv) review and approve the reports and activities of the Director General concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;

(v) review and approve the reports and activities of the Executive Committee established under paragraph (9), and give instructions to such Committee;

(vi) determine the program and adopt the triennial budget of the Union, and approve its final accounts;

(vii) adopt the financial regulations of the Union;

(viii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union;

(ix) determine which States other than Contracting States and, subject to the provisions of paragraph (8), which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) A delegate may represent, and vote in the name of, one State only.

(4) Each Contracting State shall have one vote.

(5) (a) One-half of the Contracting States shall constitute a quorum.

(b) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the quorum and the required majority are attained through voting by correspondence as provided in the Regulations.

(6) (a) Subject to the provisions of Articles 47(2)(b), 58(2)(b), 58(3) and 61(2)(b), the decisions of the Assembly shall require two-thirds of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) In connection with matters of exclusive interest to States bound by Chapter II, any reference to Contracting States in paragraphs (4), (5), and (6), shall be considered as applying only to States bound by Chapter II.

(8) Any intergovernmental organization appointed as International Searching or Preliminary Examining Authority shall be admitted as observer to the Assembly.

(9) When the number of Contracting States exceeds forty, the Assembly shall establish an Executive Committee. Any reference to the Executive Committee in this Treaty and the Regulations shall be construed as references to such Committee once it has been established.

(10) Until the Executive Committee has been established, the Assembly shall approve, within the limits of the program and triennial budget, the annual programs and budgets prepared by the Director General.

(11) (a) Until the Executive Committee has been established, the Assembly shall meet once in every calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the Coordination Committee of the Organization.

(b) Once the Executive Committee has been established, the Assembly shall meet once only in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(c) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee, or at the request of one-fourth of the Contracting States.

(12) The Assembly shall adopt its own rules of procedure.

Article 54—Executive Committee

(1) When the Assembly has established an Executive Committee, that Committee shall be subject to the provisions set forth hereinafter.

(2) (a) The Executive Committe shall, subject to Article 57(8), consist of States elected by the Assembly from among States members of the Assembly.

(b) The Government of each State member of the Executive Committee shall be representd by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(3) The number of States members of the Executive Committee shall correspond to one-fourth of the number of States members of the Assembly. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution.

(5) (a) Each member of the Executive Committee shall serve from the close of the session of the Assembly which elected it to the close of the next ordinary session of the Assembly.

(b) Members of the Executive Committee may be re-elected but only up to a maximum of two-thirds of such members.

(c) The Assembly shall establish the details of the rules governing the election and possible re-election of the members of the Executive Committee.

(6) (a) The Executive Committee shall:

(i) prepare the draft agenda of the Assembly;

(ii) submit proposals to the Assembly in respect of the draft program and triennial budget of the Union prepared by the Director General;

(iii) approve, within the limits of the program and triennial budget, the specific yearly budgets and programs prepared by the Director General;

(iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director General and the yearly audit reports on the accounts;

(v) take all necessary measures to ensure the execution of the program of the Union by the Director General, in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly;

(vi) perform such other functions as are allocated to it under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Executive Committee shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(7) (a) The Executive Committee shall meet once a year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the Coordination Committee of the Organization.

(b) The Executive Committee shall meet in extraordinary session upon convocation by the Director General, either on his own initiative or at the request of its Chairman or one-fourth of its members.

(8) (a) Each State member of the Executive Committee shall have one vote.

(b) One-half of the members of the Executive Committee shall constitute a quorum.

(c) Decisions shall be made by a simple majority of the votes cast.

(d) Abstentions shall not be considered as votes.

(e) A delegate may represent, and vote in the name of, one State only.

(9) Contracting States not members of the Executive Committee shall be admitted to its meetings as observers, as well as any intergovernmental organization appointed as International Searching or Preliminary Examining Authority.

(10) The Executive Committee shall adopt its own rules of procedure.

Article 55—International bureau

(1) Administrative tasks concerning the Union shall be performed by the International Bureau.

(2) The International Bureau shall provide the secretariat of the various organs of the Union.

(3) The Director General shall be the chief executive of the Union and shall represent the Union.

(4) The International Bureau shall publish a Gazette and other publications provided for by the Regulations or required by the Assembly.

(5) The Regulations shall specify the services that national Offices shall perform in order to assist the International Bureau and the International Searching and Preliminary Examining Authorities in carrying out their tasks under this Treaty.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Executive Committee and any other committee or working group established under this Treaty or the Regulations. The Director General, or a staff member designated by him, shall be ex officio secretary of these bodies.

(7) (a) The International Bureau shall, in accordance with the directions of the Assembly and in cooperation with the Executive Committee, make the preparations for the revision conferences.

(b) The International Bureau may consult non-governmental organizations concerning preparations for revision conferences.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(8) The International Bureau shall carry out any other tasks assigned to it.

Article 56—Committee for Technical Cooperation

(1) The Assembly shall establish a Committee for Technical Cooperation (referred to in this Article as "the Committee").

(2) (a) The Assembly shall determine the composition of the Committee and appoint its members, with due regard to an equitable representation of developing countries.

(b) The International Searching and Preliminary Examining Authorities shall be ex officio members of the Committee. In the case where such an Authority is the national Office of a Contracting State, that State shall not be additionally represented on the Committee.

(c) If the number of Contracting States so allows, the total number of members of the Committee shall be more than double the number of ex officio members.

(d) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of interested organizations to participate in discussions of interest to them.

(3) The aim of the Committee shall be to contribute, by advice and recommendations:

(i) to the constant improvement of the services provided for under this Treaty,

(ii) to the securing, so long as there are several International Searching Authorities and several International Preliminary Examining Authorities, of the maximum degree of uniformity in their documentation and working methods and the maximum degree of uniformly high quality in their reports, and

(iii) on the initiative of the Assembly or the Executive Committee, to the solution of the technical problems specifically involved in the establishment of a single International Searching Authority.

(4) Any Contracting State and any interested international organization may approach the Committee in writing on questions which fall within the competence of the Committee.

(5) The Committee may address its advice and recommendations to the Director General or, through him, to the Assembly, the Executive Committee, all or some of the International Searching and Preliminary Examining Authorities, and all or some of the receiving Offices.

(6)a() In any case, the Director General shall transmit to the Executive Committee the texts of all the advice and recommendations of the Committee. He may comment on such texts.

(b) The Executive Committee may express its views on any advice, recommendation, or other activity of the Committee, and may invite the Committee to study and report on questions falling within its competence. The Executive Committee may submit to the Assembly, with appropriate comments, the advice, recommendations and report of the Committee.

(7) Until the Executive Committee has been established, references in paragraph (6) to the Executive Committee shall be construed as references to the Assembly.

(8) The details of the procedure of the Committee shall be governed by the decisions of the Assembly.

Article 57—Finances

(1) (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions administered by the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) Subject to the provisions of paragraph (5), the budget of the Union shall be financed from the following sources:

(i) fees and charges due for services rendered by the International Bureau in relation to the Union;

(ii) sale of, or royalties on, the publications of the International Bureau concerning the Union;

(iii) gifts, bequests, and subventions;

(iv) rents, interests, and other miscellaneous income.

(4) The amounts of fees and charges due to the International Bureau and the prices of its publications shall be so fixed that they should, under normal circumstances, be sufficient to cover all the expenses of the International Bureau connected with the administration of this Treaty.

(5) (a) Should any financial year close with a deficit, the Contracting States shall, subject to the provisions of subparagraphs (b) and (c), pay contributions to cover such deficit.

(b) The amount of the contribution of each Contracting State shall be decided by the Assembly with due regard to the number of international applications which has emanated from each of them in the relevant year.

(c) If other means of provisionally covering any deficit or any part thereof are secured, the Assembly may decide that such deficit be carried forward and that the Contracting States should not be asked to pay contributions.

(d) If the financial situation of the Union so permits, the Assembly may decide that any contributions paid under subparagraph (a) be reimbursed to the Contracting States which have paid them.

(e) A Contracting State which has not paid, within two years of the due date as established by the Assembly, its contribution under subparagraph (b) may not exercise its right to vote in any of the organs of the Union. However, any organ of the Union may allow such a State to continue to exercise its right to vote in that organ so long as it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(6) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(7) (a) The Union shall have a working capital fund which shall be constituted by a single payment made by each Contracting State. If the fund becomes insufficient, the Assembly shall arrange to increase it. If part of the fund is no longer needed, it shall be reimbursed.

(b) The amount of the initial payment of each Contracting State to the said fund or of its participation in the increase thereof shall be decided by the Assembly on the basis of principles similar to those provided for under paragraph (5) (b).

(c) The terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(d) Any reimbursement shall be proportionate to the amounts paid by each Contracting State, taking into account the dates at which they were paid.

(8) (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient such State shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an ex officio seat in the Assembly and on the Executive Committee.

(b) The State referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(9) The auditing of the accounts shall be effected by one or more of the Contracting States or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 58—Regulations

(1) The Regulations annexed to this Treaty provide Rules:

(i) concerning matters in respect of which this Treaty expressly refers to the Regulations or expressly provides that they are or shall be prescribed,

(ii) concerning any administrative requirements, matters, or procedures,

(iii) concerning any details useful in the implementation of the provisions of this Treaty.

(2) (a) The Assembly may amend the Regulations.

(b) Subject to the provisions of paragraph (3), amendments shall require three-fourths of the votes cast.

(3) (a) The Regulations specify the Rules which may be amended

(i) only by unanimous consent, or

(ii) only if none of the Contracting States whose national Office acts as an International Searching or Preliminary Examining Authority dissents, and, where such Authority is an intergovernmental organization, if the Contracting State member of that organization authorized for that purpose by the other member States within the competent body of such organization does not dissent.

(b) Exclusion, for the future, of any such Rules from the applicable requirement shall require the fulfillment of the conditions referred to in subparagraph (a) (i) or (a) (ii), respectively.

(c) Inclusion, for the future, of any Rule in one or the other of the requirements referred to in subparagraph (a) shall require unanimous consent.

(4) The Regulations provide for the establishment, under the control of the Assembly, of Administrative Instructions by the Director General.

(5) In the case of conflict between the provisions of the Treaty and those of the Regulations, the provisions of the Treaty shall prevail.

CHAPTER VI: DISPUTES

Article 59—Disputes

Subject to Article 64(5), any dispute between two or more Contracting States concerning the interpretation or application of this Treaty or the Regulations, not settled by negotiation, may, by any one of the States concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the States concerned agree on some other method of settlement. The Contracting State bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other Contracting States.

CHAPTER VII: REVISION AND AMENDMENT

Article 60—Revision of the Treaty

(1) This Treaty may be revised from time to time by a special conference of the Contracting States.

(2) The convocation of any revision conference shall be decided by the Assembly.

(3) Any intergovernmental organization appointed as International Searching or Preliminary Examining Authority shall be admitted as observer to any revision conference.

(4) Article 53(5), (9) and (11), 54, 55(4) to (8), 56, and 57, may be amended either by a revision conference or according to the provisions of Article 61.

Article 61—Amendment of Certain Provisions of the Treaty

(1) (a) Proposals for the amendment of Articles 53(5), (9) and (11), 54, 55(4) to (8), 56, and 57, may be initiated by any State member of the Assembly, by the Executive Committee, or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting States at least six months in advance of their consideration by the Assembly.

(2) (a) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly.

(b) Adoption shall require three-fourths of the votes cast.

(3) (a) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the States members of the Assembly at the time it adopted the amendment.

(b) Any amendment to the said Articles thus accepted shall bind all the States which are members of the Assembly at the time the amendment enters into force, provided that any amendment increasing the financial obligations of the Contracting States shall bind only those States which have notified their acceptance of such amendment.

(c) Any amendment accepted in accordance with the provisions of subparagraph (a) shall bind all States which become members of the Assembly after the date on which the amendment entered into force in accordance with the provisions of subparagraph (a).

CHAPTER VIII: FINAL PROVISIONS

Article 62—Becoming Party to the Treaty

(1) Any State member of the International Union for the Protection of Industrial Property may become party to this Treaty by:

(i) signature followed by the deposit of an instrument of ratification, or

(ii) deposit of an instrument of accession.

(2) Instruments of ratification or accession shall be deposited with the Director General.

(3) The provisions of Article 24 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property shall apply to this Treaty.

(4) Paragraph (3) shall in no way be understood as implying the recognition or tacit acceptance by a Contracting State of the factual situation concerning a territory to which this Treaty is made applicable by another Contracting State by virtue of the said paragraph.

Article 63—Entry into Force of the Treaty

(1) (a) Subject to the provisions of paragraph (3), this Treaty shall enter into force three months after eight States have deposited their instruments of ratification or accession, provided that at least four of those States each fulfill any of the following conditions:

(i) the number of applications filed in the State has exceeded 40,000 according to the most recent annual statistics published by the International Bureau,

(ii) the nationals or residents of the State have filed at least 1,000 applications in one foreign country according to the most recent annual statistics published by the International Bureau,

(iii) the national Office of the State has received at least 10,000 applications from nationals or residents of foreign countries according to the most recent annual statistics published by the International Bureau.

(b) For the purposes of this paragraph, the term "applications" does not include applications for utility models.

(2) Subject to the provisions of paragraph (3), any State which does not become party to this Treaty upon entry into force under paragraph (1) shall become bound by this Treaty three months after the date on which such State has deposited its instrument of ratification or accession.

(3) The provisions of Chapter II and the corresponding provisions of the Regulations annexed to this Treaty shall become applicable, however, only on the date on which three States each of which fulfill at least one of the three requirements specified in paragraph (1) have become party to this Treaty without declaring, as provided in Article 64(1), that they do not intend to be bound by the provisions of Chapter II. That date shall not, however, be prior to that of the initial entry into force under paragraph (1).

Article 64—Reservations

(1) (a) Any State may declare that it shall not be bound by the provisions of Chapter II.

(b) States making a declaration under subparagraph (a) shall not be bound by the provisions of Chapter II and the corresponding provisions of the Regulations.

(2) (a) Any State not having made a declaration under paragraph (1) (a) may declare that:

(i) it shall not be bound by the provisions of Article 39(1) with respect to the furnishing of a copy of the international application and a translation thereof (as prescribed),

(ii) the obligation to delay national processing, as provided for under Article 40, shall not prevent publication, by or through its national Office, of the international application or a translation thereof, it being understood, however, that it is not exempted from the limitations provided for in Articles 30 and 38.

(b) States making such a declaration shall be bound accordingly.

(3) (a) Any State may declare that, as far as it is concerned, international publication of international applications is not required.

(b) Where, at the expiration of 18 months from the priority date, the international application contains the designation only of such States as have made declarations under subparagraph (a), the international application shall not be published by virtue of Article 21(2).

(c) Where the provisions of subparagraph (b) apply, the international application shall nevertheless be published by the International Bureau:

(i) at the request of the applicant, as provided in the Regulations,

(ii) when a national application or a patent based on the international application is published by or on behalf of the national Office of any designated State having made a declaration under subparagraph (a), promptly after such publication but not before the expiration of 18 months from the priority date.

(4) (a) Any State whose national law provides for prior art effect of its patents as from a date before publication, but does not equate for prior art purposes the priority date claimed under the Paris Convention for the Protection of Industrial Property to the actual filing date in that State, may declare that the filing outside that State of an international application designating that State is not equated to an actual filing in that State for prior art purposes.

(b) Any State making a declaration under subparagraph (a) shall to that extent not be bound by the provisions of Article 11(3).

(c) Any State making a declaration under subparagraph (a) shall, at the same time, state in writing the date from which, and the conditions under which, the prior art effect of any international application designating that State becomes effective in that State. This statement may be modified at any time by notification addressed to the Director General.

(5) Each State may declare that it does not consider itself bound by Article 59. With regard to any dispute between any Contracting State having made such a declaration and any other Contracting State, the provisions of Article 59 shall not apply.

(6) (a) Any declaration made under this Article shall be made in writing. It may be made at the time of signing this Treaty, at the time of depositing the instrument of ratification or accession, or, except in the case referred to in paragraph (5), at any later time by notification addressed to the Director General. In the case of the said notification, the declaration shall take effect six months after the day on which the Director General has received the notification, and shall not affect international applications filed prior to the expiration of the said six-month period.

(b) Any declaration made under this Article may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the day on which the Director General has received the notification and, in the case of the withdrawal of a declaration made under paragraph (3), shall not affect international applications filed prior to the expiration of the said three-month period.

(7) No reservations to this Treaty other than the reservations under paragraphs (1) to (5) are permitted.

Article 65—Gradual Application

(1) If the agreement with any International Searching or Preliminary Examining Authority provides, transitionally, for limits on the number or kind of international applications that such Authority undertakes to process, the Assembly shall adopt the measures necessary for the gradual application of this Treaty and the Regulations in respect of given categories of international applications. This provision shall also apply to requests for an international-type search under Article 15(5).

(2) The Assembly shall fix the dates from which, subject to the provision of paragraph (1), international applications may be filed and demands for international preliminary examination may be submitted. Such dates shall not be later than six months after this Treaty has entered into force according to the provisions of Article 63(1), or after Chapter II has become applicable under Article 63(3), respectively.

Article 66—Denunciation

(1) Any Contracting State may denounce this Treaty by notification addressed to the Director General.

(2) Denunciation shall take effect six months after receipt of the said notification by the Director General. It shall not affect the effects of the international application in the denouncing State if the international application was filed, and, where the denouncing State has been elected, the election was made, prior to the expiration of the said six-month period.

Article 67—Signature and Languages

(1) (a) This Treaty shall be signed in a single original in the English and French languages, both texts being equally authentic.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the German, Japanese, Portuguese, Russian and Spanish languages, and such other languages as the Assembly may designate.

(2) This Treaty shall remain open for signature at Washington until December 31, 1970.

Article 68—Depositary Functions

(1) The original of this Treaty, when no longer open for signature, shall be deposited with the Director General.

(2) The Director General shall transmit two copies, certified by him, of this Treaty and the Regulations annexed hereto to the Governments of all States party to the Paris Convention for the Protection of Industrial Property and, on request, to the Government of any other State.

(3) The Director General shall register this Treaty with the Secretariat of the United Nations.

(4) The Director General shall transmit two copies, certified by him, of any amendment to this Treaty and the Regulations to the Governments of all Contracting States and, on request, to the Government of any other State.

Article 69—Notifications

The Director General shall notify the Governments of all States party to the Paris Convention for the Protection of Industrial Property of:

(i) signatures under Article 62,

(ii) deposits of instruments of ratification or accession under Article 62,

(iii) the date of entry into force of this Treaty and the date from which Chapter II is applicable in accordance with Article 63 (3),

(iv) denunciations received under Article 64 (1) to (5),

(v) withdrawals of any declarations made under Article 64(6) (b),

(vi) denunciations received under Article 66, and

(vii) any declarations made under Article 31(4).

In witness whereof, the undersigned, being duly authorized thereto, have signed this Treaty.

Done at Washington, on June 19, 1970.

For Algeria: A. Dahmouche.

For Argentina: Pedro E Real, December 21st, 1970.

For Australia:

For Austria: Hans Georg Rudofsky, Dec. 22nd, 1970.

For Belgium: Walter Loridan, 30 décembre 1970.

For Brazil: Miguel A O de Almeida.

For Bulgaria:

For Cameroon:

For Canada: A. M. Laidlaw.

For the Central African Republic:

For Ceylon:

For Chad:

For the Congo (Brazzaville):

For Cuba:

For Cyprus:

For Czechoslovakia:

For Dahomey:

For Denmark: E. Tuxen.

For the Dominican Republic:

For the Federal Republic of Germany: Rupprecht v Keller, Kurt Haertel.

For Finland: Erkki Tuuli.

For France: Charles Lucet, 31 Décembre 1970.

For Gabon:

For Greece:

For Haiti:

For the Holy See: Mario Peressin.

For Hungary: Under reservation of Art. 59, E. Tasnádi.

For Iceland:

For Indonesia:

For Iran: Dr. A. Aslan Afshar, July 7th, 1970.

For Ireland: M. J. Quinn.

For Israel: Z. Sher, Mayer Gabay.

For Italy: Giorgio Ranzi.

For the Ivory Coast: T. Ahoua, December 3rd, 1970.

For Japan: subject to ratification, B. Yoshino, Y. Aratama.

For Kenya:

For Lebanon:

For Liechtenstein:

For Luxembourg: Jean Wagner, December 30th, 1971.

For Madagascar: Jules A. Razafimbahiny, December 10, 1970.

For Malawi:

For Malta:

For Mauritania:

For Mexico:

For Monaco: Professor Dr. Charles Schertenlieb, le 31 Décembre 1970.

For Morocco:

For the Kingdom of the Netherlands: R B Van Lynden, 31st December 1970.

For New Zealand:

For Niger:

For Nigeria:

For Norway: Leif Nordstrand.

For the Philippines: Suarez.

For Poland:

For Portugal:

For Romania: Corneliu Bogdan, Dec. 28, 1970.

For San Marino:

For Senegal: Cheikh I Fall, Dec. 29, 1970.

For South Africa:

For Spain:

For Sweden: Göran Borggård.

For Switzerland: Dr. Walter Stamm.

For Syria: George J. Tomeh, December 29th, 1970.

For Tanzania:

For Togo: Dr. Ohin, 12.23.70.

For Trinidad and Tobago:

For Tunisia:

For Turkey:

For Uganda:

For the Union of Soviet Socialist Republics: A. Dobrynin, 23/XII 70.

For the United Arab Republic: Moh. Abdel Salam.

For the United Kingdom of Great Britain and Northern Ireland: Edward Armitage, James David Fergusson.

For the United States of America: Eugene M. Braderman, William E. Schuyler, Jr.

For Upper Volta:

For Uruguay:

For the Republic of Viet-Nam:

For Yugoslavia: Prof. Dr. Stojan Pretnar.

For Zambia:

REGULATIONS UNDER THE PATENT COOPERATION TREATY

PART A—INTRODUCTORY RULES

Rule 1—Abbreviated Expressions

1.1 *Meaning of Abbreviated Expressions*

(a) In these Regulations, the word "Treaty" means the Patent Cooperation Treaty.

(b) In these Regulations, the words "Chapter" and "Article" refer to the specified Chapter or Article of the Treaty.

Rule 2—Interpretation of Certain Words

2.1 *"Applicant"*

Whenever the word "applicant" is used, it shall be construed as meaning also the agent or other representative of the applicant, except where the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used, such as, in particular, where the provision refers to the residence or nationality of the applicant.

2.2 *"Agent"*

Whenever the word "agent" is used, it shall be construed as meaning any person who has the right to practice before international authorities as defined in Article 49 and, unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used, also the common representative referred to in Rule 4.8.

2.3 *"Signature"*

Whenever the word "signature" is used, it shall be understood that, if the national law applied by the receiving Office or the competent International Searching or Preliminary Examining Authority requires the use of a seal instead of a signature, the word, for the purposes of that Office or Authority, shall mean seal.

PART B—RULES CONCERNING CHAPTER I OF THE TREATY

Rule 3—The Request (Form)

3.1 *Printed Form*

The request shall be made on a printed form.

3.2 *Availability of Forms*

Copies of the printed form shall be furnished free of charge to the applicants by the receiving Office, or, if the receiving Office so desires, by the International Bureau.

3.3 *Check List*

(a) The printed form shall contain a list which, when filled in, will show:

(i) the total number of sheets constituting the international application and the number of the sheets of each element of the international application (request, description, claims, drawings, abstract);

(ii) whether or not the international application as filed is accompanied by a power of attorney (i.e., a document appointing an agent or a common representative), a priority document, a receipt for the fees paid or a check for the payment of the fees, an international or an international-type search report, a document in evidence of the fact that the applicant is the successor in title of the inventor, and any other document (to be specified in the check list);

(iii) the number of that figure of the drawings which the applicant suggests should accompany the abstract when the abstract is published on the front page of the pamphlet and in the Gazette; in exceptional cases, the applicant may suggest more than one figure.

(b) The list shall be filled in by the applicant, failing which the receiving Office shall fill it in and make the necessary annotations, except that the number referred to in paragraph (a) (iii) shall not be filled in by the receiving Office.

3.4 *Particulars*

Subject to Rule 3.3, particulars of the printed form shall be prescribed by the Administrative Instructions.

Rule 4—The Request (Contents)

4.1 *Mandatory and Optional Contents; Signature*

(a) The request shall contain:

(i) a petition,

(ii) the title of the invention,

(iii) indications concerning the applicant and the agent, if there is an agent,

(iv) the designation of States,

(v) indications concerning the inventor where the national law of at least one of the designated States requires that the name of the inventor be furnished at the time of filing a national application.

(b) The request shall, where applicable, contain:

(i) a priority claim,

(ii) a reference to any earlier international search or to any earlier international-type search,

(iii) choices of certain kinds of protection,

(iv) an indication that the applicant wishes to obtain a regional patent and the names of the designated States for which he wishes to obtain such a patent,

(v) a reference to a parent application or parent patent.

(c) The request may contain indications concerning the inventor where the national law of none of the designated States requires that the name of the inventor be furnished at the time of filing a national application.

(d) The request shall be signed.

4.2 *The Petition*

The petition shall be to the following effect and shall preferably be worded as follows: "The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty."

4.3 *Title of the Invention*

The title of the invention shall be short (preferably from two to seven words when in English or translated into English) and precise.

4.4 *Names and Addresses*

(a) Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s).

(b) Names of legal entities shall be indicated by their full, official designations.

(c) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. It is recommended to indicate any telegraphic and teletype address and telephone number.

(d) For each applicant, inventor, or agent, only one address may be indicated.

4.5 *The Applicant*

(a) The request shall indicate the name, address, nationality and residence of the applicant or, if there are several applicants, of each of them.

(b) The applicant's nationality shall be indicated by the name of the State of which he is a national.

(c) The applicant's residence shall be indicated by the name of the State of which he is a resident.

4.6 *The Inventor*

(a) Where Rule 4.1(a) (v) applies, the request shall indicate the name and address of the inventor or, if there are several inventors, of each of them.

(b) If the applicant is the inventor, the request, in lieu of the indication under paragraph (a), shall contain a statement to that effect or shall repeat the applicant's name in the space reserved for indicating the inventor.

(c) The request may, for different designated States, indicate different persons as inventors where, in this respect, the requirements of the national laws of the designated States are not the same. In such a case, the request shall contain a separate statement for each designated State or group of States in which a particular person, or the same person, is to be considered the inventor, or in which particular persons, or the same persons, are to be considered the inventors.

4.7 *The Agent*

If agents are designated, the request shall so indicate, and shall state their names and addresses.

4.8 *Representation of Several Applicants Not Having a Common Agent*

(a) If there is more than one applicant and the request does not refer to an agent representing all the applicants ("a common agent"), the request shall designate one of the applicants who is entitled to file an international application according to Article 9 as their common representative.

(b) If there is more than one applicant and the request does not refer to an agent representing all the applicants and it does not comply with the requirement of designating one of the applicants as provided in paragraph (a), the applicant first named in the request who is entitled to file an international application according to Article 9 shall be considered the common representative.

4.9 *Designation of States*

Contracting States shall be designated in the request by their names.

4.10 *Priority Claim*

(a) The declaration referred to in Article 8(1) shall be made in the request; it shall consist of a statement to the effect that the priority of an earlier application is claimed and shall indicate:

(i) when the earlier application is not a regional or an international application, the country in which it was filed; when the earlier application is a regional or an international application, the country or countries for which it was filed,

(ii) the date on which it was filed,

(iii) the number under which it was filed, and

(iv) when the earlier application is a regional or an international application, the national Office or intergovernmental organization with which it was filed.

(b) If the request does not indicate both

(i) when the earlier application is not a regional or an international application, the country in which it was filed; when the earlier application is a regional or an international application, at least one country for which it was filed, and

(ii) the date on which it was filed, the priority claim shall, for the purposes of the procedure under the Treaty, be considered not to have been made.

(c) If the application number of the earlier application is not indicated in the request but is furnished by the applicant to the International Bureau prior to the expiration of the 16th month from the priority date, it shall be considered by all designated States to have been furnished in time. If it is furnished after the expiration of that time limit, the International Bureau shall inform the applicant and the designated Offices of the date on which the said number was furnished to it. The International Bureau shall indicate that date in the international publication of the international application, or, if, at the time of the international publication, the said number has not been furnished to it, shall indicate that fact in the international publication.

(d) If the filing date of the earlier application as indicated in the request precedes the international filing date by more than one year, the receiving Office, or, if the receiving Office has failed to do so, the International Bureau, shall invite the applicant to ask either for the cancellation of the declaration made under Article 8(1) or, if the date of the earlier application was indicated errroneously, for the correction of the date so indicated. If the applicant fails to act accordingly within 1 month from the date of the invitation, the declaration made under Article 8(1) shall be cancelled ex officio. The receiving Office effecting the correction or cancellation shall notify the applicant accordingly and, if copies of the international application have already been sent to the International Bureau and the International Searching Authority, that Bureau and that Authority. If the correction or cancellation is effected by the International Bureau, the latter shall notify the applicant and the International Searching Authority accordingly.

(e) Where the priorities of several earlier applications are claimed, the provisions of paragraphs (a) to (d) shall apply to each of them.

4.11 *Reference to Earlier International or International-Type Search*

If an international or international-type search has been requested on an application under Article 15(5), the request may state that fact and identify the application (or its translation, as the case may be) by country, date and number, and the request for the said search by date and, if available, number.

4.12 *Choice of Certain Kinds of Protection*

(a) If the applicant wishes his international application to be treated, in any designated State, as an application not for a patent but for the grant of any of the other kinds of protection specified in Article 43, he shall so indicate in the request. For the purposes of this paragraph, Article 2(ii) shall not apply.

(b) In the case provided for in Article 44, the applicant shall indicate the two kinds of protection sought, or, if one of two kinds of protection is primarily sought, he shall indicate which kind is sought primarily and which kind is sought subsidiarily.

4.13 *Identification of Parent Application or Parent Grant*

If the applicant wishes his international application to be treated, in any designated State, as an application for a patent or certificate of addition, inventor's certificate of addition, or utility certificate of addition, he shall identify the parent application or the parent patent, parent inventor's certificate, or parent utility certificate to which the patent or certificate of addition, inventor's certificate of addition, or utility certificate of addition, if granted, relates. For the purposes of this paragraph, Article 2(ii) shall not apply.

4.14 *Continuation or Continuation in Part*

If the applicant wishes his international application to be treated, in any designated State, as an application for a continuation or a continuation-in-part of an earlier application, he shall so indicate in the request and shall identify the parent application involved.

4.15 *Signature*

The request shall be signed by the applicant.

4.16 *Transliteration or Translation of Certain Words*

(a) Where any name or address is written in characters other than those of the Latin alphabet, the same shall also be indicated in characters of the Latin alphabet either as a mere transliteration or through translation into English. The applicant shall decide which words will be merely transliterated and which words will be so translated.

(b) The name of any country written in characters other than those of the Latin alphabet shall also be indicated in English.

4.17 *No Additional Matter*

(a) The request shall contain no matter other than that specified in Rules 4.1 to 4.16.

(b) If the request contains matter other than that specified in Rule 4.1 to 4.16, the receiving Office shall ex efficio delete the additional matter.

Rule 5—The Description

5.1 *Manner of the Description*

(a) The description shall first state the title of the invention as appearing in the request and shall:

(i) specify the technical field to which the invention relates;

(ii) indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and, preferably, cite the documents reflecting such art;

(iii) disclose the invention, as claimed, in such terms that the technical problem (even if not expressly stated as such) and its solution can be understood, and state the advantageous effects, if any, of the invention with reference to the background art;

(iv) briefly describe the figures in the drawings, if any;

(v) set forth at least the best mode contemplated by the applicant for carrying out the invention claimed; this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any; where the national law of the designated State does not require the description of the best mode but is satisfied with the description of any mode (whether it is the best contemplated or not), failure to describe the best mode contemplated shall have no effect in that State;

(vi) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is capable of exploitation in industry and the way in which it can be made and used, or, if it can only be used, the way in which it can be used; the term "industry" is to be understood in its broadest sense as in the Paris Convention for the Protection of Industrial Property.

(b) The manner and order specified in paragraph (a) shall be followed except when, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more economic presentation.

(c) Subject to the provisions of paragraph (b), each of the parts referred to in paragraph (a) shall preferably be preceded by an appropriate heading as suggested in the Administrative Instructions.

Rule 6—The Claims

6.1 *Number and Numbering of Claims*

(a) The number of the claims shall be reasonable in consideration of the nature of the invention claimed.

(b) If there are several claims, they shall be numbered consecutively in arabic numerals.

(c) The method of numbering in the case of the amendment of claims shall be governed by the Administrative Instructions.

6.2 *References to Other Parts of the International Application*

(a) Claims shall not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description or drawings. In particular, they shall not rely on such references as: "as described in part . . . of the description," or "as illustrated in figure . . . of the drawings."

(b) Where the international application contains drawings, the technical features mentioned in the claims shall preferably be followed by the reference signs relating to such features. When used, the reference signs shall preferably be placed between parentheses. If inclusion of reference signs does not particularly facilitate quicker understanding of a claim, it should not be made. Reference signs may be removed by a designated Office for the purpose of publication by such Office.

6.3 *Manner of Claiming*

(a) The definition of the matter for which protection is sought shall be in terms of the technical features of the invention.

(b) Whenever appropriate, claims shall contain:

(i) a statement indicating those technical features of the invention which are necessary for the definition of the claimed subject matter but which, in combination, are part of the prior art,

(ii) a characterizing portion—preceded by the words "characterized in that," "characterized by," "wherein the improvement comprises," or any other words to the same effect—stating concisely the technical features which, in combination with the features stated under (i), it is desired to protect.

(c) Where the national law of the designated States does not require the manner of claiming provided for in paragraph (b), failure to use that manner of claiming shall have no effect in that State provided the manner of claiming actually used satisfies the national law of that State.

6.4 *Dependent Claims*

(a) Any claim which includes all the features of one or more other claims (claim in dependent form, hereinafter referred to as "dependent claim") shall do so by a reference, if possible at the beginning, to the other claim or claims and shall then state the additional features claimed. Any dependent claim which refers to more than one other claim ("multiple dependent claim") shall refer to such claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claim.

(b) Any dependent claim shall be construed as including all the limitations contained in the claim to which it refers or, if the dependent claim is a multiple dependent claim, all the limitations contained in the particular claim in relation to which it is considered.

(c) All dependent claims referring back to a single previous claim, and all dependent claims referring back to several previous claims, shall be grouped together to the extent and in the most practical way possible.

6.5 *Utility Models*

Any designated State in which the grant of a utility model is sought on the basis of an international application may, instead of Rules 6.1 to 6.4, apply in respect of the matters regulated in those Rules the provisions of its national law concerning utility models once the processing of the international application has started in that State, provided that the applicant shall be allowed at least 2 months from the expiration of the time limit applicable under Article 22 to adapt his application to the requirements of the said provisions of the national law.

Rule 7—The Drawings

7.1 *Flow Sheets and Diagrams*

Flow sheets and diagrams are considered drawings.

7.2 *Time Limit*

The time limit referred to in Article 7(2)(ii) shall be reasonable under the circumstances of the case and shall, in no case, be shorter than 2 months from the date of the written invitation requiring the filing of drawings or additional drawings under the said provision.

Rule 8—The Abstract

8.1 *Contents and Form of the Abstract*

(a) The abstract shall consist of the following:

(i) a summary of the disclosure as contained in the description, the claims, and any drawings; the summary shall indicate the technical field to which the invention pertains and shall be drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention;

(ii) where applicable, the chemical formula which, among all the formulae contained in the international application, best characterizes the invention.

(b) The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words if it is in English or when translated into English).

(c) The abstract shall not contain statements on the alleged merits or value of the claimed invention or on its speculative application.

(d) Each main technical feature mentioned in the abstract and illustrated by a drawing in the international application shall be followed by a reference sign, placed between parentheses.

8.2 *Failure To Suggest a Figure To Be Published with the Abstract*

If the applicant fails to make the indication referred to in Rule 3.3(a)(iii), or if the International Searching Authority finds that a figure or figures other than that figure or those figures suggested by the applicant would, among all the figures of all the drawings, better characterize the invention, it shall indicate the figure or figures which it so considers. Publications by the International Bureau shall then use the figure or figures so indicated by the International Searching Authority. Otherwise, the figure or figures suggested by the applicant shall be used in the said publications.

8.3 *Guiding Principles in Drafting*

The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art, especially by assisting the scientist, engineer or researcher in formulating an opinion on whether there is a need for consulting the international application itself.

Rule 9—Expressions, Etc., Not To Be Used

9.1 *Definition*

The international application shall not contain:

(i) expressions or drawings contrary to morality;

(ii) expressions or drawings contrary to public order;

(iii) statements disparaging the products or processes of any particular person other than the applicant, or the merits or validity of applications or patents of any such person (mere comparisons with the prior art shall not be considered disparaging *per se*);

(iv) any statement or other matter obviously irrelevant or unnecessary under the circumstances.

9.2 *Noting of Lack of Compliance*

The receiving Office and the International Searching Authority may note lack of compliance with the prescriptions of Rule 9.1 and may suggest to the applicant that he voluntarily correct his international application accordingly. If the lack of compliance was noted by the receiving Office, that Office shall inform the competent International Searching Authority and the International Bureau; if the lack of compliance was noted by the International Searching Authority, that Authority shall inform the receiving Office and the International Bureau.

9.3 *Reference to Article 21(6)*

"Disparaging statements," referred to in Article 21(6), shall have the meaning as defined in Rule 9.1 (iii).

Rule 10—Terminology and Signs

10.1 *Terminology and Signs*

(a) Units of weights and measures shall be expressed in terms of the metric system, or also expressed in such terms if first expressed in terms of a different system.

(b) Temperatures shall be expressed in degrees centigrade, or also expressed in degrees centigrade if first expressed in a different manner.

(c) Density shall be expressed in metric units.

(d) For indications of heat, energy, light, sound, and magnetism, as well as for mathematical formulae and electrical units, the rules of international practice shall be observed; for chemical formulae, the symbols, atomic weights, and molecular formulae, in general use, shall be employed.

(e) In general, only such technical terms, signs and symbols should be used as are generally accepted in the art.

(f) When the international application or its translation is in English or Japanese, the beginning of any decimal fraction shall be marked by a period, whereas, when the international application or its translation is in a language other than English or Japanese, it shall be marked by a coma.

10.2 *Consistency*

The terminology and the signs shall be consistent throughout the international application.

Rule 11—Physical Requirements of the International Application

11.1 *Number of Copies*

(a) Subject to the provisions of paragraph (b), the international application and each of the documents referred to in the check list (Rule 3.3(a)(ii)) shall be filed in one copy.

(b) Any receiving Office may require that the international application and any of the documents referred to in the check list (Rule 3.3(a)(ii)), except the receipt for the fees paid or the check for the payment of the fees, shall be filed in two or three copies. In that case, the receiving Office shall be responsible for verifying the identity of the second and the third copies with the record copy.

11.2 *Fitness for Reproduction*

(a) All elements of the international application (i.e., the request, the description, the claims, the drawings, and the abstract) shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset, and microfilming, in any number of copies.

(b) All sheets shall be free from creases and cracks; they shall not be folded.

(c) Only one side of each sheet shall be used.

(d) Subject to Rule 11.13(j), each sheet shall be used in an upright position (i.e., the short sides at the top and bottom).

11.3 *Material to be Used*

All elements of the international application shall be on paper which shall be flexible, strong, white, smooth, non-shiny, and durable.

11.4 *Separate Sheets, Etc.*

(a) Each element (request, description, claims, drawings, abstract) of the international application shall commence on a new sheet.

(b) All sheets of the international application shall be so connected that they can be easily turned when consulted, and easily separated and joined again if they have been separated for reproduction purposes.

11.5 *Size of Sheets*

The size of the sheets shall be A4 (29.7 cm x 21 cm). However, any receiving Office may accept international applications on sheets of other sizes provided that the record copy, as transmitted to the International Bureau, and, if the competent International Searching Authority so desires, the search copy, shall be of A4 size.

11.6 *Margins*

(a) The minimum margins of the sheets containing the request, the description, the claims, and the abstract, shall be as follows:

top of first sheet, except that of the request: 8 cm
top of other sheets: 2 cm
left side: 2.5 cm
right side: 2 cm
bottom: 2 cm

(b) The recommended maximum, for the margins provided for in paragraph (a), is as follows:

top of first sheet, except that of the request: 9 cm
top of other sheets: 4 cm
left side: 4 cm
right side: 3 cm
bottom: 3 cm

(c) On sheets containing drawings, the surface usable shall not exceed 26.2 cm x 17.0 cm. The sheets shall not contain frames around the usable or used surface. The minimum margins shall be as follows:

top: 2.5 cm
left side: 2.5 cm
right side: 1.5 cm
bottom: 1.0 cm

(d) The margins referred to in paragraphs (a) to (c) apply to A4-size sheets, so that, even if the receiving Office accepts other sizes, the A4-size record copy and, when so required, the A4-size search copy shall leave the aforesaid margins.

(e) The margins of the international application, when submitted, must be completely blank.

11.7 *Numbering of Sheets*

(a) All the sheets contained in the international application shall be numbered in consecutive arabic numerals.

(b) The numbers shall be placed at the top of the sheet, in the middle, but not in the margin.

11.8 *Numbering of Lines*

(a) It is strongly recommended to number every fifth line of each sheet of the description, and of each sheet of claims.

(b) The numbers should appear on the left side, to the right of the margin.

11.9 *Writing of Text Matter*

(a) The request, the description, the claims and the abstract shall be typed or printed.

(b) Only graphic symbols and characters, chemical or mathematical formulae, and certain characters in the Japanese language may, when necessary, be written by hand or drawn.

(c) The typing shall be 1½-spaced.

(d) All text matter shall be in characters the capital letters of which are not less than 0.21 cm high, and shall be in a dark, indelible color, satisfying the requirements specified in Rule 11.2.

(e) As far as the spacing of the typing and the size of the characters are concerned, paragraphs (c) and (d) shall not apply to texts in the Japanese language.

11.10 *Drawings, Formulae, and Tables, in Text Matter*

(a) The request, the description, the claims and the abstract shall not contain drawings.

(b) The description, the claims and the abstract may contain chemical or mathematical formulae.

(c) The description and the abstract may contain tables; any claim may contain tables only if the subject matter of the claim makes the use of tables desirable.

11.11 *Words in Drawings*

(a) The drawings shall not contain text matter, except a single word or words, when absolutely indispensable, such as "water," "steam," "open," "closed," "section on AB," and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short catch words indispensable for understanding.

(b) Any words used shall be so placed that, if translated, they may be pasted over without interfering with any lines of the drawings.

11.12 *Alterations, Etc.*

Each sheet shall be reasonably free from erasures and shall be free from alterations, overwritings, and interlineations. Non-compliance with this Rule may be authorized, in exceptional cases, if the authenticity of the content is not in question and the requirements for good reproduction are not in jeopardy.

11.13 *Special Requirements for Drawings*

(a) Drawings shall be executed in durable, black or blue, sufficiently dense and dark, uniformly thick and well-defined, lines and strokes without colorings.

(b) Cross-sections shall be indicated by oblique hatching which should not impede the clear reading of the reference signs and leading lines.

(c) The scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty.

(d) When, in exceptional cases, the scale is given on a drawing, it shall be represented graphically.

(e) All numbers, letters, and reference lines, appearing on the drawings, shall be simple and clear. Brackets, circles or inverted commas shall not be used in association with numbers and letters.

(f) All lines in the drawings shall, ordinarily, be drawn with the aid of drafting instruments.

(g) Each element of each figure shall be in proper proportion to each of the other elements in the figure, except where the use of a different proportion is indispensable for the clarity of the figure.

(h) The height of the numbers and letters shall not be less than 0.32 cm. For the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used.

(i) The same sheet of drawings may contain several figures. Where figures on two or more sheets form in effect a single complete figure, the figures on the several sheets shall be so arranged that the complete figure can be assembled without concealing any part of any of the figures appearing on the various sheets.

(j) The different figures shall be arranged on a sheet or sheets without wasting space, preferably in an upright position, clearly separated from one another.

(k) The different figures shall be numbered in arabic numerals consecutively and independently of the numbering of the sheets.

(l) Reference signs not mentioned in the description shall not appear in the drawings, and vice versa.

(m) The same features, when denoted by reference signs, shall, throughout the international application, be denoted by the same signs.

(n) If the drawings contain a large number of reference signs, it is strongly recommended to attach a separate sheet listing all reference signs and the features denoted by them.

11.14 *Later Documents*

Rules 10, and 11.1 to 11.13, also apply to any document—for example, corrected pages, amended claims—submitted after the filing of the international application.

11.15 *Translations*

No designated Office shall require that the translation of an international application filed with it comply with requirements other than those prescribed for the international application as filed.

Rule 12—Language of the International Application

12.1 *The International Application*

Any international application shall be filed in the language, or one of the languages, specified in the agreement concluded between the International Bureau and the International Searching Authority competent for the international searching of that application, provided that, if the agreement specifies several languages, the receiving Office may prescribe among the specified languages that language in which or those languages in one of which the international application must be filed.

12.2 *Changes in the International Application*

Any changes in the international application, such as amendments and corrections, shall be in the same language as the said application (cf. Rule 66.5).

Rule 13—Unity of Invention

13.1 *Requirement*

The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

13.2 *Claims of Different Categories*

Rule 13.1 shall be construed as permitting, in particular, either of the following two possibilities:

(i) in addition to an independent claim for a given product, the inclusion in the same international application of one independent claim for one process specially adapted for the manufacture of the said product, and the inclusion in the same international application of one independent claim for one use of the said product, or

(ii) in addition to an independent claim for a given process, the inclusion in the same international application of one independent claim for one apparatus or means specifically designed for carrying out the said process.

13.3 *Claims of One and the Same Category*

Subject to Rule 13.1, it shall be permitted to include in the same international application two or more independent claims of the same category (i.e., product, process, apparatus, or use) which cannot readily be covered by a single generic claim.

13.4 *Dependent Claims*

Subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.

13.5 *Utility Models*

Any designated State in which the grant of a utility model is sought on the basis of an international application may, instead of Rules 13.1 to 13.4, apply in respect of the matters regulated in those Rules the provisions of its national law concerning utility models once the processing of the international application has started in that State, provided that the applicant shall be allowed at least 2 months from the expiration of the time limit applicable under Article 22 to adapt his application to the requirements of the said provisions of the national law.

Rule 14—The Transmittal Fee

14.1 *The Transmittal Fee*

(a) Any receiving Office may require that the applicant pay a fee to it, for its own benefit, for receiving the international application, transmitting copies to the International Bureau and the competent International Searching Authority, and performing all the other tasks which it must perform in connection with the international application in its capacity of receiving Office ("transmittal fee").

(b) The amount and the due date of the transmittal fee, if any, shall be fixed by the receiving Office.

Rule 15—The International Fee

15.1 *Basic Fee and Designation Fee*

Each international application shall be subject to the payment of a fee for the benefit of the International Bureau ("international fee") consisting of

(i) a "basic fee," and

(ii) as many "designation fees" as there are States designated in the international application, provided that, where a regional patent is sought for certain designated States, only one designation fee shall be due for those States.

15.2 *Amounts*

(a) The amount of the basic fee shall be:

(i) if the international application contains no more than 30 sheets: US $45.00 or 194 Swiss francs,

(ii) if the international application contains more than 30 sheets: US $45.00 or 194 Swiss francs plus US $1.00 or 4.30 Swiss francs per sheet in excess of 30 sheets.

(b) The amount of the designation fee shall be:

(i) for each designated State or each group of designated States for which the same regional patent is sought which does not require the furnishing of a copy under Article 13: US $12.00 or 52 Swiss francs,

(ii) for each designated State or each group of designated States for which the same regional patent is sought which requires the furnishing of a copy under Article 13: US $14.00 or 60 Swiss francs.

15.3 *Mode of Payment*

(a) The international fee shall be collected by the receiving Office.

(b) The international fee shall be payable in the currency prescribed by the receiving Office, it being understood that, when transferred by the receiving Office to the International Bureau, it shall be freely convertible into Swiss currency.

15.4 *Time of Payment*

(a) The basic fee shall be due on the date of receipt of the international application. However, any receiving Office may, at its discretion, notify the applicant of any lack of receipt or insufficiency of any amount received, and permit applicants to pay the basic fee later, without loss of the international filing date, provided that:

(i) permission shall not be given to pay later than 1 month after the date of receipt of the international application;

(ii) permission may not be subject to any extra charge.

(b) The designation fee may be paid on the date of receipt of the international application or on any later date but, at the latest, it must be paid before the expiration of one year from the priority date.

15.5 *Partial Payment*

(a) If the applicant specifies the States to which he wishes any amount paid to be applied as designation fee, the amount shall be applied accordingly to the number of States which are covered by the amount in the order specified by the applicant.

(b) If the applicant does not specify any such wish and if the amount or amounts received by the receiving Office are higher than the basic fee and one designation fee but lower than what is due according to the number of the designated States, any amount in excess of the basic fee and one designation fee shall be treated as designation fees for the States following the State first named in the request and in the order in which the States are designated in the request up to and including that designated State for which the total amount of the designation fee is covered by the amount or amounts received.

(c) The designation fee for the first mentioned State belonging to a group of States for which the same regional patent is sought and which is specified under paragraph (a) or which is reached under paragraph (b) shall, for the purposes of the said paragraphs, be considered as covering also the other States of the said group.

15.6 *Refund*

(a) The international fee shall be refunded to the applicant if the determination under Article 11(1) is negative.

(b) In no other case shall the international fee be refunded.

Rule 16—The Search Fee

16.1 *Right to Ask for a Fee*

(a) Each International Searching Authority may require that the applicant pay a fee ("search fee") for its own benefit for carrying out the international search and for performing all other tasks entrusted to International Searching Authorities by the Treaty and these Regulations.

(b) The search fee shall be collected by the receiving Office. It shall be payable in the currency prescribed by that Office, it being understood that, if that currency is not the same as the curency of the State in which the International Searching Authority is located, the search fee, when transferred by the receiving Office to that Authority, shall be freely convertible into the currency of the said State. As to the time of payment of the search fee Rule 15.4(a) shall apply.

16.2 *Refund*

The search fee shall be refunded to the applicant if the determination under Article 11(1) is negative.

16.3 *Partial Refund*

Where the international application claims the priority of an earlier international application which has been the subject of an international search by the same International Searching Authority, that Authority shall refund the search fee paid in connection with the later international application to the extent and under the conditions provided for in the agreement under Article 16(3)(b), if the international search report on the later international application could wholly or partly be based on the results of the international search effected on the earlier international application.

Rule 17—The Priority Document

17.1 *Obligation to Submit Copy of Earlier National Application*

(a) Where the priority of an earlier national application is claimed under Article 8 in the international application, a copy of the said national application, certified by the authority with which it was filed ("the priority document"), shall, unless already filed with the receiving Office, together with the international application, be submitted by the applicant to the International Bureau not later than 16 months after the priority date or, in the case referred to in Article 23(2), not later than at the time the processing or examination is requested.

(b) If the applicant fails to comply with the requirement under paragraph (a), any designated State may disregard the priority claim.

(c) The International Bureau shall record the date on which it received the priority document and shall notify the applicant and the designated Offices accordingly.

17.2 *Availability of Copies*

(a) The International Bureau shall, at the specific request of the designated Office, promptly but not before the expiration of the time limit fixed in Rule 17.1(a), furnish a copy of the priority document to that Office. No such Office shall ask the applicant himself to furnish it with a copy, except where it requires the furnishing of a copy of the priority document together with a certified translation thereof. The applicant shall not be required to furnish a certified translation to the designated Office before the expiration of the applicable time limit under Article 22.

(b) The International Bureau shall not make copies of the priority document available to the public prior to the international publication of the international application.

(c) Paragraphs (a) and (b) shall apply also to any earlier international application whose priority is claimed in the subsequent international application.

Rule 18—The Applicant

18.1 *Residence*

(a) Subject to the provisions of paragraph (b), the question whether an applicant is a resident of the Contracting State of which he claims to be a resident shall depend on the national law of that State and shall be decided by the receiving Office.

(b) In any case, possession of a real and effective industrial or commercial establishment in a Contracting State shall be considered residence in that State.

18.2 *Nationality*

(a) Subject to the provisions of paragraph (b), the question whether an applicant is a national of the Contracting State of which he claims to be a national shall depend on the national law of that State and shall be decided by the receiving Office.

(b) In any case, a legal entity constituted according to the national law of a Contracting State shall be considered a national of that State.

18.3 *Several Applicants: Same for All Designated States*

If all the applicants are applicants for the purposes of all designated States, the right to file an international application shall exist if at least one of them is entitled to file an international application according to Article 9.

18.4 *Several Applicants: Different for Different Designated States*

(a) The international application may indicate different applicants for the purposes of different designated States, provided that, in respect of each designated State, at least one of the applicants indicated for the purposes of that State is entitled to file an international application according to Article 9.

(b) If the condition referred to in paragraph (a) is not fulfilled in respect of any designated State, the designation of that State shall be considered not to have been made.

(c) The International Bureau shall, from time to time, publish information on the various national laws in respect of the question who is qualified (inventor, successor in title of the inventor, owner of the invention, or other) to file a national application and shall accompany such information by a warning that the effect of the international application in any designated State may depend on whether the person designated in the international application as applicant for the purposes of that State is a person who, under the national law of that State, is qualified to file a national application.

18.5 *Change in the Person or Name of the Applicant*

Any change in the person or name of the applicant shall, on the request of the applicant or the receiving Office, be recorded by the International Bureau, which shall notify the interested International Searching Authority and the designated Office accordingly.

Rule 19—The Competent Receiving Office

19.1 *Where to File*

(a) Subject to the provisions of paragraph (b), the international application shall be filed, at the option of the applicant, with the national Office of or acting for the Contracting State of which the applicant is a resident or with the national Office of or acting for the Contracting State of which the applicant is a national.

(b) Any Contracting State may agree with another Contracting State or any intergovernmental organization that the national Office of the latter State or the intergovernmental organization shall, for all or some purposes, act instead of the national Office of the former State as receiving Office for applicants who are residents or nationals of that former State. Notwithstanding such agreement, the national Office of the former State shall be considered the competent receiving Office for the purposes of Article 15(5).

(c) In connection with any decision made under Article 9(2), the Assembly shall appoint the national Office or the intergovernmental organization which will act as receiving Office for applications of residents or nationals of States specified by the Assembly. Such appointment shall require the previous consent of the said national Office or intergovernmental organization.

19.2 *Several Applicants*

(a) If there are several applicants and they have no common agent, their common representative within the meaning of Rule 4.8 shall, for the purposes of the application of Rule 19.1, be considered the applicant.

(b) If there are several applicants and they have a common agent, the applicant first named in the request who is entitled to file an international application according to Article 9 shall, for the purposes of the application of Rule 19.1, be considered the applicant.

19.3 *Publication of Fact of Delegation of Duties of Receiving Office*

(a) Any agreement referred to in Rule 19.1(b) shall be promptly notified to the International Bureau by the Contracting State which delegates the duties of the receiving Office to the national Office of or acting for another Contracting State or an intergovernmental organization.

(b) The International Bureau shall, promptly upon receipt, publish the notification in the Gazette.

Rule 20—Receipt of the International Application

20.1 *Date and Number*

(a) Upon receipt of papers purporting to be an international application, the receiving

Office shall indelibly mark the date of actual receipt in the space provided for that purpose in the request form of each copy received and one of the numbers assigned by the International Bureau to that Office on each sheet of each copy received.

(b) The place on each sheet where the date or number shall be marked, and other details, shall be specified in the Administrative Instructions.

20.2 *Receipt on Different Days*

(a) In cases where all the sheets pertaining to the same purported international application are not received on the same day by the receiving Office, that Office shall correct the date marked on the request (still leaving legible, however, the earlier date or dates already marked) so that it indicates the day on which the papers completing the international application were received, provided that

(i) where no invitation under Article 11(2)(a) to correct was sent to the applicant, the said papers are received within 30 days from the date on which sheets were first received;

(ii) where an invitation under Article 11(2)(a) to correct was sent to the applicant, the said papers are received within the applicable time limit under Rule 20.6;

(iii) in the case of Article 14(2), the missing drawings are received within 30 days from the date on which the incomplete papers were filed;

(iv) the absence or later receipt of any sheet containing the abstract or part thereof shall not, in itself, require any correction of the date marked on the request.

(b) Any sheet received on a date later than the date on which sheets were first received shall be marked by the receiving Office with the date on which it was received.

20.3 *Corrected International Application*

In the case refererd to in Article 11(2)(b), the receiving Office shall correct the date marked on the request (still leaving legible, however, the earlier date or dates already marked) so that it indicates the day on which the last required correction was received.

20.4 *Determination under Article 11(1)*

(a) Promptly after receipt of the papers purporting to be an international application, the receiving Office shall determine whether the papers comply with the requirements of Article 11(1).

(b) For the purposes of Article 11(1)(iii)(c), it shall be sufficient to indicate the name of the applicant in a way which allows his identity to be established even if the name is misspelled, the given names are not fully indicated, or, in the case of legal entities, the indication of the name is abbreviated or incomplete.

20.5 *Positive Determination*

(a) If the determination under Article 11(1) is positive, the receiving Office shall stamp in the space provided for that purpose in the request form the name of the receiving Office and the words "PCT International Application," or "Demande internationale PCT." If the official language of the receiving Office is neither English nor French, the words "International Application" or "Demande internationale" may be accomplished by a translation of these words in the official language of the receiving Office.

(b) The copy whose request sheet has been so stamped shall be the record copy of the international application.

(c) The receiving Office shall promptly notify the applicant of the international application number and the international filing date.

20.6 *Invitation to Correct*

(a) The invitation to correct under Article 11(2) shall specify the requirement provided for under Article 11(1) which, in the opinion of the receiving Office, has not been fulfilled.

(b) The receiving Office shall promptly mail the invitation to the applicant and shall fix a time limit, reasonable under the circumstances of the case, for filing the correction. The time limit shall not be less than 10 days, and shall not exceed 1 month, from the date of the invitation. If such time limit expires after the expiration of 1 year from the filing date of any application whose priority is claimed, the receiving Office may call this circumstance to the attention of the applicant.

20.7 *Negative Determination*

If the receiving Office does not, within the prescribed time limit, receive a reply to its invitation to correct, or if the correction offered by the applicant still does not fulfill the requirements provided for under Article 11(1), it shall:

(i) promptly notify the applicant that his application is not and will not be treated as an international application and shall indicate the reasons therefor,

(ii) notify the International Bureau that the number it has marked on the papers will not be used as an international application number,

(iii) keep the papers constituting the purported international application and any correspondence relating thereto as provided in Rule 93.1, and

(iv) send a copy of the said papers to the International Bureau where, pursuant to a request by the applicant under Article 25(1), the International Bureau needs such a copy and specially asks for it.

20.8 *Error by the Receiving Office*

If the receiving Office later discovers, or on the basis of the applicant's reply realizes, that it has erred in issuing an invitation to correct since the requirements provided for under Article 11(1) were fulfilled when the papers were received, it shall proceed as provided in Rule 20.5.

20.9 *Certified Copy for the Applicant*

Against payment of a fee, the receiving Office shall furnish to the applicant, on request, certified copies of the international application as filed and of any corrections thereto.

Rule 21—Preparation of Copies

21.1 *Responsibility of the Receiving Office*

(a) Where the international application is required to be filed in one copy, the receiving Office shall be responsible for preparing the home copy and the search copy required under Article 12(1).

(b) Where the international application is required to be filed in two copies, the receiving Office shall be responsible for preparing the home copy.

(c) If the international application is filed in less than the number of copies required under Rule 11.1(b), the receiving Office shall be responsible for the prompt preparation of the number of copies required, and shall have the right to fix a fee for performing that task and to collect such fee from the applicant.

Rule 22—Transmittal of the Record Copy

22.1 *Procedure*

(a) If the determination under Article 11(1) is positive, and unless prescriptions concerning national security prevent the international application from being treated as such, the receiving Office shall transmit the record copy to the International Bureau. Such transmittal shall be effected promptly after receipt of the international application or, if a check to preserve national security must be performed, as soon as the necessary clearance has been obtained. In any case, the receiving Office shall transmit the record copy in time for it to reach the International Bureau by the expiration of the 13th month from the priority date. If the transmittal is effected by mail, the receiving Office shall mail the record copy not later than 5 days prior to the expiration of the 13th month from the priority date.

(b) If the applicant is not in possession of the notification of receipt sent by the International Bureau under Rule 24.2(a) by the expiration of 13 months and 10 days from the priority date, he shall have the right to ask the receiving Office to give him the record copy or, should the receiving Office allege that it has transmitted the record copy to the International Bureau, a certified copy based on the home copy.

(c) The applicant may transmit the copy he has received under paragraph (b) to the International Bureau. Unless the record copy transmitted by the receiving Office has been received by the International Bureau before the receipt by that Bureau of the copy transmitted by the applicant, the latter copy shall be considered the record copy.

22.2 *Alternative Procedure*

(a) Notwithstanding the provisions of Rule 22.1, any receiving Office may provide that the record copy of any international application filed with it shall be transmitted, at the option of the applicant, by the receiving Office or through the applicant. The receiving Office shall inform the International Bureau of the existence of any such provision.

(b) The applicant shall exercise the option through a written notice, which he shall file together with the international application. If he fails to exercise the said option, the applicant shall be considered to have opted for transmittal by the receiving Office.

(c) Where the applicant opts for transmittal by the receiving Office, the procedure shall be the same as that provided for in Rule 22.1.

(d) Where the applicant opts for transmittal through him, he shall indicate in the notice referred to in paragraph (b) whether he wishes to collect the record copy at the receiving Office or wishes the receiving Office to mail the record copy to him. If the applicant expresses the wish to collect the record copy, the receiving Office shall hold that copy at the disposal of the applicant as soon as the clearance referred to in Rule 22.1(a) has been obtained and, in any case, including the case where a check for such clearance must be performed, not later than 10 days before the expiration of 13 months from the priority date. If, by the expiration of the time limit for receipt of the record copy by the International Bureau, the applicant has not collected that copy, the receiving Office shall notify the International Bureau accordingly. If the applicant expresses the wish that the receiving Office mail the record copy to him or fails to express the wish to collect the record copy, the receiving Office shall mail that copy to the applicant as soon as the clearance referred to in Rule 22.1(a) has been obtained and, in any case, including the case where a check for such clearance must be performed, not later than 15 days before the expiration of 13 months from the priority date.

(e) Where the receiving Office does not hold the record copy at the disposal of the applicant by the date fixed in paragraph (d), or where, after having asked for the record copy to be mailed to him, the applicant has not received that copy at least 10 days before the expiration of 13 months from the priority date, the applicant may transmit a copy of his international application to the International Bureau. This copy ("provisional record copy") shall be replaced by the record copy or, if the record copy has been lost, by a substitute record copy certified by the receiving Office on the basis of the home copy, as soon as practicable and, in any case, before the expiration of 14 months from the priority date.

22.3 *Time Limit under Article 12(3)*

(a) The time limit referred to in Article 12(3) shall be:

(i) where the procedure under Rule 22.1 or Rule 22.2(c) applies, 14 months from the priority date;

(ii) where the procedure under Rule 22.2 (d) applies, 13 months from the priority date, except that, where a provisional record copy is filed under Rule 22.2(e), it shall be 13 months from the priority date for the filing of the provisional record copy, and 14 months from the priority date for the filing of the record copy.

(b) Article 48(1) and Rule 82 shall not apply to the transmittal of the record copy. Article 48(2) remains applicable.

22.4 *Statistics Concerning Non-Compliance with Rules 22.1 and 22.2*

The number of instances in which, according to the knowledge of the International Bureau, any receiving Office has not complied with the requirements of Rules 22.1 and/or 22.2 shall be indicated, once a year, in the Gazette.

22.5 *Documents Filed with the International Application*

For the purposes of the present Rule, the term "record copy" shall include also any document filed with the international application referred to in Rule 3.3(a)(ii). If any document referred to in Rule 3.3(a)(ii) which is indicated in the check list as accompanying the international application is not, in fact, filed at the latest by the time the record copy leaves the receiving Office, that Office shall so note on the check list and the said indication shall be considered as if it had not been made.

Rule 23—Transmittal of the Search Copy

23.1 *Procedure*

(a) The search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the International Bureau or, under Rule 22.2(d), to the applicant.

(b) If the International Bureau has not received, within 10 days from the receipt of the record copy, information from the International Searching Authority that that Authority is in possession of the search copy, the International Bureau shall promptly transmit a copy of the international application to the International Searching Authority. Unless the International Searching Authority has erred in alleging that it was not in possession of the search copy by the expiration of the 13th month from the priority date, the cost of making a copy for that Authority shall be reimbursed by the receiving Office to the International Bureau.

(c) The number of instances in which, according to the knowledge of the International Bureau, any receiving Office has not complied with the requirement of Rule 23.1(a) shall be indicated, once a year, in the Gazette.

Rule 24—Receipt of the Record Copy by the International Bureau

24. 1 *Recording of Date of Receipt of the Record Copy*

The International Bureau shall, upon receipt of the record copy, mark on the request sheet the date of receipt and on all sheets of the international application the stamp of the International Bureau.

24.2 *Notification of Receipt of the Record Copy*

(a) Subject to the provisions of paragraph (b), the International Bureau shall promptly notify the applicant, the receiving Office, the International Searching Authority, and all designated Offices, of the fact and the date of receipt of the record copy. The notification shall identify the international application by its number, the international filing date, the name of the applicant, and the name of the receiving Office, and shall indicate the filing date of any earlier application whose priority is claimed. The notification sent to the applicant shall also contain the list of the designated Offices which have been notified under this paragraph, and shall, in respect of each designated Office, indicate any applicable time limit under Article 22(3).

(b) If the record copy is received after the expiration of the time limit fixed in Rule 22.3, the International Bureau shall promptly notify the applicant, the receiving Office, and the International Searching Authority, accordingly.

Rule 25—Receipt of the search copy by the International Searching Authority

25.1 *Notification of Receipt of the Search Copy*

The International Searching Authority shall promptly notify the International Bureau, the applicant, and—unless the International Searching Authority is the same as the receiving Office—the receiving Office, of the fact and the date of receipt of the search copy.

Rule 26—Checking and correcting certain elements of the international application

26.1 *Time Limit for Check*

(a) The receiving Office shall issue the invitation to correct provided for in Article 14 (1)(b) as soon as possible, preferably within 1 month from the receipt of the international application.

(b) If the receiving Office issues an invitation to correct the defect referred to in Article 14(1)(a)(iii) or (iv) (missing title or missing abstract), it shall notify the International Searching Authority accordingly.

26.2 *Time Limit for Correction*

The time limit referred to in Article 14(1) (b) shall be reasonable under the circumstances of the particular case and shall be fixed in each case by the receiving Office. It shall not be less than 1 month and normally not more than 2 months from the date of the invitation to correct.

26.3 *Checking of Physical Requirements under Article 14(1)(a)(v)*

The physical requirements referred to in Rule 11 shall be checked to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication.

26.4 *Procedure*

(a) Any correction offered to the receiving Office may be stated in a letter addressed to that Office if the correction is of such a nature that it can be transferred from the letter to the record copy without adversely affecting the clarity and the direct reproducibility of the sheet on to which the correction is to be transferred; otherwise the applicant shall be required to submit a replacement sheet embodying the correction and the letter accompanying the replacement sheet shall draw attention to the differences between the replaced sheet and the replacement sheet.

(b) The receiving Office shall mark on each replacement sheet the international application number, the date on which it was received, and the stamp identifying the Office. It shall keep in its files a copy of the letter containing the correction or, when the correction is contained in a replacement sheet, the replaced sheet, the letter accompanying the replacement sheet, and a copy of the replacement sheet.

(c) The receiving Office shall promptly transmit the letter and any replacement sheet to the International Bureau. The International Bureau shall transfer to the record copy the corrections requested in a letter, together with the indication of the date of its receipt by the receiving Office, and shall insert any replacement sheet in the record copy. The letter and any replaced sheet shall be kept in the files of the International Bureau.

(d) The receiving Office shall promptly transmit a copy of the letter and any replacement sheet to the International Searching Authority.

26.5 *Correction of Certain Elements*

(a) The receiving Office shall decide whether the applicant has submitted the correction within the prescribed time limit. If the correction has been submitted within the prescribed time limit, the receiving Office shall decide whether the international application so corrected is or is not to be considered withdrawn.

(b) The receiving Office shall mark on the papers containing the correction the date on which it received such papers.

26.6 *Missing Drawings*

(a) If, as provided in Article 14(2), the international application refers to drawings which in fact are not included in that application, the receiving Office shall so indicate in the said application.

(b) The date on which the applicant receives the notification provided for in Article 14(2) shall have no effect on the time limit fixed under Rule 20.2(a)(iii).

Rule 27—Lack of payment of fees

27.1 *Fees*

(a) For the purposes of Article 14(3)(a), "fees prescribed under Article 3(4)(iv)" means: the transmittal fee (Rule 14), the basic fee part of the international fee (Rule 15.1(i)), and the search fee (Rule 16).

(b) For the purposes of Article 14(3) (a) and (b), "the fee prescribed under Article 4(2)" means the designation fee part of the international fee (Rule 15.1(ii)).

Rule 28—Defects noted by the International Bureau of the International Searching Authority

28.1 *Note on Certain Defects*

(a) If, in the opinion of the International Bureau or of the International Searching Authority, the international application contains any of the defects referred to in Article 14(1)(a) (i), (ii), or (v), the International Bureau or the International Searching Authority, respectively, shall bring such defects to the attention of the receiving Office.

(b) The receiving Office shall, unless it disagrees with the said opinion, proceed as provided in Article 14(1)(b) and Rule 26.

Rule 29—International applications or designations considered withdrawn under article 14 (1), (3) or (4)

29.1 *Finding by Receiving Office*

(a) If the receiving Office declares, under Article 14(1)(b) and Rule 26.5 (failure to correct certain defects), or under Article 14(3)(a) (failure to pay the prescribed fees under Rule 27.1(a)), or under Article 14(a) (later finding of non-compliance with the requirements listed in items (i) to (iii) of Article 11(1)), that the international application is considered withdrawn:

(i) the receiving Office shall transmit the record copy (unless already transmitted), and any correction offered by the applicant, to the International Bureau;

(ii) the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration, and the International Bureau shall in turn notify the interested designated Offices;

(iii) the receiving Office shall not transmit the search copy as provided in Rule 23, or, if such copy has already been transmitted, it shall notify the International Searching Authority of the said declaration;

(iv) the International Bureau shall not be required to notify the applicant of the receipt of the record copy.

(b) If the receiving Office declares under Article 14(3)(b) (failure to pay the prescribed designation fee under Rule 27.1(b)) that the designation of any given State is considered withdrawn, the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration. The International Bureau shall in turn notify the interested national Office.

29.2 *Finding by Designated Office*

Where the effect of the international application ceases in any designated State by virtue of Article 24(1)(iii), or where such effect is maintained in any designated State by virtue of Article 24(2), the competent designated Office shall promptly notify the International Bureau accordingly.

29.3 *Calling Certain Facts to the Attention of the Receiving Office*

If the International Bureau or the International Searching Authority considers that the receiving Office should make a finding under Article 14(4), it shall call the relevant facts to the attention of the receiving Office.

29.4 *Notification of Intent to Make Declaration under Article 14(4)*

Before the receiving Office issues any declaration under Article 14(4), it shall notify the applicant of its intent to issue such declaration and the reasons therefor. The applicant may, if he disagrees with the tentative finding of the receiving Office, submit arguments to that effect within 1 month from the notification.

Rule 30—Time Limit Under Article 14(4)

30.1 *Time Limit*

The time limit referred to in Article 14(4) shall be 6 months from the international filing date.

Rule 31—Copies Required Under Article 13

31.1 *Request for Copies*

(a) Requests under Article 13(1) may relate to all, some kinds of, or individual international applications in which the national Office making the request is designated. Requests for all or some kinds of such international applications must be renewed for each year by means of a notification addressed by that Office before November 30 of the preceding year to the International Bureau.

(b) Requests under Article 13(2)(b) shall be subject to the payment of a fee covering the cost of preparing and mailing the copy.

31.2 *Preparation of Copies*

The preparation of copies required under Article 13 shall be the responsibility of the International Bureau.

Rule 32—Withdrawal of the International Application or of Designations

32.1 *Withdrawals*

(a) The applicant may withdraw the international application prior to the expiration of 20 months from the priority date except as to any designated State in which national processing or examination has already started. He may withdraw the designation of any designated State prior to the date on which processing or examination may start in that State.

(b) Withdrawal of the designation of all designated States shall be treated as withdrawal of the international application.

(c) Withdrawal shall be effected by a signed notice from the applicant to the International Bureau or, if the record copy has not yet been sent to the International Bureau, to the receiving Office. In the case of Rule 4.8(b), the notice shall require the signature of all the applicants.

(d) Where the record copy has already been sent to the International Bureau, the fact of withdrawal, together with the date of receipt of the notice effecting withdrawal, shall be recorded by the International Bureau and promptly notified by it to the receiving Office, the applicant, the designated Offices affected by the withdrawal, and, where the withdrawal concerns the international application and where the international search report or the declaration referred to in Article 17(2)(a) has not yet issued, the International Searching Authority.

Rule 33—Relevant Prior Art for the International Search

33.1 *Relevant Prior Art for the International Search*

(a) For the purposes of Article 15(2), relevant prior art shall consist of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) and which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step (i.e., that it is or is not obvious), provided that the making available to the public occurred prior to the international filing date.

(b) When any written disclosure refers to an oral disclosure, use, exhibition, or other means whereby the contents of the written disclosure were made available to the public, and such making available to the public occurred on a date prior to the international filing date, the international search report shall separately mention that fact and the date on which it occurred if the making available to the public of the written disclosure occurred on a date posterior to the international filing date.

(c) Any published application or any patent whose publication date is later but whose filing data, or, where applicable, claimed priority date, is earlier than the international filing date of the international application searched, and which would constitute relevant prior art for the purposes of Article 15(2) had it been published prior to the international filing date, shall be specially mentioned in the international search report.

33.2 *Fields to be Covered by the International Search*

(a) The international search shall cover all those technical fields, and shall be carried out on the basis of all those search files, which may contain material pertinent to the invention.

(b) Consequently, not only shall the art in which the invention is classifiable be searched but also analogous arts regardless of where classified.

(c) The question what arts are, in any given case, to be regarded as analogous shall be considered in the light of what appears to be the necessary essential function or use of the invention and not only the specific functions expressly indicated in the international application.

(d) The international search shall embrace all subject matter that is generally recognized as equivalent to the subject matter of the claimed invention for all or certain of its features, even though, in its specifics, the invention as described in the international application is different.

33.3 *Orientation of the International Search*

(a) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any) and with particular emphasis on the inventive concept towards which the claims are directed.

(b) In so far as possible and reasonable, the international search shall cover the entire subject matter to which the claims are directed or to which they might reasonably be expected to be directed after they have been amended.

Rule 34—Minimum Documentation

34.1 *Definition*

(a) The definitions contained in Article 2(i) and (ii) shall not apply for the purposes of this Rule.

(b) The documentation referred to in Article 15(4) ("minimum documentation") shall consist of:

(i) the "national patent documents" as specified in paragraph (c),

(ii) the published international (PCT) applications, the published regional applications for patents and inventors' certificates, and the published regional patents and inventors' certificates,

(iii) such other published items of non-patent literature as the International Searching Authorities shall agree upon and which shall be published in a list by the International Bureau when agreed upon for the first time and whenever changed.

(c) Subject to paragraphs (d) and (e), the "national patent documents" shall be the following:

(i) the patents issued in and after 1920 by France, the former *Reichspatentamt* of Germany, Japan, the Soviet Union, Switzerland (in French and German languages only), the United Kingdom, and the United States of America.

(ii) the patents issued by the Federal Republic of Germany,

(iii) the patent applications, if any, published in and after 1920 in the countries referred to in items (i) and (ii),

(iv) the inventors' certificates issued by the Soviet Union,

(v) the utility certificates issued by, and the published applications for utility certificates of, France.

(vi) such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French, or German language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority.

(d) Where an application is republished once (for example, an *Offenlegungschrift* as an *Auslegeschrift*) or more than once, no International Searching Authority shall be obliged to keep all versions in its documentation; consequently, each such Authority shall be entitled not to keep more than one version. Furthermore, where an application is granted and is issued in the form of a patent or a utility certificate (France), no International Searching Authority shall be obliged to keep both the application and the patent or utility certificate (France) in its documentation; consequently, each such Authority shall be entitled to keep either the application only or the patent or utility certificate (France) only.

(e) Any International Searching Authority whose official language, or one of whose official languages, is not Japanese or Russian is entitled not to include in its documentation those patent documents of Japan and the Soviet Union, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than 6 months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

(f) For the purposes of this Rule, applications which have only been laid open for public inspection are not considered published applications.

Rule 35—The competent international searching authority

35.1 *When Only One International Searching Authority is Competent*

Each receiving Office shall, in accordance with the terms of the applicable agreement referred to in Article 16(3)(b), inform the International Bureau which International Searching Authority is competent for the searching of the international applications filed with it, and the International Bureau shall promptly publish such information.

35.2 *When Several International Searching Authorities are Competent*

(a) Any receiving Office may, in accordance with the terms of the applicable agreement referred to in Article 16(3)(b), specify several International Searching Authorities:

(i) by declaring all of them competent for any international application filed with it, and leaving the choice to the applicant, or

(ii) by declaring one or more competent for certain kinds of international applications filed with it, and declaring one or more others competent for other kinds of international applications filed with it, provided that, for those kinds of international applications for which several International Searching Authorities are declared to be competent, the choice shall be left to the applicant.

(b) Any receiving Office availing itself of the faculty provided in paragraph (a) shall promptly inform the International Bureau, and the International Bureau shall promptly publish such information.

Rule 36—Minimum requirements for International Searching Authorities

36.1 *Definition of Minimum Requirements*

The minimum requirements referred to in Article 16(3)(c) shall be the following:

(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches;

(ii) that Office or organization must have in its possession at least the minimum documentation referred to in Rule 34, properly arranged for search purposes;

(iii) that Office or organization must have a staff which is capable of searching the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated.

Rule 37—Missing or Defective Title

37.1 *Lack of Title*

If the international application does not contain a title and the receiving Office has notified the International Searching Authority that it has invited the applicant to correct such defect, the International Searching Authority shall proceed with the international search unless and until it receives notification that the said application is considered withdrawn.

37.2 *Establishment of Title*

If the international application does not contain a title and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish a title, or if the said Authority finds that the title does not comply with Rule 4.3, it shall itself establish such a title.

Rule 38—Missing Abstract

38.1 *Lack of Abstract*

If the international application does not contain an abstract and the receiving Office has notified the International Searching Authority that it has invited the applicant to correct such defect, the International Searching Authority shall proceed with the international search unless and until it receives notification that the said application is considered withdrawn.

38.2 *Establishment of Abstract*

(a) If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract (in the language in which the international application is published). In the latter case, it shall invite the applicant to comment on the abstract established by it within 1 month from the date of the invitation.

(b) The definitive contents of the abstract shall be determined by the International Searching Authority.

Rules 39—Subject Matter Under Article 17(2)(a)(i)

39.1 *Definition*

No International Searching Authority shall be required to search an international application if, and to the extent to which, its subject matter is any of the following:

(i) scientific and mathematical theories,

(ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,

(iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,

(iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,

(v) mere presentations of information,

(vi) computer programs to the extent that the International Searching Authority is not equipped to search prior art concerning such programs.

Rule 40—Lack of Unity of Invention (International Search)

40.1 *Invitation to Pay*

The invitation to pay additional fees provided for in Article 17(3)(a) shall specify the reasons for which the international application is not considered as complying with the requirement of unity of invention and shall indicate the amount to be paid.

40.2 *Additional Fees*

(a) The amount of the additional fee due for searching under Article 17(3)(a) shall be determined by the competent International Searching Authority.

(b) The additional fee due for search under Article 17(3)(a) shall be payable direct to the International Searching Authority.

(c) Any applicant may pay the additional fee under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive. Such protest shall be examined by a three-member board or other special instance of the International Searching Authority or any competent higher authority, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fee. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the designated Offices together with the international search report. The applicant shall submit any translation thereof with the furnishing of the translation of the international application required under Article 22.

(d) The three-member board, special instance or competent higher authority, referred to in paragraph (c), shall not comprise any person who made the decision which is the subject of the protest.

40.3 *Time Limit*

The time limit provided for in Article 17(3)(a) shall be fixed, in each case, according to the circumstances of the case, by the International Searching Authority; it shall not be shorter than 15 or 30 days, respectively, depending on whether the applicant's address is in the same country as or in a different country from that in which the International Searching Authority is located, and it shall not be longer than 45 days, from the date of the invitation.

Rule 41—The International-Type Search

41.1 *Obligation to Use Results; Refund of Fee*

If reference has been made in the request, in the form provided for in Rule 4.11, to an international-type search carried out under the conditions set out in Article 15(5), the International Searching Authority shall, to the extent possible, use the results of the said search in establishing the international search report on the international application. The International Searching Authority shall refund the search fee, to the extent and under the conditions provided for in the agreement under Article 16(3)(b), if the international search report could wholly or partly be based on the results of the international-type search.

Rule 42—Time Limit for International Search

42.1 *Time Limit for International Search*

All agreements concluded with International Searching Authorities shall provide for the same time limit for establishing the international search report or the declaration referred to in Article 17(2)(a). This time limit shall not exceed 3 months from the receipt of the search copy by the International Searching Authority, or 9 months from the priority date, whichever time limit expires later. For a transitional period of 3 years from the entry into force of the Treaty, time limits for the agreement with any International Searching Authority may be individually negotiated, provided that such time limits shall not extend by more than 2 months the time limits referred to in the preceding sentence and in any case shall not go beyond the expiration of the 18th month after the priority date.

Rule 43—The International Search Report

43.1 *Identifications*

The international search report shall identify the International Searching Authority which established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant, the name of the receiving Office, and the international filing date.

43.2 *Dates*

The international search report shall be dated and shall indicate the date on which the international search was actually completed. It shall also indicate the filing date of any earlier application whose priority is claimed.

43.3 *Classification*

(a) The international search report shall contain the classification of the subject matter at least according to the International Patent Classification.

(b) Such classification shall be effected by the International Searching Authority.

43.4 *Language*

Every international search report and any declaration made under Article 17(2)(a) shall be in the language in which the international application to which it relates is published.

43.5 *Citations*

(a) The international search report shall contain the citations of the documents considered to be relevant.

(b) The method of identifying any cited document shall be regulated by the Administrative Instructions.

(c) Citations of particular relevance shall be specially indicated.

(d) Citations which are not relevant to all the claims shall be cited in relation to the claim or claims to which they are relevant.

(e) If only certain passages of the cited document are relevant or particularly relevant, they shall be identified, for example, by indicating the page, the column, or the lines, where the passage appears.

43.6 *Fields Searched*

(a) The international search report shall list the classification identification of the fields searched. If that identification is effected on the basis of a classification other than the International Patent Classification, the International Searching Authority shall publish the classification used.

(b) If the international search extended to patents, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, utility certificates of addition, or published applications for any of those kinds of protection, of States, periods, or languages, not included in the minimum documentation as defined in Rule 34, the international search report shall, when practicable, identify the kinds of documents, the States, the periods, and the languages to which it extended. For the purposes of this paragraph, Article 2(ii) shall not apply.

43.7 *Remarks Concerning Unity of Invention*

If the applicant paid additional fees for the international search, the international search report shall so indicate. Furthermore, where the international search was made on the main invention only (Article 17(3)(a)), the international search report shall indicate what parts of the international application were and what parts were not searched.

43.8 *Signature*

The international search report shall be signed by an authorized officer of the International Searching Authority.

43.9 *No Other Matter*

The international search report shall contain no matter other than that enumerated in Rules 33.1(b) and (c), 43.1, 2, 3, 5, 6, 7 and 8, and 44.2(a) and (b), and the indication referred to in Article 17(2)(b). In particular, it shall contain no expressions of opinion, reasoning, arguments, or explanations.

43.10 *Form*

The physical requirements as to the form of the international search report shall be prescribed by the Administrative Instructions.

Rule 44—Transmittal of the International Search Report, Etc.

44.1 *Copies of Report or Declaration*

The International Searching Authority shall, on the same day, transmit one copy of the international search report or the declaration referred to in Article 17(2)(a) to the International Bureau and one copy to the applicant.

44.2 *Title or Abstract*

(a) Subject to paragraphs (b) and (c), the international search report shall either state that the International Searching Authority approves the title and the abstract as submitted by the applicant or be accompanied by the text of the title and/or abstract as established by the International Searching Authority under Rules 37 and 38.

(b) If, at the time the international search is completed, the time limit allowed for the applicant to comment on any suggestion of the International Searching Authority in respect of the abstract has not expired, the international search report shall indicate that it is incomplete as far as the abstract is concerned.

(c) As soon as the time limit referred to in paragraph (b) has expired, the International Searching Authority shall notify the abstract approved or established by it to the International Bureau and to the applicant.

44.3 *Copies of Cited Documents*

(a) The request referred to in Article 20(3) may be presented any time during 7 years from the international filing date of the international application to which the international search report relates.

(b) The International Searching Authority may require that the party (applicant or designated Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be provided for in the agreements referred to in Article 16(3)(b) between the International Searching Authorities and the International Bureau.

(c) Any International Searching Authority not wishing to send copies direct to any designated Office shall send a copy to the International Bureau and the International Bureau shall then proceed as provided in paragraphs (a) and (b).

(d) Any International Searching Authority may perform the obligations referred to in (a) to (c) through another agency responsible to it.

Rule 45—Translation of the International Search Report

45.1 *Languages*

International search reports and declarations referred to in Article 17(2)(a) shall, when not in English, be translated into English.

Rule 46—Amendment of Claims Before the International Bureau

46.1 *Time Limit*

The time limit referred to in Article 19 shall be 2 months from the date of transmittal of the international search report to the International Bureau and to the applicant by the International Searching Authority or, when such transmittal takes place before the expiration of 14 months from the priority date, 3 months from the date of such transmittal.

46.2 *Dating of Amendments*

The date of receipt of any amendment shall be recorded by the International Bureau and shall be indicated by it in any publication or copy issued by it.

46.3 *Language of Amendments*

If the international application has been filed in a language other than the language in which it is published by the International Bureau, any amendment made under Article 19 shall be both in the language in which the international application has been filed and in that in which it is published.

46.4 *Statement*

(a) The statement referred to in Article 19 (1) shall be in the language in which the international application is published and shall not exceed 500 words if in the English language or if translated into that language.

(b) The statement shall contain no comments on the international search report or the relevance of the citations contained in that report. The statement may refer to a citation contained in the international search report only in order to indicate that a special amendment of the claims is intended to avoid the document cited.

46.5 *Form of Amendments*

(a) The applicant shall be required to submit a replacement sheet for every sheet of the claims which, on account of an amendment or amendments under Article 19, differs from the sheet originally filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter.

(b) The International Bureau shall mark on each replacement sheet the international application number, the date on which it was received, and the stamp identifying the International Bureau. It shall keep in its files any replaced sheet, the letter accompanying the replacement sheet or sheets, and any letter referred to in the last sentence of paragraph (a).

(c) The International Bureau shall insert any replacement sheet in the record copy and, in the case referred to in the last sentence of paragraph (a), shall indicate the cancellations in the record copy.

Rule 47—Communication to Designated Offices

47.1 *Procedure*

(a) The communication provided for in Article 20 shall be effected by the International Bureau.

(b) Such communication shall be effected promptly after the International Bureau has received amendments from the applicant, or a declaration that the applicant does not wish to make amendments before the International Bureau, or, in any case, when the time limit provided for in Rule 46.1 has expired. Where, under Article 17(2)(a), the International Searching Authority has made a declaration that no international search report will be established, the communication provided for in Article 20 shall be effected, unless the international application is withdrawn, within 1 month from the date on which the International Bureau has been notified of the said declaration by the International Searching Authority; such communication shall be accompanied by an indication of the date of the notification sent to the applicant under Article 17(2)(a).

(c) The International Bureau shall send a notice to the applicant indicating the designated Offices to which the communication has been effected and the date of such communication. Such notice shall be sent on the same day as the communication.

(d) Each designated Office shall, when it so requires, receive the international search reports and the declarations referred to in Article 17(2)(a) also in the translation referred to in Rule 45.1.

(e) Where any designated Office has waived the requirement provided under Article 20, the copies of the documents which otherwise would have been sent to that Office shall, at the request of that Office or the applicant, be sent to the applicant at the time of the notice referred to in paragraph (c).

47.2 *Copies*

(a) The copies required for communication shall be prepared by the International Bureau.

(b) They shall be on sheets of A4 size.

47.3 *Languages*

The international application communicated under Article 20 shall be in the language in which it is published provided that if that language is different from the language in which it was filed it shall, on the request of the designated Office, be communicated in either or both of these languages.

Rule 48—International Publication

48.1 *Form*

(a) The international application shall be published in the form of a pamphlet.

(b) The particulars regarding the form of the pamphlet and the method of reproduction shall be governed by the Administrative Instructions.

48.2 *Contents*

(a) The pamphlet shall contain:

(i) a standardized front page,

(ii) the description,

(iii) the claims,

(iv) the drawings, if any,

(v) subject to paragraph (g), the international search report or the declaration under Article 17(2)(a).

(vi) any statement filed under Article 19(1), unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

(b) Subject to paragraph (c), the front page shall include:

(i) data taken from the request sheet and such other data as are prescribed by the Administrative Instructions,

(ii) a figure or figures where the international application contains drawings,

(iii) the abstract; if the abstract is both in English and in another language, the English text shall appear first.

(c) Where a declaration under Article 17 (2)(a) has issued, the front page shall conspicuously refer to that fact and need include neither a drawing nor an abstract.

(d) The figure or figures referred to in paragraph (b)(ii) shall be selected as provided in Rule 8.2. Reproduction of such figure or figures on the front page may be in a reduced form.

(e) If there is not enough room on the front page for the totality of the abstract referred to in paragraph (b)(iii), the said abstract shall appear on the back of the front page. The same shall apply to the translation of the abstract when such transaction is required to be published under Rule 48.3(c).

(f) If the claims have been amended under Article 19, the publication shall contain either the full text of the claims both as filed and as amended or the full text of the claims as filed and specify the amendments. Any statement referred to in Article 19(1) shall be included as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4. The date of receipt of the amended claims by the International Bureau shall be indicated.

(g) If, at the time when publication is due, the international search report is not yet available (for example, because of publication on the request of the applicant as provided in Articles 21(2)(b) and 64(3)(c)(i)), the pamphlet shall contain, in place of the international search report, an indication to the effect that that report was not available and that either the pamphlet (then also including the international search report) will be republished or the international search report (when it becomes available) will be separately published.

(h) If, at the time when publication is due, the time limit for amending the claims under Article 19 has not expired, the pamphlet shall refer to that fact and indicate that, should the claims be amended under Article 19, then, promptly after such amendments, either the pamphlet (containing the claims as amended) will be republished or a statement reflecting all the amendments will be published. In the latter case, at least the front page and the claims shall be republished and, if a statement under Article 19(1) has been filed, that statement shall be published as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

(i) The Administrative Instructions shall determine the cases in which the various alternatives referred to in paragraphs (g) and (h) shall apply. Such determination shall depend on the volume and complexity of the amendments and/or the volume of the international application and the cost factors.

48.3 *Language*

(a) If the international application is filed in English, French, German, Japanese, or Russian, that application shall be published in the language in which it was filed.

(b) If the international application is filed in a language other than English, French, German, Japanese, or Russian, that application shall be published in English translation. The translation shall be prepared under the responsibility of the International Searching Authority, which shall be obliged to have it ready in time to permit the communication under Article 20 by the prescribed date, or, if the international publication is due at an earlier date than the said communication, to permit international publication by the prescribed date. Notwithstanding Rule 16.1(a), the International Searching Authority may charge a fee for the translation to the applicant. The International Searching Authority shall give the applicant an opportunity to comment on the draft translation. The International Searching Authority shall fix a time limit reasonable under the circumstances of the case for such comments. If there is no time to take the comments of the applicant into account before the translation is communicated or if there is a difference of opinion between the applicant and the said Authority as to the correct translation, the applicant may send a copy of his comments, or what remains of them, to the International Bureau and each designated Office to which the translation was communicated. The International Bureau shall publish the essence of the comments together with the translation of the International Searching Authority or subsequently to the publication of such translation.

(c) If the international application is published in a language other than English, the international search report, or the declaration referred to in Article 17(2)(a), and the abstract shall be published both in that language and in English. The translations shall be prepared under the responsibility of the International Bureau.

48.4 *Earlier Publication on the Applicant's Request*

(a) Where the applicant asks for publication under Articles 21(2)(b) and 64(3)(c)(i) and the international search report, or the declaration referred to in Article 17(2)(a), is not yet available for publication together with the international application, the International Bureau shall collect a special publication fee whose amount shall be fixed in the Administrative Instructions.

(b) Publication under Articles 21(2)(b) and 64(3)(c)(i) shall be effected by the International Bureau promptly after the applicant has asked for it and, where a special fee is due under paragraph (a), after receipt of such fee.

48.5 *Notification of National Publication*

Where the publication of the international application by the International Bureau is governed by Article 64(3)(c)(ii), the national Office concerned shall, promptly after effecting the national publication referred to in the said provision, notify the International Bureau of the fact of such national publication.

48.6 *Announcing of Certain Facts*

(a) If any notification under Rule 29.1(ii) reaches the International Bureau at a time later than that at which it was able to prevent the international publication of the international application, the International Bureau shall promptly publish a notice in the Gazette reproducing the essence of such notification.

(b) The essence of any notification under Rule 29.2 or 51.4 shall be published in the Gazette and, if the notification reaches the International Bureau before preparations for the publication of the pamphlet have been completed, also in the pamphlet.

(c) If the international application is withdrawn after its international publication, this fact shall be published in the Gazette.

Rule 49—Languages of Translations and Amounts of Fees Under Article 22(1) and (2)

49.1 *Notification*

(a) Any Contracting State requiring the furnishing of a translation or the payment of a national fee, or both, under Article 22, shall notify the International Bureau of:

(i) the languages from which and the language into which it requires translation,

(ii) the amount of the national fee.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) If the requirements under paragraph (a) change later, such changes shall be notified by the Contracting State to the International Bureau and that Bureau shall promptly publish the notification in the Gazette. If the change means that translation is required into a language which, before the change, was not required, such change shall be effective only with respect to international applications filed later than 2 months after the publication of the notification in the Gazette. Otherwise, the effective date of any change shall be determined by the Contracting State.

49.2 *Languages*

The language into which translation may be required must be an official language of the designated Office. If there are several of such languages, no translation may be required if the international application is in one of them. If there are several official languages and a translation must be furnished, the applicant may choose any of those languages. Notwithstanding the foregoing provisions of this paragraph, if there are several official languages but the national law prescribes the use of one such language for foreigners, a translation into that language may be required.

49.3 *Statements under Article 19*

For the purposes of Article 22 and the present Rule, any statement made under Article 19(1) shall be considered part of the international application.

Rule 50—Faculty Under Article 22(3)

50.1 *Exercise of Faculty*

(a) Any Contracting State allowing a time limit expiring later than the time limits provided for in Article 22(1) or (2) shall notify the International Bureau of the time limits so fixed.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) Notifications concerning the shortening of the previously fixed time limit be effective in relation to international applications filed after the expiration of 3 months computed from the date on which the notification was published by the International Bureau.

(d) Notification concerning the lengthening of the previously fixed time limit shall become effective upon publication by the International Bureau in the Gazette in respect of international applications pending at the time or filed after the date of such publication, or, if the Contracting State effecting the notification fixes some later date, as from the latter date.

Rule 51—Review by Designated Offices

51.1 *Time Limit for Presenting the Request to Send Copies*

The time limit referred to in Article 25 (1)(c) shall be 2 months computed from the date of the notification sent to the applicant under Rules 20.7(i), 24.2(b), 29.1(a)(ii), or 29.1(b).

51.2 *Copy of the Notice*

Where the applicant, after having received a negative determination under Article 11(1), requests the International Bureau, under Article 25(1), to send copies of the file of the purported international application to any of the named Offices he has attempted to designate, he shall attach to his request a copy of the notice referred to in Rule 20.7(i).

51.3 *Time Limit for Paying National Fee and Furnishing Translation*

The time limit referred to in Article 25 (2)(a) shall expire at the same time as the time limit prescribed in Rule 51.1.

51.4 *Notification to the International Bureau*

Where, under Article 25(2), the competent designated Office decides that the refusal, declaration or finding referred to in Article

25(1) was not justified, it shall promptly notify the International Bureau that it will treat the International application as if the error or omission referred to in Article 25(2) had not occurred.

Rule 52—Amendment of the claims, the description, and the drawings, before designated offices

52.1 *Time Limit*

(a) In any designated State in which processing or examination starts without special request, the applicant shall, if he so wishes, exercise the right under Article 28 within one month from the fulfillment of the requirements under Article 22, provided that, if the communication under Rule 47.1 has not been effected by the expiration of the time limit applicable under Article 22, he shall exercise the said right not later than 4 months after such expiration date. In either case, the applicant may exercise the said right at any other time if so permitted by the national law of the said State.

(b) In any designated State in which the national law provides that examination starts only on special request, the time limit within or the time at which the applicant may exercise the right under Article 28 shall be the same as that provided by the national law for the filing of amendments in the case of the examination, on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before the expiration of the time limit applicable under paragraph (a).

PART C—RULES CONCERNING CHAPTER II OF THE TREATY

Rule 53—The Demand

53.1 *Form*

(a) The demand shall be made on a printed form.

(b) Copies of printed forms shall be furnished free of charge by the receiving Offices to the applicants.

(c) The particulars of the forms shall be prescribed by the Administrative Instructions.

(d) The demand shall be submitted in two identical copies.

53.2 *Contents*

(a) The demand shall contain:

(i) a petition,

(ii) indications concerning the applicant and the agent if there is an agent,

(iii) indications concerning the international application to which it relates,

(iv) election of States.

(b) The demand shall be signed.

53.3 *The Petition*

The petition shall be to the following effect and shall preferably be worded as follows: "Demand under Article 31 of the Patent Cooperation Treaty: The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty."

53.4 *The Applicant*

As to the indications concerning the applicant, Rules 4.4 and 4.16 shall apply, and Rule 4.5 shall apply *mutatis mutandis*.

53.5 *The Agent*

If an agent is designated, Rules 4.4, 4.7, and 4.16 shall apply, and Rule 4.8 shall apply *mutatis mutandis*.

53.6 *Identification of the International Application*

The international application shall be identified by the name of the receiving Office with which the international application was filed, the name and address of the applicant, the title of the invention, and, where the international filing date and the international application number are known to the applicant, that date and that number.

53.7 *Election of States*

The demand shall name, among the designated States, at least one Contracting State bound by Chapter II of the Treaty as elected State.

53.8 *Signature*

The demand shall be signed by the applicant.

Rule 54—The Applicant entitled to make a Demand

54.1 *Residence and Nationality*

The residence or nationality of the applicant shall, for the purposes of Article 31(2), be determined according to Rules 18.1 and 18.2.

54.2 *Several Applicants: Same for All Elected States*

If all the applicants are applicants for the purposes of all elected States, the right to make a demand under Article 31(2) shall exist if at least one of them is

(i) a resident or national of a Contracting State bound by Chapter II and the international application has been filed as provided in Article 31(2) (a), or

(ii) a person entitled to make a demand under Article 31(2) (b) and the international application has been filed as provided in the decision of the Assembly.

54.3 *Several Applicants: Different for Different Elected States*

(a) For the purposes of different elected States, different applicants may be indicated, provided that, in respect of each elected State, at least one of the applicants indicated for the purposes of that State is

(i) a resident or national of a Contracting State bound by Chapter II and the international application has been filed as provided in Article 31(2) (a), or,

(ii) a person entitled to make a demand under Article 31(2) (b) and the international application has been filed as provided in the decision of the Assembly.

(b) If the requirement under paragraph (a) is not fulfilled in respect of any elected State, the election of that State shall be considered not to have been made.

54.4 *Change in the Person or Name of the Applicant*

Any change in the person or name of the applicant shall, on the request of the applicant or the receiving Office, be recorded by the International Bureau, which shall notify the interested International Preliminary Examining Authority and the elected Offices accordingly.

Rules 55—Languages (International Preliminary Examination)

55.1 *The Demand*

The demand shall be in the language of the international application or, when a translation is required under Rule 55.2, in the language of that translation.

55.2 *The International Application*

(a) If the competent International Preliminary Examining Authority is not part of the same national Office or intergovernmental organization as the competent International Searching Authority, and if the international application is in a language other than the language, or one of the languages, specified in the agreement concluded between the International Bureau and the International Preliminary Examining Authority competent for the international preliminary examination, the latter may require that the applicant submit a translation of that application.

(b) The translation shall be submitted not later than the later of the following two dates:

(i) the date on which the time limit under Rule 46.1 expires,

(ii) the date on which the demand is submitted.

(c) The translation shall contain a statement that, to the best of the applicant's knowledge, it is complete and faithful. This statement shall be signed by the applicant.

(d) If the provisions of paragraph (b) and (c) are not complied with, the International Preliminary Examining Authority shall invite the applicant to comply with them within 1 month from the date of the invitation. If the applicant fails to do so, the demand shall be considered as if it had not been submitted and the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.

Rule 56—Later Elections

56.1 *Election Submitted Later Than the Demand*

The election of States not named in the demand shall be effected by a notice signed and submitted by the applicant, and shall identify the international application and the demand.

56.2 *Identification of the International Application*

The international application shall be identified as provided in Rule 53.6.

56.3 *Identification of the Demand*

The demand shall be identified by the date on which it was submitted and by the name of the International Preliminary Examining Authority to which it was submitted.

56.4 *Form of Later Elections*

The later election shall preferably be made on a printed form furnished free of charge to applicants. If it is not made on such a form, it shall preferably be worded as follows: "In relation to the international application filed with ------ on ------ under No. ------ by ------ (applicant) (and the demand for international preliminary examination submitted on ------ to ------), the undersigned elects the following additional States(s) under Article 31 of the Patent Cooperation Treaty: ------"

56.5 *Language of Later Elections*

The later election shall be in the language of the demand.

Rule 75—The Handling Fee

57.1 *Requirement to Pay*

Each demand for international preliminary examination shall be subject to the payment of a fee for the benefit of the International Bureau ("handling fee").

57.2 *Amount*

(a) The amount of the handling fee shall be US $14.00 or 60 Swiss francs augmented by as many times the same amount as the number of languages into which the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau.

(b) Where, because of a later election or elections, the international preliminary examination report must, in application of Article 36(2), be translated by the International Bureau into one or more additional languages, a supplement to the handling fee shall be payable and shall amount to US $14.00 or 60 Swiss francs for each additional language.

57.3 *Mode and Time of Payment*

(a) Subject to paragraph (b), the handling fee shall be collected by the International Preliminary Examining Authority to which the demand is submitted and shall be due at the time the demand is submitted.

(b) Any supplement to the handling fee under Rule 57.2(b) shall be collected by the International Bureau and shall be due at the time the later election is submitted.

(c) The handling fee shall be payable in the currency prescribed by the International Preliminary Examining Authority to which the demand is submitted, it being understood that, when transferred by that Authority to the International Bureau, it shall be freely convertible into Swiss currency.

(d) Any supplement to the handling fee shall be payable in Swiss currency.

57.4 *Failure to Pay* (*Handling Fee*)

(a) Where the handling fee is not paid as required by Rules 57.2(a) and 57.3(a) and (c), the International Preliminary Examining Authority shall invite the applicant to pay the fee within 1 month from the date of the invitation.

(b) If the applicant complies with the invitation within the prescribed time limit, the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the fee, unless, under Rule 60.1 (b), a later date is applicable.

(c) If the applicant does not comply with the invitation within the prescribed time limit, the demand shall be considered as if it had not been submitted.

57.5 *Failure to Pay* (*Supplement to the Handling Fee*)

(a) Where the supplement to the handling fee is not paid as required by Rules 57.2(b) and 57.3(b) and (d), the International Bureau shall invite the applicant to pay the supplement within 1 month from the invitation.

(b) If the applicant complies with the invitation within the prescribed time limit, the later election shall be considered as if it had been received on the date on which the International Bureau receives the supplement, unless, under Rule 60.2(b), a later date is applicable.

(c) If the applicant does not comply with the invitation within the prescribed time limit, the later election shall be considered as if it had not been submitted.

57.6 *Refund*

In no case shall the handling fee, including any supplement thereto, be refunded.

Rule 58—The Preliminary Examination Fee

58.1 *Right to Ask for a Fee*

(a) Each International Preliminary Examining Authority may require that the applicant pay a fee ("preliminary examination fee") for its own benefit for carrying out the international preliminary examination and for performing all other tasks entrusted to International Preliminary Examining Authorities under the Treaty and these Regulations.

(b) The amount and the due date of the preliminary examination fee, if any, shall be fixed by the International Preliminary Examining Authority, provided that the said due date shall not be earlier than the due date of the handling fee.

(c) The preliminary examination fee shall be payable directly to the International Preliminary Examining Authority. Where that Authority is a national Office, it shall be payable in the currency prescribed by that Office, and where the Authority is an intergovernmental organization, it shall be payable in the currency of the State in which the intergovernmental organization is located or in any other currency which is freely convertible into the currency of the said State.

Rule 59—The Competent International Preliminary Examining Authority

59.1 *Demands under Article 31* (*2*) (*a*)

For demands made under Article 31(2) (a), each Contracting State bound by the provisions of Chapter II shall, in accordance with the terms of the applicable agreement referred to in Article 32(2) and (3), inform the International Bureau which International Preliminary Examining Authority is or which International Preliminary Examining Authorities are competent for the international preliminary examination of international applications filed with its national Office, or, in the case provided for in Rule 19.1(b), with the national Office of another State or an intergovernmental organization acting for the former Office, and the International Bureau shall promptly publish such information. Where several International Preliminary Examining Authorities are competent, the provisions of Rule 35.2 shall apply *mutatis mutandis.*

59.2 *Demands under Article 31* (*2*) (*b*)

As to demands made under Article 31(2) (b), the Assembly, in specifying the International Preliminary Examining Authority competent for international applications filed with a national Office which is an International Preliminary Examining Authority, shall give preference to that Authority; if the national Office is not an International Preliminary Examining Authority, the Assembly shall give preference to the International Preliminary Examining Authority recommended by that Office.

Rule 60—Certain Defects in the Demand or Elections

60.1 *Defects in the Demand*

(a) If the demand does not comply with the requirements specified in Rules 53 and 55, the International Preliminary Examining Authority shall invite the applicant to correct the defects within 1 month from the date of the invitation.

(b) If the applicant complies with the invitation within the prescribed time limit, the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the correction, or, when the handling fee is received under Rule 57.4(b) at a later date, on that date.

(c) If the applicant does not comply with the invitation within the prescribed time limit, the demand shall be considered as if it had not been submitted.

(d) If the defect is noticed by the International Bureau, it shall bring the defect to the attention of the International Preliminary Examining Authority, which shall then proceed as provided in paragraphs (a) to (c).

60.2 *Defects in Later Elections*

(a) If the later election does not comply with the requirements of Rule 56, the International Bureau shall invite the applicant to correct the defects within 1 month from the date of the invitation.

(b) If the applicant complies with the invitation within the prescribed time limit, the later election shall be considered as if it had been received on the date on which the International Bureau receives the correction, or, where the supplement to the handling fee is received under Rule 57.5(b) at a later date, on that date.

(c) If the applicant does not comply with the invitation within the prescribed time limit, the later election shall be considered as if it had not been submitted.

60.3 *Attempted elections*

If the applicant has attempted to elect a State which is not a designated State or which is not bound by Chapter II, the attempted election shall be considered not to have been made, and the International Bureau shall notify the applicant accordingly.

Rule 61—Notification of the demand and elections

61.1 *Notifications to the International Bureau, the Applicant, and the International Preliminary Examining Authority*

(a) The International Preliminary Examining Authority shall indicate on both copies of the demand the date of receipt or, where applicable, the data referred to in Rule 60.1(b). The International Preliminary Examining Authority shall promptly send the original copy to the International Bureau. It shall keep the other copy in its files.

(b) The International Preliminary Examining Authority shall promptly inform the applicant in writing of the date of receipt of the demand. Where the demand has been considered under Rules 57.4(c) or 60.1(c) as if it had not been submitted, the International Preliminary Examining Authority shall notify the applicant accordingly.

(c) The International Bureau shall promptly notify the International Preliminary Examining Authority and the applicant of the receipt, and the date of receipt, of any later election. That date shall be the actual date of receipt by the International Bureau or, where applicable, the date referred to in Rule 60.2(b). Where the later election has been considered under Rules 57.5(c) or 60.2(c) as if it had not been submitted, the International Bureau shall notify the applicant accordingly.

61.2 *Notifications to the elected offices*

(a) The notification provided for in Article 31(7) shall be effected by the International Bureau.

(b) The notification shall indicate the number and filing date of the international application, the name of the applicant, the name of the receiving Office, the filing date of the application whose priority is claimed (where priority is claimed), the date of receipt by the International Preliminary Examining Authority of the demand, and—in the case of later elections—the date of receipt by the International Bureau of the later election.

(c) The notification shall be sent to the elected Office promptly after the expiration of the 18th month from the priority date, or, if the international preliminary examination report is communicated earlier, then, at the same time as the communication of that report. Elections effected after such notification shall be notified promptly after they have been effected.

61.3 *Information for the Applicant*

The International Bureau shall inform the applicant in writing that it has effected the notification referred to in Rule 61.2. At the same time, it shall indicate to him, in respect of each elected State, any applicable time limit under Article 39(1) (b).

Rule 62—Copy for the International Preliminary Examining Authority

62.1 *The International Application*

(a) Where the competent International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the competent International Searching Authority, the same file shall serve the purposes of international search and international preliminary examination.

(b) Where the competent International Searching Authority is not part of the same national Office or intergovernmental organization as the competent International Preliminary Examining Authority, the International Bureau shall, promptly upon receipt of the international search report or, if the demand was received after the international search report, promptly upon receipt of the demand, send a copy of the international application and the international search report to the said Preliminary Examining Authority. In cases where, instead of the international search report, a declaration under Article 17(2) (a) has issued, references in the preceding sentence to the international search report shall be considered references to the said declaration.

62.2 *Amendments*

(a) Any amendment filed under Article 19 shall be promptly transmitted by the International Bureau to the International Preliminary Examining Authority. If, at the time of filing such amendments, a demand for international preliminary examination has already been submitted, the applicant shall, at the same time as he files the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority.

(b) If the time limit for filing amendments under Article 19 (see Rule 46.1) has expired without the applicant's having filed amendments under that Article, or if the applicant has declared that he does not wish to make amendments under that Article, the International Bureau shall notify the International Preliminary Examining Authority accordingly.

Rule 63—Minimum Requirements for International Preliminary Examining Authorities

63.1 *Definition of Minimum Requirements*

The minimum requirements referred to in Article 32(3) shall be the following:

(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out examinations;

(ii) that Office or organization must have at its ready disposal at least the minimum documentation referred to in Rule 34, properly arranged for examination purposes;

(iii) that Office or organization must have a staff which is capable of examining in the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated.

Rule 64—Prior Art for International Preliminary Examination

64.1 *Prior Art*

(a) For the purposes of Article 33 (2) and (3), everything made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) shall be considered prior art provided that such making available occurred prior to the relevant date.

(b) For the purposes of paragraph (a), the relevant date will be:

(i) subject to item (ii), the international filing date of the international application under international preliminary examination;

(ii) where the international application under international preliminary examination validly claims the priority of an earlier application, the filing date of such earlier application.

64.2 *Non-Written Disclosures*

In cases where the making available to the public occurred by means of an oral disclosure, use, exhibition or other non-written means ("non-written disclosure") before the relevant date as defined in Rule 64.1(b) and the date of such non-written disclosure is indicated in a written disclosure which has been made available to the public after the relevant date, the non-written disclosure shall not be considered part of the prior art for the purposes of Article 33 (2) and (3). Nevertheless, the international preliminary examination report shall call attention to such non-written disclosure in the manner provided for in Rule 70.9.

64.3 *Certain Published Documents*

In cases where any application or any patent which would constitute prior art for the purposes of Article 33 (2) and (3) had it been published prior to the relevant date referred to in Rule 64.1 was published, as such, after the relevant date but was filed earlier than the relevant date or claimed the priority of an earlier application which had been filed prior to the relevant date, such published application or patent shall not be considered part of the prior art for the purposes of Article 33 (2) and (3). Nevertheless, the international preliminary examination report shall call attention to such application or patent in the manner provided for in Rule 70.10.

Rule 65—Inventive Step on Non-obviousness

65.1 *Approach to Prior Art*

For the purposes of Article 33(3), the international preliminary examination shall take into consideration the relation of any particular claim to the prior art as a whole. It shall take into consideration the claim's relation not only to individual documents or parts thereof taken separately but also its relation to combinations of such documents or parts of documents, where such combinations are obvious to a person skilled in the art.

65.2 *Relevant Date*

For the purposes of Article 33(3), the relevant date for the consideration of inventive step (non-obviousness) is the date prescribed in Rule 64.1.

Rule 66—Procedure Before the International Preliminary Examining Authority

66.1 *Basis of the International Preliminary Examination*

Before the international preliminary examination starts, the applicant may make amendments according to Article 34(2)(b) and the international preliminary examination shall initially be directed to the claims, the description, and the drawings, as contained in the international application at the time the international preliminary examination starts.

66.2 *First Written Opinion of the International Preliminary Examining Authority*

(a) If the International Preliminary Examining Authority

(i) considers that the international application has any of the defects described in Article 34(4),

(ii) considers that the international preliminary examination report should be negative in respect of any of the claims because the invention claimed therein does not appear to be novel, does not appear to involve an inventive step (does not appear to be non-obvious), or does not appear to be industrially applicable,

(iii) notices that there is some defect in the form or contents of the international application under the Treaty or these Regulations,

(iv) considers that any amendment goes beyond the disclosure in the international application as filed, or

(v) wishes to accompany the international preliminary examination report by observations on the clarity of the claims, the description, and the drawings, or the question whether the claims are fully supported by the description,

the said Authority shall notify the applicant accordingly in writing.

(b) The notification shall fully state the reasons for the opinion of the International Preliminary Examining Authority.

(c) The notification shall invite the applicant to submit a written reply together, where appropriate, with amendments or corrections.

(d) The notification shall fix a time limit for the reply. The time limit shall be reasonable under the circumstances. It shall normally be 2 months after the late of notification. In no case shall it be shorter than 1 month after the said date. It shall be at least 2 months after the said date where the international search report is transmitted at the same time as the notification. In no case shall it be more than 3 months after the said date.

66.3 *Formal Response to the International Preliminary Examining Authority*

(a) The applicant may respond to the invitation referred to in Rule 66.2(c) of the International Preliminary Examining Authority by making amendments or corrections or—if he disagrees with the opinion of that Authority—by submitting arguments, as the case may be, or do both.

(b) Any response shall be submitted directly to International Preliminary Examining Authority.

66.4 *Additional Opportunity for Amendment or Correction*

(a) If the International Preliminary Examining Authority wishes to issue one or more additional written opinions, it may do so, and Rules 66.2 and 66.3 shall apply.

(b) On the request of the applicant, the International Preliminary Examining Authority may give him one or more additional opportunities to submit amendments or corrections.

66.5 *Amendment*

Any change, other than the rectification of obvious errors of transcription, in the claims, the description, or the drawings, including cancellation of claims, omission of passages in the description, or omission of certain drawings, shall be considered an amendment.

66.6 *Informal Communications With the Applicant*

The International Preliminary Examining Authority may, at any time, communicate informally, over the telephone, in writing, or through personal interviews, with the applicant. The said Authority shall, at its discretion, decide whether it wishes to grant more than one personal interview if so requested by the applicant, or whether it wishes to reply to any informal written communication from the applicant.

66.7 *Priority Document*

(a) If the International Preliminary Examining Authority needs a copy of the application whose priority is claimed in the international application, the International Bureau shall, on request, promptly furnish such copy, provided that, where the request is made before the International Bureau has received the priority document under Rule 17.1(a), the applicant shall furnish such copy to the International Bureau and directly to the International Preliminary Examining Authority.

(b) If the application whose priority is claimed is in a language other than the language or one of the languages of the International Preliminary Examining Authority, the applicant shall furnish, on invitation, a translation in the said language or one of the said languages.

(c) The copy to be furnished by the applicant under paragraph (a) and the translation referred to in paragraph (b) shall be furnished not later than by the expiration of 2 months from the date of the request or invitation. If they are not furnished within that time limit, the international preliminary examination report shall be established as if the priority had not been claimed.

66.8 *Form of Corrections and Amendments*

(a) The applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of a correction or amendment, differs from the sheet originally filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter.

(b) The International Preliminary Examining Authority shall mark on each replacement sheet the international application number, the date on which it was received, and the stamp identifying the said Authority. It shall keep in its files any replaced sheet, the letter accompanying the replacement sheet or sheets, and any letter referred to in the last sentence of paragraph (a).

Rule 67—Subject Matter Under Article 34(4)(a)(i)

67.1 *Definition*

No International Preliminary Examining Authority shall be required to carry out an international preliminary examination on an international application if, and to the extent to which, its subject matter is any of the following:

(i) scientific and mathematical theories,

(ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.

(iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,

(iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,

(v) mere presentations of information,

(vi) computer programs to the extent that the International Preliminary Examining Authority is not equipped to carry out an international preliminary examination concerning such programs.

Rule 68—Lack of Unity of Invention (International Preliminary Examination)

68.1 *No Invitation To Restrict or Pay*

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses not to invite the applicant to restrict the claims or to pay additional fees, it shall establish the international preliminary examinination report, subject to Article 34(4)(b), in respect of the entire international application, but shall indicate, in the said report, that, in its opinion, the requirement of unity of invention is not fulfilled and shall specify the reasons for which the international application is not considered as complying with the requirement of unity of invention.

68.2 *Invitation To Restrict or Pay*

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses to invite the applicant, at his option, to restrict the claims or to pay additional fees, it shall specify at least one possibility of restriction which, in the opinion of the International Preliminary Examining Authority, would be in compliance with the applicable requirement, and shall specify the amount of the additional fees and the reasons for which the international application is not considered as complying with the requirement of unity of invention. It shall, at the same time, fix a time limit, with regard to the circumstances of the case, for complying with the invitation; such time limit shall not be shorter than 1 month, and it shall not be longer than 2 months, from the date of the invitation.

68.3 *Additional Fees*

(a) The amount of the additional fee due for international preliminary examination under Article 34(3)(a) shall be determined by the competent International Preliminary Examining Authority.

(b) The additional fee due for international preliminary examination under Article 34(3)(a) shall be payable direct to the International Preliminary Examining Authority.

(c) Any applicant may pay the additional fee under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive. Such protest shall be examined by a three-member board or other special instance of the International Preliminary Examining Authority, or any competent higher authority, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fee. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the elected Offices as an annex to the international preliminary examination report.

(d) The three-member board, special instance or competent higher authority, referred to in paragraph (c), shall not comprise any person who made the decision which is the subject of the protest.

68.4 *Procedure in the Case of Insufficient Restriction of the Claims*

If the applicant restricts the claims but not sufficiently to comply with the requirement of unity of invention, the International Preliminary Examining Authority shall proceed as provided in Article 34(3)(c).

68.5 *Main Invention*

In case of doubt which invention as the main invention for the purposes of Article 34(3)(c), the invention first mentioned in the claims shall be considered the main invention.

Rule 69—Time Limit For International Preliminary Examination

69.1 *Time Limit for International Preliminary Examination*

(a) All agreements concluded with International Preliminary Examining Authorities shall provide for the same time limit for the establishment of the international preliminary examination report. This time limit shall not exceed:

(i) 6 months after the start of the international preliminary examination,

(ii) in cases where the International Preliminary Examining Authority issues an invitation to restrict the claims or pay additional fees (Article 34(3)), 8 months after the start of the international preliminary examination.

(b) International preliminary examination shall start upon receipt, by the International Preliminary Examining Authority:

(i) under Rule 62.2(a), of the claims as amended under Article 19, or

(ii) under Rule 62.2(b), of a notice from the International Bureau that no amendments under Article 19 have been filed within the prescribed time limit or that the applicant has declared that he does not wish to make such amendments, or

(iii) of a notice, after the international search report is in the possession of the International Preliminary Examining Authority, from the applicant expressing the wish that the international preliminary examination should start and be directed to the claims as specified in such notice, or

(iv) of a notice of the declaration by the International Searching Authority that no international search report will be established (Article 17(2)(a)).

(c) If the competent International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the competent International Searching Authority, the international preliminary examination may, if the International Preliminary Examining Authority so wishes, start at the same time as the international search. In such a case, the international preliminary examination report shall be established, notwithstanding the provisions of paragraph (a), no later than 6 months after the expiration of the time limit allowed under Article 19 for amending the claims.

Rule 70—The International Preliminary Examination Report

70.1 *Definition*

For the purposes of this Rule, "report" shall mean international preliminary examination report.

70.2 *Basis of the Report*

(a) If the claims have been amended, the report shall issue on the claims as amended.

(b) If, pursuant to Rule 66.7(c), the report is established as if the priority had not been claimed, the report shall so indicate.

(c) If the International Preliminary Examining Authority considers that any amendment goes beyond the disclosure in the international application as filed, the report shall be established as if such amendment had not been made, and the report shall so indicate. It shall also indicate the reasons why it considers that the amendment goes beyond the said disclosure.

70.3 *Identifications*

The report shall identify the International Preliminary Examining Authority which established it by indicating the name of such Authority, and the international application, by indicating the international application number, the name of the applicant, the name of the receiving Office, and the international filing date.

70.4 *Dates*

The report shall indicate:

(i) the date on which the demand was submitted, and

(ii) the date of the report; that date shall be the date on which the report is completed.

70.5 *Classification*

(a) The report shall repeat the classification given under Rule 43.3 if the International Preliminary Examining Authority agrees with such classification.

(b) Otherwise, the International Preliminary Examining Authority shall indicate in the report the classification, at least according to the International Patent Classification, which it considers correct.

70.6 *Statement under Article 35(2)*

(a) The statement referred to in Article 35(2) shall consist of the words "YES" or "NO," or their equivalent in the language of the report, or some appropriate sign provided for in the Administrative Instructions, and shall be accompanied by the citations, explanations and observations, if any, referred to in the last sentence of Article 35(2).

(b) If any of the three criteria referred to in Article 35(2) (that is, novelty, inventive step (non-obviousness), industrial applicability) is not satisfied, the statement shall be negative. If, in such a case, any of the criteria, taken separately, is satisfied, the report shall specify the criterion or criteria so satisfied.

70.7 *Citations under Article 35(2)*

(a) The report shall cite the documents considered to be relevant for supporting the statements made under Article 35(2).

(b) The provisions of Rule 43.5(b) and (e) shall apply also to the report.

70.8 *Explanations under Article 35(2)*

The Administrative Instructions shall contain guidelines for cases in which the explanations referred to in Article 35(2) should or should not be given and the form of such explanations. Such guidelines shall be based on the following principles:

(i) explanations shall be given whenever the statement in relation to any claim is negative;

(ii) explanations shall be given whenever the statement is positive unless the reason for citing any document is easy to imagine on the basis of consultation of the cited document;

(iii) generally, explanations shall be given if the case provided for in the last sentence of Rule 70.6(b) obtains.

70.9 *Non-Written Disclosures*

Any non-written disclosure referred to in the report by virtue of Rule 64.2 shall be mentioned by indicating its kind, the date on which the written disclosure referring to the non-written disclosure was made available to the public, and the date on which the non-written disclosure occurred in public.

70.10 *Certain Published Documents*

Any published application or any patent referred to in the report by virtue of Rule

64.3 shall be mentioned as such and shall be accompanied by an indication of its date of publication, of its filing date, and its claimed priority date (if any). In respect of the priority date of any such document, the report may indicate that, in the opinion of the International Preliminary Examining Authority, such date has not been validly claimed.

70.11 *Mention of Amendments or Correction of Certain Defects*

If, before the International Preliminary Examining Authority, amendments or corrections have been made, this fact shall be indicated in the report.

70.12 *Mention of Certain Defects*

If the International Preliminary Examining Authority considers that, at the time it prepares the report:

(i) the international application contains any of the defects referred to in Rule 66.2 (a) (iii), it shall include this opinion and the reasons therefor in the report;

(ii) the international application calls for any of the observations referred to in Rule 66.2(a)(v), it may include this opinion in the report and, if it does, it shall also indicate in the report the reasons for such opinion.

70.13 *Remarks Concerning Unity of Invention*

If the applicant paid additional fees for the international preliminary examination, or if the international application or the international preliminary examination was restricted under Article 34(3), the report shall so indicate. Furthermore, where the international preliminary examination was carried out on restricted claims (Article 34(3) (a)), or on the main invention only (Article 34(3)(c)), the report shall indicate what parts of the international application were and what parts were not the subject of international preliminary examination.

70.14 *Signature*

The report shall be signed by an authorized officer of the International Preliminary Examining Authority.

70.15 *Form*

The physical requirements as to the form of the report shall be prescribed by the Administrative Instructions.

70.16 *Attachment of Corrections and Amendments*

If the claims, the description, or the drawings, were amended or any part of the international application was corrected before the International Preliminary Examining Authority, each replacement sheet marked as provided in Rule 66.8(b) shall be attached to the report as an annex thereto. Replacement sheets superseded by later replacement sheets shall not be attached. If the amendment is communicated in a letter, a copy of such letter shall also be annexed to the report.

70.17 *Languages of the Report and the Annexes*

(a) The report shall be in the language in which the international application to which it relates is published.

(b) Any annex shall be both in the language in which the international application to which it relates was filed and also, if it is different, in the language in which the international application to which it relates is published.

Rule 71—Transmittal of the International Preliminary Examination Report

71.1 *Recipients*

The International Preliminary Examining Authority shall, on the same day, transmit one copy of the international preliminary examination report and its annexes, if any, to the International Bureau, and one copy to the applicant.

71.2 *Copies of Cited Documents*

(a) The request under Article 36(4) may be presented any time during 7 years from the international filing date of the international application to which the report relates.

(b) The International Preliminary Examining Authority may require that the party (applicant or elected Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be provided for in the agreements referred to in Article 32(2) between the International Preliminary Examining Authorities and the International Bureau.

(c) Any International Preliminary Examining Authority not wishing to send copies direct to any elected Office shall send a copy to the International Bureau and the International Bureau shall then proceed as provided in paragraphs (a) and (b).

(d) Any International Preliminary Examining Authority may perform the obligations referred to in (a) to (c) through another agency responsible to it.

Rule 72—Translation of the International Preliminary Examination Report

72.1 *Languages*

(a) Any elected State may require that the international preliminary examination report, established in any language other than the official language, or one of the official languages, of its national Office, be translated into English, French, German, Japanese, Russian, or Spanish.

(b) Any such requirement shall be notified to the International Bureau, which shall promptly publish it in the Gazette.

72.2 *Copies of Translations for the Applicant*

The International Bureau shall transmit a copy of each translation of the international preliminary examination report to the applicant at the same time as it communicates such translation to the interested elected Office or Offices.

72.3 *Observations on the Translation*

The applicant may make written observations on what, in his opinion, are errors of translation in the translation of the international preliminary examination report and shall send a copy of any such observations to each of the interested elected Offices and a copy to the International Bureau.

Rule 73—Communication of the International Preliminary Examination Report

73.1 *Preparation of Copies*

The International Bureau shall prepare the copies of the documents to be communicated under Article 36(3) (a).

73.2 *Time Limit for Communication*

The communication provided for in Article 36(3)(a) shall be effected as promptly as possible.

Rule 74—Translations of Annex of the International Preliminary Examination Report and Transmittal Thereof

74.1 *Time Limit*

Any replacement sheet referred to in Rule 70.16, or any amendment referred to in the last sentence of that Rule which was filed prior to the furnishing of the translation of the international application required under Article 39, or, where the furnishing of such translation is governed by Article 64)2)(a) (i), which was filed prior to the furnishing of the translation of the international application required under Article 22, shall be translated and transmitted together with the furnishing under Article 39, or, where applicable. under Article 22, or, if filed less than 1 month before such furnishing or if filed after such furnishing, 1 month after it has been filed.

Rule 75—Withdrawal of the Demand, or of Elections

75.1 *Withdrawals*

(a) Withdrawal of the demand or all the elections may be effected prior to the expiration of 25 months from the priority date except as to any elected State in which national processing or examination has already started. Withdrawal of the election of any elected State may be effected prior to the date on which examination and processing may start in that State.

(b) Withdrawal shall be effected by a signed notice from the applicant to the International Bureau. In the case of Rule 4.8 (b), the notice shall require the signature of all the applicants.

75.2 *Notification of Elected Offices*

(a) The fact that the demand or all elections have been withdrawn shall be promptly notified by the International Bureau to the national Offices of all States which, up to the time of the withdrawal, were elected States and had been informed of their election.

(b) The fact that any election has been withdrawn and the date of receipt of the withdrawal shall be promptly notified by the International Bureau to the elected Office concerned, except where it has not yet been informed that it had been elected.

75.3 *Notification of the International Preliminary Examining Authority*

The fact that the demand or all elections have been withdrawn shall be promptly notified by the International Bureau to the International Preliminary Examining Authority if, at the time of the withdrawal, the latter had been informed of the existence of the demand.

75.4 *Faculty Under Article 37(4) (b)*

(a) Any Contracting State wishing to take advantage of the faculty provided for in Article 37(4)(b) shall notify the International Bureau in writing.

(b) The notification under paragraph (a) shall be promptly published by the International Bureau in the Gazette, and shall have effect in respect of international applications filed more than 1 month after the publication date of the relevant issue of the Gazette.

Rule 76—Languages of Translations and Amounts of Fees Under Article 39(1); Translation of Priority Document

76.1 *Notification*

(a) Any Contracting State requiring the furnishing of a translation or the payment of a national fee, or both, under Article 39(1), shall notify the International Bureau of:

(i) the languages from which and the language into which it requires translation,

(ii) the amount of the national fee.

(b) Any notification received by the International Bureau under paragraph (a) shall be published by the International Bureau in the Gazette.

(c) If the requirements under paragraph (a) change later, such changes shall be notified by the Contracting State to the International Bureau and that Bureau shall promptly publish the notification in the Gazette. If the change means that translation is required into a language which, before the change, was not required, such change shall be effective only with respect to a demand submitted later than 2 months after the publication of the notification in the Gazette. Otherwise, the effective date of any change shall be determined by the Contracting State.

76.2 *Languages*

The language into which translation may be required must be an official language of the elected Office. If there are several of such languages, no translation may be required if the international application is in one of them. If there are several official languages and a translation must be furnished, the applicant may choose any of those languages. Notwithstanding the foregoing provisions of this paragraph, if there are several official languages but the national law prescribes the use of one such language for foreigners, a translation into that language may be required.

76.3 *Statements Under Article 19*

For the purposes of Article 39 and the present Rule, any statement made under Article 19(1) shall be considered as part of the international application.

76.4 *Time Limit for Translation of Priority Document*

The applicant shall not be required to furnish to any elected Office a certified translation of the priority document before the expiration of the applicable time limit under Article 39.

Rule 77—Faculty Under Article 39(1) (b)

77.1 *Exercise of Faculty*

(a) Any Contracting State allowing a time limit expiring later than the time limit provided for in Article 39(1)(a) shall notify the Intenational Bureau of the time limit so fixed.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) Notifications concerning the shortening of the previously fixed time limit shall be effective in relation to demands submitted after the expiration of 3 months computed from the date on which the notification was published by the International Bureau.

(d) Notifications concerning the lengthening of the previously fixed time limit shall become effective upon publication by the International Bureau in the Gazette in respect of demands pending at the time or submitted after the date of such publication, or, if the Contracting State effecting the notification fixes some later date, as from the latter date.

Rule 78—Amendment of the Claims, the Description, and the Drawings, Before Elected Offices

78.1 *Time Limit Where Elections Is Effected Prior to Expiration of 19 Months from Priority Date*

(a) Where the election of any Contracting State is effected prior to the expiration of the 19th month from the priority date, the applicant shall, if he so wishes, exercise the right under Article 41 after the transmittal of the international preliminary examination report under Article 36(1) has been effected and before the time limit applicable under Article 39, expires, provided that, if the said transmittal has not taken place by the expiration of the time limit applicable under Article 39, he shall exercise the said right not later than on such expiration date. In either case, the applicant may exercise the said right at any other time if so permitted by the national law of the said State.

(b) In any elected State in which the national law provides that examination starts only on special request, the national law may provide that the time limit within or the time at which the applicant may exercise the right under Article 41 shall, where the election of any Contracting State is effected prior to the expiration of the 19th month from the priority date, be the same as that provided by the national law for the filing of amendments in the case of the examination on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before, the expiration of the time limit applicable under Article 39.

78.2 *Time Limit Where Election Is Effected After Expiration of 19 Months From Priority Date*

Where the election of any Contracting State has been effected after the expiration of the 19th month from the priority date and the applicant wishes to make amendments under Article 41, the time limit for making amendments under Article 28 shall apply.

78.3 *Utility Models*

The provisions of Rules 6.5 and 13.5 shall apply, *mutatis mutandis*, before elected Offices. If the election was made before the expiration of the 19th month from the priority date, the reference to the time limit applicable under Article 22 is replaced by a reference to the time limit applicable under Article 39.

PART D—RULES CONCERNING CHAPTER III OF THE TREATY

Rule 79—Calendar

79.1 *Expressing Dates*

Applicants, national Offices, receiving Offices, International Searching and Preliminary Examining Authorities, and the International Bureau, shall, for the purposes of the Treaty and the Regulations, express any date in terms of the Christian era and the Gregorian calendar, or, if they use other eras and calendars, they shall also express any date in terms of the Christian era and the Gregorian calendar.

Rule 80—Computation of Time Limits

80.1 *Periods Expressed in Years*

When a period is expressed as one year or a certain number of years, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

80.2 *Periods Expressed in Months*

When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

80.3 *Periods Expressed in Days*

When a period is expressed as a certain number of days, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire on the day on which the last day of the count has been reached.

80.4 *Local Dates*

(a) The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred.

(b) The date on which any period expires shall be the date which prevails in the locality in which the required document must be filed or the required fee must be paid.

80.5 *Expiration on a Non-Working Day*

If the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day on which such Office or organization is not open to the public for the purposes of the transaction of official business, or on which ordinary mail is not delivered in the locality in which such Office or organization is situated, the period shall expire on the next subsequent day on which neither of the said two circumstances exists.

80.6 *Date of Documents*

Where a period starts on the day of the date of a document or letter emanating from a national Office or intergovernmental organization, any interested party may prove that the said document or letter was mailed on a day later than the date it bears, in which case the date of actual mailing shall, for the purposes of computing the period, be considered to be the date on which the period starts.

80.7 *End of Working Day*

(a) A period expiring on a given day shall expire at the moment the national Office or intergovernmental organization with which the document must be filed or to which the fee must be paid closes for business on that day.

(b) Any Office or organization may depart from the provisions of paragraph (a) up to midnight on the relevant day.

(c) The International Bureau shall be open for business until 6 p.m.

Rule 81—Modification of Time Limits Fixed in the Treaty

81.1 *Proposal*

(a) Any Contracting State or the Director General may propose a modification under Article 47(2).

(b) Proposals made by a Contracting State shall be presented to the Director General.

81.2 *Decision by the Assembly*

(a) When the proposal is made to the Assembly, its text shall be sent by the Director General to all Contracting States at least 2 months in advance of that session of the Assembly whose agenda includes the proposal.

(b) During the discussion of the proposal in the Assembly, the proposal may be amended or consequential amendments proposed.

(c) The proposal shall be considered adopted if none of the Contracting States present at the time of voting votes against the proposal.

81.3 *Voting by Correspondence*

(a) When voting by correspondence is chosen, the proposal shall be included in a written communication from the Director General to the Contracting States, inviting them to express their vote in writing.

(b) The invitation shall fix the time limit within which the reply containing the vote expressed in writing must reach the International Bureau. That time limit shall not be less than 3 months from the date of the invitation.

(c) Replies must be either positive or negative. Proposals for amendments or mere observations shall not be regarded as votes.

(d) The proposal shall be considered adopted if none of the Contracting States opposes the amendment and if at least one-half of the Contracting States express either approval or indifference or abstention.

Rule 82.—Irregularities in the Mail Service

82.1 *Delay or Loss in Mail*

(a) Subject to the provisions of Rule 22.3, any interested party may offer evidence that he has mailed the document or letter 5 days prior to the expiration of the time limit. Except in cases where surface mail normally arrives at its destination within 2 days of mailing, or where no airmail service is available, such evidence may be offered only if the mailing was by airmail. In any case, evidence may be offered only if the mailing was by mail registered by the postal authorities.

(b) If such mailing is proven to the satisfaction of the national Office or intergovernmental organization which is the addressee, delay in arrival shall be excused, or, if the document or letter is lost in the mail, substitution for it of a new copy shall be permitted, provided that the interested party proves to the satisfaction of the said Office or organization that the document or letter offered in substitution is identical with the document or letter lost.

(c) In the cases provided for in paragraph (b), evidence of mailing within the prescribed time limit, and, where the document or letter was lost, the substitute document or letter as well, shall be submitted within 1 month after the date on which the interested party noticed—or with due diligence should have noticed—the delay or the loss, and in no case later than 6 months after the expiration of the time limit applicable in the given case.

82.2 *Interruption in the Mail Service*

(a) Subject to the provisions of Rule 22.3, any interested party may offer evidence that on any of the 10 days preceding the day of expiration of the time limit the postal service was interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, in the locality where the interested party resides or has his place of business or is staying.

(b) If such circumstances are proven to the satisfaction of the national Office or intergovernmental organization which is the addressee, delay in arrival shall be excused, provided that the interested party proves to the satisfaction of the said Office or organization that he effected the mailing within 5 days after the mail service was resumed. The provisions of Rule 82.1(c) shall apply *mutatis mutandis.*

Rule 83—Right to Practice Before International Authorities

83.1 *Proof of Right*

The International Bureau, the competent International Searching Authority, and the competent International Preliminary Examining Authority, may require the production of proof of the right to practice referred to in Article 49.

83.2 *Information*

(a) The national Office or the intergovernmental organization which the interested person is alleged to have a right to practice before shall, upon request, inform the International Bureau, the competent International Searching Authority, or the competent International Preliminary Examining Authority, whether such person has the right to practice before it.

(b) Such information shall be binding upon the International Bureau, the International Searching Authority, or the International Preliminary Examining Authority, as the case may be.

PART E—RULES CONCERNING CHAPTER V OF THE TREATY

Rule 84—Expenses of Delegations

84.1 *Expenses Borne by Governments*

The expenses of each Delegation participating in any organ established by or under the Treaty shall be borne by the Government which has appointed it.

Rule 85—Absence of Quorum in the Assembly

85.1 *Voting by Correspondence*

In the case provided for in Article 53(5) (b), the International Bureau shall communicate the decisions of the Assembly (other than those concerning the Assembly's own procedure) to the Contracting States which were not represented and shall invite them to express in writing their vote or abstention within a period of 3 months from the date of the communication. If, at the expiration of that period, the number of Contracting States having thus expressed their vote or abstention attains the number of Contracting States which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

Rule 86—The Gazette

86.1 *Contents*

The Gazette referred to in Article 55(4) shall contain:

(i) for each published international application, data specified by the Administrative Instructions taken from the front page of the pamphlet published under Rule 48, the drawing (if any) appearing on the said front page, and the abstract,

(ii) the schedule of all fees payable to the receiving Offices, the International Bureau, and the International Searching and Preliminary Examining Authorities,

(iii) notices the publication of which is required under the Treaty or these Regulations,

(iv) information, if and to the extent furnished to the International Bureau by the designated or elected Offices, on the question whether the requirements provided for in Articles 22 or 39 have been complied with in respect of the international applications designating or electing the Office concerned,

(v) any other useful information prescribed by the Administrative Instructions, provided access to such information is not prohibited under the Treaty or these Regulations.

86.2 *Languages*

(a) The Gazette shall be published in an English-language edition and a French-language edition. It shall also be published in editions in any other language, provided the cost of publication is assured through sales or subventions.

(b) The Assembly may order the publication of the Gazette in languages other than those referred to in paragraph (a).

86.3 *Frequency*

The Gazette shall be published once a week.

86.4 *Sale*

The subscription and other sale prices of the Gazette shall be fixed in the Administrative Instructions.

86.5 *Title*

The title of the Gazette shall be "Gazette of International Patent Applications," and "Gazette des Demandes internationales de brevets," respectively.

86.6 *Further Details*

Further details concerning the Gazette may be provided for the Administrative Instructions.

Rule 87—Copies of Publications

87.1 *International Searching and Preliminary Examining Authorities*

Any International Searching or Preliminary Examining Authority shall have the right to receive, free of charge, two copies of every published international application, of the Gazette, and of any other publication of general interest published by the International Bureau in connection with the Treaty or these Regulations.

87.2 *National Offices*

(a) Any national Office shall have the right to receive, free of charge, one copy of every published international application of the Gazette, and of any other publication of general interest published by the International Bureau in connection with the Treaty or these Regulations.

(b) The publications referred to in paragraph (a) shall be sent on special request, which shall be made, in respect of each year, by November 30 of the preceding year. If any publication is available in more than one language, the request shall specify the language in which it is desired.

Rule 88—Amendment of the Regulations

88.1 *Requirement of Unanimity*

Amendment of the following provisions of these Regulations shall require that no State having the right to vote in the Assembly vote against the proposed amendment:

(i) Rule 14.1 (Transmittal Fee),

(ii) Rule 22.2 (Transmittal of the Record Copy; Alternative Procedure),

(iii) Rule 22.3 (Time Limit Under Article 12(3)),

(iv) Rule 33 (Relevant Prior Art for International Search),

(v) Rule 64 (Prior Art for International Preliminary Examination),

(vi) Rule 81 (Modification of Time Limits Fixed in the Treaty),

(vii) the present paragraph (i.e., Rule 88.1).

88.2 *Requirement of Unanimity During a Transitional Period*

During the first 5 years after the entry into force of the Treaty, amendment of the following provisions of these Regulations shall require that no State having the right to vote in the Assembly vote against the proposed amendment:

(i) Rule 5 (The Description),

(ii) Rule 6 (The Claims),

(iii) the present paragraph (i.e., Rule 88.2).

88.3 *Requirement of Absence of Opposition by Certain States*

Amendment of the following provisions of these Regulations shall require that no State referred to in Article 58(3)(a)(ii) and having the right to vote in the Assembly vote against the proposed amendment:

(i) Rule 34 (Minimum Documentation),

(ii) Rule 39 (Subject Matter Under Article (17(2)(a)(i)),

(iii) Rule 67 (Subject Matter Under Article 34(4)(a)(i)),

(iv) the present paragraph (i.e., Rule 88.3).

88.4 *Procedure*

Any proposal for amending a provision referred to in Rules 88.1, 88.2, or 88.3, shall, if the proposal is to be decided upon in the Assembly, be communicated to all Contracting States at least 2 months prior to the opening of that session of the Assembly which is called upon to make a decision on the proposal.

Rule 89—Administrative Instructions

89.1 *Scope*

(a) The Administrative Instructions shall contain provisions:

(i) concerning matters in respect of which these Regulations expressly refer to such Instructions,

(ii) concerning any details in respect of the application of these Regulations.

(b) The Administrative Instructions shall not be in conflict with the provisions of the Treaty, these Regulations, or any agreement concluded by the International Bureau with an International Searching Authority, or an International Preliminary Examining Authority.

89.2 *Source*

(a) The Administrative Instructions shall be drawn up and promulgated by the Director General after consultation with the receiving Offices and the International Searching and Preliminary Examining Authorities.

(b) They may be modified by the Director General after consultation with the Offices or Authorities which have a direct interest in the proposed modification.

(c) The Assembly may invite the Director General to modify the Administrative Instructions, and the Director General shall proceed accordingly.

89.3 *Publication and Entry Into Force*

(a) The Administrative Instructions and any modification thereof shall be published in the Gazette.

(b) Each publication shall specify the date on which the published provisions come into effect. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Gazette.

PART F—RULES CONCERNING SEVERAL CHAPTERS OF THE TREATY

Rule 90—Representation

90.1 *Definitions*

For the purposes of Rule 90.2 and Rule 90.3:

(i) "agent" means any of the persons referred to in Article 49;

(ii) "common representative" means the applicant referred to in Rule 4.8.

90.2 *Effects*

(a) Any act by or in relation to an agent shall have the effect of an act by or in relation to the applicant or applicants having appointed the agent.

(b) Any act by or in relation to a common representative or his agent shall have the effect of an act by or in relation to all the applicants.

(c) If there are several agents appointed by the same applicant or applicants, any act by or in relation to any of the several agents shall have the effect of an act by or in relation to the said applicant or applicants.

(d) The effects described in paragraphs (a), (b), and (c), shall apply to the processing of the international application before the receiving Office, the International Bureau, the International Searching Authority, and the International Preliminary Examining Authority.

90.3 *Appointment*

(a) Appointment of any agent or of any common representative within the meaning of Rule 4.8(a), if the said agent or common representative is not designated in the request signed by all applicants, shall be effected in a separate signed power of attorney (i.e., a document appointing an agent or a common representative).

(b) The power of attorney may be submitted to the receiving Office or the International Bureau. Whichever of the two is the recipient of the power of attorney submitted shall immediately notify the other and the interested International Searching Authority and the interested International Preliminary Examining Authority.

(c) If the separate power of attorney is not signed as provided in paragraph (a), or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney shall be considered non-existent unless the defect is corrected.

90.4 *Revocation*

(a) Any appointment may be revoked by the persons who have made the appointment or their successors in title.

(b) Rule 90.3 shall apply, *mutatis mutandis*, to the document containing the revocation.

Rule 91—Obvious Errors of Transcription

91.1 *Rectification*

(a) Subject to paragraphs (b) to (g), obvious errors of transcription in the international application or other papers submitted by the applicant may be rectified.

(b) Errors which are due to the fact that something other than what was obviously intended was written in the international application or other paper shall be regarded as obvious errors of transcription. The rectification itself shall be obvious in the sense that anyone would immediately realize that nothing else could have been intended than what is offered as rectification.

(c) Omissions of entire elements or sheets of the international application, even if clearly resulting from inattention, at the stage, for example, of copying or assembling sheets, shall not be rectifiable.

(d) Rectification may be made on the request of the applicant. The authority having discovered what appears to be an obvious error of transcription may invite the applicant to present a request for rectification as provided in paragraphs (e) to (g).

(e) No rectification shall be made except with the express authorization:

(i) of the receiving Office if the error is in the request,

(ii) of the International Searching Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority,

(iii) of the International Preliminary Examining Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority, and

(iv) of the International Bureau if the error is in any paper, other than the international application or amendments or corrections to that application, submitted to the International Bureau.

(f) The date of the authorization shall be recorded in the files of the international application.

(g) The authorization for rectification referred to in paragraph (e) may be given until the following events occur:

(i) in the case of authorization given by the receiving Office and the International Bureau, the communication of the international application under Article 20;

(ii) in the case of authorization given by the International Searching Authority, the establishment of the international search report or the making of a declaration under Article 17(2)(a);

(iii) in the case of authorization given by the International Preliminary Examining Authority, the establishment of the international preliminary examination report.

(h) Any authority, other than the International Bureau, which authorizes any rectification shall promptly inform the International Bureau of such rectification.

Rule 92—Correspondence

92.1 *Need for Letter and for Signature*

(a) Any paper submitted by the applicant in the course of the international procedure provided for in the Treaty and these Regulations, other than the international application, itself, shall, if not itself in the form of a letter, be accompanied by a letter identifying the international application to which it relates. The letter shall be signed by the applicant.

(b) If the requirements provided for in paragraph (a) are not complied with, the paper shall be considered not to have been submitted.

92.2 *Languages*

(a) Subject to the provisions of paragraphs (b) and (c), any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates.

(b) Any letter from the applicant to the International Searching Authority or the International Preliminary Examining Authority may be in a language other than that of the international application, provided the said Authority authorizes the use of such language.

(c) When a translation is required under Rule 55.2, the International Preliminary Examining Authority may require that any letter from the applicant to the said Authority be in the language of that translation.

(d) Any letter from the applicant to the International Bureau shall be in English or French.

(e) Any letter or notification from the International Bureau to the applicant or to any national Office shall be in English or French.

92.3 *Mailings by National Offices and Intergovernmental Organizations*

Any document or letter emanating from or transmitted by a national Office or an intergovernmental organization and constituting an event from the date of which any time limit under the Treaty or these Regulations commences to run shall be sent by registered air mail, provided that surface mail may be used instead of air mail in cases where surface mail normally arrives at its destination within 2 days from mailing or where air mail service is not available.

Rule 93—Keeping of Records and Files

93.1 *The Receiving Office*

Each receiving Office shall keep the records relating to each international application or purported international application, including the home copy, for at least 10 years from the international filing date or, where no international filing date is accorded, from the date of receipt.

93.2 *The International Bureau*

(a) The International Bureau shall keep the file, including the record copy, of any international application for at least 30 years from the date of receipt of the record copy.

(b) The basic records of the International Bureau shall be kept indefinitely.

93.3 *The International Searching and Preliminary Examining Authorities*

Each International Searching Authority and each International Preliminary Examining Authority shall keep the file of each international application it receives for at least 10 years from the international filing date.

93.4 *Reproductions*

For the purposes of this Rule, records, copies and files shall also mean photographic reproductions of records, copies, and files, whatever may be the form of such reproductions (microfilms or other).

Rule 94—Furnishing of Copies by the International Bureau and the International Preliminary Examining Authority

94.1 *Obligation To Furnish*

At the request of the applicant or any person authorized by the applicant, the International Bureau and the International Preliminary Examining Authority shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in the file of the applicant's international application or purported international application.

Rule 95—Availability of Translations

95.1 *Furnishing of Copies of Translations*

(a) At the request of the International Bureau, any designated or elected Office shall provide it with a copy of the translation of the international application furnished by the applicant to that Office.

(b) The International Bureau may, upon request and subject to reimbursement of the cost, furnish to any person copies of the translations received under paragraph (a).

Report of the U.S. Delegation to the Washington Diplomatic Conference on the Patent Cooperation Treaty, Washington, D.C., May 25 through June 19, 1970

Submitted to the Secretary of State:

Eugene M. Braderman, Co-Chairman of the Delegation.

William E. Schuyler, Jr., Co-Chairman of the Delegation.

Prepared by: Business Practices Division, Bureau of Economic Affairs; Office of the Assistant Legal Advisor, Department of State, Office of Legislation and International Affairs, Patent Office, Department of Commerce.

1. TITLE, SITE, AND DATE

The "Washington Diplomatic Conference on the Patent Cooperation Treaty" was held in the Conference Suite of the Department of State in Washington, D.C., from May 25 to June 19, 1970.

2. BRIEF BACKGROUND

As a result of a United States initiative in September 1966, the Executive Committee of the Convention of Paris for the Protection of Industrial Property unanimously approved a resolution asking the Secretariat for that Convention, the United International Bureaux for the Protection of Intellectual Property (BIRPI), to undertake a study of practicable means to simplify the patenting of any given invention in a number of countries.

In the present situation, patenting in each country is a wholly independent affair and the national laws of most countries generally do not take account of the fact that protection for the same invention may be sought in other countries. For example, it is estimated that more than 50 percent of the

700,000 patent applications filed worldwide are duplicates of other applications. As a result, there is a great deal of duplication of effort and a considerable waste of time, talent, and money, both for the patent applicant and the national Patent Offices.

On the basis of the 1966 resolution of the Executive Committee of the Paris Convention and after consultation with interested Governments and international governmental and non-governmental organizations, BIRPI released a first draft of a proposed Patent Cooperation Treaty at the end of May 1967.

In the United States, officials of the Patent Office and the Department of State discussed this draft in detail with bar and industry groups. In addition, a Coordination Committee on the Patent Cooperation Treaty composed of the major patent law and industrial associations in the United States was established to study the draft in depth. The input from all of these groups weighed heavily in developing the position of United States Government representatives at several meetings of experts called by BIRPI to consider the draft. As a consequence, the United States proposed a number of significant revisions which were accepted and incorporated in a new draft of the Treaty prepared by BIRPI and released in July 1968.

In order to intensify the efforts to develop a treaty draft that would best serve U.S. interests the Department of State, in conjunction with the Patent Office, established in July 1968 an International Industrial Property Panel composed of representatives of all the important United States organizations interested in this field. Meetings of the Panel on the proposed PCT were held in July and December 1968, in March 1969, and in February 1970.

Individual groups interested in patent matters, such as the American Group of the International Patent and Trademark Association and the American Patent Law Association, also studied and made suggestions for changes in the PCT. In all cases the Patent Office and the Department of State carefully considered these suggestions, and in many instances were successful in getting these changes incorporated in the treaty drafts.

In December 1968 there was a meeting of a Committee of Experts to which all Paris Union members were invited to consider the July 1968 Draft. Forty states participated. These countries approved the basic concepts of the PCT and indicated clearly a desire to move ahead toward the final negotiation of the Treaty at a diplomatic conference some time during the first half of 1970.

On the basis of the December 1968 Committee of Experts meeting, BIRPI revised the July 1968 Draft and issued new revised drafts in March 1969. In April 1969 a meeting of Government experts from nine Paris Union Member States (France, Federal Republic of Germany, Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, and the United States) met to consider the March 1969 Revised Drafts. BIRPI also consulted with interested non-governmental organizations in April and May. Following these meetings, there was a further meeting with the Government experts for the aforementioned nine Paris Union Member States in mid-June 1969. BIRPI once more revised both the PCT and the PCT Regulations and issued the July 1969 Drafts, which became the basic negotiating drafts for the Diplomatic Conference.

In March 1970 the member States of the Paris Union and a number of intergovernmental and non-governmental organizations were invited by BIRPI to a Preparatory Study Group on the draft PCT Regulations in Geneva. A total of 40 States, 9 intergovernmental organizations, and 11 non-governmental organizations participated in the Study Group. The basic purpose of the meeting was to expedite the work on the extensive and detailed Regulations at the Diplomatic Conference.

3. AGENDA

1. Opening of the Conference.

2. Address by the Director of BIRPI.

3. Election of the President of the Conference.

4. Adoption of the Agenda.

5. Adoption of the Rules of Procedure.

6. Election of:

(a) the Vice-Presidents of the Conference.

(b) the members of the Credentials Committee, the General Drafting Committee and the two Drafting Committees.

(c) the Chairmen and Vice-Chairmen of the two Main Committees and of each of the four other Committees referred to in the preceding item.

7. Introduction of the Draft Patent Cooperation Treaty by the Secretary General of the Conference.

8. Introductory and general observations by Member Delegations.

9. Consideration of the reports of the Credentials Committee.

10. Consideration of the texts submitted by the two Main Committees and the General Drafting Committee.

11. Final vote on:

(a) the text of the Patent Cooperation Treaty and of the Regulations under that Treaty.

(b) any other instruments, resolutions, or recommendations.

12. Closing of the Conference by the President of the Conference.

4. PARTICIPATION

(a) Participating Countries (Member States of Paris Union):

Algeria (2).
Argentina (5).
Australia (4).
Austria (3).
Belgium (4).
Brazil (9).
Bulgaria (1).
Cameroon (1).
Canada (7).
Central African Republic (3).
Denmark (3).
Dominican Republic (1).
Finland (3).
France (7).
Gabon (1).
Germany (Federal Republic of) (8).
Hungary (5).
Indonesia (1).
Iran (3).
Ireland (1).
Israel (3).
Italy (14).
Ivory Coast (2).
Japan (6).
Luxembourg (1).
Malagasy Republic (3).
Malawi (1).
Malta (1).
Mauritania (1).
Mexico (1).
Monaco (1).
Netherlands (8).
Niger (1).
Norway (3).
Philippines (4).
Poland (4).
Portugal (7).
Romania (4).
Republic of South Africa (3).
Spain (4).
Sweden (5).
Switzerland (5).
Togo (3).
Trinidad and Tobago (1).
Turkey (1).
Uganda (2).
Union of Soviet Socialist Republics (8).
United Arab Republic (1).
United Kingdom (8).
United States (13).
Uruguay (2).
Yugoslavia (2).
Zambia (3).

(b) Observer Countries (non-member States of Paris Union):

Barbados (1).
Bolivia (1).
Burundi (1).
Chile (2).
Republic of China (3).
Costa Rica (1).
Ecuador (2).
Ghana (1).
Guatemala (2).
Guyana (1).
Jamaica (1).
Jordan (1).
Republic of Korea (3).
Laos (1).
Libya (1).
Malaysia (1).
Nicaragua (1).
Panama (1).
Paraguay (1).
Peru (1).
Rwanda (1).
Saudi Arabia (1).
Thailand (1).

(c) International Organizations:

(i) Intergovernmental Organizations:

United Nations (1).
United Nations Conference on Trade and Development (UNCTAD) (1).
United Nations Industrial Development Organization (UNIDO) (1).
International Patent Institute (IIB) (3).
International Institute for the Unification of Private Law (UNIDROIT) (1).
African & Malagasy Industrial Property Office (OAMPI) (1).
Commission of the European Communities (3).
European Free Trade Association (EFTA) (2).
Industrial Development Center for Arab States (IDCAS) (1).
Inter-Governmental Conference for the Setting Up of a European System for the Grant of Patents (2).
Organization of American States (OAS) (3).

(ii) Non-Governmental Organizations:

Asian Patent Attorneys Association (APAA) (8).
Committee of National Institutes of Patent Agents (CNIPA) (1).
Council of European Industrial Federations (1).
European Industrial Research Management Association (2).
Inter-American Association of Industrial Property (ASIPI) (3).
International Association for the Protection of Industrial Property (IAPIP) (2).
International Chamber of Commerce (2).
International Federation of Inventors Associations (IFIA) (2).
International Federation of Patent Agents (FICPI) (5).
Pacific Industrial Property Association (PIPA) (9).
Union of Industries of the European Community (UNICE) (1).

5. UNITED STATES DELEGATION

Co-Chairmen

Eugene M. Braderman, Deputy Assistant Secretary for Commercial Affairs and Business Activities, Department of State.

William E. Schuyler, Jr., Commissioner of Patents, Patent Office, Department of Commerce.

Alternate Co-Chairmen

George R. Clark, General Patent Counsel, Sunbeam Corporation, Chicago, Illinois.

Harvey J. Winter, Chief, Business Practices Division, Department of State.

Senior Advisers

James W. Brennan, International Patent Specialist, Patent Office, Department of Commerce.

Edward F. McKie, Jr., Patent Attorney, Birch, Swindler, McKie and Beckett, Washington, D.C.

Advisers

Donald W. Banner, General Patent Counsel, Borg-Warner Corporation, Chicago, Illinois.

Robert B. Benson, General Patent Attorney, Allis-Chalmers Corporation, Milwaukee, Wisconsin.

Pasquale J. Federico, Examiner-in-Chief (Retired), Patent Office, Department of Commerce.

H. Dieter Hoinkes, International Patent Specialist, Patent Office, Department of Commerce,

W. Brown Morton, Jr., Patent Attorney, McLean, Morton and Boustead, Washington, D.C.

Sylvia E. Nilsen, Deputy Assistant Legal Adviser, Department of State.

William A. Smith, III, International Patent Specialist, Patent Office, Department of Commerce.

6. ORGANIZATION OF THE CONFERENCE

I. Conference

President: Mr. Eugene M. Braderman (United States).

Vice-Presidents:

Mr. Pedro E. Real (Argentina).

Mr. K. B. Peterson (Australia).

Mr. Celso Diniz (Brazil).

Mr. Michael K. Epangue (Cameroon).

Mr. Francois Savignon (France).

Mr. H. Groepper (Germany, Federal Republic of).

Mr. Emil Tasnadi (Hungary).

Dr. Giorgio Ranzi (Italy).

Mr. Fatagoma Coulibaly (Ivory Coast).

Mr. Bunroku Yoshino (Japan).

Mr. Pablo R. Suarez, Jr. (Philippines).

Mr. Y. Artemiev (Soviet Union).

Mr. A. Fernandez-Mazarambroz (Spain).

Mr. G. Borggard (Sweden).

Mr. M. Abel Salam (United Arab Republic).

Mr. Edward Armitage (United Kingdom).

Secretary General: Mr. Arpad Bogsch (BIRPI).

Assistant Secretary General: Mr. Joseph Voyame (BIRPI).

Assistant Secretary General for Administration: Mr. William T. Keough (U.S. Department of State).

II. Main Committee I

Chairman: Mr. William E. Schuyler, Jr. (United States).

Vice-Chairmen:

Dr. Kurt Haertel (Germany, Federal Republic of).

Mr. A. D. Ibrahim (Indonesia).

III. Main Committee II

Chairman: Mr. J. B. van Bentham (Netherlands).

Vice-Chairmen:

Dr. M. Besarovich (Yugoslavia).

Mr. V. C. Akponor (Zambia).

Secretary: Mr. Joseph Voyame (BIRPI).

IV. Credentials Committee

Chairman: Mr. Bunroku Yoshino (Japan).

Vice-Chairmen:

Mr. W. Koeffler (Autria).

Mr. C. Randrianasolo (Malagasy Republic).

Other Members:

Mr. E. Tuxen (Denmark).

Dr. M. Read-Vittini (Dominican Republic).

Dr. A. A. Afshar (Iran).

Mr. M. J. Quinn (Ireland).

Mr. Ze'ev Sher (Israel).

Mrs. K. Matlaszek (Poland).

Dr. Jose de Oliveira Ascensao (Portugal).

Mr. G. S. Lule (Uganda).

Miss S. Nilsen (United States).

Secretary: Mr. Joseph Voyame (BIRPI).

V. General Drafting Committee

Chairman: Mr. Y. Artemiev (Soviet Union).

Vice-Chairmen:

Mr. B. Roussin (Canada).

Dr. Walter Stamm (Switzerland).

Other Members:

Mr. Alvaro Gurgel de Alencar (Brazil).

Mr. P. Guerin (France).

Dr. R. Singer (Germany, Federal Republic of).

Mr. R. Messerotti-Benvenuti (Italy).

Mr. Kataro Otani (Japan).

Dr. C. Schertenleib (Monaco).

Mr. S. Lewin (Sweden).

Mr. J. D. Fergusson (United Kingdom).

Mr. G. R. Clark or Mr. H. J. Winter (United States).

Secretary: Dr. Arpad Bogsch (BIRPI).

VI. Drafting Committee of Main Committee I

Chairman: Mr. Edward Armitage (United Kingdom).

Vice Chairman:

Mr. E. M. Haddrick (Australia).

Mr. A. Braun (Belgium).

Other Members:

Mr. S. Finne (Finland).

Mr. R. Gajac (before June 8); Mr. P. Fressonnet (from June 8) (France).

Dr. H. Mast (Germany, Federal Republic of).

Mr. Yoshiro Hashimoto (Japan).

Honorable H. E. Corneliu Bogden (Ambassador, Embassy of the Socialist Republic of Romania).

Mr. Y. Gyrdymov (Soviet Union).

Mr. G. R. Clark (United States).

Secretary: Mr. Klaus Pfanner (BIRPI).

VII. Drafting Committee on Main Committee II

Chairman: Mr. J. Balmary (France).

Vice Chairmen:

Mr. S. Bouzidi (Algeria).

Honorable Amir-Aslan Afshar (Ambassador, Embassy of Iran).

Other Members:

Dr. W. Tilmann (Germany, Federal Republic of).

Mr. Noriaki Owada (Japan).

Mr. L. Nordstrand (Norway).

Mr. E. Gavrilov (Soviet Union).

Mr. R. Bowen (United Kingdom).

Miss S. Nilsen (United States).

Dr. M. Besarovic (Yugoslavia).

Secretary: Mr. Joseph Voyame (BIRPI).

VIII. Steering Committee

Chairman: Mr. Eugene M. Braderham (President of the Conference).

Members:

Mr. Y. Artemiev (Chairman of the General Drafting Committee).

Mr. J. B. van Benthem (Chairman of Main Committee II).

Mr. William E. Schuyler, Jr. (Chairman of Main Committee I).

Mr. Bunroku Yoshino (Chairman of the Credentials Committee).

Secretary: Dr. Arpad Bogsch (Secretary General of Conference).

7. WORK OF THE COMMITTEE

The principal negotiating work of the Conference was carried out in two Main Committees. Main Committee I dealt with Chapters I (international application and international search), II (international preliminary examination), and III (common provisions) of the Draft Treaty PCT/DC/4) and with the related Rules of the Draft Regulations (PAT/DC/5). Main Committee II dealt with then Chapters IV (administrative provisions) and V (final provisions) and the Related Rules of the Draft Regulations.

During the Conference some new chapters were added to the Treaty which necessitated a renumbering of the chapters from those in the 1969 Draft (PCT/DC/4). A new chapter on "Technical Services" became Chapter IV and was dealt with in Main Committee I. Another new chapter on "Disputes" became Chapter VI and was handled by Main Committee II. Two articles of the 1969 Draft—Article 55 on "Revision of the Treaty" and Article 56 on "Amendment of Certain Provisions of the Treaty"—were put into a separate chapter (Chapter VII) and were dealt with in Main Committee II.

Eight Working Groups were set up during the Conference to deal with specific problems. Each of these Groups reported back to the two Main Committees, which acted upon the reports of the Working Groups.

On the basis of United States interests, we have selected for comment the following major issues which were acted upon in the two Main Committees.

ARTICLE 2—DEFINITIONS

In the negotiating draft (PCT/DC/4), inventors' certificates were treated in Article 43 of the "Common Provisions". That Article construed references to patents to include references to inventors' certificates. This enabled applicants in countries having inventors' certificates, when filing an international application, to base their priority claim on a first filed inventor's certificate. The system of inventors' certificates is used widely by Soviet applicants to protect industrial property in the Soviet Union and in some of the other Eastern European Countries. Since Article 43 did not equate inventors' certificates with patents, the United States position was to support treatment of inventors' certificates along the lines of this Article. In document PCT/DC/11, however, BIRPI proposed deletion of Article 43 and insertion of a paragraph in Article 2 (Definitions), stating that patents *meant* both patents and inventors' certificates.

The Soviet Union was in favor of removing the reference to inventors' certificates from the latter part of the treaty draft and placing it into Article 2. It further proposed that patents and inventors' certificates be defined as meaning "legal institutions which, for the purposes of this Treaty, were the main form of protection of inventions". Although this language did not specifically equate patents to inventors' certificates, it nevertheless placed them side by side and thereby went far beyond the original meaning of Article 43.

The United States suggested a further compromise along the general lines of the BIRPI proposal in PCT/DC/11. It involved the deletion of Article 43 and the insertion in Article 2 of the definition of inventors' certificates as contained in Article 43. Thus, inventors' certificates were given a physically more prominent spot in the Treaty, while assuring at the same time that the concept of patents would not be equated with that of inventors' certificates. The compromise proposal was accepted by the Soviet Union, which withdrew its proposal.

ARTICLE 4—THE REQUEST

Article 4 of the negotiating draft (PCT/DC/4) provided that for each international application the request should contain the name and other prescribed data concerning the inventor. Article 4(4) provided that where, according to the national law of a designated State, an inventor's identity would not be required in a national application, failure to indicate the name and other prescribed data concerning the inventor would have no consequence in such State.

The Soviet union proposed (PCT/DC/18) that Article 4 be amended to require that the name and other data concerning the inventor be indicated in the request *in any case*. On the other hand, France proposed (PCT/DC/19) that the compulsory naming of the inventor in the request at the time of filing be deleted from the Treaty and that the naming of the inventor be deferred until the start of the national phase. Specifically, the French proposal provided that the inventor's name did not need to be furnished until the expiration of the 20th month time limit of Article 22. The French proposal permitted the request to contain the name of the inventor and the prescribed indications concerning his identity. However, if such particulars were not included in the request, they could be communicated at a later date to the designated State within the time limit of Article 22. Moreover, failure to mention such particulars in the request or in a separate communication at a later date would have been of no consequence in those designated States whose national law did not require an indication of the inventor's identity. Switzerland, Austria, Italy, the Federal Republic of Germany, the European Industrial Research Management Association (EIRMA), the Union of Industries of the European Community (UNICE), and the Council of European Industrial Federations (CIFE) supported the French proposal.

Sweden, United States, Hungary, Poland, Japan, Norway, United Kingdom, Spain, Israel and the Pacific Industrial Property Association (PIPA) supported the Soviet proposal. Israel urged support for naming the inventor at the earliest date, even though its own national law did not so require. It was pointed out that the Paris Union recognized the fundamental right of the inventor to be named in an application. While it was argued, on behalf of the French proposal, that only after the scope of the invention had been finally settled could the inventor be determined, it was suggested by Israel that postponing the naming of the inventor could increase the risk that the wrong inventor would be named.

The United States explained that under present United States law the inventor must sign the application as filed. Since failure to name the inventor is a fatal defect in a U.S. application, and since the intent of Article 11(3) is that the international application will have the immediate effect of a regular national application in each designated State, it is important that where the United States is designated, the inventor at least be identified in the request. This was essentially the United States position with regard to Article 4.

No votes were taken on the proposals when first raised, the matter being deferred until the conclusion of the deliberations on Chapter I of the Treaty. When again taken up, France presented a compromise proposal (PCT/DC/50), which was adopted. In substance Articles 4(1)(v) and 4(4) of the Treaty now require that the name of the inventor be furnished at the time of filing if the national law of *at least one* of the designated States requires such an indication. Otherwise, the name may be furnished in a separate notice addressed to each designated State whose national law requires the naming of the inventor, but permits it to be furnished at a time later than the filing of the application. Failure to indicate the name of the inventor on filing is to have no consequence in any designated State whose national law requires naming the inventor but permits it to be furnished later than the time of filing. Moreover, failure to furnish the name in a separate notice shall have no consequences in any designated State whose national law does not require it at any time.

ARTICLE 8—CLAIMING PRIORITY

Article 8(1) of the negotiating draft (PCT/DC/4) stated that an international application could contain a claim of priority of earlier national or international applications filed in any member country of the Paris Union. In light of the new definition of the term "application", references to "national" and "international" became superfluous and were deleted in the final draft by Main Committee I.

Paragraph 2(a) of Article 8 in the negotiating draft stated that "subject to subparagraphs (b) and (c)" the conditions and effects of priority claims should be as provided in the Paris Convention.

The United States position was that the provisions of the Paris Convention should be controlling and that the national law of a designated State could control only where the sole basis for the priority claim in that State was either an earlier national application filed in that State or an earlier international application in which *only* that one State was designated.

It was subparagraph (2)(c) which divided Main Committee I and ultimately led to the formation of a Working Group on the whole of Article 8. The negotiating draft of this subparagraph provided that where the claim of priority was based on a prior *international* application and where a State was designated in both applications, the validity of the designation and the conditions and effects of the priority claim in the later international application were to be governed by the national law of the designated State. On the basis of an earlier proposal by the Federal Republic of Germany, BIRPI suggested (PCT/DC/11) a change in this subparagraph, making the validity of the priority claim dependent upon the withdrawal, within a specified time period, of the earlier international application, or the designation of States contained therein which were also designated in the later international application. France had also submitted a proposal (PCT/DC/19) which was similar to the BIRPI proposal.

The United States position was that both the original and the rewritten drafts of paragraph (2)(c) were unacceptable since they encroached upon the rights granted under the Paris Convention. As an example, it was stated that if an earlier international application contained the designation of two States, the later international application claiming the priority of the earlier one should be able to contain the designation of the same two States, without any question of the validity of the claimed priority, since in one State the priority of the international application designating the other State could be claimed and vice versa. The United States noted that each State could amply protect itself against the dangers of double patenting, etc., in the national phase.

The Working Group dealing with the whole question of priority adopted the view of the United States in that it recognized that national law should only be controlling in the situations where the claim of priority in an international application designating a State was either based on an earlier national application of that State, or an earlier international application designating only that State.

France, the Federal Republic of Germany, the Netherlands, and the United Kingdom voiced preference for the BIRPI proposal in PCT/DC/11, but accepted the solution suggested by the Working Group which is reflected in the adopted version of Article 8.

ARTICLE 9—THE APPLICANT

Article 9(1) of the negotiating draft (PCT/DC/4) limited the filing of international applications to residents or nationals of Contracting States. The necessity for such a limitation was recognized and Article 9(1) was adopted without opposition. In discussing this provision, the Federal Republic of Germany explained the basis upon which a treaty could thus exclude residents or nationals of countries which were members of the Paris Union. It stated that where a treaty was open to any State member of the Paris Union, it could properly limit the availability of its benefits to nationals or residents of Contracting States. In other words, any resident or national of a State member of the Paris Union could be excluded, until that State became a Contracting State (i.e. a State party to the PCT). On the other hand, where a treaty was not open to every member State of the Paris Union, it could not exclude residents and nationals of non-participating Paris Union member States from its advantages, without violating the national treatment principles of the Paris Union.

Article 9(2) of the negotiating draft provided that the Assembly may decide to allow residents or nationals of "specified States", other than States party to the PCT, to file international applications. The BIRPI Secretariat proposed (PCT/DC/11) an Alternative to Article 9(2) which would have limited "specified States" to member States of the Paris Convention. A similar proposal was made by Japan (PCT/DC/7).

The Secretary General of the Conference, stated that in view of the strong sentiment for limiting Article 9(2) to Paris Union countries, as evidenced at the March 1970 meeting on Rules, he had drafted the alternative proposal appearing in PCT/DC/11.

The United States position on the question of limiting the "specified States" to Paris Union members was that although the United States favored in principle a patent treaty offering the fullest opportunity for filing by residents or nationals of any State, it recognized that opening the PCT to residents or nationals of non-Paris Union States would raise considerable administrative difficulties as well as substantive questions under the Paris Convention. The United States therefore supported the proposed BIRPI Alternative and the Japanese proposal. The Federal Republic of Germany and the United Kingdom also supported this position, pointing out that any member State of the Paris Union could join the PCT and to that extent it was indeed an "open" Treaty.

In discussing the proposed Alternative the general feeling was that it would not be prudent to permit access to the PCT by residents or nationals of non-Paris Union States since such persons would achieve all of the benefits of the PCT while their States would neither adhere to the broad principles of the Paris Convention, nor would they incur any of the obligations of the PCT. The BIRPI Alternative was accordingly adopted by the Conference and now appears as Article 9(2) of the Treaty.

ARTICLES 11(3), 27(5), 64(4)—PRIOR ACT RESERVATION

Article 11(3) of the negotiating draft (PCT/DC/4) stated that an international application would have the effect of a regular national application in each designated State as of the international filing date.

The negotiating draft contained a provision in Article 27(5) that the effective date of any international application for prior art purposes in each Contracting State was "governed by the national law of that State and not by the provisions of Article 11(3) or any other provision of this Treaty".

The provision in Article 27(5) of the negotiating draft traces its origin to a proposal made to BIRPI by interested United States groups in a meeting, hosted by BIRPI in Geneva, in May 1969. The intent of the proposal was to prevent the Treaty from overriding national substantive law. It was felt that any change should be accomplished through normal legislative processes.

Prior to the Diplomatic Conference, the United States had received many indications that the proviso would be attacked by European Delegations at the Conference.

A formal written proposal to delete the final sentence of Article 27(5) was co-sponsored by Austria, Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, the Netherlands, Spain, Sweden, Switzerland and the United Kingdom. This proposal was also supported by the Soviet Union.

Several Delegations stated that the proviso in Article 27(5) represented a grave exception to the fundamental principle of the Treaty, as expressed in Article 11(3).

Canada noted that the number of applications affected by Article 27(5) were extremely small and that although a breach in the principle of Article 11(3) existed, it was de minimis in practice.

The United States vigorously supported the retention of the provision in Article 27(5) and stated that it would probably be impossible for the United States to become a party to the Treaty under its present law if the proviso were deleted.

Several countries, notably Argentina and Brazil, supported the United States position that national law should be left untouched by the Treaty.

A Working Group consisting of the representatives of Argentina, Austrialia, Canada, France, the Federal Republic of Germany, Israel, the Netherlands, Soviet Union, Switzerland, United Kingdom, United States and Zambia was formed. The Working Group held five sessions.

After extensive discussions the Working Group was able to report a compromise to Main Committee I which consisted of the following changes in the negotiating draft:

A paragraph was inserted in Article 64(4) under "Reservations" stating that any State whose national law does not equate for prior art purposes the priority date claimed under the Paris Convention for the Protection of Industrial Property to the actual filing date could so declare and state the date from which international applications designating that State would become effective as prior art in that State.

Article 11(3) was amended to read, "Subject to Article 64(4), any international application" would "have the effect of a regular national application in each designated State as of the international filing date, which date shall be considered to be the actual filing date in each designated State."

The last sentence of Article 27(5) was deleted.

This compromise was adopted by Main Committee I and is acceptable to the United States, with the understanding that in line with its position to allow complete freedom in applying the criteria of its own national law in respect of prior art, ratification by the United States of the PCT, would be conditioned upon the making by the United States of a reservation under Article 64(4), if, at the time of such ratification, United States law does not equate, for prior art purposes, the priority date claimed under the Paris Convention to the actual filing date in the United States.

ARTICLE 15—THE INTERNATIONAL SEARCH

In the negotiating draft (PCT/DC/4), Article 15(5) provided for an "international-type search" on a national application at the option of the applicant so that he could better evaluate the desirability of filing an international application.

At the request of Portugal and Brazil, subparagraphs (b) and (c) of Article 15(5) providing for an international-type search on national applications, at the option of the Contracting State, have been added to this Article. The effect of this provision is to permit any country, but especially countries which have no examination system or have an examination system which is not of high quality to require that any applicant obtain an international-type search from an International Searching Authority. It is expected that this search will be conducted by the International Patent Institute (IIB) which is expected to be the International Searching Authority for smaller countries.

Countries not members of the IIB, may thereby acquire a right to request such searches from the Institute even though they have not paid the large membership fee to become a member of the IIB.

This provision expands the concept of the international search of applications to domestic applications. In those countries in which an application is filed under the Paris Convention rather than PCT, the applicant may have to pay the additional costs of the IIB search. For this reason, it might be viewed as not being in the short-term interest of some applicants from developed countries, who may wish to avoid the prejudicial effect of a negative search report. This was discussed within the United States Delegation. There was general agreement by the Delegation, including patent counsels for two corporations having extensive foreign filing programs, to accept the Portuguese-Brazilian proposal for the following reasons:

1. Such a provision would tend to upgrade the national patent system of participating countries taking advantage of the proviso.

2. Although the "international-type search" would increase costs for those applicants filing applications outside the PCT, the PCT route could be utilized to avoid extra payment for the international-type search.

3. The desirable tendency of this provision would be to increase filings under PCT.

Accordingly, the United States did not oppose the provisions after being assured by the delegates from Portugal and Brazil that they intended to apply these provisions in a non-discriminatory manner.

The IIB first agreed to, but then questioned, the added subparagraphs, principally for the reason that it could thereby lose control of its workload. However, when assured by the Secretariat and the countries proposing the resolution that it would be subject to the searching agreement and to the provisions regarding gradual application of the Treaty, it withdrew its question.

ARTICLE 20—COMMUNICATION TO DESIGNATED OFFICES; RULE 44 TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT, ETC.

The negotiating draft contained no provision for furnishing the applicant with copies of the references cited in the international search report. At the Preparatory Study Group Meeting in March 1970 on the Regulations, the United States proposed that Rules 43 and 44 be amended to require that copies of the cited documents be forwarded to the applicant. This proposal is consistent with resolutions which had been adopted by the APLA and the ABA. At that meeting, Poland, however, urged that the proposal be broadened so that the International Searching Authority would be required to send, on request, a copy of any document cited in the international search report to any designated or elected Office or any International Preliminary Examining Authority.

At the Diplomatic Conference, Poland again suggested that the Searching Authority be requested to send copies not only to the applicant but also to designated or elected Offices. Other proposals relating to this general subject matter were submitted by Argentina (PCT/DC/71), Brazil (PCA/DC/34), Japan (PCT/DC/48), Portugal (PCT/DC/42), Sweden (PCT/DC/72) and BIRPI (PCT/DC/12, PCT/DC/88).

These proposals dealt not only with the supplying of copies of references but also with translations of the search report and the references and the requirements that especially pertinent references be indicated.

The first item discussed was the question of whether search reports should be translated into the languages of each of the designated Offices at the responsibility of the applicant, as proposed by Argentina. The Secretary General pointed out that this would be of little practical use since the search report would generally follow a standard format and would include little or no text matter except numbers and dates which do not require translation. When put to a vote, the Argentine proposal was defeated.

When discussing the Brazilian proposal (PCT/DC/34), Sweden and the United Kingdom questioned the meaning of the proposed requirement. Was the intent that each cited document be translated into the language of the developing country, or was only a translation of the most relevant portions of the cited documents intended? The Delegates continued to hold conflicting views and when put to a vote, the proposal was defeated.

There was considerable discussion on the merits of the Swedish proposal concerning the special indication of citations of particular relevance. The Federal Republic of Germany opposed the Swedish view, noting that it had been discussed before and that some "interested circles" were opposed on the grounds that search reports should be free of opinions. It further noted that the right to amend claims could make a reference irrelevant, although the same had once been considered of "particular relevance." Japan, Switzerland, the Netherlands, United Kingdom, and a number of observer Associations such as the International Association for the Protection of Industrial Property (AIPPI), International Federation of Patent Agents (FICPI), PIPA, and EIRMA supported the Federal Republic of Germany in its opposition to the Swedish proposal. On the other hand, Israel, Denmark, Austria, Finland, and Australia supported the Swedish proposal on the ground that it would produce a more useful and meaningful search report. The Secretary General pointed out that search reports would become complex and costly if too much was included in them. Austria pointed out that references of particular relevance could be "specifically indicated" merely by the use of an X or appropriate symbol.

The Swedish proposal was adopted and appears in the PCT as paragraph (c) of Rule 43.5. Insofar as the special indication might merely be an asterisk and insofar as it may improve the usefulness of search reports, it should not in any way burden International Searching Authorities.

The BIRPI proposal for Article 20(3) and Rules 44 and 71 (PCT/DC/88) was adopted, subject to minor drafting revisions, and now appears in Article 20 and Rules 44 and 71 of the approved text. Even though the BIRPI proposal is somewhat broader than the original United States proposal in that it permits not only the applicant, but also designated Offices, to request copies of the documents cited in the search report, it is acceptable. Moreover, when an International Searching Authority sends the search report and copies of references to the applicant it could, instead of sending copies of the cited references to interested designated States, send a set of these copies to the International Bureau which, in turn, could prepare additional copies for those designated States. The flexibility for this procedure is provided in paragraph (c) of Rule 43.3.

ARTICLE 21—INTERNATIONAL PUBLICATION AND ARTICLE 64(3)—RESERVATIONS

The negotiating draft (PCT/DC/4) stated in Article 21(2)(a), that subject to the exceptions ("Reservations") provided for in Article 60(3)(b) (now Article 64(3)), the international publication of the international application would be effected promptly after the expiration of 18 months from the priority date of that application. Article 60(3)(a) provided that any State could declare that international publication of international applications was not required as far as it was concerned.

Article 60(3)(b) provided that international applications would not be automatically published at the expiration of 18 months if they contained only designations of States which had made the declaration under Article 60(3)(a).

Switzerland made a proposal (PCT/DC/

55) to delete the reservation provision of Article 60(3) and thereby make publication of all international applications mandatory at the end of the 18th month from the priority date.

The position of the United States was to support vigorously the retention of the reservation clause. The reason was that publication of an applicant's invention should not be forced on him without his authorization.

Canada supported the United States position and since Switzerland did not insist on its proposal, it was withdrawn and Main Committee II adopted the text of the negotiating draft. Article 60(3) became Article 64(a) in the adopted text of the Treaty.

ARTICLE 31—DEMAND FOR INTERNATIONAL PRELIMINARY EXAMINATION

Chapter II of the negotiating draft (PCT/DC/4) provided for a double option. In order to receive the international preliminary examination report, the applicant would have to elect a Contracting State, which itself had opted to adhere to Chapter II. In addition, the applicant could not obtain an examination report unless he was a resident or national of a Contracting State which itself had agreed to be bound by the provisions of Chapter II.

Israel proposed (PCT/DC/41) that the demand for international preliminary examination be available not only to an applicant who is resident or national of a Contracting State bound by Chapter II, but also to a PCT applicant who elected a State member of the PCT, which requires that every international application designating it be accompanied by an examination. The Israeli proposal was intended to modify Chapter II so that a designated State could require that *every* international application designating it be accompanied by an international preliminary examination report. This would have taken away from the PCT applicant the option of proceeding either under Chapter I only, or under both Chapters, in such countries.

A Working Group consisting of representatives of Austria, Brazil, France, the Federal Republic of Germany, Israel, Ivory Coast, Japan, the United Kingdom and the United States was appointed to consider the question.

At its first meeting, the Working Group considered a new proposal (PCT/DC/WG.V/2) submitted by Israel as a substitute for the prior proposal of PCT/DC/41 and PCT/DC/WG.V/1. The proposal concerned Articles 33 and 61, and in essence provided that, if the national law of a Contracting State bound by Chapter II so permitted, the applicant filing a national application might request that an examination similar to an international preliminary examination be carried out on such application provided that such national application had been the subject of an international-type search. This is a Chapter II counterpart to the Chapter I provision of Article 15(5) of the negotiating draft. The proposal was objected to by France, the Federal Republic of Germany, Japan and the United States. It was considered that this proposal even exceeded the scope of the original proposal.

After extensive discussion of Document PCT/DC/WG.V/2 Israel presented a revised proposal concerning Article 31 in Document PCT/DC/WG.V/3.

This new proposal provided that:

"The Assembly may decide to allow residents and nationals of Contracting States not bound by Chapter II to make demands for international preliminary examination of their international applications in designated States bound by Chapter II, whose national law permits such examination . . . provided, however, that in such case the Assembly shall provide to the national Office, which fulfills the requirements under Article 32, the opportunity to become the International Preliminary Examining Authority for such applications for which that national office is the receiving office."

The United Kingdom supported the Federal Republic of Germany and suggested that the details of what International Preliminary Examining Authority would be appointed for which Contracting States be left to the Regulations. Thereupon, Israel proposed that Article 31(2)(b) read as follows:

"The Assembly may decide to allow residents and nationals of Contracting States not bound by Chapter II to make demands for international preliminary examination of their international applications in designated States bound by Chapter II whose national law permits such examination, under conditions to be decided by the Assembly."

The United States supported the provision in the first half of Article 31(2)(b) and agreed with the United Kingdom proposal concerning the relegation to the Rules of the details of which International Preliminary Examining Authority would be appointed for a particular Contracting State. In addition the United States suggested that if the Israeli proposal for maintaining the first half of paragraph (b) were adopted, the language "whose national law permits such examination" be changed to read—"whose national law requires an examination for all applications". It was considered that this would be made consistent with the Pairs Convention. The United Kingdom presented a formal proposal (PCT/DC/WG.V/4) for specific amendments to Articles 31 and 32 and Rule 59. The proposal was generally accepted by the Working Group and subject to minor drafting changes approved by the Conference for incorporation into Articles 31, 32 and Rule 59.

The Treaty now provides that the Assembly may decide to allow persons entitled to file international applications to make demands for international preliminary examination even if they are residents or nationals of a State not party to the Treaty and not bound by Chapter II. Such applicants however may elect only such Contracting States bound by Chapter II which have declared that they are prepared to be elected by applicants under the terms of paragraph (2)(b) of Article 31. Moreover in the case of demands filed under the procedures of Article 31(2)(b) the Assembly shall (in accordance with the applicable agreement between the Preliminary Examining Authority or Authorities and the International Bureau) specify the Preliminary Examining Authority or Authorities competent for preliminary examination. This provision appears in Article 32(2). Details of the procedure for the appointment of an International Preliminary Examining Authority, in the case where the national Office in which the international application is filed is not itself an International Preliminary Examining Authority are spelled out in Rule 59.2 and provide that the Assembly shall "give preference" to the International Preliminary Examining Authority recommended by that Office.

This latter provision generally accommodates the United States position. Without being bound by Chapter II the United States may accept appointment as an International Preliminary Examining Authority for United States applicants who require an international preliminary examination for certain Chapter II States under Article 31(2)(b). To this extent the Rule requires that if the United States otherwise qualifies as an International Preliminary Examining Authority it will be given preference by the Assembly when considering which Preliminary Examining Authority should be appointed.

ARTICLE 45—REGIONAL PATENT TREATIES

Article 44 of the negotiating draft (PCT/DC/4) (now Article 45) dealt with regional patent treaties. Prior to the Diplomatic Conference, France and the Netherlands urged that the Article provide for the possibility for States members of regional patent treaty to consider applications designating them as applications for a regional patent rather than a national patent. In States taking advantage of such a provision, it would not be possible to obtain a national patent via the PCT route.

Various reasons were advanced in support of the proposal in private discussions. The Netherlands suggested that it was a means of phasing out its national patent system in the event that the European Patent became a reality. Others suggested that another reason for the proposal was the possibility of a supplemental search of every PCT international application coming into European countries by virtue of the European Patent Convention, where the initial search was conducted by an International Searching Authority which, in the opinion of the "European Patent Office", did not conduct adequate international searches. A third reason suggested for the French-Netherlands proposal relates to internal negotiations within the European Community as to which would be the dominant force in the European Patent system. By providing that all applications filed under the PCT will be considered as regional applications in France or the Netherlands, the number of domestic applications filed in other European countries would also be decreased since the applicant must file a regional patent application if he uses PCT. It was alleged that, given the above system, it did not make economic sense to obtain patents in other European countries via the traditional non-PCT route.

The Scandinavian countries and the United Kingdom opposed the Netherlands proposal. In the debate of the French-Netherlands proposal, it was clear that the Soviet Union would remain neutral and that the Scandinavian countries, the United Kingdom and Japan would be against it. Initially the United States aligned itself with the position of the United Kingdom, thereby making it clear to the supporters of the proposal that it would be impossible to have the provision adopted. Later, the United States indicated that it would be possible for it to support the provision provided it was amended to state that a regional patent treaty may provide that international applications designating a State party to the regional patent treaty and the PCT may be filed as applications for a regional patent if it gives to all persons who "according to Article 9, are entitled to file international applications, the right to file applications for such regional) patents."

This provision would assure that if the PCT were to be used as a route to a regional patent (European Patent), the regional treaty would have to be open to nationals and residents of all member states of the PCT, including the United States.

The Netherlands-French proposal, as amended by the proposal of the United States, was adopted by a vote of 15–14. The Soviet Union abstained.

Article 45, as adopted, gives member States of regional treaties power to exclude the filing of national applications via PCT. However, if this is done it must provide access to the regional convention via PCT to all member States of PCT. Representatives of United States industry and various observer nongovernmental organizations regarded this to be a very satisfactory solution. Some went so far as to categorize Article 45 as the most important and beneficial Article to American industry in the entire Treaty.

The fact that it may be more expensive to file a European Patent via PCT than one or two national patents in Europe is not seen as a great disadvantage since it would be unlikely that American industry would desire protection in that small a number of European countries.

ARTICLE 50—PATENT INFORMATION SERVICES; ARTICLE 51—TECHNICAL ASSISTANCE; ARTICLE 52—RELATIONS WITH OTHER PROVISIONS OF THE TREATY

Chapter IV on "Technical Services" is completely new, having been developed at the Conference in Working Group II. The origin of this chapter may be traced back to an Israeli proposal (PCT/DC/20), which was introduced on the opening day of the Conference. Under the original proposal, entitled "Information Centers", the various International Searching Authorities would, upon payment of prescribed fees, have been called upon to provide information on issued patents and published know-how.

The Israeli proposal immediately aroused the interest of the developing countries and was strongly supported by them, with Brazil taking the lead. Since the Israeli proposal was rather loosely drafted, Main Committee I decided to establish a Working Group of fourteen countries, including the United States, to deal with this matter. Because of its expertise in the patent documentation field, the International Patent Institute (IIB) was also placed on the Working Group. Brazil was elected Chairman of the Working Group.

Soon after the Working Group began its discussion, it was quite clear that developing countries were not only interested in access to published technical information but also legal-technical assistance concerning improvement of their patent systems. The initial postiion of the United States was that these matters more appropriately might be dealt with under the new World Intellectual Property Organization (W.I.P.O.), an important task of which is to develop a legal-technical assistance program for developing countries. This position received support in the Working Group only from the Federal Republic of Germany and Japan.

After prolonged discussions in a series of meetings which began on May 27 and ended on June 10, a new Chapter IV was added to the Treaty. It was approved unanimously in the Working Group and adopted unanimously in Main Committee I.

Article 50, "Patent Information Services", states that the International Bureau may furnish services by providing technical and other pertinent information available in the form of *published documents*, primarily patents and published applications. This service is to be provided at cost to Governments of Contracting States and below cost to developing countries if the difference can be covered by profits made on services to other than Governments of Contracting States, or from international organizations.

Article 51, "Technical Assistance", provides for legal-technical assistance for developing countries to improve their patent systems individually or on a regional basis. A Committee for Technical Assistance will be established to organize and supervise this technical assistance. Financing for this is contingent on agreements between the International Bureau, and international financing organizations and intergovernmental organizations, especially the UN.

Article 52 divorces the Chapter on "Technical Services" from the financial provisions in any other Chapter in the Treaty. During the course of the discussion of Chapter IV in both the Working Group and the Main Committee several developing countries emphasized the point that this chapter would make the PCT more attractive to them. The new Chapter received specific endorsement by a wide range of developing and developed countries, including the United States.

In his closing speech the Secretary General of the Conference, Dr. Arpad Bogsch, summarized the principal accomplishments of the Diplomatic Conference. He had the following to say about Chapter IV:

"Among the many improvements effected by the distinguished Delegates attending this Conference, perhaps the most significant is the writing into the Treaty of a new Chapter—Chapter IV which goes beyond the original goals of the Treaty, and provides the framework for technical assistance to developing countries. Assistance to developing countries is the main preoccupation of our times and the most difficult of the tasks of international organizations . . ."

ARTICLE 53(6)(a)—ASSEMBLY; ARTICLE 58(2)(b)—REGULATIONS

Under Articles 50(6)(a) and 54(2)(b) of the negotiating draft (PCT/DC/4), adoption by the Assembly of amendments to the Regulations would have required two-thirds of the votes cast, subject to certain exceptions. The United States proposed (PCA/DC/58) that the majority be increased to three-fourths, subject to the exceptions. The proposal was adopted by Main Commitee II. Articles 50 and 54 became Articles 53 and 58 respectively in the adopted text.

ARTICLE 54—EXECUTIVE COMMITTEE

The negotiating draft of the PCT, unlike the Stockholm revision of the Paris Industrial Property Convention, did not contain a separate Article on the Executive Committee. Some provisions relating to the Executive Committee were, however, included in Article 50 of the negotiating draft (PCT/DC/4), on the Assembly. It was provided only, that when the number of Contracting States exceeded forty, the Assembly would establish an Executive Committee to which it could delegate for the intervals between the sessions of the Assembly certain specified functions. Further, it was provided that the Executive Committee would meet once in every calendar year in ordinary session and would meet in extraordinary session upon convocation by the Director General, either on his own initiative, or at the request of the Chairman of the Executive Committee, or of one-fourth of its members.

Yugoslavia proposed (PCT/DC/65), that a separate article be included covering the Executive Committee in view of the importance of the role of the Executive Committee and the fact that separate articles had been reserved for the Assembly, the International Bureau and the Committee for Technical Cooperation. The Secretary General indicated that a seperate article had not been included, since it would be some time before an Executive Committee could be established—only after forty States had become party to the Convention. The prposal by Yugoslavia, however, met with general support and no opposition from the Delegations. A text of an article on the Executive Committee (PCT/DC/81) was subsequently introduced by Yugoslavia. That text, with some few changes, was adopted by Main Committee II and is basically the same as the Article on the Executive Committee contained in the Stockholm revision of the Paris Convention for the Protection of Industrial Property. This addition was acceptable to the United States.

ARTICLE 57—FINANCES

Article 53 of the negotiating draft (PCT/DC/4) (now Article 57) dealt with finances. Paragraph 5(b) provided that if any financial year closed with a deficit, the contracting States should contribute to cover the deficit. The amount of the contribution was to be determined by the number of international applications emanating from each of them in the relevant year and "other pertinent factors". It is anticipated that the United States will file a rather large percentage of the applications under the Treaty; the Soviet Union on the other hand is expected to file a very small percentage. Japan would be in a situation similar to that of the Soviet Union.

Despite the fact that the Treaty is designed to be self-supporting, there is always the possibility that deficits may occur and therefore this question was considered important to the United States. It should also be noted that Article 57(7)(a) provided for the constitution of a working capital fund. Contributions to this fund would be based on factors similar to those taken into account in the payment of any deficits that occur on an annual basis.

Australia proposed elimination of the language "other pertinent factors" because it was too vague. The developing countries, with United States support, suggested that the most pertinent factor should be the level of development of each of the countries. The proposal to base the contribution upon industrial capability did not receive broad support from the developed countries.

A working Group was appointed to look into the problem and to present a proposal to Main Committee II which, if possible, would enumerate those factors which should be considered pertinent in arriving at the contributions of each country.

In the Working Group, the United States advanced the proposition that the number of applications *received* from abroad should be one of the important determining factors. It noted that patent offices receiving such applications would benefit, since either there would be less work involved in processing a PCT international application accompanied by a search report than is necessary today in examining countries or, in the case of registration countries, the file would be more complete. This argument was not accepted by other countries. After prolonged discussion, it became apparent that the members of the Working Group were unable to agree on a comprehensive list of pertinent factors. Accordingly, the United States agreed to accept the deletion of the words "other pertinent factors" provided that it was understood that in lieu thereof it would be agreed that no country would be required to pay more than 20 percent of the total deficit for any one year. This limiting factor would have protected the United States.

The report of the Working Group to Main Committee II with this limitation was not accepted. A principal objector was the Federal Republic of Germany which noted that such a limitation would put the United States and the Federal Republic of Germany in about the same position with respect to contributions.

A compromise to raise the amount to 25 percent likewise did not meet with approval. The provision was stricken by a vote in Main Committee II.

The United States decided to accept the outcome since the benefits accruing to United States applicants from the Treaty justified a contribution based on participation. It noted for the record, however, that (a) every effort should be made to assure that the Treaty would be selfsupporting, and (b) should deficits occur, there might well be limitations on the contributions which the United States could make to cover them. As adopted, the number of PCT international applications originating from each country was retained as the sole factor in determining contributions under Article 57(5) of the Treaty.

ARTICLE 59—DISPUTES; ARTICLE 64(5), (6)(A) AND (B)—RESERVATIONS

The negotiating draft PCT/DC/4) did not contain a provision on the settlement of disputes concerning the interpretation or application of the Treaty and the Regulations. A proposal (PCT/DC/86) for the inclusion of such a provision, similar to that contained in Article 28 of the Stockholm revision of the Paris Convention for the Protection of Industrial Property, was presented at the Conference by six States: Australia, France, Japan, the Netherlands, Switzerland, and Zambia.

An amendment (PTC/DC/92) to the six-Country proposal was presented by Portugal, but was subsequently withdrawn. The six-Country proposals (PCT/DC/86) also permitted a State to declare at the time of signature or of deposit of its instrument of ratification or accession that it did not consider itself bound by the provisions relating to the settlement of disputes. The amendment by Portugal would have permitted such a declaration to be made also at any later time.

The Soviet Union stated that, since it did not recognize the jurisdiction of the International Court of Justice, it would not want to have provisions in the Treaty as proposed in document PCT/DC/86, but that in a spirit of compromise it would not insist on a vote.

The six-Country proposal was adopted by Main Committee II but referred it to the Drafting Committee for transfer to Article 64 on "Reservations". These provisions permit a State to declare that it does not consider itself bound by the provisions on the settlement of disputes. The provisions as thus revised by the Drafting Committee were adopted by Main Committee II.

Inclusion of provisions for the submission of disputes to the International Court of Justice is in accord with United States Government policy.

ARTICLE 62(3) AND (4)—BECOMING PARTY TO THE TREATY

The negotiating draft (PCT/DC/4) did not have a provision on territorial application, as contained in Article 24 of the Stockholm revision of the Paris Convention for the Protection of Industrial Property. A proposal of the United Kingdom (PCT/DC/25), as revised and as adopted, added paragraph (3) to Article 62, which paragraph provides that Article 24 of the Stockholm revision of the Paris Convention ("Territories") shall apply to the Treaty.

A new paragraph (4), not contained in Article 24 of the Paris Convention, has, however, been added to Article 62. The addition of paragraph (4) was the result of a compromise resulting from a proposal (PCT/DC/111) by Algeria. The proposal by Algeria, presented three alternatives with respect to paragraph (3) on territorial application which was added under the United Kingdom proposal: Alternative I was to delete paragraph (3); Alternative II was to include the provision on territorial application among the provisions which could be subject to express reservations by States party to the Treaty; Alternative III was to add a new paragraph (4) as follows: "However, paragraph (3) of this Article shall not entail for any State party to this Treaty the recognition or tacit acceptance of any legal implications that might arise from such declarations or notifications."

The discussions on paragraphs (3) and (4) revealed the following: the Soviet Union preferred the deletion of paragraph (3) but might accept its inclusion if something along the lines of proposed paragraph (4) were adopted; the United Kingdom would prefer that no paragraph (4) be added, but might consider a revision of the proposed paragraph (4). A drafting group was set up to deal with the proposed paragraph (4) as being the one alternative which possibly could provide some basis for acceptance if revised. The drafting group was composed of Algeria, France, the Soviet Union, and the United Kingdom.

The text presented by the drafting group (PCT/DC/118) was adopted by Main Committee II and is included as paragraph (4) of Article 62. This text was acceptable to the United States.

ARTICLE 63—ENTRY INTO FORCE OF THE TREATY

Article 58 of the negotiating draft (PCT/DC/4), provided for entry into force of the Treaty three months after either of the following conditions were fulfilled:

1. Five States ratify of which three are countries in which the total number of applications filed per year exceed 40,000 (paragraph (1)(i)) or;

2. Seven States ratify which have either (a) received 10,000 patent applications from abroad, or (b) the citizens of which have filed at least 1,000 patent applications in one specific foreign country (paragraph (1)(ii)).

In a proposal which could have delayed the entry into force of the Treaty, Italy suggested the deletion of paragraph (1)(i) and an increase of the number of States in paragraph (1)(ii), from seven to ten (PCT/DC/69). The Secretariat proposed the compromise now appearing in Article 63 of the Treaty. Under this formulating, entry into force would occur upon ratification by eight States, provided at least four of them fulfilled any one of the three criteria set forth in the original version of the Treaty. The compromise was acceptable to the United States. It was accepted by Main Committee II.

Despite the fact that the required number of ratifying States has been increased, the effect of this compromise is to hasten entry into force of the Treaty while still providing for adherence by a number of "significant" States. Inasmuch as all criteria are now combined, it is likely that a combination of States sufficient to trigger operation of the Treaty should occur at an earlier date than would have occurred under the original formulation.

Rule 5.1(a)(vi)—The Description /Utility/

Rule 5.1(a)(vi) of the negotiating draft concerning the PCT Regulations (PCT/DC/5) stated that the description of the invention should indicate the way in which the subject of the invention could be made and used in industry, or if it could only be made or only be used, the way in which it could be made or used. The BIRPI Secretariat suggested an alternative for this Rule (PCT/DC/12) to read:

"Indicate the way in which the subject of the invention can be made and used in industry—'industry' being understood in its broadest sense as in the Paris Convention for the Protection of Industrial Property—or, if it can only be used, the way in which it can be used."

Switzerland objected to the wording of both PCT/DC/5 and PCT/DC/12, and proposed (PCT/DC/17) that, since the use of an invention was obvious in most cases, no special requirement was necessary or even desirable. Hence, an indication of utility should only be made where it could not be implied from the general description of the invention. France supported the Swiss view and further proposed (PCT/DC/21), to make the requirement of stating the utility of an invention entirely optional for the applicant.

The United States vigorously supported the retention of the requirement to show utility of an invention, stating that applications which did not include this criterion in their description of the invention did not satisfy the utility requirements of United States law and could be fatally defective in the United States. Furthermore, any dilution of this requirement would necessitate change in substantive U.S. law. Canada supported this position, stating that Canadian law had similar provisions.

The Secretary General noted that since the purpose of an international application was ultimately to become a national application in each of the designated States, it was important that all necessary elements of an application be present. The United Kingdom supported the view of the Secretary General.

The United States noted that its national law did not require the exact description of an obvious method of making and using an invention and that an indication of use would satisfy United States patent law.

France, however, insisted on its proposal which was put to the vote and rejected. Thereafter, the Rule was referred to the Drafting Committee which presented a version to Main Committee I that was adopted and does not conflict with United States law.

RULE 22.2—TRANSMITTAL OF THE RECORD COPY

The negotiating draft (PCT/DC/5) contained a provision in Rule 22.2 (e) to the effect that had the applicant opted for transmittal of the record copy through him and the Receiving Office did not hold the record copy for the applicant at least 10 days before the expiration of 13 months from the priority date, or had the Receiving Office agreed to mail the record copy to the applicant and he had not received the copy at the above mentioned date, he could file a copy of his international application directly with the International Bureau and pay to the Bureau a "special fee". The amount of the special fee was to be $25.00.

The imposition of a special fee was objected to by the United States, the Soviet Union and representatives from the AIPPI and NAM at the Study Group Meeting in March 1970 on the Regulations. It was considered unfair that the applicant be required to pay a penalty fee for a fault on the part of the receiving Office. On the other hand, various delegations including the Federal Republic of Germany, were of a view that, in the absence of a penalty, in practice the 13 month deadline could well become a 14 month deadline. Since no consensus was reached on this matter at the March 1970 Meeting, the Alternative proposed for Rule 22.2 (e) in document PCT/DC/12 still included the requirement for the payment of a special fee.

When discussing Rule 22.2 (e) at the Diplomatic Conference, the United States again raised its objection to the imposition of the penalty. Japan seconded the United States proposal, while the Federal Republic of Germany, the Netherlands and the United Kingdom supported the negotiating draft on the basis that without the penalty there may be a misuse of the provision with the result that copies of international applications would regularly be received late at the national Offices (for example, under Article 13). In apparent support of the United States position, Austria questioned whether other remedies might not be available to the applicant. The representatives of a number of international non-governmental organizations, for example IFIA, PIPA, AIPPI, and UNICE, agreed with the position of the United States. In view of the strong support by these organizations, the Federal Republic of Germany, withdrew its opposition as did the Netherlands. The United States proposal (PCT/DC/67) for deletion of the special fee was thereupon adopted.

RULE 42—TIME LIMIT FOR INTERNATIONAL SEARCH

The negotiating draft (PCT/DC/5) imposed a time limit for the production of the international search report. Rule 42.1 set this time limit at 3 months from the receipt of the search copy by the International Searching Authority, or 9 months from the priority date, whichever occurs later.

At the Study Group Meeting in March 1970 on the Regulations, the United States proposed that the word "Generally" be inserted in Rule 42 to give the International Searching Authority a certain amount of leeway in preparing search reports. The United States proposal was opposed by Austria, France and the Federal Republic of Germany, which feared that the 3 to 9 months time period of the Rule would thereby become the exception rather than the Rule and that most search reports would not be available until much later than the deadline provided by Rule 42. During the discussion, the BIRPI Secretariat stated that it would not specify different time limits for different Authorities even if "Generally" were included in the Rule.

At the Diplomatic Conference the United States proposed (PCT/DC/83) that for the first 5 years after implementation of the Treaty, the International Bureau and the International Searching Authorities be permitted to agree upon longer time limits for producing search reports than those presently set forth in Rule 42.

The United States pointed out that initially it would be dangerous to impose strict time limits on International Searching Authorities. Without experience in preparing search reports and without actually knowing the number of applications filed under PCT, these Authorities would be unable to agree to an inflexible time table. Austria opposed the United States view, while the Federal Republic of Germany, Japan, and the I.I.B. supported it.

The Secretary General mentioned that there were certain advantages to the United States proposal and that it semed preferable to the earlier proposal concerning the insertion of "Generally" into Rule 42. The Delegation of the United Kingdom supported by the I.I.B., proposed that the 5 year period should be diminished. Canada and the Soviet Union requested more time to study the proposal.

When the discussion was resumed, Canada with the support of Norway and the Soviet Union, proposed that the maximum extension of time be limited to 2 months during this transitional period. The Netherlands suggested that there should be an outside maximum of 18 months from the priority date for the production of the search report. The United Kingdom supported this proposal. When the views of the international non-governmental organizations were solicited, they were in favor of early search reports, but did not oppose reasonable flexibility for a transitional period.

When put to a vote the following sentence was adopted as an addition to the last part of Rule 42.1:

"For a transitional period of 3 years from the entry into force of this Treaty, time limits for the agreement with any International Searching Authority may be individually negotiated, provided that such time limits shall not extend by more than 2 months the time limits referred to in the preceding sentence and in any case shall not go beyond the expiration of the 18th month after the priority date."

Rule 42.1 now accommodates the United States position, particularly in view of the fact that the Treaty may not become operational until about 1975. The 3 year transitional period should enable potential International Searching Authorities to negotiate workable contracts for the production of search reports.

RULE 88—AMENDMENT OF THE REGULATIONS

Rule 88 of the negotiating draft (PCT/DC/5) provided that certain regulations could be amended only by unanimous vote in the Assembly. The United States proposed, that Rule 5 dealing with "The Description", and Rule 6 concerning "The Claims" be added to the list of regulations which could be amended only by unanimous vote.

When the United States proposal was advanced in Main Committee II, it was widely opposed. At the request of the United States, despite the opposition to this proposal, the matter was referred to a Working Group. As a compromise, a reference to Rules 5 and 6 was added in new Rule 88.2 which requires unanimity for revision during a transitional period of 5 years after entry into force of the Treaty. In view of the fact that changes in regulations now require a three-fourths vote (Article 58(2)(b)), instead of a two-thirds vote under the negotiating draft, this compromise satisfactorily safeguards the interest of the United States.

8. Work of the Conference

The Washington Diplomatic Conference on the Patent Cooperation Treaty concluded on June 19, 1970 with the signature of the approved text of the Treaty and the Final Act. Twenty countries, including the United States, signed the Treaty on June 19. The Treaty remained open for signature until December 31, 1970. During this period an additional fifteen countries signed the Treaty bringing the total number of signatories to thirty-five (Annex I).

A "Final Act", which in effect indicated that the signatories had attended the Washington Diplomatic Conference, was signed by 44 countries.

At the Plenary Session of the Diplomatic Conference on June 17 a "Resolution Concerning Preparatory Measures for the Entry Into Force of the Patent Cooperation Treaty" was approved unanimously (Annex II). This Resolution invited the Assembly and the Executive Committee of the Paris Industrial Property Union and the Director General of the new World Intellectual Property Organization to undertake certain measures for the preparation of the entry into force of the PCT. It was recommended that such measures include: (a) the setting up of an Interim Committee for Technical Assistance in connection with Article 51 of the Treaty, (b) the establishment of an Interim Committee for Technical Cooperation with respect to Article 56 of the PCT, and (c) the setting up of an Interim Advisory Committee for Administrative Questions to deal with questions which will necessitate solutions by the national Patent Offices and the International Bureau when the PCT enters into force.

9. Future Meetings

The "Resolution Concerning Preparatory Measures for the Entry Into Force of the Patent Cooperation Treaty", which was approved by the Washington Diplomatic Conference on June 17, 1970, was considered by the Assembly and Executive Committee of the Paris Industrial Property Union at the meetings of these bodies in Geneva, September 21–28, 1970. As a result of decisions taken at these meetings, the three Interim Committees to be established in connection with preparatory work for entry into force of the PCT will meet in Geneva, February 8–11, 1971.

10. Conclusions

The Patent Cooperation Treaty in its final form was consistent with the United States position on all major points and therefore the United States Delegation unanimously agreed that it should be signed by the United States. This was done at the signing ceremony on June 19, 1970.

ANNEX I—SIGNATORIES OF PATENT COOPERATION TREATY AS OF DECEMBER 31, 1970

STATE AND DATE OF SIGNATURE

Algeria, June 19, 1970.
Argentina, December 21, 1970.
Austria, December 22, 1970.
Belgium, December 30, 1970.
Brazil, June 19, 1970.
Canada, June 19, 1970.
Denmark, June 19, 1970.
Federal Republic of Germany, June 19, 1970.
Finland, June 19, 1970.
France, December 31, 1970.
Holy See, June 19, 1970.
Hungary, June 19, 1970.
Iran, July 7, 1970.
Ireland, June 19, 1970.
Israel, June 19, 1970.
Italy, June 19, 1970.
Ivory Coast, December 3, 1970.
Japan, June 19, 1970.
Luxembourg, Dec. 30, 1970.
Madagascar, December 10, 1970.
Monaco, December 31, 1970.
Kingdom of the Netherlands, December 31, 1970.
Norway, June 19, 1970.
Philippines, June 19, 1970.
Romania, December 28, 1970.
Senegal, December 29, 1970.
Sweden, June 19, 1970.
Switzerland, June 19, 1970.
Syria, December 29, 1970.
Togo, December 23, 1970.
Union of Soviet Socialist Republics, December 23, 1970.
United Arab Republic, June 19, 1970.
United Kingdom of Great Britain and Northern Ireland, June 19, 1970.
United States of America, June 19, 1970.
Yugoslavia, June 19, 1970.

ANNEX II—RESOLUTION CONCERNING PREPARATORY MEASURES FOR THE ENTRY INTO FORCE OF THE PATENT COOPERATION TREATY

The Washington Diplomatic Conference on the Patent Cooperation Treaty, 1970,

Considering the desirability of preparing the application of the Patent Cooperation Treaty pending the entry into force of the Treaty,

1. Invites the Assembly and the Executive Committee of the International (Paris) Union for the Protection of Industrial Property and the Director General of the World Intellectual Property Organization to adopt, direct and supervise the measures necessary for the preparation of the entry into force of the Treaty.

2. Recommends that such measures include:

(a) the setting up of an Interim Committee for Technical Assistance, which should prepare the establishment of the Committee for Technical Assistance referred to in Article 51 of the Treaty;

(b) the setting up of an Interim Committee for Technical Cooperation, which should prepare the establishment of the Committee for Technical Cooperation referred to in Article 56 of the Treaty and advise the prospective International Searching and Preliminary Examining Authorities on the questions which will require solution when the Treaty enters into force;

(c) the setting up of an Interim Advisory Committee for Administrative Questions, which should study and recommend measures on the questions which will require solutions by the national Offices and the International Bureau when the Treaty enters into force.

3. Expresses the desire that the organizations of inventors, industries, and the patent profession be associated, as in the preparation of the Treaty, in the preparatory work referred to in the present Resolution.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that supporting data be inserted in the RECORD at this point in explanation of the treaty.

There being no objection, the excerpt from the committee report was ordered to be printed in the RECORD, as follows:

PURPOSE

The basic objective of the Patent Cooperation Treaty is to simplify the procedure for applying for patents on the same invention in a number of countries by providing, among other things, a centralized filing procedure and a standardized application format.

At the present time, patent procedures differ from country to country and the national laws of most nations generally do not take account of the fact that protection for the same invention may be sought in other countries. For example, it is estimated that more than 50 percent of the 700,000 patent applications filed world-wide are duplicates of other applications. This Treaty is intended to eliminate some of this wasted effort for both the applicant and the national Patent Offices.

BACKGROUND

As a result of a United States initiative in September 1966, the Executive Committee of the Convention of Paris for the Protection of Industrial Property unanimously approved a resolution asking the Secretariat for that Convention, the United International Bureau for the Protection of Intellectual Property—known as BIRPI from its French initials—to undertake a study of practicable means to simplify the patenting of any given invention in a number of countries.

In May 1967, BIRPI released a first draft of the Patent Cooperation Treaty. After three years of extensive negotiations and consultations on both the international and national level, a diplomatic conference was convened in Washington. Seventy-seven countries were represented at that Conference and on June 19, 1970, twenty-one countries signed the Treaty. As of October 9, 1973, thirty-five nations had become signatories. These countries are: the United States, Algeria, Brazil, Canada, Denmark, Finland, Federal Republic of Germany, Holy See, Hungary, Ireland, Israel, Italy, Japan, Norway, Philippines, Sweden, Switzerland, United Arab Republic, United Kingdom, Yugoslavia, Iran, Ivory Coast, Madagascar, Argentina, Austria, Togo, Soviet Union, Romania, Senegal, Syria, Luxembourg, Belgium, Netherlands, France, and Monaco. To date, only five countries with minor patent activity have ratified or acceded to this Treaty (the Ceneral African Republic, Senegal, Madagascar, Malawi and Cameroon).

On September 12, 1972, the Treaty was submitted to the Senate for its advice and consent to ratification. The enabling legislation (S. 2469) was introduced in the Senate on September 21, 1973, and was referred to the Judiciary Committee. As of this date, no action has been taken on this legislation.

MAJOR PROVISIONS

The Treaty consists of a short preamble, 69 articles and 95 rules or regulations.

Under Chapter I of the Treaty, an inventor applies for a patent by filing an international application with a Receiving Office, which is usually the Patent Office in the State of which he is a resident or national. This application will be filed in a specified language (English for U.S. applicants) in a standard format, and will include the designation of those States in which the inventor desires protection. After supplying the necessary information and paying the international fee, the applicant will have up to 20 months to prepare translations, assess the economic potential of his invention and pay patent fees in those countries where he desires protection. This is a distinct improvement over the existing Paris Convention, which has a waiting period of 12 months.

International search authorities will prepare a report on whether there exists "relevant prior art," that is, other patented inventions that are equal or so similar to the one described in the application that a granting of a new patent would be an infringement of previous rights.

Upon receiving a copy of the search report, the inventor may amend or correct his application, for distribution by BIRPI to each nation designated by the applicant. Domestic search, examination and legal processing will then proceed in accordance with each nation's patent laws.

Chapter II of the Treaty provides for a further procedure whereby, under certain conditions, an applicant may demand a preliminary examination report for one or more elected countries in which he intends to use the results of such report.

Chapter IV of the Treaty establishes information services which will be of benefit to developing countries in facilitating their acquisition of technology and technical information. This Chapter also establishes a committee which would organize and supervise technical assistance to improve the patent systems of developing countries.

The Regulations annexed to the Treaty provide rules concerning such matters as administrative requirements and procedures as well as details useful in the implementation of the provisions of the Treaty.

DATE OF ENTRY INTO FORCE

The Treaty will enter into force three months after eight governments ratify it—including four nations considered "major" in terms of patent activity. The six leading patent issuing countries are the U.S.S.R., U.S., Japan, West Germany, Great Britain, and France.

DECLARATIONS

The Secretary of State has requested that the Senate give its advice and consent subject to three declarations.

The first declaration, under Article 64(1) (a) is that the United States shall not be bound by the provisions of Chapter II of the Treaty. This declaration is necessary because present divergence of the examining systems of other potential member countries from that in the United States would make application of Chapter II, which deals with preliminary examination, impracticable for the United States at this time.

The second declaration, under Article 64(3) (a), is that, as far as this country is concerned, international publication of international applications is not required. Failure to make such a declaration would conflict with an underlying philosophy of our patent system which enables an applicant to keep his invention confidential until he obtains patent protection.

The third declaration, under Article 64(4) (a), is that the filing outside of the United States of an international application designating this country is not equated to an actual filing in the United States for prior art purposes. This declaration is necessary in order to avoid a conflict with United States patent law (35 U.S.C. 102(e)) which accords to a United States patent the effect as a prior art reference only as of its filing date in the United States.

It also is the intention of the United States that the United States Patent Office will become a Receiving Office and an International Searching authority in order to process international applications for patents filed under the Treaty.

COMMITTEE ACTION

During a public hearing held on October 9, 1973, the Committee on Foreign Relations received testimony on the Patent Cooperation Treaty from the following witnesses: Mr. George R. Clark, President, International Patent and Trademark Association; and Mr. Harvey J. Winter, Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State. A copy of Mr. Winter's prepared statement is printed in the appendix of this report.

During that hearing, Mr. Clark suggested that the Committee act favorably on the Treaty, subject to the condition that the Executive would withhold filing the instrument of ratification until the implementing legislation is enacted. It is the understanding of the Committee that the Administration has agreed to comply with this procedure.

On October 11, 1973, the Committee met in executive session and, by a voice vote, ordered the Treaty reported favorably to the Senate for its advice and consent to ratification, subject to three declarations requested by the Department of State.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the resolution of ratification.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages, up to and including the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Patent Cooperation Treaty and Annexed Regulations, done at Washington on June 19, 1970 Ex. S, 92–2), subject to the following three declarations:

(1) Under Article 64(1)(a), the United States shall not be bound by the provisions of Chapter II of the Treaty;

(2) Under Article 64(3)(a), as far as the United States is concerned, international applications is not required; and

(3) Under Article 64(4)(a) the filing outside of the United States of an international application designating this country is not equated to an actual filing in the United States for prior art purposes.

STRASBOURG AGREEMENT CONCERNING THE INTERNATIONAL PATENT CLASSIFICATION—EXECUTIVE E (93D CONG., 1ST SESS.)

The Senate, as in Committee of the Whole, proceeded to consider Executive E (93d Cong., 1st sess.), the Strasbourg Agreement concerning the International Patent Classification, signed March 24, 1971, which was read the second time, as follows:

STRASBOURG AGREEMENT CONCERNING THE INTERNATIONAL PATENT CLASSIFICATION OF MARCH 24, 1971

The Contracting Parties,

Considering that the universal adoption of a uniform system of classification of patents, inventors' certificates, utility models and utility certificates is in the general interest and is likely to establish closer international cooperation in the industrial property field, and to contribute to the harmonization of national legislation in that field,

Recognizing the importance of the European Convention on the International Classification of Patents for Invention, of December 19, 1954, under which the Council of Europe created the International Classification of Patents for Invention,

Having regard to the universal value of this Classification, and to its importance to all countries party to the Paris Convention for the Protection of Industrial Property,

Having regard to the importance to developing countries of this Classification, which gives them easier access to the ever-expanding volume of modern technology,

Having regard to Article 19 of the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967,

Agree as follows:

ARTICLE 1—ESTABLISHMENT OF A SPECIAL UNION; ADOPTION OF AN INTERNATIONAL CLASSIFICATION

The countries to which this Agreement applies constitute a Special Union and adopt a common classification for patents for invention, inventors' certificates, utility models and utility certificates, to be known as the "International Patent Classification" (hereinafter designated as the "Classification").

ARTICLE 2—DEFINITION OF THE CLASSIFICATION

(1) (*a*) The Classification comprises:

(i) the text which was established pursuant to the provisions of the European Convention on the International Classification of Patents for Invention of December 19, 1954 (hereinafter designated as the "European Convention"), and which came into force and was published by the Secretary General of the Council of Europe on September 1, 1968;

(ii) the amendments which have entered into force pursuant to Article 2(2) of the European Convention prior to the entry into force of this Agreement;

(iii) the amendments made thereafter in accordance with Article 5 which enter into force pursuant to the provisions of Article 6.

(*b*) The Guide and the notes included in the text of the Classification are an integral part thereof.

(2) (*a*) The text referred to in paragraph (1) (*a*) (*i*) is contained in two authentic copies, each in the English and French languages deposited, at the time that this Agreement is opened for signature, one with the Secretary General of the Council of Europe and the other with the Director General of the World Intellectual Property Organization (hereinafter respectively designated "Director General" and "Organization") established by the Convention of July 14, 1967.

(*b*) The amendments referred to in paragraph (1) (*a*) (ii) shall be deposited in two authentic copies, each in the English and French languages, one with the Secretary General of the Council of Europe and the other with the Director General.

(*c*) The amendments referred to in paragraph (1) (*a*) (iii) shall be deposited in one authentic copy only, in the English and French languages, with the Director General.

ARTICLE 3—LANGUAGES OF THE CLASSIFICATION

(1) The Classification shall be established in the English and French languages, both texts being equally authentic.

(2) Official texts of the Classification, in German, Japanese, Portuguese, Russian, Spanish and in such other languages as the Assembly referred to in Article 7 may designate, shall be established by the International Bureau of the Organization (hereinafter designated as the "International Bureau"), in consultation with the interested Governments and either on the basis of a translation submitted by those Governments or by any other means which do not entail financial implications for the budget of the Special Union or for the Organization.

ARTICLE 4—USE OF THE CLASSIFICATION

(1) The Classification shall be solely of an administrative character.

(2) Each country of the Special Union shall have the right to use the Classification either as a principal or as a subsidiary system.

(3) The competent authorities of the countries of the Special Union shall include in

(i) patents, inventors' certificates, utility models and utility certificates issued by them, and in applications relating thereto, whether published or only laid open for public inspection by them, and

(ii) notices, appearing in official periodicals of the publication or laying open of the documents referred to in subparagraph (i) the complete symbols of the Classification applied to the invention to which the document referred to in subparagraph (i) relates.

(4) When signing this Agreement or when depositing its instrument of ratification or accession:

(i) any country may declare that it does not undertake to include the symbols relating to groups or subgroups of the Classification in applications as referred to in paragraph (3) which are only laid open for public inspection and in notices relating thereto, and

(ii) any country which does not proceed to an examination as to novelty, whether immediate or deferred, and in which the procedure for the grant of patents or other kinds of protection does not provide for a search into the state of the art, may declare that it does not undertake to include the symbols relating to the groups and subgroups of the Classification in the documents and notices referred to in paragraph (3). If these conditions exist only in relation to certain kinds of protection or certain fields of technology, the country in question may only make this reservation to the extent that the conditions apply.

(5) The symbols of the Classification, preceded by the words "International Patent Classification" or an abbreviation thereof to be determined by the Committee of Experts referred to in Article 5, shall be printed in heavy type, or in such a manner that they are clearly visible, in the heading of each document referred to in paragraph (3) (i) in which they are to be included.

(6) If any country of the Special Union entrusts the grant of patents to an intergovernmental authority, it shall take all possible measures to ensure that this authority uses the Classification in accordance with this Article.

ARTICLE 5—COMMITTEE OF EXPERTS

(1) A Committee of Experts shall be set up in which each country of the Special Union shall be represented.

(2) (*a*) The Director General shall invite intergovernmental organizations specialized in the patent field, and of which at least one of the member countries is party to this Agreement, to be represented by observers at meetings of the Committee of Experts.

(*b*) The Director General may, and, if requested by the Committee of Experts, shall, invite representatives of other intergovernmental and international non-governmental organizations to participate in discussions of interest to them.

(3) The Committee of Experts shall:

(i) amend the Classification;

(ii) address recommendations to the countries of the Special Union for the purpose of facilitating the use of the Classification and promoting its uniform application;

(iii) assist in the promotion of international cooperation in the reclassification of documentation used for the examination of inventions, taking in particular the needs of developing countries into account;

(iv) take all other measures which, without entailing financial implications for the budget of the Special Union or for the Organization, contribute towards facilitating the application of the Classification by developing countries;

(v) have the right to establish subcommittees and working groups.

(4) The Committee of Experts shall adopt its own Rules of Procedure. These shall allow for the possibility of participation of intergovernmental organizations, referred to in paragraph (2) (*a*), which can perform substantial work in the development of the Classification, in meetings of its subcommittees and working groups.

(5) Proposals for amendments to the Classification may be made by the competent authority of any country of the Special Union, the International Bureau, any intergovernmental organization represented in the Committee of Experts pursuant to paragraph (2) (*a*) and any other organization specially invited by the Committee of Experts to submit such proposals. The proposals shall be communicated to the International Bureau which shall submit them to the members of the Committee of Experts and to the observers not later than two months before the session of the Committee of Experts at which the said proposals are to be considered.

(6) (*a*) Each country member of the Committee of Experts shall have one vote.

(*b*) The decisions of the Committee of Experts shall require a simple majority of the countries represented and voting.

(*c*) Any decision which is regarded by one-fifth of the countries represented and voting as giving rise to a modification in the basic structure of the Classification or as entailing a substantial work of reclassification shall require a majority of three-fourths of the countires represented and voting.

(*d*) Abstentions shall not be considered as votes.

ARTICLE 6—NOTIFICATION, ENTRY INTO FORCE AND PUBLICATION OF AMENDMENTS AND OTHER DECISIONS

(1) Every decision of the Committee of Experts concerning the adoption of amendments to the Classification and recommendations of the Committee of Experts shall be notified by the International Bureau to the competent authorities of the countries of the Special Union. The amendments shall enter into force six months from the date of dispatch of the notification.

(2) The International Bureau shall incorporate in the Classification the amendments which have entered into force. Announcements of the amendments shall be published in such periodicals as are designated by the Assembly referred to in Article 7.

ARTICLE 7—ASSEMBLY OF THE SPECIAL UNION

(1) (*a*) The Special Union shall have an Assembly consisting of the countries of the Special Union.

(*b*) The Government of each country of the Special Union shall be represented by one delegate, who may be assisted by alternate delegates, advisors and experts.

(*c*) Any intergovernmental organization referred to in Article 5(2) (*a*) may be represented by an observer in the meetings of the Assembly, and, if the Assembly so decides, in those of such committees or working groups as may have been established by the Assembly.

(*d*) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (*a*) Subject to the provisions of Article 5, the Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Special Union and the implementation of this Agreement;

(ii) give direction to the International Bureau concerning the preparation for conferences of revision;

(iii) review and approve the reports and activities of the Director General concerning the Special Union, and give him all necessary instructions concerning matters within the competence of the Special Union;

(iv) determine the program and adopt the triennial budget of the Special Union, and approve its final accounts;

(v) adopt the financial regulations of the Special Union;

(vi) decide on the establishment of official texts of the Classification in languages other than English, French and those listed in Article 3(2);

(vii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Special Union;

(viii) determine, subject to paragraph (1) (*c*), which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted as observers to its meetings, and to those of any committee or working group established by it;

(ix) take any other appropriate action designed to further the objectives of the Special Union;

(x) perform such other functions as are appropriate under this Agreement.

(*b*) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) (*a*) Each country member of the Assembly shall have one vote.

(*b*) One-half of the countries members of the Assembly shall constitute a quorum.

(*c*) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(*d*) Subject to the provisions of Article 11(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(*e*) Abstentions shall not be considered as votes.

(*f*) A delegate may represent, and vote in the name of, one country only.

(4) (*a*) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(*b*) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

(*c*) The agenda of each session shall be prepared by the Director General.

(5) The Assembly shall adopt its own Rules of Procedure.

ARTICLE 8—INTERNATIONAL BUREAU

(1) (*a*) Administrative tasks concerning the Special Union shall be performed by the International Bureau.

(*b*) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts.

(*c*) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.

(2) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts. The Director General, or a staff member designated by him, shall be *ex officio* secretary of those bodies.

(3) (*a*) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for revision conferences.

(*b*) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for revision conferences.

(*c*) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(4) The International Bureau shall carry out any other tasks assigned to it.

ARTICLE 9—FINANCES

(1) (*a*) The Special Union shall have a budget.

(*b*) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions and, where applicable, the sum made available to the budget of the Conference of the Organization.

(*c*) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

(2) The budget of the Special Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Special Union shall be financed from the following sources:

(i) contributions of the countries of the Special Union;

(ii) fees and charges due for services rendered by the International Bureau in relation to the Special Union;

(iii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;

(iv) gifts, bequests and subventions;

(v) rents, interests and other miscellaneous income.

(4) (*a*) For the purpose of establishing its contribution referred to in paragraph (3) (i), each country of the Special Union shall belong to the same class as it belongs to in the Paris Union for the Protection of Industrial Property, and shall pay its annual contribution on the basis of the same number of units as is fixed for that class in that Union.

(*b*) The annual contribution of each country of the Special Union shall be an amount in the same proportion to the total sum to be contributed to the budget of the Special Union by all countries as the number of its units is to the total of the units of all contributing countries.

(*c*) Contributions shall become due on the first of January of each year.

(*d*) A country which is in arrears in the payment of its contributions may not exercise its rights to vote in an organ of the Special Union if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the special Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(*e*) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6) (*a*) The Special Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(*b*) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(*c*) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) (*a*) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization.

(*b*) The country referred to in subparagraph (*a*) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it was notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Special Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

ARTICLE 10—REVISION OF THE AGREEMENT

(1) This Agreement may be revised from time to time by a special conference of the countries of the Special Union.

(2) The convocation of any revision conference shall be decided by the Assembly.

(3) Articles 7, 8, 9 and 11 may be amended either by a revision conference or according to the provisions of Article 11.

ARTICLE 11—AMENDMENT OF CERTAIN PROVISIONS OF THE AGREEMENTS

(1) Proposals for the amendment of Articles 7, 8, 9 and of the present Article may be initiated by any country of the Special Union or by the Director General. Such proposals shall be communicated by the Director General to the countries of the Special Union at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 7 and to the present paragraph shall require four-fifths of the votes cast.

(3) (*a*) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Special Union at the time the amendment was adopted.

(*b*) Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Special Union at the time the amendment enters into force, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.

(*c*) Any amendment accepted in accordance with the provisions of subparagraph (*a*) shall bind all countries which become members of the Special Union after the date on which the amendment entered into force in accordance with the provisions of subparagraph (*a*).

ARTICLE 12—BECOMING PARTY TO THE AGREEMENT

(1) Any country party to the Paris Convention for the Protection of Industrial Property may become party to this Agreement by:

(i) signature followed by the deposit of an instrument of ratification, or

(ii) deposit of an instrument of accession.

(2) Instruments of ratification or accession shall be deposited with the Director General.

(3) The provisions of Article 24 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement.

(4) Paragraph (3) shall in no way be un-

derstood as implying the recognition or tacit acceptance, by a country of the Special Union, of the factual situation concerning a territory to which this Agreement is made applicable by another country by virtue of the said paragraph.

ARTICLE 13—ENTRY INTO FORCE OF THE AGREEMENT

(1) (*a*) This Agreement shall enter into force one year after instruments of ratification or accession have been deposited by:

(i) two-thirds of the countries party to the European Convention on the date on which this Agreement is opened for signature, and

(ii) three countries party to the Paris Convention for the Protection of Industrial Property, which were not previously party to the European Convention and of which at least one is a country where, according to the most recent annual statistics published by the International Bureau on the date of deposit of its instrument of ratification or accession, more than 40,000 applications for patents or inventors' certificates have been filed.

(*b*) With respect to any country other than those for which this Agreement has entered into force pursuant to subparagraph (*a*), it shall enter into force one year after the date on which the ratification or accession of that country was notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Agreement shall enter into force with respect to that country on the date thus indicated.

(*c*) Countries party to the European Convention which ratify this Agreement or accede to it shall be obliged to denounce the said Convention, at the latest, with effect from the day on which this Agreement enters into force with respect to those countries.

(2) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Agreement.

ARTICLE 14—DURATION OF THE AGREEMENT

This Agreement shall have the same duration as the Paris Convention for the Protection of Industrial Property.

ARTICLE 15—DENUNCIATION

(1) Any country of the Special Union may denounce this Agreement by notification addressed to the Director General.

(2) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(3) The right of denunication provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Special Union.

ARTICLE 16—SIGNATURE, LANGUAGES, NOTIFICATION, DEPOSITARY FUNCTIONS

(1) (*a*) This Agreement shall be signed in a single original in the English and French languages, both texts being equally authentic.

(*b*) This Agreement shall remain open for signature at Strasbourg until September 30, 1971.

(*c*) The original of this Agreement, when no longer open for signature, shall be deposited with the Director General.

(2) Official texts shall be established by the Director General, after consultation with the interested Governments, in German, Japanese, Portuguese, Russian, Spanish and such other languages as the Assembly may designate.

(3) (*a*) The Director General shall transmit two copies, certified by him, of the signed text of this Agreement to the Governments of the countries that have signed it and, on request, to the Government of any other country. He shall also transmit a copy, certified by him, to the Secretary General of the Council of Europe.

(*b*) The Director General shall transmit two copies, certified by him, of any amendment to this Agreement to the Governments of all countries of the Special Union and, on request, to the Government of any other country. He shall also transmit a copy, certified by him, to the Secretary General of the Council of Europe.

(*c*) The Director General shall, on request, furnish the Government of any country that has signed this Agreement, or that accedes to it, with a copy of the Classification, certified by him, in the English or French language.

(4) The Director General shall register this Agreement with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries party to the Paris Convention for the Protection of Industrial Property and the Secretariat General of the Council of Europe of:

(i) signatures;

(ii) deposits of instruments of ratification or accession;

(iii) the date of entry into force of this Agreement;

(iv) reservations on the use of the Classification;

(v) acceptances of amendments of this Agreement;

(vi) the dates on which such amendments enter into force;

(vii) denunciations received.

ARTICLE 17—TRANSITIONAL PROVISIONS

(1) During the two years following the entry into force of this Agreement, the countries party to the European Convention which are not yet members of the Special Union may enjoy, if they so wish, the same rights in the Committee of Experts as if they were members of the Special Union.

(2) During the three years following the expiration of the period referred to in paragraph (1), the countries referred to in the said paragraph may be represented by observers in the meetings of the Committee of Experts and, if the said Committee so decides, in any subcommittee or working group established by it. During the same period they may submit proposals for amendments to the Classification, in accordance with Article 5(5), and shall be notified of the decisions and recommendations of the Committee of Experts, in accordance with Article 6(1).

(3) During the five years following the entry into force of this Agreement, the countries party to the European Convention which are not yet members of the Special Union may be represented by observers in the meetings of the Assembly and, if the Assembly so decides, in any committee or working group established by it.

In witness whereof, the undersigned, being duly authorized hereto, have signed this Agreement.

Done at Strasbourg on March 24, 1971.*

For Algeria: Pour L'Algerie:

For Argentina: Pour L'Argentine:

For Australia: Pour L'Australie:

For Austria: Pour L'Autriche: Strasbourg, le 9 septembre 1971, Laube.

For Belgium: Pour La Belgique: J. Lodewijck.

For Brazil: Pour Le Bresil. Strasbourg, le 28 juin 1971, Paulo Cabral de Mello.

For Bulgaria: Pour La Bulgarie:

For Cameroon: Pour Le Cameroun:

For Canada: Pour Le Canada:

For the Central African Republic: Pour La Republique Centrafricaine:

For Ceylon: Pour Ceylan:

For Chad: Pour Le Tchad:

For the Congo (Brazzaville): Pour Le Congo (Brazzaville):

For Cuba: Pour Cuba:

For Cyprus: Pour Chypre:

For Czechoslovakia: Pour La Tchecoslovaquie:

For Dahomey: Pour Le Dahomey:

For Denmark: Pour Le Danemark: E. Tuxen.

For the Dominican Republic: Pour La Republique Dominicaine:

For the Federal Republic of Germany: Pour La Republique Federale D'Allemagne: von Keller, Kurt Haertel.

For Finland: Pour La Finlande: Erkki Tuuli.

For France: Pour La France: Strasbourg, le 20 septembre 1971, M. de Camaret.

For Gabon: Pour Le Gabon:

For Greece: Pour La Grece: Georges Papoulias, ad referendum.

For Haiti: Pour Haiti:

For the Holy See: Pour Le Saint-Siege: Roland Ganghoffer.

For Hungary: Pour La Hongrie:

For Iceland: Pour L'Islande:

For Indonesia: Pour L'Indonesie:

For Iran: Pour L'Iran: Strasbourg, le 22 juin 1971, H. Pakravan.

For Ireland: Pour L'Irlande:

For Israel: Pour Israel:

For Italy: Pour L'Italie: P. Archi.

For the Ivory Coast: Pour La Cote D'Ivoire:

For Japan: Pour Le Japon: Strasbourg, le 13 septembre 1971, Hideo Kitahara.

For Kenya: Pour Le Kenya:

For Lebanon: Pour Le Liban:

For Liechtenstein: Pour Le Liechtenstein: Gerliczy-Burian.

For Luxembourg: Pour Le Luxembourg: J. P. Hoffman.

For Madagascar: Pour Madagascar:

For Malawi: Pour Le Malawi:

For Malta: Pour Malte:

For Mauritania: Pour La Mauritanie:

For Mexico: Pour Le Mexique:

For Monaco: Pour Monaco. Strasbourg, le 27 septembre 1971, R. Jung.

For Morocco: Pour Le Maroc:

For the Kingdom of the Netherlands: Pour Le Royaume Des Pays-Bas: Strasbourg, le 22 septembre 1971, J. G. de Jong.

For New Zealand: Pour La Nouvelle-Zelanda:

For Niger: Pour Le Niger:

For Nigeria: Pour Le Nigeria:

For Norway: Pour La Norvege: Leif Nordstrand.

For the Philippines: Pour Les Philippines:

For Poland: Pour La Pologne:

For Portugal: Pour Le Portugal:

For Romania: Pour La Romanie:

For San Marino: Pour Saint-Marin:

For Senegal: Pour Le Senegal:

For South Africa: Pour L'Afrique Du Sud:

For Spain: Pour L'Espagne: L. Martinez Campos Conde de Santovenia, Antonio F. Mazarambroz.

For Sweden: Pour La Suede: Göran Borggård.

For Switzerland: Pour La Suisse: Walter Stamm.

For Syria: Pour La Syrie:

For Tanzania: Pour La Tanzanie:

For Togo: Pour Le Togo:

For Trinidad and Tobago: Pour La Trinite et Tobago:

For Tunisia: Pour La Tunisie:

For Turkey: Pour La Turquie:

For Uganda: Pour L'Ouganda:

For the Union of Soviet Socialist Republics: Pour L'Union des Republiques Socialistes Sovietiques:

For the United Arab Republic: Pour La Republique Arabe Unie:

For the United Kingdom of Great Britain and Northern Ireland: Pour le Royauame-Uni de Grande-Bretagne et D'Irlande du Nord: E. Armitage.

For the United States of America: Pour les Etats-Unis D'Amerique: Richard A. Wahl, Harvey J. Winter.

For Upper Volta: Pour La Haute-Volta:

For Uruguay: Pour L'Uruguay:

**Note:* All the signatures were affixed on March 24, 1971, unless otherwise indicated.

For the Republic of Viet-Nam: Pour la Republique du Viet-Nam:

For Yugoslavia: Pour la Yougoslavie: N. Jankovic.

For Zambia: Pour la Zambie:

I hereby certify that the foregoing text is a true copy of the Strasbourg Agreement.

G. H. C. BODENHAUSEN.
Director General, World Intelectual Property Organizaion.

DECEMBER 15, 1971.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that supporting data be inserted in the RECORD at this point in explanation of the treaty.

There being no objection, the excerpt from the committee report was ordered to be printed in the RECORD, as follows:

PURPOSE AND PROVISIONS

According to the Administration, the purpose of the Strasbourg Agreement is generally similar to that set forth in the Nice Agreement Concerning International Classification of Goods and Services to Which Trademarks are Applied (Ex. M, 91–2), and the Locarno Agreement Establishing an International Classification for Industrial Designs (Ex. I, 92–2) which were approved by the Senate on December 11, 1971. Under the terms of the Strasbourg Agreement, a common classification is adopted for patents for inventions, inventors' certificates, utility models and utility certificates, to be known as the "International Patent Classification" and provisions are included for its amendment.

The Agreement provides that each contracting party shall have the right to use the classification as a principal or as a subsidiary system and that the classification shall be solely of an administrative character. The Patent Office has been applying the international patent classification to its published patent documents as a secondary or subsidiary system of classification since January 1969.

The Committee is informed that the Agreement will expedite inclusion of large numbers of foreign patents into United States Patent Office search files and will facilitate processing of patent documents among examining patent offices of the various countries on multilateral projects. It will facilitate the research into the existence of exclusive rights and will be of material assistance in the implementation of United States patent protection.

COST OF U.S. PARTICIPATION

The cost of United States participation in the Strasbourg Agreement will amount to approximately $3,200 per year.

COMMITTEE ACTION

The Committee held a public hearing on the Strasbourg Agreement on October 9, 1973, at which time Mr. Harvey J. Winter, Director, Office of Business Practices, Department of State, testified in support of the Agreement. His prepared statement is reprinted below.

During an executive session held on October 11, 1973, the Committee (by voice vote) reported the Agreement favorably to the Senate for advice and consent to ratification.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the resolution of ratification.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages, up to and including the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Strasbourg Agreement Concerning the International Patent Classification, signed March 24, 1971 (Ex. E, 93–1).

STATUTES OF THE WORLD TOURISM ORGANIZATION—EXECUTIVE R (93D CONG., 1ST SESS.)

The Senate, as in Committee of the Whole, proceeded to consider Executive R (93d Cong., 1st sess.), the Statutes of the World Tourism Organization, done at Mexico City on September 27, 1970, which was read the second time, as follows:

STATUTES OF THE WORLD TOURISM ORGANIZATION (WTO)

ESTABLISHMENT

Article 1

The World Tourism Organization, hereinafter referred to as "the Organization", an international organisation of intergovernmental character resulting from the transformation of the International Union of Official Travel Organisations (IUOTO), is hereby established.

HEADQUARTERS

Article 2

The Headquarters of the Organisation shall be determined and may at any time be changed by decision of the General Assembly.

AIMS

Article 3

1. The fundamental aim of the Organisation shall be the promotion and development of tourism with a view to contributing to economic development, international understanding, peace, prosperity, and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. The Organisation shall take all appropriate action to attain this objective.

2. In pursuing this aim, the Organisation shall pay particular attention to the interests of the developing countries in the field of tourism.

3. In order to establish its central role in the field of tourism, the Organisation shall establish and maintain effective collaboration with the appropriate organs of the United Nations and its specialised agencies. In this connection the Organisation shall seek a cooperative relationship with and participation in the activities of the United Nations Development Programs, as a participating and executing agency.

MEMBERSHIP

Article 4

Membership of the Organisation shall be open to:

(*a*) Full Members.
(*b*) Associate Members.
(*c*) Affiliate Members.

Article 5

1. Full membership of the Organisation shall be open to all sovereign States.

2. States whose national tourism organisations are Full Members of IUOTO at the time of adoption of these Statutes by the Extraordinary General Assembly of IUOTO shall have the right to become Full Members of the Organisation, without requirement of vote, on formally declaring that they adopt the Statutes of the Organisation and accept the obligations of membership.

3. Other States may become Full Members of the Organisation if their candidatures are approved by the General Assembly by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organisation.

Article 6

1. Associate membership of the Organisation shall be open to all territories or groups of territories not responsible for their external relations.

2. Territories or groups of territories whose national tourism organisations are Full Members of IUOTO at the time of adoption of these Statutes by the Extraordinary General Assembly of IUOTO shall have the right to become Associate Members of the Organisations, without requirement of vote, provided that the State which assumes responsibility for their external relations approves their membership and declares on their behalf that such territories or groups of territories adopt the Statutes of the Organisation and accept the obligations of membership.

3. Territories or groups of territories may become Associate Members of the Organisation if their candidature has the prior approval of the Member State which assumes responsibility for their external relations and declares on their behalf that such territories or groups of territories adopt the Statutes of the Organisation and accept the obligations of membership. Such candidatures must be approved by the Assembly by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organisation.

4. When an Associate Member of the Organisation becomes responsible for the conduct of its external relations, that Associate Member shall be entitled to become a Full Member of the Organisation on formally declaring in writing to the Secretary-General that it adopts the Statutes of the Organisation and accepts the obligations of full membership.

Article 7

1. Affiliate membership of the Organisation shall be open to international bodies, both intergovernmental and nongovernmental, concerned with specalised interests in tourism and to commercial bodies and associations whose activities are related to the aims of the Organisation or fall within its competence.

2. Associate Members of IUOTO at the time of adoption of these Statutes by the Extraordinary General Assembly of IUOTO shall have the right to become Affiliate Members of the Organisation, without requirement of vote, on declaring that they accept the obligations of Affiliate membership.

3. Other international bodies, both intergovernmental and nongovernmental, concerned with specialised interests in tourism, may become Affiliate Members of the Organisation provided the request for membership is presented in writing to the Secretary-General and receives approval by the Assembly by a majority of two-thirds of the Full Members present and voting and provided that said majority is a majority of the Full Members of the Organisation.

4. Commercial bodies or associations with interests defined in paragraph 1 above may become Affiliate Members of the Organisation provided their requests for membership are presented in writing to the Secretary-General and are endorsed by the State in which the headquarters of the candidate is located. Such candidatures must be approved by the General Assembly by a majority of two-thirds of the Full Members present and voting provided that said majority is a majority of the Full Members of the Organisation.

5. There may be a Committee of Affiliate Members which shall establish its own rules and submit them to the General Assembly for approval. The Committee may be represented at meetings of the Organisation. It may request the inclusion of questions in the agenda of those meetings. It may also make recommendations to the meetings.

6. Affiliate Members may participate in the activities of the Organisation individually

or grouped in the Committee of Affiliate Members.

ORGANS

Article 8

1. The organs of the Organisation are:

(*a*) The General Assembly, hereinafter referred to as the Assembly.

(*b*) The Executive Council, hereinafter referred to as the Council.

(*c*) The Secretariat.

2. Meetings of the Assembly and the Council shall be held at the headquarters of the Organisation unless the respective organs decide otherwise.

GENERAL ASSEMBLY

Article 9

1. The Assembly is the supreme organ of the Organisation and shall be composed of delegates representing Full Members.

2. At each session of the Assembly each Full and Associate Member shall be represented by not more than five delegates, one of whom shall be designated by the Member as Chief Delegate.

3. The Committee of Affiliate Members may designate up to three observers and each Affiliate Member may designate one observer, who may participate in the work of the Assembly.

Article 10

The Assembly shall meet in ordinary session every two years and, as well, in extraordinary session when circumstances require, Extraordinary sessions may be convened at the request of the Council or of a majority of Full Members of the Organisation.

Article 11

The Assembly shall adopt its own rules of procedure.

Article 12

The Assembly may consider any question and make recommendations on any matter within the competence of the Organisation. Its functions, other than those which have been conferred on it elsewhere in the present Statutes, shall be:

(*a*) to elect its President and Vice-Presidents;

(*b*) to elect the members of the Council;

(*c*) to appoint the Secretary-General on the recommendation of the Council;

(*d*) to approve the Financial Regulations of the Organization;

(e) to lay down general guidelines for the administration of the Organisation;

(*f*) to approve the staff regulations applicable to the personnel of the Secretariat;

(*g*) to elect the auditors on the recommendation of the Council;

(*h*) to approve the general programme of work of the Organisation;

(*i*) to supervise the financial policies of the Organisation and to review and approve the budget;

(*j*) to establish any technical or regional body which may become necessary;

(*k*) to consider and approve reports on the activities of the Organisation and of its organs and to take all necessary steps to give effect to the measures which arise from them;

(*l*) to approve or to delegate the power to approve the conclusion of agreements with governments and international organisations;

(*m*) to approve or to delegate the power to approve the conclusion of agreements with private organisations or private entities;

(*n*) to prepare and recommend international agreements on any question that falls within the competence of the Organisation;

(*o*) to decide, in accordance with the present Statutes, on applications for membership.

Article 13

1.The Assembly shall elect its President and Vice-Presidents at the beginning of each session.

2. The President shall preside over the Assembly and shall carry out the duties which are entrusted to him.

3. The President shall be responsible to the Assembly while it is in session.

4. The President shall represent the Organisation for the duration of his term of office on all occasions on which such representation is necessary.

EXECUTIVE COUNCIL

Article 14

1. The Council shall consist of Full Members elected by the Assembly at the ratio of one member for every five Full Members, in accordance with the Rules of Procedure laid down by the Assembly, with a view to achieving fair and equitable geographical distribution.

2. One Associate Member selected by the Associate Members of the Organisation may participate in the work of the Council without the right to vote.

3. A representative of the Committee of Affiliate Members may participate in the work of the Council without the right to vote.

Article 15

The term of elected members shall be four years except that the terms of one-half of the members of the first Council, as determined by lot, shall be two years. Election for one-half of the membership of the Council shall be held every two years.

Article 16

The Council shall meet at least twice a year.

Article 17

The Council shall elect a Chairman and Vice-Chairman from among its elected members to serve for a term of one year.

Article 18

The Council shall adopt its own Rules of Procedure.

Article 19

The functions of the Council, other than those which are elsewhere assigned to it in these Statutes, shall be:

(*a*) To take all necessary measures, in consultation with the Secretary-General, for the implementation of the decisions and recommendations of the Assembly and to report thereon to the Assembly;

(*b*) to receive from the Secretary-General reports on the activities of the Organisation;

(*c*) To submit proposals to the Assembly;

(*d*) to examine the general programme of work of the Organisation as prepared by the Secretary-General, prior to its submission to the Assembly;

(e) to submit reports and recommendations on the Organisation's accounts and budget estimates to the Assembly;

(f) to set up any subsidiary body which may be required by its own activities;

(g) to carry out any other functions which may be entrusted to it by the Assembly.

Article 20

Between sessions of the Assembly and in the absence of any contrary provisions in these Statutes, the Council shall take such administrative and technical decisions as may be necessary, within the functions and financial resources of the Organisations, and shall report the decisions which have been taken to the Assembly at its following session, for approval.

SECRETARIAT

Article 21

The Secretariat shall consist of the Secretary-General and such staff as the Organisation may require.

Article 22

The Secretary-General shall be appointed by a two-thirds majority of Full Members present and voting in the Assembly, on the recommendation of the Council, and for a term of four years. His appointment shall be renewable.

Article 23

1. The Secretary-General shall be responsible to the Assembly and Council.

2. The Secretary-General shall carry out the direction of the Assembly and Council. He shall submit to the Council reports on the activities of the Organisation, its accounts and the draft general programme of work and budget estimates of the Organisation.

3. The Secretary-General shall ensure the legal representation of the Organisation.

Article 24

The Secretary-General shall appoint the staff of the Secretariat in accordance with staff regulations approved by the Assembly.

2. The staff of the Organisation shall be responsible to the Secretary-General.

3. The paramount consideration in the recruitment of staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, technical competence and integrity. Subject to this consideration, due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

4. In the performance of their duties the Secretary-General and staff shall not seek or receive instructions from any government or any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.

BUDGET AND EXPENDITURE

Article 25

1. The budget of the Organisation, covering its administrative functions and the general programme of work, shall be financed by contributions of the Full, Associate and Affiliate Members according to a scale of assessment accepted by the Assembly and from other possible sources of receipts for the Organisation in accordance with the Financing Rules which are attached to these Statutes and form an integral part thereof.

2. The budget prepared by the Secretary-General shall be submitted by the Council to the Assembly for examination and approval.

Article 26

1. The account of the Organisation shall be examined by two auditors elected by the Assembly on the recommendation of the Council for a period of two years. The auditors shall be eligible for re-election.

2. The auditors, in addition to examining the accounts, may make such observations as they deem necessary with respect to the efficiency of the financial procedures and management, the accounting system, the internal financial controls and, in general, the financial consequences of administrative practices.

QUORUM

Article 27

1. The presence of a majority of the Full Members shall be necessary to constitute a quorum at meetings of the Assembly.

2. The presence of a majority of the Full Members of the Council shall be necessary to constitute a quorum at meetings of the Council.

VOTING

Article 28

Each Full Member shall be entitled to one vote.

Article 29

1. Subject to other provisions of the present Statutes decisions on all matters shall be taken in the Assembly by a simple majority of Full Members present and voting.

2. A two-thirds majority vote of the Full Members, present and voting, shall be necessary to take decisions on matters involving budgetary and financial obligations of the Members, the location of the headquarters of the Organisation, and other questions deemed of particular importance by a simple

majority of the Full Members present and voting at the Assembly.

Article 30

Decisions of the Council shall be made by a simple majority of Members present and voting except on budgetary and financial recommendations which shall be approved by a two-thirds majority of Members present and voting.

LEGAL PERSONALITY, PRIVILEGES AND IMMUNITIES

Article 31

The Organisation shall have legal personality.

Article 32

The Organisation shall enjoy in the territories of its Member States the privileges and immunities required for the exercise of its functions. Such privileges and immunities may be defined by agreements concluded by the Organisation.

AMENDMENTS

Article 33

1. Any suggested amendment to the present Statutes and its Annex shall be transmitted to the Secretary-General who shall circulate it to the Full Members at least six months before being submitted to the consideration of the Assembly.

2. An amendment shall be adopted by the Assembly by a two-thirds majority of Full Members present and voting.

3. An amendment shall come into force for all Members when two-thirds of the Member States have notified the Depository Government of their approval of such amendment.

SUSPENSION OF MEMBERSHIP

Article 34

1. If any Member is found by the Assembly to persist in a policy that is contrary to the fundamental aim of the Organisation as mentioned in Article 3 of these Statutes, the Assembly may, by a resolution adopted by a majority of two-thirds of Full Members present and voting, suspend such Member from exercising the rights and enjoying the privileges of membership.

2. The suspension shall remain in force until a change of such policy is recognised by the Assembly.

WITHDRAWAL FROM MEMBERSHIP

Article 35

1. Any Full Member may withdraw from the Organisation on the expiry of one year's notice in writing to the Depository Government.

2. Any Associate Member may withdraw from the Organisation on the same conditions of notice, provided the Depository Government has been notified in writing by the Full Member which is responsible for the external relations of that Associate Member.

3. An Affiliate Member may withdraw from the Organisation on the expiry of one year's notice in writing to the Secretary-General.

ENTRY INTO FORCE

Article 36

The present Statutes shall enter into force one-hundred-and-twenty days after fifty-one States whose official tourism organisations are Full Members of IUOTO at the time of adoption of these Statutes, have formally signified to the provisional Depository their approval of the Statutes and their acceptance of the obligations of membership.

DEPOSITORY

Article 37

1. These Statutes and any declarations accepting the obligations of Membership shall be deposited for the time being with the Government of Switzerland.

2. The Government of Switzerland shall notify all States entitled to receive such notification of the receipt of such declarations and of the date of entry into force of these Statutes.

INTERPRETATION AND LANGUAGES

Article 38

The official languages of the Organisation shall be English, French, Russian and Spanish.

Article 39

The English, French, Russian and Spanish texts of these Statutes shall be regarded as equally authentic.

TRANSITIONAL PROVISIONS

Article 40

The headquarters shall provisionally be in Geneva, Switzerland, pending a decision by the General Assembly under Article 2.

Article 41

During a period of one-hundred-and-eighty days after these Statutes enter into force, States Members of the United Nations, the specialised agencies and the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice shall have the right to become Full Members of the Organisation, without requirement of vote, on formally declaring that they adopt the Statutes of the Organisation and accept the obligations of membership.

Article 42

During the year following the entry into force of the present Statutes, States whose national tourism organisations were members of IUOTO at the time of adoption of these Statutes and which have adopted the present Statutes subject to approval may participate in the activities of the Organization with the rights and obligations of a Full Member.

Article 43

During the year following the entry into force of the present Statutes, territories or groups of territories not responsible for their external relations but whose tourism organisations were Full Members of IUOTO and are therefore entitled to Associate membership and which have adopted the Statutes subject to approval by the State which assumes responsibility for their external relations may participate in the activities of the organisation with the rights and obligations of an Associate Member.

Article 44

When the present Statutes come into force, the rights, and obligations of IUOTO shall be transferred to the Organisation.

Article 45

The Secretary-General of IUOTO at the time of the entry into force of the present Statutes shall act as Secretary-General of the Organisation until such time as the Assembly has elected the Secretary-General of the Organisation.

Done at Mexico City on 27 September 1970.

* * * * *

The text of the present Statutes is an exact copy of the text authenticated by the signatures of the President of the Extraordinary General Assembly, President of the International Union of Official Travel Organisations, and of the Secretary-General of the International Union of Official Travel Organisations.

Certified true and complete copy.

ROBERT C. LONATI,
Secretary-General of the International Union of Official Travel Organisations.

ANNEX

Financing Rules

1. The financial period of the Organisation shall be two years.

2. The financial year shall be from 1 January to 31 December.

3. The budget shall be financed by the contributions of the Members according to a method of apportionment to be determined by the Assembly, based on the level of economic development of and the importance of tourism in each country, and by other receipts of the Organization.

4. The budget shall be formulated in United States dollars. The currency used for the payment of contributions shall be the United States dollar. This shall not preclude acceptance by the Secretary-General, to the extent authorised by the Assembly, of other currencies in payment of Members' contributions.

5. A General Fund shall be established. All membership contributions made pursuant to paragraph 3, miscellaneous income and any advances from the Working Capital Fund shall be credited to the General Fund. Expenditure for administration and the general programme of work shall be paid out of the General Fund.

6. A Working Capital Fund shall be established, the amount of which is to be fixed by the Assembly. Advance contributions of Members and any other budget receipts which the Assembly decides may be so used, shall be paid into the Working Capital Fund. When required, amounts therefrom shall be transferred to the General Fund.

7. Funds-in-trust may be established to finance activities not provided for in the budget of the Organisation which are of interest to some member countries or groups of countries. Such Funds shall be financed by voluntary contributions. A fee may be charged by the Organisation to administer these Funds.

8. The Assembly shall determine the utilisation of gifts, legacies and other extraordinary receipts not included in the budget.

9. The Secretary-General shall submit the budget estimates to the Council at least three months before the appropriate meeting of the Council. The Council shall examine these estimates and shall recommend the budget to the Assembly for final examination and approval. The Council's estimates shall be sent to Members at least three months before the appropriate session of the Assembly.

10. The Assembly shall approve the budget by years for the succeeding two-year financial period and its annual apportionment, as well as its administrative accounts for each year.

11. The accounts of the Organisation for the last financial year shall be transmitted by the Secretary-General to the auditors and to the competent organ of the Council.

The auditors shall report to the Council and to the Assembly.

12. The Members of the Organisation shall pay their contribution in the first month of the financial year for which it is due. Members shall be notified of the amount of their contribution, as determined by the Assembly, six months before the beginning of the financial year to which it relates.

However, the Council may approve justified cases of arrears due to different financial years existing in different countries.

13. A Member which is in arrears in the payment of its financial contributions to the Organisation's expenditure shall be deprived of the privileges enjoyed by the Members in the form of services and the right to vote in Assembly and the Council if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two financial years. At the request of the Council, the Assembly may, however, permit such a Member to vote and to enjoy the services of the Organisation if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

14. A Member withdrawing from the Organisation shall be liable for assessments on a *pro rata* basis up to the time the withdrawal becomes effective.

In calculating the assessments of Associate and Affiliate Members, account shall be taken of the different bases of their membership and the limited rights they enjoy within the Organisation.

Done at Mexico City on 27 September 1970.

* * * * *

The text of the present Financing Rules attached to the Statutes of the World Tourism Organisation is an exact copy of the text authenticated by the signatures of the President of the Extraordinary General Assembly, President of the International Union of Official Travel Organisations, and of the Secretary-General of the International Union of Official Travel Organisations.

Certified true and complete copy.

Robert C. Lonati,
Secretary-General of the International Union of Official Travel Organisations.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that supporting data be inserted in the Record at this point in explanation of the statutes.

There being no objection, the excerpt from the committee report was ordered to be printed in the Record, as follows:

PURPOSE

This treaty transforms the International Union of Official Travel Organizations (IUOTO, originally founded as the International Congress of Official Propaganda Associations in 1925), a non-governmental organization into the World Tourism Organization (WTO), an inter-governmental tourist organization. Its purpose will be the promotion and development of tourism "with a view to contributing to international development, international understanding, peace, prosperity * * *"

The WTO's organs will be a General Assembly (meeting at least once every two years), an Executive Council (meeting at least twice a year), and a Secretariat.

It is expected that the WTO will become affiliated with the United Nations system at some future date.

BACKGROUND

The development of the IUOTO from a non-governmental to an inter-governmental organization is described as follows in the August 24, 1973, letter of submittal by the Acting Secretary of State Kenneth Rush:

IUOTO was founded in 1925 and organized into its present form in 1947. Its membership consists of national tourist offices rather than the States they represent. IUOTO has been the only international organization that is continuously and exclusively concerned with matters relating to tourism on a worldwide basis. The fundamental aim of this organization has been the promotion and development of tourism to further the economic, social, and cultural progress of all nations. IUOTO has been the only forum where public and private tourism officials have been able to meet to exchange ideas and to discuss problems of mutual interest. One of its tasks has been the stimulation and coordination of tourism deveopment, including the special area of faciiltation. It also has conducted a number of technical activities such as monitoring and identifying world tourism trends, studying travel demand and market trends, and assessing environmental impact of travel expansion. Perhaps most important, IUOTO has been the primary source for collection, analysis, and dissemination of international travel statistics on a worldwide basis.

The process of transition of IUOTO to WTO began in 1967 in Tokyo at IUOTO's XXth General Assembly meeting. At that meeting a resolution was adopted recommending that member governments create an intergovernmental tourist organization enpowered to deal on a worldwide scale with all matters concerning tourism, and as an independent body, to establish cooperation with other competent international organizations, especially those of the United Nations system. This resolution was later reaffirmed and expanded on at the Intergovernmental Conference on Tourism held in Sofia in May 1969 and later at the XXIst General Assembly of IUOTO held in Dublin in October of 1969. One month later in New York, the United Nations endorsed the future role of IUOTO through General Assembly Resolution 2529 (XXIV) recommending that IUOTO "amend the statutes of the Union in order to give the organization an intergovermental character."

An Extraordinary General Assembly meeting was held in Mexico City in September of 1970 to draft the statutes of WTO and then to adopt those statutes and to work towards the ratification of a simplified multilateral agreement by the member countries. The statutes change the character of IUOTO from an international organization of official travel offices governed by private law to an international organization of "intergovernmental character," governed by public law, to which countries rather than tourism organizations would be members. WTO will come into existence when 51 States whose national tourist offices were IUOTO members at the time of the General Assembly meeting in Mexico City have officially approved its statutes in accordance with their domestic procedures and deposited instruments of ratification with the Swiss Federal Government, the provisional depositary.

COMMITTEE ACTION

The treaty was transmitted to the Senate on Sepember 12, 1973, and a public hearing was held on October 9. The statement of the principal witness, Dr. Roy D. Morey, Deputy Assistant Secretary of State, is appended to this report. On October 11, the Committee (by voice vote) ordered the treaty reported favorably to the Senate.

COSTS

It is anticipated that the WTO budget will be in the neighborhood of one million dollars. The U.S. share of contributions is presently set at 4.5% of the total and would amount to approximately $45,000. The percentage of the U.S. assessment is expected to decrease when the membership exceeds 100.

Members' assessments are based on their gross national product and the volume of in-coming tourist business. The Committee takes this occasion to recommend strongly gradual abandonment of gross national product as a standard for determining U.S. contributions to international organizations and for other matters as well. The GNP is not a valid criteria of the wealth of a country and its capacity to pay and more realistic criteria should be developed.

COMMITTEE RECOMMENDATION

The Committee was informed that there was no objection to ratification of the Statutes. In fact, it was told that "the tourism industry here in the United States strongly supports ratification of these statutes." The Statutes will enter into force 120 days after 51 countries have signified their approval. To date 42 countries, all developing nations, have ratified.

The Committee noted the "concern which is shared by the U.S. Government agencies affected, that there will be a diffusion of tourism matters to various inter-governmental organizations in the U.N. system if their present centralization remains with a non-governmental organization like IUOTO. This could lead to a proliferation of work on tourism matters, and probably costly duplications."

The Committee believes, therefore that the national interest will be served by approving the Statutes of the World Tourism Organization and recommends that the Senate give its advice and consent to its ratification.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the statutes be considered as having passed through their various parliamentary stages up to and including the resolution of ratification.

The PRESIDING OFFICER. Without objection, the statutes will be considered as having passed through their various parliamentary stages, up to and including the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Statutes of the World Tourism Organization, done at Mexico City on September 27, 1970 (Ex. R, 93–1).

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE—EXECUTIVE F (93D CONG.,) 1ST SESS.)

The Senate, as in Committee of the Whole, proceeded to consider Executive F (93d Cong., 1st sess.), the Convention Concerning the Protection of the World Cultural and Natural Heritage, done at Paris on November 23, 1972, subject to a declaration under article 16(2) that the United States shall not be bound by the provisions of article 16(1) which was read the second time, as follows:

CONVENTION FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session,

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction.

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific and technical resources of the country where the property to be protected is situated,

Recalling that the Constitution of the Organization provides that it will maintain, increase and diffuse knowledge, by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary international conventions.

Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong.

Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole.

Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an effective complement thereto,

Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods,

Having decided, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts this sixteenth day of November 1972 this Convention.

I. DEFINITIONS OF THE CULTURAL AND THE NATURAL HERITAGE

Article 1

For the purposes of this Convention, the following shall be considered as "cultural heritage":

monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view.

Article 2

For the purposes of this Convention, the following shall be considered as "natural heritage":

Natural features consisting of physical and biological formations or groups of such formations, which are outstanding universal value from the aesthetic or scientific point of view;

Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3

It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION OF THE CULTURAL AND NATURAL HERITAGE

Article 4

Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and cooperation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

Article 5

To ensure that effective and active measures are taken for the protection, conservation, and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavour, insofar as possible, and as appropriate for each country:

(*a*) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;

(*b*) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;

(*c*) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;

(*d*) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and

(*e*) to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

Article 6

1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.

2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and preservation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.

3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Article 7

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

III. INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 8

1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Committee", is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, elected by States Parties to the Convention meeting in general assembly during the ordinary session of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.

2. Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.

3. A representative of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other intergovernmental or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.

Article 9

1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.

2. The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.

3. States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.

Article 10

1. The World Heritage Committee shall adopt its Rules of Procedure.

2. The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.

3. The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

Article 11

1. Every State Party to this Convention shall, insofar as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.

2. On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of "World Heritage List," a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.

3. The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.

4. The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "List of World Heritage in Danger," a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat

of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides, volcanic eruptions; changes in water level, floods, and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately.

5. The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this article.

6. Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.

7. The Committee shall, with the agreement of the States concerned, co-ordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraphs 2 and 4 of this article.

Article 12

The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.

Article 13

1. The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to this Convention with respect to property forming part of the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists referred to in paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property.

2. Requests for international assistance under paragraph 1 of this article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that further inquiries would be justified.

3. The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.

4. The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the property most representative of a natural environment or of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.

5. The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted.

6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.

7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may call on such organizations, particularly the International Centre for the Study of the Preservation and Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.

8. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

Article 14

1. The World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization.

2. The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and the Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions.

IV. FUND FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 15

1. A Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Fund", is hereby established.

2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.

3. The resources of the Fund shall consist of:

(*a*) compulsory and voluntary contributions made by the States Parties to this Convention,

(*b*) contributions, gifts or bequests which may be made by:

(*i*) other States;

(*ii*) the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other intergovernmental organizations;

(*iii*) public or private bodies or individuals;

(*c*) any interest due on the resources of the Fund;

(*d*) funds raised by collections and receipts from events organized for the benefit of the Fund; and

(*e*) all other resources authorized by the Fund's regulations, as drawn up by the World Heritage Committee.

4. Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.

Article 16

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the World Heritage Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the Regular Budget of the United Nations Educational, Scientific and Cultural Organization.

2. However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of the deposit of its instruments of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.

3. A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States Parties to the Convention.

4. In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article, shall be paid on a regular basis at least every two years, and should not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this provision shall not apply to the first election.

The terms of office of any such State which is already a member of the Committee shall terminate at the time of the elections provided for in Article 8, paragraph 1 of this Convention.

Article 17

The States Parties to this Convention shall consider or encourage the establishment of national, public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of this Convention.

Article 18

The States Parties to this Convention shall give their assistance to international fund-raising campaigns organized for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 3 of Article 15 for this purpose.

V. CONDITIONS AND ARRANGEMENTS FOR INTERNATIONAL ASSISTANCE

Article 19

Any State Party to this Convention may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 21 as it has in its possession and as will enable the Committee to come to a decision.

Article 20

Subject to the provisions of paragraph 2 of Article 13, sub-paragraph (c) of Article 22 and Article 23, international assistance provided for by this Convention may be granted only to property forming part of the cultural and natural heritage which the World Heritage Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 11.

Article 21

1. The World Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request, which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts' reports whenever possible.

2. Requests based upon disasters or natural calamities should, by reasons of the urgent work which they may involve, be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal against such contingencies.

3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary.

Article 22

Assistance granted by the World Heritage Committee may take the following forms:

(a) studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraphs 2 and 4 of Article 11 of this Convention;

(b) provision of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;

(c) training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage;

(d) supply of equipment which the State concerned does not possess or is not in a position to acquire;

(e) low-interest or interest-free loans which might be repayable on a long-term basis;

(f) the granting, in exceptional cases and for special reasons, of non-repayable subsidies.

Article 23

The World Heritage Committee may also provide international assistance to national or regional centres for the training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

Article 24

International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the protection, conservation, presentation and rehabilitation of the natural and cultural heritage and shall be consistent with the objectives of this Convention. The studies shall also seek means of making rational use of the resources available in the State concerned.

Article 25

As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each programme or project, unless its resources do not permit this.

Article 26

The World Heritage Committee and the recipient State shall define in the agreement they conclude the conditions in which a programme or project for which international assistance under the terms of this Convention is provided, shall be carried out. It shall be the responsibility of the State receiving such international assistance to continue to protect, conserve and present the property so safeguarded, in observance of the conditions laid down by the agreement.

VI. EDUCATIONAL PROGRAMMES

Article 27

1. The States Parties to this Convention shall endeavour by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention.

2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of activities carried on in pursuance of this Convention.

Article 28

States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the property for which assistance has been received and the role played by such assistance.

VII. REPORTS

Article 29

1. The States Parties, to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.

2. These reports shall be brought to the attention of the World Heritage Committee.

3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

VIII. FINAL CLAUSES

Article 30

This Convention is drawn up in Arabic English, French, Russian and Spanish, the five tests being equally authoritative.

Article 31

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 32

1. This Convention shall be open to accession by all States not menbers of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the organization to accede to it.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 33

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 34

The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:

(*a*) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;

(*b*) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 35

1. Each State Party to this Convention may denounce the Convention.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.

Article 36

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 32, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 31 and 32, and of the denunciations provided for in Article 35.

Article 37

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

Article 38

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris, this twenty-third day of November 1972, in two authentic copies bearing the signature of the President of the seventeenth session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 31 and 32 as well as to the United Nations.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its seventeenth session, which was held in Paris and declared closed the twenty-first day of November 1972.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of November 1972.

The President of the General Conference:
TORU HAGUIWARA
The Director-General:
RENE MAHEU

ARTICLE-BY-ARTICLE ANALYSIS

ARTICLE 1

The Article defines "cultural heritage" for the purposes of the Convention to include monuments, works of architecture, monumental sculpture and painting, groups of buildings and other archaeological sites which have "outstanding universal value" from a historical, aesthetic, scientific or ethnological point of view.

ARTICLE 2

This Article defines "natural heritage" for the purposes of the Convention to include geological, physical and biological formations, habitats of threatened species of wildlife, and other natural areas of "outstanding universal value" from a scientific, aesthetic or conservationist viewpoint.

ARTICLE 3

Article 3 emphasizes the primary responsibility of each State Party to the Convention to identify and delineate those areas and sites within its territory which fall within the definitions in Articles 1 and 2.

ARTICLE 4

This Article recognizes that each Party has a duty to identify and protect its own areas falling within the cultural and natural heritage of mankind to ensure its transmission to future generations, and to provide such financial, technical and scientific resources as may be necessary to fulfill this duty to the extent of its own ability or through technical assistance it may be able to obtain.

ARTICLE 5

Article 5 describes with greater particularity the measures which Parties are expected to undertake to protect areas of the cultural and natural heritage within their own territories. Among such measures, to the extent of each State's ability, are: the adoption of a general policy of integrating the protection of the cultural and natural heritage into the life of the community and public planning; the establishment of technical and administrative staffs to preserve these areas; the development of scientific and technical research and expertise to identify and counteract dangers thereto; the adoption of appropriate legal, financial, administrative, and technical measures to identify, restore and protect this heritage; and the establishment of national and regional centers to encourage the training and scientific research necessary for these purposes.

ARTICLE 6

This Article recognizes that the areas described in Articles 1 and 2 constitute a heritage of mankind as a whole which the international community should assist and protect, and that each Party should undertake including by provision of technical assistance, to assist others in this effort and to refrain from deliberate actions which might damage any areas in the cultural and natural heritage situated on others' territory. The Article recognizes the sovereignty of each State over its territory and property rights protected by its legislation.

ARTICLE 7

This Article recognizes that international protection of the world cultural and natural heritage should be effected through an international system of co-operation and assistance, as provided in subsequent articles.

ARTICLE 8

Article 8 establishes an Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called the World Heritage Committee, within the UNESCO framework. The Committee would be composed of representatives of 15 Parties elected by all Parties meeting in general assembly during the ordinary session of each UNESCO General Conference. The size of the Committee would be increased to 21 members after at least 40 States have become Parties. In electing the Committee, equitable representation is to be given to the various regions and cultures of the world.

Representatives of the Rome Centre, ICOMOS, IUCN and other appropriate intergovernmental or non-governmental organizations may be invited to attend Committee meetings in an advisory capacity.

ARTICLE 9

This Article prescribes the term of office of members of the Committee, which extends from the end of the session of the UNESCO General Conference in which they are elected to the end of the third subsequent session (a period of 6 years). However, one-third of the initial membership of the Committee is to be replaced at the end of the first subsequent session and another one-third at the end of the second subsequent session, so that in the future one-third of the Committee would stand election at each session of the General Conference. The Article also requires Parties to select as their representatives persons qualified in the field of natural or cultural heritage.

ARTICLE 10

This Article provides for the adoption by the Committee of its own Rules of Procedure, and permits it to create such consultative bodies or to engage in such public or private consultations as it finds necessary for the performance of its functions.

ARTICLE 11

Article 11 provides for the creation of a World Heritage List of areas within the natural and cultural heritage of mankind, and a List of World Heritage in Danger of areas requiring special immediate international efforts to avert man-made or natural dangers.

The World Heritage List consists of those natural and cultural areas which the Committee deems to be of universal outstanding value. The List is drawn up, kept up to date and published by the Committee on the basis of criteria developed by the Committee and periodic inventories submitted by each Party of natural and cultural areas located in its territory which fall within the definitions in Articles 1 and 2. The inclusion of an area on the List requires the consent of the State in whose territory it is located.

The List of World Heritage in Danger is also maintained and published by the Committee, and consists of those areas on the World Heritage List for which the Committee finds major protective operations are necessary and for which international assistance has been requested. Areas may be placed on the "Danger List" as a result of any of a number of serious and immediate threats, including human developments, natural calamities, abandonment or changes in ownership, or accelerated natural deterioration. Before refusing a request for inclusion of an area on the "Danger List", the Committee is required to consult with the Party on whose territory the area is located.

ARTICLE 12

This Article recognizes that the mere fact that an area does not appear on one of the Lists provided in Article 11 does not necessarily mean that it lacks outstanding universal value for other purposes.

ARTICLE 13

This Article provides for the consideration by the Committee of requests for international assistance for natural and cultural areas, and delegates to the Committee decisions on the use for this purpose of the resources of the Fund established under Article 15. The Committee is directed to determine an order of priorities for its decisions in this regard, bearing in mind the relative importance of the areas requiring protection, the urgency of the work to be done, and the relative ability of States to protect their own areas through their own resources. In the performance of these functions, the Committee is authorized to call upon and cooperate with the Rome Centre, ICOMOS, IUCN and other international and national governmental and non-governmental organizations with similar objectives.

Decisions of the Committee are to be taken by two-thirds of the members present and voting.

ARTICLE 14

This Article provides for the appointment of a Secretariat by the UNESCO Director-General to assist the Committee in its duties and requires the Director-General to utilize the services of the organizations mentioned in Article 13 in preparing for the meetings of the Committee and in implementing its decisions.

ARTICLE 15

Article 15 establishes a Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called the "World Heritage Fund", as a trust fund in conformity with UNESCO Financial Regulations. The resources of the Fund are to include contributions of the Parties, contributions, gifts and bequests of other States, United Nations bodies, and public or private bodies or individuals, and income from Fund resources. Political conditions may not be attached to contributions to the Fund, but contributions designated for a specific program may be accepted if the Committee has approved the program. Fund resources may only be used for purposes designated by the Committee.

ARTICLE 16

Article 16 makes provision for compulsory contributions by Parties to the Fund on a biannual basis in amounts determined by the Parties meeting in general assembly on the basis of "a uniform percentage applicable to all States". In no case are such contributions to exceed 1% of a State's contribution to the Regular Budget of UNESCO. One percent of the contribution of the United States to the Regular Budget of UNESCO for 1973 amounts to $155,045.

However, Article 16(2) provides that any Party may, at the time of deposit of its instrument of ratification, acceptance or accession, declare that it will not be bound by this provision for compulsory contributions. States which make such a declaration agree that they will undertake to make voluntary contributions to the Fund on a regular basis to assist the Committee to plan its operations effectively, and that its voluntary contributions "should not be less than the contributions which they should have paid if they had been bound" by the compulsory contribution requirement.

Any Party which is in arrears with its compulsory or voluntary contributions, as the case may be, would not be eligible for membership on the World Heritage Committee.

ARTICLE 17

This Article requires Parties to consider or encourage the establishment of public and private foundations to invite donations to the fund.

ARTICLE 18

This Article pledges Parties to lend their assistance to international fund-raising campaigns conducted by the Fund.

ARTICLE 19

Article 19 provides that any Party may request international assistance for any areas in the cultural or natural heritage within its territory. The submission of appropriate information and documentation is required.

ARTICLE 20

This Article provides that international assistance under the Convention may only be granted for the protection of areas entered on one of the lists maintained by the Committee under Article 11, for the identification of potential heritage areas, and for the training of specialists in the disciplines required for the identification and protection of such areas.

ARTICLE 21

This Article directs the Committee to establish procedures for the consideration and content of requests, including information on the operation proposed, the cost expected, the degree of urgency involved and the reasons why the requesting State's resources are not adequate to meet all expenses. Requests based upon natural disasters are to be given priority attention, and the Committee is to establish a reserve fund to meet such possible contingencies.

ARTICLE 22

Article 22 delineates the forms of assistance which the Committee may grant, including the making of technical studies, the provision of experts, technicians and skilled laborers, the training of personnel, the supplying of equipment not available to the requesting State, the provision of low-interest or interest-free loans, or "in exceptional cases and for special reasons" the granting of non-repayable subsidies.

ARTICLE 23

This Article makes specific provision for international assistance to national or regional centers for the training of personnel in the various skills required for identification and protection of the natural and cultural heritage.

ARTICLE 24

Article 24 requires that international assistance "on a large scale" be preceded by detailed scientific, economic and technical studies, including a consideration of the means for making use of resources available to the requesting State.

ARTICLE 25

This Article makes clear that, as a general rule, only part of the cost of any project should be borne by the international community, and that the requesting State should contribute a substantial portion of the resources necessary to the extent it is able to do so.

ARTICLE 26

This Article requires that the Committee and the recipient State enter into an agreement for each project for which international assistance is to be granted defining the conditions under which the project is to be carried out. The recipient State is required to protect and maintain the property involved in accordance with the terms of that agreement.

ARTICLES 27–28

These Articles encourage Parties to undertake educational and information programs to promote public appreciation for and knowledge of their heritage sites, possible dangers to them, and the role played by the international community in granting assistance under the Convention.

ARTICLE 29

This Article provides for reports by Parties to the Committee and to the UNESCO General Conference, and by the Committee to the General Conference, on actions taken to apply and implement the Convention.

ARTICLES 30–38

These Articles constitute the Final Clauses for the Convention, and make standard provisions for ratification and accession, entry into force, denunciation, revision and other administrative details. The Convention will enter into force three months after the date of ratification or accession by twenty States. It may be denounced at any time, effective twelve months thereafter.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that supporting data be inserted in the RECORD at this point in explanation of the convention.

There being no objection, the excerpt from the committee report was ordered to be printed in the RECORD, as follows:

PURPOSE

The primary purpose of this Convention is to create international machinery for the identification and protection of natural and cultural areas of outstanding universal value which constitute the common heritage of mankind. For this purpose, the Convention establishes a World Heritage Committee to develop and maintain lists of areas of outstanding importance and a World Heritage Fund to provide international assistance for the protection and conservation of these areas.

BACKGROUND

This Convention was negotiated under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO). It is the direct result of a resolution adopted by the Sixteenth session of the UNESCO General Conference meeting of 1970. This resolution entrusted the Director General of UNESCO with the task of drafting a convention for the protection of monuments and cultural sites of universal value. Pursuant to this decision, the UNESCO Secretariat produced and circulated a draft convention on July 20, 1971.

In commenting on the UNESCO draft convention, the United States Government stated its support for a single World Heritage Convention which would include both cultural and natural areas. In February, 1972, the United States submitted to UNESCO a draft convention, drawing on both the UNESCO draft and a proposal prepared by the Intergovernmental Working Group of the U.N. Conference on the Human Environment.

In April 1972, UNESCO submitted a revised draft. This draft was referred to the UNESCO General Conference, October 17–November 21, 1972. In the interim, it was overwhelmingly endorsed by the U.N. Conference on the Human Environment, held in Stockholm in June, 1972. On November 16, 1972, the UNESCO General Conference adopted the present Convention.

The Convention was submitted to the Senate on March 28, 1973.

MAJOR PROVISIONS

The Convention consists of a short preamble and 38 articles. The following is an article-by-article analysis supplied by the Department of State in its letter of submittal.

ARTICLE 1

The Article defines "cultural heritage" for the purposes of the Convention to include monuments, works of architecture, monumental sculpture and painting, groups of which have "outstanding universal value" from a historical, aesthetic, scientific or ethnological point of view.

ARTICLE 2

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Article 3 emphasizes the primary responsibility of each State Party to the Convention to identify and delineate those areas and sites within its territory which fall within the definitions in Articles 1 and 2.

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The Article recognizes that each Party has a duty to identify and protect its own areas falling within the cultural and natural heritage of mankind to ensure its transmission to future generations, and to provide such financial, technical and scientific resources as may be necesstary to fulfill this duty to the extent of its own ability or through technical assistance it may be able to obtain.

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Representatives of the Rome Centre, ICOMOS, IUCN and other appropriate intergovernmental or non-governmental organizations may be invited to attend Committee meetings in an advisory capacity.

ARTICLE 9

This Article prescribes the term of office of members of the Committee, which extends from the end of the session of the UNESCO General Conference in which they are elected to the end of the third subsequent session (a period of 6 years). However, one-third of the initial membership of the Committee is to be replaced at the end of the first subsequent session and another one-third at the end of the second subsequent session, so that in the future one-third of the Committee would stand election at each session of the General

Conference. The Article also requires Parties to select as their representatives persons qualified in the field of natural or cultural heritage.

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However, Article 16(2) provides that any Party may, at the time of deposit of its instrument of ratification, acceptance or accession, declare that it will not be bound by this provision for compulsory contributions. States which make such a declaration agree that they will undertake to make voluntary contributions to the Fund on a regular basis to assist the Committee to plan its operations effectively, and that its voluntary contributions "should not be less than the contributions which they should have paid if they had been bound" by the compulsory contribution requirement.

Any Party which is in arrears with its compulsory or voluntary contributions, as the case may be, would not be eligible for membership on the World Heritage Committee.

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ENTRY INTO FORCE

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession. No country has deposited an instrument of ratification to date.

DECLARATION

The Secretary of State recommends that the Senate give advice and consent to ratification of this Convention subject to a declaration under Article 16(2) that the United States shall not be bound by the provisions of Article 16(1), which require compulsory contributions to the World Heritage Fund in amounts determined by the Parties meeting in general assembly.

The State Department believes that compulsory contributions, as limited by Article 16, are unlikely to provide anything more than a small portion of the funds necessary to carry out this work, and it is better to rely on voluntary contributions from States and private bodies and individuals for this purpose.

COMMITTEE ACTION

On July 26, 1973, the Committee on Foreign Relations conducted a public hearing on the Convention. At that time, Mr. John A. Busterud, a Member of the Council on Environmental Quality, presented the Administration's position in favor of the Convention.

On July 31, 1973, and October 11, 1973, the Committee considered the Convention in executive session. On the latter date, it was ordered reported favorably (by voice vote), subject to the declaration mentioned above.

In recommending that the Senate give its advice and consent to ratification, it is the understanding of the Committee that the State Department will eventually attempt to finance the U.S. share of the "World Heritage Funds" through private contributions rather than appropriated funds. The Committee encourages the Department to take the appropriate steps necessary to achieve this goal.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the convention be considered as having passed through its various parliamentary stages up to and including the resolution of ratification.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages, up to and including the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Concerning the Protection of the World Cultural and Natural Heritage, done at Paris on November 23, 1972, subject to a declaration under Article 16(2) that the United States shall not be bound by the provisions of Article 16(1) (Ex. F, 93–1).

The PRESIDING OFFICER (Mr. HASKELL). Without objection, the declarations to the resolutions of ratification on Executive S92–2 and F93–1 are agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the four treaties occur on Tuesday next at the hour of 2:30 p.m., and that there be one rollcall vote and that that one rollcall vote appear in the RECORD as four rollcall votes on the four treaties, thus saving 45 minutes of the time of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate proceed to the consideration of certain nominations now at the desk, which were reported earlier today, one from the Committee on Labor and Public Welfare, and three from the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACTION AGENCY

The legislative clerk read the nomination of Harry J. Hogan, of Maryland, to be an Assistant Director of the ACTION agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

The legislative clerk read the nomination of J. Raymond Bell, of New York, to be a member of the Foreign Claims Settlement Commission of the United States.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The legislative clerk read the nomination of Charles R. Work, of the District of Columbia, to be Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. MARSHAL FOR SOUTHERN DISTRICT OF MISSISSIPPI

The legislative clerk read the nomination of Thomas Arny Rhoden, of Mississippi, to U.S. marshal for the southern district of Mississippi.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

FORMER SENATOR FRANK CARLSON OF KANSAS

Mr. DOLE. Mr. President, I was saddened to learn this morning that my predecessor in the Senate, Frank Carlson, and his wife, were involved in an automobile accident last night in Concordia, Kans. I am happy to report to my colleagues, however, that neither Senator Carlson nor Mrs. Carlson were seriously injured, though the Senator did suffer a fractured leg and Mrs. Carlson a fractured wrist. Reports from the hospital indicate that both are responding well to treatment in St. Joseph's Hospital in Concordia.

I am certain many of my colleagues who served with Senator Carlson in the Senate would like to join in wishing both he and Mrs. Carlson a speedy recovery from this unfortunate accident.

For the information of well-wishers, the address is: Senator Frank Carlson, St. Joseph's Hospital, 115th and 3rd Streets, Concordia, Kans. 66901.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOWARD A NEW BEGINNING

Mr. CASE. Mr. President, on the op ed page of the New York Times today appears an excellent article written by the distinguished senior Senator from Maryland (Mr. MATHIAS). I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOWARD A NEW BEGINNING

(By CHARLES McC. MATHIAS, JR.)

WASHINGTON.—If Lord Macaulay had been in Washington during the last week he would never have written that "Your Constitution is all sail and no anchor." The Constitution not only demonstrated its holding power, but also its capacity to inspire men and women in high places and humble places to rush forward and tend the anchor chains.

But even the best anchor has to be set by a crew that knows how, when and where to act. The American people are usually able to rely on the fact that such men are generated by the pressure of great events. In this crisis Americans have again been well served by four such men, John J. Sirica, Elliot Richardson, Archibald Cox and William Ruckelshaus. The impact of their actions on events was controlling because they had two simple goals in view—to do what was right and what was constitutional. They were strong because of the Constitution and the Constitution was strong because of them.

The same simple goals should guide us through the rest of the tangle the nation is in. What is right and what is wrong is not a question for calculation or manipulation. To seek to do what is right is not a novel experience for Americans. It is an old custom that could be revived for the bicentennial.

To obey the explicit injunctions of the Constitution is an equally honored practice that should be observed as a canon of American citizenship without exception.

These principles would be too obvious and too simplistic if it were not for the fact that we have seen what happens when four men follow them in contrast to what happens when others do not. Consider, for instance, the damage to the nation when the Fourth Amendment is ignored by clandestine police, when a secret war is conducted without the sanction of Congress and when the coordinate branches of Government lose the respect for each other which is the matrix of the Constitution.

There is a difference in America today because John Sirica and Archibald Cox respected the Constitution and because Elliot Richardson and William Ruckelshaus knew that it was right to keep their word. That difference may be the beginning of a new era of loyalty to the Constitution, the laws and the best traditions of our history.

What is the way to start this new era? I think we need to finish the house-cleaning that Elliot Richardson and Archibald Cox have begun. But to complete the job we need a special officer with no entangling loyalties or interests. It is not right for any institution to investigate or prosecute itself and it is not constitutional to concentrate excessive power in a single office of government without the balancing and countering action of another independent force.

The Congress must, therefore, find a way to re-establish the office of special prosecutor on a firmer and more independent basis than before. The public must know that those who place the Constitution above personal interest will be vindicated. That is the first step toward restoring a government under law.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS AND FOR TRANSACTION OF ROUTINE BUSINESS ON TUESDAY, OCTOBER 30.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, after the two leaders or their designees have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes; that he be followed by the assistant Republican leader, the distinguished Senator from Michigan (Mr. GRIFFIN), for not to exceed 15 minutes; and that thereafter there be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Tuesday next is as follows:

The Senate will convene at the hour of 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes. The distinguished Senator from Michigan (Mr. GRIFFIN), the assistant Republican leader, will then be recognized for not to exceed 15 minutes.

There will then be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 5 minutes each.

At the hour of 2:30 p.m. the Senate will go into executive session to consider the following treaties beginning with Calendar Order No. 18 and going through Calendar Order No. 21: Executive S, 92d Congress, 2d session, Patent Cooperation Treaty and Annexed Regulations; Executive E, 93d Congress, 1st session, Strasbourg Agreement concerning the International Patent Classification; Executive R, 93d Congress, 1st session, Statutes of the World Tourism Organization; and Executive F, 93d Congress, 1st session, Convention Concerning the Protection of the World Cultural and Natural Heritage.

Those four votes will occur concurrently with one rollcall vote. The yeas and nays have not yet been ordered, but they will be ordered on that vote on Tuesday. One rollcall vote will count as four rollcall votes, thus saving 45 minutes of the Senator's time.

Upon the disposition of the four treaties by way of one rollcall vote the Senate will return to legislative session. The hour then will be 2:45 p.m. At that time debate will ensue with respect to the vote to override the Presidential veto on S. 1317. There is a time limitation for debate of 1 hour and 45 minutes, to be equally divided between Mr. FULBRIGHT and the distinguished Republican leader or his designee.

At the conclusion of the 1 hour and 45 minutes, or to be precise, at the hour of 4:30 p.m., the Senate will proceed to vote on the override of the Presidential veto. By the Constitution that will be a yea-and-nay vote.

So there will be at least five rollcall votes in the offing for Tuesday next.

Other business that has been cleared for action may be taken up. Messages from the House may be taken up at any time, they being privileged matters; conference reports agreed to in conference may be called up, they being privileged matters. Other rollcall votes could occur, therefore, on Tuesday.

By way of further comment on the program for next week, I would assume that subsequent to Tuesday the Senate would be continuing to await action on appropriation bills by the other body and conference reports, and so forth.

ORDER FOR ADJOURNMENT FROM TUESDAY, OCTOBER 30, 1973, TO THURSDAY, NOVEMBER 1, 1973

Mr. ROBERT C. BYRD. Mr. President, therefore, I ask unanimous consent that when the Senate completes its business on Tuesday, it stand in adjournment until 12 o'clock meridian on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. The distinguished majority leader may wish to vacate this order depending on what the outlook is by the time Tuesday is reached, but I think this would adequately allow for the transaction of any necessary business on the floor of the Senate on Thursday and perhaps Friday, if necessary. Conferences could meet and conference reports could be acted upon.

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING THE ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 12 o'clock meridian on Tuesday next, the distinguished President pro tempore and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions, if there be any.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 12 o'clock meridian on Tuesday next the Secretary of the Senate be authorized to receive messages from the House of Representatives and the President of the United States, if there be any.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO TUESDAY, OCTOBER 30, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian on Tuesday next.

The motion was agreed to; and at 1:25 p.m., the Senate adjourned until Tuesday, October 30, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 26, 1973:

DEPARTMENT OF JUSTICE

Rex K. Bumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years, (reappointment).

Gaylord L. Campbell, of California, to be U.S. marshal for the central district of California for the term of 4 years, (reappointment).

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee for the term of 4 years, (reappointment).

James T. Lunsford, of Alabama, to be U.S. marshal for the middle district of Alabama for the term of 4 years (reappointment).

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the Eastern District of Tennessee for the term of 4 years, (reappointment).

George R. Tallent, of Tennessee, to be U.S. marshal for the Western District of Tennessee for the term of 4 years, (reappointment).

James W. Traeger of Indiana to be U.S. marshal for the Northern District of Indiana for the term of 4 years, (reappointment).

Jams E. Williams, of South Carolina, to be U.S. marshal for the District of South Carolina for the term of 4 years, (reappointment).

IN THE MARINE CORPS

Maj. Jack R. Lousma, U.S. Marine Corps, for permanent promotion to the grade of lieutenant colonel in the U.S. Marine Corps, in accordance with article II, section 2, clause 2, of the Constitution.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

LINE OF THE AIR FORCE

Captain to major

Abby, Darwin G., [redacted].
Abel, Franklin G., [redacted].
Abraham, Gary W., [redacted].
Ackerman, Ronald R., [redacted].
Acosta, Jorge A., Jr., [redacted].
Adame, Frederick P., Jr., [redacted].
Adams, George T., [redacted].
Adams, James L., [redacted].
Adams, Robert R., [redacted].
Adamson, Derry A., [redacted].
Adcock, Eddie M., [redacted].
Adee, Donald P., [redacted].
Adelman, Philip J., [redacted].
Aglio, Carl J., [redacted].
Ahl, Gilbert W., [redacted].
Albershart, Thomas B., [redacted].
Albrecht, Peter H., [redacted].
Albright, Edward L., [redacted].
Alexander, James W., [redacted].
Alexander, Norman C., [redacted].
Alford, James M., [redacted].
Alie, Jean R., [redacted].
Allee, Paul R., [redacted].
Allen, Archie G., [redacted].
Allen, Ernest G., Jr., [redacted].
Allen, James C., [redacted].
Allen, Lacy A., [redacted].
Allen, Lawrence W., [redacted].
Allen, Michael C., [redacted].
Allen, Robert L., [redacted].
Allison, Gary G., [redacted].
Allmann, Lee R., [redacted].
Allsman, Gerald F., [redacted].
Alnwick, Kenneth J., [redacted].
Alspaugh, James D., [redacted].
Anderson, Allen S., [redacted].
Anderson, Calvin C., [redacted].
Anderson, George W., Jr., [redacted].
Anderson, Gerald H., [redacted].
Anderson, Harold W., [redacted].
Anderson, Jackie L., [redacted].
Anderson, Paul J., Jr., [redacted].
Andrews, Leonard E., [redacted].
Angle, Theodore E., [redacted].
Angliss, William W., [redacted].
Ankley, Donald C., [redacted].
Anselmo, Robert J., [redacted].
Aparicio, Arthur J., Jr., [redacted].
Apel, Larry A., [redacted].
Archer, James A., [redacted].
Arelland, Gustavo D., [redacted].
Arnold, John K., III, [redacted].
Arter, Gerald R., [redacted].
Arthur, Paul M., [redacted].
Ashbaugh, Maurice D., Jr., [redacted].
Ashworth, Pratt D., [redacted].
Asterita, Anthony J., [redacted].
Athas, Charles P., [redacted].
Atkins, Benny J., [redacted].
Ator, Robert A., [redacted].
Augustine, Leonard J., [redacted].
Austin, James L., [redacted].
Austin, Jimmie T., [redacted].
Austin, Roger J., [redacted].
Austin, William R., II, [redacted].
Auten, Jimmie D., [redacted].
Autsch, Fritz A., [redacted].
Avery, Richard D., [redacted].
Avis, Bertram, [redacted].
Ayres, James H., [redacted].
Baak, Jerome A., [redacted].
Babione, William P., [redacted].
Bablo, Adelbert G., [redacted].
Babos, Sandor, [redacted].
Bacheller, Burton P. C., II, [redacted].
Baddley, Benny H., [redacted].
Baer, John E., [redacted].
Baggette, Harold D., [redacted].
Bagley, Thomas J., III., [redacted].
Bailey, Glenn B., [redacted].
Bailey, Jack E., [redacted].
Bailey, Jerry T., [redacted].
Bailey, Richard, [redacted].
Bailey, Thomas F., [redacted].
Bailey, William G., [redacted].
Bainbridge, Thomas A., [redacted].
Baker, Arthur D., [redacted].
Baker, George W., [redacted].
Baker, James P., [redacted].
Baker, Kenneth N., [redacted].
Baker, Mary E., [redacted].
Baker, Ozrow E., [redacted].
Balas, George R., [redacted].
Baldassano, Robert S., [redacted].
Baldock, Jessie C., [redacted].
Baldwin, Claude R., [redacted].
Baldwin, Rey D., [redacted].
Ball, Billy D., [redacted].
Ballou, James R., [redacted].
Barber, Lawrence W., [redacted].
Barks, Francis W., [redacted].
Barnes, Warren S., [redacted].
Barnes, Wymon J., [redacted].
Barnhart, Rodger L., [redacted].
Barnhill, Howard M., [redacted].
Baron, David A., [redacted].
Barr, John E., Jr., [redacted].
Barrett, Donald L., [redacted].
Barth, Roland E., [redacted].
Bartine, Harris V., [redacted].
Bartine, Jon C., [redacted].
Bartlett, Robert R., [redacted].
Bartrand, Louis E., [redacted].
Bartunek, Robert D., [redacted].
Bassett, David H., [redacted].
Batchelder, Diane, [redacted].
Bates, Franklin D., [redacted].
Batson, Buren T., Jr., [redacted].
Batten, Virgil F., [redacted].
Batton, James L., [redacted].
Baty, Richard S., [redacted].
Bauermeister, Kurt E., [redacted].
Baumann, Carl W., [redacted].
Bay, Jerry L., [redacted].
Bean, Donald W., [redacted].
Beathard, Donald D., [redacted].
Beatty, John D., [redacted].
Beauchamp, Ray H., [redacted].
Beaulieu, Leo J., [redacted].
Beckham, Wesley E., Jr., [redacted].
Beckner, Stanley G., [redacted].
Beekman, Ralph E., [redacted].
Beezley, Ronnie W., [redacted].
Beland, Richard J., [redacted].
Belcher, Jesse P., [redacted].
Bell, James R., [redacted].
Bell, Thomas M., [redacted].
Bellanca, Thomas J., [redacted].
Bellg, Bruce J., [redacted].
Bender, Eduard, [redacted].
Bender, Walter W., [redacted].
Benfield, Garland W., [redacted].
Bennett, Forrest H., Jr., [redacted].
Bennett, Frank J., [redacted].
Bennett, Russell H., [redacted].
Berg, Donald J., [redacted].
Bergmann, Joseph I., [redacted].
Berle, Terence H., [redacted].
Bernard, Albert R., Jr., [redacted].
Bernard, Gregory L., [redacted].
Bernard, Samuel T., [redacted].
Bernholtz, Joseph C., [redacted].
Bessette, Carol S., [redacted].
Bessette, Duane G., [redacted].
Bevans, John P., [redacted].
Bexten, Richard C., [redacted].
Bezek, George M., [redacted].
Biancur, Andrew W., [redacted].
Biehle, Kenneth H., [redacted].
Biesiadecki, Richard J., [redacted].
Biggs, Dennis M., [redacted].
Billings, John H., [redacted].
Billingslea, Donald B., [redacted].
Billingsley, James T., [redacted].
Billman, Charles E., [redacted].
Bingham, Clifford W., [redacted].
Birkholz, John C., Jr., [redacted].
Birmingham, Edward P., [redacted].
Bishop, Marvin L., [redacted].
Bisset, David G., [redacted].
Bitschenauer, Albert E. K., [redacted].
Bizily, Russell J., [redacted].
Black, Harry W., Jr., [redacted].
Black, Maurice, [redacted].
Black, Robert S., [redacted].
Blackburn, Gerald M., [redacted].
Blackburn, James H., Jr., [redacted].
Blackwood, Robert S., II, [redacted].
Blahous, Edward G., [redacted].
Blair, Forest E., [redacted].
Blais, David N., [redacted].
Blake, Douglas L., [redacted].
Blakemore, Carl R., [redacted].
Blaker, Philip C., [redacted].
Bland, Julian P., [redacted].
Blasingame, Frank E., [redacted].
Blatter, Richard W., [redacted].
Blatter, Wilburt H., [redacted].
Bliss, George W., [redacted].
Blount, Charles F., [redacted].
Blue, Harry G., Jr., [redacted].
Blumenthal, Morris C., Jr., [redacted].
Bobek, Andrew S., [redacted].
Bobick, James C., [redacted].
Bodahl, Jon K., [redacted].
Boehme, Robert E., [redacted].
Boehmler, Richard E., [redacted].
Bohmfalk, Frederick H., [redacted].
Boles, Dyek R., [redacted].
Boles, Robert H., [redacted].
Bond, Charles C., [redacted].
Bond, Robert I., [redacted].
Booker, Sylvester, Jr., [redacted].
Bookout, William G., [redacted].
Boone, Donald, [redacted].
Boone, Leo D., [redacted].
Booth, Leon, Jr., [redacted].
Booton, Harley D., [redacted].
Boutchyard, Fred R., [redacted].
Bowen, Danny M., [redacted].
Bowen, William G., [redacted].
Bowers, Glen L., [redacted].
Bowman, Buddy L., [redacted].
Bowser, James D., [redacted].
Boyce, James W., Jr., [redacted].
Boyd, Charles G., [redacted].
Boyd, Lawrence E., [redacted].
Boyer, George K., [redacted].
Boyington, Gregory, Jr., [redacted].
Boyle, John J., [redacted].
Boys, William W., [redacted].
Bozzuto, Charles D., [redacted].
Braden, Richard P., [redacted].
Bradley, Donald L., [redacted].
Bradshaw, John A., [redacted].
Brady, Tim, [redacted].
Bragg, Richard L., [redacted].
Brakeley, Peter W., [redacted].
Brand, Joseph R., [redacted].
Brandner, Eugene, [redacted].
Brandt, William H., [redacted].
Branson, Claude L., Jr., [redacted].
Brasington, Frank C., [redacted].
Bratton, David C., [redacted].
Bratton, Richard V. D., [redacted].
Braun, Ralph A., [redacted].
Brawley, Horace M., [redacted].
Brazleton, Donald E., [redacted].
Breen, Paul F., [redacted].
Brennan, William E., [redacted].
Briesacher, Herbert A., [redacted].
Bright, Edward G. D., [redacted].
Brill, Frank Z., Jr., [redacted].
Brink, Ronald H., [redacted].
Brinker, Michael P., [redacted].
Bristol, Richard B., [redacted].
Broadwell, Charles L., [redacted].
Brock, Floyd J., Jr., [redacted].
Broderick, Thomas D., [redacted].
Bronson, Howard F., III, [redacted].
Brooks, John J., Jr., [redacted].
Brooks, Sonny J., [redacted].
Brost, Carol A., [redacted].
Brost, Harold G., [redacted].
Broussard, Patrick R., [redacted].
Brown, Bruce L., [redacted].
Brown, Donald L., [redacted].
Brown, Garnett C., Jr., [redacted].
Brown, Joseph B., Jr., [redacted].
Brown, Kenneth L., [redacted].
Brown, Larry K., [redacted].
Brown, Leland D., Jr., [redacted].
Brown, Lester P., Jr., [redacted].
Brown, Marvin F., [redacted].
Brown, Robert L., [redacted].
Brown, Roger A., [redacted].
Brown, Theodore L., [redacted].
Brown, Thomas R., [redacted].

Brown, Walter T., Jr., [redacted].
Brown, Wilbur R., [redacted].
Browning, Millard S., [redacted].
Brownlee, Leonard J., Jr., [redacted].
Bruce, Daniel R., [redacted].
Brumble, Buck R., [redacted].
Brummett, William E., [redacted].
Brummund, Dale R., [redacted].
Brunk, John E., [redacted].
Brunner, Richard A., [redacted].
Brush, John S., [redacted].
Bryant, Roosevelt, [redacted].
Bryant, Willard W., [redacted].
Brozozowski, Thomas S., [redacted].
Buchan, William E., [redacted].
Bucmen, Michael G., [redacted].
Buchholz, Francis J., Jr., [redacted].
Buck, Edward F., [redacted].
Buck, Virgil A., [redacted].
Buckman, Mark M., [redacted].
Buckner, Lynn E., [redacted].
Budge, Ronald J., [redacted].
Budzinski, Norbert L., [redacted].
Buff, Peter M., Jr., [redacted].
Bugeda, Richard B., [redacted].
Buovec, Donald J., [redacted].
Bunton, Edward E., Jr., [redacted].
Buran, Herbert H., [redacted].
Burba, James G., [redacted].
Burgess, Donnie W., [redacted].
Burke, Michael F., [redacted].
Burke, Thomas E., [redacted].
Burnett, Donovan D., [redacted].
Burnett, Donald G., [redacted].
Burney, David L., [redacted].
Burnham, Richard A., [redacted].
Burris, Joseph B., [redacted].
Burshnick, Anthony J., [redacted].
Buschmann, John R., [redacted].
Bush, Robert W., [redacted].
Busko, George, Jr., [redacted].
Buskohl, Richard E., [redacted].
Buss, Larry H., [redacted].
Butcher, Clifford E., [redacted].
Butler, Jack V., [redacted].
Butler, Jon D., [redacted].
Butler, Tommy D., Jr., [redacted].
Butt, David W., [redacted].
Butters, Jerrold L., [redacted].
Cable, Dick A., [redacted].
Cain, James E., [redacted].
Cairnes, Lewis W., [redacted].
Caldwell, Eldon G., [redacted].
Caldwell, William B., [redacted].
Callahan, James E., [redacted].
Calvert, Jerome R., [redacted].
Campbell, Clarence C., [redacted].
Campbell, Donald F., [redacted].
Campbell, John F., [redacted].
Canaga, Joseph R., [redacted].
Cannon, Edward L., [redacted].
Cannon, Ronald G., [redacted].
Caraway, Charles R., [redacted].
Carbery, Ronald L., [redacted].
Carey, Charles C., [redacted].
Cargill, Robert L., [redacted].
Carleton, James E., [redacted].
Carlton, John S., Jr., [redacted].
Carnes, Frederick E., [redacted].
Carpenter, John H., [redacted].
Carpenter, Robert A., [redacted].
Carpentier, Robert A., [redacted].
Carroll, James H., [redacted].
Carroll, Paul L., Jr., [redacted].
Carron, Edward L., [redacted].
Carruth, James R., [redacted].
Carson, George A., [redacted].
Carter, Frederick K., [redacted].
Carter, Grey L., [redacted].
Carter, Michael G., [redacted].
Carter, William A., Jr., [redacted].
Carver, Jimmy D., [redacted].
Cary, Richard B., [redacted].
Caskey, Jerry L., [redacted].
Catledge, Morris B., Jr., [redacted].
Caughlin, Donald W., [redacted].
Cavender, Henry J., [redacted].
Cech, Paul F., [redacted].
Centala, Martin D., [redacted].
Ceruti, Robert E., [redacted].
Chace, Henry V., [redacted].
Chaffin, Harry J., [redacted].
Chambers, Otis G., [redacted].
Chandler, Jack D., Jr., [redacted].
Chandler, Robert G., [redacted].
Chandler, Thomas C., [redacted].
Chastain, Randall K., [redacted].
Chelstrom, John A., [redacted].
Cheney, William E., [redacted].
Cheney, William F., IV, [redacted].
Cherry, Edward D., [redacted].
Cherry, George W., [redacted].
Cheshire, Frank E., Jr., [redacted].
Chesnut, Jack E., [redacted].
Cheveres, Robert, [redacted].
Chitwood, Edward C., [redacted].
Chrietzberg, John H., [redacted].
Christison, Charles F., [redacted].
Christy, Donald D., [redacted].
Chrobak, Stanley J., [redacted].
Chuvala, Bruce A., [redacted].
Chuvala, Raymond D., [redacted].
Cilvik, Reginald M., [redacted].
Citron, Albert L., [redacted].
Classen, Elnathan L., [redacted].
Clapper, Jack K., [redacted].
Clark, Albert F., [redacted].
Clark, Frank M., Jr., [redacted].
Clark, James W., Jr., [redacted].
Clark, Lynn L., [redacted].
Clark, Robert O., [redacted].
Clark, Rufus M., [redacted].
Clark, Walter L., [redacted].
Clarke, Colin A., [redacted].
Clarke, Ernest J., [redacted].
Clarke, Michael A., [redacted].
Clarke, Michael J., [redacted].
Clarke, Rodger C., [redacted].
Clarkson, Rolland F., Jr., [redacted].
Cleary, Richard M. J., [redacted].
Clement, Robert O., [redacted].
Clifton, Larry D., [redacted].
Clinghan, Billy G., [redacted].
Clink, Richard H., [redacted].
Clouse, Ronald A., [redacted].
Cloutier, Frank L., [redacted].
Cloutier, Richard A., [redacted].
Clowers, James L., [redacted].
Clyde, John R., [redacted].
Cobb, James W., [redacted].
Cody, Richard D., [redacted].
Cofod, Robert K., [redacted].
Cohen, Howard, [redacted].
Coleman, Donald P., [redacted].
Collier, George M., [redacted].
Collins, Charles V., [redacted].
Collins, Gary R., [redacted].
Collins, Lloyd H., [redacted].
Collins, Willie R., Jr., [redacted].
Colter, Craig G., [redacted].
Colwell, John E., [redacted].
Comiske, Joseph P., Jr., [redacted].
Conder, Jimmie L., [redacted].
Coneys, Martin T., [redacted].
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Overmoen, Creighton J., [redacted].
Overton, Gaylon R., [redacted].
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Owen, William E., [redacted].
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Pennington, James C., [redacted].
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Sherrod, Jeredy K., [redacted].
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Simon, William III, [redacted].
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Stocks, Johnnie C. Jr., [redacted].
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Ward, Wesley P., Jr., [redacted].
Ware, Bruce K., [redacted].
Ware, Frederick B., [redacted].
Ware, George E., [redacted].
Warfel, Clarence A. B., [redacted].
Warner, Arthur W., Jr., [redacted].
Warner, James G., [redacted].
Warnick, Loyd J., [redacted].
Warren, James, [redacted].
Warren, Stanley G., [redacted].
Warsinske, James A., [redacted].
Washburn, Paul M., [redacted].
Washburn, William T., [redacted].
Washington, David L., [redacted].
Waterman, Charles R., Jr., [redacted].
Waters, Samuel E., Jr., [redacted].
Waterson, William, [redacted].
Watson, Robert S., [redacted].
Watson, Ted M., [redacted].
Wawrzyniak, Francis J., [redacted].
Waylett, Dan K., [redacted].
Weatherbee, James C., [redacted].
Weathers, Jackie B., [redacted].
Webb, Randall C., [redacted].
Webb, Ronald J., [redacted].
Webb, Walter E., III, [redacted].
Webber, Dale T., [redacted].
Weber, Allan P., [redacted].
Weber, Charles R., [redacted].
Weech, Henry A., Jr., [redacted].
Weekley, Robert P., [redacted].
Wehman, Clarence A., [redacted].
Weisbeck, John F., [redacted].
Weiss, Werner, [redacted].
Welde, Anthony C., [redacted].
Wells, Don E., [redacted].
Wells, Jack M., [redacted].
Wells, John H., [redacted].
Wells, Richard O., [redacted].
Wendland, Gustav E., [redacted].
Werking, Dennis M., [redacted].
Werley, Harley D., [redacted].
Weskamp, Richard D., [redacted].
West, James D., [redacted].
West, Neil W., [redacted].
West, Paul T., [redacted].
West, William O., III, [redacted].
Wham, Thomas J., [redacted].
Whatley, Orion B., Jr., [redacted].
Wheeler, Donald C., Jr., [redacted].
Wheeler, James E., [redacted].
Wheeler, Kenneth R., [redacted].
Wheeler, Maurice J., Jr., [redacted].
Whelan, James F., III, [redacted].
Whelton, Robert E., [redacted].
Whipple, Douglas C., [redacted].
Whipps, James J., III, [redacted].
White, Clarence L., [redacted].
White, Craig M., [redacted].
White, James P., [redacted].
White, Richard E., [redacted].
White, Robert J., [redacted].
Whitley, Lee O., [redacted].
Whitman, Walter T., III, [redacted].
Whitmire, Jack N., [redacted].
Whorton, William M., [redacted].
Wickman, Douglas V., [redacted].
Widen, Donald A., [redacted].
Wikstrom, Donovan C., [redacted].
Wilcox, Chris N., [redacted].
Wilcox, Roger C., [redacted].
Wiles, Carl T., [redacted].
Wilkinson, Donald L., [redacted].
Wilkinson, Kenneth P., [redacted].
Wilkinson, Leland K., [redacted].
Wilkinson, Philip A., [redacted].
Williams, Brian R., [redacted].
Williams, Conward E., [redacted].
Williams, Harry C., Jr., [redacted].
Williams, James R., [redacted].
Williams, Jerome F., [redacted].
Williams, Kenneth L., [redacted].
Williamson, Roger L., [redacted].
Willis, Myron E., [redacted].
Wills, Victor D., [redacted].
Wilmore, Duncan [redacted].
Wilson, Bernard E., [redacted].
Wilson, Charles R., [redacted].
Wilson, David D., [redacted].
Wilson, David D., [redacted].
Wilson, Edwin B., [redacted].
Wilson, George D., [redacted].
Wilson, Henry J., Jr., [redacted].
Wilson, James K. A., [redacted].
Wilson, Kenneth F., [redacted].
Wilson, Paul W., [redacted].
Wilson, Raymond L., Jr., [redacted].
Wilson, Richard S., [redacted].
Wilson, Robert K., [redacted].
Wilson, Robert M., [redacted].
Wilson, William E., [redacted].
Wimbrow, Peter D., Jr., [redacted].
Winch, Wayne S., [redacted].
Wineki, Raymond J., [redacted].
Winklepleck, Robert H., [redacted].
Winters, William N., [redacted].
Witt, Harry J. II, [redacted].
Wittmaack, Charles S., [redacted].
Wolfe, Robert G., [redacted].
Wolff, Armand E., [redacted].
Wolff, Jack L., [redacted].
Wolff, James F., [redacted].
Wolfswinkel, Donald L., [redacted].
Womack, Harold L., [redacted].
Womelsoorff, Edgar H., [redacted].
Wood, Charles N., [redacted].
Wood, Loren G., [redacted].
Wood, Philip A., [redacted].
Wood, Robert W., [redacted].
Wood, Walter H., Jr., [redacted].
Woodman, Lloyd, Jr., [redacted].
Woods, David M., [redacted].
Woodworth, Paul A., [redacted].
Woolbright, William H., [redacted].
Woolsey, Charles T., [redacted].
Wooton, Dennis E., [redacted].
Worrell, Malcolm L., Jr., [redacted].
Wozniak, David D., [redacted].
Wright, David E., [redacted].
Wright, James W., [redacted].
Wright, James E., [redacted].
Wright, Larry D., [redacted].
Wright, Robert E., [redacted].
Wright, Robert A., [redacted].
Wright, Robert W., [redacted].
Wright, William B., [redacted].
Wurstner, Roland D., [redacted].
Wyatt, James L., Jr., [redacted].
Wyatt, Jim E., [redacted].
Wylie, Donald L., [redacted].
Wyman, John W. G., [redacted].
Yaeger, Michael A., [redacted].
Yamamoto, Tom M., [redacted].
Yandell, John R., [redacted].

Yarborough, Philip P., [redacted].
Yarc, David E., [redacted].
Yargo, Ralph J., [redacted].
Yates, Ronald W., [redacted].
Yates, Thomas H., [redacted].
Yee, Edmund C. H., [redacted].
Yeley, Donald L., [redacted].
Yoakum, Victor E., [redacted].
Yoder, Richard D., [redacted].
Yonkos, James T., [redacted].
Young, Donald E., [redacted].
Young, Douglas R., [redacted].
Young, Edward F., [redacted].
Young, James M., [redacted].
Young, Kenneth M., [redacted].
Young, William E., [redacted].
Youngblood, James H., [redacted].
Zaccagnino, Salvatore A., [redacted].
Zamkoff, Leonard J., [redacted].
Zanca, Robert F., [redacted].
Zaricor, Wayne M., [redacted].
Zawoysky, John R., [redacted].
Zbylut, Robert S., [redacted].
Zeigler, Curtis O., [redacted].
Zeitler, Fraine C., [redacted].
Zersen, William F. H., [redacted].
Zimmerman, Alex D., [redacted].
Zimmerman, George V., Jr., [redacted].
Zimmerman, Donald L., [redacted].
Zollner, Ronald A., [redacted].
Zook, David S., [redacted].
Zupke, Everett W., [redacted].

CHAPLAINS

Arther, Donald E., [redacted].
Black, Thomas W., Jr., [redacted].
Cleary, William O., Jr., [redacted].
Davis, Edwin S., [redacted].
Evans, Paul R., [redacted].
Felker, Lester G., [redacted].
Foutz, Martin F., Jr., [redacted].
Gallenbach, Thomas E., [redacted].
Griffith, William H., [redacted].
Highsmith, Darrell C., [redacted].
Irvin, Henry C., [redacted].
Kaiser, Roman F., [redacted].
Kok, Louis E., [redacted].
Lewin, Fred, [redacted].
Ludwig, Alexander P., [redacted].
McGinty, Edward S., [redacted].
McPhee, Richard S., [redacted].
Meeks, Alfred W., [redacted].
Metcalf, Frank D., [redacted].
Metzler, Rodney A., [redacted].
Pickering, Melvin H., [redacted].
Prewitt, Charles B., [redacted].
Shaffer, Clair W., [redacted].
Sheerin, James O., [redacted].
Smeltzer, John P., [redacted].
Smith, Donald R., [redacted].
Thompson, Arthur E., [redacted].
Thompson, James N., [redacted].
Valen, David L., [redacted].
Wood, Richard D., [redacted].

DENTAL CORPS

Adan, Cirilo L., Jr., [redacted].
Benkel, Bernard H., [redacted].
Bock, Joseph F., Jr., [redacted].
Brandt, Robert L., [redacted].
Brown, Garth W., [redacted].
Bump, Robert L., [redacted].
Coffee, Larry L., [redacted].
Dix, Robert L., [redacted].
Donnelly, Maurice W., [redacted].
Ellerbruch, Eldon S., [redacted].
Foulke, Clark N., [redacted].
Gardner, Jerry D., [redacted].
Gough, Robert W., [redacted].
Gray, Gary G., [redacted].
Hammelman, James A., [redacted].
Hammer, Wayne S., Jr., [redacted].
Hartman, Kenton S., [redacted].
Keaton, Wilfrid M., [redacted].
Klepetko, Ronald F., [redacted].
Large, David C., [redacted].
Lee, Kenneth E., [redacted].
Lundgren, Richard P., [redacted].
Mead, John H., [redacted].
Meyer, Asher M., [redacted].
Olesen, Harold P., [redacted].
Pixley, Phillip J., [redacted].
Plies, Stanley M., [redacted].
Riley, Guy L., [redacted].
Rivard, Rodney A., [redacted].
Roehrig, Kenneth L., [redacted].
Ryan, Doran E., [redacted].
Sellers, William R., [redacted].
Sorensen, Donald C., [redacted].
Stanger, James H., [redacted].
Townsend, Herbert K., Jr., [redacted].
Wasserman, Sheldon, [redacted].
Wilcox, James W., [redacted].
Wilson, Aaron H., Jr., [redacted].
Wilson, Theodore T., [redacted].

MEDICAL CORPS

Acostamelendez, Antonio E., [redacted].
Adelmann, Eugene R., [redacted].
Aldredge, Moratio R., III, [redacted].
Alexander, Raymond H., [redacted].
Altenburg, John F., [redacted].
Anderson, Edgar R., Jr., [redacted].
Armbrustmacher, Vernon W., [redacted].
Beck, Roger A., [redacted].
Borden, Lester L., [redacted].
Brath, William F., [redacted].
Bryson, Andrew L., [redacted].
Buethe, Robert A., Jr., [redacted].
Conrad, Larry L., [redacted].
Dichsen, Donald V., [redacted].
Dryden, Richie S., [redacted].
Ellenbogen, Charles, [redacted].
Fox, Raymond M., Jr., [redacted].
Gaffney, Clyde M., [redacted].
Gilpin, Eugene L., [redacted].
Gohman, James D., [redacted].
Haynes, Max G., [redacted].
Hemsell, David L., [redacted].
Howard, Jack B., [redacted].
Jackson, Arnold J., [redacted].
Johnson, Don E., [redacted].
Kish, Leslie S., [redacted].
Maioriello, Richard P., [redacted].
Martin, Benjamin G., Jr., [redacted].
Munson, Herbert G., [redacted].
Parker, Edward H., Jr., [redacted].
Pittman, James A., [redacted].
Ramsay, James G., Jr., [redacted].
Saylor, Jack L., [redacted].
Shotton, Francis T., Jr., [redacted].
Signorino, Charles E., [redacted].
Singleton, Charles M., [redacted].
Smith, Dwight D., [redacted].
Sonntag, Richard W., Jr., [redacted].
Stoner, John C., [redacted].
Tchou, Howard P., [redacted].
Terry, Ward M., [redacted].
Thorshov, Jon R., [redacted].
Touhey, John E., [redacted].
Troxler, Raymond G., [redacted].
Wagner, Grant H., [redacted].
Walker, Ronald E., [redacted].
Willis, Marshall R., [redacted].
Wunder James F., [redacted].
Zeller, Myron J., [redacted].

NURSE CORPS

Adams, Mary E., [redacted].
Anderson, Rhea S., [redacted].
Ault, Mary M., [redacted].
Babcock, Beth E., [redacted].
Bailes, Mary E., [redacted].
Barnard, Karen A., [redacted].
Beachert, Evelyn S., [redacted].
Bennett, Carol J., [redacted].
Bower, Ronald A., [redacted].
Bruner, Judith H., [redacted].
Chambless, Rosalie B., [redacted].
Chilton, Lucille L., [redacted].
Cieslak, Joanna, [redacted].
Corrado, Carol J., [redacted].
Costantino, Sadie S., [redacted].
Duble, Carl T., [redacted].
Dye, Beverly J., [redacted].
Graves, Nancy L., [redacted].
Hancock, Margaret A., [redacted].
Harkins, Shari M., [redacted].
Hildock, Stephen R., [redacted].
Howard, Caryl J., [redacted].
Huskey, Dora F., [redacted].
Kendall, Nora M., [redacted].
Kirn, Georgia A., [redacted].
Knight, Dorothy M., [redacted].
Knuth, Betty A., [redacted].
Korach, Margaret M., [redacted].
Kreth, Ernest H., Jr., [redacted].
Kujawa, Dolores M., [redacted].
Least, Frank T., [redacted].
Least, Thomas S., [redacted].
Lopalo, Salvatore, [redacted].
McElwee, Catherine F., [redacted].
Piccolella, Joseph A., [redacted].
Powell, Minnie M., [redacted].
Pulda, Roger L., [redacted].
Quirrion, Joann P., [redacted].
Reed, Constance, [redacted].
Reilly, Eileen T., [redacted].
Rudtsala, Ella M., [redacted].
Russell, Ann S., [redacted].
Sam, Alice M., [redacted].
Sharadin, William D., [redacted].
Shinn, Patsy F., [redacted].
Smith, Alvin W., Jr., [redacted].
Sturim, Constance R., [redacted].
Sukey, Edith G., [redacted].
Varela, Maria T., [redacted].
Wagner, Kathleen F., [redacted].
Weaver, Nancy A., [redacted].
Whitehurst, Shirley E., [redacted].
Whitley, Helen B., [redacted].
Wienecke, Marcella R., [redacted].

MEDICAL SERVICE CORPS

Bargamin, Taliaferro M., [redacted].
Bingham, Thomas W., [redacted].
Brady, John G., [redacted].
Cauley, Jerry D., [redacted].
Chapman, Samuel B., Jr., [redacted].
Conley, Raymond P., [redacted].
Cragin, Murray, [redacted].
Curtis, Keith W., [redacted].
Frient, Gerald J., [redacted].
Fry, David A., [redacted].
Gabriel, James E., [redacted].
Gemna, William R., [redacted].
Gorman, John A., [redacted].
Habbinga, Richard H., [redacted].
Hudock, Jack, [redacted].
Leopold, Gerald R., [redacted].
McNally, Paul M., [redacted].
Moore, Jerry L., [redacted].
Nantz, William C., [redacted].
Rider, George, [redacted].
Rieckhoff, Elmer C., [redacted].
Robison, Bobbie S., [redacted].
Sanders, Lewis D., [redacted].
Schumaker, Clarence J., Jr., [redacted].
Silliman, Charles L., [redacted].
Simpkins, George R., [redacted].
Sorem, David N., [redacted].
Strentzsch, Alfred I., Jr., [redacted].
Tibbetts, Thomas, [redacted].
Turner, Charles E., [redacted].
Vanrysselberge, John P., [redacted].
Williams, Robert S., [redacted].

VETERINARY CORPS

Burch, Louis T., [redacted].
Inman, Roger C., [redacted].
May, William O., Jr., [redacted].
Townsend, Lee R., [redacted].

BIOMEDICAL SCIENCES CORPS

Archibald, Charles J., [redacted].
Coughlin, John J., [redacted].
Dougherty, Jerry P., [redacted].
Edwards, James D., [redacted].
Esters, Lavada, [redacted].
Friedmeyer, Martha S., [redacted].
Gokelman, John J., [redacted].
Good, Merrill R., [redacted].
Heckman, Gerald R., [redacted].
Hodge, Larry G., [redacted].
Lester, Joan B., [redacted].
Levinson, Lewis S., [redacted].
Lewis, Thayer J., [redacted].
Markland, Darryl T., [redacted].
Moody, Maynard G., [redacted].
Mulligan, Hugh F., II, [redacted].
Patterson, Lucille G., [redacted].
Perry, Euril W., [redacted].
Schulz, Victor B., [redacted].
Trumbo, Richard B., [redacted].
Wurmstein, John E., [redacted].

The following-named Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, under the provisions of sections 1210 and 1211, title 10, United States Code.

LINE OF THE AIR FORCE

To be colonel

Oliver, Hugh R., [redacted].

To be lieutenant colonel

Elkin, Clarence S., [redacted].
Thompson, Fred E., Jr., [redacted].

To be major

Buie, Alton C., [redacted].

To be captain

Walton, William H., [redacted].
Howlett, Ronald H., [redacted].

The following officers for promotion in the Air Force Reserve, under the provisions of Section 8376, title 10, United States Code and Public Law 92–129.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Adcox, Alfred W., [redacted].
Agnor, Albert S., III, [redacted].
Barnes, Richard J., [redacted].
Bruce, Robert B., [redacted].
Brunton, Jack D., [redacted].
Butcher, Donald S., [redacted].
Butler, Henry M., III, [redacted].
Cochran, John M., [redacted].
Condon, James C., [redacted].
Corrada, Candido J., [redacted].
Colglazier, Benton W., [redacted].
Craigo, Bobby L., [redacted].
Fehrenkamp, Joseph D., [redacted].
Hallesy, Robert P., [redacted].
Hague, Wayne A., [redacted].
Hayden, Kent D., [redacted].
Jackson, William L. H., [redacted].
Jefferson, Grover D., [redacted].
Jenkins, Donnell B., [redacted].
Kemmerling, Paul T., Jr., [redacted].
Miller, Charles H., III, [redacted].
Pastrana, Joaquin R., [redacted].
Ramsey, Frank S., [redacted].
Shows, Jesse L., [redacted].
Stankelis, Anthony A., [redacted].

NURSE CORPS

Hilbert, Arlene M., [redacted].
Kelly, Gerald W., [redacted].
Sartorius, Edith G., [redacted].
Willis, Elvira G., [redacted].

MEDICAL SERVICE CORPS

Coyne, Edna R., [redacted].

The following persons for appointment as Reserves of the Air Force (Medical Corps), in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation as medical officers under the provisions of section 8067, title 10, United States Code.

MEDICAL CORPS

To be colonel

Strate, Gerald H., [redacted].

To be lieutenant colonel

Jackson, Arnold J., [redacted].
Markham, Sanford M., [redacted].
Williams, Robert X., [redacted].
Wunder, James F., [redacted].

The following person for appointment as a temporary officer in the United States Air Force (Medical Corps), in the grade indicated, under the provisions of sections 8444 and 8447, title 10, United States Code, with a view to designation as a medical officer under the provisions of section 8067, title 10. United States Code.

MEDICAL CORPS

To be lieutenant colonel

Griswold, Neil L., [redacted].

The following person for appointment as a Reserve of the Air Force in the grade of Lieutenant Colonel, Line of the Air Force, under the provisions of Section 593, Title 10, United States Code.

LINE OF THE AIR FORCE

To be lieutenant colonel

Burdett, Wilson A., [redacted].

The following officer for appointment in the Reserve of the Air Force (Line of the Air Force) in the grade of Colonel, under the provisions of Sections 593 and 8351, Title 10, United States Code.

LINE OF THE AIR FORCE

Colonel

Nelson, John A., [redacted].

The following persons for appointment as Reserves of the Air Force, in the grade indicated (Line of the Air Force), under the provisions of Sections 593 and 1211, Title 10, United States Code.

LINE OF THE AIR FORCE

To be colonel

Herrold, Ralph H., [redacted].

To be lieutenant colonel

Walker, John B., [redacted].

The following officer for appointment in the Reserve of the Air Force (ANGUS), in the grade of Colonel (Line of the Air Force) under the provisions of Sections 593, 8351, and 8392, Title 10, United States Code.

LINE OF THE AIR FORCE

To be colonel

Funston, George A., [redacted].

Col. John P. Wittry, [redacted]FR, for appointment as permanent professor, U.S. Air Force Academy, under the provisions of section 9333B, title 10, United States Code.

The following officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant (medical)

Chasen, Marvin M., [redacted].
Cogburn, Bobby E., [redacted].
England, Douglas M., [redacted].

To be captain (dental)

Schrader, James A., [redacted].

To be first lieutenant (dental)

Hand, Ronald E., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate, October 26, 1973:

ACTION AGENCY

Harry J. Hogan, of Maryland, to be an Assistant Director of the ACTION Agency.

DEPARTMENT OF JUSTICE

Charles R. Work, of the District of Columbia, to be Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

Thomas Arny Rhoden, of Mississippi, to be U.S. marshal for the southern district of Mississippi for a term of 4 years.

FOREIGN CLAIMS SETTLEMENT COMMISSION

J. Raymond Bell, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1971.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

WASHINGTON REPORT

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. GROVER. Mr. Speaker, during the year I have taken the occasion at frequent intervals to address myself to some of the important issues and problems of the day. I take this occasion to submit for the RECORD a number of these newsletters which are, in effect, position statements:

FEDERAL CUTBACK

(Feb. 22, 1973)

A process which began 40 years ago, back in the days of the New Deal—the uncontrolled growth of the federal government—is coming to an end. If President Nixon is to succeed in his avowed purpose to funnel much of the power out of Washington and back to local government, he will need not only my help, but yours.

A $256-million proposed budget for this fiscal year, $31-billion above the present budget, would hardly appear to be a cutback of federal power. But the screams of log-rolling, pork barrel bureaucrats can be heard from the banks of the Potomac to Hawaii's tourist-filled shores. What's even worse, the President is talking about cutbacks in federal jobs, including a cut of 46,000 over the next year in the Executive Department. Those who have been schooled in the philosophy of the New Deal, the Fair Deal, the Great Society, etc. know that it's a law of nature that federal spending always goes up and that federal payrolls grow.

Quite naturally, each of us will complain about cuts made in our favorite programs while applauding other slashes being attempted by the President. I am determined, for example, to continue my efforts to have the President free the $6-billion in funds which he has impounded in the field of pollution controls. This is not a wasteful program and should have top priority. This money, approved last year, would be of inestimable aid to Suffolk's Southwest Sewer District, and similar projects.

If he didn't see it clearly before, Mr. Nixon discovered during his first four years that the federal bureaucracy is like an octopus which, when you cut off one arm, grows two more in some other place. But he has not given up the fight and I think this could be his most important contribution to our welfare. If, as he says, he intends to get the government off our backs and its hand out of our pockets, he will have earned our gratitude. And he will most certainly have my help.

CRIMINAL CODE REFORM

(Apr. 5, 1973)

One of the most massive efforts in Congressional history—the attempt to rewrite and recodify the federal criminal code—is now underway. Upon its success rests, to a great extent, our hopes for the maintenance of an orderly society.

The bill in question, numbering 538 pages, is the longest measure ever to come before Congress. It will be subject to a two-year scrutiny and will, undoubtedly, draw considerable fire from the more permissive precincts of Congress. The general tenor of the bill can be determined from what was said at its introduction by its chief sponsor, Sen. John McClellan. "Our criminal law and procedure today tip the scale too far away from the best interests and full protection of society." Amen!

Under consideration in this umbrella legislation would be restoration of the death penalty for those convicted of murder or treason, notwithstanding the Supreme Court's rejection of such punishment, and an approach toward controlling pornography, which is virtually impossible under present law and court rulings.

If we are to have equitable law enforcement across this nation, this updating of the federal criminal code is a must. Public hearings will be held on this legislation and each individual section over the next year and I am sure that adjustments will be made according to input from the administration and the Department of Justice, as well as from individual Congressmen and their constituents.

Surely, our founding fathers never intended for criminals to move with impunity, as they have over the past decade or so, with the courts operating to shield the lawless rather than the victims of crime. If you agree, please stay alert for this important Congressional action and give me the benefit of your views in the form of a letter. Public opinion can be an important weapon in our efforts to put some fear of the law into the criminal element in this nation.

Senior Citizens

(May 3, 1973)

President Nixon has declared May as Senior Citizen Month, a time to recognize the achievements of older Americans and to insure that they maintain an active role in our society. I suppose that every group in our society welcomes recognition and our older folks are no exception. But they welcome action more and I sincerely believe that, for the first time in more than a decade, our elderly are seeing honest achievement in Washington to improve their lot.

We have instituted revenue sharing as a means of helping local governments to keep the lid on property taxes. It is rising property taxes, possibly more than any other factor, which have forced many of our older couples on Long Island to abandon the homes which have served them for a lifetime.

During the past four years, federal spending to help the poor and the elderly to meet their medical costs has increased by 67 per cent. Federal spending to provide assistance for older Americans has increased 71 per cent. All this comes at a time when President Nixon is fighting an uphill battle to reduce federal spending and to control inflation—an inflation due to the Great Society's uncontrolled spending and to Viet-Nam War outlays. And we all recognize that inflation is the cruelest tax of all, inflicting a particularly heavy levy on older citizens on fixed incomes.

This is a protest-prone world in which we live. Shoppers, anti-war groups, conservationists—almost anyone with a cause—feels free to take to the streets. Although our older citizens, who helped to build this nation, have more cause than most for protest, they have remained quiet, letting others plead their cause. They have channeled their energies into such service programs as the Retired Senior Volunteer Program, with 15,000 enrolled. Foster Grandparents, 10,000, and the Service Corps of Retired Executives 4,000.

We owe our older citizens recognition during this month and concern for their interests during the entire year.

Congressional Powers

(May 10, 1973)

One of the basic issues which has been disturbing many Congressmen over the past few years is the supposed usurpation by the President of powers supposedly belonging to Congress. An overbearing Executive Branch, they claim, is virtually ignoring the will of the Legislative Branch and is running the country all by itself. Congress, they say, is being reduced to the status of a debating society and Congress had better cut the President down to size before he forgets our address and stops sending us Presidential messages.

As in most capitol debates, there is a grain—a small grain—of truth here. Congress has not been exercising its power as it might, but this is the fault of Congress rather than of the President. The seniority system has often put men past their prime in positions of great responsibility. Demagoguery has all too often replaced statesmanship in recent years, so that Congress has continued to talk well past the time when it should have acted. Too much important legislation has been held in committee when it should have gone to the floor of both houses for discussion under the bright light of public scrutiny.

A conceivably dangerous step in the effort to curb the President is being considered by Congress in legislation entitled the War Powers Act. Of course, Congress wants to be consulted. Only the Congress can declare war, and we want no more VietNams. But in an age when the President has instant access to our nation's awesome nuclear deterrent and when minutes or seconds are the tolerance for decision, it may seem a step backwards to hamstring our response potential in the hands of the President.

Congress can retain any power which it has lost for itself, not only to the Executive Branch but, in instances, to the federal courts, through the exercise of its legislative and appropriations functions. We appropriate the money which runs the government and it is a formidable power indeed. If the President is running roughshod over the separation doctrine—and I do not necessarily agree with that premise—the power of the purse can control him. Where the courts have arrogated our legislative powers, we can retain them by new legislation.

At present, Congressional Committees are busy on two fronts. One is the reform of our own cumbersome procedures, the other the updating of our needed responsiveness to the nation's budgetary and fiscal problems. Both will make for a more responsible, effective and independent Congress.

Energy Crisis

(May 24, 1973)

Our energy-rich nation has always been able to have its cake and eat it too. We have been able to devour huge masses of fuel and have only recently become aware of the air pollution penalty which we are paying because of our millions of smokestacks and the automobile and truck fumes which engulf our cities.

There is another awareness which will come but has not yet penetrated the public consciousness. Most of the mail which I get concerns only one aspect of the energy situation, that dealing with pollution. There has been little communication from the public to my office yet on the possibilities of blackouts and brownouts, the reality that we might not be able to continue our air conditioned environment during the summer, the growing possibility of fuel rationing.

And yet the evidence is all around us that we are entering years of fuel crisis. So long as we lag in perfection of and production of nuclear power for our generating plants, so long as use of the sun's energy for heating and generating is many years away, we will continue to be a civilization heavily dependent on fossil fuels. And with about half of our petroleum supply imported, we may well be at the mercy of mid-East nations who are increasingly hostile because of our support for Israel.

Congress is deeply concerned over our future energy needs and its inadequate supply and is now hard at work in search of solutions. We have, in fact, designated a Republican Congressional Task Force to concentrate in this field. As a member of this research group, I think it is indeed important for us to locate new sources of energy and new resources, but it is equally important that we do not, in the rush to keep our technological society rolling, give up the environmental gains of the past few years. For example, there is a vast oil depository waiting to be extracted from the Atlantic seabed off Long Island. But until absolute failsafe technology is developed, it would be a disastrous error to pump this oil at the risk of ruining our beaches and our offshore waters.

It will take great discipline in the coming years not to abandon our hard-won environmental gains in the face of a fuel squeeze which will most likely grow worse before it grows better.

Tax Reform

(May 31, 1973)

For some years, tax reform has been a prime topic of parlor conversation in Washington. It matched the weather in terms of something which was discussed, with nothing much being done about it.

This, however, may well be the year for action. Tax reform is a misnomer because what we have had in the past has been a rehash of existing laws and theories. What we should have this year is a comprehensive look at tax resources and governmental services, taking into account the requirements and tax levies of government at all levels. To reform just the federal income tax without reference to and consideration of the other tax systems would be patchwork.

With regard to the federal income tax, Congress is zeroing in on the relatively few taxpayers—or, rather, non-taxpayers—with huge incomes, who are using loopholes in the law to pay nothing or very little. A proposed minimum tax aimed at those in the $50,000-and-above bracket could be most effective in insuring that legal evasion by the well-to-do does not make a mockery of the income tax laws.

The administration has placed some other rather interesting proposals before Congress but it is up to Congress to act on tax reform. The reform package includes proposals for property tax relief for the elderly, similar to provisions of the New York State tax law, credits for those overburdened parents whose children attend parochial or private schools, and some tax-relief for those who rent, to match the benefits now enjoyed by property owners who are paying interest on their mortgages.

Perhaps the greatest blessing for the most people would be the proposed simplification of the basic Form 1040. If that can be put into English which the average taxpayer can comprehend, we'd have struck a major blow for tax reform.

Pornography

(July 19, 1973)

The United States Supreme Court, which has in recent years been castigated for its arrogation of legislative powers to reshape, not interpret, the Constitution and has been challenged for its predisposition to the rights of the lawless-rather than the victims of crime, deserves a great deal of credit for its decision last month in cracking down on pornography.

In a split decision, with Nixon appointees leading the majority, the court ruled that states and localities may set their own standards on what is sheer obscenity and what is art. This will give local prosecutors the right to set clear standards on what is acceptable in a given community and what will bring instant legal action.

There will be many who deplore the court's decision as a form of censorship. But all commerce and conduct in an advanced civilization must be based on the give and take of reasonable controls, a balance of privilege and responsibility, benefit and burden. Every traffic light which we obey is a control on our freedom of movement. Various public agencies set standards for the quality of our food and drinking water and that, too, is an infringement to some extent on the freedoms of both the suppliers and consumers. But we recognize that such an infringement is necessary for our health. And so too have many people felt that movies like "Deep Throat" and the hundreds of pornographic books and magazines which have flooded certain porno shops are a danger to the moral and mental health of many communities.

This Supreme Court ruling does not ban smut nor does it define pornography in detail. Rather, the key to the ruling is that local community standards are to be defined and enforced. It may well be that New York City might decide that it is perfectly happy with the gutter vulgarity which is being distributed and screened in Fun City and would not in any way interfere with this commerce. At the same time Suffolk and Nassau might take action to put legal pressure on pornographers. If so, and I hope they do, I think Long Island would be the better for such a decision.

THE PEACE-HAWKS, A QUESTION OF MORALITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. RARICK. Mr. Speaker, we have recently seen a great shifting of attitudes of many Americans as a result of renewed hostilities in the Middle East. Many of the once cooing doves, who opposed U.S. involvement in Vietnam because it was "an immoral war," have suddenly sprouted a completely new set of feathers and now bear a striking resemblance to hawks. If the new "peace-hawks" find this a "moral war," I question their logic.

Our State Department's "commitment to foreign policy," by supplying planes, tanks, and other weapons to Israel, has so alienated many of our NATO and European allies that they have refused to allow the U.S. bases in their countries to be used as staging grounds for U.S. involvement in the Middle East. Apparently, our allies have more foresight into the dangers of choosing up sides in the conflict than our own foreign policy makers.

The President may feel that his "commitments" to Israel exceed his oath of office to uphold the Constitution and to conduct a foreign policy in the best interest of our country. Our national policy should not be one of pro-Israel, or pro-Arab for that matter. It should simply be pro-American.

We should have learned our lesson from our involvement in Vietnam and Korea. Do we have any more "vital national interests" in supporting Israel than we had in supporting South Vietnam? I opposed our entrance into those wars, and I find no compelling reasons to change this position. Unless our country is attacked or we are in eminent danger of invasion, I do not believe that the majority of the people in my district want me to cast their vote to send one American boy overseas.

The mere presence of 3,500 U.S. marines, as well as numerous U.S. naval vessels and jet planes in that vicinity of the Mediterranean could provide the spark needed to ignite a direct U.S. involvement in the fighting. A single misdirected rocket or bomb hitting a U.S. ship could be the incident needed to plunge this country into yet another Vietnam or Korea.

The President is pursuing a potentially disastrous course of action. American presence in the Middle East has baited the war trap. The question remaining is: Will the American people allow this trap to be sprung?

JUSTICE, JUSTICE, WHERE IS JUSTICE?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. RANGEL. Mr. Speaker, the sentence imposed on former Vice President Spiro T. Agnew in Baltimore is but one more sign of the dual standard of justice that makes a mockery of the law in our country.

Although his family was not hungry, Agnew abused the high offices to which he was elected and stole from the U.S. Treasury through tax fraud.

Although his family did not lack decent housing, he took hundreds of thousands of dollars in "gifts" and bribes. The fine imposed on him was only a small fraction of his ill-gotten gains.

The Agnew children did not have to stay from school because there was no money for shoes for winter clothing. The Agnew children did not suffer the retarding effects of malnutrition and disease. Their father earned a high enough salary to support them well.

Was Agnew a drug addict who stole to maintain a heroin habit picked up when he was an unemployed teenager with no prospect of a job? Or was his addiction only to wealth and power, to country clubs with golf courses, to homes costing nearly $200,000, to cocktail parties where he could be revered by the mightiest of journalists, industralists and patriots?

Who, then, people our jails, if not Spiro Agnew and those like him who do violence to an entire Nation?

Pete Hamill, the New York Post columnist, made this analysis on October 12:

Go down to the Tombs and start ripping out the bars. Go over to Atlantic Avenue and punch out the glass bricks of the Brooklyn jail. Set the bulldozers loose on Attica, crushing the walls, demolishing the guard towers, reducing all of it to twisted steel and powdered brick. Melt down all the machine guns on the walls. Burn all the uniforms of the guards. Let all the prisoners loose. There can be no prisons while Spiro Agnew is free.

How can society send a kid from Fox St. to the joint while Agnew is walking the streets? What judge can sleep at night, knowing that he is sending young men away to years of steel and bars, while Agnew sleeps in silk sheets?

The big Washington commentators are all talking about the "Agnew tragedy." What about the Attica tragedy? What about the tragedy that occurs every day in the criminal courts of this town? What about the tragedy of America? Waste no pity on Agnew. He revealed himself in court. By copping a plea on income tax evasion charges, he in effect admitted that he took criminal money and didn't pay taxes on it. Just like Al Capone.

And yet Elliot Richardson is talking about Agnew as if he were a respectable citizen who made a little mistake. He thinks that Agnew's resignation, along with the three-year probation and the $10,000 fine, are sufficient disgrace. He sees no need for Agnew's "confinement in a penal institution," which is the way those people talk about going to the slam.

But this is an outrage. Agnew has, in effect, admitted that he is a criminal bum. He was the Vice President of the U.S., a guy who marched up and down this land shouting about "law and order." And every month or so, the guys with the envelopes would come to his office with cash. He was on the take, knowing exactly what he was doing. He was committing felony after felony and they've let him walk.

Until he walked into court the other day and copped his plea, it was possible to root for Agnew to fight it out, to not let himself be used by Richard Nixon as a diversion from Nixon's own disgusting stewardship. But once he entered that nolo contendere plea, in effect admitting what he had done, Agnew should have faced the full majesty of justice. "If you can't do the time, don't do the crime."

And for the crimes Agnew was involved in, he should have died in prison. He should have had to suffer everything that prisoners suffer in America, perhaps more. Agnew, after all, did not have racism, dope addiction, or despair to excuse his rotten acts. He filthied an entire country. He helped mortally wound the fabric of America. He helped ruin basic democratic institutions, which depend for their very existence on an act of faith between the people and the leaders they have chosen.

For these crimes, Agnew should have lain rotting in a place like the Tombs, while his wife and kids waited with the others, outside in the rain. He should have been called by a number, or had the screws give his cell a midnight toss. He should have heard the junkies screaming through the night. He should have spent the years wondering where the people he loved had gone, and what it was like to walk down a city street, or run in the surf on a beach. He should have done time like other felons.

But no: Agnew will play golf. He will keep the house he furnished with criminal money. He will write his memoirs. He will make speeches about the conspiracy against him. He will protest his innocence, and describe his common act of plea bargaining as some ultimate act of patriotism.

And Nixon himself will remain free. Nixon organized a private police force. He waged a secret war in Cambodia in defiance of the Congress. He is hiding tape recordings which are evidence in a criminal proceeding. He had burglars, extortionists, potential kidnapers on his payroll. Under his leadership, the White House sank into the deepest cesspool of corruption in this nation's history. And now he will pick a successor to Agnew.

The National Advisory Commission on Criminal Justice Standards and Goals recently reported on the need for a major overhaul of our judicial and correctional systems. Among its recommendations was one that many criminals should not be incarcerated, because the existing system of retribution and punishment does not deter crime. Instead, the Commission called for a sharp limit on sentences over 5 years, increased use of parole, probation, half-way houses, fines and work release programs rather than prison, and a change to the "least drastic" method of dealing with crime consistent with protection of the public.

Is the former Vice President one of the first beneficiaries of this type of progressive reform? Or were the fact as of his previous high post, his politically powerful friends and his white skin really what determined his lenient treatment?

Attorney General Richardson indicated that Agnew may not even be disbarred despite his felony conviction. As an ex-offender in New York and many other States, though, Agnew would be unable to be licensed as a barber or real estate salesman.

Can we now look forward to Spiro Agnew's becoming a legal aid lawyer, helping those he used to spit upon survive the judicial system which was so merciful to him? Can we count on Ted Agnew's forthright advocacy of reenfranchisement for ex-offenders? Will he travel from State legislature to State legislature to testify on the critical need to end economic and legal discrimination against former felons who have finished their sentences and simply want to return to their communities as useful citizens?

Although Ted Agnew avoided even a minute of incarceration in the Tombs, the District of Columbia jail or in any penal institution, can we depend on him to fight for drastic changes in our correctional system?

Or will the former Vice President just lounge around his country estate, dwelling in memories of past glories and forgetting the shame to which he subjected this Nation?

Now that he is just another convicted felon, maybe the Fortune Society or the American Civil Liberties Union will be able to solicit his support in their courageous battle to guarantee the civil and political rights of ex-offenders. Then he could begin to repay the country which tragically misplaced its trust in him. Then he could help instill some meaning into the concept of equal justice under law.

ON THE DEATH OF PAU CARLOS SALVADOR DEFILLO DE CASALS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. MOAKLEY. Mr. Speaker, the death of Pablo Casals at the age of 96 must be noted with deep regret. His was a full, rich life which has spanned most of modern history. While his passing was not out of season, yet we should all feel a sense of regret that time and history did not afford him the chance to return to his beloved homeland.

Of Casals, Thomas Mann said:

> He is one of those artists who come to the rescue of humanity's honor.

Indeed, we would be hard pressed to name a single man of this century who so well understood the potential of art to confront tyranny. In modern times, Pablo Casals and his music have stood largely mute, in eloquent testimony to the silence imposed on Spain.

Today we mourn the death of Spain's greatest artist yet celebrate the life of her greatest patriot. The people of Spain will be permitted to do neither and yet, in blocking the public outpouring, General Franco only postpones the great wave that may yet wash him and his kind away and loses the claim he would still make on history.

As is true whenever art confronts tyranny, art must finally win and the ultimate proof is that Casals lives with us still in a way that the general will not—cannot—for even an hour beyond his death. Even now, the silence Spain's dictator imposes is simply the continuation of the silence Pablo Casals has observed for a generation.

And that silence is deafening.

The extent of Casals' dedication to his homeland is well known. The performances in Spanish hospitals; concerts overseas to raise money for the Loyalist cause back home; are all ample proof of that dedication. But in the tradition of expatriates in ages past, Casals left Barcelona when the Republican forces entered, crossed the Pyrenees and vowed never to recross the frontier while Franco ruled.

Yet, soon, Franco must follow Casals to the end which awaits all men and the use and meaning of power will acquire clearer definition. For Franco's power is in guns and, as such, passes as quickly and meaninglessly as metal rusts. But Casals' power is in art and, as such, is as strong as the mind of man and as enduring as his soul.

Last summer at New York City, Senor Casals spoke at a concert and, perhaps, wrote his own epitaph:

> What can I say to you? I am perhaps the oldest musician in the world. I am an old man, but in many senses a very young man. And this is what I want you to be, young, young all your life, and to say things to the world that are true.

DESALTING THE COLORADO RIVER

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. REUSS. Mr. Speaker, in the October 21 issue of the Milwaukee Journal appeared an article about the need for congressional funding to desalt the Colorado River where it begins its flow into Mexico. The article was written by Russell G. Lynch, award-winning natural resources writer for the Journal and a leading conservationist in the State. He served as the first chairman of the Wisconsin Natural Resources Board. I ask that the article be reprinted here because of its importance and the wide interest it should have for Members.

The article follows:

NIXON'S PLAN TO DESALT THE COLORADO AIDS MEXICO BUT NOT ROOT PROBLEM

(By R. G. Lynch)

Congress is about to be asked by President Nixon to provide $115 million to reduce saltiness in Colorado river water flowing into Mexico. Undoubtedly it will be granted to settle, with fairness, a 12-year-old controversy with our neighbor.

As federal spending goes, $115 million is not much; but the Mexican problem is only the tip of an iceberg which promises to cost federal taxpayers billions—a frozen mass of interstate agreements, archaic state water laws, private "ownership" of available water, and massive saline pollution that is approaching a crisis level for users in the lower Colorado basin within the United States.

Underlying these problems is the basic one of insufficient water to meet expected population growth in the basin states.

Only national pressure could bring about vitally needed action by both Congress and the states. Contributing to public awakening on the issue, the National Water Commission's final report (issued in June), contains strong recommendations pertinent to the Colorado basin problems. It gives timely supporting material for taxpayers of other regions who want to urge their congressmen to do more about the Colorado than merely endorse a $115 million check.

HOW CONTROVERSY BEGAN

The Mexican controversy was created by a single irrigation farming area near Yuma, Ariz. In announcing on Aug. 30 a settlement with Mexico, Herbert Brownell, head of a task force assigned to the problem, made it quite clear that most of the $115 million would go to build the world's largest desalinization plant and canals to process drainage from this one area, the Wellton-Mohawk Irrigation and Drainage District.

The Wellton-Mohawk area's story illustrates how "economic development" of water uses can proceed with a total disregard of the consequences to others. Settlers began to farm the salty soil there around the turn of the century, irrigating with water from the Gila river, a tributary of the Colorado, and from wells. Eventually the Gila's flow was cut off by a dam upstream, making it a dry channel, and farmers sank more wells to get irrigation water. All this time, no drainage was provided, and the water applied to cropland sank into the ground.

The wells tapped underground water in an aquifer 50 miles long—a natural underground reservoir of porous rock or sand. Without drainage, irrigation water not evaporated or transpired by crops seeped back into the aquifer, dissolving and leaching salt from the soil on the way. The groundwater became saltier year by year and eventually got up into the root zone, forcing much of the land out of production

The Bureau of Reclamation (BuRec) came to the rescue in the late 1950's, organizing the Wellton-Mohawk district and providing a canal to carry fresher water down from above Imperial dam on the Colorado.

If good root zone drainage had been provided by means of buried drain tiles, a method widely used elsewhere, all salt would have been washed from the farmed soil within a few years and thereafter the only increase of salinity in drainage returned to the Colorado river would have been by concentration due to evaporation and transpiration. And there would have been no problem with Mexico.

But irrigation farming was not enough. The landowners and BuRec decided to renovate the salty groundwater aquifer for eventual use to irrigate more land. So some 70 wells were sunk 100 feet to the bottom of the aquifer to pump out the salt water; and irrigation drainage continued to seep back down to the aquifer, washing salt from many feet of saline soil.

Some of the wells pumped water with 17,000 parts per million (ppm) of salt, half as salty as the ocean; the average was about 4,000 ppm, five times as salty as the Colorado river water. It went down the dry Gila bed a few miles into the Colorado, above Yuma. Shortly, to prevent seepage, a concrete canal was provided. Soon Yuma had to stop taking its city water from the river; lawns and flowers were dying; metal in contact with the water was corroding. Yuma had to pay to have water brought down an irrigation supply canal from above Imperial dam.

This saline flood continued down to Morelos dam, just below the Mexican border, where a reservoir supplied Mexican irrigators. In 1961, Mexico began screaming, "Stop!" After negotiations, BuRec extended the concrete canal down to Morelos dam so, at times of greatest salinity, the drainage could be run into the river below the dam; at other times, into the reservoir. Also, some 50-foot wells were sunk in Wellton-Mohawk to pump less saline water at times; and water was run down to Morelos dam from imperial dam to dilute the salinity.

Mexican protests resumed as farmers had more and more trouble with the salty water. Finally, last year, President Echeverria of Mexico stood before our Congress and demanded that the salinity problem be eliminated. So President Nixon set up the task force which brought about the settlement now needing only Congressional approval.

Wellton-Mohawk must be one of the world's most expensive irrigation projects, and it was subsidized by the same taxpayers who now must pay to stop the damage it causes. If BuRec, the developer, could be induced to reveal the total spent, it would be most interesting to compare the value of crops produced with their real cost.

This is not an isolated case of flagrant saline pollution by irrigators. Several areas in the upper Colorado basin discharge, among them, more than a quarter billion tons of salt a year into the river. Nor is Wellton-Mohawk an isolated case of irrigation that might be challenged on economic grounds.

RESEARCHERS' QUESTIONS

In recent months, questions about the desirability of more irrigation in general and of arid lands in particular, along with strong opposition to any more subsidized irrigation, have come from researchers at four universities (Wisconsin, Johns Hopkins, Iowa State and Arizona) and from Resources for the Future, Inc., as consultant to the National Water Commission.

The commission's June report called for an end to subsidized irrigation. It also called for creation of an independent Board of Review to evaluate water management proposals by such agencies as BuRec, the Army Corps of Engineers and the Soil Conservation Service, "because the appearance of impartiality is lacking, whatever the fact may be."

These two recommendations bear directly on the Colorado basin, for BuRec in a 1972 report listed a dozen projects to irrigate some 350,000 acres.

That report also outlined a 10-year salinity control program calling for more desalting plants upstream, with canals and evaporation basins, to control natural salt sources (springs, geysers, river flow over salt beds). Also, weather modification to give the basin 2,000,000 acre feet of added precipitation. The cost is estimated at $500 million; if it overruns, like so many federal project estimates, it could approach a billion.

And beyond the 10-year program is contemplated a massive diversion of water to the Colorado from the Columbia basin.

Current low levels in Columbia reservoirs, threatening hydroelectric power shortages in the Pacific Northwest, are sure to cause vigorous opposition to such diversion. And cloud seeding to increase precipitation for the Colorado basin is likely to be opposed in Great Plains areas to the east, for fear that they will get less rain or snow.

As part of the salinity control program, BuRec undertook to convince upper basin irrigators that they should use more efficient methods, to save water and reduce salinity draining into the river. Even with proposed federal cost sharing, strong resistance is to be expected because a farmer who uses less water will lose his right to the amount saved; and sale of such water rights for transfer to another user is difficult, if not impossible, under western prior appropriation water laws (first come, first served).

In Colorado, a rapidly developing state, this problem is most serious. The director of the state Water Conservation Board recently stated that virtually all water available was essentially in private ownership and, if the state was to support projected population growth, transfer of water rights from agriculture to municipal and industrial users must be facilitated. "Without destroying agriculture," he said, "but by developing efficient irrigation practices."

The National Water Commission also examined this problem and recommended an overhaul of laws to simplify transfer of water rights.

This water crisis demands farsighted federal action. Changes can be brought about by re-evaluation of irrigation projects, by restrictions on salinity increases by irrigation districts; by making federal spending to control salinity and provide additional water contingent on state action to bring about sound water management.

OCTOBER IS PORK MONTH

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. CULVER. Mr. Speaker, Iowa is a leading producer of many important agricultural products. For example, Iowa farmers produce over $5.5 billion worth of crops and livestock annually. About 25 percent of the Nation's pork supply and 15 percent of the grain-fed cattle are marketed from Iowa farms. Furthermore, 8 out of 10 Iowa workers depend, directly or indirectly, upon agriculture for their jobs.

With more attention being focused on the need for increased farm production to meet growing needs in the United States and the world, the efficiency of Iowa agriculture is important to the entire Nation. I am confident that Iowa farmers will continue to meet this challenge.

Mr. Speaker, October is Pork Month. I insert in the RECORD a recent editorial by Radio KOEL in Oelwein, Iowa, which concisely summarizes the significance of the swine industry in Iowa, and the important contribution Iowa farmers are making to the growing demand for pork and pork products throughout the world:

EDITORIAL OF RADIO KOEL, OCTOBER 23, 1973

October "Pork Month" has special significance to Northeast Iowa. Not only did the special event originate here 11 years ago, but this corner of the state is one of the world's leading hog producing areas. In fact, Delaware County is ranked as the top hog producing county in the whole country. The state accounts for one fourth of the nation's hog population . . . hogs account for 27% of the total Iowa cash receipts from farm marketing, and some 76,000 jobs in Iowa are related to the state's hog production. Despite these and other accomplishments, it's our viewpoint that this is not the time for our hog farmers to rest on their laurels. Economists tell us that with the current population trends, Americans in 1980 will need a 10% increase in ham, bacon, pork chops and other pork cuts.

Other reasons for new demands on the industry are the recent improvements of the quality of the product through research. The Northeast Iowa hog testing station at New Hampton is one of the places that's made an important contribution, by producing lean pork rather than lard. Weight conscious Americans no longer need refrain from eating the pork cuts, and more and more they are depending on pork for the basic meat diets. With our major technology in animal husbandry plus the ability to market an animal within 5 months, we think the future of the hog raiser has never looked brighter. We anticipate hog prices remaining good and thereby opening the way for some of our smaller farmers to get into the swine business. The swine industry is big business in Iowa.

TREASURY DEPARTMENT STUDY SUPPORTS THE VANIK-MOSS APPROACH TO CONSERVE GASOLINE—II

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. VANIK. Mr. Speaker, the Middle East crude oil embargo is already having an impact in this country. The Ashland Oil Co. recently announced that the shut-off of Arab oil has forced the company to place its gasoline and distillate customers on a 70-percent proration. It is clear that we can no longer afford to waste massive quantities of gasoline on overequipped, overpowered automobiles.

A recent staff study from the Treasury Department illustrates clearly the potential savings that are available through an excise tax on new automobiles. This tax would be assessed on the basis of the fuel economy of the vehicle. Senator Moss and I have been joined by 39 of my colleagues in introducing legislation designed to save our Nation 2 million barrels of crude oil a year by 1980 through the imposition of such a tax. I invite my colleagues to read this valuable report:

ARE LIGHTER CARS MORE EFFICIENT?

The EPA study indicates clearly that lighter cars do make significant savings in gasoline as shown by the following graph (not reproduced) relating automobile weight to gasoline mileage.

This test was made of six-hundred thirty 1973 vehicles. It shows that the mileage of the heaviest vehicle (5,500 lbs.) averaged 8.8 miles per gallon while that of the smallest vehicles (2,000 lbs.) everaged 25.5 miles per gallon. The between weight and fuel economy. So the public is consciously or unconsciously saving fuel by their purchase of smaller automobiles. American made automobiles, however, including the smaller cars are still the highest fuel consumers (on the average) of any automobiles in the world. Could a Federal fuel economy tax, combined with this clear expression of trend in public preference in the direction of smaller cars result in a significant reduction in gasoline consumption? It is the hypothesis of this study that a Federal tax could do just that.

WHAT TYPE OF FUEL ECONOMY TAXES ARE AVAILABLE?

There are, undoubtedly, a great many possible taxes. The ones most commonly discussed are a gasoline tax, a horsepower tax, a weight tax and a miles-per-gallon tax.

The *gasoline* tax has been discussed in another memorandum dated June 4, 1973. This indicates that significant direct savings of fuel could be obtained from a 9 cent tax on each gallon of gasoline. It also suggests that a long-term effect of the rise in prices of gasoline would be an acceleration of the shift towards smaller cars. A gasoline tax would have the advantage that it would affect all cars, and not just new cars.

A *horsepower* tax has been suggested by several writers based on the concept that large horsepower is inefficient in fuel economy. A preliminary EPA study [1] indicates that this may not be necessarily true. There seems to be some correlation between horsepower and fuel economy. But the correlation is much less than that between weight and fuel economy.[2] Furthermore, a tax on horsepower alone could lead to the public purchasing large under-powered vehicles.

Since *weight* appears to be the most important factor in fuel economy, many have suggested that a weight tax would be best. It has the advantage that it is easy to measure, and easy for the public to understand. The principal disadvantage, however, is that it is close to, but not aimed directly at the purpose of the tax. The tax is designed to encourage fuel economy. Weight has a very high correlation with fuel economy. But since there is a direct way to measure fuel economy (miles per gallon) it appears better to levy the tax directly on this factor.

In addition, a weight tax offers no incentive to build more efficient vehicles but merely lighter ones. A rotary engine, for example, is much lighter than a conventional engine but a rotary engine, as presently designed, tends to be a heavy fuel consumer. EPA tests show that 1973 rotary engine vehicles show a 25 percent loss in fuel economy when compared to the average for the same weight vehicle equipped with conventional engines.

DEVELOPMENT OF FUEL STANDARDS

The Environmental Protection Agency is charged under the law with the responsibility for measuring and regulating the emissions of motor vehicles. As a by-product of this, the EPA has also determined the fuel economy of all vehicles tested in its emisison testing program. In the fall of 1972, they published test results of 2,087 1952–1973 vehicles under urban and suburban driving conditions, with the results cited earlier in the paper. Results in detail for 1973 cars are shown below.

MILEAGE TESTS OF 1973 MODEL VEHICLES

Inertia weight, model year 1973	Average miles per gallon	Range	Number of data points
2,000	25.5	23.7–28.5	6
2,250	20.7	18.9–21.9	8
2,500	19.9	13.3–23.7	74
2,750	17.9	11.9–23.7	62
3,000	16.2	13.6–19.7	37
3,500	14.0	9.8–17.8	64
4,000	11.2	7.7–14.6	69
4,500	10.1	7.4–13.6	157
5,000	9.4	7.6–11.8	96
5,500	8.8	7.1–10.0	57

Source: EPA Fuel Economy and Emission Control, November 1972.

Footnotes at end of article.

In addition to this work, the EPA is also working towards the development of a fuel economy testing procedure which is universal (in that it includes both rural and freeway driving as well as urban and suburban) and can be conducted independently by automobile manufacturers themselves subject to EPA monitoring. EPA is presently working with a task force of the Society of Automotive Engineers (SAE) designed to develop and promulgate recommended practices for such tests. EPA indicated that an EPA developed procedure or an SAE recommended practice then be possible by the 1975 model year for each manufacturer to list the tested fuel economy of its vehicle at the time it is put on sale. It would be possible to develop a tax based on these ratings. How would such a tax work?

A FUEL ECONOMY TAX

The basic concept of the tax would be to determine a national fuel economy standard (e.g., 20 miles per gallon.)[3] Vehicles getting this mileage or better would pay no tax at all. Vehicles which deliver less than 20 miles per gallon would pay an excise tax proportionate to the extra fuel which they consume.

For convenience purposes, fuel economy would be defined as gallons per 100 miles (GPCM). A vehicle which gets 20 miles per gallon would thus have a GCPM rating of 5.0 i.e., five gallons per 100 miles. The tax would be levied on all excess gallons (EG) in excess of 5.0 (e.g., $x.00 for each GPCM consumed in excess of the national standard of 5.0).

COMPUTATION OF EXCESS GALLONS (EG) FOR EACH MARKET CLASS OF CAR BASED ON 1973 MODELS

Market class	Inertia weight [1]	Miles per gallon [2]	GPCM [3]	Excess gallons [4]
High	5,373	8.95	11.17	6.17
Medium	4,797	9.68	10.33	5.33
Regular	4,734	9.77	10.24	5.24
Sports	4,230	10.69	9.35	4.35
Intermediate	4,142	10.89	9.18	4.18
Compact	3,323	14.78	6.77	1.77
Subcompact	2,648	18.72	5.34	.34
Foreign	2,371	20.31	4.92	—(5)
Average		13.29	7.52	2.52

[1] These are weighted averages of 1973 model cars weight, using 1972 registration data. Inertia weight equals curb weight plus 300 lbs. Source: Automatic News Alumnac Issue, April 1973.

[2] Miles per gallon computed from EPA data for 1973 cars using inertia weight to nearest pound. Source: "Fuel Economy and Emission Controls." Average 13.29 compares with U.S. average for all cars of 13.57.

[3] 100/mpg.

[4] GPCM minus 5. (5=20 mpg).

[5] Most foreign cars would pay no tax. There would, of course, be some tax on the Rolls Royce, Volvo, etc.

PRINCIPAL EFFECTS OF THE TAX

There are several effects of the tax which should be considered. These include encouragement to the industry to redesign automobiles to promote fuel efficiency; a change in consumer purchases due to elasticity of demand; a possible increase in foreign car purchases with corresponding effects on the balance of payments; increased revenue to the Treasury. Each of these will be treated separately.

1. *A redesign of the automobile.* Despite the fact that the United States is the leading producer of automobiles in the world and has more accumulated automobile manufacturing experience than any other country, American automobiles are less efficient at using fuel, generally speaking, than those produced by any other country. This has many causes. Fuel has always been cheap in the United States, while it is extremely expensive in most other parts of the world. Fuel taxes here are low. Americans are comparatively affluent and have been used to large vehicles, good roads, and traveling great distances. In short, there have been few economic incentives that would influence automobile manufacturers to design fuel-efficient cars. Throughout Europe and Japan and most of the rest of the world, however, shortages and high prices of fuel, low income, and high taxes have placed a premium on efficient fuel use. As a result, no American manufactured car, including the Pinto and the Vega—our smallest sub-compacts—are as efficient at fuel use as the average foreign import.

The fuel economy tax would provide one of the first economic incentives for Detroit to design more efficient automobiles. It is expected that this economic incentive will be the most important single result of the tax. What kinds of changes can be introduced? There are many immediately available solutions which could greatly increase automobile efficiency. For example:

a. *Use of low friction tires.* A summary technical report entitled "Research and Development Opportunities for Improved Transportation Energy Usage, July 1972" indicates that steel belted radial ply tires as standard equipment on automobiles at a cost of about $50 more per car can improve miles per gallon by 10 percent.

b. *Body shell design.* The same report estimates that the aero-dynamic drag of many cars can be reduced enough to give a potential fuel saving of 5 percent. Estimates of cost of redesign are unknown, let us assume $50 per car.

c. *Redesign of power train.* A fuel savings of 10 to 15 percent at a consumer cost of $100 to $200 per car could result if the power train were redesigned to provide a better match of vehicle load to the engine.

d. *Use of smaller engines.* The report estimates that for an incremental cost of less than $100 per car, automobiles could be powered by small engines plus a super-charger or turbo-charger to yield performance similar to that obtained with larger engines but with much less waste in routine operation.

e. *Provision of overdrive as standard* equipment. Over drives are useful only for sustained high-speed driving. They cost about $150 to add to the standard transmission. The fuel saving in high speed driving, however, is about 20 percent.

f. *Alternate engine types.* EPA tests show diesel powered vehicles get about 70 percent more miles per gallon than do gasoline powered vehicles, while providing the same or better drivability features. The only diesel powered vehicles do cost much more—at least 200 more than a gasoline engine.[4] Stratified charge vehicles also offer the possibility of some saving although the present indications are that the fuel saving is minimal.[5] There are, therefore, possible savings in changing to newer engine types.

g. *Reduction of weight.* American cars weigh, on the average, twice as much as imported cars. Even our smallest cars weigh more than the average import. Weight reduction has the highest correlation with fuel economy of any other factor. It is likely that given sufficient incentives, Detroit could and would produce lighter weight automobiles even consistent with the growing safety features which nominally require more weight. Weight reduction can occur through use of lighter metals, plastics, redesign of engine block, frame, etc. These changes would be expensive and could add $150 to the price of the car to effect a weight reduction of 500 lbs. This reduction, however, would be sufficient to change mpg from a 4,000 lb inertia weight from 11.2 to 14.0, and increase of mpg of 25 percent.

In short, there are a large number of options available to American industry which would permit them to produce more efficient cars and, therefore, to reduce the impact of the fuel economy tax. If the tax is set high enough and if Detroit has sufficient advance lead time to complete and design a car and get it into production (about three years), the combination of tax and industrial redesign should yield significant national energy conservation benefits.

Adoption of the off-the-shelf technology listed would yield the following possible savings.

	Percent miles per gallon improvement	Cost per car
(a) Low-friction tires	10	$50
(b) Body shell	5	50
(c) Power train	10–15	100–200
(d) Supercharger	[1] 10	100
(e) Overdrive	5–15	150
(f) Engine change	70	200
(g) Weight reduction	25	150
Total proposed saving	135–150	
Assumed accumulated saving	75	800–900

[1] Estimated.

This means that the average American large car that now gets 11.8 miles per gallon (such as a Chevrolet Impala) could be redesigned to yield 20.65 mpg, but the changes would add as much as $850 to the cost of the car.

FOOTNOTES

[1] Unpublished data furnished by Barry McNutt, EAP—(462–2514)

[2] The correlation is approximately 1–3 extra mpg for every 100 Hp. Thus, the average 4,000 lb. (inertia wt.) vehicle powered at 137 Hp. gets about 11.2 mpg. The same vehicle with a 230 Hp engine would get about 9.2 mpg. Adding 1,000 lbs. at 137 Hp would drop it to 9.4 mpg. i.e., a 73 percent increase in Hp yields a mpg loss of 18 percent; whereas the same mpg loss is caused by only a 25 percent increase in weight. Weight can thus be shown to be at least three times more important in fuel economy than horsepower.

[3] The development of such a standard is essentially a political decision, i.e., how much fuel economy do we want our vehicles to have, and what is practical to demand? 1973 vehicles tested varied from 28.5 to 7.1 miles per gallon. What is a reasonable national goal?

The determination should be made taking into account:

a. national fuel economy needs
b. consumer vehicle performances
c. practical design considerations

Setting the standard at 20 mpg appears to provide a compromise which is probably acceptable and understandable to the public. Any other could, of course, be used.

[4] Exhaust emissions from three Diesel Powered Passenger Cars, EPA, March 1973.

[5] An evaluation of three Honda Compound Vortex Controlled Combustion powered vehicles, EPA, December 1972.

LEONARD WOODCOCK CALLS FOR IMPEACHMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. RANGEL. Mr. Speaker, over the weekend the Nation cried out against President Nixon's attempt at one-man rule. Many statements were made concerning Mr. Nixon's order to fire special Prosecutor Archibald Cox. The statement delivered by United Auto Workers President Leonard Woodcock is particularly interesting in its relevant and concise description of America's currently troubled ship-of-state.

I commend this thoughtful statement to my colleagues.

WOODCOCK CALLS FOR IMPEACHMENT OF PRESIDENT

UAW President Leonard Woodcock issued the following statement:

"It is with deep regret that I urge the U.S. House of Representatives to impeach Richard Nixon, unless the President should save the nation that agony by his resignation.

"The shocking events of the past weekend mandate such action. Mr. Nixon has broken faith with the constitution, the Congress and the people.

"He has assaulted the Federal judiciary by putting himself above the law and flouting the independence and authority of the courts. By his self-serving opportunistic and arrogant discharge of the special Watergate prosecutor and his effective dismissal of the attorney general and his deputy, Mr. Nixon once again shows his utter contempt for the Congress and the people.

"This latest ploy, if it succeeds, would insulate Mr. Nixon and his associates from prosecution and eliminate the possibility of a full and fair investigation of Watergate. All of this comes at a time when new clouds of suspicion have begun to gather around Mr. Nixon.

"Even before this latest outrage, there were ample grounds to begin hearings on impeachment. Mr. Nixon's closest hand-picked associates appear to have been involved in felonies. He has subverted the constitution by usurping Congress' power to make war and to pass appropriations. He has lied to the American people and shifted ground to suit his own momentary purposes.

"In calling upon the Congress to act, I am fully cognizant of the gravity of impeachment. I know, too, that the explosive and sensitive situation in the Middle East and its dangerous secondary effects threaten the whole world. There are equally serious threats to the common good on the domestic scene. We need unity and leadership, but we can afford neither unity won through cowardice and immorality, nor leadership stained by perfidy and tyranny. Those prices are too high. It is Mr. Nixon himself who has brought us to this tragic crisis. We must face up to it. If we fail to act, we risk the loss of national self-respect and the erosion of our political freedom. If we do not demand responsibility, we can never achieve real unity and unselfish dedicated leadership.

"We cannot ask the political questions now. It is too late. The matters are too serious. It is time to ask the hard legal and moral questions. It is time to put these matters to trial before Congress and the American people."

HOUSE OF REPRESENTATIVES—*Monday, October 29, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Lead me in Thy truth and teach me; for Thou art the God of my salvation; On Thee do I wait all the day.—Psalms 25: 5.

Eternal God and Father of us all, disturbed by the demanding duties of this disruptive day we pause at the altar of prayer to realize anew that Thou art God, that this is Thy world, and to remind ourselves that though the wrong seems oft so strong, Thou art the Ruler yet. In Thy strength we would be made strong, with Thy wisdom we would become wise, and by Thy grace we would face the tasks before us with faith and hope and love.

We pray for our country, our President, our Speaker, Members of Congress, and all who labor with them. Do Thou so dwell in their hearts and so direct their endeavors that justice, peace, and good will may everywhere prevail to the glory of Thy holy name and the good of our human family.

Again upon our spirits has come the sadness of farewell as we think of JOHN P. SAYLOR who walks with us no more. We mourn the passing of him who devoted his life to his country, his State, and his district. May the comfort of Thy presence abide in the hearts of his family, his friends, and his colleagues.

In the spirit of Him who is the resurrection and the life we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 301. Concurrent resolution providing for the printing as a House document "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Repersentatives."

GENERAL LEAVE

Mr. McFALL. Mr. Speaker, without creating a precedent I ask unanimous consent that all Members may extend their remarks in that portion of the RECORD known as the Extensions of Remarks today and to include such extraneous material as they may deem relevant.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR MANAGERS TO FILE CONFERENCE REPORT ON S. 1081, GRANTING RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on S. 1081, granting rights-of-way across Federal lands.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Blatnik (at the request of Mr. O'Neill), for this week, on account of official business.

Mr. Murphy of New York (at the request of Mr. O'Neill), for this week, on account of official business.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 607. An act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on October 26, 1973, present to the President, for his approval, bills of the House of the following title:

H.R. 689. To amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

H.R. 5943. To amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States.

H.R. 9639. To amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. Schneebeli).

THE LATE HONORABLE JOHN P. SAYLOR

Mr. SCHNEEBELI. Mr. Speaker, it is my sad duty to report to this House the untimely death of our colleague, John Saylor, of the 12th District of Pennsylvania. Death occurred from a heart attack early yesterday in St. Luke's Hospital in Houston, Tex.

Funeral services will be held at 1 p.m., Thursday, November 1, at St. John's United Church of Christ, Johnstown, Pa. The family requests that in lieu of flowers, any remembrances should be in the form of contributions to the John P. Saylor Memorial Education Fund and sent to Post Office Box 780, Johnstown, Pa. 15901.

John Saylor and I have been friends for many years—we first met in 1924 when we were both undergraduates at Mercersburg Academy. In the intervening 49 years I had followed with great interest John's career, particularly after he came to Congress in 1949. My more recent and more intimate relationship was reestablished in 1960 when I first was elected to Congress and John and I have maintained a close and respectful friendship ever since that time.

As we all know, John's leadership in the field of conservation was nationally recognized for many years—and he was the recipient of many awards. As senior Republican member of the House Interior Committee, he was credited with leading many endeavors to protect the Nation's scenic and natural resources. He was a sponsor of the Wilderness Act to save woods, water, and wildlife. He also backed legislation to establish the Office of Coal Research to find more uses for coal, and was a major supporter of the Coal Mine Health and Safety Act of 1969. For his moves in conservation, he and former Representative Wayne N. Aspinall, the other coauthor of the Wilderness Act, designed to save land from development, and the Land and Water Conservation Fund Act, received the National Wildlife Federation's Conservationist of the Year Award for 1964.

Congressman Saylor fought against building dams in the Grand Canyon and for preserving the integrity of Dinosaur National Monument in Utah and Colorado. He was a member of the National Forest Preservation Commission and the National Parks Centennial Commission.

In 1957, on a routine mission to visit the Scott Base at Antarctica, John became the first Congressman to fly over the South Pole. He was a supporter of statehood for Alaska and Hawaii.

In addition to his membership on the House Interior Committee, he was also a member of the House Veterans Committee and was well versed in veterans' affairs. In World War II, he served in the Pacific and was communications officer of the U.S.S. *Missoula*, an attack troop ship when Iwo Jima was captured by the Americans. He gave the Marines the first American flag to be raised on Iwo Jima and when a photographer saw the flag-raising, he asked that it be done again and a second flag was raised, resulting in the famous photograph that is duplicated by the Iwo Jima statue near Arlington Cemetery.

But John's success and achievement of excellence covered many fields besides conservation—in the church, veterans' affairs, his service as a trustee of many private schools, hospitals, and social fraternities.

For many years, John was the ranking Republican member of the Committee on Interior and Insular Affairs and many historic legislative bills bear his name and imprint. He also fought for legislation to restore their land to the Taos Indians of New Mexico.

Significant with his interest in the church, one of John's last appearances before his colleagues was to address the House Prayer Breakfast less than 2 weeks ago and his discussion of the subject of "Hope" gave much inspiration to the Congressmen present.

Our sympathy goes out to John's family—his wife, Grace, and to his daughter and son and two grandchildren. We shall all miss John very much—his colleagues here in Washington, his constituents and many friends—the Nation has lost a great leader. Good and great men like John Saylor do not come our way very often.

Mr. Speaker, at this time I yield to the ranking minority leader, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, I was deeply saddened to learn of the death of John Saylor. John was a dear friend of mine. I count his death a keen personal loss and a great loss to the Nation.

Like Teddy Roosevelt, John Saylor was an individualist and an ardent conservationist. John Saylor stood out in the House because of his very size and stature. He was tall and large of physique. His ruggedness blended with his love of the outdoors.

John Saylor was a big man in more than physical size. He was perhaps the foremost exponent of conservation in the Congress in recent years. It was his burning desire to foster an understanding of conservation in the Congress, and he worked vigorously in pursuit of that end.

As we all know, John was the coauthor of the Wilderness Act and the Land and Water Conservation Act. He also sponsored legislation establishing the Office of Coal Research and was a major supporter of the Coal Mine Health and Safety Act. In 1964 John Saylor received the National Wildlife Federation's Conservationist of the Year Award; and in 1970, the Founders Award of the Izaak Walton League. John Saylor followed in the footsteps of such great conservationists as Gov. Gifford Pinchot and President Teddy Roosevelt.

As a legislator, John Saylor looked first and foremost to the needs of his constituents but he also was acutely conscious of the national interest.

In my view, John Saylor was one of the most astute legislators ever to sit in the U.S. House of Representatives.

Mr. Speaker, we have lost a fine man, an outstanding Member, and a wonderful friend. On last Friday I called his wife, Grace, and asked how John was progressing. I was encouraged by the news but then terribly saddened with Sunday's tragic report of John's death.

My wife Betty and I extend deepest condolences to Grace, his wonderful wife, and the Saylor family.

Mr. SCHNEEBELI. I thank the gentleman.

Mr. Speaker, I yield now to the ranking member of the Pennsylvania delegation, the respected Dr. Morgan.

Mr. MORGAN. Mr. Speaker, the Nation has lost one of its finest servants with the untimely death of John Saylor.

We in Pennsylvania long have depended on this warm and dedicated man to support measures that would benefit the citizens of our State. As a Member of Congress for nearly a quarter century, he was equally committed to the well-being of American people everywhere.

Major legislation now in the statute books, for which John Saylor was instrumental, attest to his leadership in a wide range of worthy causes. He rose to nationwide reknown particularly as a champion of conservation.

He was a coauthor of the Wilderness

Act and of the Land and Water Conservation Act. He sponsored legislation establishing the Office of Coal Research and was a major backer of the Coal Mine Health and Safety Act, benefiting coal miners. He pushed measures in behalf of the American Indian. He coauthored legislation for statehood for Alaska and Hawaii.

In the area of the Nation's Capital he played important roles in setting up a corporation for the redevelopment of Pennsylvania Avenue, in creation of the C. & O. Canal National Park and Piscataway Park in Maryland across the Potomac River from Mount Vernon and in keeping up the Congressional Cemetery.

Besides his important position as the ranking Republican member of the House Interior and Insular Affairs Committee, John served on the Veterans' Committee. A veteran who served with distinction in World War II, he worked actively in behalf of former servicemen.

Mr. Speaker, the death of John Saylor is particularly grievous to me personally because he was one of my closest friends in the Congress. He was my counterpart on the Republican side, as the senior member from his party on the State delegation here. John never let narrow partisanship impair his devotion to higher values.

I mourn his passing and offer my deepest sympathy to his wife, Grace, and the other members of the family.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Florida, the chairman of Congressman Saylor's committee.

Mr. HALEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the loss of John Saylor, of Pennsylvania, who was the ranking member on the minority side, is very great. He was a man I had worked with for 20 years. He was an outstanding legislator. The many kindnesses he has shown me over this period of time, I shall always remember.

John was one of my warm friends. As the distinguished minority leader said, we had received the encouraging news from Houston and thought that John was doing fine. Then came as great a shock to me, as I am sure it did to many Members of Congress, the sad news.

Mr. Speaker, he was a dedicated man. He put much legislation for the benefit of this Nation on the statute books. I too mourn his passing, and I extend to his family my deepest sympathy.

Mr. Speaker, at a later time I shall have further remarks to make.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from California.

Mr. HOSMER. Mr. Speaker, I wish to join in the remarks of the gentleman from Florida (Mr. Haley) on behalf of those who served with John Saylor on the minority side on the Committee on Interior and Insular Affairs.

We found in John Saylor one of our most brilliant, lovable people. We mourn his passing and extend to his loved ones our deepest sympathies.

Mr. Speaker, I, too, shall have further remarks to make at a later date.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, in the passing of John Saylor, we have all lost a friend. He was justifiably proud of his family; he had a great sense of humor; he had tremendous legislative skill.

He was a man who loved his friends and loved his country. I remember that when he left here, he was happy and optimistic about this operation. On Thursday, there was the good news that he had survived it and was doing well.

It was a tragic blow to read this morning that he had passed away. He leaves this House with a real sense of loss, because he was a Member of this body who was well respected, and rightly so, by Democrats and Republicans alike.

John Saylor was as fine a Member of Congress as we have ever had.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Pennsylvania.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, in the passing of Congressman John Saylor, the people of the United States, and the Congress, and more particularly, the 12th Congressional District of Pennsylvania, have lost an outstanding Member of Congress, and one of the most respected men in our Government today.

I first came to the Congress in 1963, and one of the Members of Congress from Pennsylvania who greeted me with particular warmth and concern was Congressman Saylor. During my 10 years in Congress, it has been my privilege to have long conversations with John, and I was always amazed at his breadth of knowledge of the Congress and the program, and of his devotion to the cause of conservation in this Nation. His taking the lead in Congress for conservation issues was perhaps not too popular at the time, but certainly what he advocated was, in the long run, for the best interests of the Nation and our very survival.

John was the leader of our Republican delegation from Pennsylvania in the Congress, and we all looked up to him as a man whom we could trust, in whom we had faith, who had our best interests at heart, and who was constantly advising each and every one of us on matters of interest not only to the Congress but to our respective districts.

And now as we go into the future with many problems facing this Nation, such as the energy crisis and the destruction of our natural resources, those measures sponsored by Congressman Saylor and his strong advocation of preserving the assets of this country for future generations, will long remain as a standard for the Congress to go by as we face the difficult future.

Personally I have suffered the loss of one of my best friends, and I want to extend to his wife and family my deepest sympathy in their great loss.

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman.

I yield to one of the senior Members of the House, the chairman of the Committee on Rules, the gentleman from Indiana (Mr. Madden).

Mr. MADDEN. I thank the gentleman for yielding.

Mr. Speaker, I was very much saddened to read in the morning paper regarding the passing of our colleague, John Saylor, during the weekend, while he was convalescing from an operation.

It was only a couple of weeks ago that John testified before the Rules Committee on a pending bill, and he appeared in the best of physical condition and exhibited his usual enthusiasm and energy which we have so often observed over his 24 years as a Member of this body.

John Saylor was an outstanding Member of the House of Representatives, hard working, industrious, and on many occasions addressed the House convincingly and with complete knowledge of his subject. He always impressed the Members, during debate, with having done his homework on the topic under discussion.

John had a host of friends among his colleagues on both sides of the aisle, all of whom will miss his charming personality, and regret that he cannot have more years of legislative service in the Congress of the United States which would be so beneficial to his district, State, and Nation.

I wish to extend to his wife and family my deepest sympathy in their bereavement.

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman.

I now yield to my neighbor and colleague from Pennsylvania (Mr. McDade).

Mr. McDADE. Mr. Speaker, we have lost in the death of John P. Saylor, one of the outstanding Members of Congress in the history of the Pennsylvania delegation in this highest legislative body in the Nation.

He was more to me than a fellow Member of Congress. He was more than a member of the delegation from our own State of Pennsylvania. I knew him as a friend.

He was a man as big as the outdoors he loved so much. He was big physically. You could not miss that head held so tall when he walked through a crowd. He was big spiritually. There was a rugged warmth about him that you caught when you shook his hand; and you had only to talk to his staff who knew him so well to begin to understand the depth of warmth and human compassion within him. He was big intellectually. He gave to his work in the Congress an intensity of intellect that bespoke his knowledge and his profound devotion to his work here in the Congress. He spoke with a voice that was big, and it was a voice to which his colleagues here in the Congress listened with respect.

He was, I believe, a Congressman who truly understood the nature of the representation he gave his people. I know no Member of Congress who was more devoted to the welfare of his own constituents. He loved them with a genuine love, and they showed that the love was reciprocal in sending him back to Congress to represent them time after time with astonishing margins of victory in each election.

But more than that, he knew he represented a larger constituency, the people of this entire Nation. He served as the senior minority member on the Committee of the Interior. He served on this committee, to which is largely entrusted the preservation of the beauty of this Nation, with a magnificent determination. He was pledged to not only preserve the greatness of the lands and the waters of America, but he worked ceaselessly to bring back beauty to those lands and waters which man had carelessly soiled.

We will miss JOHN SAYLOR in the Congress. He was a man who left an indelible mark on the lives of his friends who knew him well, and he has left that same indelible mark of excellence on the Nation he served so well.

There are no words I could say which might comfort Grace, his loving wife, nor Susan and John, his children. Perhaps they might be comforted in their grief with the thought that this was a man who, in the short span allotted to all of us on Earth, made his mark of distinction in the service of God and this Nation.

There was an epitaph written about a century ago by another man to be placed on his own grave. Perhaps we might borrow those same words of Robert Louis Stevenson to apply to JOHN SAYLOR, our beloved colleague:

> Under the wide and starry sky
> Dig my grave, and let me lie;
> Glad did I live, and gladly die,
> And I laid me down with a will.
>
> This be the verse you grave for me:
> "Here he lies, where he longed to be;
> Home is the sailor home from the sea,
> And the hunter home from the hill."

Mr. SCHNEEBELI. Mr. Speaker, I thank the gentleman.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Pennsylvania (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, I join with the gentleman from Pennsylvania (Mr. SCHNEEBELI) and our other colleagues in expressing my sorrow at the news of the death of our colleague, the Honorable JOHN SAYLOR, late a Representative from Pennsylvania. I wish to join in paying tribute to the life, the service, and the memory of one whom we held in the highest esteem and respect.

Our Nation has lost an outstanding citizen. His district and the Commonwealth of Pennsylvania have lost an able Representative and a devoted public servant. We in the House have lost a beloved colleague, and I have lost a warm personal friend.

JOHN SAYLOR'S service in this body spanned a greater period of time than that of the average Representative who serves here. This Nation is a better place and certainly our land and our waters are in a cleaner and better condition today than they would have been without the knowledge and effective work of JOHN SAYLOR. Much important and valuable conservation legislation bears his name.

JOHN SAYLOR earned and deserved the admiration and respect of those of us who have served in the House with him. His passing will leave a void in the circle which makes up the U.S. House of Representatives.

Mr. Speaker, I have known JOHN SAYLOR since I first was elected to this body, and during that entire time the friendship which immediately developed between us has grown stronger with each passing year. My family joins me in expressing to Mrs. Saylor and their children our condolences and heartfelt sympathy.

May he rest in peace.

Mr. SCHNEEBELI. I thank the gentleman, and I now yield to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, I join with my distinguished friend, the gentleman from Pennsylvania (Mr. SCHNEEBELI) and other colleagues in expressing very sincere regrets at the death of JOHN SAYLOR.

JOHN was a man who was truly outstanding in every sense of the word. He was a good Congressman in the best sense of the word. He was a man whose work will live on for many years to come, because he contributed greatly to the important and the enduring accomplishments of the Congress.

It was my privilege to share his friendship and to know him well during the entire period of his service here. I admire him greatly, and I, too, shall miss him very much. I knew the color and drama of his personality as well as the outstanding qualities and capabilities he possessed, both as a person and as a legislator. He was the living symbol of the quality of endurance, of ruggedness and forthright honesty, and of legislative leadership.

Representative SAYLOR was a leading conservationist and the ranking minority member of the House Interior and Insular Affairs Committee. Many years before the issues of conservation, natural resources, and environmental quality came to be fashionable, Representative SAYLOR was helping to shape wide national policies for these vital concerns. The coauthor of such bills as statehood for Alaska and Hawaii, the Wilderness Act, and the Land and Water Conservation Act, Congressman SAYLOR also had pushed for benefits for coal miners and the American Indian.

He played an important role in the establishment of the C. & O. Canal National Park and the Piscataway Park in Maryland, across the river from Mount Vernon. Recently, he was instrumental in the approval of legislation to restore and maintain the deteriorated Congressional Cemetery, where many Members of earlier Congresses and other notables of early America are buried.

Congressman SAYLOR was also a member of the House Veterans Committee and he was well versed in matters pertaining to veterans' affairs. He was one of the original members of the 1976 Bicentennial Commission, but had to give up this work because of the press of other duties. Nevertheless, he continued his strong support of the Commission for he very much wanted to see a creditable celebration in 1976.

For good reason his Pennsylvania constitutents trusted him implicitly for faithful representation of their interests and needs, but his contributions were national in their scope. The House has lost one of its ablest and most respected Members.

My sympathy and my prayers are with Mrs. Saylor and their family in their bereavement.

Mr. SCHNEEBELI. I thank the gentleman, and I now yield to my colleague from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Speaker, the unexpected death of the Honorable JOHN P. SAYLOR comes as a shock to his colleagues and to the people he served so long and so well.

It was characteristic of Mr. SAYLOR to be candid and open about his health as he was with issues that faced the Nation. The news that he had successfully undergone major surgery was welcome. The onslaught of the apparent massive heart attack that took his life thus was even more surprising.

Known affectionately as "BIG JOHN," Mr. SAYLOR indeed was big—in physical and legislative stature. Long before conservation and ecology were watchwords of a concerned America, Mr. SAYLOR had foreseen their importance in preserving the precious assets of our Nation. His legislative insight and accomplishments are fitting memorials.

Mr. SAYLOR'S pioneering work in the environment highlighted a public career marked by independence as a legislator. He was a loyal Republican, but he never hesitated to state and support his own views on a particular piece of legislation.

This trait of independence was evident in his leadership of the Pennsylvania Republican congressional delegation. While he always urged his colleagues to unite behind an issue or a bill that would benefit Pennsylvania, Mr. SAYLOR was a wise and tolerant man who understood that his colleagues were responsible to their own consciences and constituents.

To the junior members of the Pennsylvania Republican delegation, Mr. SAYLOR was a friend and adviser. In my tenure as Congressman, I found Mr. SAYLOR to be warm and compassionate, always ready to listen to your problems or worries. His genuine appreciation for the problems of a junior Congressman was apparent in his considered and fatherly advice.

As dean of the delegation he was always ready to fight for other Members or for any cause that would benefit Pennsylvania.

Mr. SAYLOR was a Congressman from a western Pennsylvania district, yet the people of the entire Nation are indebted to him for his remarkable foresight and outstanding achievements. Mr. SAYLOR'S life convincingly rebuts those who demean or derogate what an individual Congressman can accomplish for the country.

I extend my deepest sympathy, on my behalf and that of my family and staff, to Mrs. Saylor, her two children, and two grandchildren.

Mr. SCHNEEBELI. I thank the gentleman, and I now yield to the distinguished gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO of Wyoming. Mr. Speaker, I would like to say just a few words of concurrence on this very sad occasion.

For everyone in my State as well as in the Nation, those who loved nature, who loved the public parks and the public land and desired to have the laws enacted that were necessary to preserve it, this is a great loss.

JOHN SAYLOR was a good colleague; he had a lot of patience with those Members of the opposition, and he knew when he had to push and when he had to settle back for the best that he could obtain. He knew when a worthwhile effort should be made in order to put a piece of legislation on the statute books.

JOHN SAYLOR was a great man, and we will all miss him.

Mr. SCHNEEBELI. I thank my colleague, and I now yield to my friend and colleague from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank my colleague for yielding.

JOHN SAYLOR was very special to me; he was very special for two reasons: first because as a freshman Congressman I found quickly that I could turn to the dean of our Republican delegation, Congressman SAYLOR, for help, guidance, and counsel. He was always there and always able to provide that needed help and concern.

Second, JOHN SAYLOR was very special to me for another reason. Since we both came from Pennsylvania, we shared the same valleys, the same mountain ranges and the same rivers.

JOHN SAYLOR and I were a product of the same part of the State, and as the days and years would roll by I saw the significant contributions that JOHN SAYLOR was making here in the Halls of Congress, contributions that were beneficial not only to the people of our area, but the entire State of Pennsylvania and our Nation.

JOHN SAYLOR was a fighter. He was fiercely independent. He was a reasonable man, one who could smile at our sometimes unreasoning acts.

JOHN SAYLOR, indeed, has left his mark in the Halls of this Congress, and in our Nation. The valleys, the mountains and the streams of Pennsylvania are better because of JOHN SAYLOR and the people will be better because of JOHN SAYLOR.

Indeed, here was a man. When shall we see another like him?

Mr. SCHNEEBELI. Mr. Speaker, I now yield to the distinguished gentleman from New York (Mr. CAREY).

Mr. CAREY of New York. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I wish to concur in and join with the other Members in this sad moment in the commentaries which have been made by my distinguished colleague, the gentleman from Pennsylvania (Mr. SCHNEEBELI), the ranking minority member on the Committee on Ways and Means.

It has been my good fortune to serve on two committees where the ranking minority member came from Pennsylvania. One was the Committee on Interior and Insular Affairs, and during the entire period of my membership in the House it has had as its ranking minority member the gentleman from Pennsylvania, JOHN SAYLOR, our late departed colleague.

I can attest to the many long hours of study and the many, many days of extreme hardship that produced such a massive contribution to our country, one that will be felt in every State and in every part of our Union. No matter how far flung the territories and insular parts of our country may be, they felt the constructive hand of JOHN SAYLOR.

Mr. Speaker, I had the good fortune to be in his company when he looked at the redwood forests and determined almost singlehandedly that these would be preserved. I can recall of an instance where there was a somewhat perilous helicopter trip that had to be taken, and the question was should we take that helicopter to see better in the mountainous regions where the virginal redwoods stood, and was this a proper use of a small helicopter for a weighty Member of the Congress. JOHN was the biggest among us, and JOHN said, "I will go first." And he did that, and we then in turn followed JOHN. This was a typical instance of a big man such as JOHN SAYLOR was.

JOHN SAYLOR was an independent in the Congress, taking the lead in so many ways that it would be impossible in these few moments to list the great acts of Congress that were part and parcel of the bipartisan leadership given that committee during the time of Wayne Aspinall and JOHN SAYLOR. Both served on that committee for the progress of America.

To his wife Grace, and the members of his family, I extend my deep sympathy in their great loss through the passing into eternity of one of the finest Members of Congress that I have ever met, JOHN SAYLOR of Pennsylvania.

Mr. SCHNEEBELI. Mr. Speaker, I now yield to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Speaker, my colleagues who have preceded me have expressed much more eloquently than I can the important role that JOHN SAYLOR played in his many years of service in this body. I just wish to mention one area in which I worked with him, although I did not serve on the committee, and that is the area on the Pacific Coast known as the Golden Gate National Recreational Area, which we enacted last year, and without JOHN SAYLOR's help there would have been no way we could have accomplished that really incredible feat in preserving open space in a highly congested metropolitan area. I could list literally hundreds of projects that JOHN has helped.

I just want to say very briefly that JOHN was a dear friend. We traveled around the world. We were both in the Naval Reserve, and when we used to have a unit up here on "the hill," he was my strong right arm. I used to call him the boatswain's mate. Anyone who attempted to get out of line JOHN used to straighten out very fast and very neatly.

We will miss him very, very much, and I want to join with the others who expressed their sympathy and condolences to the Saylor family.

Mr. SCHNEEBELI. Mr. Speaker, I yield to the gentleman from California (Mr. MCFALL).

Mr. McFALL. I thank the gentleman for yielding.

Mr. Speaker, last night when I arrived at Dulles Airport, I saw the flag at half-mast and I wondered what friend I had lost. It was with shock and sorrow that I learned it was our friend, JOHN SAYLOR.

He was a true friend of all of us, and what is more he was a true friend of the country. The leadership on both sides of the aisle could always depend upon JOHN to work in his committees—he was a member of the Committee on Interior and Insular Affairs and the Committee on Veterans' Affairs—to do the great things that he did in those committees and on the floor of this House without partisanship, without rancor, with independence and courage, with the spirit of friendship, and laughter and humor, to do those things that we do here in the House of Representatives with the hope we all have it will be to the benefit of the people of this country.

JOHN SAYLOR was a friend to me and to all of us, as has been said, but he was a true friend to the people of this country because he worked hard for their benefit. There is great joy and sorrow in serving in this body. The joy comes from the opportunity to do things for the people of the country and the joy of working with others who have that objective, and the sorrow comes when we lose those friends like JOHN SAYLOR.

Mr. SCHNEEBELI. Mr. Speaker, I yield to the gentleman from Texas, my colleague (Mr. PICKLE).

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Speaker, all of us in the House have lost a dear, warm, personal friend. The Nation has lost a great statesman. JOHN SAYLOR was one of the most colorful, kind-hearted, yet big, robust, effective men that we have ever had in this House. Those of us who were privileged to work with him, to have been with his lovely family, and to have made trips with him, know that he was a great American. We will all miss him very, very much.

Mr. GOODLING. Mr. Speaker, all of us are grieved over the passing of our colleague and friend, the Honorable JOHN PHILLIPS SAYLOR of Pennsylvania.

JOHN was dean of the Pennsylvania Republican delegation in the House of Representatives. He had a unique talent for being able to get the job done when the going was tough. He had a great capacity for putting his finger on the core of a problem and marshalling the forces essential to a solution of the problem.

JOHN was a legislator who was dedicated to his responsibilities as a Representative for Pennsylvania's 12th Congressional District. He had the reputation of being a hard worker for the interests of his constituency, and this constituency consistently endorsed his representation by repeatedly sending him back to Congress. He was serving his 13th term.

Congressman Saylor had the respect of his colleagues, and he was recognized for his dynamic personality which, in combination with his keen wit, had the effect on many occasions of quieting some troubled legislative waters.

He was also an ardent conservationist, having coauthored various important pieces of legislation designed to advance the causes of conservation. He received various awards for conservation, among which was the National Wildlife Federation's "Conservationist of the Year" award for 1964.

Mr. Saylor also had a deep interest in the veteran, and he was very well versed in veterans affairs. Having been a veteran himself, he knew the problems and interests of the veteran, and he consistently strove to have the veteran dealt with in a manner that reflected public appreciation for his sacrifice and the contribution he had made to his country.

All of us will miss John Saylor in this Chamber in one manner or another, both as a competent legislator and as a good friend. We can gather some consolation from the realization that he was with us many years in our legislative efforts, and that many of our legislative accomplishments of the present and future will reflect the interests and efforts of John Saylor.

I join with my colleagues in extending a deep expression of sympathy to Mrs. Saylor and other members of her family.

Mr. ALBERT. Mr. Speaker, I feel a special sorrow today over the passing of my good friend and colleague, John Saylor. John was an outstanding Congressman and a man of courage and absolute dedication to his district, State, and Nation. He had an immeasurable influence on conservation and wildlife in this country, and he will always be remembered for his outstanding work in that field.

But John Saylor was more than just a good Congressman, he was a great human being. John was always receptive to ideas and people, and he was as friendly as any person I have ever known in my life. He was loved by all Members of the House, on both sides of the aisle, and he will be sorely missed. His 24 years in the House will serve as his monument and should be a great source of pride to his loved ones.

Mrs. Albert joins me in extending my deepest sympathy to John's wife, Grace, and his children, John and Susan. His death is a great loss to all of us who had the good fortune to know and work with him.

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of joining my friends from the State of Pennsylvania and others in paying a brief but sincere tribute to the memory of our colleague, Representative John Saylor.

I was deeply shocked and saddened over the weekend to learn the news of the passing of this great and good man who has served his district, State, and Nation so faithfully and so well for almost a quarter of a century.

John Saylor was a leading conservationist in the Congress and in America and was a member of the Committee on Interior and Insular Affairs. His contributions as a member of this committee greatly enriched the legislative history of the Congress in the field of conservation and many other areas.

He received a number of honors and awards for his accomplishments and achievements in conservation.

John Saylor was also a member of the Committee on Veterans' Affairs of the House and participated in the drafting of much legislation of importance to veterans and their families and survivors.

In addition to his many legislative accomplishments, John was a warm, genial, friendly person, a good and close friend, a colleague with whom you might differ on issues but whose friendship remained constant and unchanging.

I recall once that during a debate on the issue of public and private power, John Saylor and I had a difference of opinion—and while I had some strong points on my side, I am sure that John with his eloquence, force, and wit carried the day.

John Saylor was a great American—a grand gentleman—a wonderful friend—and he will be greatly missed.

I want to take this means of extending to his wife Grace and other members of his family this expression of my deepest and most sincere sympathy in their loss and bereavement. My wife Ann joins me in these sentiments.

Mr. RUPPE. Mr. Speaker, the Nation has lost a great legislator and great conservationist with the sudden dealth of our colleague, Congressman John Saylor.

We are today in what I like to call the third phase of the environmental movement. The first phase was characterized by the work of a few individuals, not enough of them politicians, working tirelessly to preserve our natural environment. The second phase which developed toward the end of the last decade saw an explosion of interest in ecology and the natural environment. The third phase, in which we find ourselves at this time is characterized by many questions difficult to answer, most of them having to do with the inherent conflict between preservation and improvement of the environment, and the development of the economy, particularly that sector of the economy dependent on the supply of energy. The career of John Saylor, spanning all three phases, is not only evidence of his dedication to environmental protection, but of his ability to remain intimately involved with the issues as they developed.

For many years, Mr. Saylor was one of the few Members in the House who foresaw what many of us would come to accept as obvious reality: The need to manage our environmental resources in order to prevent such resources from irretrievably slipping away from us. His involvement in the Wilderness Act, one of the early important environmental acts, is known. However, his sponsorship of many national parks and other public lands proposals has been just as important over the years. He sponsored the establishment of the Office of Coal Research, giving the Nation a headstart in a vital area of research in new means of meeting our energy demands.

He has been a stanch defender of the National Environmental Policy Act, perhaps the singlemost important piece of environmental legislation to come out of the second phase of the environmental movement. And finally, his leadership in environmental matters in the Committee on Interior and Insular Affairs has continued in recent times, as witnessed by his strong support of land use and surface mining legislation and his important role in debate over the Alaska Pipeline. As everyone knows, this third phase legislation is highly controversial. That John Saylor has continued to espouse environmental values against some rather rigorous opposition is witness to his tremendous dedication to environmental ideals. We shall all miss his influence and guidance. Those of us who serve on the Interior and Insular Affairs Committee, where he made his mark, will feel his departure most keenly.

Mr. BLACKBURN. Mr. Speaker, Mrs. Blackburn and I want to extend our deepest sympathy to the family of John Saylor.

John was a Member whose judgment and opinions were greatly respected by me since I entered the Congress in 1967.

John Saylor's leadership in the area of conservation measures is one from which the country has benefited and will continue to benefit in the future. He called for conservation measures during the 1950's—conservation measures which we have all now come to embrace. His foresight and wisdom in this area were completely unparalleled in the fifties. John was a lone voice in trying to protect our natural resources.

He was a very strong and outspoken Member of the House who had firm political convictions and would not deviate from those convictions. In short, he was a man of integrity.

John Saylor will be truly missed by me and his many colleagues. I share with my colleagues in sending my deepest condolences to his family in their hour of painful loss.

Mr. CONTE. Mr. Speaker, we are plunged into a darkness of spirit today with the news of the untimely death of our beloved colleague John P. Saylor.

Every Member of this body has lost a friend and so, too, I would submit, has this country, and, indeed, this Earth. For, as I am sure we will hear repeated time and again as we eulogize John Saylor today, he was a man with a great interest in protecting the environment of the world in which we all live.

Long before "ecology" became a household word, John Saylor was stepping to the tune of the different drummer that he heard, warning us of the wrong we did to our land in the name of progress.

It was my pleasure to put my shoulder behind many pieces of legislation sponsored by John Saylor. Then, with shoulder to shoulder we fought many a legislative battle together.

Imbued with a deep sense of purpose and dedication, he was a "force" to be reckoned with as the ranking Republican member of the House Interior and Insular Affairs Committee. His hand was evident in every piece of legislation emerging from that committee.

The environment was only one of the concerns to which John Saylor lent his great talents and boundless energy. Helping our Nation's veterans was another cause close to his heart. As one who shared his deep and abiding interest in assisting those who gave so much when called to the service of their country, I can only say, with profound sadness, that a strong voice on behalf of our former military men and women has been stilled with his death.

John Saylor's hard work in those two areas and others was noted and appreciated. He was widely honored and cited. But nowhere was his dedication more greatly appreciated than in the 12th Congressional District of Pennsylvania where his constitutents mourn today. There, as here in this Chamber, his loss will be deeply felt.

At this time, I join with my colleagues in extending my deepest sympathy and that of my wife, Corinne, to John's wife, Grace, and their children John, and Susan, and the rest of the Saylor family.

Mr. GROSS. Mr. Speaker, it was with sorrow and a deep sense of personal loss that I learned of the untimely death of our colleague, the Honorable John P. Saylor.

John and I came to the House of Representatives in the 81st session of Congress. Through the quarter of a century that ensued he became one of the truly outstanding Members. Able and utterly fearless, yet always reasonable, when he took a position for or against a legislative proposition he was unshakeable.

John Saylor was at one and the same time a conservationist and a conservative. He served with unusual distinction not only the 12th District and the State of Pennsylvania, but the Nation as well. He will be sorely missed in the House of Representatives.

To Mrs. Saylor and the surviving son and daughter I extend heartfelt sympathy in their grievous loss.

Mr. NATCHER. Mr. Speaker, it was with profound sorrow that I learned of the passing of my friend, John P. Saylor.

Representative Saylor had those outstanding moral and intellectual qualities necessary for the position that he held as ranking minority member for the great Committee on Interior and Insular Affairs. He was known throughout the United States for his work in conservation and as a Representative, he had those qualities that are essential for leadership, sound judgment, patience, and perseverance which made him one of the outstanding Members of the House of Representatives. He will have a high place in the history of this country and in the hearts of his countrymen. His character, his achievements and his faithful service will be an inspiration to generations yet to come.

I have lost a true friend and this country has lost a great statesman. To the members of his family, I extend my deepest sympathy in their bereavement.

Mr. BENNETT. Mr. Speaker, as a Member of Congress who came here in the same session of Congress as John Saylor, I knew him intimately for more than a quarter of a century. His death comes as a great personal loss to me, with all his beloved family and friends; but it is also a great loss to the country.

His leadership in conservation and wildlife legislation and his persistent course of following his conscience on all matters, regardless of the political consequences to himself, are outstanding aspects of his life. He was an inspiration to me in life and his memory will forever be an inspiration to me and generations yet unborn.

His speech before the House Prayer Breakfast group a little more than a week ago, was indeed one of the most down-to-earth speeches I have ever heard from anyone. I suspect that it was the last, if not then one of the last, speeches he made in his lifetime. The fact that this is so, carries with it a symbolism that speaks eloquently of the way he lived. We are all better for this being the course of his life and express to his beloved ones this day our deepest sympathy.

Mr. HEINZ. Mr. Speaker, the death of our colleague John Saylor came as a shock to all of us who thought things were going well after his heart surgery in Houston. His passing is a deep personal loss to me; I mourn for a friend and teacher, as the Nation mourns for a distinguished legislator, leader, and conservationist.

When I first came to Congress in 1971, and many times during the past 2 years, John Saylor was there to help. As dean of the Pennsylvania delegation, he taught me the ropes and gave valuable advice on every aspect of congressional life. His leadership in the delegation kept us a cohesive force.

John Saylor was a conservationist before it became popular. With former Congressman Wayne Aspinall he coauthored the Wilderness Act to save land from developers, and for his energies received, with Mr. Aspinall, the 1964 "Conservationist of the Year" award from the National Wildlife Federation. His efforts in this field were not restricted to Pennsylvania; he was one of the prime movers behind the C. & O. Canal National Park and Piscataway Park, across the river from Mount Vernon.

He also had an interest in young people, and during the summer of 1972 addressed an audience of congressional interns at a free performance of "Godspell" at Ford's Theater.

The people of Pennsylvania's 12th Congressional District were indeed fortunate in having a representative with the diversity, warmth, adroitness and wisdom of John P. Saylor for the 24 years that he served in this body. The void created by his passing will not easily be filled.

My deepest condolences go out to his family; their grief is shared by all of us who had the privilege of knowing and working with him, and by the countless millions who never knew him, yet every day enjoy some of the benefits of his efforts.

Mr. MAHON. Mr. Speaker, I wish to join my colleagues in paying tribute to the memory of John Saylor. We had served together and had been close friends throughout his service here.

As a Member of Congress John Saylor wrought well—for his constituency, for his State, and for the Nation. He was a statesman in the truest tradition, and we are going to miss him here in the House of Representatives.

Others have delivered more glowing tributes, but I wanted to be counted among those who had much respect for, confidence in, and admiration for John Saylor. I shall treasure the memory of our associations together as legislators and as friends.

Members of John Saylor's family have every reason to be proud of his record of public service. They have my sympathy in this hour of great loss and bereavement.

Mr. WILLIAMS. Mr. Speaker, my State of Pennsylvania and, indeed, the Nation, are saddened by the untimely passing of a truly dedicated public servant, an outstanding Member of Congress and a dear friend, John P. Saylor.

Congressman Saylor was a fine example of the personal success which a man can achieve under our free enterprise system, a system which he so firmly advocated. John served his country well, first with his participation in the invasion of Iwo Jima and Okinawa, and Tokyo Bay on V–J Day, and then with 25 years' service in the House of Representatives—an exemplary record which most of us will find hard to match.

John Saylor was the senior Republican from Pennsylvania and had, on several occasions, appeared as a guest in my Seventh Congressional District, where he was at all times overwhelmingly received. John enjoyed an excellent reputation as a lawmaker over the past 25 years, and had earned the respect of the entire Pennsylvania delegation as well as colleagues on both sides of the aisle.

John enthusiastically and earnestly served his 12th Congressional District, and he will be sorely missed by his constituents, his staff, and all of us here in Congress. It was a pleasure for me to be associated with John as we sought the answers to problems of concern to our State, and I am grateful to have had the opportunity to know and work with him.

John was a devoted family man, and I want to extend my heartfelt sympathy to his widow and children. I trust that many wonderful memories will sustain them, and us, in this hour of grief.

Mr. KASTENMEIER. Mr. Speaker, all of us are deeply saddened by the untimely death of our colleague, John Saylor.

As the ranking minority member on the House Interior and Insular Affairs Committee, John Saylor was widely recognized as the leading conservationist in the House. He championed the conservationist cause long before it became a popular issue, and he was credited with promoting many endeavors to protect our Nation's scenic and natural resources. John Saylor was one of the original coauthors of the historic Wilderness Act and, also, the Land and Water Conservation Act. His influence was present in every major conservation measure enacted by the Congress in recent years. John Saylor's brilliant legislative record in the conservation field won him many awards from environmental groups. In 1964, the National Wildlife Federation named JOHN SAYLOR the "Conservationist of the Year." The Izaak Walton League presented him the Founders Award in 1970.

Although JOHN SAYLOR and I were on opposite sides of the political aisle, political ideology did not separate us on environmental issues. As members of the Interior Committee, we worked together for the defense and enhancement of our environment, whether it be for the establishment of the Nation's wild and scenic rivers system, or, more recently, in opposing the construction of the trans-Alaska oil pipeline.

JOHN SAYLOR was in the forefront of every great conservation battle and his contributions to the conservationist cause will be long remembered. He left behind a record of solid achievement which will always be a perfect memorial to his memory and an inspiration for the future.

Mr. SISK. Mr. Speaker, it was with great shock and sadness that I learned of the untimely death of our friend and colleague, JOHN SAYLOR, during this past weekend.

I was fortunate to have had the opportunity to know and work closely with JOHN from my very first day in Congress, since I was assigned to Interior and Insular Affairs and the Veterans' Committees, his two committees, upon my arrival.

In these capacities, and in others over the ensuing years, I came to know JOHN as an outstanding and able legislator as well as good friend, and as the epitome of a true gentleman.

While we occasionally disagreed on the issues of the day he had the knack of temperate disagreement, and over the years was of substantial help to me on programs of the 16th Congressional District of California over which he had jurisdiction as the ranking minority member of Interior.

His family, Pennsylvania, the Congress, and the Nation, have lost a truly great public servant.

Mrs. MINK. Mr. Speaker, the forces of environmental responsibility have been immeasurably weakened by the loss of Congressman JOHN P. SAYLOR. As the ranking Republican member of the House Interior and Public Affairs Committee, JOHN SAYLOR was foremost among those who worked and fought to produce legislation which would place environmental controls upon the surface mining of coal. His bills, H.R. 60 and H.R. 444 exerted a significant effect upon the passage of the surface mining bill which was passed by the House in 1972.

As coauthor of the Wilderness Act and the Land and Water Conservation Act, and as one who played a crucial role in establishment of the C. & O. Canal National Park and Piscataway Park in Maryland, JOHN SAYLOR has made his influence felt over a wide range of conservation issues.

His many contributions to the cause of conservation were recognized by the presentation of the National Parks Association award, the National Conservation award and the Conservationists of the Year award from the National Wildlife Federation, among others.

He was never one to dodge the difficult issues; he made his feelings and his position known without equivocation. He consistently favored protection of the rights of coal miners, through his support for the Coal Mine Health and Safety Act. Native Alaskans and American Indians also benefited from his strong and unswerving allegiance to their cause.

JOHN SAYLOR is one who will be sorely missed by his colleagues in the House, his friends in the conservation movement, and the many members of minority groups who he worked to protect. It was with great shock that all of us learned of his passing.

Especially for all the people of Hawaii for whom he fought to grant us statehood, I extend my deepest sympathy and condolence to his widow and his family.

Mr. TEAGUE of Texas. Mr. Speaker, the sudden and untimely death of Congressman JOHN P. SAYLOR on October 28, 1973, came as a very heavy blow to me. He was more than a congressional colleague who was one of my closest confidants and allies; he was also an effective coworker on hundreds of pieces of veterans' legislation which have been considered by the Committee on Veterans' Affairs during the almost quarter century we served together as members of that committee.

But more than anything I can say, Mr. Speaker, about JOHN SAYLOR is that he was one of my truest and closest personal friends.

Although JOHN and I did not always agree on various issues, he had the capacity to understand without rancor our differing points of view. To all who knew him, he was trusted implicitly for faithful representation of their true needs and for his unfailing legislative responsibility, integrity, and independence.

JOHN SAYLOR championed many causes during his career in the U.S. Congress. Foremost among these he stood in the forefront in advancing sensible and needed legislation through the Congress to aid veterans, their wives, widows, children, and orphans. He was a diligent worker on the Veterans' Affairs Committee and was always well informed on the issues being considered. JOHN served as the ranking Republican member of the House Veterans' Affairs Committee for a number of years while I was chairman; but he never let partisan politics enter into the affairs and workings of the committee. He stood foursquare for what was best for the veteran and his family.

Mr. Speaker, space does not permit me to recount the many legislative accomplishments of JOHN SAYLOR, nor does it permit me to set forth the countless humane acts which he performed for his fellow men during his lifetime. My admiration for him as a private person and as a public being grew with exposure. He was a genuine, warm, decent man for whom I will always have profound fondness, respect, and love.

Mr. Speaker, JOHN SAYLOR's passing leaves me with a very deep, empty, and sad feeling which will be hard for me to overcome.

To his wife Grace, his children, grandchildren, and his entire family, I, along with my family, extend our deepest sympathies. May their knowledge of our heartfelt loss help soften the blow they have received.

Mr. McCLORY. Mr. Speaker, the passing of our colleague, Congressman JOHN P. SAYLOR of the 12th District of Pennsylvania, comes as a distinct shock to many of us who visited with him on the floor of the House just a few days ago.

Mr. Speaker, no Member of this House has impressed me with a greater degree of independence and personal conviction than has JOHN SAYLOR. Many may have regarded his manner as too brusque. Indeed, in expressing his convictions, Congressman SAYLOR was firm and forthright—and determined. He backed up his position with sound arguments and with factual material, which was generally persuasive—as reflected by the success which he enjoyed during House debates.

Mr. Speaker, underneath Congressman SAYLOR's brusqueness and thunderous voice, there was a sweetness and a sense of humor which emerged spontaneously and invariably.

Mr. Speaker, in addition to the Nation's loss of a prominent lawmaker, I, together with most other Members of this Chamber, feel that we have lost a personal friend. This House of Representatives and the Nation are better for his having served here, and we in turn can be grateful that we had the privilege of knowing and of coming to love Representative JOHN SAYLOR. In his final passing, I rise to honor him and to express my profound respect for his memory.

Mr. Speaker, I also wish at this time to express my deep sympathy to his wife, Grace Saylor, and their daughter, Susan.

Mr. HUDNUT. Mr. Speaker, it was with great shock and sadness that I learned of the untimely death of our friend and colleague, JOHN SAYLOR.

I met Congressman SAYLOR when I first came to Congress last January as a freshman and called upon him with reference to my committee assignment. He made a lasting impression on me at that time and since then he has been a very good friend and adviser.

As the ranking minority member on the House Interior and Insular Affairs Committee, JOHN SAYLOR was widely recognized as the leading conservationist in the House. He championed the cause of protecting our environment and natural resources long before it became a popular issue.

He was in the forefront of every great conservation battle over the past several years and his accomplishments in this area will stand always as a perfect memorial to his memory and an inspiration for the future.

It has been a privilege to know JOHN SAYLOR and to have the opportunity to serve with him in the House of Representatives. We shall all miss him very much. Good and great men such as JOHN SAYLOR do not come our way very often. His colleagues in the Congress, his constituents, and the Nation have lost a good friend and leader. Although JOHN SAYLOR is gone from our midst, he will not be forgotten. In this thought, I recall the words of Kipling:

> The tumult and the shouting dies—
> The Captains and the Kings depart
> Still stands Thine ancient sacrifice,
> An humble and a contrite heart,
> Lord God of Hosts be with us yet,
> Lest we forget—lest we forget.

Mr. Speaker, the House will not forget JOHN SAYLOR, America will not forget him. His efforts to preserve our environment and natural resources will stand as a living memorial.

My deepest sympathy goes out to Mrs. Saylor and other members of the family.

Mr. WYLIE. Mr. Speaker, I take this opportunity to add my voice to those of my colleagues who have offered deserved praise and recognition of our late distinguished colleague from Pennsylvania, JOHN SAYLOR.

JOHN's long distinguished career in the House of Representatives began in 1949. Since that time he has ably distinguished himself as a responsible legislator dedicated to the needs of his constituency and beloved State of Pennsylvania. Over the years, he also developed a much broader base of support as one of the early champions of legislative efforts to preserve and enhance our natural environment. In this area, the American people owe him a special vote of thanks.

Congressman SAYLOR also had a deep abiding concern for his fellow man. This was most evident to me from my service with him on the House Committee on Veterans' Affairs where he was the ranking minority member of the Subcommittee on Hospitals. Besides laboring diligently to provide the best possible benefits for America's deserving veterans, he was active in supporting the interests of coal miners and the American Indians.

In spite of the press of his legislative duties, his real concern was for the people of his district. He maintained his home at Johnstown throughout his active private, professional, and congressional career. He frequently said: "I was home over the weekend and found out how the people feel."

JOHN had the ability to cut through the redtape and trivia surrounding an issue and quickly get to the crux of the matter. He was very cooperative and would always lend a helping hand to those of us who had the privilege of serving with him in the House of Representatives. His passing represents a great loss to this Nation. I extend my deepest sympathy to his bereaved family.

Mr. YATRON. Mr. Speaker, indeed today is a day of deep sorrow and grief, not only for those of us who had the privilege to serve with this great man in Congress, the Honorable JOHN P. SAYLOR, but also to the people of Pennsylvania and the Nation. For the death of my friend and colleague, Congressman SAYLOR, marks the end of a distinguished career for one of America's truly great public servants.

Throughout a lifetime of dedicated service to his constituents, JOHN was an outstanding Member of Congress whose unwavering friendship and solid advice will always be treasured as much by me as any of those whose lives he touched during his 34 years of service in Washington. His legislative efforts in the fields of conservation, coal mine health and safety, and aid to the American Indian will forever remain as landmarks to progress in the Nation's history.

Today, as we celebrate his life and mourn his death, it is incumbent upon all of us to review with the deepest respect his many fine qualities, his years of service, his advice, friendship, diligent work, and unparalleled wit which characterized so well the life and memory of JOHN SAYLOR. He will certainly be missed in the House of Representatives, in our State of Pennsylvania, and in his hometown of Johnstown.

Mr. Speaker, my wife, Millie, and I join in the Congress of the United States and thousands of our fellow Americans in extending our deepest sympathy to JOHN's wife, Grace, his son, John P. Saylor, Jr., and his daughter, Susan.

Mr. COHEN. Mr. Speaker, I would like to take a few moments to express the deep sorrow we in the State of Maine feel over the sudden loss of one of the finest Members of the House, JOHN PHILLIPS SAYLOR.

During his almost quarter of a century of service in the House of Representatives and particularly with the Committee on Interior and Insular Affairs, Maine came to know JOHN SAYLOR as a special friend and a champion of causes we hold especially important. As a State which takes particular pride in the unspoiled beauty of its wilderness areas and which has long been concerned with the need to protect our environment and conserve our natural resources, we are grateful for the many diligent efforts he made in these areas, efforts which began long before the issues became popular with the general public. We will sadly miss his dedicated leadership in these matters and in other concerns vital to this country and can only pledge that we will continue the work he began.

We would like to extend our deepest sympathies to the family of Congressman SAYLOR and also to the residents of the 12th District of Pennsylvania, whom he so excellently represented for many years. We trust that the inspiration he provided will continue to guide the Congress and the Nation in the years ahead.

Mr. O'HARA. Mr. Speaker, one of the sad duties that falls upon us with increasing frequency as the years pass by, is the necessity of saying farewell to departed colleagues with whom we have shared the deep privilege and high personal honor of having served together in this great body.

So it is today, as we mourn the passing of JOHN P. SAYLOR, who for 24 years faithfully served the people of his district, his State, and his Nation in the House of Representatives.

I counted JOHN SAYLOR as a personal friend—a man gifted with talent, blessed with a warm and generous nature, and endowed with a rare good humor that is sometimes so essential to maintaining one's equilibrium anywhere on this planet today, and particularly in this body, where we walk the path of history being made and where, therefore, the pressures of daily life come hard and fast.

It was my privilege to have served with JOHN SAYLOR on the Committee on Interior and Insular Affairs, and during those years together I developed an abiding respect for his knowledge and concern about the great issues of environmental protection and conservation of our precious resources. Beyond knowledge and concern, JOHN SAYLOR had a deep commitment to those legislative remedies that he believed were needed to hold our natural resources in trust for future generations. He was a conservationist in the great tradition of Teddy Roosevelt and Gifford Pinchot. Long before ecology was fashionable, JOHN SAYLOR was an ecologist. And he stood by his deep commitments to these noble goals despite enormous pressures, and in the environmental and conservation fields, it can be truly said that JOHN SAYLOR helped generate and direct the winds of change.

In this Nation with its two-party political system, we highly prize party loyalty; in this body, we also hold individual integrity in high esteem. And when the chips were down, you could always rely on JOHN SAYLOR's integrity emerging shining and intact from any encounter.

Mr. Speaker, JOHN SAYLOR was a good friend and a respected colleague. Together, we all have shared in the unique honor of being chosen by our fellow citizens to help shape the course of history, and to help decide the future of our beloved land. I will miss JOHN SAYLOR's warmth and good humor, his intelligence, and his integrity. I think all of my colleagues in the House share that same feeling.

Mr. SHRIVER. Mr. Speaker, the sudden passing of our good friend and able colleague, JOHN P. SAYLOR, of Pennsylvania, has come as a shock to all of us. We are saddened by the loss of this rugged American and individualist who loved this land and fought to conserve our natural resources through necessary and meaningful legislation.

He was a hard worker who took his responsibilities to his constituency and to our Nation seriously. He served his beloved 12th Congressional District of Pennsylvania with distinction for nearly a quarter century.

All of us looked to JOHN SAYLOR for leadership, counsel, and advice when important legislation was to be considered from Veterans' Affairs or the House Interior Committee. He was knowledgeable, practical, and responsible in his actions. He had the foresight to recognize the importance of preserving our environment long before ecology became a household word.

We will miss JOHN SAYLOR in this House and throughout the land. Mrs. Shriver joins with me in extending our heartfelt sympathy to Mrs. Saylor and to her children. May God bless and comfort them during this time of sorrow.

Mr. HELSTOSKI. Mr. Speaker, it was with deep regret that I learned of the death of our friend and colleague, Congressman JOHN SAYLOR. Congressman

SAYLOR, who represented Pennsylvania's 12th district, died Sunday in Houston of a heart attack at the age of 65.

Not only was he respected as a legislator, but also many of us had a great deal of personal affection for him. Throughout Congress, he was respected for his disposition, vision, good sense, and integrity.

Congressman JOHN SAYLOR served on the House Veterans' Affairs Committee. He had served on the committee since first being elected to Congress in 1949, and at the time of his death was a ranking minority member. To the Veterans' Committee, he brought a great deal of expertise and compassion, and he worked endlessly and aggressively to make life better for our veterans.

This year, JOHN SAYLOR was instrumental in getting the National Cemeteries Act passed. This act is the first step in establishing a national policy for the burial of veterans. He also devoted his efforts to a proposal designed to provide expanded medical care for veterans which was signed into law this year.

His compassion for veterans may have stemmed from his own war experiences. He served in the Pacific during World War II, and was communications officer of the USS *Missoula*—attack troop ship at the time Iwo Jima was captured. Interestingly enough, it was JOHN SAYLOR who handed the first American flag to the marines who raised it on Iwo Jima. When a photographer noticed the flag-raising he asked the future Pennsylvania Congressman to arrange for the marines to do it again. Little did he know that that photograph would result in one of our most famous and inspiring national monuments.

However, our veterans, and the people of Congressman SAYLOR's district, were not the only ones to benefit from his skill and dedication. Long ago, before the issues of environmentalism and pollution became commonplace, he urged the nation to focus its attention on conserving natural resources. He was one of the few political leaders who years ago recognized and stressed the vital relationship between protecting our environment and the general welfare of society at large.

At the time of his death, he was the ranking minority member of the House Interior and Insular Affairs Committee.

Along with former Colorado Congressman Wayne Aspinall, Congressman SAYLOR coauthored the Wilderness Act—designed to protect land from reckless development—and the Land and Water Conservation Fund Act. As a result, he and Mr. Aspinall jointly received the National Wildlife Federation's "Conservationist of the Year" award for 1964.

He also will be remembered for coauthoring statehood bills for Alaska and Hawaii, and for his relentless efforts to improve conditions for coal miners and American Indians.

JOHN SAYLOR recognized, more than anything else, the fundamental value of human happiness and fought for the dignity of all human beings.

I wish to extend my deepest sympathies to his wife Grace and the members of his family.

Mr. Speaker, I also wish to insert into the RECORD an article about Congressman SAYLOR, that appeared in the Washington Post October 29. He was a man who accomplished a great deal and the following article provides some additional biographical highlights. The article follows:

REP. JOHN SAYLOR (R.-PA.) DIES

(By Jean Hailey)

Rep. John Phillips Saylor (R-Pa.), a leading conservationist and ranking minority member of the House Interior and Insular Affairs Committee, died yesterday of a heart attack in Houston, Texas. He was 65.

Congressman Saylor, who had served in the House since 1949, had undergone surgery for an aneurysm at St. Luke's Hospital in Houston last Wednesday. He was recovering from the operation when he was stricken with the fatal heart attack.

The co-author of such bills as statehood for Alaska and Hawaii, the Wilderness Act and the Land and Water Conservation Act, Rep. Saylor also had pushed for benefits for the coal miners and the American Indian.

After learning of his death, President Nixon issued the following statement:

"Long before the issues of conservation, natural resources and environmental quality came to fashion, he was helping to shape wide national policies for these vital concerns. His Pennsylvania constituents came to trust him implicitly for faithful representation of their interests and needs, and we in Washington to count on him for unflagging legislative responsibility, independence and integrity."

Pennsylvania Gov. Milton J. Shapp, in a telegram to Mrs. Saylor who was at her husband's bedside when he died said:

"Congressman Saylor was a great representative of the people of his District and of the commonwealth. I could always count on his support for any measure that would benefit the people of Pennsylvania."

There were many people in the metropolitan Washington area who also benefited from Rep. Saylor's avid participation in the field of conservation.

He played an important role in the establishment of the C&O Canal National Park and Piscataway Park in Maryland, across the river from Mount Vernon.

He strongly backed Mr. Nixon in setting up a federal corporation for the redevelopment of Pennsylvania Avenue. Recently, he was active in getting legislation to restore and keep up deteriorated Congressional Cemetery, where many members of earlier Congresses are buried.

He helped in the successful fight against development of a high-rise project where Hunting Creek flows into the Potomac River.

Rep. Saylor was one of the original members of the 1976 Bicentennial Commission, but had to give up his membership because of the press of other duties. He continued, however, his strong support of the Commission.

"I'm a student of history, and I'm working hard to see that there is a suitable celebration in 1976," he declared.

For his moves in conservation, he and former Rep. Wayne N. Aspinall (D-Colo.), the other co-author of the Wilderness Act, designed to save land from development, and the Land and Water Conservation Fund Act, received the National Wildlife Federation's "Conservationist of the Year" award for 1964.

Rep. Saylor also was presented the Founders Award of the Izaak Walton League of America in 1970.

He was a member of the National Forest Preservation Commission and the National Parks Centennial Commission.

Rep. Saylor also was a member of the House Veterans Committee. He was well versed in veterans affairs.

In World War II, he served in the Pacific and was communications officer of the USS *Missoula*, an attack troop ship, when Iwo Jima was captured by the Americans.

He gave the Marines the first American flag to be raised on Iwo Jima. When a photographer saw the flag-raising, he asked that it be done again and a second flag was raised, resulting in the famous photograph that is duplicated with the Iwo Jima statue near Arlington Cemetery.

Rep. Saylor sponsored legislation establishing the Office of Coal Research and was a major supporter of the Coal Mine Health and Safety Act. He also fought for legislation to restore their land to the Taos Indians of New Mexico.

Born in Somerset County, Pa., Rep. Saylor graduated from Mercersburg Academy and Franklin and Marshall College and received his law degree from Dickerson Law School.

He practiced with the law firm of Spence, Custer, Saylor and Wolfe in Johnstown, Pa.; where he maintained a home throughout his private and congressional career.

In 1949, he won a seat in Congress in a special election to fill the seat of Rep. Robert L. Coffey Jr., a Democrat who was killed in a plane crash. His opponent was the mother of Rep. Coffey and his victory was considered a "stinging rebuke" to the Truman administration, which had backed her.

At the time of his election, Congressman Saylor represented Pennsylvania's 26th District in the western part of the state. It later became the 22d District and in 1970 the 12th District.

Known as a diligent worker in the House, he was recognized for his wit, which often eased what might have become tense situations.

He also was known for his colorful vocabulary but he changed that in 1959 when he organized his own private "Swearwords Anonymous." Every time he used a cuss word. he fined himself a dime and promptly paid it to anybody who heard. This proved costly.

Asked sometime later if the change had cramped his House style, he replied:

"No. You'd be surprised how emphatically I can express myself without using a single cuss word."

At the time of his death, Rep. Saylor was 35th in seniority among the 435 members of the House and fourth in Republican seniority in that legislative body.

He remained active through the years in many veteran, civic, fraternal and social organizations. Although he had left his law firm, he was a member of the board of trustees of the Johnstown Federal Savings and Loan Association.

He was a retired captain in the Naval Reserves, a member of the American Legion and the Veterans of Foreign Wars, and was a Mason and an Elk.

Besides his wife, Grace Saylor, he is survived by a son, John Phillips Jr., and a daughter, Susan Saylor, all of Johnstown, and two grandchildren.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I rise to express my profound sorrow at the passing of a very able Member of this House, JOHN PHILLIPS SAYLOR, who served for almost a quarter century in this body before his passing last week.

Mr. Speaker, no Member of the House was more respected and listened to on matters dealing with conservation of our natural environment. I know that I learned much from JOHN through the years by listening to his views and that many other Members feel as I do that JOHN SAYLOR was one of those Congressmen with special ability and a deep sense of concern. This concern was not manifested merely for projects affecting Pennsylvania's 12th District which he represented so ably. He played a most significant role in establishing Piscataway Park in Maryland assuring that the view from Mount Vernon on the other side of the Potomac would be protected and he fought for the establishment of the C. & O. Canal National Park.

Mr. Speaker, I shall miss big, kindhearted John Saylor. My sympathy goes out to his widow, Grace, and to his two children. I know that their sorrow is great. Yet in the years to come they will take consolation from the fact that America is a better place because John Saylor came along. God bless you, John, and may the blessings of perpetual light shine upon you.

Mr. ARENDS. Mr. Speaker, it was just 2 weeks ago that I had a long visit with my good friend and colleague, John P. Saylor. John, as you know, was one of our most conscientious legislators. He told me of his forthcoming heart surgery in Houston, almost apologetic about being away from the House during these closing weeks of the session.

John knew that I vacation at Naples, Fla., where he was planning to recuperate. We arranged to get together there after adjournment, and Betty and I were looking forward to spending some leisure time with John and Grace when the work of the Congress was completed.

Now he is gone and all of us mourn his untimely passing. The Nation has lost one of its foremost conservationists. The State of Pennsylvania has lost a vigorous champion. The Congress has lost a skilled and effective Member. The Saylor family has lost a devoted husband and father. And we have lost a trusted and warm friend.

It has been my privilege to serve with John Saylor throughout all his years in the Congress. He had a wide variety of interests. He was a man of strong convictions. One of these was that each person having the honor to serve here had a corresponding responsibility to leave to the Nation a legacy of achievement in the best interests of his fellow citizens. He has done that—and more. At a time when America needed strong leadership in the matters involving conservation and the environment, John took the lead.

In a city where monuments honor greatness, John Saylor worked to enact legislation which will be a living monument to his memory across the land. He has left his mark on history by helping awaken our people to the need for conservation and protection of our limited natural resources and the environment in which we live. Generations will benefit from his labors.

John Saylor's sense of duty and the excellence of his work have been an inspiration to all of us. We shall miss him in these Halls, but we shall remember him with fondness. May I extend my deepest sympathy to the Saylor family in this hour of sadness.

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I rise to pay tribute to one of America's great conservationists, our beloved deceased colleague, the Honorable John P. Saylor of Pennsylvania.

John Saylor was a warm, decent, dedicated, and highly competent Member of this body. He labored tirelessly for the welfare of the people of his congressional district which he served so well and for the good of all of the people of the United States.

The great conservation legislation in the past 20 years bears the stamp of John Saylor's character and his dedication to the cause of a wholesome environment for all Americans.

The wilderness bill, full funding for water pollution abatement works, wild rivers legislation, prohibition of hunting from aircraft and scores of other conservation actions by this Congress are monuments to his courage, vigor, and service.

Mine safety and black lung legislation also are monuments to his particular concerns for the people he served.

His efforts to halt the wasting of the public lands and to prevent enactment of bad legislation bore fruit in defeat of the timber bill of the last Congress, and iniquitous giveaways to the grazing and timber interests.

Programs for wise use and intelligent development of the natural resources for the good of all had his genuine and effective support.

As a close friend and admirer of this great American, I shall miss John Saylor; but the personal loss I feel is far overshadowed by the loss to this Nation and its people of one of the truly wise and farseeing legislators whose contributions to the public interest will be remembered by Americans everywhere.

Mr. ZABLOCKI. Mr. Speaker, it was with deep sorrow that we have learned of the death yesterday of the Honorable John P. Saylor, of Pennsylvania.

John Saylor was an outstanding Member of Congress, a conscientious representative of the people of his district, and a fine American. His loss will be keenly felt.

Both John and I entered the House of Representatives during the 81st Congress, he as a result of a special election in 1949. From the beginning he demonstrated qualities of diligence and leadership, particularly in support of conservation and environmental protection.

He championed those concerns long before they became fashionable in the cities and universities of the east and west coasts.

Because of his efforts, the people of our Nation and our posterity will enjoy the benefits of nature which otherwise might have been despoiled by irresponsible industrial use.

Born and reared in the rugged mountain country of western Pennsylvania, John Saylor early recognized the priceless heritage which our Nation has in its woods and waters, its mountains, and shores.

By virtue of his great knowledge of conservation and his dedication, he was able to achieve the passage of many bills to further the cause of environmental protection.

As a result of his efforts, he has been honored widely by many conservation groups, including the National Wildlife Federation and the Izaak Walton League of America.

John Saylor's achievements as a Member of Congress provide an example to all who knew and respected him.

My wife, Blanche, joins me in an expression of sympathy to his wife and family.

Mr. DERWINSKI. Mr. Speaker, I was saddened and shocked to learn of the death of my good friend and colleague, John Saylor.

As dean of the Pennsylvania Republican delegation in the House of Representatives, John made a lasting contribution, not only to his party, but to the entire State of Pennsylvania. As senior Republican member of the House Interior Committee, he had an immeasurable influence on conservation and wildlife legislation, and his contributions in this field greatly enriched the legislative history of Congress in matters of conservation.

He was wholeheartedly responsive to the needs of our Nation and of his district. He had all the qualities and talents that are essential to the makeup of an effective legislator, and he handled the demanding responsibilities of his congressional assignments with intelligence and insight. He had the unique talent of being able to put his finger on the core of a problem and marshaling the forces essential to getting the job done when the going was tough.

Mr. Speaker, we have lost the services of a respected and dedicated colleague, one who had acquired many, many friends through his long years in Congress. We will remember John as an extremely warm and understanding friend. The country has lost a man of great stature, we have lost a good friend and a good human being.

My wife and I extend deepest condolences to Grace and the Saylor family.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I was stunned when I learned of John Saylor's death.

He was a colleague and friend and one to whom I looked for advice and guidance on the many environmental questions and issues which came before Congress.

His passing is all the more difficult to accept because of his larger-than-life image.

A big, strong, strapping, no-holds-barred individual whose energy and determination were boundless and whose friends were legion; John Saylor's presence and intellect will be missed.

My wife, Lucy, joins me in offering condolences to Mrs. Saylor and John's family.

Mr. BIESTER. Mr. Speaker, few individuals in recent memory have stood as tall in the Congress as our late colleague, John Saylor. The wise leadership and able guidance he so willingly provided will be missed by the entire Pennsylvania delegation as well as the full Congress.

John Saylor's dedication to environmental concerns long preceded the country's more recent interest in ecological matters. For many years he was determinedly and forcefully working within Congress on behalf of a wide variety of conservation measures. The Wilderness

Act, the Land and Water Conservation Fund Act and the establishment of numerous national parks are but a few of the efforts in which he played a leading role. His substantial support of the conservation movement helped lay the groundwork for the progress we are making today in preserving and protecting the environment, and we will long remember his lasting impact on our environmental heritage.

He possessed an impressive and practical mastery of the subject matter with which he worked most closely, and he knew how to translate this knowledge into results. National cemeteries for veterans, expanded medical care for veterans, coal mine safety, Indian affairs, and statehood for Alaska and Hawaii are a few of the other areas which have known his special interest.

JOHN SAYLOR's presence could always be felt, in small or large gatherings, whether they were serious business meetings or informal get-togethers. His friends always could count on his perceptive wisdom and his clever wit, and those who did not know him quickly came to appreciate these special qualities he possessed.

An amiable and warm personality, principle tempered with just enough compromise, an abiding faith in the capacity of Congress to meet its historic responsibilities—this only begins to describe how I will remember this gentleman.

He was an exceptional person in a very crucial period of American history. In these unprecedented times we will sorely miss the confidence he inspired in us all.

My family joins me in extending to Mrs. Saylor and her family our most profound sympathy.

Mr. GUDE. Mr. Speaker, it is with a great sense of loss that I join in paying tribute to our esteemed departed colleague and friend, JOHN P. SAYLOR.

For a quarter century JOHN SAYLOR provided the 12th Congressional District of Pennsylvania with dedicated and farsighted representation. Beyond that, however, as chairman of the House Interior Committee, he provided the Nation with active leadership in conservation and environmental areas.

JOHN SAYLOR will be remembered for his efforts to save the Grand Canyon and preserve the Dinosaur National Monument in Utah and Colorado. He received the Conservationist of the Year Award from the National Wildlife Federation in 1964 and the Founders Award of the Izaak Walton League of America in 1970.

Citizens of the Washington metropolitan area will long remember JOHN SAYLOR for his support of the legislation creating the C. & O. Canal National Historic Park and his dedicated efforts to protect the Piscataway National Park across the Potomac River from Mount Vernon. In the weeks just prior to his final illness, in fact, he was winding up hearings on his bill to expand the boundaries of the park and guarantee the view from Mount Vernon.

The Commonwealth of Pennsylvania and the Nation will greatly miss the presence of JOHN SAYLOR in the Halls of Congress. I join with my colleagues in the House in extending my sympathies to his widow, Grace Saylor, and to his entire family.

Mr. BROOMFIELD. Mr. Speaker, it was with a sense of great loss and sadness that I learned of the sudden passing of our colleague JOHN SAYLOR.

I counted JOHN as a personal friend, a man of integrity, conviction, and determination. Throughout his public life he distinguished himself as a man dedicated to his constituents and his country. The House will miss his leadership and his counsel.

He was a rugged individualist. His contributions to the cause of preserving our natural resources earned him the unofficial title of "Mr. Conservation" in Congress. Long before ecology and environment came in vogue, JOHN SAYLOR was fighting a singular battle to preserve for future generations the woodlands, waterways, and wilderness areas of America.

He made it his business to educate the Congress and the Nation about the necessity for conservation. I am sure that it must have been one of his greatest pleasures to witness the growing support for our national parks and forests that has developed in recent years.

Many Americans who never met JOHN SAYLOR, many Americans yet unborn, are deeply indebted to this man. When there was talk of putting dams in the Grand Canyon, it was he who led the fight in opposition. He authored the Wilderness Act to save our woods, water, and wildlife. He served with distinction on the National Forest Preservation Commission and the National Parks Centennial Commission.

JOHN SAYLOR was also a member of the Veterans' Affairs Committee. A veteran of World War II, it was he who gave the first flag to the marines at Iwo Jima that was later memorialized in the famous Iwo Jima statute near Arlington Cemetery.

Mr. Speaker, the people of Pennsylvania, the Congress, and the country have lost a good friend and able legislator. I wish to offer my deepest sympathies and condolences to Mrs. Saylor and her family during their time of grief.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today because I have lost a very dear and close friend. When JOHN SAYLOR was fatally stricken on the 28th of October, I was deeply saddened, not only because I had lost an extremely valuable friendship, but rather because the country is now poorer for the loss of such a visionary person.

JOHN served very ably on the Veterans Committee here in the House as well as being active in various civic, fraternal, and social organizations in his private life.

Also as ranking minority member on the Interior and Insular Affairs Committee, JOHN was well-respected and known as a diligent, conscientious legislator, whose talent lay in formulating visionary legislation preserving the vast natural beauty of this great country. A leading conservationist and long an advocate of environmental quality JOHN coauthored such bills as the wilderness act and the Land and Water Conservation Fund Act for which he and former colleague Wayne Aspinall were cited as corecipients of the "Conservationist of The Year" award presented by the National Wildlife Federation in 1964. He coauthored legislation to bring the great States of Alaska and Hawaii into the Union so that Americans everywhere could share in their beauty, peace, and serenity.

JOHN SAYLOR will be remembered for his accomplishments—his memorial will be the natural beauty of this great and vast country he preserved for future American generations.

Mrs. Burke and I extend sincerest condolences to Mrs. Saylor and her family and hope she will take comfort in her hour of great personal loss in the knowledge that her loss is shared by so many.

Mr. DELLENBACK. Mr. Speaker, it was with deep sorrow and great regret that I learned of the untimely death of our colleague from Pennsylvania, JOHN SAYLOR. For the past 3 years it has been my pleasure to serve with him on the Interior Committee and in that time I came to appreciate him as a person and his effectiveness as a legislator. It was in his position of ranking minority member of this committee that he made some of his greatest contributions to the law of the land, including cosponsorship of the Wilderness Act and of the Land and Water Conservation Act.

I came to appreciate particularly keenly both his knowledge of conservation issues and his willingness to fight for the principles in which he believed when we worked together recently in committee, in subcommittee, in full committee, and in the conference committee was instrutee on the Alaskan pipeline bill. His support of some of my proposed amendments mental in achieving the inclusion of significant parts of them in the final reported version of the legislation.

It is indeed a major loss for the Congress when it loses a Member like JOHN, who was extremely knowledgeable and dedicated and who was also able to maintain a sense of humor. I regret the death of our able colleague and offer my deepest sympathy to his family.

Mr. SEBELIUS. Mr. Speaker, the recent death of our much admired colleague, JOHN SAYLOR of Pennsylvania, has left us saddened.

As a ranking member of the House Interior and Insular Affairs Committee, JOHN SAYLOR was instrumental in providing much legislation which will preserve the natural wonders of our country for future generations to enjoy as well as preventing careless use of our natural resources. I consider it a privilege and honor to have served with him on that committee.

Known as Mr. Conservationist, JOHN SAYLOR was the leader in conserving and preserving our land, vegetation, and waterways. The country owes much to JOHN who had foresight to fight for legislation under pressure to curb the exploitation of our resources.

Though the Nation suffers a loss in the death of JOHN SAYLOR, I fervently hope that his accomplishments and ideals will be remembered and will be an inspiration to us all.

Mr. DENT. Mr. Speaker, few things have saddened me as much in recent years as the loss of my good friend, John Phillips Saylor. It is a loss which I still feel so keenly that, I have difficulty putting tribute into words which bring evidence to the fact that he will not be returning to our midst the next time three bells sound.

I have known John Saylor since I first came to Congress. His district bordered mine, and we shared many of the problems which affect the western Pennsylvania area. More than this, he was my friend, and though we came from different parties, I often sought and gained from his political wisdom and vast knowledge of the workings of the House.

His contributions to ecology are well known throughout the country. As a Member of Congress, he contributed far more than a few political favors to his constituents. He contributed to the entire Nation in ways that will last beyond the fleeting years of all of us.

I will not take this time to enumerate John Saylor's achievements. The record stands for everyone to see. Instead I would like to quote some words of Cicero, which, though written long before the time of Christ, would seem to fit "Big John" as nothing which my mediocre mind can conjure:

> Nor, in truth, would the honours of illustrious men continue after death, if their own spirits did not make us preserve a longer remembrance of them.

John's lovely wife Grace and her two fine children, John and Susan have my deepest affection and sympathy for I am sure that their remembrances go back much longer and are far closer than ours are standing here today. I know that there is a great void in their lives, and I would like them to know that there is also one in ours as colleagues and as friends.

Mr. WON PAT. Mr. Speaker, the sudden and tragic death last Sunday of our dear colleague and good friend, John Saylor, is a great loss for both the Congress and the American citizens of Guam.

Through the years he served in the House, Congressman Saylor was consistently a good friend and supporter of our island. I believe that he first became interested in the welfare of Guam during his extensive service in the Pacific with the Navy during World War II. As a result of that period of his life, and of his firsthand observation of Guam's loyalty to the American way of life, Congressman Saylor consequently joined with other members of the House Interior Committee to sponsor many bills granting the territory increased autonomy. Among these were several historic measures, one authorizing the people of Guam to elect their own Governor and Lieutenant Governor and, only last year, another creating the position of Guam's Delegate to Congress, which I am proud to occupy.

In recognition of Congressman Saylor's contributions to our island, the people of Guam, some years ago, named one of our main streets in the city of Agana after him—Saylor Street.

During my years in Washington, I came to know and respect Congressman Saylor for his faithfulness to his high ideals and for his unswerving dedication to this country. He was a man of few words who spent his time working hard for the people of his district.

I know that I echo the sentiments of my colleagues when I say that John Saylor's presence will be sorely missed by his many friends in the House of Representatives, and by his friends in the American territories.

Mr. VANIK. Mr. Speaker, it is with deep sorrow and a sense of personal loss that I join with my colleagues in paying tribute to one of the finest Members of the House, our late colleague, John P. Saylor.

John was a leader in the ecology, environmental, and conservation causes before most people even heard of the word "ecology" or knew there was an environmental problem.

His work for the conservation and preservation of our Nation's wilderness and unspoiled lands will result in pleasure and enjoyment for millions of Americans in all future generations. Truly the success of his work in parks and conservation will serve as a living, enduring memorial to his life.

His efforts on behalf of the environment were also efforts on behalf of the taxpayer. He often led the battle against those extravagant, monumental public works and dams which cost so many hundreds of millions and which caused such long-range devastation to some of our greatest waterways and wilderness areas.

I will miss working with John. The House will miss his expertise and knowledge. The Nation will miss his contribution.

I would like to extend my deepfelt sympathy to his family and to his dedicated staff. I would also like to enter in the Congressional Record at this point an editorial which appeared in the Washington Post entitled "John P. Saylor."

John P. Saylor

Some Congressmen manage to linger in the House for many terms without ever raising their voices or advocating an important cause or leaving any imprint on the record of their times. Rep. John P. Saylor was emphatically not one of these. The Republican from the Pennsylvania hills had strong convictions and a personality to match. Gruff, sometimes caustic, uncommonly persistent, he was the best kind of opinionated man.

Rep. Saylor was a powerful and creative force in the field of conservation which he made his specialty. During his quarter-century in the House, seniority elevated him to the post of ranking Republican on the House Interior Committee, but it was his own energy and ideas which made him a dominant influence in that committee's work. Rep. Saylor was in the midst of nearly every major conservation battle of his day. He fought against the Hells Canyon dam. He opposed the Grand Canyon dams. He battled to create the national wilderness system and the Land and Water Conservation Fund laws which stand as permanent monuments to his vision and doggedness. Perhaps because he came from a region of scarred and battered hills, he had a keen appreciation of the need to keep some of the nation's finest natural resources unspoiled and available for the public to enjoy and use.

Rep. Saylor took a very particular interest in the conservation problems of the Potomac Basin and the national capital area. He was a vigorous defender of Piscataway Park and the marshes on the Virginia shore below Washington. He scrapped for years to obtain a workable framework for Pennsylvania Avenue redevelopment. In partnership with the Maryland congressional delegation, he was a leader in the 17-year campaign which finally produced the Chesapeake and Ohio Canal National Historical Park. In these and other legislative battles, Rep. Saylor used his stature and voice to full effect. He was an outspoken, effective champion for a good cause.

Mr. NEDZI. Mr. Speaker, the sad and unexpected news of the passing of our esteemed colleague, John P. Saylor of Pennsylvania, deprives us of one of the major figures of the House of Representatives.

John P. Saylor was, in my judgment, "Mr. Conservation" on the Republican side of the aisle. More than that, he was one of the leading conservationists of the entire Congress and a man you looked to for leadership regardless of party.

I know I shall personally miss his gruff good humor and his formidable forensic and legislative skills.

He was a man of such force and vigor that despite his 65 years, one simply did not think of him as a man nearing the end of his distinguished service to his State and Nation. There always seemed much more to come.

I join my colleagues in extending condolences to his wife and family.

GENERAL LEAVE

Mr. SCHNEEBELI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks upon the occasion of the passing of the Honorable John Saylor of Pennsylvania.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHNEEBELI. I thank the gentleman.

Mr. Speaker, I would like to repeat the statements which I have made before. First, the House will be notified shortly of a special order that will be taken in honor of John P. Saylor, and, second, funeral services will be held at 1 p.m. this Thursday, November 1, at St. John's United Church of Christ in Johnstown, Pa.

THE LATE HONORABLE JOHN P. SAYLOR

Mr. SCHNEEBELI. Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. Res. 667

Resolved, That the House has heard with profound sorrow of the death of the Honorable John P. Saylor, a Representative from the State of Pennsylvania.

Resolved, That a committee of forty-four members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate

these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the Funeral Committee the following members on the part of the House:

Mr. Schneebeli;
Mr. McFall;
Mr. Morgan;
Mr. Barrett;
Mr. Flood;
Mr. Clark;
Mr. Dent;
Mr. Nix;
Mr. Moorhead of Pennsylvania;
Mr. McDade;
Mr. Rooney of Pennsylvania;
Mr. Johnson of Pennsylvania;
Mr. Green of Pennsylvania;
Mr. Vigorito;
Mr. Goodling;
Mr. Biester;
Mr. Eilberg;
Mr. Eshleman;
Mr. Williams;
Mr. Gaydos;
Mr. Coughlin;
Mr. Yatron;
Mr. Ware;
Mr. Heinz;
Mr. Shuster;
Mr. Teague of Texas;
Mr. Widnall;
Mr. Dorn;
Mr. Haley;
Mr. Hosmer;
Mr. Dingell;
Mr. Johnson of California;
Mr. Randall;
Mr. Taylor of North Carolina;
Mr. Udall;
Mr. Skubitz;
Mr. Don H. Clausen;
Mr. Pickle;
Mr. Satterfield;
Mr. Montgomery;
Mr. Steiger of Arizona;
Mr. Carney of Ohio;
Mr. Hillis; and
Mr. Abdnor.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 30, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1483. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report on property acquisitions of emergency supplies and equipment, covering the quarter ended September 30, 1973, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1484. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

1485. A letter from the Chairman, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, transmitting a draft of proposed legislation to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped and for other purposes; to the Committee on Government Operations.

1486. A letter from the National Adjutant, Disabled American Veterans, transmitting a report of the proceedings of the organization for the year ended June 30, 1973, togther with a financial statement as of December 31, 1972, pursuant to section 9 of Public Law 77–249 (H. Doc. No. 93–172); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 3490. A bill to amend section 40b of the Bankruptcy Act (11 U.S.C. 68(b)) to remove the restriction on change of salary of full-time referees (Rept. No. 93–610). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS (for himself, Mr. Holifield, Mr. Fountain, Mr. Jones of Alabama, Mr. Moss, Mr. Fascell, Mr. Reuss, Mr. Macdonald, Mr. Moorhead of Pennsylvania, Mr. Randall, Mr. Rosenthal, Mr. Wright, Mr. St Germain, Mr. Culver, Mr. Hicks, Mr. Fuqua, Mr. Conyers, Mr. Alexander, Ms. Abzug, Mr. Donohue, Mr. James V. Stanton, Mr. Ryan, Mrs. Collins of Illinois, Mr. Gude, and Mr. McCloskey):

H.R. 11137. A bill to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the Offices of Director and Deputy Director of the Office of Management and Budget, and for other purposes; to the Committee on Government Operations.

By Mr. BROOKS (for himself, Mr. Buchanan, Mr. Thone, Mr. Mallary, Mr. Parris, Mr. Steelman, Mr. Pritchard, and Mr. Hanrahan):

H.R. 11138. A bill to amend the Budget and Accounting Act, 1921, to require the advice and consent of the Senate for future appointments to the Offices of Director and Deputy Director of the Office of Management and Budget, and for other purposes; to the Committee on Government Operations.

By Mr. CRONIN:

H.R. 11139. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. DELLUMS (for himself, Mr. Morgan, Mr. Bergland, Mr. Helstoski, Mr. Clay, Mrs. Collins of Illinois, Mr. Addabbo, Mr. Mitchell of Maryland, Mr. Forsythe, Mr. Nix, Mr. Gaydos, Mr. Rangel, Mr. Moakley, Mr. Charles Wilson of Texas, Mr. Breckinridge, Mr. Sarbanes, Mr. Conyers, Mr. Goldwater, Mr. Anderson of California, Ms. Abzug, Mr. Brown of California, Mr. Badillo, Mr. Hawkins, Mr. Harrington, and Mr. Stark):

H.R. 11140. A bill to require educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers; to the Committee on Education and Labor.

By Mr. DELLUMS (for himself, Mr. Reid, Mr. Eckhardt, Mr. Bingham, Mr. Fraser, and Mr. Fauntroy):

H.R. 11141. A bill to require educational institutions engaged in interscholastic athletic competition to employ certified competition to employ certified athletic trainers; to the Committee on Education and Labor.

By Mr. FRENZEL (for himself and Mr. Brown of Ohio):

H.R. 11142. A bill to amend the Federal Election campaign Act of 1971 and the Communications Act of 1934 to provide for more effective regulation of elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HICKS (by request):

H.R. 11143. A bill to provide the authorization for fiscal year 1974 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, and for other purposes; to the Committee on Government Operations.

By Mr. HOSMER:

H.R. 11144. A bill to amend title 10 United States Code, to enable the Naval Sea Cadet Corps to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material; to the Committee on Armed Services.

By Mr. ICHORD:

H.R. 11145. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute certain criminal activities and for other purposes; to the Committee on the Judiciary.

By Mr. KEATING:

H.R. 11146. A bill to amend title 18, United States Code, and the Omnibus Crime Control and Safe Streets Act of 1968, to improve Federal, State, and local correctional institutions, and for other purposes; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 11147. A bill to authorize the disposal of aluminum from the national stockpile, and for other purposes; to the Committee on Armed Services.

By Mr. McDADE (for himself, Mr. Robison of New York, and Mr. Gilman):

H.R. 11148. A bill to designate a segment of the Delaware River flowing between the State of New York and the State of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. MINK (for herself, Mr. Burton, Mr. Culver, and Mr. Rinaldo):

H.R. 11149. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities designed to achieve educational equity for all students, men, and women, and for other related educational purposes; to the Committee on Education and Labor.

By Mrs. MINK:

H.R. 11150. A bill to amend the Uniform Time Act of 1966 to place the States, excluding Alaska and Hawaii, in a single time zone; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK (for herself, Mr. Hawkins, Ms. Holtzman, Mr. Mitchell of Maryland, and Mr. Stark):

H.R. 11151. A bill to amend title 5 of the United States Code to provide that whoever contributes more than $5,000 to the political campaign of a Presidential candidate shall be ineligible to serve as an ambassador, minister, head of an executive department, or a member of an independent regulatory body while such candidate is President; to the Committee on Post Office and Civil Service.

By Mr. PEPPER (for himself, Mrs. Burke of California, Mr. Minish, Mr. White, and Mr. Vander Jagt):

H.R. 11152. A bill to amend title VIII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. RARICK (for himself, Mr. Thone, Mr. Bafalis, Mr. Breaux, Mr. Brown of California, Mr. Burgener, Mr. Byron, Mr. Casey of Texas, Mrs. Collins of Illinois, Mr. Denholm, Mr. Evans of Colorado, Mr. Eilberg, Mr. Fish, Mrs. Grasso, Mr. Gross, Mr. Hechler of West Virginia, Mr. Ichord, Mr. Long of Louisiana, Mr. Melcher, Mr. Mollohan, Mr. Nichols, Mr. Pepper, Mr. Pickle, Mr. Riegle, and Mr. Roe):

H.R. 11153. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. RARICK (for himself, Mr. Thone, Mr. Gilman, Mr. Talcott, Mr. Tiernan, Mr. Treen, Mr. Ware, Mr. Wolff, and Mr. Yatron):

H.R. 11154. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

By Mr. REUSS (for himself, Mr. Moss, Mr. Thompson of New Jersey, and Mr. Vanik):

H.R. 11155. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by increasing the amount of minimum tax imposed on tax preferences; to the Committee on Ways and Means.

By Mr. SHRIVER (for himself, Mr. Hudnut, Mr. Wyman, Mrs. Chisholm, Mr. Shipley, Mr. Madigan, Mr. Eilberg, Mr. Robison of New York, Mr. Stubblefield, Mr. White, Mr. Gilman, Mr. Gray, Mr. Tiernan, Mr. Burke of Massachusetts, Mr. Thompson of New Jersey, Mr. Thone, and Mr. Johnson of Pennsylvania):

H.R. 11156. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SHRIVER (for himself, Mr. Hudnut, Mr. Wyman, Mr. Gunter, Mr. McCloskey, Mr. Mosher, Mr. Winn, Mr. Hansen of Idaho, Mr. Archer, Mr. Keating, Mr. Sebelius, Mr. Passman, Mr. Patman, Mr. Cotter, Mr. Van Deerlin, Mr. Whitehurst, Mr. Railsback, Mr. Derwinski, Mr. Riegle, Mr. Horton, Mr. Burgener, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Hogan, and Mr. Melcher):

H.R. 11157. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 11158. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. FREY (for himself, Mr. Addabbo, Mr. Bafalis, Mr. Bennett, Mrs. Collins of Illinois, Mr. Conte, Mr. Coughlin, Mr. Dellenback, Mr. Edwards of Alabama, Mr. Frenzel, Mr. Hastings, Mr. Keating, Mr. McCollister, Mr. Nichols, Mr. Pickle, Mr. Preyer, Mr. Sarasin, Mr. Seiberling, Mr. Steiger of Wisconsin, Mr. Vander Jagt, Mr. Veysey, Mr. Ware, Mr. Winn, and Mr. Won Pat):

H.J. Res. 799. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

By Mr. MOORHEAD of Pennsylvania:

H.J. Res. 800. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Ms. Abzug, Mr. Fraser, and Mr. Mitchell of Maryland:

H. Con. Res. 370. Concurrent resolution expressing the sense of the Congress that the President should reappoint Archibald Cox as Special Prosecutor and renominate Elliot Richardson as Attorney General, and renominate William Ruckelshaus as Deputy Attorney General; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. Cronin):

H. Res. 668. Resolution expressing the sense of the House that the Office of the Special Prosecutor be reestablished; to the Committee on the Judiciary.

By Mr. MARTIN of Nebraska (for himself and Mr. Young of Texas):

H. Res. 669. Resolution providing for the consideration of the conference report on the bill (S. 1081) to amend section 28 of the Mineral Leasing Act of 1920; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. MINK:

H.R. 11159. A bill for the relief of Yun Tim Yim and Amy Chee Yim; to the Committee on the Judiciary.

H.R. 11160. A bill for the relief of Wayne Susumu Enomoto; to the Committee on the Judiciary.

H.R. 11161. A bill for the relief of Edwin B. Ranan, Rogelio B. Ranan, and Elvira B. Ranan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

334. By the SPEAKER: Petition of the Board of Directors, Comprehensive Planning Organization, San Diego region, Calif., relative to achieving clean air in San Diego and the Nation; to the Committee on Interstate and Foreign Commerce.

335. Also, petition of Fred M. Wolak, Paonia, Colo., relative to reinstatement of the Attorney General, Deputy Attorney General, and Special Prosecutor; to the Committee on the Judiciary.

336. Also, petition of Milton B. Sparks, Menard, Ill., relative to redress of grievances; to the Committee on the Judiciary.

337. Also, petition of the Cumberland County Democratic Committee, Portland, Maine, relative to impeachment of the President; to the Commitee on the Judiciary.

338. Also, petition of Rev. Paul John Rich, East Bridgewater, Mass., and others, relative to impeachment of the President; to the Committee on the Judiciary.

339. Also, petition of the Student Caucus, University of New Hampshire, Durham, N.H., relative to impeachment of the President; to the Committee on the Judiciary.

340. Also, petition of David M. Bowles, Albuquerque, N. Mex., relative to impeachment of the President; to the Committee on the Judiciary.

341. Also, petition of Paul L. Biery, Cleveland, Ohio, and others, relative to impeachment of the President; to the Committee on the Judiciary.

342. Also, petition of Paul Garcia, Jr., Puebla, Mexico, and others, relative to H.R. 4811; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

RECOMMENDATIONS BY ALLEN CALDWELL, NATIONAL ASSOCIATION OF SMALL BUSINESS INVESTMENT COMPANIES

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. STEPHENS. Mr. Speaker, a friend and constituent, Allen Caldwell, is currently serving as president of the National Association of Small Business Investment Companies. Mr. Caldwell, who is also president of CSRA Capital Corp., an SBIC located in Augusta, Ga., has provided me with a copy of a letter which he recently sent to President Nixon in which he makes several provocative recommendations as to actions the executive and legislative branches can, and should, take to help bolster the competitive position of the Nation's small and independent businesses.

I think it is worthwhile to share this letter with my colleagues as I know they agree with me that American small businessmen should continue to play a vital role in our free enterprise system.

High interest costs, drying-up of the new issues market, inflation, and reduced Federal outlays to the small business sector all threaten to further erode the economic viability of thousands of independent business concerns.

I urge the President and the Congress to give prompt and thoughtful consideration to implement the measures proposed in this letter to offset the severe pressures being felt by the small business community.

To do otherwise would be to undermine the very existence of our capitalistic way of life.

The letter of Mr. Caldwell follows:

September 25, 1973.

The President,
The White House,
Washington, D.C.

Mr. President: Three and one-half years ago, on March 20, 1970, you thrilled the Nation's more than five million independent businessmen when you sent your Message on small business to Congress. That was the first Presidential message ever devoted exclusively to the requirements of that segment of our economy.

In the words of that Message: "Small business is an important part of our national life; it has been an important part of my personal life as well. . . . I know that today, in helping Americans in small business, we are helping their spirit and the spirit of our nation."

During the ensuing months, several recommendations made in your 1970 message have been enacted, but the larger portion remains undone. We believe that the time has come for a more comprehensive effort on the part of the Executive and Legislative branches of our Federal Government to make certain that the free enterprise system is vigorous enough to meet the increasing challenges of the 1970's.

The Small Business Administration marked its twentieth anniversary in July; the small business investment company program, with which we are most closely acquainted, was fifteen years old in August. For these reasons we believe that 1973 is an auspicious time to review the current position of Independent Business in the United States and to propose new and stronger measures to guarantee its vitality.

THE SMALL BUSINESS ADMINISTRATION

During the past 20 years, SBA has been the strong right hand of small business in Washington. SBA's responsibilities have grown tremendously in these two decades as both the President and the Congress have directed the agency to assume the responsibility for new programs to meet and overcome problems facing the Independent Businessman.

We believe that the Small Business Administration has met these challenges remarkably well; it has demonstrated ingenuity in stretching its people and its dollars to help more and more businesses. With no additional personnel, it has taken on innovative projects; with few appropriated dollars, it has made billions available to new and growing entrepreneurs.

On the other hand, we believe that SBA's effectiveness would be greatly enhanced if it were an independent department of the Government, and if its head were a member of your Cabinet. To gain the full cooperation of all parts of the Executive Branch, the spokesman for small business must stand on equal footing with those who make the major decisions affecting Independent Business.

You recognized this need when you issued Executive Order 11518 on March 21, 1970. Your Order directed all Federal departments and agencies to call upon SBA whenever any action they were about to take would materially affect the well-being or competitive strength of small business. In mid-1972, the Select Committee on Small Business of the United States Senate surveyed the departments and agencies to determine the impact of Executive Order 11518; our reading of the responses to the Committee's questionnaire indicates all too clearly that few concrete benefits have resulted from the Order.

Every public official should be aware of the ramifications of his operations on smaller concerns. Where a Federal action may raise problems for a diversified corporation, it may be fatal for his smaller competitor who has only one product or one service which he offers in only one locality. The freeze on meat prices, for example, brought a number of independent meatpackers to their knees. Similarly, the current freeze on retail gasoline prices is no more than an annoyance for stations owned and operated by the major oil companies, but it sounds a death knell for the independent gas station operator.

Our Association strongly recommends that the manifold interests and needs of Independent Business should be represented at the Cabinet level. The Small Business Administration should be converted into a department and be given additional resources and responsibilities for buttressing the posture of small business.

TAX REFORM FOR INDEPENDENT BUSINESS

"The inhibiting effect of high income tax rates on small business has long been recognized. New and growing businesses often cannot meet their initial and early costs and, at the same time, pay out a high proportion of earnings in income taxes. A high income tax depletes the internal funds for additional investment on which the small business must mainly rely."

Those sentences from the Report of the President's Task Force on Improving the Prospects of Small Business were most appropriate when they were written in 1970; they are even more correct today. Your Message to Congress commended the Task Force Report and pinpointed several specific tax reform proposals.

We believe that comprehensive small business tax reform should be given the highest priority within the Executive Branch and on Capitol Hill. The House and Senate Small Business Committees have devoted much effort to drafting such legislation over the past three or four years and the so-called Bible-Evins bill (S. 1098 and H.R. 5222) represents the most significant attack on this all-important problem. Many Senators and Congressmen from both parties have joined in sponsoring and supporting the Bible-Evins bill and we most respectfully urge that your Administration support this bi-partisan Congressional effort to alleviate the crippling impact of our Federal tax laws on new and small businesses.

FINANCIAL ASSISTANCE

Once again, the general level of high interest rates poses a significant threat to smaller firms. With today's tight-money "crunch" added to high rates, their plight has become extremely serious. We trust that your Administration, along with SBA, will take every possible action to forestall the strangulation of small businesses which require credit, but find it unavailable.

During the past two years, the Small Business Administration, in cooperation with thousands of commercial banks, has performed yeoman services in channeling loans to Independent Business. We commend this record and hope that it will be expanded in future years. To supplement these SBA-guaranteed loans made by banks, we recommend that more dollars be devoted to SBA's direct loan program which has been all but closed down. We have found that there are areas where banks are either unable or unwilling to participate with SBA—and businesses in such localities are completely hamstrung.

In addition to the high cost of credit, the public securities markets have been completely closed to small and medium sized businesses during most of 1973. For two of the last three months, not one business was able to make an initial public offering of its stock. In earlier years, such new issues had totalled as much as $2-billion annually, so it is apparent that even the best and most profitable of the growing businesses cannot raise dollars through public offerings of stock or debt.

Quite naturally, the members of this Association are most acutely aware of the long-term credit and equity capital needs of new and small businesses. Fortunately, we can report that the SBIC program has been greatly reinvigorated these past two years through the passage of two major pieces of legislation and through the sound regulations of our industry by Administrator Thomas Kleppe and his associates at SBA. We wish to thank you for your Administration's support of the Small Business Investment Act Amendments of 1971 and 1972.

As one result of these amendments, existing SBICs have added significantly to their private capital in 1972 and 1973 and strong, new SBICs are being licensed to bring additional resources into our industry. Nonetheless, we are certain that the effective demand for our type of financial assistance on the part of new and growing businesses far outstrips our ability to supply such dollars. To close this continuing equity gap, we make several recommendations which should encourage the dedication of additional dollars of private capital to the SBIC undertaking.

First, we believe that SBICs should be made a unique investment vehicle which will allow the American investor to participate in providing venture capital to exciting business opportunities. In the early days of the program, over $300-million was raised to capitalize publicly-owned SBICs and some 50 public SBICs were registered with the Securities and Exchange Commission by early 1962. It soon became apparent, however, that it was all but impossible for a venture-capital oriented SBIC to operate under the strictures of the Investment Company Act of 1940 which was designed to regulate a completely different type of business. The great majority of companies has withdrawn from the publicly-owned sector of the SBIC program, taking with them over $250-million in private capital which had been raised for the purpose of investing in Independent Business. At the present time, only 12 SBICs have stock regularly traded on securities markets. We recommend that publicly-owned SBICs be regulated only by the Small Business Administration, that the SEC's mandate to protect the shareholders be transferred from the Commission to SBA, and that the regulated investment company tax treatment provided under Section 851 of the Internal Revenue Code be made available to all SBICs complying with SBA regulations.

From 1958 until 1971, the SBIC program was the responsibility of an Associate Administrator for Investment at SBA and that official, acting only under the SBA Administrator, had full responsibility for our program—and for nothing else. With the expansion of SBA's activities in the disaster loan area, it was felt necessary to combine SBICs with other SBA programs. Although Administrator Kleppe has minimized the adverse impact of that administrative action, we strongly recommend that the Small Business Act be amended to give SBA four, rather than three, Associate Administrators and that SBA's SBIC operations be headed by an Associate Administrator for Investment, as provided in the SBIC Act of 1958.

SMALL BUSINESS AND FEDERAL GOVERNMENT ACTIVITIES

It is imperative that smaller businesses receive a fair shake at the hands of all Federal agencies. We have long been concerned at the tiny percentage of Government research and development contracts which go to independent firms. Similarly, it appears to us that the percentage of Government procurement dollars awarded to small business could, and should, be dramatically increased. Contracting officers should be given positive incentives to utilize the skills and resources of independent firms seeking Federal contracts, because we believe this would bring greater competition and lower costs to the Government. As the largest customer in the United States, the Federal Government has an obligation to treat all segments of the economy equitably.

Along the same line, we believe that the Government is the logical sponsor for promoting technological utilization and transfer to the business community. The National Science Foundation and the Natural Aeronautic and Space Administration have initiated programs to bring the advanced technologies of the space age to the work benches and assembly line of civilian production. We strongly support these pilot operations and recommend that they be expanded, with the proviso that special efforts be made to assure that smaller firms fully participate in them.

Although we have attempted to present only positive recommendations to you, we wish to make this suggestion: the burden of paperwork demanded from small business by the Federal Government must be lightened. Independent firms often find it impossible to comply with all the requirements thrust upon them. We hope there is sufficient willingness and intelligence within the Executive and Legislative Branches to reduce this staggering load.

MINORITY BUSINESS ENTERPRISE

The members of this Association congratulate you and your Administration for the truly pioneering efforts you have made to bring all segments of our population into the mainstream of our economic system. SBA and the Commerce Department have been imaginative and effective in encouraging disadvantaged persons to become entrepreneurs and in assisting them to organize and operate successful businesses.

The MESBIC program is now a significant factor in aiding business ownership by those who have borne economic disadvantages. We are certain that your Administration will continue this most important undertaking.

SMALL BUSINESS ECONOMIC COUNCIL

Just three years ago this month, representatives of NASBIC and of four other small business trade associations were privileged to meet with you to discuss the status of small business. At your suggestion, these groups met subsequently with top White House and departmental officials to try to resolve specific problem areas. Our organizations joined in an informal Small Business Economic Council in order to be available to your associates whenever we could be useful. Unfortunately, our hoped-for continuing communications have been interrupted, and and the Council has not met for almost two years. We hope that it will be able to reinstitute regular meetings between your Administration and the Small Business Economic Council.

SUMMARY

The purpose of this letter has been to assure you of our desire to cooperate in all your efforts to maintain and invigorate our free enterprise system. We agree with the first conclusion of your Small Business Task Force that: "The desired objectives of improving the prospects of small business by expanding its role in the economy can best be served through stimulation and motivation of the private sector in a favorable business climate."

The SBIC program itself was perhaps the earliest formalized attempt to meet a national policy goal through utilization of the private sector and the profit motive. We believe that the lessons learned during the 15 years SBICs have been in existence can be helpful in devising solutions to other pressing problems and hope your own goals and policies will continue to emphasize the importance of this segment of the American Dream. We pledge our full support to such activities.

Respectfully yours,
ALLEN F. CALDWELL, JR.,
President.

PERSONAL ANNOUNCEMENT

HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. JOHNSON of Colorado. Mr. Speaker, on Thursday, October 25, 1973, I was necessarily absent from the House of Representatives when the Emergency Medical Services Systems Act of 1973 was approved by a vote of 364 to 18. Had I been present, I would have voted in favor of the bill.

When similar legislation passed the House on May 31, I voted in favor, but found the subsequent additions to the bill in the conference were not supportable due to the eight public service hospitals which were included, and I voted to sustain the President's veto of the bill.

I then cosponsored legislation which would achieve the goals originally sought and which were contained in the recently passed H.R. 10956, and it was gratifying to see is passed with such overwhelming support.

RARICK'S TESTIMONY ON H.R. 643: THE FOOD SUPPLEMENT BILL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RARICK. Mr. Speaker, today I submitted a statement to the Public Health and Environment Subcommittee of the Committee on Interstate and Foreign Commerce, in support of H.R. 643 and related bills.

The statement follows:

STATEMENT OF THE HONORABLE JOHN R. RARICK

Mr. Chairman, Members of the Subcommittee, I appreciate this opportunity to submit this statement in support of H.R. 643 and related bills, legislation designed "to amend the Federal Food, Drug, and Cosmetic Act to include a definition of 'food supplements', and for other purposes."

As you know, Mr. Chairman, I have authored an identical bill, H.R. 1617.

What is involved here is the fundamental right of human beings to determine as individuals what is best for them. The FDA does not deny this. Their statement in the February 19, 1973, Federal Register indicates that they believe that "lay persons are incapable of determining, by themselves, whether they have, or are likely to develop, vitamin or mineral deficiencies." Thus, the FDA has taken upon itself to tell us what we may have in the way of nutrients by classifying any vitamin, food supplement, or food as *drugs* which meet the following characteristics: if they are sold in the shape or form of drugs; if they have a potency greater than 150% of the FDA's recommended daily allowance; if they are sold in combinations other than those few canonized by FDA; if they are hazardous in excessive quantities; if they have nutritional or health claims; or if they have drug claims. Once these foods are classified as drugs, they would be subject to review by the FDA, which could order that these "foods" be sold by prescription only or banned from sale entirely.

The justification for setting up these proposed regulations against food supplements and vitamins is that they are useless; however, these regulations have been promulgated not because FDA has proved that these food supplements and vitamins are useless, but because the manufacturers have not proved, to FDA's satisfaction, that they are not useless. This *Alice in Wonderland* type of semantics can be found in the FDA language in the Federal Register of February 19th: "there is no rationale for allowing or encouraging the promotion and sale of dietary supplements of vitamins and/or minerals to the general American population for the purpose of treating, preventing, or curing diseases or symptoms." What they are saying is that it is useless because we say it is useless. This is a typical, arrogant, bureaucratic position for FDA to maintain, particularly in view of the fact that there is voluminous information which indicates that at least some, if not most, of these vitamins and food supplements are beneficial to individuals. Too little is known about the variations in the human need for specific nutrients to deny an individual the freedom of choice in determining what safe dietary supplements of vitamins and minerals he may take and has found beneficial.

There is a great divergence of opinion on the action taken by the FDA in setting the Recommended Daily Allowance, or RDA, for each of the 19 vitamins and minerals recognized as "essential" by the agency. According to the FDA, these Recommended Daily Allowances, which are generally higher than the old Minimum Daily Requirements, are "sufficient to meet the nutritional needs of essentially any healthy individual." Dr. W. W. Bauer of the Department of Health, Education, and Welfare has said that "anyone can rest assured that if he is a normal individual and will eat as he should he will suffer no deficiencies of vitamins or minerals or proteins." The problem with this thinking is that we know that there are millions of people who do not eat as they should. Among the many and varied reasons for this are appetite differences, eating habits, limitations of time, or work habits or conditions. It is the people who, realizing the nutritional shortage and attempting to supply it with vitamins and minerals, will be effected by the proposed FDA regulations. There are numerous examples of this, Mr. Chairman, perhaps the most notable of which are those individuals who work "shifts."

It has been suggested, Mr. Chairman, by a variety of noted doctors that the Recommended Daily Allowances established by the FDA fall short of what they consider to be recommended dosages. Most prominent of these individuals is Dr. Linus Pauling, a Nobel Prize winner for his research in chemistry, who recommends a dosage of almost 50 times that allowed or recommended by the FDA for vitamin C.

The FDA provision that all food supplements containing more than 150 percent of the Recommended Daily Allowance will be redesignated as drugs must be considered arbitrary and capricious in the light of contradicting opinion and evidence. It seems so arbitrary that one writer has commented that it must have been arrived at by lottery.

The FDA has further encroached on the freedom of the people with its blatant declaration that its opinion or conclusion as to what is considered "misbranded" is correct over all other conclusions. In the face of credible information to the contrary, the Food and Drug Administration has decided that food supplements are misbranded when the label suggests that a balanced diet of ordinary foods cannot supply adequate amounts of nutrients; or that as a result of deficient soil where the product was grown, there is a deficiency in the diet; or that the storage, transportation, processing or cooking of a food is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

We see, therefore, that the regulations will not only limit the type of vitamins an individual may purchase without a doctor's prescription but will also limit manufacturer's claims on nutritional products and the educational flow of information on diet.

It should be noted, Mr. Chairman, that these statements would not have been incorrect, but rather would be statements of fact as determined by research done by the manufacturer. The determination as to the accuracy of these statements has been taken from the people and given to the FDA authorities. The FDA has not only denied the people the educational flow of information so that the individual might make an intelligent determination; they have actually made that judgment for us. It seems to be irrational and dictatorial of the FDA to settle complex, widely disputed and underresearched questions by simply promulgating new rules and regulations which, in effect, proclaim that the FDA has the correct assumption and that all other opinions are false. This action by the FDA in preventing the dissemination of information can be considered a denial of the freedom of expression.

The definition of "misbranded" as authorized by the Congress is set forth in 21 U.S.C. 343(a): "a food shall be deemed to be misbranded (a) if its labeling is false or misleading in any particular" and "(j) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, or other dietary properties as the Secretary determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses."

It should be noted that the criminal provisions of the Food, Drug, and Cosmetic Act, 21 U.S.C. 334, and the seizure provisions, 21 U.S.C. 334, have adequately protected the consumer against adulterated and misbranded foods. These provisions were extended to cover misbranded and adulterated food supplements under the FDA Food Supplement Regulations adopted 22 November 1941. These provisions have been periodically amended to ensure adequate coverage and have been consistently upheld by the Supreme Court. Until the new restrictions proposed by FDA relative to vitamins, minerals and other food supplements, the above provisions were regarded as general restrictions designed to protect the public against dangerous or adulterated food and drugs. It should be emphasized, Mr. Chairman, that the definition of "misbranded" foods as contained in the existing law, along with the present criminal and civil sanctions, are more than adequate to protect the American consumer. This is especially true when we consider that there has been no evidence advanced by the FDA that these food supplements are, in fact, dangerous or harmful.

At issue here, Mr. Chairman, is the extent to which this Congress will allow Federal bureaucrats, acting under the guise of protecting the American people, to go in controlling the lives of the American people. I fully support the action of the Federal government in banning and/or controlling the use of dangerous drugs; however, I would remind you and the Members of the Subcommittee that the recent action by the FDA relative to food supplements is not on any evidence that these vitamins, minerals, or other food supplements are, in fact, harmful or dangerous to human health. Rather these regulations are promulgated on the basis that the manufacturers have not established that their products are in fact useful. Thus, Mr. Chairman, the FDA has acted arbitrarily and capriciously and without firm scientific basis. This decision cannot be allowed to stand.

Mr. Chairman, the legislation before the subcommittee merely defines the term "food supplement" and restricts the authority of the Secretary relative to limiting the potency, number, combination, amount, or variety of any synthetic or natural vitamin, mineral, substance, or ingredients of any food supplement unless such article is *intrinsically* injurious to health in the recommended dosage, and (2) shall not require a warning label on any food supplement unless such article is *intrinsically* injurious to health in the recommended dosage. Mr. Chairman, the key word in the legislation as I see it is *intrinsically*. This bill would merely place the burden of proof where it belongs, on the FDA, and force them to have scientific evidence before acting to limit or ban the sale of such food supplements. In no way does this legislation restrict the designated purpose of the Food and Drug Administration in attempting to protect the American people from harmful or dangerous drugs.

Mr. Chairman, I urge you and the Members of the Subcommittee to give favorable consideration to this legislation.

DESTRUCTION OF THE PEANUT PROGRAM AN UNWISE ACT

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. POAGE. Mr. Speaker, the Secretary of Agriculture has announced certain administrative changes in the 1974 peanut crop program in what seems to me to be a penny-wise pound-foolish move which is certain to create financial hardship to thousands of producers and severely hurt the economy of a great many small communities. A similar change was announced for rice—it too is a mistake, but today I want to confine my discussion to peanuts.

Under these changes there will be no further price supports for peanuts found to contain aflatoxin. Were we to treat hog producers the same way, we would make no compensation to the owner of hogs slaughtered to stop the spread of cholera.

There will be no transfers of acreage allotments by lease or sale. This will work an especial hardship on retired, crippled, and disabled landowners who cannot work their land. The able bodied and well financed will be able to work their own allotments.

There will be an increase of $2 per ton in the storage charges. This will be added to the $15 imposed this year. The effect is simply to reduce supports by that amount.

No tolerance of acreage measurements will be allowed in program compliance. If a farmer with an allotment of 13.5 acres plans 13.51 acres he can be denied all program benefits. For practical purposes, no farmer can survey his land with that exactness.

The functions of the three regional marketing co-ops will be transferred to county ASCS offices. Very few of these offices are equipped to conduct these complex marketing activities. This will surely reduce the actual returns to farmers by many millions of dollars.

The CCC will take over all unredeemed loans and will be prohibited from selling takeover peanuts for less than 115 percent of acquisition cost. This will mean that under normal prices no CCC peanuts will sell. If they do, the consuming public will have to pay much higher prices. Apparently, the Department wants to pile up enough peanuts to create resentment against the entire program.

Peanut production under the present program has enabled a great many of our smaller farmers to make a living on a lot of land which is unsuited for any other crops especially in Texas and Oklahoma. None of these growers have been getting rich. Many are still below the poverty level, but they have managed to earn a livelihood, raise their families, pay their taxes, and be good citizens. In turn, their income from growing peanuts has flowed into the local stores and shops and banks and has kept many a community a viable, good place to live. There is little doubt that many of these towns would disappear from the map if peanuts can no longer be produced in their area at a profit.

Of course, the stated reason for these changes is to save an estimated $6 million which has been going to peanut producers. Actually, there will be no such savings. The losses occasioned by the refusal to sell CCC peanuts back into the trade will far exceed this and the losses sustained by the growers will be many times this amount. The entire income from foreign sales will be lost and thousands of our poorest family farms will be injured.

To aggravate the situation, the Secretary's announcement flatly stated that he would shortly present legislation to wipe out all peanut allotments. On its face this may seem a reasonable suggestion. But with allotments our present peanut production can and does support about 100,000 families. Without allotments no one could make enough from the production of peanuts to make a living. By destroying allotments we would not help any new growers. We would, in fact, simply destroy all peanuts growers.

I recognize that the peanut program, like all programs, needs continual review. I have assured the Secretary of Agriculture that I, and the members of my committee, are always ready to discuss the desirability of any changes in the program. In spite of the fact that I was told nothing about the proposed changes until 55 minutes before they were publicly announced. I am still ready to discuss this or any other matter with the Secretary. However, I can not believe that it is very helpful to ask our opinion of a letter after the letter has been placed in the mailbox. This is, in effect, what the Secretary has done.

EUGENE CONSTANTIN

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. COLLINS of Texas. Mr. Speaker, this past week our country lost a great American in Gene Constantin. Nearly every week, I have received a positive constructive letter from him. His ideas were sound. His logic was commonsense. And he always was concerned with what was good for the country and how to maintain a progressive Republic.

I first knew of Gene Constantin through his son, Gene, Jr. who was at Yale when I was in Harvard Business School. He joined the Marines and went to the Pacific when I went with the Army to Europe.

This young Gene was a dynamic person with a tremendous future. I looked to him to be one of the greatest leaders in Texas. But as he was leading a Marine charge in Okinawa, he was killed in action.

Gene Constantin did not have a son to whom he could pass on his heritage. But he has been the driving force in building the University of Dallas that will carry on his tradition. And everytime I drive by the University of Dallas, I will always be reminded of how he lost his only son for his country, but he has left hundreds of sons and daughters on this beautiful campus. Through their enthusiasm, he is building a greater America for tomorrow at the University of Dallas.

Here is an editorial that I know my colleagues in Congress will find inspiring on Gene Constantin as expressed on October 26, by the Dallas Times Herald.

The editorial follows:

EUGENE CONSTANTIN, JR.

Even judged alongside his fellow philanthropists, the late Eugene Constantin Jr. was something special. Constantin, an independent oilman, gave liberally of his considerable fortune. More than that, though, he gave of himself: He gave his time, his energies and his counsel to the causes in which he believed.

Boy Scouting was one of those causes; so was the Dallas YMCA; so, too, was Junior Achievement, Presbyterian Hospital and Southern Methodist University.

But all of Constantin's causes, the University of Dallas was doubtless his favorite. He was founder of the Roman Catholic liberal arts institution that sits atop a ridge in Irving. He headed its initial $2 million fund drive in 1954; he gave over half a million dollars to its Operating Fund campaigns during UD's first dozen years. Between 1967 and 1970, he presented the university with endowments totaling $6 million.

The university esteemed Constantin as a counselor, as well. At his death, he was serving as chairman of its Board of Trustees.

Splendid counsel he must have given, for the University of Dallas is today one of the nation's outstanding liberal arts institutions. Small wonder that its president, Dr. Donald Cowan, should say of his friend and benefactor: "His life and works commend him to all who reverence greatness."

HOUSE SHOULD CONTINUE IMPEACHMENT INQUIRY: SEEK APPOINTMENT OF NEW SPECIAL PROSECUTOR

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on October 23, I introduced in the House of Representatives a resolution which provides:

> *Resolved*, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

The delivery of the tapes to Judge Sirica in no way should deter the House from continuing its investigation into whether the President has engaged in impeachable offenses.

Further I believe—and I told this to the Speaker—the Judiciary Committee should hire Archibald Cox as a special counsel and then immediately subpena all of Cox's records and files at the Justice Department and employ them in the committee's own investigation.

In addition, I feel strongly that a new special prosecutor should quickly be appointed by Judge Sirica or the Congress, through legislative mandate, should name a new special prosecutor to continue the investigative work of the task force which was headed by Cox.

In my mind, the President still faces serious charges involving the obstruction of justice and criminal investigations, wiretapping, bribery, failure to report the break-in to Ellsberg's psychiatrist office, the use of the CIA to cripple FBI investigations, and the submission of false reports to Congress relating to the bombing of Cambodia.

If proven, these and other charges fit within the "high crimes and misdemeanors" impeachment clause of the Constitution.

A final determination by the Judiciary Committee should be made on all charges before we can and should quiet the voices seeking impeachment of Richard Nixon.

The committee also must expeditiously consider GERALD FORD's nomination as Vice President.

I do not believe his nomination should be tied to the committee's newest—most critical—responsibility, the inquiry into possible criminal actions by the President.

EXCESSES BY CHILE'S JUNTA CAUSES CONCERN

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. YATES. Mr. Speaker, I rise to express my deep sense of concern over this administration's silence with regard to the totalitarian tactics undertaken by the military junta which has seized power in that beleaguered country.

Our newspapers tell us that perhaps 3,000 people have been killed and at least 4,000 people remain interned in Santiago alone. Those being held include former high government officials, members of the Chilean Congress, untold numbers of students and professors, and non-Chilean political refugees from throughout South America. It is expected that all of these people will be tried by military courts, where no consideration will be given to assure their rights under the Chilean constitution.

Mr. Speaker, the violations of human rights and civil liberties do not stop there. Books are being burned in the streets; not just Marxist books, but also the books of Pablo Neruda, the recently deceased poet who was Chile's only Nobel Laureate. The largest labor federation in Chile has been abolished, all elected mayors and councilmen have been removed, all university rectors have been replaced by junta members, all activity by political parties—including the conservative parties—has been placed in what the punta euphamistically calls "indefinite recess." The Chilean Congress has been suspended, heavy censorship has been imposed, and the exercise of civil law has been terminated in favor of martial law.

Mr. Speaker, we should not be taken in by the claims of the new ruling clique. They have announced that they have acted to restore constitutional rule and that they will quickly turn the government back to civilian control. But all indications are to the opposite effect. Their intimate association with the movements, which have worked for a long time to obtain a military takeover of the government and their abolition of the democratically elected Congress indicate that there is little hope for a return to civilian government in Chile for some time to come.

I am also concerned over the publication of prisoner lists, and protection of the rights of refugees which are all standards of international law. That these standard are met by the ruling Junta of Chile is a proper humanitarian concern of the American people.

Mr. Speaker, I hope there will be prompt action on the Fraser resolution which calls on the government of Chile to insure protection of the rights of all persons being held in Chile.

THE VETO OF THE WAR POWERS ACT SHOULD BE OVERRIDDEN

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ROUSH. Mr. Speaker, just a short time ago I rose in this august body to commend my colleagues on the passage of legislation of significant historical value, legislation clarifying the relative roles of the President as Commander in Chief of the Armed Forces and the Congress as the voice of the Nation in declaring war.

This was the war powers bill which very judiciously spelled out the length of time during which a President could invoke the authority to dispatch U.S. troops abroad without conferring with the Congress and securing a declaration of war, as required by the Constitution.

Many who felt that recent Presidents have over-extended the bounds of their authority on this issue were dissatisfied with the bill which seemed to them too generous in its allowance of Presidential authority to wage a war without prior congressional approval. Others felt the bill too restrictive. I personally thought that the war powers bill preserved the constitutional balance of power, defined the authority of both the President as Commander in Chief and the Congress as the one arm of Government provided by the Constitution with the power to declare war. And so I voted for this legislation.

Today I am saddened by the fact that the same President who has repeatedly lectured the Congress about the values of the balance of powers concept, who has zealously and jealously proclaimed the separability and equality of a tripartite government, now would arrogate to the executive branch alone, with unrestrained authority, the power to determine when this Nation goes to war.

That is not the way the Constitution reads and the language is simple and direct.

The Congress shall have the power—to declare war. . . .

So it reads. Nor can the recent outbreak of war in the Middle East or any other such incident suffice to justify handing over to the President, and that is what we do if we accept this veto, authority deliberately reserved to the Congress by those who carefully constructed that document. I think they judged carefully and wisely. The members of the Constitutional Convention were familiar with the dangers of concentrating all power in one body or one individual. They deliberately avoided that, and in so doing they carefully allocated certain authorities to one branch of government, and other powers to the other branches of government. To the Congress as representing the people went the power to declare war.

This is not the time to be changing a system which has served us well for 200 years. I for one do not intend to give away, to abandon a responsibility that was imposed upon this body when this Republic was founded and thus to violate the Constitution I have sworn to uphold. I shall cast my vote to over-ride the President's veto.

TALK OF IMPEACHMENT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ERLENBORN. Mr. Speaker, John S. Knight, an editor and publisher of considerable repute, suggested in a recent editorial that in talking of impeachment we must take the time to know exactly what we are talking about. I commend his statement to my colleagues.

The editorial follows:

BERATE NIXON, BUT DO NOT IMPEACH HIM

(By John S. Knight)

President Nixon is reaping a bitter harvest of criticism that grew from the seeds of arrogance that he and his associates in the White House planted in the political soil of America.

Just one year ago, President Nixon received 61.7 per cent of the total vote cast. Today, an angry and uninformed public is loudly demanding that he be impeached forthwith.

No public man within my memory has done so much to destroy himself so totally within so short a time as has Mr. Nixon.

Yet I consider the hue and cry for President Nixon's impeachment to be totally without merit at this time. Fortunately, my credentials for speaking thus are unimpeachable since I did not vote for Mr. Nixon at the last election.

I argued then in connection with the Watergate revelations that I could not support an administration that had abdicated all moral principles. I stated on Oct. 29, 1972, that "the time has come for a friend to cry out against the cynical disregard for truth and honesty by the Mitchells, Haldemans and other members of the palace guard who apparently are utterly lacking in principle. As a citizen, I resent being asked to accept on faith the shabby tricks of gutter politics that are being masked in the deep and foreboding silence of those who govern my country."

On July 1 of this year, I described the "present plight of President Nixon" as "an American tragedy such as we have not witnessed in our times"; and stated that "ultimately the President will be forced to go before the country and give the people the truth. He alone must attempt to restore, if he can, the people's faith in their government. It is the President's duty to explain how such a senseless tragedy was thrust upon the American people."

You may be thinking, "That is all very fine and noble, but what does it have to do with impeachment? Just look at the terrible things Mr. Nixon has done since."

Certainly I would agree that the President's devious handling of the Watergate tapes, and firing of Special Prosecutor Archibald Cox and the loss to the administration of such able men as Elliot Richardson and William Ruckelshaus are events to be thoroughly depolred.

But are they grounds for impeachment? The Constitution says: "The President, vice president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

Up to now, Mr. Nixon has not been convicted—other than in the court of public opinion—of any of these impeachable sins.

True, the President did not choose to submit the question of executive privilege to the Supreme Court as it had been earlier believed he would do. He elected instead, and at the last moment, to turn the controversial tapes over to Judge Sirica as ordered. Charles Alan Wright, who represents Mr. Nixon, stated that "this President does not defy the law."

So despite the anguished cries of the American Civil Liberties Union, partisan members of Congress seeking to make personal capital out of Mr. Nixon's dilemma, and an underinformed public, which votes its gut feelings through oversimplified call-in newspaper polls and radio talk shows, there appears to be no substantial legal ground for the President's impeachment.

There are other compelling reasons why President Nixon should not be impeached on the basis of evidence at hand.

We are living through another crisis in the Middle East, which could assume worldwide proportions.

President Nixon, despite his many imperfections, is a recognized world leader who—together with Sec. of State Kissinger—has enjoyed many notable accomplishments in the field of foreign relations. The heads of other governments with whom a President must negotiate do not share the American public's distress over Watergate and related matters.

Secondly, we have no vice president to succeed the President in the event the latter is impeached and found guilty. Rep. Ford, the President's vice president-designate, is being held "hostage" by a Congress with politics on its mind.

The presidential succession, therefore, would descend upon Oklahoma's Rep. Carl Albert, speaker of the House. Albert, a man of no remarkable distinction, has himself urged caution on impeachment.

In this season of baseball trades and changing managerial lineups, I would doubt the wisdom of trading Nixon-Kissinger for Albert-What's his-name.

So before public opinion goes off half-cocked, let the House Judiciary Committee—as the Miami Herald has suggested—"begin a sober and orderly study of whether the President has in fact done anything for which he should be impeached."

That really is the question. Kick Richard Nixon around if you like, berate him for his sins, rue the day you voted for him—but don't pop off about impeachment if you're not sure you know what you're talking about.

BANK OF YORKVILLE—ANNIVERSARY CELEBRATION

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. JONES of Tennessee. Mr. Speaker, on October 21, 1973, the Bank of Yorkville, Yorkville, Tenn., celebrated the 67th anniversary of its founding, and also the opening of their newly remodeled building. The Bank of Yorkville was founded in 1906 and has served Yorkville well for the last 67 years: It is my privilege to pay tribute to the bank and to the capable people who make it one of such high standing.

The bank's president, Mr. Malcom R. Forrester, has been a banker for nearly 45 years and has been president of the

Bank of Yorkville for 42 of the 45. In addition to serving as president of the bank and the Yorkville Insurance Agency, he has found time to devote many hours to serving his community. Mr. Forrester serves as president of the West State Utility Water District, which was the first of its kind to be formed in Tennessee to supply service to rural families. He is a member of the Gibson County Court, and has served as a former State legislator for 2 terms. Yorkville is indeed fortunate to have Malcolm Forrester as president of its bank.

Richard J. Binkley, the bank's vice president, is a former member of the Yorkville High School staff, where he taught agriculture coached the girls' basketball team. Together with his duties as vice president of the bank, Mr. Binkley serves as Yorkville's mayor.

Mrs. Charlie "Adiola" Cowan, has served as the bank's assistant cashier since 1936. Mrs. Cowan, a native of Yorkville is a great believer in her community and has contributed much to Yorkville in a personal as well as a professional capacity.

As a native Yorkvillian, I would like to take this opportunity to thank these officers and every other employee of the bank for their devoted and cheerful service to the community of Yorkville, and to wish them as much success in the next 67 years as they have had in the past 67.

DO THE RUSSIANS DESERVE MOST-FAVORED-NATION STATUS?

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ROUSSELOT. Mr. Speaker, the Mills-Vanik amendment, which I have cosponsored, provides that most-favored-nation treatment, credits, and loan guarantees shall not be extended to the Soviet Union as long as it continues to restrict the freedom of its citizens to emigrate. I have taken pains to point out that this issue concerns not only Soviet Jews but also millions of other victims of Soviet oppression in Latvia, Lithuania, Estonia, and the Ukraine.

The American Latvian Association and the National Conference on Soviet Jewry have provided me with information concerning three instances where Latvian Christians, who were displaced due to World War II, have sought unsuccessfully to emigrate from the Soviet Union.

Mrs. Velta Valdens, of Vancouver, Wash., has twice attempted to secure an emigration permit for her 83-year-old mother to join her in the United States. The Soviets have given no reason for their denial of the permit.

Likewise, Mr. Janis Putnis has failed to obtain permission for his daughter to come to the United States to live. When Mr. Putnis first applied for an emigration permit, his daughter was 16 years old. Now she is 27 and married, and the Soviets still refuse even to allow her to visit her father.

Mr. Vilis Krastins, of Milwaukee, Wis., has been separated from his wife and son. Beginning in 1957, when his son was 14 years old, Mr. Krastins began applying for emigration permits. In the meantime, his son has grown up, and the Soviets have refused to permit even a visit.

I cannot imagine how we can consider conducting normal trade relations with the Soviet Union as long as it persists in enslaving its citizens and denying them freedom to emigrate to any country which is willing to accept them.

MR. MEANY VERSUS FREEDOM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DERWINSKI. Mr. Speaker, all Americans benefit from the freedom of press which we enjoy in this country even though various public officials have their ups and downs in press relations.

However, I was intrigued with the evident disregard for the freedom of press exhibited AFL-CIO President George Meany and I, therefore, direct to the attention of the Members an editorial in the Saturday, October 27 issue of the Chicago Tribune. The article follows:

MR. MEANY VERSUS FREEDOM

Now at the pinnacle of his power, President George Meany of the AFL-CIO should today be a missionary for the freedom which has permitted his movement to gain goals it sought.

But is he such a missionary? At the AFL-CIO convention at Bal Harbour, Fla., he barred nonunion television camermen from the convention hall. He even ruled that the nonunion Miami Herald could not be sold at the convention hotel. He said the hall has been rented with union members' dues and that the union could bar any media it wished.

But free Americans have just as much right to reject union membership as Mr. Meany has to accept it. Even if he cares nothing for tolerance and freedom, he should recall that a free press has thru the years helped his movement by telling its story.

One of the delegates at Bal Harbour, Charles Perlik, president of the American Newspaper Guild, reminded Mr. Meany that excluding nonunion cameramen violated the free press guarantee embodied in the First Amendment. Such a ban, Mr. Perlik said, "weakens the democratic structure of which the free flow of information is such a vital part." If only union cameramen may take pictures at a union convention, may only Democratic reporters cover a Democratic convention?

If a "right-to-work" organization had barred newsmen because they were members of the AFL-CIO, Mr. Meany's roars of wrath would have been audible for miles—and rightly so.

Anyone who would exclude any category of persons from access to news worthy events or either union or nonunion publications from newsstands opposes principles basic to our national institutions and to the public interest.

EDITORS ENDORSE CHOICE OF JERRY FORD

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. SHRIVER. Mr. Speaker, the President's nomination of our minority leader, JERRY FORD, has received strong endorsement from a large majority of my constituents and from the editorial writers of our major newspapers. Under leave to extend my remarks, I am submitting for the RECORD a representative sampling of this editorial response:

[From the Newton Kansan, Oct. 29, 1973]

EDITORIAL OPINION: FORD NOMINATION WISE

President Nixon made a wise decision last week when he nominated Gerald Ford of Michigan, minority leader in the House of Representatives, as the successor to Spiro Agnew as vice president.

In doing so he avoided a bitter fight with Congress, he assured that an able man would be available to succeed him in case that becomes necessary, and he assured that the office of the vice president would not be vacant for a long period.

For Ford to become vice president, he must be approved by both houses of Congress.

In view of what has happened in the recent past, both houses of Congress assuredly will make a thorough investigation of Ford's background, just as it would of the background of anyone the President would have nominated.

But it has this advantage—Congress seldom turns down one of its own for an appointment.

Had Nixon named John Connally of Texas, or Nelson Rockefeller of New York, or any of the other Republicans who have acted as if they might be a candidate for the GOP presidential nomination in 1976 a bitter fight would have been assured, and because the Democrats control both houses, the nomination would have undoubtedly been turned down.

Not only that, but the other Republican aspirants to the presidency would have been upset, because the new vice President would have started the race with an advantage.

In any case, the confirmation of the appointment would have been delayed and more bitterness would have been added to the running battle between the executive and the legislature.

[From the McPherson Sentinel, Oct. 15, 1973]

FORD SHOULD BE ONE OF OUR BEST VICE PRESIDENTS

President Nixon's nomination of Gerald Ford for vice president looks like an excellent one.

Ford doesn't seem to come from the rich men crowd like some other vice presidents did. He and his family live a simple middle class life without a lot of the rich men's favors we have seen too much of in recent years.

Further he is a thoroughly experienced congressman with 25 years in the House. He knows how to campaign. As leader of House Republicans he has proved he works well with both parties.

And he thinks along with the President on vital issues.

Unless Senate investigation uncovers some bad information, this man should be thoroughly capable of serving as president if that were to happen. May he be confirmed by Congress very soon.

[From the Wichita Eagle and the Beacon, Oct. 14, 1973]

FORD IS A BETTER IDEA

In his nomination of Gerald Ford to fill the vacant office of vice president, President Nixon appears to be extending an olive branch to the Congress. And initial reaction indicates the Congress might eagerly accept the peace offering

This in no way demeans the selection of Ford for the nation's second highest office He has many factors going for him that make him an excellent choice; but great among them appears to be the healing balm for a sore Capitol Hill

Nixon could have made his choice from among a number of persons prominently mentioned—Connally, Rockefeller, Bush, to name three—and justified any one of them on the grounds that the selection would have been for the good of the nation

The President was clearly in the driver's seat The initial selection was up to him; it could not go unrecognized that the choice should be in tune with the President's own philosophies; the selection certainly had to be someone with the ability to carry on should some ill fate befall Nixon. Congress could buck and snort, but it would have to approve any clean selection

But Ford was different: Of all those being prominently mentioned most of the others were considered potential candidates for the next presidential nomination, and Ford has never given any hint as to desiring that; he holds great respect from colleagues in both parties; he had been one of those considered as a running mate by Nixon in 1960 and he has been well tested in all the attributes required by Nixon in this instance.

Had one of the 1976 contenders been named there would have been trouble not only from Democrats, but from Republicans as well; for among politicians any advantage is considered unfair. And while Congress would have approved in the end, old sores would have been opened and new ones created.

Although he is low key compared to a person such as Connally, Ford appears to have the qualities needed for the job; especially for the job at this time. He has 25 years of legislative experience, a reputation for getting Congress to move his way (six vetoes sustained by a Democratic controlled House) and an ability to bridge philosophic lines. He is widely recognized as the strongest leader among the four congressional caucuses (though some say this is more a commentary on the weakness of congressional leadership). At this time he appears to have no taint of scandal in his background.

It must not go unrecognized that there is a very real chance that this selection could be called on to fulfill the number one reason for a vice president—that of moving up. With Mr. Nixon's many problems—not the least of which is the tapes question in which once again a court has gone against him—the possibility of a resignation or impeachment must be realized. It also is obvious from his personal appearance that all of his troubles are weighing heavily upon the President's shoulders and affecting his health.

During his administration Mr. Nixon has made many blunders in the selection of people to assist him. There also have been high points: Dr. Kissinger, Elliot Richardson, William Ruckelshaus.

In the selection of Gerald Ford the President appears to have picked a capable man and also to have taken steps toward uniting the nation. We would hope and pray that it is so.

[From the Wichita Eagle and the Beacon, Oct. 21, 1973]

PUTTING GERALD FORD UNDER THE MICROSCOPE

Gerald Ford, vice president designee, apparently is destined to be the most closely scrutinized politician in the history of America.

To an extent, the congressional reaction was predictable and even laudable, but recent reports suggest that Congress has developed either a touch of paranoia or an inclination to turn Ford into a political hostage pending the outcome of a court decision on whether or not Mr. Nixon must release his tapes. Neither prospect is likely to set well with the general public.

As is proper, the FBI has investigated Rep. Ford thoroughly and apparently found nothing that would reflect ill upon a national leader. The House investigating committee has requested his income tax returns, medical records and evidence that there has never been any diagnosis of or treatment for mental illness. This, too, is within reason, and probably should have been standard procedure before granting congressional approval of any potential holder of a major office—even before the revelations of Watergate and Agnew pricked the national conscience.

It seems highly improper and wholly unnecessary, however, for Congress to examine the man's political views and voting record. It should be plain enough that Ford supports the basic Nixon philosophy and whether or not Congress approves it, it is Ford's right and it is only logical that the President would select a man whose views support his own.

Neither is a televised hearing either necessary or desirable. Indeed, one could speculate that such a hearing might almost become obscene as Ford is placed in the witness chair to discuss the intimate details of every illness he may ever have suffered. It seems like one more bid by Congress to get some free television publicity.

The idea that the Democratic Congress might be deliberately delaying confirmation of Ford as further leverage to use against Nixon in the matter of releasing the tapes is the most distasteful prospect of all. The nation well knows that should the President be killed, or be incapacitated by illness, or forced to resign from office while we are without a confirmed vice president, the leadership would fall to Democrat Carl Albert.

The capture of the White House by a deliberately staged default would surely be sufficent to finish souring the American voter on our entire politic process. No contentious congressman could be party to such a ploy after the agony this nation has just endured as the result of political corruption.

GERALD FORD'S NOMINATION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ESCH. Mr. Speaker, on Friday, October 12, the Honorable GERALD FORD, the Congressman from Michigan's Fifth District, was nominated by President Nixon for the office of Vice President. Of course, we are honored to have such a distinguished man from Michigan nominated to the Nation's second highest office. And I believe the bipartisan support from both Houses, the public, and the favorable media response highlight the fact the choice was a popular one.

I am confident the House and Senate will move expeditiously—but not hurriedly—to consider GERALD FORD'S nomination. Thorough and complete hearings are needed to reassure the Nation in this troubling time.

An opportunity will be afforded us to comment on Congressman FORD'S qualities at a future date. I did want to emphasize now, however, that the real significance of the choice of GERALD FORD for Vice President lies in his ability to respect differences and to bring divergent views together in a systematic way to solve the country's problems.

During my tenure in Congress during the last 7 years, I have not always agreed with the substantive positions which he has taken and indeed, he has not always agreed with me. But he has respected our differences and respected my right to disagree.

We live at a time when in this country we must learn as never before to respect differences, to find a common ground and to move ahead on the problems the country faces. I think the choice of GERALD FORD will be a major determinant in moving the country forward in the next 3 years.

DISCRIMINATION IN VOTING: THE LANGUAGE BARRIER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RANGEL. Mr. Speaker, the board of elections for New York City will, for the first time in its history, conduct bilingual elections. Acting under court order, there will be Spanish translations of the November ballot, amendments and other election materials provided. In addition, bilingual translators will be located at each election district in the city where 5 percent or more of the population is Hispanic according to the 1970 census.

This progressive step represents a major first effort to break down the language barrier in the electoral process. Discrimination against citizens who are unfamiliar with or nonfluent in English is constitutionally unjust and denies equal protection to those citizens.

This is a national problem, however, and the rest of the Nation has failed to respond. Any comprehensive election reform measure passed by Congress should include provisions requiring bilingual ballots in areas with a significant proportion of non-English speaking voters. If necessary, Federal funds should be made available to local governments to help them set up bilingual election programs.

The election process will be little more than a farce if large numbers of our citizens are wrongfully disenfranchised. Already, aside from discrimination against Spanish-speaking voters, State voter registration laws discriminate against the handicapped, against the poor, and against those who cannot travel to register. America's registration laws are unduly restrictive and discourage, not encourage, voter participation.

It is the job of Congress and the States to tear down the barriers that prevent citizens from voting. That is the mandate of the Constitution.

LEGISLATION FOR AN INDEPENDENT SPECIAL PROSECUTOR

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ICHORD. Mr. Speaker, the events of the past several days and the immediate and enormous public outrage expressed toward them have demonstrated beyond doubt that President Nixon's decision to turn the tapes over to Judge Sirica has not ended the constitutional and leadership crisis now facing the Nation.

Many vital questions remain unresolved concerning the Watergate affair and related activities that Special Prosecutor Cox and his staff were investigating until their disbandment. Turning the tapes over to Judge Sirica has not answered these questions, and they are questions which demand answering.

The only way to find the truth in this whole Watergate affair and quell the divisive speculation which is ripping this Nation apart is to immediately reestablish a completely independent special prosecutor to continue the work of Mr. Cox and his staff.

With this goal in mind, I am today introducing legislation which would establish an Office of Special Prosecutor, the head of which is to be appointed by the Chief Judge of the U.S. District Court for the District of Columbia, Judge John Sirica. Only by establishing a special prosecutor completely independent of the exective branch can this Nation be assured of a prosecutor whose integrity and independence are beyond dispute.

To allow the Watergate investigation to return to the authority of the Justice Department only places the executive branch in the position of investigating itself once again. This was not tolerable to Congress and the American people then, and it is not tolerable now.

This Nation must be assured that the Watergate and related investigations will be carried out under due process of law and that all criminal activity associated with these incidences shall be prosecuted to the fullest extent possible in the most honest and open manner possible. Until this end is accomplished, the turmoil and scandal in which this Nation has been cast will not subside.

With the benefit of hindsight, we must today—through legislation—establish a special prosecutor wholly independent of the executive branch in authority and financing and more directly answerable to the American people than to the administration. We do so in the hope that this avenue will provide a more direct path to the truth.

The legislation I am introducing today is designed to accomplish this end.

The national political scandals which paralyze this Nation go far beyond the break-in of the National Democratic Headquarters in 1972. As such, my legislation empowers the special prosecutor with the authority to investigate and prosecute all offenses to the United States arising not only out of the campaign irregularities of the 1972 Presidential campaign, but also all offenses against the United States arising out of activities of members of the White House staff, other Presidential appointees and other persons working on behalf of the President.

Additionally, this legislation makes provision for the special prosecutor to have full access to the former prosecutor's materials and assures the full cooperation of all governmental agencies and departments in the carrying out of the prosecutor's investigations.

Finally, this legislation addresses the important topic of removal of the special prosecutor.

My legislation, by placing the office of prosecutor outside the executive branch solves the problem of precipitant removal of the special prosecutor. It provides that the special prosecutor be removed for extraordinary improprieties only by the chief judge of the U.S. District Court in the District of Columbia.

CAMPAIGN FINANCING

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FRENZEL. Mr. Speaker, in the current issue of New Republic, Walter Pincus writes an article entitled "Let's Look Before We Leap" on public campaign financing. I do not know who Mr. Pincus is, but I invite the attention of all Members to his thoughtful piece of work.

Mr. Pincus raises some interesting questions about the Scott-Kennedy public finance bill, in particular, noting that under it political money would be diverted to other stages of the selection process. He also makes a thoughtful statement about the dangers of "dislocating" our various local and State processes which may have some weaknesses but have worked well over the years.

Mr. Pincus is not opposed to the concept of public financing. On the contrary, he suggests making limited use of the check off in the 1976 Presidential election and also suggests the use of some features of past and present Udall-Anderson bills, a provision for free mailing and subsidized television.

I believe the central theme of the Pincus article is that we do not fall for what he calls the "utopian note;" that is, public financing will not suddenly make everything beautiful, and, as a matter of fact, might do some real harm.

In my judgment, what is needed right now is that Congress shore up the holes in the present system—contribution limits, expense limits and Federal Election Commission, and so forth, and then give closer and a little more leisurely look at the real effects of some of the most prominent of the public financing schemes.

The article follows:

LET'S LOOK BEFORE WE LEAP—CAMPAIGN FINANCING

(By Walter Pincus)

For more than 10 years I have written about the financing of presidential and congressional campaigns, and until last year the toughest part of that assignment was to get accurate, complete information. Neither candidates nor their fund-raisers wanted to talk frankly; explaining who gave and why could only cause them trouble. The public did not undertsand how or in what amounts money was raised and for the most part did not care. The campaign fund reporting laws in those days permitted every politician, whatever his views on reform, to keep his benefactors hidden.

The secrecy was often advantageous to the donor as well as the receiver. And yet both the candidates and the contributors were uneasy as they dealt with each other in this dimly lit world of political financing. Then, with the advent of television, campaigning costs skyrocketed. The rich, the interest groups, labor and business were the first to be squeezed for more. And they did give more and got others with similar views to begin giving. New contributors sprang up on opposite sides of legislative battles. The doctors gave to block "socialized medicine," and the unions gave to secure medicare. Competing corporations gave; so did opponents of the Vietnam war. Racists and anti-racists gave; polluters and environmentalists gave. How much each gave, whether the amounts on both sides were roughly equivalent or not, and what effect that money had on executive decisions or congressional votes were not known. The public generally assumed the worst—government could be bought. The press—and I was part of it—helped to bolster that assumption. Stories about campaign funds usually left the impression that donors were putting in the fix and that politicans went along. As for the general public—well, it was unwilling to dig into its pockets to pay to elect anyone.

In the 1960s a reform move got underway, pushed by President Kennedy (who was amazed at how much it cost to run and win) and by President Johnson (who was embarrassed by the nasty notices he received for fund-raising in 1964 and 1966). There were some off-stage whispers about the need for federal financing, but reform efforts were then directed at complete financial disclosure, enforcement, limitations on spending and contributing, coverage of primary as well as general elections and, above all, encouragement to small contributors. With a broadened base of funding, it was argued, candidates would be freed from dependence upon the large interest-group donors.

With the passage of the election reform act of 1971, the public got its first good look at the costs of a presidential campaign, the now notorious campaign of 1972. The sight was appalling. Corporations, which are barred from donating company funds to campaigns for federal office, were solicited—and some gave illegally. Individuals doing business with governments were tapped, as were those seeking favors. The number of those who gave $500,000, $100,000 or more was beyond anything the public had imagined. And when it became apparent that some of this money had paid for illegal burglaries and buggings and faked documents and spying by the Republican campaign organization, the cry for more radical reform was loud. This time, however, the reformers aimed to eliminate or minimize private financing, replacing it with federal funding of elections.

The senators, representatives and organizations promoting the new reform insist that public financing would do away with the "distortion" or "subversion" of our politics since candidates would no longer be bound by obligations to "special interests"; anyone, regardless of his resources, could run for office; the unemployed worker, the welfare mother or the steelworker would have the same access to his congressman as the president of General Motors. The Utopian note was best struck by Senator Kennedy when he told a Senate Rules Committee that, "At a single stroke, by enacting a system of public financing, Congress can shut off the underground rivers of private influence money that poisons politics at every level of federal government."

Now let's pull back for a moment and try to see where we are. Congressmen elected in 1972 filed complete reports on all contributions they received—at least those that came after April 7, 1972, the date the new law took effect. Common Cause, among other organizations, has a major study underway of the linkage between contributors and members of congressional committees, and that study may tell us a good deal more about why the committees vote as they do. Will the "underground rivers of private influence" go right on flowing if Common Cause documents the charge of bought votes? Won't the publicizing of such contributions have some disciplining effect on pressure groups and lobbyists whose activities would not be shut off in any case, whatever the mode of campaign financing? If officials of Union Carbide in 1972 gave to every member of the House Commerce Committee, that would be on record; knowing that record, those on the other side of a Union Carbide issue will know where in the Congress to put their energies and their publicity. Full disclosure of contributions in effect may help neutralize the advantages gained initially by donors, and in addition should encourage other pressure groups, including those representing the public interest, to get into the business of contributing. That to me is broadening the base. Is not that prospect good enough reason for giving the 1971 act a chance to prove its worth, especially if it is strengthened, as it ought to be, by new limitations and enforcement provisions recently passed by the Senate, including the setting up of an independent election commission?

Campaign funds do more than influence the votes of legislators or the decisions of policymakers. They are an integral part of a very complex system of nominating candidates and of electing them, and the process is different on almost every level of government. The nomination process for the House varies from state to state, district to district, and a House race differs from statewide Senate campaigns, which themselves vary from state to state. The presidential nomination process varies not only from state to state, but from candidate to candidate. To impose a uniform method of financing on all candidates, both in primary and general elections, would inevitably require one uniform selection process thereby dislocating a variety of local and state arrangements whose strength as well as weaknesses have been certified by experience. When we speak of public financing we are suggesting not simply some casual reform but a fundamental change in the heterogeneous ways candidates for federal office are chosen.

We have, I believe, exaggerated the limiting effect the need to raise campaign funds has on prospective candidates. And we are in danger of forgetting that the present system is largely responsible for our having two parties, as against three, four or more parties in congressional, senatorial or presidential elections. Do we want to change the two-party system? If so, we are talking of a major structural change, a hazardous one, and not one that should come about as a side effect of public financing.

How much serious study has been given to the impact of public financing of the multitude of campaigns that would be covered? One plan, using public funds to finance only the general election of a President, *has* been studied. The 1971 tax check-off, allowing each taxpayer to put one dollar into the 1976 presidential campaign chest of either or neither party is now law. It is reported that some three million dollars was designated on 1972 tax returns for that purpose, a low amount attributed in part to the Internal Revenue Service's failure to include the proposal on page one of the return. More should come in over the next few years, and a sizable pot could be divided by the nominated candidates of the two major parties in 1976.

Senators Kennedy and Scott are pressing to open this kitty to House and Senate candidates in the general elections of 1976, and to eliminate all private contributions once the nominations are over. The idea is very attractive to incumbents. By keeping public financing out of the primaries, the Kennedy-Scott bill will gain support from dozens of their colleagues from one-party states or districts who do not relish the prospect of challengers financed by federal funds—challengers who under the present system have little incentive to run and no chance to win. And though Kennedy and Scott would eliminate the private contributor from giving in the general election, they do not diminish his importance prior to nomination, in a primary, state convention or national convention. On the contrary the Kennedy-Scott measure would, in my opinion, assure that more money will be pumped into the nominating process, followed by costlier primary and state convention campaigning—all in the knowledge that there will be no need to go back to contributors for more once the nomination is attained.

When the public financers go further and apply their concept to primary or pre-nomination electioneering, the problems multiply. How do you separate serious from frivolous candidates for a House or Senate seat, particularly when the prospect of public money guarantees candidates an opportunity for exposure at a minimum of cost? Do you require signatures on a petition before a candidate is qualified to get federal funds? A firm can be hired to get them—at $50 per 100 in California. Do you require a prospective candidate to raise some amount in small contributions? How much? Since interest groups already are organized and making just such small contributions upon direction, they could have more clout from their traditional donations, while letting the US Treasury pay part of the costs.

What about the presidential race, which may begin for any one of a number of hopefuls at least a year before any primary? Do you require a man to raise $100,000 or $250,000 in small contributions before he gets any federal funds? Must he do that before the first primaries have started or can he start after? Can he do it just before the national convention, even if he has no delegates? Can he keep getting federal funds after losing several primaries? Can a favorite son get his small contributors from his own state, then use his federal money to run in other states?

In all this discussion of public financing, where does the political party fit in? Should federal funds go directly to the candidates? If so, how does a party organization support itself? Won't this make candidates more indifferent to party discipline than they are now? Is this desirable? Or if the party becomes the custodian of federal money, won't we be encouraging various interest groups to set up their parties?

The present system of private contributions certainly has flaws, but disclosures are illuminating them and past political advantages may be turned to disadvantages. Future fund-raisers have new guidelines and future donors have a clearer sense of what they are getting into. Public financing is a tempting shortcut, but it will not eliminate interest groups, only divert their energies to other channels of influence. For the congressional elections of 1974, at least, it is worth finding out how the current law, the Watergate affair and public oversight work to cleanse the system. For the 1976 elections, the check-off, limited in scope, deserves a fair trial. One additional step might be taken: provision for free mailing and subsidized television.

The Agnew case had added momentum to the drive for public financing; indeed the former Vice President has suggested this very reform. Here, too, a second look is in order. The Justice Department's 40-page summary describes a kickback system allegedly instituted by Mr. Agnew when he was Baltimore County executive and carried on while he was Vice President. The cash funds delivered to him from contractors allegedly were to be used to meet "substantial political financial demands"; that is, they were political contributions, Agnew and others now say. But were they? In court Mr. Agnew declared that payments he received in 1967 (the year for which he was charged with tax evasion) "were not expended for political purposes." Evidently they were used as income.

In other kickback prosecutions around the country, public officials and contractors have defended themselves by saying that the funds involved were political contributions. Yet many politicians, like Agnew, pocketed the money. Public financing would do nothing to remedy this. It is plain crookedness. For these cases we need to change the contract award system, not the system of campaign financing—unless we think that by making public money available to corrupt officials, they will not need or want to put the arm on the contractors.

RIGHT ON, CONGRESSMAN HAMILTON

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ROUSH. Mr. Speaker, our colleague, Congressman Lee Hamilton, in an address made in the Ninth District of Indiana, which he so ably represents, hit the nail right on the head when he spoke of the needs and demands of the American people in the months and years to come. Congressman Hamilton not only speaks eloquently on this subject but has exemplified integrity by his own life and has given meaning to his convictions through his work in the U.S. House of Representatives. The following editorial appeared in the Lawrenceburg Register on October 4, 1973. It deserves the attention of all of us.

Right On, Congressman Hamilton

Congressman Lee Hamilton made one of his most important talks Friday night at St. Leon. The subject matter has been voiced by him previously through the years, and as a supporter of the congressman for the last decade we can assure you it has been his personal political philosophy. In summary, here's what Congressman Hamilton stressed is needed to restore public confidence in politics and government:

1—Reduce secrecy in government.

2—Reduce the influence of money in public systems.

3—No concentration of power in any one office.

Right on, Congressman Hamilton. We have, and will continue to share his views. Polls indicate that the majority of Americans, regardless of their political leaning, support these views, also.

The three points aren't confined to national politics. Congressman Hamilton was referring to the Washington to local level. He emphasized this when he asked his audience Friday night if they knew the number one item Dearborn County voters will be interested in during the 1974 elections. The candidate's integrity. In other words, you can't point the finger at the President and the Watergate misdeeds if you have some of the same in your own communtiy. Washington, and its sometime far-removed elected officials, is a far-off place to most voters. It's easy to put the blame on someone who isn't your neighbor. It's much easier to remain silent about a neighbor's campaign or political organization that isn't up to snuff than to speak out, to ask questions. We encourage the latter. By doing so, you'll find out that it is your government, locally or nationally, and there's much more to an election than going to the polls to vote or worse, making up your mind you aren't going to vote.

Returning to point one. This newspaper, and any media worth its salt, will support this point-reducing secrecy in government. As readers of our newspaper have observed, we are opposed to secrecy in any type of government, elected or appointive. We oppose not to make people uncomfortable. We oppose secrecy in government because it is the people's government, your city hall, your courthouse, your schools, your hospital, your police department. The public too often is made to feel uncomfortable in public offices and in public meetings, resulting in a lack of respect for all public officials and worse, public apathy and lethargy. How often have you heard this statement, "What's the use. They won't listen to me!" Our newspapers listen. That's our second reason for opposing secrecy. That's our job—to represent the people, regardless of their station in life. Ours is a business, true. But we are custodians of freedom of information and freedom of speech, diametrically opposed to secrecy in government. Support us in this quest and you will have an improved government, and a much greater role in governing your community.

Point number two, reducing the influence of money in government, is extremely important. Money corrupts is an ancient axiom, and is best illustrated by the $60 million raised, some of it illegally and much of it used illegaly, to re-elect President Nixon. Again, it was the news media which focused attention on Watergate and subsequent election irregularities. We support the news media pressure to keep digging into election irregularities, despite opposition from some people and the mounting costs. Halting the investigations in mid-stream is just another opportunity for financial irregularities in government to occur at a later date. It's a costly lesson we are learning in Washington today. Again, it is your privilege on local level to ask questions of a candidate, and to learn how your tax money is being spent locally.

Point three, concentration of power in any office, does occur at all levels of government, and again is best illustrated by President Nixon's unilateral stance. Power corrupts is another age-old axiom. This disappointing degeneration in government has occurred at all levels of government. It isn't confined to a single political party, either. It is somewhat intertwined with secrecy in government. The end result is lack of confidence in government, a lethargy that sweeps the community and "keeps people in their places." We support public access to public business-public buildings and public officials. We ask for the public's support in our day-in and day-out monitoring of public business.

Congressman Hamilton's talk could not have come at a better time. Next week is National Newspaper Week. We renew our commitments to provide freedom of information. Newspapers are your foundation for free choice.

THE IMPEACHMENT PROCESS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. KOCH. Mr. Speaker, last Tuesday at noon, I joined with 28 of my colleagues on a resolution of impeachment of President Nixon. I did so for the sole reason that the President had made clear he would not comply with Judge Sirica's order requiring the production of tapes, documents, and other materials for inspection by the judge in connection with the Watergate grand jury proceedings.

Last Tuesday at 2 p.m., the President's lawyers announced that the President would comply with Judge Sirica's order after all.

Since last Tuesday at 2 p.m. it has been my position that immediate impeachment, which is equivalent to a formal indictment of the President to be followed by a trial in the Senate, is not in order but that the House Judiciary Committee should conduct a preliminary investigation to determine whether or not sufficient grounds exist for the committee to recommnd a resolution and articles of impeachment to the House of Representaives. And I am a cosponsor of a resolution to that effect as well as a cosponsor of a joint resolution authorizing Judge Sirica to appoint a new special prosecutor.

I think that the credible threat of impeachment did chasten the President and led to his turn-about on the tapes. Furthermore, I think the Judiciary Committee inquiry in the House and the continuing threat of impeachment proceedings are necessary to protect the existing Watergate investigations from further White House interference. But, if they do not prove to be sufficient deterrents and the President resumes a course of conduct that amounts to a defiance of court orders or criminal obstruction of justice.

I believe the House must then impeach the President forthwith or there never will be a satisfactory conclusion to the Watergate investigations and justice will be mocked.

In my opinion the primary responsibility of the House of Representatives at this time is to take all steps necessary to assure the American people that there will be a fair and thorough investigation of all Watergate related matters by the Ervin Committee, the grand juries, a new Special Prosecutor and the House Judiciary Committee. If, after the President has been given the opportunity to defend himself under adequate procedural safeguards, substantial evidence is presented to the House of Representatives that there is reasonable cause to believe that the President has committed high crimes and misdemeanors, I will vote for impeachment.

My paramont consideration is that the Constitution and the due process which it requires be defended and protected from both executive and legislative abuses.

Reading about the history of the impeachment process leads me to believe that except under circumstances such as I have already described, we should proceed with great care when we speak of impeaching the President of the United States.

Article II, section 4 of our Constitution says that the President shall be removed from office on impeachment for, and conviction, of, treason, bribery or other "high crimes and misdemeanors." The weight of historical and legal authority argues that "high crimes and misdemeanors" are not limited to acts which are indictable under our criminal laws but include also "great offenses" which I would describe as serious official misconduct doing great injury to the Government and the people.

Thus, the broad scope of "high crimes and misdemeanors" is consistent with the established view that House impeachment and Senate trial to not constitute criminal proceedings. Otherwise the fifth amendment protection from "double jeopardy" might arise. Impeachment is only a method of removal and prescribes no other punishment except barring the person convicted from ever holding public office again.

Since the criminal law does not control the substance of the accusations or the trial procedures utilized, there is no way to avoid the political nature of impeachment. Hamilton remarked in the "Federalist Papers" that the prosecution of impeachment "will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused * * * and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of the parties, than by the real demonstrations of innocence or guilt."

Therefore, to recognize what impeachment means and the partisan dangers inherent in the process should encourage care and restraint on the part of Congress.

There have been 12 impeachments and only 4 convictions in our history. Nine of the 12 impeached, and all 4 of those convicted were Federal judges. The impeachment process is obviously most needed when a judge, with a life-long appointment, has to be removed for serious misconduct.

Resolutions to impeach Presidents Tyler and Hoover were introduced but rejected. Only President Andrew Johnson was impeached by the House but his conviction failed by one vote in the Senate.

Johnson's impeachment was a sorry chapter in American history. It is too long a story to tell here but it should be required reading for anyone who forgets that legislative tyranny can be just as great a menace to the separation of powers as executive tyranny.

Remembering Hamilton's warning, let us be sure that our "passions" do not get the better of us. It was 1868 when Thaddeus Stevens, an impeachment leader in the House declared:

> Let me see the recreant who would vote to let such a criminal escape. Point me to one who will dare do it and I will show you one who will dare the infamy of posterity.

But it was just yesterday when I read a statement on impeachment by the American Civil Liberties Union which declared—

> It cannot be stressed strongly enough or often enough that Representatives who do not move to impeach and who thereby fail to bring President Nixon to trial, are accomplices to a cover-up.

I have no use for such talk and I am sure that most responsible ACLU members do not either. This is not a time to be unreasonable or vindictive. Too much unreason and spite have already been employed by the White House. The President's contempt for honesty and fairness cannot become the prevailing attitude in Congress for resolving this crisis. Too much is at stake. For our "democratic experiment" almost two centuries old is in grave jeopardy. And, if the checks and balances of our American constitutional system fail to work now, we will have repudiated our past and lost our future.

CRIME CONTROL NO. 1

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. LANDGREBE. Mr. Speaker, guns like any other object, may be used to protect life and property or to endanger life and property. In the first case guns are used against criminals; in the second, by criminals. It is the intent of the person using the gun that determines whether its use is proper or not. Now the gun control lobbyists, like a squad of squid, have been beclouding the waters of argument by continually squirting the black ink of illogic into the discussion concerning crime and guns. Unfortunately these lobbyists have succeeded in completely confusing many people on the matter of guns and crime with the result that the clamor for gun control is once again rising. It is my intention to dissipate their black ink by presenting from time to time an illustration of the proper use of guns, a use that would be prohibited by gun control legislation. Like all liberal proposals, gun control laws are misnamed: the laws are aimed at the control of people, just as price and wage controls are aimed at the control of people. Gun control laws would prevent the proper use of guns, and guarantee that they would be used improperly, for such laws are aimed not at criminals, but at their victims. To illustrate the proper use of guns I am including the following article from the Evansville Press in the Record:

Woman Reports Gun Scared Off Would-Be Robber

A female employe at a pizza shop told police she scared off a would-be robber early today when she responded to his demand for money by producing a gun.

Mrs. Rhonda Perry reported a young man with shoulder-length brown hair entered the Pizza Barn, behind the Coachman Tavern at Indiana and Second Avenue, at 1:25 a.m. She told officers he held a hand under his shirt as if he had a weapon and demanded money.

She drew a gun on the youth, however, and he fled, she reported. Alan Ratliff and Police Sgt. Donald Austin, owners of the shop, were not in the shop at the time.

NASA OUSTS TOP BLACK WOMAN IN DISPUTE ON EQUAL EMPLOYMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Ms. ABZUG. Mr. Speaker, Ruth Bates Harris was discharged last week from her position as NASA's Assistant Administrator for Equal Opportunity. Her discharge was the culmination of a conflict with NASA's administration over the programs which she thought should be implemented for NASA to achieve a more equitable employment record.

Ms. Harris has had a distinguished career in equal employment administration, coming to NASA from the Washington, D.C., and Montgomery County Human Resources Divisions.

NASA, on the other hand, has a history of unequal employment practices. NASA has consistently bypassed women astronauts who were eminently qualified to fly space missions and has assigned male astronauts instead.

I am inserting this article from the Sunday, October 29 Washington Post by Tim O'Brien into the Record because this is an issue which deserves our immediate attention:

NASA Official Fights Ouster

(By Tim O'Brien)

Ruth Bates Harris, a top official of the National Aeronautics and Space Administration who was fired in a dispute over equal employment opportunity, said yesterday she will seek reinstatement by the Civil Service Commission

Mrs. Harris was the highest ranking woman in NASA until her dismissal Friday. She was dismissed as deputy assistant administrator for equal opportunity after she and two of her aides accused the agency of refusing to move fast enough in hiring minority and women workers.

Before joining NASA two years ago, Mrs. Harris was the human relations director for the Montgomery County school system.

Along with NASA equal opportunity officials Joseph M. Hogan and Samuel Lynn, Mrs. Harris prepared a 40-page report showing that the agency lags behind the government as a whole and behind private NASA contractors in employment opportunities for minorities and women.

The controversial report said NASA's equal opportunity program "is a near-total failure. The representation of minorities is the low est of all agencies in the federal government. Women are clustered and largerly restricted to clerical jobs."

The report was given in mid-September to NASA Administrator James C. Fletcher. A series of meetings between Fletcher and Mrs. Harris followed, culminating in her dismissal.

The report charged the agency with a lack of commitment to equal job opportunity and described NASA's middle management as "insensitive" to the problem. It called for the replacement of Dudley McConnell, who as assistant administrator for equal opportunity was Mrs. Harris' immediate superior at the agency.

McConnell said yesterday that Mrs. Harris was "not dismissed because of the critical report."

"Most of the data in the report is on the public record," he said. "But the time they spent preparing it should have been devoted to more positive kinds of things.

McConnell said her dismissal was based on "differences of opinion on NASA's equal opportunity priorities and methodologies."

Fletcher confirmed that Mrs. Harris had been fired and said "there was a basic incompatibility in the organization in which she was placed."

Fletcher will testify on the space shuttle before the Senate Aeronautical and Space Committee Tuesday, and a staff aid to committee Chairman Frank E. Moss (D-Utah) said "there will certainly be every conceivable opportunity to question" Fletcher on equal employment problems in NASA.

In addition to firing Mrs. Harris, Fletcher transferred Hogan from his job as director of the agency's contractor equal employment program. McConnell said Fletcher also warned equal employment officer Lynn that he would stay in his job only as long as he "got along with" McConnell.

The report said only 5.19 per cent of NASA's employees were minority group members, compared to 20 per cent for the federal government as a whole.

At its present rate, the report said, NASA would employ only 9 per cent minorities by the year 2000.

As of last June, 70 per cent of NASA's employees were in Civil Service grades 10 and above, while only 29 per cent of its black employees were at similar grade levels.

"NASA's requirement to lower the average grade levels," the report said, "is being accomplished at the expense of minorities and females."

Mrs. Harris said she would file for reinstatement "or whatever other remedy is possible" through the Civil Service Commission in connection with her dismissal. She said she has already been in touch with the Legal Defense Fund of the NAACP.

"Dr. Fletcher, in terminating my services, said that as an excepted employeed, I did not have the protection of Civil Service that other civil servants might have." Mrs. Harris said. "But I will go ahead anyway."

She joined NASA two years ago and for the first year and a half was director of the agency's equal employment office. But when the post was elevated to assistant administrator, McConnell said Mrs. Harris was passed over in favor of him.

DANGERS OF SPORTS INJURIES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, as part of my efforts to inform my colleagues about the problems of athletic injuries and the need for qualified athletic trainers, I would now like to insert into the RECORD articles from the Macon, Ga., Telegraph and the Washington Post.

[From the Macon (Ga.) Telegraph, May 22, 1973]

INJURIES TO PREP ATHLETES

(By Harley Bowers)

Macon's schools, coaches and athletes have never been offered a better deal than the one proposed by Dr. Antonio Fernandez. Acting as a spokesman for three orthopedic surgeons, Dr. Fernandez has offered to work out with local public and private school coaches a way to provide proper attention for injuries that previously have gone unattended.

This is a proposition that local coaches cannot ignore, one that school officials and parents cannot let them ignore. They need only to listen to Dr. Fernandez tell about the alarmingly high number of Bibb County athletes who sustained injuries during the past 12 months that will cause them problems for life simply because there was not a proper method for providing them with treatment.

Dr. Fernandez was most emphatic in saying that he blamed the doctors, not the coaches. He wants to do something about the problem. Specifically, Dr. Fernandez and other orthopedic surgeons who have agreed to assist him, want to meet with local coaches this summer and instruct them in ways to recognize orthopedic-type injuries.

If it is felt that an athlete should then be checked by an orthopedic specialist instead of a general practitioner who might not recognize an injury of this type, a designated member of the coaching staff would contact one of the three orthopedic specialists.

They would see the youngster immediately, thus assuring treatment, if necessary, within the critical five-day period when such injuries need to be attended to. Dr. Fernandez says that no charge will be made to the school, or the athlete, if it is found that treatment is not required.

NOW UP TO ATHLETIC DIRECTORS

The next move is up to the local private and public school athletic directors. What they need to do is agree with the doctors on a time for the clinic. With expert medical attention assured by Dr. Fernandez and his group there is no need for Bibb County athletes to suffer the rest of their lives because of injuries that can be corrected.

When informed of the offer of Dr. Fernandez and the other local surgeons to help with this situation, Warren Morris, head trainer at the University of Georgia and a leader in the move to require all athletic teams to have a certified trainer on their staff, was elated.

"We need more of this," Morris said. "We must make the public aware of the problem. People simply have not realized how serious this is. If injuries of an orthopedic nature aren't checked and treated immediately by an expert there is a strong possibility of permanent injury."

Morris said he felt there was a good chance that legislation would be passed by Congress within the next year which would require all high school teams playing competitive sports to hire a certified trainer on a full time basis.

"We've got to have this," Morris said. "There are many times more injuries to high school athletes than to pro and college athletes, yet they are the only ones who do not have the benefit of a professional trainer. Coaches may wonder how they can afford such a person on their staff. I think they are going to find that a trainer will be one of the most valuable men they've ever had."

[From the Macon (Ga.) Telegraph, May 20, 1973]

DOCTORS CONCERNED—PREP GRID INJURIES SERIOUS PROBLEM

(By Harley Bowers)

Three Macon orthopedic surgeons, alarmed over the number of local high school athletes who are suffering permanent disability because injuries weren't immediately attended to, have proposed a joint effort with local coaches designed to lessen the problem.

The doctors, according to the group's spokesman, Dr. Antonio Fernandez, want to conduct a clinic during the summer, which they hope will be attended by all public and private school coaches.

They would provide free instruction to the coaches in the area of recognizing injuries of an orthopedic nature, largely ankles, knees, arms and shoulders.

"We would then like for each school's athletic director to make one coach responsible for contacting one of us immediately about the type of injuries we are talking about," Fernandez said.

"We aren't blaming the coaches for what has happened in the past. We blame ourselves. We know that it is almost impossible for anybody to see any of us without referral from another physician and generally this is after a minimum of two weeks wait.

"But we are so concerned about this problem that we will make ourselves available immediately when we are called by one of the coaches designated as being responsible at his school.

"We will spend whatever time it takes, eight to 15 hours, we estimate, to train coaches to better recognize the type of injury that is leaving so many of our local athletes injured for life.

"Right now we need the cooperation of every coach in Macon, at both private and public schools, so that we can get this program going.

"We fear that neither the coaches nor the general public is aware of the number of injuries that go unrecognized and unattended until it is too late.

"The coach is busy with so many things. He may send a boy to a doctor who is not an orthopedic specialist and X-Rays may show nothing to a person who does not know what to look for.

"So the boy doesn't get the treatment he needs. When there is ligament damage it desperately needs attention within five days. Otherwise permanent impairment is likely.

"I can cite at least 20 cases right now of athletes who have come to me who fall into this category.

"They were told they have a sprain, or something of this nature. They never see an orthopedic specialist.

"It is a sad thing. We have had to recommend to several within the last few months that they end their athletic careers. Some of these were college prospects.

"I have a case right now where a boy sustained a shoulder injury identical to what Rex Putnal suffered at Georgia last season.

"Putnal received proper and immediate treatment and was playing again within four weeks. The high school boy was told that he had a sprain and he finally was sent to me months later.

"It is doubtful that I can do much for him now. I am afraid his athletic career is over and he was a college prospect.

"Again I emphasize that the coaches are not negligent. They are simply in an impossible situation.

"They are confronted, too, with an insurance problem. Who pays for the treatment? They've all run into parents angry over large bills for treatment of such injuries.

"We believe that schools can get better insurance coverage for their athletes if the insurance companies know that they will get immediate attention from orthopedic surgeons."

Dr. Fernandez said that he wholeheartedly endorsed the idea of having a qualified trainer on each high school athletic staff, which is being proposed by the National Trainers Association.

"This would be the ideal solution," he said, "and would be very beneficial to coaches, schools and players.

"But this isn't going to take place immediately. We need to do something now to reduce the number of injuries that our young high school athletes are suffering and which do not receive proper treatment.

"These injuries are difficult to diagnose and must be treated by orthopedic specialists immediately.

"With the help and cooperation of the local coaches we hope to see that this is done."

Dr. Fernandez pointed out that 12 times as many injuries are suffered by high school athletes as by college and professional athletes.

"And they receive far less medical attention," he pointed out. "College and professional staffs not only include a qualified trainer but an orthopedic surgeon, plus the best of equipment.

"It is time we begin doing something for the high school players in this area."

[From the Washington Post, Aug. 12, 1973]

COACHES LOOK FOR DOCTORS

(By Thomas Boswell)

"If a player died in an Interhigh football game and there was no doctor in attendance, you'd have a stack of paper and red tape as high as the Washington Monument from all the people trying to wash their hands of the responsibility," says Dr. Major Gladden, head of orthopedics at D.C. General Hospital.

For the past several years the orthopedic residents under Gladden have been the physicians in attendance at every Interhigh League game. They are paid $25 a game.

"You couldn't get a doctor to touch a game at low pay like that. The residents do it to pick up a few dollars and for the experience," said Gladden.

Gladden is proud of the work his residents do and is glad he was instrumental in getting orthopedic men to Interhigh games, rather than the interns who previously went and "felt out of place."

The only problem with the current arrangement is that Interhigh football coaches say they don't think any doctors at all are at the games.

"I think we had a doctor at maybe two league games last year," said McKinley's Ike Jackson. ". . . Maybe at a couple," said Roosevelt's Jim Tillerson, president of the D.C. Coaches Association.

"I can't dispute anyone who says they were there," said Anacostia's Wyman Colona, "but they didn't make themselves known to me if they were there. We've made complaints about it. In my years we (the coaches) have had to do more than the doctors when they are there; it's almost a waste. They just tell us to call an ambulance. We can figure out to do that."

"If there were doctors at a majority of my league games, I didn't see them," said Sam Taylor of city champion Coolidge. Taylor has been acutely aware of doctors since one of his players suffered a compound fracture of the thumb.

"The bone came on through and I panicked, naturally," he said. "I grabbed it and put it back in just to stop looking at it.

Luckily, I did it right. I guess I could have messed up his hand for life."

Another of Taylor's players, Aaron Whitaker, played with an infected jugular vein about which several doctors had warned him. Since Coolidge had no regular team doctor or even a qualified trainer, Whitaker found it easy to keep the seriousness of his injury a secret from his coach until he began passing out from lack of blood to the brain.

"Whitaker could have sued the city for a mint for the equipment he was playing in when he was injured and the lack of care he got. That is, if he and his people had been that way about it," said Taylor.

From an administrative point of view, Interhigh athletic director Otto Jordan can say, "We paid for a doctor to be at every league game last year. I'd hate to think we were paying somebody who wasn't doing his job."

Gladden has the records that show his residents were sent, but it is hard to find an Interhigh coach who can remember the last doctor to treat an injury at a game.

"Of course, it's hard to pick the doctors out in the crowd," said Colona. "They used to wear white coats and introduce themselves to each coach. They're supposed to. Now, if they're there, they come in civilian clothes and wear turbans."

Meanwhile, there has been difficulty getting ambulances.

Each game has an ambulance "on call." "That means if there is an ambulance available, you send it. If not . . ." said Gladden. "You can imagine how hard it would be to get an ambulance into some of those fields at a big game with 2,000 people." Crowds at many Interhigh games do not remain in the stands but ring the fields and sometimes stand on them six deep during the game.

For every gripe that coaches have about invisible doctors, the medical men have a counter charge.

"A lot of coaches ignore the doctors unless somebody is maimed. They want the umbrella of protection of having the doctor responsible but in the heat of the game they may want a player to stay in. I've had teams circle around an injured player so I couldn't get to him and the coach or trainer could put a dislocated shoulder back in and send the player back into the game," said Gladden.

"If a player goes down on the field, let me tell you what happens," said Richard Janigian, athletic director for years at Bell.

"A couple of students who don't know anything run out on the field and try to get the player off, no matter what the injury is. If there is a doctor in attendance, he comes on the field and he's a complete stranger. He hasn't introduced himself to anyone, there's been no communication, and he has to prove who he is. On top of all that some of the refs have the nerve to tell you to get the player off the field so they can continue the game."

AMERICAN PRISONS FAIL SOCIETY

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. KEATING. Mr. Speaker, more than 97 percent of those in prison today will eventually return to society, and more than two-thirds of those released will be rearrested within 4 years, according to information supplied by the Federal Bureau of Investigation.

The available evidence clearly shows that America's prisons are not really "correctional" institutions at all. Rather, they are "colleges of crime" which graduate men and women even more prone to crime and skilled in criminal ways than when they entered.

Moreover, conditions inside our prisons are causing widespread destruction in rioting by the prison populace. This year, for the first time in the history of corrections, a warden and a deputy warden were killed in the Holnesburg Prison in Philadelphia.

In the last 4 months, two correctional officers had been reported killed in prisons in Arizona and in my own State of Ohio. In Oklahoma, four persons were killed, 34 injured, and at least $20 million in damages recorded in the bloodest revolt since Attica in 1971.

Despite the public shock and furor that ensued following the Attica outbreak 2 years ago, there has been no significant improvement in our Nation's penal institutions. Hearings have been held, recommendations made, and dozens of bills introduced—yet no action has taken place. The number of riots and prison disturbances constantly increases, and recidivism claims more and more lives.

Mr. Speaker, it is time to bring a halt to the senseless waste of human lives and money resulting from our neglect of the correctional system. We need to ask why our correctional institutions are failing and what we, as our Nation's lawmakers, can do to reverse this alarming situation.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice concluded that prison conditions in this country were the poorest possible preparation for the successful reentry of offenders into society. Correctional institutions, they found, were nothing more than grim, fortress-like structures housing thousands of prisoners in impersonal, highly regimented environments.

The majority of these institutions were old—some built as many as 100 years ago—and most were remotely located. As a result, offenders were cut off from schools, jobs, families and other community-related influences, and qualified staff personnel were difficult to attract.

Moreover, these institutions offered few job training or educational programs that could equip the offender to lead a productive, law-abiding life upon release.

The President's Commission concluded that a principal reason the ex-offender returns to crime is his inability to find a job on release. In fact, the Commission found that, surprisingly, the most formidable barrier to employment is not the criminal record of the offender; it is his lack of marketable job skills.

In our Federal institutions alone, 85 percent of the prisoner population lack marketable skills; and, in our State prisons, the percentage is often higher.

Despite the fact that studies have shown conclusively that steady employment upon release is directly related to lower recidivism rates, our Nation's prisons are failing to provide the offender with the necessary job training that makes postrelease employment possible.

Those programs which do exist are woefully inadequate. They are limited in scope and content, and bear little relevance to outside employment needs.

Consequently, about one-third of our inmate population is idle, while the few who do work spend much of their time on meaningless chores, working with obsolete equipment, or in industries bearing little resemblance to potential jobs in private industry. It should not surprise us that the unemployment rate for ex-offenders is three times the national average.

As Chief Justice Warren Burger has stated:

> It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market, or bricklayers or plumbers if they will not be admitted into a union.

Moreover, average hourly wage rates for inmates in State correctional institutions range from 4 to 17 cents an hour. While wages for Federal inmates are somewhat higher—ranging from 21 to 51 cents an hour for work done in the Federal Prison Industries—they, too, are too meager—too meager to adequately motivate a man to learn his job well or perform at higher levels.

The President's Commission concluded that it was the warehousing of offenders in these large and impersonal institutions, combined with the lack of suitable programs, that explain the failure of America's prisons.

Despite the recommendations of the Commission to phase out these large prisons and to replace them with small community-based institutions, we have seen little progress. The majority of our prisons are still massive, antiquated institutions, and they are still ill-equipped to return offenders to their communities as productive citizens. Today, I am introducing legislation to combat the most serious shortcomings of our correctional institutions. The objectives of my legislation are fivefold:

First. To provide measures to minimize the impact of prison riots;

Second. To provide for the improvement of communication between prison inmates and prison authorities and the outside world;

Third. To provide an up-to-date recruitment and training program of correctional personnel, and to encourage a more effective organization of State correctional agencies;

Fourth. To improve and expand inmate education, job training and employment opportunities; and

Fifth. To encourage the States to build smaller community-based facilities.

Title I of this legislation will expand in scope and quality existing vocational training and employment programs for Federal offenders. It does so by authorizing the Federal Prison Industries to initiate programs for the training or employment of all qualified offenders in Federal correctional institutions.

Emphasis is to be placed on creating a realistic work situation for the offender by encouraging the involvement of the private sector, the payment of the prevailing wage, and a competitive market situation.

The bill I am introducing today also authorizes the Federal Prison Industries to make loans to, or contract with, private organizations such as corporations, labor unions, and private nonprofit groups, for the purpose of establishing inmate training or employment projects within or outside of their correctional institutions.

These organizations would also be encouraged to provide the inmate with supportive services, such as counseling and educational programs, all of which would be designed to increase the employment potential of the inmate.

Under this title, eligible applicants for loans must adhere to the following conditions:

First, applicants must pay prisoners the prevailing wage for the work or training to be performed.

Second, the work or training performed must be of such a nature as to provide the offender with the likelihood of post prison employment.

In this regard, the bill provides that the wages paid to inmates will be subject to all State or Federal regulations providing for keeping of funds in trust for incarcerated persons. The bill also requires the deduction of a reasonable portion of the inmate's wages to support dependents, and the further deduction of costs incident to the inmate's confinement, such as room and board. These wages also will be subject to any State or Federal tax laws and require the deduction of not more than 10 percent of an inmate's wages to compensate the victims of his crime.

Title II also provides that section 1761 of title 18 of the U.S.C., which bars the shipment in interstate commerce of prison-made goods, shall not apply to any products produced as a result of programs financed under this title.

This Federal program would be supported by a Federal employment and training fund whose moneys would be derived from payments of loans and proceeds from sales where the employer is a Federal agency, such as the Federal Bureau of Prisons. The fund would also be supported by annual congressional appropriations.

By creating this new program within a competitive market, and assuring reasonable wages and profits, it will be possible for the inmate to accept responsibility of the debts to himself, his family and the community. By doing so, the inmate may be able to maintain his sense of dignity and self-respect, which is so vitally important.

In order to coordinate the various activities of State correction ombudsmen and to provide the same sort of assistance to Federal inmates, title II of this legislation would establish a national correctional ombudsman.

For administrative and funding purposes only, this office would be placed in the Law Enforcement Assistance Administration and would be funded out of LEAA's discretionary fund.

The national office would report annually to the President and Congress on the activities of the office, and in this report it would review the status of prisoner treatment, grievances and complaints, and would evaluate the efficacy of Federal and State correctional grievances and ombudsman programs.

The purpose of the omsbudsman office would be to help resolve prisoner grievances on a day-by-day basis before they reach crisis proportions.

Each ombudsman would act as an impartial arbiter in all correctional disputes, investigating and reporting on all complaints from inmates, probationers and parolees.

In addition, the national correctional ombudsman would participate in the preparation and review of the States' annual correctional plans prepared in accordance with the Omnibus Crime Control and Safe Streets Act, and he would also prepare an annual report to the Governor on prison activities and the state of prisoner treatment and grievance resolution programs.

The establishment of the national correctional ombudsman would also help relieve some of the serious administrative problems of the courts. Court dockets are now overloaded with various prisoner complaints, which actually could be dealt with more effectively on an informal, conciliatory forum.

As stated by Chief Justice Warren Burger before the American Bar Association Convention this year:

> There is one area of litigation in the district and circuit courts that must be carefully examined to determine whether other methods may be available. Twenty years ago, complaints filed in Federal courts by prisoners in state prisons were hardly enough to give any concern. In fiscal year 1972, however, there were more than 16,000 petitions filed challenging the validity of the conviction even after full review by other courts. In addition, prisoners have filed more than 4,000 cases under the Civil Rights Act claiming mistreatment or denial of rights.

One alternative, suggested the Chief Justice, would be to "create a statutory procedure for Federal prisons to provide for hearing prisoner complaints administratively within the prison, and require that these procedures be exhausted before any proceeding can be filed in Federal courts."

Title II of the legislation I am introducing today would accomplish these objectives.

Title III of this legislation would require the Attorney General of the United States to establish a voluntary high school equivalency training program for all qualified inmates in each Federal penal and correctional institution. This program is to be administered by the Federal Bureau of Prisons.

In recent testimony before a Senate committee, the Director of the Federal Bureau of Prisons revealed that fewer than 5 percent of all inmates committed to Federal prisons function at the 12th grade level. Moreover, a sizable number of our inmates in both Federal and State facilities are functionally illiterate.

By 1975, the U.S. Department of Labor predicts the unskilled labor market will utilize less than 5 percent of the entire work force. The possibility of employment for those without even rudimentary reading or writing skills therefore grows more improbable, and their return to crime more likely in the following years.

In order to improve the State correction systems, title IV of the bill amends current Law Enforcement Assistance Administration—LEAA—legislation in several areas affecting State corrections programs, and provides financial assistance to the States for the establishment of community-based facilities and programs.

Over two-thirds of our total correctional population of over 1.5 million people are not imprisoned. Of the 400,000 who are incarcerated, 9 out of 10 reside in State rather than Federal institutions.

The Omnibus Crime Control and Safe Streets Act of 1968 was enacted to provide assistance to States and localities to improve and strengthen their law enforcement systems. Funds for corrections programs were generally available under part C of the program, which provided block and discretionary grants to the States and localities for general law enforcement purposes.

In 1970, however, the legislation was amended to provide for a special program of grants to be used specifically for correctional programs and practices. Under this new part E, States wishing assistance must first make assurances in their comprehensive State plans that their correctional systems will meet certain requirements.

Among the most important of these is the requirement that the States place satisfactory emphasis on the development and operation of "community-based correctional facilities and programs," such as probation, parole, halfway houses and work release programs.

State plans must also include provisions for advance personnel recruitment programs, and as a result of a recent 1973 amendment, States must also provide for the development and operation of narcotic and alcoholism treatment programs for offenders in correctional institutions, or on supervisory release programs, such as probation and parole.

Mr. Speaker, all of these requirements are necessary and desirable. I believe, however, that we could improve this legislation further by mandating that States desiring LEAA assistance to meet additional requirements designed to improve and expand further their correctional programs.

Title IV of the bill I am introducing today would amend the LEAA legislation to provide for certain programs designed to reverse the trend of damage and violence resulting from prison riots. Title IV of this bill requires that any State seeking correctional improvement funds under parts C and E of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, include the following in its annual comprehensive law enforcement assistance plan:

First. A riot and disorder control plan which has been formulated by the State planning agency in concert with, and made available to, State and local law enforcement authorities. Riot and disorder control plans are presently required only in Federal penal institutions;

Second. A program for the development and operation of a high school equivalency training program for all qualified inmates in each correctional institution and facility in the State;

Third. A program for the development and operation of a program of instruction for State and local correctional officers designed to acquaint such officers with urban ghetto problems in order to reduce racial discrimination in each correctional institution and facility in the State. Such programs could be modeled after those offered in the Federal training centers in Dallas and Atlanta;

Fourth. A program for the establishment and operation in the State of a correctional ombudsman office which shall act as an impartial arbiter in all State and local corrections disputes, and investigate each complaint from an inmate, probationer, or parolee of a State or local correctional institution or facility, participate in the preparation and review of such State plan, and prepare an annual report to the State Governor with respect to current State prison activities and treatment of inmates, as well as existing grievance resolution programs; and

Fifth. A program for the development and operation of a program of vocational training and employment of all qualified inmates in each correctional institution and facility in the State.

Title IV of this legislation would also encourage, through the use of LEAA part E and discretionary grants, a merger of State corrections departments, parole, and probation authorities into one centralized, unified State corrections department in order to improve upon the presently fragmented administration of most correctional services.

Finally, title IV of the bill would require States to abandon the old, Attica-type correctional institution, and to establish community-based, correctional facilities and programs in small, urban centered correctional institutions.

This objective would be accomplished by redefining community-based correctional facilities and programs in part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as those correctional facilities with a capacity of not more than 400 inmates.

This legislation would provide increased financial and technical assistance to the States to improve and expand their correctional facilities and programs, and it would also offer measures to improve corrections programs in our Federal institutions.

If we, in the Congress, are earnest about controlling crime and preventing the violence and bloodshed of prison riots, we can no longer treat corrections as the stepchild of the criminal justice system. The time for dramatic improvement in the operation of our Nation's correctional systems has arrived, and the legislation I am introducing today should provide a realistic and workable framework in which to achieve these objectives.

AUSTRIAN GOVERNMENT'S DECISION IS DEPLORED

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. EILBERG. Mr. Speaker, we have been forced to turn our attention almost completely to the problems in the Middle East. However, we must not forget the plight of the Russian Jews who are still trying to go to Israel despite that country's problems and the Government of Austria's threat to close down the transition center at Schoenau Castle.

At this time I enter into the RECORD a letter sent to the Chancellor of the Republic of Austria by the Association of Jewish New Americans of Philadelphia:

ASSOCIATION OF JEWISH NEW AMERICANS IN PHILADELPHIA,
Philadelphia, Pa., October 8, 1973.

Hon. BRUNO KREISKY,
Chancellor of the Republic of Austria,
Vienna, Austria

DEAR SIR: The members of the Association of Jewish New Americans in Philadelphia, survivors of the Nazi holocaust, are deeply disturbed by your government's decision to close the transit camp in Schoenau.

Giving in to extortion by a group of terrorists and refusing transit-stop-over to Russian emigrants is so bitterly reminiscent of the closed door policies toward European Jews during the second world war.

We, therefore, strongly urge the Austrian government to reverse its unfortunate decision for the sake of Austria, for the sake of the emigrants and for the sake of humanity.

Respectfully yours,
SOL ROSEN,
President.
IRVING TEITELBAUM,
Secretary.

HYPOCRISY IN THE WEST AS PICTURED BY SOLZHENITSYN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. CRANE. Mr. Speaker, possibly no writer in the world today enjoys, and undoubtably deserves, the enormous prestige of Alexander Solzhenitsyn. Probably no one has more thoroughly probed the depths of social turmoil and the effects of tyrannical rule on a heroic people than this 1970 Nobel Prize for literature winner. In his brilliant novels, only one of which has received public recognition in his own country. Solzhenitsyn authentically reflects profound understanding of the nature of man and the need for a transcendent rather than merely temporary basis of authority and meaning in life.

Through his novels over the years and resistance to Soviet persecution and repression, Solzhenitsyn earned the respect of almost all elements of Western society. Recently he drew the logic of his developing position further as he zeroed in on Western liberals for their hypocritical standards of judgment of American actions and failing to understand fully the nature of communism. The orgy of self criticism so often manifested in the attitudes of Western liberals reminds Solzhenitsyn of "the apparently impossible similarity" with the czarist regime in its last years. Several of the more critical questions raised by the Russian author are the subject of a recent editorial in the Phoenix Gazette and I insert it in the RECORD at this point.

[From the Phoenix Gazette, Sept. 15, 1973]

HOW NOW, HYPOCRITES?

Soviet novelist Alexander Solzhenitsyn's blast at the "hypocrisy" of the West in general and U.S. Democratic Party leaders in particular is rather like biting the hand that has been petting you.

Ever since he won the 1970 Nobel prize for literature (but was not allowed by the Soviet government to go to Stockholm to receive it), Solzhenitsyn has been celebrated by the liberals as much as anybody for his courageous stand against Soviet persecution and repression.

This endorsement has not stopped Solzhenitsyn from criticizing those who praise him. Quite the contrary. In a letter nominating another celebrated Soviet dissident, H-bomb physicist Andrei Sakharov, for the 1973 Nobel Peace Prize, Solzhenitsyn accuses Western liberals of a double standard in their judgments.

More telling than his comments on the hypocrisy of the Watergate political prosecutors was Solzhenitsyn's citing of the double standard practiced in connection with the Vietnam war. "The proven, bestial massacres" in Hue by the Viet Cong and North Vietnamese during the 1968 Tet offensive "were only registered in passing, almost immediately forgiven," he notes, adding that "it was only annoying that these counts of victims leaked out in the free press and for a time, quite brief, caused embarrassment, quite small, among the frenetic defenders of this social system."

It will be interesting to see how the liberals who dominate the American free press react to this point on which they are vulnerable as all get-out. The probabilities are that they will ignore it as much as possible, concentrating instead on excusing Solzhenitsyn for not understanding what Watergate—according to the Gospel of Sam—is all about.

Solzhenitsyn also noted in his letter that having devoted years to the study of "Russian life before its destruction," he is struck by "the apparently impossible similarity" between the Czarist regime in its last years and the United States of recent years, "years, I dare say, which are also the last ones before major chaos."

One can only hope that this is indeed an impossible similarity. If it is not, the blame seems likely to rest in large part in the liberal hypocrisy and double standard that Solzhenitsyn has fingered.

PSRO AND THE KENTUCKY STATE MEDICAL ASSOCIATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RARICK. Mr. Speaker, the Kentucky State Medical Association on September 19, adopted a resolution urging repeal of professional standards review organizations—PSRO.

I have introduced H.R. 9375, calling for repeal of the PSRO provisions from the act in order to eliminate the threat of political interference into the area of medicine. The PSRO program for regional and national establishment of norms of medical practice are presently scheduled to become effective January 1, 1974.

I can assure our colleagues that if they have not heard of PSRO yet, they can expect to be hearing it as the effective date approaches. In order to avoid a medical rebellion among our doctors of medicine, I would urge you to introduce similar legislation to H.R. 9375 and work toward early repeal of the unnecessary and impractical provision of law which establishes the groundwork for Federal control of medical practitioners.

H.R. 9375 repeals, under the Social Security Act, the provisions for the establishment of professional standards review organizations to review medical services covered under medicare and medicaid programs.

It should be pointed out, however, that the same dangers that exist to the confidentiality of medical records from bureaucratic supervision of medical doctors through national or regional PSRO could also exist from a State PSRO. This is especially true in light of the fact that we have seen numerous State-controlled programs taken over by the Federal bureaucrats in the past.

H.R. 9375 has been referred to the Ways and Means Committee.

I include the resolution of the Kentucky State Medical Association and the text to H.R. 9375 at this point:

RESOLUTION OF THE KENTUCKY STATE MEDICAL ASSOCIATION, SEPTEMBER 19, 1973

Whereas, Public Law 92–603 stipulates the requirements for professional standards review organizations, and

Whereas, the board of trustees of the KMA on March 28, 1973, approved the concept of a single statewide professional standards review organization for Kentucky to be developed by the Kentucky Foundation for Medical Care, and

Whereas, a PSRO implementation plan was drafted and endorsed by many medical and health related organizations in the State, and

Whereas, on August 30, 1973, at a PSRO area designation hearing conducted by the Department of Health, Education, and Welfare, all organizations represented again endorsed the KFMC proposal, therefore be it

Resolved, That the House of Delegates support the concept of a single statewide PSRO for Kentucky as indicated in the KFMC implementation plan and confirm the position taken by the KMA board of trustees in this regard, and be it further

Resolved, That the KFMC may enter into a provisional contractual agreement to serve PSRO purposes if no substantial changes are made in the plans submitted by the Kentucky foundation for medical care to HEW, and be it further

Resolved, That if major changes occur, the new plan be approved by the House of Delegates at a regular or, if necessary, special called meeting, and be it further

Resolved, That this House of Delegates, as individual physicians and through its public relations committee and the Committee on Legislative Activities of KMA, work to inform the public and legislators as to the potential deleterious effects of this law on the quality, confidentiality, and cost of medical care, and be it further

Resolved, That this House of Delegates request and petition the Kentucky congressional delegation, every Member of both Houses of United States Congress and both houses of the Kentucky legislature to work for the repeal of PSRO. And that copies of this resolution be forwarded to the aforementioned individuals and legislative bodies, and be it further

Resolved, That this House of Delegates instruct its delegates to the American Medical Association to introduce a similar resolution in that House.

H.R. 9375

A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title XI of the Social Security Act (as added by section 249F of the Social Security Amendments of 1972) is repealed.

SEC. 2. Title XI of the Social Security Act is further amended—

(1) by striking out "AND PROFESSIONAL STANDARDS REVIEW" in the heading; and

(2) by striking out "PART A—GENERAL PROVISIONS" immediately before section 1101.

A CALL FOR IMPEACHMENT

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RIEGLE. Mr. Speaker, on October 25, I filed formal articles of impeachment in the House of Representatives and I would like to insert a copy of this resolution for the interest of those who read the RECORD:

H. RES. 661

A resolution for the impeachment of Richard M. Nixon

Resolved by the House of Representatives, That a Committee be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Richard M. Nixon, President of the United States, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives does hereby exhibit these particular articles of impeachments against him, and make good the same.

Articles exhibited by the House of Representatives of the United States in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

ARTICLE I

Richard M. Nixon, President of the United States, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated Title 18, Section 3 of the United States Code in that knowing that offenses against the United States had been committed by G. Gordon Liddy, E. Howard Hunt and others during their employment by the United States Government or by the Committee to Re-elect the President, the said Richard M. Nixon assisted the said G. Gordon Liddy and E. Howard Hunt and others in order to hinder and prevent their apprehension, trial and punishment.

ARTICLE II

The said Richard M. Nixon, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors, in that he willfully and knowingly violated Title 18, Section 4 of the United States Code in that having knowledge of the actual commission of a felony cognizable by a court of the United States on the part of G. Gordon Liddy, E. Howard Hunt and others, the said Richard M. Nixon concealed and did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States.

ARTICLE III

The said Richard M. Nixon, commencing on or about June 15, 1971, and continuing until on or about May 11, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated title 18, section 1505 of the United States Code in that in a proceeding pending before the United States District Court for the Southern District of California, entitled, *United States v. Ellsberg*, the said Richard M. Nixon corruptly influenced, obstructed, impeded and endeavored to influence, obstruct and impede the due and proper administration of the law under which such proceeding was being had before such Court.

ARTICLE IV

The said Richard M. Nixon, commencing on or about June 18, 1973, and continuing until October 23, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated title 18, section 1510 of the United States Code in that he willfully endeavored by means of bribery, misrepresentation and intimidation to obstruct, delay and prevent the communication of information relating to a violation of criminal statutes of the United States to criminal investigators employed by the Department of Justice of the United States and by Archibald Cox, Special Prosecutor and Director, Watergate Special Prosecution Force.

ARTICLE V

The said Richard M. Nixon, on or about July 15, 1970, committed a high crime and misdemeanor by issuing an order entitled Top Secret Decision Memorandum, The White House, Washington, D.C., July 15, 1970, authorizing and directing agencies and employees of the United States Government to violate the constitutional rights of American citizens to be secure in their persons, houses, papers, and effects from unreasonable search and seizure; such order specifically authorized and directed searches and seizures by means of burglary, breaking and entering of the mails and by wiretapping without proper order of the Court, that at the time of issuing such order, the said Richard M. Nixon knew the actions he was authorizing and directing to be unconstitutional, illegal, and in violation of his oath of office as President of the United States.

THE DANGER OF AVOIDING IMPEACHMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Ms. ABZUG. Mr. Speaker, there has been a general assumption for some time that impeachment of the President would be a long, drawn-out, deeply divisive affair. After months of investigation by other bodies, I see no reason why the process should be prolonged. As for divisiveness, we have always been divided and this is healthy, as Barbara Tuchman says.

In a brilliant summary in Sunday's Washington Post, famed historian Tuchman points out the dangers of avoiding impeachment proceedings.

She notes:

> The executive has the advantage of controlling all the agencies of Government—including the military. The last should not be an unthinkable thought. The habit of authoritarianism which the President has found so suitable will slowly but surely draw a ruler, if cornered, to final dependence on the Army.

I would like to insert the complete article in the RECORD:

[From the Washington Post, Oct. 28, 1973]

IMPEACHMENT: "THE ISSUE MUST NOT BE EVADED"

(By Barbara Tuchman)

"Those who expect to reap the blessing of freedom," wrote Tom Paine, "must undergo like men the fatigue of supporting it."

In the affairs of a nation founded on the premise that its citizens possess certain "inalienable" rights, there comes a time when those rights must be defended against creeping authoritarianism. Liberty and authority exist in eternal stress like the seashore and the sea. Executive authority is forever hungry; it is its nature to expand and usurp.

To protect against that tendency, which is as old as history, the framers of our Constitution established three co-equal branches of government. In October 1973, we have come to the hour when that arrangement must be called upon to perform its function. Unless the Executive is brought into balance, the other two branches will dwindle into useless appendages. The judiciary has done its part; by defying it the President brought on the crisis. The fact that he reversed himself does not alter the fact that he tried, just as the fact that he reneged on the domestic surveillance plan of 1970—a fundamental invasion of the Bill of Rights—does not cancel the fact that he earlier authorized it, nor does withdrawing from Cambodia cancel the fact of lying to the public about American intervention.

The cause for impeachment remains, because President Nixon cannot change—and the American people cannot afford—the habit of illegality and abuse of executive power which has been normal to him. Responsibility for the outcome now rests upon the House of Representatives which the farmers entrusted with the duty of initiating the corrective process. If it does not bring the abuse of executive power to account, it will have laid a precedent of acquiescence—what the lawyers call constructive condonement—that will end by destroying the political system whose two hundredth birthday we are about to celebrate.

No group ever faced a more difficult task at a more delicate moment. We are in the midst of international crisis; we have no Vice President; his nominated successor is suddenly seen, in the shadow of an empty presidency, as hardly qualified to move up; the administration is beleaguered by scandal and criminal charges; public confidence is at low tide; partisan politics for 1976 are in everyone's mind; and the impeacement process is feared as likely to be long and divisive and possibly paralyzing. Under the circumstances, hesitancy and ambivalence are natural.

Yet the House must not evade the issue, for now as never before it is the hinge of our political fate. The combined forces of Congress and the judiciary are needed to curb the Executive because the Executive has the advantage of controlling all the agencies of government—including the military. The last should not be an unthinkable thought. The habit of authoritarianism, which the President has found so suitable, will slowly but surely draw a ruler, if concerned, to final dependence on the Army. That instinct already moved Mr. Nixon to call out the FBI to impound the evidence.

I do not believe the dangers and difficulties of the situation should keep Congress from the test. Certainly the situation in the Middle East is full of perils, including some probably unforeseen. But I doubt if the Russians would seize the opportunity to jump us, should we become embroiled in impeachment. Not that I have much faith in nations learning from history; what they do learn is the lesson of the last war. To a would-be aggressor, the lesson of both world wars is not to count on the theory held by the Germans and Japanese that the United States, as a great lumbering mush-minded degenerate democracy, would be unable to mobilize itself in time to prevent their victory. I am sure this lesson is studiously taught in Russian General Staff courses.

Nor should we be paralyzed by fear of exacerbating divisions within this country. We are divided anyway and always have been as any independently minded people should be. Talk of unity is a pious fraud and a politician's cliche. No people worth its salt is politically united. A nation in consensus is a nation ready for the grave.

Moreover, I think we can forego a long and malignant trial by the Senate. Once the House votes to impeach, that will be enough. Mr. Nixon, I believe, will resign rather than face an investigation and trial that he cannot stop. If the House can accomplish this, it will have vindicated the trust of the founders and made plain to every potential President that there are limits he may not exceed.

THE MOOD OF THE NATION

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ERLENBORN. Mr. Speaker, in his column in yesterday's Chicago Tribune, Bob Wiedrich spoke of the depressed mood of the Nation and called upon the President to let in fresh air. His message, I believe, deserves attention.

The message follows:

NIXON CAN STILL ACT TO RESTORE U.S. FAITH

(By Bob Wiedrich)

Too many Americans appear to have lost faith in just about everything. They have ceased to believe.

A decade of negativism, climaxed by nearly a year of Watergate, has drained the national conscience, and the effects are beginning to show, both at home and abroad.

Thus, whatever the personal cost to President Nixon, it is his responsibility to start pulling the country out of its national gloom and place it on a positive track. For if permitted to fester, negativism can prove almost as destructive as war. It just takes longer.

For 10 years, the nation endured the divisiveness of the Viet Nam War, divisiveness that bred open rebellion against the establishment, the government, the foundations of law that sustain this land, and finally laid waste our streets and college campuses.

It was a tortuous decade in which this country inexorably was drawn to a national psyche of suspicion, cynicism, and disrespect for just about everything. People appeared positive about only one thing—negativism.

There was no unity of purpose. Everybody was against something. Few were for something. Our language became a lexicon of skepticism.

In his first term, Richard M. Nixon began turning that around. However strong the feeling against him in some quarters, Nixon started to restore the national honor, to show the flag around the world with pride. He did and said many of the things we wanted to see and hear. He was reelected by a smashing victory.

But then came the rising tide of Watergate, along with a rash of official corruption across the nation, from dog catcher to Vice President. And the gloom that had begun to dissipate deepened.

Today, we are possessed almost by a national mood of numbness. There has been a deleterious effect upon us all. There is nothing we won't believe, as long as it is negative. We have been brainwashed to expect the worst. We have discovered that despite all our prosperity, we are a nation lacking a certain something. For the most part, we cannot even be polite to one another.

In a decade, we have managed to tear our country apart. And in attempting to reassemble it, we have left out a few parts, including our national self-respect.

Today, we do not have to honor the flag. Age is proof positive of dumbness. We don't have to be courteous. We don't have to be considerate. When we engage in a dispute, we no longer just yell. We kill. Even human life holds no respect. There is little regard for any institution. A decade of doing our thing has taken its toll.

And that is why today, as Watergate and international crisis compound the turmoil of 10 years, we find a labor leader like George Meany who does not hesitate to publicly accuse the President of "dangerous emotional instability." Or, a reporter who does not hesitate to ask Secretary of State Henry Kissinger if the President was "rational" when he placed the armed forces on alert in a time of developing crisis.

Everything is suspect, even the sanity of our national leaders. No motive is above suspicion. No individual is accorded the assumption of integrity.

Even in an unbelieving society, we believe Dr. Kissinger when he charges that Soviet leaders may have sought to exploit our internal weaknesses by deciding to brace us on the Middle East. From a distance, the greatest nation on earth must look like a pushover riddled with dissent. It has finally come to that.

Right now, the most courageous act President Nixon can perform is to once again turn the nation around, to act positively in opening up his administration to total public scrutiny. He must let in fresh air to heal the sores of Watergate. Let him place his arm around the American people and say to them, "Come in and take a look at whatever you want."

The worst depression this nation can endure is a depression of the spirit. It has already endured it too long. And in time, it will kill us all.

SPORTS SAFETY: INJURIES AIN'T IN THE BUDGET

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, the January–February 1972 issue of Kendall Sports Trail magazine contains an interesting article by John Husar on the need for qualified athletic trainers in our Nation's schools.

As the author of legislation designed to require that schools employ certified trainers, I now am inserting the article into the Record for the information of my colleagues:

[From Kendall Sports Trail, January–February 1972]

Injuries Ain't in the Budget

(By John Husar)

How many times has a coach turned toward a limping player and said: "Run it off fella, run it off"?

And how many young athletes have gone to the dressing room, picked the skin off a blister, and then put on a dirty street sock?

More importantly, how many kids have decided it is manful to hide an injury and, instead of seeking help, gritted their teeth and gone into practice or another game too soon?

No one, of course, can say.

Who can count the number of injuries that might have been minimized by quick treatment from qualified persons on the practice field?

To many people, such questions point to a need for athletic trainers on the high school and junior high levels, where many chronic injuries get their start.

College trainers now insist that most joint injuries (ankle, knees, etc.) they encounter are the products of earlier mishaps that were not properly treated.

In every part of the country trainers shake their heads at the situation on the high school level.

In Chicago, or example, there are no qualified trainers at schools in the 53-team Public League.

In the Catholic League, where administrators have a little more money to spend, five schools have full or part-time trainers.

In some of the affluent suburbs, impressive programs are underway, but the poorer areas have nothing and, downstate, some tiny towns cannot even refer players to local doctors, because no doctors live there.

That, at least, isn't a problem in Chicago, where all prep football games are supposed to have physicians on the sidelines. The Public League has agreements with hospitals to handle injured players and all Catholic teams have school doctors who examine injuries. Both sectors provide medical insurance.

But on a day-to-day basis, the overall responsibility for preventive taping diagnosis, therapy, and guidance rests with the coach and his assistants, who may have had some helpful college courses—and then, maybe not.

They do the best they can, but coaches are not physical therapists. They also teach, administer, and handle public relations. Some even help maintain the athletic plant. They can only stretch so many ways.

Therefore, it has become common for coaches to delegate part of the burden to student managers, who quickly learn to tape ankles and apply merthiolate. But by the end of the season, some are playing doctor.

Injuries, as a result of ignorance, risk getting worse instead of better.

Untended cuts and blisters turn into infections. Muscle tears are treated as sprains. Youngsters who should go to doctors are sent home instead, where parents feed them aspirin in hopes of avoiding "needless" medical bills.

Some of the worst cases involve unsophisticated therapy. Each year, twisted knees are bloated when injured legs are thrust into hot whirlpool baths instead of given first aid with ice.

"It's hard to stomach the idea of a 17- or 18-year-old boy being responsible for the physical well-being of athletes," said Tom Monforti of Loyola Academy. "But I know it exists, although I can't tell you where."

Monforti is one of the area's handful of qualified prep trainers and he has come to deplore the "sad state of affairs." He said most administrators either are unaware of the need for trainers because there's never been an outspoken demand, or they care but are unwilling to spend their limited money in that area.

Schools which have trainers now are focal points for the "have-nots."

"A lot of kids from other schools will stop in here for training," said the Rev. Walter McNicholas, former St. Rita athletic director. "They'll have notes from their coaches: 'Please stick this guy in the whirlpool,' or 'Teach him how to tape his knee.'

"Sure, our medical bills are astronomical, but we tape more kids now in one afternoon than we used to tape in a week."

Larry Hawkins, the outspoken Carver basketball coach, points to Al Granz at Northern Illinois and men at other local colleges, including Chicago Circle. "These are the people who are our trainers," he said. "They'll take some of our kids. We have nobody else."

Dick Hoover, the Northwestern trainer, says coaches bring him youngsters from Hammond, Elgin, and other schools miles away, "which is kind of a waste for them because maybe I'll spend five minutes telling them what they should do. I don't treat them, I just consult. I think, God, there's got to be somebody closer than me for them to talk to, but there isn't."

He says charity in the college training room may do high schools a disservice by relieving some of the pressures that might force schools to develop programs of their own.

"But you've got to take these kids," he said. "You feel so sorry for them, especially for some of the cases of ignorant mistreatment that come through the door."

CHICAGO TRAINING ROOMS

Imagine a typical Chicago high school training room.

It depends, of course, upon the neighborhood—and how old, crowded, and large the school is.

Sometimes, it is a tiny enclave off the locker room with rubbing table, cabinet, and little else.

For want of enough tape, the players put cloth wraps on their ankles. Some do it themselves, others are helped by a buddy, assistant coach, or student manager.

In Chicago public schools, you see, there are no qualified trainers.

There never has been a provision for this supposed luxury and, therefore, the schools are discouraging from giving any secondary injury treatment at all. Presumably, there's no one around who can supervise it professionally and legally. And so, strict policy calls for first aid for injuries—and then the matter rests with the doctors and parents.

But every coach insists on doing a little training on the side, not only in the team's interest, but for the sake of a bumped or bruised boy.

Not all have the comfort of even little training rooms. Sometimes, the table is in a corner of the locker room. Occasionally, you'll find it in the coach's office, which also may serve as film room, meeting room, and hangout for between-class athletes.

One school even uses an abandoned boiler room—but quietly, because those areas are frowned upon for student use, even when the boilers no longer are working.

Here and there, you'll find an illicit whirlpool bath—banned because the public schools do not provide qualified people to govern them safely—or an old heat lamp donated by an interested doctor. And not much else.

In contrast, the handful of Catholic and suburban schools which provide athletic training facilities glisten with whirlpools and other modern machines. Store rooms bulge with cases of tape, medicines and other equipment for the treatment and prevention of injury.

Take the room used by Tom Monforti of Loyola Academy—one of the area's few prep trainers.

"When I came to Loyola, I told the administration what we would need—and they got it," he said. "There was an empty room and two of the brothers who can do concrete and electrical work and carpentry remodeled it extensively. Its value now is around $15,000."

He has two diathermy machines, ultrasound, a whirlpool, ultra-violet, and a $1,000 training table donated by a doctor who retired from practice. His budget for tape and supplies reaches $2,500.

In the public schools, the budget rarely surpasses a few hundred dollars. Some coaches keep the tape in their pockets so it won't get lost.

Monforti came to Loyola three years ago from DePaul Academy and University, where he virtually ran an open clinic.

"Why, we used to have kids in the hall every day from other schools," he said. "We treated them free for 20 years until I just couldn't handle it any more. One time I had eight kids in my training room and none were from DePaul. My kids had to wait. They came from everywhere—Wells, Crane, Lane, Dunbar, DuSable, Waller, maybe 15 schools, Public and Catholic."

He and the handful of other local trainers have begged for improvements over the years, all to no avail. It's been like hollering up a dark tube and not even hearing an echo. "I became very passive when I came up here from Ball State," said Dick Hoover, the Northwestern trainer. "I had expected big programs and I was kind of ashamed when I found nothing."

School leaders, of course, are not opposed to having trainers. They think it's a great idea—if you can find the money, or even a room in today's overcrowded schools. But sympathy is one thing, performance another. Some admit they wouldn't spend any extra money on sports—even if they had it—with so many other basic needs.

This second-class treatment riles many coaches. Says Larry Hawkins of Carver, an outspoken advocate of training programs: "Such an attitude seems strange to me because our sports programs are becoming more and more important in the light of today's problems. You know, it's the only area where you can't snow people."

But can the school afford trainers? "Heck, we can't even get footballs and basketballs," he said.

NEED FOR HIGH SCHOOL TRAINERS

Why are there so few trainers at the high school level?

Probably because there never has been a demand by parents, coaches and athletic personnel—although tens of thousands of youngsters are hurt in sports every year.

"It's just never been brought up in our system," said Richard Fee, director of health and physical education for the Chicago Board of Education, which provides no trainers at all.

It doesn't make sense when you're dealing with health, but a lot of schools consider it a luxury to have a trainer," said Dan O'Brien of Fenwick, one of the few trainers in the local prep area. "They just don't realize how important a trainer can be—or even how the profession has improved in recent years."

Every coach contacted in a Tribune inquiry swears to the need for trainers, and has definite ideas how they could be worked into a school's budget with little extra cost.

"I don't think we realistically could expect full-time trainers," said Ralph Miller, basketball coach and athletic chairman at Kennedy High. "But I can see maybe one person being assigned the job and getting $500 or $600 extra for serving the team."

This is the way it is done at the handful of parochial and suburban schools which take the burden—mainly amounting to preventive taping and secondary injury treatment from often unqualified coaches. The trainers simply double as members of faculty or staff.

At Fenwick, O'Brien also is alumni director and business manager. Tom Monforti of Loyola Academy teaches three health classes, but his primary responsibility is in the training room. Gordon Tech's Bronco Telkes is assistant principal.

"There's nothing wrong with having athletic trainers," said Fee, who oversees the 53-school Public League. "But it would be a large financial item, and many schools are so crowded there isn't even a room available. Then, we would have to clear it with our legal department—for example to establish just how far a trainer can go."

In Houston, a model program has been working for 12 years, supported primarily by ticket sales. Three basic athletic plants handle the games of 59 junior and senior high schools. Each plant has a full-time trainer who attends games and looks after injured players in modern training rooms.

At each school there are specially trained student managers who handle basic taping and routine chores under the overall supervision of the trainers. In addition, 107 doctors are on a call sheet.

"The thing is, we get a lot more boys back on the football field than we would if we didn't have the type of therapy and training we do have," said C. L. (Dike) Rose, supervisor of athletics for the Houston Independent School District.

Why is there no general program here?

Presumably, because none seemed mandatory—or even possible—to the people involved. School officials, beset with chronic problems, have paid little attention to athletics. Many coaches, perhaps hoping for promotion, chose not to rock the boat over the years. There even are suspicions that most athletic departments would not trade a coaching slot for a trainer, if it came to that.

"The expenditures for athletics are somewhat confining," admitted Richard J. Martwick, Cook County superintendent of schools. "To many districts, athletics is not necessarily a priority program. It is considered extracurricular, a matter of fringe benefits, which is unfortunate because it very well may be the last frontier for conditioning and discipline." Martwick, who was head football coach at Ridgewood High in Norridge for eight years before taking office, is convinced that many school boards would respond favorably if shown the need for trainers. "That would mean the coaches and athletic people joining forces for a good presentation," he said.

Many administrators aren't sure they could get a trainer if they wanted one. Most seem to graviate toward colleges. Yet, many trainers are produced annually through three channels—specialized graduate courses, physical therapy converts, and on-the-job apprenticeships.

Here and there, enlightened schools also hold clinics to expose coaches and students to improved techniques. Some colleges, like the University of Illinois, have summer-long programs. A few trainers even are promoting summer camps for interested pupils.

Therefore, it hardly seems difficult for a school to find a trainer—or develop one of its own.

The central problem is apathy based on ignorance. "Every trainer is trying to do something about it," said Northwestern's Dick Hoover, who has a grant from the Kendall Sports Division to produce a film for the National Athletic Trainers Association. "But it's tough."

About the only service of major proportions is the Sports Clinic conducted by Dr. Bryan Minor at Chicago Osteopathic Hospital.

This year, 65 schools subscribed to the injury treatment service, including 51 from Chicago. This was an overall increase of 53 in one year, an indication that schools are becoming aware of the problem.

As a rule, 100 boys make it to the clinic each week, usually on Mondays and Tuesdays. Most are serious injuries, some requiring surgery.

Hoover once had in mind a different kind of service, which he offered to 40 schools on the north and west sides. By utilizing student help and a central clinic—much like Houston—he was going to provide complete training services at an annual cost of $1,000 per school.

He worked up the presentation and waited for the replies. Guess how many answered.

Would you believe—one?

SCIENCE AND TECHNOLOGY POLICY: THE CITIZEN ENGINEER'S ROLE

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. GUBSER. Mr. Speaker, as a member of the Technology Assessment Board, I wish to call to the attention of my colleagues an article, by Dr. Robert W. Lamson of the National Science Foundation, appearing in the October 1973 issue of "Mechanical Engineering." In addressing the "citizen engineer's" role in formulating science and technology policy, Dr. Lamson stresses the need for maintaining a broad sense of the "citizen-generalist" perspective in making sure that a complete range of options and effects is presented to decisionmakers. Another good point, in my opinion, is the importance at all times of full disclosure to the public. Finally, Dr. Lamson urges that professionals involved in science and technology policy remember "that they are citizens as well as experts." The article follows:

SCIENCE AND TECHNOLOGY POLICY: THE CITIZEN ENGINEER'S ROLE

(By Robert W. Lamson)

Science and technology, no matter how sophisticated, are insufficient to abate the crisis arising from endemic war, rapid population growth, and environmental destruction. Long-range goals in which people themselves are of paramount concern must be established. A better U.S. Science and Technology Policy is needed. Here the engineer can join with the scientist, the government official, the public representative, and the citizen in a dialogue to help hammer out overall policy.

Scientific knowledge and technological development give mankind unprecedented capacity to modify nature, society, and man himself. The misuse of this power has played its role in such crises as war, rapid population growth, and environmental destruction, crises whose scope today places the well being and even survival of mankind in grave jeopardy.

KNOWLEDGE, CAPACITY, AND WISDOM

However, science and technology are not inherently bad. To restore their benefits to mankind, we must achieve a balance between:

Our knowledge of nature.

Our technological capacity to modify nature, man, and society and . . .

Our wisdom, (here, we include perceptions, attitudes, values, and intellectual and institutional processes) which help to determine whether, for what ends and how we shall use our knowledge and technology.

To date, many of our problems can be traced to the fact that our technological skill greatly exceeds our wisdom. This imbalance results in the use of our power, often for the wrong ends. And the contribution of technology to the requirements of a society which fosters the well being and growth of the individual is often adverse or at best accidental.

We need only look in such areas as defense, economic growth, population, agriculture, transportation, communications and information processing, health, housing, and recreation to see the fruits of such imbalance. In all of these areas, the long range, cumulative, and often synergistic, impact are, for all practical purposes, ignored or at best inadequately evaluated.

We, for example, create new technologies without, at the same time, acting to prevent or limit their damaging side effects. We promote economic and population growth, but inadequately protect and promote environmental quality. We are succeeding in extending the lifespan, but not, at the same time, and in the same degree, attempting to limit births. As a result, population now outpaces production in many parts of the world with tragic results.

BETTER SCIENCE AND TECHNOLOGY POLICIES NEEDED

If we are effectively, as scientists and engineers, to help solve the various problems which confront the nation and the world, we must create better science and technology policies as well as institutions from which such policies can emerge.

We, therefore, need an ongoing system of periodic reports and hearings to analyze and display problems, and their solutions—setting forth probabilities, options, costs, benefits, risks, and uncertainties—in a thorough, systematic, and up to date manner. Such an approach should help stimulate and structure discussion and debate, and hopefully, create among policymakers and the public the understanding and agreement required for effective action. A model for such a system already exists for the economy and the environment in the annual "Economic Report of the President" and the annual "Report on Environmental Quality."

IMPORTANT ELEMENTS AND QUESTIONS

We need to ask and attempt to answer systematically a set of questions about problems and options concerning various elements in U.S. Science and Technology Policy. Such elements include:

Institutions and policy processes for science, technology, and national goals.

Resources for science and technology, for example, funds, manpower, education, and facilities.

Uses of science and technology.

Synthesis and interaction of institutions, resources, and uses.

With regard to each element, there is an important set of questions concerning which the nation needs systematically to study, answer, debate, achieve consensus, and to act.

The important questions include:

Problem: What is the problem?

Solutions: What are the options or alternative solutions (goals and means) for solving the problems now and in the future?

Source of Option: What is the source of the option?

Effects: What are its probable effects?

Conditions for Success: What are the conditions required for its success?

Principles of Implementation: What principles should be followed in its implementation?

Costs, Benefits, and Feasibility: What are the costs and benefits of the various options—for what values and groups—and what is the feasibility of the various options?

Criteria for Evaluation: What criteria should be used to evaluate the options?

Priority: What priority should we assign to each option?

Recommendation: What specific option should we pursue?

Table 1 presents an initial attempt to answer the first two questions concerning problems and solutions for each element of science and technology policy.

TABLE 1.—*Outline of problems and options in U.S. science and technology policy*

ELEMENTS OF SCIENCE AND TECHNOLOGY POLICY	QUESTIONS FOR ANALYSIS	
	PROBLEMS?	SOLUTIONS—EXISTING AND PROPOSED?
I. Systems interaction and Synthesis of II, III, and IV	The interactions, integration and adequacy of our perception, evaluation, assignment of priorities, choice, and implementation of: 1. National problems and goals; 2. Elements of Science and Technology Policy (Institutions and Policy Processes; Resources; and Uses)	OMB, Domestic Council, CEQ, CEA
II. Institutions of Policy Processes for Science Technology, and National Goals	Policy Analysis, Goal Setting and Coordination for Science and Technology Research on science and technology policy problems	A Science and Technology Policy Act, Council of Science and Technology Advisors, Council of Social Advisors, National Goals Institute Science Policy Institute, National Institute of Research and Advanced Studies, Department of Science and Technology,
	Better analysis, display, coordination and understanding, by policymakers and the public, of problems and options in U.S. Science and Technology Policy	Annual Report on Science and Technology Joint Committee on Science and Technology Annual Hearings on Science and Technology Policy
III. Resources for Science and Technology		
A. Funds	Adequacy of funding for R&D and its relation to changing national problems and goals	Tie funding to GNP
B. Manpower	Adequacy of manpower for science and technology, and its relation to changing national problems and goals Unemployment of scientists and engineers Conversion of aerospace and defense scientists and engineers to work on civil problems	
C. Education	Adequacy of education system and its relation to changing national problems and goals Health of universities and educational system	
D. Facilities	Adequacy and health of research facilities, and their relation to changing national problems and goals	
IV. Uses of Science and Technology	Relation of research and development to economic policy—international economic competitiveness, balance of trade, domestic productivity, invention, innovation, diffusion technology transfer, incentives	New Technological Opportunities Program Technology Incentives Program R&D Assessment Program
	Solve social problems through science and technology, transfer of defense and space capabilities to civil sector	Research Applied to National Needs Program Civil Science Systems Administration
	Need to perceive, evaluate, and control the effects of using technology	Office of Technology Assessment, Environmental Impact Statements Interdisciplinary, problem oriented research centers in universities and elsewhere

If we are to create better policy for science and technology, we need to develop, refine, and maintain the answers to such a framework of questions and communicate its contents systematically to policy makers and the public at various levels and through various media channels (press, radio, movies, television), multi-media presentations, policy oriented exhibits, computer and other graphic displays, games and simulation, charts, maps, photos, and by involving the policymaker in the planning and conduct of the research designed to answer each question.

How might we perform such needed actions? A number of existing institutions and organizations are already involved. Such organizations include, in the executive branch of the federal government: the Office of Management and Budget, the Domestic Council, the Science and Technology Policy Office, the National Science Foundation, the National Science Board, and the Department of Commerce. In the legislative branch: many Congressional Committees, the Science Policy Research Section of The Congressional Research Service of the Library of Congress, and the General Accounting Office. In addition, there is the Committee on Science and Public Policy of the National Academy of Sciences, the Committee on Public Engineering Policy of the National Academy of Engineering, some universities and policy research organizations, and more recently, some professional societies, including the engineering professions.

However, we have not done the needed task systematically and thoroughly. We have placed more emphasis on analysis than synthesis, and have not kept our research on problems and options current in a form which is readily useable.

As a result, we do not, as a nation, properly link our policies for science and technology to national problems and goals; we do not look and plan far enough ahead; our planning and implementation tends to be fragmented; we tend not to consider a wide enough range of options for specific policy problems; nor do we consider a wide enough range of values and groups in calculating the costs and benefits of various options; and we lack sufficient understanding and agreement among policy makers and the public concerning problems, options, goals, and means.

CHALLENGE, OPPORTUNITY, AND RESPONSIBILITY

This is the challenge and opportunity for individuals and organizations concerned with U.S. Science and Technology Policy and a responsibility to be shared by the engineering profession.

Mankind's and the nation's margin for error have diminished due to increases in population and in per capita pressure on the environment, to the increased impact of technology on nature, man, and society, and to the historic momentum of these trends. The mistakes made in the use of our scientific knowledge and technology tend to be more intense and destructive, more difficult to control, long lasting, and difficult to reverse.

Wise policies to support and use science and technology are therefore crucial to a proper balance between our knowledge, our capacity, and our wisdom to avoid such mistakes. As professionals actually involved in the attempt to transform scientific knowledge into technology and to use this capacity to modify nature, man, and society, engineers have a responsibility which is enormous and a challenge and opportunity which is unprecedented.

Many engineering societies are now beginning to demonstrate, in a coordinated way, increasing interest in the problems and options involved in U.S. Science and Technology Policy. Eight societies representing approximately 440,000 scientists and engineers have opened Washington offices, are vitally interested in national policy issues, and are moving toward closer liaison, coordination, and possibly eventual federation. They include The Institute of Electrical and Electronics Engineers (IEEE), The American Society of Civil Engineers (ASCE), The American Institute of Aeronautics and Astronautics (AIAA), The American Society of Mechanical Engineers (ASME), The American Society of Engineering Education (ASEE), The National Society of Professional Engineering (NSPE) and the American Chemical Society (ACS).

However, this is only a beginning. Many tasks remain for engineers: to analyze, synthesize, and commuicate problems, needs

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and options in U.S. Science and Technology Policy, and to move toward increased cooperation and unity.

As the engineering professions move ahead on these tasks, they need to be aware of several risks: (1) the threat to such values as freedom and representative democratic government, which can stem from domination of policy making by experts, and from the failure to keep the public informed about the policy problems and options involved in the support and use of science and technology; (2) the damage to the physical and social environment which can result from the attempt to develop and use technology for its own sake, without regard for the nature of the goal sought or values affected; and (3) the damage to public policy which can result if scientists and engineers use the power which they gain through increased cooperation: (a) to press for a "single" solution without attempting to enlighten policy makers and the public concerning the costs and benefits of a range of options, and (b) to create a lobby solely to enhance their own position, forgetting that they are citizens as well as experts.

NIXON CAN STILL ACT TO RESTORE U.S. FAITH

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. HANRAHAN. Mr. Speaker, at a time when our emotions and intellects are undergoing frequent shocks, it is refreshing to read articles such as the one written by Bob Wiedrich for the Sunday, October 28, Chicago Tribune. I would like to share Mr. Wiedrich's overview of the situation with my colleagues here in Washington:

[From the Chicago Tribune, Sunday, Oct. 28, 1973]

Nixon Can Still Act To Restore U.S. Faith

(By Bob Wiedrich)

Too many Americans appear to have lost faith in just about everything. They have ceased to believe.

A decade of negativism, climaxed by nearly a year of Watergate, has drained the national conscience, and the effects are beginning to show, both at home and abroad.

Thus, whatever the personal cost to President Nixon, it is his responsibility to start pulling the country out of its national gloom and place it on a positive track. For if permitted to fester, negativism can prove almost as destructive as war. It just takes longer.

For 10 years, the nation endured the divisiveness of the Viet Nam War, divisiveness that bred open rebellion against the establishment, the government, the foundations of law that sustain this land, and finally laid waste our streets and college campuses.

It was a tortuous decade in which this country inexorably was drawn to a national psyche of suspicion, cynicism, and disrespect for just about everything. People appeared positive about only one thing—negativism.

There was no unity of spirit. There was no unity of purpose. Everybody was against something. Few were for something. Our language became a lexicon of skepticism.

In his first term, Richard M. Nixon began turning that around. However strong the feeling against him in some quarters, Nixon started to restore the national honor, to show the flag around the world with pride. He did and said many of the things we wanted to see and hear. He was reelected by a smashing victory.

But then came the rising tide of Watergate, along with a rash of official corruption across the nation, from dog catcher to Vice President. And the gloom that had begun to dissipate deepened.

Today, we are possessed almost by a national mood of numbness. There has been a deleterious effect upon us all. There is nothing we won't believe, as long as it is negative. We have been brainwashed to expect the worst. We have discovered that despite all our prosperity, we are a nation lacking a certain something. For the most part, we cannot even be polite to one another.

In a decade, we have managed to tear our country apart. And in attempting to reassemble it, we have left out a few parts, including our national self-respect.

Today, we do not have to honor the flag. The courts have held it can be worn on the seat of the pants with impunity. And prominent athletes have reviled it.

We don't have to listen to our elders. Age is proof positive of dumbness. We don't have to be courteous. We don't have to be considerate. When we engage in a dispute, we no longer just yell. We kill. Even human life holds no respect. There is little regard for any institution. A decade of doing our thing has taken its toll.

And that is why today, as Watergate and international crisis compound the turmoil of 10 years, we find a labor leader like George Meany who does not hesitate to publicly accuse the President of "dangerous emotional instability." Or, a reporter who does not hesitate to ask Secretary of State Henry Kissinger if the President was "rational" when he placed the armed forces on alert in a time of developing crisis.

Everything is suspect, even the sanity of our national leaders. No motive is above suspicion. No individual is accorded the assumption of integrity.

Even in an unbelieving society, we believe Dr. Kissinger when he charges that Soviet leaders may have sought to exploit our internal weaknesses by deciding to brace us on the Middle East. From a distance, the greatest nation on earth must look like a pushover riddled with dissent. It has finally come to that.

Right now, the most courageous act President Nixon can perform is to once again turn the nation around, to act positively in opening up his administration to total public scrutiny. He must let in fresh air to heal the sores of Watergate. Let him place his arm around the American people and say to them, "Come in and take a look at whatever you want."

The worst depression this nation can endure is a depression of the spirit. It has already endured it too long. And in time, it will kill us all.

AMERICA'S NEED TO KNOW

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FRASER. Mr. Speaker, Norman Cousins, editor of Saturday Review/World, often uses his editorial voice to speak on issues affecting world peace. His comments on the rule of law and disarmament have had wide impact. In the October 23 issue of his magazine, Mr. Cousins printed an adaptation of a talk he made at a Magazine Publishers Association symposium. The symposium and the Cousins' essay both were entitled 'America's Need To Know."

Mr. Cousins addresses himself to the "natural right and expectation" of Americans that their government will tell them the truth and the fact that "structural flaws that have developed in government in recent years" have subverted this right to be told the truth.

Mr. Cousins, in the penultimate paragraph of his editorial says:

> The big challenge, therefore, is to create a situation in which truth can live a less unnatural and precarious existence than at present, and in which the right to know doesn't depend on special dispensations. We do this best by making the achievement of world law the central and open objective of our foreign policy.

I believe he is right. The complete editorial follows:

America's Need To Know

(Editor's Note: On September 18 a symposium on the subject "America's Need To Know" was held in New York under the auspices of the Magazine Publishers Association. The following editorial is adapted from a talk by the editor of SR/World for that occasion.)

The subject before this symposium is "America's Need To Know." Need to know what? Obviously, the need to know the truth. Truth may be an esoteric language, as Carl Van Doren once suggested, but it is the only language that the U.S. government is authorized by its people to speak. Americans need not be grateful for being told the truth by their government; this is their natural right and expectation.

In recent years, however, a strange new notion has gained ground. It is the idea that government has options with respect to the truth. A possible beginning date for this departure is 1947, when the government was authorized by Congress to practice secret violence, deceit, and subversion as essential parts of the conduct of U.S. foreign policy.

The underlying theory was that we were living in a hard, predatory, cloak-and-dagger world and that the only way to deal with a potential totalitarian enemy was to imitate him.

We may live in a world of plot and counterplot, but we also live in a world of cause and effect. Whatever the cause for the decision to legitimize and regularize deceit abroad, the inevitable effect was the practice of deceit at home. Examples are not difficult to find. When it was revealed that the United States was secretly involved in an attempted coup against the government in Laos in 1959, we couldn't compartmentalize our denials. We couldn't tell the outside world that we had nothing to do with it and not expect the American people to be deceived along with everyone else.

Another example was the Gulf of Tonkin Resolution in 1964, which provided the legal basis for enlarged military operations in Indochina. It turned out that the administration had lied to Congress and the country about the episode in an attempt to obtain the authorizing resolution. Again, in 1966, the government announced a pause in the bombing of north Vietnam in order to probe for Hanoi's willingness to undertake negotiations. The bombing was resumed a month later with the announcement by the President that the efforts to arrange negotiations were unavailing. It was later learned that the probes had in fact turned up a positive response. Still another example: Late in 1971 the President declared that no military operations had been conducted against Cambodia. Pentagon officials testified to the same effect before a Congressional committee. It was later established that more than 3000 bombing operations had been carried out against Cambodia.

The main danger in all these and other episodes is represented not just by the break with truth but by the things we did that we had to deny. If truth is to mean anything, it must be a total process, including policies and actions of government that require neither concealment nor later denials or apologies.

Another prime liability of authorized lying in foreign policy is that it makes for bad habits. It makes officeholders casual about the practices of deception. In a world in which it is difficult to know where foreign policy ends and national policy begins, it is all too easy to transpose bad habits from one to the other. Not that it is all right to lie if the practice is confined to foreigners. The main point is that we went off the track the moment we went into the international business of deceit. From that point it was only a short and convenient step to use deceit and underhanded tactics in the general affairs of government at home.

It is all too easy to assume that all we have to do to correct these ominous failings is to identify rascals and throw them out. The cleansing process is essential, of course, but at some point soon it will be necessary to go beyond names and faces and to get at the structural flaws that have developed in government in recent years, flaws that will have to be repaired if an open society is to be preserved.

Truth in government will not assert itself. It has to be institutionalized. Truth needs a form of its own that transcends the men who happen to be in charge of the machinery of government at any given moment. This is what is meant by a government of laws rather than of men. This is what the main design produced by the Philadelphia Constitutional Convention of 1787–89 was all about. But this design has been slipping away from us in recent years. We have permitted exceptions from principle in the operation of our society, exceptions that should not be accommodated or metabolized. We have made it possible for men in government to become bigger than the laws they have sworn to uphold.

The problem, to repeat, is not met just by changing men. The problem can be met only by restoring and bolstering the basic principles of the society. There should be a test at the earliest possible moment, for example, of the constitutionality of any government agency that can spend large sums without public accounting, or that can make decisions vitally affecting the foreign policy of this nation without constitutional sanction, or that can engage in subversion abroad.

Former Attorney General Nicholas deB. Katzenbach, writing in the current issue of Foreign Affairs, proposes that only intelligence-gathering activities be maintained. "Specifically," he declares, "there should be no secret subsidies of police or counter-insurgency forces, no efforts to influence elections, no secret money subsidies."

Mr. Katzenbach's proposal seems incontestable. Nothing is more basic in American history than the need to respect the principle of self-determination for all peoples. It is no accident that the Declaration of Independence begins with a reference to a "decent respect for the opinions of mankind." This doesn't mean that all that is required of us is to acknowledge the existence of other peoples. What it means is that the rights of other people, including the right to truth from us, are no less inviolate than our own. For our society was dedicated to the proposition that it is a human enterprise before it is a national enterprise.

It will be said that we live in a chaotic and insecure world, that our style in the international arena is dictated by others, and that we have no choice but to play the game according to the way others play it.

Yet it is precisely because we have to take the world as it is that it becomes necessary to rise above the game if we wish to make our mark. We cannot expect to succeed in the world political arena by being more volatile than anyone else in the game of combustible anarchy. We will succeed only as we represent a rallying center in the world for a less hazardous and more sensible future for all people than is now apparent. We are apt to command a wider audience by talking about the possibilities for human progress than about shadowy balance-of-power or balance-of-terror strategies.

The proper model for America in its world position today is not Prince Metternich but Thomas Jefferson. And if we are looking for philosophical guidelines, we will find that James Madison and William James have far more to say to us than Niccolo Machiavelli.

Certainly let us take the world as it is. It is a world of anarchy, a world in which each nation regards its national security or national advantage as being its primary and frequently its solitary concern. But the sum total of all these individual national concerns is a volatile spew. There is not a government in the world that doesn't require traffic lights at the busy intersection of its metropolitan centers; yet the absurd notion persists that separate absolute national sovereignties can go their own way without mammoth collisions.

Everyone understands what happens when the machinery of law in a small community suddenly breaks down, but there is no comparable awareness of the dangers that confront every member of the human species because of the absence of law enforceable on nations. Heads of government unfailingly and unceasingly denounce lawlessness within their own countries; yet they totally resist the development of responsible law among themselves.

The essential truth, therefore, is that no rational process now exists for assuring the basic safety of the human species. We stumble into the future day-to-day, dependent for our survival more on the hope that our margin for error may not have been completely exhausted than on a working design for a peaceful world.

It is not reasonable or logical to assume that the national statesmen will lead the way in taming of nations or in the rebuilding of the United Nations into a governed world. Do not expect, Alexander Hamilton wrote, nations to take the initiative in developing restraints upon themselves.

Governments are not built to perceive large truths. Only people can perceive great truths. Governments specialize in small and intermediate truths. They have to be instructed by their people in great truths. And the particular truth in which they need instruction today is that new means for meeting the largest problems on earth have to be created. Individual nations can unleash wars but are incapable individually of preventing them.

A single government cannot by itself keep the oceans from becoming a global sewer or the sky a poisonous canopy. Nor can a single government eliminate the need for the weapons that cost the world's people 250 billion dollars a year with resultant impoverishment.

But an individual government can work with the large truth that our earth has to be governed. It can identify causes of world anarchy. It can come forward with a great design for safeguarding our small planet. It can recognize that we are dealing no longer with narrow concerns but with the safety of the human habitat.

The American people are paying a fearsome price today for the dominant condition of lawlessness among nations. This condition works back on the conditions of life inside the United States. It dominates the national budget. It is the prime cause of the inflation and the severe strain on our economy. It diverts energy, attention, and resources from our main needs. It subtracts from the quality of life. It makes a caricature of our ideals. It creates a mood and a context in which it is all too easy for the national security to be confused with the security of political parties or their leaders. It gives a President more personal options than it was originally intended he should have; nor is it healthy for the American people that he should have such options.

The big challenge, therefore, is to create a situation in which truth can live a less unnatural and precarious existence than at present, and in which the right to know doesn't depend on special dispensations. We do this best by making the achievement of world law the central and open objective of our foreign policy.

Any nation that comes forward with such a design can expect to be rebuffed. But there is a distinction between rebuff and defeat. There is no defeat for the American people when they tie themselves to the great idea that human intelligence is equal to human needs. Beyond the clamor of clashing ideologies and the preening and jostling of sovereign tribes, there is a safer and more responsible world waiting to be created.

LIBRARY OF CONGRESS ASSESSMENT OF THE POTENTIAL OF SOLAR ENERGY IN NORTHEASTERN OHIO

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. VANIK. Mr. Speaker, solar energy certainly will not be the only answer to our energy shortages. But solar power has some distinct advantages which must be considered in charting our energy future: it is safe and clean; it is a low-technology alternative; and there is little risk of failure. To encourage the discussion of solar energy in my own community, I requested the Congressional Research Service to conduct a preliminary assessment of the possibilities that solar energy could contribute to meeting northeastern Ohio's future energy demands. In the memorandum I include here, Mr. J. Glen Moore of CRS points out that the major difficulty for solar applications in northern Ohio is cloud cover—in 1972, skies in the area were cloudy or partly cloudy 300 days. In another area, however, Mr. Moore suggests that wind power—which is, in essence, one form of solar power—has significant potential for the area.

Mr. Moore's memorandum follows:

The Library of Congress,
Congressional Research Service,
Washington, D.C., October 9, 1973.

To: Honorable Charles A. Vanik.
From: J. Glen Moore, Research Assistant.
Via: Walter A. Hahn, Acting Chief, Science Policy Research Division.
Subject: Utilization of Solar Energy in Northeastern Ohio.

This responds to your letter of July 17 and subsequent telephone conversations with Ed Morrison regarding the possibilities for utilizing solar energy to meet future energy requirements in Northeastern Ohio. Responses to your specific questions follows a brief overview.

OVERVIEW

There are numerous techniques for converting sunshine into useful energy. However, as I explained to Mr. Morrison, the only application that has near term potential for Northeastern Ohio is the use of solar energy to partially heat and cool homes and office buildings. This is due, not so much to climatic condition, but primarily to the fact that this is the only application not impaired by formidable technical and economic barriers.

Although the potential energy savings for these purposes appear to be modest, the application of solar heating and cooling could be important to the Nation's energy budget. By 1985 it is estimated that energy consumed for household and commercial purposes will amount to about 21 percent of the total energy used in the United States. A substantial reduction in fuel requirements could be made if solar energy is used for heating and cooling buildings and for water heating. For example, a 1 percent saving is equivalent to more than 100 million barrels of oil a year. Potentially about half of the fuel used to heat and cool buildings could be conserved through the use of solar energy.

Although savings of this magnitude are attractive, the cost of achieving them is high. Contrary to popular opinion, solar energy is not free. Roof installations to gather solar energy for individual buildings or homes is a practical and proven art. However, this application is usually supplemented by conventional energy sources. The cost of the solar system is, therefore, an additional cost to the conventional system. Also, it will at least equal the cost of the conventional system and can exceed it, sometimes by a factor of 2 or 3.

The use of solar energy for larger applications, such as power plants, is hampered by several inherent difficulties. Solar energy in any form, wind, thermal gradients, or direct sunlight, is highly diffused, cyclical and variable. Because of the diffused nature of the energy, a plant for a given output must be several times the size of a conventional one. Because of the cyclical and variable output of a solar plant, it cannot operate directly "on line" as do conventional ones. It must produce a storable potential energy such as lifting water into elevated reservoirs on a storable fuel, such as hydrogen.

The storage facility, a secondary but major cost must in turn be coupled to a full size conventiional generating plant which can use the fuel to produce power. The generating plant is a third major cost. In short, the capital investment, operating and maintenance costs could be 5 to 10 times the cost of a conventional plant. The power produced would be correspondingly more costly.

Less costly "part time" systems are feasible. These systems would gather solar energy to produce steam for a conventional turbo-generator plant. These solar plants would be useful as auxiliary to aid with peak load conditions during the 6 or 7 hours of maximum sunlight.

Since peak load patterns do not match the hours of maximum sunlight, the main generating plant would be sized to meet the demand without the aid of the solar system. The merits of this solar system are therefore determined by weighing its total capital investment, operating and maintenance costs against the cost of the fuel saving it provides during its hours of operation.

RESPONSES TO SPECIFIC QUESTIONS

1. What are the climatic conditions in Northeastern Ohio and how do they relate to the feasibility of solar energy applications?

Cloud cover, temperature and wind data for three representative cities in Northeastern Ohio are summarized in enclosure 1 (Climatological data for three cities in Northeastern Ohio).

Cloud cover effects. During 1972 skies over each of the three locations were cloudy or partly cloudy for more than 300 days of the year. Clouds and haze will reduce the efficiency of any solar energy system, but research has shown that the effect on the different conversion systems varies considerably. For example, the concentrating collectors proposed for some solar power plants are extremely sensitive to atmospheric conditions and require clear, haze-free skies to work at all. Flat plate collectors of the type proposed for most solar buildings, on the other hand, continue to perform acceptably during cloudy weather, although not as efficiently as during clear weather.[1]

Photovoltaic and biological conversion systems are two other major technologies which are adversely affected by poor sky conditions. According to Mr. Ed Gatty of NASA solar cells having an efficiency of 10 percent under the best of conditions might have that efficiency reduced to 5 percent or to as little as 1 percent by clouds and haze. For the biological systems, assuming that conversion efficiency is influenced by (1) light intensity, (2) length of growing season, and (3) average annual temperatures, Northeastern Ohio climatological data would indicate conditions unfavorable to biological conversion.

Wind effects. Available wind energy seems to be marginally adequate to support wind conversion systems. According to meteorological data from the Federal Power Commission, Northeastern Ohio lies in a narrow belt of winds with annual velocities averaging between 10 and 12 miles per hour and perhaps somewhat higher on the shores of Lake Erie. Dr. William E. Heronemus, possibly the Nation's leading authority on wind-power conversion, concluded in a research proposal submitted to the National Science Foundation in 1971 that vast quantities of electricity could be generated from the winds over the Great Plains in a region of 12 mph annual average winds. It follows therefore, that since the winds in the Northeastern Ohio area (10–11 mph) are comparable to the winds over the Great Plains region, then the Ohio area would be an acceptable location for wind conversion systems. The NSF/NASA Solar Panel determined that a wind conversion system along the W–E axis of Erie could produce 23 x 10^9 kWh of electricity annually.

Temperature effects. Low ambient temperatures increase collector losses and thus decrease the efficiency of all solar conversion technologies except solar cells. The physics of solar cells is such that they actually perform better in colder weather. Power output of solar cells decreases 0.5 percent per each degree rise above 0° Centigrade.

The cold cloudy winters typical of Northeastern Ohio will severely strain the heating capacity of home and office solar heating systems. Existing solar systems have demonstrated reasonably good performance during cloudy moderate weather, but acceptable performance during both cold and cloudy weather is doubtful. During prolonged periods of cold cloudy weather, stored solar heat is depleted and cannot be adequately replenished by the sun. Standby power systems must be used during these periods.

A note of caution: It is not clear at this time what effect the use of standby electric heating might have on the peaking problem normally experienced by utilities during the winter. It may be that a widespread climate induced, switch to electric auxiliary heat could accentuate the peaking problem of utilities.

2. In using the sun for thermal energy in buildings, what are the initial capital costs that are incurred?

Cost of solar heated and cooled homes. Dr. George Lof, a leading proponent of solar housing technology, testified before the House Subcommittee on Energy on June 7, 1973 that "a solar heating system for an average house is going to add perhaps $2000 to the price of that house." During the same hearing, Dr. James Comly of the Thermal Branch of the General Electric Company said that "present cost estimates show solar equipment as a several thousand dollar supplement to existing equipment." Harry Thomason, a local resident and builder of several solar homes, has designed and installed a solar heating system for about $2000 to $2500.

Because of his practical experience, Thomason's is probably the most accurate cost estimate of a solar heating system for homes. But even the best estimate of today's cost is no indication of what it will cost three or four years from now to install commercial equipment in large housing developments. There are several reasons for this: First, the estimates of Thomason and others are based on their experiences with specially designed systems installed in custom crafted houses. To be a commercial success solar equipment must be standardized, mass produced and installed in volume constructed housing. While costs are certain to go down with commercialization, there is no way to project from the cost of the custom built houses just what commercial costs will be. Second, although it is technically possible to provide sufficient collector surface and storage capacity to carry the entire heat load of a house, it is more economical to use an auxiliary heat supply to get the system through prolonged periods of inclement weather. The cost of the auxiliary system is in addition to the cost of the solar equipment, so in effect, a solar house must bear the expense of two heating systems. Third, the use of solar energy to power cooling equipment has not been demonstrated in any solar home, thus the cost of this technology cannot be estimated. In fact, a residential cooling system that can operate on the low temperatures attainable with flat plate solar collectors has not yet been developed.

It is unlikely that solar heating and cooling equipment can ever compete with conventional systems on a first cost basis. Only with life-cycle cost accounting can the economic advantages of solar technology be realized. Thomason, for example, installed his most recent solar heating system for a cost of about $2500, or about $1500 more than the cost of conventional heating. With his system, he is able to keep the house at a comfortable 70 to 72°F during Washington, D.C. winters using only 40 to 50 gallons of supplemental fuel oil for auxiliary heating. This compares to 700 to 800 gallons of oil per winter for a conventional house. By saving 80 to 90 percent on his oil bill each year, it is only a matter of time before the solar heating system pays for itself.

Cost of solar heated and cooled buildings. Office buildings are especially well suited for solar heating and cooling for a number of reasons: (1) Peak occupancy is usually during daylight hours. (2) Commercial buildings generally require large collector surfaces resulting in lower cost per square foot of the total system. (3) Large capacity cooling equipment adaptable to solar power is already commercially available. And (4), compared to individual home owner, it is much easier for commercial ventures to absorb the high first cost of solar equipment by life-cycle cost accounting.

Several solar heated and cooled office buildings are being planned for construction in the 1975–1978 time frame. Like solar houses, these buildings are intended to demonstrate solar technology and are not expected to be economically attractive. One of their goals, however, is to show that when solar equipment becomes commercially available, favorable life cycle costs can be accrued.

One of the world's first solar heated and cooled office buildings will be a three-story Lincoln, Massachusetts structure designed by the Arthur D. Little Corporation for the Massachusetts Audubon Society. Scheduled for occupancy in 1976, the building will utilize rooftop solar collectors to handle up to 80 percent of the winter heating and a substantial portion of the summer air con-

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Footnotes at end of article.

ditioning. According to published company figures, about $154,000 of the building's $542,000 cost will be for the design, construction, and installation of the solar equipment. The company estimates that the cost of a similar solar installation will be reduced to about $31,000 when the hardware is mass produced and installation techniques become standardized. A summer/winter conventional air conditioning system, in comparison would have an installed cost of about $20,000.

3. What is the state of the art for applying solar energy to air conditioning? What investments are involved?

Because commercially available water-cooled absorption air conditioners can operate with hot water at temperatures within the range of solar collectors, these units are currently the system of choice for solar cooling. The two most common units use working solutions of either ammonia in water or lithium bromide in water.

The efficiency of absorption air conditioning units varies directly with the temperature difference between the heat sink (cooling water) and the heat source (solar collector). When the temperature difference is small, heat must either be added to the heat source or taken away from the heat sink. In solar powered units, electric resistance or fossil fuels can be used to add heat; electric pumps are used to remove heat by circulating water through a cooling tower. In either case, conventional energy is being used to assist the solar-powered unit.

Water-cooled absorption air conditioners can cool reasonably well when operated with hot water at the peak temperature delivered by flat plate collectors (about 2000 ° F.) However, the temperature level in the collector is not constant—it rises to a peak and then falls off. Also, only the sunniest days will yield maximum temperatures. During the peak period, which lasts for about 2 hours, the heat load is carried by the solar collector, on either side of the peak and on cloudy or hazy days, the solar heat must be supplemented by conventional energy. The amount of conventional energy required to sustain adequate cooling will depend upon many factors: the size and design of the solar hardware; the size and design of the absorption cooling unit; the size of the cooling tower; and area weather conditions. Demonstration projects are needed to establish efficiency as well as the optimum mix of the many engineering parameters in the solar-powered system. While water-cooled absorption air conditioning is the best (if not only) technology for solar cooling, until there is some practical experience, it cannot be stated with any certainty that it will be commercially attractive. If the use of supplemental energy is found to be excessive, then the positive aspects of solar technology are canceled and a new approach will be needed

4. Is the science of photovoltaics (generating of electricity from the sun) sufficiently developed to expect that a significant amount of electricity (e.g., to meet the requirements of a large office building) could be generated at a reasonable cost and with minimum disruption to land use patterns?

The terrestrial application of solar cells for the production of electricity for homes and office buildings may become practical within the next 10 years. However, their use today and in the immediate future is limited by cost. Except for some new cells, being marketed by the Solar Power Corporation, the average cost has been $100.00 per peak watt.[2]

At this price, solar power is about 1000 times more expensive than fossil fuel power. In recent testimony before the House Subcommittee on Science, Research, and Development, Dr. Alfred J. Eggers, Jr. of NSF states that in terrestrial applications of photovoltaics, "the big issue initially appears to be reducing costs of solar cells. The costs of producing photovoltaic cells will have to be reduced by a factor of a hundred to a thousand." (1974 National Science Foundation Authorization Hearings, March 6, 1973, p. 430.)

Solar Power Corporation, an affiliate of Exxon, has recently marketed a 1.5 peak-watt, five-cell module for terrestrial applications. In lots of 1000 or more, the modules sell for $30 each, or $20 per peak-watt. While this is a substantial reduction in the $100 to $200 cost per peak-watt for cells produced for the space program, the cost is still prohibitive for most earth applications. The applications where it is economically sensible to use solar power are usually in remote locations, where other sources of electricity are not available. Solar Power has sold arrays of cell modules to power such devices as navigation lights for offshore gas-production platforms, radio-message repeater stations, and railroad signaling devices.

Photovoltaic power for office buildings. In sufficient numbers, commercially available solar cells could, of course, provide all of the power needs of a large office building, but their high cost makes such an application extremely impractical as the following exercise illustrates.

For air conditioning alone, a large five or six-story office building having 120,000 sq. ft. of floor space would require about 200 tons of cooling. As a thumb rule, one ton of cooling uses 1000 watts of electricity. The building this would thus require 200 kw. Solar Power's modules deliver 1.5 peak watts at standard conditions. Under average operating conditions their efficiency will be much less, depending upon ambient temperatures and atmospheric conditions. For this exercise, we will assume a 50 percent efficiency, or .75 watts/module. The number of modules required to deliver 200,000 watts of power will be:

$$\frac{\text{200,000 watts}}{\text{.75 watts/module}} = \text{267,000 modules}$$

The cost of these modules:

$$\text{267,000 modules} \times \text{\$30/modules} = \text{\$8,010,000.00}$$

An $8 million investment for the hardware to power just the cooling equipment of a large office building puts photovoltaic power out of range for office buildings and almost all other terrestrial power applications. However, new solar cell technologies are under development which may make cells more economical. Jack Eckert, program manager for Solar Power Corporation, stated that the company has a research program underway to develop high-efficiency organic photoconductor systems which they hope to market within a year or two at a cost of $5 to $10 per peak-watt.

Another photovoltaic system is being developed at the University of Delaware. The University's Institute of Energy Conversion recently set up a pilot production line to build a new type of solar cell, in which cadmium sulphide and copper sulphide materials are substituted for silicon. Dr. K. W. Boer, director of the program, hopes that the lower material and production costs may enable power production at a cost as low as 15 cents per watt. Boer explains the projected economics of cadmium sulphide solar cells for home use on page 399 of enclosure 10.

5. Is there any potential application of wind power in Northeastern Ohio?

As mentioned in the response to question 1 under subsection winds, the average annual wind speed in the Northeastern Ohio area is comparable to the average wind speed in the Great Plains area which was selected by Heronemus as a candidate location for a massive, 300,000-unit wind conversion proposal. Thus, wind conversion systems have potential application in the area. While winds are the primary consideration, available wind energy is not the only factor that must be considered in examining the potential of wind conversion in an area. The Plains region is sparsely populated. Northeastern Ohio, on the other hand, is densely populated. Because of existing land use priorities in a populated area, a wind conversion system of the size required to generate significant quantities of electricity would probably meet stiff opposition since many would consider the land is more valuable when used for other purposes and others would object to a landscape filled with large windmills.

Heronemus has made an alternate proposal which avoids some of the problems of land-based windmills and which may have application in the Northeastern Ohio area if proved feasible. He proposed an offshore wind power system consisting of a number of floating structures, each housing from three to 34 wind turbines. He proposed to place the array off the coast of New England to catch the prevailing westerlies. The electricity generated by the wind turbines would be used to power electrolyzers which dissociate water into hydrogen and oxygen. The hydrogen could be used directly as a gaseous fuel, or compressed and stored for later use. The proposal faces serious economic and technical problems, particularly in the utilization of hydrogen as a fuel. However, if these problems can be solved, the prevailing winds on the Great Lakes may some day be tapped as an energy resource.

FOOTNOTES

[1] It should be noted that not all solar power plant concepts use concentrating collectors. The Meinels recently devised a collector for solar power plants which can operate in cloudy weather like flat plate collectors do but at temperatures approaching those reached by concentrating collectors. This new design combines features of both concentrating and flat plate collectors to achieve temperatures up to 600°F without the focusing and tracking problems of concentrating collectors. While this collector leaves open for now the possibility of solar power plants for Northeastern Ohio, several basic questions must be answered before the system can be put into operation. Of particular concern is whether 600°F temperatures can be achieved and maintained in the Ohio area under all weather conditions and whether this temperature is sufficient to operate modern steam turbine equipment for electric power generation.

[2] A "peak-watt" of solar cells is a cluster of cells capable of producing 1 watt of power at standard conditions, i.e. 100 mw/cm sq. solar intensity, 0°C cell temperature at sea level (STP).

WHY AREN'T SCHOOL SPORTS SAFER?

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, scholastic athletic competition has become one of the major injury-causing areas in our society. For many young Americans subjected to sports injuries the results can have long-term—even disastrous—effects.

While steps are being taken to lower the probability of serious injuries, the problem of injury treatment remains. I have introduced legislation which would require all schools which engage in interscholastic athletic competition to employ certified athletic trainers, and I hope that my colleagues give serious consideration to this proposal.

As a perspective on the problem, I am now inserting an informative article from the September–October 1972 issue of Kendall Sports Trail, "Why Aren't School Sports Safer?" by John S. O'Neill into the RECORD along with some other related material:

[From Kendall Sports Trail, September-October 1972]

WHY AREN'T SCHOOL SPORTS SAFER?

(By John S. O'Neill)

Sixty-four percent—better than six in ten—of those who go out for high school sports sustain injuries.[1]

One very significant reason for so many injuries among high school athletes has to be the lack of adequate training room programs for student-athlete health and safety at the secondary school level.

To find out just how significant it might be, *Kendall Sports Trail* conducted a poll of secondary school athletic directors, asking twenty-one relevant questions about their departments' training room programs.

SURVEY PROFILE

The vast majority of the 450 secondary school athletic directors who responded represented public schools, 59 percent of which were of less than a thousand enrollment, and located in cities and towns of less than 25,000 inhabitants.

School Affiliation (Base: 450)

[In percent]

Public	87
Private	7
Church related	6

Geographically, 40 percent of the replies came from the North Central state; 20 percent, from the Eastern Seaboard; 15 percent, from the Far West; and 10 percent, from the South Central states.

SCHOOLS WITH TRAINING ROOMS

Surprisingly, reflecting on the high ratio of injuries to participants, two-thirds of the athletic directors polled head departments having training room facilities; 87 percent of these are public schools; 5 percent, private; and 8 percent church-related. Two-thirds of the public schools surveyed have an athletic training room. The ratio climbs significantly for private and church-related schools: 73 percent and 82 percent, respectively.

Predictably, larger schools show the higher percentage of training rooms: 80 percent for schools of a thousand or more enrollment; 70 percent for schools of five hundred to a thousand enrollment; and 53 percent, for schools of less than five hundred enrollment.

HOW THEY ARE USED

Seventy-eight percent of the schools polled as having training rooms use them for their varsity sports programs; 73 percent, for junior varsity. Use diminishes markedly for physical education programs and intramural programs: 56 percent and 31 percent, respectively.

Basketball ranks as the sport for which most of the training rooms are used; track and football run a close second. Two-thirds are used for baseball; and about half for field sports and wrestling. All others, including soccer, cross-country, tennis, ice hockey, golf, gymnastics, and girls' sports, don't fare nearly as well.

Use by Sport (Base: 297)

[In percent]

Basketball	81
Track	78
Football	77
Baseball	67
Field	52
Wrestling	50
Other	43

REASON FOR NO TRAINING ROOM

One-third of the schools surveyed gave two fundamental reasons for not having an athletic training room: (1) there is no room in or near the athletic department which can be properly outfitted as a training room, and/or (2) they have no money to establish and maintain such a room.

Thirteen percent of those schools without a training room of their own have access to a nearby training room facility, usually connected with a college or university athletic department. Including this 13 percent, a total of 70 percent of the schools polled have the use of an athletic training room, theirs or another.

REASONS FOR SO MANY INJURIES

If so many of the schools surveyed have the use of an athletic training room, why are so many high school student-athletes getting hurt?

1. TOO FEW CERTIFIED TRAINERS

It takes more than a training room facility to make a training room program. It takes a skilled para-medic, educated to accept and fulfill the responsibilities of competent medical supervision of a high school athletic program.

Our survey found that only 6 percent of all the schools polled, and 11 percent of the schools polled as having a training room, employ a certified athletic trainer as a member of their staff. More than half of the athletic directors who have no certified trainer on their staff named lack of funds as the primary reason. A third of the athletic directors declined to say why so important a member of any athletic staff is not on theirs.

In place of the certified athletic trainer, 87 percent of those schools who do not employ one delegate the responsibility for student-athlete health and safety to one of the coaches who does the best he can under the circumstances, but has little knowledge, education and experience in the area of medical supervision. In 56 percent of the cases, the coach is fortunate enough to have a student trainer assisting him in fulfilling these responsibilities; still, their combined paramedical knowledge and experience cannot compare with that of a certified, professional athletic trainer.

Nowadays, high school trainers are not a luxury, but a necessity; and college curricula, sanctioned by the National Athletic Trainers Association, are providing dedicated young men with the education and the experience to become certified secondary school teachers and athletic trainers. In addition to his studies in education and the major area in which he wishes to teach, the student-trainer's course-work includes anatomy, physiology, physiology of exercise, kinesiology, psychology, first aid and safety, nutrition, remedial exercise, personal hygiene, basic athletic training, and techniques of athletic training. Requirements for certification by the N.A.T.A. demand, also, that each student trainer complete a minimum of two years' internship in practical athletic training at the college level under the close supervision of a certified athletic trainer.

To date, the N.A.T.A. has approved eight college undergraduate curricula in athletic training which meet or surpass their standards.

In addition to fostering collegiate educational programs to make professional athletic trainers available to high schools, the medically recognized National Athletic Trainers Association conducts a national certification examination to maintain standards within the profession.

Athletic directors or school officials interested in the availability of a qualified teacher-trainer for their staffs will find the N.A.T.A.'s placement service very helpful. Job vacancies and inquiries should be submitted to the N.A.T.A. placement service committee chairman, Mr. Alan Hart, Head Athletic Trainer, Ohio State University, Department of Athletics, 410 W. Woodruff, Columbus, Ohio 43210; phone: 614-422-1164.

Recently, Kendall Sports, in cooperation with the National Athletic Trainers Association, produced a 29-minute, sound, color motion picture, "The Absent Link", which dramatizes the need for an athletic trainer, and depicts his role in high school student-athlete health and safety. Those wishing to obtain this film on a free loan basis for showing to school board members, interested parents and civic groups may do so by mailing the coupon on page 15 to the closest Modern Film Library.

2. TOO FEW TEAM PHYSICIANS

Another critical reason for the high ratio of athletic injuries at the high school level is that less than half of all the schools surveyed have a team physician who attends all of their home games; and only 20 percent have one on call during home games.

Athletic directors whose teams are without the services of an athletic trainer or attending team physician would do well to scout a local M.D. or osteopath interested in sports and the health and safety of young students. Since most doctors fill these requirements, the search may not be as difficult as one might imagine. A good source for referrals are the members of the Committee on Sports Medicine of your state's medical association.

3. INADEQUATE TRAINING ROOMS

A third important factor in the high incidence of high school athletic injuries is the admitted inadequacy of 43 percent of the existing training room facilities surveyed.

Extremely limited space and lack of proper equipment are given as the major reasons for the inadequacies.

FUNDING: THE ULTIMATE PROBLEM

Ultimately, these problems—lack of or inadequate training room facilities and lack of a certified athletic trainer—boil down to inadequate training room program funding in 45 percent of the schools polled, the annual budget for athletic training is less than a thousand dollars; in 26 percent, less than five hundred dollars. Thirty-nine percent of the athletic directors declined to disclose their current annual expenditures on student-athlete health and safety.

Defining the present value of their training room facility with its equipment and inventory, 29 percent of the athletic directors surveyed valued it at less than a thousand dollars; 15 percent at between one and two thousand dollars; and 17 percent at more than two thousand dollars. Again, 39 percent declined to disclose the monetary worth of their training rooms.

In an effort to keep costs down, nearly half of the schools polled have furnished their training rooms with some home or shop-made equipment. Equipment bought used makes up some of the furnishing in 18 percent of the training rooms, and 18 percent were fortunate enough to have a portion of their equipment donated. Two-thirds of the training rooms surveyed boast some new equipment; half of these have at least 75 percent of their furnishings bought new.

TRAINING ROOM FURNISHINGS (BASE: 297)

[In percent]

	1 to 25	26 to 50	51 to 75	76 to 100
Homemade	20	15	4	8
New	7	17	8	36
Used	12	4	1	1
Donated	13	3		2

The big problem in funding a high school athletic training room program is the method of funding itself. Funds for 77 percent of the training room programs surveyed are derived from the athletic department's annual budget. The remaining programs are funded independently by means of booster or touchdown clubs, student fund-raising drives, gate receipts, alumni contributions, and the like.

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[1] *Letterman* Magazine Poll No. 4, November, 1971.

With increasing pressures on school administrators to trim expenses, athletic department budgets are frequently pared to bare minimum. If the training room program depends on the severely reduced general administrative budget for its sustenance, in most cases, it will surely founder unless the school administration and the athletic director are highly motivated about student-athlete health and safety.

A more dependable method would be to budget for a training room program, based upon an independent means of fund raising; and to plan, and construct or remodel a training room facility with its necessary furnishings and supplies within that annual budget.

How do you go about it? We asked the six knowledgeable and experienced trainers who make up our Bike Training Room Foundation Board of Directors (see pages 8 & 9) the same question. Their interesting and informative answers will appear in "How to Plan a Training Room on a Budget" in our November-December issue.

[From the Athens (Ga.) Banner-Herald & the Daily News, Jan. 21, 1973]

Small Price To Pay

(By Johnny Futch)

"How safe are school sports?", wonders a recent Sports Trail Magazine issue. The answer, apparently, is "not very!".

Something like 64 per cent of all participants in high school sports will wind up on someone's injury list, many with ailments that could have been avoided or reduced in seriousness had they been recognized in time.

Attempts to improve the situation so far have centered around convincing athletic programs to include a training room in their setup and the training of student-trainers through courses co-sponsored by schools like the University of Georgia and the training supplies companies.

The magazine staff surveyed 450 secondary schools, 59 per cent with less than 1000 enrollment and found that two-thirds of them had training room facilities. Only six per cent of the schools polled employed certified trainers although 56 per cent had qualified student trainers. The responsibility usually fell on the shoulders of an assistant coach, who had only rudimentary knowledge of athletic injuries and sport medicine.

The National Association of Athletic Trainers (NATA) decided at its annual meeting last week in Chicago that the situation had become critical. The NATA, hoping to turn the flood tide of prep injuries, is asking Congress to require all schools receiving aid under the Elementary and Secondary Education Act of 1965 and participating in interscholastic competition to employ a qualified trainer.

Certification as a trainer would be accomplished by one of three methods: (1) by meeting the athletic training curriculum requirements of one of the 20-odd schools currently approved by the NATA; (2) by holding a degree in physical therapy or corrective therapy and spending at least two academic years working under the supervision of an athletic trainer or (3) having completed at least four years beyond the secondary school level as an apprentice athletic trainer serving under the direct supervision of a certified athletic trainer.

The big problem, of course, will be funding, but with the growing participation in prep sports, it's difficult to argue against a bigger expenditure for student-athlete health and safety.

One look at a prep injury survey is enough to convince you that something must be done. The NATA bill is a giant step in the right direction.

[From the Richmond (Va.) Times Dispatch, Aug. 29, 1972]

A Game of Pain—Trainers in Short Supply

(By Bill Millsaps)

Last fall, a young high school football player in a nearby state suffered a severe spinal injury in an attempt to make a tackle. His coaches and teammates had no idea of the extent of the injury. There was no qualified athletic trainer present to tell them the boy should not be moved.

So they carried him off the field. He was paralyzed, and he died less than a month later.

Of the 75 football players who died in the 1970 and 1971 seasons, 57 were high school boys. It is a wonder that more are not killed or seriously hurt playing the game, not because the sport is so rough, but because proper medical care is quite often nonexistent.

Dr. Frank Bassett of the Duke University Medical Center and a team orthopedist for the Blue Devils, said, "Across the nation, more than 50 per cent of high school football players are not covered either by trainers or by team physicians.

"And inadequate medical supervision is a poor excuse for the death of a healthy, strong young athlete."

With the physical well-being of more than 1,000,000 boys at stake, it would seem the public would want something done. In Texas, they have made a beginning. A 1971 state law requires adequate medical care for every schoolboy athlete, and the result is that almost every Texas high school has or is in the process of acquiring a trainer.

Elsewhere, the situation is the same as it has been for years. A few more than 15,000 high schools in the nation have football, and fewer than one per cent have a full-time teacher-trainer. There are 53 teams in Chicago's public school athletic league, and not one has a trainer.

In Chicago's public schools, as elsewhere, coaches also double as trainers. On a day-to-day basis, they have the over-all responsibility for taping, diagnosis, therapy and guidance. They may or may not have had the training necessary to effectively perform such duties.

Many schools have team physicians, but often they are present only for games, not practices, where the schoolboy football player spends 90 per cent of his playing time and suffers most of his injuries. And, noted Bassett, "many doctors do not have the sports injury background to treat athletic injuries."

The result is that most high school football players do not get the best treatment when they are hurt, and if they go on to college football, an injured extremity is more likely to be injured even more severely than before.

"You take a kid coming in as a freshman," said Lewis Martin, trainer at Wake Forest University. "If he hurts his ankle, I'm almost afraid to make X-rays of the ankle because I know what I'm going to find: spurs or calcium deposits from where he was hurt four or five years back and not given the proper treatment.

"Most of the injuries you get in college football can be traced directly to old high school injuries."

Getting trainers into high school football programs is mostly a matter of money, or the lack of it. Trainers apparently are a low priority when it comes to school athletic budgets.

"Administrators tend to look on athletic training as a specialized field," said Jack Rockwell, former trainer for the St. Louis football Cardinals, "and they forget trainers as teachers."

The situation is particularly galling to Joe Gieck, trainer at the University of Virginia and a member of the board of directors of the National Athletic Trainers Association.

"What gets me is that a school board will authorize $1,500 for a blocking machine a school doesn't need," said Gieck, "and then won't pay $600 for a supplement to a teacher who has had athletic training experience.

"You go into the equipment room of so many high schools, and they have new expensive stuff up there on the shelves they'll never use. Yet they don't have a trainer And their kids aren't adequately protected."

Bobby Gunn, trainer for the Houston Oilers and the president of the NATA, said, "because the high school athlete is less mature physically, close observation for physical disability is essential. High school athletes probably have a greater need for trainers than athletes at any other level."

At the moment, the need is not being met.

FIFTEEN SOLID YEARS OF CAPTIVE NATIONS WEEK

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FLOOD. Mr. Speaker, despite all the fluctuations and shifts in our foreign policy toward the various sectors of the Red Empire, firmness of conviction and deep faith in the future are consistently manifested by our people and others in the annual observances of Captive Nations Week, which Congress provided for back in 1959. A rational sense in the strategic importance of the captive nations for the free world, not to mention our own national survival, has suffused this conviction in 15 solid years of the week's observance.

Since the third week of July—the 1973 Captive Nations Week—a continuous stream of reports on the successful week has appeared in the Record. Processed through the National Captive Nations Committee, which guides the annual observance and serves as a clearing house for local committees across the country and beyond, these additional examples of the recent week show the nature and scope of the event: First, a report in Svoboda on "Mayor Lindsay Signs CN Week Proclamation"; second, the China Post Editorial "Captive Nations Week," and article "Meaning of Captive Nations Week," and the China News editorial "Spirit of Freedom"; and third, the Ukrainian Congress Committee of America's appeal on the Brezhnev visit before the week.

The articles follow:

Mayor Lindsay Signs CN Week Proclamation

New York, N.Y.—John V. Lindsay, Mayor of New York, signed the Captive Nations Week proclamation, in the Blue Room of the City Hall, on Tuesday, July 17, in the presence of some 100 representatives of the captive nations, in their national folk costumes and with national flags.

In the group was a delegation of 18 Ukrainians lead by Roman Huhlewych, president of the local UCCA branch. Also included in this delegation were Ivan Bazarko, Executive Director of the UCCA, and Dr. Walter Dushnyck, editor of "The Ukrainian Quarterly."

After the signing of the proclamation, Judge Matthew Troy, president of the Captive Nations Week Committee of New York thanked the Mayor on behalf of the assembled, and stated that it was the "obligation of the people here to inform the press, political leaders, and the free world about the fate of the captive nations."

Vaclavas Sidzikauskas of ACEEN and Dr. Ivan Docheff, of AF-ABN, also expressed appreciation to the Mayor for his action.

On Sunday, July 15, the Captive Nations Week observances here were launched with a Liturgy at the St. Patricks Cathedral. The celebrant was Rev. Mladen Cuvalo, of the Ss. Cyril and Methodius Croatian Catholic Church. Very Rev. Provincial Patrick Paschak, OSBM, delivered the sermon. The mass rally which was scheduled for the Central Park Mall that afternoon was cancelled due to the rain. In its place a brief rally was held at 61st Street and Fifth Avenue. After reciting the "Pledge of Allegiance," Judge Troy spoke to the assembled. Among the participants of the CN Week observance was Rep. Mario Biaggi.

CAPTIVE NATIONS WEEK

Beginning from yesterday Captive Nations Week is being observed in many democratic countries in the world. Here in Taipei a mass rally will be held at the Dr. Sun Yat-sen Memorial Hall tomorrow with representatives from many organizations participating in it.

The first observance of Captive Nations Week dates back to the time when General Dwight D. Eisenhower was President of the United States. More than a decade has passed by since then, and it may not be inappropriate to ask what concrete results have been achieved. The answer is None, but it certainly cannot be claimed that the observance of Captive Nations Week has been entirely in vain. At least it can be said that there is a special occasion each year for reminding all freedom-loving peoples that there are still some nations in the world which have lost their freedom and are being held in bondage by their oppressors.

Obviously this is not enough. No matter how many high-sounding speeches may be made at Captive Nations Week rallies, those aggressors who have enslaved other nations can easily remain unmoved and keep on ridiculing the futility of such speeches. In this connection, it must be admitted that Soviet Russia is the chief culprit. It is Moscow which is holding quite a number of European and Asian nations in bondage. If the observance of Captive Nations Week is to mean anything at all, it is taken for granted that all of Soviet Russia's satellites must be emancipated.

If the captive nations are to regain their freedom, two things are essential. First, those enslaved peoples must be constantly reminded of the necessity of offering resistance to their oppressors. They must be encouraged to struggle for their freedom—by force whenever it is opportune to do so. Second, the free nations must be ready to give the enslaved peoples armed assistance when the right moment arrives. This, of course, requires great courage on the part of those free nations which make such a promise.

Unfortunately, in the democratic camp such courage is conspicuous by its absence. Once upon a time, the Hungarian people rose in arms to struggle for their freedom, but that revolt was ruthlessly suppressed by Soviet Russia. Some years later, the people of Czechoslovakia put up a similar struggle, but it also met with the same fate. The free nations of the world watched those two struggles with folded arms and did not lift a finger to champion the cause of freedom.

In the meantime, Red China has been trying to play a role similar to that of Soviet Russia—not only in Asia but even in Africa. But so far it has met with very little success. Nevertheless, the Chinese people on the mainland have lost their freedom, just as the Russian people have lost theirs. Hence the enslaved Chinese and Russian peoples are both in urgent need of regaining their freedom. What is the prospect? When will such a day come to pass? Frankly speaking, the prospect is not very bright. Those democratic powers which are the pillars of the democratic camp are now busily engaged in fraternizing with the Kremlin and the Peiping regime to the detriment of their own interests. When will they wake up from their folly.

INSIDE MAINLAND MEANING OF CAPTIVE NATIONS WEEK

(By L. Chen)

The "Captive Nations Week" Movement to counter Communist attempts at enslavement of mankind was initiated in the United States in 1959 through congressional authorization and presidential proclamation.

But the air of appeasement in the recent years has been such that steps taken by many free world nations vis-a-vis the Communist bloc are now not necessarily in line with the spirit of the movement.

In the Republic of China, however, the people are keenly aware of the responsibility to free 800 million Chinese mainland compatriots from the yoke of Communist rule. Captive Nations Week has been faithfully observed in the third week of July each year along with the January 23 World Freedom Day that marks the return to freedom in 1954 of more than 14,000 exChinese Communist POWs of the Korean War who refused to be sent back to the mainland.

CHANGED ERA

For more than two decades since the end of World War II, the world remained sharply divided. Mankind still is half free and half enslaved, but dealings between free world governments and Communist bloc regimes began to undergo changes in 1969 with President Nixon's inauguration and proposal to replace confrontation with negotiation.

The Chinese Communists are now in the midst of an all-out offensive smiles and the world at large appears to feel that peaceful coexistence is possible and lasting peace is already in sight.

But the facts are not so. Ceasefire in Indochina has been violated time and again. Talks involving Communist negotiators are not being fruitful from free world viewpoints. To the Communists, negotiation is just another form of struggle. To them "peaceful coexistence" is just a label of their united front campaign to damage freedom camp unity and rob the people by hook or by crook.

SAME LINE

As has been repeatedly pointed out, the Chinese Communists are continuing their internal suppression along with external political maneuvers. Whatever concession the free world makes in the face of Peiping only makes the regime bolder and more demanding. The slave labor at home is for war preparation.

History has abundantly proven that tyrants and totalitarians must resort to aggression as a way to preserve themselves. When the oppressed people turn defiant in the absence of freedom and comfort, further suppression becomes necessary. Peace is never possible in a world without freedom.

The Captive Nations Week observance this year in the Republic of China is under the major theme: "No Peace Without Eliminating Slavery." In other words, peace is possible and can last only on the foundation of adequate freedom.

It does not require much intelligence to see that the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence.

REMINDERS

To remind ourselves of what mankind as a whole should be doing to make the Captive Nations Week Movement meaningful and effective toward lasting peace and freedom for all, here are some facts and quotations:

—Passages from the "Captive Nations Week Resolution" (Public Law 86-90) of the U.S. Congress in 1959:

"Whereas it is vital to the national security of the United States that the desire for liberty and independence on the part of the peoples of these conquered nations should be steadfastly kept alive . . .

"Whereas it is fitting that we clearly manifest to such peoples through an appropriate and official means the historic fact that the people of the United States share with them their aspirations for the recovery of their freedom and independence. . . ."

—Portions from U.S. Presidential Proclamations pertaining to Captive Nations Week:

"I invite the people of the United States of America to observe such week with appropriate ceremonies and activities, and I urge them to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the peoples of those captive nation."—Eisenhower, 1959.

"It is in keeping with our national tradition that the American people manifest their interests in the freedom of other nations."—Kennedy, 1961.

"The principles of self-government and human freedom are universal ideals and the common heritage of mankind."—Kennedy, 1962.

"The cause of human rights and personal dignity remains a universal aspiration, and . . . this nation is firmly committed to the cause of freedom and justice everywhere."—Johnson, 1964.

"Whereas freedom and justice are basic human rights to which all men are entitled; and whereas the independence of peoples required their exercise of the elemental right of free choice; and whereas these inalienable rights have been circumscribed or denied in many areas of the world; and whereas the United States of America, from its founding as a nation, has had an abiding commitment to the principles of national independence and human freedom. . . ." Johnson, 1967.

"Ten years have passed and there have been many changes in international affairs, but one thing that has not changed is the desire for independence in Eastern Europe."—Nixon, 1969.

—The Captive Nations "Who's Next?" (country and people followed by year of Communist domination):

Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucasia, Ukraine (1920), Far Eastern Republic, Turkistan (1922), Outer Mongolia (1924), Estonia, Latvia, Lithuania (1940), Albania, Bulgaria, and Serbia, Croatia, Slovenia, etc. in Yugoslavia (1946), Poland, Rumania (1947), Czecho-Slovakia, North Korea (1948), Hungary, East Germany, Chinese mainland (1949), Tibet (1951), North Vietnam (1954), and Cuba (1960).

SPIRIT OF FREEDOM

Confucius said food, troops and the confidence of the people were essential to the survival of the state.

Asked about the order of priority, he said troops were the least important.

As between food and the confidence of the people, he said food should be dispensed with first.

"Death has been the lot of all men from the beginning," he said, "but a people without faith cannot survive."

Jack Kemp, a member of the U.S. House of Representatives, spoke similarly in his address to the Captive Nations Week rally in Taipei Tuesday.

Representative Kemp found ample room

for optimism at a time when some others are able to see only the towering waves of appeasement.

Pointing out much that can be done, he said that above all "We must keep the faith and promote the spirit of liberty that burns in the hearts and minds of people everywhere. For after all, it is this spirit that provides our greatest hope. It is a spirit that will never die as long as there are freedom loving people."

He recalled asking an American held by the North Vietnamese for nearly eight years what sustained him.

The former POW told how his faith had been preserved by belief in freedom.

"If you lose your money, you have lost nothing," he said. "If you lose your health, you have lost something. But if you lose your spirit, you have lost everything."

So said Confucius 2,500 years ago.

Representative Kemp spoke some of the most encouraging words the Republic of China has heard in a long time.

He cited the determination of members of the U.S. House and Senate to preserve the sovereignty and territorial integrity of the Republic of China.

"I totally reject the idea that the Republic of China can be used as a bargaining counter in any negotiations between major powers," he said. "The status of your nation is not negotiable because your freedom is not negotiable."

The commitments to the Republic of China are not mere words, he said, but a pledging of America's sacred honor by the president, the Congress and the American people.

The ROC is one of the United States' "most trustworthy and loyal allies," the Congressman from New York said, adding that the Congress believes the United States "has an equal commitment to you both militarily and morally."

He pointed to many hopeful signs: Taiwan as a symbol of freedom and progress, instability on the Chinese mainland and the continuing refugee exodus from territory held by the Chinese Communists.

Representative Kemp went beyond rhetoric and his welcome praise of the Asian revolution of freedom carried out by the Republic of China in Taiwan.

He pointed the way toward specific acts which can further the Captive Nations movement and speed the day of Chinese mainland liberation.

More freedom rallies are needed, he said, and more pressure can be put on captors to grant basic human freedoms to their captives. Trade, credit and diplomacy can encourage those who strive to be free and discourage the slavemasters. Information programs can dramatize the plight of captive peoples and tell the stories of those who have risked death to reach the free world.

With such friends as Representative Kemp, our enemies become less fearsome and our hopes are raised high. He represents not only the Congress of the United States but the real America that stands with all who fight in the cause of freedom.

From Confucius to the Captive Nations movement, the spirit of freedom has always been, as Mr. Kemp puts it, "the hope of the world."

UKRAINIAN CONGRESS COMMITTEE OF AMERICA APPEALS TO PRESIDENT NIXON ON EVE OF BREZHNEV VISIT

(EDITOR'S NOTE: The following letter was dispatched to President Nixon in the White House on the eve of Brezhnev's visit in the United States):

JUNE 8, 1973.

HON. RICHARD M. NIXON,
President of the United States of America,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: On behalf of the Ukrainian Congress Committee of America, representing over 2 million American citizens of Ukrainian ancestry, we have the honor to address this letter to you on a matter of extreme importance and urgency to our membership throughout the United States.

Within a week you will meet with Mr. Leonid I. Brezhnev, General Secretary of the Communist Party of the Soviet Union. We believe that your invitation to him was extended in good faith and in conjunction with your continuing efforts to bring about a genuine and lasting peace throughout the world. We are fully aware, Mr. President, that such a meeting is part and parcel of your responsibility to our nation, and to the world as well.

However, as Americans of Ukrainian origin, we are deeply perturbed and concerned about the plight of the 47-million Ukrainian people who are under the totalitarian rule of the Soviet government, of which Mr. Brezhnev is uncontested ruler, and which has been responsible for the oppression and persecution of the Ukrainian people.

Mr. Brezhnev comes to our shores with the declared purpose of bettering relations with our country. Yet he also seeks more American loans, American grain and American technological equipment to bolster his sputtering economy. Thus, your guest visits the United States to ask for specific favors of our government and, in the final analysis, of the American people.

As American citizens, Mr. President, we not only enjoy the right, but also have the duty to petition for your intercession and assistance in a matter of vital significance to many of our citizens.

As you know, the government which Mr. Brezhnev heads has been engaged in widespread repression of Ukrainian intellectuals in Ukraine for alleged "anti-Soviet agitation and propaganda." In January, 1972 over 100 Ukrainian intellectuals were arrested by the KGB, the Soviet secret police. Most of these young men and women have been reared under the Soviet system. Their only "crime" was their defense of the Ukrainian language and their resistance to hard-pressed Russification policies of the Soviet government in a blatantly chauvinistic attempt to Russify not only the Ukrainian people, but the other non-Russian peoples of the USSR as well. One must not forget that both the Soviet constitution and the U.N. Universal Declaration of Human Rights guarantee Soviet citizens certain basic rights and freedoms regardless of their ethnic background and religious persuasion.

Mr. President: We have written and appealed to you on numerous occasions, the last being prior to your historic journey to the Soviet Union in May, 1972. We regret to state we have never received any meaningful response to the effect that you and our government listen to the voices of a portion of your constituency. Presumably, the matter of the Kremlin's repression of the Ukrainian people is an "internal matter" of the Soviet government and the United States cannot and should not interfere in such "internal matters." Yet, we are fully cognizant that our government has intervened and presently does intervene in the internal matters of many nations, including the USSR in the case of crass discrimination of certain groups in the Soviet Union that are fortunate to have strong advocates and spokesmen in the United States.

Why then is there discrimination against the Ukrainians?

Mr. President: In the name of humanity and justice, we appeal to you to convey to Mr. Brezhnev the great concern of the United States and its citizenry over the mass arrests, trials and convictions of Ukrainian intellectuals, measures that are characteristic of the virulent Russification policy being pursued by the government of your visitor. We specifically implore you, Mr. President, to communicate to Mr. Brezhnev our sense of outrage about the persistent oppression of the Ukrainian people, as demonstrated only partially by KGB arrests of the intellectual elite of Ukraine, and to ask him, in the name of improving U.S.-Soviet relations, to do the following:

1. To discontinue mass arrests of Ukrainian intellectuals by the Soviet government because such arrests are illegal and in violation of Soviet and U.N. laws regarding the human rights of man.
2. To release imprisoned Ukrainian intellectuals who have been sentenced to severe terms in prisons and concentration camps and to detention in psychiatric wards on spurious charges of "anti-Soviet activities." What they actually did was to write petitions, memoranda, articles and scholarly dissertations on the rights of the Ukrainian SSR, on the status of the Ukrainian language in their own country and on the insidious policies of Russification, policies which were one of the anti-human features of Russian Czardom.

Specifically, Mr. President, we ask you to intervene with Mr. Brezhnev for the release of the following Ukrainian intellectuals who have been unjustly and illegally sentenced by Soviet courts in Ukraine:

Vyacheslav Chornovil, Ivan Dzyuba, Valentyn Moroz, Yuriy Shukhevych, Svyatoslav Karavansky, Ivan Svitlychny, Eugene Sverstiuk, Ivan Hel, Mykhailo Osadchy, Ihor Kalynets, Vasyl Stus, Irena Stasiv-Kalynets, Alexander Serhienko, Nina Strokata-Karavansky, Stephania Shabatura, Anatole Lupynis, Nadia Svitlychny-Shumuk, Danylo Shumuk and others.

These intellectuals do not merit treatment as criminals, for their actions are allowed by the Soviet constitution.

Mr. President: You will perform an outstanding humanitarian act, if you will prevail upon Mr. Brezhnev to order the release of these Ukrainian intellectuals and to put an end to the suppression of Ukrainian culture and its leading representatives and spokesmen.

We appeal most earnestly to you to speak out for the cause of freedom and human rights in Ukraine. Your so doing will be expressive of the true sentiment of the overwhelming majority of the American people.

Sincerely yours,
EXECUTIVE COMMITTEE, UKRAINIAN
CONGRESS COMMITTEE OF AMERICA,
LEV E. DOBRIANSKY,
President.
IGNATIUS M. BILLINSKY,
Secretary.
JOSEPH LESAWYER,
Executive Vice President.
STEPAN SPRYNSKY,
Secretary.
IVAN BAZARKO,
Executive Director.

H.R. 10752: TO CORRECT INEQUITIES IN THE FEDERAL RETIREMENT PROGRAM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. EILBERG. Mr. Speaker, I recently introduced H.R. 10752. This proposal seeks to correct certain inequities presently existing in the Federal civil service retirement system which work an unjustified hardship on employees who were instrumental in establishing international organizations of interest to the U.S. Government, but who have lost retirement credit due to such service. At this point, I am placing explanatory material and the text of the bill in the RECORD for the review of our colleagues:

BACKGROUND

A number of employees between 1943 and 1955 left the Federal service for positions in international organizations and later returned to the Government. Some were granted leave without pay with half credit for retirement but others were not. As a consequence, some of these employees received no retirement credit for this service either in the international organization or the Federal Government. In 1958, PL85–795 granted Federal employees transferred to international organizations full credit for retirement in the Federal system up to a maximum of 3 years and this was made retroactive to 1955.

The proposed bill would rectify this discriminatory treatment by amending the retirement law to consider the employees concerned to have been on leave without pay for a maximum of 6 years service with up to 3 years retirement credit. It is analogous to the provision of the retirement law which regards as leave without pay a period of separation between tours of Government service when an employee is in receipt of workmen's compensation or when he is on military service.

While World War II was still being fought, the United States decided to take the lead in creating a group of international organizations to repair the destruction of war and lay the foundation for international peace and cooperation. The first of these international organizations, the United Nations Relief and Rehabilitation Agency (UNRRA), was established in November. 1943. (This later became the International Refugee Organization and the Intergovernmental Committee on European Migration.) Other organizations followed: the International Civil Aviation Organization in 1944, the Food and Agriculture Organization in 1945, the United Nations, 1945, etc.

It was recognized at the start that staff to operate these organizations would have to be drawn from the various participating governments' civil services. Thus, the UNRRA Council and the General Assembly of the United Nations adopted similar resolutions calling upon their member governments to release competent staff and to protect their status and their rights, including pension rights, during their assignments to the international organizations.

However, it was only in 1957 that the International Atomic Energy Agency Act (PL85–177) authorized retention of full Federal retirement, life insurance and other rights and privileges of Federal personnel who transferred for a limited period of service to the International Atomic Energy Agency. One year later PL85–795 extended these rights to all Federal employees and made them retroactive to 1955.

Between 1943 when UNRRA started and 1955, the effective date of PL–85–795, the "ground rules" for the assignment of Federal employees to international organizations rested upon three principal actions: The Minute of the Civil Service Commission dated March 22, 1944, Executive Order 9721 of May 10, 1946 and Executive Order 10103 of February 1, 1950.

The Civil Service Commission Minute of March 22, 1944 provided that Federal employees may be transferred to the United Nations Relief and Rehabilitation Administration (UNRRA) under the provisions of Section 4 of War Service Regulation IX provided they meet the requirements of War Manpower Commission Directive No. X. This meant they could transfer to UNRRA with the consent of their Federal agency and be placed on leave without pay for a period not to extend 6 months beyond the end of World War II. *Executive Order 9721,* May 10, 1946, provided for the transfer of Federal employees to international organizations without loss of civil service status and for their reemployment within three years in their former agencies. The provisions of this Order were made applicable to any person then serving with a public international organization. *Executive Order 10103,* February 1, 1950, amended Executive Order 9721 by providing that an employee transferred under Executive Order 9721 should, for a period not to exceed 3 years, be considered as being on leave of absence and thus entitled to half credit for retirement provided he was subsequently reemployed by the Federal Government.

NO RETIREMENT CREDIT

In the course of administering these ground rules, some employees did not receive any retirement credit for their service with the international organizations:

1. Federal employees serving in the Armed Forces of the United States at home and abroad were notified by the War Department in Memorandum No. 620–45 of March 24, 1945, entitled "Employment with UNRRA", and in other related memoranda that they could apply for vacancies in that organization and, if selected, they would be discharged from military service. Some of these employees accepted posts with UNRRA in Europe, the Mediterranean and Far East areas but in doing so they failed, through lack of information, to secure the consent of their Federal agencies and consequently lost their reemployment rights and right to leave without pay. Some served for the life of UNRRA and a few continued with its successor agencies, the International Refugee Organization and the Intergovernmental Committee on European Migration before they returned to Federal service. They received no retirement credit for this service in the Federal system and none in these international organizations because they had no retirement system.

2. Other Federal employees were involved with the preparations for and establishment of the new system of international cooperation through the United Nations and its specialized agencies that started in 1944 and 1945. They also assisted in the operation of the international conferences that founded these organizations. Since the successful launching of the new international organizations depended upon these cadres of knowledgeable persons, they were urged to join the organizations' staffs by their Federal employers and by senior officials in the Federal Government who were appointed to top positions in the international organizations. In the absence of any applicable ground rule covering their assignments to the new international organizations they were compelled to separate from the Federal service. In so doing, they lost service credit for retirement in the Federal system and received no service credit in the international organizations because the latter had no pension system or did not adopt one for some years. While the promulgation of Executive Order 9721 in March 1946 provided these employees with reemployment rights if they returned within 3 years, it seems that only the Civil Service Commission contacted its transferred employees to advise them that they could return under this Executive Order.

3. Finally, there was a small number of Federal employees who left the Federal Government for service with certain international organizations, such as the United Nations Korean Reconstruction Administration, the United Nations Works and Relief Agency, etc., between 1946 and 1955. Because of the exigencies of their international service, they remained away from the Federal service beyond the 3-year limit laid down by Executive Order 9721 and 10103 and as a consequence received no retirement credit in either the Federal or the International organization systems.

The difficulty faced by the above described employees is that they left the Federal service for posts in international organizations when there were no ground rules which provided for service credit for their period of absence. EO 9721 provided only for reemployment but this was not in itself of vital importance to a group of employees confident that they could find new jobs. However, if retirement credit or even half credit had been offered from the start, the reason for returning to the Federal service within 3 years would have been more compelling. In retrospect, it would have been preferable if government policy had followed the recommendations of UNRRA and the United Nations—as, in fact, the Civil Service Commission proposed to Congress—and granted employees from the beginning full retirement credit for service with the international organizations. Failing this, the grant of leave without pay for such service would have regularized and simplified this problem for all concerned. Leave without pay was not a new benefit; it had been in existence for years before and it was not limited as to time. This, in fact, was the policy eventually adopted toward all public international organizations by Executice Order 10103 in 1950 except that the leave without pay was limited to 3 years, but by that time it was too late to assist most of the group affected by the proposed bill.

H.R. 10752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332 of title 5, United States Code, is amended by adding the following subsection at the end thereof:

"(1) An employee or former employee who—

"(1) was separated before August 28, 1955;

"(2) entered service with an international organization as defined in section 3581(3) of title 5, United States Code, within one hundred and twenty days after such separation;

"(3) thereafter served continuously with such an international organization; and

"(4) returned to duty as an employee within one year after separation from such an international organization;

is deemed, for the purpose of subsection (f) of this section to have been in a leave of absence without pay for a period not in excess of six years during his separation from the Government: *Provided,* That the service with the international organization is of official record and has not been credited under any other provision of law, Executive order, or regulation or under a retirement system of such an international organization.".

SEC. 2. The amendment made by the first section of this Act is effective only with respect to annuity accruing for full months beginning after the date of enactment of this Act. This amendment applies to a person retired before such date of enactment only upon application of the former employee.

SEC. 3. The benefits of this Act are hereby extended to any employee or former employee who is entitled to an annuity under any other Federal retirement system for civilian employees.

ANALYSIS OF H.R. 10752

Section 1. An "employee or former employee" refers to civilian employees, active, retired or separated. . . . August 28, 1955 is the date upon which the provisions of PL 85–795 became effective. Since full credit for retirement was granted under this Act, it effectively superseded all prior actions. . . . An international organization as defined in Section 3581(3) of Title 5, United States Code, refers to public international organizations in which the United States participates. The reference to 120 days after such separation follows existing practice regarding transfers of Federal employees to internation organizations. . . . Continuous service with such an international organization is understood to include service within the family of international organizations. For example, an employee who transferred to UNRRA and, thereafter, worked for its successor agencies, the International Refugee Organization or the Intergovernmental Committee on European Migration, would be deemed to have served continuously for the purposes of this bill. . . .

A period of one year is provided between separation from the international organization and return to the Federal service. The main reason for this is that many of the employees concerned had no reemployment rights and found it difficult to locate positions in the Federal service upon their return. In some cases, it took them as long as a year to find reemployment. . . . Employees in a leave of absence without pay (except while in military service or in receipt of workmen's conpensation) are entitled to 6 months credit for retirement out of every year served. . . . A limit of 6 years is specified. The reason for this is that many of these employees, who had separated from the Federal service to join the international organizations, remained away beyond the 3-year limit contained in Executive Order 10103. In some cases, they spent more than 6 years in such service and the grant of one and a half years credit under the 3-year limit would be a poor recognition of the inequity of their situation. It is believed that a more appropriate remedy is to be found in PL 85-795 which set a limit of 3 years retirement credit for service with international organizations. Consequently, by setting a maximum of 6 years leave without pay with half-credit the 3-year limit would not be exceeded. This bill would not give the employees concerned any advantage over those who left for 3 years on leave without pay since the latter presumably returned to Federal service where they earned full retirement credit. . . . This provision ensures that no employee under this bill would receive double retirement credit for the same period of service in the Federal and international organization retirement systems.

Section 2. This is a normal provision for administrative efficiency, as well as precluding a windfall in retroactive annuity payments to persons already retired. . . . The normal channels of communication will give notice of the passage of the bill and responsibility for securing credit will devolve upon employees separated or retired from the Federal service.

Section 3. Some of the people who would be affected by this bill are under retirement systems other than the Civil Service Retirement System, e.g., the CIA and Foreign Service Retirement System. In view of the relatively small number of such persons and the limited scope of its effect, it is deemed more practical in these circumstances to cover them all in the same bill rather than present Congress with a series of bills to amend each civilian retirement system.

CONCLUSION

I believe H.R. 10752 should be regarded as an extension of a deserved benefit to which the employees covered by it were rightfully entitled and which they should have received. Note should be made of the following considerations:

First, *service of Federal employees on the staffs of international organizations was clearly in the national interest and H.R. 10752 would assure that employees who performed this service are not penalized with respect to their annuities.*

The principal international organizations are entities the United States played a leading role in creating, supervising and financing. We cooperate with these agencies in myriad ways and the successful conduct of their activities is an important national goal. Their success at their start depended in large part upon their ability to attract qualified employees. United States Government employees represented an important, and at times the sole source of qualified staff for these organizations. By the same token, service of Federal employees on the staffs of international organizations provided such personnel with valuable experience which was put to good use for the United States when service with the Federal Government was resumed.

Second, *it was recognized in the beginning that employees deserved this benefit and it is now past time for it to be granted.* Both the Council of UNRRA in 1943 and the General Assembly of the United Nations in 1946 adopted resolutions which this Government supported recommending that member governments preserve benefits, such as retirement rights, for their transferred employees. A number of member governments, the British and French, for example, adopted such provisions. A similar proposal for Federal employees was recommended to the Congress in January 1947 by the Honorable Harry B. Mitchell, then President of the Civil Service Commission. He acted with the concurrence and support of the Department of State and Bureau of the Budget. His letter of transmittal stated that: "Since these employees are representing the interests of the United States, the Commission believes that remedial legislation should be enacted for the purpose of granting them the same benefits as government employees under the provisions of Section 9 of the Civil Service Retirement Act so that they may receive credit for past service with international organizations." Unfortunately, no action was taken on this recommendation by the Congress and legislation on this subject was not again recommended to the Congress until 1958. Enactment of the present bill would rectify this lapse.

Third, *Federal employees with early international organization service have no way to obtain retirement credit for the service except by enactment of legislation such as H.R. 10752.* Most Federal employees served for less than five years in these organizations while a minimum of five years service is required by these organizations before credit is granted under the United Nations or any participating agency retirement plan. Before 1961 an employee who resigned after 5 years or more service received no pension rights in the U.N. system unless his age and length of service totalled 60 years or more. The United Nations Relief and Rehabilitation Administration and the International Refugee Organization, which are now defunct, and the Intergovernmental Committee on European Migration, as temporary agencies, had no retirement plans while others did not adopt retirement plans until five or six years after they were founded. Service in these organizations for United States social security purposes was not made creditable until 1954 and then only for those employed in the United States. Accordingly, unless this service is made partially creditable under Federal retirement systems, Federal employees involved who were not in a leave without pay status will not get any retirement credit for this service.

Finally, there is a precedent for such action in Section 8332(f) of Title 5 U.S. Code. Under this provision an employee, separated from the service while in receipt of Federal Employees' Compensation, who later returns to the service is deemed to have been on leave of absence without pay; he is entitled to full retirement credit for the period of his absence due to job related illness or injury. No time limit is placed upon the duration of his absence. A similar provision exists for employees on leave without pay while performing military service.

REJECTED DEAL BETTER—HARLOW

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FISHER. Mr. Speaker, is it not high time for the Congress to regain its composure and, above all, avoid the temptation to allow partisan politics to cloud its reaction to this impeachment clamor. We all know there are a few Members of the House who would have voted to impeach President Nixon before they ever heard of Watergate. But most of our Members are not prone to go around impeaching Presidents unless there is proper reason for it.

The fact is there is no constitutional basis for impeachment. It is inconceivable such will occur, or will be seriously considered.

First. The President has violated no court order.

Second. The President in having the special prosecutor fired exercised a prerogative accorded the Chief Executive by the Constitution. Thoughtful and responsible Members know that is no cause for impeachment.

The recent flareup of emotionalism was triggered by the President's plan to prepare for the Senate Watergate Committee and for Judge Sirica a summary of the contents of the nine controversial tapes, the accuracy and completeness of the summary to have been authenticated by Senator JOHN STENNIS, chairman of the Senate Committee on Standards and Conduct, who would have listened to every word spoken on the tapes and related his findings to the summary.

That plan, approved by the White House, the Attorney General and spokesmen for the Senate Watergate Committee, was for some strange reason vetoed by Professor Cox. The professor's intransigence brought about his removal, he having placed himself in an untenable position and his capacity to continue performance of his job having been brought into serious question.

It is no secret that Cox, with 35 handpicked special prosecutors—many of them law professors on leave—and 40 special investigators, spent 6 months in probing the Watergate scandal, and brought forth a very small handful of indictments—most or all of which, and perhaps more, would likely have been handed down had Prosecutor Henry Petersen been allowed to pursue his Watergate investigation. This is of course speculative, but people in the know firmly believe such would have been the case.

Mr. Speaker, there is a time and place for partisan politics. But not when dealing with impeachment of a President, regardless of who he may be or to which party he may belong.

The Washington Star recently carried results of a news conference with White House counselor Bryce Harlow, relevant to the proposed compromise of the tape issue. The article follows:

REJECTED DEAL BETTER—HARLOW

The Watergate tapes compromise that special prosecutor Archibald Cox rejected last week would have provided more information to the public than the procedure President Nixon now has agreed to, White House counselor Bryce Harlow said today.

"The Senate committee was going to get the essence of the tapes and the American people would get the tapes," Harlow said. "Now they don't."

Harlow told a group of reporters that Nixon agreed to surrender nine disputed tapes to U.S. District Judge John J. Sirica because of the outcry against the compromise from Congress, the press and the public.

Nixon agreed yesterday to abide by Sirica's order to submit the recordings of White House meetings to the judge to be listened to in his chambers.

"Judge Sirica can do what he wants with them," Harlow said. "Who knows what he will do?"

Although White House chief of staff Alexander M. Haig, Jr., said yesterday he assumed that the contents of the tapes eventually would become known to the public, Harlow said he doubted that.

Harlow noted that the judge would listen to the tapes in secret and, if he chose, turn portions of the recordings over to a grand jury, which also meets in secret.

Harlow said the compromise Nixon announced on Friday—to provide summaries of the tapes, authenticated by Sen. John Stennis, D-Miss.—"was a better deal than this."

Harlow said the President withdrew the compromise offer and agreed to abide by the original court order because "you folks, the Congress and the public all thought it (the compromise) was a rinky-dink attempt."

"Everybody thought the President was trying to hide something on the tapes," the White House aide said. "He wasn't. The whole reason for this throughout has been concern with the presidency. Sometime you'll have to believe that."

Harlow said Nixon was reluctant to abide by the letter of Sirica's order because he did not wish to set a precedent that would bind future presidents to abide by future court orders.

Harlow, who also served as a White House aide in the Eisenhower administration, said he met yesterday with a number of congressmen in an attempt to gauge sentiment on Capitol Hill.

Although he insisted there was no imminent danger that Nixon would be impeached, Harlow conceded that the lawmakers "were up pretty tight" on the tapes issue.

Harlow said he doubts the congressmen now fully realize the implications of the President's agreement to abide by the court decision and to cancel his summary plan.

Asked if it were possible that public pressure could force Nixon into making portions of the tapes public, Harlow conceded, "It could happen." He declined to speculate on the precise circumstances that would require additional disclosure.

Asked if Nixon would agree to demands that he appoint a new special Watergate prosecutor, Harlow said, "I don't know what the President will do."

"My own opinion is that (appointment of a special prosecutor) is desperately poor government. I realize the problem comes from the subterranean notion that the Department of Justice can't fairly deal with it (the Watergate matter). With that notion I strongly disagree," he said.

—NORMAN KEMPSTER.

RUBBER ON RAILROAD CROSSINGS

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. HANRAHAN. Mr. Speaker, any of my colleagues who have ever bumped and bounced across a railroad crossing should find this article on the use of rubber at rail crossings an interesting and informative one. It was published in the Cleveland Plain Dealer, on Tuesday, October 23, and for those of my colleagues who did not have the opportunity to read it, I am submitting it for the RECORD:

[From the Cleveland (Ohio) Plain Dealer, Oct. 23, 1973]

USE OF RUBBER RAIL CROSSING TO GROW

(By Donald Sabath)

The bounce and bump may be taken out of more railroad crossings around the nation as part of a new governmental emphasis on highway safety.

The bumps may be eliminated by 300-pound rubber slabs manufactured by the Goodyear Tire & Rubber Co.

Many methods of building a smooth surface across railroad tracks are known, but the problem has been building one that will last.

For almost 10 years, rubber railroad crossings have been used in the Chevrolet-Parma transmission plant of General Motors Corp. on Brookpart Road in Parma.

"As far as I know, there has been no maintenance on the crossings since they were installed," said William Palmer of the Chevrolet plant staff.

Palmer pointed at a truck-van which drove over the crossing loaded with two, large rolls of steel.

"Watch it glide over," Palmer said.

Glide over it did, without a bounce.

"We may have had to replace the wooden ties, to which the rubber slabs are attached," said Palmer. "But the problem would be with the ties and not with the rubber slabs."

A Goodyear spokesman said the crossings are virtually maintenance-free and deliver the long, troublefree life always hoped for—but never achieved—with conventional materials such as asphalt, timber, steel or concrete.

Rubber crossing pads will not rot, they will not crack in the Arizona heat or the Minnesota ice and they will not wash out in torrential Florida rains, Goodyear claims.

Furthermore, rubber absorbs the shocks and vibrations of train and vehicular traffic which shake rigid materials to pieces.

Every two days, a railroad crossing is padded with rubber somewhere in the United States, according to Westi Hansen, general manager of Goodyear's Industrial Products Division, sole manufacturer of the product.

"The first rubber crossing was installed 18 years ago and almost 1,000 are now in service," Hansen said. "It is possible for them to be damaged by snowplows, by derailments or, occasionally, by utter neglect. But we have no record of a single one ever wearing out."

In the past, most of the crossings have been installed inside industrial plants around the nation. Now, more and more cities and highway officials are noticing them.

Much of the enthusiasm for the rubber crossings, which cost $120 a running foot—two or three times as much as conventional crossings—is a result of the availability of federal financing.

The Federal Highway Administration recently ruled, "Improvement of the crossing surface may be included as work for the elimination of hazards, either singularly or in combination with other elements of grade crossing protection work."

Crossing surface improvement previously had been at least partially fundable under the TOPICS and urban renewal programs. TOPICS is a federal program providing funds for city street improvement and is usually 50% federal, 45% state and 5% local. This program covers major urban traffic routes that are not state and federal highways.

The city of Yakima, Wash., has just installed 34 rubber crossings in the downtown area. Moraine, O., an industrial suburb of Dayton, has installed three rubber crossings at its own expense. City Manager Irl Gordon says there are more planned.

Crossing maintenance has been the responsibility of the railroads and under most state laws, it still is. But with so many railroads in financial trouble, governmental agencies are working out agreements for installing the rubber crossings.

Goodyear's first rubber crossing was installed in 1955 at New Britain, Conn. It remains in service, still smooth, and has required minimal maintenance.

MAMIE ALEXANDER BOYD

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. SHRIVER. Mr. Speaker, on October 15, Kansas lost our most widely known and warmly regarded newspaper woman, Mrs. Frank (Mamie Alexander) Boyd. "Mamie," as she was known by her many friends, can be described as the "patron saint" or perhaps "matriarch" of a great newspaper and political clan, a great State university, and of our State's tradition of civic pride and activism.

Mamie once said:

> I have dined with Members of Congress and governors, sat in the President's box at an inaugural ball, been the guest of the Prime Minister of Canada. I'm proud to have traveled with such people, but have been just as proud to be with poor ones. I have learned much from both.

All of us have learned much from Mamie, too.

Under leave to extend my remarks, I am inserting several articles describing Mamie Boyd's service to her neighbors, her family and her State.

[From the Wichita Eagle, Oct. 17, 1973]

MRS. FRANK BOYD

No one else has ever occupied quite the position in Kansas journalism that Mrs. Frank Boyd did. She was widely known as "Mother Mame," and the reason was not exclusively that she was the matriarch of a newspaper clan.

For much of the latter part of her life she was senior to almost everyone still working in the Kansas newspaper field, and she took a motherly interest in all of them. She rarely missed a professional meeting of any kind, and usually had some part in the program. She remained lively and productive well into her 90s, and was active in politics as well as journalism.

It is not often that one achieves prominence in both parties, but Mrs. Boyd did. She and her husband were influential Democrats until the 1930s, when they broke with Roosevelt. Then they gave their allegiance to the Republicans, and labored so long and energetically for that party that the names Boyd and Republican became virtually synonymous in Kansas.

Mrs. Boyd was a generous and friendly woman, always interested in the younger people in her profession and particularly keen to encourage students in the field.

Her own writing was warm and folksy, and reflected her wide range of interests. In recent years she wrote a book about her life, filled with reminiscences of the pioneer days of her youth and filled with the philosophy that sustained her through her 96 years.

Mamie Boyd was an active contributor throughout most of the life of Kansas, and her imprint is clear upon it now. She will be long remembered by her colleagues and her many friends.

[From the Hutchinson (Kans.) News, Oct. 17, 1973]

Mamie Was a Big KSU Fan

(By John Schmiedeler)

PHILLIPSBURG.—Mamie Boyd, perhaps the most widely known Kansas woman of her century, will be buried Thursday afternoon in Fairview cemetery at Phillipsburg.

Mrs. Boyd, 96, a pioneer Kansas newspaper writer and publisher and a lively spirit on the Kansas scene for nearly three-quarters of a century, died Monday at St. Joseph's hospital, Concordia, after an illness of 3 weeks.

The day before she entered the hospital, she did one of the things she loved best—she went to a Kansas State University football game at Manhattan. Kansas State was only one of Mrs. Boyd's incredible number of enthusiasms.

Mamie Boyd's impact on Kansas began in 1899 when she met Frank W. Boyd while they were students at Kansas State. They married in their senior year and planned a career in newspapers.

But while Frank Boyd went to Phillipsburg in 1904, his bride went to Colorado, suffering from what was then called "consumption." (Later, Mrs. Boyd was to become a charter member of the Kansas Tuberculosis association, now the Kansas Lung association).

She recovered and joined her husband. He was editor of the Phillipsburg County Review (now edited by their son, McDill "Huck" Boyd, Republican national committeeman for Kansas) and she was the writer.

Mrs. Boyd lived at Mankato and continued to write for the Record until her last illness. She produced chatty accounts of her travels, her social activities and her family.

At the age of 91, she described her daily routine. She arose at 7 a.m., exercised 25 minutes and arrived at the Record office at 8 a.m.; she worked until 6 p.m., wrote 2 columns a week and served as associate editor of the newspaper.

FAITHFUL TO THE WILDCATS

But there always was time for Kansas State. There a special chair at one end of the basketball court was reserved especially for her and there was an Honorary Chair of Football surveillance in the president's box at the football stadium. A woman's dormitory at KSU, Boyd Hall, is named for her.

Among her fondest boasts was her own prowess as a basketball player while a Kansas State student. She recounted her KSU days in a book, "Rode a Heifer Calf Through College".

Usually, she carried a bag of knitting. That went back to World War I days when she organized knitting classes for the Red Cross.

JUST "MAMIE"

But while honors came aplenty, Mrs. Boyd remained to those who knew her—and they are numberless—as "Mamie".

"We didn't have a front yard," her son, McDill, remembered Monday. "It was a football field or a baseball diamond and whatever we needed."

Mrs. Boyd whittled baseball bats out of 2 by 4s, wound string around marbles for balls and made bases of bean bags. She umpired the games.

"When I work, I work hard," she told an interviewer 5 years ago. "When I rest, I rest easy. When I'm worried, I sleep."

In her book, she wrote of roses being her "constant comfort—beautiful memories.

"You know that God gave us memories so we could have roses in December and I have armloads of roses."

She also said once that she "never felt poor" and was never impressed with important people "just because they were important".

"I have dined with members of Congress and governors . . . sat in the President's box at an inaugural ball, been the guest of the Prime Minister of Canada. I'm proud to have traveled with such people, but have been just as proud to be with poor ones. I have learned much from both."

[From the Topeka Daily Capital-Journal, Oct. 18, 1973]

Now She Rests—Easy

Dr. James A. McCain, president of Kansas State University, described her as the "patron saint" of KSU.

The William Allen White Foundation at the University of Kansas cited her for journalistic merit as did 46 other organizations.

She was selected as Kansan of the year in 1959, and in 1965 Kansas recognized her as mother of the year.

At the age of 96, Mrs. Frank W. "Mamie" Boyd died in a Concordia hospital.

While she had an unflagging interest in news and newspapers, people and places, church and service organizations, her family—two sons and six grandchildren—always came first.

Born on a farm near Humboldt, she was graduated from Kansas State University and taught there several years before being married to Frank W. Boyd, then editor of the Phillips County Review, which they later purchased. They bought the Jewell County Record, Mankato, in 1947, the year of Mr. Boyd's death.

Their two sons, McDill "Huck" Boyd and the late Frank W. "Bus" Boyd Jr., followed newspaper careers with occasional side trips into politices. Huck ran twice for the Republican governorship of Kansas and now is GOP national committeeman.

Mamie seemed to possess boundless energy to match her zest for life, her gracious and friendly nature and desire to serve.

She was the first woman ever elected president of the Kansas State University Alumni Assn. Both her sons were K-State graduates, and she was a familiar figure in the stands at all K-State athletic events—knitting, always knitting.

Her philosophy of life was simple: "When I work, I work hard. When I rest, I rest easy. When I worry, I go to sleep."

She once commented that it was easy to find a family that loves children: "There won't be any grass in the front yard."

She probably knew from her own front yard when Huck and Bus were young.

[From the Kansas City Star, Oct. 16, 1973]

Mamie Boyd, Kansas Editor

Mamie Boyd of Mankato would have been 97 years old this December, and as the years piled up, they became heavier. Almost as a reflex she would jump to the defense of her beloved Kansas or be ready at a moment's notice to travel to Manhattan for a K-State game. Her friends took Mamie's partisanship for granted, whether it was on behalf of the state or the Wildcats. It was never a mean partisanship.

After the death of her husband, Frank W. Boyd, Sr., Mamie was the mother figure of a distinguished family in Kansas journalism. A son, McDill (Huck) Boyd, Kansas Republican National Committeeman and editor of the paper at Phillipsburg, has been influential for many years. Frank (Bus) Boyd, Jr., publisher of the Jewell County Record in Mankato, where Mamie's column appeared weekly, died last year. In Mankato and the surrounding region, Mamie and Bus were publishers who boosted the community in print, which is standard procedure, and also with their own money, which is not always the case. Mary Boyd, the wife of Bus, has been carrying on in the family tradition since the death of her husband and through Mamie's illness.

Mamie was always Mamie *Alexander* Boyd, as she would pointedly remind Bus if he left that middle name out of a notice. Along with her strong sense of family, state and university, she had a feeling of kinship for the world at large. Her interests knew no bounds, and while her attention as a good reporter might be concentrated, it also was universal. She got all the names for her column on Main Street, Saturday Night, and she knew what last week's hail meant to the farmers in Jewell County. She was at the pot-luck dinners at the Harmony Methodist Church and always pronounced all dishes delicious. At the same time she was ready to travel around the world and see what was happening outside North Central Kansas.

Mamie Boyd knew the 19th Century of the horse and buggy and the 20th century of the jet airplane. She got the best out of both of them.

PROPOSED AMENDMENTS TO H.R. 11104

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. REUSS. Mr. Speaker, H.R. 11104 is scheduled to come to the floor on Wednesday, October 31. At that time, there will be an attempt to amend the bill with the texts of H.R. 11155 and H.R. 11158. The texts of these amendments follows:

H.R. 11155

SEC. —. Section 56, 57, and 58, of the Internal Revenue Code of 1954 (relating to imposition of the minimum tax for tax preferences) are amended as follows:

(a) Section 56(a) is amended to read as follows:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax, determined as provided in subsection (d), on the amount, if any, by which the sum of the items of tax preference exceeds $10,000."

(b) Section 56(b) of such Code (relating to treatment of net operating losses) is amended by striking out "$30,000" and inserting in lieu thereof "$10,000" and by striking out "10 percent" in each place it appears and inserting in lieu thereof "the applicable percent".

(c) Section 56(c) of such Code (relating to tax carryovers) is hereby repealed.

(d) Section 56 of such Code is amended by adding at the end thereof the following new subsection:

"(d) Amount of Tax.—The amount of tax imposed under subsection (a) shall be an amount equal to one-half of the amount determined by applying the rates prescribed in sections 1, 11, 594, and 821, as applicable, except that in lieu of the words 'taxable income' each place they appear in such tables there shall be substituted the words 'sum of the items of tax preference'."

(e) Section 58 of such Code (relating to rules for application of the minimum tax) is amended by—

(1) striking out "$30,000" in each place it appears and inserting in lieu thereof "$10,000",

(2) striking out "$15,000" in subsection (a) and inserting in lieu thereof "$5,000", and

(3) adding at the end thereof the following new subsection:

"(b) Election Not To Claim Tax Preferences.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain for the sale or exchange of property which is neither a capital asset nor property described in section 1231 and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(f) Section 443 of such Code (relating to returns for a period of less than 12 months) is amended by striking out "$30,000" and inserting in lieu thereof "$10,000".

(g)(1) The amendments made by this section shall apply only with respect to taxable years beginning after the date of enactment of this Act.

(2) In determining the deferral of tax liability under section 56(b) of the Internal Revenue Code of 1954 for any taxable year beginning after the date of enactment of this Act, the necessary computations involving such taxable year shall be made under the law applicable to such taxable year.

(3) There shall be no tax carryover under section 56(c) or 56(a)(2)(B) of the Internal Revenue Code of 1954 to any taxable year beginning after the date of enactment of this Act.

H.R. 11158

Sec. —. Section 201 of Public Law 93-66 is amended—

(a) in subsection (a)(1), by striking out "the percentage by which the Consumer Price Index prepared by the Department of Labor for the month of June 1973 exceeds such index for the month of June 1972" and inserting in lieu thereof "7 per centum".

(b) in subsection (a)(2), by striking out "May 1974" each place it appears therein and inserting in lieu thereof "December 1973".

(c) in subsection (b), by striking out "based on the increase in the Consumer Price Index described in subsection (a)" and inserting in lieu thereof "7 per centum", and

(d) in subsection (c)(2), by striking out "May 1974" and inserting in lieu thereof "December 1973".

STATEMENT ON THE PRESIDENCY

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. STUDDS. Mr. Speaker, I normally distribute a weekly report to my district to the news media every Friday. Last Friday, because of the grave consequences of the events of the week, I also made a special report on the subject of the Presidency. The text of my statement follows:

STATEMENT BY HON. GERRY E. STUDDS

This will not be—and it really could not be—a standard report of routine activities in the Congress and at home. For there has been nothing routine about this week. We are in the midst of one of the great crises of our history—a crisis of confidence in our basic institutions of government.

I have wrestled, for a considerable period of time prior to the events of this past week, and with increasing agony, over the question of whether I should support the initiation of impeachment proceedings against the President. Among the questions which had to be considered—even if there seemed to be sufficient prima facie evidence to warrant the initiation of an inquiry—were:

1. Which would do more damage to this already badly divided country, and to its already seriously discredited presidency: the continuation of President Nixon in office—or the initiation of proceedings which might lead to his removal from office?

2. Even if one were to conclude that the country would be best served by the departure of Mr. Nixon, how could this be undertaken in a fashion utterly devoid of even the appearance of political partisanship? For what is at stake far transcends in importance any question of conventional partisan politics.

The events of the past week constituted for myself, and, I believe, for most of the people I represent, and for most Americans, the last straw. I have—with enormous reluctance—concluded that it would be best for the country for Mr. Nixon to leave the Presidency.

Even so, I refrained from issuing a statement until this time because of the intensity of the emotion of the moment, the extraordinary rapidity with which major event followed major event, and because of the uncertainty of whether or not the President would be formally held to be in contempt of court.

I now believe that the President has lost the capacity to command the respect and trust of the American people and that the public interest would best be served by his resignation. If he will not resign and thereby spare the nation the further agony of impeachment proceedings—and I do not expect that he will—then the House of Representatives must assume its constitutional responsibility to determine whether or not there are specific criminal grounds for impeachment of the President.

I have joined with 74 of my colleagues in introducing a resolution calling upon the Judiciary Committee of the House immediately to undertake such an inquiry. I have also joined over 100 of my colleagues in introducing a resolution calling for the reinstitution of the Special Prosecutor under Judge Sirica.

With respect to the President's tardy decision to comply with the court's order regarding the tapes, I must say, in all candor, that it now appears to me that what the President was attempting to do in this latest series of maneuvers was not to protect the tapes, but was rather a blatant and evidently successful attempt to destroy the independent prosecutor. Apparently Mr. Cox was on the trail of something far more important than anything that might be revealed by the tapes. If this is not the case, why did the President not comply sooner with the order of the court? And why should he not now, quite apologetically, rehire Mr. Cox? After all, the Special Prosecutor was fired for insisting that the President do what he has now done. The American people have a right to know the answers to these questions as they contemplate the departure from the Executive Branch of Government of three people in whom they had real faith to see that justice might be done.

I have been assured by the Leadership of the House that the Judiciary Committee will proceed promptly and vigorously with its inquiry. The Committee has my full support in its effort to determine whether or not there are sufficient legal grounds for the impeachment of the President. I shall withhold my judgment on the question of impeachment itself pending the report of the Committee.

I should like to take this opportunity to thank the many hundreds of you who have telephoned, wired and written to me in the last few days. I have personally read every single one of these communications—and I wish that space and time permitted me to quote here representative samples of your overwhelming and moving expression of outrage, fear and deep concern for your country.

I must now, as your representative, give voice and action to that concern. I pledge to you that I will do so calmly, with the utmost seriousness, and with a profound recognition that partisan political considerations must be set aside altogether.

As soon as possible—hopefully within the next week—I shall mail to every household in the 12th Congressional District a special newsletter/questionnaire, in which I shall elaborate on my own feelings and solicit those of all the people I represent. You are entitled to be heard at this crucial time—and I urge you to respond.

HEARING HEALTH SYSTEM CRITICIZED BY OLDER NADER GROUP

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FRASER. Mr. Speaker, I would like to comment about a problem which has long gone unattended. Thanks to the efforts of the Retired Professional Action Group—RPAG—and the Minnesota Public Interest Research Group, the serious lack of regulations governing the practices of hearing aid dealers is now being given the attention it deserves.

This is a matter that can be effectively handled on the State level. I do not plan to introduce legislation in the House. However, I do believe it is a matter of importance to all Americans that should be brought to my colleagues' attention. The RPAG has prepared a model bill for the consideration of State legislatures and a report entitled "Paying Through the Ear." Copies of both have been sent to the State attorneys general.

An RPAG news release of September 30 follows my remarks. I urge my colleagues to bring the situation outlined in that release to the attention of their

State representatives and to call upon them to take this matter up as soon as possible.

Hearing Health System Criticized by Older Nader Group

The Retired Professional Action Group, an organization funded by Ralph Nader's Public Citizen, Inc., released today the report of its 16-month study of the hearing aid industry and hearing health care problems. RPAG is a public interest group composed of older and younger professionals working on issues which particularly affect older people.

In its report, *Paying Through the Ear*, the group charged that the hearing aid industry sells hearing aids, which are medical devices, the way other industries sell vacuum cleaners, cosmetic products, and magazines—or worse. The sales practices of most salesmen in the health care field are totally unacceptable. For the past 3 years, the industry has been singled out for investigation by the Federal Trade Commission and recently by the Senate Special Committee on Aging.

Hearing loss affects more Americans than any other chronic health problem. Over 8½ million Americans suffer from some degree of loss—thousands to the point that they withdraw from normal social interaction and are forced into life patterns in which they become virtual "human islands" to avoid frustrating, ineffectual communication with others.

MINIMAL TRAINING OF HEARING AID DEALERS

There are 15,000 people in the retail end of the hearing aid industry, yet only 2,114 have received the minimal training offered by the hearing aid dealers trade association, the National Hearing Aid Society. This training consists of a 20-week home study course and an examination which only superficially covers information a person should know in order to serve the hearing impaired. The exam does not require a test of an individual's practical skills.

RPG SURVEY OF DEALER PRACTICES

To obtain first-hand consumer experience, 8 older volunteers (ages 68–82) conducted a consumer survey in Baltimore, Maryland. These individuals used their own names and did not fake a hearing loss. After pre-testing by clinical audiologists at the Johns Hopkins Speech and Hearing Center, they visited hearing aid dealers. In 42% of the visits, hearing aids were recommended by dealers when audiologists had recommended none. All dealers performed only the partial range of audiometric tests necessary to accurately evaluate hearing loss and some dealers misrepresented what a hearing aid will do.

CONFLICT OF INTEREST

The group charged that hearing aid dealers cannot possibly serve the hearing impaired with objectivity. They are in a decision-making position fraught with conflict of interest which requires them to sell hearing aids to keep their businesses going. Many manufacturers require the dealers to fulfill sales quotas. Profit lures of some manufacturers include free trips abroad and special gifts after sales quotas are met.

STATE DEALER LICENSURE LAWS

In 29 states dealer licensure laws with a grandfather clause, licensed thousands of individuals without testing their competency or examining their sales tactics. In most states with a licensure law any person of minimal age and education and of "good moral character" can become a trainee automatically and begin immediately to sell to the public. Trainees are not generally required to work in the same office as their supervisor, and are not required to advise their customers that they are in training. Better protection is afforded to men and women having their hair cut or having electrical or plumbing work done in their homes.

As part of its study, RPAG developed a Model Bill for Licensing and Regulation of Hearing Aid Dealers, which it is releasing today. Most of the existing 38 laws were patterned after an industry model which protects the dealer instead of the consumer. In only five states must medical clearance be obtained prior to sale of a hearing aid if the dealer finds indications of medical problems. In only 12 states is it a punishable offense to sell a hearing aid for a child without prior medical examination and clearance.

UNSUBSTANTIATED ADVERTISING

The hearing aid industry makes unsubstantiated claims that new products are improved. Industry advertising bears a striking resemblance to that of the automobile industry. Advertising claims are so suspect that last year the FTC asked 12 manufacturers to submit material to substantiate their advertisements. Each year products have cosmetic changes, whereas substantial developments of benefit to the buyer occur only every few years at best. The industry reports that its biggest market is to "users"; consequently, marketing efforts seem to be aimed at convincing "users" that their one or two year old model should be traded in for the "latest thing" on the market. The uninformed consumer, anxiously seeking the best possible hearing, is lured by the advertising bait.

In order to sell hearing aids, dealers make false statements unsubstantiated by medical or audiological research, such as "a hearing aid will restore your hearing to normal" or "a hearing aid will keep your hearing from deteriorating."

POOR PRODUCT QUALITY

The group found that there is considerable quality deviation in hearing aids. The New York League of the Hard of Hearing reports that about 50% of the aids they test do not work the way industry specification sheets indicate they will. The result is that one aid may differ substantially in performance from an aid of the identical model and brand.

CALL FOR GOVERNMENT ACTION

RPAG has written FDA Commissioner Alexander M. Schmidt, calling for FDA monitoring of quality control. The group also wrote Secretary Weinberger, urging that HEW take specific action:

(1) To review HEW hearing aid purchasing policies under programs such as Vocational Rehabilitation, Medicaid, the Office of Education, and the Children's Bureau. (The Veterans Administration, which purchases hearing aids in bulk and furnishes thousands of hearing aids each year to veterans, pays about one-half the price paid by other government programs where procurement is handled with individual hearing aid dealers.)

(2) To utilize the results of the hearing aid quality valuation program at the National Bureau of Standards in the procurement of hearing aids by HEW. (The Veterans Administration purchases aids only after they are evaluated by this program.)

(3) To request that the General Accounting Office conduct audits of State Medicaid hearing aid purchasing programs. (During the last two years, in New York and Indiana, investigations revealed that thousands of dollars worth of hearing aids were ordered by hearing aid dealers for patients in nursing homes who did not need them.)

(4) To conduct a nation-wide information campaign to advise the public of preventive and corrective measures to take regarding hearing loss and hearing aids.

INDUSTRY TRADE PRACTICES

The study documents the fact that manufacturers and dealers operate in a manner that creates and maintains artificially high prices. Four companies (Beltone, Zenith, Dahlberg and Qualitone) controlled over 50 percent of the dollar value of shipments in 1970. Eight companies controlled over 70 percent of the sales volume that year.

According to the FTC, manufacturers' activities tend to be "oppressive, coercive, unfair and anticompetitive." In 1972, the FTC cited major manufacturers—Beltone, Dahlberg, Maico, Radioear and Sonotone—for engaging in anticompetitive activities that violate Section 5 of the Federal Trade Commission Act. They alleged that these manufacturers 1) usually require their dealers to sell hearing aids within assigned geographical areas; 2) insist that dealers deal exclusively in their hearing aids; 3) "fix, establish, control and maintain" retail prices at which dealers sell their hearing aids; 4) prohibit dealers from dealing with potential customers outside their territory; and 5) require dealers to submit to manufacturers names and addresses of their customers. Despite strong evidence to the contrary, manufacturers insist that they are the paragon of free enterprise.

Even when manufacturers offer aids to dealers at lower costs, dealers still charge exorbitant prices. RPAG monitored the pricing of one aid sold to dealers at $33.00 and found it offered for sale for as high as $450.00 with the usual charge at about $250.00.

If a manufacturer attempts to supply a lower-price retail outlet, the manufacturer's other dealers threaten not to carry its line anymore. These efforts are usually successful. One retail company, Master Plan Service Company (MPS), based in Minneapolis, is selling aids in 7 other cities. But this summer MPS has not been able to find any manufacturer willing to supply its products. When one company, Norelco, offered to supply aids to MPS, other Norelco dealers threatened to boycott, so the company withdrew its written offer. After 2 years of supplying Master Plan, another large company, Oticon, also wtihdrew, writing that supplying MPS would "disrupt our distribution set-up" and that Oticon needed to "protect and create reasonable growth in our business."

By tying in service costs (estimated at $100) to the price of a hearing aid, the industry is forcing customers to pay for service regardless of need or desire. Customers with their 2nd and 3rd hearing aids need less in the way of services but pay the full cost nevertheless.

ALTERNATIVE DISTRIBUTION MODEL

One distribution model which could be duplicated around the country is the National Institute for Rehabilitative Engineering. NIRE is a non-profit firm in New Jersey which provides foreign aids for around $100 to low-income people. Aids are provided only after clients have been evaluated by professionals.

HEARING AIDS AND MEDICARE

Hearing aids are not provided to old people by Medicare. This issue was the subject of a special hearing held by the Senate Special Committee on Aging, chaired by Senator Frank Church, Sept. 10–11, 1973. RPAG testified at those hearings, and urged the Committee not to authorize dealers as providers in the Medicare system until certain safeguards are met: 1) that dealers entering the program are fully qualified to serve the public; 2) that professional and medical advice is sought prior to purchase of an aid; and 3) that anticompetitive practices of certain large manufacturers cease.

INDUSTRY REACTION TO RPAG REPORT

On June 13, 1973, long before the RPAG report was released, it received a copy of a pre-canned statement which the industry trade association sent to every local hearing aid dealer to be submitted to local newspapers the day RPAG's report would be released. Their comments included:

"The allegations in the Nader report on

the hearing aid industry are not only factually wrong but materially harmful to millions of Americans who badly need help with hearing problems. . . . The effects of the viciously based Nader report is to drive these handicapped people back into their encroaching caves of silence and mute despair."

At the time of this release, no industry person had read the report. The industry release presents an obvious attempt to draw attention away from the contents of the report which includes essential information for changes needed in the industry. In addition, the 300 page report offers a Consumer Guide Section which encourages people to seek help for a hearing loss and advises them of the appropriate services to seek.

ANSWER TO LOCAL TRANSIT PROBLEM?

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. HANRAHAN. Mr. Speaker, almost every American city, whether large or small, has some type of transportation problem. In an article in the Suburbanite Economist in May of this year, the suggestion of Mr. George W. Eck, of Hometown, Ill., concerning a unique transportation plan is discussed. I thought my colleagues might find this plan, called ADAPT, interesting; and I insert the article in the RECORD for its benefit:

[From the Suburbanite Economist, May 16, 1973]

"DIAL A BUS"—IS IT ANSWER TO LOCAL TRANSIT PROBLEM?

We have printed a number of letters from George W Eck, of Hometown, on the area's transportation problem. He has recently proposed to this newspaper and a number of interested public officials consideration of a plan called "ADAPT," which stands for Adapt-Demand Activated Public Transit. It is a unique plan which sounds very much like a system recently approved by the voters of Ann Arbor, Mich., though it is not yet in operation there. We point this out at the beginning as evidence that the system is considered practical by the voters of at least one city in the U.S.

A major failing of public urban mass transit is its inability to provide adequate and attractive collection and distribution services in low density areas. In some places the demand is too small to support any transit service. What is needed is a system that can respond dynamically to the needs of the area, that is, a system whose routes and schedules are both flexible and ubiquitous.

In other words, a system that will be available when you, the rider, want to use it, but will not be running a lot of empty buses that will create much expense—but no revenue. A hybrid, if you like, between an ordinary bus and a taxi. Some refer to ADAPT as "Dial a bus."

ADAPT would pick up passengers at or in close proximity (next corner of their homes) shortly after they have telephoned for service. The dispatcher would make a determination relative to the location of the transit vehicles and would direct (via radio) the right vehicle to an optimal routing. Thus, the system could link many origins to many destinations. It is a taxi system on a huge scale, with the cost reduced by sharing rides. Depending on demand, door-to-door (or next corner) transmit can serve its passengers almost as fast as a private taxi but at one-quarter to one-half the price, perhaps slightly more than the fare for conventional bus service.

With this operational flexibility, an ADAPT system could give different levels of service for different levels of service for different fares. At one extreme it might offer unscheduled single passenger door-to-door service, like a taxi, or multi-passenger service, like a jitney. At the other extreme it might operate like a bus service, picking up passengers along specified routes which could include several home pick-ups. The system might also be programmed to rendezvous with an express or line-haul carrier, and in serving as either a collector or distributor, thus improving the complete transportation service.

Door-to-door service, it seems clear, would attract more off-peak business than conventional transit does now. This would overcome the big financial problem of today's transit system resulting from heavy use for only three or four hours a day. It could also help reduce dependence upon the automobile and parking facilities.

Technically, there is little question that the system will work. Established taxi, limousine, school bus, radio communications and telephone lines are fully adequate to meet the needs. What must be done is to put these isolated elements together.

The cost is subject to many variables. A demonstration project could be conducted on a small scale to determine public acceptance and the economics involved. Federal funds may be applicable for the trial. Eventually, it could be supported by the fare box plus a subsidy raised through a small tax levy. This is the system Ann Arbor has adopted.

No question, this is a revolutionary new idea which many will scoff at. And they may prove right. But public transportation is in such a sad state that nothing should be overlooked that has the slightest hope of success. We think ADAPT falls in that category. It should be given serious study.

INACTION MEANS THE PRICE OF BREAD WILL GO UP

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. PICKLE. Mr. Speaker, our "bumper" crop of wheat for next year is in increasing danger. No one ought to need to be told any more what that means in higher prices for our staple foods.

A recent article in the Wall Street Journal lists several reasons we may fall way short of our expected wheat harvest this year: Growers are not expanding acreage as much as expected because they are uncertain about the future. In areas where growers do want to expand, there is a shortage of land. Conservation requirements hold down expansion in the arid western section of the Wheat Belt. Farmers are devoting wheat lands to grazing to cut down their feed costs. Bad weather has struck hard. And, there is no fertilizer.

The administration has removed price controls on fertilizer in one effort to keep our short supplies in this country. But another factor weighs equally importantly here—and it is receiving little or no attention.

An estimated 700,000 tons of fertilizer that we do have will not make it to the fields because there is no means of transportation to get it there.

This country is already engaged in another massive wheat sale. As a matter of fact, instead of shipping abroad 1.1 billion bushels of wheat, this year we intend to ship 1.3 billion bushels.

Last year railway freight car tie-ups nearly paralyzed the national transportation system and caused artificial shortages and higher prices across the board.

This year we not only face the same debilitating tieups, we are insuring rising prices the year after by denying ourselves the sheer ability to produce needed staple foods.

It is a bitter irony that the United States cannot produce needed wheat because our rail lines are glutted with harvested wheat.

It is a bitter irony that we can look at this plain and simple fact—and not be moved to action. All the verbiage and outcry against the evils of inflation will not get one freight car moving.

Some legislation I have introduced, however, will get those freight cars moving. I hope that this legislation, H.R. 10694, and this crucial problem can receive prompt attention.

The legislation does three things: First, it increases the actual supplies of freight cars through a guaranteed loan program and increases the utilization of those cars we have through a national computer tracking system. Second, it orders that whenever large shipments of grain are to be made, a transportation plan that will not tie up needed domestic transportation must be formulated and submitted to the Department of Transportation. Third, it allows the Interstate Commerce Commission to begin emergency routing of cars before an emergency strikes, not after roads are blocked literally across the land.

I urge immediate attention to this legislation, and I would like to reprint the Wall Street Journal article on expected wheat shortages in the RECORD at this time.

[From the Wall Street Journal, Oct. 26, 1973]

WHEAT-ACREAGE RISE IS BELOW EXPECTATIONS; BREAD, FLOUR PRICES UNLIKELY TO DROP MUCH

(By Gene Meyer)

Wheat farmers aren't going all out in planting grain the way Washington planners had hoped.

So wheat prices, which soared this year to a high of $5.27 a bushel, aren't likely to drop appreciably in the next year. Thus, bread and flour prices probably won't drop, either. The situation could also keep the export market tight; if foreign crops fall short of expectations, overseas demand could surge again and possibly force the government to restrict U.S. exports.

Wheat farmers are the first to make planting decisions under the government's new policy of encouraging as much production as possible. Winter wheat is planted in the fall and harvested in the late spring; it accounts for about 75% of the nation's total wheat crop, with spring wheat and durum making up the rest. Some experts had predicted that once farmers were freed of production controls, they would plant every acre they could, particularly with the additional encouragement of high prices. But if the Wheat Belt is any indication, a good many farmers either can't or won't expand acreage as much as was forecast.

7 PERCENT EXPECTED

Nationally, a 7% increase in wheat acreage is "a pretty reasonable estimate," says Carl Schwensen, an official of the National Association of Wheat Growers. That would put about 62.9 million acres into wheat, compared to the Agriculture Department's "working estimate" of 66 million acres, a 12.2% increase from last year's 58.8 million acres.

Mr. Schwensen says that anticipated increases in total wheat acreage for the 1974 harvest range from about 5% in the Pacific Northwest to 11% in South Dakota (which plants spring wheat), with Kansas, the largest wheat-growing state, projected at a 5% increase. So far, he adds, all the acreage increases in winter wheat are falling far short of the government's estimate.

"The 7% increase isn't as large as we'd hoped for or anticipated," he says, "but some of our growers feel hesitant because they don't know enough about what lies ahead and because they fear a price turnaround." The Kansas City wheat price is $4.83½ a bushel, down 43½ cents from its peak five weeks ago.

LaVerne Becker, who grows 1,600 acres of wheat near Russell, Kan., says he plans to cut his wheat acreage by about 8% and instead plant other grains to feed his livestock. "Farmers around here aren't as enthusiastic as they were earlier this year," he declares.

Ironically, in places where farmers have an urge to plant more wheat, such as in Sumner County, Kan., they haven't much room to expand. "There's not too darn much more land available around here," says Wallace Wolf, who grows 500 acres southeast of Wellington. "The boys are planting all their old lay-aside acres and some of them are even breaking up a little pasture land," he says, but he and other farmers say they have about reached the limit on additional acreage without upsetting conservation practices and risking a return to the Dust Bowl conditions of the mid-1930s.

Conservation also holds down expansion in the western, arid section of the Wheat Belt. Don Crumbaker of Brewster, Kan., for instance, can plant only about half of his 11,000 acres each year; the other half must lie fallow for a year if it is to collect enough moisture to produce another crop.

COULD BE FARMED

"We could farm it all in one shot, Mr. Crumbaker says, "but we'd be out of business completely for the next year." More diversified farmers, such as Mr. Becker, are deciding to devote part of their potential wheat land to other crops or to pasture for their livestock to keep down their feeding costs.

Another factor limiting acreage expansion is fertilizer shortages. Ed Lawless, a Kansas farmer, describes two-block-long lines that form quickly around county terminals when a fertilizer shipment arrives. Some farmers show up just on rumors that fertilizer may come in, and most take whatever they can get, regardless of whether it exactly fits their needs.

"When a shipment does come in, there's a real race to see who gets there first," Mr. Lawless says, "and you take what you can get, not what you want."

The availability of fertilizer is an important consideration to farmers trying to decide whether to expand their wheat plantings. For one thing, the possible expansion would very likely be onto previously diverted acres that are normally less fertile and thus require extra nutrients. For another, the prices for the seed that farmers would be planting have doubled and tripled as wheat prices have soared.

"You sure don't want to put high-priced seed in that ground without some fertilizer," Mr. Becker says. Many farmers simply stop when they run out of fertilizer.

"ABOUT HALF DONE"

Finally, bad weather—that old agricultural nemesis that helped bring about this year's short food supplies and high prices—also could cut into wheat plantings. Up to 16 inches of rain hit the lushest wheat-producing areas of southeastern Kansas and northeastern Oklahoma during prime planting time early this month. Farmers just now are beginning to get into their fields to assess the damage and to see what they can plant—or need to replant—before winter comes.

"I'm only about half done," Mr. Becker says, "and compared to normal, that's terrible. Usually by this time we've been done for two weeks, but most people around here are only about 20% planted."

Nationally, winter-wheat plantings were about two-thirds complete when the rains started. The remaining third is primarily in the eastern parts of Oklahoma, Kansas and Nebraska, which are also the prime growing areas of these states. Replanting the washed-out or drowned wheat—which may involve as much as 750,000 acres, according to some estimates—puts the farmers even further behind.

"We're going to have to replant about half of what we had done before the rain," Mr. Becker estimates. It could be mid-November before planting is finally finished in the areas that were most heavily drenched. Some fields must dry for several more days before farmers can return to them, and then the soil will have to be prepared once more for the seed.

This delay, farmers say, could cut into final plantings if it lasts too long. And even if planting intentions somehow are met, the delay could reduce yields. This year's record 1.77-billion-bushel crop was aided by favorable growing conditions at important times. But the planting delay has diminished chances of reaching the government's "working estimate" of 1.89 billion bushels in 1974.

"The bumper crop is already gone," Mr. Becker says, "and the later we go, the more we have to worry about winter damage to the seed. People have planted as late as Christmas around here and still have gotten a crop, but it isn't the best way to go."

SPORT SAFETY: THE NEED FOR CERTIFIED ATHLETIC TRAINERS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. DELLUMS. Mr. Speaker, once again the football season begins the annual cycle of scholastic sports competition. Unfortunately, though, each year hundreds of thousands of young Americans are injured participating in sports activities at all educational levels.

For example, a study published in the Journal of the American Medical Association indicates that every year one of every two high school football players is injured; since there are about 1.2 million high school football players, it means that there are 600,000 football injuries in high schools alone. And the rate of injuries for other sports—contact and noncontact—is just as alarming. Over the past few years, as a result of rising concern about such injuries, some major steps have been taken by educational and health groups to bring about reductions in the probability of injuries occurring.

Still, most sports injuries are not properly treated. According to an article in the fall 1973 Family Safety magazine—which I am inserting in the RECORD at the end of this statement—there is a critical nationwide shortage of qualified high school athletic trainers. All sports-medicine authorities agree, moreover, that the shortage of qualified high school athletic trainers relates directly to the surplus of high school athletic injuries—many of which are serious, some of which are permanent, a few of which are fatal. At the college level, the problem is equally distressing.

In response to this need, in May, I introduced H.R. 7795, "The Athletic Care Act," which amends the Elementary and Secondary Education Act and the Higher Education Act to require over an 8-year period that all schools which engage in or sponsor interscholastic athletic competition must employ certified athletic trainers. The bill also contains provisions for Federal assistance for training programs for athletic trainers.

The measure has been endorsed by athletic trainers, professional and amateur athletes, coaches and health officials throughout the country. I believe this to be an important issue and an important bill, and I would now like to insert into the RECORD a series of articles concerning athletic safety and the need for qualified trainers.

[From Family Safety, Fall, 1973]

WANTED: HIGH SCHOOL FOOTBALL TRAINERS

"Each year hundreds of thousands of young Americans are injured participating in scholastic sports competition."

Those words were spoken on the floor of the U.S. House of Representatives—and placed in the Congressional Record—by Rep. Ronald V. Dellums of California.

Pointing out that professional athletes are now covered by the Occupational Safety and Health Act (OSHA), Congressman Dellums said:

"I want to speak today on behalf of another group whose lives and health are also regularly put at hazard—but who have no protection against unsafe conditions to which they are exposed.

"I am talking about athletes in America's high schools and colleges. They are the cream of our youth, and they are injured with a frequency we should not tolerate.

"For example, can you believe that every year one out of every two high school football players is injured? Since there are about 1.2 million high school football players, it means that there are 600,000 football injuries in high schools alone each year."

LAW WOULD REQUIRE TRAINERS

That speech was made during the last football season. In May of this year, Congressman Dellums introduced a bill (H.R. 7795) which, if enacted, would become the Athletic Care Act.

It's purpose is "to require educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers" within eight years of the bill's passage into law.

The Athletic Care Act, like all laws, would penalize for violations. "No local educational agency or other educational agency which violates . . . shall be eligible for a grant under this Act or under title I of the Elementary and Secondary Education Act of 1965 for the fiscal year following the fiscal year during which the violation occurred."

If, as a parent, you are beginning to realize that there is a critical nationwide shortage of qualified high school athletic trainers, you are absolutely correct.

All sports-medicine authorities agree, moreover, that the shortage of qualified high school athletic trainers relates directly to the surplus of high school athletic injuries—many of which are serious, some of which are permanent, a few of which are fatal.

A similar (though more serious) problem would occur in military combat if, despite the presence of doctors in field hospitals, our soldiers and marines were deprived of medics and corpsmen. The qualified athletic trainer makes many contributions to health and safety, but none is more vital than first aid.

For that reason, the Dellums bill is strongly endorsed by the Prestigious National Athletic Trainers Association, an organization that has done much to raise standards in the profession.

NATA President Bobby Gunn, head trainer of the Houston Oilers, recently mailed copies of the Dellums bill to his more than 2,000 members. In his covering letter, Gunn urged them to support the bill by talking to their Congressmen, team physicians, medical societies, parents and the press.

ANOTHER POINT OF VIEW

Obviously the heat is on—and it isn't the kind an athlete gets with diathermy treatment.

Although everyone involved in sports medicine agrees with the basic objectives of the Dellums bill, not everyone agrees with its methods and, more importantly, its future consequences.

One sincere and thoughtful adversary is Clifford B. Fagan, executive secretary of the National Federation of State High School Associations. In a recent memo to his 50 state executive officers, Fagan wrote:

"It is our point of view that the qualified athletic trainer can make a valuable contribution to the health care of athletes at the interscholastic level as well as at other competitive levels. We are hopeful that at an appropriate time, schools will be financially able to include as members of their faculties qualified trainers who will be able to provide service to both boys and girls."

But here is where Fagan parts company with the Dellums bill: "Under present conditions, the imposition of the requirement on secondary schools would be a financial burden which many could not tolerate and, as a result, some schools would be compelled to discontinue interscholastic athletics."

Today, just about everybody knows that interscholastic athletics are an important part of education. Yet, at the same time, nobody is rooting for unnecessary risks and preventable injuries. The argument therefore appears to be one of means, not ends.

But still standing in the middle of that argument are more than 1,000,000 high school football players. And even if the Athletic Care Act were passed today, it wouldn't become enforceable until 1981. So in the meantime one must ask: Is there a middle ground? If you're a parent, the question almost answers itself: There *has* to be.

Of course, if your school district is rich in both wisdom and funds, your high school may well have a qualified trainer—perhaps one who is even certified by NATA.

If your district has a trifle more wisdom than money, your school may still have a qualified trainer who doubles as a teacher on the faculty.

NOT ENOUGH TO GO AROUND

But rich or poor, wise or otherwise, one basic problem remains—there just aren't enough qualified trainers to staff every high school in the country.

Fortunately that problem is now in the process of being solved by a large number of dedicated individuals and organizations including the American Medical Association, the American Academy of Orthopedic Surgeons, the American Academy of Pediatrics, NATA, NFSHSA—in addition to colleges, clinics and countless state and local organizations such as governments, school districts and medical societies.

All of those organizations have not been content to pass resolutions; all are actively involved in overcoming the shortage of qualified trainers.

NATA, supported by the AMA Committee on the Medical Aspects of Sports, is encouraging high school students to become career trainers.

College scholarships for student trainers are increasing. And a college degree covering the proper courses—plus a NATA Certificate—guarantees a rewarding future as either a full-time trainer or trainer-teacher.

SOME EMERGENCY MEASURES

Some ingenious emergency remedies are also being applied. In 1971 Texas passed a law requiring all trainers to be licensed by the state, the first law of its kind in the U.S. (Oklahoma will consider similar legislation next year).

Laws like that of Texas solve the problem of quality but not, unfortunately, the problem of quantity. To solve the latter, Houston came up with a solution that could be adopted by other school districts—possibly your own.

Vernon Eschenfelder, Jr., head trainer of the Houston Independent School District, described that unique solution in The Trainer.

"There are 59 schools in the Houston Independent School District—23 senior high schools and 36 junior high schools. The number of athletes suited up ranges from 50 in smaller schools to 125 in the larger ones.

"At the present time there are three full-time athletic trainers—one head trainer and two assistant trainers. The trainers have their training rooms at the three stadiums in the district and see the athletes after school for treatment. They see a student during school hours only in an emergency.

"The schools have a whirlpool and sufficient training supplies which they draw from the three stadium trainers. Each school has an assistant coach in charge of injuries. This coach has two or more student trainers who are trained by professional trainers.

"Each team has a team physician, and the professional trainers . . . consult the team physician for advice.

"Each year, during the month of August, a training school is conducted by the trainers. At this time students are trained and coaches brush up on training arts, i.e. emergency treatment of fractures, heat exhaustion, airway maintenance and transportation.

"It is recommended that each school have three student trainers, the head trainer a senior, and a junior and sophomore trainer. The student head trainer gets a letter and jacket as the athletes do. Many go on to college on athletic training scholarships.

"The athletic training program is a very successful operation. It saves the school district money and . . . with more intensive care the athlete has a better chance for complete recovery.

"The professional requirements for the trainer are the same as for teachers in the district; plus his professional experience in the field of athletic training. The pay scale is the same as for teachers, except trainers are on ten and one-half months contract. The trainer also receives extra pay equivalent to the pay of assistant coaches."

The Houston program is supported primarily by ticket sales.

Much assistance is now being given to high school student-trainers for, by default, the burden frequently lands on them when qualified trainers aren't available.

To aid those willing but sometimes unprepared youngsters, an inexpensive book has been published by the AMA in cooperation with NATA and the Athletic Institute: *Fundamentals of Athletic Training*. Copies of the paperback book are available for $2 each from the American Medical Association, 535 N. Dearborn Street, Chicago, Illinois 60610.

A multitude of other valuable teaching aids are offered by manufacturers of athletic equipment and training supplies—such as Cramer Products, Inc., Gardner, Kansas 66030, and The Kendall Company, Sports Division, 20 Walnut Street, Wellesley Hills, Massachusetts 02181.

In addition, Cramer sponsors summer Student Trainer Workshops at colleges and universities all over the country. Professional trainers supervise the 3½-day sessions, and a $55 fee covers tuition, meals and lodging.

WHAT PARENTS CAN DO

Dr. Timothy T. Craig, secretary of AMA's Committee on the Medical Aspects of Sports, told *Family Safety:*

"Parents should insist that five measures are taken prior to fielding a team: proper conditioning, careful coaching, good officiating, good equipment and facilities and adequate medical care (which means at a minimum a student athletic trainer, and a physician to contact in an emergency).

"With many communities it may be possible for parents, the board of education of several high schools and the local medical society to establish a coordinated sports medicine unit where injuries and rehabilitation are taken care of."

With parents' active concern, much can be done to reduce those annual 600,000 high school football injuries. And experiences like the following can be kept where they belong—in the past.

During a high school scrimmage some years ago, one of the young players started to limp. The coach told him: "Take a few laps around the track and run it off."

After running a few yards he fainted. X-rays later confirmed he had a broken ankle!

HISTORY WILL VIEW THE PRESIDENT AS A BADLY ABUSED MAN

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FISHER. Mr. Speaker, an article written by William G. Ferris, carried in a local newspaper, contains some timely and interesting information on the subject of impeachment.

The article follows:

HISTORY WILL VIEW THE PRESIDENT AS A BADLY ABUSED MAN

Members of the House and Senate who would be involved in impeachment and trial proceedings of President Nixon might well give thought to the position history will allot them if there is such action. Almost certainly, history will view the impeachers critically while seeing the President as a badly abused man. The basis for such appraisal lies in the record of Andrew Johnson's impeachment.

Let me refer to "The Oxford History of The American People" By Samuel E. Morison. Professor Morison is a pro-Democratic historian, and he probably is running with the lynching party across Harvard Yard today, but that does not impair his summary of the Johnson impeachment. If we substitute a few words—Nixon for Johnson, Liberal Democrats for Radical Republicans and Cox for Stanton—the parallel with the current developments is startling.

Of President Johnson's personality, Professor Morison wrote: "Of origin as humble as Lincoln's . . . he had honesty and courage, but wanted tact and the art of winning men's minds and hearts . . . Johnson's pugnacious personality antagonized people, and by undignified acts and foolish speeches he lost the support of the Northern press, pulpit and business." (For business we might today substitute the academic community, which was not influential in 1867).

Professor Morison went on to note:

"The Radical leaders of the Republican Party . . . aimed at capturing the Federal government under guise of putting the presidency under wraps. By a series of usurptions they intended to make the majority in Congress the ultimate judge of its own powers, and the President a mere chairman of a Cabinet responsible to Congress . . ."

The act which ignited the impeachment proceedings was President Johnson's dismissal of Edwin Stanton, his disloyal secretary of war. Secretary Stanton was a typical Washington leaker, even though that was not the popular word at that time. Of him, Professor Morison said, "Secretary Stanton sneaked out Cabinet secrets to the Radicals and they . . . controlled the civil service." (How like today, even to the Democratic Party control of the Federal bureaucracy?)

Stanton's dismissal violated the Tenure of Office Act of March, 1867, which required that the President obtained the consent of the Senate before he could dismiss anyone in the executive branch initially appointed with the advise and consent of the Senate. Professor Morison noted, "Ten of the eleven articles of impeachment rang charges on the removal of Stanton, the other consisted of garbled newspaper records of the President's speeches." He concluded, as have historians generally, that ". . . the impeachment of Johnson was one of the most disgraceful episodes in our history."

It should be noted that President Johnson had little on the positive side to recommend his term in office to future historians, a situation which is not true of President Nixon. President Nixon has turned the course of events from a cold war confrontation with communism, set up the liberal Democrats during the term of President Truman, toward a mutual compatibility. This also would leave him an honored place in history, without regard to such matters as ending the draft, maintaining a highly prosperous economy, quieting the tensions upon college campuses, etc.

History will not note the hysterical words of the Nixonphobes in the press or on television, but it surely will recall the votes of congressmen if there is an impeachment. In Lincoln's phrase, they cannot escape history. Does Jerome Waldie wish to go down in history as the Twentieth Century Thad Stevens? Does Carl Albert, who as of now would succeed to the presidency, want to be the modern Ben Wade, who would have succeeded President Johnson? History holds these men in low repute, along with others of equally mean spirit.

There is a denouement to President Johnson's story: the U.S. Supreme Court, in Myers vs. the U.S., held the provisions of the Tenure of Office Act requiring Senate approval of dismissal of a member of the executive branch of government unconstitutional. In other words, the President can indeed fire a subordinate without asking the Senate for permission. Even if he's a Harvard professor.

WILLIAM G. FERRIS.

MASSAPEQUA, L.I., N.Y.

ENERGY CRISIS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. MURPHY of New York. Mr. Speaker, the energy crisis is one of the most pressing short and long range issues facing our country today. Every citizen and public servant is gravely concerned. A shortage of power is not a regional but a national problem which must be studied and addressed as such. Accordingly, I should like to enter into the RECORD the remarks of my distinguished colleague, the Honorable Torbert H. MACDONALD, one of the Nation's most knowledgeable experts on this critical issue. In his capacity as chairman of the House Subcommittee on Communications and Power, he presented this information to the Southern Governors' Conference, Point Clear, Ala., on September 25, 1973. What Mr. MACDONALD said, however, is so important that it must be considered by a much greater audience:

REMARKS OF THE HONORABLE TORBERT H. MACDONALD, CHAIRMAN, HOUSE SUBCOMMITTEE ON COMMUNICATIONS AND POWER, SOUTHERN GOVERNORS' CONFERENCE, POINT CLEAR, ALA., SEPTEMBER 25, 1973

The topic you have chosen for this meeting, the energy and power crisis, is one that's terribly close to all of our thinking these days. I am sure that the pressure from your constituents is as great as it is from mine. This is no long-range problem to be discussed philosophically by a group of experts in a think-tank. It is here with us now, at the gas pumps and the heating oil delivery trucks all around the country. Perhaps we in New England are more apprehensive of the coming winter than you are in this delightful climate—but if things are permitted to drift as they have been drifting, if the energy czar in the White House and his colleagues don't display more energy than they have so far in taking some meaningful steps, then we are all in trouble, long-rang and short-range.

We may be able to avert some of this trouble if we attack the problem in unison. In the course of these remarks, I am going to ask for the help of the Southern governors in supporting my bill for mandatory allocations of fuel. It is my firm conviction that this is not a regional problem, but a national problem; and I hope I can convince you that the South has as great a stake in this situation as New England, the East Coast, the Midwest, the Rocky Mountain states, the northern West Coast, and everywhere else in the country.

For background, 30 seconds on what you undoubtedly already know:

At present, the nation faces the first peacetime fuel shortages in its history. Vital transportation and agricultural functions are being affected. Gasoline stations have closed, and hundreds which have not yet been forced to give up are standing with their backs against the wall. Independent refiners have run short of crude oil supplies. Units of local government—counties, cities, schools—are unable to get bids on fuels necessary for essential public service. Utilities warn about blackouts—and these are real blackouts, not the football blackouts that have been occupying the front pages in the last few weeks—unless their fuel supplies are replenished and guaranteed. Cries of real anguish come from virtually every sector of our economy.

What are the prospects for the situation taking care of itself, by a policy of muddling through? Almost nil. Or by a policy of governmental laissez-faire or voluntary controls? *Absolutely* nil. There is little chance that domestic refineries can catch up with spiraling demand.

According to the Interior Department, if we have a normal winter—whatever that is—the U.S. will need 650,000 barrels *per day* of No. 2 fuel oil for heating our homes. Last year, we averaged only 400,000 barrels per day. And the Department reports that a maximum of 550,000 barrels per day may be all that is available from all world sources. That's a one-hundred-thousand barrels-a-day shortfall.

On the average, we are using four million barrels of gasoline more than we produce each week. Whether some or all of this deficit can be made up through imports is highly uncertain, especially in light of recent developments in the Middle East. And those developments are coming thick and fast—an arbitrary rise in the price of oil from the organization of oil-producing countries within the last two weeks, the takeover of foreign oil investments in Libya, mixing oil and politics in Saudi Arabia, and more to come. Not a pretty picture when superimposed on the projections about how much imported oil we will need from that area of the world for the rest of this century.

I will spare you another analysis of how we got into this pickle. A number of us in the Congress, and I am among that number, have been attacking oil import quotas for a long time. They were finally dispensed with this year. The horse, however, had not only left the barn, but was last seen galloping down the road. Many of us have been looking suspiciously at the policies of the major oil companies. But all that is water over the dam. The question is what are we going to do about it now.

Obviously, I cannot speak for all 435 members of the Congress. There are many divisions of jurisdiction in both the Senate and the House on matters dealing with energy. On the Senate side, various aspects of energy come under the Commerce Committee, the Interior Committee, the Public Works Committee, and the Joint Atomic Energy Committee. On the House side, the same complex picture applies, with a few embellishments. There is legislation being considered on land use, on deep water ports, on the Alaskan pipeline, on research in coal gasification and a number of other fuels. There are investigations going on in a number of government agencies, and there are undoubtedly hundreds of reports and analyses being written.

It may look like a bad jigsaw puzzle to the distant observer. But when all the parts get put together, as they will, no one side gets everything it wants, but the compromises that are arrived at are usually pretty good laws.

But let me narrow the focus down to what is going on in my own Subcommittee on Power and in our full Committee, Interstate and Foreign Commerce, and therefore within the House of Representatives.

From the time the 93d Congress convened in January, we watched the Administration take halfway measures in the field of fuel allocation. The months went by, and the rumblings of discontent from independent fuel dealers and distributors became louder. A very competent man, William Simon, whose background, strangely enough, was in the investment business, was given, in addition to his job as Deputy Secretary of the Treasury, the assignment of heading the Oil and Gas Policy Committee. A number of optimistic statements came out from that Committee, along with promises of a firm Administration policy. Very little happened, except for the announcement of a "voluntary" allocation program, under which the major oil companies—on the honor system, evidently—would behave magnificently in the public interest and protect the rights of their competitors, the independent marketers.

This looked like a dubious proposition to me. In my ten terms in the Congress, I'm afraid I gained something of a reputation among the major oil companies of looking at a lot of their claims of acting in the public interest as dubious propositions. And sure enough, evidence piled up that the voluntary program was not working, as we had suspected from the outset.

So in May, I introduced a bill calling for mandatory allocations of refined petroleum products and crude oil to the independents at the same percentages that they were able to buy those products the year before. At the same time, Senator Jackson introduced identical legislation on the Senate side.

A little over a month later, the House Commerce Committee was able to clear its commitments and hold hearings on my bill. During those hearings, we took testimony from representatives of the Adminisration, from members of Congress who told of the hardships being put upon their constituents, from organizations representing independent dealers and distributors, from the Federal Trade Commission (which had serious charges of collusion to bring against the major oil companies), and from the head of the President's Oil and Gas Policy Committee, Mr. Simon.

At that time—it was the 10th of July—Mr. Simon promised the Committee, under questioning from me, that the Administration would come forward with a new allocation policy within one week.

Needless to say, one week passed without any policy. And then it was two weeks, and then three—and the date for adjournment of Congress for the summer recess was getting closer and closer. I do not blame Mr. Simon for the inaction at the White House; he had been supplanted as head of the Administration's efforts in this area by Governor John Love of Colorado—an estimable man, I am sure, but not one of whom it can honestly be said that he has displayed a great deal of energy since he has been put in charge of energy.

In the closing week, having rested as long as we possibly could on the good faith of the Aministration—if not longer—the Congress tried to rush through the bill that Senator Jackson and I had introduced. I won't attempt to describe the parliamentary maneuvers involved; suffice it to say that Congress adjourned for the recess in some frustration with no mandatory allocations legislation.

Since the Congress reconvened after Labor Day, the House Commerce Committee has been proceeding with all due haste to report out this legislation. Unfortunately, the Committee was unable to report out the bill last week, after three separate executive sessions; but I think I can promise you that it will be reported out tomorrow. Then it will proceed with all possible dispatch to the floor of the House. We are assured that the Senate will act swiftly, and we hope and trust that the President will sign it into law.

Forgive me for spending so much time on one case history of one bill, but it may provide you with a microcosm view of the problems faced by Congress in dealing with the complex problems of the energy crisis. My bill dealt with a relatively simple problem, saving the only vestige of competition in the gasoline and fuel oil business, before it disappeared completely.

Basically, the bill:

(1) directs the President to institute a program of mandatory allocations of crude oil and petroleum products within ten days after its enactment, and to have that program in operation 15 days after that.

(2) The authority granted to the President is temporary; it expires in early 1975.

(3) Among the petroleum products specifically included are gasoline, kerosene, distillates (including No. 2 fuel oil used for home heating), diesel fuel, propane, residual fuel oil, and petrochemicals.

(4) It prohibits export of these fuels while they are in short supply and needed to fill priority needs in the United States. Fuel exchanges with Canada and others would continue as long as they did not contribute to shortages in the U.S.

And the bill specifically spells out the intent of Congress to protect independent, non-branded, branded, and franchise-holding marketers. These are the small businessmen who are being forced out of business. We do not intend to let this happen.

We have other energy business pending before our Committee. For the past several years, we have been working on a bill to simplify the procedures involved in power plant siting. This is a tremendously complicated problem; balanced against the obvious need for more power plants is the resistance of any given group of citizens to having such plants located in their back yards, plus the legitimate demands of the environmentalists. We face the same problem with desperately-needed oil refineries—and again, harking back to shortsighted policies of the past, a perfectly good refinery in my state was closed down by Exxon several years ago on the grounds that its output was not needed. No refineries are currently on the drawing boards in the continental United States—a situation, quite frankly, that I find appalling.

My subcommittee has continuing oversight responsibilities for the Federal Power Commission, which in addition to regulating electrical power generation is charged with setting prices on natural gas in the interstate market. In recent months, the FPC has made a number of ad hoc decisions letting the price of natural gas rise as much as 75%. This has the effect of circumventing the law, and we plan to call the Commissioners before our Committee in the near future for a full explanation of their actions. If gas prices are permitted to rise in this manner—and I for one am by no means convinced that such rises will guarantee an increased supply of this vital fuel—such action constitutes a deregulation of natural gas prices at the wellhead, a move that can only legally be undertaken by the Congress of the United States, certainly not by an administrative arm of that Congress—namely, the Federal Power Commission.

There can be no doubt that we face some agonizing decisions in the next few years as we attempt to insure supplies of energy and determine to guard the rights of the consumer. There are very real issues of foreign policy, very real differences of opinion on how to proceed in almost every area of the energy field. We must have energy, yet we must not destroy the quality of our environment. We must stop wasting gasoline, yet we cannot overnight restructure the automobile industry. Can we figure out a way to utilize our vast offshore oil potential without doing permanent harm to our shoreline and our beaches? Can we figure out a way to draw on the virtually unlimited supply of coal without ravaging the land and polluting the cities? Can we harness the sun's energy?

There are literally hundreds of key questions, and very few answers. None of those come easily.

It is our fervent hope that the Administration will begin to move in those areas where they can give leadership, especially in the field of research and development, which has long been overlooked and neglected. If the Administration is as solicitous of the states as they indicate, I am sure that the voices of the governors would be listened to. I urge you to raise them.

I can pledge you that my Subcommittee will be doing all that is in its power to maintain the competitive structure of the fuel business, to protect the interests of the consumer and the independent producer while searching out new sources of energy, and to get on with the urgent business of coping with the ominous energy crisis.

AFL–CIO ENDORSES NEW POLL TAXES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RARICK. Mr. Speaker, I recently reported to my people that the proposed public financing of political campaigns was in reality but a new form of poll tax—a tax on the right to vote. Now we learn that the AFL–CIO at its convention at Bal Harbor, Fla., has called for public financing as a key to keep clean elections.

Many Americans, especially the working people who pay the Nation's taxes, may be aggrieved to learn that our national labor leaders have not only come out in support of increased taxes but also a revival of the poll tax to pay the politicking expenses of political candidates.

The newsclippings follow:

[From the Washington (D.C. AFL–CIO News, Oct. 27, 1973]

PUBLIC FINANCING CALLED KEY TO CLEAN ELECTIONS

BAL HARBOUR, FLA.—A new day in American politics, when money can't buy votes and a progressive majority is elected to Congress, was called for by the convention.

"The power of money in politics must be once and for all drastically curtailed," the convention said, adding that the keystone of the needed reform "must be public financing of political campaigns." The American labor movement will insist on legislation to reform campaign spending, just as it insisted on one-man, one-vote, the resolution said.

Another convention resolution said the opportunity appears at hand to make significant gains in the House and Senate in the 1974 elections. The resolution pledged the "total commitment" at all levels of the labor movement to achieve victories for COPE-endorsed candidates in the 1974 congressional elections.

That resolution was passed in the midst of repeated mention by convention speakers of the need for a "veto-proof" Congress in view of seven Nixon vetoes during 1973 that Congress failed to override.

The effort to elect such a Congress should include establishment of COPE committees in every affiliated local, the COPE resolution said, "to assure political participation by every member, to the extent at least of registering, voting and contributing $2 to COPE."

The convention, in a separate resolution, also called for enactment of the postcard registration bill now pending in Congress. But the convention voted nonconcurrence on two other political resolutions, one calling for special AFL–CIO conventions to make presidential endorsements and the other to commend and support the Democratic Party's delegate selection commission.

The resolution on campaign spending cited the surpluses left over from the $60.2 million raised in 1972 by the Finance Committee to Re-elect the President and said, "there is no room in our democracy for even the remotest possibility that elections can be bought by those who possess great wealth or control over it."

The Executive Council pointed out in its report to the convention that despite the almost 2-1 victory by Nixon in 1972, the labor movement was able to make good on its goal of protecting progressive congressional candidates from being swamped in the Nixon landslide.

The overall COPE winning record was almost 60 percent for all candidates endorsed for the House, Senate and governorships, the council reported, with 244 of 408 COPE candidates winning. In the House, the COPE record was 217 winners out of 362 endorsements, in the Senate 16 of 29, and in governorships, 11 of 17.

Much of that success can be traced to the spiraling increase in the number of union members who were registered to vote in 1972, the council pointed out.

"The overall percentage of union members, registered nationally set a new high of between 75 and 80 percent, reaching the 90 percent range in five states and the 80s in nine states," it was reported. That compared to only a 65 percent registration in 1970.

The council traced this increase to expanded labor efforts across the entire political spectrum, with particular successes noted by such groups as the National Council of Senior Citizens, Frontlash and the A. Philip Randolph Institute. With labor backing, those groups conducted significant voter registration programs among specialized groups.

Also, the division of responsibility by AFL-CIO Executive Committee members in 10 geographic areas contributed to labor victories in 51 of the 83 House districts and 10 of 19 Senate races that COPE had judged as marginal.

For 1974, early indications are that 15 Senate races and 80 House districts will have races close enough to be classified as marginal, the council reported.

Finally, the council pointed out that COPE's election drives improve steadily with the advancement of its data processing program, which will have some 10 million union members enrolled for the 1974 elections.

Twenty-three states had computerized voting lists in the 1972 elections, it was reported, and that will be expanded to 37 for 1974.

[From the CONGRESSIONAL RECORD, Oct. 3, 1973]

RARICK REPORTS TO HIS PEOPLE: TAXPAYER FINANCED POLITICAL CAMPAIGNS, THE NEW POLL TAX

WEDNESDAY, OCTOBER 3, 1973.

Mr. RARICK. Mr. Speaker, an extensive debate is currently taking place not only here in Washington, but throughout the country. One question most often heard in an increasing number of circles is: Should tax dollars be used to finance political candidates?

There are currently 13 bills before the House of Representatives that deal with election campaigns and the funding of candidates' expenses. They deal with every aspect of election campaigns from reporting of contributions to setting up a special level of bureaucrats to oversee the activities of elected officials.

Clearly the mood of the Nation is one of reforming our electoral system. A recent opinion poll published in the local Washington papers indicated that a substantial majority of the 1,500 people interviewed favored public financing of political campaigns. Such a scheme is already being considered by Congress. If we assume that the results of the survey are correct, it leads one to wonder if the voters fully understand what public financing of campaigns means to them and what brought about such a reaction.

Probably the overriding factor causing this campaign financing issue to gain the prominence it has is the "Watergate syndrome." I mean by this a public backlash at the disclosures made through the Senate's investigation of Presidential campaign abuses. The reported millions of dollars of loose political money that floated around during that campaign and its use to influence or control the election has caused many Americans to question the very system of our electoral process. Is an entirely new system of financing political parties, and therefore elections, needed? This is a question presently being raised in Congress.

We are told by the opinionmakers in the mass media that politics has become a "rich man's game" and that "special interests"—that vague group supposedly controlling our elected officials has moved the "little man" out of the picture. With the Watergate revelations daily confronting the TV viewer and the reader of newspapers, it is easy to accept this oversimplification and to actually believe that this is the true solution in political elections.

It should be remembered that the abuses attributed to Watergate, and all the things that the term has come to represent, came into being before the present campaign reporting system went into effect. Under the system now in force, campaign contributions over $100 are a matter of public record and available to any citizen who wishes to take the time to check. This certainly includes members of the news media. This hardly affords an opportunity for these "special interest groups," whomever they may be, to remain hidden from public view and scrutiny. Since the enactment by Congress of the current campaign reporting laws, there have been few, if any, of the fraudulent activities or the massive campaign fund accumulations such as those revealed in the Senate hearings.

It should be remembered too, that the very fact that the alleged abuses have been brought to public light is a result of the various checks and balances built into our system of government. Unfortunately, no matter how perfect a system is created by well-meaning officials, there will be individuals who will attempt to circumvent the law. When they do, they should be punished. We also have the system of laws to do this.

Public confidence in elected officials, is reportedly at an alltime low. We have seen public officials tried and convicted of abusing the public trust given them by the voters. But, to demand that elections be financed with money from the Public Treasury—tax money—is illogical and a politically dangerous situation. It would turn the entire electoral process over to those same politicians and to the bureaucrats they control. Now they would simply be manipulating elections with taxpayers money rather than voluntary contributions.

If, as the opinion makers would have us believe, politicians cannot be trusted to raise their own funds to finance their elections, how can anyone expect to correct financial abuses of politics by putting other politicians in charge of paying for political expenses out of the U.S. Treasury and out of the taxpayers' pockets?

I find it difficult to believe that the American people actually want public funds used to pay the costs of campaigning, as this poll would suggest. This type thing has been tried in a limited way through the checkoff system on the personal income tax form. Under this campaign financing method, you will recall, the individual taxpayer can indicate that he wants the Government to deduct $1 from his tax refund check to go to either national political party or to an independent party. This has proven unsuccessful, and there is no reason to believe that it would work in a more extensive manner. This income tax checkoff system is a failure largely because our people would rather donate their money or their time directly to the candidate of their choice. They do not want money being used to pay the expenses of the Presidential choice of the national party when the candidate does not represent their views.

But under various programs so far suggested, the taxpayers' money would go to the political party for distribution to candidates who agree to support the party's position. In recent years, we have seen a shifting from the old allegiances. A more independent American voter has emerged. There is a prevailing attitude among Americans today that the right to vote is also the right not to vote, if they feel that none of the candidates running deserve their vote.

If a federally subsidized system of elections became law, the Democrats, Republicans or Independents would not be the sole beneficiaries of taxpayers' money. In all probability, limitation of fund distribution to the major parties would be declared by the courts to be discriminatory against the various smaller parties representing divergent opinions in politics. It is logical to assume that when the money is divided by the bureaucrats in charge, a portion would be allocated to the Socialist Party, the Communist Party U.S.A., or any of a number of splinter groups who usually run candidates with views alien to the American general ideas.

Your money would go to pay for all the public relations and advertising gimmicks so popular in todays' electioneering. Money for signs, newspapers, TV and radio advertisements, as well as buttons, bumper stickers and fingernail files would come directly from your taxes. While it may look like a windfall for those people in the public relations and advertising businesses and the advertising media, the Federal controls of the purse strings also brings Federal controls to the distribution and use of the funds.

When the Federal Government gets into the financing of elections, the "little man," who is supposed to benefit from these schemes, can expect to be even further removed from the electoral process. The volunteer worker, who has always been the backbone of any campaign in the past, would no longer feel the need to get involved. After all, he has supported all candidates in the election with his tax money. The so-called "little man," the person who contributes $5 or $10 or several hours of his time to help a candidate he believes in, would no longer be able to directly help his candidate financially. He would no longer actually participate in the outcome of an election. The Government would have removed the need for him to get involved.

Public financing of elections is tantamount to telling the voter that he is incompetent to participate in the election process, and that big Government must now take over that responsibility. Yet, he must pay the costs, through increased taxes even though there is no candidate running that he would support or vote for.

In 1962 the 24th amendment to the Constitution was ratified by the States and became law. It said that no person could be denied the right to vote in elections because he had failed to pay any poll tax. It was thought that by removing this longstanding practice in some States, more people could directly participate in elections. In little more than a decade, we have come to the point where Government may soon tell the voters that they must pay a new poll tax—a tax to support a collectivist political campaign fund. The American taxpayers already have too much to pay now, without further burdening them with public financing of campaigns.

The Federal laws already on the books have not been given an opportunity to work. Before placing more stringent limitations on contributions or before bringing full or partial political financing under Government control, we should carefully assess the laws we already have available to keep the election process honest.

We must not let an overreaction to the "Watergate syndrome" stampede us into undoing the basic freedoms and protections of our constitutional system.

LEGAL SERVICES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. LANDGREBE. Mr. Speaker, as the Senate proceeds to consider the question of a Legal Services Corporation, which received House attention on June 21, Members should be aware of the significant erosion of safeguards being attempted by the Senate Committee on Labor and Public Welfare. For the information of those Members who supported the inclusion of prohibitions on abuse, I place in the RECORD an analysis of the bill marked up by the Poverty Subcommittee of the Senate Committee on Labor and Public Welfare—the full committee markup varies in minor respects.

The analysis spells out, first, how the Senate bill is weaker than that for which the White House announced support in May; second, how the Senate bill is weaker than that which passed the House; and third, other safeguards which have been proposed to strengthen the proposal as one to serve the legal needs of the poor, rather than the political needs of poverty lawyers. I commend this analysis to the attention of my colleagues:

MEMORANDUM OF ANALYSIS: LEGAL SERVICES

A. *The marked-up bill weakens the Administration proposal in the following respects:*

1. S. 1815 proposes to extend the Economic Opportunity Act for an additional year of authorization.

2. The preamble implies continuation of the present program intact, minus any claim to accountability by elected officials.

3. As an amendment to the EOA, S. 1815 would preclude jurisdiction by the Committee on the Judiciary.

4. Appointment of the board chairman would cease to be a Presidential prerogative after three years, thus further diminishing political accountability.

5. State advisory councils are weakened by limiting membership to lawyers and requiring recommendations of the State bar association.

6. The National Advisory Council is revived, with appointments to be made, not by the President, but by the board, with pre-set categories of appointees.

7. The President of the Corporation is denied authority to directly remove employees of grantees.

8. The Corporation is denied the option of funding legal services activities through state and local governments except to supplement other recipients.

9. The requirement of admission to practice is diluted to permit the hiring of those as attorneys who are "authorized to practice law or authorized to provide . . . assistance . . .".

10. Prohibitions against participation in and encouragement of "picketing, boycott, or strike" are virtually eliminated.

11. Self-enforcing penalties for violation are removed.

12. Citizen suits to enforce compliance, with reimbursement of costs to successful litigants, are eliminated.

13. The prohibition against lobbying by Corporation personnel is replaced with a mandate to lobby.

14. Recipients are authorized to participate in "advocating or opposing" legislative proposals. Prohibitions against other forms of issue lobbying are weakened substantially.

15. The provision for token free schedules to limit frivolous and lawyer-initiated activities is removed.

16. The critical prohibition against outside practice of law is rendered meaningless, as is the ban on representation of ineligible clients;

17. The ban on grantee lobbying is, in effect, wiped out;

18. The ban on political activity, voter transportation, and voter registration is rendered meaningless.

19. Provision for review of appeals is rendered meaningless.

20. Prohibition against dilution of funds on "prisoners rights" activities is eliminated.

21. The prohibition against aid to "public interest" law firms is rendered meaningless.

22. Prohibitions against representation of juveniles without parental consent are rendered meaningless.

23. The prohibition against organization of groups is rendered meaningless.

24. The requirement of lawyer majorities on local boards is made subject to exception for present grantees.

25. The opportunity for board review of grant decisions is limited.

26. The provision for 10% client choice fundings is eliminated.

27. Review of the staff attorney system is postponed for nearly two years.

28. Audit requirements are severely weakened.

29. The prohibition against commingling is eliminated.

30. The funding authorizing level is sharply increased, to 100 million dollars in FY 1976.

31. It is provided that appropriations are to remain available until expended.

32. New provisions make it virtually impossible to discontinue a grantee.

33. New provisions bar Congressional Executive overview of the Corporation, its employees, and its recipients;

34. OEO personnel would be automatically transferred to the Corporation, locking in the career liberals who came in with Lenzner.

35. OEO's outrageous union contract would govern the Corporation.

B. *In addition to its weaknesses compared to the Administration bill, the marked-up bill is weaker than the House-bill by failing to include a number of safeguards and prohibitions.*

Missing in the proposed Senate version are:

(1) 1978 liquidation of the Corporation, pending new congressional authorization;

(2) tighter prohibitions against picketing, boycotts, and strikes;

(3) prohibitions against use of "non-Federal share" for otherwise unlawful activities;

(4) tighter restrictions on involvement in initiative and referendum drives;

(5) ban on "law reform", "political advocacy" backup centers.

(6) requirement that costs be reimbursed to prevent harassment of defendants;

(7) Preference to local attorneys in hiring for staff positions;

(8) Same standards for LSO attorneys as those in private practice, despite more liberal Canon provisions for LSO's re solicitation and propagandizing.

(9) tighter anti-lobbying provisions;

(10) tighter ban on political activity;

(11) requirement of ⅔ lawyer majorities on local boards;

(12) tighter ban on improper juvenile representation;

(13) ban on busing suits;

(14) ban on fees from LSO-initiated cases;

(15) ban on suits to encourage abortion;

(16) ban on aid to military deserters;

(17) tighter ban on commingling of funds.

C. *Additional safeguards which should be considered, but which are not covered in either the Senate, House, or Administration versions include the following, which are proposed for amendment to the House-passed version.*

(1) Sec. 2(1)—Definition of "State" should be amended to eliminate "The Trust Territory of the Pacific Islands, and any other territory or possession of the United States."

(2) Sec. 3(a) should be amended to provide for a Federal charter, rather than "a private nonmembership nonprofit corporation" under the more flexible D.C. rules of incorporation.

(3) Sec. 4(a) It should be specifically set forth that Presidential appointees to the Corporation board of directors shall be reviewed by the Senate Judiciary Committee, rather that the Committee on Labor and Public Welfare.

(4) Sec. 4(f) should be amended to give state advisory councils power to approve or reject, by two-thirds votes, funding decisions of the National Corporation concerning programs in their states.

(5) Sec. 6(a) (1) and (3) should be revised to require that all activities undertaken in a particular state by the National Corporation be subject to review and possible disapproval, by two-thirds vote of the state's advisory committee.

(6) Sec. 6(b) (1) and (2) should be revised to make penalties for deviation from the act's requirements self-enforcing, after determination of the facts, by automatic termination of attorneys and grantees who have used or attempted to use resources for prohibited activities. Provision should be made for citizen suits to facilitate enforcement when officials of the Corporation or the Executive branch are lax.

(7) Sec. 6(b)(4) should be amended to require that attorneys be "admitted" rather than simply "authorized" to practice in the jurisdiction where representation is initiated.

(8) Sec. 6(b)(5) should be strengthened to more clearly bar lawyer-generated policy advocacy, directly or through others, as well as any staff assistance to groups engaged in advocacy on matters of public policy.

(9) Sec. 6(d)(3) should be clarified to show that "political association" includes all groups which in any way have an interest in advancing particular views on matters of public policy; for example, welfare rights groups.

(10) Sec. 7(a)(2) should be amended to more carefully define eligibility standards for representation, barring non-citizens, convicted felons still incarcerated and "poor" children of affluent families. A one dollar token fee should be required to help limit lawyer manipulation of the poor in pursuit of lawyer goals.

(11) Sec. 7(a)(6) should be amended to preclude handling of political cases such as those dealing with boundaries of political districts, qualifications for voting (e.g. prison inmates), campaign contributions, or matters pertaining to candidates for public office. The section should also be amended to ensure that prohibitions on attorney campaign management and involvement cover not just candidacies for office, but also campaigns to influence opinion on questions of public policy.

(12) Sec. 7(a)(7) should be amended to provide that, as a precondition to employment, local legal services projects which receive more than half their resources from the Federal government be required to limit their hiring of attorneys to persons who have been admitted to practice locally for at least six months, provisions waivable only by two-thirds vote of the state advisory committee.

(13) Sec. 7(b)(1) should be amended to flatly prohibit representation in criminal proceedings or to persons still incarcerated for crimes of which they have been convicted.

(14) Sec. 7(b)(3) should be amended to flatly bar all funding of "public interest" law firms.

(15) Sec. 7(b)(4) should be strengthened by striking the exception to the prohibition against advocacy training.

(16) Sec. 7(b)(5) should be rendered meaningful in its bar to group organization by striking the "except" clause.

(17) Sec. 7(c) should be amended to provide that grantee boards must be either appointed or approved by the principal elected officials of the jurisdiction(s) in which the program is authorized to operate. The "except" clause should also be stricken.

(18) Sec. 7(e) should be revised to elimi-

nate discrimination against grants to state and local governments.

(19) Sec. 7(f) should be amended to provide for veto by elected officials, rather than mere advance notice.

(20) Sec. 7(g) should be revised to establish an automatic shifting of funds away from lawyer-based staff attorney system in the direction of client choice systems. Thus, for example, the first year at least 25% of Corporation resources would subsidize client-choice legal aid, 45% the second year, 65% the third year, 85% the fourth year, 100% by the fifth year.

(21) Sec. 10(a) should be amended to strike the language: "Funds appropriated . . . shall remain available until expended."

(22) Sec. 12 should be amended to specifically provide that grantees and employees have no rights of continuation under the Corporation, except as the Board determines necessary to conclude pending litigation.

TREASURY STUDY SUPPORTS VANIK-MOSS APPROACH TO CONSERVE GASOLINE—III

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. VANIK. Mr. Speaker, to insure our future economic well-being, there can be no higher priority than the institution of realistic programs to conserve energy. Although our economy has thrived on plentiful, low-cost energy in the past, this luxury no longer exists. In the words of one analyst, "The energy joyride is over."

We must begin now to contemplate positive policies to encourage the maximum efficient use of our available resources. I have introduced with 39 of my colleagues legislation to assess a tax on inefficient automobiles (H.R. 9859). The administration is contemplating a similar step. I am including here portions of a Treasury Department study which discusses at length the tremendous potential of this approach:

AT WHAT RATE SHOULD THE TAX BE SET?

If we assume only available technology as listed earlier in this report, then it is possible for U.S. automobile manufacturers to redesign U.S. large cars (medium, regular, sport and intermediates) to effect an average increase in miles per gallon (mpg) of 75 percent. This would yield an average mpg of close to 20, which would then mean that such cars would pay little or no tax. The changes, however, are estimated to cost about $850 per car. Clearly, a tax that was too low would produce few improvements in car design, since most improvements in car design would add more to the price of the car than they would reduce the tax. The minimum tax which would bring about car redesign in the large cars would be one where the tax was higher than the cost of eliminating the tax, or (tax rate) · (EG) = cost of eliminating the tax.

For a large car, which gets 11.4 mpg for instance, and could therefore get 20 mpg if $850 worth of improvements were made in design (11.4 × 1.75 = 20)

11.4 mpg = 8.77 GPCM = 3.77 EG.

Min. tax rate = $850/3.77 = $225 per EG.

At this rate the tax would exactly equal the cost of eliminating the tax. At a rate higher than this, it would pay the manufacturers to eliminate the tax.

At this rate it would not necessarily be to the advantage of the automobile manufacturer to introduce design changes, since the tax would exactly equal the cost of the design changes. To assure changes, therefore, the tax should be set slightly higher (e.g. $10) so as to ensure adequate incentives. For this reason, a tax rate of $235 per EG is proposed.

At this rate, therefore, it can be assumed that it would pay manufacturers of almost all cars except high price cars to redesign them to avoid the tax completely (by getting as close to 20 miles per gallon as possible), and, except for high price cars, eventually few taxes would actually be collected.

HOW LONG WOULD THE REDESIGN PERIOD TAKE?

Automobile manufacturers are tied to long design lead times. It takes about 3 years for manufacturers to introduce major model changes. Any tax, therefore, which was imposed immediately could not affect automobile design. It would merely affect consumer choice and would hurt new car sales. It could be argued, therefore, that the tax should be enacted now, to be effective three years hence.

It is unlikely, however, that automobile manufacturers would be influenced solely by the economics of the tax in their design plans. There could be concern that redesigned models might not sell as well. Prudence and desire to maintain a competitive position would undoubtedly influence all manufacturers to redesign some models but to retain some traditional models to give the consumer a choice of redesigned or a conventional car.

Federal tax policies, therefore, should recognize this probability and should be designed accordingly. It is suggested, therefore, that the tax should be enacted now with its application in three stages—to 1975, 1976, and 1977 and future model years—with one-third of the eventual tax being imposed each year:

Tax per excess GPCM (EG)

	Computed	Rounded
1975	$78.33	$80
1976	156.66	160
1977	235.00	235

In this way, the manufacturers could observe the effect of the tax in changing consumer preferences and plan their designs accordingly. There would thus probably be a gradual shift over to redesign: low-friction tires and some weight reduction in early years, later would come redesign of power train and body shell, still later engine redesign and overdrive, etc. It might, therefore, take about 4 years to introduce all the improvements, after a 2-year lag period, or 6 years in all.

It would thus be possible to make some assumptions on the gradual adoption of savings due to redesign as follows:

EFFECT OF THE TAX ON LARGE CARS

	1973	1974	1975	1976	1977	1978	1979	1980
Average mpg due to redesign	10.17	10.17	10.17	12.0	14.0	16.0	18.0	18.0
GPCM	9.83	9.83	9.83	8.3	7.14	6.25	5.56	5.56
EG	4.83	4.83	4.83	3.3	2.14	1.25	.56	.56
Tax rate per EG			$80	$160	$235	$235	$235	$235
Tax per car			$386	$576	$503	$294	$132	$132

This chart assumes, therefore, that the economic pressures on automobile manufacturers would be likely to induce them eventually to redesign their cars to produce significant gasoline savings, and therefore reduce their tax as much as possible.

EFFECT OF THE TAX ON HIGH PRICE AND COMPACT CARS

As already noted, it is assumed that the demand for high priced cars is extremely inelastic, so that the tax would not be likely to lead to a redesign. The tax would undoubtedly, however, discourage any further reduction in engine efficiency. As a result, we predict no change in high-priced cars as follows:

EFFECT OF TAX ON HIGH-PRICED CARS

	1973	1974	1975	1976	1977	1978	1979	1980
MPG	8.95	8.95	8.95	8.95	8.95	8.95	9.95	8.95
GPCM	11.17	11.17	11.17	11.17	11.17	11.17	11.17	11.17
EG	5.17	5.17	5.17	5.17	5.17	5.17	5.17	5.17
Tax rate			80	160	235	235	235	235
Tax per car			$414	$827	$1,215	$1,215	$1,215	$1,215

Similarly, on small cars, the tax would have the effect of pushing the companies to adopt the national standard—there would be little incentive to exceed it.

EFFECT OF THE TAX ON SMALL CARS

	1973	1974	1975	1976	1977	1978	1979	1980
MPG	15.78	15.78	16.0	17.5	19	20	20	20
GPCM	6.34	6.34	6.25	5.71	5.26	5.0	5.0	5.0
EG	1.34	1.34	1.25	.71	.26			
Tax rate			80	160	235	235	235	235
Tax per car			$100	$114	$61	0	0	0

INCREASED CONSUMER SHIFT TO SMALLER CARS

The trend towards the purchase of smaller cars by U.S. consumers is already quite pronounced. How much would a vehicle economy tax aid this shift?

Computation of the effect of the tax must take into consideration that the public is shifting to small cars anyway. Is this trend likely to continue? No one can predict with certainty. However, it is clear that a vehicle economy tax would be of significant help in maintaining this existing trend. If we project the trend of car purchase shifts from 1967 to the present, on up through 1980, we see that by that time small cars could account for 66 percent of the public's total automobile purchases.

For this reason we have assumed that the trends would continue, through 1980, and project sales on that basis. It is, of course, possible that the tax would make the shift even more rapid. Since there is no basis for knowing whether this would be true or not, it is not assumed.

The following charts show the assumed automobile sales in 1973–1980 assuming 9,900,000 cars sold per year (a projection of the last few years) and the distribution pattern of models projecting trends since 1967.

MARKET SHARE OF CARS WITHOUT THE TAX, 1973–80

	Percentage of total sales							
	1973	1974	1975	1976	1977	1978	1979	1980
High price [1]	[1] 2.4	2.6	2.6	2.6	2.6	2.6	2.6	2.6
Large cars	57.5	54.1	50.2	46.3	42.4	38.4	34.4	31.4
Small cars	39.9	43.3	47.2	51.1	55.0	59.0	63.0	66.0
Foreign [2]	15.9	16.0	16.0	16.0	16.0	16.0	16.0	16.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

ESTIMATED NUMBER OF CARS SOLD 1973–80 WITHOUT THE TAX

	Percentage of total sales							
	1973	1974	1975	1976	1977	1978	1979	1980
High price	238	257	257	257	257	257	257	257
Large cars	5,712	5,356	4,970	4,583	4,198	3,802	3,706	3,109
Small cars	2,375	2,702	3,089	3,475	3,866	4,257	4,653	4,950
Foreign	1,574	1,574	1,574	1,574	1,574	1,574	1,574	1,574
Total	9.900	9,900	9,900	9.900	9.900	9.900	9.900	9,900

[1] Assumes high price cars continue to hold market share unchanged at average of 1967–73.

[2] Assumes foreign car sales level off at 16 percent due to devaluation and growth of United States made subcompact.

HOW MUCH WOULD THE TAX REDUCE TOTAL AUTOMOBILE SALES?

There exist many studies of the elasticity of demand for automobiles. One typical study is that by Lewis Philips in the November 1972 issue of the Review of the Economic and Statistics. This study indicates that the short run elasticity demand for automobiles is –.73.[1]

If we apply the tax rate, and the cost of improvement designed to avoid the tax to the 1973 base prices of large and small cars, we get the following calculations of sales reduction in 1975–1980.

FOOTNOTE

[1] Other studies show similar figures: Suits –.6, –.7; Dyckman –.7, –.8; Anti-trust Subcommittee study number I –.7, II –1.2, III –.7; Hyman –.78.

EFFECT OF THE TAX ON LARGE CAR SALES

	1973	1974	1975	1976	1977	1978	1979	1980
Base price [1]	$3,421	$3,421	$3,421	$3,421	$3,421	$3,421	$3,421	$3,421
Extras (to avoid tax) [2]				213	426	639	850	850
Tax [2]			386	576	503	294	132	132
Total price [2]	3,421	3,421	3,807	4,210	4,350	4,354	4,404	4,403
Percent price increase	0	0	11.3	23	27	27	29	29
Sales projection (number of vehicles) [3]	5,712	5,356	4,970	4,583	4,198	3,802	3,406	3,109
Sales reduction (number of vehicles) [4]			409	769	827	749	721	658
Sales estimate (number of vehicles)	5,712	5,356	4,561	3,814	3,371	3,053	2,685	2,451

EFFECT OF THE TAX ON SMALL CAR SALES

	1973	1974	1975	1976	1977	1978	1979	1980
Base price	$2,264	$2,264	$2,264	$2,264	$2,264	$2,264	$2,264	$2,264
Extras (to avoid tax)			51	123	231	303	303	303
Total price	2,264	2,264	2,415	2,501	2,556	2,567	2,567	2,567
Percent price increase			6.7	10.5	12.9	13.4	13.4	13.4
Sales projection (number of vehicles)			3,084	3,475	3,861	4,257	4,613	4,950
Sales reduction (number of vehicles)			15.1	266	364	416	455	484
Sales estimate (number of vehicles)			2,933	3,209	3,497	3,841	4,198	4,466

[1] Apr. 2, 1973, manufacturers suggested retail price from Automotive News, Apr. 20, 1973, weighed prices for each class.

[2] From projects of cost of introduction of improvements, i.e.:

Cost of improvement=($850) (percentage of improvements installed)

$$= \frac{(\$850)\ (\text{percent improvement in mpg})}{0.75}$$

$$= \frac{\$850}{0.75}\left[\frac{\text{mpg}_n - \text{mpg}_o}{\text{mpg}_o}\right]$$

where mpg_n=mpg in year_n; mpg_o=mpg in 1973

[3] All sales figures in thousands of vehicles.

[4] Sales reduction=(0.73) (percent price increase) (sales pro'ection).

It should be noted that no changes in the sales of high priced cars or foreign cars is projected. High priced cars would not be affected because statistics from 1967 to 1973 show sales of such cars to be price-inelastic. Foreign cares are not affected because they would, on the whole, pay no tax since they get such high mpg.

It is possible, of course, that there would be some reduction in the sales of high priced cars due to the tax. The total effect, however, is minimal since such cars constitute only 2.6% of all car sales, and even a 20% drop in sales would affect the total picture by only 0.5%.

THE SUCCESSION OF THE VICE PRESIDENT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. GONZALEZ. Mr. Speaker, a few days ago, I suggested that the distinguished minority leader should resign from the House, now that he has been nominated to fill the vacancy in the Office of the Vice President. I also suggested that the Congress should consider changes in the 25th amendment, and my purpose today is to develop these thoughts further.

I have no partisan purpose in suggesting that Mr. Ford should resign; far from it. I simply believe that his resignation would remove the present ambiguity involving his position and allow the House to proceed with its consideration of his nomination without running the risk of having its own judgment questioned.

From the constitutional point of view, we know that it would be impossible for a man to be a Member of the Senate and at the same time serve as Vice President. In the only case that remotely resembles the present situation, a Vice President resigned immediately upon his election to be a Member of the Senate. In this case, it seems to follow that Mr. Ford cannot be a Member of Congress and Vice President at the same time. But I believe that he should resign now, rather than await confirmation.

Already, Mr. Ford is enjoying many of the perquisites of Vice President. He has received the secret information that a potential President alone receives; he enjoys the use of offices in the Executive Office Building; he is accorded Secret Service protection; and he enjoys use of the Presidential fleet of aircraft. Politically he is already performing the chores of Vice President; his work is now not to represent the people of his district, but to represent the views of the administration he has been nominated to serve in. I do not claim that any of this is improper, but it is all clear evidence of his new status. Mr. Ford is now much more than a Member of Congress, and his political function is no longer that of a Member of this body.

I believe that if Mr. Ford would resign, he would make clear his new status, and make clear his respect for the institution that he has served so long and well. We are, after all, an independent and equal branch of Government, and it would be a mark of his understanding and respect of that, if he were to resign.

Beyond this, I believe that such an action by the distinguished minority leader would publicly demonstrate his faith that the Congress will act on his nomination rapidly and favorably. His resignation would also clear the way for selection of a new minority leader, thereby easing the transition problem that the House must sooner or later confront—and the sooner, the better. If Mr. Ford is confirmed, the minority must select a new leader. He will have to spend some time getting organized and establishing proper communication with the Executive, which is most important in these urgent times. The better that such a transition is made, the better it will be for the House. And if in the remote event Mr. Ford is not confirmed, his value and use as a House leader would be very low or nonexistent, in which case it would be best for all parties if he did not occupy his leadership position.

I do not offer this suggestion without having given it considerable thought, nor is it inconsistent with advice that I have given Democrats. Fundamentally, I do not believe that anyone in an ambiguous position can make his political case fairly, or be judged on his own merits. Let me cite an example. A sitting Vice President who runs for President starts in an ambiguous position. He is placed in the position of being at once his own master, and of having to defend policies that he might have had nothing to do with, or even agreed with. Thus, when Richard Nixon ran unsuccessfully for President, he faced the problem of having to establish his own policies and his own image while at the same time defending those of the man he was trying to succeed. He failed to be elected. When Hubert Humphrey was in the race for President, he also was in the position of defending policies that he did not develop and probably disagreed with, and at the same time proving that he was his own man, with policies of his own. He also failed to be elected. I recommended to Mr. Humphrey that he resign as Vice President immediately after his nomination. In this way, his position would have been clear: he would have clearly shown his independence and his desire to have his proposed policies judged on their own merit.

I believe that Mr. Ford would do well to resign his position, so that he would immediately make it clear that he is independent of the Congress and speaking for his own nomination.

My thinking along this line has been consistent. Before I came to Congress, I opposed a process that allowed Lyndon Johnson—and I never admired any man more—to run for reelection to the Senate at the same time he was running to be elected Vice President. This dual race struck me as unfair to the Senate, by presenting it with a vacancy in case of Mr. Johnson's election, and unfair to the ticket, by giving the impression that he had little confidence in the prospects for his election.

I believe that it is incumbent on all public servants not only to make their personal positions clear and unambiguous, but to also respect the institutions they serve. Power must not be abused, and those having power must be discreet in their exercise of it.

It is plain that the Office of Attorney General is one of great power. The holder of that position has in his hands the enforcement of law, and his honesty and discretion in the exercise of his powers stands almost alone in preventing intolerable abuse of law and liberty alike, as we have seen in the first Nixon administration. Between the Presidency and the Attorney General there is a great deal of power. If either or both allows abuse, we are all losers, and if either or both allows political considerations to come before fair judgment, liberty is endangered. When President Kennedy announced that he would appoint his brother Attorney General, I advised against it, and asked Robert Kennedy not to accept the nomination if it were offered. I felt then, as I do now, that the Office of Attorney General had to be held by a person whose independence was clear, and who could not be considered a political agent of anyone. I believed that Robert Kennedy's nomination by his brother placed both men in an ambiguous position. Worse, it had the potential of politicizing an office that of all Cabinet posts, can least be treated as a political office.

So my position has been consistent and clear.

I believe that Mr. Ford would serve the country, the administration, and the House, itself, best if he were to resign. He would then be a nominee, plain and simple, and he would be perfectly free to conduct himself as an agent of the President. But as matters stand now, he is sworn to represent the people of his district in this House, and serving those two ends could result in conflicts between the political demands of his position as nominee, and his duties as a member of Congress. This might not happen—but it could, and it seems reasonable to say that since being a Member of Congress and a nominee for Vice President is not necessarily the same thing, one should be one or the other, but not both. I believe this in the same way that I believe one cannot be an incumbent Vice President and candidate for President at the same time.

I have also said that the 25th amendment should be changed.

One unfortunate thing about the 25th amendment is that it provides two ways, both unsatisfactory, in which a President could be declared disabled. Neither procedure would prove particularly workable in a time of great political turmoil, and both contain within them the seeds of political instability.

One method of declaring the President disabled would be for a majority of the Cabinet to notify Congress of the disability. But the Cabinet members are not elected to anyone, and they are in no way independent of the President. There is nothing that would suggest that any President would allow himself to be examined merely because the Cabinet suggests it. He would very likely dismiss any appointee who had the temerity to suggest that he was disabled, if he were conscious and functioning at all. And if the

Cabinet were to suggest that the President is mentally incapacitated, this act would appear as a kind of political plot. In fact, in any case wherein any question at all of the President's disability existed, the 25th amendment would require a Cabinet plot to declare him disabled. In a questionable case—which would include virtually any case involving a problem of mental incompetence, a majority of Cabinet officers believing that the President is disabled would have to assemble itself, without any one or all of them being dismissed. This would require a considerable amount of discretion, amounting to a plot. The Cabinet would not have an easy time proving its case, for the President would not have to submit to examination; he could confront the Cabinet with a demand for its resignation, which all members would have to tender. What would happen next anyone can imagine, but it would in no event be a neat resolution of the problem. It would be a wild contest for the control of Congress, which would have to decide the issue.

If the Cabinet majority idea is unworkable, so is the alternate procedure of setting up a special commission to determine Presidential disability.

The very idea of setting up such a commission today would cause the President to accuse Congress of working against him, by sowing the seeds of doubt about his capacity to hold office. He would undoubtedly veto a bill that attempted to set up a commission to determine Presidential disability. Yet such a commission would have to be set up in advance, if it were to work at all. In an emergency there would be no time to waste in setting up a commission. In a question of doubt, the situation would be so unstable that selecting a commission might prove politically impossible. And again there is nothing that suggests the President would have to submit to an examination by a commission appointed by Congress, any more than any one of us would have to submit to examination by somebody appointed by the President.

The 25th amendment aims to provide some way of removing a duly elected President if he is disabled to the point that he cannot carry out his duties. But it will only work if the President is so disabled that he cannot act for himself and resign. It is not intended to deal with any situation in which there is a shade of doubt. If it should ever happen that the amendment is brought into play when there is any doubt, the consequences will be ruinous—on the one hand, a precedent would be set for cabalistic plots by disgruntled members of the Cabinet, and, on the other, the President would be faced with a direct challenge by Congress.

We are seeing today conditions of political instability. Irrevocable events have been set in motion, and no one can say where they will end or lead. In the face of this, we have to understand that, among other things, the 25th amendment is as much a progenitor of instability as anything else. It might well lead to enormous difficulties if present conditions worsen, as well might. We have already seen unimaginable things take place, and we have to consider now whether we have created a problem with the 25th amendment, rather than solved one.

We are in uncharted waters, in part because the 25th amendment confronts us with the need to replace the Vice President. The murky problems inherent in that have already faced us with the strange problem of confirming one of our own Members to serve as Presiding Officer of the other body—a confirmation that, unless the nominee resigns, will take place while he participates as minority leader. This was never anticipated. I suggest that while we are dealing with this problem, we ought to deal also with the potential destabilizing influences of the 25th amendment as it relates to Presidential disability.

PABLO CASALS

HON. JAIME BENITEZ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. BENITEZ. Mr Speaker, the people of Puerto Rico are deeply saddened by the death of Pablo Casals. I take this opportunity to include in the RECORD one of the many tributes to this noble person who was an inspiration and an example to all of us, not only as a master musician, but as a great man committed to great ideals. The following is an editorial by Ronald Walker, a former Nieman Fellow, that appeared in the San Juan Star of October 24, 1973. In my judgment, these words convey particularly well the significance that the loss of this great artist has for Puerto Rico.

PABLO CASALS

(By Ronald Walker)

I never really knew Pablo Casals personally. I met him only once, and that was backstage at the Casals Festival, as don Pablo was holding court in a small room off the stage at the university theater. He had just finished conducting a Beethoven symphony, and he appeared tired. Casals was sitting in a small chair, and his wife, Marta, was standing beside him, smiling slightly as the concert-goers came to pay respects to don Pablo. Others stood outside the door, as if afraid or reluctant to enter. It was a hushed scene. The only loud sounds came from elsewhere backstage.

Since 1962, I have been attending the Casals Festivals, not so much to watch Casals occasionally conduct the orchestra as to listen to those times when don Pablo played the cello. You could have been in the audience and not known who Pablo Casals was, but you instinctively knew you were in the presence of greatness. When Casals played the cello, there was not a sound coming from the audience, other than the occasional and predictable coughs. It was an overpowering sensation, this 90-plus year-old-man making music, conveying beauty and artistry in a universal language that needed no explanations, no embellishments.

When the last chords of a Casals cello performance died out, the audience would rise as one, giving a standing ovation to a man whose life and work will be remembered through the ages. You rose to applaud even though you did not like to do such a thing, thinking it somehow pretentious and perhaps non-egalitarian. But Casals was one of two great men in Puerto Rico—Munoz is the other—and acknowledging greatness needs no apology.

Most of us in Puerto Rico never really knew or saw Casals, but it was always comforting to know that he lived here. It was perhaps coincidental, but Casals' presence here came at about the same time of Puerto Rico's period of grandeur, and many are the people who yearn for a return of those years. They were the times when Munoz, as Governor, made the cover of Time magazine, and when he refused to accept more than $10,000 a year in salary; when Puerto Rico was constantly being visited by representatives of today's Third World countries, wanting to learn about the Puerto Rican example of rapid economic development; when Puerto Rico was being compared with Japan and Israel as the really progressive societies making such big strides forward from practically nothing; when there was a sense of excitement in the air, a sense of purpose; when Puerto Rico was being written about constantly in U.S. mainland newspapers and magazines. In short, Puerto Rico was a place where things were really happening.

These may all sound like "atmospherics," of surface appearances, but they are important to a society's perception of itself. Ceremony, though it runs the risk of appearing mawkish or artificial, has its place, and ceremony was what we watched Tuesday at the Capitol as Casals' body lay in state, a Catalonian and a Puerto Rican flag draped over his casket. During the early years of the Casals Festival, the arrival of Gov. Munoz and his party in the front row of the balcony was an important, even ceremonial occasion. Never mind, too, that many people who went to the Casals Festivals, resplendent in opening-night gowns and tuxedoes, didn't really understand or appreciate classical music (alas, frequent was the short-lived applause between movements of a symphony). What was happening was the celebration of a great artist, one who rarely comes along in the lifetimes of most of us.

Since then, we have had such vulgarities in Puerto Rico as the Miss Universe Contest; there have even been comparisons between that commercial extravaganza and the Casals Festival. That needs no further comment. But I can just picture what surely would have been the expression of indignation on Munoz's face if someone had seriously suggested to him at La Fortaleza then that the government of Puerto Rico should help sponsor such a contest—and then to suggest that it needed Commonwealth financial aid because the Casals Festival was also partly subsidized. It is all a matter of perspective.

Pablo Casals embodied all those qualities of greatness that we like to think rubs off on us. His presence in Puerto Rico was an inspiration, and while I am reluctant to say that his death means the end of an era here, in a sense it does. His memory will continue, of course; and his overwhelming presence will continue to be felt in the minds of all those who attend future Casals Festivals. But it will not be quite the same.

CORRUPTION WITHOUT PRECEDENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. RANGEL. Mr. Speaker, White House aides and supporters have been using the argument that in certain ways all politicians are crooked, all politics is dirty, and each administration has its scandals. To draw this conclusion from Watergate is false and unfair. I am sure all of us feel the effects of these types of statements that assault our personal integrity.

An article in today's Washington Post by William Raspberry explained the difference between past political scandals and the present White House nightmare, and makes the important point that the present attempt to excuse the corruption in this administration by tarring us all does a fundamental disservice to our political system.

The article follows:

Corruption Without Precedent

(By William Raspberry)

They're lying to us, you know. Or rather they're making us lie to ourselves, making us say that all politicians are crooks and thieves and that we've always known it.

They do it because it's their best protection. They've passed the point where they can convince us of their innocence, so they accomplish their exoneration by making it appear that guilt is so universal among politicians that it is useless to talk about cleaning up our government.

Why talk about throwing out any particular political rascal when his prospective replacement is, by definition, a rascal, too?

Well, it's not true. Not all politicians are crooks and thieves. Not all politics is dirty. Not all administrations are corrupt.

We have got to stop lying to ourselves and face up to the fact that this scandal-ridden national government is without precedent in American history. We know that when we stop to think of what used to constitute scandal: a few vicuna coats and deepfreezes, for instance, or a penny-ante Nixon slush fund. Even Teapot Dome, which shows up in the history books as a sort of low-watermark of political scandal, was nothing more than a money rip-off.

The current scandals involve money, too, of course. But they also involve systematic deception of the people, systematic subversion of government agencies and even of the Constitution, and systematic consolidation of power.

It's hard to remember now, but Watergate used to mean nothing more than the subversion of the electoral process—dirty politics—although even that attempt at subversion was of unprecedented scope.

But in later months, it came to encompass the President's secret police (the "plumbers") operating outside the law and specifically authorized to commit such crimes as burglary, illicit wiretaps; attempts to force CIA officials to implicate their agency in the scandals so as to limit the scope of the investigation; perjured testimony of high administration officials, and a variety of other crimes and improprieties, including milk deals, wheat deals, laundered cash and Lord knows what else.

And beyond the generic Watergate, there are the matters of the San Clemente deal, the tax write-off on a phony gift of Nixon papers, the Hughes-Rebozo funny money thing, and on and on. And that doesn't even count the Agnew disgrace or the fact that two former Cabinet officers are facing trial right now.

There may be precedents for some individual pieces of this scandal, but the package of them is unprecedented in size or boldness. And through it all, President Nixon seemed far less interested in discovering the breadth of the scandal than in keeping the rest of us from finding out.

No, this is not scandal as usual. It is much closer to being an attempted (and very nearly successful *coup d'etat*. For while the Watergate scandals and so-called White House Horrors were going on, something else was under way: a process of power consolidation that began with an innocent-appearing reorganization of the Executive Branch into strong and weak Cabinet agencies, with lines of authority running directly to the White House through the installation of former White House aides as assistant secretaries; that included the appointment of Nixon men to the Supreme Court; and that involved an attack on a derelict Congress, the third branch of government, through a combination of veto and impoundment.

And finally, the man was ready to declare himself above the law, immune to court orders and legal process. Not just over the Watergate tapes, either. The nation's war-making powers are supposed to belong to Congress. But the President proceeded to bomb hell out of neutral Cambodia without congressional consent, and then concealed the fact of the bombing from Congress. And incidentally, from you and me.

Political hanky-panky and a little money changing hands? No, sir. No, ma'am. They stole the government from us. No: *He* stole the government from us, and then tricked us into silly debates over executive privilege and tape recordings.

And now they're trying to make us believe that the country cannot endure the only process the Constitution provides for reclaiming our government. Impeachment is such a cataclysmic thing, you know.

Well, don't you believe it. The cataclysm has happened, and the only reasonable questions now are those that deal with the mechanics of impeachment.

CPA AT TVA AND FPC

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. FUQUA. Mr. Speaker, today I am going to introduce material on the proceedings and activities of two more agencies which would be subject to advocacy by a Consumer Protection Agency under bills now being considered by a Government Operations Subcommittee on which I serve.

As you may remember from our very heated debate on a CPA bill in 1971, legal advocacy rights is a very complicated subject. It is compounded by the fact that it is impossible for each of us to become totally familiar with the billions of Federal formalized proceedings and unstructured activities which would be subject to a CPA's advocacy under the various proposals.

The bills being considered by us are H.R. 14 by Congressman Rosenthal, H.R. 21 by Congressmen Holifield and Horton, and H.R. 564 by Congressman Brown of Ohio and myself.

In order to minimize any confusion during our upcoming debate on the CPA this Congress, I have been introducing into the Record lists of proceedings and activities of Federal agencies frequently mentioned as being in need of CPA advocacy. Rather than rely on speculation, I have asked these agencies to list their 1972 decisions which would have been subject to CPA advocacy under the present bills, divided into the various categories covered under the bills.

So far this month, I have introduced material from seven small agencies subject to CPA's jurisdiction under the bills—four of the financial regulatory agencies, the Cost of Living Council, the Defense Supply Agency and the National Labor Relations Board.

Today, I wish to concentrate on two agencies, one relatively small and one relatively large, both of which are concerned with matters relating to the energy crisis, a matter very much of interest to consumers.

The first agency is the Tennessee Valley Authority, an agency which some Senators on the Government Operations Committee last year unsuccessfully attempted to exempt from the CPA's powers. The second agency is the Federal Power Commission, one of the prime targets for a CPA according to some proponents.

It should be noted that the major difference among the bills involves the question of whether the CPA should have the right to appeal to the courts the final decisions of other agencies. Both H.R. 14 and H.R. 21 would allow the CPA such appeal rights, whether or not the CPA acted as an advocate before the agency—if the CPA did not so act as an advocate in the agency decision below, however, the court would have to make certain very minimal findings to allow the CPA to proceed with its appeal—an agency's refusal to act—that is inaction—would also be appealable under these two bills.

The Fuqua-Brown bill would not grant the CPA any power to appeal to the courts the decisions of other agencies.

A total number of actual 1972 decisions—not counting inaction—appealable by the CPA was indicated by the six small agencies from which I have previously introduced material. The FPC, as you will note, says that its CPA-appealable decisions in 1972 "are too numerous to list;" the TVA merely reports that it can be generally sued as a corporation, a factor enabling the CPA to challenge virtually everything the TVA does. Such appeal rights, I repeat, would be available under all but the Fuqua-Brown bill.

Mr. Speaker, for the reasons already stated, I now include in the Record the FPC and TVA lists of proceedings and activities subject to CPA advocacy under the bills now pending in the Government Operations Committee.

The material follows:

Tennessee Valley Authority,
Knoxville, Tenn., September 27, 1973.

Hon. Don Fuqua,
The House of Representatives,
Washington, D.C.

Dear Mr. Fuqua: We are including in the enclosure our answers to the questions presented in your letter of September 7 relating to pending consumer protection legislation. Please let us know if you desire any additional information.

Sincerely yours,
Aubrey J. Wagner, *Chairman.*

Response to Questions Contained in Representative Fuqua's Letter of September 7 Relating to H.R. 14, 21, and 564

Question 6. Will you please furnish me with a list of representative public and non-public activities proposed or initiated by your agency during calendar year 1972?

TVA is a program organization, among whose specific purposes are providing an ample supply of electric power in the area it supplies and the development and introduction of improved fertilizers. It has no regulatory functions relating to the interests of consumers, its sole regulatory function being the approval of plans for proposed facilities of others on the Tennessee River system. The TVA Board is required to charge rates for power set in accordance with the provisions of the TVA Act and of a Bond Resolution adopted pursuant to the Act. This is, of course, a quasi-legislative function and the Board's statutory obligation includes the requirement that power be sold at rates "as low as are feasible." Fertilizers produced by TVA are priced to encourage their use and distribution rather than to provide maximum revenue to TVA. The disposition of power and fertilizer by TVA is not subject to the provisions described in section 204(a) of H.R. 14, nor does it involve public notice referred to in section 206(a) of H.R. 14. While the applicability of the words "agency activity" to these and other TVA functions in carrying out the purposes of the TVA Act is not clear to us, the following are some of TVA's proposals or actions during calendar year 1972:

Condemnation of lands for TVA programs, including the power program.

Adjustment of wholesale and resale rates for TVA power.

Sale of power revenue bonds, the proceeds of which are used in financing additions to the TVA power system.

Payments in lieu of taxes to states and counties in which the power operations of TVA are conducted.

Revision of policy statement concerning payments in lieu of taxes.

Authorization of installation of new power generating units.

Approval of plans for construction of facilities in or along the Tennessee River and its tributaries affecting navigation, flood control, or public lands or reservations.

Authorization for alteration of the Southern Railway Bridge across the Tennessee River at Decatur, Alabama.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

There are no statutes providing for judicial review of specific TVA activities, but section 4(b) of the TVA Act makes TVA generally subject to suit in its corporate name.

Federal Power Commission,
Washington, D.C., September 18, 1973.

Hon. Don Fuqua,
House of Representatives,
Washington, D.C.

Dear Congressman Fuqua: This is in response to your letter of September 7, 1973, requesting information regarding this Commission's regulatory activities in 1972 as background for the consideration of legislation to create a Consumer Protection Agency (H.R. 14, H.R. 21, and H.R. 564).

Question 1. What regulations, rules, rates or policy interpretations subject to 5 USC 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Rulemakings initiated during calendar year 1972 are listed in the attached Appendix A.

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Rate cases and related matters before the Commission in 1972 are too numerous to list; however, a list of rate cases and related matters scheduled for hearings in 1972 is attached as Appendix B.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Administrative adjudications that were scheduled for hearing during 1972 are listed in the attached Appendix C.

Question 4. What adjudications under any provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during year 1972?

None?

Question 5. Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calandar year 1972?

Most of the categories of Commission adjudication which are not required by statute to be determined after opportunity for hearings are those concerned with the licensing and regulation of hydroelectric projects under Part I of the Federal Power Act. During 1972, hearings were held for the following:

Public Utility District No. of Douglas County, Wash. P-2149, license, August 15, 1972.

Power Authority of the State of New York, P-2685, license, January 4, 5, 6, 7, 28, and November 29, 1972.

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

A list of representative Commission activities, not otherwise covered herein by answers to the other questions is attached as Appendix D.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Under the provisions of section 313 of the Federal Power Act and section 19 of the Natural Gas Act final orders of the Commission may be appealed. Orders issued by the Commission in 1972 are too numerous to list, but a list of orders for 1972 that were issued with written opinions of the Commission is attached as Appendix E.

We hope the information provided answers your questions.

Sincerely,

John N. Nassikas, *Chairman.*

HOLY RESURRECTION ROMANIAN ORTHODOX CHURCH OF WARREN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Sunday, October 28, 1973, I had the privilege of attending the "Burning of the Mortgage Celebration" of the beautiful Holy Resurrection Romanian Orthodox Church in Warren, Ohio.

In just 7 short years, the approximately 200 parishioners of Holy Resurrection Romanian Orthodox Church, Americans of Romanian descent, have paid off the entire mortgage on their church. Without a doubt, the members of this parish are a deeply religious, hard-working people who have great love for their church and their country.

During the banquet, I had the pleasure of sitting beside His Grace Valerian D. Trifa, Bishop of the Romanian Orthodox Episcopate of America. A native of Romania, Bishop Valerian was a prisoner in a Nazi concentration camp during World War II and taught in a Roman Catholic school in Italy before coming to the United States. Bishop Valerian is a remarkable man, and I am very fortunate to have had an opportunity to speak with him.

Mr. Speaker, I insert excerpts from the parish bulletin and my remarks for the occasion in the Record at this time:

Holy Resurrection Romanian Orthodox
Church, Warren, Ohio,

BURNING OF THE MORTGAGE CELEBRATION
OCTOBER 27–28, 1973

Program

Saturday, October 27

5:00 p.m.: Vesper Service.

9:00 p.m. to 1:00 a.m.: Semi-Formal Dance.

Sunday, October 28

9:00 a.m.: Matins.

10:00 a.m.: Hierarchal Divine Liturgy.

1:00 p.m.: Festive Banquet.

Master of Ceremonies, John Ghindia, Jr.

Invocation, the Rev. Fr. Timothy Popovich, Parish Priest.

Introduction of Guests, Welcome and Thanks, John Hank, President of the Parish Council.

Flag Presentation, Congressman Charles J. Carney.

Principal Address, His Eminence Archbishop Valerian, the Romanian Orthodox Episcopate of America.

Benediction, the Rev. Fr. John Toconita, Secretary to the Bishop.

Burning of the Mortgage Committee

John Hank, General Chairman.

Co-Chairmen: Earl Maxin, Anna Finta, John Ghindia, Jr., Mary Barb, Vicky Trotogott, and Sylvia Florea.

The Romanian Orthodox
Episcopate of America,
Jackson, Mich., September 13, 1973.

The Holy Resurrection,
Romanian Orthodox Church,
Warren, Ohio.

Dear Father Popovich; Dear Members of the Parish Council: I received the good news that the day is approaching when your parish is putting an end to the burden of the mortgage incurred with the building of the new church.

Let us therefore give thanks to God, and the Father of our Lord Jesus Christ, the Merciful Father, from Whom all help comes.

But at the same time, let all those who put efforts and made sacrifices to reach this high point in the history of your parish be congratulated also.

Together with them, all the clergy and faithful of our Diocese are rejoicing. I am looking forward to be with you on the day of the burning of the mortgage, and in the meantime, I pray God to grant you all, spiritual prosperity, peace and happiness.

With blessings and best wishes.

Valerian,
Bishop.

My Beloved Parishioners and Friends: I cannot think of any more appropriate words to give expression to my feelings on this significant date in the history of our parish than those contained in St. Apostle Paul's first letter to the Corinthians: "Thanks be to God, which giveth us the victory through our Lord Jesus Christ" (I Corinthians 15, 75).

As we celebrate the burning of our mortgage, which is doubtlessly a major achievement of the faithful members of our parish, let us remember in the first place that our victory has been made possible by the grace of God, "through our Lord Jesus Christ," for "in Him we live, and move, and have our being" (Acts 17, 28).

Thanks be, therefore, to Almighty God for His inspiration, guidance and help, throughout the years of our aspirations and efforts to follow the call of the destiny in the fulfillment of this magnificent goal.

I have been privileged to be with this distinguished congregation from the earliest stages of planning, all along the building process of the new church complex, and right down to the moment of the payment of the very last installment on our mortgage, and I can truly say that whatever has been accomplished has been realized with the hard work, devotion and generous contributions of all the members of our parish.

Allow me therefore to congratulate all of you and give expression to my deep appreciation to our church organizations and auxiliaries, as well as to every single member of our parish, for the many sacrifices and outstanding services rendered to our Church.

I am earnestly praying for the good health, well-being and happiness of you all.

Fr. Timothy Popovich,
Parish Priest.

President's Message

It is with a great deal of pleasure that I take this opportunity to thank every member of our parish for a job well done. Our members have given many hours of this time in making our dream come true.

A special thanks to our parish priest, the Ladies' and Men's Auxiliaries, Parish Council, Sunday School teachers and AROY members who have devoted their time and loyalty to the church above everything for the past six years.

Also, many thanks to the co-chairmen of the Burning of the Mortgage Committee in making this day one to be remembered forever in the future life of their church.

John Hank,
President of the Parish Council.

Holy Resurrection Romanian Orthodox Church—Historical Sketch

1905: First Romanians to settle in Warren. They migrated here from other American cities and later started coming directly from Romania. The expanding economy of the city, which was budding out at the turn of the century, and its many opportunities, attracted workers to its welcome environment. Within the next few years the influx of newcomers took such an impressive rhythm that the ethnic group of Romanians in Warren grew to quite sizeable proportions.

1912: May 20, the Biruinta Society was founded to help members in their needs and problems and give them an opportunity for social life.

1917: April 15, Easter Day, First Romanian religious service in Warren, officiated by Father John Podea, the administrator of the just formed Deanery of Youngstown, in the local Episcopal Church. In the afternoon of the same day the Holy Resurrection Romanian Orthodox Parish was organized and the first council was elected. In a matter of several months over $10,000 was collected with the purpose of building a church and without delay a lot was bought on Vine Avenue for $3,500.

1918: October 16, the completed church building was blessed by a number of visiting priests under the leadership of Father John Podea. The building program totaled $20,000, aside from furnishings and religious appointments donated by members, which left a mortgage of about $10,000.

1919: A church choir was initiated by Father Octavian Muresan, who resigned his pastorate shortly thereafter.

1923: The mortgage of $10,000 was paid off.

1927: The Ladies' Auxiliary of the parish was organized.

1934: The church was extensively renovated, in and out, and a new roof was installed. On October 14th, the church was rededicated by a number of priests under the leadership of Archpriest and Vicar, Father Ioan Truta.

1949: The Sunday School of the parish was established.

1950: The A.R.O.Y. Chapter was founded. It was one of the youth groups which participated in formulating the National A.R.O.Y., and it hosted several of the winter A.R.O.Y. National Board meetings throughout the years.

On June 25th, the church choir was reorganized under the name of "Corul Invierea."

1956: The parish hosted the A.R.O.Y. National Convention.

1965: Two adjacent lots on North Road were acquired for the purpose of building a new church complex. The lot designated for the church proper, with a frontage of 200 feet and a depth of over 1660 feet, was purchased for the price of $27,000, and the adjacent lot with a frontage of 80 feet and a depth of 300 feet, for the parish house was bought for the price of $5,500.

In the fall of 1965 a building committee was formed and Architects Wachter and McClellan were selected to do work with the building committee and design the new church complex.

1966: Preliminary sketches for the new church and parish house were reviewed a number of times with the building committee and were finalized in the spring of 1966. Bids were received for the works on August 1966. The Baker Construction Company of Ravenna, Ohio, was selected for the overall construction. Of the bids received on the parish house the Hank Brothers were selected to do the work.

The Ground Breaking Ceremony took place on June 19, 1966.

A couple of months were required for arranging financing with the Second National Bank of Warren, which approved a construction loan of $300,000, and construction started in the fall of 1966.

1967: The parish house was completed in the spring of 1967, by which time the foundation and walls of the church were erected and the framework was started in the early summer. On May 6–7, the 50th Anniversary of the parish was observed with services pontificated by His Grace Bishop Valerian, followed by an anniversary banquet.

In the course of the year all the real estate properties of the parish were sold for the total amount of $102,279.36, and the real estate liquidations funds, along with all other available church funds, were transferred to Second National Bank in an effort to reduce the bank loan to the lowest possible amount.

On November 26, the last Divine Liturgy was celebrated in the old church on Vine Avenue and beginning with the Sunday of December 3rd, the first Divine Liturgy and all subsequent Church Services were held temporarily in the new Social Hall on an Altar improvised on the stage.

1968: January through April, first interest payments on the construction loan were made. May 5, the new church is consecrated by His Grace Bishop Valerian, with the assistance of the clergy of the Episcopate. Regular payments on mortgage started in May, after the consecration of the church.

Summary of Contracts handled by Wachter & McClellan Architects, as of May 29, 1968:

Church-Fellowship Hall, Baker Construction	$291,180.00
Parish House, Hank Brothers	33,065.00
Architects, Wachter & McClellan	22,900.00
Sub-Contractors (Soil Borings & Survey, Electronic Bells, Inconostas, Carpeting, Pews & Screens, kitchen equipment)	38,495.00
Total	385,640.00
New Church Property, North Road (Approximately 7.9 Acres)	32,500.00
Grand total	418,140.00

1969: June 6–8, the parish is host to the ARFORA 21st Annual Convention.

1970: August 28–30, the parish is host to the 21st Annual A.R.O.Y. Conference.

1973: June 14, final payment on the mortgage was made. October 28, The Burning of the Mortgage.

Crucial Dates in the History of the Parish

Old church

Founding of the Parish: April 15, 1917.
Blessing of church: October 16, 1918.
Mortgage paid off: 1923.

New church

Groundbreaking ceremony: June 19, 1966.
Consecration of church: May 5, 1968.
Burning of mortgage: October 28, 1973.

The Ladies' Auxiliary

The Ladies' Auxiliary of our church was organized in 1927, ten years after the founding of the parish.

Many fine dedicated women for more than 50 years have given of themselves and their own possessions to strengthen our faith and to help the spiritual and material well-being of our church. This was accomplished with bazaars, bake and rummage sales, buying a needed item for the church, or visiting the sick and elderly. The ladies have always responded well and showed their Christian charity, by working for the benefit of our parish and Episcopate.

In the course of years, our parish had outgrown its facilities, and urban renewal claimed its sacred walls. In 1967 we watched with pride the construction of our beautiful new church. As it was being built, our thoughts were with the past generations who worked devotedly for the benefit of our parish and to whom rightful tribute should be given for this great moment.

The ladies of the Auxiliary, through their sacrifice of time, energy and money, have made a substantial contribution to the spiritual and material well-being of our new church. Presently, the Auxiliary is involved in a very exciting project, which we know will be most fruitful and satisfying. This project consists of decorating and furnishing a cultural room and library for the preservation of our precious traditions and customs left to us by our forefathers.

Unified

That's the word to describe our AROY Chapter this year. Each member learned the true meaning of this word through praying, working, and just having a lot of good times together. Each of us worked together to make our projects successful.

As president of our AROY Chapter, I feel that all the members have grown to understand one another better. I found that we could sit and talk through our future plans showing respect to all feelings or ideas. When our goal was set every person gave a helping hand, then felt proud with the results. If it were not for the parents' support, there might have been some discouraging times.

In the past five years a lot of work and great effort has helped pay off our beautiful church. Our parents have built a strong ladder for our future. Now it is up to us, the youth, to continue in their steps.

On behalf of our youth group, I would like to thank everyone who has helped make AROY a successful part of our church.

Yours in Orthodoxy,
Denise Rimar,
President of the AROY Chapter.

REMARKS OF CONGRESSMAN CHARLES J. CARNEY

In the book of Genesis we read the moving words spoken by Jacob of old after the dream in which he beheld angels ascending and descending between Heaven and Earth: "Truly the Lord is in this spot . . . how awesome is this shrine. This is nothing else but an abode of God, and this is the gateway to Heaven." Something of that spirit rests upon this Church today as we celebrate this mortgage burning ceremony marking fifty-six years of worship—of praise and prayer directed to God and to Christ, through the intercession of our Lady and all the Saints.

A Church is, of course, a building—a physical shrine, adorned with all the "beauty of holiness." But it is also a people, a community of pilgrims, a fellowship of souls, both in this life and in the world to come. It is the mystery of God's presence among men.

It is my privilege to bring greetings and best wishes to the members of this Church, to its priests and laity, and to its religious, and to share in your joy on this happy occasion.

These are troubled days for our nation and for the Church as well, days of change and turmoil, and, at the same time, days of opportunity and challenge. The churches of America are its mainstay in such a time, sources of faith, of love, of hope, of courage, and of stability, since 1917, this parish has borne faithful witness to the truth, has ministered to the spiritual needs of innumerable men and women, and has contributed immeasurably to the life of this community.

Your prayer at this time is one of Thanksgiving for blessings received and for blessings yet to come. May He who has guided this Church through its first 56 years continue to sustain and inspire all who worship at its altars. As God was with our fathers, so may he be with us.

SENATE—*Tuesday, October 30, 1973*

The Senate met at 12 o'clock meridian and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our Lord and Governor, whose glory is in all the world, we quiet our hearts and turn from the clash and clamor of the world, from the confusion of many voices, and the tumult of our times not that we may escape from it, but that we may face the perplexing maze of complex problems with strong spirits and quiet minds. Grant to the President of the United States, the Congress, and all in authority, wisdom, and strength to know and to do Thy will. Fill them with the love of truth and righteousness. Remove from us and all men both hate and prejudice that Thy children may be reconciled with those whom they fear, resent or threaten, and thereafter live in peace. Order the work of this Government by Thy wisdom and grant that what is done may be righteous and just in Thy sight. Lord, we commend this Nation and ourselves to Thy merciful care.

Through Him who is the way, the truth, and the life. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. John P. Saylor, a Representative from the State of Pennsylvania, and transmitted the resolution of the House thereon.

ENROLLED BILL SIGNED

The message announced that the Speaker had affixed his signature to the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Metcalf).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 26, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FLAT TOPS WILDERNESS, COLO.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 452, S. 702.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 702 to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 7, after the word "dated", strike out "December 20, 1972," and insert "October 1973,"; and on page 2, at the beginning of line 2, strike out "212,716" and insert "two hundred and thirty-seven thousand five hundred"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Flat Tops Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on map entitled "Flat Top Wilderness—Proposed," dated October 1973, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Flat Tops Wilderness within and as part of the Routt and White River National Forests, comprising an area of approximately two hundred and thirty-seven thousand five hundred acres.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Flat Tops Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The Flat Tops Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 4. The previous classification of the Flat Tops Primitive Area is hereby abolished.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that I may yield my time to the distinguished Senator from Illinois (Mr. Percy).

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

(The remarks Senator Percy made at this point on the introduction of S. 2616, to establish an independent office to investigate the Watergate-related offenses, are printed later in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. Robert C. Byrd) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I ask

unanimous consent that I may yield the time allocated to the distinguished Senator from West Virginia (Mr. Robert C. Byrd) to the distinguished Senator from California (Mr. Tunney).

The ACTING PRESIDENT pro tempore. Without objection, the Senator from California is recognized for 15 minutes.

PROPOSAL THAT PRESIDENT NIXON RESIGN

Mr. TUNNEY. Mr. President, the past year, for many Americans, has been a time of fundamental reevaluation of the nature of the Presidency and the role of the man who occupies that great office.

For several decades, our democracy has accustomed itself to an inexorable increase in Presidential power at the expense of the other two branches of Government. In public perception, the President's responsibilities as national leader have become sacerdotal as well as secular. A large number of Americans view the President not only as the Chief of State, but as the embodiment of national unity.

The trend to deify the President and attribute larger-than-life qualities to those who temporarily hold that office at popular sufferance is not the fault of any one administration or group of men. Rather it reflects an evolution in the power of the Presidency in the modern world and the increased influence of that office in our daily lives.

As a consequence of the high esteem in which Presidents are held by the country, recent events have shaken to the foundation the people's confidence in Mr. Nixon. These events include the secret and illegal bombing of Cambodia; the President's personally approved plan to burglarize and eavesdrop on domestic dissidents; the questionable Government-approved merger plan of ITT; the increase in dairy subsidies at the same time the milk producers were making large secret contributions to the President's reelection campaign; the $300 million subsidized sale of one-quarter of our 1972 wheat crop to the Soviet Union; the financial dealings involving the President's homes and his close associates; the notorious White House "enemies list" and attempts to use the Internal Revenue Service to punish those in disfavor; the massive exodus from public life of high ranking administration officials in connection with the Watergate scandal, after an unprecedented attempt by those same officials to cover up felonies, obstruct justice and allow a few minor functionaries and miscreants to take the rap; the reluctance of the White House to cooperate with the independent special prosecutorial team of Archibald Cox and voluntarily turn over tape recordings and documents; the firing of Special Prosecutor Cox and Deputy Attorney General William Ruckelshaus and the resignation of Attorney General Elliot Richardson; the transfer of the special prosecutor's office to the administration's own Justice Department; the decision to appoint a new special prosecutor without a mandate granting access to Presidential papers considered indispensable to the criminal investigation; the suggestion by the cumulative impact of all these Presidential actions that a new attempt to obstruct justice at the highest levels is afoot.

Taken together, these have undermined the confidence of the American people in the quality of leadership they are receiving from Mr. Nixon. They have led millions to question his innocence of involvement in any number of illegal acts presently under investigation.

It is not my intention today to pass judgment on Mr. Nixon's conduct as it relates to impeachment. Whether he has committed "high crimes and misdemeanors" or violated his oath of office to uphold the Constitution and execute the laws of the land are questions to be answered at a different forum at another time.

Nor do I envision that my remarks will have any impact upon the President's decision to remain in office. At his press conference on Friday, October 26, 1973, the President made it clear that whatever "shocks" are accorded him, they will not "affect" him and his conduct of his job.

I believe, however, that as one who loves his country, who is deeply concerned about the continuity of national leadership in a turbulent time, as one who is privileged to represent 21 million Americans in the U.S. Senate, I must speak what is on my mind because I believe a public trust demands honesty at the expense of cautious calculation.

President Nixon should resign the Presidency. He must leave office for the common good. The people do not believe him, and he has shamed them. He has burdened us by his persistent refusal to expose the purposes behind his official behavior and to subject the behavior of his subordinates to the cleansing light of public scrutiny. He fails to understand that the Presidency is an institution and that one serving in that exalted position cannot conduct his affairs as a private citizen using constitutional prerogatives to avoid legal culpability.

The poet William Butler Yeats wrote:

> Turning and turning in the widening gyre
> The falcon cannot hear the falconer;
> Things fall apart; the centre cannot hold;
> Mere anarchy is loosed upon the world.

I fear that if things continue for the next several months as they have for the preceding several months, the center cannot hold. Public cynicism will increase to the point that not only politicians will be held in disrepute but so will the political institutions themselves. Apathy follows apace, and once this furrow is plowed, can constitutional democracy long survive?

Having participated in the ITT hearings and the confirmations of the now deposed leadership of the Justice Department, I had hoped that the President, at some point, would speak forthrightly on the scandals that now isolate the White House from the American people. His most recent press conference seemed, once and for all, to foreclose such a possibility. His vehemence about the impregnable secrecy of his tapes and papers is now matched by a continuing public outcry unprecedented in the history of our republic. In a deluge of telegrams and letters, Americans are saying the President has forfeited their trust and their mandate. So far, I have received more than 18,000, of which some 17,000 call for his resignation or impeachment.

If the President were to resign, Presidential succession could be guaranteed in a number of ways. Normal constitutional and statutory procedures would, in the absence of a Vice President being confirmed by Congress under the provisions enumerated in the 25th amendment, elevate the Speaker of the House, Carl Albert, to the Presidency.

In the alternative, if the President resigned, his designee as Vice President, House Minority Leader Gerald Ford, if confirmed by the Congress, would succeed to the Presidency.

As between these two alternatives, the latter seems preferable to me, since Mr. Ford, if confirmed, would assume the full responsibilities and functions of the Presidency—rather than serve as Acting President under the Presidential Succession Act of 1947 until the next election in 1976. Further, the overwhelming mandate given the Republican Party last November would seem to entitle the country to a Republican President.

As a nation, we are strong enough, I believe, to follow the constitutional and statutory procedures for Presidential succession. We are not strong enough, I fear, to endure 3 more years of a Nixon administration. There is suspicion abroad in the land almost every time the President speaks or acts. When a military alert was called last week in a national emergency involving a confrontation with the Soviet Union, there was widespread and outspoken opinion that the alert was not necessary but simply was used by the President to divert attention from his domestic problems—in short, that he was endangering our individual and collective lives. Such suspicion may be unjust and even unworthy, but it is Mr. Nixon and his conduct of his high office that has created the climate that spread such a plague through our national life.

Our country simply cannot sustain 3 more years of such distrust, despair, and disillusionment. The mystical bond that unites the governed with the governor has been severed. In the name of common decency, Mr. Nixon should put his Nation ahead of himself and step aside so that the process of national renewal and revitalization can begin.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan (Mr. Griffin) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Oregon such time as he may require.

Mr. HATFIELD. I thank the Senator from Michigan for yielding.

(The remarks Senator Hatfield made at this point on the introduction of S.

2617, to prohibit the expenditure of funds to finance combat activity by the United States in the Middle East, are printed later in the Record under Statements on Introduced Bills and Joint Resolutions.)

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Clark). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HASKELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour, with statements therein limited to 5 minutes.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on October 26, 1973, the President had approved and signed the following acts and joint resolution:

S. 2282. An act to change the name of the New Hope Dam and Lake, North Carolina, to the B. Everett Jordan Dam and Lake;

S. 2486. An act to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Georgia, and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake"; and

S.J. Res. 164. Joint resolution to permit the Secretary of the Senate to use his franked mail privilege for a limited period to send certain matters on behalf of former Vice President Spiro T. Agnew.

REPORT ON THE HIGHWAY SAFETY AND NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACTS OF 1966—MESSAGE FROM THE PRESIDENT

THE ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce. The message is as follows:

To the Congress of the United States:

Ever since the Highway Safety and the National Traffic and Motor Vehicle Safety Acts were passed in 1966, the fatality rate on our Nation's highways has been falling. In 1967, the number of deaths per 100 million miles driven was 5.5. By 1972 it had dropped by 18 percent to 4.5.

A wide range of programs have contributed to this decrease, programs designed to increase the safety of our highways, our motor vehicles and the driving habits of our motorists. The full impact of many of these safety programs still has not been felt, and there is reason for us to expect still greater progress in the future.

Unfortunately, the success we have enjoyed in reducing the fatality rate has not been extended to reducing the total number of highway deaths. In 1967, 53,000 persons died in motor vehicle accidents of various kinds. By 1972 that annual toll had risen to an estimated 57,000—a truly shocking level.

The discrepancy between the falling rate of fatalities and the rising *number* of deaths is explained, of course, by the fact that the number of vehicle miles driven in this country increased by more than 300 billion between 1967 and 1972. The total mileage driven in 1972 was 1.25 trillion. In short, our safety measures, effective as they have been, have not been able to hold in check the total number of highway deaths occasioned by the vastly greater use of our highways.

My Administration is profoundly committed to the cause of highway safety. The annual toll which traffic accidents take in lives and in injuries is more than any society should have to bear. And the annual financial cost of traffic accidents is now estimated at nearly $50 billion.

It is my hope that this three-volume report on the Highway Safety and National Traffic and Motor Vehicle Safety Acts of 1966, by reviewing the challenge of traffic safety and by detailing our efforts to meet it, will increase our awareness and enhance our effectiveness in this vital field.

Richard Nixon.

The White House, *October 30, 1973.*

QUARTERLY REPORT OF THE ECONOMIC STABILIZATION PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

To the Congress of the United States:

I herewith transmit to the Congress the most recent Quarterly Report of the Economic Stabilization Program, covering the period April 1, 1973, through June 30, 1973.

The second quarter of 1973 was a time of tremendous growth for the American economy. Employment increased by over 1 million jobs. Our gross national product grew by $29.5 billion and real per capita disposable income reached a new high. On the international front, our balance of payments continued to improve significantly according to all major measures of the payments deficit. The basic balance deficit was reduced to an annual rate of slightly more than $3 billion in this period, as compared to a deficit rate of $9.8 billion for all of 1972.

Unfortunately, during this same period the rate of inflation continued its unsatisfactory rise. This increase reflected a strong growth in demand—both here at home and around the world—particularly for agricultural and petroleum products.

Accordingly, I decided to institute a 60-day freeze on prices beginning June 13. At the same time, I directed that plans be developed for a new phase of the Economic Stabilization Program. Phase IV, which was developed in extensive consultation with representatives of all segments of our economy, is now in effect.

I am convinced that Phase IV, combined with actions to increase supplies, a restrictive monetary policy, and restraint in Federal spending, will enable us to reduce the inflationary threat to our economic well-being.

With the cooperation of business, labor and the American public, we can achieve our goal of reasonable price stability and return our country to a strong and healthy free market system.

Richard Nixon.

The White House, *October 30, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Metcalf) laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of Senate proceedings.)

LETTER FROM A 13-YEAR-OLD STUDENT

Mr. HASKELL. Mr. President, I received a letter from a 13-year-old student in Colorado which illustrates far better than I can possibly articulate the lasting damage that will occur to this country unless we can solve the present domestic crisis.

I ask unanimous consent that this young lady's letter be printed in full in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Kathy Johnson,
Loveland, Colo., October 22, 1973.
Attention: Senator Floyd Haskell.
Senator Floyd Haskell,
New Senate Building,
Washington, D.C.

Dear Senator Haskell: I am a 13 year old girl, that sees my parents', my parents' friends, talking, discussing, and giving opinions. What about me? Even though, I am not a registered voter; I feel myself as part of our future governmental leaders. I too have a voice in the issue of what is happening to my future. What can I do to voice my opinion of what I feel about my future government.

Please, don't let me down. This is what I feel about my country:

We young people of the U.S. will someday be a part of this country's government. If you (the representatives) don't do something about the nation's crisis, we will be facing the same problems in the future, but probably worse. With all the lying and cheating going on by many American leaders, such as Richard M. Nixon, our (use to be) free country is being ruined by many people's wrongdoings. We, the nonvoters (yet), are the ones who are going to have to suffer.

I am writing this letter on Veterans' Day. In other words, I am trying to say, our boys went overseas to fight for our country and died for it. I wonder what these young men would think if they were now here listening and hearing what is now going on.

In the last year, I have lived through so much American history of Presidential aids indicted, the Vice President resigning, and President Nixon hiring and firing men he wanted, it just makes me sick to think I have to grow up in a future government like this.

Thank you.
A voter in 5 years,
Kathy Johnson.

THREE HUNDRED HINTS TO SAVE ENERGY

Mr. HUMPHREY. Mr. President, we are currently facing the likelihood of a serious energy shortage this winter. While a major new research, exploration, and development program is essential to meet our Nation's long-term supply needs, only a concerted effort to use the current supply of energy more prudently will bring us through the next several winters without serious economic loss and personal hardship in some areas. Experts indicate that energy waste in the United States today is 25 to 40 percent of total consumption. That seems like a very high figure. But apparently there is considerable documentation to support it. They also tell us, however, that substantial energy savings are possible if we become more "energy conscious" in our homes, automobiles, and places of business.

Today we are finally aware of our energy deficiency and are, hopefully, in the process of sobering up after all these years of "energy binge."

Fortunately, a few people have been concerned with the need for energy conservation for many years and have been investigating specific steps that might be taken to save energy resources.

One individual who has been collecting such conservation tips for 15 years is Mr. John Muller, now a member of the staff of the U.S. Department of Interior. Over the years he has compiled, on his own time, a list of about 300 recommendations to conserve energy consumption in all phases of life. Mr. Muller is to be commended for his foresight in recognizing the problem and for the initiative he has taken to help all of us solve it.

Mr. President, I ask unanimous consent that this extensive list of energy conserving suggestions be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

A Compilation of Available Energy Conservation Measures

PREFACE

Note: This collection of energy conservation measures was assembled by a consulting engineer, Mr. John Muller, before he became a government employee. This document is not an official publication of the Department of the Interior. It is being made available at this time to stimulate thought on how energy can be conserved in America. Some of the ideas were original with Mr. Muller while others were gleaned from the literature and from conversations with engineers and officials working in the energy field.

Few of the measures have been thoroughly evaluated as of this date. Time undoubtedly will show that many of them are of little value.

The list is by no means complete. Undoubtedly many good ideas known to others have been overlooked and many more measures are still awaiting discovery.

Measures which are appropriate only for implementation during an emergency are identified by the letters (EM).

It is the intention of the Department to publish at a later date information on many of the measures listed. In the meantime, comments on these items are solicited as well as suggestions as to new items which should be added to the list.

John H. Gibbons,
Director, Office oj Energy Conservation.

INDUSTRY

Process steam

The largest industrial consumption of fuels is in production of process steam accounting for 40 percent of total industrial fuel and 17 percent of the total U.S. energy consumption. Oil refineries, pulp and paper plants, chemical plants, food processing plants, and others all require large quantities of process steam.

At the boiler plant energy can be conserved through:

(1) Improve operation so that optimum combustion efficiency is continuously maintained.

(2) Replace inefficient burners.

(3) Install air preheaters or economizers.

(4) Install additional extended surface in convection section.

(5) Install forced draft fans to improve draft conditions.

(6) Recover heat from boiler blowdown streams, using flash tanks or heat exchangers.

(7) Use waste heat boilers to recover heat from hot gases which otherwise would be discharged to air.

(8) Where feasible from economic and air pollution viewpoints, shift to fuels offering higher boiler efficiency than oil. A coal-fired boiler has a higher efficiency than oil. An oil-fired boiler has a higher efficiency than gas.

(9) Install tall stacks of generous diameter so that power needed for boiler fans is reduced or the need for fans eliminated entirely.

(10) Operator training program aimed at improving boiler-plant efficiency.

(11) Oil and gas can be conserved by burning coal, or solid wastes in any boiler or furnace having the capability of burning solid fuel.

Steam usage within the industrial plant can be minimized by such measures as:

(1) Select lowest possible steam pressure for any heating service and extract power from the steam in expanding it from boiler pressure to the pressure required for process.

(2) Install additional metering so that abnormal steam usage will be detected quickly.

(3) Install additional heat exchange surface to minimize temperature difference between the heating steam and the product being heated.

(4) Increase frequency of cleaning heat exchangers.

(5) Use flash tanks and heat exchangers to recover heat from hot condensate.

(6) Replace defective steam traps.

(7) Replace eroded blades and nozzles in existing turbines.

(8) Replace inefficient mechanical-drive turbines.

(9) Reduce cooling steam flow through idling turbines to the true minimum safe value.

(10) Reduce steam flow through pressure reducing stations to zero for all except emergency conditions.

(11) Where variable speed drivers are provided, reduce speed of pumps, fans, compressors, so that throttling of discharge steam becomes unnecessary.

(12) Reduce flow to flares to the minimum required level.

(13) Substitute multiple effect evaporators for single effect.

(14) Substitute vapor compression distillation for common thermal distillation where appropriate.

(15) Install waste heat boilers to recover heat from hot waste gases such as the exhaust of turbines.

(16) Install heaters to recover waste heat from hot water streams such as engine jacket water.

(17) Stop leaks of steam and condensate.

(18) Insulate all hot lines, vessels, and machinery.

(19) Replace standby steam turbines with automatic quick-start diesels or with electric-motor drivers served by an independent feeder.

(20) Stop venting of steam.

(21) In lieu of using heating steam, attempt to exchange heat between streams within a unit and also between units.

(22) Adopt more efficient heater designs embodying such features as flue gas recirculation. Process unit heaters with efficiencies in excess if 90 percent are now available.

(23) Increase frequency of cleaning boiler tubes and burners.

(24) Establish operator training program to teach techniques for operating efficiently.

Direct firing

Eleven percent of all the fuel burned in America is used in industrial direct heating processes such as in cement or steel manufacturing. Utilization efficiency can be increased through:

(1) Install heat exchangers to recover heat in exhaust gases.

(2) Install thicker insulation on furnaces, vessels, and ducts containing hot gases.

(3) Recover heat from hot material leaving process.

(4) Replace inefficient burners.

(5) Shift to fuel offering high efficiency.

(6) Install air preheaters, heated by hot exhaust gases.

(7) Install tall stacks of generous diameter, so as to minimize power required for furnace fans.

(8) Increase frequency of cleaning boiler tubes and burners.

(9) Establish operator-training program to teach techniques for operating efficiently.

Electric motors

Electric motors account for 8 percent of the nation's total energy consumption. The motors drive pumps, fans, compressors, machine tools, and other equipment. The current drawn by motors driving fluid-moving equipment can be reduced by such measures as:

(1) Substitute efficient new motors for inefficient old motors.

(2) Substitute new efficient pumps, fans, compressors, etc. for old inefficient equipment.

(3) Replace old eroded or corroded impellers in existing equipment.

(4) Substitute smaller motors where possible so that operation will be closer to the full load maximum efficiency point.

(5) Reduce impeller diameter where the generated head and capacity exceed the true requirements. (Horsepower is proportional to the cube of the diameter.)

(6) Replace discharge piping (and valves) with larger pipe so as to reduce the discharge head.

(7) Replace a plurality of small, inefficient pieces of equipment with one large unit having the same output.

(8) Shut off all equipment when not in use. In many cases it is appropriate to provide timer switches or other devices to do this automatically.

(9) Where capacity and head characteristics of pump, compressor, or fan exceed actual requirements by large margin, substitute motor driver having a lower speed and lower horsepower rating.

(10) Raise power factor through installation of capacitors and synchronous motor or

by operating the generator of a disabled turbine generator set as a synchronous condenser.

(11) Substitute electric motor drivers fed from an independent power source for standby mechanical-drive turbines.

(12) Increase size of conductor on feeders experiencing excessive voltage drops.

Other measures

(1) Revise criteria for evaluation of alternate processes and equipment selections so that the alternate selected is that one which offers the lowest total cost (including fuel cost) over the lifetime of the equipment or at least over a period of ten years or more. This measure would have a greater effect in raising the efficiency of energy use by industry than any other.

(2) In planning new plants, take energy consumption into account in the early design phase.

(3) Reduce flow of gas to flares to an absolute minimum.

(4) Burn all combustible waste as fuel.

(5) Stop all leaks from tanks, piping, pump seals.

(6) Adopt new and more efficient processes, abandoning the old and more energy-intensive processes.

(7) Increase usage of recycled material in the manufacturing process.

(8) Use hydraulic or gas expansion turbines to recover pressure energy from high pressure liquid and gas streams leaving a process unit.

(9) Use floating-roof tanks in lieu of cone roof tanks. If the latter is used, recover vapor lost from vents.

(10) Use aluminum and other basic materials from government stockpiles so that energy use associated with ore reduction can be avoided.

(11) Improve operating practices so as to avoid waste of fuel or other materials. This will probably require an operator training program.

(12) Produce solvents, alcohols, etc. by fermentation of wood wastes, grains, etc. so that demands for petroleum based solvents will be reduced.

(13) Impose tax on virgin materials so as to encourage use of recycled materials.

(14) Impose taxes to discourage use of nonreturnable containers for beverages and other commodities.

(15) Impose high tax on energy intensive materials such as nylon, aluminum, titanium.

(16) Shut down primary aluminum plants using instead aluminum taken from stockpiles. (EM)

(17) Develop heating and air conditioning systems to maintain comfortable conditions in the areas where people work and not the entire building, for example, in a machine shop there is little need to heat or cool the air which is 20 feet above the head of a lathe operator.

COMMERCIAL—INCLUDING GOVERNMENT

Space heating and cooling

1. Orient buildings so as to minimize solar heat load in summer and exposure to cold winds in winter.

2. A rectangular building with the long axis oriented to face north and south suffers less solar heat gain in the summer. With a 1 to 2½ side ratio, the building will use 29% less energy for cooling if the short axis faces north and south rather than east and west.

3. Erect one large building rather than a number of smaller buildings.

4. A building with a square floor plan has less surface exposed to the weather than a rectangular one and will require less energy for heating and cooling.

5. Build partially below grade and employ berms to reduce soar loads and transmission losses.

6. In orienting new buildings take advantage of existing buildings and trees to shield against excessive solar heat gain in summer and winter winds.

7. Install solar shades, balconies, overhangs, vertical louvers or awnings over windows facing south or west for summertime shading.

8. Design buildings for multiple uses. For example, one structure could serve as a school during the day, a community recreational center at night, a synagogue on Saturday and a church on Sunday.

9. For new buildings, establish maximum energy consumption values in BTU per square foot of floor space.

10. Design heating and cooling systems to maintain desired conditions for all but the 5% of the time during which the weather exceeds design conditions. (2½% is the usual design basis today.)

11. Design new buildings with openable windows or other means so that natural ventilation can be used to maintain comfortable conditions in moderate weather.

12. Make windows of heat reflecting, or heat absorbing glass.

13. In the north, minimize amount of windows installed in the north wall where no solar heating gain can be achieved in winter. In the south, put the greatest amount of windows in the north wall to reduce the summer solar heat load.

14. Utilize vertical windows in every other module in lieu of a continuous horizontal window band of the same area.

15. Install permanent or temporary storm windows on all windows of all existing buildings. In office buildings of glass curtain wall construction, storm windows of glass (or plastic) may be installed on the inside of the existing glass panels.

16. In all new buildings use double (or triple) glazing for all windows.

17. Install insulation in walls and roofs of buildings having none.

18. Convert urban commercial buildings to district heating using energy in steam extracted from power-plant turbine generators.

19. Prohibit installation of electric resistance heating or separate in-house heating furnaces or boilers in new buildings when district heating systems pass within 600′.

20. Reduce setting of heating thermostats controlling room temperatures in the winter to 70° F.

21. Raise thermostat setting in summer in air conditioned buildings to 78° F.

22. Install vestibule or second set of doors at lobby entrances to reduce loss of heated or cooled air.

23. Provide screen outside the building to shield doorways on north or west face of building from the wind.

24. Install automatic door closers where this will reduce loss of heated or cooled air.

25. Insulate and seal ducts passing through non-air conditioned space.

26. Eliminate window type air conditioning units, substituting central systems.

27. Stop use of the terminal reheat system to control humidity of air in air conditioned buildings.

28. A sufficient number of temperature control zones should be provided so that large areas outside the control zones do not become overheated or overcooled.

29. Relocate people within building during the day to take advantage of temperature variations. For example, in afternoons when rooms on south or west become too warm, transfer workers to rooms on the north side of the building.

30. Shut off building air conditioning equipment one-half hour before regular quitting time.

31. Do not start ventilating fans serving office buildings until mid-morning.

32. Reduce fresh air intake to building ventilation systems by shutting down fans or installing orifices in ducts.

33. Install heat pipes, heat wheels, or other heat exchange equipment to recover energy now lost with exhaust air.

34. Run air conditioning equipment only on really hot days. Open windows for necessary cooling on other summer days.

35. Run ventilating fans intermittently.

36. Shut off toilet exhaust systems where natural ventilation is adequate for odor control.

37. Ventilate storage and utility spaces with exhaust air from other areas requiring a higher load of air freshness.

38. Do not attempt to maintain same comfort conditions in corridors as in work areas.

39. Ban smoking in public buildings so that the amount of fresh air intake can be reduced.

40. Re-examine and revise as appropriate the limits established previously on the amount of air recycle permitted.

41. When not in use shut off exhaust fans at exhaust hoods in laboratories, hospitals and manufacturing plants.

42. Exhaust the heat and moisture released in kitchens and laundries directly to the outside.

43. Use natural draft cooling towers in lieu of mechanical draft towers.

44. Improve operation of a building through an operator educational program.

45. Improve maintenance practices to prevent energy loss due to leaks of steam and hot water, scale formation and corrosion in heat exchange equipment, plugging of filters, etc.

46. Use electric igniters in lieu of gas pilots on gas burners in furnaces, water heaters, etc.

47. Inspect, clean and adjust boilers and heating furnaces at least once a year to insure that they are operating at maximum efficiency.

48. Utilize trash as a boiler fuel in the building heating boilers. This will reduce amount of ordinary fuel that must be burned in the building and the fuel consumed in removing the trash and disposing of it.

49. Prohibit use of electric resistance heating in commercial buildings.[*] If heating is to be done with electricity, heat pumps should be used.

50. Avoid oversizing of boilers and heating furnaces, air conditioning, and other equipment.

51. Install small furnace to carry building load during mild weather; its efficiency is higher than a large boiler operating at part load.

52. Reduce piping friction and pumping power requirements through use of generously sized lines.

53. Reduce duct losses and fan power requirements through use of generously sized duct work and variable air flow heating and cooling.

54. Employ heating and cooling energy storage systems to reduce peak demands and improve overall efficiency.

55. Recover heat in warm drain water.

56. Utilize heat rejected from commercial refrigeration units for space heating.

57. Utilize only waste heat to melt snow from sidewalks.

58. Recover heat from remotely located lamp ballasts.

59. Install demand limiters to reduce the peak electric load. If this were done by all large power users, the electric utility could reduce usage of inefficient peaking units.

60. Install power factor correction equipment.

Water heating

1. Shut off heated hot water distribution system serving washrooms or reduce temperature of hot water to 110° F.

2. Use solar energy for water heating.

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[*] Except for occasional small portable heaters.

3. Wherever possible perform building cleaning with cold water in lieu of hot.

4. In buying new hot water heaters select a unit with high efficiency, with thick insulation on the shell.

Lighting

1. Design lighting for expected activity. (Light for the seeing tasks with less light (one-half or less) in surrounding nonworking areas).

2. In design arrange the lighting fixtures and fenestration in the most effective manner.

3. Use efficient light sources (higher lumen/watt output). For example, a fluorescent lamp is three times as efficient as an incandescent bulb.

4. Use more efficient lighting fixtures.

5. Use lighter finishes on ceilings, walls, floors and furnishings.

6. Wherever possible, use ordinary incandescent lamps, not the long life type. When extended service lamps must be used, select those with lowest power requirements.

7. Use one large bulb rather than smaller ones. For example, one 100 watt incandescent lamp produces more light than two 60 watt lamps.

8. In choosing fluorescent fixtures, choose a long bulb length since this will be more efficient.

9. Reduce light levels in areas where no close work is done by:

(a) Substitution of smaller bulbs

(b) Reducing number of bulbs left burning

(c) Use of dimmer switch (solid state type)

10. Perform cleaning of office buildngs during the day.

11. Where nighttime cleaning is necessary, require all cleaning personnel to work on one floor until the task is completed, then turn out lights and move en masse to the next floor.

12. Keep lighting fixtures and lamps clean and in good working condition.

13. Utilize high frequency lighting to obtain higher lamp performance.

14. Install lamp ballasts in non-air conditioned space to reduce the heat load on the air conditioning system.

15. Whenever illumination footcandle levels exceed 75, consider heat-of-light system which transfers energy from the interior zones to the perimeter.

16. Whenever additional lighting is proposed as a means to discourage crime, give careful consideration to achieving the desired effect in other ways such as by adding foot patrolmen or erecting fences with effective gate controls.

17. Turn off lights, heat, and air conditioning in unoccupied storerooms and closets.

18. Remove every third fluorescent lamp (and ballast) from ceiling fixtures. Shut off every other light in hallways.

19. Turn off all lights when not needed. Educate all employees to turn off the lights when they are the last to leave the room.

20. Require that in every room a wall switch be provided which will permit the lights to be extinguished when the room is unoccupied or when natural lighting is adequate.

21. Minimize display and advertising lighting. Shut down all such lighting after midnight.

22. Shut off unnecessary street lights.

23. Stop lighting of used car sales lots after midnight.

24. Reschedule night sports events to daylight hours.

25. Minimize interior lighting of office buildings at night.

26. Shut off most of the lighting in garages and parking lots, leaving only lighted corridors.

27. Stop outdoor illumination of buildings and monuments at night.

Miscellaneous

1. Prohibit use of non-reusable plastic cups, dinnerware and cutlery.

2. Stop unnecessary transfer of employees and their families by large corporations and by the military.

3. Extend the normal tour of duty at military stations to 4 years or more.

4. Shut down non-critical Army, Navy and Air Force bases.

5. Reduce the size of the nation's armed forces to the extent that the national security is not imperiled.

6. Eliminate flight pay incentives for those officers who do not absolutely need to retain their flying skills in order to perform their jobs satisfactorily.

7. Provide manually wound clocks in lieu of electric clocks.

8. Turn off automatic door openers.

NOTE: We are indebted to Mr. Fred S. Dubin of Dubin-Mindell-Bloome for a number of the energy conservation measures for commercial buildings listed in the preceding subsections.

AGRICULTURE

1. Slow down speed of farm tractor engines when not fully loaded. ("Shift up—throttle back")

2. Require all farmers to adopt the reduced tillage farming technique.

3. Substitute gated pipe irrigation of farms for elevated sprinklers.

4. Get more fresh produce to market to avoid energy investment in food processing.

RESIDENTIAL

Space heating and cooling

1. Insulate attics of existing homes to at least 6".

2. Insulate walls of existing homes to 3½" or more if possible.

3. Increase amount of insulation required for walls and attics of new homes.

4. Install on all existing homes storm windows made of glass or plastic sheets.

5. Install vestibule at most frequently used door.

6. Require that all windows in all new construction be dual pane (or a single pane plus a storm sash).

7. Weatherstrip and caulk all houses.

8. Plant deciduous trees and vines on south and west sides of homes to provide protective shade against summer sun.

9. Require that all roofs of new buildings be light in color.

10. Reduce airconditioning loads through better ventilation of attics. Louvers or wind powered roof ventilators are preferred over motor driven attic fans.

11. Take away tax advantage now enjoyed by people living in single family houses to encourage people to live in multi-family dwellings. They require less energy for heating and cooling.

12. Locate new large government installations in areas of the country where the climate is mild.

13. Encourage installation of solar space heaters by providing low cost loans on new homes with such equipment.

14. Service oil burners regularly to improve efficiency.

15. In winter reset home heating thermostats to 70° F (daytime and 60° (nighttime)).

16. In summer, raise thermostat settings to 78° F 24 hours/day.

17. Shut off furnace pilots in summer.

18. Draw draperies and shades in unoccupied rooms.

19. Close off unoccupied rooms, and turn off the heat.

20. Install automatic furnace flue dampers to stop loss of hot air up the stack during periods when the furnace is on the off cycle (Note: those dampers do not yet have AGA approval).

21. Install insulation around heating/air conditioning ducts passing through unheated/uncooled space.

22. Change gas and oil heating systems to multiple zone type so that temperature in unoccupied parts of the home can be set at a lower temperature.

23. Install heat recovery surface in furnace stack to increase overall efficiency of heating plant.

24. Provide single large efficient central air conditioning and heating plant to serve a number of houses or apartments.

25. Develop small, environmentally acceptable, total energy packages or fuel cells to supply heat and electricity for apartment houses or even for the individual home.

26. Encourage tearing down of old houses which are poorly designed and constructed and built with inadequate insulation and replace with new and better buildings.

27. Burn trash as fuel in heating boiler.

28. Limit window areas to 10 percent of the floor area or less.

29. Improve seasonal efficiency of furnaces, space heating boilers. Perhaps the government should impose minimum acceptable efficiency values (these minimum values to be reviewed every five years).

30. In urban areas, prohibit installation of heating furnaces or resistance electric heating systems in any new multi-family dwelling when district heating mains are located within 1,000 feet.

31. Eliminate tax laws and other institutional factors which make it difficult for district heating to compete with less efficient heating means.

32. Require that all residences built for the government be designed for minimum owning cost over the expected life of the home.

33. In the sale of a new or old home, require that an inspection of insulation and heating, air conditioning, and water heating equipment be made by an independent engineer and that his appraisal of the energy requirements of the building be furnished to the buyer before sale.

34. Require that a plaque describing characteristics of insulation and efficiency of space heating, air conditioning, and water heating plants be mounted in all new homes.

35. In apartment houses reduce energy added in air handling system by foregoing terminal reheat for humidity control, reducing intake of outside air, recovering heating or cooling energy in exhaust air and reducing duct velocities.

36. a. Install pressure switch and signal light to warn when air filter in hot air heating system is plugged, or

b. Clean or replace filter in hot air heating system monthly.

Water heating

1. Wash dishes by hand in lieu of using a dishwasher. (EM)

2. Minimize use of hot water for washing clothes. Wash in cold water using a modern cold water detergent.

3. Install insulation around hot water lines. Set water heater to 110° F.

4. Install heat recovery surface in drains from washing machine and dishwasher so that rejected heat can be utilized for space or water heating.

5. Improve design of water heaters.

a. Thicker shell insulation.

b. Recover heat in stack gases.

c. Provide devices to keep exchange surfaces clean.

d. Use washing machines and dishwashers only when a full load has accumulated.

6. Install solar hot water heaters on roof top or in the backyard to lighten the load on electric or gas fired hot water heaters.

7. Provide heat exchange equipment to recover heat in warm drain water.

Lighting

1. Design residences to make maximum use of natural light year round consistent with efforts to reduce heat flow through windows.

2. Eliminate gas yard lights.

3. R&D program to develop inexpensive durable switch which will automatically shut off lights in a room after the last occupant has left.

4. Prohibit installation in new homes of incandescent type lamps for kitchens, bathrooms and yard lighting, using fluorescent lights instead.

5. Conduct R&D program to develop a new fluorescent lamp with a mazda base that is interchangeable with existing incandescent lamps.

6. Install in the kitchen of all homes an indicating watt-meter showing instantaneous energy consumption of the household.

7. Avoid use of inefficient "long life" type of incandescent lamps.

8. Educate Americans to turn lights off when the last person leaves a room. Children are especially prone to forget to do this.

9. Adopt daylight savings time in winter.

10. Adopt double daylight time in summer.

11. Use lighter colors for walls, rugs, draperies, furniture, to reduce amount of artificial lighting required.

12. Never use artificial lights strictly for its decorative effect.

13. Keep lamps clean.

14. Utilize daylight whenever possible in lieu of artificial light.

15. Improve "operation" of the home.

a. Avoid use of appliances during peak load periods on the area's electrical power system.

b. Draw shades and blinds in unoccupied rooms.

c. Turn down thermostats at night in winter.

d. Keep outside doors closed.

16. Provide damper control for clothes dryers so that in winter the warm air leaving the dryer is discharged inside the house.

Appliances

1. Improve efficiency of refrigerators and freezers by such charges as:

a. In summer, discharge warm air leaving condenser out of doors.

b. Provide means to stop cold air falling out of the box when the door is opened. (The single large gasketed door can be replaced with 2 or 3 smaller doors. Or single hinged shields can be installed inside the box at shelf).

c. Increase amount of condenser heating surface provided.

d. Buy the manual, rather than automatic defrost refrigerator/freezer.

2. Educate consumers to select the more efficient appliances for purchase.

3. Prohibit manufacture of appliances having an efficiency below Government established minimum values.

4. Require that energy consumption of each appliance be shown on the nameplate, on the price tag, and in any advertisement or catalogue description of the appliance.

5. Require that all new gas appliances be equipped with electric igniters in lieu of pilot lights.

6. Dilute natural gas with air to reduce BTU consumption of pilot lights, yard lights etc. (EM)

7. Reduce energy required for cooking.

a. Redesign range burners and pots so that more heat enters the pot and less is lost to the ambient air.

b. Require thicker insulation in oven walls.

8. Develop new energy sources which can be located at the point of energy consumption, i.e., at the residence, such as small total energy plants, fuel cells, or even solar energy and wind powered generators. This will reduce transmission loss.

9. Provide government financial support for research aimed at developing more efficient applicanes, low cost insulation for existing homes, etc.

10. Unplug all existing quick-on TV sets when not in use. Prohibit manufacture of such sets in the future.

TRANSPORTATION

Automobiles

1. Impose excise tax on new cars based upon vehicle weight or fuel economy (miles per gallon) achieved when prototype car is tested.

2. Impose additional federal tax on gasoline.

These two measures will help bring about a shift in emphasis from high performance gas-guzzling cars to fuel conserving automobiles. New car buyers will have an incentive to select the most efficient models available in the marketplace. In turn, manufacturers will have an incentive to accelerate their efforts to develop (a) more efficient engines (such as diesels, stratified charge, etc.), (b) more efficient drive trains, (c) lower vehicle weights, and (d) better streamlined body shapes.

3. Impose an excise tax on optional equipment and accessories sold with new cars. These items consume energy directly and through increasing vehicle weight.

4. Remove import tariff on diesel propelled cars with the understanding that these tariffs would be re-imposed as soon as an American manufacturer offered cars with engines of comparable efficiency.

5. Require GSA to specify diesel or other high efficiency engine for a portion of its annual purchase of cars, with percentage increased each year.

6. Establish state operated inspection stations to check auto tune-ups every six months.

7. Install radial tires on all vehicles.

8. Remove emission controls from all vehicles. (EM)

9. On existing cars used primarily at highway speeds, increase engine torque and efficiency by substituting wheels of larger diameter for those originally provided. (This change cannot be accomplished on all cars).

10. Reduce the capacity of fuel tanks on new cars to minimize operating weight.

11. Do not fill gas tanks on existing cars over one-half full.

12. Reduce highway speed limits for passenger cars, trucks and buses.

13. Require that automobile manufacturers offer overdrive, or the modern equivalent, as an option on all vehicles.

14. Require that the Federal government make vehicle purchases in the future not on the basis of lowest selling price but on the basis of lowest total of purchase price and estimated cost of the fuel the vehicle will consume over a 10 year lifetime.

(16) Reduce frequency of lube oil changes.

(17) Collect all used lube oil and either burn as boiler fuel or reprocess.

(18) Require that all new air conditioned automobiles be light in color.

(19) Stop use of auto air conditioning on existing cars (EM).

(20) Use battery powered electric autos for urban driving. Oil and gas are saved if the batteries are recharged using electric power from a coal fired central power station.

(21) Urge drivers to "drive conservatively":

a. Avoid "jack rabbit" starts.

b. When stopped in traffic while going up a hill, don't use accelerator to keep the car from rolling back. Use the brake.

c. Drive at a steady moderate speed.

d. When stopping for more than a minute, turn off the engine.

e. Keep tires properly inflated. Underinflated tires waste fuel.

f. With an automatic transmission, accelerate gradually. With a manual transmission, get into high gear quickly.

(22) Require the fuel consumption of all new trucks and cars to be shown on the price tag affixed to the window by the manufacturer.

(23) Locate large commercial buildings near public transportation so that use of private automobiles will be unnecessary.

(24) Lighten weight of existing cars by removing spare tire and pack and bumpers. (EM)

(25) Provide additional fringe parking.

(26) Provide underpasses and overpasses at busy street intersections so as to reduce fuel presently wasted in accelerating and decelerating and idling of vehicles at street lights.

(27) Change traffic laws to permit saving fuel. For example, permit a vehicle to make a right turn at a red light after coming to a full stop.

(28) Straighten highways and make them more level to reduce load imposed on vehicle engines.

(29) Prohibit students and teachers from driving their own cars to school when school bus service is available.

Trucks

(1) Consolidate freight shipments.

(2) Limit urban truck freight deliveries to nighttime hours.

(3) Improve aerodynamics of trucks and trailers. This could require change in state laws to permit greater trailer length to accommodate extensions at the rear.

(4) Require installation of air shields on all tractors in line haul service.

(5) Permit tractors to haul additional trailers and/or larger trucks.

(6) Revise state laws to authorize truckers to haul heavier loads.

(7) Revise government regulations which prohibit a truck, not owned by a common carrier, to carry freight for others. Such trucks after making a delivery for the owner must now return empty.

(8) Revise government regulations which have the effect of requiring truckers to travel circuitous routes between origin and destination. To serve the smaller communities left without adequate trucking service, establish feeder truck lines.

(9) Relocate factories so that the amount of inter-factory shipments is minimized.

(10) Prohibit trucks from entering or leaving cities during commuting hours.

Bus

1. Increase the number of buses carrying passengers between city and suburbs. If new buses are not available because of a lack of funds or time, existing school buses could be used to carry workers to the city in the morning and bring them home at night. While the parents were at work, the school buses would perform their normal service of transporting youngsters to and from school.

2. Establish fast lanes for commuter buses and for commuter autos having four or more riders.

Airplanes

1. Increase loading factors of passenger aircraft to 70 percent from 50 percent.

2. Reduce idling speed of aircraft to the extent it is safe to do so.

3. Reduce cruising speed of commercial aircraft.

4. Prohibit airline flights between major cities when fast train service is available. For example, shuttle fights between Washington and New York could be eliminated.

Trains

1. Shut down locomotive engines when not in use.

2. Raise efficiency of locomotive engines through addition of superchargers.

3. Increase trackage and the number of railroad trains in service.

4. Improve efficiency of railroads in handling of freight and passengers.

Boats

1. Reduce boat speeds.

2. Straighten river beds so that the distances barges and ships must travel to deliver shipments is reduced.

3. Install device to collect and recover

unburned fuel from crankcase of all 2-cycle outboard motors.

Other transportation measures

1. Encourage greater use of the more energy efficient modes of transportation. For example, encourage rail or bus travel in preference over air travel. Encourage rail shipments over truck. Encourage truck shipments in preference to air. A tax on air travel and air freight (and a lesser tax on truck shipments) is one form of encouragement. A tax on all fuels is another.

2. Provide improved and extended urban transit systems. Lower the fares on urban transit systems.

3. Require that sidewalks be provided for all suburban streets located within one mile of stores to encourage walking to the store.

4. Direct all high government officials to set a good example by practicing energy conservation in their business and home life—giving up their government limousines, and using compact cars, commuting by bus, turning out unnecessary lights, wearing clothing made of natural fibers, etc.

5. Ban automobile and boat racing. These races themselves consume fuel; they stimulate interest in fast travel, fast cars and powerful engines, all of which is in the direction of higher fuel consumption.

6. Reorganize companies and government units so that groups which most frequently work together are located in the same building or within walking distance of each other.

7. Improve telecommunications (perhaps making telephone TV available at moderate rates), so that business travel can be reduced.

8. Provide bicycle paths in cities and suburbs.

9. Stagger working hours for large employers so as to reduce traffic congestion during the peak commuting hours.

10. Prohibit use of gasoline as a solvent.

11. Impose tax on all petroleum based solvents sufficiently high so as to encourage use of solvents made from wood, coal, grain, etc.

12. Discourage vacation trips by car and airplane.

13. Prohibit filling gas tanks to a level up in the fill pipe. This will minimize gasoline spillage after the car leaves the service station.

14. Prohibit employers from relocating executives (with their families and household goods) more often than every four years. Exceptions are to require prior government approval.

15. Stop compulsory school busing, allowing children within walking distance of a school to attend that school.

ELECTRICAL POWER GENERATION

(1) Require electric utilities to make power generating unit load assignments on basis of minimum oil and gas consumption and not minimum cost.

(2) Require all new fossil fuel fired power plants to burn coal or solid wastes (municipal wastes, lumbering wastes, etc.)

(3) Permit burning of oil or gas only when solid fuels are unavailable (EM).

(4) Expedite availability in the U.S. of an economical, practical, reliable SO_2 removal system. (The lack of such a system is discouraging use of coal as fuel in existing steam power plants.)

(5) Require process industries to sell to the local electrical utility any surplus power which can be produced from industrial noncondensing turbines.

(6) Install small unattended hydroelectric plants at undeveloped sites on rivers and lakes.

(7) Improve efficiency of stationary diesels driving generators by adding superchargers.

(8) Reduce voltage of electrical power systems during periods of excessively high demand. (EM)

(9) Reduce frequency of electrical power systems. (EM)

(10) Shut down AEC gaseous diffusion plants. (EM)

(11) Develop an economical method of storing surplus off-peak energy.

(12) Replace old inefficient hydroelectric turbine generators with modern more efficient units.

(13) Encourage adoption of more efficient power plants such as combined cycle plants.

GENERAL

1. Conserve energy in all sectors, industrial, commercial, residential, transportation, and power generation, by adopting these purchasing practices:

a. Buy products made of recycled material whenever available.

b. Buy products made of natural materials in preference to those made of man-made materials. Manufacture of a wool or cotton garment requires less energy than one made of synthetic fiber.

c. Buy garments made of fabric requiring little or no ironing. (A resolution of the conflict between this measure and item (b) above is required.)

d. Buy durable long-lived products in preference to cheaper substitutes which will soon require replacement.

e. Buy articles made of those materials which present best opportunities for recycling.

f. Buy the article made of the least energy-intensive material. For example, purchase of items made of aluminum should be avoided when a substitute made of steel is available.

g. In buying operating equipment such as automobiles, appliances, pumps, fans, compressors, boilers, etc., make the selection not wholly on the basis of minimum purchase price but on the basis of minimum owning cost over the expected lifetime of the article including the cost of fuels and electric power.

2. Impose an energy tax on all fuels at the time of first sale by the producer. To keep the tax from being regressive, concurrently reduce the income tax of individuals (and their payroll deductions) by an amount equal to the estimated energy tax payments of a family of modest means which uses energy prudently and avoids purchase of energy-intensive articles. Thus, only the families who are energy wastrels would end up with a net overall tax increase. No rebate of any type would be offered to industrial or commercial establishments.

TREATY OF EXTRADITION WITH DENMARK (EX. U, 93D CONG., 1ST SESS.)—REMOVAL OF INJUNCTION OF SECRECY

Mr. ALLEN. Mr. President, at the direction of the distinguished majority leader, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty of Extradition with Denmark, signed at Copenhagen on June 22, 1972 (Executive U, 93d Congress, first session), transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

The message from the President reads as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty on Extradition between the United States of America and the Kingdom of Denmark, signed at Copenhagen on June 22, 1972. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a new series of extradition treaties being negotiated by the United States and contains provisions for offenses of aircraft hijacking, narcotics, and conspiracy to commit listed offenses.

The Treaty will make a significant contribution to the international effort to control narcotics traffic. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1973.*

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

NUTWOOD WATERSHED PROJECT IN THE STATE OF ILLINOIS

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a work plan for the Nutwood Watershed project in the State of Illinois (with an accompanying document). Referred to the Committee on Agriculture and Forestry.

REPORT ON FINAL DETERMINATION IN INDIAN CLAIM CASE

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination with respect to Docket No. 198, the Confederated Tribes of the Warm Springs Reservation of Oregon, against the United States of America, Defendant (with accompanying papers). Referred to the Committee on Appropriations.

REPORTS OF DEPARTMENT OF DEFENSE

A letter from the Secretary of Defense, reporting, pursuant to law, disbursements made against the appropriation "Contingencies, Defense," for the current and prior fiscal years' obligations during fiscal year 1973. Referred to the Committee on Appropriations.

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on use of excess foreign currencies for military construction. Referred to the Committee on Appropriations.

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on the facilities project proposed to be undertaken for the Marine Corps Reserve at the Naval Support Activity, New Orleans, La. Referred to the Committee on Armed Services.

Report of Department of the Navy

A letter from the Assistant Secretary of the Navy (Installations and Logistics) transmitting, pursuant to law, a report concerning a Department of the Navy Shore Establishment Realignment Action at the Construction Battalion Center, Davisville, R.I. (with an accompanying report). Referred to the Committee on Armed Services.

Proposed Legislation To Amend the Small Business Investment Act of 1958

A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Investment Act of 1958, and for other purposes (with an accompanying paper). Referred to the Committee on Banking, Housing and Urban Affairs.

Report of National Railroad Passenger Corporation

A letter from the Vice President, Public and Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the average number of passengers per day on board each train operated and the on-time performance at final destination of each train (with an accompanying report). Referred to the Committee on Commerce.

Report of Environmental Protection Agency

A letter from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the annual report on Administration of the Ocean Dumping Permit program, dated August 1973 (with an accompanying report). Referred to the Committee on Commerce.

Proposed Legislation by the Department of Health, Education, and Welfare

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to improve the program of health insurance for the aged and disabled (with an accompanying paper). Referred to the Committee on Finance.

Seedskadee Project, Fontenelle Dam and Reservoir

A letter from the Assistant Secretary of the Interior, transmitting, for the information of the Congress, a major change is being proposed in the plan for the Seedskadee project, Fontenelle Dam and Reservoir. Referred to the Committee on Interior and Insular Affairs.

Proposed Concession Contract, Ross Lake National Recreation Area, Wash.

A letter from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract to continue to provide accommodations, facilities, and services for the public within Ross Lake National Recreation Area, Wash. (with an accompanying paper). Referred to the Committee on Interior and Insular Affairs.

Report of Equal Employment Opportunity Commission

A letter from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report listing all employees of the Commission, by name, title, grade, and salary, as of the end of fiscal year 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution from the employees of Southern Pacific Railroad, protesting the use of live beagle pups to test various jetplane toxic fumes, and so forth. Referred to the Committee on Armed Services.

A resolution from the Council of the city of Binghamton, State of New York, urging Congress to extend daylight saving time. Referred to the Committee on Commerce.

A resolution from the Cumberland County Democratic Committee, Portland, Maine, demanding impeachment of Richard Milhous Nixon. Ordered to lie on the table.

Petition from David M. Bowles, Albuquerque, N. Mex., in the matter of the impeachment of the President. Ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 174. Resolution relating to the U.S. commitment to the Southeast Asia Collective Defense Treaty and Organization (Rept. No. 93–481).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia:

Fred B. Ugast, of Maryland, to be an associate judge, Superior Court of the District of Columbia; and

William R. Stratton, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia.

(The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. SYMINGTON, from the Committee on Armed Services:

Lt. Gen. Alvan C. Gillem II (major general, Regular Air Force), U.S. Air Force.

By Mr. LONG, from the Committee on Finance:

Helmut Sonnenfeldt, of Maryland, to be Under Secretary of the Treasury.

(The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PERCY (for himself, Mr. BAKER and Mr. COOK):

S. 2616. A bill to establish an independent Special Prosecution office, as an independent agency of the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. McGOVERN):

S. 2617. A bill to prohibit the use of funds to finance any combat activity by U.S. military forces in the Middle East. Referred to the Committee on Armed Services.

By Mr. BELLMON:

S. 2618. A bill for the relief of Kria Malik Basiluos. Referred to the Committee on the Judiciary.

By Mr. McGEE:

S. 2619. A bill to provide for access to all duly licensed psychologists and optometrists without prior referral in the Federal employee health benefits program. Referred to the Committee on Post Office and Civil Service.

S. 2620. A bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. HASKELL):

S. 2621. A bill to declare a national policy that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution, to establish procedures and provide Federal funding for the purchase or condemnation of easements of access to the beaches for public use, to provide for administration of the national open beaches program by the Secretary of the Interior; and for other purposes; and

S. 2622. A bill to declare a national policy to protect and manage islands of the Nation which possess unique environmental, recreational, historical, and cultural values; to authorize a study by the Secretary of the Interior of our Nation's islands including recommendations of islands to be added to the national park wildlife refuge, and forest systems; to encourage the establishment of State islands conservation and recreation programs; to add to the Land and Water Conservation Fund and authorize the provision of a portion of the additional funds to State and local governments for the acquisition of islands and the purchase or lease of Federal surplus island property; and for other purposes.

Referred to the Committee on Interior and Insular Affairs.

By Mr. HUGH SCOTT:

S. 2623. A bill for the relief of Yee Wai Fung. Referred to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2624. A bill for the relief of Jose DePool. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2625. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled wives and husbands to unreduced wife's and husband's insurance benefits without regard to age. Referred to the Committee on Finance.

By Mr. BENTSEN:

S. 2626. A bill to amend the Federal Property and Administrative Services Act of 1949 and other pertinent statutes of the United States Code in order to establish Federal policy concerning the selection of firms and individuals to perform accounting services for the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PACKWOOD:

S. 2627. A bill to further the purposes of the Wilderness Act by incorporating French Pete Creek and adjacent roadless lands in the Three Sisters Wilderness, Oreg., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN:

S. 2628. A bill to amend the Investment Company Act of 1940 and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2629. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies and shareholders in such companies. Referred to the Committee on Finance.

By Mr. HUMPHREY:

S. 2630. A bill to establish a temporary Joint Committee on Foreign Trade. Referred to the Committee on Government Operations by unanimous consent.

By Mr. BAKER (for himself and Mr. BROCK):

S. 2631. A bill to establish a bipartisan Independent Special Prosecution Force and for other purposes. Referred to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2632. A bill for the relief of Rose Gipson. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 2633. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to prohibit the use of any name in connection with any prescription drug other than the official name designated for such drug by the Secretary of Health, Education, and Welfare. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2634. A bill to amend the Act of October 27, 1972, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. 2635. A bill to amend section 110 of title 28, United States Code, to provide a place for the holding of Federal District Court in Hackensack, N.J. Referred to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 2636. A bill to authorize supplemental appropriations for National Science Foundation Energy research and development. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 2637. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder. Referred to the Committee on Finance.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2638. A bill to provide for fire accident data collection, analysis and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and for other purposes. Referred to the Committee on Commerce.

By Mr. JACKSON:

S. 2639. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes. Referred to the Committee on Armed Services.

By Mr. SCHWEIKER:

S.J. Res. 167. Joint resolution to amend the Constitution relative to silent prayer or meditation in the public schools and public buildings. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (for himself, Mr. BAKER, and Mr. COOK):

S. 2616. A bill to establish an independent Special Prosecution office, as an independent agency of the United States, and for other purposes. Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, there must be a special Watergate prosecutor, independent and insulated from political pressure by either the Executive or Congress. This was my position last May when I introduced Senate Resolution 105, the original special prosecutor resolution, which was adopted by the Senate. It remains my position today. But now it is clear that stronger measures than those of last May are required to assure the American people that we have acted to preserve the integrity of the Watergate investigation and prosecution.

I am today introducing a measure, along with Senators BAKER, BROCK, and COOK, to establish an independent office to investigate the Watergate-related offenses. The President is authorized and directed to appoint, within 7 days of the enactment of this legislation, a special prosecutor and a deputy special prosecutor, subject to confirmation by the Senate.

Once confirmed, these two individuals would have full authority to take up where the Cox investigation left off, investigating and prosecuting all offenses against the United States arising out of the campaign and election for the Presidency in 1972. The actual powers given to the special prosecutor are based on the agreement reached between former Attorney General Richardson and Archibald Cox, and are the same as provided for in S. 2611. As in the Hart-Bayh bill, the office will exist for 2 years, except that any trials or appeals then in progress may be concluded.

Apart from the manner in which the special prosecutor and the deputy are appointed, the other major difference is in the manner in which the special prosecutor can be dismissed. Analogous to an independent agency, whose members are insulated from political pressure, the special prosecutor, under the provisions of my bill, can only be dismissed by the President for three reasons: malfeasance in office, neglect of duty, or violation of the statute which created his office. These are the same grounds which typically apply to members of independent agencies.

However, our bill goes even one step further toward protecting the independence of the special prosecutor by adopting the procedure which is used when the President proposes Executive reorganization plans to the Congress, and when the court proposes changes in the Federal Rules of Evidence. Should the President determine that one or more of the three grounds for dismissal had occurred, he would then prepare and transmit to the Congress a notice of dismissal. Either House of Congress would then have 30 days in which to pass a resolution of disapproval, which would prevent the dismissal from taking effect. If neither House of Congress did act, then the dismissal would become effective.

I believe that this approach is vastly preferable to having Judge Sirica appoint a new special prosecutor under the auspices of an act of Congress.

The judicial-appointment approach raises a threshold constitutional question which could delay the resumption of the investigation and the prosecution pending the judgment of the courts as to the plan's constitutionality. Or, worse yet, it could put in jeopardy any indictments or convictions obtained by the judicially appointed special prosecutor, should the court later judge such appointment and delegation of prosecutorial functions to be unconstitutional.

Professor Cox acknowledged this potential problem, even though he feels that such a plan is constitutional. On NBC's "Meet the Press," he said:

> But I have to say in honesty that there is room for argument on the other side (of the constitutionality of the judicially-appointed prosecutor) and the Congress will have to consider whether it is worth running the risk because if it is unconstitutional there would be further risk that indictments would be thrown out and justice would never be done.

On the other hand, Professor Cox readily acknowledges the constitutionality of the type of plan that I am proposing today. Our bill stays within the established precedent of having the President appoint and the Senate confirm, thus avoiding both a legal and an institutional confrontation.

Realistically, the President will soon name a special prosecutor and, if, as we all hope, it is an individual whom everyone will be able to fully support, can we then afford the confusion of having Judge Sirica also vested with this authority?

My legislation offers a chance to work with the executive branch toward achieving a common goal—convincing the public, beyond a shadow of a doubt, that impartial, fair, full, and nonpartisan justice has been done. This bill will allow us to take the President's nominee, wrap him or her in a cocoon of independence, much as we do with independent agencies, and allow that person to carry out the job that needs to be done.

Perhaps most important, this approach is necessary to protect the innocent. With the vast amount of publicity which has followed the Watergate investigation, the mere mention of a person's name raises the specter of guilt-by-association. Honorable individuals are in jeopardy of having their reputations ruined. In order to protect all of the innocent people connected with this event, we need to have a special prosecutor, who, because of the way he was nominated and confirmed, because of his integrity and independence, will be able to say, "Mr. X is completely innocent of any and all charges; I have found no credible evidence against him."

If the special prosecutor is subject to suspicion, justified or not, that he was influenced by political consideration, who will believe him when he says that "Mr. X is innocent"? But, if he is appointed and confirmed and allowed free hand to investigate and prosecute as set out in my bill, then the rights of the innocent will be guaranteed, and justice will indeed have been served.

This legislation is not intended to question the integrity of the Department of Justice or any of its employees. Indeed, both the former Attorney General and the former Deputy Attorney General, notwithstanding their high regard for Assistant Attorney General Henry Petersen, feel that a special prosecutor needs to be appointed so that the appearance of justice will be as clear to the American people as is humanly possible.

The President himself has taken that position. Where we differ is in how best to achieve that independent status.

I believe that the approach I am suggesting today is not only a responsible and practical approach to the problem, but also one in which the American people will have faith and confidence. The important point is that all of us in the Congress, along with the Executive, realize that we have a common goal. What we need to find is the best way of achieving that common goal—one that will serve the ends of justice, but one which does not put us on a course of constitutional and institutional confrontation. It is my firm hope that this legislation will broaden the discussion and provide a realistic proposal that can be accepted with a minimum of constitutional doubt, legal delay, or political and institutional confrontation.

Mr. President, I ask unanimous consent that the bill be printed in full at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the Independent Special Prosecutor Act of 1973

Sec. 2. The Congress hereby finds and declares—

(a) Alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions in the minds of all Americans of whether a full and complete investigation and prosecution of those crimes will proceed absent any partisanship or favor;

(b) Although the Justice Department is composed of men and women of the highest integrity and ability capable of conducting a fair, full and impartial investigation and prosecution of these alleged crimes, a significant doubt still remains as to whether the public need for the appearance as well as the fact of justice would be satisfied;

(c) The appointment of a Special Prosecution Force in the Executive branch of government on May 24, 1973, following upon the adoption of Senate Resolution 105, had begun the process of restoring the faith of the American people in the integrity of this Administration and in particular in the belief that the ends of justice were to be served;

(d) The dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, undermined this growing faith, and has plunged the country into a crisis of lack of confidence in its government and in those who have been elected to lead the government;

(e) In order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be returned to an independent prosecutorial force.

Sec. 3. There is hereby established an Independent Special Prosecution Office, which will have the responsibility for investigating and initiating prosecution of all offenses arising out of the Presidential election of 1972 and matters related thereto and arising therefrom, including all matters which were under investigation by the Special Prosecutor force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General Designate on May 19, 1973.

Sec. 4. The President of the United States is hereby authorized and directed to appoint (within seven days of the enactment of this legislation) a Special Prosecutor and a Deputy Special Prosecutor, by and with the advice and consent of the Senate.

Sec. 5. The Special Prosecutor is authorized and directed and shall have exclusive jurisdiction, to investigate, as he deems appropriate, and prosecute against and in the name of the United States—

(a) Offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(b) Other offenses arising out of the 1972 Presidential election;

(c) Offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(d) All other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. Sec. 0.37, rescinded October 24, 1973); and

(e) Offenses relating to or arising out of any such matters.

Sec. 6. The Special Prosecutor shall have power and authority with respect to the matters set forth in Section 5 of the Act:

(a) To conduct proceedings before grand juries and other investigations he deems necessary;

(b) To review all documentary evidence available from any source;

(c) To determine whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

(d) To receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security and if necessary contest in court, including where appropriate through participation in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(e) To make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(f) To initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file informations, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States, and

(g) Notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorney under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 26 C.F.R. 301.6103 (a)-1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

Sec. 7. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties enumerated in Section 5 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and Grand Jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 20, 1973.

Sec. 8. The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provision of title 5, United States Code governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other Department of Justice, or any other Department or agency of the Federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to, affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation, provided that only the Special Prosecutor and the Deputy Special Prosecutor shall have access to confidential or classified documents, records, files, or other such materials unless otherwise waived by the Attorney General or any other head of an appropriate agency.

Sec. 9. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

Sec. 10. Notwithstanding any other provisions of law, the Special Prosecutor shall submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

Sec. 11. The Special Prosecutor shall carry out his duties under this Act within two years, except as necessary to complete trial pending.

Sec. 12. (a) The Special Prosecutor and the Deputy Special Prosecutor may be removed by the President for neglect of duty, malfeasance in office, or violation of this Act, but for no other cause.

(b) When the President believes such violations have occurred, he shall prepare a notice of dismissal. Such notice of dismissal shall be delivered to both Houses of Congress, stating the reasons for such. The dismissal shall become effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the notice is delivered to it unless between the date of transmittal and the end of the thirty-day period either House passed a resolution rejecting such dismissal.

(c) For the purpose of subsection (b) of this section,

(1) Continuity of session is broken only by an adjournment of Congress sine die; and,

(2) The days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

Sec. 13. If any part of this Act is held invalid, the remainder of the Act shall not be affected thereby. The provisions of any part of this Act, or the application thereof to any person or circumstance if held invalid, the provision of other parts and their application to other persons or circumstances shall not be affected thereby.

By Mr. HATFIELD (for himself and Mr. McGOVERN):

S. 2617. A bill to prohibit the use of funds to finance any combat activity by U.S. military forces in the Middle East. Referred to the Committee on Armed Services.

Mr. HATFIELD. Mr. President, I send to the desk a bill which would prohibit the expenditure of funds to finance directly or indirectly any combat activity by the U.S. military forces in or over or from off the shores of any country in the Middle East, unless specifically authorized by Congress.

There has been a cyclical pattern developing in the Middle East over the past quarter century which needs to be broken if we are to avert further bloodshed and avoid the increasing likelihood of a military confrontation with the Soviet Union. The pattern, which is easily discernible, goes as follows: First, either the Israelis or the Arabs become dissatisfied with the status quo; both make threatening statements after there is no sign of meaningful progress toward a settlement; the United States and U.S.S.R. arm the respective sides with the most sophisticated weaponry; one side attacks the other; there is significant loss of life and material; the United States and U.S.S.R. send more arms to the troubled area, and wait for the next round to begin.

There is only one part of this cycle where the United States has any influence—the shipment of arms. Like it or not, the threat of using the only other source of influence that we have—sending our own Armed Forces to the area—would only compound the problem there. Our policy to date has yet to bear signs of success. Not only has our influence with Israel diminished, but also we have alienated former friends among the Arab States and created the very conditions which have allowed the Soviet Union to expand its bridgehead in the area, at our expense.

There still remain to be resolved the same problems that were in question in 1948 when the present State of Israel was created: secure borders, the status of the Palestinians, the rights of non-Jews in Israel and Jews in the Arab countries; and Jerusalem. Since 1967 there has existed the added problem of the status of the occupied territories. The scope of each of these issues has changed over the years, but all for the worse. The problems are much more complex, the feelings and emotions more intense, and the violence and potential for conflict much greater.

More than ever before we must examine calmly and thoroughly what exactly are our interests in the Middle East. Obviously they would include our humanitarian interest in the survival of the people in the area; securing the religious rights of every group; our economic interests in the area, most notably oil; the increasing Soviet influence; and avoiding any mistakes of the magnitude we made in Southeast Asia.

At this juncture, the Israelis have military control over an area even larger than what they had before this most recent war began. I can envision no circumstances requiring the use of our troops to come to the assistance of Israel. The administration repeatedly has stated basic principles for bringing a durable settlement to amend conflict in the Middle East, a primary point of which was articulated by Secretary Kissinger on October 25, 1973, when he said:

> The United States is even more opposed to the unilateral introduction by any great power, especially by any nuclear power, of military forces into the Middle East, in whatever guise those forces should be introduced.

However, the administration appeared to be prepared to contradict that policy, as they alerted U.S. troops around the world for possible action in the Middle East.

The central question is, What should we have done had the Soviet Union introduced troops into the Sinai, for instance, to protect the Egyptian 3d Army? The answer hinges upon judgments as to whether the threat would have been significant enough to American interests to introduce our own troops. Consider if, in the early 1960's, the Soviet Union had alerted its troops around the world when we began introducing our forces into Southeast Asia. How would we have viewed it? We certainly would have been wary, but we probably would have looked upon it as an overreaction, a gross miscalculation. I think the same analysis holds true for our reaction to the latest action in the Middle East. Not only was the alert a contradiction of our stated policy, but a miscalculation that could easily have escalated into a military confrontation between superpowers that the world dreads.

It is time we exercised greater responsibility in the Middle East. As arms suppliers to several countries of that region we have important responsibilities for the future well-being of the inhabitants of that area. Sending U.S. troops, however, is not the way to exercise a responsibility for peace.

If President Nixon had not vetoed the war powers bill, which would have provided a congressional check against the power of a President to commit U.S. troops overseas for extended periods, there would be less need for the measure I am introducing today. The vacuum remains, however, in the legislative branch—the absence of any effective check to the President's power to undertake "police actions" abroad or to wage undeclared limited wars. Our only present recourse in Congress is to attempt to cut off funds for such activities by attaching antiwar-funding amendments to a series of important bills in order to get one through the White House.

It is my firm hope that we shall declare and establish in law the principle that our military forces will not be placed in combat in the Middle East, unless there is a specific authorization by the Congress. Surely all those who have decried the past abuses of Presidential war powers, and who have seen the tragedy of our past involvements abroad, such as in Southeast Asia, can support such a proposition.

I trust that the Senate Foreign Relations Committee will approve his measure as a part of any granting additional military assistance to Israel or other countries in the Middle East.

Mr. McGOVERN. Mr. President, I have joined with Senator HATFIELD in sponsoring legislation to prevent any direct U.S. military involvement in the Middle East unless there is prior specific approval by the Congress. The operative language reads as follows:

> Notwithstanding any other provision of law, no funds heretofore or hereafter appropriated may be obligated or expended to finance directly or indirectly any combat activity by United States military forces in or over or from off the shores of any country in the Middle East unless the Congress specifically authorizes such activity by legislation enacted after the date of enactment of this Act.

The administration has requested some $2.2 billion in emergency security assistance for Israel, to replace the enormous equipment losses incurred in the past several weeks and also to prepare, if necessary, for a longer conflict. There may be some reduction in that request in light of the ceasefire. Yet it is certainly clear that substantial additional aid—well beyond the $300 million in credit sales originally requested—will be needed to rebuild and resupply Israeli forces to deter any further attack.

I hope the Congress will act with dispatch on that request. When appropriate legislation is introduced, Senator HATFIELD and I will reintroduce the bill we are offering today as an amendment. I frankly think the American people will be fully prepared to provide the help Israel needs, if they know that aid is not, in this case, as it has been in other cases, an automatic first step toward an American war.

In this connection I want to make it clear that our proposal goes to process, not to merits. It does not prejudge any future situation which might arise, rather it determines that the Congress must be involved in any decision to involve U.S. forces.

We must be aware that Israel is not Vietnam. The conflict in the Middle East is not a civil war; rather it is a democratic state struggling for survival. And Israel has never requested that American forces become involved.

Nor does this proposal signal any lessening of my firm support of appropriate steps to assure the security of Israel. We must continue our diplomatic efforts on behalf of a Mideast settlement which would guarantee Israel's right to exist with recognized, secure and defensible boundaries. And we must continue to provide the supplies Israel needs to maintain the military balance, to deter aggression, and to foster a peaceful resolution of this tragic conflict. The recent attack by Syrian and Egyptian forces has underscored once again the compelling need to reaffirm those obligations.

But at the same time, I think we must decide very clearly that no unilateral act by the executive branch will be permitted to bypass the constitutional authority of the Congress.

The American people are understandably concerned about the prospect that we may find ourselves at war in the Middle East. They know that in the past administrations have proclaimed inflated notions about the President's authority to decide on questions of war and peace. They also know that a very moderate war powers bill designed to curb those excesses has just recently been vetoed, principally because Mr. Nixon felt it interfered with his inherent power as commander in chief of the armed forces. Finally, they have seen a large-scale alert of U.S. forces—including strategic forces—in circumstances which suggest at the very least an excess of militance. I do not suggest that this was an effort to divert attention from Mr. Nixon's domestic political problems. But it certainly is hard to imagine what provocation there was that could have warranted steps toward nuclear war.

So given the past record, there is ample cause for alarm about what might happen next.

We all pray that the ceasefire will hold, and that negotiations between the parties directly involved will now proceed and prove fruitful.

But if that does not happen, and if the fighting should begin again, I think the American people deserve the firmest possible assurance that no U.S. forces will be sent in unless Congress specifically determines that such a step is in our national interest. Our system simply cannot stand another executive war.

By Mr. McGEE:

S. 2619. A bill to provide for access to all duly licensed psychologists and optometrists without prior referral in the Federal employee health benefits program. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, the bill I am introducing today would allow those Federal employees who are covered under the health benefits program to obtain the services of psychologists and optometrists without prior referral by a physician. Under many of the Federal employee plans, psychologist services can be provided only "at the direction and supervision of a psychiatrist or an attending physician." Access to optometric services is limited in a similar fashion. Enactment of this bill would avoid this lengthy referral.

I am hopeful the Committee on Post Office and Civil Service will have time in the near future to hold hearings on this legislation.

By Mr. McGEE:

S. 2620. A bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands. Referred to the Committee on Interior and Insular Affairs.

Mr. McGEE. Mr. President, today I am introducing a bill which would provide for an interdisciplinary commission to review the practice of clearcutting to be accompanied by a moratorium on clearcutting in our national forests pending the results of the commission's findings.

My colleagues are well aware of my long-standing interest in forest management policies and in clearcutting in particular. Clearcutting as a method of timber harvesting has been the locus of controversy for many years and its potential for devastation has been acutely evident in the national forests of my own State of Wyoming. The legislation which I introduce today is essentially that which I have introduced in previous sessions of Congress. But I am convinced the need for an impartial review of clearcutting founded upon factual data, is more critical today than ever before. The crucial relationship which clearcutting bears to the dark outlook for timber production in the United States, is that as a dominant method of timber harvest, it may mean an irretrievable commitment of our national timber resources. Studies of the environmental impacts of clearcutting, such as those conducted by Bormann and Likens in New Hampshire and by Bolle in the Bitterroot National Forest in Montana, seriously question the capacity of the forest environment to withstand the effects of clearcutting without regeneration. Simply put, the case has too often been that clearcut forests fail to regain their original level of productivity, either because regeneration fails, or the rate of regrowth declines. At a time when our national timber heritage proves itself evermore valuable, this unproven, possibly destructive, practice of timber harvesting continues undaunted in the face of questionable consequences.

The possible annihilation of our timber resources is more real today than at any time in our Nation's history. The national need for lumber seems to grow with each passing day. It has been suggested that by the year 2000, demand for timber will have outstripped the available supply by some 20.4 billion board feet. The realities of the future portrayed by figures such as these must surely keen our sensibilities to the need for care in the decisions which we now make. Hasty solutions to the timber problems currently facing the United States could easily devastate that which has for so long been touted as our "renewable resource."

Statistics for timber production in America point to the inescapable conclusion that our forest lands are dwindling. In a special article appearing in the Washington Post yesterday, author Shelby Scates noted that the cutting of American softwoods in 1970 was 47.7 billion board feet while the net annual growth was but 40.2 billion board feet. Thus, the net loss for 1970 alone was 5.5 billion board feet of timber.

The Post article furthermore states heavy cutting occurs for the most part in stands of old growth timber. What this essentially means is that we are living off the successes of nature and her ability to manage forests and yet claim these successes as our own. We must be careful, therefore, in the consideration of an uncertain future to recognize the distinction between the capabilities of nature and the capabilities of men. As of now, our needs are being supplied by the forces of nature rather than the preparations of men. The fouled world around us bears no proof that we will be the capable successors to nature's design for the productive perpetuation of our forests.

It is exasperating to me, therefore, to witness the gathering forces of those who propose expanded assaults upon our national forests. Crushed beneath the pressures of an aggressive timber industry and a cooperative administration, the Forest Service has agreed to a record timber harvest of some 13 billion board feet during the fiscal year of 1974. Yet the Forest Service has unconvincingly determined it to be in the best interest of the country to reduce its reforestation program by approximately 4,500 acres and timber stand improvement by more than 100,000 acres. During hearings before the Interior Appropriations Subcommittee, I asked the Forest Service to explain the rationale behind its decisions. I was informed the President felt the reduction necessary to hold the line on Federal spending to avoid further inflation. I am at a loss to name the principle of economics which asserts that one can stem the tide of rising prices by creating a scarcity of a vital resource.

It is this same dubious theory of economics which must stimulate the administration's willingness to inflame the matter further by our timber export policy. The real victims of this policy are the American people, who must not only pay higher prices for lumber and lumber products, but who must yield their claims upon our national forests in the interest of this questionable policy. Because a limit exists on the amount of timber which may be exported off national forests, the large timber companies simply export the timber from their own lands and process for domestic consumption that which they cut in national forests.

Mr. President, because I referred to Shelby Scate's article earlier, and inasmuch as it explores at length the critical relationship of log exports and the timber shortage, I would like to request that it be inserted at the conclusion of my remarks.

The fictions and fantasies which surround the issues of timber management cannot help but condemn us to errors which posterity shall not forgive. I have attempted to show the confusion and lack of foresight which shrouds the policies by which our national forests are being managed. I do not intend to claim that by the bill I offer today, these problems will be swept away. Nevertheless, with every passing year, we become more desperate for answers. And yet, with each of those years we delay once again, our choices ever fewer. We do not have the luxury to waste time, we must begin to dedicate ourselves to the search for solutions.

Of the solutions we seek, the practice of clearcutting must be of the highest priority. If we are to be frugal with our natural resources, and the statistics show we must, then it is essential we begin to account for that which we do. By its potential for wastefulness and destruction, the possible impact of clearcutting cannot go unstudied. I urge the Congress to act quickly on this legislation which will begin to answer the desperate questions we presently face.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 29, 1973]

LOG EXPORTS STIR DEBATE—WASHINGTON STATE: "TREE FARM" FOR JAPAN?

(By Shelby Scates)

PORT TOWNSEND, WASH.—A bulldozer's roar and the crash of falling hemlock mingled on a recent day with the morning fog and heavy sea-smell on a bluff above Discovery Bay where Capt. George Vancouver came in 1792 in search of a Northern Passage.

Vancouver had sized it up quickly. There was no Northwest Passage, so the explorer turned his attention to the landscape, "the abundant fertility that unassisted nature puts forth, that requires only to be enriched by the industry of man." It was, he wrote, a land worth claiming for Great Britain as a colony.

Now, a near-convoy of flatbed diesel trucks carries the slender, fallen hemlocks to a ship about 25 miles away for the start of a long and controversial journey across the North Pacific to Japan.

What Great Britain failed to retain, the Japanese, say some, are now claiming. An apparently insatiable Japanese demand and a bullish domestic housing market are consuming this abundant national resource almost as fast as industrious men here can enrich it.

Since Vancouver's explorations, the forests of the Pacific Northwest have seemed as inexhaustible as the waters that tumble out of the surrounding Olympic and Cascade mountain ranges.

But good men are now in sharp dispute or deep puzzlement over the effect of intensive tree cutting on the region's, if not the nation's, timber supply.

"Every expert I talk with tells me otherwise," said Rogers Morton on a recent Seattle visit. "But every time I fly out over the Northwest I have a fear in my heart that we are overharvesting our timber.

"No, I'm not convinced of the figures—anybody's figures on the supply situation."

Morton talks about it in a tone of exasperation, and there is little wonder. The statistics on timber supply for the next 25 years—the framework for the dispute—are themselves disputed.

"I have to be honest about it," says Gary Reid, the fourth-generation head of the Simpson Timber Co., "I have to acknowledge how few facts we have about this situation."

The bitter edge of this timber supply debate centers on the export of logs to Japan, which increased from 522 million board feet in 1962 to 2.8 billion feet in 1972, running log prices many times over their appraised value and scores of marginal mill operators out of business.

Those 1972 exports, most of them from Washington forests, would build about 300,000 average-sized American homes, but they also pad our balance of payments and keep the Japanese looking eastward for their economic ties rather than to the abundant forests of Siberia.

To the U.S. State Department, those are enormous considerations, a fact they've made known by word of mouth, if not letter, to interested parties here.

CAN'T FILL BUCKETS

Mill workers can't fill their lunch-buckets on Japanese good will, and they are sharply aware that logs passing through their saws create about four times more work days than raw logs passing through longshoremen on the way to Japan.

"There's no doubt," says Reid, a lean, thoughtful man who would seem as much at home in a college economics seminar, "that some jobs have been lost, even in recent years, because of the log exports."

He supports those exports, nevertheless, and officials of nearly every other major forest products firm do too. Their common reason is the severely cyclical nature of their industry and the hope—so far justified—that when the domestic market is down, the Japanese market is up.

Their affirmation of log exports is based on the faith, however shaky, that we are not cutting ourselves out of trees, even as we are beginning to burn ourselves out of oil, gas, and in the Northwest—electrical energy.

That conviction, however, is not shared by the Western Forest Industries Association, whose members are small mill owners dependent on the federal and state lands for their log supply.

RUN AT CAPACITY

"The mills aren't down yet," says Joe McCracken, of Portland, the association's director. "They're running at capacity. But one day there won't be a tree left. All we'll have around here is a sea of stumps."

Rep. Lloyd Meeds (D-Wash.), whose district includes the great Douglas fir forests of the Cascades and Olympics, likens it to the present energy crisis:

"Unless we change our ways, we're going to wake up one day almost out of lumber—and the day isn't long coming."

These men want to stop log exports and start funneling money into the National Forest Services so that it can begin growing trees with the expertise and intensity of a Simpson or Weyerhaeuser.

At the other extreme of this argument is the Weyerhaeuser Co., headquartered, like Simpson, in Washington State. Weyerhaeuser is a timber giant with a staggering $1.67 billion in net sales last year.

Weyerhaeuser's spokesman, the Marshal Foch of the costly campaign for continuing log exports, is Bernie Orell, a combative vice president who declares there is no way the United States will run out of timber.

"We're staying within a sustained yield," he said, "The Forest Service has been raising that phantom for more than 50 years. Joe McCracken needs the controversy to justify his existence. He's made a living attacking Weyerhaeuser."

Behind this polarization are the timber supply estimates, and the latest are from a U.S. Forest Service report last December.

The most hair-raising projection is based on a continuation of saw-wood prices at 1970 levels. It would make the timber demand 20.4 billion board feet greater than the available supply by the year 2000—clearly a "timber crisis" to match the looming energy shortage.

But even the man who prepared this projection, Don Gedney, a resource analyst for the Forest Service office in Portland, admits it's "unreal" not to expect an increase in those prices.

Given a 50 per cent to 60 per cent price increase, the outlook for the year 2000 is for 6.9 billion board feet in available supply over the timber demand.

The gross statistics of timber supply

The gross statistics of timber supply strongly indicate too much consumption. In 1970, the total of all softwood removals in this country was 47.7 billion board feet, while net annual growth was 40.2 billion board feet.

But these forest service figures for "annual growth" do not include timbers of less than 11 inches in diameter—a considerable portion of the timber harvest in the Southern United States.

What they do reflect is a heavy harvest of old-growth timber, timber past its 30-year to 70-year maturity.

Old growth, by all accounts, is falling fast in the Northwest, but it's of no matter, say the Weyerhaeuser experts, as long as timber is being grown to replace it on a sustained basis.

"My feeling is, yes, we can avoid a timber supply shortage and toss in exports, if there's adequate tree farming on the state and national forest lands," said Dr. Bruce Bare of the University of Washington's School of Forestry.

"But we have to be very careful about keeping the proper balance between the old growth and the sustained yield, or we could wind up with a big timber supply gap."

That gap would occur, for example, if all of the old growth were harvested in a single year, leaving the nation dependent strictly on the timber from new or sustained yield forests. It's not likely to happen.

"The next 25 years will be extremely fascinating," said Gedney. "The old growth will go and the nation will depend on sustained yield.

"I'm not going to argue with Bernie's (Orell) flat prediction that we won't have a serious timber shortage. Frankly, nobody has an absolute handle on the data that goes into these projections.

"My honest opinion is that the truth lies somewhere between Bernie and myself."

But Gedney is certain in one assertion:

"We're not going to have all the wood we want at present prices. There is going to be less wood available to us."

Of more immediate and passionate concern in the Northwest is the effect of this transition and the log exports on jobs.

"I know Weyerhaeuser owns all that timber in Washington state (about 2 million acres)," said Hugh Bannister of the Western Pulp and Paper Workers Union, "but to some extent it also belongs to the people of Washington.

"They deserve to have jobs made out of it. We've seen Weyerhaeuser move its plants to British Columbia and the South. If Washington becomes a tree farm, Weyerhaeuser makes a lot of profit. But when it does that, a lot of people are going down the tube.'

The Forest Service employment figures back up Bannister's contention.

With the anticipated increase in mill productivity and the decreasing log supply, the Forest Service figures the number of jobs in lumber, paper and woods products will decline from 121,000 in 1970 to 67,000 in the year 2000. During the same period, Gedney says jobs stemming from log exports will increase from 1,822 to 2,626.

Gedney attributes about 32,000 of these mill job losses to increased productivity, about 11,000 to decreased timber supply and 7,000 to Japanese exports.

His projections are based on the assumption that the Japanese will increase their demand for logs from the Washington "tree farm."

WOULD SAVE JOBS

"Of course," he noted, "if you ban the exports, you increase the timber supply, so that more than the 7,000 jobs would be saved."

As much as anything, these Forest Service figures set off last summer a battle in the Congress. The main aim was to stop log exports, and the Home building lobby joined McCracken's small mill owners.

Weyerhaeuser rushed full-force to head them off in the House and Senate committee rooms, and won eventually on skill and strength.

Weyerhaeuser is he General Motors of the timber companies, the leader in the substance, if not the style, of its industry.

Its rape-and-run forest practices are as far behind it as the crosscut saw and double-bit ax.

George Weyerhaeuser, like Reid a fourth generation chairman, is a progressive who sometimes exchanges views with Brock Evans, the Sierra Club lobbyist in Washington, D.C.

"If all the forests were managed like Weyerhaeuser's, there'd be no worry about the timber supply situation," said McCracken. "They are the best."

"George is very smart—and very aggressive," says Gary Reid. "I wouldn't want to cross him."

What giant Weyerhaeuser Corporation wants it usually gets. Two years ago, it wanted a fundamental change in the way Washington State taxes its timber and got its way.

Weyerhaeuser wants to export logs for a reason that is implicit in its 1972 annual report: Log exporting is big, easy money.

Japanese demand last year resulted in Weyerhaeuser's sale of $250.5 million worth of logs, the heart of a record-high operating cash flow of $301 million. (By contrast, the cash flow of another well-known Northwest timber company was $10 million. It doesn't export, however.)

REGENERATION CAPITAL

The company is quick to note that this cash flow provided the capital for maximum utilization of the logs and regeneration of their millions of acres of forests.

It also financed completion of a containerboard plant in Oklahoma, where labor is cheaper, and a pulp mill in Kamloops, B.C. As union leaders are quick to note, this is an erosion of the industrial base in the Northwest.

But, the company's managers and bookkeepers argue that it would not be profitable for the firm (or any other) to retool with finer cutting saws needed to process the odd sized lumber consumed in the Japanese market.

Besides, they argue without blinking an eye at the irony that the Japanese want to protect their sawmill industry.

Nor would it be profitable, they say, to expand newsprint facilities, despite the current shortage.

Something else, however, makes log exports all the sweeter for Weyerhaeuser and other companies. It is the 50 per cent tax break on corporate profits a firm can get by setting up a Domestic International Sales Corporation.

The idea, of course, is to beef up U.S. balance of payments, one of the international considerations that play in this controversy along with the lunch-bucket and the value of timber company stock.

When Sen. Robert Packwood, (R-Ore.,) presented his bill restricting log exports and banning them from federally owned land, Weyerhaeuser went to war. A House bill by Rep. Meeds to limit the annual export to 1.5 billion board feet and to require equal value in the export of finished forest products provided an additional spur.

A kind of war between the lobbyist mercenaries of Weyerhaeuser, led by Orell, and the small mill owners, led by McCracken, ensued in the corridors and committee rooms of the Old Senate Office Building where John Dean, John Ehrlichman and H. R. Haldeman played to millions before the Senate Watergate Committee.

BILL SLIPPED AROUND

Anti-export forces struck first. Helped by McCracken and their Washington lobbyist Joe Miller, Packwood slipped his bill around the powerful committee chairmen from Washington state, where Weyerhaeuser's political influence is mighty, and into the Senate Banking Committee where Packwood sits.

That meant avoiding the Charybdis of Jackson's Interior Committee, and the Scylla of Magnuson's Commerce Committee—a very tidy trick for a bill so heavily tied to commerce and federal lands.

Both Magnuson and Jackson are Democrats. Weyerhaeuser's relationship with Republican Gov. Dan Evans is no less comfortable.

Orell's counterattack pinned its hopes on stalling the bill until a projected late summer drop in housing starts could cool the enthusiasm and the muscle of the home builders, McCracken's allies of expediency.

Weyerhaeuser moved fast, hiring Hugh Smith, an attorney associated politically with Sen. John Sparkman (D-Ala.), a ranking member of the Banking Committee.

They also retained Charls Walker, a former Assistant Secretary of the Treasury, and a one-time (1961–69) executive vice president of the American Bankers Association, which has paid long and careful court to the Banking Committee.

Orell hotly denies Walker was hired strictly to gun down the Packwood bill, but he did recollect that the former Nixon administration official "did some work" on the measure. Others say Walker did a lot.

The battle turned, however, on Sen. Hubert Humphrey's agreement to have a hearing on the bill before his foreign agricultural policy subcommittee—but not until July 11.

Larry Merthan, the Washington vice president of Hill and Knowlton public relations firm and a former legislative aide to Humphrey for the July 11 hearing, according to Miller.

It worked. By July 11, housing starts had dropped and the Home Builders were quietly withdrawing from the warfare.

"We don't view Hill and Knowlton as a lobbying organization," said Orell of the public relations firm, which Weyerhaeuser, like several other giant firms with critical business on Capitol Hill, has on retainer.

"If we could have gotten it to the (Senate) floor before July 1, it would have passed," said Miller. "But after the drop in housing starts too many people had an excuse to vote against it. There wasn't any point in bringing it to the floor after that."

SEES FIGHT DOOMED

McCracken agrees. He thinks the coalition Weyerhaeuser worked out with the export-conscious farm bloc during their battle dooms any fight in the immediate future to get a total ban on log exports.

There is a ban on exports of logs cut on federal lands. Significantly, it's placed in the annual omnibus farm bill and subject to year-to-year renewal.

But it is a questionable prohibition, given the Forest Service's limited funds for tracing the ultimate fate of the logs they sell. They could, for instance, be traded several times before reaching a Japanese logship. More likely, they could replace at the sawmill the privately owned timber that's being exported.

There is a common ground among all these lobbyists. At least they pay lip-service to the idea that more money is needed by the Forest Service to apply to regeneration of the forests, if not for police work.

"That is the real key to the timber supply question," said Reid. "It's regeneration—how much land we are able to keep in timber production and how well we use that land.

"I hate to see the old forest go. But if we can get new trees in their place, there'll be more profit—and no shortage of timber."

As Vancouver suggested, it seems to be a race between man's industry and his greed.

By Mr. JACKSON (for himself and Mr. HASKELL):

S. 2621. A bill to declare a national policy that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution, to establish procedures and provide Federal funding for the purchase or condemnation of easements of access to the beaches for public use, to provide for administration of the national open beaches program by the Secretary of the Interior; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

A NATIONAL WATER-BASED RECREATION PROGRAM: THE NATIONAL ISLANDS CONSERVATION AND RECREATION ACT AND THE NATIONAL OPEN BEACHES ACT

Mr. JACKSON. Mr. President, I introduce today two measures designed to preserve and protect for public use our Nation's most valuable land—its beaches and islands. If enacted, these two measures—the National Islands Conservation and Recreation Act and the National Open Beaches Act—would, in effect, establish a national water-based recreation program to insure the availability of water-bordering lands for recreation and conservation purposes.

Mr. President, it has been estimated that our population will grow from 200 to 300 million in the next 30 years. The extent of the total American shoreline, will, however, be the same in the year 2000 as it is now. If action is not taken quickly, that portion of the shoreline which still possesses recreational, environmental, historical, and cultural values may vanish under the onslaught of other demands.

During the 10 years I have served as chairman of the Senate Committee on Interior and Insular Affairs, Congress has created 13 national seashores and lakeshores. In addition, the Land and Water Conservation Fund Act and the Federal Land for Parks and Recreation Act have provided better recreational opportunities within easy access of the cities. Last Congress, the Senate Interior Committee reported and Congress enacted into law proposals to create the Gateway National Parks virtually in the centers of New York City and San Francisco. In each of the last three Congresses, I have introduced and fought for a national land use policy bill to insure wise planning and use of our finite land base. Last year Congress enacted the Coastal Zone Management Act to provide for the proper management of our Nation's most critical land resource: The coastal zone.

But more must be done. Many beaches which were open to the public only a few years ago and many islands which were until recently undeveloped and accessible to all are now festooned with signs reading "Private Property—Keep Out," "No Trespassing—Private Beach," "Subdivision: Lots for Sale." Unfortunately, these are the signs of the times along our Nation's waterways and on its seashores. Inasmuch as the majority of outdoor recreation occurs around, and many of our Nation's richest natural environments exist near, water—whether it be streams, lakes, or seashore—steps must be taken to protect water-bordering land.

By encouraging the use of a variety of methods—reasserting a common law principle, purchase of access easements, leasing and acquisition of land, and employment of zoning and other land use controls—by all levels of government, the two measures I introduce today would insure the protection of our beaches and islands heritage.

THE NATIONAL OPEN BEACHES ACT

Mr. President, I introduce for appropriate reference the National Open Beaches Act.

The Nation's ocean shoreline is a resource which, as was reported by the Outdoor Recreation Resources Review Commission—ORRRC—in 1962 in a report entitled "Shoreline Recreation Resources," has been neglected by the Nation as a recreational resource. It has "largely been left for acquisition and exploitation by whatever public or private agencies desired to undertake its ownership, control and management."

Mr. President, it is my view that the ocean beaches of the United States are a part of the common heritage of all of the people, that they are impressed with a public interest, and that new means must be found to protect this great resource and, to the maximum extent possible, make it available for public use and enjoyment.

I first introduced the National Open Beaches Act in 1971. The bill I introduce today is similar to this earlier proposal.

This bill is designed to establish a simple legal presumption: namely, that the public has a basic right of access to and over the open seacoast beaches of the United States. This right is based on the recognition that the ocean beaches of this Nation have traditionally served as thoroughfares and havens for persons pursuing all types of travel, commerce and recreation. The bill recognizes that the concept of the beach as a common resource of all citizens is threatened by shorelines being fenced or enclosed upon assumptions which in many cases and in many States are not founded on clear legality.

The purpose of this legislation is best described by quoting from sections * * *

> By reason of their traditional use as a thoroughfare and haven for fishermen and sea venturers, the necessity for them to be free and open in connection with shipping, navigation, salvage, and rescue operations, as well as recreation, Congress declares and affirms that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power to protect such public right. In order to carry out the purposes of this Act, Congress deems it desirable to establish a program to encourage the States and the Federal Government to act jointly to protect the rights and interests of the people in the use of the beaches.
>
> No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches.

This measure, if enacted, would in no way affect the rights of littoral property owners. These rights are fully protected. The bill would establish procedures whereby easements for access to the beaches could, where necessary, be purchased or condemned for public use. Funds necessary for this purpose would come from the land and water conservation fund on a 25-percent State and 75-percent Federal matching basis.

Mr. President, the total shoreline of the United States, excluding both Alaska and Hawaii, is 59,157 statute miles. Of this total, 21,724 miles has been classified as recreation shoreline by the ORRRC study report. Of this total detailed shoreline only 1,209 miles—just barely 2 percent—is in public ownership and available, or potentially available, for recreational use. Of the area classified as recreational shoreline only 5.7 percent is available for recreational use. Table 4 from the ORRRC report breaks these figures down by major coastlines. Mr. President, I ask unanimous consent that this table be printed at this point in the RECORD.

TABLE 4.—MILEAGE OF DETAILED SHORELINE, RECREATION SHORELINE,[1] PUBLIC RECREATION SHORELINE, AND RESTRICTED SHORELINE, BY MAJOR COASTLINES

[In statute miles]

Shoreline location	Detailed shoreline	Recreation shoreline	Public recreation shoreline	Restricted shoreline
Atlantic Ocean	28, 377	9, 961	336	263
Gulf of Mexico	17, 437	4, 319	121	134
Pacific Ocean	7, 863	3, 175	296	127
Great Lakes	5, 480	4, 269	456	57
U.S. total	59, 157	21, 724	1, 209	581

[1] Recreation shoreline is measured by the same methods used by the Coast and Geodetic Survey. The total in this table and the State totals found elsewhere in the study are the result of including all such measured shoreline that meets the criteria for recreation shoreline as noted above. These figures will undoubtedly be different than data published by many States. While some difference in the totals may be attributed to the inability of this study to identify all public shoreline areas, a major reason for the difference is in the different criteria used by this study and by the various States in their reports.

Mr. JACKSON. Mr. President, the fourth column of the table, "Restricted Shoreline," refers to areas of "restricted military use." These areas amount to 581 miles, or almost one-half of the total Nation's shoreline which is presently dedicated to public recreational use. If, after the military use of this shoreline is completed, these areas could be dedicated to public recreational use, the amount of shoreline available to the public would be increased by a full 50 percent without any further expenditure of Federal or State funds.

On October 22, 1970, the President signed my bill, the Federal Lands for Parks and Recreation Act. This measure makes surplus Federal lands which are suitable for park and recreational use available to State and local government at little or no cost. The Federal Lands for Parks and Recreation Act provides a means by which surplus military shoreline may be dedicated to public use.

Table 5 from the ORRRC study report shows the status of the Nation's recreational shoreline by State, mileage, type, ownership, and development status.

TABLE 5.—ESTIMATED MILEAGE, BY STATE, OF THE U.S. RECREATION SHORELINE, BY TYPE, OWNERSHIP, AND DEVELOPMENT STATUS

		Type			Ownership			
					Public			
State	Total (miles)	Beach (miles)	Bluff (miles)	Marsh (miles)	Recreation areas (miles)	Restricted areas (miles)	Privately owned (miles)	Development status
Alabama	204	115		89	3	1	200	Low.
California	1, 272	283	883	106	149	100	1, 023	Moderate.
Connecticut	162	72	61	29	9		153	High.
Delaware	97	41		56	9	9	79	Moderate.
Florida	2, 665	1, 078	406	1, 171	161	122	2, 372	Low-moderate.
Georgia	385	92		293	5		380	Moderate.
Illinois	45	13	32		24	4	17	High.
Indiana	33	33			3		30	Do.
Louisiana	1, 076	257		819	2		1, 074	Low.
Maine	2, 612	23	2, 520	69	34		2, 578	Do.
Maryland	1, 368	40	912	416	3	113	1, 252	Do.
Massachusetts	649	240	288	121	12	6	631	High.
Michigan	2, 469	292	1, 959	218	357		2, 112	Low.
Minnesota	264	22	175	67	19		245	Do.
Mississippi	203	134		69		25	178	High.
New Hampshire	25	7	9	9	3		22	Very high.
New Jersey	366	101	33	232	18	15	333	Do.
New York	1, 071	231	590	250	47		1, 024	Moderate.
North Carolina	1, 326	285	260	781	139	42	1, 145	Low.
Ohio	275	20	195	60	9	5	261	High.
Oregon	332	133	181	18	101		231	Moderate.
Pennsylvania	57	9	44	4	19		38	Do.
Rhode Island	188	39	145	4	8	10	170	High.
South Carolina	522	162		360	9	10	503	Moderate.

State	Total (miles)	Type			Ownership			Development status
					Public			
		Beach (miles)	Bluff (miles)	Marsh (miles)	Recreation areas (miles)	Restricted areas (miles)	Privately owned (miles)	
Texas	1,081	301	421	359	5	18	1,058	Very low.
Virginia	692	160	118	414	2	26	664	Low.
Washington	1,571	121	1,294	156	46	27	1,498	Moderate.
Wisconsin	724	46	634	44	13	[1] 48	663	Do.
Total	21,724	4,350	11,160	6,214	1,209	581	19,934	

[1] Includes some Indian lands held in trust.

Mr. JACKSON. Mr. President, the ORRRC report presented some additional statistics which place the demand upon our public-owned beaches in perspective. Using their criteria that each person requires 150 square feet of beach space, the 1,209 miles of public recreational shoreline could only accommodate 2.1 million persons at any one time. This calculation is based upon the assumption that all of these 1,209 miles are prime beach shoreline, when in fact a significant portion consists of marshes, bluffs, and rocky beaches. In addition, many of the beaches best adapted for outdoor recreation are not readily accesible to urban areas where the need is greatest.

Recognition of the attraction of people to water is exemplified by the public pressures on the 46 national parks, seashores, lakeshores, and monuments managed by the National Park Service on our seashores or on the Great Lakes. These Federal marine areas have been heavily used, and the growing demand for quality recreation will continue to challenge efforts to maintain their esthetic values.

The 15 National Seashores and Lakeshores and the 111 units of the National Wildlife Refuge System managed by the Bureau of Sport Fisheries and Wildlife along our country's coastline will also realize significant increases in recreational usage.

It is apparent that more must be done to make our beaches more available to the public. In 1967, the Bureau of Outdoor Recreation published a report entitled "Outdoor Recreation Trends" which categorized the various outdoor recreation activities and projected the demands for each. The report concluded that the greatest increases would come in activities which were water based or water related. It was estimated that by 1980 swimming would be the number one outdoor recreation activity, increasing 72 percent between 1965 and 1980. In these same 15 years, it was estimated water skiing would increase 121 percent, boating 76 percent, hiking 78 percent, and camping 78 percent.

These statistics make it abundantly clear that there is a nearly insatiable demand for water-based outdoor recreation experiences. Maintaining the quality of the already overburdened public seashores will be a nearly impossible future task unless additional areas are set aside and opened to all Americans.

This is no new revelation. The National Park Service published a booklet in 1955 entitled "Our Vanishing Shorelines" which stated that—

> Present facilities are already inadequate and will be smothered by increased attendance unless additional recreation areas are provided.

Fortunately, many new areas have been established over the past 17 years. In the future, however, seashore suitable for recreation cannot be expected to be acquired in large quantities, primarily because of escalating land prices. Other approaches must be taken.

Mr. President, the need for additional public recreational opportunities on our waterfront areas was further elaborated upon in a 1969 report entitled "Our Nation and the Sea," prepared by the Commission on Marine Science, Engineering, and Resources. The report indicated that the existing publicity held marine recreation properties can never accommodate the pressures imposed upon them. As a result, the Marine Sciences Commission recommended that—

> Federal, State, and local governments should give primary emphasis to acquiring access to the shores for purposes of recreation, especially near urban populations. Steps short of acquisition should be used to the extent feasible but, when necessary to control coastal use, land should be acquired.

The report also concluded that all levels of government should take action to insure that provisions are made for public access to waterfront in many of the private development projects along the shore. The Commission felt that because many private developments involving landfills may adversely affect a resource that belongs to everyone, then the developer should compensate for filling in these acres by providing access to the public for the use of adjacent waters.

Mr. President, the predominance of private control and ownership of the Nation's beaches and the lack of public access raises some very important questions of law, of public policy, and of the responsibilities of State and Federal Government. One of the major questions posed in the ORRRC study was as follows:

> What is the right of the public in this limited resource, and is it superior to that of the private owner who has held domain for scores of years while public agencies ignored the resource?

The ORRRC study report went on to say that:

> This report is based on the assumption that the total physical shoreline of the Nation can and should be considered available for public development and use. No attempt has been made to evaluate the legal, political financial, and policy difficulties that would accompany attempts to place more of the national shoreline under public control and management. The report does not imply that it is feasible or desirable to espouse public ownership of the entire shoreline. However, it does recognize the public interest in the shoreline as a national boundary and the necessity to consider the entire shoreline when policies of shoreline recreation are being formulated.

The National Open Beaches Act addresses these and other important questions discussed in the ORRRC report. Hearings on this measure and preliminary legal studies will provide a basis which will allow Congress to determine what the Federal role should be in making the Nation's beaches accessible to the public.

Mr. President, I ask unanimous consent that the text of the National Open Beaches Act be printed in the RECORD at this point. I further ask unanimous consent that articles from the New York Times and the Christian Science Monitor; a speech by Mr. Louis E. Reid, Jr., Bureau of Outdoor Recreation; and a series of articles on the vanishing Eastern shoreline by John Fialka and Roberta Hornig in the Washington Evening Star-News be printed in the RECORD at the conclusion of my statement on, and after the text of, the National Islands Conservation and Recreation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1 at conclusion of statement on S. 2622.)

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Open Beaches Act".

DEFINITIONS

SEC. 2. As used in this Act the term—

(1) "Secretary" means the Secretary of the Interior.

(2) "Sea" includes the Atlantic, Pacific, and Arctic Oceans, the Gulf of Mexico, and the Caribbean and Bering Seas, and the Great Lakes.

(3) "Beach" is the area along the shore of the sea affected by wave action directly from the open sea. It is more precisely defined in the situations and under the conditions hereinafter set forth as follows:

(A) In the case of a typically sandy or shell beach with a discernible vegetation line which is constant or intermittent, it is that area which lies seaward from the line of vegetation to the sea.

(B) In the case of a beach having no discernible vegetation line, it shall include all area formed by wave action not to exceed two hundred feet in width (measured inland from the point of mean higher high tide).

(4) The "line of vegetation" is the extreme seaward boundary of natural vegetation which typically spreads continuously inland. It includes the line of vegetation on the seaward side of dunes or mounds of sand typically formed along the line of highest wave action, and, where such a line is clearly defined, the same shall constitute the line of vegetation. In any area where there is no clearly marked vegetation line, recourse shall be had to the nearest clearly marked line of vegetation on each side of such area to determine the elevation reached by the highest waves. The line of vegetation for the unmarked areas shall be the line of constant elevation connecting the two clearly marked lines of vegetation on each side. In the event the elevation of the two points on each side of the area is not the same, the extension defining the line reached by the highest wave shall be the average elevation between the two points. Such line shall be connected at each of its termini at the point where it begins to parallel the true vegetation line by a line connecting it with the true vegetation line at its farthest extent. Such line shall not be affected by occasional sprigs of grass seaward from the dunes and shall not be affected by artificial fill, by the addition or removal of turf or by other artifical changes in the natural vegetation of the area. Where such changes have been made, and thus the vegetation line has been obliterated or has been created artifically, the line of vegetation shall be reconstructed as it originally existed, if such is practicable; otherwise, it shall be determined in the same manner as in other areas where there is no clearly marked line of vegetation, as in paragraph (3)(B) of this section.

(5) "Area caused by wave action" means the area to the point affected by the highest wave of the sea not a storm wave. It may include scattered stones washed by the sea.

(6) "Public beaches" are those which, under the provisions of this Act, may be protected for use as a common.

(7) "Matching funds", as provided by a State, include funds or things of value which may be made available to the State for the purpose of matching the funds provided by the Federal Government for purchasing beach easements as, for instance, areas adjacent to beaches donated by individuals or associations for the purpose of parking. The value of such lands or other things used for matching Federal funds shall be determined by the Secretary. State matching funds shall not include any moneys which have been supplied through Federal grants.

(8) "Shore of the sea" includes those shores on the North American Continent, or land adjacent thereto, the State of Hawaii, free commonwealths, unincorporated territories, and trust territories of the United States.

STATEMENT OF POLICY AND PURPOSES

SEC. 3. By reason of their traditional use as a thoroughfare and haven for fishermen and sea venturers, the necessity for them to be free and open in connection with shipping, navigation, salvage, and rescue operations, as well as recreation, Congress declares and affirms that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power to protect such public right. In order to carry out the purposes of this Act, Congress deems it desirable to establish a program to encourage the States and the Federal Government to act jointly to protect the right and interests of the people in the use of the beaches.

FREE ACCESS TO AND USE OF BEACHES

SEC. 4. No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches.

FEDERAL ENFORCEMENT

SEC. 5. (a) An action shall be cognizable in the district courts of the United States without reference to jurisdictional amount, at the instance of the Attorney General or a United States district attorney to:

(1) establish and protect the public right to beaches;

(2) determine the existing status of title, ownership, and control in relation to beaches; and

(3) condemn such easements as may reasonably be necessary to accomplish the purposes of this Act.

(b) Actions brought under the authority of this section may be for injunctive, declaratory, or other suitable relief.

(c) The following rules concerning the consideration of evidence shall be applicable in all cases brought under this section:

(1) A showing that the area is a beach shall be prima facie evidence that the title of the littoral owner does not include the right to prevent the public from using the area as a common.

(2) A showing that the area is a beach shall be prima facie evidence that there has been imposed upon the beach a prescriptive right to use it as a common.

PLANNING, DEVELOPMENT, AND ACQUISITION GRANTS TO STATES

SEC. 6. (a) The Secretary is authorized to make grants to States for carrying out the purposes of this Act.

(b) Subsection (c) of section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended is amended by adding immediately after the first sentence the following new sentence; "Any State shall be entitled to 75 per centum of the cost of planning or development of projects and acquisition of interests in land designed to secure the right of the public to beaches where the State has complied with the requirements of the National Open Beaches Act and where, in the judgment of the Secretary of the Interior, adequate State laws exist and are being satisfactorily employed to protect the public's right in the beaches."

TRANSPORTATION FACILITIES GRANTS TO STATES

SEC. 7. The Secretary of Transportation is authorized to provide financial assistance to any State and its political subdivisions for the development and maintenance of transportation facilities necessary for the use of public beaches in such State if, in the judgment of the Secretary of the Interior, such State, by State law, has defined and sufficiently protected public beaches within its boundaries. Such financial assistance shall be for projects which shall include, but not be limited to, the construction of necessary highways and roads to give access to the shoreline area, the construction of parking lots and adjacent park areas, as well as related transportation facilities. All sums appropriated to carry out title 23 of the United States Code are authorized to be made available to carry out this section.

AVAILABILITY OF FACILITIES AND INFORMATION

SEC. 8. The Secretary shall place at the disposal of the States such Federal research facilities, and, in cooperation with the other Federal agencies, such other information and facilities, as may be reasonably available to assist the States in carrying out the purposes of this Act. The President may promulgate regulations concerning such interagency and intergovernmental cooperation.

AUTHORITY OF THE SECRETARY OF THE INTERIOR

SEC. 9. The Secretary shall administer the terms and provisions of this Act and shall determine what actions shall be brought under section 5 hereof.

RECOVERY OF INTERESTS IN LAND

SEC. 10. All interests in land recovered under authority of this Act shall be treated as subject to the ownership, control, and authority of the State in the same measure as if the State itself had acted to recover such interest. In order that such interest may, where necessary, be recovered through condemnation, the State must participate in acquiring such interest by providing matching funds of not less than 25 per centum of the value of the land condemned.

SAVINGS CLAUSE

SEC. 11. Nothing in this Act shall be held to impair, interfere with, or prevent State—

(1) ownership of its lands and domains,

(2) control of the public beaches in behalf of the public for the protection of the common usage or incidental to the enjoyment thereof, or

(3) authority to perform State public services, including enactment of reasonable zones for wildlife, marine, and estuarine protection.

By Mr. JACKSON (for himself and Mr. HASKELL):

S. 2622. A bill to declare a national policy to protect and manage islands of the Nation which possess unique environmental, recreational, historical, and cultural values; to authorize a study by the Secretary of the Interior of our Nation's islands including recommendations of islands to be added to the national park, wildlife refuge, and forest systems; to encourage and establishment of State islands conservation and recreation programs; to add to the land and water conservation fund and authorize the provision of a portion of the additional funds to State and local governments for the acquisition of islands and the purchase or lease of Federal surplus island property; and for other purposes.

Referred to the Committee on Interior and Insular Affairs.

NATIONAL ISLANDS CONSERVATION AND RECREATION ACT

Mr. JACKSON. Mr. President, I introduce for appropriate reference the National Islands Conservation and Recreation Act.

This measure would preserve the recreational and environmental qualities of America's remaining undeveloped or minimally developed islands. The proposal would declare a new national policy to protect and manage islands which possess unique environmental, recreational, historical, and cultural values. To implement this policy, it would authorize a study of the Nation's islands by the Secretary of the Interior, with the assistance of the Secretary of Agriculture. Recommendations would be made as to those islands which should be added to our national park, wildlife refuge, and forest systems and those islands which would be eligible for inclusion in islands conservation and recreation programs managed by State and local governments. The annual total of the land and water conservation fund would be increased by $200,000,000—to $500,000,000—of which $60,000,000 would be made available to States and local governments pursuant to agreements with the Secretary of the Interior, to study, plan for, and acquire island lands, and $15,000,000 to State and local governments to lease or acquire Federal surplus property and facilities situated on islands.

Mr. President, for far too long we have failed to take action to protect a rapidly dwindling, irreplaceable resource: our Nation's islands. In 1970 the Department of the Interior issued an excellent report, entitled "Islands of America," with recommendations to preserve the recreational and environmental qualities of America's remaining undeveloped or minimally developed islands. Contained in that report was suggested legislation, entitled the "National Island Trust Act." Although that proposal, which would have created a single pilot project off the coast of Maine, is inadequate to the task; neither it nor any alternative legislation has been introduced by the administration in the 3 years since the issuance of the islands report.

On February 14, 1972, I introduced S. 3164, the National Islands Conservation and Recreation Act, a proposal of much wider scope than the Trust Act suggested in the islands report. Hearings scheduled on that measure were canceled at the request of the joint leadership in order to expedite business on the floor of the Senate toward the close of the 92d Congress. The National Islands Conservation and Recreation Act which I introduce today and which is similar to S. 3164 of last year would remedy this failure of Federal action to protect our island heritage.

Our Nation's islands represent an untapped opportunity to add to our recreational resources and to enhance the quality of our environment. Yet, if strong measures are not soon taken the very wealth and technological achievement which would allow us to enjoy the natural beauty of our islands may impair, if not destroy, our chance to do so. Although, in 42 of our States, approximately 3 million acres of undeveloped or minimally developed island lands remain which have valuable recreational potential, we have little time in which to act to preserve these lands from development. Industry and commerce demand island waterfront sites for the inexpensive transportation and means of disposing effluents which such locations provide; more and more Americans are seeking second homesites or hotel space on island lands; and bridges, cars and boats are rendering these once isolated islands more accessible to all who seek to develop them.

These pressures to develop idle island land are particularly severe on islands near our urban centers. It is an astounding fact that, at a time when urban beaches and playgrounds are rendered nearly useless by overcrowding and when "no trespassing" signs are sprouting at an ever-more-rapid pace along shoreline once available for public use, there are situated less than 25 miles from cities of 50,000 or more persons almost 1 million acres of undeveloped or minimally developed island lands—1 million acres of beaches, fields, and woods. Our urban youngsters, indeed all of us, deserve the opportunity to escape the ever-present asphalt of the cities and to explore these "treasure islands."

The failure of the administration and the Congress to act to protect our islands is particularly unfortunate at this time when pressures for development coincide with rapidly increasing demands for recreation—demands which will be even more acute in the decade ahead. A 1967 study of the Bureau of Outdoor Recreation concluded that the greatest increase in America's recreational interests would come in activities which are water based or related. It found, for example, that by 1980 swimming would be the No. 1 outdoor recreation activity, increasing 72 percent between 1965 and 1980. Yet, on the mainland virtually all the beachfront readily accessible to our urban areas has already been dedicated to one or another use—too often a use other than recreation. With careful planning and wise governmental actions, the nearby islands can and should be drawn within the recreational ambit of our urban population. My bill would encourage such planning and actions.

If we properly protect our Nation's islands for recreational purposes, we will also have preserved important historical and cultural values, and have enhanced the quality of our environment. Our islands display an unparalleled variety of natural features and shelter a great diversity of plant and animal life. In addition, they have played a critical historical role, serving as sites for colonization, sanctuary, and embarkation in the exploration and settlement of this Nation—across the Aleutians in the West may have come our continent's first inhabitants, the forefathers of the American Indians; the Atlantic seacoast islands received the first European explorers and settlers; and the islands of the inland rivers served as stepping stones for the pioneers on their westward journeys. In our literature and imagination, we still explore new islands, we still escape from our less than perfect world to a simpler island ambience. More's "Utopia," "Robinson Crusoe," "The Swiss Family Robinson," and "Treasure Island" evoke for us the mystery and the beauty of islands—the same mystery and beauty we have one last chance to save.

Mr. President, I ask unanimous consent to have printed in the Record at this point the text of the National Islands Conservation and Recreation Act. In addition, I ask unanimous consent to have printed the appendixes from the 1970 islands report and an editorial from the New York Times.

There being no objection, the bill and material was ordered to be printed in the Record, as follows:

S. 2622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Islands Conservation and Recreation Act."

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress hereby finds that:

(1) there is a national interest in preserving and enhancing the environmental, recreational, historical, and cultural values of the Nation's islands;

(2) our Nation's islands display an unparalleled variety of natural features, shelter a great diversity of plant and animal life, have served as sites for colonization, sanctuary, and embarkation in the exploration and settlement of this Nation, and thus possess unique environmental, historical, and cultural qualities;

(3) recreational demands of our Nation's citizenry, particularly those for water-based activities, are increasing at a rapid rate; that existing recreational sites and facilities cannot long meet these demands; that a too long neglected source of additional recreational sites and facilities is the vast acreage of undeveloped and minimally developed island land within short distances of urban centers; and, therefore, that our Nation's islands possess valuable recreational potential;

(4) all islands, including those islands which possess sufficiently valuable recreational, environmental, historical, or cultural qualities to warrant protection, are rapidly succumbing to pressures for industrial, commercial, and residential development; that industrial and commercial demand on scarce island resources and the pressures resulting from modern means of transportation are degrading the amenities and recreational qualities of once isolated islands; and

(5) the Federal Government, in concert with State and local governments and the private sector, must act to insure the protection and enhancement of the environmental, recreational, historical, and cultural values of the Nation's islands for present and future generations of Americans.

(b) The purpose of this Act is to establish a national policy to preserve and manage islands with unique environmental, recreational, historical, or cultural values and to implement this policy by—

(1) authorizing a study of the Nation's islands and providing for recommendations of those islands which should be included in the national park, wildlife refuge, and forest systems, and those islands which are suitable for acquisition by State and local governments for park or recreational purposes:

(2) encouraging the establishment, by agreements between the States and the Secretary of the Interior, of State island conservation and recreation programs; and

(3) authorizing additional funds for the Land and Water Conservation Fund and provision of a specific portion of those funds to State and local governments exclusively for the purposes of studying, planning for, and acquiring island lands and for acquiring or leasing surplus Federal facilities situated on islands.

POLICY

Sec. 3. To strengthen the environmental, recreational, and cultural well-being of the people of the United States, the Congress declares that it is the policy of the United States that islands or groups of islands of the Nation which possess unique environmental, recreational, historical, or cultural values which warrant preservation and enhancement should be protected and managed through the combined efforts of Federal, State, and local governments and the private sector to insure that future generations shall have the opportunity to enjoy the Nation's island heritage.

NATIONAL ISLANDS REPORT

SEC. 4. (a) The Secretary of the Interior (hereinafter referred to as "the Secretary"), with the advice of the Secretary of Agriculture, shall undertake and complete a study of the Naton's islands. The report of such study shall be submitted to Congress and the Governors of the several States no later than two years from the date of enactment of this Act.

(b) The report shall include recommendations to Congress by the Secretary as to which islands, island groups, or parts of islands (hereinafter referred to as "islands"), should be added to or created as units of the national park, wildlife refuge, and forest system.

(c) In the report, the Secretary shall also recommend which islands should be acquired, with Federal assistance, by the States pursuant to this Act.

(d) Islands recommended by the Secretary as eligible for acquisition by the States pursuant to this Act shall—

(1) possess outstanding environmental, recreational, historical, or cultural values; and

(2) be largely undeveloped.

STATE ISLANDS CONSERVATION AND RECREATION PROGRAMS

SEC. 5. (a) The Secretary is authorized to enter into agreements with the several States providing for the protection and management for conservation and recreation purposes of islands within the jurisdiction of such States and for Federal assistance to such States from the Land and Water Conservation Fund to acquire island lands and other land or interests in land necessary to insure that such purposes are effected.

(b) Each agreement shall require the following:

(1) The State shall undertake a study of present State and local laws, regulations, and plans pertinent to a State islands conservation and recreation program, and issue guidelines for the adoption or amendment and enforcement of State and local laws, regulations, and plans to insure the success of such a program.

(2) The State shall identify islands to be included in the State islands conservation and recreation program. Such islands shall meet the criteria of subsection (d) of section 4.

(3) The State shall develop a schedule for inclusion of the islands identified pursuant to clause (2) of this subsection in the State islands conservation and recreation program. Priority shall be given to those islands which:

(A) are most accessible to urban areas;

(B) are most immediately threatened by the pressures of development;

(C) are situated within the jurisdiction of local governments which have demonstrated the capacity to take all steps necessary to protect and enhance the islands' relevant values; and

(D) can be protected for conservation and recreation purposes by means other than fee purchase of all lands involved.

(4) The State shall develop and maintain a general islands plan to preserve and enhance the environmental, recreational, historical, and cultural values of the islands to be included in the State islands conservation and recreation program. The general islands plan shall be in accord with the comprehensive statewide outdoor recreation plan submitted by the State pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended; where such State is a costal State within the meaning of the Coastal Zone Management Act of 1972 (86 Stat. 1280), the State coastal zone management program developed pursuant to that Act; and any State land use program which may be required by the enactment of a national land use policy law.

(5) The State, together with the local governments involved, shall, prior to inclusion of any specific island or islands in the State islands conservation and recreation program, develop and maintain a detailed plan for such island or islands. Such detailed plan shall be in accord with the general islands plan required pursuant to clause (4) of this subsection.

(6) The State shall prepare biennially a report on the State islands conservation and recreation program together with any recommendations for actions by the Federal Government, the State government, or local governments which would be of assistance to or improve the program.

(7) The State shall transmit to the Secretary:

(A) the study required pursuant to clause (1) within one year of the date of the signing of the agreement;

(B) the list of islands required by clause (2), the schedule required by clause (3), and the general islands plan required by clause (4), together with such information as is necessary to insure the criteria which are required to be met pursuant to those clauses are so met, within two years of the date of the signing of the agreement and whenever thereafter a change is made in such list, schedule, or plan;

(C) the detailed plan required by clause (5) prior to inclusion of the specific island or islands in the State islands conservation and recreation program and whenever thereafter a change is made in such plan; and

(D) the biennial report required by clause (6) within one year of the date of the signing of the agreement and biennially thereafter.

(8) The Secretary and, upon the request of the Secretary, the head of any Federal agency shall furnish to the State such information as may be necessary to effect the purposes of this Act and as may be available to or procurable by the Department of the Interior or such agency.

(c) Each agreement may contain such other terms and conditions as the parties thereto deem desirable.

FEDERAL FINANCIAL ASSISTANCE

SEC. 6. (a) Upon the signing of an agreement by the Secretary with any State pursuant to section 5 of this Act, financial assistance may be provided to any such State pursuant to subsection (c) of section 2 and subsections (a) and (h) of section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, for the purposes of (i) fulfilling the requirements of clauses (1) through (5) of subsection (b) of section 5 of this Act, and (ii) acquiring island lands, interests therein, or development thereon.

(b) Prior to providing assistance pursuant to clause (ii) of subsection (a), the Secretary shall have:

(1) signed an agreement with the State pursuant to section 5 of this Act;

(2) reviewed and approved the general islands plan. Where the State is a coastal State within the meaning of the Coastal Zone Management Act of 1972 (86 Stat. 1280), in the review of the general islands plans of such State the Secretary shall receive the advice of the Secretary of Commerce concerning the compatibility of the plan with the State coastal zone management program developed pursuant to that Act;

(3) reviewed and approved the detailed plan concerning the specific island or islands in relation to which the Federal assistance is required;

(4) ascertained that the specific island or islands meet the criteria of clauses (2) and (3) of subsection (b) of section 5;

(5) reviewed the study of, and recommendations concerning, State and local laws, regulations, and plans as to the adequacy thereof to insure effective management of a State islands conservation and recreation program; and

(6) reviewed State and local efforts to adopt new or amend existing laws, regulations, and plans pursuant to the recommendations of the study and determined that such efforts are in good faith and likely to succeed.

Provided, That, during the two-year period from the date of the signing of an agreement with any State, any of the conditions of clauses (2) through (6) of this subsection may be waived and financial assistance may be extended to any such State pursuant to clause (ii) of subsection (a) of this section, whenever such State demonstrates to the satisfaction of the Secretary that the conservation or recreation values of the specific island or islands in relation to which financial assistance is sought are threatened with significant degradation unless such island or islands or any interests therein are immediately acquired and included in the State islands conservation and recreation program.

SEC. 7. Subsection (c) of section 2 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, is further amended as follows:

(a) In clause (1), strike "and not less than $300,000,000 for each fiscal year thereafter through June 30, 1989" and insert in lieu thereof, "not less than $300,000,000 for each of the fiscal years 1971 through 1975 and not less than $500,000,000 for each fiscal year thereafter through June 30, 1989".

(b) In clause (2), strike "or $300,000,000" and insert in lieu thereof, "$300,000,000, or $500,000,000".

(c) After clause (2), add a new clause (3) as follows:

"(3) Of the $500,000,000 authorized to be appropriated for each fiscal year after fiscal year 1975—

"(i) a sum of $60,000,000 shall be paid out of the fund for the purposes of planning, acquisition, and development of island lands by State and local governments pursuant to subsection (h) of section 5 of this Act; and

"(ii) an additional sum of $15,000,000 shall be paid out of the fund for the purposes of leasing or purchasing surplus Federal real property and facilities situated on islands."

SEC. 8. Section 5 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, is amended by adding a new subsection (h) after subsection (g) as follows:

"(h)(1) Notwithstanding any other provision of this section, including the apportionment formula of subsection (b) of this section, financial assistance from the $60,000,000 of the fund available for planning, purchase, and development of islands as provided for in clause (3) of subsection (c) of section 2 of this Act shall be paid to State and local governments in accordance with the requirements of, and pursuant to, the National Islands Conservation and Recreation Act.

"(2) For a period of five full fiscal years from the date of enactment of the National Islands Conservation and Recreation Act, payments from the $60,000,000 of the fund available for planning, purchase, and development of island lands as provided for in clause (3) of subsection (c) of section 2 of this Act shall not exceed 75 per centum of the cost of such activities. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. After the five full fiscal year period, payments to the States shall cover not more than 50 per centum of the cost in conformity with all other payments under this

Act pursuant to subsection (c) of this section."

SEC. 9. Section 203 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, is further amended by adding after the end of the first sentence of clause (2) of subsection (k) thereof (40 U.S.C. 484(k)(2)) the following new language: "The heads of all Federal agencies are each directed to submit to the Administrator no later than one year after the date of enactment of the National Islands Conservation and Recreation Act a review of all Federal lands and facilities within their respective jurisdictions which are located on the Nation's islands. Said reviews shall include recommendations of those Federal lands and facilities which would be appropriate for disposal pursuant to this subsection for inclusion within the State islands conservation and recreation programs as provided for in such Act."

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary for the Secretary to administer the program established pursuant to this Act.

FEDERAL JURISDICTION

SEC. 11. Nothing in the agreements authorized by this Act shall be construed to relinquish the functions, powers, or duties of the Congress with respect to the control of navigable waters, nor shall any provision thereof be construed in derogation of any of the constitutional powers of Congress to regulate commerce among the States and with foreign nations.

APPENDIX I

AMERICAN ISLANDS: NUMBER 10 ACRES AND LARGER AND ACREAGE BY SIZE AND STATE [1]

State	Number (acres) Total	By size class 10 to 99	100 to 499	500 to 999	1,000 or more	Total acreage [2]
Total	26,325	19,349	4,025	1,669	1,282	28,643,834
Total excluding Alaska	20,637	14,211	3,922	1,641	863	7,493,627
Alabama	242	177	44	9	12	66,288
Alaska	5,688	5,138	103	28	419	21,150,207
Arizona	72	63	9			3,692
Arkansas	261	155	87	4	15	78,450
California	692	521	97	18	56	629,278
Colorado	180	168	11	1		7,783
Connecticut	89	82	6	1		4,757
Delaware	105	85	16	2	2	20,329
Florida	4,510	2,444	837	1,112	117	840,727
Georgia	434	257	80	25	72	351,077
Hawaii	29	19	5	2	3	168,504
Idaho	193	161	27	2	3	15,598
Illinois	420	321	80	12	7	70,908
Indiana	36	26	8	1	1	5,487
Iowa	277	214	53	6	4	27,648
Kansas	44	34	8	1	1	6,739
Kentucky	104	76	24	2	2	35,174
Louisiana	2,482	1,401	751	166	164	1,279,282
Maine	1,149	954	133	26	36	277,689
Maryland	247	167	57	10	13	103,266
Massachusetts	210	164	31	5	10	138,719
Michigan	379	280	68	8	23	458,313
Minnesota	850	749	79	14	8	57,827
Mississippi	128	78	30	6	14	115,265
Missouri	180	89	60	15	16	52,271
Montana	253	222	30		1	14,087
Nebraska	161	125	32	1	3	17,190
Nevada	427	396	26	5		8,506
New Hampshire	179	159	16	3	1	10,353
New Jersey	453	331	101	13	8	94,128
New Mexico	23	22	1			925
New York	789	650	102	18	19	134,883
North Carolina	522	364	101	23	34	204,819
North Dakota	106	93	11	2		8,514
Ohio	64	54	6	2	2	9,240
Oklahoma	61	48	12	1		4,665
Oregon	337	258	69	3	7	75,232
Pennsylvania	266	242	23	1		13,120
Rhode Island	29	23	3		3	17,419
South Carolina	727	418	179	51	79	544,352
South Dakota	59	45	9	4	1	7,008
Tennessee	280	214	50	3	13	55,416
Texas	416	314	64	15	23	354,365
Utah	155	138	14	1	2	53,498
Vermont	38	26	7	2	3	35,214
Virginia	311	219	57	15	20	96,866
Washington	657	487	123	10	37	554,045
West Virginia	90	83	6	1		4,939
Wisconsin	766	474	252	15	25	291,417
Wyoming	100	87	10	3		6,896
Puerto Rico	18	10	4	1	3	57,675
Virgin Islands	32	21	11			3,045
District of Columbia	5	3	2			739

[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and the Trust Territory, the 5 major Hawaiian Islands, and the 3 principal New York Islands—Manhattan, Staten Island and Long Island.

[2] Some acreage of islands less than 10 acres in size is included if within an inventoried group or were designated as having recreational potential.

APPENDIX II

AMERICAN ISLANDS: COMPARISON OF RECREATION POTENTIAL OF ISLAND ACREAGE WITHIN 25 MILES OF URBAN AREAS OF 50,000 PERSONS AND OVER, BY DEVELOPMENT STATUS AND STATE [1]

State	Total island acreage by percent developed [2] Total	None to 25	26 to 100	Acreage with recreation potential by percent developed [3] Total	None to 25	26 to 100
Total	2,498,345	2,027,200	471,145	1,329,850	1,010,520	319,330
Total excluding Alaska	2,498,092	2,026,947	471,145	1,329,850	1,010,520	319,330
Alabama	54,489	40,380	14,109	27,490	25,390	2,100
Alaska	253	253				
Arizona	180	180				
Arkansas	28,611	14,303	14,308			
California	363,438	352,276	11,162	348,784	348,761	23
Colorado	280	280				
Connecticut	1,768	1,042	726	1,584	1,241	343
Delaware	5,373	4,582	791	4,129	3,338	791
Florida	224,938	219,328	5,610	111,040	111,040	
Georgia	214,183	213,943	240	104,316	104,316	
Hawaii	1,115	159	956	611		611
Idaho						
Illinois	36,972	30,982	5,990	8,308	8,038	270
Indiana	3,886	3,867	19	3,434	3,434	
Iowa	14,436	14,436		5,639	5,639	
Kansas	1,826	1,826				
Kentucky	5,491	5,491		2,056	2,056	
Louisiana	141,255	141,255				
Maine	50,597	31,551	19,046	38,450	22,806	15,644
Maryland	7,163	7,163		6,638	6,638	
Massachusetts	32,860	19,402	13,458	26,274	13,503	12,771
Michigan	93,454	27,195	66,259	32,970	1,914	31,056
Minnesota	8,772	7,307	1,465	4,119	4,119	
Mississippi	43,435	42,185	1,250	9,770	8,520	1,250
Missouri	19,951	19,951		6,822	6,822	
Montana	765	765				
Nebraska	4,600	4,600		4,500	4,500	
Nevada	1,020	1,020				
New Hampshire	784	700	48	660	612	48
New Jersey	36,407	12,440	23,967	11,389	11,207	182
New Mexico	200	200				
New York	90,458	61,966	28,492	40,123	19,676	20,447
North Carolina	8,391	8,391				
North Dakota						
Ohio	8,255	2,000	6,255	6,290	314	5,976
Oklahoma	1,366	1,366				
Oregon	33,431	32,296	1,135	31,068	29,128	1,940
Pennsylvania	7,379	5,723	1,656	3,278	3,278	
Rhode Island	17,294	17,087	207	17,090	16,995	95
South Carolina	218,739	215,089	3,650	23,272	9,972	13,300
South Dakota						
Tennessee	18,869	9,670	9,199	10,359	1,359	9,000
Texas	243,094	190,094	53,000	48,300	20,800	27,500
Utah	46,780	46,780		41,425	41,425	
Vermont						
Virginia	7,291	7,291		200	200	
Washington	347,129	160,037	187,092	311,537	135,649	175,888
West Virginia	2,105	1,675	430			
Wisconsin	14,062	13,269	793	4,528	4,433	95
Wyoming						
Puerto Rico	34,502	34,502		33,022	33,022	
Virgin Islands						
District of Columbia	739	619	120	375	375	

[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and trust territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten and Long Island.

[2] For the purposes of the island inventory, "development" included building sites as well as land associated with the site such as yards and storage areas. Agricultural land, land used for forest production, and public and quasi-public recreation developments were considered as undeveloped; whereas, a private resort was inventoried as developed.

[3] Excluded from this category are most of the 1,500,000 acres already available for public recreation.

APPENDIX III

AMERICAN ISLANDS: ACREAGE BY OWNERSHIP AND STATE[1]

State	Total[2]	Federal	State	Other public	Quasi-public[3]	Private
Total	27,731,905	21,210,066	1,412,202	55,077	9,692	5,044,868
Total excluding Alaska	6,617,954	1,033,500	530,899	40,517	9,692	5,003,346
Alabama	65,851	4,513	8,940	184		52,214
Alaska	21,113,951	20,176,566	881,303	14,560		41,522
Arizona	3,692	3,176	30	50		436
Arkansas	78,405	12,800	35			65,570
California	619,854	80,612	14,309	2,111		522,822
Colorado	7,323	596	668	20		6,039
Connecticut	4,133		1,189	104		2,840
Delaware	19,278	9,853	1,373			8,052
Florida	793,042	251,078	54,550	842		486,572
Georgia	350,901	28,103	15,140	60	100	307,498
Hawaii	163,504	31,236	868	3		136,397
Idaho	8,807	2,763	2,000	500		3,544
Illinois	38,175	9,743	15,620	47		12,765
Indiana	5,487		110			5,377
Iowa	27,533	16,592	5,007	440		5,494
Kansas	6,729	55	1,138			5,536
Kentucky	34,093	475	797		15	32,806
Louisiana	1,213,186	4,965	107,260	1,800		1,099,161
Maine	39,177	31,270	7,450	307	40	110
Maryland	104,246	30,674	10,851	80	157	62,484
Massachusetts	75,040	4,468	9,336	3,384	75	57,777
Michigan	428,174	136,841	120,638	1,426	888	168,381
Minnesota	56,401	21,064	5,895	808	1,217	27,417
Mississippi	115,247	3,545	280		1,150	110,272
Missouri	51,742	9,217	2,876	578		39,071
Montana	5,869	1,074	75	85		4,635
Nebraska	14,867		966			13,901
Nevada	8,506	2,355	48	86		6,017
New Hampshire	2,992	78	178	725	383	1,628
New Jersey	76,830	4,239	7,534	1,666	568	62,823
New Mexico	905	180	130			595
New York	12,709	3,427	5,761	1,278		2,243
North Carolina	189,489	24,743	400	25		164,321
North Dakota	8,524	1,777	5,412	50	219	1,066
Ohio	8,805	197	665	290	188	7,465
Oklahoma	3,460	2,866	569	25		
Oregon	24,486	7,003	14,184	30		3,269
Pennsylvania	11,700		1,403	421		9,876
Rhode Island	17,738	1,375	120	195	460	15,588
South Carolina	533,782	40,987	4,430	20		488,345
South Dakota	3,690	2,327	316		50	997
Tennessee	56,498	11,676	2,986			41,836
Texas	324,556	145,622	14,246	5,076	280	159,332
Utah	53,088	2,137	2,165			48,786
Vermont	34,081	60	1,445	80	130	32,366
Virginia	95,241	14,970	12,381	395		67,495
Washington	482,621	21,154	21,230	2,213	528	437,496
West Virginia	545	446	15	4		80
Wisconsin	263,827	14,460	32,463	11,204	3,244	202,456
Wyoming	6,819	3,278	375	32		3,134
Puerto Rico	57,625	32,095	14,129	3,873		7,528
Virgin Islands	3,045	699	913			1,433
District of Columbia	636	636				

[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa, and trust territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten, and Long Island.

[2] Ownership data is fragmentary; therefore, total acreage is less than that shown in app. I.

[3] Nonprofit organizations such as Boy Scouts, YMCA, and the Nature Conservancy.

APPENDIX IV

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC[1]

Island	Percent developed[2]	County	Acreage[3]	Body of water
ALABAMA				
Aikin Island[6]	None	Baldwin	13,300	Tensaw River.
Dauphin Island[5]	1–25	Mobile	2,100	Mississippi Sound.
Grand Bay Island group[5]	None	do	275	Do.
Gravine Island[9]	None	Baldwin	675	Tensaw River.
Isle Aux Herbes[6]	None	Mobile	800	Mississippi Sound.
Justins Bay Island[9]	26–50	Baldwin	900	Apalachee River.
Little Dauphin Island[5]	1–25	Mobile	200	Mississippi Sound.
Long Island[9]	None	Jackson	805	Guntersville Impoundment.
Pelican Island[9]	None	Mobile	75	Mississippi Sound.
Sand Island[9]	None	do	80	Mobile Bay.
Sand Island[5]	None	do	160	Gulf of Mexico.
Tensaw Island group[9]	None	Baldwin	8,000	Mobile River.
Subtotal (12)			27,370	
ALASKA				
Frying Pan Island[9]	None		50	Sitka Sound.
Kasiana Island group[4]	None		180	Skilak Lake.
King Island group[7]	None		2,500	Bering Sea.
Little Diomede Island[7]	None		1,900	Do.
Spruce Island group[4]	None		11,200	Marmot Bay.
Swan Island[9]	None		19	Walker Lake.
Subtotal (6)			15,849	
ARIZONA				
Horse Island group[9]	None	Yuma	184	Colorado River.
Subtotal (1)			184	
ARKANSAS (none)				
CALIFORNIA				
Alcatraz Island[4a]	76–100	San Francisco	23	San Francisco Bay.
Blackberry Island[9]	None	Tehama	62	Sacramento River.
Deer Island[9]	None	San Bernardino	315	Colorado River.
East-West Marin Island group[11c]	1–25	Marin	14	San Rafael Bay.
Foster Island[9]	None	Tehama	274	Sacramento River.
Goat Island[9]	None	Shasta	252	Do.
Hall Island[9]	None	Riverside	621	Colorado River.
North Arcata Bay Island group[11e]	None	Humboldt	15	Arcata Bay.
North Bay-Eel River Island group[11e]	1–25	do	2,114	Eel River.
Ryan Island[9]	None	Butte	14	Sacramento River.
Sacramento-San Joaquin Delta Island group[9]	1–25	San Joaquin	288,780	Sacramento-San Joaquin Delta.
San Miguel Island group[7]	None	Santa Barbara	14,000	Pacific Ocean.
San Nicholas Island[7]	1–25	Ventura	13,370	Do.
Santa Catalina Island[7]	1–25	Los Angeles	42,880	Do.
Santa Cruz Island group[7]	1–25	Santa Barbara	62,018	Do.
Santa Rosa Island group[7]	1–25	do	55,006	Do.
CALIFORNIA—Continued				
South Arcata Bay Island group[11a]	1–25	Humboldt	342	Arcata Bay.
South Arcata Island group[11e]	None	do	111	Humboldt Bay.
Tillas Island group[11e]	None	Del Norte	234	Smith River.
Todd Island group[9]	None	Tehama	192	Sacramento River.
Subtotal (20)			480,614	
COLORADO (None)				
CONNECTICUT				
Mason Island group[4a]	50	New London	396	Mystic Harbor.
Andrews Island group[4a]	2	do	60	Fishers Island Sound.
Brockway Island[9]	None	Middlesex	10	Connecticut River.
Calf Island group[4a]	2	Fairfield	32	Captain Harbor.
Candlewood Isle[9]	75	do	235	Lake Candlewood.
Canfield Island group[4a]	80	do	29	Long Island Sound.
Carting Island group[6]	None	do	95	Housatonic River.
Charles Island[4a]	None	New Haven	11	Long Island Sound.
Cockenoe Island group[4a]	5	Fairfield	22	Do.
Dart Island[9]	None	Middlesex	10	Connecticut River.
Essex Island group[6]	50	do	27	Do.
Fowler Island[6]	None	New Haven	30	Housatonic River.
Gildersleeve Island[9]	None	Middlesex	60	Connecticut River.
Goose Island group[6]	None	New London	115	Do.
Grassy Island group[4a]	5	Fairfield	75	Long Island Sound.
Great Island group[6]	None	New London	503	Connecticut River.
Green Island group[9]	None	Fairfield	132	Lake Candlewood.
Griswold Island group[4a]	None	New London	19	Long Island Sound.
Kings Island group[9]	85	Hartford	133	Connecticut River.
Manrissa Island[4a]	26-50	Fairfield	18	Long Island Sound.
Mink Island group[6]	None	New London	75	Lord Creek.
Nells Island[6]	None	New Haven	700	Housatonic River.
Nott Island group[9]	None	New London	68	Connecticut River.
Offshore Island group[4a]	None	New Haven	10	Branford Harbor Bay.
Pine Island[4a]	5	New London	15	Fishers Island Sound.
Pratt Island[4a]	75	Fairfield	12	Long Island Sound.
Ram Island group[4a]	10	do	39	Do.
Rich Island group[6]	None	Middlesex	82	Connecticut River.
Selden Neck Island group[9]	None	New London	500	Do.
Sheffield Island group[4a]	25	Fairfield	52	Long Island Sound.
Sixpenny Island[6]	None	New London	42	Mystic Harbor.
The Thimbles Island group[4a]	100	New Haven	108	Long Island Sound.
Twin Island group[9]	None	Middlesex	14	Pocotopaug Lake.
Two-Mile Island group[9]	None	Fairfield	23	Housatonic River.
Watts Island group[6]	5	New London	59	Pataguanset River.
Wilcox Island group[9]	None	Hartford	34	Connecticut River.
Subtotal (36)			3,845	
DELAWARE				
Bombay Hook Island[6]	None	Kent	5,435	Delaware Bay.
Cedar Swamp Island group[6]	None	New Castle	200	Delaware River.
Little Cedar Island group[6]	None	Sussex	136	Indian River Bay.
Marsh Island group[6]	None	do	46	Little Assawoman Bay.

*Footnotes appear at the end of this Appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
DELAWARE—Continued				
Middle Island [6]	None	Sussex	10	Big Ditch River.
Pea Patch Island [6]	None	New Castle	315	Delaware River.
Reedy Island [6]	None	Sussex	6	Little Bay.
Reedy Island group [6]	10	New Castle	52	Delaware River.
Subtotal (8)			6,200	
FLORIDA				
Captiva Island [5]	1-25	Lee	800	Pine Island Sound.
Cedar Keys Island group [4]	1-25	Levy	1,600	Gulf of Mexico.
Drayton Island [9]	1-25	Putman	1,660	Lake George.
Egmont Key [5]	1-25	Hillsborough	387	Gulf of Mexico.
Estero Island group [5]	1-25	Lee	2,630	Do.
Fort George Island [9]	1-25	Duval	840	Fort George River.
Gasparilla Island [5]	1-25	Lee	1,420	Gasparilla Sound.
Hog Island [6]	None	Charlotte	840	Charlotte Harbor.
Kimball Island [9]	None	Lake	1,000	St. Johns River.
Little Gasparilla Island [5]	None	Charlotte	560	Gulf of Mexico.
Liverpool Island group [9]	None	do.	7,320	Peace River.
Merritt Island group [5]	1-25	Brevard	78,640	Indian River.
North Captiva Island [5]	1-25	Lee	640	Pine Island Sound
Perdido Key Island [5]	1-25	Escambia	3,300	Gulf of Mexico.
Pine Island group [5]	1-25	Lee	9,050	Pine Island Sound.
Sand Key Island [5]	1-25	Pinellas	2,000	Gulf of Mexico.
Sanibel Island group [5]	1-25	Lee	10,055	Do.
Santa Rosa Island [5]	1-25	Santa Rosa	11,040	Santa Rosa Sound.
St. Vincent Island [6]	1-25	Franklin	12,000	St. Vincent Sound.
Ten Thousand Island group [6]	None	Collier	42,945	Gulf of Mexico.
Thousands Islands [5]	None	Brevard	1,000	Banana River.
Subtotal (21)			189,727	
GEORGIA				
Blythe Island [9]	1-25	Glynn	4,500	Turtle River.
Cumberland Island [5]	1-25	Camden	31,000	Atlantic Ocean.
Ossabaw Island [5]	None	Chatham	27,000	Do.
Sapelo Island [5]	1-25	McIntosh	20,000	Do.
Skidaway Island [5]	1-25	Chatham	14,350	Do.
St. Catherines Island [5]	None	Liberty	13 440	Do.
St. Simons Island [5]	1-25	Glynn	23,200	Do.
Wassaw Island [5]	None	Chatham	4,266	Do.
Wolf Island [6]	None	McIntosh	4,500	Doboy Sound.
Subtotal (9)			142,256	
HAWAII				
Kahoolawe Island [7]	None	Maui	28,800	Pacific Ocean.
Lanai Island [7]	1-25	do.	90,240	Do.
Niihau Island [7]	1-25	Kauai	46,080	Do.
Sand Island [11] [6]	26-50	Honolulu	611	Mamala Bay.
Subtotal (4)			165,731	
IDAHO				
Baritoe Island [9]	None	Bonner	190	Priest Lake.
Eight-Mile Island [9]	None	do.	100	Do.
Kalispell Island [9]	None	do.	214	Do.
Kellers Island [9]	None	Jefferson	60	Snake River.
Schoffs Island [9]	None	Elmore	135	Do.
Sparlin Island group [9]	None	do.	170	Do.
Three Island Crossing group [9]	None	do.	30	Do.
Warren Island [9]	None	Bonner	200	Pend Oreille Lake.
Subtotal (8)			1,099	
ILLINOIS				
Blue Goose Island [6]	None	Hancock	31	Mississippi River.
Burlington Island group [6]	None	Henderson	1,475	Do.
Buzzard Island [6]	None	Hancock	290	Do.
Cambells Island [6]	26-50	Rock Island	270	Do.
Challicothe Island [6]	None	Ogle	155	Illinois River.
Davis Island [6]	None	Adams	30	Mississippi River.
Diamond Island [6]	None	Calhoun	640	Illinois River.
Dillin Island [6]	None	Adams	503	Mississippi River.
Eagles Nest Island [6]	None	Jersey	150	Do.
Grand Island [6]	None	Mason	3,800	Illinois River.
Hackley Island [6]	None	Hancock	156	Mississippi River.
Helmbold Island [6]	1-25	Calhoun	240	Illinois River.
Henry Creek Bar Island [6]	None	Henderson	30	Mississippi River.
Huff Island [6]	None	Hancock	149	Do.
Hunt Island [6]	None	do.	47	Do.
Hurricane Island [6]	1-25	Calhoun	400	Illinois River.
Knapps Island [6]	None	Mason	320	Do.
Kuise Island [6]	None	Hancock	55	Mississippi River.
Mud Island [6]	None	do.	97	Do.
Nilsin Island [5]	None	Adams	255	Do.
Paddy Island [6]	None	Henderson	35	Do.
Piasa Island [6]	1-25	Jersey	280	Do.
Polly Island [6]	None	Adams	24	Do.
Santa Fe Island [6]	None	Carroll	36	Do.
Shok Bar Island [6]	None	Henderson	30	Do.
Shucks Island [6]	None	Pike	64	Do.
Taylor Island [6]	None	Hancock	112	Do.
Taylor Island [6]	None	Pike	49	Do.
Twelve Mile Island [6]	None	Jersey	210	Illinois River.
Two Mile Island [6]	None	Henderson	120	Mississippi River.
ILLINOIS—Continued				
Wolf Island [6]	None	Iroquois	18	Iroquois River.
Wollpecan Island [6]	None	Grundy	60	Illinois River.
Subtotal (32)			10,158	
INDIANA				
Mink Island [6]	None	Posey	110	Wabash River.
Ribeyre Island [6]	None	do.	3,224	Do.
Subtotal (2)			3,334	
IOWA				
Big Rush Island [6]	None	Des Moines	180	Mississippi River.
Big Soupbone Island [6]	None	Jackson	63	Do.
Bowman's Island [6]	None	do.	35	Do.
Caseys Island [6]	None	Jackson	60	Do.
Cooks Island [6]	None	Clinton	75	Do.
Delphey Island [6]	None	Allamakee	336	Do.
Grape Island [6]	None	Lee	200	Do.
Hamm Island [6]	1-25	Dubuque	249	Do.
Hogback Island [6]	None	Des Moines	20	Do.
Horse Island [6]	20	Scott	53	Do.
Huble Island [6]	None	Jackson	40	Do.
Indian Island [6]	None	do.	37	Do.
Jackson Island [6]	None	Allamakee	1,126	Do.
Keg Island [6]	None	Louisa	105	Do.
Little Soupbone Island [6]	None	Jackson	51	Do.
Mercer Island [6]	None	Des Moines	35	Do.
Nine Mile Island [6]	None	Dubuque	479	Do.
O'Connell Island [6]	None	Des Moines	490	Do.
Otter Island [6]	1-25	do.	300	Do.
Railroad Island [6]	None	Jackson	500	Do.
Rush Island [6]	None	Des Moines	55	Do.
Snyder Island group [6]	None	Woodbury	150	Missouri River.
Towhead Island [6]	None	Muscatine	88	Mississippi River.
Trienes Island [6]	None	Des Moines	18	Do.
Winnebago Island [6]	None	Woodbury	300	Missouri River.
Subtotal (25)			5,045	
KANSAS				
Big Island [9]	1	Neosho	3,300	Neosho River.
Subtotal (1)			3,300	
KENTUCKY				
Big Island [6]	None	Wayne	40	Beaver Creek.
Brushcreek Island [6]	None	Lewis	27	Ohio River.
French Island No. 1 [6]	None	Daviess	325	Do.
French Island No. 2 [6]	None	do.	448	Do.
Island No. 8 [6]	2	Fulton	4,623	Mississippi River.
Little Hurricane Island [6]	None	Daviess	400	Ohio River.
Low Gap Island [6]	None	Russell	13	Lake Cumberland.
Manchester Island No. 1 [6]	None	Lewis	28	Ohio River.
Manchester Island No. 2 [6]	None	do.	105	Do.
Rocky Ledge Island [6]	None	Jefferson	108	Do.
Slim Island [6]	None	Union	620	Do.
Wabash Island [6]	None	do.	2,337	Do.
Wolf Island [6]	2	Hickman	9,918	Mississippi River.
Wolf Island Bar [6]	None	do.	1,070	Do.
Yellow Bank Island [6]	None	Daviess	140	Ohio River.
Subtotal (15)			20,202	
LOUISIANA				
Casse—Tete Island group [5]	None	Lafourche	2,150	Gulf of Mexico.
Chandeleur Island group [5]	None	St. Bernard	4,000	Do.
Grand Island [5]	None	do.	1,200	Do.
Grand Isle [5]	1-25	Jefferson	1,000	Do.
Grand Terre Island group [5]	None	do.	3,200	Do.
Isles Derniers group [5]	1-25	Terrebonne	4,200	Do.
Timbalier Island group [5]	1-25	do.	2,000	Do.
Subtotal (7)			17,750	
MAINE				
Andrews Island group [4a]	5	Knox	430	Atlantic Ocean.
Appledore Island group [4a]	1-25	York	162	Do.
Ash Island group [4a]	1-25	Knox	91	Penobscot Bay.
Bailey Island group [4a]	80	Cumberland	470	Casco Bay.
Bar Island [4a]	None	Washington	84	Pigeon Hill Bay.
Bartlett Island group [4a]	10	Hancock	2,253	Blue Hill Bay.
Bear Island group [9]	1-25	Washington	190	Grand Lake.
Big Island [9]	None	Piscataquis	500	Lobster Lake.
Big Island group [9]	None	Washington	387	Sysladobsis Lake.
Big Island group [9]	None	Kennebec	36	Lake Annabessacook.
Big Wash Island group [4a]	2	Washington	170	Western Bay.
Birch Island group [9]	1-25	do.	95	St. Croix River.
Black Cat Island group [9]	None	do.	560	Grand Falls Lake.
Blue Berry Island group [9]	None	Penobscot	101	Endless Lake.
Bois Bubert Island group [4a]	1-25	Washington	1,053	Atlantic Ocean.
Burnt Island group [9]	None	Penobscot	69	Sysladobsis Lake.
Butter Island group [4a]	10	Hancock	1,769	East Penobscot Bay.
Cape Washington Island [4a]	None	Washington	20	Little Machias Bay.

Footnotes at the end of appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
MAINE—Continued				
Clark Island group [4a]	3	Knox	254	Atlantic Ocean.
Cranberry Island group [4a]	30	Hancock	2,330	Do.
Cranberry Island group [9]	None	Penobscot	66	Mattamiscontis Lake.
Cross Island group [4a]	1-25	Washington	1,565	Atlantic Ocean.
Cunliffe Island group [9]	None	Aroostook	17	Allagash River.
Curtis Island [4a]	1-25	Knox	9	West Penobscot Bay.
Cushing Island [4a]	60	Cumberland	249	Casco Bay.
Damariscove Island group [4a]	None	Lincoln	518	Atlantic Ocean.
Dayton Island group [9]	1-25	Hancock	214	Nicatous Lake.
Deer Island group [4a]	30	do	24,117	East Penobscot Bay.
Doyle Island group [4a]	None	Washington	105	Wohoa Bay.
Drisko Island group [4a]	3	do	183	Western Bay.
Dunn Island group [4a]	1-25	do	192	Englishman Bay.
Dutch Island group [9]	1-25	Penobscot	30	South Branch Lake.
Dyer Island group [4a]	None	Washington	346	Narraguagus Bay.
Falls Island group [4a]	None	do	192	Straight.
Farm Island [9]	1-25	Piscataquis	875	Moosehead Lake.
Farm Island group [9]	None	do	88	Eagle Lake.
Flint Island group [4a]	None	Washington	258	Atlantic Ocean.
Foster Island group [4a]	None	do	426	Narraguagus Bay.
Frye Island group [9]	3	Oxford	1,026	Sebago Lake.
Georgetown Island group [4a]	15	Sagadahoc	12,241	Kennebec River.
Gooseberry Island group [4a]	None	do	14	Casco Bay.
Great Diamond Island group [4a]	60	Cumberland	445	Do.
Great Wass Island group [4a]	5	Washington	3,133	Atlantic Ocean.
Green Island group [4a]	None	Cumberland	11	Casco Bay.
Griswold Island group [9]	None	Androscoggin	338	Androscoggin River.
Halfmoon Island group [9]	None	Aroostook	90	Grand Lake.
Halifax Island group [4a]	None	Washington	319	Englishman Bay.
Hallowall Island group [4a]	None	do	160	Dennys Bay.
Hastings Island group [9]	1-25	Oxford	482	Androscoggin River.
Head Harbor Island group [4a]	10	Washington	1,699	Atlantic Ocean.
Holbrook Island group [4a]	15	Hancock	235	Penobscot Bay.
Horseshoe Island group [9]	1-25	Kennebec	484	Cobbosseecontee Lake.
Hoyt Island group [9]	26-50	do	508	Great Pond.
Ironpound Island group [4a]	1-25	Hancock	2,590	Frenchman Bay.
Isle Au Haut group [4a]	5	Knox	7,803	Atlantic Ocean.
Islesboro Island group [4a]	40	Waldo	8,725	Penobscot Bay.
Jewell Island group [4a]	None	Cumberland	198	Casco Bay.
Kittery Island [9]	None	Washington	20	Upper Hot Brook.
Large Green Island group [4a]	1-25	Knox	130	Atlantic Ocean.
Leyford Island group [9]	None	Piscataquis	354	Seboies Lake.
Libby Islands [4a]	None	Washington	200	Machias Bay.
Little Chebeague Island [4a]	10	Cumberland	91	Casco Bay.
Long Island [4a]	5	Hancock	4,450	Blue Hill Bay.
Long Island group [9]	None	Washington	161	Baskahegan Lake.
Long Island group [4a]	None	do	147	Cobscook Bay.
Long Island group [4a]	60	Cumberland	830	Casco Bay.
Marks Island group [9]	1-25	Washington	185	Grand Lake.
Masters Island group [9]	1-25	do	216	Meddybemps Lake.
Matinicus Island group [7]	20	Knox	1,642	Atlantic Ocean.
Metinic Island group [4a]	2	do	368	Do.
Monhegan Island group [4a]	20	Lincoln	566	Do.
Monroe Island group [4a]	1-25	Knox	291	West Penobscot Bay.
Moose Island [9]	None	Washington	625	West River.
Moshier Island group [4a]	None	Cumberland	168	Casco Bay.
Mosquito Island group [4a]	1-25	Knox	221	Atlantic Ocean.
Norton Island group [4a]	1-25	Washington	189	Pleasant Bay.
Norton Island group [4a]	1-25	do	195	Western Bay.
Norris Island group [9]	1-25	Androscoggin	84	Androscoggin Lake.
Olamon Island group [9]	1-25	Penobscot	1,966	Penobscot Bay.
Orrs Island group [4a]	55	Cumberland	1,177	Casco Bay.
Peaks Island group [4a]	40	do	762	Do.
Petit Manan Island group [4a]	5	Washington	34	Atlantic Ocean.
Pillsbury Island [9]	None	Piscataquis	250	Eagle Lake.
Pond Island group [4a]	1-25	Washington	274	Atlantic Ocean.
Prune Island group [4a]	None	do	94	Third Machias Lake.
Rackliff Island group [4a]	1-25	Knox	418	Atlantic Ocean.
Richmond Island [4a]	None	Cumberland	215	Do.
Rogue Island group [4a]	1-25	Washington	1,938	Englishman Bay.
Rutherford Island group [4a]	26-50	Lincoln	1,355	Damariscotta River.
Sabasodegon Island group [4a]	30	Cumberland	6,351	Casco Bay.
Sally Island group [4a]	None	Washington	45	Atlantic Ocean.
Salt Island group [4a]	1-25	do	324	Machias Bay.
Seguin Island group [4a]	5	Sagadahoc	123	Atlantic Ocean.
Sheep Island [4a]	None	Washington	10	Dyer Bay.
Southport Island group [4a]	40	Lincoln	5,162	Atlantic Ocean.
Sprucehead Island group [4a]	26-50	Knox	147	Do.
Stevens Island group [9]	None	Oxford	100	Androscoggin River.
Sturdivant Island [4a]	5	Cumberland	70	Casco Bay.
Swan Island group [4a]	2	Kennebec	1,450	Kennebec River.
Swans Island group [4a]	10	Hancock	12,046	Atlantic Ocean.
Toothaker Island group [11a]	1-25	Oxford	882	Mooselookmeguntic Lake.
Treat Island group [4a]	25	Washington	100	Cobscook Bay.
Trott Island group [4a]	2	York	162	Atlantic Ocean.
Vinalhaven Island group [4a]	30	Knox	22,339	Penobscot Bay.
Westport Island group [4a]	20	Lincoln	5,492	Back River.
Whaleboat Island group [4a]	None	Cumberland	149	Casco Bay.
White Island group [9]	1	Washington	510	Big Lake.
Wood Island group [4a]	10	Sagadahoc	69	Atlantic Ocean.
Wood Island group [4a]	None	York	79	Do.
Subtotal (109)			156,201	
MARYLAND				
Adam Island [6]	1	Dorchester	142	Chesapeake Bay.
Ayer Island group [4a]	None	Worcester	54	Ayer Creek.
Barren Island [4a]	1	Dorchester	370	Chesapeake Bay.
Big Island group [6]	None	Somerset	50	Pocomoke Sound.
Bloodsworth Island group [6]	None	Dorchester	4,535	Chesapeake Bay.
MARYLAND—Continued				
Byrnes Island group [9]	None	Frederick	36	Potomac River.
Chase Island [6]	None	Kent	16	Chester River.
Cherry Island [4a]	10	Dorchester	14	Choptank River.
Deal Island group [6]	17	Somerset	2,347	Tangier Sound.
Devil Island group [6]	None	Worcester	20	Assawoman Bay.
Dickerson Island [6]	None	Talbot	48	Choptank River.
Dunnock Island group [6]	None	Dorchester	256	Dunonock Island. Creek.
Eastern Neck Island [4a]	15	Kent	2,304	Chesapeake Bay.
Garrett Island [9]	None	Cecil	159	Susquehanna River.
Gibson Island group [4a]	25	Anne Arundel	811	Magothy River.
Hambleton Island [4a]	None	Talbot	42	Broad Creek.
Harpers Island group [6]	None	Dorchester	146	Blackwater River.
Harrison Island group [9]	2	Montgomery	333	Potomac River.
Heaters Island group [9]	3	Frederick	485	Do.
Holland Island [6]	1	Dorchester	143	Chesapeake Bay.
Jackson Island group [6]	None	Somerset	28	Annemessex River.
Jericho Island group [6]	2	do	754	Manokin River.
Kent Island group [4a]	10	Anne Arundel	22,542	Chesapeake Bay.
Lower Hooper Island [4a]	None	Dorchester	736	Do.
Mason Island group [9]	1	Montgomery	240	Potomac River.
Meekins Neck group [6]	5	Dorchester	4,471	Chesapeake Bay.
Middle Hooper Island group [4a]	20	do	1,686	Do.
Mills Island group [6]	1	Worcester	642	Chincoteague Bay.
Northeast Island [6]	None	Dorchester	29	Chesapeake Bay.
Point Lookout Island group [4a]	20	St. Marys	238	Do.
Pone Island group [6]	None	Dorchester	446	Do.
Pooles Island [4a]	2	Harford	173	Do.
Poplar Island group [4a]	1	Talbot	200	Eastern Bay.
Ragged Island group [4a]	2	Dorchester	106	Little Choptank River.
Reedy Island group [6]	None	Worcester	35	Assawoman Bay.
Roberts Island group [9]	8	Harford	99	Susquehanna River.
Seiden Island group [9]	1	Montgomery	464	Potomac River.
Smith Island group [6]	4	Somerset	9,906	Chesapeake Bay.
Shelldrake Island [6]	None	Worcester	344	Chincoteague Bay.
Shepherds Island group [9]	None	Washington	16	Potomac River.
Sherwin Island group [9]	None	Montgomery	260	Do.
South Hammocks Island group.[6]	None	Worcester	162	Assawoman Bay.
South Marsh Island group [6]	None	Somerset	2,884	Tangier Sound.
Spesutie Island group [4a]	20	Harford	1,526	Chesapeake Bay.
Spring Island group [6]	None	Dorchester	53	Do.
St. Catherine Island group [4a]	5	St. Marys	69	Potomac River.
St. George Island [4a]	40	do	510	St Marys River.
Sugarloaf Island [6]	None	Dorchester	224	Blackwater River.
Taylors Island group [4a]	10	do	8,094	Chesapeake Bay.
Tilghman Island group [4a]	18	Talbot	1,488	Do.
Tizzard Island group [6]	None	Worcester	150	Johnson Bay.
Upper Hooper Island [4a]	40	Dorchester	1,044	Chesapeake Bay.
Watkins Island group [9]	None	Montgomery	779	Potomac River.
Wroten Island [4a]	3	Dorchester	503	Honga River.
Wye Island [4a]	8	Queen Anne	2,112	Wye Narrows.
Subtotal (55)			75,324	
MASSACHUSETTS				
Big Ram Island group [6]	3	Bristol	238	Westport River—East Branch.
Brant Island group [4a]	5	Plymouth	16	Buzzards Bay.
Calf Island group [11b]	10	Suffolk	92	Massachusetts Bay
Cape Ann Island [4a]	50	Essex	11,730	Atlantic Ocean—Ipswich Bay.
Chappaquiddick Island [7]	10	Dukes	3,570	Atlantic Ocean.
Elizabeth Island group [4a]	25	do	8,268	Buzzards Bay.
Hog Island group [4a]	15	Essex	723	Essex Bay.
Hopkins Island group [6]	None	Barnstable	575	Nauset Bay.
Jules Island group [6]	None	do	283	Cape Cod Bay.
Kidds Island [9]	None	Franklin	18	Connecticut River.
Kimball Island [9]	None	Essex	20	Merrimack River.
Lieutenant Island group [6]	5	Barnstable	276	Wellfleet Harbor.
Long Island group [4a]	None	Bristol	45	Buzzards Bay.
Marblehead Neck Island group.[4a]	35	Essex	285	Massachusetts Bay.
Martha's Vineyard [7]	15	Dukes	63,000	Atlantic Ocean.
Muskeget Island [7]	None	Nantucket	300	Do.
Nantucket Island [7]	3	do	30,391	Do.
Narrows Island group [4a]	20	Suffolk	113	Massachusetts Bay.
Noman's Land Island [7]	None	Dukes	628	Atlantic Ocean.
Pearce Island group [6]	5	Essex	231	Annisquam River.
Peddocks Island [4a]	15	Plymouth	170	Hull Bay.
Pine Island group [11a]	None	Worcester	121	Sudbury Reservoir.
Plum Island [4a]	25	Essex	3,305	Atlantic Ocean.
Quincy Bay Island group [4a]	40	Suffolk	305	Boston Harbor.
Rawson Island group [9]	30	Franklin	210	Connecticut River.
Roger Island group [6]	None	Essex	418	Plum Island River.
Sanford Flat Island group [6]	3	Bristol	120	Westport River.
Strong Island group [6]	5	Barnstable	508	Pleasant Bay.
Thacher Island group [4a]	None	Essex	112	Atlantic Ocean.
Thompson Island group [4a]	None	Suffolk	231	Dorchester Bay.
Tuckernuck Island [7]	None	Nantucket	1,000	Atlantic Ocean.
Weepocket Island group [4a]	None	Dukes	11	Buzzards Bay.
West Island [4a]	20	Bristol	560	Do.
Weymouth-Hingham Island group.[4a]	5	Norfolk	124	Hull Bay.
Winter Island [9]	None	Essex	50	Massachusetts Bay.
Woodbridge Island group [6]	None	do	274	Plum Island River.
Subtotal (35)			127,693	

Footnotes at the end of appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC[1]—Continued

Island	Percent developed[2]	County	Acreage[3]	Body of water
MICHIGAN				
Andrews Island[4b]	5	Chippewa	14	Potagannissing Bay.
Apple Island[9]	None	Oakland	38	Orchard Lake.
Arnold Island[4b]	None	Chippewa	30	Lake Huron.
Ashman Island[4b]	None	do	62	Potagannissing Bay.
Au Train Island[4b]	None	Alger	105	Lake Superior.
Bald Island[4b]	1	Chippewa	75	Potagannissing Bay.
Beaver Island[10]	10	Charlevoix	35,465	Lake Michigan.
Beavertail Point Island[4b]	1	Mackinac	41	Lake Huron.
Bellevue Island[4b]	None	Chippewa	30	Do.
Big La Salle Island[4b]	1	Mackinac	1,012	Do.
Big St. Martin Island[4b]	None	do	951	Do.
Big Trout Island[4b]	None	Chippewa	94	Potagannissing Bay.
Birch Island[4b]	None	Mackinac	21	Lake Huron.
Bois Blanc Island[4b]	1	do	21,352	Do.
Boot Island[4b]	5	do	123	Do.
Boulanger Island[4b]	4	Chippewa	46	Potagannissing Bay.
Brown Island[9]	None	Presque Isle	55	Grand Lake.
Burnt Island[4b]	5	Chippewa	411	Potagannissing Bay.
Butterfield Island[4b]	1	do	32	Do.
Cass Island[4b]	1	do	74	Do.
Cedar Island[4b]	None	do	64	Do.
Celeron Island[9]	5	Wayne	120	Detroit River.
Charity Island[4b]	None	Arenac	280	Lake Huron.
Cherry Island[4b]	None	Wayne	30	Detroit River.
Claw Island[4b]	None	Chippewa	10	Potagannissing Bay.
Corvell Island[4b]	50	Mackinac	82	Lake Huron.
Crooked Island[4b]	1-25	Alpena	47	Do.
Duck Island[4b]	1	Chippewa	10	Whitney Bay.
Duck Island[10]	1	do	200	Lake George.
Espanore Island[4b]	5	do	120	Lake Huron.
Flat Island[9]	1	Marquette	15	Lake Michigamme.
Fox Island[9]	None	Grand Traverse	12	Long Lake.
Garden Island[10]	None	Charlevoix	4,372	Lake Michigan.
Garden Island[4b]	None	Chippewa	40	Lake Huron.
Gitche Manato Island[9]	None	Marquette	10	Lake Michigamme.
Government Island[4b]	None	Mackinac	215	Lake Huron
Grand Island[9]	None	Preque Isle	273	Grand Lake.
Grand Island[4b]	1-25	Alger	12,905	Lake Superior
Grape Island[4b]	2	Chippewa	80	Potagannissing Bay.
Gravel Island[4b]	None	do	20	Lake Huron.
Green Island[6]	None	Saginaw	35	Saginaw River.
Gull Island[10]	None	Charlevoix	240	Lake Michigan.
Gull Island[4b]	None	Chippeqa	16	Potagannissing Bay.
Gull Island[4b]	None	Delta	13	Lake Michigan.
Harbor Island[4b]	None	Chippewa	694	Potagannissing Bay.
Harris Island[4b]	None	do	11	Do.
Hart Island[4b]	None	do	20	Munuscong Lake.
Hill Island[4b]	30	Mackinac	235	Lake Huron.
Hog Island[10]	None	Charlevoix	2,071	Lake Michigan.
Island No. 8[4b]	25	Mackinac	132	Lake Huron.
Island No. 12[6]	None	Ionia	15	Grand River.
James Island[4b]	10	Chippewa	26	Potagannissing Bay.
La Pointe Island[4b]	5	do	23	Do.
Lighthouse Island[4b]	None	Marquette	40	Lake Superior.
Lime Island[4b]	5	Chippewa	900	Munuscong Lake.
Little Charity Island[4b]	None	Arenac	17	Lake Huron.
Little Gull Island[4b]	None	Delta	10	Lake Michigan.
Little La Salle Island[4b]	1	Mackinac	400	Lake Huron.
Little Lime Island	None	Chippewa	16	Munuscong Lake.
Little Presque Island[4d]	None	Marquette	14	Lake Superior.
Little St. Martin Island[4b]	None	Mackinac	472	Lake Huron.
Little Summer Island[4b]	None	Delta	506	Lake Michigan.
Long Island[9]	1	Grand Traverse	24	Long Lake.
Long Island[4b]	1	Mackinac	70	Lake Huron.
Long Island[4b]	None	Chippewa	17	Potagannissing Bay.
Long Island[4b]	3	do	40	Lake Huron.
Love Island[4b]	None	do	20	Munuscong Lake.
Mackinac Island[4b]	15	Mackinac	2,321	Lake Huron.
Macomb Island[4b]	1	Chippewa	240	Potagannissing Bay.
Manitou Island[4b]	10	Keweenaw	1,013	Lake Superior.
Maple Island[4b]	1	Chippewa	123	Potagannissing Bay.
Marion Island[4b]	1	Grand Traverse	600	Grand Traverse Bay.
Marquette Island[4b]	None	Mackinac	4,000	Lake Huron.
Meade Island[4b]	5	Chippewa	160	Do.
Middle Island[4b]	None	Alpena	255	Do.
Neebish Island[4b]	20	Chippewa	12,981	Lake Nicolet.
North Fox Island[10]	5	Leelanau	777	Laka Michigan.
North Island[4b]	10	Huron	88	Saginaw Bay.
North Manitou Island[10]	5	Leelanau	14,100	Lake Michigan.
Odiem Island[9]	None	Monroe	40	North Maumee Bay.
Patridge Island[4b]	None	Marquette	85	Lake Superior.
Peck Island[4b]	1	Chippewa	40	Patogannissing Bay.
Pipe Island[4b]	10	do	13	Do.
Rains Island[4b]	5	do	300	Munuscong Lake.
Ramsey Island[4b]	None	Marquette	26	Lake Michigamme.
Rocky Island[9]	None	Delta	10	Lake Michigan.
Rogg Island[4b]	None	Chippewa	29	Potagannissing Bay.
Round Island[4b]	None	Mackinac	392	Lake Huron.
Rover Island[4b]	None	do	16	Do.
Rutland Island[4b]	None	Chippewa	73	Potagannissing Bay.
Saltonstall Island[4b]	None	do	19	Do.
Shelter Island[4b]	None	do	70	Lake Huron.
Snake Island[4b]	None	Delta	10	Big Bay De Noc.
South Fox Island[10]	5	Leelanau	3,382	Lake Michigan.
South Island[9]	None	Grand Traverse	12	Long Lake.
South Manitou Island[10]	5	Leelanau	4,940	Lake Michigan.
Squaw Island[10]	1	Charlevoix	69	Do.
St. Helena Island[4b]	None	Mackinac	241	Do.
St. Martin Island[4b]	1	Delta	1,332	Do.
MICHIGAN—Continued				
Stony Island[4b]	None	Huron	387	Saginaw Bay.
Stricklands Point Island[4b]	30	Chippewa	30	Potagannissing Bay.
Strongs Island[4b]	None	Mackinac	90	Lake Huron.
Sturgeon Bar Island[9]	None	Wayne	10	Detroit River.
St. Vitals Island[4b]	None	Delta	20	Big Bay De Noc.
Sugar Island[9]	None	Wayne	40	Detroit River.
Sugar Island[4b]	30	Chippewa	31,056	Lake Nicolet.
Sugar Island[4b]	None	Alpena	173	Lake Huron.
Summer Island[4b]	1	Delta	2,130	Lake Michigan.
Sweets Point Island[4b]	10	Chippewa	100	Munuscong Lake.
Thunder Bay Island[4b]	1	Alpena	218	Lake Huron.
Traverse Island[4b]	None	Houghton	91	Keweenaw Bay.
Trout Island[10]	1	Charlevoix	80	Lake Michigan.
Whiskey Island[10]	1	do	96	Do.
Wilson Island[10]	1	Chippewa	159	Potagannissing Bay.
Williams Island[4b]	None	Alger	33	Lake Superior.
Wood Island[4b]	None	do	170	Do.
Subtotal (116)			167,653	
MINNESOTA				
Alepo[9]	1	St. Louis	15	Lake Vermillion
Baylis Island[9]	1	do	75	Crane Lake
Bear Island[9]	None	do	150	Bear Island Lake
Beaver Island[6]	None	Sterns	225	Mississippi River
Blueberry Island[9]	None	St. Louis	15	Burntside Lake
Brownell Island[9]	None	do	10	Do.
Burnt Island[9]	None	do	40	Do.
Coleman Island[9]	None	do	3,200	Do.
Comet Island[9]	2	do	40	Lake Vermillion
Cramer Island[9]	1	do	20	Trout Lake
Dollar Island[9]	None	do	15	Burntside Lake
Drury Island[6]	None	Wabasha	64	Mississippi River
Hall Island[9]	None	St. Louis	75	Burntside Lake
Honeymoon Island[9]	None	do	55	Do.
Iatch Island[6b]	10	Winona	60	Mississippi River
Indian Island[9]	None	St. Louis	25	Crane Lake
Knotts Island[9]	1	do	55	Vermillion Lake
Last Girl Island[9]	None	do	40	Burntside Lake
Lock Island[9]	None	do	12	Do.
Long Island[9]	None	do	35	Do.
Lower Grey Cloud Island[6b]	None	Washington	1,358	Mississippi River.
Matson Island[9]	None	St. Louis	20	Lake Vermillion.
Oliver Island South[9]	None	do	40	Burntside Lake.
Oliver Island North[9]	None	do	35	Do.
Pine Island[9]	None	do	15	Do.
Bear Island[9]	None	Cass	1,022	Leech Lake.
Beaver Island[9]	1-25	Lake	10	Lake Superior.
Big Island[9]	None	Koochichin	178	Nett Lake.
Big Star Island[9]	1-25	Beltrami	1,155	Cass Lake.
Elmwood Island[9]	None	Itasca	37	Island Lake.
Fort St. Charles Island group.[9]	1-25	Lake of the Woods.	471	Lake of the Woods.
Garden Island[9]	1-25	do	690	Do.
Gary Island[9]	1-25	Lake	12	Basswood Lake.
Goat Island[9]	26-50	Hubbard	65	Lake Belle Taine.
Grand Portage Island[9]	None	Cook	50	Lake Superior.
Half Dog Island[9]	1-25	Lake	15	Basswood Lake.
Indian Grave Island[9]	1-25	do	15	Do:
Loon Island[9]	1-25	Murray	44	Lake Shetek.
Mile Island[9]	1-25	Lake	65	Fall Lake.
Minnesota Island[9]	None	Cass	252	Leech Lake.
Oak Island[9]	1-25	Lake of the Woods.	1,626	Lake of the Woods.
Pelican Island[9]	None	Cass	166	Leech Lake.
Pike Island[9]	None	Ramsey	238	Mississippi River.
Pipe Island[9]	None	Cass	12	Leech Lake.
Seven Island[9]	None	Pine	20	St. Croix River.
Susie Island group[9]	None	Cook	360	Lake Superior.
Pine Island[9]	None	St. Louis	2,500	Lake Vermillion.
Ripple Island[9]	None	do	20	Burntside Lake.
Sioux Pine Island[9]	None	do	600	Trout Lake.
Snellman Island[9]	None	do	45	Burntside Lake.
Spider Island[9]	1	do	12	Lake Vermillion.
Sumpter Island[9]	None	do	10	Burntside Lake.
Three Island[9]	None	do	75	Iron Lake.
Upper Grey Cloud Island[6b]	None	Washington	1,047	Mississippi River.
Subtotal (54)			16,506	
MISSISSIPPI				
Cat Island[5]	None	Harrison	2,400	Mississippi Sound.
Deer Island[5]	1-25	do	530	Do.
Horn Island[5]	1-25	Jackson	3,690	Do.
Petit Bois Island[5]	1-25	do	1,470	Do.
Round Island[5]	None	do	80	Do.
Ship Island[5]	26-50	Harrison	1,250	Do.
Subtotal (6)			9,420	
MISSOURI				
Cora Island[6]	None	St. Charles	1,330	Missouri River.
Cuivre Island[6]	1	Lincoln	1,355	Mississippi River.
Dresser Island[6]	None	St. Charles	788	Do.
Fabius Island[6]	None	Marion	305	Do.
Fox Island[6]	None	Cole	150	Missouri River.
Howell Island[6]	None	St. Charles	2,511	Do.
Orton Island[5]	None	Marion	85	Mississippi River.

Footnotes appear at the end of this appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC 1—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
MISSOURI—Continued				
Stillman Island [6]	None	Marian	120	Mississippi River.
Turkey Island [6]	None	Lincoln	128	Do.
Subtotal (9)			6,772	
MONTANA				
Bird Island [9]	None	Lake	30	Flathead Lake.
Bull Island [9]	None	do	110	Do.
Cedar Island [9]	None	do	25	Do.
Cemetery Island [11]	None	Lewis and Clark	20	Canyon Ferry Impoundment.
Council Island [9]	None	Fergus	20	Missouri River.
Cow Island group [9]	None	do	110	Do.
Cromwell Island [9]	None	Lake	360	Flathead Lake.
Hole-in-the-Wall Island group [9]	None	Chouteau	10	Missouri River.
Holmes Council Island group [9]	None	Fergus	15	Missouri River.
Iron City Island group [9]	None	do	15	Do.
Little Bull Island group [9]	None	Lake	35	Flathead Lake.
Melita Island [9]	None	do	70	Do.
Norris Island group [9]	None	Chouteau	105	Missouri River.
Pablo Island group [9]	None	do	10	Do.
Shelter Island [9]	None	Lake	25	Flathead Lake.
Sturgeon Island group [9]	None	Blaine	50	Missouri River.
Wild Horse Island [9]	1–25	Lake	2,500	Flathead Lake.
Wolf Island [9]	None	Chouteau	10	Missouri River.
Subtotal (18)			3,520	
NEBRASKA				
Platte River Island group [9]	1	Colfax, Dodge, Butler, Cass, Douglass, Saunders, Sarpy.	5,170	Platte River.
Subtotal (1)			5,170	
NEVADA (None)				
NEW HAMPSHIRE				
Barndoor Island group [9]	10	Carroll	162	Lake Winnipesaukee.
Beach Island group [9]	10	Strafford	25	Bow Lake.
Bear Island [9]	None	Merrimack	105	Suncook River.
Bear Island group [9]	10	Belknap	290	Lake Winnipesaukee.
Big Island [9]	None	Carroll	9	Silver Lake.
Big Island [9]	10	do	13	Lovell Lake.
Big Island group [9]	None	Coos	182	Umbagog Lake.
Black Cat Island group [9]	30	Belknap	177	Lake Winnipesaukee.
Black Island [9]	20	Carroll	50	Moultonboro Bay.
Browns Island group [5]	None	Rockingham	102	Massabesic Lake.
Burnap's Island [9]	None	Sullivan	5	Connecticut River.
Chapman Island group [9]	None	Belknap	37	Lake Waukewan.
Chase Island [9]	None	Sullivan	12	Connecticut River.
Dunshee Island [9]	None	Cheshire	10	Do.
Evans Island [9]	None	Coos	30	Androscoggin River.
Gleason Island [9]	None	Grafton	10	Connecticut River.
Governors Island group [9]	None	Rockingham	272	Island Pond.
Governors Island [9]	20	Belknap	500	Lake Winnipesaukee.
Hart Island [9]	None	Sullivan	26	Connecticut River.
Hinman Island group [9]	None	Coos	13	Do.
Howard Island group [9]	None	Grafton	80	Do.
Hubbard group [9]	None	Sullivan	32	Do.
Isles of Shoals group [5]	None	Rockingham	131	Altantic Ocean.
Jarvis Island [9]	None	Sullivan	12	Connecticut River.
Johnston Island [9]	None	Grafton	8	Do.
Jose Island group [9]	None	Carroll	15	Moultonboro Bay.
Kelly Island [9]	None	Belknap	23	Pemigewasset Lake.
Ledge Island [9]	None	Sullivan	3	Connecticut River.
Log Cabin Island group [9]	None	Rockingham	15	Pawtuckaway Pond.
Long Island [9]	10	Carroll	1,170	Lake Winnipesaukee.
Loon Island [9]	None	do	6	Leavitt Bay.
Mark Island group [9]	10	Belknap	642	Lake Winnipesaukee.
Mayhew Island [9]	None	Grafton	40	Newfound Lake.
Moat Island [9]	None	Rockingham	15	Lamprey River.
New Castle Island group [6a]	60	do	570	Portsmouth Harbor.
Rattlesnake Island group [9]	15	Belknap	523	Lake Winnipesaukee.
Spring Island group [9]	30	Carroll	49	Green's Basin Lake.
Squam Lake Island group [9]	None	Grafton	755	Squam Lake.
Stebbin Island [9]	None	Cheshire	30	Connecticut River.
Stamp Act Island group [9]	10	Carroll	131	Lake Wentworth.
Stevens Island group [9]	None	Grafton	14	Connecticut River.
Stonedam Island group [9]	10	Belknap	146	Meredith Bay.
Sumner Island group [9]	None	do	53	Pemigewasset River.
Wentworth Island [9]	None	Coos	10	Androscoggin River.
Whortleberry Island [9]	15	Carroll	957	Lake Winnipesaukee.
Subtotal (46)			7,475	
NEW JERSEY				
Artificial Island group [6]	None	Salem	3,200	Delaware River.
Bonnet Island group [6a]	5	Ocean	520	Manahawkin Bay.
Brigantine Island [5]	60	Atlantic	2,450	Atlantic Ocean.
Bulls Island [9]	None	Hunterdon	80	Delaware River.
Chester Island [6]	None	Gloucester	140	Do.
Clam Island group [6]	None	Ocean	446	Barnegat Bay.
Conklin Island group [6]	None	do	1,866	Do.
Devils Island group [5]	None	Cape May	1,351	Ludlam Bay.
NEW JERSEY—Continued				
Devils Wedge Island group [5]	5	Cape May	712	Turtle Gut Bay.
Dildine Island group [9]	5	Warren	104	Delaware River.
Eagle Island [9]	None	Hunterdon	18	Do.
Ellis Island [4]	100	Hudson	24	Upper New York Bay.
Fortescue Neck Island group [6]	10	Cumberland	6,945	Delaware Bay.
Fowler Island group [6]	None	do	33	Maurice River.
Glassy Sound Island group [5]	None	Cape May	1,890	Richardson Sound.
Great Island group [5]	5	Atlantic	3,050	Egg Harbor.
Gull Island group [5]	None	Cape May	3,540	Jenkins Sound.
Gull Island group [5]	None	do	760	Townsend Sound.
Gunning Island group [6]	None	Monmouth	166	Shrewsbury River.
Ham Island group [6]	None	Ocean	248	Little Egg Harbor.
Herring Island [6]	None	do	40	Metedeconk River.
Hickory Island group [6b]	None	Salem	600	Salem River.
Hog Island group [6]	None	Atlantic	160	Mullica River.
Mashipacong Island group [9]	None	Sussex	514	Delaware River.
Monds Island [6]	None	Gloucester	150	Do.
Money Island group [6]	None	Salem	412	Do.
Mormandie Island group [6]	20	Monmouth	158	Navesink River.
Ocean City Island [5]	60	Cape May	3,450	Atlantic Ocean.
Osborn Island [9]	None	Monmouth	8	Manasquan River.
Pine Island Meadow group [6]	None	Salem	840	Salem River.
Pine Island group [6]	None	do	5,156	Delaware Bay.
Raccoon Creek group [6]	None	Gloucester	145	Raccoon Creek.
Rainbow Island group [5]	5	Cape May	1,270	Great Egg Harbor.
Rotary Island [9]	None	Mercer	29	Delaware River.
Sedge Island group [6]	None	Ocean	404	Barnegat Bay.
Seven Island group [6]	None	do	1,862	Great Bay.
Story Island group [5]	None	do	988	Little Egg Harbor.
Thorofare Island group [5]	None	Cape May	848	Jarvis Sound.
Tocks Island group [9]	None	Warren	50	Delaware River.
Treasure Island group [9]	None	Hunterdon	68	Do.
Upper Island group [5]	5	Cape May	3,897	Stites Sound.
Weak Fish Island group [5]	5	Atlantic	5,262	Reeds Bay.
Wildwood Island group [5]	80	Cape May	4,118	Atlantic Ocean.
Subtotal (43)			57,972	
NEW MEXICO (None)				
NEW YORK				
Barnhart Island group [9]	None	St. Lawrence	1,820	St. Lawrence River.
Beacon Island group [9]	None	Fulton	80	Sacandaga Reservoir.
Big Island group [9]	None	Oswego	75	Oswego River.
Big Island group [9]	10	Onondaga	502	Seneca River.
Big Island group [9]	10	Hamilton	114	Raque te Lake.
Bonsted Island group [9]	30	Oswego	25	Oswego River.
Bowman Island group [9]	None	St. Lawrence	27	Black Lake.
Campbell Island group [9]	None	Rensselaer	43	Hudson River
Cedar Island group [9]	None	St. Lawrence	120	Chippewa Bay.
Cherry Island [9]	None	Orange	11	Delaware River.
Croil Island group [9]	None	St. Lawrence	785	St. Lawrence River.
Delano Island group [9]	None	Jefferson	98	Black River.
Dunham Island group [9]	None	Oswego	50	Oneida Lake.
East Bar Island group [6b]	None	Suffolk	70	Nissequoque River.
Esopus Island [9]	None	Dutchess	10	Hudson River.
Fire Island [9]	10	Suffolk	6,700	Atlantic Ocean.
Fishers Island group [4a]	30	do	2,730	Great Peconic Bay
Fox Island group [4b]	None	Jefferson	1,372	Lake Ontario.
Galop Island group	None	St. Lawrence	515	St. Lawrence River.
Gardiners Island group [6]	5	Suffolk	3,307	Block Island Sound.
Glosky Island [9]	None	Onondaga	100	Oneida River.
Governors Island [9]	None	New York	180	Upper New York Bay.
Grand Island [9]	55	Niagara	18,310	Niagara River.
Great Island [9]	None	Westchester	323	Kensico Reservoir.
Green Island group [9]	None	Franklin	157	Upper Saranac Lake.
Green Island [9]	None	Saratoga	23	Hudson River
Griffin Island [9]	None	do	70	Do.
Grindstone Island group [9]	None	Jefferson	5,451	St. Lawrence River.
Gumaer Island [9]	None	Ulster	25	Rondont Creek.
Hen Island group [9]	None	Westchester	29	Mamaroneck Harbor.
Hiawatha Island [9]	10	Tioga	125	Susquehanna River.
Hoopers Valley Island [9]	None	do	20	Do.
Long Sault Island group [9]	None	St. Lawrence	898	St. Lawrence River.
Magdelan Island group [9]	None	Dutchess	194	Hudson River.
Maloney Island [9]	None	Onondaga	22	Seneca River.
Maple Bend Island group [9]	None	Washington	151	Lake Champlain.
Middleground Flats Island group [9].	None	Greene	175	Hudson River.
Moose Island group [9]	10	Essex	760	Lake Placid.
Newark Island group [9]	10	Wayne	204	Sodus Bay.
Ogden Island [9]	None	St. Lawrence	459	St. Lawrence River.
Peobles Island group [9]	None	Rensselaer	155	Hudson River.
Pepper Island group [9]	5	Montgomery	92	Mohawk River.
Pollepel Island group [9]	None	Dutchess	20	Hudson River.
Poors Island group [9]	5	Jefferson	86	Black River.
Quack Island group [9]	None	Rensselaer	143	Hudson River.
Rattlesnake Island group [9]	None	Greene	115	Do.
Robins Island [9]	None	Suffolk	442	Great Peconic Bay.
Rogers Island [9]	5	Columbia	175	Hudson River.
Schuyler Island [9]	None	Essex	168	Lake Champlain.
Sedge Island group [9]	None	Suffolk	111	Shinnecock Bay.
Simmons Island group [9]	None	Albany	76	Hudson River.
Sols Island group [9]	20	St. Lawrence	187	Raquette River.
Squaw Island group [9]	None	Erie	157	Niagara River.
Stockport Island group [9]	15	Greene	210	Hudson River.
Stoney Island group [4b]	None	Jefferson	1,422	Lake Ontario.
Thompson Island [9]	None	Saratoga	50	Hudson River.
Valcour Island group [9]	None	Clinton	1,024	Lake Champlain.

Footnotes appear at the end of this appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
NEW YORK—Continued				
Walter Island [9]	None	Onondaga	14	Oswego River.
Wellesley Island group [9]	5	Jefferson	8,075	St. Lawrence River.
Wilson Hill Island group [9]	None	St. Lawrence	1,051	Do.
Subtotal (60)			59,903	
NORTH CAROLINA				
Battery Island [5]	1-25	Brunswick	60	Long Bay.
Bogue Banks Island [5]	None	Carteret	6,400	Atlantic Ocean.
Marshy Island group [5]	None	Currituck	1,500	Do.
Smith Island group [5]	None	Brunswick	11,000	Do.
Striking Island [5]	None	do	30	Dutchman Creek.
Subtotal (5)			18,990	
NORTH DAKOTA (None)				
OHIO				
Johnson Island [4b]	5	Ottawa	300	Lake Erie.
Kelleys Island [4b]	10	Erie	2,888	Do.
Middle Bass Island [4b]	20	Ottawa	750	Do.
Mouse Island [4b]	10	do	8	Do.
North Bass Island [4b]	10	do	705	Do.
Rattlesnake Island [4b]	20	do	65	Do.
South Bass Island [4b]	20	do	1,568	Do.
Squaw Island [4b]	None	Sandusky	3	Do.
Starve Island [4b]	None	Ottawa	1	Do.
Turtle Island [4b]	None	Sandusky	2	Do.
Subtotal (10)			6,290	
OKLAHOMA (None)				
OREGON				
Bolon Island [9]	30	Douglas	200	Umpqua River.
Booth Island group [9]	None	Lane	120	Siltcoos Lake.
Cascade Locks Island [9]	None	Hood River	20	Columbia River.
Cathlament Bay Island group [6]	None	Clatsop	650	Do.
Goose Island [6]	None	do	20	Do.
Government Island group [9]	None	Multnomah	2,268	Do.
Grassy Island [6]	None	Clatsop	80	Do.
Green Island group [6]	None	do	255	Do.
Johnson Island group [9]	None	Malheur	540	Snake River.
Karlson Island group [6]	None	Clatsop	1,155	Columbia River.
Lava Island [9]	None	Deschutes	10	Deschutes River.
Marsh Island group [6]	None	Clatsop	1,915	Columbia River.
Miller Sands Island group [9]	None	do	235	Do.
Minaker Island group [6]	None	do	265	Do.
Mott Island group [9]	None	do	1,000	Do.
Myrtle Island [9]	None	Douglas	28	Umpqua River.
Pearcy Island [9]	None	Multnomah	1,940	Columbia River.
Quinin Island group [6]	None	Clatsop	365	Do.
Russian Island group [6]	None	do	825	Do.
Sauvie Island group [9]	None	Columbia	26,720	Do.
Seal Island group [6]	None	Clatsop	342	Do.
Svenson Island group [6]	None	do	465	Do.
Tronson island group [6]	None	do	135	Do.
Woody Island [6]	None	do	220	Do.
Subtotal (24)			39,773	
PENNSYLVANIA				
Ackerman Island [11a]	None	Crawford	13	Pymatuning Reservoir.
Bell Island [9]	None	Juniata	110	Juniata River.
Blood Island group [9]	None	Northunberland	316	Susquehanna River.
Clark Island group [11a]	5	Crawford	285	Pymatuning Reservoir.
Grafts Island group [9]	None	Dauphin	154	Susquehanna River.
Dodd Island group [9]	None	Bradford	35	Do.
Duncan Island group [9]	None	Lancaster	120	Do.
Georgetown Island [9]	None	Beaver	32	Ohio River.
Gould Island [9]	None	Luzerne	50	Susquenhanna River.
Great Island [9]	5	Clinton	250	West Branch. Susquehanna River.
Harris Island group [9]	None	Bradford	74	Susquehanna River.
Hawns Bridge Island [9]	None	Huntingdon	65	Juniata River.
Hendrick Island [9]	None	Bucks	40	Delaware River.
Hoge Island group [9]	None	Venango	40	Allegheny River.
Keifer Island [9]	None	Northampton	30	Delaware River.
Lagrange Island [9]	None	Wyoming	14	Susquehanna River.
Little Island group [9]	None	Luzerne	32	Do.
McClokey Island	None	Clinton	30	W. Branch Susquehanna River.
Mead Island group [9]	None	Warren	169	Allegheny River.
Montgomery Island group [9]	None	Northumberland	77	Susquehanna River.
Mowey Island group [9]	None	Bucks	325	Delaware River.
Nicholson Island group [9]	None	Armstrong	17	Allegheny River.
Phillis Island [9]	None	Beaver	40	Ohio River.
Prahis Island group [9]	None	Bucks	39	Delaware River.
Richard Island [9]	None	Luzerne	75	Susquehanna River.
Ross Island [9]	None	Armstrong	24	Allegheny River.
Scovell Island [9]	None	Luzerne	65	Susquehanna River.
Shawnee Island group [9]	None	Monroe	415	Delaware River.
PENNSYLVANIA—Continued				
Urey Island group [9]	None	York	49	Susquehanna River.
Weise Island [9]	None	Lancaster	90	Do.
Wharf Island group [9]	None	Dauphin	514	Do.
Whitherup Island [9]	None	Venango	10	Allegheny River.
Subtotal (32)			3,598	
RHODE ISLAND				
Bills Island group [4a]	None	Washington	37	Quonochontaug Pond.
Block Island [7]	10	do	6,504	Atlantic Ocean.
Conanicut Island [4a]	25	Newport	6,105	Narragansett Bay.
Dutch Island [4a]	5	do	75	Do.
Dyer Island [4a]	1	do	30	Do.
Goat Island [4a]	50	do	35	Newport Harbor.
Gooseberry Island [4a]	5	Washington	25	Point Judith Pond.
Gould Island [4a]	80	Newport	60	Narragansett Bay.
Hog Island group [4a]	10	do	182	Do.
Hope Island [4a]	5	do	75	Do.
Narragansett Bay Island group [4a].	30	Washington	36	Do.
Page Island group [9]	5	Providence	14	Pascoag Reservoir.
Patience Island [4a]	5	Newport	200	Narragansett Bay.
Phillips Island [9]	None	Washington	10	Yawgoog Pond.
Prudence Island [4a]	20	Newport	3,627	Narragansett Bay.
Ram Island [4a]	None	Washington	35	Point Judith Pond.
Rose Island [4a]	5	Newport	17	Narragansett Bay.
Sandy Point Island [5]	None	Washington	50	Little Narragansett Bay.
Ward Island group [5]	None	do	65	Ninigret Pond.
Subtotal (19)			17,182	
SOUTH CAROLINA				
Bay Point Island [5]	1-25	Beaufort	1,800	Atlantic Ocean.
Bull Island [11c]	26-50	do	3,500	May River.
Capers Island [5]	1-25	Charleston	200	Atlantic Ocean.
Capers Island [5]	1-25	Beaufort	200	Do.
Cedar Island [5]	1-25	Georgetown	3,500	Do.
Daufuskie Island [5]	1-25	Beaufort	5,882	Do.
Debidue Island [5]	None	Georgetown	8,400	Do.
Dewees Island [5]	1-25	Charleston	890	Do.
Edisto Island [5]	26-50	do	34,000	Do.
Fripps Island [5]	26-50	Beaufort	3,000	Story River.
Hunting Island [5]	26-50	do	3,000	Atlantic Ocean.
Kiawah Island [5]	26-50	Charleston	7,300	Do.
Morgan Island [9]	None	Beaufort	2,000	Coosaw River.
Morris Island [5]	None	Charleston	1,200	Atlantic Ocean.
North Island [5]	None	Georgetown	6,000	Do.
Persanti Island [9]	None	Clarendon	350	Lake Marion.
Raccoon Island group [9]	26-50	Charleston	2,500	South Edisto River.
Seabrook Island [5]	1-25	do	1,800	Atlantic Ocean.
Subtotal (18)			85,522	
SOUTH DAKOTA				
Gills Island [9]	None	Day	10	Enemy Swim Lake.
Kite Island [9]	2	Roberts	101	Big Stone Lake.
La Framboise Island [9]	None	Hughes	688	Lake Sharpe.
Subtotal (3)			799	
TENNESSEE				
Beef Island group [9]	1-25	Shelby	3,500	Mississippi River.
City Island [9]	51-75	do	2,500	Do.
Diamond Island [9]	None	Hardin	162	Tennessee River.
Long Island [9]	26-50	Sullivan	1,500	Boone Reservoir.
Loos Hatche Bar Island [9]	None	Shelby	500	Mississippi River.
Presidents Island [9]	26-50	do	6,500	Do.
Treasure Island [9]	None	do	400	Do.
Williams Island [9]	None	Hamilton	459	Tennessee River.
Subtotal (8)			15,521	
TEXAS				
Galveston Island [5]	51	Galveston	27,500	Gulf of Mexico.
Matagorda Island [5]	5	Matagorda	44,800	Do.
Matagorda Peninsula North [5]	5	do	18,500	Do.
Matagorda Peninsual South [5]	1	do	15,500	Do.
Mustang Island [5]	25	Nueces	15,300	Do.
San Luis Follets Island [5]	10	Brazoria	5,500	Do.
St. Joseph Island [5]	1	Aransas	33,000	Do.
Subtotal (7)			160,000	
UTAH				
Antelope Island [9]	1-25	Davis	41,425	Great Salt Lake.
Subtotal (1)			41,425	
VERMONT				
Burton Island group [9]	None	Grand Isle	920	Lake Champlain.
Isle De Motte [9]	20	do	4,672	Do.
Metcalfe Island group [6]	None	Franklin	160	Do.
North Hero Island [9]	7	Grand Isle	8,192	Do.

Footnotes appear at the end of this appendix.

APPENDIX IV—Continued

NAMED ISLANDS WITH STATE, REGIONAL, OR NATIONAL RECREATION POTENTIAL UNAVAILABLE TO THE PUBLIC [1]—Continued

Island	Percent developed [2]	County	Acreage [3]	Body of water
VERMONT—Continued				
Rabbit Island [9]	2	Rutland	15	Lake Bomoseen.
South Hero Island group [9]	35	Grand Isle	19, 877	Lake Champlain.
Subtotal (6)			33, 836	
VIRGINIA				
Burwell Island [9]	None	Clarke	160	Shenandoah River.
Cedar Island group [5]	None	Accomack	5, 000	Atlantic Ocean.
Fisherman's Island group [5]	None	Northampton	1, 100	Do.
Fleets Island [9]	1–25	Lancaster	1, 100	Chesapeake Bay.
Goodwin Island group [9]	None	York	200	York River.
Hog Island [5]	None	Northampton	5, 000	Atlantic Ocean.
Parramore Island group [5]	None	Accomack	12, 000	Do.
Wallops Island [5]	1–25	do	5, 000	Do.
Subtotal (8)			29, 560	
WASHINGTON				
Allan Island [4]	None	Skagit	300	Barrows Bay.
Anderson Island [4]	None	Pierce	3, 176	Puget Sound.
Blakely Island [4]	None	San Juan	4, 430	Rosario Strait.
Camano Island [4]	None	Island	24, 268	Puget Sound.
Cypress Island [4]	None	Skagit	5, 430	Rosario Strait.
Decatur Island [4]	None	San Juan	2, 250	Do.
Driscoll Island group [9]	None	Okanogan	360	Okanogan River.
Eliza Island [4]	None	Whatcom	130	Bellingham Bay.
Fidalgo Island [4]	15	Skagit	27, 294	Rosario Strait.
Fox Island [4]	30	Pierce	3, 364	Puget Sound.
Guemes Island [4]	15	Skagit	5, 430	Bellingham.
Hartstene Island [4]	10	Mason	12, 000	Puget Sound.
Herron Island [4]	None	Pierce	312	Case Inlet.
Indian Islnd [4]	5	Jefferson	2, 784	Kilisut Harbor.
Lopez Island [4]	None	San Juan	18, 560	Rosario Strait.
Lower Columbia River group [9]	None	Wahkiakum, Clark, Skamania, Cowlitz	4, 960	Lower Columbia River.
Marrowstone Island [4]	10	Jefferson	3, 652	Admiralty Inlet.
Orcas Island [4]	10	San Juan	36, 480	Rosario Strait.
Patos Island group [4]	None	San Juan	220	Strait of Georgia.
Portage Island [4]	None	Whatcom	925	Bellingham Bay.
Puget Island Group [9]	10	Wahkiakum	3, 950	Columbia River.
Saddlebag Island [4]	None	Skagit	28	Padilla Bay.
San Juan Island [4]	20	San Juan	35, 200	Haro Strait.
Satellite Island [4]	None	San Juan	112	Do.
Shaw Island [4]	10	San Juan	5, 120	San Juan Channel.
Skagit Island group [9]	None	Skagit	4, 648	Skagit River.
Squaxin Island [4]	None	Mason	1, 480	Peale Passage.
Stuart Island [4]	None	San Juan	1, 848	Haro Strait.
Sucias Islnd group [4]	None	San Juan	712	Strait of Georgia.
Vashon Island [4]	30	King	151, 620	Puget Sound.
Waldron Island [4]	5	San Juan	2, 904	Haro Strait.
Whidbey Island [4]	None	Island	97, 284	Puget Sound.
Subtotal (32)			451, 231	
WEST VIRGINIA				
Buckley Island [9]	25	Wood	60	Ohio River.
Subtotal (1)			60	
WISCONSIN				
Allen Island group [6]	None	Crawford	180	Wisconsin River.
Basswood Island [4b]	None	Ashland	1, 879	Lake Superior.
Bear Island [4b]	None	Ashland	1, 714	Do.
Big Island [9]	1	Burnett	410	St. Croix River.
Blackhawk Island [6]	None	Juneau	10	Wisconsin River.
Brushwood Island [9]	None	Dodge	15	Fox Lake.
Cat Island [4b]	None	Ashland	1, 291	Lake Superior.
Chambers Island [4b]	2	Door	2, 800	Green Bay.
Champaign Island [9]	None	Bayfield	12	Lake Namakagon.
Coumbe Island [6]	None	Grant	355	Wisconsin River.
Detroit Island [4b]	None	Door	680	Green Bay.
Devils Island [4b]	None	Ashland	320	Lake Superior.
Feather Island [6]	None	Crawford	140	Wisconsin River.
Goose Island [6]	None	Vernon	310	Mississippi River.
Hacklin Island [6]	None	Crawford	85	Wisconsin River.
Harris Island [6]	None	Crawford	80	Do.
Hermit Island [4b]	None	Ashland	742	Lake Superior.
Hunter Island [6]	None	Crawford	50	Mississippi River.
Ironwood Island [4b]	None	Ashland	662	Lake Superior.
Krolls Island [6]	None	Crawford	18	Wisconsin River.
WISCONSIN—Continued				
Little Island [6]	None	Grant	44	Wisconsin River.
Long Island [4b]	None	Ashland	134	Lake Superior.
Madeline Island [4b]	25	Ashland	15, 176	Do.
Manitou Island [4b]	None	Ashland	1, 365	Do.
Michigan Island [4b]	None	Ashland	1, 564	Do.
Newton Island [6]	None	Crawford	100	Wisconsin River.
North Twin Island [4b]	None	Ashland	165	Lake Superior.
Nose Peak Island [6]	None	Marinette	13	Menominee River.
Oak Island [4b]	None	Ashland	4, 971	Lake Superior.
Otter Island [4b]	None	do	1, 32	Do.
Outer Island [4b]	None	do	8, 033	Do.
Paines Island [9]	1	Bayfield	65	Lake Namakagon.
Patterson Island [6]	None	Grant	47	Wisconsin River.
Plum Island [4b]	1	Door	276	Green Bay.
Richmond Island [6]	None	Trempealeau	45	Mississippi River.
Rocky Island [4b]	None	Ashland	1, 112	Lake Superior.
Sand Island [4b]	None	Bayfield	2, 922	Do.
Snake Island [4b]	None	Door	21	Green Bay.
South Twin Island [4b]	None	Ashland	361	Lake Superior.
Steamboat Island [6]	None	Grant	34	Wisconsin River.
Stockton Island [4b]	None	Ashland	9, 811	Lake Superior.
The Big Island [9]	None	Iron	1, 994	Flambeau Flowage.
Trempealeau Mount Island [6]	None	Trempealeau	66	Mississippi River.
Washington Island [4b]	4	Door	15, 700	Green Bay.
Weniger Island [6]	None	Crawford	200	Wisconsin River.
York Island [4b]	None	Bayfield	321	Lake Superior.
Subtotal (46)			77, 615	
WYOMING (none)				
PUERTO RICO				
Cayo Caribe Island [11d]	None		11	Caribbean Sea.
Culebra Island [11d]	1–25		8, 886	Atlantic Ocean.
Mona Island [11d]	None		14, 032	Do.
Vieques Island [11d]	1–25		33, 000	Do.
Subtotal (4)			55, 929	
VIRGIN ISLANDS				
Booby Rock Island [11d]	None		1	Caribbean Sea.
Bovoni Cay Island [11d]	None		50	Jersey Bay.
Buck Island [11d]	None		42	Caribbean Sea.
Buck Island [11d]	None		180	Do.
Capella Island [11d]	None		22	Do.
Cas Cay Island [11d]	None		15	Atlantic Ocean.
Cinnamon Cay Island [11d]	None		1	Do.
Cockroach Island group [11d]	None		23	Caribbean Sea.
Cocoloba Cay Island [11d]	None		1	Do.
Congo Cay Island group [11d]	None		26	Atlantic Ocean.
Dog Island [11d]	None		13	Caribbean Sea.
Duck Island [11d]	None		14	Do.
Dutchcap Cay Island [11d]	None		32	Atlantic Ocean.
Flat Cay Island group [11d]	None		3	Caribbean Sea.
French Cap Cay Island [11d]	None		10	Do.
Grass Cay Island [11d]	None		49	Atlantic Ocean.
Great St. James Island group [11d]	None		158	Caribbean Sea.
Green Cay Island [11d]	76–100		13	Do.
Hans Lollik Island [11d]	1–25		489	Atlantic Ocean.
Inner Brass Island [11d]	None		128	Do.
Kalkun Cay Island [11d]	None		4	Caribbean Sea.
Little St. James Island [11d]	None		69	Do.
Lovango Cay Island [11d]	1–25		117	Atlantic Ocean.
Mingo Cay Island [11d]	None		48	Do.
Outer Brass Island [11d]	None		108	Do.
Patricia Cay Island [11d]	None		33	Jersey Bay.
Pelican Cay Island group [11d]	None		106	Atlantic Ocean.
Perkins Cay Island [11d]	None		1	Do.
Saba Island [11d]	None		34	Caribbean Sea.
Salt Cay Island [11d]	None		56	Do.
Savana Island [11d]	None		173	Do.
Thatch Cay Island [11d]	1–25		287	Atlantic Ocean.
Trank Cay Island [11d]	None		2	Do.
Waterlemon Cay [11d]	None		1	Leinster Bay.
West Cay Island [11d]	None		40	Caribbean Sea.
Whistling Cay Island [11d]	None		19	Atlantic Ocean.
Subtotal (36)			2, 368	
DISTRICT OF COLUMBIA (none)				

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[1] 1968 data. Excludes the main island of Puerto Rico, the 3 major Virgin Islands, Guam, Samoa and Trust Territory, the 5 major Hawaiian Islands, and the 3 principal New York islands—Manhattan, Staten and Long Island.

[2] For the purposes of the Island Inventory, "development" included building sites as well as land associated with the site such as yards and storage areas. Agricultural land, land used for forest-production, and public and quasi-public recreation developments were considered as undeveloped; whereas, a private resort was inventoried as developed.

[3] Not included are a number of unnamed islands totalling approximately 200,000 acres with recreation potential.

[4] Inundated Mainlands—Drowned coastlines in large natural bodies of waters such as the rocky Maine islands or islands in the Great Lakes. (The island is similar to the mainland in geology and vegetation and a more appropriate descriptor is not possible.)
[a] Salt water.
[b] Fresh water.

[5] Barrier Island—Sandy, narrow and long islands or closely related island groups paralleling mainland coast for considerable distances.

[6] Marsh Island—Low elevation, subject to frequent and periodic flooding.

[7] Oceanic Island—Located at least 15 miles from the mainland coast. (Does not apply to the Great Lakes.)

[8] Coral Islands—Florida Keys.

[9] River or lake islands not otherwise described.

[10] ND—Precise data not available.

[11] Other.
[a] Impoundment.
[b] Barren.
[c] Bay Islands.
[d] Volcanic islands.

[From the New York Times, July 26, 1972]

ISLANDS AT BAY

Upstate New York officials were reported searching Cayuga Lake recently for a "runaway island," a potpourri of logs, weeds and mud churned up by Tropical Storm Agnes which entangled to form a one-acre floating mass. They want to break it up before it becomes a menace to lakeside campsites. If they don't hurry up, some enterprising realtor may try to snare it and sell it.

Islands, symbols of escape for world-weary mainlanders throughout history, are in heavy demand and short supply these days as harried urban Americans seek the tranquility and solitude they uniquely offer. A Maine coast real estate agent lamented a couple of years ago that he had more than 200 customers asking for islands and only two or three to sell. An island that sold for $2,000 in 1965 was on the market in 1970 at $12,000.

The pressure for island retreats is creating a development boom that could destroy the very values the escapists are seeking, for this and future generations of Americans. In a report on "The islands of America," published in 1970, the Department of Interior warned: "Islands are fragile resources, vulnerable both to destructive natural forces and to the inconsiderate actions of man. The purposes of this report are to alert the nation to the presence and importance of its islands, to identify conservation opportunities for the various levels of government and the private sector, and to propose a national program for island conservation."

A key recommendation of the report, as we noted last year, was creation of a new National System of Island Trusts administered by commissions comprised of Federal, state and local representatives. The commissions would have broad powers to plan and control land use and to acquire island property for public purposes. So far the island Trust proposal has made little headway in Congress and has run into stiff resistance in Maine, where a pilot project was suggested for the islands of Casco Bay.

Senator Jackson introduced a bill this year embodying the island trust concept but the measure has been unfortunately sidetracked in Majority Leader Mansfield's drive to wind up Senate business for the year. Meanwhile, citing the ruinous threat of overdevelopment to Massachusetts' priceless islands of Martha's Vineyard and Nantucket, Senator Kennedy has proposed a separate measure to create a Nantucket Sound Islands Trust.

Although the Kennedy proposal stirred a storm of protest when it was first announced a few months ago, it has been an enormously helpful catalyst, which has had the effect of forcing the islanders for the first time seriously to consider—and to recognize—the inadequacy of local or even state measures to protect their island home from certain destruction at the hands of developers. The Senator already has incorporated into his proposal various changes suggested by residents of the two islands to adapt it more effectively to their particular concerns.

This constructive debate on the Nantucket Sound islands could serve as an example for other communities, in Maine and elsewhere. Only through the kind of cooperative Federal, state and local action—public and private—envisioned in the broad outlines of the "trust" idea can the nation's island heritage be saved from the man-made disaster that now threatens.

EXHIBIT 1

[From the New York Times, Mar. 29, 1970]

FEW SEASIDE BEACHES LEFT OPEN TO PUBLIC IN DEVELOPERS' RUSH

(By Bayard Webster)

The shoreline of the United States has been so built up, industrialized and polluted during the last decade that there are relatively few beaches left for the family in search of a free, solitary hour by the sea.

From Maine to Florida and on around to Texas, from Southern California up to Washington State, the nation's seashores have become cluttered with hotels, motels, sprawling development, military complexes and industries of every kind.

Miles of tranquil beaches where hundreds of seaside retreats were once open to everyone for swimming or fishing have been fouled by oil spills, industrial effluents, farm pesticides and city sewage.

"It's a kind of urban-industrial ooze that's infected the whole coastline," says Derekson W. Bennett, conservation director of the American Littoral Society at Sandy Hook, N.J., a national organization interested in coastal marine problems.

What remains—shore land that is not dirty, crowded or closed to the public—amounts to a tiny fraction of the country's total coast zone, about 1,200 miles or 5 per cent of the shore areas considered suitable for recreation or human habitation.

The prospect of continuing encroachment, together with the intensified natural erosion often caused by heedless development (even in normal weather, winds and waves can eat away or shift up to 20 feet of beach a year), has alarmed many marine biologists and conservationists.

"A lot of us familiar with the coast are terribly concerned that if the present development and pollution continues unchecked there just won't be any useable coast left in a few years," says Dr. Arthur W. Cooper, head of the department of botany at North Carolina State University in Raleigh.

Although he and other conservationists have been encouraged by indications that some states and bureaus of the Federal Government are becoming interested in protecting the nation's coastline as a separate natural resource, they fear that it may already be too late to reverse the trend.

Close to the heart of the problem are two factors largely beyond the control of governmental authorities. One is the sharp increase in recent years in the nation's population. The other is the rush to the large coastal cities by millions of people from inland rural areas.

The result is that popular demand for open recreational space near the water is rising just as private and industrial developers are fencing off the best of it—if not the last of it in any given area—and land prices are spiraling far beyond the means of most urban dwellers.

IMPACT IS OUTLINED

Reports from most of the 21 coastal states show that tremendous pressures from expanding populations and industrial needs have had these effects on the nation's coastal areas:

Land values have skyrocketed. In South Carolina, frontfoot prices have soared from $75 to $1,600. In Massachusetts, an acre of shore land now sells for around $50,000, up five-fold since 1965.

The craving for vacation space by the sea has led to the development in such places as Virginia Beach, Va., and Ocean City, Md., of coastal sections in which houses, motels and hotels are built as close as six feet apart for many miles along the beach.

The search for coastal sites by companies that need substantial water supplies has resulted in the loss of many miles of scenic coastline. In California, for example, power companies are taking over large stretches of the coast for nuclear power plants.

Pollution by many of these industries has wiped out untold square miles of fish and shellfish producing areas. In Georgia, for instance, pollution in the Savannah River has eliminated a multi-million dollar coastal shellfish industry.

The "dredge-and-fill" operations of developers in such tidal areas as Miami have covered up thousands of square miles of salt marshes regarded as invaluable sources of seafood and as nursing and feeding grounds for finfish and waterfowl.

Shore erosion, always a danger, has greatly accelerated because of improper land use that stems from a lack of knowledge of the dynamics of beach erosion.

LACK OF COORDINATION SEEN

Underlying these problems there is a lack of coordination among industries and local, state and Federal agencies.

In a study of coastal problems made recently for the National Council on Marine Resources and Engineering Development, Harold F. Wise & Associates, a Washington firm specializing in coastal planning, discovered that most states and communities "are not cognizant of the coast zone as an environment apart from other regions of the state."

The study urged that the Federal Government, acting through Congress, "declare a national policy on the resources of the Coastal Zone."

There is no absolute measurement of the length and area of the nation's coastline, which changes with tides and storms, and there are few available statistics showing the varied land use of the shore areas. Thus it has been difficult for conservationists to find specific data to buttress their arguments.

Scientific studies of land use along the coasts are currently being made for the American Geographical Society by George P. Spinner, a marine scientist from Princeton, N.J., and by the Association of Coastal States, an organization just formed in Atlanta to promote preservation of the shores.

The United States Coast and Geodetic Survey has estimated, however, that there are approximately 53,000 miles of coastline bracketing the continental United States. This includes shore areas along major bays and inlets.

Of these miles of beaches, bluffs and marshes, fewer than half are regarded as suitable for recreation or human habitat. And of these 26,000 miles, only some 1,200 miles are publicly owned and therefore easily available to everyone.

In recent years, the decline in the amount of shore land open to the public has come mostly through changing patterns of land use: Owners who had always allowed friends and passersby to use their beaches sold out to industries or developers, who then promptly put up "No Trespassing" signs.

The rapid rate at which habitable land by the sea is being taken over by commercial interests can be seen on the coast of North Carolina.

For decades, visitors to the Outer Banks and Cape Hatteras had occasionally ventured north by boat or beach buggy to fish or just to explore the wild, unspoiled stretch of beach that runs for 35 miles along the Currituck Banks from Kitty Hawk to the Virginia border.

Gulls and shore birds wheel over the rolling dunes and virgin beach in all seasons. There are no roads, except for the makeshift one at the southern end. In summer the area is a fishing and swimming paradise.

But in the last year, despite the lacn of transportation facilities, real estate developers have been gobbling up the land on speculation for a price of about $1-million a mile or about $190 a front foot. The future price to private lot buyers will be much higher.

DEVELOPER IS CONCERNED

Not far away there is a large development of individually styled houses placed in widely separated areas whose principal owner, David Stack, the North Carolina historian, is concerned about the deterioration of the shore.

"I'm proud of my development, which we started 20 years ago," he said. "But if I knew then what I know now about ecology, I'm not sure I would have developed that land or changed it in any way—I might have just left it alone."

"One of the main problems with the seashore is that no one understands how it should be preserved," he said. "The main thing is to leave it alone. The closer you build to it the more you harm its natural dynamics, the things that hold it together—the dunes, the dune grasses and the beach. When you disturb these natural aspects and build on them, the shore only erodes faster."

The disappearance of natural beaches is most apparent near the country's most populous areas. From Massachusetts to North Carolina, in Florida, in California near Los Angeles and San Francisco and along the Gulf Coast, a sprawling confusion of buildings crowd the shore.

SPRAWL IN OCEAN CITY

Perhaps the best example of such conditions is Ocean City, on Maryland's eastern shore. Not long ago a visitor watched as a bulldozer pushed around mounds of sand in an effort to repair damage inflicted by winter storms. To the north, almost as far as the eye could see, wall-to-wall houses, motels, bowling halls, pizza parlors and recreation centers—all empty—stretched out in the pale winter sun.

A few decades ago, Ocean City was less than half its present size. But several years ago, as land values rose, the City expanded its boundaries to take in more than twice as much shoreline.

As a result, crowded development accelerated with the aid and encouragement of the city, and additional real estate taxes rolled into the city treasury.

And there is Miami Beach. "The only thing Miami Beach is good for is a horrible example," says Joseph B. Browder, the 31-year-old southeastern field representative for the Audubon Society.

He cited erosion caused by hotels built almost right in the surf, housing projects built on thousands of once-wild acres of tidal marshes, thermal pollution in Biscayne Bay, and pollution by sewage in both ocean and bay.

Although all of the country's coastal areas are plagued by pollution, the main ones tend to have different specific problems stemming from industrialization and housing development.

In New England, the large number of glacier-formed, deep-water inlets are greatly admired by industries requiring multi-fathom harbors such as tanker-oriented oil companies and chemical plants.

In the New York metropolitan area, every conceivable problem is found: oil spills, agricultural (fertilizer and pesticide) run-off into bays and estuaries, sewage pollution, thermal pollution and the loss of tidal marsh areas. Connecticut alone has lost almost 80 percent of its salt marshes.

The South Atlantic coast, with its combination of deep and shallow water ports as well as its vast collection of salt marshes and bay areas, feels the impact of most of the spectrum of recreational and industrial pressures.

On the Pacific side of the nation, the narrow green coastal plain slopes down to the bluffs that make up much of the California and Oregon coast. Most of the problems there are concentrated near the cities. Elsewhere, the rugged and often inaccessible coastline makes shore acreage less desirable and more expensive to build on.

A few weeks ago, several thousand feet above the coast, C. Martin Litton, pilot, nature photographer and a director of the Sierra Club, relaxed at the controls of a four-seater Cessna and pointed to an area below him. Huge gashes, piles of earth and cleared areas marked the place where one of the coast's last unspoiled arroyos, Diablo Canyon, was being cut and filled to make way for a nuclear power plant.

The canyon, lying a few miles west of San Luis Obispo, is a green wilderness of glen and forest. "This was the last wild, unspoiled canyon on the coast," Mr. Litton said. "Now look at it."

Although there is no Federal law regarding access to, or use of, beach areas, some of the states are showing interest in preserving their shores.

The Oregon Supreme Court has ruled that the state's entire beach area must be kept free for use of the public and that property owners must permit the public to use it.

In Hawaii, the Legislature has been asked to declare an area 100 feet deep around all the islands open for public use.

In Washington, members of Congress are seeking ways to write laws that would allow the public free and unrestricted access to all seashore areas but not encroach on state prerogatives or the rights of individual owners.

But conservationists say that even though the problems are beginning to be recognized, their very magnitude will make solutions difficult. For even if the urban growth rate slows down or stabilizes, they say, pressures for more coastal vacation areas by the sea are sure to go on building.

Results of these pressures are graphically shown in the view from an airliner. As the aircraft nears the shore a passenger can see the traditional checkerboard of communities spreading out in an ever-widening pattern.

But if he looks closely he will also see that as the checkerboard becomes larger and the shoreline comes nearer, the number of squares—homesites—grows larger and the size of each square decreases.

[From the Christian Science Monitor, Jan. 2, 1970]

A PRECEDENT FOR OTHER STATES? NO MORE "KEEP OFF" SIGNS ON OREGON BEACHES

(By Malcolm Bauer)

SALEM, OREG.—Oregonians and their visitors received a big Christmas present from Oregon state officials: the more than 300 miles of the state's Pacific Ocean beaches.

The Oregon Supreme Court ruled unanimously that all of the dry-sand areas of the oceanfront, including those under private ownership, are reserved for public use.

Soon afterward the Oregon State Highway Commission closed all beaches to motor vehicles, proclaiming: "Beaches are for people."

The two official actions underwrite the dedication of the state's shoreline to public recreation. The tens of thousands of tourists who visit Oregon each year will be among the beneficiaries.

Gov. Tom McCall hailed the Supreme Court decision as a reason for thanksgiving in the holiday season. He called it "a most significant act in the continuing story of the efforts of thousands of Oregonians in their determination that the sands of the ocean shore are for public use in perpetuity."

The Governor said the ruling had set a precedent for similar establishment of public rights on the beaches of other states.

The court based its decision on the historical record of public use of the beaches below the vegetation line, affirming that such customary use had established a right by preemption prevailing over private ownership.

COURT ACTION

For more than a half-century, Oregon law has designated the ocean shore below mean high tide—the wet sands—as public property. The effect of the court's ruling is to extend the claim of the public landward over the dry sands to the line of vegetation.

The court test of public vs. private property rights along the beaches was precipitated by the rush of development along the Oregon coast, particularly that area within 100 miles or less of metropolitan Portland.

The particular case on which the court acted grew out of a Cannon Beach motel owner's staking off the dry sand in front of his property. This raised public protests. Both 1967 and 1969 Oregon Legislatures passed bills with the purpose of asserting the public right to the dry sands. The court, in effect, upheld the 1969 law, ending several years of controversy on the beach-property rights issue.

Explaining the State Highway Commission's action in closing the beaches to motor vehicles, Glenn Jackson, commission chairman, said: "I think that closing the beaches to vehicular traffic will be carrying out the wishes of a majority of the people."

SENTIMENT ASSESSED

There has been ample evidence over the past several years of a majority sentiment for public use of the beaches. Citizens' committees have been formed to advocate the public's right to such use. A 1968 initiative measure promoted by such organizations asserted this right. However, it was rejected, probably because it included a one-cent-a-gallon tax on gasoline to provide a fund for purchase of private property along the shore.

It is not yet certain whether or not such funds will be required now that the State Supreme Court has upheld the right of public use by preemption. But the eventual effect is expected to be that the more than 300 miles of sands—wet and dry—will be reserved for public recreation without restriction by waterfront property owners or hazard from racing vehicles.

There will be some exceptions to the prohibition of vehicles on the beaches. Permits will be issued for the aged, crippled, and others who cannot walk onto the beach, and for woodcutters salving driftwood.

But there will be, officials say, no fences, no gates, no "no trespassing" signs on Oregon's Pacific sands, from the Columbia River on the north to the California line on the south. That cannot be said of the coastline of any other state in the Union.

REMARKS OF LOUIS E. REED, JR.

The opportunity to meet with the Sixth National Access to Recreational Waters Conference here in Traverse City, Michigan, is one I appreciate very much. The subject matter I am to discuss is of unquestioned importance to those who are concerned with recreation and conservation.

One of the most interesting cartoons I have seen recently shows a painter hard at work on a water front sunset scene. All appears tranquil except for the onslaught of a frenzied property owner. He is shown charging past a sign reading "Private Beach" and yelling, "That's my sunset you are painting."

And therein lies a problem. Someone needs to determine whether it was indeed his sunset.

The "Private Beach" sign is a standard manifestation of an overpopulated Twentieth Century America. It's normal to desire a little piece of land of your own. It's fine, but just imagine what would happen if Columbus came sailing up to America today. He would find the shores fenced and "Private Beach" signs galore. Would he have to return to Europe, leaving us undiscovered? Would Henry Hudson and Ponce de Leon and Juan Rodrequez Cabrillo and Samuel de Champlain be unknown to history if they had faced "Private Beach" signs such as are common today?

Well, the questions are fanciful. The seacoast beaches were open when those gentlemen came to the New World. And when a lot of our other forebears arrived as well. But for the most part the coasts bristle with access restrictions today. Possibly less than five percent of our beaches are open to the general public, and that amount is steadily decreasing. And that is why I am here. I'll warn you now that a Great Lakes shore location may be the worst possible place to make these remarks. You will see why as I go along.

I was invited to discuss a particular bill that is before Congress, a highly imaginative approach to one of our most serious recreation and conservation problems. The measure I am talking about is H.R. 11016, introduced by Congressman Bob Eckhardt of Houston, Texas, and eight co-sponsors, and styled a "National Open Beaches" bill. The co-sponsors are Mr. Button of New York, Mr. Dingell of Michigan, Mr. Edwards of California, Mr. Halpern of New York, Mr. Mann of South Carolina, Mr. Mikva of Illinois, Mr. Podell of New York, and Mr. Udall of Arizona.

I am not here to advocate the bill or to promote its defeat. The Administration has not yet taken an official position on the measure. Until it does, as a career professional employee in the Executive Branch of the Government, it would be improper for me to take a position on the proposal.

Fundamentally, this bill sets forth and, if passed, would establish one simple legal presumption. It says the public has a basic right of access to and over the open seacoast beaches of the Nation. This right is based on a declaration of a public interest in the beaches.

I can sense immediately that some of you, even those with the greatest stake in making as much water available to access as possible, are experiencing a violent reaction. What about property rights, you are thinking. Does the Federal government propose to preempt property rights, an area traditionally reserved to the States?

Let me set your minds at rest on that point at once. H.R. 11016 would in no way affect property rights, not any property right, whether possessed by individual or corporation.

The National Open Beaches bill justifies its main presumption in this way. It says that the margins of the sea from time immemorial have been used for recreational purposes and for fishing. It cites the public right to interstate travel. This includes the right to travel on and across the open beaches.

The key language in the measure is this: I quote. "Congress declares and affirms that the beaches of the United States are impressed with a national interest and that the public shall have free and unrestricted right to use them as a common to the full extent that such public right may be extended consistent with such property rights of littoral landowners as may be protected absolutely by the Constitution. It is the declared intention of Congress to exercise the full reach of its constitutional power over the subject. No person shall create, erect, maintain, or construct any obstruction, barrier, or restraint of any nature which interferes with the free and unrestricted right of the public, individually and collectively, to enter, leave, cross, or use as a common the public beaches." That's the end of the quotation.

The bill establishes a prima facie determination that the right to exclusive use of the beaches has never been granted by the sovereign to littoral land holders, with certain exceptions. It says that an individual may own seacoast land, lock, stock, and barrel, but that he does not have legal basis for excluding you or anyone else from access to and across the beach unless he can prove that his particular title grants him that right.

Of major significance here is this fact: in nearly all States ownership up to either the vegetation or to the mean high tide line resides in the State. Almost without exception, when ownership of an individual extends seaward beyond that point, there is a specific provision in the land grant which says so. In other words, the State normally owns what is called the wet sand.

The fact that the State almost always owns the seacoast to the vegetation or mean high tide line means that the rights of the public to such areas are almost without meaning unless the public also possesses the right of access to and use of the immediately adjacent seacoast.

If the public has this right, the recreation seeker for once occupies the unique position of not having to prove that he has a right to go on a beach. The littoral owner would have to prove that the public doesn't have an access right, if this bill were to become law.

So we are left with this situation: the National Open Beaches bill declares the legal presumption that the seacoast beaches of the Nation are a common, and therefore open to access. Property owners' right would not be affected by its passage. Let me stress that point in two ways. On the one hand, rights of property owners whose titles provided the right to restrict or deny access to the beach would not be affected. On the other hand, property owners whose titles did not provide that right would be left with all the property rights they ever possessed.

If Congressman Eckhardt's Open Beaches bill passed, you would see a lot of "Private Beach" signs come down. But not, remember, because any portion of the property rights would be extinguished. The fences and signs would come down because the beaches wouldn't be restricted to the private use of the beach owner and those he invited to come swimming.

Property owners would not have the right to erect or maintain structures which would restrict the right of access.

All of this is based on more than just theory or expectations. Texas has passed an Open Beaches bill quite similar to H.R. 11016. As a result, the fences that long had kept the public off part of Galveston Beach have come down. You can go down there and get to the water now. The littoral owners still own all the rights they ever owned, but now Texas law asserts the public's traditional and historic right of access to those beaches. The law says that the littoral owners never possessed the right to limit access and use.

Congressman Eckhardt was a member of the Texas Legislature and a sponsor of the legislation at the time it passed. The Texas bill did three things. It authorized and directed the Attorney General to protect the people's interest in beaches. It established a prima facie determination that the right to use the beaches had never been granted by the sovereign to littoral land holders. It established a prima facie determination that the public had obtained a prescriptive right to the use of the beach.

This law has been tested in the Texas courts. The strongest case to date determined that by long use the public had gained a prescriptive right to use of Galveston Beach. No determination has been made to date on the basis of the presumption of retention by the sovereign of the easement right.

In some circumstances, the courts might hold the fences running into the sea are legal. Take the big cattle ranching area along Matagorda Peninsula in Texas. These grazing lands are bounded by fences running into the sea and in effect are partially fenced by the sea on one side. The finding of a court there, if a legal case were joined, might be that the public has not enjoyed a continuing use and that the littoral owner had gained a right to limit public access.

Congressman Eckhardt's H.R. 11016 proposes Federal law, of course. The proposition has been attracting increasing attention. This summer the Izaak Walton League of America, for example enacted a resolution at its annual convention endorsing the proposition.

There is no reason that individual states could not consider passing the same kind of open beach laws which Texas has passed. Of course, State constitutions and State property laws vary greatly. In some States a presumptive Open Beaches bill could be enacted and effective, possibly not in others. State beach access law is usually fuzzy and frequently untested and undefined by the courts. Congressman Eckhardt's office has done considerable work on a model State law which is available upon request.

I have dwelt at length with the presumptions of the bill which is before the House. It has other features which I wish to mention.

The National Open Beaches bill faces up to the prospect that the public needs access to some seacoast beaches where it would lack the right of access, even under the presumptions of H.R. 11016. The measure therefore provides machinery with which access easements or even full title to beaches could be purchased. These purchases would involve the States, their political subdivisions, and the Federal government, with the former two acquiring the easements or titles. They could use matching Federal grant money from the Land and Water Conservation Fund. H.R. 11016 proposes that this be available on a 75–25 basis.

I have purposely delayed comments on a couple of items until this point. H.R. 11016, if enacted, would apply to the seacoast beaches of the Atlantic, Pacific, and Arctic Oceans, the Gulf of Mexico, and the Caribbean and Bering Seas. That purposely does not include the Great Lakes, other lakes, or river shorelines. There is good reason. Use of such inland shorelines as commons traditionally open to the public is much less well defined than are the uses of the sea beaches as commons.

I also have not told you how the measure defines a beach. It says that a beach is the area along the shore of the sea affected by wave action directly from the open sea. This area is more precisely defined in the case of typically sandy or shell beaches. There, it is the area seaward from the discernible vegetation line. When no vegetation line exists, it is the area not to exceed 200 feet in width measured inland from the point of mean higher high tide. Mean higher high tide is a precise term to the U.S. Coast and Geodetic Survey, as those of you familiar with its lexicon know. For the rest of us, it seems sufficient to say that it doesn't mean flood tides.

Hearings on this measure have not to date been scheduled. Whether they will be this session or next will depend on the amount of public interest shown, if tradition prevails. There seems to be a certain incubation period for conservation legislation. I don't know how long it might take for H.R. 11016 to hatch, or even if it will hatch. I do know that it is an interesting and arresting idea. It could simplify a number of recreation problems by eliminating much of the need to buy easements or titles to seacoast beaches. We will need more of such thinking if we are to provide adequate access to our recreational waters for the people of the Nation.

THE BEACH: A SUPER CITY

(By John Fialka)

America is witnessing the birth of a super city.

It has no name and no one planned it. When it is finished it will be over 1,500 miles long and about six blocks wide, running down the shoreline of the eastern United States from Maine to Florida.

Its street system will be a profusion of country roads and former highways, lined with telephone poles, stop lights, gas stations, motels, cottages and pizza parlors.

Its sewer system will consist mainly of hundreds of thousands of septic tanks. Its water will come from wells beside the septic tanks.

Its residents will be primarily "summer people" who have little or no voice in community affairs. Its civic leaders will be mostly politicians and businessmen from small towns and rural counties who thrive off of higgledy-piggledy growth.

The damage already done to the East Coast shoreline has raised a number of serious and immediate problems:

Beach erosion has caused over a billion dollars of damage and continues with each wave. Currently Congress and the Office of Management and Budget are studying 26 bills that would provide for some type of federal beach restoration project. Some of them would, for the first time, open up private beaches to the public.

The continuing, and often illegal, destruction of coastal wetlands by developers planning to sell "waterfront" lots, and industry finding "cheap land" has produced a monumental confusion among law enforcement agencies.

Even the view from the beach may soon be threatened by a variety of science-fiction-like installations that are now actually coming off the drawing boards of government and private industry. They include floating power plants, floating harbors, floating airports and even, perhaps, floating cities.

The great strip city of the shore was once only a vision, conjured up by conservationists to frighten people into doing something to preserve the beauty of the Eastern sea coast.

Now, at the end of the summer of 1972, there are economists and other experts in development, who believe this super city is no longer a vision.

One of them is George Kennedy Jr., senior vice president of Gladstone Associates, an economic consulting firm that has specialized in studying the development along the coast.

"I've been sort of appalled as I go up and down the coast at how badly unenlightened the control is. You constantly see things that reflect the worst elements of our cities: the proliferation of strip-type development, inadequate building setbacks, no logical land use planning, excessive curb cuts, minimal lot requirements," he said in a recent interview.

He said the three major elements now contributing to coastal growth: high rise condominiums, "second home" lot sales and the proliferation of seaside mobile home parks will soon fill up the gaps between the major resort cities of the east coast.

Little thought is being given to public access to the shore, he said. Once the title to any body of land is split up into tiny parcels, he adds, the process is "irreversible."

"My great concern is that you kill the goose that laid the golden egg if you destroy the reason why people want to come from the cities to the seashore."

From southern Maine, where in some areas as much as 75 percent of coastal land has been split into building lots and sold to out-of-staters, through Cape Cod, Long Island, the New Jersey shore and the Maryland-Delaware beach front, the imprint of the megalopolis has already made heavy marks on the coastline.

The growth pressure is now being felt on the once pristine beaches of the Carolinas, where Col. Paul Denison of the Army Corps of Engineers predicted three years ago that the coastline would resemble the more cluttered parts of New Jersey's in 25 years.

Recently Denison, who has retired and become an engineering consultant, revised his prediction to "10 to 15" years, telling a reporter: "If you draw a line anywhere on the coast of North Carolina, I can show you 50 places within a 10 mile radius where you can find examples of improper and imprudent developments, some environmentally destructive."

One does not have to be an expert to sense the imminence of the great strip city. In North Carolina, anyone who flies in an airplane over the Outer Banks will see gaps in the shoreline development.

But the wilderness of sea oats and stunted beach shrubbery is frequently broken by incredibly dense mobile home parks.

People have come for many miles to the shore to live 10 feet apart in metal boxes arranged in configurations that, seen from the air, have the terribly efficient symmetry of a beehive.

Why? Part of the reason is that, even several hundred miles from a major city, beachfront land is expensive. North Carolina beachfront is being snapped up at prices well over $1,000 a foot by speculators.

Some of the speculation seems to be driven by the same dreams of colossal growth that inflated the stock market prior to 1929.

For instance, a Washington resident recently received a "prospectus" in the mail from a company called the Coastland Corp. It said that through the use of "leverage," he could own ocean front land with an initial down payment of only 5 percent.

Referring to the "boom" in ocean-front land in Ocean City, Md., the prospectus said:

"You have seen this boom make its way down to Virginia Beach, Virginia, between 1965 and 1970. Now Virginia Beach is another Ocean City and the ocean property boom is making its way down to North Carolina's Banks . . . and there you will find Ocean Sands—your chance to cash in on the Great Atlantic Ocean Land Rush!"

The coming of the strip city can also be felt in another way. Those who vacationed this summer in the coast's more settled areas, from Bar Harbor and Martha's Vineyard down to Myrtle Beach and Pawleys Island, S.C,. probably learned of a dispute brewing between summer residents and developers who have plans to increase the area's density with high-rise building complexes.

Businessmen and politicians on Martha's Vineyard are fighting a proposal made by Sen. Edward M. Kennedy, D-Mass., to have the federal government buy up land sought by developers.

Although a consulting firm has predicted that holiday crowds coming to the Vineyard will more than double by 1990, giving the island, located just off Cape Cod, a case of "environmental terminal cancer," the firm's report urging land use restrictions was rejected by the local planning commission.

At Pawley's Island, located just south of Myrtle Beach, amidst a long row of aging, often elegant beach front cottages—some of them more than 100 years old—the resort's first condominium stands on the beach.

It was the victor in a bruising fight waged by summer people to prevent its construction by asking the state's pollution control authorities to deny it permission to emit its sewage into a salt marsh behind the beach.

The state denied the permit, but then approved another one that allows the condominium to send treated sewage through a pipe that runs underneath an abandoned fishing pier and spills effluent into the ocean about 1,000 feet off-shore.

These, and other local disputes up and down the coastline, are all part of the same fight, according to George Kennedy, and others who have studied the problem. The fight is usually an emotional, lopsided affair which the developer almost inevitably wins.

He wins because, although the summer people may own most of the property, they can't vote. "For the most part, the control over the density of these areas is in the hands of a relatively few locals whose interest tends to be for development," Kennedy points out.

The pressure of developers cannot easily be resisted by small, rurally-oriented county governments that have immediate jurisdiction over shore growth.

According to Warren Harding Coolidge, the U.S. attorney for eastern North Carolina, who has launched a campaign to crack down on illegal shoreline development, large amounts of outside money coming in tends to seduce the local powers.

"The first thing they (the developers) do is hire a good lawyer, usually it is the state senator who represents the area. They look for a man to sell them the insurance they need. You can usually find one on the county Board of Commissioners. Then they make friends with the local sheriff. After that, who's going to stop them?" Coolidge asked.

If the unregulated growth of the shore is frustrating to lawmen, it is doubly frustrating to scientists who point out that ways to harmonize shoreline development with nature are known and are being well used in some European countries.

Ian L. McHarg, a landscape architect and planner, has written in a recent book, "Design With Nature," that there is little evidence of such planning along the East Coast.

Using the New Jersey coastline for an example, he concluded:

"While all the principles are familiar to botanists and ecologists, this has no effect whatsoever upon the form of development. Houses are built upon dunes, grasses destroyed, dunes breached for beach access and housing; groundwater is withdrawn with little control, areas are paved, bayshore is filled and urbanized. Ignorance is compounded with anarchy and greed to make the raddled face of the Jersey shore."

If it is difficult to view the coming of the great strip city along the entire coastline, Washingtonians can consider the problems of an area where the future seems already to have arrived: Ocean City, Md.

It is only a strip of land 10 miles long and about three blocks wide, but on a hot summer weekend Ocean City may now contain as many as 250,000 people.

Ocean City has become the boom town of the East Coast resort cities. Since January, the city's fathers have issued permits for a recordbreaking $62 million worth of new construction.

A forecast of over 30 high-rise buildings, some of them to be over 25 stories high, is beginning to grow in the north end of the city. According to the city's planning director, they will contain about 5,000 new units, most of them family-sized condominiums.

There are only about 2,000 registered voters in Ocean City. The great majority of them have prospered, one way or another, with the new money coming into town.

Nevertheless, within the last year or so, there has developed among some of them, the nagging feeling that they may have opened the door to growth a little too wide.

Last year, the City Council hired Tom Smith, a 25-year-old University of Virginia School of Architecture graduate, to be Ocean City's first director of planning.

One of the first things Smith discovered was that the city's master plan, done by a private consulting firm, was out of date because it was based on 1967 population figures.

"If this city developed like a normal city, it would still be OK, but this is a boom town and boom towns learn by making mistakes," Smith said, in a recent interview.

There were little, telltale signs last year that indicated that Ocean City might be growing too fast. During July and August, people complained of low water pressure.

While the city's electrical system never faltered, Smith found that its entire load was distributed by one power line. "It's ridiculous, it's so overloaded."

Throughout the summer, traffic seemed to move in slow, glutinous masses up Baltimore and Philadelphia Avenues, and what had been a weekend parking problem turned into a 7-day-a-week crisis.

Among Smith, some members of the city's Planning and Zoning Commission and the City Council, there evolved a plan that would, for the first time, place a curb on the city's growth.

It would amend the city's zoning ordinance by requiring a lower density for condominium units and more parking places for each unit.

The plan drew immediate cries of outrage from developers. The city's major weekly paper, the Maryland Coast Press said the issue was "the most controversial legislative topic since enforcement of slot machine laws."

This summer, the battle lines were drawn. A hearing date was scheduled on the matter for Aug. 16. The Coast Press predicted the meeting would be "a real showdown, with much of the future character of Ocean City lying in the balance."

As the first crowds of resort people arrived for the summer, there were more little signs of growth problems that would be raised at that meeting.

Although it was pumping 25 percent more water, the city water department discovered there were difficulties at the other end of the line. Over 4,500 new water meters were required in one year and there were not enough men to install them.

The city carefully watched its sewage system, which emits treated effluent from a pipe, 3,800 feet out in the Atlantic. No pollution was reported, however a backlog of sewage hookups developed stranding several building projects.

Traffic grew worse than ever and the city began to suffer from an unprecedented plague of petty thefts and shopliftings.

Nevertheless, the climate was deemed favorable for more, rapid growth. For the first time, construction crews were allowed to continue building during the summer months.

The Coast Press headlined triumph over a heavy Memorial Day crowd ("The Green In Ocean City Was From Money") but issued a warning that some of the new owners of condominiums might not share the city's dreams of growth.

They "are well to do people from the more liberal areas of Baltimore and Washington. They seem to view the current ruling elite with a curious eye and are quick to find fault with what they see around them in this seaside paradise," the paper noted.

The city has never been able to accurately measure how big it becomes on a hot summer weekend, but on the last weekend in July when a severe temperature inversion settled over the East Coast, the Coast Press estimated the largest crowd in history, as many as 250,000 people.

The crowds discovered a small army of real estate salesmen arranged in offices and trailers along the Ocean Highway in the section above 94th Street that has come to be known as "High-Rise Row."

At the north end of the strip, developer Max Berg was planning his third condominium, a 21-story addition to the Carousel Hotel, once owned by Bobby Baker.

Asked about the fight over the growth issue, Berg replied:

"A lot of people come here and then get selfish about it and they say, 'We don't want any more people." Well, I say that God gave this land to everybody."

"Ocean City," he predicted, "will be Miami North in five years."

At the south end of High-Rise Row, John Williams, a real estate salesman, was using the growth fight as a sales tool to warm up a customer for a $56,000, two-bedroom unit in a condominium called "9400 Ocean Highway."

"It looks like they're getting ready to crack down so these will have to appreciate." He estimated the unit would gain $10,000 in value in one year.

"You wonder where it will all end," mused the customer.

"Everyone is saying where will it all end. We were wondering that four years ago," said Williams.

The fateful day, Aug. 16, arrived. While somewhere between 100,000 and 200,000 summer people jammed the city's streets, motels and beachfront, the forces involved in what was billed as one of the great political fights in the city's history assembled at City Hall.

The building is a converted school house; its major hearing room was the gymnasium. The five members of the Planning and Zoning Commission took their seats behind a school lunch table set up under the basketball net on the room's west wall.

Before them were approximately 130 people, ready to do battle on the issue.

About a dozen witnesses, most of them elderly, or middle-age homeowners, spoke for the zoning amendments. Another dozen, mostly lawyers, real estate dealers and builders, spoke against it.

The debate ran mainly on emotional lines. The howeowners cited traffic, water and parking problems. The lawyers and builders predicted the zoning would cause financial chaos.

Few statistics were cited by either side. "I don't know what the density ought to be, but what you are suggesting here is a very substantial change," complained another witness.

Then a Silver Spring architect, Lowell E. Nelson, took the podium to approach the problem scientifically. Referring to the city's growth, Nelson said, "I asked myself where did all this come from."

He said he had measured Ocean City's "only asset" (the beach) and discovered there approximately 6,420,000 square feet of sand.

He calculated that even with a crowd of 300,000, there would be 100 square feet of beach for each bather because less than half of the city's residents could be expected to be on the beach at any one time.

Coney Island, he added, has only 12 square feet of sand per bather. Nelson, who explained afterwards that he owns several building projects in the city, concluded that 100 square feet was a "nice generous figure." "I think there's quite a bit of room left."

A murmur of approval ran through the room as Nelson emphasized the 100 square feet figure. One man grumbled that "100 square feet was the size of a tiny bedroom." Across the aisle, another resident exclaimed, "Did you hear that? That's 10 times Coney Island!"

The vote left little room for wonder where the audience stood on the problem. Thirty-four voted in favor of the zoning amendment that would lower the density of condominium units. One hundred voted against it.

The "showdown" was over in two hours. Afterwards Ocean City's mayor Harry Kelly, 54, a lifelong resident stood outside on the corner of 3rd and Baltimore, as the evening's traffic crept by in a slowly moving line.

"You know," he said "that's something we got to do something about," pointing to the traffic.

Asked about the results of the meeting, Kelly hedged, noting that the hearing's decision was important but not binding on the City Council, which must make the final decision.

He said he was "impressed" at the size of the crowd. "That's about the biggest you'll ever see at this time of year on any issue. This is the time when everybody's working." The issue, he added, would require "a momentous decision."

With obvious pride, Mayor Kelly went over some of the statistics of his town. (The water system can pump 5 million gallons a day from its wells and the sewage effluent is 97 percent treated.)

He grew even more enthusiastic talking about permits for new construction. "We're running something like $12 million worth a month. I was down at Myrtle Beach and they're running at only around $1 million a month."

"There's no question about it, she's hot," he added.

After the mayor left, only one man remained to talk about Ocean City's "momentous decision."

He was J. William Conner, a motel owner and newcomer to Ocean City who came up to inquire if the meeting had ended.

"So soon? I thought it would go on all evening," he said, shaking his head when he heard the results of the voting.

"That amendment was for the good of the town in the long run. We want to become a beautiful town, not a sea of cars," he added, pointing at the stream of cars, still moving bumper-to-bumper up Baltimore Avenue.

"You know what they've done," he added bitterly. "The original families that lived here are selling it off. God gave them the beach and the ocean. They're looting it and leaving."

After Conner had gone, no one was left on Baltimore Avenue on Aug. 16 except a long line of cars, bound for somewhere on the "island paradise."

THE RUSH TO THE SHORE

(By John Fialka)

Sometime in the past decade, the people who live in the great megalopolis of the East Coast began a lemming-like rush to the seashore.

It was not just a product of population growth, but the result of a fantastic leap in affluence and leisure time. Perhaps, it also was partly due to the need to escape from the pressure and increasing danger of city life.

But they are bringing the city with them. The massive change that the rush has triggered along the shoreline has thrust some counties from rural quiescence into the maze of urban problems in less than a decade.

There are few national statistics to measure the size of the rush. Federal agencies even differ on the length and ownership of the shoreline of the East Coast. "The trouble is," explained a spokesman for one agency, "there doesn't seem to be any focus in government on this."

Some clues to what is happening: According to the Bureau of Outdoor Recreation, which keeps track of such things, the nation's number 1 pastime changed in recent years from "driving for pleasure" to swimming.

A survey of shoreline ownership just completed by the U.S. Corps of Engineers indicates that of the total of 17,864 miles of the coastal shoreline (counting the myriad bays and estuaries) about 8 percent has been reserved for public recreation.

Thus, the rush to the seashore has been largely absorbed by private development. The unprecedented influx of people and money has not only marked the shore, it has also left marks on some of the people who live along the shore.

Some of them express a kind of "future shock," a feeling of disorientation and a fear of what else the future may bring them.

Others despair over the wave of greed that they feel has raped the land. Still others welcome the new prosperity. Aided by the scarcity of law on the subject, they feel that the land's best use is what bring the most money.

First, an indication of how severe the change has been.

In 1934, in the heady, early days of the New Deal, government planners may have sensed the rush. They obtained "emergency funds" from the Interior Department to map out a system of national seashore recreation areas along the East Coast.

FIRST REPORT

Their report, sent to Interior Secretary Harold L. Ickes, stated that the seashore of New England was "intensely developed" and that dense development also was the main feature of much of the New Jersey coast.

The best, most virginal place to accommodate the population of the Mid-Atlantic states, they concluded, would be an area running from Rehoboth Beach, Del., to the tip of Assateague. The area would also include all of the inland shore touching Rehoboth, Indian River, Assawoman and Chincoteague Bays.

They justified this proposed acquisition of land by pointing out that 29 million people lived within a 300 mile radius of this shoreland.

The area would be split into two parks, the "Rehoboth and Assawoman Seashore Recreational Area," on the north, and the "Chincoteague Bay Seashore Recreational Area," to the south.

In their memo to Ickes, which still survives in the Interior Department's files, the planners worried about the cost of some of the farmland along the shore in Maryland's Worcester County, which was running around $25 an acre.

LAND COST

However the ocean beach land was cheap, at $4 an acre, and the planners reasoned that both sides of the bay should be acquired to protect "the scenic beauty (which) lies in the combination of vast areas of water and large areas of low land."

The land needed for the northern park—which would have included 21 miles of ocean front from Rehoboth Beach south to about 3rd Street in Ocean City and all of the inland bays' shoreline—would cost about $1,530,000, the planners concluded.

Government dallied. The war intervened. Now the population in the area within a 300 mile radius of the once proposed park is somewhere around 60 million, roughly double what the planners felt would justify it.

But the forces of development that are working on the shoreland have more than doubled, they have exploded. Ocean City has expanded about 150 blocks northward in a blitz of construction that is also ballooning Rehoboth and Bethany Beach.

Now, on a hot summer weekend, as many as 400,000 people may visit the area, which Ickes' planners described as being largely in "its natural condition."

With the exception of about 8 miles of state parkland in Delaware, the beachfront crowds are there at the sufferance of the property owners, some of whom are suing to claim land down to the mean high tide line. Others are still claiming land that has been under the ocean since the great storm of 1962.

DEVELOPER'S DELIGHT

Last year, Max Berg, a Silver Spring developer who pioneered the construction of condominiums at Ocean City, bought up the last vacant block of ocean front land in the city.

He keeps a large, framed color picture of it in an album he has by his desk. It is an aerial shot of sand with a black square drawn around it with a marking pencil.

He, and other Ocean City real estate experts, estimate that the lot is now worth about $5,000 a beach front foot, or about $1,250,000.

"Here it is," he said, proudly showing a visitor the page in his album. "It's the last one and I've got it."

Mr. and Mrs. James Coyne own a piece also. They live in a small, grey Cape Cod house at 8204 Coastal Highway, in Ocean City. When they moved in, eleven years ago, there was nothing north of them, clear to the Delaware line, but sand.

Today the Coastal Highway resembles a freeway and within two years the Coynes will be living in a forest of high rise condominiums and hotels. Over 30 buildings are planned or under construction where there was once just sand.

The Coyne house, with the flag flying from a pole out in front, has come to look like an anachronism. And Coyne, like thousands of small property owners up and down the East Coast, has found himself drawn into an uneven contest with developers and businessmen who are harvesting the profits from the beach building boom.

Coyne, a retired chemical engineer from Baltimore, is by no means an activist. He and his wife are in their sixties and do not get excited at the prospect of ringing doorbells.

Nevertheless, they became involved last year when a 125-foot high rise, proposed between their lot and the ocean, threatened to cast a permanent shadow across their land.

There are few laws as sacred in Ocean City as the "shadow law," which prohibits any structure from casting a shadow on other private or public land from 10 a.m. to 4 p.m.

Usually, shadow graphs are prepared by engineers to show that a proposed structure cannot cast the proscribed shadow. Coyne worked out his own diagram to show that it would.

SMALL FIGHT

He helped persuade the city's Planning and Zoning Commission to ask the developer to lower the building. Now there will be two buildings instead behind the Coyne's home, one will be 95 feet tall and the other will be about 80 feet.

During the battle, because of the mushrooming land values in Ocean City, the Coynes' property tax base doubled.

Like a man who has won a battle, but sees graphically, every day how badly he is losing the war, Coyne sometimes sits in his living room and grumbles as the traffic swishes by on Coastal Highway.

"I mean," he told a recent visitor, "when we came here, we thought this is the end of the road. Now we are the only year around homeowners who are left.

"In our ignorance, I guess you'd call it, we thought it would always be this way. Now what can I do? It's gotten so I shudder to think what will happen next."

"Believe me," he added, half turning toward his wife. "If I were younger, I'd fight this thing."

"Look at it this way," replied his wife, LeClaire, "maybe it's good that we are older. That means we won't have to be around much longer to see what happens."

The Coynes, a few of their friends and neighbors, went to a hearing on August 16th before the Planning and Zoning Commission to support an amendment that would lower the density permitted for a condominum on a given piece of land.

"You're going to see a fight," he told a reporter as he entered the hearing room in City Hall. There were over a hundred people in the room, sitting on metal folding chairs. However, when the board chairman asked how many were going to speak for the amendment, only about ten put up their hands.

"This thing will be controlled by the developer and real estate crowd," a neighbor, Lawrence Schwartz, said, pointing to a group of men wearing suits and ties on the other side of the aisle. None of them had raised his hand.

"It's like everything else here. Nobody gives a damn about public affairs," he added.

HE TRIED

Coyne took the podium to complain about the traffic. Another homeowner, Morris Gurevich complained about low water pressure.

"I'm fearful of what this runaway condominium and high rise thing will do to our sewer system, which flows into the ocean," he added.

After about six other homeowners made brief statements suggesting that the amendment would be a good way to control growth, the room grew silent as the chairman asked if there was anyone else who wanted to speak for the amendment.

Coyne turned to his wife. "Go on. Get up there," he said, motioning her toward the podium.

"I think this haphazard building of condominiums is going to be disastrous. I don't think anybody has thought about what would happen if there's an emergency (hurricane), we only have one bridge," she began.

"Is our fire department prepared to take care of all these condominiums? The water tastes terrible now and the water pressure is low.

"I think this haphazard . . ." she paused, unable to find the right word, "very, very bad."

When she had finished, a total of 30 people in the room voted for the amendment. The rest, including about a dozen lawyers, builders and realtors who spoke against the measure, were waiting to vote against it. There were 104 of them.

"You see what I mean?" asked Schwartz, when the sea of hands came up to vote down the amendment.

ANOTHER WAR

Over the years, Nat Steelman, 63, a Chincoteague, Va., waterman, has been watching another of the shoreline's dreams fade away. The dream was of unlimited abundance of seafood and wildlife.

The greed which undermined it is, according to Steelman, even written into the geography of the coastline. Recently, as he piloted his motor launch over the bottom of the bay, once carpeted with the world's most succulent oysters, he gave his version of how the nearby shore town of Greenbackville, located just below the Maryland line, got its name.

"After the Civil War, Virginia decided that the way to protect its oysters was to make a law sayin' that you had to be a resident to tong 'em. That meant you had to buy property.

"People got around that by buying small lots. They got to the point where lots in the town were going for $100 an acre and somebody said you could carpet the place with greenbacks."

Oystermen marked their beds with stakes that stuck out of the shallow waters of the bay. "This whole bay had oyster stakes. One feller joined the other. This was a great oyster growin' place. It ain't worth three cents no more," said Steelman, showing his passenger with a wave of his hand that there are but a few stakes left.

The over harvesting and disease took the oysters. Then a great building boom transformed the nearby sand barrier island that runs from Ocean City to Rehoboth into a huge summer resort city.

The economic waves from that are now being felt in the wetlands all along the coast, where dozens of developers are now planning to sell small waterfront lots for "second times."

Steelman senses that it is wrong. He knows that salt marshland is the source of most of the area's seafood and wildlife. He also thinks that living on built-up marshland might be dangerous.

Pointing to one of the development sites, he added, "There's one thing I don't understand about people. That land over there is not a safe place when the hurricanes come. They'll spend a lot of money and then after the storm the federal government is going to have to bail them out."

Nevertheless, he is a man who has seen

the hard lesson of Greenbackville. He feels that such destructive booms are like the tides or great waves; once they begin, they are irresistible.

"You wait," he concludes, after a short trip along the bayshore, "they'll find a way to sell every bit of that marshland for recreation."

"What ain't gone is going," he added.

Down the coast, near New Bern, N.C., there is a shoreman who looks and talks like Steelman. But this man is different. He has capitalized on the rush by turning his shore front farm into a mobile home court.

What used to be cornfields are now growing trailers, almost as far as the eye can see.

Where a salt marsh interrupted the symmetry of his trailers, some of them positioned less than 10 feet apart, he had obtained garbage from a nearby city, filled in the marsh, covered the garbage with topsoil and sited some more trailers.

One day recently he saw some strangers standing on the site of his latest dump, a weird conglomeration of bedsprings, garbage and old rubber tires that reached out almost to the center of the marsh.

"Hey, whut you doing?" he shouted to the people, who were trespassing on his land.

"I'm Warren Coolidge, the U.S. Attorney," said one of the men. "We thought you had agreed to move this dump off the marsh."

"I was gonna put a little top dressing on that, you know, make it real nice and even," he explained. "Then we'll plant some grass. Once we get in there with a power mower, it'll look nice, real nice."

Coolidge and an assistant patiently explained to the farmer that although the land was his, the federal government has power to regulate what he did to the salt marsh, because it is regularly flooded by tidal waters.

But the farmer wasn't listening. He was watching the ground, kicking away little pieces of garbage with his foot.

"Well, I just don't know," he replied, after the men had finished talking. "Nowadays there's always somebody coming around poking their nose into somebody else's business."

A Legal Quagmire

(By John Fialka)

The great booming wave of development and speculation that is breaking over the length of the Nation's East Coast beaches is also threatening to engulf another of this nation's most precious natural assets: Coastal wetlands.

The wetlands, salt marshes that are regularly flooded by the tides, are rapidly being converted into "waterfront lots" in land developments, into dumps and into industrial sites:

Although some states and some federal agencies have recently sought to protect the marshes, their efforts have largely become mired in a man-made bog of red tape, that reaches all the way to the White House.

The upshot, according to several government sources, is that it may now be more advantageous for a developer to dredge and fill a marshland first, and ask legal questions later.

A survey of portions of the shoreline, amounting to about half of the length of the coast, made by the Interior Department's Bureau of Sport Fisheries and Wildlife in July, turned up 82 cases of illegal dredging and filling on tidal marshland, which is under federal jurisdiction.

About 90 percent of the nation's total harvest of seafood comes from a chain of growth that begins in the marshlands which biologists call the great nurseries of sea life.

Although no one actually works the land, the marshes produce a high rate of income per acre.

Virginia believes its wetlands yield an average of $78 a year per acre, based on income from commercial and sport fishing, trapping and hunting. Wildlife officials place the figure at $200 a year and a North Carolina study indicates a yield of $525 an acre.

The range compares favorably with such high-yield farm crops as corn, which can yield $150 an acre, and peanuts, which can go over $300 an acre.

Furthermore, the salt marshes act as giant shock absorbers during storms, cushioning the force of otherwise damaging waves and protecting bay waters from substantial flows of sediment.

The ongoing theft of the wetlands is part of a historical tradition in the United States. by 1968, as scientists first began to appreciate the true value of a salt marsh, it was a case of "trying to close the barn door after half of the horses were already stolen," as one conservationist put it.

Connecticut discovered that half of its marshes had already been destroyed. In the northeast, much of the destruction had been done by industries, seeking cheap land for dumping.

In the south, the wetlands were also disappearing. Florida found that Boca Ciega Bay, an area of 30 square miles of shallow salt water near St. Petersburg, had nearly been filled up by developers who were manufacturing land by dredging and filling the marshes and selling them as waterfront homesites.

Some states reacted strongly. Massachusetts passed a law that puts a restriction on the marshlands, requiring state approval before any development is attempted.

Other coastal states followed suit, including Maryland and Virginia, which passed weaker versions of the law. Now only Delaware remains without a wetlands law.

In 1970 the U.S. Army Corps of Engineers, casting about for ways to escape the image given to it by conservation groups as the great spoiler of nature, was given authority by the U.S. Fifth Circuit to stop dredge and fill operations in shallow, tidal waters under the River and Harbor Act of 1899, even though there was no hazard to navigation.

The ruling told the Corps that it could consider "ecological factors . . . to deny that which might have been granted routinely 5, 10 or 15 years ago before man's explosive increase made all, including Congress, aware of civilization's potential destruction . . . and the immeasurable loss from a silent-spring-like disturbance of nature's economy."

Despite all this legal armament, the horses are still being stolen from the barn.

Meanwhile, the federal mechanism for cracking down on the merchants of marshland has come to resemble one of Rube Goldberg's machines.

The Corps of Engineers has the basic powers to police the developer. It must issue a permit if tidal lands are involved, even though they may be owned by the developer.

If, as in many cases, the developer has already begun dredging without a permit and the Corps catches him, it can stop him and require that he apply for a permit.

Under a "memorandum of understanding" the Corps has with the Interior Department the Corps' district engineer involved then contacts the Bureau of Sport Fisheries and Wildlife for advice.

The case then goes to biological specialists in the bureau's appropriate field office. If they think the development is bad, they must tell the head of the bureau's regional office. If he concurs, he must tell the Secretary of Interior's field representative, who replies to the Corps. (A pending Virginia case was routed by the Bureau from Raleigh, N.C., through Atlanta, Ga., to Boston, where the field representative wrote a letter to the Corps in Norfolk.)

Once the Corps' district engineer has evidence that the development is bad, he cannot simply tell the closest U.S. Attorney's Office about it. Last March, the Justice Department decided that would be too simple.

According to a recent report by a House Government Operations Subcommittee, Justice asked the Corps to issue a memorandum to all district engineers ordering them to send all cases in which the 1899 law was deemed to have been violated to the Corps' general counsel in Washington.

If he thought it was worth it, he would forward it to the Department of Justice in Washington. If Justice thought it was bad, they would forward it to the appropriate U.S. attorney, who would bring suit.

The subcommittee's chairman, Rep. Henry S. Reuss (D-Wis.) wrote Justice in May, calling it "an absurd, bureaucratic policy."

"A delay of several weeks or even a few days in filing a civil or criminal case can result in the irretrievable loss of these values. No marshland, for example, that has been illegally filled can be restored to its natural condition," he added.

(Sources in both the Corps and the bureau, indicated to The Star-News, however, that because neither agency has established an effective surveillance system, many developers escape the process because they are never noticed in the first place.)

Behind this creaking enforcement machinery, various powers in Interior, the Corps and in the Council on Environmental Equality, were working to clarify the situation.

Both the Corps and the bureau decided to draw up guidelines that would spell out what a developer should do and how the government should deal with him when he is caught.

Officials of the bureau and the council took their thoughts on guidelines to the Office of Management and Budget, where, according to the subcommittee report, they ran into a representative of the Commerce Department's General Counsel's office, who said Commerce "strongly opposes the promulgation of these regulations."

The proponents of the guidelines all hoped they would go into President Nixon's environmental message on Feb. 8.

According to one source, the President was persuaded to reject the guidelines after Secretary of Commerce, Maurice Stans, went to his chief advisor on domestic affairs, John Ehrlichman.

The rejection left those in the federal government who wanted meaningful wetland controls "in some disarray," as one source put it.

At the moment, according to several sources, the federal apparatus is spotty "In some places the Corps is really active. In some places it's the bureau. In some places it's the state people. In places nobody does anything. It depends on the people on the scene," one source explained.

What is happening on the scene? To find out, a Star-News reporter went to four area jurisdictions, Delaware, Maryland, Virginia and North Carolina.

In Delaware the state legislature recently passed a law, widely publicized by conservation groups, that zones heavy industry away from its shoreline.

The state has not, however, drawn up any specific laws to regulate what the non-industrial developer does with the wetlands. Last February officials of the state's Division of Fish and Wildlife began to wonder if there were any harmful dredge and fill projects going on.

They found nine, all working in Sussex County, dredging lagoons and canals for trailer court complexes on Rehoboth and Assawoman Bays. Most of them were on a point of land called Long Neck.

The state told the bureau, which, in turn, told the Corps. The Corps moved in April, issuing nine cease-and-desist orders.

The state Water and Air Resources Commission decided they would approve permits for the nine and then impose a two-year "moratorium" on all wetlands projects. (The commission has authority to regulate dredging because it often cuts into state-owned bottom lands.)

The Division of Fish and Wildlife objected to all nine. Currently the Governor, Russell W. Peterson, is attempting to resolve the matter with the help of a specially-appointed 31-member committee. All nine have also applied for permits from the Corps.

According to Norman G. Wilder, one of the state's leading conservationists and former head of the Division of Fish and Wildlife, the absence of any clear law in the subject contributed to the problem, which caused a state-wide political furor.

"There was a feeling on the part of the (land) owners that you'd better get it done before the law gets passed."

The cutting of lagoons and canals is disturbing to Wilder and other state conservationists, because they believe it not only destroys marshland, but creates bodies of water that will soon become stagnant and lifeless.

In Maryland at least two wetland projects are pending. One of them involves a proposed "planned community" of 40,000 people that a company led by Jerry Wolman, a building contractor and formerly owner of the Philadelphia Eagles football team, wants to develop Chincoteague Bay.

The development, to be called Harbour Towne, has been held up by a court suit. A spokesman for the state's Department of Natural Resources, which enforces its new wetlands law, said it has not received a permit application yet.

"We're waiting for him," the spokesman added.

The department was definitely not waiting for the other developer, Raymond D. Coates, however. Last month Coates was discovered to have dredged a canal in marshland just north of the Harbour Towne site.

Although dredging has been going on since 1971, according to Worcester County authorities, apparently nobody had told the state or the federal government about it.

The Corps and the state ordered Coates to stop dredging on the 310 acre property, owned by a corporation which he heads. The land has been rezoned from agricultural to residential.

Asked to comment, Coates told a Star-News reporter: "I'm a lawyer and I know the law on this." before hanging up the phone.

Coates is not only the attorney for the Worcester County Board of Commissioners, he is also the counsel for the county's Planning Commission. The case is still pending.

Again on Chincoteague Bay, just below the Maryland line in Virginia's Accomack County, a second home land development called Captain's Cove began dredging in April 1970.

A powerful hydraulic dredge sucking up soil from the bottom and spewing it out over marshland had cut a substantial network of canals and had filled acres of land before the Corps issued a cease and desist order one year after work began. The case is still pending.

Anyone who still believes in the American Dream knows there must be somebody somewhere who is trying to keep the horses from being stolen out of the barn.

There is. He is Warren Harding Coolidge. He lives in a big office in Raleigh, N.C., that contains 23 statues of elephants in various sizes. The office is decorated with a red carpet, red, white and blue curtains, and blue chairs.

Coolidge often dresses in red, white and blue. Recently he was sporting a belt with the American eagle on it.

Developers have learned Coolidge is not a man to be trifled with. He is U.S. attorney for the eastern district of North Carolina.

Coolidge, a former Republican organizer for North Carolina, considers himself an "administration lawyer." He hates bureaucrats and likes to do things himself. Several months ago the Justice Department sent out a directive suggesting the U.S. attorneys should start bringing environmental cases. Coolidge was off and running.

To date, Coolidge and an energetic assistant U.S. attorney, John R. Hughes, have dealt with over 100 developers and property owners suspected of dumping or dredging marshlands.

Most have agreed to restore the marshland as far as possible. Fifteen have had federal court injunctions brought against them.

In an effort to stop dredging while there was still something to save, Hughes has sometimes had to resort to extreme measures. Once, thwarted by a developer who refused to let him on the property, he landed next to the dredge in a Coast Guard helicopter and demanded to see a permit. There was none, and Hughes stopped the dredging.

Coolidge sent a letter out to every dredge and drag line operator in the state warning them they face criminal prosecution for dredging if the land owner has no permit.

He has also campaigned against the destruction of marshland in the press. Recently he announced he was suing the town of Hertford, N.C., for $2 million for maintaining a dump on marshland.

Asked about the amount, Coolidge replied: "Why the hell should I sue them for only $2,000. That wouldn't get me on the back page of the local newspaper. When you're asking for two million, then you get on the front page."

Although the great boom in shoreland prices hit the Carolinas only two years ago, Coolidge has his hands full. Currently there are at least 45 recreation land developments operating along the coastline.

The market for waterfront lots has soared to the point where one developer has dug a canal system on a canal, the Intercoastal Waterway, and is selling "waterfront lots" for as much as $13,000.

Recently as Coolidge and Hughes flew over a small section of the coastline in a plane, Coolidge explained why he is interested in the wetlands:

"It's one of the few areas where you can actually see the law doing something. We got cranked up about the same time the developers did down here. We could still see what we could save."

While Coolidge was talking, Hughes had spotted two suspicious dredging operations and one illegal dump on marshland.

"I swear," muttered Coolidge. "Every time we come down here . . ."

At Home at Sea

(By Roberta Hornig)

The small plane skims along the Eastern Seaboard on a course roughly following the shoreline.

Not long after take-off from the airport, four miles out in the Atlantic, just south of Long Island, it approaches the South Jersey area.

Below, slightly north of Atlantic City, are the two 17-story floating nuclear power plants.

As the plane moves southward, about eight miles off to the left of Rehoboth Beach, Del., is the huge super-port complex that takes oil and other cargo from giant tankers for later transfer to the mainland.

Then, just a short way down the shore, a few miles out from the skyscraper resort, Ocean City, Md., looms the newest offshore "Seacape East," designed to house 30,000 people. It looks like the pictures of the first U.S. seatown, off Hawaii.

The year is 1992.

By now, people are used to the string of artificial islands in the Atlantic as well as off the other two American coasts. They are there for good reasons.

The ocean is viewed as an extension of the continental U.S. It is looked upon as the answer for limitless human demands, much as the American West was 100 years ago.

It is the new frontier.

The sea was the natural place for expansion. The only place left. Land on the mainland is nearly used up, particularly near the coasts. Then, too, while everyone demands the services they provide, no one wants an airport or a sewage treatment plant in his neighborhood.

So, as well as providing minerals and food, the ocean is seen as the perfect place for airports, nuclear and fossil fuel power plants, and sewage treatment plants. It also provides deepwater ports to service ships too big to enter mainland harbors.

Besides these services, others look to the sea for opposite reasons. It is the perfect place to live. A sea view has placed the suburban garden in popularity and well-planned new towns on the ocean can assure a seascape to each of its residents.

Offshore artificial islands conjur up sci-fi images.

But if the brochures and speeches from private industries, consulting firms, universities and governmental agencies, make the 1992 man-made islands-in-the-sea more than a dream.

The "now" world includes:

The New Jersey Public Service Electric and Gas Co. has already signed a contract ordering two offshore nuclear power plants from Westinghouse-Tenneco. The site it has picked is 11 miles northeast of Atlantic City, 2.8 miles out in the ocean.

A federal inter-agency study, initiated by the White House, is looking into the feasibility of constructing a superport for supertankers off both the Atlantic and Gulf coasts. A consultant's report to the U.S. Maritime Administration recommends a North Atlantic Deep-water Oil Terminal (NADOT), offshore from Delaware. The favored site appears to lie eight miles out from Cape Henlopen. The Cape is four miles north of Washington's "summer playground."

An offshore airport office has been established in the Federal Aviation Agency, which initiated and contributed $425,000 towards a current study of such a venture for New York, just south of Long Island. In view of increasing talk of "wetports" and "aquaports," FAA has also called the first international conference on the subject to be held in Reston, Va., next May. FAA believes the first U.S. man-made island airport will likely go into Lake Erie, off Cleveland.

Aided by an $85,000 federal grant, the University of Hawaii has a "Floating City" project—a 150-ton, one-twentieth scale model afloat in Kaneoht Bay. There's a move afoot. with state government backing, to get a full-scale floating marine exposition built, perhaps as a joint U.S.-Japanese venture.

The technology for man-made offshore islands is here and has been for at least a decade. What apparently has been standing in the way to far is money, because offshore facilities are expensive.

Westinghouse-Tenneco is so certain of its "Out on the Water Is the Near Future" slogan that it has formed a joint company called Offshore Power Systems, now under construction in Jacksonville, Fla.

Offshore's plan is to mass produce nuclear power plants—each of them 140,000 tons and covering 4½ acres, ready to be planted inside a breakwater at the plant site and deliver them by floating them to buyers. It believes the first Platform Mounted Nuclear Power Plant (PMNP) can be launched in 1979.

The New Jersey Public Service Electric and Gas Co. hopes to be Offshore's first customer, the world's first, and to sign a final contract this autumn to seal the sale. It is not put off by the $1 billion price tag.

"Look, sites for nuclear plants are becoming scarcer and the heated water coming out of the plants will be quickly dispersed and cooled in the ocean," a power company spokesman said.

In his comment, he focused on two major problems confronting companies trying to supply nuclear power to their customers: Where to put plants and the threat, real or feared, of thermal pollution.

The ocean, the power company believes, solves these dilemmas because "it represents such a vast amount of water."

For its $1 billion, the New Jersey firm will get two generators. The price-tag also includes construction costs of the semi-circular breakwater it will build in a 45-foot ocean depth to shield the 17-story complexes from storms, heavy seas, and, it claims, collision by the largest supertanker.

In spite of the furor generated by conservationists over the project, New Jersey Electric and Gas thinks it is environmentally sound on all scores. The company also believes it can sell the public.

Transmission lines, always a sore point, will be buried on the sea floor for the 2.8-mile ocean route, then go underground once they reach shore.

SHIP ROUTE

As for the way the huge offshore plants look from the coast, it is being touted as resembling "a ship on the horizon."

If environmentalists are watching the progress of the world's first PMNP, so are other power companies. Virginia Electric & Power Co. and New York's Consolidated Edison are among those keeping a close eye on the New Jersey project, according to Offshore Power Systems.

The Atomic Energy Commission, which licenses nuclear plants, has not yet received the New Jersey company's application but expects it later this year.

Not much farther down the Atlantic shoreline, but farther out at sea, plans are gearing up for another offshore island—this one a superport.

The specter of deepwater ports rose when President Nixon in June announced a federal subsidy for the first six U.S. supertankers, three of them 225,000, three of them 265,000 tons.

The logical question: Where would they unload their cargoes, particularly oil? The only natural, or practicably dredgeable, deep harbors in the U.S. are on the West Coast. What about the East and Gulf Coasts?

The logical answer forwarded by some: Offshore superports.

There are already about 50 such ports worldwide, many of them built by U.S. companies. Japan, for example, has 19. The Persian Gulf 14. But so far, there are none off American shores.

PRESIDENT'S NEW REPORT

The announcement was followed a short time later by a consultant's report to the U.S. Maritime Administration—a report that had been in the works a long time—on the feasibility of a North Atlantic Deep-water Oil Terminal (NADOT).

Not only did the consultants' report determine that a NADOT is feasible. It obviously favored a particular site for the offshore facility.

The site is "offshore Delaware," which the U.S. Army Corps of Engineers translate as being approximately eight miles off Cape Henlopen, Del., out from two popular resort towns, Cape May, N.J., and Rehoboth Beach, Del.

Spurred by presidential interest, the White House currently has a special inter-agency task force on the proposed project going. The stated reason is to determine "whether" such a superport should be built.

But the task force also has been charged with drafting legislation, both to get Congressional backing and, presumably, to set up a regulatory procedure so private companies can apply to the federal government for use of the seas.

The study for Maritime calls for a 500-acre man-made island, surrounded by a 7,500 foot horseshoe-shaped breakwater for protective purposes. The cost: an estimated $787 million.

If it goes forward, the project undoubtedly will trigger sharp debate from environmentalists worrying about oil spills. Supertankers are as much as four times bigger than the Torrey Canyon, whose spill off the English coast in 1967 was the subject of worldwide debate.

Meanwhile, both Louisiana and Texas are in mid-studies and are drumming up support for such facilities.

Because the sea is fairly shallow near the Gulf coast, any super-port would probably have to go into water considerably beyond the recognized 12-mile U.S. territorial boundary, raising international law of the sea questions.

The Gulf states, however, are fairly adamant about needing a superport. "We need one if our economy is to compete in the world market in the future," one Texan reported.

Not getting quite the same immediate support as either offshore nuclear power plants at the moment or superports—but not to be ignored—are offshore airports.

The concept has been talked about for years, worldwide, enough to let them earn their own jargon. Some call them "wetports"; others, "aquaports". The reason for the persistence of the talk, however, is the same.

More people are traveling, and more airports, or bigger ones, are needed. Major air terminals are located in metropolitan areas where land is scarce and "gateway", or international, terminals are mostly located in coastal areas, where land is even scarcer.

In addition, there is the problem of noise. Nobody likes thundering aircraft pounding their eardrums.

The only apparent reason for no airport islands in the sea yet is money.

Nonetheless, the Federal Aviation Agency believes they are coming. "Our feeling is that in perhaps 10 years or so. There may have to be ways of evaluating costs other than straight dollars," says James E. Luckman, the branch chief.

So far, offshore airports have been considered in the U.S. cities of Los Angeles, San Diego, Chicago, Cleveland, Boston, and New Orleans.

Technically, construction of the country's first offshore facility is scheduled to begin late this month, off Honolulu.

The Hawaii airport, designed by the Los Angeles-New York engineer construction firm, Ralph M. Parsons Co., will be a fully operational runway, 12,000 feet long and 200 feet wide, surrounded by a jetty for wave protection.

It will run parallel to Honolulu International Airport's existing main runway, but will be 6,700 feet seaward of it.

A landmark construction venture, it will involve dropping 960 acres of dry land—dredged from the ocean floor and mixed with coral imported from other islands—atop an existing, underwater reef that will be its anchor-base. The pricetag: $65 million.

The biggest offshore airport study going involves a replacement for New York's Kennedy International. This project, initiated by the FAA is partially funded with a $425,000 federal grant.

Study results so far are positive. "The New York offshore airport is technically feasible. The means are presently at hand to construct such a monumental structural system," it concludes.

But the study also came up with costs the FAA at the moment considers prohibitive: an estimated $8.1 or $13.9 billion, depending on construction techniques.

MONEY, MONEY

As a result, the government agency has sent the project back for restudy—to see if costs can come down.

No conceptual changes are expected, however. The multi-level airport would go three to five miles out in the Atlantic, just south of Long Island, and would be approximately two by eight miles in size. Access from shore would be through some form of mass transit, with rapid rail currently favored.

One of the ways FAA hopes to bring the cost down is to combine an offshore airport with some other service, perhaps a sewage treatment plant. The argument is that the more kinds of services combined on a single man-made offshore island, the cheaper it will be for each of the components.

This is the philosophy behind the airport being pushed in Cleveland. The Lake Erie International Jetport Project, which is getting $4 million worth of study and is being touted by Cleveland's Chamber of Commerce, has a good chance of being the country's first offshore airport structure, FAA believes.

The airport is planned as the nucleus of a project aimed at rejuvenating the downtown central city.

The $1 billion plan proposed construction of a man-made island in Lake Erie about five miles offshore and three miles east of downtown Cleveland. It would total about 26 square miles, making it the largest island in the lake and a third the size of the city itself.

Besides the airport, the island would include an industrial and research park, a national import-export center and a free port.

If it is built, the Cleveland jetport well could trigger other such ventures that have been proposed around the country.

Of all the offshore structures talked about, floating new towns have the most esoteric, science-fiction ring, and are likely the fartherest away." Up to now they have been a dream-scheme of architects and planners as Buckminster Fuller, the father of the geodesic dome.

The Japanese, for example, have in recent years shown consistent interest in the offshore concept.

The Japanese have a design for a floating city for housing 30 million people on the South China Sea.

In addition, the Japanese government has set what its Ministry of Construction calls a "significant budget" for the coming fiscal year for research and experimentation on offshore building structures.

Very practically, Japan is planning an Okinawa Marine Exposition in celebration of the formal return of the island which the U.S. has ruled since World War II.

In the U.S., the greatest emphasis on floating towns in coming out of Hawaii, particularly out of the University of Hawaii where the concept is getting great impetus from Dr. John Craven, dean of ocean engineering. Craven formally was a top naval scientist, responsible in great part for such endeavors as the Polaris and Poseidon submarine missile systems.

Under Craven's prodding, the Hawaiian legislature earlier this year, with the enthusiastic support of Gov. John Burns, resolved to hold an international marine exposition in the state in 1978, its bicentennial celebrating the discovery of the islands by Capt. Cook.

Hawaiian and Japanese scientists are now exchanging information in the hopes that projects like the world's first floating city can be mutually developed and exhibited first in Okinawa, then Hawaii.

A 1-to-20 scale model of a new town is

already afloat in Kaneohe Bay on Oahu's north shore. It is a University of Hawaii project, partially paid for by the National Oceanographic and Atmospheric Administration.

The one thing all the offshore island proposals have in common are assurances from their proponents that they will cause no harm to the environment.

Given the number of proposals for offshore man-made islands, and the real need for some of the services some can provide, it appears they are inevitable.

So, it really is easy to imagine a string of them lined up along the Atlantic coast.

Missing from any consideration so far, though, are such questions as how many should be allowed, and where. Each of the proposals is being planned independently. There is no overview. No one is considering a policy of offshore use.

Perhaps this is not so surprising, for America is a country that has not even reached agreement on a growth policy for its land.

MINDING THE SHORE

(By Roberta Hornig)

Three years ago, homeowners living along a five-block stretch of ocean beach just south of Bethany, Del., put up a gatehouse and hired a guard to keep outsiders away.

"We would like to have the beach for our own use. We want to keep it as quiet as possible," explains one of the property owners, a Washington dentist.

Within the last six months, two such communities along the Atlantic coast were sued for trying a different approach to discourage "outsiders"—charging higher fees to nonresidents for use of the beaches.

Avon-by-the-Sea, N.J., taken to court by its neighboring town, Neptune, was told in July by the State Supreme Court, in effect, that beaches belong to everyone.

Long Beach, on Long Island, N.Y. was told the same thing last March, but it is appealing the decision.

"We feel our beach is owned by the residents and the taxpayers of the city and they should determine who should use the beach," says attorney David J. Weinblatt.

Because New Jersey beaches are so crowded, many communities charge a fee for their use.

As more and more people are rushing to the sea to sun, swim, boat or fish, communities along the East Coast seem to be tightening up, by whatever device they can figure out, to keep funseekers away.,

And the patchwork of existing laws governing ownership and use of beachland has done nothng to resolve the conflict between landowners' rights and concern over public access to beaches.

The public, whether for recreational, land or industrial development purposes, got to the nation's shores before the lawmakers.

There is, as yet, no federal law that begins to answer the question: Who gets to use the beaches and for what uses.

The only general rule governing ownership of beaches is that states own the part of oceanfront property below the "mean high water mark"—the point reached by the average wave.

From there inland, the controlling rules, where there are any, vary from state to state.

"The laws are scattershot. There is no consistent policy from one state to another. Some allow fenced off beaches, letting waterfront property owners treat the beach like their own private countryclub. At the other extreme, a few have declared an 'open beach' policy," explains William Van Ness, a staff aide to Sen. Harry M. Jackson, D-Wash.

TEXAS LAW

In 1959, Texas became the first state in the country to establish, through law, the public's right to use all the beaches. The law declares that the government never had given landowners exclusive rights to the beach.

Ten years later, the Oregon Supreme Court unanimously ruled that citizens in that state had the same right of access to all of the oceanfront.

For several years, open beach legislation—first introduced by Rep. Robert Eckhardt, D-Tex.—has been pending in the House.

Jackson, chairman of the Senate Interior Committee, introduced a similar measure last year. And, his aides say, he plans to make it a top priority item in the session beginning January. Observers say this may help its chances of passage, although the fight may be tough.

The bill would establish, as a matter of national policy, the public's right of access to beaches. But it would leave states the responsibility for acquiring the actual rights.

With the help of generous federal grants, states would be encouraged to buy easements from private landholders—or when necessary resort to condemnation.

The bill would protect the interests of shoreline property owners, allowing them to retain all property rights except access.

Two other federal bills affecting shorelines are pending in Congress.

One, the Coastal Zone Management Act of 1972 stands a chance of approval in some form after it emerges from a conference this fall.

Seemingly more oriented towards coastal resources, more towards shellfish and fishing than to beach and land development problems, it does nonetheless declare a national policy to preserve, protect, develop and, where possible, restore coastal areas. It calls for in-depth studies of natural resources and planning for the shoreline, with federal help to state management programs.

LAND USE

The other is legislation to encourage states to improve their land use planning.

There are around 200 land use bills pending in 13 Congressional committees. Most of them are broad, obviously oriented towards planning across the country.

But the major ones also require states to identify areas of critical environmental concern or call for inventories of recreational needs or both. Considering the overcrowding of beaches, presumably more of them opening up to the public would be high on the lists.

Out of nearly 6,000 miles of East Coast oceanfront, less than 15 percent, or 416 miles has been specifically earmarked for public recreation.

There is even less—under four percent—open to everyone along the 11,937 miles of bays and estuaries. That translates into 511 miles.

The remaining shoreline has been mostly locked into private, industrial or military use, according to the U.S. Army Corps of Engineers which has conducted one of the few surveys of the U.S. coastline.

Consider these statistics:

Most of the land along the Atlantic is taken up by "private recreation," a term the Corps translates as the "beach and country club" type developments the more affluent can afford. The vast majority of these lands—2,245 miles out of the total 2,503—are in the South, in the lower South Carolina and Georgia areas.

The single largest shoreline use involves "non-recreation" lands along East Coast bays and estuaries. Some 1,927 miles are above the tip of Southern Virginia, the remaining 1,368 below. Add to this 605 miles on the oceanside.

These are lands gone to industrial and commercial development and military installations, the corps says—together, these amount to huge hunks of waterfront off limits to people. And while presumably the '"private recreation" category could eventually be more flexible, the "non-recreation" lands are gone forever.

There are only 1,898 miles of undeveloped lands along the Atlantic. On the bayside, there are 7,504. In Corps terminology, though, "undeveloped" means only that there is nothing on the land now or that it is currently inaccessible. It does not necessarily mean that they are unowned.

Of all the states Delaware has gone the farthest to protect what's left of its shoreline from industrialization—a problem in some U.S. areas as great as shoreline urbanization.

MAJOR MOVES

Delaware's Coastal Zone Act, signed a year ago by Gov. Russell W. Peterson prohibits heavy industries from locating along the state's 120-mile coastline, along a strip that varies from a mile to nine miles wide.

Specifically, the landmark law excludes a supertanker port within the mouth of Delaware Bay, oil refineries, paper mills, steel mills and basic chemical processing plants. All of them are potential air and water polluters.

It was a brave move for a state that long has been a favorite haven for giant industrial complexes.

Besides offending big industrialists, Peterson's signing the bill also offended a former top Nixon Administration official, James Moore, a gubernatorial aide, reports.

Then Commerce Secretary Maurice Stans "went so far as to hint to the Governor that he was being unpatriotic," Moore says.

The disparity of approach among coastal states to this reflects the lack of direction in the overall issue of what is to become the nation's shoreline.

At the moment, for all the scope of the federal government, no one part of it—no one department, no one agency—is responsible for what is happening or planning for the future.

No one is minding the shore.

By Mr. HARTKE:

S. 2625. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled wives and husbands to unreduced wife's and husband's insurance benefits without regard to age. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, today I submit an amendment to the Social Security Act to provide full benefits to disabled wives of social security beneficiaries, regardless of their age.

Social security benefits are payable to the wife of a retired or disabled worker beneficiary if she has reached age 62. In addition, they are payable to a wife under age 62 if she has in her care a child under age 18 or disabled who is entitled to social security child's benefits on her husband's earnings.

The reason no such benefits have been provided for a wife who is under 62—unless she has a disabled child under her care—is that such a person should normally be able to work and support herself. This is obviously not so with a wife who is disabled over an extended period of time.

The proposal I introduced today would provide benefits to such wives, regardless of age, at an amount equal to a wife who becomes entitled at age 65, or a wife who gets benefits because she has a child in her care.

Totally disabled wives of beneficiaries face problems similar to those of aged wives and wives with children in their care. There is a sharp decline of family income due to the spouse's retirement or disability, and no real opportunity to supplement the family's income through their own work. A totally disabled wife is even less likely to be able to support herself than a nondisabled wife who receives benefits because she has reached age 62 or has a child in her care. In many cases, the husband's benefit may be the couple's only regular income.

The cost of this proposal for calendar year 1974 is expected to be $195 million. Benefits would be increased immediately for 190,000 present-law beneficaries and 150,000 individuals who would be newly eligible.

This is one of the glaring inequities of the current social security law—one about which I have received countless letters. It deserves to be corrected without delay.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 202(b)(1)(B) of the Social Security Act is amended to read as follows:

"(B)(i) has attained age 62, or (ii) in the case of a wife (I) has in her care (individually or jointly with such individual) at the time of filing such application a child entitled to a child's insurance benefit on the basis of the wages and self-employment income of such individual, or (II) has not attained age 65 and is under a disability (as defined in section 223(d)),".

(2)(A) So much of section 202(b)(1) of such Act as succeeds clause (D) but appears before clause (E) is amended to read as follows: "shall (subject to subsection (s)) be entitled to a wife's insurance benefit for each month, beginning with—

"(E) if she satisfies subparagraph (B) by reason of clause (ii)(II) thereof—

"(i) the first month after her waiting period (as defined in paragraph (4)) in which she becomes so entitled to such insurance benefits, or

"(ii) the first month during all of which she is under a disability and which she becomes so entitled to such insurance benefits, but only if she was previously entitled to insurance benefits under this subsection on the basis of being under a disability and such first month occurs after the month in which a previous entitlement to such benefits on such basis terminated, or

"(F) if she satisfies subparagraph (B) without regard to clause (ii) (II) thereof, the first month in which she becomes so entitled to such insurance benefits,

and ending with the month preceding the first month in which any of the following occurs:".

(B) Section 202(b)(1) of such Act is further amended by redesignating subparagraphs (E), (F), (G), (H), (I), (J), and (K) as subparagraph (G), (H), (I), (J), (K), (L), and (M), respectively.

(C) Section 202(b)(1) of such Act is further amended—

(i) by striking out "or" at the end of the paragraph thereof redesignated by subparagraph (B) of this paragraph as subparagraph (L),

(ii) by striking out the period at the end of the paragraph thereof redesignated by subparagraph (B) of this paragraph as subparagraph (M) and inserting in lieu of such period ", or", and

(iii) by adding after the pargaraph so redesignated as subparagraph (M) the following new subparagraph:

"(N) if she is entitled to such benefits by reason of the provisions of subparagraph (B) (ii)(II), the third month following the month in which her disability ceases (unless she attains age 62 on or before the last day of such third month)."

(3) Section 202(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(4) The waiting period referred to in paragraph (1)(E)(i), in the case of any wife, is the earliest period of five consecutive calendar months—

"(A) throughout which she has been under a disability, and

"(B) which begins not earlier than the first day of the seventeenth month before the month in which her application is filed.".

(b) (1) Section 202(c)(1)(B) of such Act is amended to read as follows:

"(B) (i) has attained age 62, or (ii) has not attained age 65 and is under a disability (as defined in section 223 (d)),".

(2) So much of section 202(c)(1) of such Act as succeeds paragraph (D) thereof is amended to read as follows: "shall be entitled to a husband's insurance benefit for each month, beginning with—

"(E) if he satisfies subparagraph (B) by reason of clause (ii) thereof—

"(i) the first month after his waiting period (as defined in paragraph (4)), in which he becomes so entitled to such insurance benefits, or

"(ii) the first month during all of which he is under a disability and which he becomes so entitled to such insurance benefits, but only if he was previously entitled to insurance benefits under this subsection on the basis of being under a disability and such first month occurs after the month in which a previous entitlement to such benefits on such basis terminated, or

"(F) if he satisfies subparagraph (B) by reason of clause (i) thereof, the first month in which he becomes so entitled to such insurance benefits, and ending with the month preceding the month in which any of the following occurs: he dies, his wife dies, they are divorced, or he becomes entitled to an old-age or disability insurance benefit, which is equal to or exceeds one-half of the primary insurance amount of his wife, or his wife is not entitled to disability insurance benefits and is not entitled to old-age insurance benefits, or if he is entitled to husband's insurance benefits by reason of the provisions of subparagraph (B)(ii), the third month following the month in which his disability ceases (unless he attains age 62 on or before the last day of such third month).".

(3) Section 202(c) of such Act as amended is further amended by adding at the end thereof the following new paragraph:

"(4) The waiting period referred to in paragraph (1) (E) (i), in the case of any husband, is the earliest period of five consecutive calendar months—

"(A) throughout which he has been under a disability, and

"(B) which begins not earlier than the first day of the seventeenth month before the month in which his application is filed."

(c) (1) The third sentence of section 203 (c) of such Act is amended by inserting immediately before the period at the end thereof the following: "; nor shall any deduction be made under this subsection from any wife's or husband's insurance benefit for any month in which the wife or husband has not attained age 65 and is entitled to such benefit on the basis of being under a disability".

(2) The third sentence of section 203(f) (1) of such Act is amended—

(A) by striking out "or" at the end of clause (D), and

(B) by inserting immediately before the period at the end thereof the fololwing: ", or (F) for which such individual is entitled (on the basis of being under a disability) to wife's or husband's insurance benefits and has not attained age 65".

(3) The first sentence of section 216(i) of such Act is amended by striking out "sections 202(d)," and inserting in lieu thereof "sections 202(b), 202(c), 202(d),".

(4) (A) Section 222(a) of such Act is amended by inserting "husband's insurance benefits, wife's insurance benefits," immediately after "child's insurance benefits,".

(B) Section 222(b)(1) of such Act is amended by inserting "a wife who has not attained age 62, a husband who has not attained age 62," immediately after "entitled to child's insurance benefits,".

(C)(i) Section 222 (d)(1) of such Act is amended—

(I) by striking out "or" at the end of paragraph (C) thereof;

(II) by inserting at the end of paragraph (D) the following: "or"; and

(III) by inserting immediately after paragraph (D) thereof the following new paragraph:

"(E)(i) entitled on the basis of being under a disability to wife's insurance benefits under section 202(b) prior to attaining age 62, or

"(ii) entitled on the basis of being under a disability to husband's insurance benefits under section 202(c) prior to attaining age 62,".

(ii) Section 222(d)(1) of such Act (as so amended) is further amended by inserting "the benefits under section 202(b) for wives who have not attained age 62 and are under a disability, the benefits under section 202(c) for husbands who have not attained age 62 and are under a disability," immediately after "under section 202(d) for children who have attained age 18 and are under a disability,".

(5)(A) Section 223(d)(2)(A) of such Act is amended by inserting ", and except a wife or husband for purposes of section 202(b) or (c)" immediately after "or (f)".

(B) Section 223(d)(2)(B) of such Act is amended—

(i) by striking out "A widow" and inserting in lieu thereof "A wife, husband, widow"; and

(ii) by striking out "202(e)" and inserting in lieu thereof "202 (b), (c), (e),".

(6) Section 225 of such Act is further amended—

(A) by inserting "or that a wife who has not attained age 62 and is entitled (on the basis of being under a disability) to benefits under section 202(b), or that a husband who has not attained age 62 and is entitled to benefits under section 202(c)," immediately after "believes that an individual entitled to benefits under section 223,", and

(B) by inserting "202(b), 202(c)" immediately after "may suspend the payments of benefits under such section".

(d) The amendments made by the preceding provisions of this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after the month which follows the month in which this Act is enacted.

(e) Section 202(q) of the Social Security Act is further amended by adding at the end thereof the following new paragraph:

"(10) Notwithstanding the preceding provisions of this subsection, no reduction shall be made under this subsection in the wife's or husband's insurance benefit of any individual for any month prior to the month in which such individual attains age 65 if such individual is entitled to such benefit on the basis of being under a disability."

(f) The amendment made by subsection (a) shall be effective with respect to monthly insurance benefits under section 202 (b) or (c) for months after the month which follows the month in which this Act is enacted.

By Mr. BENTSEN:

S. 2626. A bill to amend the Federal Property and Administrative Services Act of 1949 and other pertinent statutes of the United States Code in order to establish Federal policy concerning the selection of firms and individuals to perform accounting services for the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

Mr. BENTSEN. Mr. President, I am introducing today legislation to establish a Federal policy for the selection of accountants to provide accounting services to the Federal Government. At this time, accounting services are acquired by advertising and competitive bidding. This practice has placed a great burden on accountants who want to provide their services to the Federal Government and jeopardizes the ability of the Government to acquire the quality of service it requires.

The present statutes, 41 U.S.C. 252(c)(4) and 10 U.S.C. 2304(a)(4), allow the Federal agencies discretion in how they acquire professional or personal services. It has been the policy, however, of the major Federal agencies, including the Department of Defense, to acquire accounting services by means of competitive bids rather than through negotiations.

I feel that Federal contracts should normally be competitively bid and advertised, but there are several reasons which make this totally unwise in the securing of accounting services.

First, a majority of the State boards of public accountancy and State societies of accountancy have rules of conduct which prohibit accountants from making competitive bids. A conscientious accountant, therefore, is faced with a dilemma—either he violates the ethics of his profession, or he must forgo the opportunity of offering his services to the Federal Government. I do not believe a man should be placed in that position, and I believe such a conflict raises serious questions about how the Government is going about the business of acquiring top-notch professional accounting service where ethics or State law prohibit accountants from bidding on contracts.

In addition, the system of bidding for accounting services defies one of the elementary considerations in determining accounting fees and results in inferior service to the Government. The scope of an accounting audit is largely determined by an examination of the records involved and an estimate of the amount of time which must be devoted to the examination. Less money to the auditor simply means less time for the audit. Price competition, therefore, encourages bids that will produce incomplete audits and misleading financial information about the concern being audited.

Just as a family needing a doctor for a sick child does not run an ad in the paper for the cheapest practitioner in town, neither should the Federal Government expect to acquire high quality professional service by advertising for the lowest priced accounting bid.

The proposal I am making will allow the Government to choose a capable accounting firm and then negotiate a professional fee that will insure quality work at a reasonable price. Should an accounting firm prove unreasonable in its fee demands, the Government has complete authority to terminate negotiations and to secure services from another firm. A nearly identical bill was passed last year to provide for the securing of architect and engineering services. Architects and engineers were often bound by the same State laws and professional considerations that affect accountants, and the Federal Government acted to allow them to negotiate their contracts with the Federal Government. I am asking the same treatment for accountants as we provided for architects and engineers.

And let me make a point here about the need for fair and public negotiations for accounting services under this bill. I would expect the Federal agencies securing these services to develop stringent rules for the conduct of such negotiations. Any negotiation should be open to full public scrutiny and should be conducted under regulations that will insure that political favoritism does not replace competitive bidding as the means for acquiring accounting services.

Mr. President, this legislation will enable the Government to acquire the best service available at a price that is reasonable and fair. The Federal Government should not place professional accountants in the position of choosing between their professional ethics and Federal regulations. I ask the Senate to give this legislation prompt and favorable consideration.

I ask unanimous consent that the text of the bill may appear in the RECORD and that letters from the Texas State Board of Public Accountancy and the Texas Society of Certified Public Accountants may also appear with my remarks.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 2626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 of the Federal Property and Administrative Services Act of 1949 (Title 41 U.S.C.A. 252) is amended by adding at the end thereof the following new section:

"(g) Selection of Accountants

DEFINITIONS

"As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of accounting.

"(2) The term 'agency head' means the secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

'(3) The term 'accounting services' includes those professional services generally performed by accountants, as well as incidental services that accountants and those in their employ may logically or justifiably perform.

POLICY

"The Congress hereby declares it to be the policy of the Federal Government to announce publicly all requirements for accounting services and to negotiate contracts for such services on the basis of demonstrated competence and qualification for the type of services required at fair and reasonable prices.

REQUESTS FOR DATA OR ACCOUNTING SERVICES

"In the procurement of accounting services, the agency head shall encourage firms engaged in the lawful practice of this profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him no less than three of the firms deemed to be the most highly qualified to provide the services required.

NEGOTIATION OF CONTRACTS FOR ACCOUNTING SERVICES

"(1) The agency head shall negotiate a contract with the highest qualified firm for accounting services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(2) Should the agency be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(3) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order to their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."

SEC. 2. Section 2304 of Title 10 of the United States Code is amended by adding at the end thereof the following new section:

"(1) Selection of Accountants

DEFINITIONS

"As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of accounting.

"(2) The term 'agency head' means the secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

"(3) The term 'accounting services' includes those professional services generally performed by accountants, as well as incidental services that accountants and those in their employ may logically or justifiably perform.

POLICY

"The Congress hereby declares it to be the policy of the Federal Government to announce publicly all requirements for accounting services and to negotiate contracts for such services on the basis of demonstrated competence and qualification for the type of services required at fair and reasonable prices.

REQUESTS FOR DATA OR ACCOUNTING SERVICES

"In the procurement of accounting services, the agency head shall encourage firms engaged in the lawful practice of this profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms, regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefor, in order of preference, based upon criteria established and pubished by him no less than three of the firms deemed to be the most highly qualified to provide the services required.

NEGOTIATION OF CONTRACTS FOR ACCOUNTING SERVICES

"(1) The agency head shall negotiate a contract with the highest qualified firm for accounting services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(2) Should the agency be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(3) Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached."

TEXAS STATE BOARD OF
PUBLIC ACCOUNTANCY,
Austin, Tex., September 12, 1973.

Hon. LLOYD BENTSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENTSEN: As you know, Texas accountants are increasingly concerned over the conflict between the procurement policies of certain agencies of the Federal government (particularly the Department of Defense) and the Rules of Professional Conduct for licensed accountants.

An effort was made last year (with your very thoughtful assistance) to persuade the Defense Department to negotiate for accounting services in connection with audits of its Open Mess facilities rather than require competitive bids. This is permitted by the present law [41 U.S.C. Subsection 252(c)(4) and 10 U.S.C. Subsection 2304(a)(4)]. We were not successful and the problem is a continuing one. In the circumstances, the Texas State Board of Public Accountancy has decided to seek legislative relief and respectfully requests that you sponsor a bill for us aimed at correcting this problem.

There is ample precedent for the legislation we seek. A nearly identical bill was passed by the Congress last year giving relief to architects and engineers.

While competitive bidding is generally an acceptable practice for procuring commodities, it is inappropriate for securing accounting services because of the very nature of an audit. The scope of an audit rests largely on the judgment of the auditor. He must make a sufficiently extensive examination to satisfy himself that the records fairly reflect the financial position of the enterprise. Since the cost of such an effort depends directly upon the amount of time devoted to the examination, price competition encourages the accountant to spend less time on the examination than might be necessary for an adequate audit. The practice of requiring competitive bids for audits invites incomplete, inaccurate and often misleading financial information about the operation being audited.

The Texas State Board of Public Accountancy, like many similar regulatory bodies, adopted many years ago a Rule of Professional Conduct, which prohibits accountants from making competitive bids for accounting services. This rule was approved by favorable vote of a majority of the licensed accountants in Texas. Our Board is obligated by State Law to enforce the terms of this prohibition and to discipline violators by criminal prosecution. The punishment is by fine up to $500.00 and imprisonment up to one year, as well as revocation or suspension of the license to practice public accountancy. The public policy in Texas with respect to competitive bidding for professional services was underscored by the Texas Legislature at a recent session when it passed the Professional Services Procurement Act, prohibiting any state agency or political subdivision of the State from securing the professional services of an accountant, or other professional, by competitive bid. The prohibition against competitive bidding for accounting services is incorporated in the Code of Professional Ethics of the Society of Certified Public Accountants in Texas and in many other States.

The courts have consistently excluded professional services from the competitive bidding requirements of state and local laws. The rationale for these decisions is best stated by a court which upheld a negotiated engineering contract, as follows:

"Such a construction would require the selection of attorneys, physicians, schoolteachers and civil engineers by competitive bids, the only test being the lowest bid for the services of such men. Such a test would probably be the best that could be conceived for obtaining the services of the least competent man, and would be most disastrous to the material interests of a country." *Hunter V. Whiteaker & Washington,* 230 S.W. 1096, 1098 (Tex. Civ. App.—San Antonio, 1921, no writ).

Competitive bids for accounting services invites the accountant to violate state law, endanger his right to practice accounting, and jeopardize his professional standing. The Federal procurement practice contradicts a long-standing public policy favoring negotiated contracts for professional services, and compromises the right of the taxpayer, to have a complete and accurate accounting of the expenditure of public funds.

The Texas State Board of Public Accountancy is satisfied that the Federal government can obtain audits at fair prices without calling for competitive bids, and that the work product of negotiated audits will be more satisfactory. Ample statutory authority exists for Federal Departments and Agencies to negotiate contracts for personal or professional services. They have generally refused to use such authority.

Accordingly, we have prepared a draft bill and justification and enclose herewith copies of the same in hopes that you will introduce and sponsor such a bill and that we may have your continued active support in our effort to resolve the conflict that exists between Federal procurement policies and the laws, rules and regulations which we are required to enforce in Texas.

Yours very truly,
L. LUDWELL JONES,
Chairman.

TEXAS SOCIETY OF CERTIFIED
PUBLIC ACCOUNTANTS,
Houston, Tex., September 17, 1973.

Hon. LLOYD M. BENTSEN, Jr.,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BENTSEN: The conflict existing between the procurement policies of certain Federal agencies and the Rules of Professional Conduct for licensed accountants is a matter of continuing concern to the Certified Public Accountants of Texas. It is our understanding that the Texas State Board of Public Accountancy has decided to ask you to sponsor a bill aimed at resolving this problem. We would like to join in this request. Architects and engineers were given similar relief last year by the Congress.

The State Board has a Rule of Professional Conduct prohibiting accountants from making competitive bids. This prohibition is also incorporated in the Code of Professional Ethics of the Texas Society of Certified Public Accountants.

Competitive bidding encourages the accountant to violate state law, compromise his right to practice accounting, and jeopardize his professional standing. Federal procurement practices contradict a sound public policy favoring negotiated contracts for professional services.

The courts have uniformly excluded professional services from the competitive bidding requirements of state and local laws. The rationale for these decisions is that competitive bids constitute an acceptable practice for purchasing commodities, but an inappropriate system for obtaining accounting services. For example, the scope of an audit depends largely on the judgment of the auditor who must make a sufficiently extensive examination to satisfy himself that the records fairly reflect the financial condition of the enterprise. The cost of such an effort rests directly upon the amount of time devoted to the examination, and price competition might invite the accountant to spend less time on the examination than necessary for an adequate audit. Competitive bids for accounting services invite incomplete, inaccurate and perhaps misleading fiscal information about the activity being audited.

The Texas Society of Certified Public Accountants is convinced that Federal officials can obtain audits at reasonable prices without competitive bids, and that the result of negotiated audits will be more in the public interest. Since ample statutory authority now exists for Federal Departments and Agencies to negotiate contracts for accounting services and they have generally declined to use such authority it seems clear that any relief must come from the Congress.

Accordingly, we hope that the Accountants of Texas may have your continued assistance in seeking to resolve the conflict that exists between Federal procurement practices and the laws, rules and professional ethics which we must abide by in Texas.

Very truly yours,
A. BURKE HAYMES,
President.

By Mr. PACKWOOD:

S. 2627. A bill to further the purposes of the Wilderness Act by incorporating French Pete Creek and adjacent roadless lands in the Three Sisters Wilderness, Oreg., and for other purposes. Referred

to the Committee on Interior and Insular Affairs.

Mr. PACKWOOD. Mr. President, today I am introducing legislation to protect the ecological values of the French Pete Creek and adjacent roadless portions of Rebel, Walker, and Mosquito Creek drainages located within the Blue River Ranger District and lying 60 miles east of Eugene, Oreg. Under my legislation these areas would become a part of the Three Sisters Wilderness in Oregon and would be preserved and protected for the enjoyment of present and future generations. In both the 91st and 92d Congresses, I introduced legislation to establish the French Pete Creek Intermediate Recreation Area. Unfortunately, the legislation died with the adjournment of those Congresses, and it is with an even greater sense of urgency that I once again introduce a measure to preserve this unique spot in the Oregon Cascades.

I stress the urgency of the situation because, as you are all aware, Forest Service Chief John McGuire last week announced his list of new wilderness study areas, those areas which will be added to his earlier list announced in January this year, and which will be studied for possible inclusion in the national wilderness preservation system. After the draft study list had been announced and it became evident to me that the French Pete drainage was not even under consideration, I wrote a letter to Chief McGuire urging that this priceless treasure be given the attention it so deserves and receive full review and study for possible inclusion in the national wilderness preservation system. Certainly the factors were present which would normally qualify an area for wilderness classification—an unroaded valley, the only area in the Central Oregon Cascades where there is a trail in a valley without roads below 3,000 feet, yet low enough in altitude to be accessible the year round to people seeking the solitude of a wilderness area untrammeled by man. My fear that without some degree of reasonable foresight we might well lose this unique area forever prompted my letter to the Chief. The reply I received was a canned response and it is evident that any suggestions or recommendations from my end were virtually ignored.

Mr. President, I ask unanimous consent that at this point in the RECORD my letter to Chief John McGuire and his response to that letter be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 11, 1973.

Hon. JOHN R. MCGUIRE,
Chief, U.S. Forest Service,
Washington, D.C.

DEAR JOHN: This is to voice my ongoing concern for the French Pete Valley lying in the foothills of the Three Sisters Wilderness in Oregon and encourage you to, at the very least, study this unique area for its Wilderness potential and to include it on your study list of roadless and undeveloped areas within the National Forests.

As you know, I introduced in the 92nd Congress a bill to create the French Pete Intermediate Recreation Area. French Pete is one of the few remaining low country forested valleys which has not been roaded or cut. It is now the only area in the Central Oregon Cascades where there is a trail in a valley without roads below 3,000 feet. Numerous streams and creeks are prevalent in the area. In addition, it is the only remaining unspoiled valley in the Oregon Cascades low enough in altitude to be accessible the year round to those who wish to gain a wilderness experience. This type of experience, as you know, is becoming increasingly popular as our society becomes more highly automated and technology-oriented, and last year, citizens of Oregon who are concerned with preserving the French Pete area, sponsored at their own expense independent citizen hearings in Eugene, Oregon.

You will recall that French Pete Creek, along with Walker and Rebel Creeks, was part of the Three Sisters Primitive Area from 1938 to 1957. As both Walker and Rebel Creeks are integral parts of the French Pete complex, I feel they should be jointly recommended for study as Wilderness. Although there are areas in Walker and Rebel Creeks which have been cut over, these areas are adjacent to French Pete and might, therefore, very appropriately be held in a wilderness reserve status. They should, in the meantime, be studied with this in mind.

Since I've been in the Senate, John, I've worked toward ensuring that these unique areas will not be logged. I think a great many problems would be solved should you decide to have French Pete, Rebel and Walker Creeks studied for inclusion in a Wilderness Preservation System. Again, I would stress that the Forest Service, at the very least, should permit and invite public comment on the fitness of this magnificent valley for permanent preservation.

I would appreciate your very serious consideration of these points and hope to hear from you soon to the effect that these areas will at the minimum be given the benefit of study.

Cordially,

BOB PACKWOOD.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., June 4, 1973.

Hon. BOB PACKWOOD,
U.S. Senate.

DEAR SENATOR PACKWOOD: This is in reply to your May 11 letter asking that we study the French Pete, Walker, and Rebel Creek drainages for inclusion in a Wilderness Preservation System.

You are aware of our ongoing Roadless Area Review program whereby we are evaluating those roadless areas which merit additional study to determine if they should be recommended for Wilderness classification. None of the three drainages you have mentioned have been proposed as New Study Areas. However, the selection process is not complete. We are currently receiving public response to the Draft Environmental Statement on our proposal to designate 235 roadless areas as New Study Areas.

Your recommendation will be given careful consideration as we decide on the final list of New Study Areas.

I am hopeful that the final list of New Study Areas will be announced this summer.

Sincerely,

JOHN R. MCGUIRE, *Chief.*

Mr. PACKWOOD. Be that as it may, I again emphasize the stepped-up urgency of the situation. The areas I seek to protect with my legislation, the French Pete, Walker, Rebel, and Mosquito Creek drainages, all adjoining, are also a part of the Willamette National Forest timber management plan and will be subject to timber harvesting in the not-far-off future.

On October 19 this year, the Willamette National Forest announced that it will be going ahead with timber management directions outlined in accordance with the 1971 decision of the Secretary of Agriculture. The first step is determining how access will be gained in carrying out the management directions for French Pete; those access alternatives range from helicopter logging with no road construction to a network of roads to accommodate conventional logging systems. Clearly, we are on our way to seeing the French Pete and adjacent drainages victimized without so much as a flick of the eyelid from the Forest Service.

I am vividly reminded of the numerous attempts which have been made to draw to the attention of the Forest Service the esthetic and enduring values of the areas I seek to protect. Back in the 91st Congress, I introduced the French Pete legislation to preserve the 19,200-acre French Pete Drainage. When no action was taken legislatively, the people did take action and expressed interest and concern over the disposition of the area through thousands of handwritten, individually-conceived letters and cards. The youth of Oregon became actively involved. Nature's Conspiracy joined with the Save French Pete Committee, and some 500 University of Oregon students rallied to dramatize the importance of the issue involved. National headlines were inspired by this youthful grass roots support for preservation of a relatively small Oregon watershed. Sentiment rapidly grew in favor of preserving the 39-square miles of unlogged, virgin Oregon wilderness which had been named after a shepherd who grazed his sheep in the rich valley, a not uncommon endeavor until about 1914.

Again, in the 92d Congress, the citizens of Oregon, who are concerned with preserving this unique valley, at their own expense sponsored independent citizen hearings in Eugene, Oreg. This group of concerned citizens even hired a court reporter to take down the proceedings and prepare a hearing record.

Therefore, it is today with great pleasure and at the same time with a great disappointment that I reintroduce my legislation on behalf of thousands of Oregonians who have expressed their desire to preserve this marvelous watershed—pleasure because this legislation will more adequately protect Oregon's treasure via a wilderness designation as opposed to the intermediate recreation area designation of the earlier measures, in addition to which, three areas heretofore not included in the earlier legislation will become, along with French Pete, a part of the Three Sisters Wilderness, an integral unit which will better lend itself to the objectives of this act and the Wilderness Act. My disappointment stems from the fact that, even in light of urgings from growing numbers of citizens, the Forest Service did not see fit to do so much as give a perfunctory glance to the suitability or nonsuitability of these lands for a modest study.

As I have already indicated, this new legislation differs from that which I introduced in earlier Congresses in that it seeks to add the roadless portions of French Pete, Walker, Rebel, and Mosquito Creek drainages to the Three Sisters Wilderness. All areas are contiguous and uniquely qualify for a wilderness designation. The area in this new measure has expanded in size from the 19,200-acre area of earlier legislation to approximately 41,700 acres to take into consideration the additional acreage embodied in the Walker, Rebel, and Mosquito Creek drainages. Ideally, this is the way it should be—returned as part of the Three Sisters Wilderness, together with appropriate adjacent wild land in Walker, Rebel, and Mosquito Creeks—all of which were once protected as a part of the old Three Sisters Primitive Area. It was in 1957 that the Forest Service made a major exclusion of some 53,000 acres from the Three Sisters Wilderness. Much of that land is now roaded and logged. We must now take what may well be our last opportunity to work to spare French Pete and the contiguous Walker, Rebel, and Mosquito Creek drainages, to set aside these areas in their natural condition, as wilderness.

Of course, the best means for doing this would be via the orderly process of full and effective public participation, via roadless, de facto wilderness. Ideally this could have been accomplished under the auspices of the Forest Service roadless inventory; what better opportunity than the vehicle of the roadless inventory, the Chief's list of roadless areas to be studied for possible inclusion in the National Wilderness Preservation System. Sadly, that was not and is not the case, and it is now quite evident that the legislative route is the only means left to us by which we may eventually insure adequate protection for these lands.

As many have brought out before, the amount of timber which could be cut in French Pete is miniscule when compared with all the available, harvestable timber in Oregon. The French Pete drainage itself contains only one per cent of the timber in the Willamette National Forest. This is why I find it so difficult to accept the Forest Service decision to harvest the timber. The Forest Service realizes that there is strong public sentiment against doing so, and this sentiment comes not from special interest groups so much as from the rank and file Oregonian. At no other place in the Central Oregon Cascades is there a place where one can view a sweep of unbroken canopy across a forested valley, and I think it would be criminal to deprive the general public easy access to a wonderful type of country, country which will otherwise be lost to the ravages of timber harvest.

This measure should receive full hearings after which it would be my urgent hope that we in Congress might provide the honest, open debate which is so necessary in decisions of this nature. Mr. President, I ask unanimous consent to have the entire text of my bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in furtherance of the purposes of the Wilderness Act (78 Stat. 890), certain lands in the Willamette National Forest, Oregon, which comprise about 42,000 acres and which are generally depicted on a map entitled "French Pete Creek and Other Proposed Additions, Three Sisters Wilderness, and dated October 1973, are hereby designated as wilderness. The map reference in this section shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 2. As soon as practicable after this Act takes effect, a map and a legal description of the Three Sisters Wilderness incorporating the addition thereto designated by this Act shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives and such map and description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. (a) The lands designated as wilderness by this Act are hereby incorporated in, and shall be deemed to be a part of, the Three Sisters Wilderness as designated by subsection 3(a) of the Wilderness Act and, except as otherwise provided by this Act, shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas.

(b) Notwithstanding the provisions of paragraphs (2) and (3) of subsection 4(d) of the Wilderness Act and subject to valid existing rights, federally owned lands within the Three Sisters Wilderness, including the addition thereto designated by this Act, or hereafter acquired within the boundaries of such area are hereby withdrawn from all forms of appropriation under the mining laws, and from disposition under all laws pertaining to mineral leasing, and all amendments thereto.

(c) Notwithstanding the provisions of section 5 of the Wilderness Act, the Secretary of Agriculture may acquire, by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands or interests therein within the boundaries of the Three Sisters Wilderness, including the addition thereto designated by this Act, as he determines necessary or desirable for the purpose of this Act and the Wilderness Act.

By Mr. SPARKMAN:

S. 2628. A bill to amend the Investment Company Act of 1940 and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2629. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of small business investment companies and shareholders in such companies. Referred to the Committee on Finance.

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, two bills affecting small business investment companies. My first bill would except such companies from the definition of an "investment company" under the Investment Company Act of 1940. I ask unanimous consent that following my remarks the text of this bill be printed in the RECORD together with an analysis of the bill which I have prepared.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPARKMAN. My second bill amends the Internal Revenue Code of 1954 to permit publicly owned small business investment companies to continue to elect to be taxed as regulated investment companies even though not registered under the Investment Company Act of 1940. This bill would also modify the diversification requirements for small business investment companies electing to be taxed as regulated investment companies under the Internal Revenue Code of 1954.

I ask unanimous consent that following my remarks, the text of this bill also be printed in the RECORD together with an analysis of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPARKMAN. Mr. President, I believe that these two bills are both timely and necessary if we are to achieve our goal of encouraging greater private investment in small business investment companies. Such investment is necessary to enable those companies to meet the increasing demands of small business concerns for the equity capital and long-term loan funds provided by small business investment companies.

With respect to my first bill, small business investment companies registered under the Investment Company Act of 1940 have historically encountered difficulties under that act. Specifically, the need for close collaboration with their portfolio companies frequently requires SEC clearance which can be time-consuming and expensive. Spokesmen for the SBIC industry have frequently declared that their ability to assist their portfolio companies is frequently thwarted by various provisions of the Investment Company Act of 1940.

Beginning in 1960 and on a number of occasions since then, spokesmen for the SBIC industry have urged the cognizant committees of the Congress either to exempt small business investment companies outright from the Investment Company Act of 1940 or to give them specific exemptions from particular sections of that act.

In each instance, representatives of the Securities and Exchange Commission have assured the Congress that statutory relief was not necessary, that the Commission had adequate authority under section 6(c) of the act to grant exemptions where appropriate.

In March of 1968, the National Association of Small Business Investment Companies submitted a comprehensive application for exemption from provisions of the 1940 act, and the Small Business Administration joined in the application. After very lengthy proceedings and hearings before the Commission, SBIC's subject to the Investment Company Act of 1940 were granted authority to issue qualified stock options in May 1971, but the application for exemption was otherwise denied by the Securities and Exchange Commission.

I am informed that SBIC's are continuing to encounter serious difficulties in complying with the requirements of the Investment Company Act of 1940. In my view, the industry has exhausted its administrative remedy in seeking relief from the Securities and Exchange Commission, and accordingly I believe the Congress should consider legislation to exempt publicly owned SBIC's from the Investment Company Act of 1940, thus permitting the Small Business Administration to regulate these companies for all purposes.

Assuming enactment of my first bill, we would nevertheless want to preserve for publicly owned SBIC's the right to elect to be taxed as regulated investment companies under the Internal Revenue Code of 1954. The purpose of my second bill is to preserve this right. Experience has demonstrated that SBIC's qualifying as regulated investment companies have been more successful in attracting private investment than have other such companies. We want to encourage continued private investment in these companies, and my second bill is designed to achieve that end.

The second bill would also change the diversification requirements for SBIC's electing to be taxed as regulated investment companies, conforming their diversification requirements to those contained in the Small Business Investment Act of 1958 and SBA regulations governing the organization and operation of SBIC's.

The enactment of these two bills would, in my view, go far toward enabling SBIC's to achieve their great potential in the furnishing of equity capital and long-term loan funds to small business concerns. I trust that both bills will receive early attention and wide support in this Congress.

Exhibit 1

S. 2628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 3 of the Investment Company Act of 1940 is amended by adding to subsection (c) thereof a new paragraph (16) to read as follows: "Any small business investment company which is licensed by the Small Business Administration under the Small Business Investment Act of 1958".

Sec. 2. Section 18 of the Investment Company Act of 1940 is amended by striking subsection (k).

Sec. 3. The amendments made by Sections 1 and 2 shall apply to taxable years ending on or after the date of the enactment of this Act.

Analysis of Bill

This bill would except small business investment companies from the definition of "investment company" under the Investment Company Act of 1940 and thus would exempt them from regulation under that Act.

Section 1 would add a new paragraph (16) to Section 3(c) of the Investment Company Act of 1940 to add SBICs to the list of the various types of business excepted from the definition of "investment company".

Section 2 would repeal Section 18(k) of the present Act. That section now exempts SBICs from the debt ratio requirements of the Investment Company Act of 1940 but would be moot upon enactment of this bill.

Section 3 would make the foregoing amendments effective for taxable years ending on or after the date of enactment.

Exhibit 2

S. 2629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 851 (relating to definition of regulated investment company) is amended by inserting after subsection (e) the following new subsection:

"(f) Special Rules for Small Business Investment Companies.—For purposes of this title—

"(1) Notwithstanding the provisions of subsection (a) (1) of this section, the provisions of this section shall apply to a small business investment company which is licensed by the Small Business Administration under the Small Business Investment Act of 1958, as amended, and which has made or is making a public offering of its securities.

"(2) In lieu of meeting the requirements of subsection (b) (4) of this section, a small business investment company licensed under the Small Business Investment Act of 1958, as amended, may elect in the alternative to be considered a regulated investment company under this subtitle provided that at the close of each taxable year—

"(1) at least 50 percent of the value of its total assets is represented by—

"(A) cash and cash items (including receivables), Government securities and securities of other regulated investment companies, and

"(B) other securities for purpose of this calculation limited in respect of any one issuer to an amount not greater in value than 20 percent of the private capital of the small business investment company and not more than 50 percent of the outstanding voting securities of such issuer.

"(2) not more than 25 percent of the value of its total assets is invested in the securities (other than Government securities or the securities of other regulated investment companies) of any one issuer, or of two or more issuers which the taxpayer controls and which are determined, under regulations prescribed by the Secretary or his delegate, to be engaged in the same or similar trades or businesses or related trades or businesses. For the purposes of this subsection, the term 'controls' means the ownership of more than 50 percent of the total combined voting power of all classes of stock entitled to vote."

Sec. 2. The amendments made by Section 1 of this bill shall apply to taxable years ending on or after the date of the enactment of this Act.

Analysis of Bill

This bill would permit publicly-owned SBICs to elect to be taxed as regulated investment companies under the Internal Revenue Code and would change the diversification requirements for such companies to conform to those specified under the Small Business Investment Act of 1958 and the regulations of the Small Business Administration.

Section 1 would add two special rules to Section 851 of the Code for small business investment companies. The first special rule would permit such companies to elect to be taxed as regulated investment companies even though not registered under the Investment Company Act of 1940.

The second rule would alter the diversification requirements on the investments of SBICs to conform to those specified in the Small Business Investment Act of 1958 and the regulations of the Small Business Administration.

Section 2 of the bill makes these amendments effective for taxable years ending on or after the date of enactment.

By Mr. HUMPHREY:

S. 2630. A bill to establish a temporary Joint Committee on Foreign Trade. Referred to the Committee on Government Operations by unanimous consent.

TEMPORARY JOINT COMMITTEE ON FOREIGN TRADE

Mr. HUMPHREY. Mr. President, we are now on the verge of a new round of multilateral trade negotiations and we must make every effort to insure that these negotiations are brought to a successful conclusion.

The Constitution of the United States mandates the Congress to "regulate commerce with foreign nations." This mandate clearly charges the Congress with the responsibility to take an active hand in regard to trade negotiations with foreign countries.

With the vast responsibilities which confront the Congress it is sometimes easy to forget some of the basic constitutional responsibilities which the Congress must bear.

Surely the volume of work required to conduct the legislative affairs of this great Nation would strain the resources of any parliamentary body.

Over the years we have seen the issues which must be reviewed by the Congress mushroom to the point where it is impossible for one man to have anywhere near a complete grasp of everything which needs to be acted upon.

Knowing this we have come to depend more and more on our committee structure within which responsibilities for in depth review can be divided and through which the substance of all the issues we must face can be distilled to a point where an individual can handle and appreciate the important aspects of any given piece of legislation. With such a workload a division of labor only makes sense.

I make these points to preface my introduction of a bill to establish a temporary Joint Committee on Foreign Trade.

I realize that there has been some reluctance on the part of the Congress to establish new committees. I think such caution and restraint is commendable. However, we must also consider our responsibility to the American people to do the job of policymaking with adequate attention and resources.

Surely foreign trade is becoming a very significant issue before the American public. The call for export controls after we found several basic commodities in short supply this past year, the inflationary impact and general mishandling of the Russian grain sales and the threat to our access of fuel and energy sources abroad are but a few examples of how foreign trade has come to crucially affect our lives. We have seen the expansion of foreign trade over the past few years reach a level where it represents a sizable portion of our gross national product. In light of these developments it would be irresponsible if the Congress did not accept the initiative to take a more active hand in the negotiations which will shape our trade policies for years to come.

My proposal is a relatively simple one. It calls for the establishment of a temporary joint committee to serve for the duration of time that any negotiating authority is granted to the President to engage in multilateral trade negotiations, or for 5 years whichever is later.

The joint committee would be responsible for following the progress and content of the multilateral trade negotiations and to report to the Congress on issues of importance.

It would also coordinate contributions from and communications between the five committees of the House and the five from the Senate with major jurisdiction for trade matters.

Thus, the committee would coordinate the various overlapping jurisdictions between the standing committees which have responsibilities for different aspects of foreign trade in the Congress.

At a time when the senior leadership of the Congress is particularly burdened with the heavy responsibilities of office, the temporary joint committee would stipulate that at least one third of the membership be neither committee chairmen nor ranking majority nor minority members of other standing committees, thus, allowing for a greater degree of participation from those members without present committee leadership responsibilities.

The key role of the Ways and Means Committee from the House and the Finance Committee from the Senate in trade matters is preserved by providing that the chairmanship of the joint committee be alternated between the chairman of the Ways and Means and the Chairman of Finance.

The temporary joint committee would act as liaison between the trade negotiations and the Congress and would be responsible for communicating the intent of the Congress to the Special Representative for Trade Negotiations on issues before the negotiations.

Furthermore, the committee would oversee the implementation of adjustment assistance programs which might result from trade authority granted to the President.

Finally, the committee and its staff would be a resource to the Congress on matters relating to international trade and would report from time to time on issues of concern to the Congress.

Through such a committee it would be possible for the Congress to obtain a better appreciation of the complex aspects and interrelationships which can only come as a result of participation in the process of negotiation.

With the growing importance of international trade for our entire economy it is prudent for the Congress to take an active hand in the trade negotiation process. We cannot write off our responsibilities to the American public for developing sound trade policy because we do not have the resources or expertise to follow the conduct of foreign economic policy adequately.

The impact of trade negotiations on the viability of the American economy and the welfare of the American consumer is just too important for the Congress to continue to allow a haphazard approach to trade negotiations. We can no longer passively be forced into a position of accepting comprehensive trade agreements simply because we do not have the resources to study the effect of such agreements on the domestic and foreign policy of the United States.

With the criticism of the Congress from so many quarters there should be no doubt that it is time for the Congress to reassert itself and to begin a more active approach to the responsibilities with which we are charged. I believe that my proposal for a temporary Joint Committee for Foreign Trade is a valid and necessary measure for the Congress of the United States. It will assure that the Congress is not a rubberstamp for the trade arrangements entered into by our executive branch. It is time once again to reassert the fact that there are three branches of government, even in the area of trade policy.

Therefore I urge prompt consideration of this proposal so that we may create an effective mechanism to insure that the Congress constructively participates in the conduct of foreign trade policy.

I ask unanimous consent to have this bill referred to the Committee on Government Operations.

The PRESIDING OFFICER. Without objection it is so ordered.

By Mr. BAKER (for himself and Mr. BROCK):

S. 2631. A bill to establish a bipartisan independent special prosecution force and for other purposes. Referred to the Committee on the Judiciary.

Mr. BAKER. Mr. President, I am introducing today a bill to establish an independent special prosecution force, directed by two coequal special prosecutors appointed from each of the major political parties to investigate and prosecute alleged crimes arising out of the Presidential campaign and election of 1972.

The circumstances giving rise to the need for a special prosecutor force are as unbelievable as they are unfortunate. Nevertheless, the appointment of special prosecutors, cloaked in as much independence and protection as Congress constitutionally can provide, has become an essential ingredient for the restoration of public confidence in the integrity of governmental officials and processes. I commend the President for his declaration of last Friday that a new special prosecutor will be appointed under the auspices of the Department of Justice. Recent events and public sentiment indicate, however, that a special prosecutor force must be afforded independence and insulation from partisanship pressure which the President cannot provide. The dictates of the public weal require that the appointment of a new special prosecutor force be subject to the approval of the Congress, in addition to the President, and that the special prosecutor and the members of his staff be vested by law with duties, authorities, and independence as will enable the investigation and prosecution of crimes arising from the Watergate incident, related matters and other allegations of governmental misconduct to proceed fully, fairly, and without limitation.

It is for these reasons that I am introducing this bill to provide for an independent, bipartisan special prosecution force. This legislation both provides for the requisite prosecutorial independence and assures, to the extent possible through law, that the investigations conducted by former Special Prosecutor Archibald Cox will proceed in a comprehensive and nonpartisan fashion. I wish to note that my sponsorship of this bill and my cosponsorship of the bill introduced today by my distinguished colleague from Illinois (Mr. PERCY) should not be construed as indicating opposition to S. 2611, the bill introduced by my distinguished colleague from Indiana (Mr. BAYH) which would authorize the appointment of a special prosecutor by the chief judge of the U.S. District Court for the District of Columbia. That approach, which is supported by a majority of my colleagues, has much to recommend it. As noted on Sunday by former Special Prosecutor Cox, however, the vesting of appointment power in Judge Sirica possesses potential and serious constitutional difficulties, which, in my opinion, should be avoided if acceptable legislation resting on more comfortable constitutional grounds can be effected. I believe that the bill which I am introducing possesses constitutional dimensions of greater certainty.

To serve the needs and heal the wounds of the nation, special prosecutor legislation must provide for careful and bipartisan selection of the special prosecutor force, for the vesting of comprehensive authority and responsibilities in the special prosecutors, and for maximum insurance that the power to dismiss a special prosecutor will be devoid of arbitrariness. This bill meets these requirements without raising the pall of constitutional infirmities which possibly would void any indictments and/or convictions obtained thereunder. Under the bill, the President is directed to appoint two coequal special prosecutors with the advice and consent of the Senate. The coprosecutors shall be appointed from each of the major political parties with the Democratic prosecutor appointed from a list of individuals submitted by the Speaker of the House and the President pro tempore of the Senate after consultation with the majority leaders of the House and the Senate, respectively. Moreover, in this instance, the Senate will not take its confirmation responsibility lightly. This bill also incorporates virtually the same provisions regarding the authority and responsibility of the two special prosecutors as are contained in the Bayh bill and in the Percy bill introduced today. This language is modeled on the original agreement between former Special Prosecutor Archibald Cox and former Attorney General Elliot Richardson and is considered "boiler plate" for this legislation. Finally, the bill provides that the special prosecutors may be removed only for "cause" which is carefully articulated in precise legal meaning and that the President must provide the Congress with notice of dismissal 30 days before such dismissal becomes effective.

The establishment of special coprosecutors finds precedent in the official investigation of the Teapot Dome scandal. The Teapot Dome scandal was investigated by special counsel authorized by congressional enactment and appointed by the President. The resulting successful prosecution proceeded under the supervision of coprosecutors from the two major political parties so as to insure a nonpartisan investigation. I suggest that this format may be the most viable form of constitutionality establishing an independent special prosecution.

Whatever the precise form of special prosecutor legislation enacted by the Senate, we must proceed in an expeditious fashion. The events of the past 2 weeks, coupled with the Watergate incident, have generated unprecedented national suffering. Public confidence in the general integrity of the Federal Government has been undermined, the Department of Justice has been stripped of respectability in the public eye, the President's ability to command the support of the American people has been impaired, and a cloud has been cast upon the functioning of heretofore sacrosanct governmental processes. The Senate must pass legislation establishing an independent special prosecutor without delay. Congress must enable our Nation to get on with the business at hand of either convicting or absolving high Government officials and other individuals of alleged illegal activities related to the Presidential campaign and election of 1972. The Senate has undertaken that task, and I urge my colleagues to complete it as soon as possible.

By Mr. NELSON:

S. 2633. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to prohibit the use of any name in connection with any prescription drug other than the official name designated for such drug by the Secretary of Health, Education, and Welfare. Referred to the Committee on Labor and Public Welfare.

A BILL TO ELIMINATE PRESCRIPTION DRUG TRADE NAMES

Mr. NELSON. Mr. President, although this country has a good system to protect its people against unsafe and ineffective drugs, it does not have any mechanism to protect them against unconscionable exploitation through excessively high drug prices. This has been demonstrated many times in many different ways and was made especially clear by the contrast with the recent activities of the British Government to protect its people against what it considered monopolistic pricing of the very widely used tranquilizers Valium and Librium.

On April 11 of this year the British Minister for Trade and Consumer Affairs ordered the Swiss company, Hoffman-La Roche, considered the world's largest drug company, to reduce the price of Librium by 60 percent and that of Valium by 75 percent. In addition, the British Government is seeking repayment of what it considers excess profits made in the company's dealing with the Government's National Health Service.

This price reduction order was the result of more than 18 months of investigation by the Monopolies Commission, to which Hoffman-La Roche refused to give such vital information as details on its worldwide sales, worldwide research expenditure, and the amount and value of world sales of Librium and Valium in bulk form. The British report has provided the stimulus for similar inquiries and possible legal actions against Hoffman-La Roche and several other pharmaceutical companies by the German, Australian, and other governments as well as the European Economic Commission in Brussels.

The Monopolies Commission has never before criticized any company so heavily. Neither has it ever recommended such severe remedies. Phrases like "undue exploitation of success" are not used lightly by such a cautious body as the Monopolies Commission. In less than 10 years this firm captured in the United Kingdom 68 percent of the tranquilizer market, which has been rapidly expanding. The commission also found, using conservative figures, that profits on sales in 1970 were 55 percent for Librium and over 60 percent for Valium, and calcullated a return on capital employed in the manufacture and supply of these two drugs for that year in excess of 70 percent. The profit rate for the United Kingdom manufacturing industry generally, based on historic cost, was 11.5 percent for 1970—Monopolies Commission report, page 47.

The drug firm offered the British Government a cash rebate for all the drugs paid for by the Government rather than a price reduction in order to protect its prices and products in other countries—op cit., p. 56. The presumption is that if United Kingdom prices were reduced to what could be considered reasonable levels, foreign prices—prices outside the United Kingdom—in comparison would appear so high as to provoke outrage by citizens in foreign countries and perhaps direct action by their governments.

Roche's attempts to justify the more than 70 percent return on capital failed to impress the Monopolies Commission. Roche argued that its drug prices "are determined by market forces in conditions which are, in any event, severely competitive." It claimed that Libraum and Valium were competing with 600 competitive products, that it was not the sole supplier of valium and librium type products in Britain and, besides, United Kingdom prices were below those prevailing in other countries.

The commission dismissed these arguments on the following basis:

First. It considered that Librium and Valium were in a class of their own and not directly competitive with other products;

Second. That although two small manufacturers had been granted patent licenses in accordance with section 41 of the United Kingdom Patents Act, and were producing these products, their total sales amounted to about 1 percent of the market for these products. The reason is that doctors become accustomed to prescribing a drug under the brand name by which it has been introduced to them by the innovator. They are not easily persuaded to prescribe generically or to prescribe under a different brand name: Few of them will do so before the drug is felt to have been well-established for some considerable time, and in practice this may mean not before the patent has expired. In fact, it is the common experience both in the United States and the United Kingdom that drug monopolies extend well beyond the statutory patent period through use of trade names, because doctors tend to continue to prescribe by the same brand name after the patent has expired even though an identical competing drug is in the marketplace at a much lower price.

The British Government believes that in many cases the effect of compulsory licenses and its efforts to make doctors more price conscious are in themselves insufficient to secure reasonable prices and profits over the long term and hence have introduced more direct price regulation arrangements. In fact, experience with other drugs suggests that when a new competitor enters the market, either as a result of a compulsory license or on the expiration of the patent, established branded products tend to retain a high proportion of the market for some time, even though competitive products may be available at a lower price. The high promotional cost of establishing a brand name results in competitors tending to compete only for generic prescriptions.

Now, what relevance does the British case have for us?

First, it must be noted that the prices of Librium and Valium in the United States are almost three times those in the United Kingdom. The price of Valium to the druggist in England is $2.88 for 100 5-milligram tablets; to the druggist in the United States it is $8.10. The price of Librium in England is $2.40 for 100 milligrams capsules; in the United States it is $6.82—Domestic and Foreign Drug Prices by Edmond M. Jacoby, Jr. and Dennis L. Hefner. Table I. United States Prices from 1973 Redbook. The United Kingdom Government found that the British people are overpaying by 75 and 60 percent for these two drugs. The American people are paying 1,100 percent more for Valium and 700 percent more for Librium than the price the British Government considers fair.

Second, Valium is the No. 1 and Librium is the No. 3 drug in the volume of sales in the United States. The 1973 sales for these two drugs are expected to total more than a quarter of a billion dollars. In fact, Valium became the first prescription pharmaceutical product to achieve annual domestic sales of over $100 million.

It is an interesting commentary on drug use in this country to note that the drug with the second highest sales volume is Darvon Compound which the AMA's former Council on Drugs as well as the NAS/NRC found to be irrational and potentially dangerous. It is also considered a "drug of abuse" by the Drug Enforcement Administration and has been placed under the control of schedule IV of the Controlled Substances Act.

Third, the United States does not have the legal authority to require—or the economic capability to induce—a drug company to sell a drug to the public at a particular price, even though it may know that its people are being fleeced. By contrast, the British Government does have the economic capability through its National Health Service, because it pays for more than 90 percent of the drugs used in the United Kingdom, and as the ultimate paymaster for such drugs, is in a position to bring pressure to bear upon prices. The U.S. Government, on the other hand, finances or purchases directly an amount—although large in absolute terms—which constitutes perhaps a third of the drugs used in this country.

Given these conditions, what can be done to remove the burden of unreasonably high drug costs—as exemplified by Valium and Librium—from the American people?

The most obvious step is for all levels of Government to pay the lowest price possible for the drugs it buys either directly or indirectly through medicare and medicaid programs. Through these two programs the Government spends $1.5 billion per year on drugs. Yet we do not know which drugs are being bought and the prices we are paying for them—Competitive Problems in the Drug Industry, part 22, pages 8740–8743, hearings before the Monopoly Subcommittee, Senate Small Business Committee. So the first thing we ought to do is find out what we are buying and how much we are paying. And if we find that we are paying unreasonable prices, then representatives of the U.S. Government ought to sit down with representatives of the industry and get them to adjust their prices to a reasonable level. No new legislation is required to do this. Furthermore, our governmental representatives should insure that no money is spent on ineffective, unnecessary, or inferior drugs. Hearings before the Senate Small Business Committee's Monopoly Subcommittee have confirmed that many millions of dollars of public funds are being spent on such drugs.

Nevertheless, price adjustments secured by the Government would apply only to Government-financed purchases.

To benefit the citizen who purchases drugs with his own money—and this embraces the vast majority of our people—I am today introducing an amendment to the Food, Drug, and Cosmetic Act to prohibit the labeling, advertising, or promotion of a drug by any name other than its established—generic—name as defined by the Food, Drug, and Cosmetic Act. In other words, each drug will have one name. A very large number of physicians are frequently not aware that a drug is available under its established name or even under another brand name at a lower price. Facts and Comparisons—published by Facts and Comparisons, Inc., 1100 Oran Drive, St. Louis, Mo. 63137—for example, lists 24 different names for the antibiotic tetracycline. There are probably other names not listed. Prices to the pharmacist for this drug range from $1.20 under its generic names to $3.86 for Roerig's Tetracyn to $4.25 for Canfield's Cancycline to $5.25 for Reid-Provident's Retet to $5.35 for Lederle's Achromycin. In this country every batch of antibiotics is tested by the Food and Drug Administration and all these drugs, no matter who markets them, must meet the same Government standards, yet Lederle's expensive Achromycin is one of the 50 most prescribed drugs in this country. In a competitive situation none would be sold, because the same drug could be bought at less than one-fourth the price of Lederle's. It is apparent that many prescribing physicians are unaware that all these names represent only one drug, and the vast difference in price the patient must pay depends on the name they write on the prescription.

In addition to the economic aspect of the use of drug names, there is also the public health aspect. As the distinguished pharmacologist, Dr. Modell, stated before our Monopoly Subcommittee:

> My major interest is to teach the profession about drugs, how to use them effectively, how to use them safely, which ones to have faith in, which to discard. I am for the best practice in drug use, I am for the safest use of drugs. I am everything that leads to effective use of medical drugs.
>
> But I do feel that there are serious threats to proper drug use because of our nomenclature, and I am exercised about this. In teaching about drugs we have to call them by meaningful names. The names which teachers of doctors use are generic names which are also called public or official names. If the student uses these designations for drugs he will not only know about drugs but he will know about them under all their other names—for a rose by any other name smells as sweet—and many drugs have so many different trade names that the only way of communicating about them with confidence is by the use of the official name. One drug—one name.
>
> I think the doctor should know what drug he is giving his patient. He really doesn't, if he uses a name for it that does not communicate any meaning to him, and trade names do not communicate meaning. They are phony names used because they are suggestive or catchy, and today often made up by a computer. Finally, some drugs may have as many as 30 or more of these phony names and this makes all kinds of serious as well as ludicrous mistakes possible. (Hearings, Part I, p. 285)

Dr. John Adriani, former chairman of the AMA's former council on drugs testified that—

> Brand names as far as I am concerned are aliases and deceptive. And being a teacher of pharmacology, and having taught people to use drugs all these years, I find their elimination a very important thing. . . . It would improve medical practice, it would facilitate the dissemination of drug information, and it would facilitate the teaching of pharmacology, and it would increase the safety as far as the public is concerned. (Hearings, Part 12, pp. 5089 and 5101.)

The dangers resulting from proliferation of different names for the same drug can be dramatically illustrated by the tranquilizer thalidomide. This drug, which was not approved for marketing in the United States, but was on the market in many countries under many names was discovered to cause damage to the human fetus resulting in a number of babies being born without arms. Long after this danger became known, however, doctors continued to prescribe this drug under many names. Neither the doctors nor the public were aware that Kevadon, Contergan, Isomin, Valgis, Profamil, Talinette, Distaval, Slip, Sedalis, and many others were different names for the same drug, thalidomide.

Who benefits by the existence of different names for the same drug?

Certainly not the public—for whom these names are confusing and cause higher prices by preventing price comparisons.

Certainly not the physician—who is hampered by the large number of names in making cost comparisons when prescribing drugs. According to FDA estimates, there are about 20,000 prescription drug products on the market although there are only about 700 different drug compounds. In other words, each drug in this country has, on the average, 30 different names. According to testimony by leading medical experts, confusion under such conditions is inevitable.

Certainly not the pharmacist—who must carry a large inventory unnecessarily because he must carry stocks of the same drug under different names. It is estimated that as much as 15 to 20 percent could be saved on the inventory of the pharmacist if each drug had one name.

It is obvious that the only beneficiary of the use of brand names are the drug and advertising companies. It shields the drug companies from price competition, because of the confusion they create in the minds of the buyers and enriches the advertising firms who are kept busy trying to dream up ways of differentiating products which are the same though sold under different name. It is authoritatively estimated that 25 to 30 percent of the cost of drugs reflects efforts to make like drugs appear to be unlike and this is done by the advertising and promotion of brand names. There is no way to demonstrate that the use of brand names is in the interests of the public.

This measure, if adopted, along with compulsory licensing at a reasonable royalty, and other proposals to insure that physicians and the public are better informed about drugs, will enhance competition and help reduce the cost of drugs, and will be a long step in bringing about more rational use of drugs.

So long as the marketplace is left in utter confusion by the use of 20,000 names for only 700 different products, it makes rational prescribing in general difficult, if not impossible, and it makes it possible for drug companies to continue to exploit the public, because of the confusion they themselves have created.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 2634. A bill to amend the Act of October 27, 1972, establishing the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., and for other purposes. Referred to the

Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to enlarge the Golden Gate National Recreation Area by adding over 700 acres in Marin County and the Haslett Warehouse in San Francisco. I am pleased that my colleague from California, Senator JOHN TUNNEY, is joining me as cosponsor of this bill. The legislation is identical to H.R. 10834 already introduced in the House by Congressman PHIL BURTON.

The additions I am proposing to the Golden Gate National Recreation Area are essential to provide for the future protection and the best administration and development of the park. The existence of the national recreation area naturally makes the Marin County lands adjacent GGNRA more desirable for and susceptive to development. Unless the boundaries of the Golden Gate National Recreation Area are revised to provide a buffer zone, future development along the ridges of Oakwood Valley, Tennessee Valley, and Wolfback Ridge will be highly visible from within the park and impair the wilderness character of GGNRA. By extending the park boundaries to the far ridges of the valleys, the integrity of the park can be protected. Thus I am proposing the acquisition of lands stretching from the 207.56-acre Olds property located at the west end of Tennessee Valley Road south to the 235-acre Wolfback Ridge area which offers outstanding views of San Francisco and the bay. Connecting these properties are four areas which also would be acquired—the Allan Associates property—38.89 acres; the County of Marin and Tamalpais Community Services District lands—22.94 acres; the Ghilotti Brothers property—10.40 acres; and the Oakwood Valley area—177.89 acres.

In addition to preserving the natural beauty of the park, these additions to GGNRA will insure public access to the recreation area via the Tennessee Valley Road and will provide additional access by bringing the recreation area right up to Highway 101 in Sausalito and closer to Tam Valley Junction, a natural transit terminus where park-related commercial development is proposed. A trail already exists on the Olds property which will give hikers and horsemen excellent access to the ridges.

Three of the proposed additions to GGNRA were thought to have been included in the park when it was established by Congress last year. However, the areas were inadvertently left off the original boundary map. Their inclusion now would rectify that error. These parcels are the 10-acre Keller property on the highlands overlooking Stinson Beach, 4 acres at Muir Beach, and the Haslett Warehouse portion of the San Francisco Maritime State Historical Park.

Earlier this year the Interior Department proposed the exclusion of all of the 40-acre area of GGNRA near Stinson Beach, because of the high acquisition costs of some portions which are already developed. I am including the open areas east of the junction of Panoramic Highway and Highway 1, thus permitting the exclusion only of properties with existing residences. A parcel of 8.25 acres in Stinson Beach north of the intersection of the highways also should be included to prevent commercial development and conjestion there.

There is no increase in the authorization for the acquisition of the additional park lands. It is anticipated that the original authorization of $27,620,000 for GGNRA will be sufficient to meet these costs.

Mr. President, I request that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Act of October 27, 1972 (86 Stat. 1299), is hereby amended by deleting "Boundary Map, Golden Gate National Recreation Area, numbered NRA–GG–80,003, sheets 1 through 3, and dated July, 1972." and inserting in lieu therof "Revised Boundary Map, Golden Gate National Recreation Area, numbered NRA–GG–80,005, sheets 1 through 3, and dated October, 1973" which shall include, in addition to the existing properties within the Golden Gate National Recreation Area, the following:

"Marin County:

"Sheet 1

"(1) Allan Associates, Incorporated property, 38.89 acres,

"(2) County of Marin and Tamalpais Community Services District lands, 22.94 acres,

"(3) Ghilotti Brothers property, 10.40 acres,

"(4) Oakwood Valley area, various properties, 177.89 acres.

"(5) Olds property, 207.56 acres,

"(6) Wolfback Ridge area, various properties, 235.00 acres,

"(7) Keller property, Stinson Beach, 10 acres,

"(8) Leonard property, Stinson Beach, 8.25 acres, and

"(9) Muir Beach properties, 4 acres.

"San Francisco County:

"Sheet 3

"Haslett Warehouse; and shall exclude the following:

"Sheet 1

"(1) Leonard (homesite), 10 acres,

"(2) Panoramic Highway area, Stinson Beach, 40 acres: *Provided*, That, with respect to the Panoramic Highway area, Stinson Beach, only those properties which include any residential dwelling, the construction of which was begun before September 26, 1973, shall be excluded.".

By Mr. WILLIAMS:

S. 2635. A bill to amend section 110 title 28, United States Code, to provide a place for the holding of Federal District Court in Hackensack, N.J. Referred to the Committee on the Judiciary.

Mr. WILLIAMS. Mr. President, today I am introducing a bill that would, if enacted, improve the judicial system for residents of New Jersey by providing facilities for the Federal District Court to sit in Hackensack, N.J.

At present, the court sits in Camden, Newark, and Trenton, N.J.

New Jersey, like many other States, has been the scene of rapid population growth. One of the areas of greatest growth has been Hackensack and all of Bergen County, of which Hackensack is a part. Between 1960 and 1970, the population of Bergen County increased 15.1 percent to a total of 898,012 residents—almost a million people. In the same period, the city of Hackensack alone had a population increase of 17.7 percent.

Mr. President, I feel that it is our obligation to provide adequate and convenient judicial facilities. To allow the court to sit in Hackensack, together with the three other cities in New Jersey, will enable the judicial system to better serve the individual who wants to take advantage of the legal remedies afforded in the Federal jurisdiction.

It will also significantly reduce the hardship imposed by those who are involved in litigation including those who are not interested parties but who must participate, such as witnesses and jurors.

Therefore, Mr. President, I am hopeful that the Senate will act favorably on this important measure which is identical to H.R. 9736 introduced by Representative WIDNALL. Favorable action will permit residents of northern New Jersey to more conveniently and less expensively have their "day in court," thereby building upon one of the rights which is at the very foundation of our Nation.

By Mr. McGOVERN:

S. 2636. A bill to authorize supplemental appropriations for National Science Foundation energy research and development. Referred to the Committee on Interior and Insular Affairs.

ABUNDANT CLEAN ENERGY

Mr. McGOVERN. Mr. President, I am introducing today legislation that would start this Nation firmly on the road toward a rational solution of our long-range energy needs. It could heal many of the wounds our present crisis-oriented approach is now inflicting on our environment and also relieve the problems bad planning is inflicting on our people. In essence, I suggest that we begin seriously developing future "clean" energy sources—principally from solar, hydrogen, and geothermal power.

This legislation has three purposes. First, it authorizes $110 million for the current fiscal year to begin the research and development of solar, hydrogen, and geothermal energy on a serious basis. Second, it would extend and increase this spending over the succeeding 4 fiscal years, firmly committing the Nation to such energy development and providing continuity. And third, it would establish a national data bank for solar, hydrogen, and geothermal energy.

It took humanity from the dawn of our history until World War II to use as much energy as we have used since—a period of only 30 years. We will consume this amount again in the next 15 years; and again in only 7 years after that—even without unexpected demands for even greater increases. The common denominator of all this energy—past, present, and future—is the Sun.

Until now we have tapped this source in the form of oil, coal, gas, wood, and waterpower. But these sources are fast running dry. The rate of production of all fossil fuels on a worldwide basis will peak out around the middle of the next century—about 75 years from now. We have to develop new sources, just to maintain our present civilization, let alone improve it.

Faced with this prospect, then, are we meeting our needs for clean fuels? I think it is appropriate to look to the words of the administration, as voiced by Mr. John Quarles, Jr., Deputy Administrator of the Environmental Protection Agency, in testimony before the Joint Economic Subcommittee on Consumer Economics a short time ago:

> The agonizing truth is that today there simply are not enough clean fuels available to meet the energy needs of the country. Even if we factor in such sulfur-removing processes as desulfurization facilities for oil or stack-gas scrubbing technology for oil and coal, we do not now have enough to meet the immediate energy needs of the country.

Nor are we currently asked by the administration to undertake a serious answer to such a need. Neither the President's energy message to the Congress of April 18, nor his updated message of June 29, nor even his recent statements from early September, have mentioned any funding for research and development of solar or hydrogen energy. There is only one small sentence alluding to preliminary geothermal exploration in the June statement.

The President does ask, however, that we spend $10 billion over a 5-year period, beginning in fiscal 1975, for the entire gamut of energy research and development. I think that is an absolute minimum. I urge Congress to enact my legislation as part of the spending the President requests, thereby "amending" his apparent intent by insuring these new, clean energy sources are included.

If there is a need beyond a commitment to realizing clean energy sources, it deals with the one unanimous theme that is sounded by both the public and private industry about the Nation's energy policy. That is that there is no organized approach. Rather, we have a patchwork of short-term remedies to continuous crisis that occur with increasing frequency—and which will reoccur indefinitely until we come to grips with long-term solutions. Earlier this month President Nixon again demonstrated this defect by calling for another "temporary" policy to be implemented, one that calls for pumping $100 million into developing cleaner coal and nuclear energy, while paying the price of removing the barriers to air pollution. None of this was earmarked for solar, hydrogen, or geothermal research and development.

But if we are serious about pouring money into developing clean fuels, why not focus on energy sources that are truly clean? Solar, hydrogen, and geothermal energy can provide significant quantities of clean power within a decade if we will speed up their development. And while we all know that oil, gas, and coal are rapidly becoming scarce, these same energy sources represent the only foreseeable infinite sources of clean energy.

I do not raise strong objections to the President's request for funds on coal and nuclear research in and of itself. But it does seem ridiculous to propose only another stopgap program without at least an equal effort for long-range answers. If we begin with a modest undertaking this year, we can avoid having to spend billions and billons of dollars to initiate these same solar energy sources 10 years from now as still another belated reaction to a worsening energy crisis, in an effort to make up for time lost by not starting earlier.

Today we do have a choice: A modest beginning now, or a chaotic and immensely more expensive program later. A decade from now we may not have that choice. So the essential message behind my proposal is to move us into a concerted national effort that has as its goal a real solution to the energy problem, instead of another stopgap answer offered to soothe the people until the next election.

Our current funding for research into solar energy amounts to three-tenths of 1 percent of our total research and development funds, a dismal effort compared to the efforts of the French, the Israelis, the Japanese, the Australians, the Russians, and many others. What could better illustrate the need for serious funding? A microscopic U.S. budget alongside generous foreign research and development spells possible dependence on help from other nations later, if they are willing, and if we can afford their price.

Despite such disappointing lack of administration foresight, private industry and individuals have carried on their own development whenever possible. One of those admirable private efforts, which is deserving of full public support, is being undertaken by individual farmers, rural electric cooperatives and technicians at South Dakota State University in my State. They have adopted a very basic method of collection of the Sun's rays to dry crops. I ask unanimous consent that an article explaining this experiment from the November 1973 edition of the East River Guardian be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Private groups have done an admirable job, but it is plain that only a national effort can eliminate duplication of effort, coordinate the data and follow up with any certainty about what the next steps should logically be.

We now have the technical capability to heat and cool homes and large buildings by solar energy. Indeed, the NSF/NASA solar energy panel contends that—

> Subsequent economic studies have shown that in a wide variety of U.S. climates, solar heating is less expensive than electric heating and in a few locations, it is nearly competitive with gas or oil heating.

The General Services Administration is already accepting the recommendations developed by private engineering consultants, such as Dubin, Mindell & Bloome Associates of New York, for the use of solar energy systems as the least costly approach when projected over the lifetime of the building. We have the capacity to use solar energy to produce and convert organic materials to liquid, solid, and gaseous fuels; for example, hydrogen—or to energy directly. We also know how to generate electricity directly through solar, hydrogen, and geothermal energy. We know these things can be done; what we need to do is to perfect the techniques and make them competitive and practical for general use.

The same NSF/NASA solar energy panel concludes that a substantial development program can achieve results such that solar energy could economically provide up to:

First, 35 percent of the total building heating and cooling load of the United States;

Second, 30 percent of the Nation's gaseous fuel;

Third, 10 percent of the liquid fuel; and

Fourth, 20 percent of the electric energy requirement.

To help develop the potential for solar energy in the heating and cooling of buildings, I am cosponsoring legislation by Senator CRANSTON. His proposal would fund a demonstration project for this specific purpose, and is clearly in order. Senator CRANSTON's legislation is an important step forward in the vital search for alternative clean energy sources.

Solar energy is clean, cheap, and infinite—awaiting only the development of an economical delivery system to serve us. It meets the test of our requirements for future energy; now it requires us to meet the needs of the future by investing the time and money to realize its potential.

In 1970, only 10 percent of the end use of energy in this country took the form of electricity; while the remaining 90 percent was met by direct combustion. By 1985 statistics are expected to show a division of 20 percent electricity and 80 percent combustion or heat. Many sources project that by the year 2000 the breakdown will be 40 percent electric, and 60 percent direct combustion. While nuclear and solar energy can help provide the "heat" we will demand, it seems necessary to also develop a synthetic fuel from a new nonfossil energy source.

Hydrogen is such a fuel, and also fits such needs as being storable, portable, cheaply transportable, stemming from a virtually unlimited source, and burning with little or no harmful pollutants in the air. Hydrogen could thus help to bridge the gap between future demand and a limited supply for our direct combustion sources. Its manufacture requires only water and heat, fitting in well with a solar energy concept. The "burning" of hydrogen returns only water vapor to the air. It can be stored as either a cryogenic liquid or a compressed gas. In short, it offers all of the advantages of natural gas and adds some of its own besides.

Hydrogen is not a new energy source, and its development cannot in and of itself replace fossil fuels or nuclear energy. But it can provide a means for converting such energy supplies into a more convenient form. It would also allow us to retain much of the present "hardware" we now have for our fossil fuels. Hydrogen has been found to be sufficient to meet all demands now being supplied by fossil fuels, including industrial, commercial, residential, and vehicular power, as well as the local generation of electricity. Transporting hydrogen would be far less expensive than the transmission of electricity since existing natural gas pipelines could be employed with limited modifications. Hydrogen could also be the answer for the greatest difficulty yet to be overcome by electric energy: A means of storing it.

The direct use of hydrogen as a fuel for such things as heating, cooking, transportation, and industrial processing appears technologically possible. The economics look attractive, especially when compared with the long-range alternatives: A totally electric economy, use of marginal remaining fossil fuels, or production of synthetic fossil fuels from limestone or atmospheric carbon dioxide. Derek P. Gregory, Assistant Director of Engineering Research at the Institute of Gas Technology, says:

> It should be possible to produce hydrogen from nuclear or solar heat, and deliver it to its point of use more cheaply than to produce electric energy and deliver that.

Hydrogen has shown that it can be adapted to conventional gasoline engines; as an auto fuel it has no equal for pollution-free burning. But here again what is lacking is research. This fuel source again offers us the possibility of retaining much of our present hardware, this time in the automobile industry, while alleviating the gasoline shortages of the future and eliminating the immense air pollution problem today's engines contribute to so heavily.

The potential use of hydrogen as a fuel and as a storage means hinges critically on the economics of hydrogen production, so this must be the goal of research and development funds. One method seeks to make hydrogen directly from water using the heat of a nuclear or solar reactor to carry out a sequence of chemical reactions. This research, supported by the American Gas Association, shows that such a process would circumvent the need to generate electricity at all. Hydrogen could also be made very easily and cheaply from coal. Mr. Gregory concludes that—

> If we could commit ourselves right now to the use of hydrogen as a universal fuel, we could start immediately by using our large remaining coal deposits to make the hydrogen. The energy industry could make a smooth transition from oil, gas, and coal to shale and nuclear, solar, wind, and tide power without any noticeable effect upon the customer.

The Geothermal Steam Act of 1970 established the development of energy from geothermal areas as a national goal. In so doing, the Congress recognized the multiple possibilities of geothermal power: The production of electricity, desalnation of seawater, heating homes, and for refrigeration and air conditioning. The quantities of dissolved minerals present in the hot waters usually associated with this source can be extracted and put to use, thus leaving behind pure distilled water. This legislation will continue our commitment to realize the potential of geothermal power.

Mr. President, I ask each of us to reexamine our own speeches, for I doubt that there is a single Member of this body that has not alluded to the necessity for making decisions now that will make for a better life for the generations that follow. Yet often there is a breakdown between the good intentions and the realization of the act. Let that not be the case with clean energy. For what we are quite literally faced with is a need "to look beyond the end of our nose"—beyond the noxious fumes our current energy system has placed there. Our decision now—in this Congress—can go a long way toward shaping the energy legacy for our children and their children. Will they curse our memory with every breath, or will they remember us for bringing a good intention into reality? This legislation can signal the start toward the realization of the act.

Mr. President, I ask unanimous consent that the text of my bill be included at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar, Hydrogen and Geothermal Energy Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that fossil fuel reserves are finite and though coal resources are estimated to be adequate for two hundred to three hundred years, an 80 per centum depletion of oil reserves has been forecast by 2025 with gas reserves due to be depleted earlier;

(2) that the United States with 6 per centum of the world population is using 35 per centum of the world's energy and mineral production with energy requirements continuing to increase both here and abroad;

(3) that our dependence on oil imports increases annually while the sources of supply become less dependable;

(4) there are recognized hazards associated with the production of nuclear energy;

(5) that fossil fuels cannot be expended solely for the production of energy in the face of growing needs for the production of real goods by a viable petrochemical industry;

(6) that solar energy can be considered as an infinite energy reserve which offers a solution to our long-range energy requirements.

(7) that the development of hydrogen as a clean, storable, portable, and cheaply transportable fuel would complement the use of solar energy; and

(8) that geothermal energy sources are capable of providing substantial energy during a time of growing concern for our energy reserves.

SEC. 3. (a) There is hereby authorized to be appropriated to the National Science Foundation, research applied to national needs, for the fiscal year ending June 30, 1974, for the following areas of research:

(1) solar energy, including wind, solar thermal conversion, photovoltaics, ocean thermal, and photosynthetic production of organic materials, $80,000,000;

(2) Hydrogen energy, $20,000,000;

(3) geothermal energy, $10,000,000.

(b) There is hereby authorized to be appropriated to the National Science Foundation, research applied to national needs, for each of the four fiscal years beginning July 1, 1974, for the following areas of research:

(1) solar energy, as in section 3(a)(1), $400,000,000;

(2) hydrogen energy, $100,000,000;

(3) geothermal energy, $45,000,000.

SEC. 4. (a) There is hereby authorized to be appropriated to the National Science Foundation, research applied to national needs, for the fiscal year ending June 30, 1974, for a feasibility study regarding the establishment of a National Data Bank for Solar, Hydrogen, and Geothermal Energy, $50,000.

EXHIBIT 1

SOLAR "ELECTRIC" CROP DRYING

(By Gene Hexom)

A unique solar "electric" corn drying demonstration project is underway on the Myron Pedersen farm near Arlington.

The project, which involved building a solar heat collector on an 18 ft., 3,000-bushel round steel bin, may be the first of its kind anywhere in the world.

Bill Peterson, extension agricultural engineer at South Dakota State University, Brookings, says, "We know it will work. We want to find out how well it will work."

According to Peterson much work has been done on solar heat collectors for various types of structures, but, to his knowledge, this is the first attempt to build a collector on a round steel bin.

The project is a joint venture between farmer Myron Pedersen, Kingsbury Electric Cooperative, De Smet; East River Electric Power Cooperative, Madison, and South Dakota State University. Several other electric cooperatives in eastern South Dakota are interested in the project and furnished personnel to build the unit which was ready for operation on October 15.

Prior to this the collector was attached to the bin, a drying floor was installed and a 7½ h.p. single phase drying fan with 20 kilowatts of electric resistance heating elements was hooked up.

The solar collector is about 14 ft. high and 32 ft. long and wraps two-thirds of the way around the bin. Building the collector involved attaching three layers of 1x2s horizontally at 2 ft. spacings from the top to the bottom of the bin.

Next, used aluminum press plates were stapled to the 1x2s. The outside surface was painted flat black (black absorbs the most heat) and serves as the heat collector.

Then another three layers of 1x2s were nailed over the plates and a six mil clear polyethelene sheet was stretched over the entire collector surface. Total cost of materials for the collector amounted to $250.

The solar heated air is drawn horizontally around the bin to an air tunnel leading to the fan which pushes it under the drying floor and into the bin.

Peterson is quick to point out that this is strictly a low temperature, low heat drying process. He says that farmer Pedersen may fill the bin in one day with 24 per cent moisture corn if he desires. If the shelled corn is 26 per cent moisture he can fill the bin about two-thirds full, dry this down to at least 24 per cent moisture and then fill the bin. About 30 days will be needed to get the entire 3,000 bushels of corn dried to 15½ per cent moisture for storage.

The basic operation will be to use the solar heat and fan during the day and turn on the electric resistance units at night to continue the drying process. Some resistance heat may have to be used on cloudy, rainy days. Many farmers recall the cloudy, wet November of 1972, when we thought the sun didn't shine much. But, weather data shows we still got 67 per cent of the sun's energy normally available for that month.

On a sunny day the solar collector will deliver one-half million BTUs of heat to the dryer's air stream. Peterson says this may be enough to reduce the cost of heat for drying by one-half.

Iowa farmers using total electric, low temperature drying have been able to dry for four-six cents per bushel. Use of solar heat with the electric heat should substantially reduce this cost.

Much interest has been shown in the area and around the United States. Roland Anderson, manager of Kingsbury Electric which serves the Pedersen farm, says that plans are to hold a tour of crop drying installations including the solar unit later this fall.

Larry Green, manager of member services for East River Electric Power Cooperative, Madison, has offered to provide construction details of the solar heat collector to interested persons.

Additional technical information can be obtained in a brochure, "Solar Heat for Drying Shelled Corn," from Bill Peterson, extension agricultural engineer, South Dakota State University, Brookings, S.D. 57006.

By Mr. THURMOND:

S. 2637. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder. Referred to the Committee on Finance.

Mr. THURMOND. Mr. President, I introduce a bill which would remove from title II of the Social Security Act the limitation upon the amount of outside income which an individual may earn while receiving social security benefits.

As the law now stands, social security beneficiaries under the age of 72 have their benefits reduced by $1 for every $2 they earn in excess of $2,100 per year. This is the so-called retirement test or earnings test.

Mr. President, the reasons which motivated the institution of this test in 1935 are not valid today. The policy of discouraging older workers from working past the arbitrary retirement age of 65 originated during the Depression when it was necessary to increase job opportunities for younger workers. Such a restrictive measure is totally unnecessary in today's high-employment economy.

There can be no doubt as to the natural impact of this limitation. Many older persons are pressured into not working for fear of losing their benefits. As a result of this, a vast pool of valuable skills acquired through years and years of hard, honest work are totally lost to our country.

Mr. President, such a limitation flies in the face of a fact widely accepted by the Federal Government, gerontologists, and others concerned with the health of the elderly. That fact is that the hiring and retention of older workers in all aspects of the economy is very "good medicine" for the elderly. It should be encouraged in every way possible, and removing this limitation is one way to do precisely that.

Mr. President, in my opinion, this aspect of the social security program is illogical and inequitable. Income from investments is not counted in determining whether benefits shall be reduced. Thus, a rich man who has thousands of dollars in dividends and interest coming in every year can sit back and collect his full check every month. On the other hand, the poor man who never had the time, much less the money, to enter the world of investments, and who might need to continue working as a matter of economic survival for himself and his family, cannot work without being subject to this penalty. This is simply not right.

The cry often raises that removal of the retirement income limitation will be too costly. It is my opinion that this answer begs the question. The people who would receive this aid are the same citizens who have worked hard all their lives for their salaries. They have not been on the welfare rolls. The people we are talking about today are the backbone of America—they are the men and women who believe in America and have quietly and loyally contributed their fair share to the social security program all their working lives. To deny them the fruits of their labors now when they need it most is not only illogical but unjust.

Mr. President, let us remove any obstacle which stands in the way of a man or woman who wants to work. Work produces income and income produces tax revenue. Work and activity also prolong and contribute to the good health of our citizens. Removing the retirement income limitation is an equitable and reasonable step.

Mr. President, I urge all my colleagues to carefully consider this measure, and to join me in this effort to bring meaningful reform to the social security system.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 2638. A bill to provide for fire accident data collection, analysis, and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to provide for fire accident data collection, analysis and dissemination, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and encourage fire prevention and control at all levels of government, and ask unanimous consent that the letter of transmittal, and statement of purpose and need be printed in the RECORD with the text of the bill.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., October 5, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill, entitled "Fire Safety and Education Act of 1973," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress and further that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely,

JOHN K. TABOR,
Acting Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

America's fire losses each year are indeed formidable. Every day some 170 Americans are killed or left permanently disfigured by fire. Every minute there is a fire in an American home. Most fires can be prevented and our citizens safeguarded from unnecessary death, injury and damage to their property.

Recognizing that fire's tragic toll in America must be reduced, the Fire Research and Safety Act of 1968 was enacted by the Congress. Pursuant to that Act the Secretary of Commerce was authorized to conduct a general fire research and safety program and the National Commission on Fire Prevention and Control was established to recommend a Federal fire program.

After two years of intensive hearings and investigations, the Commission, on May 4, 1973, transmitted its report "America Burning" to the President. They found that 12,000 people are killed and tens of thousands of persons are scarred physically and emotionally by fire each year. Additionally, over eleven billion dollars of our resources are wasted by destructive fires. America's loss of life rates are 2½ times greater than those of the United Kingdom and six times greater than those of Japan. Accordingly the Commission's Report recommended increased efforts by the Federal Government to reduce fire losses. The Commission's Report explained that the Federal role should supplement existing state efforts for the sake of a more coherent effort to reduce the Nation's fire losses. They recommended that an entity be created in the Federal Government which could view the fire problem in its entirety, which would direct attention to aspects of the fire problem that have been neglected, and which would serve as the conduit for the inter-governmental cooperation that is needed to combat the Nation's fire problem.

The Commission's Report identified three key fire safety functions to be undertaken by the Federal Government. These are: (1) a training and education program, including a public awareness effort; (2) a national system of fire data and information; and (3) a research and development program.

The proposed act would establish in the Department of Commerce authority to develop and carry out a comprehensive national fire program which would focus on these three key functions.

The Commission's Report pointed out that the fire services and the public need better training and education. Training for firefighters and officers has not been uniform in quality, with effective participation in some areas, and little support in other areas. Better training would improve the effectiveness of fire departments and reduce firefighter injuries.

The educational and training program envisioned by the bill will suplement existing local programs. Among other things, it would provide for specialized and advanced training courses for instructors and other participants in state and local training programs. There will be courses concerning the special hazards of firefighting, prevention programs, inspection programs, public education, and fire safety information programs.

In addition, Americans must be educated about fire safety. Public awareness is integral to reducing fire losses. A public awareness effort will be undertaken to muster a nationwide campaign to make people knowledgeable about fire safety.

The Commission's Report also emphasized that because of the largely local nature of the Nation's fire safety activities, the important area of research and development was being neglected. An objective long-range approach to research and development is clearly needed where the issue of fire safety arises. The bill would provide for appropriate research and development, to reduce fire losses in our Nation.

Finally, the Commission's Report declared a need for a comprehensive national fire data system which will help establish priorities for research and action. Such a system must, of course, encompass fire incident reports, however, to be effective it should also include in its data base significant results of research and developemnt, such as toxicity data on smoke and gas and flammability of materials. Medical and insurance data should also be incorporated. The bill would include authority to operate an integrated comprehensive fire data program based on collection, analysis, and dissemination of fire information related to the prevention, occurrence, control and results of fires of all types. It will serve as a data reservoir from which those concerned with fire problems can obtain information regarding such matters as the direct and contributing causes of fire, the potential hazard of various materials or practices, and the ways in which the victims of fire are affected. With better identification of fire problems, better understanding of fire incidents, and better analysis of hazards, such as toxic gas and smoke, more effective programs and priorities could be established and appropriate decisions could be reached to help reduce the ever present danger of fires.

The three functions, a training and education program, including a public awareness effort, a national system of fire data and information, and a research and development program, are interdependent and effective coordination requires a system management approach.

To hasten the achievement of the development of this comprehensive national fire program and to avoid duplication of effort, the Secretary is also directed to coordinate and review existing and future Federal fire programs; identify and make recommendations concerning duplicative, competing and inefficient Federal programs; encourage Federal interagency transfer of the fire technology; and encourage existing and future fire development programs in the State and local government and private sectors.

In developing a national fire plan, the bill would establish a Fire Safety Advisory Council composed of 15 members from government agencies, fire services and fire industries, and the general public. Members representing the general public could be representatives of equipment manufacturers, fire protection engineers, insurance organizations, building designers, and the general public. The main function of the Council would be to assist the Secretary in carrying out his functions and responsibilities.

The bill also makes provision for the establishment of such positions as are necessary to carry out its provisions, with one position at a level not in excess of Level V of the Executive Schedule.

The bill would authorize the appropriation of such sums as may be necessary to carry out its provisions. The appropriations would be available for obligation and expenditure for such periods as specified in the Act making such appropriations.

S. 2638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fire Safety and Education Act of 1973".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) destructive fires result in an unacceptable number of deaths, injuries, and property losses in the United States;

(2) the state-of-the-art in firefighting and in protecting persons and property from combustion hazards, requires additional research and development in the area of fire safety;

(3) there is a need for professional training and education primarily oriented toward improving the effectiveness of fire departments, developing leadership for fire prevention and reducing firefighter injuries;

(4) there is a need for a national fire data collection, analysis and dissemination system to establish priorities for research and action; and

(5) the Federal Government's role in fire research and development, information collection and dissemination, and education must be further strengthened in order that the effectiveness of the Nation's dedicated firefighting forces may be increased.

(b) The purposes of this Act are—

(1) to protect the public against unreasonable risks of death, injury, and property loss associated with fire accidents;

(2) to provide training and education beyond the basic training received by firefighters, including public awareness efforts;

(3) to establish a centralized program of research and development for fire safety; and

(4) to establish an integrated and comprehensive fire data system.

FUNCTIONS OF THE SECRETARY

SEC. 3. The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to undertake the following functions:

(1) to develop and carry out a comprehensive national fire research and development program designed to determine the causes and nature of fires, their frequency of occurrence, and other pertinent factors, and develop more effective measures of protection against the hazards of death, injury and damage to property resulting from fire;

(2) to develop and carry out educational and training programs in fire safety, including public awareness efforts; and

(3) to develop and carry out a comprehensive fire data and information program.

FIRE RESEARCH AND DEVELOPMENT PROGRAM

SEC. 4. The Secretary is authorized to conduct directly or through contracts—

(a) a program of basic and applied fire research for the purpose of arriving at an understanding of the fundamental processes underlying all aspects of fire. Such program shall include scientific investigations of—

(1) the physics and chemistry of combustion processes;

(2) the dynamics of flame ignition, flame spread, and flame extinguishment;

(3) the composition of combustion products developed by various sources and under various environmental conditions;

(4) the early stages of fires of buildings, building subsystems, and building components with the aim of improving early detection capability;

(5) the behavior of fires involving all types of buildings and their contents, including mobile homes and high-rise buildings, construction materials, floor and wall coverings, coatings, furnishings, and other combustible materials;

(6) the unique aspects of fire hazards arising from the transportation and use in industrial and professional practices of combustible gases, fluids, and materials;

(7) development of design concepts for providing increased fire safety in buildings; and

(8) such other aspects of the fire process as are deemed useful for pursuing the objective of the fire research program.

(b) research into the biological, physiological, and psychological factors affecting the human victims of fire and the performance of the individual members of fire protection forces.

(c) studies of the operations and management aspects of fire departments and services using quantitive techniques, including operations research, management economics, cost effectiveness studies, and such other techniques as are found applicable and useful. Such studies shall include, but not be limited to, the allocation of resources, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, and the effectiveness, frequency, and methods of building inspections.

(d) Operation tests, demonstration projects, and fire investigations are hereby authorized to be performed in the conduct and support of the activities set forth in this section.

FIRE DETECTION PROGRAM

SEC. 5. The Secretary is authorized to—

(a) operate directly or through contracts an integrated comprehensive fire data program based on the collection, analysis, publication, and dissemination of fire information related to the prevention, occurrence, control and results of fires of all types. The program shall be designed to provide an accurate national picture of the fire problem, identify major problem areas and assist in setting priorities, determine possible solutions to problems, and monitor progress of programs to reduce fire losses. To carry out these functions, the program shall include—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of injuries and deaths resulting from fires including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards of firemen including the causes of death and injury to firemen arising directly and indirectly from firefighting activities;

(4) information on all types of fire prevention activities including inspection practices;

(5) technical information related to building construction, fire properties of materials, and other similar information; and

(6) such other information and data as is judged useful and applicable.

(b) In the conduct of the comprehensive fire data and information program the Secretary is authorized to develop standardized data reporting methods and to encourage and assist State, local, and other agencies, public and private, in developing and reporting information.

(c) In the conduct of the comprehensive fire data and information program the Secretary is authorized to make full use of existing data gathering and analysis organizations, both public and private.

(d) The Secretary shall insure dissemination of such fire data to the maximum extent.

PROFESSIONAL FIRE TRAINING AND EDUCATION PROGRAM

SEC. 6. (a) The Secretary is authorized to establish and conduct either directly or through contracts or grants as provided by Section 11 a professional fire training and education program to—

(1) advance the professional development of fire service personnel;

(2) assist in conducting or supplementing, at the request of a State or unit of local government, local and regional programs for the training of fire personnel;

(3) develop model fire training and educational programs, curricula, and information materials;

(4) develop new or improved approaches, techniques, systems, equipment, and devices to improve fire prevention and control;

(5) conduct such development, testing, and demonstration projects as are deemed necessary to introduce new technology standards, operating methods, command techniques, and management systems into use in the fire services; and

(6) provide, establish, and support specialized and advanced education and training programs and facilities for fire service personnel.

(b) Any central facility established by the Secretary to conduct the fire training and education program authorized by this section shall be located on a site in or near the District of Columbia.

COORDINATION OF FIRE PROGRAMS

SEC. 7. The Secretary shall, so as to hasten the achievement of the purposes of this Act and to avoid duplication of effort:

(a) coordinate and review existing and future Federal interagency research and development programs, fire data programs, and fire training and education programs;

(b) identify competing, overlapping, duplicative or inefficient programs, and make recommendations to appropriate agency officials and to the Director of the Office of Management and Budget concerning the scope and funding of fire programs;

(c) encourage Federal interagency transfer of fire technology; and

(d) encourage existing and future fire development programs in the State and local government and in the academic and private industry sectors.

PUBLIC AWARENESS EFFORTS

SEC. 8. The Secretary is authorized directly or by contract in cooperation and coordination with interested government agencies, fire services and industries, and appropriate fire service organizations, to carry out a program to educate the public as to fire safety.

FIRE SAFETY ADVISORY COUNCIL

SEC. 9. (a) The Secretary shall establish a Fire Safety Advisory Council which he may consult before taking any action under this Act. The Council shall be appointed by the Secretary and shall be composed of fifteen members. The Council shall be constituted as follows:

(1) five members shall be selected from governmental agencies, other than fire services or fire industries, including Federal, State, and local governments;

(2) five members shall be selected from the fire services and fire industries;

(3) five members shall be selected who shall be broadly representative of the general public.

(b) The Council shall meet at the call of the Secretary, but not less than two times during each calendar year. All proceedings of the Council shall be public, and a record of each proceeding shall be available for public inspection.

(c) Members of the Council who are not officers or employees of the United States shall, while attending meetings or conferences of the Council or while otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule, including travel time; and while away from their homes or regular places of business they may be allowed travel expenses, include per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Payments under this subsection shall not render members of the Council officers or employees of the United States for any purpose.

ADMINISTRATIVE PROVISIONS

SEC. 10. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Appropriations to carry out the provisions of this Act may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

(b) Within the limits of funds which are appropriated to carry out this Act, the Secretary is authorized to undertake such construction of buildings, grounds, and other facilities occupied or used in performance of the functions and activities authorized by this Act as are necessary for the proper and efficient conduct of those functions and activities: *Provided*, That no improvement shall be made nor shall any building be constructed under this authority at a cost in excess of $100,000 unless specific provision is made therefor in the appropriation concerned.

SEC. 11. The Secretary may perform the functions authorized by the Act either directly or through contracts. Grants may be made by the Secretary only to State and local governments, other non-Federal public agencies, and nonprofit institutions for travel, lodging, and subsistence to perform the functions authorized by section 6. Any grant made in the performance of such functions may be in an amount up to 100 per centum of the total cost of the activities for which such grant is made.

a. Each recipient of moneys under such a grant or contract awarded pursuant to this section shall keep such records and make such reports as the Secretary may prescribe, including information on the total cost of the approved program and the portion of the cost which is supplied by other sources. In the case of moneys received in advance of performance, such records and reports shall identify the unearned balance of advances on hand, the liabilities and obligations outstanding under such grant or contract, and the application of the funds received.

b. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipient that are pertinent to its activities under this Act for the purpose of audit or to determine whether a proposed activity is in the public interest.

SEC. 12. Payments under this Act to foster fire safety may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled, "Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings."

SEC. 13. The Secretary is authorized to establish such positions as are necessary to carry out the provisions of this Act and may fix the rate of pay of one position at a level not in excess of Level V of the Executive Schedule.

SEC. 14. Title I of the Fire Research and Safety Act of 1968 (Act of March 1, 1968, 82 Stat. 34; 15 U.S.C. 278f and g), is hereby repealed.

By Mr. JACKSON:

S. 2639. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as reserve midshipmen in the U.S. Navy, and for other purposes. Referred to the Committee on Armed Services.

Mr. JACKSON. Mr. President, today I am introducing legislation to amend the Maritime Academy Act of 1958 to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as reserve midshipmen in the U.S. Navy.

This legislation was favorably considered during the last session of Congress by the House of Representatives and was referred to the Senate. However, the bill came to the Senate late in the session and no action was taken by the Senate because of time constraints.

Along with this legislation, I would like to submit a copy of a favorable departmental report on this bill which was submitted to Chairman HÉBERT of the House Armed Services Committee in June of this year by Rear Adm. E. K. Snyder, Chief of Legislative Affairs, U.S. Navy. I would also like to submit copies of the favorable testimony on this legislation given before the House Armed Services Committee during the last session by Rear Adm. J. B. Johnson, Assistant Deputy Chief of Naval Operations for Naval Reserve and by the Honorable Henry F. Sickinger, Office of Maritime Manpower, Maritime Administration.

I would hope that this legislation will be given the serious consideration of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
Washintgon, D.C., June 20, 1973.

Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services, Washington. D.C.

DEAR MR. CHAIRMAN: Your request for comment on H.R. 2776, a bill "To amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve Midshipmen in the United States Navy, and for other purposes," has been assigned to this Department by the Secretary of Defense for preparation of a report expressing the views of the Department of Defense.

S. 2776 would provide authority for the Secretary of the Navy to appoint students appointed to any maritime academy or college which is assisted under the provisions of the Maritime Academy Act of 1958 as Reserve Midshipmen in the United States Navy and authorizes them to be commissioned as Reserve ensigns in the U.S. Navy upon their graduation from the academy or college. This would provide equal treatment for students of the State maritime academies as that now provided by 46 U.S.C. 1126(b)(3) for students at the U.S. Merchant Marine Academy. The Department of the Navy, on behalf of the Department of Defense supports H.R. 2776.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report on H.R. 2776 for the consideration of the Committee.

For the Secretary of the Navy.

Sincerely yours,

E. K. SNYDER,
Rear Admiral USN,
Chief of Legislative Affairs.

STATEMENT OF REAR ADM. J. B. JOHNSON, ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS FOR NAVAL RESERVE

Admiral JOHNSON. We do indeed welcome the opportunity to testify on this bill. The purpose of the proposed legislation is to enable the Secretary of the Navy to appoint students appointed to any maritime academy or college which is assisted under the provisions of the Maritime Academy Act of 1958 as Reserve midshipmen in the U.S. Navy and to appoint them as Reserve ensigns in the U.S. Navy upon their graduation from the academy or college.

This would provide equal treatment for students of the State maritime academies as that now provided by 46 U.S.C. 1126 for students at the U.S. Merchant Marine Academy.

Prior to passage of Public Law 92-129 on September 28, 1971, students enrolled at State maritime academies received draft exemption status under the provisions of the

Selective Service Act of 1967. If the State maritime academies were receiving assistance under the Maritime Academy Act of 1958, the students enrolled in the program were required to take naval science courses and agreed to accept a U.S. Naval Reserve commission, if tendered, upon graduation. However, the passage of Public Law 92–129 removed the draft exemption for such students along with other college students.

The proposed legislation would permit State maritime academy or college students to affiliate with the U.S. Naval Reserve as midshipmen and thus receive draft exempt status under section 6(a)(1) of the Military Selective Service Act (50 U.S.C.A. app. 456(a)(1)) thereby permitting them to complete their education. Upon graduation, midshipmen would be commissioned in the Naval Reserve and given the option of serving on active duty with the Navy or sailing on their licenses with the merchant marines.

There are presently six State maritime academies receiving assistance under the Maritime Academy Act of 1958. These schools supply approximately 350 commissioned officers in the Naval Reserve each year. The schools, their location and average enrollment are:

Great Lakes Maritime Academy, Traverse City, Mich., 73 students.

Texas Maritime Academy of the Texas A. & M. University, Galveston, Tex., 90 students.

California Maritime Academy, Vallejo, Calif., 225 students.

Maine Maritime Academy, Castine, Maine, 560 students.

Massachusetts Maritime College, Buzzards Bay, Mass., 425 students.

State University of New York State Maritime College, Fort Schuyler, N.Y., 748 students.

These schools under the Maritime Academy Act of 1958 may receive assistance from the Federal Government for maintenance and support of the schools not to exceed $75,000 that must be matched by State aid. Students enrolled in the schools may receive up to $600 per academic year for uniforms, textbooks, and subsistence.

It is anticipated that approximately 1,000 students from these schools will apply and be processed annually if the legislation is enacted at a minimal annual cost of approximately $25,000. The cost will not result in increased budgetary requirements for the Department of Defense.

At this point I would like to supply for the record a brief history of Navy programs to commission merchant marine academy graduates in the Naval Reserve.

I think this is quite interesting. It is a long and tumultuous sort of history.

You will note that these programs date back to 1928 and have been of great assistance to the U.S. Navy and the merchant marines.

The Department of Defense urges your favorable consideration of this legislation. Its enactment will enable young men enrolled in State maritime academies and colleges to complete their education without interruption and will result in increased numbers of well-qualified officers for the naval and merchant marine services.

However, there are certain technical corrections to the bill that we would recommend. Since the authority to appoint Reserve commissioned officers in the Navy rests with the President alone under section 593(a) of title 10, United States Code, it is recommended that the proposed new section be reworded to avoid the appearance that this bill gives such appointment power to the Secretary of the Navy.

The proposed new section, if revised as suggested, would read as follows:

"SEC. 11. Students appointed to any maritime academy or college which is assisted under any provisions of this Act may be appointed by the Secretary of the Navy as Reserve midshipmen in the U.S. Navy and may be commissioned as Reserve ensigns in the U.S. Navy upon graduation from the academy or college."

Since we are unaware of any benefits that could be derived by making this act retroactive, it is recommended that section 2 of the bill on lines 8 and 9 of page 2 be stricken from the bill. If the committee has no objection, we have prepared a draft of substitute language that could be inserted after the enacting clause:

"That the Maritime Academy Act of 1958 (46 U.S.C. 1381 et seq.) is amended by adding the following new section:"

" 'RESERVE STATUS OF STUDENTS

" 'SEC. 11. Students appointed to any maritime academy or college which is assisted under any provisions of this Act may be appointed by the Secretary of the Navy as Reserve midshipmen in the United States Navy and may be commissioned as Reserve ensigns in the United States Navy upon graduation from the academy or college.' "

(The following was received for the record:)

"BRIEF HISTORY OF PROGRAMS TO COMMISSION MERCHANT MARINE ACADEMIES' GRADUATES

"During 1928, an intensive program was inaugurated for the building up of the Merchant Marine Reserve which had become depleted in numbers after the close of World War I. Naval Reserve officers with experience in the shipping industry were assigned to active duty in the larger port cities and devoted their entire time to this program.

"As an additional source of Merchant Marine Reserve officer procurement, the appointive grade of Cadet, Merchant Marine Reserve, was established by law during 1938. Appointments were made to this grade from students of State Maritime academies, and from cadet officers, U.S. Maritime Commission. Students were given six months subsequent to graduation in which to obtain appropriate licenses in the U.S. Merchant Service in order to qualify as commissioned officers in the Merchant Marine Reserve; otherwise, they were discharged.

"In June of 1941, the Secretary of the Navy established a classification of Midshipmen, Merchant Marine Reserve in accordance with the Naval Reserve Act of 1938. Accordingly, the Secretary of the Navy authorized the Chief of the Bureau of Naval Personnel to appoint as Midshipman, Merchant Marine Reserve, all cadets, Merchant Marine Reserve, serving in vessels taken over by the Navy and who volunteer for active duty.

"In August of 1942, all Cadets, Merchant Marine Reserve, were appointed Midshipman, Merchant Marine Reserve, and all cadets thereafter in the U.S. Merchant Marine Cadet Corps and State Maritime Academies were appointed as Midshipman, Merchant Marine Reserve instead of Cadets, in order to insure that cadets trained at government expense for service at sea would be required to serve in the Merchant Marine or on active duty in the Navy.

"During the period from 1945 to 1 January 1953, the Merchant Marine Midshipman Program was operated on much the same basis as the latter years of World War II except in the area of active duty requirements.

"Commencing in July 1947 until May of 1950, an annual quota of from 100–300 could apply for one year's active duty.

"On 1 May 1950, the Navy offered one year's active duty to one-half of the 1950 graduating class.

"In 1951, 1952, 1953, and up until 10 May 1954, graduates of the Maritime Academies who were commissioned could apply for active duty and were normally brought on active duty.

"In May 1954, active duty for graduating Merchant Marine Midshipmen was discontinued unless the officer faced imminent induction and he requested active duty.

"As indicated, the appointive power to appoint Merchant Marine Midshipmen resided in the Secretary of the Navy by virtue of the Naval Reserve Act of 1938; however, this Act was repealed in part by the Armed Forces Reserve Act of 1952, which withdraws recognition of Merchant Marine Midshipmen as such. On 20 May 1954, the Judge Advocate General rendered an opinion to the effect that there has been no legal authority for such appointments since 1 January 1953, when the Armed Forces Reserve Act of 1952 became effective. However, all Merchant Marine Midshipmen appointed prior to 1 January 1953 were considered valid because of the saving clause in the Armed Forces Reserve Act of 1952.

"At the urgent request of representatives of the four State schools and the Maritime Administration, the Navy undertook a review of the program at this time to determine whether any assistance could be given to protect the students from selective service by continuing to give them a military status as students. As a stop-gap measure, solely to provide a solution until legislative relief could be sought by the Commerce Department, the Navy agreed to appoint the cadets as Officer Candidates (Merchant Marine). This assured their being able to complete their studies, but it required that the Navy call them to active duty on graduation—a situation not desired by the Navy, which faced a consequent disruption of other sources of active duty officers since only so many billets were available, nor by the Department of Commerce, which properly wanted the graduates in the Merchant Marine. Initially, the OC(MM) program was to have covered only students enrolling in 1954, but when legislative relief was not forthcoming the Navy extended the program to 1955, at the repeated urgent request of the Maritime Administration.

"Legislation (S. 1748) was introduced in 1955 and 1956 designed to permit the Navy to appoint the students as Midshipmen, USNR. The Navy initially supported the legislation. Passage of the Reserve Forces Act of 1955, effective 10 August 1955, however, resulted in a policy determination by the Assistant Secretary of Defense on 17 February 1956 which stated in part: "Consistent with the intent of the . . . Act . . . the Department of Defense is opposed to any student exemption which does not lead directly to active duty with the Armed Forces upon graduation and commissioning." In view of the fact that this DOD policy would make it mandatory for the Navy to call these students to active duty, an eventuality desired neither by the Navy nor Maritime Administration, the Navy withdrew its support.

"In 1956, the Navy and Maritime Commission mutually agreed on the matter of Commission for Academy graduates.

"a. The Navy would continue to support training at the academies by providing instruction in Naval Science.

"b. The Navy would commission graduates in the inactive reserve if they were employed at sea, contingent on their remaining at sea for three years.

"c. The Navy would commission and call to active duty those who could not find employment at sea, if billets were unavailable.

"d. Those who want active duty could request it, the determination of availability of billets in each case to be made by the Navy.

"*1956–62*—The policy established between the Maritime Commission and the Navy had this effect during this period:

"a. The Navy never implemented the three-year requirement.

"b. The policy made it possible for a Merchant Marine graduate to receive an inactive Reserve commission, not sail in the Merchant Marine, return to the beach and be immune from the draft; for a very few that are caught by the draft, the Navy would order to active duty because at the time we needed his services.

"May 1, 1962—The Naval Reserve Evaluation Board under VADM Felix Johnson made several recommendations to reestablish the Merchant Marine Program on a sound basis.

"Since the Reserve Forces Act of 1955 abolished the Midshipman Merchant Marine USNR status, this program was in a state of limbo until 1964. However, the Navy maintained its relationship with the Academies. By security check and physical examination incident to eventual commission on graduation. In March 1964, discussion between the Under Secretary of the Navy and the Under Secretary of Commerce led to the administrative establishment of a Midshipman USNR program at the U.S. Merchant Marine Academy. This program was implemented by BUPERS letter in August of 1964. The class which entered in 1964 was the first class screened by BUPERS for Midshipman USNR status.

"The program as implemented provided that:

"a. The Navy will screen applicants for appointment to Midshipman USNR status on the basis of physical qualifications, security clearance, and character.

"b. Midshipmen will be deferred under the UMTS in a 1–D classification.

"c. Commissioned USNR officers must agree to and sail on their license for three years or enter on active duty for three years in order to retain their USNR commission.

"Incident to implementation of this program, a conference was held at the Maritime Administrator's office between BUPERS representatives and Mr. Fay and Mr. Brady of the Office of Personnel Management of the U.S. Maritime Administration. Among other items agreed to, it was specifically agreed that cases might arise in which young men, in spite of having clear National Agency checks, have past records which indicate conduct and character not applicable for an Officer Candidate Program of the Navy. These persons would not be appointed Midshipman USNR.

"Prior to 1969, the sailing time required each year was eight months in length. In a letter signed by Mr. Robert Blackwell on 3 July 1969, it was requested that the sailing time requirement each year be reduced to six months. This request was premised on the requirement that steamship company training plans call for potential management employees to divide their time equally between sea and shore training and the union requirement that available employment be shared equally. As a result of this requirement, the Chief of Naval Personnel promulgated information which reduced the sailing time to six months retroactively beginning with the Class of 1967.

"In June 1970, a meeting was held with ASN (M&RA), BUPERS representatives and the Maritime Administration. In light of the apparent reduction of sea-going billets, all graduates from the Maritime academies since 1968 have been given four options in order to fulfill their military obligation. These options are as follows:

"a. Sail on license at sea for no less than six (6) months each year, for three consecutive years immediately following acceptance of commission; or

"b. Sail on license at sea for not less than four (4) months each year, for four consecutive years immediately following acceptance of commission; or

"c. Apply for and serve on active duty for training on board a Navy ship for a minimum period of thirty (30) consecutive days each year, for a period of three consecutive years immediately following acceptance of commission; or

"d. Apply for and serve on full time active duty in the Naval Service for three consecutive years.

"Graduates of the Maritime Academies may utilize any combination of these options to fulfill their Naval Reserve military obligation."

Admiral JOHNSON. This concludes my prepared statement. I appreciate the privilege of presenting it to this committee. If there are any questions, I shall be happy to try to answer them at this time.

We welcome into the Navy these graduates of these fine maritime academies and we welcome the legislation.

STATEMENT OF HON. HENRY F. SICKINGER, OFFICE OF MARITIME MANPOWER, MARITIME ADMINISTRATION

Mr. SICKINGER. Thank you, Mr. Chairman.

I appreciate this opportunity to appear before the committee and testify with respect to H.R. 12801, a bill to amend the Maritime Academy Act of 1958, in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and four other identical bills.

The Maritime Academy Act of 1958, authorizes the Secretary of Commerce to furnish certain aid to the States and territories in the operation and maintenance of maritime academies or colleges which meet the requirements of the act, for the training of merchant marine officers. This aid consists of:

(1) Furnishing a training vessel.

(2) Making payments not in excess of $75,000 per year for the maintenance and support of each academy or college.

(3) Making payments not in excess of $600 per student per year to assist in defraying the cost of uniforms, books, and subsistence.

To obtain this assistance, each State academy must provide courses of instruction in navigation and marine engineering, including steam and diesel propulsion, and courses in atomic or nuclear propulsion as soon as practical and possible.

In addition each State academy must agree to conform to such standards in such courses, in training facilities, in entrance requirements, and in instructors as are required by the Secretary of Commerce after consultation with superintendents of maritime academies and colleges in the United States.

At present there are six State maritime academies, all of which receive aid under this act. These academies are those of the States of California, Maine, Massachusetts, Michigan, New York, and Texas.

H.R. 12801 would amend the Maritime Academy Act of 1958, to authorize the Secretary of the Navy to appoint students at any State maritime academy that is assisted under that act, as Reserve midshipmen in the U.S. Navy, and to commission such students as Reserve ensigns upon their graduation.

The Secretary of the Navy now has such authority under section 216(b)(3) of the Merchant Marine Act, 1936, with respect to cadets at the U.S. Merchant Marine Academy. H.R. 12801 would give equal treatment to the State maritime academies in this respect to the treatment now given to the U.S. Merchant Marine Academy, and we therefore recommend its enactment.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 41

At the request of Mr. DOLE, the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of S. 41, a bill to designate November 11 of each year as Veterans Day and to make each day a legal public holiday.

S. 482

At the request of Mr. TAFT, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for the costs of maintaining the exterior appearance and structural soundness of certain historic buildings and structures.

S. 483

At the request of Mr. TAFT, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 483, a bill to amend the act of October 15, 1966, relating to the preservation of certain historic properties in the United States.

S. 650

At the request of Mr. PACKWOOD, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 650, a proposal to equalize the tax rates imposed on unmarried individuals.

S. 895

At the request of Mr. THURMOND, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 895, a bill to require a health warning on the labels of bottles containing certain alcoholic beverages.

S. 1388

At the request of Mr. TALMADGE, the Senator from Ohio (Mr. SAXBE) was added as a cosponsor of S. 1388, a bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research.

S. 1708

At the request of Mr. CRANSTON, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 1708, a bill to amend title X of the Public Health Service Act to extend appropriations authorizations for 3 fiscal years and to revise and improve authorities in such title for family planning services programs, planning, training, and public information activities, and population research.

S. 1769

At the request of Mr. MANSFIELD (on behalf of Mr. MAGNUSON) the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor to S. 1769, a bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

S. 2069

At the request of Mr. EAGLETON, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2069, the National Reading Improvement Act.

S. 2217

At the request of Mr. BAKER, the Senator from Florida (Mr. GURNEY) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of S. 2217, a bill to provide for improvement in the treatment of animals in air transportation.

S. 2279

At the request of Mr. HATFIELD, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 2279, a bill for the relief of certain Korean orphans.

S. 2445

At the request of Mr. McIntyre, the Senator from South Dakota (Mr. Abourezk) was added as a cosponsor of S. 2445, a bill to amend the provisions of the Social Security Act to consolidate the reporting of wages by employers for income tax withholding and old-age, survivors, and disability insurance purposes, and for other purposes.

S. 2497

At the request of Mr. Baker, the Senator from Kentucky (Mr. Cook), the Senator from Indiana (Mr. Bayh), the Senator from Virginia (Mr. William L. Scott), the Senator from Nevada (Mr. Bible), the Senator from Iowa (Mr. Hughes), the Senator from Utah (Mr. Moss), the Senator from Kansas (Mr. Dole), the Senator from New Jersey (Mr. Case), the Senator from California (Mr. Cranston), the Senator from Minnesota (Mr. Humphrey), the Senator from Alaska (Mr. Stevens), and the Senator from California (Mr. Tunney) were added as cosponsors of S. 2497, to require the Librarian of Congress to establish and maintain a library of television and radio programs, and for other purposes.

S. 2501

At the request of Mr. Tunney, the Senator from North Dakota (Mr. Young) and the Senator from Ohio (Mr. Taft) were added as cosponsors of S. 2501, the Motor Vehicle Disposal Assistance Act of 1973.

S. 2506

At the request of Mr. Mansfield (on behalf of Mr. Magnuson) the Senator from Nevada (Mr. Cannon) was added as a cosponsor of S. 2506, a bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes.

S. 2513

At the request of Mr. Ribicoff, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 2513, the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

S. 2522

At the request of Mr. Bellmon, the Senator from Utah (Mr. Bennett), the Senator from Nebraska (Mr. Curtis), the Senator from Kansas (Mr. Dole), and the Senator from Wyoming (Mr. Hansen) were added as cosponsors of S. 2522, a bill relating to the safety of animals being exported.

S. 2527

At the request of Mr. Montoya, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 2527, a bill to provide for the construction of a Veterans' Administration hospital in the city of Albuquerque, N. Mex.

S. 2528

At the request of Mr. Packwood, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of S. 2528, the Social Services Amendments of 1973.

S. 2531

At the request of Mr. Chiles, the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 2531, a bill to amend title II of the Water Pollution Control Act Amendments of 1972.

S. 2531

At the request of Mr. Gurney, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 2531, a bill to amend the Federal Water Pollution Control Act Amendments of 1972, so as to ensure that eligibility for reimbursement funds under that act is extended to those projects which were started after January 1, 1973.

S. 2536

At the request of Mr. Inouye, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of S. 2536, the National Tourism Act of 1973.

S. 2581

At the request of Mr. Randolph, the Senator from Utah (Mr. Moss), the Senator from Indiana (Mr. Bayh), the Senator from Mississippi (Mr. Eastland), the Senator from North Dakota (Mr. Young), the Senator from Nebraska (Mr. Curtis), the Senator from Michigan (Mr. Griffin), the Senator from South Dakota (Mr. Abourezk), the Senator from Hawaii (Mr. Inouye), the Senator from Minnesota (Mr. Humphrey), the Senator from Arkansas (Mr. McClellan), the Senator from South Carolina (Mr. Hollings), the Senator from Minnesota (Mr. Mondale), the Senator from Indiana (Mr. Hartke), the Senator from Kansas (Mr. Dole), the Senator from Idaho (Mr. Church), the Senator from Arkansas (Mr. Fulbright), and the Senator from Iowa (Mr. Hughes) were added as cosponsors of S. 2581, a bill to amend the Randolph-Sheppard Act for the Blind to provide for a strengthening of the program authorized thereunder, and other purposes.

S. 2599

At the request of Mr. Hatfield, the Senator from Nebraska (Mr. Curtis), the Senator from Kentucky (Mr. Cook), and the Senator from Oklahoma (Mr. Bartlett) were added as cosponsors of S. 2599, to repeal the Economic Stabilization Act.

S. 2600

At the request of Mr. Chiles, the Senator from Colorado (Mr. Haskell) was added as a cosponsor of S. 2600, a bill to provide for the appointment of an independent special prosecutor to prosecute certain investigations into criminal activities.

S. 2603

At the request of Mr. Stevenson, the Senator from South Dakota (Mr. Abourezk), the Senator from New Jersey (Mr. Case), the Senator from Iowa (Mr. Clark), the Senator from Michigan (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Humphrey), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Oregon (Mr. Packwood), and the Senator from Connecticut (Mr. Ribicoff) were added as cosponsors of S. 2603, a bill to provide for the continuation of an independent investigation of certain activities by high officials.

S. 2611

At the request of Mr. Bayh, the Senator from Montana (Mr. Mansfield) and the Senator from Vermont (Mr. Stafford) were added as cosponsors of S. 2611, to insure the enforcement of the criminal laws and the due administration of justice; establish an independent special prosecutor.

S.J. Res. 142

At the request of Mr. Curtis, the Senator from Oklahoma (Mr. Bartlett) was added as a cosponsor of Senate Joint Resolution 142, proposing an amendment to the Constitution of the United States relative to the balancing of the budget.

REFERRAL OF SENATE RESOLUTION 189, TO URGE THE CONTINUED TRANSFER TO ISRAEL OF PHANTOM AIRCRAFT AND OTHER EQUIPMENT

Mr. HUMPHREY. Mr. President, I ask that a resolution I have lying at the desk, Senate Resolution 189, be appropriately referred.

The PRESIDING OFFICER. The resolution is referred to the Committee on Armed Forces.

The cosponsors and resolution follow:

List of Cosponsors

Mr. Humphrey for himself and
Mr. Jackson
Mr. Ribicoff
Mr. Javits
Mr. Dole
Mr. Church
Mr. Talmadge
Mr. Brock
Mr. Gurney
Mr. Mondale
Mr. McGee
Mr. Brooke
Mr. Nelson
Mr. Nunn
Mr. Buckley
Mr. Baker
Mr. Bayh
Mr. Bentsen
Mr. Biden
Mr. Bible
Mr. Cannon
Mr. Case
Mr. Chiles
Mr. Clark
Mr. Cotton
Mr. Cranston
Mr. Domenici
Mr. Dominick
Mr. Eagleton
Mr. Fong
Mr. Gravel
Mr. Hart
Mr. Haskell
Mr. Hollings
Mr. Hughes
Mr. Inouye
Mr. Kennedy
Mr. Magnuson
Mr. McGovern
Mr. McIntyre
Mr. Metcalf
Mr. Packwood
Mr. Pastore
Mr. Pell
Mr. Percy
Mr. Proxmire
Mr. Randolph
Mr. Roth
Mr. Schweiker
Mr. Hugh Scott (Pa.)
Mr. Stevens
Mr. Stevenson
Mr. Symington
Mr. Taft
Mr. Thurmond
Mr. Tunney
Mr. Weicker
Mr. Williams
Mr. Young
Mr. Mathias
Mr. Moss
Mr. Montoya
Mr. Huddleston
Mr. Muskie
Mr. Pearson
Mr. Beall
Mr. Tower

S. Res. 189

Resolution to urge the continued transfer to Israel of Phantom aircraft and other equipment

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an unprovoked attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91–441, as extended, authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself: Now, therefore, be it

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 89

At the request of Mr. BROCK, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Resolution 89, to create a Select Committee to Study Certain Rules of the Senate.

SENATE RESOLUTION 173

At the request of Mr. MCINTYRE, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of Senate Resolution 173, directing the Securities and Exchange Commission to examine its rules and regulations and make such amendments as may be appropriate in order to reduce any unnecessary reporting burden on broker-dealers and help to assure the continued participation of small broker-dealers in the United States' securities markets.

SENATE RESOLUTION 191

At the request of Mr. STEVENSON, the Senators from Iowa (Mr. CLARK and Mr. HUGHES) were added as cosponsors of Senate Resolution 191, relating to the censure of Robert Bork for removing Archibald Cox as special prosecutor.

AUTOMOTIVE TRANSPORT RESEARCH AND DEVELOPMENT ACT OF 1973—AMENDMENT

AMENDMENT NO. 637

(Ordered to be printed and referred to the Committees on Commerce and Public Works.)

Mr. TUNNEY. Mr. President, on February 28 of this year I introduced S. 1055, the Automotive Transport Research and Development Act of 1973. This legislation mandates an immediate and intensive national research and development program to produce a motor vehicle system that is clean, quiet, energy-efficient, safe, economical, and suited to our existing patterns of life.

After 6 days of hearings on this legislation, and extensive consultation with industry, government, technical experts, and consumer and environmental groups we have made certain revisions in light of the advice we have received. The energy and environmental crisis has only deepened since the original introduction of this legislation and therefore we hope that the Congress will act quickly and affirmatively to enact these provisions into law.

Due to the fact that this legislation is such an important energy conservation measure, Senators MAGNUSON and HART have agreed to join me in submitting it as an amendment to S. 2176, The National Fuels and Energy Conservation Act of 1973. Mr. President, I ask unanimous consent that the text of this proposed amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 637

On page 37, between lines 19 and 20, insert the following new section:

"SEC. 14. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) as amended by section 9 of this Act, is amended by adding at the end thereof the following new title:

"'TITLE VI—RESEARCH AND DEVELOPMENT

"'SHORT TITLE

"'SEC. 601. This title may be cited as the "Automotive Transport Research and Development Act of 1973".

"'FINDINGS AND PURPOSE

"'SEC. 602. (a) FINDINGS.—The Congress finds that—

"'(1) Existing automobiles are inadequate to meet all of the long-term goals of this Nation with respect to protecting the environment and conserving energy.

"'(2) With additional research and development, several alternatives to existing automobile power systems have the potential to be mass produced at a reasonable cost with significantly less environmental degradation and fuel consumption than existing power systems while remaining compatible with other requirements of Federal law including, but not limited to, safety, noise control, and damage resistance.

"'Insufficient resources are being devoted to research and development of alternative automobiles and automobile components both by the Federal Government and the private sector.

"'(4) An expanded research and development effort into alternative automobile systems by the Federal Government would increase such efforts by the private sector and encourage automobile manufacturers to seriously consider alternatives to existing automobiles and automobile components.

"'(5) Because of the urgency of the energy, air pollution, and other environmental crises, such alternative power sources for motor vehicles should be developed, tested, and prepared for manufacture within four years from the date of enactment of this Act.

"'(6) This title shall be interpreted and carried out to preserve, enhance and facilitate competition in research, development, and production in existing and alternative automobile systems and components.

"'(b) PURPOSES.—Therefore, it is declared to be the purpose of the Congress to make grants for and support through loan guarantees research and development leading to production prototypes of an energy-efficient, low-polluting automobile or automobiles within four years from the date of enactment of this Act and to secure the certification after testing of those prototypes which are likely to meet the Nation's long-term goals with respect to fuel economy, environmental protection, and other objectives.

"'DEFINITIONS

"'SEC. 603. As used in this title—

"'(1) "Automobile" means a four-wheeled vehicle which is propelled by fuel and which—

"'(A) is made for use on the public streets, roads, and highways; and

"'(B) is capable of transporting at least two but not more than ten individuals comfortably together with a limited amount of personal property.

"'(2) "Damage resistance" refers to the susceptibility to physical damage of an automobile when involved in an accident.

"'(3) "Developer" means any person engaged in whole or in part in research or other efforts directed toward the development of production prototypes of a low-polluting, energy-efficient automobile or automobiles.

"'(4) "Energy-efficient, low-polluting automobile" means an automobile which—

"'(A) presents the least total amount of energy consumption and environmental degradation practicable with respect to the amount of fuel consumed, the type of fuel consumed, exhaust emissions, the production and disposal of such automobile, noise characteristics, or any other factor affecting environmental value, and represents a substantial improvement over existing automobiles with respect to such factors;

"'(B) can be mass produced at the lowest possible cost consistent with the requirements of this title;

"'(C) operates safely and with sufficient performance with respect to acceleration, cold weather starting, cruising speed, and other performance factors;

"'(D) to the extent practicable, is capable of intermodal adaptability; and

"'(E) at a minimum, can be produced, distributed, operated, and disposed of in compliance with any requirement of Federal law, including, but not limited to, requirements with respect to fuel economy, exhaust emissions, noise control, safety, and damage resistance.

"'(5) "Fuel" means any material or substance capable of propelling an automobile.

"'(6) "Fuel economy" refers to the average number of miles (kilometers) traveled by an automobile per unit of fuel consumed, as determined in accordance with title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).

"'(7) "Intermodal adaptability" refers to any characteristic of an automobile which enables it to be operated or carried, or which facilitates such operation or carriage, by or on an alternate mode or other system of transportation.

"'(8) "Low-Emission Vehicle Certification Board" means the Low-Emission Vehicle Certification Board established pursuant to section 212 of the Clean Air Act (42 U.S.C. 1857f-6e).

"'(9) "Noise control" refers to protection of the public against harm or discomfort resulting from an excessively high average number of decibels of sound emitted by an automobile during normal operation.

"'(10) "Production prototype" means an automobile which is in its final stage of development and is capable of being placed into production for sale at retail in quantities exceeding ten thousand automobiles per year.

"'(11) "Reliability" refers to the ease of diagnosis and repair of an automobile and its systems and parts which fail during use or are damaged in an accident and the average time and distance that proper operation can be expected without repair or replacement.

"'(12) "Safety" refers to the performance of an automobile or automobile equipment in such a manner that the public is protected against unreasonable risk of accident and against unreasonable risk of death or bodily injury in case of accident.

"'(13) "Secretary" means the Secretary of Transportation.

"'(14) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

" 'DUTIES OF THE SECRETARY

" 'Sec. 604. The Secretary is authorized and directed to insure the development of one or more production prototypes of an energy-efficient, low-polluting automobile within four years after the date of enactment of this title. No other Department or Agency shall duplicate the duties of the Secretary under this title. In furtherance of that goal and to promote such development by private interests, the Secretary is further authorized and directed to—

" '(a) make grants for research and development efforts likely to lead or contribute to the development of an energy-efficient, low-polluting automobile or automobiles, in accordance with the provisions of section 606 of this title;

" '(b) make loan guarantees for research and development efforts which show promise of leading or contributing to the development of an energy-efficient, low-polluting automobile or automobiles, in accordance with the provisions of section 607 of this title;

" '(c) conduct and accelerate research and development programs within the Department of Transportation for the purpose of contributing to the research and development of a production prototype of such energy-efficient, low-polluting automobile or automobiles;

" '(d) test or direct the testing of production prototypes and certify as energy-efficient, low-polluting automobiles those which meet the applicable requirements, in accordance with section 608 of this title;

" '(e) collect, analyze, and disseminate to developers information, data, and materials relevant to the development of an energy-efficient, low-polluting automobile or automobiles;

" '(f) prepare and submit studies as required under section 611 of this title; and

" '(g) receive and evaluate any reasonable new technology, a description of which is submitted to him in writing, which could lead to the development of an energy-efficient, low-polluting automobile.

" 'POWERS OF THE SECRETARY

" 'Sec. 605. In addition to the powers specifically enumerated in any provision of this title, the Secretary is authorized to—

" '(a) appoint such attorneys, employees, agents, consultants, and other personnel as he deems necessary, define the duties of such personnel, determine the amount of compensation and other benefits for the services of such personnel and pay them accordingly;

" '(b) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $250 a day for qualified experts;

" '(c) obtain the assistance of any department, agency, or instrumentality of the executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise, identifying the assistance he deems necessary to carry out his duties under this title, including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating;

" '(d) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his duties under this title, with any government agency or any person; and

" '(e) purchase, lease, or otherwise acquire, improve, use, or deal in and with any property; sell, mortgage, lease, exchange, or otherwise dispose of any property or other assets; accept gifts or donations of any property or services in aid of any purpose of this title.

" 'GRANTS

" 'Sec. 606. (a) General.—(1) The Secretary shall provide funds by grant or contract to initiate, continue, supplement, and maintain research and development programs or activities which, in his judgment, appear likely to lead to the development, in production prototype form, of an energy-efficient, low-polluting automobile or automobiles.

" '(2) The Secretary is authorized to make such grants, and contracts with any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

" '(b) Consultation.—The Secretary, in the exercise of his duties and responsibilities under this section, shall establish procedures for periodic consultation with representatives of science, industry, and such other groups as may have special expertise in the areas of automobile research, development, and technology. The Secretary may establish an advisory panel or panels to review and make recommendations to him on applications for funding under this section.

" '(c) Procedure.—Each grant under this section shall be made in accordance with such rules and regulations as the Secretary shall prescribe in accordance with the provisions of this section and of section 602 of this title. Each application for funding shall be made in writing in such form and with such content and other submissions as the Secretary shall require.

" 'LOAN GUARANTEES

" 'Sec. 607. (a) General.—(1) The Secretary is authorized, in accordance with the provisions of this section and such rules and regulations as he shall prescribe, to guarantee and to make commitments to guarantee the payment of interest on and the principal balance of, an obligation to initiate, continue, supplement, and maintain research and development programs or activities which, in his judgment, appear likely to lead to the development in production prototype form of an energy-efficient, low-polluting automobile or automobiles. Each application for such a loan guarantee shall be made in writing to the Secretary in such form and with such content and other submissions as the Secretary shall prescribe to reasonably protect the interests of the United States. Each guarantee and commitment to guarantee shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Secretary deems appropriate. Each guarantee and commitment to guarantee shall inure to the benefit of the holder of the obligation to which such guarantee or commitment applies. The Secretary is authorized to approve any modification of any provision of a guarantee or a commitment to guarantee such an obligation, including the rate of interest, time of payment of interest or principal, security, or any other terms or conditions, upon a finding by the Secretary that such modification is equitable, not prejudicial to the interests of the United States, and has been consented to by the holder of such obligation.

" '(2) The Secretary is authorized to so guarantee and to make such commitments to any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual.

" '(b) Exception.—No obligation shall be guaranteed by the Secretary under subsection (a) of this section unless he finds that no other reasonable means of financing or refinancing is reasonably available to the applicant.

" '(c) Charges.—(1) The Secretary shall charge and collect such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, or for the issuance of commitments.

" '(2) The Secretary shall set a premium charge of not more than 1 per centum per annum for a loan or other obligation guaranteed under this section.

" '(d) Validity.—No guarantee or commitment to guarantee an obligation entered into by the Secretary shall be terminated, canceled, or otherwise revoked, except in accordance with reasonable terms and conditions prescribed by the Secretary. Such a guarantee or commitment to guarantee shall be conclusive that the underlying obligation is in compliance with the provisions of this section and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder as of the date when the Secretary entered into the contract of guarantee or commitment to guarantee, except as to fraud, duress, mutual mistake of fact, or material misrepresentation by or involving such holder.

" '(e) Default and Recovery.—(1) If there is a default in any payment by the obligor of interest or principal due under an obligation guaranteed by the Secretary under this section and such default has continued for sixty days, the holder of such obligation or his agents have the right to demand payment by the Secretary of such unpaid amount. Within such period as may be specified in the guarantee or related agreements, but not later than forty-five days from the date of such demand, the Secretary shall promptly pay to the obligee or his agent the unpaid interest on and unpaid principal of the obligation guaranteed by the Secretary as to which the obligor has defaulted, unless the Secretary finds that there was no default by the obligor in the payment of interest or principal or that such default has been remedied.

" '(2) If the Secretary makes a payment under paragraph (1) of this subsection, he shall have all rights specified in the guarantee or related agreements with respect to any security which he held with respect to the guarantee of such obligation, including, but not limited to, the authority to complete, maintain, operate, lease, sell, or otherwise dispose of any property acquired pursuant to such guarantee or related agreements.

" '(3) If there is a default under any guarantee or commitment to guarantee an obligation, the Secretary shall notify the Attorney General who shall take such action against the obligor or any other parties liable thereunder as is, in his discretion, necessary to protect the intrests of the United States. The holder of such obligation shall make available to the United States all records and evidence necessary to prosecute any such suit.

" '(f) Authorization for Appropriations.—There are hereby authorized to be appropriated to the Secretary not to exceed $200,000,000 to pay the interest on, and the principal balance of, any obligation guaranteed by the Secretary as to which the obligor has defaulted.

" 'TESTING AND CERTIFICATION

" 'Sec. 608. (a) Administrator.—The Administrator of the Environmental Protection Agency shall test, or cause to be tested in a facility subject to his supervision, each production prototype of an automobile developed in whole or in part with Federal financial assistance under this Act, or referred to him for such purpose by the Secretary to determine whether such production prototype complies with any exhaust emission standards or any other requirements promulgated or reasonably expected to be promulgated under any provision of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901), or any other provision of Federal law administered by him. The Administrator shall submit all test data and the results of such tests to the Low-Emission Vehicle Certification Board.

" '(b) Secretary.—The Secretary shall test, or cause to be tested in an independent facility subject to his supervision, all new production prototypes of automobiles which he or a developer may submit to the Low-Emission Vehicle Certification Board for certification under subsection (c) of this section. Such tests shall be conducted, according to testing procedures to be developed by the Secretary to determine whether each automobile complies with any standards promulgated as of the date of such testing or reasonably expected to be promulgated prior to sale at retail of such automobile under any provision of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381), the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) as amended by section 9 of this Act, the Automobile Information Disclosure Act (15 U.S.C. 1232), and any other statute enacted by Congress and applicable to automobiles. The Secretary shall also refer any such automobile to the Administrator of the Environmental Protection Agency for testing pursuant to the provisions of subsection (a) of this section. All new automobiles may be submitted to the Secretary for testing under this subsection, including vehicles developed without any Federal financial assistance under this title. The Secretary shall submit all test data and the results of all tests conducted by him or subject to his supervision to the Low-Emission Vehicle Certification Board together with his conclusions and reasons therefor as to whether the automobile tested merits certification as an energy-efficient, low-pollution automobile. The Secretary, or the Administrator of the Environmental Protection Agency, if appropriate, shall conduct, or cause to be conducted, any additional tests which are requested by the Low-Emission Vehicle Certification Board and shall furnish to such Board any other information which it requests or which he deems necessary or appropriate.

"'(c) BOARD.—The Low-Emission Vehicle Certification Board, shall, upon application by a developer or by the Secretary and the receipt of test data and test results submitted pursuant to subsections (a) and (b) of this section, issue or deny certification as an energy-efficient, low-polluting automobile. Each determination as to certification shall be made in accordance with such rules and regulations as such Board shall prescribe in accordance with this title. Each application for certification shall be made to such Board in writing in such form and with such content and other submissions as the Low-Emission Vehicle Certification Board shall require.

"'PROPRIETARY INFORMATION AND PATENTS

"'SEC. 609. (a) AVAILABILITY.—Whenever, pursuant to this title, the Secretary enters into any agreement contracting for, sponsoring, or cosponsoring any research or development, he shall require as a condition of such Federal participation that all information—whether patented or unpatented, in the form of trade secrets, know-how, proprietary information, or otherwise—processes, or patents resulting in whole or in substantial part from such federally-assisted research or development shall be available to the general public, pursuant to subsection (b) of this section.

"'(b) PROTECTION OF RIGHTS.—(1) Any such agreement must provide that all such information, processes or patents will be made available to any qualified applicant on reasonable and nondiscriminatory license terms approved by the Secretary consistent with the purposes of this title when the research or development project reaches the stage of commercial application as determined by the Secretary: *Provided*, That if such information, processes, or patents results in whole from financial assistance granted under this title, such agreement may require, at the discretion of the Secretary, that such information, processes, or patents become the property of the United States and be dedicated to the general public.

"'(2) Whenever a participant in an energy research or development project holds background patents, trade secrets, know-how, proprietary information, or any other information, hereafter collectively referred to in this section as "background", which will be employed in and are requisite to the proposed research or development project, the agreement shall further provide that all background will be made available to any qualified applicant on reasonable and nondiscriminatory license terms approved by the Secretary, consistent with the purposes of this title.

"'(3) Any such license terms referred to under this subsection shall take into account the extent to which the commercial viability of the total process or system was achieved with assistance under this title (and whether such assistance was in the form of grants or obligation guarantees) and shall appropriately protect the interests of the participants.

"'(c) EFFECTS ON COMPETITION.—The Secretary shall, in approving license terms, duly consider the effects of such terms on competition within the United States.

"'RECORDS, AUDIT, AND EXAMINATION

"'SEC. 610. (a) RECORDS.—Each recipient of financial assistance or guarantees under this title, whether in the form of grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements, shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"'(b) AUDIT AND EXAMINATION.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall, until the expiration of three years after completion of the project or undertaking referred to in subsection (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Secretary or the Comptroller General may be related or pertinent to the grants, subgrants, contracts, subcontracts, obligation guarantees, or other arrangements referred to in such subsection.

"'STUDIES AND REPORTS

"'SEC. 611. (a) AUTOMOBILE SYSTEM STUDY.—The Secretary, in cooperation with other appropriate Federal agencies, shall conduct a comprehensive study of automobile characteristics and their effect on and the relationships between fuel economy, safety, reliability, damage resistance, noise control, intermodal adaptability, pollution emission levels, and cost to automobile purchasers for the purpose of aiding Congress in evaluating the interaction of these factors and Federal legislation, regulations, and programs. The study shall include but not be limited to the cost-benefit aspects of the foregoing factors, both to the individual automobile owner and to the Nation and shall identify combinations of such factors which provide for optimum automobile characteristics. Such study shall not duplicate similar studies by any other agency of the Federal Government, including the National Academy of Sciences. The study shall be submitted to the appropriate committees of Congress not more than one year after the date of enactment of this title.

"'(b) TRANSPORTATION SYSTEMS AND THE AUTOMOBILE STUDY.—The Secretary shall conduct a study of automobile usage in the United States in relation to other transportation modes and systems. The study shall include, but not be limited to, travel patterns, utility, and ways to better integrate the automobile into urban and intercity transportation systems including the prospects for dual mode transportation systems, the extent to which Federal, State, and local laws and policies influence the choice of transportation systems, and the extent to which a need exists for public assistance for research and development with respect to transportation modes other than the automobile. The study shall be submitted to Congress not more than one year after the date of enactment of this title, and shall include recommendations, if any, for legislation.

"'(c) ANNUAL REPORT.—On or before August 1 of each year, the Secretary shall submit to Congress an annual report of activities under this title. Such report shall include an account of the state of automobile research and development in the United States, including the number of grants made, and number of loans or other obligations guaranteed, and the progress made in developing production prototypes of energy-efficient, low-polluting automobiles within four years after the date of enactment of this title; and suggestions for improvements in automobile research and development, including recommendations for legislation.

"'GOVERNMENT PROCUREMENT

"'SEC. 612. The Administrator of General Services shall consult with the Low-Emission Vehicle Certification Board periodically to determine the earliest date at which production prototypes will be available of an energy-efficient, low-polluting automobile. When the Low-Emission Vehicle Certification Board determines that an energy-efficient, low-polluting automobile may soon be available, it shall propose a system of guidelines recommending to any Federal agency using and procuring automobiles the procurement of such automobiles. After a production prototype has been certified by such Board as an energy-efficient, low-polluting automobile, the Board is authorized and directed to prescribe such regulations as are necessary requiring all Federal agencies to procure and to use such energy-efficient, low-polluting automobile to the maximum extent feasible.

"'AUTHORIZATION FOR APPROPRIATION

"'SEC. 613. (a) AUTHORIZATION.—There is hereby authorized to be appropriated to carry out the purposes of this title other than section 607 of this title not to exceed $30,000,000 for the fiscal year ending June 30, 1974, not to exceed $50,000,000 for the fiscal year ending June 30, 1975, and not to exceed $60,000,000 for the fiscal year ending June 30, 1976.

"'(b)(1) RATIO NOT REDUCED.—Funds appropriated for each fiscal year for the purposes of this title shall be expended by the Secretary in the same ratio as the funds appropriated for such fiscal year pursuant to this title bear to funds appropriated for such fiscal year for all the energy research, development, and demonstration activities of the Federal Government.

"'(2) For the purposes of this subsection, the term "energy research, development, and demonstration activities of the Federal Government" includes, but is not limited to—

"'(A) the planning, management, and coordination of the energy research, development, and demonstration activities of the Federal Government;

"'(B) research, development, and demonstration of coal as an energy source including coal gasification, coal liquefaction, and improved mining techniques;

"'(C) research, development, and demonstration of oil shale as an energy source;

"'(D) research, development, and demonstration of unconventional energy sources including solar energy, geothermal energy, magneto hydrodynamics, fuel cells, low-lead hydroelectric power, the use of agricultural products for energy, tidal power, ocean current and thermal radiant power, wind power, electric energy storage methods, solvent refined coal, utilization of waste products for fuels, and direct conversion methods; and

"'(E) research, development, and demonstration of new methods of converting fossil fuels into electrical energy.

"'RELATIONSHIP TO ANTITRUST LAWS

"'SEC. 614. (a) DISCLAIMER.—Nothing herein shall be deemed to convey to any individual, corporation, or other business organization immunity from civil or criminal liability or to create defenses to actions under the antitrust laws.

"'(b) ANTITRUST LAWS DEFINED.—As used in this section, the term "antitrust laws" includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730) as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended.'."

On page 37, line 21, strike "14" and insert in lieu thereof "15".

AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT, AS AMENDED—AMENDMENT

AMENDMENT NO. 638

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. NELSON submitted an amendment intended to be proposed by him to S. 966 to amend the Federal Food, Drug, and Cosmetic Act, as amended, to provide for the establishment of a national drug testing and evaluation center; to provide for a Federal Drug Compendium which lists all prescription drugs by their generic names and which provides reliable, complete, and readily accessible prescribing information; to provide for a Formulary of the United States; to provide for a quality control for drugs paid for with Federal funds; to provide for the registration of drugs; to provide for the certification of certain drugs other than insulin and antibiotics; to provide for the regulation of sample drugs; and for other purposes.

AMENDMENT TO SOCIAL SECURITY ACT—AMENDMENT

AMENDMENT NO. 639

(Ordered to be printed and referred to Committee on Finance.)

Mr. TOWER. Mr. President, I am today submitting an amendment to H.R. 3153 to liberalize the retirement test under social security. The amendment will increase the retirement test from $2,400 to $3,000 and reduce the applicability of the test from age 72 to age 70. The bill is identical to S. 1982 which I introduced on June 12.

Within the past few years the Congress has acted in a positive fashion by increasing the amount of outside earnings an individual may earn before social security benefits are withheld. The retirement test or earnings ceiling was increased from $1,680 to $2,100 and then from $2,100 to $2,400. Additionally, H.R. 1, the Social Security Amendments of 1972 provided that only $1 of benefits would be withheld for every $2 earned and, as in the case of cash benefits under social security, further increases in the ceiling would be geared to the cost of living. Specifically, the Senate has gone on record in favor of an immediate increase in the retirement test to $3,000. Unfortunately, the House of Representatives has steadfastly supported more limited increases.

As I have stated on numerous occasions, I believe there are practical and philosophical reasons why this type of amendment should be enacted. A man or woman contributing to the social security trust fund should have a vested right to the benefits commensurate to such contributions. This right becomes vested upon the making of contributions over a minimum eligibility period and the Government should not have the power to withhold those benefits because the individual is still engaged in gainful employment. Such criteria is totally unrelated to the contribution made.

Furthermore, such criteria, even if once thought to be legitimate, cannot withstand the basic public policy of recognizing the value to the citizen and his community of continued participation in the private sector. The Congress has approved specifically drawn categorical grant programs to encourage the employment of the elderly.

The retirement test continues to be a disincentive for our elderly citizens to work. At a time when it is well-recognized that inflation hits hardest at those groups who must rely primarily on a fixed income, it seems hypocritical to continue a policy which discourages their part-time employment. Furthermore, many senior citizens have informed me of the personal satisfaction they get from being gainfully employed. We, as a nation, owe it to them to make sure that such employment is not discouraged by Government action; furthermore, we can ill afford to be without their great experience and the contributions they make to American society.

Reducing the age of applicability from 72 to 70 is not a novel method to liberalize the test since up until 1954 the cut-off age was 75.

I envision this amendment as a reaffirmation of a congressional policy to liberalize the retirement test. While I would prefer total elimination of the retirement test, this amendment is one which can be passed by this Congress and, at the same time, not burden the actuarial position of the trust fund.

I am pleased to have join me in offering this amendment Senators DOMINICK, COOK, EASTLAND, PASTORE, and YOUNG. I urge the Senate to give it careful consideration and at this time ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 639

At the proper place in the bill, insert the following new section:

INCREASE IN RETIREMENT TEST; REDUCING FROM 72 TO 70 AGE AFTER WHICH SUCH TEST NO LONGER APPLIES TO AN INDIVIDUAL

SEC. —. (a) Paragraphs (1), (3), and (4) (B) of section 203(f), and paragraph (1) (A) of section 203(h), of the Social Security Act are each amended by striking out "$200" and inserting in lieu thereof "$250".

(b)(1) Subsections (c)(1), (d)(1), (f) (1), and (j) of section 203 of the Social Security Act are each amended by striking out "seventy-two" and inserting in lieu thereof "seventy".

(2) Subsection (h)(1)(A) of such section 203 is amended by striking out "the age of 72" and "age 72" and inserting in lieu thereof in each instance "age 70".

(3) The heading of subsection (j) of such section 203 is amended by striking out "Seventy-two" and inserting in lieu thereof "Seventy".

(c) The amendments made by the preceding provisions of this Act shall apply only with respect to taxable years beginning after December 31, 1973.

Amdt. No.

ADDITIONAL COSPONSORS OF AN AMENDMENT

S. 2176

AMENDMENT NO. 634

At the request of Mr. MANSFIELD (on behalf of Mr. MAGNUSON) the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 634, to S. 2176, a bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes.

NOTICE OF HEARINGS ON THE NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. CANNON. Mr. President, I wish to announce that at 10 a.m. on Thursday, November 1, 1973, in room 1202, Dirksen Senate Office Building, the Committee on Rules and Administration will commence hearings on the nomination of GERALD R. FORD, of Michigan, to be Vice President of the United States.

Mr. FORD will be the first and only witness on that day.

All individuals or organizations wishing to testify on this nomination should contact William M. Cochrane, staff director, Committee on Rules and Administration, room 305, Russell Senate Office Building, Washington, D.C. 20510 (telephone 202-225-6352). Since Members of the U.S. Senate and House of Representatives have a direct responsibility and an immediate interest in this nomination, they will be accorded priority in scheduling of witnesses.

THE U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO MESSAGE

The Senate continued with the reconsideration of the bill (S. 1317) authorizing appropriations for the U.S. Information Agency.

POSTPONEMENT OF HEARINGS OF THE SUBCOMMITTEE ON RURAL DEVELOPMENT

Mr. CLARK. Mr. President, recently I announced that the Subcommittee on Rural Development would hold its third oversight hearing on the implementation of the Rural Development Act of 1972 on October 31. At the same time, I announced that the witnesses would be the Honorable Earl Butz, Secretary of Agriculture and Mr. Russell Train, Administrator of the Environmental Protection Agency.

Secretary Butz has informed the subcommittee through staff that he will be unable to be present for the hearing, and therefore I have decided, at this late date, to postpone the hearing.

This postponement represents a certain amount of inconvenience to the members of the subcommittee, as well as for the members of the House Subcommittee on Family Farms and Rural Development, whom I had invited to join us for this hearing.

However, an appropriation for the act has been signed by the President, and administrative regulations have been written, and I feel that it is important that we meet with Secretary Butz to discuss key policy questions regarding where the act will go from here. Further, I have agreed to a postponement in order to maintain the spirit of cooperation that has prevailed between the Department of Agriculture and the subcommittee throughout the course of our hearings on this act this year.

I have sent a letter to the Secretary asking that he provide alternative dates which might be convenient for him. And it is my hope that we can hold our hearings some time within the first 2 weeks of November, even on short notice.

ADDITIONAL STATEMENTS

OPERATION KOHOUTEK

Mr. MOSS. Mr. President, in a few short weeks, the most spectacular celestial display of this century—in fact, since 1843—will begin to unfold in our evening skies. As the Comet Kohoutek nears the Sun, and the climax of a 10,000-year voyage, those who recall Halley's Comet in 1910 have a bigger show in store.

For those of us to whom Kohoutek will simply be the visual thrill of a lifetime, this Christmas season will take on a great measure of added excitement.

For space scientists, Kohoutek means much more.

Like all science, the study of Kohoutek is a true international event. Discovered just last March by a Czech working in an observatory in Hamburg, this first gigantic comet to pass near Earth in the space age will yield its secrets to scientists throughout the world.

The National Aeronautics and Space Administration is responding to the Kohoutek opportunity in the most meaningful way possible under limiting budgetary circumstances. Fortunately, celestial mechanics for once have cooperated with flight schedules and budget cycles. Skylab planning has been adjusted so that the third crew should be in orbit with the best possible instruments to seize this most rare of chances. Other NASA capabilities have been rapidly focused on this unexpected, but exciting, scientific bonus.

Mr. President, I ask unanimous consent to print in the RECORD a NASA description of its "Operation Kohoutek" plans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NASA PLANS INTENSIVE STUDY OF COMET KOHOUTEK

The most extensive array of electronic eyes ever assembled by NASA for cometary study will be focused on Comet Kohoutek this winter.

Now some 400 million kilometers (250 million miles) from the Sun, the recently discovered comet will materialize like the Star of Bethlehem around Christmas time in the Northern Hemisphere.

It is expected to be more spectacular than the famed Halley's Comet, which last made its appearance in 1910, and as bright as a full Moon.

To take advantage of the unusual opportunity, NASA scientists plan to study the comet in visible, ultraviolet and infrared light; with optical telescopes, radio telescopes and radar. They will watch it from the ground, from high-flying aircraft, with instruments aboard unmanned satellites, and with sounding rockets and telescopes and cameras on Skylab 4.

These extensive observations are expected to yield new clues to old mysteries.

Comets orbit the Sun at varying distances, some taking a few years to make one revolution, others taking thousands of years. But no one knows for certain where they come from, what they are made of, or when and how they were formed.

Dr. Stephen P. Maran, head of NASA's Operation Kohoutek, which is being managed by the Goddard Space Flight Center, Greenbelt, Md., says:

"We would like to know more about cometary origin. Are they remnants of the formation of the solar system, or are they interstellar matter captured by our Sun?"

Probably the most important objective in studying Kohoutek is to find out whether or not there is such a thing as a solid comet nucleus.

Currently, most astronomers accept the "dirty snowball" theory of Dr. Fred L. Whipple, senior scientist at the Smithsonian Astrophysical Observatory. He holds that comets have a solid nucleus composed of ice, methane, ammonia and dust particles. As a comet nears the Sun, its surface heats. The gases vaporize and their molecules are broken up by solar radiation into less complex molecules. These "daughter" molecules and dust particles expand into the comet's head—or coma—and provide material for its tail.

Kohoutek is believed to have a nucleus of 20 to 30 kilometers (12 to 19 miles), while the comet's head may have a diameter of 96,000 kilometers (60,000 miles) or more.

Comet tails can stretch tens of millions of miles. The longest yet measured extended out to more than 297 million kilometers (186 million miles) from the Great Comet of 1843; the tail of Halley's Comet in 1910 reached out 144 million kilometers (90 million miles).

Kohoutek's tail may eventually stretch across one-sixth of the night sky just after sunset around New Year's Day, extending out 80 to 160 million kilometers (50 to 100 million miles.)

Approaching the Sun, the tail will be behind the comet, but leaving our Sun the tail will precede Kohoutek. This effect is caused by the solar wind—the Sun's constant outpouring of particles—and by solar ultraviolet rays, which push matter away from the comet's head, in the direction opposite the Sun.

The comet, whose official designation is 1973f (the sixth comet discovered in 1973), is named for Dr. Lubos Kohoutek, a Czech-born astronomer at West Germany's Hamburg Observatory. In a classic example of serendipity in science Dr. Kohoutek discovered the comet last March while photographing the night sky in search of asteroids.

The unexpected discovery gave scientists an unpredicted 9½ months to prepare. Most comets give scientists only one or two months notice.

Traveling at a speed of 400 million kilometers/hour (250 million miles/hour), comet Kohoutek will reach perihelion (13.2 million miles) its closest point to the Sun, Dec. 28. It will come within 120 million kilometers (75 million miles) of Earth on Jan. 5.

Estimates of its brightness range from minus 6 to minus 12 on the astronomical scale. Sirius, the brightest star in the sky, has a magnitude of minus 1.47, and the full Moon a magnitude of minus 12.

The fiery object may have begun its journey to the solar system 10,000 years ago.

The major elements of Operation Kohoutek are as follows:

The most important viewing capability, according to Dr. Maran, is that provided by Skylab, presently orbiting the Earth above the obscuring effects of the atmosphere. Instruments on board provide a broad capability for comet observations over a wide range of spectral bands, including infrared, ultraviolet, and visible light.

In addition, Naval Research Laboratory scientists Drs. T. L. Page and George Carruthers are preparing a special camera similar to the one sent to the Moon on Apollo 16. Called the S-201 electrographic camera, it will be sent with the astronauts on the Command Module which is scheduled for launch on November 11 from Kennedy Space Center, Fla.

The S-201 will be mounted on the workshop of Skylab to photograph the enormous hydrogen cloud expected to form as the comet approaches the Sun. The cloud produces light only in the far ultraviolet, a wavelength that can't be observed from the ground because it is filtered out by Earth's atmosphere.

Eight solar and astronomical instruments on Skylab will permit the crew to monitor Kohoutek in the UV and visible light ranges, regardless of how narrow the angle becomes between the line to the Sun and the line to the comet. This is critical because Kohoutek's Sun angle will be less than 45 throughout most of the prime viewing period. Of particular importance are three ATM instruments—SO52, SO55 and SO82. They can view the comet when it is brightest, and when ground-based observations will be very limited in scope due to sunlight scattered in the atmosphere.

Mariner 10, scheduled for launch on Nov. 3, will take pictures and obtain data on the comet from an altogether different angle as the spacecraft speeds toward its target planets of Venus and Mercury. Working together, Earth-based cameras and Mariner 10 are expected to produce a stereoscopic image of Kohoutek. This should give astronomers, for the first time, a true picture of the shape of a comet as distinct from its appearance as seen from one angle. The Mariner Kohoutek Project is managed by the Jet Propulsion Laboratory, Pasadena, Calif., under the direction of James Dunne.

Dr. Richard Goldstein and his associates at JPL will attempt to bounce radar signals off Kohoutek. From the returning signals, they may be able to learn something about the makeup of the nucleus.

Copernicus, Goddard's Orbiting Astronomical Observatory (OAO-3), orbiting Earth at a distance of 665 kilometers (415 miles), will look for such things as the deuterium/hydrogen content, the velocity and production rate of atomic hydrogen in the comet head, and the average temperature of the hydrogen atoms. The Princeton Experiment Package designed by Dr. Lyman Spitzer, Jr., Princeton University, will be used.

Orbiting Solar Observatory-7 (OSO-7), another Goddard Spacecraft, which will photograph the comet next to the Sun and look for ionized helium from its Earth orbit of 425 by 298 kilometers (274 by 187 miles). The spectroheliograph of Dr. W. M.

Neupert, GSFC, will map the comet in the extreme ultraviolet spectral range.

Five Aerobee sounding rocket flights are planned from White Sands, New Mexico beginning Jan. 5 through 12 at sunset. The project is under the direction of GSFC with scientific experiments provided by the Naval Research Laboratory, Johns Hopkins University, University of Colorado (2 payloads), and the Goddard Space Flight Center.

The Johns Hopkins launching is designed to detect the presence of hydrogen in molecule form with an ultraviolet spectrometer developed by Professor W. G. Fastie of that university.

One University of Colorado payload, under the direction of Dr. G. M. Lawrence, consists of a highly sensitive extreme ultraviolet spectrograph using a newly developed microchannel plate in lieu of conventional phototubes. The other Colorado payload is similar to the UV spectrometer that went to Mars on Mariner 9. The experiment is provided by Dr. C. F. Lillie.

Goddard Space Flight Center will fly a 12-inch diameter telescope on its Aerobee, to obtain images of the comet through different ultraviolet filters. It will look for a bright emission core, discovered in one previous comet, also by an ultraviolet rocket telescope. The experiment is under the direction of Theodore P. Stecker.

The NRL payload consists of two cameras and a spectrograph. One camera will take pictures of the comet's hydrogen cloud while the other will look at the coma in longer wave lengths. The spectrograph will be used to identify cometary constituents including atomic oxygen, carbon monoxide, molecular hydrogen and atomic carbon. Dr. Chet Opal is the experimenter.

Ames Research Center, Mountain View, Calif., will fly a C–141 carrying a 36-inch telescope at altitudes up to 50,000 feet to look at the infrared spectrums of the comet in order to determine chemical composition of the icy substances of the nucleus. An Ames Lear Jet will carry a smaller infrared telescope for comet studies. Prof. Robert M. Cameron is the ARC experimenter.

The University of Arizona will launch two balloons for NASA—one in November and one in the spring, to study far infrared light with an 8-inch, gold-coated, telescope mirror. The U. of A. investigator, Dr. Frank Low, hopes to observe "cooling down" of the nucleus as the comet recedes from the Sun.

The Joint Observatory for Cometary Research, a special observatory with a twin dome Schmidt telescope facility on top of South Baldy Mountain in New Mexico, is being completed to get rapid sequences of black-and-white and color photographs of Kohoutek from the 10,600-foot elevation. This is a cooperative activity of GSFC and the New Mexico Institute of mining and technology. Observations planned by Dr. J. C. Brandt, and Dr. R. G. Roosen include color photography to separate dust and plasma tails.

The University of Denver will use a NASA-funded 24-inch infrared telescope located at 14,260 feet altitude on Mt. Evans, Colorado, to study chemical substances in the comet head.

Minitrack Optical Tracking System (MOTS) cameras at NASA tracking stations around the world will permit near-continuous monitoring of events in the comet tail as it reacts to solar wind disturbances in space. Dr. B. D. Donn is in charge of the MOTS-Kohoutek project.

Searches for water and ammonia radiation from the comet will be carried out by GSFC and university scientists at the Northeast Radio Observatory Corp. in Massachusetts.

BILL AMSTEIN, A MODERN CATTLEMAN

Mr. DOLE. Mr. President, the old image of the American cattleman as a grizzled cowboy, riding his fences, branding his cows and driving them to the railhead is just about as outdated as any old stereotype could be.

Today's cattleman—particularly a successful one—has become a sophisticated businessman, geneticist, commodities market analyst, politician, and environmental technician all rolled into one. Modern science, technology, and economics have profoundly changed the cattle business and the people who run it. And no more impressive example of this new breed of individual can be found than in Bill Amstein of Clifton, Kans.

One of the State's outstanding young men in any field of endeavor, Bill operates a hereford operation which combines so many different specialties, sciences, and arts that the term "ranch" seems almost deceptively simple.

Now serving as president of the Kansas Livestock Association, Bill was the subject of a feature profile in the October 17 edition of the Salina Journal. This article by Jim Suber of the Journal's staff offers a fascinating glimpse of a modern and growing example of today's agriculture. In addition it provides an accurate look at the type of person required to successfully deal with the complexities and changes found throughout this most important area of our domestic economy. Agriculture is the key to our future way of life—economically and nutritionally—and more Bill Amsteins will be needed to assure that this challenge is met.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

BILL AMSTEIN LOOKS AT FUTURE OF RANCHING, FARMING

(By Jim Suber)

CLIFTON.—Nestled in the fertile Republican River valley south of Clifton is Bill Amstein's Hereford ranch.

The Amstein home and adjacent grounds appear ordinary enough—the house is a modest frame dwelling with ample driveway space; neat outbuildings and clean cow lots are nearby.

But the man and the place are anything but ordinary.

On rainy days, one may find Amstein in his basement office, poring over computer print-outs filled with data from his Hereford bulls and their offspring; or studying the blueprints of his new feedlot; or talking on the telephone to the Kansas Livestock association office at Topeka. Amstein is KLA president.

It is here, in the basement office, where Amstein's philosophy of farming and living—"staying a step or two ahead of the game"—is documented.

Amstein was raised at Manhattan, where his father taught at Kansas State university.

Weekend visits to his grandparent's homestead near Clifton put farming and ranching in his blood. After graduation from KSU, a stint in the service and a period of knocking about as a ranch hand out west, Amstein returned to his roots in the Republican valley. That was 16 years ago.

He started with a few acres and a junker tractor—one he still keeps in running condition.

Today, Amstein's holdings include 7 of the valley's homestead sites.

He raises and sells registered Hereford bulls. This Fall, Amstein plans to sell at least 50 bulls.

Ultimately, Amstein plans to feed calves which are descendants of his registered bulls in his 800-head feedlot.

"Buying known cattle, or calves, from bulls we've sold to our customers will take our operation just one step further," Amstein said. "We may have to pay a small premium, but they will do a better job for us."

Amstein said the bulls he has raised have developed a high gaining ability and a high cutability (more meat per pound of animal).

Amstein has worked years to breed those traits into his stock. He started with Herefords found in the high country of Montana and Wyoming.

The new feedlot would take calves weighing 450 to 500 pounds and feed them out to 750 pounds before shipment to a finishing lot.

Eventually, Amstein wants "a market for everything on this place."

He explained that farmers in the Republican River valley now sell most all their products outside the valley.

"Traditionally," he said, "farmers here are cash-grain farmers, not livestock producers.

"But we'll see a lot more cattle being fed here. We'll harvest and feed high moisture protein feed to the cattle right here," Amstein said.

"Right now, we have the ability to raise high-moisture feed, but no good way to store it."

Amstein said the advantages of high-moisture feed are several:

"Cattle more efficiently handle high-moisture feed for one thing," he said. "And then you can harvest it earlier." He cited last year's milo harvest as a case for high moisture feeds.

"And if we harvest alfalfa in a high moisture-type program, we won't have to buy much supplemental protein."

An added bonus to the system would be the liquid waste from the feedlots. Pumps, in accordance with the latest Farm Animal Pollution Abatement system standards, would push the rich waste back onto the croplands.

Amstein projects his energy beyond the valley. He studies the world food markets, the politics in Washington and Topeka and watches closely the experts' projections of the red meat industry for the next 10 years.

As president of KLA, Amstein has sought to broaden the base of support of livestock industry interests.

NEED INFLUENCE

Amstein said farmers have lagged behind other industries in influencing lawmakers in both the state and national capitols.

"We need men there to prepare legal briefs, to make legislators aware of our problems," he said.

Amstein said farmers lagged behind in their lobby efforts because traditionally, legislators were of the same ilk.

Amstein said Kansas legislators no longer were representative of farming interests.

"Although they are no longer farm-oriented, they're not dumb. In fact, they're quite reasonable when you present a problem in a form they can understand," Amstein said. "But you can't walk in cold.

"One farmer who flies to Washington or Topeka by himself isn't going to get much done.

"Agriculture is going to have to become more strongly organized. But you can't beat anyone over the head."

Organize is what Amstein has helped the KLA do in his 2 years as president.

In the past year, KLA's membership has increased by 900, swelling its roll call to above 6000.

The organization has a full-time, paid staff of 5 men working in Topeka, and it publishes a monthly magazine. The association sponsors the annual Governor's Beef Tour, a popular summer affair conducted in the home area of the year's KLA president.

Increased membership in KLA is in contrast to the declining number of farmers in general.

Amstein said it was unrealistic for people to bemoan the demise of the number of farmers or family-supporting farms.

"The decrease is not all that bad because of the increase in efficiency," he said. "It does make it harder for a man to start, but there will be room only for the sharp, aggressive individual who can master many trades necessary to survive as a productive farmer.

"There's not much room in this business for many mistakes, when you consider the high price of long-term investments."

Amstein said non-producing but farm-related jobs would become available to displaced sons of farmers who wanted to stay in agriculture.

If not optimistic over the future of farming, Amstein at least is hopeful.

"Today, for the first time in memory, we are competing on a world market for world prices with unsubsidized crops.

"Agriculture is one of the few areas in which our country can compete. The consumer will have to pay a little more for his food than he's used to, but in the last 10 years wage increases have risen faster than food increases."

Vitally interested in politics, and considered by some to be a prime candidate for some office in the future, Amstein grinned when asked about his political intentions.

"I'm going to spend some time in Topeka trying to help the agricultural cause during the legislative sessions, but not as a candidate. Not right now, anyway."

THAT JUSTICE MAY BE DONE—LET THE RULE OF LAW PREVAIL

Mr. McINTYRE. Mr. President, with equal measures of regret and determination I support the bill introduced by the distinguished Senator from Indiana, the Honorable BIRCH BAYH, providing for the naming of a special prosecutor by U.S. District Judge John Sirica.

Regret because I had hoped this would not become necessary.

Determination because it has become necessary.

Like countless other Americans, I accepted the administration's word that former Special Prosecutor Archibald Cox would be able to carry out his investigation without interference by the executive branch and would not be removed from his duties except for "extraordinary improprieties on his part."

And, like countless other Americans, I was stunned by Mr. Nixon's breach of this compact.

In no way, Mr. President, could I find "extraordinary impropriety" in Mr. Cox's refusal to accept summaries of the White House tapes, summaries that would not be admissible evidence in court, nor in his refusal to discontinue his efforts to subpena additional tapes or other Presidential papers bearing on the issues under investigation.

Indeed, I would have found it "extraordinarily improper" for Mr. Cox to have compromised that position in any way.

The question, Mr. President, is not whether Mr. Nixon had the right to fire Mr. Cox; the question is whether we can ever expect an independent, impartial, and thorough investigation by any special prosecutor under the control, direction, or influence of that branch of Government under investigation.

Regrettably, the entire history of inquiry into the affair known as Watergate has been a shameful one.

Two investigations launched from within the White House, one by John Dean and the other by John Ehrlichman, were at best superficial, at worst criminal, if we accept Mr. Dean's plea of guilty to obstruction of justice as evidence of the latter.

Then we had Assistant Attorney General Henry Petersen's admission that he yielded to White House pressures to contain the Justice Department's investigation before Mr. Cox was appointed special prosecutor.

And now we have the abrupt dismissal of Mr. Cox for refusing to contain his investigation.

Mr. President, there is no reason to believe that the next special prosecutor appointed by the executive branch will fare any better in either obtaining all pertinent evidence or in preserving his independence.

For though the President now has belatedly offered the nine White House tapes to Judge Sirica, he has, indeed, made it very clear he will not give up other tapes, documents, or memorandums that the next special prosectuor may conclude are crucial to the case.

In my judgment, Mr. President, the Congress must now enact legislation empowering District Judge Sirica to appoint the next special prosecutor.

I realize that the question of constitutionality has been raised, but I am encouraged by the endorsement of the proposed legislation by the board of governors of the American Bar Association, by the deans of 16 law schools, and by the former special prosecutor himself.

Beyond that, Mr. President, I believe the issue has become so pressing that the remote risk of unconstitutionality cannot and should not deter passage of this measure.

The appointment of a special prosecutor by the court would be one way of insuring a thorough and independent investigation; one way of assuring the American people that the guilty will be brought to trial, that the innocent will be cleared, that justice will be done, and that the rule of law still prevails.

To be sure, there is another way to accomplish this, Mr. President, one which most of us had hoped with all our hearts could have been avoided, but one which I have now concluded also would be in the best interests of all concerned, and not the least the President of the United States.

I would hope that while this body enacts legislation authorizing the District Judge to appoint a special prosecutor, the House of Representatives will carry out an inquiry to determine whether Mr. Nixon should be impeached.

Either the legislation proposed by our colleague from Indiana or an impeachment inquiry by the House Judiciary Committee would offer an orderly procedure for Mr. Nixon to clear away the avalanche of suspicion, cynicism, allegations, and circumstantial evidence of wrongdoing that has crashed down upon the White House.

As to the proposal for an impeachment inquiry, Mr. President, I was impressed by a paragraph in Crosby Noyes' column of October 25 in the Washington Star. Mr. Noyes, who in the past has been one of Mr. Nixon's staunchest journalistic supporters, argues in this column for proceeding with the impeachment investigation, and he makes this point, quote:

> The impeachment machinery that has been set in motion shows no sign of grinding to a sudden halt. And, indeed, it should not. Because of all the various investigations into the Watergate affair and the President's role in it, it could well be that the House Judiciary Committee, in examining the possible grounds for impeachment, has a stronger constitutional claim on the evidence held by the executive branch than any other group, including the Senate select committee and the courts.

Mr. Noyes then rightly points out that the central issue is the President's fitness to continue in office, and in my opinion, this can only be determined by one or both of the procedures under consideration.

As long as the clouds of Watergate, San Clemente, income tax questions, the milk deal, the wheat deal, the Vesco affair, ITT, Howard Hughes money, and all the rest hang over the White House, and as long as the President refuses to cooperate with the inquiries that could clear him, then a public whose capacity for outrage is still dramatically evident will never again accord him blind trust.

Neither flat denials of wrongdoings or knowledge of wrongdoing, nor flat condemnations of press and the networks for alleged distortion of fact will restore that trust, for denial alone will not exonerate, and the "distortion" of fact has turned out to be fact too many times in the last 12 months.

In short, Mr. President, there is no higher priority than restoring the public trust, and there is no other way of accomplishing this than the President's wholehearted cooperation with an independent investigation by a court-appointed special prosecutor, by the House Judiciary Committee, or by both.

In the absence of such cooperation, Mr. President, we are left, as columnist Joseph Kraft put it on October 25, with no other conclusion than that the President "either has something to hide or he likes confrontation and crisis for its own sake."

I find the latter as disturbing, indeed as unthinkable, as the former. For if the people's tolerance of venality in high office has been strained to the breaking point, so, too, has their capacity for absorbing crisis.

BUFORD PUSSER

Mr. BROCK. Mr. President, it is not too often that one gets the opportunity to honor a "living legend," but we have the opportunity before us. The man is Buford Pusser. He is the former sheriff of McNairy County in Tennessee. During his terms in office, this man gained the reputation as one of the most effective crime fighters in the United States. He attacked organized crime in his county with a passion seldom seen in modern time.

The results were startling. On numerous occasions, Buford Pusser was the target of attempts on his life. Twice, he was left for dead, in critical condition. During one of those attacks, his wife, Pauline, was killed. But even such a tragic occurrence as this did not deter him from his job, and he continued to use every legal course available to him to pursue his goal of eliminating crime in McNairy County.

His dedication to duty and to his fellow man have made him almost larger than life, and it is only fitting that Tennessee honored him on October 21, 1973. The State of Tennessee declared that day as "Buford Pusser Day in Tennessee," and he was honored at his hometown of Adamsville. Here we also should take note of this man's dedication to upholding the laws of this Nation for the example it sets.

CONSUMER REPORTS ON THE AIR

Mr. MOSS. Mr. President, one of the pressing needs of our time is to find ways effectively to bring reliable information on consumer products and services to the American public. I am pleased to note that television and radio stations, along with newspapers and magazines, are giving more time and space to presenting consumer news. But until now no one has developed a way to present to the public on a national basis, week in and week out, authoritative consumer information as a regular part of news programs on television.

For this reason I am excited to learn that Consumers Union, the well-known nonprofit consumer product testing organization and publisher of Consumer Reports magazine, has started a television consumer news service. The first effort of that service will be to produce a weekly Consumer Reports for airing primarily in local commercial television news programs throughout the country. I am told that Consumers Union is approaching stations through a syndicator and hopes to be on the air in early 1974.

The scope of the series is slated to be as wide as that of the magazine—bringing the American consumer valuable information and comparative ratings on products and services so that each individual can make the wisest possible choice under our free enterprise system.

The series is scheduling reports on a wide range of products such as foods, appliances, leisure goods, clothing, automobiles, and other consumer advice reports on insurance, health care and homeowning. In addition, the new series will report on significant advances in the work of the consumer regulatory agencies and other vital issues of consumer interest going forth in Congress.

The news service comes at a time when national interest in consumer affairs is growing at an unprecedented rate, spurred by rising costs in nearly every area of consumer expenditure. There is no doubt that the public is clamoring for more information on the way products perform, as well as their safety and value in the marketplace.

I, for one, believe that a consumer news service for television is long overdue and am very hopeful that it will receive wide exposure through television news program.

LUDWIG VON MISES

Mr. BROCK. Mr. President, as you know, Ludwig Von Mises died on October 10. More than any economist of our time, Dr. Von Mises reminded us that economics must ultimately be concerned with the aspirations of humankind. To Von Mises, the marketplace is not only a device for facilitating commerce, it is the great social invention through which free people express their diverse natures harmoniously.

Mr. President, I ask unanimous consent to have printed in the RECORD the tribute paid to Dr. Von Mises by the Wall Street Journal.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

LUDWIG VON MISES: IN MEMORIAM

(By William H. Peterson)

"Laissez faire does not mean: let soulless mechanical forces operate. It means: let individuals choose how they want to cooperate in the social division of labor and let them determine what the entrepreneurs should produce. Planning means: let the government alone choose and enforce its rulings by the apparatus of coercion and compulsion."

Ludwig von Mises—"Planning for Freedom." 1952.

A generation of students at New York University's graduate business school who took the economics courses of Ludwig von Mises remember a gentle, diminutive, soft-spoken, white-haired European scholar—with a mind like steel.

Professor von Mises, who died Wednesday at the age of 92, was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

All this was subsumed under the title of his 900-page magnum opus, 'Human Action,' first published in 1949. Mr. von Mises, a total anti-totalitarian and Distinguished Fellow of the American Economic Association, was professor of political economy at New York University for a quarter-century, retiring in 1969. Before that he had a professorship at the Graduate Institute of International Studies in Geneva. And before Geneva he had long been a professor at the University of Vienna—a professorship which the oncoming Nazi "Anschluss" take-over of Austria, understandably, terminated.

Among his students in Vienna were Gottfried Haberler, Friedrich Hayek, Fritz Machlup, Oskar Morgenstern and Karl Popper who were to become scholars of world renown in their own right.

Starting right after World War II, Mr. von Mises gave three courses at NYU: Socialism and the Profit System, Government Control and the Profit System, and Seminar in Economic Theory. In each course he carefully established the primacy of freedom in the marketplace. He stated that the unhampered pricing mechanism, ever pulling supply and demand toward equilibrium but never quite reaching it, is the key to resource optimization and, indirectly, to a free and creative society.

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies: capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and groups of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., non-coerced—individual choice is the key to personal and societal development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preferences in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

The problem, as Mr. Hayek later pointed out, is of the use of knowledge in society. A central planning board cannot obtain the knowledge of the decentralized market. To do so ultimately would be to require the central planning board to know as much as each human actor. Thus this knowledge is far beyond the reach of any centralized agency, even with the aid of computers.

Some years afterwards, Oskar Lange, then of the University of California and later chief economic planner of Poland's Politburo, recognized the challenge of the von Mises critique on Socialist economic calculation. So he in turn challenged the Socialists to somehow devise a resource allocative system to duplicate the efficiency of market allocation. He even proposed a statue in honor of Mr. von Mises to acknowledge the invaluable service the leader of the Austrian School had presumably rendered to the cause of socialism in directing attention to this as yet unsolved question in Socialist theory. The statue has yet to be erected in Warsaw's main square.

But probably to Mr. von Mises the more immediate economic threat to the West was not so much external communism as internal interventionism—government ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price supports, from pushing minimum wages up to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation.

As in socialism, interventionism also incurs the problem of economic calculation, of denial of consumer sovereignty. In his "Bureaucracy," he held that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of the consumers."

On the other hand, he maintained, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion of its usefulness." He concluded, therefore, "the problem of bureaucratic management is precisely the absence of such a method of calculation." Indeed, interventionism, he maintained, usually achieves results precisely opposite to those intended: subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

So, citing German interventionist experience of the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held so-called middle-of-the-road policies sooner or later lead to some form of collectivism, whether of the Socialist, Fascist or Communist mold.

INTERVENTION BREEDS INTERVENTION

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad. What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. von Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and ultimately stagnation. Further, it results in the swelling of the public sector and shrinking of private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market.

He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

FEDERAL REDTAPE AND THE PAPERWORK BURDEN

Mr. McINTYRE. Mr. President, I would like to make another of my periodic reports to the Senate on the Federal redtape and paperwork burden as it affects the 8½ million small businesses in this country.

For the past 2 years, the Senate Select Small Business Subcommittee on Government Regulation, of which I am chairman, has been conducting extensive public hearings into the reporting and statistical burden the Federal Government imposes on the businessmen and citizens of our Nation. In August of this year the Senate Small Business Committee issued a report which detailed the serious problems being experienced by businessmen who must pay between $18 to $50 billion a year to fill out the 6,000 or so forms required by the Federal Government. This report said:

> One major finding is that the Federal Reports Act of 1942, the Government's primary "paperwork controls law," is largely ineffective. We believe this is due to lack of effective enforcement and application by the White House Office of Management and Budget. This Office has complete responsibility for administering this law, but it refuses to carry out all of the provisions of the act. The agency has never held hearings or implemented the collection and consolidation of information-gathering procedures as it is "directed" to do under section 3(b) of the act. OMB officials state that they rely solely on the review procedures outlined in section 5 of the law to fulfill statutory demands. The agency, however, for many reasons, has not successfully met the requirements of section 5.

One reason cited by the report is that top officials at the White House Office of Management and Budget have consistently refused to adequately staff the Statistical Policy Division which reviews forms for clearance. Other congressional committees over the years have repeatedly urged an upgrading of the forms clearance procedure at OMB, but no productive action has been forthcoming.

Our committee report thus concludes that it is questionable whether OMB will ever administer the Federal Reports Act so as to effectively control the proliferation of Federal paperwork.

During this session of Congress I have introduced five pieces of legislation to deal with different aspects of this problem. One of these bills, S. 1812, would enable Congress to oversee more adequately reporting by the private sector to the Federal Government. S. 1812 would accomplish this end by transferring authority for the administration of the Federal Reports Act of 1942 from the Director of the Office of Management and Budget to the Comptroller General of the United States, and by including the Internal Revenue Service under the provisions of this act.

I should like to report that the transfer-of-authority provision contained in this bill may now in fact not be necessary. I had the opportunity recently of personally meeting with Mr. Roy L. Ash, Director of the Office of Management and Budget, to discuss this matter. I am pleased to report that Mr. Ash has very affirmatively agreed to join with the Subcommittee on Government Regulation and the Government Operations Committee to upgrade OMB's responsibilities required by the Federal Reports Act of 1942.

In a letter which I received from Mr. Ash on October 9, he candidly admitted that OMB has not done all that it could to implement this act. I was particularly interested in his statement that he had complained for years about the Federal paperwork burden when he was in business and now that he is working for the Government is determined to do something about it.

In our discussion, Mr. Ash agreed to the following major steps which he intends to take as Director of OMB to control Federal paperwork:

First. OMB would immediately toughen screening of all requests for forms under section 5 of the 1942 Federal Reports Act. A virtual temporary moratorium would be placed on all new forms requests from the agencies.

Second. Frank Zarb, Assistant Director, OMB, has been directed to work with the staff of the Senate Small Business Committee in an effort to begin a program under section 3 of the act. Efforts will be made to begin a process of elimination of many of the existing 6,000 Federal forms.

I am convinced that Mr. Ash is serious and that he will pursue very actively efforts to control Federal paperwork which businessmen refer to as "strangulation in triplicate."

I ask unanimous consent that the letter I have received from Mr. Ash under date of October 9, 1973, be printed at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Office of Management and Budget,
Washington, D.C., October 9, 1973.

Hon. Thomas J. McIntyre,
Chairman, Subcommittee on Government Regulation, Select Committee on Small Business, U.S. Senate, Washington, D.C.

Dear Senator McIntyre: I have received your letter of September 21, signed jointly by Senator Nunn, in which you note a number of Government reports which you believe to be either excessive or duplicative and on which you request a report. We are undertaking an examination of these reports and will have a response to you by October 19.

But beyond the specific reports, let me record my strong agreement with your effort to unburden businessmen from excessive and duplicative reports. I complained about this burden for years when I was a businessman, and I am determined to do something about it now that I am working for the Government.

I have asked Frank Zarb, Assistant Director of OMB, to begin a major study of how we can relieve the reporting burden on business, starting with smaller businesses, where the problem is more acute. We hope to sweep through all such Federal forms to determine which of these can be eliminated, reduced, or combined.

I am aware of your concern that OMB has not done all that it could to enforce the Federal Reports Act of 1942, and I share this concern, which unfortunately seems to have progressed to the point where other organizational locations are being considered for the clearance function. I would like to have the opportunity to prove to you my commitment to enforce this Act before any such action is considered—and I hope to meet with you to describe our plans in more detail.

Sincerely,

Roy L. Ash, *Director*.

TRANSPORTATION FOR THE HANDICAPPED

Mr. DOLE. Mr. President, as my colleagues know, I believe that handicapped Americans have been too long neglected and relegated to the status of second-class citizens. I am in favor of and have actively worked for passage of Federal legislation to alleviate the diverse difficulties faced by the handicapped in this country.

One of the most serious problems facing handicapped Americans is their lack of access to independent living because of the proliferation of architectural and transportation barriers. Early in this Congress, Senator Charles H. Percy and I introduced S. 1105, to encourage the removal of such barriers. To further combat transportational barriers, Senator Percy appeared before the Federal Aviation Agency on October 18 to testify on air travel for the handicapped. The Senator's testimony is evidence of his personal dedication to solving the problems of our handicapped and all mobility limited citizens.

In light of increasing congressional concern about the plight of the handicapped in this country, I recommmend for my colleagues' attention Senator Percy's testimony before the FAA. I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Testimony of Senator Charles H. Percy

Mr. Crawford, I am very pleased to have this opportunity to participate in the Federal Aviation Administration's (FAA) rule-making procedures on air transportation of handicapped individuals. Through the years I have steadily advocated more equitable opportunities for our handicapped citizens. The problems of accessibility that confront the handicapped have been of particular concern to me, for I find it shocking that in this 20th century the handicapped of this country are still a largely hidden population, whose lifestyles are persistently and cruelly restricted and impoverished by man-made architectural and transportation barriers.

Another shocking revelation has prompted my presence here this morning. I find it incomprehensible in this day and age that organizations as reputable and responsible as the Airlines Pilots and Stewardesses Associations would propose to return air travel for the handicapped back to the dark ages. For those who may not be familiar with the Associations' position, let me summarize the recommendations they offered before the FAA Rochester, Minnesota hearing:

1. Handicapped passengers are defined as any passenger whose mobility is limited;
2. The number of handicapped passengers per flight is limited to one handicapped passenger per 50 available seats. (In effect this means that no more than two handicapped individuals are to be accommodated on an average sized airplane);
3. Each handicapped passenger accepted per flight must be accompanied by an able bodied adult attendant who is capable of, and responsible for, caring for the handicapped passenger and his evacuation in the case of an emergency;
4. Handicapped passengers are accepted on a given flight *only* if the destination airport agrees in advance to provide fire and rescue equipment and personnel trained to evacuate handicapped passengers standing at the ready when the plane arrives.

If the airlines pilots and stewardesses have their way, air transportation, the only efficient means of long-distance travel today, would be severely restricted, not only to the physically handicapped but also to every mobility limited individual in this country. According to Department of Transportation estimates, more than 21 percent of the people of this country may be classified as mobility limited: Approximately 6 million Americans suffer physical handicaps which hamper their mobility; more than 20 million of our elderly citizens consistently experience difficulties with mobility; at least another 4.6 million individuals, including you and I, may become temporarily non-ambulatory due to short-term illness or injury; still others may be mobility limited because of stroke, heart condition, arthritis or pregnancy. When all these groups are combined, they total 44 million Americans.

I recognize that the airlines pilots and stewardesses may have offered their recommendations in the interest of assuring the health and safety of their passengers. There are safety problems unique to air travel. In an emergency crash, a handicapped passenger may have difficulty following the procedures established for the expeditious evacuation of the aircraft, thus placing his own life in danger and, perhaps, imperiling the lives of other passengers as well.

However, it must also be recognized that handicapped Americans have begun to travel as never before, as the travel industry seems to have discovered an enthusiastic new client. At least five travel agencies around the country have developed special tours tailored for the blind, the deaf and the non-ambulatory, ranging from African safaris to round-the-world trips. After an experimental program last year Pan American World Airways this year became the first airline to offer regular international tours to the handicapped.

More important, one airline has already led the way and, through experience, has proven that air travel for the handicapped is possible without ill effects. As early as the 30's, United Airlines initiated the policy that allowed the blind to travel in their air carriers accompanied by seeing-eye dogs. In 1946, United had already developed specific criteria for the transportation of paraplegic veterans. In 1962, United set a record carrying 52 wheelchair passengers both ways to a paraplegic convention in Hawaii. With ingenuity and an open mind, United has operated practically without the able-bodied accompaniment rule, using forklifts, selective wheelchair seating, or whatever was required, to help the handicapped overcome seemingly insurmountable physical barriers to air travel. If United can do it, why not the entire airline industry? What is needed is greater awareness, understanding and effort by all concerned.

Thanks to medical technology, rehabilitation techniques, changing public attitudes and legislation, handicapped individuals are enjoying more and more self-sufficient, independent lives. If any of you have ever seen the Paralympiad, or the International Wheel Chair Games, or the Pan American Wheel Chair Games, or the Special Olympics for the Mentally Retarded, you'll know what I mean. It is my genuine hope that these FAA hearings will develop uniform standards and a consistent national policy that will regulate air travel for the handicapped in a manner that realistically reflects the true abilities of the handicapped to travel on their own when unnecessary barriers are not placed in their paths. As for specific guidelines and recommendations, I suggest that FAA pay particular attention to the sensible and appropriate statements offered by the Paralyzed Veterans of America and the Chicago Rehabilitation Institute, organizations with a great deal of expertise and experience on the subject.

I would now like to end my testimony by quoting FAA Administrator Alexander P. Butterfield, "The physically handicapped are one of our most neglected minorities. As the victims of a great deal of indifference, as well as a certain amount of prejudice, their special needs have been ignored far too long by society as a whole. I think all of us have a responsibility to do everything in our power to correct this situation." My presence here this morning is my small contribution to the correction of the situation referred to by Mr. Butterfield. It is also my way of telling the handicapped in this country that there are a lot of us in the Congress, to name but a few—Senators Jennings Randolph, Norris Cotton, Harrison Williams, Robert Stafford, Jacob Javits, Robert Dole, Alan Cranston, and Hubert Humphrey—who are willing to listen to their needs, to learn their problems, and to speak for them where they cannot effectively speak for themselves.

ADDRESS BY SENATOR HUBERT H. HUMPHREY TO THE CONVENTION OF THE AFL–CIO

Mr. HUMPHREY. Mr. President, it was my privilege to address the American Federation of Labor-Congress of Industrial Organization—AFI–CIO at its 10th constitutional convention, Americana Hotel, Bal Harbour, Fla., on Tuesday, October 23.

My appearance before this great convention came at a time following the resignation of the Attorney General, Mr. Elliot Richardson, and the Deputy Attorney General, Mr. William Ruckelshaus, and the President's dismissal of the special prosecutor, Mr. Archibald Cox. This rapid succession of dramatic events caused deep concern and anxiety throughout the Nation and was reflected in the deliberations and actions of the AFL–CIO convention. That convention on Monday, October 22, prior to my appearance the following day, had already adopted a resolution calling upon the

President to resign and urging the beginning of hearings on the charges relating to impeachment. It was within this intense atmosphere that I was called upon to address this convention.

In my address I attempted to lay out what has been transpiring in our country in the so-called Watergate affair. I also outlined the events that were contributing to the confrontation between the executive and legislative departments of Government. I called upon the assembled delegates at the convention to proceed carefully and prudently and not to recommend any shortcuts or hasty actions that would violate constitutional procedure or law either in spirit or substance. I also outlined in my remarks my recommendations as of that time designed to deal with the governmental crisis that we faced at that time.

Finally, I called upon the convention to direct its political activities in the forthcoming weeks and months to assure a veto-proof Congress in the election of 1974.

I ask unanimous consent that the full text of my address to the AFL–CIO 10th constitutional convention be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

I come to you today at a troubled moment in the history of our nation. These are times that test the strength of our political system and the fabric of our society.

I come to counsel with you, to speak of the law, of the Constitution, of our political traditions, of our country—now and in the future. It is from this perspective that I address you.

Every school child is taught that we have a Constitutional democracy; that the Constitution is the supreme law of the land; that there are three separate and co-equal branches of government.

Every school child is taught that each officer of government solemnly takes an oath to uphold and defend the Constitution and that the President himself, above all others, is required by the Constitution to execute faithfully the law of the land.

Every school child is taught that every branch of government has its powers carefully defined in the Constitution.

We have been taught that our Constitutional heritage of limited powers was borne from bitter experience with kings who believed that they were above the law.

All of this has been capsuled in our Constitution which outlines the structure of our government, defines its powers and duties, and defines the purpose of government. Listen to the Preamble:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

There is not one word in the Constitution to protect the government from the people. Every word in the Constitution is intended to protect the people from the abuses of government.

Throughout the years you and I, and many others in the Democratic progressive tradition, have called for a strong Presidency. As Adlai Stevenson once said, "It is the only office that represents all of the people."

We need a strong President, one who will stand up for the weak, fight for the oppressed and care for the needy and the elderly.

We need a strong President—one who can and will stand up against the powers of corporate wealth and unite the people in the pursuit of common goals. We need strong and inspiring leadership from our President.

We need a strong President in the compassionate and progressive traditions of Franklin Roosevelt, Harry Truman, John Kennedy, and Lyndon Johnson.

But a strong President does not mean an arrogant President. It does not mean a President who violates the Constitution instead of breathing life into it. It does not mean a President who ignores the will of the elected representatives. It does not mean a President who will tolerate those who corrupt the election process.

But strong Presidents are only truly strong when they have the respect and support of the people.

That respect and support have been seriously undermined by what is known as Watergate and the events of the past week. Yet it is the faith and confidence of the people in their government that gives meaning to popular government. Without that faith and confidence, the government cannot govern.

President Nixon's actions have brought us to the brink of Constitutional and governmental crisis.

This is not merely an issue for Constitutional lawyers and academics. It affects every American. Our existence as a democracy and our Constitutional traditions of balanced and limited power are in danger.

Our present dilemma has been precipitated by the effort of the Executive Branch of government to relegate to itself powers belonging to others. While the President makes much of the separation of powers in defense of his position of Executive privilege, he has in fact by his actions made a mockery of separation of powers. He takes power unto himself.

These past months we have witnessed the spectacle of corruption, wrongdoing, criminal acts and irresponsibility in high places of government unfold before us like a nightmare. When the principle of limited power is ignored, and the concept of laws, not of men, is cast aside, then government by the consent of the governed is endangered.

The President's recent actions have shown us what happens when power is exercised without restraint and a President places his personal political welfare above his Constitutional mandate and the requirements of the nation.

James Madison once warned America about the risk of unchecked power, when he said, "The accumulation of all powers . . . in the same hands, legislative, executive and judicial . . . may justly be pronounced the very definition of tyranny."

These words written almost 200 years ago take on special meaning as we consider the events of this past weekend.

At midnight Friday the President chose not to appeal the Court of Appeals' decision ordering him to turn over tapes and documents to Judge Sirica. At that moment the Court's order became law. It is this law that the President has refused to obey.

Instead, the President tried in vain to get the Special Prosecutor to agree to a plan differing from the Court's order. The Special Prosecutor could not accept the plan, citing its legal inadequacies and its conflict with the mandate given him by the Congress, the Attorney General, and the President himself.

The Special Prosecutor insisted that he would appear before Judge Sirica in opposition to the Nixon plan.

Then the President took the step that authoritarian executives have traditionally resorted to—namely, he liquidated the office of Special Prosecutor and he ordered Mr. Cox to be fired.

He asked the Attorney General to carry out his directive; refusing to do so, the Attorney General resigned.

The order was again issued to the Deputy Attorney General. He, too, refused the President's order and he was fired.

A new Acting Attorney General then removed the Special Prosecutor.

A President who assured the nation that the Executive office would give "total cooperation to the Special Prosecutor" and a President who told us that "Watergate belongs in the courts" this past weekend decreed by Presidential order that the courts would not be permitted to decide between him and the Prosecutor. He, the President, would do the deciding.

So, I ask: Who will be the people's representative before Judge Sirica today or tomorrow when the White House lawyers argue that the Court should modify its order to accept the Nixon plan?

The nation is left with a President facing the possibility of a contempt of court order, a Justice Department shattered, and an impartial investigation of his Administration halted.

All of these measures reflect the actions not of a Constitutional President, but of a man "obsessed" with power.

The pattern of exercising unrestrained power is dangerous; it is dictatorial; and it is unacceptable for a free people.

We have seen it in Watergate. We have seen it as he illegally impounds funds. We have seen it as his spokesmen falsify and misrepresent actions taken by his Administration.

We have seen it in the secretive and illegal acts performed in the name of national security.

It is inconceivable that a President of all the people would choose to rule by edict rather than by consent, that he would make himself both judge and jury, and that he would so callously replace moral leadership with a political maneuver designed to assure his survival. But this is exactly what the President has done.

The Congress and the judiciary have the responsibility to curb these improper uses of power. The American people must be reassured that justice cannot be dismantled by an elected official who views himself as above the law. What America needs is a white paper of truth, not a whitewash of an Administration.

Throughout the Watergate crisis, the Congress, the courts, the Special Prosecutor have sought to avoid the Constitutional confrontation we face today. We have repeatedly asked the President to accept and abide by the decision of the Court. He can and should do this. He can spare the nation this Constitutional crisis, if he will respect the decision of the Court or at least follow the judicial process. But, so far, he has failed to do this.

So, now, failing Presidential compliance, it is up to the Congress and the judiciary to act responsibly to resolve this crisis.

First, it is essential that a new Special Prosecutor be named and his work continued. This could be done immediately either by Judge Sirica or by special act of Congress. There is precedent for both.

The new Special Prosecutor should have full access to all of the evidence that has been accumulated in this case, and all the powers and resources of a truly independent prosecutor.

Until these investigations are completed, a cloud of suspicion will hang over the President, his entire Administration, and the Presidency itself. It is essential that this new inquiry be beyond the political reach of the President.

Second, instead of my rendering judgment on impeachment itself, I urge the appropriate committees of Congress to act promptly and judiciously in considering the best possible procedures for looking into these tragic facts and events—to hold full and complete hearings on the impeachment motions filed by members of the House.

The Constitution places the responsibility for impeachment proceedings upon the House of Representatives. The Senate sits as judge and jury. As Senator, I believe it is my duty not to prejudge this case. But as a public official, it is my duty to see that Congress and the public has the facts.

Third, I would strongly urge Senator Stennis to reconsider accepting the Presidential request to hear the tapes until the Select Committee has decided to accept the President's proposal and until the Federal District Court has ruled on its acceptability. My position in no way reflects on the integrity and competence of Senator Stennis, a man held in high esteem by the entire Congress. But his participation implies that the President's proposal is, indeed, an "acceptable compromise" and that the Senate has acquiesced. As yet, neither the full Committee nor the Senate has agreed.

I would hope that the District Court would promptly rule on the acceptability of the so-called compromise and whether or not the President is in contempt of a court order.

I believe what I have outlined is a reasoned course of action. Despite the gravity of these recent events, we must not let passion and prejudice interfere with the Constitutional remedy at hand. "Due process of law"—procedures and procedural safeguards are basic to a fair and just and free society. Procedure often determines substance.

I caution every American not to fall prey to the abuse of rhetoric, just as the President has fallen prey to the abuse of power. We must act responsibly, with full adherence to legal procedures.

Despite our outrage and anxiety, we must pursue a course consistent with the law, the courts, and the Constitution. We cannot and must not resort to a "political lynching party" or just be out to "get the President." That is wrong and indefensible.

The safeguards of our system are all there if we do not ignore them or abuse them.

Democrats, Republicans, citizens from all walks of life have an equal stake in the resolution of this sordid and tragic affair.

Our problems at home and abroad demand decisive action so that the business of government can be pursued. There is work to be done—great and necessary things to do.

Our economy is in trouble. We have an inflation that eats into the income of every working family, denying them the full benefit of their hard earned dollars. The economic policies of the Administration have rewarded the powerful corporations and financial institutions. The elderly and the poor have been victimized by cruel inflation.

Yes, there is an unfinished agenda including health care legislation, tax reform, budget reform, campaign finance reform, voter registration, education for our young, care for our elderly, employment for our jobless.

These problems confront us no matter who is President, who is Vice President, who is Attorney General, or who is Special Prosecutor.

To accomplish these objectives I call upon this assembly of American workers to help us build a veto-proof Congress. Today we have government by minority—one third plus one—government by one man—government by edict. We must put an end to minority rule. We must put an end to one man rule. We must put an end to government by edict. And we can—we must.

Only 54 weeks from today the American people will once again go to the ballot box to decide the course our country is to follow. A new Congress is to be elected, along with governors, legislators, and local officials. We must not permit cynicism, bitterness, frustration, and division to weaken our resolve.

We have learned what it means to lose elections. We have paid a heavy price for defeat. When we lose an election, someone else makes economic policy; someone else makes up the Federal budget. And those who already have too much, get more. And those struggling to have enough, get left out.

When we lose elections, someone else appoints the judges; and courts make law too.

Yes, losing elections is a painful and costly experience. Defeat has meant hardship for the American working family, distorted budget priorities, inequitable economic policies, continual Presidential vetoes of essential programs, illegal impoundments of public funds, and corrupt leadership and election scandals.

But the American people have the right to expect more than criticism and complaints from their political leaders and parties.

They have a right to know what we are for.

They have a right to know in what direction we would have our nation go.

Elections should be fought over the issue of national priorities—not only how much shall be spent but on what it should be spent.

We must present strong policy leadership—policy goals—to put America's house back in order.

Here are some of the things we must have:

A national food policy for the remainder of the decade to assure our consumers an adequate supply of food at reasonable prices with maximum production of food and fiber for export. We need a system of food reserves to protect the American consumers from wild price inflation and provide the poor at home and abroad with a margin of safety for their survival.

A national energy policy to end our dependence on foreign supplies to meet our energy needs. We must never allow ourselves to be in a position where we can be threatened or blackmailed. A nation that could split the atom and put a man on the moon can also develop the capability to produce the fuel needed to assure our prosperity. Whatever is required must be done.

A national trade policy that encourages American exports but will not permit American workers to be the victims of unfair foreign competition. We need to export goods, not jobs.

A national health policy to provide the preventive and curative health care for all Americans. Yes, a program of national health insurance and the expansion of health facilities and medical personnel.

A national urban policy designed to make our cities liveable, safe, and modern. We must not ignore the needs of our cities, this neglect which has become "the new racism."

A national transportation policy which includes a much greater effort to improve the farm to market road system of rural America, to expand urban mass transit, and to complete our great interstate highway system.

A national policy of equal rights and opportunities for all Americans and a firm commitment to make it work.

A national education policy that guarantees every girl and boy the opportunity for quality education from pre-school through graduate school.

A national security policy that keeps America strong but bases that strength not only on a modern and effective military force—but strength from an economy that expands, strength from jobs for all, strength from the health and education of our people. National security is not to be found in White House Plumbers, in wiretaps on loyal Americans, in secrecy and abuse of Executive Privilege. True national security lies in the faith and confidence of the people in their government.

We must work and work and work for a united party and a united America. We cannot afford to pay the price of more election defeats.

We must bury the axe of party disunity and return majority government to our land.

We must have a "veto-safe" Congress in 1974 and a President for all the people in 1976.

PRODUCTIVITY IN INDUSTRY IN AMERICA

Mr. BROCK. Mr. President, there is a crisis of major proportions in the making in America. It is one that has created and, indeed, fostered much of what we could call our working lifestyles in recent years. I am simply talking about productivity in industry in America. It has become a matter of grave importance. One that the Congress, the business world, and the worker must quickly address. We need an immediate emphasis on productivity in industry, seeking ways to stimulate better cooperation between labor and business leaders to address such problems as job enrichment, worker morale, absenteeism, the use of drugs, alcoholism, and other elements which have caused us to lose some of our competitive edge compared to other free nations of the world. Recently, several unions and contractors have recognized what is happening, and they have joined together to take some affirmative action, E. E. Halmos, Jr., in an article in Constructor magazine, points out several areas in which work is being done. I ask unanimous consent that this article be printed in the RECORD, to bring attention to what can, and should be done in recognizing and solving this growing problem.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNIONS JOIN CONTRACTORS IN PRODUCTIVITY PUSH

(By E. E. Halmos, Jr.)

Following dozens of different channels that begin at as many sources, the construction industry is moving slowly toward a major objective: An increase in productivity on the job.

The reason is a very real fear that the industry will price itself into a slump, if it can't hold down costs and produce more and better work per dollar spent.

The slogan voiced by several labor union leaders—"work smarter, not faster"—seems to be the right answer. Only by convincing workmen themselves of the need for better production can any real progress be obtained.

Organizations involved in the overall effort range downward from the federal government through national contractor and owner organizations, labor groups, and professional societies. And the effort itself can't be called a snowball. There's a long way to go. Labor is still suspicious of anything that smacks of time-and-motion studies of whipcracking. There is the often justifiable complaint that poor management, poor scheduling and coordination, unrealistic design and specifications are much more to blame for poor production than is labor malingering.

As a matter of fact, much of the drive isn't even easily identifiable under the name of "productivity." Some begin simply as efforts to improve labor-management relations, or upgrade training for both apprentices and journeymen in newly-developed aspects of their trade, or even to insure compliance with new safety laws.

The efforts have often developed into public-relations campaigns aimed at workmen and the general public or training programs of varying lengths and intensities, even the inclusion of workers' "obligations" in contract documents.

Nevertheless, the end result is a discernible drive for better productivity.

The list of those involved is increasingly impassive. They include, for example:

The President's National Commission on Productivity, just renamed the National Commission on Productivity.

The newly reactivated "Plan for Settlement of Jurisdictional Disputes in the Construction Industry."

The three-year-old Council of Construction Employers.

The Associated General Contractors' joint safety training programs with the Laborers' union.

The National Training Fund of the Sheet Metal and Air Conditioning Industry.

The Business Roundtable, of New York City.

The New York City chapter of the National Electrical Contractors, working with IBEW Local 3.

The Plumbing and Heating Industry Fund, in Detroit.

The National Roofing Contractors Association.

The "National Conference of the Building Team", sponsored by the Producers Council.

Many local and state-wide contractor and labor organizations.

Approaches vary considerably, and often seem to have no direct connection with the immediate problem.

For example, the "National Commission" was set up to provide basic facts for the current and future economic controls program. It has already studied such things as food prices and production, and the "health services" industries, and conducted a day-long conference on productivity in the construction industry. Only result of that latter conference, so far anyway, is the hoped-for printing of conference proceedings some time this year.

"PLAN" OFFERS HOPE

On an industry-wide basis, and somewhat on an indirect approach, best hope for better productivity may be the newly constituted "Plan for Settlement of Jurisdictional Disputes", replacing the moribund "Joint Board" for such settlements. If it can reduce jurisdictional squabbles among labor organizations, it could contribute strongly to better and probably lower-cost production of projects.

The hope for success lies in the new structure's "impartial" boards and appeals bodies, rather than the old tri-partite arrangement, insertion of provisions for penalties against unions which fail to comply with decisions, a "Technological Change" committee to study jurisdictional problems that may be created by introduction of new technology or materials, and requirement that compliance with Board decisions must be effected before an appeal can be taken.

Still another approach is through the new safety requirements governing construction work. Such an approach is the jointly sponsored AGG/Laborers program to train supervisory personnel and others in the proper use of safety devices in trenching and excavation through one-day "schools" at points throughout the U.S.

The Sheet Metal Workers, on a national basis, and Electrical Workers (Local 3) in New York started with the premise that they needed better employer-employee relations. Then they moved into training and safety by sponsoring training programs that are separate from regular apprenticeship courses. Their programs are designed primarily to upgrade skills of journeymen and supervisory personnel to handle increasingly complex safety and technical requirements. The Sheet Metal program, supported by a 2-cent an hour employer contribution, started with training some union members to teach classes. It has now expanded into a full program covering the union's 12 regions. The Electrical workers effort started a year ago in metropolitan New York, again, primarily to train union members to teach. It will now blossom into a full 30-session training course that may handle as many as 1,500 students a year.

Following this approach, other building trades unions have recently expanded their apprenticeship programs to help members cope with increasingly complex technology.

On the professional side, many of the major technical societies have devoted numerous special meetings and seminars to discussions of more economical designs to allow for better efficiency in the field.

The most direct approach to productivity itself, however, is being adopted by local and statewide contractor organizations, usually with solid union backing. An example is the "Build America" Plan created through a committee with AGC's Detroit Chapter and three other contractor groups. Their program is an all-out public relations effort to (1) build public awareness of the contributions of construction men to national progress, (2) build up morale and pride among the workers.

The program includes distribution of stickers for hard-hats, windshields and auto bumpers. An increasingly sophisticated series of posters are being placed on and around construction sites stressing the costs of late starts, early quits, extended coffee breaks, and shoddy or careless work. Included also are coffee cups imprinted with figures as to the cost of each minute of a coffee break, and other gimmicks and gadgets designed to remind employees of their obligations.

"OBLIGATIONS" IN CONTRACTS

An even more direct approach has been taken by AGC's Hawaiian chapter, which last year succeeded in writing in workers' "obligations" to their employers as part of all but two major wage contracts. The remaining two contracts both come up for renegotiation this year, and the contractors intend to include such provisions in them. The idea, say Hawaiians, is that if the obligation to report to work on time and put in a full day's work without undue breaks becomes a contractual matter, it can be enforced.

Close observers of these efforts say that productivity has increased as a result, though there are no statistics yet to prove it.

Everyone concerned with the problem seems to be in agreement on several points:

1. There is probably no way to arrive at "norms" to measure actual production per man-hour or per workman in the construction industry. The industry is too varied, too specialized, and depends on such a vast assortment of interrelations between trades, suppliers, contractors, designers, owners that job-to-job measurement simply is not a valid basis for setting standards.

2. Economic or other "fear" approaches to workmen, with one exception, have little value. The construction industry has been booming for so long that craftsmen and even laborers have no fear of layoff or discharge. It is too easy for them to go to another site and not even miss a paycheck. Besides, with generally high annual pay, the workers have become more concerned with their own housing, recreational activities, and family relationships than with the problem of day-to-day living that formerly operated as the greatest spur to working.

Only one threat—and even that must be subtly played—seems to have had any real effect: The threat of loss of whole projects to "open shop" contractors, in areas where the building trades are strong.

3. Management is far from blameless in the matter. Some construction men think this is in part due to the fact that many now in top jobs in construction companies began their careers in the era of World War II, when federally funded "crash" programs got so large that planning and management got sloppy. The continuing boom in the industry's business has made it possible for some people with this sort of background to survive and prosper. In any case, with a squeeze down now becoming apparent, this will not continue. Management must look to its own methods to see what it is doing in terms of poor scheduling, purchasing practices, overdesign, poor supervision and the rest.

4. Finally, everyone is agreed that the only workable approach is through appeals to pride—pride of craft, pride of person, pride of accomplishment.

LUMBERING AHEAD

Mr. McGEE. Mr. President, earlier today I introduced legislation that would provide for a thorough, interdisciplinary review of the practice of clearcutting on our national forests. This is not exactly a new issue with me; nor a new bill. I have sponsored it and advocated it in prior sessions of the Congress.

Recent developments have persuaded me to renew efforts leading toward such a study, and to seek a moratorium on the practice of clearcutting in the interim. Chief among these recent events was the release of the report of the White House Panel on Timber and the Environment—a report which flies in the face of every other significant study on western forests, at least, made during the last 5 years. Another development of deep concern was the decision, imposed on the Forest Service, I am sure, to cut back on personnel and cut back on reforestation and timber stand improvement programs.

Yesterday, the Washington Star-News took editorial note of these recent developments, concluding that—

> Until more caution is visible, and a better evaluation than this report provides, there will be much skepticism about any surge of tree-cutting.

Mr. President, I ask unanimous consent that the Star-News editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Lumbering Ahead

In the past, President Nixon has been a bit cagey in commenting on the finished work of some presidential study commissions—those dealing with difficult social questions. Quite a different reception, however, awaited the report of the White House Timber Advisory Group, which proposed a sharp increase of lumbering in the national forests. It received Mr. Nixon's instant approval, and what's more, he conducted the study team on a tour of White House grounds and personally took the measurement of an oak tree. We trust that this was merely symbolic, since there is fully enough racket downtown without adding the whine of chain saws.

Seriously, of course, there is a need for expanding lumber production, to meet housing requirements that grow larger by the day. A good many more board feet probably can be extracted from federal forests without appreciable harm, but hard questions arise, pertaining to extent and method. Certainly the study panel's contention that cutting in virgin forests of the West might be increased by 50 to 100 percent should be subjected to a great deal more expert scrutiny, before anything on that scale is considered.

While indicating that lumber production can be enlarged vastly in national forests, above what the U.S. Forest Service now contemplates, the report hedges on the most controversial subject—clearcutting. This is the lumber industry's equivalent of strip mining, in which trees are cleared away totally, in large swaths, instead of being cut selectively. Done in limited degree, on the right kind of terrain and with adequate provision for reforestation, this can be an acceptable process. But it has left some unsightly messes behind, including erosion and siltation, where proper conservation practices were not carried out. The study group, in its qualified way, seems to sanction increased clearcutting on public lands, which apparently was what the Nixon administration wanted to hear. And needless to say, the timber industry was grateful.

The advisory panel inserted one qualification, though, that may give the administration some trouble: Lumbering should be accelerated only if more federal money and forest-management personnel are provided, to prevent environmental abuses. But the White House, unfortunately, seems inclined the opposite way. It has refused to spend funds authorized for needed reforestation, and advocated cutbacks in Forest Service personnel, while planning larger timber harvests. Until more caution is visible, and a better evaluation than this report provides, there will be much skepticism about any surge of tree-cutting.

BILL STREET

Mr. BROCK. Mr. President, Bill Street was a journalist of considerable talent, immense integrity, and great good humor. As mid-south political editor of the Memphis Commercial-Appeal, he covered the politics of Tennessee, Arkansas, Mississippi, and Alabama, and he did it well.

He understood politics, and the forces that work to solve problems. He also understood people, and he combined these understandings with a mastery of the English language, with the result that his writing was both perceptive and enjoyable.

A native of Ripley, Miss., and a graduate of the University of Mississippi, he joined the Commercial-Appeal in 1950, and advanced swiftly, becoming political editor in 1967. He has served as president of the midsouth chapter of Sigma Delta Chi, and chairman of the Memphis Press Club, which administers scholarships for journalism students.

In all of these activities, he earned the respect and friendship of all who came in contact with him. Combined with the admiration which he had from thousands of readers, it made him one of the most able leaders in Tennessee journalism.

Those of us who knew him, however, will be poorer still for the loss of a fine gentleman and a dear friend. We will miss him greatly.

His wife, Maxine, and his family have our deepest sympathy.

PABLO CASALS

Mr. HUMPHREY. Mr. President, the world has just suffered a great loss in the death of one of our greatest artists and noblest spirits—the beloved maestro, Pablo Casals.

One of the truly enduring rewards of public life is the privilege to know interesting and oftentimes great people. It has been the privilege of Mrs. Humphrey and myself to have known as a dear friend the famed musician, Pablo Casals. It is indeed a rare privilege to share in the friendship of such a remarkable man. He was truly unique not only because of his amazing talents as an artist and a world renown cellist but also because of his sense of decency, honor, compassion, and unselfishness.

If ever one man gave his life to the cause of the enrichment of the lives of people—all people, of all walks of life—it was Pablo Casals. If ever there was one person in our time whose very life was a living testimonial to the meaning of peace and love, it was Pablo Casals. His life spanned almost a century. Never did he become bitter or cynical, nor did he ever turn away from his dedication and devotion to democratic principles and institutions.

We will remember him for so many reasons. He will be remembered for the occasions that he played for our Presidents in the White House. He will be remembered for his appearance at the United Nations concerts. He will be remembered for his many great masterpieces of music and, above all, for the genius that was his and his love of music. But he will be remembered by the workers of Puerto Rico, their families and their children, for his kindness to them and his willingness to bring them the great music of the ages.

This man's life is filled with the history of this century. His spirit and his music will live forever. Truly, he was an immortal man.

I ask unanimous consent that an article that appeared on the date of October 23 in the New York Times by Mr. Alden Whitman be printed in the Record, also an article by Mr. Paul Hume of the Washington Post, and finally an article by Mr. Richard Slusser of the Washington Star-News. These three well-written and fully documented articles reveal the wide range of interests that the beloved Pablo Casals pursued. He was the universal man. And those of us that had the privilege of knowing him and sharing in his friendship will remember him to the end of our time. The world is a much better place in which to live because the great maestro Pablo Casals lived here.

There being no objection, the material was ordered to be printed in the Record, as follows:

Casals, the Master Cellist, Won Wide Acclaim in Career That Spanned 75 Years

(By Alden Whitman)

"I think it goes like this," a cello student struggling with a Johann Sebastian Bach suite once told Pablo Casals.

"Don't think," the master cellist replied. "It is better to feel."

With this emphasis on an inner sensitivity to a Composer's intentions, Casals was able to demonstrate what luminescent and human music could be drawn from the strings of a rather awkward instrument. In concerts and recordings over some 75 years, he provoked awe and applause for the profundity of his insights, the felicity of his playing and, above all, the soaring purity of his interpretations of baroque and classic composers. Each was his specialty, but he was also at home with Boccherini, Mozart, Brahms, Beethoven, Schumann and Dvorak.

At the same time Casals (he pronounced the name (KaaSAALS) won much admiration and acclaim as a man of probity and principle for his humanitarianism, his personal musical "crusade for peace" and his one-man stand against the regime of Francisco Franco in his native Spain. Few musicians achieved in their own time the international renown accumulated by Casals.

Part of this fame, in the United States at least, came very late in life and rested on Casals' talents in conducting, which he fancied as his real metier and which he had practiced, mainly in Europe, since 1920. Conducting gave him a sense of fulfillment, he said, because orchestras, with their human teamwork, are "the greatest of all instruments."

Early in his career, on his first American tour in 1901, a falling rock crushed the fingers of his left hand. His first thought, as Casals recalled it, was, "Thank God, I won't have to play the cello any more." He associated that reaction with his desire to conduct.

After a period of semiactivity in Europe starting in 1945, Casals went to Puerto Rico to live in 1956. He was then 79 years old and seemed spent. The next year, however, he started the Festival Casals, which became an annual springtime program of concerts. He had a heart attack just before the opening of the first festival, but he recovered buoyantly in the following years, using an orchestra brought together by Alexander Schneider, the violinist and an old friend. The concerts drew thousands of mainlanders to the island and introduced the post-World War II generation of music lovers to Casals.

Then in 1961 he joined Rudolf Serkin's Marlboro Music Festival in Vermont, where each July he conducted the orchestra and gave master classes in the cello. And, beginning in 1962, he conducted a choral work in New York every year. His first presentation was his own oratorio, "El Pesebre" ("The Manger"), a lengthy composition dedicated "to those who have struggled and are still struggling for the cause of peace and democracy."

WHITE HOUSE CONCERT

In this period of resurgence, Casals gave a widely publicized cello recital at the United Nations in New York in 1958 to mark that organization's 13th anniversary. Three years later he played to a distinguished gathering at the White House on the invitation of President John F. Kennedy.

The public attention that Casals generated in those years helped also to swell sales of his cello recordings, and this, in turn, created new esteem for his wizardry with the bow. Thousands who never saw him nonetheless came to know him intimately.

Another element of his appeal to the public was his apparent refusal to age or grow stale. "Sometimes I feel like a boy," he told an interviewer in 1964. "Music does that. I can never play the same piece twice in the same way. Each time it is new."

Watching him rehearse an orchestra when he was 89, an astonished student exclaimed:

"When the maestro came onto the stage he looked 75. When he stepped on the podium he seemed even 10 years younger. And when he began to conduct he could have been a youngster ready to chase Easter eggs."

INNOVATIONS IN PLAYING

In the musical world, Casals's enduring reputation was associated with two accomplishments: his single-handed restoration to the repertory of Bach's cello music, especially the six magnificent unaccompanied suites; and his innovations in bowing and fingering that gave the cello a new and striking personality in orchestral and solo works.

He greatly lightened the work of the left hand, for example, by changes of finger positions, thus adding to its mobility. He also showed that it was possible to attain fresh subtleties in tone by freer bowing.

His own style was aristocratic. He made the most difficult passages seem simple yet luscious, all the while shunning pyrotechnics and gimmicks.

Casals came upon the Bach suites by accident when he was 13 years old and browsing with his father in a Barcelona music shop.

"I forgot entirely the reason of my visit to the shop and could only stare at this music which nobody had told me about," he said years afterward. "Sometimes even now, when I look at the covers of that old music, I see again the interior of that old and musty shop with its faint smell of the sea.

"I took the suites home and read and reread them. For 12 years after that I studied and worked every day at them. I was nearly 25 before I had the courage to play one of them in public."

When he did play them, the suites were disclosed as a transcendent musical experience, not the abstract exercises they had previously been believed to be.

"For me, Bach is like Shakespeare. He has known all and felt all," Casals told Bernard Taper in a Profile published in The New Yorker in 1961. "He is everything. Everything except a professor. Professor Bach I do not know. When people ask me how I play Bach, I say, 'I play him as the pianist plays Chopin.' There is such fantasy in Bach—but fantasy with order."

Casals was of medium stature—not much taller than his Groffriller cello—and not heavily built. The top of his head had been bald since his early 20's. In repose, his face and his blue-gray eyes (behind round glasses) tended to be somber, but a smile imparted radiance and geniality to his face.

He was direct in his speech, exceedingly polite, a careful dresser (youthful photographs show him to have been quite a dandy in a romantic sort of way) and quietly dignified. He relaxed by reading, playing tennis, chatting with friends, smoking a pipe (he was rarely without one) and, in his late years, by watching Westerns on television.

To hear Casals was a moving and memorable experience. He sat with his eyes closed, his head turned sidewise and a little lifted, as though he were communing with some secret muse. His fingering and his bowing were so flawless that they seemed automatic, yet it was evident that they resulted from concentration.

He had superb savoir-faire. Once when a loose cuff bothered him, he stopped playing, slowly took off the cuff, put it on the floor and resumed playing where he had left off. When a string broke he would retire from the stage, replace it and, returning to his chair, start the solo from the beginning, such was his drive for perfection.

When Casals played a chamber music program at Perpignan, France, in July, 1951, Howard Taubman, then music critic of The New York Times, wrote:

"As a musician, Casals is all of a piece. Whether he conducts as he did in the second orchestral program of the Bach-Mozart-Beethoven festival . . . or plays the cello, there is a fine-grained consistency running through all his musical labors. . . .

"His work at the cello . . . was remarkable for its modesty and restraint, and if one listened closely one could hear innumerable felicities of technical mastery. As an admiring violinist observed, 'Do you note the four shades of color he got in one bow?' "

Casals was an ardent supporter of the Spanish Republican Government. He never reconciled himself to the Franco regime, which he considered tyrannical. With the Franco victory in 1939 he went into self-imposed exile, living until 1956 in Prades, France, some 40 miles from the Spanish frontier.

Up until 1958 he refused to visit the United States because it recognized Franco. "I have great affection for the United States," he said when he moved to Puerto Rico, "but as a refugee from Franco Spain I cannot condone America's support of a dictator who sided with America's enemies, Hitler and Mussolini. Franco's power would surely collapse without American help."

But Casals bent his attitude sufficiently to play at the United Nations in 1958 because of "the great and perhaps mortal danger [of nuclear war] threatening all humanity."

Then in 1961 he relented further and played at the White House. In subsequent years he came to this country for regular yearly visits.

Pablo Carlos Salvador Defilló de Casals was born in the Catalan town of Vendrell, 40 miles from Barcelona, on Dec. 29, 1876, the second of 11 children of Carles and Pilar Defilló de Casals. His father was the town organist.

"From my earliest days," Casals recalled, "music was for me a natural element, an activity as natural as breathing." He could sing in tune before he could talk clearly, and at the age of 5 he was a soprano in the church choir. His father taught him the piano, violin and organ, and when he was 8 he began substituting for his father as church organist.

Shortly after Pablo's 10th birthday he heard a cello for the first time when José Garcia performed in Vendrell. After some coaxing, the elder Casals bought his son a cello and gave him a few lessons. Pablo was fascinated by the instrument and proved so adept at it that he quickly exhausted his father's pedagogical abilities.

ENROLLED IN MUSIC SCHOOL

With his mother's backing and against the wishes of his father (who wanted the boy to become a carpenter), Pablo—not quite 12—went with his mother to Barcelona, where he enrolled in the Barcelona Municipal School of Music. To earn his living he played evenings for dances with a trio at the Café Tost, and later he persuaded the owner to devote one night a week to classical music.

That night attracted serious musicians to the bistro, including Isaac Albéniz, the composer and pianist. When Casals was graduated from music school at the age of 17 with first prizes for cello, piano and composition, Albéniz gave him a letter of introduction to Count Guillermo de Morphy, a music patron who was an adviser to Queen Mother Maria Christina in Madrid.

The Count, taken with the young cellist, introduced him to Maria Christina, who was also charmed and who granted him a monthly stipend of 250 pesetas (about $50) for his studies.

Casals lived in Madrid from 1894 to 1897, going to school at the Royal Conservatory of Music, playing duets with the Queen Mother (she was a fair pianist), chatting with the child who was to become Alfonso XIII and being guided in his general education by the Count de Morphy.

From Madrid, Casals and his mother went to Brussels, but, miffed by an unfriendly reception at an audition there, he went to Paris, where he played at the Folies-Marigny at a wage barely sufficient to keep him and his mother from starvation. After a short time they returned to Barcelona, where Casals got a job teaching at the music school. For two years he taught cello, played it in the Barcelona Opera orchestra, gave concerts in churches and formed a string quartet, all the while saving money for a return to Paris.

In the fall of 1899, just before his 23d birthday, he arrived in that city again, carrying a letter of introduction to Charles Lamoureux, the eminent conductor, from the Count de Morphy. When Casals presented himself for an audition, the conductor was annoyed by the instrusion. Nonetheless, the cellist sat down and began to play parts of the Lalo Cello Concerto. With the first notes, Lamoureux hoisted himself up from his desk and stood facing Casals until he finished playing, whereupon he embraced the young man and said, "My boy, you are one of the elect!"

SENSATIONAL DEBUT

Lamoureux immediately engaged him to play the Lalo concerto with his orchestra, and Casals made his Paris debut Nov. 12, 1899. He created a sensation there, as he did in London shortly afterward. In Britain he also played for Queen Victoria.

From then on his career was made, and he never lacked for engagements or for an audience. He commanded top fees, but lived economically.

For the next 20 years, until 1919, Casals, using Paris as his base, played in the principal cities of Europe and the Americas. He made his New York debut in 1904, playing the Saint-Saens Cello Concerto with the orchestra of the Metropolitan Opera and winning a chorus of critical bravos. Later that season he was the cello soloist here in Richard Strauss's "Don Quixote," with the composer conducting his own tone poem.

Many of Casals' performances in those years were chamber music, which he played with Jacques Thibaud, the violinist, and Alfred Cortot, the pianist. In the United States he also gave chamber music recitals with Harold Bauer, the pianist, and Fritz Kreisler, the violinist, and with Kreisler and Ignace Paderewski, the pianist.

In that period Casals formed friendships with such musicians as Georges Enesco, Maurice Ravel, Camille Saint-Saens, Sergei Rachmaninoff, Gregor Piatigorsky, Emanuel Feuermann, Artur Schnabel, Eugène Ysaye and Paul Hindemith.

In 1914 Casals married Susan Metcalfe, the American lieder singer. It was his second marriage; the first, to Guilhermina Suggia, a Portuguese cellist, in 1906, had ended in divorce six years later. For several years Casals was the piano accompanist for Miss Metcalfe, a soprano, and at one point he considered dropping his career to further hers. However, the couple parted in 1920.

After World War I and with the breakup of his marriage, the cellist turned his energies to Barcelona, where, in 1920, he founded the Orquestra Pau (Catalan for Pablo) Casals and subsidized it for seven years at a total cost of $320,000 until it became self-supporting. In these years (and afterward) he was its principal conductor.

Early in the nineteen-twenties Casals also founded the Workingmen's Concert Association in Barcelona, which gave its members, in return for nominal dues, an opportunity to attend Sunday morning concerts of his orchestra and to set up their own musical groups.

As busy as Casals was in Barcelona, he also found time to give concerts in the United States and in Europe and to appear in what seems increasingly to be his favorite role, that of a conductor. He led the London Symphony, the New York Symphony and the Vienna Philharmonic.

When the Spanish Republic was proclaimed in 1931, Casals became one of its eager and hard-working supporters, all the more because the Republic restored many of his native Catalonia's ancient rights and granted the area a good deal of autonomy. He was president of Catalonia's music council, the Junta de Musica, and, during the Civil War, he gave hundreds of benefit concerts abroad for the Republic and put a large part of his personal savings at its disposal. The Government, in turn, named streets and squares for him and encouraged his exertions to bring great music to the common people.

Casals was in Barcelona in January, 1939, when the Franco forces burst into the city, but he made good an escape to France, vowing never to return to Spain while Franco was in power. (Apart from a fleeting trip to Spain in 1955 to attend the funeral of his long-time close friend and housekeeper, Mrs. Francesca Videl de Capdevila, he never did.)

After several demoralizing weeks of despondency in Paris, during which he grieved for his country, he went to live in Prades among the thousands of Spanish exiles. There he helped to organize the care of the Catalans held in French camps and solicited funds for them from his friends all over the world. He continued to live in Prades in World War II.

Toward the end of the war he went on tour again. In the autumn of 1945, however, he cut short a concert trip in Britain and retired to Prades.

In explanation, he said he had assumed that an Allied victory would doom not only Hitler and Mussolini but also Franco. The democracies, he went on, had disillusioned him by not acting to topple Franco. He was therefore suspending his concert career until Spain was freed. He had, he pointed out, ceased playing in Germany with the rise of Hitler, had not played in Italy in the thirties nor had he appeared in Russia after the Bolshevik revolution. He said he could not separate his beliefs as a human being from his conduct as an artist.

Casals lived quietly and simply in Prades for close to 12 years. In 1950, however, he was prevailed upon to soften somewhat his vow of musical silence and take part in a Bach bicentenary festival. The event, which attracted hundreds of music lovers from many parts of the world, was held in the big Church of St. Pierre in Prades. The critics found that Casals's bow had lost none of its magic.

In that and subsequent Prades festivals Casals appeared in a triple role—as soloist, as chamber music ensemble player and as conductor. In these concerts he was joined by many internationally famous musicians, including Dame Myra Hess, Rudolf Serkin, Joseph Szigeti and Isaac Stern.

Some indication of a further shift in Casals's thinking came in 1951 in a colloquy with Albert Schweitzer, the humanitarian and philosopher. "It is better to create than to protest," Dr. Schweitzer said in urging the cellist to return to the concert stage. "Why not do both—why not create and protest both?", Casals replied. And he seemed to follow that course in his last years.

After a period of self-examination, Casals went to Mexico in 1956 for his first concert date outside the Prades area. It was there, in 1960, that "El Pesebre" had its premiere. The oratorio became the banner of his peace mission, which he carried to many major cities in the Western world. Discussing this crusade, he said in 1962:

"As a man, my first obligation is toward the welfare of my fellow men. I will endeavor to meet that obligation through music, the means which God has given me, since it transcends language, politics and national boundaries."

In August, 1957, when he was 80, he married Marta Montañez, one of his cello students, who was then 21. They lived in a cheerful modern house on the beach at Santurce, P.R., where Casals liked to take an early morning stroll before beginning his day of playing a Bach work on the piano. "It is like a benediction on the house," he said.

Casals had the unstinted admiration of his fellow artists. And one of them, Mr. Stern, put their feelings this way:

"He has enabled us to realize that a musician can play in a way that is honest, beautiful, masculine, gentle, fierce and tender—all these together, and all with unequivocal respect for the music being played and faith in it."

Appearing in New York last summer for a free Central Park concert with Mr. Stern—it was cut short by rain before the cellist could perform—Casals pronounced what could stand as his epitaph.

"What can I say to you?" he asked the assemblage. "I am perhaps the oldest musician in the world. I am an old man, but in many senses a very young man. And this is what I want you to be, young, young all your life, and to say things to the world that are true."

[From the New York Times]

A Musician Who Looked Beyond the Printed Note

(By Harold C. Schonberg)

Pablo Casals represented a type of musicianship that is virtually extinct today—a musicianship that had its roots in the romantic traditions of the 19th century. As such he was a romantic himself, and young musicians today tended to look fondly upon him as a living anachronism. All, especially string players, had nothing but respect for Casals's powers as an instrumentalist. But as an interpreter his ideas ran counter to many of today's cherished notions. Today's musicians tend to be literalists. The printed note is the ultimate guide. Casals, however, along with other great musicians of his generation, tried to look beyond the printed note. The important thing in music, he kept telling his pupils, is what is not in the notes. The important thing is the re-creation of an emotion, a mood, an experience.

Thus when Casals played or conducted Bach, he was not afraid to indulge in certain expressive devices that a stricter age regards as anathema. This did not disturb Casals, who considered Bach a romantic anyway. He would use an intensified scale of dynamics, avoid strict metrics (even to the point of the tempo rubato), phrase with a grand sweep and emphasize the melodic elements. His basic approach to Bach and the other early composers was substanially no different than it was to Brahms and Schumann.

And who is to say that Casals, with his concentration on the expressive elements of music, had the wrong approach? He was no musicologist, but he was able to do what very few musicians can do—play with complete mastery, in a manner that always impressed and moved with its sheer conviction. His approach was so big that it simply negated criticism.

As a conductor he brought the same kind of approach exemplified by his cello playing. At rehearsals he was constantly exhorting his players to sing out, to phrase with beauty, to use a full bow, to avoid dryness. He had the orchestra constantly thinking about dynamics.

Even toward the end, his enthusiasm was as great as ever, his ear seemingly infallible. After a lifetime of living in an area of music that extended, approximately, from Bach through Brahms (he was a conservative, and contemporary music did not interest him), there were few things he did not know about his chosen literature. In addition, he had total recall. He had met everybody and heard everybody, and he was a living encyclopedia on performance practice of the past.

But Casals was not a blind idolator of the past. He was the first to admit that the new school was technically superior to the old, even if he had many reservations about the drier emotional approach of the new school. It was his ambition to take the brilliantly gifted young cellists of today and try to instill into them something of the tradition and the ideals that motivated his own work.

He did not expect imitation from his pupils (in any case, nobody could imitate Casals), but he could help them with technical problems, and he could stimulate them to look upon music in an intensified manner. He could, and he did. To all musicians, even the most cynical, he was an inspiration. For he had devoted his long life to music without expecting any rewards aside from the joy of exploring a piece of music and constantly renewing himself in it.

[From the Washington Post, Oct. 23, 1973]

Casals: The Greatest of All String Players

(By Paul Hume)

Pablo Casals was one of the world's musical geniuses. There never was a person who played the cello the way Casals did. He was regarded as the greatest string player of them all and a conductor and composer of eminence.

An exile from his beloved Catalonia in Spain since the emergence of Franco, Casals was an ardent opponent of dictatorship, deeply concerned over social problems and concerned with humanity. He was a man of rare compassion and warmth.

The man the world knew as Pablo Casals was christened Pau Carlos Salvador Defillo de Casals. Pau is the Catalan equivalent of Pablo and it was in the Catalan village of Vendrell that Casals was born on Dec. 29, 1876. The town is about 25 miles down the coast from Barcelona and a mile or two inland from the Balearic Sea, that part of the Mediterranean that flows along the northeast coast of Spain. His name came from his mother, Pilar Defillo, whose native Puerto Rico would call out to Casals when he was 75 years old. His father, Carles Casals, was Vendrell's church organist.

The boy needed a name of substance because it was to serve him throughout a long life. As a great musician, he would be called "the monarch of the bow," and, as a world-famous champion of personal liberties, be hailed "as one of those artists who come to the rescue of humanity's honor."

The place where he was born remained at the heart of Casals' life and thought. Over eight decades later, he said, "Catalonia is my native land. During my lifetime I have traveled in many lands, and I have found beauty everywhere. But the beauty of Catalonia nourished me since infancy.

"When I close my eyes, I see the ocean at San Salvador and the seaside village of Sitges with the little fishing boats on the sand, the vineyards and olive groves and pomegranate trees of the province of Tarragona, the River Llobregat and the peaks of Montserrat. Catalonia is the land of my birth, and I love her as a mother."

It was in Barcelona, the capital of the region, that Casals formed the Orquestra Pau Casals and also a workers' music society. It was for the world-famous monastery of Montserrat that Casals wrote nearly all of his sacred music. Even today the Benedictine monks of Montserrat own a number of Casals manuscripts the cellist-composer refused to publish during his lifetime, but which he said might be published after his death.

It was from Barcelona that Casals fled, in 1939, across the border into the neighboring French province of Roussillon to the tiny town of Prades whose name he would, a decade later, make known throughout the world of music.

Catalonia gave Casals his own language, "an ancient Romance language, completely distinct from Castilian Spanish," he pointed out. Its great popular dance, the sardana, inspired him six times to compose music for large orchestra.

And one of the oldest folk songs, "Cant des ocells,"—"The Song of the Birds"—which dates back to the 9th century, became in his hands not merely a song of longing for the land from which he exiled himself in protest against a Spanish Fascist government, but a symbol of protest through which, for more than two decades, he reminded the world of the loss of individual liberties in his beloved Catalonia and all of Spain. "Someone must remember," he wrote to the New Friends of Music in New York in

1946 when they invited him to appear on their series. "Someone."

This extraordinary man and musician showed clearly, at a very early age, that he had unusual musical gifts. He liked to tell people that he began singing in his father's choir at the age of 4, for which he was paid something like 10 cents a service. "So you see," he noted, "I have been earning money through music for 90 years."

At a speed and with a range of talents that recall Mozart, Casals began composing at the age of 6, started studying the violin when he was 8, the organ at 10, immediately taking over some of his father's duties.

It was at the very same age, in the year 1886, that the predestined event happened: Casals "met" a cello. Accounts differ as to just where and how this happened. It may even have been that a clown in a traveling circus was sawing away at one. But what happened is well documented: Casals made himself a kind of cello out of a gourd and some old strings. Perhaps it was the sounds that came from this home-made affair, perhaps it was the boy's intense devotion to it, but within a few months his father bought him a cello—cheap, but a real cello.

This moment was the artistic birth of the man Fritz Kreisler would call "the greatest of all string players," and whose art would be described by Joseph Szigeti as "the witchery of what is probably the greatest art among all string players."

Within a year Casals' mother had taken him to Barcelona where he was praised by Spain's leading musician, Isaac Albeniz. He was given financial and artistic assistance and soon the patronage of the royal family of Spain. A teacher whom Casals said later "could not have been improved upon for me," Jesus de Monasterio, introduced him to vast amounts of the cello repertoire of that day, while Tomas Breton, Spain's foremost composer of operas and zarzuelas, supervised his continuing work in composition. In two years Queen Maria Cristina provided funds for Casals to study at the renowned Brussels Conservatory.

On his very first day there, however, the young Pablo gave a clear indication of the way he would make the major decisions of his life.

Brought in to play for the leading cello teacher and made an object of mockery by the students, Casals offered to play "anything you choose, sir," in reply to the professor's question about what he might know. When the professor, with a slight sneer, suggested "some Spanish dances," Casals answered, "Yes, but some other things besides."

At this, the processor named the principal concertos of the day and the most difficult pieces of the repertoire. When Casals assured him that he played them all, the teacher turned to the class and said, "Now, young gentlemen, we will hear something surprising from this young man who plays everything."

However, by the time Casals had finished—and playing on a poor, unfamiliar instrument—the professor was astounded and the other pupils silenced by the brilliance of the playing. The professor offered Casals the conservatory's First Prize on the spot, but Casals, looking him in the eye, said, "I do not like the atmosphere of your class," and walked out.

In Paris in 1899, an enormously successful debut with the Lamoureux Orchestra opened the door that led to triumph in every major European center from Rome to Moscow to Stockholm, triumphs that were quickly repeated in the United States.

During these years he changed the world's concepts of the cello from what Bernard Shaw had called "a bee buzzing in a box" to the noted conductor Wilhelm Furtwangler's observation: "Those who have not heard Pablo Casals have no idea how a strong instrument can sound. This is a unique synthesis of material and spiritual beauty."

During these same years, Casals enlarged his acquaintance with the world of ideas: politics, social problems, esthetic and philosophical arguments were the subjects of conversations in his Paris home where, in addition to great musicians of the times, such as Harold Bauer, Eugene Ysaye, Georges Enesco, and Atrur Nikisch, there regularly gathered the philosopher Henri Bergson, painters such as Degas, and political leaders of the stature of Briand and Clemenceau. And Casals read Karl Marx, for even in the years when the Spanish royal family had been his friends and supporters, Casals had been keenly aware of the struggles of the poor and what he saw as the inequalities under the monarchy.

When World War I broke out, he moved from Paris back to Barcelona where he began to work out the details of a long-held dream: to establish a symphony orchestra in a city where others had tried the same thing but always failed. With the end of the war, Casals determined to form an orchestra, and when no one else offered any financial support for such a project, he hired, rehearsed, and for its first seven years, paid out of his own pocket the members of the Pau Casals Orchestra.

For a decade and a half Casals spent the spring and fall months preparing his orchestra for concerts in which the world's renowned soloists and conductors often joined. Its activities lasted until 1936, and the beginning of the Spanish Civil War, then General Francisco Franco initiated an armed revolt against the Loyalist government, to whose cause Casals was militantly dedicated. It was with this historic event that the course of Casals' life and career was suddenly and violently altered.

When Barcelona was being bombarded, he played in hospitals and theaters to raise money to help the aged, the infirm, and the children. Outside of Spain he played countless concerts to help fund the Loyalists. But by the spring of 1939 it was clear that Franco's forces were winning and that Barcelona could no longer resist. At that point the man who had, years earlier, told the Belgian professor, "I do not like the atmosphere of your class," and had walked out, again left a situation he could not tolerate.

A few days later, Casals fled, with thousands of other refugees, north across the border into France, where he settled in the town of Prades from whose picturesque hills it is easy to keep an eye on the Catalan mountains to the south.

Casals, who had refused to play in Russia after the Revolution, in Germany after the rise of Hitler, and who had just left a Spain whose dictator he would defy for the rest of his life, played concerts in Switzerland in 1941 and 1942 to raise funds to relieve the war victims' suffering. Then, suddenly from the end of 1942 until the end of 1944, when the Germans' grip on France was loosened, no one heard a word from Casals.

Late that year, however, his longtime friend and fellow-cellist, Maurice Eisenberg, in New York City, got a letter from Prades. The handwriting was familiar, and the message heartening: "Now that the enemy has been forced to leave I have resumed my practising," Casals wrote. "You will be pleased to know that I feel I am making daily progress."

He told how the Germans had invited him, at Hitler's personal request, to come to Berlin via private sleeping-car, to play for the German people. He pleaded "rheumatic shoulder."

When German soldiers invaded his little house, and Casals would bristle belligerently, his caretaker, Senora Capdevila, told the Gestapo that the poor old man was not right in the head. The Spanish government had already sentenced him in absentia to 30 years in prison, and the Vichy pawns once ordered his arrest, an event prevented only by the collapse of the regime.

Now, however, it seemed as if Casals would not only be free once more to conduct, to record again, and to play his beloved chamber music, but he was hailed by the free countries as one of the chief champions of personal dignity and liberties. From among many invitations that showered upon him, Casals now nearly 70, chose to re-enter the music world in England, whose courage he had greatly admired during six years of war.

In London's Albert Hall on June 27, 1945, with Sir Adrian Boult leading the BBC Symphony, Casals played the concertos of Schumann and Elgar, and for an encore, an entire unaccompanied suite by Bach.

But the longer he remained in England, the more disturbed Casals became over the way in which England, along with the United States and other countries from which he had expected a different attitude, were praising and supporting the Franco government in Spain. His views became widely known that fall when both Oxford and Cambridge wanted to give him honorary degrees.

Declining both honors, Casals said, "If in these moments I should accept honors in England it would appear to my compatriots that I was indifferent to their unhappiness, when the contrary is the case: I associate myself with them *completely*." He proceeded to cancel plans for a spring tour, called off major recording schedules with HMV—His Master's Voice—even to the point of leaving a recording of the Haydn Cello Concerto half-finished.

Finally, on Nov. 13, 1945, he played in Paris at the Salle Pleyel. It was the last time Casals was to play in a major music center for 13 years. Not until 1958, when he played at the 13th anniversary of the United Nations in New York City, did he break that rule.

The letter he wrote the New Friends of Music in 1947 said, in part, "Please understand that the policies of your country are against my ideas for my country. I love America, but I could not go to a country which I should criticize."

Often during the years that followed, Casals hoped for some signs that world leaders would come around to his point of view. He was heartened late in 1950. Just two days before the U.N. Assembly voted to end its ban on the recognition of Spain, President Truman had said, "It will be a long, long time before the United States recognizes the Franco regime." But one month later this country and Spain exchanged ambassadors.

So Casals remained in Prades. "For the second time, as it were," he said, "I went into exile. I cannot say it was an easy thing to do, and I knew that in a world where cynicism widely held sway, my action could hardly affect the course of nations—it was, after all, only the action of a single individual. But how else could I act? One has to live with himself."

For years, Casals remained in Prades, refusing to play in any country whose government recognized the Franco regime, and thus, in effect, cutting himself off from the world of music.

Or so it seemed for a while. So the world of music had to go to Casals. To Prades, in the summer of 1947, went Alexander Schneider, distinguished violinist and a member of the Budapest String Quartet whose cellist, Mischa, was his brother. Alexander, or Sasha, as he is known, and Casals instantly became fast friends.

Not long after he returned to the United States, Schneider wrote to Casals to say that he and another old friend and colleague of Casals, pianist Mieczyslaw Horzowski, wanted to propose a Bach festival to be held at Prades under Casals' direction. They noted that 1950 would be the 200th anniversary of the death of Bach, and assured Casals that the world's great musicians would flock to Prades to play in and hear such a festival. They cinched the deal when they added that the proceeds could go to help the many Spanish refugees in a hospital in nearby Perpignan, or to any other cause Casals wished.

Thus were born some of the most remarkable music festivals in history, Beginning in 1950, festivals dedicated to the music of Bach, Beethoven, Brahms, Schubert, Schumann, and Mozart were played in Prades and Perpignan. Hundreds of music lovers from around the world made the difficult trip to hear some of the greatest names in music perform in the very special atmosphere that quickly filled these festivals.

In 1952 Casals was 75 years old. That year a young writer from Puerto Rico went to the Prades Festival with his niece, Martita Montanez. The writer asked to see Casals, who describes their meeting:

"When Martita and her uncle came to my house, I had the impression that for the first time I was touching my mother's homeland. When I looked at Martita, I said to myself, 'This is no stranger who comes to visit me.' I had the curious feeling she belonged to my family."

"Later," Casals said, "I received a letter from Martita's uncle asking if it would be possible for her to come to Prades to study with me. I agreed. Of all the pupils I have taught, Martita was one of the best."

"The months went by without my being conscious of the bond that was growing between us. In the winter of 1955, together with Martita, I visited Puerto Rico for the first time. My brother Enrique and his wife Maria accompanied us. For me, Puerto Rico was a case of love at first sight!" In 1956 Casals moved there permanently.

"Martita and I were married in San Juan on Aug. 3, 1957," he has recorded. "I was aware at the time that some people noted a certain discrepancy in our ages—a bridegroom is not usually 30 years older than his father-in-law! But Martita and I were not too concerned about what others thought; it was, after all, we who were getting married—not they. I can only say with joy that our love has deepened in the intervening years."

It was the third marriage for Casals. In 1906 he had married a Portuguese cellist named Guilhermina Suggia. In 1914, after a divorce, he married an American concert singer, the late Susan Metcalfe for whom he often played accompaniments, much as his great successor on the cello today, Mstislav Rostropovich, often plays for his soprano wife Galina Vishnevskaya.

When I first met Casals, not long after his marriage to his beautiful young wife, he took hold of my right arm with a grip whose strength completely belied his 80 years, and said, "She has given me back my youth!" So it seemed then and has continued to seem.

That year the festivals that had drawn such crowds to out-of-the-way Prades and Perpignan were moved to Puerto Rico where they have been held each of the 17 years since then, on the campus of the University of Puerto Rico. Until recently Casals appeared as both cellist and conductor at every festival following the first one, when a coronary thrombosis prevented his taking part.

As they had in the earlier festivals, the world's leading musicians happily traveled to San Juan to join in making music in the enthusiastic spirit that Casals aroused. Younger greats such as Leonard Bernstein and Zubin Mehta joined Casals and Ormandy as conductors, and top young musicians, often on their way to the festivals at Marlboro, Vt., where Casals also became an annual visitor, were glad to make the trip to Puerto Rico.

It was not long after his move to Puerto Rico that Casals finally broke his resolution not to play in countries that recognize Franco's Spain. In October, 1958, he agreed to play at the U.N. headquarters in New York on a world-wide radio and television broadcast in honor of United Nations Day. He shared that program with the Boston Symphony, the Orchestra of the Suisse Romande from Geneva, and violinists David Oistrakh and Yehudi Menuhin.

Three years later Casals received a historic letter from the White House. It read:

"Dear Mr. Casals: Mrs. Kennedy and I would like to extend an invitation to you to give a concert at the White House on Monday evening, November 13th. We feel that your performance as one of the world's greatest artists would lend distinction to the entertainment of our invited guests. I do hope you will honor us with your presence. Sincerely, (signed) John F. Kennedy."

Casals' reply said in part:

"Dear Mr. President: Your kind invitation to The White House has honored me and given me great pleasure.

"Over a year ago I addressed an open letter to The New York Times as I felt that a Democratic victory was essential for the universal re-establishment of faith and trust in the great American nation.

"Never before has humanity faced such crucial moments and the desire for universal peace is a prayer of all. Everyone must join in doing their utmost to achieve this goal . . .

"Therefore, I look forward to the opportunity of meeting you personally. May the music that I will play for you and for your friends symbolize my deep feelings for the American people and the faith and confidence we all have in you as a leader of the Free World.

"Please accept, Mr. President, my respects and my highest esteem. Sincerely, (signed) Pablo Casals."

And so there occurred on that November night a truly historic occasion in the White House. It was historic not only because Casals was playing there. He had played there in 1904 for President Theodore Roosevelt whose daughter, Alice Roosevelt Longworth, was present 57 years later to hear him again. It was historic because on that night President and Mrs. Kennedy, wishing to honor not only Gov. and Mrs. Luis Munoz Marin, then governor of Puerto Rico, but chiefly in honor of Casals, had, for the first time at the White House, included in their guest list many of the leading musicians of the country. The audience was headed by composers, conductors, and performing musical artists whose names formed an honor roll of the country's classical musicians.

Casals was joined by his friends violinist Alexander Schneider and pianist Mieczyslaw Horszowski in the Mendelssohn D Minor Trio to which he added a set of pieces by Couperin, Schumann's Adagio and Allegro, and for an encore, what had become his symbol of freedom, "The Song of the Birds." The entire program was recorded and stands as one of the most remarkable testimonials in the whole catalogue of Casals mementos.

Another activity to which Casals became more willing to give himself publicly in his later years was the conducting of concerts on which all or a part of his oratorio, "El Pessebre" ("The Manger") was being presented.

This is a large-scale work, a full evening's program, calling for chorus, orchestra, and soloists, written not long after Casals moved to Puerto Rico. He says of it, "All my life, music has been my only weapon. How, then, I asked myself, could I best use this weapon now? A plan took form in my mind. It revolved around my oratorio, 'The Manger.' Since the message of this work was peace and the brotherhood of man, I decided to take the oratorio anywhere in the world that I could and conduct it as a personal message in the cause of international understanding. Everywhere, people have demonstrated the same hunger for peace, the same desire to join their fellow men in building a world pledged to human happiness. Every performance has been for me a reaffirmation of my conviction that it is not the peoples of the world but artificial barriers imposed by their governments that hold them apart."

After that decision, Casals conducted "The Manger" more than 60 times in cities in this country and Europe. In 1972 he recorded the entire work for Columbia Records, following its performance at the Casals Festival in San Juan.

"The Manger" is Casals' largest work, one that recalls his long acquaintance with the music of Brahms, at times of Wagner, and of Mahler, whose vast song-symphony, "Das Lied von der Erde" Casals conducted with his Barcelona orchestra back in 1930. Of his other compositions the world still knows very little. A dozen of the short, sacred choral pieces have been recorded, about half of them are published.

Casals has never failed to speak out against war and in favor of strong measures for peace. In Washington in 1971 to accept an award from the Organization of American States, he said, of children, "We tell them 'Kill or be killed. That is the law.' The law makes me kill, the law says I can kill. I don't respect the law in that sense . . . The world is at the disposal of the Russians and the Americans who have all those wonderful things to detroy and to kill. How ignorant, how backward we are. Man has employed this," tapping his forehead, "to come to the point that he can destroy the whole world."

Later that year he composed his last work, a "Hymn to Peace," to a text by W. H. Auden. The work was commissioned from both men by then-U.N. Secretary General U Thant and had its premiere under Casals' baton on Oct. 24 at the annual United Nations Concert in New York.

Of Casals the performer, however, there is a vast quantity of documented material that will show the world exactly how this genius played. Many dozens of excellent recordings exist covering a period of more than 55 years and attest to Casals' unique powers as a cellist in solo pieces, chamber music, and concertos. To those can be added the notable records made at the festivals of Padres, Perpignan, Puerto Rico and Marlboro in which he is again heard either as soloist or conductor, or both.

Among record experts the great Casals solo records are his versions of the solo suites by Bach, which he was the first to play in public, if not indeed in private as well; the Dvorak Cello Concerto, in which, with George Szell and the Czech Philharmonic, he gives a performance that will stand unsurpassed; and the Brahms Sonata in F Major, with pianist Horszowski.

To these must be added the priceless recordings made by one of the world's most famous chamber ensembles, the trio of pianist Alfred Cortot, violinist Jacques Thibaud, and Casals, in trios by Haydn, Schubert, Beethoven, and Mendelssohn. But the list is long, and comes well up into the stero era in which there is no diminishing of his powers in trios and sonatas by Beethoven, several of them made in the very room in Bonn, West Germany, in which Beethoven was born.

The cello had been played before Casals, but never as he played it. He not only reshaped its techniques and altered the sounds cellists made thereafter, but he was, like Wanda Landowska, one of those rare musicians whose influence reached hundreds of musicians of his own time and later, whether or not they were cellists.

Glorious and golden, the Casals' tone was capable of an infinite variety of shadings, a phase of his art to which he gave endless hours of practice. It was a tone he colored from the most delicate whisper in passages that echo through the Bach suites to a vast, surging baritone that sings through Brahms' broadest lines.

Even toward the end of his life, as on the night he played at the White House, he retained a command of strength in attacking something like the Schumann Allegro that was one of his special marks. In an area where opinions legitimately differ, many believed that Casals' tone was matched only by the late Emmanuel Feuermann and today's genius, Rostropovich.

For his 95th birthday I took a Georgetown Glee Club to Puerto Rico at the Casals' invitation. As the marvelous man started down the stairs to the large, covered porch where the archbishop of Puerto Rico was preparing to celebrate a special mass for the occasion, the group began to sing, "Let Us Now Praise Famous Men," by Vaughan Williams. Casals stopped and stood motionless on the stairs until they had finished and then, coming over to them, smiled and clapped his hands and said, "But you sing so beautifully. And you sing every note in tune, and every word is clear. Excellent."

Later during the mass, it was time for us to sing Casals' own music, "Nigra Sum sed Formosa," which means "I am black but beautiful." They had hardly sung the first phrase when Casals rose from his chair, came over to stand in front of them and conducted them to the end of the piece. Not one man who sang there that day will ever forget those moments. They had made music for and with a man who showed them in a few minutes something of the beauty and spirit he never failed to give any musician, amateur or professional.

To muscians he was beyond criticism—the only string player ever so described, according to Grove's Dictionary. Fritz Kreisler called him "the monarch of the bow." Yehudi Menuhin described him as "a presence, in this world of small men and faint hearts, a being whose simplicity, grandeur and integrity restore our faith in human nature."

Albert Schweitzer, who shared Casals' views of war and peace, added another emphasis: "He is a musician of this stature because he is a great man." And Thomas Mann, seeing Casals in the same light, said "He is one of those artists who come to the rescue of humanity's honor."

Pablo Casals Dies at 96

(By Richard Slusser)

Pablo Casals, 96, the great cellist who said he could not separate his beliefs as a human being from his conduct as an artist, died yesterday in a hospital in Rio Piedras, Puerto Rico. He had suffered a heart attack three weeks ago.

Mr. Casals, also renowned as a conductor, for a number of years did not appear in public as cellist or conductor, and, for more than 30 years, he adhered to a vow never to live in his native Spain as long as it was ruled by the Franco regime. Since the Spanish civil war he had returned there only once—in 1955—not for music but to attend a funeral.

In Spain Mr. Casals' death was received with deep regret in music circles. Composer Cristobal Halffter said in Madrid, "It is painful that a universal Spaniard has to die out of his home, for questions that concern neither culture nor the art."

Due to the combination of his genius and his long life, Mr. Casals for decades had received the tributes of admirers around the world.

Five months ago, when he was to conduct from his own works in a concert honoring the Organization of American States in Kennedy Center, Mr. Casals told a reporter of his love for music:

"When you hear music you must have the feeling that you are with a god. Bach is a god of mine. When I was in Spain in my home —and I am speaking of 35 years ago—in my garden I wanted to put a bust of Bach. Now, in that part of my life that is normally the last, I would like to have it in my garden. All my musical life has been devoted almost exclusively to Bach. In the moment of death to think of another is a very curious thing."

For Mr. Casals Bach was "like Shakespeare. He has known all and felt all. He is everything—everything except a professor. Prof. Bach I do not know. When people ask me how I play Bach, I say, 'I play him as the pianist plays Chopin.' There is such fantasy in Bach—but fantasy with order."

In his love and skill of Bach he rescued the unaccompanied cello suites from academic acceptance and brought them into prominence in the Bach repertoire.

According to Grove's "Dictionary of Music and Musicians," the greatness of Mr. Casals is uncontested. He is perhaps the only string-played admired by all musicians without reservation.

His innovations in bowing and fingering brought a new and striking personality to the cello in both orchestral and solo works.

Mr. Casals was born near Barcelona of Catalan ancestry. His father, a church organist, gave him his early music lessons—choir, piano, writing and transposition, violin, organ, and then the cello.

At the age of 11 he continued his cello studies in Barcelona, earning money by playing in a cafe with a trio he formed. He was studying in Madrid in 1892 and on occasions would perform duets with Maria Christine, the queen mother, at the piano.

After three years in Madrid he and his mother went to Brussels, but after an unfriendly reception at an audition there, they continued to Paris, where he managed to earn enough to keep them from starving.

Returning to Barcelona he taught, played in the opera orchestra and in a string quartet. Shortly before his 23rd birthday he returned to Paris with a letter of introduction to the conductor Charles Lamoureux, who, at hearing him play part of the Lalo Cello Concerto, exclaimed, "My boy, you are one of the elect."

Mr. Casals, with the assistance of Lamoureux, made his Paris debut in late 1899. A sensation there, he followed with successes in London—once playing for Queen Victoria.

His first appearances in the United States were in 1904. In one New York concert he was the cello soloist and Richard Strauss the conductor in a performance of Strauss's "Don Quixote." He also played for President Theodore Roosevelt in 1904.

Mr. Casals' first marriage was in 1906 to Guilhermina Suggia, a Portuguese cellist. They were divorced six years later and in 1914 he married an American, Susan Metcalf, a lieder singer.

He accompanied her on the piano for several years and at one time considered dropping his career to further hers. However, they went separate ways and Mr. Casals stopped using Paris as his unofficial headquarters of almost 20 years.

Also at that time, Mr. Casals was left disillusioned by World War I, and is said to have contemplated suicide. However he returned to Spain in 1920 and founded the Orquestra Pau (Catalan for Pablo) Casals, and subsidized it for the seven years it took for the orchestra to become self-supporting.

Mr. Casals felt that the cello did not give him his truest way of expressing himself, according to his American biographer, Lillian Littlehales. He believed that conducting was the real work of his life and the orchestra "the grandest instrument of them all."

He also formed the Workingmen's Concert Association in Barcelona, which with low dues permitted members to attend several musical events.

The Spanish Republic was established in 1931 and Mr. Casals' Catalonia was granted automony. He was named a member of the Junta de Musica in the council of culture, was made an honorary citizen of Barcelona and had a street named after him. He was elected an honor member of the Spanish Academy in 1935. (Franco later ordered streets named after Mr. Casals to be retitled and the plaque from his Catalonia home removed.)

He conducted his orchestra for the last time on July 18, 1936, the day before the Spanish Civil War broke out. During the next two years he toured to raise funds to feed Catalan children. He also played in hospitals in Barcelona while the city was being bombarded.

He fled to France in early 1939 before Franco's forces finally defeated the loyalists and soon he settled in Prades, a small town near Spain in France's Pyrenees-Orientales.

In Prades he concentrated on aiding the Spanish refugees being held in French detention camps. It also was in Prades that he later was to emerge with new fame as a musician.

He stayed in Prades in seclusion during World War II. After the fall of France the Nazis asked him to play in Germany, but he refused.

In June 1945 he was a soloist with the British Broadcasting Orchestra. In that performance, said a British critic, it was evident "from the first notes . . . that none of the magic of his playing has been lost."

Later that year he said he would not perform again in England or in the United States. The reason, he said, was a "moral rather than political" protest against the continued recognition or tacit approval of Franco's regime.

Later he announced that he would not perform in France for the same reason. He had assumed that an Allied victory would doom not only Hitler and Mussolini, but also Franco. (In addition to refusing to play in Germany, he had not played in Italy in the 1930s or in the Soviet Union after the Bolshevik Revolution.)

His quiet life in Prades was enlivened in 1950 with his agreement to participate in a Bach bicentenary festival.

The following year Albert Schweitzer told Mr. Casals that "it is better to create then to protest."

"Why not do both—why not to create and protest both?" Mr. Casals answered.

In 1956 he went to Mexico for his first concert outside Prades, and the following year he was married to 21-year-old Martita Montanez, one of his cello students. Since then they had lived in Puerto Rico.

When he moved to Puerto Rico Mr. Casals refused to visit the U.S. mainland although he had a great affection for this country.

In 1958 he relented and played at a United Nations concert with the agreement that he could state his views on the world situation.

In 1961, Mr. Casals, played at the White House at a dinner given by President and Mrs. Kennedy for Puerto Rico Gov. Luiz Munos Marin.

During his last appearance here Mr. Casals was stricken with an asthmatic attack the day before he was to conduct part of the 25th anniversary of the signing of the OAS charter.

After Schneider had conducted Mr. Casals' oratoria "El Pessebre," ("The Manger"), and his "Sardana" the composer was assisted to the center of the stage to acknowledge a tumultous ovation. He began to speak.

"How I thank all of you.

"I am a very, very old man and I have been in this lovely city much, much, before you all, and I remember the first concert that I gave here at the beginning of the century. It was very touching for me. I was a young man and I was very astonished to have received so much of your applause.

"But now I feel younger than ever because I play Bach every day; every day I play after having prayer to that fantastic, fantastic nature. Nature first, and then prayer; prayer to nature which I call nature-God or God-nature. . . .

"And so, despite my age, I am still a musician. . . . And I would like to give you more. I thank the Lord for having brought me near you. God bless you all."

LESSONS AND WARNINGS OF THE MIDEAST WAR

Mr. DOLE. Mr. President, last week, I noted reports that objection had apparently been voiced by the administration to provisions of the Alaska pipeline bill which would lift price controls on crude oil from very low producing or "stripper" wells. I found these objections hard to understand in the light of recent Middle-Eastern developments and heightened concern for the adequacy of this country's future energy supplies.

At first glance, a layman might wonder at the fact that any concern is being expressed in these matters. Stripper wells are technically known as marginal producers. That is, they operate in that narrow zone between the approaching curves of cost and return. They pump a little oil; they earn a small return. But it costs money to operate these wells, and in this age of inflation for virtually every goods and service the costs of operation moves closer and closer to the break-even point. And when that point is reached and costs exceed returns, a simple economic decision is made: the well is plugged.

Thus, it might seem insignificant matter whether a well producing less than 10 barrels of oil per day keeps on working. What difference could this little oil make to a country that consumes it by the millions of barrels every day?

Well, it could make a great deal of difference, for there are 353,000 stripper wells in this country. And they historically have accounted for nearly 10 percent of the total daily production.

Not only do these wells provide needed energy. But every one of them sits squarely within our own borders—free from threats of politically inspired cutoffs, safe from jeopardy of far-off wars, free from international price or middleman manipulations.

Each of these wells means that every day 5 or 10 barrels of oil do not have to be imported, do not have to be paid for abroad in U.S. dollars, do not put more red ink in our balance-of-payments ledger, do not add to our dependence on foreign sources.

Price levels for crude oil produced in the United States have been remarkably stable over the past few years. Some would say they have been unjustifiably low. The net effects have been felt throughout the industry in two particular ways which have a critical bearing on our current and prospective energy problems. First, with prices held low, exploration and drilling to obtain new supplies has been severely impeded. The incentives for undertaking the costly and risky job of drilling new wells have not been strong enough to stimulate the level of activity we should be seeing. As a consequence the undiscovered domestic supplies have had to be offset by increased imports. And this situation, while eased somewhat by recent allowance of some crude oil price increases, will persist until the economic factors are brought into line.

A second impact of the recent price structure has been felt through both the closing of marginal wells and the failure to make worthwhile the expenditures to renew and maintain production from these wells. Not only are these wells dropping below the break-even point, but secondary and tertiary recovery techniques—which could increase the yields and lifetimes of these wells—are not being utilized, because the laws of economics do not yield to wishful thinking.

For example, between 1968 and 1971 nearly 14,000 stripper wells were abandoned, and overall production fell by about 62 million barrels per day.

In the State of Kansas, where strippers constitute 97 percent of the active wells these effects have been severe. A recent article in the Wichita Eagle details this situation, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Output of Stripper Wells Reported

Tulsa.—Kansas has 39,937 oil wells classed as "strippers," and they produced 69 per cent of the state's oil in 1972, the National Stripper Well Association (NSWA) said here in a preliminary report.

Stripper wells are those producing less than 10 barrels of oil per day.

The NSWA and the Interstate Oil Compact Commission released the Kansas figures in advance as they prepared their annual report on marginal wells—scheduled for release Oct. 22.

The survey showed that the Kansas strippers produced 51 million barrels of oil with a wellhead value exceeding $180 million at then-prevailing prices. The survey also revealed that Kansas strippers:

Produce an average of 3.5 barrels of oil daily.

Compose 97 per cent of the state's wells.

Represent 381 million barrels of recoverable reserves.

Eventually, the survey noted, those known reserves will yield close to $1.35 billion.

Kansas stripper wells fared none too well in 1972, the report shows. In all, 1,356 of them were plugged as they reached the economic break-even point.

A review of past surveys shows that during the last five years 8,783 Kansas wells were plugged for the same reason.

Of the total gross income realized from Kansas strippers in 1972, one-eighth, or approximately $22 million, went to farmers and landowners as royalty payments.

Kansas stripper operations are primarily sustained by independent operators, the report said, and recent increases in crude prices are expected to make more stripper oil available.

The survey concluded that "with the energy crisis clearly pointing to the need for additional raw energy material, the stripper well segment continues to grow in importance."

Mr. DOLE. Mr. President, Kansas is only 1 of our 50 States and only 1 of the 27 which produce this Nation's domestic supplies of oil and gas. The entire Nation must deal with the energy questions which confront us, and, to my view, we must take advantage of every possible opportunity to preserve and enlarge the sources for energy which lie within our own borders. National security requires such action. Our economic interests compel it. And a basic measure of commonsense would appear to make it obvious.

I would hope lessons and warnings of the latest Mideast war will not be lost on those in the Cost of Living Council, the Office of Management and Budget, and elsewhere who seem to view domestic oil prices as some sort of sacred cow which must be kept low at all costs. These lessons and warnings do not seem too difficult—even for the people who brought us the beef price freeze and shortage and the fertilizer crisis.

Simply put, the lesson is that there is no free lunch in the world energy market. If the United States expects to have adequate energy it will have to pay for it—either to other countries or to our own industries.

With equal simplicity, the warning is that, regardless of price, we cannot and we must not depend on foreign countries—particularly those in the Middle East—to provide us those supplies.

In this regard I felt Hobart Rowan's column in Sunday's Washington Post very clearly and frankly posed some of the most difficult decisions facing America in the coming few years as we force ourselves to diminish our dependence on Arab supplies. I ask unanimous consent that this article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 28, 1973]

U.S. Oil Policy: Live Without Arab Supplies

(By Hobart Rowen)

The Arab nations' embargo on oil shipments here has taught this country a valuable lesson: It must develop an energy policy to permit the United States to get by without any dependence at all on Middle East oil.

"We can't and we won't let the Arab oil-producing countries blackmail us," a high Nixon administration official says. "Happily, we're in a position where we can turn to other sources. We'll be pinched, to be sure. But we can do without any Arab oil at all, while Japan and Europe would be hurt by such a policy."

There is reason to believe that the Arab boycott, coming when it did, may have been a blessing in disguise. Our dependence on Arab oil, while growing, is still a pittance. In July, for example, total crude oil and oil products imports from Arab countries shutting off or curtailing their supplies amounted to 6.7 per cent of U.S. supplies from all sources.

That's an easier gap to try to fill than, say, 20 per cent of our supplies—the level that Middle East oil could have reached in a couple of years if the sheikhs had delayed their squeeze play by that long.

But by having signaled this country so dramatically that they are not realiable suppliers, the Arab nations have escalated American efforts to produce oil and gas supplies from shale and coal. What was once seen as an uneconomic venture not only becomes economically feasible, given the sharp rise in oil prices that the Arab producers have been extorting, but a political necessity. No major power such as the United States can vest its foreign policy in the hands of a small group of willful men 10,000 miles from these shores.

But a policy keyed to living without Mideast oil has many grave consequences, all of which must be faced openly and intelligently. Among them are these:

There must be a "crash" program of the same magnitude as the Manhattan Project that developed the atom bomb in World War II to find alternative sources of energy from all sources—fossil, solar, and nuclear. That means beefing up the present Energy Policy Office, and much more concentration on research and developemnt. There are signs that the Nixon administration is willing to invest up to $10 billion in an initial effort in this direction.

Environmental needs will have to take a second priority, at least in the short run. That doesn't mean that all protections for the environment should be abandoned. But environmentalists will be pressured by administration officials to compromise on some goals to permit explorations on the continental shelf, for the production of oil from shale and coal, and to allow the Alaskan pipeline to get under way.

Industrial and individual consumers of energy will have to learn to live with less. We waste a horrible amount of energy (and other raw materials) in this country. But voluntary efforts to save, although clearly now a major necessity, won't be enough. Gasoline and oil will have to be rationed, at least until the time that adequate alternative supplies have been developed. Such rationing plans are being readied by the administration. Consumer goods producers, who have a high consumption of fuel oil per worker, will doubtless be hit hard.

Any drop in total energy supplies will, of course, immediately require the curtailment of private passenger car travel. It could come first by letting gasoline prices skyrocket, later through coupon rationing. Undoubtedly, there would be some shift from truck transportation to more economical (in fuel use) rail transport. Detroit's present frantic efforts to move from gas-guzzlers to compacts will be accelerated.

These measures will substantially raise the cost of all forms of energy, and therefore will add to inflationary pressures in the U.S. economy. But it should be borne in mind that the Arab nations have steadily been extracting a higher price for their oil, and to the extent that they continue shipments, costs will be going up anyway. (And the reason that the United States was planning, before the latest Arab-Israel war, to rely more on Arab oil was that it used to be cheap.)

As difficult as will be our adjustment to living without Middle East oil, the problem is substantially less than it would have been if the Arabs had begun to use oil as an economic weapon against us three or four years hence.

While embarked on a crash program, the United States could make it plain to both the Arab nations and the Soviet Union that it can't be pressured by an oil boycott by indicating that it is also willing to use economic leverage. One highly regarded economist who privately advises the Nixon administration points out that the United States "must be prepared to periodically embargo farm products to certain countries if it is to exercise a countervailing pressure against the Arab-Soviet oil alliance."

If the Russians still want to pursue and reinforce their detente with the United States, they will have to acknowledge that American policy in the Middle East includes a commitment to the preservation of Israel. That policy is not merely a Nixon policy—it is a commitment by both major American political parties.

On the other hand, if we pass from detente back to cold war, it will mean not only a regrettable reversion to an arms race, but it will underscore the need for more dependable oil resources than those in Saudi Arabia, Kuwait, Libya, and other points east.

Mr. DOLE. Mr. President, these recent developments sharply emphasize the views that I have advocated for many years. We have enormous domestic supplies of energy which a whole range of national interests demand that we develop and utilize. We cannot go on living on the unrealistic and dangerous fantasy that our energy needs will always be met and that the sources of these supplies are unimportant.

The outbreak of another Mid-East war was unfortunate and took a tragic toll in human death and suffering. It brought the whole world to the brink of a major confrontation between the two superpowers.

But, hopefully, this country will gain something from this war—a clear and impressive understanding of facts of life as far as America's energy posture is concerned. And, hopefully, too, this understanding will lead us to the policies and programs required to safeguard and secure this great Nation's strength and position of military, political and economic leadership in the world.

THE OBJECTIVES OF THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

Mr. MOSS. Mr. President, in 1958, when Senator Lyndon Johnson opened hearings on the National Aeronautics and Space Act of 1958, he said:

> While the present is urgent, the real imperative is the future. What we do now may very well decide, in a large sense, what our Nation is to be 20 years and 50 years and 100 years from now . . .

With these words he set the stage for enactment of national objectives which led the Nation to some of its greatest achievements.

These objectives stand today in section 102 of the act, and are as follows:

First. The expansion of human knowledge of phenomena in the atmosphere and space;

Second. The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles;

Third. The development and operation of vehicles capable of carrying instruments, equipment, supplies and living organisms through space;

Fourth. The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes;

Fifth. The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere;

Sixth. The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency;

Seventh. Cooperation by the United States with other nations and groups of nations in work done pursuant to this act and in the peaceful application of the results thereof; and

Eighth. The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.

The achievements under these objectives were not only in exploration but in technologies which contributed greatly to the income of the Nation and the well-being of its citizens.

The 15 years since the enactment of the National Aeronautics and Space Act of 1958 have seen many changes. The aerospace industry on which NASA has placed basic reliance went through rapid expansion in the early 1960's and equally rapid contraction in the late 1960's. The Federal Government retreated from its full commitment to the objectives of the Space Act. In purchasing power, the NASA budget has been reduced by nearly two-thirds. Thus a reexamination of the objectives which have guided NASA since its founding is timely.

The Committee on Aeronautical and Space Sciences hearings on September 26 and 27 included a reexamination of the objectives of the National Aeronautics and Space Act of 1958. The eight witnesses were among the leaders in the aerospace industry. They unanimously expressed the view that pursuit of the objectives of the act had served the country well.

The views of the witnesses on the need to modify the objectives at this time were not unanimous. Most felt the need to strengthen applications of aerospace technology. Most of the witnesses expressed dismay at the broad withdrawal of support from all of the objectives. This withdrawal they described as "an appalling squandering of our own human resources" and a retreat from income-producing programs badly needed to pay for required social programs.

Let me highlight for you the views of each witness on the objectives of the National Aeronautics and Space Act of 1958:

Karl G. Harr, president of the Aerospace Industries Association:

> It is our contention that all eight major goals remain valid and impressively far-sighted. Unsurprisingly, some have been emphasized more than others in accordance with the priorities of the last decade and a half. Perhaps renewed interest and investment in several of the others would be appropriate in the light of present circumstances. . . . All that is required to preserve this nation's high technology superiority is for the Government to recognize that such superiority is essential to our national well being and act accordingly.

David S. Lewis, chairman, General Dynamics Corp.:

> Anyone reading the objectives of our National Aeronautics and Space effort as first set out 15 years ago can only be impressed by the farsightedness of the Congress in setting them out and by the remarkable achievements of industry in striving to meet them. However, in more recent years there have been significant changes in the attitudes and approaches to technology within this nation and in the many nations around the world, and these changes may require a new assessment of some of the stated objectives. . . . I believe one of this Committee's prime concerns must be the preservation of the United States as the world's leader in technology. I believe that role is threatened not only by foreign achievements, but by our own reduced efforts in research and technology.

O. C. Boileau, president, Boeing Aerospace Corp:

> I do not believe that the objectives set forth in the NASA Act need to be amended. These objectives are considered to be as valid today and for the foreseeable future as they were when enacted in 1958. The problems that have been encountered and that are foreseen result from the means used to implement these objectives, rather than from the objectives themselves. I do believe it would be beneficial to expand the specific wording of the NASA Act to delineate in more detail the responsibilities and authority of NASA and the working relationships with other government agencies.

Thomas G. Pownall, president, Martin Marietta Aerospace:

> The need now is for a continuity of purpose for NASA, supported by adequate and consistent allocation of funding. It is time to establish new goals. The purpose of NASA must be revalidated and the tools to achieve that purpose must be approved in such a way as to afford the NASA and industry the ability to plan far enough ahead to develop them at the least cost. . . . It seems paradoxical to me that NASA and its continuing and growing efforts to expand and apply technology should have been restricted in its endeavors just at the moment of its greatest successes to date. . . . It can continue its manifold contributions if we will provide only modest increases in the annual funding provided that funding is focused by a long range plan based upon stability and balance.

William B. Bergen, president, North American Aerospace Group, Rockwell International:

> The Act and the implementation of the objectives of the Act by the Space Agency must be measured at this point as an outstanding success, perhaps one of the clearest cases of a success in the last two decades. . . . With the broadness of scope in its policy statement and list of 8 objectives, the Act has provided the inspiration, guidelines, and flexibility required to achieve our eminently successful program in space. We would like to offer for your consideration some modified objectives to stress the aspirations of society, recognize what has been accomplished, and perhaps better illuminate the way ahead.

Daniel J. Fink, vice president, General Electric Co. and general manager of the Space Division:

> The goals of the Act have been realized to a degree that its framers could hardly have hoped for, and it must be characterized as a singly appropriate response to the challenge of its time. . . . I would contend that our very success is in part the source of our problem, and perhaps recognition of this success should be reflected in amended goals as set by the Congress. . . . I believe that the single most important modification to the goals of the Space Act should be recognition of the tremendous potential to our citizenry of space system applications and the provision for their expedient realization.

Dr. Wernher von Braun, vice president, engineering and development, Fairchild Industries, Inc.:

> World leadership and technological leadship are inseparable. A third-rate technological nation is a third-rate power; politically, economically and socially. That is the reason that I have always felt that the National Aeronautics and Space Administration, which has rightfully been called the "cutting edge of our technological progress," bears a grave responsibility for the future of the nation. Whether we like it or not, ours is a technological civilization. If we lose our national resolve to keep our position on the pinnacle of technology, the historical role of the United States can only go down hill.

Thus the witnesses strongly supported the validity of the objectives of NASA in the past. Their views on the need to modify the objectives for the future were somewhat divided. Some felt that only a change of emphasis was needed while others saw a requirement to directly modify the objectives.

The Committee on Aeronautical and Space Sciences was provided with many valuable suggestions for modifying the objectives or for revising the past emphasis on existing objectives. Study is continuing to allow us to take full advantage of what we have learned. However, three major recommendations for change were encountered throughout the testimony:

First. Reasserting leadership in aerospace technology as a national imperative;

Second. Preventing the squandering of human technological resources built up during the NASA program; and

Third. Recognizing the tremendous potential to our people of aerospace applications and making provision for their expedient realization.

The first two of these recommendations are national policy matters currently overlaying the enabling legislation of the National Aeronautics and Space Act. Unfortunately, this national policy arises from a more transient set of rules. It is embodied in the Federal budget. Current national policy toward aerospace technological leadership and the efficient use of human technological resources does not show up as a written statement, but instead as approved items in the yearly budget. The NASA fiscal year 1974 budget, submitted to Congress by the administration, may be viewed as temporary departure from sound national policy, or it may represent a continuing permanent trend toward discarding national opportunities and wasting human technological resources. I will address this issue in further remarks in the Senate.

The third recommendation of providing expedient application of aerospace technology to our people is addressed by S. 2495, the Technology Resources Survey and Application Act introduced by my colleague, Senator MAGNUSON, for himself, Senator TUNNEY, and myself, and on which the committee will hold hearings.

The importance to the Nation of the recommendations of our distinguished witnesses again brings to mind Senator Lyndon Johnson's remarks in 1958:

> The real imperative is the future. What we do now may very well decide, in a large sense, what our Nation is to be 20 years and 50 years and a 100 years from now.

IMPEACHMENT HYSTERIA

Mr. FANNIN. Mr. President, the impeachment hysteria which we are seeing in America today is sadly reminiscent of the lynch law of the frontier days. In those days it was not too difficult to stir up a mob of vigilantes to hang a man for alleged improprieties, real or imagined. In yet earlier days we had the witch trials at Salem.

Today's vigilantes have the advantage of electronics communications to stir up the people. Statements made in Washington—whether responsible or irresponsible—are quickly transmitted to 200 million Americans in living color. In fact, it is a sad fact that the more irresponsible the statement, the more likely it is to reach the living rooms of America either via television or print or radio.

In yesterday evening's Washington Star-News there was a very powerful column by Richard Wilson. This column points out the distortion and exaggeration which has been used to make the people believe President Nixon is guilty of some offense which should cause him to be removed from office. The headline on this column is "No Case Yet for Impeachment," and it is exactly the way it is.

Mr. President, I ask unanimous consent to have this thoughtful column printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

NO CASE YET FOR IMPEACHMENT

(By Richard Wilson)

> Nothing illustrates with more crystal clarity the urgency of a quick and final resolution of the impeachment issue than the public attitudes which ran wild in the recent Mideast crisis.
>
> Every random thought which ran through a congressman's or journalist's head was articulated in living color to feed the fevered imaginations of the prejudiced and irresponsible.
>
> If there is cause for impeachment, let's get it out and done with immediately. If there is not—and this is the rub, there is not yet a clear case for impeachment—then let's bury the thing and get on with what has to be done.
>
> Implications that the President has gone berserk, that he created a phony nuclear crisis, that he tricked up a scheme to justify firing the special Watergate prosecutor are evidences of the irrational fury of those who wish to hang Nixon without a trial.
>
> They demand that he commit political suicide and there are even those so intense that they imagine his physical and mental collapse, to be followed by self-destruction.
>
> This is more than the "crisis of confidence" of which Secretary of State Henry Kissinger spoke. It is a livid hatred demanding punishment and retribution for imagined crimes which have not been proved. Lacking conclusive proof of criminality, Nixon would be rushed to the stake for the "secret" Cambodia bombing, for impounding congressionally appropriated funds, for his opposition to busing for integration purposes and—yes—for setting the Vietnam war on a time schedule not considered fast enough. He would be pilloried for the detente with Russia as a dangerous illusion, and brought to ruin for opposing the obstructive arrogance of a Congress controlled by the opposition party.
>
> Usurpation of power by Congress was one of the earliest fears of the founders of the Republic who had little faith in the ability of the people's representatives to executive national policy. The present affords a vivid illustration of those fears. A runaway Congress is determined to impose its will on the chief executive because it differs with his

methods and quarrels with constitutional prerogatives the President deems unimpeachable.

The impeachment issue has thus burst outside the bounds of treason, high crimes and misdemeanors. It has spread into the political morass of how the country is to be governed, what the Constitution meant when it gave the presidency its great powers, whether Nixon's major policies are right or wrong, and, indeed, on subjective judgments of good and evil based on whether or not people like the cut of the President's jib.

A president is to be impeached because he has a legally reasoned and carefully prepared position on the foggy issue of executive privilege? Nonsense. He is to be impeached because he fired a member of the executive department? Unbelievable. He is to be impeached because he claimed war power which Congress does not have the votes to deny him? Bunk. He is to be impeached because he sought to protect the integrity of national security secrets? Debatable.

Then what can he be impeached for? He can be impeached for the criminal obstruction of justice which hasn't yet been proved and may be no more provable from the White House tapes when they are presented to the grand jury.

This is the issue which needs to be gotten on with quickly and cleared up once and for all. The rest of it is a massive political collision involving windy moralizing about the "capacity to govern" of a President who has just proved that he can govern under the most ominous circumstances.

The blather, fustian and exaggeration—called a "fire storm" in the hyperbole of those who wish to incinerate Nixon—has done as much to limit Nixon's ability to govern as anything he has done.

The symptoms of what has happened to the country, to which Kissinger referred, are those of a fevered, unreasoning patient wildly suspicious of his physician. Not until the fever subsides will the patient's judgment return.

In this case the way to get the fever down is to get to the seat of the ailment, the Watergate collusion, and proceed with radical treatment if justified. That means quick action on impeachment or none at all. The patient can't stand much more of the intermediate political procedure.

SENATOR MONDALE'S ADDRESS ON THE MIDDLE EAST

Mr. HUMPHREY. Mr. President, I wish to call to the attention of my colleagues the eloquent address of the senior Senator from Minnesota, Mr. Mondale, before the Synagogue Council of America Statesman Award dinner on October 28.

Senator Mondale proposed that the United States go beyond selling arms and provide nonmilitary economic aid to help Israel recover from its most costly and tragic war.

Senator Mondale stated—

> Since Israel must survive in peace as well as in war, it is only right that the United States join in the reconstruction and rehabilitation of Israel's economy, assuring that the social welfare of Israel's citizens need not be sacrificed upon the altar of military necessity.

He also pointed out that with paragraph 3 of the new cease-fire—

> The United Nations has explicitly recognized, for the first time, that adversaries who do not communicate cannot make peace. . . .

Mr. President, I ask unanimous consent that Mr. Mondale's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator Walter F. Mondale Before the Synagogue Council in New York City, October 28, 1973

The guns of the Near East are silent, for now. But it will take more than this temporary respite for us to forget the horror and pain of the past three weeks. The mindless facts of the war are known, all too well, by those assembled here. But if we are to be able to respond to the new challenges which will confront the friends of Israel in the coming weeks, then it is essential that we understand the elements of the swarming attack which Israel has just weathered.

Consider what Israel faced:

A mighty military salient which forced her to fight simultaneously on two fronts against eleven Arab states;

A Soviet sea and airlift of advanced military equipment which allowed Arab commanders to squander hundreds of tanks and thousands of men with the full knowledge that gleaming replacements would be in the front lines the next day;

A cut-back in Arab oil production designed not so much to hurt America as to force our European and Japanese allies to apply pressure for an imposed settlement, so that their energy supplies might again be "secure;"

A diplomatic war to isolate Israel as an aggressive usurper of Arab lands and to force what six years of Arab obduracy could not achieve: a withdrawal to the pre-1967 borders with no guarantees of peace;

And finally, almost as an afterthought, a war of nerves and time, designed to ruin Israel's economy, dislocate her social welfare and slowly murder another generation of her sons.

If Israel's war is over, then the battles which Israel's friends must now fight are only beginning.

We have to fight for a genuine peace, a permanent settlement born of direct negotiations. An agreement which is signed and recognized, which will defuse future wars and result in an Israel fully accepted by her neighbors.

We must win the immediate release of the prisoners of war now held captive by Egypt and Syria.

We must struggle for a new definition of detente. A relationship which will be free from the apparent dishonesty which characterized Soviet behavior in the early days of the war . . . which will capture the real cooperation of interests which characterized the joint efforts for the cease-fire and the sending of a U.N. peace-keeping force which excluded the troops of the super-powers.

We must ward off those who would isolate America from her global responsibilities, and those who would isolate Israel from the world community.

We cannot allow our foreign policy to be subject to blackmail over oil. Our foreign policy must never be held hostage to economic interests. For where will it end? The time to face this issue is now—when the imports of oil from the Arab world amount to less than 7% of our total oil supply.

We must help in Israel's rehabilitation, working for needed grants and credits, so that Israel is not bankrupted by the aggression of others.

Foremost now is the question of peace. This war has cost far more than money, metal and men.

Let us hope that it has not deepended hostility and hardened hearts against peace.

But despite the lost opportunities and diminished flexibility, the present cease-fire resolution offers the best hope for a new communication and final agreement to the Arab-Israel conflict, even as the gun barrels are still cooling. Paragraph three of the resolution introduces a new concept: "The Security Council . . . decides that immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East."

This is the key.

Although it was accepted by all parties to the Middle East conflict, Security Council Resolution 242 was always interpreted by the Arabs after 1967 as a dictate to the parties, forcing a withdrawal from the territories occupied after the Six-Day War. Israel always contended that the highly ambiguous terms of the resolution were to be implemented by negotiation.

With paragraph three of the new cease-fire, the United Nations has explicitly recognized, for the first time, that adversaries who do not communicate cannot make peace, that trust can only come from a dialectical process to which both Jews and Arabs contribute, and from which both will benefit.

The United States, having contributed this essential element to the cease-fire resolution, must not now abandon its principled stand, no matter how much pressure for expedient, jerry-built solutions we face.

This means no return to 1957, when the United States insisted on an Israeli withdrawal, and promised that Israel's security and freedom of passage through Suez and the Straits of Tiran would not be impaired. Israeli ships were seized in the canal only weeks later, and Israel's southern life-line was blockaded in 1967, leading inevitably to the Six–Day War.

A principled American stand means no Rogers Plan . . . with territory carved up in advance . . . and with a tenuous security imposed by the great powers.

A principled American stand means insistence upon meaningful talks—starting the negotiation process . . . seeing that it becomes a dynamic and constructive endeavor . . . keeping external politics out and holding tempers in.

A principled American stand means no imposed peace, no matter how convenient or cosmetic it appears. It means insistence upon a final settlement which did not merely end war, but established open borders, mutual recognition, regular channels of communication and the basis of cooperation for the welfare of all the residents of the area.

This time we must have a negotiated peace.

This time we must have a recognized peace.

This time we must have a secure peace.

This time we must have a signed peace.

No longer can we wait for the next round of fighting to burst out, consuming young soldiers and poisoning more hearts.

This is our opportunity and our responsibility, and if the United Nations is unwilling to separate hostility towards Israel and obeisance to rhetoric from the imperative of communication, then the "appropriate auspices" under which the negotiations are to be conducted must be Great Power auspices.

This means the Soviets must help, and must be sincere in their desire for peace. And this is the second problem we must confront.

The fabric of detente has been stretched badly in the past three weeks. And we have seen how much we *need* the Soviets. To be able to send peace-keeping forces into the area. To build a new protocol of world relationships beyond the polarized hostility of the Cold War.

But there is much that must be transcended.

Since 1967 the Soviet Union trained the Arab armies for an offensive attack against Israel. The Soviets knew of the Arab plans for war, but did not inform the United States, something they were duty- and honor-bound to do under the Basic Principles signed in Moscow in 1972. The Russians first encouraged other Arab states to enter the war . . . then urged that the oil weapon be unleashed against the United States . . . and then pledged total support to the Arab war effort.

They launched a mammoth resupply effort to aid the reeling Arab armies. They ignored pleas from the United States to moderate their airlift so that the larger concern of detente would not be endangered.

Such a distorted conception of detente mocked the spirit of peace and friendship.

But the ultimate cooperation between the United States and the Soviet Union in producing U.N. cease-fire resolutions and agreeing to introduce U.N. peace-keeping forces indicates that, hopefully, detente can survive the war.

Let us see no more airlifts, or subterfuges such as the 1970 cease-fire violation, when the U.S.S.R. erected the dense anti-aircraft network on the Suez Canal which took the lives of so many Israeli pilots in the first hours of the new war.

Instead, to convince this country that detente is not merely a ploy to be used to Soviet advantage, the U.S.S.R. can demonstrate its sincerity, now, by urging its Arab clients to sit down at the bargaining table they have shunned so long. By providing this irreplaceable keystone for the structure of a Middle East peace, the Soviet Union could, in one stroke, prove its devotion to meaningful detente.

But restoring the peace is not merely a function of waiting for the Soviets and the Arab states to move. Now, in the coming months, our 25-year commitment to Israel must be renewed.

This means the extension of financial assistance to Israel's war burdened economy. Since Israel must survive in peace as well as in war, it is only right that the United States join in the reconstruction and rehabilitation of Israel's economy, assuring that the social welfare of Israel's citizens need not be sacrificed upon the altar of military necessity.

So many lives have been lost, and for this, there can be no reparation.

Israel has only just begun calculating the other costs. First indications are that the figure of $250 million per day previously estimated covers only part of the total, and the final figures will be much higher.

The American Jewish community has given selflessly to help shoulder this burden, as it has done in the past.

But this is not enough.

A small minority alone should not be expected to be the defenders of democracy nor should a small country be bankrupted because of the aggression of others.

In 1948, in 1956, in 1967, and in 1973, young Israelis died in defense of their homeland . . . never asking for the gift of our weapons nor the assistance of our manpower. Although more than 90 percent of all U.S. military assistance to many countries has been in the form of grants, Israel has never been the recipient of such grant aid.

Given the financial burdens under which Israel has labored—1,500,000 new immigrants to assimilate, the highest personal income tax level in the world—it is simply incredible that for 25 years Israel has borne the cost of its defense budget alone.

Thus, while the United States extended $309 million in military grants to nine Arab countries, Israel was compelled to go deeply into debt to pay for her defense needs, incurring the highest per capita foreign currency debt in the world.

While the Soviet Union fueled the arms race in the Middle East, using the desert as a testing ground for its most advanced weapons, American military assistance to Israel was restrained.

While France and England supplied Libya, Kuwait, and Iraq with weapons which were transferred to the supposedly embargoed belligerents, Israel was refused the spare parts for which she had contracted.

But there was a limit to how much armor one Israeli tank could repulse, or how many SA–6 missiles one Phantom pilot could dodge. Contemplating the limited sources of military supplies which Israel could draw upon, many asked, rightfully and bitterly:

How many Israeli soldiers must die before parity is achieved?

Thus in the first days of the war, the Administration hesitated to provide Israel with a resupply of weapons until it became clear that the Soviet Union was reinforcing the Arab armies with a full-tilt airlift of equipment. The United States recognized Israel's urgent need, and began rushing material vital to her survival.

In the Senate, I joined with 67 of my colleagues in introducing a resolution urging that this policy be continued and that Israel's requirements for her security be met.

Now the Congress has an opportunity to assert, in the most meaningful manner, a helping hand to our fellow democracy. Last week, the President asked Congress for $2.2 billion of emergency security assistance for Israel to help defray the cost of military equipment delivered to Israel since October 6, and equipment still to be delivered.

I am confident that Congress will swiftly approve this request.

I pledge to you my wholehearted support for its passage.

I am proud to join in this concrete manifestation of America's partnership with Israel.

American support for Israel derives from many sources, some of these the most sober calculations of *Realpolitik*—Israel's strategic location as a bulwark against Soviet entry into the Middle East, her traditional role as a stabilizing force in the region, contributing to the security of others in the area, and as simply one republic able to stand and protect herself, and thus aid America's global interests. These calculations are valid and significant. I accept them.

But I believe there are more profound reasons for the traditionally close relationship between the United States and Israel. These are reasons which will not change with the price of oil, the status of Soviet-American commercial dealings, or any developing trend of neo-isolationism and disengagement.

These reasons are embedded in Israel's unique position in the world community and they must be recounted, so they are not forgotten.

There are few nations which adhere to the American democratic and progressive tradition as closely as Israel. And there is *no* nation which has emulated America's example of being a haven unto the oppressed as Israel has.

In a pattern we Americans know well, the State of Israel took immigrants of a hundred lands, and moulded them into a nation, and made them full participants in one of the world's most spirited democracies. Israel is a genuine democracy, a progressive cooperative society, and as such she deserves our support.

But beyond *this*, there is the stark fact that Israel is the refuge of the survivors of that greatest of all tragedies, the Holocaust.

I believe it is impossible to understand Israel's struggle for survival at this very *minute* in 1973 without a constant awareness of the events of the Nazi years.

It was *that* awareness that led Americans after World War II to support overwhelmingly the right of the Jewish survivors to take control of their own destiny in the State of Israel. That has not changed.

So in the time of testing ahead, America will stand firm with Israel. Her principles are our principles. The isolation which confronts Israel in the world and the United States and Israel at the United Nations will have to be borne until a lasting and genuine solution is achieved. We will not surrender to expediency. We will be steadfast in our devotion to the basic goal, brotherhood and harmony in the Middle East.

Let us achieve it together. Let us hope that the hour has finally come.

MR. NIXON AND THE RULE OF LAW

Mr. MOSS. Mr. President, this past year, and the last 10 days in particular, have not been the best of times for our Republic, and it would be foolish to minimize the magnitude of our present crisis. I believe we are now undergoing the most severe domestic test since the Nation was torn apart by the Civil War. At stake is the very future of our Republic. At stake is our future as a free and open society ruled by a government of laws and not of men.

But even in times such as these, it is possible—indeed, it is imperative—to face the future with hope and determination. We are undergoing a severe test, but I firmly believe not only that our Nation will survive, but that our Republic as a government of laws will prevail. For, despite the present turmoil, I believe in the enduring strength of our system of government, and in the good sense and decency of the American people.

In his press conference last Thursday, Secretary of State Kissinger spoke of "crises of authority in our society." In my view, it would be more accurate to describe the most recent events, not as a crisis in authority, but as a crisis in the Presidency. For, in American society, the President is by no means the final authority, and the limits of Presidential authority have been dramatically illustrated in the events of the past 10 days.

Three men of good conscience in the Justice Department have left the Government rather than submit to President Nixon's willful attempt to circumvent a court order and abrogate agreements made with the U.S. Senate. And the American people have responded with the greatest demonstration of public outrage that I have seen in my 15 years in the Senate.

As a result of this strong, unprecedented public reaction, President Nixon was forced to surrender the tapes in accordance with the court order. He was forced to conclude that, on the matter of the tapes, he would have to obey the law just as any other American citizen. I believe that the surrender of the tapes was a clear demonstration of the law-abiding instincts of the American people, and a vindication of the supremacy of law in our constitutional system.

I just wish that we could now say that the supremacy of the law has been established, that our Constitution is intact, and that it is possible to put Watergate behind us and move on to other matters. But quite obviously, this course is not possible at this time, and we would be derelict in our duties as elected officials and as American citizens if we attempted to ignore or minimize the present crisis in the Presidency.

Unfortunately, there is no evidence that anyone in the White House has learned the basic lesson in American civics that was so vividly illustrated in the episode of the tapes. The President's advisers have described it as merely a "miscalculation." But if the President's actions were simply a matter of miscalculation, then surely it has to be one of the grossest miscalculations in the history of organized society. For it involved the failure of the nominal leader of a society to understand the rules by which that society operates. The majority of the American people understood what was involved in the President's attempt to defy the courts, for they retain a belief in the Constitution. But I am afraid there is now serious question as to whether President Nixon shares that belief in our Constitution.

There also has been no indication President Nixon is willing to release any further evidence that might be essential to the Watergate grand jury investigation. One of the key points is Mr. Nixon's so-called compromise on the nine specified tapes was that the special prosecutor should desist in the attempt to gain any further tapes or documents from the White House. Both Mr. Cox and Mr. Richardson balked at such a drastic limitation on the prosecutor, because they rightly believed that the cause of justice could not be served by the suppression of possible evidence. From all indications, however, Mr. Nixon's position on this issue has not changed. He still asserts that it is the President, and not the courts, who should make the final legal determination as to what constitutes evidence.

Finally, as the evidence of chicanery, ethical blindness, and outright lawbreaking in the executive branch continues to mount, it becomes painfully clear that this administration is the most corrupt in our Nation's history. Without judging whether Mr. Nixon himself has been involved in the corruption and the lawbreaking, it is at least self-evident that from the very outset of his administration, the President has surrounded himself with warped and blind minds. The record speaks for itself: the Watergate burglary, the Ellsberg break-in, the resignations under fire of the top White House staff, the indictment of two former Cabinet officers, and the resignation of the Vice President as a convicted felon. We continue to hear talk of still further corruption that may even touch the President himself. Judging from the history of the Nixon administration, this talk cannot be totally discounted.

Quite clearly, the present crisis in our Government is the result of an administration that has continually abused executive power, and that has fostered widespread corruption. But while it is a crisis with its origin in the Presidency, it is also one that can only be surmounted by strong corrective action on the part of the Congress and the courts. For these are the two other coequal branches in our system of checks and balances. I believe that to help provide the corrective action required under our Constitution, the Congress should now press forward on two fronts.

First, it is imperative that the district court be empowered to appoint a special prosecutor who is not subject to removal by the President. Although the constitutional precedent for such an action has not been clearly established up until now, I believe that such power might be embedded in article II, section 2 of the Constitution, which states that Congress may "vest the appointment of such inferior officers, as they think proper * * * in the courts." The President has promised to appoint a new special prosecutor of his own, but we have no reason to believe that the new appointee will be allowed any greater freedom to pursue his investigation than the President was willing to allow Mr. Cox. As long as Mr. Nixon remains Chief Executive, we simply cannot expect the executive branch to investigate itself in a full and impartial manner. I am pleased that the Judiciary Committee has begun hearings on legislation to authorize a court-appointed prosecutor. We certainly should give this legislation top priority and act on it as expeditiously as possible.

Second, the House Judiciary Committee should move ahead in its investigation of grounds for impeachment. I say this only with the greatest hesitation and in full awareness of the implications of an impeachment proceeding. Impeachment, or the bringing of charges, by the House, and the subsequent trial in the Senate, is obviously only a last recourse designed to halt a President who persists in abusing executive power. I believe we have reached the point where such a grave step may now be necessary. The power of impeachment is clearly granted to the Congress under the Constitution, and I believe the Founding Fathers were wise in placing this remedy in the Constitution as the ultimate legislative check on an unlawful executive branch. I am fully aware that the Senate must sit in judgment at the trial of the President once impeachment is brought in the House, and I do not wish to prejudge the guilt or innocence of the President. But reluctantly, I have come to the conclusion that we have reached the point where the House must at least put in motion the machinery for possible impeachment of President Nixon.

The Salt Lake Tribune on Monday, October 22, 1973, published an editorial which I ask unanimous consent to have printed in the Record following my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Salt Lake Tribune, Oct. 22, 1973]

Sorry Nixon Retaliations Demand Prompt Correction by Congress

By defying the courts, by breaking promises and by firing or forcing the resignations of the dedicated men who opposed his violation of accepted legal procedures, President Nixon removed all doubt that he considers himself above the rule of law.

In so doing he forfeited confidence in his present ability to lead the nation, a confidence expressed many times over the years by this newspaper.

Mr. Nixon's frantic response to Special Watergate Prosecutor Archibald Cox's announced intention to resist a gerry-built, illegal plan for partial release of the Watergate tapes seems the reaction of a desperate man. It appears to be the reflex retaliation of a man determined to take things into his own unsteady hands.

When the events of the past few days are considered together with the recent shabby performance of former Vice President Agnew, the President's arrogant actions affirm, at least in the public mind, an admission of complicity in the Watergate scandal.

At a time when the faint breaking of a spark can start a worldwide conflagration, President Nixon exhibits himself as a power-blinded despot, willing to plunge the country into internal strife merely to prove a point which two lawfully instituted courts have overwhelmingly rejected.

In these perilous times the country requires a more stable person at its head than Mr. Nixon has shown himself to be in recent days.

In firing Mr. Cox and Deputy Attorney William D. Ruckelshaus and forcing the resignation of Attorney General Elliot Richardson, the President broke, in full view of a startled nation, his promise to give the country an impartial investigation of the scandal that now has virtually consumed his administration.

Almost from the day that promise was made, if Mr. Cox is correct, the administration refused to live up to the spirit or the letter of its agreement. Further, Mr. Nixon aborted an orderly appeal of the tapes question to the Supreme Court by announcing Friday he would defy rather than appeal the latest court decision against him. When Mr. Cox insisted that the rule of law take precedence over the rule of Nixon, he was eliminated in a ruthless fashion almost unprecedented in the nearly 200 years of American nationhood.

The rapid-fire resignation and firing of Mr. Richardson and Mr. Ruckelshaus, who also refused to bow to presidential fiat, removes from government three of this failing administration's most conscientious public servants. Their forced departure raises questions whether there is any place left in this government for decent, forthright men.

In each of his three bids for the nation's highest office, The Tribune supported Richard Nixon because we believed he possessed those qualities of leadership which would best serve the country. But the Nixon performance, since the very beginning of the Watergate debacle, has eroded that support to the vanishing point.

Surely he has not, since Watergate broke, shown himself to be a leader devoted to the best interests of the people. It is apparent now he surrounded himself from the beginning with a palace guard contemptuous of the unique system of American democracy under which fair play and the rule of law, not men, dominate. The rare exceptions, such as Mr. Cox, Mr. Richardson and Mr. Ruckelshaus quit or invited firing in a futile, last-ditch effort to restore reason to an administration seemingly bent on self-destruction.

In consideration of his acknowledged accomplishments and in view of our years of support for the man and for many of his policies, it is with regret that we now find it necessary, for the good of the country, to call upon Richard M. Nixon to resign as President of the United States. If he fails to do so, Congress should move with alacrity to impeach him.

CONGRESS SHOULD INSIST THAT EXECUTIVE BRANCH POWER OVER INDEPENDENT COMMISSIONS BE REDUCED

Mr. METCALF. Mr. President, the issue of relations between the legislative and executive branches of Government dominates this 93d session of the Congress. One of the areas in which the issue has arisen is the Alaska pipeline bill, S. 1081. The conferees have agreed to remove from the Office of Management and Budget its control over the questionnaires submitted to companies by the independent Federal regulatory commissions, which are not part of the executive branch. The conferees decided to give the General Accounting Office, an arm of the legislative branch, authority to advise the independent commissions regarding questionnaires.

This controversy over questionnaires is a matter of executive-legislative relationships. It is not a partisan matter. OMB and its predecessor, the Bureau of the Budget, have exercised this authority in Republican and Democratic administrations, ever since the Federal Reports Act of 1942 was passed. OMB and BOB have both utilized, in their efforts to control the independent commissions' questionnaires, the Business Advisory Council on Federal Reports. That advisory committee is composed exclusively of business representatives, most of them from very large businesses—despite the emphasis in the Federal Reports Act that the needs of small business should be recognized by OMB.

The legislative history of the Federal Advisory Committee Act—Public Law 92–463—contains a wealth of information regarding OMB and its frustration of independent agencies' questionnaires. That legislative history appears in the hearings conducted by former Congressman John Monagan before the House Government Operations Subcommittee on Legal and Monetary Affairs, and the hearings conducted by the Senate Intergovernmental Relations Subcommittee during the 91st and 92d Congresses.

Mr. President, the situation now regarding this old conflict is different in two respects from that which faced preceding Congresses. First, we have at last a determined effort by the Congress to take back some of the powers which it has given the executive branch. Second, we have more lobbying than ever before against this diminution of Executive power.

The lobbying effort is being led by OMB Director Roy Ash. The company he formerly headed, Litton Industries, has long been in the forefront of the opposition to agency collection of data from industry. And he is being supported by platoons of industry executives from the Business Advisory Council on Federal Reports.

BACFR meetings coincide amazingly with key congressional action on the legislation which would diminish Executive power over the regulatory commissions. Hundreds of big business representatives attended the OMB–BACFR meeting on October 17, at which time the Federal Trade Commission tried again—it has been trying for 3 years—to obtain approval of a questionnaire. During that week the Senate and House conferees were working on the pipeline bill, and many representations were made by BACFR people, to members of the legislative branch, to continue the executive branch power over the independent regulatory commissions.

This week efforts are underway by Mr. Ash and his Business Advisory Council on Federal Reports to force recommittal of the Alaska pipeline conference report, or separate House votes on certain of its provisions. And again BACFR has scheduled a meeting for Thursday, November 1, to conduct various business, including the receiving of reports of recent actions by OMB regarding business reporting to Federal agencies.

Mr. President, I hope that all Members of Congress will resist the OMB-industry lobby's attempt to defeat the conferees' fair resolution of the issue. The lobby's argument that the commissions will burden the companies is balderdash. Commissions are always mindful of industry's problems, no matter what administration is in power. The GAO can be expected to be fair and free with its advice to commissions. The Congress itself helps see to it that commissions do not burden business. By approval of the questionnaire review provisions of the Alaska pipeline bill the Congress will take a significant step toward reduction of excessive Executive power.

TRADE ASSOCIATIONS AND SOCIAL RESPONSIBILITY: THE LOWEST COMMON DENOMINATOR

Mr. PERCY. Mr. President, corporate involvement in public policy issues has been one of my major interests ever since I first entered industry in 1938.

I commend to the attention of my colleagues an insightful article written by Larry Finkelstein, entitled "Some Tough Questions About Trade Associations" which appeared in the Summer Issue of Business and Society Review.

Mr. Finkelstein, the former Director of Urban Affairs for the Public Affairs Council, portrays the attitudes and practices of trade associations which take positions on public policy issues in the name of the business community. His conclusion that business needs to review the position and tactics of these organizations is a timely message—particularly in view of last year's vociferous opposition to, and misrepresentation of the critically important Consumer Protection Agency legislation by certain trade associations.

Rabble-rousing is unbecoming and uncalled for by responsible business organizations. Surely they can do better when the measure comes before the Congress for consideration anew in the weeks and months ahead.

I ask unanimous consent that Mr. Finkelstein's article be printed in the RECORD.

There being no obligation, the article was ordered to be printed in the RECORD as follows:

SOME TOUGH QUESTIONS ABOUT TRADE ASSOCIATIONS

(By Larry Finkelstein)

American corporations support some 1600 national organizations known as trade associations. These associations are often used by "socially responsible" corporations to advance corporate interests in areas where a single company does not wish to be publicly identified. The amount of dues paid to these organizations is regarded by corporations as proprietary information—trade associations do not publish annual reports detailing their dues scales, programs, and budgets. There is, unfortunately, precious little discussion about these organizations, in terms of either their institutional nature or of corporate obligations for their practices and policies. It is time that questions about the social ramifications of trade association activities, and the responsibilities of their memberships for their operations, were raised.

What is a trade association? The Dictionary of American Politics describes it as "a voluntary nonprofit association of competitors in a branch of industry for dealing with mutual business problems such as accounting practices, trade promotion, and relations with organized labor, the public, and elected public officials." Webster's New World Dictionary defines the trade association as "an association of merchants or business firms for the unified promotion of their common interests." Cynical Washington observers have defined trade associations as mechanisms to bypass antitrust statutes, to facilitate price fixing, and to coordinate political pressures of a given industry.

The majority of trade associations have relatively small budgets, small numbers of employees, and relatively little impact upon the political process. But the need for public disclosure, for an end of discriminatory employment practices, and for more adequate understanding of social issues by trade association staffers applies to them as much as to their larger brethren. Moreover, their small size does not absolve corporate funders from responsibility for their operations.

Trade associations can be viewed as a tool for analyzing the sometimes mystical concept of voluntarism. Private-sector leaders confidently assure the public that corporations would voluntarily pursue a socially responsible course of action were they only allowed to regulate their own actions. The past record of trade associations whose funding and policies is determined solely by its corporate membership hardly bears this out.

THE "CONSUMERIST CONSPIRACY"

The Association of National Advertisers, Inc. recently considered a campaign to approach its membership to increase financial contributions so that the Association's Washington operations could be expanded. The excerpt in the draft memorandum provides an excellent example of the trade association mentality:

"During the past year, the A.N.A. Government Relations Committee, along with the full Board of Directors, has given intensive consideration to the resources we as advertisers have to represent us in Washington. Our conclusions are recommendations are spelled out in this memorandum.

"In essence, we fear that we are already late. In our judgment, if we do not act now, every advertiser's ability to communicate:

What he wants and as he wishes . . .
Through the media of his choice . . .
In amounts he determines . . .
Will be seriously eroded . . .

"Our proposal is confined to Washington because to our opponents—

"Government is seen as the solution

"The active critics of advertising, with *good will or bad* (italics added) and whether they be the Consumer Federation, the burgeoning 'public interest law firms' or politicians riding a bandwagon, see regulatory and legislative action as their means and lever for change. To them it is axiomatic to:

"Use the F.C.C. as their instrument to bring about change is television, rather than tuning out their sets;

"Call on Mrs. Knauer, rather than charging a foolish purchase to experience;

"Suggest legislation banning all hazards, rather than individually playing it safe.

"We, in contrast, and at the risk of oversimplifying, have looked to the traditional marketplace for products and ideas as the arena for discussion and decision."

Caveat emptor rides again! To this association, consumerism is a conspiracy to deprive industry of its rightful profit. Yet, industry continues to support A.N.A.—and other trade associations with a similar philosophy—at the same time that its leaders swear allegiance to good consumer practices.

Conspiracy thinking is not limited to consumerism. In 1971 a regional public affairs manager of a major trade association sent me a letter outlining his thoughts about the environmental movement: "I have been exceedingly busy recently. My time has been spent lobbying, testifying, making speeches, attending meetings, and traveling. Our primary opposition comes from environmental zealots, opportunist politicians, and scapegoat-seeking, hysterical news media reporting. All of these groups work in close harmony and compliment (sic) each other."

The letter goes on to state that "the following quotation by Dr. James Goff of the Michigan State University School of Packaging is quite valid in my opinion: 'There are only two things slowing down the ultimate solution to environmental problems. One is the whole environmental movement which reflects a search for scapegoats. Another reflects the American desire for a simple solution.' "

This individual recently has been promoted to Director of the trade association's Washington office. With industry attitudes such as the above, it is no wonder that industry is always cast as the nay-sayer to environmental quality. The wonder is that industry looks for scapegoats in explaining the lack of public acceptance of its positions.

EMPLOYMENT PRACTICES—AND THEIR REMEDIES

The social performance of trade associations is well demonstrated by their discriminatory employment practices. No definitive study has been released to the public about trade associations and minority hiring. In the past three years I have dealt with most of the major trade associations through my work at the Public Affairs Council. My best estimate is that—cumulatively—the 1600 national trade associations have hired fewer than forty minority professionals over their entire history. Moreover, many of the national trade associations have not even hired minorities for secretarial positions. Additionally, I estimate that less than 1 percent of current trade association professionals are women, and that less than 1 percent are Jewish.

This charge needs to be corroborated. I suggest that the Equal Employment Opportunity Commission definitively determine the employment record of the 1600 national trade associations. The EEOC might then determine that support of such organizations could constitute an "unfair hiring practice" of the funding corporation.

A better approach to regulation of the national trade associations is corporate action. Organizations which perform services under the corporate umbrella should have minimum standards of social performance. Before paying the bills of any organization, no matter its ostensible purpose, the corporation should require the organization to demonstrate a good-faith employment record.

The corporate conscience might be activated on a short term basis by EEOC action, IRS compliance reviews of organizations supported by tax-deductible funds, and class action suits by individuals who are discriminated against by those organizations which corporations fund. Should the IRS Code as presently written prove to be inadequate, new legislation could be drafted to prohibit tax-exempt organizations from receiving funds should they have discriminatory employment practices.

The American Society of Association Executives is quite proud of the social contributions that trade associations have made to the country. A 1972 ASAE survey asserts that 73 percent of all of the associations in this country are at present involved "to a lesser or greater degree in helping solve the nation's economic and social problems." Executive Vice President James P. Low adds, in the introduction to the survey, "This is a hopeful note for America's future."

Thirty-five percent of the associations that responded to the ASAE survey claim to have operative "programs to aid the disadvantaged." For this category, over 50 percent of the respondents claiming to have such programs were from local associations. Therefore, the number of national associations with such programs is well below 35 percent. Moreover, this question was designed to survey support services provided to member companies, and not to seek information about trade association involvement in the community. In Washington, D.C., involvement of national trade associations in the community is virtually nonexistent. Since private organizations are the second largest employer in Washington, this vacuum of leadership is significant.

At random I contacted nine of the larger national trade assocations for information about their membership dues scale formula. Only two associations, the American Bankers Association and the Soap and Detergent Association, considered this information to be in the public realm. Since these organizations are receiving tax-deductible funds, should not the nature of their financial support be public information? The American Paper Institute, American Petroleum Institute, Pharmaceutical Manufacturers Association, Manufacturing Chemists Association, American Iron and Steel Institute, Grocery Manufacturers of America, and Aircraft Manufacturers of America regard their funding as proprietary information.

To better familiarize the reader with the nature of trade associations, the dues scales of the America Bankers Association, the one cooperating trade association, and the Pharmaceutical Manufacturers Association, a noncooperating trade association, follow:

MEMBERSHIP ASSESSMENT FOR THE ASSOCIATION YEAR 1972–73: ARTICLE III

Section 1. *Annual Dues*

Firms doing an annual business of more than:

$240,000,000, $170,000.
$220,000,000, $156,000.
$200,000,000, $140,000.
$180,000,000, $126,000.
$160,000,000, $110,000.
$140,000,000, $96,000.
$120,000,000, $86,000.
$100,000,000, $65,000.
$90,000,000, $60,000.
$80,000,000, $54,000.
$70,000,000, $48,000.
$60,000,000, $42,000.
$50,000,000, $36,000.
$40,000,000, $30,000.
$30,000,000, $24,000.
$20,000,000, $19,000.
$15,000,000, $16,000.
$10,000,000, $14,000.
$7,000,000, $12,000.
$5,000,000, $9,500.
$3,000,000, $7,000.
$2,000,000, $4,500.
$1,000,000, $3,000.
$500,000, $1,500.
$200,000, $1,200.
Less than $200,000, $1,000.
Multiple Listing, $300.

Section 2. Dues are to be payable in advance for the fiscal year (commencing July 1) or applicable portion thereof, and (except as hereinafter provided at the election of the Members) are to be based upon the total business done by the Member Firm, including all divisions, subsidiaries and units thereof, during the preceding year, in accordance with the preceding schedule. If a substantial portion of a Member's total business (a) is clearly outside the pharmaceutical, medicinal chemical, biological (including veterinary and human) or allied fields, or (b) includes intercompany sales, such portion may be exempted from the dues calculation by an appointed officer with the approval of the Treasurer.

Section 3. A person with one or more divisions or subsidiaries eligible for membership may elect to pay dues either as one corporate entity, as above provided, or in the names of each of such components, in which event the dues for each shall be computed in accordance with the foregoing schedule. If such persons making a single dues payment elect to have eligible divisions or subsidiaries added to the membership list, they shall pay the sum of $300 per year for each such additional listing.

Section 4. In addition to the regular dues, special assessments may be levied for the purpose of the Association upon vote of two-thirds of the Members of the Association present and voting at any annual meeting or at any special meeting called for such purpose, or by consent in writing of two-thirds of the Members, after prior approval thereof by the Board of Directors.

This report will be kept confidential within the PMA office.

COMMERCIAL BANKS, TRUST COMPANIES, SAVINGS BANKS, PRIVATE BANKERS, AND BANKING FIRMS

Your bank may become a member of the American Bankers Association and receive a subscription to Banking from now—to Sept. 1, 1974.

Annual dues are based on total assets, according to schedule below:

If the total assets of your bank are:
Less than $1,000,000, $50.
$1,000,000 and under $2,000,000, $65.
$2,000,000 and under $3,000,000, $90.
$3,000,000 and under $4,000,000, $115.
$4,000,000 and under $5,000,000, $145.
$5,000,000 and under $6,000,000, $165.
$6,000,000 and under $7,000,000, $180.
$7,000,000 and under $8,000,000, $200.
$8,000,000 and under $9,000,000, $220.
$9,000,000 and under $10,000,000, $240.
$10,000,000 and under $11,000,000, $260.
$11,000,000 and under $12,000,000, $280.
$12,000,000 and under $13,000,000, $300.
$13,000,000 and under $14,000,000, $320.
$14,000,000 and under $15,000,000, $340.
$15,000,000 and under $16,000,000, $360.
$16,000,000 and under $17,000,000, $380.
$17,000,000 and under $18,000,000, $400.
$18,000,000 and under $19,000,000, $420.
$19,000,000 and under $20,000,000, $440.
$20,000,000 and under $25,000,000, $520.
$25,000,000 and under $30,000,000, $600.
$30,000,000 and under $35,000,000, $675.
$35,000,000 and under $40,000,000, $755.
$40,000,000 and under $45,000,000, $830.
$45,000,000 and under $50,000,000, $910.
$50,000,000 and under $60,000,000, $1,065.
$60,000,000 and under $70,000,000, $1,220.
$70,000,000 and under $80,000,000, $1,380.
$80,000,000 and under $90,000,000, $1,535.
$90,000,000 and under $100,000,000, $1,690.
$100,000,000 and under $150,000,000, $2,210.
$150,000,000 and under $200,000,000, $2,730.
$200,000,000 and under $250,000,000, $3,250.
$250,000,000 and under $300,000,000, $3,770.
$300,000,000 and under $350,000,000, $4,290.
$350,000,000 and under $400,000,000, $4,810.
$400,000,000 and under $450,000,000, $5,330.
$450,000,000 and under $500,000,000, $5,850.
$500,000,000 and under, $600,000,000, $6,890.
$600,000,000 and under $700,000,000, $7,930.
$700,000,000 and under $800,000,000, $8,970.
$800,000,000 and under $900,000,000, $10,010.
$900,000,000 and under $1,000,000,000, $11,050.
$1,000,000,000 and under $2,000,000,000, $14,300.
$2,000,000,000 and under $3,000,000,000, $17,550.
$3,000,000,000 and under $4,000,000,000, $20,800.
$4,000,000,000 and under $5,000,000,000, $24,050.

$5,000,000,000 and under $6,000,000,000, $27,050.

$6,000,000,000 and under $7,000,000,000, $29,800.

$7,000,000,000 and under $8,000,000,000, $32,300.

$8,000,000,000 and under $9,000,000,000, $34,300.

$9,000,000,000 and under $10,000,000,000, $35,800.

$10,000,000,000 and under $11,000,000,000, $37,300.

$11,000,000,000 and under $12,000,000,000, $38,300.

$12,000,000,000 and under $13,000,000,000, $39,300.

$13,000,000,000 and under $14,000,000,000, $40,300.

$14,000,000,000 and under $15,000,000,000, $41,200.

$15,000,000,000 and under $16,000,000,000, $42,100.

$16,000,000,000 and under $17,000,000,000, $43,000.

$17,000,000,000 and under $18,000,000,000, $43,800.

$18,000,000,000 and under $19,000,000,000, $44,600.

$19,000,000,000 and under $20,000,000,000, $45,400.

$20,000,000,000 and under $21,000,000,000, $46,100.

$21,000,000,000 and under $22,000,000,000, $46,800.

$22,000,000,000 and under $23,000,000,000, $47,500.

(For each additional $1 billion, add $600 dues.)

Branches of members, $35.00.

A Fortune 500 company which is multiproduct, multiplant, and multinational will belong to a plethora of national, state, and local trade associations. Added together, the sum of these contributions is substantial. For instance, a bank such as the Bank of America would pay approximately $90,000 in dues to the American Bankers Association. Interestingly, B of A pays approximately $150,000 in dues to the California Bankers Association. It would also be likely to belong to trade associations such as: Bank Administration Institute, Bank Marketing Association, Robert Morris Associates, Consumer Banking Association, Association of Registered Bank Holding Companies, Industrial Bankers Association of the U.S., Bankers Association for Free Trade, Association of Reserve City Bankers, American Institute of Banking, and a clearinghouse association in one major city. The Bank of America also belongs to numerous business associations throughout the state of California, due to California's statewide branch banking system.

An interesting exercise for a large corporation would be to combine into one budget all funding for trade and business associations and compare the total with that of its philanthropic contributions. The figures should be available to the public, should a corporation choose not to divulge its findings. Moreover, the ability of the associations to retard social change is often greater than the ostensible business support of organizations that seek to produce the very changes the association legislatively oppose. There have been numerous examples of a corporate chief executive officer's participation in a Committee on Economic Development study, while his trade association was opposing the very recommendations that he supported in the study.

TWO FORMS OF TYRANNY

Many trade associations are faced with the lowest common denominator problem. The broader the constituency of the trade association, the more difficult it is to develop an industry consensus. The lowest common denominator factor also opens the way to two forms of tyranny: tyranny by a small number of neanderthal companies which threaten to withdraw unless their voices are heeded, and tyranny by small companies which dominate the association with their numbers while large companies pay the bulk of the association's dues. Inability of trade associations to overcome these barriers is partly responsible for the large increase in corporate Washington offices in the past five years.

Another indication of industry's impatience with trade associations is the greater use of ad hoc informal groups to accomplish legislative objectives. One of the more important of these groups is the "March Group."

Triggered by a speech by Dr. Arthur Burns to the Business Council, twelve corporations (since expanded to about fifty corporations) organized in March of 1972 to evaluate corporate presence and potency in Washington. Some of the original companies which participated in the March Group were General Electric, United States Steel, Reynolds Metals, Procter & Gamble, and TRW. Other companies which have since joined include J. C. Penney Co., Southern Pacific, Westinghouse, AT&T, Goodyear, Gulf, Ford, Alcoa, Carolina Power & Light, Standard Oil (N.J.), American Cyanamid, TWA, Armstrong Cork, Libbey Owens-Ford, and Eli Lilly.

Four areas were designated as initial points of focus: tax reform, international investment, labor law reform, and pension reform. These areas have since changed to environment, tax reform, international trade and consumerism. Each committee is chaired by a chief executive officer, with Washington corporate representatives providing legislative input. One of the first projects of the group was to make a preliminary evaluation of the effectiveness and utility of major Washington-based organizations.

Eleven of the twelve original members of the March Group were jointly supporting some 319 Washington-based organizations. For either preliminary review, twenty-two organizations were examined for their effectiveness, as perceived by the Washington representatives of the participating companies. Not surprisingly, organizations such as the Brookings Institution and the Committee on Economic Development received strong criticism, while trade associations such as the American Petroleum Institute and the American Mining Congress received such praise as "enjoys fine reputation in Washington."

The "fine reputation in Washington" that the trade associations enjoy is true only in the conservative business constituency. By what standards does business determine that trade associations such as API are in its self-interest, while "liberal" organizations such as Brookings and CED are "deserving of serious scrutiny"?

The March Group has recently merged with another little-known organization, the Business Roundtable. Member companies, largely those which comprised the March Group, will support this joint effort to the tune of $3 million per year for an initial three-year period.

Another important aspect of the March Group is its lack of public visibility. I have mentioned the difficulty of obtaining information from the formally constituted trade associations which receive tax-deductible funding. Information about ad hoc groups such as the March Group will be even more difficult to acquire. Should the business community choose to become more secretive about its involvement in the legislative process at a time when institutional credibility is at a low point, then it must be prepared for the public reaction when its involvement becomes known.

MOVING TOWARD SOCIAL RESPONSIBILITY

Some trade associations have attempted to initiate supportive services for their members in the social action field. The Insurance Industry Trade Associations jointly launched their acclaimed billion dollar investment program in 1967. Last year, the four major life and health insurance associations established a committee on corporate social responsibility to serve as an industrywide clearinghouse. The public relations arm of the industry, the Institute of Life Insurance, publishes a bimonthly newsletter, *Response,* to accomplish this clearinghouse function. To date, examples of corporate programs detailed in this newsletter have been largely peripheral to corporate self-interest.

The American Bankers Association also established an urban affairs committee in 1968. Recently its programmatic responsibilities were spun off to its operating committees. It remains to be seen what impact this development will have upon its social commitments.

Urban affairs officers of corporations should seek to become involved in determining corporate funding for trade and business associations. Many large corporations appear not to be satisfied with the services they receive from trade associations. Urban affairs officers should also be alert to opportunities that lead to redefinition of corporate self-interests. Are corporations funding organizations that pursue corporate self-interests, or are they actually funding traditional organizations that are intensifying political and social problems?

National trade associations are only one category of business-expense-supported organizations. Local and state trade associations, professional organizations, business clubs, and traditional philanthropic organizations are also supported by business-expense funding. It is time for industry to establish minimum levels of social responsiveness for organizations which it funds, and to be responsible for the practices of those organizations which operate under the business umbrella.

THE LAND-USE BILL

Mr. JACKSON. Mr. President, I call my colleagues' attention to an excellent New York Times editorial.

This editorial decries the recent efforts of the Liberty Lobby, the Chamber of Commerce of the United States, the American Mining Congress, and real estate interests to destroy a bipartisan effort to pass critically important legislation: the Land Use Policy and Planning Assistance Act.

Mr. President, my colleagues know that virtually no proposed legislation of recent memory has been so carefully considered and analyzed as has been this measure. I introduced the first land-use bill in 1970 and it was reported out of committee that year. In the 92d Congress, the administration introduced a similar bill, developed by an interagency task force, and made the measure the keystone of the President's environmental legislative package. The Interior Committee reported a bill combining the best aspects of my bill and the administration's measure and that bill passed the Senate on September 19, 1972. This year, again the administration and I renewed our pledges to obtain enactment of a land-use bill. On June 21, by a vote of 64 to 21, the Senate again passed the Land Use Policy and Planning Assistance Act, [S. 268].

The 3 years of deliberation on the bill include, in the Senate alone, 20 days of hearings by 3 committees, more than

20 committee prints, 3 committee reports, 5 days of Senate debate, and passage twice by the full Senate. These deliberations also included many discussions with representatives of all levels of government, of industry, and of the environmental movement. Numerous tradeoffs were made, new language was adopted to meet the concerns of many and diverse interests, and the final product is better for it.

In fact, the quality of the bill and the fairness with which it addresses the concerns of numerous interests are reflected in its widespread support among governmental, environmental, industrial and business, labor and professional interests. The President has given the legislation star billing in his last three environmental messages to Congress and included it among the "must" bills which he discussed in his second state of the Union message this year. The Governors' Conference, League of Cities, National Association of Counties, and representatives of other governmental associations have supported the measure. Environmentalists have fought for its passage. Business Week, the Wall Street Journal, and other business publications have editorialized in its favor. The National Association of Industrial Parks, League of New Community Developers, energy industries, and other business groups have testified favorably on the proposal. The AFL–CIO gave it solid backing.

Now, despite the long and painstaking history of this bill and despite the careful consideration of all legitimate points of view, a blitzkrieg effort, involving the worst sort of scare tactics, to kill a similar measure now moving through the House is being mounted by ideological fringe groups and by special interests who make their livelihood by bending existing land use controls to their own benefit. Despite the full assurances of constitutional lawyers and the Department of Justice that private property rights are fully protected in the language of S. 268 and the House bill and despite the active support of more than 40 Governors, many county officials and mayors, and the national organizations which represent them, the Liberty Lobby, the Chamber of Commerce, and others continue to shout, at best uninformed, at worst purposely misleading, statements such as "destruction of private ownership of land" and "imposition of national zoning." With meaningless slogans such as "S. 268—Made in U.S.S.R.," these organizations have encouraged mass form-letter mailings.

Finally, they have scratched together a last-minute bill and are desperately searching for a sponsor for it. I have seen a draft of this measure and it is a travesty. These special interests must hope to hide their band-aid bill's true nature by having waited 3 years until the last minute when all hearings have conveniently been completed. I am particularly distressed that this campaign to scuttle the bill did not take place on the public record.

We do not need grants of taxpayers' money to do nothing but collect data—which the industry bill provides. We do not need to reaffirm business as usual—where money and power buy the corruption of even the best of planning through variances and other techniques—which the industry bill would do.

To those who have responded to the scare tactics of these organizations, I would like to offer these comments:

The Land Use Policy and Planning Assistance Act does not require, and I want to emphasize this, a whole new set of land-use controls. Its purpose is to provide financial assistance, through grants, to State and local governments to improve the existing controls and make them more democratic.

We have always had controls; we have never allowed land to be used in absolute freedom by its owner. Even at the birth of our Nation, the original States and their cities placed controls upon land. In addition, the courts restricted the uses of land under the nuisance doctrine. By the 1930's most of the cities and counties of this country had zoning laws, building codes, and other controls which restricted property use. These restrictions did not reduce property values, rather they were used to increase property values. For example, home values were protected by restrictions in residential areas which prohibited such land use as stockyards, tanneries, factories, and dance halls.

We all know of the abuses of many of these traditional land-use controls, including zoning. Too often one very local zoning body will allow a use of land that will clog the streets, pollute the air, crowd the schools, and add to the tax burden of people living outside its jurisdiction. These people have no chance to alter this undemocratic decisionmaking because they can neither participate in the decision nor vote for the officials who made it.

The Land Use Policy and Planning Assistance Act encourages changes in the zoning and other land-use controls, not necessarily to place greater restrictions on land, but to insure that the controls we already have truly consider social and environmental needs and not just cater to economic interests. In addition, the act would make certain that our existing land-use controls respect the interests and allow the participation of all people who would feel the impacts of land-use decisions—not just those who live within the jurisdiction of the decisionmaker or have the best means to influence his decision in their favor.

The scare tactics include cries that land-use decisions will no longer be made by State and local officials but by civil servants in distant Washington. The opposite is true. The Land Use Policy and Planning Assistance Act is the Nation's best and probably last chance to preserve and to invigorate State and local land-use decisionmaking and to insure that basic property rights are not infringed by faceless Washington bureaucrats, far removed from the sites of land-use problems.

The act is an affirmation of States rights. It provides grants to the States to assist them to develop their own innovative land-use policies and procedures to meet the land-use crisis. It is a statement of belief that, if urged and aided, State and local government, working together, can provide a better design for tomorrow—a design which embodies all legitimate values and goals, local, regional, and national.

If State and local governments do not accept this challenge and do not implement this bill, the only solution will be the usual solution for national problems: Federal control. No one wants national zoning; but, unfortunately, I believe that, if we turn our backs on the opportunity and shirk our responsibility to improve land-use decisionmaking, that is what we will have by the end of the decade.

In addition, the act contains specific provisions which guarantee constitutionally protected property rights and access to courts for those who feel their rights have been denied. These provisions are stronger than language in other Federal land-use legislation already enacted into law: the Coastal Zone Management Act; the Housing Act of 1954, as amended, and so forth.

Again, if the Land Use Policy and Planning Assistance Act is not enacted and if the challenges it provides are not met—if, instead, in a crisis atmosphere we turn to national zoning—then many property rights may not survive.

I believe the many people who are concerned about property ownership, about the legitimacy of local control over land, and the dangers of big government have been dealt a real disservice by these last minute nay-sayers. S. 268 is a critically needed bill to insure the survival of those very values. People who hold those values dear should be the very first to support this legislation.

I ask unanimous consent that the New York Times editorial be printed in the RECORD at this point. In addition, I ask unanimous consent to have printed in the RECORD two recent columns by David Broder. These excellent pieces describe the importance of the land use policy legislation from a local perspective. I commend these columns to my colleagues.

There being no objection, the material was ordered to be printed in the RECORD as follows:

THE QUIET REVOLUTION

After relatively easy passage by the Senate, a bill that would encourage states to plan sensibly the uses of their still empty lands has fallen on difficulties in the House of Representatives. Members of that chamber, particularly those on the committee which is now trying to frame a companion measure, are being subjected to a flood of mail denouncing the legislation in highly emotional terms.

The attack, led by real-estate developers, chambers of commerce and the right-wing Liberty Lobby, is comparable in tone and lack of logic to the assault wave that greets all attempts to require the registration of guns. The favorite line of attack against land-use legislation is to misrepresent it as an attempt to upset "cherished principles of private property."

It is not that at all. The concept is simply one of making sure that states do, coherently and with an eye to the larger good, what they have long been doing only in the most haphazard localized and inefficient way. Instead of entrusting entirely to localities the zoning power which has long and legally infringed those "cherished principles," states would be required—and financially helped—by the Federal Government to inventory their resources, draw up statewide land-use programs, develop regulations for land sales and large housing developments outside of metropolitan areas and set standards governing such matters as environmentally sensitive lands, the impact of airports and the location of new communities.

Most states do some of these things now—and without fearful consequences to the rights of property-owners. A few—Washington, Oregon, California, Maine, Vermont and Florida—do planning on a major scale. In the rest, local jurisdictions are neither able nor willing to deal with the pertinent problems in an effective way. In a recent survey of the "quiet revolution" in land control, modest as it is, Gladwyn Hill of The Times pointed out that, of some 60,000 jurisdictions in the country with nominal land-use authority, only 5,000 have instituted any zoning at all. And their regulations as a rule have more to do with preserving established land values than with the kind of integral planning that can forestall the loss of wetlands, forests and natural shore-fronts or foretell the best locations for future power plants, airports, highways, sewage disposal facilities.

Unfortunately, there is no lobby for land-use planning comparable in power to the lobby arrayed against it. Unless Congressmen soon hear in volume from those who realize that land is not only real estate but a finite national resource, it is all too probable that the "quiet revolution," though fully supported by the Nixon Administration, will be indefinitely and perhaps fatally postponed.

Land Use Bills "Important as Watergate"

(By David S. Broder)

Beaver Island, Mich.—Out here on this island on the north end of Lake Michigan, Watergate-fever is as weak as the television signals that carry the witness' flickering image from the Senate caucus room via the stations on the mainland.

We have another concern out here—a referendum coming up in mid-August on revoking or retaining the new zoning ordinance of Charlevoix County, of which we are a part.

Beaver Island, which lay blessedly dormant in the century since the Irish and the Mormons fought a battle for its control, has been caught up in the great American recreational land boom.

Until the mid-1960s any beach you wanted to camp or swim or picnic on was yours to use. Then, the subdividers moved in and carved the best beaches into 100-foot frontages. Those lots have more than tripled in value in the past five years, as land-hungry families from Detroit, Grand Rrapids and Chicago have ranged farther and farther north in their search for waterfront property.

The county government has moved to meet the challenge. A decade ago just as the first wave of developers arrived, the first contract was let to a Grand Rapids consulting firm to devise a land use plan for Charlevoix County. A member of that consulting team was hired two years ago to set up a one-man planning department for the county, and last October, the county enacted its first zoning ordinance.

Now, the infant zoning law is in trouble—for reasons as traditionally American as apple pie. Some folks are opposed to anything that limits their rights as property owners to put whatever they want on their land—be it condominium apartments or a carwash.

Others say they are willing to have zoning, but only if it's administered by a truly local government, the township, not that distant bureaucracy in Charlevoix. That sounds funny, but if you're out here in the lake or over at Boyne City, 20 miles east of the courthouse, you resent having to travel to Charlevoix for zoning hearings.

These forces of localism and individualism convince county planner Bill Mercer that the first weapon in his arsenal may be taken from him in the referendum—and then there will be no developers.

The local debate is part of a much larger national issue, which came to focus earlier this summer when the Senate passed and sent to the House, something called the Land Use Policy and Planning Assistance Act of 1973.

I had first heard of the bill more than a year ago, when its principal sponsor, Sen. Harry M. Jackson (D-Wash.), mentioned it one day on the presidential primary trail as "the most important bill" before Congress.

Somewhat skeptical, I made a mental note to look it up, and finally have gotten around to doing so. I have been sitting on the beach, reading the hearings and report and floor debate on S268, and, with the fervor of the newly converted, I am prepared to try to convince you that Jackson was right.

At the very least, I am now persuaded that the issue with which Jackson has been struggling for three years is as important to the future of this country as Watergate. And it is a matter of some chagrin that, except for the excellent coverage of the Christian Science Monitor's Robert Cahn, those of us in journalism have let it go largely unreported.

The issue is important because of the scale and pervasiveness of the problem. As Jackson said in his speech introducing the measure last January:

"Between now and the year 2000, we must build again all that we have built before. We must build as many homes, schools and hospitals in the next three decades as we built in the previous three centuries. In the past, many land use decisions were the province of those whose interests were selfish, short-term and private. In the future—in the face of immense pressures on our limited land resource—these land use decisions must be long-term and public."

The other reason that the land use decision is as important as Watergate is that, like Watergate, it raises in very direct fashion the question whether our institutions of self-government are fulfilling, or subverting the public will.

As the Interior Committee report on the Jackson bill says, "A citizen may significantly suffer from or enjoy the impact of decisions to site an airport, grant a subdivision permit, widen a highway, fill wetlands, or purchase parkland, made not by his community but by the municipality located downstream, downwind, across the road, or up the street from him. Yet, neither he nor the public officials for whom he has voted may be able to participate effectively in these decisions."

That is the two-sided problem the voters here on Beaver Island are confronting next month—how to make the land use planning decisions both effective and representative.

Jackson's bill, which will be discussed in the next column, offers one solution to that problem. And whether your concern is saving parkland, securing a decent housing supply, making cities livable, or—in our case—preserving a Lake Michigan beach, his bill is important to you.

The Future of the American Landscape

(By David S. Broder)

Beaver Island, Mich.—For two decades, the reports issued by committees and subcommittees headed by Sen. Henry M. Jackson (D-Wash.) have been distinguished by a clarity and directness that stands in shining contrast to the mass of indigestible prose churned out on Capitol Hill. On subjects ranging from the national security apparatus to the protection of the environment, Jackson's staff reports comprise a literature on major isues of remarkable quality and felicity—showing a professionalism which, ironically, was notable for its absence in the abortive 1972 Jackson-for-President campaign.

Thus, one can refer readers to a report issued earlier this summer by Jackson's Interior Committee, without the usual warnings about the density and incomprehensibility of official language. The document, officially entitled Senate Report 93–197, was drafted largely by Steven P. Quarles of the committee's staff. It is designed to explain the background and provisions of the Land Use Policy and Planning Assistance Act, which passed the Senate last month and is now being worked on by the House Interior Committee. In about 50 pages, the report provides a short-course education on the law of the American land, the pressures of population and economic growth on that land, and the prudent steps we need to take to husband that resource into the next century.

It is not technical—and it is dramatic. You will learn, for example, that "each decade, new urban growth will absorb an area greater than the entire state of New Jersey." Millions of acres will be needed for industrial plants, highways, airports, power production and transmission facilities.

Jackson's land-use bill represents a modest start on planning that growth in a way that will protect, not destroy, the one irreplaceable resource—the land on which we live.

It is not a national zoning law. It does not even call for statewide zoning. What it does is to authorize about $1 billion over the next eight years to encourage the states to develop their own procedures and blueprints for planning their own future growth.

The bill provides mechanisms for interstate cooperation in the planning process and for coordinating the planning efforts of the federal government and the Indian tribes with those of the states.

It calls on the states to develop land-use plans for areas within their borders where the "impact on citizens, the environment and the economy" reach far beyond the jurisdiction of the local zoning body. It specifies five categories of land that would have to be included in the state plan: areas of critical environmental concern, such as beaches, wildlife habitats and historical areas; key economic facilities, such as airports, highway interchanges and power plants; large-scale industrial and housing developments; regional public utilities, such as waste disposal or sewage systems; and large land-sale or recreational home site developments.

It is neither a developers' bill nor an environmentalists' bill, but recognizes that the offsetting goals of growth and preservation can best be reconciled through a sensible decision-making process.

It has drawn the support of major industry, labor, environmental and farm groups. It is backed by governors and mayors, by such liberal senators as Jackson, Frank Church (D-Idaho) and Mark Hatfield (R-Oreg.), but also by such conservatives as James McClure (R-Idaho) and James Buckley (Con. R-N.Y.). Secretary of Interior Rogers Morton called it "a keystone of the President's environmental program."

The Senate passed the bill by wide margins in 1972 and again this summer. Last year, it was blocked in the House Rules Committee by a variety of political and personal quarrels, but this year, the manager of the House bill, Rep. Morris Udall (D-Ariz.) sees much better prospects of it becoming law.

But that is only the first step. What is important is the use the states make of the opportunity it provides. The bill requires that states include local governments, property owners and the public in every stage of the development of their land-use plans. What is envisaged is nothing less than an open, nationwide discussion of the future of the American landscape—the shape of our cities and suburbs, the placement of our factories and farms, the preservation of our lakes and parks.

There is no better way to prepare for that discussion than by getting the Jackson report. And unlike the income tax form, you will be able to understand it.

TIMBER SUPPLY AND RESOURCE MANAGEMENT

Mr. PACKWOOD. Mr. President, recently, I spoke briefly on the issues raised by the President's Advisory Panel on Timber and the Environment. At the time, I made the point that many of the problems on which their report focuses and many of the recommendations they have made to the President and to the Nation are not new. In fact, the issues that have surfaced again in the form of the panel's report are ones which have faced us—and which we have all too often ignored—for many years.

Now, the U.S. Forest Service has completed its decennial report on the prospects for supply and demand of timber products in this Nation. This timber census corresponds to a remarkable degree to the warnings embodied in the panel's report issued last month.

The message is coming through loud and clear. We must do a drastically better job of managing our forest resources if we are to avoid a dismal future of shortages of wood products for future generations. We can and we must do this at the same time that we plan for future use of our forests for recreational and wilderness use.

In brief, Mr. President, the message that we are being told from all quarters is at the same time bleak and promising. On the one hand, if we fail to act promptly and responsibly, I fear that we will be unable to meet any of the needs of future generations; or, at best, we will be forced to make agonizingly difficult decisions as to which of the many competing interests will be served.

We need not face such a bleak future. If we act now, we can assure that we will have provided for the meeting of all of the multiplicity of needs of future generations whose well-being will come from use of our diverse forest resource.

I ask unanimous consent that a summary of the Forest Service's report be printed in the RECORD, along with a letter I received from the chief of the Forest Service, John McGuire.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., October 23, 1973.
Hon. BOB PACKWOOD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PACKWOOD: The enclosed copy of "Outlook for Timber in the United States," presents the findings of the comprehensive review of the Nation's timber situation and outlook which we have had under way over the past couple of years.

This is the latest in a series of reports on the Nation's timber situation issued every ten years or so by the Forest Service. The information and conclusions presented in this study are based largely upon new data from the nationwide Forest Survey and related marketing research. In my judgment, the report represents the soundest technical analysis of the Nation's changing timber situation made to date.

The report reveals some encouraging trends, and some emerging problems. I would like to call your attention to a few findings which I consider of fundamental significance.

As you might suppose in view of our expanding population and economic growth, the report shows that demands for softwood timber products are likely to continue to grow rapidly in the decades ahead. On the other hand, projections of softwood timber supplies, assuming forest management, and investments in reforestation and other practices, continues much as in the 1960's, show very little increase in future years. Thus, if we continue recent levels of forest management, large increases in relative prices of softwood lumber and other timber products will be necessary to bring about an equilibrium between steadily rising demands and prospective supplies.

In the case of hardwoods, the situation is more promising, although the outlook for sawtimber of the larger-sized preferred species is similar to that for softwoods.

The prospective imbalance between demand and supply for softwoods and hardwood sawtimber means that we must depend to an increasing degree on imports of timber products and on substitute materials. It will also mean increased cost to consumers of products such as houses and furniture made in whole or in part from wood; rising environmental costs resulting from industrial processing and power generation associated with increased use of substitute products; and an acceleration in the rate of use of nonrenewable resources.

The report shows that these consequences are not inevitable. As a result of past investments in management, utilization, and research programs we have made substantial progress in improving the timber situation. And we know that we can continue such progress and that under intensive management domestic forest lands have the capability of providing at least twice the volume of timber produced today.

The situation and outlook described in this study in my judgment, underscores the need for more intensive forest management in all classes of ownership. This includes such measures as reforestation with genetically improved planting stock; timber stand improvement; road construction on the National Forests; use of fertilizers; and improved protection against insects, fire, and other destructive agents. I believe that we can carry out this intensification while at the same time maintaining the forest environment and providing for recreation and other uses of the forests.

We can substantially extend our timber supplies by more complete utilization of residues and salvage of the timber killed by insects, fire, and other destructive agents. Improvements in manufacturing and construction processes to increase the output of products from logs and raise the efficiency with which timber products are used can further extend supplies.

Much of what needs to be done can be accomplished with the knowledge we have today. But continued progress will require a strong and effective research program.

It is clear that an intensification in our management, utilization, and research programs will require very substantial investments. However, I believe these investments are clearly warranted, particularly when the economic and social costs of inaction, and increases in relative prices of timber products, are considered.

We have prepared a series of slides illustrating the highlights of our study. If you or your staff would like further briefing on the contents, please let me know.

JOHN R. MCGUIRE,
Chief.

THE OUTLOOK FOR TIMBER IN THE UNITED STATES

HIGHLIGHTS

This study relates primarily to the long-run outlook for timber supplies and demands in the United States under changing economic and environmental conditions. Timber availability will have a direct bearing on the economic development of the Nation as well as availability of forest lands for nontimber and environmental purposes.

1. Demands for industrial timber products in the United States have been increasing steadily, with a 65-percent rise in use of these products during the past three decades.

Consumption of industrial wood products—such as lumber, woodpulp, plywood, etc.—increased 65 percent between 1942 and 1972 to an annual total of 125 million tons. In this period consumption of industrial roundwood (that is, all roundwood products except fuelwood) required to produce these wood products increased about 56 percent to 13.7 billion cubic feet in 1972. The difference in these trends for roundwood and industrial wood products consumption reflected more complete use of the timber harvested, with a resulting reduction of unused wood residues.

In the 1942–72 period, lumber consumption rose 27 percent. Use of round pulpwood climbed 157 percent, and consumption of veneer and plywood over 438 percent. On the other hand, use of fuelwood and minor products such as poles and posts declined.

2. Further substantial increases in future demands for timber are expected.

Projections of potential future demands for timber vary widely with such factors as economic growth and relative prices of timber products. A "medium" projection of possible future demand was based on the assumptions: (1) that the population of the United States will increase nearly 40 percent between 1970 and 2000 to 281 million people; (2) that real gross national product will grow at an average of 4.0 percent annually, or about 240 percent by 2000; and (3) that recent trends in technology and institutional factors will continue.

With prices of timber products relative to other materials at 1970 levels, this medium projection of U.S. demand for roundwood rises from a 1970 level of 12.7 billion cubic feet to nearly 23 billion cubic feet by the year 2000. Potential demand for softwoods rises from 9.7 billion cubic feet in 1970 to 15.8 billion cubic feet by 2000. Demand for hardwoods is projected to rise from 3.0 billion cubic feet in 1970 to 7.0 billion cubic feet in 2000.

With higher relative prices of timber products in the future—which timber demand-supply comparisons indicate can be expected—projected demands for roundwood are correspondingly lower. Thus, with rising relative prices of 1.5 percent per year above the 1970 trend level of lumber and somewhat smaller price increases for plywood, woodpulp, and other items, projected total timber demand by the year 2000 approximates 19 billion cubic feet. This latter projection includes increases in demand of 5 percent for saw logs between 1970 and 2000, 58 percent for veneer logs, and 130 percent for round pulpwood.

In terms of softwood sawtimber—of primary importance for lumber and plywood used in housing and many other markets—projected demand at 1970 prices rises from 47.6 billion board feet in 1970 to 73 billion board feet by 2000. With the specified rising prices, however, projected demand reaches

55 billion board feet in 2000—a rise of 16 percent.

Projected demand for hardwood sawtimber with rising prices increases from 12.3 billion board feet in 1970 to 19 billion board feet in 2000—a rise of 55 percent.

3. Timber growth in the United States has been increasing as a result of recent forestry programs.

The condition of timberlands in the United States has improved materially in recent decades, primarily because of expanding fire protection and some increase in tree planting and other forestry activities. As a result, net growth of both softwoods and hardwoods increased about one-third between 1952 and 1970 to a total of 10.7 billion cubic feet of softwoods and 7.9 billion cubic feet of hardwoods.

Roughly 60 percent of this total net growth of softwoods in 1970, or about 40 billion board feet, consisted of softwood sawtimber suitable for lumber and plywood. Hardwood sawtimber growth totaled 20 billion board feet in 1970.

Removals of softwood sawtimber as a result of timber harvesting and other factors exceeded net growth in 1970 by 18 percent. In the East removals were less than net growth but this was more than offset by an excess of removals over net growth in the West. Removals of hardwood sawtimber in 1970, on the other hand, were 24 percent less than net growth.

4. Projected supplies of softwood sawtimber products potentially available from U.S. forests show limited increases with 1970 levels of management.

Potential supplies of softwood timber from the Nation's forests—assuming 1970 levels of management, timber cutting practices and policies similar to those in recent years and only minor reductions in areas of commercial timberland—are estimated to increase about 31 percent by 2000, from 8.8 billion cubic feet in 1970 to about 11.5 billion cubic feet. This is a technical potential which may not be fully realized, however, because of factors of operability and owners' willingness to sell timber.

Thus in the case of softwood sawtimber—of particular importance for lumber, plywood and various other products—projections of economically available future supplies show limited changes from the 1970 level of output. Assuming relative prices of timber products remained at 1970 levels, for example, estimates of economically available supplies of softwood sawtimber are only slightly above the actual harvest of about 46.9 billion board feet in 1970. With increased prices of softwood lumber and plywood averaging 50 percent above 1970, projected supplies increase to over 53 billion board feet over the next decade, but then decline below the 1970 level.

5. Supplies of hardwood timber are increasing although industrial use is limited by problems of quality and availability.

The outlook for hardwoods is somewhat mixed in spite of the fact that removals of all sizes and species of hardwood timber in 1970 was some 25 percent less than total net growth.

Projections of available supplies of hardwood sawtimber over the next few decades—assuming 1970 levels of forest management and specified cutting rates—increase 66-percent, from an actual harvest of 12.3 billion board feet in 1970 to over 20 billion board feet by 2000. This approximates the projection of demand associated with 1970 prices.

Projected supplies of hardwood products, in cubic feet, under these same assumptions materially exceed potential demands at 1970 prices.

While these projections imply little or no increase in hardwood prices, there are practical limitations on amounts of timber available for sale and industrial use at any given time. To many owners of hardwood timberland use of the forest for recreation or other nontimber objectives is of primary importance. Problems of quality also are of special significance. Much of the growth and available supply of hardwoods are in small tree sizes or species for which markets are limited; whereas the larger sizes of preferred species are in short supply in most areas. Other factors that could produce a tighter supply situation and higher prices include possible substitution of hardwoods for softwoods in production of woodpulp and certain other timber items.

6. The outlook for timber supplies differs widely by ownerships and by regions.

Nationwide, private holdings account for the major part of the commercial timberlands, including 14 percent in forest industry and 59 percent in farm and miscellaneous private holdings. National Forests include about 18 percent of the total commercial timberlands and other public holdings 9 percent.

Timber harvests in 1970 reflected this pattern of ownership, with 48 percent of the 12.2 billion cubic feet of total roundwood harvested from U.S. forests coming from farm and miscellaneous private holdings. Forests industry lands supplied 28 percent of the total, National Forests 17 percent, and other public lands 7 percent. In the projections of supply the major changes in these proportions include a drop for forest industries and a corresponding increase for farm and miscellaneous private owners.

Southern forests provided about 45 percent of the Nation's timber harvests in 1970, compared with 32 percent for the Pacific Coast, and 23 percent for other sections of the United States.

In the South progress in fire control and other forestry activities has improved the timber situation to the point where it appears that with 1970 levels of management, softwood timber harvests could be increased gradually on both National Forests and other lands by roughly 50 percent over the next few decades.

On the Pacific Coast, on the other hand, a marked decline in softwood sawtimber supplies of about 18 percent is projected in the 1970–2000 period as a result of reduced availability of timber from forest industry lands.

Sustained harvests of timber from western National Forests and other public lands at levels close to 1970 estimates of allowable harvests appear possible for some decades, although only with timber prices significantly in excess of 1970 levels. Also, allowable harvests on National Forests can be expected to projection period, if not before, unless forest management and utilization of timber on these lands is intensified.

7. Substantial increases in softwood timber appear necessary to balance potential timber demands with available timber supplies.

With forest management continuing at 1970 levels, projected supplies of softwood sawtimber might balance the medium projection of timber demand with relative prices of softwood lumber and plywood in 1980 possibly 20 to 25 percent above the 1970 level, and possibly 50 to 60 percent higher in the year 2000. Related equilibrium prices for paper and board by 2000 are estimated to average roughly 15 to 20 percent above 1970.

Stumpage prices associated with these increases in prices of timber products, according to historical relationships, by 2000 could be expected to average more than double the level of prices in 1970.

Such prospective increases in prices for softwood lumber would be consistent with an average rise of 1.7 percent annually in lumber prices relative to the general price level over the past century. Relative prices of lumber leveled off in the period 1950–1967—years marked by rapid improvements in productivity in logging and processing and by development of new sources of timber in western National Forests and in British Columbia.

Relative prices of softwood plywood declined dramatically during this recent period with adoption of new technology and equipment. Relative prices of pulp, paper, and board were quite stable. Nevertheless, the timber supply outlook with 1970 levels of management and utilization indicates new supply problems and shifts to higher price levels for all timber products.

8. Supply and price problems appear most critical for softwood lumber and plywood but all forest industries will be affected.

Comparisons of projected timber demands and supplies indicate that problems of timber availability are likely to be most critical for softwood sawtimber used for lumber and plywood in housing, other construction, and various other markets.

The outlook for the pulp and paper industry is better than for lumber and plywood, largely because of the wide variety of species and qualities of timber that can be used for pulpwood. However, the tightening supply-demand situation for softwoods, and new developments such as installation of chipping headrigs, are leading to increased competition for available wood supplies and higher wood costs for all industries.

Producers of hardwood lumber and plywood who depend on the higher qualities and sizes of preferred species, such as white oak, walnut, maple, birch, and gum, also face serious supply problems and prospective increases in timber prices. On the other hand, substantial supplies of timber are prospectively available for industries producing hardwood products such as pallets, construction timber, railroad ties, or hardwood pulps.

9. Demands for nontimber products and services and for environmental protection are of growing importance in the timber situation.

Use of forest land for timber production is being increasingly affected by public desires for recreation and other nontimber uses. Sizable areas of public forest lands have been withdrawn from timber use for wilderness and scenic areas, although many of these are of relatively low site productivity for timber. Extensive areas of both private and public forest lands have been shifted to nontimber uses such as reservoirs, highways, airports, urban expansion and recreational developments. Still other areas, particularly fertile bottomlands capable of producing quality hardwoods, have been cleared for crops and pasture.

Until recently, reversion of abandoned agricultural lands to forests more than offset such losses. Between 1962 and 1970, however, areas classified as commercial timberland declined about 8.5 million acres to a total of 500 million acres. Some continuing net losses of commercial timberland, averaging possibly 5 million acres per decade, have been assumed in this analysis.

Lands remaining in the commercial timberland category also are increasingly called on to supply nontimber goods and services as well as timber harvests. These demands, as well as new concern over protection of the natural environment are leading to numerous modifications in timber harvesting and other forestry practices, particularly on public lands. It seems clear that management of forests for combinations of products and uses, especially those in public ownership, will be increasingly essential.

Such constraints on land use and management on public lands and to some extent on private forests, together with unforeseen transfers of forest lands to nontimber uses, could reduce timber harvests below the projections developed in this report. Impacts on timber prices and supplies of wood products would be correspondingly intensified.

It is also possible that raw material shortages could in time seriously constrain growth of the Nation's economy or interfere with the achievement of social goals such as improvement of housing. In such case forest recreation and other nontimber uses could also suffer as a result of efforts to alleviate materials shortages. Thus, success in supplying nontimber values and products may be influenced deeply by the effectiveness with which industrial raw materials needs can be met. For such reasons, essentially all users of forest land have an interest in the timber outlook.

10. A partial alternative in meeting prospective timber supply problems is to increase timber imports from Canada and other wood surplus countries. Rising exports of timber products, however, have been offsetting a substantial part of the increase in timber imports.

About half a century ago the United States ceased to be self-sufficient in timber products and since then has depended increasingly on net imports from other countries. Imports of timber products reached a total of 2.9 billion cubic feet, roundwood equivalent, in 1972. This represented 19 percent of the total U.S. domestic and export demand for timber products.

Timber imports obtained largely from Canada made up about 19 percent of total U.S. supplies of lumber and 25 percent of total U.S. pulp and paper supplies in 1972. More than 60 percent of the hardwood plywood and veneer consumed in the United States was obtained from Southeast Asia and other tropical areas.

With rising prices of timber, imports from Canada and from tropical areas have been assumed to increase substantially over the next three decades, mainly in the form of softwood lumber, pulp and paper, and hardwood veneer and plywood. In time, however, rising world demands for timber and a general tightening of the world timber supply situation seem likely to limit such import potentials.

Exports of forest products also have increased substantially in recent years, in large part as a result of large Japanese purchases of logs and pulp chips, expanding world markets for kraft pulp and liner board, and continued exports of lumber. In 1972, about 9 percent of the total U.S. supply of timber products, or 1.3 billion cubic feet roundwood equivalent, was exported to various parts of the world. Along with prospective increases in timber imports in future years, some further increases in exports from the United States have been assumed.

Net imports in 1972 of 1.6 billion cubic feet made up nearly 11 percent of the total consumption of timber products in the United States. Net imports have been estimated to increase to around 2.8 billion cubic feet, roundwood equivalent, by 2000, with prices of lumber, for example, rising 1.5 percent per year. But such dependence on other countries, while important, appears to offer only a partial means of meeting the growing demands for timber products in the United States.

11. Greater use of nonwood materials is a possible alternative, although this appears to have undesirable environmental and economic impacts.

The relative importance of timber products in the U.S. economy has changed greatly over time as other raw materials such as steel, concrete, and aluminum have replaced or supplemented wood in various uses. With increased prices and insufficient supplies of timber, such continuing substitution can be expected.

While there are no immediate threats of shortages of wood substitutes, continued geometric growth in materials use, such as experienced in the past and in prospect in coming decades, will require enormous quantities of materials and entail serious environmental problems. Most competing products such as steel, aluminum, and plastics are derived from depletable resources—in contrast to timber which is renewable. Thus it is possible that the historical stability in relative prices of competing materials may be replaced by rising real costs of these materials.

Timber products can be produced with relatively low energy requirements for processing and low pollution impacts compared with most alternatives. Energy requirements for processing steel for framing exterior walls of houses, for example, amount to more than three times the energy required for processing lumber for the same use.

Production of competitive materials also ordinarily results in more serious air, water, or land pollution problems than in the case of wood products—both directly and indirectly through the generation of energy required for processing different materials. Wood products that are not recycled also have an important characteristic of being biodegradable.

If prices of timber products rise relative to prices of substitute materials, substitutes will of course, be used. But in view of accelerating world use of raw materials, increased need for foreign exchange to finance imports of such materials, and higher energy requirements and pollution impacts than with use of timber products, greater dependence on substitutes for timber may not be a desirable alternative.

For such reasons long-run demands for wood, and related justifications of forestry programs, could increase considerably more than indicated by projections in this study.

12. Better utilization of available supplies is a partial answer to problems of timber supply.

Major progress has been made in recent years in the use of slabs, edgings, veneer cores, and other similar material from lumber and plywood operations for pulp, particleboard, and other products. In 1970, nearly three-fourths of all such material produced at sawmills and other primary processing plants, plus some additional material from secondary manufacturing plants, was utilized in this way. Such byproducts comprised 35 percent of the 72 million cords of pulpwood used by U.S. pulpmills in 1972.

Despite the progress made, unused plant residues still represent a sizable resource. In 1970, unused chippable material at primary manufacturing plants amounted to 0.4 billion cubic feet and all residues about 1 billion cubic feet (12.4 million cords). With prospective trends in timber prices and utilization practices, it has been assumed that most chippable residues and much of the fines will be utilized for pulp or particleboard within the next decade or so.

Large additional quantities of wood fiber, largely suitable for pulping, also are left in the woods each year as logging residues because of high costs of recovery and problems such as bark removal on limbs and fragmented material. In 1970, these residues included some 1.6 billion cubic feet of material from sound trees, plus at least this much material from other sources such as limbs, rough and rotten trees and dead trees (a total of roughly 40 million cords). Environmental requirements and rising timber values can be expected to lead to better clean up and utilization of timber on harvested areas. But accelerated efforts to improve utilization on logging areas—along with expanded efforts to grow more timber—appear essential if rising pulpwood demands in future decades are to be met.

More of the timber killed by insects, fire, and other destructive agents, although widely scattered for the most part, also might be salvaged with higher prices and improved forest access. Such losses in 1970 included 11 billion board feet of softwood sawtimber.

Improving efficiency of wood utilization in manufacturing plants also would help extend timber supplies. It has been assumed on the basis of past trends that modernization of sawmills, for example, through better production methods and installation of newly available equipment such as high-strain, thin-kerf saws will result in increased lumber recovery from available logs of possibly 2 to 4 percent per decade. But much larger increases in recovery rates should be possible with rising timber values and faster application of improved technology.

Better sorting of logs to help insure use for the most valuable end product—lumber, plywood, or pulp—similarly could stretch available supplies of sawtimber for lumber and plywood.

Development and use of improved structural particleboards and some substitution of hardwoods for softwoods could further extend softwood sawtimber supplies. Wood products also could be used more efficiently in construction by better design and construction methods.

13. Intensified forest management offers an important means of increasing timber supplies in the long run, while maintaining an acceptable forest environment.

Sizable increases in timber growth and future harvests could be achieved in U.S. forests by increased investments to expand tree planting, stand improvement, protection, and other forestry practices. Most forest areas are not fully stocked with desirable timber and are growing at a much lower rate than is possible under intensified management. Fire, insects, and other destructive agents also cause losses that in effect nullify about one-fifth of total timber growth.

Opportunities for increasing future timber supplies by intensified management exist in all sections of the country and all classes of ownership. In the South, for example, timber growth currently averages about 45 cubic feet per acre annually, including only 104 board feet of saw-timber sized material. Large areas of plantations are yielding more than double this amount of growth. And there are millions of other acres where conversion from poor hardwood stands to pine stands, especially with use of genetically improved planting stock, would in time greatly increase available supplies of timber.

Similarly on the West Coast and other parts of the country there are large additional areas in Federal, State, industrial, and other private ownerships where timber supplies could be greatly increased by reforestation and by other practices such as precommercial thinnings and intermediate cutting in older age classes.

On nonindustrial private ownerships held by farmers and a wide variety of miscellaneous owners, timber growing efforts other than fire protection have been limited. Yet several million of these owners hold 59 percent of the timberlands in the United States that are considered suitable and available for timber production. Most of these owners are unwilling to invest in timber growing and many are reluctant to sell timber because of conflicts with other purposes.

Capturing a large part of the very large potential for timber growing on these numerous holdings is technically sound and economically feasible, but will require substantial investments. On many ownerships public cost sharing and technical assistance appear necessary to achieve the increased growth that is estimated to be economically feasible to produce.

An initial analysis to illustrate management opportunities on National Forests and farm and miscellaneous private holdings indicated that increased investments of about $69 million annually could increase annual harvests of softwood sawtimber about 1.6 billion board feet by 1980 and as much as 13 billion board feet by 2020. This analysis used as a criterion a minimum rate of return of 5 percent on additional investments, with prices of lumber and plywood assumed to average 30 percent above 1970 levels.

Additional promising opportunities for increased timber production also undoubtedly exist on other public and industrial ownerships, and in the use of genetically improved planting stock, fertilization, or other new technology.

Environmental management to assure balanced production of nontimber uses and protection of the environment as well as timber crops will be essential, particularly on public forest lands and to an increasing degree on private lands as well.

14. A combination of efforts could help supply growing demands for timber products while simultaneously providing for nontimber uses and protection of the environment.

In summary, if increased supplies of timber for a growing Nation are desired, a number of things could be done to increase and extend timber supplies, including:

More complete utilization of logging residues, plant residues, and trees lost by mortality, and greater use of recycled fibers.

Greater use of available and manufacturing processes to increase output of lumber and other products from available log supplies.

Better allocation of available timber to assure use for optimum end products.

Some increase in dependence on imports of timber products.

More intensive management of all classes of forestlands suitable for timber management, by road construction, commercial thinning and salvage, reforestation with genetically improved planting stock, timber stand improvement, use of fertilizers, and better protection against fire, insects and other destructive agents—while simultaneously managing lands to assure a balance with other uses and environmental protection.

Continued development and application of new technology in timber growing, in processing of timber products, and in consumer use of wood products.

Substantial public and private investments will be necessary for such measures to increase timber supplies significantly and to improve utilization of available timber supplies. Such measures are both technically and economically feasible. They can be carried out while maintaining a balance with environmental uses of the forest.

OUR LONG-TERM PROBLEMS

Mr. PELL. Mr. President, these are parlous times when all our attention and energy are visioned on short-term problems.

Yet, there are long-term problems that completely dwarf the short-term ones with which we are so concerned.

In this regard, the Club of Rome has sought to bring attention to the long-term misdirections in which the world and our Nation appear to be drifting.

Anthony Lewis has written two very perceptive columns concerning these problems which I believe would interest my colleagues and ask unanimous consent that the columns be printed in the RECORD.

I would add, as the only elected politician who is a member of the Club of Rome, I take particular pride in Mr. Lewis' comments concerning it.

There being no objection, the columns were ordered to be printed in the RECORD, as follows:

NEARING THE LIMITS

(By Anthony Lewis)

BOSTON, September 30.—In dealing with the acute public concern about food prices, official Washington has taken a generally reassuring line. There have been some unexpected trends, it is said, and perhaps some fault in negotiation, but careful planning can put things right for the future.

Talking with experts on world food production gives one a profoundly different picture: The problem is one of world dimensions, and it is here to stay. The sharp rise in prices, the shortages, the new food nationalism of export controls—all these things are happening around the world, and they are not passing phenomena.

"We are seeing the effects of the pressure of population and affluence in the world." So says Professor Nevin S. Scrimshaw of the Massachusetts Institute of Technology. He heads M.I.T.'s Department of Nutrition and Food Science and is also chairman of the important Protein Advisory Group that serves the World Bank and many United Nations agencies.

The impact of population growth can be seen in the end of traditional grain exports from underdeveloped countries—such as the rice surpluses of Southeast Asia. Today those countries need the grain for themselves. The only significant grain exporters are the United States, Canada, Australia and New Zealand. But we think too much of population alone, Dr. Scrimshaw says, and not enough of how affluence multiplies demand on food resources. The point is made in a simple and dramatic statistic.

In a culture with a predominantly cereal diet, the average person eats 400 pounds of grain a year. But a society like America's, with its emphasis on meat-eating, uses 2,000 pounds of grain a year per capita. Animals are that much less efficient in converting grain to protein.

Right across the northern tier of the earth—Europe, North America, Japan—the postwar rise in affluence has made the demand for meat soar. In 1940 Americans ate 55 pounds of beef each. In 1972 the figure was over 120 pounds. Europe and Japan have passed the 1940 American level and are "hell-bent to catch us," Dr. Scrimshaw says.

The hunger for meat is putting tremendous strains on the animal feed potential of the world. One major source of cattle food was anchovies in the Humboldt Current off South America—a catch of ten million tons a year. But two years ago the fishermen violated the natural cycle by following the anchovies when they moved out with a shift of the current, and since then there has been no catch whatever.

Now the world is increasingly dependent on soybeans for animal feed, and mostly on the American crop. In the oncoming crop year fully one-sixth of U.S. agricultural acreage will go for soybeans, an astonishing proportion. Most of the beans are for export.

This dependence puts a heavy responsibility on the U.S., as we were made suddenly aware this last year when President Nixon's embargo on soybean exports produced anguished reactions in France, Japan and elsewhere. And the United States has had years of good crop weather; the cycle may be about due for drought again.

What makes this whole picture so surprising to Americans is that until recently—until yesterday, it seems—we were worried about surplus crops and acreage. Now most of the fifty million unused acres in the U.S. agricultural bank have gone into production, and the remaining land is of doubtful value. The same situation applies around the globe: The good farmland is in use. Intensifying the use by fertilizers carries its own problems, notably pollution as from phosphate runoff.

"We were lulled into some false security by the Green Revolution," Dr. Scrimshaw says. "But even better strains of plants need well-watered land and water is limited. Then if your population and affluence begin to swallow up the gain. . . ."

Dr. Scrimshaw is a careful, a conservative scientist. He has sought no headlines. It is just that what he knows deeply worries him. The same is true of his M.I.T. colleague. Professor Carrol Wilson, the former general manager of the Atomic Energy Commission. After taking part in a high-level meeting on world food problems he was interviewed by The Boston Globe.

"We are now looking at some of the outer limits of global 'carrying mass' in food production" Wilson said. "It's becoming marginal to feed the present world population. I had not thought of food as the most critical ceiling. But it is clear to me that you couldn't double the (world) population as is expected by the year 2000 and still feed them."

Anyone who thinks about those statements must realize that there is involved here something very much larger than the prices troubling American families. The specter of world shortages may be near and with it even more terrible differences between the developed and underdeveloped nations. The even more significant inference to be drawn from world food trends, one requiring separate discussion, is that mankind is indeed approaching the limits to physical growth.

NEARING THE LIMITS: II

(By Anthony Lewis)

BOSTON, October 3.—The sharp rise in food prices over the last year, the world around, has profoundly disturbing implications. For it may reflect strains not only on present supplies but on the earth's agricultural capacity.

"There is an unmistakable and mounting sense of uneasiness and foreboding," the director general of the Food and Agriculture Organization, A. H. Boerma, said last summer. He spoke of "dismaying" developments and said there were signs of "a radical process of change."

But it is not only food that has felt distortingly heavy pressures of world demand on limited supply. The London Economist's respected index of world commodity prices in fact shows that food is up less than other items: Only—just imagine that word—50 percent in the last year. The price of fibers has risen 93 percent, of metals 76. The index as a whole is up 70 percent in one year.

Quite apart from the symptom of prices, we all can sense what one economist has called "the gathering clouds of resource shortages." Legal and political conflict over control of the sea and its resources is sharpening. There is the energy crisis. Lumber and newsprint supplies are short.

The signals of strain make one think again of "The Limits to Growth," the book published just nineteen months ago by a group of scientists at the Massachusetts Institute of Technology. Based on a computer model, it argued that the mushrooming growth of world population and production would reach earthly limits in the next century, bringing a collapse of industrial society.

"The Limits to Growth" was intended to provoke, and it did. After all, it struck at a premise of our civilization: the beneficence of economic growth. Many economists denounced it. Some scientists criticized its computer model as overambitious or flawed.

A proposition as broad as the one made in that report is not affirmatively provable—or at least not until too late. But it is possible to see over time whether developments show its assumptions to be false or tend to support the general thesis.

In this case the authors understandably find some grim vindication in events. The group has moved to Dartmouth College, and there Prof. Dennis Meadows said the other day:

"If I had stood up in March 1972 and said that within two years we would see beef on the black market in this country, and retail food prices up 20 percent or more, and families going cold for lack of heating oil, I'd have got very long odds. But those things have happened, and they will continue happening."

The real thrust of the Meadows report was political. It argued that accelerating growth posed a new kind of challenge to human society—to stabilize population and production at sustainable levels that would permit a decent existence on a world basis. In terms of meeting that challenge, the record of the last two years is bleakly discouraging.

The Nixon Administration has reacted to the signs of resource pressure with an attitude of business as usual or more so. Is lumber short? Plunder the national forests. A threatened oil crisis? Build an Alaska pipeline and increase offshore drilling. Food prices rising? Put an embargo on exports.

It is all too frighteningly close to the danger that "The Limits to Growth" foresaw—growing destruction of the environment and national scrambling for scarce resources. Nor is the record encouraging elsewhere in the world. As the solution to their problems, politicians continue to give the same answer: More.

Consider, for example, the American energy problem. Anyone can see that the United States is profligate in its use of oil and electricity. Our first necessity is serious measures of conservation. How can we cry shortage while we build absurdly overpowered cars and encourage energy-intensive industry? But the Government pays only lip-service to conservation, planning instead to develop new energy sources at enormous cost.

Or think about food. If the world is dependent on American exports, as it is, we shall have to limit our own consumption to meet the demand—or else let millions starve. How would we limit our consumption? Let domestic prices rise? But then our own poor suffer. Rationing? Subsidized distribution? And to which needy foreigners do we sell our grain? And how will they pay? The dilemmas are terrifying.

The scientific particulars of "The Limits to Growth" remain beyond the understanding of most of us. But even critics are beginning to recognize that the book poses valid and urgent questions. Can our world, with all its divisions of nation and interest, deal with the visible strains of physical growth? We await a political leader who will begin to make us face the problems.

COMMUTER COMPUTERS

Mr. PERCY. Mr. President, the problems of overcrowding are nowhere more obvious and frustrating than on the highways of our Nation during rush hour. To relieve this, the Congress has appropriated millions of dollars to encourage, construct, operate, and save mass transportation systems from financial disaster. However, the basic need is to convince people to get out of the habit of driving to work by themselves. One good start in this respect has been made through the use of "Commuter Computer Clubcar Service." This is the modern term for carpools. What it means is that you share a ride with someone going to the same area at about the same time, thereby saving gas, and cutting down on the number of people on the road every morning and evening.

Radio station WBZ in Boston started the idea of using computers to find commuters who could ride together. The idea is somewhat like computer dating, except that instead of finding someone a date, the computer suggests who they could profitably ride to work with.

Radio station WIND in Chicago has now started its own project, and I applaud its initiative. Hopefully commuters in Chicago will take advantage of this service and form carpools.

Mr. President, I ask unanimous consent that an article describing this experiment be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

COMMUTER COMPUTER SERVICE ANNOUNCED BY RADIO STATION WIND

CHICAGO, October 11.—The official beginning of WIND's Commuter Computer service was announced today by the Group W (Westinghouse Broadcasting Company) station in Chicago.

"Car pooling", according to WIND General Manager Phil Nolan, "represents an immediate step toward solving the problem faced by thousands of Chicagoans daily, who are not served by mass transportation."

Using computer technology to match up riders headed for common destinations in the greater Chicago area would reduce the number of cars using Chicago expressways and serve to plug the gaps in existing public transportation systems.

WIND has broadcast several programs in recent months focussing on the Chicago area transportation problem, with particular emphasis on the need to establish a Regional Transit Authority. "It's obvious", said WIND Editorial Director Charles Cleveland, "that the central Chicago business district, the Loop, is generally well-served by mass transportation." Cleveland cited a Northwestern University study that indicates only 8.3 percent of the six-county metro population commutes to the Loop. "Chicago's basic need on a short-term basis", said Cleveland, "is assisting people who commute to areas outside the city, or from one suburb to another, where public transportation does not exist."

WIND, within the next few weeks, will devote major portions of its public service announcement schedule to promote the Commuter Computer concept. Questionnaires will be circulated throughout the six-county area as a means of surveying potential car poolers and determining the areas with the most need.

Nolan pointed to the Commuter Computer Club car service pioneered by WIND's sister Group W station in Boston, WBZ. The WBZ commuter computer program was launched over a month ago in cooperation with several Massachusetts state agencies. The response to the WBZ service was immediate and enthusiastic. "No one", said Nolan, "questions the logic that says four people to a car is better than the present Chicago average of 1.2."

WIND has for over a year, editorially supported the creation of a Regional Transit Authority and, as Cleveland pointed out, "over the long haul, convenient, safe, dependable public transportation, available to all within the six-county area, represents the ideal to be sought."

The Chicago transportation crunch has spawned many innovative solutions by its frustrated commuters. These range from "dial-a-ride" services in some suburbs, leased busses for commuters with common destinations, and informal neighborhood car pools for getting children to and from school and commuters to and from railroad stations and CTA park-and-rides.

The WIND Commuter Computer service is designed to fill the gaps between public transportation and, in fact, encourage greater usage of public transportation and serve those who live and work in areas not served.

Noting State Representative John Porter's (R. Evanston) proposed bill, calling for studies by the Illinois Department of Transportation, to officially encourage car pooling, Nolan said, "while such a service probably should, on an on-going basis, be afforded by the government, the private sector could contribute greatly by being able to quickly initiate such a service. "The WIND Commuter Computer program," said Nolan, "could function as a pilot study for the Department of Transportation."

To re-enforce the need for voluntary public action in dealing with the transportation crunch, WIND has scheduled a variety of events. Early in November, the radio station will sponsor "The Great Chicago Commuter Race" featuring station personalities, commuters and transportation officials in an "automobile race" along major arteries into Downtown Chicago. At the same time, the automobiles are wending their way through Dan Ryan, Eisenhower and Kennedy Expressway traffic, other WIND teams will set out via public transportation bound for the Loop. Followup events will include broadcasting the experience of Chicago motorists as they attempt to traverse the city, not bound for the Loop, but attempting to drive to and from jobs in suburban locations.

This Sunday, October 14, WIND's "This Week in Chicago" program will examine the six-county area's transportation problems, as well as the problems in transporting the handicapped, the elderly and those too young to drive. Hosted by Charles Cleveland, the broadcast begins at 10 p.m.

Nolan cited the fact that Chicago media has taken a leading role in pressing for the Regional Transit Authority concept. "Public enthusiasm for the RTA, car pooling and other efforts designed to solve Chicago's immediate and short-term transportation problems is due, in large measure, to the efforts of the Chicago's media," he said. The cooperative spirit is indicated in the fact that WIND, in cooperation with WTTW Channel 11, will simulcast a special program October 20th titled, "You Can Get There From Here—RTA". Nolan said the WTTW program will be broadcast on Channel 11 and on WIND at 9 p.m. October 20th and will be followed by a special two-hour WIND "Contact" program with Host Dave Baum. Baum will talk with Chicago-area and state transportation officials and take comments from the radio audience on special commuter problems.

VIETNAMESE AMERICAN ORPHANS

Mr. INOUYE. Mr. President, one of the most tragic consequences of the military conflict in Vietnam is the victimized children—some left crippled and scared with war injuries, many malnourished and many orphaned. A critical aspect of this issue is the welfare and future of the 15,000 Vietnamese-American children, the American-fathered orphans whose previously marginal existence was further jeopardized by the reduction of the American military profile in South Vietnam.

A recent article in the Washington Post by the Congresswoman from Hawaii, Patsy T. Mink, has poignantly captured the plight of these orphans, who are subjected to unnecessary suffering by the lack of an efficient adoption process and a comprehensive relief program. Given the urgency of this problem and its need of prompt congressional consideration, I ask unanimous consent that Representative Mink's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From The Washington Post, Sept. 23, 1973]

UNLOVED ORPHANS OF AN UNLOVED

(By PATSY T. MINK)

I cannot share the sense of relief which has swept America since the close of the Vietnam war.

I have just looked into dozens of steel-barred cribs in Saigon and I have held a dying infant, one of the 15,000 or more Vietnamese-American children we left behind to perish or live miserable existences, children we evidently care little about.

I have seen among the 500 children at Go Vap orphanage infants with bloated bellies and skinny legs. I have seen them cling to my husband and me, begging for affection. They did not wear diapers. They laid on the floor in pools of urine, which workers tried to clean up.

I have seen a naked baby girl lying on a cot in the street outside Viet Hoa orphanage. She wasn't alone. The streets and sidewalks of Saigon were lined with such children of poverty. An orphanage worker said they couldn't help every child; only the children inside were clothed and cared for.

At Dieu Quang orphanage I saw despair written across the faces of 190 children. They were in their cribs, without toys and without joy. They neither smiled nor cried. I was shown their lunch: a plate of ground rice meal stewed with bits of pumpkin.

And at World Vision Half-Way House Nutrition Center I saw desperately sick infants being slowly nursed back to health. The babies were released by the Vietnamese orphanages to World Vision because they were dying. When they recover, many are placed for adoption with Americans.

But these and many other infants placed with American families may never arrive. They may not live long enough. They may be killed by paperwork.

One American adoption agency, Welcome House in Pennsylvania, reports that 52 of the 60 Vietnamese infants released to it for adoption died before the months of required paperwork could be completed. At present, 2,000 American couples are languishing on bureaucratic lists, waiting for their "new" baby. The paper moves so slowly in Washington that only 367 of the orphans came to America last year—while 1,000 left South Vietnam for other nations.

We have long been a compassionate people, particularly after great tragedies. One need only recall the Marshall Plan after World War II or the war relief led by Herbert Hoover after World War I. But we have yet to show such compassion for these American-fathered children, those unloved reminders of an unloved war.

It would not be very difficult to do. A simple first step would be to end the adoption paperwork by issuing special immigration visas for these children, something I have tried to get done in Congress for two years now. But the bureaucracy is not to be moved.

The Department of Health, Education, and Welfare claims that the children will be well cared for in Vietnam and that "South Vietnamese do not stigmatize children of mixed parentage." What pollyanna wrote that? In all my discussions in Vietnam I found no one who thought that the black Vietnamese-American orphans, if they survive, would be accepted into Vietnamese society, and the indication was that this was also true of the half-white children, whose "foreign" features were so obvious. More than half of the sickest, most neglected, close-to-death children in the reception centers I visited were inter-racial babies.

I have also been told that the Vietnamese government does not want us to adopt these children, that American adoption would be viewed by them as an insult, a humbling admission that the Vietnamese could not care for their own. I found no such attitude in Vietnam.

The deputy minister of the South Vietnamese Ministry of Social Welfare was very clear: The government will not stand in our way if we follow the proper procedures—adoption procedures which are no more onerous than our own. In fact, they may well be less onerous than ours.

At present, the adoption paperwork must be done in triplicate—once for Vietnamese adoption, once for federal immigration and once for adoption in the parents' home state. For one American couple, the paperwork weighed nearly a pound. The orphanage workers see the children wait, and many of them die, while they are—in the words of the bureaucrats—being "processed."

The French government offered immediate citizenship to French-Vietnamese children following French withdrawal from the Indochina war, and they offered free education for the children in France. Surely America can take the small but important step of eliminating federal paperwork for these orphans.

That is not all we can do. At a halfway center operated by the Catholic Relief Center in Vietnam, I saw a new girls' vocational school that had been built by the Dutch. I had hoped to discover that our government was doing similar things. An American AID official's reply: We should not do for them what they must do for themselves. I was also told that we do not even provide funds for the international relief agencies. All they get is surplus food, which is fast running out.

Vietnam is a nation in agony whose economy is fragile. The adults suffer just as the children do. The American embassy staff pointed to the suffering everywhere and asked: "How can we single out just the orphans?" The question implies that we should help no one if we cannot help all. The answer is simple. It is far better to start action somewhere than to let children die.

There are some things we cannot do. A number of the 134 orphanages in Saigon are unwilling to release their children for adoption. Their reasons vary. Most claim a long tradition against adoptions. A number of the religious believe it is God's will that the children stay with them. Some will allow adoptions but demand the name and address of the adopting parents—a request that violates the policy of the American international adoption agencies, which fear the families may be hounded for donations.

These problems are outside our jurisdiction. But many children are available and within our power to help. We cannot pretend that to wait two more years for an answer merely to let the children grow two years older. We cannot ignore the fact that these small lives are fragile, that time is crucial. If we make these children a political issue, ripe for debate and stalling, we will kill them with words and neglect as efficiently as if we had purposely destroyed them.

PROBLEMS OF CAMPAIGN REFORM

Mr. HUGH SCOTT. Mr. President, Henry Ford II, chairman of the board of the Ford Motor Co., recently spoke on the problems of campaign reform, and endorsed the concept of public financing. Because of his stature in the business community I believe his remarks will be of interest to Members of Congress and all readers of the RECORD. Therefore, I ask unanimous consent to have Mr Ford's speech printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY HENRY FORD II, CHAIRMAN OF THE BOARD, FORD MOTOR CO., AT THE COMPANY'S COMMUNITY SERVICE AWARDS PROGRAM AT COBO HALL, DETROIT, ON OCTOBER 18, 1973

I am pleased to be here today and to represent all of the men and women of Ford Motor Company in expressing our thanks, our pride and our congratulations to our national Ford Citizens of the Year.

I also want to express my thanks to the judges who had a difficult but I hope satisfying assignment in selecting this year's recipients.

Ford Motor Company's Community Service Awards began in 1956. I think it is significant that the first awards program was not the result of any direction from headquarters but was proposed by the members of the Ypsilanti Community Relations Committee. The idea was apparently one whose time had come and by 1960 the program was national in scope.

This is the first year, however, that we have assembled our Citizens of the Year from around the nation here in Dearborn. I hope you enjoy spending a few days with us as much as we enjoy having you.

The program's longevity is a reflection of the company's conviction that community service is good business as well as good citizenship.

Experience has taught us that the success of the company is dependent upon the health of the communities in which we do business. While our corporate taxes can help to assure good sewers and good libraries, it takes more than good public services to make a good community. It takes concerned companies and businesses, of course. But more than that it takes concerned people—people like you—and the thousands of other Ford people who serve their communities.

In giving your time and talents to improve your communities, you are also improving the atmosphere for our business and reflecting credit on Ford. Whatever good you do, wherever you do it, people can't help becoming aware that you work for Ford Motor Company. And people judge a company by its employes as well as its products. We're proud to have them meet our best.

Before we turn to the main purpose of this luncheon, I'd like to comment briefly on a different, but related, subject. Community service is, of course, just one expression of responsible citizenship. Another responsibility we all have is to participate in the political process which determines the personnel, the character and the polices of our government.

Public attention today is focused on some of the outrageous abuses of our political system. One good thing that may come from the revelations of wrongdoing coming out of Washington is that they may generate enough public demand for reform to make reform happen.

In politics, as in other aspects of life, money seems to be the root of all evil, but nobody has found a way to get along without it. We can argue over how the money for politics is raised and how it is spent. We may wonder whether some of the sloganeering, TV jingles and the like actually serve to inform or confuse the voters. But the fact remains that it takes money for candidates to make themselves known to the voters and communicate even in a general way their stand on current issues.

I have always made it a practice to contribute to the campaign funds of candidates who, in my personal opinion, are best qualified for elective office. I think that every man should be free to contribute money to help elect those who, in his opinion, are most able and best represent his point of view. And every candidate should be free to solicit campaign funds from like-minded people.

But this freedom can be abused, and it has been. Abuses can never be eliminated entirely by laws, but they can be minimized. The time has plainly come to change Federal election laws in ways that will minimize the opportunities for influence peddling and buying.

Starting with elections to Federal office—including President, Vice President and Congress—there ought to be a firm ceiling with no escape hatches on the total amount any person can contribute to the campaign of any candidate. There ought to be an equally firm ceiling on the total amount that can be spent by and for each candidate for public office. And there ought to be an effective mechanism to make sure that the election laws are enforced.

Provisions such as these could go a long way toward eliminating improper and undesirable contributions and fund raising practices. But they would also compound the problem of raising enough money to give each candidate a reasonable chance of reaching the voters.

For many years we have been encouraging Ford employes to make it a habit to contribute to their party and the candidates of their choice. Many other organizations do the same and, of course, the political parties beat the bushes for contributions wherever they can find them. But the fact is that year in and year out, only about 10 per cent of all citizens of voting age contribute to political parties or candidates. The failure of most citizens to put a few dollars on the line to help elect candidates of their choice is what tempts candidates to rely on large sums from fewer people.

It now looks as though the only way out of this dilemma is to provide for campaign financing from public as well as private funds.

This is already being done in a small way. Modest Federal tax deductions or credits for political contributions have been permitted for the past two years. This year, for the first time, the taxpayer has had the option of instructing the government to give one dollar of his Federal income tax to the political party of his choice.

Beyond these steps, I believe the time has come to establish public financing of election campaigns for Federal office on a direct, systematic and substantial basis. Such a program would impose no great drain on the treasury but it would have to be carefully devised to avoid opening up new kinds of inequities and abuses.

The right to solicit and to make private contributions should certainly be preserved, within suitable limits, and the distribution of public funds would have to be controlled by a formula that would be fair to incumbents and challengers regardless of party, without at the same time opening the till to anyone who decides to call himself a candidate.

I would not support the use of public funds to help finance Federal election campaigns if I thought there was a better way to clean up the present system. But even with the other reforms I have suggested, I am afraid that nothing short of a significant degree of public financing will get at the root of the problem.

Making candidates rely entirely on raising money from private sources produces a kind of atmosphere that is not in the public interest. As long as the present system continues, the principle of one man—one vote will be compromised by the power of money.

I hope Congress will weigh very seriously the variety of specific proposals that have been advanced to provide for substantial public funding of Federal election campaigns. The public clearly is in a mood to support basic reform of election practices, and public confidence in government cannot be restored until basic reforms are achieved.

I hope that as community leaders, you share my views on the need for campaign finance reform and that you will encourage others to support practical measures in this area.

The connection between campaign fund reform and community service may seem somewhat remote, but I believe the two subjects are more closely related than you may think.

I am convinced that one important reason for the abuses that have crept into our political system is that government has become too big, too complicated, too powerful and too involved in almost every aspect of our lives. The bigger and more complex government becomes, the easier it is to conceal abuses. The more we rely on government to solve all our problems, the more influence there is to peddle, and the greater the temptation to buy.

I don't blame politicians for all of this. Government has grown so big because—unlike our Citizens of the Year—most people have been content to sit back and let government take care of every problem that comes along.

I don't think we can have a free society and honest government if we rely on government to take care of everything. The alternative is for us as individual citizens and members of voluntary citizen organizations to do more for ourselves, our neighbors and our communities.

In a very real sense, I believe that community service is the most basic element in the reform of our political system.

In conclusion, therefore, I want to commend each of you—not only for the luster you have added to the company's name and the good you have done in your communities, but also for the contribution you have made through your community service to the nation as a whole.

Again, my congratulations and best wishes for the continued success of your efforts to help your fellow citizens and improve the communities in which you live and work.

ALL-VOLUNTEER ARMY IS WORKING

Mr. GOLDWATER. Mr. President, in recent weeks, we have read a great deal in the press about the serious challenge encountered by the Army in its efforts to make a success of the all-volunteer concept for providing manpower.

There can be no doubt that the military services, particularly the Army, has encountered some difficulties in obtaining their required manpower levels under the new system. However, I sincerely believe that these difficulties can and will be surmounted and that the goal of a volunteer Army with highly motivated, trainable personnel can be achieved without lowering educational and mental category standards.

Recently, Mr. President, I received a personal report on this problem from Secretary of the Army Howard H. Callaway. In this report, he outlined the problems the Army is encountering and steps it is taking to meet them. Because of the great importance of Secretary Callaway's report, I ask unanimous consent for the report as well as a speech delivered by the Secretary before the Association of the U.S. Army here on October 15 be printed in the RECORD.

There being no objection, the report and speech were ordered to be printed in the RECORD, as follows:

SECRETARY OF THE ARMY,
Washington, D.C., Oct. 17, 1973.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR BARRY: Knowing of your interest in and knowledge of the Army, I want to solicit your support at a time when the Army faces one of its most serious challenges: the achievement and success of an all volunteer concept.

When President Nixon outlined the plan for an all volunteer force in 1968, several months before he took office, the Army immediately took up the challenge and began making plans for this eventuality. We attacked the problem on three fronts; strengthening professionalism, improving Army life, and modernizing our accession system. Much has been done in these areas and we were able to terminate inductions in December 1972—six months ahead of schedule.

As the draft expired, we found ourselves embarked on an enterprise that our society has never successfully accomplished in modern times. Accordingly, imagination and innovation became foremost in our management philosophy. We explored new approaches and techniques, rejecting unsuccessful ones and exploiting success where we found it. In this regard, you can expect to see more management changes and adjustments as we go along.

Our goal is to man the volunteer Army with highly motivated, trainable personnel, without lowering educational and mental category standards. We are going after the quality prospect in many new ways. For example, in May we began using the recently developed Army Classification Battery. This test measures aptitude for training and provides a more accurate measure of a man's potential as a soldier than did the WWII Armed Forces Qualification Test. Too, we believe that the quality of a man is realistically tested by his overall performance in training, and we have adopted procedures which will determine each volunteer's motivation and self-discipline during basic and advanced individual training. Men who do not display the qualities desired of a soldier will be released prior to 180 days of service. We are also employing the "whole person" concept in our quest for the quality accession, and we are experimenting with a system which would enable us to determine an individual's probability for success in the Army based on certain background data. Thus, contrary to the opinion expressed by some, the Army is not lowering quality standards but rather developing more and better ways to identify men who should make good soldiers.

The fact that we have fallen short of our recruiting goals in recent months has been widely reported. Because of this, some have concluded that the all volunteer Army is going to fail, but I do not accept this at all. It would be unwise for anyone to jump to such conclusions on the results of the last six months. For the Army there is no alternative; we are totally committed to assuring success of the all volunteer concept.

We face a most difficult challenge. However, we feel confident that with the training, educational opportunities, and improved living conditions available in the Army today, we will be able to attract and retain those individuals whom we need. Above all, we believe that the Army offers young people an opportunity to grow and mature, and gain that inner satisfaction which only comes from service to one's country.

On 15 October I spoke on this matter before the Association of the United States Army at their annual meeting here in Washington. Inclosed for your information is a copy of my remarks.

I am confident that with your continued support, and that of the American people, we will make the all volunteer force a reality.

Sincerely,

HOWARD H. CALLAWAY.

ADDRESS BY THE HONORABLE HOWARD H. CALLAWAY

Ladies and Gentlemen, distinguished guests:

I'm delighted to have this opportunity to be with you this afternoon. We in the Army are aware of your long-standing support for a strong National defense and we feel that the Nation owes you a debt of gratitude.

It is an exciting time for me to be Secretary of the Army. We are entering a historic time, a time of basic change, as we try to do what has never been done before. The Army has set out to provide security for this great country, to keep our global commitments, to stand ready to face an aggressor on a moment's notice—and to do all this with an Army of volunteers. No nation in history has tried to meet such massive and complex commitments without compelling people to serve, through one form of conscription or another. It is a challenge—a great challenge, one which I assure you we are doing our utmost to meet. Today I want to address this question with you—this question of meeting the need for an Army with a volunteer force.

Unfortunately, discussions of the volunteer Army are usually accompanied by emotional considerations about the value of the draft or of Universal Military Training. There are many, both in the military and out, who genuinely feel that the maintenance of a draft is important to our country, and so the debate continues. But the debate is on the wrong subject.

Those who continue to hold out the false hope that the Army can or ought to simply dodge the problems of the volunteer environment by quick return to the draft are not facing up to today's realities. The country doesn't want a draft today. The Congress doesn't want a draft today. The alternative then is a successful volunteer Army or failure for the Army. The US Army has never failed this country. It has always turned the hard challenges of history into success. So today, the challenge for all of us who support the Army is clear. We must set our minds to making the volunteer Army work.

And the volunteer Army is working! It is working because there are still young men and women in America who want to serve their country—this is "an idea whose time remains" for all Americans, young and old, of every race, color, and creed. And it is working because the Army offers to young men and women a satisfying life and solid benefits in conjunction with their service. There are those who feel we are trying to buy an Army. This is not the case. We are giving young men and women who serve in the Army a standard of living that is roughly comparable to the standard of living they might get in the civilian community for doing a similar job. This means higher pay; paid annual leave; complete, superb medical and dental care; life in much improved barracks, and more.

All of these measures are necessary. I support them wholeheartedly. But let me emphasize that we are not trying to buy an Army! We will get the Army that the Nation needs only by appeal to sacrifice and service.

And this brings me to the second, most important way that we are making the volunteer Army work, by insuring that service to the country is a meaningful part of the young man or woman's life. We are making Army service a step forward in their lives, not an interruption. And to do this we are putting a great emphasis on education and training, and on insuring that our soldiers' jobs are important and useful.

We are doing this by making each soldier's job relate to the Army's mission, because this makes Army service mean something. Our young people want value from their lives. They want a job that matters and we've got that job. We are also working to eliminate unnecessary irritants. We think this will make the Army more attractive, and our surveys have borne this out.

We have developed a very attractive package of education and training. To the high school dropout who has the ability and motivation, we offer work toward a high school diploma, as an adjunct to training. To the high school graduate, an opportunity for college training, part of which may be as an adjunct to training. To junior college and college students, the possibility of further training, and even this may be as an adjunct to training. And to all of them, the Army offers vocational training that will be useful when the soldier returns to civilian life.

With a meaningful job, a decent standard of living, and real opportunities for continued education and training, young men and women can look upon a period of service to the country as a genuine step forward in their lives. And when they leave the Service, they will realize other very important advantages. For one thing, under the GI Bill, they are entitled to more education, provided by the government to its veterans. And they're more mature. The Army has trained them, given them each a mission, and then held them responsible for professional results. This responsibility develops maturity. Thus, both the education and experience of military service prepare them for better jobs when they leave the Army for civilian careers.

All of these benefits are pointed toward the first term volunteer. For those who choose to reenlist for the volunteer Army, however, more opportunities for education, maturity, and service accrue.

We have, today, the finest noncommissioned officer leadership training we have ever had, with progressive career steps going from the recruit right on through our top command sergeant major. Our men and women enjoy the benefits of our new Noncommissioned Officer Education System, a system which offers to the noncommissioned officer a progressive, professional military education roughly comparable to the superb system of schooling we have always offered to our officers. The system trains, educates, and motivates our NCO leaders for the progressive challenges of an Army career.

Some of our strongest supporters don't fully understand today's Army. They think the Army lost something important when we initiated, for example, the idea of hiring civilian help—KPs—to work in the kitchens and dining rooms. They think that eliminating such irritants as KP has made the Army soft. But the Army's mission is not to peel potatoes; its mission is to fight. Peeling potatoes does not improve discipline or combat efficiency. So changes to some things held traditional in the past are in the wind, but if you look at them, you will see that each turns harder than ever on mission. We are not retreating from the Army's real business. The volunteer Army is ready to fight.

We do not have and we shall not have a permissive Army. We have and we shall have a disciplined Army, responsive to authority, and able to perform its mission in the service of the country. You expect it; the country deserves it; and I'm going to do my level best to see that it happens!

In brief, that's the program we have undertaken to attract young people, to encourage them to enter the Army. And once they're in, I know that many of them will choose to stay beyond their initial commitment, because they will see that the Army has a very fine career progression system.

I believe Americans will agree, then, that we have a package that is appealing to today's young people, appealing not only in terms of benefits, but in the opportunity for service to country. And the beauty of this is that it appeals to everyone in America. Service to country appeals equally to rich and poor, Northerner and Southerner, educated and uneducated. Pride in America and willingness to sacrifice for her is an ideal which knows no cultural or economic boundaries. In this fact lies the very strength of the Nation. I count on this appeal to give us an Army which mirrors America. It's not going to be a mercenary Army, it's going to be an all-American Army.

This then is our plan. It is not only our plan for the future, it is also a description of today's Army. For practical purposes, the draft ended for us on December 29, 1972, when the last draftee entered the Army. (Although a few deferred draftees entered later.) So we have had about 10 months' experience now in a volunteer environment, and I think it is appropriate that we review some of the results.

Because each month we openly discuss our goals and quotas, many have a distorted picture of our progress. They feel we are hopelessly short of recruiting goals, trying to make up the gap by lowering, and as a consequence, ending up with nothing worthwhile whatever. It is true that we have missed our goals during the past 10 months. But it is important to remember that our goals are akin to the salesman's goals—realistic, but difficult to meet.

What are the facts? During these past months, we have recruited into the volunteer Army some 124,000 young men and women; further, over 34,000 men and women have reenlisted during this period. In fact we have been running about 84 percent of our recruiting objective ever since December 29, 1972, when we abandoned the draft. And those who have come into the Army are of high quality. We have had a higher percentage of high school graduates entering the Army since the draft ended—about 10 percent higher—than we had in the 6 months before the end of the draft. As a result, we now have an Active Army of over 794,000 and this is 97 percent of our programed strength. Total accessions, then, have fallen somewhat short of our goals, but we are still filled far above any level of concern, and quality is high.

And we have many encouraging signs. Last year we decided to reactivate the 9th Infantry Division at Fort Lewis, Washington, but the manpower was not at hand. So we told the commander, General Fulton, that if he wanted a division, to take his cadre, the Division colors, and go out and recruit a division. General Fulton and his recruiters did just that. They began a vigorous recruiting campaign and today that Division stands at 102 percent strength, essentially filled with enlisted volunteer soldiers. Now, this is a real success story, a living example which illustrates concretely that the volunteer Army program is not an impossible dream, but a workable idea, and it is typical of many other units with similar successes.

We do not minimize our recruiting problems; we spend our time and energy working on them. We are trying many new approaches to recruiting, which stress quality together with quantity—such as increasing the number of recruiters, expanding our unit-of-choice and station-of-choice options, screening out poor soldiers in our reenlistments, administering new entrance tests, and even weeding out misfits in basic training. These efforts will continue.

Some also have expressed concern that the volunteer Army was doomed to failure because it would bring a decline in discipline. That has not been the case. If we compare discipline trends for FY 72 with FY 73, a period which includes both draft and volunteer Army experience, we find that rates for AWOL, desertion, crimes of violence, crimes against property, courts-martial, and separations under less than honorable conditions, are down.

Virtually every major indicator of discipline except drug offenses has, in fact, remained or turned positive in the volunteer Army. Whatever factors contribute to this picture, it is clear that today's volunteer soldier is not causing an increase in disciplinary problems.

Many also had expected the volunteer Army to herald the demise of our National Guard and Army Reserve as viable outfits. No such demise is in sight, although we do face problems here. We have seen modest reductions in the strengths of both our Reserve Components from the December 1972 levels, a trend in fact dating from mid-1971. But current indications give us some encouragement that we may be able to restrain this decline. We have in the past several months, for example, been successful in recruiting trained, experienced, prior-service personnel into our Reserve Components to offset some of our shortfall. As you know, Reserve Component strength remains critically important, so we are very much concerned that it continue to receive close attention. Under the total force policy any future emergency buildup will have to rely upon the National Guard and Reserve rather than a draft for initial and primary augmentation of our Active forces. I expect the improving image of the volunteer Army to have the positive effect on the health of our Reserve Component recruitment that is needed.

Finally, combat readiness, which is the heart of our business, has shown significant improvement. When the draft ended, we had 13 divisions on the books, but only 10 fully formed. Of the 13 divisions, not 4 met the Army's stringent readiness standards and were considered ready for combat. By contrast, we now have all 13 divisions fully operational and 10 ready for combat. Thus, our divisions today, judged by the stringent standards reported to the Joint Chiefs of Staff, much more nearly meet their goals in terms of authorized strength, personnel job qualification, unit training, equipment on hand, and equipment serviceability than they did at the end of the draft. Six months to a year from now, I believe our readiness posture will be even better.

These simple facts and figures point to one conclusion—The Army is better today than it was at the end of the draft. But the figures are not nearly so meaningful as the subjective feel of those in the Army. I certainly don't pretend to be an expert on this but by the end of this month I will have visited all 13 of the Army's active divisions, as well as many other posts and stations. During every visit I have talked with new soldiers, with senior noncommissioned officers, with junior officers, with senior officers and commanders. I can tell you that without any question, today's Army is a far better Army, far more prepared for combat than it was at the end of the draft. I can just feel it everywhere I go. It's in the air. Discipline is better, morale is better, training is better, and equipment is better. The Army's future is indeed now.

And, what is more important, all of our vital trends, with the possible exception of drug abuse (and we are working hard and effectively on that one), are in the right direction today. Let me emphasize—your Army is good now, ready to fight, and getting better with the passage of time. I foresee no doom ahead. Six months from today we will be better, and after that, better still.

This picture that I give you of today's Army is enthusiastic and optimistic, and purposely so. I am extremely proud of today's Army and what has been done to make it work in the volunteer atmosphere. But I recognize our challenges. Benjamin Franklin once said that, "the man who expects nothing . . . shall never be disappointed." I believe he would share my belief that men who do expect something worthwhile and are willing to work hard for it, are apt to achieve it, even if the task is difficult and unfamiliar.

We are daily working on new, innovative and exciting ideas to insure that we get the right number of qualified men and women to man our Army. It will not be easy. It will perhaps be the toughest job that the U.S. Army has ever been called upon to do, but I am certain that today's Army will be equal to the challenge.

We in the Army have always needed the active support of the American people. Today, we need it even more than ever before. Even our strongest critics have recognized that the one vital element necessary for the success of the volunteer Army lies beyond the Army itself. I'm talking about public support. We need your help as we plow new ground, as we steer an uncharted course to give the country the best Army it has ever had. Without your help, we cannot succeed; with it, we cannot fail. Together, we can meet the challenges and prove worthy of the Nation's trust.

Thank you.

ROBERT McNAMARA AND THE WORLD BANK

Mr. PERCY. Mr. President, in every generation of mankind there are many talented individuals who rise to national prominence, make their contribution to this country or the world and then return quietly to the tranquillity from which they came. Only a relatively few men or women have a continuing impact on public policy. Fewer yet have the talent, intellect, diversity, and personal fortitude to have an impact in more than one field of endeavor. Robert McNamara is one such individual.

Robert McNamara has served this country with distinction as a captain of industry, a Secretary of Defense, and now as President of the World Bank. Being a catalyst in all of these fields he has been controversial. But whether one personally agrees or disagrees with Robert McNamara, there is no disagreement that he is tough minded and a brilliant innovator, and those who know him well regard him as I do, as a man of compassion—a great humanitarian.

In his present position as President of the World Bank, Mr. McNamara is committing a decade of his life to shake and move the leadership of this world on behalf of humanity. He is attempting to shake the perceptual thought structure of our generation of mankind on the issue of economic development in less developed countries. He is moving the institution that he heads, the nations that govern it, and the nations that receive loans from it, into a realization that economic growth is not economic development—that economic development means that all people in a given society must participate in and receive the proceeds from economic growth.

Two recent publications show Robert McNamara both as a humanitarian and as a catalyst in the field of economic development in less developed countries. The first article by Stephen S. Rosenfeld appeared in the July 3, 1973, issue of World magazine and is titled "Robert S. McNamara and the Wiser Use of Power." The second publication is of President McNamara's address to the Board of Governors of the IBRD in Nairobi, Kenya, September 24, 1973.

Mr. President, I ask unanimous consent that both of these publications be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Robert S. McNamara and the Wiser Use of Power

(By Stephen S. Rosenfeld)

Washington.—The straight-back hair is thinner, the half-rimmed glasses thicker than in the days when he was known as an architect of the Vietnam war—a reputation that seems to burden and spur him still. Yet the figure is as lean, the manner as intense, the mind as quick. Beginning his second five-year term as leader of the boldest development effort since Genesis, World Bank President Robert S. McNamara is doing what he plainly regards as the culminating work of his life. His fifteen-year rise to the presidency of a huge consumer-goods corporation, his seven-year stewardship of an immense military establishment—all this merely provided the training, the toughening, the incentive for this super-able and driven man to get where he is now.

On the floor by his desk is a large globe that he can spin for easy reference to the 122 countries that belong to "the Bank," as it is known in its sprawling headquarters just three blocks west of the White House. Only the Communist countries—in the Bank's careful, non-political prose, the "centrally planned economies"—do not belong, mavericks Yugoslavia and Rumania excepted. McNamara would welcome all of them. For it is the essence of his creed—*gospel* perhaps better suggests the passion behind it—that the world's essential divisions are not between Communists and non-Communists, East and West, but between rich countries with the means to lend to the Bank and poor countries with the need to borrow. The sooner the world can rise above its political quarrels, the better it can treat its economic ills. The Bank cannot solve others' political disputes, but it can, McNamara hopes, provide a measure of the vision and the money and the pressure needed to help nations do something about their people's desperate economic and social needs.

Five years ago, Lyndon Johnson arranged for the twenty "executive directors" of the Bank to choose McNamara. At the time, the former Ford Motor Company president and secretary of defense was widely regarded as a political basket case, his spirit seemingly broken by the travails of Vietnam. Friends from his Berkeley and Harvard days knew him as a man who had minored, so to speak, in the human condition. The public had been given only one glimpse of his concern: In a 1966 speech (in Montreal), so far from the Pentagon norm that it attracted much attention (as well as private grumps from LBJ), McNamara had drawn a close link between global violence and global poverty. Practically by itself, that speech made his Bank appointment respectable. The prevailing sense still was that he was being put out to pasture. At that point in the Vietnam War (1967–68), the Bank was thought of in Washington as a proven and worthy institution but not as a central or vital one. Its two previous presidents, George Woods and, before him, Eugene Black, were traditional bankers who had kept the Bank's profile low.

Looking back, one can see how all this suited McNamara's style. He had inherited a tight ship. It had an expert international staff, since doubled to about 1600 professionals from 100 countries (but no upper-rank women). Its blue-chip leadership and staff and its record of making "sound" loans had ensured it all the access it sought to world capital markets. Although it gives loans to some governments that on their own couldn't get in the front door of the central and private banks from which the Bank borrows, it has never lost a penny. From 1964 to 1968, the Bank committed $6 billion to help finance projects valued at upwards of $13 billion; the Bank always draws in other public and private lenders with it. Some feared McNamara's reputation as a visionary, resulting from the Montreal speech, might dry up the money. As though to quell the specter, he made his first major speech outside the Bank at the Bond Club of New York. Ever concerned not to be pegged as a wild-eyed fanatic, he declared: "[The Bank] is a development-investment institution, not a philanthropic organization and not a social-welfare institution." During his first term the Bank borrowed sufficient money to more than double its loans, committing $12 billion to finance $30–$40 billion worth of projects, exactly as McNamara had planned. He has kept old sources and found new ones—for instance, the Mideast oil states, which are to him "the largest single investment pool of medium- and long-term investable capital in the history of the world." During his second term he expects to get the Bank into an additional $50–$60 billion in projects. For a yardstick, note that American bilateral economic aid now hovers at around $1 billion a year.

McNamara took over a going operation. As one might expect of a manager of his bent, he has changed it. In sixty days he had set up a five-year planning framework; the Bank is now in its "Second Five-Year Program." There soon appeared a "programming and budgeting department," a discreet shadow of the Office of Systems Analysis he had installed in the Pentagon. Interestingly, he did not bring in a conspicuous group of new people, "whiz kids" or otherwise. His best known appointee is former AID official Hollis Chenery, a Harvard development economist who is the leading in-house policy adviser. His chief of staff is J. Burke Knapp, formerly of the Federal Reserve and State Department. Particular staff men whose ideas or programs grab him he sees for long and intensive meetings; others see him only on the elevator. For all the warmth and wit he shows private friends, he runs the Bank as an operation subordinate to his vision of its public duties. By a recent reorganization, sprung without notice, he deeply wounded scores of veteran professionals and, incidentally, thereby, gave an important boost to the Bank's "Staff Association," a fledgling union. McNamara professed to be astonished at the furor he had created.

His work habits continue to be something of a Washington legend: the hours; the quick intake of masses of new material; the capacity for framing—some say overframing—issues. He can dole out appointments to internationally known figures in five-minute pieces; he frets at holes in his schedule; his calendar bears notations like "12:00 noon—Nicaragua." On the road (sixty-six countries, 432,330 miles in his first term), he paces himself relentlessly, seeing only "presidents and peasants," as one aide put it, exhausting his escorts. Perhaps because he learned at the Pentagon not to become a captive of his own staff, he ranges wide for counsel outside the Bank, keeping open old lines to the foundations, the Urban Institute, Aspen, and like places, in order to receive fresh ideas. As a second-term gift, staff members gave him a briefcase.

More meaningfully, the Bank gave him his second term. McNamara has called himself a "citizen of the world." But he is an American and, though earlier of Republican registration, later a figure identified closely with Democrats, especially Kennedys. By tradition and voting weight, the U.S. President fills the top Bank slot. From Mr. Nixon's own distracted record on development, if nothing else, one could guess that McNamara was not his first choice for the term beginning last April. The administration had, in fact, shown political displeasure by abstaining on Bank loans to Latin countries where American private firms were under siege. McNamara was known to be unhappy about this and had publicly scored the United States for its declining performance on aid. The names of former treasury secretary David Kennedy and former commerce secretary Maurice Stans (today under indictment for obstructing justice and perjury) was floated. The "constituency"—principally of borrowers—built by McNamara loan policies and speeches effectively came to his aid. Sixteen months in advance, the Bank's twenty executive directors, including the one Nixon choice, went through the formal motions of renominating him. Some Europeans hinted that if it were not to be McNamara, they might prefer a European. McNamara had become the indispensable man.

To understand why, look closely at the development scene in 1968. In the United States, the era of foreign aid was plainly closing. One political current held that aid was a form of interventionism that could produce another Vietnam. A second held that the United States had invested billions to help develop Third World countries but had reaped neither gratitude nor stability nor—unkindest cut of all—real development. The reaction of traditional conservatives and dovish liberals alike, especially in Congress, was to urge that aid be diverted from direct, bilateral channels to multilateral channels, such as the World Bank, and further, that aid, especially on easy terms, be reduced. Thus would aid become less entangling and cheaper for the United States, if not more efficient and beneficial for the recipients.

The opportune moment for an ambitious man running an ambitious multilateral development bank, funded in the main from commercial, not congressional sources, had come. McNamara leaped. Not only did he double Bank lending—perhaps up to, if not beyond, some borrowers' absorptive capacity; he placed the Bank's money and vigor at the center of virtually every important and innovative cooperative-development activity in the non-Communist world. The Bank now runs "clubs" of donors for fifteen separate countries. It finances and coordinates the major international efforts in population and agricultural research; McNamara's quests for better birth-control methods and for technology that will do for "dry-lands" farming what the Green Revolution did for farming in irrigated areas are well launched. The Bank has lines into the U.N. Development Program, the World Health Organization, and the Food and Agricultural Organization. Its individual regional departments are large and generally more respected professionally than any of the regional development banks. Some ask if McNamara is not building an overly centralized development empire. His admirers believe he is merely filling vacuums effectively. McNamara takes the approach that there's work to be done.

The careful bankers who led the Bank until 1968 thought chiefly in terms of safe, conventional infrastructure projects, like dams and railroads, which borrowers could most easily be induced to support and which provided to borrowers and lenders visible, quantifiable evidence of "development" and "growth"—the concepts were then roughly equated. Even by 1968, however, there was growing awareness that although a good number of the necessary infrastructure projects were already in existence, or in planning stages, no comparable increase was taking place in the general standard of living. Indeed, mass poverty was perhaps more widespread. McNamara's predecessor had reacted by undertaking loans for so-called social projects in agriculture, health, education, and the like. McNamara quickened the pace in these fields. He also undertook to shift the thrust of Bank loans from, in effect, engineering prospects to more comprehensive programs in particular regions of a country or sectors of an economy. It means the difference between building a dam per se, and developing a river valley; in the latter case, the loans would also go toward setting up a population program in the valley, offering local farmers new credits, and so on.

To win support for the change from lenders, borrowers, and, perhaps not least, his own bureaucracy, McNamara began preaching what was for the Bank a radically new doctrine of development. It held that economic growth must be harnessed to the abolition of poverty and misery by providing more jobs, a better diet, and a more equitable distribution of income. For ammunition, he went outside as well as in. For studies on unemployment, for example, he went to the private, Washington-based Overseas Development Council, impatiently reading some of its papers in draft. (A recent issue of *Bank Notes,* the house organ, pictures a dozen students at the Bank's staff college, using approved "labor-intensive methods," i.e., together pushing a stuck vehicle out of East African roadside mud!) In 1972, in a speech that still echoes on H street, McNamara cited studies done by a California economist (studies disputed inside the Bank) indicating that throughout the 1960s in rapidly growing Brazil, "the very rich did very well. But . . . the benefit to the poorest 40 percent of the population was only marginal." The Bank had loaned Brazil no less than $1.5 billion to nourish the kind of uneven growth he deplored. Early on, McNamara had brought in Hollis Chenery—sometime priest of growth—as chief adviser. It seemed significant that he now promoted to a key policy-planning post an unconventional Pakistani economist named Mahbub ul Haq, a man so driven to translate development into social justice that he had sometimes on his own espoused the Chinese model of state-forced development.

Himself a prime product of the free-enterprise and democratic systems, McNamara has not commended the Chinese way. One can guess he realizes how alarming it would be, not only to lenders but to some borrowers to whom talk of social justice sounds suspiciously like giving aid and comfort to their domestic political foes. Nor is there universal agreement among economists at the Bank and elsewhere, or among government officials, on the extent to which growth and redistribution of income can in fact be combined. More concerned with persuading the unconverted than with painting a subtle portrait, McNamara tends to put his case in black-and-white terms that draw frowns from many professionals. Said an Indonesian finance minister after one typical McNamara appeal, "One cannot more equitably redistribute nothing."

Nonetheless, McNamara has not shrunk from pursuing his cause. His speech chastising Brazil for headlong pursuit of growth was given in a Latin setting, Santiago. He preached population control not only to the students of Notre Dame but to the president of Mexico, a country whose need for such a program was rivaled (at least in 1971) only by its reluctance to start officially down that path. No political slouch himself, McNamara uses Anthony Eden's former press chief, William Clark, as a kind of foreign secretary. One suspects he is less concerned with being singed by the controversies he kindles than with leaving a fire burning inside the borrowing country. More than once a government has denounced McNamara's approach to a ticklish social problem, then has quietly begun adressing itself to it.

Sometimes McNamara expresses the belief that what is required is simply "political will," a decision to hitch up the world's "productive machine" for social purposes. But he has also conceded that inequities are rooted in "institutional frameworks, particularly in the distribution of political and economic power within the system." Finding it politically, if not temperamentally, out of the question to urge "redistribution" of political and economic power (i.e., revolution), McNamara argues instead that the *increments added by growth* should be distributed more fairly. He would not recut the existing pie; he would redistribute the new slices. If this logic seems strained, it must be remembered that McNamara is not a political theorist or a revolutionary or even an intellectual. He is a compassionate and calculating man whose conception of his role leads him to urge very controversial steps, even while he tries to limit disabling controversy about them.

McNamara religiously eschews intervention in local affairs. Yet discretion blinds no one involved to the fact that a government or minister or planner whose country, sector, or project gets a Bank loan thereby acquires additional power. The Bank cannot easily use loans as sticks, withholding money until, say, the government mends its social ways. It can, however, withhold loans on grounds that a country's economy is so poorly run as to make it not "credit worthy." "You are bankrupt, sir," he once told an African president, who subsequently shaped up. He told Chile's Marxist President, Salvador Allende, whose social policies are right down his alley, that the Bank could offer no new loans because his economic practices were unsound. Chileans, among others, suspected that McNamara was allowing the Bank to be misused as a collection agency for expropriated American firms.

The Bank can also use loans as carrots, rewarding "good" social policy or effective economic performance. Especially in very poor countries that lack alternative sources of development capital, the Bank can bring to bear considerable influence to induce better financial and administrative practices and more rigorous planning. Staffers concede that at times the Bank's leverage in these matters is weakened by their chief's determination to push out loans rapidly and by local nationalistic pride. But being prestigious, being multinational, being a development institution and not a sovereign state—and being rich—the Bank can usually get away with wielding power. Within the Bank, income redistribution reports are now routinely cranked into annual country surveys and loan applications. When the Bank staff forgot, apparently inadvertently, to crank income into a proposal for a loan to prosperous cattle farmers in Brazil last year, some bank directors protested. Though reportedly not so instructed by his superiors in the U.S. Treasury, the American executive director, Robert Wieczorowski, went along with the protest, and, partly for this reason, lost his job. (The Treasury Department denies this tale.)

McNamara has become known for preaching an international social gospel, which holds that between nations as well as within nations, the problems of the poor must become ever more central to the policies of the rich. The special object of his fervor is the International Development Association, the Bank's "soft-loan window" opened in 1960 to offer easy money (fifty-year loans, ten years' grace, ¾ percent interest) to countries that couldn't afford the usual Bank loans put out at (currently) 7¼ percent. Money for IDA is deeply "political": It comes not from central or commercial banks, source of Bank funds, but from subscriptions by the developed countries—in the United States, from appropriated funds. IDA credits are indeed "aid," and the United States has become increasingly reluctant to furnish them. Right now, Western Europe and Japan seem ready to have the rich countries put in $1.6 billion a year for the next three years, but the United States speaks of $1.2 billion and of reducing its share of the total from two-fifths to one-third. Says Congressman Otto Passman, key man in this matter on Capitol Hill, "IDA takes from the poor in rich countries and gives to the rich in poor countries. I hope Mr. McNamara's judgment on IDA is better than his judgment on Vietnam."

For every two dollars committed by the Bank, IDA commits only one. But because IDA credits go to the poorest of the poor—countries that otherwise would be swamped by their old debts and would get only crumbs—McNamara has invested enormous energy in that branch. His theory that the level of violence and the level of poverty are related leads him to plead for IDA with the security-oriented argument that global social justice is a Western, or rich-country, political imperative. It is undeniable, however, that for McNamara personally, the more telling argument is that aiding one's fellow man is a moral imperative. It gnaws at him that his fellow Americans, and others as well, do not feel the same compulsion to minister to the world family. The statistics speed from his tongue—the United States diverted 2.79 percent of GNP to aid in Marshall Plan days, against only .24 percent now—occasionally belying the passion behind the figures. If such appeals embarrass some audiences, they have made McNamara's one of the weightiest and widest heard moral voices in the world. Quite literally, he speaks for the disinherited of the earth.

To hear this former captain of industry and defense denouncing the world's profligate spending on consumer goods and arms is to be in the presence of an astonishingly complex and compelling man. It is a stunning thing McNamara has attempted: to turn a rich nation's bank into an instrument of massive and real deliverance for the world's poor. To be sure, the Bank's hand is not the only one at this task. But a great deal more than McNamara's pride and the Bank's position hangs on the ultimate results.

Address to the Board of Governors

(By Robert S. McNamara, President, World Bank Group)

I. INTRODUCTION

Last year I began a discussion with you of the critical relationship of social equity to economic growth. I emphasized the need to design development strategies that would bring greater benefits to the poorest groups in the developing countries—particularly to the approximately 40% of their populations who are neither contributing significantly to economic growth nor sharing equitably in economic progress.

In the twelve months since our last meeting, we in the Bank have given high priority to further analysis of the problems of poverty in the developing countries and to an evaluation of the policies available for dealing with them. On the basis of these studies, I should like this morning to:

Discuss the nature of the poverty problem, particularly as it affects the rural areas.

Suggest some of the essential elements of a strategy for dealing with it.

And outline a plan for World Bank operations in support of this new strategy.

But before turning to these matters, I want to report to you on the results of the Bank's Five-Year Program for the fiscal years 1967–73—a program that concluded on June 30th of this year; and then to suggest the financial objectives for a second five-year plan for the years 1974–78.

II. THE BANK'S 5-YEAR PROGRAM FOR FISCAL YEARS 1969–73

It was in September of 1968 that I first met with you in this forum and outlined the goals of a Five-Year Program for the World Bank Group. You will recall what our objectives were. We stated that we were "formulating a 'development plan' for each developing country to see what the Bank Group could invest if there were no shortage of funds, and if the only limit on our activities were the capacity of our member countries to use our assistance effectively and to repay our loans on the terms on which they were lent."

Based on these analyses, we proposed to double the Bank's operations in the fiscal period 1969–73 as compared with the previous five-year period 1964–1968. That objective has been met: total financial commitments of the IBRD, IDA, and IFC, in current prices, in the 1964–1968 period, were $5.8 billion; in the 1969–1973 period, $13.4 billion. In real terms, the increase was 100%.

As indicated in the table below, in the five years we achieved a level of operations that exceeded the total of all the operations that the Bank had undertaken in the developing world in the 23 years from 1946 through 1968.

BANK GROUP FINANCIAL COMMITMENTS TO DEVELOPING COUNTRIES BY REGION

[Dollars in millions]

Region	Number of projects		Amount of commitments (current prices)	
	1946–68	1969–73	1946–68	1969–73
East Africa	78	104	$834	$1,099
West Africa	35	102	522	891
Europe, Middle East, North Africa	113	168	1,785	3,198
Latin America and Caribbean	281	176	3,554	3,734
Asia	201	210	3,927	4,496
Total	708	760	10,622	13,418

In addition to the Population Projects Department—to which has now been added the responsibility for nutritional projects—we launched other initiatives within the Bank. Among them are new departments for Industrial Projects, Urban Projects, and Tourism Projects; an Office of Environmental Affairs; an Operations Evaluation Unit; and a new program of comprehensive country economic reporting.

To achieve the doubled level of our operations, it was necessary, of course, to strengthen the Bank both organizationally and financially. Worldwide recruitment was increased and the staff was expanded by 120% during the period. We were determined in this effort to broaden its international character to the maximum degree feasible. In 1968 the staff represented 52 nationalities. It now represents 92. In 1968 the proportion of staff from our developing member countries was 19%. The proportion is now 29%, and continues to grow.

Lending more has of course meant borrowing more, and that in turn has depended on governments granting us access to their capital markets. This they have continued to do, despite unsettled conditions and monetary fluctuations. It is a mark of confidence in the Bank's financial structure that we have been able to borrow not only in our more traditional markets, but in altogether new ones, and to utilize new borrowing instruments and new channels of distribution.

Net borrowing for the five-year period has been approximately four times that of the earlier period, and our liquid reserves have risen to $3.8 billion, an increase of 170%.

Neither the increase in operations, nor the shift in emphasis toward more socially oriented sectors, has adversely affected net income. On the contrary, total net income for the five-year period was $965 million, 28% more than in the previous period, and this despite the fact that the bank's lending rate was held down to levels resulting in a substantially greater subsidy to the developing countries than in earlier years.

We have completed the Five-Year Program, then, by meeting the quantitative goals we had set for ourselves in 1968, and by making a sustained effort to improve the overall quality of our work.

But our task now is to move forward with a second Five-Year Program. Like the first, its goals and shifts in emphasis must be shaped by the evolving development situation itself.

I should like to give you my assessment of that situation.

III. THE BANK'S SECOND FIVE-YEAR PROGRAM: FY 1974–1978

Most of our developing member countries are faced with three interrelated difficulties:

An insufficiency of foreign exchange earnings from trade.

An inadequate flow of Official Development Assistance.

And an increasingly severe burden of external debt.

Each of these problems is serious in itself. But together they threaten the outcome of the entire development effort.

Let me examine each of them briefly.

The trade problem

The core of the trade problem for the bulk of the developing countries is that they cannot expand their exports rapidly enough to pay for their essential imports. These imports are themselves often the key to greater export capability—and higher foreign exchange earnings—and thus the dilemma of trade imbalances in these countries tends to become self-perpetuating.

The problem is compounded by the delay of the wealthy nations in dismantling discriminatory trade barriers against the poor countries. Our studies indicate, for example, that if the affluent nations were gradually to reduce their present protectionist trade restrictions against agricultural imports from the developing world, the poorer nations could, by 1980, increase their annual export earnings by at least $4 billion.

An acute shortage of development assistance

Secondly, the current flow of Official Development Assistance (ODA)—financial aid on concessionary terms—is acutely inadequate. Not only is it far below what the developing nations need and what the affluent nations can readily afford, but, as the attached table indicates, it is only half the modest target prescribed by the internationally accepted United Nations Strategy for the Second Development Decade.

That target called for reaching ODA levels of .7% of gross national product (GNP) by 1975. In fact, by 1975 ODA will not exceed .35%. And yet achievement of the target neither requires the people of the developed nations to reduce their already high standards of living, not to neglect their domestic priorities. It asks them to dedicate a tiny fraction of the *incremental* income—income over and above that which they already enjoy—that will accrue to them in the decade of the 70s.

During the decade, the annual GNP of these affluent nations will grow, in constant prices, from $2 trillion in 1970 to approximately $3.5 trillion in 1980: an increase in output virtually beyond one's capacity to comprehend.

In order to double the ODA flows, and thereby raises them to the targeted .7%, the developed countries would need to devote to that end less than 2% of the amount by which they themselves will grow richer during the period. The remaining 98% of their incremental income would provide them with more than sufficient funds to meet their domestic priorities.

I have heard it said in the developed countries—in the United States and elsewhere—that their domestic problems are so pressing that they require an exclusive claim on the immense incremental wealth which will accrue to their societies in future years, and that not even the 2% of this additional income which we suggest should be diverted to the developing countries, can be spared. But I believe that such critics of additional assistance to the poorer nations, when citing the needs of their own cities and countryside, fail to distinguish between two kinds of poverty: what might be termed relative poverty and absolute poverty.

Relative poverty means simply that some countries are less affluent than other countries, or that some citizens of a given country have less personal abundance than their neighbors. That has always been the case, and granted the realities of difference between regions and between individuals, will continue to be the case for decades to come.

But absolute poverty is a condition of life so degraded by disease, illiteracy, malnutrition, and squalor as to deny its victims basic human necessities.

It is a condition of life suffered by relatively few in the developed nations but by hundreds of millions of the citizens of the developing countries represented in this room. Many of you have cause to know far better than I that:

One-third to one-half of the two billion human beings in those countries suffer from hunger or malnutrition.

20% to 25% of their children die before their fifth birthdays. And millions of those who do not die lead impeded lives because their brains have been damaged, their bodies stunted, and their vitality sapped by nutritional deficiencies.

The life expectancy of the average person is 20 years less than in the affluent world. They are denied 30% of the lives those of us from developed nations enjoy. In effect, they are condemned at birth to an early death.

800 million of them are illiterate and, despite the continuing expansion of education in the years ahead, even more of their children are likely to be so.

This is absolute poverty: a condition of life so limited as to prevent realization of the potential of the genes with which one is born; a condition of life so degrading as to insult human dignity—and yet a condition of life so common as to be the lot of some 40% of the peoples of the developing countries. And are not we who tolerate such poverty, when it is within our power to reduce the number afflicted by it, failing to fulfill the fundamental obligations accepted by civilized men since the beginning of time?

I do not wish you to interpret my remarks as those of a zealot. But you have hired me to examine the problems of the developing world and to report to you the facts. These are the facts.

It is true that some citizens of the developed countries protest against increasing their assistance to the developing countries because of poverty in their own societies. They do so either because they are unacquainted with these facts; or because they fail to distinguish between relative and absolute poverty; or perhaps because they are obscuring the truth even from themselves—unwilling to admit that the principal pressure on the incremental incomes of their economies comes not from a legitimate concern for the less fortunate in their societies, but from the endless spiral of their own demands for additional consumer goods.

There are of course many grounds for development assistance: among others the expansion of trade the strengthening of international stability and the reduction of social tensions.

But in my view the fundamental case for development assistance is the moral one. The whole of human history has recognized the principle—at least in the abstract—that the rich and the powerful have a moral obligation to assist the poor and the weak. That is what the sense of community is all about—any community: the community of the family the community of nations itself.

I for one cannot believe that once the gross deficiency in the flow of Official Development Assistance is better understood; that once the degree of deprivation in the developing nations is more fully grasped; that once the true dimensions of poverty in the less privileged world are more realistically compared with the vast abundance in the affluent world (that once the people of the United States for example understand that they with 6% of the world's population consume about 35% of the world's total resources and yet in terms of economic assistance as a percent of GNP rank fourteenth among the sixteen developed nations)—I cannot believe that in the face of all this the people and governments of the rich nations will turn away in cynicism and indifference.

I should digress at this point to report briefly on progress in the negotiations of the 4th Replenishment of IDA. You are all aware that the funds of the 3rd Replenishment will be fully committed next July 1. In anticipation of that at the last annual meeting of the Governors, it was proposed that the 4th Replenishment negotiations begin in the fall of 1972 and be completed by mid-year 1973, leaving 12 months for the necessary legislative action.

That schedule has not been met. Based on meetings held here in Nairobi during the past two days, it appears that representatives of donor governments may now reach agreement on a three-year replenishment at the rate of $1,500 million per year which they would be prepared to recommend to their legislatures. However, I am bound to say to you that it is most unlikely that the necessary legislative action will be completed by June 30 or by any date soon thereafter.

As a result, there is now danger of a complete termination of IDA's activities next July 1.

The effect of such a breakdown would be devastating for the nations that depend on IDA for major support of their development programs: the countries of the Sahelian zone now suffering from the worst drought in their history; the other "least-developed" nations, designated by the United Nations as deserving of increased levels of support; Pakistan, which requires huge sums of external aid for its recovery from massive flood damage; the heavily populated nations of India, Indonesia, and Bangladesh, a total of 750 million people with incomes averaging less than $100 per capita per year; and a score of other nations.

I cannot believe that governments will permit IDA's operations to terminate. If that disaster is to be avoided, not only must governments press for the earliest possible legislative approval on the full replenishment, but an emergency plan of action to both minimize and bridge the gap must be developed and agreed upon promptly.

The growing burden of debt

Finally, there is the growing burden of external debt in the developing world. Publicly guaranteed debt currently stands at about $80 billion, with annual debt service of approximately $7 billion.

It is important to understand what the essence of the debt problem is. It is not the fact that there is debt, nor even the size of the debt. It is, rather, the composition and dynamics of the debt; the fact that debt, and debt payments, are growing faster than the revenues required to service them.

Restricted trading opportunities, exacerbated in inadequate flows of ODA, tend to drive developing countries to over-reliance on export credits and other short-term, high-cost loans. It is these factors that threaten to increase the debt burden beyond reasonable limits. Already, since 1970, the situation in several countries—Ghana, Chile, Pakistan, India, Indonesia, and Sri Lanka among others—has led either to debt rescheduling or to unilateral defaults.

The Bank's program for fiscal years 1974–78

Given the nature of this interrelated set of problems in our developing member countries—an insufficiency in foreign exchange due to trade difficulties, the inadequate flow of ODA, and the growing debt burden—the Bank, far from relaxing the momentum of our operations over the next five years, must increase it. And that is what we intend to do.

We plan to expand both our IBRD and IDA lending at a cumulative annual rate, in real terms of 8%.[1]

For the five-year period FY 1974–78, our lending—in 1973 dollars—should total $22 billion for almost 1000 projects.

The total cost of these projects will approach $55 billion.

Our $22 billion in new commitments will constitute, in real terms, a 40% increase over the 1969–1973 period, and a 175% increase over the 1964–1968 period.

This, then, in financial terms is our plan for the Second Five-Year Program. It will represent the largest program of technical and financial assistance to developing countries ever undertaken by a single agency.

But the qualitative changes in the program will be of even greater significance than the increase in its size. We plan to place far greater emphasis on policies and projects which will begin to attack the problems of absolute poverty to which I referred earlier—far greater emphasis on assistance designed to increase the productivity of that approximately 40% of the population of our developing member countries who have neither been able to contribute significantly to national economic growth, nor to share equitably in economic progress.

In the remaining sections of this statement I would like to discuss the nature of this poverty problem, consider what means are at hand to alleviate it, and indicate what part the Bank can play.

IV. POVERTY IN THE DEVELOPING WORLD

Poverty and growth

The basic problem of poverty and growth in the developing world can be stated very simply. The growth is not equitably reaching the poor. And the poor are not significantly contributing to growth.

Despite a decade of unprecedented increase in the gross national product of the developing countries, the poorest segments of their population have received relatively little benefit. Nearly 800 million individuals—40% out of a total of two billion—survive on incomes estimated (in U.S. purchasing power) at 30 cents per day in conditions of malnutrition, illiteracy, and squalor. They are suffering poverty in the absolute sense.

Although the collection of statistics on income distribution in the developing world is a relatively recent effort, and is still quite incomplete, the data point to what is happening. Among 40 developing countries for which data are available, the upper 20% of the population receives 55% of national income in the typical country, while the lowest 20% of the population receives 5%. That is a very severe degree of inequality—considerably greater than in most of the advanced countries.

The data suggest that the decade of rapid growth has been accompanied by greater maldistribution of income in many developing countries, and that the problem is most severe in the countryside. There has been an increase in the output of mining, industry, and government—and in the incomes of the people dependent on these sectors—but the productivity and income of the small farmer have stagnated.

One can conclude that policies aimed primarily at accelerating economic growth, in most developing countries, have benefitted mainly the upper 40% of the population and the allocation of public services and investment funds has tended to strengthen rather than to offset this trend.

Reorienting development policy

The need to reorient development policies in order to provide a more equitable distribution of the benefits of economic growth is beginning to be widely discussed. But very few countries have actually made serious moves in this direction. And I should stress that unless national governments redirect their policies toward better distribution, there is very little that international agencies such as the World Bank can do to accomplish this objective.

Without intruding into matters that are the proper concern of individual governments, I would like to discuss an important first step that could lead to a more rapid acceptance of the required policy changes. This step would be to redefine the objectives and measurement of development in more operational terms. While most countries have broadened the statements of their development goals to include references to reducing unemployment and increasing the income of the poor—as well as emphasizing traditional growth in output—they still measure progress toward these complex objectives with a single measuring rod: the growth of GNP.

But the fact is that we can no more measure the achievement of multiple development objectives by the GNP alone than we can describe the quality of life in a city exclusively by its size. The Gross National Product is an index of the total value of goods and services produced by an economy; it was never intended to be a measure of their distribution.

It is important to remember that indices of the increase in gross national product implicitly weight the growth of each income group according to its existing share of total national income. Since in the developing countries the upper 40% of the population typically receive 75% of all income, the growth of GNP is essentially an index of the welfare of these upper income groups. It is quite insensitive to what happens to the poorest 40%, who collectively receive only 10–15% of the total national income.

Were we to fashion a new index which gave at least the same weight to a 1% increase in the incomes of the poorest groups in society as it gave to a 1% increase in the incomes of the well-to-do, we would get a much different picture of development in the past decade. The growth of total income in several of the largest countries in Latin America and Asia, for example, would be significantly lower than the growth as measured by the GNP.

But, in a number of cases—including for instance, Sri Lanka and Colombia—the opposite would be true. In these countries, giving equal weight to the growth of income of each citizen, regardless of his income level, would result in a more accurate assessment of development performance than does GNP because it would give credit for some redistribution of the benefits of growth toward the lower income groups.

Adopting this kind of a socially oriented measure of economic performance would be an important step in the redesign of development policies. It would require governments, and their planning and finance ministries, to look at the allocation of resources in a much more comprehensive way. For they would have to consider not only the total output of an investment but also how the benefits would be distributed. This would give practical, operational significance to the rhetorical statements of social objectives now embodied in most development plans. And it would insure that important questions of equity became an integral part of project evaluation procedures both within the developing countries and the lending agencies. We are, in fact, beginning to develop this approach in the World Bank.

Identifying the concentrations of poverty

This proposed reorientation of development strategy would require far greater precision in identifying the main concentration of the poorest people in a given society and examining much more intensively the policies and investments through which they can be reached.

Clearly, the bulk of the poor today are in the rural areas. All of our analysis indicates that this is likely to continue to be the case during the next two or three decades.[2]

At present, 70% of the population of our developing member countries and an equivalent percentage of the poor live in the countryside.

Although demographic projects indicate that 60% of the population increase in these countries (an increase of two billion people by the end of the century) is expected to take place in the urban areas—largely through internal migration—in the year 2000 more than half of the people in the developing world will still reside in the countryside.

Rapid urbanization is already creating very serious problems. Under present policies, per capita public expenditures in urban areas are typically three to four times as great as they are in rural areas. Thus, efforts to relieve rural poverty by still greater migration to the cities will result in an even more inequitable division of public expenditures and only exacerbate the existing inequalities of income.

Within the rural areas the poverty problem revolves primarily around the low productivity of the millions of small subsistence farms. The truth is that despite all the growth of the GNP, the increase in the productivity of these small family farms in the past decade has been so small as to be virtually imperceptible.

But despite the magnitude of the problem in the countryside, focusing on rural poverty raises a very fundamental question: is it a really sound strategy to devote a significant part of the world's resources to increasing the productivity of small-scale subsistence agriculture? Would it not be wiser to concentrate on the modern sector in the hope that its high rate of growth would filter down to the rural poor?

The answer, I believe, is no.

Experience demonstrates that in the short run there is only a limited transfer of benefits from the modern to the traditional sector. Disparities in income will simply widen unless action is taken which will directly benefit the poorest. In my view, therefore, there is no viable alternative to increasing the productivity of small-scale agriculture if any significant advance is to be made in solving the problems of absolute poverty in the rural areas.

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[1] In last year's address, I stated that our plan, in terms of current prices, was to increase financial commitments 11% per year. The "real terms" equivalent was 8%. Today, because of changes in exchange rates and accelerated price increases, a growth rate of 8% per annum in real terms, for the period FY 74–78 vs. FY 69–73, will probably require an increase in financial commitments of approximately 14% per year in current prices.

[2] It is true, of course, that millions of the victims of poverty in the developing world live in the slums of the urban areas and that their social and economic advance depends on an acceleration of the pace of industrialization. I have discussed this subject with you before and will do so again, but today I want to concentrate on the problem of poverty in the countryside where the overwhelming majority of the people live.

But that does not mean there need be an irreconcilable conflict between that objective and the growth of the rest of the economy. On the contrary, it is obvious that no attempt to increase the productivity of subsistence agriculture can succeed in an environment of overall economic stagnation. The small farmers cannot prosper unless there is significant growth in other sectors, both to provide the development resources they will require, and to create the demand for their additional output.

The point is that the reverse is also true—and it is time we recognized it. Without rapid progress in smallholder agriculture throughout the developing world, there is little hope either of achieving long-term stable economic growth or of significantly reducing the levels of absolute poverty.[3]

The fact is that very little has been done over the past two decades specifically designed to increase the productivity of subsistence agriculture. Neither political programs, nor economic plans, nor international assistance—bilateral or multilateral—have given the problem serious and sustained attention. The World Bank is no exception. In our more than a quarter century of operations, less than $1 billion out of our $25 billion of lending has been devoted directly to this problem.

It is time for all of us to confront this issue head-on.

V. A STRAGETY FOR RURAL DEVELOPMENT

In presenting a strategy for rural development I should like: first, to analyze the scope of the problem; second, to set a feasible goal in order to deal with it; and third, to identify the measures required to meet that goal.

The scope of the problem

Let me begin by outlining the scope of the problem in the developing countries which are members of the Bank. It is immense:

There are well over 100 million families involved—more than 700 million individuals.

The size of the average holding is small and often fragmented: more than 100 million farms are less than 5 hectares; of these, more than 50 million are less than 1 hectare.

The possession of land, and hence of political and economic power in the rural areas, is concentrated in the hands of a small minority. According to a recent FAO survey, the wealthiest 20% of the landowners in most developing countries own between 50 and 60% of the cropland. In Venezuela they own 82%; in Colombia 56%; in Brazil 53%; in the Philippines, India, and Pakistan about 50%. Conversely, the 100 million holdings of less than 5 hectares are concentrated on only 20% of the cropland.

Even the use of the land which the small farmer does have is uncertain. Tenancy arrangements are generally insecure and often extortionate. In many countries tenants have to hand over to the landlord 50–60% of their crop as rent, and yet in spite of this are faced with the constant threat of eviction. The result is that their incentive to become more productive is severely eroded.

It has often been suggested that the productivity of small-scale holdings is inherently low. But that is simply not true. Not only do we have the overwhelming evidence of Japan to disprove that proposition, but a number of recent studies on developing countries also demonstrate that, given the proper conditions, small farms can be as productive as large farms. For example, output per hectare in Guatemala, the Republic of China, India, and Brazil was substantially greater on smaller farms than on larger ones. And it is, of course, output per hectare which is the relevant measure of agricultural productivity in land-scarce, labor-surplus economies; not output per worker.

There is ample evidence that modern agricultural technology is divisible, and that small-scale operations need be no barrier to raising agricultural yields.

The question, then, is what can the developing countries do to increase the productivity of the small farmer. How can they duplicate the conditions which have led to very rapid agricultural growth in a few experimental areas and in a few countries so as to stimulate agricultural growth and combat rural poverty on a broad scale?

The first step is to set a goal. A goal is necessary both so that we can better estimate the amount of financial resources required, and so that we can have a firm basis for measuring progress.

Setting the goal

I suggest that the goal be to increase production on small farms so that by 1985 their output will be growing at the rate of 5% per year. If the goal is met, and smallholders maintain that momentum, they can double their annual output between 1985 and the end of the century.

Clearly this is an ambitious objective. A 5% rate of growth has never been achieved on a sustained basis among smallholders in any extensive areas of the developing world. Smallholder production has risen on average only about 2.5% per year in the past decade.

But if Japan in 1970 could produce 6720 kg. of grain per ha. on very small farms, then Africa with its 1270 kg. per ha., Asia with 1750 kg., and Latin America with 2060 kg. have an enormous potential for expanding productivity.

Thus, I believe the goal is feasible. It recognizes that progress will be slow during the next five to ten years while new institutions evolve, new policies take hold, and new investments are implemented. But after this initial period, the average pace of growth in smallholder agricultural productivity can be more than double today's rate and thereby benefit the lives of hundreds of millions of people.

Now, what are the means necessary to accomplish this goal?

Neither we at the Bank, nor anyone else, have very clear answers on how to bring the improved technology and other inputs to over 100 million small farmers—especially to those in dry-land areas. Nor can we be fully precise about the costs. But we do understand enough to get started. Admittedly, we will have to take some risks. We will have to improvise and experiment. And if some of the experiments fail, we will have to learn from them and start anew.

What, then, can we begin to do now?

Measures necessary to meet the goals

Though the strategy for increasing the productivity of smallholder agriculture is necessarily tentative, the following are essential elements of any comprehensive program:

Acceleration in the rate of land and tenancy reform.

Better access to credit.

Assured availability of water.

Expended extension facilites backed by intensified agricultural research.

Greater access to public services.

And most critical of all: new forms of rural institutions and organizations that will give as much attention to promoting the inherent potential and productivity of the poor as is generally given to protecting the power of the privileged.

These elements are not new. The need for them has been recognized before. But they will continue to remain little more than pious hopes unless we develop a framework of implementation, and agree to a commitment of resources commensurate with their necessity. That is what I propose.

Organizational changes

The organized structure for supporting smallholder agriculture is without doubt the most difficult problem. Let me examine this subject first and then turn to the others in sequence.

Obviously, it is not possible for governments to deal directly with over 100 million small farm families. What is required is the organization of local farm groups, which will service millions of farmers at low cost, and the creation of intermediate institutions through which governments and commercial institutions can provide the necessary technical assistance and financial resources for them.

Such institutions and organizations can take any number of forms: smallholder associations, county or district level cooperatives, various types of communes. There are, of course, many experiments already going on in different parts of the world. What is imperative is that at each organizational level financial discipline be rigorously required, and that the entire structure be oriented toward initiative and self-reliance. Experience shows that there is a greater chance of success if the institutions provide for popular participation, local leadership, and decentralization of authority.

The reorganization of government services and institutions is equally important. No program will help small farmers if it is designed by those who have no knowledge of their problems and operated by those who have no interest in their future.

The sad truth is that in most countries, the centralized administration of scarce resources—both money and skills—has usually resulted in most of them being allocated to a small group of the rich and powerful. This is not surprising since economic rationalizing, political pressure, and selfish interest often conspire to the detriment of the poor. It will clearly require courageous political leadership to make the bureaucracy more responsive to the needs of the subsistence farmers.

The ablest administrators, for example, should no longer be reserved exclusively for the urban sectors. Top engineering talent must be devoted to designing low-cost solutions to the problems of small-farm irrigation. Young graduates can be motivated to take on the problems of the rural poor, and be adequately rewarded for solving them. Educational institutions should recognize that the training in practical skills is as important as the accumulation of theoretical knowledge. In short, national managerial and intellectual resources must be redirected to serve the many instead of the few, the deprived instead of the privileged.

Acceleration of land and tenancy reform

But there are other structural changes necessary as well. And the most urgent among these is land and tenancy reform. Legislation dealing with such reform has been passed—or at least been promised—in virtually every developing country. But the rhetoric of these laws has far outdistanced their results. They have produced little redistribution of land, little improvement in the security of the tenant, and little consolidation of small holdings.

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[3] It is not my purpose today to discuss the food crisis presently affecting wide areas of the globe. However, any long-term solution of the food shortage, in a world in which population will increase for at least a century to come, clearly requires substantial increases in smallholder productivity. In addition, to provide insurance against the vagaries of the weather, some coordinated system of national food reserves must be established. I strongly support the efforts of the Director-General of the FAO to organize such a program, and I am fully prepared to recommend that the World Bank participate in its financing.

That is extremely regrettable. No one can pretend that genuine land and tenancy reform is easy. It is hardly surprising that members of the political power structure, who own large holdings, should resist reform. But the real issue is not whether land reform is politically easy. The real issue is whether indefinite procrastination is politically prudent. An increasingly inequitable situation will pose a growing threat to political stability.

But land and tenancy reform programs—involving reasonable land ceilings, just compensation, sensible tenancy security, and adequate incentives for land consolidation—are possible. What they require are sound policies, translated into strong laws which are neither enervated by exceptions nor riddled by loopholes. And most important of all, the laws have to incorporate effective sanctions, and be vigorously and impartially enforced.

What we must recognize is that land reform is not exclusively about land. It is about the uses—and abuses—of power, and the social structure through which it is exercised.

Better access to credit

But realistic land and tenancy reform—as essential as it is—is not enough. It is one thing to own land; it is another to make it productive. For the smallholder, operating with virtually no capital, access to credit is crucial. No matter how knowledgeable or well motivated he may be, without such credit he cannot buy improved seeds, apply the necessary fertilizer and pesticides, rent equipment, or develop his water resources. Small farmers, generally, spend less than 20% of what is required on such inputs because they simply do not have the resources.

In Asia, for example, the cost of fertilizer and pesticides required to make optimum use of the new high-yielding varieties of wheat and rice ranges from $20 to $80 per hectare. But the small farmer there is spending only $6 per hectare because that is all he can finance. And most of that $6 does not come from government or institutional sources, but from local landlords or village money lenders at usurious rates of interest.

The present institutions in the rural areas are simply not geared to meeting the needs of smallholder agriculture. In countries as disparate as Bangladesh and Iran, less than 10% of institutional credit is available to rural areas; in Thailand, the Philippines, and Mexico less than 15%; in India less than 25%. And only a fraction of this is available to the small farmer. Even then it is accompanied by stringent tests of creditworthiness, complicated application procedures, and lengthy waiting periods.

Existing commercial institutions are reluctant to make credit available to the small farmers because the administrative and supervisory costs of small loans are high. Further, the subsistence farmer is operating so close to the margin of survival that he is simply not as creditworthy as his more wealthy neighbors.

Nor do governmental credit policies always help the small farmer, even though the intention may have been to shape them for that purpose. The fact is that concern over the usurious rates the farmer pays the money lender has led to unrealistically low rates for institutional credit. The smallholder does not need credit subsidized at an annual interest rate of 6% for projects which will yield 20% or more per year. He would be much better off if he had to pay a realistic rate of interest but could actually get the money.

In reviewing their financial policies for agriculture, governments should take care that good intentions do not have self-defeating consequences. In many of our member countries, radical restructuring of interest rates is long overdue.

Assured availability of water

No less essential than credit—indeed even more so—is an assured supply of water for the smallholder. Without it, seeds, fertilizer, and pesticides are useless. This means continued research into the most productive uses of water, as well as substantial investment in irrigation and increased attention to on-farm irrigation methods.

It is estimated that the presently irrigated area in the developing world of 85 million hectares can be expanded by another 90 million hectares, but the additional cost would be high: over $130 billion. And not only is expansion of irrigated land expensive, it is a slow process. No major irrigation dam which is not already in the active design stage is likely to yield significant on-farm benefits before the mid-1980s. Although investments in major irrigation projects will continue to be an important part of national investment plans, and of Bank financing, they must be supplemented by more quick-yielding programs designed to benefit the small farmer.

This calls for much greater emphasis in on-farm investment which can take advantage of existing large irrigation projects. There are too many cases—in our experience and that of others—in which it has taken ten years or more after the dam was completed for the water actually to reach the farmers. Major irrigation schemes often preempt necessary resources for on-farm improvement. The drama of harnessing a major river may be more exciting than the prosaic task of getting a steady trickle of water to a parched hectare, but to millions of smallholders that is what is going to make the difference between success and failure. The allocation of scarce budgetary resources should reflect this reality.

Thus, development of major irrigation works, though necessary, is not enough. Too many small farmers would be left unaffected. These programs need to be supplemented by others which can bring water to farms outside major irrigation projects—and do so cheaply. Tubewells, low-lift pumps, and small dams can make major contributions to productivity. Moreover, these investments—while not always within the reach of individual poor farmers—can often be afforded by organized smallholders.

Expansion of extension services and applied research

The small farmer needs credit and water, but he needs technical information as well. And he is not getting nearly enough of it. The projected number of trained personnel who will graduate annually from existing agricultural educational institutions can at best satisfy less than half the total needs of the developing world. In the developed countries, the ratio of government agricultural agents to farm families is about 1 to 400. In developing countries, it is on average 1 to 8000. And only a small fraction of even these limited services is available to the small farmer.

It is not primarily the deficiency of funds that is delaying the necessary expansion of extension services. It is the deficiency of resolve to do more for the small farmer who desperately requires them. There is scarcely a single developing country which does not produce too many lawyers, but there is no developing country which produces enough extension agents. Governments cannot control personal career objectives, but they can offer appropriate incentives, and promote vocational choices which will contribute more directly to economic development and social modernization.

Thus the annual cost of training the required extension personnel would be modest as a percentage of GNP or budgetary resources. The net cost—after deducting savings from changed allocations—would be even less. As long as the supply of extension workers is grossly inadequate, only the large farmers will benefit and the needs of the poor will be ignored.

Behind extension services, of course, lies applied research. In a sample of five major developed countries, the governments are allocating annually from $20 to $50 per farm family for such research. The comparable figures for five major developing countries are only 50 cents to $2 per farm family.

The international network of agricultural research has grown impressively. The Bank, for example, chairs the Consultative Group on International Agricultural Research, and contributes to the financing of the research institutes including the financing of the new institute for the semi-arid tropics. But very much more needs to be done at the national level to explore the special-equipment needs of the small operator, to develop new technologies for the non-cereal crops, and to help the farmer in non-irrigated areas.

General expenditures on research and development in the developing countries are notoriously low and must be increased substantially. In doing this, governments should give very high priority to strengthening that type of research which will benefit the small farmer—research to produce low-risk, inexpensive technology that he can put to immediate use.

Greater access to public services

In other areas too, public services are grossly inadequate. The income of the small farmer could be substantially increased if he were supported by better physical infrastructure. Because of the costs involved, it is not within the power of the developing countries to provide all of this infrastructure quickly to the millions who need it. But governments can provide much of it by organizing rural works programs to construct small feeder roads, small-scale irrigation and drainage systems, storage and market facilities, community schools and health centers, and other facilities which make extensive use of local labor and relatively simple skills.

There is no mystery about designing these programs. They have worked successfully at various times in experimental projects in Bangladesh, Tunisia, Indonesia, and other countries. The major handicap has been their limited scale and inadequate management. The task for governments is gradually to extend these projects to a national scale.

Basic changes are also necessary in the distribution of other public services. In the rural areas these services are not only deplorably deficient, they are often not geared to the needs of the people they are supposed to serve.

Educational systems should stress practical information in agriculture, nutrition, and family planning for those both within and outside of the formal school program. Health services should be developed which can assist in eradicating the common enervating diseases that afflict the rural poor. Electricity for rural areas should not be considered a luxury, nor should its purpose be merely to place a lightbulb in every dwelling. One of its most important uses is to supply power for production appliances, such as water pumps. Power is admittedly almost always in short supply, but urban lighting and air conditioning should no longer be given such a disproportionate priority in the national systems.

Every country must examine why it can afford to invest in higher education, but fails to offer incentives to attract teachers to rural areas; why it can staff urban medical centers and export its doctors abroad, but fails to provide doctors for the countryside; why it can build urban roads for the private automobile, but cannot build feeder roads to bring produce to market.

Resources are scarce in the developing countries, and their redistribution cannot provide enough for everyone's needs. But a major redistribution of public services is required if the small farmer is to have at least the necessary minimum of economic and social infrastructure.

The programs I have discussed above can all be initiated quickly by governments, and will make a major contribution to the goal of a 5% growth rate in the output of small-scale agriculture by 1985. And all of these programs deserve, and will have, the full support of the Bank Group.

But the fact remains that the measures I have outlined are primarily the responsibility of the developing countries. It would be a great disservice if the aid agencies were to try to convince either these countries or themselves that policies for alleviating rural poverty can be fashioned and delivered from abroad. The problem must be perceived and dealt with by the countries themselves.

But the international community can, and must, help. The resources required to achieve a 5% growth rate in the yields on small farms by 1985 are very large. One estimate would place the annual cost of on-farm investment, land and water resource development, additional training facilities, and minimum working capital requirements for smallholder agriculture at $20–25 billion by 1985. This would be about 3.5% of the combined annual GNP of the developing countries.

Part of these resources must come from additional savings generated by the farmers themselves, and part must come from redirecting resources from other sectors in the developing countries.

But some of these resources must come from the international community—in the form of services and financing which the small farmer needs.

An action program in the Bank

What can the Bank do to assist in this effort?

First of all, we expect to lend $4.4 billion in agriculture during our next five-year program (1974–78), as compared to $3.1 billion in the first five-year program (1969–73), and $872 million in the 1964–68 period.[4]

This in itself is a formidable target, but more importantly we intend to direct an increasing share of our lending to programs which directly assist the small farmer to become more productive. In the next five years we expect that about 70% of our agricultural loans will contain a component for the smallholder. We are now preparing these programs in consultation with member governments.

But we recognize that at best our lending can finance only a small portion of the total credit and investment needs of smallholder agriculture. That is why we intend to give particular attention in our economic advice to governments to those sectoral and financial policies which most affect the rural poor so that the resources to be invested by governments will have a maximum impact.

And though experimentation and innovation will remain essential, the broad policies governing the Bank's program are clear:

We are prepared to do much more to assist governments in the reform of their agricultural financial structure, and to support institutions designed to bring credit to the small farmer.

We intend to continue to invest in large irrigation projects and in the recovery of saline lands, but we will emphasize on-farm development incorporating a maximum of self-financing so that the benefits of irrigation can reach small farmers more quickly.

We will support non-irrigated agriculture, including the financing of livestock production, and in particular small-scale dairy farming in milk-deficient areas.

We are prepared to finance the expansion of training facilities for extension agents who can help raise the productivity of the rural poor.

We are prepared to finance rural works programs as well as multi-purpose rural development projects.

We are ready to assist land and tenancy reform programs by providing the follow-up logistical support required by the small farmer, and to help in the technical and financial aspects of land purchase and consolidation.

We have financed agricultural research institutions in the past and are fully prepared to do more in the future, particularly in the development of an appropriate technology for semi-arid agriculture. We propose to support investigation into the most effective uses of water at the farm level, especially in water-deficient areas. We are already assisting one such investigation in Mexico.

We will, in our lending for infrastructure, strongly urge that accounts be taken of the pressing needs of the rural areas.

VI. SUMMARY AND CONCLUSIONS

Let me now summarize and conclude the central points I have made this morning.

If we look objectively at the world today, we must agree that it is characterized by a massive degree of inequality.

The difference in living standards between the rich nations and the poor nations is a gap of gigantic proportions.

The industrial base of the wealthy nations is so great, their technological capacity so advanced, and their consequent advantages so immense that it is unrealistic to expect that the gap will narrow by the end of the century. Every indication is that it will continue to grow.

Nothing we can do is likely to prevent this. But what we can do is begin to move now to insure that absolute poverty—utter degradation—is ended.

We can contribute to this by expanding the wholly inadequate flow of Official Development Assistance.

The flow of ODA can be increased, by 1980, to the target of .7% of GNP—a target originally accepted within the United Nations for completion by 1975.

This is feasible, but it will require renewed efforts by many nations, particularly the very richest.

Further, we must recognize that a high degree of inequality exists not only between developed and developing nations but within the developing nations themselves. Studies in the Bank during this past year reinforce the preliminary conclusions I indicated to you last year: income distribution patterns are severely skewed within developing countries—more so than within developed countries—and the problem requires accelerated action by the governments of virtually all developing nations.

A minimum objective should be that the distortion in income distribution within these nations should at least stop increasing by 1975, and begin to narrow within the last half of the decade.

A major part of the program to accomplish this objective must be designed to attack the absolute poverty which exists to a totally unacceptable degree in almost all of our developing member countries: a poverty so extreme that it degrades the lives of individuals below the minimal norms of human decency. The absolute poor are not merely a tiny minority of unfortunates—a miscellaneous collection of the losers in life—a regrettable but insignificant exception to the rule. On the contrary, they constitute roughly 40% of the nearly two billion individuals living in the developing nations.

Some of the absolute poor are in urban slums, but the vast bulk of them are in the rural areas. And it is there—in the countryside—that we must confront their poverty.

We would strive to eradicate absolute poverty by the end of this century. That means in practice the elimination of malnutrition and illiteracy, the reduction of infant mortality, and the raising of life-expectancy standards to those of the developed nations.

Essential to the accomplishment of this objective is an increase in the productivity of small-scale agriculture.

Is it a realistic goal?

The answer is yes, *if* governments in the developing countries are prepared to exercise the requisite political will to make it realistic.

It is they who must decide.

As for the Bank, increased productivity of the small, subsistence farmer will be a major goal of our program of expanded activity in the FY 1974–78 period.

But no amount of outside assistance can substitute for the developing member governments' resolve to take on the task.

It will call for immense courage, for political risk is involved. The politically privileged among the landed elite are rarely enthusiastic over the steps necessary to advance rural development. This is shortsighted, of course, for in the long term they, as well as the poor, can benefit.

But if the governments of the developing world—who must measure the risks of reform against the risks of revolution—are prepared to exercise the requisite political will to assault the problem of poverty in the countryside, then the governments of the wealthy nations must display equal courage. They must be prepared to help them by removing discriminatory trade barriers and by substantially expanding Official Development Assistance.

What is at stake in these decisions is the fundamental decency of the lives of 40% of the people in the 100 developing nations which are members of this institution.

We must hope that the decisions will be the courageous ones.

If they are not, the outlook is dark.

But if the courageous decisions are made, then the pace of development can accelerate.

I believe it will. I believe it will because I believe that during the remainder of this century people everywhere will become increasingly intolerant of the inhuman inequalities which exist today.

All of the great religions teach the value of each human life. In a way that was never true in the past, we now have the power to create a decent life for all men and women. Should we not make the moral precept our guide to action? The extremes of privilege and deprivation are simply no longer acceptable.

It is development's task to deal with them.

You and I—and all of us in the international community—share that responsibility.

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[4] Figures for all three periods are in 1973 dollars.

PROJECTED FLOW OF OFFICIAL DEVELOPMENT ASSISTANCE MEASURED AS A PERCENT OF GROSS NATIONAL PRODUCT[1]

	1960	1965	1970	1971	1972	1973	1974	1975	1976
Australia	0.38	0.53	0.59	0.53	0.61	0.58	0.59	0.60	0.62
Austria		.11	.07	.07	.09	.19	.22	.25	.26
Belgium	.88	.60	.46	.50	.55	.58	.65	.70	.70
Canada	.19	.19	.42	.42	.47	.49	.50	.52	.53
Denmark	.09	.13	.38	.43	.45	.52	.56	.61	.63
France	1.38	.76	.66	.66	.67	.65	.65	.65	.65
Germany	.31	.40	.32	.34	.31	.32	.34	.36	.38
Italy	.22	.10	.16	.18	.09	.16	.16	.16	.17
Japan	.24	.27	.23	.23	.21	.28	.34	.40	.40
Netherlands	0.31	0.36	0.61	0.58	0.67	0.66	0.70	0.72	0.76
Norway	.11	.16	.32	.33	.41	.56	.67	.75	.82
Portugal	1.45	.59	.67	1.42	1.51	.45	.45	.45	.45
Sweden	.05	.19	.38	.44	.48	.56	.65	.71	.75
Switzerland	.04	.09	.15	.11	.21	.26	.30	.32	.34
United Kingdom	.56	.47	.37	.41	.40	.37	.40	.40	.40
United States[2]	.53	.49	.31	.32	.29	.25	.22	.22	.21
Total	.52	.44	.34	.35	.34	.34	.34	.35	.36

[1] Countries included are members of OECD development assistance committee, accounting for more than 95 percent of total official development assistance. Figures for 1972 and earlier years are actual data. The projections for later years are based on World Bank estimates of growth of GNP, on information on budget appropriations for aid, and on aid policy statements made by governments. Because of the relatively long period of time required to translate legislative authorizations first into commitments and later into disbursements, it is possible to project today, with reasonable accuracy, ODA flows (which by definition represent disbursements) through 1976.

[2] In 1949, at the beginning of the Marshall plan, U.S. official development assistance amounted to 2.79 percent of GNP.

A RESPONSIBLE FOREIGN AID POLICY

Mr. PERCY. Mr. President, recently this body was engrossed in debate over the Foreign Assistance Act. In the coming months it will face legislation dealing with the international financial insitutions—the IBRD, the IDB, the ADB, and the various special funds associated with these development banks. The separation into two bills of foreign aid, one dealing with bilateral economic and military aid and the other dealing with multilateral aid, has a tendency to obscure and confuse the issues associated with foreign aid. The choice is not between bilateral aid or multilateral aid. Each of these programs serves different objectives and the bills should be viewed as a package, not as separate entities. This administration does not help itself or Congress in coming to this body with different bills for what is in essence a single program with multiple objectives.

Nevertheless, Congress need not abdicate its responsibility for providing funds and guidance for these programs. They form a critical segment of our foreign policy toward those countries where the great mass of humanity is concentrated. In the long run it is not in our interest to allow these people to grow poorer while we grow richer. The world cannot forever stand the tension generated by one-fifth of the world's population holding four-fifths of its wealth. In the short run, it is necessary to realize that these poorer countries are becoming very important to our own economy. They supply us with a large portion of our energy and raw materials while purchasing 25 percent of our exports.

The Washington Post on September 23, 1973, stated well the responsibility of the United States and the American people to economic development in less-developed countries in a well-reasoned editorial. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Responsible Foreign Aid Policy

The United States may never have been better situated to conduct responsible and effective foreign-aid policy. For one thing, very few people have illusions left about what marvels can be performed; experience has produced at last an appropriate modesty and realism, on the part of recipients as well as contributors. Secondly, a broader understanding has taken root in the United States of the part which development assistance plays in improving the atmosphere in which issues of trade, money and investments are worked out with the poorer countries, Finally, the agencies and methods of aid have been subjected to hard scrutiny and, although the process of modernization is inherently as political as it is scientific, these agencies and methods have been continuously refined.

In practical terms, what this means is that the Congress is well justified in looking at the various requests for development assistance which are before it now with some substantial confidence. Of these requests, the foreign aid bill is especially interesting. It passed the House and goes to the Senate floor shortly—though, regrettably, with a good bit less money than was voted in the House. The bill incorporates a "new look" meant to steer spending away from capital projects toward programs more directly affecting people's lives—in farming, family planning and the like. This change in emphasis emerged from a deep feeling on the part of many congressmen that aid was not reaching down adequately to improve the living standards of the very poor. Whether the aid agency, which would be renamed the Mutual Development and Cooperation Agency, can in fact carry out the changes directed in the pending legislation is, of course, crucial. The agency's new director-designate, Daniel Parker, who replaced the able and conscientious John Hannah, has yet to be confirmed. He did not have a hand in devising the new approach he will be expected to implement. The agency will be on clear notice, however, that the Congress expects results.

It is through the multilateral development banks, to be sure, that most American development assistance now flows. These banks are not without their special weaknesses, not the least of which is their vulnerability to American political pressure. But they have become essential to the process of transferring capital and technology to the countries least able to generate these resources on their own. Adequate participation in the work of these banks has become, in turn, essential to the world standing of the United States. This has very little to do with the old and simplistic cold-war notion of winning friends and influencing people abroad. It has a great deal to do with creating the mutual confidence in international relations which is required in a time of detente.

The United States is a year behind in putting up its fair share—a share now reduced, by the way, from 40 per cent to one-third—of the World Bank's soft-loan outlet, the International Development Association. The Congress last year approved only half the funds pledged to the Inter-American Development Bank, and it left the Asian Development Bank some $100 million in the lurch. (The Asian Bank and the World Bank, according to Treasury Secretary George Shultz, "are prepared to head a group of member nations to mobile resources from many capital-exporting countries for reconstruction aid to Indochina.") Of $15 million previously pledged to the African Development Bank, not a nickel has yet been forwarded.

This is an embarrassing and disturbing record. These banks represent not only a good part of the future for the countries which borrow from them. They represent essential strands in the web which ties the United States increasingly tightly to the poor nations of the world. For markets, for investment opportunities, for their resources and in many other ways involving international economic and political cooperation, the United States needs firm relations with these nations. Support for the development banks is an investment in our own self-interest.

THE NEED FOR FUTURES TRADING REGULATION

Mr. McGOVERN. Mr. President, recently I introduced legislation designed to strengthen Federal regulation of America's multi-billion-dollar commodity futures exchanges.

In his weekly news bulletin of October 23, sent to farmers in Pennsylvania, the secretary of agriculture of Pennsylvania, Mr. Jim McHale, commented on my bill and other congressional moves for commodity trading reform.

Because Mr. McHale is one of the outstanding State secretaries of agriculture in the Nation, I wanted to share his views with my colleagues, and I ask unanimous consent that his comments be printed in the Record.

There being no objection, the news bulletin is ordered to be printed in the Record, as follows:

Looking Ahead for Agriculture

(By Jim McHale)

The prices of soybeans, corn, wheat, live cattle, hogs and other commodities continue to fluctuate dangerously for farmers and consumers on the commodity futures markets.

Recently, live cattle prices took a nose dive from a high of $56.25 in mid-August to about $38.50 per hundred pounds. Cattlemen took a beating because their expensive feeder calves were fattened on extremely high priced feed.

The United States Department of Agriculture heralded the drop in live prices as a boon to consumers. This is a lot of flak. Meat prices to the consumer have not dropped in proportion to the crash on the live cattle market. Nor should anyone expect them to drop appreciably. Processors and supermarkets are very able to protect their expanding profits.

Instead of giving false promises to consumers and condoning a loss of income for livestock farmers—which, incidentally, could discourage feeder operations and trigger a future shortage and higher consumer prices—USDA would have done better to initiate strong action to control the commodity exchange markets.

Commodity prices have a way of gyrating so that the speculators gain at the expense of farmers and consumers.

This year's winter wheat harvest brought decent prices for farmers. But once the grain was cornered by a few dealers the price jumped $2 a bushel, or two-thirds what the price was a few weeks before.

The past year has seen soybeans move out of farmers hands at $4 a bushel and into the hands of just three dealers who controlled the market sufficiently to drive the price up to $10 a bushel in a few months. Dairy and livestock farmers dependent on soybean meal have been paying through their nose ever since.

Congress has awakened to the dangers the uncontrolled commodity exchange markets pose to the economy of the country. Sen. George McGovern (D-S. Dakota) and Rep. John Melcher (D-Montana) and others are preparing legislation to curb the jungle atmosphere of the commodity markets.

It should be understood that the commodity markets are not like the stock market. The buying and selling of Ford stock, for example, may move the price of that stock up or down a few points, but that will not determine the price of a Ford car.

On the other hand, the buying and selling of wheat or other commodities does determine the price of that commodity. Wheat, beef, soybeans and so forth will cost more or less, depending on the activities of speculators. You cannot control inflation unless you do something about the commodity exchanges.

USDA's Commodity Exchange Authority is supposed to maintain fair and honest trading prices and prevent price manipulation and wild speculation. But Sen. Herman Talmadge (D-Georgia) has said in the Senate: "It is an understatement to say that the Commodity Exchange Authority has not been able to carry out this function in the past year."

McGovern told his colleagues recently: "It is good that many members of Congress and the committees thereof are beginning to look in depth at the regulation of commodities markets. I believe that the time is ripe for complete overhaul of the system by which commodities markets have been regulated—or not been regulated according to one's viewpoint."

Melcher observed on the floor of the House that "the recent gyrations of soybean, wheat, corn, pork belly and cattle futures markets" have made it "obvious to an increasing number of people" that extreme reforms are needed.

Indeed, reforms have been recommended by Alex C. Caldwell, administrator of the Commodity Exchange Authority. His proposals include prevention of any trader acquiring sufficient control over a commodity futures contract to restrain trading in it. He also wants to extend fitness checks to traders and give the CEA greater emergency powers.

As Melcher says, "That is all right for a start but not near enough to do the right kind of job."

Instead of a tune-up job, says Melcher, commodity trading needs rigid regulations and continuous oversight to protect ordinary investors and the producers whose markets are being affected.

THE CHANCES FOR A 20-YEAR PEACE WITH RUSSIA

Mr. SPARKMAN. Mr. President, on October 17, 1973, the Huntsville, Ala. News carried a column by John Chamberlain entitled 'The Chances for a 20-Year Peace With Russia." It seems to me a very fine discussion of some of the things that are being done and can be done to further our détente with the Soviet Union. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

THE CHANCES FOR A 20-YEAR PEACE WITH RUSSIA

(By John Chamberlain)

In facing the Russians, Secretary of State Henry Kissinger is taking a gamble. His desire for a detente with the Soviets may be based on an accurate assessment of their own need. On the other hand, an equally good case can be made that Dictator Brezhnev is setting Kissinger up.

The minority view in CIA, Pentagon, and State Department circles, as leaked to our more pessimistic journalists, favors the setting-up theory. The Soviet Minister of Defense, Marshal Andrei Grechko, no lover of the West, sits on the Politburo. He represents the younger element in the Soviet military establishment, a group described as not at all adverse to using military means to gain results that elude the diplomats. Brezhnev supposedly put Grechko on the Politburo over a detente-minded opposition.

DR. HAMMER'S ARGUMENTS

The argument against the theory that the Soviets are using detente as a smoke screen to hide preparations for a preventive war on Red China or some sudden intervention in the Middle East rests on the application of horse sense to what the Kremlin is trying to do to woo capitalist participation in the exploitation of Russian natural resources. I have always been distrustful of Soviet promises, but Dr. Armand Hammer, the president of the Occidental Petroleum Company, who has several deals now cooking with the Communists, makes a most persuasive argument that the Russians need 20 years of peace with the West in order to move forward with their natural gas reserves, their agriculture, and their foreign trade prospects.

There is little possibility, as Dr. Hammer outlined in an interview with this columnist, of the Soviets gaining anything very ponderable by breaking off in the middle of their complex deals with the West. In conjunction with the El Paso Natural Gas Company, Occidental Oil plans to supply the pipe and the exploratory expertise needed to bring ten to fifteen trillion cubic feet of gas from the Irkutsk region of Siberia to tidewater at Olga, a Pacific port near Vladivostock. The gas will be going in the wrong direction to serve Soviet manufacturing installations; it can only bring the Soviets a good return by shipping it in liquefied form to Japan and the West Coast of the U.S.

Another Occidental deal with the Soviets will take phosphates from Florida to Russian ports to be used as fertilizer. Occidental has a new process that reduces bulky phosphate rock to a concentrate that enables one freighter to do the work of four. The deal is taking $500 million in financing that is shared by the Ex-Im Bank, the Bank of America, and the Soviets themselves. The pay-back to the U.S. will come in the form of Soviet shipments of nitrogenous fertilizer made from Soviet natural gas. Twenty years are needed for the Soviets to get full advantage of the phosphate-for-nitrogen trade-off.

A third Occidental project is the building of a $110 million trade center in Moscow, with the Soviets putting up the money and the Bechtel Corporation helping an Occidental subsidiary with the construction. There will be office space for 400 firms, plus apartments for their employees and a 600-room hotel in the trade center. Why, if Moscow intends to go to war with the West, should they be spending money on a center for foreign businessmen?

EXTRACTING OIL FROM GARBAGE

A fourth deal contemplates the bartering of metal plating equipment made by Occidental's Hooker Chemical subsidiary for Soviet nickel. This involves an $80 million contract covering five years. Finally, Occidental plans to teach the Soviets to extract oil from garbage by a new process scheduled for unveiling in San Diego.

If the Soviets are consciously using the five deals with Occidental as a smokescreen behind which they are plotting something sinister, it would represent the most elaborate hoax ever perpetrated. Potemkin's false-front villages, used to delude Catherine the Great into thinking she was Queen of a prosperous country, would pale into utter insignificance by comparison. With N. G. Osipov, the Soviet Deputy Minister for Foreign Trade, coming to the U.S. with a 21-man delegation to talk reciprocity, Dr. Hammer's theory of 20 years of peace sounds plausible. But the Kremlin still has two options, one for peace and one for a quick military strike, and not even the most knowledgeable of experts can know whether Henry Kissinger is going to succeed with his gamble.

THOMAS E. DRUMM, JR., HONORED BY GOVERNMENT AND BUSINESS LEADERS

Mr. HUGH SCOTT. Mr. President, Thomas E. Drumm, Jr., who retired recently after 32 years of Government service was honored by 150 Government and business leaders at the Army Navy Club on October 1. His versatile and illustrious career can serve as an inspiration to those who aspire to high Federal service.

I ask unanimous consent that a brief summary of the highlights of this outstanding civil servant's career be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

More than 150 leaders in Government, business, and trade-related organizations as well as members of the Diplomatic Corps gathered at the Army & Navy Club on October 1, 1973 for a reception in honor of Thomas E. Drumm, Jr. Mr. Drumm recently retired from the Federal Government after 32 years of service.

Mr. Drumm has served with distinction in a number of senior positions in the Federal Government both here and abroad.

General James E. Gavin, Honorary Chairman of the reception and former Ambassador to France, recalled Mr. Drumm's service as Commercial Counsellor in the U.S. Embassy in Paris. He described the succsesful work of Mr. Drumm in promoting sales of U.S. products from coal to consumer goods. He recounted Mr. Drumm's visits to French firms and importers to promote American products and of his help to the French business community.

The Wall Street Journal in a front-page article described Mr. Drumm in his Commercial Counselor's role as a new breed of diplomat—"a diplomat with a sample case" and outlined Mr. Drumm's successful efforts to promote trade with France. General Gavin, whose firm is extensively engaged in foreign trade, stated that he had had contacts with some 27 U.S. Commercial Attachés and that "Tom Drumm was far and away the best of them all."

Undersecretary of Commerce John Taber, representing Secretary Dent who was in Europe, commented on Mr. Drumm's outstanding record in the Department of Commerce.

Secretary Tabor read and presented to the honoree a plaque inscribed with the following tribute:

THOMAS E. DRUMM, JR.
Ombudsman Emeritus
Presented to Thomas E. Drumm, Jr.
for
Distinguished Service to the
Business, Government and Social Community
as the first Ombudsman for Business
U.S. Department of Commerce 1971–1973

In recognition of his efforts to encourage better communications between Government, business, and the community, and to make the Federal Government more responsive to the people as well as his successful contribution to the betterment of all mankind.

Signed: John Tabor, Gary Cook, Paul Crouch, Alcoa, Walter Lloyd, Deere & Co., Robert Mahaney, Tenneco, U.S. Department of Commerce.

WILLIAM RASPBERRY ON IMPEACHMENT

Mr. McGOVERN. Mr. President, in a series of superb articles, Mr. William Raspberry of the Washington Post has forced us to look squarely at the central issues raised in the Watergate scandals.

In a column in yesterday's Post, Mr. Raspberry says:

> We have got to stop lying to ourselves and face up to the fact that this scandal-ridden national government is without precedent in American history.

He concludes on this note:

> The cataclysm has happened and the only reasonable questions now are those that deal with the mechanics of impeachment.

Mr. President, I ask unanimous consent that Mr. Raspberry's article in the October 29, 1973, issue of the Washington Post, entitled "Corruption Without Precedent," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Corruption Without Precedent

(By William Raspberry)

They've lying to us, you know. Or rather they're making us lie to ourselves, making us say that all politicians are crooks and thieves and that we've always known it.

They do it because it's their best protection. They've passed the point where they can convince us of their innocence, so they accomplish their exoneration by making it appear that guilt is so universal among politicians that it is useless to talk about cleaning up our government.

Why talk about throwing out any particular political rascal when his prospective replacement is, by definition a rascal, too?

Well, it's not true. Not all politicans are crooks and thieves. Not all politics is dirty. Not all administrations are corrupt.

We have got to stop lying to ourselves and face up to the fact that this scandal-ridden national government is without precedent in American history. We know that when we stop to think of what used to constitute scandal: a few vicuna coats and deepfreezes, for instance, or a penny-ante Nixon slush fund. Even Teapot Dome, which shows up in history books as a sort of low-water mark of political scandal, was nothing more than a money rip-off.

The current scandals involve money, too, of course. But they also involve systematic deception of the people, systematic subversion of government agencies and even of the Constitution, and systematic consolidation of power.

It's hard to remember now, but Watergate used to mean nothing more than the subversion of the electoral process—dirty politics—although even that attempt at subversion was of unprecedented scope.

But in later months, it came to encompass the President's secret police (the "plumbers") operating outside the law and specifically authorized to commit such crimes as burglary, illicit wiretaps; attempts to force CIA officials to implicate their agency in the scandals so as to limit the scope of the investigation; perjured testimony of high administration officials, and a variety of other crimes and improprieties, including milk deals, wheat deals, laundered cash and Lord knows what else.

And beyond the generic Watergate, there are the matters of the San Clemente deal, the tax write-off on a phony gift of Nixon papers, the Hughes-Rebozo funny money thing, and on and on. And that doesn't even count the Agnew disgrace or the fact that two former Cabinet officers are facing trial right now.

There may be precedents for some individual pieces of this scandal, but the package of them is unprecedented in size or boldness. And through it all, President Nixon seemed far less interested in discovering the breadth of the scandal than in keeping the rest of us from finding out.

No, this is not scandal as usual. It is much closer to being an attempted (and very nearly successful) *coup d'etat*. For while the Watergate scandals and so-called White House Horrors were going on, something else was under way: a process of power consolidation that began with an innocent-appearing reorganization of the Executive Branch into strong and weak Cabinet agencies, with lines of authority running directly to the White House through the installation of former White House aides as assistant secretaries; that included the appointment of Nixon men to the Supreme Court; and that involved an attack on a derelict Congress, the third branch of government, through a combination of veto and impoundment.

And finally, the man was ready to declare himself above the law, immune to court orders and legal process. Not just over the Watergate tapes, either. The nation's war-making powers are supposed to belong to Congress. But the President proceeded to bomb hell out of neutral Cambodia without congressional consent, and then concealed the fact of the bombing from Congress. And incidentlly, from you and me.

Political hanky-panky and a little money changing hands? No, sir. No, m'am. They stole the government from us. No: *He* stole the government from us, and then tricked us into silly debates over executive privilege and tape recordings.

And now they're trying to make us believe that the country cannot endure the only process the Constitution provides for reclaiming our government. Impeachment is such a cataclysmic thing, you know.

Well, don't you believe it. The cataclysm has happened, and the only reasonable questions now are those that deal with the mechanics of impeachment.

VETERANS DAY RITES AT ARLINGTON CEMETERY

Mr. HANSEN. Mr. President, on October 22, the traditional Veterans Day ceremonies were held at Arlington National Cemetery.

For this occasion, the Disabled American Veterans were the hosts, and the DAV's distinguished national commander, John T. Soave, gave the principal address. He was introduced by the Administrator of Veterans' Affairs, the Honorable Donald E. Johnson.

Both Administrator Johnson and Commander Soave delivered inspiring remarks on this occasion.

For the benefit of my colleagues who did not have a chance to hear Administrator Johnson and Commander Soave, I ask unanimous consent that their speeches appear in the Congressional Record.

There being no objection, the speeches were ordered to be printed in the Record, as follows:

Introductory Remarks, VA Administrator Donald E. Johnson

My fellow Americans.

It will be my honor, today, to present our distinguished speaker and some of the special guests of our Veterans Day National Committee.

As you know, Veterans Day, distinguished from Memorial Day, is a national observance in which we honor the living veteran. But, certainly, it is fitting that we do so in the memory of those who gave their lives. For "in that breath twixt life and death" as poet Berton Braley called it, the difference between living and dying for one's country is measured in heartbeats.

Before making my introductions, I'd like to pause for a moment or two and consider the paradox in which a nation of peace-loving people have found themselves involved in all too many wars. Surely it must be a baffling perplexity to these young guests of ours as it was to all of us when we, too, first thought about the ugly realism of mortal combat.

We stand here, today, in the presence of awesome greatness.

I speak, not of the overwhelming presence of our beloved dead whose ultimate gift of love hallows this earth.

Their lives, their deeds and their final sacrifice have ennobled them far beyond the platitudes of mortal speech.

The greatness I see, and of which I speak, is the presence, here, of these young Americans, representing all American children who have inherited this free land, which those we honor today, willed to them in glorious legacy.

It is to you, the young people here today, that I address myself—not as a father, though ten Johnson children call me that—but as one who has shared some of the experiences, the dreams and the hopes of those Americans of my own childhood who later answered their nation's call to arms.

In Carl Sandburg's great work called: "The People, Yes" he speaks of a little girl watching the new recruits from her village marching off to the battlefield. She turns to her mother and says: "I think that someday they're going to give a War and nobody will come!"

The men and women we honor today had no special gift of the gods. They had no magic potions to protect them like the folklore heroes of fantasy and fable.

We honor them, not because they welcomed war, but because it was the last thing they wanted—and they went, anyway.

On Veteran's Day, as we recall that act of heroism, we honor the mothers and the fathers—the sisters and the brothers like yourselves—the wives and beloved ones who saw them off to war, though surely none of us would will such a thing for anyone we love.

As you go on in school, your history books will provide you with detailed accounts of the situations and the problems that motivated human beings of reasoned intelligence to take up arms against their neighbors.

You will also come to realize that your history books—even the more sophisticated ones that you'll study in high school and college—cannot possibly reach into the secret heart of the one who heard the call and answered "yes."

On patriotic occasions, such as this, they might talk of God and Country—honor—integrity—but, in the end—I can say from my own experience and close observation—it all boils down to one great ideal.

For, what "God and Country" really means to a fighting man is "Home and Family."

It is in that final test—as in the first act of heroism when he joined our nation's Service—that the Veteran found his "extra ounce of courage" to face the very fate he wanted the least.

Statesmen call it "Love of Country."

Churchmen call it "Love of God."

History calls it "Patriotism."

And, surely, it is all three.

But what was in the *Veteran's* mind, and deeply in his heart?

The chances are, if you ask, he'll call it: "You!"

It is *you*, my young Americans—and your brothers and sisters all over this land—who gave our Veterans that final ounce of courage.

It is you to whom they turned for strength in answering their country's call and bearing its battle.

It is you for whom they held high the torch of freedom and honor—to whom they willed their hearts and hands in love and peace.

And now, it is you who carry their sacred trust—their precious legacy of everlasting peace.

This is the greatness of which I speak.

For in your young hands and hearts is the will and the way to achieve that great goal, toward which President Nixon has dedicated his whole administration:

A full generation of Peace!

NATIONAL COMMANDER'S VETERANS DAY SPEECH

My Fellow Americans: The Disabled American Veterans are honored this year to be hosts of this traditional Veterans Day ceremony . . . and I am privileged, as National Commander of the DAV, to be my organization's spokesman today.

I come before you at a time when American involvement in the wars in Indo-China has finally, after many long, hard and bitter years, been wound down and out, as the present administration promised to do before it was elected.

We of the DAV fervently pray that we have seen not just the end of one long, unwanted war . . . but the beginning of the end of all war; that a new epoch of peace with honor is at hand; that future administrations will continue the efforts at defusing world tensions now being carried out by President Nixon.

One way Americans can assure this goal is by remembering the veterans of the U.S. Armed Forces and honoring the significant contributions to our National Security by the millions of these citizens whose military service has had a profound effect on history.

America has a proud tradition of both remembering and honoring its veterans and the families and dependents of its veterans.

But whether or not the veteran will continue to be honored over a period of prolonged peace-time is problematical. The present system of veterans benefits and compensation is expensive, and it must be enlarged to be truly equitable to all of those who served their country in time of crisis.

And the expense must be borne over a long period of time. It takes several generations for a nation to close its ledgers on a war. The Civil War ended 108 years ago, yet as of December 31, 1972, 331 widows and 275 children of Civil War veterans were still being carried on Veterans Administration benefit rolls. The last dependent of an American Revolutionary War Veteran didn't die until 1911.

So we of the DAV, and our fellow veterans organizations fully realize that there will be those who might want to renege on their obligation to the veteran and to relinquish a grateful Nation's pledge of faith to him, as Abraham Lincoln phrased it, "who shall have borne the battle."

We fully intend to see to it that this nation will never abandon its defenders; will never cease to care for those who left part of themselves on the field of battle as the price they paid to prove their trust; will ever honor the most shining hero of the legend that is America . . . The American Veteran.

Of the total U.S. Population of some two-hundred and nine million civilians, twenty-nine million are veterans, including over three-million disabled veterans of all wars.

The average age of the 28.8 million veterans living on June 30, 1968 was nearly 45. Two-million of these veterans were 65 or older. During the next 20 years, this age group will grow more than threefold, to seven-million aged veterans by 1992. Programs related to the problems of the aging veteran must be readied now to meet the projected need.

Actually, however, it is the problems of the younger veteran that most concern us at this time. Studies indicate that the Vietnam era veteran is having a harder time fitting himself back into our civilian culture than any veteran generation that preceded him.

While the rate of participation in the labor force during fiscal year 1972 for all male veterans was 89 per cent compared to 72 per cent for male non-veterans, the unemployment rate for Vietnam veterans has been substantially higher in recent years than that of non-veterans in the same age group.

The gap between the unemployment rate for veterans and the lower rate for non-veterans has been narrowing for some months now, but it is still too high to be of comfort to those of us concerned with veterans problems.

The very low job placement rate of disabled Vietnam era veterans has been extremely disconcerting, and, while strenuous efforts by the Administration and Department of Labor have seen to it that more and more disabled veterans find suitable employment every year, this battle is far from over.

Finding a job has been especially hard for the ex-infantryman. At the height of the Vietnam war, military admissions standards were lowered and thousands of young Americans enlisted without finishing high school. Thousands more were drafted before they could attend or finish college or technical training in civilian life. Then they were taught just one skill—how to be a combat infantryman—and this skill is all they have brought back to civilian life.

Slowly these men are being assimilated back into our society, but for them, "Peace with Honor" will not truly be here until they are fully contributing members of the civilian world around them. We must all pledge ourselves to see that this day comes soon.

Standing here among the peaceful green glades of Arlington National Cemetery in the Memorial Amphitheater at the Tomb of the Unknown Soldier—one of this Nation's most hallowed shrines—it occurs to me that we will not have done justice to those patriot-heroes who lie buried here until we have finally done justice to their living comrades.

The best way to honor the dead is to honor the living. The precious freedoms we Americans cherish today was paid for in large part through the lives of our fighting men who lie buried here and in other cemeteries around the world. They would not have it that we ignore their living comrades, our veterans, who took the same risks and made the same sacrifices for the same cause . . . yet who were so fortunate as to survive.

The American veteran is the living symbol of those characteristics of courage and determination that have made this nation the strongest and freest in the history of the world.

He has willingly and proudly served his nation in time of mortal strife, and he has returned again to civilian life, determined that the freedoms and privileges granted to him by the Constitution he served to defend should never be lost nor denied to anyone.

Until such time as war has forever been banished from the face of the earth and the last veteran has been borne on Columbia's wings to this Nation's own Valhalla, I urge you, my Fellow Americans, never to forget the contributions the American veteran has made to the cause of World Peace with Honor and to faithfully honor the men and women who made these contributions.

THE CRISIS OF THE PRESIDENCY

Mr. McGOVERN. Mr. President, the newspapers of my State are publishing commendable editorials questioning the actions of the President of a weekend ago and pointing out their disturbing implications for our political system.

One of the fine weekly newspapers in South Dakota, the Freeman Courier, carried on October 25 a commendable editorial written by its editor, Mr. Tim Waltner, which said:

> The impeachment process would be a dark time for the nation. However, if the well-being of the country and its people are put first, impeachment should be looked upon as a step towards restoring confidence and trust.

Mr. Waltner also made clear what impeachment does and does not mean, pointing out that it does not necessarily mean that the President would be removed from office, but only that investigations would be made to determine if there is cause for action of that kind.

The leading daily newspaper of western South Dakota, the Rapid City Journal, observed on October 23:

> Impeachment proceedings would further fray the fiber of America, but if it is the only way to arrive at the truth, then it is the course that should be followed.

Making a case for the appointment of a fully independent prosecutor, the Sioux Falls Argus-Leader said:

> An investigation that is not independent of the White House . . . is not an investigation that will satisfy the American public. The saddest thing about the constitutional crisis in Washington is that it need not have developed, unless the President is hiding something.

In an editorial entitled "Shocking Washington Weekend," the Aberdeen American-News said the President's actions could lead to two avenues of speculation, first that he has extraordinarily strong convictions that executive privilege will be irreparably damaged by releasing the tapes, or second that their release could damage the case that the President had no knowledge of the Watergate coverup.

I ask unanimous consent, Mr. President, that the texts of these perceptive editorials, and one from the October 22 edition of the Nashville Tennesseean, be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

The Crisis of the Presidency

(By Tim Waltner)

In the July 5 issue of the Courier, we wrote an editorial entitled "Thunderstorms and Watergate." We compared the entire Watergate mess with a thunderstorm, and expressed a desire that the end result of the Watergate scandal would be a more forthright, honest, and responsible government. In the 14 weeks which have followed, events have taken place which have brought more storms, one after another.

The failure by the President to release the tapes as evidence, the use of tax money for the remodeling of his southern and western white houses, the fact that he has surrounded himself with men who have no qualms about practicing deception and breaking laws, and the changing of procedures and men to best suit his needs, give us an indication of how much corruption and decay have crept into the office of the president.

However the latest developments, the conflict over the release of the tapes, the refusal to reach an understanding with the Senate Committee and the Special Prosecutor, and the firing of that special appointed prosecutor, Archibald Cox, present an extremely serious crisis. President Nixon has set himself up as the supreme ruler, the highest authority of this nation. There is now a concept, coming from the President down through the former Vice President to former aides to former cabinet officers. That concept is, "We Are Above the Law." That concept has taken the rights and the power out of the hands of the people and given it to a select few.

While we have entrusted the leaders of government with responsibilities, we have not given them the right to do whatever they choose. They are citizens as we are and they cannot be allowed to be above the law. The action taken in the past six months seriously jeopardizes the future of the democratic process this country was founded upon.

It is now a question of how much power the President has. The more ultimate power the office of the President has, the less power the people will have. This crisis has been building with strong feelings between the Executive branch and the Congress and Courts going back to the pre-Watergate era. There is no way to resolve the issue without some major steps being taken.

While President Nixon announced Tuesday, that he would release the tapes relevant to Watergate, it seems that this has come about partly because of the overwhelming public sentiment against the President. There is also some question as to whether or not a full scale investigation of the Watergate breakin will continue. If an impeachment hearing were brought forth against the President, an indication from the country could be given. An impeachment process does not necessarily mean that Richard Nixon be ousted. It would however mean that the people would have the power of recall, and it would be possible to see if confidence has indeed been restored to the presidency.

The impeachment process would be a dark time for the nation. However, if the well being of the country and its people are put first, impeachment should be looked upon as a step towards restoring confidence and trust. In my opinion, we need a man who has integrity and the confidence of the congress and the people. If impeachment hearings show that a new man is needed, so be it. Under a man whom the people trust, we can then move, as a nation "of the people, by the people, and for the people."

Nation Must Have Truth Which Nixon Can Provide

Public trust in government, at a low ebb in the wake of Watergate and the Agnew affair, suffered another shattering blow over the weekend.

By firing special prosecutor Archibald Cox for refusing to abandon a court quest of the Watergate tapes, President Nixon appears to be setting himself above the law and the courts.

Faced with a choice of complying with a Court of Appeals decision to turn over tapes concerning Watergate or appealing that decision to the Supreme Court, Nixon attempted an end run. He offered to provide a summary of the tapes to the Senate Watergate committee and to the courts. He maintained a review of the tape controversy by the Supreme Court would leave the matter unresolved for some time and this would not be in the national interest.

The national interest would best be served by the truth. The American public is crying for it. The tapes themselves supposedly contain the evidence as to whether Nixon was involved in Watergate and the ensuing cover-up.

Cox refused to obey the presidential directive to halt the court proceedings on the grounds it would violate Cox's pledge to the Senate and the country to carry out the task entrusted to him. In doing so he demonstrated an awareness that his ultimate accountability was to the American people. Richard Nixon is ignoring his accountability to the same American public.

That accountability includes heading a government of laws, not of men.

Cox maintained the summary of the tapes pertaining to Watergate would not be admissible evidence in a criminal proceeding. Nixon maintained the summary would give Cox the information he needed to present to a grand jury. Clearly that was a difference of opinion. The courts are the proper place to resolve such differences. By ordering Cox to abandon all legal proceedings, Nixon sought to avert the confrontation. Cox called it a move to deprive prosecutors of admissable evidence in prosecuting wrongdoers who abused high government office.

The compromise proposal and the firing of Cox does not set aside the appeals court ruling that the tapes be turned over to the court. Since the President chose not to appeal the ruling it would appear the decision is final and that Nixon is in violation of the court order.

Yet to be determined is if and how the President can be forced to obey the court order. Impeachment proceedings would further fray the fiber of America, but if it is the only way to arrive at the truth, then it is the course that should be followed.

If there was a bright spot in the dismal weekend mess, it was the decision of Atty. Gen. Elliot L. Richardson to resign. Richardson stood tall in his relentless pursuit of the Agnew investigation regardless of the effects on the administration. This weekend he placed his commitment to Cox, the U.S. Senate and the American people above his loyalty to Nixon.

Morality and public trust in government can only be restored from the top down. The events of the weekend cast grave doubt that Richard Nixon is the man who can accomplish it.

Nixon Hands United States Undeserved Crisis

President Richard M. Nixon again has plunged the country into a crisis it didn't need, at perhaps the worst possible time: during attempts to resolve the Arab-Israeli conflict.

Why doesn't President Nixon hand over the Watergate tapes and let them tell whatever story is inscribed on them about the actions of himself or his former aides?

Is his reason for withholding the tapes the prerogative of his office, or the fear that the tapes will implicate himself or his former White House aides in the Watergate matter? Neither reason is sufficient cause to withhold the tapes, if criminal implication of White House aides is involved. American citizens are justified in thinking the worst—that the tapes do implicate someone.

A MAN OF PRINCIPLE

Former Atty. Gen. Elliot L. Richardson is regarded as a high-principled individual. He quit rather than fire special Watergate prosecutor Archibald Cox, because he felt Nixon's actions broke a promise to Cox for an independent investigation. How could Cox, partisan though he may be, conduct an independent investigtaion if his commander-in-chief tells him not to press for the White House tapes?

Nixon then fired Deputy Atty. Gen. William P. Ruckelshaus, another decent official, because he wouldn't fire Cox. Now, the Department of Justice is in turmoil again. Solicitor General Robert H. Bork is the acting attorney general. His orders from Nixon are to take over the Watergate investigation and proceed "with full vigor." Thus, the investigation is back in the hands of the Department of Justice, where it began.

By his actions, Nixon has invited Congress to question his judgment and to consider impeachment proceedings. Perhaps, just perhaps, Nixon's compromise offer to have Sen. John C. Stennis compare the tapes with a White House summary would meet the requirements. But, the better way would have been to make the tapes available.

An investigation that is not independent of the White House, still powerful despite the Watergate affair, is not an investigation that will satisfy the American public.

The saddest thing about the constitutional crisis in Washington is that it need not have developed, unless the President is hiding something. The latest action has jeopardized the confirmation of U.S. Rep. Gerald Ford as vice president of the United States.

To Speaker Carl Albert of the House and other House leaders will fall the sad task of trying to determine what to do next about the man in the White House. Although Albert has been discounted as being a man of presidential timber, he was smart enough to refuse former Vice President Spiro Agnew's offer to have the House, rather than the courts hear the latter's case. Albert is next in line of succession to President Nixon. In this connection, it should be recalled that the late President Harry S Truman had his detractors, too, when he succeeded President Franklin D. Roosevelt upon the latter's death in 1945.

FORCING A POLITICAL SOLUTION

In hindsight, it could be said that the special Watergate prosecution task force should have been commissioned not by the executive branch but by Congress. The legislative branch is now put in a position, by possible impeachment proceedings which are essentially political, of trying to clean up something that required a judicial approach through a special commission which Nixon unwisely wiped out.

Shocking Washington Weekend

A review of the unprecedented developments during the weekend growing out of the Watergate misadventure would lead to one of two obvious trends of speculation.

One. President Nixon has extraordinarily strong convictions that executive privilege will be irreparably damaged if he yields to the court decision that the tapes containing confidential conversations of the President shall be released according to the court ruling.

Two. The tapes contain information that could damage the case that has been presented by President Nixon's defenders to prove that he had no knowledge of the cover up of the part played in the burglary of the Democratic National Committee headquarters in the Watergate complex by the members of the committee directing the 1972 reelection campaign of the President.

Speculation No. one would be supported by the fact President Nixon did offer a plan, not recognizing the court's authority over the Executive Department, that would give access to the Watergate prosecutor to the contents of the tapes.

Speculation No. two would be given some credence because of the desperate steps taken by the President to assure that his plan on the release of information contained in the tapes would not be altered.

One fact emphasized in the President's decision to fire Archibald Cox, the special Watergate prosecutor who refused to accept Mr. Nixon's compromise plan for examining the tapes, is that he is a determined man who will take drastic steps to enforce the rights and power of the presidency.

Saturday's events were dramatic and there could be suspicion that decisions were made in haste rather than in the deliberative atmosphere we like to believe influences government leaders in Washington.

The crises that have occurred during the recent days of the Nixon administration have resulted in an element of shock.

There is need now for more conscientious effort by all leaders in governmnt to conduct themselves in a manner to inspire confidence. The problems are great, but historically America has proved its competence in solving problems.

The Nation Is in a Shambles And Its Survival a Question

No administration in the history of the Republic has dealt so many hammer blows to the spirit and well being of the American people than that of President Nixon.

His latest blow is unprecedented as it is incredible. In one sweep, Mr. Nixon has forced the resignation of Atty. Gen. Elliot L. Richardson, fired Deputy Atty. Gen. William P. Ruckelshaus and had Special Watergate Prosecutor Archibald Cox fired.

Thus the man who pleaded that Watergate be left up to the courts and the legal processes has sought to take the issue out of the courts and has derailed the legal processes.

In a nutshell, Mr. Nixon has had the Special Prosecutor fired for doing his job of prosecuting. And having long denied any connection with the Watergate coverup, the President may have contributed to the ultimate step in that coverup by making it impossible for the guilty ever to be brought to justice.

For who in the now-demoralized Justice Department can pick up the threads of evidence? And where will there be the needed degree of credibility of prosecution where a President can simply order the Justice Department not to press too hard and be obeyed?

Mr. Cox called a news conference to explain his situation. And shortly afterward, Mr. Nixon called on the Justice Department to fire him. Mr. Richardson could not honorably do so, and he resigned. Mr. Ruckelshaus felt he could not do so, and was fired. Finally, Mr. Robert Bork, the solicitor general, was designated acting attorney general and he fired Mr. Cox.

The White House immediately defended these moves with the suggestions that Mr. Cox was becoming partisan and insubordinate and that this was somehow more of the plot by Democrats to "get Mr. Nixon." Only the incredibly naive could believe this.

If Mr. Cox was biased, it was in favor of the law and the processes of justice and in his belief this is a nation of laws and not men. In firing him, Mr. Nixon manifested his contempt for laws and the process of justice.

It was not the Democrats who opened the door on the most massive scandal of all times, but a Republican judge. It was not the Democrats who picked Mr. Nixon's staff or members of the Committee to Re-elect him, a number of whom were responsible for Watergate and the cover up. It was not the Democrats who got the goods on Mr. Agnew and built an air-tight case against him. It was a Republican prosecutor in Maryland, supported by Mr. Nixon's own attorney general.

It was Richard Nixon who pledged to the American people that Mr. Richardson and the special prosecutor "will have the total cooperation of the executive branch. They will get to the bottom of this thing. They will see to it that all of those who are guilty are prosecuted and are brought to justice. That is the pledge I make tonight, and that I think the American people are entitled to it."

Mr. Richardson had pledged to the Senate that Mr. Cox would have complete freedom and independence as special prosecutor. The ground rules were written and the White House by its silence gave assent.

Mr. Nixon also pledged that executive privilege "will not be invoked." So far, he has broken all his pledges and dishonored his word. He has not cooperated with Mr. Cox. He has pressured Mr. Richardson to the extreme. He had, in effect, defied the courts and offered a "compromise" on the disputed tapes that is no compromise at all.

Having lost in the appeals court and facing the prospect of a Supreme Court decision against him, Mr. Nixon has taken his latest stratagem. He agreed to turn over, not the tapes, but a written summary of them and chose a one-man juror—Sen. John Stennis of Mississippi—to hear them and verify their accuracy.

That might satisfy the Senate Watergate committee, but it didn't and couldn't satisfy Mr. Cox, who could not take such superficial evidence into the courts and who expressed doubts the courts would accept such evidence or that the criminal defendants could use this in their own defense.

And what of the separation of powers that Mr. Nixon so piously espoused once? He has chosen a Senator, albeit a sympathetic one, to hear the tapes instead of Mr. Cox—who represented the executive—and instead of Judge John Sirica of the courts. The plain language of the court orders was that the tapes be turned over to Judge Sirica.

It has not been the Democrats who have directed the harshest criticism at Mr. Nixon, but Republicans such as Goldwater, Weicker, Percy, and Brooke. And it has not been the Democrats in the forefront in calling for impeachment proceedings against Mr. Nixon.

It was a Republican House member—Rep. Paul McCloskey—who first raised such talk on June 6. On Saturday, it was Rep. John B. Anderson (R–Ill.), chairman of the House Republican conference, who said the President "has precipitated a constitutional crisis" by his irresponsible actions and predicted impeachment resolutions would be filed this week.

It was Sen. Edward Brooke (R.–Mass.) who said, "This action on the part of the President under the circumstances is sufficient evidence which the House of Representatives should consider to begin impeachment proceedings."

Mr. Nixon cannot call all these men enemies, for they are of his own party. But their loyalty to party is not such they can overlook the slow poisoning of the constitutional system with the attendant mistrust and cynicism that is already mountainous.

Mr. Hugh Sidey, an essayist for Time magazine, wrote the other day that, "The country has been morally ravaged." It can also be added that it also has been constitutionally and economically ravaged.

In sum, this nation is in a shambles and the chief wrecker is Richard Nixon, who is fighting for his life with a cunning that discounts the rule of law and the integrity of the highest office in the land.

The burning question for Congress and the American people is no longer whether President Nixon can survive politically amid his troubles, but whether the nation can survive Richard Nixon for three more years.

PROPOSED FOREIGN INVESTMENT INSURANCE PLAN

Mr. JAVITS. Mr. President, I ask unanimous consent that an article entitled "Insurers Not Too Keen on New Plan," printed in the Journal of Commerce of October 19, 1973, be printed in the Record. The article points out that the private insurance industry is unwilling to commit itself to the plan proposed by the Subcommittee on Multinational Corporations of the Committee on Foreign Relations to turn over investment insurance from Overseas Private Investment Corporation to a private syndicate.

There being no objection, the article was ordered to be printed in the Record, as follows:

Insurers Not Too Keen on New Plan

Washington.—Four insurance industry executives have indicated that the industry could not commit itself to a foreign investment insurance plan proposed yesterday by a Senate foreign relations committee subcommittee.

At a meeting here early this month, the four officials agreed that a "predetermined schedule" by which the U.S. Government would withdraw from investment insurance activity "could only discourage" many U.S. insurance firms from immediately entering the investment sector.

The four executives—Fireman's Fund Chairman Louis Niggemen, Nationwide Vice-President Donald Johnson, INA Vice-President Harry Richter and Arthur Mayes, president, American Foreign Insurance Assn.—met with the Overseas Private Investment Corp. (OPIC), the government investment insurance agency.

The four said that private insurers are not "prepared to enter into such a new, high-risk field (foreign investment underwriting) except cautiously with a period of experimentation." A three to four year "trial period" would be needed for U.S. insurance firms to "become familiar with the nature of the insurance," they said.

The insurance executives also reported that the industry would not "at this time" consider insuring land-based war risks of the kind covered by OPIC, nor, they added, is it expected that the industry would do so in the "foreseeable future."

They further pointed out that the industry currently lacks "the capability" to manage the underwriting and claims functions of a syndicate covering U.S. investors against foreign expropriation or currency inconvertibility. OPIC, the four agreed, would have to manage the program, for at least three years.

FERTILIZER PRICES SOAR

Mr. EAGLETON. Mr. President, in an effort to stem export sales of U.S. fertilizer, the Cost of Living Council last week removed all price controls from that product. The Council's hope was that with modest price increases here at home, manufacturers would forego the higher profits to be made in foreign markets and continue to provide American farmers with the fertilizer they need.

I am disturbed by the industry's first response to that action. This morning's Washington Post reports that two major fertilizer manufacturers have determined to increase prices by as much as 40 percent, while a third company is contemplating a 60 percent hike. Further increases seem likely if world prices react as expected and continue to push upward.

I am seriously concerned about the ability of American farmers to compete for this scarce commodity against foreigners well heeled with devalued U.S. dollars. If they choose instead to get by with less fertilizer or to switch to low fertilizer crops, our hopes for expanded farm production and lower food costs could go up in smoke.

Mr. President, I have called on the Cost of Living Council to reconsider its action of last week and to adopt a policy of across-the-board controls which treat export and domestic sales alike.

That is the only way, in my opinion, that we can assure adequate supplies for our farmers at prices they can afford.

Mr. President, I ask that the Washington Post news article to which I referred be printed in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Fertilizer Firm Ups Prices by 20 to 40 Percent

W. R. Grace & Co., one of the nation's largest manufacturers of fertilizer, yesterday announced price increases of 20 to 40 per cent on its various fertilizer products effective immediately.

Other fertilizer giants, no longer under price controls, indicated they will follow suit in the next few days with prices of some products increasing as much as 60 per cent.

The Cost of Living Council last week exempted fertilizers and their chemical components from price controls in an effort to increase the availability of fertilizer for domestic crop use by allowing it to rise to a level competitive with the much higher world price.

A COLC spokesman said the controls agency did not expect fertilizer prices to rise more than 20 to 30 per cent when they took their action.

He said that the initial increase might be higher but "we wouldn't expect it to maintain that level." He expressed the hope that efforts to increase marginal fertilizer production capacity and divert the commodity from foreign to domestic sales would increase supply enough to eventually bring prices down.

However, an official of a major fertilizer company which expects to announce price increases of about 40 per cent for all of its products said he sees "no possibility of any weakening of these prices."

In fact, he noted the "possibility that these prices may continue to escalate," adding that he did not know how world prices would react to domestic decontrol and could continue to be pushed upward. He also said the fertilizer industry was not assured of adequate supplies of natural gas to manufacture nitrogen fertilizer because of the competing need for gas as a heating fuel.

Edward Vrablik, the president of Swift Chemical Co., one of the biggest independent fertilizer producers, said his company would implement price increases of up to 60 per cent as early as today.

BALANCING HUMAN POPULATIONS WITH LIFE SUPPORT SYSTEMS

Mr. PACKWOOD. Mr. President, one of my outstanding Oregon constituents and member of the Oregon House of Representatives, Patricia Dee Carpio Whiting, has been actively involved in environmental and population matters for some time, and has made several excellent contributions in these areas both within Oregon and on the national scene. She recently delivered a perceptive and thought-provoking speech before the North American Wildlife and Natural Resources Conference on the subject "Balancing Human Populations With Life Support Systems."

Mr. President, nearly every decision made by this body bears in one way or another on the intricate relationship between humans and their environment, and the delicate balance which exists on our small planet, Earth. I therefore commend Patricia Whiting's statement to all my colleagues for their careful reading and thoughtful review, and ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Balancing Human Populations With Life Support Systems

(By Patricia Dee Carpio Whiting)

(Note.—Any tables and figures mentioned in text, are not shown in this reprint.)

(Zero Population Growth, Inc., Friends of Earth, and Oregon Environmental Council, Tigard, Oregon.)

The innate consequences within a system of excessive human population numbers correlated to an equitable ratio of decreasing natural resources such as water, air, wildlife, and wilderness, brings into focus the assault on the life support systems needed for human life continuance at present levels of demand.

In illustrating a demographic correlation between excessive human propagation and diminishing life support systems, it becomes necessary to establish foundations for ideological change toward a balanced ecoexistence of all life forms.

My proposal is simple. Pollution is a human effluence. It is not air pollution, it is not water pollution. It is human pollution put into air and water that causes chemical imbalance and collapse of life support systems. We must recognize that man, in all his glory, is the basic confuser in the world scheme of natural balance supply and interdependence.

People—too many people—without regard for other species, have altered the freshness in a breath of air; people—too many people—have altered the free-running stream through rapids wild; people—too many people—are plugging up the heart of nature.

We, as a species, are continuously reproducing our own numbers and concurrently condemning hundreds of animal and plant species to extinction while at the same time we immaturely cling to the standing ovation of more, more, more.

We don't have a task here, we have a monumental immediate necessity—the balancing of our own human numbers with the remaining capacities of the life support systems. It is folly to ignore these systems and the interdependency of all species. If we continue to label a coyote a villain while we belch chemical concentrates into the air and water, any proposed solutions or rhetoric today won't be worth a damn. Where did we lose the nature ethic? When did we become a species unconcerned for the systems with which we once lived in harmony? A suggestion is that early in history human demand for supply manifested a philosophy of "subdue and multiply." The "subdue" attitude established disregard for natural limitations while the "multiply" concept, previously necessary for survival, has today contributed to degradation of the "quality perspective" of life. To exemplify the magnitude of past acceptance of this archaic "subdue and multiply" theory, we must examine aspects of world demography.

It has been estimated that in 8,000 B.C. the total world population was 5 million people. In 1650 A.D., a span of 9,000 years, the world population had increased to 500 million. However, in 1850, only two hundred years later, world population levels had increased to 1 billion people; and by 1930 "subdue and multiply" was heralded by 2 billion separate individuals, an increase of 1 billion people or a doubling of total world human populations within only 80 years. Demographically, this phenomena of population doubling will again occur in just 35 years.[1]

In other words, of all the people who have existed on this planet, one out of twenty-five is currently alive and demanding resource allocations. This rapid accumulation of human bodies and living demands persists. In fact, according to mid-1971 estimates there were 34 new births per every 1,000 individuals occupying this planet which aggravates an already imbalanced situation.

Of the world's current 3.7 billion people, 37 percent are under 15 years of age and the majority are still dedicated to the philosophy of eons past—"subdue and multiply." The very simple equation of increased birth numbers in ratio to decreased death numbers within a closed eco-system results in unpleasant decreases in commodities available per capita in ratio to the increased demand.

The impact and consequences of the current people-pollution assault on a closed and limited bio-sphere, directs the necessity of reviewing current priorities and trends. These trends can be examined by considering facts about two of our representative nations, namely, the United States, a technically advanced and affluent nation using 54 percent of the world's natural resources with a population of 6 percent of the world population, and Mexico, a young industrial nation with a 3.4 percent annual population growth rate, are both faced with the need to curb the human population rate of growth for the sake of survival and quality life within each nation.

In 1900 the United States population was 76 million. By 1950 there were 152 million. In 1970, twenty years later, population numbers had increased to 205 million. (Population Reference Bureau, 1971b) However, it has been expressed that due to the United States' currently low population growth rate of 1.1 percent annually, the problem is being resolved. This is a fallacy. ". . . if present fertility and mortality trends continue, a long-range projection by the National Academy of Sciences foresees that in about 650 years there will be one person per square foot throughout the United States . . ."[2]

Despite the fact that the current 1.1 percent growth rate of the United States is a record low; comparatively speaking, it has not approached the annual death rate, which is only nine per thousand of population. There are other contributing factors to such population explosions; but, the prime factor is the number of youths and the ratio of males to females. One out of three North Americans is under 15 years of age with a larger percentage female than male. This suggests predictable population surge in the United States within the coming decades. Since we have established the current predictable,

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status of the United States, what is the population of Mexico in Central America?

Mexico has also begun to realize the pressure asserted by human expansion. In 1940 there were 19.0 million people in Mexico. By 1960 Mexico's population had soared to 35 million. Today, Mexico has 52.5 million people with a growth rate of 3.4 percent annually. Forty-six percent of her population is under 15 years of age. It is quite plausible to estimate that with Mexico's amazing new medical and social health programs, which have decreased death rates 300 percent in the last 42 years, she must prepare and provide for 70 million people in 1980.[3] At this current rate of population growth, there will be a doubling of population within just 21 years. (PRB, 1971d)

Current available resources and limited untapped resources can not accommodate the staggering demand asserted by the populations of either the United States or Mexico. Nor can the limited life support systems of air, water, and land continue to cope with our growing populations, given the present level of growing effluence as a result of increased numbers of people and technical advancement.

THE SOIL

The most recent failure of man to understand his adverse influence in nature's scheme is related to our extensive reliance upon artificial chemical fertilizers. The nitrogen, phosphorus and potassium that are removed by plant growth have successfully been replaced into the soil by the use of commercial fertilizers. And, consequently, the introduction of artificial fertilization of soils has immensely stimulated crop production. Concurrently, it has also stimulated the growth of millions of people who are reliant upon this new productivity. Utopia! No.

Investigations have now shown that "Heavy fertilization of soils with phosphates and nitrogens have contributed greatly to zinc deficiency of soils and thus to crops."[4] What significance does a loss of zinc in the soil have to us? Following World War II, animal study investigations have proven that lack of adequate zinc levels manifested in animals ". . . poor growth, loss of fertility, disorders of bones and joints and spontaneous skin lesions."[5]

In October, 1971, the International Symposium on Zinc Metabolism took place in the United States. Representatives from diverse scientific fields have concluded that: ". . . the average zinc intake from a mixed American diet is only little more than the minimum required to maintain balance under ideal conditions."[6] It was also established that zinc is essential in protein synthesis, DNA, RNA and basic polymer formation—the process basic to the regulation and formation of all animal cellular growth. Basically, no zinc, no growth. Zinc deficiency now occurs commonly in man and inhibits the ability for tissue to heal. It is most frequently observed in ". . . growing children, pregnant women, the aged, the poor, and hospital patients . . ."[7] We now know that United States soils are deficient in zinc; what else is deficient in our soils? Man must understand that not everything accomplished artificially provides instant solutions.

AIR AND WATER

Just as we are depleting our agricultural soils, we are assaulting the air and water with chemical concentrates by overloading their capacity to absorb and transport away pollutant waste. Pollution is not transported away because there is no such place as "away." We merely "replace" it into our neighbor's backyard, into wildlife's stream, and into the bird's path of flight.

Currently, in the United States, there are efforts for air pollution abatement being considered and formulated into laws; but, what laws and by whom?

In August, 1971, the U.S. Office of Management and Budget, under the directive of the President with the blessings of the Defense Department and the Federal Power Commission, rearranged the proposed *1970 Clean Air Act* guidelines originally proposed by the U.S. Environmental Protection Agency. In just two months the OMB rewrote, without public review, the 1970 Clean Air guidelines and eliminated the "Appendix B Clause" which discouraged deterioration of air; established sample regulations dealing with permit systems, emissions, monitoring and air pollution emergencies and compliance schedules; and, also eliminated was the previously outlined requirements for permit systems governing construction and operation of pollution sources.[8]

Just what effect this new action will have on promotion of more air pollution in the United States is yet to be seen. One thing is clear, man is faced with unsurmountable health problems within the next 50 years if, for example, the ongoing nuclear power plant development is carried through without adequate environmental and health hazard studies, because, it has been found, exposure to certain amounts of nuclear radiation over a period of time can alter life patterns and interrupt cellular activity.

Radiation and chemical waste leakage have already seeped into our air, land, and water, from nuclear energy activity in the United States and other countries. The U.S. Atomic Energy Commission by 1963 had reported 47 accidents in radiation waste shipments by public transport, 18 spills, and 15 severe impact accidents in the United States. "In 1966 there were 42 accidents at nuclear plants around the world, 37 of them in the United States."[9]

It is no wonder that in the last two years, Tamplin and Gofman, scientists at the California Lawrence Radiation Laboratory, using evidence from exposures to higher doses of radiation, specified that, after 30 years of continuous exposure to the maximum levels of radiation in our environment now permitted by the AEC, there will be 32,000 additional cases of leukemia and cancer each year and over 150,000 additional deaths each year from chromosome changes caused by radiation. They urge that emissions of man-made radiation to our air and water be reduced to zero, if possible, and that standards be made ten times more strict.[10] Such precaution would be for the health of the people and the protection of life support systems in the United States but they would also establish international concern for neighboring nations. Yet, at the same time, air quality problems experienced in the United States have counterparts in other nations.

For example, according to the "Epidemiological aspects of air pollution" by Blanca Raquel Ordonez, serious air pollution situations in Mexico in 1970 were located in Mexico City, Guadalajara, Monterey and Tepic. But, particularly important is the situation in Mexico City (Ordonez, 1970).

Mexico City, which is at an altitude of 7,100 feet, surrounded by mountains and which has many sunny days, has a natural air flow that is at a minimum. Result: photochemical smog, the product of radiant energy from the sun acting upon various concentrated polluting substances.

The Pan American Bureau of Health in 1967 to 1968 compared pollution measurements in Mexico City and other Latin American cities. "Dust measurement indicated that Mexico has the most serious problem compared to Argentina, Brazil, Colombia, Chile, and Peru; and Mexico City has the highest sulfur dioxide rate for Latin America. Chronic bronchitis, emphysema, and asthma in 1970 increased 12.7 percent in urban Mexico, 18.9 percent in rural Mexico, and 34.8 percent in Districo Federal."[11]

This is not just Mexico's problem, it is our problem collectively. The growing demand for supply and energy around the world is tremendously increasing. If we must have higher standards of living, if we must have higher energy levels for technology and national development, then we are going to have to recognize that if we disrupt the natural balance of this closed biosphere in which we live, we must begin now to limit our own numbers to the amounts that the life support systems available can carry without such systems being further assaulted by man-generated pollution.

Conservation and industry can not afford to continue to sit at opposite ends of the discussion table. We as individuals and as representative nations must for our survival develop international cooperation if we are going to curb this assault on our common interests. The GNP economic index of advancement can no longer be the sole measurement by which we gauge our advancement and standard of living.

We have at this conference many proposals to explore. Many of the proposals could enhance man's condition on this planet. But, actually, will they if basic limitations are not given consideration? Any proposal, therefore, must incorporate into its directive the understanding that human overpopulation can cancel any effective benefits over a given period of time.

HUMAN POPULATION ETHIC PROPOSAL

It is still possible to establish a quality living environment in the United States and in Mexico. However, internationally speaking, civic and governmental recognition as well as educational and parental recognition of our mutual over-population dilemma is an immediate necessity. If the United States and Mexico, as two leading nations, would incorporate a "humane living ethic" into their laws and social patterns, we could, as representative nations in the world, project a sensible image for other nations who will be experiencing similar environmental problems.

In conjunction with the goals of this conference, concern with the quality of the environment, and directives to be considered, I propose a "Human Population Ethic" be seriously integrated into the charters and declarations of the organizations in attendance here today.

A "Human Population Ethic" recognized as a responsibility and a necessity should acknowledge the following elective processes of achieving national and international living quality for all people, rich and poor, for the very survival of our species and the continuation of life support systems upon which we depend:

1. *Family planning service*—nationally financed and sponsored—designed to increase parental responsibility and to provide counseling with the purpose of decreasing unwanted births and child abuse, as well as to establish ideal family relations.

2. *Public medical clinics* for counseling and public display and distribution of contraceptives as well as in-care facilities for pregnancy termination upon elective choice of the pregnant female.

3. *Repeal of abortion laws* which are discriminatory against the poor and uninformed by placing pregnancy termination in the care of medicine and out of criminal code jurisdiction.

4. *Population dynamics in education* to allow the children of each nation their civic right to quality life information based on an understanding of the environment in which they live and to allow them to explore, by analytical reasoning, attitudes of the past regarding pronatalist policies and contemporary methods of health and family planning.

At the current rate of population growth the human species will double its numbers within 35 years. Can the United States and Mexico provide for demands of double the human population currently inhabiting these nations? Do we have and can we al-

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locate double the resources currently converted to meet demand in just 35 years?

But, more important, is the destruction of life support systems worth the pleasure of knowing that we can support 7 billion people on this earth at half the current levels of affluency and twice as much effluency?

Advancement must now take on a new perspective—the theory of population stabilization within a closed living system—a "Humane Population Ethic."

ACKNOWLEDGMENTS

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FOOTNOTES

[1] Paul & Anne Ehrlich. *Population, Resources, Environment*. Freeman & Co. (San Francisco, 1970) pg. 6.

[2] David E. Lilienthal, "300,000,000 Americans would be wrong," *New York Times Magazine*. (New York, 1966) pg. 13.

[3] Population Reference Bureau, "Mexico the problem of people," *PRB Bulletin*, Vol. 20, no. 7. (Washington, D.C., 1964) pp. 173–180.

[4] William J. Pories, M.D. & William H. Strain "Once upon a trace metal: the zinc story," *Medical Opinion*, Vol 7, no. 5. (1971) pg. 2.

[5] Ibid. pg. 1.

[6] Walter Mertz, M.D., "Possible causes of zinc deficiency," *Clinical Applications of Zinc Metabolism*, International Symposium, Case Western Reserve University Medical School. (Ohio, 1971) 1:30 p.m.

[7] Pories, *Medical Opinion* pg. 3.

[8] Environmental Action, "Clean air—dirty politics," *Environmental Action Bulletin*. Vol. 3, no. 11. (Washington, D.C., 1971) pp. 3–5.

[9] "Nuclear threat inside America," *Look Magazine*. Vol. 34, no. 25. (December 15, 1970) pp. 24–27.

[10] Arthur R. Tamplin & John Gofman, *Population Control through Nuclear Pollution*. (Chicago, 1970) 242 pp.

[11] Blanca Raquel Ordonez, "Epidemiological aspects of air pollution," *Air Pollution Abstract*. Vol. 2, no. 1. (Washington, D.C., 1970) pg. 92.

LAW PROFESSORS SUPPORT S. 2611

Mr. ERVIN. Mr. President, on October 26, 1973, I joined 52 other Senators in introducing S. 2611, a bill which directs the Chief Judge of the District Court for the District of Columbia to appoint a special prosecutor to continue the work which Archibald Cox began.

In view of recent developments connected with the investigation of alleged wrongdoing on the part of high-level executive branch officials, it is essential that the Congress establish a truly independent special prosecutor to proceed with the investigation. In my opinion S. 2611 is a reasonable and constitutionally sound means of accomplishing this purpose.

The Senate Judiciary Committee is currently holding hearings on the dismissal of former Special Prosecutor Cox. In the course of these hearings there has already been much discussion of S. 2611. While this legislation proposes an unprecedented manner of proceeding with an investigation, I believe the Congress has ample constitutional power to adopt this approach.

I have received a communication of support for the constitutionality of S. 2611 from three outstanding professors of law from Harvard University. Mr. President, I ask unanimous consent that a copy of this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., October 25, 1973.

It is our judgment that Congress, in the exercise of its constitutional powers under Article I, Section 8 in conjunction with Article III, and under Article II, Section 2, can responsibly enact legislation creating an independent prosecutor to be named by an appropriate agent of the federal judiciary and not controllable or removable by any official within the Executive Branch. While constitutional doubts about this proposal may be advanced, in the present extraordinary circumstances the need to facilitate the work of the Judicial Branch in adjudicating the innocence or guilt of persons who are or have been high within the Executive Branch powerfully supports the constitutional propriety of having a prosecutor wholly independent of the Executive. Because the constitutional arguments in support of this step are highly persuasive, it would be entirely appropriate for the Congress to enact it.

PAUL A. FREUND,
Loeb University Professor.
ANDREW KAUFMAN,
Professor of Law.
LAURENCE H. TRIBE,
Professor of Law.

COTTON AND INFLATION

Mr. JAVITS. Mr. President, I ask unanimous consent that an editorial entitled "Cotton and Inflation," printed in the Washington Post of October 16, 1973, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 16, 1973]

COTTON AND INFLATION

The price of cotton has tripled over the past year, and the textile industry's shrieks of anguish and despair grow steadily more audible. The sudden, shocking leap in cotton prices is owed partly to the Agriculture Department's misguided decision last winter to reduce acreage allotments to keep prices from falling. It is also partly owed to a massive and unprecedented flow of exports that, it turns out, the Treasury Department is subsidizing. The case of cotton sharply illustrates the obsolete policies and official evasions that are grievously aggravating the inflation in farm products.

The price of cotton was 27 cents a pound a year ago. It had sunk a bit over the course of the summer, and the Agriculture Department decided to cut this year's acreage. Perhaps the department was also trying to save a little money. It had promised the White House to cut down the farm subsidy outlays, as its contribution to reducing Mr. Nixon's budget deficit. In any event, the acreage planted in cotton last spring was well below the 1972 level.

Then the export boom got under way, led by tremendous purchases from Japan. In early September, Sen. Herman Talmadge (D-Ga.) called on the administration to impose export controls on cotton. In response, that invaluable organization, Tax Analysts and Advocates, pointed out that the Treasury Department is actually subsidizing the cotton exports under a provision that, in the very different circumstances of previous years, Senator Talmadge himself had forced upon it. The subsidy operates through a device known as the Domestic International Sales Corporation (DISC) which, to put it briefly, is a tax dodge intended to induce manufacturers not to move their factories abroad. Applying DISC to agriculture is, of course, ludicrous. When did you last hear of a runaway cotton field being shipped to Taiwan?

The farmers who sell cotton are not, at the moment, complaining. But it is another matter for the manufacturers who buy it. The textile industry's trade association bitterly denounces the shortages and warns that "the enormous raw material cost increases, unless moderated, inevitably will result in hundreds of millions of dollars of price increases to consumers." The latest Wholesale Price Index, published a few days ago, shows that from August to September the prices of cotton textiles and clothing were rising at the brisk annual rate of 50 per cent.

The sudden export boom is related to the turmoil in the world's monetary system which, as the Wholesale Price Index suggests, has a certain relevance to the way things are going here at home. In the days when the United States kept the value of the dollar artificially high and Japan kept the yen artifically low, a huge amount of dollars accumulated in Tokyo banks. By the time the dollar was devalued in late 1971, Japan's dollar reserves were larger than the U.S. government's. The then Secretary of the Treasury, John Connally, declared that those reserves could not be converted into gold and, in his customary engaging manner, told the rest of the world that they could like it or lump it. The Japanese, it develops, did neither. Like most other holders of dollars abroad, they began converting their dollars into such commodities as cotton. The world is now off the gold standard and on what you might call the cotton-soybean-copper standard. If we could design a mechanism to protect the commodities against sudden speculative swoops and pounces, it would be quite a good system.

The Japanese in particular are old and valued customers of the United States. What they are doing in our cotton market is both legitimate and prudent; they are using our markets precisely as our government urged them to do. But their actions are causing great disruptions in our economy. The blame lies chiefly with the Nixon administration, which has committed itself to excessive reliance on agricultural exports to balance our foreign trade accounts. The administration seems incapable of looking more than three weeks ahead into the chains of highly inflationary cause-and-effect that it has started.

The proper policy, in cotton as in all major farm products, would be to publish at the beginning of each crop's year the share of the harvest that we will sell abroad. The administration keeps saying that it will never invoke export controls again. But it is obvious that another crisis like last June's soybean shortage will compel another last-minute reaction like the soybean embargo. It would be more sensible, as well as healthier for our relations with other nations, if we could summon up the courage to set export limits before, rather than after, those limits become necessary.

THE U.N. STUDIES THE MULTINATIONAL FIRM

Mr. HARTKE. Mr. President, the United Nations is currently in the process of studying the effects of multinational corporations on the community of nation-states, with special focus on the developing areas. Because these giant companies transcend the authority of individual sovereign states, their growth is virtually uncontrolled. Although executives of multinational firms claim they only benefit the countries in which they invest, the national spokesmen of these host countries tell a different story of imperialistic adventure and exploitation.

I ask that my colleagues in the Senate pay close attention to the findings and recommendatons of the ongoing U.N. study.

In his testimony before the study group, Ralph Nader pointed out what he considers the present abuses perpetrated by the multinational firms. Disruption of the monetary system, exploitation of cheap labor, and the pollution of underdeveloped countries are just a few. The most frustrating aspect of the problem is the lack of information available. Neither the corporations themselves nor the U.S. Government is willing to supply the public with accurate and in-depth information. For instance, how much foreign tax credit do U.S. firms receive for investing abroad? How much do they legally save by the use of the deferral—that is, not paying U.S. taxes on profits until these gains are repatriated to the United States? The Department of the Treasury as well as the transnational firms refuse to release such figures. I myself have requested this information from the Department of the Treasury months ago and have as yet received no reply.

As stated by Mr. Nader, this type of basic information is necessary for any accurate evaluation.

Mr. President, I ask unanimous consent that a recent article which appeared in the Washington Post be printed in the Record following my remarks. The article explains the present activity of the U.N. study group on multinational corporations.

There being no objection, the article was ordered to be printed in the Record, as follows:

Multinationals Criticized Before U.N. Panel

(By Anthony Astrachan)

United Nations.—A number of witnesses, among them Ralph Nader, made broadside attacks on multinational corporations before a U.N. study group last week.

But the radical of American consumer advocates was not radical enough in his proposals for controlling the giant firms, in the view of two men from opposite poles—a Dutch spokesman for international capitalism and a Chilean who thinks multinationals are hurting the underdeveloped world.

The paradox was typical of the difficulties that characterize any attempt to study, let alone regulate, multinational corporations—companies which now produce at least $330 billion a year in countries other than their home states.

Nader was one of 14 witnesses before a U.N. panel of "eminent persons" that is making a year-long study of the impact of the multinationals in the hope that it will produce new ideas on how to make these giant companies fit into a system that was not designed for them because it was based on nation-states.

Nader accused the multinationals of disrupting the world monetary system by shifting funds among their subsidiaries in different countries, exploiting the labor and "perverting the politics" of developing nations, shifting industrial pollution from their home countries to other states and running "snakepit" mining operations in Asia, Africa and America.

His list of abuses was dramatic, but his proposed solutions were not. Many of them were anticipated in the 195-page U.N. report on which the current study is based. That prompted Sicco Mansholt of the Netherlands, a former head of the European Economic Community's Executive-Commission, to tell Nader that his ideas were not strong enough.

Nader gave highest priority to collecting information about the multinationals. Their power, he said, depends heavily on their ability to conceal or disguise their resources and their actions.

He said that prying out vital information could have an international effect equivalent to the way American consumers forced automakers to recall cars. He urged the United Nations to send questionnaires to all states and to the more than 200 multinationals that have annual sales of more than $1 billion.

Nader suggested 13 questions, among them who owns what land, mineral and other resources in each country, the amount of taxes paid in each country, wage and benefit levels by country and environmental pollution data. He also urged that the United Nations investigate and publicize abuses by the multinationals alleged by "nations or peoples."

Nader gave second priority to individual and collective action by countries to impose conditions on the entry of foreign capital. Such conditions can and do work, according to two witnesses who preceded Nader.

Jose Campillo Saenz, a Mexican official, described his country's new regulations on foreign investment, including a limit of 49 per cent or less by foreign companies in Mexican corporations and rules for the transfer of technology.

Ernst Keller, the Swiss president of ADELA, an investment company headquartered in Peru but owned by 240 shareholders in 23 countries, said that his company accepts a minority holding, creates new enterprises rather than buying existing ones, sells out to local interests after recovering its initial investment and tries to develop indigenous savings, personnel and management.

Some of the U.N. panel members expressed regret that Nader had not been present the first day of the hearings to engage in a face-to-face debate with the five executives of American corporations who testified then.

In fact, the executives tended to support most of the ideas on regulation that Nader later endorsed, although they differed with him on enforcement procedures and denied that multinationals commit the kind of sins he charged them with.

Thomas A. Murphy, vice chairman of General Motors, and Irving S. Shapiro, vice chairman of Du Pont, for instance, both supported an equivalent to the General Agreement on Tariffs and Trade (GATT) that would "harmonize" national policies on investment, taxes, pollution control and the like.

The executives insisted, however, that their companies already contributed to economic and technological development and the health and welfare of the countries where they operate.

Osvaldo Sunkel, a distinguished Chilean social scientist, disagreed. "I get scared, really scared," he said, "when I hear such individuals speak of social responsibility. Who has appointed a small group of individuals to decide the fate of so many?"

Sunkel charged that the basic U.N. report "is unable to see the forest for the trees." The forest which he thought deserved more attention was the way multinationals concentrate so much power that they not only change economies but transform social structures and cultures as well. He called the aggregate of multinationals the "dynamic kernel" of a new "transnational capitalistic system."

Sunkel quoted the U.N. report charge that multinationals follow policies which do not suit the interest of either home or host countries and are in effect transnational. He went much further than the report, however, and said these policies are designed to insure the survival and growth of a transnational segment of the world economy.

This segment, he said, is oligopolistic—tending toward concentration in the hands of a few companies.

The few men who determine the policies of this transnational segment may carry national passports, Sunkel added, but they have transnational functions and transnational cultures and ideologies. These were among the forces he saw transforming societies and cultures around the world.

Sunkel claimed that the multinationals keep themselves growing by innovating products and processes regardless of real consumer need and by tapping potential markets in as many host countries as possible. Both home and host countries encourage this, he said, with research and export subsidies, tax concessions and the like to insure their own economic growth.

He questioned the validity of that growth, however, saying that the multinational corporation "is the most efficient instrument so far developed by capitalism to siphon off resources from where they are most urgently needed, but where there are no commercially profitable possibilities, to where they are least necessary, but where the most commercially profitable possibilities exist."

It is the process, he said, "we get new products and processes, but not the capacity to develop new products and processes."

Sunkel said Thursday that the government of the late President Salvador Allende of Chile "may have had many failings and committed many errors, but nobody can deny that it attempted to redress this economic and social structure by fundamentally democratic means."

Allende was unable to get the international help that Sunkel thought his effort deserved, and his experiment ended in "a catastrophic collapse of its economic and political systems," he added.

He drew the conclusion that "it is not possible to try to restructure relations of dependence between underdeveloped countries and the transnational capitalist system in a peaceful way."

The U.N. group is charged with finding just such peaceful ways to restructure a system that now seems weighted against the underdeveloped states. Its members did not all share Sunkel's pessimism. But his testimony was moving because the U.N. study had its origins in charges by Allende that the International Telephone and Telegraph Company had intervened in Chilean politics.

After three days of public hearings and five days of closed meetings here, the group will hold public meetings in Geneva in October and a further session in New York in March. Its 18 members do not represent their nations but serve as individuals. The chairman is L. K. Jha, former Indian ambassador in Washington.

TIMBER EXPORT CONTROLS

Mr. PACKWOOD. Mr. President, earlier this year, I introduced legislation designed to counter developments of recent years by which we have witnessed increasingly large volumes of our Nation's timber resources being exported in unprocessed form.

I have felt for some time that, in instances where we have adequate productive capacity domestically to utilize raw materials, we should not, as a matter of national policy, allow the export of that raw material. This is particularly so in the case of timber, a product which requires years to produce and which benefits—either directly or indirectly—from governmental assistance at all levels of Government.

An article in the October 29 Washington Post very capably points out the conflicts inherent in continuing to allow the unrestricted flow of our Nation's timber resources into export. As the author points out, the prevailing condition of our timber export market and the associated problem of domestic supply "seems to be a race between man's industry and his greed."

As is also pointed out in the article, events have conspired against those of us who have urged that we adopt legislation such as that I introduced earlier this year in the form of the Timber Export Administration Act, S. 1033. But, as sure as we are sitting here today, the severe crunch which contributed to—did not cause, but was simply the proverbial final straw—the activity undertaken earlier this year by myself and several of my colleagues will be repeated at some unknown point in the future. So long as this unresolved anomaly—unrestricted exports of raw materials at a time when domestic producers desperately needed additional supplies of raw material to maintain production at necessary levels to meet domestic demand—remains, the controversy will be ever-present. The very real questions of national policy which are contained in the debate over timber export restrictions have not been resolved, they have merely entered a period of dormancy.

All parties which have an interest in resolving this matter will continue to monitor developments closely. As the occasion warrants, recommendations for action will be forthcoming.

I ask unanimous consent that the article to which I have referred be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOG EXPORTS STIR DEBATE—WASHINGTON STATE: "TREE FARM" FOR JAPAN?

(By Shelby Scates)

PORT TOWNSEND, WASH.—A bull-dozer's roar and the crash of falling hemlock mingled on a recent day with the morning fog and heavy sea-smell on a bluff above Discovery Bay where Capt. George Vancouver came in 1792 in search of a Northern Passage.

Vancouver had sized it up quickly. There was no Northwest Passage, so the explorer turned his attention to the landscape, "the abundant fertility that unassisted nature puts forth, that requires only to be enriched by the industry of man." It was, he wrote, a land worth claiming for Great Britain as a colony.

Now, a near-convoy of flatbed diesel trucks carries the slender, fallen hemlocks to a ship about 25 miles away for the start of a long and controversial journey across the North Pacific to Japan.

What Great Britain failed to retain, the Japanese, say some, are now claiming. An apparently insatiable Japanese demand and a bullish domestic housing market are consuming this abundant national resource almost as fast as industrious men here can enrich it.

Since Vancouver's explorations, the forests of the Pacific Northwest have seemed as inexhaustible as the waters that tumble out of the surrounding Olympic and Cascade mountain ranges.

But good men are now in sharp dispute or deep puzzlement over the effect of intensive tree cutting on the region's, if not the nation's timber supply.

"Every expert I talk with tells me otherwise," said Rogers Morton on a recent Seattle visit. "But every time I fly out over the Northwest I have a fear in my heart that we are overharvesting our timber.

"No. I'm not convinced of the figures—anybody's figures on the supply situation."

Morton talks about it in a tone of exasperation, and there is little wonder. The statistics on timber supply for the next 25 years—the framework for this dispute—are themselves disputed.

"I have to be honest about it," says Gary Reid, the fourth-generation head of the Simpson Timber Co., "I have to acknowledge how few facts we have about this situation."

The bitter edge of this timber supply debate centers on the export of logs to Japan, which increased from 522 million board feet in 1962 to 2.8 billion feet in 1972, running log prices many times over their appraised value and scores of marginal mill operators out of business.

Those 1972 exports, most of them from Washington forests, would build about 300,000 average-sized American homes, but they also pad our balance of payments and keep the Japanese looking eastward for their economic ties rather than to the abundant forests of Siberia.

To the U.S. State Department, those are enormous considerations, a fact they've made known by word of mouth, if not letter, to interested parties here.

CAN'T FILL BUCKETS

Mill workers can't fill their lunch-buckets on Japanese good will, and they are sharply aware that logs passing through their saws create about four times more work days than than raw longs passing through longshoremen on the way to Japan.

"There's no doubt," says Reid, a lean, thoughtful man who would seem as much at home in a college economics seminar, "that some jobs have been lost, even in recent years, because of the log exports."

He supports those exports, nevertheless, and officials of nearly every other major forest products firm do too. Their common reason is the severely cyclical nature of their industry and the hope —so far justified—that when the domestic market is down, the Japanese market is up.

Their affirmation of log exports is based on the faith, however shaky, that we are not cutting ourselves out of trees, even as we are beginning to burn ourselves out of oil, gas, and in the Northwest—electric energy.

That conviction, however, is not shared by the Western Forest Industries Association, whose members are small mill owners dependent on the federal and state lands for their log supply.

RUN AT CAPACITY

"The mills aren't down yet," says Joe McCracken, of Portland the association's director. "They're running at capacity. But one day there won't be a tree left. All we'll have around here is a sea of stumps."

Rep. Lloyd Meeds (D-Wash.), whose district includes the great Douglas fir forests of the Cascades and Olympics, likens it to the present energy crisis:

"Unless we change our ways, we're going to wake up one day almost out of lumber—and the day isn't long coming."

These men want to stop log exports and start funneling money into the National Forest Service so that it can begin growing trees with the expertise and intensity of a Simpson or Weyerhaeuser.

At the other extreme of this argument is the Weyerhaeuser Co., headquartered, like Simpson, in Washington State. Weyerhaeuser is a timber giant with a staggering $1.67 billion in net sales last year.

Weyerhaeuser's spokesman, the Marshal Foch of the costly campaign for continuing log exports is Bernie Orell, a combative vice president who declares there is no way the United States will run out of timber.

"We're staying within a sustained yield," he said, "The Forest Service has been raising that phantom for more than 50 years. Joe McCracken needs controversy to justify his existence. He's made a living attacking Weyerhaeuser."

Behind this polarization are the timber supply estimates, and the latest are from a U.S. Forest Service report last December.

The most hair-raising projection is based on a continuation of saw-wood prices at 1970 levels. It would make the timber demand 20.4 billion board feet greater than the available supply by the year 2000—clearly a "timber crisis" to match the looming energy shortage.

But even the man who prepared this projection, Don Gedney, a resource analyst for the Forest Service office in Portland, admits it's "unreal" not to expect an increase in those prices.

Given a 50 per cent to 60 per cent price increase, the out look for the year 2000 is for 6.9 billion board feet in available supply over the timber demand.

The gross statistics of timber supply strongly indicate too much consumption. In 1970, the total of all softwood removals in this country was 47.7 billion board feet, while net annual growth was 40.2 billion board feet.

But these forest service figures for "annual growth" do not include timbers of less than 11 inches in diameter—a considerable portion of the timber harvest in the Southern United States.

What they do reflect is a heavy harvest of old-growth timber, timber past its 30-year to 70-year maturity.

Old growth, by all accounts, is falling fast in the Northwest, but it's of no matter, say the Weyerhaeuser experts, as long as timber is being grown to replace it on a sustained basis.

"My feeling is, yes, we can avoid a timber supply shortage and toss in exports, if there's adequate tree farming on the state and national forest lands," said Dr. Bruce Bare of the University of Washington's School of Forestry.

"But we have to be very careful about keeping the proper balance between the old growth and the sustained yield, or we could wind up with a big timber supply gap."

That gap would occur, for example, if all of the old growth were harvested in a single year, leaving the nation dependent strictly on the timber from new or sustained yield forests. It's not likely to happen.

"The next 25 years will be extremely fascinating," said Gedney. "The old growth will go and the nation will depend on sustained yield.

"I'm not going to argue with Bernie's (Orell) flat prediction that we won't have a serious timber shortage. Frankly, nobody has an absolute handle on the data that goes into these projections.

"My honest opinion is that the truth lies somewhere between Bernie and myself."

But Gedney is certain in one assertion:

"We're not going to have all the wood we want at present prices. There is going to be less wood available to us."

Of more immediate and passionate concern in the Northwest is the effect of this transition and the log exports on jobs.

"I know Weyerhaeuser owns all that timber in Washington state (about 2 million acres)," said Hugh Bannister of the Western Pulp and Paper Workers Union, "but to some extent it also belongs to the people of Washington.

"They deserve to have jobs made out of it. We've seen Weyerhaeuser move its plants to British Columbia and the South. If Washington becomes a tree farm, Weyerhaeuser makes a lot of profit. But when it does that, a lot of people are going down the tube."

The Forest Service employment figures back up Bannister's contention.

With the anticipated increase in mill productivity and the decreasing log supply, the Forest Service figures the number of jobs in lumber, paper and woods products will decline from 121,000 in 1970 to 67,000 in the year 2,000. During the same period, Gedney says jobs stemming from log exports will increase from 1,822 to 2,626.

Gedney attributes about 32,000 of these mill job losses to increased productivity, about 11,000 to decreased timber supply and 7,000 to Japanese exports.

His projections are based on the assumption that the Japanese will increase their demand for logs from the Washington "tree farm."

WOULD SAVE JOBS

"Of course," he noted, "if you ban the exports, you increase the timber supply, so that more than the 7,000 jobs would be saved."

As much as anything, these Forest Service figures set off last summer a battle in the Congress. The main aim was to stop log exports, and the Home building lobby joined McCracken's small mill owners.

Weyerhaeuser rushed full-force to head them off in the House and Senate committee rooms, and won eventualy on skill and strength.

Weyerhaeuser is the General Motors of the timber companies, the leader in the substance, if not the style, of its industry.

Its rape-and-run forest practices are as far behind it as the crosscut saw and double-bit ax.

George Weyerhaeuser, like Reid a fourth generation chairman, is a progressive who sometimes exchanges views with Brock Evans, the Sierra Club lobbyist in Washington, D.C.

"If all the forests were managed like Weyerhaeuser's there be no worry about the timber supply situation," said McCracken. "They are the best."

"George is very smart—and very aggressive," says Gary Reid. "I wouldn't want to cross him."

What giant Weyerhaeuser Corporation wants it usually gets. Two years ago, it wanted a fundamental change in the way Washington State taxes its timber and got its way.

Weyerhaeuser wants to export logs for a reason that is implicit in its 1972 annual report: Log exporting is big, easy, money.

Japanese demand last year resulted in Weyerhaeuser's sale of $250.5 million worth of logs, the heart of a record-high operating cash flow of $301 million. (By contrast, the cash flow of another well-known Northwest timber company was $10 million. It doesn't export, however.)

REGENERATION CAPITAL

The company is quick to note that this cash flow provided the capital for maximum utilization of the logs and regeneration of their millions of acres of forests.

It also financed completion of a containerboard plant in Oklahoma, where labor is cheap, and a pulp mill in Kamloops, B.C. As union leaders are quick to note, this is an erosion of the industrial base in the Northwest.

But, the company's managers and bookkeepers argue that it would not be profitable for the firm (or any other) to retool with finer cutting saws needed to process the odd sized lumber consumed in the Japanese market.

Besides, they argue without blinking an eye at the irony that the Japanese want to protect their sawmill industry.

Nor would it be profitable, they say, to expand newsprint facilities, despite the current shortage.

Something else, however, makes log exports all the sweeter for Weyerhaeuser and other companies. It is the 50 per cent tax break on corporate profits a firm can get by setting up a Domestic International Sales Corporation.

The idea, of course, is to beef up U.S. balance of payments, one of the international considerations that play in this controversy along with the lunch-bucket and the value of timber company stock.

When Sen. Robert Packwood, (R-Ore.,) presented his bill restricting log exports and banning them from federally owned land, Weyerhaeuser went to war. A House bill by Rep. Meeds to limit the annual export to 1.5 billion board feet and to require equal value in the export of finished forest products provided an additional spur.

A kind of war between the lobbyists mercenaries of Weyerhaeuser, led by Orell, and the small mill owners, led by McCracken, ensued in the corridors and committee rooms of the Old Senate Office Building where John Dean, John Ehrlichman and H. R. Haldeman played to millions before the Senate Watergate Committee.

BILL SLIPPED AROUND

Anti-export forces struck first. Helped by McCracken and their Washington lobbyist Joe Miller, Packwood slipped his bill around the powerful committee chairmen from Washington state, where Weyerhaeuser's political influence is mighty, and into the Senate Banking Committee where Packwood sits.

That meant avoiding the Charybdis of Jackson's Interior Committee, and the Scylla of Magnuson's Commerce Committee—a very tidy trick for a bill so heavily tied to commerce and federal lands.

Both Magnuson and Jackson are Democrats. Weyerhaeuser's relationship with Republican Gov. Dan Evans is no less comfortable.

Orell's counterattack pinned its hopes on stalling the bill until a projected late summer drop in housing starts could cool the enthusiasm and the muscle of the home builders, McCracken's allies of expediency.

Weyerhaeuser moved fast, hiring Hugh Smith, an attorney associated politically with Sen. John Sparkman (D-Ala.), a ranking member of the Banking Committee.

They also retained Charls Walker, a former Assistant Secretary of the Treasury, and a one-time (1961–69) executive vice president of the American Bankers Association, which has paid long and careful court to the Banking Committee.

Orell hotly denies Walker was hired strictly to gun down the Packwood bill, but he did recollect that the former Nixon administration official "did some work" on the measure. Others say Walker did a lot.

The battle turned, however, on Sen. Hubert Humphrey's agreement to have a hearing on the bill before his foreign agricultural policy subcommittee—but not until July 11.

Larry Merthan, the Washington vice president of Hill and Knowlton public relations firm and a former legislative aide to Humphrey's fellow Minnesotan, Sen. Gene McCarthy, made the pitch to Humphrey for the July 11 hearing, according to Miller.

It worked. By July 11, housing starts had dropped and the Home Builders were quietly withdrawing from the warfare.

"We don't view Hill and Knowlton as a lobbying organization," said Orell of the public relations firm, which Weyerhaeuser, like several other giant firms with critical business on Capitol Hill, has on retainer.

"If we could have gotten it to the (Senate) floor before July 1, it would have passed," said Miller. "But after the drop in housing starts too many people had an excuse to vote against it. There wasn't any point in bringing it to the floor after that."

SEES FIGHT DOOMED

McCracken agrees. He thinks the coalition Weyerhaeuser worked out with the export-conscious farm bloc during their battle dooms any fight in the immediate future to get a total ban on log exports.

There is a ban on exports of logs cut on federal lands. Significantly, it's placed in the annual omnibus farm bill and subject to year-to-year renewal.

But it is a questionable prohibition, given the Forest Service's limited funds for tracing the ultimate fate of the logs they sell. They could, for instance, be traded several times before reaching a Japanese logship. More likely, they could replace at the sawmill the privately owned timber that's being exported.

There is a common ground among all these lobbyists. At least they pay lip-service to the idea that more money is needed by the Forest Service to apply to regeneration of the forests, if not for police work.

"That is the real key to the timber supply question," said Reid. "It's regeneration—how much land we are able to keep in timber production and how well we use that land.

"I hate to see the old forest go. But if we can get new trees in their place, there'll be more profit—and no shortage of timber."

As Vancouver suggested, it seems to be a race between man's industry and his greed.

THE GENOCIDE CONVENTION: TIME FOR THE UNITED STATES TO REAFFIRM HER COMMITMENT TO HUMANITARIAN PRINCIPLES

Mr. PROXMIRE. Mr. President, the time has come for America to reaffirm her commitment to humanitarian principles and to stand by those international treaties which serve to protect basic human rights. One treaty which the United States should immediately endorse is the International Treaty for the Prevention and Punishment of Genocide.

Genocide has been defined as any act designed to destroy a national, ethnic, racial or religious group. Member nations who are parties to the convention agree to punish any person committing an act of genocide, committing an act inciting genocide or engaging in complicity to commit genocide.

The convention also makes provision for the punishment of any person, be he public official or private citizen, who commits an act of genocide. The convention intends for each member country to bring to trial individuals who have committed acts of genocide within their territory. It does not establish a world court, as some have maintained. It does allow for an international penal tribunal, whose jurisdiction has been accepted by the involved parties, to examine cases of genocide. Such a court would not, however, supersede the authorized courts of any nation.

From this brief survey of the basic points of the Genocide Convention it is clear that it would be in the best interest of the United States for us to ratify this human rights document. We must go on record as completely opposed to the monstrous crime of genocide.

INDIANA SMALL BUSINESS OFFICE HONORED

Mr. HARTKE. Mr. President, it is with great pleasure that I offer my congratulations to the director and staff of the Indiana office of the Small Business Administration. Under the able direction of William F. Miller, the Indiana office was named "District Office of the Year" for 1973, by the U.S. Small Business Administration. The annual award is presented to the office which is considered the top office nationwide.

I am especially proud, because this marks the first time that any office in the midwestern region has won the top national award.

Mr. Miller, noted for his efficiency, said that all credit "belongs to the employees of my district office." Their slogan is "Public servants should serve," and in winning this honor they have finally been recognized for their service. I wish that more Government agencies would adopt this motto and follow it as faithfully as Mr. Miller and his staff.

AMERICAN DENTAL HYGIENISTS CELEBRATE GOLDEN ANNIVERSARY

Mr. PACKWOOD. Mr. President, I would like to call the attention of my colleagues to the 50th anniversary of the American Dental Hygienists' Association, being celebrated this month at their annual meeting in Houston. Some 2,000 dental hygienists from across the United States will gather to commemorate the association's golden anniversary, marking 50 years of professional growth and service to the Nation.

The American Dental Hygienists' Association, now some 12,000 members strong, has grown from the original nucleus of 46 dental hygienists who first met in September 1923, to organize and promote the professional concerns of dental hygiene. Since that first meeting, the profession has attained a significant role in maintaining the oral health of the Nation, as well as assumed the basic responsibilities fundamental to every professional organization.

The ADHA, whose headquarters were established first in Washington, D.C., and moved to Chicago in 1958, has fostered organizational growth and dental hygiene educational programs toward the primary goal of providing effective oral hygiene care and education to the Nation. In doing so, the association has developed on various levels: producing its own publications and maintaining working relations with the communications media; sponsoring a loan and scholarship program for students, along with an Office of Educational Services—the ADHA currently counts some 8,100 junior members—student status—among its members; and establishing a Washington office in 1971 to maintain liaison with Federal health programs and monitor legislative concerns.

The association's efforts to affect developing dental hygiene curriculums in educational institutions have resulted in more than 140 dental hygiene education programs being accredited today, with all States having licensed dental hygienists since 1951.

Working with other dental and health-related organizations, such as the American Dental Association, the American Association of Dental Examiners, and the American Dental Assistants' Association, the ADHA has developed various testing procedures and a national board examination in dental hygiene to strengthen the role of the dental hygienist as a member of the professional oral health care team and insure the highest standards of education and training.

The benefits of the dental hygiene profession's efforts have been multiplied by the increased productivity of dentists, who are assisted by specially qualified dental hygienists assuming the responsibility of educating patients in preventive oral health practices. The concept of preventive dentistry is not a new one. Dentists have long advocated and taught proper methods of cleaning and caring for teeth and gums, but the idea of turning over to a dental assistant the primary responsibility for oral hygiene maintenance and instruction was not formalized until the early 1900's.

The dental hygienist of today is engaged in much more than the polishing and cleaning of teeth, although this remains one of the primary functions. With additional training beyond the minimum 2 years required for licensure, many dental hygienists are expanding their functions to include administration of anesthesia and such periodontal disease treatments as curettage, and root-planning—all performed under the supervision of a dentist.

Oral health education to the public continues to be a major concern of the profession, and one of the special efforts in this area is the association's annual participation in the observance of National Children's Dental Health Week, usually occurring in February. Dental hygienists are involved as well in community public health activities year-round to promote better oral hygiene and teach preventive dental care techniques.

One cannot fail to see the evidence of the dental hygiene profession's continuing efforts to improve oral health care delivery and education. While the profession has achieved a significant level of identity on the dental health team, dental hygienists are by no means relaxing their efforts to make the public more aware of their specialized function. They continue to be involved with dental health concerns at all levels—local, State, national—and to strive to better serve the Nation's oral health needs.

It is with great pleasure that I bring to the attention of all Senators, and join with the ADHA and dental hygienists all across the Nation in marking this golden anniversary of professional service. I applaud your efforts to promote good oral health as an integral component of total physical well-being.

NEW ATTORNEY GENERAL AND VICE PRESIDENT SHOULD BE QUESTIONED ON PRESIDENT'S SUBORDINATION TO LAW

Mr. PROXMIRE. Mr. President, does the President have the power to terminate by executive fiat a criminal investigation or a prosecution involving himself? If the President commits a crime—and I want to stress the if part of this question—while in office, is he in effect immune from prosecution, because as Chief Executive he has the inherent power to control everything done within the executive branch?

If a court proceeded with a criminal trial of an incumbent President and he was found guilty, would the President have the power to pardon himself?

If a President resigned his office while under investigation, would his successor have the power to terminate the investigation? Would he do so?

Events are moving so swiftly, with scandals and hints of new scandals involving the White House tumbling over one another, that it is difficult and not pleasant to look ahead and try to anticipate new problems. But it is important that we do just that. Congress is now considering the nomination of a new Vice President and it is likely to be considering nominations of a new Attorney General and possibly a new special prosecutor for the Watergate affair in the near future.

On October 5, Robert H. Bork, as Solicitor General, filed a memorandum of law in response to the Vice President's court motion asserting immunity from criminal prosecution unless he was first impeached and removed from office. The Solicitor General properly opposed this motion, but in arguing that the Vice President does not have such immunity he advanced the dubious proposition that the President does.

Mr. Bork stated in his memorandum of law:

> The Framers could not have contemplated prosecution of an incumbent President because they vested in him complete power over the execution of the laws, which includes, of course, the power to control prosecutions. And they gave him "Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment," a power that is consistent only with the conclusion that the President must be removed by impeachment and so deprived of the power to pardon, before criminal process can be instituted against him.

The implication of Mr. Bork's position, if I interpret it correctly, is that the President is immune from prosecution unless impeached and removed from office, because he has "the power to control prosecutions" and he also has the power to grant reprieves and pardons. Therefore, the President could simply shut down a prosecution directed against himself, or if he failed to do so and he was prosecuted and convicted of a crime, pardon himself.

In my judgment, this argument is nonsense. It places the President above the law, so long as he is President, and reads into the Constitution something that is not there.

Mr. Bork, of course, is now the Acting Attorney General and he is in the process of selecting a new special prosecutor to replace the one he fired on orders of the President.

I strongly urge the Senate Judiciary Committee to raise the questions I have posed at the appropriate times, when confirmation is sought for a new Attorney General or a new special prosecutor. I would also hope that similar questions would be put to the Vice President-designate when he testifies in his confirmation hearings. It is important to know at the outset, before Congress votes on his nomination, whether the man who might some day succeed to the Presidency adheres to Mr. Bork's view about Presidential immunity from criminal prosecution.

This line of reasoning would give to the President, in effect, a license to engage in criminal activities. He would have the assurance that he could stop any investigation or prosecution of himself so long as he was in office. The Justice Department would be barred from taking action even if the evidence that crimes were committed was overwhelming.

Members of Congress do not have such immunity, judges do not have such immunity, Cabinet members do not have such immunity, the Vice President does not have such immunity, and I do not believe it was ever intended that the President have such immunity.

I. F. Stone, with his usual perception and insight, explored some of these questions in an article printed in the November 1, 1973, issue of the New York Review of Books. I ask unanimous consent to print Mr. Stone's article in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Agnew's Successor: What Nixon Fears

(By I. F. Stone)

Washington.—Before Congress approves Agnew's successor, it ought to find out what commitments he may have made to protect Mr. Nixon from the law when the latter leaves office.

Everybody has been asking whether, in choosing a successor, Mr. Nixon would be swayed by the good of the country or the good of the Republican party. An altogether different consideration may outweigh either, and that is the good of Richard Nixon as the central figure in several ongoing criminal investigations, among them Watergate, the Ellsberg break-in, and the ITT affair.

The good of the country called for a caretaker nomination of unimpeachable character—how that phrase has changed overnight from a cliché to a painful need! The good of the Republican party called for an appointee who could be built up into a winning candidate by 1976. But Mr. Nixon's own interest is in a successor he can count on to use all the powers of the Presidency to protect him in any litigation or prosecution after Nixon leaves office. To put it plainly, Mr. Nixon needs to make sure that his successor will not treat him as he treated Agnew—as expendable.

There are at least three spheres in which the presidential powers of his successor can be exercised to Mr. Nixon's benefit. One is that of the tapes.

Let us suppose that the Supreme Court eventually upholds the subpoenas of Special Prosecutor Cox or the Ervin Committee, or both, and that Mr. Nixon refuses to hand the tapes over on the excuse that the decision is not "definitive," a word for which the Chief Executive refuses to supply a "definitive" definition.

These tapes are the property not of Mr. Nixon personally but of the White House. Their confidentiality, if any, is a function of the office and not of the man. When he leaves the White House, will his successor keep the tapes in custody or turn them over?

Mr. Nixon can decline to hand over the tapes even on trial by impeachment. Should he be removed by impeachment or resign or serve out his term he might still be prosecuted afterward for conspiracy to obstruct justice or for some other crime. Such prosecution might be facilitated if his successor decided that the Supreme Court had to be obeyed, and handed over the tapes.

The two other areas in which the new appointee could protect Mr. Nixon when he leaves office lie in the President's power as the country's chief law-enforcement officer and in his power of pardon. The former includes his control not only over the Department of Justice but also over the Internal Revenue Service. The latter is important because of the unexplained questions about Mr. Nixon's income taxes and the public funds expended on his private homes.

Mr. Nixon's view of these extensive powers can only be described as crass. This has just come to light in the Memorandum of Law which his solicitor general filed on October 5 with Judge Hoffman. This disputed the Vice President's claim that his office gave him constitutional immunity from prosecution for any crime unless first impeached and removed from office. Agnew's claim in this was exactly the same as Nixon's. The solicitor general had to walk the tight rope of rebutting the Vice President's argument without impairing the President's.

This called for quite a feat. There is nothing in the Constitution or in the debates of the Framers and of the ratifying Conventions that draws any distinction whatsoever between the two offices in this respect or indeed between the President's position and that of any other civil officer, including federal judges, several of whom have been convicted of crimes without first being impeached. The solicitor general did not cite a single specific authority for any such distinction.

What the solicitor general had to fall back upon can only be described as a naked cynicism. This finally appears as the culmination of a tortuous and tortured argument on page 20 of the twenty-three-page memorandum. Here is what it says:

"The Framers could not have contemplated prosecution of an incumbent President because they vested in him complete power over the execution of the laws, which includes, of course, the power to control prosecutions. And they gave him "Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment," a power that is consistent only with the conclusion that the President must be removed by impeachment and so deprived of the power to pardon, before criminal process can be instituted against him. A Vice President, of course, has no power either to control prosecutions or to grant pardons."

What this says, in other words, is that it is impossible in practice to prosecute a President for any crime he commits in office because he controls the prosecuting agency, the Department of Justice, and even if convicted could pardon himself. This fits the Nixonian jurisprudence perfectly, but it misreads the letter and the spirit of the Constitution.

Article II, section 1, does not simply give the President "power to control prosecutions." What it says is that "he [the President] shall take care that the laws be *faithfully* executed" (our italics). To use his power to prevent prosecution when he himself was accused would hardly be the *faithful* execution of the laws. Nor was "Power to grant Reprieves and Pardons" ever intended to be used by some future Chief Executive to pardon himself.

Three pages earlier the Memorandum of Law, in spelling out the awesome array of powers wielded by the President, included those of the commander in chief. The solicitor general might just as well have argued that it was impossible to remove a President even by impeachment since he could, if he chose, use his military force to dissolve Congress as Cromwell did Parliament, and rule by decree.

The solicitor general was talking not law but power; he was expounding Machiavelli not Madison. The only difference between the President and the Vice President in this respect is that the former, *if he chooses to be unscrupulous*, can get away with it. Get away with it, that is, as long as he remains in office and as long as he is firmly supported by his successor. This dictates a choice Nixon can not only control but hope to elect in 1976.

A President whose solicitor general bases his immunity from prosecution on doctrine so repugnant to constitutional government is a President who seems to be afraid of facing the normal processes of trial, as Agnew was when he resigned. Such a man in the White House must strive to be certain his successor will protect him when he leaves office, or at least stand by to pardon him if convicted. Governor Connally has already tried to qualify for the succession in a statement on September 10 launching a national speaking tour. He then declared even more baldly than Nixon that a President has the right to disobey the Supreme Court in such cases as that of the Watergate tapes.

It is the duty of Congress to question Nixon's nominee about whether he has discussed these contingencies with Nixon and to explore the questions raised by Connally's statement. Otherwise the new appoinment may itself be another—and major—step in a continuing conspiracy to obstruct justice and to found a new line of presidents who like Nixon may feel free to place themselves above the law.

ADDRESS BY GEN. CREIGHTON W. ABRAMS

Mr. GOLDWATER. Mr. President, the Chief of Staff of the U.S. Army, Gen.

Creighton W. Abrams, spoke at the annual luncheon of the Association of the U.S. Army on Tuesday, October the 16. General Abrams is one of the most perceptive men we have in uniform whose long, broad experience makes it possible for him to speak on subjects which are of interest to the whole country. I found his discussion so vital and so to the point and so interesting that I want to make it available to my colleagues. Therefore, I ask unanimous consent that the general's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AMENITIES

It is a pleasure for me to be here, among so many friends and thoughtful critics of our Army. It is a rare opportunity indeed, for me—or for any officer in the United States Army—to be able to talk directly with so many of our Nation's business, civic and military leaders. And since you are the Army's most valuable friends—as much for your wise counsel as for your staunch support—I appreciate this chance to tell you how I see the Army today, and how it fits into the world picture.

The environment today is a difficult one for the country's security. The word "detente," which for some people evidently colors everything rose and turns their perceptions away from even obvious threat, has gained some currency.

"Detente" is expressed by some as a fact;

It is applauded by others as a policy;

It is saluted by still others as a new era;

And it provides the basis—at least the semantic basis—for some who would reduce military capabilities to what I believe would be a dangerous level, some who desire that we withdraw out of hand large numbers of troops deployed in Europe against very real and very capable opposing forces, and whose philosophies discourage young men and women from serving their country in its Armed Forces.

I think it's fair to say that we may have a period of the beginnings of detente—but we do not have world peace. For some people, the fact that we, ourselves, are not at war may be peace enough. But unless we can lessen the threat of war everywhere in the world, we cannot have a stable, durable peace on which we can depend. Detente means only that the tension between countries in the world may in some way have decreased. This is a matter of quality and degree.

Detente is also an idea, a perception of intentions among countries. As such, it is not an objective fact. It can change as quickly as perceptions change. But we must deal in facts—in the reality of power, of capability, of strength—when we are addressing the Nation's security. We should not cast off the dream of peace—God help us if we lose that vision. We should not ignore the hope that possible detente offers, and all the benefits it could bring. But neither should we lose sight of the real threats and the real dangers where they exist, and of our need to be prepared for them.

Our country can seek to reduce certain kinds of tension with other countries by various actions and efforts—diplomatic, economic, psychological, cultural, and so on—and it can seek to reduce these tensions by varying amounts. But an underlying assumption of detente is that the nations concerned can reach some agreement on how tensions will be reduced and by how much. What happens if a nation or group of nations is threatened and satisfactory agreements cannot be reached gets little attention in the enthusiasm of some for the perceived initial success of detente.

We have made progress in strengthening diplomatic communication with other countries which might have been considered potential enemies. We have increased cooperation and trade with them, as the result of diplomatic agreements. On their own fairly restrictive terms, the countries behind the Iron and Bamboo Curtains have become somewhat more open to us, though of course not nearly as open as our country always has been—so we're not exactly at parity on cooperation and openness.

We do not, however, have world peace. We do not have peace in any Utopian sense. Nor do we have peace in the down-to-earth sense of a greatly lessened need for our own military forces. What we find instead is that as our involvement in the war in Southeast Asia diminished, we cut back our forces, brought troops home, terminated the draft, and otherwise reduced our strength. Today, less than a year after the last U.S. ground combat forces were brought home from Southeast Asia, our Army is less than half the size it was at the peak of our effort there. We are many divisions smaller, and we have fewer weapons and less equipment. These are the facts and realities of our capability in this period of detente.

It is also interesting to observe that we are the only major power to have reduced our forces in Europe in the past decade. The Warsaw Pact nations, and the Soviet Union itself, have not reduced their forces. The fact is, in past years, the Warsaw Pact forces have grown steadily and at a rather impressive rate. On the other side of the world, I am not aware of any reduction in the size or effectiveness of the armed forces of the People's Republic of China, as trade and diplomacy continue. Their forces have become steadily larger and more capable, though in some ways their strength is harder to measure. Again, possible detente—but not assured peace. And again, the delicate balance of hope and reality.

In my period of service, which includes the span of three wars, I can tell you that I don't need or want any more war—but then I could have made the same statement a month after I arrived in Europe in 1944. Nobody in his right mind welcomes war, especially those who have seen it. The carnage, the destruction, the pain are beyond telling. But the less prepared we are, the more wishful our thinking, the greater the costs of war when it comes. I came into the Army in 1936.

We were a horseback and rifle Army in a country that was still largely convinced that we couldn't have another World War. The idea that we had ended the possibility of war at Versailles blinded many of us to reality. We had heard that there was a German Army, and that they had been building and maneuvering with tanks, and that the Luftwaffe was flying fighter aircraft far more capable than our Air Corps', but we ignored the facts in our desire for peace—until we were forced into action. And you know what happened. We did not prepare. When we could no longer avoid it, we got thrown into a huge war in Europe, unready, ill-trained in many respects, saved only by distance and the time our Allies' efforts bought for us. In the Pacific, we relentlessly avoided Japan's clear warnings of her capability, and even of her intent. We have Pearl Harbor and Bataan to remember for our complacent outlook. The cost was dreadful. In Europe, in Africa, in the Pacific we paid and paid and paid again—in lives and in blood—for our unpreparedness, for our insistence that because our shores were not under direct explosive attack, we were at peace.

When the war ended, we erased history again. We pretended that guaranteed peace was at hand. We were so anxious to achieve the dream of peace that we closed our eyes to the facts of capability, to the reality of threat. We cut back our Armed Forces to nearly nothing, and allowed our strength to dissipate. The United Nations had made war obsolete, some were convinced.

When the Korean War broke out, the situation was not much different than it had been in the opening days of the Second World War. We were not prepared. We were not adequately trained. We were not equipped. But we entered the war rapidly, throwing half-ready units in to buy time for the Army to get ready. And again, we paid dearly for our unpreparedness during those early days in Korea with our most precious currency: the lives of young men. The monuments we raised to their heroism and sacrifice are really surrogates for the monuments we owe ourselves for our blindness to reality, for our indifference to real threats to our security for our determination to deal in intentions and perceptions, and for our unsubstantiated wishful thinking about how war could not come.

These costs of our unreadiness, in just the years I have been in the Army—in the span of just one man's career—can be charged off to the desire for peace, the hope for detente, the faith in the good intentions of those who later became our enemies. The desire, the hope and the faith were accompanied by an unwillingness to face the facts, to grasp the reality of enemy capabilities, and a reluctance to invest the far lesser price for the preparedness, strength and clear resolve it would take to preserve that peace.

Here we are again.

The end of our involvement in Southeast Asia puts us back into a familiar frame of mind: "Ignore the threat, and it will go away"; "We can avoid war, if only we will stop arming ourselves for war"; "Nothing is worth the cost of another war."

In this period of possible detente—not real peace, but possible detente—we are opposed by formidable strength. We face, at various places around the world, strong and capable adversaries, becoming stronger all the time.

These are facts. As our relations throughout the world improve, we should consider that we have more and more to gain by preventing another war, and the only way I know how to do that, the only way that has worked in the past, is by maintaining our own strength, our own capability and our own resolve to defend our security, our freedom, and those of our Allies.

A credible and effective fighting force is not wasted if it is not actually called upon to fight. In fact, fighting may be interpreted as a failure of deterrence. Again and again in recent history, the fact that one nation had a credible force in being and the apparent will to employ that force against another were sufficient for that nation to protect its interests or obtain its goals without war. Our past enemies knew this, and gained great silent victories by forcing alliances, imposing neutrality, creating satellites—often by mere threat of force alone. The nations that were not prepared to fight, or which had advertised that they would not fight, did in fact avoid the fight—but they did so by gross accommodation, sometimes at the sacrifice of their freedom.

And so for the Army today, this means we must be ready, prepared to stand for the country. We must have effective, potent and credible strength to defend the Nation's security and its freedom. Insuring that the Army is prepared is my most fundamental duty and is the Army's primary mission at all times. It is the Army's mission today.

If the Army is to be prepared to meet the challenges it faces, it must consider not only the spirit of possible detente, but also the very real capabilities of potential enemies. If the arrangements of possible detente mean that forces on one or both sides can be reduced, thereby lessening the fact of mutual threat, so much the better. With an actual reduced threat comes the increased chance for the real peace we all desire. But to arbitrarily reduce our own capability—either intentionally or through unwillingness to invest in preparedness—because we think we know a potential adversary's intentions, is the kind of head-in-the-sand posture that has cost this country so dearly so many times in the past.

For the Army to be prepared, we must, of course, have good people. We must have good leadership and a lean and effective fighting structure. We must have a high state of training and discipline, and the right kind of weapons and equipment—we must have all these things. There is something beyond these factors, however, beyond the countable, measurable indicators of preparedness. The intangible is spirit. A "ready" spirit is a precious commodity: in the individual soldier, it shows up in increased alertness, in a willingness to try harder; in a small unit, it brings improved coordination, teamwork and discipline; in the Army as a whole, it gives credibility to our strength. By our credible strength we assure our friends and deter our enemies in the interests of peace. So naturally we do everything we can to foster and develop this spirit.

We hold and nurture and support this precious spirit everywhere in the Army, and we anxiously look for it elsewhere in the country. For this spirit of readiness cannot be sustained by the Army alone.

It must have its roots in the rest of the country, or it cannot survive. There must be clear evidence throughout the country that we, as a Nation, are prepared, that we have the spirit and will to do what is necessary to defend the country, and to insure its well-being. We must hear the people express their determination to support the efforts of their Army to meet the needs of the country, and to avoid the terrible costs of being prepared too late or not at all. The spirit of preparedness must resound so that any potential enemy can discern it, and can see that he can set out on no cheap adventures at our expense.

Our country can avoid war only by showing clearly that, while anxious to avoid war, it is willing and able to fight, if necessary; that within this Nation abides the will to fight for its security and its interests. We must be able to demonstrate that we are prepared to defend ourselves and what we stand for, that we will fully honor our commitments, and that we will stand up to any enemies.

We cannot do this from the reclining position. We cannot say, "If you start something with us, we will spring to arms," for there will be too little time to begin to get ready. We must be far more committed, far more dedicated, far more prepared than that.

Each time we have faced major war unprepared, we have barely gotten ready in time. In World War II it was months before we could act; in Korea it was weeks. In future wars, we will have only days to get ready. The costs of our being unprepared in the past have been atrocious. The Army is doing everything in its power to see to it that we do not have to pay that exorbitant price in lives and treasure again. With your support, we should not have to pay that price again.

I have faith in this country, and in its people. And of course, I have faith in our Army. We have met challenge upon challenge, at home and overseas, in ways that only a Nation of great spirit could have met them. We can continue to meet these challenges if we are prepared for them, if we have the will to face them resolutely before they overtake us.

If we set ourselves to the task of preparing for war if it comes, of being ready to meet the challenge of war before it is upon us, we shall be achieving the real peace that men everywhere can understand, and that nations everywhere can respect.

PROPOSED OFFICE OF SPECIAL PROSECUTOR

Mr. STEVENSON. Mr. President, I am pleased that 10 Senators have cosponsored the legislation I introduced last Tuesday to provide a firm statutory basis for the Office of Special Prosecutor.

Nothing more convincingly demonstrates the need for immediate enactment of that legislation than certain remarks made by Gen. Alexander Haig and Prof. Charles Alan Wright on October 23, the very day on which Professor Wright had earlier advised Judge Sirica that the President would comply with the final, binding order issued by the court of appeals.

After leaving Judge Sirica's courtroom, but before arriving at the White House Briefing Room for the press conference, Professor Wright told the press that this President does not defy the law. The ensuing press conference sheds considerable light on the attitude of the President and his closest advisers toward the law. General Haig on two specific occasions during the press conference stated that the Stennis compromise constituted a "single exception" to the President's absolute policy of suppressing Presidential papers. There was no indication whatever that the President was prepared to comply with subsequent court orders.

General Haig also addressed himself to Mr. Cox's insistence on access to the court to secure Presidential papers that Mr. Cox considered relevant to his investigation. General Haig commented that Professor Cox's position "did not represent the kind of cooperative effort we hoped to receive from him." Referring to President Nixon's order that Mr. Cox cease further efforts to secure evidence through the established processes of law, General Haig noted that almost all Americans would agree that under those circumstances the President had "to fire the individual in the executive branch who refused to obey a legitimate order".

Why did the President decide to comply with the one order already entered? Both General Haig and Professor Wright make it clear that the reason was not because that was what the law required, but rather because public opinion had been turned against the President through a series of distortions.

Under these circumstances, Professor Wright's assertion that this President does not defy the law should be modified. It would, in my judgment, be more accurate to say that this President does not defy the law when the Attorney General, the Deputy Attorney General, and the special prosecutor leave the Government in protest over an attempted defiance of law, the public expresses its outrage in the strongest terms, and the White House Republican leaders inform the President that he cannot count on their further support if he persists in his defiance.

Mr. President, I ask unanimous consent that the full text of the Haig-Wright press conference be printed in the Record.

There being no objection, the text of the press conference was ordered to be printed in the Record, as follows:

PRESS CONFERENCE OF ALEXANDER M. HAIG, JR., ASSISTANT TO THE PRESIDENT, AND PROF. CHARLES ALAN WRIGHT

Mr. Ziegler. Ladies and gentlemen, in light of today's events, I thought it would be worthwhile to have Professor Charles Wright, who has been consulting with the White House Counsel's Office, to come before you today to make some remarks and take some of your questions, and also the Assistant to the President, Al Haig, who has participated in the events of the past week, together with other members of the White House staff.

First, before we go to their remarks and give them an opportunity to answer some of your questions, I would like to announce that tomorrow night at 9:00 p.m., Eastern Time, President Nixon will address the Nation on the recent events, including today's decision. The President's address will be carried on live television and radio.

I think we will begin with General Haig, who can outline for you, first of all, some of the events of the past week that led to this decision, and then Professor Wright can discuss some of the matters relating to the court procedures and then we can go to questions for a while. General Haig.

General Haig. Ladies and gentlemen, what I thought I would try to do this afternoon is try to put some perspective on what one journalist has referred to as the fire storm, and try, to the degree I can, to present to you and the American people some of the considerations that led up to the events of this past weekend and culminated in today's Presidential decision, and in doing that I think it is quite important that we go back in time a bit to a period of the weekend before last.

It was at this juncture that the President, after very careful consideration and full consultation with his advisors, especially those on his legal staff, determined that he would make a herculean effort to resolve what had become a highly profiled and extremely controversial issue; that is, the issue surrounding the data and the information contained on the Presidential tapes of conversations which took place with various individuals in the President's office here in the White House and in the Executive Office Building.

Now, there were two factors that led the President to conclude that the time had come to resolve this very, very controversial issue. One of them involved the domestic scene itself, and the storm of controversy that raged around this issue.

I don't think it requires a blueprint for this group here to emphasize that the issue itself had progressively begun to polarize our body politic. Lines were clearly being drawn both within the Congress, within the media, and I think to a large extent within the viewpoint of the American people themselves.

There were such tales being bandied about that the recent nomination of a new Vice President would be held hostage to a Supreme Court decision on the tapes issue, and they wanted the President to defy the court, and we would move with an impeachment against the President, and with no Vice President there would be a turnover of the Government to a party which did not win November's election.

These kinds of considerations, and the realization on our part here that the period of time between the decision of the appellate court and the adjudication of this issue by the Supreme Court would result in even more intense political line-drawing, more intense disunity and more intense doubt and conflict here at home, that was certainly a major consideration in the President's determination to try to find a solution in the interest of the overall good of the American people.

Now, there were also international implications of some gravity which led to this Presidential decision. I want to say this very carefully and very precisely, but certainly, certainly any foreign leader, whether he be friend or potential foe, must in a period of turmoil here at home make his calculations without the unity, the permanency, the strength and resilience of this Government in a way that had to take consideration of this tape issue into mind.

Now, what I am not saying, gentlemen and ladies, is that the tape issue brought about international crisis of any kind or was, perhaps, the cause for the Middle East tension which was resolved so happily in recent hours. But what I am saying is that any foreign leader who assesses this Government and its relationships with this Government, whether it be in negotiations or long-term assessments, has got to perceive that the degree of unity and effectiveness of this Government is a key factor in those calculations, and indeed it is; it always is.

So for these two fundamental reasons, and no others—no others—the President decided that he would make this effort last weekend. So on Monday we discussed, as the former Attorney General stated in his press conference today, a number of options, all designed to prevent a constitutional confrontation some three or four months down the road, with all of the debilitating bleeding and controversy that would have accompanied it in the interim.

This is precisely what resulted in the proposal that was presented on Friday night to the American people. It was at that time, on Monday, that the President decided that he would turn over the controversial tapes to an individual of his selection who was peculiarly qualified to perform this task and to permit him to listen to each and every syllable contained in those tapes as repeatedly and as long as that individual felt it was necessary to ascertain that a third-person transcript which would be prepared and in his hands was a precise, thorough and accurate reflection of the contents of those tapes.

Now, that proposal was discussed with the former Attorney General in detail, and met his criteria for a very reasonable solution to the dilemma.

On Monday afternoon we obtained the agreement in principle of Senator Stennis to take on the task of authenticator, if you will. Why Senator Stennis? There are really four fundamental reasons that he was selected by the President for this task.

First, no individual within or without the Government of the United States is more highly qualified than Senator Stennis to assess the national security implications of the contents of these tapes.

Secondly, Senator Stennis—and I am not setting these priorities in order of their merit—is an individual of impeccable reputation for objectivity, honesty and integrity.

Third, Senator Stennis is a former judge and is highly qualified in law.

And finally, those with partisan views would certainly welcome the selection of a Democrat, albeit a Southern one.

For all of these reasons, the President felt that Senator Stennis was highly qualified and, indeed, we were very grateful that the Senator, despite his recent physical problems, patriotically and selflessly agreed to take on this very difficult and tedious task.

Now, having gotten Senator Stennis' agreement, the Attorney General expressed a desire—we have attempted to negotiate a settlement with Professor Cox prior to the apellate court decision, through our White House counsel—the former Attorney General expressed a desire to take up the task of attempting to acquire Professor Cox's acquiescence in this compromise proposal.

He spent the period from Monday evening until Thursday evening at this task, but it became quite apparent to all of us involved by Thursday evening, upon the receipt of a written counter-proposal from Professor Cox, that this compromise did not meet the criteria he had set for himself.

I say this both in the context of the selection of Senator Stennis as the sole individual to authenticate, a number of other technical concerns that Professor Cox expressed in his written document, counter-proposal, and thirdly, the issue mentioned by the former Attorney General this morning in his press conference, and that being the issue of Professor Cox's strong desire to have the ability at some future date, as a result of his ongoing investigations, to pursue through juridical channels access to additional tapes and personal memoranda covering private conversations of the President.

Now, having viewed Professor Cox's request as one that did not represent the kind of cooperative effort we hoped to receive from him, and having made one more formal try on Friday morning through an exchange of memoranda between Professor Wright and Professor Cox, we then met—that is, the President's counsel, Mr. Garment, Mr. Buzhardt and Professor Wright, myself—with the Attorney General, and we concluded at that meeting that with or without Professor Cox, we should attempt to resolve this dreadfully controversial issue by proceeding with the proposal providing Senator Ervin and Senator Baker would agree. The result would be the turnover of the product of this effort to both the courts and to the Senate committee in the persons of Senators Ervin and Baker.

Having determined this, and it was the assessment of all of those involved here in the White House that general agreement had been arrived at Friday morning, we set in train the chain of events which brought us to Saturday evening's fire storm, and that is, we requested that both Senators proceed from out of town Friday afternoon to a meeting with the President where the compromise was discussed in detail and where both Senators, I think in a most selfless, patient and patriotic way, agreed to try to make this thing work.

And so, on Friday evening, this announcement was made concurrently and with the President's viewpoint that he was indeed departing in a fundamental way from a very strongly held conviction that he, as the President of the United States, has the obligation and responsibility to preserve the balance of power between the three coequal branches of the Government as it pertains to a protection of confidentiality of Presidential discussions. With the full realization that this was a single exception that he would make in the national interest, he instructed the Attorney General to inform Professor Cox that we were going to proceed, but that henceforth Professor Cox would refrain from requesting, through judicial channels, additional — additional — personal Presidential tapes and memoranda covering private discussions of the President himself.

Now, there was your substantive dilemma, gentlemen. Having received this instruction, and, in fact, somewhat earlier that afternoon the Attorney General did express some reservations about that aspect of the proposal.

Be that as it may, on Saturday morning we learned here in the White House that Professor Cox was convening a press conference for 1:00 o'clock Saturday afternoon. Now, on Friday night, when these events drew to a conclusion, we all assumed that Professor Cox had three options, or four, depending on the variance that you care to discuss.

First, he could have said, "I have acquired the information which I have subpoenaed which is necessary in my view to bring these cases to litigation."

Secondly, he could have determined that the prohibition which would not grant him carte blanche to request further tapes or personal Presidential memoranda was not acceptable. Had he chosen that option, he could have resigned, with all of the implications that that would have had for the participants and for the American people to digest and make their own judgment with respect to the validity of that course of action and the course of action pursued by the President.

An option of that is, he could have delayed. He could have waited, and perhaps waited until further justification developed for a resumption of his needs, should they have developed.

Or, as he finally selected to do, he could appear before the Washington press corps and directly rebut and challenge the President of the United States.

Having done that, I think few Americans will argue that any President faced with this kind of a dilemma can only act as President Nixon did, and that is to fire the individual in the Executive branch who refused to obey a legitimate order, and that is precisely what ensued.

Now, as Elliot Richardson said this morning, it was in the face of this action, and the personal dilemmas that he, himself, was then faced with—that is, being the instrument of the separation of Professor Cox—that he informed the President on Saturday afternoon that he could not serve as that instrument. A similar situation, with somewhat different background, justified Mr. Ruckelshaus' parallel decision.

Now, gentlemen, that is the sequence of events that led us to the fire storm of this weekend, and this morning, after assessing all of the considerations and the outcome of those actions, which were not pre-planned, not desired, and indeed, I think probably not very well visualized on Friday morning by all participants, this is the setting in which the President entered the Oval Office this morning.

I don't have to describe for you some of the backdrop of this morning's atmosphere, but that being true, and having experienced an additional week of some fairly high tensions in our international business, the President concluded, after very painful and anguishing discussion with me, with his counsel, that the circumstances were sufficiently grave in the context of our national attitudes on this issue, which I must say in my view have been subject to a great deal of misunderstanding, a great deal of misinformation over the past weekend, but in the light of this situation, the President decided that he would abandon, on this occasion, these very strongly held and long held convictions that he, as President of these United States, has the obligation, indeed, to protect the rights and prerogatives of this office, not only for himself but for subsequent Presidents in our upcoming history.

Having made that decision, he instructed Professor Wright, sometime around noon today, to inform Judge Sirica at 2:00 p.m. this afternoon, at Judge Sirica's hearing, that the President would indeed comply with Judge Sirica's decision, as modified by the appellate court, and turn over the tapes for in camera inspection to Judge Sirica.

Now, there have been a number of terms used to characterize the President's decision. I, for one, having worked very closely with him throughout this week's period—I know someone said to me before I came here, "You are going to miss the excitement and danger of professional soldiering," and I would tell them today that if our maelstrom ever develops heroes, it is the politician and the political combatant who really deserve the medals.

Be that as it may, I would like to leave you with my conviction that what the President did today in a most painful and agonizing way is to make this single exception to his held conviction, and to do so in a way that in the very near future the truth of an issue which has long anguished all of you and many American people will be resolved. I am confident it will be resolved along the lines that the President has repeatedly articulated to the American people as factual.

Now, I think I have said enough and I will turn it over to Professor Wright.

Q. Are we going to get to question General Haig before he leaves?

Mr. ZIEGLER. Yes, we will proceed with questions as soon as Professor Wright finishes.

Professor WRIGHT. And I am not going to delay you unduly, Miss McClendon, I hope, in getting into questioning, but merely to add a very tiny bit from my own perspective of these traumatic events.

I spent the first half of last week, while these negotiations Al has talked about were going on, in Austin teaching my classes, preparing a petition for certiorari that I fully expected to file on Friday. Indeed, the petition was in print. It would be an interesting memento. I have actually not seen a copy, but the decision was not finally made until 6:30 Friday night that we weren't going to file it. We even had a check for $100 to the Clerk to pay the filing fee all ready to go.

I was not aware at that time of compromise negotiations, and when I was informed of them when I got up here at 2:00 o'clock Thursday afternoon, I was astonished that the President was willing to make such reasonable, indeed I think an extraordinarily generous proposal. Having been privy to the President's thinking throughout the summer, I know how very deeply he values the principle of confidentiality, and that only the most persuasive evidence to him that the national interest required a limited intrusion could have persuaded him to make that proposal. Clearly, we all did miscalculate Friday night.

I see in the room a former student of mine who dropped by my hotel room about 10:30 Friday night when I was about to collapse exhaustedly into bed, and as he can tell you, my mood was euphoric. I checked out of the Madison Saturday morning, thinking I was done with White House employment forever; that the American people would give a tremendous sigh of relief at the thought that now we are going to hear what is in these tapes and now we are not going to have a constitutional crisis.

Obviously that was a miscalculation. Saturday morning it still looked like a very good calculation. What we had miscalculated was that we had not thought that Mr. Cox would take the course of action that he did that led to further traumatic events.

As a result, by this morning it was apparent that, rather than a national sigh of relief and the end of a constitutional crisis that the crisis was simply heightened. Under those circumstances, the President thought that the wisest thing in the public interest, in an effort to really put an end to this crisis, was to take the action that I announced in his behalf in court at a little bit after 2:00 o'clock this afternoon.

We had very good hope that Judge Sirica would have accepted the proposal we made as complying, as I think it did, with the needs of the Grand Jury, and with the reasons that have persuaded both the District Court and the Court of Appeals to hold that Executive privilege should be overridden in this instance, but it was equally apparent that even if we were successful before Judge Sirica on that point, that there were people around the country who were saying, "The President is trying to defy the courts."

Now, the President, I am certain, has never at any time had in mind any thought of defying the courts. The one other time I appeared at this podium was on July 26th, and I know that an hour before I appeared here, Jerry Warren made the statement that, as the President has always done, he obeys the law; he will abide by a definitive decision.

We had thought that the proposal that we made on Friday was not defiance of the law, but a reasonable accommodation that the court, we hoped, would accept as satisfactory, but if the thought were abroad in the land that the President was not complying with court orders, if a constitutional crisis persisted, then a wound that has hurt the American country deeply would have continued to drain. We wanted to cure that, and so the President this morning, about noon, as Al has said, authorized us to make the announcement that we did.

We will comply in every particular with the order of the District Court as it is modified by the Court of Appeals.

Q. Mr. Wright, have you heard the tapes, the nine tapes?

Professor WRIGHT. I have never heard any tape.

Q. In other words, your projection here is against a great deal of ignorance as to what is on the tapes?

Professor WRIGHT. Of course.

Q. You have only the self-serving declarations of the President and Mr. Haldeman to support whatever position you are taking?

Professor WRIGHT. I don't quite see how that follows.

Q. Well, the President has told you he is innocent.

Professor WRIGHT. We are producing the tapes, and the tapes will speak for themselves. Judge Sirica will examine them under the procedures of the court.

Q. Now, what you have said here about the tapes supporting the President is based upon what the President told you, and not upon you hearing the tapes?

Professor WRIGHT. Exactly so. I have the old-fashioned American habit of believing Presidents of the United States.

Q. Will you produce the documents called for in the subpoena?

Professor WRIGHT. Everything called for in the subpoena will be produced.

Q. Professor Wright, can you say if the President will turn over additional documents requested for the prosecution of suspected wrongdoers in connection with the case?

Professor WRIGHT. I simply don't know the answer to that question.

Did you catch the question, Al?

General HAIG. I am not sure I got the question.

Professor WRIGHT. Would you repeat the question?

Q. Maybe I can get an answer in a different way. Does this, the President's decision to allow Judge Sirica to examine these tapes, does it mean that he will not furnish any additional information requested for prosecution in the case?

Professor WRIGHT. I am certain it does not mean that, no; not at all. We have been furnishing a great deal of information, as Attorney General Richardson made clear this morning, that has never been involved in the subpoena controversy.

Q. A question for General Haig.

General, did I understand you correctly to say that the President's order of Friday night to Mr. Cox referred only to desisting from attempting to obtain additional tapes and additional memoranda and did not bar him from trying to get the nine tapes he had subpoenaed? Was that the order?

General HAIG. I think the question even is a little difficult the way it is posed.

The decision to provide the third-party transcripts of the nine tapes, plus the tape requested by the Senate committee, the overlap tape, would have given Professor Cox the tapes he has requested. What the President's order was involved with was subsequent requests, through the judicial process, for Presidential tapes and memoranda and documents covering personal discussions, private discussions of the President, as distinct from the portrayal of that inhibition on Saturday during Professor Cox's press briefing.

Q. Are you saying that he was not barred from seeking the actual nine tape recordings beyond the summaries you were going to furnish?

Professor WRIGHT. The answer to that question is yes, he was barred by the compromise, not by the dicta, the memoranda, the compromise, but you will recall that the court itself had already deprived Professor Cox, in two rulings, of access to the tapes.

Q. Will national security information be withheld from the courts? Is there any part of these nine or ten tapes now which contains national security information and which will not be turned over to Judge Sirica?

Professor WRIGHT. I am informed that there is at least one tape, perhaps more, that contains national security information. The Court of Appeals order is, where we believe there is anything that regards national security, that we should make a submission to Judge Sirica in chambers as to why we believe this involves the national security; that if he accepts our decision on that, that portion of the tape is excised. If he does not, the relevant showing is sealed and we are allowed to take an appeal to the Court of Appeals on whether it truly was or was not national security.

Q. Does that one tape apply to the Ellsberg case?

Professor WRIGHT. I have no idea what it applies to.

Q. Are you saying you don't know or it does not?

Professor WRIGHT. I don't know.

Q. The same portion of that statement you referred to also provides for a Special Prosecutor to argue whether or not that statement you make is correct. Who will now argue for that?

Professor WRIGHT. I would assume that the Department of Justice would.

Q. General Haig and Mr. Wright, is it your understanding that the President's instructions to Mr. Cox, as the President stated it in his Friday statement, stand as instructions to the Acting Attorney General and to Mr. Petersen?

General HAIG. I think that is a question which I am not going to address here this afternoon. It will be addressed in the very near future, but I can assure you that the President's actions in this regard will be totally within the law.

Q. General Haig and Mr. Wright, both of you, please, could you tell me if at any time either of you gentlemen participated in a meeting prior to Saturday, prior to Friday night, at which you advocated the firing of Professor Cox? There have been reports, and in fact, Mr. Richardson said that, I believe, counsel and other staff people had indeed done this.

General HAIG. I think I will answer that question very clearly for you.

As I told you on Monday morning, following a weekend decision by the President to seek a compromise, and as Elliot Richardson so stated this morning, a number of options were discussed and considered, including the Bickel theory, which would have involved the mooting of the issue through the separation of a member of the Executive branch from that branch.

So the answer to that question is yes, that was an option discussed, but was rejected on Monday morning at that meeting. It was unacceptable to a number of people in the discussion. Now I am divulging to you discussions held on Monday morning.

Q. General Haig, can you tell us if the telegram from Senator Ervin was addressed today, and if so, is there a response to the telegram, his misunderstanding of the arrangements Friday for disclosure of the material on the tapes to the committee?

General Haig. Gentlemen, I am sorry; I have not seen the telegram and cannot comment on it.

Q. Will the President allow a full and vigorous investigation, and if necessary, prosecution of other matters that the Special Prosecutor was investigating, specifically the IT&T or the dairymen's contribution, the $100,000 Hughes contribution via Bebe Rebozo?

General Haig. I think I wouldn't necessarily accept your litany of problem areas, but I think we have made it very clear that what the prosecuting team——

Q. Excuse me. These were the things that press reports have stated the Special Prosecutor——

General Haig. I think Elliot Richardson commented on this very question this morning at great length, and he is far more qualified than I to give you a precise answer. But the answer to your question is that we intend to proceed vigorously with all of the ongoing investigations, and if prosecution is the result of those investigations, to pursue that prosecution with the same vigor and objectivity.

Q. You seem to gloss over a period as between Saturday, when your position was Course A and suddenly Monday when your position was Course B. Could you specify those specific things on the President's mind which, in fact, accounted for the change today? Was it impeachment, for example? Was it the surprise of Elliot Richardson resigning? Would you expand on that?

General Haig. No, think it was the whole milieu of national concern and, quite frankly, a great deal of concern for the misinformation that had been running afield on his motives and really the character of the compromise itself.

What was on Monday a most conscientious and, I think, heartfelt initiative, certainly for all of us involved, to finally reveal the contents of the controversial tapes, and at a time before we were faced with a constitutional confrontation, turned out by Saturday night to be some kind of nightmare in which we had devised a scheme to prevent the information in the tapes from being divulged to the courts and to the Senate committee.

Q. General Haig, you had a great speech here today—

General Haig. Sarah, I would like to hear your question.

Q. You have had a great speech here today which I cannot rebut because I am just a reporter. I have got to ask you a question. But you acted as if we were all wrong because we didn't agree with you and the President on this.

General Haig. I hope not, Sarah.

Q. And I want to ask you why you didn't take in a third dimension in consideration when you were going over this matter? Why didn't you think about the fact that didn't the President feel he was putting himself above the law?

General Haig. Well, that is a very tough question. First let me say this, Sarah: From the outset, I don't believe that the President has ever intended to set himself above the law.

I think our legal counsel here in the White House, and the Attorney General, wrestled in the most careful and thoughtfully detailed way with these issues throughout the week, and it was our conclusion that there was no question about the legality of the President's actions.

Now let me comment on another shade of your question.

I hope that I have not conveyed to anyone here that I share the impression, or harbor the impression that there is some kind of prejudice or malfeasance in the press corps here. That is the last thing I would ever suggest.

Q. I am thinking about the American people.

General Haig. I think the press corps reports what it gets accurately, and it is indeed their obligation to do so.

Q. General, can I ask you, can you discuss what happens to the information on the tapes, vis-a-vis the Senate Committee? Will they get any part of it? Does the compromise package still stand for——

General Haig. No, and let me comment on that. The question was, will we now proceed with a compromise, and the answer to that question is no, and let me explain why.

This morning, the counsel to the Senate committee submitted an appeal for expedited processing of their appeal of Judge Sirica's ruling, and so they have themselves sought to resolve this issue through the courts.

Now, secondly, and this is a consideration in our decision, Senator Stennis had agreed to take on this very difficult and arduous task, hopefully devoid of the limelight of the kind of tensions that have developed around this issue.

As you know, Senator Stennis has experienced a very grievous wound recently, and I think the President's view is that given all of the tensions, publicity, pressure now associated with the task, that he just would not presume to impose upon Senator Stennis when the information is now being divulged in its complete form in accordance with the rulings of the courts.

Professor Wright. I want to add to General Haig's answer to that question, and that is—then I know there is a person here who has been trying for a long time to get a question to me—just after we got back from court this afternoon, Mr. Garment had a call from Sam Dash who said, "I think you have done exactly the right thing, and so far as we are concerned, we will see you in court and battle out in the appellate court whether we have a right to get at the tapes."

Now, this gentleman.

Q. Dr. Wright, you said to Mr. Mollenhoff that you believed in the old fashion practice of believing Presidents of the United States. My question is, based on the fact that two of the most respected members of the Nixon Administration have left the Government, and a prosecutor who the American people felt had been assured the right to search without restriction has been fired, how can the American people, in your judgment, begin to believe the President of the United States?

Prof. Wright. I don't see what these very unfortunate departures have to do with the credibility of the President. I believe that it would have been intolerable for the President to have maintained Mr. Cox in his position when Mr. Cox defied a direct order of the President, and I understand the reasons that led General Richardson and Mr. Ruckelshaus to feel that they had to resign.

Q. General Haig, do you feel at any time that the agreement you had with Senators Baker, Ervin or Stennis or anybody else, accepting the compromise, their agreements were at all withdrawn over the weekend or before you made the decision——

General Haig. No. Let me say a word about that.

Q. Could I ask a subsidiary question? There have been reports that the President was particularly aggrieved at Cox's treatment of some of his former aides. Can you address that one? That Cox's handling of the questioning of Haldeman and Ehrlichman, and so forth, that he was aggrieved about this?

General Haig. Well, let me answer your first question first. With respect to the agreement arrived at here on Friday between Senator Ervin, Senator Baker, initially with the counsel and myself and subsequently with the President, I know of no departure from that agreement, and I would like to say a word about it.

I don't think anyone here would have classified Senator Ervin as an advocate, and indeed he has not been, but I think in the national interest, and at a time when there was great tension in the Middle East, when the Senator could observe for himself the kind of polarization that was taking place, that he very selflessly and I think quite correctly, decided that this was a compromise that he could accept.

I am not aware of any deviations from the agreement that was arrived at. I know there were some semantics problems over the weekend, but they were just that, and I for one, hold with the highest admiration the arrangements that we have with both Senator Ervin and especially Senator Baker as well, who was a catalyst in the thing, and a very important one.

Q. General Haig, you have mentioned a number of times about misinformation and concern for misinformation. What misinformation did you have in mind that caused the President to change his opinion this morning?

General Haig. Peter, take thy sackcloth off. I wasn't referring to the press corps in that.

Q. I wasn't either.

General Haig. I think the press corps reports as objectively and honestly as they can, and when they don't we usually look to ourselves for failure to bring the word to you in a precise and effective way. But I think one of the key points—and I have already commented on it—was the impression at large that this compromise did not represent a decision and an action on the part of the President to meet the requirements of the court and the Senate committee, but rather was a contrived subterfuge to, (a) not turn over the information, or (b) design some devious scheme by which to relieve ourselves of the burden of Professor Cox and his investigating team. I think that is a terrible disservice to the President of the United States and to those of us—and I include Senator Ervin and Senator Baker and Senator Stennis—who worked so hard to get something that had the promises of success put together.

Q. General Haig, two parts. First, part of Bob's question remains unanswered. I also wanted to ask you about the reports that high White House officials felt that Mr. Cox was engaged in an improper attempt to get the President.

Do you believe that is so, and does the President think so, and could you also finish up Bob's question, if you remember it?

General Haig. You know, we have an old Army club they call "foot-in-mouth," and the answer to that question is a prime invitation to join it. But I will say this, there are many of us who have been somewhat concerned about the political alignment of Professor Cox's staff as distinct from Professor Cox himself, and what on occasion appear to be roamings outside the jurisdiction of the charter that was originally conceived for that investigative committee.

Now, having said that, and that is a perfectly understandable thing, everybody has partisan views, and I think they have every right to have them, and I am sure on many occasions those partisan views sometimes influence actions people take, but I am not going to join the broad and sweeping condemnation that Professor Cox was out to get the President. I don't know that to be true and I personally don't believe that to be true.

Q. I want to ask Professor Wright if he or the other counsel had any reason to believe that Judge Sirica would not accept the compromise had your decision not been changed today at noon?

Professor Wright. Obviously we could not know that he would accept it. We felt we had good legal argument why he should, and I was greatly heartened—though by this time we were pretty well on the road toward the decision that was finally made—to hear General Richardson say this morning several times at his press conference that he thought it would fully satisfy the purposes of the court orders. So we had some confidence.

Q. General Haig, the point of this question is to try to get some idea as to the President's opinion of Mr. Cox, whether he felt that Mr. Cox was out to get him, how he felt about the areas Mr. Cox was getting into, particularly involving some of the President's friends.

General Haig. That is the part of Bob's question I didn't answer. I wouldn't presume to pass on to you what I assume to be the President's judgments about Mr. Cox and his activities. I do know that there have been occasions where we haven't been especially pleased. I also know my own view, which I just expressed to you, and that is as far as I would go.

Bob, I am not sure I answered the second part of your question, because I——

Q. It went to that point, Al, but it went to whether the President was particularly aggrieved with what was reportedly Cox's heavy-handed attitude towards Haldeman and Ehrlichman as they——

General Haig. No, I am not aware of anythink like that from my perspective at all.

Q. General Haig, did you order the FBI to take over the offices Saturday night, and if so, why?

General Haig. Guilty.

Q. Why?

General Haig. The why was that we had reports here that members of Professor Cox's staff were leaving rapidly with huge bundles of documents under their arms, and I felt that the responsible thing to do was to ensure that the evidentiary material held in Professor Cox's quarters be retained in its complete and thorough form for subsequent continued investigations.

Q. Mr. Richardson and Mr. Ruckelshaus both said today that they believe that a Special Prosecutor is needed to restore public confidence in the Government and in this investigation. Does the White House agree?

General Haig. I think I am going to limit my comments to the issue of the tapes the President has turned over to the courts in complete compliance with two court level decisions, and we are going to live up to that to the letter. The President has moved to put the case within the institutional framework of the Department of Justice. He did that on Friday and I have no basis for offering any other change.

Q. On that point, wasn't it the institutional framework of the Justice Department where this thing went wrong to start with? Wasn't that what caused the Watergate cover-up?

General Haig. Not being an expert on the events of that day, I am not sure I would characterize the problem as you just described it, and I would leave that for someone who had a better grasp for the legal details.

Q. General Haig, why couldn't you have averted the agony of Saturday night by simply continuing to not give these documents and memos that go beyond the charter of Mr. Cox; simply not give them to him and go ahead with—what kind of compelling power did they have that forced you into what you did? Why couldn't you have continued the way you were?

General Haig. I think that is a very good question, and it was a question that the Attorney General on Friday afternoon began to develop reservations about, and I think the answer to that is simply this: The President, in an effort to get a compromise, viewed the situation on a previous weekend in the context that Professor Cox had been through five months of careful investigation, and had presented the courts and him with a subpoena for some detailed information on nine tapes, and that that was the information he needed, he has stated repeatedly since that subpoena, to go on and process whatever is the outcome, indictments or what have you, within the Grand Jury.

And contrary to the President's own strong conviction that this should be made available, he decided to do it in the interest of settling this very tough issue.

Now, hindsight is a great vehicle, and I am not sure had we known the outcome would have resulted where it was on Saturday night that we wouldn't have given that option very careful consideration. As it turned out, it was Professor Cox who opted for the course of action which turned that sequence of events into what was a very serious one.

Q. General Haig, have you heard the tapes; and two, do you say that the cry for impeachment that has been rising in the country had nothing to do with today's turnabout, reversal? Have you heard the tapes, because you say they will vindicate the President completely, and also impeachment, which really grew today——

General Haig. No, Helen, I haven't heard the tapes. I have had considerable exposure to a number of things, including sworn testimony by all of the key witnesses in the Senate committee, where the inquisitors were uninhibited by normal rules that govern conduct in a courtroom and, therefore, are able to extract information which would probably be far more difficult with an active defense counsel at the side of the witness, and I have had an opportunity to review that material in detail.

I have also had an opportunity to discuss a number of the ramifications of this in the preparation of the May 22nd statement, discussions with the President, reviewing with him and counsel, Mr. Buzhardt, Professor Wright, and I am very comfortable with the course of action that has been undertaken today.

Q. General Haig, can you say specifically if impeachment was a factor in the decision, and whether or not the President took the impeachment talk seriously?

General Haig. I think that is a presumptuous role for me to play here, to outline that kind of concern, but I didn't answer Helen's question, and yours is part of it.

You asked me a question, do I think impeachment is a serious problem. My answer to that is no, I don't. I think in light of the action just taken, no; not at all. Before the action taken, no, and I will tell you why: Because I think the American people, American press included, Congress, and in fact our whole body politic, has a remarkable ability, after some false starts, and some dialectic waves, to get pretty close to the truth on an issue and I am very confident that such a serious action as you have described, impeachment, would not be the outcome of the events thus far.

Q. General Haig, can you tell us if at any time between Saturday night and this noon, when the President changed his mind and decided to hand over the tapes, you received word from Mr. Petersen or anyone else in the Department of Justice that they would be reluctant to resume control of the investigation without access to the tapes?

General Haig. None whatsoever.

Q. General, has, at any time during this chain of events, the President considered resigning?

General Haig. Not to my knowledge, and I would prayerfully hope not.

Q. General Haig, you said earlier—you emphasized that the President is making a single exception to his fidelity to particularly this question of Presidential confidentiality. Are you telling us that in the face of any additional request or subpoenaes for additional tapes that the President will resist those efforts?

General Haig. You are skewering me again on the same question I have already answered, and I said I am not going to take that minefield route this afternoon. I am going to assure you that any course of action the President takes in the future will be within the legal prerogatives of his office.

Q. Besides firing the Special Prosecutor, why was it necessary to shut down his office? You know some of us were writing that the President was more concerned about the Cox development than about the tapes, and lo and behold, here it is Tuesday, he has given over the tapes, but the office is gone.

Professor Wright. I think that the answer is that when the Special Prosecutor took the position that he did, making it necessary for the President to discharge him, that it hardly made sense to keep the Special Prosecutor's handpicked force of people at work, even if a new Special Prosecutor were brought in; that it made much more sense to get back into the institutional framework and let Henry Petersen have the assistance that he feels that he requires.

Q. Are you suggesting that the handpicked people of Mr. Cox were either unethical in their pursuit of the investigations or were incapable or incompetent or lacked integrity or so prejudiced that they were out to get the President?

Professor Wright. I am suggesting no such thing. I am suggesting only that anybody who has the responsibility for an investigation of this magnitude would, I think, want to have his own people rather than those who had been picked by somebody else.

Q. I want to ask you if the President didn't go back on his word? Did he not say he would not interfere with the work of the Special Prosecutor and also the Special Prosecutor could act independently and then did he not come through and fire the Special Prosecutor and say nobody in the Executive Branch of the Government under me can disobey me?

Prof. Wright. He did those things, but I would not accept, Miss McClendon, your adjective to describe them. I would support what General Richardson said today, that the President must always be free in the light of changing national circumstances to change his mind about the conditions in which he has asked people to work for him. In this situation the President believed that he was making a concession so very great from his point of view in allowing the Stennis report to go forward that it was necessary in order to put the tape issue to rest that there be this one limited intrusion on the independence of the Special Prosecutor.

Q. General Haig, is there any provision in the procedure that will be followed now that would permit public disclosure on these tapes, or is the public not going to be able to find out what is on the tapes?

General Haig. Well, I can't give you a direct and precise prediction on that, but it is quite obvious to me that Judge Sirica has to make a number of determinations in dealing with this issue, and certainly the pertinent aspect of these tapes in my view will be known as they pertain to Watergate and Watergate cover-up.

Q. General Haig, did you use the words "The Commander-in-Chief is issuing you orders"?

General Haig. Anybody who knows me knows what a militarist I am.

Now I will tell you as best I can recall what I said to Bill Ruckelshaus.

"Hello, Bill, this is Al."

"Right, Al, I expected your call, and Bob Bork is sitting here with me."

"As you probably know, Elliot Richardson feels he cannot execute the order of the President."

"That is right. I know that."

"Are you prepared to do so?"

"No."

As I recall, I said, "Well, you know what it means when an order comes down from the Commander-in-Chief and a member of his team cannot execute it."

He said, "That is right." And I think we both understood at that moment that he was neither fired nor resigned, but somewhere in between with a happy mutual term that I haven't developed.

Q. General Haig, you have quoted the former Attorney General a number of times today, always favorably. Is there a move on your part to invite him back?

General Haig. That would be a big part for me to do such a thing. No; I am not aware of any plan. Obviously the Attorney General's departure is a departure that we all regret very, very much.

Q. From an historical point of view, to what extent does this erode the Executive Branch if the courts can go in and constantly chip away? From an historical point of view, I would like to know.

Professor Wright. I think it does. I think this is why the President has fought hard and why we have fought hard all summer on a matter of principle that we thought of great importance, and finally the decision simply was that the condition of America today so requires a resolution of this issue that we had to bear up even with the decision of the Court of Appeals that we thought to be erroneous and damaging.

The Press. Thank you, gentlemen.

THE WORLD CORPORATION—NEW WEIGHT IN AN OLD BALANCE

Mr. JAVITS. Mr. President, there has been a great deal of recent interest in the operations of multinational corporations, and several bodies, both here and abroad, are presently studying this form of economic organization. One of the most important of these efforts is the United Nations Study Group on Multinational Corporations, of which I am a member. The second meeting of this group is now getting under way in Geneva. In these various studies it is essential to consult the multinational corporations themselves and determine their positions on the various issues. This does not require of course, that our study efforts necessarily be guided by the wishes of the multinational corporations, but we would be remiss not to listen carefully to the views of such corporate officials.

One of the most respected and capable business leaders in the United States is Walter Wriston, chairman of the board of the First National City Corporation. His address before the International Industrial Conference is a perceptive history of the development of the multinational corporation and its value as an agent of development and change. Mr. President, I ask unanimous consent that Mr. Wriston's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

An Address by Walter B. Wriston, Chairman, First National City Corporation

Someone once remarked that at the very beginning of the world, when, for disobedience, Adam and Eve were driven from the Garden of Eden and told that henceforth they must earn their bread by the sweat of their brows, Adam consoled Eve by saying: "We live in an age of transition." For them change was both rapid and drastic. Moreover the physical change was accompanied by an equally great alteration in their value systems—for they had learned to distinguish good from evil.

All history has been dominated by change—or the lack of it. Today, as at the beginning, change is swift and startling in the scientific and technological world, but it is the changes in our value systems which cause us the most agony. Despite protestations that innovation is welcome, mankind in general and sovereign authority and bureaucracies in particular resist it to the bitter end. Nothing upsets us more than to be told, as Abraham Lincoln put it, "that our purposes differ from those of the Almighty." Everywhere change is popular in concept but uncomfortable in practice. The canny bureaucrat never opposes the idea of change; instead he throws up a smokescreen of plausible reasons to abort change "now." Each new invention and innovation in thought is resisted in order to protect whatever status quo is regarded as normal in its specific environment.

This rearguard action takes many forms. Specifically, whenever the times are out of joint, the serpent-devil theory of history is revived to explain away some of the events which seem to have gone wrong. The first commentator on the human condition no doubt attributed society's troubles to some malevolent force. In every age since Eve was enticed by the serpent, observers have uniformly declared their problems to be unique, and caused by whatever passed, in their time, for a devil. Primitive societies, of which many survive, blame a bewildering array of gods for bad news. This habit of looking outward to explain trouble was, in fact, expressed in the early Judeo-Christian era under the broad rubric of "God's will."

Today, as always, we are in an age of transition, and, as always, various segments of society are moving at different speeds. For example, the value systems of the young generally change faster than those of the aged. The scientist who split the atom finds that his disciplines have moved at a faster gait than have those in international law. The economies of the developed countries surely move at a different pace from those of developing lands.

A few years ago, Thomas Hughes wrote, at least half seriously: "One can say that the 20th century is currently made up of 14th century farmers, 15th century theologians, 16th century politicians, 17th century economists, 18th century bureaucrats, 19th century generals and 21st century scientists." It is not a bad analysis save for the American farmer, who belongs to the 20th century.

The discontinuities in world society are partly responsible for the current concern about world corporations. Those multinational companies have been blamed for everything from interfering in the political affairs of host countries, to causing the revaluation of currencies by speculating on the international markets. One enterprising publisher, presumably in an effort to sell more books, entitled a scholarly work on the multinational company "Sovereignity at Bay." Recently Chile persuaded the United Nations to conduct an inquiry into the affairs of world corporations. For whatever reasons or whatever motives, all would agree that the world corporation is now being examined intensively and extensively, but not always competently or without bias.

In order to draw any useful conclusions about the place of the world corporation, it is necessary to set today's multinational enterprise in historical perspective. It may then be possible to advance some ideas as to why our world corporations are so profoundly upsetting to so many people in and out of governments around the world.

Each of us, in every country, is the child of his own experience. The difficulty of communicating our value systems to one another is further complicated by the fact that each other's cultural histories do not have high priority in our separate universities. In a word, we tend to be ignorant of other societies.

Despite the enormous advances in the sciences of communication and the remarkable technology for instant transfer of visual images via satellite, we are still surprised and amazed when other people in different parts of the world espouse value systems radically at variance with our own. For example, it surprises many Americans to find that some of the ideas of Colbert, Finance Minister of Louis XIV, still appear to dominate a section of European thinking about trade and investment. The highly restrictive purchasing regulations which obtain in many European countries stem from Colbert's dictum, "All purchases must be made in France rather than in foreign countries, even if the goods should be a little poorer and a little more expensive, because if the money does not go out of the realm, the advantage to the state is double. . . ." In my own country, some of our Buy American laws were passed, unwittingly, under the influence of Colbert's dead hand.

To a European or to a Japanese it is elemental that foreign trade is a country's lifeblood; it generates the revenue that sustains their governments. It appears obvious to them that foreign trade should inevitably be part of their foreign policy. It comes as a shock to Americans, however, to discover foreign ambassadors in the United States helping to sell airplane engines, machine tools or whatever their nationals need help in selling. At the same time, it is equally incomprehensible to Europeans, to Japanese, to Latin Americans and Africans that the United States Government takes a basically adversary position toward business. Activities of American companies in foreign lands have long been regarded with great suspicion here at home. To Americans, foreign trade has, until recently, been a peripheral activity engaged in only in the event that the domestic market did not absorb our entire production. All these attitudes are deeply rooted in history and so will change only slowly. The consequence is the inherent unpopularity of the world corporation.

There are other roots of this hostility, however, which date back to medieval times. The first merchants, traders and money lenders were motivated largely by profit considerations. Feudal barons, on the other hand, looked to military power for survival and expansion. As competition between feudal rulers increased, the merchants and traders began to associate themselves with the sovereign authorities in order to gain commercial advantage. In return for commercial favors, they financed the wars of competing sovereigns. Merchants bankrolled the Crusades; in return they got monopoly powers in trade in large areas of the known world. The fusion of trade and the royal sovereign in the 15th to the 17th centuries eventually became known as mercantilism, and all external business was conducted by the chosen instruments of the state. It is not surprising, therefore, if today the developing countries believe that the navy always follows the traders, if indeed, it does not precede them. In the mercantilist world, total commerce and industry was viewed as a zero-sum game; profit for one side inevitably meant equal loss for the other. The trick was to maximize gains at the expense of others. The reality that buyer and seller could both profit from the same transaction defied mercantilist logic, and its truth was only perceived over many years with painful slowness.

In the mercantilist world, nations vied for overseas territories in order to control their markets. Many countries set up monopolistic trading corporations to manage trade and supply all commodities to the colonists, whether natives or settlers. There were the Dutch East India Company, the English East India Company, the French East India Company, the Hudson Bay Company and the Virginia Company. Since these companies made a profit, mercantilist dogma made it clear that exploitation of the colonists must be involved. Therefore, this practice of picking a commercial enterprise as a chosen instrument served to intensify the hostility against both the monopolistic companies and against the metropolitan country which chartered it. In the American case, enmity generated by this commercial device was one of the precipitating causes of the Revolution. An excerpt from a Boston newspaper printed in 1765 summed up the colonial sentiment: "A colonist cannot make a button, a horseshoe, nor a hobnail but some sooty ironmonger or respectable buttonmaker of England shall bawl and squall that his honor's worship is most egregiously maltreated, injured, cheated and robbed by the rascally Americans."

On the other side of the world, trade as exploitation also left its imprint. The Meiji restoration, dating from 1868, marked the beginning of the modern Japanese state. But even that enlightened restoration was based broadly on the concept that Japan could not withstand hated foreign encroachments unless its society was totally reorganized as an industrial power with great military strength. Japanese hatred of foreigners was not new; it dated back three centuries to the edict of 1636 which closed Japan to all foreigners, particularly Christians. The edict forbade Japanese ships from sailing to foreign countries, it prohibited Japanese from going abroad on penalty of death, and prescribed death to any Japanese who had lived abroad and tried to return to his homeland. While much of this changed following the restoration, the concept of strong, centralized power endured.

While many peoples of the world were building centralized government structures, America's economic and political impulses developed along contrary lines. Colonial experience led Americans to be opposed to centralization of economic power in chartered companies and to centralization of political power. The separation of powers, written into our Constitution as a guarantee of political freedom, also affected economic thought. The proof of this hostility to the centralization of power is evident from the fact that our basic anti-trust law bears the name of a senator whose credentials as a conservative were impeccable.

Moreover, the existence of the frontier tended for many years to dominate our thinking. It was not a totally alien frontier such as existed in the older settled parts of the world, but was merely the edge of untapped resources and an enormous land mass. Our huge continent furnished an outlet for all our goods and services. The development of those seemingly illimitable resources demanded both practical and technical innovation. Because of this heritage, many Americans even today fail to understand that the American market is only a sub-section of the world market, and that our value system is not shared by many others. Thus, the Japanese and the Europeans are hard put to comprehend what often seems the strange behavior of my fellow countrymen. The arrogance of the American Government's desire to export its complicated antitrust concepts around the world is properly viewed by our friends abroad with both amazement and hostility. Governments in Japan and in Europe regard their business establishments as great national assets which furnish the revenue to support the increasing standards of living of their people and the world's people as well. It is difficult for them to understand, let alone credit, the basically adversary position taken by the American Government toward United States business.

In this country, we are acutely conscious of the mercantilist tradition in Europe and the enormous concentration of power in the zaibatsu complexes of Japan. Many former colonial countries see the chartered monopolies of the imperial nations as the forerunners of today's world corporations. To them, our global corporations seem to be merely thinly disguised government-directed chosen instruments dedicated to the pursuit of governmental foreign policy under the guise of a commercial establishment. Bitter experience with government chartered monopolies throughout history did little to create a welcome environment in many of the developing countries for the new worldwide economic structures which began to grow during the great postwar international expansion. Even today, the Sunday supplements love to hint darkly that the modern world corporation is really an instrument of today's nation state. The suspicion of a modern mercantilism hangs in the air. The days of gunboat diplomacy are indeed gone. We have now come full circle in the Western World to what appears to many as the successor of the chosen instrument of imperialism. Thus the world corporation is now under attack, not only by the host governments but, in many cases, by their own governments, wherever the head office may be located.

Part of this attack stems from the clash of historic value systems. As new philosophers, thinkers and traders appeared on the world stage at the time of the Industrial Revolution, the idea began to dawn that man by his own efforts could improve his lot in the world. Economic growth and improvement and the betterment of social conditions seemed attainable dreams. The enunciation of the principles of free trade and the doctrines of comparative advantage by Smith, Ricardo and others can be seen as a decisive break with the merchantilist tradition. What flowed from these new ideas was a concept of dynamic economic growth, as opposed to the old notion that profit to one was loss to the other—the zero-sum game.

With this new concept came a recognition of the growing interdependence of economic units. The new emerging entrepreneurial class showed an aversion to war, and began to develop more of an adversary relationship with government. In short, the hostility was mutual. The momentum of this new trend continued despite efforts by some governments to control it.

It was against this background of changing values that the prototype world corporations first began to appear in the latter half of the 19th century. As far back as 1865 Frederick Bayer put a plant in Albany, New York; the next year Alfred Nobel established a factory in Hamburg; and the year after that, Singer operated his first overseas plant in Glasgow.

In widest historical perspective, commercial and political history exhibited an interplay between two basically competing value systems. The first stems from the medieval age and developed through the mercantilism of the 16th and 17th centuries into 19th century imperialism, then 20th century totalitarianism. This was accompanied by the business tradition of the chosen instrument of governmental policy. The second value system arose from the earliest merchant and financier classes of the pre-capitalistic era and grew through the Industrial Revolution. The entrepreneurial tradition of the capitalist, independent of government, eventuated in an adversary relationship between business and the state.

Of course, as in all living things, neither system developed in a pure form. But through the period of the Second World War, there is no question that the mercantilist-imperialist tradition was dominant. The latter entrepreneurial tradition when it gained preeminence, from time to time and from place to place, was responsible for much of the progress in general welfare that has taken place among the world's peoples.

Viewed against this background, the modern world corporation is the extension to global proportions of the business tradition that grew out of capitalism and the Industrial Revolution. It is now learning how to operate in the global marketplace. The motivating factors which drive the world corporations today are basically the same as those which drove earlier entrepreneurs. Like their predecessors, the world corporations are a new expression of the entrepreneurial thrust that thrives on the free exchange of goods, services, factors of production, technology, capital and ideas. The engine that drives the growth of nations gives humanity the wherewithal to deal with the wretchedness of the human condition. Most important of all, it can function amid diverse value systems, though like all instruments of progress it must move in a resisting medium. The principal reason the world corporations are so profoundly disturbing to so many governments, and to the citizens of so many countries, is that they represent today's visible agents of change.

Woodrow Wilson proclaimed a league of free nations—but the League of Nations did not survive. Wendell Willkie argued, correctly, that we have one world, a fact which the astronauts vividly described. Nevertheless, the politicians of the world will not act. The political problems of the United Nations are a stark manifestation. The disorder—almost paralysis—of the political aspect of the European Economic Community is further evidence. Despite all our advances, the world is still socially fragmented and the incompatibility of the world's value systems has always been and still remains a cause of potential conflict. History is replete with the tragedies wrought by efforts of one society to impose its concepts upon others.

Agents of change involve new ideas and values. They have never been welcome in any society. This is especially true when the carrier of new or strange values is, or is thought to be, alien to the society that is affected. Often the most effective way to resist change is by identifying the carrier of the new values as foreign. The word for "foreigner" from the Golden Age of Greece right up to the Middle Ages was "barbarian." Anyone who spoke a foreign language, dressed differently, adhered to different customs and mores was automatically considered a barbarian. "Stranger" and "foreigner" have thus from time immemorial been pejorative terms, and often synonymous with "enemy."

It should not surprise us, therefore, that the world corporation is sometimes unwelcome even though it is the carrier of technology which is the best hope of closing the gap between the very rich and the very poor. It is often unwelcome because it is perhaps the most effective instrument by which value systems are transferred from one part of the world to another.

Mere physical change, manifested by a new factory, a new building or a piece of complex machinery generally does not arouse the passions of the populace. But when the change moves into the realm of ideas, a wholly different and more massive impact upon society follows. If, for example, a world corporation introduces the idea of upward mobility based only on merit and not on status, this may well offend an establishment fighting to preserve its privileges.

The nature of the value systems which are carried by world corporations as agents of change run the gamut from simple improvements, like better lighting in manufacturing plants to renovating whole neighborhoods. For example, Park Avenue in New York City north of Grand Central Station used to be lined on both sides with old apartment houses. It was not until a multinational corporation, Unilever, saw the potential of putting a modern office building in this area that a whole new development was sparked in my city.

In the ancient struggle between those who believe in an open society where men, money, and ideas can move freely across national borders and those who would return to the jungle of economic nationalism, the men and women of the world corporations may furnish a new weight in the balance. The world corporation specifically challenges the validity of the old tradition of the corporation as the chosen instrument of political domination. Because the world corporation confronts that ancient concept, we stand in danger on our planet of reverting to bankrupt atavistic ideas. The acceleration of change brought to a community by a world corporation unfortunately tends to make the old values look even better to many people.

Since time has proved that it is more effective to attack the carrier of an alien idea than the idea itself, the agents of change come under sustained intensified attack. The emergence in the United States of the Burke-Hartke Bill as the most retrogressive piece of legislation since the Smoot-Hawley tariff is only one national manifestation of this political device. Expropriation by developing countries is another.

At this moment, with currencies changing in value more often and in wider swings than we have recently been accustomed to, some governments resort to the ancient primitive device of finding a devil to divert attention from unpleasant facts. One such fact is that only governments create inflation, because they alone can print money. If it is true that the "gnomes of Zurich" were invented by a British prime minister to divert attention from the real reason he had to devalue sterling, it is equally true that the world corporation now furnishes a convenient scapegoat to explain away the fact that we in America have printed too many dollars too fast and that the American government has balanced the Federal budget only seven times in the last 25 years, and shows little inclination to improve on that record in the future.

The development of the World Corporation into a truly multinational organization has produced a group of managers of many nationalities whose perception of the needs and wants of the human race knows no boundaries. They really believe in One World. They understand with great clarity that the payrolls and jobs furnished by the world corporation exceed profits by a factor of 20 to 1. They know that there can be no truly profitable markets where poverty is the rule of life. They are a group which recognizes no distinction because of color or sex, since they understand with the clarity born of experience that talent is the commodity in shortest supply in the world. They are managers who are against the partitioning of the world, not only on a political or theoretical basis, but on the pragmatic ground that the planet has become too small, that our fate has become too interwoven one with the other to engage in the old nationalistic games which have so long diluted the talent, misused the resources, and dissipated the energy of mankind.

The international managers in the great world corporations are exposed daily to a bewildering variety of value systems and a steadily rising tempo of nationalism in many of the nation-states of the world. Out of this experience is emerging the perception that the relationship of the world corporation to the various governments around the world is worthy of re-examination. It is clear to those managing American-based multinational enterprises that a pure adversary relationship between business and government has become an anachronism in the 20th century. We have even permitted, without effective contradiction, the concept to be floated that a businessman who talks to his elected representative is somehow evil, and that his voice should not be heard on matters of public policy.

On the other side of the oceans, the perception is growing that a new age of mercantilism is not the answer to the problems of the 20th century. Neither the pure adversary relationship nor the chosen instrument approach is responsive to today's world. Old ideas die hard; yesterday's liberal, who feels that central, national control is the answer to everything, is still in control of many intellectual circles. They all labor under an old illusion which John Gardner once put as follows: "Those who seek to bring societies down always dream that after the blood bath *they* will be calling the tune." Their outworn doctrine of a controlled economy is becoming more and more a manifestation of the persistence of illusion over reality.

All the great issues of our time, and most of the small ones, are settled in the untidy atmosphere of give and take, of compromise and of negotiation. This is fortunate because the distributive judgment of the people, in the marketplace, as well as at the polls, has always been superior to the fiat of a dictator.

In this dialogue, the role of the world corporation as an agent of change may well be even more important than its demonstrated capacity to raise living standards. The pressure to develop the economy of the world into a real community must come, in part, from an increasing number of multinational firms which see the world as a whole. "Today's world economy . . .," Peter Drucker has said, "owes almost nothing to political imagination. It is coming into being despite political fragmentation." The world corporation has become a new weight in an old balance. It must play a constructive role in moving the world toward the freer exchange of both ideas and means of production so that the people of our planet may one day enjoy the fruits of a truly global society. This is a goal worthy of us all.

TOLL-FREE GOVERNMENT TELEPHONE NUMBERS FOR OREGON RESIDENTS

Mr. PACKWOOD. Mr. President, it is encouraging to note that several agencies of the Federal Government have set up special toll-free telephone numbers in order to be more responsive to the needs of citizens.

Under the system, if a citizen has complaints or questions about a Government program administered by one of the participating agencies he or she can get an immediate response by simply calling the toll-free number.

The toll-free system, which was established through the cooperation of the General Services Administration, is particularly helpful to citizens in Oregon and other Western States, who are separated by distances of 2,000 to 3,000 miles from some Government agencies in Washington.

I would hope that other Federal agencies follow suit and establish a similar program.

I ask unanimous consent that a listing of the toll-free numbers for Oregon residents be printed in the Record following my remarks.

There being no objection, the listing was ordered to be printed in the Record, as follows:

Toll-Free Federal Government Numbers—Telephone Numbers for Oregon Residents

Civil Service Commission: In Portland, 221–3141, In all other locations, 800–424–4910; Federal jobs—what is available, qualifications, and how to apply.

Action: 800–424–8580; information on Foster Grandparents, etc.

HUD: 800–424–8590; to report housing discrimination.

Air Force Recruiting: 800–447–4700; recruiting information.

Justice Department: "Heroin Hotline" 800–368–5363; where people can call to anonymously report drug pushers/abusers.

Veterans Administration: In Portland, 221–2431 In Salem, 581–9343; In Eugene, Springfield area, 342–8271, In all other locations; 800–452–7276; veterans affairs information and counseling.

Internal Revenue Service: In Portland, 221–3960 In all other locations, 800–452–1980; Federal Income Tax information.

THE LONG-RIBICOFF CATASTROPHIC HEALTH INSURANCE AND MEDICAL ASSISTANCE REFORM ACT OF 1973

Mr. RIBICOFF. Mr. President, it has only been a few weeks since the distinguished chairman of the Senate Finance Committee, Senator Russell Long and I introduced the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

The response to this legislation has been overwhelmingly enthusiastic. My office has been receiving hundreds of letters each day in support of the bill from people in all walks of life.

Private citizens, ministers, doctors, pharmacists, insurance agents, lawyers, hospital administrators, teachers, school superintendents, corporate executives and many others have expressed their support for our health bill.

But I have been most deeply touched by these people who have shared with me personal stories about the financial tragedies which can befall any family when a prolonged illness or injury strikes. Many have depleted their life savings. Others have had to sell their homes. And other have had to sacrifice educational opportunities to pay for the medical bills which can pile up all too quickly. We must put an end to these tragedies. We cannot solve all problems in a single day and we cannot completely eliminate illness. But we can and we must take some steps now to help alleviate the financial burdens of major illness.

I am pleased that 23 Senatosr are now cosponsors of our legislation.

I ask unanimous consent to print in the Record a list of these cosponsors as well as a representative sampling of the mail I have received concerning our health bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

List of Cosponsors of S. 2513, The Catastrophic Health Insurance and Medical Assistance Reform Act of 1973

Russell B. Long (D-Louisiana).**
Abraham Ribicoff (D-Connecticut).*
Herman E. Talmadge (D-Georgia).*
Gaylord Nelson (D-Wisconsin).*
Lloyd Bentsen (D-Texas).*

Footnotes at end of article.

Clifford P. Hansen (R-Wyoming).*
Robert Dole (R-Kansas).*
William V. Roth, Jr. (R-Delaware).*
Hugh Scott (R-Pennsylvania).
Charles H. Percy (R-Illinois).
William B. Saxbe (R-Ohio).
George McGovern (D-South Dakota).
James Abourezk (D-South Dakota).
Joseph M. Montoya (D-New Mexico).
Gale McGee (D-Wyoming).
Lawton Chiles (D-Florida).
Floyd Haskell (D-Colorado).
Milton Young (R-North Dakota).
Daniel Inouye (D-Hawaii).
Alan Bible (D-Nevada).
Howard W. Cannon (D-Nevada).
Edward J. Gurney (R-Florida).
Jennings Randolph (D-West Virginia).

DEAR SENATOR RIBICOFF: I am writing in regards to the bill you introduced called the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973. I can't tell you how much I am in favor of this! Your letter said most people say "It can't happen to me." You are absolutely correct. My husband and I were only married one month and only in our early twenties when an illness struck my husband. It was a reoccuring illness and my husband has been hospitalized four times in the last four years with two major operations. And we live in fear of it happening again.

My husband is a mail carrier and the benefits just do not stand up to a prolonged illness. He exhausted his sick pay and was out for months without any pay. So all our hard earned savings for a home of our own went to doctors, hospitals, drug expenses and daily bills. It certainly has altered our lives and the life of our child. We can't possibly buy a home or live as comfortably as we would have had this illness not struck us. And with the way things exist now, (without your bill as law) if this strikes my husband again, we will be deeply in debt.

I strongly agree and admire your view that it is a right for all Americans to adequate health care. Please work to get this passed. Also if I can help you in any way I am willing to do so.

Thank you,

——— ———.

DARIEN, CONN.,
October 13, 1973.

DEAR SENATOR RIBICOFF: Nothing but your letter, could come at a more opportune time.

May 28, 1970 my normal life stopped in an automobile accident. The result to us as a family has been disastrous. We've had to remortgage our home so as not to lose it and now when the lawyers stop playing politics and really settle down—the litigation will be settled. But if I sign and then the operation isn't a success I could be worse off than I am—which is 100% disabled. The surgery has to be done in the cervical area—one badly degenerated. So its super major surgery—we have spent all our money—savings and are closely in debt for at least $5,000. I've been in the hospital 4 times this year. We still have to face the expense of surgery—private duty nurses, and the recuperation period—this with help from no one.

I strongly believe a person should be able to get help without some agency trying to get their lb. of flesh out of me.

I hope your bill goes through and helps some one.

Peace,

——— ———.

STRATFORD, CONN.,
October 14, 1973.

DEAR MR. RIBICOFF: I received your letter regarding the bill you have introduced for the new health insurance plan. It sounds like a greatly needed plan for the middle income people of our country. I sincerely hope, with your great effort it is passed. Therefore taking a lot of the strain and worry from most people about getting a serious illness and how they are going to pay for it.

I have seen it happen in my own family. My dear mother, who was 79 years old, when this misfortune happened to her $10,000.00 in two months, being kept alive with I.V.'s respirator, etc. in the end she died, most of my father's hard earned savings completely wiped out. A very sad situation for anyone to have to confront.

I myself have brought up two children completely by myself, a father who abandoned us, I did not go on welfare so my biggest worry was, if sickness came, even though I had blue cross and CMS how would I pay big medical bills. My daughter in the course of growing up, came down with epilepsy which was a big expense to me, her neurologist, medication and many other expenses which I had to face and am still facing. It would be nice if more was done for the epileptic. I wish you would look into this situation and try to get some help with this disease outside of welfare.

I guess I have expressed my opinion and wish you great success in your concern for the working class people of our country.

Sincerely,

——— ———.

ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.

HON. SENATOR RIBICOFF: I wholeheartedly support your efforts on behalf of your bill "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973."

As you can see by my letter head that I am in the Real Estate field, but in addition during the winter season when Real Estate is slow in sales I am a Tax Consultant and prepare personal Federal Income Tax Returns. This I have been doing since 1946. I have a degree in Accounting and majored in Taxation. What I am really getting at is that I can prove that you are 100% correct when you say a family can be wiped out, mortgaged to the hilt and life savings completely gone. I keep work sheets on all my tax returns prepared and can prove every word I am now writing.

Were it not for my being a Veteran I would be wiped out as I had a mild heart attack this past May 4, 1973 and my stay at the V.A. Hospital in West Haven was five weeks. In a private Hospital with private Doctor cost could have gone over the $6,000.00 mark which amount I do not have and Insurance coverage may not have covered even half.

If I can be of any further help regarding the above please do not hesitate to call upon me.

My sincere best wishes to you and yours for a Happy Healthy & Peaceful New Year.

Sincerely,

——— ———.

NORWALK, CONN.,
October 14, 1973.

DEAR SENATOR RIBICOFF: We wish to express our strongest support for the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

Having been victims of catastrophic illness, we know only too well the hardship caused by the high cost of medical care. When I was hospitalized in December of 1968, we were fortunate to have group medical insurance which covered 85% of all our medical expenses. Although we have avoided serious illness for the last two years, it will take us another three years of monthly payments ($65.00–$100.00) to clear our hospital bills.

My wife and I have been married for nine years, and though we have two school-age children, we find ourselves in the position of beginning all over again—three years from now.

Thank you for informing us of this pending legislation. We are happy to have this opportunity to give our approval.

Sincerely,

——— ———.

ROWAYTON, CONN.,
October 11, 1973.

DEAR SENATOR RIBICOFF: Speaking for my husband, myself, and also for our 21 year old son, you have the support of three voters in the state of Connecticut for your Catastrophic Health Insurance bill.

Our savings were wiped out, and our son had to leave college for a year when his older brother, age 22, died about a year and a half ago after a nearly five year battle with acute leukemia. This was in spite of the fact that we had Blue Cross and also received enormous help—perhaps a million dollars worth of experimental drugs—from the Cancer Society working through Memorial Hospital. We were perhaps "luckier" than some because the disease was one which qualified him for all this assistance. Still, we have first hand knowledge of the way such an illness can nearly destroy a family.

One question: Would the cost of Social Security payments by self-employed individuals be greatly increased? We are both free lance writers and find our standard of living drops nearly every week as it is.

Whatever your answer, I am convinced that this bill for insurance must go through. No millionaire could have afforded the drugs received free and pretty soon no one will be able to pay his hospital bill.

We salute you for your introducing this legislation and wish you well.

Sincerely,

——— ———.

OCTOBER 15, 1973.

DEAR SENATOR RIBICOFF: Thank you for your letter of Oct. 8th regarding the bill "Catastrophic Health Ins. and Medical Assist. Reform Act of 1973." My daughter and I are very much in favor of such a bill. When my husband was ill with cancer and died two years ago, we, certainly, could have used some help, even though we had Blue Cross and C.M.S., been down the drain. Fortunately, I can still work at sixty three and help my daughter with college expenses beyond what she gets from survivor's insurance. I know many families who fared worse than I, when there was catastrophic illness in the family.

Please, let me know if I can help to promote this bill.

Yours truly,

——— ———.

TORRINGTON, CONN.,
October 13, 1973.

Senator ABE RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: This is my opinion of your bill the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

I think that it is an excellent bill, but I wish that it was thought of 6 years ago.

I say this because 6 years ago I was ill with a kidney disease that drained my life savings and that of my father's. He now has to take loans out on his mortgage and from the Credit Union to pay for the continuing medical bills that arise.

I had a kidney transplant, but as I said there are still bills. I must see a doctor for a check-up once every 2 months, then there are the tests (blood, urinalysis, etc.) that I must have every time I see the doctor. My medicine costs almost $50 a month and then there are the extras like casts for broken bones, extra medicine for viruses and the like and so we cannot save even a penny now.

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*Member of the Senate Finance Committee.

**Chairman of the Senate Finance Committee.

I have not been able to get any kind of insurance because I am considered a risk. Jobs are still very hard to find and most employers want experienced people. I graduated in 1971 and when I started looking for a job, this is what I was told, directly and indirectly, that they would rather have experience.

There is also the matter of the insurance you get when you have a job. Again I get the element of *risk*. Workmen's Compensation and all that sort of thing.

What I don't understand is, what is the risk? I am perfectly capable of handling a job. I am no different from a heart patient, cancer patient, or a person with an artificial limb who works in a factory.

I cannot afford Blue Cross, on the private plan and the State has refused me any assistance because I am not disabled. I am 21 years old and cannot be carried on my father's Blue Cross or CMS.

I am taking a correspondence course for vocational training in hope of securing a job when I am finished, but until then I must contend with nasty letters from the hospital, threats of court action if I do not pay them their money within a certain amount of time and the fact that I am wearing my father to a frazzle, even though he never complains.

I have given up hope of finding any help for my situation. I don't know where else to turn. I have exhausted all the possibilities I know.

So, when I read your letter about your bill, I was extremely happy to find that someone is trying to help people like me at least.

It gives them something to look forward to, for them hope is not lost.

Your bill is *their* hope and perhaps future legislation will give others who get serious diseases or whatever, the strength to seek help from doctors and not worry about the costs.

Your bill will not only be saving them the worries of bankruptcy, depletion of their savings, and larger payments on their mortgages, it will also be saving their lives.

Many people, young and old, have died because they didn't have the money to pay for treatments or the right qualifications for assistance from the various organizations that help these types of people. They just gave up after being turned down time after time. They worried themselves to death.

Now your bill will give them the help they need to pay for their medical costs.

I hope that your bill is passed with no or I should say with the least opposition possible.

It won't help me any, but it will help those who will need it in the years to come. Perhaps even a friend or relative of mine. Then I will be able to tell them that it is thanks to Senator Abe Ribicoff, the man who cares about people and who proves he cares by doing things and not just talking about them.

I remember something from a history lesson I once had, that it doesn't matter what the legislation is for as long as the legislation benefits all the people, and has all the people's best interests at heart.

Sincerely,

——— ———.

October 13, 1973.

Dear Senator: I write in reference to your news letter of October 8, 1973.

I fully support your efforts in behalf of the bill, Catastrophic Health Medical Assistance Reform Act of 1973.

Having seen my parents wiped out by just the same catastrophic illness (cancer), and a lifetime of work and savings depleted, I sinecerly hope that your bill can save some of the anguish they went through.

Sincerely,

——— ———.

October 12, 1973.

Senator Abraham Ribicoff,
U.S. Senate,
Washington, D.C.

Dear Senator Ribicoff: We have been waiting for many years for legislation which would protect people from bankruptcy when they face a medical or health catastrophy.

Members of the "middle class" work all of their lives to build up a little security only to lose everything to the doctors and hospitals when a family member has a lingering serious illness. The Health Policies quit on you, just when you need them the most.

Do not let the Insurance Companies ruin your plan. They try to insure low risk people. They have all kinds of "exception" clauses in their policies. The more you need health insurance for reasons of age or ill health, the less likely they are to accept you and the more they charge. Some companies will not enroll an infant until it is 30 days old—past the serious, expensive problems. And they certainly don't want you if you already have a disease. In short, if you need the insurance, they don't want you to enroll, and a fatal illness lasting over 90 days impoverishes the entire family, even when covered by a health plan.

An example of this is an acquaintance of mine whose ten-year old daughter had cancer. She died within a year. He not only lost his little daughter, but his home as well.

Another example was in the newspaper regarding a teenage hemophiliac who required $1000 worth of blood transfusions a month. Other than this expense, his father was able to make ends meet. The father was told he could get help for his son's medical expenses only if he quit his job and went on welfare.

Another news story told of the man who had to divorce his critically ill wife to keep her from being ejected from a nursing home. The state then paid the bills he could no longer meet.

This situation is a national disgrace. We are the only civilized country in the world that does not take care of its people when a health disaster hits them.

Very truly yours,

——— ———.

October 14, 1973.

Senator Ribicoff: We received your letter and we sure are glad you are our Senator and we hope the Health Ins. and Medical Assistance Reform Act will pass and go into effect real soon.

We had the sad case of my brother, whom you knew, as he was a working Democrat for years in Waterbury. He had a heart attack six and one-half years ago and he lost everything. We finally had to put him in a home and then in the end he was in and out of the hospital for 2½ weeks before he died, I had to turn over his insurance policy or they would not put him on State aid. I have heard nothing from the State and it sure is a big worry. So, if we had this health program, I'm sure we would not have the heart ache we had. He died May 8th. He was a veteran of W.W. 2 and the Veterans home and hospital have been kind. They will give him a gravestone and pay $250.00 for his burial.

So, we wish you well, and we certainly would be in good hands if we had more like you in the Senate and House.

Sincerely,

——— ———.

October 11, 1973.

Senator Abe Ribicoff,
U.S. Senate,
Washington, D.C.

Dear Senator Ribicoff: I received your memo in regard to your introduction of the Catastrophic Health Insurance Bill.

As an insurance agent I heartily approve of this type of legislation.

I come into contact with a great many hard working young people who simply cannot afford today's health insurance premiums and so either will owe medical bills for the rest of their lives or go to welfare for aid.

——— ———.

October 15, 1973.

Re: Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

Senator Abraham Ribicoff,
U.S. Senate, Committee on Government Operations, Washington, D.C.

Dear Senator Ribicoff: Your letter of October 8th has been received and read with a great deal of interest by the writer, and I, for one, appreciate the time and effort you have put into this legislation, and, in my opinion, it is a very worthwhile bill.

Being in the insurance business and coming from the insurance capitol of the country I am sure you will receive a certain amount of criticism, but I feel that the bill will assist a great number of people who otherwise might be subject to a complete loss of their savings and possibly their homes.

Yours very truly,

——— ———.

Waterbury, Conn.
October 15, 1973.

Dear Senator: As residence of Connecticut, we strongly support you in enacting into law the Catastrophic Health Insurance.

It will benefit every citizen of the United States.

I think we are fortunate in Connecticut, in having such an able senator. You have always care for the welfare of all our state's residents. Also, the nation as a whole.

Thank you, we remain,

——— ———.

October 15, 1973.

Senator Abraham A. Ribicoff,
Commissioner on Government Operations,
U.S. Senate,
Washington, D.C.

My Dear Senator Ribicoff: Congratulations on your recent and important effort in introducing legislation titled Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

To all of us, who have long been concerned with the devasting effect that such illness can have on an entire family, this is indeed your greatest effort.

Since both ——— and I are most concerned with the high cost of maintaining a family member at a nursing facility, we hope that this too might be included in this excellently formulated plan as well.

Our pride and our support of your many efforts goes back a long way. Be certain that it continues in this, your most recent bill.

If ——— or I can be of any help, in any way, please call upon us.

Again our thanks for your interest in health care.

Sincerely,

——— ———.

Stamford, Conn.,
October 16, 1973.

Senator A. Ribicoff,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Ribicoff: This letter is in response to your's of the 8th, which incidentally I believe is a good idea.

Although I am the wife of a doctor I feel very strongly in the idea of Social Security protecting us against the huge expenses of catastrophic illness. Fortunately, to date, I have not experienced this personally but I am aware of many who have gone through the heartbreak of going to the edge of financial ruin due to these heavy costs. Even a few days in the hospital for minor surgery can be a staggering blow.

Surely the richest country in the world can afford to give its citizens the protection that many small countries now offer as a matter of course. If there is anything I can do in my community to assist you in bringing this bill to the attention of the public I would be happy to help.

Good luck and keep up the good work. We are proud of your record in the Senate.

Sincerely,

——— ———.

WATERBURY, CONN.,
October 12, 1973.

DEAR SENATOR RIBICOFF: The Catastrophic Health Insurance and Medical Assistance Reform Act of 1973 is the best news I've heard in a long time!

Thank you for introducing it—you have my full support.

Sincerely,

——— ———.

YALE UNIVERSITY,
SCHOOL OF MEDICINE,
October 18, 1973.

Senator ABRAHAM RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR RIBICOFF: I am responding to your letter of October 8, 1973 in which you solicited views on the Bill you introduced to Congress called the "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973".

As a physician caring for patients with cancer, I am all too aware that a catastrophic illness can be devastating to patients and their families. I heartily support your efforts to reduce the tragedy of such illness and improve the quality of life for our citizens. Even with such legislation, many patients with cancer will suffer significant financial burdens as the outpatient care required for patients undergoing active treatment is substantial. I look forward to the day when our Nation will recognize its responsibility to share the burden of health and care costs for all of its citizens.

Sincerely,

——— ———.

MIDDLESEX COMMUNITY COLLEGE,
Middletown, Conn., October 18, 1973.

Hon. ABE RIBICOFF,
U.S. Senate,
Committee on Government Operations,
Washington, D.C.

DEAR SENATOR RIBICOFF: I am writing to you in regard to your Catastrophic Health Insurance and Medical Assistance Reform Act of 1973. I have read about it in the papers and so am not unfamiliar with your proposal. I am for it. This is where Health Insurance should really start.

I spent a few weeks in the hospital last year because of a heart attack. The hospital bills ran to over a thousand dollars a week. I was well covered by insurance because of my job. I thought over and over again what does one do these days if he cannot afford insurance.

Sincerely,

——— ———.

GREENWICH WOMEN'S CIVIC CLUB, INC.,
Greenwich, Conn., October 19, 1973.

Hon. ABRAHAM RIBICOFF,
U.S. Senate,
Committee on Government Operations,
Washington, D.C.

DEAR SENATOR RIBICOFF: We, the Greenwich Women's Civic Club, Inc., firmly and proudly support your effort regarding the very serious and most important piece of legislation in the name of Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

We assure you that the effect this bill could have on millions of American families should be sufficient for the great body of Congress to pass it without delay.

As members of an organization, we will do all that is necessary in the way of support of this bill, by spreading the word throughout the community, by pointing out its importance and also by making others aware of the fact that catastrophic illnesses can happen in the best of families.

With this in mind, we wish you a speedy and successful piece of legislation in the days and months ahead.

Sincerely,

SYBIL BAILEY,
Secretary, Greenwich Women's Civic Club.

MILFORD, CONN.,
October 19, 1973.

Senator ABE RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR RIBICOFF: I am writing in support of your recent submission of the bill entitled "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973." I feel this legislation is a necessity to any U.S. citizen.

My wife died of cancer about a year ago. She suffered prolonged illness and several operations which were not covered by our medical insurance. During that time every dollar I earned was spent to pay medical expenses. Beside the psychological trauma of losing my most beloved wife, I had to endure extensive financial hardships. Some of these consisted of debts which I have only recently been able to pay off.

I sincerely hope you and your colleagues are able to pass this much needed bill. I thank you for introducing this legislation and wish for speedy passage through the Senate.

Most sincerely,

——— ———.

GREENWICH, CONN.,
October 12, 1973.

MY DEAR SENATOR RIBICOFF: Today we received your bulletin regarding your Catastrophic Health Insurance bill. I emphatically give you full support for this long overdue piece of legislation.

My husband and I are in our early thirties and have three children. We have thought about "medical disasters" and realize that should one occur it would be impossible to ———.

Incidentally, we too, are natives of New Britain! Good luck!

Yours truly,

——— ———.

OCTOBER 15, 1973.

Hon. ABRAHAM RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

MY DEAR SENATOR RIBICOFF: Thank you very much for your letter regarding the introduction of a bill on Catastrophic Health Insurance and Medical Assistance Reform Act on 1973.

This touches our family personally. My husband had a stroke six years ago and is now in a convalescent hospital permanently. Medicare took care of the first 20 days but now the basic bill is $992.00 per month, so you can imagine how much we are in favor of this new legislation and how much we appreciate your concern for families with this problem.

Sincerely,

——— ———.

OCTOBER 14, 1973.

Senator ABRAHAM RIBICOFF,
Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR SENATOR RIBICOFF: We wish to express our strongest support for the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

Having been victims of catastrophic illness, we know only too well the hardship caused by the high cost of medical care. When I was hospitalized in December of 1968, we were fortunate to have group medical insurance which covered 85% of all our medical expenses. Although we have avoided serious illness for the last two years, it will take us another three years of monthly payments ($65.00–$100.000) to clear our hospital bills.

My wife and I have been married for nine years, and though we have two school-age children, we find ourselves in the position of beginning all over again—three years from now.

Thank you for informing us of this pending legislation. We are happy to have this opportunity to give our approval.

Sincerely,

——— ———.

CYSTIC FIBROSIS ASSOCIATION OF CONNECTICUT, INC.,
Hartford, Conn., October 16, 1973.

Senator ABRAHAM RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: Your letter regarding the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973 was very good news. Several articles have appeared in the various State Newspapers about your plan so I am familiar with it.

Upon reflecting on the experiences of many families who have Cystic Fibrosis children and the tremendous expense that is involved, I can say on their behalf that we all endorse your plan and hope that your will becomes law.

Just as important is the fact that someone outside the Cystic Fibrosis Association has taken steps to help. This gives everyone here a great amount of hope. For most C/F families, life itself is an upward struggle. Any help from outside gives confidence that there are those who care enough to do something constructive. Surely, your bill is most significant in lending financial assistance.

If there is anything that we as an organization can do to guarantee the smooth passage of your bill, please do not hesitate to ask.

Again, thanks for your help.

Sincerely,

——— ———.

OCTOBER 26, 1973.

Senator ABRAHAM RIBICOFF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR RIBICOFF: Please accept my sincere congratulations on the introduction of your Senate bill "Catastrophic Health Insurance and Medical Assistance Reform Act of 1973".

As Director of Community Services, AFL–CIO on the United Fund staff in charge of health and welfare programs, I am well aware of such needs.

There is no question of the great assistance your bill will render to thousands of individuals who are helpless in meeting their bills, especially the retirees who exist on Social Security income alone.

I would appreciate it if you would keep me informed of the bill's development, as I am sure you will receive Labor's active support in its passage. Naturally, as your constituent from Stamford, Connecticut, I am pleased and proud of your tenure in office and of your record.

Sincerely yours,

——— ———.

WHY NOT BLIMPS?

Mr. GOLDWATER. Mr. President, NASA is currently studying various ways to move the Space Shuttle from point to point within the Earth's atmosphere. The need arises because NASA will have to move the Space Shuttle from the factory to either the Kennedy Space Center at Cape Canaveral or Vandenberg Air Force Base in California. Moreover, the Space Shuttles may have to be moved from one launch site to another owing to mission requirements.

I am informed that NASA is considering various ways of moving the Shuttle in level flight, among these are: fitting air breathing engines in a strap-on mode, modifying a C–5A as a piggy back carrier, joining together two 747's, towing the Shuttle behind a transport aircraft.

All have serious drawbacks.

Why not blimps?

I have written to Dr. James C. Fletcher, the Administrator of NASA suggesting the possibility of blimps or dirigibles. They have the following attractive features:

First. Low power requirements.

Second. Low noise levels.

Third. High inherent stability.

Fourth. No runways needed.

Fifth. Great ability to hover.

America has a plentiful supply of helium to provide buoyancy—buoyancy without the threat of fire.

From the foregoing it seems clear that blimps or dirigibles would be socially acceptable. They would not consume great quantities of fuel. They would pollute less. They would not add appreciably to existing noise levels. Finally, blimps are friendly.

The only real technical problem that I know of involves the takeoff and landing. Years ago large crews were used to assist takeoffs and landings by handling tethers. Inevitably, there were injuries. And, the high cost of large standby crews might be prohibitive today. I believe this problem can be solved by using modern technology.

Mr. President, I ask unanimous consent that the text of my letter to Dr. James C. Fletcher be included at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES,
Washington, D.C. October 29, 1973.

DR. JAMES C. FLETCHER,
Administrator, National Aeronautics and Space Administration, Washington, D.C.

DEAR DR. FLETCHER: As you know, NASA is considering various ways of moving the Space Shuttle from point to point within the USA. I would like to suggest that you consider the possibility of using either blimps or dirigibles.

If blimps and dirigibles looked attractive from economic and engineering standpoints, it would provide NASA with a multipurpose means of transportation. For example, the solid rockets and the tanks for the Shuttle could be moved by them.

As far as I can tell, it has been a long time since the U.S. Government has studied the economics and engineering of blimps and dirigibles. If such a study were made in conjunction with the Space Shuttle, I would like to suggest that NASA simultaneously study blimps and dirigibles as a method of commercial transportation. One purpose of such a study might be to answer this question: What kinds of cargoes, if any, could they haul economically?

I am sure you can appreciate the favorable public reaction that would occur if NASA was able to provide technology for moving food from the farm to the marketplace in a cheaper, faster way.

With warmest personal regards, I am

Sincerely yours,

BARRY GOLDWATER,
Ranking Minority Member.

Mr. GOLDWATER. Mr. President, in the October, 1973 edition of Astronautics and Aeronautics, there is a very fine article entitled, "The Many Uses of the Dirigible." Its authors are Jack R. Hunt, Ben B. Levitt, Francis Morse, Kurt R. Stehling, and J. Gordon Voeth. They point out that many people have an adverse reaction to dirigibles, because of bad memories of the *Hindenburg* which blew up at Lakehurst, N.J., in 1937. The *Hindenburg* used hydrogen for buoyancy and thus was highly susceptible to explosion. German zeppelins had to use highly volatile hydrogen as a result of a U.S. embargo on helium.

However, it is a fact that during the years 1936–37, German zeppelins made over 200 transatlantic flights on schedule or nearly so. On one occasion during a flight to Rio de Janeiro, a zeppelin was unable to land as there was a revolution in progress. The airship simply maintained station over the Atlantic until the airport resumed operations.

The authors see many uses for the dirigible. The one that impresses me the most is that of a cargo carrier.

I know many Senators have received letters about the boxcar shortage. Many communities throughout the land have been short of transportation.

I believe it is time for NASA to take a new look at blimps and dirigibles—a new look at the engineering and economical problems involved. I don't believe NASA should go full bore into development. I do believe NASA should provide study money to take a further look at blimps and dirigibles from the vantage point of 1973 economics and technology.

Any transportation system promising low noise and low fuel consumption deserves some consideration today.

Mr. President, I ask unanimous consent to have the article entitled "The Many Uses of the Dirigible" printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MANY USES OF THE DIRIGIBLE

(Modern technology combined with still unrivalled payload, internal volume, range, and endurance will equip the airships of the future to do the jobs no other vehicle can.)

The revival of large airships could provide the United States with a dramatically new and different technological challenge. (See, "Dirigibles: Aerospace Opportunities for the '70s and '80s," in the November *A/A*.) But engineering challenge alone will not attract enough support. Dirigibles must be needed. They must be able to do things no other aircraft can do as well or do at all. We will detail some of these singular talents in this article.

But remember, in evaluating the dirigible's renewed usefulness think in terms of future airship design and performance. Thirty-six years have passed since the *Hindenburg's* hydrogen caught fire at Lakehurst. Yet most persons visualize tomorrow's helium-filled dirigibles as more *Hindenburg's*. This is like trying to predict the usefulness of a future airplane by what the Ford Trimotor or DC–3 could do.

Remember also that different application will require different designs and configurations. Size will vary according to purpose. Some applications will require nuclear propulsion; others will be better served by more conventional power. And, recalling that the Zeppelins of WW I carried loads to 10,000 ft. we must expect, too, a variety of cruising altitudes and speeds.

Also keep in mind that airships are *not* unduly weather-sensitive. Ground handling in severe weather admittedly takes great care, but once airborne airships take on quite a different nature. For this reason future uses of the dirigible anticipate their remaining aloft as much as possible, and loading or unloading passengers, freight, supplies, and crew by hoist, hook-on planes, or perhaps helicopters.

The German Zeppelin operators of the 1920s and '30s, pioneers in pressure pattern navigation that they were, actually chased after storms to hitch a ride on the wind circulation around them. In this way the *Hindenburg* once reached a ground speed of 188 mph. After nine years of flying the North and South Atlantic, Zeppelin captains learned to respect penetrating fronts rather than fear it. Trim the ship, place it in static equilibrium, and at low altitude enter the light spots was what they routinely did—and without benefit of radar. Localized thunderstorms they circumnavigated. More than a half million hours safely flown by the Navy's blimps in WW II reinforced the Zeppelin men's conclusion.

Not even icing presents the hazard supposed. Protracted flights in time icing have shown that an airship picks up a static load equal to about 5% of its gross weight after which no more builds up. Glaze icing poses an insignificant hazard owing to its random distribution over the surface of the ship and the short time during which glaze-icing conditions persist. Snow does accumulate but not in dangerous amounts for airspeeds above 40 kt.

This icing information came out of all-weather stationkeeping carried out in January 1957. While the most severe winter weather in 75 years hit New England, Navy blimps from a squadron at South Weymouth, Mass., and from another at Lakehurst, N.J., manned a point 200 mi east of New York City, keeping at least one airship on station at all times for 10 consecutive days. Meanwhile, weather grounded commercial carriers for three of these days at all major Northeast airports. After this performance airships harly deserved dismissal as "fair weather aircraft."

But this is history. The technology used in future airships—the nature of their skin, the ducting of heat, the use of embedded electrical elements, the carrying of ballast that doubles as deicer fluid—would overcome any remaining icing handicaps as surely as modern techniques have done so for airplanes.

Designing, building, and operating large structural airships makes perfectly sound engineering sense. Whether Zeppelins, metalclads, or some other type, however, their engineering must permit a suitable magnitude of deflection throughout their structure, something that was not always done in the past. Given this structural flexibility and given the level of technology that made possible the Boeing 747 and the Saturn V, nothing prevents building airships as airworthy as any other man-made thing that flies.

The dirigible's appeal for the future lies in certain characteristics possessed either not at all or to only a limited or lesser extent by other aircraft. Inherently it makes an environmentally clean vehicle which could appreciably reduce pollution caused by aircraft operations. It combines very large payload with extreme range and a flight endurance measurable in days, weeks, or, with nuclear power, months. Substantial shipping holds could carry bulky cargo. It could transport outsized items, such as preassembled structures, slung beneath the hull and accurately lower them into place while hovering overhead. Sightseers, arms-control observers, land or sea bed treaty inspectors, mappers, geologists, agriculturists, oceanographers, biologists, coastline surveyors, doctors and nurses, rescue workers, salvagers, archeologists, and others could travel abroad by the hundreds and with room to work and live comfortably. For mounting sensitive equipment the structure of a large dirigible would prove convenient as would the airship's standing as perhaps the most stable and vibration-free propelled airborne platform man can build.

The usefulness of a dirigible is a function of its volume. The *Hindenburg's* 7-million cu ft approached an efficient size for its purpose, its day, and its hydrogen inflation. Lighter materials and improved structures would reduce dead weight and improve performance in the future. Even so, tomorrow's missions would require larger sizes—nine-, twelve-, perhaps twenty-two-million cu ft.

Projections set the payload of a 22-million cu ft conventionally propelled airship of conservative design at 615,000 lb for a range of 2950 mi, and 326,000 lb for 6500 mi. With nuclear power the payload remains 655,000 lb regardless of range. This is impressive carrying power by any standards. Corresponding payloads for the C–5A—considered by some the largest cargo airplane practical—reportedly weigh 265,000 lb and 80,000 lb, respectively, nowhere near the airship's.

With performance like this and that graphed at right, dirigibles could well become *merchant ships of the air,* carrying low-density and large-dimension cargoes that jet freighters find economically unattractive or practicably impossible to handle. Airships could transport these shipments nonstop at 100 or more mph (depending on design and powerplants) across oceans and then deep into continental interiors. At destination, they could unload without landing, using propeller thrust-vector control and other techniques to help maintain position and compensate for changes in weight. If the cargo happens to require a landing, they would need only a flat clearing and simple stick mast. They would need no costly port terminals or thousands of feet of heavy-duty runways.

This ability to bring large (in size and weight) cargoes into and out of areas without landing facilities would make the airship a logical candidate for introducing trade into the underdeveloped and inaccessible regions of Africa, South America, and Asia.

As *aerial cruise ships* dirigibles also have much to offer. The *Hindenburg* was considered the quietest form of transportation then available. The noise level in its passenger quarters ranged between 40 and 61 dB. It flew so smoothly that tall vases holding cut flowers safely stood on its tables. Scarcely a ripple disturbed the surface of water or wine in goblets. Absent were the often abrupt motions of heavier-than-air flight. No one got airsick.

Passengers had accommodations like those on a luxury steamer. They particularly liked the large outward-slanting draft-free windows along the promenade decks. These windows usually remained open and through them passengers could look directly out at the scenery beneath. Because the ship cruised at about a thousand feet, it offered spectacular sightseeing. Those who paid their $400 to fly the Atlantic this way sat or stood for hours before the windows. They described the experience of traveling on the *Hindenburg* by saying, "You fly on an airplane but you voyage on an airship."

An even more enjoyable flight would await those who cruise on tomorrow's dirgibles. The anticipation of gliding slowly over and around the islands of the Caribbean and of exploring from comfortable quarters in the air the historic and picturesque coastlines of the Mediterranean would almost certainly attract vacationers in large numbers. Imagine the thrill of hovering low over the canals of Venice or the ruins of ancient civilizations and seeing and photographing them unhurriedly in detailed plan view. Consider the appeal of following a river like the Amazon, poking around the Arctic ice pack in the summer, or circling the globe, all while aboard an airborne resort hotel. For land excursions passengers could be ferried to the ground and back by airplane. Or the airship might ride to a sea anchor offshore and lower its guests to the surface where waiting hydrofoils would take them into port.

Cruise activity, a major part of the maritime scene, has fallen captive almost entirely to foreign-flag ships. A new type cruise vessel, something entirely different, to attract U.S. and other tourists would help reduce the substantial dollar outflow resulting from recreation travel.

The leisure use of the dirigible contrasts sharply with its value for *giving assistance and saving lives following natural disasters.* Earthquakes, typhoons, storm surges, floods, landslides, and other such calamities continually remind us of our inadequate preparations for dealing with them. Each invariably touches off a frantic international effort to provide assistance. How well that effort succeeds depends on where the tragedy strikes and how accessible by air. If airports have been crumpled, submerged, washed away, or if they simply do not exist nearby, help is tremendously hindered. Even when runways remain open, chaos may prevent distributing items airlifted. Such conditions reportedly existed after last year's Managua earthquake.

A dirigible could carry for thousands of miles hundreds of thousands of pounds of supplies and deliver them directly into the hands of survivors and evacuees without depending upon usable runways or airports. It could take food, water, water purifiers, medicines, tents, sleeping bags, generators, communications equipment, vehicles, pumps, demolition gear, and even bulldozers. In hovering flight it could intensely illuminate an area at night. Cables could carry emergency power to the ground. Using the airship as an aerial vantage point experts in rescue, firefighting, demolition, and the restoration of essential services could oversee and direct activities. To play its role in disaster relief, such a ship must be specially configured to contain hospital facilities, for example. Provided the payload, speed, range, and altitude capability to rapidly reach almost any inhabited place on Earth, it will almost certainly comprise the most technologically advanced airship flying.

When not on disaster service, it could improve international well-being many other ways. Going into remote regions, it could seed plants from the air and dust crops. In areas of Africa afflicted by locusts, it could reach and spray the breeding areas. It could accurately chart land use and help evaluate its management, stock inland waters with fish and nutrients, take fishery surveys, and wildlife censuses and track the migration of whales. An airship could spray or literally mop up large oil spills at sea operating above and free of the mess, criss-crossing the spot to lay down chemicals or tow booms or other devices to clean the surface.

This vehicle of global goodwill, this flying symbol of American or international humanitarianism could take well-equipped teams of geologists, geodesists, biologists, and other scientists, also engineers, to areas of interest and deposit them for *in situ* sampling, exploration, excavation, and construction. Archeological expeditions could reach their destinations this way. All the while, however, the ship would remain equipped and ready for its prime mission. With the first word of a natural calamity, it would set course immediately for the scene, picking up the needed medical and other specialists on the way by airplane hook-on.

A similar but less spectacular role can also be visualized for airships as airborne versions of the medical ship *Hope.* Equipped as flying clinics and training centers and routinely bringing health care and instruction to the hinterlands, they could help people and communities beyond the direct reach of the famous humanitarian vessel.

In its survey operations for the public good, the dirigible would demonstrate its special talents for *remote sensing.* Certain frequencies now carry atmospheric, oceanographic, and Earth-resources radiometric observations, because they are the best permitted by the antenna-carrying limitations of today's air and space craft. The airship's size, stability, and low vibration would permit carrying environmental and geophysical sensing antennas that would open up a new world of frequencies to use. Sensitivity, gain, and resolution should improve remarkably.

Gravitometers and magnetometers, trailed if necessary to remove them from the effects of the ship, could be carried as could very-high-resolution cameras and laser profilometers. Remote-sensor technologists would appreciate the airship's ability to carry onboard processing facilities. They could identify questionable results while the ship is still in or near the observing area and repeat runs using the same or different instruments, frequencies, or spectral intervals.

Current technology has not revised the WW I verdict that airships make poor combat aircraft. It would permit improving their ability to survive if attacked. Damage control would become feasible in a large rigid or structural airship, since repair parties could reach its frame, engines, and gas cells in flight. More important, it could carry self-defense aids, consisting of early warning and fire-control radars, anti-air and antimissile missiles, also other countermeasures suitable to the threat. Even so, prudent operation must keep the ship out of situations for which it is not intended. The vulnerability considerations of an airship do not differ from those of any other military vehicle, be it troop transport or aircraft carrier. Each must operate in the tactical environment for which its designers intended it to have an acceptable level of survivability.

The airship's ability to deliver large quantities of men and supplies into remote areas with little or no ground support gives it an important military role.

But it has a much more significant one as a *platform for ocean surveillance*—surface, air, and underwater—for sea control. Using the immensity of its sides, an airship could fly a phased-array radar with the power and performance to mount an intensive watch over large areas of the ocean surface. Other sensors, infrared and over-the-horizon radar, might also find uses.

If the dirigible could classify detected targets, it could fire air-to-surface weapons at unfriendly ones. If it could not, it might launch its own aircraft to classify, and, if necessary, to attack them. It will want to use its planes too when keeping silent its own high-powered surveillance radar to avoid detection.

It could carry out air surveillance in a like manner but with an additional consideration. If friendly forces occupy the area of interest, the enemy must not be allowed to conduct aid reconnaissance there. Denying the enemy targeting intelligence will significantly improve the survival chances of friends. The effectiveness of standoff surface-to-surface missiles decreases as uncertainty increases about the location, composition, and disposition of potential targets. Some cruise missile submarines reportedly receive their targeting data from reconnaissance aircraft.

Deprived of such information they must stay close to acoustic detection range where they have much more difficulty locating and classifying targets.

Air surveillance should permit the airship to detect cruise missiles in flight, thus giving warning of attack and providing it the opportunity to launch counter missiles or to vector intercepting aircraft. As for submarine-launched ballistic missiles, particularly those with depressed flight trajectories, the forward-positioned dirigible can improve early-warning time and serve as a platform from which to fire counter weapons while the missiles pass through their boost phase when their low speed and large infrared signature tend to make them vulnerable.

For underwater surveillance, the airship could emplace large fields of moored sonar buoys, monitor them, classify and correlate detections, and vector forces to localize and attack unfriendly submarines. The dirigible itself could carry antisubmarine warfare (ASW) support forces made up of aircraft or remotely piloted vehicles (RPV). Buoys that fail or break away would be recovered. replaced, and repaired, if necessary, in onboard maintenance facilities. The ships could retrieve and redeploy entire buoy fields.

The airship could also tow horizontal linear passive sonar arrays, designed with an extremely large aperture, essentially to the limits of the sea environment. Screw and hull noises would no longer interfere with listening, and sweep rates and other performance aspects could improve. Subsurface arrays towed by airships seem specially suited to maintain surveillance over potentially unfriendly ballistic missile submarines.

The Navy is replacing dedicated ASW aircraft carriers by the CV with its mixed complement of ASW and attack aircraft. The airship could bring about a return to a single-mission ASW carrier, and most important from a logistic and operational viewpoint, without needing accompanying destroyers or underway replenishment groups.

Finally, the airship appears eminently qualified to serve as the central command post and operational control center for a designated sector of open ocean. It has the size to house the most sophisticated communication equipment, computers, and analysis and display equipment required by a major fleet command. Its mobility would permit the area commander to remain literally "on top" of the situation.

The dirigible could and should play other significant roles but space does not allow discussing them here. Oceanographic work for one. Use as a movable VLF antenna for communicating with submarines for another. A carrier and mother ship to Deep Submergence Rescue Vehicles for still another.

The Soviets reportedly have an interest in using airships to deliver to the Siberian interior whole prefabricated buildings and completely assembled heavy equipment, and to bring out the region's natural wealth on the return flight. In March 1972 the Russian popular magazine *Sputnik* contained two articles on the subject. One stated that 14 Soviet institutions, including some government ministries, favor the building of large airships. The U.S. and USSR have formal cooperative programs in space, including a rendezvous in orbit. A new bilateral agreement, this time for the mutual development of airship transportation, would strengthen technical collaboration between the two nations. The Administration in its desire to see trade, understanding, and friendship developed between the U.S. and USSR, might well consider the airship as a tool toward realizing that goal.

In addition, the government should look deeper into the "disaster relief airship." Creating it as a major international effort with internationally shared funding seems a "natural" as does operation under United Nations auspices.

While discussing the dirigible's international future, let us not forget Japan. Geographically isolated and dependent upon overseas commerce, the industry of that energetic country that produces the world's largest tankers may suddenly discover in the airship the means to transport manufactured goods rapidly and in bulk to Western Europe and South America. The discovery could work either to the distinct advantage or disadvantage of the U.S. aerospace industry.

How much will it cost to build a *fully-equipped operational prototype* to do some of the tasks described above?

Naturally that answer depends upon the size, performance, mission, and type of construction. Also upon the extent to which major subsystems (powerplants, for example) already exist and need not be specially developed. And upon the nature and extent of structural testing required (a large airship and a "jumbo jet" might receive quite different treatment in this regard). Estimates for such a prototype range from as low as $100 million to as high as $500 million, with follow-ons, of course, substantially less. Six cargo airships, each 12,500,000 cu. ft. and of modernized conventional rigid airship design, could cost about $25 million a copy.

But first, a training airship must be constructed. Exceptionally thoroughgoing flight and ground-handling proficiency building programs must forestall operating inexperience, a major cause of the lighter-than-air accidents of yesteryear. Simulators will help but they are not enough. The expertise and skills of flying large dirigibles have to be revived, starting anew. Before a crew can take over a large operational airship, it must at the very least have received a checkout in a smaller ship—probably of about 3-million cu. ft.

This training ship would cost perhaps $50 million. It need not carry the advanced electronics and other special features required by the operational ships. Constructing such a ship inside one of the half-dozen dirigible hangars still standing in the U.S. would take about three years.

Providing a training airship, an operational prototype, and qualified crews would probably cost too much for any private organization. Government support seems almost certainly required, particularly if the aerospace industry persists in some of its costly ways of doing things (often at the insistence of the government itself). The 6.5-million-cu ft *Akron,* an operational prototype, cost $5.4 million and its sister ship, Macon, $2.5 million. These two dirigibles, representing perhaps America's single most ambitious aircraft construction project of the late 1920s and early 1930s were built by a contractor's engineering group that, including draftsmen, numbered no more than about 50 persons. The Navy's highly successful ZMC–2 metalclad, a radically different developmental airship prototype involving new materials, design, and construction techniques, was engineered by a staff of a half-dozen. How many scores or hundreds would work on that same job today?

Which agency might provide the support? The Coast Guard, Environmental Protection Agency, Geological Survey, Atomic Energy Commission, Arms Control and Disarmament Agency, National Oceanic and Atmospheric Administration, and, of course, the Maritime Administration all have programs and missions that would benefit from large airships. Individually, none of these Federal agencies would likely underwrite development alone. But they could pool their requirements and resources and sponsor the ship collectively. One, however, must take the lead.

The Defense Department could obtain the resources to begin a comprehensive airship program. Despite the military applications described earlier, DOD has so far shown little interest. If it does, an Air Force or Navy airship program could lay the foundation for nonmilitary usage and designs.

NASA has apparently no more interest in airships than does DOD.

Yet the airship offers a vast potential for services, applications, and uses important, even critical, not only to the U.S. but also to the world. It would have a measurable impact on the balance of trade, scientific progress, national defense, and international humanitarianism. It offers as much as did the SST—perhaps even more—an opportunity for engineering creativity, technological advancement, and *management innovation*. Building a dirigible differs from building an airplane. To revive airships, we must make a new technological start. *And in so doing, we can also make a new managerial start,* something much longed for by those caught up in the way of doing things that has evolved since WW II. Building a dirigible can be used by astute managers in government and industry to reverse the trend toward ever more costly and more difficult to control aerospace programs.

Will the airship be revived? Almost certainly it will but not until its technical and operational merit has become more widely recognized and the subject itself given more professional attention.

The time table could change overnight if the Office of Management and Budget concluded that airships can substantially or uniquely contribute to the Administration's goals at home and overseas. An OMB recommendation to develop this environmentally clean and attractive vehicle for its commercial, scientific, defense, utilitarian, and global good-will value is what is really needed.

There is no question about *whether* the dirigible will return, but *when*. And that depends on how rapidly an awareness of its potential can be conveyed to the Executive Branch, Congress, the military, the scientific community, industry, and the public.

EARL G. WATERS—WINNER OF THE 1973 FREEDOM OF INFORMATION AWARD

Mr. CRANSTON. Mr. President, I want to pay tribute to a fine California newspaperman. Earl G. Waters, syndicated columnist whose articles on California government and politics appear in 40 newspapers, has been named the winner of the 1973 Freedom of Information Award.

The honor was announced at a meeting of the prestigious journalism fraternity, Sigma Delta Chi, at its Central California Chapter, by Michael Otten, awards chairman.

Mr. Otten said it was given in recognition of Waters' action in forcing the disclosure of a contractual arrangement the University of California secretly made with the university president.

When his requests to view the contract were denied, Mr. Waters retained legal counsel and sued to enforce the public's right to know. Mr. Waters' unrelenting pursuit of the records resulted in important public revelations.

Mr. Waters was selected from a group of nine nominees for the award which is given annually. It is the second journalistic honor bestowed upon him this year. Last April he was named the winner of the 1973 Media Award given for "outstanding legal and legislative reporting" by the California Trial Lawyers Association.

He had previously been the recipient of two awards from the California Newspaper Publishers Association for "general excellence" in reporting.

THE MORAL ISSUE

Mr. JAVITS. Mr. President. At a time of testing of the issue of détente with the Soviet Union as a result of the developments in the hostilities and cease-fire in the Middle East, it is pertinent to recall an editorial which appeared last month in the September 13 Wall Street Journal. This lead editorial has as its thesis the proposition that denial of liberties to its own citizens by the U.S.S.R. is a proper matter of concern to the United States in any détente or negotiations with the Soviets. As the editorial points out:

> It is not in the nature of men or governments to be beastly within the family and trustworthy outside it.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Parable

Two men living on a remote island had been feuding for years. Whenever either would venture into the no-man's land between their family domains the other would feel threatened and knives would be drawn. Unhappily, the no-man's land included the island's best freshwater spring, and no member of either family dared to drink its waters.

A long drought, drying up the other springs and threatening the lives of both families, promised at least to end the feud. Though eyeing each other suspiciously, the two men managed to reach an understanding allowing both to use the spring, and indeed joining their efforts to develop its resources. Within this tenuous understanding both could prosper, but if either or both were cut off from the spring they would die.

Encouraged that the two could work together on something so important, the first man starts to rethink his experiences. Perhaps the long feud was merely an honest misunderstanding. Perhaps he had misjudged his fellow, perhaps he had merely imagined the evil intentions. Perhaps a certain allowance needs to be made for different and sometimes rough ways. Perhaps despite these differences, the other man is trustworthy enough that the important things can be settled and the knives can be forgotten.

Then the first man discovers that even while working industriously on the spring by day, by night the second man is beating his wife and terrorizing his children. Some of those beaten, fearing for their lives, appeal to the first man for help. What is he to do? He is moved by their plea, but he has heard that quarrels of another family are none of his business. He knows that if he antagonizes the second man the understandings may collapse and all may die. Yet if the beatings reveal true character, how long will the understandings last? Can any agreement with such a person, the first man wonders, really protect his future and his family's?

Only a cruel fate could create such a dilemma. A hundred philosophers could wrestle with it for a hundred years without providing a happy solution. Yet it is not only in parables that fate is cruel, and the United States, trapped on the world island with its Soviet antagonist, finds the dilemma not hypothetical but real. Just as agreements are being reached to curb nuclear arms, and just as American granaries are feeding the Soviet people, we find the Soviet government crushing its dissident intellectuals, even moving against the two formerly protected by fame, physicist Andrei Sakharov and novelist Alexander Solzhenitsyn.

Given this dilemma, Americans are bound to be troubled no matter how they react.

These columns have many times expressed their instinct, which is to warn against an excess of moralizing in foreign policy. That excess is written large in American history; this nation's typical error in foreign policy has been putting a desire to create little Americas abroad ahead of cold calculations of national interest. And this tendency is curiously strong, far from absent, in those who have most loudly warned us against playing "world policeman."

Our cold interest, since we cannot make the Soviets go away, is to find ways to live with them. To this end we are following a strategy of increasing contacts, of creating an interdependence between the two societies. This is far more important than threatening and cajoling them into following American standards of behavior with respect to their internal matters.

Yet this attitude can be carried only so far. It is not in the nature of men or governments to be beastly within the family and trustworthy outside it. The policy of detente is in fact built around an assumption that Soviet behavior will evolve toward moderation internationally, and a shadow is cast over the strategy when the Soviets move in the opposite direction internally. One would not want to forsake the strategy prematurely over such concerns, since it does seem to offer the best chance for peace. One would want to offer the Soviets a chance to show that they are not after all immune to moral persuasion. But in the end, there are limits.

So we sympathize with Henry Kissinger and other officials when they refuse to link official policy to the treatment of Soviet dissidents, except in informal representations. But we are also delighted with the widespread public concern and the protests by the National Academy of Sciences. And the Soviets need to understand that if their actions continue to make matters worse, American public opinion will ultimately be reflected in American government policy.

Given the stakes involved, we can hardly go on a crusade against wife-beating. But it may help the victims, and also our own long-term interests, to let it be known that there are types of behavior that call the whole joint enterprise into question.

A TRIBUTE TO HAROLD HUGHES

Mr. MUSKIE. Mr. President, with many other Senators, I took great pleasure this past Sunday in an article which appeared in Parade magazine about our friend and colleague, Senator Harold Hughes. In describing him, and his decision not to seek reelection next year but to retire from the Senate and follow the call of God in his service to mankind, the article was laced with complimentary adjectives: "compassionate," "understanding," and "impressive."

Having the privilege of knowing and working with Harold Hughes gives content to these adjectives. His strength of character has led to what he calls "a spiritual approach" to his public role—truly feeling with conviction the important values of life, and acting upon them. His contribution to the work of the Senate has reflected this conviction and strength of character. As he continues to bring his message to mankind, he will have my confidence, respect, and warmest personal best wishes.

Mr. President, I ask unanimous consent that the Parade article on Senator Hughes be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator Harold Hughes: He Wants To Work Full Time for God

(By Lloyd Shearer)

Washington, D.C.—Some men, particularly politicians, will do almost anything for power. And then, having acquired it, they will do even more to consolidate and perpetuate it. For political power in the American way of life is either the ultimate money-substitute or an eased road to wealth.

Mayor Richard Daley of Chicago is the classic example of the first, and the late Lyndon Johnson in Texas an equally classic study of the second.

In the hands of politicians with little strength of character, power frequently becomes hypnotic in its addiction, corruptive in its influence, and vindictive in its exercise.

Once in a rare while, however, a man, elected to political power, decides to relinquish it when he doesn't have to.

On Sept. 6th—after a lengthy period of personal soul-searching and intensive discussions with his wfie and three daughters—Sen. Harold Hughes, 51 (D., Iowa), announced that when his present term ends in January, 1975, he will retire from the U.S. Senate to become a lay preacher and follow "God's calling."

OVERCOMING THE PAST

Hughes, an ex-alcoholic truck driver—a lethal combination if there ever was one—is a three-time Governor of Iowa, 1962–68, a Methodist, and one of the most deeply religious, personable, kind and liberal members of the Senate.

In his 4½ years as a Senator, he has quietly helped several members of the Congress and their wives with drinking problems and ministered to the varied needs of others.

A mountain of a man, 6 foot 3 and 245 pounds, he is a tender, compassionate, understanding person whose special interests are the poor, the weak, the downtrodden, and those who have lost their spiritual way in life.

"I have long believed," he explains, "that government will change for the better only when people change for the better in their hearts. Rightly or wrongly, I believe that I can move people through a spiritual approach more effectively than I've been able to achieve through political approach.

"To me there is something more important than the political process in this country. God comes first and country comes second.

"That belief is really nothing new with me. I've had it ever since I quit drinking. (In 1951 Hughes was about to take his own life when one afternoon he knelt in prayer.)

"At that point," he says, "I asked God to direct my life, and I made a commitment to Him as I understood it. I thought then of entering the ministry. In fact, for a couple of years I even took a correspondence course for the ministry. But then I was led into state politics, and eventually into the Senate by the late Robert Kennedy.

"In 1967 after three terms as Governor of Iowa, I didn't want to run for reelection," Hughes narrates, "I didn't want to come to Washington. I had no ambition to become a United States Senator. But one afternoon, in November or December, 1967, I don't recall the precise date or even the precise hotel, I think it was the Plaza, Bob Kennedy and I, just the two of us, met in a hotel in New York City. And I told him that Lyndon Johnson had to be replaced as President and that he was probably the only man in the Democratic Party who could get the nomination.

A DIVIDED COUNTRY

"Bob was reluctant. He said he didn't want to be the instrument for dividing the country. I disagreed with him. I told him the country was already badly divided, that someone had to run against Johnson. Of course, we didn't know that Johnson would subsequently decline to run.

"In the course of the conversation," Hughes continues, "Bob pointed his index finger at me and said, 'How can you ask me to run for the Presidency if you won't even run for the Senate?' I didn't have much of an out. I couldn't see that one more vote in the Senate was going to make that much difference. But he convinced me. He convinced me that six years of my life in the Senate might indeed make a difference on a lot of issues. I said, 'OK, Robert, I'll run for the Senate if my wife and daughters agree.' They agreed. I ran, and I was elected.

"Robert ran, too, for the nomination, but you know what happened [Robert Kennedy was assassinated in Los Angeles on June 6, 1968]. And that tragedy brought me to the realization then, as it does now, that there's a basic savagery underlying the political structures of this country that we've never been able to mature out of.

A GREATER DANGER

"The politician in this country is probably in greater danger of being struck down than in almost any other Western country. Americans don't like to hear that. But our history proves it. Just in the past 10 years: Jack Kennedy, Robert Kennedy, Martin Luther King, George Wallace. Surely there must be some way in which we can dampen the anger which politics generates in the hearts of our people."

When Harold Hughes leaves the Senate in January, 1975, he plans to join two organizations, the Fellowship Foundation and the International Christian Leadership, both of which believe in spreading the Prayer Breakfast Movement. As yet he has no specific assignments. "People ask me," he says, "If I expect to be another Billy Graham or spend the next 20 years of my life as a missionary in India. The truth is I don't know what I'm going to do. I haven't had time to lay out a program. When this job is over, I'm going to take a little bit of time to wait on the Lord—to think and to pray. I'm sure God will direct me."

Senator Hughes is good-naturedly aware that some people believe he's "blown his stack" or "gone off the deep end," or suspect that he really plans to run for President of the U.S. under a third-party banner.

"I'm not contemplating running for public office again in my life," he declares, "but if there should come a time in the future that the right man or woman ran for office and wanted my commitment or if some President should say to me, 'I want you to come and do this for the country,' I would feel compelled to do it. But the truth is that I've been sitting here in the Senate these past few years saying to myself I'm not doing what my conscience wants me to do.

"I've tried to find a way of life," Hughes asserts, "where I could do what God intended me to do with a total commitment. I haven't found that in the Senate. That's not to say I'm not proud of what I've done here, especially in the fields of alcoholism, drug dependence, the anti-war movement, and the exposing of the secret Cambodian bombings, and, of course, the Gen. John Lavelle affair. [General Lavelle authorized and hid from superiors a series of unauthorized bombing raids on North Vietnam.]

I've been an important, lonely voice on the Senate Armed Services Committee, questioning a lot of weapons systems. And I think my voice has had some effect, has focused some attention on the problems and issues. I don't sell that short for a minute. It's just that to me God's calling is greater than the political one."

CONSTITUENTS TALK

The reaction to Hughes' plan has been startling. The overwhelming response has been one of discussion. "The devil's in the White House," many of his constituents have written, "stay in the Senate."

The secretaries in the Senator's office say his Iowa mail has reflected surprise, disappointment, respect for his wishes, and appreciation for what he has done in the past, in that order.

"The only people who dislike the Senator," claims one assistant, "are some in the White House, and that's because the Senator has always firmly believed in telling people the truth and in speaking his own mind."

Hughes quickly admits, however, that "I've received some letters telling me that I ought to learn a little about forgiveness if I'm going to succeed in my new way of life. I've been accused of being quick to criticize the President, quick to call him to task.

"I don't enjoy doing that," he states, "we have a President. I respect the Presidency. I pray for the President every day. It's pretty difficult to stand up here in the Senate and be cutting in your criticism, because you think it's not only in the national interest but in the interest of eternity. I don't like to hurt others. I don't have the killer's instinct. I never want to bore in on a man when he's bleeding and not leave him room to escape and heal by honesty.

"The President could have taken Watergate and become a saint. If only he'd made a complete revelation, if only he'd told the whole truth and dismissed the people involved and demanded full prosecution. His popularity would have been 95 percent.

"But the President is a man who is very afraid," Hughes states, "and I wish I could help him. That may sound strange, as critical as I've been of him, but I really wish that I could. I see nothing wrong in confession and repentance. Why can't he do that?

"I would rather have a group of men gathered around me in prayer to help me than to stand in the heat of crisis with a bunch of intellectual advisers. That's the way history has brought strength to people.

THE SÉANCE AFFAIR

"Nine times in his Presidency, Abraham Lincoln called his country to prayer and repentance. Nine times he said, 'It's a national day of repentance. Ask forgiveness for yourselves and the nation, so that God might remove from us the stigma that caused this great conflict that almost tears us asunder.' Surely, President Nixon should have no shame in doing that."

In 1971 Harold Hughes gave the Democratic Presidential nomination a try. He progressed smartly until several newspapers reported that he had attended a séance in an effort to communicate with his older brother, Jesse, who was killed in an automobile accident in 1942 not far from their hometown of Ida Grove, Iowa.

Many members of Hughes' staff believe that their boss departed prematurely from the race and might well have won had he stayed. Hughes is by far a more charismatic personality and a more impressive and memorable speaker than such Senators as Muskie, McGovern, Humphrey and Jackson. He may in fact be the most arresting speaker in the entire Congress. With his commanding presence and his resonant, stentorian voice, he has the rare faculty of arousing almost instantaneous rapport with his audience. He has had groups of businessmen hugging each other in demonstrations of close brotherhood as a result of his urgings. He is a thoroughly empathetic man.

How he will survive after he leaves the Senate, he has little idea. He has entered into no salary or financial arrangements with either the Fellowship Foundation or International Christian Leadership and insists that "God will look after me.

"Fortunately," he adds, "my wife has as much faith in God as I have. She doesn't know what we're going to be doing. We discussed seriously the economic problems related to a move like this, you know, giving up a great deal of security here at the U.S. Senate.

"We don't have enough financial resources to provide for old age. Another term in the Senate would mean a good retirement pay, enough for us to live the rest of our lives comfortably. But my wife agrees with me that by faith, the Lord will provide for us, and as for the rest of it, she's delighted."

A most unusual Senator, Harold Everett Hughes, one-of-a-kind, truly a nonpareil.

FIVE HUNDRED STUDENTS ENROLLED IN BUSINESS MANAGEMENT TRAINING

Mr. COTTON. Mr. President, in troubled days such as these we sometimes tend to allow worthy projects and dedicated service to be overlooked temporarily and consequently I feel it is particularly appropriate at this time to call attention to a program associated with the normality of the fall season rather than the abnormality of these particular times.

Recently I was supplied with a copy of the July/August issue of Access, a publication of the Office of Minority Business of the U.S. Department of Commerce that describes another instance of the willingness of the National Football League to become involved in the world outside of their packed stadiums. In an excellent example of a Government project being supplied to the private sector; 15 young professional football players secured commitments from 257 business firms to provide 508 fellowships for disadvantaged students that will eventually lead to their being brought into the firms upon their college graduation. Under the terms of the program, these students, all financially needy high school seniors in the top 10 percent of their graduating classes, will work for the companies during their summer, Christmas, and Easter vacations while in college.

This project was originally conceived by a dedicated career civil servant, Mr. Francis X. Seymour, the Chief of the Department's Personnel Operations Division, to bring disadvantaged Washington area students into the Government. Mr. Seymour is also an avid fan of the Washington Redskins and suggested that OMBE adapt the program to the private sector. With the professional football players running interference, the business firms have committed a total of $3.5 million to the fellowships. The OMBE cost was only $125,000; which Commerce Under Secretary John K. Tabor points out is:

> Exceptionally low overhead and a significant savings to taxpayers in view of the fact that the costs of many other youth related programs have been many times this figure.

Among the 15 NFL players who participated in this program were Conway Hayman and Homer Post of the New England Patriots and I commend the article to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Five Hunered Students Enrolled in Business Management Training

With 15 professional football players running interference for them, some 500 young people from disadvantaged backgrounds are moving toward career goals in the business world.

It's all part of a unique program called the Business Management Fellowship started by OMBE in cooperation with the National Football League (NFL) and the private business community.

Nationwide, private business firms have awarded Business Management Fellowships to 508 students. Under the terms of the program, these students, all high school seniors in the top ten percent of their graduating classes, will work for the companies during summer, Christmas and Easter vacations during their college careers.

Upon graduation from college, the students will be brought into the firms through regular personnel channels as full time professionals. To qualify for the program, the students must be eligible to attend college and must show financial need. Many of them are from minority groups.

In addition to the 508 commitments for the coming school year, 257 firms have expressed an interest in participating in the program next year.

The Business Management Fellowship results were announced at a special ceremony at the Commerce Department in Washington to honor the 15 professional football players who worked for the Department during the last few months to market the program to private industry.

The players were recruited with the cooperation of NFL Commissioner Pete Rozelle. Buddy Young, Rozelle's special assistant, was primarily responsible for recruiting the players OMBE needed to sell the program. Young said, "In reviewing OMBE's needs, I decided to recruit the younger players in the league who could use the money they earned during the three month assignment and who have the enthusiasm and salesmanship to do an effective job."

Under Secretary of Commerce John K. Tabor presented award certificates to the players. They are: Jimmie Jones, Mack Alston, Ted Vactor and George Nock of the Washington Redskins; Conway Hayman and Homer Post of the New England Patriots; Jim Harris and Joe Williams of the Los Angeles Rams; Dave Lewis and Jesse Phillips of the Cincinnati Bengals; Melvin Holmes of the Pittsburgh Steelers; Cal Snowden and Chris Fletcher of the San Diego Chargers; Rudy Redmond of the Detroit Lions; and Clarence Ellis of the Atlanta Falcons.

The ceremony also honored a Commerce Department official who originally developed the Business Management Fellowship. He is Francis X. Seymour, chief of the Operations Division, Office of Personnel.

Seymour conceived the idea in 1967 as a method for bringing disadvantaged students from the Washington, D.C. area into the Commerce Department at the professional level. The program was so successful at Commerce, that the Civil Service Commission later adopted it for Government-wide use. Today over 1,000 young professionals, many of them minorities are serving in the Federal Government as a result of this program.

Because it worked so well in Government, Seymour suggested that OMBE adopt the program for use in the private sector. The result was the Business Management Fellowship Program.

In presenting the awards, Under Secretary Tabor pointed out that the compensation the 508 students will receive for vacation work during the four-year terms of their Fellowships is estimated at $7,000 per student. "Thus business firms, in signing up to provide 508 Fellowships, have agreed to commit a total payment of about $3.5 million to selected students," Tabor said.

Since it only cost OMBE $125,000 to implement the program this year, this means that the Federal Government's contribution to the program is less than four percent of the anticipated private industry commitment to support the program.

"This is an exceptionally low overhead and a significant saving to taxpayers in view of the fact that the costs of many other youth related programs have been many times this figure," the Under Secretary pointed out.

OMBE Director Alex Armendaris commended the football players for the dedication and enthusiasm they brought to the Business Management Fellowship Program. Calling the program a practical way to develop future minority entrepreneurs, Armendaris said, "The long-range benefits of the program are evident: a pool of college trained, business-oriented minority employees is being developed on an ongoing basis and in an organized manner as candidates for the executive programs of business and industry."

MR. DePILLA, OF THE U.S. BOTANIC GARDENS CONSERVATORY

Mr. McCLELLAN. Mr. President, we in the Senate are fortunate to have a number of dedicated and loyal employees who serve us ably and are all too often unheralded.

Albert T. DePilla is just such a person. Mr. DePilla, a horticulturist and manager of the U.S. Botanic Gardens Conservatory, was awarded a certificate by George White, Architect of the Capitol, on October 10, 1973, in observance of his 50 years with the U.S. Government.

Over the years, Mr. DePilla has provided the Capitol and other legislative buildings with flowers and floral displays which have greatly enhanced our environment and improved our working conditions. He is truly an artist in his arrangement of flowers.

Mr. DePilla was born across the street from the present conservatory. At the age of 16, he began his employment at the conservatory as a laborer and rose over the years to his present post. When the present conservatory was opened, he assisted in the transferal of the tropical plants to their current home.

As manager of the U.S. Botanic Gardens Conservatory, Mr. DePilla supervises the outstanding floral shows which attract thousands of visitors to Capitol Hill during the Easter and Christmas seasons and the remainder of the year. He is in charge of the decoration of the Old Supreme Court Chambers in the Capitol for the Presidential Inaugural ceremonies held there. He has decorated and arranged the floral displays for all presidential funerals held in the Capitol Rotunda from Presidents Harding to Johnson.

Under Mr. DePilla, the conservatory has provided not only floral offerings of enchanting beauty, but also a place where our young people can learn—just as he learned—to appreciate the beauty and bounty of nature.

Mr. President, in the years of service that he has given us, Albert DePilla has never been too busy to offer advice and instruction in the care of plants. He has made many friends among Senators, Congressmen, their wives, and their staffs. I am sure that they all join me in congratulating him upon this occasion and wish him many more years of productive service.

LET US COUNT OUR BLESSINGS

Mr. FANNIN. Mr. President, in today's busy world we seldom have time to stop and count our blessings. Yet, a moment's reflection will reveal that even with our inflation and our political disputes, we are a very fortunate people.

At the same time, we must also recall what it is that made the United States the strong and prosperous Nation it is. And it becomes apparent that we must rededicate ourselves to the principles and to the hard work that built this Nation.

The Warner and Swasey Co. ran two excellent advertisements in the most recent issues of U.S. News & World Report. One of these advertisements helps us to count our blessings and be thankful. The other reminds us that unless we get back to work we will not long enjoy this good life.

Mr. President, I ask unanimous consent to have these two advertisements reprinted in the Record.

There being no objection, the advertisements were ordered to be printed in the Record, as follows:

You Think America Has Troubles? What's Nightmare to Us Would be Utopia to the World

In much-envied Japan, the best beef costs $35 a pound; pollution is so bad in Tokyo that traffic policemen take an "oxygen break" every hour—3 minutes of breathing bottled oxygen; their factories produce ten times the industrial waste per square mile that our factories do and 70% fail to process their waste; school children pass out after playing in the smog.

Britain, France, Spain, Italy, Denmark and Finland have worse inflation rates than we do, and controls have failed. (Gasoline in one country costs $1.03 a gallon).

In Brazil less than half the cities have high schools.

In Rio de Janiero as many as 6 companies have to share one telephone.

In Cuba per capita income is down to $357 per year.

In the Congo prices have risen 90% since the late 60's and wages have risen only 40%.

In mainland China workers live in huge apartments where 6 to 12 families share one kitchen.

Calcutta has a population explosion (9 million; it was 2 million just ten years ago) because people crowd in to get factory jobs at 34¢ a day—twice the Indian national scale.

We have only 6% of the world's population but we produce and consume 30% of the world's goods and services, making us better fed, better housed, better educated, with better medical care than virtually any other people on earth.

Complacent? We'd better not be! We'd better learn how to get back to being the *productive* people we once were, when we were *safe*, and genuinely prosperous—and reasonably happy.

Nobody Likes to be Second-Best, But We're Getting There All Too Fast

The United States used to make 76% of the world's automombiles. Now it's 33%.

We produced 47% of the world's steel; now 19%.

Following World War II we built most of the world's merchant ships. Now only 2%.

From first to third as builder of machine tools.

The American sewing machine used to be the trademarke of the American home. Now only one company makes *any* here.

40% of Americans walk in imported shoes.

Whose fault? It's *everyone's* fault who wants something for nothing or takes something he doesn't earn. That is what is causing exorbitant prices, shoddy quality, disguested customers. America was built by hard work, with everyone carrying his share. We'd better get back to it *fast,* while there's still time.

THE WIRETAP MENTALITY

Mr. NELSON. Mr. President, approximately 30 years ago, Justice Felix Frankfurter warned that "The history of liberty has largely been the history of observance of procedural safeguards".

None of us, least of all those of us in Congress, can afford to ignore this warning today. For the Senate Watergate hearings and other recent events have exposed in shocking detail the Government's steady encroachment on individual liberty. The Government wiretaps phones, installs electronic bugs, and spies on the activities of law-abiding citizens—often with little or no concern for individual's right of privacy.

The time has come for Congress to stop toying with words and adopt some procedures to control these invasions of individual privacy by the Government.

There are innumerable examples to demonstrate the need for congressional control of Government snooping. Perhaps the most telling examples are wiretaps which the Government installed in May 1969, at the specific direction of the White House, on 17 individuals suspected of leaking information to the press. Most of the taps were placed on the phones of certain Government officials. The remainder were placed on the phones of selected newsmen.

The administration argued that these widetaps were necessary to prevent disclosure of information considered vital to our national security. But the administration had virtually no concrete evidence to support this argument. The lack of evidence, however, was no obstacle to the installation and maintenance of the wiretaps. For the administration did not feel an obligation to persuade a court or any other public body of the need for the wiretaps. In the administration's eyes, its discretion was beyond question.

As a result, many of the taps installed were continued for an inordinate amount of time. In the cases of at least two Government officials, for example, the taps were maintained after the officials had left Government service and had joined the presidential campaign staff of Senator Muskie.

These are not isolated incidents. Almost every day the public learns new details of how the Government spies on citizens. One day it is the U.S. Army employing 1,500 plainclothes agents to spy on more than 100,000 law-abiding citizens whose only "crime" is disagreement with Government policy. Another day it is the FBI spying on citizens and Government officials participating in the celebration of Earth Day. And another day it is the White House "plumbers" burglarizing the offices of a private physician. The possibilities are almost limitless and, to say the least, rather frightening.

These insidious practices of Government snooping threaten the rights guaranteed to each citizen by the Bill of Rights of the U.S. Constitution. Foremost among these threatened rights are the ones accorded by the fourth amendment. That amendment provides that—

> The right of the people to be secure in their persons, houses, prayers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probably cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The purpose of this amendment is clear. It is designed to protect an individual's privacy from invasion by the Government.

One need not be an historian or a lawyer to recognize that this right of privacy is fundamental to our system of democratic self-government. For this right places an individual's thoughts and beliefs beyond the reach of the Government. It protects each individual's right to think and, within certain established limitations, to act as he or she chooses. As Justice Field declared in the 1888 case of In re Pacific Railway Commission:

> Of all the rights of the citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves not merely protection of his person from assault, but exemption of his private affairs, books and papers, from the inspection and scrutiny of others. Without the enjoyment of this right, all others would lose half their value.

A right so vital to an individual's peace and happiness cannot and should not be entrusted to the guardianship of a Government which can act in secret. This is particularly true when, as in the last few years, the Government is too ready to sacrifice individual privacy on the altar of political expediency. This, in a word, is the clear message of the fourth amendment.

Unfortunately, that message has done little to restrain the Government when it wants to spy on private citizens. Accordingly, I introduced a bill in April 1971 and again in June 1973 to establish a joint committee of Congress to review all Government surveillance activities. This joint committee would be empowered to subpena representatives from every governmental agency or department engaging in surveillance activities and to require full disclosure of their respective spying activities. The joint committee could then determine whether these activities comport with the fourth amendment and whether any new laws are needed to safeguard an individual's privacy from Government snooping.

Congress should not underestimate the importance of adopting action now to control Government surveillance activities. Government spying, by whatever means, jeopardizes the individual freedoms which are the cornerstone of our democratic system.

The need for immediate congressional action to control Government spying was voiced most recently in the lead editorial, entitled "The Wiretap Mentality," in the October 13, 1973, issue of the New Republic. This excellent editorial describes the Government's installation of wiretaps in May 1969 on the telephones of the 17 individuals suspected of leaking national security information. The editorial also criticizes Congress failure to take any action to review the full scope of Government wiretapping.

This editorial deserves the close attention of every Member of Congress and the public at large.

Mr. President, I ask unanimous consent to have that editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Wiretap Mentality

Three months after his second inauguration as President, Richard Nixon gave the go-ahead to installation of FBI wiretaps on the office and home telephones of at least one newsman and a handful of Henry Kissinger's National Security Council staff members. The date was May 1969 and it marked the start of a unique effort first to control news leaks, then to gather political intelligence, and finally just to snoop. The White House and the FBI always knew these taps were politically risky. And so, although the FBI's number two man, William Sullivan, worked directly with Nixon aide John Ehrlichman, knowledge of the taps and the information they generated were kept out of normal bureau channels. Sullivan kept the files in his private safe. But periodic reports on what the agents overheard were sent to the President via Haldeman and to Kissinger through his aide General Haig. Only occasional reports went to Attorney General Mitchell. In the 21 months between May 1969 and February 1971, the phones of 17 persons were tapped. Some taps continued for a month or less; a few longer and at least one—on the home phone of Morton Halperin—was maintained throughout the entire 21 months.

Two members of the Senate Foreign Relations Committee, Senators Sparkman and Case, were permitted to read an FBI summary report on the taps during the confirmation hearings of Secretary Kissinger. They spent less than 10 minutes reading the documents and about the same time questioning Attorney General Elliot Richardson and his new deputy, former Acting FBI Director William Ruckelshaus. Their interest was primarily Kissinger's role in initiating the eavesdropping, not the eavesdropping itself. Enough was learned, however, to cause them to question "the pattern of casual and arbitrary infringement of individual rights." They also noted that "very little if any justification was presented in most instances" for initiating a tap. Often only the name of a White House aide would be supplied as the requestor. The excuse for one tap was that a newsman had been seen talking to an East European diplomat; in another that a State Department official was close to Averell Harriman. The Senate committee also criticized the lack of "procedural safeguards" with respect to terminating the taps. Why they were terminated is an intriguing story in itself. They were halted in February 1971 because FBI Director Hoover wanted to reduce the number of national security taps prior to his annual appearance before the House Appropriations subcommittee, which was scrutinizing his budget.

If these 17 so-called Kissinger taps were the only publicized examples of Nixon telephone snooping, the Congress and newsmen might be somewhat justified in giving the subject the silent treatment it has had. They were not.

In June of 1969—a month after the first FBI taps were installed—White House counsel John Ehrlichman at the specific direction of the President authorized the White House's own security unit, then headed by John Caulfield, to install a wiretap on the Washington, DC telephone of columnist Joseph Kraft. Was that for national security purposes; and if so why wasn't the job given to the FBI? Kraft, in Europe with his family when the tap went on his home phone, was followed about and bugged by French authorities. That *was* at the request of the FBI. Again Ehrlichman was reportedly behind the operation.

One month later —John P. Sears, a lawyer who was among Nixon's earliest 1968 campaign advisers and was working at the time as a White House aide, was made the subject of an FBI tap. Sears was handling domestic and political matters but he says he had no access to classified material. He was, however, often available to newsmen he had met on the campaign. Did the national security dictate this tap? In late August or early September of 1969 a Caulfield tap was allegedly put on a row house rented by three girls, one of whom worked for Senator Edward Kennedy and had been present the fateful July night on Chappaquiddick when Mary Jo Kopechne died in Kennedy's automobile accident. Was that a national security tap?

These invasions of privacy, along with the "electronic surveillance" of Democratic headquarters, have been identified. We know less about others. The Secret Service has conceded it wiretapped the President's brother Donald but has refused to supply details, the President having invoked executive privilege. Former White House aide Ehrlichman testified before the Ervin committee that he authorized wiretaps "from time to time" during 1971 when the White House "plumbers" were riding high. Since that group did not get going with its clandestine operations until five months after the 17 Kissinger taps were reportedly halted, it would appear there are still more White House taps to be uncovered. An August 11, 1971 memo from Bud Krogh and David Young (the men directing the plumbers) to Ehrlichman indicates they were aware of wiretaps on individuals connected with the Pentagon papers investigation. Among them was K. Dun Gifford, a former aide to Senator Edward Kennedy and friend of New York Times reporter Neil Sheehan, the man who developed the Pentagon papers story. The Krogh-Young memo lists Gifford as having been "overheard"—the legal term for being picked up on a wiretap.

When the plumbers set up shop in July 1971 Assistant Attorney General Robert Mardian made a special trip to San Clemente. According to Mardian, who was handling prosecution of the Pentagon papers case, his meeting with the President came about because FBI Associate Director Sullivan and J. Edgar Hoover were on the outs and Sullivan wanted the White House and newsmen tap records to be removed from his and the bureau's control. At the President's direction Mardian got the tap records from Sullivan and turned them over to Ehrlichman. Was the transfer of these records an effort to hide the fact that Daniel Ellsberg himself had been overheard? That could well have been so. Ellsberg had stayed at Halperin's home in late 1969 and his calls from there were duly recorded by the FBI. An added bonus to placing the taps with Ehrlichman was their availability to the plumbers, who were seeking to tie Halperin and others to the Pentagon papers case.

Having secretly wiretapped and hidden the records in the White House, the administration had no reluctance to make the necessary additional false statements when the question of wiretaps came up at Ellsberg's trial. The government produced an affidavit signed by a Justice Department employee to the effect that files had been checked and no such wiretap information on Ellsberg existed. White House aides Ehrlichman, Krogh and Young, along with Mardian and the FBI officials—all of whom knew of the taps—said nothing. In late February 1973 *Time* reported that these taps *did* exist and the White House promptly denied it. Then at his ill-fated confirmation hearings, Acting FBI Director L. Patrick Gray III testified he had searched FBI records and had found no such taps. Gray's second in command—W. Mark Felt, a career FBI official who had replaced Sullivan—knew of the taps. Either Gray never asked Felt about them or conveniently forgot if Felt told him the truth.

It was only in May 1973, when Gray was replaced by Ruckelshaus at the FBI, that the taps' reality was confirmed, including the overhearing of Ellsberg. The records themselves were discovered in Ehrlichman's safe hours *after* the Ellsberg case was dismissed. Ehrlichman had known all along they were there; so had the President. Had they been found earlier they would have been ordered into the hands of the defense and probably made public. As it was they were regained by Ruckelshaus only after what was facetiously described as a physical struggle inside the White House.

Will we ever learn how extensively the administration used this police state tool or the real reason for it? Halperin has filed a civil law suit claiming damages to himself, his wife and children from the 21-month tap, arguing that no reasonable national security consideration could justify government surveillance for almost nine months after he had left government service. Was the tap continued because Halperin had become an adviser to Senator Muskie? Another Kissinger assistant, Anthony Lake, was also tapped for a brief time while he worked for Muskie. Lake, Kraft and others, including Ellsberg, are studying the possibility of lawsuits similar to Halperin's.

On Capitol Hill, where interest in wiretapping once ran high, little is stirring. In former years two Senate Judiciary subcommittees studied the question. Neither seems much interested today. Special prosecutor Archibald Cox has sent questionnaires to government agencies that have wiretap capabilities to determine how wide the practice has been, and he may investigate the possibility that some government taps already disclosed had no national security basis and were therefore illegal. Last week we learned that in 159 cases, convictions may be appealed because of improper authorization of taps by the Justice Department.

We have related these incidents and their background in some detail because they illustrate a streak in the President, his associates and his accomplices that needs exposure. One could not listen to the testimony of such Watergate witnesses as John Ehrlichman or E. Howard Hunt without a chilling sense of their suspicion-ridden zeal to "get" real or imagined enemies, and the casualness with which they repeatedly and unaccountably bypassed the accustomed ways of exercising political power. An inner circle was convinced the country was in the grip of an elitist conspiracy inimical to self-government. Everywhere they turned they thought they detected the infiltration of public and private institutions by unpatriotic elements that eventually could only be dislodged and destroyed by underhanded maneuver. The foundations, the universities and churches—most were under hostile influence or control. Agencies nominally directed by the executive branch were likewise deemed unreliable, that is, unmalleable by the White House. The FBI, the Internal Revenue Service, the CIA could not be depended upon. The Congress could not be trusted with the truth. The major newspapers and television networks were riddled with radicals. And as evidenced by Kissinger's bugging of his own staff and by the fact that White House aides Charles Colson and Ehrlichman—and the President—recorded telephone conversations with their own hirelings, the inner circle reached the point that it could not even rely on its own members. The TV cameras have shown us a night world of secret agents, little black books, untraceable $100 bills, pseudonyms, rifled safes, falsified documents, faked cables, wiretapping, bugging, burglary—all emanating from the White House.

Congress cannot just push all this aside with some half-hearted rationalization that the public is bored by Watergate and all its ugly appendages. A thorough airing of the full scope of wiretapping is essential if such malpractices are not to be repeated.

TRIBUTE TO REPRESENTATIVE PHILIP M. CRANE

Mr. CURTIS. Mr. President, the Honorable Philip M. Crane serves with great distinction in the House of Representatives. This young Congressman from the 12th District of Illinois is an academician, teacher, and author.

Representative Crane commands the respect of all people with whom he works because he has the courage of his convictions. He is articulate and espouses a conservative philosophy. I do not agree with Representative Crane on all public issues, but I admire him greatly.

I ask unanimous consent to have printed in the Record an article concerning Mr. Crane that appeared in the Chicago Tribune on September 14, 1973.

There being no objection, the article was ordered to be printed in the Record, as follows:

Crane: Philosopher of the GOP's Right

(By William Barnhart)

"There will be discovered to be some natures who ought to study philosophy and to be leaders of the state . . . let them range at will and engage in no serious labor, as we intend them to live happily here." Plato—the Republic.

U.S. Rep. Philip M. Crane (R-12th, Mount Prospect probably wouldn't want to be Plato's philosopher-king, but he claims many of the qualifications.

Perhaps more than any Illinois congressman, Crane, 42, presents the image of a purist, who practices his conservative brand of government more as an educational exercise than a political pursuit.

Crane turned a recent Trib interview into a seminar on government, politics, and history, each flavored with appropriate scholarly citations and his own conservative bias.

Crane is a product of academia. He received a doctorate in history from Indiana University, Bloomington, and taught history at Bradley University, Peoria. He also attended DePauw University, Greencastle, Ind., the university of Michigan, Ann Arbor, and the university of Vienna. Being a congressman is his first elective post.

If the interview was any indication of Crane's manner in Congress, the voters of the 12th District have sent a man to Washington not necessarily to represent them and their problems, if they have any, but to present a philosophy—right or wrong—often blurred in the conflict and compromise of politics as usual.

That philosophy is what Crane is glad to call conservatism, and being able to represent it in Congress is a luxury he enjoys thru being an incumbent Republican in one of the safest Republican districts in the nation, a district apparently content to elect a philosopher and not a politician.

"I've been told probably a dozen times that I have cast a politically suicide vote in the four years I've been down there," Crane said. "Is there a politically suicidal vote (in the 12th District)? Well, probably not, but I don't really know."

CRANE SEES GOP BECOMING INCREASINGLY CONSERVATIVE

But being a purist from a safe district doesn't stop Crane from ranging at will, delivering occasional hellfire political speeches before receptive audiences in his unending campaign against "the popularization of liberal rhetoric that has come to be accepted by so many people uncritically."

And Crane said he is not a lonely pedagog, living happily aloof from the competitive day-to-day realities of Congress.

On the contrary, Crane believes he is on the frontier of a new Republicanism, which will emerge nationwide as the Democratic Party and Republican Party reach a new alignment along liberal and conservative lines. Altho he said he has no immediate ambitions except to be the congressman from the 12th District of Illinois, Crane said the Republican Party will move toward his viewpoint.

Crane said the "ultraliberal" element of House Democrats, represented by the Democratic Study Group, has taken control of the Democratic side of the aisle.

Crane said he sees more shifting of party allegiance by liberal Republicans and conservative Democrats.

"In this respect, Watergate was particularly unfortunate because before Watergate there were a number of southern Democrats contemplating coming our way. I think that's a healthy thing. I don't believe parties should be all things to all men because then they cease to provide their reason for existence.

"Unanimity is rarely the incident of human concern. We don't have consensus without deviation. That is an unnatural human condition. For parties to be meaningful they have to rest on fundamental dissent. It is not a desirable thing to try to fuzz up our differences, but on the contrary to sharpen them."

Crane said he predicted in 1969, when he was elected to fill the unexpired seat of Donald Rumsfeld (who joined the Nixon administration and is now ambassador to NATO), that "my election was not representative of the politics of the 60s but was a harbinger in earnest to the politics of the 70s, and I genuinely believe that."

The reason, Crane said, is that "neoconservatives" educated on college campuses during the 1950s who were members of such groups as the Young Republicans and Young Americans for Freedom are just now becoming influential in government affairs.

Crane identified himself with the neoconservative movement, and he believes the movement is increasing in Congress.

What does neoconservatism mean in terms of Congressional programs?

According to Crane, it means an end to federally financed social security, an end to minimum wage and child welfare laws, bigger spending for national defense, no more federal aid to education, no federal subsidies for the arts and humanities, and the general dismantling of most federal domestic programs and the federal burocracy.

Each one of these proposals and many more spin off from a basic premise that is sometimes called libertarianism:

"I subscribe to the idea that I should have control over my destiny and all other people should, too, short of the commission of trespass," Crane said. "The ideal society is one that maximizes freedom of choice to individuals and minimizes trespass.

"The best definition of government I've seen is by Thomas Jefferson, who said, 'A wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor the bread it has earned.' I think that's as true today as it was then (March 4, 1801)."

CRANE IS MORE SCHOLAR THAN HE IS A POLITICIAN

Crane describes his role as a "massive educational battle." As a teacher he must be consistent and avoid even the appearance of hypocrisy that, he said, characterizes so many of the actions of their Congressional colleagues.

An anecdote recited by Crane on the subject of hypocrisy involved a vote in the House this year to increase Congressional salaries:

"I was opposed to salary increases for members this year. But they were trying to run that thing thru because this is a nonelection year. Here were a lot of these fellows saying, 'If I'm not worth $55,000 a year then I could be out in private enterprise.' Well—possibly.

"But we've got this system where you can see the votes on the electronic board. It got down to about the last minute of voting and they had only mustered about 187 votes for it. It was so funny to watch them, with the realization it was going under, switch those votes around. They bailed out because when they saw they were going to lose, they didn't want to be on record for the folks back home as having cast a vote to increase their salary—And I can understand why."

Only once did Crane waver from the straightforward if—then logic of his conservatism. That was on the subject of clandestine tapings and buggings by government officials from the White House down.

"Here's where from time to time you're going to get into gray areas where, indeed, probably there are periodic invasions of an individual's right to privacy. I think that's unavoidable in a practical way."

Crane admitted, however, that such practices may have been abused and that Watergate and other political buggings are "reprehensible and indefensible."

"If I called the White House to talk to the President on a confidential basis and I found out subsequently that he'd been taping my conversations without my knowing it, I would not like it a bit," Crane said. "But a lot of this whole business has been blown out of perspective."

PASSAMAQUODDY TIDAL POWER PROJECT

Mr. MUSKIE. Mr. President, earlier this month I had the pleasure of travelling to Eastport, Maine. This downeast community, as many of my colleagues may recall, is the site of the Passamaquoddy Bay Tidal Power project, first proposed in 1919 and authorized by the Congress at President Franklin Roosevelt's urging during the 1930's. Work on the site was actually begun during the Depression, but was halted shortly before the outbreak of World War II.

The "Quoddy" project is a dream which has never died and our current energy shortage has rekindled interest in tidal power as an alternative to fossil fuel and nuclear power generation.

In view of this, I would like to share with my colleagues the views of some of my fellow Maine citizens on the contemporary importance of the project, as well as my own response to a recent petition sent to me by the citizens of Eastport and Washington County, Maine.

Mr. President, I ask unanimous consent that this material and related documents be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., October 14, 1973.

AN OPEN LETTER TO THE ADVOCATES OF THE PASSAMAQUODDY TIDAL POWER PROJECT

Dear Advocates of Passamaquoddy: The prospect of a national energy shortage has breathed new life into Dexter Cooper's dream of harnessing the powerful ebb and flow of "Quoddy's" tides.

And well it should. For generations, government and industry have naively based our nation's energy policies upon the apparent assumption that fossil fuels could be obtained in inexpensive, unlimited quantities for an indefinite period into the future. Those who looked beyond fossil fuels, saw nuclear power as the best alternative without, until recently, comprehending the costs to our environment and health.

But in this decade, our demand for energy has outstripped our country's capacity to meet our needs. The price of fossil fuels and safe nuclear generation is rising at a rapid rate and will continue to do so. More importantly, we are coming to realize that our reliance on non-renewable sources of energy cannot continue indefinitely. While energy conservation measures must be an essential part of our national policy, we will still be faced with the task of developing additional power generation facilities in the years ahead.

All of these factors have caused us to look to alternative sources of energy. Tidal power projects, such as the Passamaquoddy project, would have relatively less impact on the environment than existing alternatives and would depend upon a renewable resource. "Quoddy's" twice daily tides, averaging 18.1 feet, could provide 3 billion kilowatt hours of electrical energy annually. Our nation's energy planners should not, and cannot, continue to overlook the potential of a project of this magnitude.

We ought to recognize that with improved underwater construction techniques and the increasing cost of alternative power sources, the cost of constructing "Quoddy", in relation to the benefits which would be derived, is probably far different now than it was a decade ago.

This prospect surely means that the concept of tidal power generation, or of "Quoddy", should not stay on the shelf. It is clear that in the decades ahead we need to develop the necessary technology to make such renewable sources of energy economically feasible. Fossil fuel plants and nuclear power may well become increasingly impractical and undesirable in the years ahead. Tidal power, geothermal power, and solar power may be the keys to energy needs in the future. Research and development of such alternatives must begin now if we are to meet the energy demands anticipated by the year 2000.

On Thursday, President Nixon announced that he would request an additional $115 million for energy research this year, bringing the total amount allocated for this purpose to over $1 billion in FY 1974. On the same day, October 11, a newly created energy research advisory council met for the first time to discuss the directions which such research should take. This is an important step. But it is equally important that this effort in large part be directed toward the development of the type of power generating source represented by "Quoddy".

Dexter Cooper's dream may yet become a reality. It will take time, additional research, and a commitment of financial resources. I continue to share the belief of so many citizens of Maine who are familiar with the project that the time to begin is now.

For my part, I will continue to demand periodic reviews of the costs and benefits of the Quoddy project, and will encourage the energy advisory council to give tidal power its fullest consideration in drawing up an energy policy plan for the country.

Sincerely yours,
Edmund S. Muskie,
U.S. Senator.

Eastport, Maine,
September, 1973.

Senator Edmund Muskie,
Senate Office Building,
Washington, D.C.

Dear Senator Muskie: In the name of humanity, can something be done about the Passamaquoddy Bay tidal power potential? Are not present circumstances unusually favorable to its consideration?

Since there is no question about the widespread need for electrical energy, why could not the Atlantic seaboard justifiably ask this source be utilized?

Publicity appears daily throughout the country regarding every other known method (proven or otherwise), all of which are known to cause pollution, are accident-prone, fantastically costly, scientifically complicated and fraught with some of the deadliest threats to the existence of mankind.

Passamaquoddy tides come and go with their immeasurable power completely wasted, twice daily, entirely free from any and all of the above hazards, and in addition, leaving the entire Atlantic coast as pure and free as to its natural ecology and attendant industries, as at the moment of its creation. Not even such matters as scenic beauty or the perpetuation of precious historical sites would be endangered by the development of such a project.

Certainly an outstanding leader in the preservation of ecological values as your accomplishments have proven, must be ever mindful of the multiple benefits inherent in electric power so derived.

Certain technical "uncertainties" of earlier research have been solved since then. Other tidal projects are in successful operation elsewhere in the world. The mammoth amount of research already done in this connection could lessen both time and cost for a rapid start if the government would break a precedent and demand that such knowledge be utilized for a fast get-away. It could go down in history as one of the modern wonders of accomplishment to meet a dire need, just by the cutting of a lot of unnecessary red tape.

Some of the methods now proposed for energy production are infinitely more complicated than that of tidal power—and their results far less certain. Geothermal plans are admitted by scientists to be fraught with possibilities of chain-reactions including earthquakes and volcanic eruptions. Hydroelectric production continues to seriously increase river pollution. Fall-out with its deadly strontium-90 factor as yet has not been but must be solved, makes the continued building of atomic reactors, a matter of grave concern to scientists in that field. And so it goes! Tidal power is easily, the one safe, catastrophe-free method of producing electricity to date. Why isn't it in the picture? Why is everything else discussed, but nary a whisper about those fail-safe mammoth tides in a locality so peculiarly arranged to make the most of them? They have not changed a whit since time began! It seems that the East Coast solution to at least a part of the need for energy is a "natural" that shouldn't be ignored any longer by a technological and beneficent government.

Laymen have always supposed that such a perfect situation was the dream of every construction engineer on the face of the globe.

There seem to be more and greater floods, typhoons, earthquakes and droughts everywhere, than in former years. But our tides go on as immutable as ever. And we have them, here on the Maine coast, to just that degree.

Even some of the problems of electrical transmission are not what they were fifty years ago. It can be handled without such loss of energy. We understand that the whole former argument of "feasibility" of such a project is no longer a death-knell to such an undertaking.

The United States Government need not engage in the electrical energy business. It is proposed that this become a project of the electric power companies with as much government cooperation which may be reasonably required.

Such matters as the action of seawater on metals and cement, have been furnished with the necessary data from years of study since the demise of the earlier project, that have greatly changed the picture. It is now of far less uncertainty and magnitude.

And what a boost to the economy in terms of employment! This Quoddy Tidal Power Project seems to be tailormade to the urgency of the national need. It would employ numerous building trades workers from many states idled by the termination of the various H.U.D. programs and public highway projects. Why can't the best minds in our government explore this matter thoroughly but without the usual waste of time and money spent in slow-moving research committees?

We, the undersigned, beseech you to get behind this thing with the leadership qualities we believe you possess.

Sincerely yours,

The Advocates of the Passamaquoddy Tidal Power Project.

Department of Sea
and Shore Fisheries,
Augusta, Maine, March 26, 1973.

Hon. William D. Hathaway,
Member of Congress,
Washington, D.C.

Dear Senator Hathaway: We are very interested in the recent discussions and proposals for a new study of the Quoddy Tidal Power Project.

For more than a year this Department has been trying to develop a capability of assessing the possibility of a power project enhancing fisheries production in the Eastport area. As a matter of fact, a bill (copy enclosed) has been introduced in the 106th Legislature which would enable us to carry out a preliminary study to, in part, assess the compatibility of tidal power projects and substantially increased fisheries production in Cobscook Bay.

You will be aware that in the 1950's, a joint U.S.-Canadian study concluded that the tidal power dams probably would have no serious effect on the existing fisheries of the area and conditions would be enhanced for some species. We are now interested in the more positive possibility that the dams conceivably could be so constructed to produce power and at the same time substantially increase the fishing and aquaculture prospect of Cobscook Bay by controlling and improving the hydrography of the area. We have therefore, within the last year, urged that the power project be reassessed in conjunction with a study of the fishing and aquacultural potential and that the economic benefits of both projects be considered jointly. We were working with Representative Karl Kelley, now deceased, on this project; his widow, now a Representative from Machias, has sponsored an appended bill.

There are literally thousands of acres in Cobscook Bay alone which, with hydrographic control as could be provided by the power dams, could be put under intensive scientific management for greatly increased fishing yields. Of course at this point it is difficult to assess or predict the value of that potential fishery, but there is litle doubt that it would be in the order of millions of dollars annually. An attractive aspect of the Cobscook Bay area, of course, is that it is a well defined geographical area which could be managed for this kind of development. It is an area that needs this kind of development which would not displace existing activities to any serious degree. It is for these reasons that we are enthusiastic about the new proposals for Quoddy.

We heartily support your proposals and we would be very happy to provide whatever assistance we can in encouraging a revised appraisal of the possibilities for the area.

Sincerely yours,

Spencer Apollonio, *Commissioner.*

One Hundred and Sixth Legislature
Legislative Document No. 711

H.P. 529, House of Representatives, February 8, 1973.

Referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

E. Louise Lincoln, *Clerk.*

Presented by Mrs. Kelley of Machias.

STATE OF MAINE: IN THE YEAR OF OUR LORD
NINETEEN HUNDRED SEVENTY-THREE

Resolve, Providing for a Feasibility Study of Marine Resources Development in Washington County.

Feasibility study; authorized. Resolved: That the Department of Sea and Shore Fisheries is authorized and directed to conduct a study to determine the feasibility of increasing fisheries production in all its forms, through methods that are applicable to Washington County, together with the related economic benefits to the State of Maine. This study shall take into consideration all relevant engineering techniques, including hydrographic modifications and control; and be it further

Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund the sum of $15,000 to carry out the purpose of this resolve.

STATEMENT OF FACT

This resolve will provide information about world-wide technological and managerial methods that can lead to the better utilization of the marine resources of Washington County.

[From the Maine Times, July 13, 1973]

A Post-Industrial Passamaquoddy

Last week the White House put its official seal of approval on post-industrial planning. Or, stated another way, after two centuries of endorsing growth, the Office of the President has asked the American people to begin limiting growth. The little noted, but fundamental shift in national values was the basic element in a Presidential message of introduction for Gov. John Love of Colorado, now the point man in the growing energy crisis. The thrust of the message was a presidential plea for energy conservation. Airlines must cut schedules, motorists must drive more slowly and less often, and every American must think in terms of energy conservation rather than expenditure.

The idea that as people we must conserve rather than consume is the central theme of a policy of controlled growth; and from the notion of controlled growth it is a small step to the concept of an equilibrium or no-growth state. Yet, just three years ago the then Secretary of Commerce Maurice Stans made a major speech (one of his last, by the way) in which he termed "subversive" the talk of limiting growth that was then coming from Dennis Meadows and other theorists.

In the few years that intervened between the Stans speech and the Love introduction, it has become apparent even to a Rotarian like Richard Nixon that continued growth at current rates is not possible. Energy systems are not available to fuel the compulsive consumption of the economic and industrial systems. As a result, Americans are now embarked on a national movement toward the conservation of energy, and it is a movement which has significant ramifications for Maine.

In addition to cutting energy consumption, both the President and Gov. Love mentioned intensified efforts to find new energy sources as one of their common goals. Both spoke of more research into the use of renewable resources as energy producers, thus plucking a rather esoteric term from the ecologists' lexicon and making it part of the national language. In the northeast, site of one of the major crisis areas in the nation, the tides of Passamaquoddy are still one of the most visible and unutilized renewable resources.

As reporter Lucy Martin explained in two recent issues, the "Quoddy" tidal power project is not without its handicaps. And, as economist Myrick Freeman explains in this issue, the Federal system for arriving at cost-benefit conclusions is not always accurate. Nevertheless, Quoddy is going to be talked about with more and more reality, especially now that it has become politically popular to think in terms of nonpolluting, renewable-resource power generation.

While we would not favor any project that exacted greater environmental costs than benefits, and while we have long been on record as post-industrialists who believe in cutting consumption rather than insisting on more of it, we do believe the natural rise and fall of the 20-foot tides at Quoddy can be converted to sensible energy production. But, just as the Freeman article explains the difference in interest rates between the original Quoddy plans and today's realities, we think it is important to point out other aspects of the proposal that could be changed by time.

Much has happened in the world of technology since the basic 1930's Quoddy plan (outlined in our issue of June 15) was engineered. And not enough has happened in researching methods of drawing energy from tidal cycles. If, under the pressure of the present energy crisis, more money and work could be done on developing new systems for tidal-energy conversion, and if a new design for Quoddy could be created on the basis of new systems, the results might not require the ecological upsets the present plan seems to entail.

Dams and turbines, for example, are not the only way for converting tidal energy—yet they are the way that creates the greatest change in the Quoddy environment. Suppose, for example, the dams were disposed of and a series of sensitively engineered mini-turbines could be placed in existing tidal races everywhere in the region. Underwater, in deep water, the wheels would not interfere with navigation by man nor sea creature; yet it seems to us the collective power drawn from scores of such wheels might be more than the output of dam-driven turbines, which work only when peak amounts of water have been stored for release.

This may be the sort of thought that makes engineers wish non-engineers would keep quiet, and we don't mean it to be taken seriously as an alternate suggestion. We do want it to serve as an illustration that the approaches to utilizing tidal power have always been rather pedestrian, based on the technology of 30 or 40 years ago. Quoddy needs to be re-analyzed by free-thinkers and provocative thinkers like Bucky Fuller who would not be locked in by patterns of past engineers.

Perhaps, now that America has officially been ushered into the post-industrial age, the government will use its resources to help make such research and re-evaluation possible. If new, environmentally compatible tidal converters are developed for Quoddy, they can be used on a smaller scale in many other Maine locations. How much better it would be, for example, if the proposed Public Power Authority could claim it was going to use this sort of system instead of the nuclear power plant it now promises.

Quoddy Revisited: Here Is How It Works

When Quoddy Village at Eastport was sold to the Land Auction Bureau of Boston last summer, an era closed. With the buildings which were to have housed the workers on the Passamaquoddy Tidal Power Project went 50 years of hope that engineer Dexter Cooper's dream of harnessing the 20-foot tides of Fundy Bay might be realized.

In those 50 years, numerous plans and reports were written and shelved.

A plan involving both the United States and Canada collapsed during the 1929 stock exchange crisis.

A 1935 undertaking, involving the U.S. only, failed when federal funds were suspended with only three dams completed.

Eventually, the original idea to use Quoddy to generate electricity was expanded to include the Dickey and Lincoln School sites on the Upper St. John River.

In recent years, the sporadic focus of Congressional interest in a Maine public power project has fallen on Dickey-Lincoln School alone.

The current uproar about a possible oil refinery at Eastport, however, has jostled those who remember Cooper's dream, for it is obvious that the two schemes—Quoddy with its dams and locks, Pittston with its incessant tanker traffic—are not compatible.

While Quoddy never made it off the ground, despite all the years of talk and planning, the idea that it could be precluded has aroused new interest.

The tides are a constantly renewable resource. Nothing is taken away to produce vast amounts of electricity.

If the Quoddy project is seen as environmentally pure in 1973, it may be because no one ever looked that closely at its potential drawbacks. There is no doubt that it would change the ecology of Passamaquoddy Bay.

On the other hand, it may be the best solution New England has to the energy crisis.

Maine Times has therefore returned to the Quoddy project, first to explain how it works, and, second, to analyze it by today's criteria.

The principle behind tidal hydroelectric power is the controlled flow of water from a higher to a lower level through hydraulic turbines. It is billed as superior to river power because it is unaffected by droughts, floods, ice jams and silting.

Engineers have promoted Quoddy as primarily a provider of peaking power (probably between 5 and 6 p.m. for the area served). The twice-daily tides averaging 18.1 feet can be stored until needed. Although the powerhouse could operate continuously, the output would be variable. Another source of power would be needed since neap tides (only about 14 feet) occur about every two weeks in the lunar cycle. The difference between high and low tides is smallest then and power generation would necessarily be diminished if the project depended on the tides alone.

Since the project's effectiveness depends on the high range of the tides (the world's largest facility, LaRance at San Malo, France, depends on 44-foot tides), the U.S. Department of the Interior suggested in its 1963 report the possibility of using reversible turbines to pump water at neap tide intervals to insure full use of the full installed capacity at all times.

The Dickey-Lincoln river project, however, would provide streamflow and almost three million acres of active storage to supplement the tidal project.

Passamaquoddy-Dickey was the subject of Senate hearings in August of 1964. Based on studies done by the International Joint Commission and the Dept. of the Interior in the early 60's, costs for the project were described as "substantially less than composite costs of thermal generation in New England as estimated by the Federal Power Commission." The project would produce 1.3 million kilowatts or three billion kilowatt hours of electrical energy annually (1.1 million kilowatts for a two-hour peak load daily, 200,000 kw of base-load power, and substantial amounts of off-peak power). Although the power is of a different type, output is greater than the Maine Yankee nuclear plant.

Sen. Lee Metcalf of Montana called it "a very thrilling and important project."

Stewart Udall, Secretary of the Interior. noted, "It is essential to recognize that the tide is a perpetual resource, fully predictable and dependable."

Proponents have also claimed it is economically and engineeringly feasible.

The map facing shows the mechanics behind the metaphor of "harnessing the tides."

The Quoddy project as modified by the Interior Dept. involves two pools, a high pool and a low pool with a powerhouse separating them. One hundred and one square miles of Quoddy Bay (in U.S. and Canadian waters) and all 41 square miles of Cobscook Bay (U.S.) are the major water bodies involved. Separating these bays from the unconstrained ocean are seven miles of rock-filled dams (125 to 300 feet deep).

Quoddy Bay opens to the sea through 90 filling gates at Letite Passage and Deer Island Point. They open when the tide rises in the Bay of Fundy and close when the pool fills.

Cobscook Bay opens to the sea through 70 emptying gates in Friar Roads. When water flows from the high pool through the 300,000 kw powerhouse at Eastport, separating the pools, power is generated. The gates to Cobscook Bay open at low tide when the sea (Bay of Fundy) is below the level of the pool, letting it empty.

During a 26-foot high tide, tidal velocities are as high as 10 feet a second, "presenting engineering and design challenges without precedent," the engineers marveled.

There would be four navigation locks for boat passage, and several fishways.

Computer studies done by the Interior Dept. summarized the three basic steps in running Quoddy as a "peaking" power plant instead of a base load as follows: 1) the upper pool would be filled to the maximum height possible from the tide. 2) The water would be held there until power is desired, at which point it would be released through the turbines of the power plant to the lower pool. 3) The water in the lower pool would be released to the ocean whenever the tide is below the level in this pool.

An intricate computer program was devised to compute the operation of the pools during peaking and offpeak periods and for the different stages when the pools are filling and emptying. The program determines such things as how many turbines should be operating to meet peaking capability.

The 1963 plan also envisioned a possible second power plant west of the one at Carryingplace Cove in Cobscook Bay. To generate the one million kilowatts proposed by the Department of the Interior's plan, a plant about twice the length of the 300,000 kw structure appearing on the map would be needed. The best arrangement would be two 50-unit plants of 500 megawatts each.

The transmission system, with a switchyard located west of the first powerhouse, would connect the tidal powerplant with the Dickey plant, serving Maine, other areas in New England, and New Brunswick, extending as far south as Boston. The plan included two 345 kilovolt transmission circuits for delivering power to Boston. There would be a switching station at Bangor for interconnecting with three 230 Kv transmission circuits from the Dickey power plant. Lines could be extended to Fredericton, New Brunswick. (In 1971, a double circuit 345,000 volt transmission line was completed, connecting southernmost New England with New Brunswick and forming the backbone of the New England transmission system. Central Maine Power completed the missing link, a line from Wiscasset to the Maine-New Hampshire border.)

As for a cost-benefit analysis, it was determined that project benefits would exceed project costs in the ratio of 1.27 to 1. The Department of the Interior noted, "Although we propose that the tidal power project and Upper St. John River development be fully integrated, our economic analysis clearly indicates that either project is financially feasible and could stand on its own feet as a separate project." Analysis was based on a 100-year period using a 2⅞ percent interest rate.

The following construction schedule was offered:

Stage 1—Construction of Dickey Dam and Reservoir and initial installation of 150 megawatts of power generating facilities (with a benefit-cost ratio of 2.55 to 1).

Stage II—Construction of Passamaquoddy dam facilities and installation of 500 megawatts of power generating facilities a few years later, plus 300 additional megawatts of power at Dickey (with a benefit-cost ratio of 1.2 to 1).

Stage III—Completion of the 1,000 megawatt installation at Quoddy and 750 megawatt ultimate installation at Dickey (with a benefit-cost ratio of 1.27 to 1)

Benefits were discussed in terms of power, recreation and area redevelopment.

But there's more to Quoddy Bay than dollars and development. The harnessing of those 20-foot tides involves a lot of excavating and the Dickey plan entails the flooding of considerable tracts of land. The project's effect on fisheries, wildlife, and the face of the land itself will be examined separately next week.

LUCY L. MARTIN.

QUODDY'S DAMS WOULD DRASTICALLY ALTER THE ENVIRONMENT

To the Abenaki Indians who knew Moose Island before it became Eastport, Maine, Passamaquoddy Bay was the "place where the fish are" or "place of the pollock."

Construction of the Passamaquoddy Tidal Power Project or Pittston's oil industry could render that name less appropriate, because both the impoundment of 100 square miles of water and the spillage of oil would precipitate noticeable changes in the bay's environment.

Strictly in terms of air and water quality, the tidal power project is heralded by environmentalists as being the soundest power-producing alternative New England and the Canadian Maritimes have. Harnessed by turbines, tidal action is a clean, perpetual source of electricity.

Nonetheless, construction of the seven miles of dams, locks, and fishways, with the attending excavation of land and shifts in water levels, would have significant oceanographic, biologic and economic implications.

In 1959, the International Passamaquoddy Fisheries Board submitted a report based on data collected from 1937 to 1958. Updating is necessary to account for changes in the local economy, construction costs, and tidal power technology, but the federal government has turned down such requests in recent months.

If that report were updated, it woulid undoubtedly pay closer attention to the environmental impact of the tidal project.

But even the old studies indicate that environmental changes would be huge. For instance water temperature changes would be much greater than those at the nuclear power plant in Wiscasset, and the complete destruction of the clam industry by flooding would be much more significant than the feared damage to the worm industry from the nuclear plant.

According to the 1959 study, the biggest oceanographic changes would occur in Passamaquoddy Bay and Cobscook Bay, the high and low pool, respectively. (MT, 6/15/73) The average height of Quoddy would be raised six feet. The average "tidal" range would be reduced by four feet in the high pool and eight feet in the low pool.

Current patterns would be significantly different, since during each 12-hour tidal cycle the emptying and filling gates would be closed for about nine hours. Quoddy Bay is notorious for its powerful, often treacherous currents, and these are likely to be more pronounced, especially at the approaches where the dams are located. Even now, unless a boat can do five knots, it can't get through Letite Passage at certain tides. Navigability within the pools themselves, however, would probably improve.

Because of the reduced velocities in the bays, the temperature of the water would be higher. Whereas the temperature range is now between 34 and 54 degrees Fahrenheit, the dams would raise the temperature to the middle and high 60's in summer. From mid-December to March there would be ice on Quoddy Bay. That would interfere with lobstering but power could still be generated since the tides would move under the ice.

The salinity of both pools would also be lowered: fresh water, impounded in Quoddy Bay from the St. Croix River, would flow into Cobscook when power is generated.

In addition, 17 million cubic yards of clay would be excavated from Carryingplace Cove to build the first powerhouse. (No figures are given for excavation at a possible second site to be built several years later.)

Land now high and dry would be submerged or taken for switchyards and service areas. Highway 190, one track of the Maine Central Railroad, and several utility lines would have to be relocated. The face of the land itself—coves, inlets, islands and peninsulas which have clenched the unfettered tides for centuries—would vanish from view or be unrecognizably altered. Deer Island Point, a spot of spectacular beauty set aside for public appreciation, would be flooded. (About 83,000 acres would be flooded at Dickey on the St. John River for Quoddy's ancillary project which would provide base-load power. In addition, 240 tracts of land with homes, lumber mills, churches and schools would be acquired.)

The fisheries board considered the effect of all these changes, with the emphasis always on the economic impact. The valuable herring fishery, which landed an annual average of 20 million pounds in both pools from 1937 to 1958, received the most attention.

Although the board of Canadian and United States scientists predicted there would be "no change," it acknowledged, "A sure forecast of the effect of the proposed dams on the fishery requires more comprehensive and more detailed knowledge of the biology of the herring than is available at present." The herring population itself, which supports the area's numerous sardine canneries and pearl essence plants, would probably not be affected since it is produced outside the Quoddy region; but the board could only define that location as "probably off southwest Nova Scotia."

However, a number of weirs would have to be relocated, resulting in an estimated cost of $500,000 to fishermen. The board speculated that weir fishery could become a thing of the past. "A shift to alternative methods of fishing [seining from vessels] could be expected to maintain the fishery, at least at its present level."

The higher temperatures in Quoddy Bay and the turbines would account for losses. At 68 degrees, 50 percent of the herring under 12 inches could be expected to die within 48 hours, the biologists said.

"It is expected that herring will pass through the turbines to populate the low pool with some mortality among herring that are abraded during the passage through the turbines. Herring will be lost from the low pool through the emptying gates.

"At present herring enter and remain in Passamaquoddy and Cobscook Bays in sufficient numbers to support a weir fishery.

"For a successful fishery it is not only necessary that fish shall enter a region. They also have to survive in good candition in the environment that they have entered."

The Canadian investment in weir fishery was put at $2 million.

Ice and increased activity by woodborers (shipworms) because of warmer water would cause extensive damage to weirs.

The project would virtually wipe out clamming.

"In the high pool, which yields roughly half the total clam production in the Quoddy region, the present beds will be permanently submerged." Establishing new beds at new intertidal levels was estimated to take 10 years "and even then production may be only five percent of its present volume. In the low pool, production should drop to 50 percent of the present small volume."

Now a half-million dollar industry in Charlotte County, N.B., clamming is listed in the report as the second most important fishery for that Canadian province.

Dr. David Scarratt of the Canadian Fisheries Research Board at the St. Andrews, N.B., biological station, pointed out in a recent telephone interview that a large number of clam beds have been closed because of domestic (coliform) pollution. "Considerable areas have already been closed either temporarily or permanently. Because of existing conditions [and not just the tidal project, if it were realized] the availability of clams is less than it could be."

* * * * *

Similarly, because of stream improvements in the St. Croix River, the annual run of Atlantic salmon into the rivers of the Quoddy area might increase. Much depends on the efficiency of fishways, a $3 million expense.

Other changes: the relocation of two big lobster pounds, at a cost of $450,000; a possible improvement in the scallop and lobster fishery; a reduction in marine worms and rockweed. (Marine worms were not considered an important industry at the time of the report, but overharvesting of Maine's mid-coast flats is increasing their importance in eastern Maine.)

By and large, the biological implications of the Quoddy Project seem acceptable to marine biologists. Those same biologists would frown on heavy industry like oil refining because of the known detrimental effects of oil pollution on waterfowl and marine biota.

* * * * *

An industry which both the engineering and fisheries boards did consider was tourism. The increased water temperatures compare favorably, advocates point out, with summer water regimes in Long Island Sound and would promote swimming and boating. Fishermen could be displaced from tending their weirs to managing boat harbors, they said.

Whereas the environmental impact is obviously not taken sufficiently into account, it is apparent that the sociological impact has been ignored. The transition of Moose Island with its trailers and traditional houses, its creviced headlands and wildflowered fields overlooking the sea—the transition from a fishing and manufacturing community to a technological compound buttressed with concrete and laced with high voltage transmission lines staggers the imagination.

While the project itself would provide jobs amounting to some $80 million annually in wages and salaries during the six-year construction period, the system of public highways which could be built atop the new dams and locks might whisk in several million dollars worth of recreational benefits annually to a county (Washington) which "now has the lowest median income of any county in Maine."

But Quoddy doesn't appear to be in the immediate wind. The smallest deterrent is undoubtedly the engineers' recognition of increasing ocean levels around Eastport. Eastporters say the island is gradually sinking on honeycombed rocks sluiced relentlessly by Fundy's tides. The engineers say, "Eastport tide records indicate that the ocean level is rising relative to the land in the area . . . It appears, however, that this rise is taking place at such a slow rate that no consideration need be given it in the design of the tidal power project."

Another possible reason for stagnation of the project is the performance of the La-Rance dam on the Brittany Coast. Engineers originally pointed to it as a pacesetting model, but the French tidal power project hasn't proved as economical as hoped.

The reluctance of the U.S. Interior Department to fund another feasibility study of Dickey-Lincoln-Quoddy is yet another clog in the mechanism. Even though there have been innovations in tidal power technology and changes in the value of power, the federal government remains intransigent in its doubt the project is economically feasible.

Perhaps Nova Scotia's purposeful pursuit of a tidal project at the head of the Bay of Fundy will prove a retarding factor in Passamaquoddy's progress. There, where the bay funnels to its narrowest, rise and fall the greatest tides in the world—40 to 50 feet. Nova Scotia's development minister said recently the U.S. energy crisis will bring the harnessing of Fundy's tides closer.

Whatever happens to Dickey-Lincoln and Dexter Cooper's dream for Passamaquoddy Bay, it's obvious the economics will have to be reinforced with a strong case for the environment and a hard look at what price people are willing to pay for power. What price can be put on the integrity of the earth and its naturally flowing waters, which determine the character and fiber of the people living there? How much is an area's natural and social heritage worth? The next feasibility study will have to weigh such questions.

When the Quebec government went ahead last year with plans to build a $6 billion hydroelectric project on the hunting and trapping grounds of the Cree Indians who live on James Bay in northern Quebec, the Indians responded, "Money? We do not want money. Jobs? How long will these jobs last? Money and jobs are impermanent. They disappear. They do not last. When they are gone, the land will still be there. If the land is not destroyed, we can return to it, live off it as we have always done. That is the only way we know how to live."

LUCY L. MARTIN.

FISHERIES OF THE QUODDY REGION—PRESENT AND PREDICTED

[Average annual landings (pounds) within the period 1937 to 1958]

	Present			
	High pool	Low pool	Outside	Predicted—Quoddy region
Species:				
Herring	16,800,000	3,400,000	29,800,000	No change.
Lobsters	71,250	30,750	286,000	Slight improvement inside dams. No change outside.
Groundfish	225,000	1,900,000	4,000,000	Substantial decrease inside dams. Compensating increase outside.
Clams (meats)	500,000	250,000	500,000	Drastic decrease inside dams. No change outside.
Scallops (meats)	31,000	30,000	31,000	Marked improvement inside dams. No change outside.
Alewives		270,000		No change.
Smelt	500	9,000		Slight improvement.
Salmon	100	600		No change.
Others		18,200		Slight decrease.

[From the Nation, February 26, 1973]

A GOOD IDEA IS HARD TO KILL

(By Karl Keyerleber)

When President Nixon spoke in his inaugural address of insuring a cleaner environment and meeting the nation's needs in new ways he wasn't singling out energy requirements, but the two phrases fit the subject so well that he might have been. Energy is a facet of national planning that obviously needs rethinking.

It may well be that looming brownouts and the rationing of electricity are parts of an industry smokescreen to mask a profit grab; nevertheless, the days of fossil fuels are numbered—at a century, two centuries or whatever term. And meanwhile, as long as they are burned, they will to some degree soil the atmosphere.

All primed to solve these problems was nuclear fission—until the suspicion grew that it posed an even greater threat to the environment than did the combustion of coal, oil and gas. Now every proposal for a new atomic installation is met by fierce opposition from groups of concerned citizens.

What is wanted is a supply of power that is inexhaustible and that won't pollute our air, our water or our food. Hydroelectric plants on the rivers have furnished such clean power for years. They have also flooded a lot of land, a side effect that has drawn the fire of conservationists. For a better solution there are natural resources of an untraditional kind that can be developed—the heat of the sun and of the earth's core, and the gravitational power of the moon. This last is the closest at hand, because the techniques for harnessing the moon's sway over the oceans are available and await only the will to use them.

The idea is not new. [See "Reviewing Passamaquoddy" by William S. Ellis, *The Nation*, July 13, 1964.] Tidewater was put to work at least as long ago as 1066, when an enterprising miller in Dover, England, was using it to grind grain. A similar mill was built in this country in 1640 when, according to colonial histories, a Capt. William Traske located a "tyde mill" for grinding corn near the mouth of the North River in Salem, Mass.

The idea of harnessing the tide to generate electricity on a large scale is much newer. It was still novel fifty years ago, when two Americans began almost simultaneously to speculate about the possibility. One was a Boston hydroelectirc engineer named Dexter P. Cooper; the other was Franklin Delano Roosevelt. Both spent summers on Canada's Campobello Island where they could watch the sweep of towering tides, sometimes 50 feet high, that poured through rockbound inlets from the Bay of Fundy into the smaller Passamaquoddy Bay that lies between Maine and New Brunswick. Passamaquoddy, an Algonquin Indian name, has since stood for an idea that burned brightly several times but flickered out each time because financial and political winds blew cold. Its time had not come.

Cooper developed the basic plan for a tidal power plant on "Quoddy" back in 1919. In subsequent years he spent a small fortune making surveys and promoting the proposal in this country and Canada. Any American plan would need Canadian cooperation because most of the water area and some of the dam sites are north of the border. But Cooper was never able to stimulate action until Roosevelt became President. The sea-loving FDR probably knew the swift currents and eddies of the Passamaquoddy area more intimately than anyone else. On summer vacations he piloted the family's two sailboats through the narrow inlets, and on two occasions while he was Assistant Secretary of the Navy he shocked hardy sailors by taking the helm of destroyers and calling for full speed as he drove through tricky, rock-lined channels.

In 1935 President Roosevelt allocated $10 million (later cut to $7 million) to begin development of a power plant with preliminary work at Eastport, Me. Engineering surveys were made, roads built, utilities put in and a model village built to house the construction workers who were to follow. But they never followed, for in 1936 the Senate turned down an appropriation for further work. Critics, including spokesmen for the private power industry, called it "WPA moondoggling," attacked the high cost and questioned the need for so huge an undertaking. The price tag that seemed so prohibitive then is of somewhat macabre interest. It was $150 million. Estimates are that the project would now cost ten times that much—about $1.5 billion.

Other studies were made over the years, but Passamaquoddy remained in limbo. It wouldn't die but neither did it come to life. When Kennedy became President he found on his desk a report by a joint United States-Canadian mission which had examined the proposal. The substance of this study was that Quoddy was not then economically feasible, "when evaluated by conventional methods of economic analysis as applied to hydroelectric projects," but that it had long-range possibilities "when other less costly energy resources available in the area have been fully realized." Kennedy, mapping his New Frontier, was unwilling to let such a challenging idea sink under the weight of that verbiage. He assigned Interior Secretary Stewart L. Udall to restudy the study. The Interior team concluded that the project *was* economically feasible, but attached a qualifier—that it be coupled with a dam and hydroelectric development on the upper St. John River in Maine.

Asked recently about that hedge, Udall said that he now believed Passamaquoddy could stand on its own, without the auxiliary river facility. "Tidal power has to be folded into another system, part of an interconnecting network," he explained. "The energy can't be held at the power plant. We didn't have a suitable system then, but it is in being today."

At any rate, the Secretary's report in 1963 urged Kennedy to seek Congressional authorization to build a power station on the bay and to begin negotiations with Canada for sharing the benefits. The cost was to be borne by this country. The plan then proposed, somewhat altered from Cooper's original proposal but retaining most of its main features, called for seven dams to control the flow of the tides between Fundy and the smaller bays of Passamaquoddy and Cobscook—about 7.5 miles of massive concrete barriers. Gates in the dams would close at high tide, and the water impounded in Passamaquoddy would be released through turbines into adjacent Cobscook Bay and eventually returned to the sea. Turbines operated on the outward flow of the tide would function much like a river installation that uses the head of water from a dam.

President Kennedy was enthusiastic: "I think that this can be one of the most astonishing and beneficial joint enterprises that the people of the United States have ever undertaken." He called the proposed interlocked dams and gates "an engineering marvel" and noted that it would attract tourists and raise the economic status of the northern woods country. That was in August 1963. Three months later Kennedy died in Dallas, and his powerful influence was lost to the Quoddy project, which once more returned to limbo.

Would it have been built if Kennedy had lived? Udall doesn't think the President's death was the decisive factor:

"There were a number of obstacles that made it too steep a hill to climb ten years ago. It was obvious that new technology was coming along and hadn't been tested.

"The Canadians were, to put it mildly, lukewarm at the time. They thought that if they build a tidal power facility it should be farther up the bay.

"Finally, there was all this optimism about nuclear power and it appeared the tidal power would be very expensive.

"In view of all this we didn't think we had the muscle to get the kind of investment we needed to launch Passamaquoddy.

"My feeling today is that we need to give much more attention to those forms of energy that are best from an environmental standpoint. Besides tidal they are geothermal—using the heat of the earth—and solar."

It seems incredible now that just ten years ago environmental considerations rated scarcely a thought. Today every proposal for a new power plant using fuel for energy is examined suspiciously by conservationists. At least three developments, in addition to environmental concern, make a new drive on behalf of Passamaquoddy inevitable. One is the rising curve of energy demand, another the fact that since the last Congressional turndown a tidal power plant has been put into operation. And the third is new technology that will greatly increase the power potential of Quoddy.

Industry projections indicate that demand for power will grow three times as fast as the population and that the United States will not be self-sufficient in energy for the rest of this century. Passamaquoddy could provide for new demand in all of New England for many years. The first tidal power plant was built by France. Its pioneering facility on the Gulf of St. Malo began producing electricity in 1967. The new technology mentioned by Udall includes improved high-voltage transmission facilities and advanced turbine designs, plus an innovation incorporated in the French plant that enables it to generate power on the flood as well as the ebb tide. If a similar technique were used at Quoddy it would greatly increase, if it did not double, output over the originally planned million kilowatts a day.

With the space program pegged at a lower level and the Vietnamese War seemingly ended, the financial muscle that could be put behind Quoddy would be far stouter than when Udall was involved. In view of the facts that a tidal plant wouldn't foul the environment and that, once built, it would produce relatively cheap power, the $1.5 billion cost may some day seem a great bargain. After all, we invested $20 billion to reach the moon. Having done so, it would be fitting if the United Sttaes were now to divert funds from that adventure to harness the moon's power here on earth.

TECHNICAL AND COMPREHENSIVE EDUCATION

Mr. THURMOND. Mr. President, on October 10, 1973, the South Carolina State Board for Technical and Comprehensive Education passed a resolution expressing the board's sincere appreciation for the support provided by the Economic Development Administration and the Coastal Plains Regional Commission for manpower training programs and facilities in South Carolina.

I take great pleasure in endorsing this resolution, and I urge my colleagues in both the Senate and the House to continue their support for programs such as these.

On behalf of the junior Senator from South Carolina (Mr. Hollings) and myself, I ask unanimous consent that this resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas, the Public Works and Economic Development Act of 1965 resulted in an investment of approximately 13,000,000 dollars of funds for the Economic Development Administration (EDA) and the Coastal Plains Regional Commission (CPRC) in the strengthening of economic development of South Carolina by providing manpower training facilities and equipment;

Whereas, these facilities have created many new permanent job opportunities as well as job training opportunities;

Whereas, this and other forms of financial assistance, geared to helping underdeveloped communities help themselves, has resulted in significant industrial growth and expansion;

Whereas, a substantial number of similar and equally worthwhile projects are in the developmental stage and the materialization of these projects are dependent upon EDA and CPRC funding;

Whereas, the one year extension of this act will expire on June 30, 1974;

Now therefore be it resolved, that the South Carolina State Board for Technical and Comprehensive Education express its appreciation for programs supported by the Public Works and Economic Development Act of 1965 and commend the Congress and the President for their interest in the continuation of the provisions of such Act;

Be it further resolved, that request be made to the Congress and to the President of the United States to continue their support in funding the provisions of the Public Works and Economic Development Act of 1965 so as to assure the continuation of projects necessary to the future well-being of the State and Nation.

THE PRESIDENT AND THE MIDDLE EAST CRISIS

Mr. BARTLETT. Mr. President, all Americans should be thankful for the kind of leadership exhibited by the President last week in the Middle East crisis. I believe this action erased any doubts of President Nixon's ability to govern this Nation.

The American people should not allow the issue of Watergate to diminish the accomplishments and goals of the Nixon administration. The President's success in bringing peace to Vietnam, the détente with the Soviet Union and China, his proposals to balance the budget, and his efforts to return government to the people—are things the American people still believe in and support.

Archibald Cox, in his job as special prosecutor, had the responsibility to seek justice for those in the White House as far as the Watergate and related 1972 campaign actions are concerned. But his charge was to seek justice through the courts.

On Saturday, October 22, Mr. Cox took his appeal over the heads of the courts to the people in a well-planned attack on the Presidency.

Mr. Cox had been a legal adversary of the White House and the President. In a matter of minutes, he became a political adversary.

The question exists whether Mr. Cox was acting responsibly and did in fact exceed the propriety expected of the special prosecutor.

I agree that the President clearly had the legal right to dismiss Cox and that a dismissal may have been justified, because of improprieties of Mr. Cox.

However, I question the timing and the advisability of the President firing his own prosecutor. This violated the freedom of inquiry guaranteed to Cox by the administration at the time of Elliot Richardson's confirmation—and led to the unfortunate resignations of Richardson and Ruckelshaus.

The citizens want and deserve an expeditious yet thorough Watergate investigation leading to the conviction of the guilty and exoneration of the innocent through the courts. I strongly believe that the President should allay any fears that the people may have regarding the independence of the prosecutor charged with the investigation of the White House.

I believe the President also wants a forthright and objective Watergate investigation, and does not deserve political harassment from a special prosecutor.

It is important to our system of Government that the President not be prosecuted out of office unless he be found guilty of an impeachable offense.

I have supported the President on most issues in the past and I expect that I will in the future. I have confidence in President Nixon's ability to continue to be a strong and international leader.

THE IRS—TAXATION WITH MISREPRESENTATION

Mr. MONTOYA. Mr. President, when the Appropriations Subcommittee on the Treasury, Postal Service, and General Government held oversight hearings on the Internal Revenue Service last February, the air was full of loudly called good intentions. Various witnesses—some expert and some not—detailed their problems, and hopes ran high for improved taxpayer services, more reasoned compliance programs, and greater scrutiny of audit and appeal procedures. The IRS, vowing "We Want To Help," presented its difficulties and contemplated remedies in response to queries from the subcommittee members. And, for the first time, former IRS Commissioners were called upon and gave testimony dealing with the administration of tax law.

Last spring's hearings were fruitful. They laid the groundwork for more informed and intensive probing of the IRS by its congressional watchdogs. To that end, I plan early next year to hold a second set of hearings, similar to, but more intensive than, the first.

Although some progress has been made, there remains much to be done to ease the burden of the American taxpayer. Furthermore, concentric Watergate shocks have jostled the Internal Revenue Service. In a system relying on self-assessment and mutual trust, the Service cannot afford such abuse. It must be guarded in order to remain a symbol of unbiased—and uncorruptible—tax collection and control.

One of the most succinct and convincing expositions of important IRS flaws still to be dealt with is found in an article by Louise Brown entitled "The IRS: Taxation With Misrepresentation." Ms. Brown, a staff member of the Tax Reform Research Group here in Washington, and a long time friend of taxpayer and reformer alike, has deftly woven a pattern of the inconsistencies and inadequacies we hope to root out in the second set of subcommittee hearings this spring.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IRS: TAXATION WITH MISREPRESENTATION

(By Louise Brown)

Got a tax problem? Don't call H&R Block or IRS. Call the White House. Unless, of course, you're an "enemy."

In the shambles of American totems blasted to pieces at the Watergate hearings, it is dishheartening to see the reputation of one of our most trusted (however grudgingly) Federal agencies crumble with the rest—especially since the Internal Revenue Service affects the lives, pocketbooks, and well-bing of more than 75,000,000 individual taxpayers every year.

Yet Washington tax lawyers are not surprised at the allegations of special tax treatment for White House "friends" like John Wayne and the Reverend Billy Graham, nor at the reported "political" audits of White House enemies.

The White House reportedly even tried to use IRS against bothersome organizations. For instance, back in September, 1970, White House aide Tom Charles Huston sent a memo to H. R. Haldeman which said: "Nearly eighteen months ago, the President indicated a desire for IRS to move against leftist organizations taking advantage of tax shelter. I have been pressing IRS since that time to no avail." And, Huston continued, "What we cannot do in a courtroom via criminal prosecutions to curtail the activities of some of these groups, IRS could do by administrative action."

But IRS was more cooperative than Huston thought. In exactly the same month and year that Huston wrote his memo, the public interest-minded Center on Corporate Responsibility applied to IRS for tax-exempt status vital to its funding program. The Center waited two and one half years for IRS to act. Finally, its funds nearly gone, the Center took its case to court on May 2, 1973. Alleging that IRS had deliberately held off acting on the request, the Center introduced a photocopy of its application, which bore the handwritten words "pressure from the White House." The lawsuit stung IRS into belated action, and two weeks later it turned the Center's application down. The Center is seeking a reversal of the IRS action.

Tax lawyers have always known that the question is not whether IRS hands out special treatment, but how much. The other major questions are: While IRS has been giving prominent taxpayers special treatment, how fairly has it been treating average taxpayers? What happens, for instance, to taxpayers who cannot afford professional tax counsel, let alone political favors? How well does IRS serve the ordinary citizen?

Spurred by mounting citizen complaints, a subcommittee headed by Senator Joseph Montoya, New Mexico Democrat, held hearings this past spring to dig out some answers. Although reports of the hearings were largely lost in the swirl of Watergate revelations, the testimony was significant. It revealed that average taxpayers are generally defenseless in IRS audits and collections. The Service often gives them incorrect or contradictory tax advice. They face problems never dreamed of by wealthy taxpayers and large corporations served by skilled counsel.

For three days a parade of witnesses outlined the problems for the Montoya Subcommittee. Testimony confirmed complaints the Subcommittee had been receiving for months: that some overzealous IRS employes harassed and threatened taxpayers; that some IRS employes, pressured by their superiors to bring in more revenue, made unjustified assessments against taxpayers; that some agents failed to tell taxpayers their rights; that taxpayers were intimidated and confused by appeal procedures, and most failed to appeal their cases; and that IRS refused to honor its own tax advice when it assisted taxpayers.

One of the more shocking complaints by witnesses was that IRS refused to let the public see most of its private rulings, which are, in effect, agreements it makes with wealthy taxpayers and big businesses, even though similar rulings might benefit other taxpayers if only they knew about them. A U.S. District Court judge declared such refusal illegal on June 6, 1973, but IRS still does not publish most of its rulings. The Service may decide to appeal the court's decision.

Tax attorneys and accountants make a career of coping with such problems for their clients, but average taxpayers cannot afford such help. They must rely upon the services IRS provides for them, and the services are not always good or fair.

The first hurdle for the average taxpayer is figuring out how much he owes—that is, filling out the return. IRS will help, but taxpayers take IRS advice at their own risk. Consider the case of a Pennsylvania housewife whose husband went to their local IRS office for tax help. She wrote:

"He had supreme confidence in the IRS . . . My husband . . . paid what the man at IRS said was the right amount and forgot about it. One year and a half later we got a bill from the IRS . . . I couldn't believe it. Not only had their man made the mistake, but we had to pay interest for eighteen months on his mistake . . . We had to borrow the money from a bank and pay interest on that, and then in order to pay the bank we had to sell an insurance policy, which we had been paying on for some time for one of our children . . . It made me a lifelong enemy of the IRS."

Like the Pennsylvania housewife, many taxpayers do not realize that the Service will not honor its own employes' advice. The taxpayer who relies on an IRS employe's tax guidance gets no guarantee that IRS will not demand more taxes later.

Just how reliable is IRS advice? In April, 1972, *Wall Street Journal* reporter Tom Herman asked five different IRS offices for help. Each time he presented the same relatively simple tax problem. The five IRS offices gave him five different opinions on how much tax refund he had coming. The amounts ranged from $177 to $484. The IRS officials even disagreed on the number of tax forms he should fill out.

Affluent taxpayers need not rely on such poor IRS advice. Their high-priced lawyers know how to get ironclad agreements from the IRS on exactly how much tax their clients owe. These lawyers ask the Service to make a "private ruling" on their clients' problems. In effect, the IRS provides a free tax consulting service, with results guaranteed, for a special group—even though *all* taxpayers pay for the service with their tax dollars.

These private rulings can hide big tax breaks for powerful people. In a classic 1964 case, an IRS ruling saved millions of dollars for weathy DuPont stockholders (mainly DuPont family members). The chronology follows: In an antitrust action, a U.S. District Court directed DuPont and its Christiana Securities holding company to distribute their General Motors stock (63.5 million shares valued at $3.5 billion) to their stockholders. Congress passed a special law to lighten the DuPont stockholders' tax load on this GM stock windfall by making it subject to the capital gains rate of taxation, which is lower than the rate they would have paid if the stocks distributed had been treated as dividends subject to regular income tax rates. However, the price of GM stock doubled over the three-year distribution period, and the DuPonts, no longer satisfied with the break Congress had already given them, looked for a way to escape even the capital gains taxes. So they quietly asked IRS for a private ruling. In a ruling that delighted the DuPonts, the IRS permitted the DuPonts to exchange GM stocks for Christiana stocks held in their tax-exempt foundations, and these exchanges would be totally tax free. The new ruling allowed them to escape $56 million in taxes.

The IRS estimates that it makes about 30,000 rulings a year. Of all these decisions, it pubishes only six to seven hundred annually. The Service refuses to let the public—the same taxpaying public that paid for the rulings in the first place—even see the rest. This means IRS can treat different taxpayers unequally, and such injustice can be concealed.

The Montoya Senate Subcommittee hearings highlighted the contrast between the IRS tax guarantees for the rich and its unreliable advice to average taxpayers. The Pennsylvania housewife and her husband did not get DuPont-style service from IRS. Instead of honoring its own advice, IRS audited the Pennsylvania family's return and demanded almost $500 in additional taxes and interest.

Each year the Service chooses for audit more than one million individual returns of the 75,000,000 filed. This means the audited taxpayers must produce records and accounts to prove the claims on their returns. Average taxpayers usually face audit without tax counsel. Why? First, most may not even realize that they need professional help. Those who do seek it find they cannot afford to pay the $30 an hour—or more—that the tax professionals charge. Instead, taxpayers confront the IRS frightened and alone, like the woman who wrote: "I spent the whole morning at the tax office in Brooklyn and when my time came for the 'explaining' of my ways, I was treated with sullen contempt . . . I was absolutely terrified by their attitude. . . ."

Other taxpayers may trust the IRS man, assuming he knows the law and that he will be impartial, open, and above board. But L. Hart Wright, Michigan University Law School professor, points out that "these assumptions are often not justified." Wright should know. On and off, for almost twenty years, he has taught tax law at the IRS training center and has served as a member of the IRS Commissioner's Advisory Group and as a consultant to the Commissioner. In addition, he has written two IRS tax law manuals.

What happens when average taxpayers face an audit without professional help? Unable to defend themselves, some sixty-three per cent wind up with an increased tax bill averaging about $150. In 1972, that was almost half a million taxpayers. About thirty-four per cent get no increase, and three per cent receive refunds. The high "no change" rate—one in three—suggests that IRS may spend too much time subjecting small taxpayers to expensive unnecessary investigations. One woman reported that IRS audited her returns for five consecutive years, although her annual salary never reached $4,000. She wrote:

"It was my church donations which they questioned. You see, I am a Seventh Day Adventist and believe in paying ten per cent of all my income to the church. The church treasurer gives receipts for donations paid into the church. I kept all my receipts. Their investigation finds out that my internal revenue reports come out right to the penny with receipts to prove same. I had to take off from my job to appear in Des Moines for the investigation, which meant loss of pay for that day. . . ."

When the audit begins, the taxpayer faces a system which, in a real sense, is out to get him. First, the IRS agent *expects* to find that the taxpayer owes Uncle Sam more than he paid—ordinarily that is why the taxpayer's return was chosen for audit in the first place. The examiner himself is under pressure to bring in extra revenue. The Sevice rates him, in large part, by his "productivity"—the amount of money he brings in from taxpayers. Senator Montoya questioned Vincent Connery, former IRS agent and president of the National Association of Internal Revenue Employes, on whether he felt he had to "produce" in order to sustain his standing as an efficient revenue agent. Replied Connery, "The simple answer to that is 'yes.'"

In their eagerness to bring in money, IRS examiners are not always candid with taxpayers. They may not explain what kinds of proof of the taxpayer's claim IRS will accept, or whether the taxpayer's case has merit. Many ordinary taxpayers have a hard time supporting their deduction claims. A secretary wrote of her difficulties when IRS demanded she prove that she actually supported her dependent mother:

"I was only making around $5,500 or $6,000. I was told . . . [to] report all the money I spent on my mother in the last year . . . food, clothing, etc. I had to return the next day with a detailed account . . . I accounted for every penny . . . because I didn't want to go to jail—or so they made me feel."

Even sophisticated newspaper reporters have trouble supporting their claims. Syndicated columnist Tom Braden recently wrote:

"You have to be able to prove everything. For example, if you're a newspaperman and do a great deal of traveling, you'll have to produce the airline stubs which prove that you did indeed go to Los Angeles to write a story about Los Angeles which bears a Los Angeles dateline. Sometimes foolish people like me or people without secretaries—also like me—lose their airline stubs. It is expensive."

Sometimes IRS examiners will omit facts that might help the taxpayer. One former IRS agent has pointed out: "The overzealous examiner does not have to disclose to the taxpayer anything about the cases the Government has lost . . . They just state IRS' position as [an] amount of tax . . . and the poor taxpayer most of the time will pay. . . ."

Agents may even threaten to raise taxes without reason. Rudolph J. Passero of the National Society of Public Accountants told Senator Montoya about one time when an IRS agent, frustrated because he could not find any errors in a return, said, "I know there is something here. Now, how much do you want to pay to settle the case?" Passero reported the agent to his IRS superiors, but few unrepresented taxpayers are as willing to stand up for their rights against abusive IRS officials.

The well-represented taxpayers do much better by appealing the IRS agents' claims. Examination of the IRS' annual reports discloses that wealthy taxpayers, over the past five years, have protested more than $6.7 billion in examiners' demands before the Service's conference officials at the highest level. The IRS reviewers overruled the examiners and reduced the demands by an incredible seventy per cent of this amount—by $4.7 billion. Thus, these taxpayers actually had to pay, on the average, only thirty per cent of the amounts that overzealous agents had tried to claim. Big money was at stake in these settlements. The figures in one IRS document reveal that approximately eighty-four per cent of the money in dispute involved claims of $100,000 or more. Clearly, IRS is more willing to bend in favor of big taxpayers than smaller ones.

By comparison, average taxpayers fare poorly at the appellate level. For example, in 1971, according to IRS records, taxpayers with cases under $1,000 ended up paying an average of sixty-eight cents on the dollar, while those with tax cases of $1 million or more settled for an average of only twenty-four cents on the dollar.

But almost none—only two per cent—of the average taxpayers who have gone through the IRS audit ever appeal their increased taxes at all. Why not? Because appeals procedures are confusing, frightening, and expensive. Taxpayers can go to court, or can try to explain their side to Internal Revenue superiors at an IRS district conference. If that fails, they can trudge on still higher to an IRS appellate conference. Wherever they turn, average taxpayers find the procedures too much to cope with. It is so much easier to pay than to fight. Worse yet, many average taxpayers may not even know of their right to appeal. IRS does not routinely give taxpayers written notice of appeal procedures until *after* the taxpayer has formally disagreed with an examiner's findings and refused to pay an increased tax.

While most average taxpayers agree to pay what IRS says they owe, some fail to make the actual payment, and then the IRS Collection Division steps in. The IRS collection officer has the power to seize and sell almost all the taxpayer's goods. He can clean out bank accounts. He can seize paychecks. He can even sell a taxpayer's home.

Like the IRS examiner, the collector is under pressure to bring in money. Until this year, the IRS district office in San Francisco had a unique way of applying this pressure—the "point system." Employes seeking promotion had to fill out a five-page "work experience statement" which assigned points to some thirty-four different kinds of collection actions. Vincent Connery of the IRS employes' union described how the system worked. He said it was just like a contest:

"You get a point for going out and seizing somebody's money who is either on relief or Social Security or a pension. . . . You also get a point for notice . . . served on someone's life insurance policy. . . . It is more than a couple of points if you are regarded as a 'seizure man.' If an American businessman owed money, you go out and seize his business and you get points. Those points translate into promotion."

William L. Lefbom, chief of the San Francisco district collection and taxpayer service division, eliminated the "work experience" point system this year. IRS said it was "administratively cumbersome." But the pressure to bring in money goes on. Jerry Klepner, communications director of the IRS employees' union, has pointed out, "Supervisors know how much a man collects and how many cases he has closed. If the employe does not meet the standards, he loses his job or his promotion."

Most tax lawyers are skilled at keeping such IRS officials from their clients' doors. If tax appeals fail, they advise their clients how best to settle. They know, for example, how to arrange to pay back taxes over a number of years. And they know what kinds of compromises IRS might make. Even if these lawyers get a case after IRS has threatened to collect, they know where to go—in the agency or outside it—for help. Inside, successful tax lawyers talk to their collection division contacts. Outside, White House and other political connections might be effective. Or tax lawyers with clients friendly to Senator Russell Long of Louisiana or Representative Wilbur Mills of Arkansas might find either one helpful. Mills and Long, both Democrats, co-chair the powerful Joint Committee on Internal Revenue Taxation. IRS answers their letters within twenty-four hours. It was Mills' intervention, *The Wall Street Journal* recently reported, that called off an IRS tax investigation of shoe corporations, saving them, a former agent estimates, some $100 million in taxes.

Most of us do not fare so well. Once started, there is almost no way the average taxpayer can stop a collection action. A collector can simply move in and make the seizure. An angry trucker in the household moving business reported that IRS officers took his only moving van (worth $33,740) to satisfy a tax debt of $1,500, while he frantically sought help. He wrote, "Now I have no truck and no money." And, incidentally, no way to earn the money IRS says he owes.

Sometimes taxpayers suddenly discover that the IRS has seized their paychecks—even though they have paid their taxes and can prove it. A Midwestern certified public accountant described a common case. A black laborer had his paycheck seized even though he had two receipts which showed he had paid the tax due in full. Yet, wrote the CPA, the IRS collection department in Cincinnati was indifferent and simply said the man would get a refund in six weeks. "They never admitted," he wrote, "that they had made a mistake and never apologized for denying this man and his children food, clothing, and lodging, for at least one week."

Most average taxpayers have no place to turn for help when IRS seizes their pay. Even if the Service refunds the money in a few weeks, the hapless taxpayer has been deprived of his income, and his reputation with his employer has probably been hurt.

What can be done to give average taxpayers something like the help the rich (and their professional counsel) get from IRS? Senator Montoya has suggested that the Government provide a system of taxpayer advocates representing taxpayers with small claims. Ralph Nader has urged that IRS give those taxpayers facing audit or collection a short written notice that would outline, in plain language, the taxpayer's rights and duties, how he can appeal, and the names of IRS officials to whom he can complain. Nader also called for an "oversight" body, responsible to Congress, which would investigate citizen complaints, study IRS operations, and report its recommendations to Congress.

IRS, for this part, could keep track of the questions taxpayers ask most frequently at

IRS offices. This would help Congress decide which parts of the tax laws need to be simplified.

Much can be done in the way of reform. The tax system does not have to be a dense, dangerous jungle for the average taxpayer. But tax justice will not come by itself. Taxpayers will have to push their representatives in Congress hard, particularly those who put special treatment for a few ahead of tax justice for all the American people.

The best time to improve IRS practices is *before* you have a tax dispute with IRS. Your word to Congress can make a difference.

CONTACT

Here is what you can do to get action out of Congress and fair treatment out of IRS:

Be informed on the issues. Ask your Representative to send you a copy of the *Hearings on Taxpayer Assistance and Compliance Programs, Fiscal Year 1974*. Or get it from your public library. It is packed with information, and it is free.

Do not be afraid to complain. If IRS has treated you, or someone you know, unfairly, do not take it lying down. Let your Senators and Representative know. And write to the new Commissioner of Internal Revenue, Donald C. Alexander, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, D.C. 20224. He should be told what his employes are doing.

Get your local news media to help expose bad IRS practices. Talk to a reporter, or write a letter for publication, or ask an editor to write an editorial.

Urge your Representative and Senators to push for reform of tax laws and the IRS.

Help the ongoing study of IRS practices. The Tax Reform Research Group is collecting data to present to the Montoya Subcommittee hearings next year. Although TRRG cannot give help in individual cases, it will study complaints carefully. As patterns of abuses show up, it will investigate them and recommend reforms to the Subcommittee. If you send documentation, send copies only, not originals. Be sure to let the Group know whether it may publish your signed complaint, or whether it should keep your name confidential. Send information to: Tax Reform Research Group, P.O. Box 14198, Washington, D.C. 20044.

MILITARY PROCUREMENT

Mr. TOWER. Mr. President, recently the Senate finished consideration of its version of H.R. 9286, the military procurement authorization bill. During the debates the Senate came terribly close to upsetting the delicate balance the President has skillfully maintained between military preparedness and détente. Further monetary cuts that were proposed on the floor of the Senate during consideration of the military procurement bill would have robbed us of the strength to deter Soviet military aggression, if they chose to confront us on that level. In addition, our bargaining position during economic and political negotiations would have been diminished. We must be prepared to be as flexible as our opponents, able to compete militarily, economically and politically. The Armed Services Committee spent many weeks examining the President's budget submission in great detail. We reported the rock bottom budget authorization we felt America could afford, and in some cases recommendations even lower than some of us felt necessary. I am pleased to see the Senate permitted the bill to pass in substantially its reported form.

Mr. President, there have appeared in newspapers across the Nation a number of articles on the procurement bill and certain amendments thereto. Because I feel it might add weight to my arguments, I recommend them highly to my colleagues. Therefore, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Review and Outlook]

DEFENSE, DEMAGOGY AND DÉTENTE

The Soviet-American detente was given another year of life last week when the administration staved off wholesale cuts in American arms during the Senate defense-spending debate. The margin was precariously narrow, in no small part because the administration has refused to demagog the defense issue. It seems likely that in a year or two the soft-sell will no longer be enough to win a halfway credible defense posture, the administration will have to turn on the demagogy, and detente will be over.

Consider the record in the Senate last week. Only by a vote of 51 to 44, could the administration reverse an earlier vote to unilaterally slash 40% of our overseas forces, on the eve of troop-reduction talks with the Soviets. Only by 49–47 could it win acceleration of the Trident submarine, its chief strategic proposal, as strategic arms talks go forward. It lost in an attempt to defeat a 23% foreign troop cut, and will have to rely on a Senate-House conference committee to whittle down the size of that reduction.

Even after further cuts have been avoided, the defense budget is below pre-Vietnam levels in terms of constant dollars. And because of the volunteer army, a far greater hunk of the budget is going to personnel costs and correspondingly less to hardware. Research and development on most programs was severely cut by a Senate subcommittee, and only partly restored by the full Armed Services Committee. The popular image of a bloated "military-industrial complex" has never been further from fact.

Meanwhile the Soviet Union has been moving ahead at an incredible pace on nearly every front of arms development. Even though the interim agreement on offensive strategic arms gives it many advantages, its testing has disclosed several new strategic missiles in the last few months. It has tested multiple warheads. It has reinforced and reequipped its armored divisions in Europe. It has built what Jane's Fighting Ships now considers the best navy in the world.

Surely the material is there if the President wants to take the issue to the nation, or even to demagog it a bit. But while it is quietly insisting on the need for arms spending, the administration refuses to play up the issue. For to make a lot of rhetoric about the Soviet threat would undermine its policy of detente, both in terms of domestic politics and, more importantly, in terms of actual relations with the Soviet Union.

Yet because the administration is publicly cozying up to the Soviets, it finds its quieter warnings are not taken seriously. This is one of its chief difficulties in the Senate. A good many Senators apparently are unable to conceive of detente on any basis except that the Russians have turned into good guys. And if they are good guys, why do we need arms?

This attitude is by no means limited merely to the Senate. There are well-informed people in the media, for example, quite capable of telling complaining military officers that the media cannot take the quiet warnings seriously while the public administration stance is friendship toward the Soviets. Or in other words, demagog it, then we will believe you.

Even this year, the administration would have had to do precisely that except for the ham-handed Soviet propaganda campaign against Andrei Sakharov and Alexander Solzhenitsyn. Especially given the careful groundwork laid by Senator Jackson's campaign on the Soviet Jews, this neatly upset the image, of the Soviets as good guys. Some in the liberal community of course argue that while the Soviets cannot be trusted with most-favored-nation status they can be trusted with military superiority. But on one of the key votes a number of liberal Senators—Kennedy, Humphrey, Stevenson—figured that we had better not trust them too far with arms either, and lined up with President Nixon and Senator Jackson.

In the future we cannot count on being blessed with Soviet clumsiness. Unless our popular and political culture can start to digest the notion that detente is not based on Soviet beneficence but on a balance of military power, the administration will be left with no choice but to present the Soviet threat in the rhetoric of high dudgeon. And it will go down in history that detente collapsed because a democratic political system is incapable of sustaining it.

[From the Denver Post, Sept. 19, 1973]

A BALANCED PLAN IN EUROPE: REDUCE TROOPS ON BOTH SIDES

The position of the Nixon administration has been consistent and firm over the past 4½ years on the question of troop cuts in Europe:

Any East-West troop reductions ought to be mutual and balanced.

Reports from Washington now indicate that the White House stand will get a full test earlier than anticipated.

The latest word is that the United States, with full concurrence by its allies in the North Atlantic Treaty Organization (NATO), will propose a phased reduction of both NATO and Warshaw Pact forces during the disarmament talks due to reconvene in Vienna next month.

The reported plan calls for a 10 per cent NATO cut and a 20 per cent cut by the Warsaw bloc—which would reduce the level of forces on both sides to about 700,000 men. A subsequent phase would reduce forces on both sides by another 15 per cent, according to the proposal.

The most significant reductions would be those involving American and Soviet troops. And the size and scope of these cuts will underscore how far the latest U.S.-Soviet move toward détente has progressed.

If equal cuts of 15 per cent were followed, as hinted by the White House, about 30,000 Americans and 65,000 Russians would be involved in initial withdrawals.

This would be a far cry from the plans being floated in the Senate, particularly by Sen. Mike Mansfield, the majority leader. Mansfield has called for a unilateral reduction of U.S. forces in Europe of 50 per cent, which would amount to a cut of about 150,000.

What is drastic about the Mansfield proposal is not the total, large though it is, but the fact that it would be undertaken without any assurance that the Soviet Union would follow suit.

Time and time again, the Russians have demonstrated that they are tough bargainers. The unilateral withdrawal recommended by Mansfield would severely weaken the U.S. bargaining position at Vienna.

A significant reduction of our costly military commitment to Europe ought to be our goal but it will undoubtedly have to come—as have other agreements with Moscow—one careful step at a time.

[From the New York Times]

WITHDRAWAL SYMPTOMS

(By James Reston)

WASHINGTON, September 27.—Though the Senate voted the other day to cut United States military forces overseas by 40 per cent, and then reversed itself under intense pressure from the White House, that challenge to the present balance of power in the world has sent a shudder through the Administration and the Western alliance.

It is the paradoxical mood of defiance and retreat in the Senate—defiance of the President and retreat from world responsibilities—that troubles both the President and the Allies, and that mood persists, despite the narrow reversal of the vote.

For the moment, it is not a critical problem, for the House, despite some defections, is still willing to maintain for a while the 471,000 land-based troops the United States maintains abroad. But even in the House many members who once backed the Administration's force levels abroad are now wondering whether this is still necessary, and if so, for how long?

The reasons for this growing skepticism are varied. The President himself has proclaimed the Nixon doctrine, limiting the nation's overseas commitments, and argued that his accommodations with Moscow and Peking have reduced world tensions and foreshadowed a "generation of peace." This in itself has produced pressure on the Hill to cut the defense budget, reduce the U.S. garrisons abroad, and reappraise or even eliminate foreign economic aid.

It has been the central political argument of the Administration during the last Presidential campaign and since that these last four years have been an era of transition: from war to peace, from a wartime economy to a peacetime economy, from a Federal budget dominated by defense to a budget dominated by social or human expenditures, from arms competition to arms limitation, and from a draft-dominated military force toward an all-volunteer force.

This theme is now producing new voting patterns in Congress. Many Southerners, who were pugnaciously international and all for foreign aid a decade or so ago, now resent competition from abroad and are allying themselves with Northern liberals, who used to be stanch supporters of internationalism, but who are now calling for vast transfers of funds from overseas to the problems of poverty and urban misery at home.

What we are seeing in these Congressional impulses to cut the defense budget, cut the troops abroad, cut the foreign aid, is also a reaction to the disappointments and tragedies of Vietnam. Withdrawal symptoms in a nation are even more painful than in an alcoholic or a drug addict, and the war has tended to encourage many members to withdraw not only from Vietnam but even from critical industrial areas like Western Europe and Japan.

There is also a tendency here as a result of Watergate and its excessive use of Presidential power, to oppose the White House, to dramatize the independence of the Congress, to resent the Europeans and the Japanese for their competition with the dollar and American trade, and all this is very sensible, but a 40 per cent reduction in all U.S. forces overseas seems a bit steep.

The Administartion would probably be on sounder ground in meeting these extreme demands if it were not so extreme itself. The President has been threatening to veto any bill that doesn't match his estimate of what the defense budget should be, and veto any appropriation bill that spends more than he thinks is inflationary at home—and this has irritated the Congressional leaders, and provoked Mike Mansfield, the majority leader in the Senate, who has been trying to cut overseas forces for years.

Mike got quite a few votes for his 40 per cent cut at least partly because everybody like Mike, and particularly the young new Senators, who didn't go through the long battle to establish American power in Europe and Asia, tend to think the detente with Moscow and Peking is a reality instead of merely an experiment.

Somewhere in this debate, there has to be a compromise between the majority leader who wants nothing less than a 40 per cent cut in the overseas forces and the Administration that wants to keep force levels overseas where they are.

The Administration won this latest battle with the Senate, and can probably keep on winning it with the help of the House, at least for a while, but the mood of retrenchment on the Hill is getting stronger all the time, and the confidence between the White House and the Congress, after Vietnam and Watergate, is getting weaker all the time. And this is a problem, particularly since the Administration is just going into critical negotiations with the Allies on the future of the NATO Alliance, with the Soviet Union on the balanced reduction of both Soviet and U.S. forces in Europe.

This the Senate knew, but it voted for a 40 per cent cut anyway, and reversed itself only when the probable consequences of the vote were made clear later in the day. In the end, the arguments of the Administration prevailed by a very few votes, but ironically, a few more votes were switched, not by the arguments of the White House, but by the arguments of Sakharov and Solzhenitsyn, the two eloquent voices out of Moscow, appealing to the United States not to make one-sided deals with the Soviet Union, without getting a few compassionate consessions from the Communist side.

[From the San Diego Union, Sept. 19, 1973]

DEFENSE IS LAST PLACE TO TRIM

Another "guns or butter" debate is warming up in Congress with consideration of a $20.4 billion military procurement bill. Once again we are caught up in the difficulty of reconciling our political process with the needs of national security. While politics and personalities can change the relative strength or weakness of different points of view in Congress, those changeable conditions have nothing to do with the number of men and weapons actually necessary to defend our country.

Congressional doves can no longer cry for an end to the Vietnam war as a means of producing billions to be spent on domestic programs. This leaves only the defense budget and foreign military aid as their target. The idea that military spending in the neighborhood of $80 billion is too much in "peacetime" is becoming dangerously popular with senators and representatives whose favorite programs are waiting to be funded but cannot be fitted into the federal budget under the ceiling which President Nixon is determined to maintain.

The Senate Armed Services Committee has concluded it is safe to trim another 156,000 men from our armed forces. This would reduce them even lower than the 2.2 million level projected by the Defense Department after a series of base closings and consolidations of military units announced earlier this year. The argument that these new reductions would be made in support forces rather than combat forces simply ignores the balanced relationship which must exist between the combat soldier and the logistics and communications network that must back him up if he ever has to fight.

The axe is also poised over the funding for such long-range weapons development programs as the B–1 bomber and the Trident missile submarine. The argument here seems to be that if we are safe enough now without these advanced weapons, and since detente is in the air, we need be in no hurry to develop them. This assumes that the Soviet Union is equally complacent with the capability of its strategic weapons. We know, however, that just the opposite is true. The Russians are pouring resources at an unprecedented scale into improving and expanding both their strategic and tactical forces.

The level of U.S. troops stationed in Europe is also being viewed as a budgetary question. It cannot be if we expect any results from the current effort to negotiate a mutual reduction of forces by the North Atlantic Treaty Organization and the Warsaw Pact. A unilateral troop reduction by the United States of America would only undercut NATO's bargaining position.

President Nixon has made the point that domestic programs will be meaningless if we fail to maintain adequate military strength. Put in simplest terms, if a country does not have enough guns to defend itself from an enemy, having butter on the table will not save it. With the Defense Department's buying power seriously eroded by inflation, the defense budget is the last place Congress should be looking for money to divert to new domestic spending. The fat just isn't there to be trimmed.

FOOD ADDITIVES AND HYPERACTIVITY IN CHILDREN

Mr. BEALL. Mr. President, since early this year I have been in communication with Dr. Ben F. Feingold, chief-emeritus, department of allergy of the Kaiser Foundation Hospitals and Permanente Medical Group, with respect to hyperkinesis, or hyperactivity.

This is a problem which is conservatively estimated to involve 3 percent of the elementary school population of our country. However, the instances of hyperkinesis varies greatly from community to community. For example, in south San Francisco a conservative estimate indicated that 5 percent of all pupils were hyperactive, while in Monroe County in upstate New York, the estimate is as high as 25 percent. The California Association for Neurological Handicapped estimated in the past 10 to 12 years the instances of hyperactivity among schoolchildren in California has risen from 2 percent to an average of 20 to 25 percent and in some cases 40 percent of the entire school population.

Dr. Feingold's research has indicated a possible link between hyperactivity in children and the growing use of food additives. By placing children on a diet that is free of artificial food flavors and colors, Dr. Feingold has been able to achieve dramatic results. Even more dramatic was the ability to trigger a return of hyperactivity, sometimes in a matter of hours, by putting artificial substances back into the diet.

At the present time many hyperactive children are being treated with drugs. If hyperactivity can be controlled simply by changing a child's diet, then we certainly should find it preferable to move in that direction. And if there is a link between artificial food additives and hyperactivity, then the entire use of artificial colors, flavors, and other additives must be examined.

Mr. President, next month the Senate Labor and Public Welfare Subcommittee on Health contemplates hearings in the drug area. I have written Senator KENNEDY today, in view of the importance of

Dr. Feingold's work, urging that he be one of the earliest witnesses called. I am particularly interested in Dr. Feingold's work because of my deep concern about the reading problem in this country and there is indication that many hyperactive youngsters also experience reading and other learning difficulties. As Dr. Feingold told me in his most recent letter:

> I feel confident that through a broad-based program involving the education of parents, as well as educators, teachers, psychologists, pediatricians, and other professionals regarding the potentials of management with the salicylate-free diet, we can within a very brief period, perhaps a year or 18 months, correct a considerable percentage of the H–LD among the school children of this country.

I have been in contact with the Food and Drug Administration and the National Institute of Mental Health on this matter and I am hopeful that we can generate support for Dr. Feingold's research and efforts.

Mr. President, in the Washington Post of October 29 appeared an excellent article on this subject by Mr. Morton Mintz. I ask unanimous consent that a copy of this article be printed in the Record and also a copy of a recent address given by Dr. Feingold before a symposium on food health in London, England last month, be printed in the Record.

I also ask unanimous consent that my letter to Senator Kennedy be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Study Links Food Additives to Hyperactivity in Children

(By Morton Mintz)

A medical specialist says that artificial colors and flavors in foods and beverages may be an important cause of a serious behavior disorder believed to afflct millions of school children.

He bases his theory on experiments in which afflicted children come to behave normally when put on a diet free of synthetic colors and flavors, only to revert to their maladjusted condition when they violate the diet by so much as a bite.

The specialist is Dr. Ben Feingold of San Francisco. He is chief-emeritus of the Department of Allergy of the Kaiser Foundation Hospitals and Permanente Medical Group.

The disorder, called hyperkinesis or hyperactivity, interferes with a child's attention span—leading to reading, spelling and other learning difficulties—and is reflected in disruptive and even compulsively aggressive behavior.

The disorder occurs almost exclusively in boys. Usually only one child in a family is affected.

Hyperkinetic children generally—but not always—are genetically predisposed to alleriges. Usually they have normal or high IQs. And, says Feingold, they ingest substantial amounts of chemical colors and flavors, as shown by diet diaries.

Frequently, physicians prescribe for hyperkinetic children drugs that in adults are stimulants. The drugs are amphetamines and Ritalin, the trade-name of the CIBA-Geigy Corp. for methylphenidate hydrochloride.

Feingold has found that sharp increases in the disorder and in learning difficulties over the last 10 years have occurred in parallel with increases in the dollar value of the production of artifiical flavors and soft drinks.

There are 2,500 to 3,000 flavors—some of them secret chemical formulations—but only 11 basic synthetic colors, Feingold says.

The colors and flavors constitute about 80 per cent of all food additives. They proliferate in "convenience" foods and products such as softdrink powders, the physician says.

Feingold reported initial findings to an American Medical Association meeting in New York City in June at an international food symposium in London in September. He said in a phone interview with The Washington Post that he is now preparing an article for the British Medical Journal, published by the British Medical Association.

At the time of the AMA meeting, Feingold said, he had achieved "dramatic results" with the special diet in 15 to 18 of 25 hyperkinetic children in his practice. Some of the children who did not improve did not stick to the diet, he said.

Currently, the allergist told a reporter, he has successfully treated more than 50 children. In addition, he said, other physicians independently have duplicated his results.

Feingold emphasized that the special diet doesn't always work, because there are apparently multiple causes of hyperkinesis. Sometimes it works in harness with standard allergy control procedures, he said.

Feingold told of a 7-year-old boy who had been hyperkinetic during much of his life. No therapy worked. But after a few weeks on the special diet the boy became well adjusted at home as well as at school.

The physician said that even a slight violation of the diet can cause symptoms of hyperkinesis to emerge within a few hours and to persist for 24 to 48 hours.

"In view of our ability to relate this behavioral disturbance in children to food additives by 'turning on' and 'turning off' these adverse clinical responses," Feingold told fellow allergists at the AMA meeting, "we raise the following question:

"Is it possible to attribute the increase in hyperkinesis and learning difficulty . . . to the increased consumption of these chemicals in our foodstuffs?"

Feingold told of a California study indicating that in the last 10 years the incidence of hyperkinesis in certain school populations increased from an average of 2 percent to 20 to 25 percent and, in some cases, to 40 percent. He said no correlation has been shown between rates of affiliation and socio-economic factors.

The dominant occurrence of hyperkinesis in boys and its absence among a victim's brothers and sisters may offer clues for researchers, but "we really do not know" the explanation, Feingold said.

"Do the additives ingested by the mother during pregnancy affect the unborn child?" the allergist wonders.

He points out that additives, like drugs, can cross the placental barrier to the fetus and affect its development. It is at least conceivable, he says, that increased consumption of food additives by pregnant women could be an "important factor" in conditioning a fetus to react to additives in childhood with hyperkinesis.

An average child's breakfast today may include foods "loaded" with enticing flavors and colors, including cereals, beverages, pancakes made from a mix and frozen waffles tinted by a chemical called tartazine, Feingold said.

A "conscientious and concerned" mother may give her child chewable vitamins. These, too, contain chemicals.

The child goes off to school where, at lunch, he gets more flavoring and colorings in hot dogs, luncheon meats, ice cream and beverages other than milk.

"Is it any wonder that our children are jumping and failing to learn?" Feingold asked at the AMA session.

The conscientious mother, or school authorities, may try to cope with the possibly chemically-created disorder by dosing the child with more chemicals—an amphetamine of Ritalin. These drugs, too, are dyed, Feingold said. Some children also are given strong tranquilizers that, again, are artificially colored.

How many children get the amphetamines and Ritalin, which CIBA-Geigy has heavily promoted for hyperkinesis, is unclear.

The number estimated in 1971 by the National Institute of Mental Health was up to 300,000. The current estimate made by CIBA-Geigy for Ritalin alone is 250,000.

A company spokesman said Friday that the firm was trying to clarify the figures in the light of testimony given at a Senate hearing in July, 1971, by CIBA-Geigy president Thomas O. Boucher.

He said that the firm in 1970 sold 243 million Ritalin tablets, that some 2 million persons took the drug, and that "its use for hyperkinesis is approaching 50 per cent . . . of production." In the same year, Ritalin accounted for $11 million in sales, or 15 per cent of the firm's total.

Feingold's research associates were Drs. Donald F. German, Alice Friedman, Richard Braham and Ellamae Simmons.

In a related development at Georgetown University, researchers have reported on a laboratory study of some food additives used to prevent spoilage of beverages and canned and frozen foods by disease-producing bacteria.

The additives act as strongly against animal and human cells as against the germs, the study indicates.

Further investigation is necessary, "but present evidence would urge caution in eating large quantities of food containing such additives," said microbiologist Thazepadath Sreevalsan.

The Georgetown study, done in collaboration with the National Institutes of Health, involved tissue cultures in which additives were shown to inhibit the growth of cells, to alter their shape, and in some cases to destroy them.

The results, reported in the Proceedings of the National Academy of Science in August, also showed that the chemicals did not act selectively merely against the bacteria that cause spoilage, but were at the same time anti-cell agents.

"There may be a mechanism whereby the stomach tissue in a whole organism is able to de-toxify the compounds in humans, but even in that case, ingesting too much might overload the mechanism and still pose a danger," said Associate Prof. Sreevalsan.

He said that most anti-bacterial food additives are fatty acids that, in the concentrations in which they are used to prevent spoilage, have not exhibited "any gross animal or human toxicity."

All human cells in the study are inhabited by these compounds, as well as by nitrite. For that reason, the large consumption of foods containing the compounds "may potentially interfere with the function of some human cells," Sreevalsan said. The same would apply to drugs such as salicylates—aspirin, for example—that also are fatty acids, he said.

The study was done with cells from human livers and intestines and with chicken embryo cells grown in laboratory tissue cultures.

Sreevalsan's co-researchers were Elliot Ginsburg, Daniela, Salomon, and Dr. Ernest Freese.

ADVERSE REACTIONS TO FOOD ADDITIVES WITH SPECIAL REFERENCE TO HYPERKINESIS AND LEARNING DIFFICULTY (H-LD)

(By Ben F. Feingold, M.D. *)

Foods are mixtures of chemicals, the bulk of which are proteins, fats and carbohydrates. In addition to these basic substances, numerous accessory chemicals occur in foods in varying concentrations. Some of these substances are natural constituents of the food product, while others known as food additives are incorporated either directly or indirectly during various stages of production, storage and processing. Those substances, except for chance contaminants, that accidently have become a part of food are known as non-intentional food additives, while those that are purposely incorporated are called intentional food additives.

While both the naturally occurring chemicals and food additives may be involved in the health and behavior of man, the scope of this discussion is limited to observations attributed chiefly to artificial flavors and colors.

Classification of intentional additives

Preservatives	33
Antioxidants	28
Sequestrants	45
Surface active agents	111
Stabilizers, thickeners	39
Bleaching and maturing agents	24
Buffers, acids, alkalies	60
Food colors	34
Nonnutritive, and special dietary sweeteners	4
Nutritive supplement	117
Flavorings—synthetic	1,610
Flavorings—natural	502
Miscellaneous: yeast foods, texturizers, firming agents, binders, anticaking agents, enzymes	157
Total number of additives	2,764

The flavors and colors represent three out of fourteen categories that constitute a list of intentional food additives compiled in 1965 by the Food Protection Committee of the United States National Science Foundation and the National Research Council. (1)

It is important to note that of the 2,764 chemicals listed in this report, the flavors and colors constitute over 80 per cent of the total.

Colors and flavors make no contribution to the nutritional value of food. However, since both flavor and color are very important determining factors in consumer acceptance, they are frequently interlinked. As a result, they play identical and important roles in determining the economic success experienced in marketing food products, which in turn may subtly, yet at times very importantly influence the health and behavior of man.

Prior to 1856 when dyes were originally developed from coal tar derivatives, practically all colors added to foods were of natural origin. (2) However, following the development of synthetic colors, there has been a constant increase in the utilization of the synthetic products by the food, drug and beverage industries, so that over two million pounds of synthetic coloring materials are added to our food supply annually. This represents over 90 per cent of all the food coloring used, leaving 10 per cent from natural sources.

The various synthetic dyes are derived from four basic coal tar derivatives. (3)

Basic coal tar derivatives

Triphenylmethane.
Azo.
Xanthene.
Sulfonated indigo.

Test samples from each class have from time to time exhibited adverse effects. Derivatives of triphenylmethane, the azo dyes and indigo have known carcinogenic properties, while xanthene products manifest mutagenic potentialities.

By 1900, in the absence of regulations, there were approximately 80 dyes used in the United States for food coloring. (4) In many instances dyes from a batch used for dyeing cloth were used for food. By 1906, when the first regulations were instituted in the United States, the list was reduced to seven products, which were considered to be of known composition and studied physiologically.

The short term evaluation initially applied to the certification of dyes has proved unreliable with the result that the approved list of colors is constantly undergoing change. With long term usage of a dye, toxicity and carcinogenicity frequently become manifest, which leads to either exclusion or provisional listing. Again, on the basis of short term evaluation a new product is substituted. This constant practice of deletion and substitution merely reflects the inherent potential of coal tar dyes to produce adverse effects—a situation that will no doubt persist so long as coal tar derivatives are used for food processing.

The deficiencies of short term evaluation are well expressed in a report on food colors issued in the United Kingdom as early as 1954. To quote, "We cannot accept the contention that, because coal tar colors have been used in foods for many years without giving rise to complaint of illness, they are, therefore, harmless substances. Such negative evidence in our view merely illustrates that in the amounts customarily used in foods, the colors are not acutely toxic but gives no certain indication of any possible chronic (long term, continuing) effects. Any chronic effects would be insidious and it would be difficult if not imposible to attribute them with certainty to the consumption of food containing coloring matter."

The situation with regard to the reliability of colors as expressed in this statement explains in great measure the difficulty various public health authorities are having in arriving at mutual agreement for the authorization of colors to be incorporated into food products.

The following table which lists the synthetic colors permitted in several countries illustrates this situation.

SYNTHETIC FOOD COLORS PERMITTED IN SEVERAL DIFFERENT COUNTRIES

Dyes	Great Britain	Australia	Canada	Denmark	Finland	Germany (W)	India	Norway	Spain	Sweden	Switzer-land	South Africa
Ponceau 4R	+	+		+	+	+	+	+	+	+	+	
Carmoisine	+	+		+	+	+	+	+	+	+	+	+
Amaranth	+	+	+	+	+	+	+	+	+	+	+	+
Red 10B	+			+								
Erythrosine BS	+	+	+	+	+	+	+	+	+	+	+[1]	+
Red 2G	+			+								+
Red 6B	+			+			+					
Fast red E	+	+		+	+		+	+	+	+	+	
Red FB	+	+					+					
Orange G	+			+								+
Orange RN	+			+								+
Oil yellow GG	+											+
Tartrazine	+	+	+	+	+	+	+	+	+	+	+	+
Yellow 2G	+	+		+								
Sunset yellow FCF	+	+	+	+	+	+	+	+	+	+	+	+
Oil yellow XP	+		+									
Green S	+	+		+								+
Indigo carmine	+	+	+	+	+	+	+	+	+	+	+	+
Violet BNP	+	+		+								
Brown FK	+	+		+								
Chocolate brown FB	+	+		+								
Chocolate brown HT	+	+		+								
Black PN	+	+		+	+	+	+	+		+	+	
Black 7984	+					+						

[1] For coloring whole, halved or stoned fruit only.

The following table lists the U.S. Certified Colors:

COAL TAR DYES

(U.S.A. FD & C Colors)

Trimethylmethane dyes

Blue no. 1 (Brilliant Blue)
Green no. 3 (Fast Green F.C.F.)
Violet no. 1 (Benzyl Violet 4B)

Xanthene

Red no. 3 (Erythrosine)

Sulfonated indigo

Blue no. 2 (Indigo Blue)

Azo dyes

Red no. 4 (Panceau S.X.)
Red no. 40 (Allura Red A.C.)
Citrus red no. 2
Orange B
Yellow no. 5 (Tartrazine)
Yellow no. 6 (Sunset Yellow F.C.F.)

The necessity to restrict to a rather limited number the chemicals used for color is aided by the fortuitous circumstance that color perception functions through a single organ—the eye, which makes the chemistry and measurement straightforward, although the psychology and acceptance of color may be complex. As a result, the demands of the food processing industry for a great variety of hues, tints and quality can be met by blending a small number of chemicals.

On the other hand, flavor represents a composite sensation consisting of the concurrent reactions of the taste and olfactory receptors to the chemical stimuli and in many cases, in addition, are the reaction to tactile, temperature and pain receptors as well. In other words, flavor of a food or beverage represents the composite impression gained through taste, odor, texture and a group of feeling factors. For this reason flavor is complex from every standpoint—chemistry, measurement, psychology and acceptance.

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Artificial pineapple flavor

[*In percent*]

PURE COMPOUNDS	
Allyl caproate	5.0
Isopentyl acetate	3.0
Isopentyl isovalerate	3.0
Ethyl acetate	15.0
Ethyl butyrate	22.0
Terpinyl propionate	2.5
Ethyl crotonate	5.0
Caproic acid	8.0
Butyric acid	12.0
Acetic acid	5.0
ESSENTIAL OILS, ETC.	
Oil of sweet birch	1.0
Oil of spruce	2.0
Balsam Peru	4.0
Volatile mustard oil	1.5
Oil cognac	5.0
Concentrated orange oil	4.0
Distilled oil of lime	2.0

The next table which lists the various chemicals contained in artificial pineapple flavor illustrates the complexity of the problem in attempting to reproduce what is found in nature. And even this mixture is not absolutely true to nature. (5)

The complex character of flavor explains the great difficulty in reproducing the various flavors occurring in nature. In many instances, the ingenuity of the chemists has approached the natural, but there is no synthetic product that can not be detected by an individual with a very acute sense of taste. Nature, abetted by both public demands and those of the food processors, has been a constant challenge to the food chemists, who have reacted with the development of thousands of chemicals which are being constantly introduced into our food supply as flavors. The search continues. Although several thousand chemicals are now available for food flavoring, the list continues to increase. The precise number of these chemicals in use is not known, since a number of secret formulae are protected by legislation. The United Kingdom (6) as well as several other countries have no regulations controlling the use of flavorings.

Recognizing that convenience foods are one of the richest sources of artificial flavors and colors, a recent report of the U.S. Department of Agriculture points up the widespread use of these chemicals. The report states that more than half of the foods purchased in the United States are ready to cook. Most of the remainder are ready to eat, which leaves only 3.3 per cent that are prepared by the consumer from basic ingredients, e.g. flour, shortening, eggs, milk, etc. This reflects the radical change in life style that has evolved over the past several generations which has emancipated women from many kitchen chores. Through the encouragement and promotion of the food processors, people have become more and more dependent upon convenience foods of every variety.

The literature on flavorings as well as other aspects of food additives is quite prolific. However, the reports on clinical patterns representing adverse reactions to food chemicals are extremely limited and do not reflect the incidence of this problem that would be anticipated in view of the very wide distribution of these chemicals in our food supply. An important factor contributing to the paucity of clinical reports is the lack of recognition that food additives are a relatively common cause of adverse clinical patterns.

Initially, it was believed that food additives served as happens (i.e. incomplete antigens) to conjugate with body proteins to form complete antigens which have the capacity to evoke allergic tissue responses. However, the studies on aspirin by Farr (7) and Samter (8) in the United States supported not only the non-immunologic nature of aspirin sensitivity, but emphasized the relationship observed clinically between aspirin intolerance and adverse reactions to tartrazine (FD & C yellow No. 5), a widely distributed azo food coloring. The observations of the British pharmacologist, Vane (9), strengthened this concept. Vane reported that aspirin and indomethacin, although structurally unrelated, inhibit prostaglandins, which influence the cascading activities of a number of body substances. These observations suggest that the adverse response to these drugs could be pharmacologic rather than immunologic in nature. Tartrazine (FD & C yellow No. 5), although structurally unrelated to aspirin can induce identical adverse clinical patterns in aspirin sensitive subjects. The converse is also observed. This clinical interrelationship in the absence of a chemical structural relationship is important in interpreting the clinical response and in programming the management of adverse reactions to artificial flavors and colors based upon a salicylate-free diet.

The salicylate-free diet was originally designed for the management of aspirin sensitive patients who failed to respond following the elimination of the drug, but did show a favorable response when all foods with a natural salicylate radical were excluded. As designed initially, the diet listed only foods with a natural salicylate radical. (10)

FOODS CONTAINING NATURAL SALICYLATES

Apricots.

Berries—Blackberries, Strawberries, Raspberries, Gooseberries.

Cherries.

Currants.

Grapes—Raisins, Wines, Wine Vinegar.

Nectarines.

Peaches.

Plums.

Prunes.

Almonds.

Apples.

Oranges.

Cucumbers, and Pickles.

Tomatoes.

In some patients even this exclusion failed to control symptoms until it was recognized that tartrazine (FD&C yellow No. 5), although unrelated by chemical structure, may induce adverse reactions in aspirin sensitive patients. Following the exclusion of tartrazine, some of the failures, but not all, responded. Accordingly, on the basis of the clinical relationship between aspirin and tartrazine (FD&C yellow No. 5), it was hypothesized that among the thousands of food colors and flavors incorporated into our food supply. there may be other additives, although unrelated chemically, which may induce adverse clinical responses. On the basis of this premise, the so-called salicylate-free diet was expanded to include not only all foods containing natural salicylates, but also all sources of artificial flavors and colors, with and without a salicylate radical. Since flavors and colors constitute approximately 80 per cent of all food additives, strict adherence to the diet will exclude the majority of all food additives. In view of the complexity of the formulae for flavors, the necessity for the empirical exclusion of all artificial flavors can be readily appreciated.

The conditions successfully treated with the salicylate-free diet are indicated in the following table:

ADVERSE REACTIONS INDUCED BY FLAVORS

Respiratory—Allergic rhinitis, nasal polyps, cough laryngeal edema, and asthma.

Skin—Pruritus, dermatographia localized skin lesions urticaria, and angio-edema.

ADVERSE REACTIONS INDUCED BY FLAVORS

Gastro-intestinal—Macroglossia, flatulence and pyrosis, constipation, and buccal chancres.

Neurological symptoms—Headaches and behavioral disturbances.

Skeletal system—Arthralgia with edema.

It is important to note that practically every major body system is susceptible to involvement by adverse reactions to food additives. Usually, only a single region is affected, but it is not uncommon for a mixture of these patterns to occur. (11)

Of the various clinical patterns induced by the adverse reactions to artificial colors and flavors perhaps the most important and also the most dramatic are the behavioral disturbances in children.

The exact incidence of this is not known, but figures vary from a conservative 5 per cent of all pupils in the South San Francisco, California school system to 25 per cent in Monroe County in upstate New York. The California Association for the Neurologically Handicapped estimates that in the past ten to twelve years the incidence of H–LD among the school children of California has risen from 2 per cent to an average of 20 to 25 per cent, and in some cases 40 per cent of the entire school population. These figures have no relation to socio-economic background. The great variations can no doubt be attributed to the definition of Hyperkinesis, Minimal Brain Dysfunction (MBD) and Minimal Neurological Damage (MND), as these children are frequently labelled. (12) Another factor that influences the statistics on incidence is the failure to recognize that hyperkinesis and learning difficulty are commonly interlinked and are actually different aspects of an identical problem. This is particularly true of dyslexia, a generic term applied to a whole category of reading and spelling disabilities.

Since reading disabilities among children are frequently an expression of the behavioral disturbance induced by hyperkinesis, it is interesting to refer to some figures on reading difficulties in the United States.

On March 22, 1973, in a presentation before the United States Senate by Senator Beall from the State of Maryland the following statistics were reported:

It is estimated that some 18½ million adults are functional illiterates;

That some 7 million elementary and secondary school children are in severe need of special reading assistance;

That in large urban areas 40 to 50 per cent of its children are reading below grade level;

That 90 per cent of the 700,000 students who drop out of school annually are classified as poor readers; and

The massive reading difficulties revealed in these statistics have been compiled by surveys of teachers and principals alike.

An additional alarming statistic was recently released from the Dallas, Texas school system. At commencement exercises throughout the city of Dallas recently (June 1973), anywhere from 500 to 1,000 of Dallas' 9,000 graduating seniors walked across the stage to be handed diplomas they could not read.

Although statistics outside of the United States are presently not available to me, the overwhelming response from many countries to a recent presentation on H–LD would suggest that similar problems exist in many countries throughout the world.

It is interesting to note that a graph projected for the increase in dollar value for the production of artificial flavors and soft drink beverages of various types parallels a graph for the increased incidence of H–LD among the school children of the U.S. for the past ten years.

The clinical pattern of the behavioral disturbance is chiefly that of hyperkinesis which can range from simple restlessness to extreme hyperactivity, which, interfering with the child's attention span, is reflected in complete disruption both at home and at school.

At home they are less than completely dutiful children whose willfulness and stubbornness leads to hostility in the parents, to which the response is rebelliousness in the child.

At school they are disruptive and in conflict with their schoolmates. Their impaired attention span leads to learning difficulties, in spite of a normal or high IQ. It is these children who are taxing the facilities for special classes for learning difficulties in all school systems. They are challenging the ingenuity of our teachers who are constantly seeking techniques to cope with this ever increasing problem. These patients are baffling our pediatricians, our pediatric neurologists, psychologists, psychiatrists, and educators in the field of hyperkinesis and learning difficulties. A large number of these children are being treated with either methylphenidate (Ritalin), amphetamines, and tranquilizers.

In our experience we have successfully treated some of these children with the salicylate-free diet which eliminates the artificial flavors and colors.

To illustrate:

Case 1: A seven year old boy presented with a history of extreme hyperkinesis of several years duration. When at home, he stomped around, slamming the doors and kicking the walls and even charging oncoming cars with his bicycle. At school his hyperactive behavior was disruptive, resulting in his inability to learn. Numerous pediatricians were consulted as well as neurologists, psychiatrists and psychologists, including a complete medical and neurological survey at a teaching medical center. Nothing succeeded until the child was placed on a salicylate-free diet. After a few weeks of dietary control, the child became well adjusted both at home and at school. Infractions of the dietary program led almost immediately to a recurrence of the hyperkinetic behavioral patterns.

Case 2: A seven year old boy who because of hyperkinesis and learning difficulty, was treated with 40 mg of Ritalin daily from August 2, 1971 to June 2, 1972. The drug was interrupted for about 6 weeks because of intense drowsiness, but in August 1972 it was resumed at a dose of 20 mg daily.

Although the boy attended a special learning class, his hyperkinesis was not controlled, and his scholastic achievement was poor.

Reports from his school indicated:

January 17, 1973—Excessive fidgetiness, extreme distractability, inability to adjust to new situations, and irritability. The child talks constantly when he should be listening. The child was receiving 20 mg of Ritalin daily at this time.

April 3, 1973—The child was placed on a salicylate-free diet, but Ritalin 10 mg b.i.d. was continued.

April 17, 1973—The mother reported a marked improvement in the child's behavior with a report from school that he had improved greatly in his reading. Ritalin was reduced to 5 mg b.i.d.

May 11, 1973—The mother reported that the boy was doing very well both at home and at school. Ritalin was discontinued.

June 6, 1973—Continued improvement at home. Teacher reported great improvement at school. He has advanced in his studies so that he is now the best reader. He also has shown a remarkable change in his writing ability. The child is to be promoted to a higher grade.

Case 3: On May 30, 1973 a seven year old boy presented with a history of hyperactivity dating to early infancy. Before the age of three the child was described as unhappy, extremely hyperactive and uncontrollable. He was unable to focus his attention on any project for more than 2 to 3 seconds.

At 3 years and 6 months the child was placed on Ritalin following which he seemed less active, less distractable, exhibited a degree of "self control" and seemed better able to cope with routine demands.

At 5 years of age the child started school. He exhibited great learning difficulty involving the alphabet and numbers. His classroom behavior was disruptive, and he had great difficulty socializing with his peers.

At 7½ years Stelazine (a tranquilizer was added to his therapy in order to control to a greater degree his daytime behavior, particularly at schools, when Ritalin was not effective. Stelazine also aided in improving the sleep pattern as well as the constant minor muscular movements of the child.

May 30 to July 2, 1973 the child was given allergy skin tests which proved negative.

July 2, 1973 the child was still receiving Ritalin 10 mg four times daily, or 40 mg per day, and Stelazine 2 mg twice a day, or 4 mg daily.

A salicylate-free diet was ordered for the child.

July 8, 1973, six days after starting the diet, the mother reported "a changed child"—more self control. He is able to reason with his parents and peers. He is less distractable. The Ritalin was reduced to a single dose at 7 p.m. and Stelazine 2 mg at bedtime only.

July 15, 1973 at 7 a.m. the child ate a bakery doughnut which was not permitted on his diet. By 10 a.m. the child became hyperactive, argumentative and unable to exercise self control.

July 16, 1973, a.m., the child returned to his "new normal" established by the diet.

July 17, 1973 Stelazine was discontinued. A single dose of Ritalin, 5 mg, at 7 a.m. was continued.

July 23, 1973, 21 days after starting the diet, all medication was stopped.

July 27, 1973 he attended a party at school; ate some candy at 10 a.m. At 12 noon the hyperactive behavior returned and persisted until July 29, about 48 hours.

August 13, 1973 the child was doing extremely well.

The descriptive characteristics of the clinical pattern are as follows:

(1) Marked hyperactivity.

(2) Short attention span—jumps from one activity to another.

(3) Fidgetiness.

(4) Irritable—overly sensitive.

(5) Unpredictable and unmanageable.

(6) Quick tempered, explosive and panics easily.

(7) Tolerance for failure and frustration is low.

(8) Exceptionally clumsy—poor coordination; eyes and hands do not seem to function together; has trouble buttoning.

(9) Has difficulty drawing and writing.

(10) Can't seem to keep from touching everything and everyone around.

(11) Normal or high IQ but fails at school.

In addition, it is important to note that the involvement affects boys almost exclusively and that rarely more than one child in a family is affected.

The cardinal features observed following management with the salicylate-free diet include:

(1) The rapid, dramatic change in behavior. Although the history of hyperkinesis with associated disturbances are usually of many years duration (3 to 4 years) and at times dating back to infancy, a favorable response is observed within days after instituting the dietary control. The child loses his hyperkinesis, his motor incoordination, and becomes well adjusted to his environment. The sleep pattern improves.

(2) Drugs which have been administered for several years can usually be discontinued after about 2 to 3 weeks of management and rarely beyond one month.

(3) Improved scholastic achievement is also dramatic. Within a single quarter at school the child may show much improvement in his reading and writing abilities as well as with numbers. This is consistent with the observation that these children have either a normal or a high IQ.

Since the incidence of an allergic diathesis among the human population is estimated to be approximately 25 per cent, it is not surprising that allergy is not an uncommon concomitant of H–LD. Although adverse behavioral responses attributed to allergy without apparent involvement of additives have been reported, allergy does not seem to be a frequent primary cause of hyperkinesis. When allergic disease does accompany H–LD, in some cases it may be necessary to institute management for the allergy in order for the salicylate-free diet to be effective.

The ability to "turn on" and "turn off" the pattern of hyperkinesis, the discontinuance of drugs and the accompaniment of rapid improvement in scholastic achievement is strong evidence to support the relationship between H–LD and the ingestion of artificial flavors and colors. In most cases a review of the diet diary reveals a larger than usual ingestion of artificial flavors and colors.

In view of these observations the question is raised, "Is it possible to attribute the increase in H–LD among the children of school age to the increased consumption of these chemicals in our foodstuffs?"

It is not difficult to recognize the increased consumption of artificial flavors and colors when one reads the labels for the ingredients listed on each package of foods.

What does the average child in America get for breakfast? Usually a cereal loaded with non-essential flavors and colors which have been added to entice the child—a beverage, either chocolate, a fruit punch, Kool-Aid, Funny Face, etc.; pancakes made from a mix; frozen waffles dyed with tartrazine, frozen French toast with syrup, most of which are rich with many of the artificial flavors and colors.

Then, having a conscientious and concerned mother, the child gets vitamins, usually chewable, which are loaded with additives. To cap the ironical situation, the child is given a dose of either Ritalin or amphetamine before he is on to school. At school the same ritual is continued at lunch, with hot dogs, luncheon meats, ice cream and various beverages. Is it any wonder that our children are jumping and failing to learn

Except for terminology, there is no difference between artificial colors, flavors and many drugs. They are all low molecular weight chemicals. Recognizing this relationship, we can draw upon the observations on adverse drug reactions in clinical medicine, and particularly in the field of pharmacogenetics for an interpretation of the mechanism that may be involved in H–LD induced by artificial colors and flavors.

Studies in the field of genetics over the past few decades have demonstrated that each person has a unique "biological individuality" that determines a "pharmacological individuality". The pharmacological reactions of drugs depend to a great degree upon proteins that have a high degree of specificity. The quantity and the quality of these proteins can be altered through genetic mutations which influence drug metabolism, their binding abilities and drug receptor interactions. (13) (14)

There are a number of metabolic variations which are actually not abnormalities, since under normal conditions the individuals manifest no disturbances. However, in the presence of certain drugs they express their potentially dangerous character. For example: The abnormal hemoglobin Zurich which is characterized by the replacement of a histidine residue by arginine at the 63-position of the amino acid sequence of the beta chain of hemoglobin. (15)

The molecule is abnormally sensitive to oxidative denaturation but not to the point where this occurs spontaneously at an appreciable rate. Under normal conditions heterozygotes show no unusual symptoms, aside from a slightly shortened life span of the erythrocytes. However, when such patients are given sulfonamides or other oxidant drugs, methemoglobinemia develops. The hemoglobin denatures and precipitates which results in a fulminant hemolytic anemia. Similar adverse effects have been observed with some other abnormal hemoglobins.

Another example is inherited deficiencies of the enzyme glucose-6-phosphate dehydrogenase (G–6 PH), a condiiton thought to affect some tens of millions of people. (16) Here again the pathology is essentially drug dependent, and hemolysis results from a number of compounds, e.g. the anti-malarial primaquine, para-amino-salicylic acid, phenacetin, the sulfonamides and also certain constituents of the broad favus bean. It is interesting to note that the gene carrying the determining characteristics for this enzymatic disorder is on the X-chromosome. This explains the greater frequency of the enzyme deficiency and drug sensitivity among males. This observation is highly suggestive that in H–LD the X-chromosome may be involved, which could explain the overwhelming preponderance among boys, as well as the occurrence in only one boy in a family.

A still further example of the contribution of genetics to the variability of drug metabolism is that observed with Isoniazid (INH) which is currently in common use for the treatment of tuberculosis. (17) Very early in the use of INH clinicians observed wide variations in the metabolism of the drug, whether measured by the decrease in serum level of INH or by the rate of urinary excretion in the form of acetyl INH. The problem was resolved following the demonstration that the general population is divided into two genetic groups, namely, "slow inactivators" and "rapid inactivators". INH inactivation is controlled by two autosomal alleles at a single genetic locus identified as R (rapid) and r (slow). Both homozygotes and heterozygotes for the rapid allele (RR and Rr) are rapid inactivators, while only the slow homozygotes (rr) are slow inactivators. In other words, slow inactivation of INH is a recessive trait.

TABLE VIII.—GENETICS OF ISONIAZID (INH)

[R=rapid inactivation; r=slow inactivation]

50 percent	Homozygote (RR) Heterozygote (Rr)	=Rapid inactivation.
50 percent	Homozygote (rr) (recessive)	=Slow inactivation.

It is also interesting to note that slow inactivators (rr) are also more likely to show toxic effects from two drugs chemically related to INH—the antidepressant phenelzine, a mono-amine oxidase inhibitor, and the anthypertensive hydralazine.

This observation raises another important point relative to H–LD and the artificial colors and flavors, namely, the possibility of cross reactivity among each group of chemicals, resulting in more than one color or more than one flavor to be at fault in the same individual. This is supported by the recognition that the colors are derived from four basic structurally related groups, while the flavors, although occurring in the thousands also show a close structural relationship. Accordingly, the broad exclusion provided by the salicylate-free diet is necessary for successful management.

The Lesch-Nyhan syndrome, which has been described less than ten years ago may also serve as a guide in studying the possible genetic basis for H–LD as related to artificial colors and flavors. In this disease the defect which involves a deficiency of the enzyme hypoxanthine guanine phosphoribosyltranferase (HPRT) is an X-linked recessive condition that occurs exclusively in males. The importance of the Lesch-Nyhan syndrome as a guide in studying H–LD is twofold:

(1) The involvement of the X-chromosome with the exclusive implication of males.

(2) This is the first disease in which an identified biochemical abnormality can be associated with a specific aberrant pattern of behavior, namely, compulsion and aggression.

Although environmental influences have not been demonstrated for Lesch-Nyhan disease, nevertheless, it is conceivable that other variations of the X-chromosome or perhaps polygenic alterations may be responsible for environmentally induced behavior patterns, e.g. the artificial colors and flavors in H–LD.

In addition to metabolic disturbances and enzymatic variations, anomalies of the receptor sites can be at fault. Receptors may exhibit either increased or decreased sensitivity as is observed in coumarin tolerance and vitamin K activity.

It is also possible that the involvement of children with either normal or high IQs may be on a genetic basis.

Educators and child psychologists generally recognize that in the early years and through the preschool years girls exceed boys in learning achievement. By the beginning of school, however, there are no longer consistent differences. It is also at school age that the pattern of H–LD becomes apparent in most children. This could also be an expression of the pharmacological activity of the artificial flavors and colors exerting a repressive action upon normal physiological functions.

On the basis of the observations in pharmacogenetics, it is conceivable that H–LD is an expression of the pharmacological activity of artificial colors and flavors in individuals with genetic variation. It is possible that the adverse response to these chemicals exerts a repressor effect which prevents the normal expression of these children. A repressor effect could explain not only the rapid, dramatic improvement in the clinical pattern which follows elimination of the chemicals, but also the speedy recurrence of symptoms, within hours, following ingestion of the additives.

In addition, the rapid improvement observed both in the behavioral pattern and scholastic achievement would indicate that food chemicals induce a functional derangement due to the pharmacological activity rather than persistent organic changes. On the other hand, this position cannot be assumed for those children who fail to respond favorably. Is it possible that children who fail to respond experience irreversible damage induced by the chemicals? This raises another aspect of the problem for consideration. What is the role of food additives during pregnancy upon the child?

Investigators in the field of fetal development and pharmacology suspect that drugs during pregnancy may have a subtle effect upon the child which may be manifested later in life as behavioral disturbances. Food additives, like drugs, are low molecular chemicals which also have the capacity to cross the placental barrier and may have similar adverse effects upon the child following ingestion during pregnancy.

The control of hyperkinesis with subsequent improvement in scholastic achievement has been demonstrated following management with the salicylate-free diet. The precise identification of the specific factors among the thousands of food additives has not been determined. The nature of the pharmacological behavior of these chemicals is also undetermined. The incidence of H–LD among school children is not known but is generally recognized as being high and consistently rising. Nevertheless, with the recognition that this basic data is lacking, in view of the critical state of the problem and its extremely wide distribution among the school children, it would seem advisable that a broad based program for the management of H–LD with the salicylate-free diet be developed. The gains are many, and the risks are nil. The program involves no danger to the health and behavior of the child, nor are any drugs involved.

In order to implement the effectiveness of the program, it is essential to have widespread public awareness of the universal distribution of additives in the food supply and the potential of these chemicals for causing adverse reactions. A campaign for diligent scrutiny of package labels would alert the public regarding the imminence of the problem.

The recognition that Food Additives are linked to H–LD should open many areas for investigation, particularly in the fields of pharmacogenetics and neurophysiology. The availability of specific food additives as research tools could be valuable in determining the underlying genetic variations. Such observations could explain the prediction of H–LD for boys and also the selective involvement of only one child in a family. The food chemicals could also be helpful in studying the neurophysiological responses associated with other emotional and behavioral disturbances.

Confirmation of the thesis as concerns H–LD would justify an extension of the studies to other areas of emotional and behavioral disturbances, not only in children but also in adults. And further, the same concept could be applied to the study of the possible role of foods in the behavior of ethnic groups.

Such an extension of the investigations would necessitate increased knowledge concerning all the accessory natural compounds occurring in various foodstuffs. Presently, such information is lacking. Is it not possible that many emotional and behavioral disturbances of man may be due to the pharmacological behavior of accessory food chemicals which are still unknown, some in gross quantities, while others may occur only in trace amounts?

Such studies can be of extreme importance in future planning of food supplies for a growing population which will become more and more dependent upon synthetic food products, many of which will be flavored and colored with artificial additives. In addition, as the studies are extended to include all food chemicals, both natural and artificial, a new dimension could be available for evaluating the Food/Man equation.

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U.S. Senate,
Committee on Commerce,
Washington, D.C., October 30, 1973.

The Honorable Edward M. Kennedy,
Chairman, Subcommittee on Health, Senate Labor and Public Welfare Committee, Washington, D.C.

Dear Ted: I urge that one of the earliest witnesses during the upcoming hearings on drugs be Dr. Ben F. Feingold, Chief-Emeritus, Department of Allergy of the Kaiser Foundation Hospitals and Permanente Medical Group.

Dr. Feingold has found that artificial food substances may be a cause of hyperkinesis, of hyperactivity, in children. Hyperkinesis is a major problem in the country. A conservative estimate is that moderate and severe disorders are found in about 3% of elementary school children; however, this varies from community to community. For example, it is estimated that the instances of hyperkinesis among school children in South San Francisco is a conservative 5% and it is as high as 25% in Monroe County in upstate New York. The California Association for Neurological Handicapped estimates that in the past ten to twelve years instances of hyperkinesis among California school children has risen from 2% to an average of 20 to 25%, and in some cases 40% of the entire school population.

A significant number of the children with hyperkinesis have special learning or reading disorders also. Dr. Feingold's research indicates a link between hyperactivity in children and artificial food coloring and flavoring.

For example, in one group of twenty-five hyperactive children, Dr. Feingold was able to eliminate or dramatically reduce the disorders for at least fifteen children by putting them on a diet that was free of artificial food flavors and colors. Even more dramatic was the ability to trigger the return of hyperkinesis, sometimes in a matter of hours, by putting artificial substances back into the child's diet.

Since early May I have been communicating with Dr. Feingold and with the Food and Drug Administration and the National Institute of Mental Health, in an effort to call attention to his findings and generate additional support for his efforts. At the present time many hyperactive children are being treated with powerful drugs. If hyperkinesis can be controlled simply by changing childrens' diets, then we certainly should find it preferable to move in this direction. Furthermore, if there is a link between those artificial food additives and hyperkinesis, then the entire use of artificial colors, flavors and other additives should be examined with regard to their potentially dangerous effects on humans.

Therefore, I strongly urge that the Committee give Dr. Feingold an opportunity to present his findings. I appreciate your cooperation.

With best wishes, I am
Sincerely yours,
J. Glenn Beall, Jr.

PARAGUAYAN INDIAN HUNT

Mr. ABOUREZK. Mr. President, in an article by Prof. Richard Arens of Temple University in a recent issue of Nation, we see only another pitiful example of the barbarism and inhumanity which exists in countries whose governments are our friends.

The Paraguayan regime of Gen. Alfredo Stroessner is bent on a systematic liquidation of the Aché Indian nation. Achés are being hunted and indiscriminately killed regardless of age, sex, or position. Those willing to accept slavery may be kept alive as work hands without medical attention. The use of their language is discouraged and traditional music is prohibited.

The Paraguayan National Police Force has interred hundreds of political prisoners and continues to use incessant, stomach-turning torture as merely their standard operating procedure. Mr. Arens reports that even ranking members of the Paraguayan Government have attended torture sessions as a matter of course.

Mr. President, this year we are giving the Stroessner regime over $11.5 million in military and economic aid. Furthermore, we have long been involved in the training of Paraguayan military, paramilitary and police forces. This year alone we will give Stroessner and his repressive regime $2.5 million in military assistance, training and advice. Nothing could be more of an incentive to such an inhumane government than a continuing flow of aid.

Perhaps one reason why our aid continues to flow abundantly to this government is the close relationship which exists between General Stroessner and our U.S. Ambassador to Paraguay. Professor Arens reports that General Stroessner once told American reporters that he regarded the U.S. Ambassador as a member of his Cabinet.

Mr. President, I am shocked and appalled at the findings of Professor Arens. For the United States to support a government bent on the genocide of its people certainly makes the United States an "accessory to the crime."

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Paraguayan Indian Hunt

(By Richard Arens)

On June 4, 1973, the University of Bern released an open letter to the Paraguayan Government. It charged that carefully organized massacres of Aché Indians (otherwise known as Guayakí, of Tupí linguistic stock), added to the detention of Aché Indians in "reservations" indistinguishable from Nazi concentration camps and calculated to insure physical and psychological collapse, had taken on genocidal proportions and had been carried on with the apparent approval and indeed connivance of Paraguayan governmental agencies.

The picture sketched by the University of Bern leaves one with a sense of horror hitherto induced only by the picture of the Nazi "final solution." In some respects, the picture is indeed more dismal.

Achés are being systematically hunted by armed raiding parties. Men, women and children are being indiscriminately mowed down in such "hunts." The preferred weapon of the massacre is the machete, which saves the expense of bullets.

An exception may be made for Achés who submit to being tamed and trained as killers of their own kindred. Their reward is a diet capable in insuring survival and the assignment of captured Aché women as their "wives." Both the Aché killers and their "wives" may be guaranteed survival during good behavior. Those willing to accept unadulterated slavery may also be kept alive for indefinite periods as work hands at a bare subsistence level and without medical attention. The use of their language is discouraged; their traditional music prohibited. The attendant death rate from diseases of malnutrition and sheer lack of will to survive is decimating them.

This inevitable attrition is accelerated by such acts as that reported by a team of anthropologists—that "about one-half . . . [of a] recently captured band [of Achés on a reservation] was liquidated, partly by the conscious withholding of food and medicine."

The rites of their religion are denied the Achés even in death. What is felt by the survivors is pervasive melancholy and a sense of degradation, rarely capable of verbalization, yet occasionally captured in a "weeping song," taped by an anthropologist, in which the singer laments the end of the Aché Nation and "regards himself as no longer an Aché and not even a human being . . . [and] as half dead."

Yet another group permitted to survive may be children, largely girls (ranging from 10 years upward). These are being sold as slaves, principally for sexual purpose. And as if in a nightmare world we read of yet another "weeping song," recorded on tape by an anthropologist in March of 1972 in which "the perhaps 30-year-old Aché woman Kanechirigi complains that she does not know what has happened to her daughters, who are now living in the houses of 'mighty Paraguayans.'" The price of an Aché girl, quoted by a German anthropologist, whose eyewitness account constitutes one basis of the open letter of the University of Bern, is in the neighborhood of $5.

Not unreasonably, the open letter of the University of Bern demands the immediate cessation of these crimes and the criminal prosecution of all those responsible, regardless of their station in life.

The Genocide Convention, which has been signed by Paraguay, and which must be viewed as a part of the customary Law of Nations, explicitly encompasses all of the activities described in the Bern indictment.

In addition to genocide, the convention renders "complicity in genocide" subject to punishment as an international crime and declares that persons committing genocide or accomplices therein "shall be punished whether they are constitutionally responsible rulers, public officials or private individuals."

The accusations contained in the open letter by the University of Bern are based upon extensive first-hand observation. The pioneering study in this field has been presented by a German anthropologist, Dr. Mark Münzel. Titled "The Aché Indians: Genocide in Paraguay," and published in 1973 by the International Work Group for Indigenous Affairs in Copenhagen, it cites first-hand account upon first-hand account, identifying eyewitnesses located throughout the Americas and Western Europe in a manner satisfying to the most fastidious of legal technicians. Dr. Münzel himself has been an eyewitness to some of these episodes. Photographs included in his report show the bloated bodies of the dying on the reservations. His attempts at persuading the killers, whom he met as they set out for an Indian hunt, to abandon their pursuits, have been fruitless. His denunciation of the practice, led to a strongly worded suggestion by the German diplomatic mission that he return to his German home base at the University of Frankfurt.

Col. Patrick Montgomery, the British Secretary of the Anti-Slavery Society, presented substantially identical allegations before the U.N. Commission on Human Rights in Geneva on March 29, 1973, based upon independent and further first-hand evidence. His report was uncontradicted.

The Roman Catholic Church in Paraguay has acknowledged the existence of these practices and has denounced them. So has the World Council of Churches. The British and German press have at various times featured accounts of the liquidation of these hapless people.

The extermination of the Aché population of Paraguay has been progressing over a period of more than a decade to the point where the Achés are almost extinct and the Anti-Slavery Society of Great Britain voices the apprehension "that plans may already exist for the liquidation of other tribes before the limelight has a chance to prevent it."

Liquidation of the Achés has progressed apace with road building and "settlement" of "civilized" communities upon once virgin soil, in short, with commercial penetration which has been heavily financed from the United States.

The involvement of the Paraguayan Government has been direct and immediate. Its knowledge of these practices is incontrovertible. General Stroessner, the dictator of Paraguay, has himself been repeatedly informed, most recently perhaps by the International Commission of Jurists, which sought to "intervene" with him against these massacres.

Clinching evidence concerning the explicit Paraguayan governmental collaboration in the extermination of the Aché Indians has been furnished by eyewitnesses. The typical hunt leading to the roundup and massacre of the native population was consistently observed to be accompanied either by the military vehicles of the Paraguayan armed forces or by trucks "put at the disposal of the Reservation by the Ministry of Public Works and Communication with a soldier as the driver."

Paraguay has been under the iron rule of Gen. Alfred Stroessner, dictator since 1954. Its nominal governmental structure has from time to time been cosmetized to provide a more tolerable appearance to the outside world.

Hundreds of political prisoners are detained without trial under conditions of the utmost deprivation, degradation and torture. Standard operating procedure for the handling of political prisoners, as reported by Amnesty International, includes "prolonged beating for periods of up to two hours nonstop with whips and sticks, burning of sensitive parts of the body with cigarettes and the removal of fingernails." Further refinements are exemplified by the application of electricity to the body of the prisoner "with a prodlike instrument called *picana electrica*" and total immersion to the point of near suffocation in a tub filled with excrement. Amnesty International has reported that such torture sessions have been attended by the ranking members of the Paraguayan general staff as well as the 25-year-old son-in-law of General Stroessner. Medical emergencies, appearing to be imminently life-threatening, may be treated at the police hospital, the Policelinico Rigoberto Caballero, though it does not seem clear whether the available medical treatment is designed to be life-saving or to provide more sophisticated forms of coercion. In a manner strangely reminiscent of the situation obtaining in Athens under the rule of the Colonels, this police installation is within easy walking and hearing distance of the U.S. Embassy.

General Stroessner has played host to numerous fugitives from post-World War II Nuremberg justice. In the early years of his regime, a Herr Contric, a former S.S. man, acted in an official and leading advisory capacity in the Paraguayan system of internal repression. Amnesty International has asserted that it has evidence that Dr. Josef Mengele, "the doctor of Auschwitz," had been acting in a similar advisory capacity in Paraguay. So have other Nazi fugitives. It appears that under U.S. pressure, Nazi are no longer *visibly* engaged within the Paraguayan system of "law and order," though the influence of both Herr Contric and the Herr Doktor is discounted by few objective observers of the Paraguayan scene.

U.S. aid has been flowing into Paraguay, the poorest country in South America, in massive volume significantly since 1954, the year of Alfredo Stroessner's accession to dictatorial power. American investment has been both private and governmental. Standard encyclopedias—ranging from the *Americana* to the *Britannica*—point to a multimillion-dollar inflow of U.S. capital. The impoverishment of the Paraguayan masses of course remains unaffected. Members of the general staff thrive, sometimes as in Vietnam, on the proceeds of a heroin traffic directed to the United States.

Statistics published by the Paraguayan treasury reflect 50 per cent of available budgetary expenditures on military and police operations. The U.S. Government, which in 1971 granted $400,000 in military aid to Paraguay, has been training Paraguayan military personnel and there is every reason to justify the belief that it has participated in the training of paramilitary and police personnel as well. It would not seem unfair to infer that the Paraguayan military vehicles accompanying Aché hunts are of American manufacture.

General Stroessner, of course, has been Washington's man in Asunción. Widespread military facilities, airstrips and roads leading to them, pushed through inhabited as well as virgin territory once populated by Achés have been made available to the United States.

On a visit to Washington in March 1968, General Stroessner told American reporters that he regarded the United States ambassador as a member of his cabinet. (A similar statement was once made in an unguarded moment by Colonel Papadopoulos in Athens.) General Stroessner used the occasion of his Washington visit to offer the dispatch of Paraguayan troops to Vietnam.

Any assertion of the Nixon Administration that it lacks all knowledge and control of racial and political persecution—and specifically the genocide of the Aché Indians in Paraguay—would seem as credible under these circumstances as its recent protestations of innocence of events in Athens or Saigon.

The release of the University of Bern letter was noted in the *Basler Nachrichten* and by Swiss radio and television. It was greeted by total silence from the American press, radio and television. The London bureau of *The New York Times* was explicitly informed and was obviously sympathetic to giving the story the prominence it deserved. Yet no such story appeared.

How explain the silence of the American media while Achés die?

A PIECE OF I. W. ABEL'S MIND

Mr. FANNIN. Mr. President, several publications recently have carried an advertisement paid for by United States Steel. This advertisement is unusual in that while it is paid for by a large corporation, the text is a statement by I. W. Abel, president of the United Steelworkers of America.

In this statement Mr. Abel very appropriately expresses the need for America to improve productivity if we are to survive as a strong and prosperous Nation in a world of increasingly competitive world trade.

Mr. President, I was very pleased to see this advertisement and I hope that it may indicate a new spirit of cooperation between unions and management in meeting the challenges of world trade. Without such cooperation the economic future of our country is bleak. The Phoenix Gazette ran an editorial on October 19, 1973, commenting on the statement by Mr. Abel. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A Piece of I. W. Abel's Mind

I. W. Abel, president of the United Steelworkers of America, is as strong and forthright a union leader as you'll find anywhere. He's never been accused of going to bed with management, and he's not about to. Nevertheless, there was his photograph, a part of a full-page ad in The Wall Street Journal—an ad paid for by United States Steel itself.

What's more, he was—at the "invitation of USS"—telling "how America can become more productive."

The term "increased productivity" has more often than not had a nasty ring to it so far as unionists were concerned, bringing back memories of speedups and stretchouts and other practices associated with the sweatshop days. Abel would have none of that, of course.

Abel is alarmed that between 1960 and 1972 the average annual productivity rise in the U.S. was 3.1 per cent; the growth rate in a number of foreign countries was double that and higher. Last year 18 per cent of all steel sold in the U.S. was produced elsewhere.

Quoting Abel: "What happened? Things have been so good for so long that we've become wasteful and inefficient. So wasteful that, incredibly enough, many firms nowadays actually expect to scrap 20 per cent of what they produce!

"Let me be blunt: I believe we are standing at a pivotal point in our history. If we adopt a don't-give-a-damn attitude, we risk becoming a second-class economic power."

Abel's answer to the productivity problem: ". . . stepping up the efficiency of each worker. Does this mean work speedups, job eliminations? Hardly. It does mean cutting down on excessive absenteeism, tardiness, turnover and overtime . . . improving the morale of workers, more effective work incentives—and really listening to the man at the work-bench. I've always believed that all the brains in the great American economy weren't in the executive suite!"

There it is in plain language, a blueprint for continued economic success—not from a theoretical economist but from a hard-nosed labor leader.

RELIEF FOR SMALL BUSINESSMEN

Mr. CHURCH. Mr. President, on October 3, I described to the Senate the plight of the Nation's independent retail petroleum marketers under the administration's phase IV petroleum regulations.

At that time I noted that the regulations virtually ignored the giant oil companies which are enjoying record profits with each new economic quarter.

I was somewhat relieved to learn last week that the Cost of Living Council has finally decided to grant some relief to these service station owners. Beginning October 31, they have announced that the independent petroleum marketers will be allowed to pass through costs incurred from their suppliers, the major oil companies.

Under the regulations which have recently been issued for comment, the administration seems finally to have realized the folly of putting the burden of absorbing rising costs on the small businessman who is at the end of the marketing line of a large and complex industry. The spiraling profits of the major oil companies still remain virtually untouched, but, at least, it seems that these small businessmen, who perform so many public services, will be less victimized by the administration's economic programs.

The entire situation was, I think, recently summed up very succinctly by an editorial in the Weiser, Idaho, Signal-American. Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AMEN, SENATOR CHURCH

This writer will yield to no one in his admiration and sympathy for the operators of gasoline service stations.

It is hard to conceive of any business, except possibly community newspapers, which performs more free services for its customers. What a gasoline station operator does in the way of washing your windshield and windows and other services could amount to more, in terms of labor cost, than the amount of the customer's purchase on a given occasion.

What thanks does the service station operator get for all this?

Maybe after he manages to build up his business to the point where it makes him some sort of a living, some oil company opens up another station across the street to compete with him.

All of this makes recent remarks by Sen. Frank Church highly pertinent.

Church terms as appalling the decision of the Nixon Administration to impose strict controls on operators of service stations while virtually ignoring the giants of the oil industry.

Church reports major oil suppliers and refiners are increasing their profits from 10 to 50 per cent.

"It is appalling," said the senator, "that the Cost of Living Council has selected the retailers, a largely unorganized group of small businessmen, which has never experienced a high margin of profit, for strict regulations, while virtually ignoring the giants of the same industry."

Amen, Senator Church!—RPR

AN EDITORIAL BROADCAST BY WRAL–TV, RALEIGH, N.C.

Mr. THURMOND. Mr. President, I desire to share with my distinguished colleagues a television editorial broadcast on October 23 by station WRAL–TV in Raleigh, N.C.

This station is headed by a distinguished and courageous American, Mr. A. J. Fletcher, who recently celebrated his 86th birthday. Mr. Fletcher is the son of a much-beloved Baptist minister in the mountains of western North Carolina. Many years ago, Mr. Fletcher moved to Raleigh where he became a successful attorney and businessman.

Mr. President, Mr. A. J. Fletcher and I do not belong to the same political party. But we share the same principles. And, incidentally, our distinguished colleague, the junior Senator from North Carolina (Mr. HELMS) was an associate of Mr. Fletcher prior to last November when Senator HELMS was elected to this body. It was through the courtesy of Senator HELMS that I was privileged to read the editorial to which I referred earlier.

I ask unanimous consent that the WRAL–TV editorial of October 23, 1973, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WRAL–TV VIEWPOINT, OCTOBER 23, 1973

As former Attorney General Elliot Richardson made plain at his press conference and as the President's decision to hand over the tapes confirms, there exist no grounds—no grounds whatever—for impeaching President Nixon. The shrieking demands for impeachment are concocted, for the most part, of hot air and hate. They emanate from that same shrill clique—Bella Abzug, George Meany, Rep. Ogden Reid of New York—who have been after Mr. Nixon since the day he took office.

One may quarrel with the President's decision to fire Archibald Cox, the Special Watergate Prosecutor, just as Mr. Richardson quarrels with it. But impeachment is something else again, and certainly there is no suggestion that, in firing Mr. Cox, the President committed an impeachable offense. The President had a right to hire him, and he had a right to fire him.

It is plain from Mr. Richardson's explanation that the conflict between the White House and the Special Prosecutor involved the confidentiality of White House records. Mr. Nixon feels an obligation to keep those records private, except where overriding circumstances can be demonstrated. He is not the first President to take this position. He will not be the last.

In the case of the Watergate tapes, overriding considerations did exist. The public interest plainly required something more than high-principled assertions, however well-grounded, that no whisper from within the Oval Office should ever be overheard in public.

This is why the Watergate Committee pressed for disclosure of the tapes, and why, on Friday night, Mr. Nixon agreed to make available to the Senate Committee a certified transcript of those portions of the tapes relating to the Committee's investigation—minus certain language delicately described as "pungent." It was this reasonable compromise that Mr. Cox defied; and it was this defiance, with its promise of a drawn-out court fight over White House records, that led Mr. Nixon to demand Mr. Cox's removal.

Mr. Cox's sleuthing did not turn up barrels of sensational new evidence. According to Mr. Richardson, Mr. Cox's dismissal had nothing to do with any "coverup," despite rumors to that effect gleefully spread by Mr. Nixon's detractors.

Now, with the White House decision to comply fully with the Court of Appeals' decision on the Watergate tapes, the final and most damaging charge against the President folds up. Mr. Nixon has defied no Court Order, contrary to assertions by [those] who prematurely pronounced the President in contempt of court.

. . . For the awful truth is that the President's most vociferous critics are not to be mollified by the fact that, with the surrender of the tapes, the President has done all that he can fairly be expected to do.

They do not care. They do not care either that Mr. Nixon brought us out of a futile and debilitating war in Southeast Asia—even if he did require longer to bring us out than his predecessors required to get us in. They do not care about his timely action to subdue the widening conflict in the Middle East.

They hate Nixon, and they are obsessed with Watergate. But their obsession should not be allowed to rule the rest of us, and no fair-minded man will stand by and watch them pull down the government out of spite.

THE LIFE OF PABLO CASALS

Mr. KENNEDY. Mr. President, as the world mourned the death of Pablo Casals last week, tributes from every section of the globe characterized him as a man of principle and of talent, a man who dedicated his life to a demonstration against tyranny. And we in the Senate join in that tribute.

Pablo Casals lived his life in the tradition of those who favor the Greek definition of happiness—the use of one's powers along lines of excellence in an area affording them scope.

If the pursuit of truth and beauty is the foundation of our cultural heritage, the life of Pablo Casals is the embodiment of that pursuit.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the New York Times article on the life of Pablo Casals.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASALS, THE MASTER CELLIST, WON WIDE ACCLAIM IN CAREER THAT SPANNED 75 YEARS

(By Alden Whitman)

"I think it goes like this," a cello student struggling with a Johann Sebastian Bach suite once told Pablo Casals.

"Don't think," the master cellist replied. "It is better to feel."

With this emphasis on an inner sensitivity to a composer's intentions, Casals was able to demonstrate what luminescent and human music could be drawn from the strings of a rather awkward instrument. In concerts and recordings over some 75 years, he provoked awe and applause for the profundity of his insights, the felicity of his playing and, above all, the soaring purity of his interpretations of baroque and classical composers. Bach was his specialty, but he was also at home with Boccherini, Mozart, Brahms, Beethoven, Schumann and Dvorak.

At the same time Casals (he pronounced the name KaaSAALS) won much admiration and acclaim as a man of probity and principle for his humanitarianism, his personal musical "crusade for peace" and his one-man stand against the regime of Francisco Franco in his native Spain. Few musicians achieved in their own time the international renown accumulated by Casals.

Part of this fame, in the United States at least, came very late in life and rested on Casals' talents in conducting, which he fancied as his real métier and which he had practiced, mainly in Europe, since 1920. Conducting gave him a sense of fulfillment, he said, because orchestras, with their human teamwork, are "the greatest of all instruments."

Early in his career, on his first American tour in 1901, a falling rock crushed the fingers of his left hand. His first thought, as Casals recalled it, was, "Thank God, I won't have to play the cello any more." He associated that reaction with his desire to conduct.

After a period of semiactivity in Europe starting in 1945, Casals went to Puerto Rico to live in 1956. He was then 79 years old and seemed spent. The next year, however, he started the Festival Casals, which became an annual springtime program of concerts. He had a heart attack just before the opening of the first festival, but he recovered buoyantly in the following years, using an orchestra brought together by Alexander Schneider, the violinist and an old friend. The concerts drew thousands of mainlanders to the island and introduced the post-World War II generation of music lovers to Casals.

Then in 1961 he joined Rudolf Serkin's Marlboro Music Festival in Vermont, where each July he conducted the orchestra and gave master classes in the cello. And, beginning in 1962, he conducted a choral work in New York every year. His first presentation was his own oratorio, "El Pesebre" ("The Manger"), a lengthy composition dedicated "to those who have struggled and are still struggling for the cause of peace and democracy."

WHITE HOUSE CONCERT

In this period of resurgence, Casals gave a widely publicized cello recital at the United Nations in New York in 1958 to mark that organization's 13th anniversary. Three years later he played to a distinguished gathering at the White House on the invitation of President John F. Kennedy.

The public attention that Casals generated in those years helped also to swell sales of his cello recordings, and this, in turn, created new esteem for his wizardry with the bow. Thousands who never saw him nonetheless came to know him intimately.

Another element of his appeal to the public was his apparent refusal to age or grow stale. "Sometimes I feel like a boy," he told an interviewer in 1964. "Music does that. I can never play the same piece twice in the same way. Each time it is new."

Watching him rehearse an orchestra when he was 89, an astonished student exclaimed:

"When the maestro came onto the stage he looked 75. When he stepped on the podium he seemed even 10 years younger. And when he began to conduct he could have been a youngster ready to chase Easter eggs."

INNOVATIONS IN PLAYING

In the musical world, Casals' enduring reputation was associated with two accomplishments: his single-handed restoration to the repertory of Bach's cello music, especially the six magnificent unaccompanied suites; and his innovations in bowing and fingering that gave the cello a new and striking personality in orchestral and solo works.

He greatly lightened the work of the left hand, for example, by changes of finger positions, thus adding to its mobility. He also showed that it was possible to attain fresh subtleties in tone by freer bowing.

His own style was aristocratic. He made the most difficult passages seem simple yet luscious, all the while shunning pyrotechnics and gimmicks.

Casals came upon the Bach suites by accident when he was 13 years old and browsing with his father in a Barcelona music shop.

"I forgot entirely the reason for my visit to the shop and could only stare at this music which nobody had told me about," he said years afterward. "Sometimes even now, when I look at the covers of that old music, I see again the interior of that old and musty shop with its faint smell of the sea.

"I took the suites home and read and reread them. For 12 years after that I studied and worked every day at them. I was nearly 25 before I had the courage to play one of them in public."

When he did play them, the suites were disclosed as a transcendent musical experience, not the abstract exercises they had previously been believed to be.

"For me, Bach is like Shakespeare. He has known all and felt all," Casals told Bernard Taper in a Profile published in The New Yorker in 1961. "He is everything. Everything except a professor. Professor Bach I do not know. When people ask me how I play Bach, I say, 'I play him as the pianist plays Chopin.' There is such fantasy in Bach—but fantasy with order."

Casals was of medium stature—not much taller than his Groffriller cello—and not heavily built. The top of his head had been bald since his early 20's. In repose, his face and his blue-gray eyes (behind round glasses) tended to be somber, but a smile imparted radiance and geniality to his face.

He was direct in his speech, exceedingly polite, a careful dresser (youthful photographs show him to have been quite a dandy in a romantic way) and quietly dignified. He relaxed by reading, playing tennis, chatting with friends, smoking a pipe (he was rarely without one) and, in his late years, by watching Westerns on television.

To hear Casals was a moving and memorable experience. He sat with his eyes closed, his head turned sidewise and a little lifted, as though he were communing with some secret muse. His fingering and his bowing were so flawless that they seemed automatic, yet it was evident that they resulted from concentration.

He had superb savoir-faire. Once when a loose cuff bothered him, he stopped playing, slowly took off the cuff, put it on the floor and resumed playing where he had left off. When a string broke he would retire from the stage, replace it and, returning to his chair, start the solo from the beginning, such was his drive for perfection.

When Casals played a chamber music program at Perpignan, France, in July, 1951, Howard Taubman, then music critic of The New York Times, wrote:

"As a musician, Casals is all of a piece. Whether he conducts as he did in the second orchestral program of the Bach-Mozart-Beethoven festival . . . or plays the cello, there is a fine-grained consistency running through all his musical labors . . .

"His work at the cello . . . was remarkable for its modesty and restraint, and if one listened closely one could hear innumerable felicities of technical mastery. As an admiring violinist observed, 'Do you note the four shades of color he got in one bow?' "

Casals was an ardent supporter of the Spanish Republican Government. He never reconciled himself to the Franco regime, which he considered tyrannical. With the Franco victory in 1939 he went into self-imposed exile, living until 1956 in Prades, France, some 40 miles from the Spanish frontier.

Up until 1958 he refused to visit the United States because it recognized Franco. "I have great affection for the United States," he said when he moved to Puerto Rico, "but as a refugee from Franco Spain I cannot condone America's support of a dictator who sided with America's enemies, Hitler and Mussolini. Franco's power would surely collapse without American help."

But Casals bent his attitude sufficient to play at the United Nations in 1958 because of "the great and perhaps mortal danger [of nuclear war] threatening all humanity."

Then in 1961 he relented further and played at the White House. In subsequent years he came to this country for regular yearly visits.

Pablo Carlos Salvador Defilló de Casals was born in the Catalan town of Vendrell, 40 miles from Barcelona, on Dec. 29, 1876, the second of 11 children of Carlos and Pilar Defilló de Casals. His father was the town organist.

"From my earliest days," Casals recalled, "music was for me a natural element, an activity as natural as breathing." He could sing in tune before he could talk clearly, and at the age of 5 he was a soprano in the church choir. His father taught him the piano, violin and organ, and when he was 8 he began substituting for his father as church organist.

Shortly after Pablo's 10th birthday he heard a cello for the first time when José Garcia performed in Vendrell. After some coaxing, the elder Casals bought his son a cello and gave him a few lessons. Pablo was fascinated by the instrument and proved so adept at it that he quickly exhausted his father's pedagogical abilities.

ENROLLED IN MUSIC SCHOOL

With his mother's backing and against the wishes of his father (who wanted the boy to become a carpenter), Pablo—not quite 12—went with his mother to Barcelona, where he enrolled in the Barcelona Municipal School of Music. To earn his living he played evenings for dances with a trio at the Café Tost, and later he persuaded the owner to devote one night a week to classical music.

That night attracted serious musicians to the bistro, including Isaac Albéniz, the composer and pianist. When Casals was graduated from music school at the age of 17 with first prizes for cello, piano and composition, Albéniz gave him a letter of introduction to Count Guillermo de Morphy, a music patron who was an adviser to Queen Mother Maria Christina in Madrid.

The Count, taken with the young cellist, introduced him to Maria Christina, who was also charmed and who granted him a monthly stipend of 250 pesetas (about $50) for his studies.

Casals lived in Madrid from 1894 to 1897, going to school at the Royal Conservatory of Music, playing duets with the Queen Mother (she was a fair pianist), chatting with the child who was to become Alfonso XIII and being guided in his general education by the Count de Morphy.

From Madrid, Casals and his mother went to Brussels, but, miffed by an unfriendly reception at an audition there, he went to Paris, where he played at the Foloes-Marigny at a wage barely sufficient to keep him and his mother from starvation. After a short time they returned to Barcelona, where Casals got a job teaching at the music school. For two years he taught cello, played it in the Barcelona Opera orchestra, gave concerts in churches and formed a string quartet, all the while saving money for a return to Paris.

In the fall of 1899, just before his 23d birthday, he arrived in that city again, carrying a letter of introduction to Charles Lamoureux, the eminent conductor, from the Count de Morphy. When Casals presented himself for an audition, the conductor was annoyed by the intrusion. Nonetheless, the cellist sat down and began to play parts of the Lalo Cello Concerto. With the first notes, Lamoureux hoisted himself up from his desk and stood facing Casals until he finished playing, whereupon he embraced the young man and said, "My boy, you are one of the select!"

SENSATIONAL DEBUT

Lamoureux immediately engaged him to play the Lalo concerto with his orchestra, and Casals made his Paris debut Nov. 12, 1899. He created a sensation there, as he did in London shortly afterward. In Britain he also played for Queen Victoria.

From then on his career was made, and he never lacked for engagements or for an audience. He commanded top fees, but lived economically.

For the next 20 years, until 1919, Casals, using Paris as his base, played in the principal cities of Europe and the Americas. He made his New York debut in 1904, playing the Saint-Saëns Cello Concerto with the orchestra of the Metropolitan Opera and winning a chorus of critical bravos. Later that season he was the cello soloist here in Richard Strauss's "Don Quixote," with the composer conducting his own tone poem.

Many of Casals's performances in those years were chamber music, which he played with Jacques Thibaud, the violinist, and Alfred Cortot, the pianist. In the United States he also gave chamber music recitals with Harold Bauer, the pianist, and Fritz Kreisler, the violinist, and with Kreisler and Ignace Paderewski, the pianist.

In that period Casals formed intimate friendships with such musicians as George Enesco, Maurice Ravel, Camille Saint-Saëns, Sergei Rachmaninoff, Gregor Piatigorsky, Emanual Feuermann, Artur Schnabel, Eugene Ysaye and Paul Hindemith.

In 1914 Casals married Susan Metcalfe, the American lieder singer. It was his second marriage; the first, to Guilhermina Suggia, a Portuguese cellist, in 1906, had ended in divorce six years later. For several years Casals was the piano accompanist for Miss Metcalfe, a soprano, and at one point he considered dropping his career to further hers. However, the couple parted in 1920.

After World War I and with the breakup of his marriage, the cellist turned his energies to Barcelona, where, in 1920, he founded the Orquestra Pau (Catalan for Pablo) Casals and subsidized it for seven years at a total cost of $320,000 until it became self-supporting. In these years (and afterward) he was its principal conductor.

Early in the nineteen-twenties Casals also founded the Workingmen's Concert Association in Barcelona, which gave its members, in return for nominal dues, an opportunity to attend Sunday morning concerts of his orchestra and to set up their own musical groups.

As busy as Casals was in Barcelona, he also found time to give concerts in the United States and in Europe and to appear in what seemed increasingly to be his favorite role, that of a conductor. He led the London Symphony, the New York Symphony and the Vienna Philharmonic.

When the Spanish Republic was proclaimed in 1931, Casals became one of its eager and hard-working supporters, all the more because the Republic restored many of his native Catalonia's ancient rights and granted the area a good deal of autonomy. He was president of Catalonia's music council, the Junta de Musica, and, during the Civil War, he gave hundreds of benefit concerts abroad for the Republic and put a large part of his personal savings at its disposal. The Government, in turn, named streets and squares for him and encouraged his exertions to bring great music to the common people.

Casals was in Barcelona in January, 1939, when the Franco forces burst into the city, but he made good an escape to France, vowing never to return to Spain while Franco was in power. (Apart from a fleeting trip to Spain in 1955 to attend the funeral of his long-time close friend and housekeeper, Mrs. Francesca Vidal de Capdevila, he never did.)

After several demoralizing weeks of despondency in Paris, during which he grieved for his country, he went to live in Prades among the thousands of Spanish exiles. There he helped to organize the care of the Catalans held in French camps and solicited funds for them from his friends all over the world. He continued to live in Prades in World War II.

Toward the end of the war he went on tour again. In the autumn of 1945, however, he cut short a concert trip in Britain and retired to Prades.

In explanation, he said he had assumed that an Allied victory would doom not only Hitler and Mussolini but also Franco. The democracies, he went on, had disillusioned him by not acting to topple Franco. He was therefore suspending his concert career until Spain was freed. He had, he pointed out, ceased playing in Germany with the rise of Hitler, had not played in Italy in the thirties, nor had he appeared in Russia after the Bolshevik Revolution. He said he could not separate his beliefs as a human being from his conduct as an artist.

Casals lived quietly and simply in Prades for close to 12 years. In 1950, however, he was prevailed upon to soften somewhat his vow of musical silence and take part in a Bach bicentenary festival. The event, which attracted hundreds of music lovers from many parts of the world, was held in the big Church of St. Pierre in Prades. The critics found that Casals' bow had lost none of its magic.

In that and subsequent Prades festivals Casals appeared in a triple role—as soloist, as chamber music ensemble player and as conductor. In these concerts he was joined by many internationally famous musicians, including Dame Myra Hess, Rudolf Serkin, Joseph Szigeti and Isaac Stern.

Some indication of a further shift in Casals's thinking came in 1951 in a colloquy with Albert Schweitzer, the humanitarian and philosopher. "It is better to create than to protest," Dr. Schweitzer said in urging the cellist to return to the concert stage. "Why not do both—why not create and protest both?" Casals replied. And he seemed to follow that course in his last years.

After a period of self-examination, Casals went to Mexico in 1956 for his first concert date outside the Prades area. It was there, in 1960, that "El Pesebre" had its premiere. The oratorio became the banner of his peace mission, which he carried to many major cities in the Western world. Discussing this crusade, he said in 1962;

"As a man, my first obligation is toward the welfare of my fellow men. I will endeavor to meet that obligation through music, the means which God has given me, since it transcends language, politics and national boundaries."

In August, 1957, when he was 80, he married Marta Montanez, one of his cello students, who was then 21. They lived in a cheerful modern house on the beach at Santurce, P.R., where Casals liked to take an early morning stroll before beginning his day by playing a Bach work on the piano. "It is like a benediction on the house," he said.

Casals had the unstinted admiration of his fellow artists. And one of them, Mr. Stern, put their feelings this way:

"He has enabled us to realize that a musician can play in a way that is honest, beautiful, masculine, gentle, fierce and tender—all these together, and all with unequivocal respect for the music being played and faith in it."

Appearing in New York last summer for a free Central Park concert with Mr. Stern—it was cut short by rain before the cellist could perform—Casals pronounced what could stand as his epitaph.

"What can I say to you?" he asked the assemblage. "I am perhaps the oldest musician in the world. I am an old man, but in many senses a very young man. And this is what I want you to be, young, young all your life, and to say things to the world that are true."

Mr. KENNEDY. Mr. President, there are men and women of enormous musical talent throughout the world and there are men and women who have committed their lives to personal sacrifice for a principle in which they believe. But never have we been privileged to know a person of greater creative talent and energy than Pablo Casals. And never have we witnessed a life of greater sacrifice than Pablo Casals' for whom every moment away from his homeland was an agony.

We were privileged in this country to have the opportunity to listen to the music of Pablo Casals over the years, and all Americans were so proud to have him visit the White House on November 13, 1961. President Kennedy said on that occasion:

> We believe that an artist in order to be true to himself and his work must be a free man or woman.

And Pablo Casals lived that belief.

The real test of the contribution of any human being to the world around him is whether or not that contribution ends at death. Those who have by their work, or their example, or their talent improved the human spirit, advanced the struggle for freedom, and contributed to the wave of creative energy which builds and moves us beyond where we are to where we are going have made a contribution which cannot be diminished by death.

Pablo Casals looked deeply inside himself and at the same time looked far beyond himself and determined that he must take a stand against tyranny and oppression, against the deprivation of personal freedom. And that stand made us all free men and women. For he showed that as long as one person will stand up against the awesome weight of military and dictatorial power, the human spirit is free.

We were privileged to share the same century with Pablo Casals. Hundreds of years from now, free people will still appreciate his contribution to the force of freedom; we were especially favored, we could touch the man that made that gift.

DR. M. G. WHITLOCK

Mr. THURMOND. Mr. President, one of the truly outstanding examples of service to mankind is the life and work of Dr. M. G. Whitlock of Trenton, S.C., which is in my native county of Edgefield. His services as a family physician through the years have left a wellspring of admiration and devotion among the people of his community. Now retired, at the age of 89, Dr. Whitlock has ministered to the health needs of three generations. His contributions to the well-being of thousands of people are countless in the areas surrounding Trenton.

Dr. Whitlock, beloved for the nature of his life as well as his work, has been remembered in a special way by the people who know him best. A group of dedicated friends recently honored Dr. Whitlock at a testimonial gathering in his home town. They also announced plans to furnish a room in the Edgefield county hospital in his honor.

Mr. President, it is through the lives of devoted and dedicated people, such as Dr. Whitlock, that America has been a great nation. Selfless service to others and solid adherence to the Christian tenets of faith, family and integrity have been the bedrock of his life. These are worthy principles for everyone to follow.

The recognition by his many friends of the important part he has played in their lives is richly deserved. I join the people who paid tribute to Dr. Whitlock in wishing for him many years of health and happiness in his retirement.

Mr. President, at the time of the testimonial meeting and dedication of the Whitlock room at the hospital, local newspaper articles described the event and its meaning to the community. I ask unanimous consent that two of these articles be printed in the Record at the conclusion of my remarks, as follows: "200 Gather To Pay Tribute to Dr. Whitlock," Edgefield County News, Edgefield, S.C., October 4, 1973; and "Friends Pay Tribute to Dr. Whitlock," the Ridge Citizen, Johnston, S.C., October 4, 1973.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Two Hundred Gather To Pay Tribute to Dr. Whitlock

Nearly 200 friends and admirers of Dr. M. G. Whitlock gathered at Ebenezer Baptist Church in Trenton last Thursday night, September 27, at 7:30, to pay tribute to one of their most esteemed and widely known citizens.

Doctor Marcellus Giroud Whitlock, more familiarly known simply as "Doc," was born near Trenton on October 14, 1884, and next Sunday week he will be 89 years old. He graduated from the University of Georgia Medical School when he was 26 years old. He was married to Maggie Smith of Edgefield County and they had two children. His son Ray is a druggist in Spartanburg and his daughter Marguerite is a plant nurse at Riegel Textile Corporation, proving that both children have medical inclinations.

Dr. Whitlock is proud of his 8 grandchildren and 11 great-grandchildren. It is safe to assume that they are equally proud of him.

"Doc" has always been a "man's man," inasmuch as he loves fishing and hunting, and has been known to shoot a sharp game of pool.

He has always been known as a good family practitioner, also, and many have had reason to bless his healing powers.

When the Trenton Community Development Association started a fund to furnish a room at the Edgefield County Hospital in his honor, contributions poured in from far and near as an expression of their love for this beloved physician.

From faraway Okinawa, Hildebrand wrote praising him as the doctor who brought him into the world. D. T. Mathis, of Sweetwater, who had known him all of his life, added his words of praise and commendation. The Rev. J. T. Littlejohn, who first knew "Doc" when they both lived in the Red Hill community in their younger days, paid tribute to him. Mr. Littlejohn, in his usual witty style, told several humorous anecdotes relating to their shared experiences.

Gil Sexton, president of the Community Development Association paid tribute to their beloved physician, Hite Miller introduced members of "Doc's" family, all of whom were there except a few grandchildren.

Ray Whitlock, Doc's son, responded to the outpouring of praises heaped upon his father.

A covered dish supper served in Trenton folks' usual bountiful and delightful way was a fitting climax to a well-deserved and universally enjoyed testimonial to one who still shares his happiness with everyone.

Friends Pay Tribute to Dr. Whitlock

About 150 people gathered last Thursday night in the Fellowship Hall at Ebenezer Baptist Church when our own Dr. M. G. Whitlock was honored with a supper and presentation service of a room to be furnished in his honor at the Edgefield County Hospital.

Gil Sexton, president of the Community Development Association, presided. Mrs. Phil Musgrove sang "He touched Me" and "His Eye is on the Sparrow." Gene Huiet introduced Dr. Whitlock's family, Mrs. Marguerite Stogner, her two daughters, Mrs. Mattie Emma Hilton and daughter, and Dr. Ray Whitlock and four children and their families.

Hite Miller spoke words of appreciation to Dr. Whitlock for his many years of service to the community as the room was dedicated to him.

Rev. J. T. Littlejohn was speaker for the occasion. He has known Dr. Whitlock for 61 years and remembers his riding a motorcycle as he made house calls. T.V.'s Dr. Kiley on "Dr. Welby, M.D." has nothing on our Dr. Whitlock and our doctor is the "real thing" not just a fictitious T.V. character.

Even though Dr. Whitlock has retired from his faithful service to the community his tireless hours spent as the family doctor will never be forgotten.

CAMBODIA: ORPHANS OF CONTINUING WAR

Mr. KENNEDY. Mr. President, the Congress has once again been requested by the President to provide special funding for emergency military equipment and supplies for Cambodia. Once again, in the name of peace with honor, Americans are being asked to help fuel war, instead of helping to heal the wounds of war. And once again, the administration finds it possible to respond rapidly to military requests even as it neglects urgent humanitarian needs.

Nothing serves to illustrate this more than the plight of the orphans of war in Cambodia. No one really knows how many there are. But the desperate conditions in which many live are all too easily seen.

In addition to the nearly 3 million refugees—or nearly half the population of Cambodia—and tens of thousands of civilian war casualties in need, a recent Study Mission of the Subcommittee on Refugees found that official estimates of the number of war orphans range up to 260,000—children who have lost one or both parents.

Their plight is graphically reported in a recent dispatch from the New York Times correspondent, Sydney Schanberg. As he reports, and as the hearings of the Refugee Subcommittee over the past 3 years have amply documented, "virtually all Government spending and American aid goes for the war—bombs, bullets, artillery pieces—and almost nothing for the problems created by the war—widows, orphans, amputees and other victims."

Mr. President, as the Congress begins consideration of authorization of more funds for more war in Cambodia, I hope we will also consider some of the needs of the victims of this continuing war—like the orphans of Cambodia. I ask unanimous consent that the report by Mr. Schanberg be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 17, 1973]

For Hordes of Cambodian Orphans, Three Small Orphanages—And Two Toys

(By Sydney H. Schanberg)

Phnom Penh, Cambodia, October 16.—Cambodia has three orphanages. They have 114 children and two toys.

In addition, there are tens of thousands of orphans on their own in this country, where at least half a million of the seven million people have been killed or wounded in three and a half years of war.

Some are in refugee camps. Others are on the streets as shoeshine boys, beggars and pickpockets. And still others, some as young as 10 and 11, have joined the army.

There is an entire company of orphans in the 13th Brigade, which fights southwest of Phnom Penh. Some joined the brigade with their fathers, who were killed.

Nothing special is being done for this vast orphan community because governmental intervention in people's lives is not a Cambodian tradition.

That role has been assigned to the family—that is, the "extended" family, which includes even the most distant cousin. But the war has overwhelmed the ability of families to care for their own sick and wounded—there are just too many of them.

PAGODAS OVERFLOWING

It has also overwhelmed religious institutions. The Buddhist pagodas, where people could always go for help, are so overcrowded with refugees that disease and malnutrition have become fairly common.

So the orphans remain anonymous and overlooked, scrambling for survival.

The orphans in the three institutions in Phnom Penh do not have to scramble quite so hard as some for survival, but they are victims nonetheless.

Without toys, infants in the orphanage for those under 6 play with scraps of discarded wrapping paper. In the orphanages for older children the youngsters need books and clothes. The meals are spartan.

Adoptions are extremely rare because older children are not wanted, and though there are many requests for infants and very young children, most of those in the infants' orphanage are either deformed or ill.

As a visitor enters the infants' orphanage—a large converted private house with some outbuildings—the children who can walk come running forward calling "Pa! Pa!" which is a Cambodian as well as English word for father.

VICTIMS OF SURGERY

They slide close, looking up with yearning eyes. Inside the house, deformed and crippled infants drag themselves across the floor to snuggle up to the visitor and to put their heads in his lap. Clumsy surgery has been performed on some of them, their limbs cut open and closed again with chilling results.

There are other afflictions. One boy cannot speak. A girl has a hare lip. There are fingers missing, limbs bent in the wrong direction, an eye missing from birth.

Their deformities are usually the reason they are here, for their parents, refusing to care for a less-than-perfect child, abandon them on streets, at pagodas and in hospitals. Other orphans who are healthy are abandoned by unwed mothers.

"Once in a while foreigners will take sick children, but not deformed ones" said a Government official at the orphanage. "We have a shortage of well infants here now, so we have asked the governors of all the provinces to send us their orphans up to 6 years old."

There are 20 children in the infants home. It has a stated capacity of 100, though with that many children it would be severely overcrowded.

"We try our best" said the official, "but we do not have the money, so we cannot achieve what we want to."

Virtually all Government spending and American aid goes for the war—bombs, bullets, artillery pieces—and almost nothing for the problems created by the war—widows, orphans, amputees and other victims.

Of the approximately $300-million in American aid last year, only $1.2-million was earmarked for welfare purposes—for use by international relief agencies. American officials have always said privately that it was futile to give war relief money to this Government because it would only end up in corrupt hands.

The only toy in the infant orphanage is a small pink plastic teddy bear, which one child in a crib clutches against his face.

The other toy is across the street, where the two other orphanages are housed in a two-story building. It is an old doll with greasy hair and a ragged, soiled dress that resembles some of the clothes the orphans wear. A little boy in such clothes was playing with the doll, trying to untangle its hair.

Another little boy nearby sat eating his lunch with his hands since he had no utensils. The lunch was rice.

The upstairs of the large barracks-like building is run by the Government and, as an extension of the infant orphange, is for children 6 and above. Downstairs is an orphanage for all ages run by a private Cambodian group, the Association for the Assistance of Children, which receives some help from the Government.

AJC RESOLUTION ON MIDDLE EAST CRISIS

Mr. CHURCH. Mr. President, the American Jewish Committee, the oldest intergroup relations organization in the United States, passed a resolution at its national executive council meeting in St. Louis on October 27, 1973, "expressing its satisfaction and sense of relief at the news that a cease-fire has been achieved in the Middle East" and noting "that overwhelming, bipartisan majorities in the Congress have again reaffirmed the commitment of our country to the survival of Israel and the recognition that 'a strong and secure Israel is essential to the interests of the United States.' "

I ask unanimous consent that the statement on the Middle East adopted by the American Jewish Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE MIDDLE EAST

The American Jewish Committee joins with Americans everywhere in expressing its satisfaction and sense of relief at the news that a cease-fire has been achieved in the Middle East. We mourn the loss of every life—Israelis whose most solemn religious day was shattered by the massive aggression of their neighbors, and Arabs, who were the victims of their leaders' misguided policy.

The American Jewish Committee voices its appreciation for the firm and prompt actions taken by the President and his advisors to support and resupply Israel, and for the skillful and intensive United States diplomatic efforts to deter the U.S.S.R. from further exploitation of the hostilities in order to expand Soviet influence in the Middle East.

We are also pleased to note that overwhelming, bipartisan majorities in the Congress have again reaffirmed the commitment of our country to the survival of Israel and the recognition that "a strong and secure Israel is essential to the interests of the United States." We urge that this reaffirmation promptly be given practical application through congressional approval of the Presidents' request for financial assistance to replace Israel's immense material losses.

By their acceptance of the United Nations Security Council's cease-fire resolution of October 22, Egypt, Syria and their Soviet backers at last appear to recognize that peace can be achieved in the Middle East only through negotiations "between the parties concerned." Now that a cease-fire in place seems to be achieved, the Security Council resolution should be implemented, preferably by the Security Council itself, by the immediate convening of a conference of the parties on a specified day and at a designated place, to negotiate an agreement of peace pursuant to the principles and provisions of the Security Council's Resolution 242 of November 22, 1967 as is required by its decision of October 22, 1973. Urgent steps must also be taken to assure that all prisoners of war are accorded their full human rights under the Geneva Convention and to arrange for their expeditious release.

The recent tragic events have caused all the parties in the Middle East dispute to reappraise their conceptions of themselves and of each other. This offers a unique opportunity, through the give and take of negotiations, to achieve the "just and durable peace" called for by the Security Council Resolution of October 22, 1973 which will explicitly affirm the right of Israel to exist as a Jewish state within secure and recognized boundaries, and will provide a sound basis for all peoples in the area to live together in peace.

With peace, the Soviet Union will be less able to manipulate the Arab-Israel conflict in its drive to dominate the Middle East, and the Arab states will no longer have reason to practice oil blackmail against the world. In such a climate, the stability which follows will serve the vital interests of the United States and its friends and allies around the world, and will make possible the economic development of the region for the benefit of all its peoples.

Every effort must now be made to help create a just and lasting peace. We call upon all Americans to join together in that effort, so that the tragic loss of life in the Yom Kippur War and all the wars that preceded it over the past 25 years will not have been in vain.

AHA AND THE UNITED NATIONS

Mr. CASE. Mr. President, I ask unanimous consent to print in the RECORD an informative article entitled "AHA and the United Nations" by Jesse Gordon which recently appeared in the September/October issue of the Free Mind.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AHA AND THE UNITED NATIONS

(By Jesse Gordon)

When delegates from 50 nations met at San Francisco in the spring of 1945, World War II was not yet over, but a determination to establish an international organization to keep the peace was paramount in the minds of the delegates. After two months of intense negotiations the language of the Charter of the United Nations was agreed upon.

Twenty-eight years have passed since the nations of the world pledged themselves "to save succeeding generations from the scourge of war."

In judging the political performance of the UN and in making the organization the scapegoat for the difficulties of its members, a number of important considerations are often conveniently forgotten. The first of these is the origin of the UN. The UN was *not* set up by small or medium powers. It was set up by the great powers themselves under the shock and experience of two devastating world wars. Kurt Waldheim, the secretary-general of the UN, states: "The UN was set up by the great powers to avoid in the future the mistakes, weaknesses and misunderstandings which, twice in less than 30 years, had led them into total war. We ignore this historical fact at our peril."

The American Humanist Association is active among the hundreds of non-governmental organizations sponsoring the UN.

The A.H.A. realizes there is an urgent need for greater understanding and support of the United Nations by the millions of citizens who are the constituents of non-governmental organizations. The A.H.A. is represented in the NGO group by Mrs. Henrietta Rogoff with Mr. Jesse Gordon, alternate.

In 1945, the UN came into existence accompanied by the usual flowery speeches. It was seen as "the great hope of humanity," "the hope of the world," and "the last, great hope for peace."

Has the UN fulfilled the "hope" that so many people placed in it as "The last great hope of humanity?" Or, is it just a useless debating society?

First of all, the UN has contended with a world of many revolutions—peaceful and otherwise. The original membership of the UN was 51; it now numbers 135, with the two Germanys recently joining. The UN has many achievements to its credit. It can count among its successes, in the political area, the negotiated settlement of disputes affecting Indonesia, Kashmir, and West New Guinea, among others. The Middle East "question" has, of course, been before the UN almost continuously since 1947. It can be shown that UN presence in the area has prevented many incidents from developing into a wider war.

One might ask the question: What might have happened in the Congo and neighboring states in 1960 if it had not been for the UN peacekeeping force there? Critics point to Soviet intervention in Hungary and Czechoslovakia and the impotence of the UN to act in those situations.

It all comes down to big power politics and political objectives. The U.S. role in Indochina could similarly be examined for violations of the U.N. charter.

What are the principles of the charter?

The charter is based on seven main principles:

(1) The equality and sovereignty of all member states.

(2) Fulfillment "in good faith" by all members of obligations assumed under the charter.

(3) Peaceful settlements of disputes.

(4) Renunciation of the threat or use of force.

(5) Cooperation with the UN in any action it takes.

(6) Encouragement of non-member states to abide by its principles.

(7) Non-intervention by the UN in the internal affairs of any state.

The Charter also calls for freedom of religion. Many faiths, each with a different conception of God, are represented at the UN. A moment of silence opens and closes each General Assembly session, and there is a Meditation Room at UN headquarters which is open at all times. There is no mention of God in the Charter just as there is none in the U.S. Constitution.

The UN Charter pledges all members to cooperate for the promotion of human rights. Although the authority of the United Nations is limited to debate, study, publicity, and recommendation, it has exerted immeasurable influence on behalf of human rights.

In 1948 the General Assembly adopted the Universal Declaration of Human Rights. Its clauses on the civil, political, economic, and social rights of human beings have influenced the written constitutions of a number of new nations. Its provisions have been incorporated in several important peace treaties.

The General Assembly has also produced draft conventions—treaties—in the human rights field. Some forbid particular offenses such as genocide, forced labor, and slavery. Others set standards in particular areas such as political rights of women. Such conventions must be ratified by the individual UN members in accordance with their constitutional processes. In addition, the Assembly has produced two comprehensive human rights covenants, one on civil and political rights and one on economic and social rights, both ratified by more than 30 governments.

For many years UN experts have offered advisory services to governments on human rights questions. Various UN-sponsored international seminars on human rights have been held. The UN has also served as a central point to which aggrieved groups may complain of specific human rights violations. But there is disagreement as to how the UN should handle such complaints. One proposal would establish a UN office, that of High Commissioner for Human Rights, to receive inquiries and complaints from both governments and private parties and to advise and conciliate at their request. The High Commissioner would have no power to overrule a government, but his views would carry moral authority.

EASTERN WILDERNESS AREAS

Mr. KENNEDY. Mr. President, I am hopeful that the Senate will have an opportunity to act soon on legislation to set aside wilderness areas on the east coast. The Senate Interior Subcommittee on Public Lands recently completed its consideration of S. 316, the Eastern Wilderness bill. The full Interior Committee is currently reviewing the legislation.

I requested that the Wilderness Society furnish me with a copy of their analysis of the bill as reported out by the subcommittee.

I also requested a copy of "Toward An Understanding of the Wilderness Act" prepared by the Wilderness Society and a copy of a statement made by the Society on Eastern National Forest Lands. I ask unanimous consent to print them in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Eastern Wilderness Areas Act Revised

The Subcommittee on Public Lands of the Senate Interior Committee recently completed its revised draft of S. 316, the Senate Eastern National Forest Wilderness bill. This subcommittee version of S. 316 must now be considered by the full Senate Interior Committee, which drafts the final version sent to the Senate floor. A September mark-up by the full committee is anticipated.

As revised, S. 316 would establish on eastern, southern and midwestern national forests 18 new wilderness areas within the National Wilderness Preservation System and name 37 wilderness study areas for consideration in accordance with Wilderness Act procedures.

(The U.S. Forest Service has consistently sought to transfer effective control of the wilderness area designation process from the Congress to itself. Analysis of this bill as now written shows clearly that the committee recognizes the dangers to wilderness preservation in such a transfer.)

Conservation leaders who have examined the marked-up bill reportedly regard it favorably. They indicate that the bill fully upholds the Wilderness Act of 1964 and retains the act's original definition of wilderness. They regard the bill as strengthening protective provisions of the Wilderness Act by prohibiting, subject to valid existing rights, all mining and grazing.

The normal power of eminent domain—i.e. condemnation—is restored to the Forest Service for inholdings within wilderness areas. However, special safeguards are provided. For example, owners of private lands may continue to hold and use their lands in the same manner and for the same purposes as they did prior to the act's passage if such use does not "frustrate" or block management of the surrounding wilderness. Furthermore, private owners of non-commercial residences or of agricultural inholdings (used for other than timber cutting) may contract to sell such inholdings to the Secretary of Agriculture while retaining the right of use and occupancy for up to 25 years or, if the owner prefers, the balance of his life and that of his spouse. This is a standard provision in acts establishing new national parks where private lands must be acquired by the government.

Most importantly, conservationists report that the revised bill provides for wilderness study areas, to be administered and protected the same as designated wilderness areas until Congress decides their fate. A review period of five years is set for the 37 study areas. Within this time the Forest Service must complete its studies and submit recommendations to Congress. Since this time limit does not apply to Congressional action, protection actually continues until Congress acts.

S. 316 also provides that *within wilderness study areas* established roads open to public motorized use on the date of the act's passage may remain open upon a finding of necessity by the Secretary of Agriculture for continuing such use.

The 55 areas (see list) lie within 20 states east of the foothills of the Rocky Mountains. Some 100 areas were originally recommended to the committee for immediate designation or study; obviously many have been omitted. In certain cases acreages fall short of that recommended by citizen groups, but in a few cases the acreage is larger. Persons and organizations concerned about wilderness have begun making their views known to their senators and congressmen on these proposed units and acreages.

Under normal Congressional procedure the bill will be reviewed again by the full Senate Interior Committee, probably in September, providing an opportunity for specific revisions. Since many Members of Congress are at home during the August recess—which lasts until September 4—a number of local conservationists say they plan to discuss with them personally their views of the revised S. 316.

EIGHTEEN NEW WILDERNESS AREAS PROPOSED

The bill, as reported to the full committee, would immediately establish 18 wilderness areas, which were among the 28 listed in the original version of S. 316:

State, National Forest, Wilderness Area, Acres in Revised S. 316:

Alabama, Bankhead, Sipsey, 12,000.
Arkansas, Ouachita, Caney Creek, 14,433.
Florida, Appalachicola, Bradwell Bay, 22,000.
Georgia, Chattahooche, Cohutta, 34,500.
Tennessee, Cherokee.
Kentucky, Daniel Boone, Beaver Creek, 5,500.
Mich., Hiawatha, Big Island Lake, 6,600.
Mo., Mark Twain, Irish, 19,880.
Mo., Mark Twain, Glades ("Hercules"), 16,400.
N.H., White Mountain, Presidential-Dry River, 23,100.
N.C., Nantahala, Joyce Kilmer, 15,000.
Tenn., Cherokee, Slickrock.*
S.C., Sumter, Ellicott Rock, 3,600.
Tenn., Cherokee, Gee Creek, 2,570.
Va., George Washington, Laurel Fork, 11,656.
W. Va., Monongahela.
Va., Jefferson, James River Face, 8,800.
Vt., Green Mountain, Lye Brook, 14,100.
Vt., Green Mountain, Bristol Cliffs, 6,500.
W. Va., Monongahela, Dolly Sods, 10,215.
Wis., Chequamegon, Rainbow, Lake, 6,600.
Total 254,054.

THIRTY-SEVEN WILDERNESS STUDY AREAS NAMED

As revised by the subcommittee, S. 316 would also designate 37 "wilderness study areas." Eleven of these were named for immediate designation in the original bill, while 21 were designated for study in H.R. 2420.

State, National Forest, Study Area, Acres in Revised S. 316.

Ark., Ozark, Upper Buffalo, 10,590.
Ark., Ouachita, Belle Star Cave, 5,700.
Ark., Ouachita, Dry Creek, 5,500.
Ark., Ozark, Richland Creek, 2,100.
Fla., Ocala, Alexander Springs, 10,000.
Ill., Shawnee, Larue-Pine Hills, 2,800.
Ill., Shawnee, Lusk Creek, 11,000.
Ind., Hoosier, Nebo Ridge, 32,500.
La., Kisatchie, Kisatchie Hills, 10,000.
La., Kisatchie, Saline Bayou, 5,000.
Maine, White Mountain, Caribou-Speckled Mountain, 12,000.
Mich., Hiawatha, Rock River Canyon, 5,400.
Mich., Ottawa, Sturgeon River, 13,200.
Mo., Clark, Bell Mountain, 10,200.
Mo., Clark, Rockpile Mountain, 9,000.
N.H., White Mountain, Wild River, 20,000.
N.H., White Mountain, Kilkenny, 24,000.
N.H., White Mountain, Carr Mountain, 10,000.
N.H., White Mountain, Great Gulf Extension, 12,000.
N.C., Pisgah, Craggy Mountain, 1,100.
N.C., Croatan, Pocosin, 17,000.
Ohio, Wayne, Clear Fork, 19,000.
P.R., Caribbean, El Cacique, 8,500.
S.C., Francis Marion, Wambaw Swamp, 1,500.
Tenn., Cherokee, Citico Creek**, 16,000.
Tenn., Cherokee, Big Frog, 3,000.

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*Citico Creek unit appears separately as wilderness study area of 16,000 acres.

**Joyce Kilmer and Slickrock units, totaling 15,000 acres, are listed for immediate designation as wilderness areas.

Tex., Davey Crockett, Big Slough, 4,000.

Tex., Sabine, Chambers Ferry, 4,000.

Va., George Washington, Ramsey's Draft, 6,700.

Va., Jefferson, Mill Creek, 4,000.

Va., Jefferson, Mountain Lake, 8,400.

Va., Jefferson, Peters Mountain, 5,000.

W. Va., Monongahela, Cranberry, 36,300.

W. Va., Monongahela, Otter Creek, 20,000.

Wis., Nicolet, Black Jack Springs, 2,600.

Wis., Chequamegon, Flynn Lake, 6,300.

Wis., Nicolet, Whisker Lake, 2,700.

Total, 395,990.

Toward an Understanding of the Wilderness Act

The Wilderness Act as passed by the Congress on September 3, 1964 established the National Wilderness Preservation System. The preamble to the Act declares it to be "the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness." Elsewhere the Act states that "wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use." Wilderness is not required to be "virgin", whether a forest, desert, swamp, ocean beach or other. At some time in the past it may have been logged, burned, over-grazed, lived on, even roaded, provided that at the time it is placed in the National Wilderness System any evidences of the past activities of man are, in the words of the Act, "substantially unnoticeable". There is no maximum nor minimum size limit.

Federally-owned lands on the national forests, the national parks, and the national wildlife refuges which meet the broad definition of wilderness contained in the Act may be placed in the National Wilderness System. By passage of the Act some 9,000,000 acres of national forest lands which were already being administered as wilderness by the Forest Service under its own administrative regulations went into the System. The Act establishes the procedure by which additional national forest lands may be placed in the Wilderness System and likewise qualified lands in the national park system and the national wildlife refuge system. The final step in this procedure requires passage of an act of Congress for each area added. Areas placed in the National Wilderness System continue to be a part of the same national forest, park, or wildlife refuge and administered by the same agency as before.

Just what may be done and what may not be done in an area placed in the National Wilderness Preservation System? The intent and purpose of the Wilderness Act is to assure that man does not change every acre within the United States; that some places shall be kept where nature is dominant and man comes only as a visitor—where man does not build his material things, where man does not change the face of the earth, where man does not interfere with the natural course of the waters of the earth. In short, wilderness shall be those designated places where the processes of nature continue without interference or interruption by man. It recognizes man's need for wilderness, ranging from scientific study to conservation of all forms of life, soil and water to refreshment of the human mind, body and spirit. Highly significant, wilderness assures a genetic reserve of plant and animal species which elsewhere we are altering or destroying in a wholesale way.

Within statutory wilderness the individual remains largely free to come and go and to conduct himself as he finds personally pleasing (within the usual limits of decent regard for property and for the equal rights of others). Within units of the National Wilderness System the individual retains his previous rights to enter, to camp, walk, swim, canoe, horseback, bird watch, study nature, fish and hunt (the last two subject to state and federal laws and regulations as usual). Motorized transportation of any sort is prohibited, as being inconsistent with the objectives of wilderness preservation; so that for practical purposes movement is by foot, by horse, by canoe or sailboat.

Commodity exploitation is prohibited; except that mining may be done on national forest wilderness until 1984 (an incompatible use, but one of the prices paid to get passage of wilderness legislation after an eight-year fight in the Congress). This prohibition means that there may be no logging, no drilling for oil, no mining of minerals (except as noted above), no fishing nor hunting *for commercial purposes*. The agency administering the area may not manipulate the habitat, as the intent of the Act is that man shall not interfere with the normal processes of nature within the wilderness.

No works of man may be built within legal wilderness. This means that no buildings may be constructed, no power or other utility lines erected, no roads built, no dams nor reservoirs allowed. A unit of the national wilderness system is intended to be a place free of the works and the machines of man. The one exception is foot and horse trails—a recognition that most of us cannot get around even in the most magnificient wilderness without some sort of well-defined pathway.

There is a general exception to most of the above provisions with respect to the agency responsible for administering the particular wilderness area. The Wilderness Act permits the agency, insofar as it may be necessary to administer and protect the area as wilderness, to have patrol and fire roads over which agency motor vehicles only may be operated; to suppress fire, insects, and diseases; to have lookout towers and patrol cabins; and to take any measure required in an emergency for the health and safety of persons.

The Wilderness Act is not an ideal piece of legislation; nor does it pretend to establish the ideal wilderness. In the fine print of the Act are limited, special exceptions permitted under certain conditions. Certain provisions apply only to wilderness on national forests, but not in national parks and wildlife refuges. The Act represents a compromise among human beings with conflicting desires. Its intent and purpose, however, is clear: to assure that man shall have some places in this country to which he can go when seeking surcease from the noise and speed of machines, the confines of steel and concrete, the crowding of man upon man; that he or she shall have some place to go when the need is felt to be in harmony with nature and to know its peace and beauty undisturbed by man.

Eastern National Forest Lands Do Qualify for Wilderness Designation Under the Wilderness Act

(The following statement is taken directly from testimony submitted by The Wilderness Society at the hearing on S. 3699 before the Senate Agriculture Committee at Washington, D.C. on July 20, 1972.)

What makes it appear that a second and different system is needed in order to protect the wild lands on our eastern national forests? In our view it arises because the U.S. Forest Service has taken it upon itself to deny that the act of Congress known as the Wilderness Law can be properly applied to the eastern national forests.

The Forest Service has made up its own interpretation of the Wilderness Law's definition of wilderness and publicly declared that no area which has ever been logged, had roads in it, or contained any works of man can qualify for placement within the National Wilderness Preservation System. If one were to accept this interpretation, one might well suggest that a new statutory system is needed if we are going to preserve the choice wild areas on our eastern national forests.

But this interpretation of the definition of wilderness contained in the Wilderness Act—an interpretation unique to the Forest Service—is contrary to the reading and application of that definition by the Congress of the United States, by the President, by the Department of Interior, the National Park Service, the Bureau of Sport Fisheries and Wildlife, and by most citizen conservation organizations (local and national). The Congress has repeatedly placed in the National Wilderness Preservation System by legislative enactment areas which have been logged, roaded or contained the works of man. And the President and the Department of Interior agencies have repeatedly recommended to the Congress for addition to that System areas which at some time in their past have been logged, roaded or contained works of man.

The Act defines wilderness broadly, and principally in subjective terms. The concept of "virgin" or of never having been touched by man is nowhere present either in the definition or elsewhere in the law. On this point the controlling clause in the definition—which clause the Congress has consistently applied—says that an area of wilderness is one which "*generally appears* to have been affected primarily by the forces of nature, with the imprint of man's work *substantially unnoticeable*." (emphasis added) This clause was deliberately written into the definition in order that areas which have been affected by man's activities, yet which merit receiving the protection of the Wilderness Act, shall qualify therefor. The history of our eastern national forests and other eastern wild lands was well known to the framers of the Act. They took care to frame a definition which would include such wild lands, whether found in the east or the west without geographical distinction. What is needed is that the U.S. Forest Service shall apply the Wilderness Act under the same interpretation used by the Congress and the President. Then there will be no point to proposing a new statutory system of protection.

Appended to this statement is a partial list of areas which the Congress has placed in the National Wilderness Preservation System despite recognized past histories of some degree of logging, roading or works of man. We would further point out that the Wilderness Law contains just one definition of wilderness; and that single definition is applied by Congress to all candidate wilderness areas without regard to east or west or to agency jurisdiction. And finally we would call attention to the fact that three areas on eastern national forests (one in New Hampshire and two in North Carolina) were placed in the National Wilderness System by passage of the Act on September 3, 1964. These areas were already in the Forest Service's own administrative wilderness system preceding passage of the Wilderness Act and each had some history of logging or roading or works of man. Particularly the Shining Rock Wilderness on the Pisgah National Forest in North Carolina had been extensively logged, roaded and lived on by the mountaineers, but it had so far recovered its natural qualities through the restorative processes of nature (and thanks to the protection afforded by the Forest Service) that it was put into the National Wilderness Preservation System by the Congress when it passed the Wilderness Act.

It is worth pointing out that under the Wilderness Law it is the Congress and only the Congress who has the authority to decide whether an area shall be placed or not placed within the National Wilderness Preservation System. For the Forest Service to presume to make a blanket judgment of exclusion for all potential wilderness areas on the eastern national forests is to presume to preempt to itself the power of the Congress. Under the provisions of the Wilderness Act the authority of the Forest Service with respect to possible additions to the wilderness system is limited to laying the Service's recommendations before the Congress in order that the latter may make the decision—not to attempt to deny to the Congress, the Congress' exclusive right of decision.

As a practical matter, two separate legislative systems could lead to little more than confusion and stalemate. Whenever a candidate area were brought before the Congress, the discussion would not be on the merits of the proposed area but would become an argument as to which statute the area should be considered under. The situation would be further confounded because the two statutes would be administered by two different committees of the Congress, Agriculture on the one hand and Interior on the other, resulting in jurisdictional disputes.

Mr. KENNEDY. Mr. President, two simple points sum up the reasons why it is crucial this legislation on eastern wilderness areas be acted on favorably and quickly:

First, there is no area of this Nation in greater need of wilderness areas. And, second, there is no area of this Nation in which there is greater difficulty in setting aside lands for conservation or preservation.

It is ironic that as the cities spill into the suburbs and the suburbs into the rural areas, as the population increases in already overpopulated areas, and as the human needs and desires for wilderness areas increase, the possibilities for setting aside forest lands dwindle, the natural resources of the Eastern States are further depleted, the forest lands are threatened by the same forces of development and the pressures of population that have impinged on our water, marine, and coastal resources.

Mr. President, it might be helpful at this point to review for a moment the general definition of "wilderness"—an area which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable. With that definition in mind, it becomes much clearer why we have so little time left on the east coast for this type of preservation effort. The legislation covers areas within 20 States east of the foothills of the Rocky Mountains; and some of those States are fortunate enough to have several areas that could qualify as "wilderness areas." In New England there are only three areas that would qualify to be immediately established as wilderness areas, and none of those is in Massachusetts.

We have hope in Massachusetts of a sensible, statewide effort at land use planning if we are successful in getting enacted into law the National Land Use Policy Planning and Assistance Act. We have worked with special legislation to try innovative kinds of preservation efforts for unique areas in the Commonwealth; but all of these efforts are directed at preserving and protecting resources that are threatened by development and at the same time protecting the interests of residents who have made these areas home.

Of the 18 areas for immediate designation as wilderness areas, 3 are in New England. Of the 37 areas designated as wilderness study areas, 5 are in New England. The 6 million people of Massachusetts live within hours of these precious resources and it is perhaps most crucial that these areas be preserved for those who have no wilderness left in their own State.

Mr. President, there is some suggestion by opponents of this legislation that wilderness areas are only for the hardy, for those who are healthy enough to back pack it, for those few who have the time and the stamina to rough it. And while it is true that probably not every American will visit a wilderness area, we are richer as a country and as a people for the preservation of the best of our Earth that it is our privilege to inhabit. But beyond all of that, I think it is quite clear that we in the Congress have made provisions over the years for all types of recreational activity. We have scenic areas that cars can be driven through. We have sports and recreational activity in many State and federally protected areas. In short, I do not think that the family who prefers to drive to a picnic area and who can now do that in so many Federal parks and seashores is in anyway threatened by the opening up of a "wilderness" area to those who prefer to enjoy our natural resources in a more primitive way.

The forest lands which are proposed for designation in S. 316 are areas best suited for wilderness; areas where logging has long since stopped in most cases. We are not removing timber lands, but land most adaptable to a wilderness experience.

Sixty-five percent of the population of this country lives east of the Mississippi. We have no time left. We must begin now to protect our dwindling wilderness. We are generous enough as a nation to save this for our children. And we are proud enough as a people to want to save it.

ENDING OUR 40-YEAR EMERGENCY

Mr. CHURCH. Mr. President, the Daily Idahonian recently published an excellent editorial on the fact that the United States has been in a state of national emergency since 1933. It also commented favorably on the recent report issued by the Special Committee on the Termination of the National Emergency regarding "Emergency Powers Statutes." As the Daily Idahonian said:

> The preliminary statement by the Senators reflects concern over the failure of the Congress to control the law-making process. They contend there has been a considerable erosion of what they call the "structure of divided powers, the bedrock of our constitutional system," and they see a compelling need to stem the "unmistakable drift toward one-man government."

And the editorial concluded:

> While the likelihood of soldiers showing up in Friendship Square to take over the town tomorrow is limited, the power is there, and when the power is there the possibility is there, too. The power and the possibility, should be ended.

I ask unanimous consent that "Ending a 40-Year Emergency" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ENDING A 40-YEAR EMERGENCY

Our 40-year national emergency is over.

In fact, the four national emergencies that are currently in effect, declared in 1933, 1950, 1970 and 1971, are all over, and they should be so declared.

Most of us probably haven't realized that we've been living under a declared state of national emergency since a declaration to that effect by President Franklin D. Roosevelt in 1933. For most of us it hadn't made much difference. Probably even fewer members of the public are aware of the potentially awesome powers that are handed over to the President in a state of national emergency. They include the power to:

Seize property.

Organize and control the means of production.

Seize commodities.

Assign military forces abroad and call up reserve forces amounting to two and a half million men.

Institute martial law.

Seize all means of transportation and restrict travel.

Regulate all private enterprise.

And control the lives of all Americans in a bewildering variety of other ways.

Fortunately, few of these powers have been exercised, but that's clearly too much power for the President to have. Also fortunately, it appears that something is finally about to be done about it.

The effort to clear up this maze of laws began last year, as the battle between Congress and the President over which branch of government was going to run the country heated up. Congressional disenchantment with its own performance over the years, and some prodding by activist legislators such as Sen. Church of Idaho, led to the formation of a Special Senate Committee on the Termination of the National Emergency. The Senate named Church, a Democrat, and Sen. Charles McMathias, Jr., a liberal Maryland Republican, as co-chairmen.

Last week the committee issued its first report on its work of the past year. The committee found 470 statutes that give special powers to the President during a declared national emergency, and there may be more, because they have never been systematically put together in one bunch.

The committee's next step is to publish a report on the Executive Orders that have been issued under these emergency powers statutes. Already, the chairmen say, they have found "a number of disturbing questions about the adequacy of present procedures for accountability of Executive actions." Remedial legislation on this score may be needed, they say.

The final report of the committee will include recommended legislation based upon the results of several studies they are making in cooperation with the Executive Branch.

The preliminary statement by the Senators reflects concern over the failure of the Congress to control the law-making process. They contend there has been a considerable erosion of what they call the "structure of divided powers, the bedrock of our constitutional system," and they see a compelling need to stem the "unmistakeable drift toward one-man government."

The measured approach to this bipartisan committee to a serious governmental problem augurs well for some significant changes in the government's way of doing things. It is to be hoped that the committee's recommendation will get a thoughtful and responsive hearing in Congress, and that constructive action will follow.

While the likelihood of soldiers showing up in Friendship Square to take over the town tomorrow is limited, the power is there, and when the power is there the possibility is there, too. The power, and the possibility, should be ended.

SENATOR MUSKIE ON ISRAEL

Mr. RIBICOFF. Mr. President, a few days after the latest conflict began in the Middle East, the distinguished senior Senator from Maine delivered a most perceptive address in Chicago. Senator MUSKIE pointed to the unique human values which Israel has maintained even while existing in a sea of Arab enmity. He also stressed the need for face-to-face negotiations between Israel and its neighbors as the only hope for a real peace.

Today it is important to acknowledge the identity of interests between the United States and Israel and to make certain that Israel receives the support it needs to gain a lasting peace.

Because of the eloquence and importance of this speech, I ask unanimous consent that the full text of Senator MUSKIE's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR EDMUND S. MUSKIE

We meet tonight to honor an idea and a reality, a vision and its fulfillment—the state of Israel, now, again, at war for its survival as a democratic state.

In this time of danger, in the middle of confused reports of battle, while all our hopes rest on the valor and strength of a few men at arms locked in combat on two distant fronts, it is important for us to remember what Israel is all about.

The dream of Israel is as old as the struggle of all men to be better than they are. Israel is the prophecy of Isaiah and of Ezekiel, the threat of desolation overcome by the glory of salvation.

And the mission of Israel—to be "a light unto the nations"—is a mission Americans share. For it is the same role that an American visionary, Ralph Waldo Emerson, set for us: "To . . . liberate, to take in the immigrant, to open the doors of the sea and the fields of the earth."

We are joined together—America and Israel—by the faith we share, really a utopian faith that men can live in justice, working toward perfection, committed to liberation and confident of success. Our common dream is our common bond.

That common dream, however, is once again under assault. A treacherous attack on Israel has shattered the peace of the highest Jewish Holy Day and the hopes for peace of the whole world. Israel has met that attack and is repelling it with confidence and skill. And Israel is not alone.

Americans understand that the stakes in the Middle East are not limited to a few hills in the Golan Heights or the stretch of desert in the Sinai Peninsula. Beyond the geography of today's battleground is the continuing struggle of all free people to win lasting security.

Israel is proving again that her security can only be preserved through strength, that, in a hostile environment, peace can only be assured by the power to deter aggression or defeat it.

The clearest lesson, then, from this newest onslaught of terror against the Jewish nation is that America must not waiver in its support of Israel's right to live in peace. Some have argued that we contribute to tension in the Middle East by helping to provide Israel with the means to protect herself. But the deliberate Egyptian and Syrian attack disproves that theory utterly.

Even if we cannot yet be sure what led those nations to commit this senseless aggression, we can certainly dismiss the idea that they acted in response to an Israeli provocation. The joint offensive launched on the Day of Atonement is not the action of an aggrieved party, lashing blindly back at those who menace it. It is a calculated act of aggression designed to strike Israel at her most vulnerable moment of the year and to use a holy time of commemoration to attack a neighbor.

Israel was ready, because Israel must always be ready to fight for her life.

The second lesson—for the rest of the world—in Israel's conduct this week is that it teaches all of us how to respond to threatened and real force. Recently we saw Austria succumb to the threats of Arab terrorists by agreeing to close down the facilities at Schoenau Castle for Jewish emigrants from the Soviet Union. And all of us who had honored Austria for the help she gave the fleeing Hungarians in 1956 and the refugee Czechs in 1968 were saddened to see her sacrifice that humanitarian tradition to the blackmail of the terrorist.

The Austrian action has been particularly saddening for those of us in Congress who have worked for the rights of the Jewish people of the Soviet Union to move to Israel if they so choose. The Congress has made it clear that much as we all want to liberalize trade relations with Moscow, we are prepared to defer such action because of higher goals. Before making new trade arrangements with the Soviet Union, we must be satisfied that Russian Jews are free to build new lives for themselves wherever they choose to go.

The clear resolve of Congress on this issue has already brought some progress. It appears that the head tax imposed on Jewish emigrants has been modified. But we cannot be sure that all such unfair restrictions have been eliminated.

For more than two million Soviet Jews, Russia's ratification of the universal declaration of human rights and provisions of its own laws are too often dead letters.

Soviet leaders would be profoundly mistaken if they underestimated American feelings on this issue. The concern is not limited to the American Jewish community. It is widely shared throughout our country, and its impact on Congress is heavy.

The example of Austria yielding to blackmail—and the contrasting example of Israel's resolve—is instructive to us and to the other oil-importing nations of the developed world: for we must not allow ourselves to be blackmailed by oil-producing Arab states simply because we believe Israel has the right to live in peace and to be confident of her own security.

America's support of Israel is not directed against any other state. Our support is based on our desire to achieve a lasting settlement in the Middle East, based upon acceptance of Israel's sovereign right to exist—and on permanent borders which are secure and defensible in case that sovereign right is ever challenged again. Americans have learned from history that great nations must never compromise fundamental principles for the sake of expedience. The oil-producing nations must understand clearly that we will not give in to any oil blackmail which has as its purpose the destruction of Israel's fundamental rights.

Finally, however, there is a third lesson to be drawn from the new fighting in the Middle East. And that is that even secure, defensible borders are not adequate in themselves to guarantee a secure future for Israel. With the 1967 cease-fire lines as its borders, Israel has been able to act with admirable restraint in this war. As Senator Ribicoff said yesterday in the Senate, "Israel refrained from seizing the advantage by attacking when it knew for certain that there would be massive crossings of the ceasefire lines by both Egypt and Syria. It did so—and not without cost—so that there would not be a shred of doubt as to who began this war." But those same borders could not serve to prevent the Arab attack in the first place.

No physical boundaries, important as they are, can serve as permanent obstacles to neighbors who refuse to accept Israel's very right to exist. We can hope that the Yom Kippur attack is a last, desperate, military attempt to upset the political status quo in the Middle East, but we would be foolish to think that, even after another defeat, the Arab nations would be prepared to negotiate a lasting settlement without some territorial adjustments.

It may be, ironically, that the situation will now be more open to bargaining than it has been for the last six years. Any negotiations, of course, have to begin with a willingness on the part of the Arab states to sit down with Israel to seek agreement without preconditions. Israel has been seeking such negotiations for six years—but the Arab states have refused. No lasting settlement can be imposed on the Middle East by outside powers, for it is not probable that the difficult territorial questions can be resolved in any way other than face-to-face talks between Israel and her neighbors.

But the United States and the Soviet Union, through the United Nations, can use their power to guarantee the terms of any settlement Israel and the Arab nations are able to achieve. If the price of peace in the Middle East is a permanent international guarantee of physical security, we must be willing to make that guarantee good. For Israel's primary interest is in stable relations with her neighbors—and if there is a way to promote such relations through enforceable international agreements, we must seek such accommodations and help to implement them.

For no one should be misled by Israel's necessary readiness to use military power when threatened. The reality of Israel in the Middle East is the hope she offers to her neighbors and to the world.

In an area which was the cradle of civilization, Israel is the new example of progress. In a land that history shunted aside, Israel is the force of modernity.

The twentieth-century ways of Israel have a special importance in the Middle East. There, until the birth of Israel, traditionalism had too often been a synonym for stagnation. Now a new nation born of our oldest Western tradition has shown the way to progress.

More than any other developing society, Israelis have found the elusive middle way to preserve the values of the past—ties of family, of religion, of culture—and to advance the values of the present—of free inquiry, of material development, of individual fulfillment. Among all the struggling nations of the third world, Israel stands out as a model for emulation, an instructor in the art of reconciling history and the future.

To the other "people of the book"—to Israel's Arab neighbors—the lessons learned, the failures suffered, the advances scored can be the textbooks for their own development. In an atmosphere of cooperation, the contribution Israel can make to the well-being of the region would be without limit.

In the midst of war it may seem rash and naive to talk of the promises of peace. But 25 years ago there was little evidence to support the vision with which Israel was born. And there is no knowing what potential for good may have been realized 25 years from now.

No one who has been to Israel and had his eyes opened to her energy and her promise would predict for her a future of perpetual conflict. I was fortunate enough to visit Israel two years ago, and the images that remain with me are of strength, but not violence, of hope, not menace.

I remember, for instance, going to Kibbutz Gesher on the west bank of the Jordan River where I saw the bomb shelters. The walls of those bunkers were decorated by children's pictures, and not one picture showed a scene of the fighting which was the everyday reality for the youngsters there.

The paintings were of flowers and of sunshine. The dream of the artists was of peace, not of the war that has been their fate.

And at a Nahal settlement in the Golan Heights, I remember talking to a 23-year-old farmer-soldier named Yeheskel. I asked him what, in that still endangered and bitter terrain, he and his friends did with the little leisure they had.

"We have our books," he said, "and we love this view over the Sea of Galilee. And we talk about the future, about peace."

It is possible, of course, to go to Israel and to feel the inconsolable anguish of the memorial at Yad Veshem for the six million European Jews whose murder will always be a living memory. And it is possible to climb that forbidding hill at Masada and feel the spirit of intransigence of the beseiged zealots who chose death in glory over submission to Roman rule.

But to see only the martyrdom, or the "Masada complex," or the military strength of Israel is to be blind to the resources and the resourcefulness of three million Jews who have created an oasis of progress and promise in the midst of hostility and backwardness.

As Israel overcomes these new dangers, as she battles for a lasting peace, and as America supports her in that effort, both nations will find a reaffirmation of their common vision, so eloquently stated in the promise of Isaiah:

"Out of Zion shall go forth the law and the word of the Lord from Jerusalem . . . they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more."

"NO" TO CONDEMNATION OF PRIVATE PROPERTY

Mr. CHURCH. Mr. President, the Senate Interior Committee, of which I am a member, will soon begin consideration of S. 424, the National Resource Lands Management Act. This proposal, if enacted, will serve as the organic act for the Bureau of Land Management. From the standpoint of the Agency's efficiency, a single governing statute would be better than the random selection of public laws to which the BLM now looks for authority.

I am, however, troubled by a certain provision in this bill. I take this occasion to express the reasons for my concern and to define the action which I intend to take when S. 424 is considered by the Interior Committee.

Idaho has a large stake in the scope of authority to be granted the Bureau of Land Management, under this act. How much is at stake is clearly depicted by the amount of land owned by the Federal Government in Idaho: some 33.9 million acres, nearly two-thirds of the State. Of this amount, 12 million acres are administered by the Bureau of Land Management. Idahoans must look to these lands for the grazing of cattle and sheep; for the mining of valuable minerals; for trees that feed a thriving lumber, wood product, and paper industry; for the water utilized in the irrigation of farms and food processing plants; for the damsites where electrical power is generated. We also use these public lands for hunting, fishing, and outdoor recreation, all of which contribute to Idaho's booming tourist industry.

My objection to S. 424, in its present form, relates to the provision in the bill which would confer on the Bureau of Land Management the power to condemn private property. This is a giant step beyond consolidating the functions of the BLM under one statute.

Giving the Bureau free reign to condemn private property is simply not justified. For decades this agency has managed Federal lands without the plenary power of eminent domain. Why must it now be granted that right? In a State where two-thirds of the land is owned by the Federal Government it surely cannot be argued that the BLM needs this power in order to forcibly acquire title to still more property.

Mr. President, I have witnessed the inequities which are built into the power to condemn private property. I was among those Senators, who, last year, obtained an additional $4 million in purchase money from the Land and Water Conservation Fund to acquire private land in Hells Canyon in order to prevent its subdivision and commercialization. When we obtained the funds, it was my understanding that the lands were to be purchased from willing sellers. However, the Government's appraisal fell below the price that the owners believed to be the fair market value of their property. This led to the Forest Service's decision to acquire the lands by condemnation. Needless to say, the landowners involved were not happy with this turn of events. They have taken the case to court, Challenging the authority of the Forest Service to condemn their land. However, the Forest Service maintains that it does possess the legal right to condemn such inholdings, conferred upon it by the enabling legislation creating the agency nearly a century ago.

Under S. 424, the Congress confronts again this same issue: Should the BLM be given the right to exercise the power of eminent domain by which private property may be condemned? I think not.

When this measure is considered by the Senate Interior Committee, I shall offer an amendment to strike from the bill the language which would give the Bureau of Land Management the power to condemn private property.

Mr. President, the action I propose to take with respect to S. 424 is in line with the effort I have made over the years to restrict the Government's condemnation powers to a minimum, consistent with the public interest. As author of the Wild and Scenic Rivers Act, I saw to it that the power to acquire private property along the river banks was strictly limited. As for the Wilderness Act, which I floor-managed to passage in the Senate, the right to condemn areas was expressly denied the Forest Service, even though the wilderness lay within the boundaries of a national forest. Similarly, in drafting the legislation that created the Sawtooth National Recreation Area, restrictions were prescribed to keep the use of eminent domain at a minimum.

The Forest Service's organic act under which that agency claims general authority to condemn private lands lying within the boundaries of national forests, was enacted long before I was born. It was already old law at the time I first came to the Senate in 1957. But, we need not repeat an old mistake in writing a new organic act for the Bureau of Land Management. Here is a case where we should learn from past experience.

SENATOR MAGNUSON RECEIVES ALBERT LASKER PUBLIC SERVICE AWARD IN HEALTH

Mr. KENNEDY. Mr. President, on October 18, our distinguished colleague, Warren Magnuson, was given the Albert Lasker Public Service Award in Health. I need not tell any of you what a special and richly deserved award this was.

The Lasker Awards are the most prestigious in American medicine and have been called America's Nobel Prize for Health. This was the first time in history that one of us—a Member of the U.S. Senate—has been honored with this award. I am sure that there would be no dissent in this body to the statement that the Lasker Foundation found the right man to be first, for no one in the Congress has done more for the health and human needs of the American people than Warren Magnuson.

The Lasker Award carries with it a $10,000 prize. But it will surprise none of his friends in the Senate to learn what Warren Magnuson did with that honorarium. He gave it away—to further cancer research at the Fred Hutchinson Cancer Center in his hometown, Seattle.

As a further honor to Senator Magnuson, the Lasker Foundation moved the awards dinner out of New York for the first time and presented the award to him in Seattle.

At the awards dinner, the major address was given by one of the world's most distinguished heart surgeons, Dr. Michael E. DeBakey. Perhaps no man in the United States better comprehends the true fruits of medical research than Dr. DeBakey. He is saving lives today with research that had not gone beyond the laboratory a few years ago.

At this time when Federal support for medical research is under severe attack by the administration's budget cutters, I think it would be wise for all Members of the Senate to read what Dr. DeBakey had to say in honoring our colleague from Washington.

Mr. President, I ask unanimous consent that Dr. DeBakey's speech be printed in the Record and that the two accompanying newspaper articles be printed following the speech.

There being no objection, the speech and articles were ordered to be printed in the Record, as follows:

Keeping Our World Leadership in Medical Research

(By Michael E. DeBakey, M.D.)

Senator Magnuson, Mrs. Lasker, Dr. Hogness, Mr. Carlson, Distinguished Guests:

I feel highly privileged to be participating in this special tribute to The Honorable Warren G. Magnuson, United States Senator and Distinguished Chairman of the Senate Subcommittee on Health, Education, and Welfare. Senator Magnuson was one of the chief sponsors of the National Heart Institute, which was established in 1948 by act of Congress. Since that time, he has persisted in his efforts to support medical research and education. Senator Magnuson has demonstrated a passionate interest in health and education, an interest that stems from a genuine concern for basic human needs. For his efforts in improving the health of our people, every American is in his debt.

On July 25 of this year, I had the privilege of testifying—as I have on many previous occasions—before Senator Magnuson's Subcommittee. I was pleased to point out the unprecedented advances made against heart disease during the past quarter century. In the three decades since World War II, the remarkable progress made in scientific research has brought America to a preeminent position as a world leader in medical science. This progress almost exactly parallels the growth of the National Institutes of Health, which have made it possible not only to train researchers but also to support worthy research projects that might otherwise not have been possible. The resultant expansion of basic science research has provided much of the impetus for the advancement of medical knowledge, and, in turn, for the application of that knowledge at the patient's bedside.

Without exception, the major medical discoveries that have extended the quality and duration of life during the past quarter century can be traced to the research laboratory, whether they be spectacular feats like organ transplantation or less dramatic discoveries like drugs to treat epilepsy. The research laboratory gave us vaccines, antibiotics, and other "miracle" drugs that have controlled such previously fatal infections as poliomyelitis, diphtheria, pneumonia, mumps, and measles. Psychotropic drugs developed in the research laboratory have returned thousands of previously institutionalized patients to a productive place in society. Improved methods of diagnosis and of monitoring the vital signs of patients have greatly aided doctors in ministering to the health of the people. Effective medication has reduced the death rate from high blood pressure by 50 per cent. Just a decade ago, the incidence of hospital deaths from heart attacks was about 30%, as compared with a low 6% in the best centers today. Thus, in a short 10 years we have reduced the death rate by 24%, and that reduction is directly attributable to the new knowledge we have gained from medical research. In my own field of cardiovascular surgery, the dramatic results of open-heart surgery continue to convert incapacitated patients to happy, useful human beings. Thousands of previously doomed men and women are going about their normal activities today because medical research made possible artificial arteries as a substitute for diseased or worn vessels and gave us the heart-lung machine to permit surgery directly on the heart to replace malfunctioning valves, to correct congenital anomalies and, more recently, to restore normal coronary arterial circulation. The list of accomplishments of medical research is too long to enumerate, but none of them would have been possible without the support you have given to medical research from your tax dollars.

Let me cite you a clear example of the way medical research pays off by relating the clinical history of a patient of mine whom I have followed for the past two decades. When this patient first came to me twenty years ago, he was severely limited in his walking capacity, and the threat of gangrene was imminent because arterial disease was blocking the vessels supplying blood to his legs and feet. Were it not for medical research, we would have had to amputate his legs. Instead, we were able to replace his disease vessels with artificial arteries and thus restore normal circulation to his legs. After the operation, he resumed his normal activities and his work as an executive. Since then, I have seen him annually for follow-up examinations, and he has had no more trouble with his legs.

Thirteen years later, the patient returned to the hospital. He was in heart failure from a defective mitral valve. Again, we were able to save his life by applying the fruits of medical research. We replaced his defective valve with an artificial valve, and his heart function returned to normal. Since that time, he has had no evidence of heart failure.

A few years later, the patient returned to see me because of carotid arterial disease. He had had several small strokes as a result of arteriosclerosis occlusion of the carotid arteries supplying blood to the brain. Untreated, his condition would have led to a large stroke that would have caused paralytic disability or possibly death. But again medical research intervened. We operated on both blocked arteries in his neck, replaced the diseased vessels, and restored normal circulation to his brain. Since then, he has had no further manifestations of stroke.

Three years ago, the patient returned to the hospital because of a massively bleeding ulcer, which required partial resection of the stomach. He recovered completely from that operation and resumed his normal activities. This patient is now 74 years old and still leads a useful, happy, productive life as a business executive.

Any one of these serious medical conditions could have led to his permanent disability or even death, and yet each time, we were able to restore his health so that he could lead a normal life, remain economically independent, and continue to be a taxpayer instead of becoming a tax-burden. The knowledge used in the effective treatment of each of these conditions came directly from medical research. Without that research, this man would not have been able to maintain a responsible position in his community and to make contributions to society throughout the past twenty years.

His case is not, as you might think, unusual or atypical. Because of the new knowledge we have gained from laboratory research, we are able every day to discharge similar patients from the hospital to return to normal living and resume productive, self-sufficient lives.

These accomplishments did not, however, occur overnight, notwithstanding press announcments of "breakthroughs." Almost every medical advance has come after years of persistent, and often tedious, efforts of scores of researchers. Many frustrations have usually preceded the so-called "breakthrough"—blind alleys, uncertainties, and disappointments. To be fruitful, research must be pursued with persistence and dedication. We cannot support only the moment of discovery, but must finance all the many months or years of arduous work that precede it.

As much pride as we deserve in our accomplishments, we must not be satisfied to rest on our laurels. For we still have a very long way to go in health. To cite just one statistic, about 23 million Americans still suffer from high blood pressure, some unaware they have the disease. Yet if untreated, hypertension can result in death from stroke or heart failure. Many other diseases remain inscrutable—not only cancer, but muscular dystrophy, multiple sclerosis, arthritis, cystic fibrosis—the list can be extended considerably. In all of these, we are making progress, but not as rapidly as we could if we were willing to give more financial support to medical research.

Our ultimate goal, you see, is not treatment, but prevention. We want to eliminate the factors that cause heart disease, stroke, cancer, and the numerous other fatal or disabling diseases. America has an abundance of fine minds eager to study these conditions, but it takes money, and only you can provide that. The sophisticated equipment needed to do research today is costly, and special laboratory facilities for controlled conditions must be built to specification. Scientists and technicians must be trained to do research, and education costs money. The investment, however, is one of the wisest you can make, for our failure to invest in finding the causes and cures of disease increases our expenditures for patient care without increasing our effectiveness. Ultimately, *you* are the beneficiary; the new knowledge uncovered in the research laboratory will eventually be used to clinical advantage. If we skip training one generation of doctors and researchers because of lack of funds, it will take several generations to catch up again, and we can never compensate for the loss of knowledge in those unproductive years.

For more than a decade, in my testimony before congressional committees, I have urged the establishment of Comprehensive Cardiovascular Research Centers throughout the country, in which we could concentrate the most capable research scientists in a concerted attack upon heart disease. Our personal experience at the Cardiovascular Research and Training Center in Houston has demonstrated the wisdom of bringing an interdisciplinary team of basic, clinical, and physical scientists together in one institute to try to solve the riddles of cardiovascular diseases. In 1972, Congress passed the historic National Heart and Lung Act, which authorized 15 such centers throughout the country, but because of lack of funds we still do not have a single federally-supported center for heart or lung disease in the entire nation.

We desperately need new research knowledge in the cardiovascular field. Arteriosclerosis is the underlying cause of heart disease in about 80% of patients; yet we know relatively little about its basic causes. In a certain proportion of patients, some major risk factors have been incriminated—excessive blood fats, high blood pressure, diabetes, and cigarette smoking—but much more work will be needed to ascertain whether elimination of any one, or a combination, of these factors will reduce the incidence of heart disease significantly. The National Heart and Lung Institute is now supporting three major clinical trials in this field, but because of limited funds, the trials will not become fuly operative unti 1974, and then will involve only 27,000 subjects.

Actually, the kind of support we are looking for is relatively small—only 1 or 2% of our total national budget. We must, however, order our priorities sensibly. We now spend $400 per person for defense, but consider how useless any investment at all would be in defense if bad health ravaged our people. We spend $40 per person for highways, but what good are highways if we are not well enough to use them? The very basis of all human activity is health, and yet we spend only $7 per person for medical research. Heart disease is still the leading cause of death in this country, and yet we are willing to devote less than one dollar per person to heart research. These expenditures are not only unwise; they are uneconomical. Last year our lack of health knowledge cost us about $315 per person, but we have been willing to spend only $7 per person to gain the necessary knowledge to rid ourselves of this economic burden. We spent $30 per person for health services for heart disease, but we allocate less than one dollar per person to eliminate this costly expenditure.

If we want our government to give health a higher priority in the allocation of our tax dollars, we must insist upon it by letting our representatives in the Congress and in the Administration *know* our wishes, for we, the people, instruct our government in such matters. Curiously, Americans budget for television sets, boats, beer, tobacco, cosmetics, fashions, gasoline, second homes, and vacations, but they grudgingly allocate money to maintain their health. It is a sad truism, however trite, that we must lose our health to appreciate it. I have heard patient after patient sorrowfully voice that adage to me. As a doctor, I know the inexpressible pleasure of seeing a patient leave the hospital after heart surgery, well and happy, when just a short time before he entered my office critically ill and almost devoid of hope. But can you imagine the depression a doctor feels when he must tell a patient, "I am sorry that there is nothing we can do for you; we haven't yet learned how to treat your illness"?

Doctors have to say that more often than they should, simply because, as a people, we have not been willing to allocate adequate funds to find out how to cure and prevent many human diseases. Fifty per cent of heart attack victims die before they reach the hospital; that is a frightening statistic and one that we must improve. If we let our government officials know that we consider health our foremost priority, they will carry out our wishes, and the national budget will reflect those wishes. During the past year or two, President Nixon has demonstrated commendable initiative in his expressed desire to eradicate cancer and heart disease. The true significance of this initiative will be fully appreciated when adequate funds are allocated to effect his all-out war.

For example, in 1971, when he signed the Congressionally-devised National Cancer Act, President Nixon said that all the money that was needed would be provided to wipe this killer from the face of the earth. Yet in the last fiscal year which closed June 30, his Administration impounded $60 million of the money that Congress had voted for the fight against cancer. In other words, they believed him—Democrats and Republicans alike—but he didn't seem to believe himself.

The Congress therefore decided to bite the bullet on this issue. Earlier this year Senator Magnuson and the distinguished Majority Leader of the Senate, Mike Mansfield, requested the General Accounting Office to look into two significant areas—the impoundment of $1.1 billion in health funds in Fiscal 1973, and a comparison of the Administration Fiscal 1974 budget requests with the initial professional requests made by the Government scientists as to their minimum needs for running health programs.

They got the data they wanted, although it wasn't easy. For example, the two Senators obtained an internal HEW document in which Doctor Frank J. Rauscher, personally appointed by the President to run the war against cancer, informed the White House Office of Management and Budget that he needed at least $640 million this year "to carry out the objectives the Executive and members of Congress had all enunciated."

Despite this memorandum, the President recommended $500 million for the fight against cancer. This is the same President who, when he signed the National Cancer Act with great fanfare back in 1971, said:

"The time has now come for us to put our money where our hopes are . . . As far as the cure is concerned, and as far as the time when it is found, it will not fail because of lack of money . . . To the extent that money is needed, it will be provided."

At a joint press conference with Senator Mansfield on July 28 of this year, the senior Senator from Washington took the gloves off. Here is only part of what he had to say:

"The much bally-hooed Conquest of Cancer program is more myth than reality, and research budgets to combat other dread diseases have been gutted on the pretext of maintaining that myth.

"I have had more than a passing interest in health and education for many years. I can point out—with some irony—that I became Chairman of the appropriations subcommittee that handles the health and education budget at the same time Richard Nixon became President of the United States. I can also point out—with some irony—that my subcommittee's bill has been vetoed four times since I became Chairman.

"I take no pride in being the most vetoed member of the United States Senate. I don't want this bill vetoed again this year. It is far too important. This bill takes care of more basic human needs than any appropriations bill handled by the Congress. But I can't buckle under the kind of callous logic that hamstrings medical research, cuts off student aid and closes Community Mental Health Centers.

". . . I will end by asking one simple question. If this great country of ours must fight a war, which war should we choose—an unwinnable war in Cambodia or a winnable war against cancer. The secret bombing raids cost $140 million. The Cancer Institute's budget request was cut $140 million."

Most of us feel a humanitarian concern about feeding the hungry and helping the underprivileged not only in our country but in the rest of the world as well. Such concern is a truly admirable American trait. We should, I believe, feel a similar responsibility for leadership in health. The rest of the world, in fact, looks to us for that leadership. In my personal experience in countries throughout the globe, including such major powers as the Soviet Union and China, I have seen foreign doctors and scientists vie for opportunities to spend periods in the United States training and learning the latest diagnostic and therapeutic techniques. By maintaining our leadership in the medical sciences, we can upgrade the health not only of our own people but of other nations as well.

Such leadership in world health can also serve as an extremely useful diplomatic instrument in effecting world harmony by encouraging international collaboration in improving the human condition. We exert prodigious efforts in ameliorating international tensions, and we allocate significant monies for foreign aid, but one of the best ways to promote amical international relations is to engage the cooperation of peoples all over the world in finding ways to improve the quality and duration of human life.

The international scientific community is bound together by a common goal of uncovering new knowledge for the betterment of man, and this international community can serve an important diplomatic function demonstrating the transcendance of this common goal over the self-seeking interests of individual nations. It is admirable that President Nixon, in creating the Joint Committee for Health Cooperation with the Soviet Union, has taken cognizance of the diplomatic function which the scientific community can serve. The approach to the eradication of human disease *must* be international, for disease is no respecter of frontiers, and so we must work with our counterparts throughout the world to solve health problems. At the same time the goal of world peace and harmony will be advanced by the peoples of different countries concentrating on a common goal. I was in Russia when President Nixon and Mr. Brezhnev signed their historic agreement this year, and it was truly heartening to hear the impassioned sentiments expressed by the Russian people about this agreement. Earlier this year I was also in China, where I observed the same eagerness on the part of the medical community there to collaborate with American scientists in exchanging scholars and information for the benefit of both countries. In all other countries I have been in, I have consistently found that the physicians look to America for leadership in health matters.

But we cannot maintain this world leadership in health unless we increase our present expenditures for medical research. While the proportion of the Gross National Product devoted to science and technology, including medical research, has declined in the United States during the past decade, it has risen in Japan and the Soviet Union. Russia also now leads the major nations in researchers, with 37 researchers per 10,000 population, as contrasted with 25 researchers in the United States per 10,000 population.

It is not a matter of supporting *either* medical research and education *or* health care, for the three are interdependent. Any improvements in health delivery will be limited by present medical knowledge until medical research uncovers new information. And improving the *mechanics* of health delivery will be futile if we do not have enough doctors to implement that delivery. As President of one of this country's major medical schools, I can tell you that the need for support of medical education and research is critical. But the American people have always responded unselfishly when their support was needed. I am confident that you will respond now. And with allies like The Honorable Warren G. Magnuson in the Senate to help us, I am optimistic about the future. On this occasion of honoring Senator Magnuson, it is fitting to conclude with a quotation from Benjamin Disraeli, which remains as valid today as it was when written almost a century ago—

"The health of the people is really the foundation upon which all their happiness and all their powers as a state depend."—(Speech, July 24, 1877).

[From the Seattle Times, Oct. 18, 1973]

MAGNUSON TO BE GIVEN PRESTIGIOUS LASKER AWARD

(By Al Dieffenbach)

Senator Warren G. Magnuson will be honored tonight wtih the $10,000 Albert Lasker Award in Health at a black-tie dinner in the Olympic Hotel.

He will be the first senator to win the prestigious award, which only rarely has been given to a non-scientist. The Lasker Award has become known as the Nobel Prize of America because 24 Lasker recipients have also won Nobel honors.

This will be the first time the award-presentation ceremony has been held outside New York City, a further tribute to Magnuson.

Dr. Michael E. DeBakey, the distinguished heart surgeon who was chairman of the awards jury that selected Magnuson, will give the major address at the $25-a-ticket awards dinner.

Dr. DeBakey noted in commenting on the award that Magnuson's longtime support of medical research led to the scientific work that won Lasker and Nobel honors for a number of scientists.

Dr. DeBakey today was to accompany Magnuson and Senator Norris Cotton of New Hampshire, a ranking Republican, on a tour of Providence Hospital's heart and blood-vessel-research unit headed by Dr. Lester R. Sauvage and Dr. Peter B. Mansfield.

Magnuson is to receive the award from Mrs. Albert Lasker, president of the Albert and Mary Lasker Foundation, which has sponsored the awards since 1946.

Mrs. Lasker, 73, a New York philanthropist, has actively pursued an interest in American medical matters since 1942. She spent part of yesterday touring various units of University Hospital and the University of Washington School of Medicine.

Now chairman of the Senate Appropriations subcommittee that handles funding for health programs and medical research Magnuson has been a powerful force in Congress.

He began to show his interest in those

fields in 1937, his first year in Congress when he introduced a bill that led to creation of the National Cancer Institute.

The Senator, now 68, subsequently sponsored legislation that built and funded the National Institutes of Health, one of the largest health-research agencies in the world.

Some of his other efforts on behalf of the people's health have resulted in funding for hospitals and mental-health programs, laws on flammable fabrics, and packaging to prevent accidental poisoning and funding of training programs for health professionals.

With his constituents in mind, the senator also has led the campaigns for the Fred Hutchinson Cancer Research Center here, the federal aid for expansion of Children's Orthopedic Hospital and the congressional moves to keep the Public Health Service Hospital open.

[From the Seattle Post-Inteligencer, Oct. 19, 1973]

Albert Lasker Award Is Given to Magnuson

(By Tom Read)

Sen. Warren G. Magnuson last night received the $10,000 Albert Lasker Award for Public Service during a lavish reception-dinner at the Olympic Hotel.

Magnuson was chosen to receive the coveted award particularly for his years of championing health legislation in Congress.

Mrs. Mary Lasker, New York philanthropist and widow of the late Albert Lasker, presented the award—a $10,000 check and beautiful statute of the Winged Victory of Samothrace, symbolizing victory over death and disease.

Immediately upon receiving the check from Mrs. Lasker, the senator said he'd had problems with cancer in his family, and thought he had a good use for the money.

He summoned Dr. William Hutchinson, president of the Fred Hutchinson Cancer Research Center, to the rostrum and presented the $10,000 check to him for the center's cancer research work.

World famous heart surgeon and researcher Dr. Michael DeBakey, who chaired the awards jury that chose the senator, delivered the principal adddress.

He traced major research and progress in medical research, particularly in the area of heart disease, declaring that this progress almost exactly parallels the growth of the National Institutes of Health.

Dr. DeBakey cited a clinical case in which a patient faced the loss of his legs because of blocked blood vessels. "Were it not for medical research we would have had to amputate his legs. Instead, we were able to replace his diseased vessels with artificial arteries and thus restore normal circulation to his legs," he said.

Dr. DeBakey developed the theme of the need for research and of the need for funds to support this effort. He reported how Magnuson and others uncovered a federal document in which the head of the National Cancer Institute informed the White House he needed at least $640 million to carry out objectives, yet President Nixon recommended $500 million after declaring a national war on cancer.

In summary, DeBakey said:

"It is not a matter of supporting either medical research and education or health care for the three are interdependent. Any improvement in health delivery will be limited by present medical knowledge until medical research uncovers new information. I am confident you will respond now.

"And with allies like the Honorable Warren G. Magnuson in the Senate to help us, I am optimistic about the future. On this occasion of honoring Senator Magnuson, it is fitting to conclude with a quotation from Benjamin Disraeli, which remains as valid today as it was when written almost a century ago:

"'The health of the people is really the foundation upon which all their happiness and all their powers as a state depend.'"

Others rose to add their words of praise and thanks. Edward Carlson, Seattle hotelman and president of United Air Lines; Dr. John Hogness, president of the Institute of Medicine and next president of the University of Washington; Rev. Everett Jensen, Lutheran clergyman, church administrator and lifelong friend of Magnuson.

Dr. Hogness, who was the master of ceremonies, read several messages of congratulations from persons unable to attend last night's event."

"There is no one in public life today who has been more vigorous in promoting health," Gov. Dan Evans.

"This honor is a rare but richly deserved one," Sen. Henry M. Jackson.

"I extend my personal congratulations. Your many contributions are ongoing proof of your service," Sen. Ted Kennedy.

"This award is a fitting recognition that your good work is appreciated well beyond the halls of Congress," Congressman Joel Pritchard.

"I salute you for your services to your fellow man," Congressman Mike McCormack.

Nearly 500 persons attended the fete, first the reception in the Spanish Ballroom, then in the Grand Ballroom where the dinner was served.

From across the nation and across the political aisle came Senator Norris Cotton, New Hampshire Republican and ranking GOP member of the Senate appropriations subcommittee on health which Magnuson chairs.

Cotton is in a position to see first-hand how effectively Magnuson guides appropriations for medical research, to keep open the Public Health Service Hospital, to expand Children's Orthopedic Hospital.

Since 1937—his first year in Congress—Magnuson has been in the forefront of health legislation and it is for this service that he was chosen by the Lasker Foundation.

As a young congressman he introduced legislation that led to the creation of the National Cancer Institute. As the years passed and the public's awareness of the need for research grew and as his influence in Congress grew, Magnuson sponsored, supported and battled successfully. His success was such that over the years he became the Congressional leader in obtaining research funds for the National Institutes of Health.

He also became the chief spokesman in the Senate for the funding of numerous other health programs including community mental health centers, hospital construction, and aid for medical, nursing and other allied health schools.

As chairman of the Senate Commerce Committee, Magnuson managed to advance a number of well-known bills in the area of preventive medicine and in the areas of flammable fabrics, child protection and toy safety, poison-prevention packaging, cigarette labeling and controls on radiation emanating from electronic products.

A PERMANENT SPECIAL PROSECUTOR

Mr. CRANSTON. Mr. President, the revelations of the past 6 months are not the only instances of political corruption and misconduct which have lessened public confidence in the administration of justice in recent years.

I have believed for some time that we need some permanent mechanism which will restore in the long run public confidence that wrongdoers in positions of public trust will be investigated and prosecuted.

The best first step would be for Congress to study ways to set up a permanent means of triggering independent investigations and prosecutions of breaches of the public trust by persons who hold high positions of power. Some way must be found to overcome the built-in conflicts of interest which exist, or appear to exist, whenever the powerful are asked to investigate themselves.

I have confidence that we eventually will overcome the crisis of Watergate. Our system of government is strong enough to do that task.

But the record of official misconduct during past decades years is not good. Few cases have been prosecuted.

Too often, there is an appearance that corruption in high places is being swept under the rug. Because of the political nature of the office, an Attorney General can come under enormous pressure not to prosecute some cases.

There is another reason why an independent permanent agency to look into and prosecute charges of official misconduct can restore credibility to government. As former Special Prosecutor Archibald Cox has remarked, often the most important decision a prosecutor makes is the decision not to prosecute.

Such a decision affecting persons in high public office, even if taken by an Attorney General as outstanding as Elliot Richardson, might lack general public acceptance. Such a decision by an independent special prosecutor would have greater credibility.

The restoration of public confidence in the administration of justice, and in our institutions responsible for order and justice under law, is vitally important to the future of our Nation. No one political party today commands a consensus capable of restoring the degree of confidence necessary. We must seek to establish some independent institution which would guarantee to the public that those in positions of high trust will not abuse that trust.

Last June, when the need for a special prosecutor in the Watergate affairs arose, and our attention was focused on that matter in relationship to the nomination of Elliot Richardson as Attorney General, I asked my staff to consider how, legislatively, we might create some such permanent institution, so that we would not find our country improvising each time a crisis like Teapot Dome or Watergate develops. The matter is so complicated—as we are discovering anew as we grapple with the temporary special prosecutor in the wage of the Cox firing—that we have not yet reached any decision as to how to proceed legislatively.

I have consulted with other Senators, however, and will push ahead. As, hopefully, we determine how best to replace Mr. Cox, some light may be shed on the best procedure to follow in dealing with the long range problem.

Lloyd Cutler, distinguished Washington attorney, has called for the establishment of an office of permanent prosecutor to investigate and prosecute cases of political corruption. Mr. Cutler persuasively argues that we need to address official and campaign misconduct on a continuing basis, not once every 50 years.

A permanent special prosecutor is one way. It may be that a bipartisan independent commission empowered to appoint an ad hoc special prosecutor in a case of unusual national dimensions would be the soundest approach. I am sure that Mr. Cutler would agree that there are other ways which ought to be examined as well. But his proposal is worth considering.

I ask unanimous consent to have printed in the RECORD the full text of Mr. Cutler's proposal which appeared in the New York Times of October 26.

There being no objection, the article is ordered to be printed in the RECORD, as follows:

Permanent Prosecutor

(By Lloyd Cutler)

WASHINGTON.—A half-century ago, Owen J. Roberts was appointed Special Prosecutor to investigate the Teapot Dome scandals, which had reached President Harding's Attorney General and other top members of his Administration. His appointment restored public confidence that those who had violated the public trust, whatever their rank, would be prosecuted. Public confidence was not misplaced.

This year, Archibald Cox was appointed Special Prosecutor for a similar purpose. His appointment also restored public confidence, now abruptly shattered by his dismissal.

In between, many Administrations have had their minor Watergates and Teapot Domes, and many Attorneys General have made an effort to investigate the alleged misdeeds of high officials in their own Administration or in the one preceding. But these investigations have been notable both for the lack of public confidence they commanded and for the paucity of the felony convictions they achieved.

This lack of confidence goes up and down with the public's perception of the moral fiber and the political behavior of each incumbent Attorney General. But it is never wholly absent. It derives primarily from the people's intuition that any Attorney General, to retain his office, must to some degree be the President's man, and that he must weigh in the balance of any major prosecutorial decision its potential for embarrassing his President. Last week removed any possible doubt on this point.

Public doubt that official and campaign misconduct will be prosecuted is perhaps the gravest weakness of our political system. The Congress should therefore move speedily to recreate the office of the Watergate Special Prosecutor. But we cannot afford to address the lack of public confidence only once every fifty years, when things get so bad that the existing institutions must be set aside. We need to address it on a continuing basis.

If a Special Prosecutor like Owen J. Roberts or Archibald Cox can hold the public confidence, why not have one all the time, on an institutional basis? Why not enact a statute creating a permanent office of Special or Public Prosecutor? The post would be filled by a distinguished lawyer appointed by the President with the advice and consent of the Senate, holding office for a fifteen-year term to span a number of Administrations. He would be supported by his own staff and Congressional appropriation. He would be authorized to make investigations solely into charges involving official misconduct and campaign law violations, to present such cases to grand juries, and to prosecute them in the courts. To curb any possibility of political ambition, a Special Prosecutor could be barred from subsequently holding any elective Federal office.

There is a close and successful precedent for such an office. The office of the Comptroller General is now filled for a fifteen-year term by a Presidential appointee confirmed by the Senate. It has its own staff and Congressional appropriation. It is charged with investigating and reporting on the expenditure of public funds. The Comptroller General has always commanded the fullest public confidence.

There may be a constitutional objection raised to the idea of a specialized independent law-enforcement agency outside the executive branch, but it can be overcome. While the Constitution charges the President to "take care that the Laws be faithfully executed," Congress has enacted and the President has signed many laws creating independent administrative agencies either within or outside the executive branch, empowered to issue binding orders, to impose civil penalties for violation, and to bring enforcement actions in the Federal courts. The Attorney General holds a statutory office not mentioned in the Constitution, and Congress certainly can transfer some of his present statutory powers to other officials. If thought constitutionally necessary or politically desirable, the statute creating the new office could preserve the Attorney General's parallel power to prosecute such cases himself; and it could also authorize the President or the Attorney General to remove the Special Prosecutor for specified types of misconduct.

By creating a continuing Special Prosecutor for these limited purposes, we would not demean the office of the Attorney General. He still would be solely responsible for enforcing the thousands of other laws on the statute books, and for advising the President on all legal issues. To the contrary, a continuing Special Prosecutor would enhance the Attorney General's credibility by relieving him of a role he cannot convincingly perform.

We can get some lasting public benefit out of Watergate. By making a minor improvement in the system, we would achieve a major result. We would restore public confidence that those who betray the public trust will be found out and punished.

PRESIDENTIAL INCOME TAXES

Mr. CHURCH. Mr. President, recently we have been reading accounts of how the President of the United States, with an official salary of $200,000 a year, has paid as little as $792.81 in Federal income taxes for the year 1970.

This interesting information comes from the Providence, R.I., Journal-Bulletin.

It is not alleged that the President violated any laws on his tax returns, but that he took advantage of several tax loopholes—including donations of Vice Presidential papers—to bring down, indeed to virtually eliminate, his tax.

If true, these revelations demonstrate clearly just how much we need tax reform in this Nation. The fact of the matter is that if these reports are true, the President—with a $200,000 salary, not including other income he receives—paid roughly the same in Federal taxes as an unskilled workman who earns $7,000 a year, claims one exemption and does not itemize deductions. This is unbelievable.

Recently, Mr. President, the Times-News in Twin Falls, Idaho, reprinted an editorial on this subject originally carried in the Portland Oregonian. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Nixon's Rankle

History may record that Richard M. Nixon's downward plunge in national approval by Americans is largely attributable to their belief that he has taken advantage of them, the taxpayers, by using tax gimmicks to avoid state and federal taxes.

Many Americans can take in stride the campaign crimes and dirty tricks committed in the name of Nixon. They may consider him badly advised in his struggle to stop inflation and increase employment. They may give him full credit for getting out of Indochina and achieving breakthroughs with the Communist leaders to end the Cold War. But these are national and international matters. Taxes are right in the living room.

Some will understand, if they do not approve, President Nixon's acquisition of estates in Florida and California with the aid of his own credit and the cash of millionaire friends. The President did not elaborate on earlier statements, many times revised, on the separation of federal expenditures between presidential security and personal property purposes when asked again at his press conference Wednesday. Presidential security is, of course, a national necessity. But the President and his White House aides will not disclose his tax returns and will only affirm that these were audited by the Internal Revenue Service.

What has been reported is that his deductions on the federal income tax form were very large and that these consisted of interest, real estate taxes and a high appraised value for his vice presidential papers donated to the National Archives for tax benefit purposes.

The Providence, R.I., Journal-Bulletin now has reported that it has documents from government sources showing that President and Mrs. Nixon paid $792.81 in federal taxes in 1970 and received a $72,614.43 refund, and paid taxes in 1971 of $878.03 while receiving a refund of $58,889.41. The newspaper said the Nixon vice presidential papers were valued at $570,000. Based on the President's salary and allowable deductions for that purpose, the newspaper said, "the Nixon's presumably claimed a deduction of $60,000 for the gift of the papers in 1969, and $100,000 in subsequent years."

Putting aside the deduction for interest on debts owed by the Nixons, including those to rich friends who loaned the money to buy the estates, the question of the tax break for vice presidential papers rankles. Can these be considered personal papers? Most people, we believe, would consider them government documents, bought and paid for by the taxpayers in the official functioning of the vice presidency. And they were donated to the National Archives, which paid for them again in the form of tax deductions which less fortunate taxpayers must make up in their own tax bills.

It may be argued that high earners and wealthy men and women who do not hold public office use similar, legal tax offsets, and this is true. The private foundations thrive on such contributions for tax purposes. But it is not easy, nor would it be, for hard-working American wage earners to accept a system in which the President of the United States and Mrs. Nixon paid 1970–71 taxes, in the Journal-Bulletin's words, "roughly equivalent to taxes paid by someone who earns about $7,000 a year, claims one exemption and does not itemize deductions."

CONCLUSION OF MORNING BUSINESS

Mr. ALLEN. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

RECESS UNTIL 2 P.M.

Mr. ALLEN. Mr. President, acting at the direction of the distinguished majority leader, I ask unanimous consent that the Senate stand in recess until the hour of 2 o'clock this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

At 12:48 p.m., the Senate took a recess until 2 p.m. today; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HASKELL).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, October 30, 1973, he presented to the President of the United States the bill (S. 607) to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes.

QUORUM CALL

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 2:26 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 20 minutes.

There being no objection, at 2:06 p.m., the Senate took a recess until 2:26 p.m. today; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HASKELL).

ARKANSAS RIVER BASIN COMPACT, ARKANSAS-OKLAHOMA

Mr. McCLELLAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 11

The PRESIDING OFFICER (Mr. HASKELL) laid before the Senate the amendments of the House of Representatives to the bill (S. 11) to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma, which were on page 6, line 9, strike out "repletion" and insert "depletion".

On page 18, line 14, strike out "article XII" and insert "article XIII".

Mr. McCLELLAN. Mr. President, on January 4 I introduced S. 11, a bill to consent to the Arkansas River Basin Compact. I was joined in sponsoring the bill by the distinguished Senator from Arkansas (Mr. FULBRIGHT), the distinguished senior Senator from Oklahome (Mr. BELLMON), and the distinguished junior Senator from Oklahome (Mr. BARTLETT).

S. 11 passed the Senate on June 28. On September 17, 1973, the House of Representatives passed S. 11 with two technical amendments.

Mr. President, the technical amendments have been reviewed by the chairman and ranking minority members of the Senate Judiciary Committee with the Senate Public Works Committee. We consider them acceptable and necessary amendments and do recommend their approval by the Senate.

I move that the Senate concur in the amendments of the House to S. 11.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask for the yeas and nays on the vote that will occur on the treaties.

The yeas and nays were ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senate now go into executive session.

The PRESIDING OFFICER. The Senate will now go into executive session.

The Senate proceeded to consider executive business.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

PATENT COOPERATION TREATY AND ANNEXED REGULATIONS, EX. S (92D CONG., 2D SESS.); STRASBOURG AGREEMENT CONCERNING THE INTERNATIONAL PATENT CLASSIFICATION, EX. E (93D CONG., 1ST SESS.); STATUTES OF THE WORLD TOURISM ORANIZATION, EX. R (93D CONG., 1ST SESS.); CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE, EX. F (93D CONG., 1ST SESS.)

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on the four treaties.

The yeas and nays have been ordered.

PATENT COOPERATION TREATY AND ANNEXED REGULATIONS (EXECUTIVE S. 92D CONG., 2D SESS.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business and if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 470 Ex.]

YEAS—95

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—5

Aiken
Bible
Hart
Mondale
Stevens

The PRESIDING OFFICER. On this vote, the yeas are 95, and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification, as amended by the declarations, is agreed to.

STRASBOURG AGREEMENT CONCERNING THE INTERNATIONAL PATENT CLASSIFICATION (EXECUTIVE E—93D CONG., 1ST SESS.)

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. MONDALE), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), is necessally absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business, and if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 471 Ex.]

YEAS—95

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—5

Aiken
Bible
Hart
Mondale
Stevens

The PRESIDING OFFICER. On this vote the yeas are 95 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

STATUTES OF THE WORLD TOURISM ORGANIZATION (EXECUTIVE R, 93D CONG., 1ST SESS.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business, and, if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 472 Ex.]

YEAS—95

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—5

Aiken
Bible
Hart
Mondale
Stevens

The PRESIDING OFFICER. On this vote the yeas are 95 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE (EXECUTIVE F—93D CONG., 1ST SESS.)

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Michigan (Mr. HART), and the Senator from Minnesota (Mr. MONDALE), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) is necessarily absent.

The Senator from Alaska (Mr. STEVENS) is detained on official business, and if present and voting, would vote "yea."

The yeas and nays resulted—yeas 95, nays 0, as follows:

[No. 473 Ex.]

YEAS—95

Abourezk
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—5

Aiken
Bible
Hart
Mondale
Stevens

The PRESIDING OFFICER. On this vote the yeas are 95 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification, as amended by the declaration, is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. STAFFORD). Under the previous order, the Senate will now return to legislative session.

U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO

The PRESIDING OFFICER (Mr. STAFFORD). Pursuant to the previous order, the Chair now lays before the Senate the President's veto message on S. 1317, a bill to authorize appropriations for U.S. Information Agency, which the clerk will state.

The assistant legislative clerk read as follows:

A veto message on S. 1317, a bill to authorize appropriations for the United States Information Agency.

(The text of the President's veto message is printed on page S19474 of the CONGRESSIONAL RECORD of October 26, 1973.)

The Senate proceeded to reconsider the bill.

The PRESIDING OFFICER. Time for debate on this veto message is to be equally divided and controlled between the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Pennsylvania (Mr. SCOTT), or his designee. Who yields time?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Washington.

EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1570.

The PRESIDING OFFICER (Mr. STAFFORD) laid before the Senate the amendments of the House of Representatives to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, which were to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Emergency Petroleum Allocation Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby determines that—

(1) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent;

(2) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods; and

(3) such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the Executive branch of Government.

(b) The purpose of this Act is to grant to the President of the United States and direct him to exercise specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such shortages or dislocations on the American people and the domestic economy.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "branded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products pursuant to—

(A) an agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or

(B) an agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner), but who is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in subparagraph (A) or (B)), and who does not control such refiner.

(2) The term "nonbranded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products, but who is not a refiner or a person (A) who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), or (B) who is not a branded independent marketer.

(3) The term "independent refiner" means a refiner who (A) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to the date of enactment of this Act, more than 70 per centum of his crude oil refinery input from producers who do not control, and are not controlled by or under common control with, such refiner, and (B) marketed or distributed in such quarter and continues to market or distribute (i) a substantial volume of gasoline refined by him through nonbranded independent marketers, and (ii) a substantial volume of other refined petroleum products refined by him directly to the ultimate user.

(4) The term "refined petroleum product" means gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

(5) The term "LPG" means propane and butane, but not ethane.

MANDATORY ALLOCATION

SEC. 4. (a) Not later than ten days after the date of enactment of this Act, the President shall promulgate a regulation providing for the mandatory allocation of crude oil, residual fuel oil, and each refined petroleum product, in amounts and at prices specified in (or determined in a manner prescribed by) such regulation. Such regulation shall take effect not latter than fifteen days after its promulgation.

(b)(1) The regulation under subsection (a), to the maximum extent practicable, shall provide for—

(A) protection of public health, safety, and welfare, and the national defense;

(B) maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority);

(C) maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(D) preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, nonbranded independent marketers, and branded independent marketers;

(E) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, nonbranded independent marketers, branded independent marketers, and among all users;

(F) economic efficiency; and

(G) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

(2) In specifying prices (or prescribing the manner for determining them), such regulation shall provide for—

(A) a dollar-for-dollar passthrough of net increases in the cost of crude oil and refined petroleum products to all marketers or distributors at the retail level; and

(B) the use of the same date in the computation of markup, margin, and posted price for all marketers or distributors of crude oil and refined petroleum products at all levels of marketing and distribution.

(3) The President in promulgating the regulation under subsection (a) shall give consideration to allocating residual fuel oil and refined petroleum products to any person whose use of fuels other than crude oil, residual fuel oil, and refined petroleum products has been curtailed by, or pursuant to a plan filed in compliance with, a rule or order of a Federal or State agency.

(c)(1) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall be so structured as to result in the allocation during each period during which the regulation applies of each refined petroleum product to each branded and each nonbranded independent marketer, and of crude oil to each independent refiner, in an amount equal to the amount sold or otherwise supplied to such marketer or refiner during the corresponding period of 1972, adjusted to provide—

(A) a pro rata sharing among persons engaged in the marketing or distributing of a refined petroleum product of any amount of such product produced in excess of the amount produced in calendar year 1972, or a pro rata reduction in the amount allocated to such persons if lesser amounts are produced than those produced in calendar year 1972; and

(B) a pro rata sharing among refiners of any amount of crude oil produced in excess of the amount produced in calendar year or a pro rata reduction in the amount allocated to such refiners if lesser amounts are produced than those produced in calendar year 1972.

(2) The President may, by order, require such adjustments in the allocations of refined petroleum products and crude oil established under the regulation under subsection (a) as may reasonably be necessary—

(A) in the case of refined petroleum products (i) to take into consideration market entry by branded independent marketers and nonbranded independent marketers subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of marketing or distribution facilities of such marketers, and

(B) in the case of crude oil (i) to take into consideration market entry by independent refiners subsequent to calendar year 1972, or (ii) to take into consideration subsequent expansion or reduction of refining facilities of such refiners.

Any adjustments made under this paragraph may be made only upon a finding that, to the maximum extent practicable, protection of the objectives of subsections (b) and (d) of this section is attained.

(3) To the extent practicable and consistent with the objectives of subsections (b) and (d), the mandatory allocation program established under the regulation under subsection (a) shall not provide for allocation of LPG in a manner which denies LPG to any industrial user if no substitute for LPG is available for use by such industrial user.

(d) The regulation under subsection (a) shall require that crude oil, residual fuel oil, and all refined petroleum products (other than refined lubricating oils) which are produced or refined within the United States shall be totally allocated for use by ultimate users within the United States, to the extent practicable and necessary to accomplish the objectives of subsection (b). For purposes of this subsection, the term "United States" includes the States, the District of Columbia, Puerto Rico, and any territory or possession of the United States.

(e) No regulation under this section may provide for allocation of, or specify (or prescribe a manner for determining) the price of, crude oil produced in a calendar month by any well, the average daily production of which did not exceed 10 barrels per day during the month preceding such calendar month.

(f) The regulation promulgated and made effective under subsection (a) shall remain in effect until midnight February 28, 1975, except that the President or his delegate may amend such regulation so long as such regulation, as amended, meets the requirements of this section. The authority to promulgate and amend the regulation and to issue any order under this section, and to enforce under section 5 such regulation and any such order expires at midnight February 28, 1975, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight February 28, 1975.

ADMINISTRATION AND ENFORCEMENT

SEC. 5. (a) Sections 205 through 213 (other than 212(b)) of the Economic Stabilization Act of 1970 (as in effect on the date of enactment of this Act) shall apply to the regulation promulgated under section 4(a) or order under section 4(c)(2) and to any action taken by the President (or his delegate) under this Act, as if such regulation had been promulgated, such order had been issued, or such action had been taken under the Economic Stabilization Act of 1970; except that the expiration of authority to issue and enforce orders and regulations under section 218 of such Act shall not affect any authority to amend and enforce the regulation or to issue and enforce any order under this Act.

(b) The President may delegate all or any portion of the authority granted to him under this Act to such officers, departments, or agencies of the United States as he deems appropriate.

EFFECT ON OTHER LAWS AND ACTIONS TAKEN THEREUNDER

SEC. 6. (a) All actions duly taken pursuant to clause (3) of the first sentence of section 203(a) of the Economic Stabilization Act of 1970 in effect immediately prior to the effective date of the regulation promulgated under section 4(a) of this Act, shall continue in effect until modified or rescinded pursuant to this Act.

(b) The regulation under section 4 and any order issued thereunder shall preempt any provision of any program for the allocation of crude oil, residual fuel oil, or any refined petroleum product established by any State or local government if such provision is in conflict with such regulation or any such order.

(c)(1) Except as specifically provided in this subsection, no provisions of this Act shall be deemed to convey to any person subject to this Act immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

(2) As used in this subsection, the term "antitrust laws" includes—

(A) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.);

(B) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.);

(C) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

(D) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9); and

(E) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(3) The regulation promulgated under section 4(a) of this Act shall be forwarded on or before the date of its promulgation to the Attorney General and to the Federal Trade Commission, who shall, at least seven days prior to the effective date of such regulation, report to the President with respect to whether such regulation would tend to create or maintain anticompetitive practices or situations inconsistent with the antitrust laws, and propose any alternative which would avoid or overcome such effects while achieving the purposes of this Act.

(4) Whenever it is necessary, in order to comply with the provisions of this Act or the regulation or any orders under section 4 thereof, for owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil, or any refined petroleum product, to meet, confer, or communicate in such a fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such persons may do so only upon an order of the President (or of a person to whom the President has delegated authority under section 5(b) of this Act); which order shall specify and limit the subject matter and objectives of such meeting, conference, or communication. Moreover, such meeting, conference, or communication shall take place only in the presence of a representative of the Antitrust Division of the Department of Justice, and a verbatim transcript of such meeting, conference, or communication shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission, where it shall be made available for public inspection.

(5) There shall be available as a defense to any action brought under the antitrust laws, or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange crude oil, residual fuel oil, or any refined petroleum product, that such delay or failure was caused solely by compliance with the provisions of this Act or with the regulation or any order under section 4 of this Act.

(6) There shall be available as a defense to any action brought under the antitrust laws arising from any meeting, conference, or communication or agreement resulting therefrom, held or made solely for the purpose of complying with the provisions of this Act or the regulation or any order under section 4 thereof, that such meeting, conference, communication, or agreement was carried out or made in accordance with the requirements of paragraph (4) of this subsection.

MONITORING BY FEDERAL TRADE COMMISSION

SEC. 7. (a) During the forty-five-day period beginning on the effective date of the regulation first promulgated under section 4, the Federal Trade Commission shall monitor the program established under such regulation; and, not later than sixty days after such effective date, shall report to the President and to the Congress respecting the effectiveness of this Act and actions taken pursuant thereto.

(b) For purposes of carrying out this section, the Federal Trade Commission's authority, under sections 6, 9, and 10 of the Federal Trade Commission Act to gather and compile information and to require furnishing of information, shall extend to any individual or partnership, and to any common carrier subject to the Acts to regulate commerce (as such Acts are defined in section 4 of the Federal Trade Commission Act).

And amend the title so as to read: "An Act to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority; and for other purposes."

Mr. JACKSON. Mr. President, there are many major differences between S. 1570, as adopted by the Senate on June 5, 1973, and the House amendment to S. 1570, as adopted on October 17, 1973.

It is my position that the Senate should insist upon its position and seek to resolve the differences between the Senate bill and the House amendment in conference committee.

Mr. President, it is essential that the Congress act on the mandatory allocation legislation at the earliest possible time. The fuel supply situation facing the Nation—especially the States in the Northeast and in the Mid-Atlantic region—is critical.

The quickest way to establish a sensible and effective program for mandatory allocation of fuels is to send S. 1570 to conference committee.

The major differences between the Senate bill and the House amendment are as follows:

First, the House definitions of "branded and nonbranded independent marketers" are based on corporate structure and contractual relationships.

The Senate definition of "independent dealer" requires procurement of at least half of their products from "nonaffiliated" sellers.

Second, the House definition of "independent refiner" is based on source of crude supply and means of disposition of product.

The Senate definition is based on volume of product refined annually.

Third, the House bill allocates "crude oil, residual fuel oil, and each refined petroleum product."

The Senate allocates "crude oil and any refined petroleum product which is or may be in short supply nationally."

Fourth, the Senate bill provides for a "dealer day in court" remedy.

The House bill has no comparable provision.

Fifth, the House bill provides for a "dollar for dollar passthrough" on net increases in the cost of crude and product.

The Senate bill has no comparable provision.

Sixth, the House bill provides for special consideration of users of natural gas who have been curtailed by the FPC.

The Senate bill has no comparable provision.

Seventh, the House uses 1972 as a base period.

The Senate base period is October 1, 1971, to September 30, 1972.

Eighth, the House bill requires the pro rata sharing of refined products to branded and nonbranded marketers and of crude to independent refiners. The adjustment is to provide for new market entry.

The Senate bill requires only importers/producers of 200,000 barrels per day or more to assure supplies to independents.

Ninth, the House bill exempts allocation of LPG for users who have no alternate source.

The Senate bill has no comparable provision.

Mr. President, I move that the Senate disagree to the amendments of the House of Representatives to the bill (S. 1570) and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

Before doing that, Mr. President, let me say that I have conferred with the chairman of the Senate Commerce Committee. The Commerce Committee was involved in the markup of this bill by the Committee on Interior and Insular Affairs. Senator MAGNUSON, the chairman of the committee, has requested the appointment of conferees consisting of myself and Mr. PASTORE, and Mr. COTTON on the Republican side. In addition, Mr. President, we have agreed to a different ratio on the numbers up there at the desk, and we would add, on the Interior side, the Senator from Montana (Mr. METCALF), and one other Republican, to be designated by the distinguished ranking minority member of the committee, the Senator from Arizona (Mr. FANNIN). That Senator will be designated by him.

I would suggest, in the interests of time, that the motion be acted upon as soon as the Senator from Arizona can report back the name of his designee.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. HANSEN. Mr. President, I ask the distinguished chairman of the Committee on Interior and Insular Affairs how quickly he believes the conferees might be able to get together to begin their deliberations.

Mr. JACKSON. Just as soon as possible. As the Senator knows, we have two critical matters before the Interior Committee, the research and development bill and then the emergency bill, and we have to act on the nomination of Governor Peterson.

I would hope that we could have a meeting this week, and I am particularly hopeful that we will move on the R. & D. bill this week and get it out. The Senator from Wyoming and colleagues on his side have been most cooperative, and I see no reason why that massive R. & D. effort, which we must get underway on a long-range program, cannot move.

In addition, as the Senator knows, we had a closed session last week while the Senate was in recess to deal with the emergency problem. We are waiting for the administration's alternate proposal on that, and we hope that will be up here tomorrow.

Those two items I give the highest priority, and then we would move on the conference. I hope we may do it this week.

Mr. HANSEN. If I may ask one further question, what is the parliamentary situation? Is this motion made by the distinguished chairman of the committee subject to debate?

The PRESIDING OFFICER (Mr. Stafford). The Chair is informed that it is.

Mr. HANSEN. Let me say, Mr. President, that I——

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HANSEN. The Senator from Washington has the floor.

Mr. JACKSON. I yield.

Mr. ROBERT C. BYRD. Mr. President, is it not true, however, that it is subject also to the controlled time, which is under the control of the Senator from Arkansas (Mr. Fulbright)?

The PRESIDING OFFICER. The assistant majority leader is correct, and the Chair would say that the time of the Senator from Washington has undoubtedly expired.

Mr. JACKSON. The Senator from Arkansas has been most helpful, and I would hope that we could designate all but the unnamed Republican member at this time, so that we can go to conference.

Mr. HANSEN. Mr. President, I ask unanimous consent that the distinguished Senator from Washington may proceed for an additional 15 minutes.

Mr. JACKSON. Oh, no, no——

Mr. SYMINGTON. Mr. President, reserving the right to object——

Mr. JACKSON. They have to vote on the other thing.

Mr. FULBRIGHT. Mr. President, we cannot, under the agreement, accept that at this time. I thought this was just for a minute or two.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

Mr. JACKSON. Mr. President, will the Senator yield for 5 seconds?

Mr. ROBERT C. BYRD. Yes.

Mr. JACKSON. I would like to ask unanimous consent that at the conclusion of the vote on the veto, we go back to this matter.

Mr. HANSEN. Fine.

Mr. JACKSON. And that all Members be put on notice accordingly.

Mr. COOK. And the motion is still pending?

Mr. JACKSON. That the motion be pending, and that it be in order to take it up immediately following the vote on the veto.

Mr. HANSEN. Mr. President, will the Senator yield for one additional question?

Mr. ROBERT C. BYRD. I yield.

Mr. HANSEN. I have no intention at all, Mr. President, of delaying the consideration of the motion, but I would just like to ask, at that time, under this unanimous-consent request, there would not be a time limitation on that motion; am I correct on that?

Mr. JACKSON. No.

Mr. ROBERT C. BYRD. There will not be a time limitation.

The PRESIDING OFFICER (Mr. Stafford). Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Missouri (Mr. Symington).

U.S. AIR FORCE

Mr. SYMINGTON. Mr. President, from the Committee on Armed Services, I report favorably the nomination of Lt. Gen. Alvan C. Gillem II, U.S. Air Force, to be placed on the retired list in the grade of lieutenant general. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, this matter has been cleared by the leadership and I ask that the Senate now consider the nomination of Lieutenant General Gillem and that it be acted on favorably.

As you know, the Senate at the end of business today plans to adjourn until next Thursday. If General Gillem's name is not approved today, he will be placed on the retired list in the grade of major general and will be penalized since his survivorship elections and other matters must be based on the retired pay of major general instead of lieutenant general, even though he may later be confirmed as a lieutenant general. The date of rank held on the retirement which will be October 31 in his case controls these matters. There is no problem whatever concerning the nomination and no objections are pending. The nomination got caught up in the congressional recess which accounts for my unanimous-consent request.

I urge the Senate to act favorably on his confirmation.

The PRESIDING OFFICER. The clerk will state the nomination.

The legislative clerk read the nomination of Lt. Gen. Alvan C. Gillem II, U.S. Air Force, to be retired in the grade of lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER (Mr. Stafford). Without obection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

REQUEST FOR YEAS AND NAYS ON S. 1769

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at any time to order the yeas and nays on S. 1769, to establish a U.S. Fire Administration and a National Fire Academy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on S. 1769, if there are enough Senators present in the Chamber.

There was not a sufficient second, and the yeas and nays were not ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. ON FRIDAY, NOVEMBER 2

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DOMENICI ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Massachusetts (Mr. Kennedy), the distinguished Senator from New Mexico (Mr. Domenici) be recognized for not to exceed 15 minutes on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS CONSIDERATION OF S. 1769 ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the recognition of Senators for whom orders have been entered prior to Friday, there be a period for the transaction of routine morning business on Friday next for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate proceed to the consideration of S. 1769.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Arkansas (Mr. Fulbright) for his generosity in yielding me this time.

The PRESIDING OFFICER. Who yields time?

THE U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO

The Senate resumed the reconsideration of the bill (S. 1317) authorizing appropriations for the U.S. Information Agency.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Who yields time.

Mr. FULBRIGHT. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. FULBRIGHT. Mr. President, there is little more that needs to be said on the question of access to information. For years now, the Congress has allowed the executive branch to avoid responding to reasonable requests for information—either from individual Members of Congress or from congressional committees—whenever it has suited the convenience of the administration. Sometimes this unresponsiveness has shown itself in acts of willful obfuscation and delay by members of the executive branch, sometimes in acts of outright refusal. But the result, in either case, has been the same: The elected representatives of the American people have been consistently denied information about what the American Government is doing.

I am glad to say that at long last the Senate has taken firm action to rectify this situation in regard to the conduct of this country's foreign affairs. Four bills comprise the basic annual foreign affairs authorization legislation; and this year, in all of these bills—the State Department authorization bill, the economic and military authorization bills, and the USIA authorization bill—the Senate has included a section which expresses its intent to establish in clear terms the right of Congress to know what the executive branch is doing. These provisions, though differing in minor detail, are essentially the same: They would require the foreign affairs agencies to respond within 35 days to legitimate requests for information from appropriate congressional committees or else the funds for the offending agency would be cut off. In each bill, I would point out, explicit language has been included to protect the confidentiality of privileged communications between the President and his officials. But apart from this limited range of communications which rightfully should remain protected under the doctrine of executive privilege, these bills have been designed to insure that the foreign affairs agencies are fully cooperative and responsive when Congress expresses the need and the right to know.

Personally, I do not expect that the fund cut-off provided for in these bills would ever come to pass. For I believe that in the very act of passing this legislation, and thereby asserting its right to know, Congress would effect a fundamental change in the basic attitudes and assumptions that characterize the executive-legislative relationship. As matters now stand, the only recourse for Congress, upon being refused a request for information, is to exercise the power of the purse and to act specifically to cut off an agency's funds. As experience has shown, this is not a practicable procedure; the argument that an entire agency should not suffer because of a dispute over information between the President and a congressional committee always prevails. However, with these new provisions in law, the onus would be transferred. The President, in denying a request for information, would be the one responsible for denying funds to one of his own agencies—an entirely different situation. That is why this approach is potentially so effective an instrument for Congress as it exercises its proper oversight responsibilities. And that is also why an administration long accustomed to providing information only when it suited administration purposes could have been expected to react strongly against such an approach.

The first of the four foreign affairs authorization bills to reach the President was the State Department bill. Unfortunately, the access-to-information provision in that bill had been lost due to a technicality in the House rules pertaining to germaneness. The second of the four bills to reach the President was the bill now before the Senate, the USIA bill. This reached the President with the access-to-information provision intact and, as expected, the President vetoed the bill, because of that provision. In his veto message, the President says that the bill's access-to-information section is—

> An unconstitutional attempt on the part of the Congress to undermine the President's constitutional responsibility to withhold the disclosure of information when, in his judgment, such disclosure would be contrary to the public interest.

This, I submit, is an example of the debasement of the English language—particularly of the word "constitutional"—that George Orwell used to warn us against. I ask my colleagues: What could possibly be "unconstitutional" about the Congress of the United States, which is charged with making the laws of this country, making appropriate arrangements to find out how those laws are being executed? The President offers absolutely no basis for his assertion that such an arrangement is unconstitutional. He simply states that he has the right to withhold any information he feels should not be disclosed. I remind my colleagues that there is no question here of the release of classified information which might, if disclosed, have a damaging effect on this country's foreign policy. For this section does not relate to the disclosure of information to the public, but simply to congressional committees which have full facilities for the safe maintenance of classified material. So the question becomes simply this: As a matter of principle, how can it be contrary to the national interest for the elected congressional representatives of the people, who must legislate in the field of foreign affairs, to know what the executive branch is doing? What the President desires, is a carte blanche to do whatever he would like, unbeknown to Congress. This section would, in a limited way, set forth the principle that the executive branch does not have that right.

I urge my colleagues to override the President's veto.

Mr. President, the first instance involves the USIA itself. Early last year the committee attempted to obtain the basic planning documents used by USIA in preparing its programs in each country—the so-called country plans. The committee felt that a viewing of these documents was essential if the committee were to understand the assumptions upon which the USIA programs are based and the objectives they are designed to accomplish in each country. As some of my colleagues may remember, the committee was refused these country plans on the extraordinary grounds that such disclosure to the Senate Foreign Relations Committee would be contrary to the public interest. The relevant correspondence will appear at this point.

Now, Mr. President, as a supplement to the remarks I have just made, I would like to place in the Record some documents which illustrate the general kind of problem the Foreign Relations Committee has encountered because of the executive branch's confidence that it can resist with impunity our pursuit of information about what is being done. I ask unanimous consent that, as I proceed, these documents be printed in the Record as appropriate.

The PRESIDING OFFICER (Mr. Helms). Without objection, it is so ordered.

The text of the material is as follows:

U.S. Information Agency,
Washington, D.C., March 16, 1972.

Hon. J. William Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: In response to your letter of March 1, I am enclosing herewith the President's directive dated March 15 from which you will note that I am unable to comply with your request for the USIA Country Program Memoranda and associated planning documents. I find that the material you request clearly falls within the scope of the President's directive.

My staff and I have carefully examined the so-called Country Program Memoranda and find that, for the most part, these are planning or working documents subject to subsequent discussion and final approval. These documents are under constant review, and programs are changed in the light of changing developments in Washington and in the host countries.

You will note from the President's directive that he wishes the Administration to be wholly responsive to Congressional requests subject only to restrictions necessary for the proper functioning of the Executive Department.

With this objective in view, I shall be happy to supply your Committee with summaries of the approved country objectives together with a description of the activities proposed to implement them. Also, our key officers, including myself and the Assistant Directors for each geographic area, are ready to provide your staff with country-by-country briefings as well as being available at all times for questioning by you and your colleagues.

Sincerely,

Frank Shakespeare.

Memorandum for the Secretary of State, the Director, U.S. Information Agency

The White House,

Washington, D.C., March 15, 1972.

As you know, by a memorandum of August 30, 1971 to the Secretary of State and the Secretary of Defense, I directed "not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions." In that memorandum, I fully explained why I considered that the disclosure of such internal working papers to the Congress would not be in the public interest.

I have now been informed that the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee have requested basic planning documents submitted by the country field teams to the United States Information Agency and the Agency for International Development, and other similar papers. These documents include all USIA Country Program Memoranda and the AID fiscal year 1973 Country Field Submission for Cambodia, which are prepared in the field for the benefit of the agencies and the Department of State and contain recommendations for the future.

Due to these new requests for documents of a similar nature to those covered by my August 30, 1971 directive, I hereby reiterate the position of this Administration so that there can be no misunderstanding on this point.

My memorandum for the Heads of Executive Departments and Agencies, dated March 24, 1969, set forth our basic policy which is to comply to the fullest extent possible with Congressional requests for information. In pursuance of this policy, the Executive Departments and Agencies have provided to the Congress an unprecedented volume of information. In addition, Administration witnesses have appeared almost continuously before appropriate Committees of the Congress to present pertinent facts and information to satisfy Congressional needs in its oversight function and to present the views of the Administration on proposed legislation.

The precedents on separation of powers established by my predecessors from first to last clearly demonstrate, however, that the President has the responsibility not to make available any information and material which would impair the orderly function of the Executive Branch of Government, since to do so would not be in the public interest. As indicated in my memorandum of March 24, 1969, this Administration will invoke Executive Privilege to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise.

In accordance with the procedures established in my memorandum of March 24, 1969, I have conducted an inquiry with regard to the Congressional requests brought to my attention in this instance. The basic planning data and the various internal staff papers requested by the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee do not, insofar as they deal with future years, reflect any approved program of this Administration, but only proposals that are under consideration. Furthermore, the basic planning data requested reflect only tentative intermediate staff level thinking, which is but one step in the process of preparing recommendations to the Department Heads, and thereafter to me.

I repeat my deep concern, shared by my predecessors, that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted.

Due to these facts and considerations, it is my determination that these documents fall within the conceptual scope of my directive of August 30, 1971 and that their disclosure to the Congress would also, as in that instance, not be in the public interest.

I, therefore, direct you not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions.

I have again noted that you and your respective Department and Agency have already provided much information and have offered to provide additional information including planning material and factors relating to our foreign assistance programs and international information activities. In implementing my general policy to provide the fullest possible information to the Congress, I will expect you and the other Heads of Departments and Agencies to continue to make available to the Congress all information relating to the foreign assistance program and international information acactivities not inconsistent with this directive.

Mr. FULBRIGHT. Mr. President, the second example of the problems which these access-to-information provisions would overcome is provided by a recent GAO report on U.S. aid to Cambodia. I ask that appendix I of the GAO report entitled "U.S. Assistance to the Khmer Republic," dated October 10, 1973, be printed at this point. It describes the uncooperativeness and outright resistance encountered by officials of the General Accounting Office as they attempted to prepare this report for Congress. The appendix states that these problems seriously disrupted the preparation of the report.

There being no objection, the appendix was ordered to be printed in the Record, as follows:

Access-to-Records Difficulties

Our review of U.S. assistance to Cambodia dealing specifically with military assistance was seriously hampered by the reluctance of DOD officials to give us access to documents and records we considered necessary and pertinent. They gave us access to only those documents which we were able to identify and request. Even this required time-consuming screening at various DOD levels. In certain instances, knowledgeable DOD field officials were reluctant to answer questions about matters in their areas of responsibility.

Members of our staff were required to wait up to 3 months to look at documents they requested. For example, on February 25, 1972, as part of our review of the management system for the MAP to Cambodia, we requested permission to review MEDT's monthly activity reports. These reports are considered a vital and integral part of MAP's internal management control system. We considered access to the reports necessary to adequately evaluate the effectiveness and efficiency of the management of MAP.

We discussed with U.S. officials in Cambodia, including the Ambassador, the problems we encountered in obtaining access to the reports. By March 7, 1972, agreement had been reached with the Chief, MEDT, in Cambodia that we would be provided with the reports—minus any information related to future MAP plans. However, the Chief MEDT, stated that before we could examine the reports, he had to obtain permission from the Commander-in-Chief, Pacific (CINCPAC).

On March 11, 1972, CINCPAC vetoed the agreement reached in Cambodia, primarily on the basis that the reports in question were personal management documents and as such could not be released to us. This CINCPAC decision resulted in additional correspondence and discussions between DOD officials and us. Finally, on April 27, 1972, the Secretary of Defense authorized the release of "sanitized" monthly activity reports. However, CINCPAC failed to communicate this decision to the Chief, MEDT. Consequently, were were not permitted to examine all the reports until May 23, 1972, 3 months after we first requested the reports.

The above example is but one of the numerous problems encountered. In some cases, we were permitted to examine "sanitized" copies of documents, and in other cases we were permitted to examine the documents only after time-consuming delays. We were told that the information "sanitized" from the documents concerned future MAP plans; however, we have no way of knowing that this was the only type of information deleted from the documents we were permitted to examine. In some instances—such as the duplicate ordering of engineering equipment for the GKR Ministry of Public Works—the reluctance to provide information appeared to stem more from a desire to avoid embarrassment than from a desire not to disclose future planning information.

As could be expected, these problems seriously disrupted our review. Although we obtained sufficient information to report on several deficiencies in the management of MAP, we cannot be certain that we have the full story on other management areas.

Mr. FULBRIGHT. Mr. President, as a third and final example, I have here copies from a lengthy exchange of correspondence between the Defense Department and myself, acting in my capacity as chairman of the Foreign Relations Committee. The correspondence involved the committee's serious interest in obtaining documents pertinent to the basic planning assumptions and intentions of the military assistance program. The correspondence began on May 7 of this year and ended finally on September 18, 4 months later, with an outright denial of the requested information.

The text of the material is as follows:

May 7, 1973.

Hon. Elliot Richardson,
Secretary of Defense,
Washington, D.C.

Dear Mr. Secretary: The Military Assistance and Sales Manual, Part II, sets forth in Chapter H the planning process for the Security Assistance Program. Two documents are described in that chapter which it appears would be of assistance to the Committee in considering legislation pertaining to the program.

First is the Security Assistance Programs Objectives Memorandum (POM), which is described as ". . . the principal vehicle through which the Grant Aid, FMS Credit and Excess Defense Article programs are formulated and approved by the Secretary of Defense. It also serves as guidance for the budget submission to the President and during the budgetary review until final legislation is approved by the Congress."

The second is JSOP, Volume II, Book VII, "Free World Forces," which the manual states is a ". . . document which provides an estimate of Free World major objective force levels for the mid-range period in support of U.S. national security and military objectives. It serves as the basis for the U.S. militray position on Security Assistance. It is based on the latest JSOP Volume I and current policy and planning guidance."

I would appreciate your furnishing the Committee with a copy of each of these documents.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

MAY 17, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Richardson has asked that I acknowledge your letter of 7 May 1973 requesting that the Senate Foreign Relations Committee be provided a copy of the Security Assistance Program Objective Memorandum and a copy of the JSOP, Volume II, Book VII.

We will be in further touch with you as soon as possible.

Sincerely,

JOHN O. MARSH, Jr.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., June 13, 1973.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of 7 May 1973 which was addressed to Secretary Richardson.

Attached are extracts from planning documents on which the Military Security Assistance Program for Fiscal Year 1974, as submitted to the Congress, is based. The information contained in these extracts is more than one year old and was compiled for internal use in the Department of Defense. The extracts were not coordinated outside Defense, and the programs portrayed in the extracts were subsequently modified considerably when coordination of the programs was effected with other departments of the Government. Some of the extracts are concerned with force and other objectives; in this regard, I would point out that documents may be prepared in the planning cycle prior to the time that fiscal constraints are applied.

Definitive program recommendations and other data are contained in the Congressional Presentation Document on the Fiscal Year 1974 Security Assistance Program, prepared by the Department of Defense and provided to your Committee.

Sincerely,

W. P. CLEMENTS.

AUGUST 1, 1973.

Hon. WILLIAM P. CLEMENTS, Jr.,
Deputy Secretary of Defense, Washington, D.C.

DEAR MR. CLEMENTS: This is in further reference to your letter to me of June 13 in response to the Committee's request for specific Department of Defense materials relating to the foreign military aid program.

My letter of May 7 requested two specific documents which were described in the Military Assistance and Sales Manual, Part II. These were the "Secretary Assistance Program Objectives Memorandum (POM)" and "JSOP, Volume II, Book VII, Free World Forces." Your letter transmitted what you described as "extracts from planning documents on which the Military Security Assistance Program for Fiscal Year 1974, as submitted to the Congress, is based." As you know, the documents are not labeled and it is impossible to tell if they are taken from the documents requested by the Committee.

The Committee once requested a copy of what the Department of Defense had referred to in Committee hearings as a "five-year plan" for military assistance and, after much correspondence, the then-Secretary Laird stated that no such document existed. If the materials you enclosed with your letter are not the documents requested, which were cited in the Military Assistance and Sales Manual, would you please advise if these documents actually exist, and if so, whether the Department will provide copies to the Committee.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

SEPTEMBER 6, 1973.

Hon. WILLIAM P. CLEMENTS, Jr.,
Deputy Secretary of Defense, Washington, D.C.

DEAR MR. CLEMENTS: I would appreciate it if you would advise the Committee when it could expect to receive a reply to its letter of August 1, 1973, concerning certain Department of Defense materials relating to the foreign military aid program.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 18, 1973.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of 1 August 1973.

The extracts from planning documents on which the Military Security Assistance Program for FY 1974 is based, provided to you on 13 June 1973, are from the Security Assistance Program Objectives Memorandum (POM) and the JSOP, Volume VII, Free World Forces, which are internal Department of Defense working documents. These entire documents cannot be provided to the Committee because, in an August 30, 1971 memorandum to the Secretaries of State and Defense, the President directed that the Congress not be provided "any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions."

Sincerely,

RAY PEET,
Vice Admiral, USN.

There are many more examples, Mr. President. I provide these three only to illustrate that we are dealing here not only with a matter of principle but also with a matter of practicality: the ability of congressional committees to do the job they are assigned to do.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. FULBRIGHT. How much time remains?

The PRESIDING OFFICER. The Senator has 29 minutes.

Mr. FULBRIGHT. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TAFT. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered, Who yields time?

Mr. ROTH. I yield myself 10 minutes.

Mr. President, I ask the Senate to uphold the President's veto of the USIA Authorization Act. It was less than 3 weeks ago when the distinguished Senator from North Carolina (Mr. ERVIN) and I asked the Senate to reject the conference report on the bill because of our concern about the access-to-information section.

On a number of occasions previously I have addressed this problem, and each time I have said that I felt very strongly that it is of the gravest importance to our representative form of government that Congress obtain the necessary information to discharge its duties in the legislative field as well as its obligation to oversee the activities of the various agencies. I have said a number of times that I feel that neither this administration nor its predecessor has, in my judgment, made available the information that is needed if we are to discharge these twin responsibilities.

But as I have said also on a number of occasions, in trying to correct this problem, it is of the greatest importance that we do it in such a fashion that promotes the legislative function; that we take action that will not embarrass us at some future time because of the emotions of the moment, and that we do not back into a new problem or a problem we have faced in the past.

It seems to me there are two aspects of the information problem. One involves the kind of information that is needed by Congress. I agree with the New York Times when, on May 18, 1954, it said that Congress does not need every scrap of paper, every word of conservation of the executive branch. At that time, the New York Times was addressing the problem of Senator Joseph McCarthy, of Wisconsin, who had sought information that, in the judgment of many, would have been mischievous, if not worse. At that time, both the New York Times and the Washington Post, as well as many others, were extremely critical of the White House and then President Eisenhower for not exercising sooner what has become known as executive privilege. When President Eisenhower finally did exercise it, they said it was much too late, although they did say that they were glad to see him do so.

But today we have the second side of the problem, the second side of the problem being that instead of a congressional committee seeking too much information, we find that the executive branch is not always providing information that I think we have a right to expect.

As I pointed out before, in 1967 and 1968, when I was a Member of the House of Representatives, I tried to obtain information about Federal assistance programs, and was told by the Assistant Secretary of HEW that such information could not be made available to me. That was wrong—seriously wrong.

I also think that the former Attorney General of this administration, when he appeared before our committee on this problem and asserted that the President had a right to withhold any information or prohibit any Federal employee from appearing before a congressional committee, was likewise wrong. So I do think we have to seek an intelligent approach to this problem.

What concerns me is that the provision in this bill is wrong. As I have said earlier, the cure is almost as bad as the bite. What does this language provide?

It provides that if the Committee on Foreign Affairs of either House makes a written request that the committee "be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of such agency and relating to such agency, none of the funds made available to such agency shall be obligated unless and until" this information has been made available.

So in essence what it says is that every piece of information within the files of the agency has to be made available to the congressional committee. I think that is overreaching. I think it is unnecessary, from our point of view, for the reasons pointed out in the New York Times editorial in 1954.

The problem is that a committee could make unreasonable demands on the agency. For example, it could demand information about the personnel of that agency, confidential information that should not be released to the public—that is, in a sense, what Senator McCarthy did in the 1950's, when he demanded confidential information from the State Department and others whom he alleged were Communists. The same thing could happen here. If the agency refused to supply the records, funds would be cut off. What would that mean? It would mean the death knell or, at least, the temporary suspension of programs that had been adopted by Congress. Certainly no committee should have that kind of authority, authority which can effectively kill or suspend a program adopted by the entire Congress.

Of course, secondly, it would mean all the employees of that agency would not be paid; and that seems to me to be an unreasonable and unconscionable approach to this problem. Hundreds of innocent people would suffer.

For that reason, every time this provision has come up before the Senate, I have urged that we delete it.

I am not saying that we should not have some cure, that we should not have some corrective legislation, because I think a remedy is in order. But I would like to point out that the Senate Committee on Government Operations, of which I am a member, is considering just such legislation that will apply to all agencies, not just one agency, but to the entire executive branch of Government.

This is going to be, admittedly, difficult legislation to draft intelligently, but I think it is something that this Congress must face, and should face during the current year.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. ROTH. Mr. President, I yield myself 5 more minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROTH. But I do not think the approach used here, which has also been proposed for other agencies, is sound legislation. If it should become law, I genuinely believe that many people who assert that they are interested in civil rights will regret the day that they voted for it.

Mr. President, I think it is important, for this reason, that the President's veto be sustained; that we again work our will by passing legislation without this provision, but, instead, rely upon the activities of the Government Operations Committee. I think this is a much sounder approach to the whole problem, one that I am actively involved in. I hope to see sound legislation developed expeditiously.

I just might point out in closing, Mr. President, that this legislation was added in conference by the House. The original bill on the Senate side did not contain this provision. For that reason I hope that the veto is sustained and that Congress will act promptly to legislate or enact a new USIA Authorization Act.

QUORUM CALL

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. ROTH. Equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

Mr. CHILES. Mr. President, I am voting today to sustain the President's veto of the USIA Appropriations Authorization Act of 1973.

I want to state, however, that I do believe the Congress needs to have greater access to decisionmaking information within the executive branch. As the Senate considered this bill I voted for the Roth amendment which would have made this type of information within the USIA available to the Congress as a whole. My vote to sustain the President's veto today does not mean that I agree with the President's general position on the disclosure of information or on executive privileges.

Rather I think that section 4 of the bill requiring that this information be available to the Senate Foreign Relations Committee and the House Foreign Affairs Committee is too restrictive. It places the entire fate of an executive agency in the hands of these committees which I think is unwise when we do have the option open to us of requiring that information be available to the Congress as a whole.

Mr. BAKER. Mr. President, I rise in support of the President's veto of the USIA authorization bill presently pending before the Senate. I do so for a number of reasons.

Although I support the intent of my colleagues to reassert congressional prerogatives in the important area of foreign policymaking and to better discharge its legitimate oversight responsibilities with regard to departments and agencies of the Federal Government, I fear that we are going about it in the wrong fashion.

Section 4 of the USIA authorization bill compels that Agency in response to a written request from the chairman of either the Senate or House Foreign Affairs Committee to provide any document, paper, communication, audit, review, finding, recommendation, report, or other material in their custody within 35 days or face an immediate termination in funding, so long as that request did not involve communications to or from the President. I do not question the motives of those who drafted this section, but rather the method which they have chosen to employ.

The new Secretary of State has repeatedly pledged to the Congress an increasingly integral role in the formulation of this Nation's foreign policy, and I for one, am willing to take this pledge at face value. An essential part of that expanded role is improved access to vital information. However, I fail to see why we must require such access by statute.

It is unrealistic to expect Secretary Kissinger or officials of the USIA or AID to fulfill the pledge for better communication and cooperation with the Congress overnight. However, if, after 6 months there has not been a noted improvement in congressional access to vital information from all the departments and agencies of the Federal Government charged with foreign policy responsibilities, then I shall certainly consider seriously the need for requiring such access by statute. Moreover, I am assured by officials at the Department of State that if a substantial improvement in access is not obvious in the next 6 months, then the Department will have definitely failed in the most crucial part of their efforts to improve relations and cooperation with the legislative branch of Government.

For this reason, I intend to vote to sustain the President's veto of the pending measure. I might also add that in attempting to improve cooperation and access to information from the executive branch, there is a very real opportunity for abuse of expanded privileges in this regard; and it would seem to be in our own best interests to draw a distinction between information essential to discharging our legitimate legislative oversight responsibilities and assisting in the formulation of foreign policy; and information which does not meet either of the previously mentioned criteria, but rather involves the type of confidential inner office communication which we would not want divulged if it had come from our own office.

Thus, Mr. President, I urge my colleagues to accept the Secretary's pledge for cooperation in a spirit of good faith rather than attempting to force but another confrontation with the executive branch and to vote to sustain the President's veto of the USIA authorization bill.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

At 3:43 p.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 4:25 p.m. when called to order by the Presiding Officer (Mr. HELMS).

Mr. GRIFFIN. Mr. President, with the understanding that the time will be charged equally to both sides, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.S. INFORMATION AGENCY APPROPRIATIONS AUTHORIZATION ACT OF 1973—VETO

The Senate continued with the reconsideration of the bill (S. 1317) authorizing appropriations for the United States Information Agency.

Mr. BUCKLEY. Mr. President, exactly 1 week ago today—October 23, 1973—President Nixon returned without his approval S. 1317, the U.S. Information Agency Appropriations Authorization Act of 1973. I am convinced that the President's veto is warranted and I plan to vote to sustain it. But in doing so, I want first to make clear the nature of the issue before us.

As you know, the reason for the President's veto was the inclusion of section 4 of S. 1317. This section would penalize USIA with a possible cut-off of funds if it failed to meet a demand for confidential internal information made by the Senate Committee on Foreign Relations or the House Committee on Foreign Affairs irrespective of the constitutionality or a refusal to produce the requested information.

What we have before us today is, then, one of those legislative problems that apparently forces us to choose on an either-or basis: it would appear that we are asked to vote either for the right of the Congress or for the right of the executive branch to operate on a rational basis. A vote to sustain the President's veto would appear to be a vote against the legitimate rights of the Congress.

Appearances in this case are, I think, deceiving. The fact of the matter is that a vote to override the President's veto of S. 1317 will strike at the very heart of a principle that I know every Senator holds dear. The principle of separation of powers is one that I have heard lauded again and again in this chamber. Yet the drastic nature of the penalty imposed by section 4 amounts to an attempt to extort information that the executive may be legitimately entitled to refuse under constitutional doctrines of long standing.

There have been arguments made in this Chamber that the President has, in other areas, abused Executive privilege. This may well be true, and there may well be a need for Senate legislation that would provide assurances against the abuse of a well-recognized privilege. But let us not use S. 1317 as the means by which we debate that point. Let us instead see S. 1317, with the inclusion of section 4, for what it is—an attempt at a naked encroachment by one part of the Government upon another of a kind that each of us would resist with great vigor if it were made against our own privileges and powers under the Constitution. I will vote to sustain the President's veto. I believe in doing so, I am supporting the principles of separation of powers that all of us hold so dear.

Mr. KENNEDY. Mr. President, for many years, the U.S. Information Agency has played an important role in American foreign policy. At its best, it brings to people of other countries a clear and objective view of the United States, its institutions, and its people. It can promote better relations and understanding between the United States and other nations. And in many countries it plays a vital part in education, not just about the United States, but also about the possibilities open to people everywhere to benefit from man's progress in science, health, education, economics, the humanities, and many other fields.

It is sometimes said that the USIA should not present a true picture of America. I do not agree. The strength of our Nation is based in part on our ability to understand ourselves, to face facts as they are, and to act upon them. As I have traveled abroad, I have heard countless people say that they admire our ability and willingness to present ourselves for what we are, rather than trying to argue that we are a perfect society. All Americans who believe in our institutions, and in the ideals of our Nation, must agree that we have everything to gain by being honest about ourselves.

The U.S. Information Agency is formerly part of the executive branch, subject to the discipline of the President and laws passed by the Congress. But in a very real sense the USIA belongs to all the people of the United States, and must be responsive to them. When it speaks to others, it does not speak just for the President, or for the Congress, but rather for all Americans.

It is therefore critical that the USIA be organized and operated in a way that gives the American people the greatest possible role in shaping the view of the United States that is projected abroad. Than can only be done by insuring that as much information as possible about the USIA is made available to the elected representatives of the people in Congress, and to the people themselves.

In vetoing this bill before us, today, the President has cited the need to protect the confidential exchange of information within the Agency, and between it and other parts of the executive branch. Of course, there are instances in which the doctrine of executive privilege is valid, especially to encourage full and frank exchange of views within departments of Government. We, in the Congress, do not oppose the legitimate exercise of executive privilege, but rather its abuses. We are not concerned to expose every exchange of views during the process of making policy, but rather to limit the effort to hide from the American people the broad framework of, and specific decisions about, the policy of the U.S. Government, as well as the way policy is made.

For many months, the President has consistently erred on the side of secrecy in invoking the doctrine of executive privilege. Not only does this keep from the American people information that they have a right to know, it also removes officials from being held accountable to the people, and hence tends to make bad policy. It leads to the discrediting of all decisions of Government—whether good or bad—because so many are taken in secret, away from public scrutiny. And it threatens to lower the credibility of the Government's actions and statements, whether at home or abroad. It should, therefore, be in President Nixon's interest as well as that of the Congress and the American people to have as little of the business of government as possible conducted in private.

The President's message vetoing S. 1317 contains a red herring. No one has urged that all discussions within the USIA be made fully and completely public. No one denies the need for the President to receive frank counsel. Indeed, S. 1317 specifically exempts:

> Any communication that is directed by the President to a particular officer or employee of the United States Information Agency or . . . any communication directed by any such officer or employee to the President.

The issue is whether the President will go beyond this to use the limited need for confidentiality in the conduct of government to withhold information that the Congress and the people have a right to know.

Mr. President, I believe that we, in the Congress, must act now to end the abuses that have occurred in the doctrine of executive privilege. We must override the President's veto of S. 1317.

The PRESIDING OFFICER. The hour of 4:30 having arrived, the question is, Shall the bill (S. 1317) pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays, of course, are required, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Bible), the Senator from Michigan (Mr. Hart), and the Senator from Minnesota (Mr. Mondale) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken) is necessarily absent and, if present and voting, would vote "nay."

The yeas and nays resulted—yeas 54, nays 42, as follows:

[No. 474 Leg.]

YEAS—54

Abourezk
Bayh
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Eagleton
Eastland
Ervin
Fulbright
Gravel
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Proxmire
Randolph
Ribicoff
Schweiker
Stennis
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—42

Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd,
Harry F., Jr.
Chiles
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
McClure
McGee
Packwood
Pearson
Pell
Percy
Roth
Saxbe
Scott, Hugh
Scott,
William L.
Sparkman
Stafford
Stevens
Taft
Thurmond
Tower
Young

NOT VOTING—4

Aiken
Bible
Hart
Mondale

The PRESIDING OFFICER. Two-thirds of the Senators present and voting not having voted in the affirmative, the bill, on reconsideration, fails of passage.

EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

The PRESIDING OFFICER. Pursuant to previous order, the Senate will now resume the consideration of the message from the House on S. 1570, the Emergency Petroleum Allocation Act of 1973.

Mr. JACKSON. Mr. President, I renew my motion on the appointment of conferees.

The PRESIDING OFFICER. The clerk will restate the motion.

The assistant legislative clerk read as follows:

> Mr. President, I move that the Senate disagree to the amendments of the House to the bill, S. 1570, and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Jackson, Mr. Bible, Mr. Church, Mr. Metcalf, Mr. Magnuson, Mr. Pastore, Mr. Fannin, Mr. Hansen, Mr. Hatfield, and Mr. Cook conferees on the part of the Senate.

ORDER FOR YEAS AND NAYS ON S. 1769, THE FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays—the vote not to occur today—on S. 1769, The Federal Fire Prevention and Control Act. This vote would occur on Friday.

Mr. GRIFFIN. Mr. President, reserving the right to object, is the distinguished majority whip asking unanimous consent that we vote on Friday?

Mr. ROBERT C. BYRD. No. I had previously asked unanimous consent that it be in order to order the yeas and nays. I am now asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second (putting the question)?

The yeas and nays were ordered.

STATEMENT OF SENATOR MANSFIELD BEFORE SENATE DEMOCRATIC CONFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record the text of my statement before the Senate Democratic Conference today.

There being no objection, the statement was ordered to be printed in the Record, as follows:

REMARKS OF SENATOR MIKE MANSFIELD BEFORE THE SENATE DEMOCRATIC CONFERENCE

Let me begin with a brief reference to the situation in the Middle East. The fourth war in a quarter of a century in that region has posed complex diplomatic questions for this nation. There ought to be and there will be from the Senate, understanding and restraint as regards the Administration's handling of that situation. Speaking for myself, I have no hesitancy in expressing a high regard for the manner in which a lid has been kept on developments there.

In making that comment, I reject any inference that the effort of the Congress, the Courts and the former Special Prosecutor to face up to Watergate and related matters in the workings of this government may have in any way, shape or form precipitated the difficulties in the Middle East. This is the fourth Arab-Israeli war, not the first. These conflicts have occurred during both Democratic and Republican Administrations. They have occurred both in the presence and in the absence of Watergates. The fact is that, over the years, the outbreaks of war in the Middle East have shown a supreme indifference to the political situation inside this nation.

So I am hopeful we will hear no more about how we must bury Watergate and all it implies in other areas because of this crisis or that abroad. The conduct of foreign relations, whether in the Middle East or elsewhere, is always difficult. It is made more or less difficult not by the appearances at home but by the realities. We would do well, therefore, to avoid in the name of foreign policy a pretense of national well-being when the people are profoundly disturbed by what they see and hear in Washington. The pretense would fool no one but ourselves. It would serve no useful purpose abroad. It would serve only to dig deeper the mistrust and division at home. The need is to not to beat the drums of self-deceit any louder in the name of foreign policy. The need is to restore the people's trust in government by restoring the government's integrity. Then, hopefully, the conduct of foreign policy may be eased. In the interim, it may be that senior officials of the Executive Branch are discommoded by a public cleansing of the nation's politics. Nevertheless, these officials will have to function within the parameters of a deep national concern over the state of the Federal government until there is no longer a need for that concern. I have every expectation that they will be able to deal effectively with events abroad so long as the situation at home is also confronted.

The primary responsibility of the Congress and the Presidency is to safeguard the people's right to a government—legislative, executive, judicial—that serves them with intgerity and candor, with responsiveness and justice. If we do not act at home, in this city, to reaffirm that right when it has been jeopardized, what we do or do not do abroad will not much matter. Indeed, if we do not affirm and strengthen that right, in my judgment, whatever this Administration or any other may think it is achieving in foreign relations will have little of lasting value in terms of the Nation's well-being or world peace.

Against that backdrop, I would like to review events of the past ten days or so and their implications for the Senate and the Congress. In the first place, it seems to me that these events illuminate the essentiality of the Ervin Committee on the Watergate affair and the good sense of the Senate in establishing that Committee at the beginning of the year. A debt of gratitude is owed to the members of the Committee—Republicans and Democrats alike—for what they have already done in requiring a confrontation with the truth of Watergate and related matters. They proceeded in an orderly and impartial fashion and without any suggestion whatsoever of partisan policies. They moved deliberately but relentlessly to bring out the facts of illegility. They uncovered these facts in great numbers and in sordid detail. They laid them bare for the Nation to see and for the Congress to act upon in order that what transpired in the name of a free election does not happen again.

So thorough and effective had been the work of the Ervin Committee in pursuit of its Senate mandate that, except for the affair of the tapes, it was possible to begin to think in terms of a final report and recommendations. That was before the Justice Department was torn asunder on direct orders of the White House on the night of Ocotber 20. Now it is no longer possible, in my judgment, to contemplate the shut-down of the Ervin Committee. On the contrary, I would hope and expect that the Senate would consider forthwith the extension of the Committee, with a mandate enlarged to include all the matters which were under consideration by the Special Prosecutor's office in the Justice Department at the time of the summary dismissal of Mr. Achibald Cox.

In so suggesting, I ask you to bear in mind that, as of now, if the Ervin Committee does not pursue these matters, who will? The Executive Branch? The Courts? There are many proposals for action, but who is in a position, now, to act? As of now, the Ervin Committee is the only body in the Federal government that is duly-constituted and equipped to continue an independent, impartial inquiry into the Watergate affair and related matters.

That will remain the case unless and until there is at least designated a new Special Prosecutor whose powers are as broad and whose integrity and courage are as great as that which surrounded Archibald Cox. I want to say for myself—and I think I am also expressing the preponderant sentiment of the Senate in this connection—that Mr. Cox is an outstanding American who is to be commended for the distinguished service he performed in placing the law, as he sees it, above himself, above the Justice Department, and above any incumbent in any office of the federal government.

I wish to commend, too, Mr. Elliot Richardson. He gave his word to the Senate, in connection with his confirmation as Attorney General. He gave his word, as an honorable man, that he would permit the Special Prosecutor full independence to deal judicially with the corrosive corruption which has been spread through the political processes of the nation. Mr. Richardson kept his word to the Senate, and when he was no longer permitted to keep his word, as an honorable man, Mr. Richardson resigned from the office in which he had been confirmed by the Senate. So, too, did the deputy Attorney-General, William Ruckelshaus. The Administration and the government will suffer greatly the loss of the services of these men, but the Nation has gained from their decency, courage, and integrity.

Their departure confronts us with the reality that the principal law enforcement agency in the country—the Justice Department—is in shambles. The vast documentation gathered by the Special Prosecutor's office is under protective custody by order of Judge Sirica, and its future usage has not yet been determined. I hope it will remain safeguarded in that fashion until the question of its disposition is resolved. At this nadir of public trust in government, the last straw would be the scattering or dissipation of the documentation which was gathered by Mr. Cox and his staff.

In the end, those records must form the take-off point for the continuance of the investigation which was proceeding deliberately and diligently in Judge Sirica's Court.

It will not be easy for any replacement of Mr. Cox to pick up the threads. In my judgment, they cannot be picked up adequately by the naming of a new Special Prosecutor subject solely to the control of the President. I do not see, after the recent chain of events, how that would be acceptable. Who would serve? Under what conditions? Who and what would assure independence of action? Who would accept the results?

Whatever arrangements are made, in the end, they can hardly be acceptable arrangements to the people of the Nation unless they are also acceptable to the Congress. The recent chain of events has been too shocking, too devastating of the public trust. The Nation has suffered a trauma which, in my judgment, can be assuaged only by an arrangement that is underwritten by the Congress and the Courts.

For the present, I am personally inclined, therefore, towards the solution offered by Senators Hart, Bayh, and 52 other Senators which would establish the Special Prosecutor by act of Congress, with the appointment of the individual left to the Courts. There are, I am sure, other possibilities. In any event, this matter will be examined with Mr. Cox and Mr. Richardson and others in the hearings before the Judiciary Committee, and I would urge the President, most respectfully, in the highest interests of the Nation, to cooperate with the Congress in this matter.

I want to close by commending all the Members of the Senate—Republicans and Democrats alike—for their steadfastness in those critical times. There has been manifested in the Senate, far beyond partisanship, a responsibility to the Nation and a dedication to Constitutional principles and the stability of the Republic which I find unmatched in my memory. This has been an incredibly troubled year in the life of the Nation, an incredible month, incredible weeks and days. That the Nation is coming through this period and, in my judgment, will emerge from it healthier and sounder in its political life has a great deal to do with the validity and vitality of its Constitutional structure. It has a great deal to do with the fact that we are a government, not of one part but of three, and that, at the outset of this session, this Conference, the Senate and the Congress set out on a path of reminding the Nation of that Constitutional fact. It has a great deal to do with the First Amendment, under which the press and other media are alive and well and doing their job with competence and persistence. Finally, it has a lot to do with the capacity of the people of this Nation—beset and beguiled, harried and harassed though they may be—still to express a thunderous indignation when their fundamental decency is outraged. In the end, this government exists to serve those people. It is not the other way around. They deserve a government that can be trusted with their freedom, with their lives, and with their heritage. What has happened to cast a shadow on that unalienable right of the people of the United States must not be allowed to happen again.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there will be no more yea-and-nay votes today. When the Senate completes its business today, it will stand in adjournment until the hour of 10 a.m. Friday. This will give the conferees a chance to work on bills that are in conference with the House. And hopefully, by Friday, some of the conference reports may be available for action by the Senate.

UNANIMOUS-CONSENT REQUEST FOR TIME LIMITATION ON FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on the bill, S. 1769. I have not sought an agreement on a limitation of time with the leadership on the other side. However, I make the request so that Senators may have some idea as to what time a vote will occur on Friday.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will suspend until we have order in the Senate. Will Senators please take their seats or retire to the cloakroom and have their conversations?

Order having been restored, the Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, it is anticipated, in view of the fact that the Senate will be coming in at 10 o'clock on Friday, there being two special orders for the recognition of Senators of 15 minutes each, and a period for the transaction of routine morning business of not to exceed 30 minutes on Friday, that this would mean that the Senate would proceed to the consideration of S. 1769 at about 11 o'clock a.m. on Friday. If we could agree to vote no later than 1 o'clock on Friday, we could also proceed to get an agreement on division and control of the time for the 2 hours.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. ROBERT C. BYRD. Yes.

Mr. COTTON. It was the understanding of the Senator from New Hampshire that there was no real contest on this bill, but I have been told in the last few minutes that there are some amendments to be offered that may be controversial.

Mr. ROBERT C. BYRD. Will the Senator use his microphone?

Mr. COTTON. It was the understanding of the Senator from New Hampshire that there was no controversy on the bill, but I have been informed within just the last few minutes that there are some amendments that may be controversial. I would like the opportunity to telephone the minority counsel and ascertain what the facts are on that, if the Senator would be willing to withhold his request for just time for me to go to the cloakroom.

Mr. ROBERT C. BYRD. Yes, Mr. President, I withdraw my request for the time being, and I assure all Senators that efforts will be made to establish a time for a vote on Friday, at the earliest hour possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY MEDICAL SERVICES SYSTEMS ACT

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2410.

The PRESIDING OFFICER (Mr. HELMS) laid before the Senate the amendment of the House of Representatives to the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, which was to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Medical Services Systems Act of 1973".

EMERGENCY MEDICAL SERVICES SYSTEM

SEC. 2. (a) The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XII—EMERGENCY MEDICAL SERVICES SYSTEMS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'emergency medical services system' means a system which provides for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery in an appropriate geographical area of health care services under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations) and which is administered by a public or nonprofit private entity which has the authority and the resources to provide effective administration of the system.

"(2) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(3) The term 'modernization' means the alteration, major repair (to the extent permitted by regulations), remodeling, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

"(4) The term 'section 314(a) State health planning agency' means the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a).

"(5) The term 'section 314(b) areawide health planning agency' means a public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan, or local area plan or plans referred to in section 314(b), and the term 'section 314(b) plan' means a comprehensive regional, metropolitan, or local area plan or plans referred to in section 314(b).

"GRANTS AND CONTRACTS FOR FEASIBILITY STUDIES AND PLANNING

"SEC. 1202. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for projects which include both (1) studying the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating an emergency medical services system, and (2) planning the establishment and operation of such a system.

"(b) If the Secretary makes a grant or enters into a contract under this section for a study and planning project respecting an emergency medical services system for a particular geographical area, the Secretary may not make any other grant or enter into any other contract under this section for such project, and he may not make a grant or enter into a contract under this section for any other study and planning project respecting an emergency medical services system for the same area or for an area which includes (in whole or substantial part) such area.

"(c) Reports of the results of any study and planning project assisted under this section shall be submitted to the Secretary and the Interagency Committee on Emergency Medical Services at such intervals as the Secretary may prescribe, and a final report of such results shall be submitted to the Secretary and such Committee not later than one year from the date the grant was made or the contract entered into, as the case may be.

"(d) An application for a grant or contract under this section shall—

"(1) demonstrate to the satisfaction of the Secretary the need of the area for which the study and planning will be done for an emergency medical services system;

"(2) contain assurances satisfactory to the Secretary that the applicant is qualified to plan an emergency medical services system for such area; and

"(3) contain assurances satisfactory to the Secretary that the planning will be conducted in cooperation (A) with each section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) such area, and (B) with any emergency medical services council or other entity responsible for review and evaluation of the provision of emergency medical services in such area.

"(e) The amount of any grant under this section shall be determined by the Secretary.

"GRANTS AND CONTRACTS FOR ESTABLISHING AND INITIAL OPERATION

"SEC. 1203. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for the establishment and initial operation of emergency medical services systems.

"(b) Special consideration shall be given to applications for grants and contracts for systems which will coordinate with statewide emergency medical services system.

"(c)(1) Grants and contracts under this section may be used for the modernization of facilities for emergency medical services systems and other costs of establishment and initial operation.

"(2) Each grant or contract under this section shall be made for costs of establishment and operation in the year for which the grant or contract is made. If a grant or contract is made under this section for a system, the Secretary may make one additional grant or contract for that system if he determines, after a review of the first nine months' activities of the applicant carried out under the first grant or contract, that the applicant is satisfactorily progressing in the establishment and operation of the system in accordance with the plan contained in his application (pursuant to section 1206(b)(4)) for the first grant or contract.

"(3) No grant or contract may be made under this section for the fiscal year ending June 30, 1976, to an entity which did not receive a grant or contract under this section for the preceding fiscal year.

"(4) Subject to section 1206(f)—

"(A) the amount of the first grant or contract under this section for an emergency medical services system may not exceed (i) 50 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs for such year; and

"(B) the amount of the second grant or contract under this section for a system may not exceed (i) 25 per centum of the establishment and operation costs (as determined pursuant to regulations of the Secretary) of the system for the year for which the grant or contract is made, or (ii) in the case of applications which demonstrate an exceptional need for financial assistance, 50 per centum of such costs for such year.

"(5) In considering applications which demonstrate exceptional need for financial assistance, the Secretary shall give special consideration to applications submitted for emergency medical services systems for rural areas (as defined in regulations of the Secretary).

"GRANTS AND CONTRACTS FOR EXPANSION AND IMPROVEMENT

"SEC. 1204. (a) The Secretary may make grants to and enter into contracts with eligible entities (as defined in section 1206(a)) for projects for the expansion and improvement of emergency medical services systems, including the acquisition of equipment and facilities, the modernization of facilities, and other projects to expand and improve such systems.

"(b) Subject to section 1206(f), the amount of any grant or contract under this section for a project shall not exceed (i) 50 per centum of the cost of that project (as determined pursuant to regulations of the Secretary), or (ii) in the case of a project for an emergency medical services system for a rural area, 75 per centum of the cost of that project (as so determined).

"GRANTS AND CONTRACTS FOR RESEARCH

"SEC. 1205. (a) The Secretary may make grants to public or private nonprofit entities, and enter into contracts with private entities and individuals, for the support of research in emergency medical techniques, methods, devices, and delivery. The Secretary shall give special consideration to applicants for grants or contracts for research relating to the delivery of emergency medical services in rural areas.

"(b) No grant may be made or contract entered into under this section for amounts in excess of $35,000 unless the application therefor has been recommended for approval by an appropriate peer review panel designated or established by the Secretary. Any application for a grant or contract under this section shall be submitted in such form and manner, and contain such information, as the Secretary shall prescribe in regulations.

"(c) The recipient of a grant or contract under this section shall make such reports to the Secretary as the Secretary may require.

"GENERAL PROVISIONS RESPECTING GRANTS AND CONTRACTS

"SEC. 1206. (a) For purposes of sections 1202, 1203, and 1204, the term 'eligible entity' means—

"(1) a State,

"(2) a unit of general local government,

"(3) a public entity administering a compact or other regional arrangement or consortium, or

"(4) any other public entity and any nonprofit private entity.

"(b)(1) No grant or contract may be made under this title unless an application therefor has been submitted to, and approved by, the Secretary.

"(2) In considering applications submitted under this title, the Secretary shall give priority to applications submitted by the entities described in clauses (1), (2), and (3) of subsection (a).

"(3) No application for a grant or contract under section 1202 may be approved unless—

"(A) the application meets the application requirements of such section;

"(B) in the case of an application submitted by a public entity administering a compact or other regional arrangement or consortium, the compact or other regional arrangement or consortium includes each unit of general local government of each standard metropolitan statistical area (as determined by the Office of Management and Budget) located (in whole or in part) in the service area of the amergency medical services system for which the application is submitted;

"(C) in the case of an application submitted by an entity described in clause (4) of subsection (a), such entity has provided a copy of its application to each entity described in clauses (1), (2), and (3) of such subsection which is located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted and has provided each such entity a reasonable opportunity to submit to the Secretary comments on the application;

"(D) the—

"(i) section 314(a) State health planning agency of each State in which the service area of the emergency medical services system for which the application is submitted will be located, and

"(ii) section 314(b) areawide health planning agency (of any) whose section 314(b) plan covers (in whole or in part) the service area of such system,

have had not less than thirty days (measured from the date a copy of the application was submitted to the agency by the applicant) in which to comment on the application;

"(E) the applicant agrees to maintain such records and make such reports to the Secretary as the Secretary determines are necessary to carry out the provisions of this title; and

"(F) the application is submitted in such form and such manner and contains such information (including specification of applicable provisions of law or regulations which restrict the full utilization of the training and skills of health professions and allied and other health personnel in the provision of health care services in such a system) as the Secretary shall prescribe in regulations.

"(4)(A) An application for a grant or contract under section 1203 or 1204 may not be approved by the Secretary unless (i) the application meets the requirements of subparagraphs (B) through (F) of paragraph (3), and (ii) except as provided in subparagraph (B)(ii), the applicant (I) demonstrates to the satisfaction of the Secretary that the emergency medical services system for which the application is submitted will, within the period specified in subparagraph (B)(i), meet each of the emergency medical services system requirements specified in subparagraph (C), and (II) provides in the application a plan satisfactory to the Secretary for the system to meet each such requirement within such period.

"(B)(i) The period within which an emergency medical services system must meet each of the requirements specified in subparagraph (A) is the period of the grant or contract for which application is made; except that if the applicant demonstrates to the satisfaction of the Secretary the inability of the applicant's emergency medical services system to meet one or more of such requirements within such period, the period (or periods) within which the system must meet such requirement (or requirements) is such period (or periods) as the Secretary may require.

"(ii) If an applicant submits an application for a grant or contract under section 1203 or 1204 and demonstrates to the satisfaction of the Secretary the inability of the system for which the application is submitted to meet one or more of the requirements specified in subparagraph (C) within any specific period of time, the demonstration and plan prerequisites prescribed by clause (ii) of subparagraph (A) shall not apply with respect to such requirement (or requirements) and the applicant shall provide in his application a plan, satisfactory to the Secretary, for achieving appropriate alternatives to such requirement (or requirements).

"(C) An emergency medical services system shall—

"(i) include an adequate number of health professions, allied health professions, and other health personnel with appropriate training and experience;

"(ii) provide for its personnel appropriate training (including clinical training) and continuing education programs which (I) are coordinated with other programs in the system's service area which provide similar training and education, and (II) emphasize recruitment and necessary training of veterans of the Armed Forces with military training and experience in health care fields and of appropriate public safety personnel in such area;

"(iii) join the personnel, facilities, and equipment of the system by a central communications system so that requests for emergency health care services will be handled by a communications facility which (I) utilizes emergency medical telephonic screening, (II) utilizes or, within such period as the Secretary prescribes will utilize, the universal emergency telephone number 911, and (III) will have direct communication connections and interconnections with the personnel, facilities, and equipment of the system and with other appropriate emergency medical services systems;

"(iv) include an adequate number of necessary ground, air, and water vehicles and other transportation facilities to meet the individual characteristics of the system's service area—

"(I) which vehicles and facilities meet appropriate standards relating to location, design, performance, and equipment, and

"(II) the operators and other personnel for which vehicles and facilities meet appropriate training and experience requirements;

"(v) include an adequate number of easily accessible emergency medical services facilities which are collectively capable of providing services on a continuous basis, which have appropriate nonduplicative and categorized capabilities, which meet appropriate standards relating to capacity, location, personnel, and equipment, and which are coordinated with other health care facilities of the system;

"(vi) provide access (including appropriate transportation) to specialized critical medical care units in the system's service area, or, if there are no such units or an inadequate number of them in such area, provide access to such units in neighboring areas if access to such units is feasible in terms of time and distance;

"(vii) provide for the effective utilization of the appropriate personnel, facilities, and equipment of each public safety agency providing emergency services in the system's service area;

"(viii) be organized in a manner that provides persons who reside in the system's service area and who have no professional training or financial interest in the provision of health care with an adequate opportunity to participate in the making of policy for the system;

"(ix) provide, without prior inquiry as to ability to pay, necessary emergency medical services to all patients requiring such services;

"(x) provide for transfer of patients to facilities and programs which offer such followup care and rehabilitation as is necessary to effect the maximum recovery of the patient;

"(xi) provide for a standardized patient recordkeeping system meeting appropriate standards established by the Secretary, which records shall cover the treatment of the patient from initial entry into the system through his discharge from it, and shall be consistent with ensuing patient records used in followup care and rehabilitation of the patient;

"(xii) provide programs of public education and information in the system's service area (taking into account the needs of visitors to, as well as residents of, that area to know or be able to learn immediately the means of obtaining emergency medical services) which programs stress the general dissemination of information regarding appropriate methods of medical self-help and first-aid and regarding the availability of first-aid training programs in the area;

"(xiii) provide for (I) periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided in the system's service area, and (II) submission to the Secretary of the reports of each such review and evaluation;

"(xiv) have a plan to assure that the system will be capable of providing emergency medical services in the system's service area during mass casualties, natural disasters, or national emergencies; and

"(xv) provide for the establishment of appropriate arrangements with emergency medical services systems or similar entities serving neighboring areas for the provision of emergency medical services on a reciprocal basis where access to such services would be more appropriate and effective in terms of the services available, time, and distance.

The Secretary shall by regulations prescribe standards and criteria for the requirements prescribed by this subparagraph. In prescribing such standards and criteria, the Secretary shall consider relevant standards and criteria prescribed by other public agencies and by private organizations.

"(c) Payments under grants and contracts under this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary determines will most effectively carry out this title.

"(d) Contracts may be entered into under this title without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) No funds appropriated under any provision of this Act other than section 1207 or title VII may be used to make a new grant or contract in any fiscal year for a purpose for which a grant or contract is authorized by this title unless (1) all the funds authorized to be appropriated by section 1207 for such fiscal year have been appropriated and made available for obligation in such fiscal year, and (2) such new grant or contract is made in accordance with the requirements of this title that would be applicable to such grant or contract if it was made under this title. For purposes of this subsection, the term 'new grant or contract' means a grant or contract for a program or project for which an application was first submitted after the date of the enactment of the Act which makes the first appropriations under the authorizations contained in section 1207.

"(f)(1) In determining the amount of any grant or contract under section 1203 or 1204, the Secretary shall take into consideration the amount of funds available to the applicant from Federal grant or contract programs under laws other than this Act for any activity which the applicant proposes to undertake in connection with the establishment and operation or expansion and improvement of an emergency medical services system and for which the Secretary may authorize the use of funds under a grant or contract under sections 1203 and 1204.

"(2) The Secretary may not authorize the recipient of a grant or contract under section 1203 or 1204 to use funds under such grant or contract for any training program in connection with an emergency medical services system unless the applicant filed an application (as appropriate) under title VII or VIII for a grant or contract for such program and such application was not approved or was approved but for which no or inadequate funds were made available under such title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1207. (a)(1) For the purpose of making payments pursuant to grants and contracts under section 1202, 1203, and 1204, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975; and for the purpose of making payments pursuant to grants and contracts under section 1203 and 1204 for the fiscal year ending Junue 30, 1976, there are authorized to be appropriated $70,000,000.

"(2) Of the sums appropriated under paragraph (1) for any fiscal year, not less than 20 per centum shall be made available for grants and contracts under this title for such fiscal year for emergency medical services systems which serve or will serve rural areas (as defined in regulations of the Secretary under section 1203(c)(5)).

"(3) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1974, or the succeeding fiscal year—

"(A) 15 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1202 (relating to feasibility studies and planning) for such fiscal year;

"(B) 60 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1203 (relating to establishment and initial operation) for such fiscal year; and

"(C) 25 per centum of such sums for each such fiscal year shall be made available only for grants and contracts under section 1204 (relating to expansion and improvement) for such fiscal year.

"(4) Of the sums appropriated under paragraph (1) for the fiscal year ending June 30, 1976—

"(A) 75 per centum of such sums shall be made available only for grants and contracts under section 1203 for such fiscal year, and

"(B) 25 per centum of such sums shall be made available only for grants and contracts under section 1204 for such fiscal year.

"(b) For the purpose of making payments pursuant to grants and contracts under section 1205 (relating to research), there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1974, and for each of the next two fiscal years.

"ADMINISTRATION

"Sec. 1208. The Secretary shall administer the program of grants and contracts authorized by this title through an identifiable administrative unit within the Department of Health, Education, and Welfare. Such unit shall also be responsible for collecting, analyzing, cataloging, and disseminating all data useful in the development and operation of emergency medical services systems, including data derived from reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204.

"INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

"Sec. 1209. (a) The Secretary shall establish an Interagency Committee on Emergency Medical Services. The Committee shall evaluate the adequacy and technical soundness of all Federal programs and activities which relate to emergency medical services and provide for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and shall make recommendations to the Secretary respecting the administration of the program of grants and contracts under this title (including the making of regulations for such program).

"(b) The Secretary or his designee shall serve as Chairman of the Committee, the membership of which shall include (1) appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Science Foundation, the Federal Communications Commission, the National Academy of Sciences, and such other Federal agencies and offices (including appropriate agencies and offices of the Department of Health, Education, and Welfare), as the Secretary determines administer programs directly affecting the functions or responsibilities of emergency medical services systems, and (2) five individuals from the general public appointed by the President from individuals who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Committee shall meet at the call of the Chairman, but not less than four times a year.

"(c) Each appointed member of the Committee shall be appointed for a term of four years, except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(2) of the members first appointed, two shall be appointed for a term of four years, two shall be appointed for a term of three years, and one shall be appointed for a term of one year, as designated by the President at the time of appointment. Appointed members may serve after the expiration of their terms until their successors have taken office.

"(d) Appointed members of the Committee shall receive for each day they are engaged in the performance of the functions of the Committee compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime; and all all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Secretary shall make available to the Committee such staff, information (including copies of reports of reviews and evaluations of emergency medical services systems assisted under section 1203 or 1204), and other assistance as it may require to carry out its activities effectively.

"ANNUAL REPORT

"Sec. 1210. The Secretary shall prepare and submit annually to the Congress a report on the administration of this title. Each report shall include an evaluation of the adequacy of the provision of emergency medical services in the United States during the period covered by the report, and evaluation of the extent to which the needs for such services are being adequately met through assistance provided under this title, and his recommendations for such legislation as he determines is required to provide emergency medical services at a level adequate to meet such needs. The first report under this section shall be submitted not later than September 30, 1974, and shall cover the fiscal year ending June 30, 1974."

(b)(1) Section 1 of the Public Health Service Act is amended by striking out "titles I to XI" and inserting in lieu thereof "titles I to XII".

(2) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XII (as in effect prior to the date of enactment of this Act) as title XIII, and by renumbering sections 1201 through 1214 (as in effect prior to such date), and references thereto, as sections 1301 through 1314, respectively.

TRAINING ASSISTANCE

Sec. 3. (a) Part E of title VII of the Public Health Service Act is amended by inserting after section 775 the following new section:

"TRAINING IN EMERGENCY MEDICAL SERVICES

"Sec. 776. (a) The Secretary may make grants to and enter into contracts with schools of medicine, dentistry, osteopathy, and nursing, training centers for allied health professions, and other appropriate educational entities to assist in meeting the cost of training programs in the techniques and methods of providing emergency medical services (including the skills required in connection with the provision of ambulance service), especially training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act.

"(b) No grant or contract may be made or entered into under this section unless (1) the applicant is a public or nonprofit private entity, and (2) an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) The amount of any grant or contract under this section shall be determined by the Secretary. Payments under grants and contracts under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary. Grantees and contractees under this section shall make such reports at such intervals, and containing such information, as the Secretary may require.

"(d) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments pursuant to grants and contracts under this section, there is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974."

(b) Section 772(a) of such Act (41 U.S.C. 295f-2(a)) is amended—

(1) by striking out "or" at the end of paragraph (12),

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; or", and

(3) by inserting after paragraph (13) the following new paragraph:

"(14) establish and operate programs in the interdisciplinary training of health personnel for the provision of emergency medical services, with particular emphasis on the establishment and operation of training programs affording clinical experience in emergency medical services systems receiving assistance under title XII of this Act."

(c) Section 774(a)(1)(D) of such Act (42 U.S.C. 295f-4(a)(1)(D)) is amended by inserting "(including emergency medical services" after "services" each time it appears.

STUDY

Sec. 4. The Secretary of Health, Education, and Welfare shall conduct a study to determine the legal barriers to the effective delivery of medical care under emergency conditions. The study shall include consideration of the need for a uniform conflict of laws rule prescribing the law applicable to the provision of emergency medical services to persons in the course of travels on interstate common carriers. Within twelve months of the date of the enactment of this Act, the Secretary shall report to the Congress the results of such study and recommendations for such legislation as may be necessary to overcome such barriers and provide such rule.

Mr. KENNEDY. Mr. President, today the Senate has the opportunity to take final action on the important emergency medical services bill. This is the bill which passed the Congress earlier this year and was vetoed by the President. The Senate overwhelmingly overrode the veto. But the House failed to override it by four votes.

This bill deletes the provision which the President found most objectionable; namely, the requirement for the continued operation of the Public Health Service hospitals. That amendment has been added by my friend and colleague the senior Senator from Washington (Mr. MAGNUSON) to the military procurement bills. And I am certainly hopeful that it will be successful in that context.

Mr. President, on behalf of myself, Senator CRANSTON, and Senator JAVITS I am offering an amendment to the bill which I understand the House will be willing to accept, thereby avoiding a conference on the legislation.

This amendment is very simple. It simply increases from 50 to 75 percent the amount of the Federal share for EMS grants in areas which demonstrate exceptional need, including rural areas. In addition, the amendment requires the Secretary of Health, Education, and Welfare to provide technical assistance to eligible grantees, with special consideration for applicants in rural areas.

Mr. President, the time has long passed since this legislation should have been enacted and implemented. This Nation desperately needs more effective emergency medical service including manpower, equipment, training programs, and communication systems. This is a 3-year bill which authorizes a total of $185 million. The original version of the bill passed the Senate 79 to 13. The original conference report was adopted 97 to 0. And the President's veto was overriden by 77 to 16. The Senate only 6 weeks ago passed this bill 93 to 0.

I urge the adoption of my amendment and S. 2410.

Mr. CRANSTON. Mr. President, in each House, amendments to S. 2410 were offered and accepted on the floor to assure that special consideration will be given to the needs of rural areas in their efforts to develop emergency medical services systems. There were slight variations in these provisions and the amendment we offer represents a compromise of the House and the Senate versions, which we have worked out with the House, and which we believe they will accept. These floor amendments covered four areas:

First, authorization of a higher Federal matching of up to 75 percent for areas of exceptional financial need.

Second, providing that special consideration in awarding of research grants for delivery systems be given to rural areas.

Third, the amount of the appropriations set aside for rural areas.

Fourth, providing for necessary HEW technical assistance in the preparation of applications and otherwise qualifying for grants for planning, initiation, and expansion of emergency medical services systems with special consideration for applicants in rural areas.

Mr. President, the compromise amendments we offer would retain the Senate language with regard to those areas eligible for higher Federal matching for expansion and improvement grants and contracts. The House version had limited this eligibility to rural areas, while the Senate had authorized such matching for any area which demonstrates "exceptional financial need," so as to permit urban and other nonrural applicants, along with rural applicants, to qualify for up to 75 percent Federal funding where exceptional financial need could be demonstrated.

Mr. President, we recommend acceptance of the House language with regard to giving consideration to rural areas in those research projects carried out in delivery of services—the same purpose as was included in the Senate floor amendment I cosponsored with Senator DOLE. We also recommend we accept the House figure of 20 percent as the amount to be set aside for rural areas rather than 17½ percent, the Senate figure.

The House had not included a provision providing for technical assistance, and our compromise would reinsert the Senate provision. This amendment we offer will be of substantial help to rural applicants, especially in helping to prepare justifications for the higher Federal matching authorized for areas of exceptional need.

Mr. President, this is the sixth time this legislation has been before the Senate. On September 19, the Senate passed S. 2410 by an overwhelming majority of 93 to 0. Last Friday, the House passed this legislation by a majority of 364 to 18. It is clear there is overwhelming support for this legislation and a totally bipartisan mandate in the Congress to enact an Emergency Medical Services Systems Act.

I call upon the President to sign this bill in answer to this bipartisan mandate. I believe he will sign it.

Mr. KENNEDY. Mr. President, I move that the Senate agree to the amendment of the House of Representatives to the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, with the following amendments:

> On page 7 of the House engrossed amendment, strike lines 18, 19, and 20, and insert in lieu thereof the following: "in the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs.".
>
> On page 16 of the House engrossed amendment, insert between lines 16 and 17 the following new subparagraph:
>
> " '(5) The Secretary shall provide technical assistance, as appropriate, to eligible entities as necessary for the purpose of their preparing applications or otherwise qualifying for or carrying out grants or contracts under sections 1202, 1203, or 1204, with special consideration for applicants in rural areas.'."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

QUORUM CALL

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. COTTON. Mr. President, to continue the previous colloquy that I was having with the distinguished acting majority leader, the bill which is set for Friday came out of the Commerce Committee with a unanimous report. There was no controversy anticipated in connection with it.

I find now, however, that staff members, majority staff members, have prepared a series of amendments; I do not know how many or what is in the amendments.

From what we hear, the amendments might require the creation of special study groups and commissions and add to the expense of the bill, and might be controversial. So I would say to the acting majority leader that I must object to a limitation of time at this point; but I have instructed the minority counsel to get in touch with the majority counsel, and we hope that sometime between now and Friday we can come to some agreement. It is quite possible we can agree to some limitation and avoid any controversy; but we cannot at this time make a limitation agreement.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from New Hampshire (Mr. COTTON), I think, objects to the request very properly, and in view of the circumstances that have been expressed by him, I can understand why he would object. I want to state for the record that I made the request without having made any attempt on either side to clear the request. I did it because we were nearing the end of the day, and I wanted Senators to know, if it were possible to reach an agreement, as to about what time on Friday the rollcall vote on final passage would occur.

I think the distinguished Senator has done the right thing under the circumstances, in objecting at this time, and I share his hope that by Friday matters will be resolved to the extent that a time limitation can then be obtained, or lacking that, the Senate can proceed with the bill and amendments thereto and act on final passage at a reasonably early hour.

Mr. COTTON. I can assure the distinguished majority leader that I was not in any way suggesting that anything sub rosa was going on, but we have an active staff on these committees and if we give them time, they think up a lot of things. I want to cooperate with the assistant majority leader and hope that we will iron this out and there will be no controversy whatsoever. I do not want to be in a position of throwing any obstructions in the way of getting the Senate fully informed so as to know when they can vote.

Mr. ROBERT C. BYRD. Mr. President, no Senator in this body is more cooperative than is the distinguished Senator from New Hampshire (Mr. COTTON). I therefore shall await Friday, as we all will, to see what may develop.

VACATING OF ORDER FOR SENATOR DOMENICI TO SPEAK ON FRIDAY NEXT AND IN LIEU THEREOF RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished Senator from New Mexico (Mr. DOMENICI) on Friday next be vacated and that in lieu thereof the distinguished Senator from Michigan (Mr. GRIFFIN) be recognized for not to exceed 15 minutes, following which I be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973

Mr. TAFT. Mr. President, I had anticipated introducing on this legislative day a bill dealing with the question before the Senate relating to the independent special prosecutor in the Watergate matter. A great deal of research has gone into this matter, and I think that serious legal questions can and undoubtedly will be raised with regard to a number of the pending measures presently before the Committee on the Judiciary.

Because of a widespread interest in some other approaches to the problem and a widespread interest on the part of some Members in looking further into some of the legal research that has been done already and which will continue in the meanwhile, I am deferring introducing this bill until the next legislative day, which will be Friday; but I ask unanimous consent to have printed in the RECORD the text of the bill as it is presently proposed to be introduced.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2616

A bill to establish an independent Special Prosecution office, as an independent agency of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Special Prosecutor Act of 1973".

SEC. 2. The Congress hereby finds and declares—

(a) Alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions whether a full and complete investigation and prosecution of such charges will proceed without partisanship or favor;

(b) The Justice Department is composed of men and women of the highest integrity and ability capable of conducting a fair, full, and impartial investigation and prosecution of these alleged crimes, but circumstances already existing call for special independent investigation and prosecution.

(c) The appointment of a Special Prosecution Force in the Executive branch of government on May 24, 1973, had begun the process of restoring the faith of the American people in the integrity of this Administration and in particular in the belief that the ends of justice were to be served;

(d) The dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, undermined this growing faith, and has raised serious constitutional questions;

(e) In order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be in an independent prosecutorial force.

SEC. 3. There is hereby established an Independent Special Prosecution office, which will have the responsibility for investigating and initiating prosecution of all offenses arising out of the Presidential election of 1972 and matters related thereto and arising therefrom, including all matters which were under investigation by the Special Prosecution force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General Designate on May 19, 1973.

SEC. 4. The Attorney General of the United States is hereby authorized and directed to appoint, within thirty days of the enactment of this legislation, a Special Prosecutor and a Deputy Special Prosecutor, by and with the advice and consent of the Senate.

SEC. 5. The Special Prosecutor is authorized and directed and shall have exclusive jurisdiction, to investigate, as he deems appropriate, and prosecute against and in the name of the United States—

(a) Offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(b) Other offenses arising out of the 1972 Presidential election;

(c) Offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(d) All other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. Sec. 0.37, rescinded October 24, 1973); and

(e) Offenses relating to or arising out of any such matters.

SEC. 6. The Special Prosecutor shall have full power and authority with respect to the matters set forth in Section 3 of the Act:

(a) To conduct proceedings before grand juries and other investigations he deems necessary;

(b) To review all documentary evidence available from any source;

(c) To determine whether or not to contest the assertion and scope of "Executive Privilege" or any other testimonial privilege;

(d) To receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security not claimed to be under Executive privilege or any other testimonial privilege, and if necessary contest in court, including where appropriate through participation in in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(e) To make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(f) To initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file information, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States, and

(g) Notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorney under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 26 C.F.R. 301.6103(a)-1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

SEC. 7. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties enumerated in Section 3 hereof, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation by the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act;

(b) All investigations, prosecutions, cases, litigation, and Grand Jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R., Sec. 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 20, 1973.

SEC. 8. The Deputy Special Prosecutor shall assist the Special Prosecutor in the performance of his duties and who, in the event of the disability or suspension of the Special Prosecutor or vacancy in the office of Special Prosecutor, shall temporarily become Special Prosecutor until the President appoints a Special Prosecutor in accordance with Section 4 hereof.

SEC. 9. (a) The Special Prosecutor and the Deputy Special Prosecutor shall each be entitled to receive an annual salary and reimbursement for expenses equal to the annual salary and expense allowance payable to a judge of the United States district court.

(b) The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provision of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other employee of the Department of Justice, or any other department or agency of the Federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation: *Provided,* That only the Special Prosecutor and the Deputy Special Prosecutor shall have access to confidential or classified documents, records, files, or other such materials unless otherwise waived by the Attorney General or any other head of an appropriate agency.

SEC. 10. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

SEC. 11. Notwithstanding any other provisions of law, the Special Prosecutor shall submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

SEC. 12. The Special Prosecutor shall carry out his duties under this Act within two years, except as necessary to complete trial or appellate action on indictments then pending.

Sec. 13. (a) The Special Prosecutor and the Deputy Special Prosecutor may be removed by the Attorney General for neglect of duty, malfeasance in office, or violation of this Act, but for no other cause, or by the Congress pursuant to Article II, section 4 of the Constitution;

(b) If the Attorney General believes such violations have occurred, he may suspend the Special Prosecutor immediately and prepare a notice of dismissal. Such notice of dismissal shall be effective 30 days thereafter and shall be to both Houses of Congress, stating the reasons for such;

(c) For the purpose of subsection (b) of this section,

(1) Continuity of session is broken only by an adjournment of Congress sine die; and,

(2) The days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty day period.

Sec. 14. If any part of this Act is held invalid, the remainder of the Act shall not be affected thereby. The provisions of any part of this Act, or the application thereof to any person or circumstance if held invalid the provisions of other parts and their application to other persons or circumstances shall not be affected thereby.

QUORUM CALL

THE PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF REPRESENTATIVE JOHN P. SAYLOR, OF PENNSYLVANIA

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives.

The PRESIDING OFFICER laid before the Senate House Resolution 667, which was read as follows:

House Resolution 667

Resolved, That the House has heard with profound sorrow of the death of the Honorable John P. Saylor, a Representative from the State of Pennsylvania.

Resolved, That a committee of forty-four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these reolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

Senate Resolution 193

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable John P. Saylor, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HUGH SCOTT. Mr. President, I was the congressional campaign manager in Pennsylvania around 1946 and 1947 when we had a special election which resulted in the election of the Honorable John P. Saylor to Congress. I have known him from that time on. He has been a close friend, a respected colleague, and a man whom all of us in Congress knew to be a gentleman of strong personal convictions and articulate in expressing them.

We will miss him profoundly. He was a very good influence and a very strong leader of public opinion, a very much beloved man at home, in his district, in the Commonwealth of Pennsylvania, and in Congress.

We express our deep condolences to his family on his passing.

I am therefore very much pleased that the Senate has passed this resolution. If so designated by the Senate, my colleague (Mr. Schweiker) and I will attend his funeral.

Mr. MANSFIELD. Mr. President, will the distinguished Republican leader yield?

Mr. HUGH SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I join in the remarks just made by the distinguished Republican leader. Like him, I served in the House with John Saylor. He was a good Congressman. He was very much interested in the welfare of the West. He served on the Interior and Insular Affairs Committee. I found him to be a good friend personally and insofar as reclamation and other problems in the Western part of this Nation were concerned.

He was a man of independent judgment and great integrity. His death was so sudden that I had no idea beforehand he was in difficulties with his heart.

So, Mr. President, I wish to express the condolences of Mrs. Mansfield and myself, and to ask unanimous consent that an obituary which was published in the New York Times on yesterday be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Representative John Saylor, of Pennsylvania, Senior Republican on House Interior Committee, Dies

Houston, Oct. 28.—Representative John P. Saylor, senior Republican member of the Pennsylvania Congressional delegation, died early today in St. Luke's Hospital, where he had undergone heart sugery. He was 65 years old and lived in Johnstown, Pa.

Gov. Milton J. Shapp of Pennsylvania said in a telegram to Mr. Saylor's wife, Grace, who was at his bedside in Houston:

"Congressman Saylor was a great representative of the people of his district and of the Commonwealth, I could always count on his support for any measure that would benefit the people of Pennsylvania."

Surviving besides his widow, are a son, John Phillips Saylor; a daughter, Susan, and two grandchildren.

NOTED CONSERVATIONIST

Mr. Saylor, who served in the House for 25 years, was widely known as a conservationist and was credited with leading many endeavors to protect the nation's scenic and natural resources.

As senior Republican member of the House Interior Committee, he was a stanch fighter to preserve the environment, and was a sponsor of the Wilderness Act to save woods, water and wildlife. He backed legislation to establish the Office of Coal Research to find more uses for coal, and was a major supporter of the Coal Mine Health and Safety Act of 1969.

Mr. Saylor fought against building dams in the Grand Canyon and for preserving the integrity of Dinosaur National Monument in Utah and Colorado. He received a number of important awards for his conservation endeavors.

In 1957, on a routine mission to visit the Scott Base at Antarctica, Mr. Saylor became the first Congressman to fly over the South Pole. He was a supporter of statehood for Alaska and Hawaii.

In 1969, Mr. Saylor introduced a bill to give Congress the power to overrule the Supreme Court by a two-thirds vote of both Houses, declaring that the High Court had "sided with atheism" in banning the recitation of prayers in the public schools. He was well regarded on both sides of the aisle for his light humor, especially in committee sessions when tempers got hot.

MEMBERS OF PARKS UNIT

Mr. Saylor was a member of the House Veterans Committee, National Parks Centennial Committee and the National Forest Preservation Committee.

He was born on July 23, 1908, in Conemaugh Township, Somerset County, Pa., and graduated from Franklin and Marshall College in 1929 and from the Dickinson Law School in 1933.

He began practicing law in Johnstown in 1934 and was elected City Solicitor in 1938. He was a former partner in the law firm of Spence, Custer & Saylor and had been president of the Johnstown Savings and Loan Association.

In World War II Mr. Saylor served as a lieutenant and communications officer aboard the cruiser Missoula. He took part in the invasions of Iwo Jima and Okinawa and was present in Tokyo Bay on V–J Day.

Mr. Saylor received the Conservationist of the Year Award from the National Wildlife Federation in 1964, the Bernard M. Baruch Prize for "contributing most to the field of conservation" in 1969 and the Founders Award of the Izaac Walton League of America in 1970.

Mr. HUGH SCOTT. Mr. President, on behalf of Mrs. Scott and myself, I join in expressing appreciation to the distinguished majority leader for his remarks.

Mr. MANSFIELD. May his soul rest in peace.

Mr. HUGH SCOTT. May his soul rest in peace.

Mr. SCHWEIKER. Mr. President, it was with a deep sense of personal loss that I learned this weekend of the death of my good friend and colleague—Congressman JOHN P. SAYLOR of Pennsylvania.

JOHN SAYLOR was a leading voice in Congress and the Nation speaking out for conservation and preservation of our precious natural resources. Those of us in the Pennsylvania Congressional Delegation—as well as those throughout both the House and Senate—looked to him for leadership in this area. That leadership was never lacking.

For example, I had the honor of working closely with Congressman SAYLOR on one particular measure—a proposal making it a Federal crime to shoot wildlife from an airplane, and I was able to learn first hand of his profound love for the gifts of nature.

JOHN SAYLOR also was a forceful and effective advocate for the people of western central Pennsylvania. The citizens of the 12th Congressional District knew they had a voice in Washington, and he was unyielding in his dedication to their best interests and needs.

JOHN SAYLOR was at once a good and great man, and we are the less for his passing. Mrs. Schweiker and I extend our sympathies to his wife, Grace, and his entire family.

Mr. HATFIELD. Mr. President, it was with sadness that I learned of the untimely death of Congressman JOHN P. SAYLOR. Since 1949, he had ably represented his district in Pennsylvania, and also represented a national constituency.

As a member of the Senate Interior Committee, I have come to know firsthand the outstanding leadership in all facets of conservation that JOHN SAYLOR provided. It was in this field that he developed a national constituency, and he was the "environmentalists' environmentalist" long before it became fashionable.

Because of this commitment to the preservation of this Nation's national heritage, I can think of no more fitting memorial to this outstanding public servant than seeing that some area, whether a wilderness, a wild and scenic river, a recreation area—some place where his efforts helped save a region in its natural state, might be named to honor this gentleman. As a member of the Senate Interior Committee, I will be discussing this with our chairman, Senator JACKSON, who I am sure shares the sense of loss to the Congress caused by JOHN SAYLOR's death. Both Senator JACKSON and I have had our most recent dealings with Congressman SAYLOR as conferees on the Alaska pipeline bill.

I am saddened by Congressman SAYLOR's death, for both the House and the Senate will miss his wise counsel. His death comes at a time when environmental concerns which he helped to articulate so well are under attack by those who see short range energy needs as a reason to bypass all environmental safeguards. An important legacy that JOHN SAYLOR has left with us all should be that environmental considerations must continue to be an important guide to all our actions.

Mr. HASKELL. Mr. President, I had the honor to serve with Congressman JOHN SAYLOR on the conference report on S. 1081. I found Mr. SAYLOR, who died tragically 2 days ago, unfailingly courteous, humorous, dedicated, and competent, and I would like to take this 1 minute merely to express my deepest condolences to his family and his close friends.

Mr. COOK. Mr. President, will the Senator yield?

Mr. HASKELL. I yield.

Mr. COOK. I would like to associate myself with the remarks of the Senator from Colorado. It had been my pleasure to serve with Congressman SAYLOR starting shortly after I came here on a particular study group appointed by the President.

It came as a great shock to the Senator to learn of the death of Congressman SAYLOR. I would certainly like to associate myself with the remarks of the Senator from Colorado and add that not only will his district in Pennsylvania lose the force and insight which Congressman JOHN SAYLOR exerted and his ability on the Interior Committee, but that his dedication to those causes in which he believed were of such a strong nature that a voice like his will be missed in the Congress of the United States.

Mr. HASKELL. I appreciate the remarks of the Senator from Kentucky.

Mr. FANNIN. Mr. President, will the Senator from Colorado yield?

Mr. HASKELL. I yield.

Mr. FANNIN. Mr. President, I, too, would like to join my colleagues in paying tribute to Congressman JOHN SAYLOR of Pennsylvania. It was my privilege to work with him over a number of years, even before I came to the U.S. Senate. JOHN SAYLOR was a dedicated American, one who had great pride in the lands of this country. He devoted many years of his lifetime to traveling throughout this Nation in efforts to protect the environment both in his State and throughout the Nation.

He was also a very prominent leader in reclamation activities, and although he disagreed with some of the programs that we fostered in the committee, as the ranking Republican he was always willing to listen and consider just what was involved.

I had the opportunity and occasion to work with him on projects in which he suggested provisions that resulted in better legislation, because he had the feeling both of going forward from the standpoint of developing our resources but also protecting the environment.

We could elaborate on his many accomplishments, but I appreciate this opportunity to make this short statement.

Mr. JACKSON. Mr. President, I had the good fortune and privilege of serving in the House with JOHN SAYLOR during his first two terms. Since that time, we have worked together and fought one another on various issues affecting the jurisdiction of the Committee on Interior and Insular Affairs.

I must say that JOHN SAYLOR's contribution in the area of conservation and environment is one that not only the present generation will profit by, but generations of Americans to come will be in his debt for his distinguished service not only to his State but to the Nation.

Mr. HANSEN. Mr. President, I would like to join with other Senators who have spoken in paying tribute to JOHN SAYLOR, a very dedicated conservationist and a very loyal patriot of this country. Not always, by any means, did the junior Senator from Wyoming and the Congressman from Pennsylvania agree on any number of issues, but at no time did I ever have the feeling that Congressman SAYLOR did not act according to the dictates of his conscience and in the great national interest.

I note with a real sense of loss his passing, and I would like to have his wife and family know that we extend our very deepest and heartfelt sympathy to them on this very sad occasion.

Mr. METCALF. Mr. President, Congressman SAYLOR's death shocked me as it did thousands of others in the Congress, in Pennsylvania and throughout America. For 8 years I was privileged to serve with Congressman SAYLOR in the House of Representatives. Part of the time we were colleagues on the House Committee on Interior and Insular Affairs. During my first term in the 83d Congress we were allies on several conservation measures. Since that time we were firm friends, sometimes disagreeing on legislation but most often agreeing despite our political affiliation.

In the 25 years that Congressman SAYLOR was in Congress he left the imprint of his philosophy and profound belief in the preservation of America's forests and land and water. Others have narrated the bills that he sponsored, and he was the pioneer for many of them. Others have told of his indefatigable efforts to save our resources, so I will not reiterate them here. But there is no State of the Union which does not have a park or a wilderness area or waterfowl and wildlife refuge bearing the Saylor imprint. Although he was a Member of Congress from Pennsylvania, the people of Nevada will have more recreational facilities, the people of California the benefit of enjoyment of the Redwoods, the people of Alaska and Hawaii the benefits of statehood, the people of Montana greater facilities for the enjoyment of the rivers and the mountains and the prairies.

Incidentally, in World War II Congressman SAYLOR served as communications officer aboard the U.S.S. *Missoula*, named after the city in Montana which is the site of Montana's State University.

It will be hard to replace this man. His knowledge of our environment and his dedication to preservation of our resources are attributes sorely needed today. America is a better place because JOHN SAYLOR passed this way.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 193) was unanimously agreed to.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Friday next, November 2, 1973, the Senate will convene at 10 a.m.

After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Massachusetts (Mr. KENNEDY) will be recognized for not to exceed 15 minutes; after which the distinguished assistant Republican leader (Mr. GRIFFIN) will be recognized for not to exceed 15 minutes; after which the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes; at the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will proceed to the consideration of S. 1769. There is no time limitation thereon. Amendments thereto are expected. There will be a yea-and-nay vote on final passage of S. 1769 on Friday next. The yeas and nays have already been ordered.

Hopefully, conferences between the two Houses can proceed in the meantime, tomorrow and Thursday. Several conferences are still out, among which are the Department of Health, Education, and Welfare appropriation bill conference report, the State-Justice appropriation bill conference report, conference reports on the military procurement authorization, foreign assistance amendments, foreign military assistance, and military construction authorizations.

So this respite will give the Senate conferees the opportunity to be away from the floor without the conferences being interrupted by rollcall votes.

ADJOURNMENT TO 10 A.M., FRIDAY, NOVEMBER 2, 1973

Mr. GRIFFIN. Mr. President, with the concurrence of the distinguished majority whip, I move, in accordance with the previous order, and pursuant to Senate Resolution 193, as a further mark of respect to the memory of Representative JOHN P. SAYLOR, of Pennsylvania, that the Senate stand in adjournment until 10 a.m. on Friday next.

The motion was agreed to, and, at 5:12 p.m., the Senate adjourned until Friday, November 2, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 30, 1973:

U.S. PATENT OFFICE

The following-named persons to be Examiners-in-Chief, U.S. Patent Office:

Roger L. Campbell, of Virginia, vice John Stevens Lieb, resigned.

Walter W. Burns, Jr., of Virginia, vice Don D. Andrews, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate October 30, 1973:

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Alvan C. Gillem II, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

HOUSE OF REPRESENTATIVES—*Tuesday, October 30, 1973*

The House met at 12 o'clock noon.

Rev. Tipton L. Britner, Immanuel United Methodist Church, Indianapolis, Ind., offered the following prayer:

Our God and Father, we give thanks for our Nation, for all its natural beauty and abundance of raw materials. Give us wisdom to use them wisely. Be with our legislators as they debate actions that will have profound influence on the lives of millions of people. Grant them the courage to act on conviction and not expediency, to stand firm for what they believe is right. When they are right give them the victory, and when they are wrong, let them be defeated. Let truth be the standard and love be the guide that governs all actions taken this day. Let not foolish pride or a stubborn will influence their decisions. Lead us out of the pressure of crisis and confusion in order that we may find simplicity. In Christ's name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On October 16, 1973:

H.J. Res. 727. Joint resolution making further continuing appropriations for the fiscal year 1974, and for other purposes.

On October 18, 1973:

H.R. 1965. An act for the relief of Theodore Barr;

H.R. 7645. An act to authorize appropriations for the Department of State, and for other purposes; and

H.R. 7976. An act to amend the act of August 31, 1965, commemorating certain historical events in the State of Kansas.

On October 19, 1973:

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 1366. An act for the relief of Juan Marcos Cordova-Campos;

H.R. 1377. An act for the relief of Michael Joseph Wendt;

H.R. 1462. An act for the relief of John R. Poe;

H.R. 1716. An act for the relief of Jean Albertha Service Gordon;

H.R. 2212. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 2215. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 6628. An act to amend section 101(b) of the Micronesian Claims Act of 1971 to enlarge the class of persons eligible to receive benefits under the claims program established by that act;

H.R. 7699. An act to provide for the filling of vacancies in the Legislature of the Virgin Islands;

H.R. 1315. An act for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver;

H.R. 1378. An act for the relief of James E. Bashline; and

H.R. 4507. An act to provide for the striking of medals in commemoration of Jim Thorpe.

On October 25, 1973:

H.R. 3799. An act to liberalize eligibility for cost-of-living increases in civil service retirement annuities; and

H.R. 8619. An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

On October 26, 1973:

H.J. Res. 748. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes;

H.R. 8250. An act to authorize certain programs and activities of the government of the District of Columbia, and for other purposes; and

H.R. 8825. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes.

REV. TIPTON L. BRITNER OF INDIANAPOLIS, IND.

(Mr. HUDNUT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUDNUT. Mr. Speaker, I am very proud to say that the opening prayer for today's session was delivered by my very good friend, and former colleague in the ministry, Rev. Tipton L. Britner, senior minister of Immanuel United Methodist Church, Indianapolis, Ind. Reverend Britner's prayer was sincere, meaningful, and appropriate and I am sure that I speak for all of us in welcoming him and expressing appreciation to him for being with us today.

In addition to his pastoral duties, Reverend Britner is well known in Indianapolis for his many civic endeavors in behalf of his fellowman. He is director of the North Arlington Multiservice Project which includes the Beechwood Gardens Housing Project, the Immanuel Day Care Center which serves over 100 children daily—and the Immanuel Counseling Center. These various projects provide some 15,000 units of service per month for the northeast side of the city and are partially funded by Community Services Program of Greater Indianapolis. Reverend Britner is very much an authority on day care services for children as well as other needed social services.

It is a great pleasure to have him with us today.

MR. GERALD FORD

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRINKLEY. Mr. Speaker, I noticed in the paper yesterday where 70 extra FBI agents had been assigned to Grand Rapids, the hometown of the gentleman from Michigan (Mr. Gerald R. Ford) as part of the investigation into his background following his selection by President Nixon to become Vice President. This is ridiculous. It borders on hysteria.

THE MILITARY ALL-VOLUNTEER CONCEPT—EIGHTH SEGMENT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, to continue my 1-minute speeches, I have received a letter from the Secretary of the Army, Bo Callaway, asking my support as the Army faces one of its most serious challenges—the volunteer concept.

Secretary Callaway admits that the strength quotas have not been met by the Army, but in his letter he points out that other new objectives are being obtained.

Mr. Speaker, I and all my colleagues are certainly willing to help the Secretary of the Army make the volunteer concept work. However, I would caution the Secretary to keep his powder dry and not be carried away by new motivated ideas. If the volunteer concept is not going to work, the Secretary has the responsibility of letting Congress know. We must continue to have a strong and viable Army.

CHARLES G. OAKMAN

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, it is my sad duty to inform you of the passing of former Congressman Charles G. Oakman. Mr. Oakman was my predecessor in the House, serving Michigan's 17th Congressional District in the 83d Congress.

Mr. Oakman was a fine man, highly respected in the Detroit metropolitan area. He came from one of Detroit's most prominent families, known for its public service and contributions to the development of the city.

At this time, I would like to extend my sympathies to Mr. Oakman's widow and family, and insert in this Record his obituaries carried in the Detroit News and the Detroit Free Press.

The article follows:

[From the Detroit Free Press, Oct. 29, 1973]

Charles G. Oakman, 70, Is Dead

Charles G. Oakman, a long-time Detroit politician and the man who, as much as anyone, was responsible for the construction of the City-County Building, died in his sleep at his Dearborn home Sunday. He was 70.

A descendant of the Oakman family which held extensive real estate and development interests in the city, Mr. Oakman worked in real estate and life insurance for 14 years after his graduation from the University of Michigan before entering public service.

In 1940 he became the executive secretary to Mayor Edward Jeffries Jr. and the next year was appointed city controller.

He resigned in 1945 to become a member of the Common Council, to which he was elected four times. He resigned his council position in 1952 after winning a seat in Congress, representing the 17th Congressional District in northwest Detroit as a Republican.

Mr. Oakman lost his bid for re-election in 1954, and returned to Detroit to become the general manager of the Detroit-Wayne Joint Building Authority, which he had been instrumental in creating eight years earlier while a councilman.

He held that position until early this year, when he retired. Mr. Oakman continued to work as a consultant and advisor to the authority and was often seen around the City-County Building, ready at the drop of a hat to tell a story from his insider days in city and federal government.

He served 11 years as a county supervisor.

Mr. Oakman was a member of the Elks, the Palestine Chapter of the Palestine Lodge, Moslem Shrine, Detroit Commandery No. 1 of Knights Templar, and the University of Michigan Club. He was a former trustee of the Detroit Institute of Cancer Research.

He is survived by his wife, Bernice; two children from his marriage to Mary Atherton, Charles R. Oakman and Patricia Ashbrook; one sister and six grandchildren. Services will be at 11 a.m. Wednesday at the Howe-Peterson Funeral Home, 22546 Michigan Ave., Dearborn. Burial will be in Roseland Park, Berkley.

Memorial tributes in lieu of flowers may be sent to the Capuchin Charity Guild of Detroit.

[From the Detroit News, Oct. 29, 1973]

Charles G. Oakman, Ex-Councilman, Dies

Charles G. (Charlie) Oakman, former U.S. congressman, Detroit city councilman and for 17 years "landlord" of the City-County Building, died yesterday in Oakwood Hospital at the age of 70.

Mr. Oakman served four terms on the City Council and one term in the U.S. House but was perhaps best known for his leadership in forming the Detroit-Wayne Joint Building Authority, which in 1955 completed the City-County Building in downtown Detroit.

Having helped build the "dream city hall", Mr. Oakman was the natural choice to serve as its building manager and unofficial ambassador of good will. He held that job until his retirement last year.

Mr. Oakman took to politics by heritage and environment.

He was born in Detroit's Corktown to a family whose political, real estate and development activities were prominent in the city in the late 1800's.

And, as the nephew of a former Wayne County sheriff, auditor and clerk, Mr. Oakman often said he cut his teeth on how votes are won and lost and won again.

After graduating in 1926 from the University of Michigan, where he wrote his senior thesis on "Detroit's Strong Mayor Type of Government", Mr. Oakman opened a real estate firm but kept his hand in politics by campaigning for former Detroit Mayor John C. Lodge and serving as campaign manager to another former Detroit mayor, Edward J. Jeffries.

During the Jeffries campaign, Mr. Oakman invited hundreds to a "cocktail" party to meet the candidate. "But Charlie," Jeffries said, "we're short of campaign funds." "All right," said Mr. Oakman, "let them drink beer. It'll be something new at a cocktail party."

Known for his straightforward style, Mr. Oakman was a favorite of the press. Rising to deliver a campaign speech at the beer party for Jeffries, Mr. Oakman described himself as a "Jeffries Red Hot. I admire Jeffries' honesty and forthrightness. What more do you fellows want?"

Mr. Oakman served as Mayor Jeffries' executive secretary and then as city controller until winning his first Council seat in 1946. He moved to the U.S. House in 1952 as a Republican from the 17th District, but lost his bid for re-election in 1954.

After that he became building manager at the new City-County Building where he administered a $2 million annual budget and supervised a staff of 140.

Services for Mr. Oakman will be at 11 a.m. Wednesday in Howe Peterson Funeral Home, 22546 Michigan, Dearborn. Burial will be in Roseland Park.

Surviving are his wife, Bernice; a son, Charles R.; a daughter, Mrs. Charles Ashbrook; a sister, Mrs. Walter Reichart; and six grandchildren.

GENERAL LEAVE

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks on the passing of former Congressman Charles G. Oakman.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the distinguished gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentlewoman yielding to me. I was saddened, and felt very sorry that my old friend, Charles Oakman, passed away.

He served well, as I recall, just one term in the House. He came to the Congress in 1952 after a very illustrious career in local politics in the city of Detroit. He served extremely well in the House of Representatives and when he left the House he continued his fine public service in the community.

He was a good friend of mine.

After he left the Congress he kept his interest not only in local public affairs but in political matters at the Federal level and it was always at the constructive level.

I extend to his family my deepest condolences in the hour of sadness.

Mrs. GRIFFITHS. I thank the gentleman.

Mr. CEDERBERG. Mr. Speaker, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentleman from Michigan (Mr. Cederberg).

Mr. CEDERBERG. Mr. Speaker, this is the first I have known of the passing of my good friend Charley Oakman.

We came together to the 83d Congress. We were very close friends.

He came from a very illustrious Detroit family and has been active in the affairs of the city of Detroit for many years.

I want to join others in expressing my very deep regret and sadness at his passing and to express my sympathy to his family.

Mrs. GRIFFITHS. I thank the gentleman.

I am sure I speak for all when I extend the sympathies of the House of Representatives to his family.

PENDING HEARING BEFORE HOUSE JUDICIARY COMMITTEE

(Mr. PREYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PREYER. Mr. Speaker, the House Judiciary Committee will soon begin one of the most important congressional investigations ever undertaken. In order to insure that this investigation is fair and thorough it is imperative that the Committee have access to whatever information it may need.

There is, however, a very real obstacle facing the investigatory function of Congress. I refer to the decision of October 17 by Chief Judge John Sirica of the U.S. District Court for the District of Columbia. In denying the Senate Select Committee on Presidential Campaign Activities access to what have become known as the Watergate tapes, Judge Sirica found that the court had no jurisdiction to hear the case. In Judge Sirica's words—

> The Court has here been requested to invoke a jurisdiction which only Congress can grant but which Congress has heretofore withheld.

I am today introducing legislation which clearly gives the District Court for the District of Columbia jurisdiction to enforce congressional subpenas. While this legislation is in no way inconsistent with the establishment of a special prosecutor acting outside Congress, it is at the same time essential to arm House and Senate Committees with the power to conduct complete investigations. I strongly urge that we proceed with all dispatch in enacting this legislation.

Similar legislation is being introduced today in the Senate by Senator ERVIN.

ACADEMY APPOINTMENTS

(Mr. MILFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILFORD. Mr. Speaker, one of the great pleasures of serving as a Congressman is have the opportunity of nominating fine young people to attend our three U.S. service academies at West Point, Annapolis, and Colorado Springs. I believe that the outstanding youth of our country should be recognized for their achievements and capabilities, and I am extremely pleased to be able to do so through the confering of these nominations.

Last year I was privileged to nominate two young men, Charles Tankersley to the Air Force Academy and Scott Smith to the Naval Academy. It was brought to my attention recently that after their first summer's work both distinguished themselves by participating in the most outstanding company for that period of time—Charles in the Honor Squadron and Scott in the Color Company. I cannot tell you how pleased and proud I am of their achievement.

We are now in the process of selecting this year's nominees, a procedure which should require our thoughtful and careful deliberation. I, for one, am very appreciative of having the chance to assist in a very real way these fine young people in the pursuit of their future goals and career objectives. I strongly believe that they will prove to be of great benefit, not only in their area of work but to our Nation as well.

CONFIRMATION PROCEEDINGS ON THE NOMINATION OF VICE-PRESIDENT-DESIGNATE GERALD R. FORD

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I rise today to add my voice to others calling for swift action on the confirmation proceedings of Vice-President-designate GERALD R. FORD.

While the full investigative process must be properly completed, I feel it is essential that we bring his confirmation to a vote in the House at the earliest moment.

I wish to declare today my support for his confirmation, and I do so with full knowledge that, if confirmed, he may well ascend to the Presidency within a short time.

In candor, he was not my first choice for this job. We have had many fundamental differences on key issues. Nevertheless, I believe he has the personal integrity and the basic competence to function effectively as President.

Some ask if he can rise above partisanship to assume a national office representing Americans of all viewpoints. I believe he can. Others ask if he will be able to help restore the people's faith in government. Only on-the-job performance can finally answer this, but I believe in his honesty and know him to be a man of deep personal integrity.

While JERRY FORD is a friend, I do not rise today as a matter of friendship; I rise to add my own insight and personal judgment on a matter that is of critical importance to our country.

ANNOUNCEMENT OF THE APPOINTMENT OF THE HONORABLE JOHN BUCHANAN AS MEMBER OF U.S. DELEGATION TO THE U.N.

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I am requesting a leave of absence through the remainder of the 28th session of the United Nations for the gentleman from Alabama (Mr. BUCHANAN) who is a member of the U.S. delegation to the United Nations and has been serving in this position since September 18.

I wish my colleague well in New York and commend our President for his selection of Mr. BUCHANAN to this position at this particularly critical time in the history of international relations.

POSTPONEMENT OF CONSIDERATION OF VETO MESSAGE ON HOUSE JOINT RESOLUTION 542, WAR POWERS RESOLUTION, UNTIL WEDNESDAY, NOVEMBER 7, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that further consideration of the veto message of the President on House Joint Resolution 542 be further postponed until Wednesday, November 7, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask what is the gentleman's request?

Mr. O'NEILL. Mr. Speaker, the request is concerning a postponement of consideration of the veto messsage on the war powers resolution, which is scheduled for Thursday. In view of the fact that Congressman Saylor's funeral is going to be on that day, we are asking for the postponement.

Mr. GROSS. The postponement would be until Wednesday next?

Mr. O'NEILL. Until Wednesday next.

Mr. GROSS. Does that also include the USIA and that sort of thing?

Mr. O'NEILL. That is for the other body, as far as my knowledge is concerned.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

QUARTERLY REPORT OF THE ECONOMIC STABILIZATION PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

I herewith transmit to the Congress the most recent Quarterly Report of the Economic Stabilization Program, covering the period April 1, 1973, through June 30, 1973.

The second quarter of 1973 was a time of tremendous growth for the American economy. Employment increased by over one million jobs. Our gross national product grew by $29.5 billion and real per capita disposable income reached a new high. On the international front, our balance of payments continued to improve significantly according to all major measures of the payments deficit. The basic balance deficit was reduced to an annual rate of slightly more than $3 billion in this period, as compared to a deficit rate of $9.8 billion for all of 1972.

Unfortunately, during this same period the rate of inflation continued its unsatisfactory rise. This increase reflected a strong growth in demand—both here at home and around the world—particularly for agricultural and petroleum products.

Accordingly, I decided to institute a 60-day freeze on prices beginning June 13. At the same time, I directed that plans be developed for a new phase of the Economic Stabilization Program. Phase IV, which was developed in extensive consultation with representatives of all segments of our economy, is now in effect.

I am convinced that Phase IV, combined with actions to increase supplies, a restrictive monetary policy, and restraint in Federal spending, will enable us to reduce the inflationary threat to our economic well-being.

With the cooperation of business, labor and the American public, we can achieve our goal of reasonable price stability and return our country to a strong and healthy free market system.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1973.*

REPORT ON HIGHWAY SAFETY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–173)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed with illustrations:

To the Congress of the United States:

Ever since the Highway Safety and the National Traffic and Motor Vehicle Safety Acts were passed in 1966, the fatality rate on our Nation's highways has been falling. In 1967, the number of deaths per 100 million miles driven was 5.5. By 1972 it had dropped by 18 percent to 4.5.

A wide range of programs have contributed to this decrease, programs designed to increase the safety of our highways, our motor vehicles and the driving habits of our motorists. The full impact of many of these safety programs still has not been felt, and there is reason for us to expect still greater progress in the future.

Unfortunately, the success we have enjoyed in reducing the fatality rate has not been extended to reducing the total number of highway deaths. In 1967, 53,000 persons died in motor vehicle accidents of various kinds. By 1972 that annual toll had risen to an estimated 57,000—a truly shocking level.

The discrepancy between the falling rate of fatalities and the rising *number* of deaths is explained, of course, by the fact that the number of vehicle miles driven in this country increased by more than 300 billion between 1967 and 1972. The total mileage driven in 1972 was 1.25 trillion. In short, our safety measures, effective as they have been, have not been able to hold in check the total number of highway deaths occasioned by the vastly greater use of our highways.

My Administration is profoundly committed to the cause of highway safety. The annual toll which traffic accidents take in lives and in injuries is more than any society should have to bear. And the annual financial cost of traffic accidents is now estimated at nearly $50 billion.

It is my hope that this three-volume report on the Highway Safety and National Traffic and Motor Vehicle Safety Acts of 1966, by reviewing the challenge of traffic safety and by detailing our efforts to meet it, will increase our awareness and enhance our effectiveness in this vital field.

RICHARD NIXON.

THE WHITE HOUSE, *October 30, 1973.*

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENDING THE DRUG ABUSE EDUCATION ACT

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 656 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 656

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for three years. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against section 2 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Illinois is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Tennessee (Mr. QUILLEN) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 656 provides for an open rule with 1 hour of general debate on H.R. 9456, a bill to extend the Drug Abuse Education Act of 1970 for 3 years.

House Resolution 656 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment.

House Resolution 656 also provides for a waiver of points of order against section 2 of the substitute for failure to comply with the provisions of clause 4, rule XXI, of the Rules of the House of Representatives—prohibiting appropriations in a legislative bill.

H.R. 9456 authorizes an appropriation of $26 million for fiscal year 1974, $30 million for fiscal year 1975, and $34 million for fiscal year 1976, for a total authorization of $90 million over the next 3 fiscal years. These moneys will be divided and allocated to the Secretary of Health, Education, and Welfare to fund drug abuse education programs and to support community education projects. They will also be allocated to the State education agencies in order for such agencies to assist local education agencies in the planning, development, and implementation of drug abuse education programs.

Mr. Speaker, the Drug Abuse Education Act of 1970 has made progress toward alleviating the problems of inadequate scientific materials for the teaching at all levels of society about the dangers of drug use and abuse, and the lack of adequately trained teachers. However, the drug abuse problem is still significant, and there is still a continued national need for a program to better educate the citizenry about the uses and potential abuses of drugs. I urge adoption of House Resolution 656 in order that we may discuss and debate H.R. 9456.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the primary purpose of H.R. 9456 is to extend for 3 years the Drug Abuse Education Act of 1970.

The funds authorized would be used for drug abuse education proposals and community education projects.

The total cost of this program is $90,000,000 over the 3-year period. The costs are broken down in the following chart:

[In millions]

	Fiscal year—		
	1973	1974	1975
Sec. 3—Drug abuse education projects	$14	$16	$18
Sec. 4.—Community education projects	12	14	16
Total	26	30	34

There are no departmental letters in the committee report. However, the report does indicate that administration witnesses opposed this bill in their testimony before the committee. These witnesses maintained that the Drug Abuse Office and Treatment Act of 1972 already contains sufficient flexibility so that the Director of the Special Action Office for Drug Abuse Prevention and the Secretary of Health, Education, and Welfare can conduct drug abuse education programs.

Mr. GROSS. Mr. Speaker, would the gentleman yield?

Mr. QUILLEN. I will be happy to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Mr. Speaker, can the gentleman from Tennessee give us any indication as to why there is no provision in this bill to deal with coffee abuse education? Does not the gentleman from Tennessee think that there is abuse on the part of some people in the drinking of coffee, and is caffein a drug?

Mr. QUILLEN. I imagine it could be covered under the wide provisions of this bill.

Mr. GROSS. I wonder why coffee is not covered in this $90 million bill to educate people about the sad story of those who drink too much coffee.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I will be happy to yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman for yielding to me.

I might say that caffein is a drug, as the gentleman from Tennessee has quite accurately stated, and it could of course be included under the bill if it were demonstrated that the abuse of the use of caffein were regarded by particular applicants as something they wanted to provide education about. But I would have to point out to the gentleman from Iowa (Mr. GROSS) that the principal impetus for this program came of course not because of the misuse or abuse of caffein, but of drugs such as heroin, cocaine, and other dangerous drugs.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. QUILLEN. I yield further to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I do not believe that we ought to short circuit any segment or any category of society when it comes to education. We are educating people on the environment, the other day we passed a bill with $189 million worth of the taxpayers' money to cover that, and now we are confronted with $90 million worth of education for a couple of purposes under the terms of this bill. So I do not know why we should not go all the way.

For instance, I am informed that if children drink too much Coca-Cola at an early age it tends to cause tooth decay, so why should we not have an educational program with regard to that abuse as well as people who abuse the drinking of coffee?

Mr. QUILLEN. Mr. Speaker, the gentleman from Iowa has made a good point. And I would say if it is not covered under this act that eventually there will be a recommendation to expend millions more for additional educational programs.

Mr. GROSS. I thank the gentleman for yielding to me, and for his usual pertinent remarks.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. BLACKBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 376, nays 4, not voting 53, as follows:

[Roll No. 553]

YEAS—376

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Green, Pa.
Griffiths
Grover
Gude
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Ruppe
Ruth
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Gross
Landgrebe
Quillen
Rarick

NOT VOTING—53

Anderson, Calif.
Aspin
Badillo
Bell
Biaggi
Blatnik
Boland
Breaux
Brooks
Buchanan
Burke, Calif.
Carey, N.Y.
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Dellums
Dent
Dickinson
Fountain
Grasso
Gray
Green, Oreg.
Gubser
Gunter
Hammerschmidt
Hansen, Wash.
Hosmer
Howard
Jones, Ala.
Keating
King
Lujan
McCloskey
McKinney
Macdonald
Mills, Ark.
Mosher
Murphy, N.Y.
Nichols
Nix
Roberts
Roy
Runnels
Ryan
Sandman
Steele
Stratton
Symington
Veysey
Waldie
Wiggins
Young, Fla.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mrs. Green of Oregon.

Mr. Murphy of New York with Mrs. Burke of California.

Mr. Nichols with Mr. Breaux.

Mr. Fountain with Mr. Runnels.

Mr. Biaggi with Mr. Dellums.

Mr. Blatnik with Mr. Don H. Clausen.

Mr. Clark with Mr. Mosher.

Mr. Carey of New York with Mr. Del Clawson.

Mr. Howard with Mr. King.

Mr. Gray with Mr. Buchanan.
Mrs. Grasso with Mr. Keating.
Mrs. Hansen of Washington with Mr. Lujan.
Mrs. Chisholm with Mr. Aspin.
Mr. Mills of Arkansas with Mr. Sandman.
Mr. Nix with Mr. Hosmer.
Mr. Roberts with Mr. Steele.
Mr. Stratton with Mr. Bell.
Mr. Waldie with Mr. McKinney.
Mr. Symington with Mr. Gubser.
Mr. Macdonald with Mr. Dickinson.
Mr. Jones of Alabama with Mr. Ryan.
Mr. Badillo with Mr. Roy.
Mr. Anderson of California with Mr. Young of Florida.
Mr. Boland with Mr. McCloskey.
Mr. Brooks with Mr. Wiggins.
Mr. Gunter with Mr. Hammerschmidt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BRADEMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for 3 years.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9456, with Mr. Rees in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Indiana (Mr. Brademas) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Eshleman) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. Brademas).

Mr. BRADEMAS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I rise in support of H.R. 9456, a bill to extend the Drug Abuse Education Act of 1970 for 3 years.

Mr. Chairman, the Select Subcommittee on Education, which I have the honor to chair, held hearings on legislation to extend the Drug Abuse Education Act during May and June of this year. On July 17, the subcommittee reported a bipartisan bill and on September 11, the measure was reported out of the full Education and Labor Committee with overwhelming approval.

I would like, at the outset, Mr. Chairman, to commend particularly the gentleman from Washington (Mr. Meeds) for his outstanding leadership in connection with this legislation. Mr. Meeds is the original sponsor of the bill and has been a vigorous champion of more effective education on the abuse of dangerous drugs. I would also like to commend the gentleman from Kentucky, chairman of the Committee on Education and Labor (Mr. Perkins), as well as the gentleman from Minnesota, the ranking minority leader (Mr. Quie), the gentleman from Pennsylvania (Mr. Eshleman), the gentleman from New York (Mr. Peyser), the gentlelady from Connecticut (Mrs. Grasso), the gentleman from Florida (Mr. Lehman), and the gentleman from Kentucky (Mr. Mazzoli).

FLEXIBLE AUTHORITY

Mr. Chairman, I would like to recall for the benefit of my colleagues the fact that the original act was a result of a bipartisan effort and received overwhelming support in both the House and the other body.

And although the measure was opposed then, as it is today, by the administration, the bill was passed in the House by a vote of 294 to 0 and in the Senate by a vote of 79 to 0.

Mr. Chairman, as I have previously noted, this is basically a 3-year extension of the original Drug Abuse Education Act.

Briefly, Mr. Chairman, the Drug Abuse Education Act provides for flexible and broad authority for support of drug abuse education activities, particularly in elementary and secondary schools and in local communities.

Specifically, the Drug Abuse Education Act provides for:

First, the encouragement, and support, of the development, demonstration, and effectiveness of innovative and improved curricula on the dangers of the abuse of drugs;

Second, dissemination of significant materials for use in a variety of institutions, of which schools and community organizations at the local levels are the most important;

Third, training of teachers, counselors, law enforcement officers, and other public service and community leaders;

Fourth, support of adult and community education programs, especially for parents; and

Fifth, providing resources to State and local educational agencies in planning, development and implementation of drug abuse education programs in the elementary and secondary schools.

Mr. Chairman, the authorizations for the Drug Abuse Education Act are: $26 million for fiscal year 1974, $30 million for fiscal year 1975, and $34 million for fiscal year 1976, which is a total of $90 million over the next 3 years. I note for my colleagues that this figure is a 50 percent reduction in authorization from that of the originally introduced bill, so I would say that an effort has been made to provide for realistic authorizations in the measure.

I also call special attention to the fact that the committee has legislated the priority of funding of programs which can be supported under the Drug Abuse Education Act and that the committee has also provided for increased assistance to State departments of education. This order of priority is primarily a result of the fact that the committee felt that the Office of Education had not followed the priority as stated in the original legislation and had ignored the congressional intent of providing programs of drug abuse education in elementary and secondary schools and of evaluating those programs.

Therefore, the bill under consideration provides that of the money appropriated, the first $6 million will be assigned to the Secretary of Health, Education, and Welfare for section 3 (a) and (b) purposes—curriculum development, training, demonstration, dissemination, evaluation, and community education.

The next $5.6 million will be allotted to State education agencies for section 3(c) purposes, that is for aid to State departments of education for paying necessary expenses in assisting local education agencies in the planning, development, and implementation of drug abuse education programs.

The next $6 million will be allocated to the Secretary of Health, Education, and Welfare for section 4 projects—community-oriented education programs for parents and community leaders. Such programs may include, among others, seminars, workshops, conferences, telephone counseling and information services to provide advice, information, or assistance to individuals with respect to drug abuse or drug dependency problems, the operation of centers designed to serve as a locale which is available to individuals seeking to discuss or obtain information, advice, or assistance with respect to drug abuse or drug dependency problems, arrangements involving the availability of so-called peer-group leadership programs, and programs establishing and making available procedures and means of coordinating and exchanging ideas, information, and other data involving drug abuse and drug dependency problems.

The next $2.4 million of funds will be provided to State education agencies for section 3(c) purposes, that is for aid to State departments of education for paying necessary expenses in assisting local education agencies in the planning, development, and implementation of drug abuse education programs.

If any funds remain they will be assigned to section 4, community projects.

I would here note with respect to the second priority, that the $5.6 million represents the provision in the bill which provides that each State shall receive a minimum of $100,000 or 5 percent of section 3 money, whichever is greater. If there is not enough money to provide $100,000 per State, then each State will receive equal amounts of available funds.

SUPPORT FOR LEGISLATION

The committee received extensive testimony from concerned citizens, youth services representatives, drug abuse prevention personnel, teachers and school administrators, State and local officials, as well as the administration on the question of continuing the Drug Abuse Education Act of 1970.

With the exception of the administration officials, the witnesses unanimously urged the committee to extend the act.

The committee noted, however, that President Nixon has issued many calls for effective educational programs about the dangers of drug abuse. In particular, the committee was pleased at the President's statement of September 10, 1973, to the participants in the White House Conference on Treatment Alternatives to Street Crime to the effect that "we should continue a four-way approach to the problem of drug abuse—by cutting off sources of supply, strengthening law enforcement, providing better treatment programs, and continuing our programs of education."

Notwithstanding the President's statement, the administration, when testifying before the Select Subcommittee on Education, suggested that drug abuse education could be provided through other legislation. The committee was not persuaded by the testimony of the administration, and the position of the committee in this respect is outlined in more detail in the committee report.

The administration's argument, Mr. Chairman, namely, that there exists other legislation which can support drug abuse education is similar to that presented when the administration opposed enactment of the original act 3 years ago. The fact remains, however, that without this measure, acting as a stimulus, State and local educational agencies will not be able to provide the educational programs about drugs which are so greatly needed.

Mr. Chairman, I would also like to address a few words to the minority view of two members of the committee in the report. They charge that drug abuse education can cause more damage than good, and allege that drug abuse education programs are not only ineffective, but counterproductive as they often have the effect of actually increasing drug abuse.

When the studies cited in the minority views are more closely examined, it is apparent that the studies, far from supporting the termination of the Drug Abuse Education Act, underline the need for extending the act.

For, without exception, each of these studies condemns precisely the kinds of informational, as opposed to educational, programs, which the Office of Drug Abuse Education, and the Committee on Education and Labor, have found to be so ineffective in the past.

CONCLUSION

It should be pointed out that the very studies which the minority views cite as "evidence" of the failure of the pilot programs funded by the Office of Drug Abuse Education argue strongly for the continued support of that office and its efforts.

For unless we develop and validate the kinds of adequate educational programs, which all of these studies support, and develop competently trained teachers to implement these programs, it is likely that the kinds of informational programs cited and "damned" by these studies will continue to proliferate.

As the able chairman of the Select Subcommittee on Crime (Mr. Pepper) reported to the House of Representatives, following that committee's investigation, the use and abuse of drugs in our schools, indeed, is a profoundly serious problem and is clearly a cause for continued national concern. There was, therefore, in the committee's opinion, a continued national need to develop effective educational programs about the use and abuse of dangerous drugs.

Mr. Chairman, I therefore urge my colleagues to join in strong support of the passage of H.R. 9456.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, our colleagues from Indiana and Washington—John Brademas, chairman of the Select Subcommittee on Education, and Lloyd Meeds, a member of the subcommittee—deserve recognition for their efforts and leadership in engineering the original Drug Abuse Education Act to its enactment in 1970.

It is because of their continuing work and attention to the serious national problem of drug abuse that we have before us today not only a bill to extend the Drug Abuse Education Act but also to assure funding on a priority basis.

Aimed at increasing the number of adequately trained teachers and the supply of adequate scientific materials for teaching about the risks of drug use and abuse, the act made significant progress in the fight against this problem.

The hearing record compiled by our subcommittee attests to the success of the program, as well as indicating widespread and strong public support for the continuation of the act.

Many of the problems we recognized in 1970 are still with us. It is estimated that in 1972 there were approximately 500,000 to 600,000 heroin addicts in the United States.

Also, there are many more hundreds of thousands of Americans who use nonnarcotic drugs to excess. The second report of the National Commission on Marihuana and Drug Abuse stated that the degree of use of heroin and other opiates has increased from 2 percent in 1969 to 6 percent in 1972 among secondary school and college students.

Unfortunately, the extent of the problem is not limited to our schools, but rather is quite prevalent among nonstudents, and pervades the boundaries of class and income level throughout all areas of society. For example, the Commission also noted that alcohol witnessed an increase in sales from 1966 to 1971 of almost $7 billion.

Mr. Chairman, as the above figures only scratch the surface of this pervasive problem, I feel that the necessity for passing H.R. 9456 is quite obvious. Further support for this legislation can be seen in the extensive testimony the committee received from concerned citizens, youth services representatives, drug abuse prevention personnel, teachers and school administrators, and State and local officials.

The bill before us today would extend the Drug Abuse Act and authorize appropriations of $90,000,000 over a 3-year period. H.R. 9456 authorizes $26,000,000 to be appropriated for fiscal year 1974—less than was authorized in the previous fiscal year. In fiscal year 1975 an additional $4,000,000 is authorized, as is the case in fiscal year 1976. Furthermore, these funds are to be earmarked, so that the first $6,000,000 is reserved for section 3 drug abuse education programs. The next $5,600,000 would be available to State education agencies to enable them to assist local education agencies in the planning, development, and implementation of drug abuse programs.

The following $6,000,000 would be available for section 4 community education projects. The next $2,400,000 would be provided to the State education agencies on the basis of population. The balance would be used to fund community projects.

Mr. Chairman, in view of these facts—and because the need is so great—I strongly urge my colleagues to support this excellent and extremely important piece of legislation.

Mr. ESHLEMAN. Mr. Chairman, at this time I yield 5 minutes to the gentleman from Indiana (Mr. Landgrebe).

Mr. LANDGREBE. Mr. Chairman, I would like first of all to call your attention to the extensive comments in the minority views in the committee report offered by myself and Mr. Ashbrook.

Mr. Chairman, I join with the administration and the Department of Health, Education, and Welfare in opposing this bill. I do not think that anyone can seriously question the President's dedication to eradicating drug abuse in this country. The fact that HEW has requested no new funding for this program and opposes this bill does not indicate that the administration has abandoned its strong commitment to drug abuse prevention. Rather it is indicative of the administration's effort to consolidate the wide variety of Federal drug abuse prevention programs, including drug abuse education.

Mr. Chairman, the administration is attempting to consolidate the many programs scattered throughout the Federal bureaucracy and to eliminate overlapping and duplicative authorities in this area that have, in the past, led to much confusion and wasted effort.

To this end, the President's budget would increase the funding for drug abuse prevention programs under the Special Action Office for Drug Abuse Prevention to $40 million, an increase of $15 million over fiscal 1973. Let me remind my colleagues that in the last Congress, we mandated the Special Action Office as the main arm of this country's drug abuse prevention effort, and it remains today our best hope for achieving victory in our coordinated battle on drug abuse problems in our Nation's cities and schools.

A battle that we must win—the sooner, the better. All sensible people would agree that programs aimed at reducing drug abuse are worthy of pursuit. But the people should be assured that their tax dollars for these programs are bringing the hoped-for results. However, evidence shows that the drug abuse education programs funded under this act to date have not only been a failure, but have aggravated the drug abuse problems in some of our schools. Recent reports of the Commission on Marihuana and Drug Abuse, the Task Force of the National Education Association, the Engineers Strategic Study Group of the Army, to mention only a few, have damned drug abuse education as not only ineffective, but counterproductive as they often have the effect of actually increasing drug abuse.

A recent study by the University of California School of Medicine at Los Angeles contends that the drug abuse education programs may be doing more to encourage than to prevent the use of illegal drugs by students. The report of a Los Angeles high school survey noted that—

> Following a drug education program more than one-third of the students thought that the programs encouraged the use of illegal drugs.

Mr. Chairman, how can we justify authorizing $90 million over the next 3 years to be spent on this narrow categorical program of dubious value while rejecting out of hand the President's reasonable request for a coordinated drug abuse prevention program? This bill is not only fiscally irresponsible, it is also obstructionist in that it further inhibits our efforts to achieve an effective attack on our drug problems.

Mr. Chairman, curtailing drug abuse must have the highest national priority. Counterproductive programs such as these are not the answer. I urge the House to defeat this bill and begin to work with the administration for an effective Federal attack on this country's drug abuse problem.

Mr. ESHLEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I want to rise in support of this legislation, and particularly I want to caution the Members of the House who have had a feeling that, due to changes in laws in many parts of the country, we are beginning to get the upper hand on the drug situation, and therefore there may not be the need to continue this type of program. The drug problem in the country is still of such magnitude that any little step forward that we may have made is absolutely no reason to consider cutting back on a program such as that of drug education, because the real purpose involved here is reaching our young people before they get involved with drugs, and not having to face the problem on how to rehabilitate them after they have been into the drug scene.

So I hope that everyone will continue to support this legislation as they have in the past. And, recognizing that it is a major need in our country today to continue to work to develop a curriculum, the teachers and the programs to show our young people that drugs are not the answer, and that the know-how of knowing what to avoid in this situation in dealing with drugs is of the utmost importance for all of us. And that we in the Congress very much support all national efforts to fight this disease.

Mr. BRADEMAS. Mr. Chairman, I yield 7 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I rise in strong support of H.R. 9456, an extension of the Drug Abuse Education Act of 1970.

I wish at the outset to express my sincere appreciation to the chairman of the subcommittee, the gentleman from Indiana (Mr. BRADEMAS) without whose help, it is very obvious to me, this bill would not have been able to have been placed before the House expeditiously. He has been an early and ardent supporter, and I very much appreciate his help.

The history of the Drug Abuse Education Act, Mr. Chairman, is locked in the contemporary history of the United States. Late in the 1960's and early in the 1970's the drug abuse problem flashed upon contemporary American life like a meteor. It was new and frightening to the adults of this country, and it was new and sometimes enticing to the young people. It provided a new way to challenge the traditional values of the adult culture. The incidence of drug taking in those years increased not by mere 1 and 2 or 5 or 10 percentage points but by hundreds of percentage points in this Nation.

The tendency of the schools, Mr. Chairman, was first to ignore the problem and hope that it would go away. I recall very vividly the number of principals and superintendents who maintained vigorously in later 1969 and 1970 that they had no drug-abuse problem in their school districts, but if one simply went out on the campus and talked with the students, he would get figures that anywhere from 50 to 90 percent of the student body were at least involved in some kind of experimentation with drugs. The schools reacted when public clamor and criticism arose. They reacted by attempting to devise curricula to teach drug abuse education, and they found their teachers were inadequately trained, and who, because of this inadequate training, realized that they should not be teaching drug abuse education and did not desire to do so. So inadequately trained teachers were using inadequate curriculum.

At about this time the Drug Abuse Education Act was passed by the House and Senate, as the gentleman from Indiana has pointed out, unanimously in both bodies. The purposes of the act were to, by grant and contract, develop curriculums to demonstrate and test the effectiveness of each curriculum before it was utilized, to disseminate that curriculum so that the school districts across this Nation would have the advantage of teacher training, and finally to provide community education. It was a developmental bill, Mr. Chairman, and still is a developmental bill.

We provided only $5 million in the first year, and we had to fight with the administration to get that money appropriated. The record of the Federal Government prior to that time was that we had spent in the year prior to that year, as I recall, only $600,000 in the whole field of drug abuse education.

The administration of this act, I think I must confess, Mr. Chairman, has been, to put it mildly, less than inspiring. Rather than contract for the development of curriculums as the act calls for, the drug abuse education group in the Office of Education set up a clearinghouse to assemble those curriculums, and that was developed in other places and has been disseminated through that clearinghouse without validating and without contracting for testing and pilot programs, again as the act calls for.

They have done some teacher training. Indeed that is probably one of the better aspects of the administration of this bill by the Office of Education. They have effectively utilized their funds in teacher training. They have provided perhaps the lion's proportion of the funds under the minigrant program, which as Members will notice in the report we have some questions as to the efficiency of.

But one of the very substantial success stories of the administration has been the community education programs through section 4. These are the peer groups, the crisis centers, and the hotlines which have been operated in many instances by young people themselves. Here has been really the cutting edge of education which has been effective because the credibility of these people has been established and is not subject to the questioning that occurs with some of the others, with adults and with teachers generally.

But, Mr. Chairman, despite the success, despite these few gains, the basic problem still exists. Drug taking is still ruining the lives of thousands of our young people. Many of the curriculums which are presently in effect are doing more harm than good. These are informational curriculums and not educational curriculums. The minority report says that certain groups—

> . . . have damned drug abuse education as not only ineffective, but counterproductive, as they often have the effect of actually increasing drug abuse.

Some studies are cited as having been made by the Commission on Marihuana and Drug Abuse, the Task Force of the National Education Association, and the Engineers Strategic Study Group of the Army.

It is as unfortunate as it is obvious that the people who wrote the minority opinion did not read the full studies which they talk about, because if they had read the full studies they would have realized that it is apparent the studies, far from supporting termination of the drug abuse education activities, underline the need for extending the act, for without exception each of these studies contains precisely the kind of information, as opposed to educational programs, which the Office of Drug Abuse Education and the Committee on Education and Labor have found to be effective in the past. In other words, the programs that they are condemning in this report are informational programs, the early programs that were not developed properly, and they have not been tested and they indeed are perhaps more harmful than good.

So, Mr. Chairman, there still exists a great need for the development of curriculums and the evaluation of those curriculums. This should have been done a number of years ago and we still need to do so to provide the best possible types of programs.

We need to develop under the aegis of this bill better methods of teaching and we need to get more teachers involved. Teachers are reluctant to teach about drug abuse education because they feel poorly equipped and on balance they are poorly equipped to do that.

Indeed, Mr. Chairman, there is a great need to do precisely the kinds of things authorized by this legislation. I entreat my colleagues to believe as I do that there is no magic wand which can be waved at the drug abuse problem in this country which will cause it to disappear. Education is no exception to that rule but education has more potential in substantially curtailing the problem than any other single factor involved in the equation.

This is not just my idea but as our hearings established in city after city, in hearing after hearing, the statements of hard-bitten police chiefs and law enforcement officials and prosecuting attorneys and other prosecuting officials to a person; I know of not one of them who testified before our committee who did not testify emphatically that education of all things stands the greatest chance of altering the complex problem of drug abuse in our Nation.

So, I urge my colleagues to join with us by voting to continue and expand this valuable program.

Mr. Chairman, let me further discuss the validity of the charge that education is doing more harm than good:

The minority views charge that drug abuse education can cause more damage than good, and note that the National Commission on Marihuana and Drug Abuse, the Task Force of the National Education Association, the Engineers Strategic Study Group of the Army, to mention only a few, have damned drug abuse education programs as not only ineffective, but counterproductive as they often have the effect of actually increasing drug abuse.

The views go on to cite a study by the University of California School of Medicine at Los Angeles which concluded that drug abuse education programs may be doing more to encourage than to prevent the use of illegal drugs, and notes that five Los Angeles junior high school students went out and bought drugs after a visit to their school of a drug abuse van because "the drugs in the van looked so good we wanted to try them."

When the studies cited in the minority views are more closely examined, it is apparent that the studies, far from supporting the termination of the Drug Abuse Education Act, underline the need for extending the Act.

For, without exception, each of these studies condemns precisely the kinds of informational, as opposed to educational, programs, which the Office of Drug Abuse Education, and the Committee on Education and Labor, have found to be so ineffective in the past.

NATIONAL COMMISSION OF MARIHUANA AND DRUG ABUSE

The National Commission on Marihuana and Drug Abuse (Schaffer Commission) for example, reported, after surveying a number of studies of drug information and education programs, that comprehensive evaluations were lacking, but that:

> Even without comprehensive evaluations, at least two clear conclusions emerge from isolated studies of different researchers: (1) most information materials now in the field are scientifically inaccurate and (2) most education programs operate in total disregard of basic communications theory. . . .
>
> Any concerted effort designed to frighten people away from drugs is doomed to failure. No information at all is preferable to inaccurate, dogmatic information which destroys the credibility of the source. Accurate information, when disseminated through so-called "sophisticated fear" techniques, can also be counterproductive.
>
> The faith that "through accurate knowledge of drugs, their attractions and liabilities, drug abuse shall be avoided" was the pervasive theme of all the drug curricula reviewed in a Commission-sponsored study.

And the Commission continued:

> At its best, drug education can be much more than this. First, it is a systematic presentation of information to a particular group of recipients; it is designed specifically for those recipients and attuned to their own level of sophistication, their knowledge and their views. Second, proper drug education employs a teacher trained not only to use the materials at hand, but also to relate to the recipients at a personal level and to use that relationship itself as an educational device.

Concluded the Commission:

> Education should integrate information about drugs and drug use, including alcohol and the over-use of legal drugs, into broader mental hygiene or problem solving courses. In this way, the overall objective of encouraging responsible decision making can be emphasized, without placing the teacher in the position of defending drug policy or persuading the students to comply with it.

So, while it is true that the Commission has called for a "moratorium on all drug education programs in the schools," that recommendation is a result of an analysis of information programs, and is qualified by the statement that the moratorium should be enacted "at least until programs already in operation have been evaluated and a coherent approach with realistic objectives has been developed."

TASK FORCE OF THE NATIONAL EDUCATION ASSOCIATION

The Task Force of the National Education Association did not "damn" drug abuse education programs as ineffective.

What it did condemn was the use of scare informational techniques in the area of drug abuse.

Said the Task Force—

> . . . false materials have been produced for and used in drug education with widespread indiscretion in schools across the nation . . . the Task Force feels that use of false, poor, emotionally oriented, and judgmental materials is more harmful than no materials.

And that is why Robert Winchester, a member of the NEA Task Force, told the Select Subcommittee on Education during oversight hearings in July 1972 that the National Education Association supported the Drug Abuse Education Act, and supported as well, additional funding for the measure.

And he told the subcommittee that the task force had made several recommendations which the NEA Board of Directors had accepted.

Said Mr. Winchester:

> This task force has made several recommendations. One of its purposes was to develop a new resolution for the NEA. This resolution calls for the improvement of drug education programs at all levels, for uniform classification of drugs and for standardization of State drug laws. It also encourages NEA members to involve themselves in drug education programs at the State, local, and Federal levels.

So the NEA's support of increased appropriations for the Drug Abuse Education Act, as well as its call for improvement in drug abuse education programs and the involvement of teachers in drug abuse education at every level, hardly supports the contention that NEA has "damned" drug abuse education as ineffective.

ENGINEERS STRATEGIC STUDY GROUP OF THE ARMY

Likewise, the Engineers Strategic Studies Group of the Army has condemned informational approaches to drug abuse, and, indeed, appears optimistic about the possibilities of truly educational approaches if properly developed.

After examining drug "education" programs across the Nation, and interviewing experts, the group cited several "lessons learned":

> 1. Scare tactics have not proved effective and can often be counterproductive.
>
> 2. Scientific facts, no matter how convincing they seem to adults, often fail to persuade the young.
>
> 3. Sources of information must be credible. Teachers must know the facts and deal with the positive aspects of drugs as well as the negative.
>
> 4. Different groups of young people respond to different approaches depending on their attitudes and experiences. . . .
>
> 5. Large group presentations are not effective.
>
> 6. One-shot, crash programs are not effective with the young. . . .
>
> 7. Education programs must start at early ages and continue through life.

And, the group went on to note:

> As drug abuse continues to increase, education will become even more ineffective . . . unless basic changes in concept are made. To become effective, education programs must emphasize: (1) irrational influences on drug use decisions; (2) lifetime development of attitudes.

Concluded the report:

> Education in general is not concerned only with learning facts or developing learning skills. The development of attitudes and skills for living in modern society is also a function of modern education. The same should be true of drug abuse education. Programs must delve beyond facts and into the motivations underlining the needs to misuse drugs.

UNIVERSITY OF CALIFORNIA SCHOOL OF MEDICINE

Finally, the minority views cite a University of California at Los Angeles School of Medicine study which "contended that the drug abuse education programs may be doing more to encourage than to prevent the use of illegal drugs by students."

The study cited is to be found in the August 1973 Journal of the American Academy of Pediatrics, and although the authors claim to evaluate drug education programs they are indeed evaluating drug information programs.

In three of the four programs discussed, panel discussions, lectures, films, and a van displaying drugs are the principal means of providing the information about drugs. In none of these three programs are the teachers qualified to present materials on drugs, and, indeed, in one of the programs, physical education instructors are the teachers.

The results of these three programs are either inconclusive, or point toward the encouragement of drug abuse.

In the fourth program studied, the format is that of a lecture, followed by a discussion period led by a trained teacher and a physician. This program led to a marked decrease in the numbers of students who said they planned to consume alcohol, smoke, or experiment with drugs.

With reference to the fourth program, the study concluded that:

> The outcome of this program provides cautious encouragement. Judging from the questionnaire studies on these children, the response and change in attitude after the program was very positive. It may be significant that this program was given by a specially trained teacher.

MACRO SYSTEMS STUDY

Yet another study which might have been cited in opposition to the Drug Abuse Education Act, was a study conducted by Macro Systems, Inc., which concluded in 1971 that most drug abuse education programs were ineffective.

Yet this study, which was made public only under pressure from the columnist Jack Anderson, was, once again, evaluating the very informational programs which the committee has agreed are worthless. Indeed, the study was conducted during 1971, during the first year of the existence of the Office of Drug Abuse Education, and did not, therefore, represent a valid study of the programs funded by that office.

Even so, the Macro Systems, Inc., study made recommendations which are a remarkable reflection of the philosophy espoused by the Office of Drug Abuse Education.

For the study concluded:

> HEW could abandon drug education as a single issue concept and develop programs more in keeping with current youth development areas involving broader decision making and problem solving capabilities.

CONCLUSIONS

It should be pointed out that the very studies cited in the minority views as "evidence" of the failure of the pilot programs funded by the Office of Drug Abuse Education argue strongly for the continued support of that Office and its efforts.

For unless we develop and validate the kinds of adequate educational programs, which all of these studies support, and develop competently trained teachers to implement these programs, it is likely that the kinds of informational programs cited and "damned" by these studies will continue to proliferate.

Mr. BRADEMAS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. de la Garza).

Mr. de la GARZA. Mr. Chairman, the 15th Congressional District of Texas, which I represent, has a special interest in the Drug Abuse Education Act because of its location on the international boundary between the United States and Mexico.

The illegal movements of drugs across this border is a matter of serious and continuing concern. This is, of course, an enforcement problem, but it cannot logically be separated in our thinking from the legislation now before the House. We of the border area have a full understanding of the need for the kind of drug abuse educational program provided by H.R. 9456.

This bill, which would extend and amend the Drug Abuse Education Act of 1950, is designed to provide more adequate scientific materials for teaching the dangers of drug abuse and to provide better trained teachers to do the job.

If this bill is enacted into law, as I trust it will be, I will recommend that the special interest of my district in drug abuse education be translated into action to establish a border training center to instruct qualified personnel in the essentials of more effective drug control. It would simply be good sense to place such a center in a location where people already are familiar with the elements of the basic problem and where we have facilities adequate for such an endeavor.

Mr. Chairman, we know in south Texas that, while progress has been made in combating drug abuse, we still have a long way to go before we can claim to have brought the problem under control. The need is still here for a national program to educate the American people about the dangers of drug abuse. The bill we are considering will continue and expand the present educational effort.

Mr. ESHLEMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. Dellenback).

Mr. DELLENBACK. Mr. Chairman, I thank the gentleman for yielding to me. I rise, my colleagues, in support of this legislation. I think that the chairman of the subcommittee, Mr. Brademas, Mr. Eshleman as the ranking minority Member, and Mr. Meeds, have been deeply involved in this as well as other Members on both sides of the aisle, and are to be commended for their careful work on a program which is basically not only good, but basically important.

Mr. Chairman, I think it is valuable legislation. I think we by all means should pass this bill today.

Mr. Chairman, there is one amendment, however, on which I would make brief comment. There is a great deal of confusion about whether alcohol is a "drug" in the sense that most people use that term. There is no confusion about the fact that alcohol abuse is one of the Nation's most urgent national health problems. It is for that reason, to place emphasis on a very important phase of drug abuse education, that when we come to the amendatory time, I intend, on behalf of certain of my colleagues and myself, to propose an amendment to add the words "and alcohol" wherever "drug" appears in this particular bill.

Mr. Chairman, it is an extremely important thing that the educational process of drug abuse go forward. It is a very important part of that educational process that alcohol be emphasized. I shall talk further about the amendment at the time I offer it.

Mr. Chairman, I comment at this time to indicate my strong support for this legislation and my hope that this one amendment will be adopted by this body at the time it is offered.

Mr. BRADEMAS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. Hicks).

Mr. HICKS. Mr. Chairman, I thank the chairman of the subcommittee for yielding to me, and I rise in support of the bill H.R. 9456. I am not a member of the Committee on Education and Labor, and normally I would not be down here in this well, but I do have the privilege of chairing the special studies subcommittee of the Committee on Government Operations, and we spent about 25 or 30 days this year taking testimony on drugs and upon this particular problem.

Mr. Chairman, the gentleman from Iowa (Mr. Gross) whom I like to regard as a friend of mine, spoke earlier here, kind of in a joking manner, about whether we should be considering caffeine. Very definitely, we should be considering caffeine; we should be considering alcohol, nicotine, and considering a great many substances that this bill should bring under its purview if it is properly utilized.

The Special Action Office that we established on drug abuse a couple of years or more ago is oriented more toward treatment than it is toward prevention. Certainly this bill is not the end-all, as the gentleman from Washington (Mr. Meeds) suggested, but it is a step toward prevention. It is the only hope we have of prevention, as far as we could see in the special studies hearings that we held or, at least, one of the major hopes.

It is a very expensive proposition to let someone get addicted to any kind of drug, whether it is alcohol or barbiturates or heroin, or whatever it may be, and then treating for that addiction. It is a very expensive proposition, but we can measure the fact that an individual is a drug addict and that we are treating him.

Now, we may not be able to measure whether or not we have done any good in a prevention program; but schoolwise the Spark program in New York did make some measurement as far as absenteeism, better grades, whether the youngsters are getting along with the school.

So I would urge the passage of H.R. 9456 which continues this program because it is one of the few means we have that will in effect give us some possibility to prevent the abuse of drugs including alcohol.

I listened very carefully to the gentleman from Indiana (Mr. Landgrebe) when he spoke in favor of his views, and also the gentleman from Ohio (Mr. Ashbrook). As far as I can tell, they do not believe that there is any use of trying to prevent. They say, put it all in the Special Action Office.

Well, the Special Action Office is not set up to carry on with education programs. Perhaps it is not possible to prevent drug abuse but only to treat addicts. This bill is one means of making an effort at prevention and if we can achieve an effective means of prevention we are tremendously more cost effective than by treating addicts.

The Special Action Office eventually self-destructs if we continue the view we now have in the statute.

When it self-destructs, then what happens? Unless established agencies that are going to continue to be on-going, like the Office of Education and many of the other departments that can have an effect on conditions that cause people to make the decision to take to drugs in the first place, have some expertise in this business of drug abuse, then we are going to have nothing. We will be as someone once suggested about the Vietnam war. We will just declare the war on drugs over, that we have won it and stop funding it.

We cannot treat substance abuse that way.

As far as the Dellenback amendment is concerned, I am going to support that amendment. I believe the gentleman is absolutely correct; one reason is that when we established the Special Action Office on Drug Abuse we left alcohol out of its purview. Alcohol is the most seriously abused drug we have in the country, and there is only one way, as far as I can see, to point that up, and that is to include the word alcohol in the act.

Mr. Chairman, the Federal effort to control drug abuse has been the subject of intensive investigation by the Special Studies Subcommittee of the Government Operations Committee. I am chairman of that subcommittee, and I believe the 21 days of hearings we held along with several field visits helped make that subcommittee aware of the nature of this problem and a little of what the Government can do about it.

The bill now before the House would provide for the continuation of one part of the Federal effort. Our subcommittee discussed the importance of drug education with representatives of the Office of Education, the special action office, and the National Institute of Mental Health. The position of the Government Operations Committee, as expressed in a recently issued report on the Federal strategy, is that there must be more emphasis on preventing drug dependence and a heightened public awareness of the dimensions of this problem—a reliance on facts and not myths. The committee also believes that it is important that long-term social and governmental agencies plan to assume a greater role in the drug abuse field. I think these recommendations bear on the bill now before the House.

First, what are the issues? There appears to be widespread agreement that prevention efforts are needed and that many of the educational programs conducted in our schools have not been effective. There is disagreement on which agencies should work with the educational system and as to whether alcohol should be specifically mentioned in this bill. The bill, as you know, designates the Office of Education as the Government agency to work with the school systems as well as with community leaders and, as presently written, does not include specific reference to alcohol.

Despite the agreement that prevention programs are necessary and that the educational system provides a mechanism for pursuing these programs, this bill is opposed by the administration and its spokesmen on the Education and Labor Committee and others. Two main objectives seem to be raised. First, the poor track records of many educational programs to date. Second, the organizational objection to having this educational effort in a different agency than the Special Action Office or the National Institute of Drug Abuse.

Let me comment, based on the evidence in our hearings, about these two concerns. First, as pointed out in the Education Committee's report on the bill, the failure of many past educational efforts does not of itself justify a vote against this bill. The reason is this: Generally speaking, these programs were not funded by the Office of Education. There is little point in expressing a displeasure at well-meaning but ineffective approaches by retaliating against the Office of Education when the testimony indicates that that Office did not sponsor these questionable programs. Our hearings and those of the Education Subcommittee which examined this bill dispute the view that "the drug education programs funded under this act have been a failure." There have been ineffective prgrams, but it is my understanding that the scare films and other objectionable tactics have not been the responsibility of Office of Education programs.

A second objection to the bill is that it leads to confusion because it continues drug abuse responsibility in yet another Federal agency. In this regard, I think there are at least three important considerations.

First, as the Government Operations Committee's report points out, it is necessary for established agencies to assimilate more of the ongoing efforts to control drug abuse. For this reason, it is important that the Office of Education, with its many ties to the educational community, be the vehicle for educational efforts. It will become necessary over the long term for the educational institutions of this country to pick up this responsibility as one of their continuing concerns—not to treat it as a specialized temporary phenomena.

Second, the educational system in the country is the mechanism through which we must work. I think it is of crucial significance in this debate to realize that the largest of the successful prevention efforts in the country—the multimillion dollar Spark program—is operated not by New York's drug agency but by the New York Office of High Schools. I believe that the Office of Education is the logical link to this program. Let me point out that at the time of our hearings in May, Dr. Jaffe, the then-Director of the Special Action Office testified that he knew no more about the Spark program than what he had read in the newspapers. If the educational system is to accept the challenges of preventing drug abuse, we should fund our support through the U.S. agency with the strongest ties to this system.

Third, the Office of Education has the communication linkages and the experienced people to operate with educational systems. As the report points out, the predecessor agency to the present National Institute of Drug Abuse admittedly does not have this expertise—it would have to create it. For those who are worried about overlapping and duplication, to vote against this bill is to vote for the establishment of a capability in drug abuse agencies paralleling that already existing in the Office of Education.

Finally, I think all of us recognized that alcoholism is the single greatest problem of drug abuse and that more should be done in the educational field to bring this out. The Education Committee's position as reflected in its report is consistent with this, but I would point out that the Congress has used the term "drug abuse" in the past to exclude alcohol. In what was probably the single most important piece of legislation in the field, the Drug Abuse Office and Treatment Act of 1972, Congress created the Special Action Office but excluded alcohol from that organization's purview. Because of this precedent, I agree with those who believe it important to specifically mention alcohol in this legislation. There seems to be agreement that the legislation should encompass alcohol. I think specific mention is the only way to assure this unless one goes to an all encompassing title such as "abuse of substances." Technically that would probably be better except that it wouldn't conjure up the emotional response we probably need.

Mr. Chairman, I offer these views as my own and not as those of the members of my subcommittee. Those independent souls speak more vigorously than I. Based on my interpretation of what we learned in our hearings, I urge support for the bill and for the amendment to specifically include alcohol.

Mr. BRADEMAS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I rise in support of this bill, H.R. 9456, to extend the Drug Abuse Education Act for 3 more years. I think this is the least we can do to try to do something to bring this most tragic problem under some kind of control. Every person, man or woman, who becomes addicted to the use and abuse of drugs has had to make a personal decision at one time or another whether to do so or whether not to.

The very least we can do is to provide those people with adequate information to make their choice.

I urge the support of every Member on this bill.

Mr. ESHLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, we are all well aware of the drug abuse problem which is currently plaguing our Nation. The frightening cost of this problem cannot be measured in terms of dollars alone. Far more important are the ruined human lives of those who fall victim to drugs.

I do not believe, however, that Congress will find an answer to this problem by haphazardly voting millions of dollars to extend all sorts of programs. We need an organized, comprehensive, and sensible approach to drug abuse prevention. Such an alternative exists in the Special Action Office for Drug Abuse Prevention, established by Congress in Public Law 92-255. The Special Action Office can and should coordinate Federal efforts in drug abuse prevention programs.

We need a coordinated national effort. Our Nation's drug problem is too important a matter to be relegated to a piecemeal approach.

The following minority views on this legislation were joined in by Mr. LANDGREBE and myself:

MINORITY VIEWS

We join with the Administration and the Department of Health, Education, and Welfare in opposing this bill. We do not think that anyone can seriously question the President's dedication to eradicating drug abuse in this country. The fact that HEW has requested no new funding for this program and opposes this bill does not indicate that the Administration has abandoned its strong commitment to drug abuse prevention. Rather it is indicative of the Administration's effort to consolidate the wide variety of Federal drug abuse prevention programs, including drug abuse education.

The Administration is attempting to consolidate the many programs scattered throughout the Federal bureaucracy and to eliminate overlapping and duplicative authorities that have, in the past, led to much confusion and wasted effort. To this end the President's budget would increase the funding for drug abuse prevention programs under the Special Action Office for Drug Abuse Prevention to $40 million, an increase of $15 million over fiscal 1973. This Special Action Office, as mandated by the Congress in P.L. 92-255, is our best alternative for achieving an effective, coordinated attack on drug abuse problems in our nation's cities and schools.

Certainly most people would agree that educational programs aimed at reducing drug abuse are worthy of pursuit. But the people should be assured that their tax dollars for these programs are bringing about the hoped-for results. In this light, we want to remind our colleagues that recent reports of the Commission on Marihuana and Drug Abuse, the Task Force of the National Education Association, the Engineers Strategic Study Group of the Army, to mention only a few, have damned drug abuse education as not only ineffective, but counterproductive as they often have the effect of actually increasing drug abuse.

A recent study by the University of California School of Medicine at Los Angeles contended that the drug abuse education programs may be doing more to encourage than to prevent the use of illegal drugs by students. The report of a Los Angeles high school survey noted that "following a drug education program more than one-third of the students thought the programs encouraged the use of illegal drugs." Meanwhile, it is said: "Five Los Angeles junior high school pupils went out and bought drugs after having been shown them in a drug education van because 'the drugs in the van looked so good we wanted to try them.'"

In addition, several witnesses appearing before the Select Subcommittee have stated that it is a waste of the taxpayers' money.

How can we justify authorizing $90 million over the next three years to be spent on this narrow categorical program of dubious value while rejecting out of hand the President's reasonable request for a coordinated drug abuse prevention program?

In our opinion, curtailing drug traffic should have the highest national priority. However, the drug abuse education programs funded under this Act have been a failure, and possibly have even aggravated the drug abuse problems in our schools. Therefore, we urge our colleagues to join us in opposing H.R. 9456 when it is brought to the Floor of the House.

EARL F. LANDGREBE.
JOHN M. ASHBROOK.

Mr. BRADEMAS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I rise in support of the legislation and would like to indicate that I hope the Biaggi-Dellenback amendment to include alcoholism is adopted by the committee.

Mr. BIAGGI. Mr. Chairman, alcoholism is clearly our No. 1 drug problem. Recent studies indicate that the disease is on the upswing among youth who find this legal way of getting high better than risking arrest and long-term imprisonment for taking illegal narcotics or dangerous drugs.

The National Council on Marihuana and Drug Abuse found that 56 percent of our junior high school students and 74 percent of our senior high school students have used alcoholic beverages—up substantially from a survey taken 3 years ago.

Yet the bill before us today, as it has been reported, places no emphasis on this serious problem. While opponents of the Dellenback-Biaggi amendment argue that alcohol abuse is covered by the legislation, a staff study disclosed that less than 10 percent of the programs funded under the act are concerned with the problem of alcoholism.

Adding the words "and alcohol" in the act wherever drug abuse appears will emphasize the concern of this body for this difficult and widening problem. We have all heard the horror stories of youths coming to school stoned on amphetamines or marihuana. Yet similar stories exist relating to the problem of alcohol abuse. In one high school in Long Island, regular Saturday night alcohol fests involving 100 or more students are held. The football field becomes so littered with beer cans, wine and whiskey bottles, it must be cleaned up Monday before it can be used.

My colleague from Oregon (Mr. DELLENBACK) and I want to see more of the federally funded programs aimed at drug abuse broadened to include alcohol abuse as well. I am not saying we should abandon our effort to alert youths to the problems of other types of drug abuse; but rather we must have balanced, coordinated programs.

By ignoring the problem, by remaining silent, we are in fact condoning the use of alcohol by youths. We are giving them an alternative high to marihuana, barbiturates, and amphetamines. In fact, many parents seem relieved that their children are drinking rather than taking other drugs. Yet, the problem remains the same. The addiction is there. The debilitation of mind and body is no less severe. It is the social acceptance of alcohol as a legitimate high that poses the most serious threat. In our quest for escape from the evils of modern society, in the desires of our youth to experience new heights of pleasure, we may be breeding a nation of alcoholics.

Over 9 million Americans are now afflicted. Many more remain undetected. Yet when this body is called upon to take recognition of the need and respond with Federal support for programs aimed at alcoholism, we balk. To refuse this amendment would be a grave mistake. I urge its overwhelming passage.

Mr. FRASER. Mr. Chairman, one of the most innovative and creative experiments developed under the Drug Education Act of 1970 is the Help Communities Help Themselves program initiated last year by the Office of Education's National Drug Education program.

This program is based on the hypothesis that the people who are closest to the drug situation in our local communities can deal with their own problems—given training and modest support. This program makes it possible for communities to develop the capability to respond to local problems using their firsthand knowledge of their problems and their local resources.

In the past year, teams of five to six individuals from 1,000 communities of all sizes have received 2 weeks of training and followup technical assistance from seven regional training centers supported by this program. These teams represent schools, youth, parents, professionals, law enforcement agencies, and other community groups. They are given training in the complex dynamics of drug use and abuse, need assessment and creative problem solving techniques. Utilization of their local human and material resources to create and implement an effective local response to drug abuse is stressed.

The Regional Training Center located in Minneapolis is associated with the University of Minnesota, College of Education. This center serves 10 States—Minnesota, North Dakota, South Dakota, Iowa, Kansas, Nebraska, Montana, Idaho, Wyoming, and Wisconsin. The Minneapolis Center is located in an apartment building and occupies several apartments situated on one floor. They are used as offices, classrooms, and living quarters for the teams undergoing training. The teams live together, work together, and during the 2 week training period, learn of each other's involvement in the drug abuse problem. An understanding of the other person's perspective on drug abuse is an important product of this learning process.

The committee report on H.R. 9456 emphasizes that the funds authorized by this legislation should be spent for educational drug abuse programs rather than for programs that only inform. Dr. John Ottina, U.S Commissioner of Education has stated:

> The Office of Education has not supported the purely informational programs that are now in question. Simply stated we do not equate education with information, nor learning with teaching.

The Help Communities Help Themselves program is aimed at educating local people, and helping them learn about and respond to the local drug abuse problem. In the Minneapolis region this program is functioning well. We should extend the Drug Abuse Extension Act of 1970 for 3 years as the committee proposes.

Mr. WOLFF. Mr. Chairman, as we meet today to consider H.R. 9456, the Extension of the Drug Abuse Education Act for 3 more years, I would like to comment briefly on this bill and on the administration's antinarcotics effort as a whole.

The greatest success this Government can point to in the field of drug abuse is in the area of education for our young people about the dangers posed by the illegal use of narcotics and prescription drugs. Only by means of precise knowledge can our youngsters be able to resist the many pressures to try out drugs and "be one of the guys." Fortunately, today's young Americans are aware of the value of independence and nonconformity when it comes to drug abuse, and much of their new knowledge is the result of programs which have been supported through the Drug Abuse Education Act over the last 3 years.

I firmly support extension of the Drug Abuse Education Act as reported by the Committee on Education and Labor. I am concerned that we not include alcoholism in our definition of "drug" until and unless there are separate funds available for education in the proper use of alcoholic beverages. I share my colleagues' concern about the serious abuse which takes place in the use of alcohol, but we cannot afford to subdivide our funding for the Drug Abuse Education Act at this time.

The very fact that such an amendment is to be offered is indicative of one of the very severe problems we, as Congressmen, must now face about drug abuse. As chairman of the Special Subcommittee on International Narcotics Control, I have been favorably impressed with the deep commitment of administration officials to the battle to wipe out drug misuse in this country. But I am nevertheless disappointed that some officials believe we have this problem under control to such a degree that we can tone down our efforts in educating teenagers about drug use.

Apathy about this serious problem cannot be allowed to take over, or we will witness a resurgence of the epidemic of use which shook this Nation in the late 1960's and early 1970's. This will not happen unless the Congress shirks its duty to provide for continuing opportunities to educate young America about the dangers inherent in drug abuse. A full, undivided extension of the Drug Abuse Education Act is the best way to do this.

Mr. ALEXANDER. Mr. Chairman, Arkansas is abused by drugs. In the first 6 months of 1973, the number of drug abuse arrests in Forrest City, Ark.—population 12,763—increased 1,037 percent.

In 1972 there was a 100-percent increase over 1971 in the number of felony cases filed in the First Judicial District of Arkansas in connection with the narcotics and drug abuse problem.

The prosecuting attorney of Lawrence County says that one-third of the children of Walnut Ridge, Ark.—population 4,000—are on drugs. And, the youth in the community say drug use is still growing—that even kids in grade school are using harder drugs like LSD.

No, drug abuse is not a problem limited to the crowded inner city. It has spread to the suburbs and is thriving in the heartlands of America. It is a problem that has been and is manifesting itself in every congressional district in this country.

Over the past 3 years as I traveled and visited with students in almost every high school in my territory in northeastern Arkansas, I became increasingly aware of and disturbed by the abuse of drugs by school age youth. And, more encouragingly, I found that the students themselves are concerned about this situation. They are aware of some of the dangers of abuse and many expressed an interest in doing something about it.

It was these travels and discussions that led me to sponsor a Congressional Conference on Drug Abuse for students, faculty and PTA members in the 21 counties of the First Congressional District of Arkansas. Doctors, lawyers, law enforcement officials, pharmacists, and psychiatrists all participated in "rap" sessions from which I, and hopefully the other participants, gained much valuable information on and a better insight into the problem as it exists in our communities in Arkansas.

It was apparent from the conference that we definitely have a drug abuse problem in Arkansas and that an effective drug education program might be one step toward the long-term solution of the problem in Arkansas and in our Nation.

Let me share with you some other conclusions I drew from this conference. First, the intensity of drug use in the First Congressional District, whose largest town has a population of 27,000, is about 15 to 18 months behind that of metropolitan areas. I base this conclusion on the types and amounts of drugs now found in the district and on studies by Dr. H. W. Smith, director of research for the Memphis Drug Abuse Commission and a consultant to the Crowley's Ridge Development Council in Arkansas.

Drug abuse is widespread in Arkansas and I doubt seriously that there is any community in the district where drugs or marihuana are not available.

Students are starting to experiment with drugs at an earlier age, even in elementary school and the use of drugs is gaining social acceptability among the middle class. Although the first users of drugs were generally associated with the counter culture, we must accept the fact that the use of drugs now spreads into all levels of society.

Finally, I concluded that law enforcement, while a deterrent to drug abuse, has not and is not eliminating the problem. We must establish and expand our drug abuse prevention education programs at all levels beginning in the elementary schools. Too much of our thrust in drug education has been toward high school and junior high school students and this often comes too late.

And perhaps more importantly, drug abuse education should be made available to parents. There is a wide communications gap between students and parents and students and educators on the subject. Some of the adult community remains incredibly oblivous to the daily use of drugs by members of the younger generation.

For example, take the case of a 17-year-old high school student in one small town in my district who was arrested for sales of controlled substances and allowed to plead guilty to the lesser charge of possession. This particular young man was given a 1-year sentence and made to serve 2 to 4 weeks in the county jail. Throughout his life he has been very active in his church. His parents still believe their son was only caught up in an innocent attempt to help a friend and that he has never used drugs. Despite his arrest, testimony by an Arkansas State Police undercover agent, and his guilty pleas to charges of possession, they still refuse to believe their son's actions.

The parent of another young man convicted in this same case gave this statement to the Memphis Commercial Appeal:

> I had absolutely no knowledge of my son's involvement before his arrest. At first it was terrible. It came right out of the clear blue sky—particularly in a small town. At first I was really upset, but after talking to people (the sheriff and prosecuting attorney), I realized we were not the only family.
>
> The sad thing is, the kids are getting picked up and the people behind it are still free. Things are really bad in Imboden (population 500). A lot of kids are still messing around (with drugs) . . .
>
> Never say you know everything your child is doing. You may know some things, but you never know it all.

In the case of the parents, awareness or rather complete lack of awareness seems to be the key problem.

In the case of their children, instituting an effective education program may be a little more complicated. These people know about drugs. Most of them have either experimented with them or have had close contact with someone else who has used drugs. Drugs, unfortunately are a part of their environment. Scare films or those which preach the immorality of drug use will not work. I believe many of our youth are merely amused at some of our so-called drug education programs and films nowadays. On the screen they see the high school dropout or the unpopular girl turn to drugs. In reality they see the senior class president, the captain of the cheerleaders and the valedictorian turning on with marihuana or popping an upper.

With few exceptions every law enforcement officer with whom I have discussed this problem has pointed to the need for drug education and most call for starting it early. Gene Raff, prosecuting attorney of the First Judicial District in Arkansas and a member of the Arkansas Drug Abuse Authority says he feels better results are achieved at the elementary level. As Raff states it:

> At the high school level, some feel they know more than the experts, and we need to get there before Mister Wiseguy.

The late Marvin Gunn, former chief of police at Forrest City said he did not really know the answer to the problem which had resulted in the 1,000 percent increase in his city. He lamented:

> You can punish them, but unless you can change them, they'll go right back.

Gunn did cite two big needs at the State level—a total concept facility for treating drug addicts—including medical and psychological treatment—and a State appropriation for literature and films on drug education for use by counties and cities on a lending library basis. One of Gunn's assistants pointed out that there were only five films available for loaning to the 75 counties in Arkansas.

The causes for drug abuse have been widely discussed and argued. Dr. John Buckman, an associate professor of psychiatry at the University of Virginia

Medical School, who delivered the keynote address at the congressional drug conference, suggested three primary reasons for increasing drug abuse in America: First. In search for the quickest answer to problems, we tend to resort to chemicals to give us emotional stability while relieving temporary pains; Second. We constantly face issues which have no apparent solution, such as pollution, crime, racial strife, and war; and Third. We are growing up and living in an increasingly highly sophisticated environment.

It is this last reason which Dr. Buckman credits for giving rise to our new crisis of young children turning to drugs. Because of widespread instant communications, advance technology, and social advancements in this country many 8 to 10-year-olds are so sophisticated that they are bored with everyday life. The only new thing for them is a drug buzz. Younger and younger children are using more and more bizarre drugs in experiments on themselves. All too often we hear of fatalities resulting from intravenous injections of such things as peanut butter, mayonnaise, wine, and hydrogen peroxide.

Could we need any more of a reason to institute these drug education programs at an early age?

In this connection, there is one other factor which I believe has contributed greatly to the pill for every problem attitude to which our children are exposed at such an early age. I believe there may be a relationship between this early exposure by means of advertisements of certain health aids in popular news media and the growing tendency among young people to view drug abuse as acceptable. I think intensive study needs to be given the effect of these ads on our young people and on the possible need for expanded regulation over the content of the ads.

It is now time for us to educate our people—young and old—and expose any myths which might still exist in the area of drug use.

Although I am certainly no expert on the subject, it appears that there can be no solution to the drug abuse problems this country faces today until attitudes are changed and we identify and treat the causes of drug abuse. Education seems to be our key to getting at that solution—education which extends beyond the confines of New York City and extends into communities such as Walnut Ridge.

Mrs. HOLT. Mr. Chairman, the drug abuse education program which is before us today has been in existence for almost 3 years. The concept and objectives of this program are certainly beyond debate, but there appears to be some serious questions as to the results of this program.

Many of us find ourselves in a dilemma over extension of the Drug Abuse Education Act. We are dedicated to eliminating the national problem of drug abuse and we are equally committed to ensuring that tax dollars are spent in the most efficient manner possible.

Testimony before the Education and Labor Committee on this bill was mixed. The administration has strongly opposed this bill urging that all education drug abuse programs be consolidated under the Special Action Office for Drug Abuse Prevention. Much of the favorable testimony praised the objectives of the program, although it dealt primarily with generalities and contained little mention of specific successes.

On the basis of this mixed testimony, we are now being asked to authorize $90 million for this program for the next 3 years. I have serious reservations about supporting such a dramatic increase without tangible evidence that the program is achieving its desired objectives.

The Dellenback amendment expanding the phrase drug abuse to drug and alcohol abuse makes the bill more palatable.

Mr. MARAZITI. Mr. Chairman, I rise in support of the drug education bill before us today. Our main fight against the illegal drug trade in this country should be in the area of drug education. Yet, it seems that despite our efforts to date, drug addiction continues to take a tremendous toll on American youth.

In view of this, I would like to add a few words of caution about the future direction of our drug education efforts.

The administration advises us that the National Institute of Mental Health has both the authority and a budget to carry out drug education programs.

Taxpayer dollars are precious. HEW officials should make sure there is no duplication of effort between NIMH and its own program. I would like to see a cooperative program carried out by both agencies so we are sure to get maximum advantage from dollars channeled into drug education.

Further, it is vitally important that the bulk of the money under this bill be spent at the local school level for actual drug education courses. We have spent too much money developing curriculum and training teachers and too little actually carrying out drug education programs.

Alabama in particular has been largely successful with its drug education effort. Perhaps educators should take a good look at their method for what could be the key to future success at the operation level. Alabama schools have routinely infused drug education into all classroom work where it naturally fits, such as in the sciences. Drug education is made part of the normal education process.

My own feeling is that the real answer to successful drug education efforts lies in mandatory hours of drug education in grades 1 through 12.

Children too often experiment with drugs rather than incur the displeasure of their friends and classmates.

Only through long-term education can we hope to develop new attitudes about drugs among schoolchildren.

Then, hopefully the peer group pressure prevalent in schools across the Nation will be one of spelling out the evils of drug addiction, rather than one advocating its use.

I sincerely hope the money available under this bill is mainly directed toward assisting local schools to implement drug education programs that will dry up drug trade in our schools. Our youth are the Nation's most precious resource. We can, and must eradicate this cancer from our society.

Mr. McKAY. Mr. Chairman, I arise in support of H.R. 9456. Inasmuch as the most effective way of fighting our drug problem is by preventing drug addiction in the first place, a program such as this which seeks to alert pupils in the public school systems and citizens in the community at large to the real dangers of drug abuse carries the best hope of combating this serious national problem.

The proposed extension of the act is deficient, however, because it does not clearly include "alcohol" in the drug abuse education program. I support the amendment to add the words "alcohol" following the word drug so that there will be no mistake about the intention of Congress that it is as equally important to alert the community, particularly young students, to the pitfalls connected with alcohol, as it is to alert them to the dangers of more exotic drugs. Alcoholism, although socially acceptable in our society is the country's most serious drug problem. It has been estimated that 50 percent of the people in our prisons for murder, rape, burglary, and so forth, committed those crimes after the excessive consumption of alcohol. (Alcoholism and Narcotics, Committee on Labor and Public Welfare, U.S. Senate, 91st Cong. pt. I, pp. 119–120.) This is to say nothing of the cost to industry and the added death tolls on the road directly traceable to alcohol abuse. Let us, by favoring the above mentioned amendment, be certain that our young people be informed of the dangers of alcohol.

The opponents of this amendment say that such an addition is superfluous, inasmuch as it is generally presumed that alcohol is a drug. However, in my opinion there is much more confusion about whether alcohol is a drug in the sense that most people use the term. The very fact that some of my colleagues feel that the act should be amended to include alcohol within the definition of the term "drug" is evidence enough of the uncertainty of the definition. I therefore recommend its adoption.

Mr. PRICE of Illinois. Mr. Chairman, in past weeks this Nation has been subjected to one crisis after another on both the national and international levels. While these matters which affect all of us should rightly be the concern of all the citizens, we cannot turn our backs on other problems which are also growing in our own hometowns throughout the Nation.

Drug abuse is perhaps one of the greatest of these domestic issues. The illegal and excessive use of drugs, including alcohol, has grown in the past decade to almost epidemic proportions. Law enforcement officials are constantly working to end this trend, but punishment after the fact will not alleviate the problem. We must act to stop our citizens, both young and old, from beginning a career of drug abuse which could have a dangerous, perhaps even deadly, result. Preventive education is the main purpose of H.R. 9456, which would extend the Drug Abuse Education Act of 1970 for an additional 3 years. This legislation provides for $90 million authorization for Federal, State, and community sponsored drug abuse education projects.

Drug abuse and its related problems do not recognize the barriers of race, religion, or social position. The child next door, as well as the child living across the tracks can be a present or potential drug abuser. This makes it impossible to single out a particular group or one area for education—the campaign must be nationwide.

The Drug Abuse Education Act passed the House by an overwhelming margin in 1970. I believe we all realize that despite the program's success, much remains to be done. Preventive action must be taken now to keep the problem from again reaching the crisis level of the late 1960's. I would therefore like to give my support to the extension of the Drug Abuse Education Act and I would urge every other Member to do likewise.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that this bill before us, H.R. 9456, to extend the Drug Abuse Education Act for 3 years, will be promptly and overwhelmingly approved by this House this afternoon.

The authoritative evidence revealed here today permits, unfortunately, no doubt at all that the problem of drug use and abuse in this country is still of major proportion and vital concern to the American people.

The need, therefore, for this bill is emphatic and this measure represents a prudent and reasonable step to adequately strengthen the basic elements that recognized authorities agree are critical to the success of a continuing drug abuse education program.

These elements are, briefly, a responsive recognition that the most serious danger of drug abuse exists among our youth and therefore, local elementary and secondary schools and community organizations are the best means through which to educate our young people against the danger; that it is essential, for the education of both youth and adults, to develop valid, credible and more attractively interesting material to more persuasively indicate the great evils of drug abuse; that there is an urgent need to provide better training to more teachers; and, finally, that it is imperative to continuously evaluate the effectiveness of both the curriculum and training so that the Congress, the executive department of the National Government and all other concerned institutions may act more intelligently and effectively in trying to progressively overcome this modern plague of drug abuse especially among our young people.

In substance, Mr. Chairman, these are the fundamental factors, among others, that this legislation is designed to strengthen and improve in order to effectively contain and eventually eliminate the spreading drug abuse curse that presently afflicts and threatens the health, safety, and security of our people and our country.

I hope, therefore, that this measure is speedily and resoundingly adopted in the national interest.

Mr. HARRINGTON. Mr. Chairman, I rise in support of the Drug Abuse Education Act extension (H.R. 9456).

The use of drugs in this country has become a disease of epidemic proportions. Educating our citizens about drugs is like an inoculation; it creates an immunity that defends the recipient from a dangerous disease.

The extension of the Drug Abuse Education Act is an important and necessary action for Congress to take. H.R. 9456 would authorize $90 million for a 3-year period to be spent on elementary and secondary school and community drug abuse education programs. Six million dollars would be allocated for direct HEW assistance to such programs; $5.6 million for State education agencies' efforts to assist local agencies in program planning and implementation; $6 million for direct HEW support for community education projects; $2.4 million for State education agencies, and the remainder for direct grants to community education projects.

The Education and Labor Committee has aptly pointed out that the continuing increase in addiction requires a maximum Federal effort in law enforcement, treatment and rehabilitation, and education, where Federal assistance can help deal with the problem at the initial stage. I agree and, therefore, urge my colleagues to support this bill.

Mr. ROBISON of New York. Mr. Chairman, I intend to vote for an extension of the Drug Abuse Education Act, because it is now more important than ever that young people be informed about the social, psychological, and medical dangers of drug abuse—as best we can define those dangers. It is true that heroin addiction is declining throughout the country, but it is by no means true that the "drug crisis" is abating. Partially because of the continuous social and political unrest of the last few years, partially because of changing social mores among the young, and partially because of an abdication of adult responsibility in setting strong social example and convincing moral guidelines, we have a young generation—and even those who are not so young—highly prone to every sort of abuse.

Prescription and nonprescription drugs are heavily abused by teenagers and young adults in every part of the country, and many of these drugs come into heavy use before word-of-mouth medical fact has reached the users. This was particularly true of methaqualone, which was undergoing extremely heavy use long before education programs were prepared to explain the addicting qualities of the drug, and its medical and psychological side-effects.

I must reject out of hand the notion that properly conducted drug education programs cannot accomplish the end of deterring abuse. If studies are showing that education programs are contributing to drug abuse, it is obvious that it is not the program or the funding support to explain the addicting quantities of the of these programs, which are at fault, but it is the teaching methods and the teachers themselves who must undergo scrutiny.

Like any other subject, drug abuse must be approached with a certain competence. We do not ask philosophers to teach chemical engineering, and we should not be asking untrained or poorly trained elementary and secondary school teachers to teach drug education programs.

Those who do teach these programs, and those who prepare the supporting materials for them, must have specific medical knowledge of the drugs they explain, as well as sufficient knowledge of the human dimensions of drug abuse. Young people do not take these drugs in strictly clinical environment, nor are they likely to respond to a dry, clinical lecture. In other words, the teachers should know the broad range of their subject as thoroughly as any expert in any other field. This means more than book knowledge of drug abuse; it means an understanding of the particular local conditions which impinge on potential abusers.

It seems to me that, if preliminary studies are indicating that drug abuse education is failing in some areas, we had better look directly at the teacher, the method of instruction, and those who recommend the content of the instruction. There are countless areas in this country where millions of dollars are being spent to teach children to read—and those children are not learning. When confronted with such findings, we do not think to recommend that reading programs be terminated. Nor does such a conclusion follow from studies which have been cited during this debate.

Those who suggest that drug abuse education is somehow cultivating drug abuse are looking at study results with less than objectivity, and with less than an understanding of what education in any social or scientific discipline can and should accomplish.

I strongly urge support of this legislation, Mr. Chairman, as I do strongly urge that evaluations of the on-going drug education programs concentrate on the "Why" of shortcomings, rather than on the shortcomings themselves.

Mr. LANDGREBE. Mr. Chairman, under leave to revise and extend my remarks on the bill H.R. 9456, I would like to share with my colleagues an editorial on the Federal drug abuse education programs that appeared in the Wall Street Journal of October 16, 1973. As the article points out, it is extremely unfortuate that the "do something" school of thought in this Congress is so prevalent that it is virtually impossible to give experimental legislation such as H.R. 9456 the close scrutiny that it deserves if its sponsors have the foresight to give it a charismatic title.

Mr. Chairman, I am going to ask the President to veto this bill, if it passes the Senate and comes to his desk. Then, once again, it will be up to the President to exercise the kind of sound consideration and fiscal responsibility that has been so sorely lacking in the Congress this session. I only wish that the adherents of the "do something" school in this body would join with the administration in doing something about coordinating an effective attack on our national drug abuse problem.

The text of the Wall Street Journal editorial follows:

The "Do Something" School

Americans characteristically believe that ingenuity, money and good-will can solve almost any problem. So it was probably inevitable that when drug abuse became epidemic a few years ago, the federal government funded a multi-million dollar drug abuse education act.

That act expires this year, and plans are underway in Congress to extend it another three years and also substantially increase the initial $58 million authoriation. However, some Congressmen want to eliminate the act altogether. Rep. Earl Landgrebe (R-Ind.) for one, points out that several evaluations of the program have been sharply critical. He favors "deglamorizing" drug education by leaving the entire program, including funding, to local communities.

Whatever the merits of the drug abuse education act, it would appear that drug education generally is not the panacea a good many people had hoped it would be. Three scientists who surveyed programs among high school, junior high and grade school students reported that such programs not only may fail to decrease drug usage among high school students, but may in some cases cause them to experiment with illegal drugs. And in its final report last March, the National Commission on Marijuana and Drug Abuse recommended that states consider a freeze on drug instruction in schools. Such instruction, it said, may stimulate young people's interest in drugs.

Some of this is probably conjecture. At any rate, it borders on hearsay to suggest that money, good intentions and the urge to do something right now are not always enough to solve pressing social problems. The history of the past decade strongly suggests that many Americans would rather do something, even if it is the wrong thing, than give the appearance of doing nothing at all.

But lofty ambitions make for bad social legislation when they fail to take political reality into account. And political reality means questioning the assumption of even the most popular legislative proposals. It means asking what the side effects are likely to be.

And if the assumptions prove to be faulty or the side effects unexpectedly harmful there would be no hesitancy to scrap a piece of legisiation as a bad job. If that happened more often there would be far less opposition to the "do something" school of thought.

Mr. BRADEMAS. Mr. Chairman, I have no further requests for time.

Mr. ESHLEMAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(c) of the Drug Abuse Education Act of 1970 is amended by inserting ", whichever is greater," after "not to exceed", and by inserting after "this section" the following: ", or the amount provided in subsection (e),".

Sec. 2. Section 3(e) of the Drug Abuse Education Act of 1970 is amended to read as follows:

"(e) (1) There is hereby authorized to be appropriated $14,000,000 for the fiscal year ending June 30, 1974, $16,000,000 for the fiscal year ending June 30, 1975, and $18,000,000 for the fiscal year ending June 30, 1976, for purposes of carrying out this section.

"(2) Of the funds appropriated to carry out this section for a fiscal year, $6,000,000 may be used by the Secretary only for grants and contracts under subsection (a).

"(3) From the funds appropriated to carry out this section for a fiscal year, $100,000 shall be made available by the Secretary to each State agency for paying its expenses under subsection (c), except that if the funds so appropriated are inadequate for such purpose, the amount made available to each such agency shall be reduced pro rata.

"(4) Where the funds appropriated under section 4 exceed $6,000,000 for a fiscal year and where such funds are avaliable for expenditure under the proviso of section 4, the Secretary, out of funds appropriated to carry out this section, may, in addition to payments authorized by paragraph (2), make payments for expenses for State educational agencies under subsection (c) in an amount not aggregating more than $2,400,000, but the amount paid any State shall not exceed an amount which bears the same ratio to the total amount available under this paragraph for payments to all the States as the population of the State bears to the population of all the States.

"(5) From the funds appropriated to carry out this section for a fiscal year, not more than $500,000 shall be used by the Secretary for an independent analysis and evaluation of the effectiveness of drug abuse and drug dependency education programs.

"(6) Funds appropriated to carry out this section which remain after the application of the preceding paragraphs may be used to carry out this section without restriction.".

Sec. 3. (a) The first sentence of section 4 of such Act is amended to read as follows: "There is authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1974, $14,000,000 for the fiscal year ending June 30, 1975, and $16,000,000 for the fiscal year ending June 30, 1976, for grants and contracts to carry out this section: *Provided,* That no funds appropriated for any fiscal year to carry out this section may be expended until the amount appropriated for that year to carry out section 3 exceeds $11,500,000.".

Mr. BRADEMAS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. DELLENBACK

Mr. DELLENBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dellenback: Page 3, line 13, after "Sec. 2." insert "(a)".

Page 4, line 19, insert "and alcohol" after "drug" each time it appears.

Page 4, after line 23, insert:

"(b) The Drug Abuse Education Act of 1970 (21 U.S.C. 1001–1007) is further amended (1) by striking out 'drug abuse' each time it appears and inserting in lieu thereof 'drug and alcohol abuse', (2) by striking out 'abuse of drugs' each time it appears in section 3(b) and inserting in lieu thereof 'abuse of drugs and alcohol', (3) by striking out 'drug abusers or drug dependent persons' in section 3(b)(8) and inserting in lieu thereof 'drug or alcohol abusers or drug or alcohol dependent persons', (4) by striking out 'drug dependency' each time it appears in section 4 and inserting in lieu thereof 'drug and alcohol dependency', and (5) by inserting after 'Drug' in section 1 the following: 'and Alcohol'."

Mr. DELLENBACK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DELLENBACK. I am proposing this amendment today, Mr. Chairman, not only on my own behalf, but on behalf of the gentleman from Minnesota (Mr. Quie); the gentleman from New York (Mr. Biaggi); the gentleman from California (Mr. Bell); the gentleman from Illinois (Mr. Erlenborn); the gentleman from Florida (Mr. Lehman); the gentleman from Michigan (Mr. Esch); the gentleman from Pennsylvania (Mr. Eshleman); the gentleman from New Jersey (Mr. Forsythe); and the gentleman from Nevada (Mr. Towell), these being the gentlemen who joined with me in signing the additional views to this bill which are printed in the committee report which each one of the Members has.

Mr. Chairman, the amendment which we have offered is, as I indicated during general debate, a very simple amendment. It proposes to take the bill which is before us and provide that wherever the word "drug" appears, the words "and alcohol" be added immediately following. The amendment deals with several different forms in which that would be necessary to be done in order to accomplish the goal about which I spoke.

It is unfortunate that there is ambiguity in the use of the word "drug," and confusion as to whether alcohol is indeed a drug. However, there is no question whatsoever and there is no confusion whatsoever, Mr. Chairman, about the fact that alcohol abuse is one of the Nation's most urgent national health problems.

We set forth in the committee report data relative to what the Army has learned. I commend that to the attention of the members of the committee. Those who have had a chance to read the October 29 issue of U.S. News & World Report are aware of the article there indicating that the Nation's No. 1 drug problem is alcoholism.

An article appearing in the Washington Post under date of July 10, 1973, starts off by saying that drinking problems have replaced drug abuse in the Army and Navy and dwells on the tremendous difficulties that have arisen as the Army and the Navy have gone forward in trying to deal with drug abuse. They have found that alcohol abuse time after time after time appears at the head of the list and by itself stacks up as something about which much needs to be done in the field of education.

Alcohol has been termed by at least one expert "America's No. 1 drug of abuse," including the National Commission on Marihuana and Drug Abuse I think this statement is a grimly accurate description of the immense problem which alcohol abuse and addiction has become in the United States today. In my opinion, it is most regrettable that alcohol abuse has not been a major focus of the Drug Abuse Education Act in its 3 years of existence, and I have concluded that the specific language which we are suggesting is necessary to insure that programs funded under this act will put a major emphasis on alcohol abuse.

There are approximately 9 million alcoholics in the United States today—about 4.5 percent of our population. Alcoholism has become a major cause of increasing absenteeism on the job, and companies as well as unions are struggling with the question of how to cope with this problem. Furthermore, alcohol abuse has created the cause of one-half of all traffic accidents resulting in fatalities in this Nation: the drunk driver.

In the face of facts such as these, there is surely no question about the need for more and better education on alcohol abuse. There is a question in some people's minds, however, as to whether alcohol is already included in the definition of "drug." In fact, the amendment which my colleagues and I are offering today was narrowly defeated in committee, primarily on the grounds that alcohol is already considered a drug and, therefore, it would be redundant to list it separately in the bill.

Personally, I have no problem with the question of whether alcohol is a drug; in fact, I am convinced it is indeed a drug with very deadly potential. I am equally convinced, however, that many people put alcohol into a separate category from the substances most commonly categorized as drugs.

Dr. Helen Knowlis, the Director of the Office of Education's Drug Education/Health and Nutrition Program, has said:

> Alcohol is a good example for understanding how a drug works because most people are familiar with it.

She added, however:

> Unfortunately, many Americans are reluctant to even think of alcohol as a drug.

I do not think it would make much difference if every single Member of this body were to agree today that alcohol is in fact a drug. The point is that we simply cannot afford to take for granted that those people who will be charged with interpreting and applying this bill will treat alcohol the same as other drugs. I believe we need explicit provision in the law that funding can be used to create and operate programs directed toward the prevention of alcohol abuse.

The contention that alcohol is already part of drug education projects funded under the Drug Abuse Education Act is just not borne out by information from the Department of Health, Education, and Welfare. According to a survey conducted by HEW:

> One could say that 16 of the total of 111 projects are specifically identifiable with concern about alcohol (or better than 10 percent).

To me such statistics illustrate that far from being emphasized in drug abuse education programs, alcohol abuse is even being ignored in many of these programs.

Alcohol abuse has already ruined the lives of far too many people in the United States. The problem is urgent. Education programs authorized by this legislation could help young people across the country become conscious not only about how hard drugs can ruin their lives, but how the abuse of alcohol can do the same.

I urge my colleagues who recognize the seriousness of alcohol abuse to vote for this amendment. We badly need this potentially invaluable educational tool to help our communities cope with what is the Nation's most dangerous drug: alcohol.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is very reluctant opposition, I must say. I wish to commend the gentleman from Oregon for his very valuable contribution. Indeed, he has caused the report of the committee to show much stronger concern over the question of alcohol abuse.

However, my opposition stems from this fact and I think I can show it by the statement the gentleman quoted where he says that drinking has replaced drug abuse as the No. 1 problem.

Indeed, Mr. Chairman, both drinking and drug abuse are the same thing. Alcohol is a drug. If we are, in the title of this act, and in the language of the act, enumerating every single abuse of drugs or even three, four, or five of them, the tendency is to cause people to choose up sides. Are we going to have more emphasis placed on the drug alcohol or more emphasis placed on the drug marihuana or more emphasis placed on the drug heroin and so on and so forth? So the title might read the drug abuse and alcohol and heroin and cocaine and marihuana and so on and so on and so on amendments of 1973. This is my prime opposition to this amendment.

I recognize that the gentleman from Oregon is making a valuable contribution, but I think we have adequately taken care of this problem by a strong statement in the report of the committee indicating that we feel very strongly much attention should be paid to alcohol abuse.

I wholeheartedly agree with the gentleman that the No. 1 abuse in the United States today is alcohol. There is no question about it. However, I visited and have visited over the past 3 or 4 years a number of drug abuse education programs in my own congressional district and other districts. He says he got his information from the Office of Drug Information, and I have no reason to doubt that.

But in every single drug abuse program that I have personally visited, alcohol or the abuse of alcohol as a drug has been a component of that drug abuse education program. Maybe it does not achieve the focus that the gentleman from Oregon (Mr. DELLENBACK) and I would like it to have, but I think the language in the report of the committee should sufficiently take care of that so that we do not have to get into the situation of having to enumerate all the different drugs of abuses. This is the exact effect of the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

Mr. Chairman, it seems to me that this legislation dealing with drug abuse education relates to a subject which is serious and complex—even elusive, but it is certainly not nearly as real or as tangible or as extensive as the subject of addiction to alcohol, which would be covered by the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

I am confident that this legislation has much more general national application when we include the subject of addiction to alcohol than when we consider solely the subject of addiction to drugs, since the drug problem is primarily an urban and regional problem contrasted to the general nationwide problem which is included when we make specific reference to the subject of addiction to alcohol.

I know that in my own congressional district the problem of alcoholism is acute, and the need for education programs with regard to this subject is certainly one which needs greater emphasis, and a problem which can be effectively covered by this legislation.

Mr. Chairman, I might say also that there is a noticeable and recognized diminution insofar as the drug addiction problem is concerned, while, at the same time, we must recognize the dreadful toll which is being taken by alcoholism which continues virtually unabated. So I am hopeful we will recognize today in this legislation, the need for this amendment and will add the important amendment which the gentleman from Oregon (Mr. DELLENBACK) has offered.

Mr. LEHMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

The facts are, there are 7 to 10 million alcoholics in the United States today. This means that at least one in every 20 persons is an alcoholic, and probably 1 in every 12 persons over the age of 18.

Alcohol was a factor in more than 25,000 of the 50,000 fatal car accidents in 1970. It is estimated that one in every 50 automobiles on the highway is operated by a drunk driver.

The personal cost of alcoholism is as high as that of drug abuse. The life expectancy of alcoholic drinkers is 10 to 12 years shorter than that of the general public. Studies indicate that the mortality rate for such persons is at least two and a half times as great, and they suffer a disproportionate number of violent deaths.

One of the major problems in combating alcohol abuse is its social acceptance. There is no reason why alcohol abuse should not be included in an education program designed to prevent the waste and debilitation of thousands of young lives, when the statistics show that alcohol abuse is far from a small problem.

In my own Dade County, the schools have adopted the approach of "substance" abuse, which includes both drugs and alcohol. I think this is an excellent approach to the entire problem.

Mr. PRITCHARD. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

Mr. Chairman, without taking up too much time of the Members, may I say that last Saturday morning I had 16 people who are responsible for fighting drug abuse problems in the city of Seattle in my office back in my home district, and among discussions that we had was that of this very amendment that the gentleman from Oregon (Mr. DELLENBACK) and the gentleman from New York (Mr. BIAGGI) are offering. Every one of them unanimously agreed that it would help them and would improve the total problem if Congress spelled it out that alcohol and drugs are synonymous, and synchronize them. And while we may not agree with the enforcement and some of the legal aspects when it comes to education, it is essential that there is a coordinated program, and that alcohol is included with drugs.

I think that while we here say that everyone knows it, the public does not know it. I think it establishes that right here and now we declare alcohol as a drug.

I very strongly support Mr. DELLENBACK's amendment.

Mr. Chairman, the principal reason given by the committee for not including the words "and alcohol" in the bill (H.R. 9456) was the contention that alcohol is already considered to be a drug and, ipso facto, it would be redundant to so list it in the bill. While it is absolutely true that alcohol is a drug, in common conversation and public thinking, it often fits in a separate category.

The contention that alcohol is part of drug abuse education projects is not borne out by information compiled by the Department of Health, Education, and Welfare which conducted a survey on this very question. The HEW survey and "Special Analysis" indicated that less than 15 percent of all drug education program projects sampled included alcohol-related problems in their curriculums.

It is scandalous to think that drug education programs such as those authorized by this legislation do not focus in on the Nation's number one drug problem: alcoholism.

The National Commission on Marihuana and Drug Abuse said recently:

> Alcohol dependence is without question the most serious drug problem in this country today. Use of the drug is pervasive within the general population and its ready availability facilitates the development of high degrees of dependence among vulnerable populations.

What is even more tragic is that the biggest rise in drinking is seen among young people. And these are the same people we are attempting to reach with this legislation. Increasing evidence indicates that young Americans are becoming wary of heroin, LSD, and other drugs and are switching back to alcoholic beverages for their "highs."

The National Commission on Marihuana and Drug Abuse said that the proportion of high school students who drink has nearly doubled in the past 4 years—from 39 percent in 1969 to 74 percent in 1972.

What concerns authorities even more is an increase in arrests of young people for intoxication.

Arrests of girls 18 and younger on this charge have tripled in the past decade, and arrests of boys the same age have jumped by 250 percent in the same period, according to Dr. Morris Chafetz, Director of the National Institute on Alcohol Abuse and Alcoholism.

So numerous are the problem drinkers becoming among the young that Alcoholics Anonymous has begun opening local groups exclusively for them all over the Nation. Yet, Federal drug abuse education programs place no emphasis on alcohol-related problems.

Mr. Chairman, I ask unanimous consent that the article "Rising Toll of Alcoholism: New Steps To Combat It" appear in the RECORD at this point along with two tables that point to alcoholism as the number one drug problem and to the increased usage of alcohol by youths.

TABLE I. *The Nation's No. 1 drug problem: Alcohol*

(Based on studies by the National Commission on Marijuana and Drug Abuse)

[Percentage of people surveyed reporting use within past seven days]

	Youths	*Adults*
Alcoholic beverages	24	53
Tobacco, cigarettes	17	38
Proprietary sedatives, tranquilizers, stimulants	6	7
Marijuana	14	16
LSD, other hallucinogens	4.8	4.6
Glue, other inhalants	6.4	2.1
Cocaine	1.5	3.2
Heroin	6.6	1.3

TABLE II. *Youthful Drinking on the Upswing*

(Based on studies by the National Commission on Marijuana and Drug Abuse)

[Percentage who have used alcoholic beverages]

JUNIOR HIGH-SCHOOL STUDENTS	
1969	42
1972	56
HIGH-SCHOOL STUDENTS	
1969	39
1972	74

RISING TOLL OF ALCOHOLISM: NEW STEPS TO COMBAT IT

Under way in the U.S. is a drive to mobilize the nation's resources against alcoholism—an old problem now back on the nation's doorstep, bigger than ever.

As the number of Americans with a drinking problem keeps rising across America—

Federal spending for the treatment and prevention of alcoholism, and research into its causes, has increased sixfold since 1970 to 86 million dollars a year.

Alcoholics Anonymous—a private organization whose members offer mutual support to each other in getting off alcohol and staying off—has grown from 4,755 groups in 1958 to more than 10,000 groups around the country now.

Many of the nation's largest employers, concerned about financial losses because of alcoholic personnel, are instituting programs designed to find workers with drinking problems and see that they get treatment.

A PROBLEM AMONG YOUNG

The nation's public-school systems, in an effort to combat a serious increase in youthful drinking problems, are sponsoring alcohol-education programs aimed at students in high school, junior high and even elementary school.

Additional help comes from the Division of Distilled Spirits, Council of the U.S., Inc., which represents the liquor industry.

The council sponsors advertisements in newspapers and on television spelling out the dangers of excessive drinking, provides grants of up to $12,000 for research into the nature, treatment and possible cures of alcoholism, and helps underwrite costs of educational materials on alcohol for public schools.

Behind this activity is a growing awareness of the massive probems being caused by alcohol abuse in the U.S.

The National Commission on Marijuana and Drug Abuse said recently:

"Alcohol dependence is without question the most serious drug problem in this country today. Use of the drug is pervasive within the general population and its ready availability facilitates the development of high degrees of dependence among vulnerable populations."

In all, 9 million persons—about 10 percent of the nation's drinkers—are described as alcholics. Twenty-five percent or more are women, and 5 percent are persons aged 10 through 19.

Some wind up on skid row. But 95 per cent are living at home and usually holding jobs—while making life miserable for some 36 million family members and close friends.

CAUSE OF 80,000 DEATHS?

Total cost to the nation—human and financial—are seen as enormous.

Alcoholism is found to be breaking up marriages, impoverished families and displacing children from their homes. It is blamed for 80,000 deaths a year, including half of all traffic fatalities and homicides and a fourth of all suicides.

Almost half of the 5.5 million arrests annually in the U.S. are related to abuse of alcohol. Officials estimate the cost for arrest, trial and jailing of drinkers at more than 100 million dollars a year.

Altogether, alcoholism now is said to be costing society around 15 billion dollars annually.

Of this, 10 billion dollars is lost by the nation's employers because of absenteeism and low productivity by alcoholic personnel, who are said to be absent from work about 2½ times as frequently as their co-workers.

FROM DRUGS TO BOOZE

The biggest rise in drinking is seen among young people, who are becoming wary of heroin, LSD and other such drugs and are switching back to alcoholic beverages for their "highs." The National Commission on Marijuana and Drug Abuse said that the proportion of high-school students who drink has nearly doubled in the past four years—from 39 per cent in 1969 to 74 per cent in 1972.

What concerns authorities even more is an increase in arrests of young people for intoxication.

Arrests of girls aged 18 and younger on this charge have tripled in the past decade, and arrests of boys the same age have jumped by 250 per cent in the same period, said Dr. Morris E. Chafetz, director of the National Institute on Alcohol Abuse and Alcoholism.

So numerous are problem drinkers becoming among the young that Alcoholics Anonymous has begun opening local groups exclusively for them all over the nation.

SOBER AT AGE 11

At one meeting of an AA "youth" organization in California's San Fernando Valley, The Los Angeles Times" reported, one member was honored for his first year of sobriety. He was 11 years of age.

At the same meeting, a 10-year-old boy reported he had been sober for a month.

What is causing this youthful binge?

A 30-year-old alcoholic, a member of an AA group in Washington, D.C., who started drinking when he was 17 years of age, offered this explanation:

"Kids are getting scared of drugs. They feel safer with a bottle. They don't see alcohol as addictive, and it's more socially acceptable. For one thing, it is legal.

"Besides, parents encourage their kids to drink, rather than to do drugs. I went to a wedding of a teen-age couple not long ago, and the parents served beer at the reception. They said it was better to have kids drunk on beer than off somewhere lighting up joints."

Another factor: the growing popularity, especially among the young, of "pop" wine. Sales of this generally inexpensive and sweet wine have soared from 3 million gallons in 1968 to 33 million in 1971, the latest available figures.

Many young people are mixing alcohol with other drugs, such as marijuana, barbiturates and amphetamines, to get a "double high."

ONE MAN'S EXPERIENCE

A 22-year-old member of Alcoholics Anonymous in Washington, D.C., who started drinking at 14 explains:

"I drank to get drunk as fast as possible. I was putting down beer, wine, whisky, even rubbing alcohol. Then I started taking pills—mostly amphetamines and acid—to speed up the process. Man, I had blackouts that lasted from three to 18 hours."

Students of alcoholism point out that this young man's experience is rare. They say the large majority of young people experience no serious problem because of drinking. They note that, for untold generations, youngsters have been taking that first drink as a rite of passage into adulthood.

Still, knowledge that youths in their teens and even younger can develop alcoholism comes as a shock to many Americans. Until recently, it was commonly thought that five to 10 years of heavy drinking were needed to become an alcoholic.

During the 1960s, however, researchers learned that extremely heavy abuses of alcohol could produce a drinking problem for some in just two or three years.

In addition, authorities found that between 5 and 10 per cent of the nation's alcoholics had suffered a mysterious reaction to their first drink, which induced an uncontrollable physical need for alcohol—making them alcoholics from the very beginning.

Medical authorities, however, say steady progress is being made in treating the nation's alcoholics.

A VERY COMPLEX DISEASE

They point out that alcoholism is no longer considered a product of moral degeneracy, but is recognized by the American Medical Association, the American Hospital Association and the World Health Organization as a highly complex disease which can be treated and brought under control.

As a result, more and more alcoholics who once would have been arrested and thrown into "drunk tanks" are now being treated by doctors and other specialists in hospitals, community-health centers and other treatment facilities.

Perhaps fewer than 20 per cent of the alcoholics are ever able to abstain totally from liquor for more than three to five years.

Some purists believe that no alcoholic who suffers an occasional relapse and gets drunk is truly recovered.

Many leading authorities, however, say that with an intensive, long-range treatment program, between 60 and 80 per cent can learn to control their drinking most of the time. As a result, despite occasional bouts with drinking, they are able to re-establish normal family life, rebuild their work record and restore their reputation in the community.

How to reach such people is emerging as the most difficult aspect of treating alcoholism.

Nearly always, alcoholism specialists say, the problem drinker is unwilling to admit what his family and associates have long known—that he's in trouble. One alcoholic, a federal official in Washington, D.C., explained:

"If I were to call you an alcoholic, it would ruin you in today's society. Your family would be ashamed of you, your friends would avoid you, and your employers would no longer trust you. You would immediately deny it."

For these reasons, alcoholics often fiercely resist admitting their plight—even to themselves—as long as possible. Dr. Nicholas Pace, director of the employer alcoholism-recovery program at the General Motors Corporation's New York executive offices, says it is often necessary to pressure alcoholics into accepting treatment. His conclusion:

"You have to find something that they love more than drinking, and that isn't easy. Once you find it, you have to threaten to take it away, unless they seek treatment."

For many people, especially men, the weapon that persuades them is their job.

Between 25 and 50 employers, including General Motors, American Airlines, Eastman Kodak, Consolidated Edison, the federal civil-service system and the Navy, have instituted programs to find alcoholics on the job and to assist them firmly into treatment programs.

THE GM WAY

Typical is the General Motors project, which is being implemented at each of the company's 110 plants. GM executives instruct supervisors to watch for one of the earliest signs of alcoholism—deteriorating job performance.

Once they have documented evidence, company and union representatives confront the employe with an ultimatium: either correct his problem or lose his job.

If the worker refuses treatment, he is fired—not because of his disease, but because of his poor job performance.

If he decides to accept treatment, and most do, the alcoholic may take sick leave and even receive medical-insurance payments.

The whole matter is kept strictly confidential, so that the alcoholic's fellow employes need never know the nature of the illness.

For other alcoholics, such as the many housewives who drink secretly, different means of pressure must be found. Often relatives, close friends or a spouse can be helpful, authorities say.

One instance: The wife of a Detroit executive refused to admit that she had a drinking problem until she received a deathbed letter from her cancer-stricken husband that persuaded her to enter an alcoholism-treatment program after his death.

FOR SOME, AA

Some alcoholics, it is found, can solve their drinking problem at little or no cost by joining a supportive group such as Alcoholics Anonymous.

The large majority, however, must undergo treatment under medical supervision—which can be long, complicated and expensive.

Detoxification, or "drying out," means hospitalization up to two weeks to sober up the alcoholic and withdraw him from physical addiction with the aid of tranquilizers and sedatives.

In extreme cases, treatment may also include extensive psychological and social therapy.

Persons with extreme addiction to alcohol may enter "halfway houses," or rehabilitation centers, for weeks or months to live with other recuperating alcoholics under the guidance of trained staff workers. Staff members are often ex-alcoholics themselves.

Others may live at home, but attend outpatient clinics for the same kind of counseling. In either case, alcoholics get help in solving the personal problems which helped cause their drinking. Often included are job services and psychotherapy.

ONE AID: ANTABUSE

To help them stay sober during this interim period, alcoholics are often given a drug called disulfiram or Antabuse. If they take a drink after swallowing an Antabuse tablet, they will suffer a pounding headache and usually violent nausea and vomiting.

Even after months of treatment, alcoholics do not find it easy to stay sober, according to experts. They are forced to revise their whole life style to exclude alcohol. Some turn to religion, while others rely upon a close-knit family relationship or membership in Alcoholics Anonymous.

In all, however, only 10 per cent of the nation's 9 million alcoholics have been treated. The reason, aside from the reluctance of the alcoholics to seek treatment, is that society has been slow to recognize alcoholism for what it has been officially declared—a disease.

Few doctors are trained to recognize alcoholic symptoms. In fact, many doctors, unconvinced that alcoholism is a disease, prefer not to treat patients with the symptoms.

Fewer than 50 percent of the nation's hospitals will admit patients with a primary diagnosis of alcoholism. In most cities, public drunks are still being arrested and thrown into jail. Many in the advanced stages of alcoholism are being housed in mental hospitals with little treatment.

ROLE OF NEW INSTITUTE

Nevertheless, the picture is brightening. With federal grants from the National Institute on Alcohol Abuse and Alcoholism, created by unanimous act of Congress in 1970, most community mental-health centers around the country are now offering treatment for alcoholics.

The Institute also sponsors medical research into the nature and possible methods of treating alcoholism. It operates the Laboratory of Alcohol Research at St. Elizabeths Hospital in Washington, D.C.

In addition, the Institute provides a total of 7.5 million dollars a year in research grants to such institutions as the Center for Alcohol Studies at Rutgers University, the University of Maryland Medical School and the Massachusetts General Hospital.

Alcoholics are getting increasing help from the private sector. Voluntary programs, run by such organizations as Alcoholics Anonymous, the Salvation Army and Volunteers of America, are reported growing steadily.

Alcoholics Anonymous, for example, estimates that its membership—which has now reached 650,000—is expanding by about 10 per cent a year.

Insurance companies, such as Blue Cross-Blue Shield and Employers Insurance of Wausau, are beginning to include some coverage for the treatment of alcoholism in their health-insurance policies.

Other antialcoholism groups have mounted an intensive public-education campaign. Youth-oriented organizations such as the Young Men's Christian Association and the National Congress of Parents and Teachers are developing programs to alert school-age children to the problems caused by alcohol abuse.

Experts realistically admit that the nation will always have some alcoholics, but they are convinced that, with the growing array of treatment techniques and increased awareness of this age-old problem, the number of lives destroyed by alcoholism can be drastically reduced.

"ALCOHOLICS" AND "PROBLEM DRINKERS"—THE SYMPTOMS

Of the more than 90 million Americans who drink beer, wine and liquor, as many as 10 per cent are classified as "alcoholics," and millions of others are "problem drinkers." What are the signs of these two conditions—and the differences between them?

ALCOHOLICS

Dr. Frank Seixas, medical director of the National Council on Alcoholism, reports that alcoholics exhibit specific symptoms, including these:

They are physically dependent upon alcohol. When cut off from it, they suffer a painful withdrawal, experiencing tremors, hallucinations, seizures and delirium tremens—the "d.t.'s." Withdrawal can become "a medical emergency," producing fevers up to 107 degrees, which can bring death.

Alcoholics develop high tolerance to the effects of alcohol; that is, they are able to drink great quantities without showing easily noticeable signs of intoxication. A typical alcoholic weighing 180 pounds, for example, can consume a fifth of whisky or an equivalent amount of beer or wine each day for several days in a row, with acquaintances unaware that he has a drinking problem.

During their drinking bouts, alcoholics suffer blackout periods that last hours, days and even weeks. They may be conscious and active and appear to be normal. Later they cannot remember what they have done or where they have been.

They fall victim to alcohol-associated illnesses, such as cirrhosis of the liver, alcoholic hepatitis and heart disease. Doctors have found that the life span of the average alcoholic is 10 to 12 years shorter than the rest of the population.

Alcoholics are psychologically dependent on drink, complaining they have lost control over their consumption. They continue to drink, even after losing their jobs, their marriage and their health.

PROBLEM DRINKERS

The National Institute on Alcohol Abuse and Alcoholism says that problem drinkers are those who may not yet be full-fledged alcoholics, but whose drinking seriously and adversely affects their lives. Symptoms:

Drinking regularly in order to function or to "cope" with life.

Drinking to get drunk frequently.

Going to work intoxicated.

Driving a car while drunk.

Requiring medical attention because of drinking.

Getting into trouble with the law while drinking.

Doing something while drunk a person would never do sober.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the amendment offered by the gentleman from Oregon has considerable merit. Without taking a stand on whether or not I will support his particular amendment, I do wish to point out something, however, which bothers me a great deal. I think all of us recognize the evils of alcohol as a drug. I think we are aware of the tremendous losses caused in this country through the use of alcohol, the tremendous fatality rate from automobile accidents, involving drunk drivers, and the families that are disrupted by alcoholism. Alcohol is involved in 85,000 deaths in the United States annually. One-half of all homicides and one-third of all deaths reported as suicides are known to be alcohol-related. And yet we do not hesitate to arise on the floor and speak of all of these things, and then go home and have a few drinks of Scotch or bourbon or whatever it is we happen to like. That type of hypocrisy permeates our whole attitude toward alcohol and toward a number of other deleterious substances in our society.

We could put quite a few millions of dollars into education as to the adverse effects of alcohol, and it would not begin to equal the impact of the advertising which the liquor industry puts into the media of this country. Whether we like the idea or not, this advertising constitutes a very effective education as to the benefits of using alcohol. Liquor in all its forms is held up to us in the pages of our national magazines and in the other media as the sort of thing that is necessary for the good life.

I rather doubt the efficacy of spending the few million dollars contained in this legislation to counteract that very effective education as to the benefits of alcohol, a type of education which has had and is continuing to have an enormous impact on our society. It is very nice to make speeches here about education regarding alcoholism. We can send copies of them to the local chapters of the WCTU and similar organizations, to show our concern, but if we really want to do something effective about the use and abuse of alcohol, I suggest that we all support a bill which I put in a few days ago, H.R. 11106, which would disallow liquor advertising as a business expense tax deduction, and thus make it a little bit more difficult for the liquor industry to carry on the kind of education as to the values of alcohol that it has been doing. I think this is the only realistic way to handle the situation, if we truly believe that alcoholism is a threat.

We are really just wasting money to engage in an education program about the dangers of alcohol as long as tens of millions of dollars continue to be spent by the liquor industry urging us to imbibe alcohol because it is a mark of the good life.

Mr. LANDGREBE. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I agree that this would sound like a very worthy amendment, and if there were some way that it would help to reduce the 9 million alcoholics in our country, I would be offering an amendment to double or triple the authorization. But I have sat in subcommittee, as have other people who are here proposing this legislation, and heard Dr. Peter Bourne, the assistant director of SAODAP, tell us that there has been no educational program yet devised that has a proven value in reducing the use of drugs; and to add alcohol onto this, into this whole situation, now would, to my notion, be a doubling of the counterproductivity of the program.

What would these educational millions be spent for? Would we teach kids, as we presently do in the drug abuse education programs, how to go down to the drugstore and buy a few aspirins and a coke and thereby put together a short trip? Or are we going to teach them how to make home brew after school by taking potato peelings and fermenting them behind the cookstove?

Are we going to give them some basic ideas on how to become a real drunkard a little later in life?

I know there are some people here who are snickering about this, but I am telling the gentlemen this is an important matter we are talking about today. It is not just a matter of appropriating a few more million dollars. We are dealing with our young people. We have already spent millions and millions and millions of dollars on drug education and what have we got but a spreading cancer in our schools?

Dr. Bourne testified that the U.S. Government ought to be spending its money on research in finding and developing the educational programs that would be productive, that would tend to lessen the interest of kids in drugs, rather than the other way around. I quoted in my earlier speech one high school group in Los Angeles alone where more than 33⅓ percent of the kids really thought they were getting an education in how to use drugs.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. LANDGREBE. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I recall the day Dr. Helen Knowlis, Director of the Office of Drug Abuse Education, appeared before the committee. In response to a question I put to her about whether or not the Federal Government was justified in terminating support for drug abuse education programs on the grounds that the Office of Management and Budget had set forth, namely, that sufficient models had been produced under the Act so as to make it unnecessary for continued Federal support, she responded:

> I know of no models that I will stand behind at this point.

The point of that response was precisely the problem that the gentleman from Indiana (Mr. LANDGREBE) addresses, which is to say we very much need more research into the best way of teaching about the abuse of dangerous drugs.

I strongly agree with the plea of the gentleman for more research, and I remind him that is one of the principal purposes of the bill under consideration. I hope therefore the gentleman will reconsider his position in light of what he has just said, and support the bill.

Mr. LANDGREBE. Mr. Chairman, I do not wish to yield any further.

I would like to point out that the Administration, the President is trying to consolidate the approaches to the drug abuse problem in our country. I am sure the President will be happy to talk about the alcoholism problem as well in this consolidated effort, but to have several hundred programs scattered all over the country and printing textbooks that have no proven value could very well bring the 9 million alcoholics up to 14 million in a few years time.

Therefore I encourage the Members to deal very seriously with this bill. I urge the Members to defeat the amendment and then to defeat the bill.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is alleged to be a Drug Abuse Education Act and now another dimension has been proposed by amendment to make it the Abuse the Booze Act.

As I suggested a little earlier this afternoon, why should we not have a Coffee Abuse Education Act? We hear today that coffee drinking is conducive to heart trouble. Is there anything more sinister than heart trouble? I had intended to offer an amendment to include coffee drinking but I will forgo that for today. I am sure there will be another of these educational acts in the near future. "Education" can be made to cover almost anything and does when there is $90 million to be spent on the bureaucracy.

How many millions are already being spent on "educating" people to the sins of liquor and drug abuse?

Then there is "the pill." Why not a Pill Abuse Act? We hear that the pill may produce deformed children. There is no end to this business. Why not a Nicotine Abuse Act? I have a little experience with nicotine, and am prepared to give the Members some advice on that and it will not cost them $90 million.

But, when are we going to get around to enacting a Taxpayer Abuse Act? Let the Members remember that tomorrow they will be confronted with a bill to increase the debt ceiling by about $13 billion.

Mr. TEAGUE of California. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr Chairman, I join the gentleman from Iowa in being opposed to this bill on the grounds that it is a very expensive duplication of programs now being carried on by other Government and voluntary organizations.

Mr. GROSS. Mr. Chairman, I do not know of much of anything to which the word "abuse" could not be applied.

What we badly need, insofar as drug abuse is concerned, are a few judges in the country who will convict drug pushers, send them to prison and toss away the keys. That would do more to curb drug abuse than anything else. We can go on endlessly with this kind of business.

Mr. Chairman, I hope this bill is defeated. Let us save the taxpayers $90 million.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I take this time, not so much to address myself to the amendment under consideration, but to respond to some of the points which have been made earlier in the debate. I realize it may be possible to talk about the danger of the abuse of milk or coffee and, in effect, to pour ridicule on the question of the abuse of dangerous drugs. But, I want to suggest very earnestly, Mr. Chairman, that this is no laughing matter. The abuse of dangerous drugs in the United States, especially among young people, is not something to joke about. It is not a laughing matter.

According to the Select Committee on Crime's report to this House last summer, 45 percent of the high school students in the city of New York and 20 percent of the junior high school students are drug users. According to the report of the National Commission on Marijuana and Drug Abuse, the incidence of the use of heroin and other opiates has increased from 2 percent in 1969 to 6 percent in 1972 among secondary school and college students.

That is a lot of human beings using, not coffee, not milk, but heroin.

There may be some Members of this body who think that is a subject for joking. I do not think that is a subject for joking, and I think that anyone who reflected soberly on this problem, that has caused as much pain and anguish in this country as perhaps any other, will realize that the time for laughing is over and that we had better conduct ourselves as sober, serious-minded legislators concerned about the Nation's business.

Mr. Chairman, I hope therefore that this legislation will have the overwhelming support of all responsible Members of this body.

Mr. MURPHY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Illinois.

Mr. MURPHY of Illinois. Mr. Chairman, I commend the gentleman for his remarks. As a former member of the Select Committee on Crime, I concur in the remarks of the gentleman.

I joined in the Crime Committee's tour to major U.S. cities and interviewed the students in the high schools and grammar schools.

The problem of drug abuse was of epidemic proportions.

I agree with the gentleman from Iowa's concern about our spending levels, but the spending of $90 million for this program is money well spent. We could not spend any money more wisely than we are doing in this program.

I agree with the gentleman from Indiana. This is not a laughing matter. It is a serious matter.

I rise in support of H.R. 9456, legislation to extend the Drug Abuse Education Act for 3 years. Witnesses who testified before the committee represented a wide variety of interests: educators, health specialists, state and local officials. All testimony, including that by administration officials, agreed that conditions were much improved since the passage of the 1970 act. All testimony, excluding that by administration representatives, suggested that an extension of the 1970 act was the best way to guarantee continued progress in the fight against drug use in the schools. I believe in staying with a program which has proven successful rather than changing in midstream.

Administration officials emphasize the successes of the Special Action Office for Drug Abuse Prevention and argue that a consolidation of drug education efforts within SAODAP is the next step in eliminating the drug scourge. This argument seems logical until we examine past administration efforts to consolidate. Consolidation of programs is often the first step along the road to the elimination of these programs.

The committee report reminded us that administration witnesses used similar reasoning to oppose enactment of the 1970 act. The administration witnesses argued in 1970 that there was no need to pass legislation in order to allocate funds for drug education. They proposed that the National Institute of Mental Health was already in operation and, in fact, in the business of dispensing drug education funds. It was later discovered, however, that NIMH earmarked less than $1 million for these drug education projects.

The committee's minority views point to recent reports which label drug abuse education not only ineffective but counterproductive. The implication is that drug education per se is dangerous. The real conclusion to be drawn should be that inadequacies of drug education programs rather than the programs themselves are the culprits. There is substantial support for this view in the technical papers of the second report of the National Commission on Marijuana and Drug Abuse. Emphasis should be on improving drug education rather than eliminating it.

One article, "Perspectives on Drug Education" by Dr. Gerald Edwards, deserves attention. Dr. Edwards notes that many programs originate in response to intense community pressure for action. These programs are often ill-conceived because of hurried beginnings. Personnel lack expertise, programs lack direction and, in general, in Dr. Edwards' words, there is "tokenism in response to crisis."

Dr. Edwards argues that successful drug education programs offer a constructive alternative to drug abuse rather than stressing the need to take drugs away from users. He spells out what he means by constructive alternatives: Sports, yoga, transcendental meditation, theater, poetry, art, dancing, job development and placement, racial cultural and men's and women's consciousness raising and referral to relevant outside agencies.

A significant number of articles and reports on effective drug education programs stress the need for student involvement in planning and implementing the programs. Youngsters are often more knowledgeable about drugs than teachers and there is no reason for teachers to address students in condescending manner. A teacher who never smoked marihuana cannot preach the evils of "the weed" to students who have tried it and liked it.

Dr. Donald A. McCune's article entitled "An Analysis of the Role of the State in Drug Education" noted the distinction between traditional drug education and effective drug education. The former instilled fear through scare tactics. McCune argued the need to utilize research and knowledge from all social and scientific fields. He further argued the need to enhance the individual drug user's or prospective drug user's concept of self. He added that drug education programs which fail to implement these newer approaches are bound to fail.

Drug education is not a new thing. In another article, Dr. McCune notes that a California statute of 1887 permitted instruction in the schools "upon the nature of alcohol and narcotics and their effects upon the human system." Dr. McCune suggests that certain schools today are employing the same techniques employed almost a century ago. He is not surprised, therefore, that some drug education programs have been total failures. He would have been surprised if this had not been the case.

As noted in an article about drug use in the city of Boston:

> Didactic and informational drug education programs upon which we have too heavily relied, spotted here and there throughout our schools on an occasional schedule, appear to be largely ineffectual and may well increase the incidence of drug use.

The shift in emphasis from the symptoms of drug abuse to the causes of drug abuse is essential. The replacement of the negative approach by a positive one is heralded as the beginning of real progress in schools by drug experts.

Administration spokesmen who argued against this legislation admitted there had been no attempt to evaluate the effectiveness of the programs funded under the Drug Abuse Education Act. An attempt should be made to identify those programs which are working and those which are not. After such an evaluation is made, the effective programs should be suggested as models. Without the benefit of this evaluation, however, I cannot understand the administration's opposition to extending the Drug Abuse Education Act.

Mr. ESHLEMAN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Alcohol is technically a drug. We all know that. In my opinion it serves a laudable purpose to add the word "alcohol" to this legislation.

I would call for an "aye" vote on this side of the aisle.

Mr. DELLENBACK. Mr. Chairman, will the gentleman yield?

Mr. ESHLEMAN. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Chairman, let me say I agree with most of what the gentleman from Indiana (Mr. BRADEMAS) said a few minutes ago. This is not the time for ridicule. This is not the time for humor. We are dealing with an extremely important issue.

Are we going to take our young people and give them the best education we can give them as to the danger of abuse of drugs?

The answer should be a clear, ringing "yes."

As far as the National Commission on Marihuana and Drug Abuse is concerned, the report to which the gentleman from Indiana (Mr. BRADEMAS) made reference, let me read another section of it:

> The most widely used mood-altering drug in America is alcohol. Retail sales of alcohol . . . in 1971 amounted to $24.2 billion.

The Commission has also said:

> Alcohol dependence is without question the most serious drug problem in this country today.

We are not here dealing with even a minor part of the area of drug abuse. We are dealing, when we talk about adding the words "and alcohol," with the most pernicious drug of the lot. It is extremely important that these words be added.

I urge my colleagues to adopt this amendment and then proceed overwhelmingly to adopt this legislation.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words and I rise in favor of the amendment.

In my judgment, alcohol should be added to the bill simply because alcohol education is just as important as education about other drugs.

In the school districts in my congressional district, alcohol is a big problem. It would be wasteful to develop a drug education program and not include alcohol, far more widely and less carefully used than drugs.

I think this good bill, H.R. 9456, would be greatly improved by adding alcohol to the drug education program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DELLENBACK).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. REES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for three years, pursuant to House Resolution 656, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. As a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LANDGREBE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 372, nays 13, not voting 48, as follows:

[Roll No. 554]

YEAS—372

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
McClory
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper

Perkins
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
St Germain
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Studds
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NAYS—13

Ashbrook
Byron
Crane
Gross
Landgrebe
Quillen
Rarick
Robinson, Va.
Satterfield
Shuster
Symms
Teague, Calif.
Young, S.C.

NOT VOTING—48

Anderson, Calif.
Aspin
Bell
Biaggi
Blatnik
Breaux
Brooks
Buchanan
Burke, Calif.
Clark
Clausen, Don H.
Clawson, Del
Dent
Dickinson
Fountain
Grasso
Green, Oreg.
Gunter
Hammerschmidt
Hansen, Wash.
Hosmer
Howard
Jones, Ala.
Keating
King
Kluczynski
Lujan
McCloskey
McKinney
Mills, Ark.
Mosher
Murphy, N.Y.
Nichols
Nix
Podell
Roberts
Runnels
Ryan
Sandman
Steele
Stratton
Stuckey
Symington
Veysey
Waldie
Wolff
Young, Fla.
Zion

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Roberts.
Mr. Murphy of New York with Mr. Runnels.
Mr. Nichols with Mr. Ryan.
Mr. Fountain with Mr. Symington.
Mr. Podell with Mr. Aspin.
Mr. Blatnik with Mr. Lujan.
Mr. Howard with Mr. Don H. Clausen.
Mr. Mills of Arkansas with Mr. King.
Mr. Waldie with Mr. Stuckey.
Mr. Anderson of California with Mr. Dickinson.
Mr. Biaggi with Mr. Nix.
Mrs. Burke of California with Mr. McCloskey.
Mr. Clark with Mr. Bell.
Mr. Stratton with Mr. Hosmer.
Mrs. Hansen of Washington with Mr. Steele.
Mr. Kluczynski with Mr. Del Clawson.
Mr. Wolff with Mr. Keating.
Mrs. Grasso with Mr. Young of Florida.
Mr. Brooks with Mr. Buchanan.
Mrs. Green of Oregon with Mr. Mosher.
Mr. Breaux with Mr. Hammerschmidt.
Mr. Gunter with Mr. McKinney.
Mr. Jones of Alabama with Mr. Zion.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERSONAL EXPLANATION

Mr. ZION. Mr. Speaker, I was unavoidably detained during the vote on the drug abuse extension bill. Had I been present I would have voted "aye."

Mr. Speaker, I ask unanimous consent that my statement may appear immediately following the vote in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ANNOUNCEMENT OF CHANGE IN LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I take this time to announce a change in the legislative program for this week.

On tomorrow, Wednesday we will call up the conference report on H.R. 9286, military procurement authorization, and H.R. 11104, the public debt limit increase. We are postponing consideration of the conference report on S. 1081, the trans-Alaskan pipeline authorization, probably until next week.

On Thursday we will consider no legislative business because of the services for the late John Saylor. We have postponed a vote on the override of the President's veto of House Joint Resolution 542, the war powers resolution until next Wednesday, and H.R. 10265, audits of the Federal Reserve Board.

Also, we will have no session on Friday.

AMERICAN BUSINESS—THE BEST LINE OF DEFENSE

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Longview Daily News, published at Longview, Tex., which is read by a great many of my constituents, has featured an article on the subject of U.S. trade with Russia which prompts me to make this observation.

Only history can ultimately determine the true thrust of diplomatic negotiations, and pronouncements from Communist countries have always been viewed with particular suspicion; however, there is always the possibility that the most effective smokescreen may be to mean precisely what you say. It seems to me that one of the best safeguards the United States can have in the always confusing international situation is the sharp eye of the American businessman who knows what he is doing and can be relied upon to get the facts with the greatest possible accuracy and speed and usually with beneficial results to the American people through a favorable balance of payments. In short, the American free enterprise system is in many ways the most effective instrument of our national diplomacy.

The article from the Longview Daily News is as follows:

[From the Longview (Tex.) Daily News, Oct. 17, 1973]

Facing Russia Is a Gamble

(By John Chamberlain)

In facing the Russians, Secretary of State Henry Kissinger is taking a gamble. His desire for a detente with the Soviets may be based on an accurate assessment of their own need. On the other hand, an equally good case can be made that Dictator Brezhnev is setting Kissinger up.

The minority view in CIA, Pentagon, and State Department circles, as leaked to our more pessimistic journalists, favors the setting-up theory. The Soviet Minister of Defense, Marshal Andrei Grechko, no lover of the West, sits on the Politburo. He represents the younger elements in the Soviet military establishment, a group described as not at all adverse to using military means to gain results that elude the diplomats. Brezhnev supposedly put Grechko on the Politburo over a detente-minded opposition.

DR. HAMMER'S ARGUMENTS

The argument against the theory that the Soviets are using detente as a smoke screen to hide preparations for a preventive war on Red China or some sudden intervention in the Middle East rests on the application of horse sense to what the Kremlin is trying to do to woo capitalist participation in the exploitation of Russian natural resources. I have always been distrustful of Soviet promises, but Dr. Armand Hammer, the president of the Occidental Petroleum Company, who has several deals now cooking with the Communists, makes a most persuasive argument that the Russians need 20 years of peace with the West in order to move forward with their natural gas reserves, their agriculture, and their foreign trade prospects.

There is little possibility, as Dr. Hammer outlined in an interview with this columnist, of the Soviets gaining anything very ponderable by breaking off in the middle of their complex deals with the West. In conjunction with the El Paso Natural Gas Company, Occidental Oil plans to supply the pipe and the exploratory expertise needed to bring ten to fifteen trillion cubic feet of gas from the Irkutsk region of Siberia to tidewater at Olga, a Pacific port near Vladivostok. The gas will be going in the wrong direction to serve Soviet manufacturing installations; it can only bring the Soviets a good return by shipping it in liquefied form to Japan and the West Coast of the U.S.

Another Occidental deal with the Soviets will take phosphates from Florida to Russian ports to be used as fertilizer. Occidental has a new process that reduces bulky phosphate rock to a concentrate that enables one freighter to do the work of four. The deal is taking $500 million in financing that is shared by the Ex-Im Bank, the Bank of America, and the Soviets themselves. The pay-back to the U.S. will come in the form of Soviet shipments of nitrogenous fertilizer made from Soviet natural gas. Twenty years are needed for the Soviets to get full advantage of the phosphate-for-nitrogen trade-off.

A third Occidental project is the building of a $110 million trade center in Moscow, with the Soviets putting up the money and the Bechtel Corporation helping an Occidental subsidiary with the construction. There will be office space for 400 firms, plus apartments for their employees and a 600-room hotel in the trade center. Why, if Moscow intends to go to war with the West, should they be spending money on a center for foreign businessmen?

EXTRACTING OIL FROM GARBAGE

A fourth deal contemplates the bartering of metal plating equipment made by Occidental's Hooker Chemical subsidiary for Soviet nickel. This involves an $80 million contract covering five years. Finally, Occidental plans to teach the Soviets to extract oil from garbage by a new process scheduled for unveiling in San Diego.

If the Soviets are consciously using the five deals with Occidental as a smokescreen behind which they are plotting something sinister, it would represent the most elaborate hoax ever perpetrated. Potemkin's false-front villages, used to delude Catherine the Great into thinking she was Queen of a prosperous country, would pale into utter insignificance by comparison. With N. G. Osipov, the Soviet Deputy Minister for Foreign Trade, coming to the U.S. with a 21-man delegation to talk reciprocity, Dr. Hammer's theory of 20 years of peace sound plausible. But the Kremlin still has two options, one for peace and one for a quick military strike, and not even the most knowledgeable of experts can know whether Henry Kissinger is going to succeed with his gamble.

SUPPORT FOR ISRAEL

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I have never hesitated to criticize the President when I thought he was wrong, and I will not hesitate to commend him when I think he is right. I have written to the President commending him for the immediate support he gave Israel in her hour of crisis and I am placing a copy of that letter in the CONGRESSIONAL RECORD.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 30, 1973.

RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I want to commend you for the strong and immediate actions you have taken to support Israel. Like you I believe the safety and security of that beleaguered country is in the national interest of the United States as well as a moral imperative. I also am in full accord with your having made it clear to the Soviet Union that this country will not tolerate the Soviet Union's introduction of troops into the Mideast.

In all candor I must say however, Mr. President, that I am distressed over the pressure that our nation is placing on Israel with respect to its encirclement of the Egyptian Third Corps. While I would agree that blood and medical supplies should be furnished for the wounded it is unjust to compel the Israeli Army to permit the re-supplying of the combatants with material, albeit of non-military nature, which would enable that Egyptian Corps to fight on and endanger the security of Israel.

The refusal of the Egyptians and Syrians to provide lists of Israeli POWs in an apparent effort to use these POWs as pawns in future negotiations, is a callous and tragic violation of the Geneva Convention. I urge you, Mr. President, as I am sure you already are doing, to intercede with all of the parties to make certain that the POWs are treated according to the Convention's accords and to seek their immediate exchange and release.

I also urge you, Mr. President, not to exact conditions of Israel that will jeopardize her national security or diminish the gains she has achieved in a battle that she was forced to fight against her own desire for peace.

In closing, may I again extend my appreciation for the support you have extended to Israel and urge that the United States not accede to demands by the Soviet Union that serve to undermine the security and well-being of that beleaguered country.

I also want to tell you, Mr. President, that I am as distressed as you are at the way in which the NATO countries, including Britain, Germany and France in particular, reacted to the emergency. They turned their back on the State of Israel and on the United States at a time when our mutual defense interests were threatened by Arab and Soviet military actions. I believe the United States must make it clear to our European allies that they cannot ignore America's vital interests if they expect mutual security to work in their behalf.

Sincerely,

EDWARD I. KOCH.

TRIBUTE TO THE LATE WILLIAM B. STREET

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Tennessee (Mr. KUYKENDALL) is recognized for 30 minutes.

(Mr. KUYKENDALL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. KUYKENDALL. Mr. Speaker, I am grateful for the attention of this body at this special order in memory of a distinguished newspaperman, the late William B. Street of Memphis. I am also grateful to my colleagues in the House who were Bill Street's friends, who are joining me in this solemn tribute.

It seems strange to use such a word as "solemn" in any remarks about Bill Street—if there was anything that Bill Street was not, it was solemn. He had a love for life and for his profession and for people such as I have never seen. He had a rare gift for telling a story, whether in newsprint under his byline or sitting among friends at the Memphis Press Club or standing on a stage with a microphone in his hand at the Gridiron Show.

His stories could be deflating without being cruel, pointed without being slanted, topical without being tedious, and deep without being ponderous. A special target for his wit and his typewriter was always the pompous politician, and he had a knack for picking precisely the right words to puncture a puffed-up ego. But then he could share a cup of coffee and a joke with that same person, and it was a mark of his career that he numbered thousands of friends, and only a handful of enemies, among the people he wrote for and about.

Bill Street had what I might call the "Will Rogers touch." He had every opportunity to succumb to the temptation of becoming a pontifical writer, carried away by his own wisdom and rhetoric, but he never did; he never lost one ounce of the common touch that was his stock-in-trade.

When I think of him, my memory goes automatically to the little cubbyhole office in the newsroom of the Commercial Appeal, that great newspaper that he loved and served so well, where Bill worked behind a desk piled high with news releases and photos, copies of the CONGRESSIONAL RECORD, U.S. News and World Report, all the tools of his trade. There was a rickety chair next to his desk, and every politician in the Midsouth has sat in that chair at one time or another in the past decade, chatting with Bill, swapping stories or digesting his keen analysis of this or that congressional district, or the chances of some new political figure on the horizon—usually someone whose talents had been recognized by Bill Street long before anybody else ever heard of him.

In the days and weeks ahead, I will be back in the newsroom of the Commercial Appeal, because there, more than anywhere else in my district, can I sit and listen to my friends, and be told how the people I represent feel about a given topic or issue—or have my own performance as their representative assessed objectively and accurately. But I will never be able to return there without glancing over at the west wall and that little glassed-in office, and remembering a man with a broad grin on his face and a twinkle in his eye, whose door was always open and to whom "fair play" was more than a phrase—it was a badge of honor.

I request permission to revise and extend my remarks and include an editorial from the Commercial Appeal, which sums up the feeling that this great Midsouth newspaper had for one of its most distinguished sons:

"BILL" STREET: ONE OF THE BEST

An axiom of the newspaper profession has it that if a reporter makes both sides on an issue mad at him he must have done a good job. This serves as an adequate standard for most reporters. But the really outstanding ones are so informed, fair and accurate that they usually win the respect and praise of the opposing sides. That's the way it was with William B. Street, the politics editor of The Commercial Appeal, who died Wednesday.

The words of regret that have poured in from politicians throughout the Mid-South testify to "Bill's" standing among them—liberals or conservatives, black or white, Mississippi Gov. Bill Waller said, "His masterful writing on Mississippi political affairs has greatly influenced the course of politics in our state." Shelby County Sheriff Roy C. Nixon said, "His guidance and counsel to people in government and his strict code of ethics should be a lesson to those of us in government for all time." City Councilman and state Sen. J. O. Patterson Jr. called him "one of the finest people I have run into in my political life."

"Bill" Street was not just a byline or the name of a man who called to ask sometimes uncomfortable questions. He was a personality. He deeply respected the political process, but he was quick to deflate one politician's attempts to take himself too seriously or another's underhandedness. He won friends because they knew he acted with utmost integrity and fair-mindedness.

They even remembered "Bill's" humor with affection when it was directed at them. For years he was the mainstay of the Memphis Gridiron Show, which annually roasts politicians and others in public life to raise funds for college scholarships. He taught many a politician to laugh at himself. Members of the show's casts, made up primarily of "Bill's" colleagues, would often kid him good-naturedly about the obscure hymns and country and western melodies he would pick out to embellish the adroitness of his wit. But the lyrics never left anyone guessing.

"Bill" Street was a professional—one of the most competent and respected political writers in the South. He was also great fun to be with. He stood tall in life. He will continue to do so in memory.

I would like to submit the statement of Senator JAMES O. EASTLAND, of Mississippi, the President pro tempore of the U.S. Senate:

I learned last week with great sadness my friend and one of the Mid-South's leading newspaper reporters, William B. "Bill" Street, had died. I join my colleagues in the Congress, newspapermen from all over the country, and countless readers of The Commercial Appeal in mourning the loss.

Bill Street was what has become known as a "reporter's reporter." But he was also a "politician's reporter." His first love was politics. He started by helping tabulate the election results for the weekly newspaper editor in his hometown of Ripley, Mississippi. When he joined the newspaper in Memphis, Tennessee he moved up steadily from reporter, to assistant Tri-State Editor and to the position that he held when he died, Politics Editor.

He had a keen knowledge of politics—not only in his home state of Mississippi, but in the entire tri-state area served by his newspaper. His column, "Politics Today," was widely read and readers knew they could depend on him to keep them accurately posted on the news of politics.

Bill also had a love for the political anecdote—those stories which grow up over the years and humanize those who call politics their profession. Bill knew them by the hundreds and, strung together, they would have made a best seller.

More than all of this, though, was the high regard that all those who knew Bill Street held for him. He had a certain quality that commanded respect from those who talked with him and read what he wrote. He was an outstanding reporter, a credit to his profession and a good friend of mine. "William B. Street" was a symbol of journalistic excellence and integrity.

I extend my sympathy to his family and to his colleagues.

I would also like to include in the RECORD the comments of Tennessee's senior Senator, the Honorable HOWARD BAKER:

I was deeply saddened to learn of the death last week of William B. Street, the distinguished political editor and columnist of *The Memphis Commercial Appeal*.

Bill Street was a talented and dedicated newsman. Through his personal and perceptive columns, he helped keep his thousands of readers in the Mid-South informed about the often complex and fast moving political developments in Tennessee, Arkansas, and his native Mississippi.

Just as his readers held Bill in high esteem, so, too, did his fellow journalists. He was a man who cared deeply about his profession and volunteered much of his time to its betterment.

Bill was past president and a member of the Board of the Mid-South Chapter of Sigma Delta Chi, the national professional journalistic society. He was well known as master of ceremonies of the Memphis Gridiron Show, and as chairman of the Memphis Press Club.

Bill Street was a good newsman, a good citizen, and a good friend. Mrs. Baker joins me in extending our sympathy to the Street family.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from Tennessee for yielding to me.

Mr. Speaker, it is with sorrow that I join my colleagues today in this special order to pay tribute to William Boyce Street of Memphis, Tenn. On the morning of October 24, Bill Street died doing the thing he was doing when most of us met him—putting together a newsstory about politics in the Midsouth.

Bill Street had for more than two decades written about the people and developments in Mississippi, Arkansas, and Tennessee, for the Commercial Appeal. He had an encyclopedic knowledge of politics in the region and had been politics editor for the Commercial Appeal since October 1967.

Bill Street was among the most astute of the political analysts working in the Midsouth throughout his career. He learned to love politics and journalism early in his 46 years. Bill Street achieved a reputation for honesty, integrity, accuracy, and dedication to his profession and to his speciality of political reporting which will long serve as a goal for which his successors will want to strive.

He was one of those elite reporters who love and is a friend to the men and women in politics, but, whose feelings are never allowed to overshadow his consciousness of his responsibility to be objective in reporting their activities. He would offer praise where merited. And, he would give constructive criticism when convinced the holders of elective and appointive office had strayed from their proper roles.

He worked tirelessly in his profession. His interest in the journalism community was demonstrated by his leadership in such organizations as the Midsouth chapter of Sigma Delta Chi, the Memphis Gridiron Show, Inc., and the Memphis Press Club. As one of the driving forces behind the Gridiron Shows, Bill Street helped many a Midsouth politician to learn to laugh at himself. The effort was for a good cause. The shows have helped raise thousands of dollars which has been used to recognize, through scholarships and awards, the achievements of promising young journalism students in Mississippi, Arkansas, and Tennessee.

When Bill Street succumbed to a massive heart attack while working at his desk this last week the loss was a tragic one not only for his family and profession but for the thousands of us to whom he was a friend.

Mr. KUYKENDALL. Mr. Speaker, I will now yield to the gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. Mr. Speaker, I thank my good friend and colleague, Mr. KUYKENDALL, for yielding to me.

Mr. Speaker, today we are paying tribute to the late William B. Street, political editor at the Memphis Commercial Appeal. When Bill passed away unexpectedly last week I commented in my extension of remarks that southern journalism had lost a leader. This fact was quite obvious to anyone who knew Bill Street.

Today, politicians are going to be paying grand compliments to his memory, but I dare say that anyone of us would have said the same things to his face. Bill was that kind of person. He put you at ease, talked straight and expected you to do the same. On many occasions I have praised and thanked Bill profusely for his guidance and advice. I did it in person and to his face.

This is not to say that Bill and I always agreed on controversial issues. We did not, but Bill always took issue with you in a gentlemanly fashion and without hostility. This quality gained him the respect of all politicians, liberal, and conservative, Democrat, or Republican.

Many times Bill's insightful and logical columns provided lubrication for the political process in the Midsouth. His columns could reunite factions and heal political wounds or massage bruised political egos. You can be sure that we will miss Bill Street's fine touch.

Within the ranks of the journalistic community, Bill was without a doubt a professional in every sense of the word.

His leadership resulted in many enjoyable hours for us at the annual gridiron show of the Memphis Press Club which he chaired. Those of us who took ourselves a little too serious had this trait pointed out to us, politely but firmly.

However, a larger contribution has been made by Bill's concern for developing young reporters. Whether they were in high school, college, or young professionals, Bill was always there with advice and encouragement. I understand Bill was to have served as toastmaster for a high school journalism clinic 2 days after he died.

Bill's funeral was conducted by Reverend Whitlock, chaplain at the Shelby County jail. He and Bill Street had grown up together in north Mississippi. Reverend Whitlock said that down through the years he often used Bill Street in talks to young people as an example of honesty and integrity in everyday life. He said that Bill's life proved life is worth living.

Everywhere you look you find Bill Street admirers. I am one of many, but no one had more admiration and respect for Bill than I. To me, the loss is personal and I want Mrs. Street and Bill's children to know that I share with them their loss and cherish with them the fond memories.

Mr. KUYKENDALL. Mr. Speaker, I yield to the gentleman from Mississippi (Mr. BOWEN).

Mr. BOWEN. Mr. Speaker, I would like to make a brief comment on the life and career of the late Bill Street, political editor of the Memphis Commercial Appeal. Bill's death a few days ago came as a great shock to those of us who knew him; it was untimely and left a great void in the newspaper profession, among his many friends, fellow workers, loved ones, and readers.

Bill Street was a newspaperman's newspaperman. He called the shots as he saw them journalistically, but in a firm, reasonable, responsible manner which commanded the respect of those of us about whom he wrote and those of us who read his columns and stories.

He possessed a keen mind, a clear style of writing and the journalistic ability to go to the heart of a story or political campaign and spell out the facts and label his opinions for readers to digest and consider.

It was my privilege to read his columns for a number of years before I entered the active field of politics; since then I became personally acquainted with Bill Street and came to admire and respect him even more, both as a man and as a newspaper writer. I can say without reservation that he was the most widely read and highly regarded political writer in the Midsouth. He will be missed. Men such as Bill Street just do not come along every day. They will miss him in Memphis and at the Commercial Appeal and those of us in north Mississippi who read him faithfully day in and day out will miss him, too. His family and loved ones can take solace in the fact that his life and career will stand as a hallmark at the Commercial Appeal for younger writers to aspire in striving for the high standards he set.

Tragic and untimely as his death was, at age 48 and at the peak of his career, perhaps he would have us note that he died in the finest tradition of great newspapermen who preceded him—at his desk, working on the story of the day. Knowing Bill Street, I do not believe he would have wanted it any other way when the Great Editor stepped into the newsroom last week and wrote "30" to his life and career.

Mr. KUYKENDALL. Mr. Speaker, I yield to the gentleman from Tennessee (Mr. FULTON).

Mr. FULTON. Mr. Speaker, honesty, fairness and objectivity are the qualities which create respect in and for the profession of journalism. It is therefore tragic when someone in this field who has achieved these qualities and earned this respect is taken by death at the very prime of his life.

Bill Street, 46, political editor of the Memphis Commercial Appeal, was stricken with a heart attack last week. He died as he lived: at his typewriter.

While it was my privilege to know Mr. Street, my contact with him was minimal because the coverage of his paper does not include my area of the State of Tennessee. Nonetheless, I know many who have dealt with him professionally for many years and to an individual they have high praise for Bill Street as a newspaperman in the finest tradition of the profession and a gentleman of the highest caliber.

His death was untimely and his passing will leave a void difficult to fill. My sympathies are extended to his family and friends.

Mr. BEARD. Mr. Speaker, on October 24 the people of the metropolitan Memphis area and the entire State of Tennessee lost one of the finest political writers the journalism profession has ever known with the death of William B. Street.

Bill, as he was known to his many friends and readers, will be sadly missed by the thousands who for years have started their days with a cup of coffee and "Politics This Morning" in the Memphis Commercial Appeal.

Bill Street was a great reporter. He enjoyed the trust and confidence of all public figures on both sides of the political aisle. But it was not only his ability as a reporter that earned him this trust.

He was an advocate of good, honest government. He was truly concerned about the political process and the people involved in it, and his concern extended far beyond the limits of the normal working day. His was a familiar face at many a political gathering and his opinion was actively sought by many a public figure looking for an honest, unbiased assessment of a situation.

"Fair' is the word spoken most often when remembering Bill Street. If he thought you were right, he told you so. If he thought you were wrong, he did likewise—forthrightly and without malice. He could be blunt and straightforward and had the ability to cut deeply with the stroke of a pen. But he also had a remarkable sense of humor that enabled him to poke good fun at the world of politics and, more important, make politicians laugh at themselves. In these times, especially, it is a quality whose loss will be deeply felt.

Bill Street was a close personal friend who had a tremendous influence on my decision to seek the office I now hold. I held a deep respect for his opinion and his strict code of ethics as did many of my Tennessee colleagues.

He was loyal to these ethics, and it was this loyalty that earned him the highest esteem he enjoyed in Southern politics and journalism. I join my colleagues in expressing my deep sense of personal loss in his most untimely death.

Mr. WHITTEN. Mr. Speaker, I join with the many friends of the late William B. Street who have paid tribute here to his services. It was my privilege to be closely associated with Bill Street from his boyhood on to his untimely death. He came from a fine family; he was possessed of splendid personality, ability, poise, and an ambition matched only by his energy and sense of fairness. His career in the field of journalism was almost entirely spent with the Memphis Commercial Appeal, a splendid newspaper which has served north Mississippi through the years. Bill Street's place on the paper will indeed be hard to fill. His success has served as an incentive to many young people in our State. His contributions to the city of Memphis, to Mississippi and Tennessee and Arkansas and the Midsouth are tremendous and have always been constructive.

Mr. Speaker, it is hard to understand the loss of such a fine person at such a young age and at the height of his success. We shall all miss Bill Street and his further contributions which we can so ill afford to lose. We do have with us, however, his fine record of accomplishment and the many fond memories of a close and personal friendship. To his family and loved ones, we express our deepest sympathy in their loss which also is our own.

Mr. EVINS of Tennessee. Mr. Speaker, certainly I am pleased to join with my distinguished colleague from Tennessee (Mr. KUYKENDALL) in paying a brief but sincere tribute to the memory of Mr. William B. Street of Memphis, the renowned and capable political editor of the Commercial Appeal, known and respected throughout Tennessee and the South for his perceptive writings.

Bill Street was a man of courage, ability, and distinction—his observations and comments were followed by thousands and thousands of readers, including those in public office—and I know he will be greatly missed.

I want to take this means of extending to members of his family this expression of my deepest and most sincere sympathy in their loss and bereavement.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman from Tennessee (Mr. KUYKENDALL) for securing this time today in order that I and other Members of the Congress might pay tribute to the long and distinguished career of William B. Street. Like others in the Southeast who had come to regard Bill Street as a friend, I was shocked and saddened to learn of his death on October 24.

During those days I was a member of the Mississippi State Senate, I came to know and respect Bill Street for his integrity and honesty in political reporting. He was one of the very first men that could be truly classified as a political reporter of the Mississippi scene. Through the years, he had turned his attention more to the affairs of Tennessee, but he always kept in close touch with happenings in Mississippi. I always valued his perception of politics in my home State and felt that he had the uncanny ability to get to the specifics of any given situation.

Mr. Speaker, I will miss Bill Street and his reporting and his death will be a great loss to journalism in the South. I extend my deepest sympathy to his family.

Mr. QUILLEN. Mr. Speaker, I would like to join my colleagues today in paying tribute to the life and memory of William B. Street of Memphis, the political editor of the Commercial Appeal. Bill Street was one of the finest newspapermen in the South and was deeply respected by all those who knew him, either personally or by reputation.

Bill Street was an informed, fair and accurate reporter—a great credit to his profession.

Born in Mississippi, Bill Street became interested in newspaper work at a very early age. He began his career with the Commercial Appeal in 1950, shortly after his senior year at the University of Mississippi. He worked hard and soon won the admiration and trust of those with whom he came in contact. He became especially noted for his knowledge of politics in Tennessee, Arkansas, and particularly Mississippi. In 1967, he became political editor for the Commercial Appeal.

Bill Street was a great American, a man of firm convictions and of deep devotion for the political process of our Nation.

His tragic death was a loss to so many—his family, his associates, and thousands of his daily readers.

I extend to his family my deepest personal sympathy in their bereavement.

GENERAL LEAVE

Mr. KUYKENDALL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ELECTION REFORM: CRITICAL NEED FOR PROMPT ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 30 minutes.

Mr. CLEVELAND. Mr. Speaker, as a member of the Committee on House Administration and a cosponsor of the Clean Elections Act of 1973, I wish to share with my colleagues a number of observations concerning political campaign reforms.

This is one of the truly critical legislative matters of this session. Certainly we have enough other problems, ranging from defense and foreign policy to the state of the economy and our energy and human needs. But many of those problems go far beyond individual pieces of legislation. They are more a matter of an evolving national strategy. Not so with campaign reforms; we have specific bills to consider. And speaking of problems, we are face-to-face here with the important ramifications of Watergate.

The measures we are considering offer us a rare opportunity to make real progress on needs too long short-changed with half-way measures. The confidence of the public is low and apparently headed lower. Yet there is strong public support for campaign reforms. This is an encouraging sign that the public still has faith in the long-term ability of our system to reform itself. Congress has an obligation to sustain that faith and to restore the confidence of the electorate in government, the two-party system and particularly in the Congress.

OVERRIDING ISSUE: PUBLIC TRUST

Indirectly it involves more than a single issue. Our ability to deal with any controversial issue or complex problem depends on public confidence in the integrity of the elective process, and of those whom it places in positions of public trust. If we fail in an area clearly calling for effective action, we will further diminish public confidence. In view of the firestorm of public frustration raging about us, this would be a serious breach of trust.

The measures before the Elections Subcommittee, H.R. 7612, S. 732, House Joint Resolution 559 and others, vary in their regulatory approach, their treatment of disclosure of campaign and personal finances, restrictions on spending and limitations on donations, and other specific provisions. I have attached hereto a summary of H.R. 7612 and a statement of general principles setting forth the parameters of the problem we must address. My principal purpose today is to focus on the basic relationship between money and election campaigns.

THE ADVANTAGES OF INCUMBENCY

Campaigning for major office has become almost invariably expensive. So whatever is done by way of limitations, we should not lose sight of the fact that reasonable opportunity to raise funds should be afforded those who seek election. For all their surface simplicity, proposals to restrict large donations without providing alternatives would merely eliminate one problem while injecting others.

One of the most troublesome to me is the array of advantages to incumbents. Our access to public communications media, our exposure through our own publications and mailing privileges, our staff resources, to name but a few influences perpetuating incumbents in office, are most formidable. The Committee on House Administration, on which I serve, has been responsible for many of them; I sometimes think too many. I imply no sinister purpose, but wish merely to point out that those resources we develop to equip ourselves better to function as legislators and serve our constituents have this inevitable result. Take the communications function, and that of representing constituents in their dealings with the Government. I regard them as absolutely essential to the performance of our function, while recognizing that they do have electoral implications, and unquestionably a self-serving potential.

It is axiomatic in American politics, furthermore, that support gravitates to the winner. Thus the incumbent, with all this array of built-in advantages provided at public expense, often finds them translated into ability to raise private campaign donations. It is hardly surprising, then, that such a low percentage of incumbents seeking reelection are upset at the polls.

A study by the Congressional Research Service of the Library of Congress has shown that between 1956 and 1972, House incumbents won in 3,350 races of a total 3,551 in which they ran, a percentage of 94.34. Comparable figures for the Senate showed 222 incumbents' victories out of 261 races, a percentage of 84.67. Another study, distributed by the Republican Research Committee, suggests that the taxpayers now invest more than $600,000 to support the office of each Member of Congress over a 2-year term.

KEY ROLE OF SMALL CONTRIBUTORS

Thus challengers must be afforded an opportunity to make themselves and their positions known to the public. This takes money. I see corrupting influence less in the amount of money involved than in the degree of dependence on large donations. Money that comes in large bundles is too often tied with strings. To some, this amounts to an argument for whole-hog public financing of election campaigns as an alternative. But this would run counter to the direction reform should take.

One of the more encouraging trends in this country is a greater demand for participation by the average citizen in public decisionmaking. What more important decision is there than making the choice of elected officials charged with the responsibilities of government? We should be strengthening, not weakening, individual choice. We should be encouraging the conscious decision to choose among candidates based on individual judgment of their qualifications. Often the act of contributing is the most direct opportunity open to the individual, beyond the act of voting, to express his will. We should preserve this, expand it, and give even greater leverage to the small individual contributor.

This is important to the selection process in that the ability to raise funds is at least one measure of a candidate's credibility and genuine public appeal.

DANGER OF TOTAL SUBSIDY

Public support for public financing of election campaigns is growing. But we must not overreact and fall into the typical trap of trying to solve a problem just by throwing the taxpayers' money at it. The costs would be enormous. The results disastrous. We would defeat our purpose and lower the esteem for the public officeholder and his works. There would rise the specter of politicians becoming somehow a breed apart; politicians who have figured out the combination and use taxpayer funds to lock themselves into positions of affluence and influence.

Given these considerations, wholesale top-to-bottom reform of the election process poses difficult problems of assuring that the means chosen achieve the intended ends. Last session we enacted partial reforms, which did not take effect until fund-raising for the 1972 campaign was well under way. We all recognize its deficiencies now. It had the effect of triggering large donations in advance of tighter reporting requirements. You can make a case that the abuses of Watergate stemmed partly from the large amounts of cash floating around. Some States which historically have imposed requirements more stringent than the Federal have found their efforts preempted or the process snarled in conflicting and overlapping requirements. It would be a travesty of the reform process to again generate similar unintended side-effects.

CURBING CASH

On the subject of cash, I have earnestly urged the Elections Subcommittee to consider an amendment prohibiting any candidate to accept any donation of more than $25 in the form of cash. Similarly, all campaign expenditures for more than $25 should be by check. This, in combination with tighter fiscal reporting provisions in the Clean Elections Act, would establish an auditing trail which would, by facilitating investigation, serve as a deterrent to questionable use of campaign funds.

In this regard, I was impressed by the proposal of Mr. STANTON of Ohio to establish a Federal election campaign bank, with all campaign income and outgo to be handled through accounts of candidates, political committees and other organizations seeking to influence the electoral process. Its additional roles of spot checking for compliance, prosecuting violators and informing the public also commend this approach.

Also worthy of attention is a proposal by our former colleague from New Jersey, Mrs. DWYER, to require all campaign contributions and other spending transactions to be conducted through the use of serialized, computerized, special-purpose scrip. With space for such information as the identification and principal source of income of the contributor, the scrip device would provide for a total origin-destination tracking of the flow of money through the campaign process. While never introduced formally, language incorporating this approach is now before the Republican Task Force on Election Reform, along with a suggestion that it be subject to a year-long feasibility study.

SPENDING LIMITS—INCUMBENCY DIFFERENTIAL

One of the most difficult problems is raised by legislation to set maximum limits on permissible spending by candidates. It may be impossible to establish a figure that would be realistic in different parts of the country. Part of the problem is the question of establishing a differential between incumbents and challengers. While I know of no State which has adopted such legislation, we did wrestle with the problem in the 1950's when I was in the New Hampshire Senate, at which time I saw merit in the principle. I also note that such a differential is provided in bills sponsored by Mr. YOUNG of Illinois and Mr. KASTENMEIER of Wisconsin. One partial approach to the problem, embodied in last year's Anderson-Udall measure which I cosponsored, would have extended the franking privilege to challengers.

Another variety of problem is the difficulty of reaching a real consensus among 435 Members, each of whom has some exposure to the realities of campaign financing but few of whom can claim expert authority on the entire subject.

Yet despite the foregoing problems and others, the Congress must not forfeit the opportunity represented by current public concern in this matter. I, for one, have no desire to subject the public and the political process to another round of congressional and senatorial campaigns in the absence of further reforms, 2 full calendar years after Watergate. This argues for an approach which directly attacks the problem of undue dependence on large contributions and enhances private, individual participation in the process by the small contributor.

For too long the public has been witness to the spectacle of large contributors hedging their bets in national elections by donating substantial sums to opposing candidates, clearly implying anticipation of favors or fear of reprisals whatever the outcome.

THE CLEAN ELECTIONS ACT

Caution dictates that we build on this concept of small contributions as already launched through tax deductions and tax credits. The Clean Elections Act is a carefully crafted attempt to achieve these basic objectives of adequate funding, reduction of big-money influence, and strengthened participation by the small contributor.

Credit for small donations and Federal matching of small contributions represent a unique mechanism for sharing the burden of election costs between government and the concerned citizen. This is the great strength of H.R. 7612 and the weakness of the Senate bill.

The time for action is now, in this session, on this prudent proposal. H.R. 7612 and House Joint Resolution 559, which I am also cosponsoring, were introduced months ago. The Senate has passed one bill, which is now before the Elections Subcommittee, and is considering others. If a half dozen Members of the Senate can spend half a year on Watergate, certainly our House Administration Committee can devote the time and effort necessary to produce a bill for floor action before adjournment.

PROMPT ACTION AND PUBLIC CONFIDENCE

It has been said that all politicians, of both parties, have suffered a loss in public confidence. I have frequently pointed out that the abuses of 1972 were not the responsibility of the regular Republican Party, but unquestionably the two-party system has been severely damaged.

I think the public is trying to tell us that Watergate represented no monopoly on misdeeds and the entire electoral process needs a thorough overhaul. So regardless of how you spread around the blame of the past, the public will be rightly disposed to accuse us of complicity, after the fact, if we in the Congress fail to act and act promptly.

The modest approach embodied in H.R. 7612 should be launched immediately. An independent Federal elections commission, restrictions on campaign contributions, limited Federal matching of small contributions, a higher limit on tax credits for such donations and publicly financed television time for candidates should help meet our immediate needs.

Events of recent days have demonstrated the need for absolute impartiality, both in fact and in appearance, in enforcement of laws governing political contributions and other aspects of campaigning. I can conceive of no device better suited to this vital function than the independent elections commission we propose.

Another implication of this legislation draws on other lessons from the recent past. I refer to the exemption of national committees and the congressional and Senate campaign committees from the limitations on donations to candidates. This is intended to enhance the role of traditional party committees. I have pointed out in several statements to my constituents that the establishment, apart from the traditional party structure, of a separate Committee to Reelect the President was responsible for much of the debacle we call Watergate. Part of the problem was the enormous amounts of money floating loose. But another was the absence of normal restraints and respect for the rules of the game among a small and powerful group of people, none of whom were elected officials. A viable and responsible two-party system has been and is the life blood of our system of representative government.

NOMINAL REFORMS REJECTED

I emphasize that the limitations would still apply—$1,000 in House and Senate campaigns and $2,500 in Presidential campaigns—on individual donations to such committees. At the same time, I feel that the study commission called for in House Joint Resolution 559 would complement the efforts of this committee, in view of our responsibilities for other legislative matters.

Reform in name will not wash. I can think of no greater contribution to cynicism among the public. I have been disappointed recently to find the House act in the name of reform and fall short of the mark. As a strong supporter or cosponsor of realistic measures in the war powers and anti-impoundment fields, I have been able to support the measures reaching the floor only with the greatest reluctance. But as regards campaign reform, the public is far more aware of the measures before us. The Congress is on trial. And particularly on trial are those who through the control of Congress control the destiny of this legislation.

INTIMIDATION THREAT

For those who find no other argument persuasive, it is useful to recall that campaign contributions accepted in all good faith can be subjected to misinterpretation by the public, a hostile newspaper, a demagogic opponent or even an ambitious prosecutor. In this regard I wish to share with you the comments of Senator FULBRIGHT before our Joint Committee on Congressional Operations in hearings on congressional immunity for legislators:

> Among the biggest industries of my State are the poultry dealers. There are some large poultry companies. Or take the big rice people . . .
>
> I vote for those people. I try to advise with them. I expect 90 percent or 100 percent of my votes are in the interests of the broiler people, the cotton people, and the rice people. The people who are interested in rice contribute to my campaign. I do not know why.
>
> If somebody in the Department of Justice felt I was a big enough nuisance, they would say, "Look, you got $1,000 from such and such a rice company in Stuttgart and I notice you voted for their bill. You took that as a bribe." He does not have to prove it to put me in jail. The fact that I can be indicted and answerable in that forum is the significant part. I would not have to feel that I had been bribed or that I was guilty to be intimidated and be careful if somebody called me up and said, 'Look, friend, you really are getting out of line. We know you have $1,000 from them. Now, you had better calm down a little bit or we are going to have to bring suit."

To which I would only append the fact that the Supreme Court, in United States against Brewster, held that a bribery charge could be sustained against a legislator even if he defaulted on an alleged agreement and voted against a bill favored by the interests of the people said to have given or promised a bribe.

CONGRESSIONAL REFORM ALSO NEEDED

Throughout this discussion I have sought to recognize the complexity of the problems we are addressing and to avoid extravagant claims for our Clean Elections Act. It also would be remiss to exaggerate the role of election reform standing alone. The best people, elected through the best conceivable process of selection can function in the public interest only to the extent that they are permitted to by the system. I happen to have a high regard for the great majority of my colleagues in this body. But it seems clear that those who deplore the electoral process are reflecting a large measure of disillusionment with our performance as legislators and as a body.

What the public may view as unresponsiveness to the public interest is often the product of our procedures rather than excessive deferral to the executive branch or evidence of the baneful influence of special interests stemming from campaign contributions.

Thus election reform must be accompanied by reform of congressional procedures if we are to merit the full measure of renewed confidence of the public we seek to serve, and which the times urgently require.

I include the following:

Fact Sheet: Major Provisions of the Clean Elections Act of 1973, Cosponsored by Representative James C. Cleveland

I. FEDERAL ELECTIONS COMMISSION

Composed of six Member board, two each to be appointed by the Speaker of the House, President pro tem of the Senate and the President.

Terms would be for six years and not more than three of the members could be of one political party.

All functions delegated to the "supervisory authorities" (Clerk of the House, Secretary of the Senate and the GAO) by The Federal Elections Campaign of 1971 would be transferred to the Commission.

The Commission would be given powers to subpoena witnesses and compel evidence, and to initiate court actions against violators of the Act.

II. CONTRIBUTIONS LIMITATIONS

Contributions by any person or committee during any year would be limited to $1,000 in the case of a candidacy for the House or Senate and $2,500 in the case of Presidential candidates.

Candidacy is defined to include contributions to any candidate and all of his authorized campaign committees; no committee could receive contributions in behalf of a candidate without the candidate's prior authorization.

Contributions to any political action committee such as BI-PAC or COPE would be limited to $2,500 per year from any single source. National party committees would also be covered by this limitation.

Disbursements to candidates by the national committee or Congressional and Senate campaign committees of each party would be exempted from the limitation on contributions to candidates.

III. PUBLIC FINANCING AND INCENTIVES FOR SMALL CONTRIBUTORS

The current tax credit for political contributions would be increased from $12.50 to $50 per taxpayer ($100 in the case of a joint return).

Each candidate for the House or Senate in a primary or general election and candidates for President during a primary would be eligible for payments from the "Federal Matching Payment Entitlement Fund."

Payments would be in an amount equal to each contribution of $50 or less received by the candidate or his committees. To receive these matching payments, the candidates would have to file periodic voucher statements with the Commission listing the contributions eligible for matching.

The national committee and the Congressional and Senate campaign committee of each party would also be eligible for matching payments in the same manner as indicated above.

No candidate or committee could receive matching payments for contributions from any single contributor of more than $50 per year.

To limit Treasury liabilities, an upper ceiling of 10¢ per eligible voter is placed on payments to House, Senate and Presidential primary candidates, and $15 million per year on the sum of payments to the National, Senate and Congressional Campaign Committees of each party.

To avoid a dissipation of Treasury funds on frivolous candidates, the bill requires submission of $1,000 worth of matchable contributions for House candidates and $5,000 for Senate candidates before any matching payment may be made.

IV. VOTER'S TIME

Provides half hour blocks of publicly subsidized television time to Federal candidates in general elections. This includes five half hour blocks for Presidential candidates, three blocks for Senate candidates, and two blocks for House candidates.

Time could be used for either debates between candidates or for individual appearances by the candidates.

V. MISCELLANEOUS AMENDMENTS

Adds direct mail to the items (radio and TV, newspapers and magazines, bill boards, and telephone banks) covered by the 10¢ per eligible voter expenditure limitation in current law.

Requires each candidate to establish a "central campaign committee" which would collect reports of all other campaign committees of the candidate and file them with the Commission (rather than each campaign committee reporting directly).

Election Reform: Statement of Basic Principles, Supported by Representative James C. Cleveland

(1) Enactment of a mixed system of public and private financing of qualified candidates for President and Congress in general elections at a level which will enable a candidate to mount an effective campaign without the need to seek large private contributions. The amount must be sufficient to encourage the maximum feasible degree of competition in elections for Federal office, and there must be adequate safeguards to insure full and ready public accountability for the use of public and private funds;

(2) partial public funding for minor party, new party and independent candidates based on their performance in the last election or their showing in the present election;

(3) extension of the system to qualified primary candidates once they have demonstrated broad public support through some means, which might include raising a specified number of small contributions or collecting a number of petition signatures;

(4) establishment of meaningful limitations on large private contributions from any source in conjunction with the provision of public financing;

(5) incentives for candidates and political parties to raise private funds through large numbers of small contributors;

(6) provisions to assure a role for political parties which would allow them to serve as a legitimate pooling mechanism for private contributions to candidates in general elections;

(7) requirement of a central financial reporting and record-keeping checkpoint in each candidate's campaign for effective monitoring;

(8) administration and enforcement of campaign financial reporting and disclosure laws and regulations by an independent entity.

EQUAL OPPORTUNITY FOR FRANCO-AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. Cohen) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, I am introducing today legislation to amend the Emergency School Aid Act to extend to Franco-Americans the same benefits afforded other minority groups under that act.

One of the purposes of the Emergency School Aid Act is to assist persons from environments in which the dominant language is other than English, and who therefore lack an equal educational opportunity. Statistics from the 1970 census show that there are over 89,000 residents in my congressional district who consider themselves Franco-Americans and who consider French to be their mother tongue. Though these individuals comprise 21 percent of Maine's elementary and secondary school population, only 2 percent ever enter college, while in the State as a whole 51 percent go on to college. Furthermore, results from a 3-year survey at one school show the dropout rate among Franco-Americans is 12 percent higher than the national average. Clearly, this situation must be changed.

Those of us who are fully matriculated into our monolingual, monocultural society find it hard to appreciate the problems which face the Franco-American or other ethnic groups. Educators know that exclusion from one's own cultural heritage and history, from one's language and community, can be so destructive to the self-confidence of a student that he gradually loses his ability to learn. Ethnic students must be able to relate their mother tongue to their personal identity, because language and the culture it carries are at the very core of a child's self-concept. The Franco-American is no different. Destroy this self-concept and you can destroy the child.

It is small wonder these children drop out of school, becoming prime candidates to receive future welfare support. By allowing this to continue, we are perpetuating a situation which prohibits these individuals from becoming productive and participating members of our society. Before the Education Amendments of 1972, which included the Ethnic Heritage Studies Program and Emergency School Aid Act, and the Bilingual Education Act, our priorities in this regard were in serious disarray. Previously, if an individual's productive capacity was blocked by denial of an equal educational opportunity, society compensated by introducing him to its largest losing proposition, welfare. We have since discovered the expediency of funding programs to prevent the atrophy of this productive capacity. Through such an investment, society is getting a return for its money by reducing potential welfare rolls and enjoying the tangible contributions of our ethnic groups. The Franco-American is no stranger to these facts. He needs some form of compensatory education which will provide the necessary tools to enable him to learn.

The Emergency School Aid Act was designed to deal with discrimination in our public schools. The Franco-American does not suffer from physical discrimination, but from a mental and spiritual discrimination which is far worse. He is held mentally captive by our philosophy of the American "melting pot." This philosophy, far from accomplishing its professed aim of integrating ethnic groups into the mainstream of American society, has succeeded in denying whole generations of children an effective education, thus jeopardizing their access to that mainstream. We have discovered that mere physical integration is inadequate to remedy the discrimination suffered by the Franco-American child who speaks and thinks in one language and is asked to learn in another. All ethnic students have special educational needs which have impaired their ability to succeed in the English language environment of our public schools. No longer is it correct to assume that by providing a child with the same facilities, textbooks, teachers, and curriculum as other children that the child enjoys an equal educational opportunity. If that child cannot understand the medium in which the material is taught, he is effectively excluded from the education process and a victim of fundamental discrimination.

While we in America profess that we no longer follow our former melting-pot philosophy of cultural eradication, we must now move forward to a philosophy of cultural pluralism. How we answer the needs of the Franco-American and other ethnic groups is of prime importance. Our ethnic minorities are a natural link to other countries of the world. America's cultural diversity is an as yet untapped resource which may prove to be one of our best weapons for enforcing world peace.

Through this legislation, the Nation, for the first time, recognizes its sixth largest minority, the Franco-Americans. While ethnic groups much smaller in number were cited in the Emergency School Aid Act, I was amazed to learn that not only were Franco-Americans not mentioned in ESAA, but there exists no Federal legislation in which the 2,598,408 individuals who consider themselves to be Franco-Americans are described as a linguistically and culturally unique group.

The bill allows Franco-Americans to participate equally with the Nation's other recognized ethnic groups in programs of bilingual education, in new school curriculums of particular relevance and utility to the group, in training of professional staffs and teachers to help meet the specialized needs of Franco-Americans, and in formulating programs to bring cultural and ethnic relevance to community activities.

Admittedly, present programs provide only a fraction of the services necessary to accommodate the special educational needs of ethnic minorities. However, I believe this legislation is a step in the right direction. Maine's Franco-American population has provided valuable cultural contributions to our State, and my bill would provide them with additional tools that will enable them to continue to do so.

SUPPORTS EXTENDING DRUG EDUCATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I rise in support of extending the Drug Abuse Education Act. This bill would authorize $90 million over a 3-year period which would provide flexible and broad authority for support of drug abuse education, particularly in elementary and secondary schools and in local communities.

Mr. Speaker, America has always taken pride and offered encouragement to its youth. Yet, despite this emphasis on American youth, we are neglecting them at a time when they are under far greater threat than they have ever been before. That threat comes from the menace of narcotics and dangerous drugs.

Heroin addiction has become a national epidemic, a disease that has enslaved some 250,000 people in this country and last year killed more than 1,000 people in New York City alone.

The American public needs to be made aware of the harmful effects caused by drugs.

The number of youth in our country who use various forms of drugs is alarming. This is shown from a report issued by the House Select Committee on Crime on June 29, 1973, which stated:

> Forty-five percent of New York City high school students, and 20 percent of its junior high school students are current drug users; marihuana usage in Pennsylvania secondary schools ranged from 9 percent in grade 7 to 28 percent in grade 12. Comparable figures for LSD usage in Pennsylvania schools were 8 percent in grade 7 and 13 percent in grade 12. Overall secondary usage of heroin was shown to be 8 percent.

We live in a dramatic age and we are rightfully concerned about drugs because they afflict the young and innocent and breed crime. If society does not take heed, place proper emphasis on the drug problem, and pull together to combat this form of corruption, there is no reason to suppose the fight against drugs will be successful.

Mr. Speaker, it is paramount that we mobilize every resource at our command to prevent still more people from becoming enmeshed in this vicious disease and let us do it before more of our children have blundered into the quagmire of drug abuse.

IN TRIBUTE TO JOHN SAYLOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER. Mr. Speaker, with the passing of our good friend and distinguished colleague, John Saylor, this Nation has lost one of its foremost conservationists and legislators. Long before the concerns of environmental quality, preservation of our natural resources and protection of America's wilderness areas attained the high public profile they now hold, John Saylor labored as a dedicated crusader for the preservation of our natural heritage and for the realistic use of our dwindling resources.

Having known John as a personal friend and having known him for the faithful manner in which he devoted himself to the individual concerns of the residents of his congressional district, I know he will be greatly missed.

During his long and noteworthy career in the House of Representatives, John Saylor coauthored such monumental pieces of legislation as the Wilderness Act, the 1965 Land and Water Conservation Act, and bills granting statehood to Alaska and Hawaii. In keeping with his concern for the mounting energy shortage, he was instrumental in ushering legislation through the Congress which created the U.S. Office of Coal Research. He was also a major supporter of the 1969 Coal Mine Health and Safety Act.

For his work, John Saylor was honored many times, by many civic organizations which recognized him as a man vitally concerned about the future of America.

For all his legislative milestones, however, I will best remember John for the example he set. Always attentive, always responsible and independent, he was a man of highest integrity. He was the kind of Congressman who practiced what he preached and put his words into action. We are fortunate to have known him, and all the richer for having benefited from his knowledge, leadership, and dedication to the principles of democracy.

I want to extend my sincerest sympathy to his gracious wife Grace and the Saylor family.

THE MULHOLLAND PARKWAY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 10 minutes.

Mr. BELL. Mr. Speaker, today I am introducing legislation to establish the Mulholland National Scenic Parkway in my home State of California.

Fifty years ago, in 1923, ground breaking ceremonies were conducted above Sepulveda Canyon in Los Angeles for what was then called Mulholland Skyline Drive. It was to be a 24.2-mile scenic ridge route traversing the crest of the Santa Monica Mountains and extending from Hollywood, near the center of the city, to Calabasas in the Topanga Canyon.

Late in 1924 the roadway was completed and on December 27, 1924, a car caravan from Calabasas to the Hollywood Bowl highlighted a citywide, daylong celebration of the event. One Los Angeles newspaper reported at the time that Mulholland Skyline Drive was "destined to take its place as one of the famous scenic highways of the world."

In subsequent years, beginning in the area beyond Topanga Canyon Boulevard, an additional 30 miles of the roadway were added in Los Angeles County territory. This extended the Santa Monica Mountain throughway to a length of 53.5 miles, ending at the Pacific Ocean just south of the Ventura County line. The county extension was designated Mulholland Highway.

Today some 9 million people live in the valleys of Metropolitan Los Angeles below Mulholland Drive and Highway. Ninety percent of the population of the

City of Los Angeles lives within 15 miles of the roadway.

Significant action has been taken at several levels of government in recent years to protect and enhance public enjoyment of the remarkably varied daylight scenery on and adjacent to Mulholland, as well as the spectacular nighttime views which are unique in the world.

In October, 1971, Mulholland Drive was designated the first City Scenic Parkway by the Los Angeles City Council. At the same time a citizens' advisory committee was created to assist in shaping plans, design standards and criteria for the twenty mile route.

On March 6, 1972, the final report of the Ventura-Los Angeles Mountain and Coastal Study Commission endorsed the concept that Mulholland Drive "from Laurel Canyon to the Pacific Ocean" become a scenic parkway designated for recreational driving, with a low volume of traffic.

The second largest urban park in the United States—the 4,000-acre Santa Monica Mountain Urban State Park—was opened on July 1, 1973, bounded on the north by Mulholland Drive.

A wilderness park on what had been Nike base 96 on Mulholland Drive was projected by the city department of parks and recreation later in the summer.

This month the State department of parks and recreation announced plans to acquire 2,600 acres of Century Ranch which, quite likely, will become a State historic park commemorating the film industry in California. It has more than 2½ miles of frontage on Mulholland Highway.

Mulholland Highway near its terminal point at the Pacific Coast Highway exactly bisects the 1,600-acre Leo Carillo State Beach and its associated camping area in the Santa Monica Mountains.

Finally, the 120 acres of the world famous Hollywood Bowl—which is owned by Los Angeles County but operated under lease by the Southern California Symphony-Hollywood Bowl Association—are immediately adjacent to Mulholland Drive less than a mile from its midcity starting point on Cahuenga Boulevard.

In addition, two other major parks occupy the extreme easterly and the extreme westerly points of the Santa Monica Mountains. The 4,000-acre Griffith Municipal Park is within several miles of Mulholland and the observatory is clearly visible from the roadway. Point Mugu State Park, in Ventura County, encompasses 20,000 acres approximately 5 miles west of Mulholland on the Pacific Coast Highway.

Last year the 82-mile John D. Rockefeller, Jr., Memorial Parkway was dedicated in Wyoming. It became the sixth national parkway in the national park system under the direction of the Department of the Interior. I believe the Mulholland National Scenic Parkway should be the seventh and accordingly I am today introducing legislation to accomplish this.

The Mulholland Scenic Parkway plan would include the placement of additional secondary parks, picnic areas, parking cutouts, scenic overlooks, hiking and labeled nature trails, bicycle trails, equestrian trails, and a network of hostels along the route. It would require the connecting of Point Mugu State Park and Griffith Park by a Mulholland trailway so that all major parks within the 250,000 acres of the Santa Monica Mountains will be linked along the 53.5 miles of the Mulholland Scenic Parkway.

The legislation would call upon the Secretary of the Interior to develop the Mulholland National Scenic Parkway in close coordination with the city and county of Los Angeles upon whose rights-of-way many of the land improvements would be made. Similar coordination would also be necessary with the California Department of Parks and Recreation which may also provide land segments and planning advice.

It is intended that the Mulholland National Scenic Parkway will augment and not supersede present and contemplated city, county, and State programs in the Santa Monica Mountains adjacent to the parkway. It is further intended that in association with State and local agencies, the National Park Service will initiate a program of road beautification along the 53.5-mile route. Not designed for heavy traffic use, the parkway will be itself a ribbon park enabling the people of southern California, and visitors from across the Nation, to more fully enjoy some of the most spectacular views in urban America.

Finally, Mr. Speaker, the creation of a Mulholland National Scenic Parkway will constitute an impressive response to those who claim that the National Park Service is not making an adequate investment nor expending adequate energy in developing innovative scenic and recreational sites inside the population centers of the United States where maximum use and enjoyment are absolutely guaranteed.

H.R. 11163

A bill to authorize the Secretary of the Interior to designate the Mulholland National Scenic Parkway in the State of California, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may designate as Mulholland National Scenic Parkway the present Mulholland Drive and Highway rights-of-way, together with adjacent or related sites for public recreational use and for interpretation of scenic and historic values, commencing at the intersection of Pacific Coast Highway and running eastward along the crest of the Santa Monica Mountains to the intersection of the Hollywood Freeway.

SEC. 2. (a) The Secretary of the Interior is authorized to accept, on behalf of the United States, the donation of lands, interests therein, and other property comprising such right-of-way and adjacent or related sites as he may designate pursuant to this Act for the development, hereby authorized, of a road of parkway standards, including necessary bridges, spurs, connecting roads, access roads, and other facilities, and for the development and interpretation of historic sites and recreation areas, to include but not limited to, parks, picnic areas, scenic overlooks, hiking trails, bicycle trails, and equestrian trails, in connection therewith.

(b) Any federal property designated for purposes of the parkway may be transferred without a transfer of funds, to the Secretary for administration as a part of the parkway with the concurrence of the head of the agency having jurisdiction thereof.

(c) The Secretary of the Interior is authorized to acquire lands by purchase or exchange that comprise the right-of-way and adjacent or related sites as he may designate pursuant to this Act. Whenever the purchase of land occurs, the Secretary shall purchase such property at a price which does not exceed its fair market value. Whenever an exchange of lands occurs, the federally owned lands exchanged therefor shall be approximately equal in value; except that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of lands exchanged.

SEC. 3. The Secretary shall administer the Mulholland National Scenic Parkway in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented. In the administration of the Mulholland National Scenic Parkway, the Secretary may issue revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners, lessees, or permittees of adjacent lands, for such purposes and under such nondiscriminatory terms, regulations, and conditions as he may determine to be consistent with the use of such lands for parkway purposes.

SEC. 4. (a) The Secretary shall coordinate development of the parkway in close coordination with Los Angeles City and County agencies and with the California Department of Parks and Recreation.

(b) The Secretary shall assure that the National Parkway Program will augment and not supersede present and contemplated City, County, and State programs in the Santa Monica Mountains adjacent to the Mulholland National Scenic Parkway.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDRESS OF GEN. YAKUBU GOWON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, I would like to insert in the RECORD, at this point, the statement of His Excellency, Gen. Yakubu Gowon, head of the Federal Military Government, Commander in Chief of the Armed Forces of Nigeria, at the plenary session of the United Nations General Assembly on October 5, 1973. I particularly commend his trenchant comments on "the continuation of colonialism, racism and apartheid" in Africa so that "13 years after the adoption of U.N. Resolution 1514 on the granting of independence to colonial countries and peoples, more than 30 million Africans spread over about one-sixth of our continent, continue to be denied their human rights, exploited and subjugated under minority, racist and colonialist regimes." General Gowon asks:

> Thus denied constantly of their basic and legitimate rights, and bereft of all hope of change by an impervious and inflexible ruling class, is it any wonder . . . that the voice of despair is turning reasonable men who desire nothing but peace and progress to the frightful alternatives offered by constant frustration and loss of hope?

The full text of his statement follows:

ADDRESS BY HIS EXCELLENCY GEN. YAKUBU GOWON

Mr. President:

I am particularly delighted with this opportunity to address this august Assembly. * * * Today, I wish to reaffirm my country's faith in the purposes and principles of the Charter of the United Nations Organization. We in Nigeria believe that if all member states adhere strictly to the provisions of our Charter, as an earnest of their dedication to the ideals of our Organization, then we may yet accomplish that unique and bright promise for all mankind which the United Nations represents.

I am a strong believer in the United Nations Organization. I therefore find it rather disturbing that the image which some people tend to have of the United Natons is a misleading one of lack of dramatic success in dealing immediately with some of the major problems of peace and security, of human rights, and the degrading poverty of a large majority of the world's population. Proceeding from such a viewpoint, the conclusion is often heard that this organization is hardly any more relevant to our times. I do not share such pessimism, and I venture to suggest, Mr. President, that most Africans would not accept such a doleful assessment of the United Nations. We are all well aware of its short-comings and its failings; but these are, in some measure, a reflection of the world which produced and now operates the Organization. It is necessary to seek to improve its effectiveness, but we in Africa hope that the member states of the United Nations should embark on such a process in a manner that would not do damage to this organization that is so vital to the vast, under-privileged, as yet developing, population of the third world.

For millions of such peoples throughout the world, the United Nations provides an indispensable forum for bringing to world attention, some of the problems that plague the world, and for which, all too often, no other means of solution are apparent. The United Nations can and does bring to bear the moral weight of world opinion on many a controversial issue. That explains its great value to the smaller nations and to the dispossessed and down-trodden peoples of the world. For example, it is clear that without the moral pressure exerted on colonial powers principally by this Organization, the struggle for self-determination and independence would definitely have been more difficult for many of the nations that are today proud members of the United Nations. Nor can we ignore the invaluable services rendered by the Organization and its specialized agencies in the vital areas of health, literacy campaign, child welfare and the championship of progessive labour legislation on a worldwide basis.

It cannot be over-emphasized that the primary purpose of the United Nations is "to save mankind from the scourge of war." Unfortunately, we have not always attained this lofty objective. There have been breaches of peace, such as in Korea, and Vietnam, with consequences no less dismal and harrowing for those affected. However, since 1945, there has been no *global war* such as mankind experienced to its horror during the first half of this century. It is to the credit of this Organization that even when conflicts do occur between nations in recent times, peaceful intervention by the United Nations has succeeded in arresting them. In other areas of the world, the United Nations continues to play a key and vital role in providing physical stability and preventing a deterioration of unhappy and unstable political and social conditions. It is, therefore, not unjustified, Mr. President, that we should look back on the 28 years of the existence of this Organization with some degree of satisfaction. The little measure of stability and hope that the world and its many peoples have been given these past 28 years, has been worthy of the long hours spent in this hall as well as in the chambers of the Security Council and other organs of the United Nations.

Of course, to acknowledge these areas of achievement of the United Nations Organization should by no means lull us into a sense of complacency. As in every human organization, there are areas of United Nations activities that cry out for urgent attention and improvement. Among these is the imperative need for correcting the structural and institutional deficiencies that hamstring some of its operations. When the Charter was framed, five nations were entrusted with the responsibility of "policing" the whole world. In the prevailing circumstances of those days such an arrangement might have been justifiable and acceptable. It is no longer so today. An urgent review of the decision-making processes in the United Nations system, taking into full account existing political realities, is long overdue. I need hardly say that one area of immediate concern is the increasing use of the veto in the Security Council in support of causes which seem to be in conflict with the noble objectives of the Charter. In this connection, it must be emphasized that African nations, and indeed most nations of the world, have been distressed at the constant use of the veto to block meaningful initiatives in matters relating to fundamental human rights, freedom and human dignity in many areas of the world and, in particular, in parts of Africa still under foreign or minority regimes. It is our hope therefore, that the nations which presently enjoy the privileges of veto power should use it responsibly in furtherance of world peace and the progress of mankind.

Mr. President, the Secretary-General has in his latest report, invited us to participate in a "constructive debate" about the future of this organization. It is my hope that in responding to this invitation all member states would advance proposals that would ensure that the resolutions and decisions of the United Nations are implemented by all member states.

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The search for peace and security must be in a global context and must involve the active participation of all countries. We welcome agreements between the super powers in as much as these agreements lessen the fear and threat of nuclear warfare. However, we are compelled to call on the super powers to resist the temptation of limiting their negotiating spirit to only such issues as are of narrow interest to them and their people. We must insist that their negotiations and agreements which affect the fate of others should take account of the views of those concerned. For every nation and every country, great or small, rich or poor, has a stake in peace and security. It is therefore essential that each should participate, on the basis of sovereign equality, in resolving issues of concern to the whole world.

Mr. President, a few months ago the Organization of African Unity celebrated its tenth anniversary. I had the great privilege of presiding over the ceremonies and the tenth session of the Assembly of African Heads of State and Government. I should like, Mr. President, to convey an expression of the deep appreciation of the Organization of African Unity and all the people of Africa, to the United Nations Organization for the cooperation, inspiration and assistance that have continued to characterize the relations between our regional organization and this world body. We highly appreciate the constant interest of the United Nations as an institution, and the unfailing concern of the Secretary-General and the various agencies in developments in Africa and progress of the Organization of African Unity. All this is in keeping with the spirit of Article 52 of the Charter, which encourages regional organizations "consistent with the purposes and principles of the United Nations."

The Charter of the United Nations and the Universal Declaration of Human Rights contributed significantly to the basis and the Charter of the O.A.U. Permit me, therefore, to make some observations about how our regional organization has been addressing itself to the many problems confronting our continent.

The birth of the Organization of African Unity in 1963 was a great act of faith, and its response to the challenges of modern times has filled all Africans with joy and immense pride. After only ten years we have overcome some of the earlier impediments and difficulties in our way. Independent countries from all parts of Africa, with a variety of historical political, linguistic and social backgrounds, are now united in our organization which has come to be recognized as *the voice* of our continent.

Of course, when we reviewed the various activities of the O.A.U. at that meeting we acknowledged that we had not achieved all our objectives. Indeed, it would have been difficult to achieve every single one of our aims and objectives in a short decade, given the uncertainties and unforeseen contingencies of world events. However, we have succeeded in consolidating our national independence, and in settling among ourselves and without distracting attention from outside Africa, many such intra-African disputes that have arisen. We have launched many economic and social programmes for improving the quality of life of our peoples in a spirit of self-reliance. We have brought the meaning of African unity and cooperation much nearer to each African's heart. We have continued to uphold, as central to the problems of our continent, the spirit of self-sacrifice, of compromise, and of reconciliation. We have pledged to redouble our efforts with a view to eradicating all forms of colonialism and racism from our continent, and thus assume control of our continent's destiny. Above all, the O.A.U. has symbolised the collective effort of the governments of Africa and their peoples to uphold forever the dignity and stature of the African in this world.

Mr. President, the problem posed by the continuation of colonialism, racism and apartheid represents the most intractable that has confronted us on the continent. Not only do colonialism, racism and apartheid constitute an unbearable affront on human dignity in the areas where these evils exist, they represent a great threat to the sovereignty and territorial integrity of independent African states and to international peace and security. Thirteen years after the adoption of United Nations Resolution 1514 on the granting of independence to colonial countries and peoples, more than 30 million Africans, spread over about one-sixth of our continent, continue to be denied their human rights, exploited and subjugated under minority, racist and colonialist regimes. In defiance of world public opinion and in contemptuous disregard of the decisions of all international organizations of African unity, these regimes have fanatically frustrated and resisted all attempts at introducing constitutional changes designed to involve, in simple justice, the majority of the inhabitants of those lands in the processes that govern their destiny and their daily lives. Thus denied constantly of their basic and legitimate rights, and bereft of all hope of change by an impervious and inflexible ruling class, is it any wonder, Mr. President, that the voice of despair is turning reasonable men who desire nothing but peace and progress to the frightful alternatives offered by constant frustration and loss of hope? Can we wonder then that people are attracted, in such a situation to the painful alternatives of force and conflict? For our part in the O.A.U. we have no choice but to give whole-hearted support to the efforts of our unfortunate brothers to restore their legitimate right to self-determination and independence. In the words of the "Solemn Declaration on General Policy" adopted at our 10th anniversary session, "our support for the liberation struggle was adopted in response to the legitimate and profound aspirations of our peoples and should be viewed less as a circumstantial community of interests than as an awareness of the common destiny of all peoples of the African continent".

At the same meeting, the African Heads of State and Government viewed with satisfaction the progress made in the decade since the establishment of the O.A.U. in the legitimate struggle of the peoples of Angola, Guinea Bissau and Cape Verde Islands, Mozambique, Namibia, Zimbabwe, the Comoro Islands, the so-called French Somaliland, the so-called Spanish Sahara, the Seychelles Islands and the islands of Sao Tome and Principe. The struggle and the pressure, Mr. President, will continue in Africa until the stain of this degradation of human dignity has been removed and until the African, everywhere on his continent, can raise his head proudly in independence and self-determination and thereby be able to contribute his quota to world progress.

In this regard, Mr. President, let me commend to you and to members of this honourable assembly the bold and momentous step taken by the long-oppressed people of Guinea-Bissau and their political party in declaring their country independent. We in Africa believe that the struggle for final consolidation of the independence of this new nation will be much assisted by the practical support and cooperation which all men of goodwill and all who subscribe to the principles of the Charter of this Organization will extend, promptly and without hesitation, to the efforts of the rightful owners and peoples of Guinea-Bissau.

The Declaration of Independence by the people of Guinea-Bissau has received the overwhelming support of member states of the Organization of African Unity and of the friends of Africa. I should like, on behalf of Africa, to thank these friends for their prompt recognition accorded to this new state. It is our hope, therefore, that this new nation will shortly take her rightful position as a proud member of the international community.

The situation in Namibia, Mr. President, continues to be a source of considerable embarassment and concern to this organization. I do not need to go over the various steps that have been taken by the United Nations and its competent organs to bring some rational solution to the situation created in Namibia by the intransigence of the racist regime of South Africa which still occupies that country illegally. The United Nations Organization has endeavoured to carry out its fundamental responsibilities to the hapless people of Namibia by repeatedly providing opportunities for a progressive and peaceful transformation of the situation in the country. It was the hope of many people in different parts of the world that the South African Government would, in its own wider interests, take advantage of the opportunities offered by the United Nations to fulfill its woefully neglected obligations to the people of Namibia.

But what have we found? The South African Government is intent upon defying the opinions of the world. Even after the International Court of Justice has expressed opinions which clearly indicated that the South African Government had no further moral or legal right to dominate Namibia. The South African Government continues to subject the people of that country to its fascist social and political system.

Mr. President, one is entitled to ask why it is that of all the territories that were entrusted to the colonialist powers under the trusteeship system, only in Namibia, the territory entrusted to South Africa, has this international trust been betrayed. All the other territories are today full members of the United Nations or on their way to independence. We in Africa strongly believe that the United Nations and particularly the permanent members of the Security Council have a duty and responsibility to use all means at their disposal to compel South Africa to withdraw from Namibia and thereafter to assume control of the territory and to administer it until it attains full independence.

Mr. President, side by side with the steady pressure and progress in the efforts of the liberation movements in various parts of Africa, we witness with dismay the support that continues to be rendered by some nations to two member states of this Organization who have the dubious distinction in history of being the sole advocates of repression and colonialism and of racism. Also, the illegal regime in Salisbury still continues because of the non-compliance by certain member countries of this Organization with the unanimous decisions of the Organization and of mankind. Perhaps those who prefer to sell a few goods to such an illegal clique, or to buy such commodities as the racists of Salisbury wish to sell in order to maintain themselves in power, have made their own calculations and prefer their temporary material profit to their sense of honour and their position in history.

While on this subject, Mr. President, perhaps I should emphasise again the sadness of Africa in the face of the stubborn and unreasonable intransigence of these white regimes that continue to constitute themselves as enemies of Africa and of the Third World. Nobody in Africa, Mr. President, wishes to adopt the path of armed struggle and conflict against those minority regimes for the love of it. Nobody has asked that people who normally live in Africa and wish to consider themselves as part of Africa should, by any manner or means, be made to feel unwelcome. Those who are born and live and join us both in spirit and cooperation are welcome to live in Africa. For they are Africans. It is for this reason, Mr. President, that we made genuine efforts to assure the world of our desire for racial harmony on conditions of mutual respect and fundamental human rights of *all* the inhabitants of the continent. Is that not a message of hope for the colonialist and racist regimes? The Lusaka Manifesto which was presented to this Assembly three years ago by my dear friend and brother, H. E. President Aimadu Ahidjo of the United Republic of Cameroon on behalf of Africa, embodied Africa's effort at working out a peaceful solution to the colonial and racial problems of the continent—problems which are not of our own making. What was the response? The colonialist and racist regimes rejected out of hand our peace offer and rewarded us with intensification of repressive laws in the areas under their control, massacres of our people, inspired assassination of the authentic leaders of the African freedom movements, and attacks on independent African countries.

Viewed therefore against the background of our efforts at initiating peaceful solutions, and the response we got, we are bewildered that several countries which claim to be friends of Africa continue to give such material and moral support to the colonialist and racist regimes, and to strengthen them in their oppression of our peoples.

Permit me, Mr. President, to appeal again on behalf of Africa to those who give support to our oppressors. It is time for all of us members of the United Nations to join hands in an effective and total isolation of the colonial and racist regimes in Southern Africa. It is time for us to tighten sanctions against the rebel clique in Salisbury. In addition, I appeal to the United Nations and the international community generally, to extend to the liberation movements and to the millions of Africans under severe oppression and exploitation, such material assistance as would ensure fulfillment to the African peoples of the promise held out by the Charter of the United Nations.

Time is on the side of the African in the struggle against colonialism and apartheid. Victory is sure to be ours in the war against oppression and deprivation of individual liberty. But the United Nations and its member countries can render the process less painful and can help to make the road shorter by taking necessary steps before it is too late. By so doing, they would be contributing to the increase of peace and progress, in place of unhappiness and pain and suffering in the world.

Mr. President, during our 10th anniversary session, the African Heads of State and Government adopted another document of considerable importance. I refer to the African Declaration on co-operation, Development and Economic Independence. In the ten years since the O.A.U. was founded, we have observed that the promise of substantial economic development, leading to the path of economic independence, as contained in the Charter of the O.A.U., has not been marked by encouraging progress. On the contrary, the pattern has been one of continuing deterioration in the economic and social conditions of African and developing countries generally. The gap between us and the developed countries continues to grow even wider. Measures adopted during the last decade, we found, have been frustrated by other developments in the world at large, over which we have little say and no control. The terms of trade have constantly gone against us. World monetary arrangements have been made without consultations with us and without adequate consideration of our interests.

Faced with this situation and firmly convinced that our economic destiny must be taken firmly in our own hands, if noticeable improvement is to be achieved, African states solemnly proclaimed their determination to achieve the economic independence and development of the continent through the effective mobilisation of Africa's own human and material resources. To this end, we decided to accelerate the implementation of the Africanisation policy in each of our countries and to ensure effective and equitable African representation in international organizations.

Mr. President,

Bearing in mind the loss which Africa has suffered and continues to sustain through the foreign exploitation of its natural resources, we resolved to defend vigorously, continually and jointly, the sovereign rights of our countries to exercise full and effective control over our resources.

We believe that the time has come for the rich in this Organization to ponder seriously on the danger of being surrounded by so many poor. In their own self interest, if not for the sake of humanity in general, the rich nations should at least give us an even chance of pulling ourselves up. It is no longer our intention to go cap in hand to the door of the rich. What we want and demand is the opportunity for our own people to be afforded a chance of acquiring those skills and those elements of technology without which no decent and progressive economic system can be structured and maintained in the modern world. We have learned that we cannot expect help, at least, not in the order that would make a significant contribution to our own needs of development. But the older, more experienced and more technologically advanced countries can still do much to redeem the pledge they made to humanity and to this organization, by not putting impediments in our way, by less selfish and lopsided marketing arrangements for our own produce, and by facilitating our determination to utilise such resources as we have in the interest of our own people. I hope that this session of the General Assembly will approve a constructive idea which emerged from the Algiers Summit of Non-Aligned states that a special session of the General Assembly, devoted to economic matters, should be held in 1975 when we shall be half way through the 2nd United Nations development Decade.

TRIBUTE TO THE LATE REPRESENTATIVE JOHN SAYLOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, I join my colleagues in this Chamber in paying a special tribute to John Saylor, whose tragic and untimely passing has left an irreplaceable void in the House of Representatives.

For, Congressman Saylor was known by his friends on both sides of the aisle as "Mr. Conservationist." Since 1949, when John first came to this House, he has been a distinguished leader in helping to shape national policies in the areas of conservation, preservation of our country's natural and wildlife resources and environmental quality.

As the ranking Republican member of the Interior Committee John coauthored with former chairman, Wayne Aspinall, the Wilderness Act, that monumental legislation designed to save land from development, and the Land and Water Conservation Act. For all his tireless efforts and meritorious achievements in the field of conservation, Representative Saylor deservingly received the National Wildlife Federation's "Conservationist of the Year" award in 1964. Ten years earlier, he had been the first Member of Congress to receive the National Parks Association award in recognition of outstanding services on behalf of the U.S. National Parks and Mouments.

Congressman John Saylor's concern for conservation was not confined to natural resources. His greatest interest has been in the conservation of human life, and because of this concern, he has courageously persevered in the struggle for greater protection for coal miners and for increased benefits to victims of black lung disease.

To chronicle all John's legislative achievements in the field which has earned him the best claim in the House of Representatives to the title of "Mr. Conservationist" would certainly not do him the justice he merits in this area.

John Saylor was an amiable, popular Member of this Chamber, recognized for his sense of humor which often eased tense situations. I have known and appreciated Congressman John Saylor as a diligent and conscientious Member of the House, a man of great personal conviction, integrity, legislative responsibility, and independence. And I have known John as a Member who has served his constituents in the 12th District of Pennsylvania with great distinction, dedication, and purpose.

All of us who have served with Representative John Saylor are deeply saddened by his loss and my wife Milly joins me in extending our heartfelt sympathy and condolences to his family.

JOHN W. HEMPHILL, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, recently I was very saddened to learn of the untimely death of one of America's brightest and most able young newspapermen, Mr. John W. Hemphill.

At the time of his death Mr. Hemphill served as an assistant news editor for the New York Times here in Washington. It had been my privilege to know him for several years, commencing with his career as a reporter and former city editor for the Nashville Tennessean.

To those on the receiving end of his sharp and fearless questioning as a reporter Mr. Hemphill may have seemed somewhat of a journalistic demon at times. But to those who knew him personally he was a young man of tremendous warmth and selfless generosity. He will be remembered by his readers and his associates as a journalist first class. But perhaps more important he will be remembered by scores of kids as the soft-spoken, good-natured young man who helped organize and coach in the Pop Warner Football League in Nashville or as the quiet fellow who was instrumental in obtaining sponsors' support to purchase equipment for underprivileged children who could not otherwise afford to play.

Mr. Speaker there are too few men like John Hemphill, Jr. among us today and he will be missed. The Nashville Tennessean commented on Mr. Hemphill's death in an editorial of October 17, 1973, and I ask unanimous consent to include it in the RECORD at this point, commending it to the attention of my colleagues.

MR. HEMPHILL: NEWSPAPERMAN

Mr. John W Hemphill Jr., an assistant news editor for the New York Times and former reporter and city editor for this newspaper, died in Johns Hopkins University Hospital yesterday at the age of 32.

Mr. Hemphill, a native of Alabama and graduate of Vanderbilt University, was an outstanding newspaper talent. He could write with tender feeling about the poverty stricken and disaster-hounded residents of the Appalachian mining regions. Or he could write with forcefulness of the injustice and indignity endured by the urban poor and powerless.

On one occasion he got himself committed to the Metro jail and work-house on a misdemeanor charge in order to investigate conditions there. The series of articles he wrote resulted in his nomination for a Pulitzer Prize.

He also covered the 1968 presidential primary campaign of Sen. Robert Kennedy, and later the murder trial of Sirhan B. Sirhan, Senator Kennedy's slayer. Later he collaborated with other staff members of the Tennessean in the authorship of a book, "A Search For Justice," a penetrating analysis of three major American criminal trials in a six-month period of 1969 and an examination of the "free press-fair trial" issue.

In the almost eight years that he spent on this newspaper, Mr. Hemphil was known for his friendly, easy-going manner and a quiet toughness in the face of adversity or official obstinacy. The loss of such a personality and such a talent at such an early age is a tragedy.

THE PRESIDENTIAL STYLE OF LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, the Government Activities Subcommittee of the Committee on Government Operations, of which I am a member, has recently held hearings on the public expenditures at the private residences of the President.

These hearings were chaired by Representative JACK BROOKS of Texas. Congressman BROOKS provided most effective leadership in these committee hearings, and his probing questions elicited important information as well as searching exploration of the proper range and limits of public expenditures in this area. The committee was given excellent support by its staff, which assembled—against heavy odds—the necessary preparatory materials and background information essential to the analysis and recommendations the subcommittee must make.

The hearings raised several questions about the need for such enormous public expenditures on the private property of the President, as well as the apparently irresponsible manner in which the decisions to obligate public funds were made in several instances.

In many cases, the expenditures were clearly not necessary for Presidential security, but, because of inadequate public accountability, there was insufficient control over these expenditures. The hearings demonstrated that there is a pressing need for legislation or other appropriate guidelines to assure the accountability which is so essential to restoring public confidence.

Mr. Speaker, I insert an editorial from the Washington Post of October 29, 1973, concerning these important hearings:

THE PRESIDENTIAL STYLE OF LIFE

Rep. Jack Brooks (D-Tex.) and his government operations subcommittee are taking the right approach to the problem of excessive public outlays for the care and comfort of the President. It would have been all too easy for the subcommittee simply to carp about particular expenditures, or to bog down in squabbles over how much was spent on the security of previous chief executives, or to worry whether certain new windows and gazebos enhanced the value of Mr. Nixon's estates. Instead, Representative Brooks and his colleagues intend to offer legislation to inject real accountability into the whole process of providing security and support for the President.

The issue is much broader than the lawns of San Clemente or the beaches of Key Biscayne. The $10 million or more that has been poured into furbishing those two compounds is only a fraction of the total spent to maintain the chief executive's establishment. In the October issue of Fortune, Dan Cordtz tots up the persuisites which comprise "the monarchical style of life to which

U.S. Presidents have become accustomed." He concludes that the official White House budget of under $13 million "ludicrously understates" the actual cost of the White House and its staff, the presidential courtiers, Camp David, entertainment, the presidential fleet of jetliners and helicopters, Mr. Nixon's array of offices, and the protection and communications required wherever the President may be. According to one budget analyst cited by Mr. Cordtz, the "true cost of running the presidency could be as high as $100 million a year," with most of the monies buried in the accounts of other federal agencies.

What makes all this so unseemingly is the absence of restraint. Public money is spent too casually on little frills—a shuffleboard court of black-and-white terrazzo tile instead of concrete, a fence of redwood instead of wire and mesh. Presidential aides and documents are whisked about the country by government jet instead of less costly commercial flights. Expenditures have been ordered in Mr. Nixon's behalf by friends such as Herbert Kalmbach, with the bills sent to GSA. It adds up to a style devoid of modesty, proportion or thrift.

Congress has aided and abetted such extravagance by granting Presidents virtually unlimited access to public funds for the upkeep of their offices and establishments. Representative Brooks has outlined some reforms which the Congress should now enact. His list includes full disclosure of all spending for presidential security and support, the adoption of "orderly operating and accounting procedures" by the Secret Service and GSA, and legislation to prohibit outside parties from ordering items for the chief executive and billing the government. The congressman is interested as well in setting limits on the amounts which may be spent on the private property of Presidents. But the most important item on his agenda is also the one that cannot be legislated—a requirement that the President himself "show more responsibility" in his demands on federal agencies and public funds. The point of such reforms is not primarily to save money or tidy up the books, but to restore to the conduct of the presidency a sense of proportion and propriety which has been lost along the way.

THE 81ST ANNIVERSARY OF FIRST SLOVAK SOKOL SOCIETY IN THE U.S.A.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, October 30 is the 81st anniversary of the first Slovak Sokol Society in the United States, which was organized in my own city of Chicago in 1892. This fine organization counts more than 23,000 members across the Nation and for the past 81 years, it has made an outstanding contribution toward the development of individual strength and physical fitness of all Americans through gymnastics.

"Sokol" means falcon—a bird that has strength, courage, agility, and a love of freedom. Sokol physical education stresses individual initiative and creativeness and provides conditions for the development of the individual. Sokol gymnasiums and Sokol activities provide a training ground where each one can, according to individual strength and skill, develop oneself to higher standards of achievement in physical fitness. Self-discipline, a basic requirement for personal achievement, enables the gymnast to become a cohesive and cooperative member of the American society.

Sokol U.S.A. is composed of hundreds of lodges in the United States, which are divided into 16 districts. Administrative and gymnastic activities are directed by officers who are elected on local lodge, district, and national levels.

The culmination of the physical fitness program is the National Gymnastic Sokol Festival—Sokol Slet—which takes place every 4 years, usually in conjunction with the National Sokol Convention.

The festival—Slet—consists of competitions in gymnastics, sports and calisthenics, with mass exhibitions of rhythmic calisthenics, apparatus, games and national dances, performed by gymnasts from all the Sokol U.S.A. lodges. The mass calisthenics, which are a major part of the Sokol physical fitness programs, are performed to music, and are a beautiful part of the Slet program. Participants are children, junior boys and girls, and senior men and women. The age span is great, from 3 years of age through the sixties, and even beyond.

In uniting the American heritage, and the Sokol ideals, in the hearts and minds of its membership, Sokol U.S.A. contributes greatly to the welfare, safety, and freedom of the United States. It was for this reason that last year I introduced the bill which authorized the President to proclaim October 30, 1972, as "National Sokol Day" in honor of the 80th anniversary of the first Slovak Sokol Society in the United States. I am certainly gratified that my bill was overwhelmingly adopted by the House and Senate and became Public Law 92–486, which facilitated appropriate festivities and ceremonies across our Nation in celebration of this event.

Mr. Speaker, the assistant chief physical directress of Chicago Sokol Lodge 306, and of the national organization, is Mickie Chilla; the supreme court president is Adolph Cierny; the District L Stur physical director is Bob Chilla; and the District L Stur physical directress is Mickey Schramek. I commend them for providing outstanding leadership for their organization.

It is an honor for me to join the members and officers of Sokol Lodge 306, District L Stur, in the 11th Congressional District of Illinois which I am privileged to represent, and Sokol members all over the United States as they celebrate this anniversary. To the members of the Sokol U.S.A. I say, Nazdar—on to success—as you maintain your high standards of excellence and example to all Americans "that to achieve a free nation, its people must be physically and morally strong."

REINTRODUCTION OF SOCIAL SERVICES AMENDMENTS OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado (Mrs. SCHROEDER) is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, it is with mixed emotions that I join my many colleagues today in cosponsoring the Social Services Amendments of 1973. The battle over the social service regulations has been widely discussed, but I would like to touch on some aspects of the battle, for I believe it illustrates quite clearly how the administration has sought to ramrod its policies upon the country without paying any heed to the voices of its citizenry or its elected Representatives.

Last February HEW issued a set of regulations that would have cut the heart out of the social services program begun 13 years ago by Congress. The proposed regulations would have reversed the thrust of the program by confining incentive to getting on welfare and staying there. In addition, the range of services a State could provide was restricted, and the use of private funds for matching purposes was prohibited.

All this, from an administration that claimed to believe that more authority and decisionmaking should be returned to the States. The same administration that claimed to be in favor of work, and in favor of reducing the welfare rolls. Congress was painted as wanting to give away the National Treasury to provide outrageous services to people who do not want to work anyway. The administration postured itself as the stalwart guardians of frugality in the midst of freewheeling spenders. They were fiscally responsible, we were not.

The administration never mentions, of course, that Congress had imposed a spending limit of $2.5 billion for social services last year. Nor did it bother to mention that HEW was directed by Congress to write the regulations so as to implement congressional policy. Somewhere along the line they got the idea that they were to write regulations that would implement their policy, not our policy, not the policy of the American people, but the policy of the Nixon administration.

We will never know if the administration was "shocked" by the storm of protest that erupted after the February regulations were announced and that has been renewed each time they have issued "revised" regulations. There does seem to be some indication that this administration is particularly lousy in judging what America wants and what it will put up with. We do not know if the administration was prepared to make some minor concessions all along, in hopes of cooling whatever fires did erupt. I suspect, however, that HEW was prepared to "tough it out" from the beginning.

The battle lines were clearly drawn back in February, then. The administration on one side, with regressive regulations that would subvert the congressional intent of the social services program, and Congress and the people on the other, trying through the appropriate, at least the usual, channels, to negotiate some sort of accommodation.

The 10 months I have been privileged to serve in this body have been 10 of the most tumultous months in American history. I am not going to try and catalog all the events we have witnessed—we all know them well, and besides, by the time I finished speaking there would well be some new developments that would render any such list incomplete, if not inoperative.

A constant chord that has been struck by the administration throughout these 10 months however, has been that we in Congress have not been doing our job, that we have been dwelling on the various events and have therefore been negligent in performing our duties in "getting on with the business of the Nation."

With the reintroduction of the Social Services Amendments of 1973 today, we in Congress are culminating a battle over the social service program that has been going on for 9 of those 10 tumultuous months. It is a battle that we have waged in every arena available—on the floor of Congress, in the Democratic caucus, before the Senate Finance Committee, in private meetings with administration officials, and through countless letters and telegrams. Today we are forced to act out through the legislative process what many of us have been trying to accomplish through these other channels.

Perhaps if we had known 9 months ago how difficult it is for this administration to accept a compromise, we would have legislated immediately. But there were many of us who could not believe that the administration could shut their eyes and ears to the hundreds of thousands of letters protesting the regulations and to the demonstrated, mandated intent of Congress. No; we in Congress have not been guilty of not getting on with the business of the country. If we are guilty of anything, it is probably our failure to recognize earlier the complete intransigence and arrogance of the present administration.

What has happened since February is that Congress really has been working, and working hard. Nowhere has this been more apparent than in the social services battle where we have repeatedly tried to effect a compromise, to try and bring the administration and HEW into a policy position which is consistent with congressional intent and to hold them to some sort of public accountability.

We have failed up to now, but again, it is not for want of trying. It is not because we have been immobilized by current events. We have had meetings with HEW: they have received hundreds of thousands of letters; they have been contacted by major organizations whose memberships represent millions of Americans; we have had congressional resolutions and congressional hearings; we have delayed implementation of the regulations and asked HEW to go back and try again, try to write those regulations so we would not be forced to write them for you. Do your part, we have said, because we are trying to do ours.

Well, I say they have failed, and I say they have not been doing their jobs. I say it is appalling that we have spent 9 months trying to work out this issue with them, and they have refused to even listen. Apparently it does take an act of Congress to get anybody's attention in the administration.

So, I am joining with many of my colleagues from both sides of the aisle in cosponsoring the Social Service Amendments of 1973. As you know, this is companion legislation to a bill introduced by Senators MONDALE, JAVITS, PACKWOOD, BENTSEN, and 27 other bipartisan Senators in the Senate. It has been attached to the Welfare Technical Amendments in the Senate Finance Committee. A conference committee will be called to negotiate the differences between our bill and theirs. I hope that the members of that conference will act expeditiously. We have already wasted too much time in fighting this battle that should have never taken place.

CHILD ABUSE

The Social Services Amendments of 1973 is above all a positive and constructive means of rescuing the social services program from the administration's regressive regulations. One of the positive goals fostered by this legislation is a matter of special concern to me: The problem of child abuse and neglect.

The amendments address this problem by setting forth as one of the family care goals of the social services program the prevention of neglect, abuse, and exploitation of children, and by amending title IV–A to include multidisciplinary programs for the identification and treatment of abuse children and their families as one of the services that can be offered by the States as part of the AFDC programs. The bill also exempts protective services, which is the major vehicle for current federally funded child abuse efforts, from the 90–10 matching requirement established for title IV–A protective services programs by Public Law 92–512.

In the past months I have been pursuing a legislative solution to the problems of child abuse, and on March 29 introduced the Child Development and Abuse Prevention Act, H.R. 6389, which now has over 70 cosponsors. I am gratified that Chairman JOHN BRADEMAS in the Select Education Subcommittee has already held 2 days of hearings on this legislation, October 1 and 5. The Senate, under the leadership of Senator MONDALE, passed the bill on July 14.

The main thrust of H.R. 6380 is to develop a national focus on child abuse and neglect, and to make immediately available demonstration grants to fund treatment and prevention programs. These grants would be available to both public and nonprofit private agencies on a competing basis, and would go to any agencies that have made a commitment to improving current approaches to the problem. The grants could be used for comprehensive multidisciplinary programs, or other innovative approaches. In addition, the legislation would establish a national center to coordinate research, training materials, and information on current programs, and a national commission to revise the model reporting law and to study the proper long-range role of the Federal Government in assisting State and local governments.

As work on this legislation progressed, several points have become clear. One is that there is an overriding need for immediate funding of treatment programs. Cases of abuse and neglect too horrible to imagine are being reported daily. And effective means of treating these cases are being developed by individual groups throughout the country. The tragedy of the situation is that funds are just not available to treat what is coming to be recognized as one of the most devastating childhood diseases.

It has also become apparent that there is a need to strengthen and redirect the efforts of State child welfare agencies funded under title IV–A and IV–B of the Social Security Act. The Social Services Amendments of 1973 tangentially reaches this problem. I am at this time introducing further legislation, which I hope will be adopted as part of the amendments, to require that State agencies, in order to continue to receive funding for protective services under title IV–B, the State must establish:

Procedures for the discovery and reporting of instances of neglect or abuse of children;

Cooperative arrangements with all community agencies and resources dealing with child abuse;

A systematic method for receiving child abuse reports on a 24-hour basis; and

A central collection point for all data on child abuse and neglect.

The bill would also require that the States, in their statutorily mandated plans for AFDC, must include, in addition to the currently required reporting of child abuse and neglect, such multidisciplinary services as necessary to aid the prevention, identification, and treatment of child abuse and neglect.

State protective services agencies are also in need of more funding. I am delighted that the Senate in passing the Labor-HEW appropriations bill increased by $15 million the amount currently available for all title IV–B child welfare programs. This is an increase from $46 to $61 million over the administration's budget request and over the House-passed bill. It is my sincere hope that the House will agree to this important Senate addition.

ISRAELI WAR PRISONERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, because of my concern for Israeli war prisoners, I communicated yesterday with Secretary of State Henry Kissinger, asking him to raise with representatives of the Arab nations the issue of humane treatment, including visits to prison facilities by the International Red Cross. I also asked that he urge acceptance of the Israeli offer of an immediate exchange of prisoners of war, and the release of an updated list of prisoners being held.

The Secretary of State told me that the United States had already sent messages to that effect and stressed:

> You can be absolutely sure that I will raise this issue urgently.

He advised me that Egypt had made assurances that it would produce a list of wounded prisoners at a meeting with Israeli army representatives.

He said:

> But I'm not sure they've done it. They've promised it.

Assistant Secretary of State Joseph Sisco, with whom I also talked on the phone yesterday, said that the Government views the prisoners question as "a No. 1 issue—on which we ought to be able to achieve results."

Today's press accounts state that Egypt has agreed to an immediate exchange of wounded prisoners of war. Defense Minister Dayan says there is reason to hope that Egypt will submit the names of all its Israeli prisoners to the International Red Cross and will permit Red Cross visits to the prisons.

The State of Israel has already issued a list of Arab prisoners, has provided access to them by the International Red Cross, and has offered an immediate exchange of prisoners to Egypt and Syria. In view of the past treatment that Israeli prisoners have endured under Arab detention, it is a matter of highest priority that their rights be respected under provisions of the Geneva Convention and international law.

I feel that these events of the past few days are important steps in the negotiating process, and I will continue to urge that we the United States use its best offices to achieve these demands concerning prisoners for they are just and equitable.

THE KILLING OF THE PRESIDENCY

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, if we, as Americans, are really interested in our country's well-being—and clearly we all should be—then recent events surrounding this administration must be viewed in as objective a light as is possible. Unfortunately, for most of the American people, this has been extremely difficult to do given the national news media's rather blatant attempt—for whatever the reason—to manipulate public opinion against the President. I seriously doubt if many people could have withstood the kind of press barrage we have seen directed at him.

It is, therefore, refreshing to read editorials that do attempt to restore some balance and to place the events of recent days into proper perspective. One such editorial, which was broadcast over radio stations KEEL and KMBQ in my own congressional district this weekend, has just come to my attention. As food for thought, I urge my colleagues to carefully peruse "The Killing of the Presidency" by the most able Mrs. Marie Gifford, which follows my remarks at this point:

The Killing of the Presidency

(By Marie Gifford)

Over the last ten years we have seen a gradually accelerated effort to kill the presidency.

I am not speaking of a physical assassination, but rather of a gradual tearing down of the highest office in the land so that whoever occupies that position is rendered ineffectual, and thus incapable of carrying out his proper duties.

The easiest way to do this is, of course, to ridicule and insinuate great wrongdoing on the part of whoever the President may be.

We saw this happen in the case of Lyndon Johnson. A play was even produced off Broadway, a take-off on Shakespeare's "Macbeth", insinuating that President Johnson was a modern-day Macbeth and his wife a modern Lady Macbeth. Certainly President Nixon has suffered even more from such insinuations.

I submit that this is a dangerous game to play. Not that honest criticisms or differences of views should not be aired, for these United States thrive on honest differences and a freedom of speech.

But there is a difference between freedom and license, a difference between truth and complete truth; a difference seemingly not understood by some politicians and some news media.

It is right to decry Watergate, but it is more truthful to decry such practices on all political levels and by all political parties, for the politician or newsman who denies that such practices ever before existed is either hopelessly naive or a liar.

To even discuss impeachment of the President is ridiculous. No present proof exists that he has broken the law. Furthermore, a major network on Monday of this week made a survey of both houses of Congress to find out how many Congressmen and Senators favored impeachment. The poll was overwhelmingly against impeachment, so, the network simply did not release the poll.

These who would kill the Presidency have laughed at the idea of Executive Privilege. I am old enough to remember an angry President Truman invoking just such executive privilege and telling a young Congressman from California by the name of Nixon to figuratively "go to hell" when Congressman Nixon asked for White House memoranda when he was on the Congressional Committee investigating Alger Hiss.

I also remember the "The New York Times" and the "Washington Post" and other news media editorially congratulated the then President on his stand on keeping the Presidency inviolate.

But today it has become great sport to belittle the President. Whether or not those who engage in this sport realize what they are doing, I do not know, nor do I suggest that it is a conspiracy. But they are killing the Presidency as surely as a bullet killed John Kennedy.

Such actions as have been taken by overseas nations in the past 7 days would not have been taken had the leaders of those nations not felt that the American Presidency was so weakened the United States could no longer be a potent force in keeping world peace.

I do not believe this is what the great majority of Americans wish for their country. I do not believe we Americans wish the Presidency to be killed.

It is thus time that we speak up strongly and say that we will have no more of this death by insinuation and innuendo. Let the courts take care of matters properly belonging in the courts. Let Congress get back to the business of Congress. And let the games politicians play be held off until the next election when everybody knows they are games.

The stakes are too great for power-hungry politicians, and yes, sorrowfully, power-hungry newsmen, to kill the Presidency. But unless we *Americans* speak, it will be too late.

Voice your opinion now. Send your cards, your letters, your telegrams to your Congressmen. They need your support to prevent the killing of the Presidency.

"SOME GOOD-NEWS MAKERS" BY STANLEY R. TINER

(Mr. WAGGONNER asked and was given permission to extend his remarks at the point in the Record and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, National 4-H Club Week was observed Sunday, October 7, through Saturday, October 13. While events on the national and international scene tended to overshadow its observance, an article which appeared in the October 13 edition of the Shreveport Times, one of the daily newspapers in my district, and which was written by the paper's chief editorial writer, Mr. Stanley R. Tiner, did focus on this most worthwhile organization and the role it plays in molding the youth of this Nation into respectable, productive citizens. I think Mr. Tiner's article is excellent; and I will not, therefore, attempt to explain in my own words the importance of this organization. There is, however, one point I would like to stress.

While 4-H Club activities do enrich and enhance the lives of the young people they encompass and the club's contributions throughout the years to our American way of life are immeasurable, the key to the success and effectiveness of 4-H Club work does not hinge on its accomplishments. The success of this organization lies in the dedication of countless adults across this country who have given of themselves and their time to emphasize the importance of club work, the community, our country, and world. They put meaning into the words:

> I pledge my head to clearer thinking, my heart to greater loyalty, my hands to greater service, and my health to better living for my club, my community, my country, and my world.

Youngsters throughout this land repeating this pledge in unison represent America at its finest. I truly believe that the spirit of 4-H is manifest in the grassroots of America and that it is so because adults throughout this country dedicated themselves to its purpose and ideals. My comments, coupled with Mr. Tiner's article which I now submit for insertion into the Record, represent a meager effort on my part to say "Thank you."

Some Good-News Makers

(By Stanley R. Tiner)

This is National 4-H Club Week.

"Yahoo," you say, as you quickly plan to move on to something important like what's happening on the Golan Heights, or what did the prime interest rate do lately.

Before you dismiss the subject so quickly, however, consider this:

There is no better place for a young person to reach the understanding of real life than in a 4-H Club.

Four-H Clubs are one of the good-news vehicles of youthful enterprise alive in this or any other country and 4-H clubbers are one of the real solid resources going for America as we approach the last quarter of this frenetic century.

REFRESHING CORNINESS

There is still an old-fashioned corniness about these kids and their club that is refreshing. When was the last time you saw a group of well-scrubbed faces in the same room pledging their heads to clearer thinking, their hearts to greater loyalty, their health to better living and their hands to greater service to their club, their community and their country?

That's the kind of pledge you'll hear on just about any day you get a group of 4-Hers together; and what's more, they mean it.

Through the more than six decades that 4-H Clubs have fed good citizens into the American system, club work has remained basic. It has, like a constant in our society remained true to the colonial ethos that moved this nation down the road to democracy.

Virtues like hard work and honesty are extolled today in 4-H Club work even as they were in the days past when local men, such as the late N.C. McGowen, were moved to contribute generously to such a movement.

Four-H clubs have produced many of this generation of farmers, including most of the new breed of college-educated business- and scientific-oriented young farmers that dominate the hill-country beef, dairy, and cotton crops of Northwest Louisiana.

It has produced, too, many who wear the white-collars of business and professional life who walk the concrete of Shreveport and other cities, better equipped for their work because of the 4-H experience.

FEELING OF OBLIGATION

Many lawyers, veterinarians, accountants, store owners and others came out of those days imbued with some feeling of obligation to God, country, and other assorted old-fashioned ideals.

Even editorial writers have come through those 4–H Club days with fond memories and a feeling of indebtedness to those parents, teachers and club leaders who gave of themselves to make that program go for another generation of youth.

Those memories go back to the 4 a.m.'s up and feeding, walking, and brushing a raw-boned Hereford calf still yearning the mother's milk he has been denied in weaning.

And to a too-tender moment in Baton Rouge, as a 12-year-old away from home for the first time, at the spring livestock show, and the just-dawned reality that "Amos" the Angus was about to go to the packinghouse. In that fleeting second of goodby Amos, looking up with big luminous black eyes, licked that 12-year-old on the cheek, authoring the salty wetness of loss.

But Amos, Andy, Kingfish, Elvis, Edsel, and all of the rest became digits in a ledger book of a young country businessman that would spell college someday. They were a part of the growing-up lessons of 4–H.

STAYS WITH TRADITION

Four-H, in these rapidly changing times, has not made the mistake of abandoning hard tradition. The farm programs, that have benefited millions of rural youth through the years, are still there but there is a strong 4–H movement in the direction of bringing more of the city boys and girls into the program.

So in the brick valleys and glass-walled fences of Shreveport, young people are increasingly being brought into 4–H work through modern-day programs that teach them such things as how to eat nutritional meals on a poor man's paycheck, or how to mend clothes, or to do a lot of things that people need to know.

But, still, threaded through all of this is the anthem of love for country and dedication to values that are old, but not outdated.

And because of what they have done so well for so long, the 4–H leaders and members of our area of the world deserve a salute and the admonition to keep up the good work.

WATERGATE AND A DANGEROUS WORLD

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, in the event any of my colleagues missed seeing the editorial in Sunday's Star-News, "Watergate and a Dangerous World," which will be included in the Record at the close of my remarks, I would urge that they read it. It is, I feel, an accurate summation of the events which took place beginning over a week ago with Special Prosecutor Archibald Cox's announcement that he would not accept the tape compromise which had been agreed upon. Its well-thought-out conclusion is worthy of note:

Watergate and a Dangerous World

This was, as they used to say, the week that was, and it will be perfectly all right if we do not have another like it in the immediate future.

It all began, against the backdrop of a major war in the Middle East, a week ago Saturday, when Special Prosecutor Arcihbald Cox held a nationally televised press conference in which he rejected the Stennis compromise which would have furnished expurgated versions of nine Watergate tapes to both District Judge John J. Sirica and to the Senate Watergate committee. Cox told the nation that he would bring a citation for contempt against the President in Sirica's court.

Later that day, with the inevitability of Greek tragedy, Mr. Nixon forced Attorney General Elliot Richardson's resignation and fired both Cox and Deputy Attorney General William Ruckelshaus. Meanwhile—with time out, of course, for the Redskins to destroy the Cardinals—the Israelis continued to expand their bridgehead west of the Suez Canal, imperiling the Egyptian Third Army dug in on the other side of the waterway.

On Monday, as the United Nations accepted a joint U.S.-Soviet Mideast truce plan, Mr. Nixon's domestic situation began to unravel. Western Union was deluged with telegrams calling for his impeachment and the Hill was seething with outrage.

Tuesday brought a sharp about-face on Mr. Nixon's part, as his lawyers told Sirica that the nine Watergate tapes would be surrendered to him. But this abrupt reversal did nothing to still the cry for the President's political hide. Indeed, as it sunk in on the Senate and the public that the President's surrender of the tapes to the court had negated the bargain with the Watergate committee—and hence made it virtually certain that less rather than more eventually would be known about his part in the Watergate coverup—the pressure on the Oval Office increased. Perhaps not entirely incidentally, the Mideast truce broke down almost before it had taken effect, as the Israelis raced southward to seal off the Third Army.

On Wednesday, House Democrats decided to pursue and broaden an inquiry into the possible impeachment of the President. In the Senate, Republican leaders who had stood by Mr. Nixon throughout the Watergate crisis urged the appointment of a special prosecutor to replace Cox, a step to which the President was at that time adamantly opposed. Mr. Nixon scheduled, then canceled, an address to the nation.

In the small hours of Thursday morning, after a 3 a.m. emergency meeting of the National Security Council, American forces were put on a middle-level worldwide alert in the face of an apparent Russian threat to intervene unilaterally in the Middle East to save the doomed Egyptian Third Army. Secretary of State Kissinger, in performance as virtuoso in its own way as had been Cox's, spoke in grave terms of the threat posed to world peace by the Russian demarche. It is perhaps symptomatic of the cancer which afflicts us that he was met with insinuations that perhaps the alert was designed less to forestall the Russians than to extricate Mr. Nixon from his Watergate difficulties, perhaps at the cost of democratic government in this country.

By Friday, although the alert was still on, the international crisis appeared to have eased considerably. Although Russian personnel had arrived in Egypt in unknown numbers, the Kremlin had agreed to a U.N. cease-fire force which would exclude the major powers, and fighting in the Mideast had decreased in intensity.

There was still more to come Friday night. At his press conference, Mr. Nixon's feud with the news media escalated to its highest peak yet, and his announcement that the administration would appoint a new Watergate prosecutor to succeed Archibald Cox, after all, hardly pacified his critics in Congress. Although most liberal Democrats and many pundits also continued to cry for the impeachment of the President, however, there was a discernible sigh of relief from other quarters that, seemingly against considerable odds the country had at least survived one of the most tumultuous weeks in in its history.

And indeed if there is a lesson to be learned from those wild seven days in October, it is that, as Kissinger observed in his press conference, there always is a price to pay for a prolonged and strident convulsion of the political system. And when one is talking in terms of a nuclear war in which millions are certain to die, the price of instant righteousness can be higher than the average man wants to pay.

We are not suggesting for a minute that, given the stench of Watergate, Mr. Nixon's personal finances and political acts are not legitimate subjects of public concern. If it can be proved conclusively that he has been guilty of peculation or of the gross abuse of his constitutional powers, then there can be no alternative to his impeachment.

But insofar as we are aware, Mr. Nixon has broken no law, defied no court, padlocked no legislature, muzzled no member of the press. The jackboots that some observers seem to hear echoing in the streets of Washington are largely in their own minds.

The new special prosecutor of the Watergate case will have a responsibility to the public to follow every trail wherever it may lead. And the House has the obligation to act on this and other information in the ascertainment of Mr. Nixon's fitness to lead the country.

But as events of last week show, this is a serious business and those who embark upon it must be aware of the possible consequences of their acts. if only because other nuclear-armed nations have an immense capacity to misinterpret what happens here, with possibly terrible results for all mankind.

In short, we could use a little more gravitas in the treatment of the President of the United States. There has been far too much slander, innuendo and loose rhetoric about Mr. Nixon's possible deeds and presumed motives. He has yet to be found guilty of anything other than having underlings and associates accused and some guilty of misdeeds. Nor is he, insofar as we know, mentally unbalanced, an insinuation which some have made.

Let the investigation of his administration continue. Let the House, if it feels it must, pursue the question of whether he has been guilty of the "high crimes and misdemeanors" which can be the only basis for his impeachment. But, as someone once remarked, it would be helpful if all of us would "lower our voices" a bit. It would be useful if some of the President's more hot-eyed critics would examine their own motives. It would be realistic to keep in mind that there is a world beyond Bebe Rebozo and Robert Vesco.

Thinking men used to hold that the blood of kings can be shed, but never lightly. Richard Nixon is not our monarch but he is our president, and the only one we happen to have. To destroy him out of pique, at the cost of destroying the nation, would be a shallow victory for some and a defeat for all.

A PRAYER FOR AMERICA THAT REASON WILL REIGN

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, one of the best editorials which I have read concerning the Cox dismissal and subsequent events appeared in the Shreveport Times for Wednesday, October 24. It sets forth the facts of the case in a clear and concise manner.

A conclusion which it draws, and properly so, is that the "air of uneasiness and apprehension prevailing in America in the wake of this weekend's actions is not so much the result of what has happened as it is the result of the hysteria that has been unleashed on the Nation." Finally, it appeals to all to use reason and not emotion when considering the facts of this case.

In the emotion surrounding the Cox case, there are some rational voices in the news media; and I certainly take my hat off to the Shreveport Times for its appeal to reason in this instance. For the benefit of my colleagues, I am including the aforementioned editorial in the RECORD at this point.

A PRAYER FOR AMERICA THAT REASON WILL REIGN

A rush to judgment concerning the monumental events of this past weekend would be the most errant course that could be pursued by the American people or their elected representatives in Congress.

Rather than a prejudiced decision of quick emotion the national reaction should be one of careful study of all of the available facts.

This is a time for nobler instincts to prevail and for the abandonment of partisanship. It is a time for fairness so that the Republic's good might be served.

These comments of philosophy are ordained, of course, by the growing list of momentous decisions coming from the White House, congressional response to those decisions, and the constitutional crisis that looms large in America's future as a result of these conflicts.

The immediate reaction to all of these events is a reaction spawned, in the main we think, by the accumulative weight of a largely liberal national media, and loudly outspoken leftists in public life. The combination of these factors has made it to appear prima facie that the President's actions are somehow outside the bounds of correctness and unworthy of his high office.

Comments about the President's firing of special Watergate prosecutor Archibald Cox and Deputy Attorney General William Ruckelshaus have been largely intemperate, shocking and lacking in the responsible vein needed during such a time.

It should be immediately noted that those very voices clamoring for presidential resignation or impeachment are the same partisan voices of radicalism that have lent their service to the deterioration of America through the years.

What we are seeking in this country, at this time, is a reversion to an unbecoming brand of banana republic politics.

The national prayer must be that reason will reign out of the confusion of this day.

In arriving at the correct view of what is happening, it is proper to review certain facts.

The President, in conjunction with the chairman and vice chairman of the Senate Watergate committee, was properly moving toward a solution to the difficulties that had placed the nation on a course of historic conflict between the Executive and Judicial branches of government.

Their agreement to have an independent party, Democratic Sen. John Stennis of Mississippi, to authenticate material on the White House tapes of private conversations was altogether appropriate and should have been satisfactory to all parties interested in the larger good of the nation as well as the simple truth of the tapes. Sen. Stennis has a record of impeccable integrity which made him unquestionably qualified for the role for which he was chosen.

It was at this point that special prosecutor Cox became intransigent and continued to press toward an appeals course that would have placed the President and the Supreme Court in a destructive battle.

The President then, quite properly, had Cox fired and the firing process ended in the resignation of Atty. Gen. Richardson and the firing of his deputy, William Ruckelshaus.

All of these actions were perfectly within the constitutional rights possessed by the President. Under the circumstances prevailing on Saturday, it is clear that the President acted not only within the framework of the law but under his elective mandate to place the American good as his chief motivation.

The air of uneasiness and apprehension prevailing in America in the wake of this weekend's actions is not so much the result of what has happened as it is the result of the radicals' hysteria that has been unleashed on the nation.

The actions of the country's political liberals have been little short of criminal as they have pressed for the destruction of this President and perhaps with him the presidency and democratic government.

All of the familiar voices have been raised and widely disseminated to the people. Ambitious Ted Kennedy, openly lusting for the office to which President Nixon was elected by the American people, appeared on the CBS morning news only Tuesday to darkly hint with rumor and innuendo that somehow the President is guilty of some mysterious and unspoken crimes. All of the other liberal automatons have predictably lent their voices in a cacophony of noise, including AFL-CIO President George Meany, who apparently feels compelled that in order to accept his $90,000 per annum lifetime salary that he must bellow out on every issue, whether the nation wishes to hear him or not.

But it was Hawaii Democratic Sen. Daniel Inouye who perhaps let the cat out of the bag best. Speaking before the AFL-CIO convention meeting in Bal Harbour, Fla., Sen. Inouye said that President Nixon should get out of office or be removed. He then urged that the House speaker, Democrat Carl Albert, move up to the presidency.

Thus it becomes clear that we are moving in the direction of the majority party in Congress, the Democratic party, now openly seeking to replace a President who is a member of the minority party. This is perhaps the most dangerous partisan activity in the history of these United States, and it should be recognized for what it is by the American people.

The world today lies on the balance of perilous times. Even as the brouhaha was being raised to impeach Richard Nixon, the fruits of his international diplomacy were arranging peace in the Middle East.

The Nixon peace initiatives which have led to detente with Russia and China were the groundwork on which the badly needed cease-fire was constructed. It is that same diplomacy that allowed America to disengage from Vietnam and bring the boys home from an unpopular war.

This is the President elected by an overwhelming majority of the people to serve his nation for a second term. This is a President who has done more than any living man to establish world peace. This is a President who through his record of service has proven himself.

RETIREMENT OF JAMES J. ROWLEY

(Mr. STEED asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STEED. Mr. Speaker, announcement of the retirement this week of the Honorable James J. Rowley as Commissioner of the U.S. Secret Service heralds the ending of a 35-year career for one of America's all-time outstanding public servants. Commissioner Rowley became Commissioner on September 1, 1961, having worked his way up through the ranks.

It is with deep regret and a feeling of personal loss that I have received this news. As chairman of the Subcommittee on Appropriations that handles the Secret Service budget, I have had the privilege of knowing and working with Commissioner Rowley in a wide variety of matters of greatest importance and concern to our Nation.

Jim Rowley began his career with the Secret Service in 1938 in New York. He came to Washington in 1939 and was assigned to the Presidential protective detail at the White House when Franklin D. Roosevelt was our President. He became head of this detail in 1947 and served there until his elevation to Commissioner in 1961.

Mr. Rowley's service on the White House detail was marked by many historic events, During World War II he played a key role in protecting President Roosevelt while in residence, during extensive travels within the country and on the occasions of the President's trips abroad for conferences with allied leaders at Casablanca, Tunis, Cairo, Tehran, and Yalta.

During President Truman's administration he was in charge of the advanced detail of agents which set up security for the President at the Potsdam Conference, and it was while he was in charge of the White House detail in 1950 that the attempt on the life of President Truman by Oscar Collazo and Griselio Torresola was thwarted.

Following the election of President Eisenhower, Mr. Rowley was in charge of the detail which accompanied the President to Korea. During the Eisenhower administration, he made many trips abroad to direct personally the planning of security of the Chief Executive during thousands of miles of travel to many countries.

During his 12 years as Director, the Secret Service went through a major reorganization which followed the assassination of President John F. Kennedy. This was followed by the great expansion of the Service, a fourfold increase in agents, to meet its new protective responsibilities, including protection of visiting dignitaries and Presidential candidates.

Concurrently, the modern methods of

printing suddenly made counterfeiting a much more prevalent activity, and the Service has moved vigorously on that front to seize millions of dollars of counterfeit money before it is ever passed on the American public.

It was also during Mr. Rowley's tenure that a special firing range which was to be established for the Secret Service grew into the concept and now the reality of the Consolidated Federal Law Enforcement Training Center, which will train enforcement agents and officers from 23 Government agencies.

The increasing tensions of the times, which expanded the protection of persons by the Secret Service, also extended to its role in physical security; and it was under Mr. Rowley's leadership that the White House police force was expanded into the Executive Protective Service, which now provides physical security not only for the White House but for foreign missions in the metropolitan area of the District of Columbia.

In short, Jim Rowley's years as Director have been historic for the Nation and the Secret Service. The growth of the Secret Service has reflected, perhaps more than any other, the tenor of the current age. His job and responsibilities were enormous; and he fulfilled them with dedication, sound judgment, and leadership that has given the Secret Service a high degree of esprit de corps and a willingness to do its job and do it well.

Because I think all of us in this body, and the entire Nation as well, owes Mr. Rowley a debt and deep appreciation for his service, I want to take this means of announcing that I am urging Secretary of Treasury George Shultz and his associates take the necessary steps to name the Federal Law Enforcement Training Center the James J. Rowley Training Center, or some suitable title having for its purpose the honoring of this great public servant. Having been in charge of the budget work at the time, I can assure the Secretary and my colleagues that had it not been for the unceasing efforts and urgings of Commissioner Rowley this great institution for training would not have come in to being. It literally is his "brain child." Its worth is demonstrated every day.

And now, Mr. Speaker, I am sure all of my colleagues join me in wishing Jim and his lovely wife Mable all the best in their retirement years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. FOUNTAIN (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. BREAUX (at the request of Mr. O'NEILL), for today and October 31, on account of official business of the Committee on Public Works.

Mr. VEYSEY (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. WALDIE (at the request of Mr. O'NEILL), for today and October 31, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHUSTER) and to revise and extend their remarks and include extraneous matter:)

Mr. KUYKENDALL, for 30 minutes, today.

Mr. SYMMS, for 60 minutes, on November 7.

Mr. CLEVELAND, for 30 minutes, today.

Mr. COHEN, for 5 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. MILLER, for 5 minutes, today.

Mr. BELL, for 10 minutes, today.

Mr. KEMP, for 30 minutes, today.

Mrs. HOLT, for 60 minutes, on October 31.

(The following Members (at the request of Mr. MEZVINSKY) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. FULTON, for 5 minutes, today.

Mr. CULVER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SHUSTER) and to include extraneous matter:)

Mr. YOUNG of Alaska in two instances.

Mr. BAKER.

Mr. ARENDS.

Mr. WHITEHURST.

Mr. SARASIN.

Mr. ESCH.

Mr. SEBELIUS.

Mr. HOGAN in two instances.

Mr. EDWARDS of Alabama.

Mr. COHEN in three instances.

Mr. MCKINNEY.

Mr. WYMAN in two instances.

Mr. DERWINSKI in three instances.

Mr. RONCALLO of New York.

Mr. BAUMAN in three instances.

Mr. ASHBROOK in four instances.

Mr. GILMAN.

Mr. ZWACH.

Mr. MCCLORY in two instances.

Mr. CHAMBERLAIN.

Mr. MALLARY.

Mr. MARAZITI.

Mr. BROWN of Ohio.

Mr. TAYLOR of Missouri in two instances.

Mr. CRANE in five instances.

(The following Members (at the request of Mr. MEZVINSKY) and to include extraneous matter:)

Mr. ROUSH in three instances.

Mr. BENITEZ in 10 instances.

Mr. FISHER in three instances.

Mr. REUSS in two instances.

Mr. GONZALEZ in three instances.

Mr. EILBERG in 10 instances.

Mr. RARICK in three instances.

Mr. MURPHY of New York.

Mr. VANIK in two instances.

Mr. STUDDS.

Mr. DELLUMS in five instances.

Mr. WOLFF in four instances.

Mrs. BOGGS.

Mr. YATRON.

Mr. MAZZOLI.

Mr. STOKES in four instances.

Mr. FUQUA in three instances.

Mr. HENDERSON in two instances.

Mr. MCCORMACK.

Mr. REID.

Mr. HARRINGTON in five instances.

Mr. EVINS of Tennessee in three instances.

Mr. CORMAN.

Mr. WALDIE in two instances.

ADJOURNMENT

Mr. MEZVINSKY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 32 minutes p.m.) the House adjourned until tomorrow, Wednesday, October 31, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATION, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1487. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to establish an improved program for the benefit of producers and consumers of extra long staple cotton; to the Committee on Agriculture.

1488. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to establish improved programs for the benefit of producers and consumers of peanuts and rice; to the Committee on Agriculture.

1489. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmititng a report on negotiated contracts for experimental, developmental test or research work, or industrial mobilization in the interest of national defense, covering the period of January–June 1973, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

1490. A letter from the Chairman, Consumer Product Safety Commission, transmitting the views of the Commission on S. 607, an act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes, pursuant to 15 U.S.C. 2076(k)(2); to the Committee on Banking and Currency.

1491. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on Export-Import Bank approved loans, guarantees and insurance in support of U.S. exports to Yugoslavia, Romania, the U.S.S.R., and Poland during the period of July and August 1973, pursuant to section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FULTON: Committee on Ways and Means. H.R. 6642. A bill to suspend the duties of certain bicycle parts and accessories under the close of December 31, 1976; with amendment (Rept. No. 93–611). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 7780. A bill to extend for an additional temporary period the existing suspension of duties on certain classifications of yarns of silk; with amendment (Rept. No. 93–612). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEDZI: Committee on House Administration. H.R. 10840. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress. (Rept. No. 93–613). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 672. Resolution providing for the consideration of H.R. 11104. A bill to provide for a temporary increase of $13 billion in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974. (Rept. No. 93–614). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 673. Resolution providing for the consideration of H.R. 9107. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes. (Rept. No. 93–615). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 11162. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. BELL:

H.R. 11163. A bill to authorize the Secretary of the Interior to designate the Mulholland National Scenic Parkway in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Massachusetts:

H.R. 11164. A bill to amend section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 to extend for 1 year the period during which the determination of the extended benefit period with respect to any State may be made without regard to the 120-percent requirement; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 11165. A bill to amend the Emergency School Aid Act to extend to Franco-Americans the same benefits afforded other minority groups under that act; to the Committee on Education and Labor.

By Mr. COLLIER:

H.R. 11166. A bill to amend title IX of the Education Amendments of 1972 to prohibit age discrimination in any education program or activity receiving Federal financial assistance; to the Committee on Education and Labor.

H.R. 11167. A bill to establish two awards in recognition of service in the line of duty by public safety officers; to the Committee on the Judiciary.

By Mr. CORMAN (for himself, Ms. Abzug, Mr. Fraser, Mr. Ginn, Ms. Jordan, Mr. Reid, Ms. Schroeder, Mr. Stuckey, Mr. Adams, Mr. Addabbo, Mr. Ashley, Mr. Badillo, Mr. Bergland, Mr. Biaggi, Mr. Bingham, Mr. Blatnik, Mrs. Boggs, Mr. Brademas, Mr. Brasco, Mr. Brinkley, Mr. Brown of California, Mrs. Burke of California, Mr. Carney of Ohio, Mrs. Chisholm, and Mr. Clay):

H.R. 11168. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mrs. Collins of Illinois, Mr. Cohen, Mr. Conyers, Mr. Culver, Mr. Dominick V. Daniels, Mr. Davis of Georgia, Mr. Dellums, Mr. de Lugo, Mr. Dent, Mr. Diggs, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mr. Fauntroy, Mr. Fulton, Mr. Gonzalez, Mrs. Grasso, Mr. Gude, Mr. Hawkins, Mr. Harrington, Mr. Hechler of West Virginia, and Mr. Heinz):

H.R. 11169. A bill to amend the Social Se-Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Helstoski, Ms. Holtzman, Mr. Howard, Mr. Kastenmeier, Mr. Koch, Mr. Kyros, Mr. Lehman, Mr. McCloskey, Mr. McCormack, Mr. McDade, Mr. McSpadden, Mr. Matsunaga, Mr. Meeds, Mr. Metcalfe, Ms. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Murphy of New York, Mr. Nix, Mr. O'Brien, and Mr. Pepper):

H.R. 11170. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Riegle, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Seiberling, Mr. Sisk. Mr. James V. Stanton, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Vanik, Mr. Waldie, Mr. Won Pat, Mr. Yates, Mr. Yatron, and Mr. Young of Georgia):

H.R. 11171. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. DELLENBACK:

H.R. 11172. A bill to provide for the appointment of a Special Investigator/Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 11173. A bill to insure the enforcement of the criminal laws and the due administration of justice; establish an independent Special Prosecutor; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 11174. A bill to provide that the special cost-of-living increase in social security benefits authorized by Public Law 93–66 shall take effect immediately; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself and Mr. Helstoski):

H.R. 11175. A bill to enforce the provisions of the 14th amendment to assure the proper conduct of elections; to the Committee on the Judiciary.

By Ms. JORDAN:

H.R. 11176. A bill to authorize in certain cases the appointment of a Special Judicial Prosecutor and Investigators to assist grand juries in the exercise of their powers; to the Committee on the Judiciary.

By Mr. KAZEN (for himself, Mr. Gonzalez, and Mr. Fisher):

H.R. 11177. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Cibolo project, Tex., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LEHMAN:

H.R. 11178. A bill to provide emergency security assistance authorizations for Israel; to the Committee on Foreign Affairs.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Drinan, Mr. Melcher, Mrs. Schroeder, Mr. Bob Wilson, Mr. Broyhill of North Carolina, Mr. Podell, Ms. Jordan, Mr. Poage, Mr. Bevill, Mr. Edwards of California, Mr. Ware, Mr. Harrington, Mr. Collier, Mr. Hogan, Mr. Robison of New York, Mr. Steiger of Arizona, Mr. Conte, Mr. Zwach, Mr. Annunzio, and Mr. Collins of Texas):

H.R. 11179. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Coughlin, Mr. Frenzel, Mr. Ketchum, Mr. Anderson of Illinois, Mr. Gilman, and Mr. Rees):

H.R. 11180. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. MARAZITI:

H.R. 11181. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. MIZELL:

H.R. 11182. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. MOAKLEY:

H.R. 11183. A bill to regulate closing costs and settlement procedures in federally related mortgage transactions; to the Committee on Banking and Currency.

By Mr. MOAKLEY (for himself, Mr. Pepper, and Mr. Waldie):

H.R. 11184. A bill to provide for extension of the term of the Watergate grand jury; to the Committee on the Judiciary.

By Mr. PARRIS (for himself and Mr. Bafalis):

H.R. 11185. A bill to amend title II of the Water Pollution Control Act Amendments of 1972 (Public Law 92–500); to the Committee on Public Works.

By Mr. PATTEN:

H.R. 11186. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on the District of Columbia.

By Mr. PERKINS:

H.R. 11187. A bill to provide for a 10-percent across-the-board cost-of-living increase in social security benefits; to the Committee on Ways and Means.

By Mr. PICKLE (for himself, Mr. ECKHARDT, Mr. FISHER, Mr. PRICE of Texas, Mr. PATMAN, Mr. WRIGHT, Mr. WHITE, Mr. MILFORD, Mr. POAGE, Mr. GONZALEZ, and Mr. CASEY of Texas):

H.R. 11188. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. PREYER:

H.R. 11189. A bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 11190. A bill to provide for the appointment and duties of an independent Special Prosecutor relating to offenses allegedly committed by the President, Presidential appointees, or members of the White House staff, and for other purposes; to the Committee on the Judiciary.

By Mr. RINALDO:

H.R. 11191. A bill to establish an Office of Special Prosecutor, to investigate and prosecute any official misconduct with respect to the 1972 election for the Office of President, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 11192. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. SARASIN (for himself, Mr. DAN DANIEL, Mr. DENT, Mr. HENDERSON, and Mr. ROE):

H.R. 11193. A bill to impose a 6-month embargo on the export of all nonferrous metals, including copper and zinc, from the United States; to the Committee on Banking and Currency.

By Mrs. SCHROEDER:

H.R. 11194. A bill to amend the Social Security Act to provide for prevention, identification, and treatment in cases of abuse or neglect of children; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H.R. 11195. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation and for other purposes; to the Committee on Agriculture.

By Mr. STEELMAN:

H.R. 11196. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin:

H.R. 11197. A bill to amend the Consolidated Farm and Rural Development Act to increase the per diem, transportation, and travel expense allowance of Farmers Home Administration county committeemen; to the Committee on Agriculture.

By Mr. WALDIE:

H.R. 11198. A bill to amend title 5, United States Code, to provide premium pay for employees for time in an on-call status away from their duty posts; to the Committee on Post Office and Civil Service.

By Mr. ZWACH:

H.R. 11199. A bill to establish an Office of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK (for himself, Mr. BURGENER, Mr. BAUMAN, and Mr. BLACKBURN):

H.J. Res. 801. Joint resolution proposing an amendment to the Constitution of the United States relative to force and effect of treaties; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.J. Res. 802. Joint resolution to insure the separation of Federal powers and to protect the legislative function by providing a procedure for requiring Federal officers and employees to inform the Congress; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H. Con. Res. 371. Concurrent resolution to censure the President without prejudice to impeachment; to the Committee on the Judiciary.

By Mr. RANGEL (for himself and Mr. HARRINGTON):

H. Con. Res. 372. Concurrent resolution relating to national priorities; to the Committee on Government Operations.

By Mr. ANDREWS of North Carolina:

H. Res. 670. Resolution directing the Committee on the Judiciary to prepare a compilation of information and evidence tending to prove or disprove the commission of any act by Richard M. Nixon which amounts to an impeacheable offense; to the Committee on Rules.

By Mr. DINGELL:

H. Res. 671. Resolution to create a select committee to consider an impeachment resolution against the President of the United States, and for other purposes; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

343. The SPEAKER presented a petition of Milton B. Sparks, Menard, Ill., relative to redress of grievances; to the Committee on the Judiciary.

344. Also, petition of the Board of Church and Society, United Methodist Church, Washington, D.C., relative to impeachment of the President; to the Committee on the Judiciary.

345. Also, petition of John P. Tucker, Jr., Charlottesville, Va., and others, relative to impeachment of the President; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

SIGNIFICANT GROUNDBREAKING CEREMONIES HELD FOR MODEL SECONDARY SCHOOL FOR THE DEAF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 30, 1973

Mr. RANDOLPH. Mr. President, on Wednesday, October 17, 1973 I was privileged to join with our First Lady Mrs. Richard Nixon, Secretary of the Department of Health, Education and Welfare Caspar Weinberger, Mayor Walter Washington, and Miss Nanette Fabray in the ceremonies marking the occasion of the groundbreaking for the Model Secondary School for the Deaf in Washington, D.C.

With us on the platform were several students of the school, who participated in the groundbreaking and pledge to the American flag. It was most appropriate that the ceremony, like the school itself, was student oriented. Several hundred youths were in the audience.

Mr. President, I ask unanimous consent that the program together with the remarks of the speakers be printed in the RECORD.

There being no objection, the program and remarks were ordered to be printed in the RECORD, as follows:

MODEL SECONDARY SCHOOL FOR THE DEAF GROUNDBREAKING, OCTOBER 17, 1973

ABOUT MSSD

The Model Secondary School for the Deaf was established in 1966 by P.L. 89-694 after a study of education services for the deaf by the Department of Health, Education, and Welfare revealed few genuine secondary programs for young deaf students existed in the United States. Charged by Congress to be both a regional high school and a national model, the MSSD continuously develops and evaluates new teaching techniques and materials which, if found to be valid, are disseminated to schools for the deaf throughout the nation.

Upon completion of the new facilities, which were designed by Hudgins, Thompson, Ball and Associates, the MSSD can accommodate up to 600 students from its primary service area of the District of Columbia, Maryland, Virginia, West Virginia, Pennsylvania and Delaware. The American Construction Company is general contractor for the project.

The MSSD is located on the Gallaudet College campus and is operated under an agreement between the College and the Department of Health, Education, and Welfare.

PROGRAM

Musical Selections: United States Marine Band.

Presiding: Dr. Doin E. Hicks, Director, MSSD, Dean of Pre-College Programs, Gallaudet College.

Welcome: Dr. Edward C. Merrill, Jr., President, Gallaudet College.

Pledge of Allegiance: Valerie Parsons, MSSD Student.

A Proclamation: The Honorable Walter E. Washington, Mayor-Commissioner, District of Columbia.

Greetings from the White House—Mrs. Richard M. Nixon.

Remarks: The Honorable Caspar W. Weinberger, Secretary of Health, Education, and Welfare; The Honorable Jennings Randolph, U.S. Senator, West Virginia; Miss Nanette Fabray, Co-Chairperson, National Advisory Council on the Handicapped.

Groundbreaking—MSSD Students: Robin Edwards, Stephen Gasco, Galinda Goss, Thomas Holcomb, Ivy Mathews.

National Anthem: Reginald Boyd, MSSD Student.

Interpreters: The Rev. Rudolph Gawlik, Dr. Henry Klopping, Dr. Lottie L. Riekehof, Mrs. Shirley Stein.

Remarks of Dr. Doin E. Hicks, Director, Model Secondary School for the Deaf, Dean of Pre-College Programs, Gallaudet College

OPENING REMARKS

Today is an historic occasion for the Model Secondary School for the Deaf. This ceremony symbolizes an important milestone in the School's development—the official initiation of construction of the physical facilities which will permit its programs to be fully operational.

Our hopes for the Model Secondary School for the Deaf, however, extend far beyond those young people who will pass through its doors. Programs developed within the MSSD have the potential of contributing to the educational welfare of all young deaf people. The 60,000 deaf students in schools for the deaf and the 10,000 people who work with them are our constituency. This mission of becoming an exemplary school of national scope is one which we accept gladly but with full recognition of the responsibility inherent in such an enterprise of developing, of doing and of sharing—a school and a learning laboratory for students and professionals nationwide. We are extremely pleased that each of you has come to share this important hour.

PLEDGE TO THE FLAG

We invite you to stand and join in the pledge to the flag to be led by MSSD student Valerie Parsons.

SPECIAL INTRODUCTIONS

It is now my pleasure to recognize our special guests seated on the rostrum but whose names do not appear on the printed program.

Dr. Edwin Martin, Associate Commissioner, Bureau of Education of the Handicapped.

Mrs. Patricia G. Forsythe, Professional Staff Member of the Senate Subcommittee on the Handicapped, and former Program Officer of MSSD.

Dr. George Muth, Chairman, Gallaudet College Board of Directors.

Mr. Lawrence Newman, Chairman, Model Secondary School for the Deaf Advisory Committee, and Supervisor, Santa Ana Madison Program for the Deaf in California.

Ms. Judy Fein, Program Officer for the Model Secondary School for the Deaf from the Department of Health, Education, and Welfare.

Dr. Leonard Elstad, President Emeritus, Gallaudet College.

Mr. William Finglass, President, American Construction Company.

Mr. Ralph Ball, President, Hudgins, Thompson, Ball and Associates.

Miss June Rothenberg, President, Gallaudet College Student Body Government.

Mr. Robert Geesey, Vice President, Gallaudet College Student Body Government.

Among the many communications we have received from persons unable to attend the groundbreaking is one from a special friend of the MSSD students—Star Running Back of the Washington Redskins, Larry Brown, who, last spring, was our Commencement Speaker. Larry says that Coach Allen frowns on his cutting practice thus he cannot be here, but asks that he be remembered to you students and as a gesture of his interest in you and the MSSD he is making a gift of $1,000 to the Athletic Program.

INTRODUCTION OF MAYOR WASHINGTON

Our City is extremely fortunate to have a public servant of Mayor Washington's experience and stature. The energy, enthusiasm and skill which he daily demonstrates is an inspiration to all of us.

His career in public administration and service extends to more than thirty years and is based on professional training which includes undergraduate and law degrees from Howard University. Honors and awards recognizing his achievements are so great as to defy numeration. Not the least of these, however, includes no less than eleven honorary doctorate degrees.

You honor us Mr. Mayor, both with your presence and the official recognition you are providing the Model Secondary School for the Deaf.

Ladies and Gentlemen, the Honorable Walter E. Washington, Mayor-Commissioner of the City of Washington.

Remarks of Walter E. Washington, Mayor-Commissioner, District of Columbia

Mr. Chairman, Mrs. Nixon, President Merrill and all of the distinguished members on the dais and most important the distinguished members of the student body. It is a great occasion, a great day for Kendall Green, and indeed a great day for this city. And it is a privilege to have been invited to share this happy occasion with you. Quite frankly, after that introduction I started to quit while I was ahead, but I have a duty to perform and I want to do that in the sight of this great audience under this beautiful sky today.

Among the wealth of educational institutions of all types which thrive in the District of Columbia, the Model Secondary School for the Deaf is a unique character. The Model Secondary School for the Deaf is leading the way in teaching the deaf independence and self-reliance and the dignity that goes with it. It also provides, and will continue to do so, positive and enjoyable experience in learning and living. Therefore, I have this day issued a Proclamation designating this day, Wednesday, October 17, 1973, as Model Secondary School Day for the Deaf in the District of Columbia.

This Proclamation reads:

Model Secondary School for the Deaf Day, October 17, 1973, by the Mayor of the District of Columbia—A Proclamation

Whereas, the Model Secondary School for the Deaf was authorized by Congress through Public Law to provide an innovative and comprehensive educational program for deaf youngsters of high school age; and

Whereas, the Model Secondary School for the Deaf serves deaf youngsters from the District of Columbia, Maryland, Virginia, West Virginia, Delaware and Pennsylvania; and

Whereas, the Model Secondary School for the Deaf will instruct parents about their children's deafness; train professionals to teach in other schools for the deaf; serve as a research laboratory in education of the deaf; and act as an information center for instructors and schools throughout the country; and

Whereas, Model Secondary School for the Deaf is intended to develop methods of making deaf persons more self-reliant and independent, enabling them to adapt in a more complex society:

Now, therefore, I, The Mayor of the District of Columbia, do hereby proclaim October 17, 1973 as "Model Secondary School for the Deaf Day" in Washington, D.C., and call upon all of our citizens to join with me in supporting the aims and objectives of the Model Secondary School for the Deaf programs.

Walter E. Washington,
Mayor, District of Columbia.

Introduction of Mrs. Nixon

Each of you, I am sure, can remember a special teacher who was inspirational and compassionate, and with qualities exceeding other teachers. One person recalling such a former teacher was quoted in a 1971 issue of the Saturday Evening Post. "I was a ninth grader, about fourteen, but I have never forgotten her. There was something very special about that teacher of mine. The school was in Whittier, California. Her name then was Pat Ryan: Today it is Mrs. Richard Nixon."

As a first lady of our land she still retains those very special qualities. They are now exemplified in a wider variety of pursuits but nonetheless are as evident as ever. As ambassador of good will abroad she has made each of us proud to have her as our representative. As a hostess at home she has exuded warmth in extending hospitality to thousands of visitors. Her particular interest in such activities as promoting volunteer programs is well known.

During these past five years she has lent her name to more than 150 organizations for the purposes of encouraging their work and programs. Included among these organizations are many which serve handicapped children and include our own Kendall Demonstration Elementary School here on Kendall Green. We are honored and flattered by her presence here today but know that her interest in the Model Secondary School for the Deaf and in deaf persons is genuine.

Ladies and Gentlemen, the First Lady of the United States of America, Mrs. Richard Nixon.

Remarks of Mrs. Richard Nixon

All the distinguished guests on the platform and here in the audience, I thank you for your welcome and for inviting me to join you on this special day when we have the groundbreaking ceremony. We are all very excited about it. I bring greetings to you from the White House. This includes our family, and members of the cabinet, the administration, all of these people who are working so hard on programs which will benefit the handicapped and that includes the ones who are handicapped by deafness. We have made great strides in this field and we are very proud of these.

I also would like to pay tribute to some of my young friends who are here. When I first arrived, I received the beautiful flowers from Toby Silver, a senior student. I first met her in 1958 when I visited the Washington Hearing Society. At that time she was just a little tot, but she presented flowers to me then and I am most grateful for both of these days.

Then, we have a lot of young people who come to the White House and my daughters and I have the pleasure of being hostess to them. They have special tours which we initiated so that they can enjoy the beauty and history there without waiting in a long line like other public tourists do. And we also serve a little refreshments, too, because I know that is part of coming to the White House.

And then another group from Kendall School came out at Christmas time and entertained guests there and this was one of the biggest hits we have ever had. The guests admired their ability to act. They did "A Charlie Brown Christmas" show that evening and I shall never forget it either. But apart from that they had another quality which we admired so much. It was this idea of "I can do, it can be done." And they showed us right there that night and I want to congratulate them again. I understand some of them are here today.

Now, we all look forward to the completion of this building which will mean so much to the students, the parents, the teachers, and for caring citizens all over the United States.

Thank you.

Introduction of Secretary Weinberger

Secretary Weinberger's distinguished career has been many-faceted. Best-known to us, of course, is his service within the Nixon administration during the past three years, first as Chairman of the Federal Trade Commission, then as Deputy Director and Director of the Office of Management and Budget, and since last February as Secretary of Health, Education, and Welfare.

His early career as a lawyer and member of the California state legislature was marked by recognition for outstanding legislative statesmanship. During the 1960's he added additional successful pursuits to his accomplishments: That of journalist and television moderator.

In 1968 he was named State Director of Finance by California Governor Ronald Reagan and served in that post until moving to Washington in 1970.

We are honored to have Secretary Weinberger share this event with us and are deeply appreciative of his expressions of support on behalf of the Model Secondary School for the Deaf.

The Honorable Caspar W. Weinberger, Secretary of Health, Education, and Welfare.

Remarks of Caspar W. Weinberger, Secretary, U.S. Department of Health, Education, and Welfare

Thank you very much, indeed. Mrs. Nixon, Senator Randolph, very distinguished guests on the platform and in the audience and the student body.

When I was at college I was told that the principal glory of our college was not its building and not its faculty, but its student body. That sounded very good to me as an entering freshman and I learned since that it is even more true and that is the way we feel today and the way we are delighted to greet the large part of this audience. This school and residential complex that will rise on this site will be unique and it will be the only program of its kind that is fully supported and operated by the Federal Government. Initially, and of course directly, it will offer special education to 600 deafened students of high school age and these students will find a very creative faculty and the most modern equipment that we can possibly find anywhere. They will find unmatched resources to help them prepare for higher education or for the world of work. The Model Secondary School that will be erected on this very historic hill behind me will develop special methods to overcome the educational handicap which deafness presents.

But, the significance of this Model Secondary School goes far beyond what it will do for the hundreds of fortunate students who will be enrolled here and who will be admitted and study here. Its principal signifiance centers on what it can do for thousands of students in our nation who are deafened and all over, and all of the 50 states and there it will demonstrate what is the most complete and best example, I think, in the Federal Government. Because the real purpose of this school is not just to educate and help prepare the fortunate 600 students at the time who will go through, but it is to explore and demonstrate new ways of teaching, to share its findings and its innovations with every interested school system in the United States. In that sense everyone who attends here will be part of a model demonstration, everyone will be part of a model upon which we hope that schools all over the United States devoted to this same very high and noble purpose will be able to cast their work and to follow the things that will start here. So it will not only welcome the visits of educators, it will share its faculty. Staff members from here will be available to visit local schools which request their help in adopting or adapting the methods and procedures developed right here on this hill. And this most assuredly is the Federal role in its finest perspective. We not only are doing an immediate direct task here in our own Federal city, but we are setting a model and a precedence that we hope will be followed all over the United States and I think, as it is very likely from the other things we have done in a pioneer way, it will be followed all over the world. This Federal role really is to penetrate these new frontiers through research and to demonstrate what can be done to prepare persons with handicaps to become independent and to find the fulfillment which life can offer despite handicaps and to do once and completely what scattered local schools might on an individual basis try to do but could do only partly or incompletely because they could not have the resources and the strength of the Federal Government.

So we at the Department of Health, Education, and Welfare and in the President's administration welcome the opportunity to demonstrate to all the schools, to all the parents, to all the young people of high school age that deafness need not be a barrier to education, to job opportunities, or to social relationships. And we hope to demonstrate that not just to deafened children or to their parents, but to children who in turn can derive inspiration from what will be done here and will want to serve and help the handicapped in the way that so many here in Washington have done.

Now I would like to say a special word for Senator Randolph in this situation who has, with the chairmanship of his subcommittee and throughout his long and distinguished legislative career, made it a point to be of assistance in every way possible to the handicapped and has done so with consummate legislative skill and with great humanity.

We also have a very interesting feature at this school because we hope to demonstrate, too, that deafness need not be the terrible hazard that it has been and this we hope to do through very dramatic breakthroughs in telecommunications so we will be using not only the latest educational techniques but the latest scientific techniques. Those two young deaf athletes who perished in the Chicago hotel fire recently might have been saved had there been some kind of warning device which did not rely on the ringing of bells. The Model School dormitories will not rely on sound alone to signal danger. It will use flashing lights and a buzzer that can be worn on the body which will be activated electronically to vibrate and that same vibrating buzzer will summon students to specially equipped telephones in the school and those telephones will be fitted to transmit writing rather than sound. This is the kind of thing I find very inspirational, the kind of thing the Federal Government does best and the kind of thing the Federal Government and all of the people connected with this school will be trying to do here. Our great airplanes have broken the sound barriers in the sky and we believe that this Model School gives promise of breaking down all of the barriers that deafness has created over the centuries. And if that can be done, that will be an inspiration from which people will derive the hope and aspiration to continue that are the essentials of our kind of government. Thank you very much, indeed.

Introduction of Senator Randolph

Senator Jennings Randolph's legislative career began more than 40 years ago as a member of the United States House of Representatives. After serving seven consecutive terms (14 years) as a legislator he engaged in a variety of career pursuit, including editor, professor, university dean and business executive, prior to being elected to the Senate in 1958. He has served that body, his constituency and his Country in an exemplary manner since that time.

Senator Randolph is Chairman of the prestigious Public Works Committee. He holds membership in the Post Office and Civil Service Committee, the Veterans' Affairs Committee, the Special Committee on Aging and the Labor and Public Welfare Committee. Additionally, he is a member of three subcommittees of the Labor and Public Welfare Committee: Children and Youth; Education; and Handicapped, of which he is Chairman. It is, of course, this sub-committee chairmanship which holds great personal interest for those of us engaged in education of the deaf. We are grateful that a legislator of Senator Randolph's stature and skill is entrusted with developing and directing legislative matters which impinge so directly on our lives.

It is significant that Senator Randolph has taken time to share MSSD Day with us.

I am pleased to present the Honorable Jennings Randolph, Senator from West Virginia.

Remarks of Senator Jennings Randolph

Good afternoon, young ladies and young gentlemen. Mention has been made of that earlier period of more than 40 years ago, when I had the responsibility of becoming a member of your Congress of the United States. Lest there be any misunderstanding, Dr. Hicks and President Merrill, there is no generation gap—I get along very well with older people.

The history of this institution is a glorious one, often of sacrifice and truly of service. One hundred nine years ago, more than a century of helping young people who are to prepare to help themselves for productive lives. What a tremendously vital mission of education this has been for such a long period of time. This afternoon in a sense, there is a sense of contribution to this learning process which I am sure we all understand and greatly appreciate.

It was half a century ago that I came into contact with Gallaudet College. I came as a member of a college basketball team from the hills of West Virginia to play this institution. You had a good basketball team 50 years ago. I haven't checked your record, Mr. President, as of more recent years, but I remember then that if the hearing of your players was impaired, they had their eyes glued on the basket and they knew exactly where to shoot the ball.

Mayor Walter Washington and Secretary Caspar Weinberger recognize that since this institution began, and as of this day, there have been but four Presidents—just four Presidents. President Merrill who is here and a former President, Dr. Elstad. I only remind those in public service, either elective or appointive, that you change your leaders less at Gallaudet than we do in other positions throughout the country.

Yes, certainly for all of us, I would like to say that all of us are delighted that Mrs. Nixon, we'll call her Pat this afternoon, the gracious First Lady, with the able and articulate Secretary Caspar Weinberger, with the lovely Nanette Fabray, and the Mayor have come in good purpose. We are aware and eagerly anticipating not only the actual groundbreaking but the educational process which is to follow. What we are doing here is a further signifying of the reality of what earlier was just an idea. It was in fact an idea that was born in a real sense and brought to fruition in the Senate Committee on Labor and Public Welfare. I am gratified that it was my responsibility to co-sponsor P.L. 89–694. In the enactment there were many of us, regardless of party affiliation, who were active participants. It was a new venture in secondary education for deaf impaired students. But it was necessary.

Pat Forsythe has had the opportunity and responsibility to help in our understanding of these problems. I selected Pat as staff director for our Subcommittee on the Handicapped. I did not take a quick look. I checked very, very carefully and Pat Forsythe who is here today was chosen for that position. Pat, I am grateful you are on Capitol Hill rather than downtown.

It is a privilege to attend this ceremony for it signifies the reality of what was an idea that was developed in the Senate Committee on Labor and Public Welfare.

During the hearings on this legislation to provide for a model Secondary School for the Deaf, you provided us with information on the problems of this particular group of fine young Americans. You urged us to give our attention to the need for better coordination of educational and psychological services for deaf youth. You asked that the legislation provide a model facility which would include a "laboratory" atmosphere with educational resource personnel in a learner oriented environment so that experimentation in individualized learning, and the most modern education technology, and instructional materials could be tested.

Now, the successful experiences that have occurred during the past three years in a temporary building are soon to be utilized in this new permanent facility. It is designed, as we know, to represent the hopes of the significant and stimulating experiment it will house.

It is a joy to me that West Virginia is one of the states whose deaf students will be among the first to attend this school. I am equally enthusiastic that all of your young deaf Americans will share the techniques and methodologies which are developed here, through dissemination of information by this Model Secondary School for the Deaf.

I know that all of you who have labored to bring this project to fruition share the feeling that comes when we see words turned into action.

Congratulations on a worthy endeavor which serves as a challenge for further constructive achievement.

Introduction of Miss Fabray

This meaningful occasion is made even more important by the presence and participation of so important a personage as our next speaker, Miss Nanette Fabray.

She is an outstanding singer, dancer, comedienne, and actress who has appeared on the Broadway stage, in many motion pictures and on almost every major television show.

Aside from her burgeoning career, Miss Fabray is a dedicated and tireless worker for many causes, particularly those related to the education and welfare of hearing-impaired persons.

She serves on no less than six important boards and foundations serving the interests of the deaf.

Additionally, she has been the recipient of numerous awards and honors for her unselfish devotion to worthy causes.

Having experienced the problems associated with hearing impairment, Miss Fabray is able to personalize her convictions in a very convincing manner.

In private life Miss Fabray is Mrs. Ranald McDougall, a dedicated wife and mother—and in everything she does, a wonderful and gracious lady.

Remarks by Nanette Fabray

I am honored to be among such company, and to speak on this moving occasion.

Moments such as this represent the highest ideals and goals of our society, our Government, and our time. To build instead of destroy. To make a beginning instead of an end. To answer the needs of others, instead of our own. To care, even to love, in a world that too often rages with hate and suspicion.

The restless torment of our times is very remote to those who must struggle every waking hour to understand the simple needs of the day. That torment never ends. All of life is education for the deaf, a quest with God's help, and ours, for dignity and grace, and a place in the sun.

And so this school is a moving and deeply important milestone in the history of education of the deaf in our well beloved country. It will be an enduring tribute to the many men and women whose dream it was, and whose work made it possible.

Many of our youth today are too quick and too fond of pointing out the sins and omissions of their elders. Perfection is not in us perhaps, but we try. We do not give up. And on some days—like this day—a victory is won.

Let it be remembered. When the young deaf students of this school—many of them here today, with thousands yet to come, down through the years—when they walk the pleasant paths that will be here in the future, when they speak with their hands and their bodies and the expressive faces—as the deaf so beautifully speak among themselves, let them remember that this school came from the hearts and minds and work of those who wish them well.

As for you and me, let us remember something too. This is not the end of the matter. The work is far from finished. This cannot remain the only school of its kind in the United States. It is merely the first. It is not a token—but a solemn promise, by name and by intention, a model school—a commitment to the future.

We have come to a pause in the progress of deaf education—a plateau if you will—a recess for re-evaluation, as I have seen it expressed on a governmental level. Congress and the administrative branches are feeling their way—even fighting their way—through a labyrinth of new concepts in Government aid, new approaches, not all of them responsive to the basic needs of special education.

Shock waves have gone out from the Department of Health, Education, and Welfare during the past year. The community of the deaf, and their supportive facilities, are reeling in alarm and confusion.

Those who build their lives on a dedicated service to the deaf have often found themselves in recent months using all their energies to save what they can from the wreckage of their programs. Many of them feel like passengers on the Titanic. They will settle for a lifebelt, anything that floats, but still have an inner dread that the ship is going down.

I do not believe that for a moment. The changes that have taken place will eventually be replaced by something even better. It has to be that way. Like any group of children, the deaf are entitled by law and the instinct of good people everywhere, to a full education and a full life. To deny them education is to deny them life itself, and make them forever a heavy charge and a terrible responsibility on those who have wasted their lives.

This school, and a dozen like it, more if necessary, is the real and proper goal of deaf education. It is one of the prime responsibilities of the Federal Government—to do for the disadvantaged children of this great land what they have not the power to do for themselves.

So you will understand, I hope, when I say again what a special meaning this day has for all of us who work in the field of education for the deaf. This school will be a dream come true, a promise, and an inescapable commitment to the future.

Thank you.

Remarks of Dr. Hicks

GROUNDBREAKING

We come now to the symbolic part of the program in which we officially recognize the initiation of construction activities. We believe it is appropriate that students have a leading role in this activity and have selected a student from each of five areas presently served by the MSSD to participate. We would also like our speakers to share with our students the breaking of ground. Would MSSD students Tom Holcomb, Robin Edwards, Galinda Goss, Ivy Mathews, and Stephen Gasco please move to the area in front of the podium? President Merrill, may I ask you to please escort Mrs. Nixon to this area also—and would the other participants please follow?

CLOSING

We wish to thank each of you for sharing this hour with us. Also we especially wish to express appreciation to the United States Marine Band for adding an enjoyable and exciting dimension to our program.

We will close with the National Anthem, played by the Marine Band and sung in sign language by MSSD student Reginald Boyd.

SOLAR ENERGY HEATING AND COOLING ACT OF 1973

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. McCORMACK. Mr. Speaker, all of us are deeply concerned about the energy crisis that this Nation faces. We seek solutions which are realistic, technologically possible, financially viable, environmentally sound, and designed to make this Nation self-sufficient with respect to energy as soon as possible.

One of the most exciting options available is the development of solar energy. The rooftop of the average home in America receives energy from the sun at the rate of 17 watts per square foot. This energy can be used to replace fuels that are now in short supply, and it has a value, assuming a reasonable conversion efficiency, of hundreds of dollars every year for each homeowner. In an era of energy shortages and environmental crises, we can no longer afford to ignore the potential contribution of solar energy to our economy.

Solar heat is secure heat. No one can cut off our imports of sunshine, nor can its price be arbitrarily increased.

Nevertheless, we must keep our perspective with respect to the potential for practical uses of solar energy. There are three general approaches to converting solar energy directly into useful electricity or heat. The first involves the simple heating of buildings and of hot water, and of using the heat of the sun to drive air conditioners for our buildings. The second is by the generation of electricity at central power stations located in desert areas, and deriving their energy from vast "solar farms." The third is through the use of very large synchronous satellites with some sort of solar panels beaming the electricity to Earth as micro radio waves.

Unfortunately, the latter two of these options are very expensive, and consideration of them is, at the present time, essentially only theoretical. Even the most optimistic advocates agree that the first "solar farm" demonstration powerplant cannot be in operation before the mid-1980's, and that practical application of this technology will probably not be available before the 1990's. Satellite solar energy is still farther away, probably not being available before the turn of the century. Putting even one such satellite into orbit will require dozens or hundreds of flights of the second generation Space Shuttles. Both systems will also be very expensive. The best estimates for electricity generated from solar farms indicate that it would cost from four to nine times as much as electricity generated from nuclear energy.

The third alternative—heating and cooling of buildings and hot water—is both within the capabilities of our present technology and almost economically competitive today.

The problem is that not much has been done so far in demonstrating the effectiveness of solar energy for heating and cooling. Although a few houses have been constructed for these purposes, one can in no way claim that adequate demonstrations have been made so that one could reasonably expect that private capital would be available for launching a new solar heating and cooling industry.

But let me emphasize again that solar energy is not a panacea for energy problems. Congressman JIM SYMINGTON of Missouri and I specifically pointed this out in a letter which we jointly submitted to the Washington Post, and which was published on August 6 of this year. We stated that:

> Our two subcommittees have recently held hearings on solar energy research, development and application, including two days of joint hearings. The witnesses that testified included administrators and scientists from NASA and the National Science Foundation, along with a representative group of outstanding scientists and engineers conducting solar energy research and development in our nation's universities and industries.
>
> Ten years from now, . . . one out of every 10 new homes built in this country can be partially heated and cooled using solar energy. In addition, water can be heated for domestic use. It should be observed, however, that there will be architectural constraints on these homes, and that they will be more expensive to build than conventional homes. It is also highly unlikely that solar energy alone will be sufficient for heating and cooling; in almost all cases, a backup source of energy, such as electricity, gas or oil, and a mechanism for utilizing the backup system, will be required. Although much research and development is in order to improve the efficiency of such systems, the fact is that the technology required exists today. Several solar-heated system homes are in use in the vicinity of the District of Columbia. What is needed is industrial involvement . . . Market analyses must be made and a massive education campaign undertaken to make manufacturers, builders and consumers aware of this new technology. Large scale demonstration projects should be constructed with support from government. The mortgage lenders and their regulators in government must take a broader view of housing costs, adopting total life cost accounting techniques that recognize the advantages of high capital cost improvements like solar heating. Also, in order to launch such a new industry successfully, a variety of temporary government incentives such as tax deductions, may be needed.

It is important to point out why, since solar energy has been utilized in some form since the advent of ancient civilization, it is not more widely or fully utilized now.

One might well ask why the inexpensive and reliable solar hot water heaters have lost favor. The answer is evidently that an affluent population has not, up to now, wanted to bother with them. It has just turned out to be less trouble to depend on electric or gas hot water heaters than their solar counterparts. As long as consumers can easily afford to pay for fossil fuels or electricity, history has shown that they are unwilling to put up with the simple and technologically unsophisticated solar heating equipment. The need for incorporating technological advances in solar heating equipment has been apparent for many years, and it is our responsibility today to encourage and support this important new technology.

Research and development in solar heating and cooling is a relatively new item in the Federal budget. The total obligation by all Federal agencies reached an annual rate of $1 million only 2 or 3 years ago. The total Federal expenditure for solar-related research in fiscal year 1973—this year—was less than $4 million. The proposed budget for fiscal year 1974 is $12.2 million, and an additional $1 million has evidently been added to this total because of congressional action related to the National Science Foundation Authorization Act. Of this total of $13.2 million, only $5.6 million supports research and development activities related to solar heating and cooling.

This is a woefully inadequate level of support for solar research. Last summer, my Subcommittee on Energy held 3 days of hearings on the state of our technology to utilize the unlimited energy of the sun.

In addition, JIM SYMINGTON and I held 2 days of joint hearings on satellite solar energy before our Science and Applications and Energy Subcommittees during last spring.

While our witnesses basically agreed that we are many years away from utilizing solar energy to generate electricity, they presented testimony documenting the fact that the technology is now available to tap the sun to heat buildings and that the technology is near at hand for combined solar heating and cooling systems.

In addition, the opportunities which are being increasingly recognized in this area were well documented in the report released in January 1973 by the solar energy panel, established under the Energy R. & D. Goals Committee of the Federal Council for Science and Technology. The purpose of this panel was to assess solar energy technologies and to propose a comprehensive solar research and development plan. The recommended plan called for a 10-year, $100 million expenditure for solar heating and cooling of buildings. The assessment was this would result, at its conclusion, in general public use of solar heating for residential purposes.

The panel's estimate of the benefits of this new technology was based on predictions that 10 percent of new buildings constructed in 1985 would utilize solar energy, 50 percent in the year 2000, and 85 percent in the year 2020. Fuel savings at these three points in time, based on these assumptions, are $180 million, $3.5 billion, and $16.3 billion annually, at present fuel prices. It is further estimated by this panel that sales of solar heating and cooling equipment would reach an annual level of $1 billion soon after 1985.

The chairman of the House Science and Astronautics Committee, OLIN TEAGUE, and I discussed the subcommittee testimony, this report and other well-documented studies on the short term potential of solar energy at length. We determined that the report's estimates probably fall on the low side. In our judgment, with adequate demonstration programs and carefully designed economic incentives, the market for solar heating and cooling will be even greater than these estimates would indicate. The opportunities are great, and we as a Nation must be willing and able to seize upon them at this critical time in history. In conjunction with Congressman CHARLES MOSHER and BARRY GOLDWATER, the ranking minority members of the full Committee and the Energy Subcommittee respectively, we determined that Federal incentives could be devised to demonstrate the feasibility of solar heating and cooling which would provide the "take-off" for use of solar energy by the average American homeowner and help create a viable private enterprise solar heating and cooling industry within the next 5 to 10 years.

H.R. 10952, the Solar Heating and Cooling Demonstration Act of 1973 provides for the early commercial demonstration of the technology of solar heating and cooling by the National Aeronautics Space Administration, the National Bureau of Standards, the National Science Foundation, the Department of Housing and Urban Development, the Department of Defense, and other agencies. It provides for the demonstration of solar heating technology on a large scale in 3 years, and the demonstration of the technology for combined solar heating and cooling of buildings in 5 years. It further provides for a 5-year demonstration program of solar heating and cooling of commercial buildings, factories, and industrial buildings. The total cost of these programs over the 5-year period, including installation of approximately 2,000 mass produced solar heating units and 2,000 mass produced solar heating and cooling units in residential dwellings will be $50 million.

The program called for in this legislation is one which is carefully constructed as a cooperative venture of a number of Federal agencies. The National Science Foundation is directed to continue and increase its support of basic and applied research related to solar heating and cooling. The National Bureau of Standards, utilizing its well-known expertise in this area, will set performance criteria for the solar heating and cooling equipment as well as the building designs, and will have further responsibility for monitoring and evaluating the equipment and buildings after installation.

HUD will coordinate the demonstration program as part of its activities with the building industry, and will provide information and reports to Congress and the public. HUD must incorporate this activity into its responsibilities for overseeing our national housing efforts, recognizing the importance of energy in the total cost of housing over its life cycle. The Defense Department, because of its role in administering controlled Federal housing projects on its bases, is the logical agency for providing buildings for installation of half of the mass-produced heating and cooling units.

NASA is assigned the task of developing and contracting for the production of the heating units and the heating and cooling units. Although the technology involved is not sophisticated or complex by NASA standards, the management and integration of the myriad R. & D., pilot projects, and procurement actions will be complex. It must be done with great competence if the tight time schedules are to be met. NASA has an outstanding capability and "track record" in this area, and is the logical agency to manage the hardware portion of this demonstration project.

Mr. Speaker, I commented on solar energy technology in a guest editorial appearing in the October 1973 issue of Professional Engineer, published by the National Society of Professional Engineers. My comments included the following:

> I have repeatedly expressed the urgent need for an accelerated program with appropriately funded and aggressive mission-oriented programs in solar energy research and development. I have encouraged the directors of the National Science Foundation and NASA to use funds to support solar energy technology this fiscal year and in the future. I am confident that expanded mission-oriented solar energy programs will be developed.

This is a practical concrete legislative proposal for the development of an energy source which is clean, competitive and viable both technologically and economically. Since Chairman TEAGUE, Congressmen MOSHER, GOLDWATER, and I originally introduced this bill 2 weeks ago, it has been cosponsored by over 100 other Members of the House of Representatives. Similar legislation is being introduced in the other body of Congress.

We cannot avoid this opportunity to demonstrate that the Congress of the United States can take responsible initiatives in the energy policy arena. My Energy Subcommittee is scheduled to begin hearings on this bill in mid-November. The full House Committee on Science and Astronautics will consider our findings on this legislation as soon as its schedule permits. I am optimistic that both Houses of Congress will respond to the need for this kind of program at this particular point in our history.

Mr. Speaker, at this point I should like to have included in the RECORD a listing of the House and Senate cosponsors as well as the text of H.R. 10592, the Solar Heating and Cooling Demonstration Act of 1973.

SPONSORS AND COSPONSORS OF THE SOLAR HEATING AND COOLING DEMONSTRATION ACT OF 1973

Anderson of Illinois, Annunzio, Aspin, Archer, Badillo, Baker, Bell, Benitez, Bergland, Bevill.

Bingham, Blatnik, Breaux, Brown of California, Broyhill of N.C., Burgener, Camp, Carney, Cleveland, Collier.

Collins of Texas, Conlan, Corman, Cotter, Coughlin, Cronin, Conte, Danielson, Davis of Georgia, Dellums.

Downing, Drinan, Edwards of California, Edwards of Alabama, Esch, Eshleman, Fish, Fraser, Frenzel, Frey.

Fuqua, Froehlich, Gilman, Goldwater, Gunter, Hanna, Harrington, Harvey, Hastings, Hechler.

Helstoski, Hicks, Hogan, Johnson of Colorado, Jordan, Keating, Kemp, Ketchum, Lent, Long of Maryland.

McCormack, McDade, McKinney, Martin of N.C., Mayne, Meeds, Melcher, Metcalfe, Milford, Mitchell of New York.

Moorhead of California, Mosher, Parris, Pepper, Pickle, Poage, Podell, Pritchard, Quie, Rees.

Reuss, Robinson, Robison, Roe, Roncalio, Roncallo, Rosenthal, Roush, Roy, Scherle.

Schroeder, Schriver, Sisk, Stanton of Ohio (Wm.), Steiger of Arizona, Studds, Sullivan, Symington, Teague of Texas, Thomson.

Thornton, Udall, Vanik, Walsh, Ware, White, Wilson of California (Bob), Wilson of Texas, Winn, Wright.

Wyatt, Wydler, Young of Georgia, Young of S.C., Young of Illinois, Zwach.

H.R. 10952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Heating and Cooling Demonstration Act of 1973".

FINDINGS AND POLICY

SEC. 2. (a) The Congress hereby finds that—

(1) the current imbalance between supply and demand for fuels and energy is likely to persist for some time;

(2) the early demonstration of the feasibility of using solar energy for the heating and cooling of buildings could help to relieve the demand upon present fuel and energy supplies;

(3) the technologies for solar heating are close to the point of commercial application in the United States;

(4) the technologies for combined solar heating and cooling still require research, development, testing, and demonstration, but no insoluble technical problem is now foreseen in achieving commercial use of such technologies;

(5) the early development and export of viable solar heating equipment and combined solar heating and cooling equipment, consistent with the established preeminence of the United States in the field of high technology products, can make a valuable contribution to our balance of trade; and

(6) commercial application of solar heating and combined solar heating and cooling technologies can be expedited by early commercial demonstration under practical conditions.

(b) It is therefore declared to be the policy of the United States and the purpose of this Act to provide for the demonstration within a three-year period of the practical use of solar heating technology, using current technology for this purpose, and to provide for the development of and demonstration within a five-year period of the practical use of combined heating and cooling technology.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "solar heating", with respect to any building, means the use of solar energy to meet such portion of the total heating needs of such building (including hot water) as may be required under performance criteria prescribed by the Secretary of Commerce acting through the National Bureau of Standards;

(2) the terms "solar heating and cooling" and "combined solar heating and cooling", with respect to any building, mean the use of solar energy to provide both such portion of the total heating needs of such building (including hot water) and such portion of the total cooling needs of such building, as may be required under performance criteria so prescribed, and include cooling by means of nocturnal heat radiation or by other methods of meeting peakload energy requirements at nonpeakload times;

(3) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(4) the term "residential dwellings" includes mobile homes.

CONDUCT OF ACTIVITIES IN SOLAR HEATING AND COOLING TECHNOLOGIES BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 4. Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended by redesignating subsection (b) as subsection (c), and by inserting immediately after subsection (a) the following new subsection:

"(b) The Administration shall initiate, support, and carry out basic and applied research, development, demonstrations, and other related activites in solar heating and cooling technologies, including (to the extent that funds are appropriated therefor) activities as provided for in sections 5, 6, and 7 of the Solar Heating and Cooling Demonstration Act of 1973.".

DEVELOPMENT OF SOLAR HEATING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 5. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of solar heating systems for use in residential dwellings.

(b) (1) Within eighty days after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator shall determine, prescribe, and publish—

(A) performance criteria for solar heating equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating) for such dwellings themselves,

taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types or residential dwellings suitable for and adapted to the installation of solar heating systems meeting the performance criteria prescribed under paragraph (1) (A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate solar heating.

(c) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958, shall—

(1) (A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of solar heating systems meeting the performance criteria prescribed under subsection (b) (1) (A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b) (1) (B);

(2) enter into contracts with at least two

different persons or firms for the actual manufacture and production of solar heating systems as developed under contracts described in paragraph (1)(A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers, or residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating systems involved, and of the dwellings themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of such paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under that subparagraph.

(d) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

DEVELOPMENT OF COMBINED SOLAR HEATING AND COOLING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 6. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of combined solar heating and cooling systems for use in residential dwellings.

(b)(1) As soon as possible after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator, shall determine, prescribe, and publish—

(A) performance criteria for combined solar heating and cooling equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating and cooling) for such dwellings themselves,

taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1) (and if possible before the completion of the research and development provided for in subsection (c)), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types of residential dwellings suitable for and adapted to the installation of combined solar heating and cooling systems meeting the performance criteria prescribed under paragraph (1)(A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate combined solar heating and cooling.

(c) During the period immediately following the publication of performance criteria under subsection (b)(1), the Administrator shall undertake and conduct with respect to solar heating and cooling a program of research, development, testing, and demonstration designed to provide the additional technological resources necessary for the development and commercial application of combined solar heating and cooling systems as contemplated by the program under this section.

(d) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958 and at the earliest possible time during or immediately after the period specified in subsection (c), shall—

(1)(A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of combined solar heating and cooling systems meeting the performance criteria prescribed under subsection (b)(1)(A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria or to reflect the results of the activities conducted under subsection (c)); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating and cooling systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b)(1)(B);

(2) enter into contracts with at least two different persons or firms for the actual manufacture and production of combined solar heating and cooling systems as developed under contracts described in paragraph (1)(A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating and cooling systems involved, and of the dwelling themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating and cooling systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of such paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under such subparagraph.

(e) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating and cooling systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

DEVELOPMENT OF SOLAR HEATING AND COOLING SYSTEMS FOR COMMERCIAL BUILDINGS

SEC. 7. The Administrator, concurrently with the conduct of the programs under sections 5 and 6, shall carry out such projects and activities (including demonstration projects) with respect to apartment buildings, office buildings, factories, agricultural structures (including crop-drying facilities), and other commercial or industrial buildings, taking into account the special needs of and individual differences in such buildings based upon size, function, and other relevant factors, as may be appropriate for the early development and demonstration of combined solar heating and cooling systems suitable and effective for use in such buildings.

FUNDING OF SOLAR ENERGY RESEARCH BY NATIONAL SCIENCE FOUNDATION

SEC. 8. (a) Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) The Director shall initiate and support basic and applied research relating to solar energy development, as provided in section 8(b) of the Solar Heating and Cooling Demonstration Act of 1973.".

(b) The Director of the National Science Foundation is authorized and directed to initiate, support, and fund basic and applied research activities related to solar energy in support of the objectives of this Act. These research activities shall, insofar as practicable, support the new solar heating and cooling technologies demonstrated or to be demonstrated by the National Aeronautics and Space Administration pursuant to sections 4 through 7 of this Act. For this purpose the Director of the National Science Foundation is authorized to utilize funds appropriated to the Foundation pursuant to law or transferred to it from the National Aeronautics and Space Administration or other Federal agencies.

DISSEMINATION OF INFORMATION AND OTHER ACTIONS TO PROMOTE PRACTICAL USE OF SOLAR HEATING AND COOLING TECHNOLOGIES

SEC. 9. (a) The Secretary of Housing and Urban Development shall take all possible steps to assure that full and complete information with respect to the demonstrations and other activities conducted under this Act is made available to Federal, State, and local authorities, the building industry and related segments of the economy, and the public at large, both during and after the close of the programs under this Act, with the objective of promoting and facilitating to the maximum extent feasible the early and widespread practical use of solar energy for the heating and cooling of buildings throughout the United States. In accordance with regulations prescribed under section 11, such information shall be disseminated on a coordinated basis by the Secretary, the Administrator, the National Bureau of Standards, the National Science Foundation, the Patent Office, and other appropriate Federal offices and agencies.

(b) In addition, the Secretary of Housing and Urban Development shall—

(1) study and investigate the effect of existing building codes, zoning ordinances, and other laws, codes, ordinances, and practices upon the practical use of solar energy for the heating and cooling of buildings; and

(2) determine the extent to which such laws, codes, ordinances, and practices should be changed to permit or facilitate such use, and the methods by which any such changes may best be brought about.

(c) Each Federal officer and agency having functions under this Act shall include in his or its annual report to the President and the Congress a full and complete description of his or its activities (current and projected) under this Act, along with his or its recommendations for legislative, administrative, or other action to improve the programs under this Act or to achieve the objectives of this Act more promptly and effectively. In addition, the Secretary of Housing and Urban Development shall submit annually to the President and the Congress a special report summarizing in appropriate detail all of the activities (current and projected) of the various Federal officers and agencies having functions under this Act, with the objective of presenting a comprehensive overall view of such programs.

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

SEC. 10. In carrying out their functions under this Act, all Federal officers and agencies shall take steps to assure that small business concerns will have a realistic and adequate opportunity to participate in the programs under this Act to the maximum extent possible.

REGULATIONS

SEC. 11. The Administrator, in consultation with the Secretary of Commerce, the National Science Foundation, the Secretary of Housing and Urban Development, the Secretary of Defense, and other appropriate officers and agencies, shall prescribe such regulations as may be necessary or appropriate to carry out this Act. Each such officer or agency, in consultation with the Administrator, may prescribe such regulations as may be necessary or appropriate to carry out his or its particular functions under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. There are authorized to be appropriated to the Administrator, for the first five fiscal years beginning after the date of the enactment of this Act, such sums, not exceeding $50,000,000 in the aggregate, as may be necessary to enable him (1) to carry out the functions vested in him or in the National Aeronautics and Space Administration by this Act, and (2) to reimburse the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and the Secretary of Defense for expenses incurred by them (during the respective periods of the program under section 4 and the programs under sections 5 and 6) in carrying out the functions vested in them under this Act.

PRESIDENTIAL TELEVISION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 30, 1973

Mr. METCALF. Mr. President, I call my colleagues' attention to David S. Broder's column in Sunday's Washington Post devoted to a study on "Presidential Television" conducted by former FCC Chairman Newton N. Minow, writer and diplomat John Bartlow Martin and Lee M. Mitchell, a communications attorney.

Commissioned 2 years ago by the 20th Century Fund, the study assesses the impact of the President's increasing use of network television on the balance of powers between Congress and the Executive and on the role of the opposition party within our two-party system. Not surprisingly, the authors conclude that television's impact "threatens to tilt the delicately balanced—constitutional—system in the direction of the President."

While it is true that President Nixon has used prime-time television with far greater frequency than any of his predecessors, the trend toward Executive and Presidential domination of this powerful medium of communication has been underway for some time. And Members of both parties in Congress have been deeply concerned about this problem for many years.

The Joint Committee on Congressional Operations, which it is my privilege to chair during this Congress, is conducting a major study of Congress and mass communications. This study, which we expect will be released early in the next session of Congress, examines in detail the consequences of an "institutional vacuum" surrounding Congress and its activities.

Most Americans have only the most general sense of the constitutional role that Congress performs and few citizens have any clear conception of how Congress executes its legislative responsibilities.

As a consequence, the branch of government that is structurally closest to the people is generally least understood by the people. The domination of the Nation's mass media by the Executive has tended to exacerbate this institutional vacuum.

Clearly, we stand at a moment in American history when the Nation's elected Representatives in Congress must do everything possible to make their actions understood and credible to the citizens. I am confident that this pending study of the Joint Committee on Congressional Operations will be a constructive and useful document in helping us to consider ways to meet this challenge.

I ask unanimous consent that David S. Broder's column from the Washington Post of October 28, 1973 be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

LOOKING AT "PRESIDENTIAL TELEVISION"

(By David S. Broder)

It was sheer coincidence that President Nixon chose to schedule and then cancel two prime time television appearances in the very week in which the Twentieth Century Fund had decided to release its two-year study of the perils and potentials of "presidential television."

If anything were needed to underscore the report's main point—that the country's prime medium of communication has been converted into a President's personal tool—Mr. Nixon's actions did it.

He decided on Tuesday that he wanted to

address the American people on Wednesday evening, and all three networks canceled their programming to accommodate him. He decided on Wednesday that he preferred to hold a televised press conference on Thursday evening, and once again the eyes and ears of the nation—the television audience—were ready for him. When the Mideast crisis caused the President to change his mind again, the networks adjusted their schedules and awaited their next summons from the Oval Office. It came Friday and, once more, the networks cleared their schedules for the President.

This is power. And the burden of the Twentieth Century Fund report, "Presidential Television," published in book form by Basic Books, is that television's unique availability to a President may well be distorting the constitutional system of checks and balances.

In some ways, this week's example is highly unusual. Mr. Nixon did his on-again, off-again flirtation with the networks at the low point of his presidency. But even in this adverse circumstance, he had an advantage that no one else possessed. He alone could summon the television cameras, at a time and place of his choosing, to communicate to a national audience his views, in exactly the format he wanted to use. And he alone could cancel his appearances when the time proved inconvenient.

Admittedly, Mr. Nixon was not the only participant in the week's dramas to hold forth at a televised press conference. Some of the networks also provided live coverage of the Saturday afternoon press conference of former Watergate prosecutor Archibald Cox, the Tuesday morning press conference of resigned Attorney General Elliot L. Richardson, and the Friday morning press conference of Secretary of State Kissinger. But it is important to note that they did so at their own discretion, judging these events newsworthy, and the networks that preferred to satisfy the football or soap opera audiences were free to do so.

It is even more important to note the parties to these crises who were not seen or heard on simultaneous, prime-time television. Although the Watergate controversy was a dispute involving the executive, the legislative and the judicial branches, no one was invited to appear before the public in a comparable format to express the views of the judiciary or the Congress.

Although it was, in the most fundamental sense, a political crisis, no one from the political opposition, the Democratic Party, was accorded a comparable national audience—through simultaneous, prime-time television—to comment on the President's remarks.

The question raised by the "Presidential Television" study is what this kind of imbalance—more flagrant in other instances than this week—does to the workings of our democracy.

The answer is that "television's impact . . . threatens to tilt the delicately balanced (constitutional) system in the direction of the President."

That judgment by the study's principal authors—former Federal Communications Commission chairman Newton N. Minow, attorney Lee M. Mitchell, and journalist-diplomat John Bartlow Martin—is amply backed by the evidence.

On one side, recent Presidents have made increasing use of the "ultimate communications weapon," prime-time, simultaneous telecasts. Mr. Nixon, in his first 18 months in office, went to the airwaves more often than his three predecessors combined in a comparable period.

On the other hand, members of Congress, leaders of the opposition party and advocates of divergent views have found themselves hobbled by judicial and administrative rulings in their quest for equal access to television.

The solution, the authors suggest, is not to restrict the President; whatever he wants to say deserves a hearing. The answer is to open up the television channels on a fair basis to others—particularly to Congress and the opposition party—and they provide a number of specific proposals for doing so.

This week offers the clearest example possible of why the problem of "presidential television" needs our urgent attention.

SPACE WEEK IN MICHIGAN

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. ESCH. Mr. Speaker, as a member of the House Science and Astronautics Committee and Representative of Michigan's Second District, I wish to call attention to the observance of Space Week in Michigan.

The following proclamation signed by Governor William G. Milliken reminds all of us that it was 15 years ago this month that the National Aeronautics and Space Administration was created. It is fitting that residents of Michigan should observe the week of October 21 as Space Week since so many Michigan citizens contributed to the success of the American space effort.

The proclamation follows:

SPACE WEEK IN MICHIGAN

The United States space program, dedicated to the peaceful exploration of space, directly and indirectly benefits such fields as astronomy, medicine, business, air and water cleanliness, urban development, industry, agriculture, law enforcement, safety, communications, the study of earth resources, weather forecasting, education and international relations.

It was 15 years ago this month that the National Aeronautics and Space Administration (NASA) was created; it has since provided the United States with scientific and technological leadership while cooperating with other organizations throughout the world for the peaceful exploration of space for the benefit of all mankind.

Thousands of Michigan citizens have contributed to the space effort. Michigan industry, colleges and universities were key participants in the manned flight program from Mercury to the epoch scientific explorations on the moon in Apollo.

Michigan workers and scientists continue this tradition in the present Skylab manned program as well as the unmanned NASA programs, especially those involving the study of earth resources and environment.

Therefore, I, William G. Milliken, Governor of the State of Michigan, declare the week of October 21–27, 1973, as Space Week in Michigan and call upon the people of the state to reflect upon what space exploration means to all of us, not only in terms of economics, but in terms of an improved world environment on the natural and political levels.

Given under my hand on this eighteenth day of October in the year of Our Lord one thousand nine hundred seventy-three and of the Commonwealth one hundred thirty-seventh.

WILLIAM G. MILLIKEN, *Governor*.

TRIBUTE TO SCOTT REXINGER, PRESIDENT OF TOASTMASTER ON HIS RETIREMENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. McCLORY. Mr. Speaker, today one of the giants of the electrical industry will retire as president of the Toastmaster Division of the McGraw-Edison Co. located in Elgin, Ill., in my congressional district, after a career of over 40 years as a salesman and marketing executive.

Mr. Speaker, Scott C. Rexinger's career with Toastmaster began some 35 years ago as a territory sales representative. In 1966, he became president of Toastmaster. During Mr. Rexinger's executive years with Toastmaster, the company has grown from a toaster manufacturer only to a manufacturer of more than 200 electrical appliances for the home—all manufactured under the Toastmaster brand name.

Mr. Speaker, Mr. Rexinger is a well-known figure in the electrical appliance field, having made significant contributions to the growth, stability, and character of the electrical industry. In 1959, Mr. Rexinger was elected chairman of the electrical housewares section of the National Electrical Manufacturers Association. In 1966, he was chosen as chairman of the executive committee by the American Hardware Manufacturers Association, and served as chairman of that committee, being elected vice president in 1971, and president in 1972 of that national association.

Having served on the executive board for 3 years, Mr. Rexinger was elected a director in 1971, and chairman of the executive board in 1972 of the Association of Home Appliance Manufacturers.

In 1967, Mr. Rexinger was selected for the board of directors of the National Houseware Manufacturers Association; elected a member of the governing executive committee in 1971; and elected as vice president in 1973.

Mr. Speaker, while directing a phenomenal growth at Toastmaster, it was Mr. Rexinger's industry leadership that has been recognized among his industry peers. I understand, Mr. Speaker, that industry leaders are hard pressed to recall another man who has served as either president or chairman of all recognized, national electrical industry associations.

Mr. Rexinger is a graduate of the University of Chicago, where he was a championship tennis player, having twice won the big ten singles and doubles tennis conference. In all, he won six varsity letters—three in tennis and three in varsity basketball.

Married to the former Eleanor Black, the Scott Rexinger family consists of Scott C. Rexinger, Jr., who is a product manager with the Carnation Co., in Los Angeles, Calif., and Allan Rexinger, a recent graduate of Valparaiso, Ind., School of Law, and the legislative assistant in my congressional office.

In addition, Mr. Rexinger has served on the board of directors of the United Way of Elgin, founded the Elgin Tennis Club in 1961, and is currently a member of the International Club of Kiwanis.

Mr. Speaker, I am proud to honor today Scott C. Rexinger of the 13th Congressional District of Illinois—a true champion in sports, industry, and civic affairs.

HISTORIC AND DRAMATIC DEVELOPMENTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. EVINS of Tennessee. Mr. Speaker, I include my recent newsletter, Capitol Comments, in the appendix of the RECORD, as follows:

HISTORIC AND DRAMATIC DEVELOPMENTS

(Capitol Comments, by Hon. JOE L. EVINS)

This was a week to remember as the currents of history swept at flood tide through the Capitol City and the world.

The Agnew scandal exploded—the Mideast War erupted—the Watergate case came to life again with two major decisions—and it became obvious that another energy crisis for the winter threatens the Nation.

Shock waves reverberated throughout the government and the Nation as Vice President Agnew suddenly resigned, pleaded no contest to income tax evasion and was given a three-year probationary sentence and fined $10,000. Two days later, on Friday night, the President announced the nomination of Representative Gerald R. Ford of Michigan, minority leader of the House, to succeed Agnew as Vice President for the remainder of the President's term.

On that same night a United States Appeals Court, by a 5–2 margin, ruled that the Watergate grand jury was entitled to any relevant material on the tape recordings made of Presidential conversations at the White House related to its criminal investigation.

"He is not above the law's commands", the Court said, referring to the President who has opposed the release of the tapes on the grounds that the release would violate executive privilege and confidentiality. The White House will appeal the ruling to the United States Supreme Court.

Later in the week the Federal Court in Washington rejected the Senate Watergate Committee's demands for access to the secret tapes, asserting the Court had no jurisdiction to entertain a lawsuit by Congress against the President.

Congress must plow new ground in acting on the nomination of Representative Ford as Vice President, as this is the first time the 25th Amendment, approved in 1967, has ever been employed.

The amendment provides that when a vacancy occurs in the office of Vice President, the President shall nominate a successor and he must be confirmed by both Houses of the Congress.

By not naming Governor Nelson Rockefeller of New York—a liberal—or Governor Ronald Reagan of California—a conservative—the President avoided a party split on philosophical grounds.

The President had reportedly leaned toward nomination of John Connally of Texas, who recently switched from the Democratic to the Republican Party. However, the indications were that Connally would encounter strong opposition in the Congress.

The President turned to a team-player, popular Gerald Ford of Michigan, a former football star, who carries the ball for the President on issues in the House.

Congressman Ford has made it clear that he will not be a candidate for President, so he will assume the role of a caretaker Vice President when his nomination is approved—possibly within four to six weeks.

Congress will navigate uncharted procedural territory as it evaluates the President's nominee since there is no precedent that may be used for guidance. It has been decided that the Judiciary Committee of the House and the Rules Committee of the Senate will conduct confirmation hearings.

It is understood that thorough investigations will be conducted to avoid any further embarrassments as the Congress carries out its duties and responsibilities.

Extensive investigations are reportedly being conducted by the FBI, Internal Revenue Service, General Accounting Office and the U.S. Public Health Service, the latter with respect to Congressman Ford's health and physical condition.

Concurrent with the crisis in Washington came the crisis in the Mideast with the Israeli-Arab war flaming again, threatening the relations between the United States and Russia—as the United States is supplying military aid and assistance to the Israelis and the Soviets are supplying aid to the Arab nations. These events may result in shortages of heating fuel and gasoline as Arab nations threaten to cut off supplies to the United States.

This has been truly a week of historic and dramatic developments.

PROTECTING THE SPECIAL PROSECUTOR FROM CONSTITUTIONAL CHALLENGE

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. COHEN. Mr. Speaker, President Nixon in a recent statement to the press and public indicated that the Acting Attorney General will name a new special prosecutor who will have the full cooperation of the White House, but who will not have the full range of powers or independence previously vested in Archibald Cox. Clearly, such a proposal will not be acceptable to Congress or the country.

The need for a special prosecutor whose independence cannot be intruded upon by the body that is the subject of investigation can no longer be a matter of legitimate debate. The question now must be: How can the objective of reestablishing the Office of Special Prosecutor be achieved most expeditiously and in a manner that will survive constitutional attack?

The most popular method suggested is for the appointment to be made by Chief Judge Sirica of the U.S. District Court for the District of Columbia. While there appears to be support for this procedure under article II, section II, clause 2 of the Constitution, it is nevertheless subject to constitutional question. While we cannot predict whether such a bill would be vetoed, or overridden if vetoed, we would in any event run the risk that any indictments returned against those individuals under investigation would be rendered void if the congressional act subsequently is declared to be unconstitutional. This possibility was recognized by Mr. Cox during a nationwide telecast yesterday.

Mr. Cox, in fact, suggested an alternative similar to the proposal I introduced in the House last week. In sum, I believe that Congress should pass legislation that would provide for the Attorney General, who would be subject to confirmation by the Senate, to name a special prosecutor and pledge to do everything within his power to protect the independence of that individual in fulfilling the duties of the office. In addition, the special prosecutor should be subject to confirmation by the Senate. Surely, the Senate would not confirm either an Attorney General or a special prosecutor unless it were satisfied that both nominees possessed the character, competence, and commitment to pursue the paths of justice without regard to where or how high they might lead.

While it might be argued that we merely would be restoring the status quo with the old guidelines and guarantees, I would respectfully suggest that the old guidelines that were approved by former Attorney General Richardson and the Senate were entirely adequate prior to the President's action in firing Mr. Cox. Indeed, the very intrusion upon those guidelines and guarantees of independence precipitated a national revulsion which continues to shake the very foundations of our Government.

While the President would retain the power to dismiss the special prosecutor for "gross improprieties," we would have the added guarantee that the President would not be in a position to cross the Rubicon of public opinion a second time. Mr. Cox recently stated that, as a practical matter, the President simply could not afford to dismiss a second special prosecutor.

Mr. Speaker, I respectfully submit that a bill as outlined above would achieve the desired objective of establishing an office of special prosecutor through a congressional act that will guarantee complete independence and survive any attack in the courts.

TAX REFORM AND SOCIAL SECURITY AMENDMENT TO PUBLIC DEBT BILL GIVEN GO AHEAD

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. VANIK. Mr. Speaker, the Rules Committee has granted a rulemaking in order a combined amendment on tax reform and social security during consideration of the public debt bill, H.R. 11104.

The tax reform portion of the amendment will raise $3 billion per year in revenues and will affect some 24,000 corporation returns and only 273,000 individual returns out of some 75 million individual returns.

The 7-percent increase in social security benefits will be effective January 1, 1974, and will be reflected in checks mailed February 1, 1974. The increase will aid 29 million beneficiaries. The amendment will provide the average retired worker an increase of $12, from $161 to $173 per month. The cost of the amendment will be $1.6 billion in fiscal year 1974 and $400 million in fiscal year 1975.

Because of the importance of this social security increase during this period of rampant inflation, I would like to enter in the RECORD at this point a table showing the general average benefits—under present law and under the 7-percent benefit increase amendment—to various classes of social security beneficiaries:

EFFECT OF 7-PERCENT SOCIAL SECURITY INCREASE

	Under present law	Under 7-percent amendment
Average benefits:		
Retired worker alone (no dependents)	$161.00	$173.00
Retired worker and aged wife, both receiving benefits	275.00	296.00
Disabled worker alone	177.00	190.00
Disabled worker, wife, and 1 or more children	362.00	387.00
Aged widow alone	157.00	169.00
Widowed mother and 2 children	389.00	416.00
All retired workers	166.00	178.00
All disabled workers	183.00	195.00
Maximum benefits for worker reaching 65 in 1974	274.50	293.90
Maximum benefits for retired worker and aged wife, both receiving benefits	411.90	441.00
Minimum benefit for a retired worker	84.50	90.50

EDITORIAL SCORES PUBLIC SECTOR UNIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. ASHBROOK. Mr. Speaker, the September 22 edition of the Arizona Republic carried the following editorial regarding public sector unions. I believe that it forcefully presents the dangers implicit in the attempted unionization of the public sector. The editorial follows:

GOVERNMENT UNIONISM

There is grave danger of a "private government" controlling, at least indirectly, almost every policy, every big decision, every movement of the official government of the United States.

Such a government would deny government by the people, in many respects turning over public affairs to private organizations which through the medium of collective bargaining could strongly enforce or even decree budgetary policy and moves of the government in general.

This rapidly growing private government consists of what unionists call "Public Sector Unions." In other words, unions of public employees on all levels from street sweepers, school teachers, to highly trained technicians and non-elected officials possessed of ominous powers.

It's a movement comparatively new in the union concept, comparatively new in the ranks of many government agencies. But it's growing fast.

For instance, the largest AFL-CIO affiliate in the public sector (The American Federation of State, County and Municipal employes) had 9,737 members back in 1936 when it was first chartered in Wisconsin. Now it has 600,000 dues payers.

Presently some 50 per cent of all federal employees are union members and some 8.5 per cent of all state, county and municipal employees are in unions.

These figures and arguments about the dangers of public employe unionism come from the Nation Labor-Management Foundation, an organization that naturally has some one-sided views on the subject. Nevertheless, the organization's aims bring out correctly enough the danger of a government that eventually could be controlled politically and materially by its workers.

In their efforts to bring unionization to the public sector, public employe unions of all branches of government are heartily backing House Resolution 8677, the National Public Employe Relations Act. Hearings on the bill are on Sept. 27 and Oct. 4.

The public already has seen plenty of examples of the chaos created by just one comparatively small city or county union strike.

Within the next few years it is estimated that the government will employ 20 per cent of the nation's work force, most of them enforced members of unions. What happens then in the case of a major strike by a federal union?

It could be anarchy, not chaos.

"PEACE WITH HONOR" MERELY RHETORIC

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BROWN of California. Mr. Speaker, in light of President Nixon's recent repeated claims that he has brought us a generation of "peace with honor," I think it should be publicly acknowledged that there is neither peace nor honor in South Vietnam today.

Since last January 28, when peace was declared and we withdrew our troops, a total of 48,151 Vietnamese have been killed in South Vietnam. That figure, released October 22, comes not from some radical or pacifist group, but rather from the Saigon government itself. A quick calculation reveals that, on the average, one Vietnamese has been killed every 8 minutes since the peace agreement took effect. That can hardly be considered peace.

The Thieu government is understandably less willing to give out precise figures on another group of casualties—those being held in South Vietnamese prisons, because of their opposition to the Saigon regime. But reports in such highly respected journals as Time, Newsweek, and the New York Times tell us that the number of political prisoners could be even larger than the number killed. I have spoken with former political prisoners who have been released from South Vietnamese prisons, and I am familiar with the mistreatment and torture practiced by the Saigon government. I am especially dismayed that the United States continues to subsidize these activities by various means, including the shipment of equipment and the training of personnel. Our strong support of the activities of Thieu's national police directly contradicts the provision of the Paris agreement—signed by the U.S. Secretary of State—which states that "advisers to all paramilitary organizations and the police force will be withdrawn" and that the United States would not "interfere in the internal affairs of South Vietnam." This is certainly something less than honor.

And so it is clear that Richard Nixon has brought us neither peace nor honor in Vietnam. The rhetoric cannot hide the reality; he has failed us in this area, just as he has in so many other ways.

TRIBUTE TO PABLO CASALS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. YOUNG of Alaska. Mr. Speaker, I would like to join people all over the world in expressing my deep sorrow at the passing of one of our most gifted artists, Pablo Casals.

This man has contributed his life—97 years—not only to the expression of beauty in the form of music, but also to the cause of freedom in his rebellion against a dictatorship form of government. Casals has brought his wonderful talent with the cello and his abilities as a conductor to this country many times. Just this past May he appeared at the Kennedy Center here in Washington to honor the Organization of American States by conducting his arrangement for 40 celli of a Spanish Sardana and a movement from his oratorio "El Pesebre."

Many musicians as well as lovers of music have been inspired by his unique compositions. His music contains the elements of simplicity, enthusiasm, and style that have made the master cellist one of the world's greatest musicians.

His music is, I believe, a reflection of his own life. He said about himself:

> I am a man first, an artist second. As a man, my first obligation is toward the welfare of my fellow men. I will endeavor to meet that obligation through music, the means which God has given me, since it transcends language, politics and national boundaries.

I have heard Pablo Casals many times, although I was not fortunate enough to see him perform. He is an example to us all, both in his contributions as a talented artist, a lover of beauty, a man of strong convictions, and was, in our own society with its youth culture, a tribute to nearly a century of highly creative, productive living. Mr. Casals was a man of rare talent—a performer, conductor, and composer who became well loved and honored during his own lifetime. I have tremendous admiration for the fine man and exceptional personality of Pablo Casals and wish to pay tribute, today, to a truly great man.

GRAIN SHIPPING PROBLEMS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. ZWACH. Mr. Speaker, many of our country grain elevators are being forced out of business or suffer huge profit losses because they are unable to get railroad cars to move the grain they handle for the producers.

Worst of all, Government callups of stored grain at illogical times compounds this problem.

So that my colleagues can have an understanding of what these elevators are up against, with your permission, I would like to insert into the CONGRESSIONAL RECORD a letter on this problem, written by the LaSalle Farmers Grain Co. to Mr. George M. Stafford, Chairman of the Interstate Commerce Commission.

The letter follows:

LASALLE FARMERS GRAIN CO.,
LaSalle, Minn., October 19, 1973.

MR. GEORGE M. STAFFORD,
Chairman, Interstate Commerce Commission,
Washington, D.C.

DEAR SIR: We have a thriving and progressive grain, fertilizer, feed and seed business in the small town of La Salle, Minnesota, located on a branch line of the Chicago & Northwestern Transportation Company. The discriminatory practices of the railroad are making it increasingly difficult for us to operate our business and serve our farmer customers.

The export market has expanded tremendously the past twelve months. We made sales of several thousands of bushels of grain to be shipped to the Gulf in the spring of 1973. On January 8, 1973, we put in an order for box cars to cover our anticipated needs through August of 1973. On January 18, 1973, we received a Loading Order from Commodity Credit Corp. for 69,549 bushels of grain to be delivered immediately. In the spring of 1973 the Commodity Credit Corp. announced that there would be no resale of Government grain. This meant that 1969, 1970, 1971, and 1972 grain would have to move during the summer of 1973. We were in the position of having 900,000 bushels of grain in the elevator to ship with about that much more to come in from the country. The railroad furnished us five or six box cars per month plus twenty-three open gondolas in March.

All our requests for additional cars, and we wrote many letters and made many phone calls, did not bring us any box cars. We explored the possibility of Unit Trains, but we were told our track was not adequate for Jumbo Hoppers and they were the only type of car being used in Unit Trains. We shipped eight open gondolas loaded with Commodity Credit Corp. grain when they abruptly withdrew permission to load CCC grain in open hoppers. Finally in desperation we made a sale to a commission firm that could supply leased hoppers to move the grain. The seller is at a disadvantage in a situation like this but we had to move the grain. All the while we were getting hoppers we were trying to get box cars to take care of our prior commitments to the Gulf. The CNW all down the line kept telling us if we got leased hoppers we would not receive any boxcars.

In August we gave up hope of being able to ship our contracts to the Gulf and bought out of the contracts at an expense to us of $72,754.75.

We were supplied 189 hopper cars from the latter part of June until the first part of September. During this time we received fifteen boxcars and we also reloaded any car that was shipped in with feed or fertilizer in it that the railroad would permit us to load. The commission firm that was supplying hoppers to us can no longer furnish them because these cars had been diverted from the fertilizer industry and they demanded them back for the fall delivery of fertilizer.

Buying grain on the open market becomes difficult if all your competitors are shipping grain by Unit Train. Just this week it has come to our attention that our closest competitor is being supplied with both a Unit Train and several box cars. The car dispatcher in Minneapolis says the local agent is responsible. Our agent says he doesn't know who is responsible.

In spite of the volume of business we could supply the railroad if only we had the cars it seems their every effort is directed to eliminate our service completely. This is really ironic when we have always been a rail shipper of grain and elevators that have prior to this year moved their grain by truck are being supplied Unit Trains.

We are writing this letter to bring to your attention the problems we are facing in the movement of grain to market. We are hoping that presenting our side of the problem will create a new insight into the many difficulties the country elevator incurs in the shipment of grain by rail.

Yours truly,
WILLARD I. BUSSE, *Manager.*

THE GREAT PROTEIN ROBBERY—NO. 11

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. STUDDS. Mr. Speaker, the International Commission for the Northwest Atlantic Fisheries—ICNAF—held a special meeting in Ottawa, Canada, October 15–19, to discuss the serious problem of overfishing in New England coastal waters. The fish stocks in these waters have been terribly depleted in the past 10 years by massive foreign fishing fleets using the most modern equipment and ecologically harmful techniques. The U.S. delegation in Ottawa, headed by Ambassador Donald McKernan, was able to negotiate an agreement that reduces the overall allowable catch for 1974 in New England waters approximately 25 percent from current levels—and reduces it further in the next 2 years. The agreement also bans bottom trawling in waters less than 40 fathoms deep by vessels over 145 feet in length for 6 months of the year.

I am pleased by these improvements in conservation measures, particularly since they are evidence of some attempt at long-range planning for our complex fisheries problems. But conservation measures mean nothing if they are easily circumvented or ignored. The ICNAF agreement, under which each nation is responsible for enforcing conservation measures with respect to its own fishermen simply does not work. There must be a single management and enforcement authority to strictly enforce the rules. Unless the United States takes on this job, there is a real danger that these conservation measures will be honored more in the breach than in their observance.

In addition to the tremendous need for full U.S. enforcement authority in the fisheries off our shores, it is essential that overall catch quotas be set low enough to allow for regeneration of fish stocks to previous levels, which the quotas agreed upon in Ottawa do not allow. The United States Government actively proposed this, but other governments at the ICNAF meeting seemed to be more interested in taking the fish this year than in instituting adequate conservation measures. While the ICNAF agreement does represent an improvement in conservation measures, it will by no means do the whole job.

I shall continue to press for passage of my bill, H.R. 8665, to extend our fisheries jurisdiction out to 200 miles from our shores. We must preserve the marine resources in our coastal waters as a valuable source of protein for all the hungry people of the world, and stop the "Great Protein Robbery" off our shores.

An article by Ken O. Botwright on the ICNAF meeting in Ottawa appeared in the October 21 Boston Globe follows:

FISHING PACT FALLS SHORT OF N.E. HOPES

(By Ken O. Botwright)

OTTAWA.—Leaders of the New England fishing industry complained yesterday that an international agreement signed here was not stringent enough to prevent the Soviet Union and other European nations from overfishing Georges Bank.

The fishermen also claimed the catch reduction decreed Friday by the 16-nation International Commission for Northwest Atlantic Fisheries (ICNAF) was too low to guarantee that fish stocks could reproduce faster than they were being caught.

They called on Congress to press for extension of the United States" territorial limit from 12 miles to protect both dwindling fish stocks and New England fishermen from foreign competition.

"In other words, the agreement was far from satisfactory," said T. A. Norris, executive vice president of Old Colony Trawler Corp. in Boston. He was one of 27 New England fishing industry representatives, government officials, legislators and scientists who attended a five-day special ICNAF meeting which ended here Friday.

The agreement reduced the overall annual catch on Georges Bank by 25 percent over three years. The 1974 catch must be limited to 923,900 metric tons—the 1973 catch should total about 1,188,000—reduced to 850,000 in 1975 and set at a 1976 level that will allow fish stocks to produce "the maximum sustainable yield."

In addition, the agreement banned bottom-fishing vessels longer than 145 feet from operating in less than 40 fathoms off New England between July 1 and Dec. 31 every year. The United States hopes this will force the giant foreign fleets to stop plundering the rich coastal fisheries just off southern Massachusetts.

The accord ended a deadlock between the United States, Russia and other Communist bloc nations that resulted from the failure of the annual ICNAF meeting in Copenhagen last June.

Norris, who headed a fishing industry advisory panel in Ottawa, said the agreement "reduced over-fishing but failed to end it." He said the fishing industry would have preferred the 800,000-ton overall catch limit recommended by an ICNAF scientific panel because this would have allowed for restoration of fish stocks.

To fully protect New England fishermen from competition by foreign fleets, Congress must pass a proposed 200-mile limit bill filed by Rep. Gerry Studds (D-Mass.) and Sen. Warren Magnuson (D-Wash.), he said.

Ambassador Donald F. McKernon, the US delegation chairman, called the agreement "a great step forward," but said the United States would have preferred a 30 percent overall catch reduction. He praised Russia for its cooperation, noted the Soviets had dropped opposition to below-decks inspection of their fishing vessels, and pointed up curtailment to compensate the United States and Canada, "which have suffered 50 percent catch losses in the past 10 years."

Soviet delegation chairman Alexei Volkov said his country, hardest hit under the proposed catch cutback, "agreed to bear these hardships because . . . conservation is our goal." He termed the Ottawa agreement "distasteful" and told reporters, Our fishermen will not applaud when I return home."

DESALES MEN PUT RELIGION TO WORK

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. MAZZOLI. Mr. Speaker, at a time in our country's history when the emphasis is consistently on what has gone wrong with America, and negativism is the mood of the day, it is refreshing to see an example of a group of individuals who are concerned, not with condemning what is wrong, but in taking positive action to improve, not only themselves, but the lives of those around them.

Such a group of individuals is the junior class of DeSales High School in my home district of Louisville, Ky.

These young men, under the direction of Father Bernhard Bauerle, have been supplementing classroom religious instruction with a 1-day-a-week volunteer hour at local community schools, a hospital, and a nursing home.

This effort—to "get out and do something" rather than just "sit and talk about religion"—has received enthusiastic approval, both from the students and from those they serve in the community.

For the benefit of our colleagues, I am inserting a copy of an article which appeared in the Louisville archidiocesan paper, the Record, about the DeSales project.

The article follows:

Practicing Religion, Junior Religion Classes Serve South Louisville

(By Louis Alexander)

The boys in the junior religion classes at DeSales High School say they are taught in their religion classes to help other people. And once a week they get a chance to put it into practice.

The youths do so by working as volunteers at SS. Mary and Elizabeth Hospital, the Christopher South Nursing Home and in five parish schools near DeSales in south Louisville.

About 75 students—one-half of the junior class—are working in the school's social service program, which is in its second year. The remainder of the junior class will have community service projects during the second half of the school year.

The students spend about one hour each Thursday morning, during the time usually taken by their religion classes, as volunteer workers. Classroom instruction in religion given on other days of the week.

In the five schools—Our Lady of Mt. Carmel, SS. Simon and Jude, Holy Name, St. John Vianney and St. Thomas More—the students conduct physical education classes and tutor students who need special help in mathematics and English.

At SS. Mary and Elizabeth they have a number of jobs. They deliver messages, take a library cart around to patients' rooms, take patients who are being dismissed from the hospital from their rooms to the front entrance, and take patients to and from the physical therapy department.

The students who are volunteers at the hospital like what they are doing. Bill Saffran explained, "In other religion classes you just sit and talk about religion. In this one you get out and do something."

Blanchard Robinson II has a dual purpose for serving as a volunteer in the hospital. "I want to be a doctor," he said,, "and this gives me good practical experience and it does go along with our religion program."

Mark Baum said he is glad he is a volunteer at the hospital rather than in one of the grade schools. "I just think I'm a lot more useful here," he said. Baum has carried the idea of "helping people" beyond his volunteer service at the hospital. He explained that he has helped a neighbor paint his house and has helped some Boy Scouts with a project because of what he has learned in religion classes.

Dominican Sister Linda Ann Gahafer, principal at SS. Simon and Jude School, thinks her students benefit from the work the DeSales volunteers do in the school. The grade school students look forward to having the boys come each week, she said.

Each Thursday, she said, some of the volunteers take one class at the school for a physical education period and "work on organized games and sports." Others provide individual instruction to students needing tutoring.

The social service program, Sister Linda Ann said, "gives the boys a chance to practice their service to the community" and at the same time "benefits our school."

For some of the residents of the Christopher South Nursing Home, 4300 Hazelwood Ave., the visits of the DeSales volunteers are the highlight of the week, said Mrs. Frieda Parker, staff member at the home. "Some have no visitors at all, except for the DeSales boys."

When the boys come to the home, she said, they "take patients outside in wheelchairs, play cards with them and sometimes they just sit and talk." On a recent Thursday they brought a record player and played records and also decorated the home for a Halloween party.

There is one older woman at the home, Mrs. Parker said, "who just loves to get one of those boys by the arm and go for a walk."

The students seem to enjoy their visits, Mrs. Parker said, and they are not at all bashful about working with the patients.

They are also very conscientious, she said. One of the boys who cannot visit the home because of a scheduling conflict contacted Mrs. Parker and requested the names of some residents who get no mail or visitors. He writes them once a week.

Carmelite Father Bernhard Bauerle, director of the religion program at DeSales High School, is pleased with the effect the community service program has on the students. "They seem to approach religion a little more enthusiastically" than students in a regular classroom would, he said.

Quite a number of the students have asked if the program could be expanded, and "that's about the most positive thing I've heard so far," he said.

CONSUMER PROTECTION AGENCY AND GOVERNMENT AGENCY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BROWN of Ohio. Mr. Speaker, a Government Operations Subcommittee on which I serve has now completed hearings on three differing Consumer Protection Agency bills.

One of the most credible witnesses to appear before us was Prof. Harold C. Petrowitz who teaches administrative law at American University. Professor Petrowitz, also an acknowledged specialist in the esoteric field of government contracts, was recently cited by the Supreme Court as the Nation's leading expert in contract appeal issues.

Professor Petrowitz' testimony before us, therefore, was instructive on two levels—how the CPA bills fit into the current administrative law structure, and the effect of these bills upon government contracting.

Because the Consumer Protection Agency is the most far-reaching consumer proposal ever to be considered seriously by Congress, I am inserting in the Record Professor Petrowitz' prepared statement on this subject, together with a short supplemental statement which was requested of him by the subcommittee.

The material follows:

Statement of Harold C. Petrowitz

INTRODUCTION

I appreciate this opportunity of appearing before this subcommittee to discuss proposed legislation for establishment of a Consumer Protection Agency which is being considered by the House of Representatives. I am a professor of law at The American University here in Washington specializing in the fields of administrative and anti-trust law.

As I stated in your counterpart subcommittee of the Senate, there appears to be a strong Congressional sentiment in favor of establishing a Consumer Protection Agency now. All three bills under consideration here would cast the CPA in the role of advocate of consumer interests rather than in a regulatory capacity. This commitment has important consequences from the standpoint of a logical and orderly plan of integrating a CPA into the existing administrative structure.

There are three bills calling for the creation of a consumer protection agency presently being considered by this subcommittee. These bills are complex and differ widely in scope. I shall discuss some of their important points with the hope of adding to the subcommittee's understanding of this important legislation.

IMPACT OF A CPA ON THE FEDERAL PROCUREMENT PROCESS

My original involvement with the legislation concerned the effect that a consumer protection agency would have on the procurement processes of the federal government. This is an important problem because virtually everyone agrees that the introduction of an administrative mechanism that could paralyze government procurement would be highly undesirable and could even be catastrophic. Relatively little had been said about this problem prior to my testimony before the Senate subcommittees.

It is clear that H.R. 14, H.R. 21 and H.R. 564 would give a consumer protection agency cognizance over many types of government contracts, particularly those "affecting" the interests of consumers. H.R. 14 would go the farthest in this respect since it would give the CPA full party status in all formal agency proceedings without exception. "Consumers" and "consumer interests" are somewhat restrictively defined in H.R. 21 and thus the cognizance over government contracts of a CPA created by this legislation would be slightly reduced but not eliminated. H.R. 564 excepts intelligence and security functions from coverage of the CPA, but many types of government contracts would still come within its cognizance.

H.R. 14 and H.R. 21 would also reverse the important decision of the Supreme Court in S and E Contractors v. United States by allowing the CPA to appeal to a court administrative decisions affecting government contracts.

I strongly recommend that this subcommittee give serious consideration as to the extent that the federal procurement process should be affected by a CPA. If government contracts are to be exempted from its coverage, this should be expressly stated in the legislation. If full exemption is not specified, specific guidelines regarding the extent of coverage should be stated.

WHAT SHOULD BE THE ROLE OF A CPA?

During the past few weeks I have listened to and read much of the testimony offered to this subcommittee concerning what a consumer protection agency should be and do. Your job in evaluating all of this testimony, much of it conflicting, is not an enviable one. I would like to submit a few suggestions based on administrative law theory and practice.

1. The proposed legislation for creation of a consumer protection agency will not—and cannot be expected to—cure all, or even a substantial number, of the problems affecting regulatory administrative agencies that have been discussed by witnesses before this subcommittee. The mere creation of a CPA cannot be regarded as a panacea. After all, it will be only one more in a family of over one hundred administrative agencies. Any sweeping change in the administrative process as we know it can come through a complete redesign of the existing structure. Present CPA legislation does not envisage any such change.

2. Proposed legislation looks toward the creation of a CPA as an *advocate* of consumer interests which would fit into the existing administrative structure. A scheme that would pit federal agency against federal agency and relegate to the courts much of the regulatory decision-making is not compatible with the existing administrative structure. Yet this is what would result from giving a CPA full party status in formal agency proceedings as proposed in H.R. 14 and to a lesser extent in H.R. 21. The "super amicus" status of a CPA as proposed in H.R. 564 is much better adapted to the existing structure. There is strong logic for allowing a CPA to grow in strength as does a tree—first a sapling, then branching into areas where strength is shown to be needed. A super-powered CPA is not the way to remedy deficiencies in existing regulatory agencies. This should be done by legislative reform of the specific agencies and by an effective program of legislative oversight.

3. Giving a CPA full party status in formal agency proceedings would create the highly undesirable likelihood of double prosecution in sanction oriented adjudication proceedings. This is a risk that those regulated by the Government should not have to assume. A role as "super amicus curiae" in formal agency proceedings and certain informal agency actions should give the CPA an adequate role in representing consumer interests without distorting the existing administrative structure beyond recognition. This means, of course, that CPA would not on its own be able to appeal the decision of another agency to the courts. The issue advanced by an advocate should properly be resolved at the administrative level and not in the courts. Super amicus status of the CPA would enable it to accomplish this objective.

4. The creation of a CPA with super agency status and the power to make unilateral demands on regulatory agencies would create havoc in the priorities, scheduling, work-load and expenditures of those agencies. The right of the CPA to request agency action and to receive a full explanation if such action is not taken should go far toward the solution of problems in this area.

5. If a CPA is given super-agency status, who will keep an eye on the CPA? We ought not to ignore Lord Acton's admonition regarding the corrupting effect of power.

6. I think a CPA should be able to participate as amicus curiae in certain informal agency activities. The problem is now to separate those activities where participation is useful from those where it is not. Commissioner Mary Gardner Jones in her testimony made a very good suggestion for working this problem out, one which I endorse. Legislative guidelines could also considerably alleviate these difficulties and minimize the risk of other affected parties.

7. It would be entirely appropriate to enable the CPA to intervene as amicus curiae in on-going court cases of a non-sanction type which involve the review of enforcement of federal agency action. This is provided for in section 103(c) of H.R. 564.

8. Acquisition of information by a CPA is a very important and sensitive part of its activity. The Freedom of Information Act can effectively govern information obtained from other Government agencies. Information from private sources is a much more difficult matter and great care must be taken to avoid unfairness or the posture of an acquisition. Only under the rarest and most exceptional circumstances should it be necessary for a CPA to acquire proprietary information.

9. Disclosure of information by a CPA is also a very sensitive area of activity. The safeguards that H.R. 564 would erect around disclosure of information appear to be well designed to prevent problems in this area. The fairness rules and private party indemnification provisions of H.R. 564 also have great merit and have my firm indorsement.

CONCLUSION

I suppose the approach one takes to the establishment of a consumer protection agency depends a great deal on personal philosophy and how government should operate. There is much experience and logic in support of a cautious approach when endeavoring to engraft a new agency onto the existing system. The concept of consumer representation by a special agency at the federal level is relatively new and entirely untried. Under these circumstances a cautious approach appears preferable to a block-busting approach. If after a trial period the CPA falls short or fails to live up to its legislative mandate, suitable statutory adjustments can be made.

This concludes my formal statement and I shall be pleased to answer any questions you may have.

THE AMERICAN UNIVERSITY,
Washington, D.C. October 23, 1973.

Hon. CHET HOLIFIELD,
Subcommittee on Legislation and Military Operations, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: While appearing before your Subcommittee on Legislation and Military Operations October 10, I was asked to review my interpretation of H.R. 21 in regard to its applicability to government contracts and the scope and operation of its definition of "interest of consumers" and "consumer," and to offer suggestions as to how to exclude from Consumer Protection Agency advocacy certain government contracting activities. This responds to your request.

APPLICABILITY OF H.R. 21 TO GOVERNMENT CONTRACTS

Let me state, preliminarily, that I fear that this government contracts issue is in danger of becoming overemphasized. As I stated in my testimony, I have no doubt that the CPA will pay little attention to most Federal contracting situations, and my interest in the CPA concept goes far beyond this issue.

Having said this, however, the fact remains that all CPA bills before your Subcommittee would allow the CPA to exercise advocacy powers in Government contract activities which might affect consumers.

In preparing this response, I have reviewed Administrative Conference Chairman Antonin Scalia's testimony wherein he also interprets H.R. 21 as applying to Government contracting activities.

I have also reviewed my extended dialogue with Congressman Horton wherein we agreed that government contracting was covered by H.R. 21 (for example, Commodity Credit Corporation contracting), but disagreed over whether the CPA would find a consumer interest in some areas (for example, contracting for a Supersonic Transport, if such a project had been approved).

CONTRACTING AS AN AGENCY PROCEEDING

Subsection 204(a) of H.R. 21 gives the CPA a *right* to advocate consumer interests in any Federal agency proceeding "under" the provisions of chapter 5, title 5 of the United States Code.

I need not repeat here Chairman Scalia's explanation of how Federal agency contracting comes "under" 5 USC 551, the definitions section of the Administrative Procedure Act.

JUDICIAL REVIEW OF CONTRACTING

Subsection 204(d) of H.R. 21 gives the CPA an unmitigated *right* to seek judicial review of final actions arising out of proceedings in which it has fully intervened; that is, proceedings other than those primarily seeking to impose a fine, penalty or forfeiture. In addition, this subsection would allow the CPA to appeal actions arising out of proceedings where the CPA made no appearance, but subject to court findings which would probably be made on the strength of the CPA's complaint and its delegated expertise.

In both such situations, the CPA's right to appeal would only exist where "a right of judicial review is otherwise accorded by law." This has been explained by Chairman Holifield as meaning where other parties, such as a businessman, are accorded a right to appeal, the CPA has such a right. Such is the case in final actions relating to Government contracting. In addition, several witnesses have pointed to 5 USC 704 which provides that "final agency action for which there is no other adequate remedy in a court [is] subject to judicial review."

Thus, the CPA may appear in the proceeding, therefore it may appeal final contracting actions as of right, and, where the CPA has not appeared below, it may appeal with the court's proper finding. All of this because contractors may so appeal. This would, in effect, reverse S&E Contractors v. United States wherein the Supreme Court held that while contractors may appeal contract dispute clause decisions, another Government agency may not do so.

APPLICABILITY OF DEFINITIONS: CPA DISCRETIONARY RIGHTS

Under Subsection 204(a) of H.R. 21, of course, the CPA may advocate at the agency proceeding level where a prediction is made that the result of that proceeding might substantially affect the interests of consumers and such interests might not be adequately protected unless the CPA intervenes or otherwise participates.

It should be noted that such a prediction to invoke a right is left to the sole discretion of the CPA—the forum agency may disagree with the CPA's conclusion, you and I may disagree, and consumers may disagree, but it will do anyone little good to do so.

Under subsection 204(d), the CPA need not make similar findings to appeal to the courts the results of any such proceeding in which it appeared as a full advocate. If the CPA appeals an action in which the CPA did not so appear, however, the court must affirmatively make findings very similar to those required of the CPA at the agency level.

DEFINITIONS OF "INTEREST OF CONSUMERS" AND "CONSUMER"

Everyone agrees that the definition of "interests of consumers" in subsection 304(5) of H.R. 21 is broad enough to encompass Government contracting. The question is whether the definition of "consumer" in subsection 304(4) of H.R. 21 operates to exclude such contracting.

My conclusion, based upon considerable review, is that the definition of "consumer" does not and should not so limit the CPA's advocacy.

First, as a matter of pure construction, the definition of "consumer" cannot so operate.

Remember that the term "interests of consumers" comes into operation as part of a discretionary prediction by the CPA or a court under these bills—they predict that the outcome of an action *might* affect such interests.

Congressman Horton noted that the word "consumers" appears on page 30, lines 22–23, in the definition of "interests of consumers," concluding thereby that the two definitions must be read together and when this is done government contracting of the type anicipated for an SST would be excluded.

I disagree, but we can easily test this theory by writing in the definition of "consumer" in H.R. 21 where that term appears in the definition of "interests of consumers," as follows (definition of "consumer" underscored):

"The term 'interest of consumers' means the cost, quality, purity, safety, durability, performance, effectiveness, dependability, and availability and adequacy of choice of goods and services offered or furnished to *any person who uses for personal, family or household purposes goods and services offered or furnished for a consideration.*"

The issues during the SST debate focused primarily on three areas—effects on consumers (air travellors), on the environment and economic feasibility. If a CPA had been in existence at that time, it is likely that it would have been asked to testify at the hearings on the SST proposal, as authorized under subsection 203(a) of H.R. 21. If the SST project had been approved, contract safety and performance specifications, new federal rules for airports and a host of other federal activities would legitimately be within the CPA's purview under H.R. 21, *if the CPA, in its discretion, chose to exercise its jurisdiction.*

Secondly, you cannot read the words "offered or furnished for a consideration" in the definition of "consumer" as meaning—"if a consumer does not usually buy the product or service himself, such a product or service is excluded." To put such a constraint on this definition, as suggested by Congressman Horton, would be to exclude baby food regulation from CPA jurisdiction or to exclude anti-trust actions where there is merely an effect on goods and services.

Thirdly, the definition of "consumer" does have an important role in this bill. It makes it clear that a consumer must be a human being, not a corporation or the Government. That is, the CPA will be protecting the ultimate recipients of goods and services in governmental actions which *affect those goods and services.*

FEDERAL CONTRACTING A LARGE AREA

Throughout our discussion I got the impression that those concerned about Government contracting being attacked by a CPA were thinking in terms of the "hardware" bought by the Government, particularly military purchases.

In point of fact, most Government contracting, in terms of volume, not money, probably has nothing to do with such hardware. For example, consumer groups of late have been very concerned over the Food and Drug Administration's contracts to scientific groups and laboratories for the safety testing of additives and colors. Consumer product testing occurs under contract in many agencies, and, indeed, H.R. 21 proposes that the CPA enter into such contracts under section 207. Expansion of coal leases by the Bureau of Land Management—in the name of the consumer—is currently being debated. Specifications for public housing projects under Department of Housing and Urban Development projects, bridge and national highway specifications, agreements concerning the railroads, and so on, come to mind quickly.

There is a substantial impact on consumer interests possible from all such situations. Whether the CPA would or should get involved, you have left up to the CPA in H.R. 21. And this is as it should be. But, granting such a wide discretionary scope to the CPA, I feel that you ought to pull back a little on the extraordinary powers proposed in H.R. 21, such as the right to seek judicial review and the other few areas of sensitivity outlined in my prepared statement.

EXCLUDING GOODS AND SERVICES FOR MILITARY PURPOSES

I was asked by Chairman Holifield to "submit us some language to consider that would keep this man [the CPA] from meddling [in] the F–14, F–15, the SST and the Boeing planes, and a few other things that are being bought by the government for military purposes."

This is an easy task if we limit our concern to procurement for military purposes. Section 203 of H.R. 564 by Congressmen Fuqua and Brown, the bill I primarily support, would accomplish this purpose.

I should note that my comments on the SST were not directed at its possible military uses, but at its commercial (consumer) uses. Therefore, if a similar air—or rail or sea—transport proposal comes before Congress and is adopted, I foresee a role for the CPA if it wishes to enter into the decisionmaking.

INTERRELATING "CONSUMER" AND "INTEREST OF CONSUMERS"

If you wish to interrelate more closely the definitions of "consumer" and "interest of consumers" in H.R. 21, this is also possible by striking the words "consumers" in line 22 and 23 of page 30 and inserting the words: "a person acting as a consumer."

This would apparently exclude free goods and services such as medical aid and perhaps food in certain situations, but it would do little more.

The definitions of "consumer" and "interest of consumer" are quite good as they stand. If you wish to limit the CPA's advocacy power, I would suggest that you do this directly in the substantive provisions of the bill.

I hope these comments will be useful. If there is anything else that I can do to assist in getting a responsible CPA bill enacted, please feel free to call on me.

Sincerely,

Harold C. Petrowitz, *Professor of Law.*

NORFOLK'S GOOD NEIGHBOR

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. WHITEHURST. Mr. Speaker, on November 15, a very sad event will take place in Norfolk, Va. Red Barrom is closing his gasoline station. Certainly, many gas stations open and close every year in this country, but Red's has been more than just a gasoline station; it has been a meeting place for friends and a community institution for more than a generation.

For this reason, I would like to insert at this point in the Record an article by Larry Bonko which appeared in the October 25, 1973, issue of the Ledger-Star in Norfolk. It is the kind of tribute that Red and Esther Barrom deserve. I am one of the many friends who will feel a deep sense of personal loss when Red's closes, because I taught at Old Dominion University, just across the street from that station, for 18 years, and I know from long personal experience the kind of real friend and good neighbor Red is. Norfolk just is not going to be quite the same after November 15.

The article follows:

[From the Norfolk (Va.) Ledger-Star
Oct. 25, 1973]

Tribute to Red and Esther Barrom

(By Larry Bonko)

These are the last days for the Francis M. (Red) Barrom all-in-one gas station, campus retreat, neighborhood meeting place, check-cashing service, polling precinct, magistrate's bench, official state inspection station, waltz revival and notary public.

After 33 years, Norfolk's Good Neighbor is going out of business.

Promptly at 5 p.m. on Nov. 15, F. M. Barrom will lock up for good at Barrom's Shell, 49th and Hampton in Norfolk.

Norfolk's Good Neighbor. That is how the Shell Oil Company described Red Barrom not many years ago. So, what we have here is a slice or irony. Barrom is giving up the lease on the station because he feels he has been embarrassed by the company which owns it. This is the same company which honored Barrom five years ago for "civic achievement".

NEEDS MORE GAS

Barrom needs 70,000 gallons of gas for his customers. Shell Oil's monthly quota is 50,000 gallons. "There is no way in the world I can operate like that and stay in business," said Barrom. "That's not treating me right. It means I can't treat my customers right. Rather than insult my customers, I'll close up". I have been trying to reach Shell officials for comment on this closing but I have had no luck.

When the tanks went dry last July, in the height of the fuel shortage, Barrom closed his doors for 7 days. In November, he will close for good. "It will be like leaving home," said Esther Barrom.

She has been her husband's business associate from the very beginning. Her style is to smile and ask, "How will you have your coffee?"

The Barroms have started to move things out of the station. Some of the furniture is gone and it is not as homely as it used to be. But the routine is the same as always. The other day, Barrom pumped gas, consulted with the men who worked with him, cashed a bunch of checks for some students at Old Dominion University, notarized a few documents and talked with his friends.

He must have a million friends. When a friend and Red Barrom get together, the conversation goes something like this:

"Hello, brother. Hello, Red. How's everything, Red? Just like coffee that's been left out for too long, we're getting older and weaker all the time. There is more truth than poetry in that."

Barrom, 69, will soon go to work as Norfolk's chief magistrate. He played football in the old Dixie Pro League. Today, years later, he looks capable of surviving an afternoon of scrimmaging. Or a night on the dance floor.

Barrom has won more than 100 trophies in waltz contests. They talk dancing at Barrom's Shell.

A MUTUAL THING

People like Red Barrom. He likes people. People trust him. He trusts people. It's as simple as that. His customers have heard the man say many times, "I've never taken one penny illegally. I live and work by the Golden Rule. I have the nicest customers. God bless them. I mean the young people, too. In all the time we've cashed checks for the college boys and girls, we've never lost one dollar." Barrom's Shell is on the edge of the campus.

One of his friends, Trafton Robertson, said of Barrom, "He has been the father confessor to a whole generation of college kids. He's given a lot more than he'll ever get back."

Barrom is a member of many civic organizations. He is a Democratic committeeman who closes the garage on election day, converting it to a polling place. "I lose jobs but it's more important to me to make it as easy as possible for people to vote. People kid me about running a little country store here. But being friendly and nice to people has brought good results. To me, being a good neighbor is the only way to be."

From here on out, Red Barrom, your neighbors wish you the best. They will miss you like mad.

COLUMNIST JAMES RESTON EXPRESSES "VIEWPOINT ON THE TAPES CONTROVERSY"

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished columnist of the New York Times, Mr. James Reston, in a recent column views in perspective the recent developments concerning the Watergate tapes and the dismissal or resignation of Special Prosecutor Archibald Cox, Attorney General Richardson, and Deputy Attorney General Ruckelshaus.

Because of the interest of my colleagues and the American people in this matter, I place the column by Mr. Reston in the RECORD herewith.

The column follows:

THE TAPES BUY TIME

(By James Reston)

The one thing you have to say for Richard Nixon is that he knows when he is licked. Almost everything he always said he would never do—compromise with Moscow, recognize Peking, accept deficit financing, or be unfaithful to his promises—he has done. And he has done it again by releasing the Watergate tapes, which he said he would never release.

It was a clever move. He has retreated from one mess to another, but he has gained time. It will take weeks to get the tapes down on paper and to get a new team to take over the prosecution at the Justice Department, but meanwhile, he has gotten rid of Archibald Cox, the "independent" prosecutor, which was probably his objective, and he has postponed—though he has not avoided—a critical battle with both the courts and the Congress.

The President was in terrible trouble before he switched and agreed to let the tapes go to the courts. He judged Archibald Cox well enough. He gave Cox a dishonorable order he knew Cox wouldn't accept, and he was right.

But the President misjudged Atty. Gen. Richardson, and Deputy Atty. Gen. Ruckelshaus. He appealed to Richardson to concentrate on the Middle East crisis, and stay on even if Cox disappeared.

The White House didn't even give Richardson time to respond to the President's order to fire Cox. Gen. Alexander Haig called Richardson at 7 o'clock last Saturday night and told him the President was sending him a message, which seemed to call for an answer from Richardson, but while the attorney general was trying to draft a reply. the White House put out its announcement that Cox was fired.

Then the White House turned to Ruckelshaus to fire Cox, and Haig not only told him this was an order from "the commander in chief" but appealed to him on patriotic grounds to carry out the order. Ruckelshaus, according to his associates, replied that patriotism was not the same as obedience, that in his mind it was sometimes the opposite, and that he would not comply. So he was fired.

Meanwhile, Richardson appealed to the President's aides and lawyers to consider what the reaction would be in Congress and in the country if they fired Cox for carrying out the independent prosecution he was promised by the President and the attorney general, but his appeals were rejected.

It is interesting and significant that during those critical five days when Richardson was negotiating with the White House staff, and warning them not to fire Cox or force his own resignation, the President never discussed the problem personally with his own attorney general, until the very end when it was clear that the President was determined to get rid of Cox. Only then, when Richardson said he would resign if Cox was fired, did the President agree to see him.

It was a typical, bold, and desperate Nixon play, but this time it didn't work. Public reaction went against the President.

Accordingly, the President was confronted with precisely the power struggle he had sought to avoid. The Congress was proceeding toward impeachment proceedings in the House. The unions were demanding his dismissal from the presidency. More important, the old Republican establishment, led by the leaders of the bar, was denouncing the dismissal of Cox and the resignation of Richardson.

Facing all this, and the prospect that the controversy would go back into the streets if he defied the courts and the Congress, the President agreed to hand over the tapes. This will avoid the clash for a time but not for long.

For once he has admitted the tapes to evidence in the courts, it will be hard for him to exclude other relevant documents, or to argue against another special prosecutor. He is rid of Cox for the moment, but, not of prosecution. He has saved his skin, but not his honor.

Ironically, he chose to challenge in this latest of his political crises three men—Cox, Richardson and Ruckelshaus—who had become the most attractive and articulate symbols of objectivity and probity in his administration. And in the process, he lost all three.

This has shocked Washington more than anything since the Watergate burglary, and while he now has time to try to sort things out, he has affronted his own most loyal supporters and even his own Cabinet, and raised the most serious questions about his moral authority to govern over the next three years.

WATERGATE AND A DANGEROUS WORLD

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. ARENDS. Mr. Speaker, in an editorial on Sunday, October 28, the Washington, D.C., Star-News offered some sound advice to the Nation. For those who may have missed it, the editorial follows:

WATERGATE AND A DANGEROUS WORLD

This was, as they used to say, the week that was, and it will be perfectly all right if we do not have another like it in the immediate future.

. It all began, against the backdrop of a major war in the Middle East, a week ago Saturday, when Special Prosecutor Archibald Cox held a nationally televised press conference in which he rejected the Stennis compromise which would have furnished expurgated versions of nine Watergate tapes to both District Judge John J. Sirica and to the Senate Watergate committee. Cox told the nation that he would bring a citation for contempt against the President in Sirica's court.

Later that day, with the inevitability of Greek tragedy, Mr. Nixon forced Attorney General Elliot Richardson's resignation and fired both Cox and Deputy Attorney General William Ruckelshaus. Meanwhile—with time out, of course, for the Redskins to destroy the Cardinals—the Israelis continued to expand their bridgehead west of the Suez Canal, imperiling the Egyptian Third Army dug in on the other side of the waterway.

On Monday, as the United Nations accepted a joint U.S.-Soviet Mideast truce plan, Mr. Nixon's domestic situation began to unravel. Western Union was deluged with telegrams calling for his impeachment and the Hill was seething with outrage.

Tuesday brought a sharp about-face on Mr. Nixon's part, as his lawyers told Sirica that the nine Watergate tapes would be surrendered to him. But this abrupt reversal did nothing to still the cry for the President's political hide. Indeed, as it sunk in on the Senate and the public that the President's surrender of the tapes to the court had negated the bargain with the Watergate committee—and hence made it virtually certain that less rather than more eventually would be known about his part in the Watergate coverup—the pressure on the Oval Office increased. Perhaps not entirely incidentally, the Mideast truce broke down almost before it had taken effect, as the Israelis raced southward to seal off the Third Army.

On Wednesday, House Democrats decided to pursue and broaden an inquiry into the possible impeachment of the President. In the Senate, Republican leaders who had stood by Mr. Nixon throughout the Watergate crisis urged the appointment of a special prosecutor to replace Cox, a step to which the President was at that time adamantly opposed. Mr. Nixon scheduled, then canceled, an address to the nation.

In the small hours of Thursday morning, after a 3 a.m. emergency meeting of the National Security Council, American forces were put on a middle-level worldwide alert in the face of an apparent Russian threat to intervene unilaterally in the Middle East to save the doomed Egyptian Third Army. Secretary of State Kissinger, in a performance as virtuoso in its own way as had been Cox's, spoke in grave terms of the threat posed to world peace by the Russian demarche. It is perhaps symptomatic of the cancer which afflicts us that he was met with insinuations that perhaps the alert was designed less to forestall the Russians than to extricate Mr. Nixon from his Watergate difficulties, perhaps at the cost of democratic government in this country.

By Friday, although the alert was still on, the international crisis appeared to have eased considerably. Although Russian personnel had arrived in Egypt in unknown numbers, the Kremlin had agreed to a U.N. cease-fire force which would exclude the major powers, and fighting in the Mideast had decreased in intensity.

There was still more to come Friday night. At his press conference, Mr. Nixon's feud with the news media escalated to its highest peak yet, and his announcement that the administration would appoint a new Watergate prosecutor to succeed Archibald Cox, after all, hardly pacified his critics in Congress. Although most liberal Democrats and many pundits also continued to cry for the impeachment of the President, however, there was a discernible sigh of relief from other quarters that, seemingly against considerable odds, the country had at least survived one of the most tumultuous weeks in its history.

And indeed if there is a lesson to be learned from those wild seven days in October, it is that, as Kissinger observed in his press conference, there always is a price to pay for a prolonged and strident convulsion of the political system. And when one is talking in terms of a nuclear war in which millions are certain to die, the price of instant righteousness can be higher than the average man wants to pay.

We are not suggesting for a minute that, given the stench of Watergate, Mr. Nixon's personal finances and political acts are not legitimate subjects of public concern. If it can be proved conclusively that he has been guilty of peculation or of the gross abuse of his constitutional powers, then there can be no alternative to his impeachment.

But insofar as we are aware, Mr. Nixon has broken no law, defied no court, padlocked no legislature, muzzled no member of the press. The jackboots that some observers seem to hear echoing in the streets of Washington are largely in their own minds.

The new special prosecutor of the Watergate case will have a responsibility to the public to follow every trail wherever it may lead. And the House has the obligation to act on this and other information in the ascertainment of Mr. Nixon's fitness to lead the country.

But as events of last week show, this is a serious business and those who embark upon it must be aware of the possible consequences of their acts, if only because other nuclear-armed nations have an immense capacity to misinterpret what happens here, with possibly terrible results for all mankind.

In short, we could use a little more *gravitas* in the treatment of the President of the United States. There has been far too much slander, innuendo and loose rhetoric about Mr. Nixon's possible deeds and presumed motives. He has yet to be found guilty of anything other than having underlings and associates accused and some guilty of misdeeds. Nor is he, insofar as we know, mentally unbalanced, an insinuation which some have made.

Let the investigation of his administration continue. Let the House, if it feels it must, pursue the question of whether he has been guilty of the "high crimes and misdemeanors" which can be the only basis for his impeachment. But, as someone once remarked, it would be helpful if all of us would "lower our voices" a bit. It would be useful if some of the President's more hot-eyed critics would examine their own motives. It would be realistic to keep in mind that there is a world beyond Bebe Rebozo and Robert Vesco.

Thinking men used to hold that the blood of kings can be shed, but never lightly. Richard Nixon is not our monarch but he is our president, and the only one we happen to have. To destroy him out of pique, at the cost of destroying the nation, would be a shallow victory for some and a defeat for all.

SUPPORT OF S. 2282

HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HENDERSON. Mr. Speaker, it is a distinct honor to support S. 2282, which provides for the New Hope Dam on the Cape Fear River in North Carolina to be named the B. Everett Jordan Dam.

In the first place, the dam is in that part of the State of North Carolina where the Senator was born. As the crow flies, the site of the dam is less than 50 miles from Ramseur, where he was born, and from Saxapahaw, where he has lived all his life.

But what makes this more fitting is that no one in the modern history of our State has worked harder or more successfully to obtain needed public works projects for North Carolina.

As a ranking member of the Senate Public Works Committee, Everett Jordan was unflagging in his support of navigation and beach erosion projects on our coast, and flood control projects on inland rivers and streams.

For years, as North Carolina's only member of the House Public Works Committee, I have met many times in the Senator's Capitol office with him, State officials from North Carolina, representatives from the U.S. Army Corps of Engineers and others to help resolve problems and conflicts which have arisen in connection with these projects.

Able as he was as a legislator, Everett Jordan, during his distinguished service in the Senate, was much more than a legislator. Where public works projects are concerned, getting enabling legislation passed is often just the beginning. Somebody has described it as a hunting license for funds.

The Senator knew how to get the funds. And he knew how to help those involved work out tedious details as they were encountered. Many times, I have seen and heard local officials come away from those meetings shaking their heads in amazement at the manner in which the Senator could discuss local projects with the engineers and other officials in intimate detail.

There are other people entitled to a lot of credit for the New Hope Dam. One is my good friend and former colleague here in the House, Alton Lennon, who plugged for the project against formidable odds and was the workhorse in the House responsible for our success on this side of Capitol Hill where this particular project is concerned.

But I am sure he would agree with me, if he were here today, that it is imminently appropriate that we name this structure for a man both he and I have known and worked with and loved for many years, B. Everett Jordan.

STALLING ON FORD IS IRRESPONSIBLE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BAKER. Mr. Speaker, those of us who have been calling for expeditious handling of the confirmation of the President's nomination of the Hon. GERALD FORD to be Vice President will be solidly behind columnist William F. Buckley, Jr., who asks some searching questions of the Democratic leadership in his column, "Stalling on Ford Is Irresponsible," which appeared in the October 28th edition of the Washington Star-News.

With the thought that our leaders on the other side of the aisle will consider these questions and resolve to put partisan politics aside, I respectfully direct their attention to Mr. Buckley's column and add my voice to the point of view he expresses and condensed in the column's headline: "Stalling on Ford Is Irresponsible." The column follows:

STALLING ON FORD IS IRRESPONSIBLE

(By William F. Buckley, Jr.)

The furious response to Mr. Nixon's manipulations of last weekend has had curious consequences, some of them at best childish, at worst masochistic. Congressional leaders who denounce Mr. Nixon (not without reason, in some cases) for subordinating the public interest to his own, talked about impeachment flirtatiously. Then, when Mr. Nixon yielded on the matter of the tapes (Mr. Nixon always, repeat always, recognizes a superior force on the few occasions he has run into one), they consolidated their resentment of him by resolving: not to confirm Gerald Ford as vice president of the United States.

If one reaches for an explanation for this line of reasoning one is baffled. What is the Democratic leadership saying?

That anyone named by Nixon is, by act of having been named by him, contaminated? Surely that is an extreme position, most easily penetrated by the argument of *reductio ad absurdum*. If Nixon were to name Ralph Nader as vice president, would they really conclude that Ralph Nader has suddenly been corrupted by the appointment?

Is it the actual nomination of Gerald Ford that offends these Democratic leaders? If so, then one wonders: what has Gerald Ford done in the last ten days to abate the enthusiasm shown over his designation at the time it was done? So far as the public is aware, Mr. Ford has not, during the past fortnight, accepted a bribe, suborned perjury, or abandoned his family. Mr. Ford is being investigated most rigorously by the FBI—much more rigorously, one hazards the guess, than the FBI would be invited to investigate down the line of presidential successors who, if one skips the vice president, are as it happens Democrats. If the champions of deferred confirmation are suggesting that they have discovered a great weakness in Mr. Ford, why don't they tell us what it is? Because they haven't discovered a great weakness in Mr. Ford.

It is a form of punishment they seek? Surely it is a high form of petulance to suggest that the Congress can punish President Nixon by denying him a vice president? The vice president isn't a valet who is personally useful to the president. As a matter of fact there are more presidents in United States history who would willingly have done without a vice president, than there are presidents who have made great use of their vice presidents.

As far as Mr. Nixon is personally concerned, he would probably be delighted not to have a vice president to distract him from his multifarious concerns. To deprive the President of a vice president isn't like saying he can't have his limousine.

Is the Democratic leadership attempting to out-trick Dick? The suggestion that this is the real meaning of the strange reaction is certainly cynical, and improbably correct. If Mr. Nixon should resign or be impeached, then we all know that as matters now stand, a Democrat would succeed him in the White House. This, as has been pointed out, would be to deny the mandate of the public as delivered resoundingly last fall. It is inconceivable that the Democratic leadership, in the name of restoring integrity to the United States Government, would attempt to pull off anything quite this brazen. Such a maneuver would have embarrassed General Trujillo: and probably, so long as there is an unconfirmed vice president, any move for impeachment would fail—for that reason alone.

We are left then wondering: shouldn't the criticism of Mr. Nixon accelerate, rather than diminish, Congress's concern to confirm a possible successor? Isn't this, really, the first order of business? And is anything Mr. Nixon has done, his tortuous resistance to Watergate, the equal of the irresponsibility of those who leave us without a vice president, in this season of great hazard? It is hard to take seriously any moral disdain for Mr. Nixon expressed by anyone who has a hand in delaying the confirmation of Mr. Ford.

PEACE IN THE MIDDLE EAST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. GILMAN. Mr. Speaker, the cessation of hostilities in the Middle East is welcome news to all people throughout the world. An immediate and lasting peace in that volatile part of the world is paramount. Our Nation can be proud of its effective efforts in seeking this peace.

I particularly commend our newly appointed Secretary of State, Dr. Henry Kissinger, whose painstaking diplomatic negotiations with other world powers greatly enhanced the positive action taken by the United Nations Security Council.

Mr. Speaker, our Nation has acted responsibly throughout these hostilities. I was particularly pleased by the President's staunch support of our Nation's commitment to Israel despite the lack of help from any other nation.

It was reassuring to have more than 220 of my colleagues join with me in cosponsoring a resolution supporting the President's efforts to maintain Israel's strength by providing military equipment necessary to repel the aggressors and to offset the supplies that were being furnished them by the Soviet Union.

It is incumbent upon free nations throughout the world to come to the aid of any nation defending itself in the fight to maintain its freedom and sovereignty.

It is hoped that our Nation's efforts to foster a spirit of negotiation will result in bringing about a lasting peace in the Middle East.

CONGRESSMAN GARNER SHRIVER HONORED BY HIS CONSTITUENTS

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. SEBELIUS. Mr. Speaker, last week the supporters and constituents of our distinguished colleague, Congressman GARNER SHRIVER, of the Fourth Congressional District of Kansas, honored him at a reception dinner in his hometown of Wichita on the occasion of his 25th year of legislative service at the State and Federal levels.

More than 1,000 people attended this salute. They came from all over Kansas to honor this man who has dedicated himself to public service.

Congressman SHRIVER has been a valuable member of this body for nearly 13 years and prior to coming to Congress he served 4 years in the Kansas House of Representatives and 8 years in the State senate.

At a time when many people have come to question our political system and those who govern, it was especially significant and a high tribute to GARNER SHRIVER'S integrity, sincerity, and ability that so many paused to honor him on this occasion.

Our former colleague and friend, Melvin R. Laird, Counselor to the President for Domestic Affairs, was the featured speaker. In his remarks, Mr. Laird cited GARNER'S commitment and important contributions to health, education, and welfare programs as a member of the HEW Appropriations Subcommittee. He also pointed to Congressman SHRIVER'S leadership in this Nation's efforts to move to an All-Volunteer Army and bringing an end to the draft.

Another friend of Congressman SHRIVER who participated in this deserved testimonial was Frank Carlson, former Governor of Kansas and former U.S. Senator. He traced GARNER'S leadership in the Kansas Legislature in the passage of vital mental health legislation and the first program of State aid to elementary and secondary schools.

Other speakers included Paul R. Wunsch, a former State senator and now a member of the Kansas State Board of Regents; State Representative Richard A. Walker, who formerly served as a congressional intern in Congressman SHRIVER'S office; Mrs. Evelyn Whitcomb, a member of the Wichita Board of Education; and William J. Wertz, former State supreme court justice.

Those of us who have worked with GARNER SHRIVER and have come to respect him recognize that he has earned the confidence of his constituents because he loves people, he listens to them, he works hard to help them in their problems, and he tries to do the best job possible in making fair decisions on the difficult legislation which comes before the House.

It is a privilege to join in congratulating my colleague, who we recognize as the dean of the Kansas delegation in the House, on this important anniversary and to wish for him many more years of public service to his district, our State and Nation.

A DECADE OF PROGRESS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. FUQUA. Mr. Speaker, the distinguished gentleman from Texas, the chairman of the Committee on Science and Astronautics, Mr. TEAGUE, has long been a strong advocate of research and development programs which support the technology so necessary to the well-being of the American people. The latest issue of Vectors magazine carries a brief article by the distinguished chairman of the Committee on Science and Astronautics highlighting the importance of satellite communication derived from our national space program which provides the research and development essential to adequate international communications technology. I commend this important article to the reading of all Members of the Congress and the general public:

A DECADE OF PROGRESS

"Live via satellite" has become so commonplace on our television screens that we have come to take for granted all that phrase implies. People now observe, in real time, historical events taking place half-way around the globe, and the system performs so flawlessly it is hard to remember when such a thing was impossible; indeed, except for a few dreamers the idea was once unthinkable.

Yet, it was only about a decade ago when the earliest experimental communications satellites were launched. In 1962, Telstar and Relay confirmed that artificial satellites could provide reliable intercontinental communications, and the same year Congress passed the Communications Satellite Act of 1962.

In 1963, Syncom proved that satellites in geosynchronous orbit offered such overwhelming advantages for all types of communications, including voice, that the lively arguments in favor of a system of satellites in lower orbits were quickly laid to rest.

The International Telecommunications Satellite Consortium (Intelsat) was established in 1964, managed by the successful U.S. Comsat Corporation. In the eight years that followed a global operational network has come into being with 83 member nations and more than 80 earth station antennas in operation. For successively, more capacious, efficient, and reliable generations of satellites have been developed and launched, and the latest models have a capacity of up to 5000 two-way voice channels or 12 television channels. Three Intelsat IV satellites provide service across the Atlantic Ocean, while a fourth is stationed over the Pacific and a fifth over the Indian Ocean.

American businessmen now phone their counterparts in Europe routinely without knowing whether their voices are being carried by submarine cables or satellites. What they do know is that the cost of those telephone calls has been cut almost in half during the past three years because of the effectiveness of the satellite circuits. And because of the flexibility of satellite service, many previously isolated places are easily reached today.

The communications satellite network also has become important to the world economy in other ways. More than $400 million of capital investment has been made just in the space segment of the system, while close to $700 million has been invested in the construction of more than 65 earth stations around the world. Domestically, annual U.S. industry revenues from Intelsat activities currently average $200 million, while cumulative U.S. industry revenues have exceeded $1.15 billion since the beginning of commercial satellite service.

Truly, we have had a decade of dramatic progress in space communications. What about the future?

Experiments using communications satellites for education and health care in remote and sparsely populated areas are already underway.

Perhaps the greatest potential of communications satellites will prove to be in the field of education. Schools located far from the great cultural centers of the nation will some day have television access, through satellites, to the best minds in the academic world, to the best libraries, and to the latest teaching techniques.

While we look upon television today primarily as entertainment, the time may not be far off when it will be considered one of our most important educational tools.

Health care in remote and sparsely populated regions also can be vastly improved through advances in communications satellite systems. Small country hospitals will some day have quick access to assistance from the most medical centers. Rural physicians will be able to conduct consultations with specialists located hundreds of miles away by using two-way television conferencing. Medical diagnosis and treatment in rural areas will thus be improved in quality and effectiveness.

Finally, specialized communications satellites for reliable telecommunications to the world's merchant marine will soon improve the efficiency and safety of the great shipping fleets, while similar satellite systems are on the horizon for air-traffic control to make the airways safer.

Space age technology has already transformed our world; it has shrunk the globe, brought nations and people closer together. Imagine what another decade of progress will bring!

IN SUPPORT OF THE SO-CALLED VITAMIN BILL

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. EDWARDS of Alabama. Mr. Speaker, I will be testifying this week in favor of the so-called vitamin bill. I urge every Member of Congress to consider this issue and work to support my bill, H.R. 7474, the Hosmer bill, H.R. 643, and other similar bills. I submit my testimony at this time for the consideration of my colleagues:

Mr. Chairman, members of the Committee, I am appearing today to testify in favor of my bill, H.R. 7474, the Food Supplement Amendment of 1973.

Many witnesses are testifying at length on this subject, so my remarks will be brief but I hope to the point. Many of my constituents have contacted me about this matter, and in a large sense, my remarks are based on the good points which my constituents have raised about this matter.

The purpose of H.R. 7474 is to prevent the Food and Drug Administration from unreasonably intruding into the standards of identity, limits, and claims on vitamin and health food products and otherwise affecting the content of vitamin-mineral preparations and other types of food supplements. The bill states that the FDA shall not limit the potency, combination, amount, or variety of any synthetic or natural vitamin, mineral, or ingredient of any food supplement unless the substance is intrinsically injurious to health.

Mr. Chairman, my constituents feel, and rightly so, that they have the right of self-determination in matters of health. They do not feel, again rightly so, that the FDA or any other governmental arm should dictate policy to them in matters of food, water, and medical care when those matters affect them as individuals and do not affect the public welfare.

The Congress should work to minimize governmental intrusion into the private lives of Americans, and H.R. 7474, H.R. 643, and other similar bills provide us with an opportunity to move closer to that goal.

HISTORIAN SAYS A CONSERVATIVE BETRAYS HIS CAUSE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. EVINS of Tennessee. Mr. Speaker, the respected historian, Mr. Theodore H. White, in a recent column in Newsweek magazine discusses with deep regret the fall of Vice President Spiro Agnew.

Mr. White takes the position that Mr. Agnew was one of the most eloquent conservatives in contemporary political history and that his loss has damaged the conservative cause for some time to come.

Because of the interest of my colleagues and the American people in this unfortunate situation, I place the column by Mr. White in the RECORD herewith.

The column follows:

A CONSERVATIVE BETRAYS HIS CAUSE

(By Theodore H. White)

Of all the absurdities of American politics, none is more absurd than the choosing of a Vice President.

From Truman to Agnew—through Barkley, Nixon, Johnson and Humphrey—all have been imposed on politics in the turmoil of conventions, either by Executive fiat, or the hasty compromise of exhausted factional leaders. And, though the country has been governed by such accidental men for fourteen of the past 28 years, each has been treated as a ceremonial figure of little consequence and no meaning.

Spiro T. Agnew was different, He was a man who finally gave the fossil office meaning—not as a figure of government, but as spokesman for one of the grand neglected causes of American history, the cause of American conservatives. And, thus, of all the crimes charged against him by the Justice Department, none can match in national importance his betrayal of that cause, for which he spoke so eloquently.

One must look back on history, beyond the mandate of 1972, to measure the hurt he has now inflicted on American politics. For generations, the conservative cause in America has been an impulse lacking either a respected voice or coherent philosophy. American history gives conservatives neither an honorable tradition nor great heroes. Where British Tories can look back on such men as Disraeli and Churchill who added glory to the empire and pride to Englishmen, American conservatives have had to reach all the way back past Calhoun to Hamilton to find a hero. The dull and tongueless men who paraded through American politics from Garfield through Harding and Hoover left us no more impressive descendants than Robert Taft, of starchy courage, and Barry Goldwater, of outraged integrity.

IMAGE OF A WATERSHED

The election of 1972 was thus—or so it appeared then—a watershed. For the first time since 1928, a conservative leadership appealed to the American people on clear issues—and won overwhelmingly. The conservatives, under Nixon, had read the mood of America better than the Democrats. They had read the times as signaling a halt in experimentation, a moment for curbs on power that affected the lives of common people.

The revelations of this spring and summer have profiled political tragedy. They have described a Nixon Administration, despite its creative historic achievement, as a conservative Administration worm-eaten by men who could not tell right from wrong.

The Americans had voted, in 1972, for a curb on power—in Vietnam, in their cities, in their schools. They had voted for "law-and-order," a civilized purpose. Then, all through the summer of 1973, they learned that what they had voted for was most abused by those who had promised it most solemnly. The first Attorney General of the Administration, it turned out, would be charged with violating the law he was sworn to uphold. The clean-cut young men who directed the mechanics of the Republican campaign were exposed as bungling knaves, as stupid as they were criminal. "My wounds save with the cold can not more ache," wrote Wilfred Owen of the men who held the line against adversity in Flanders in 1917; so might American conservatives have spoken until the unmasking of Spiro T. Agnew. But now, indeed, their wounds ache more.

OUT OF THE DARKLAND

Spiro T. Agnew was chosen on Thursday morning, Aug. 8, 1968, at the Hilton Plaza hotel in Miami Beach, only a few blocks north of the Doral Hotel on the ocean, where, four years later, the Democrats were to repeat absurdity in choosing Tom Eagleton. Agnew's name had been tossed up to the weary Republican candidate, Richard Nixon, after four long and inconclusive round-the-clock sessions of Nixon's counselors and party leaders. Southerners had vetoed all liberal candidates for the Vice Presidency—Lindsay, Percy, Hatfield. Northerners had vetoed all conservatives—Reagan, Tower, Bush, Baker. Nixon's personal choice had been Robert Finch, but Finch refused the honor. Nixon was left with a choice between two men whom his closest advisers called "the political eunuchs," both of whom had survived the elimination contest: John Volpe and Spiro Agnew. And Nixon chose Agnew.

Agnew, however, turned out to be anything but a political eunuch. He had a gift of rhetoric, an authentic cadence to his speech which no other American conservative even approached. He had courage. He seemed, above all, intelligent and perceptive. He had come up in Maryland, out of suburbia, that darkland of American politics. Agnew understood and spoke for the emotions of homeowners, strivers, Middle Americans. His assault on the press, the most self-important power system in American life, was the most vivd public examination of its functioning by a political figure in recent years. Without doubt, after the mandate of 1972, Spiro Agnew was the leading candidate for the Presidency in 1976—a conservative with style.

And then he turned out to be a cheap, common crook—a man who accepted cash for a fix even as he sat is the Executive Office Building; an income-tax chiseler who put campaign contributions into his own pocket; a small-minded man who could not, in his own conscience, recognize cheating for what it is.

In doing so, he betrayed the conservative cause. A novelist may bring sympathy to this son of an immigrant family, hardened by the struggle to make a living, polluted by the radioactivity of money all around him, finally achieving the poise, the presence, the personality of a major man of state.

But a historian can bring no sympathy to Spiro Agnew.

There has come on us a turning point in the flood of American ideas; the mandate of 1972 accepted and welcomed it. The Liberal Idea, which had overborne American thinking in the previous fifteen years, would have been stronger, tougher, more fruitful had it been forced to examine the reality of the country once more in 1976; it is strong enough to have warranted decent opposition. Had Spiro Agnew—the publicly perceived Agnew of a few months ago—run in 1976, the country would have been the better for it. The political system would have been refreshed by real outspoken debate between an intelligent conservative force and an intelligent liberal resistance.

LOSING A CHOICE

Spiro Agnew, as the ablest spokesman of the conservative cause, has now and for some time to come deprived the country of this choice. No one else in our time who again uses the honorable words that Agnew so slickly mastered can speak them without arousing instant suspicion. No one who challenges the institutions he made his enemies—the press, the television networks, the great foundations, the universities—will be able to examine reasonably their power and their manner of using it. Far more than the scoundrels of Watergate, he has warped the structure of our politics. Almost as disastrously as Hoover's Depression hushed conservative voices for one generation, Agnew's felony may hush them for another. The conservatives deserved better than this.

(White is the author of "The Making of the President—1972.")

THE NATIONAL GUARD AND ARMED FORCES RESERVE PROGRAM

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. CORMAN. Mr. Speaker, I was greatly pleased to learn that the president of a southern California based company has taken the initiative in encouraging his employees to participate in the National Guard and Armed Forces Reserve program. Also to be highly commended is his decision to grant leaves of absence to the employees without sacrifice of vacation time. I hope that other companies will follow the example set by Continental Airlines in this action.

With the end of American involvement in Vietnam I think all Americans hope that we are never called to arms again. However, the history of mankind and the realities of the world we live in demonstrate that the interests of peace cannot be promoted by laxity. The All-Volunteer Army can be maintained for only partial preparation should a future event become serious enough to force us into battle again. We have a viable alternative to conscription in the National Guard and Reserve programs.

Mr. Speaker, peace has to be waged with all our thought, energy, and courage each day and each year. I hope that all Americans recognize the benefit of strengthening our National Guard and Reserve units as a means of strengthening our commitment to the interests of peace.

AFL–CIO AID TO ISRAEL, A POSSIBLE VIOLATION OF THE LOGAN ACT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. RARICK. Mr. Speaker, many times organizations seeking to mold public opinion and motivate political action adopt positions which are so contradictory, that they have the effect of confusing each other.

Resolutions adopted by the American Federation of Labor—Congress of Industrial Organizations—AFL–CIO—at its 10th convention at Bal Harbor, Fla., this month are classic examples of such tangents by emotionally charged, well-meaning Americans. The AFL–CIO News heralded two convention resolutions as being made "to meet twin threats to democracy." The twin threats are identified as impeachment of President Nixon and a pledge of solidarity to Israel in the Middle East confrontation. The Laborites also urge: a tougher stand against the Soviets, criticism of the United States for bailing out the Kremlin, a boycott against apartheid by refusing to unload chrome from South Africa, as well as repeal of the Byrd amendment which allows U.S. importation of Rhodesian chrome and other strategic materials.

The inconsistencies to an outside observer are overwhelming. Since Richard Nixon has proven time and time again to be a "committed" friend of Israeli survival, demands for his ouster at this crucial time are impossible to reconcile with labor's pledged support for a foreign nation (Israel) at war.

In fact, informed Americans may wonder whether or not the action taken by Mr. Meany and the Federation's executive council in giving a $50,000 contribution from American labor to aid Israeli workers through HISTADRUT, the Israeli Confederation of Labor, is a possible violation of existing laws of our country, such as the Logan Act. For the benefit of our colleagues, I include the text of the Logan Act at this point.

As amended and enacted into positive law on June 25, 1948, as 18 U.S.C. 953, the Logan Act provides:

§ 953. *Private correspondence with foreign governments*

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than three years or both.

This section shall not abridge the right of a citizen to apply, himself or his agent to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. June 25, 1948, c. 645, 62 Stat. 744.

A direct contact of involvement must be considered as having occurred since the organizations own newspaper reports that the Israeli Primine Minster telephoned the AFL–CIO president in the midst of the federation's convention to express appreciation for the support given Israel by the American labor movement.

Charges of Presidential law violations lose their credibility when national leaders of the importance of Mr. Meany take the law into their own hands, and work outside the legal framework of their own government to directly aid a foreign nation.

Another incongruity includes the demands to supply aircraft and equipment to Israel to offset Soviet military supplies to the Arab combatants. At the same time another resolution called for repeal of the Byrd amendment, which allows importation of chrome and other strategic materials from Rhodesia rather than relying on the only other alternative source of this critical material; that is, the Soviet Union. The ultimate combined effect of these resolutions, if successfully implemented, would be to force American manufacturers of aircraft and tanks to buy their chrome from Russia, and thereby supply Israel with aircraft weaponry made from Russian chrome to combat Soviet weaponry, also made with Russian chrome.

The foreign policy of the United States should be based upon what is in the best interest of the American people, who certainly include the working people of our Nation and their children. We may wonder, however, if the leadership of the AFL–CIO is willing to accept the responsibility for the eventual outcome of many of their inconsistant resolutions and activity adopted at their national convention. These resolutions are now being disseminated across our country and through labor organizations around the world as representing the position of the working people of the United States.

As labor leaders claim, this may be the way to effect change and to exert pressure for political action. But certainly it is also the way to undermine one's own country's strategy for national security and prepare the atmosphere for another war.

I insert in the RECORD related clippings from the AFL–CIO News, October 27, 1973:

Labor Drive Opens To Aid Histadrut

BAL HARBOUR, FLA.—The AFL–CIO has launched a drive to raise funds from American trade unions and their members to aid Israeli workers through Histadrut, the Israel Confederation of Labor.

To get the drive rolling the federation's Executive Council, meeting right after the adjournment of the 10th convention, voted a contribution of $50,000 and called on all affiliates to involve themselves and their local unions in the campaign. A similar call went to AFL–CIO state and local central bodies.

AFL–CIO Pres. George Meany named a special five-member council committee to head the fund drive for Histadrut—Vice Presidents Peter Bommarito, John H. Lyons, I. W. Abel, Paul Hall and Max Greenberg.

Golda Meir Says: "Our Boys Are Fine"

BAL HARBOUR, FLA.—Israel's Prime Minister Golda Meir telephoned AFL–CIO President George Meany in the midst of the federation's convention to express appreciation for the support given Israel by the American labor movement.

Meany briefly interrupted the proceedings to convey her greetings to the delegates and reported:

'She says to tell you, 'Our boys are doing fine, and don't worry—we will make it.' "

"We Stand With Israel," Delegates Make It Clear

(By John M. Barry)

BAL HARBOUR, FLA.—The American labor movement made it clear that "we stand with Israel," as the AFL–CIO's 10th convention rallied union members to help "speed generous help to the cause of peace and freedom which Israel is now defending so courageously against terrible odds."

A convention resolution on the war in the Middle East, which drew stirring expressions of support from floor speakers, pledged the AFL–CIO's continuing solidarity with Histadrut, Israel's trade union center. It called on federation affiliates to back this up with contributions for medical care and other vital services, and to step up their investment in State of Israel Bonds.

The resolution took note of United Nations attempts to bring about a cease-fire in the Arab-Israeli war, but warned there should be "no illusion about the difficulties in the path of an equitable and enduring peace" in the Middle East.

"The AFL–CIO convention emphasizes that, more than ever, the first requirement for attaining peace in the Middle East is direct negotiations between the countries at war."

The convention charged that "this terrible war had been carefully and thoroughly prepared for months" and could never have come "without the massive Soviet supply of the most sophisticated offensive weaponry to Cairo and Damascus."

The federation called on the United States to "spare no effort or material resources to prevent the destruction of Israel as a beacon of democracy and human freedom in this turbulent area."

Specifically, the resolution urged the U.S. government to:

Carry out a massive airlift to resupply Israel with weaponry.

Offer a guarantee of national independence and sovereignty to Israel and any other country in the Middle East ready to end hostilities and enter direct peace talks.

Halt all forms of aid to any Middle East country that persists in military aggression or engages in economic blackmail against the United States.

Seek the support of NATO and the UN in achieving an end to hostilities and the immediate start of Arab-Israeli peace talks.

On the opening day of the convention, Defense Sec. James R. Schlesinger cited to the delegates Time magazine's description of the Middle East crisis as "a grim reminder that the world beyond is part and parcel of America's concerns."

Schlesinger described U.S. efforts to resupply Israel in response to Moscow's refusal to end its massive airlift to the Arab states.

He said the immediate and long-range goal of the U.S. is to end the fighting and bring about a permanent and fair settlement.

"Any fair settlement," he said, "requires continuing security for the State of Israel and equity for her neighbors."

In discussion on the resolution, AFL–CIO President George Meany presented a statement on behalf of the maritime unions accusing the Soviet Union of provoking and supporting Arab aggression against Israel. The statement warned that the maritime unions would "take appropriate steps necessary to halt the use of our labor" in handling cargoes and ships involved in trade with the USSR if it persists in this course.

President Peter Bommarito of the Rubber Workers, also speaking in support of the resolution, recalled that Meany had just two weeks earlier wired Sec. of State Henry Kissinger that:

"In so critical a moment, no nation must be allowed to doubt, even for a second, where the United States stands."

Bommarito declared, to the roaring approval of the delegates that there must be no doubt, either, where labor stands:

"We stand with Israel. We stand with the future of democracy in the Middle East. We stand with Histadrut."

Vice President Velma Hill of the Teachers said that black workers particularly can identify with Israel in its struggle because Israel is truly a democratic nation and trade unions cannot survive without democracy.

"We have a basic commitment to democracy," she declared, "and we understand that the enemies of Israel are also the enemies of labor . . . and the enemies of blacks."

Sec.-Treas. William DuChessi of the Textile Workers Union of America recalled a recent visit to Israel by a group of U.S. trade unionists and described what they saw: "a building country, a hard-working people," with Arabs and Jews working together.

Sec.-Treas. William Lucy of the State, County & Municipal Employes expressed "wholehearted" support of the State of Israel "as a black, as a trade unionist, as a man. . . ."

Vice President Edward V. Donahue of the Graphic Arts Union, recalling Israel's long struggle for survival since its establishment, agreed that "this is the only democracy in the Middle East and if there is anything worth preserving in this world and worth this labor movement and this country committing itself to, it is a continued commitment to the maintenance of that . . . little democracy, a trade union democracy that's trying to do a job and show people how to live in this world."

Donahue urged that the cause of Israel is "strong enough and worthy enough" not to be confused with such situations as Vietnam and Cambodia, which he said "haven't been so worthy."

President Miles C. Stanley of the West Virginia AFL–CIO, who also recalled visiting Israel, declared that it is "indeed a beachhead of democracy in the Middle East" and stressed the impact that peace there would have on the world.

"If we are going to avoid a third world war," he said, ". . . we must bring peace in the Middle East."

South African Apartheid Is Boycott Target

BAL HARBOUR, FLA.—As long as black workers are discriminated against by South Africa's apartheid policies, U.S. unionists should refuse to handle products from there, the AFL–CIO convention declared.

The convention praised the Longshoremen's position of refusing to unload chrome sent to the U.S. from South Africa and said the AFL–CIO would work for U.S. government support in extending economic sanctions against South Africa.

The resolution also called for repeal of the Byrd Amendment, which allows the U.S. to import Rhodesian chrome and other strategic materials.

"The AFL–CIO supports the trade unionists both inside and outside South Africa who are engaged in the struggle for recognition of trade union rights for the Black African workers," the resolution said. "In this respect, the efforts of the African-American Labor Center in conjunction with the African workers should be supported."

AWESOME POWER OF OEO's UNION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. CRANE. Mr. Speaker, if elections are to mean anything, civil servants must be accountable to elected officials and their appointees. Unfortunately, the trend is the other way. One of the most blatant examples of taking power from the people and giving it to bureaucrats is the incredible union contract which now covers employees of OEO. Unfortunately, if the Senate version of the legal services corporation proposal is signed into law, it would lock the provisions of this contract in to the new corporation. The following recent article by Howard Phillips, former OEO chief focuses on this development:

[From Human Events, Oct. 6, 1973]

The Awesome Power of OEO's Union

(By Howard Phillips)

Perhaps no modern President has been more frustrated by bureaucracy than Richard Nixon. To a large degree, this is because he is the first since pre-FDR days who has advanced a domestic agenda which, if implemented, would truly threaten not merely the liberal policies favored by most bureaucrats, but also the power of civil servants to exercise broad discretion in establishing policy.

It is therefore ironic when top officials in the Nixon Administration make gratuitous concessions to the demands of anti-Nixon civil service unions. At the Office of Economic Opportunity (OEO), such concessions have been granted over a period of years. Now they are being further extended.

OEO UNION EXCESSES

Long in the radical vanguard of Washington bureaucratic politics, OEO's union often embarrassed its more stable colleagues in the labor movement, as the consequence of its role on the fringes of the anti-war movement and its heavy domination by SDS types. In 1972 its leadership presented a solid and active pro-McGovern flank. Although many OEO employes have minority group backgrounds, top officials of the union have been predominantly lily-white, radicals more interested in political objectives than in the welfare and security of their members.

Union negotiations have, for the most part, have been handled in recent years by Wesley Hjornevik, who served as deputy to OEO Directors Donald Rumsfeld, Frank Carlucci and Phillip V. Sanchez. Hjornevik's general philosophy led him to concede a few more points to the union in each year's negotiations.

Under the contract which Hjornevik left, it was stipulated that the "employer affirms the right of employes to decorate their working areas with paintings, posters, photographs, and other artistic or symbolic representations . . ." Accordingly, long before it became fashionable elsewhere, OEO's walls have been decorated with "Impeach Nixon" posters, pictures of George McGovern, assorted radical graffiti, and a wide range of anti-Administration propaganda.

The contract guaranteed the union one steward for every regional office unit, including up to 15 employes and one steward for every 30 headquarters unit employes, providing that all stewards may carry on their union activities during "official time."

Top union officials are given 20 hours out of each 40-hour week to spend on union business in special government offices provided (with telephones) for that purpose. In addition, OEO pays travel expenses for union officials who attend bargaining sessions or whose travel is required for "consultation." The union also has the chance to make a political pitch at orientation sessions for new employes.

Those taxpayers who find critiques of civil service implausible should learn something from the language of the OEO contract negotiated in March 1972:

"If an employe's performance is considered to be unsatisfactory, the supervisor will discuss the employe's performance with him in an effort to resolve the issue informally. If after this informal discussion the supervisor still considers the employe's performance to be unsatisfactory, then the supervisor must obtain the concurrence of the reviewing official on the warning notice. An employe may not be rated unsatisfactory until he has been given an official warning in writing at least 90 days prior to issuance of his performance rating. . . . When the supervisor discusses the warning notice with the employe, the employe may have a Union representative present.

"If the supervisor still considers the employe's performance to be Unsatisfactory at the end of the warning period, he will discuss the proposed Unsatisfactory rating with the employe and the employe may make written comments for the record. . . . The employe may have a union representative present at the discussion. Then the rating will be forwarded for approval by the reviewing official and concurrence by the Performance Rating and Incentive Awards Committee. . . . If the employe's official rating is . . . Unsatisfactory and he disagrees with that rating he may appeal. . . ."

"UNSATISFACTORY" RARE

Is it any wonder that few supervisors care enough to endure the extended personal aggravation resulting from a decision to rate an OEO employe "Unsatisfactory"? As a consequence, such ratings are extremely rare. It should also be noted by the taxpayer that "Satisfactory" ratings carry with them automatic pay increases. That's one reason why the cost of fighting "poverty" keeps going on.

Many observers in the Administration felt that Hjornevik, in the days immediately preceding his ouster as deputy director in January 1973, had gone about as far as possible in granting union requests without overtly declaring his intent to sabotage the authority of his successors. Now, OEO Director Alvin Arnett has yielded ground to the degree that Hjornevik retrospectively appears a comparative piker.

In secret August negotiations, which Arnett conducted personally with union leaders, important new concessions were granted to give union officers a major say in shaping policy of OEO. In addition, Arnett agreed that, after his confirmation by the Senate, he would open up the entire contract for renegotiation and make further concessions.

Arnett and his OEO union counterparts have focused on the following points thus far:

Removal of non-career temporary and policy schedule employes hired with White House recommendation or approval during the first half of 1973;

Granting preference to career OEO employes in filling OEO regional directorships and headquarters management positions;

An automatic promotion policy which has enabled the union to advise employes that "If you are below the journeyman level on a career ladder, have sufficient time in grade, are qualified to do higher level work, and if work is available at the higher grade, a promotion is yours for the asking.";

Appointment of a Grade Review board "to include at least four management and four union representatives" with a "neutral" chairman;

Restricting disciplinary action against employes so that no "adverse action" will be even initiated without prior hearings.

Preservation of the SDS-dominated OEO migrant division intact with no shift to a "revenue-sharing" policy before October, at the earliest;

Assurance to OEO employes who were shifted under the presidentally approved reorganization of July 6 that they may seek transfer back to OEO.

It has also been suggested in the civil services press that Arnett and union leaders "would explore areas in which they can jointly testify before the House subcommittee on equal opportunity for the purpose of extending congressional authorization for OEO and community action agencies through 1977."

In related fashion, Arnett has reportedly agreed to "evaluations of supervisors by the supervised, confirmation, election, and recall of first-line supervisors by employes, and rotation of employes through supervisory positions." A further aspect of Arnett's plans for "collective leadership" involves the creation of "employe participation councils" in each of the offices which comprise OEO.

Sources close to Arnett say that the new OEO director has given full sway to the union to gain liberal support for his Senate confirmation as well as to minimize press leaks by OEO union members which might embarrass the Administration.

Arnett has argued to conservatives that his concessions will count for nothing at the end of the fiscal year when OEO will presumably have disappeared and that, in the meantime, they serve to limit liberal criticism of the President's plan to disband OEO.

Some labor-management experts in the Administration are fearful, however, that the precedents which Arnett has established will have an unfortunate effect on contract negotiations in other federal departments.

For the moment, however, OEO is less accountable to the President, and those who elected him, than ever before.

IN PRAISE OF THE POSTAL SERVICE

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. SARASIN. Mr. Speaker, often we debate and criticize the quality of service performed by the U.S. Postal Service. I would like to offer my colleagues comments of a constituent, exalting the mail service in Prospect, Conn. This letter applauding the courteous and superb performance of the postal employees appeared earlier this year in the Waterbury American. For a difference of perspective and comments on the U.S. Postal Service, I call this letter to the attention of my colleagues and insert it in the Record.

The letter follows:

PROSPECT, CONN.

PROSPECT POSTAL SERVICE DESCRIBED AS SUPERB

To THE EDITOR OF THE AMERICAN: Our U.S. Postal Service has been constantly under criticism. It is most unfair to condemn collectively service rendered by postal employes.

In our Prospect Post Office I have yet to find a postal clerk lacking service and courtesy. Daniel Guigliotti, our Evergreen Lane mail carrier, is most gracious and thoughtful. His service is beyond reproach. When packages are too large for my mail box he personally delivers the mail to me. If I am not at home he leaves it on a receiving table under carport.

Only yesterday I rushed to the Post Office with letters for immediate collection. As I stepped out of the car the collection truck was driving out. Noticing the letters in my hand the driver stopped and said, "If they are stamped I'll take them." I was most grateful for his thoughtfulness.

Hats off to the U.S. Postal Service!

A. ALMA GENEST.

"CONSTITUENTS CONTINUE TO DEMAND IMPEACHMENT—NO. 2

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HARRINGTON. Mr. Speaker, after the firing of Special Prosecutor Archibald Cox, the White House seemed to have concluded that the people of this country were angered and upset over the specific matter of access to the Presidential tapes. The White House, therefore, apparently felt that if it reversed its longstanding claim of "executive privilege" with regard to the tapes, the public would forgive the President and repudiate the advocates of impeachment.

Has this happened? No, it has not. The demand for the beginning of impeachment proceedings against President Nixon has continued unabated from every section of the country. The American citizen is not simply interested in a few tapes—the average American is not satisfied by this diversion. Americans want honesty, integrity, and leadership in the White House, not cantankerous and bitter "compromises." The people who have written to me are opposed to the dicatorial manner of this President, and no number of new Attorneys General or special prosecutors will placate their opposition. Will the Congress answer this call? It must respond by beginning the impeachment process so that both the President and the people may have a fair hearing.

As evidence of this demand, I herewith provide a count of the correspondence I have received on the matter. I repeat my request of October 25 that my distinguished colleagues do the same, so we may face how Americans feel.

In favor of impeachment—869.

Opposed to impeachment—22.

LEGISLATION INTRODUCED TO RESCUE SOCIAL SERVICES PROGRAM

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. REID. Mr. Speaker, I am most pleased today to join with Congressman CORMAN in introducing bipartisan legislation designed to rescue the social services program from restrictive, regressive HEW regulations which are scheduled to go into effect on November 1.

Last fall, Congress placed a $2.5 billion ceiling on the entire social services program. I, and many of my colleagues opposed this figure as being too low. But it was passed and we were prepared to live with it.

But, HEW was not. Instead of accepting Congress limitations on the program, the administration chose to ignore congressional intent, to impose further restrictions and thereby impound millions of dollars by redtape. The results would have been disastrous. Millions of working poor throughout the Nation would have been deprived of vitally needed services—services which all too often spelled the difference between welfare dependency and the opportunity to attain self-sufficiency.

The outcry was immediate, and unprecedented. And it came from every sector—from Congress, from the Governors, from local officials, and from the public at large.

But, inspite of immense concerns expressed, and in spite of clear comments from many key Members of Congress, including the chairman of both Ways and Means and Finance that the regulations had moved far beyond congressional intent, HEW has remained unresponsive.

A final set of changes were issued on September 10. These regulations will go into effect 2 days from now, on November 1. A number of cosmetic changes have been made. Health, Education, and Welfare claims that they have been responsive to congressional comments. Yet, this is simply not the case. These regulations still severely restrict the States' ability to provide a wide range of services to those individuals who have desperate need of them. Health, Education, and Welfare continues to attempt to defy the will of Congress and to rewrite the social security law to serve their own narrow goals.

It is clear that legislation is the only remedy.

On October 3, Senator MONDALE and 38 colleagues introduced legislation designed to save the social services program. On October 16, Congressman CORMAN and six other members of the Ways and Means Committee introduced a companion bill in the House. It is this legislation which I am pleased to support today. The purpose of this bill is to provide workable regulations which, within the $2.5 billion ceiling, take into account both the need for accountability and fiscal restraint as well as the need for State and local flexibility to provide services most reflective of local conditions.

I hope that my colleagues will join with us in supporting this legislation. It is time that we settled once and for all the question of which branch of Government legislates; time that we made it clear to the administration that they cannot continue to circumvent the will of Congress.

CONGRESS MUST INSIST ON OWN PROSECUTOR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. STOKES. Mr. Speaker, no self-respecting lawyer in America will accept the position of special prosecutor under the conditions laid down by President Nixon in his press conference last Friday.

The American people want a separate and independent prosecutor who will pull out all the stops in pursuit of the evidence, no matter how deeply he may have to go into the Oval Office itself. The people will not tolerate a hired coverup artist.

I predicted last Friday that the public would not accept this new proposed arrangement. Already public sentiment seems to be going against the President's scheme. I am proud that the Cleveland Plain Dealer, in its editorial pages Saturday morning, took the lead among Ohio's newspapers by rejecting the President's proposal out of hand, and by inserting that we, as the elected Representatives of the American people, establish the office of special Watergate prosecutor under Judge Sirica.

I urge my colleagues to heed what the people are demanding. The article follows:

CONGRESS MUST INSIST ON OWN PROSECUTOR

Congress should proceed with legislation to establish the office of special Watergate prosecutor under the authority of U.S. District Judge John J. Sirica.

It is apparent now that President Nixon has no intention of naming such a prosecutor to represent the government and give that person truly a free hand and the total cooperation of the executive branch.

Mr. Nixon tried to be convincing at his news conference last night when he revealed that Acting Atty. Gen. Robert H. Bork next week would announce a special prosecutor to replace Archibald Cox, who was fired a week ago by the President.

But it did not come off.

There was no specific assurance the new man would have a free hand. Rather, the President once again stated emphatically that he, personally, must defend the office of the president against disclosure of confidential material. He would supply information from presidential documents, but not the documents. Would the presidential files be available if the prosecutor wanted them? Mr. Nixon only could hope this confrontation would not be necessary. He would "cooperate."

All the national agony which the country suffered one week ago tonight when the President brought about two firings and one resignation of key persons in the Watergate prosecution seemingly has not touched Mr. Nixon.

He played the same old record last night even though it is highly unlikely now that anyone believes an administration-backed investigation into Watergate—so necessary to prosecute the guilty and clear the innocent as Mr. Nixon himself declares—could be thorough or impartial. The Justice Department did not establish an enviable record in its first efforts in the case.

Obviously, and despite his thin attempts at humor, the President is deeply resentful of television. His cutting remark that he was not angry with television people because he could get angry only with those persons he respected, stunned the assembled news reporters. So did his abrupt departure. He stalked off the podium suddenly with no closing words, no final arguments, no attempt to summarize, not even waiting for the traditional "Thank you, Mr. President" from the senior correspondent.

Contrary to his declaration, Mr. Nixon seemed a little shaken by the attacks made recently on his motives and character. But also contrary to his rhetoric last night, the impression is he has no intention of giving one inch on the matters of the confidentiality and privileges of his office, come what may.

This leaves it up to Congress and Judge Sirica.

THE DAMAGE DONE TO DEMOCRATIC ETHICS AND GOVERNMENTAL INSTITUTIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. RANGEL. Mr. Speaker, in the wave of impeachment letters last week, I received a copy of a resolution calling for the resignation or impeachment of the President, adopted by the board of directors of the American Ethical Union. The American Ethical Union represents ethical culture societies throughout the United States. It is dedicated to a common concern for ethical values which can best promote the unity of mankind. It is a shame that former members of the Nixon administration who have been implicated in the Watergate crimes and their coverup did not share the same common concern for ethical values. It is a continuing shame that the President seeks still to cover-up rather than reveal, to seek division and diversion through attacks on the press rather than to seek after the truth and the means for national reconciliation.

The resolution follows:

RESOLUTION—A CALL FOR PRESIDENT'S RESIGNATION OR IMPEACHMENT

The loss of moral leadership in the Presidency is not a situation which any citizen can contemplate with satisfaction, since Americans have always looked to the President of the United States for moral as well as political leadership. This must continue to be so, since political authority in a democracy cannot survive unless it is grounded in a people's confidence in the credibility of their elected leader.

We believe that the relentless flood of disclosures of wrong-doing, corruption, willful violation of constitutional rights, obstruction of justice, and usurpation of power involving police-state techniques and intrigues, which a distinguished United States Senator has aptly described as revealing a Gestapo mentality, have reached and corroded the moral authority of the President himself. Watergate only symbolizes a much wider and deeper corruption and abuse of authority, which, on the basis of his own statements, implicates Mr. Nixon.

In view of the damage already wrought by his administration to the institutions of free government and democratic ethics, the President should resign. The abuses and corruptions of power which have been uncovered cannot be shunted aside without remedial action.

Therefore, we urge that in light of the national interest, the President resign immediately, but failing that act, Congress should proceed to impeach.

VITAMIN HEARINGS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. McKINNEY. Mr. Speaker, in response to the growing public indignation over the recently published Food and Drug Administration regulations governing dietary supplements, the Subcommittee on Public Health and Environment, chaired by Congressman PAUL ROGERS, has begun hearings on legislation to curb FDA authority in this area.

Last week I introduced H.R. 11085 to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements, and today I presented testimony before the subcommittee in behalf of my particular bill and on behalf of my many constituents who have expressed concern over the usurpation of power by the FDA.

At this time I would like to submit my testimony for inclusion into the RECORD:

STATEMENT OF THE HONORABLE STEWART B. McKINNEY ON FOOD SUPPLEMENT LEGISLATION

Mr. Chairman: I would like to express my appreciation and that of my constituents for holding hearings on the issue of the Food and Drug Administration's authority in the area of dietary supplement regulation.

This is a most complicated and controversial issue, made even more difficult because the field of nutrition is conspicuous for wide differences of opinion. Because of the public uproar over the FDA regulations, it is essential that Congress receive testimony from experts representing all points of view so that consumers can be satisfied that all sides of the question have been heard and so that we as Members of Congress will have information at our fingertips in order to make the hard decisions that must be rendered.

The crux of the issue is whether a vitamin is a food or a drug; whether the FDA has the authority to set potency limits on vitamins and mineral supplements and, if they do, should they have this power; whether the FDA has or should have the authority to standardize combinations of dietary supplements; and, most importantly, whether such regulations infringe upon the rights and freedoms of the consumer.

To date I have received over 1,500 communiques from constituents on this issue, all highly indignant that the FDA should curb their freedom to supplement their diets. At this time I would like to take issue with those who have denigrated the character of those involved in this battle. It is evident from my mail that a large majority of those concerned with the FDA regulations have done a great deal of individual research on vitamins and their own proper intake for their best health. Generally I believe they constitute a healthy segment of our society, not seeking a "quick fix" from doctors when symptoms appear but instead relying on good, solid preventive medicine practices.

The more I study this issue and plough through the testimony of experts—and I might say that there are as many reputable scientists and nutritionists on one side of this issue as on the other—for this simple fact alone, that there is such a wide variation of opinion, I believe the dogmatism of the FDA in stating that high potency vitamins are drugs and can be injurious to health is unwarranted. Nutrition is not an exact science; there are too many unknowns and too little is known about the variations of human needs.

The allowances recommended by many scientists for many of the nutrients fall extremely short of the dosages suggested by other reputable nutrition experts. Yet the FDA arbitrarily accepts the Recommended Daily Allowances as "facts" and decrees that food supplements containing more than 150 per cent of the RDA will henceforth be redesignated as drugs. I simply don't believe the facts dictate such an intrusion into our freedoms nor that the known cases of overdoses of vitamins warrant the need for these rigid regulations of food supplements.

Should not the consumer have the right to self-medication with health foods, vitamins and minerals? In light of Department of Agriculture studies revealing a shocking decline in the quality of the American diet in recent years, should not the consumer be allowed to decide for himself how much, if any, supplementation of his diet he wants to make him feel his best—so long as the amounts are not injurious to health? And this issue—amounts injurious to health—I shall deal with shortly.

Many citizens believe, and with some justification, that natural foods are better than processed food. They also believe the FDA has a poor record in protecting the consumer from poor quality food, food additives—either dangerous or unnecessary, food contamination, and amphetamines and other across-the-counter drugs which are daily consumed by a large segment of our population. Why then should they bow to this "food czar" and a paternalistic government which impose regulations which lack a scientific consensus and which affect them as individuals and not the public health in general?

I would now like to address myself to the subject of safety. I have stated that so long as the amounts of vitamins are not injurious to health, every person should have the right to decide for himself what vitamins and food supplements he should take. But if vitamins are proven to be dangerous and injurious to health—and I mean "proven" in the truly accepted scientific sense of the word—then let the FDA step in and regulate them appropriately.

While I realize there are disputes raging even in this area, I support FDA's intentions with respect to vitamins A and D. A great many experts argue that the levels as dictated by the FDA regarding vitamins A and D should be higher, that the proposed levels for these two vitamins are arbitrary and without scientific merit, and that the proposed levels are suitable for children but higher levels would be more appropriate for adults. Still others maintain that the levels should be lower than those recommended.

I do not have the knowledge to take a position with respect to levels but I do associate myself with the generally accepted scientific opinion that massive doses of vitamin A and vitamin D can be harmful and indeed life-threatening in extreme cases. Therefore I believe the public should be protected against even a remote chance of overdosage of these two vitamins. And because of the promotional techniques, advocating large amounts of vitamins A and D for a variety of purposes, I find the FDA action with respect to these two vitamins—and only these two vitamins—as necessary at this time for the public well-being.

No one would deny or should deny that there have been abuses in the dietary supplement field and that the public should be protected against food supplementation excesses. However, I do not believe the solution is the imposition of strict and arbitrary limitations on the quantity of dietary supplements that may be contained, for example, in a single tablet or capsule. Aside from the factor of cost, this can be easily circumvented, although it will prove an irritant, by the consumer simply gulping more quantities of tablets in order to maintain the supply of nutrients he was taking before imposition of the regulations.

I believe the abuses in the food dietary supplement field can be dealt with effectively by requiring full and informative labeling. All foods for special dietary uses and dietary supplements should bear on the label the vitamin, mineral and other dietary properties which are necessary to fully inform purchasers of their nutritive value. The label should be of sufficient prominence and conspicuousness to render it likely to be read and understood. Moreover the label should state what is the recommended dosage and even state a warning that excessive amounts may be toxic.

By complete disclosatory labeling, the consumer would know exactly what he was buying and in what quantity and could make buying decisions consonant with all available health information. Moreover, by requiring manufacturers to list every product ingredient, this approach would provide the public and the government with the authority to take action against those manufacturers who misrepresent their products.

Several bills aimed at curbing FDA's authority to regulate dietary supplements have been introduced. Most prominent is H.R. 643, introduced by Congressman Craig Hosmer. Despite my opposition to the FDA regulations, I could not support the Hosmer bill for I believe it goes far beyond merely limiting FDA authority over the potencies and combinations of ingredients in vitamins and supplements. Rather, I view this bill as an extremely sweeping limitation of FDA authority which, I believe, could have very serious repercussions on the quality of our foods.

Under existing law, any substance in a food, food supplement or drug has to be proven safe and it is up to the manufacturer to show proof that an added substance is not harmful. Under H.R. 643, food supplements with unproven label claims—or products containing ingredients of doubtful and unproven safety—could be marketed unless the Government found them to be "intrinsically injurious to health in the recommended dosage." This legislation would prohibit the FDA from acting on a *potential* risk to man and would also shift the burden of proof of safety from the manufacturer to the government. The consumer protection presently afforded by the Food Additives

Amendment to the Food, Drug and Cosmetic Act would be seriously thwarted by enactment of H.R. 643.

Therefore, to meet what I consider the objections to H.R. 643 and in order to achieve a positive approach to the controversy, last week I introduced H.R. 11085.

The purpose of my bill is to clarify the authority of the Food and Drug Administration with respect to the regulation of dietary supplements. The legislation proceeds from two basic premises: First, that consumers should be fully and accurately informed as to the nutritional and other qualities of dietary supplements; and second, that consumers should be free to purchase—as a food—any dietary supplement that is safe. These fundamental propositions are by no means novel; they underlie the Food, Drug and Cosmetic Act's entire approach to the regulation of foods.

H.R. 11085 would clarify and strengthen FDA's authority in the labeling area by amending Section 403(j) of the statute to refer specifically to dietary supplements and to include authority to require full and accurate disclosure of information in labeling and advertising as well as on the product label. This new authority would dispel any doubt that FDA has the power to ensure that consumers are fully informed and are not misled as to the nutritional value of dietary supplements. The FDA could require not only a full statement of ingredients and quantities of ingredients but also other relevant nutritional information, such as the percentage of the recommended dietary allowance of each nutrient as to which an RDA has been established. The FDA could also standardize the format for such information, which would substantially serve to reduce any consumer confusion which may exist.

The corollary of this expanded authority, however, is that FDA should not have authority to prevent consumers, who are in possession of full and accurate information, from choosing to purchase a dietary supplement—even one which FDA believes is nutritionally unnecessary or "irrational." The food standard section of the statute—section 401—would be amended to preclude FDA from standardizing dietary supplements—i.e., limiting the potency in which vitamins and minerals may be sold as food or the combinations in which they may be sold. The two exceptions to the limiting of potencies would be vitamins A and D.

The bill would leave entirely intact FDA's powers to protect the public from dangerous products. No change would be made in FDA's authority over adulterated or unsafe foods, and no change would be made in the food additive provisions of the statute, which require the manufacturer of a food additive to establish its safety.

In conclusion, whatever the validity of FDA's position as to the nutritional adequacy of vitamin and mineral supplementation at levels reflected in their recently promulgated regulations, the fact remains that there are substantial numbers of Americans who, fully informed as to the nutritional composition of the dietary supplements they buy, believe that supplementation in higher levels and in combinations of vitamins and minerals different from those permitted under the new regulations will more adequately satisfy their own nutritional needs and desires. I do not believe those consumers should be denied the option of purchasing such products as foods. At the same time I believe the consumer should be provided with complete information as to exactly what they are purchasing. And that, gentlemen, is the intent of my legislation.

Mr. Chairman, I appreciate the opportunity to testify on this issue.

THE RAILROAD CRISIS IS STILL WITH US

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HARRINGTON. Mr. Speaker, as the proposed legislative solution to the Northeast rail crisis makes its way to the House floor, it is essential that we educate ourselves and our constituents about the present rail situation. An article by William Jones which appeared in the October 12 Washington Post, outlines the present status of the Shoup-Adams railroad reorganization bill and several factors which make this legislation most urgent. For example, it appears that the largest transportation interest in the United States—in terms of total assets—the Penn Central Railroad, could run out of funds at almost any time. Should the Penn Central be forced to close, the economic ramifications throughout the Nation would be disastrous—production would decline, jobs would be lost, local economies would decay. Unless a rational and comprehensive reorganization plan is adopted within the next few weeks, we may be forced to adopt the only other alternative available—nationalization. Action, therefore, is imperative.

At this time, I would like to insert Mr. Jones' article for the information of my colleagues:

REASSEMBLING THE RAILROAD PUZZLE

(By William H. Jones)

With luck, a congressional committee this week may approve legislation that points the nation away from two potential disasters—the extreme of simply shutting down large railroads throughout the northeastern states on one hand and, on the other, the beginning of nationalizing a whole industry.

But nothing is certain, except that the Penn Central Railroad is dangling seriously close to a shutdown because it has about run out of money to meet weekly payrolls.

And, according to industry and congressional sources, the Nixon administration's continued opposition remains a big hurdle for legislation now before the House Commerce Committee.

The Penn Central is the nation's largest rail freight carrier and also the biggest transportation firm in terms of total assets (over $4.3 billion). But the Pennsy, and five other large northeastern railways are bankrupt. Operations of the Penn Central have been supervised since mid-1970 by U.S. District Court Judge John P. Fullam in Philadelphia and three court-appointed trustees.

Throughout 1973, the plight of the Pennsy has become deeper and more complex. Most of the other bankrupt lines also are living on borrowed time, existing week to week only with the aid of state financing in some cases.

Having been run out of a profitable business by a combination of previous bad management and too much government regulation—the consensus of most rail experts—railroads in the Northeast have been marking time, waiting for a new government policy to dictate the future.

All the while, the industry's image throughout the nation has suffered, maintenance of the northeastern lines has not kept pace, and the long-outdated and overbuilt system of tracks east of the Mississippi River and north of the Ohio and Potomac remains intact.

The problem has led rail industry leaders, legislators, government experts and others to consider proposals for "rationalizing" the U.S. rail network for the densely populated Northeast, over a period of many years.

But not until Judge Fullam applied pressure this year, by emphasizing that creditors have rights not to have their property "eroded" any more (the property being investments in Penn Central), did Washington attach a priority to the rail mess.

Fullam, a mild-spoken but stern judge, says he is not trying to set deadlines or tell other branches what to do. But in this case, actions speak louder than words: At this very minute, Fullam is considering what he should do next.

In Philadelphia on Oct. 12, Fullam said it appeared that the Pennsy could operate as is for a few weeks. Events since that court hearing would appear to indicate that the Pennsy could run out of funds at any time:

A House-Senate conference committee, approving money for Amtrak, the national rail passenger corporation, forbade Amtrak from paying an additional $40 million to the Penn Central for running passenger trains, as recently ordered by the Interstate Commerce Commission.

A Court of Appeals decision requiring the Penn Central to make immediate payments of some $20 million to railroads with which it connects, in a complex rate-splitting fight, and allowing the other companies not to pay Pennsy in amounts equal to the fees owed by the Penn Central.

A clash with new federal rail safety standards, in which the Department of Transportation's Federal Railroad Administration has ordered the Penn Central within 30 days to upgrade certain tracks and pay for new supervisory and inspection personnel at a cost estimated in the millions of dollars.

Constantly rising costs for fuel, which the railroad estimates at $30 million on an annual basis over what's been paid previously.

"It's ominous," an industry source who's not in the employ of Penn Central, said last week. "And the DOT seems to be getting its feet planted in more firm opposition to the compromise being worked out on the Hill," he said.

In many respects, ther Northeast rail crisis has come to resemble a giant jigsaw puzzle, with no one able to put together the pieces. In the past week, a number of private rail companies have been seeking advantages for themselves in any solution, the administration has restated opposition that existed last March, and weary congressional staff members have expressed despair.

In the midst of this activity, the House Commerce Committee will continue to "mark up" what one staff member has called the most complex legislation he's ever seen. Sections and provisions are being edited, rewritten and voted up or down in a weeks-long process.

If success is to come for the bill, called Shoup-Adams for its chief protagonists—Reps. Dick Shoup (R-Mont.) and Brock Adams (D-Wash.), it will require efforts by a number of people to put the puzzle together.

On the Hill, Shoup and Adams must maintain an alliance which to date has turned aside most efforts to dilute the comprehensive nature of the proposal. For the Nixon administration, Secretary of Transportation Claude S. Brinegar and his aides must decide whether they can live with whatever the committee approves or if they must fight for major changes on the House and Senate floors—possibly leading to a fatal delay.

Within the railroad industry, the key individual probably is Frank E. Barnett, chairman of the Union Pacific Corp., the only firm in the railroad industry to make a substantial investment of its own money and talent in an effort to find a solution to the Northeast crisis—a region the Union Pacific does not even serve directly.

In fact, it is the original Union Pacific proposal which is now before the House Commerce Committee, in modified form. Barnett and another industry leader, Washingtonian W. Graham Claytor Jr., president of Southern Railway, also led management forces in reaching agreement with organized labor on a provision of the Shoup-Adams bill that requires federal assumption of the wages due any workers who lose jobs in a rail reorganization.

After Barnett made the Union Pacific proposal public early this year—in detailed, legislative form—Shoup alone endorsed it in a surface transportation subcommittee. Adams, who had been studying the rail problem in depth for several years, gave up on his own rail package and joined with Shoup when it became clear that the only alternative was working with the Nixon administration's own bill—which projected a rail modernization and trimming down without any significant federal aid.

Fannie Rae would design a new northeastern rail system, making use of proposals by government agencies and others. In addition to its role as a planning agency, Fannie Rae would provide financing to modernize the railroads' tracks, yards and other facilities, with up to $1 billion of government-guaranteed loans (reduced from $2 billion to meet administration objections).

Establishment of a for-profit Northeast Railroad Corp., to which bankrupt railroad estates would have to turn over any rail facilities determined by Fannie Rae to be part of the new rail network. In exchange for this property, the estates would be given stock in the new corporation. Bankrupt firms then would be free to dispose of other unnecessary rail properties.

The corporation would have the responsibility for operating trains over the new railroad, or railroads, set up under Fannie Rae's plans.

Federal aid of up to $200 million for employees of the six bankrupt lines put out of work by the reorganization plan. The $200 million figure is an estimate; no dollar amount is now in the bill.

Subsidies for unprofitable branch lines, with the federal government paying 70 per cent of the losses and local governments 30 per cent, with a limit of $50 million a year from the U.S. Treasury.

Authorization for Fannie Rae to negotiate with Amtrak, the national rail passenger company, on long-haul and commuter transportation—especially along the Boston-Washington Northeast corridor. These talks could lead eventually to an Amtrak takeover of the routes.

Brinegar objects most vehemently to the provisions requiring a mandatory transfer of railroad properties to the new rail corporation and detailed labor protection.

All last week, Adams, Shoup and Brinegar conducted "negotiations" on this issue and remained virtually wedded to their opposite viewpoints. Brinegar believes that the bill amounts to condemnation of property, which would be too costly.

Adams and Shoup insist that mandatory transfer of property is necessary to prevent minority creditors or stockholders of bankrupt estates from delaying the reorganization. When the committee meets again or Wednesday, the congressmen will offer amendments designed to make clear that their intention is not condemnation or "taking of property" but merely "railroad reorganization" as contemplated in rail bankruptcy statutes.

If the committee majority approves—chairman Harley O. Staggers, (D-W. Va.) supports Shoup and Adams—a bill might emerge Wednesday or Thursday. House action would be expected shortly thereafter.

The focus would then be on the Senate, where there is widespread support for the Shoup-Adams bill but where the administration is expected to push amendments with language it favors on labor protection and property transfer.

As fashioned by the House committee, the Shoup-Adams-Union Pacific bill would mark a historic turning point in government transportation policy.

Throughout U.S. history, various modes of transportation have benefitted at different times from government largesse—most recently airlines, whose system of airport facilities is subsidized by the federal Treasury; and motor transportation, aided significantly by the multi-billion-dollar interstate highway network.

Railroads were aided in earlier eras, too, with land grants in the last century and eased financial reorganization procedures during the Great Depression.

The nightmare of many industry people and legislators is that if the current legislative effort fails, the only alternative will be an even more expensive route—nationalization.

SEEKS TO ADD WEST FORK OF SIPSEY RIVER TO NATIONAL WILD AND SCENIC RIVERS SYSTEM

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BEVILL. Mr. Speaker, I have cosponsored a bill with Congressman Bob Jones which would amend the Wild and Scenic Rivers Act by designating the West Fork of the Sipsey River in the State of Alabama for addition to the National Wild and Scenic Rivers System. Today I testified before the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs in support of this proposal. Because of the importance of this bill to the State of Alabama, I am placing my testimony in the Congressional Record at this point:

Statement of Hon. Tom Bevill of Alabama

October 30, 1973.

Mr. Chairman, distinguished Members of the Committee, I appreciate this opportunity to appear before you today in support of H.R. 8643. This bill, which I have introduced with Congressman Bob Jones, would amend the Wild and Scenic Rivers Act by designating the West Fork of the Sipsey Fork in the State of Alabama for potential addition to the National Wild and Scenic Rivers System.

Addition of the West Fork Sipsey to the Wild and Scenic Rivers System would assure its preservation in a free-flowing condition and a natural setting. As you know, Mr. Chairman, upon designation to the System, federally owned land within a quarter-mile of the river would be devoted to the recreational and scenic purposes of the Wild and Scenic Rivers Act.

The Warrior River is formed from three principal tributaries called forks—Locust Fork, Mulberry Fork and Sipsey Fork—plus many smaller streams. The Sipsey Fork has a main stem and a feeder stream that is named the West Fork of the Sipsey Fork but commonly referred to as the West Fork Sipsey.

The proposed area includes the West Fork Sipsey from the impoundment of Lewis M. Smith Lake in Winston County upstream to its origin in Lawrence County as well as the tributaries to that segment. This includes the Bee Branch area which has been protected by the U.S. Forest Service since the creation of the Bankhead National Forest. The area proposed for the Wild and Scenic Rivers System is about 16 miles long plus the tributaries.

The headwaters and much of the main stream of the West Fork Sipsey are typical mountain streams, beautiful but rugged. There are waterfalls and deep gorges, some more than 100 feet deep.

This area has some geological features, plants and birds that are reported to be rare in the United States.

Mr. Chairman, although the West Fork Sipsey is not a large river, it has unusual features which I believe merit consideration for addition to the Wild and Scenic Rivers System and I respectfully urge the committee to approve this bill.

Thank you.

THE 15TH OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. DERWINSKI. Mr. Speaker, under the direction of the National Captive Nations Committee, led by Dr. Lev E. Dobriansky of Georgetown University, the 15th Observance of Captive Nations Week was successfully held in this country and abroad. The committee has collated the seemingly endless reports on the annual event, which have appeared in these pages since July.

As additional examples of the abiding faith and convictions our people and others have in both the strategic importance and the eventual liberation of all the captive nations, I submit for our readers first, the report in America "Buffalo Observes Captive Nations Week"; second, the program of the South Florida Captive Nations Committee; third, the China Post Editorial on "Universal Human Freedom" and its commentary, "Captive Nations Week" and the China News report "President Pledges Support For Freeing Captive Nations," and fourth, the report on the Week in the Free Republic of China:

Buffalo Observes Captive Nations Week

Buffalo, N.Y.—This year, as previously by the initiative of the Buffalo Branch of the Ukrainian Congress Committee, headed by Mr. Wasyl Sharvan, a separate Captive Nations Committee was formed in Buffalo to coordinate the activities for the observance of the Captive Nations Week which was held from July 15–21.

The Ukrainian representation included: Mr. Wasyl Sharvan, Mr. Andrew Diakun, J. D., Mr. Bohdan Moroz, Mr. Roman Tschip, Marta Hawryluk. On Mr. Wasyl Sharvan's proposal, Mr. Tibor Baranski, Hungarian representative, headed this year's committee, while Erie County Executive, Hon. Edward V. Regan again presided as Honorary Chairman. Due to the personal acquaintance of Mr. Wasyl Sharvan with our Erie County Executive, the committee was able to use the Conference Room in the Erie County Building for its meetings. The Committee also included: Mr. Voldemar Kirss (Estonia)—Vice Chairman and Treasurer, Martha Hawryluk—Secretary, Col. William Cybulski (Poland) headed the Proclamation and Resolution Committee with Mr. Tibor Baranski, Mr. Andrew Diakun, J.D., and Mr. Wasyl Sharvan as members. Represented in the observances were the following captive nations: Ukraine, Albania, Bulgaria, Croatia, Estonia, Hungary, Latvia, Lithuania, and Poland.

Erie County Executive, Hon. Edward V. Regan as well as Hon. Stanley Makowski—Mayor of Buffalo, signed Proclamations in the presence of ethnic group representatives, designating the week of July 15–21 as Captive Nations Week in Buffalo. The events of the week were televised by the Buffalo television stations. During the week, the national flags were displayed around the county building.

On Wednesday, July 18, the Kiwanis Club held a luncheon at the Montefiore Club. Attending the luncheon were Hon. Edward Regan, county and city officials and representatives of the captive nations. The main speech was delivered by Hon. Mary Beck of Detroit. During the luncheon, the Kiwanis Club presented Mr. Wasyl Sharvan—Buffalo Chapter UCCA President with an honorary plaque—dedicated to the late Dr. Nestor Procyk for his dedication and work for the Captive Nations cause.

Telegrams with greetings and congratulations were received, among them a telegram from Congressman Kemp.

THE 15TH ANNUAL OBSERVANCE OF CAPTIVE NATIONS WEEK

SOUTH FLORIDA CAPTIVE
NATIONS COMMISSION,
Miami, Fla.

Each year the third week of July for the past fifteen years had been designated Captive Nations Week by Public Law 86–90 signed by President Eisenhower in 1959.

During the past fifteen years not one nation subjugated by a dictatorial form of Government was freed. The sad fact is that one more country—Cuba—in 1960 was added to the long list of Captive Nations.

Therefore we, immigrant and citizens of the United States cannot and will not forget those who are subjugated and living under the fear of despots deprived of their basic principle of human rights.

We shall remember and we shall remind our freedom loving Americans year after year of the unbearable life which the Captive Nations must endure on their God-given land!

THE PROGRAM OF THE ANNUAL OBSERVANCE—JULY 27, 1973

Procession from the Dade County Court House to the Torch of Friendship.

Opening Hymn at the Torch of Friendship Ceremony—M.C. Mrs. Katherine Hodivsky.

My country, 'tis of thee, Sweet land of liberty
Of thee I sing;
Land where my fathers died, Land of the Pilgrim's pride
From ev'ry mountain side Let freedom ring.

In unison the Audience sings it.

Pledge of Allegiance.

Invocation: Rev. John Paul Nagy, Hungarian Church of Reformation.

Greetings, The Rev. Theodore R. Gibson, Vice Mayor of Miami.

Presentation of Colors and Anthems of Captive Nations. One stanza, please.

Principal Address: The Hon. Fredrick N. Barad, Dade County Judge.

Grettings and Introduction of Guests: Mrs. Katherine Hodivsky, Secretary.

Prayer for the Captives: The Rev. Fr. Michael Horoshko, Pastor, St. Nicholas Ukrainian Orthodox Church.

Closing Address: Peter Gioia, Student of U.F., represents Young Americans for Freedom.

Closing Hymn: 4th Stanza of America. [The audience sings it in unison.]

Our fathers God, to thee, Author of liberty
To thee we sing; Long may our land be bright
With freedom's holy light:
Protect us by Thy might, Great God our King.

Benediction.

MEMBERS OF THE SOUTH FLORIDA CAPTIVE NATIONS COMMITTEE

American Czechoslovac Social Club, Cubans:Alfa 66, The Truth About Cuba Committee, Movimimto Unitario Invasor, German American Social Club, Hungarian Church of Reformation, Latvian Ass. of South Florida, Lituanian Council of Miami, Polish American Congress, Florida Division, Belo-Russian Ass., Slovac Club of America, Ukrainian Central Committee and Club, Young Americans for Freedom, Committee on Soviet Jewry, Estonian American Club.

OFFICERS OF THE CAPTIVE NATIONS COMMITTEE OF SOUTH FLORIDA

General Chairman: The Rev. John Paul Nagy, Pastor Hungarian Church of Reformation, Chairman: Rafael Pérez Doreste, President The Truth About Cuba Committee, Secretary: Ted Maksymovich, Past President Ukrainian American Club, Recording Secretary: Katherine Hodivsky, Ukrainian American Club,

Public Ralation: Lillian J. Michiak, Polish American Congress and Earle Silver Committee on Soviet Jewry and Young Americans for Freedom.

Treasurer: George Tischler, Honorary Chief-elder, Hungarian Church of Reformation.

"We shall never forget the plight of our fellowmen in captivity!!!"—Rev. John Paul Nagy.

UNIVERSAL HUMAN FREEDOM

The mass rally commemorating the Captive Nations Week (CNW) yesterday morning at the Dr. Sun Yat-sen Memorial Hall in Taipei provided a fitting occasion for anti-Communist leaders to reexamine the anti-Communist cause in the present world.

President Chiang Kai-shek, No. 1 anti-Communist warrior of the world, made in his message to the rally a clarion call for universal human freedom. "Universal human freedom," the President declared, "can be assured only after the captive peoples have been freed. World peace can be attained only after captive nations have cast off tyrannical rule."

Vice President C.K. Yen called upon the rally to awaken the anti-Communist conscience of the freeworld and expose Peiping's camouflage of ugliness in the hope that the pro-Communist nations will become anti-Communist and their judgment will be restored.

Dr. Ku Cheng-kang, who presided over the rally, advanced the slogan of "No Peace Without Eliminating Slavery." He pointed out that "peace of the world is possible only when all of mankind is free, and that victory for freedom is the most reliable guarantee for peace to last." He also noted that the destruction of Chinese Communist tyranny must come first if the captive peoples are to regain their freedom and that the solution of the China problem will bring about durable peace to all Asia.

The rally also heard an eloquent address by U.S. Congressman Jack F. Kemp who urged the rally to assure the people behind the iron curtain that "We have not forgoten you. We will never forget you and freedom is your birthright."

The plight of the free world is very serious indeed in the face of rampant appeasement. But there is no lack of determination on the part of the free nations to march forward with firm steps and matchless courage. Let this rally serve to remind free people everywhere that their cause is not only far from lost but will emerge victorious because "to struggle against enslavement and for freedom and peace is truly the basic requirement and supreme aspiration of mankind." We have good reason to believe, therefore, that universal human freedom is not an empty dream.

CAPTIVE NATIONS WEEK

(NOTE.—Extracts from the editorial in the Chinese-language newspapers yesterday.)

Today, representatives of all walks of life of the Republic of China are gathering in Taipei for the "Captive Nations Week."

In an age of "negotiations for confrontation", we are supporting this movement in a unique mood. Fourteen years ago, U.S. President Eisenhower enunciated, according to a Congress resolution, the captive nations' week in spiritual support of the enslaved people of Eastern Europe, but now, President Richard M. Nixon has talked with Brezhnev in a cordial atmosphere, proudly announcing that "both sides are satisfied with the development of the normalization of their relations with Europe." With these developments, it seems that Captive Nations' Week has been forgotten.

Nevertheless, tens of thousands of people behind the Iron Curtain are still living in a dark and enslaved world, which can never be denied by the Nixon-Brezhnev communique. Even when Brezhnev was visiting the U.S., 31 groups composed of Americans of Russian descent bitterly pointed out in a big advertisement in the New York Times that Soviet Russia has become a series of concentration camps. Such being the situation in Russia, the fate of the Eastern European people is much worse.

We are supporting the Week because we are anti-Communist, anti-enslavement and because 700 million of our compatriots are enslaved on the Chinese mainland pending salvation, because this Week has the same objective as the Freedom Day on January 23. Although the U.S. has fallen behind in its support of the week which it initiated, we will never be discouraged. . . . What is noteworthy is not what will become of the age of negotiation, but the age of negotiation will of necessity lead to a more severe "age of confrontation." And the problem of China remains at the center of world problems and the solution of the China problem will determine the future of the mankind. . . . As President Chiang said, "We will never wait and see the changes in the world situation. We must take the initiative and fight hard." We hope the people of the whole world will join us in the fight.—United Daily News.

PRESIDENT PLEDGES SUPPORT FOR FREEING CAPTIVE NATIONS

President Chiang Kai-shek today pledged the Republic of China's support for the captive nations in regaining their freedom.

In a message read at a mass rally supporting Captive Nations Week, President Chiang said the Chinese nation dedicates itself to the task of "world salvation" from the Communist holocaust.

"We should give our support to the liberation of the captive nations of the world and deliver our compatriots from their crucible of suffering."

He said freedom will triumph in the end.

This triumph, President Chiang said, "can be made manifest only by the mighty combined force of world justice and the masses of people shut behind the Iron Curtain."

Ku Cheng-kang, honorary chairman of the World Anti-Communist League, presided over the mass rally, which took place at the Dr. Sun Yatsen Memorial Hall in the morning.

Over 3,000 representatives of the people from all walks of life took part in the meeting, where Vice President C. K. Yen and U.S. Representative Jack F. Kemp (Rep.-New York) spoke.

Full text of President Chiang's message follows:

"Support of the captive nations and peoples in their struggle against Communist tyranny and persecution and for freedom demonstrates the moral force of humankind and constitutes the mainstream of the world anti-Communist movement. Universal human freedom can be assured only after the captive peoples have been freed. World peace can be attained only after captive nations have cast off tyrannical rule.

"Influenced by Communist smiling diplomacy, bluffing and temptations, appeasers of the world have lost their ability to distinguish right from wrong and no longer have the conscience to promote the good and punish the wicked. Perverse theory is prevailing. Justice is giving ground to the forces of evil. These developments have confused the camp of freedom and abetted the growth of Communism. Even so, the fierce struggle for freedom of the people shut behind the Iron Curtain and the support for their emancipation provided by peace-loving people outside the Iron Curtain have never ceased despite the buffeting from waves of appeasement. To the contrary, captive peoples and their supporters are marching forward with firm steps along a brightly illuminated road and showing matchless courage as they overcome tens of thousands of difficulties.

"The three virtues of wisdom, benevolence and courage, as cherished and passed down by our ancient sages, make up the essence of our cultural tradition. Throughout our history, whenever evil forces prevailed, the altruistic and upright people have always shown their great wisdom by adhering to the right against the wrong, renouncing wrongful gain for justice, displaying their great benevolence in national salvation and summoning their great courage to surmount the crisis and turn back the perverse tide. At this moment of world turbulence and turmoil, all of us in the Republic of China should burnish bright this tradition and demonstrate a spirit of surpassing wisdom, benevolence and courage. We should take our stand determinedly and undauntedly and dedicate ourselves to the great task of national and world salvation. We should give our support to the liberation of the captive nations of the world and deliver our compatriots from their crucible of suffering. In other words, we should take up the difficult task of reshaping the world's destiny by destroying the tyrannical Communist rule now afflicting the earth and by delivering humankind from the Red holocaust.

"We believe that true world peace can be brought into existence only after the triumph of human freedom and that this triumph can be made manifest only by the mighty combined force of world justice and the masses of people shut behind the Iron Curtain. I should like to take this opportunity to express my wish for success and victory in our struggle against Communism and enslavement and for freedom and peace."

THE 1973 CAPTIVE NATIONS WEEK IN THE REPUBLIC OF CHINA

Under the sponsorship of the WACL/APACL China Chapter, civic circles in the Republic of China observed the 1973 Captive Nations Week by carrying out a week-long program of anti-Communist activities from July 15 through 21 on Taiwan and the offshore islands. The 1973 Captive Nations Week in the Republic of China adopted "No Peace Without Eliminating Slavery" as its main theme, aiming at exposing the Communist united front scheme of smiling diplomacy and peaceful coexistence, striking back at the maneuver of international appeasers and rectifying the deviation in international politics. Following is a brief review of important activities of the week.

1. MASS RALLY

The Mass Rally of Civic Circles in the Republic of China for Supporting the Captive Nations in Struggle for Freedom was held on the morning of July 17 at Dr. Sun Yat-sen Memorial Hall in Taipei. Participants included high-ranking government officials, party leaders, parliamentarians, professors, foreign diplomats and representatives of woman, youth, cultural, educational and business organizations, totaling about three thousand people. Congressman Jack Kemp of the United States made a special trip to Taiwan for participating in the rally. Also participating in the rally were a 36-member delegation organized by the WACL/APACL Thailand Chapter and a 5-member group from the WACL Denmark Chapter. The rally was presided over by Dr. Ku Cheng-kang. President Chiang Kai-shek sent a message to the rally, and Vice President C. K. Yen personally delivered an address. The rally proceedings were broadcast live to the whole country by TV and radio stations and tape-recorded by local and foreign reporters.

Dr. Ku Cheng-kang said in his opening address: "Economic cooperation among the nations must be strengthened in order to promote mutual assistance as an initial step to lay a sound foundation for establishing a united front and safeguarding the common security of free nations on the one hand and, on the other, to provide spiritual encouragement, material aids and ideological incentives to the captive peoples behind the Iron Curtain in Asia and Europe so that we can enlarge the captive peoples' freedom movement into a dominant current of the times and protect all people's freedom by restoring freedom to the enslaved." Mr. Kemp said in his speech at the rally: "The Republic of China is a symbol of progress and freedom in the world today. Taiwan's achievements either in economic, political or cultural field are miracles. This is a distinctive contrast between Free China and the enslaved Chinese mainland." This is indeed the most to-the-point criticism against Communism and the Chinese Communist dictatorship. Mr. Li Ming, a Chinese refugee, who recently defected to freedom from the Chinese mainland, testified at the rally on the Chinese Communist tyrannical rule and the Communist scheme to ease up internal crisis by means of smiling diplomacy. The rally passed its declaration and a message to President Nixon of the United States pointing out that the illusive peace of appeasers could only lead to further aggressions by the Communists, emphasizing that the prerequisite for peace is the elimination of slavery, and demanding that President Nixon must carry through the primary objective of the Captive Nations Week movement sponsored by the United States and fulfill the liberation of captive nations from behind the Iron Curtain. In addition, the rally issued letters to the Chinese fellow-countrymen living on the Chinese mainland and the people behind the Iron Curtain reaffirming the WACL's and APACL's continued support for their struggle and encouraging them to fight to the end for freedom, a cable message of respect to President Chiang Kai-shek and a cable message to the peoples of Vietnam and Khmer expressing support and encouragement for their gallant fight.

2. OTHER ANTI-COMMUNIST ACTIVITIES

This year's Captive Nations Week was also observed in other cities and counties including Kinmen, Matsu and Penghu during the week from July 15 through 21 by holding rallies, lecture meetings, symposiums and religious services. Prayer meetings were held by national organizations of the seven principal religions in the Republic of China—Catholic, Protestant, Taoist, Buddist, Muslim, Li Chiao and Hsien Yuan Chiao—for blessings to the anti-Communist martyrs and for the victory to the captive peoples' anti-Communist struggle. Symposiums were held by anti-Communist Chinese refugees under the sponsorship of the Association for Relief of Chinese Refugees, by overseas Chinese under the sponsorship of the Overseas Chinese Association, by civic leaders under the sponsorship of the Civic Organizational Activity Center of Taipei, and by Chinese and foreign youths under the sponsorship of the China Youth Corps. The Musical Platform of New Park in Taipei produced an open evening show. An exhibition on Chinese Communist atrocities was held in Matsu and psychological warfare operations were intensified in Kinmen. These activities brought free Chinese people's support for the freedom movement of the enslaved to a climax everywhere throughout the country.

3. IMPORTANT ACTIVITIES OF CONGRESSMAN JACK KEMP

Upon his arrival in Taipei on the morning of July 14, Congressman Jack Kemp of the United States held a press conference at the International Airport. He participated in the Captive Nations Week mass rally on the morning of July 17 and delivered a speech. On the morning of July 19, Mr. Kemp gave a speech on the Vietnam war and the U.S.-Republic of China relations before 1,000 civic leaders at the Taipei City Hall. His profound understanding of the Communist intrigues and firm anti-Communist stand deeply impressed the whole audience. Besides participating in Captive Nations Week activities, Mr. Kemp visited industrial plants and mainland China research institutes and, on July 18, made a trip to Kinmen to see for himself the importance of the offshore island bastion and the high morale of the troops stationed there. He also made calls on and attended receptions held by high-ranking government officials, including Vice-President Yen, President Chiang of Executive Yuan, President Yi of Legislative Yuan, President Yu of Control Yuan and General Lai, Chief of General Staff. He was especially impressed by the fervor of the free Chinese people in observing the Captive Nations Week and the brilliant achievement of the Republic of China in economic reconstructions.

4. WIDE PUBLICITY

For the purpose of heightening the political effect of this year's Captive Nations Week, The WACL/APACL China Chapter, gave the widest possible publicity to the week's activities. News reports, editorials and special columns were published in local and foreign newspapers, magazines, pictorials and TV and radio drama and quiz programs were presented by radio and TV stations everyday during the week from July 15 through 21. Tape recordings and film records were made by the China Broadcast Company and the Government Information Office for use by foreign TV and radio broadcasts as a call to all freedom-loving people throughout the world for united efforts for the victory of freedom against Communist enslavement.

COMPUTERS IN NURSING HOMES

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. GUDE. Mr. Speaker, in the August issue of Modern Nursing Home, Donald H. Nixon, president of the Computer Information Systems Corporation of Silver Spring, reports that nursing homes are inreasingly finding that "computers can be a valuable tool in reducing bookkeeping time and cost, preparing payrolls, audits and budgets, and developing management reports that are not readily available by manual accounting methods.

Mr. Nixon's firm is the Nation's largest provider of computer systems for nursing homes. I am pleased to have it in my congressional district.

Mr. Nixon, in his report, sums up the future for computer use in nursing homes in this manner:

Looking toward the future, there are several trends that will encourage the use of computers in the long-term care field.

Increased government regulation, at all levels, will create more paperwork requirements for nursing homes. Government regulations will also encourage more standardization of both services and the reporting of those services. Computers offer one effective method to handle and evaluate the large volumes of information that will be produced.

More nursing home chains will be formed to take advantage of large economies of size as operating margins tighten through rising labor costs, increased construction expenses, and compliance with new government regulations. Multi-facility organizations can be expected to use more computerization for both accounting and managerial purposes.

It seems clear that the long-term care industry, like society in general, will have an increasing requirement for computer services. Undoubtedly, the next generation of computer services will benefit from the experiences of nursing homes during the past five years.

WATERGATE AND A DANGEROUS WORLD

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. TAYLOR of Missouri. Mr. Speaker, the Washington Star-News of last Sunday, October 28, 1973, featured an editorial which summarized the events of the week past and concluded with some observations which I believe are worthy of your thoughtful consideration.

WATERGATE AND A DANGEROUS WORLD

This was, as they used to say, the week that was, and it will be perfectly all right if we do not have another like it in the immediate future.

It all began, against the backdrop of a major war in the Middle East, a week ago Saturday, when Special Prosecutor Archibald Cox held a nationally televised press conference in which he rejected the Stennis compromise which would have furnished expurgated versions of nine Watergate tapes to both District Judge John J. Sirica and to the Senate Watergate committee. Cox told the nation that he would bring a citation for contempt against the President in Sirica's court.

Later that day, with the inevitability of Greek tragedy, Mr. Nixon forced Attorney General Elliot Richardson's resignation and fired both Cox and Deputy Attorney General William Ruckelshaus. Meanwhile—with time out, of course, for the Redskins to destroy the Cardinals—the Israelis continued to expand their bridgehead west of the Suez Canal, imperiling the Egyptian Third Army dug in on the other side of the waterway.

On Monday, as the United Nations accepted a joint U.S.-Soviet Mideast truce plan, Mr. Nixon's domestic situation began to unravel. Western Union was deluged with telegrams calling for his impeachment and the Hill was seething with outrage.

Tuesday brought a sharp about-face on Mr. Nixon's part, as his lawyers told Sirica that the nine Watergate tapes would be surrendered to him. But this abrupt reversal did nothing to still the cry for the President's political hide. Indeed, as it sank in on the Senate and the public that the President's surrender of the tapes to the court had negated the bargain with the Watergate committee—and hence made it virtually certain that less rather than more eventually would be known about his part in the Watergate coverup—the pressure on the Oval Office increased. Perhaps not entirely incidentally, the Mideast truce broke down almost before it had taken effect, as the Israelis raced southward to seal off the Third Army.

On Wednesday, House Democrats decided to pursue and broaden an inquiry into the possible impeachment of the President. In the Senate, Republican leaders who had stood by Mr. Nixon throughout the Watergate crisis urged the appointment of a special prosecutor to replace Cox, a step to which the President was at that time adamantly opposed. Mr. Nixon scheduled, then canceled, an address to the nation.

In the small hours of Thursday morning, after a 3 a.m. emergency meeting of the National Security Council, American forces were put on a middle-level worldwide alert in the face of an apparent Russian threat to intervene unilaterally in the Middle East to save the doomed Egyptian Third Army. Secretary of State Kissinger, in a performance as virtuoso in its own way as had been Cox's, spoke in grave terms of the threat posed to world peace by the Russian demarche. It is perhaps symptomatic of the cancer which afflicts us that he was met with insinuations that perhaps the alert was designed less to forestall the Russians than to extricate Mr. Nixon from his Watergate difficulties, perhaps at the cost of democratic government in this country.

By Friday, although the alert was still on, the international crisis appeared to have eased considerably. Although Russian personnel had arrived in Egypt in unknown numbers, the Kremlin had agreed to a U.N. cease-fire force which would exclude the major powers, and fighting in the Mideast had decreased in intensity.

There was still more to come Friday night. At his press conference, Mr. Nixon's feud with the news media escalated to its highest peak yet, and his announcement that the administration would appoint a new Watergate prosecutor to succeed Archibald Cox, after all, hardly pacified his critics in Congress. Although most liberal Democrats and many pundits also continued to cry for the impeachment of the President, however, there was a discernible sigh of relief from other quarters that, seemingly against considerable odds, the country had at least survived one of the most tumultuous weeks in its history.

And indeed if there is a lesson to be learned from those wild seven days in October, it is that, as Kissinger observed in his press conference, there always is a price to pay for a prolonged and strident convulsion of the political system. And when one is talking in terms of a nuclear war in which millions are certain to die, the price of instant righteousness can be higher than the average man wants to pay.

We are not suggesting for a minute that, given the stench of Watergate, Mr. Nixon's personal finances and political acts are not legitimate subjects of public concern. If it can be proved conclusively that he has been guilty of peculation or of the gross abuse of his constitutional powers, then there can be no alternative to his impeachment.

But insofar as we are aware, Mr. Nixon has broken no law, defied no court, padlocked no legislature, muzzled no member of the press. The jackboots that some observers seem to hear echoing in the streets of Washington are largely in their own minds.

The new special prosecutor of the Watergate case will have a responsibility to the public to follow every trail wherever it may lead. And the House has the obligation to act on this and other information in the ascertainment of Mr. Nixon's fitness to lead the country.

But as events of last week show, this is a serious business and those who embark upon it must be aware of the possible consequences of their acts, if only because other nuclear-armed nations have an immense capacity to misinterpret what happens here, with possibly terrible results for all mankind.

In short, we could use a little more gravitas in the treatment of the President of the United States. There has been far too much slander, inuendo and loose rhetoric about Mr. Nixon's possible deeds and presumed motives. He has yet to be found guilty of anything other than having underlings and associates accused and some guilty of misdeeds. Nor is he, insfar as we know, mentally unbalanced, an insinuation which some have made.

Let the investigation of his administration continue. Let the House, if it feels it must, pursue the question of whether he has been guilty of the "high crimes and misdemeanors" which can be the only basis for his impeachment. But, as someone once remarked, it would be helpful if all of us would "lower our voices" a bit. It would be useful if some of the President's more hot eyed crtics would examine their own motives. It would be realistic to keep in mind that there is a world beyond Bebe Rebozo and Robert Vesco.

Thinking men used to hold that the blood of kings can be shed, but never lightly. Richard Nixon is not our monarch but he is our president, and the only one we happen to have. To destroy him out of pique, at the cost of destroying the nation, would be a shallow victory for some and a defeat for all.

FROM THE MAILBAG—THE PEOPLE OF THE 22D DISTRICT OF NEW YORK FAVOR IMPEACHMENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BINGHAM. Mr. Speaker, my mail is running about 50 to 1 in favor of the actions taken by the House to investigate the President's conduct to determine if impeachment is warranted. The letters and telegrams, received from Republicans as well as Democrats, confirms my belief that the impeachment process is the only available avenue open to restore public confidence in this country's government.

I have selected a few of these communications which illustrate the tenor of my mail on this subject, and I commend them to those who claim that the Congress is "out to get" the President rather than acting responsibly under the Constitution on behalf of the majority of the people. The letters and telegrams follow:

BRONX, N.Y.

Congressman JONATHAN B. BINGHAM,
Bronx, New York.

DEAR CONGRESSMAN BINGHAM: This letter is very hard for me write, but the events of the past few days have been frightening.

As a registered Republican in your district, I strongly urge you to initiate impeachment proceedings, and I believe it is imperative that approval of Gerald Ford for Vice President be withheld until this matter is settled.

Sincerely,

SUSAN RUBENSTEIN.

BRONX, N.Y.,
October 23, 1973.

DEAR CONGRESSMAN BINGHAM: I am a very busy individual, working, going to school, keeping a home, etc., and unfortunately I never take time to write my Congressman, however, I feel this matter is so urgent and desperate. I support your stand on impeachment for President Nixon. Please follow through on it.

BLOSSOM WITTLIN.

BRONX, N.Y.

JONATHAN B. BINGHAM,
House of Representatives,
Washington, D.C.

DEAR SIR: I would like you to support the position of impeaching President Nixon. He is unfit to govern. His illegal bombing of Cambodia, his secret spy plan, his illegal wiretapping, his dismantling of the Office of Economic Opportunity (OEO). His starting of a dictatorship bringing the military in government such as Alexander Haig.

Yours truly,

MEYER SANDAK.

Bronx, N.Y. 10468.

OCTOBER 23, 1973.

Hon. JONATHAN BINGHAM,
House of Representatives,
Washington, D.C.

SIR: I am writing this letter to express my shock and outrage over the events of the last weekend concerning the firing of Special Prosecutor Cox, and the resignations of Messrs. Richardson and Ruckelshaus.

It is inconceivable that Mr. Nixon believes that this latest adventure into Banana Republic politics will not be met by the people and Congress with the most aggressive if disagreeable action, that is impeachment. After having listened to Charles Morgan of the American Civil Liberties Union read sections of the Declaration Of Independence over the radio Sunday, there is no other course left open to us but to cast off the yoke of Dictatorship, as quickly as possible. There are those who say that impeachment would tear the country apart, however the long range consequences of not doing so would be far more harmful to the Republic.

It is with trembling hand and tears in my eyes that I too must add my voice to those who cannot and will not accept this situation any longer. Impeach Nixon Now.

Sincerely,

JAMES F. COLLINS.

BRONX, N.Y.,
October 23, 1973.

Congressman JONATHAN BINGHAM,
Capitol Hill, D.C.

Reconfirm the American spirit at home and abroad, impeach Nixon.

NANCY POSNER.

BRONX, NEW YORK,
October 21, 1973.

Hon. JONATHAN BINGHAM,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: It has become apparent recently that the President is attempting to usurp the legal powers that are granted to the judicial and legislative branches of government and is making a travesty of the Constitution. We are horrified by the firing of Special Prosecutor Cox. Even without this shocking act, there are many other horrendous attacks upon the rights and liberties of American citizens. I urge you to immediately introduce a resolution for impeachment before this country takes another step closer to dictatorship.

Thank you very much.

Very truly yours,

DAVID B. GROSSBERG.

BRONX, NEW YORK,
October 23, 1973.

Congressman JONATHAN BINGHAM,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: As constituents of yours in your congressional district we are writing this letter to ask that you call for the impeachment of President Nixon. As the events of the last year clearly indicate, we have a president in office who is obsessed with power and has total disregard for law and the constitution of the United States.

As citizens of this great country, we are appalled at the total disregard of this so called "leader" of our country has for the law of the land and for the needs and rights of its people. His flagrant use of power and his arrogant attitude that he is above the law is just shocking in a democratic country as the United States.

As we can clearly see from Watergate, his top aides are on the brink of being indicted; his former Attorney General and former Secretary of Commerce have already been indicted, it is hard for an enlightened individual to believe that the president had absolutely no knowledge of this. The burglary of Daniel Ellsberg's psychiatrist's office and the bribe of Judge Byrne to become Director of the F.B.I. is unparalleled in United States history. The paranoid atmosphere that has precipitated these events and which is evidently still present, is both shocking and appalling.

These past few days where President Nixon has fired Special Watergate Prosecutor Archibald Cox and Assistant Attorney General William Ruckelshaus has convinced me that the President is afraid of the truth being known and has something to hide.

The firing of Mr. Cox, a distinguished man who is trying very hard to get at the truth even if it leads to the White House, is just another example of President Nixon's total disregard for true justice and his promise of an open and free investigation of Watergate and its subsequent coverup. His failure to turn over the White House tapes is even more proof that he has something to hide and his arrogant belief that he is above the law.

As constituents of yours, we ask that you call for his impeachment. Mr. Nixon's abuse of the office of the Presidency must be stopped immediately. It is time for America to once again regain its prestige and to have a President that can truly lead this country and present an example of true leadership of the highest esteem.

Sincerely,

TILLIE LANG.
PETER LANG.
EDIE LANG.

BRONX, NEW YORK,
October 20, 1973.

Congressman JONATHAN BINGHAM,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: This is the first time in the four years since my wife and I moved to the Bronx that we have felt an overwhelming and compelling desire and sense of obligation to write our congressman to express our feelings. We both are teachers: my wife at Bronx Community College and myself at Lehman College. We both have tried to retain a sense of perspective and objectivity over the incidents which have occurred during the past year in conjunction with Ellsberg, Watergate, etc. That same perspective and objectivity has led us to the conclusion that our congress should begin the Impeachment process against the President. We are only two who urge you to consider such a step, but we know we are not alone in our conviction.

The specious arguments put forth by President Nixon are intolerable in a supposed democratic society such as ours. His defiance of the courts, of the law of the land makes his position all too clear and thus all too dangerous to our way of life. His position is indefensible regardless of what may ultimately be found on the so-called Watergate tapes. Further, we would urge you not to vote on Gerald Ford at this time for what would seem to be obvious reasons.

An attack on President Nixon is not an attack on the presidency nor on the stability of our Country; indeed, it is our belief in the Presidency and in our country's Constitution and stability which leads us to urge the drastic but what we consider to be the essential and necessary step of Impeachment.

Sincerely yours,

BING D. BILLS.
LUCILLE M. BILLS.

BRONX, N.Y.,
October 23, 1973.

Hon. JONATHAN BINGHAM,
House of Representatives,
U.S. Congress,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: As one of your constituents, I feel that it is time for me to speak out and add my voice to those who are flooding Washington with mail and telegrams calling for the resignation or impeachment of President Nixon. In view of the disclosures of the last 6 months—Watergate, the Agnew affair, the "plumbers unit", the plans for a "secret police force" operating out of the White House as described in the infamous Huston memo, the secret bombing of Cambodia, Nixon's real estate deals, the $100,000 Hughes money, and now the firing of Archibald Cox and the sealing of his offices by the FBI, in a manner reminiscent of the OGPU and the Gestapo, and God only knows what else that we have yet to hear about; I feel that there is not only ample cause for impeachment but that it is necessary, to return this nation to the path of unity and progress.

This is a time of great disquiet in America, and there has never been a greater need for unity and leadership. President Nixon has most certainly not brought unity, but has in fact split the country far more than any of his predecessors. And as for leadership, Mr. Nixon has shown us by the caliber of the people surrounding him that he is incapable of leading anyone whose moral qualities are higher than those of an ordinary common crook, let alone lead the United States.

Once again, I ask that you do anything in your power as a Member of Congress to either force Nixon to resign, or begin impeachment proceedings immediately.

Respectfully yours,

JEANETTE NEUHAUSER.

BRONX, N.Y.,
October 20, 1973.

Hon. JONATHAN BINGHAM,
Congressional Office Bldg.,
Washington, D.C.

DEAR SIR: I urge you to take the initiative to institute impeachment proceedings against Richard M. Nixon.

Either we are a Nation under law or we are animals in a jungle. How can the President break the law, approve illegal acts, shield those who are in violation of the law, submit fraudulent reports to Congress and defy the courts.

The Congress must fulfill its responsibilities to the country and the people and take all necessary steps to return this Government to responsible law-abiding and law-respecting leadership.

Yours sincerely,

FITZ I. SQUIRE.

Bronx, N.Y.,
October 23, 1973.

Hon. Jonathan Bingham,
House of Representatives,
Washington, D.C.

Dear Congressman Bingham: President Nixon's recent dismissal of Special Prosecutor Cox is a clear attempt on his part, despite whatever disclaimers he may make, to obstruct justice and the search for truth. This is especially appalling in light of his repeated pledges of non-interference with the investigation.

It is for this reason, as well as for the Administration's unrelenting attempts to undermine our fundamental civil liberties, that I strongly urge you to seek Mr. Nixon's impeachment as vigorously as possible.

I realize that impeachment is considered to be a drastic measure. But such action is necessary if we are to prevent, as Mr. Cox and others have stated, this country from becoming a nation of men and not laws.

I am sure that I speak for many others when I make this request.

Respectfully,
Nicholas W. Aquilino.

"IN THE NAME OF GOD, GO"

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HARRINGTON. Mr. Speaker, in the last week, much has been said about Richard M. Nixon's manner of governing this country. Most comments have centered on the immediate issue of the firing of Watergate Special Prosecutor Archibald Cox. In the October 22 New York Times, one columnist, Anthony Lewis, has seen through the immediate issue of Watergate to the underlying philosophy of the Nixon administration and, from that, to the reason he believes Richard M. Nixon must go if this great Nation is to survive. We would all do well to listen to his words.

The article follows:

[From the New York Times, Oct. 22, 1973]

The End Begins

(By Anthony Lewis)

Washington, October 21.—During his few minutes as Acting Attorney General, William Ruckelshaus had a telephone call from the White House chief of staff, Gen. Alexander Haig. The General conveyed President Nixon's order to fire Archibald Cox as special Watergate prosecutor. Mr. Ruckelshaus, like Elliot Richardson, refused. Then General Haig said:

"Your Commander-in-Chief has given you an order."

There it was, naked: the belief that the President reigns and rules, that loyalty runs to his person rather than to law and institutions. It is precisely the concept of power against which Americans rebelled in 1776, and that they designed the Constitution to bar forever in this country. It is in fact a form of power that no English monarch has exercised since George the Third.

General Haig's military phrase was significant in another sense also. Over this extraordinary weekend, Washington had the smell of an attempted coup d'état. Like the plotters in a novel, Mr. Nixon and his men invoked threats abroad. They skillfully enlisted political elders enfeebled by years of subservience. They tried to cut out the judges, the lawyers, the constitutionalists. They sent the police to seal the dangerous files. Mr. Cox's assistant, Henry Ruth, caught the feeling when he said: "Maybe it isn't 'Seven Days in May,' but it is one day in October."

But short of a real military coup, the attempt has failed. Most important, the issue facing this country has been made so clear that no one with eyes to see can avoid it any longer. That issue is the legitimacy of this President.

The American system gives enormous presumptive weight to the legitimacy of any President, and rightly so. Fixed Presidential terms and orderly succession have been anchors of stability in our turbulent history. But the Framers of the Constitution did not stake all on the Executive, they did not make him absolute or immovable. In the end, they rested their faith on law.

By his acts of the last few days, Richard Nixon has made manifest his contempt for law and for the very tripartite structure of our Government that he so often invokes. He has sought to teach Americans the lesson that the great among us may choose whether and how to obey the law. He has broken a solemn promise made to the United States Senate—the promise to let the truth of Watergate be discovered and the law enforced.

It is impossible now to resist the inference that Mr. Nixon has been trying to conceal evidence of his own violations of the criminal law. That would explain his dogged refusal to disgorge not only the White House tapes but much other documentary material—and explain his fear of Archibald Cox.

Much that has happened in this last week was really designed to get rid of Mr. Cox. So obsessive had that aim become in Mr. Nixon's mind that it was like the cry of Henry the Second about Thomas à Becket: "Who will free me from this turbulent priest?" Eventually someone was found to wield the dagger. His name was Robert Bork, but it will count no more in history than the forgotten names of Becket's murderers.

Oct. 20 was a frightening day in Washington. But it was also profoundly encouraging to those who have maintained their faith in the American system during the horrors of the Nixon years. For there were men who, despite the most terrible pressures, followed the path of honor and the law.

No one who watched Archibald Cox could be altogether cynical again about the good that lies in the American character. It was "Mr. Smith Goes to Washington," for real: the almost naive decency, the sense of duty, the care for personal kindness even in that extreme situation. And then came the redeeming support of Elliot Richardson and William Ruckelshaus.

Mr. Nixon will try to meet the crisis now with one more effort to rally the country behind his person. The answer to that is that royalism has no place in America—and besides, the king is dead. We must look elsewhere for continuity, for legitimacy.

The struggle for the next few days and weeks will require many of us to give up comfortable assumptions. Government officials will have to think again about where their loyalties lie. The lawyers of this country will have to speak out. Constitutional conservatives, above all Barry Goldwater, will have to recognize that Richard Nixon has betrayed them especially.

Today even Congress, which so often rolls on its back like a spaniel, is beginning to face the necessity of impeachment. It need not come to that; for the good of the country it should not. Rather, before long, someone in Richard Nixon's shrinking palace guard will surely tell him that he must listen as the country sends him the same cry that went across the floor of the House of Commons to Neville Chamberlain in 1940: "In the name of God, go."

PRESIDENT NIXON'S GRIP ON REALITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. STOKES. Mr. Speaker, President Nixon's press conference last Friday clearly dramatized, in many ways, why this Nation can no longer trust his word on any matter.

On page 35 of yesterday's New York Times, Mr. Anthony Lewis provides certain facts the President distorted with regard to Thomas Jefferson's action in the Aaron Burr trial. But in his reconsideration of different episodes in the unfolding Watergate scandal, Mr. Lewis probes a question basic to our whole concern about the President's grip on reality. He asks:

> Is there in (Nixon) some unconscious process that reshapes the truth to his ends?

I recommend that my colleagues consider this fundamental question as we press on with impeachment proceedings.

The article follows:

Why We Are Shaken

(By Anthony Lewis)

Washington, October 28.—In answering the first question at his press conference Friday, President Nixon brought up the case of Aaron Burr as a precedent to support his continued withholding of Presidential papers. He said:

"You remember the famous case involving Thomas Jefferson where Chief Justice Marshall, then sitting as a trial judge, subpoenaed a letter which Jefferson had written which Marshall thought or felt was necessary evidence in the trial of Aaron Burr. Jefferson refused to do so, but it did not result in a suit. What happened was, of course, a compromise in which a summary of the contents of the letter which was relevant to the trial was produced by Jefferson. . . ."

The historical facts are as follows: The letter at issue was not from Jefferson but to him, from Gen. James Wilkinson. Jefferson did not refuse to cooperate in the matter; indeed he offered to be examined under oath in Washington. And he did not produce a mere "summary" of the letter. He gave the entire original letter to the U.S. Attorney, George Hay, who offered it to the court for copying and use of "those parts which had relation to the cause."

In short, Mr. Nixon's account was a farrago of untruths. It may seem a minor matter in a press conference that also saw him falsely imply that Elliot Richardson had "approved" his course of action on the tapes. But the President's misuse of the Burr case is interesting precisely because it was so unnecessary, so minor, so gratuitous.

Why did he introduce such an historical episode into his discussion and then so gravely distort it? Did he consciously intend to deceive his audience? Or is there in him some unconscious process that reshapes the truth to his ends?

Those questions are not put down to suggest that there can be sure answers. What is disturbing is that the public cannot be sure. Even on so small a matter we cannot trust the President of the United States.

Trust is fundamental to the functioning of a free government. Those who wrote the American Constitution understood that, and therefore tried to make sure that faith in our system of democracy would survive mistaken leadership. To that end they created institutions—in shorthand, government of laws, not men.

That Richard Nixon has made it impossible for the country to trust in him is not the worst he has done as President. The more grievous harm has been to damage trust in our institutions. Consider some examples.

The police are a particularly sensitive barometer of trust in any society.

The most respected American police institution has been the Federal Bureau of Investigation. In 1970 President Nixon sought to involve the F.B.I. in a program of illegal wiretapping, surveillance and burglaries. After protests from J. Edgar Hoover, the program was allegedly canceled, but the White House plumbers carried out some of the illegal activities. Amercians' confidence that Federal law-enforcement institutions will respect the law has certainly been damaged.

The Central Intelligence Agency is another sensitive institution. The evidence indicates that Mr. Nixon's top assistants, almost certainly on the orders of the President, sought to involve the C.I.A. in the cover-up of Watergate.

Our military institutions suffered a painful loss of public confidence as a result of Mr. Nixon's secret bombing of Cambodia. It is not surprising that people should be shaken if our powerful forces can be used in secret, without the consent or even the advice of Congress, and with military men joining in a conspiracy to deceive Congress and the public by false reports.

It hardly needs to be said that the courts have been abused by this President, or that Congress has suffered as an institution from the attitude of open contempt displayed toward it by this White House.

Finally, one must mention a sordid episode in which Mr. Nixon did not hesitate to soil the institution of the Presidency itself—by innuendo directed at a dead President. At a press conference on Sept. 16, 1971, he said the United States had got into Vietnam "through overthrowing Diem and the complicity in the murder of Diem." We have no evidence of any such complicity. Mr. Nixon's remark came shortly after his White House consultant, E. Howard Hunt, tried to forge some—a "cable" made to look as if it had come from the Kennedy Administration.

These assaults on our institutions and on our trust have left the country in a state of nervous exhaustion. Before we can recover, we shall have more to endure. Investigating a President, and judging him, will require us to face hard questions of law and policy and politics. But there is no other way.

As we proceed, we should remember above all that we are trying to heal wounded institutions. That means that the whole process of investigation, impeachment and, hopefully, political accommodation must be carried forward with a deep concern for institutional regularity. We must answer disrespect for institutions with respect, lawlessness with law.

L. I. NATIONAL BANK'S ENVIRONMENTAL PROGRAM

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. LENT. Mr. Speaker, the Long Island National Bank, which is headquartered in my congressional district. has just completed an ecology program, designed to help conserve our national resources; beautify communities; preserve clean air and water; and improve the quality of life for our Long Island residents. In reporting on this effort, the Long Island Financial Newsletter in a recent issue stated the following praise of the bank's civic-minded effort:

FOURSQUARE FOR ECOLOGY

With the financial institutions: Long Island National Bank jumped in foursquare for ecology with a well-promoted month-long campaign (August 27th to September 21st) encouraging efforts to conserve, clean up, brighten up, and generally beautify. President James Dinkelacker's team will be distributing about 25,000 "ecology kits" thru the bank's 11 offices in the bi-county region. The kits include a tabloid publication on this subject, flower seeds, lapel button, pamphlets and article reprints. An ecology flag, believed to be the first of its kind flown on the Island, is fluttering in the breeze at the main office in Hicksville. Congrats on a contemporary campaign.

Mr. Speaker, this is an exemplary program which could well be emulated by banks and other business institutions throughout the United States, so that the problems created by energy shortages, pollution or other ecological problems can be alleviated.

AKRON UNIVERSITY PERFORMING ARTS CENTER—EXTRAORDINARY ACHIEVEMENT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. SEIBERLING. Mr. Speaker, in these days when people are inclined to look to the Federal Government to finance any project of an unusual nature and when local communities and private citizens often feel powerless to bring about extraordinary new public enterprises, it is gratifying—indeed, thrilling—to read about the stunning new Edwin J. Thomas Performing Arts Center at the University of Akron in Akron, Ohio.

Opened less than 2 weeks ago, the new performing arts center has been hailed by artists, architects, music critics, and educators all over the country as a major breakthrough. Ada Louise Huxtable, the architectural critic of the New York Times, has called it, "a building of which any world capital could be proud." Without detracting from the splendor of New York's Lincoln Center or similar cultural centers in other cities, I am proud to note that Ms. Huxtable says that all other centers are "provincial by comparison."

The State of Ohio, the University of Akron, Mr. Edwin J. Thomas, and the many other citizens of the greater Akron community whose contributions made this splendid achievement possible deserve the Nation's compliments and warmest congratulations.

However, as Ms. Huxtable points out, the construction of such cultural centers is only a beginning. If they are to make a meaningful and uplifting contribution to the cultural life of our communities, and therefore of our Nation, continued financial support for the performing arts is essential. Every major country in Europe, and even some European cities, provides greater subsidies for the performing arts than all U.S. Government and State programs combined. Nevertheless, it is gratifying that the House this year approved legislation providing for substantial increases in the National Endowment for the Arts. We owe it to our people to continue and expand this kind of support.

The full text of Ms. Huxtable's article follows:

THOMAS HALL "SUPERB," SAYS NEW YORK CRITIC

(By Ada L. Huxtable)

They got it all together in Akron. The trials and errors of a 15-year performing arts center building boom in the United States have finally produced a superb structure—the Edwin J. Thomas Performing Arts Hall, which had its gala opening this week.

It happened in Akron, not in New York, where the performance halls of Lincoln Center look, and are, provincial by comparison or in any of the cities that call themselves the country's cultural capitals. This is a building of which any world capital could be proud.

Located on the campus of the University of Akron, a stone's throw across the railroad tracks (which the university hopes to bridge) to the city's downtown, Thomas Hall is a spectacularly beautiful job. Its superior design is the result of 13 years of collaborative effort on similar projects by theater designer George Izenour and acoustician Vern Knudsen, and the lessons learned from the ambitious Jesse Jones Hall in Houston by the architects, Caudill, Rowlett, Scott.

Everybody's learned a lot. "The theater of experience," a distinguished drama critic colleague of ours calls it, with not a little irony, and adds, "at last they've got it right."

Architecturally, this is a strong and sophisticated work, conceived with unusual care. It is a structure of essentials, in which nothing is there without a reason, and all the elements are utilized rationally and creatively, for a powerful effect. Dalton, Van Dijk, Johnson and Partners of Cleveland worked with Charles Lawrence of Caudill, Rowlett, Scott, and Ian MacGregor was the university client as vice president for planning.

Acoustically, we cannot pretend to judge, but the hall contains, and in fact consists of, one of the most flexible acoustical systems yet devised, and there were happy faces among the experts at the opening performances of the Akron Symphony. That all-important factor still remains to be evaluated fully with continued use. And whether inevitable compromises have had to be made for a multi-use structure meant to accommodate music, dance, drama and a full grab-bag of cultural events also remains to be seen in practice.

Programmatically, the building raises all the questions that these centers habitually pose of how to match the facilities with arts resources, although as part of the university it will also be used for educational purposes, which eases the strain.

Financially, it will surely be no stranger to the economic problems that haunt the performing arts and their physical plants and are the cultural cross of the communities that have taken on these extravagant centers. But Akron's resources are considerable; this is a $13.9 million hall and its sponsors are feeling no pain, Akron desperately wanted this building.

It is a big, as well as an expensive, building, providing a 3,000-seat auditorium. Like other big performance halls in smaller cities—greater Akron numbers about 500,000—it is designed as a multi-use, multi-form facility.

A striking hung ceiling of steel sections that move in mitered caternary curves can cut off parts of the house to make it serve smaller audiences of 2,400 or 900 people. It takes an incredibly short 15 minutes to make one of these changes; we know, we watched.

The cables from which the ceiling is hung are counter-weighted to lighten it, so that the 44-ton ceiling is balanced by 47 tons of weights, which hang, as 27 massive chrome-plated steel cylinders, in the soaring lobby. Their polished geometric forms, suspended in 90 feet of space, surpass any sculpture.

The building is poured concrete, its weighty mass lightened by entrance walls of glass on two sides, butted and joined without metal, in the European fashion. This crystalline delicacy juxtaposed to solid walls makes a facade of great visual elegance, in which boldness and delicacy strike a breathtaking balance.

From the outside, the angled structure—the result of an asymmetrical plan—appears to be folded into terraced steps and plantings which lift people from a fountain below to entrances on several levels above, with parking tucked underneath. Nothing is static. The upper and lower plazas, banked tiers of flowers and patterns of movement, turn this architecture into a multidimensional solution through extremely skillful site planning and the treatment of the act of entrance as a complex and ceremonial sequence of spatial experiences.

Inside, the lobbies are also a spatial experience. This is just about the handsomest public area to be seen anywhere, barring some not-quite-appropriate furniture. Three continuous lobbies flank the auditorium and stage house, and they can accommodate all 3,000 occupants of the hall at one time.

Inside, the auditorium breaks many rules. It is fan-shaped, rather than the more conventional rectangle, a 30-degree hall in which no seat is more than 132 feet from the stage. How the far side seats will work in terms of vision and intimacy for drama is still to be tested.

One hopes that, unlike Houston, it will not be found necessary to sell the full 3,000 seats for every performance, suitable or not, to balance the books, so that expensive flexibility becomes a bad joke. Or like still other halls that started with gala performances, it will not be reduced to an amateur-night formula after its initial schedules run down.

Sir Rudolf Bing, at an opening luncheon, served notice that the Metropolitan Opera's costs were too great to abandon the 7,000-seat Cleveland Auditorium, no matter how badly performances suffered there, and no matter how tempting Akron might be. He painted a dismal picture of unused houses and arts without subsidy.

There is only one thing that can be said with certainty on the uncertain cultural scene today: Thomas Hall, named after the retired chairman of Goodyear and a major contributor to the hall, is a splendid performing arts center, synthesizing all that has gone before it. But unless there is content to match, architecture becomes an empty art.

NATIONAL FIRE PREVENTION MONTH

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HOGAN. Mr. Speaker, I would like to take this opportunity to congratulate all volunteer and professional firemen in this Nation who have for so many years selflessly performed their duties in protecting homes and our cities. This month has been set aside as National Fire Prevention Month.

One way we can recognize our responsibility is by giving all the help and support we can offer to our local and State firefighters. From the time of Benjamin Franklin's first volunteer firemen to the present day, these men and women have fought tirelessly to guarantee our personal safety.

We have had several tragic losses in my home county of Prince Georges just this past year which have brought home to me in very real and very terrible ways how necessary this protection can be. Also I have seen several families left fatherless due to the heroic efforts of a firefighter who lost his life in trying to save and protect others. The acts of heroism performed by our firefighters in the routine performance of their duties are no less praiseworthy than those performed by the soldier on the battlefield, and this kind of public recognition is long overdue.

We all have an unrepayable debt for the protection these individuals have given to us, our families, our homes, and our properties. I am truly grateful for this opportunity to say thank you.

FACING DOWN A THREAT

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. FORSYTHE. Mr. Speaker, in Friday's editions of the Wall Street Journal there was an editorial concerning U.S. actions with respect to the Mideast crisis that I thought was most appropriate.

For the benefit of those of my colleagues who may have missed it, I herewith include the text of the editorial at this point in the Record:

Facing Down a Threat

Secretary Kissinger had every right to be grave at his press conference yesterday; a President with a badly damaged domestic political base was confronted with a bold threat by the Russians to take unilateral military action in the Middle East.

The administration had sought, by alerting U.S. forces, to quickly counter the danger of a Soviet miscalculation that would lead to a real confrontation. It had acted intelligently by trying to defuse the danger by proposing that the UN Security Council send to the Mideast a peace keeping force that would not include troops of either the U.S. or U.S.S.R.

A short while later the diplomacy worked. The Russians agreed to the U.N. Security Council proposal.

Particularly in the light of the results, we find very little to quarrel with in the way Secretary Kissinger and the President handled themselves in the early hours Thursday in making those decisions. And we find very little as well in the way the U.S. handled diplomatic advances to the Russians prior to the Soviet challenge. It is incredible that some reporters at the press conference suggested that the President had stage managed an international crisis to divert attention from the domestic one; Secretary Kissinger was quite right in stomping hard on such foolish and dangerous notions.

We have no idea why Egypt and then the Russians proposed that the U.S. and U.S.S.R. send peace keeping troops to the area but it was a bad idea and one that the U.S. quite properly rejected. Detente has not quite reached the point where anyone should expect U.S. and Soviet troops to confront each other in an area where a war is winding down without there being grave risks involved.

We can only conclude that the Egyptians made the proposal because their army in the Sinai was in serious danger of collapse, a predicament that was not being ameliorated quickly enough by the agreed-to cease-fire. The Israelis apparently were proceeding with an encirclement that had isolated the Egyptian forces. Perhaps it was dangerous for the Israelis to press on after the cease-fire but then the Israelis have had some provocation over the last three weeks.

Whatever the dangers a big-power peace keeping force would have posed, the dangers of a unilateral move of Soviet troops into the area were even greater. The Egyptians themselves apparently became aware of this, somewhat belatedly; Ashraf Ghorbal, an adviser to President Sadat, refused to comment when asked if Egypt would accept a unilateral Soviet troop commitment. Egypt might be a long time restoring its sovereignty once Soviet troops were stationed on its soil. It could ask Hungary and Czechoslovakia something about that.

In the present situation, Egypt has been left with an alternative and that was perhaps the most important product of Mr. Kissinger's diplomacy. Had a cease-fire not been achieved when it was, there is every possibility that the Egyptian Third Army, caught east of the Suez without sufficient supplies, would have been victim of a major military disaster. The U.S. probably denied the Israelis a total victory but in so doing it also protected the Egyptians from a total defeat that would have thrown them into the waiting arms of the Russians.

We hope the U.S. has taken pains to make it plain to the Egyptians that they owe Mr. Kissinger and the U.S. President quite a lot for that. The least they could do under the circumstances would be to agree to participate in direct peace talks under U.S. auspices with the Israelis and give up any ambitions to push the Israelis into the sea.

The Russians, of course, may have plotted the confrontation from the beginning, although we suspect it more likely that they have merely been practicing their usual opportunism. Whichever, it is clear from their actions that imperialism is never very deeply submerged in Soviet policy making.

Secretary Kissinger is quite right in saying that the U.S. must do what it can to try to promote detente and peace in this nuclear age. But it is also true that the U.S. cannot expect miracles.

In other words, it still is a dangerous world, one in which the U.S. must remain resolute when faced with foreign threats, whatever its domestic difficulties. The administration has faced down one threat, but there no doubt will be others, perhaps from this same Middle East war, which has not yet been settled. If the U.S. people lose sight of that they will do so at their peril.

THE NEGOTIATED DECLINE AND FALL OF SPIRO T. AGNEW

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. STOKES. Mr. Speaker, President Nixon's recent behavior may have induced a lot of us to remember Vice President Agnew's resignation and conviction of a felony as ancient history.

It happened only 3 weeks ago. But the "firestorm" over Mr. Nixon's firing of Archibald Cox, his defiance of the courts and his subsequent half-about-faces on the issues which led to the firing of Cox—and the public furor demanding the President's impeachment—tend to let us forget the immense scandal and miscarriage of justice involved in the Agnew deal.

The Cleveland Plain Dealer of Sunday, October 28, published the story of Spiro T. Agnew's "Negotiated Decline and Fall." It was written by James M. Naughton, and based on reporting by him, John M. Crewdson, Ben A. Franklin, Christopher Lydon and Agis Sulpukas, all of the New York Times.

The Negotiated Decline and Fall of Spiro T. Agnew

Washington.—The collapse of Spiro T. Agnew's career was a negotiated decline and fall.

The dimensions of the bargaining were even broader than the public record suggested. President Nixon sent a messenger to the vice president in early September to seek his resignation. The vice president consented at that time, but fought to obtain a guarantee that he would not go to prison. The attorney general encouraged the bargain.

The details behind Agnew's bartered resignation and disgrace were as fascinating as the event was stunning. They contained elements of psychological drama. They reflected clashing motives in the upper reaches of the government. They produced a game of legal chess in which constitutional issues were gambits and the presidency itself was a pawn.

The drama began with a luncheon conversation late last year. It culminated on Oct. 9 as a result, in part, of a speech by Secretary of State Henry A. Kissinger about war and peace.

And in between, over barely 10 months, were ingredients more suited to a novel than to a national trauma: A President who could not bring himself to tell his heir apparent to his face, to quit. A vice president inviting his own impeachment in order to threaten a President with the same prospect. Lawyers for the nation's second-ranking office taking steps to guard against government wiretaps of their telephones. Prosecutors discussing the mental health of the President.

The outcome became history when Agnew stood before U.S. District Judge Walter E. Hoffman in a Baltimore courtroom. He resigned, pleaded no contest to one charge of income tax evasion and permitted the government to publish evidence that he had extorted bribes for a decade. In return, his plea left him technically free to proclaim his innocence of any wrongdoing and the government settled for a sentence of three years of unsupervised probation and a $10,000 fine.

Not until the last few days have central figures been willing to describe the steps that led up to that momentous result. Some of the elements are matters of dispute. Years from now, scholars may debate the causes and consequences. But based on interviews with Agnew's defense lawyers and key officials in the government—some of whom insisted that they not be identified—here is how the fate of a vice president was sealed in secret:

THE INVESTIGATION

It started with a casual remark, over lunch in Baltimore, late in the fall of 1972.

Robert Brown, director of the local Internal Revenue Service intelligence unit, mentioned a curious matter to George Beall, the U.S. attorney. The intelligence unit had been poking into the income tax returns of Maryland officials and some of them "don't jibe," said Brown.

With equal nonchalance, Beall replied that he had heard rumors of local officials taking kickbacks from government contractors. Perhaps, the two men agreed, it was time to seek a connection between the tax returns and the rumors.

The investigation centered in suburban Baltimore County, where a Democrat, N. Dale Anderson, had succeeded Agnew as the county executive in 1967. On Dec. 4, Beall had U.S. District Judge C. Stanley Blair—who had been Vice President Agnew's chief of staff until his appointment to the bench in 1971—impanel a federal grand jury.

The objectives were modest. Maybe they would catch "a couple of building inspectors" on the take, Beall thought. He assigned the case to three young assistants—Barnet D. Skolnik, Russell T. Baker Jr. and Ronald S. Liebman.

In January, they subpoenaed truckloads of official records from Baltimore County. By February, the county seat, Towson, was alive with speculation about the inquiry and rumors of it reached Agnew. He was startled, but outwardly unconcerned. He had done nothing wrong in his tenure there, he confided to friends.

Then the prosecutors traced the suspicious pattern of payoffs to two contractors who had long been associates of Agnew: Jerome B. Wolff, who had served as a public works staff man to County Executive Agnew, state roads commissioner under Governor Agnew and science adviser to Vice President Agnew; and Lester Matz, a partner in a consulting firm that had had many dealings with Agnew's county and state administrations.

The two contractors were alarmed. They warned Agnew that his name would be dragged into the investigation if the probe were not cut short.

One account, from an Agnew associate, is that the two men approached the vice president directly last spring but Agnew told them he had nothing to fear and would not intervene.

Another version—which the prosecutors in Baltimore were exploring as the basis for a possible obstruction of justice charge against Agnew—was more involved. It was that Matz and Wolff had sent their message through I. N. Hammerman, a wealthy Maryland mortgage banker who had begun an Agnew-for-president movement for his close friend with "Spiro of '76" bumper stickers. Agnew was said to have sent back a rejoinder, paraphrased by one prosecutor:

"Don't worry. It's going to be stopped. You'll be indicted, but what's an indictment? You can beat it. The prosecutors will be kicked up stairs and it will end."

Whichever version was correct, Agnew decided in April that he had to have legal advice. He got in touch with Charles W. Colson, the former White House special counsel.

It was a curious choice. Colson was himself coming under investigation by the Senate Watergate committee for his activities on behalf of President Nixon and had gone so far as to take a lie detector test to demonstrate that he was not involved in the Watergate burglary on June 17, 1972.

Colson met a number of times with Agnew. He also is known to have discussed the situation with the President. He asked his law partner, Judah Best, to get in touch with Beall.

Just before Easter, on April 19, Best went to Baltimore to declare that Agnew was concerned that "people were putting pressure on him to stop the investigation," and he wanted Beall to know that the last thing the vice president "wanted to do in the middle of Watergate was to cover up."

As he later recalled it:

"I explained to Beall that I represented the vice president; had heard these stories that he'd better stop the investigation or they'd make charges about him and also that we'd heard rumors on the cocktail circuit about the dubious loyalties and lack of discretion of people on his (Beall's) staff."

The last remark was a reference to Skolnik, the most expert of the three assistant prosecutors on corruption cases—"I have an instinct for going after public officials who take cash in envelopes," he later boasted. But he was a liberal Democrat who had taken a leave from the prosecutor's office to work in the unsuccessful 1972 presidential campaign of Edmund S. Muskie, D-Maine.

It was Skolnik who pursued the investigation until it touched on Agnew, a point that later would lead one of the vice president's strategists to complain that Beall, a Republican whose father had been and whose brother was a United States Senator, had "lost control" of the inquiry.

In April, though, Agnew had yet to be implicated. Beall told the vice president's lawyer that there was nothing to warrant any suggestion that Agnew was involved, said that he understood the delicacy of the situation and agreed to keep Best advised of the progress of the case.

Through June, Best kept telephoning Beall every 10 days or so and getting the same report: Don't worry.

They didn't. Agnew discussed with his staff the prospect of another trip abroad on behalf of the White House. He submitted to a series of interviews in which he was able to note that he alone, among the officials closest to the President, had escaped any hint of involvement in the burgeoning Watergate scandal.

But Skolnik and his two colleagues were pressing hard with the tactic that prosecutors employ to get lesser figures to implicate higher-ups.

"The train is at the station," they would warn a potential criminal defendant. "Lots of people are getting on. Room is running out. The train may leave at any moment."

On June 4, the Baltimore County administrator, William E. Fornoff, succumbed to the tactic and gave the prosecutors detailed allegations that led to a subsequent grand jury indictment of Anderson. Unknown to Agnew, however, Fornoff gave no information involving him.

But Fornoff's actions apparently threatened Wolff and Matz. On June 11, almost simultaneously, they reached the prosecutors and started talking. By the end of June, the case against Agnew had begun to take shape.

NO MORE SMILES

The routine call from Best to Beall, in early July, did not elicit the routine assurance. Instead, the U.S. attorney told Agnew's lawyer, "'It would be beneficial if we didn't talk again."

To Best, the implication was clear. "All smiles ended in early July."

It was universal, among those involved. On July 3, Beall and his three assistants came to Washington to alert Atty. Gen. Elliot L. Richardson to the important new turn in the case.

"Boy, do we have bad news for you," one of them said as they entered the office of the nation's top law enforcement official.

They outlined the charges. For a decade, up to last December, Agnew had accepted, perhaps even solicited, cash payments from contractors in return for official favors.

Richardson listened until the prosecutors had finished. He immediately cast the situation in its most broad and serious context. What was at stake, he remarked, was "the continuing capacity of the nation to govern itself."

All during the previous week, John W. Dean III, the former White House legal counsel, had been testifying to the Senate Watergate committee that Nixon was the active participant in the Watergate coverup.

Beyond that, Richardson voiced concern—which he would repeat many times over the next three months—that Agnew was one step away from becoming President of the United States.

"The President's plane could go down tomorrow," the attorney general kept saying. "There could be an assassin's bullet. He could die tomorrow. Here we have a vice president under a cloud."

He told the Baltimore prosecutors to proceed. They expected, as one of them later put it, "some midnight phone calls" to order that they direct the investigation away from the vice president. The calls never came.

Much later, after Agnew had resigned, an associate attributed Agnew's denouncement to the turmoil that Watergate had stirred in the Nixon administration.

"If it hadn't been for Watergate," he said, "this whole thing would have been manageable. We wouldn't have had Richardson in the Justice Department, for one thing. I sure as hell would rather have dealt with Kleindienst"—former Atty. Gen. Richard G. Kleindienst.

The point was not that Kleindienst might have been induced to cover up the case. It was that he might have understood better than Richardson—a Boston brahmin whose politics had never depended upon others' wealth—how Agnew could rationalize a political life-style in which secret gifts from others were considered necessary for survival.

From the outset of the case against him through his televised explanation of his resignation Oct. 15, Agnew insisted that he was innocent of any wrongdoing, that he had never violated a public trust in return for political contributions.

The nub of his proclamation of innocence was twofold: He had done no more than others in Maryland politics in making sure that nonbid consultant contracts went to friends. And more important, none of the favors he accepted in return had enriched his personal net worth.

For Agnew, it was all essential to survival, a basic platform from which he would continue to pursue higher office.

He accepted groceries from a supermarket executive. The restaurant tabs were picked up. He used funds given to him when he was governor to stock a wine cellar. When he traveled as vice president to Palm Springs, Calif., everything was paid for him there by Frank Sinatra or Bob Hope.

He had entered big-time politics precipitantly, without benefit of wealth—indeed, in a 1970 interview he said he had considered withdrawing from politics because other occupations might be more "monetarily rewarding"—and he felt constant pressure to live up to the standards of his wealthier peers.

Early this year he moved into a $190,000 home—with a $160,000 mortgage—and could not afford new draperies. Last December, as an impressive Christmas present to Sinatra and Hope, he arranged for a Baltimore friend to send each a $168 case of Pichon-Longueville '59, a rare and exquisite Bordeaux wine.

As one of his closest associates stated it, Agnew felt that "you can't go to (political) rallies if you don't have shoes, and gasoline in the car."

But as the Agnew supporters suspected, Richardson took the view—as did the prosecutors in Maryland—that what the vice president was accused of was illegal and immoral.

"How can he stay in office?" Richardson asked colleagues in one Justice Department meeting. "I couldn't do it."

FROM X TO Y TO Z

On the last day of July, Beall telephoned Best and asked him to come to Baltimore. Best asked if he could do so in a few days, but the U.S. attorney said, "You'd better make it tomorrow."

When Best entered Beall's office the next day, Aug. 1, the three other prosecutors already were there.

Beall handed him a letter advising Best that the vice president was under investigation for possible violations of the federal criminal code and internal revenue statutes. Best read it, folded it up and without a word, left the office.

He drove back to Washington and made arrangements through Colson to see Agnew, who was then in New York, the next day. Then another partner, David I. Shapiro, telephoned to the New York law firm of Paul, Weiss, Rifkind, Garrison & Wharton to ask Jay H. Topkis, a specialist in tax fraud cases, to join in the defense.

"We've got a very high government official we'd like you to defend," Shapiro said.

There was a pause at his end of the telephone conversation and then he told Topkis, "Well, no, not quite the highest."

Topkis agreed and added Martin London of the New York firm to the defense team. From that point on, in many telephone conversations about defense strategy, the lawyers referred to the vice president only as "the client" and spoke in what they later described as a "highly elliptical" manner. They suspected that the government would tap their phones.

The three principal defense lawyers—Best, Topkis and London—had their first meeting with Agnew on Aug. 6, in the vice president's suite in the Executive Office Building.

The meeting lasted all day. In the afternoon, Agnew's telephone rang. He picked it up, then announced: "It's Richardson. He's coming over."

The attorney general joined them and recited the case as it then stood. It consisted of allegations by Matz and Wolff and by Allen Green, the principal in a large engineering company, that they had funneled thousands of dollars to Agnew on a regular basis in exchange for favors.

"That's a pack of lies, all nonsense," Agnew said.

He told the attorney general: "These people certainly received government contracts, but the receipt of contracts was never influenced by campaign contributions. I've never abused my public trust. Contractors may have made contributions, but I haven't taken any money."

He looked across his huge mahogany desk and told the attorney general:

"I am not going to take this fall."

His lawyers implored Richardson to send someone from the Justice Department to Baltimore to weigh the allegations. They suggested that Beall's "young Turks" had eagerly lapped up stories concocted by the accusers to ward off prosecution by a Republican administration.

The attorney general had already decided on a review of the case. At 5 p.m. that same day, he called Henry E. Petersen, the assistant attorney general in charge of the criminal division, to his office. Petersen knew nothing of the Agnew case. It was his first day back from vacation and he was concentrating on testimony he would give the next day to the Senate Watergate committee.

"You're going to be sorry you came back from vacation," Richardson told him.

Petersen, who was unfamiliar with the case went to Baltimore, reviewed the accumulated evidence and quickly decided it was genuine.

To bolster his judgment, Petersen had the principal witnesses undergo lie detector examinations. On the "critical issues involved," he reported, the tests were "sufficient to give us confidence that there was not deliberate misstatement."

Among those who took the lie detector test was Agnew's close friend, who had pledged to raise several million dollars for a 1976 presidential bid—Bud Hammerman. He was the last of the four central witnesses against Agnew to give evidence to the prosecutors, and the most important.

One of the prosecutors outlined the case this way:

"Let's say we've got money flowing from X to Y to Z. Before Hammerman, we had a lot of X's talking. The problem with that is that they take the stand and say, "Yes, we gave money to Y and we believe it went to Z. If you get Y to take the stand it's devastating."

In August, Y agreed to take the stand if necessary and implicate Z.

PURGATORY

The messages had been coming with some regularity from Hammerman. Agnew would answer the phone and an intermediary would say, "We may be in trouble."

Then came the day in August when there was a final, shocking message: "You may be in big trouble."

There were no more cryptic calls after that. Agnew was stunned that even Hammerman had turned on him. But he set out to win vindication. The process was complicated by the suddenness with which the case against him had become an open fight, in full public view. Before it would end, he would describe it as a "purgatory."

The day before Richardson outlined the government's evidence to the vice president, someone outlined part of it to Jerry Landauer, a reporter for the Wall Street Journal. He telephoned Judge Best, one of Agnew's lawyers, the night of Aug. 5 and asked for comment. Best temporized.

"I know the letter," Landauer told him, referring to the U.S. attorney's notification that Agnew was under investigation. Best remembers that he "just about fell out of my chair."

The next day, Agnew was advised that the Journal was preparing an article for its edition of Aug. 7. Did he have any comment?

With the aid of the lawyers, he prepared a brief statement acknowledging that he was being investigated and proclaiming innocence of any violations of law.

On Aug. 8, Agnew conducted a news conference at which he called the charges against him "damned lies," pledged cooperation with the prosecutors and said he had "absolutely nothing to hide."

It was the first step in an intricate campaign to place pressure on the President and, through him, on the Department of Justice.

As one official knowledgeable about Agnew's strategy deliberations characterized it, the news conference was intended to draw a sharp contrast between a cooperative vice president and a President who was withholding Watergate tapes from the Senate and government investigators. Second, it was intended to "use the press, in the classic sense, to counter the other side's use of the press" through leaks of evidence against Agnew. Finally, it was meant to be a warning to the President: "We're going to fight; we're not going to be pushed around."

Nixon and Agnew never became close personally. Agnew resented the role that had been pressed on him, in the process making him the object of both praise and scorn, in the 1970 congressional election campaign. It had failed to produce a Republican legislative majority, and some of his advisers believed it had severely damaged his political prospects.

He was remembered for his acerbic alliteration—"nattering nabobs or negativism" and "pusillanimous pussyfooting" were examples—but a respected friend persuaded Agnew that he had become no more than a "Kamikaze pilot" for the White House by letting Nixon's speechwriters put words in his mouth.

In the 1972 campaign, Agnew used his own writers, toned down his rhetoric and instructed Maj. Gen. John M. Dunn, a career Army officer who technically was his military aide, to reject unsuitable campaign requests from either the White House or the Committee for the Re-Election of the President.

When the two senior officials of the government met in private they were uncomfortable with one another. Cordial, yes. Respectful, always. But never fully candid. When the Agnew scandal became a public property it was doubly so. Nixon at first gave periodic and seemingly begrudged expressions of public confidence in Agnew. Later, he began volunteering the statement that no improprieties had been cited while Agnew was vice president—a qualification that later proved erroneous.

The White House kept insisting, after each of a series of private meetings between the President and vice president, that no requests had been made by Nixon for Agnew's resignation. Most Washington skeptics automatically disbelieved it. Curiously enough, it was true, strictly speaking.

NO DEAL

The President discussed the criminal case with the vice president on Sept. 1. He reportedly wanted Agnew to resign, but recoiled from making a direct appeal.

Instead, he sent an agent to see the vice president in early September. An Agnew associate said it was Bryce H. Harlow, a gentle but politically streetwise counselor to the President who had developed a close relationship with Agnew during the 1970 campaign.

Harlow described the severity of the charges against Agnew. He suggested that a resignation might be best, "for the good of the country." And he alluded to an understanding in the White House that the consequences for Agnew should be made minimal in return for an act of patriotism.

From the outset, Agnew made it clear he would stand and fight if doing otherwise would involve the risk of imprisonment. It was, said one of the half-dozen people with whom he consulted about the overture, "very, very important to him, the most important thing of all, that he not go to prison." He continued to profess his innocence, but he understood that resignation would be taken as a token of guilt, and a presumption of guilt might well be a prelude to conviction and jail.

On Sept. 14, Agnew asked his closest confidant in the Senate, Barry Goldwater of Arizona, to meet with him. He told the Senator, whose support for him had rallied other American conservatives, that he was seriously weighing a presidential request for his resignation.

Goldwater told the vice president that was fine if he were guilty. If not—as Agnew assured him—then he should fight it to the end.

Later that morning, Goldwater telephoned Harlow and was harshly critical of the request and the pressure it represented. The Senator then flew to his home in Phoenix.

Harlow sought an appointment with the senator shortly after he left Washington. Goldwater's Senate staff promised to leave a message in Phoenix. To the senator's surprise, however, Harlow went by White House jet to Phoenix and arrived not long after Goldwater—accompanied by the special White House counsel whose role would become central in a negotiated settlement of the conflict in Baltimore.

J. Fred Buzhardt Jr., was Nixon's special counsel on Watergate. But his journey to Phoenix with Harlow was intended to provide enough details of the allegations against Agnew to dissuade the senator from continuing to support him.

For an hour, the two presidential assistants outlined the evidence, but Goldwater told them it contained nothing he had not already seen in the newspapers. He resented this nearly as much as Agnew did, because of its prejudicial impact on the vice president's defense. In his customary blunt style, Goldwater said he did not care if Agnew was "as guilty as John Dillinger"—what mattered was, he was not getting fair treatment from the Department of Justice.

But Agnew was already secretly beginning to try to make a satisfactory bargain with the Justice Department. Each side withheld from the opposite a private fear that prosecution could be disastrous: The government lawyers because they thought it inevitable that one or more jurors would shrink from convicting a vice president, Agnew's lawyers because they were uncertain that jurors would accept a contention that their client had abided by a code of ethics, however questionable, that was standard in Maryland politics.

Each side had a fundamental demand that was to imperil the negotiations. Agnew would not go to prison; the Baltimore prosecutors insisted he should. The government had to be able to avoid coverup charges by publishing the core of its evidence, Agnew's lawyers wanted some opportunity to insist on his innocence and thus salvage some dignity.

Buzhardt played the role of broker to get the two sides to the bargaining table. Who instructed him to do so remains unclear, but to Assistant Atty. Gen. Petersen. "It was clear where he was from. It was clear that the quicker it could be resolved the better the President would like it." But Buzhardt made no suggestions. He didn't have to. When the two sets of lawyers met the first time on Sept. 13, Judah Best made a startling proposal.

"My line was," he later reminisced, "I want an end of this, an end of the investigation. And his resignation is part of it. Let's cut a deal. A nolo plea (a nolo contendre, or no contest, the legal equivalent of a plea of guilt without the admission) to a one-count information. No jail term. And he'll resign. And I want to save this man's honor to the extent I can."

Henry Petersen was "dumbfounded." He had encountered nothing like it in 25 years at the Justice Department. "When a guy comes in and wants to plead before indictment, you've got him whipped," he said. "That's extraordinary in itself."

But the senior law enforcement officials wrangled for five days over whether to accept. The arguments were ferocious. Richardson sat at the head of a large conference table with five aides and the four Baltimore prosecutors shouting at one another.

One assistant prosecutor, Barnet D. Skolnik, in particular, demanded stern retribution, a prison term. Others argued about the impact of a deal on the public image of a Justice Department already soiled by Watergate. Everyone worried about the political implications, the effect on legal institutions of a vice president copping a plea, versus the damage to the nation and the Republican party from a bitter and long public prosecution.

Richardson abstained, for the most part, but periodically he would chime in with the same insistent theme: Agnew must not become president. And, a colleague of Richardson's said, the attorney general "was very worried about Nixon—he might be impeached, assassinated, he was not in the best psychological condition."

In the best of times, the government is a sieve. While the argument raged at the Justice Department, information trickled out. On Sept. 19, the Washington Post reported that Agnew was considering resignation. It was denied. The plea bargaining went on all that week but, Best noted, "We'd shake hands on something one day and next day we'd come back and nobody would agree on what we'd said."

On Wednesday, Sept. 22, it leaked into print that plea bargaining was under way. Best denied it; the Justice Department waffled.

And Agnew called it off. "No," he told his lawyers, "It's impossible. We're negotiating in a posture where I'm plea bargaining. I'm innocent, and the public perception must be that I'm innocent."

PRESSURE

On Sept. 23, the vice president set up a legal defense fund. On Sept. 25, he urged the House of Representative to conduct a full, public inquiry that would give him an opportunity to vindicate himself. On Sept. 26, House Speaker Carl Albert shelved the request. On Sept. 27, the Baltimore prosecutors began presenting evidence against Agnew to the grand jury. On Sept. 28, Agnew's lawyers filed suit in the federal courts to block the grand jury action, contending the Constitution forbade the indictment of a vice president and news leaks had irreparably damaged prospects for a fair trial.

On Sept. 29, the vice president vowed in a Los Angeles speech not to resign even if indicted and accused the Justice Department of trying to "destroy" his career. On Oct. 3, Judge Walter E. Hoffman granted Agnew unparelleled authority to subpoena prosecutors and journalists to find the sources of news leaks. On Oct. 5, the Justice Department asserted in a legal memorandum that a president could not be indicted but a vice president could.

It occurred with such breathtaking speed and mounting intensity that the nation seemed confronted with not merely another, but a whole series of new legal, constitutional and political crises. The cascade of developments was, in fact, the public product of a strategy to strengthen Agnew's hand at the secret bargaining table or, failing there, to build a foundation for a long, drawnout effort in the courts.

The bid for a House inquiry—an open invitation to impeachment—was the most excruciating of the pressure tactics. It was designed to pose a risk to a besieged President that the derelict constitutional machinery of impeachment would be overhauled by the Agnew case and, oiled, humming and ready to perform, be available for use against Nixon himself.

The legal argument that Agnew could not be indicted in office contained a threat of a Supreme Court ruling that might also set a precedent for the presidency.

The legal and oratorical charges that the Justice Department was systematically leaking damning accusations against Agnew were meant to generate public support for his role as an underdog and thus put more heat on the prosecutors.

An admirer once credited Agnew with an uncanny ability to compartmentalize his activities, keeping some of his closest associates from knowing what other, equally close aides were doing.

Only three other persons were aware of Agnew's strategy of escalating pressure. They were Arthur J. Sohmer, the vice president's administrative assistant; Gen. Dunn and Mary Ellen Warner, Agnew's confidential secretary.

The message, later summarized by a marveling admirer of the strategy, was basic:

"We need help. Wanted help. Demanded help."

"The White House got the message."

THE BARGAIN

Within days of Agnew's Sept. 29 attack in Los Angeles against the Justice Department and his vow to stand and fight, a channel of communication that none of the participants would specify but one called "bizarre" fed a response to Agnew from the White House: Resume the bargaining and this time it will work.

J. Marsh Thomson, the vice president's spokesman, was advising newsmen that Agnew would deliver another stern rebuke to the prosecutors on Oct. 4 at a Republican party banquet in Chicago. But a day earlier, Thomson was suddenly ordered to make himself totally unavailable to news outlets. The speech turned out to be unfettered praise of the President, with only a cryptic reference to the Baltimore investigation.

"A candle is only so long and eventually it goes out," the vice president told a mystified Chicago audience.

The next day Agnew told Best, "I think they're ready to negotiate."

Once again the broker was Buzhardt and it was implicit for whom he was acting. As Petersen stated it, "The President would be a blithering idiot if he weren't trying to exert some role in this thing. It's his administration! He had both a political interest and a constitutional interest in getting a resolution of the situation."

Late on Friday, Oct. 5, Best caught a plane to Miami to meet with Buzhardt, who was at nearby Key Biscayne with the President's entourage. From midnight until 3 a.m. Saturday, in Best's hotel room, they settled on the wording of a statement in which Agnew would acknowledge evading income taxes in 1967, and they reached an "ironclad agreement" that the vice president could see the summary of the evidence against him before it was published.

"The key," Best said, "was Agnew's capacity to deny it."

But the question of punishment still had to be settled, and that would mean involving a federal judge in private negotiations.

On Columbus Day, Oct. 8, Judge Hoffman met from 5 p.m. to 7 p.m. in the old Colony Motel in Alexandria, Va., with three representatives from each side: Petersen, Baltimore District Attorney George Beall and Skolnik for the government and Jay H. Topkis, Martin London and Best for the vice president. The tentative agreement was outlined, but Agnew's lawyers wanted a decision on the sentence they could expect, and Hoffman refused to make any commitment without a recommendation from the attorney general's office.

The government could not agree on the punishment it wished to exact. The argument broke out again and it became apparent, in the words of one source, that they would have to "trample on Skolnik" to get his support for a recommendation of leniency."

At 8:45 that night, Petersen was driving home from the office. On his car radio he heard part of a speeech by Secretary of State Henry Kissinger to Pacem in Terris, a conference on the search for world peace.

"A presumed monopoly on truth obstructs negotiation and accommodation," Kissinger was saying. "Good results may be given up in the quest for ever-elusive ideal solutions." Policy makers, he said moments later, must understand "the crucial importance of timing. Opportunities cannot be hoarded; once past, they are usually irretrievable."

The next morning, Petersen had his secretary type copies of two pertinent pages from Kissinger's text. Petersen gave them to the Baltimore prosecutors and told Skolnik, "We can bring him (Agnew) to his knees. There's no doubt about that. The question is, should we?" Disgrace, he said, would be sufficient without sending the vice president to prison.

Later that day, Oct. 9, the negotiations resumed before Hoffman. This time, however, they were at the Justice Department. Atty. Gen. Richardson was present and he was prepared to recommend against a prison sentence.

"It is my understanding," Richardson told the judge, "that for you to give a guarantee you need an affirmative recommendation from me. Judge, if it's a must, you've got it."

"If I've got it, okay, I will commit myself," Judge Hoffman replied.

It was a bargain.

AID TO ISRAEL: ARMS BALANCE IS VITAL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. DERWINSKI. Mr. Speaker, now that the diplomatic advance work toward a Middle East conference is developing, it is essential that the basic facts involved in this problem area be kept in mind.

Coincidently, my attention has been directed to an editorial in the San Diego, Calif., Union of October 17, which I feel is a balanced, practical viewpoint of the inherent relationship to peace of an arms balance in the Middle East:

AID TO ISRAEL: ARMS BALANCE IS VITAL

Considering its own self interest and that of the free world, the United States of America really had every reason to continue the sale and shipment of replacement arms to Israel. The reluctance of the United States to announce the policy publicly undoubtedly was in the spirit of detente with the Soviet Union. We wanted to see first what the Russians would do about resupplying their clients, the Arabs.

The Soviet Union exhibited no reluctance but began an immediate airlift of weapons to Syria and Egypt while those two nations still were in the early phases of their surprise offensive against Israel. Since Israel's survival as a nation depended upon the arms balance being maintained, the United States was forced to act.

Certainly, the destruction of Israel, apart from the human inequities which it would involve, is not a development that the United States or the Western world could accept. For one thing, it would put a large fraction of the world's supply of oil in the hands of the Soviet Union, with all of the frightening consequences that would bring.

Not that the years ahead are going to be a picnic, even under the best of terms. Certainly one of the striking aspects of the current "Yom Kippur war" is the unprecedented unity it has created among the Arab nations. Seven other states, seeing the early successes of Syria and Egypt, have joined the offensive overtly by committing men and arms. Even the reluctant warriors, Jordan and Lebanon, are in the war. Additionally, the appearance of Libyan Mirage aircraft leaves no doubt that Libya, the 10th Arab nation to do so, also has joined the battle. In short, President Sadat of Egypt has achieved at the enormous cost of blood and national treasure an Arab unity that the persuasion of scores of years has not heretofore brought about.

It is plain that the Arabs are serious about this effort. Win or lose, their unity will not quickly disappear so far as the face that they turn to the United States is concerned.

They will focus on the United States because we are the leader of the Free World and because the Soviet Union, using its replacement arms as a lever, will continue to prod them into it.

In previous Middle East wars we could shrug off Arab hostility—there was little that Egypt could do to hurt us. This is no longer true, as today's meeting of Arab oil exporting nations in Kuwait reminds us. We can be certain with the entry of Saudi Arabia into the war, that the Arab nations will manipulate oil exports in any way that they can in order to persuade us to drop our support of Israel.

That, fortunately, is a game that two can play. The fact of the matter is that the Arabs have only one political resource, their oil. The United States has many political resources, including a potential for the development of energy that is even beyond our own needs. Furthermore, we have the technology and the money to begin that development immediately. The events in the Middle East war are telling us that we should lose no time in doing exactly that. Without another day's delay we should establish priority programs for the clean use of our vast coal supplies. We should put all possible speed behind getting what oil we can from Alaska and from the offshore fields. We should give incentives for the high priority exploration of new gas and oil fields and we should open wide the throttles on the construction of nuclear power plants and development of solar and thermal energy projects.

This is all within our capabilities. Combined with a tough conservation program, such a priority energy policy could conceivably make the United States self-sufficient in energy; possibly even an exporter at prices that could make $5 per barrel Arab oil unattractive in world markets. It would be hard to conceive of a more powerful step toward world peace.

COLUMBIA LAW STUDENTS URGE IMPEACHMENT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Ms. ABZUG. Mr. Speaker, a large and well informed group of students from Columbia University Law School were in Washington today lobbying in my office and the offices of many of my colleagues in favor of the impeachment of President Nixon.

As an alumnus of Columbia Law School, and as the university's Representative in Congress, I was proud to meet these students. They argued persuasively and with great substance. They are a credit to their school.

The following is an article from the New York Post by Lewis Grossberger about today's lobbying:

COLUMBIA LAW STUDENTS URGE IMPEACHMENT, QUIETLY

(By Lewis Grossberger)

Campus protest just isn't what it used to be.

At Columbia University, where they used to seize buildings, the talk now was of lobbying. About 170 Columbia law students are in Washington today, not marching or trashing, but meeting with Congressmen in small groups to urge the beginning of impeachment proceedings against President Nixon.

Their leadership had reminded them to wear coats and ties or dresses.

The students are armed with copies of a 90-page memo on impeachment prepared by their research committee. They have appointments with about 89 Representatives, including all the members of the House Judiciary Committee, which would initiate any impeachment action.

They are going as law students to talk about the law and what they consider the President's abuse of it.

They got support yesterday from the Law School dean, several professors and the president of the Bar Assn. of the City of New York at a meeting in the Law School auditorium. About 500 people attended.

There was also advice from fellow students. "Don't pressure him to make a decision," said Peter Huessy, a first-year law student from Vermont who has worked for several Congressmen. "The first time you pressure him, his ears will close."

Huessy also counseled: "Make sure any charges you make are factual. Be very specific and if possible, quote a source within the Administration." And: "Be serious and respectful; don't laugh at what he says."

Orville H. Schell Jr., the city bar president, told the students the time had come to begin the impeachment process and that appointing a special prosecutor independent of the executive, while necessary, was not enough.

GET ON WITH IT

"We've got to get on with it," he said. "This country is falling apart at the seams." Schell said he thought the episode of the White House tapes was only one part of the Watergate affair and Watergate only one part of "a fantastic list of allegations of violations of the law."

Dean Michael L. Sovern also urged the students to press Congress to take the double course of legislating for the appointment of a special prosecutor by the courts and beginning the impeachment process. He spoke of "Presidential contumacy."

Sovern also said that more than 40 Law school deans now had signed a petition urging Congress to take such action.

The law professors who addressed the group quibbled over the fine print, but agreed that the impeachment process should be started.

Some of the quibbling was over the grounds for impeachment. The Constitution mentions "high crimes and misdemeanors."

GARDEN-VARIETY CRIMES

"As a former prosecutor, it is very grating to me to see an effort to get Richard Nixon on things that don't amount to high crimes," said Prof. Abraham Sofaer, indicating that he felt Nixon was within his rights on the tape issue. "I would concentrate on garden-variety crimes," he said. "I think there are plenty of those." He didn't go into detail.

Prof. Hans Smit said he felt the issue was not whether criminal statutes had been broken but whether the President had committed "gross improprieties of such a nature that a civilized society can no longer permit him to function."

He charged that by taking the tape issue to court and then trying to ignore its decision, Nixon "has tried to subvert the legal processes of our nation."

NASA WORKS FOR GENERAL AVIATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. TEAGUE of Texas. Mr. Speaker, a significant part of the National Aeronautics and Space Administration's efforts are devoted to an essential but less visible portion of its research work involving aviation. A continuing series of innovations are being provided through NASA's work in the aviation field. A recent article in the September edition of the AOPA Pilot discusses NASA's current aviation program. I commend this significant article to my colleagues and the general public in recognition of the continuing need to maintain and improve technology in the general aviation and commercial aviation fields:

NASA AT WORK FOR GENERAL AVIATION

NASA is the acronymic wonderland of spacemen, satellites, rocket ships and skylabs. It's the federal forum for the Flash Gordon revue. The production has been an awesome one and has captivated all mankind. The men of NASA were assigned the seemingly impossible, yet they pried open the doors to eternity. We earth men will never recover from the sight. "Well done" is a meager salute.

But again to those letters: NASA. They stand for the National Aeronautics and Space Administration. "Aeronautics," not "space," comes first in the name, making for a bit of juxtaposed irony. Aeronautical research has been a very poor second to matters of outer space during NASA's 15-year history.

Even so, some men within the agency have been studying aeronautics from the start. That research has involved transport and military aircraft primarily, but now general aviation has come into its own as well.

Earlier this year the agency opened a General Aviation Technology Office responsible for developing and coordinating lightplane-related research, some of which has been under way for several years. Although the office's 1974 budget of $4.6 million is measly when compared with the overall $3 billion plus allocated to the agency, it does mark unprecedented interest by NASA in lightplane technology.

Head of the general aviation office is Roger Windblade, an engineer with excellent piloting credentials. Windblade has been NASA's in-house lightplane authority for some time, but the new formal recognition of his office now gives him better leverage to get things done.

NASA's current work within general aviation covers the gamut of light-aircraft activity, Studies are under way concerning uncontrolled airport traffic flow, stall/spin characteristics, spoilers, airfoils, low-cost jet engines, noise reduction, collision avoidance systems, flight control systems, crashworthiness improvements, and visual approach aids, to name a few. The results of this research can range from the exotic—for example, an entirely new lightplane wing design akin to the supercritical wing—to the simple, such as a diamond painted on the end of a runway to give the pilot immediate glidepath reference.

Some projects are still on the blackboard, one of Windblade's favorite tools, but the research on others is well advanced. NASA publishes results of most of its studies while the projects are still in progress. These reports are available to all for the asking.

A detailed analysis of the status of all NASA's general aviation projects would be a difficult undertaking, but some of the most current ventures follow:

NASA contracted Cessna Aircraft Co. to modify a push-pull prototype twin by placing a shrouded prop on the rear. The aircraft, similar to the Cessna Skymaster, will undergo a series of wind-tunnel tests, using various blades and shrouds, at various power settings. The aircraft will be powered by an electric engine during the tunnel tests at NASA's Langley Research Center in Hampton, Va. Those tests are scheduled to begin near the end of the year.

Windblade said the purpose of this testing is to determine whether a shrouded prop can reduce noise without an undue loss of overall efficiency. "You could make a terribly quiet engine that has zero horsepower," he explained. "So, while our objective is noise reduction, it has to be efficient enough to be viable."

If the shrouded-prop tunnel tests prove successful, the prototype's electric rear engine will be replaced with a rotary combustion engine and then the aircraft will be flight-tested. If the flight tests take place, they will probably begin some time next year.

Piper Aircraft Corp. has provided NASA with 16 brandnew planes that were ruined in last year's flood at Lock Haven, Pa. NASA's general aviation men have taken over the Lunar Landing Research Facility at Langley and have strapped slings onto the huge open-girder structure already there. The Piper planes will be suspended from the slings and then released, swinging freely into controlled crashes on the cement floor below. The crashes were planned to be of relatively minor impact at first, with the speeds and intensity increased with each new crash. Dummies may be seated in some of the doomed aircraft.

The purpose of this testing is to document in detail just what happens in a lightplane crash. Relatively little such data now exist. Eventually NASA hopes it can find ways to increase the plasticity or shock absorbency of the lightplane and suggest additional ways to improve passenger safety in a crash. The crash testing was scheduled to begin in August.

NASA's Langley facility is also a center for stall/spin research effort. That such research is warranted is supported by government figures which show that stalls and spins are factors in about 35 percent of all general aviation fatalities. Up until now NASA has been using both its horizontal and vertical wind tunnels and several radio-controlled model aircraft for all the project's data. The studies involve high- and low-wing light aircraft with some 40 different tail designs.

A prototype of the Grumman American Yankee has been brought to Langley. A new tail has been added to the aircraft, and new instrumentation is being installed. Flight tests using two or three different tails on the prototype will be made to "validate the data generated by the model program." The flight tests may begin at the end of the year. A high-wing plane will undergo similar flight testing, but no particular aircraft has yet been selected.

Windblade said he hopes the stall/spin research will be completed within two or three years. He said the data gained during the research will tell future airframe designers exactly what stall/spin characteristics to expect from any tail configuration on any aircraft design.

One project for which Windblade shows considerable enthusiasm is the "advanced technology airfoil." The project involves an all-new lightplane wing that is shorter, lighter and thicker than the conventional wings of today. The advanced wing was designed by Langley's Dr. Richard Whitcomb. Wind-tunnel tests on the new airfoil suggest it may be a real breakthrough. Windblade said test results indicate the new wing has more docile and more predictable stall characteristics, greater lift, more fuel space, and better cruise performance than existing lightplane wings.

NASA plans to install the new wing on a Piper Seneca and begin flight testing some time next year. Windblade hedged on any predictions about the impact of the new wing on the general aviation fleet of the future, saying "we'll feel a lot more confident once we put [the wing] on an airplane and demonstrate that, yes, it does work."

Should the wing and the other general aviation projects all prove successful, Windblade and his NASA associates still can't claim any laurel wreaths until Cessna or Piper or Beech or Grumman American or Rockwell International or Bellanca, et al., start incorporating the NASA findings in the aircraft they build and sell. That's the whole idea behind the NASA research. The agency doesn't develop products per se; it originates concepts or "technologies." If the planes that private pilots fly in the future are unaffected by NASA's efforts, then those efforts have been for naught.

Said Windblade, "If the results of our work do not show up in the planes people buy and use, then our job has been useless. Well, maybe not useless; we've created work for librarians." To avoid such fruitless endeavor, the NASA people confer with manufacturers and the FAA throughout each project. Not only must there be a need for any project undertaken, but the end product must be within the grasp of the general aviation community.

For example, several years ago NASA developed a superautomated flight control system and installed it in a Piper Twin Comanche. The system was so automated and so accurate that a nonpilot was able to fly precision ILS courses in the bird. The system also cost about $750,000, making it totally impractical for general aviation. NASA has since teamed up with University of Kansas engineers, and they plan to install a substitute, less complex system on a modified Beech 99 airliner. Should flight tests next year prove encouraging, the commuter airline fleet may be adding this system to its planes in years to come.

Such research is expensive, and Windblade said the general aviation manufacturers have not been able to devote the money or manpower to the kind of experimentation NASA is now doing. And, he said, too often the advances made in air transport and military aircraft over the years were inapplicable to light plane because of high costs involved. Consequently, light-plane design advances have been slow to unfold.

Now, with NASA's General Aviation Technology Office in the game, that pace may quicken. NASA can afford to tackle the more abstruse light-plane research. And NASA can afford to be wrong. Said Windblade, "If something doesn't work—that's why we're in the business. We don't have to show a profit."

All NASA has to show is that it is making a difference in light-plane development. The "profit" sheet on that is still years away.

OUTSPOKEN ADVISER

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BAUMAN. Mr. Speaker, although recent events within the administration may indicate that Presidential appointees with a degree of independence may get in trouble, I commend the appointment of William Fellner as a member of the Council of Economic Advisers.

Mr. Maurice Rimbo of the Daily Banner in Cambridge, Md., has written an excellent editorial pointing out Mr. Fellner's ability and his economic views. I insert the Daily Banner editorial at this point in the RECORD:

OUTSPOKEN ADVISER

President Nixon no sooner had nominated William Fellner, a Hungarian-born former Yale University economist, to the three-member Council of Economic Advisers than Mr. Fellner took a full swing at the administration's economic controls.

Mr. Fellner succeeds Marina Whitman, who served briefly and in almost total obscurity as a member of the council. Mr. Fellner has made plain that if confirmed by the Senate he will be heard from.

It is unusual for a major appointee to a government post to hold a press conference before confirmation hearings by the Senate. Mr. Fellner held a conference anyway. In rapid order he said he favors a rapid lifting of federal wage and price controls because they represent "bad economics" and "bad politics." He also said that price controls can do little more than suppress inflationary symptoms, and then only if controls are enforced "ruthlessly" and accompanied by allocations and rationing. Present problems with petroleum products seem to bear him out.

Mr. Fellner also said that efforts to reduce employment much below 5 per cent cannot be won by more "pumping up" of the economy and that Mr. Nixon was right in vetoing legislation that would have increased the federal minimum wage. A tax increase, he added, would not be necessary if the government followed a "reasonably restrained monetary policy" that would push inflation down to a moderate level.

Congressional sources have indicated that Mr. Fellner will face little opposition in the Senate, even though many senators strongly disagree with his views. The hearings on his confirmation, however, may provide senators with a platform from which to criticize the administration's economic policies, criticism which the administration should be used to by now.

It's plain that if Mr. Fellner is confirmed, Mr. Nixon will be getting no "yes man" on the Council of Economic Advisers. Just such a man, with no evident political ax to grind, is just what the council needs.

PREMIUM PAY FOR CIVIL SERVICE EMPLOYEES IN AN ON-CALL STATUS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. WALDIE. Mr. Speaker, I am introducing a bill today which would provide for the payment of premium pay to employees who are required to remain in an on-call status, away from their post of duty, outside their basic administrative workweek. Under the provisions of this bill, employees would be entitled to on-call pay at a rate of 10 percent of their hourly overtime pay.

Recently, legislation was enacted, Public Law 93–82, which provided that doctors and nurses in Veterans' Administration hospitals should receive compensation for hours in addition to their regular workweek, spent in on-call status.

Mr. Speaker, it is time that Congress recognized the need to make these same provisions for civil service employees.

The full text of the bill follows:

H.R. —

A bill to amend title 5, United States Code, to provide premium pay for employees for time in an on-call status away from their duty posts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter V of chapter 55 of title 5, United States Code, is amended by adding the following new section after section 5546:

"§ 5546a. PAY FOR TIME IN ON-CALL STATUS

"An employee who officially is required to remain in an on-call status away from his post of duty is entitled to premium pay at the rate of 10 per centum of his hourly overtime rate of pay for each hour outside his basic administrative workweek that he is—

"(1) in the on-call status; and

"(2) not otherwise entitled to premium pay under this subchapter.".

(b) The analysis of subchapter V of such chapter 55 is amended by inserting the following new item after 5546:

"5546a. Pay for time in on-call status.".

SEC. 2. Section 5547 of title 5, United States Code, is amended by striking out "and 5546 (a), (b)" and inserting "5546 (a), (b), and 5546a" in place thereof.

SEC. 3. The amendments made by this Act shall take effect on the first day of the first applicable pay period which begins on or after the ninetieth day following the date of enactment of this Act.

WILLIAM YLVISAKER DEFENDS SCIENCE AND TECHNOLOGY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. McCLORY. Mr. Speaker, our Nation has experienced great progress as a result of the application of scientific and technological research and development. This progress has been accomplished principally by the private sector.

The importance of a continuing private involvement in technological and scientific research and development as the most effective means of resolving our most serious present-day problems recently was explained most eloquently by my constituent, Mr. William T. Ylvisaker, chairman and president of Gould, Inc. of Chicago, when he addressed the International Oil Industry at their meeting in San Francisco on September 24.

Mr. Speaker, I attach the text of Mr. Ylvisaker's important message, "In Defense of Science and Technology," as follows:

IN DEFENSE OF SCIENCE AND TECHNOLOGY

Good morning, Ladies and Gentlemen. It is a pleasure to have this opportunity to be with you today.

I want to share some of my thoughts with you about an important national topic—science and technology: What it is and isn't; what it can and cant do toward easing the problems of our society; why much of the current criticism of technology is misdirected; and why, even where technology has animated social ills, the best hope for their solution is in its further application.

This particular industry meeting is certainly an appropriate forum for discussing this subject. Technology has brought this industry a long way, even in the past few years. As manufacturers of many products and especially of batteries for your distribution, we do know. Only five years ago few batteries were encased in plastic. Today, 60 percent have high-impact polypropylene cases. They're lighter, tougher, and contain 15-20 percent more capacity in the same space. Other innovations have brought more starting power or faster cranking and quicker starts.

Radial tires are another example. Several years ago widespread use of radial tires was unheard of, and 40,000 miles of tread wear and improved fuel economy would have been near-fantasy. So, technology has changed the nature of your business as well as ours.

Speaking for Gould, we feel we have the credentials to speak out in defense of technology as a matter of public interest and concern. For the record, Gould is a diversified company of some $620 million in sales, concentrated in electrical and automotive products. Neither a high nor low technology company, we describe ourselves rather as an integrated technology company—one whose primary growth will come from product development and product improvement.

TECHNOLOGY IS ON TRIAL

Science has been defined as man's attempt to understand the world in which he lives. Technology, in turn, provides the means to help control that world for human purposes.

Today, technology is on trial and I would like to speak in its defense, not only because of its positive accomplishments, but its essential promise . . . not because of its quantitative fulfillment, but its ability to provide qualitative choices . . . not so much for its products as for its ideas . . . and not in defense of technology for its own sake, but for technology needed to solve the urgent needs of our society.

Technology is under attack because, ironically enough, it has performed, maybe not wisely, but too well. It is fair to say that in the last 50 years technology is probably the only area of human endeavor where progress has been uniformly and spectacularly upward.

Technology has eliminated disease and pestilence, made deserts bloom and cities flourish, substituted machines for muscle, created affluence for the many and hope for all, and provided the foundation on which the promise of our society now stands. As British scientist and author C. P. Snow has said, "the scientific revolution is the only method by which most people can gain the primal things—years of life, freedom from hunger, survival for children—the primal things which we take for granted and which have in reality come to us through having had our own scientific revolution. Most people want these primal things. Most people, wherever they are being given a chance, are rushing into the scientific revolution."

To Snow's list of "primal things" I would add two: Education and communication. Not only are they essential to the functioning of a technological society, but they have broken down the barriers of class and made ours a participatory society.

Against this backdrop of progress, we have seen unfolding in recent years a variety of movements with an anti-technology character. There was the opposition to the supersonic transport, the ban on DDT, and disenchantment with nuclear power plants, to name a few.

THE PUBLIC'S VIEW OF TECHNOLOGY

Despite the attack on technology, some reassurance can be drawn from a report just submitted to the President by the National Science Foundation. The Foundation surveyed public attitudes and found that most people still believe that science and technology change their lives for the better, and most of those interviewed report a general reaction of either satisfaction or excitement. They rank scientists second only to physicians in their esteem and rank engineers above lawyers, architects, bankers, accountants, and businessmen in terms of the same prestige. So far, so good.

Yet 31 percent feel that science and technology do as much harm as good and another four percent feel the harm outweighs any good. Approximately half blame science and technology for some of our problems and three in 10 feel that society should increase its control of science and technology. And while the public generally expresses confidence in the ability of science and technology to solve major problems, half feel it would be only partially successful in solving such problems as pollution, disease, drug abuse, and crime.

I personally think this public perception of the limits of science is as incisive as it is overdue. Since World War II, science and technology have presented the public with one "miracle" after another through a largely uncritical press. Antibiotics, nuclear fission, miracle wheat, heart transplants, men on the moon. Yet, as public expectation soared, these and other "miracles" began to manifest undesirable yet often unavoidable side effects which the public had not been conditioned to expect.

In the view of an apprehensive public, antibiotics could produce resistant microbes . . . nuclear testing produced radioactive fallout . . . heart transplants proved successful, but the patients often died . . . and it was said that much wealth was spent in bringing rocks back from the Moon in the midst of inflation and a highly unpopular war.

The phenomenal success of science during and after World War II conditioned the public to a level of expectation that could not realistically be met. Yet science spoke only of the pluses until those like Rachel Carson began to advise the public of the minuses. Then there was pollution—mercury, lead, DDT, and auto exhaust. In each case, the facts were more complex and equivocal than those presented to the public, and each revelation came as something of a thunderbolt. Confidence in science and technology was eroded and continues to be.

So what we have, unfortunately. is a public growing disenchanted with science and technology . . . and at the same time, scientists becoming disenchanted with those outside their fields. One of the problems is that they view the same scene differently.

The very success of science moves it steadily away from public understanding and direct human experience. And much of that success involves man's growing control over nature. Thus science, on the one hand, enlarges human freedom while, on the other, it plants the seeds of new conflict.

Scientists, peering through the same glass, see a public which cannot differentiate between possession and consumption, between quantity and quality, between stewardship and destruction. Especially in the culture of the disenchanted, scientists see bizarre contradictions: Conformist non-conformity . . . organic food and mind-alerting drugs . . . hitchhikers reading Thoreau . . . and dropouts disappearing in the world.

It is generally unobserved that youth and others in our society today can march to a different drummer precisely because technology makes it possible for them to do so. In no society before this has it been possible for the common man to select life styles like we can today. Technology has helped create "poverty by choice." And youth seeks to fight society and finds technology an appealing target. It is the wrong one.

DECISIONS FOR SOCIETY

This is not a blanket indictment of the counterculture. That would be as mindless as similar blanket indictments of technology. Much of the criticism leveled at the misuse of technology has been well taken. Yet that criticism is better aimed not at technolgy, but at those in the driver's seat: Society and its institutions.

Let me cite a few examples of decisions which must be made by society, not by scientists and engineers alone.

First, the SST. Whether or not to build the supersonic transport properly became a subject of spirited public debate. For the first time, the public changed the question from "Can we?" to "Should we?" And a new word was coined as such issues were referred to as "trans-science" questions. They were not ones for science to answer. They were added to the list of other such decisions that our political institutions will have to make.

Or consider the energy crisis. It seemed to arrive overnight, but in fact, numerous scientists and technologists have warned for some time that it would have to come, warned that energy consumption was increasing at a fantastic pace that could not long be sustained. They were treated much like the boy who cried "Wolf!" until the crisis was upon us. And now the public wants to know who is responsible. Unfortunately, we didn't slide into this crisis overnight and the problem is not one for which there is an instant or painless "fix." Each alternative solution presents its own set of tradeoffs and, no matter how resolved, many people will be unhappy.

The point is that technology can help evaluate our energy options, but it remains for society and its leaders to hammer out the values on which energy policy must be based. In fact, the problem is long-term and its ultimate effect will be to introduce fundamental changes into the American way of life.

In still another example, the President in his 1971 State of the Union message announced an all-out effort to conquer cancer. This national policy was set with the participation of numerous people inside and outside of science, which is a healthy way to set societal goals. But now we see some bitter wrangling over the cancer program. One question concerns how much money can be wisely spent, and here the Federal agencies and Congress disagree. More serious is the disagreement over the proper strategy for attacking cancer. Should that strategy be decided by a centralized bureaucratic mechanism in Washington, or by the scientific community working on the problem?

MOVING AWAY FROM "BUREAUCRATIC SCIENCE"

The correct route, of course, lies somewhere in between. But the essential point is that such national science programs funded by the Federal government tend to be masterminded from Washington—when a more diverse and flexible approach is clearly needed. I cite the cancer example because it reveals an inherent defect of Big Science and big Federal spending. Fortunately, we are moving rapidly away from bureaucratic science to private sector science, competitive science, science responsive to public need rather than dictating it. This is not to say that Federal support of science can or should cease. It is to say, however, that the trend toward private sector science is very much in the public interest and that Federal science should concentrate on those high risk/high cost endeavors of national or strategic importance.

Emphasizing this point is the same National Science Foundation report I mentioned earlier, in which it notes that ". . .the decline in total R & D expenditures in 1970 was due entirely to reductions in the level of Federal support. Federal funding actually leveled off in 1966 while industrial support rose more rapidly than in previous years, with the result that industry replaced the Federal government in 1968 as the principal source of support for industrial research. By 1972, industry funded 58 percent of all industrial R & D as compared with 43 percent in 1961."

Company-funded R & D is projected to increase by about 25 percent between 1972 and 1975, rising to some $14 billion, and the number of scientists and engineers employed in such R & D is anticipated to increase to 260,000 in 1975.

This shift from Federal dominance will go a long way toward making technology more responsive to society's needs. Where bureaucratic science tends to lock in on a single approach, industrial science is much more diverse. As companies strive to develop proprietary opportunities in the marketplace, the approaches become more competitive, resulting in more effective solutions to society's problems.

A good example is the current auto emission control effort. The Clean Air Act of 1970 set very stringent emission levels. But what kind of controls on what type engine, with what results in terms of efficiency, cost to the consumer, and fuel economy? Here is a collision between environment, economics, and social values.

It is a fundamentally different situation from that of cancer research in that the role of the government is not to advocate a preferred technical solution, but rather to establish a competition of ideas and approaches. Competitive science is addressing an urgent social problem and it is increasingly clear that the 1976–77 automotive emission standards are going to be met.

The fluid state of auto emissions technology is such that no one in this room would be prepared to guess as to the final outcome. One thing seems clear: Where technology may have created a major social problem with auto emissions, it is now inventing solutions which will provide the benefits of auto transportaton without the hazards to clean air.

REVIEWING OUTWORN LEGISLATION

The current cures being engineered for auto emissions represent an example of what American technology can do. Longer term, however, the Federal government must do its part in reviewing possibly outworn legislation and regulations affecting the domestic and international economic activities of American corporations. At the same time, we don't need new laws discouraging American competition and dampening our growth. We do need legislation encouraging the selective merger of small and medium-sized American companies in related fields to stimulate competition—especially so if it results in technological and social improvements.

The need for such encouragement can be seen from the fact that the U.S. patent balance—that is, patents of United States versus foreign origin awarded in each country—dropped by some 40 percent between 1966 and 1970. The decline is due principally to the reduced number of patents awarded to U.S. nationals by foreign countries. Since these are measures of a nation's inventive output, our favorable balance is steadily slipping away and, along with it, the ability of American technology to help offset our balance-of-payments deficits.

If we are to maintain a competitive position in world trade, we must have a highly paid and motivated work force concentrating on significant technological innovation. The most urgent priority for the Federal government, vis-a-vis American technology, is to create a suitable regulatory and legislative climate in which it can continue to flourish.

WE BELIEVE IN THE PROMISE OF TECHNOLOGY

In summary, let me say that we at Gould believe very firmly in the promise of technology.

We believe science and technology helped make this nation great . . . that the invention and innovation of the American spirit gave Americans the highest standard of living in the world . . . that our technical prowess eased the burdens of millions, freeing them for higher pursuits . . . that our quality of life, though not without problems, is superior to all, because it is shared by the many, not simply by a privileged few. We believe that none of this would have been possible had not those who came before us pushed back the frontiers of science, medicine, aerospace . . . wherever their inherent curiosity led them.

We are convinced that the great majority of Americans share our commitment to continue this pursuit of knowledge, to make the world around us the servant of man. And we believe most Americans share our concern about the thoughtless attacks on our technological capability and direction. We want to speak out now, hopefully to bring an end to the self-doubts and wringing of hands, so we can get on with the job of bringing the promise of technology to reality.

And so this morning I would like to ask two things of you in this industry. First, I would ask you to join us at Gould in the defense of science and technology in America. We urgently need to dismantle the barriers to man's progress which are being erected through unthinking opposition by some segments of our society.

Second, I would urge all in industry to upgrade their efforts and expenditures in research and development. Frankly, this nation needs all the technology it can muster in these days of intense international competition, and the private sector is in the best position to provide it efficiently, and effectively.

We believe in this concept at Gould, and we've intensified our development efforts accordingly. I hope all companies—large and small—will follow a similar course. For therein lies the best promise for our future—as businessmen, as a free and flourishing society, and as a total world community.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 39

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. HARRINGTON. Mr. Speaker, on October 26, the Boston Globe published a list of the homicides committed in Boston since the beginning of 1973. Of these deaths, more than half were committed by handgun. At this time, I would like to include the article and let the facts speak for themselves:

BOSTON HAS RECORDED 102 HOMICIDES SO FAR THIS YEAR, ONLY TWO SHY OF 1972 MARK

With more thn two months to go in 1973, Boston has recorded 102 homicides, only two less than logged in 1972. The record of 117 was set in 1971.

Boston's population is 665,000. By comparison Baltimore, with just under 1 million people, has had 218 homicides to date, and Detroit, with 1.5 million, has had 605.

New York City, with 8 million population, had 819 homicides through June, the latest police statistics available.

According to Boston police homicide bureau figures, 55 of the victims here were white, 41 were black and six Puerto Rican; 87 were males and 15 females. Black victims numbered more than 40 percent of the homicide totals in a city with approximately 18 percent black residents.

The bureau listed 57 of the murders as solved and 45 under investigation.

It listed 36 of the assailants as white, 40 as black and four as Puerto Rican. The rest are unknown.

Thirty-one of the blacks were victims of black assailants, and 32 whites were victims of whites. Seven whites were the victims of blacks, and three blacks the victims of whites.

More than half the murders, 54, were committed by handgun. Knives were used in 21 others. Of the total, 52 were committed inside premises, and 51 outside.

The hot months were the worst for murders, with 39 committed in June, July and August. June had the most, 17. January was also high with 12.

Listed in order in which they appear on Boston police records.

VICTIM AND CAUSE OF DEATH

Jan. 1—Demetrius Busby, 2, Dorchester. Stabbed; suspect arrested.

Jan. 6—Thomas Murphy, 28, South Boston. Shot in chest; suspect arrested.

Jan. 8—William Rae, 16, South Boston. Shot in stomach; suspect arrested.

Jan. 12—Shirley B. Sewell, 34, Dorchester. Beaten with hammer; suspect arrested.

Jan. 13—Manny Perry, 30, Dorchester. Shot in head; suspect arrested.

Jan. 14—William R. Jackson, 28, Weymouth. Shot in chest; no arrest.

Jan. 11—Ferdinant Singleton, 41, Everett. Beaten with board; no arrest.

Jan. 23—Theron Lowery, 40, Mattapan. Shot in stomach; suspect arrested.

Jan. 23—Ralph T. Anzalone, 29, Quincy. Shot in neck; no arrest.

Jan. 26—Charles Bibbey, 37, South Boston. Stabbed in chest; suspect arrested.

Jan. 30—Charles O'Brien, 37, South Boston. Shot; no arrest.

Jan. 31—Pamela Hicks, 17, Roxbury. Stabbed in chest; no arrest.

Feb. 1—Joseph D. Hershenson, 34, Hyde Park. Shot in head; no arrest.

Feb. 4—Albert F. Stuart, 40, Boston. Beaten to death; suspect arrested.

Feb. 5—Pasquale Todisco, 43, East Boston. Shot in face; no arrest.

Feb. 15—James H. Gibson, 43, Roxbury. Shot in chest; suspect arrested.

Feb. 15—Alice Sourain, 67, Dorchester. Beaten on head; no arrest.

Feb. 20—Richard Maloof, 62, Dorchester. Shot; no arrest.

Feb. 20—Charles G. Rice, 25, Boston. Stabbed in neck; no arrest.

Mar. 3—Hector Morales, 28, Roxbury. Shot; suspect arrested.

Mar. 8—Michael Milano, 39, Brighton. Shot; no arrest.

Mar. 9—Auturo Pinto, 19, Boston. Shot in chest; suspect arrested.

Mar. 12—John Stappen, 16, South Boston. Shot in back; suspect arrested.

Mar. 14—Cleophus Gillian, 51, Roxbury. Shot in head; suspect arrested.

Mar. 14—Charles Shumrak, 78, Mattapan. Beaten to death; no arrest.

Mar. 10—Edward Onessimo, 34, Brockton. Strangled; no arrest.

Mar. 20—Albert Plummer, 48, Andover. Shot; no arrest.

Mar. 24—Matt Mayers, 33, Roxbury. Stabbed in chest; suspect arrested.

Apr. 7—Robert Smythwick Jr., 25, Dorchester. Shot in heart, suspect arrested.

Mar. 14—Daniel J. Mulqueeney, 38, Quincy. Stabbed; suspect arrested.

Apr. 14—Warren T. Caldwell, 27, Dorchester. Shot; suspect arrested.

Apr. 23—Joseph Pennacchio, 37, Watertown. Shot; no arrest.

Apr. 25—John D. Wadsworth, 29, Boston. Stabbed; no arrest.

Apr. 27—Maria Marshall, 37, Hyde Park. Beaten to death; suspect arrested.

May 1—Hakim A. Jamal, 42, Roxbury. Shot; suspect arrested.

May 2—Alfred Mott, 52, Roxbury. Stabbed; suspect arrested.

May 11—Delores E. Hurt, 28, Dorchester. Shot; no arrest.

May 11—James A. Wilder, 45, Dorchester. Shot; no arrest.

May 18—Salvatore Barreiro, 25, South Boston. Shot; no arrest.

May 20—Suturnino Villa, 19, Jamaica Plain. Stabbed; suspect arrested.

May 25—Joaquin Paul, 22, Dorchester. Shot; suspect arrested.

May 26—Eugene Elmore, 22, Dorchester. Shot; suspect arrested.

May 31—Ervin Gillard, 25, Roxbury. Stabbed; suspect arrested.

June 3—William T. Smith, 36, Dorchester. Stabbed; suspect arrested.

June 5—George Pratt, 17, South Boston. Shot; suspect arrested.

June 9—Donald Raineri, 21, Revere. Shot; no arrest.

June 10—Thelma O'Leary, 36, Dorchester. Shot; no arrest.

June 10—Colleen O'Leary, 11, Dorchester. Shot; no arrest.

June 10—George T. O'Leary Jr., Dorchester. Shot; suspect a suicide.

June 10—Michael O'Leary, 7, Dorchester. Shot; no arrest.

June 10—Melinda O'Leary, 7, Dorchester. Shot; no arrest.

June 11—Robert Ward, 9, Mattapan. Burned; suspect arrested.

June 24—Anna Curran, 41, Dorchester. Stabbed; suspect arrested.

June 25—Charles Webber, 20, Newton. Burned; no arrest.

June 27—Carlton M. Smith, 37, Washington, D.C. Shot; no arrest.

June 28—Juan Ayala, Roxbury. Shot; no arrest.

June 28—Willie L. Jackson, 45, Dorchester. Strangled; no arrest.

June 29—Mary A. Veremey, 24, Roslindale. Shot; no arrest.

June 29—Dianne Mooney, 28, Hyde Park. Shot; no arrest.

July 5—Gerald Cohen, 57, Mattapan. Shot; no arrest.

July 6—Ismael Melendez, 29, Roxbury. Shot; suspect arrested.

July 10—James B. Miller, 59, Roxbury. Shot; no arrest.

July 10—James R. Smith, 21, Dorchester. Shot; suspect arrested.

July 11—Unknown white male. Beaten to death; no arrest.

July 13—Jeremiah Lynch, 21, Boston. Suffocated; suspect arrested.

July 17—Marion B. Shirley, 43, Dorchester. Shot; suspect arrested.

July 18—Alford Burrell, 27, Roxbury. Beaten to death; no arrest.

July 25—Susan Corey, 19, Jamaica Plain. Shot; suspect arrested.

July 26—Richard Fantasia, 32, Boston. Shot; no arrest.

Aug. 1—Samuel Lee James, 27, Jamaica Plain. Stabbed; no arrest.

Aug. 1—Paul Latson, 18, Roxbury. Shot; suspect arrested.

Aug. 3—Nathaniel James, 18, Roxbury. Stabbed; suspect arrested.

Aug. 5—Mendez D. Thornton, 22, Allston. Shot; suspect arrested.

Aug. 8—Ramon J. Rodreiques, 27, Roxbury. Shot; no arrest.

Aug. 12—Curtis S. Weaver Jr., 27, Roxbury. Shot; no arrest.

Aug. 14—John E. Cacici, 47, Boston. Stabbed; no arrest.

Aug. 16—Joseph Butler, 60, Boston. Stabbed; suspect arrested.

Aug. 17—Mary Lou Clark, 35, South Boston. Shot; suspect arrested.

Aug. 19—Richard Barrows, 30, Roxbury. Stabbed; no arrest.

Aug. 20—John Lanier Jr., 11, Dorchester. Shot; suspect arrested.

Aug. 22—George W. Holden, 25, Medford. Shot; no arrest.

Sept. 3—George Calderon, 24, Dorchester. Shot; no arrest.

Sept. 5—Gregory P. Johnson, 20, Roxbury. Shot; suspect arrested.

Sept. 19—Robert Limoges, 36, Chicopee. Beaten to death; no arrest.

Sept. 21—Melvin Lanier, 38, Roxbury. Shot; suspect arrested.

Sept. 21—Robert J. Seward, 33, Roxbury. Shot; suspect arrested.

Sept. 25—Paul Jennings, 48, Boston. Beaten to death; suspect arrested.

Sept. 27—James W. Gilchrist, 30, Roxbury. Shot; suspect arrested.

Sept. 27—Richard L. Stratton, 24, Dedham. Shot; no arrest.

Sept. 29—Samuel Alsen, 55, Milton. Shot; suspect arrested.

Oct. 2—Emma J. Gilmer, 30, Mattapan. Shot; suspect arrested.

Oct. 2—Sylvester Jones, 46, Roxbury. Shot; suspect arrested.

Oct. 2—Evelyn Rene Wagler, 24, Roxbury. Burned; no arrest.

Oct. 2—Robert Shea, 32, South Boston. Beaten to death; suspect arrested.

Oct. 4—Louis L. Barba, 65, Roxbury. Stabbed; suspects arrested.

Oct. 6—Kirk B. Miller, 21, Belmont. Shot; no arrest.

Oct. 13—Phillip Lucas, 33, unknown address. Stabbed; no arrest.

Oct. 17—John H. Chase, 12, Charlestown. Shot; suspect arrested.

Oct. 19—John C. Rhoden, 49, Brockton. Shot; suspects arrested.

Oct. 19—Richard A. Fisher, 27, Roxbury. Stabbed; no arrest.

Oct. 24—Romeo DeFilippos, 43, Everett. Kicked on head; suspect arrested.

BOSTON HOMICIDES, 1973

Total	102
Solved	59
Warrant issued	10
Under investigation	43
(Includes 10 Warrants Issued).	

Number each month:

January	12
February	7
March	9
April	6
May	9
June	17
July	10
August	12
September	9
October	11
November	
December	
Total	102

Cause of death:

Handgun	55
Shotgun	2
Rifle	5
Knife	20
Strangulation	2
Blunt instrument	8
A & B hands	3
Arson	3
Shod foot	1
Suffocation	1
Automatic weapon	2

VICTIMS

White	55
Black	41
Puerto Rican	6
Male	87
Female	15

BY DISTRICT

One	12
Two	33
Three	15
Four	11
Five	3
Six	9
Seven	2
Eleven	10
Thirteen	3
Fourteen	2
Fifteen	2

ASSAILANTS VS. VICTIMS

Black vs. white	7
White vs. Black	3
Black vs. Black	31
White vs. white	32
Puerto Rican vs. Puerto Rican	3
Puerto Rican vs. White	1
Black vs. Puerto Rican	2
White vs. Am. Indian	1
Unknown	22
Total	100

WILL THE REPUBLIC LIVE?

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Ms. ABZUG. Mr. Speaker, a chilling but accurate statement of our dilemma is contained in the October 29 issue of the New Yorker:

> Will we remove a lawless administration from office or will we submit to illegitimate rule? The question has probably been put in its final form, and may not be asked again.

Those still undecided about impeachment proceedings might well give thought to the future foreseen in the editorial which I insert in the RECORD:

[From the New Yorker, Oct. 29, 1973]

THE TALK OF THE TOWN—NOTES AND COMMENT

For nearly a decade, a question has been haunting our national life. It is whether the Republic will live or die. The question has been asked in countless forms. May newspapers print whatever they wish to print, and the people read whatever they wish to read? May the people assemble without fear of injury or loss of life? Must senators and others always support the President in his difficult decisions? Are the people to be treated like children or like adults? To what extent does the government have the power to check up on what the people are doing? To what extent do the people have the right to check up on what the government is doing? How do we spend our money? When do we go to war? Who decides? The question arose on the battlefields of Vietnam, and it hung in the air over the battlefields of America. Lieutenant Calley posed it for us in one way, Daniel Ellsberg posed it in another. Several times, we came near to paying with our Republic for our war. The question loomed in city streets, in precinct houses, in congressional hearing rooms, in courtrooms, at the summit in Moscow and Peking.

Now, in the coming days and weeks, the nation must give its answer. The President has dismissed the man charged by Congress and the Attorney General with discovering any wrongdoing in the White House. The potential defendant fired the prosecutor and defied the judge. For the moment, those guilty of crimes in the Watergate cases are beyond prosecution. And since the President, by the same stroke that removed him from the law's reach, took personal control of the law—forcing two Attorneys General from office before he found one willing to obey his commands—every innocent person in the country is endangered. For the machinery of law enforcement has been transformed wholly into the political—even the personal—instrument of one man. On this occasion, as on many others in recent years, the President has flouted the law. He has not merely broken the law; he has overthrown the law. But this time, since his lawbreaking seems to remove a threat to the very survival of his Administration in office, it is not just this one act but the continuation of the Administration itself that has become lawless.

The question of whether the Republic will live or die has now been decisively posed in this form: Will we remove a lawless Administration from office or will we submit to illegitimate rule? The question has probably been put in its *final* form, and may not be asked again. When the President launched the country into the worst Constitutional crisis in its history, he explained that he had done it to avoid a Constitutional crisis. But it was not a Constitutional crisis that the President wished to avoid—it was the Constitution. The problem we all face now is not how to avoid a Constitutional crisis but how to resolve one. And the only resolution the President has left to us, unless he resigns, is for Congress to begin consideration of impeachment proceedings.

The country surveys a scene of devastation. The wreckage of American institutions lies all around us. Any future under the present leadership is unthinkable. The point of no return has been passed, and the country has no choice but to take the first, dread steps toward putting its house in order.

THE SUCCESS OF THE ANADROMOUS FISH CONSERVATION ACT IN MAINE

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. COHEN. Mr. Speaker, today the Committee on Merchant Marine and Fisheries' Subcommittee on Fisheries, Wildlife Conservation, and the Environment is considering H.R. 6396, which would continue the Anadromous Fish Conservation Act for 5 years beginning fiscal year 1974. This legislation is of vital interest to the State of Maine. I recently received a letter from Mr. Richard P. Choate, Maine's deputy commissioner of marine resources, concerning this important piece of legislation, excepts of which I am pleased to insert in the Record at this point:

Department of Marine Resources,
Augusta, Maine, September 25, 1973.

Dear Congressman: The great potential for restoration and development of Maine's anadromous fisheries resources and the recent progress already realized under P.L. 89–304 makes continuation of this program essential.

Maine's abundance of fresh-water resources, of highly indented coastline of thousands of miles, and high quality marine waters offers great potential for supporting large runs of native anadromous fish which historically occupied most of our major and minor coastal watersheds.

The early obstruction of Maine rivers by dams with no fish passage facilities destroyed the vital link between the fresh water spawning and nursery areas and the ocean growing area and resulted in total extinction of fish runs in some of our major rivers. Progressive deterioration in water quality through increasing industrial and municipal waste water discharges has caused serious declines in remnant fish populations existing below major river obstructions.

The advent of P.L. 89–304 has provided the financial resources to combat and reverse the general downward trend in anadromous fish landings and bring about a noticeable increase in populations in some of our rivers. The Maine Atlantic Salmon Commission, in its fishway construction program on the Penobscot River and its tributaries, has opened up the major portion of this 8570 square mile drainage to Atlantic salmon, shad, and alewives. The Penobscot salmon runs have been increasing since 1969, and with timely completion of a new Atlantic salmon hatchery at Green Lake in Ellsworth, the success of this salmon restoration program is assured.

Since 1967, the Department of Sea and Shore Fisheries has been actively involved in five projects funded under P. L. 89–304. Early programs involved inventories of coastal watersheds to assess the productive capacity of selected rivers, locations and extent of obstructions to fish migration, condition and use of existing obstructions, and existing and potential levels of fishery abundance. An anadromous fish resource development project was then initiated, using the results of our two-year inventory project to establish priorities for fishway construction or dam removal. This continuing project has resulted in construction of five fishways and removal of one obstruction. During the 1973–74 season, four additional fishways will be constructed. Completion of these fish passage facilities will result in access of anadromous alewives to 6,923 lake surface acres of spawning area. Based on current unit production in existing spawning areas, these newly accessible areas will increase annual production by approximately 2,800,000 pounds valued at $112,000.00 based on 1973 landed values. This production will more than double the current alewife landings of 2,500,000 pounds. These fish are vital to the lobster industry which is experiencing a chronic shortage of bait for the lobster trap fishery.

Another important use of alewives is reduction for fish meal. Recent drastic declines in Peru's anchovy fishery has resulted in a scarcity of fish meal. Peru is the world's leading fish meal producing nation. Because of this decline in supply of fish meal, prices have increased from $193.00 per ton in 1972 to $425.00 per ton in March 1973. In 1972 the average daily meal requirement of the Maine poultry industry was 48,000 pounds. It is conservatively estimated that five pounds of whole fish will yield one pound of fish meal. Therefore, to provide for Maine's fish meal needs, 240,000 pounds of raw fish per day or 87.6 million pounds per year are required. The streams and rivers of Maine could, with adequate pollution abatement and fish passage facilities, produce 16 to 50 million pounds per year of alewives which would provide 18 to 57% of the state's annual fish meal needs.

Other ongoing projects include research on the striped bass fishery, the sea-run smelt resource, and research on the size, age, and sex composition of commercially-fished alewife runs. Smelt studies have been directed toward inventory of streams to determine distribution and extent of the resources, evaluation of factors affecting reproductive success, and compilation of landings statistics on the winter sportfishery. A creel census of the winter fishery has shown that sportfishery landings exceed 200,000 pounds annually.

Striped bass studies have been centered on the western Maine sportfishery. Investigations of striped bass have substantiated the tagging indications that Maine fish originate from the mid-Atlantic states and particularly Chesapeake Bay. Creel census analysis of the sportfishery from 1968–1972 has shown that over 85% of the total annual catch consists of 2, 3, and 4 year old fish.

Future programs will emphasize fishery resource development, with fishway construction and stream improvement assuming a greater role than previously. Over 1,000 dams still exist on Maine rivers, most with no fish passage facilities. Expansion of fishway construction and dam removal programs are essential if we are to realize the full potential of anadromous fish production in Maine.

In summary, P. L. 89–304 has provided us with the financial resources to conduct effective research and development programs to enhance important anadromous fishery resources in Maine.

Sincerely yours,
Richard P. Choate,
Deputy Commissioner for the Commissioner.

William S. Cohen.

IMPEACHMENT MAIL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. STOKES. Mr. Speaker, as of this morning the impeachment mail pouring into my office stands at: 1,316 for—14 against. Yesterday alone I received 516 letters and telegrams demanding President Nixon's impeachment—more than any day last week, including Tuesday when 18 different impeachment resolutions were introduced in the House. The volume of mail has increased since Nixon promised to give some tapes to Judge Sirica. I can only conclude that more and more people refuse to be fooled by any Presidential pretensions to compliance with the laws of this land.

As a matter of fact, very few messages, before the President's apparent about-face on the tapes issue, mentioned his defiance of the courts as the reason for impeachment. Many more people did mention the firing of Archibald Cox as the decisive factor. Hundreds and hundreds of the telegrams said simply: "Impeach Impeach Impeach."

The letters I have received range in tone from the grave to the flippant. One even urged that the President be remanded to St. Elizabeth's and certified "paranoid schizophrenic."

The following letters offer a sample of the various reactions to President Nixon's behavior, all culminating in the demand for immediate impeachment:

Patrick J. Amer,
Cleveland, Ohio, October 22, 1973.
Congressman Louis Stokes,
House of Representatives, House Office Building, Washington, D.C.

I

Dear Congresman Stokes: The issue is: Is the President obliged to comply with the law of the land? The issue is not whether he has lied to the American people about Watergate, or about Cambodia, as he has; it is not whether he has violated promises made to the Senate in connection with Mr. Richardson's confirmation, as he has. The issue is whether the President is subject to the law, or above it.

The order of Judge Sirica, as affirmed by the District of Columbia Court of Appeals, is the law of the land and the law of the case. Nixon chose not to challenge this order by further appeal; he chose to let it become final.

Nixon has refused to comply with the law embodied in this order. He has dismissed those officers charged with its enforcement. He has placed himself above the law in the clearest and most definitive way.

It is absolutely fundamental to our constitutional system that the President be subject to the law of the land. If Nixon now succeeds in maintaining that he is above the law, the Constitution will be a scrap of paper. For violating his duty to "take care that the laws be faithfully executed," the President must be impeached.

II

I fear for the Republic, because Nixon may succeed. He is devious and resourceful in his contempt for the Courts and for Congress.

A. He declined to appeal to the Supreme Court, in the belief that the average citizen will think that a final order of a United States Court of Appeals is less the law when it has not been appealed than when it has been affirmed. This device, transparent to any lawyer, simply shows how little he thinks of the people.

B. He has announced a "compromise" intended to mislead. The "compromise" is that he will ignore the order of the D.C. District Court; yet the D.C. District Court is not a party to the "compromise." Where I come from, an agreement with others to break the law is called a "conspiracy," not a "compromise."

A further feature of the "compromise" is Nixon's cruel insult to Senator Stennis. Nixon will not trust Sirica, Cox, or Ervin with the tapes, and we know they are honorable men. He trusts Haldeman, and we know Haldeman is a crook. When Nixon says he will trust Senator Stennis, what does this say about Stennis? Most people will think Nixon has something on Stennis which makes Stennis subject to Nixon's control. It is a clear indication of Senator Stennis' lack of ability to do the task that he does not see the insult.

C. Nixon is already waving the flag, saying we cannot question the President when there is a war on anywhere in the world. Nonsense—the international situation is all the more reason why we must preserve and protect the American system, and assure that the President remains subject to the rule of law.

III

As the President is devious, so the Congress is weak and divided. So Nixon thinks, as he has chosen this time to cast the gauntlet.

I care not whether the President is succeeded by Gerald Ford or Carl Albert—neither is preeminent, but neither has refused to obey the law—yet a pusillanimous and hyperpolitical Congress will become preoccupied with the succession and neglect to pursue Nixon's contempt of Court and Congress.

What is at stake is whether Nixon must obey the law. He trusted in the Courts; now he must abide by the law as set forth by the Courts. Since he has refused to obey the law, and since he has dismissed from office the three highest officials charged with enforcing this law, he has violated the Constitution and his oath of office, and set himself above the law.

It is not within the power of Congress to retain Nixon as President. The choice is this: Congress can impeach Nixon and remove him as President—or Congress can permit him to remain—as Dictator.

For the sake of the Constitution, and for the sake of the nation, Nixon must be impeached without delay.

Very truly yours,

PATRICK J. AMER.

OCTOBER 24, 1973.

The EDITOR,
The Cleveland Plain Dealer,
Cleveland, Ohio.

DEAR SIR: President Nixon has clearly demonstrated his disdain of, and contempt for the American people who elected him to the highest office in this country. Further, having surrounded himself with aides who have either been indicted for, or convicted of, felonies, he shows and has shown us that he believes the office of the Presidency gives him the powers of absolute dictator.

Even to a layman, it is painfully clear that President Nixon chose not to respect the law of this land by refusing to comply with a Federal Court Order to either produce the tapes and other relevant Watergate material, or make an appeal by midnight, Friday, October 19, 1973. At 12:01 a.m., October 20, 1973 Nixon was in contempt of court! He is no more above the law than any other citizen of this country!

After firing a man (Archibald Cox) who would not be compromised, intimidated or deterred from seeking the truth, no matter how high it led, Nixon was backed into a corner by the public's rightful and long overdue indignation, outrage and anger over yet another glaring insult to their intellect, intelligence and integrity. A wounded animal, trying to protect his domain, Nixon sought time to regroup, lick his wounds, and plan one more assault on the public's integrity by releasing the Watergate tapes (which by now could've been well doctored) after the fact.

With this flimsy peace offering does Nixon truly believe the American people will once again graze on the grass of his unctuousness? What is this dark, dirty, squalid secret he is so desperately trying to keep hidden?

In his explanation to the nation of his reason for withholding the tape evidence and other relevant Watergate material, Nixon first stated it was "in the interest of national security." A few weeks later this reason was inoperative and the wily magician had somehow rearranged the alphabet to make those words mean, "to preserve presidential confidentiality." What further magic tricks will he perform in his effort to dupe the masses?

Since Nixon irrationally concludes that the law is not for him, his personally selected staff and aides, his friends, the wealthy, the powerful, or the industrial giants—then all our laws should be prefaced with this statement:

"These laws are *not to be obeyed* by the wealthy, the powerful, the industrial giants, and certainly not the President (since he is God).

And, in addition—all jails and penal institutions should have enormous neon signs erected at their entrances which state:

"Only the poor, indigent, middleclass, and powerless shall be confined here if they break the laws. All others keep out!"

The docile sheep (American public) will then know with certainty that they are to feed on the injustice of the Nixonites of this country. They will know that this land is "the home of" those seeking *free*dom from injustice and the "land of" those *brave* enough to dare wrest even the dream of such freedom from them.

If the American people have been so disillusioned into apathy that they will allow this man (Nixon), who publicly states he cares nothing for public opinion, to turn our country into an anarchy; then *the legislators who truly serve the people they represent will do all that must be done to insure that Mr. Nixon be removed from the office of President of these United States of America.*

Sincerely,

LUEVENIA RICHARDSON.

CLEVELAND, OHIO,
October 20, 1973.

Congressman LOUIS STOKES,
Washington, D.C.

DEAR CONGRESSMAN STOKES: I never got mad enough at the antics there in Washington to warrant writing you. Until now, that is.

Mr. Nixon should be impeached, in my opinion. Either he has gone absolutely mad or he's so guilty he just can't afford to have anybody find out.

What I'm referring to is his latest move in firing the Special Prosecutor and the assistant Attorney General. Also in the asking for the resignation of the Attorney General.

First he makes a big deal in promoting his honesty by proclaiming a special investigator who would have total freedom in his dealings. Then when the Special Prosecutor does his job and it looks like Tricky Dick's going to be found out he pulls this trick out of his bag.

Please do something to keep this little dictator in line.

Sincerely,

ROBERT POSHEDLEY.

CLEVELAND, OHIO,
October 20, 1973.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

MR. PRESIDENT: I have just heard on the news that because of the intentions of the Special Prosecutor and the Attorney General to pursue your Watergate caper further and demand the tapes you illegally made you fired the Special Prosecutor and the assistant Attorney General and that the Attorney General has resigned because of you.

What I want to know is: Who the hell do you think you are?

Sincerely,

ROBERT POSHEDLEY.

A CONTINUING MIDDLE EAST DOUBLE STANDARD

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BRASCO. Mr. Speaker, it is difficult to follow unfolding developments in the Middle East since the cease-fire took effect without coming to the conclusion that a double standard prevails against the Israelis, and that the U.S. Government appears to be cooperating in the situation.

After the Arab attack, as the Israelis rallied and struck back, the tide of battle inexorably and irresistibly turned in their favor. While the Arabs held the initiative their surprise attack had gained for them temporarily, no one came forward with a viable cease-fire effort. However, as soon as the Jews took the military initiative, there was no lack of peacemakers, eager to halt hostilities before the armed forces of Israel had written finis to the fourth dream of Arab conquest since 1948.

As these events unfolded, I could not help but note the international imbalance prevailing against Israel. On one side were the Russians, the Chinese, their satellites and allies, more than 20 African countries who had unilaterally broken off diplomatic relations with Israel, the United Nations and the oil industry, led by the American behemoths.

Also aiding them were many European countries wedded to oil money and arms with Arab States. Britain and France were foremost in this category.

On Israel's side were the United States and the international Jewish community. That was it as far as allies were concerned.

We did the only correct thing in resupplying Israel, and the Israeli armed forces showed what they were made of, using the resupply effectively and swiftly to hurl back the Arab armed forces. In the process, the Israelis utilized daring military maneuvers designed to turn the tide tactically. In a classic stroke, they hurdled the Suez water barrier with armor, cutting off an entire Egyptian Army, complete with equipment. The world majority was to be disappointed, for the underdog had pulled victory out of the fire. The Arabs, aided by Russia and backed by the "third world," had managed to snatch defeat out of the jaws of victory.

A great outcry then went up around the world on behalf of an immediate cease fire, led by the Russians, the United Nations and other apologists for the Arab side. The Israelis, reluctantly at first but then with grudging acquiescence, held back their final stroke which would have annihilated the "Third Army" as an effective fighting force. That military organization was left battered and dazed, clinging to a sliver of desert on the east bank of the Suez Canal.

Since then, acting in the finest humanitarian manner, the Israelis have been allowing food, water, medical supplies and other assistance through to the trapped and helpless Egyptians. Let it be also noted here that the State Department, expressing the wishes of the highest levels of our administration, pressed such a course upon the Israelis with enormous behind-the-scenes vigor.

The Israelis, deprived of a well-deserved and much-sought triumph, have every reason to feel cheated and victim of a double standard. Had victory chosen to nestle under the Arab banner, where would the champions of compassion be found? How many voices would have been raised effectively on behalf of the Israelis? From the lynch mob atmosphere of the U.N.? Never. From the Communist world? Do not hold your breath. From the "third world" humanitarians? Hardly. From the western Europeans or oil companies? A hopeless and sterile expectation.

Yet even this was not enough, for worse was yet to come. As a result of the surprise attack, several hundred Israelis had fallen into the hands of the Egyptians and Syrians in the course of the fighting. These men were prisoners of war in every sense of the word, taken in combat wearing the uniform of their country with weapons in their hands. Many of these men had been wounded, some severely.

As scrupulous as the Israelis have been in honoring provisions of the Geneva Convention governing treatment of prisoners of war, so the Arab side has been remiss in that respect. No full list of the captured has been forthcoming, even though elementary decency and compassion calls for such action on the part of both sides. Israel, deprived of full victory by the exigencies of international politics, has been denied so far of even knowing which of her missing sons are alive. And the United States, pressing hard for cease fire and withholding of the final Israeli stroke in Sinai, has completely overlooked this aspect of the problem. It is as shameful as it is inexcusable.

One must search the pages of history for a parallel to such a one-sided situation, where a small country is victimized by an international coalition seeking its total annihilation. It is difficult to find a situation as abysmal in its shame, whereby nothing the small state can do meets with international support and approval.

We must go back to 1938, when Czechoslovakia, determined to defend her sovereignty from Hitler, was ready to fight rather than yield on the question of the Sudetenland. Then, deserted by her formal allies, Britain and France, she was handed over without having any say in the matter to the tender mercies of Germany. Dismembered and abandoned, she shortly entered that limbo reserved for betrayed democracies, never to rise again as a free nation in our time. The powers that were at the time presided over her demise, voicing noble thoughts and piously bowing in the direction of democratic ideals. Such hypocrisy has earned the participants their richly deserved places in the annals of betrayal and infamy.

Today Israel chooses not to acquiesce in the ultimate scenario laid out for her by the international funeral chorus. She opts not to attend her death scene, so carefully worked out by today's majority, who are willing to buy some oil and temporary relief from reality at her expense. In this, at least, she shall differ from the untimely fate of Czechoslovakia.

What is most depressing to me is that in the process, so much that is decent, honorable and hopeful in the West is becoming expendable. The concept of an effective international peacemaking organization has been further harmed. Democratic socialism also sustains a grievous wound, as New Left fanatics sacrifice old ideals to placate the howls of those who cannot understand, much less carry on the momentum of such a positive ideological thrust. Only anarchy and terror can and will fill the vacuum. By attempting to sacrifice this tiny democratic state, or by standing by idly and allowing its rights to be chipped away in the international arena, those who cherish national freedom gamble away the priceless currency of international morality.

Those nations who participated in or stood idly by while a similar crime was successfully perpetrated in Europe in 1938 were to pay heavily for their actions in the unavoidable bloodletting that was made inevitable by that betrayal. We again wear smooth the path toward the disaster that will assuredly follow, reiterating again by our actions Santayana's words:

> They who do not learn from the mistakes of the past are doomed to repeat them.

I am sending a letter to the Secretary of State, asking that we move forthwith to guarantee that lists of prisoners are forthcoming and an exchange be arranged as expeditiously as possible.

RECLASSIFICATION OF SECURITY POSITIONS AT CHINA LAKE NAVAL WEAPONS CENTER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. WALDIE. Mr. Speaker, I introduced the following bill to provide for the reclassification of security positions at China Lake Naval Weapon Center:

A bill to amend title 5, United States Code, to provide for the reclassification of certain security police positions of the Department of the Navy at China Lake, California, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is the policy of the Congress that personnel discharging law enforcement responsibilities be adequately paid, in amounts commensurate with the degree of danger and stress incident to these responsibilities, that Federal salary rates be comparable with private enterprise salary rates for the same levels of work as stated as the policy of the Congress in section 5301(a)(3) of title 5, United States Code; and that, to this end, members of the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California, shall be paid at rates not less than the rates at which other law enforcement personnel are paid.

(b) Section 5109 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) Each position of policeman in the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California (other than a supervisory or managerial position) shall be classified, in accordance with regulations issued by the Civil Service Commission, at GS–5, GS–6, GS–7, and GS–8.

"(2) Each position of detective in the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California (other than a supervisory or managerial position) shall be classified, in accordance with regulations issued by the Civil Service Commission, at GS–6, GS–7, and GS–8."

SEC. 2. (a) Effective on the effective date of this Act, a policeman who is a member of the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California, on such date to whom the amendment made by the first section of this Act applies, shall have his rate of basic pay initially adjusted, as follows:

(1) A policeman in GS–2 immediately before the effective date of this section shall be advanced to that step of GS–5 which corresponds numerically to that step of GS–2 which he had attained immediately before such effective date.

(2) A policeman in GS–3 immediately before the effective date of this section shall be advanced to that step in GS–6 which corresponds numerically to that step of GS–3 which he had attained immediately before such effective date.

(3) A policeman at GS–4 immediately before the effective date of this section shall be advanced to that step of GS–7 which corresponds numerically to that step of GS–4 which he had attained immediately before such effective date.

(4) A policeman at GS–5 immediately before the effective date of this section shall be advanced to that step of GS–8 which corresponds numerically to that step of GS–5 which he had attained immediately before such effective date.

(b) An increase in pay by reason of an initial adjustment of pay under subsection (a) of this section shall not be deemed an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, for purposes of step increases. For purposes of periodic step increases, an employee shall be credited, as of the effective date of this section, with all service since his last periodic step increase before such effective date.

(c) No rate of basic pay in effect immediately before the effective date of this section shall be reduced by reason of the enactment of this Act.

SEC. 3. The preceding provisions of this Act shall become effective at the beginning of the first applicable pay period which commences on or after the date of enactment of this Act.

FDA VITAMIN REGULATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. COLLINS of Texas. Mr. Speaker, during the past 6 months, my largest volume of mail from Dallas has been from citizens concerned over new FDA regulations limiting vitamin potency. I would like to review with all of my colleagues the remarks I made before the Subcommittee on Public Health and Environment during their hearings on our bill, H.R. 643, to limit FDA power in this area. This problem of bureaucratic big-brotherism is one that vitally affects citizens throughout the entire country.

FDA REGULATIONS NOT WARRANTED

Mr. Chairman, the most overwhelming characteristic of our Washington Bureaucrats today is the constant conviction that the citizens of our Country cannot possibly know what is good for themselves. Over the past few years, we have been told what foods we may eat and what products we can use. We have even been told that, regardless of our personal choice, we must be completely strapped into our cars before the engine will even start.

Now the Bureaucrats have come up with one further edict which completely denies our individual rights—the restriction of vitamins and food supplements which we may use without a prescription. The officials of the Food and Drug Administration have decreed, with very questionable substantiation, that all nutrients containing more than 1½ times their Recommended Daily Allowance must be now labeled as "drugs" even though many knowledgeable doctors have declared that the RDA amounts fall far short of reasonable dosages needed to maintain health. The labeling of a vitamin as a "drug" means that it can be subjected to use by prescription only. Vitamin A and Vitamin D tablets exceeding RDA maximum dosages have already been restricted to prescription sale and undoubtedly, other vitamins will shortly follow.

In defending their selection of RDA limits, the FDA has cited the Food and Nutrition Board as their source. However, they fail to mention that, in most cases, the Food and Nutrition Board referred to levels 20 to 30 times above the RDA quotas when discussing toxicity. For example, the FDA has set vitamin A intake at 5,000 I.U. per day even though the Food and Nutrition Board noted that possible danger could occur only when 100,000 to 150,000 I.U.'s of Vitamin A were taken per day for long periods of time. It is also interesting to note that 1 cup of diced carrots contain 18,000 units of Vitamin A. Are we also to assume that the FDA will label and regulate healthful foods such as carrots and liver which exceed the mandatory RDA limits?

The Food and Drug Administration regulations have shown a complete disregard for hundreds of reputable studies showing the importance of nutritional vitamins and food supplements in our diets. Nobel Prize winning biochemist Dr. Linus Pauling has recommended that a person take 3 grams of Vitamin C per day to combat colds. Under the new FDA ruling, you will be limited to 60 milligrams per day, or 1/30 of Dr. Pauling's recommended dosage. Dr. Paul Gyorgy, another Nobel Prize recipient, proved through clinical research that an individual should take 25 milligrams of Vitamin B_6 as a protective health measure, and yet the FDA declares that we must restrict B_6 intake to 3 milligrams a day. Mr. Chairman, it is very hard for our Citizens to be expected to accept the FDA Bureaucrats' word as "fact" when these and hundreds of knowledgeable chemists blatantly disagree.

The Agency has also to a great extent, outlawed combinations of vitamins even though they have shown no evidence of toxicity. This means that you will no longer be able to purchase such nutrients as the B complexes or Vitamin C with Iron. This also means that bioflavonoids, or P Vitamins, will be virtually banned even though hundreds of tests have shown their value in preventing many disorders such as polio, high blood pressure, hemorrhages, and diabetes.

The new regulations bring up countless cost and enforcement problems. Although a citizen will not be allowed to buy a high-potency vitamin or combination vitamin, he may buy as many low-potency and single vitamins as he wishes. However, this method will subject the consumer to increased costs and nuisance to obtain his desired vitamin dosages. For example, if you wish to take 1 gram of Vitamin C per day, you will now be forced to take 11 pills instead of 4 that you may be taking currently. In addition, the added relabeling costs forced on the companies will necessarily be passed along to the consumer.

The FDA has also prohibited most promotional claims by the food supplement industry even when the claims are scientifically proven and accurate. This means that a company will not be allowed to advise consumers that an ordinary diet will not supply adequate nutrients even though medical research centers around the world have produced reports that vitamin insufficiency is indeed grave and far greater than we realize. The ban on promotional advertising will also prohibit statements on the serious effects which preparation, storage, and transportation methods will have on nutrient content. Our consumers certainly should retain the right to know these basic facts, and I can find little justification in banning such statements under the guise of "consumer protection."

Our bill, H.R. 643, will define the term "food supplement" and will prohibit the FDA from limiting such supplements unless they are intrinsically injurious to health or fraudulently labeled. The purpose of our Legislation is to insure that all citizens maintain the right to freely purchase all nutrients which they feel are necessary to their health.

Mr. Chairman, although the FDA claims that they did in fact accept comments during their development of the new regulation, they seldom mention that the comments were almost totally opposed to implementation. I think it is time the Federal Agencies start listening to the wishes of the people who are completely capable of determining their own vitamin needs by consulting a physician. Mr. Chairman, I urge that we act immediately on our bill, H.R. 643, in order to protect American citizens from this type of bureaucratic arrogance.

NEED FOR EFFECTIVE ENERGY CONSERVATION POLICY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. FRASER. Mr. Speaker, the Middle Eastern conflict has made more urgent than ever an effective national response to the energy crisis.

The Department of the Interior has estimated that with normal winter temperatures, domestic supplies of heating oil and diesel will fall short of our needs by 650,000 barrels a day. We had planned to import this fuel from Western Europe, Canada, and the Caribbean. Since Europe depends upon the Arab States to supply its refineries, several of our traditional overseas suppliers have already placed restrictions on exports of heating oil and other refined products.

While the energy crisis snowballs into what will probably be a very cold winter for all of us, the administration continues to sit back. Slowing the rate of energy-consumption runs counter to the credos of big business. This administration, with its special ties to big business, has been reluctant to take the steps needed to cut down on demand for electricity and gas and oil. The belated and half-hearted, voluntary conservation measures proposed thus far have been no more successful than the voluntary petroleum allocation program has been.

In fact, the Nixon administration's reliance on individual initiative and the profit-motive, in conjunction with its erratic economic controls, may be aggravating the scarcity of heating oil in this country. Oil companies can earn several cents a gallon more on gasoline than they can on heating oil or diesel. Industry figures indicate that gasoline stocks are increasing and that each day, 420,000 excess gallons of gasoline are being produced, even as the days grow colder and our foreign sources of heating oil grow more uncertain.

At the same time we learn that trucks in Pennsylvania, in order to dodge diesel taxes, have been substituting precious supplies of heating oil for diesel. These are taxes used to finance the roads upon which trucks depend.

Apparently we cannot rely in this instance upon the leadership either of the administration or of the big business interests with which it is so closely allied. Congress must move into the policy void and take immediate steps to forestall real hardships this winter.

The distinguished Senator from Washington (Mr. JACKSON) has recently introduced a bill, S. 2589, to reduce petroleum consumption through mandatory means, including: A prohibition on advertising designed to increase energy use, periodic tuneups of automobile engines, lowering of speed limits to 50 miles per hour or less, and modifications in scheduling and routing of airplanes and trucks.

Congress might usefully consider additional mandatory measures. We should make mandatory the current voluntary labeling of efficiency of major electrical appliances. We should impose graduated taxes on automobiles to encourage use of those with the greatest fuel economy. We should also explore the possibility of Federal encouragement of lowered mass transit fares—or even free mass transit—as an incentive to use these facilities.

I call Members' attention to the following excellent discussion of conservation of energy in two recent issues of Energy, a new weekly journal:

NEED FOR EFFECTIVE ENERGY CONSERVATION POLICY

The Administration has kicked off its "Mom & Pop" energy conservation campaign, which it hopes will help get the country through this winter without serious economic disruptions.

The effort represents the Administration's attempt to deal with one of the most difficult and politically-charged aspects of the energy situation. The combined residential-commercial-transportation sector of small energy users that accounts for half of U.S. energy consumption must, of political necessity, have a high priority on any supply list. But it has the least incentive to cut down on waste, and officials are reluctant to clamp down. The opening gambit to deal with this problem in a non-compulsory fashion was a gala White House press conference to get the voluntary campaign rolling. Unfortunately, it appears to have been a bust. Despite the effort by White House Energy Policy Office Director John Love to connect energy conservation by small users with the Middle East war (by describing it as a hedge against an oil cutoff), reporters present at the conference indicated mostly indifference.

Most newspapers gave very little space to the conservation campaign. Even the energy industry trade press, which usually can be counted upon to cover extensively any energy announcement that comes from close proximity to the president, was largely indifferent to the campaign.

This journalistic inertia in the face of a critical winter may be explained by the absence of "hard news" in what the Administration had to say. There were no new studies indicating the amount of precious energy which could be conserved by this and that measure. The Arab-Israeli war and vice presidential resignation left little news space and broadcast time for energy conservation. Publicly, the Administration claims that voluntary cooperation by businessmen is just one part of a broad effort. Privately, officials acknowledged that there is really very little the Federal government can do, except to provide authoritative reference material. It will be up to large consumers, principally the business community, to make the effort a success on the local level.

To aid businessmen and public officials in achieving the cooperation of small energy users in their area, a large volume of material is available. Some of the more important of these documentary resources are identified and evaluated elsewhere in this issue.

Here are the actions announced by the White House as "elements of the winter phase of the National Energy Conservation Campaign" to reduce energy demand over the next year by 5% (which would mean allowing about a 2% increase in demand over the previous year):

Adoption of the comic strip character "Snoopy" as a symbol for the "SavEnergy" campaign.

Broad distribution of energy saving hints to consumers.

An extensive program to promote energy conservation by all elements of the business community.

Distribution of energy conservation kits to teachers for use in schools.

Cooperation with state and local governments in developing energy conservation programs.

The White House said the following energy conservation steps would receive "particular attention:"

Lowering thermostats by four degrees.

Installation of insulation, storm windows, weather stripping and caulking whenever practical.

The Administration said that if every residential thermostat would be turned down four degrees, 16.8-million gallons of oil would be saved this winter. This, according to the White House, was about the amount of oil the U.S. was expected to be short this winter. (The Dept. of Interior, however, calculates that the shortage could be up to 50% greater than the 16.8–million gallon figure in the case of a very cold winter.)

The White House listed these conservation actions already taken:

Creation of an Office of Energy Conservation in the Interior Dept. to lead and coordinate Federal energy conservation activities. (The office is not yet fully operative. When on line later this fall, it will have a staff of 25 to 30 professionals and a budget for the first year of about $1–million.)

Action by the Federal Aviation Administration and Civil Aeronautics Board, in cooperation with the Air Transport Assn., to reduce airline speed and increase load factors in order to raise the number of passenger miles travelled per gallon of fuel.

Commerce Dept.'s program for voluntary labeling of major appliances to show energy efficiency. (Reports from the Commerce Dept. indicate less cooperation than initial, optimistic reports anticipated.)

Environmental Protection Agency's publication of gasoline mileage data for 1974 autos and program for voluntary mileage labeling of 1975 and future cars. (EPA officials say privately that they were disappointed with the limited publication of 1974 mileage data by local media. They suspect that many newspapers were afraid to antagonize local car dealers who provide substantial advertising revenue. Auto manufacturers, however, have agreed to cooperate with the labeling program for 1975.)

General Services Administration demonstration project of an energy efficient office building in Manchester, N.H.

Defense Dept. (which accounts for 85% of all government energy use) action to reduce the number of aircraft training flights and ship speeds.

Overall Federal actions to lower thermostat settings four degrees, eliminate unnecessary lighting and purchase and rent more energy efficient vehicles. The national government consumes slightly less than 3% of all U.S. energy.

POLITICS

Any campaign which attempts to unite the nation behind Snoopy and draw together schoolchildren and businessmen in a common purpose is clearly designed to appear several light years away from the snakepit of enrgy politics. The National Energy Conservation campaign may itself be above politics, at least to a degree. Most large consumers must fall in line as supporters in the interest of survival, whether or not they agree with the basic premise that small user profligacy may be dealt with only by polite persuasion.

Energy conservation itself bears the seeds of a highly-charged political issue whose tensions probably will begin to surface early next year.

The Energy Conservation Campaign kickoff, for instance, did have its political elements. They were petty, but instructive; demonstrating the dissension among Administration energy policy makers. The White House urged that thermostats be turned down four degrees and said that this could wipe out the winter's expected heating oil deficit.

The previous week, Deputy Treasury Secretary William Simon had urged that thermostats be turned down three degrees and said that this could cut anticipated winter shortages of oil in half. The lack of coordination between Simon, who serves as chairman of the President's Oil Policy Committee, and White House aide Love, is as obvious as the discrepancy in their figures. (Energy watchers may choose for themselves which calculation is correct, although Simon, characteristically, made his staff's methodology public while the White House, also characteristically, did not.)

Not so obvious is the bad blood between Simon and Love and their staffs that led to different public statements being run around Snoopy's doghouse.

Another political aspect to the campaign was the decision by Love and his staff not to address the Great Gasoline Question. If the White House had opened the press conference by announcing a gasoline tax increase, the energy conservation campaign would have been on the front page of most newspapers in the U.S. It also would have bucked up the spirits of large users feeling the distillate pinch.

As late as the last week in September, Interior Dept.'s energy staff was making another serious push for an increase in Federal excise tax on gasoline of 5c to 10c a gallon. The effort was led by Deputy Assistant Secretary for Energy, Eric Zausner, who based his work, at least partially, on an academic study of gasoline elasticity done for the Ford Foundation Energy Policy Project.

The Ford study put gasoline elasticity in the shortrun at 0.43 and said this could increase to about 0.75 after about five years. (An elasticity factor of 0.75 means that a 100% price increase should cut demand by 75%.)

Interior staff hoped gasoline tax increase would dampen demand sufficiently to encourage refiners to squeeze less gasoline and more distillate from each barrel of oil. It is estimated that refiners nationally could produce up to 10.5-million additional gallons of distillate daily instead of gasoline. That sum, which is more than half the expected shortfall of distillate in the case of a winter with average temperatures, would be valuable to the entire country. It would be especially helpful to the Midwest, where the alternative—additional imports—is largely unavailable due to transportation problems.

The White House immediately quashed the tax hike and Love's office has so far rejected compromise proposals such as weight and horsepower taxes on automobiles.

COUNTERATTACK

While White House energy specialists are refusing to consider taxes on "the fuel with the votes" as a way of dampening demand, Administration economic officials are working on another front to hold down price increases in the private sector that could have the same dampening effect on gasoline demand.

The White House pales a shade every time another jump in the Consumer Price Index hits the front page and television evening news. Increases in food and petroleum products accounted for 70% of the rise in the Consumer Price Index since the end of 1972. Since gasoline is the most visible petroleum product, the Cost of Living Council is doing everything in its power to protect gasoline consumers (and voters) from price increases.

The council went so far as to force gasoline retailers to absorb price increases imposed by their suppliers until the council decided to permit retail prices to be increased. It was this action, primarily, that touched off the wave of service station strikes around the nation.

THE ECONOMY

The Cost of Living Council's action perhaps could have been considered a noble experiment at some other time. At the moment, it simply deals another blow to the distillate user.

Gulf Chemical Co., an affiliate of Gulf Oil, addressed the problem cogently in a submission to the National Commission on Materials Policy. Company executive E. M. Glazier said:

"If normal growth in petro-chemical production cannot take place, this could have the effect of almost bringing to a halt growth in manufacturing, thus limiting increases in Gross National Product as all the industries dependent upon petro-chemical products would be unable to expand their operations and certainly hesitate to invest in new equipment in view of this supply constraint.

"Petro-chemical plants . . . have limited flexibility in the nature and range of the petroleum materials which they can effectively utilize . . .

"There are more viable alternatives in other end use areas which can permit the reduction of use without disturbing the economy; specifically, automotive use—for use of gasoline is probably much more elastic without effecting the level of the economy since it is possible to reduce the amount of discretionary use and increase the use of mass transit, car pools, etc., for the necessary commuting without significantly disturbing the economy or affecting the growth of the country."

The issue of whether small consumers should be expected, for their own economic well-being, to share the shortage a little more equitably with large consumers is, of course, just one aspect of the politics of energy conservation.

There are many others that should prove to be equally controversial: the adjustment of utility rate structures to impose higher costs on large-scale users with potential to cut back use; the rationing of energy by an administrative, rather than a market mechanism; the allocation of clean fuels to small users who can't afford emission control technology and to regions with severe air quality problems; and the use of natural gas for so-called "inferior" uses such as boiler-fuel in steam-electric plants.

With a critical winter approaching, however, the chief political issue would seem to be whether the burden of shortages should fall on gasoline or distillate users.

Four Scenarios for Handling Oil Cutoffs Available for Review

William Johnson, chief of Treasury Dept.'s energy staff, is a very non-profane Mormon. So when Johnson is asked, following European oil product and Middle East crude oil cutoffs and slowdowns, what effect these developments will have on the U.S. in the next several months and he replies: "It's going to be a bitch," there is indication that the energy situation may indeed have reached the point of crisis.

There are four scenarios that indicate how key energy policy centers, the White House, oil industry, Congress and Treasury Dept., would cope with the crisis. Users may wish to review the four, listed below, before consulting with local, state and Federal officials.

It now appears that the U.S. will be unable to obtain a large portion, if any, of the distillate imports from Europe it needs to cover the projected heating season shortages.

It appears that the U.S. must adopt a very stringent mandatory allocation program for fuels or an equally stringent energy conservation program. A mix of both plus gasoline rationing at the consumer level seems to be a real possibility.

The Administration is now reviewing its emergency gasoline rationing plan. At the moment, any attempt to implement it would face a tooth-and-nail fight that would probably result in a rout of the pro-distillate forces. Some economic and even physical hardship this winter, however, could make a difference.

Energy users may wish to obtain the four most important viewpoints available on how to handle oil cutoffs.

INDUSTRY

The oil industry's proposals are given in an interim report published last July by the National Petroleum Council. The council is a quasi-governmental body of oil and gas company officials which advises the Secretary of Interior on petroleum matters. It has long been considered to be virtually a part of the Interior Dept. (critics say Interior Dept. is part of the council) and its opinions historically have swung great weight there, especially on such subjects as how the oil industry could handle this or that emergency.

The council stresses that temporary interruption of oil imports "is a fundamentally different condition from the current tight petroleum supply situation which exists domestically and its report recommends "emergency measures (that) can only be maintained for weeks or months rather than years."

There are indications that the end of the Middle East war will not entirely reopen the oil supply gates, so the "emergency measures" taken may indeed have to be maintained for longer than weeks or months. But the report is important reading because it is sure to exert influence on whatever will be the U.S. policy to cope with disruptions.

The study is titled "Emergency Preparedness for Interruption of Petroleum Imports into the United States" and is available for $2 from NPC, 1625 K St. NW, Washington DC 20006.

WHITE HOUSE

The White House has no official scenario for handling the cutoffs. However, at a press conference on Oct. 12 announcing the mandatory allocation program for distillates, Charles DiBona, the chief White House technical specialist on energy, was forced into a relatively lengthy discussion of the subject by repeated questions from reporters.

DiBona abhors Federal controls and has steadfastly advised his boss, Energy Policy Office director John Love, against all mandatory allocation programs except the one for propane. He was overruled on distillate, apparently because of political considerations.

At the press conference, DiBona took a more upbeat view of the fuel situation than most other major energy figures including Interior Under Secretary John Whitaker with whom he shared the podium. Whitaker said things looked "gloomy" for winter, that "there will be some cold people" and "there could be some people who lose their jobs."

DiBona told the press corps that he didn't believe a cutoff "would require rationing. I think it could be handled by some mandatory conservation measures and the extension of the allocation program."

The Administration hasn't printed the text of the press conference for public distribution. However, copies of the transcript can be obtained by writing to First National Publications Research Div., PO Box 9084, Washington DC 20003. Specify "Mandatory Middle Distillate Fuel Allocation Program Press Conference." (There is no charge.)

TREASURY

Treasury Dept. has prepared a conservation program which it predicts could mitigate the absence of exports if only 50% effective. The program was released last week in a low-keyed manner. Treasury is pushing for the program to be adopted by the Administration as its standby mandatory plan.

Given the bitterness between Treasury and the White House on energy matters, it appears unlikely that any plan worked up by the agency would be adopted, no matter how great its merits. However, as an Interior Dept. observer of the feud noted: "Treasury's covered so much ground in the program that how much else can the White House come up with?" A high State Dept. official, asked what the U.S. could do to cope with cutoffs, pointed to the Treasury plan as probably the best general indicator of what must be done.

A copy of the program can be obtained by writing to Robert Nepp, Public Affairs, Treasury Dept., Washington DC 20220. Almost all the information in Treasury announcement was reported in the Oct. 15 edition of Energy.

CONGRESS

Sen. Henry Jackson (D-WA) is the leading figure on Capitol Hill. He directs the Senate's extraordinary fuels and energy study and the subject is an important plank in his undeclared presidential campaign. He also is among the most militantly anti-Arab legislators.

Jackson has introduced a "National Energy Emergency Contingency Act" which would authorize the President to declare fuel shortage emergencies when demand exceeds supply by 5% or more. The measure would require a variety of conservation and rationing activities by both state and Federal governments.

Soon after Jackson disclosed his proposal to a packed press conference, Administration officials began informally informing reporters of their objections. The Administration was particularly upset because Jackson's announcement was blatantly anti-Arab at a time when President Nixon had entered what he described as "delicate diplomatic negotiations" to stop the Mideast fighting.

For example, Jackson said:

"This program will provide 3.3 million (42-gallon) barrels of oil each day and more than offset the 1.2 million barrels the Arab States could deny to the U.S. each day. The purpose of this bill is to let the Arab states, our allies, and every American know that the U.S. can deal effectively with his challenge."

That was on Oct. 18 when all of the U.S.' European allies, except West Germany and Britain, had embargoed oil product shipments to the U.S. while the Arabs had announced only 5%–10% production cutbacks. The result, Administration energy officials feared, would be to irritate the pro-American Arabian Peninsula states and, hence, undercut Mr. Nixon's peace efforts.

Despite Administration objectives, the mood of the Congress appears to be solidly behind Jackson and his proposed legislation would seem to have a good chance of eventual passage.

For the text of the measure write to William J. Van Ness Jr., Senate Interior Committee, 3106 Dirksen Office Bldg., Washington DC 20510. (If delay is experienced, a summary of the measure is available from First National Publications Research Div.)

ADVANCED ORGANIZED CRIME SEMINAR

HON. LINDY BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mrs. BOGGS. Mr. Speaker, recently William J. Guste, Jr., the knowledgeable and dynamic attorney general of Louisiana had the privilege of giving the keynote address to the Advanced Organized Crime Seminar sponsored by the Law Enforement Assistance Administration. Because I feel these comments would be of wide interest to my colleagues I include Attorney General Guste's remarks in the Record:

Address by William J. Guste, Jr., Attorney General of Louisiana to the Advanced Organized Crime Seminar

We meet to discuss an aspect of crime that affects every citizen: organized crime: a conspiracy of two or more operating on a continuing basis to violate the law for profit.

In 1972, it was my privilege to attend an Organized Crime Law Enforcement Conference sponsored, as is this Conference, by the Law Enforcement Assistance Administration at Notre Dame in South Bend, Indiana. There it was estimated that the gross national take of organized crime was $20 Billion of which $6 Billion was profit and of which a substantial amount was used to corrupt public officials to permit illegal activities to continue.

In my short term of office, I have learned that the hand-mate of organized crime is public corruption. And this is no original conclusion. It was the finding of the Kefauver Senate Committee in the early 1950's, and the Senate Committee Hearings chaired by Senator McClellan in the late 50's and the 60's.

It was the finding of the Mayor's Advisory Committee on Police Corruption in New Orleans in 1952.

It was the finding of the Orleans Parish Grand Jury as was evidenced by the series of indictments in the 1960's of members of the New Orleans Police Department.

It was the conclusion of the Metropolitan Crime Commission after 19 years of citizen effort in this area and the reason that we brought it into being.

It was the finding of the Louisiana Legislative Committee which investigated the influence of organized crime in Louisiana in 1972.

And it was brought home all the more forcefully to me this very month and last month when, as a result of intensive investigations by our staff, under grants funded through LEAA, we developed evidence of organized criminal activities in North Louisiana.

Bossier Parish, Louisiana is a suburb of Shreveport, Louisiana long known for illegal gambling, prostitution, B-drinking, drugs and other activities. During the last two weeks following several months of investigation, our office presented evidence to the Bossier Parish Grand Jury which has led to 31 indictment counts involving public bribery, public contracts fraud and other corrupt practices. Included among those indicted were the former Mayor of the City of Bossier, the Mayor's son, the Mayor's brother, the former Chief of Police, the former Head of the Vice Squad, the former representative of the Alcohol Control Board and the former Commissioner of Public Finance.

I cannot help but re-emphasize that organized crime and public corruption go hand in hand. Most organized crime could never exist without the knowledge and permission of public officials who have sold their integrity for votes or for dollars.

I am convinced, as are many of you, that we must attack street crime on two basic fronts. We must fight the symptoms of crime, and the causes of crime.

At last year's LEAA Seminar on Crime, Courts and Corrections, there was almost complete unanimity that we need more and better policemen, swifter and more relevant justice in the courts, and correctional procedures that truly correct and are not simply schools for increased criminality.

And there was also agreement that we must attack the basic causes of crime—lack of education, lack of job training and jobs, racial injustice, narcotics and a breakdown of discipline and love in the home.

But when we deal with organized crime, we are not dealing with criminals who emerge from the slums and ghettos. Here we are talking about crimes that operate as a business—often under the cover of legitimate business. We are often talking about well-to-do merchants who have an efficient well-trained organization operating secretly and engaged in illegal activities for profit where very frequently there is no victim who is willing to complain.

For example,

The sports bettor.

The off-track bettor.

Some say that's not organized crime. But they fail to realize what a sports betting system includes.

Here are a few of the items:

1. Runners who pick up bets for the handbook.

2. A handbook where bets are placed by the runners or the bettor himself.

3. A handicapper and odds information services.

4. A place where the handbook can lay off the bets for its protection.

5. Credit—the ability to borrow—quickly when necessary to pay off a large bet.

6. The machinery for settling of disputes out of court.

7. Machinery for enforcement of settlement of disputes and the weapons here are usually fear and force.

Another example—loan-sharking. Our consumer protection unit, operating under an LEAA Grant, recently uncovered a loan-sharking operation where the interest was as high as 25% per week.

At South Bend, we learned of loan-sharking loans that are made without security—nor was any evidence of the debt required. Why? Because the agreement is so clear—that no written contract is necessary. The collectors are enforcers and the security is the life of the debtor! Again, the borrower will not complain.

Narcotics are penetrating our cities and rural areas, our colleges and high schools. It takes an organization to move the poppy-seeds raised in the fields of Asia to a desperately hooked student in New Orleans. Again, there is frequently no complaining witness. Yet, this activity is eating away at the fiber of American youth.

And the other organized crimes of prostitution, extortion, anti-trust violations and back again to the hand-mate—public corruption.

The result: billions of dollars of take: millions plowed into narcotics that lead to wasted lives and the crime in the street that we all fear; and millions more that are available for organized crime businessmen to compete with legitimate businessmen with tax free funds.

This is a kind of competition legitimate business can't stand. And it is the reason why legitimate businessmen must group together to fight organized crime which in the end can rob them of a legitimate business.

Louisiana's constitution has always given a broad grant of authority to the State's Attorney General to initiate or intervene in any civil or criminal proceeding. Historically, this power had never been used.

We have begun a planned program to correct the inaction of the past and to move as quickly as possible against organized crime and corruption in this State.

But beyond this, we have gone to our legislature to secure certain tools which we considered essential and which we recommend to you to increase your effectiveness in fighting organized crime.

As a result the 1972 session of our legislature enacted laws granting the Attorney General:

1. The power of subpena equal to that possessed by District Attorneys.

2. The power, in conjunction with a local District Attorney, to grant immunity.

3. The right to be present in the Grand Jury Room.

4. The right for a Grand Jury which discovers or suspects that a crime has been committed outside of its jurisdiction to report this through the Attorney General to the Grand Jury which does have jurisdiction.

This in effect sets up a means whereby investigations which cross parish (county) boundaries can be continued.

(I do not consider this as effective a special state grand jury which can be convened by the Attorney General. However, it is an important step in this direction.)

5. And finally, they gave us the funds necessary to maintain our Criminal Division and match LEAA Grants.

Again, I wish to publicly thank our legislators for this.

It did not see fit to enact a law permitting the controlled use of electronic surveillance. Now, I recognize that this is really not a good time to talk about wiretapping and bugging. But, I believe we must distinguish between legitimate and illegitimate use of wiretapping. And I believe that it is essential that we strengthen our laws which prohibit illegitimate wiretapping and severely punish those who illegally invade one's privacy.

But at the same time, with the strictest controls possible to protect the right to privacy, I believe that electronic surveillance used by law enforcement personnel where there is probable cause that a crime is being committed is a very valuable tool with which to fight underworld crime.

There are a few special points that I would like to make.

First, I believe that we should all acknowledge our awareness of the fact that under state law there are far more legal weapons available to deal with organized crime and corruption than there are available to Federal agencies. The federal system has an impressive record because they have used their authority.

It is time for Louisiana and other states to take the initiative, to accept prime responsibility for action against organized crime and use the sleeping giant of state law.

No state case deals with organized crime as an island unto itself. Criminals formed into an organization are too intelligent to limit themselves to political boundaries.

The law enforcement community must resist limitations placed upon themselves because of political boundaries. If organized crime is to be defeated in Louisiana the enemy must not be permitted to succeed merely by crossing a parish or county or a state line.

I take this opportunity to pay tribute to the organized crime units of the New Orleans Police Department, Jefferson Parish Sheriff's Office and the Louisiana State Police which have first of all had the wisdom to assign personnel to the intelligence gathering function and to coordinate their activities where parish or county lines are crossed.

At the state level, we know that we need and want the help of other states. And I intend that this will be a two-way street and, therefore, offer the help of our staff to other states as well.

I think we should candidly admit that in the past federal and state and local law enforcement agencies have been reluctant to share information. In many cases, federal agencies just didn't trust state agencies. I believe this must change and will change as state and local agencies show their willingness and their determination to fight the common enemy.

I am proud to state that I am sharing information with all U.S. Attorneys in Louisiana and they and the Organized Crime Strike Force are beginning to bring me information. And when they do, our staff is actively following up on it.

Here let me emphasize the importance of the task force approach. I mentioned the recent indictments we secured in Bossier Parish, Louisiana. These successes were due to the fact that our Criminal Division under Jack Yelverton, working in particular through Ronald Black, Chief of Investigative Services, and William Faust, Chief of our Organized Crime Investigative Section, put together a specially coordinated effort involving the legislative auditor, the local sheriff, the state police intelligence unit and the local district attorney. We assigned them a specific problem. We coordinated their efforts. They worked together with a spirit to accomplish their task—sharing information and advice. I recommend this type of task force approach to you because I believe it is better to complete one task than to begin twenty and complete none.

I have learned the value of working with the newsmen. They get good tips. But neither newsmen nor citizens are going to give you information if they do not believe you are sincere, and are going to conscientiously follow up on the lead they give you.

I have had the opportunity to consider looking at the problem of organized crime from two angles. As a citizen-member and President of The Metropolitan New Orleans Crime Commission, and now as a public official with responsibility for acting.

From this experience, I can stress the importance of citizens and public officials working together.

I wish to take this occasion to state that I have already begun, and I intend to continue to make full use of the wealth of information developed by our Citizens' Crime Commission. And I heartily recommend to you the encouragement of Citizens' Crime Commissions and their use. You may be assured that when you demonstrate your sincerity, these citizens groups will gain public support for your work without which your job is all the more difficult.

The coat of arms of Louisiana contains the three qualities for which our State stands UNION—JUSTICE—CONFIDENCE. It is my hope and trust, and I am sure it is shared by you, that out of this advanced organized crime seminar will come—

A *union* of purpose and of action and a *union* of integrity;

A greater degree of *justice* which eventually comes from improved professionalism and united effort;

And public *confidence* in law enforcement efforts and in government which we represent at the local, state and national level.

REPRESENTATIVE HOLT COUNSELS CAUTION ON IMPEACHMENT QUESTION

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. BAUMAN. Mr. Speaker, while things have calmed down a bit since the President fired Archibald Cox, and some sort of accord may be reached on the appointment of a new prosecutor, there are still many in the Congress who would push on in an emotional charge to impeach Mr. Nixon. While cause may or may not exist to consider such a move, the very serious question of impeachment must be considered in a calm, deliberative light, and not in the heated passion of partisan debate.

My colleague from Maryland's Fourth Congressional District, Representative MARJORIE HOLT, has written an editorial, printed in the Baltimore Sun over the weekend, which states clearly and persuasively the case for careful, unemotional consideration of the impeachment question. I think her advice is wise, and I offer it here, in the hope that some of the President's more ardent opponents will take it to heart:

[From the Baltimore Sun, Oct. 27, 1973]

(Editorial by Marjorie Holt)

The resignation of the Attorney General and Deputy Attorney General, and the subsequent dismissal of the Special Prosecutor Archibald Cox, have ignited a holocaust of adverse public opinion which is unmatched in recent years. There is no question that the American public is opposed to this action, and feels that the so-called Watergate tapes should be rendered to the appropriate judicial authorities.

Highly placed White House officials have conceded that they grievously erred in their assessment of public reaction to this event. This problem is symptomatic of the troubles which have plagued this administration since it assumed office in 1969.

Much of the problem is due to the President's inability to communicate with the country through the press. The President has become far too insulated from the people and the legislative branch.

The utilization of the Chief Executive's time must be carefully supervised, but not to the point where a total breakdown of communication with other integral parts of government and the country as a whole is allowed to occur. It must always be remembered that accomplishments in office, and this administration has had many great ones, are quickly forgotten if the faith of the people is lost.

The public outrage over the tapes issue and the shakeup in the Justice Department have inevitably led to renewed calls for the initiation of impeachment proceedings.

Impeachment is the most serious action that the Congress can take, and the gravity of this procedure demands that it be well considered and deliberate. It must be consistent with the Constitution, and it must serve the best interests of the country and its people.

The House of Representatives clearly has the authority and obligation to examine the impeachment question. This is currently being effected by the Judiciary Committee, and I have every hope that this will result in a fair, nonpartisan evaluation of our constitutional responsibilities. My own view is that the recent demands for impeachment are premature and based more or emotion than fact.

The President's decision to release the disputed tapes has averted a major constitutional crisis and eliminated a potential ground for impeachment.

The decision to make these tapes and related documents available to Judge Sirica was the proper course of action. While the constitutional crisis may have been blunted, we are still faced with a serious crisis of confidence, to which all elected officials and all citizens must turn their attention.

The proper functioning of a democratic form of government requires that elected officials reflect the views of the electorate and the electorate, in turn, must have implicit trust in their representatives—trust in their abilities and in their character.

It is no secret that trust in the holders of political office is currently a rare commodity. The precise causes of this situation can be debated indefinitely, but the assignment of blame for the situation does not bring us any closer to a solution. As in the case of all complex national problems, there is no quick or easy remedy for this ailment.

The eradication of the crisis in confidence which plagues our government must begin with a complete and thorough airing of the infamous events which are now collectively referred to as the Watergate affair. Reform of public institutions is always preceded by a public exposition of evil. The process of exposition and prosecution is painful and traumatic, but it is an absolute necessity. It must be diligently pursued regardless of where it leads.

It is also mandatory that both Houses of Congress move with deliberate speed in their investigation and confirmation hearings on the Vice President-designate, Gerald R. Ford. The absence of a Vice President is always a matter of concern and this is compounded by the current national mood. Action on this nomination must occur both to fill the office and to remove all political considerations from the impeachment issue.

Partisan politics must be set aside at all costs. A sound government can only reinforce both parties, whereas politically motivated actions during this crucial period will only further weaken our political party system.

Investigation and public disclosure must become a way of life for those who seek to hold public office. It may be advisable to go further than our current efforts, and subject all of those in the line of succession for the presidency to close public scrutiny. We must do all in our power to protect our country from further shocks of the sort to which they have recently been subjected.

I pray that the members of the three branches of government will be given the wisdom and the courage to squarely approach our current problems and develop meaningful solutions.

EEOC PENSION RULING ON SEX DISCRIMINATION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Ms. ABZUG. Mr. Speaker, early this year the American Nurses' Association charged that the use of separate actuarial tables to compute pension benefits for men and women constitutes discrimination on the basis of an individual's sex. In August, the Equal Employment Opportunity Commission ruled that this practice is discriminatory and, therefore, unlawful.

The argument used to support the practice of using separate actuarial tables was based on the longer average life expectancy of women than men. The ANA argued that such a practice would be legitimate only if similar distinctions were made to benefit members of minority groups with shorter life expectancies than white people.

This decision by the EEOC set valuable precedent to prohibit sex discrimination in the computation of pension benefits. This prohibition should be statutory, though, if it is to be truly effective. Since we are now considering major pension reform legislation, we are in a position to make this necessary and just change.

I am inserting the charge made by the ANA as well as the EEOC's decision into the RECORD.

In addition, I am inserting "Academicians Find Shortcomings in Pension Reform Bills" from the October 1973 Legal-Legislative Report News Bulletin:

CHARGE MADE BY ANA

In a charge of discrimination filed with the Equal Employment Opportunity Commission, Dr. Eileen M. Jacobi said:

"The Board of Governors of Wayne State University provides retirement benefits to employees which are discriminatory by sex. The benefits in question are provided through the insurance carrier—Teachers Insurance and Annuity Association. The retirement plan of TIAA provides larger monthly payments to a male member employee than to a female member employee even though each has made the same contribution for the same number of years. While paying women less on the ground that they have a longer average life expectancy, TIAA simultaneously refuses to pay blacks more when in fact they have a shorter average life expectancy. Thus, this amounts to discrimination based upon sex, and such discrimination violates guideline 1604.9(e) and (f) of the Guidelines on 'Discrimination Because of Sex' issued by the Equal Employment Opportunity Commission, on March 31, 1972 and published in the Federal Register on April 5, 1972."

AFFIDAVIT

State of Missouri,
County of Jackson, sworn statement.

I, Eileen M. Jacobi, Ed.D., R.N., after being duly sworn, upon oath depose and say:

I am 54 years of age and live at 4406 West 95th Street, City of Shawnee Mission, County of Johnson, State of Kansas. My telephone number is (816) 474–5720, and my Social Security Number is [redacted].

I am Dr. Eileen M. Jacobi, Ed.D., R.N. Presently I am the Executive Director of the American Nurses' Association whose offices are located in Crown Center, 2420 Pershing Road, Kansas City, Missouri 64108.

The American Nurses' Association is the professional organization of registered nurses. It has approximately 163,000 members belonging to constituent associations in the fifty states, the District of Columbia, the Virgin Islands and Guam.

The Association's purposes are to foster higher standards of nursing practice, to promote the professional and educational advancement of nurses, and to promote the economic and general welfare of nurses to the end that all people may have better nursing care.

Dr. Virginia Cleland, Ph.D., R.N., now residing at 13 Norwich, Pleasant Ridge, Michigan 48069, is a member of American Nurses' Association (ANA), and is a member of ANA's Commission on Nursing Research. Dr. Cleland is employed as Professor of Nursing by Wayne State University, Detroit, Michigan 48069. The Board of Governors of Wayne State University provides certain fringe benefits, including retirement benefits, to employees. The retirement benefits are provided through the insurance carrier—Teachers Insurance and Annuity Association, commonly known as TIAA. TIAA's central offices are located at 730 Third Avenue, New York, New York 10017.

The retirement plan of TIAA, to which Dr. Virginia Cleland belongs, provides larger monthly payments to a male member than to a female member upon retirement at the same age, even though each has made equal contributions for an equal number of years. While paying women less because they have a longer average life expectancy, TIAA simultaneously refuses to pay blacks more. In fact, blacks have a shorter average life expectancy than women. This is discriminatory by sex.

It is my firm belief that such a discrimination based upon sex violates the provisions of Title VII of the Civil Rights Act of 1964 and guidelines 1604.9(e) and (f) of the Guidelines on Discrimination Because of Sex, issued on March 31, 1972 by the Equal Employment Opportunity Commission. In my judgment, the practice of TIAA is, therefore, illegal.

In my capacity as the Executive Director of American Nurses' Association, I have today filed a Charge of Discrimination on behalf of Dr. Virginia Cleland with the Kansas City District Office of Equal Employment Opportunity Commission.

Dr. Cleland is advised that I am filing this complaint in her behalf.

I have read the foregoing statement consisting of two pages, and swear (affirm) to the best of my knowledge and belief that it is true.

EILEEN M. JACOBS.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Kansas City, Mo., August 1, 1973.

DETERMINATION

Under the authority vested in me by Section 1601.19b(d) of the Commission's Procedural Rules, Volume 37, Federal Regulation 20165 (Sept. 27, 1972), I issue on behalf of the Commission the following determination as to the merits of the subject charge.

The Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and the timeliness, deferral and all other jurisdictional requirements have been met. The action taken by the State has been considered.

Charging Party alleges that the Respondent is discriminating against women members of the American Nurses Association on the basis of sex (female) because of the Respondent's retirement benefits which uses two separate actuarial tables based on sex for calculating retirement. Records on file show that the Respondent is a participating agency in the retirement program and that two separate actuarial tables are used to calculate benefits that are based upon sex, therefore, I find reasonable cause to believe that Respondent is in violation of the Civil Rights Act of 1964 as amended.

Having determined there is reasonable cause to believe the charge is true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. We enclose an information sheet entitled "Notice of Conciliation Process" for the attention of each party. A representative of this office will be in contact with each party in the near future to begin the conciliation process.

On Behalf of the Commission.

FRANC HERNDON,
Director, Kansas City District Office.

ACADEMICIANS FIND SHORTCOMINGS IN PENSION REFORM BILLS

Thirty-six law, economics, insurance and sociology professors have signed a statement which cites the Javits-Williams Bill (S. 4), the Finance Committee Bill (Bentsen) (S. 1179) and the Dent Bill (H.R. 9824) as all falling short of providing the reforms needed in the private pension system. The statement, which was distributed by the outspoken critic of the private pension plan system, Professor Merton Bernstein of the Ohio State University, recommends changes in the areas of vesting, coverage, conflicts of interest, widow benefits, plan termination insurance, and bargaining rights for retirees.

With regard to vesting, the academicians urge 50% vesting after five years of service, with an annual increase of 10% each year thereafter. They submit that only under such a vesting schedule will employee benefit achievement be improved over the current unsatisfactory situation. They also contend that their suggested vesting formula will "enable women—who typically have a shorter period of service—to begin to achieve pension benefits in a substantial way."

The professors also feel that "if private pension plans are to provide the supplementation needed by all," then they must cover all workers. They note that none of the bills before Congress effectively deals with the problem of coverage, and they recommend "experimentation with a national, low-cost boiler-plate plan" before their recommended broad coverage is adopted.

In the area of conflict of interest, the statement argues that "all trustees should be completely neutral and owe loyalties only to the fund beneficiaries." The statement further provides that company and union officials should not be permitted to serve as trustees because of possible conflicts of interest and that any dealings involving the pension trust funds and the company and union should be prohibited.

As for widow benefits, the professors recognize that options for survivor benefits are seldom exercised and advocate remedying the situation by a legislative mandate that survivor benefits be deemed exercised unless affirmatively rejected in writing.

With regard to plan termination insurance, the statement simply says that it is highly desirable and should be tried.

Finally, in the area of bargaining rights for retirees, the professors cite the fact that very few pension plans have provisions to help off-set the effects of inflation on those on a fixed income. To remedy this situation, they urge that the National Labor Relations Act be amended to permit pensioners to bargain with their former employers (and successors) and require those employers to bargain with retiree representatives.

HOUSE OF REPRESENTATIVES—*Wednesday, October 31, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This is the day which the Lord hath made; we will rejoice and be glad in it.—Psalms 118: 24.

As we begin another day of service to Thee and to our country, we thank Thee, our Father, that we can put our hands in Thine and walk with Thee through the coming hours. In this journey through life help us to realize anew that neither learning, nor wealth, nor position can ever make up for a lack of faith in Thee or for the loss of a conscientious spirit.

Accept our gratitude for the opportunities of this day and help us to be happy in our work and eager to be of service to our beloved America. Make our country great in goodness and good in greatness. May righteousness exalt us as a nation, good will expand our higher moods, and understanding express the goal of our nobler endeavors. In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Heiting, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution of the following title:

S. Res. 193

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable John P. Saylor, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that:

The Senate having proceeded to reconsider the bill (S. 1317) entitled "An Act to authorize appropriations for the United States Information Agency," returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

The message also announced that the Senate agrees to the amendment of the House with amendments to a bill of the Senate of the following title:

S. 2410. An act to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1570) entitled "An act to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes.", and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Jackson, Mr. Bible, Mr. Church, Mr. Metcalf, Mr. Magnuson, Mr. Pastore, Mr. Fannin, Mr. Hansen, Mr. Hatfield, and Mr. Cook to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 702. An act to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado.

PERSONAL EXPLANATION

Mr. KLUCZYNSKI. Mr. Speaker, I was present during the vote on the drug abuse extension bill yesterday and I voted "aye." The Record has me listed as not voting. I should like the Record to show that I was present and voting.

U.N. OBSERVERS SHOULD BE CIVILIANS

(Mr. de la GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. de la GARZA. Mr. Speaker, the dread possibility of a confrontation between U.S. forces and Soviet Russia forces in the Middle East need not have been raised at all had the United Nations sent civilians instead of troops as monitors of the cease-fire.

Human nature being what it is, if the Soviet Union sent troops and we sent troops, the potential would be present for beginning world war III. Even if the troops be from other nations, as they now are, they come to an area where the armed forces of Israel and the Arab countries face each other and the warlike aspect of the situation is increased rather than lessened. I just saw a picture of a group leaving Cyprus—fully armed. This does not add to an atmosphere of peace, but to one of war or conflict.

I think it would be helpful and add to the credibility of the United Nations as a peace forum if the observers arrived in civilian clothing and were led not by a military man but by a distinguished world statesman-diplomat.

I have communicated to the Secretary of State my recommendation that the United States initiate in the United Nations a proposal that in the future all U.N. observers be civilians attired in civilian clothes, headed by able men and women known for their expertise in world diplomacy. Military experts might accompany them, but only as advisers and in a minimal number.

This action, I think, should be taken as a practical way of backing up the prayers of all mankind that no conflict between nations anywhere will escalate into a war that could destroy the world.

MILLIONS OF AMERICANS HAVE BEEN BETRAYED BY ARCHIBALD COX

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I, along with millions of Americans, have been betrayed by that supposed paragon of virtue, Archibald Cox.

When Archibald Cox confessed yesterday that he passed privileged information disclosed to him in the course of his investigation by former Attorney General Richard Kleindienst concerning the ITT case to Senator Teddy Kennedy—an avowed political opponent of the President—I found it just incredible. I supported an independent prosecutor, and still do. But what I, and millions of Americans, thought was independent apparently was political from the start. In fact, this pompous, pious, self-righteous, supposedly independent special prosecutor, was far worse than just political. While cloaking himself in the cloth of justice, he was betraying his trust to the American people by feeding information to his political cronies. Cox has clearly violated the law, the Federal Code, title 28, chapter 1, part 50, which forbids the release of information pertaining to Federal investigations. How much more information has he unlawfully fed for political purposes? The President simply fired this cheat 1 week too soon. Today I am introducing a resolution on the floor of the House calling for an investigation of Archibald Cox and his task force. In a word, Archibald Cox is a fraud.

INTERNATIONAL DEVELOPMENT ASSOCIATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–174)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Banking and Currency and ordered to be printed:

To the Congress of the United States:

As their role in conveying financial assistance to developing countries has steadily enlarged in recent years, multilateral lending institutions have become vital to our hopes for constructing a new international economic order.

One of the most important of these institutions is the International Development Association, a subsidiary of the World Bank that provides long-term loans at low interest rates to the world's poorest nations. During the 13 years of its operation, IDA has provided over $6.1 billion of development credits to nearly 70 of the least developed countries of the world. Two dozen countries have contributed funds for this effort.

By next June, however, the International Development Association will be out of funds unless it is replenished. As a result of an understanding reached in recent international negotiations, I am today proposing to the Congress that the United States join with other major industrialized nations in pledging significant new funds to this organization. Specifically, I am requesting that the Congress authorize for future appropriation the sum of $1.5 billion for the fourth replenishment of IDA. Initial payments would be made in fiscal year 1976 and the full amount would be paid out over a period of years.

I am also requesting that the Congress authorize an additional $50 million for the Special Funds of the Asian Development Bank. The bank is one of the major regional banks in the world that complements the work of the International Development Association and the World Bank.

Legislation for both of these authorities is being submitted to the Congress today by the Secretary of the Treasury.

STRENGTHENING THE INTERNATIONAL ECONOMIC SYSTEM

Just over a year ago, in September 1972, at the annual meeting in Washington of the International Monetary Fund and the World Bank, I stressed the urgent need to build a secure structure of peace, not only in the political realm but in the economic realm as well. I stated then that the time had come for action across the entire front of international economic problems, and I emphasized that recurring monetary crises, incorrect alinements, distorted trading arrangements, and great disparities in development not only injured our economies, but also created political tensions that subvert the cause of peace. I urged that all nations come together to deal promptly with these fundamental problems.

I am happy to be able to report that since that 1972 meeting we have made encouraging progress toward updating and revising the basic rules for the conduct of international financial and trade affairs that have guided us since the end of World War II. Monetary reform negotiations, begun last year, are now well advanced toward forging a new and stronger international monetary system. A date of July 31, 1974, has been set as a realistic deadline for completing a basic agreement among nations on the new system.

Concurrently, we are taking the fundamental steps at home and abroad that will lead to needed improvement in the international trading system. On September 14, while meeting in Tokyo, the world's major trading nations launched new multilateral trade negotiations which could lead to a significant reduction of world trade barriers and reform of our rules for trade. The Congress is now considering trade reform legislation that is essential to allow the United States to participate effectively in these negotiations.

ESSENTIAL ROLE OF DEVELOPMENT ASSISTANCE

While there is great promise in both the trade and monetary negotiations, it is important that strong efforts also be made in the international effort to support economic development—particularly in providing reasonable amounts of new funds for international lending institutions.

A stable and flexible monetary system, a fairer and more efficient system of trade and investment, and a solid structure of cooperation in economic development are the essential components of international economic relations. We must act in each of these interdependent areas. If we fail or fall behind in one, we weaken the entire effort. We need an economic system that is balanced and responsive in all its parts, along with international institutions that reinforce the principles and rules we negotiate.

We cannot expect other nations—developed or developing—to respond fully to our call for stronger and more efficient trading and monetary systems, if at the same time we are not willing to assume our share of the effort to ensure that the interests of the poorer nations are taken into account. Our position as a leader in promoting a more reasonable world order and our credibility as a negotiator would be seriously weakened if we do not take decisive and responsible action to assist those nations to achieve their aspirations toward economic development.

There are some two dozen non-communist countries which provide assistance to developing countries. About 20 percent of the total aid flow from these countries is now channeled through multilateral lending institutions such as the World Bank group—which includes IDA—and the regional development banks.

These multilateral lending institutions play an important role in American foreign policy. By encouraging developing countries to participate in a joint effort to raise their living standards, they help to make those countries more self-reliant. They provide a pool of unmatched technical expertise. And they provide a useful vehicle for encouraging other industrialized countries to take a larger responsibility for the future of the developing world, which in turn enables us to reduce our direct assistance.

The American economy also benefits from our support of international development. Developing countries today provide one-third of our raw material imports, and we will increasingly rely upon them in the future for essential materials. These developing countries are also good customers, buying more from us than we do from them.

NEW PROPOSALS FOR MULTILATERAL ASSISTANCE

Because multilateral lending institutions make such a substantial contribution to world peace, it must be a matter of concern for the United States that the International Development Association will be out of funds by June 30, 1974, if its resources are not replenished.

The developing world now looks to the replenishment of IDA's resources as a key test of the willingness of industrialized, developed nations to cooperate in assuring the fuller participation of developing countries in the international economy. At the Nairobi meeting of the World Bank last month, it was agreed by 25 donor countries to submit for approval of their legislatures a proposal to authorize $4.5 billion of new resources to IDA. Under this proposal, the share of the United States in the replenishment would drop from 40 percent to 33 percent. This represents a significant accomplishment in distributing responsibility for development more equitably. Other countries would put up $3 billion, twice the proposed United States contribution of $1.5 billion. Furthermore, to reduce annual appropriations requirements, our payments can be made in installments at the rate of $375 million a year for 4 years, beginning in fiscal year 1976.

We have also been negotiating with other participating nations to increase funds for the long-term, low-interest operation of the Asian Development Bank. As a result of these negotiations, I am requesting the Congress to authorize $50 million of additional contributions to the ADB by the United States—beyond a $100 million contribution already approved. These new funds would be associated with additional contributions of about $350 million from other nations.

MEETING OUR RESPONSIBILITIES

In addition to these proposals for pledging future funds, I would point out that the Congress also has before it appropriations requests for fiscal year 1974—a year that is already one-third completed—for bilateral and multilateral assistance to support our role in international cooperation. It is my profound conviction that it is in our own best interest that the Congress move quickly to enact these pending appropriations requests. We are now behind schedule in providing our contributions to the International Development Association, the Inter-American Development Bank, and the Asian Development Bank, so that we are not keeping our part of the bargain. We must show other nations that the United States will continue to meet its international responsibilities.

All nations which enjoy advanced stages of industrial development have a grave responsibility to assist those countries whose major development lies ahead. By providing support for international economic assistance on an equitable basis, we are helping others to help themselves and at the same time building effective institutions for international cooperation in the critical years ahead. I urge the Congress to act promptly on these proposals.

RICHARD NIXON.

THE WHITE HOUSE, *October 31, 1973*.

APPOINTMENT OF CONFEREES ON H.R. 8916, STATE, JUSTICE, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none and appoints the following conferees: Messrs. ROONEY of New York, SLACK, SMITH of Iowa, FLYNT, SIKES, MAHON, CEDERBERG, ANDREWS of North Dakota, and WYATT.

CALL OF THE HOUSE

Mr. DICKINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 555]

Ashley
Biaggi
Blatnik
Breaux
Brooks
Buchanan
Burke, Calif.
Chappell
Clark
Clausen, Don H.
Clay
Conyers
Davis, Ga.
Dellums
Diggs
Esch
Ford, William D.
Fraser
Giaimo
Gray
Green, Oreg.
Hammerschmidt
Hanna
Howard
Jarman
Johnson, Colo.
Jones, Ala.
King
Kuykendall
Kyros
Lujan
Macdonald
Mills, Ark.
Mosher
Murphy, N.Y.
Nix
Passman
Pike
Podell
Railsback
Roberts
Roncallo, N.Y.
Runnels
Ryan
Sandman
Steele
Teague, Tex.
Thompson, N.J.
Waldie
Wiggins
Wylie

The SPEAKER. On this rollcall 382 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT SATURDAY, NOVEMBER 3, 1973, TO FILE REPORT ON H.R. 9142

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Saturday to file a report on the bill H.R. 9142.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1570, EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MACDONALD, VAN DEERLIN, BROWN of Ohio, and COLLINS of Texas.

PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, with Senate amendments to the House amendment thereto, and concur in the Senate amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Senate amendments: Page 7 of the House engrossed amendment, strike out lines 18, 19, and 20 and insert: "In the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs.".

And on page 16 of the House engrossed amendment, after line 16 insert:

"(5) The Secretary shall provide technical assistance, as appropriate, to eligible entities as necessary for the purpose of their preparing applications or otherwise qualifying for or carrying out grants for contracts under sections 1202, 1203, or 1204, with special consideration for applicants in rural areas.".

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, I reserve the right to object.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, the amendments consist of two in the House and two in the Senate, and the bill is substantially as passed in the House.

Mr. GROSS. Are the amendments germane? It does not seem to impress anyone very much any more whether they are germane or nongermane. We do not like nongermane Senate amendments.

Mr. STAGGERS. These are all germane, I can assure the gentleman from Iowa, and they are technical amendments which make the bill better.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. STAGGERS. Mr. Speaker, in passing EMS legislation, both the House and the Senate started with legislation identical to that which the President vetoed, without the PHS hospitals. Each body made three small amendments on the floor, and in doing this created four even smaller differences between the House- and Senate-passed bills. We discussed these differences with the Senate and agreed to a reasonable set of compromises. Their amendments yesterday incorporate these compromises and we now need to agree to them. This would clear it for the President's signature.

The differences and their resolutions are:

First. The Senate earmarked 17½ percent of the funds for rural areas, and the House earmarked 20 percent. The final version uses 20 percent.

Second. The House added a priority for research in EMS in rural areas which is not in the Senate bill. The final version keeps the House provision.

Third. The House permitted up to 75 percent assistance for expansion and improvement of EMS systems in rural areas, and the Senate did so in areas with exceptional need. The final version takes the Senate approach.

Fourth. The Senate-passed bill contained a provision authorizing HEW to give technical assistance to EMS systems. This provision is not included in the House bill but is contained in the final version.

None of these amendments adds any money to the bill, changes its basic intent or effectiveness, or can even be considered substantial. I urge that the House consent to their adoption.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON S. 1081, GRANTING RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on S. 1081, granting rights-of-way across Federal lands.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93-617)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I

SECTION 101. Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), is further amended to read as follows:

"Grant of Authority

"SEC. 28. (a) Rights-of-way through any Federal lands may be granted by the Secretary of the Interior or appropriate agency head for pipeline purposes for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom to any applicant possessing the qualifications provided in section 1 of this Act, as amended, in accordance with the provisions of this section.

"Definitions

"(b) (1) For the purposes of this section 'Federal lands' means all lands owned by the United States except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf. A right-of-way through a Federal reservation shall not be granted if the Secretary or agency head determines that it would be inconsistent with the purposes of the reservation.

"(2) 'Secretary' means the Secretary of the Interior.

"(3) 'Agency head' means the head of any Federal department or independent Federal office or agency, other than the Secretary of the Interior, which has jurisdiction over Federal lands.

"Inter-Agency Coordination

"(c) (1) Where the surface of all of the Federal lands involved in a proposed right-of-way or permit is under the jurisdiction of one Federal agency, the agency head, rather than the Secretary, is authorized to grant or renew the right-of-way or permit for the purposes set forth in this section.

"(2) Where the surface of the Federal lands involved is administered by the Secretary or by two or more Federal agencies, the Secretary is authorized, after consultation with the agencies involved, to grant or renew rights-of-way or permits through the Federal lands involved. The Secretary may enter into interagency agreements with all other Federal agencies having jurisdiction over Federal lands for the purpose of avoiding duplication, assigning responsibility, expediting review of rights-of-way or permit applications, issuing joint regulations, and assuring a decision based upon a comprehensive review of all factors involved in any right-of-way or permit application. Each agency head shall administer and enforce the provisions of this section, appropriate regulations, and the terms and conditions of rights-of-way or permits insofar as they involve Federal lands under the agency head's jurisdiction.

"Width Limitations

"(d) The width of a right-of-way shall not exceed fifty feet plus the ground occupied by the pipeline (that is, the pipe and its related facilities) unless the Secretary or agency head finds, and records the reasons for his finding, that in his judgment a wider right-of-way is necessary or operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, airstrips and campsites, and they need not necessarily be connected or contiguous to the pipe and may be the subjects of separate rights-of-way.

"Temporary Permits

"(e) A right-of-way may be supplemented by such temporary permits for the use of Federal lands in the vicinity of the pipeline as the Secretary or agency head finds are necessary in connection with construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety.

"Regulatory Authority

"(f) Rights-of-way or permits granted or renewed pursuant to this section shall be subject to regulations promulgated in accord with the provisions of this section and shall be subject to such terms and conditions as the Secretary or agency head may prescribe regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination.

"Pipeline Safety

"(g) The Secretary or agency head shall impose requirements for the operation of the pipeline and related facilities in a manner that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline.

"Environmental Protection

"(h)(1) Nothing in this section shall be construed to amend, repeal, modify, or change in any way the requirements of section 102(2)(C) or any other provision of the National Environmental Policy Act of 1969 (Public Law 91–190, 83 Stat. 852).

"(2) The Secretary or agency head, prior to granting a right-of-way or permit pursuant to this section for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way or permit which shall comply with this section. The Secretary or agency head shall issue regulations or impose stipulations which shall include, but shall not be limited to: (A) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land: (B) requirements to insure that activities in connection with the right-of-way or permit will not violate applicable air and water quality standards nor related facility siting standards established by or pursuant to law: (C) requirements designed to control or prevent (i) damage to the environment (including damage to fish and wildlife habitat), (ii) damage to public or private property, and (iii) hazards to public health and safety; and (D) requirements to protect the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be applicable to every right-of-way or permit granted pursuant to this section, and may be made applicable by the Secretary or agency head to existing rights-of-way or permits, or rights-of-way or permits to be renewed pursuant to this section.

"Disclosure

"(i) If the applicant is a partnership, corporation, association, or other business entity, the Secretary or agency head shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include where applicable (1) the name and address of each partner, (2) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

"Technical and Financial Capability

"(j) The Secretary or agency head shall grant or renew a right-of-way or permit under this section only when he is satisfied that the applicant has the technical and financial capability to construct, operate, maintain, and terminate the project for which the right-of-way or permit is requested in accordance with the requirements of this section.

"Public Hearings

"(k) The Secretary or agency head by regulation shall establish procedures, including public hearings, where appropriate, to give Federal, State, and local government agencies and the public adequate notice and an opportunity to comment upon right-of-way applications filed after the date of enactment of this subsection.

"Reimbursement of Costs

"(l) The applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right-of-way or permit shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary or agency head.

"Bonding

"(m) Where he deems it appropriate the Secretary or agency head may require a holder of a right-of-way or permit to furnish a bond, or other security, satisfactory to the Secretary or agency head to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or permit or by any rule or regulation of the Secretary or agency head.

"Duration of grant

"(n) Each right-of-way or permit granted or renewed pursuant to this section shall be limited to a reasonable term in light of all circumstances concerning the project, but in no event more than thirty years. In determining the duration of a right-of-way the Secretary or agency head shall, among other things, take into consideration the cost of the facility, its useful life, and any public purpose it serves. The Secretary or agency head shall renew any right-of-way, in accordance with the provisions of this section, so long as the project is in commercial operation and is operated and maintained in accordance with all of the provisions of this section.

"Suspension or Termination of Right-of-Way

"(o)(1) Abandonment of a right-of-way or noncompliance with any provision of this section may be grounds for suspension or termination of the right-of-way if (A) after due notice to the holder of the right-of-way, (B) a reasonable opportunity to comply with this section, and (C) an appropriate administrative proceeding pursuant to title 5, United States Code, section 554, the Secretary or agency head determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed upon condition, event, or time.

"(2) If the Secretary or agency head determines that an immediate temporary suspension of activities within a right-of-way or permit area is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding.

"(3) Deliberate failure of the holder to use the right-of-way for the purpose for which it was granted or renewed for any continuous two-year period shall constitute a rebuttable presumption of abandonment of the right-of-way: *Provided,* That where the failure to use the right-of-way is due to circumstances not within the holder's control the Secretary or agency head is not required to commence proceedings to suspend or terminate the right-of-way.

"Joint Use of Rights-of-Way

"(p) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across Federal land the utilization of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary or agency head the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way or permit area granted pursuant to this section.

"Statutes

"(q) No rights-of-way for the purposes provided for in this section shall be granted or renewed across Federal lands except under and subject to the provisions, limitations, and conditions of this section. Any application for a right-of-way filed under any other law prior to the effective date of this provision may, at the applicant's option, be considered as an application under this section. The Secretary or agency head may require the applicant to submit any additional information he deems necessary to comply with the requirements of this section.

"Common Carriers

"(r)(1) Pipelines and related facilities authorized under this section shall be constructed, operated, and maintained as common carriers.

"(2)(A) The owners or operators of pipelines subject to this section shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands.

"(B) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipeline, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

"(3)(A) The common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

"(B) Where natural gas not subject to State regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase, without discrimination, any such natural gas produced in the vicinity of the pipeline.

"(4) The Government shall in express terms reserve and shall provide in every lease of oil lands under this Act that the lessee, assignee, or beneficiary, if owner or operator of a controlling interest in any pipeline or of any company operating the pipeline which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipeline operating a lease or purchasing gas or oil under the provisions of this Act.

"(5) Whenever the Secretary has reason to believe that any owner or operator subject to this section is not operating any oil or gas pipeline in complete accord with its obligations as a common carrier hereunder, he may request the Attorney General to prosecute an appropriate proceeding before the Interstate Commerce Commission or Federal Power Commission or any appropriate State agency or the United States district court for the district in which the pipeline or any part thereof is located, to enforce such obligation or to impose any penalty provided therefor, or the Secretary may, by proceeding as provided in this section, suspend or terminate the said grant of right-of-way for noncompliance with the provisions of this section.

"(6) The Secretary or agency head shall require, prior to granting or renewing a right-of-way, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to: (A) conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or terminal's throughput capacity in response to actual or anticipated increases in demand; (B) conditions for adding or abandoning intake, offtake, or storage points or facilities; and (C) minimum shipment or purchase tenders.

"Right-of-Way Corridors

"(s) In order to minimize adverse environmental impacts and to prevent the proliferation of separate rights-of-way across Federal lands, the Secretary shall, in consultation with other Federal and State agencies, review the need for a national system of transportation and utility corridors across Federal lands and submit a report of his findings and recommendations to the Congress and the President by July 1, 1975.

"Existing Rights-of-Way

"(t) The Secretary or agency head may ratify and confirm any right-of-way or permit for an oil or gas pipeline or related facility that was granted under any provision of law before the effective date of this subsection, if it is modified by mutual agreement to comply to the extent practical with the provisions of this section. Any action taken by the Secretary or agency head pursuant to this subsection shall not be considered a major Federal action requiring a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1970 (Public Law 90–190; 42 U.S.C. 4321).

"Limitations on Export

"(u) Any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements and penalty and enforcement provisions of the Export Administration Act of 1969 the President must make and publish an express finding that such exports will not diminish the total quantity or quality of petroleum available to the United States, and are in the national interest and are in accord with the provisions of the Export Administration Act of 1969: *Provided*, That the President shall submit reports to the Congress containing findings made under this section, and after the date of receipt of such report Congress shall have a period of sixty calendar days, thirty days of which Congress must have been in session, to consider whether exports under the terms of this section are in the national interest. If the Congress within this time period passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, further exports made pursuant to the aforementioned Presidential findings shall cease.

"State Standards

"(v) The Secretary or agency head shall take into consideration and to the extent practical comply with State standards for right-of-way construction, operation, and maintenance.

"Reports

"(w)(1) The Secretary and other appropriate agency heads shall report to the House and Senate Committees on Interior and Insular Affairs annually on the administration of this section and on the safety and environmental requirements imposed pursuant thereto.

"(2) The Secretary or agency head shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline twenty-four inches or more in diameter, and no right-of-way for such a pipeline shall be granted until sixty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way, together with the Secretary's or agency head's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees, unless each committee by resolution waives the waiting period.

"(3) Periodically, but at least once a year, the Secretary of the Department of Transportation shall cause the examination of all pipelines and associated facilities on Federal lands and shall cause the prompt reporting of any potential leaks or safety problems.

"(4) The Secretary of the Department of Transportation shall report annually to the President, the Congress, the Secretary of the Interior, and the Interstate Commerce Commission any potential dangers of or actual explosions, or potential or actual spillage on Federal lands and shall include in such report a statement of corrective action taken to prevent such explosion or spillage.

"Liability

"(x)(1) The Secretary or agency head shall promulgate regulations and may impose stipulations specifying the extent to which holders of rights-of-way and permits under this Act shall be liable to the United States for damage or injury incurred by the United States in connection with the right-of-way or permit. Where the right-of-way or permit involves lands which are under the exclusive jurisdiction of the Federal Government, the Secretary or agency head shall promulgate regulations specifying the extent to which holders shall be liable to third parties for injuries incurred in connection with the right-of-way or permit.

"(2) The Secretary or agency head may, by regulation or stipulation, impose a standard of strict liability to govern activities taking place on a right-of-way or permit area which the Secretary or agency head determines, in his discretion, to present a foreseeable hazard or risk of danger to the United States.

"(3) Regulations and stipulations pursuant to this subsection shall not impose strict liability for damage or injury resulting from (A) an act of war, or (B) negligence of the United States.

"(4) Any regulation or stipulation imposing liability without fault shall include a maximum limitation on damages commensurate with the foreseeable risks or hazards presented. Any liability for damage or injury in excess of this amount shall be determined by ordinary rules of negligence.

"(5) The regulations and stipulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liability, damage, or claims arising in connection with the right-of-way or permit.

"(6) Any regulation or stipulation promulgated or imposed pursuant to this section shall provide that all owners of any interest in, and all affiliates or subsidiaries of any holder of, a right-of-way or permit shall be liable to the United States in the event that a claim for damage or injury cannot be collected from the holder.

"(7) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

"Antitrust Laws

"(y) The grant of a right-of-way or permit pursuant to this section shall grant no immunity from the operation of the Federal antitrust laws."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Trans-Alaska Pipeline Authorization Act."

CONGRESSIONAL FINDINGS

SEC. 202. The Congress finds and declares that:

(a) The early development and delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest because of growing domestic shortages and increasing dependence upon insecure foreign sources.

(b) The Department of the Interior and other Federal agencies have, over a long period of time, conducted extensive studies of the technical aspects and of the environmental, social and economic impacts of the proposed trans-Alaska oil pipeline, including consideration of a trans-Canada pipeline.

(c) The earliest possible construction of a trans-Alaska oil pipeline from the North Slope of Alaska to Port Valdez in that State will make the extensive proven and potential reserves of low-sulfur oil available for domestic use and will best serve the national interest.

(d) A supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country.

CONGRESSIONAL AUTHORIZATION

SEC. 203. (a) The purpose of this title is to insure that, because of the extensive governmental studies already made of this project and the national interest in early delivery of North Slope oil to domestic markets, the trans-Alaska oil pipeline be constructed promptly without further administrative or judicial delay or impediment. To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made and in limiting judicial review of the actions taken pursuant thereto.

(b) The Congress hereby authorizes and directs the Secretary of the Interior and other appropriate Federal officers and agencies to issue and take all necessary action to administer and enforce rights-of-way, permits, leases, and other authorizations that are necessary for or related to the construction, operation and maintenance of the trans-Alaska oil pipeline system, including roads and airstrips, as that system is generally described in the Final Environmental Impact Statement issued by the Department of the Interior on March 20, 1972. The route of the pipeline may be modified by the Secretary to provide during construction greater environmental protection.

(c) Rights-of-way, permits, leases, and other authorizations issued pursuant to this title by the Secretary shall be subject to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended by title I of this Act (except the provisions of subsections (h)(1), (k), (q), (w)(2), and (x)); all authorizations issued by the Secretary and other Federal officers and agencies pursuant to this title shall include the terms and conditions required, and may include the terms and conditions permitted, by the provisions of law that would otherwise be applicable if this title had not been enacted, and they may waive any procedural requirements of law or regulation which they deem desirable to waive in order to accomplish the purposes of this title. The direction contained in section 203(b) shall supersede the provisions of any law or regulation relating to an administrative determination as to whether the authorizations for construction of the trans-Alaska oil pipeline shall be issued.

(d) The actions taken pursuant to this title which relate to the construction and completion of the pipeline system, and to the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as described in the Final Environmental Impact Statement of the Department of the Interior, shall be taken without further action under the National Environmental Policy Act of 1969; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following its enactment, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this title, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after the date of the enactment of this Act. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

(e) The Secretary of the Interior and the other Federal officers and agencies are authorized at any time when necessary to protect the public interest, pursuant to the authority of this section and in accordance with its provisions, to amend or modify any right-of-way, permit, lease, or other authorization issued under this title.

LIABILITY

SEC. 204. (a)(1) Except when the holder of the pipeline right-of-way granted pursuant to this title can prove that damages in connection with or resulting from activities along or in the vicinity of the proposed trans-Alaska pipeline right-of-way were caused by an act of war or negligence of the United States, other government entity, or the damaged party, such holder shall be strictly liable to all damaged parties, public or private, without regard to fault for such damages, and without regard to ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes. Claims for such injury or damages may be determined by arbitration or judicial proceedings.

(2) Liability under paragraph (1) of this subsection shall be limited to $50,000,000 for any one incident, and the holders of the right-of-way or permit shall be liable for any claim allowed in proportion to their ownership interest in the right-of-way or permit. Liability of such holders for damages in excess of $50,000,000 shall be in accord with ordinary rules of negligence.

(3) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

(4) Upon order of the Secretary, the holder of a right-of-way or permit shall provide emergency subsistence and other aid to an affected Alaskan Native, Native organization, or other person pending expeditious filing of, and determination of, a claim under this subsection.

(5) Where the State of Alaska is the holder of a right-of-way or permit under this title, the State shall not be subject to the provisions of subsection 204(a), but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to that subsection with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, operation, maintenance, and termination of facilities, or in other activities under rights-of-way or permits issued to the State.

(b) If any area within or without the right-of-way or permit area granted under this title is polluted by any activities conducted by or on behalf of the holder to whom such right-of-way or permit was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant shall be at the expense of such holder, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such holder to adequately control and remove such pollutant, the Secretary, in cooperation with other Federal, State, or local agencies, or in cooperation with such holder, or both, shall have the right to accomplish the control and removal at the expense of such holder.

(c)(1) Notwithstanding the provisions of any other law, if oil that has been transported through the trans-Alaska pipeline is loaded on a vessel at the terminal facilities of the pipeline, the owner and operator of the vessel (jointly and severally) and the Trans-Alaska Pipeline Liability Fund established by this subsection, shall be strictly liable without regard to fault in accordance with the provisions of this subsection for all damages, including clean-up costs, sustained by any person or entity, public or private, including residents of Canada, as the result of discharges of oil from such vessel.

(2) Strict liability shall not be imposed under this subsection if the owner or operator of the vessel, or the Fund, can prove that the damages were caused by an act of war or by the negligence of the United States or other governmental agency. Strict liability shall not be imposed under this subsection with respect to the claim of a damaged party if the owner or operator of the vessel, or the Fund, can prove that the damage was caused by the negligence of such party.

(3) Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed. Financial responsibility for $14,000,000 shall be demonstrated in accordance with the provisions of section 311(p) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(p)) before the oil is loaded. The Fund shall be liable for the balance of the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or state law.

(4) The Trans-Alaska Pipeline Liability Fund is hereby established as a non-profit corporate entity that may sue and be sued in its own name. The Fund shall be administered by the holders of the trans-Alaska pipeline right-of-way under regulations prescribed by the Secretary. The Fund shall be subject to an annual audit by the Comptroller General, and a copy of the audit shall be submitted to the Congress.

(5) The operator of the pipeline shall collect from the owner of the oil at the time it is loaded on the vessel a fee of five cents per barrel. The collection shall cease when $100,000,000 has been accumulated in the Fund, and it shall be resumed when the accumulation in the Fund falls below $100,000,000.

(6) The collections under paragraph (5) shall be delivered to the Fund. Costs of administration shall be paid from the money paid to the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested prudently in income-producing securities approved by the Secretary. Income from such securities shall be added to the principal of the Fund.

(7) The provisions of this subsection shall apply only to vessels engaged in transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States. Strict liability under this subsection shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.

(8) In any case where liability without regard to fault is imposed pursuant to this subsection and the damages involved were caused by the unseaworthiness of the vessel or by negligence, the owner and operator of the vessel, and the Fund, as the case may be, shall be subrogated under applicable State and Federal laws to the rights under said laws of any person entitled to recovery hereunder. If any subrogee brings an action based on unseaworthiness of the vessel or negligence of its owner or operator, it may recover from any affiliate of the owner or operator, if

the respective owner or operator fails to satisfy any claim by the subrogee allowed under this paragraph.

(9) This subsection shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements.

(10) If the Fund is unable to satisfy a claim asserted and finally determined under this subsection, the Fund may borrow the money needed to satisfy the claim from any commercial credit source, at the lowest available rate of interest, subject to approval of the Secretary.

(11) For purposes of this subsection only, the term "affiliate" includes—

(A) Any person owned or effectively controlled by the vessel owner or operator; or

(B) Any person that effectively controls or has the power effectively to control the vessel owner or operator by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) Any person which is under common ownership or control with the vessel owner or operator.

(12) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

ANTITRUST LAWS

SEC. 205. The grant of a right-of-way, permit, lease, or other authorization pursuant to this title shall grant no immunity from the operation of the Federal anti-trust laws.

ROADS AND AIRPORTS

SEC. 206. A right-of-way, permit, lease, or other authorization granted under section 203(b) for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for the construction of a public road or airstrip.

TITLE III—NEGOTIATIONS WITH CANADA

SEC. 301. The President of the United States is authorized and requested to enter into negotiations with the Government of Canada to determine—

(a) the willingness of the Government of Canada to permit the construction of pipelines or other transportation systems across Canadian territory for the transport of natural gas and oil from Alaska's North Slope to markets in the United States, including the use of tankers by way of the Northwest Passage;

(b) the need for intergovernmental understandings, agreements, or treaties to protect the interests of the Governments of Canada and the United States and any party or parties involved with the construction, operation, and maintenance of pipelines or other transportation systems for the transport of such natural gas or oil;

(c) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory;

(d) the desirability of undertaking joint studies and investigations designed to insure protection of the environment, reduce legal and regulatory uncertainty, and insure that the respective energy requirements of the people of Canada and of the United States are adequately met;

(e) the quantity of such oil and natural gas from the North Slope of Alaska for which the Government of Canada would guarantee transit; and

(f) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional energy from other sources that would make unnecessary the shipment of oil from the Alaskian pipeline by tanker into the Puget Sound area.

The President shall report to the House and Senate Committees on Interior and Insular Affairs the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

SEC. 302. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets.

(b) All costs associated with making the investigations authorized by subsection (a) shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the House and Senate Committees on Interior and Insular Affairs periodic reports of his investigation, and the final report of the Secretary shall be submitted within two years from the date of this Act.

SEC. 303. Nothing in this title shall limit the authority of the Secretary of the Interior or any other Federal official to grant a gas or oil pipeline right-of-way or permit which he is otherwise authorized by law to grant.

TITLE IV—MISCELLANEOUS

VESSEL CONSTRUCTION STANDARDS

SEC. 401. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92–340), is hereby amended as follows:

"(C) Rules and regulations published pursuant to subsection (7) (A) shall be effective not earlier than January 1, 1974, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate. Rules and regulations published pursuant to subsection (7)(A) shall be effective not later than June 30, 1974, with respect to United States-flag vessels engaged in the coastwise trade.".

VESSEL TRAFFIC CONTROL

SEC. 402. The Secretary of the Department in which the Coast Guard is operating is hereby directed to establish a vessel traffic control system for Prince William Sound and Valdez, Alaska, pursuant to authority contained in title I of the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92–340).

CIVIL RIGHTS

SEC. 403. The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under title II. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

CONFIRMATION OF THE DIRECTOR OF THE ENERGY POLICY OFFICE

SEC. 404. The Director of the Energy Policy Office in the Executive Office of the President shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

CONFIRMATION OF THE HEAD OF THE MINING ENFORCEMENT AND SAFETY ADMINISTRATION

SEC. 405. The head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

EXEMPTION OF FIRST SALE OF CRUDE OIL AND NATURAL GAS OF CERTAIN LEASES FROM PRICE RESTRAINTS AND ALLOCATION PROGRAMS

SEC. 406. (a) The first sale of crude oil and natural gas liquids produced from any lease whose average daily production of such substances for the preceding calendar month does not exceed ten barrels per well shall not be subject to price restraints established pursuant to the Economic Stabilization Act of 1970, as amended, or to any allocation program for fuels or petroleum established pursuant to that Act or to any Federal law for the allocation of fuels or petroleum.

(b) To qualify for the exemption under this section, a lease must be operating at the maximum feasible rate of production and in accord with recognized conservation practices.

(c) The agency designated by the President or by law to implement any such fuels or petroleum allocation program is authorized to conduct inspections to insure compliance with this section and shall promulgate and cause to be published regulations implementing the provisions of this section.

ADVANCE PAYMENTS TO ALASKA NATIVES

SEC. 407. (a) In view of the delay in construction of a pipeline to transport North Slope crude oil, the sum of $5,000,000 is authorized to be appropriated from the United States Treasury into the Alaska Native Fund every six months of each fiscal year beginning with the fiscal year ending June 30, 1976, as advance payments chargeable against the revenues to be paid under section 9 of the Alaska Native Claims Settlement Act, until such time as the delivery of North Slope crude oil to a pipeline is commenced.

(b) Section 9 of the Alaskan Native Claims Settlement Act is amended by striking the language in subsection (g) thereof and substituting the following language: "The payments required by this section shall continue only until a sum of $500,000,000 has been paid into the Alaska Native Fund less the total of advance payments paid into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act. Thereafter, payments which would otherwise go into the Alaska Native Fund will be made to the United States Treasury as reimbursement for the advance payments authorized by section 407 of the Trans-Alaskan Pipeline Authorization Act. The provisions of this section shall no longer apply, and the reservation required in patents under this section shall be of no further force and effect, after a total sum of $500,000,000 has been paid to the Alaska Native Fund and to the United States Treasury purusant to this subsection.".

FEDERAL TRADE COMMISSION AUTHORITY

SEC. 408. (a) (1) The Congress hereby finds that the investigative and law enforcement responsibilities of the Federal Trade Commission have been restricted and hampered because of inadequate legal authority to enforce subpenas and to seek preliminary injunctive relief to avoid unfair competitive practices.

(2) The Congress further finds that as a direct result of this inadequate legal authority significant delays have occurred in a major investigation into the legality of the structure, conduct, and activities of the petroleum industry, as well as in other major investigations designed to protect the public interest.

(b) It is the purpose of this Act to grant the Federal Trade Commission the requisite authority to insure prompt enforcement of the laws the Commission administers by granting statutory authority to directly enforce subpenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices.

(c) Section 5(l) of the Federal Trade Commission Act (15 U.S.C. 45(l)) is amended by striking subsection (l) and inserting in lieu thereof:

"(l) Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Attorney General of the United States. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure to obey or neglect to obey a final order of the Commission, each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission."

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) The Commission shall have the power to initiate, prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction through its own legal representative, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

(e) Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), is amended by adding at the end thereof the following proviso: "*Provided*, That the exception of 'banks and common carriers subject to the Act to regulate commerce' from the Commission's powers defined in clauses (a) and (b) of this section, shall not be construed to limit the Commission's authority to gather and compile information, to investigate, or to require reports or answers from, any such corporation to the extent that such action is necessary to the investigation of any corporation, group of corporations, or industry which is not engaged or is engaged only incidentally in banking or in business as a common carrier subject to the Act to regulate commerce."

(f) Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignatnig "(b)" as "(c)" and inserting the following new subsection:

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is violating, or is about to violate, any provision of law enforced by the Federal Trade Commission, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission and until such complaint is dismissed by the Commission or set aside by the court on review, or until the order of the Commission made thereon has become final, would be in the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon a proper showing that, weighing the equities and considering the Commission's likelihood of ultimate success, such action would be in the public interest, and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted without bond: *Provided, however*, That if a complaint is not filed within such period (not exceeding 20 days) as may be specified by the court after issuance of the temporary restraining order or preliminary injunction, the order or injunction shall be dissolved by the court and be of no further force and effect: *Provided further*, That in proper cases the Commission may seek, and after proper proof, the court may issue, a permanent injunction. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

(g) Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended to read as follows:

"SEC. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (l) of section 5 of this Act, it shall—

"(a) certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection; or

"(b) after compliance with the requirements with Section 5(m), itself cause such appropriate proceedings to be brought."

GENERAL ACCOUNTING OFFICE AUTHORITY

SEC. 409. (a) Section 3502 of title 44, United States Code is amended by inserting in the first paragraph defining "Federal agency" after the words "the General Accounting Office" and before the words "nor the governments" the words "independent Federal regulatory agencies,".

(b) Chapter 35 of title 44, United States Code, is amended by adding after section 3511 the following new section:

"§ 3512. Information for independent regulatory agencies

"(a) The Comptroller General of the United States shall review the collection of information required by independent Federal regulatory agencies described in section 3502 of this chapter to assure that information required by such agencies is obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information. Unnecessary duplication of efforts in obtaining information already filed with other Federal agencies or departments through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable. Information collected and tabulated by an independent regulatory agency shall, as far as is expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

"(b) In carrying out the policy of this section, the Comptroller General shall review all existing information gathering practices of independent regulatory agencies as well as requests for additional information with a view toward—

"(1) avoiding duplication of effort by independent regulatory agencies, and

"(2) minimizing the compliance burden on business enterprises and other persons.

"(c) In complying with this section, an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

"(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified; and

"(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. The Comptroller General shall maintain facilities for carrying out the purposes of this section and shall render such advice to the requestive independent regulatory agency within forty-five days.

"(d) While the Comptroller General shall determine the availability from other Federal sources of the information sought and the appropriateness of the forms for the collection of such information, the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information. If no advice is received from the Comptroller General within forty-five days, the independent regulatory agency may immediately proceed to obtain such information.

"(e) Section 3508(a) of this chapter dealing with unlawful disclosure of information shall apply to the use of information by independent regulatory agencies.

"(f) The Comptroller General may promulgate rules and regulations necessary to carry out this chapter."

EQUITABLE ALLOCATION OF NORTH SLOPE CRUDE OIL

SEC. 410. The Congress declares that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to insure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States.

SEPARABILITY

SEC. 411. If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill insert the following:

"To amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes".

And the House agree to the same.

JAMES A. HALEY,
JOHN MELCHER,
HAROLD T. JOHNSON,
MORRIS K. UDALL,
JOHN P. SAYLOR,
SAM STEIGER,
DON YOUNG,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
J. BENNETT JOHNSTON, Jr.,
FLOYD K. HASKELL,
PAUL J. FANNIN,
CLIFFORD P. HANSEN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of way in a manner which will protect the environment, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

I. MAJOR PROVISIONS

The language agreed upon by the Conference Committee differs from the bill enacted by the Senate and the amendment enacted by the House in the following respects:

1. The Senate bill enacted a completely new system for granting rights-of-way across Federal lands. It applied to rights-of-way for many different purposes.

The House amendment applied only to rights-of-way for oil and gas pipelines. It took the form of an amendment to section 28 of the Mineral Leasing Act of 1920, which is the principal authority for granting oil and gas pipeline rights-of-way across public lands.

The Conferees adopted the House approach, but expanded it to include pipelines for oil, gas, synthetic liquid or gaseous fuels and refined products therefrom in anticipation of developments in coal gasification and liquefication, oil shale, and tar sands. It is the understanding of the Conferees, however, that the House will consider broader right-of-way legislation in connection with other bills that are presently pending.

2. The Senate bill applied to all lands owned by the United States except five specified categories. The House amendment retained the present language of the Mineral Leasing Act of 1920, which applies to "public lands, including forest reserves." The meaning of this phrase is not completely clear, but it clearly does not apply to lands acquired by the United States, as distinguished from the public domain.

The Conferees adopted the Senate approach, but excluded three categories rather than five categories of land. The three categories excluded are the National Park System, the Outer Continental Shelf, and Indian lands. The two categories of land that were not excluded are the National Wildlife Refuge System and the National Wilderness Preservation System, both of which are presently subject to the Mineral Leasing Act. The Conferees provided, however, that rights-of-way through reserved areas may not be granted if they would be inconsistent with the purposes of the reservation.

3. The Conferees combined and adopted the guidelines governing the grant of rights-of-way that were contained in the Senate bill and in the House amendment. The two sets of guidelines, while different in some respects, are compatible, and both are intended to spell out in greater statutory detail policies that were formerly left to administrative determination. None of the House guidelines was omitted.

4. Both the Senate bill and the House amendment provided for the immediate grant of a Trans-Alaska oil pipeline right-of-way without further proceedings under the National Environmental Protection Act and with only a limited right of judicial review. The Conferees merged the provisions of the two Houses without making major substantive changes.

5. Both the Senate bill and the House amendment provided for further study and negotiations with respect to possible additional oil and gas pipelines from the North Slope of Alaska, through Canada, to the Midwest. The Conferees merged the provisions of the two Houses without making substantial changes. The results of the negotiations and investigations are intended to serve as comparative information in the evaluation of the best possible methods for future transportation of North Slope energy resources to United States markets, and the bill is not intended to confer any special status on a trans-Canada route in the selection process for future pipelines.

6. The Senate bill had a number of miscellaneous provisions that were not directly related to oil pipeline rights-of-way. The House amendment had no comparable provisions. The Conferees' action was as follows:

(a) The Senate provision amending the Ports and Waterways Safety Act of 1972 with respect to vessel construction standards, and the provision directing the Coast Guard to exercise its present authority to establish a vessel traffic control system for the Valdez area, were adopted.

(b) The provisions requiring Senate confirmation of the Director of the Energy Policy Office in the Executive Office of the President, and the head of the Mining Enforcement and Safety Administration, were adopted.

(c) The provision exempting the first sale of oil and gas from stripper wells from the price restraints of the Economic Stabilization Act of 1970, and from any allocation program, was adopted. A stripper well is defined as a well with an average daily production during the preceding month of not more than ten barrels. In order to qualify for the exemption the lease must be operating at a maximum feasible rate of production and in accord with recognized conservation practices.

(d) The provision amending the Alaska Native Claims Settlement Act and providing for advance payments to Natives was adopted, after reducing the amount of the advance payments from $7,500,000 each six months to $5,000,000, after delaying the starting time for the payments from the beginning of fiscal year 1975 to the beginning of fiscal year 1976, and after deleting the provision making the advance payments a gift if transportation of oil through the pipeline does not commence by December 31, 1976.

(e) The provision amending the Federal Trade Commission Act was adopted, with amendments. It increased the civil penalty for violating a final order of the Commission, gave the Commission broader authority to initiate injunction actions and enforce subpoenas, and gave the Commission authority to represent itself in court if the Attorney General failed to do so after ten days notice.

(f) The provision amending the Federal Reports Act was adopted. It substituted the Comptroller General for the Office of Management and Budget in reviewing questionnaires proposed to be issued by independent Federal regulatory agencies. The regulatory agency will determine whether it needs the information, but it may not send its questionnaire if the Comptroller General determines that the information is already available from another source within the Federal Government.

(g) The provision giving the President broad authority to take any action necessary to insure an equitable allocation of crude oil and petroleum products among the various regions and States was adopted after it was amended to require the President to use his existing authority to accomplish that objective.

7. The House amendment contained (a) a provision prohibiting any form of discrimination in connection with any activity on the trans-Alaska pipeline, (b) a provision limiting the employment of foreign nationals for work on the trans-Alaska pipeline, and (c) a "buy-American" provision for the construction, operation, and maintenance of the trans-Alaska pipeline. The Senate bill had no comparable provisions. The Conferees adopted the first provision and dropped the second and third.

8. The Senate bill and the House amendment had different provisions regarding the liability of the owner or operator of an oil pipeline for damages resulting from its construction and operation. The Senate bill had one provision which related to pipelines on rights-of-way granted under the general law, and which applied only to damages incurred by the United States. The Senate had another provision which related to damages incurred by Alaska Natives in connection with the trans-Alaska pipeline. The House amendment had three provisions which related only to the trans-Alaska oil pipeline. One related to damages to anyone that were caused by the activities of the pipeline owner along the route of the pipeline. A second provision related to damages to anyone from discharges of oil from vessels owned or controlled by the pipeline owner in violation of the Federal Water Pollution Control Act. A third provision related to damages sustained by Alaska Natives.

The Conferees adopted modified versions of all of these provisions. One provision is of general application and appears in section 28(x). It requires the Secretary or agency head to specify the extent to which the holder of a right-of-way or permit shall be liable to the United States for damage or injury incurred in connection with the right-of-way. Joint regulations by the agencies involved, as authorized in section 28(c), are contemplated by the Conferees. Strict liability without regard to fault may be imposed, but a maximum dollar limitation must be stated, and liability in excess of this amount may be determined under ordinary rules of negligence.

The second provision is in section 204. It relates only to the trans-Alaska pipeline, and is in three parts. Subsection (a) imposes on the holder of the right-of-way or permit strict liability without regard to fault, and without regard to ownership of the land or resource involved if the land or resource is relied upon for subsistence or economic purposes, for damages or injury in connection with or resulting from activities along or in the vicinity of the pipeline right-of-way. Strict liability is limited to $50,000,000 for any one incident, and liability for damages in excess of that amount will be determined in accordance with ordinary rules of negligence.

Subsection (b) imposes on the holder of a right-of-way or permit liability for the full cost of control and removal of the pollutant of any area that is polluted by operations of the holder.

Subsection (c) imposes on the owner or operator of a vessel that is loaded with any oil from the trans-Alaska pipeline strict liability without regard to fault for damages sustained by any person as the result of discharges of oil from such vessel. Strict liability is limited to $100,000,000 for any one incident. The owner or operator is liable for the first $14,000,000. A Trans-Alaska Pipeline Liability Fund, which is created by the bill, is liable for the balance of the allowed claims up to $100,000,000. The portion of any valid claim not payable by the Fund may be asserted and adjudicated under other applicable Federal or State law.

The Fund will accumulate and maintain not less than $100,000,000 derived from the collection of a fee of five cents per barrel at the time the oil is loaded on the vessel, from income from invested funds, and from borrowed money if needed.

Strict liability under subsection (c) will cease when the oil is first brought ashore at a port under the jurisdiction of the United States, and the subsection applies only to vessels engaged in coastwise transportation, including transportation to and beyond deepwater ports.

9. Both the Senate bill and the House amendment contained provisions limiting the export of crude oil and making such exports subject to congressional oversight. The Senate bill applied only to oil from the North Slope of Alaska. The House amendment applied to all oil transported over rights-of-way through Federal lands. The Conferees adopted the House language.

The Senate bill provided for disapproval of proposed exports by joint resolution of the Congress. The House amendment prohibited proposed exports unless affirmatively authorized by a concurrent resolution of the Congress. The Conferees adopted the Senate language after changing "joint resolution" to "concurrent-resolution."

The Conferees also adopted an exception intended to take care of oil exchanges and transportation involving Canada and Mexico.

II. COMMENTS REGARDING SPECIFIC PROVISIONS

1. Section 28(e), which authorizes the grant of temporary permits for the use of Federal lands "in the vicinity of the pipeline" is not intended to restrict unnecessarily the placement of temporary construction or maintenance facilities such as construction camps, storage areas, communications sites and soil disposal areas, but to permit them to be placed wherever convenient to construction activities.

The term "temporary" relates to duration and imposes no limitation on the type of facility or activity which may be allowed. Thus, slope cuts and fills, berm construction, access facilities and other permanent changes in terrain are permissible. The Secretary or agency head may require, as a condition of such temporary permits, removal of structures and rehabilitation of the area.

This section will overcome an interpretation of the United States Court of Appeals for the District of Columbia in the case of *Wilderness Society* v. *Morton* (Feb. 9, 1973).

2. Section 28(f) contemplates that general regulations governing the grant of rights-of-way or permits will be issued by the Secretary or agency head. This does not preclude the grant of rights-of-way or permits in advance of the issuance of the regulations and the inclusion of appropriate conditions and stipulations to carry out the purposes of the Act.

3. Section 28(g), relating to pipeline safety, is not intended to require the Secretary or agency head to impose safety requirements that would duplicate requirements of the Secretary of Labor or the Secretary of Transportation under other law.

4. Section 28(h), relating to environmental protection, does not require the plan for construction, operation, and rehabilitation of the right-of-way or permit area to be a final one, since all details and conditions cannot be known at the time of application. However, the plan should be a description in as much detail as the state of the planning for the particular project will permit and must be adequate enough for the Secretary or agency head to make an informed judgment on the application and on the need for imposing any special terms and conditions which the public interest may require. Information called for pursuant to this section which is already on file with respect to applications pending on the date of enactment need not be refiled.

5. Section 28(k) does not require public hearings that would duplicate the public participation procedures required by the National Environmental Policy Act. It also permits a public hearing to cover all aspects of a pipeline proposal, regardless of whether one or more rights-of-way or permits, or whether one or more agencies, are involved.

6. Section 28(l) requires reimbursement of costs incurred in processing an application. These costs include the cost of preparing an environmental impact statement. It also requires payment annually in advance of the fair market rental value of the right-of-way or permit. This value can be based on any combination of factors that might reasonably be considered by a landowner in a free market, when determining the price to be asked for the right to use or cross his land.

7. Section 28(m) authorizes the Secretary or agency head to require a right-of-way or permit holder to furnish a bond or other satisfactory security. The term "security" is not used in a technical sense but may include any undertaking which gives adequate assurance that all obligations of the grantee will be met. Such flexibility is needed because some grantees may not be legally able to post such security, and in other cases a requirement of technical security may be impossible or unnecessary to comply with. Flexibility also permits the Secretary or agency head to require more than one type of security.

8. Section 28(p), relating to joint uses of a right-of-way, gives the Secretary or agency head sufficient control to prevent any hazardous or technologically inoperable placement of various facilities.

9. Section 28(t) permits the Secretary or agency head to ratify and confirm the validity of existing rights-of-way for oil or gas regardless of the statutory authority under which they were granted. It is needed because of the possible application of the decision of the United States Court of Appeals in *The Wilderness Society, et al.* v. *Morton, et al.*

The conferees expect that previously granted rights-of-way should be confirmed only after careful study and the fullest possible compliance with the provisions of Section 28 as amended by this Act.

10. Section 28(v), relating to State standards, is included because rights-of-way frequently cross from State or private land into Federal land and back into State or private land. Different construction, operation, and maintenance standards may apply. This section is intended to assure that the Secretary or agency head will carefully consider State standards and comply with them in the interest of uniform practice throughout the State where such compliance is practical in the judgment of the Secretary or agency head. The section is not intended to require that those standards be followed in every case.

11. Section 203(b) provides new and independent statutory authorization and direction for the issuance, administration and enforcement of all rights-of-way, permits, leases and other authorizations necessary for or related to construction, operation and maintenance of the trans-Alaska pipeline system as generally described in the Final Environmental Impact Statement of the Department of the Interior dated March 20, 1972. It is a plenary grant of authority to the appropriate Federal agencies. All grants of rights-of-way, leases, permits, and other authorizations for the use of Federal lands shall be made under the authority of this subsection, rather than under other provisions of law.

After years of delay and protracted litigation on this matter, Congress has determined that the national interest requires a clear-cut and unequivocal policy decision on the pipeline. Congress has decided that an oil pipeline is necessary to move North Slope oil to domestic markets in the lower forty-eight States. This title implements that national policy decision.

In adopting this title, Congress intends to exercise its constitutional powers to the fullest extent necessary to achieve the objective of this title and to make this policy binding upon the Executive Branch and on the Federal courts.

Congress has decided, as a matter of national policy, that the appropriate Federal authorizations shall be issued. The Secretary and other Federal officials have no discretion in this matter. Congress does, however, require that applicable standards of substantive law be followed in connection with these authorizations, and vests liberal discretion in the Executive Branch to determine the conditions and stipulations to be incorporated into the necessary authorizations and the specific facilities to be authorized.

This subsection also identifies the "trans-Alaska oil pipeline system" as that system is generally described in the Secretary of the Interior's Final Environmental Impact Statement of March 20, 1972. The subject of that statement was a 48-inch diameter pipeline system with an ultimate capacity of 2 million barrels a day throughput for which a right-of-way and other permit applications were filed by a number of oil companies which had purchased leases on the North Slope of Alaska. This provision is intended to generally specify the facilities to be authorized and their general location. This provision is not, however, to be narrowly construed. If environmental conditions or new technological developments warrant, new facilities or changes in route or in location of proposed facilities are authorized so long as they are required or appropriate for the construction and operation at full capacity of the trans-Alaska pipeline system as generally described in the impact statement.

The route of the trans-Alaska pipeline will cross lands under the jurisdiction of more than one Federal agency. The Congress intends in Title II that the Secretary of the Interior will issue the right-of-way over all such Federal lands.

12. Section 203(c) provides that, if under any other statute a Federal agency could have issued an authorization relating to the construction of the trans-Alaska pipeline system, the agency shall still issue such authorization, but it shall act under the authority of subsection 203(b) of this Title and not under the authority of the other statute. Authorizations issued under subsection 203(b) shall contain all those provisions that the supplanted statute would have required, and may include any provisions which were authorized but not required by the supplanted statute.

Authorizations issued by the Secretary of the Interior shall follow the applicable provisions of Section 28 of the Mineral Leasing Act, as it is amended by Title I of this Act, except as provided in subsection 203(c). Not all of the Section 28 provisions will be applicable. The determination of applicability is left to the Secretary's judgment.

13. Section 203(d) provides for construction and completion of the pipeline system without further proceedings under the National Environmental Policy Act of 1969. Section 202(d) of the House amendment and section 502(d) of the Senate bill contained a declaration that the actions of the Secretary of Interior heretofore taken with respect to the proposed trans-Alaska pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969. Section 502(d) of the Senate bill also applied to the actions of other Federal agencies and officers, and referred not only to the National Environmental Policy Act of 1969, but also to "all other applicable laws." The Conferees did not adopt this declaration because they considered it as unnecessary and subject to misinterpretation. Inasmuch as section 203(d) of the Conference Report directs that the actions necessary for construction and completion of the trans-Alaska pipeline system shall be taken without further action under the National Environmental Policy Act, a declaration with respect to the effect to be accorded prior actions was not regarded as necessary or material.

Section 203(d) also limits the grounds for judicial review of Federal actions relating to issuance and implementation of all rights-of-way, permits, leases and other authorizations necessary or appropriate for completion of construction of the trans-Alaska pipeline, and its initial operation at full capacity of 2,000,000 barrels throughput per day (i.e., actions under 203(b) and 203(e)).

The permissible grounds for judicial review are limited to constitutional questions and questions of federal actions beyond the scope of authority conferred by Title II. Congress intended such grounds to be construed very narrowly, in keeping with the purpose stated in 203(a). This purpose also underlies the jurisdictional and procedural provisions in Section 203(d), which are designed to assure the most prompt possible resolution of any case inolving the trans-Alaska pipeline, and to assure that issuance of the rights-of-way, permits, leases or other authorizations cannot be enjoined except pursuant to a final judgment.

14. Section 204(c) provides, for vessels that transport North Slope oil in the coastal trade, liability standards that are much stricter than those that apply to vessels that transport other oil in the coastal or foreign trade.

It is expected that tankers as large as 250,000 deadweight tons will transport North Slope crude to ports on the West Coast of the United States and elsewhere. Oil discharges from vessels of this size could result in extremely high damages to property and natural resources, including fisheries and amenities, especially if the mishap occurred close to a populated shoreline area.

Under the Limitation of Liability Act of 1851 (46 U.S.C. 183), the owner of a vessel is entitled to limit his liability for property damage caused by the vessel to the value of the vessel and its cargo. The value determination is made *after* the incident causing the damage. It is therefore quite possible for injured parties to go uncompensated if a vessel and its cargo are totally lost.

In the Water Quality Improvement Act of 1970 (33 U.S.C. 1161 et seq.), Congress expanded the liability of a vessel carrying oil to cover Federal government cleanup costs up to the lesser of $100 per ton or $14 million. Under that Act, damages are imposed without regard to the fault of the owner or operator, thereby creating a strict liability to United States Government for cleanup costs. However, State governments and private parties are still obliged to proceed under maritime law, subject to the limits of liability contained in that body of law.

The Conferees concluded that existing maritime law would not provide adequate compensation to all victims, including residents of Canada, in the event of the kind of catastrophe which might occur. Consequently, the Conferees established a rule of strict liability for damages from discharges of the oil transported through the trans-Alaska Pipeline up to $100,000,000.

Strict liability is primarily a question of insurance. The fundamental reason for the limits placed on liability in the Federal Water Quality Improvement Act stemmed from the availability, or nonavailability, of marine insurance. Without a readily available commercial source of insurance, liability without a dollar limitation would be meaningless and many independent owners could not operate their vessels. Since the world-wide maritime insurance industry claimed $14 million was the limit of the risk they would assume, this was the limit provided for in the Federal Water Quality Improvement Act. There has been no indication that this level has since increased.

Accordingly, the Conferees adopted a liability plan which would make the owner or operator strictly liable for all claims (for both clean-up costs and damages to public and private parties) up to $14 million. This limit would provide an incentive to the owner or operator to operate the vessel with due care and would not create too heavy an insurance burden for independent vessel owners lacking the means to self-insure.

Financial responsibility up to this limit would have to be demonstrated before the vessel could be loaded with oil. Since the Federal Water Quality Improvement Act has an existing mechanism for establishing proof of financial responsibility, reference was made to the appropriate provision (13 U.S.C. 1321(p)). Such provision would be used to the extent it is consistent with the purposes of this Act; for example, references to tonnage limitations would not apply. Claims for clean-up costs would take precedence over other claims thereby preserving the provisions of the Federal Water Quality Improvement Act.

All claims over $14 million up to the $100 million ceiling would be asserted against the Trans-Alaska Pipeline Liability Fund established by the bill.

The owners of oil loaded onto tankers at Valdez will pay the Fund five cents per barrel until there is $100 million in the Fund. Payments would resume at any time the Fund fell below $100 million. (The Fund is described in more detail under Major Provisions.) Thus, the owners of the oil would have an incentive to select carefully vessels to carry their oil. Moreover, such owners would then share the risk associated with transporting the oil on water.

The Fund is not precluded from proceeding against the owner or operator of the vessel or other third parties, if either or both were negligent or caused the discharge.

The States are expressly not precluded from setting higher limits or from legislating in any manner not inconsistent with the provisions of this Act.

The Conferees hope that the appropriate committees of the House and Senate which are considering the more general subject of marine liability will harmonize the liability provisions of the Trans-Alaska Pipeline Authorization Act and the liability provisions of any general legislation that may be developed.

15. Section 406, relating to stripper oil wells, was a Senate floor amendment to S. 1081. The Conferees have adopted the general concept of the floor amendment, but have added new provisions to insure that the exemption is narrowly defined and prudently administered, and to insure that the incentive being granted is properly limited in accord with congressional intent.

The purpose of exempting small stripper wells—wells whose average daily production does not exceed ten barrels per well—from the price restraints of the Economic Stabilization Act (now in Phase IV) and from any system of mandatory fuel allocation is to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons.

As of January 1, 1973, there were 350,000 stripper wells producing ten barrels a day or less. Stripper wells account for 71 percent of all of the oil wells in this country, but produce an average of only 3.6 barrels per day, or only 13 percent of total U.S. domestic crude production.

Many stripper wells are of only marginal economic value. When the costs of their operation exceed the value of their production, they are shut in, and a known and developed crude oil reserve is lost to U.S. production. Removing Phase IV price restraints from these marginal stripper wells has the effect of increasing the value of the crude oil they produce by about $1.30 per barrel (the difference between $4.02, the current per-barrel ceiling average under Phase IV, and $5.32, the per-barrel average price for "new" domestic crude oil production which is not subject to Phase IV). This price incentive will encourage owners and operators of stripper wells to maintain production and to keep these wells in operation for longer periods of time than would be possible if the value of their crude oil production were determined under Phase IV price ceilings. This increased incentive will, it is anticipated, permit stripper well operators to make new investments in the eligible wells and improve the gathering and other facilities for moving this oil to market.

The words "first sale" in Section 406(a) refer to the initial sale from the producer to a refiner, oil broker or other party. Thereafter, the exemption expires and any applicable provision of the Economic Stabilization Act or any mandatory allocation program may apply.

The exemption also runs only to "crude oil and natural gas liquids." It does not run to natural gas produced by these wells. Natural gas production and pricing continue to be regulated by the Federal or State agency having jurisdiction over the particular wells involved.

The Congress intends that the provisions of this section will be strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes described above is not in any way broadened. To achieve this, Congress authorizes on-site inspections to insure compliance. Congress also directs that the administering agency shall promulgate regulations to implement the provisions of this section before it becomes operative. The Conferees expect the administering agency to utilize State data regarding production volumes, and to provide by regulation safeguards against the manipulation or gerrymandering of lease units in a manner that evades the price control and allocation programs.

These regulations shall be so designed as to provide safeguards against any abuse, overreaching or altering of normal patterns of operations to achieve a benefit under this section which would not otherwise be available. Congress specifically intends that the regulations shall, among other things, prevent any "gerrymandering" of leases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The *sole* purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day.

The Congress also intends that the regulations provide appropriate limitations and provisions in the definition of "lease" to insure that an administratively workable system is established which does not permit abuse.

16. Section 408(f) relates to the standard of proof to be met by the Federal Trade Commission for the issuance of a temporary restraining order or a preliminary injunction. It is not intended in any way to impose a totally new standard of proof different from that which is now required of the Commission. The intent is to maintain the statutory or "public interest" standard which is now applicable, and *not* to impose the traditional "equity" standard of irreparable damage, probability of success on the merits, and that the balance of equities favors the petitioner. This latter standard derives from common law and is appropriate for litigation between private parties. It is not, however, appropriate for the implementation of a Federal statute by an independent regulatory agency where the standards of the public interest measure the propriety and the need for injunctive relief.

The inclusion of this new language is to define the duty of the courts to exercise independent judgment on the propriety of issuance of a temporary restraining order or a preliminary injunction. This new language is intended to codify the decisional law of *Federal Trade Commission* v. *National Health Aids*, 108 F. Supp. 340, and *Federal Trade Commission* v. *Sterling Drug, Inc.*, 317 F.2d 669, and similar cases which have defined the judicial role to include the exercise of such independent judgment. The conferees did not intend, nor do they consider it appropriate, to burden the Commission with the requirements imposed by the traditional equity standard which the common law applies to private litigants.

17. Section 409(a) exempts "independent Federal regulatory agencies" from the provisions of the Federal Reporting Services Act. In general, the Reporting Services Act provides that Federal agencies may not collect information from ten or more persons without having first obtained the advance approval and clearance of the Office of Management and Budget. The term "Federal agencies" has been construed to include the independent Federal regulatory agencies for the purposes of the Reporting Services Act.

The purpose of Section 409(a) is to preserve the independence of the regulatory agencies to carry out the quasi-judicial functions which have been entrusted to them by the Congress. The intent of this section is not to encourage a proliferation of detailed questionnaires to industry, small business or other persons which could result in unnecessary and unreasonable expense. Any legitimate need for information in carrying out the statutory responsibilities of these agencies would, however, be carried out even though responses may entail some expense and inconvenience.

The purpose of this section is to insure that the existing clearance procedure for questionnaires or requests for data does not become, inadvertently or otherwise, a device for delaying or obstructing the investigations and data collection necessary to carry out the important regulatory functions assigned to the independent agencies by the Congress.

The Congress intends the term "independent Federal regulatory agencies" as used in Section 409(a) to include, but not necessarily be limited to, the following agencies:

Civil Aeronautics Board,

Federal Communications Commission,

Atomic Energy Commission (insofar as its regulatory and adjudicative functions are concerned),

Federal Trade Commission,

Interstate Trade Commission,

Securites and Exchange Commission, and

Federal Power Commission.

Subsection 409(b) provides a procedure for advance review which is designed to insure that information required by independent Federal regulatory agencies is obtained with a minimum burden upon business enterprises, especially small businesses, and other persons required to furnish such information.

The Comptroller General of the General Accounting Office is charged with the review responsibility. Since this will be a new function for the General Accounting Office, the Comptroller General has informed the Congress that he will need until July 1, 1974 to enable him to obtain the staff which will be required to carry out the full responsibilities provided for in Section 409(b). This is satisfactory to the Congress so long as appropriate interim arrangements are made to carry out the Section 409(b) review of the Federal agencies which should not or cannot be delayed until July 1, 1974.

James A. Haley,
John Melcher,
Harold T. Johnson,
Morris K. Udall,
John P. Saylor,
Sam Steiger,
Don Young,
Managers on the Part of the House.

Henry M. Jackson,
Alan Bible,
J. Bennett Johnston, Jr.,
Floyd K. Haskell,
Paul J. Fannin,
Clifford P. Hansen,
Mark O. Hatfield,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 9286, MILITARY PROCUREMENT AUTHORIZATION

Mr. HÉBERT. Mr. Speaker, I call up the conference report on the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces and the military training student loads, and for other purposes, and ask unanimous consent that the reading of the conference report be dispensed with.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. NELSEN. Mr. Speaker, reserving the right to object, my purpose is to establish a little bit of record here with respect to what are the controversial parts of this bill, those being concerned with the hospital benefit issue. I realize how important this bill is and how important it is to get this bill passed. The Senate and the House together have had conferences and arrived at this result, and I am reluctant to stand in the way of having this bill passed so as to become law, but I have established some record in dealing with the gentleman from Florida (Mr. Rogers), chairman of the Public Health and Environment Subcommittee of the Committee on Interstate and Foreign Commerce, as well as the gentleman from West Virginia, chairman of the full committee, as to their agreement that we will take up the public health service issue in a separate bill and try to rework it in a manner which, I believe, will be workable, which, I believe, is a very necessary function.

I understand the gentleman from Louisiana (Mr. Hébert) would likewise proceed in that manner, and I hope the gentleman from West Virginia (Mr. Staggers) and the gentleman from Florida (Mr. Rogers) will enter into the colloquy and then we can pass this conference report.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I thank the gentleman for his very understandable attitude toward this legislation, because if we do not pass this conference report today, no conference report will exist.

Mr. NELSEN. I understand.

Mr. HÉBERT. I think the priorities are more important than just one individual item.

However, in confirming the gentleman's statement, I have talked with the gentleman from Minnesota (Mr. Nelsen), and the gentleman from West Virginia (Mr. Staggers) and the gentleman from Florida (Mr. Rogers) and I understand these gentlemen, who have the committees which have jurisdiction over such legislation, will come up with some solution which will be acceptable.

Mr. NELSEN. I thank the gentleman from Louisiana.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I will say the words which I believe I have said on the floor, that we want the medical services bill, and there was a colloquy with the gentleman from Michigan (Mr. Gerald R. Ford), the minority leader and the ranking minority member on the subcommittee, the gentleman from Minnesota (Mr. Nelsen) to the effect that after this bill is passed the Congress will come up with a bill which will be considered by the subcommittee and the full committee and we will have hearings. We will establish some history and prepare legislation and the House will exercise its jurisdiction. If the administration wanted to dispose of any of these hospitals they would have to come to the Congress and we would set a day, so many days after that within which if we did not act the administration would be able to do as it pleased. This is the word I have had and I think that is the understanding of the gentleman who is the chairman of the subcommittee.

Mr. NELSEN. We do not have this at the moment but we are willing to recognize that there is a little bit of a problem and there needs to be a little bit of understanding as to how we are going to proceed and where we are going to go. I understand if this was not done in the bill we would not have this problem at the moment.

Mr. STAGGERS. That is correct.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Speaker, I concur with what the gentleman from West Virginia has said. It is my understanding that the Congress would make the decision as to any extensions.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. I do not know how many other Members of the House are in on this compromise, if it can be called a compromise. What is taking place? Are we being treated to some kind of sellout in this deal?

Mr. NELSEN. Well, I do not think that is exactly the right term to use. As far as how many are in on it, I am only assuming the responsibilities I have on the subcommittee. We have dealt with it and I have dealt with this thing all the way from the subcommittee to the full committee to the floor.

At this point, it is my judgment that, if we proceed this way, we will have a much better chance to get a reasonably workable solution to the problem that exists.

Frankly, I think, if we were to count noses, we do not have the votes. If we did want to have it on the floor, it would put us backward instead of forward. It is my feeling this is the best strategy we can use.

Mr. GROSS. Well, once in a while, the matter of principle ought to rise above expediency. I would hope, in this instance, that principle would prevail. This thing is either right or wrong. I do not think there are any very discernible shades in between.

Mr. NELSEN. That may be true.

Mr. GROSS. The House has spoken on it.

Mr. NELSEN. I always proceed legislatively moving toward attainable goals. In my judgment, the attainable goal is the change in the legislation that deals with public service hospitals.

I think this agreement lays the groundwork for understanding and certainly an attitude of tolerance of one group for another.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of October 13, 1973.)

POINT OF ORDER

Mr. STEIGER of Wisconsin. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. STEIGER of Wisconsin. Mr. Speaker, is a point of order eligible against the provisions of the conference report at this point, the statement of the managers not having been read?

The SPEAKER. The report has been read and printed in the RECORD. Completion of the action of the reading of the conference report has taken place by unanimous consent.

Mr. STEIGER of Wisconsin. Mr. Speaker, is the point of order eligible?

The SPEAKER. A point of order may now be made.

Mr. STEIGER of Wisconsin. Mr. Speaker, I make a point of order against section 817 of the conference report. That is the provision which deals with public service hospitals.

I recognize that the gentleman from Minnesota, the gentleman from Louisiana, the gentleman from West Virginia, and the gentleman from Florida were having a colloquy on what could happen in the public service hospitals.

It would seem to me that if this bill were to come to the House floor and this amendment on the public service hospitals were to be offered, it would not be germane under clause 7 of rule XVI. It is therefore, subject to a point of order under clause 4 of rule XXVIII. The jurisdiction of public service hospital legislation is clearly within the interest of the Committee on Interstate and Foreign Commerce and not under the jurisdiction of the Committee on Armed Services.

Therefore, Mr. Speaker, I respectfully press the point of order on this section.

Mr. HÉBERT. Mr. Speaker, if the House comes to this motion at this time, it threatens to destroy the entire conference report.

I am addressing myself to the point of order. If the House conferees accept the Senate amendment, which requires that eight Public Health Service hospitals previously scheduled be closed by the administration may continue in operation. The Senate conferees pointed out, among other things, that 26.4 percent of the inpatient load of these hospitals for the fiscal year 1973 were active duty or retired military personnel and their dependents. The continued operation of these hospitals is, therefore, valuable to the availability of quality medical care for military personnel.

Mr. Speaker, I believe this section is germane. I stated that in the previous discussions that we had; however, I brought it to the attention of the House, because of the disagreement of some other Members. However, I insist it is germane and ask the Speaker to make a ruling.

The SPEAKER. The Chair is ready to rule.

Section 817 of the conference report relates to the operation of the Public Health Service hospitals in certain locations. The subject matter of this provision is not within the jurisdiction of the Committee on Armed Services. An amendment proposing the continued operation of these institutions would not have been germane had it been offered to H.R. 9286 when that bill was under consideration in the House.

The Chair therefore sustains the point of order against that part of the conference report.

MOTION OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEIGER of Wisconsin moves that the House reject section 817 of the conference report.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am hesitant, quite honestly, to become involved in an issue that is a matter of some concern to Members on both sides of the aisle, but I must say, Mr. Speaker, once the House had acted as it did in rejecting the rule as proposed by the Rules Committee which waived all points of order, I find no justifiable reason for not exercising the rights and privileges of the Members of this House in raising a legitimate point of order against the conference report.

May I say at the outset, I am profoundly respectful and grateful to the gentleman from Louisiana, because he did bring the conference report up in the normal process, and that is as it should be. It does allow the House to work its will, and I think that is as it should be.

Mr. Speaker, I would have no intention of pressing this issue except to insure that in fact the processes of the rules are complied with. The issue of the Public Health Service hospitals may now be settled because of what the distinguished gentlemen from Minnesota, Florida, and West Virginia have agreed to, but this is something that rises above that. In this, I concur with my friend and colleague from Iowa that there does come a point when the House has to make a judgment whether or not we continue to allow committees to come in and attempt, through the back door, to accept nongermane amendments and then simply roll over.

I am not prepared to do that. I urge the House to reject this provision of the conference report.

Mr. Speaker, I yield to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, considering the importance of this legislation, I would waive any rights this committee has to jurisdiction of this issue, because I think it is important that this legislation pass as it is brought to the House.

We have made an agreement that it will be heard later in our committee to settle the different questions needed to be settled.

Military personnel, the Public Health Service hospitals primarily are for military personnel, those that are retired, and it is one of the oldest institutions. I believe we had them in 1798 and we are down to only eight in the land.

I believe the question has been settled so far as jurisdictional dispute is concerned, because we have agreed that afterward we will take up the subject and bring a bill to this floor.

Mr. Speaker, I would urge that the part be kept in the bill as it relates to the Public Health Service hospitals.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Mr. Speaker, the gentleman from Louisiana has the time.

Mr. HÉBERT. I yield to the gentle- from Iowa.

Mr. GROSS. Mr. Speaker, I thought the statement was made that of the patients in the Public Health Service hospitals, only 26 percent or less were military.

Mr. HÉBERT. It is the active military as well as retirees and their dependents. We do not have that exact figure.

Mr. NELSEN. Mr. Speaker, will the gentleman yield to me?

Mr. HÉBERT. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I will say to the Members of the House that there seems to be a little bit of an attitude of trying to imply that there is a desertion of the principles involved. I think that could be a very, very wrong interpretation.

The facts are that this Public Health Service hospital issue has been before our subcommittee many times, and at one time I was the lone dissenter in a conference committee session at the time the Fort Worth Hsopital was turned over to the Bureau of Prisons for treatment of narcotics addicts. So I am not one who rolls over easily.

However, I am also practical enough to know that the report that we are voting on is a very important one. I do know that the conferees worked hard to try to bring about some kind of an agreement, and I feel, in relation to the commitment that was made to me—and I do not bind any other Members to it—that I was trying to use my judgment as the ranking member on the other side, on the Subcommittee on Public Health and the Environment, and in my judgment and understanding we have come farther down the road toward a permanent solution than any we have had in years.

Mr. HÉBERT. Mr. Speaker, I wish to make just a closing remark.

I direct the attention of the House to exactly what they want to do on this particular motion, which I hope is voted down.

The gentleman is right in disclaiming any attitude toward accepting nongermane amendments coming to this body. I think that I was in the lead in making those observations several years ago when I first became chairman of the committee, and I feel the same way about it.

However, we are faced with a situation in which the national security of this country is involved, and when we are faced with the question of continuing to provide the support required by our military forces, then I believe we have to reconsider our position and if necessary change the rules to cope with the problem. If this motion is supported now, it means that we will have 10 more such votes here today.

Mr. Speaker, if a point of order is made against the other 10 questions, we will have 10 votes, and if any one of these motions is sustained, we will not have a conference report.

Now, that is the fact of the matter, and that is what this situation is. We will be without a conference report. We then will have to go back to the other body, and it will be up to the other body to decide what they want to do.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, is the gentleman asking the House to yield to the dictates of the Senate on this or any other matter?

Is this what the gentleman is asking the House to do? Is he asking the Members here today to bend their knees to the dictates of the House Committee on Interstate and Foreign Commerce and to the other body on this issue?

I am surprised at the capitulation of the Committee on Interstate and Foreign Commerce, and I am surprised that the Committee on Armed Services is not making the kind of fight with the other body that it ought to make.

Mr. HÉBERT. Mr. Speaker, I recognize the gentleman's concern about the matter. I am rather surprised, the gentleman knowing the gentleman from Louisiana, the chairman of the Committee on Armed Services, that he would charge him with such indiscretion.

As a matter of fact, if we follow the thinking of the gentleman from Iowa completely through and bandy about the terms "surrender" and "abdicate," or whatever else one wishes to say, that means that we would never have a conference report.

Why do we go to conference? We go to conference to come up with the best things we can get. We come up with a compromise, and in this instance we fought like nobody's business in that conference. The Members would be amazed at the things we insisted on, and there would not have been a conference report if we had not agreed to these subject matters. That is all there is to it. There is no abdication, there is no surrender, there is no sacrifice of principles, but there is a determination and a rededication toward getting legislation through this body as quickly as we can, and particularly in the area of military defense of this country.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Speaker, I thank the gentleman for yielding to me this time.

Mr. Speaker, I want to assure the Members of this body that the House conferees fought for days upon this matter as bitterly and as strongly as they could, and we came out with a bill that is far nearer the House point of view than that of the Senate. We did not get everything that we wanted, but we came out of the conference, I believe, in very good shape. Now, to have to go back into conference again with the Senate when this legislation should have been passed before the first day of July will mean that we will be faced with enormous problems, if we have to do that, I can assure the Members of that.

Mr. STEIGER of Wisconsin. Mr. Speaker, before we come to a vote on this issue let me just say that we have here a classic situation. In my own judgment the key point is the way the conference report was brought up originally under the rule waiving points of order. I believe that was wrong. That has now been modified and the House can now have a chance to work its will separately and individually on those areas that are subject to points of order, if points of order are raised.

It is true that if this motion to reject is adopted that the conferees would have to reconvene and settle that issue with the other body. If it is accepted, then the House has worked its will, and made its decision and judgment about whether or not they want to accept or not accept the particular Senate provision.

On balance, Mr. Speaker, I simply again want to reiterate that I think the key point is that the House certainly now has a chance to make a determination. As far as I am concerned, that is what is most important. Let the House now make its own decision about this amendment.

Mr. HÉBERT. Mr. Speaker, may we have the Clerk read the motion?

The SPEAKER. The Clerk will rereport the motion.

The Clerk read as follows:

> Mr. STEIGER of Wisconsin moves that the House reject section 817 of the conference report.

PARLIAMENTARY INQUIRY

Mr. HÉBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HÉBERT. Mr. Speaker, my parliamentary inquiry is this: I understand that an "aye" vote is a vote that would keep the Public Health Service hospitals open, and a "nay" vote would retain the Public Health Service hospitals?

The SPEAKER. The Chair will state that an "aye" vote on the motion to reject section 817 of the conference report would mean that the section covering the Public Health Service hospitals would not be included in the conference report. A "no" vote on the motion to reject section 817 of the conference report would be a vote in favor of the inclusion of the provision retaining the Public Health Service hospitals.

Mr. HÉBERT. I thank the Speaker, and I do urge a very, very positive "no" vote on the motion.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 103, nays 290, not voting 40, as follows:

[Roll No. 556]

YEAS—103

Armstrong
Ashbrook
Bafalis
Baker
Blackburn
Broomfield
Brown, Mich.
Burgener
Butler
Camp
Cederberg
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Duncan
Edwards, Ala.
Erlenborn
Findley
Fish
Forsythe
Frenzel
Frey
Froehlich
Gilman
Goldwater
Goodling
Gross
Hanrahan
Harsha
Hastings
Hechler, W. Va.
Heinz
Hinshaw
Hosmer
Huber
Hutchinson
Keating
Ketchum
Landgrebe
Latta
Lent
McClory
McCloskey
McDade
McKinney
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mayne
Mazzoli
Michel
Miller
Mizell
Moorhead, Calif.
Myers
O'Brien
Powell, Ohio
Quie
Quillen
Regula
Robinson, Va.
Robison, N.Y.
Rousselot
Ruppe
Ruth
Scherle
Schneebeli
Sebelius
Shoup
Shuster
Snyder
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Thomson, Wis.
Towell, Nev.
Vander Jagt
Veysey
Walsh
Wampler
Wiggins
Winn
Wyatt
Wydler
Wyman
Young, Ill.
Young, S.C.
Zion
Zwach

NAYS—290

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breckinridge
Brinkley
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton

Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clark
Clay
Cleveland
Cohen
Collier
Conte
Corman
Cotter
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Fraser
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hawkins
Hays
Hébert
Heckler, Mass.
Helstoski
Henderson
Hicks
Hillis
Hogan
Holifield
Holt
Holtzman
Horton
Hudnut
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Kluczynski
Koch
Landrum
Leggett
Lehman
Long, La.
Long, Md.
Lott
McCollister
McCormack
McEwen
McFall
McKay
McSpadden
Madden
Madigan
Mahon
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Milford
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Preyer
Price, Ill.
Price, Tex.
Pritchard
Railsback
Randall
Rangel
Rarick
Rees
Reid
Reuss
Rhodes
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
St Germain
Sarasin
Sarbanes
Satterfield
Schroeder
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thone
Thornton
Tiernan
Treen
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—40

Biaggi
Blatnik
Breaux
Brooks
Buchanan
Burke, Calif.
Clausen, Don H.
Collins, Ill.
Conyers
Davis, Ga.
Diggs
Esch
Flynt
Ford, William D.
Frelinghuysen
Green, Oreg.
Hammerschmidt
Howard
Hunt
Johnson, Colo.
Jones, Ala.
King
Kuykendall
Kyros
Litton
Lujan
Macdonald
Mills, Ark.
Mosher
Murphy, N.Y.
Nix
Podell
Roberts
Roncallo, N.Y.
Runnels
Ryan
Sandman
Steele
Waldie
Wylie

So the motion was rejected.

The Clerk announced the following pairs:

Mr. Podell with Mr. Conyers.

Mr. Blatnik with Mrs. Collins of Illinois.

Mr. Davis of Georgia with Mr. Flynt.

Mr. Murphy of New York with Mr. Hammerschmidt.

Mrs. Green of Oregon with Mr. Roncallo of New York.

Mr. Howard with Mr. Buchanan.

Mr. Macdonald with Mr. Kuykendall.

Mr. Mills of Arkansas with Mr. Hunt.

Mr. Biaggi with Mr. Diggs.

Mr. Jones of Alabama with Mr. Wylie.

Mr. Roberts with Mr. Don H. Clausen.

Mr. Nix with Mr. Mosher.

Mr. Kyros with Mr. Esch.

Mr. Litton with Mr. King.

Mrs. Burke of California with Mr. Steele.

Mr. Brooks with Mr. Frelinghuysen.

Mr. Waldie with Mr. Lujan.

Mr. Breaux with Mr. William D. Ford.

Mr. Runnels with Mr. Ryan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Are there further points of order? If not, the Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I rise in support of the conference report on H.R. 9286 and urge its approval by the Members of the House.

As Members of this House are well aware, H.R. 9286 is the annual Department of Defense authorization for appropriations for fiscal year 1974, and must be acted upon by the House prior to its taking action on the annual Department of Defense appropriations legislation for fiscal year 1974.

The conference committee on H.R. 9286 completed its action on Thursday, October 11, and filed its report on Saturday, October 13. The conference report, together with the joint explanatory statement of the committee on conference was printed in the CONGRESSIONAL RECORD of Saturday, October 13, and is now available as House Report No. 93–588.

H.R. 9286, as passed by the House on July 31, 1973, consisted of 17 pages. The Senate in acting upon the House bill struck all after the enacting clause and substituted new language in the form of an amendment. The amendment added 55 pages to the House-passed bill. As a consequence of the Senate action, there were contained in the Senate amendment a number of provisions which had never been considered by the House. Many of these Senate amendments were, therefore, rejected by your House conferees either because the provision had little persuasive justification or because of nongermaneness.

At the outset of the conference, the conferees discussed the House-approved overall ceiling on the defense authorizations provided in the bill. The House had voted a $20,445,255,000 authorization ceiling although the programs authorized by the House, in fact, totaled $21,394,997,000.

The Defense Department in its reclama to the conference pointed out that the intent of the proponents of the House provision was to limit the fiscal year 1974 authorization to the amount appropriated for fiscal year 1973, plus 4.5 percent for inflation. However, Defense pointed out that the proponents of the House provision used the wrong starting point—that is, they understated by $880.5 million the amount provided by the fiscal year 1973 Appropriation Act. This error was further compounded by the use of an inflation rate that was too low.

These arithmetical errors compound to a $1.2 billion error in the resultant calculation of the fiscal year 1974 ceiling.

The error in calculating the appropriations provided for defense purposes resulted from failure to include $880.5 million of transfer authority provided in the fiscal year 1973 Appropriations Act. Thus the budget authority for fiscal year 1973 for DOD was $20,445,300,000 rather than $19,564,800,000.

Also, the inflation rate utilized in the House amendment was 4.5 percent when the actual rate of inflation for these expenditures was 5.7 percent.

Thus, in summary, the House ceiling was established at $20,445,300,000 when in fact it should have been $21,610,700,000.

It is interesting to note that the amount ultimately approved by the conferees is substantially below that latter figure, that is, $21,299,520,000—or more than $311 million less than the corrected House ceiling.

In light of this information, the House conferees acquiesced to Senate demands to reject the overall ceiling and proceed with the line item consideration of the differences in the bill.

The conferees had a total of 88 differences in the bill as pased by the respective bodies. Forty-one of these differences were money differences, while the remaining 47 were language differences.

The conference report together with the joint explanatory statement of the committee of conference provides a detailed explanation of the action taken by the conferees. Therefore, I will not attempt to burden the Members of the House with the recitation of all of these differences.

I will, however, briefly review the major actions taken by your conferees. These include the following:

Adopted a Senate provision continuing until December 31, 1975, the authority of the President to transfer to Israel by sale, credit sale, or guaranty, aircraft and related equipment.

Rejected a Senate amendment which would have provided recomputation of military retired pay at an estimated lifetime cost of $19.4 billion.

Established a limitation on the military assistance service funded program to Southeast Asia of $1,126,000,000. The House figure had been $1.3 billion.

Rejected a Senate provision prohibiting demonstrations outside the United States by military aerial acrobatic teams.

Adopted a provision establishing a total prohibition against funding of any U.S. military activity in, over, or off the shores of Indochina without the express consent of the Congress.

Rejected a Senate provision prohibiting release of long leadtime funding for the AWACS program until completion of a cost-effectiveness study by the Comptroller General.

Adopted a Senate provision which establishes a $25 million limitation on advance payments to defense contractors.

Adopted a Senate provision which consolidates the defense industrial reserve and would authorize continuation of the tools-for-schools program.

Rejected a Senate provision authorizing and directing the Defense Department to provide escort, briefing, and other support to the Senate youth program.

Agreed to a sense of Congress statement that the Department of Defense should implement a 10-percent reduction of its consumption of petroleum products.

Rejected a Senate provision directing the Department of Defense to request retired employees to make suggestions on procurement practices.

Rejected a Senate provision prohibiting the settlement of a loan that the Government of India has with the United States at less than the full amount owed unless a lower settlement is authorized by the Congress.

Agreed to a compromise provision relating to NATO burden sharing. The section provides that unless our NATO allies offset any balance-of-payments deficit relating to U.S. troop deployments, there will be a corresponding reduction in troop presence in Europe.

Rejected a Senate amendment which would have required a reduction of 110,000 in the number of U.S. troops deployed overseas by December 31, 1975.

Agreed to require a 43,000-man reduction in the active strength of the Armed Forces by June 30, 1974.

Established a Defense Manpower Study Commission to conduct an independent comprehensive study of total manpower requirements of the Department of Defense, both civilian and military.

Adopted the Senate version of a "Buy American" amendment affecting defense procurement, and finally

Adopted a Senate provision to provide medical emergency helicopter transportation for civilians as passed by the House on May 21, 1973.

I will include at this point in the RECORD a table setting out in detail the budget request of the administration for fiscal year 1973; the House action; the Senate action; the difference between the House and Senate bills, and finally the conference action itself.

FISCAL YEAR 1974 AUTHORIZATION BILL

[In thousands of dollars]

	Fiscal year 1974 request	House bill	Senate bill	Difference House versus Senate	Conference action
Aircraft:					
Army	181,000	181,000	168,000	−13,000	168,000
Navy and Marine Corps	2,958,300	2,958,300	2,886,500	−71,800	2,912,600
Air Force	2,912,800	2,739,100	2,964,635	+225,535	2,964,635
Subtotal	6,052,100	5,878,400	6,019,135	+140,735	6,045,235
Missiles:					
Army	599,900	574,200	560,700	−13,500	565,000
Navy	680,200	680,200	650,700	−29,500	680,200
Marine Corps	32,300	32,300	32,300	0	32,300
Air Force	1,573,200	1,573,200	1,509,700	−63,500	1,519,600
Subtotal	2,885,600	2,859,900	2,753,400	−106,500	2,797,100
Naval vessels: Navy	3,901,800	3,788,200	3,628,700	−159,500	3,737,000
Tracked combat vehicles:					
Army	201,700	193,300	160,300	−33,000	193,300
Marine Corps	46,200	46,200	46,200	0	46,200
Subtotal	247,900	239,500	206,500	−33,000	239,500
Torpedoes: Navy	219,900	219,900	203,300	−16,600	203,300
Other weapons:					
Army	51,300	44,700	43,085	−1,615	44,700
Navy	41,900	41,900	33,100	−8,800	37,100
Marine Corps	700	700	700	0	700
Subtotal	93,900	87,300	76,885	−10,415	82,500
Total procurement	13,401,200	13,073,200	12,887,920	−185,280	13,104,635
Research, development, test and evaluation:					
Army	2,108,700	2,031,686	1,935,933	−95,753	1,983,758
Navy (including M.C.)	2,711,700	2,675,300	2,656,200	−19,100	2,670,749
Air Force	3,212,500	3,110,811	2,958,200	−152,611	3,034,800
Defense agencies	500,400	479,400	484,800	+5,400	505,578
Test and evaluation, Defense	24,600	24,600	24,600	0	
Total R.D.T. & E.	8,557,900	8,321,797	8,059,733	−262,064	8,194,885
Undistributed reduction		−949,742		+949,742	
Grand total procurement and R.D.T. & E.	21,959,100	20,445,255	20,947,653	+502,398	21,299,520

The administration had requested $21,959,100,000. Your conference committee has recommended a final authorization of $21,299,520,000—a reduction of approximately $660 million.

In conclusion, Mr. Speaker, let me emphasize one very pertinent fact of life—this is essentially a hardware bill. It is an authorization to permit the armed services to obtain the appropriations necessary to develop and procure the modern equipment which will protect us from any adversary and will insure our national security. It takes time and unfortunately—a great deal of money to provide this equipment to our Armed Forces, but we have no alternative.

One of our more distinguished former Assistant Secretaries of Defense, Mrs. Anna Rosenberg, once vented her frustrations at the inability to obtain funds and hardware for our Armed Forces by exclaiming that—

> Of course we have an alternative—we can fight the enemy with our blueprints.

I am sure that we do not want to be forced into the position of attempting to fight our prospective enemies with nothing but blueprints.

Let us approve this conference report.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from California.

Mr. GUBSER. Mr. Speaker, I regret that it was necessary in the final moments of the House-Senate conference for the House to recede on a Senate amendment which cut the Aegis program in the amount of $3,000,000.

The Aegis program, which is now completing a most successful series of shore-based tests in preparation for further tests at sea next year, is the only real answer to the air threat to our surface forces. A great many of the small nations of the world, through the use of sea-launched cruise missiles, are becoming capable of neutralizing to an unacceptable degree our ability to project seapower to many parts of the world vital to our interests.

When more sophisticated antishipping weapons and systems are made available to coastal powers as is now being done with antiair weapons in the Middle East, there is an even greater potential for serious erosion in our ability to keep vital supplies flowing to our shores. Recent events in the Middle East have dramatically reminded us of the importance of oil imports for the economic and military security of the United States. Successful transport of Middle East oil depends directly on our ability to keep the sealanes open and protected. Thus, the Aegis system and its platform, the DG, are key elements in the future of the surface Navy and of U.S. military security.

The Aegis system has been in engineering development since December 1969. In concert with the objective of cost reduction, the Aegis R. & D. effort was reoriented in December 1971 toward engineering development of a smaller, less costly system without serious reduction of basic performance capabilities. These goals have been achieved. Aegis system weight has been reduced, power requirements cut, manning reduced, and projected cost reduced from $60 million to $43 million. This system can be installed in a 6,000-ton ship in place of the originally planned 11,000-ton DLGN. Based on proven weapon system characteristics, a new AAW ship class, the DG, is now planned.

A tightly coordinated development program has been evolved to satisfy a readjusted budget. Principal Aegis fiscal year 1974 funding is directed at completion of Aegis at-sea testing, and "gearing up" for the fiscal year 1975 effort to complete design engineering of the scaled-down Aegis and the DG combat system. A funding reduction of $3,000,000 at this crucial stage in the development program will delay the program for about 3 to 4 months, with a cost increase estimated at $5,000,000 due to the stretch-out. More seriously, a disruption in the simultaneous design in the Aegis system and the DG will have a severe cost and schedule impact on the planned DG ship schedule.

If this reduction is not restored by reprograming, the introduction of Aegis to the fleet will be delayed in the face of an increasing threat and the overall development costs will be increased.

I suggest that the $3,000,000 be the subject of a reprograming request so that this vital program may be expeditiously carried forward. I am sure the Armed Services Committee will give early and sympathetic consideration to such a request.

I would like to ask the distinguished chairman of the Armed Services Committee if this $3 million item was dropped, is not a likely candidate for a reprograming request, and if such a request is made, if the chairman of the full committee would give prompt and sympathetic consideration to such a request.

Mr. HÉBERT. Mr. Speaker, I say to the gentleman from California that the chairman of the committee is very sympathetic to his request for such a reprogramming action. If it is requested, the committee would give it careful consideration.

Mr. GUBSER. Mr. Speaker, I thank the gentleman.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I do want to state that I am thoroughly in accord with this conference report. I think the conferees did an excellent job.

Mr. Speaker, I do note under title II, which concerns research, development, test and evaluation, that the conferees finally agreed on a figure of $8,194,885,000, which is $363 million less than the Defense Department requested.

Mr. Speaker, my question is, is any of that research, development, test and evaluation money going to be used for the construction of temporary relocatable structures for moving installations, and for which no MILCON money has been authorized?

Mr. HÉBERT. Mr. Speaker, not to my knowledge. The answer is "No."

Mr. WILLIAMS. Mr. Speaker, I would ask the same question of the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Speaker, my answer is also, to the best of my knowledge, "No."

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman very much.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I wanted to ask the gentleman a question to clear up any misunderstanding I might have about section 811, which required the NATO allies to fully offset the U.S. balance-of-payments deficit in 18 months, or U.S. forces in Europe would be reduced.

Mr. Speaker, is this an attempt to use the threat of reducing our own forces to require the other NATO countries to increase their contribution?

Mr. HÉBERT. Mr. Speaker, I ask the gentleman from New York (Mr. STRATTON), who is an authority on this, to reply.

Mr. STRATTON. Mr. Speaker, will the gentleman yield to me?

Mr. HÉBERT. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, in reply to the gentleman from Maryland, this amendment was originally introduced in the Senate by the Senator from Washington, Senator JACKSON. The purpose of it was to try to carry out what a House Armed Services Subcommittee had recommended more than a year and a half ago; namely, that there ought to be a greater effort on the part of our allies in NATO to relieve the major fiscal burden of our NATO commitment, which is our deficit in the balance of payments.

The section the gentleman refers to provides that if our NATO allies have not succeeded in offsetting this balance-of-payments deficit by a particular date, then 6 months thereafter we would reduce our forces by the percentage amount that they had failed to offset that deficit.

Mr. LONG of Maryland. Mr. Speaker, I applaud the objective, but I wonder whether we would really mean to carry through on this? How far would we be prepared to reduce our troops, or are we threatening to do something we know, and the other NATO allies know, we would not be prepared to carry through?

Mr. STRATTON. No. There were expressions of feeling among some of the conferees that perhaps this amendment was too strong and perhaps we ought to put in some kind of saving language, but the conferees finally rejected this. We accepted the amendment of the Senator from Washington, except that we extended his deadline by 6 months.

It is my understanding that conference agreement on this point has already been effective in convincing our allies that we mean business.

Mr. LONG of Maryland. Mr. Speaker, I will ask the gentleman this question:

How many troops could we withdraw without weakening the military capability of the NATO Alliance?

Mr. STRATTON. I do not think anybody is in position to answer that question now. The bill also contains a provision that the House Committee on Armed Services will examine this entire question of NATO forces and report back by the first of April next year concerning exactly how many troops we do need.

Mr. LONG of Maryland. There is a real confrontation here. Who is going to weaken, we or our NATO allies?

Mr. STRATTON. Mr. Speaker, I would hesitate to comment on that particular point. I would hope there would be no confrontation. I would hope we would arrive at a mutually satisfactory agreement.

Mr. LONG of Maryland. Mr. Speaker, I thank the gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, without intending to raise an objection, I call to the attention of my colleagues title VII of H.R. 9286 which establishes a Defense Manpower Commission which must submit its final report within 24 months after its members are appointed. Among its duties this Commission must review grade structures and the concomitant promotion requirements within each armed force. I remind my colleagues that in October 1972, when the Congress granted the Air Force a temporary extension of their grade limits, the Senate required the Department of Defense to submit a report concerning grade structure by May of this year.

The report was submitted at that time and I understand that legislation establishing a defense officer personnel management system will be submitted soon. That legislation will contain new permanent grade limits for all services and thus will replace the temporary limits for the Air Force. If the Commission provided for in title VII delays consideration of the proposed defense officer personnel management system beyond September 30, 1974—the expiration of the Air Force's current temporary grade limits—the Air Force will be in an untenable position.

The result would be a reduction-in-force demotion and forced retirement of approximately 5,500 colonels and lieutenant colonels which would leave the Air Force dramatically below its minimum senior officer requirements and would create such personnel turbulence and uncertainty that it would make an Air Force career far less attractive, particularly to the younger officer. I am certain the Congress does not intend to create such a situation; in fact, it would contradict the very purpose of the Defense Manpower Commission. Mr. Speaker, while I favor establishment of the Defense Manpower Commission and look forward to an objective report on the many issues it will study, I want us to be aware that we may be creating an unintended problem for the Air Force which will require an extension of their current grade limits next year. We should keep this fact in mind.

Mr. FRENZEL. Mr. Speaker, today we again witness a case of the House refusing to abide by its own rules, and instead accepting another in an apparently never-ending stream of nongermane Senate amendments. I believe that in accepting the Senate amendment we are flaunting the rules and only encouraging further whimsical activity on the part of the Senate.

Whether or not one likes the Public Health Service hospitals—I have voted against them before and will do so again today—I think we ought to vote against them after the point of order is raised, if only to protest the most recent Senate piggyback effort and to show we have some backbone of our own.

Also, Mr. Speaker, I have trouble in voting for a conference report which not only exceeds our House position by $854 million but also is $350 million over the Senate position. At this late time in the year, I suppose we have no choice but to pass the bill. But I, for one, will surely be more careful about voting for appropriations at that level.

In general, I think it is not a very good performance when we violate our own rules and authorize more spending than we agreed to in the original bill.

Mr. DELLUMS. Mr. Speaker, today we are faced with a conference bill put together by people with no sympathy for the majority actions of either House. The result is what would have been expected—a bill that achieves "compromise" by striking out any provision that either House had added that moved in the direction of more rational strategic and diplomatic priorities.

I believe that this constitutes such an abuse of the legislative process that it should be evident to everyone. There are many reasons I intend to vote against the bill as written, but I will confine my remarks to two of the worst provisions of a horrible bill.

First, the truly horrifying amount of money we are taking from the American taxpayer to subsidize Thieu's police regime. I wish Mr. Thieu luck in his efforts to create a stable government, if that is his aim—but I object to providing him with the means of getting along without real political support—in fact, of maintaining his position solely by relying on gestapo tactics, prisons, and police. I would like to insert, for the convenience of my colleagues, some material on what our money is being used for in South Vietnam. I fail to see how any of this benefits either the people of Vietnam or the best interests of the United States:

LETTER SENT BY A NUMBER OF SOUTH VIETNAMESE MOTHERS WHOSE SONS AND DAUGHTERS ARE DETAINED BY THE SAIGON REGIME

SAIGON, *August 10, 1973*.

To: The International Commission of Control and Supervision, the Bipartite Military Joint Commission, the International Red Cross Society, through the intermediary of the Committee for the Improvement of the Prison System in South Viet Nam.

We, a number of women, mothers of school and university students still detained by the Government of the Republic of Viet Nam, write this letter to request you to intervene in our favour so that our sons and daughters can return home and be reunited with our families. As it is now past the final dead-line (28 July 1973) for the release of civilian prisoners stipulated by the Bipartite Military Joint Commission and still our children are in prison and their fate is very uncertain.

DEAR SIRS: We are Vietnamese women who have undergone untold sufferings in this war. Many of us have wept the death of our fathers, our husbands or our children. Now we are weeping in our grief and our love for our missing sons and daughters still in gaol. When the Paris Agreement to end the war and to re-establish peace in Viet Nam was signed, we were extremely moved and we welcomed them with a strong feeling of joy. We were fervently hoping that when our country is at Peace, when all our fellow-countrymen share a common joy of "National Reconciliation and Concord to end hatred, to put a stop to further suffering and to reunite the families . . ." as set down in Article 8c of the Agreement, then we would see our sons and daughters coming back to our homes. Little did we know that we were going to be cruelly disappointed. Our pain was so great we thought we did not have the strength to endure it: our children so dear to us not only are still not freed, but also have suffered unreasonable and inhuman measures contrary to the spirit of the clauses in the Paris Agreement concerning the release of civilian prisoners. Immediately after the signing of the Agreement, our children were transferred from one prison to another, were transported to secret places of detention, were taken to centres of interrogation where they cannot be traced (the documentary evidence of this has been presented many a time by the Committee for the Improvement of the Prison System in South Vietnam).

We are mothers, old and poor, living in the urban areas of the South. Some of us have picked a few vegetables from the garden, others have undergone privations, have borrowed money to buy some medicine for our children and we have travelled long distances to the prisons to visit our children but we are not allowed to see them. We are distressed, we do not know why, we do not know who to ask, and even when we ask nobody deigns to answer. With pain and bitterness in our heart, we returned sadly home, wiping our tears.

We have lived in poverty for a long time, and our misery is increasing every day because the numerous heavy taxes make the price of goods extremely high. We have not had fish or meat in our daily meals for a long while. In this situation, whenever we think of our children we feel as though our entrails are cut into small pieces, because how much more miserable is the situation of our children in gaol. For many months now they have never eaten even a sprig of green vegetable, they are given poor quality rice full of gravel and even that in insufficient quantity. The more we think about it the more pain we felt in our hearts. We can affirm that prisoners in South Viet Nam are kept very hungry. We know for certain that right now in Tan Hiep gaol, the prisoners are given two bowls of watery rice gruel a day, and the situation is no better in the other prisons (once again, we beseech all the Red Cross Societies to find the means to come and investigate the truth).

However, that is not all. After undergoing their interrogation and enduring the extremely harsh prison conditions, our children have become extremely weak and gravely ill. We have seen with our own eyes our sons and daughters looking like skeletons, pale, exhausted and diseased. Even in this condition, they are still taken to interrogation centers and kept incommunicado from their families, so that we do not know anything about their fate (A typical case is that of a number of girl students, detained in Tan Hiep after having gone through the prisons of Thu Duc and Chi Hoa, who are now kept at the Bien Hoa C3 Interrogation Centre). Others at Thu Duc and Tan Hiep are not allowed to be visited and taken care of by their families.

While we are desperately asking for news of our children and waiting for their returning home, we have heard that a number of students have been returned to the Provisional Revolutionary Government of the Republic of South Viet Nam and that they are now being taken care of in Loc Ninh. But there is no news about the others, we do not know what is being planned for them.

Faced with the above fact, we feel that we have to raise boldly our voice to express our sincere thoughts.

First of all as Vietnamese and secondly as mothers, to us the Vietnamese nation is one. Whether from this side or the other, all the people are fellow-countrymen of the same blood and the same flesh, they are the children that Vietnamese mothers had carried and given birth to, and then brought up with their milk, on the land of their own ancestors. Futhermore, nothing, however mighty, can divide a people sharing a common origin and common ancestors, let alone an artificial boundary line. The 17th parallel was stipulated by the Geneva Agreement as only a temporary ceasefire line. Now the Paris Agreement has again confirmed this fact. That is an important matter, but what is most important is that, at this moment, our whole nation, hand in hand, is building Peace and is realizing National Reconciliation and Concord. In this sacred moment who dares thing of a boundary line to divide fellow-countrymen in the North from those in the South, or to distinguish people living together in the South. We are all living on Vietnamese territory.

Therefore it is not important where our sons and daughters are released. Nevertheless we must affirm that our children are not the Communists the Government of the Republic of Viet Nam accuses them to be. We gave birth to them here in the South, we had lived with them since their most tender infancy. Nobody knows them better than their own mothers. We know the character, the vocation of our children and therefore we know the reason for their being in prison. Our children have not committed any other crime but that of loving their country and their people, the crime of struggling for the right to life for poor and oppressed people of which their parents are a part the crime of struggling for peace, for an end to the war in which the lives of their parents, their brothers and their friends have been sacrificed. It is a truth as clear as sunlight, a truth seen by everyone. It is a just and good thing to do, that is recognized by everyone. What more concrete recognition than the fact that we accept with courage the involvement of our children in a struggle fraught with danger, what more concrete recognition that the fact that their fellow-countrymen have contributed each a piastre or a bowl of rice to encourage them on their bitter road, the fact that peace-and-justice loving people all over the world have raised their voice in support.

DEAR SIRS: Our children have acted right, and it is obvious and none can deny it, that by their action they have stood in the ranks of the progressive and peace-loving people of the South.

Now the Government of the Republic of Viet Nam has admitted that peace and welfare are the ultimate aim of all the people in the South. Therefore there is no reason whatever to accuse our children of being communist. In doing so, the Government is flagrantly denying the presence of the patriotic elements who have not feared making sacrifices to serve the common interests of the nation, it is flagrantly betraying the aim that it has solemnly promised to pursue to the end.

To return the students to the Provisionary Revolutionary Government of the Republic of South Viet Nam is to force them to live away from their parents, their families and their homes. They have been hoping unceasingly to be reunited with their families, and we have been hoping to receive them back among us, in our homes, in the areas controlled by the Government of the Republic of Viet Nam.

DEAR SIRS: Once again, in our quality of Vietnamese women who are fervently peace-loving and who have endured untold sufferings in this war and therefore who were moved to great joy by the Paris Agreement of 1/27/1973 to end the war and to re-establish peace in Viet Nam, we beseech the International Commission of Control and Supervision which is the representative of the countries loving peace and supporting the Paris Agreement out of a sense of duty and out of a feeling of humanity, to intervene so that the Government of the Republic of Viet Nam has to apply correctly the clause of the Paris Agreement in order to bring National Reconciliation and Concord, and end to hatred, a stop to further suffering and a reunion of the families, according to clause 8c. This is awaited with great expectation by the whole Vietnamese people in general and by us in particular.

We request the intervention of your Commission with the Government of the Republic of Viet Nam so that our children can be released to return to their parents, to their families, to their friends, to their schools in this beloved land of the South.

With our sincere gratitude,

SIGNATURES

1. Huynh Thi Thom, mother of student Huynh Tan Mam, arrested the latest time on 5 January 1972.
2. Nguyen Thi Tam, mother of high-school pupil Le Van Nuoi, arrested on 22 September 1971.
3. Lieu Thi Huyen, mother of student Tang Quang Tuyen (Faculty of Law), arrested on 7 May 1972, and girl student Tang Thi Nga (Faculty of Law), arrested on 9 March 1973.
4. Phan Thi Thich, mother of student Ngo Van Dat (Duong Ngoc Son), (Faculty of Architecture), arrested on 11 June 1971.
5. Le Thi Muoi, mother of student Trieu Cong Tinh Trung, arrested on 29 June 1971.
6. Vo Thi La, mother of student Nguyen Van Nam (Faculty of Letters), arrested on 27 April 1972.
7. Mrs. Le Van Ky, mother of student Le Cong Giau (Faculty of Sciences), arrested on 8 April 1972.
8. Bien Thi Ngau, mother of student Nguyen Tan Tai (Faculty of Sciences).
9. Luong Van Ba, father of student Luong Dinh (Faculty of Sciences).
10. Vo Thi Tu, mother of student Le Anh Ton, arrested on 8 April 1969.
11. Ha Hoang Bich, uncle of student Ha Dinh Nguyen.
12. Do Thi Tao, mother of student Nguyen Xuan Ham.
13. Nguyen Van Mang, father of student Nguyen Van Phu.
14. Phan Thi Nhut, mother of the girl student Nguyen Thi To Nga.
15. Tran Thi Nghiem, mother of the high school pupil Nguyen Si Hien.
16. Luong Thi Dinh, mother of the girl pupil Nguyen Thi Man, arrested on May 1972.
17. Nguyen Van Nhuan, father of the girl student Nguyen Thi Yen.
18. Tran Thi Hong, mother of Le Hoang Phuc, arrested on 24 October 1971.
19. Nguyen Thi Ngoc, mother of student Le Van Nghia (Hoang Nghia), (Faculty of Letters), arrested on 6 March 1973.
20. Nguyen Thi Hong, mother of student Nguyen Van Tu (Faculty of Sciences), arrested on 24 April 1972.
21. Nguyen Thi Su, mother of girl student Tran Thi Hong Nga, (Faculty of Letters), arrested on 6 January 1972.

[From the Indochina Focal Point, Oct. 1–15, 1973]

AS PRESSURE MOUNTS TO RELEASE PRISONERS: NGO BA THANH FREED

On September 21, lawyer Ngo Ba Thanh was released from Thu Duc prison in Saigon after 2 years of incarceration. The release proved that international pressure can hasten the implementation of the Peace Agreement, which calls for the release of Saigon's 200,000 political prisoners and the restoration of democratic liberties.

Mme. Thanh is a well-known spokeswoman for neutralists in South Vietnam who oppose the Thieu regime. A Columbia University Ph.D., she was a founder of the "Vietnamese Women's Movement to Defend the Right to Live;" and became the "symbol of South Vietnam's political prisoners" (San Francisco Chronicle, Sep. 22, 1973). On behalf of all the prisoners, she undertook a 5½ month hunger strike, during which she lost 48 pounds and suffered from failing health, to turn world attention on the Saigon police state.

Thieu's refusal to release her reflected his belief that he could resist pressure from international public opinion and the U.S. Congress. But last week he was forced to yield, releasing Mme. Thanh and 3 labor leaders (New York Times, Sep. 21, 1973).

In recent weeks, a worldwide campaign to free the political prisoners has gained momentum.

"(Her release was) designed to counter a recent wave of criticism in the U.S. Congress over Saigon's treatment of political prisoners and the disclosure last week that Washington was continuing to supply aid to the South Vietnamese police.

Both the Saigon Government and the U.S. embassy have reportedly been concerned that the criticism might lead Congress to cut economic and military aid to South Vietnam." (New York Times, Sep. 21, 1973)

Nixon and Thieu hope that by freeing the "symbol" of the political prisoners, they can end public concern for the hundreds of thousands still being tortured and confined. But, Thieu's gambit to weaken the international prisoner campaign demonstrates the strength of the campaign, and will encourage the antiwar movements in America, Western Europe, Scandinavia, Japan, and the socialist countries to generate more pressure to free the less prominent prisoners.

GROWTH

In the U.S. the campaign is entering a new phase of growth. Dozens of cities held major events during the International Days of Concern in mid-September. Marches, speeches, demonstrations, sermons, editorials, leafletting, and community meetings were held to raise the prisoner question high on the public agenda.

Mass media are ending their near-blackout of war news: a recent Time article, for example, contained a critical article on the secret and illegal U.S. funding of Thieu's police and prison system (Time, Sept. 17, 1973).

The influential New York Times is giving more coverage to the Congressional fight to cut-off the illegal aid programs. Central to these efforts is Sen. Abourezk's amendment to the Foreign Economic Assistance Authorization Bill (S. 2335), which proposes to terminate U.S. aid to any country which detains its citizens for political reasons. If this amendment passes, Thieu will be forced to choose between implementing the Peace Agreement's provisions on prisoners, or losing U.S. financial support—approximately 90% of his budget.

The Abourezk amendment would also cut off aid to the military junta in Chile, as well as other dictatorships in Latin America and Asia. Senate support for this amendment is growing, with Senators Kennedy, Cranston, McGovern, Muskie, Hart, Case, and Hartke among its leading supporters, and ". . . many liberals believe that a cutback in South Vietnamese police and prison spending may be approved, if the issue attracts enough public concern" (New York Times). Immediate pressure from constituents (phone calls, telegrams, letters) could win a majority on the vote, which is expected soon.

ARRESTS

The police and prison programs of repression mark the refusal of the U.S. and Thieu to obey the provisions of the Peace Agreement which require the release of all Vietnamese political prisoners and the restoration of the democratic liberties necessary for a free election.

Since the Peace Agreement was signed, the Thieu regime has undertaken a widespread campaign of harassment, arrests and imprisonment, to destroy all opposing political forces. The F–6 ("Phoenix") program of assassination and torture has maintained a quota of 3,000 arrests per month, which steadily increases the number of imprisoned citizens, now estimated at 200,000. In addition, 4 or 5 million South Vietnamese are refugees, forced to live in barbed-wire concentration camps under Thieu's control. This, too, violates the Agreement.

The "prisoner question" is both the center of international humanitarian concern, and the cutting-edge question of Vietnamese independence. Thieu has resorted to untold brutality to destroy the possibility of a fair and open political contest with the P.R.G. and the neutralists. As long as Thieu stifles the expression of popular political feeling, the Saigon area of South Vietnam will remain a U.S. colony, and the fragile peace hoped for last January will disintegrate further into increasing open warfare.

On July 22, after 6 months of brutal repression following the Peace Agreement, an urgent appeal was made by the "South Viet Nam Committee of Struggle for the Freedom of Patriotic and Peace-loving people still Detained by the Saigon Administration." The Appeal enumerated the violations of the Peace Agreement contained in Thieu's "Security Plan." It called on concerned people throughout the world to condemn Thieu's political repression, and to ". . . demand that the United States and the Nguyen Van Thieu administration seriously implement the Paris Agreement on Viet Nam, immediately return all the patriotic and peace-loving people, including those who belong to the third political force, still detained in South Viet Nam."

The Democratic Republic of (North) Vietnam has criticized the hypocrisy of the U.S. government's concern for American bomber pilots lost over Indochina, while it finances the continuing torture and execution of thousands of Vietnamese held in Saigon's jails.

Maj. Pham Phu Binh, the D.R.V. delegate to the Four Party Joint Military Commission, recently warned that the search for American MIAs would end soon unless the Thieu regime released the prisoners.

"How can the Vietnamese people enthusiastically get information about the United States missing-in-action", he asked, "while their relatives are still detained in the prisons of (the Saigon) side?" (*New York Times*, Sep. 23, 1973.)

Mme. Thanh, whose determination and courage have turned world attention to Thieu's political prisoners, said after her release,

"It's so wonderful to see people, listen to the birds, feel rain. But even when I was in prison my head was free and I played the role I felt I must to influence the future of my country. Now that my body is no longer in jail, I will continue to play that role. I want all political prisoners released immediately. There are thousands of them."

[From the Indochina Focal Point, Oct 15–31, 1973]

THIEU THREATENS RENEWED WAR WITH PRG

In recent days, two major events have surfaced in the news reflecting the current conflict over the implementation of the Peace Agreement and the growing threat of renewed war.

On September 1, the Saigon government protested that the Provisional Revolutionary Government (PRG) had built twelve airfields inside South Vietnam. The U.S. warned on September 10 that "grave risks" would result unless the airfields were removed. On September 17, U.S. Deputy Secretary of Defense William Clements called the airfields "a very real threat" and a "every serious major violation" of the Agreement. On the same day, North Vietnam responded by warning of "serious consequences" if the PRG's airfields were attacked. Finally on September 19, Saigon threatened to attack the airfields unless the PRG dismantled them.

PRG AIRFIELDS LEGAL

The PRG airfields are legal under the Peace Agreement. The Agreement recognizes two governments in South Vietnam, the Thieu regime and the PRG, each with its own area of control, army, administration and political force.

Article 3 of the Cease Fire Protocol permits "the use by each party (PRG and Saigon) in areas under its control, of military support elements, such as engineering and transportation units, in repair and construction of public facilities and the transportaton and supplying of the population."

The airfields are public facilities used to transport citizens and have been built in areas controlled by the PRG. Therefore, the warnings by the U.S. and Saigon are simply not founded on PRG violations of the Agreement. Either they are meant to take attention away from U.S.-Saigon violations, or as a pretext for new fighting or both.

The second major event is the October 4 PRG walkout from the formal political discussions with Saigon in Paris. The "Consultative Conference" between the two parties aims at solving the internal problems of South Vietnam and formulating a plan for general elections.

The PRG delegate protested "continuous and flagrant violations of the Peace Agreement by Saigon" and walked out to "underline the gravity of the situation, in which the United States and the Saigon regime are in feverish preparations for new military adventures." (*Los Angeles Times*, October 5, 1973)

VIOLATIONS

The violations include Thieu's refusal to:

1. Stop the shooting. Instead Saigon has engaged in continual "land-grabbing" operations designed to nibble away at the PRG's territory. These operations have reached division size most recently in Kontum and Tay Ninh provinces.

2. Release the estimated 200,000 political prisoners.

3. Restore democratic liberties and halt the "pacification" program of repression, refugee concentration camps, and wide-spread police sweeps.

As early as April 25, the PRG presented a proposal which would end the violations and set South Vietnam on the road to peace. The PRG six-point plan called for: (1) cessation of all hostilities; (2) the release of political prisoners; (3) restoration of democratic liberties for all the people; (4) the creation of the National Council of National Reconciliation and Concord to organize the elections; (5) free and general democratic elections; (6) final settlement of the areas of control and relations between the PRG and Saigon armies.

On the same day, the Saigon regime proposed its own steps, but in the opposite order: settle the troop question, set the date for elections, then restore liberties. Thieu insists "until there is an agreement on timing of general elections, democratic liberties and the National Council will not be implemented."

What is the difference between these proposals? The PRG wants a democratic setting in which to hold elections. Thieu wants to hold a Saigon-controlled election before a free and open political atmosphere is guaranteed. He refuses to enter an open political contest with the PRG and Third Force Neutralists because he knows he lacks the popular support. The PRG has every reason to support the Peace Agreement; Thieu has every reason to undermine it.

The PRG, in walking out of the arena of these proposals and counter-proposals is attempting to turn the world's attention to a chain of events which threaten to result in full-scale war once again:

Sept. 1—Saigon protests the PRG airfields.

Sept. 10—U.S. warns the DRV of "grave risks" on PRG airfields.

Sept. 11—Saigon again protests PRG airfields.

Sept. 13—DRV defends right of PRG to build airfields. Heavy clashes break out in central South Vietnam between Thieu and PRG.

Sept. 17—U.S. warns of "very real threat" of PRG airfields. DRV warns of "serious consequences" if airfields are attacked. Thieu launches division size attacks on PRG areas in Kontum Province.

Sept. 19—Saigon threatens to attack airfields.

Sept. 24—PRG representative in Hanoi reports: "Thieu's army is no longer limiting itself to encroachment operations. It has now gone over to the systematic destruction of entire regions. To achieve its aims, Saigon is using seven ton bombs (14,000 pounds) containing toxic gas and chemical substances, tanks and bulldozers to wipe out villages and massacre the population." (*Guardian*, Oct. 10)

Sept. 28–30—"Heaviest" casualties since January ceasefire result from Thieu's land-grabbing operations in Tay Ninh Province.

Sept. 30—U.S. aircraft carrier Hancock approaches North Vietnamese coast and U.S. fighter-bombers fly low over Nghe An Province.

Oct. 4—PRG walks out of Paris Consultative Conference in protest.

These events mark the increasing conflict between the forces favoring an open political process in South Vietnam as required by the Peace Agreement and those in Saigon who refuse to allow it.

POLITICAL COMPETITION

The Peace Agreement signed in January pointed toward a change in the struggle in Vietnam from military battles to political competition. The forces involved were to build up the areas under their control, and appeal to the Vietnamese people with political programs through open political dialogue in the marketplace, the cities, and in the homes.

The process of political competition was to be paralleled by the creation of a National Council to arrange elections which would lead to a coalition government of Thieu, PRG, and Third Force neutralists.

The release of the political prisoners, many of whom have important roles to play in the development of the Third Force, and the guarantee of democratic liberties are key provisions in the process required by the Peace Agreement.

Much of the political competition between the two governments is invisible to us, but it is Thieu's failure in this competition which is leading him more and more to the battlefield.

PRG SUCCESS

First, the PRG is successfully consolidating and developing the areas it controls. It has built airfields, received a Chinese ship at its Cua Viet port in Quang Tri province and begun to welcome world leaders, including Fidel Castro, into the liberated areas. At the Sept. 4–9 Algiers Conference of 75 non-aligned nations, the PRG was granted full-member status as a legitimate government.

Recent American visitors to PRG-controlled zones have described extensive social reconstruction, rebuilding of hospitals, opening schools, rice planting. These conditions stand in stark contrast to the zones under Thieu's control. There, millions of refugees remain "resettled" in concentration camps and city dwellers lead a police-state existence.

Second, the desire for peace is strong and increasing in the areas under Thieu's control. The Peace Agreement and the June 13 Joint Communique have created a new situation, fostering a "peace disease" which has infected even Thieu's military regime. According to DRV negotiator Le Duc Tho, since January, "The internal contradictions and differentiation of the Saigon regime have sharpened. As a result the Saigon regime is more isolated." (August 2, 1973 interview)

Third, world opinion is turning sharply against the Saigon regime for its refusal to release the 200,000 political prisoners. Thieu is seeking to confuse and deflect this opinion by blaming the PRG. His deception is aimed especially at Congress, where sentiment among Senate liberals in favor of ending aid to Thieu is strong and recently came close to cutting off aid to Thieu's police and prison apparatus.

Thieu and Nixon hope to intimidate Congress with the threat of renewed war over the phony issue of the PRG airfields and make it appear that Thieu needs U.S. aid to defend itself against the PRG.

OUR WEAPON

The political struggle (in both Indochina and America) will be difficult and protracted. The peace movement must be able to develop forms of action which allow it to work on a long-term basis alongside the forces in Vietnam seeking peace and democracy. Above all, the events in Vietnam and Paris show again why the Peace Agreement is our major weapon to end the war.

In the Saigon areas of Vietnam, Thieu's agents force peasants and refugees to memorize anti-communinist slogans which they are required to shout when international truce teams visit the area. In the liberated areas, many villagers have learned the articles of the Peace Agreement in detail. They carry copies of the document with them and can knowledgeably discuss the provisions and violations of it.

The American anti-war movement should know the Agreement as well as these villagers do because Nixon and Thieu may try to use it to deceive Congress and the American people into supporting a new round of fighting with heavy U.S. support.

PEACE AGREEMENT

The Peace Agreement:

Can mobilize world support for the release of political prisoners and continue the isolation of Thieu. The North Vietnamese have now linked their continued search for American MIAs to Saigon's release of the political prisoners. Nixon may well try to use the "MIA issue" to sabotage the Agreement, just as he used the POWS to increase the bombing.

Is a legal standard which requires the ending of U.S. aid to Thieu and all U.S. intervention. As such, it is an especially useful tool in Congress.

The Saigon threats and the disintegrating negotiations are the Indochina news stories which catch our eyes, but they are merly signs of an increasingly explosive situation in which a Saigon offensive will be labeled a PRG offensive and a White House call for support of an "ally" under attack will mark a major step towards U.S. re-intervention.

I am also extremely disheartened by the fact that the Senate troop-cut language has been removed. As long as we maintain the commitment to a helter-skelter far-flung, far-fetched overseas military presence, our fine intentions in other fields will be worthless. The Nixon administration and its militarist supporters are doing an effective job in their no-compromise, no-holds-barred attack on troop cut action, but I warn them there will be a time when our money and patience will run out, and they will wish they had spent this time negotiating with our allies to reduce troops in a responsible manner rather than maintaining the hard line against the U.S. Congress.

At this point I shall insert material on the issue of U.S. troops overseas:

Women Under Torture

(By Indochina Peace Campaign, August 1973)

SING AGAIN

(By Hien Luong)

Sing so that, in my heart, roars the thunder and so that my fiery blood melts at last these chains.

They are here! The jailers, stick in hand!
Frozen silence, again, in the bolted cell—
Eyes shot with blood, they scream:
"Which one, at this hour of curfew, dares to sing?"

A muted rage drowns our heart,
Our pupils stare at these monsters,
Our strength: a determined silence.

After the rain of interrogations, the rain of blows!
So much flesh in ribbons! So much pain on the body!
Dominating those barbarians, my sister, proud, you rise
"Down with terror! Down with the brutes!"
Your hand in mine, my hand tightens on yours,
An extraordinary strength exudes from our bodies so frail!

Barely have they turned their back,
Than our laughter resounds stronger,
And, despising our angered guards, their hatred,
Our choir starts again, harmony more rhythmic!

In reprisals for the evening, the following morning,
Older mothers, younger sisters—barely thirteen years old—
Under blows, are questioned. Determined silence.
Will one ever know how many of these tortured children,
At the foot of the wall, fell unconscious,
And, coming to life, let themselves be rocked softly by a companion acting as an elder sister?
Crib-song or call from the birth place?

On their trembling lips blooms again the rose:
Chains cannot emprison a smile!
And walls between cells cannot build barricades between hearts.

I have seen, through each tiny slit, a few grains of salt exchanged, a few lemons;
I have seen blood on the stained yellow wall:
"Against the invaders, to reconquer our tomorrow, we are determined!"

Sing Again!

Sing so that in my heart roars the storm

And so that my fiery blood melts at last these chains

INTRODUCTION

Responsible estimates of the number of prisoners presently being held in the prisons of South Vietnam range from 100,000 (Amnesty International) to 200,000 or more (Buddhist Peace Delegation, American Friends Service Committee, The South Vietnamese Committee on Prison Reform, The Canadian Anglican Church). Some Vietnamese estimate that as many as 50 percent of these prisoners are women. They include women of all ages and classes, from young children to high school students, college students and grandmothers, and from Catholics, Buddhist leaders and intellectuals to street vendors.

Some of them are members of the National Liberation Front (what the Pentagon calls the Vietcong). Most, however, are not communists. What they share in common, and apparently are willing to die for, is the belief that "nothing is more precious than freedom and independence." Centuries of struggle against foreign domination has taught them that the liberation of women and the liberation of their country cannot be separated and so they have organized and fought.

They have fought against U.S. bombs which have obliterated their ancestral villages; they have fought against the U.S. defoliants which have brought the war even to their wombs. They have fought against Phoenix, WHAM*, Forced Urbanization—the fancy-named programs created by American professors in ivy-leagued remoteness. These programs were designed to turn their country of family-oriented, land-rooted peasants into a pock-marked wasteland of refugees eating plastic rice. They fight against the exported "Playboy" culture which has created silicon-breasted prostitutes, 400,000 of them out of a population of 5 million women, and duck tailed pimps on smack. They fight against the regime of Nguyen Van Thieu, the general who fought against his own people on the side of the French in the 1950's, who now is the front behind which the U.S. government continues its 24-year effort to control South Vietnam.

The bombs have stopped in Vietnam, having failed to crush the movement for national liberation. The struggle has shifted to the political arena and because Thieu, like Diem before him, cannot hope to compete with his opposition in a truly open and democratic situation he must resort to arrest. So the bombs have been replaced by the most massive police state in the world, the Indochinese extension of the Watergate administration which has created it.

A major portion of the funding for Thieu's police and prison system is done through the U.S. Agency For International Development (A.I.D.) Public Safety Program. When U.S. involvement in Vietnamese internal affairs was prohibited by the Paris Peace Agreements, A.I.D. simply concealed the old Public Safety Program under new, innocuous titles such as "Public Works," "Public Administration," and "Technical Support." What this means, in fact, is almost 15–20 million dollars for the Saigon police and prison system. (*Congressional Record*, 6/4/73 and 6/27/73).

Many more millions for Saigon's police apparatus comes via the innocent-sounding "Commodity Import Program" and Food For Peace. $137.4 million of Food For Peace funds have been earmarked for South Vietnamese military spending in fiscal year 1974. Earlier, in 1971, Food For Peace granted $400,000 to the American construction combine Raymond, Morrison, Knutson/Brown, Root, Jones (RMK–BRJ) for construction of 384 new tiger cages on Con Son island. (*N.Y. Review of Books*, 6/14/73.)

Women are key to independence

The high number of women who have been swept up by this Orwellian nightmare is an indication of the important role they play in the national democratic and independence movement. It is the solidarity of this mass movement which gives them the strength to endure, the knowledge that they do not struggle alone and the certainty that they will win.

At the time of U.S. military intervention in South Vietnam, tens of thousands of women were members of the guerilla army; 500,000 elderly women composed the "Army of Mothers of Fighters," bringing food and medicine to the soldiers on the battlefield. The desertion rate of the Saigon army, which soared to 20,000 per month during the offensive of 1972 (*Chicago Daily News*, 10/20/72) was partly the work of the massive political army of women known as the "Long Haired Army," capable of mobilizing millions of women throughout the country in anti-war demonstrations and organizing work among Saigon soldiers. Some of these women are now in prison being tortured, just as other Vietnamese women have endured torture for fighting for what they believe in.

Peasant girl to commander

Madame Nguyen Thi Dinh, once an illiterate peasant girl, is now the Deputy Commander-In-Chief of the army of the Provisional Revolutionary Government of South Vietnam. When she was 17 she joined the Vietnamese resistance against the French, because she understod that once they were gone there would be no more oppressive taxes, all the peasants could share the land equally and the Vietnamese people would have the basis for a decent life. The French arrested and tortured Nguyen Thi Dinh and her husband. Her husband died from the torture but she escaped. In 1945 she led the first armed uprising against the French, and in 1960, she led the first armed uprising against the American supported dictatorship.

Besides being a leading military strategist, she is also one of the founders of the National Liberation Front, and founded the Women's Union in South Vietnam which is now working for women's emancipation, the enforcement of the Cease Fire Agreement and re-unification of the country.

But she still feels her peasant roots. During an interview she said, "If I am here in high command, it is because the people taught me. But I am no different than thousands of other women. I am merely one of them. And how many combatants have fallen, women and men, who could have filled my post."

One of the world's leading diplomats

Madame Nguyen Thi Binh, Foreign Minister of the Provisional Revolutionary Government of South Vietnam, is one of the world's highest ranking women diplomats (though U.S. officials have tried to diminish her importance by calling her a "fish-wife" and saying that "her position is a sop to women's lib"). Now 45, she has participated continuously in the struggle for national liberation since she was 18 years old. At 24 she was imprisoned and tortured by the South Vietnamese under French direction. She says of her prison experience, "There were hundreds and hundreds of women with me who did not know why they were there. They asked what have we done. They did not know when they came, but when they left they knew. They left as patriots." (*Martha Gellhorn, "The Vietcongs' Peacemaker," Times*)

In 1970, while working in the rice fields, a mother and daughter-in-law were raped and killed by U.S. soldiers. Saigon authorities reported that the women had died from exhaustion. This drove a group of women in Saigon, who had never participated in the national liberation struggle, to organize the "Committee to Defend the Right to Live and the Dignity of the Vietnamese Women." Their demands were that the dignity of women be respected, that the right of women to struggle be recognized, that American troops be withdrawn, and that a coalition government in South Vietnam be formed.

These demands reflect the awareness that women cannot begin to be respected until their country is free.

Columbia graduate imprisoned

The Committee was formed two weeks after Thieu announced that he would "beat to death anyone who talks of peace." As a result, hundreds of women were arrested and tortured, including Madame Ngo Ba Thanh, a lawyer with a Ph. D. from Columbia University who founded the Committee. Mrs. Ngo Bo Thanh has been arrested a number of times, but the most recent arrest took place on August 17th 1971, in the Saigon suburb of Gia Dinh. On that occasion she and a group of Buddhist nuns had gathered outside the courthouse to protest a ruling of Judge Nguyen Van Tho. Judge Tho had decided in a controversy between nuns and monks that only the monks had a right to live in the pagoda. Reports about what happened to the judge as he left the courthouse differ. He apparently tripped and fell, but the investigating magistrate in Saigon claimed that Mrs. Thanh was responsible. Witnesses have asserted that Judge Tho slipped of his own accord. One report mentions that Mrs. Thanh was originally held simply for abusing Judge Tho verbally, but this charge was changed two days later to assault.

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* Winning Hearts And Minds, part of the U.S. pacification program.

On August 19th, 1971, Mrs. Thanh was detained in Thu Duc prison near Saigon pending trial. On September 16th she was released again following a court order. Two days later she was re-arrested and taken to the National Police Headquarters in Saigon after being involved in a demonstration against the forthcoming presidential election. On October 11th, 1971 she was charged afresh with engaging in "activities harmful to the national security," for organizing an "illegal organization" (The Vietnamese Women's Movement for the Right to Live), and for distributing printed matter that "undermined the anti-Communist potential of the people."

During the following months, Mrs. Thanh's physical condition deteriorated badly. When she was brought to trial before the Military Court in Saigon on March 22nd 1972, she was carried in on a stretcher and suffered a severe asthmatic attack which brought on heart failure. Her doctor was with her in court and announced she was in "immediate danger of dying." The judge agreed to postpone her trial, adding that she must return to prison. Since then there has been no further attempt to bring her to trial.

Most recent reports out of Saigon say that she has been on a hunger strike for 80 days and has lost 30 or 40 pounds. Madame Ngo Ba Thanh is one of the most celebrated figures in the neutralist opposition, or what is called the "third force" . . . non-communist but anti-Thieu. When the Paris Accords were signed, her status was changed to that of a common criminal so that she would not have to be released. More recently, Thieu has agreed to turn her over to the PRG, a tactic he uses to deny the existence of his neutral opposition. She agreed to this under protest, but when the list of prisoners was released on July 23rd, her name was not included. This is an ominous sign—it could mean that the Saigon regime is prepared to keep her indefinitely, if not see her starve to death.

YOU CAN SAVE A LIFE

At the end of this pamphlet are some suggestions of what we can do about the political prisoner issue. There is now definite evidence that what we do *makes a difference*. Fred Branfman of the Indochina Resource Center in Washington D.C., who recently returned from Saigon, reported that even the Chaplain of Chi Hoa prison, Pere Thong, who is pro-Thieu and no friend of the prisoners, told him that world-wide protest has resulted in the *betterment of the treatment*. The South Vietnamese Committee to Reform the Prison System has said that there are many examples where they feel people's lives have been saved by having their names appear on a list, by having letters received by the Saigon government. Two Frenchmen who spent two years in Chi Hoa prison said that though a letter may not ever get to a prisoner, it will get into the hands of the guards and this can be enough to save the prisoner's life. There are angry statements from Thieu virtually every day about the letters he receives regarding prisoners. Thieu denounces them as Communist inspired, but the fact that Thieu must respond shows their significance.

This pamphlet has been put together by women in the Indochina Peace Campaign. We have been moved by the suffering and inspired by the unbelievable courage of the Vitnamese women in prison. We hope to convey some of this to women in the United States, so that in the spirit of solidarity we can work to have them freed.

WOMEN POW'S IN SOUTH VIETNAM

(By Jane Barton)

(NOTE.—The following article relates accounts of Vietnamese women arrested and in many cases still held captive by the Thieu government on such charges as having relatives in North Vietnam or refusing to leave their homes. Many of these women have been given no trial, administered inadequate medical supplies, and have been brutally tortured.)

For the past two years, I have worked at a Quaker Rehabilitation Center, run by the American Friends Service Committee, at the Quang Ngai Province Hospital in South Vietnam. During this time I've taken lots of visitors—mostly reporters—around the hospital, including a special ward for prisoners. Many of the visitors are shocked by the leg- We asked the policeman in charge of the less and armless children or by the stares of burn patients, their eyes unblinking because scar tissue holds their eyelids taut. Personally, however, I feel the deepest sympathy for the young women on the prisoner ward, not only because they are of my age, but also because of the torture they have endured during "interrogation." It makes me very angry that our American advisors have done nothing to prevent this continued use of torture.

Altogether, there are 3,000 political prisoners in Quang Ngai. These are men and women suspected of being "Viet Cong," or at least not loyal to the South Vietnamese government. When one of these prisoners becomes seriously ill, either from natural causes or from torture, he or she is eligible to be placed in the prison ward at the hospital. The selection of these prisoners seems to be entirely arbitrary. Some are gravely ill, while others have minor complaints. "Important" or "dangerous" prisoners never go to the hospital no matter how serious their illness or injury.

The ward itself has little to recommend it. It is very small, only eleven beds, so that it can accommodate only twenty two patients at a time, even if two patients occupy each bed. It is neglected. No doctor is assigned to or visits the ward. A nurse does change the patients' bandages every few days but the only medicine the prisoners are given is aspirin. The windows are barred, and the patients are chained to the bed.

I first visited the prison ward last summer in the company of a Quaker service doctor. As I stepped inside the small room from the outdoor sunlight, I couldn't see anything in the dark ward at first. I could only smell. My nostrils puckered, drawing in the odors from the cement sink and bathroom, both located on the ward. Suddenly, I could see and the prisoners seemed all around me, staring at me, almost breathing on me. I felt terribly exposed, standing there as a gigantic American, slightly awkward in my Vietnamese clothes.

The men were in beds on the left, the women sitting on beds along the right wall. I focused on the women. They were not only chained to their beds, they were also chained together, in pairs. Twice a day they were released so that they could go to the bathroom, I learned, but their ankle chains were not undone so that they had to hobble clumsily, dragging their chains between them.

The Quaker doctor began to examine the women. I helped to interpret, since I speak Vietnamese, and to distribute the medicine. Some of the youngest women seemed sweet and naive; they even giggled and laughed a bit. Others were quiet and strong, and a few looked at me with hostility and hate.

I particularly noticed one young woman who looked more like a Saigon-Vietnamese than the tougher, country women of the Quang Ngai area. I talked with her and learned that her name was Co Lang and that she was unable to move her right side; her leg and arm were limp and useless.

She told me that she had been picked up and put in prison because she had rejected an ARVN officer. This ex-boyfriend had friends in the Quang Ngai secret police force and, in revenge he told his police friends that Co Lang was a "VC." She was taken to the prison where the police beat her and repeatedly banged her head against the wall. Later, she was given electrical shocks under her fingernails and with wires attached to both ears. She said that once the police in the Interrogation Center began torturing her at seven o'clock in the evening, but she couldn't remember much because she kept blanking out. When she woke nine hours later, blood was coming from her vagina. The next time the police interrogated her, they beat her head and face with a club. Afterwards, Co Lang couldn't move her right side. The doctor felt her skull and found a lesion and a depressed area.

We asked the policeman in charge of the prisoner ward if this woman could be unlocked and brought to the X-ray room for a film of her skull. The officer said he wasn't sure it could be arranged. "There are so many problems."

A woman in a nearby bed couldn't lift her head. She was beaten all over her back and neck. The entire area was exposed raw skin and muscles, and in some places the lacerations were so deep they had to be stitched. Because the woman couldn't lift her head, she sat in a seated position, with her head bent. The doctor asked the woman prisoner if he could take a better look at her back. "Could she lie down, please?" It wasn't until I saw her stretched out that I noticed she was very pregnant; six and a half months, she said. I wonder if the baby is still alive.

An older woman on the ward called me over to look at herself and a sixteen year old girl. The young girl was totally vacant. She didn't hear or say anything. She was a delicate girl in her white blouse and necklace and her hair tied back with a length of hospital gauze. The older woman prisoner related to me the torture the young girl had received. The police had forced her to drink water mixed with lime (sometimes soap or nuoc mam, a fermented fish sauce) until her stomach was bloated. Then the police jumped on her stomach until she vomited, gagged, and defecated. The doctor suspected that the lime which the prisoner had been forced to drink acted as a toxin, causing brain or nerve damage and memory lapses. Incongruously, she wore a necklace of round white stones. It's rare to see Vietnamese women in Quang Ngai with jewelry and it seemed ironic that the police would beat this girl into a coma-like state without taking her necklace.

The thirty-five year old woman who was chained to this younger girl and also had been beaten and tortured was an old timer. She even knew Bac Si Mai, Marge Nelson, an American doctor who worked in Quang Ngai four years ago. I thought, My God, Marge goes home and testifies before Congress about the prisoners being tortured, but the same woman who was tortured four years ago is still in prison and still being tortured and no one has done a damned thing about it. I thought, too, about the years this woman has been in jail. Marge has returned to the States, married, added a degree in public health to the M.D. status, practiced medicine, had a baby, and talked and travelled in many countries. The prisoner hasn't gone anywhere or done anything. She says she has been a political prisoner for six years.

While we continued to move from prisoner to prisoner, asking questions, giving out medicine, I noticed other prisoners reaching out toward Co Lang, the first prisoner we examined. I wondered what was the matter. Her eyes were closed and she was trembling. A few prisoners were pulling her by the feet, trying to get her from a sitting position to a lying one with her head away from the metal headrest of the bed. Then she began to thrash and convulse; foam appeared on her lips. Her head moved from side to side with her hair getting matted in the foam and sweat. And she yelled and talked—probably saying things she must have told the police while she was tortured: "I'm innocent. I'm innocent. Ask anyone, my villagers. I swear, I'm not a 'VC'." The other prisoners had already tied her legs and arms to the bed with soft bandages. The other woman chained to Co Lang tried to untangle the chains and move away. Someone else tried to put something in Co Lang's mouth to keep her from swallowing her tongue. No one said anything. Nor was there a change in anyone's expression in the room.

After my initial visit, I continued to go to the prisoner ward daily. I treated all the prisoners as best I could, but I felt I was able to relate to the women prisoners in a very special way. Although a million American men/soldiers have come to fight in Vietnam, most Vietnamese have never seen or met an American woman, especially one who could speak their language. Thus, the Vietnamese women were more curious about and perhaps more trusting of me than of my male counterparts. They asked me all sorts of personal questions about myself and the women in the States. I, of course, was just as interested in them, their histories, and their problems.

There were always new prisoners. Sometimes the old prisoners were able to stay on the ward until they were better, but often they disappeared and were taken back to the Interrogation Center or prison while they were still seriously sick. One woman whom we were treating had been shot through the chest with the bullet passing through her left lung. As a result, she had an abcess on her lung and the doctor had given her penicillin. When I checked to see if she was taking the medicine regularly, I asked her how many pills she was taking each day. She didn't reply at first; then, she quietly said, "two." "But the doctor told you to take eight each day. Why aren't you doing that?" I asked. She replied in a pleading voice, "I've been in prison for a year and a half. I have so much pain, but no doctor has ever seen me. I've never had any medicine. I want to save it. Next time they beat me, I'll have some medicine." I sat down and gently tried to explain to her that she would feel less pain if she took all the medication now as the doctor prescribed. I told her that we'd return and give her fifty six capsules, enough for a week. Maybe if she sees that many pills, I thought, she won't be afraid to take eight a day. Only, the next morning she wasn't there. I then understood her fears, her reasons for wanting to hoard the medicine.

WOMEN PRISONERS

There were many women prisoners whose fate I wondered about, like "Ba Gia," the old woman, for example. "Ba Gia" was a sixty-seven year old hemiplegic. She lay on the last bed in the corner of the ward. The bed had no mattress—only a straw mat on the metal springs. The old woman lay on top of this mat, curled up like an animal—skinny, nude, her recently shaved head beginning to show a stubble of white hair. Through the springs of her bed a green plastic pail was visable. The old woman was paralyzed; thus she couldn't control her bowel movements and defecated through a hole in the mat into the green pail. The area around her bed smelled and the old woman's face and body were covered with flies. The other prisoners took care of the old woman and fed her, but in a country where old people are honored and respected, it was obviously a humiliating situation for this old woman—smelly, delirious, unclothed. The other prisoners told me she'd been badly beaten and tortured, but she spoke so incoherently I couldn't make out what her "crime" had been. Her paralysis seems permanent and she is still so weakened from the poor diet and torturing at the prison that she may not survive long.

Another prisoner in whom I became especially interested was Co Tho, an eighteen year old woman. She had been shot in the thigh and the bullet broke her left femur. Her leg had been set incorrectly and the bullet left to fester. The doctor and I asked that she be released to have an operation, but the police also had some excuse why this couldn't be done. Meanwhile, our doctor discovered that she had a serious heart condition and wrote to both the Vietnamese and American authorities asking for special consideration. Again, there was no reply. Finally the doctor decided to operate on Co Tho's leg using local anesthesia.

The morning we gathered the equipment together and went to the ward to perform the surgery, Co Tho was gone. The policeman said she'd been taken back to the Interrogation Center for further questioning. I paled. "But her heart. She'll die," I told him. The policeman had no sympathy. He said to me as if I should understand, "But she's a prisoner of war—very dangerous. Class 'A' Viet Cong." I thought of her smile. "Yes, really dangerous." Co Tho has never returned to the hospital, and I don't know if she's still alive. Neither the South Vietnamese police authorities nor the American advisors ever responded to the doctor's letter.

On successive visits to the prisoner ward, I began to see a pattern that deeply disturbed me. Co Lang's seizure was not a unique occurrence. I have witnessed as many as twenty-five female prisoners having seizures and once saw seven prisoners having seizures simultaneously. The seizures vary in intensity. Sometimes a woman might sit still looking as if she is in a semiconscious state, having muscle spasms or trembling. Other prisoners would have more extreme signs, foaming, thrashing, convulsions.

It's very difficult to diagnose the exact medical or psychiatric cause of these seizures. Even the five American doctors I've known who have seen the prisoners' seizures were not sure what caused them since they had never seen similar ones in the States. Also, none of the doctors had the freedom, time, or facilities to examine or observe the patients at length. All these doctors felt, however, that the seizures were directly linked to the amount of torturing a prisoner had received, and many believed that they were a psychosomatic reaction to that torturing. For reasons about which we could only speculate, the women seemed far more prone to seizures than the men.

CHI MINH

As I visited the ward more and more often, I began to make friends. During one of my very first visits, a woman about forty pulled my arm and nodded for me to come close to her so that she could speak to me quietly. The guard was sitting outside the ward smoking, so she didn't seem afraid to talk. "We know who you are and that you want independence and peace for the Vietnamese people," she said to me. "We've heard about your work at the rehabilitation center and how you make all the artificial arms and legs for the wounded Vietnamese civilians. We aren't afraid of you. Please trust us. Help us." This woman held my hands as she talked to me and twisted the ring on my finger. She put her arm around me.

I soon became used to the generous affection and physical contact of these women prisoners. They talked with me, calling me by my Vietnamese name. The ones I knew best would sometimes hug me or try to fix my hair a little, very tenderly tucking back stray strands. Some women wouldn't speak as openly and unabashedly as others, but none of them were ever rude or aloof with me.

I was always amazed at the political sophistication of the Vietnamese and how quickly and clearly these women distinguished me as a "nhan dan tien bo my," "progressive American" and not like the "linh my," the American soldiers. They knew as well as I did what happened at My Lai, a village only four miles from Quang Ngai, and yet these women were living with me.

One time, after not having visited the ward for a few days, I walked towards it in an angry mood. I was feeling particularly depressed and frustrated about the war. I had begun to think that I'd been saturated, that I just couldn't experience any more hurt and horror. Chi Minh, a nineteen year old woman who had befriended me when she was on the prisoner ward a few months earlier, saw me coming, reached through the bars of the locked door, and grabbed my arms. She grinned at me and pulled my ear, maybe the only affectionate gesture she could think of since she couldn't embrace me as she usually did. "I'm back. Did you miss me?" "Of course I did," I answered, and my frustrations left me.

Chi Minh had been in prison for two years, and had been tortured four times. She had hated the isolation of the interrogation center but found the prison not too bad. "We're together, we talk and have a feeling of togetherness, of solidarity," she told me. "My cousin was picked up recently, and it was fantastic to see someone from home."

I showed some pictures I had taken of the prisoners to an American friend of mine who wasn't at all impressed: "Gee, these prisoners don't look bad. They're smiling." I tried explaining, "Yes, but you can't frown forever. Maybe the first year, but after two or four or six years in prison you get tired of frowning and smile a little, even if you're in chains. The Vietnamese are really strong." I wanted to thank Chi Minh for smiling, for giving me love and strength, but I didn't. I didn't know how to express it, and there was too much to express anyway.

POLITICS, TORTURES

Gradually, as my acquaintance with the women prisoners increased, I began to learn more about why they were in prison. There was as great a variety of reasons as there were individual prisoners and I can only make three generalizations. First, they were all political prisoners. I never met a woman prisoner convicted of a crime. The women were basically "dong bao" type, country women of the Quang Ngai area. There were, of course, no rich, well known or university educated women as there are in some of the Saigon prisons. And none of the women I spoke to had been given a trial or knew exactly how long they would be in prison.

In all other respects, the women were very different. They ranged in age from twelve to sixty seven years. There were teenagers, women with nursing babies and grandmothers. The politics of the women varied as much as their ages. There were women who were strongly supportive of the South Vietnamese government. A pregnant woman, whose X-rays showed that she had three cracked ribs and who had bruises on her body, claimed she had a husband and two brothers who were serving in the ARVN army. I didn't really believe her at the time, but a few months later I saw her husband, with his M16 grenade belt, revolver, uniform and jeep. He had just returned from fighting in Quang Tri and had immediately gone to ask to have his wife released, but he said the police only laughed and asked him for a bribe.

Some women were totally apolitical and

had no idea why they had been made prisoners. Occasionally these women had relatives in North Vietnam, for instance fathers who went North in 1954, twenty years ago, when they were children. Nevertheless, the South Vietnamese government feared their relatives might try to contact or influence them and thus these women were "suspect." A number of the more country looking women had been in the wrong place at the wrong time. Usually they were older women who stubbornly remained in their ancestral homesites to work the rice fields rather than moving into concentration-like refugee camps the government set up. Such women, having experienced thirty years of war and seen their land change hands and government many times, were tired of moving at the whim of warring groups. Nevertheless, by refusing to move, they were classified as Communist supporters.

Another large segment of the women were those who support "the other side," the PRG (Provisional Revolutionary Government). Of these women, some simply sympathized with the PRG, others had minor roles or jobs with the PRG, while still others were actual cadre. Usually, the women with the liberation forces in South Vietnam have jobs as leaders, political organizers, teachers, nurses/doctors, or as supply-carriers, but some are also guerilla soldiers who fight and carry guns.

The women who fell into the category of supporting the PRG remained silent about their true identity. After all, many of them had openly resisted talking when they were tortured and they couldn't risk speaking openly with anyone—their fellow prisoners or an outsider like myself. Two female prisoners, however, did tell me their motivation for joining the PRG. One of them was a prisoner I knew quite well before she was picked up. She came from a very poor refugee family who couldn't afford the government school fees, so she decided to join the PRG because she knew they would give her a free education in the mountains, equal to that a male would receive. Another young woman, only nineteen years old, told me her brother had gone off with the liberation forces and when she heard the police were planning to capture and torture her to find out where her brother was, she went to join him. "At least if I was going to get tortured. I might as well have done something so that the pain was worth it. I've worked for the PRG for two years and I'm proud of it, but that's all I'll tell the police," she explained to me.

When I've spoken with some Americans about there being over a thousand women and about seventy-five children under the age of four in the prison centers, they have reacted, "Women and children. How awful," as if all women should automatically be innocent creatures. It is true, of course, that all the children and a majority of the women are innocent, but there are also some women who have struggled and fought equally with male cadre. What should arouse the outrage of people is not that women are getting imprisoned, but rather the conditions of the imprisonment—the lack of trials or determination of guilt, the inadequate food supply, unsanitary conditions, the total lack of medical care, and most importantly, the inhumane torturing of the prisoners.

I learned more about the torture with every passing day. There was the evidence from the physical examination by the doctor—the unusually high percentage of cracked ribs, bruises, paralysis of limbs and so forth. Many of these symptoms were verified by X-rays. And there was the testimony of the patients, who, as they came to trust us, told us more about the procedures to which they had been subjected. They told us of being forced to drink lime mixed with water, of beatings, of electric shocks. Often, they said, they were forced to lie on a table and if they didn't respond to questioning properly, the interrogator would reach underneath their rib cage and crack or break a rib.

One singular torture was the hardest to diagnose, since the police had devised it so that the prisoners would have no external signs of having been tortured. The special police would put the prisoners in a full-length upright tub of water and then beat the sides of the tub. The pressure and concussion caused internal injuries.

Appalled by this continuous evidence of torture, my Quaker Center teammates and I made many efforts to bring these conditions to the attention of the American advisers. It was the Americans who trained the Vietnamese in interrogation techniques, we knew, who had set up an identity card system for all civilians, who financed the police force, and provided money for the prisons and cells. It was the CIA who advised the special police. Yet one deputy senior advisor dismissed all our stories by blaming the Vietnamese. "Asians like to torture one another. I've worked in Korea too, I know. Asians aren't my kind of people."

As we heard about the progress of cease-fire negotiations, we hoped very much that the PRG representatives would be successful in their efforts to guarantee that the 200,000 prisoners being held in South Vietnam would be freed simultaneously with the North Vietnamese and American P.O.W.'s. But what we feared happened instead; their fate was left in an ambiguous state, to be worked out in negotiations with no firm deadline. While American newspapers focus on the return of the P.O.W.'s, my friends on the prisoner ward in Quang Ngai will continue to wait day after day, week after week for their release.

I wonder how many American P.O.W.'s, their wives and sisters realize that there are 200,000 prisoners in South Vietnam who haven't received their freedom yet? I wonder how many who fought with the purpose of containing Communism and supporting a democratic government, really know about the repressive administration of President Thieu, with his martial law and his decree banning local elections and his inhumane prisons? I wonder if they wonder how they might have fared as prisoners in the hands of the South Vietnamese government.

I wish I could introduce American women to those Vietnamese sisters for whom I have such a feeling of empathy and love when I visit them on the prison ward at Quang Ngai. As a second best, I have decided to write about them, in the hope that my readers will join me in working for their release. For them, too, it should soon be a time of homecoming.

JANE BARTON.

(Jane Barton returned to the United States this spring. She is anxious to speak with groups of women. Those interested in contacting her should write care of American Friends Service Committee, 160 North 15th Street, Philadelphia, Pa., 19102.

This article is reprinted from "Off Our Backs," April 1973.)

BECAUSE THEY LOVE FREEDOM

Because they love freedom and independence, peace and justice,
Because they refuse to send their children into the ranks of an army under the command of a foreign country,
To fight against their brothers
They were imprisoned.
But who could put into a cage conscience, chain the wings of thought?
In spite of tears and wounds, blood and tortures,
Their poems keep blooming on the prison walls.
Born behind bars, their songs fly away into the world
And bring us this faithful message:
Love, hope, determination, courage.

(NOTE: Excerpt from a poem by the Preparatory Committee for the formation of the Association of Vietnamese Women in France.)

EDUCATION IN PRISON

(Written by a woman prisoner, Hoang Thi Kim Dung, March 1973)

In prison, time is long, very long. Indeed, "a day in jail is equal to a thousand years outside it." So, we have to study. To while the time away and to form for ourselves an adequate knowledge so as to serve better the revolution once we will be freed. With this idea in mind, the women combatants of the Liberation Army detained in Phu Tai prison (Quy Nhon) have organized educational courses.

The classes were very simple, just like those outside the prison. Obviously, there were teachers and students. The former were chosen among those of higher education than others, some of them had been to the seventh or even eighth grade. The earth floor was at the same time the "desk" for the teacher, the "blackboard" and the "copy book" for the students. By turn, we kept vigilance while others studied. We learnt all the subjects, the three main of which were literature, history and mathematics. History and literature enabled us to understand the glorious past of our nation and the noble reality of our revolution.

In spite of our enemy's frequent beatings and torture, we have sought all ways and means to study. To this end, we collected small pieces of paper from cement bags, boxes of sweets, cigarette packets thrown away by the soldiers. As pencils, we used small sticks of bamboo; as for ink, we used soot mixed with water. The "paper" thus gathered was reserved for those of lower educational level. Most of the others used the floor to write and read on. We learnt poems by Nguyen Du, Nguyen Trai, Uncle Ho and To Huu.

If the wardens succeeded to lay their hands on the poems, we would be beaten, moderately if they were those by Nguyen Du, but brutally tortured if they were those by Uncle Ho and revolutionary poems. However dangerous as study was, we have put into it all our hearts. Our motto was: "Study, study again, study ceaselessly." Once, on the eve of her being sent to another camp, Mrs. K. stayed awake for a whole night and wrote in the dark her examination task. A woman detainee was executed because the torturers found on her body a description of a massacre in the prison.

It's not easy to describe fully the beatings and torture we were subjected to when small pieces of paper bearing such figures as May 19 and September 2[*] were discovered. Indeed, our enemy was afraid even of these figures. Once, Mrs. H., who suffered an ovary injury, was raped by the torturers' dogs. Before dying, she gave to her neighbor a piece of cement-bag paper which had been cleaned for the fifth time. (We have decided that a piece of paper would be unuseable only after its seventh cleaning.) The sheet was cleaned and dried and then written on, over and over again until torn and worn. Sometimes we had to shed our blood for collecting a piece of paper.

Besides literature, we learned music, embroidery, cookery. In "cookery" there was no practice, simply because we did not have the necessary ingredients. Water came to our mouth at the mere thinking of salt, let alone meat, fish, chicken. . . . What we knew we taught to others. Anyone could be a teacher and a student. There were regular examinations. At the end of the school term, we passed to a higher grade. After seven years in Phy Tai, we averaged the fourth grade, including those who did not know a single word when they first came to the prison.

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[*] Respectively, President Ho Chi Minh's birthday and Date of our Proclamation of Independence.

Because of our study, we were daily beaten until our blood shed, sometimes in profusion. The beast-like American imperialists have tried by all means to deceive us, for instance, by offering better conditions to study in the USA if we married them. We rejected their offer and continued with our study in jail.

Our history taught us that Comrades Nguyen Thi Minh,[1] Vo Thi Sau[2] and other sisters of ours had sacrificed their lives in a valiant and indomitable way. This was a great encouragement for us in carrying on our study and helped us heighten our spirit and strengthen our determination.

Interview with Mrs. Hguyen Thi Thua, released political prisoner. Given on June 21, 1973, to four Americans who were visiting the Democratic Republic of Vietnam.

She spent only one year in prison, but prior to that she lived in the city of Bung Tau, Ba Dia Province. Her story:

"I would like to tell you about what I have witnessed—the crimes committed by the U.S. and the Thieu administration in the South. I was a laborer in the town prior to my arrest. On the morning of May 3, 1972, I was walking to town; I heard explosions, and some soldiers arrested me. I was then five months pregnant. I was taken to the special police station and tortured for one month, six days. During that time I suffered the water torture, I was beaten, they applied electrodes to my nipples and genitals, and so I almost miscarried. I was angry and cursed them to their faces, and this led to more beatings.

"Later the police thought I would die, so I was taken to the Vung Tau hospital. There I got a little better and so was sent back to prison. They had no record on me—I was just a common person.

"I was taken to Thuvuc prison, Camp C, for women and children and pregnant women. I was put in a cell four meters wide and seven meters long, with 100 women and 100 children. I saw many women from Quang Nam, Danang, and the perimeter of Saigon. Many women were driven to miscarriage. The use of electrodes was most common and when the women would cry out, urine was poured into their mouths, or soapy water was poured into their mouths. The atmosphere, the heat, the density drove many prisoners near mad. Some leaped or shouted from the conditions. The children there were from five days to seven years old; many fainted and were lying on the ground. And the camp was in a hollow, so there were places where when it rained, water filled up the ground and many skin diseases resulted.

"For me, my body got swollen. I had no medication so my baby was born prematurely. I had three days of labor. I cried and shouted too much—my friends demanded to take me to the hospital, and I was finally taken on a truck, shackled. Even in the hospital, I was shackled, with two police standing by. I had no strength to give birth so they used forceps. Four days later the jailer came to get me. The doctors said that I was too weak, but the jailer used pressure and took me back.

"Several other women had the same fate as I. Because they did not have strength to give birth, two others died in childbirth. And for my prematurely born baby, I was with it for two months, and then they took it away. They said it would be in a U.S. orphanage in the South. From then on, I did not know where my baby was. Because they robbed me of my baby, I shouted and cursed them and they locked me in solitary confinement. So from that time on I didn't have any information about my baby—I don't know if he is dead or alive.

"When the Paris Agreement was signed, we prisoners didn't know anything about it. But in February of 1973, there was a situation where they moved prisoners from camp to camp. One day they moved us to three different camps. This way, the Saigon regime was trying to break our unity, and create confusion.

"They used deception—they promised we would go to court so we could file suit, but we knew it was just to move us from prison to prison. We protested and some of us had to be taken by force to Tan Hiep prison, where there was no court, no lawyers, no judge—only a Saigon army man who gave out some sentences as high as 14 years or 20 years. They used other means to confuse us. The first was to give political prisoners a red card and the civilian prisoners a blue card. They they would give the political prisoners a blue card—in an attempt to turn them into civilian prisoners. Another means they used was to bring in many civilian prisoners and put them in with political prisoners. This occurred not only in Thu Duc, but in Chi Hoa prison in Saigon, too.

"Many women resisted carrying the card, so they were kept in a special building hidden behind another building or a kitchen. So it was very hard to find them behind walls. With the detaining of women in solitary confinement, they would try to liquidate prisoners. Sometimes at midnight, guards would come and take prisoners away. They were never seen again. Another way to liquidate prisoners was to take the sick ones to the "hospital" where puppet authorities would inject poison into their veins.

"They returned some of the civilian prisoners like myself. They would come and say, now we will return you to the other side. They resisted, suspecting a trick. The troops beat them, and finally took them to Bien Hoa airport. They conducted psychological warfare on the road to the airport—all lies. Once at the airport, they delayed our return. We arrived at Bien Hoa on May 9, but weren't given back until May 11. During that time, many women fainted, and one child died.

"I can give you more detail on the torture. Especially when they would torture women, especially when they would torture the genitals, they would tell the women, 'We are doing this so you will never produce. If you haven't committed a crime, then we will beat you until you confess. If you have committed a crime, we will beat you so you won't do it again.'"

Question: Were you asked to sign a statement before you were released?

Answer: Yes. We were given a "chieu hoi" loyalty pledge to sign. We refused and were beaten again.

Question: Were all the prisoners turned over at Bien Hoa airport?

Answer: 222 were turned over; 700 remained in prison.

Question: Did you ever see Americans during your time in prison?

Answer: An American advisor came every 30 days, and the prisoners would receive especially heavy beatings before the advisor would come.

Question: Did these visits occur before and after the Paris Agreement?

Answer: Yes, they did occur before. After the Agreement, I was in a special camp, so I don't know.

Question: Did the American advisors wear a uniform?

Answer: No.

Question: Did you learn the names of any of these advisors?

Answer: No.

Question: Could you describe the way in which the prisoners organized themselves in prison?

Answer: The only weapon we had was unity. It was especially useful when we were being beaten. When we were being beaten we would shout out, so the other prisoners would know.

Question: Were all the guards who did the torturing men?

Answer: Yes.

Question: Were all the torturers wearing the uniform of the Saigon army?

Answer: Yes.

Question: Were you regarded as a political prisoner when you went in?

Answer: Yes.

Question: Did you receive a red card when you went in?

Answer: Yes.

Question: Did you have a blue card or a red card when you came out?

Answer: We refused to carry blue cards; but some prisoners were beaten and gave in.

Question: Were the prisoners segregated by sex?

Answer: The prisoners in my prison were all women.

Question: What is your age?

Answer: 40.

Question: Are there other children in your family?

Answer: I have two daughters and one son, the one in the orphange.

Question: How is your health now?

Answer: I am taking gynecological treatment for the torture applied to my genitals. My joints are painful when the weather changes.

A SMALL CHILD'S TEARS, AT NIGHT IN PRISON

(By Poulo Condor)

From cell to cell, an anonymous song circulates:

The night is far advanced,
Tell me why are you still awake?
Sadness? anger? Why this agonizing feeling?
For I hear, broken and far away, the sobs of a child.
How painful, they are these sobs from a little one.
In the chilling and solitary prison, at night,
It tears the space, the baby's voice, his sobs penetrate our wounded heart,
Which chokes with rage and hatred: maybe this little prisoner,
Like a young weaned buffalo, a dispersed herd,
Was torn away from his mother who is locked in another cell?
All night long, you cry, famished,
And even the grass and trees are moved.
What, then, of the human heart?
Tired from the wait, the sobs fade one by one.
No, it is not possible! She is in a black cell, your mother,
Over the tiles, the rain falls with light drops,
The cold wind blows in blasts against the wall,
The curtain of night is sinister and obscure,
It covers the prison and all its buildings.
Calm yourself, my little one. Sleep deeply, sleep!
Tomorrow the dark night will have disappeared entirely,
You will find again your mother's loving hand,
She will rock you, her love will protect you,
And with all your likes on the firm ground you will return.

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[1] The first woman to join the Indochinese Communist Party. She was a student in Vinh during the period of clandestine activity, and was sentenced to death by the French colonialists. She left to the women of Vietnam the following message: "The revolution is our way to salvation."

[2] A Vietnamese martyr who joined the anti-French guerrillas at age 14 and was killed by the French in Poulo Condor when she was 17.

Tomorrow, you will be told the story,
The story of a tiny prisoner, bitter irony!
Who cried night and day, torn away from his mother's breast.
Confound the pack of assassins!
Our heart encloses as many drops of anger
As there are drops of rain falling from the sky onto the earth.
It is long this story, oh, my brother!
And tells of many more miseries and close friendships.
The day of the unity of our country
When the South and the North by an intense bond will be reunited.
That day our mountains and our rivers will shine,
There will be no more children's tears, at night, in prison.

YOU CAN SAVE A LIFE

1. Join the National Letter-Writing Campaign demanding that aid to Thieu be cut off until the political prisoners are released. Write to your Congress Member and Senator. (*See sample letter on following page.*)

2. At the back of this pamphlet is a list of names of some women prisoners. Adopt a Prisoner, or better yet, have the women in your women's group or organization *all* adopt a prisoner, and write to her sending a copy of the letter to your Congress Member asking them to look into the health and welfare of your prisoner. Along with this, you may want to wear a bracelet with your prisoner's name on it. (*See sample letter on next page.*)

3. In the spring of 1973 the Yale University Committee of Concerned Asian Scholars, with wide support from both students and faculty, recommended that Madame Ngo Ba Thanh, the distinguished Vietnamese scholar and lawyer, be considered for an honorary degree at the June commencement. The administration failed to approve the honorary degree but the controversy drew much attention to the prisoner issue. Columbia University students waged a similar struggle to have Mme Ngo Ba Thanh come to the U.S. to receive a degree. The dean of the University of Michigan Law School has issued an invitation for her as a guest lecturer. Why not try to organize your state university or women's organization to invite her?

4. Ask people to join a delegation to visit the local office of your representative. Have specific questions about use of U.S. money for support of the Saigon Government's prisons and supoprt of President Thieu. Write IPC for a "Memorandum on Continued U.S. Support for the South Vietnamese Police and Prison System and Program for Action" . . . an excellent document for lobbying.

5. See if you can organize a group of women, church people, lawyers, etc. to Form a Delegation to Go to South Vietnam and demand to Inspect Thieu's Prisons.

6. Distribute more of these pamphlets or arrange a film showing of the 30 minute movie "Saigon: A Question of Torture" made by a British film company and shown over British and Canadian t.v. This movie investigates the political prisoners in the jails in South Vietnam. (Rental is $20.)

7. Obtain a slide show entitled "Women in Vietnam" for use in your area. The slide show has 117 slides and a script (Purchase cost is $20). It depicts the historical role of Vietnamese women in their country's struggle for National independence and freedom, the development and growth of the massive Women's Union there, and how the war has affected their lives.

8. Build a tiger cage. Set it up in a public place. In New York some women fasted, dressed and made up as Vietnamese, and sat inside the cage to call attention to the issue. It did!

All resources mentioned above are available through the Indochina Peace Campaign. Prisoner bracelets cost $1.00.

SAMPLE LETTER TO A MEMBER OF CONGRESS

DEAR ———: I respectfully urge you to become aware of the approximately 200,000 civilian political prisoners detained by the Thieu regime in very subhuman conditions, with many being tortured, starved or liquidated. I understand that some are as young as six years old. Many are being reclassified as common criminals so they don't have to be released under the Agreements. I urge they be immediately released, in keeping with both the spirit and letter of Article II of the Agreement which directs the two South Vietnamese parties to: ". . . prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other . . . (and) insure the democratic liberties of the people. . . ." This is an American responsibility since USAID and DOD funds, provided by our tax dollars, maintain the prisons and trains the police force which is carrying out this brutal repression.

If you wish further information and documentation concerning these prisoners, it can be found in: *Hostages of War: Saigon's Political Prisoners* by Holmes Brown and Don Luce, Indochina Mobile Education Project, 1322 18th St., N.W., Washington, D.C., or by contacting the Indochina Peace Campaign, 181 Pier Ave., Santa Monica, CA. 90405.

OPTIONAL PARAGRAPH

I am concerned about the rights, health and whereabouts of these prisoners, especially one letter-friend to whom I am writing named ———. I am trying to find out the following about my friend: Where is she? How is she? Why is she being held? Can she receive mail and visitors? When will she be released? If she has been released, where is she now?

SAMPLE LETTER TO A PRISONER

DEAR ———: I am a U.S. citizen who is very concerned about your health and welfare. Reports have been coming out on our TV lately which show how badly the political prisoners are treated. I realize that many have been tortured and that many cannot walk as a result of being shackled to the bars of cells and tiger cages. I promise you that I shall work for your release and for the freedom of all the political prisoners in South Vietnam. I hope that you will be able to write to me about your treatment and your mental and physical condition.

Sincerely,

——— ———.

LIST OF WOMEN POLITICAL PRISONERS

From Nha Trang deported to Poulo-Condor (Con Son Island) on February 15, 1973, with the pretext of liberation:

Prisoners, prisoner ID number, born in, at

1. Nguyen thi Day, A2347, 1931, Ninh Thuan.
2. Bui thi Nhieu, A2348, 1932, Ninh Thuan.
3. Ngo thi Tu, A2349, 1953, Quang Nam.
4. Le thi Xi, A2351, 1952, Binh Thuan.
5. Phan thi Lieu, A2350, 1958, Quang Nam.
6. Nguyen thi Tu, A2352, 1956, Khanh Thuan.
7. Pham thi Chuong, A2354, 1931, Khanh Hoa.
8. Le thi Muoi, C3692, 1953, Binh Thuan.
9. Nguyen thi Loc, A2353, 1936, Binh Thuan.
10. Dao thi Loi, C3693, 1955, Binh Dinh.
11. Tran thi Tra, C3694, 1951, Binh Dinh.
12. Ngo thi Guyen, C3689, 1952, Binh Thuan.
13. Huynh thi Ben, C3688, 1954, Binh Thuan.
14. Nguyen thi Hanh, C3690, 1954, Binh Thuan.
15. Tang thi Ha, C3691, 1954, Binh Thuan.
16. Le thi Nan, 528.
17. Le thi Minh Hien, 526.
18. Nguyen thi Cuc.
19. Thieu thi Tan, 17983 HC.
20. Nguyen thi Cam.
21. Thieu thi Tao.
22. Nguyen thi Danh.
23. Nguyen thi Nhan.
24. Hoang thi Kim Hgan.
25. Phan thi Baxh Tuyet.
26. Le thi Huong, 1097 GTQS.
27. Huynh thi Khinh, 877 CTTA.
28. Phan thi Le Hanh.
29. Nguyen thi Nhan, 862 GTQS.
30. Lan thi Co.
31. Nguyen thi Que Lan, 1142 HC.

WOMEN PRISONERS AT DE THU DUC (SINCE FEBRUARY 1973)

1. Pham thi Bong.
2. Nguyen thi Nhan.
3. Le thi Em.
4. Nguyen thi Ven.
5. Nguyen thi Huong.
6. Nguyen thi Cam.
7. Bui thi Bong.
8. Le thi Loii.
9. Le thi Loi.
10. Duong thi Trang.
11. Nguyen thi Nhan.
12. Tran thi Bich.
13. Nguyen thi Danh.
14. Tran thi Xe.
15. Dang thi Lieu.
16. Tran thi Lanh.
17. Nguyen thi Banh.
18. Nguyen thi Teo.
19. Phan thi Thuy.
20. Phan thi Tu.
21. Nguyen thi Bay.
22. Nguyen thi Tana.
23. Tran thi Huu.
24. Nguyen thi Can.
25. Mai thi Huong.
26. Tran thi Nguyet.
27. Nguyen thi Xe.
28. Nguyen thi Coi.
29. Nguyen thi Tung.
30. Ho thi Phan.
31. Pham thi Thin.
32. Ho thi Vinh.
33. Nguyen thi Cuom.
34. Nguyen thi Mui.
35. Nguyen thi Than.
36. Ngo thi Lan.
37, Nguyen thi Boi.
38. Tran thi Tao.
39. Tran thi Hue.
40. Nguyen thi Tung.
41. Nguyen thi Cai.
42. Nguyen thi Lon.
43. Huynh thi Xuan.
44. Nguyen hi Toan.
45. Nguyen thi Thu.
46. Nguyen thi Sa.
47. Ngo thi Ke.
48. Pham thi Hung.
49. Tran thi Nguyen.
50. Phan thi Theo.
51. Nguyen thi Lan.
52. Quach kim Dien.
53. Nguyen thi Diep.
54. Tran thi Nguyet.
55. Vo thi Lan.
56. Nguyen thi Hoa.
57. Tran thi Phuoc.
58. Nguyen thi Van.
59. Nguyen thi Lieu.
60. Nguyen thi Hong.
61. Nguyen thi Cuc.
62. Nguyen thi Rong.
63. Tran thi Cam.
64. Tran thi Nhi.
65. Nguyen thi Minh.
66. Tran thi Nam.
67. Giang thi Anh.
68. Kieu thi Hai.

List of women prisoners whom the authorities have reclassified as civil offenders. These prisoners, supposedly liberated by the administration of Khanh Hoa (Nha Trang) prison, were deported to Puolo Condor on Feb. 16, 1973.

Prisoners, Prisoner I.D. number, Born in, At

1. Bui thi Le Thu, A.2174, 1950, Quang Ngai.

2. Vien thi Minh Thanh, A.2170, 1952, Ninh Thuan.
3. Nguyen thi le Thuy, A.2187, 1953, Binh Dinh.
4. Le thi Ba, A.2191, 1932, Binh Dinh.
5. Pham thi Ba, A.2197, 1920, Binh Thuan.
6. Huynh thi Lam, A.2178, 1929, Binh Thuan.
7. Do thi Kien, A.2121, 1930, Binh Dinh.
8. Thi Canh, A.2182, 1939, Kanh Hoa.
9. Yngoc thi E Ban, A.2174, 1916, Ban me Thuat.
10. Vo thi Yen, A.2177, 1956, Binh Dinh.
11. Ngo thi Coi, A.2172, 1929, Khanh Hoa.
12. Vo thi Nang, A.2128, 1925, Phu Yen.
13. Nguyen thi Nhi, A.2131, 1955, Phu Yen.
14. Le thi Tho, A.2142, 1931, Phu Yen.
15. Nguyen thi Anh, A.2130, 1952, Binh Dinh.
16. Ngo thi Cong, A.2168, 1954, Binh Thuan.
17. Le thi Chau, A.2173, 1940, Khanh Hoa.
18. Bui thi It, A.2169, 1947, Binh Thuan.
19. Le thi An, A.2153, 1928, Phu Yen.
20. Nguyen thi Lan, A.2133, 1955, Phy Yen.
21. Nguyen thi Lieu, A.2193, 1941, Binh Dinh.
22. Nguyen thi Cho, A.2188, 1941, Binh Dinh.
23. Ho thi Quat, A.2194, 1944, Binh Dinh.
24. Vo thi Phy, A.2163, 1940, Ninh Hoa.
25. Nguyen thi Chen, A.2155, 1916, Binh Thuan.
26. Le thi Phai, A.2114, 1927, Binh Thuan.
27. Mai thi Chum, A.2179, 1947, Phan Rang.
28. Nguyen thi Chinh, A.2174, 1929, Quang Ngai.
29. Tran thi Dien, A.2161, 1923, Khanh Hoa.
30. Nguyen thi Thin, A.2175, 1953, Thu Duc.
31. Le thi Ny, A.2112, 1950, Binh Dinh.
32. Tran thi Chung, A.2149, 1928, Phy Yen.
33. Pham thi Loi, A.2146, 1944, Khanh Hoa.
34. Luu thi Thi, A.2196, 1951, Binh Dinh.
35. Phan thi Nong, A.2155, 1942, Phy Yen.
36. Pham thi Ngot, A.2188, 1912, Quang Ngai.
37. Tran thi Nguyen, A.2185, 1951, Quang Ngai.
38. Nguyen thi Nia, A.2166, 1951, Khanh Hoa.
39. Tran thi Thao, A.2151, 1915, Quang Ngai.
40. Nguyen thi Nah, A.2181, 1952, Khanh Hoa.
41. Nguyen thi Thu, A.2164, 1939, Binh Thuan.
42. Tran thi Thuc, A.2156, 1952, Binh Thuan.
43. Dinh thi Mai, A.2129, 1929, Phu Yen.
44. Nguyen thi Chin, A.2160, 1955, Binh Dinh.
45. Tong thi Nhan Van, A.2192, 1951, Binh Thaun.
46. Phan thi Bot, A.2159, 1949, Khanh Hoa.
47. Vo thi Buoi, C.3658, 1939, Khanh Hoa.
48. Vo thi Lanh, C.3658, 1954, Binh Dinh.
49. Nguyen thi Nga, A.2143, 1951, Phu Yen.
50. La thi Kha, C.3654, 1953, Binh Thuan.
51. Vo thi Khanh, A.2213, 1927, Binh Dinh.
52. Truong thi Bon, A.2209, 1940, Binh Dinh.
53. Nguyen thi Tret, C.3655, 1951, Binh Thuan.
54. Nguyen thi Sau, C.3661, 1954, Binh Thuan.
55. Huynh thi Loan, A.2165, 1939, Khanh Hoa.
56. Nhuyen thi Hat, A.2206, 1953, Binh Dinh.
57. Nguyen thi Hong, A.2124, 1951, Quang Nam.
58. Tran thi Huong, A.2120, 1952, Quang Nam.
59. Tran thi kim Huong, A.2162, 1940, Phu Yen.
60. Phan thi Hong, A.2126, 1930, Phu Yen.
61. Nguyen thi Hien, A.2122, 1954, Binh Dinh.
62. Huynh thi Van, A.2131, 1951, Phu Yen.
63. Nguyen thi Sen, A.2140, 1930, Phu Yen.
64. Nguyen thi Vang, A.2180, 1924, Ninh Thuan.
65. Nguyen thi Xe, A.2158, 1953, Phu Yen.
66. Truong thi Sen, A.2144, 1937, Phu Yen.
67. Bui thi Hoa, A.2190, 1948, Binh Dinh.
68. Truong thi Dung, A.2167, 1952, Binh Dinh.
69. Dao thi Huong, A.2215, 1932, Binh Dinh.
70. Do thi Thanh, A.2135, 1951, Phu Yen.
71. Huynh thi Tu, A. 2156, 1954, Phu Yen.
72. Trinh thi Thanh, A.2154, 1947, PhuYYen.
73. Tran thi Sau, A.2186, 1956, Khanh Hoa.
74. Vo thi Sau, A.2186, 1956, Khanh Hao.
75. Le thi Trong, A.2138, 1926, Phu Yen.
76. Thi Sang, A.2157, 1939, Ninh Thuan.
77. Cao thi Thanh, A.2136, 1927, Khanh Hoa.
78. Tran thi Dua, A.2127, 1916, Phu Yen.
79. Huynh thi Dao, A.2189, 1928, Binh Dinh.
80. Pham thi Dao, A.2150, 1958, Quang Ngai.
81. Tran thi Trinh, A.2205, 1953, Binh Dinh.
82. To thi Que, A.2207, 1937, Binh Dinh.
83. Nguyen thi Trang, A.2202, 1933, Binh Dinh.
84. Iran thi Dau, A.2184, 1934, Khanh Hoa.
85. Phan thi De, A.2134, 1920, Khanh Hoa.
86. Huynh thi Dau, A.2210, 1929, Binh Dinh.
87. Tran thi Thua, A.2195, 1951, Binh Dinh.
88. To thi Hang, A.2211, 1950, Khanh Hoa.
89. Vo thi Soi, A.2183, 1937, Khanh Hoa.
90. Pham thi Gai, A.2141, 1936, Khanh Hoa.
91. Pham thi Duong, A.2204, 1920, Binh Dinh.
92. Huynh thi Tat, A.2137, 1950, Binh Dinh.
93. Le thi Suong, A.2208, 1945, Binh Dinh.
94. Nhuyen thi Hai, A.2199, 1945, Binh Thuan.
95. Ho thi Duc, A.2176, 1951, Binh Dinh.
96. Nhuyen thi Xi, A.2201, 1918, Quang Nam.
97. Tran thi Ha, C.3660, 1949, Quang Nam.
98. Tran thi Xom, A.2152, 1922, Phu Yen.
99. Nguyen thi Suu, A.2200, 1949, Binh Dinh.
100. Nguyen thi Thao, A.3659, 1953, Binh Thuan.
101. Nguyen thi Gioi, C.2123, 1926, Khanh Hoa.
102. Nguyen thi Than, A.2145, 1937, Khanh Hoa.
103. Nguyen thi Tam, A.2171, 1954, Binh Dinh.

Women prisoners at Tan Heip prison are:

1. Le thi Loc, 22852.
2. Tran thi Hue.
3. Tran thi Lan.
4. Nguyen thi Man.
5. Nguyen thi Ghi, 23159.
6. Tran thi Chiem.
7. Tran thi Hong Nga.
8. Nguyen thi Thu Lieu.

WOMEN PRISONERS WHO ARE SERIOUSLY ILL MENTALLY FOR WHOM THERE IS NO ADEQUATE CARE

1. Chi Nguyen Thi Que, 45 years old, arrested in November 1959, has mental trouble as the result of suppression and torture in prison. She was sentenced to 10 years imprisonment and was moved from one prison to another—Thu Duc, Chi Hoa, Phu Loi—and all the prison administrators know that she is a mental case. But for more than 11 years already she has been in prison and no care is taken for her health. Her husband died in 1967 and her daughter was killed during bombing in 1968. Now she is still in the prison of Chi Hoa.

2. Chi Nguyen Thi Phe, 35 years old, arrested on August 3, 1963 and sentenced to 5 years imprisonment. Her home town is far away in Binh Dinh and her son, 3 years old, was taken care of by other people. The poor child, without father or mother, cared for by others, died after several months.

Thi Phe has serious stomach trouble, for which no care is taken. She has been given injections of Atropine and is becoming blind. Even the German doctors in the prison of Con Dao say that her condition was serious and suggested that she should be moved to the mainland for treatment. Today, her period of imprisonment has been exceeded by 2 years and 7 months, and her condition becomes more and more serious, but the government does not agree to her release.

She is still in the prison of Chi Hoa.

3. Chi Nguyen Thi Xuoc, 45 years old, arrested in 1962, her home district in Binh Dinh. She was arrested with her son, 11 years old. After several months of investigation, her son was released. He wandered about in Saigon, and after 8 years she does not know if her son is alive or dead, or if he may have returned to Binh Dinh.

As the result of torture and the dampness of the prison, today her lungs are affected and she is given no treatment.

She was sentenced to 4 years imprisonment, but today, she has already served 8 years. The day of her release, when she hopes to see her mother and her son, is still far away.

4. Chi Ton Anh, 47 years old, arrested in Binh Dinh on July 26, 1961. She was sentenced to 7 years imprisonment; now she has TB and stomach trouble and no care is taken of her so that she cannot walk, nor eat and drink properly. For the last two years the government refuses to release her.

She is still in Chi Hoa prison.

5. Chi Nguyen Thi Kheo, 36 years old, was arrested in 1960, in An-giang. In the local prison she was tortured so that she vomited blood and was moved to the hospital. When an attempt was made to force her to sign a false confession, and she refused, she was again beaten by the police.

She was unmarried when sentenced at 26 years of age to 7 years of imprisonment. Today, she has been in prison for more than 10 years and the government does not agree to release her, although an official in the Thu Duc prison told her in 1964 that her sentence has been reduced by one year. During the 10 years she has been moved to all the prisons in the south: An-giang, Chi Hoa, Go cong, Thu Duc, Phu Loi, Con Dao, and now is the third time she returns to Chi Hoa.

No competent doctor has diagnosed her illness—she is very weak and thin and old-looking and menstruation has ceased.

6. Chi Nguyen Thi Thao, 47 years old, was arrested on May 2, 1960 and sentenced to 10 years imprisonment, when her daughter was just 7 months old. During the time of investigation, she was moved from prison to prison: Gia Dinh, Chi Doa, Phu Loi, Thu Duc, Con Dao and back to Cho Hoa. She tried hard to keep the child with her, because she did not want her to be sent to an orphanage. After hearing from her family she sent the child to her sister, but unhappily her sister died. The child was then sent to the grandparents who also died. For ten years the little girl has wandered from house to house in the village, without family affection and without education, showing how corrupt South Vietnamese society has become.

In August 1970, thi Thao was taken from Con Dao to Chi Hoa and was able to see her daughter, who cried: "Mother, do not die, you have to live with me. Your sentence is finished, why are you not released? Do the administrators of the prisons not have any children? Why do they not know how to love children who have no mothers?"

But thi Thao cannot hear—she has become deaf.

She has TB, but the prison nurse always gives her quinine. So that, after ten years in prison, the TB is very advanced and the deafness is extremely serious.

The day of release and the reunion of mother and daughter is far away.

These are some cases among the 83 women prisoners now in Chi Hoa. They are proof that the prisons of South Vietnam today are savage and inhuman and must be reformed.

DIEU THUY.

May, 1971.

INDOCHINA PEACE CAMPAIGN

The Indochina Peace Campaign is a coordinated grassroot network of activists committed to finally stopping all U.S. aggression in Indochina and achieving peace and self-determination there. We generate public pressure to:

1. Demand the 1973 Paris Agreement on Vietnam be implemented. The U.S. must stop supporting the reactionary regimes of Indochina, including the world's most massive police state in Saigon. Thieu's political prisoners must be freed and a government of national reconciliation created in South Vietnam.
2. Create friendship and understanding with the Indochinese people made "faceless" by the Pentagon, through Medical Aid to Indochina and other support and cultural programs.
3. Broaden and unite the anti-war movement, supporting amnesty and the rights of all Americans facing repression because of the war.
4. Agitate around the Watergate crisis to wrench policy-making for Indochina out of the hands of the Executive.

[From World magazine, Aug. 14, 1973]

AMERICAN TROOPS IN EUROPE: THREAT OR SAFEGUARD?

(By Edward L. King)

The U.S. military force in Europe is too large and too costly, and the reasons for keeping it that way are invalid. Moreover, far from protecting the world from nuclear holocaust, it actually increases the likelihood of nuclear war.

At present 313,000 American military personnel, accompanied by 250,000 military-sponsored dependents, are stationed in Europe. The cost of maintaining them, together with armed-service personnel based in the United States but oriented to missions in Europe, has been climbing steadily—to $17 billion in fiscal 1973—and it has contributed to a U.S. balance of payments outflow of roughly $5 billion for the same year. These are costs that the American economy can no longer tolerate without compelling justification, and in this case there is simply no such justification.

According to the Department of Defense, these are two basic national-security objectives that provide the rationale for U.S. force levels and overseas deployments. These objectives are: (1) to preserve the United States as a free and independent nation, safeguard its fundamental institutions and values, and protect its people; (2) to contribute to the security of other nations with whom we have treaties or whose security makes a significant impact on our security.

In accomplishing the latter objective, the Defense Department cites "U.S. commitments under primary applicable treaties" as the justification for a large part of the military-manpower requests for fiscal 1974. But no specific manpower requirements are set forth in either the NATO or SEATO treaties. The NATO treaty does not specify any level of U.S. military force. It does not even require that members take military action. The size and composition of any U.S. military force assigned to NATO is determined solely by the U.S. government.

Thus the NATO treaty does not constitute a legitimate justification for the Defense Department's commitment of some 500,000 armed-service personnel (including the U.S.-based personnel) to the initial defense of NATO Europe. The NATO-committed force consists of eight army and marine divisions, six aircraft carriers, more than eighty surface warships and attack submarines, and twenty-one air squadrons. This force was agreed to by the U.S. executive branch during talks with NATO allies; it is not an honoring of obligations under NATO treaty articles.

What is the stated rationale behind this huge, costly, and unnecesary maintenance of military manpower? After the fallacious NATO-treaty argument, it is, of course, the oft-cited "threat of Soviet aggression." The Defense Department has described this so-called threat in exactly the same words for the past four fiscal years:

While we do not consider aggression by the USSR likely in the present political climate, the fact remains that the Soviets have a vital interest in preserving the status quo in central Europe and in retaining their hold on Eastern Europe. A crisis that could lead to a conflict could arise if the political situation substantially changed in a way that threatened the USSR or its hegemony over Eastern Europe, or if a Soviet government saw opportunities for other ways to apply critical pressures on the cohesion of the [NATO] Alliance. Such a crisis could escalate to hostilities.

Apparently in pursuit of this reasoning, the United States is maintaining more troops in Europe today that it did in June 1961, immediately prior to the build-up occasioned by the Berlin crisis. This increase has occurred despite the obvious reduction in the scope and magnitude of the Soviet threat to Europe, a reduction brought about by Sino-Soviet hostility, detente in central Europe, a Berlin agreement, a SALT agreement, the recent Nixon-Brezhnev summit, and increased trade between East and West.

Even if the Soviet threat to Europe is accepted as real and continuing, U.S. preparation for meeting it militarily is unsound. The stated mission of our conventional, general-purpose manpower in Europe is to provide a means of phased "flexible response" to a Soviet ground attack. But if an attack were to occur, it is doubtful that U.S. deployments in central Europe would be able to respond successfully in a purely conventional manner. Our troops are not positioned, trained, manned, or equipped to conduct an effective, non-nuclear, initial forward defense unless given a warning and a mobilzation period consisting of about thirty days.

With such a thirty-day warning and mobilization period prior to the commencement of hostilities, U.S. divisions could, according to the Defense Department, be repositioned to more effective battle locations; reinforcements could be flown in from the United States; some of the dependents could be evacuated; and usable wartime lines of supply and communication (which are presently non-existent) could be opened.

However, an unforeseen attack would make it impossible to accomplish any of these requirements or to gain necessary air superiority to permit the landing of airlifted U.S. reinforcements. And airlifted reinforcements are essential to any hope of establishing a conventional forward defense in central Europe.*

The Defense Department admitted in Senate testimony last year that "U.S. Army forces located in West Germany are spread thin." To overcome this, the department said, it plans to deploy the U.S.-based Reforger Division plus "an additional two divisions to Europe within thirty days. These two divisions are considered the *minimum essential* [italics added] for the conduct of an initial conventional defense in the [European] central region."

If these additional two divisions, as well as ten support units—known as the "two-plus-ten"—are not rapidly forthcoming, U.S. ground forces would have no choice but to resort quickly to tactical nuclear weapons in order to save themselves from being destroyed. Since at least as far back as 1961, U.S. military strategists have planned on making the first use of tactical nuclear weapons within the initial hours of any attack by the Soviet Union.

Thus there is danger that instead of providing a "flexible" U.S. response to any level of aggression in Europe, the current conventional troop deployment in central Europe may actually lock the United States into early first use of tactical nuclear weapons—which could quickly lead to a massive nuclear exchange. Rather than providing an extended "pause" before crossing the nuclear threshold—as successive administrations have claimed—the present U.S. force levels in central Europe in fact lower that threshold to almost immediate nuclear war in the event of any Soviet or U.S. misstep in Europe.

U.S. ground-force deployments to NATO should therefore be seen as a large hostage force manning a tactical nuclear trip wire and as a guarantee that any American President will opt for immediate nuclear war in Europe. The President would have little choice but to commence a nuclear war. Otherwise, he would place more than a half million U.S. servicemen, their wives, and their children in grave jeopardy.

At the 1950 Lisbon conference, where much of present NATO conventional defense strategy was conceived, it was estimated that even then, when the United States enjoyed absolute atomic superiority, ninety NATO divisions would be required to defend central Europe. Now, in an era of nuclear parity, only twenty-five NATO divisions (including 4 U.S.) are supposed to accomplish much the same conventional mission that military experts established for ninety divisions. This is not a feasible mission, and it cannot be accomplished without resorting to tactical nuclear weapons. Nor is it feasible from a U.S. political or economic standpoint to contemplate stationing more troops in Europe.

This means that in view of the reluctance of our NATO allies to provide larger forces for their own defense, conventional flexible response is not a valid approach to the defense of central Europe. It is not even necessary, since there is little likelihood of a Soviet conventional attack. The concept of conventional defense (which actually relies on tactical nuclear warfare) is a lingering shibboleth of NATO in which the Europeans have little belief and the American public must invest billions.

What should be our military policy toward Europe? The present level of U.S. troops is not needed to reassure the Europeans of our intention to maintain strategic nuclear protection. A smaller U.S. deployment of perhaps one or two divisions could—if better organized and positioned—provide as much real flexibility as the present oversupported 4⅓ divisions without drastically lowering the present nuclear threshold. As Dwight Eisenhower, NATO's first supreme commander, said in 1963, "One division can show the flag as well as several." This smaller deployment would cost far less and would help counteract the chronic international weakening of the dollar.

But troop deployments have become a political sacred cow, the wrapping covering the basically political issue of American primacy in European affairs. Military troop levels have been used to protect the real political and economic issues. It has been far easier to defend a continued American presence on the basis of military requirements than on the basis of political expediency.

When it comes to troop reductions, the time never seems ripe for change. The idea of Mutual Balanced Force Reductions (MBFR) is the latest in a long series of dilatory tactics. During the four years of East-West exchanges preparing the way for

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* The ability of U.S.-based combat forces to reinforce rapidly our forces in Europe by air is questionable. Exercise Reforger II, conducted in late summer of 1970, tested U.S. ability to airlift troops rapidly to Europe; the results were not encouraging.

MBFR talks, the fact that the exchanges were taking place was used as a rationale for postponing any reduction in troops. Now, after four months of preliminary discussions, not even an agreement on the conference membership has been reached. The slowness of these preliminary discussions brings into serious question whether the United States and the USSR are sincerely interested in troop reductions. All indicators point to MBFR as yet another delaying tactic—employed by both NATO and the Warsaw Pact nations—to avoid facing the new situation in central Europe brought about by the continuing political and economic detente.

As Albert Willot, counselor on the Belgian permanent delegation to the North Atlantic Council, said in a recent article in the *NATO Review:*

"Europeans should not labour under a misapprehension. Even in the absence of any agreement with the East on MBFR, the United States will sooner or later be compelled, for well-known domestic political reasons, to reduce the level of their conventional presence in Europe. It must too be admitted that the Europeans are most unlikely to make up the difference."

Willot went on to speculate that MBFR negotiations might delay "and perhaps even for a long time limit" the reduction of U.S. conventional forces in Europe, if only because of the psychology of a situation in which a ceiling is imposed on the size of American forces: "Even the most staid motorist," he said, "has a natural tendency to drive at the maximum legal speed limit."

We must hope that the United States does not fall into the psychological trap suggested by Willot. To delay necessary reductions in the excessive and featherbedded U.S. conventional forces assigned to NATO would be a costly mistake. And to make this mistake because of European reluctance to assume a just portion of its own defense, or out of a naive hope for substantive results from the stalled MBFR talks, would be to ignore the best interests of the United States. Past U.S. troop reductions have found the Soviets also withdrawing troops. Additional phased reductions in the bloated U.S. force in Europe could stimulate similar Russian moves and therefore lead the world further from the threat of nuclear war and closer to the promise of peace.

[From the Washington Post, Sept. 14, 1973]

The Case for Reducing U.S. Forces in Europe to About 150,000

(By Edward L. King)

It is interesting that Robert Komer, one of the architects of some of our disastrous policies in South Vietnam, has now become a "Europe-firster" ("Keeping GIs in Europe"—August 30, 1973).

It is difficult indeed to reconcile his newfound concern for maintaining U.S. conventional troop levels in Europe, with his previous acquiescence in the slashing of those same troop levels in 1967–1969 to provide trained military men to work in his special Vietnam program.

Komer now cavalierly labels many past arguments about removing U.S. troops from Europe as "simplistic" and calls for a more informed discussion of the issue. Despite his long preoccupation with Vietnam he must be aware that serious critics such as Senator Mansfield have been carrying on informed discussions for 10 years.

Komer's article certainly adds nothing new to the discussion. It does, however, raise some questions about the facts and his understanding of them.

For example, he contends that four and one third U.S. divisions—stationed mostly in southern Germany—are defending "the "shortest high speed avenues of attack by which a Warsaw Pact offensive could split NATO, much as the Germans did . . . in 1940." But the major high speed approaches are located north of the U.S. divisions, and in two world wars the Germans attacked France from the north, not through the area where most U.S. divisions are stationed today.

Komer says it cost $4 billion to maintain U.S. troops in Europe. That is only the cost of the pay and maintenance of the men and their dependents. If you also consider the cost of their arms and equipment, that figure is correctly $7.7 billion. And he makes no mention of the $1.5 billion deficit in U.S. military balance of payments caused by the presence of over 300,000 U.S. troops and dependents in Europe.

Pages 190–194 of the FY 1974 Department of Defense Military Manpower Requirements Report clearly show that over 50% of our general purpose forces are predicated solely on a NATO conflict—not one major and one minor conflict in Europe or elsewhere as Komer claims.

He also repeats the tired old argument that it costs almost as much to keep our troops at home as in Europe. Yet last year—before devaluation—DOD witnesses testified before the Senate Armed Services Committee that first year savings of $42 million would be realized from withdrawing one mechanized division from Germany and stationing it in the U.S.

After his Vietnam years, perhaps Komer considers $42 million an insignificant amount. I doubt that other taxpayers would agree.

Komer missed a central point in joining the decade-long debate on U.S. troops in Europe. That is, why should the taxpayer pay $17 billion (cost of all U.S. forces committed to NATO), or $7 billion (cost of those in Europe), when less than 25% of those troops are assigned to combat skill jobs that direct fire on an enemy in actual combat defense of the American people?

I agree with Komer's call for keeping "substantial" U.S. forces in Europe. I submit that Senator Mansfield's proposal to keep around 150,000 U.S. troops in Europe is exactly such a "substantial" force.

[From Air Force Times, August 29, 1973]

Why Cut Troops Abroad

(By Lt. Gen. Ira C. Eaker (USAF, Ret.)

The most important issue facing the Congress, from a national security standpoint, is the growing demand that U.S. forces overseas be unilaterally and drastically curtailed.

President Nixon, during his four-and-one-half years in office has reduced our armed forces by 1.3 million men, largely a result of the termination of the war in Southeast Asia. Of our present military strength of 2.2 million 600,000 remain abroad.

There are some persuasive arguments for reducing our overseas garrisons. Our NATO allies, prostrate when we made our original agreement to participate in their defense in 1950, are now prosperous and are not paying their share of common defense costs.

All NATO countries spend about $35 billion annually on NATO defenses. The U.S. contributes $17 billion of that figure, nearly equal to the amount all other NATO allies provide.

The U.S. spends nearly 7 percent of its GNP (gross national product) on its military establishment, more than any of its NATO partners, except Portugal. West Germany's defense expenditure is 4 percent of its gross national product, the United Kingdom 5.8 percent and Canada only 2.5 percent. The average percentage of all the NATO countries, less the U.S., is 4.2 percent.

The present economic and political climate is favorable to the campaign to reduce our military forces abroad. The U.S. presently has an unfavorable annual balance of foreign trade of at least $10 billion. U.S. troop costs in Germany contribute $1.7 billion to that deficit.

The cordial summit meetings in Peking, Moscow and Washington, followed by the climate of détente, have produced an irrational euphoria in Congress. The theory apparently is that while we have reduced our armed forces more than a million men international tensions have eased. Therefore if we disband all our military strength, peace will be assured.

The administration position (the White House, State and Defense Departments) is that this is the worst possible time to take unilateral action in reducing our NATO troop commitments. The MBFR talks (mutually balanced force reductions) in Europe are now scheduled to begin October 30. President Nixon and Party Secretary Brezhnev agreed, at their recent meeting in Washington, to instruct their representatives to reach agreements in the second round of SALT no later than 1974. If we unilaterally reduce our forces there will be no incentive for mutual troop reduction at the up-coming MBFR or for nuclear arms reductions in the second round of SALT.

Secretary of Defense James R. Schlesinger, in his recent appearances before congressional committees, urged that he be given a few months to work out agreements with the NATO partners to pay a fair share of the costs of maintaining our troops in Germany.

Deputy Secretary of Defense William P. Clements has warned that while we have been reducing our military forces and delaying development of new weapons, neither Russia nor Red China has followed suit. In fact, both have made dramatic increases in their military power.

There is some hope that further unilateral action in reducing U.S. troops abroad may be delayed.

[From the Philadelphia Inquirer, Aug. 19, 1973]

How Long Must We Maintain How Many Men in Europe

Now that the bombs no longer burst in the air of Cambodia and the U.S. seems to have at long last extricated itself from military involvement on the Indochina peninsula, this country can begin to attend to some other pressing business of foreign affairs.

Specifically, there is the question of whether to reduce the number of American troops stationed in Western Europe, and it might be well to begin with a couple of truisms.

One is that foreign policies—or any policies, for that matter—ought to be addressed to the realities; and the other is that times have changed.

In 1951, when the North Atlantic Treaty Organization was coming into being, America and its European allies could perceive a clear and present danger of aggression by a Soviet Union led by Joseph Stalin. Today, in an atmosphere of detente, no one seriously expects a sudden Soviet thrust by conventional forces into Western Europe, still less a Soviet "nuclear Pearl Harbor."

In 1951, the U.S. was clearly the preeminent military and economic power in the world, while Europe had been drained of its men and resources by the prolonged bloodletting of World War II. Today, Europe has more than fully recovered. It is the U.S. dollar which is weak, and that weakness is caused in large part by the drain of about $17 billion a year to support the U.S. commitment to NATO—some 307,000 American men stationed in Western Europe 28 years after the end of World War II.

So it seems to us that the realities are on the side of Senate Majority Leader Mike Mansfield, who for more than a dozen years has been urging a reduction in American forces abroad and is currently sponsoring a resolution calling for at least a 50 percent cutback in our NATO forces.

Saying this, we do not brush off the Nixon Administration's contention that its hand should not be weakened in the forthcoming negotiations with Warsaw Pact countries on "mutual and balanced force reductions." Still, those negotiations can drag on indefinitely. Must the U.S., then, be locked in indefinitely to a level of troop strength far beyond any realistic appraisal of a Soviet threat?

Indeed, we suggest that the Congressional pressure may strengthen the administration's hand in dealing with our NATO allies, who, as even Defense Secretary James R. Schlesinger has acknowledged, are even today carrying less than their full share.

Meanwhile, we also suggest that the administration does not strengthen its hand in dealing with Congress when, in one breath, its spokesmen hail its acknowledged success in defusing international tensions while, in another breath, they bespeak the doomsday oratory of the Cold War.

An orderly reduction of U.S. forces abroad does not mean a headlong retreat into isolationism. It does mean a more realistic appraisal of America's role and capabilities.

[From London Times, July 10, 1973]

THE LONG, HARD ROAD TO AN ARMS PACT FOR EUROPE

(By Henry Stanhope)

The grand, not to say majestic, opening of the Conference on Security and Cooperation in Europe at Helsinki, is in sharp contrast to Western expectations of its sibling, the conference on troop reductions in Central Europe which is now scheduled to start at Vienna on October 30.

Even those anonymous makers of mnemonics have an arduous three months ahead as they abandon the old "MBFR" (Mutual and Balanced Force Reductions) and try to make something of the new title Mutual Reduction of Forces and Armaments and Associated Measures in Central Europe. MURFAAM for short perhaps?

Having given way on the semantics, principally by omitting that bothersome word "balanced" from the title, and having conceded the Soviet point that Hungary should take part only as an observer, the Nato team enters MURFAAM two goals down. Or maybe the score should be three, because so much of the five months preparatory talks, just completed, was taken up haggling over Hungary that the Western powers fly to Vienna without the detailed agenda they had wanted.

There are three principal points which should have been settled in the spring and which will now have to be resolved at Vienna in October, delaying the start of the actual negotiations. The first concerns the decision on whose troops should even be considered for the slimming process. Should they be Russian on the one side and American on the other, as is so often assumed, or should other Nato and Warsaw Pact countries be involved too—as the West Germans and others would like?

The second concerns the areas in which these reductions should be made, and whether these should coincide with the areas in which measures of military constraint are also to be intrdouced—such as the joint notification of manoeuvres or the exchange of observers on either side.

The third, most important of all, concerns vertification procedures. Should the powers agree to leave this to national means of vertification which, for Nato, means principally the American system of sensors and satellites, or should they work out something more comprehensive?

Arguments over vertification have been insuperable obstacles in most other major arms controls talks to date—and will play an increasingly large role in the Strategic Limitation Talks. How high a hurdle will they be now?

The wine during the CSCE preparatory talks at Helsinki tasted sweeter than expected by Nato nations. But that at the MUR FAAM preparatory discussions in Vienna tasted considerably more sour. Senior NATO sources now fear that the time taken up by fixing these three basic parameters at Vienna in October will seriously delay an initial settlement over troop reductions. And desire for such a settlement is still strong, however wary some of the Western powers, notably Britain, remain of the security implications.

There is scepticism over early American hopes that an initial agreement on troop reductions can be reached in a year. But there is also a feeling that the talks must show results, or at least substantial progress, after 18 months. The underlying worry is still that American domestic pressures will force the United States to carry out unilateral withdrawals of some of her troops from the continent—however strongly her military chiefs may advise against it—unless this progress is both real and apparent.

Senior officials in Brussels are afraid too that the Watergate affair will work its insidious influence by alienating a number of Congressmen against the policies of the Nixon Administration, throwing moderates as well as the more ardent supporters of Senator Mansfield behind the banner shouting "Bring the boys back home." And the revaluation of the mark, together with the dollar crises can only speed up the process.

The main aims of the West is still to achieve some reduction in the might of the Warsaw Pact forces. Anxiety to achieve this can be understood more clearly in Germany than it can in this country. Despite *détente*, the border between East and West, together with unsmiling guards staring across from their concrete observation towers, bristle uncomfortably.

Ironically the border fence has just been strengthened in parts, including that strip along the Fulde Gap, the classic invasion route, behind which the Soviet forces still maintain their biggest concentration of forces. The fence has been raised to 12 feet—with an inner fence 50 metres or more behind it and an anti-vehicle ditch—and an anti-personnel shotgun device has been affixed as a deterrent to any young East German who wants to try his luck against the wire.

Other changes in the Soviet deployment in the East also give cause for concern about the difficulties ahead in trying to cut back forces in central Europe. Many of the 1,500 Soviet T–54 and T–55 tanks virtually disappeared after they were recently replaced by more modern more capable T–62s. Western intelligence officers think they have been stored in dehumidified depots in Eastern Europe to provide the Russians with the kind of dual-basing capability already possessed, to a limited extent, by the Americans.

Soviet forces have also switched from rail to air as the principal means of moving troops between Russia and Eastern Europe. Dual-basing gives the United States 7th Army the ability to move part of its 1st Division from its base in Fort Riley, Kansas, to West Germany in 11 or 12 hours. But dual-basing gives the Russians the ability to fly in troops in two or three hours. Nato officers used to calculate that the Soviet Union could move between five and six divisions a day into Eastern Europe by train. How many can they move by air with the help of their considerable air transport fleet?

These are questions to which Western intelligence officers are now addressing themselves. But they are questions which are going to make negotiations over troop reductions more, not less, difficult. While the speeches flow on at Helsinki, diplomats look forward to their next East-West encounter at Vienna with ill-concealed misgiving.

[From the Christian Science Monitor, Oct. 2, 1973]

U.S. TROOP-CUT PLAN IMPOSES DECISIONS ON EUROPE

(By Richard Neff)

BRUSSELS.—In the short run, the U.S. Senate's moves to cut back the American forces in Europe have caused scarcely a ripple at NATO headquarters.

At the same time, no one here doubts the tremendous long-term significance of the Senate action.

European diplomats have long known that such action was coming sooner or later. The mere fact that the Senate has moved now does not significantly change the special work started here last summer on how to increase Europe's share of the military burden. The work was proceeding and will continue.

Even if the Senate decisions win approval with the House of Representatives, it is still not clear just how many of the 285,000 land-based U.S. troops in Europe (Army and Air Force) will be affected.

POLITICAL IMPACT

However, statistics do not matter as much as the political impact congressional moves could have on Europe. Since 1962, the U.S. has already reduced its troops here by some 25 percent, from a peak 434,000. This decrease has had no impact at all on European opinion.

What matters to people here now is that the mood of the U.S. Senate toward a troop cut has clearly changed more than "25 percent" since 1962. In the intervening years, the U.S. balance of payments has gone awry, the American people have agonized their way through Vietnam and Watergate, and meanwhile European prosperity has steadily risen, along with the apparent prospects of East-West detente.

NEW CONDITIONS

These new conditions have opened three crucial courses of action for Europeans:

Experts here wonder if an outside stimulus—in this case a congressional troop-cut decision—will once again prove to be the factor that drives West Europeans into further unity among themselves—this time in the defense field, in order to balance off the waning of American presence in Europe.

Will Europeans—always skeptical of the Nixon-Kissinger quest for a new declaration of Atlantic principles—now see that American influence in Europe is on the decline and therefore will put Europe in a position of calling some of the shots when the American President visits Europe in the next few months?

Also, it is of deep concern here that West Europeans, rather than choosing the steep and arduous path of European defense integration, will instead be lured into the more pleasant and appeasing way of new political arrangements with the Soviet bloc. In other words, if and when American forces are withdrawn, the Europeans' reaction will depend greatly on their own perception of the Soviet military and political threat, and how Western Europe must respond to it.

DUPLICATION FACTOR

U.S. congressmen generally ignore the fact that West Europeans spend some $25 billion annually on their own defense. The trouble is that this sum is not so effective as a similar amount spent by the Americans because much of the European spending is wasted by individual nations' duplicating one another's defense efforts.

No matter what Congress finally decides on U.S. troop levels in Europe, the Europeans are not going to raise their own defense budgets; it is just not in the cards politically. Europeans will try undoubtedly to siphon off some or all of the U.S. balance-of-payments deficit incurred by American troops here. This would be done by currency schemes, offset agreements, etc., but not a major overall hike in federal spending.

A PROBLEM OF TRUST

If Europe were not to be weakened militarily and politically by an American cutback, Europe's only hope is in defense specialization, but this raises a problem of trust. Can one European nation trust a vital aspect of its national defense to a neighboring country? Has European integration progressed that far?

[From Human Events, Aug. 4, 1973]

Soviets Gain Concessions in MBFR Negotiations

The former Supreme Allied Commander for NATO warned last week that Western security is at stake in "the Mutual Balance Force Reduction" (MBFR) negotiations now going on in Vienna. And, indicates Gen. Lyman L. Lemnitzer (U.S.A.-Ret.), the Kremlin has won major triumphs in the opening rounds of the confab.

In a Washington talk, Lemnitzer noted that NATO first asked for an MBFR conference—to discuss mutual reductions in the Warsaw Pact and NATO forces—in 1968. The Kremlin ignored the offer, preferring instead to build up a "massive military capability in Europe which is far greater than is required solely for defense purposes."

In 1971, when Senate Majority Leader Mike Mansfield called for a 50 per cent reduction of U.S. forces in Europe, the Kremlin's public attitude toward MBFR changed. Soviet boss Leonid Brezhnev made world headlines by urging troop cutbacks and advocating an MBFR conference. It was, says, Lemnitzer, a great "propaganda ploy" in which Brezhnev convinced the world that MBFR was his idea—not NATO's.

While publicly supporting the idea of European arms reduction, Brezhnev privately sabotaged the proposed talks. A NATO delegation headed by former Secretary General Manlio Brosio, was sent to Moscow to make arrangements for the talks, but was left cooling its heels because the Red Army wanted more time to build its strength.

Finally the Soviets passed the word that they would open talks on MBFR only if NATO agreed to participate in a separate European Security Conference—a proposal that the Kremlin has been making since the days of Stalin. The West agreed, handing the Soviets what Lemnitzer calls a major diplomatic victory.

But the Kremlin victories did not end there. NATO wanted the MBFR talks held in Vienna, the Soviets in Geneva. The Soviets won.

Most significantly, however, was the Western capitulation on the question of Hungary. In February the Soviets announced that Hungary must be excluded from the area of projected troop cuts. NATO objected—but caved in 14 weeks later, yielding to the Kremlin demand but vaguely reserving the right to raise the issue later.

Says Lemnitzer:

"To exclude the area of Hungary where about 40,000 elite Soviet troops are stationed is incomprehensible from the military point of view and could go a long way toward defeating the purposes of the MBFR talks. It could also gravely affect the fate of the satellite states in Eastern Central Europe and any hope that they may have of attaining their full freedom and sovereignty. It certainly does not hold out much hope for Hungary. It also provides a beachhead—or more specifically—a sanctuary for the Red Army and Tactical Air Force at the crossroads of Eastern Central Europe."

Lemnitzer is obviously pessimistic about the MBFR talks. He pictures the Soviets as "smugly sitting back awaiting the next effort of the United States Congress to force a unilateral and substantial reduction in Europe while they maintain untouched their massive military capability."

In a sharp criticism of Western diplomats Lemnitzer concluded: "We need to be tough negotiators. The West is all too inclined to make important concessions in order to assure that final agreements are reached. We seem to consider it all-important to avoid an impasse at all costs in order to reach agreement in conferences of this kind.

"We have already made important concessions in MBFR to date. In MBFR our security is at stake. It is vital, therefore, that any agreements which are reached do not require concessions which will jeopardize the security of the United States and NATO allies."

[From the Christian Science Monitor, Sept. 29, 1973]

Troop Cuts: How Will the Kremlin Act?

(By Dana Adams Schmidt)

Washington.

What the United States Congress does and says about manpower and expensive weapons like the Trident missile submarine directly affects United States-Soviet relations.

The Senate's last word on manpower this week—a 23 percent cut, amounting to 110,000 men by December, 1975—will echo and re-echo in the debates at the SALT (strategic arms limitation talks) sessions that began at Geneva Monday, at the MFR (mutual forces reduction) talks that begin in Vienna Oct. 30, and in the discussions on the future of NATO with representatives of nine West European states in New York Sept. 29.

This compromise sponsored by Sen. Hubert H. Humphrey (D) of Minnesota was adopted by a substantial 48-36 vote, although it is only a little less drastic than the Mansfield amendment previously defeated.

DIMINISHED IMPACT

Its impact may be diminished by the Defense Department concentrating the cuts in the Far East. But the Russians and the West Europeans will have before them the unmistakable evidence, not to be obscured by any diplomatic eloquence, that the American mood is now shifting.

[The Humphrey amendment was tied to the $21 billion military procurement authorization bill for the current fiscal year. Debate on the bill continued Friday.

[Earlier Thursday the Senate rejected 49 to 47 an attempt to block acceleration of the Trident missile-firing-submarine system.

[The Pentagon lobbied heavily for the Trident speedup. But opponents claimed money would be saved by delaying work on nine Trident sub systems until the first one was in operation.]

Actually the word "mood" does not convey the extent of the basic sea change that is taking place after 32 years during which the United States has kept around half a million men overseas in support of its allies.

The cost of this overseas military establishment, amounting currently to 471,000 landbased men at 1,963 bases, installations, and properties, is about $30 billion a year. Of this force, 313,000 are stationed in Western Europe and related areas such as Morocco, Iceland, and Turkey at a cost of about $17 billion a year.

LESS STRENGTH

At all the international meetings taking place, the United States will negotiate less from strength than in the past, especially since this vote—even if reversed or modified by the House of Representatives in conference—will be seen as indicative of the trend.

At the MFR talks in particular, the American delegates may find it harder to convince the Soviet delegates that they must make concessions to gain American manpower withdrawals, since they can count on the American Congress doing the job for them.

Certainly the Senate's action will bring to the surface European doubts about the constancy of American determination to defend Europe when "the nine" meet with Walter Stoessel, assistant secretary for European affairs in New York.

They will have before them a proposed draft of an "Atlantic declaration" that emerged from a meeting of the nine in Copenhagen 10 days ago. It is to be proclaimed during President Nixon's trip to Europe.

DISCUSSION SEEN

When this trip is to take place undoubtedly will be discussed not only in Washington but during an informal visit to New York over the weekend by Willy Brandt, the German Chancellor.

Herr Brandt, who has been attending a conference sponsored by the institute for humanistic studies at Aspen, Colo., is one of the most constant allies of the U.S. on the European continent. He may well be consulted by the President about whether he should cross the Atlantic this year, or wait until next, and what he should do while in Europe.

Hitherto European opinion on the whole subject of Mr. Nixon's proposal for a new "Atlantic declaration," successor to World War II Atlantic Charter, has been reserved; some good sources in the capital believe the Chancellor will advise him to delay. By the beginning of next year, so it is argued, the extent of the shift in American opinion and policy, the future of the American commitment to Europe, should be clearer.

[Meanwhile, the Senate took the unusual step Friday authorizing President Nixon to promote Vice-Adm. Hyman Rickover to admiral.

[Sen. Henry M. Jackson (D) of Washington offered the authorization in an amendment to the military procurement authorization bill.

[Under normal procedures, military promotions are recommended by the president and approved by the Senate. There was no such recommendation in Admiral Rickover's case.]

[From the Christian Science Monitor, Sept. 24, 1973]

Diplomats Confer in Series of Talks To Define New Pattern of Relations

(By Takashi Oka)

Geneva.—"Detente is a two-edged sword—for the Soviets and for the United States," said a senior Western diplomat attending the 35-nation Conference on Security and Cooperation in Europe (CSCE) in Geneva's plush new international conference center.

The diplomat was taking issue with views sometimes expressed in the West that so far detente has worked to Moscow advantage—not to that of Washington or its allies. He has been intimately associated with all stages of the security conference, from its preparatory phase in Helsinski to what is known as its second phase by the shores of Lac Leman today.

These are days of delicate intricately interwoven negotiations around the world—East-West, West-West, and perhaps even East-East.

Danish Foreign Minister K. B. Anderson sees Secretary of State Henry A. Kissinger in New York this week to discuss American-European relations and to see whether there is hope of enough substantive agreement to bring about a visit by President Nixon to the old continent later this fall.

DIPLOMATIC ACTIVITY ABOUNDS

Besides the security conference here in Geneva, SALT II, the Strategic Arms Limitations Talks between Washington and Moscow resumes this week. The foreign ministers of the world are in New York for the United Nations General Assembly, and finance ministers are gathered in Nairobi, Kenya, for a meeting of the International Monetary Fund.

The West is having to coordinate its strategy on security, trade, and monetary matters at a time when the Soviet bloc presents a picture of doctrinal rigidity within, and of increased military preparedness against the West without.

President Pompidou has returned to France from China, his ears tingling from Peking's warning that the West must not let down its guard against Moscow, that Europe must forces poised along its eastern borders.

TALKS DUE IN VIENNA

And then, in Vienna, there is MBFR—the crucial talks on mutual and balanced force reductions between Communist and Western forces in central Europe.

All these talks and negotiations—especially the Vienna talks, which will not begin until Oct. 30—have their effect on the European security conference here in Geneva.

For, together with all these other talks, it is an attempt to define a new pattern in relations between nations still divided by deep mutual suspicions nearly 30 years after World War II.

The CSCE is a bit like the old League of Nations, which like so many other international organizations from the Red Cross to the Ecumenical Center, had or has its headquarters in Jean Calvin's hospitable, gracious city.

The Latin Americans are absent, as are Japan, China, and the new countries of Asia and Africa.

But with the United States and Canada present, as well as the Soviet Union, the nations of Europe have the cozy feeling that they can discuss the security of their continent with the nations that really count, without being distracted by the extraneous issues that take up so much of their time at the postwar United Nations.

SOVIETS DISCOMFITED

When the diplomat spoke of a "two-edged sword," he was thinking primarily of the discomfiture the Soviets have suffered over having had to spend so much time arguing basic human rights and East-West human contacts.

The conference, in these fields, has not gone at all the way the Kremlin wanted. In his Sofia speech last week, Soviet party chief Leonid I. Brezhnev again proposed a quick conference, ending with a solemn declaration by all 35 nations before the end of the year.

But this is seen by most delegates here as impossible.

At Helsinki, the Soviet delegates were rough and tough as they tried to railroad the conference into the vague, general declaration if principles sanctifying postwar frontiers, which Moscow wants.

Here in Geneva, a new Soviet team has been, to borrow the description of a Western delegate, "as smooth as silk."

The smaller nations of Europe—Sweden, Switzerland, Austria—have played a crucial role in getting the conference down to brass tacks, preparing agenda acceptable to East and West, defining issues, and fashioning compromises.

ROMANIA TAKE STAND

On the Eastern side, Romania has stood up for reversal of the so-called Brezhnev doctrine that under certain circumstances (Czechoslovakia) one state can interfere in the internal affairs of another.

It will be months before this second phase of the CSCE comes up with anything approaching a conclusion. But the Western delegates already are heartened by the coordination their own side has been able to achieve, both in the European Common Market context and in that of NATO, and by the constructive manner in which their own interests have meshed with those of the European neutrals.

Contrary to the fears many in the West expressed at the beginning of the conference, detente, at least in the Geneva and Helsinki forum is not working out as the Soviets would like, nor has euphoria clouded Western or neutral appreciations of the substantive issues that must be resolved.

[From the New York Times, Sept. 29, 1973]

TROOP COMPROMISE

After a bewildering display of indecision, the Senate finally hammered out a reasonable interim position this week between the contradictory pressures affecting the United States military presence overseas. It put on record an impressive show of support for cutting back a bloated military establishment, but wisely backed away from specific cuts in European troop strength which could have weakened American negotiators just as they began delicate talks with the Soviet Union.

To a large extent the so-called Humphrey-Cranston amendment, which was adopted Thursday, merely gives the Senatorial imprimatur to reductions the Administration was already considering. Its sponsors made it clear that the 110,000 troops they propose to bring home by the end of 1975 could be withdrawn entirely from bases in the Pacific, where the United States now maintains a force level of about 227,000. American contingents in Europe, assigned to NATO, which will be the subject of talks on mutual and balanced force reductions (M.B.F.R.) opening next month, would not necessarily be affected by the Senate's action even in the unlikely case that the amendment passes all legislative hurdles and becomes law.

The effect of the Senate's vote was to serve notice—on the Administration and on the NATO allies—that the huge defense burdens shouldered by the United States cannot be carried indefinitely, or even for many more years, without significant increases in the support contributions from prosperous Western Europe. Even Senators who can be considered military hardliners now seem unwilling to accept without challenge the stated defense demands the Western alliance is making of the United States.

Part of the steam built up behind the moves toward military withdrawal came from a long-standing fear in the Congress and elsewhere that the Administration would use delaying tactics in the forthcoming troop reduction talks, setting them up as a pretext for trying to fight off any European cutbacks for years to come on the theory that it would be folly to give away unilaterally what could be used as a bargaining chip.

But at least for the immediate future, the argument against the Mansfield amendment for drastic unilateral reduction in European force levels surely makes sense. This foolish measure actually passed the Senate this week, only to be rescinded in another vote a few hours later. Demands for a specific cut in European troop strength virtually on the eve of long-awaited negotiations would have been interpreted by friends and adversaries alike as a signal of American lack of interest in preservation of a credible presence in Europe.

But that argument will have less validity next year or the next, by which time the Congress will be better able to judge, on the basis of the M.B.F.R. talks, whether a genuine effort is under way by both the Soviet Union and the United States to phase down their respective European garrisons in an orderly and balanced fashion.

[From the Manchester Guardian Weekly, Aug. 4, 1973]

TROOP-CUT LOBBY STRENGTHENS

(By Hella Pick)

The United States allies in Europe are being quietly advised to take a serious view of renewed Congressional pressure to reduce American troop strength in Europe. There is evidence of growing support in the House of Representatives as well as in the Senate for Senator Mike Mansfield's longstanding fight to secure significant reductions in US forces stationed overseas, especially in Europe.

Senator Mansfield is confident that the American attitude to maintaining large forces abroad has changed radically, and he believes that there is now a 50–50 chance that Congressional action will be taken later this year. Among factors affecting public and Congressional opinion is, of course, the lessening of East-West tensions. But Europe's failure to respond more positively to the Administration's attempts to discuss and refurbish the Atlantic alliance is also contributing to the situation. Yet another factor is the growing pressure to reduce defence expenditures.

Senator Mansfield has little interest in the East-West force reduction talks due to start in October, and appears convinced that the Soviet Union is far more likely to respond to unilateral US force reductions than to make significant concessions in block-to-block negotiations.

The Administration, as usual, is strenuously rejecting the Senator's arguments and is still asserting its confidence that it can successfully resist him. Nevertheless, it has been fielding all its big guns in the debates that have been going on in committees of both the House of Representatives and the Senate. There is no doubt that Dr. Kissinger is more than ever convinced of the need for more positive moves from European allies to demonstrate to Congress their realisation that the United States can no longer be expected to shoulder the principal burden of defense in the Western world.

It is unlikely that decisive Congressional action will be taken before the summer recess which starts at the end of next week. But both Houses will return to the debate in September, when it is expected that amendments will be tabled to the Administration's Defence Procurement Bill. These will aim at compelling the Administration to order unilateral troop withdrawals, and are more likely to be carried in the Senate than in the House of Representatives.

Even so, Senator Mansfield now seems certain that Congress will make it extremely hard for the Administration to gain the two or three years that it will take to secure any results from the fourth reduction negotiations between NATO and the Warsaw Pact countries.

The Administration is claiming that its position in the fourth reduction talks would be crippled by a Congressional call for unilateral withdrawals. Another Administration argument is that it might cost more to keep the troops inside the United States than stationed overseas.

But the Administration is also hoping that NATO will make a careful study of Senator Mansfield's arguments. He is calling for a 50 per cent reduction of US troops stationed overseas over the next three years—broadening the canvas and no longer concentrating only on troop reductions from Europe. He rejects the idea now fashionable in NATO that a 10 per cent reduction in troop strength would be just about tolerable, and insists that far more troops must be withdrawn from Europe.

Senator Mansfield's views have made a deep impression on his fellow senators and there has been no disagreement with his latest speech. In it, he accepts that the United States should maintain its nuclear deterrent in Europe, but uses both political and strategic arguments to justify the view that NATO is "in a state of still rigidity" and that there is something "altogether cockeyed and unrealistic" about the maintenance of over 300,000 US troops in Europe. Such numbers, in his view, are neither justified militarily, nor required as "hostages" to underwrite the US nuclear guarantee.

[From the Philadelphia Bulletin,
Oct. 1, 1973]

AMERICAN TROOPS ABROAD

All the frustrations and growing impatience with the continued high level of American forces abroad were evident in the Senate's vacillation this past week on amendments to bring home American soldiers.

In a clear signal that the Administration's and Defense Department's arguments in favor of retaining the status quo are becoming less compelling, the Senate voted first to reduce troop levels by 40 percent, then reversed itself after extensive lobbying, and finally settled on a 23 percent reduction over two years.

The votes evoke mixed feelings. There is an understandable reaction in Congress that after nearly 30 years of carrying the burden of free world defense a revitalized Western Europe should increase its own share of support. On the other hand, the tactical pitfall of playing our hand before Warsaw pact nations have committed themselves to reductions could leave the United States in a weakened bargaining position in upcoming mutual force reduction talks.

On the face of it a 23 percent reduction—110,000 troops—would not much affect the balance of conventional force in Europe if most of the troops are withdrawn from the Asian and Pacific areas as Sens. Hubert Humphrey and Alan Cranston, cosponsors of the troop reduction amendment, have suggested.

The real meaning of the Senate's action lies in the renewed warning to NATO members that Congress is no longer willing to accept an indefinite postponement in the reduction of American troops abroad.

Even the House, where support for maintaining current troop levels is strong, shows signs it may be weakening on the issue, although probably not enough to accept the Senate's amendment in House-Senate conference.

Europeans who argue that current troop levels are necessary to counter a potential Communist threat should themselves do more to maintain those levels. While European NATO members contribute about 3.5 percent of their collective gross national product to defense, the United States supplies twice that much to defense.

The argument that some 300,000 American soldiers are needed in Europe to guarantee a nuclear response in the event of overwhelming Communist attack would hold as true with 250,000 troops, 100,000, or even 50,000. The size of the so-called "hostage" force is not so important as its mere presence.

The significance of the Senate's vote should not be lost on European leaders. It should spur European states to greater unity and participation in their own defense.

That, rather than an American desire unilaterally to withdraw from its world responsibilities, should be Europe's reading of troop cutting amendments.

[From the Christian Science Monitor]

FRANCO BLOCKS MIDEAST INTERVENTION: UNITED STATES CONFINED TO QUARTERS IN SPAIN

(By Richard Mowrer)

MADRID.—Spain will not permit the United States military to utilize Spanish bases "in a local conflict such as the Arab-Israeli war."

The Franco government's terse announcement comes in the wake of mounting speculation that American naval and Air Force installations here might be involved in the Middle East conflict, as they have been in other times of crisis in the eastern Mediterranean.

The statement is certain to be well received by the Arab states.

At the time of the six day war in 1967 the American military facilities in Spain served to evacuate American families from the war zone. During the Lebanon crisis in 1958 the bases were used as staging areas for the movement of supplies and personnel to the eastern Mediterranean.

The Spanish Government statement emphasizes that the United States can only use the bases to meet a threat or attack against the security of the West.

AIR FORCE HEADQUARTERS

Whether the Spanish Government's declaration will affect adversely the effectiveness of the American military presence is not clear.

Torrejon Air Force base 14 miles outside Madrid is the headquarters of the U.S. 16th Air Force. It commands units not only in Spain but in Italy, Greece, and Turkey.

The naval installations at Rota on the Mediterranean coast are a useful base for American nuclear missile submarines. But Rota also is important as a logistics support base for American forces in the eastern Mediterranean where war is raging. It provides logistics support for the U.S. Sixth Fleet capable of rapid response airlifts to replenish the fleet at sea.

Spain's announcement restricting use of the bases underscores that General Franco totally supports the Arab cause, so much so that Spain is the only country in Europe that has not recognized Israel.

The American military presence in Spain goes back to 1953. Over the years the Spaniards have drawn a tightening noose of controls over the American-built air and naval bases from which U.S. forces operate.

Originally they were defined as "joint" Spanish-American bases. In 1970 when the agreements were reviewed this was changed to "Spanish base facilities" made available to U.S. forces subject to Spanish consent.

The bases agreement does not come up for renewal until 1975 but already there are strong indications that Spain is not satisfied with the accords as they are and will insist on big changes.

As a condition of renewal Spain will insist on a full-fledged military alliance with security guarantees similar to those enjoyed by NATO countries. The accords with Spain up to now have been by executive agreement.

Spain has been excluded from the NATO alliance, largely because of its regime. But the feeling here is that Spain's prospects of winning full acceptance are improving, particularly because of the Soviet buildup in the Mediterranean, which enhances Spain's strategic value to the West.

Spanish critics of the bases agreements say these expose Spain to involvement in foreign crises without Spanish consent and without foolproof guarantees that the U.S. will come to Spain's aid in case of conflict.

It may be that the government's statement to the effect that the United States will not be permitted to use Spanish bases in connection with the Middle East crisis is meant for domestic consumption. But it could also herald tougher restrictions on the use of the American-manned facilities here.

This bill is simply not good enough. I urge the House to defeat this conference report and to demand responsible conferees who will carry out the wishes of the House.

Mr. BROWN of California. Mr. Speaker, it disturbs me greatly that the Department of Defense authorization bill for fiscal year 1974, H.R. 9286, once again fails to provide for recomputation of retired military pay.

Our Government has committed an injustice in its policy toward military retirees. Up to 1958 the law provided that retirees would share proportionately in raises given to the active duty forces. This recomputation of retired pay was an important incentive for men to enlist and to remain in the armed forces despite the low pay for active duty service. People who entered the service prior to 1958 had every reason to expect that they would benefit from this system of recomputation after retirement.

The Military Pay Act of 1958, however, ended this recomputation system. It failed to include any "grandfather clause" to protect the rights of retirees. This was despite the recommendations of the Cordiner military pay study committee upon which the pay act was based. The committee had concluded that:

> The incentive value of the existing military retirement system depends to a major degree upon the integral relationship with active duty compensation and the confidence which has been built up on the military body that no breach of faith or breach of retirement contract has ever been permitted by Congress and the American people.

The Cordiner report was no isolated instance of a study group favoring military retirees. Again in 1966 a similar conclusion was reached by the Cabinet Committee on Federal Staff Retirement Systems. It reported that:

> Whenever a staff retirement system is changed, provision shall be made to protect the equities of any individuals who would be adversely affected by such change.

The recomputation system is not something of recent origin. It was in effect during most of the latter half of the 19th century and most of the first 58 years of this century.

The consequence of the actions taken by Congress in 1958 has been the creation of 11 different rates of retired pay for former members of the Armed Services of equal grade and length of service. The oldest retirees, whose needs are greatest, receive the smallest pay while the youngest receive the largest. The disparity is often as much as 50 percent.

Senator HARTKE attempted to remedy this injustice while the defense authorization bill was before the other body. His amendment, adopted by that body, would have provided a one-time recomputation of military retired pay to the 1972 rates, as adjusted upward by intervening raises based upon increases in the Consumer Price Index.

If enacted, this would have brought many older military retirees out of the poverty category. It would have enabled many military retired sexagenarians to leave the labor market, relieve unemployment, and reduce the competition faced by returning Vietnam veterans.

It is regrettable that the conference on this bill did not resolve the differences between the versions passed by this body and the other body so as to reinstate a recomputation system. It would seem that as a matter of simple justice this would have occurred. Restoration of recomputation may have been lost for this year's defense authorization bill but you can be certain that there will be a concerted effort to include it in the next budget.

Mr. BOB WILSON. Mr. Speaker, while I support the major provisions of the conference report on the military procurement authorization bill before us today, I did not sign the report, because I was dismayed that the conferees did not retain the Hartke amendment providing for a one-time recomputation of military retired pay.

Recomputation has been a long-festering controversy and, in the Hartke proposal, we had the opportunity at hand to reach a fair and equitable compromise to this longstanding injustice. Although the various military retiree organizations would like the restoration of full recomputation, they are more than aware of the political realities involved. As a result, these various organizations have united in a pledge to accept the Hartke compromise as a final, one-time settlement of the recomputation issue. The solution was within our grasp and I am disappointed that the conference committee let it slip away.

Those most directly affected by the abandonment of recomputation in 1958 and 1963 are service men and women already on the retiree roles at the time the method of computing their retired pay was changed. They are generally the ones most in need now and would benefit directly from a one-time recomputation of retired pay at age 60, since most of the pre-1958 retirees are well over 60 at this point. In addition, younger retirees, a large number of whom had many years service invested in their military careers at the time the retirement computation formula was altered, would be eligible for recomputation at a time when their own earning capabilities would be greatly diminished.

Those opposing recomputation have been able to crank out of the computers all sorts of dire predictions as to cost, but the Hartke amendment fell well within the President's budget request of $360 million for the first-year costs of recomputation. After the first few years, the costs would begin to decline due to the thinning of the current retiree ranks as a result of death. The costs of any Federal program projected to the year 2000 are staggering beyond words and this is a scurrilous yardstick to use in measuring the merits of recomputation.

The Hartke amendment was overwhelmingly adopted by the Senate several weeks ago. As a member of the conference committee, I was disappointed that not enough conferees fought for the Senate's position on this issue.

Recomputation deserves an unbiased hearing within the full context of the costs of the present and future military retirement system. The Defense Department has recommended a number of changes in the present military retirement structure. While these are not necessarily all meritorious, the subject should receive a full review by both the House and Senate Armed Services Committees. As a member of the House committee, I urge our distinguished chairman to schedule comprehensive hearings on the subject of military retirement.

Mr. HÉBERT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK OF THE HOUSE TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 9286, AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, 1974

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 373) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 373

Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes, is authorized and directed to make the following corrections:

(1) Immediately after section 805, insert the following new section:

"SEC. 806. Notwithstanding any over provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress."

(2) Redesignate sections 806 through 818 as sections 807 through 819, respectively.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. ARENDS. Mr. Speaker, reserving the right to object, I do this for the purpose of asking the gentleman from Louisiana if he will give us a little more explanation about the need for these corrections, which are technical corrections, as I understand it.

Mr. HÉBERT. Mr. Speaker, I will be very happy to respond to the gentleman.

Mr. Speaker, the concurrent resolution simply overcomes a clerical error in the conference report on H.R. 9286. Stated another way, this is a technical amendment to correct the conference report so that it may incorporate language agreed to by the conferees.

The Senate amendment contained a provision, section 1107, providing a restatement of the total statutory prohibition of funding of U.S. military activities in, over, or from off the shores of Indochina without the express consent of the Congress. The amendment of the Senate simply continues language presently in the law and is consistent with the policy decisions previously made by the Congress.

There are now two existing provisions of law, both signed by the President, which embody this language, section 307 of Public Law 93-50, the Supplemental Appropriation Act, and a similar provision in section 108 of Public Law 93-52, the continuing resolution for fiscal year 1974.

The continuing resolution for fiscal year 1974 expired on September 30. Similarly, the Supplemental Appropriation Act by its own terms will also expire.

The purpose of the section which had inadvertently been omitted from the conference report, is simply to reenact and make permanent existing law and congressional policy on this subject.

In view of this circumstance, the House conferees receded to the Senate position and accepted the Senate amendment. The action taken by the House conferees in explanation of this action is reflected on page 44 under the heading "Prohibition of U.S. Combat Activities in Southeast Asia."

Unfortunately, as I indicated previously, the clerks in preparing the material for the printer failed to include this provision in the conference report. Hence, this action is technically required to correct that clerical error.

I trust this explains the matter adequately.

Mr. ARENDS. Mr. Speaker, I thank the gentleman.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL EXPLANATION

Mr. WYATT. Mr. Speaker, on the last rollcall, No. 556, I was under a misapprehension and I voted "yea." If I had been correctly informed, I would have voted "nay."

THE UNITED STATES MUST GET ACTION ON ISRAELI PRISONERS

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, I find it incredible that with the cease-fire in the Middle East in effect for more than a week now, there has been no action to exchange prisoners-of-war, or even—in the case of the Arabs—to identify the captured Israeli soldiers. If the United

States is to take a leadership role in bringing about a fair and lasting peace, it must begin by getting immediate action on prisoners-of-war as a means of laying the groundwork for the commencement of peace talks.

I have today sent a telegram to Secretary of State Kissinger urging him to seek immediate release of a complete list of captured prisoners-of-war, immediate permission for representatives of the International Red Cross to visit the POW's, and a commitment on early release of all prisoners.

I am gravely concerned over the continuing delay in action to release the troops captured during the recent war in the Middle East. It seems to me barbaric that Egypt and Syria have not even had the common decency to release a list of the Israeli POW's. A speedy and humane resolution of this issue should be a condition precedent to the commencement of negotiations between the nations involved.

I have urged our Secretary of State to make the strongest possible diplomatic representations both to the Arab States and to the Soviet Union with respect to three basic goals— immediate release of a complete list of all captured Israelis, permission for Red Cross visits to the prisoners both to confirm their identities and to ascertain their condition, and commitment to a speedy timetable for full exchange of all prisoners.

Further delay in resolving the prisoner issue can serve only to prolong and increase the tensions between nations in the troubled Middle East. The time for reconciliation and movement toward a lasting and fair peace is ripe, but a demonstration of good faith clearly is needed to establish a firm basis for negotiations. Use of POW's as a lever in negotiations is inhuman. The United States must make resolution of this issue a matter of urgent priority.

THE UNITED STATES AND CHILE— A COMMON SORROW

(Mr. REES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. REES. Mr. Speaker, for the past 5 years I have been under the impression that the United States had no foreign policy toward Latin America. I have been wrong. We do have a policy—albeit a negative and destructive one—but we do have a foreign policy.

The policy can be described as one of friendship to right wing military dictatorships which are dedicated to the protection of U.S. business in their countries. While there is certainly nothing wrong with the United States attempting to understand the point of view of American business abroad, our policy seems to be one of slavish devotion to U.S. business interest in Latin America, whether or not a specific business enterprise is right or wrong, whether or not that business operates within the framework or laws of the host country.

It is this inflexible policy that businesses in trouble manipulate and hide behind when they have disagreements with their host country. "Be kind to us or we will bring the full force of the U.S. Government down upon you and bankrupt you" is their message, and nowhere is this more evident than in the recent tragic events in Chile.

From the time of the election of Marxist Salvadore Allende until the recent military takeover of this once free country, the United States, by its inaction, by its negative approach, aided in the ruin of Chile's economy. Consistently we refused them loans from the Export-Import Bank. Consistently we were able to veto loans from the World Bank and the Inter-American Development Bank. We were uncooperative toward efforts to restructure Chile's external debt.

Was our policy dictated by the expropriation of U.S. copper interests in Chile? If so, can we blame the Allende administration? The takeover of the copper companies was accomplished by a unanimous vote of the Chilean Parliament—a vote representing all parties in Chile, right, left, and center.

Or are we pulling chestnuts out of the fire on behalf of ITT—a company whose questionable activities in internal Chilean politics certainly justified seizure?

I will agree that Chile was in obvious economic trouble. I feel that the Marxist government did mismanage the economy. Their agricultural policy was a shambles. Aggressive takeovers of business and industry were damaging to the economy. As an American viewing the situation from the outside, I might disagree with their policies. But their Government was elected by the people of Chile, and those Government officials I met were sincere in their desire to help their country.

And, if the United States had only been half as cooperative toward Chile as we have been toward the Soviet Union in recent years, the tragedy of economic chaos and military takeover might not have occurred. How, on the one hand, can we burden our own citizens with a bill running into the hundreds of millions of dollars for the Soviet wheat deal, and, at the same time, shut off Chile the way we did?

It seems that our foreign policy supports elective democracies if they agree with us, but encourages their overthrow if they disagree with us. It is ironic that we funnel millions of dollars in foreign aid and instruct our representatives to vote for loans through the multinational banks to Brazil, a country which has a GNP increase of over 10 percent a year, which is the richest economy in Latin America, and a country which is ruled by a repressive rightwing military dictatorship. It is also ironic that now that the military has seized Chile we are giving that country credits to purchase wheat and are discussing other bounties.

It appears that the military in Chile is following a repressive policy—ideas are being suppressed, books are being burned, and the fate of thousands of political prisoners is in doubt. I wonder if the long tradition of Chilean democracy will be allowed to survive.

Perhaps one of the results of the coup will be that Marxist/Socialist Parties throughout the world will reject the ballot box as the testing ground of their ideology. The world's first elected Marxist government fell to the fate of a military takeover. Will the example of Chile be a message to other such Marxist political movements that democracy and its structure must first be destroyed for Marxism to survive? I hope not.

I would like to include with my remarks two articles from the Progressive magazine: The first, "Chile: The Lesson," by Laurence Stern of the Washington Post; and the second, "Requiem for Don Quixote," by Columnist Murray Kempton:

CHILE: THE LESSON

(By Laurence Stern)

With a perverse obstinacy, the United States has once again asserted itself as the most powerful radicalizing political force in Latin America. This is the underlying lesson of the tragedy in Chile, a lesson that is reverberating through the hemisphere.

Salvadore Allende was elected in 1970 as the leader of a volatile coalition of Socialist and Communist parties. He was committed by platform and personal conviction to the Chileanization and socialization of his country's economy. But he also wanted to preserve constitutional democracy in a country with strongly ingrained constitutional traditions. Like Fidel Castro he was a child of the middle class. Unlike Castro he steadfastly resisted the path toward change through revolutionary violence.

Long before he came to power, Allende was the target of hostile U.S. governmental and corporate policies. In 1964, the United States conducted a massive, covert campaign—in which the Central Intelligence Agency played a major role—in behalf of Allende's opponent, Christian Democrat Eduardo Frei. A second attempt at intercession in 1970 by the CIA and the International Telephone and Telegraph Company is now a matter of well-documented record, thanks to columnist Jack Anderson and Senator Frank Church, the Idaho Democrat who heads the Senate Foreign Relations Committee's investigation of multinational corporations.

The Nixon Administration's official view toward Allende—a sort of Latin American Domino Theory—was propounded by Henry Kissinger at a White House backgrounder for Middle Western editors on September 16, 1970:

"Now it is fairly easy for one to predict that if Allende wins," said Kissinger, "there is a good chance that he will establish over a period of years some sort of Communist government. In that case you would have one not on an island off the coast which has not a traditional relationship and impact on Latin America, but in a major Latin American country you would have a Communist government, joining, for example, Argentina, which is already deeply divided, along a long frontier, joining Peru, which has already been heading in directions that have been difficult to deal with, and joining Bolivia, which has also gone in a more leftist, anti-U.S. direction, even without any of these developments. So I don't think we should delude ourselves that an Allende takeover in Chile would not present massive problems for us, and for democratic forces and for pro-U.S. forces in Latin America, and indeed to the whole Western Hemisphere . . . It is one of those situations which is not too happy for American interests."

Kissinger conceded that the American capacity to influence the events in Chile was small at that point. (Allende had already won the popular election plurality, but faced a run-off election in Congress, and in that respect he was right.)

But the events of the past month have provided a cruel and ironic twist to his prediction of Chile's future course. In the thirty-three months of Allende's tenure as President, all of Chile's parties survived, a free press continued to flourish, and Allende never succumbed to the strong temptations to suspend constitutional government. In 1971 Castro reportedly advised Allende to tighten the reins of executive power against the anti-government demonstrations organized by the opposing parties. Allende refused.

Yet within two weeks after the junta took over in Santiago the Marxist parties were outlawed and other parties "recessed"; labor unions were suppressed; books were put to the torch; thousands of Allende loyalists were arrested and untold numbers were killed throughout the country; aliens were rounded up for deportation—some to homelands in which they faced certain imprisonment or death; the press was muzzled, and normal constitutional process was suspended. This is precisely the fate that was to overtake Chile after Allende's accession to power in the misguided view of those who opposed his election.

For all of Kissinger's vaunted rationalism in matters of great power relations his recorded opinions on Third World realities have been consistently disastrous whether they pertained to Bangladesh, Cuba, Nguyen Van Thieu, or Salvadore Allende. It is apparently Kissinger's view that Third World events should always tilt toward the interests of great-power diplomacy. The falling domino approach to Latin America is no more plausible than was the Domino Theory of the 1950s and 1960s as it applied to Southeast Asia. The specter of Vietnamese Communists storming Laguna Beach is no more hallucinogenic than the prospect of Chilean Communists pouring through the Alamo.

The Cuban Communists have tended to view Allende in gently disdainful terms as a Quixotic sort of Marxist with an impossible dream of building socialism from a matrix of bourgeois constitutionalism. That is the rock-ribbed Marxist-Leninist view, which the Cubans acquired in the international school of hard knocks. And it seemed almost to be an objective of American foreign policy to confirm Castro's judgment that constitutional socialism in the Western Hemisphere could not survive subversion from within and without.

The question of whether the United States participated directly in the military coup in Santiago seems a pointless one. We know that planning for the coup began in the fall of 1972—long before the economic and political upheavals of this past summer that supposedly served as a pretext. "We would have acted even if Allende had called a plebiscite or reached a compromise with the political opposition," a Chilean officer deeply involved in the plot told American corresponents. We know, too, that the CIA had advance information that the coup would take place.

The sources of financing for the truck owners' strike, a severe blow to the domestic economy, are still a mystery. The "pots and pans'" demonstration by middleclass housewives in Santiago against Allende was strikingly similar to the 1963 "pots and pans" demonstrations in Sao Paulo, Brazil, which preceded the junta coup agaisnt the Goulart government. The speculation goes on, but the conclusive evidence is absent.

What did happen is that the United States conducted unrelenting economic warfare against the Allende government through the international lending organizations, through the U.S. Export-Import Bank, through the aid program, and through the private actions of the American corporate community in Chile. It was an open strategy that was virtually acknowledged by President Nixon. On January 19, 1972, the President announced that the United States will "withhold its support from loans under consideration in multilateral development banks" when foreign countries expropriate American holdings without swift and adequate compensation.

What President Nixon did not say was that the economic squeeze against Chile had already begun. It began, in fact, months before the Allende government had made its basic decisions on the terms of expropriation for the copper companies. A credit blockade had been mounted against Chile by early 1971. The participants were the Inter-American Development Bank (where the United States exercises a *de facto* veto over loans), the World Bank, and the Ex-Im Bank.

The vote to expropriate the American-owned copper companies was taken unanimously in the legislature in July 1971. It is important to remember that the decision was supported by *all* the major Chilean parties on the right, left, and center—reflecting, it would seem, the mass consensus.

Expropriation is recognized under international law so long as fair terms of compensation are reached between the contending parties. But the squeeze was on while the Chileans were still deliberating on the terms of compensation, a policy that was not decided on until October 1971. The terms, while certainly onerous to the expropriated corporations, were consistent with international law: The Chileans found that the firms had extracted more than enough in excess profits to compensate them for the loss of their properties.

In the interim, the Ex-Im Bank denied Chile's request for $21 million in credit to finance purchase of three Boeing passenger jets by LAN-Chile, the government airline. By August the Allende government was notified that it would no longer be eligible for new Ex-Im loans, that existing loan guarantees to U.S. banks and exporting businesses would be terminated, and that disbursements would be cut off for direct loans that had been previously negotiated by the Frei government. (The international lending community had been as generous with Frei as it was penurious with Allende.)

In that same period, the Inter-American Development Bank turned down a $30 million loan application for development of a petrochemical center that had been approved at the technical staff level. The project came to a halt after the Bank's American director protested sending a technical mission to Chile for further implementing the plan. With the exception of small loans to two universities, a credit quarantine was drawn around Chile by the IADB.

The World Bank followed the same course. Its president, Robert S. McNamara, used the "poor credit risk" argument to explain the sudden ineligibility of Chile. "The primary condition for banking lending—a soundly managed economy with a clear potential for utilizing additional funds—has not been met. The Chilean economy is in severe difficulty," said McNamara. It was perhaps a coincidence that the last two World Bank loans to Chile for $30 million were made prior to the election of Allende in 1970.

The private banks and the private companies pursued a complementary policy of heavy economic pressure against the increasingly battered Chilean economy. And it was the sworn testimony of the CIA's former chief of clandestine services for Latin America, William V. Broe, that this policy was also being promoted by the agency with the sanction of the National Security Council, chaired by Henry Kissinger.

Was there not an alternative American policy to the one that was actively and successfully pursued against Allende? It takes no great leap of the imagination to suggest that there was.

Allende was freely elected on a public platform that called for collectivization of important segments of the Chilean economy. But his brand of socialism was considerably more restrained than the political and economic structure of the Soviet Union or China, with which the Administration was ardently pursuing detente.

Allende was seeking to operate within a framework of international law and arbitration in negotiating terms of compensation for the copper companies. It might have been wiser for Washington to have encouraged active negotiation rather than to become the state bargaining agent for the companies. It might have been more prudent to have continued Chile's credit lines and development programs as a means of moderating the drift toward alienation and chaos.

The record of the ITT hearings revealed that Chile was still bargaining in good faith with ITT while executives of the multinational company were trying to promote acts and policies of sabotage against Allende's government. One can, perhaps, imagine the consternation of President Nixon if a similar corporate-government scheme to subvert his Administration were discovered in the files of British Petroleum, Royal Dutch Shell, or the Sony Corporation of Japan.

Allende's democratic road to socialism has been permanently detoured by the junta in Santiago and the economic bulldozer in Washington. The only surviving model of government that has determined its own economic course in Latin America—free from U.S. influence—is the one based in Havana.

As one European scholar told *Time* magazine, "The danger now is that people in Latin America will take the fall of Allende as proof that democracy and socialism cannot be combined. To me, this is nonsense, because the so-called 'Allende experiment' had never really begun."

Thanks to the domino mythology in Washington, the Cubans have had to pay a heavy price for their revolution—economic vassalage to the Soviet Union and, perhaps, the surrender of traditional (albeit "bourgeois") freedoms.

Allende, who sought to establish an alternative example, paid a far dearer price, and the people of Chile are likely to keep on paying for a long time to come. And what is it that we might surmise they—and all Latin Americans—will have learned from all this?

REQUIEM FOR DON QUIXOTE

(By Murray Kempton)

I had not known until he was extinguished how much I had wanted Salvador Allende somehow to survive as President of Chile. Alive, Allende was easy to make fun of. He was not a practical man. He had two weaknesses: He was an almost fanatical believer in socialism; and by comparison with most politicians, he was an almost fanatical believer in liberty. The conviction that liberty and socialism are incompatible has been proclaimed by pretty much every collective of practical men from the Committee to Re-elect the President to the Central Committee of the Communist Party of the People's Republic of China.

And it has been the policy of every enduring Communist government to preserve its ideals by silencing every voice that may be raised against them. That was not Allende's policy; he scolded his opponents, but it never seems to have occurred to him that it might be more sensible just to try and suppress them and work out his dreams in comfort. He has been thrown down now by men who know better: His successors scold; but they also shoot. His was a life of unlikely dreams, but great honor in their pursuit. He began as a public health doctor. He went on to the Senate, where he seems to have been a moving force behind whatever laws Chile passed for the improvement of the condition of its poor. He probably thought himself an atheist; yet the only institution in the new Chile that has dared publicly mourn him has been the Catholic Church. But then professions that care more for healing than for dominating may have a fraternity that transcends a lot of quarrels about doctrine.

Allende's government was, I suppose, incoherent. It could have been coherent; he could have put his opponents in jail if he had been tricky enough, and we would have heard no voice from Chile except his own and that of his lackeys. He would have proved that he could rule; and in a few years, since practical men have their fraternity too, he might have been sitting down with some Henry Kissinger or another.

But now he is dead. Last June he was interviewed by John Wallach, an American reporter. He wondered aloud whether, since he still had most of the army, whether it might not be politic to plunge Chile into civil war. He said he thought he might win, but that was not the problem.

"The problem is the country . . . [civil war] would destroy the entire social fabric: there would be fathers on one side and sons against us, or sons with us and their fathers against us."

And now his enemies are assured that they have rescued Chile's tradition of liberty from this man who preferred to risk losing rather than suspend liberty for his own convenience. But then practical men have learned to weep for Don Quixote only at the movies.

CONGRESS SHOULD JUDGE IMPEACHMENT ON FACTS

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HILLIS. Mr. Speaker, the investigation of those incidents arising out of the Presidential campaign activities of 1972 combined with those incidents leading to the firing of Special Prosecutor Cox and the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus, have culminated with intense though varied reactions from the American people. Cries of impeachment can be heard as well as cries of no wrongdoing. The complexity of these events and the reaction to these events underscore the need for caution. It is of the utmost importance at this time that the Members of Congress maintain open minds. The Congress must take a broad look at these incidents in order to properly assess their value. Judgments must be made on facts.

Impeachment is a grave undertaking. The question to be asked is has the President broken any law or taken any illegal action which would justify or call for impeachment proceedings. In my opinion, the answer is "No." There are no facts available at this time upon which to base impeachment proceedings against President Nixon. The President has released the Watergate conversation tapes to Judge John J. Sirica for judicial review. The President and the Department of Justice have, with qualifications, pledged their intent to continue the investigation begun by Cox.

It is my firm belief that this is a matter which should be subject to judicial proceedings. It is also my belief that we owe it to our Nation to get at the facts—to continue investigations which will sort out the facts and lead to the indictment of parties subject to question. For this reason I have cosponsored legislation which would create a special prosecutor who would be appointed by the President who would be required to select the appointee from among names submitted to him by five national legal associations. The President's appointee would then require approval by the Senate. Under this legislation, the special prosecutor would be given full authority to carry out his duties of investigating those incidents arising out of the Presidential campaign activities pertaining to the election in 1972. This bill further establishes that the special prosecutor could be removed from office by the President only for good cause as established by the Civil Service Commission after extensive hearings have been held.

It is my belief that this legislation addresses itself to those serious constitutional questions which have been raised in response to legislation directing the U.S. district court to appoint a new prosecutor. Furthermore, this legislation will allow the independent prosecutor enough flexibility and strength to carry out his duties properly. Enactment of legislation of this nature will serve to bring out the facts and aid in reestablishing, through thorough investigation, the confidence of the American people in their Government. I urge the Congress to address itself to this legislation without delay.

EMIGRATION FROM THE SOVIET UNION

(Mr. BELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BELL. Mr. Speaker, I deem it important to participate in this on-going vigil on behalf of individuals in the Soviet Union, of whatever nationality and religion, who are not free to emigrate.

Although there has been some relaxation of emigration practices within the last 2 years, emigration from the Soviet Union continues to be a trickle compared with the numbers who want to emigrate but are denied this universal human right.

Thirty-nine-year-old Zinovi Melamed and 26-year-old Aleksander Feldman, both from Kiev, are two of four Jewish activists who, together with Soroko and Tartakovsky, are referred to as the Kiev 4.

They are activists because they refuse to be silent about the lack of freedom for Jewish cultural and religious expression.

They are activists because they have dared to protest against the Soviet Union's repressive emigration policy.

For 2 years Feldman, a bachelor, and the Melamed family of four have been denied emigration permits to Israel.

Both men have lost their jobs: Melamed, a construction engineer, now teaches Hebrew, a marginal occupation.

His wife Raisa, a mathematician, still employed, is now the chief support of this family.

But Feldman, a construction worker, has been caught in a vicious circle of being fired from a job when his employers are notified that he has applied for an exit visa.

Then, as an unemployed worker, he is liable to be tried as a parasite.

The activities of this pair have been peaceful and law abiding.

They have written letters protesting unfair trials.

Melamed was 1 of 10 Kiev Jews who, in September 1972, signed a letter denouncing the education-emigration tax.

They attended meetings commemorating tragic events in Jewish history.

Yet, in 1973 these sensitive, concerned men were detained in a cell which housed criminal offenders.

It is feared that they are targets for a future trial.

Mr. Speaker, this vigil expresses our concern for Soviet citizens who are not free to emigrate.

Passage of the Mills-Vanik bill will prove our firm commitment to the principle of free emigration for all people.

CONFIRMING OF VICE PRESIDENT

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUPPE. Mr. Speaker, the events of the past week have underscored the absolute necessity of confirming the Vice-President-designate, Gerald R. Ford. The Constitution now provides for the selection of a new Vice President in the event of a vacancy. We have a duty to the Constitution and to the people to act promptly on the President's nomination. Any delay in the process of confirmation will, unfortunately, be perceived as serving narrow partisan ends. Clearly, the state of our Nation cries out against even the appearance of such partisanship.

Gerald R. Ford enjoys an outstanding reputation as an individual, as a legislator, and as a political leader. While I am concerned that confirmation hearings are not yet underway, I laud the decision by the Senate Rules Committee to begin hearings later this week, and I urge the House Judiciary Committee to follow suit.

PROLIFERATION OF BUREAUCRACY

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, the larger our Government becomes here in Washington, with its constant proliferation of bureaus, and divisions, and sections ad infinitum, always followed by steps to cut back, the more I am reminded of a humorous story that had its origin in Russia, but is universal in its application. The story goes:

A community in the Ukraine had constructed a bridge over a stream that ran through the town. "If there is a bridge, there must be a watchman," reasoned the members of the town council. "But a watchman must have a salary." So the town council decided to get a treasurer and an accountant to supervise the salary payments. The watchman, the treasurer and the accountant obviously could not function without a supervisor to direct their activities. So the town council appointed an administrator. Now there was an "administration." An order came through to reduce personnel. So the town council discharged the watchman.

THE LATE HONORABLE FRANK SMALL, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. HOLT) is recognized for 60 minutes.

Mrs. HOLT. Mr. Speaker, I rise with sincere regret to comment on the death of a former Member of the House of Representatives, the Honorable Frank Small, Jr.

Mr. Small passed away last Thursday at 77 years of age. He served in the House during the 83d Congress, and until his death he was the president of the Equitable Trust Bank in Clinton, Md.

Mr. Small was born on a farm in Temple Hills, Md., and was educated in the Prince Georges County school system. His public career began in 1927 when he served as a member of the Maryland House of Delegates. In addition to serving in Congress and the State legislature, his public service included membership on the county board of commissioners and the Maryland Racing Commission, and a term as Maryland Commissioner of Motor Vehicles.

Frank Small epitomized the traditional American virtues of independence, hard work, and a devotion to individual liberty. Throughout his rise from the farm to high elected office, he never wavered in his commitment to these ideals, nor did he ever lose touch with his humble origins. The magnitude of his generosity is known only by Mr. Small, but there is no doubt that he freely shared with those who were in need.

Mr. Speaker, I had great admiration for Mr. Small. He was my friend and a wise counselor; he will be deeply missed by all who knew him.

DR. FRANZ JOSEF STRAUSS WARNS UNITED STATES ON DÉTENTE WITH RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TREEN) is recognized for 10 minutes.

Mr. TREEN. Mr. Speaker, I recently had the privilege to meet with Dr. Franz Josef Strauss during his visit to the United States. Dr. Strauss is the leader of Germany's political party, the Christian Socialist Union—CSU. He has been a member of the German Bundestag since 1948 and he has held various important posts in the German Government, including Federal Defense Minister and Minister of Finance.

During his recent visit, Dr. Strauss met with congressional leaders and administration officials, including Secretary of State Kissinger. The purpose of this visit was a tete-a-tete exchange of ideas, concerning the current problems facing the United States and its Western European allies—particularly Germany—with respect to the Soviet Union and the Warsaw Pact countries.

Mr. Speaker, I found Mr. Strauss' visit most informative because we all tend to forget, in this era of "détente," that the interests of the Soviet Union and the United States vis-a-vis Europe continue to conflict. Whereas it is in our interest to maintain a strong, united, and independent Western Europe, the Soviets would much rather have that area weak and divided. This conflict of interest does not mean that East and West cannot cooperate with each other, when it is in their interest to do so. What this does mean, however, is that the United States must maintain a position of strength from which to negotiate. It also means that the United States and its allies must be capable of meeting any threat of aggression.

Now I know that there are those who argue that such a strategy must lead to confrontation. But I do not believe that the Soviet drive to reach military parity with the United States has inhibited our willingness to negotiate with them. To the contrary, I contend that it has provided us with the incentive to negotiate with them.

Mr. Speaker, I found Dr. Strauss' visit to the United States most informative because he is clearly a man who has a broad grasp of power political relationships and he is aware that we cannot allow wishful thinking and chimerical expectations to cloud our judgment of prevailing realities.

The meeting with Dr. Strauss was not a summit meeting; it was not even an official visit. Nevertheless, it presented us with the opportunity to exchange views with each other on an informal basis. Thus we had the opportunity to provide each other with a better understanding of the national problems confronting our nations.

Two columnists, Mr. Frank Van Der Linden, and Mr. Allan Brownfeld, have written about Dr. Strauss' visit and I would like to take this opportunity to recommend these columns, which I am enclosing for the RECORD, to my colleagues.

REMARKS BY FRANK VAN DER LINDEN

WASHINGTON.—The fraternal smiles of Henry Kissinger and Leonid Brezhnev may signal a Middle East cease-fire, detente between Moscow and Washington, and the tempting lure of big profits for American investors in Siberian oil and gas deals, but they spell "DANGER" in capital letters to Franz Josef Strauss, West Germany's former Minister of Defense.

Strauss, the brilliant, stubborn Bavarian who heads the Christian Social Union party, has been in Washington for the past few days, warning high Administration officials and congressional leaders that the Russians are using smiles instead of missiles to pursue their same old goal, a dominant influence over Europe.

He has sounded his warnings to Secretary of State Kissinger, Defense Secretary Schlesinger, Treasury Secretary Shultz, and almost anyone else who will listen to a hard-line anti-Nazi who distrusts the Communists, as well as all shades of Socialists.

Strauss and Kissinger—Bavaria's most successful native son—have a long-standing agreement to exchange views wherever they are. When Strauss held high rank in the Bonn government, he listened to Kissinger, then a Harvard professor; now the wheel of fortune has put Kissinger at the pinnacle of power and Strauss is a biting critic of West Germany's Chancellor Willy Brandt.

"I do not say Brandt wants Communism for Germany," Strauss told a Washington audience. "I do not say Brandt wants the neutralization of West Germany." Strauss does charge that the left-wing forces, especially among the young people, are pushing West Germany inexorably away from its alliance with the United States and towards a "Socialist Europe," and Brandt "is too weak to resist them."

"We are not afraid of a Communist revolution but of a slow process in which West Germany will shift into the power sphere of the Soviet Union," Strauss said. "The end of the journey would mean the destruction and dissolution of NATO."

Now that Communist East Germany has been admitted into the United Nations, he said, the next step in the plan for superior Soviet influence in Europe calls for the withdrawal of troops on both sides of the Iron Curtain. Strauss conceded that the 300,000 American servicemen in Europe must be reduced, if only by the pressure of public opinion back home.

But he cautioned that a one-for-one pullback of American and Warsaw Pact troops would not really be a "balanced" reduction because "the Americans would go four thousand miles away," and probably never return to Germany, while the Communists would go only a few hundred miles and could be brought back quickly. "If the nuclear deterrent is withdrawn with the Americans," Strauss added, "we would be helpless."

The final step in the Moscow plan, in his view, would be the dissolution of both the Atlantic Alliance and the Warsaw Pact. But the Communist states would maintain their structure, without a formal pact, and so West Germany, probably followed by France, Italy, the Netherlands, and Scandinavian countries, would gradually slide into Moscow's orbit, just where Finland is, without a shot being fired.

Thus, in Strauss' opinion, the Soviets would gain their goal of preventing a Western European Union, and winning "a neutralized Europe without a military self-defense capability, not by raising their fists in threats but by the smiles of detente."

Brezhnev, he wise-cracked, must have a permanent smile after eight days of smiling in Germany and eight more days of smiling with Nixon last June. "I'll bet his face needed medical treatment," the burly Bavarian quipped.

So, this is Strauss' message to Americans: Don't trust the Soviet boss, the author of the Brezhnev Doctrine of Moscow's right to interfere with any "Socialist" state that gets out of line. "We would be suicidal to think the Soviets have changed their aims," the German student of history said. "They have merely changed their strategy."

A WARNING ABOUT THE DANGER TO THE ATLANTIC ALLIANCE

(By Allan C. Brownfeld)

West German leader Franz Josef Strauss, formerly Minister of Finance and Defense and now a key figure in the Christian opposition in the Bundestag, paid a visit to Washington recently and spoke to some of our national legislators and Administration officials. He came at a time when the Soviet presence in the Middle East had, at least for a moment, stilled the more euphoric "detente" rhetoric, and in which a new opportunity for a consideration of the Soviet Union's real goals had, as a result, presented itself.

Dr. Strauss noted that, "We are worried.

We think that a process of erosion in the Atlantic Alliance is under way, and will be dangerous to both of us. What worries us within Germany is not the possibility of Communist revolution but, instead, the slow shift of West Germany into the power sphere of the U.S.S.R., brought about by the enticing rhetoric of detente."

The chief adviser to West German Chancelor Willy Brandt, Egon Bahr, has a four part plan for the neutralization of West Germany which was highlighted in a recent article in Orbis magazine, relating a conversation Bahr had participated in several years ago.

First, comes the signing of a treaty renouncing the use of force, which also means the recognition of the legitimacy of the division of Germany and the Communist domination of Eastern Europe. Second, is the de jure recognition of East Germany. Third, is the withdrawal of troops from both sides and fourth is the dissolution of both NATO and the Warsaw Pact.

Dr. Strauss noted that the renunciation of force and the recognition of East Germany have already been realized and that talks are now being held concerning mutual force reductions. The talks are labeled "Mutual Balanced Force Reduction" talks—MBFR. What the "B" means, states Strauss, is difficult to tell—"It is often lost in the higher phraseology of the detente spirit." What it may well mean is the withdrawal of American troops thousands of miles across the Atlantic, and the withdrawal of Soviet troops less than a thousand miles to the Russian border. It would not be much of a bargain—for the West.

Does German Chancellor Brandt really seek the neutralization of West Germany? Dr. Strauss notes that, "I don't say that Brandt wants neutralization for I cannot verify that. But elements of his Social Democratic Party are pushing very hard in that direction. What Brandt does want is to stay on top."

Have the Soviets really changed, as many Americans tend to believe, and are such fears on the part of Dr. Strauss really only relics of a Cold War outlook which is now irrelevant? To this common charge, Dr. Strauss has a ready reply: "It would be suicidal to think that the Soviets have changed their aims. They have only changed their strategy. For them, the strategy of conflict is over and the strategy of embracement has begun. Faced with a conflict strategy, we knew better than to fall asleep. Now, with the era of detente, the Communists have a permanent smile. This is very difficult for them, and even more difficult for us to react to. They have, with their policy of rhetorical conciliation, destroyed the moral prerequisites for Western defense."

The Soviet aim, Strauss points out, is to keep Soviet troops in Hungary, Soviet missiles in Europe, and the U.S. on its own side of the Atlantic. "If the Soviets succeed in these goals," he told his audience," they have achieved their aim: a neutralized Europe without unity or an ability to defend itself."

While the Soviets continue to repress their own citizens, and fuel a new Middle East war, only one country in the world gives us a warning about what the Russians really have in mind. That country, Strauss declared, is China. The Chinese know Russian aims well enough, it seems, for those aims of world revolution and domination are the ones they share as Communists. Their major disagreement is not over ends, or even means, but over which Communist Party will dominate.

The only answer, Dr. Strauss believes, is a united Europe as a part of a firm Atlantic Alliance with the U.S. It is clear that those who urge a hasty withdrawal of American troops from Europe, and a cut in defense spending, together with one-sided concessions at the SALT II and MDFR talks, and who believe in the detente rhetoric of the Soviets, are being used by the Communists for their own purposes.

It is too bad that there are not more men such as Franz Josef Strauss traveling the world to awaken us to the real dangers we face. His contribution, however, is notable—but it is notable only if we listen and heed his wise words.

CONGRESS MUST ENACT BUDGET REFORM AND REVENUE CONTROL PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, the time has come for the Congress to match its words with deeds.

When one examines the spiraling rate of increase in the public debt ceiling—and when one further examines the volume of expenditures being authorized by the Congress, which collectively constitute the need for continuing debt-ceiling increases—the need is apparent for this assemblage to come to grips—immediately and effectively—with the causes of our concerns.

If there is any single issue on which the actions of the Congress must be brought into line with its words, it is this subject of virtually uncontrolled Government expenditures in practically every field of human endeavor—sapping the vitality of the free enterprise system, interfering with the mechanisms of the free market economy, and jeopardizing the political freedoms which cannot exist without economic freedom.

We cannot stand in the well of this chamber and urge an end to excessive total Federal spending, yet vote for increases—general or selective—in the levels of authorization or appropriation over and above the capabilities of Federal revenues to meet those levels.

We cannot stand in the well of this Chamber and urge an end to excessive inflation, yet vote for increases in Government expenditures which can be met only through additional borrowing or through additional printing of money—either and both of which add to the causes of inflation.

We cannot stand in the well of this Chamber and urge particular demands of various "fiscal constituencies" be met, yet ignore the conclusion that collectively the meeting of those special constituency demands will result in unlimited Federal spending.

We cannot stand in the well of this Chamber and urge the private and independent—volunteer—sectors of the economy meet their fair share of the burden of helping eradicate social and economic ills, yet enact revenue-raising legislation which takes from them their capabilities of bearing the financial burdens of such assumptions of responsibility.

We cannot stand in the well of this Chamber and urge States, municipalities, and counties assume their full share of governmental responsibility, yet take from them available tax bases from which must come the funds for assuming those full shares of responsibility.

We cannot stand in the well of this Chamber and urge remedial action on this urgent problem without first realizing that its ultimate resolution lies not only in the will of the Congress, as the first branch of Government, to assume its proper and full constitutional roles with respect to the purse, but also in the issue being joined head on through a comprehensive, fully interrelated program effort. Piecemeal efforts to first attack the problem here, then again there, will not resolve this matter. Only through a unified and unidirected effort will we be able to adequatly meet this problem and resolve it. It will require a great degree of personal courage of convictions among the Members of this branch. But we need keep only one thing in mind to inspire us to rise to meet this challenge: If we fail in it, we invite the collapse of our monetary and economic systems and, ultimately, of the ability of Government to discharge its responsibilities.

PREMISES FOR ACTION

The difficulty of the search for a solution to the problem is accentuated by the arduous task of finding mechanisms which will operate to impose self-restraints on the proclivities of many elected officials to propose Government solutions—as the initial solutions—to virtually all problems. One would be telling less than the whole truth if one did not recognize that some political leaders are prone to rush forward with proposed Government solutions without exercising caution and timely restraint by first pursuing alternative problem-solving devices—using Government intervention as the last resort and only for those ills which cannot be otherwise arighted. One need not conjure up the imagery of a 19th century Thomas Nast cartoon—that "taxes are politicians' food"—to come to the conclusion that part of the problem does lie inherent in the appeals for popular recognition and acceptance which are believed to come, most easily, through proposing to the voters immediate solutions to immediate problems without regard to the long-range consequences.

Second, we must recognize—and there is good health to be added to the economy by so doing—that Government regulation, no matter how well-intentioned or how well-conceived, inevitably produces more maladjustments within our society and economy that it resolves. Our Nation has had its 40-year experiment with reliance on Government to solve our Nation's problems; that experiment has now begun to produce conclusive proof that a free society—unfettered by Government regulation, restraint, and coercion—is a better, and preferable, problem solver than Government. If there is anything which history in general, and the contemporary affairs of 20th-century America in particular, tells us it is this: That symptom-fighting solutions are inherently self-defeating in a complex, interrelated economic and political structure, for there are unforeseen secondary and tertiary effects from all Government actions. Problems do not disappear through

Government action; they merely become displaced.

Third, Government spending—and the raising of revenue requisite to that spending—must have a ceiling beyond which it invites either or both the collapse of the economic strength of the Nation or freedom. Because Government works with numbers which are beyond normal human comprehension—who can adequately contemplate the size of 1 billion of anything—because it sees a broad scope of issues, because it has not yet reached the breaking point, the Congress finds it hard to impose self-restraints on the levels of its own authorizations and appropriations. Yet everyone, even the most casual observers, knows that Government has a voracious appetite for the people's earnings.

The statistics prove the tendencies of Government to siphon off ever greater shares of the people's income for itself, yet that casual observer to whom I have referred knows that all—I repeat, all—income of Government must ultimately come from the people themselves through personal income taxes, through corporate income taxes passed on to the consumers in the form of higher costs, through excise taxes and user charges, et cetera.

Government must realize that it cannot indefinitely tax the people at constantly increasing levels without destroying the people's ability to support themselves and their families. In the end they will wind up defenseless, at the mercy of a vast special-interest-oriented Government bureaucracy they unwittingly helped to create, a bureaucracy which perpetuates itself through the consumption of the people's livelihood.

As the distinguished Governor of California, Mr. Reagan, stated in a message of March 12, 1973, submitted to the legislature of that State:

> If we as Americans allow that trend (government keeping a greater share of people's earnings) to continue, it is only a matter of time before we'll have nothing of our earnings to spend for ourselves. The spectre of such utter dependence on government should be frightening to every citizen who values our traditional values of self-reliance and our productive free enterprise way of life.

We must now exercise an opportunity, as the repository of the faith of the people, to come to grips with this national crisis.

CONGRESS AND BUDGET REFORM

The Congress has not done its fair share of the job of maintaining a growing economy, halting inflation, keeping the budget under control, establishing national priorities in a consistent pattern. Why? It could very well be, and I believe that it is, that the Congress does not now have the machinery with which to deal with these problems. Of what do I speak?

Of the four identifiable phases in the budget process, three are presently in need of conscious overhaul—budget execution and control, review and audit, and authorization and appropriation. The Congress has abdicated—and I use that word advisedly—its authority because it has lacked the technical machinery with which to use its constitutional powers of the purse.

The top priority of the Congress, therefore, ought to be to develop the vehicle itself—the vehicle which will allow us to get a handle on the budget, to view it as a totality, to establish a ceiling—which can also be done through a mechanism.

I have introduced legislation, as have others in this body, which will help meet the challenge to the Congress "to reform its own fragmented and piecemeal approach to budgetmaking." The bill, originated in the Senate by Senator WILLIAM E. BROCK III, of Tennessee, would establish this machinery. On February 8 of this year, at the beginning of this Congress, I stressed the need for such action:

> Our bill would require not only Congress as a body, but each individual member, to face up to his duty to curb spending and stop the steady erosion of budgetary power to the executive branch.
>
> The bill covers five major points:
>
> First. Designate a joint congressional committee to formulate legislative budget and evaluate the federal budget in terms of priorities.
>
> Second. Require the projection of all major expenditures over a 5-year period.
>
> Third. Require all major spending programs to be evaluated at least once every 3 years.
>
> Fourth. Require consideration of pilot testing of proposed major Federal programs.
>
> Fifth. Require all Federal expenditure programs to be appropriated annually by Congress.
>
> I know that other legislation addressing itself to these same areas of concern will be under consideration during this session. They must be acted upon promptly.
>
> * * * an equally important area of concern is the establishment of methods and standards by which the costs of new and old Federal programs can be measured against their effectiveness or value to the taxpayers.
>
> * * * * *
>
> Unless we can develop some way to measure effectiveness of Government programs, programs and costs will continue to be determined by special interests, emotions, and ideologies. Congress must make provision to have access to information from the various elements of the executive branch for which Congress is responsible, and unless the legislative branch can effectively oversee and review the results of its own initiatives, it will remain impotent to effectively debate program cutbacks, reorganization, or national priorities with the White House.
>
> I have great faith in this body to improve its capacity to govern. We cannot function in some hoped for euphoria, nor can we disregard the real needs of the people. But a reduction in utopian rhetoric, a new sense of realism and understanding of what our institutions are capable of, real reform of the budget process, and a renewed understanding of the will of the people, should help put Congress back in the prevailing winds of the Nation.

On March 19 of this year, I took a special order, in which I was joined by a number of colleagues, to outline the powers of the Congress, yet the apparent lack of will within its leadership to assume fully our constitutional duties:

> Mr. Speaker, I have requested a special order today and have asked several of my colleagues to join me in special orders to dramatize the importance of the primary issue before this Congress: That is control of the Federal budget. No issue affects more Americans than the manner in which the Federal Government spends tax dollars. The onus of responsibility for facing fiscal reality is upon each of us. I am grateful that my colleagues are willing to participate in this effort to serve notice to other Members of Congress and to the American people, that the dual plagues of higher taxes and inflation are not inevitable.
>
> During recent weeks the furor has mounted over the administration's proposed budget, with its proponents describing it as a responsible and necessary effort to combat higher taxes and inflation and its critics citing it as an abject and callous disregard of Federal responsibility. In Congress the debate has often involved concern over supposed "usurpation" of congressional prerogatives by the executive branch. The fact that the administration has proposed the elimination or substantial modification of a vast number of categorical programs is taken as further evidence of this "usurpation."
>
> The simple truth is that over the years—and especially within the past decade—Congress has failed to exercise the kind of restraint which is necessary if the fiscal integrity of the Federal Government is to be upheld. We have opposed higher taxes, and we have deplored inflation. At the same time we have proceeded to create and enlarge an array of programs which has hugely increased Federal spending. And we have done so knowing full well—although we have seldom admitted it—that all of this increased spending had to result eventually in higher taxes or more inflation.
>
> Despite that reality, the Democratic leadership insists on bringing up legislation precipitiously and with great rapidity for no other reason than to frustrate the attempts by those of us on both sides of the aisle and in the administration who believe that Congress should not be considering these bills without first giving consideration to an overall spending ceiling and reform of the congressional budget process. The first 15 bills on which this Congress will be acting, if passed, would result in an estimated 5 percent tax increase to pay for them. And we see no legislation introduced that might provide the needed revenue. The reason is clear. Who here in this Congress, running for election in his home State last year, campaigned on a platform of higher taxes or more inflation? And yet now that the election is over and we are back in Washington, some Members seem determined to push ahead with the same kind of Federal spending which we know will mean higher taxes or more inflation or both.
>
> * * * * *
>
> Is it too much for the public to expect us to abandon our old ways—our assorted allegiances to pet programs and projects? A number of Members—on both sides of the aisle—have shown that we can and must face fiscal reality, that we can and must kick the habit and sacrifice self-interest in behalf of the Nation's good. The freshman Members of this Congress performed a valuable service by speaking, in a special order last week, of their and Congress responsibilities to act with fiscal responsibility. In the weeks and months ahead, in the votes on programs which we will be considering and, should it come to pass, on votes to override Presidential vetoes, let us hope that those advocating fiscal responsibilities will prevail. If we do not prevail, I fear we will witness more erosion of congressional influence. If we do prevail, however, it will be a significant step in returning the Congress in its proper role in the affairs of the Nation and assuring the people of this country that inflation and higher taxes can be avoided.

I urge this body—particularly the leadership of the committees to which have been referred bills to establish this vital machinery, to move to the highest priority the consideration of these measures.

REVENUE CONTROL AND TAX REDUCTION

Federal, State, and local tax collections have risen markedly, as percentages of national income, during the past half century. In 1929, such tax collections constituted 13 percent of total national income; by 1950, it had risen to 26 percent; by 1972, it had risen to 34 percent. The increase is even more dramatic when compared to total national personal income: 1930, 15 percent; 1950, 30 percent; and 1972, 43 percent. If present trends continue, by 1985, total Government's share of national personal income will have increased to 54 percent—54 cents out of every $1—more than half the people's earnings.

The question posed by these statistics is twofold: Where will it stop? How can we make it stop?

In my opinion, upon some extensive observations of political and economic history, the answer to the former lies in getting a handle on the latter. In other words, it will not stop, until a mechanism is devised to, first, stabilize, then eventually reduce—systematically—the ratio between Federal spending and gross national income.

No matter how hard this body must "bite the bullet" in determining that the present level of Federal spending must be the maximum at which we must stop, we simply must arrive at agreement on an absolute standard against which priorities for Federal expenditures can be established by this first branch of Government. As long as we adhere to the ever-flexible, no-ceiling way in which the Congress authorizes and appropriates moneys today, we will continue to feed, at the expense of the people, the insatiable appetite of Government for dollars. Theory? Philosophy of Government? Speculation? No. Fact. Federal internal revenue collections have risen in 32 years from $5.34 billion in 1940 to $209.8 billion in 1972—a staggering 3,858-percent increase.

The mechanism which has made the most sense to me, and to the eminent economists with whom I consult on these important matters, is the revenue control and tax reduction program first proposed on a State level by Governor Reagan in California. That program's aim is to control the size of Government spending and the tax rates necessary to raise revenues by placing a progressively lower ceiling on tax collections over a fixed period. The program would impose a constitutional limitation on the percentage of total personal income which the State will be permitted to take from the people in the years ahead, gradually reducing the percentage which taxation bears to income by 0.1 percent per annum over the next 15 years. As an illustration of the importance of adopting such an absolute standard, if present trends continued in California during the next 15 years, the rate would rise from its present 8.75 to 12.27 percent—nearly a 33-percent jump. Yet the plan still more than adequately provides for the State's revenue needs, for even while the tax rate is being reduced, gross revenues in the State will climb nearly three times. The plan also provides for emergencies upon a declaration by the State legislature by a two-thirds vote. In summary, the plan is a method not only to control taxes but to control the amount of money the State can spend as well.

This concept represents an idea whose time has come. It can be, with appropriate amendments to conform it to the Federal process, made applicable to the Federal Government. In close association with noted economists and tax experts I am now working on the preparation of both an amendment to the Constitution and an enabling statute which would carry a closely similar plan into operation on a Federal level. Such a measure will have many advantages.

First, it will mean the recognition, at last, that there is a limit on the level of income which Government can take from the people.

Second, it will mean a recognition by this body that it must assert positive and conscious fiscal leadership for the Nation.

Third, it will enable the Congress to determine how much money can be expended by the Federal Government within a fiscal year, thereby establishing according to meaningful criteria, the priorities among the myriad of spending proposals.

Fourth, it will enable the Congress to exercise more fully its power over the purse.

Fifth, it will enable the Congress to exercise that power of the purse in a manner which will require the executive to come openly to the Congress for the funds for any emergency, particularly in the area of foreign or military policy.

IN CONCLUSION

Mr. Speaker, budget reform and revenue control are ideas whose times have come. Whether they are enacted this year, or at some subsequent point, they will be enacted; otherwise, we run the risk of destruction of our still free economy, our political system, and our free society. The notions which serve as the premises for these specific actions for budget reform and revenue control are right; they will be proved to be right at the ballot boxes as the American people come to realize fully the extent of Government control of, and intervention in, their individual lives and the concomitant loss of individual liberty and control of their own destiny.

The time is now for this body to exert leadership. It should do so.

A TRIBUTE TO THE LATE PATRICK JEROME MELLODY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 30 minutes.

Mr. MORGAN. Mr. Speaker, the citizens of Pennsylvania, and of the Nation, have lost a champion with the untimely passing of Patrick J. Mellody.

A successful businessman who devoted much of his life to public service, Pat Mellody was loved and admired by his friends and respected by his political adversaries. Gov. Milton Shapp stated, following Pat's death last July 6 at age 57, that—

> Pat served all Pennsylvanians, particularly those of Lackawanna County, with a dedication and conscientiousness appreciated by all of us.

The current Lackawanna County Commissioners, now of Republican majority, proclaimed a 7-day period of mourning for Mellody, the former Democratic chairman of the board.

The Scranton Tribune said:

> As a former county commissioner, Scranton School Board president, county Democratic chairman, businessman and civic leader, Pat Mellody had an impact and influence on our community which was in the main positive and progressive and generated movement which still is coming to fruition and will guarantee benefits in the years ahead.

And the Scranton Times observed:

> Mr. Mellody compiled an enviable record of public service which does honor to his memory and will continue to be attested to through the stone and mortar of the structures he helped to bring into being at the Courthouse and in communities up and down the valley.

Mr. Speaker, I insert in my remarks at this point the complete texts of these editorials by two newspapers which knew his record well:

[From the Scranton Tribune, July 7, 1973]

PATRICK J. MELLODY

Those who were his friends and political allies, those who knew him through business associations or as a county and school district official and those who were his political rivals and opponents share today a sadness over the death of Patrick J. Mellody.

As a former county commissioner, Scranton School Board president, county Democratic chairman, businessman and civic leader, Pat Mellody had an impact and influence on our community which was in the main positive and progressive and generated movement which still is coming to fruition and will guarantee benefits in the years ahead.

In the realm of politics, Pat Mellody knew glittering successes, satisfactory achievement and keen disappointment. He was known favorably and well by national and state Democratic leaders and in the years he headed a strong county Democratic organization had the respect and regard of Republican leaders and candidates in state, city and county election battles.

Mellody succeeded the late Michael Lawler, a legendary political figure, both as county commissioner and the actual chief of the Democratic organization. It was a change which came about as politics itself was changing here and elsewhere. Mellody was cast in a role where he often was required to make decisions which could not please everyone and over several years he suffered an attrition and a run of criticism, much of it unfounded and unfair, which contributed to his losing a reelection bid for commissioner two years ago.

But even many of Mellody's political foes conceded that he was an able, responsible and concerned administrator whose tenure as a county commissioner marked the involvement of county government in new and diverse fields such as redevelopment, housing and river basin planning.

The county government under Mellody was sensitive and responsive to area economic rehabilitation efforts, pushed for expansion of the Scranton-Wilkes-Barre Airport, looked to development of parks and recreation and initiated far-seeing projects, including one for a new facility nearing completion as a replacement for the Blakely Home.

Pat Mellody, quiet spoken, reserved in manner, firm once he had chosen a course, was a "doer" and often drew the darts flung at activists. He was a man of many unpublicized charities and generosities. He has died too soon at 57 and we join in expressing sympathy to Mrs. Mellody and the fine family to which he was a devoted husband and father.

[From the Scanton Times, July 7, 1973]

MELLODY SERVED COUNTY GOVERNMENT WELL

Patrick J. Mellody's death at the age of 57 eclipsed a career which brought him to the forefront of virtually every endeavor he took on. He rose from humble beginnings to success in the business world. He entered politics and reached the highest public office county government has to offer. He became a dominant force in Democratic party politics in the state as well as in Lackawanna County.

Reserved and unassuming, Mr. Mellody was a fiscal conservative in his public life, first as a school director and then as chairman of the board of county commissioners. In the latter role he proved a most capable administrator, carrying on the "pay-as-you-go" policy of his predecessor as chairman, the late Michael F. Lawler. He also was an innovator in government, providing the leadership which brought about the computerization of tax records, the large scale public housing and urban renewal programs in many boroughs of the county, the modernization and enlargement of Courthouse facilities and the expansion of the social services of the Institution District, among other improvements to his credit.

The citizens of Lackawanna County were always his first concern, evidenced not only by his tireless dedication to his elected position but also through his humanitarian desire to help those less fortunate through participation in countless charitable organizations and drives.

Mr. Mellody, as the Democratic party leader, was unable to reverse the resurgence of the Republican party which began just prior to his taking his party's reins. It was ironic that after such valuable governmental service that he was himself to fall victim in the 1971 election to the Republican tide.

Mr. Mellody compiled an enviable record of public service which does honor to his memory and will continue to be attested to through the stone and mortar of the structures he helped to bring into being at the Courthouse and in communities up and down the valley. We offer our condolences to his widow, Rita, and to the other members of the Mellody family.

Mr. Speaker, it was my privilege to know Pat Mellody as a personal friend and as a colleague in State and National Democratic activities. Active in State Democratic committee affairs, he was a member of the policy committee under former Gov. David Lawrence and State Democratic Chairman Joseph Barr. Although he hailed from an area of Pennsylvania at the opposite end from mine, I can attest that the praise for his good deeds in Lackawanna County should also apply to his efforts for the party statewide.

One characteristic of Pat Mellody noted by many was his concern for the less fortunate people of our society. Perhaps this awareness derived, at least in part, from his own humble beginnings. His parents emigrated from County Mayo in Ireland to the United States early in the century and became American citizens through naturalization. His father was a coal miner who died when Pat was only 5 years old, and his mother, with the help of the older boys, supported the large family by working as a housekeeper.

While attending elementary and secondary schools, Pat delivered newspapers, shined shoes, and performed various other jobs to add to the meager family income. Family poverty, however, prevented Pat from completing a college education. He had a work scholarship at the University of Scranton but terminated his studies because of the family's need for funds he could not earn while attending school.

In the early 1930's he helped to found the Mellody Brothers Coal & Ice Co., later expanding the fuel business and continuing as owner and operator until only a few years ago. Although lesser men would have been satisfied with the success he achieved as a businessman, Pat Mellody applied his energies to a host of civic and charitable enterprises. He served in the Air Corps during World War II. In 1957 he entered public office for the first time as a member of the Scranton School Board and became president of the board in 1959, holding this position for the next 3 years. In 1962 Pat was elected chairman of the county's Democratic Committee and also gained a seat as a county commissioner. He served as chairman of the board of commissioners from 1963 until 1971, when he narrowly lost a race for reelection.

Mr. Speaker, Pat Mellody's integrity, industriousness, and devotion to his family and country mark him as an extraordinary man. May his life be an inpsiration to us all.

THE INTERNATIONAL PSYCHIATRIC RESEARCH FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, the International Psychiatric Research Foundation, during ceremonies at the Government Aquarium in Bermuda, on Saturday, October 27, 1973, presented primate cages to the Governor of Bermuda, Sir Edwin Leather.

Governor Leather accepted the new primate cages in the name of the "Bermuda friends."

The International Psychiatric Research Foundation of New York, constructed the cages to house gibbons for later use in behavorial and medical observations on Hall's Island, Harrington Sound.

A reception marked the dedication ceremonies at which Mr. Victor Gettner of New York, president of the International Psychiatric Research Foundation, spoke briefly. He thanked the many Bermudians who have made the Hall's Island project possible and said that making the apes available for viewing to the public, at the aquarium, was the foundation's way of showing its gratitude.

Wild gibbons, natives of Thailand, eat fruit, leaves, buds, and flowers. The white-handed gibbon (Hylobates lar) has a social structure similar to most humans; adults mate for life and offspring remain with their parents until after adolescence. Each family defends a geographical "territory" from intrusion by other apes. The clear ringing calls heard in the morning at the aquarium and Hall's Island are a part of this "staking out" of territory.

Bermuda has had a population of apes since 1970 when the Hall's Island research first began. Since then, an international team of scientists has conducted a series of experimental and observational studies with these gibbons.

An international interdisciplinary team of renowned physicians and scientists are conducting investigations in free ranging small apes—gibbons—at the Hall's Island colony, Harrington Sound, Bermuda. The colony, intiated some 4 years ago, is operated and sponsored by the International Psychiatric Research Foundation of New York. The Bermuda facility involved is one of the most unique field laboratories of its kind in the world. Utilizing computers, radiotelemetry, and the latest in bioinstrumentation, the primate colony is being employed in a variety of experiments out on the horizons of research in the neurosciences.

Principal investigators with the Hall's Island research team are: Dr. C. R. Carpenter of the University of Georgia who concentrates on studies of the social and individual actions of gibbons in a semi-free ranging environment; Dr. Jose M. R. Delgado, Universidad Autonoma, Spain, studying the reaction of apes to stimulation of the brain; Dr. Aristide H. Esser, director of research, for International Psychiatric Research Foundation attempts to quantify territorial behavior through radiotelemetry of primate activity; and Dr. Nathan S. Kline, director of psychiatric research, Rockland State Hospital, N.Y., will be conducting psychopharmacological investigations.

The Bermuda Primate Center's research provides a continuing source of basic scientific data about an important group of primates. Since man is also a primate, the information obtained through the project could give important insights into the behavior physiology of humans. Out of this study hopefully will come highly efficient new techniques for the introduction of optimal amounts of psychotropic medications for the treatment of mental illness. Such a system when developed could eliminate undesirable side effects of drugs now experienced in such body organs as heart, liver, and kidneys. The device in this technique, which is called the chemitrode, may make possible a new diagnostic approach as well as provide a new important tool for probing further into the complex mechanics of brain functioning.

The sponsor of the Bermuda Primate Center, the International Psychiatric Research Foundation is a private, nonprofit, tax-exempt foundation with offices located at 40 East 69th Street, New York, N.Y. The overall funding of the foundation derives from Federal grants and private donations.

RETAIL CREDIT BOOKLET IN SPANISH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I have been advised by the Sears, Roebuck & Co.

that they have published a booklet on retail credit, and not only have they published it in English but they have also published it in Spanish. It is entitled, "Uso Del Crédito," or "Using Retail Credit."

As a member of the Subcommittee on Consumer Finance, and also having been a member of the National Commission on Consumer Finance, I have been following the use of consumer credit for some time and have realized that Spanish-speaking Americans, especially those on the lower end of the economic ladder have not utilized the retail credit available. I had concluded that the reason for this has been the lack of a complete and thorough understanding of the credit system due to the language barrier, and have long advocated this type of book recently published by Sears. I am happy to report that my concern expressed during the Commission hearings has borne fruit.

This booklet brings to the Spanish speaking an understanding of everything from a revolving charge account and how to read monthly statements, to the laws that Congress has passed to protect those who use credit.

This publication will not only be useful for those shopping at Sears, but it will be useful in seeking retail credit from any store.

I am very pleased and happy to know that the Spanish-speaking Americans now have an opportunity to learn and to understand the prudent use of credit since they are great customers; and I want to commend Sears, Roebuck & Co. for their interest and concern in the Spanish-speaking communities across the country.

FOCUS ON INTEGRITY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Fulton) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, yesterday morning I was privileged to be a guest at a breakfast in the Capitol sponsored by the Christian Life Commission of the Southern Baptist Convention which, I am proud to note, is headquartered in my district at Nashville, Tenn.

It was an impressive gathering of Baptist churchmen, laymen and Members of Congress. Also present was one solitary Methodist, myself, who, nonetheless, was afforded a full measure of warm fellowship which abounded.

Arrangements for the breakfast were made by our colleague from South Carolina, Mr. Dorn, who is Chairman of the House Prayer Group. He took time from his very busy schedule to assure that the gathering was well attended.

The idea for the meeting was conceived by Dr. Foy Valentine, Executive Secretary of the Commission, as a need in the wake of the many disclosures and public shocks which have resulted from the Watergate investigations.

The essence of the concept was capsulized in a portion of a prayer offered by the Commission's Director of Christian Citizenship Development, C. Welton Gaddy, in which he said:

> Lord, our trust has been ruptured by double talk and immoral behavior on the part of persons within high echelons of government.

These words, it should be emphasized, relate only to the idea for the gathering. They do not reflect necessarily an attitude on anyone's part of abject despair. To the contrary, the general tone of the gathering and those present was one of positive determination, individually and collectively, to address ourselves to the repair of this rupture through restoration of the concept of integrity to its rightful and very necessary place in Government.

Mr. Speaker, all the remarks made at the breakfast were worthy and relevant. Unfortunately a transcript of them in entirety is not available. However, copies of some are. These include the "Prayer for Integrity," by C. Weldon Gaddy; "Integrity: Challenge to a New Commitment," by the President of the Southern Baptist Convention, Mr. Owen Cooper and "Integrity: Spiritual Dimensions," by the Pastor of the First Baptist Church of Asheville, N.C., and Chairman of the Christian Life Commission, Cecil E. Sherman.

Mr. Speaker, I place these texts in the body of the Record and commend them to the attention of my colleagues.

Prayer For Integrity

(By C. Welton Gaddy)

Our Father, we are in trouble. We humbly seek your help. We pray that integrity may be established as the characteristic of our words. the mark of our behavior, indeed as the life-style of our nation.

We pray for our nation—

That the erosion of credibility between citizens and governmental officials may be arrested before the gap becomes a canyon;

That the leaders of our country may, by both words and deeds, reestablish the importance of honesty in national affairs and in personal matters;

That the laws of the land and the institutions which implement their intent may be spared manipulation for personal gain and utilized for justice and the public good;

That the trust of our republic may not be limited to that power which is measured in megatons or to that wealth which is reflected in the Gross National Product but that it may rest in You;

That our commitment to honesty, our pursuit of justice, our elimination of discrimination, our support of freedom, our efforts at world peace, may be of such a nature as to assure us a place of moral leadership in the international community.

We pray for the citizens of our nation.

Lord, our trust has been ruptured by double talk and immoral behavior on the part of persons within high eschelons of government.

Our minds are troubled by a tumult of crises.

Our wills are frustrated as we vacillate between a sense of importance as citizens and a sense of futility.

We are in desperate need of your help.

Forgive our worship of a civil religion which equates nationalism with Christianity, confuses governmental policy with your will, and interprets patriotism as blind allegiance.

Disturb any apathy concerning the political arena until complacency becomes creative involvement in politics on behalf of basic morality.

Translate our political cynicism into a responsible citizenship which persistently works at every level of government, supporting that which is right and challenging that which is wrong.

We pray for the leaders who have gathered in this room—

That they may ever be cognizant of your support as of your expectations for them;

That they may be among those in this 93rd Congress who by moral leadership secure once again the shaking foundations of this democracy.

May their faith be a source of courage and their communion with you a source of strength.

Now keep us disciplined in our followship of the One who was the incarnation of integrity, the One who thus can make us free. Amen.

Integrity: Challenge To A New Commitment

(By Owen Cooper)

As you well know, no one Southern Baptist can, or would even attempt, to speak for any other Southern Baptist much less the Convention as a whole. However, out of my involvement in the structures of this denomination and as a result of the many personal acquaintances which I have made, there are some things which I have come to know about Southern Baptists and thus some things about which I feel comfortable to speak.

In relation to government, the history of Southern Baptists is one marked by unflinching patriotism, sincere prayerful support, and individual political involvement. Members of this denomination have effectively served in the highly esteemed offices of the federal government, even as you are now serving, as well as in the state capitols and county court houses across our land. At present, my home state of Mississippi is governed by a dedicated Christian who is a faithful Southern Baptist church member.

Southern Baptists are deeply concerned with biblical morality and we desire to see this morality embodied in those who lead our nation. The support of the people in the 33,000 churches of our Convention will almost invariably be behind those politicians whose words resonate with honesty and whose lives exhibit integrity. As you know, we are a people who quickly grow impatient with anyone who attempts to use the processes of government for personal gain, deceive the voters, or violate the basic personal rights and liberties given to us by Almighty God and guaranteed for us by the Constitution.

None of this is new. None of this is partisan. The disturbing events of recent weeks have provoked outcries of dismay because of their obviously illegal and unethical nature. Southern Baptists join a plea for recommitment to the basic moral principles upon which our government has traditionally stood. This plea grows out of time-tested convictions which antedated Watergate or any other contemporary event.

We have come here today with at least a partial understanding of the present dilemma of persons like yourselves who seek to serve the nation in government. Because of the recent tragic events, public distrust of governmental leadership and cynicism regarding the political process have increased These matters are disturbing to us even as they are to you. We still believe in this government's ability to function effectively and justly. We want to encourage the citizens who attend our churches to not withdraw but to involve themselves even more integrally in the political process. You, who serve here day in and day out, can count on our prayerful support, especially in times of crisis but at other times as well.

We believe that whatever measure of greatness America has achieved is in no small way related to dynamic moral leadership and an abiding national commitment to such matters as integrity, personal liberty, justice, and equality. Persons like yourselves help us be assured of the continuation of that leadership and commitment. We take pride in knowing that there are so many Southern Baptist Senators and Congressmen as well as other outstanding Christian leaders serving in the United States government.

Let me thank you for being here this morning that we might share in a time of Christian fellowship and join together in praying for our nation and each other. At the same time, let me encourage you to keep open the lines of communication between yourselves and the spiritual leadership of our Convention. We will seek to be more faithful at this point ourselves. My prayer is that we may all so carry out our responsibilities in relation to government that God may be glorified in our nation strengthened as a guarantor of liberty and justice for all. Count on us to be praying for you and call on us if there are other ways in which we can be of help.

INTEGRITY: SPIRITUAL DIMENSIONS

(By Cecil E. Sherman)

My friends, I have waited for this day for all of a lifetime. Finally, the tables are turned. You see, I have listened to Senator Tom Connally address the students of Baylor University. I stood in a Texas "norther" to hear Senator Lyndon B. Johnson speak at the State Fair of Texas. I've heard Congressman Roy Taylor numerous times as he goes about his district in Western North Carolina. But at no time have I ever had a "captive audience" of congressmen and senators listening to me. I don't intend to misuse the moment.

I have pondered long about the words I have chosen. The crisis in confidence that surrounds government has such an obvious spiritual dimension. I am a preacher. Sin, truth, deceit, and integrity: these words are the stuff of my profession. Rather than give you a preachment, I think I shall tell you a personal story.

While I was a seminary student in Fort Worth, Texas, I was also the pastor of a very small open-country church in Fannin County, Texas. Some of you may recall that Fannin County was the home of Sam Rayburn. I would drive back and forth from Fort Worth to that open-country church each weekend. The roundtrip was 300 miles. I did this for four years: 1950 until 1954. I lived in the homes of the farmers. I came to know those people like no other people I have ever pastored. Most of them were trying to stretch the family farm through one more generation. Some were still plowing with mules. Fun was Saturday afternoon in town buying groceries and going to a "shoot-em-up" movie. Saturday night was spent listening to Grand Ole Opry and playing dominoes. I was not reared on the farm, but I came to love those people and their simple kind of life. Religion was big with them. Most of them "got religion" during the summer revivals, and they knew that they were supposed to live with their wife, care for their children, tell the truth, work for their living, and love their country. It was a pretty simple and straight-forward way of living. On the last Sunday in August of 1954 I left those people. I was going to graduate school at Princeton Theological Seminary in Princeton, New Jersey. I was also to be the chaplain to the Baptist students of Princeton University.

I cannot imagine a more severe and total change in congregations. From farmers in a backwater of Northeast Texas to the urbane and very sophisticated students of an old Ivy League university. I had never been to Princeton. I was afraid and unsure of myself. Surely among all of these very intelligent people I must change my message, I reasoned. And for awhile I did bend. But slowly this truth dawned upon me: the students at Princeton were remarkably like the people in my country church. Farmers are tempted to cheat. Students are tempted to cheat. Farmers have ways they avoid social responsibility. Students can retreat from the hard parts of "loving your brother." People are people and being a Christian is just being a Christian wherever you are.

Some of you people probably came from simple homes and godly people. Somebody has trusted you; that is how you got elected. Now you live in the fast swirl of Washington. The ways to be dishonest are more subtle. The penalties for wrongdoing are not precise. The example of some in high places is not helpful. What is a politician who wants to be honest to do?

I think the answer does not lie in new theories about ethics. Our wisdom comes from the Bible. We are to love God. We are to place our loyalty to him above all other loyalties. We are to live simply, for the clutter of many things will corrupt us. We are to tell the truth. We are to honor our families. We are to live temperate lives. We are to love our neighbors as we love ourselves. We are to "bear one another's burdens." These are the great ideas of any ethic. These are the moral principles which all Americans need to see and a large majority of Americans want to see embodied in their governmental leaders. These great ideas, so frequently acclaimed, must be as frequently practiced. Seldom has there been a more opportune time for Christian statesmen to assert strong moral and spiritual leadership in accord with these principles than the present.

Coming to Washington does not change anything. It does not alter moral demands, though it could increase our tolerance for something less than the ethic of which I have just spoken. When I went from the country to Princeton, I found that really nothing had changed. I hope that you people who have come from the heartland to Washington and that the rest of us who are still trying to be responsible Christian citizens out at the grassroots are being controlled by those great Bible ideas that we learned from our homes and churches when we were children. If we are, I can hope again for my country.

THE AX IS FALLING: HEW AND THE SOCIAL SERVICE REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, since last February, many of us in Congress have been involved in a continuous battle with the Department of Health, Education, and Welfare over the social services program. For 8 months HEW has attempted to implement new regulations which seriously cripple this key Federal program aimed at combating welfare dependency. For 8 months we have resisted these efforts.

Now it appears that the new regulations will finally take effect on November 1. More than 200,000 letters of protest plus an act of Congress have not succeeded in persuading Secretary Weinberger that his Department is embarking on a course of action that will only mean additional hardship to millions of Americans who now receive federally funded social services.

It is difficult to talk about social services in general terms because the program encompasses such a wide range of locally initiated efforts. The following article from the St. Paul Dispatch describes in a more concrete way the disastrous impact that the new regulations will have in at least one State:

FUND CUTS WILL BE DISASTROUS, AGENCY HEADS SAY

(By Ann Baker)

Cuts in federal social service funds, expected to become effective next week, will drastically limit the chances of helping dependent, disabled and poor people becoming productive citizens, in the view of state and local welfare officials in Minnesota.

The new regulations would cut out many people now receiving aid for services like vocational rehabilitation, day care, foster care, alcoholism treatment and counseling.

Cuts were threatened by the U.S. Department of Health, Education, and Welfare (HEW) last February. In June Congress forced a delay.

Now, less harsh than before but still restrictive, the "new regs" are scheduled to go into effect Nov. 1, if a congressional effort to halt them, led by Sens. Walter Mondale, D-Minn., and Jacob Javits, R-N.Y., does not materialize before then.

When federal social service money became available in the late 1960s, many workers began to hope for the first time they could really wipe out many problems, many causes of poverty. Prevention, always the welfare worker's dream, at last began to seem within grasp.

Halfway houses were set up to rehabilitate alcoholics, drug addicts, the mentally ill and help them back into society as taxpayers in productive jobs.

Working mothers received free day care for their children, so they could support their families without need of public assistance; those on welfare were enabled to get off the rolls.

Vocational training was expanded for people with physical and mental disabilities.

Children with emotional problems were aided in comprehensive treatment-residences. Families with financial or marital difficulties were given counseling. Old people were given meals, nursing care and household help so they could stay home instead of being sent to nursing homes. Parents guilty of neglecting their children were persuaded to get help and change their ways before their situation got so bad they had to be taken to court.

"We wanted to break the cycle of dependency on welfare services—we believed we could," recalls Harriett Mhoon, director of social services at Anoka State Hospital and state chairman of the National Association of Social Workers committee on the regulations.

"After 12 years in the business I could say, 'God damn it, parents of handicapped kids aren't getting penalized any longer,' " remembers Harold Kerner, director of St. Paul's United Cerebral Palsy Day Activity Center and legislative chairman of the state DAC Association.

Under the "new regs," most federally supported services will be offered only to families who are on welfare, have incomes near welfare level ($4,400 for a family of four), who have been on welfare within three months or are apt to go on welfare within six months.

"Coverage for such a brief time period completely works against people maintaining a self-supporting stature." Minnesota Welfare Commissioner Vera Likins wrote to HEW authorities. She estimates that 26,000 of the 112,500 Minnesotans receiving such services will be barred.

"Paradoxically, the groups that will be hardest hit are the very groups the service programs are intended to help, the working poor and those striving to escape from public dependency," Ms. Likins wrote.

She predicted the results will be: lost jobs, lost taxes, more people on welfare, as well as family breakups, untreated alcoholics and addicts, more expensive institutional care for the elderly and children put in inadequate day care or left home to fend for themselves.

The restrictiveness "makes a mockery of prevention," Ramsey County Welfare Director James Edmunds wrote in his letter to HEW.

Diane Ahrens, executive director of the Minnesota Social Service Association, wrote that the regulations are "an attempt to rip apart a system which was developed to help citizens become productive contributors to society and to care for those who are unable to cope for themselves."

She called the rules "decidedly inconsistent" with the administration's stated intentions to put more power in the hands of local government.

Officials here say the regulations will require them to build another layer of bureaucracy to administer "means tests" for eligibility—"more paperwork to get less money."

Assistant Ramsey County Welfare Director Art Noot says they will serve as a deterrent and will severely affect the chances of doing preventive work.

"And we've just begun to seriously commit ourselves to that beyond any previous efforts." Under the new rules, he said, "We'll just be able to respond to immediate, identifiable crises."

State Director of Social Services Gary Haselhuhn says, "We won't be able to look at the total problem of a person and see it through to the end. Instead, we may have to stop at a crucial point. Because of the severe cutback in eligibility, our ability to use service to prevent serious problems is almost nonexistent."

Haselhuhn adds, "We kind of look at it as though we'll be administering the 19th century English Poor Laws."

Not only will some people be ruled ineligible for aid. So will certain kinds of services. Some examples follow:

Day activity centers for the retarded: "We'll have to curtail the programs, maybe the staff," says Harold Kerner. "Maybe some therapy will be dropped, then quality will go out the window."

He says of the 500 retarded people who leave state institutions each year, about 30 per cent need day activity centers. But few new centers opened in the last year, because hoped-for state appropriations of $6 million were whittled down to $3.6 million.

"There are 800 to 1,000 people across the state still needing DACs," he said, "and 17 counties have none."

Higher Education for Low Income People (HELP) at the University of Minnesota furnishes tuition and books to 300 Twin Cities area welfare mothers with social service funds. One of the first St. Paul women to earn a degree under that plan called it "a ticket out of hell."

Director Fred Amram says the students do better than average and that 85 per cent get off public assistance within a year after graduation. The program costs $270,000 a year. The new regulations would eliminate it.

David Ziegenhagen, Mental Health Association of Minnesota executive director, predicts "a potential crisis" around the state, because community mental health centers would be cut off from federal funds, and so would information and referral services.

Ramsey County's Mental Health Center is not federally supported, but assistant director Frank Zalesky says the halfway houses it sponsors for the mentally ill and chemically dependent will be badly hurt.

Some residents may continue to live in them with federal support, but only if they apply for Aid to the Disabled, which Zalesky says tends to "put a crutch under them," contravening efforts to make them independent.

More than half the cost of halfway houses covers their programs which help residents get on their feet, find work and learn to cope with themselves and others.

Jacobsen and Hewitt Houses for a mentally ill stand to lose $144,000. Granville House, 565 Dayton, Shoreview Treatment Center and New Connections, all residences for the chemically dependent, would lose $575,000.

"We'll be going back again to, say, four years ago," says Zalesky, "a room and board facility."

Another $404,000 would be lost to emotionally disturbed Ramsey County youngsters in residential facilities where they receive extensive help developing skills, working through emotional problems, building friendships and learning to overcome withdrawal or aggression.

Free day care would be available only to families earning less than $5,460 (family of four). Aid on a sliding scale would be available to families earning up to $10,344, but the rates have not been determined.

St. Paul Child Care Council Director Gary Wingel expects a mother of three earning $9,000 would have to pay from $1,650 to $4,000 a child.

With rising costs of care, he believes people will tend to drop out of "the more comprehensive centers" and turn to cheaper, usually elss desirable care for which they would pay full fees.

Stella Alvo, organizer of the Minnesota Coalition for Comprehensive Child Care, foresees economic segregation in day care centers, "as children of working people are removed to make way for children of welfare recipients."

She says the rules will "put the squeeze on working and middle-class families." And she predicts that when families have to pay full, or only slightly subsidized, day care fees, many will have to quit their jobs and go on welfare, where they will then have to register for probably lower-paid jobs (under the 1972 work rules) and then place their children back in day care, maybe even at the same center they dropped out of.

Besides causing the families a lot of hardship, Miss Alvo says, that merry-go-round would also lower the tax base.

(Ramsey County's work-incentive program currently has 950 welfare parents in work and training with some 300 children in day care. Some 4,000 welfare clients are registered for work and training, but not all are eligible because of illness or other reasons, and there aren't enough jobs for all who want them.)

Legal Assistance of Minnesota would have to stop providing help with divorces and tenant or consumer problems, according to administrative director Michael Feeney. It has offices in Duluth and Washington, Dakota and Olmsted counties.

Sponsors of the various programs have been seeking other sources of funds, from state and local government and private donors. If the regulations go through Nov. 1 as planned, they will still be subject to federal, regional and state interpretations. Welfare workers say they have no idea what to expect.

Despite the fact that the social service regulations take effect tomorrow, efforts are continuing in Congress to counteract them.

Yesterday, 96 House Members joined in cosponsoring legislation which would restore to the States the ability to design service programs that best meet their own needs. Under the terms of our bill, HEW could no longer use agency regulations, as it is doing now, to choke off State-operated programs. Rigid income restrictions, which exclude most nonwelfare recipients from services, would be lifted so States could continue to aid those people who are tottering on the brink of welfare dependency.

This legislation was originally introduced in the House as H.R. 10920 by JAMES CORMAN and six other members of the Ways and Means Committee; JAMES BURKE, MARTHA GRIFFITHS, DAN ROSTENKOWSKI, WILLIAM GREEN, HUGH CAREY, and JOSEPH KARTH.

The Corman bill deserves the immediate attention of the Ways and Means Committee and the House, as a whole. Action must be taken now before the full impact of these outrageous regulations is felt.

CPA AT FDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, the Federal Food and Drug Administration is to be a prime target of Consumer Protection Agency advocacy, according to our hearings on the various CPA bills.

There are now three CPA bills before a Government Operations Subcommittee on which I serve: H.R. 14, by Congressman ROSENTHAL; H.R. 21, by Congressmen HOLIFIELD and HORTON, and H.R. 564 by Congressman BROWN of Ohio and myself.

These are bills of very great complexity and not a little controversy. The major difference among the bills is that the Fuqua-Brown bill would not allow the CPA to appeal to the courts the final decisions of other agencies, while the other two bills would allow such appeals.

I should add that, under the two bills allowing CPA court appeals, another agency's refusal to act—inaction—would be appealable by the CPA. For example, if the CPA requested that the FDA seek a criminal prosecution against a certain individual, and FDA refused, that refusal is final appealable action by the CPA under all the CPA bills except the Fuqua-Brown bill.

I am using the FDA as an example here because I wish to share with you some material from this agency as part of my continuing effort to dispel some of the confusion that has surrounded CPA proposals since 1970.

As you know, I have already introduced similar material from nine other agencies the proceedings and activities of which would be subject to CPA advocacy: Cost of Living Council, four banking regulatory agencies, Defense Supply Agency, National Labor Relations Board, Federal Power Commission, and Tennessee Valley Authority.

I have asked these agencies to list their 1972 proceedings and activities, divided into the various categories in which the CPA would have a right to be a party or participant.

It should be noted, in relation to the major difference among the bills, that virtually all FDA final decisions would be appealable by the CPA under all except the Fuqua-Brown bill. This brings our total of CPA appealable decisions to over 1 million annually—for just the 10 agencies already surveyed.

Mr. Speaker, for the important reasons stated, I am inserting in the RECORD a list of the 1972 proceedings and activities of the FDA that would be subject to CPA advocacy under the pending bills. Because of the voluminous nature of the proceedings, I am including only those procedures subject to the notice and comment rulemaking procedures of the Administrative Procedure Act. I will include the other proceedings and activities at a later date.

DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE,
Washington, D.C., Oct. 24, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: This is in further reply to your letter of September 7 regarding legislation to establish a Consumer Protection Agency.

The enclosed report provides answers to your questions regarding the types of activities by the Food and Drug Administration which may be subject to consumer advocacy by the proposed Consumer Protection Agency.

I hope this information is helpful in your consideration of this legislation.

Sincerely yours,

CHARLES C. EDWARDS,
Assistant Secretary for Health.

LISTING OF PROPOSALS IN FEDERAL REGISTER

Question 1. What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer. Food and Drug Administration (FDA). During calendar year 1972 FDA issued proposed rules on a broad variety of subjects. Attached is a listing of such proposals with Federal Register index headings as well as the page where they may be found. Final orders are also listed. We have made no attempt in the attached list to distinguish between regulations subject only to 5 U.S.C. 553 and those subject to additional requirements (e.g., regulations under the provisions of the Federal Food, Drug, and Cosmetic Act discussed in question 5).

ADMINISTRATIVE PROCEDURE

Administrative rulemaking and adjudicatory hearings on record; separation of functions and ex parte communications, proposed rules, 6107.

Proposed Rule Documents, extension of time for filing comments, 27.

Information, Public availability; proposed rules, 9128.

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Antibiotic and sulfonamide drugs in animal feeds, proposed policy statement, 2445.

Combination drugs in animal feeds no longer sanctioned, 21279, 23538.

International standards, proposed rules, 14237.

Fees for certain tests:

Gas chromatography test, 6926.

Thin layer chromatographic identity test, 11675.

Revocations:

Glycarbylamide, revocation, 5491.

Iodinated casein; revocation, 4712.

Labeling and certification requirements, exemptions, 20525.

Laboratory diagnosis of disease: antibiotic susceptibility discs, 20525.

Packaging and labeling requirements: Proposed rules, 19149.

Potency at time of certification, proposed policy statement, 336, 1477.

Tests and methods of assay:

Alternative methods, including automated procedures, 1116, 7497.

Carbenicillin disc assay, 16077.

Hydroxylamine colorimetric assay, 4906.

Insulin, sterility testing; increase in fee, 11729, 20685.

Iodimetric assay, synthetic penicillins, 4958.

Microbiological turbidimetric assay, proposed rules; correction, 20870.

Ophthalmic preparations, sterility test, 23106.

Sterility tests, 1104, 7497.

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BIOLOGICAL PRODUCTS

Procedures for review of safety, effectiveness, and labeling; proposed rules, 16679.

Product standards, hepatitis associated antibody (anti-Australian antigen);

Diagnostic substances for laboratory tests, 15157, 17036.

General standards, dating periods for specific products, 15158, 17036.

Safety and efficacy review, inquiry, 16690.

Standards:

Establishment standards, retention samples, 15157.

Transfer of regulations to Title 21, CFR, 15993.

Viral vaccines:

Measles virus vaccine; live, attenuated, 23111.

Mumps virus vaccine, live, 23111.

Rubella virus vaccine, live, 23111.

BLOOD AND PRODUCTS, HUMAN; PROPOSED RULES

Registration of blood banks and other firms collecting, manufacturing, preparing, or processing, 17419.

Source plasma (human), licensing requirements, 17419.

CHILD PROTECTION PACKAGING STANDARDS [1]

Aspirin-containing preparations, powdered:

Exemption, 18563, 28624.

Extension of effective date, 3427, 22987.

Nonoral dosage, exemption from provisions; proposed rules, 14238.

Economic poisons, proposed rules, 18629.

Ethylene glycol, proposed rules, 28636.

Furniture polish, liquid, 5613.

Methyl alcohol (methanol)-containing household substances in liquid form, 7631, 21632.

Nonprescription drugs for human use, inquiry, 12171.

Packaging requirements, noncomplying, for products used by elderly and handicapped; proposed rules, 22001.

Petroleum distillate-containing liquid kindling and/or illuminating preparations; proposed rules, 7408.

Preparations subject to Comprehensive Drug Abuse Prevention and Control Act of 1970, extension of effective date, 8433, 22987.

Prescription drugs in oral dosage forms, proposed rules, 8461.

Sodium and/or potassium hydroxide, 5047, 21633.

Sulfuric acid-containing household products, proposed rules, 7809.

Testing procedure, informed consent statements; proposed rules, 26833.

Testing procedure, special packaging, 741.

Turpentine-containing household substances, 7407, 21635.

Wintergreen oil (methyl salicylate), 6184, 22987.

COLOR ADDITIVES

FD&C Red No. 2, ingestion limits; proposed rules, 13181.

Provisional listing, closing dates; postponement, 3896.

Specific additives:

FD&C Green No. 6, 16559.

FD&C Red No. 40, 3177.

1,4-di-p-Toluidinoanthraquinone, 16559.

COSMETICS, INGREDIENTS AND RAW MATERIALS

Antibacterial ingredients, proposed rules, 219, 1116.

Composition statements, voluntary filing, 7151, 17470.

Hexachlorophene components in cosmetic products, labeling requirements, 20160, 21481, 21630, 21991.

Restrictions on use, 23537, 23644.

Manufacturers and distributors, voluntary ingredient labeling, 16208.

Manufacturing establishments, voluntary registration, 7151.

Mercury in cosmetics, use as skin-bleaching agent; proposed rules, 12967.

Product experience, voluntary filing procedure; proposed rules, 23344.

Registration form and effective date, 8673.

DEVICES

Devices shipped in interstate commerce for sterilization; label statement, proposed rule, 1115, 23253.

Eyeglasses and sunglasses, use of impact-resistant lenses, 2503.

Oxygen and its delivery systems, proposed policy statement, 5504.

Ozone generators and emitting devices, policy statement; proposed rules, 12644.

DIAGNOSTIC PRODUCTS, IN VITRO, FOR HUMAN USE

Policy statements or interpretative regulations, proposed rules, 16613, 20040.

Testing and labeling, policy statement, 819.

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Drug Listing Act of 1972, implementing regulations; proposed rules, 26431, 28079.

Efficacy study implementation announcements:

Disclosure of evaluations in labeling and advertising, 3176.

Evaluation reports, miscellaneous drugs; release, 18105, 21547.

Drugs previously reviewed, status and need for updating; proposed rules, 7808.

Identical, related, and similar drug products, applicability, 2969, 23185.

Epinephrine and isoproterenol inhalation preparations, prescription dispensing and warnings; proposed rules, 7519.

Exportation of investigational drugs, proposed rules, 18562.

Foreign drug establishments, registration procedures; proposed rules, 10510, 18563.

Habit-forming drugs, exemption from prescription requirements, proposed revocation for codeine, dihydrocodeine, ethylmorphine, and morphine, 18471.

Hallucinogenic drugs, tetrahydrocannabinols, investigational use; revocation, 18525.

Hexachlorophene:

Combinations with phenothiazine in animal drug preparations, 18531, 18575.

Component in drug and cosmetic products for human use, policy statement; prescription, use, and labeling requirements, 20160, 21481, 21630, 21991.

Drug and cosmetic products applied to mucous membranes, restrictions on use, 23537, 23644.

Proposed policy statement, 219.

Long-term studies, records, and reports; continuation on certain approved new drugs, 202, 26806.

Methadone:

Special requirements for use, continuation

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of long-term studies, records, and reports, 26790.

Proposed rules, 6940, 7903.

Nitroglycerin for human use, packaging requirements and warnings, 4918, 15858.

Ophthalmic preparations, and dispensers, sterility requirements, 23105, 25023.

Over-the-counter preparations:

Allergy preparations, 13493, 16029.

Analgesic and antipyretic preparations, 7820, 13491, 14633, 26456.

Antacid preparations, 7824.

Safety and efficacy review, 102, 1182.

Antiasthmatic preparations, 16029.

Antibacterial ingredients, inquiry, 235, 1182.

Antibiotic preparations, topical, 10526, 11281, 11283, 12170.

Antihistaminic preparations, 10457, 11277.

Antimicrobial ingredients, inquiry, 26842, 6775.

Antitussive preparations, 12166.

Bacitracin ointments, topical, 12170.

Bronchodilator preparations, 13490, 16029.

Cephalin cholesterol mixture, 10465.

Classification procedures, 85, 1175, 9464, 10358.

Cold remedies, 13490, 16029, 16116.

Contraceptives, vaginal, 10525.

Corticosteroid-neomycin sulfate-containing preparations, topical, 11283.

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Affirmation and determination procedures, proposed rules, 6207.

Amino acids in food for human consumption, deletion from list and conditions of safe use; proposed rules, 6938.

Carrageenan, proposed addition, 15434, 16613.

Saccharin and its salts, transfer to food additive category, 2437, 19122.

Talc, proposed rules, 16408, 16551.

FOOD LABELS

Common or usual names of nonstandardized foods; proposed rules:

General principles, 12327.

Seafood Cocktail, 12328.

Hypo allergenic and low-sodium food, label statement; termination of stay of effective date, 9763.

Ingredients, label designation:

Policy statement, 5120.

Denial of petition, 5131.

Proposed rule, 12327.

Nutrition labeling, proposed rules, 6493, 7209.

Salt and iodized salt, label statements; policy statement, 1166.

Soft drink bottles, returnable; use of lithographed bottles bearing label declaration for cyclamates, 13556, 23715.

FOOD MANUFACTURE, PACKAGING, ETC., GOOD MANUFACTURING PRACTICE

Cooking bags for oven use, 4712.

Contaminants:

Definitions and interpretations, proposed rules, 5706.

Natural or unavoidable defects that present no health hazard, proposed rule, 6497.

Good manufacturing practice, smoked and smoke-flavored fish; alternative brining procedure, proposed rules, 28426.

Low acid foods in hermetically sealed containers; proposed rules, 24117.

Polychlorinated biphenyls, use in food plants, proposed rules, 5707, 10003.

FOOD STANDARDS OF IDENTITY AND QUALITY

Beverages, nonalcoholic:

Soda water; identity standard, optional ingredients, labeling statement, 3644, 16174.

Tea importation standards, 1464, 11464.

Bread and rolls, or buns, identity standard, optional ingredients; label statement, proposed rules, extension of time, 3189.

Catsup, tomato, identity standards, use of acidified break process, effective date, 6733.

Cheese, identity standards:

American, pasteurized process, deviating from identity standard, extension of temporary market testing permit, 20582.

Anhydrous milkfat and dehydrated cream as optional ingredients; label statement, 5489, 10931.

Buttermilk, proposed rules, 869.

Colby, optional use of smoke flavoring, confirmation of effective date, 28620.

Cottage cheese:

Optional ingredients:

Defoaming agents, 12064, 20937.

Dry curd, labeling requirements:

Direct acidification by vat method, proposed rules, 18924.

Optional ingredients, 12934.

Label statement of ingredients, 12934.

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Cream cheese, pasteurized process cheese, etc.:

Labeling requirements, 468, 13339.

Grated, microcrystalline cellulose as optional anticaking ingredient; proposed rules, 20183.

Parmesan and regiano; proposed rules, 15875.

Pasteurized process cheese food and spreads:

Buttermilk as optional ingredient, 11722, 18193.

Deviating from identity standards, temporary permit for market testing, 14426.

Xanthan gum in cream, neufchatel, process and cold-pack cheese foods; proposed rules, 18742.

Flour, enriched:

Deviating from identity standard; temporary permit for market testing, extension, 20048.

Optional ingredients, label statement, proposed rules extension of time, 3189.

Fruits and juices—Canned, identity standards:

Apricots, packing medium; proposed rules, 23730.

Berries, packing medium; proposed rules, 23730.

Blackberries, temporary permit for market testing, extension, 15946.

Boysenberry jelly, standard of identity; confirmation of effective date, 865.

Cherries, packing medium; proposed rules, 23730.

Figs, optional ingredients:

Label statement, 470, 15991.

Packing medium, 23730, 24031.

Fruit cocktail:

Deviating from identity standard, temporary permit for market testing, 10981.

Optional use of slightly sweetened fruit juice as packing medium, 1169, 4905, 13253.

Grapes, seedless, packing medium; proposed rules, 23730.

Peaches:

Deviating from identity standard; temporary permit for market testing, 10981.

Optional use of slightly sweetened fruit juice as packing medium, 1167, 4905, 13253.

Pears, optional use of slightly sweetened fruit juice as packing medium, 1168, 4905, 13253.

Plums, purple:

Packing medium, proposed rules, 23730.

Temporary permit for market testing, extension, 15946.

Prunes:

Packing medium, proposed rules, 23730.

Temporary permit for market testing, extension, 17503.

Cranberry juice cocktail drinks, definitions and identity standards; proposed rule, withdrawal of petition, 20.

Fresh, chemicals used on, 11739.

Orange juice beverages, diluted:

Optional ingredients, label statement, 5224.

Standards of identity, 5224.

International food standards, recommended:

Codex Alimentarius, proposed rules, 21102.

Corn, canned sweet; proposed rules, 21112, 23116, 24191.

Oils, edible; review and inquiry, 21123, 23467.

Peas, frozen; proposed rules, 21106, 23344.

Sweeteners, nutritive; proposed rules, 21103, 22883.

Macaroni and noodle products, enriched; identity standards:

Fortified protein, label statement of ingredients, 18525.

Temporary permit for market testing, 9145, 11740, 18575.

Microbiological quality standards for foods for which there are no standards of identity, proposed rules, 20039.

Milk and cream, identity standards; proposed rules, 18392, 23363.

Noodle products and macaroni, enriched; identity standards:

Fortified protein, label statement of ingredients, 18525.

Temporary permit for market testing, 9145. 11740, 18575.

Seafood:

Salmon, Pacific, canned; identity standards and fill of containers, 18193.

Shrimp, frozen raw breaded; identity standard, optional ingredients, proposed rule withdrawn, 10957.

Vegetables:

Canned, other than those specifically regulated; identity standards for use of any edible organic acid, 7164, 21807.

Peas:

Dry, confirmation of effective date, 28285.

Fresh, chemicals used on, 11739.

Rice, proposed restriction on use of talc, 16408, 16551.

Temporary permits for market testing, procedures, proposed rules, 26340.

Tomato juice deviating from identity standards, temporary permit for market testing, 13815, 28642.

HAZARDOUS SUBSTANCES [1]

Banned:

Asbestos-containing garments, 3645, 14872, 20529.

Containers identifiable as food, drug, or cosmetic containers, hazardous substances marketed in; proposed rules, 23924.

Household products, soluble cyanide-containing, 4909, 9623.

Fireworks devices, proposed rules, 6868.

Pacifiers and similar articles, proposed rules, 22000.

Paints, lead-containing, and other surface-coating materials, 3780, 5229, 16078.

Exemption, proposed rules, 25849.

Repurchase procedures, proposed rules, 26832.

Toys, electrically operated, and children's articles; proposed rules, 1020.

Eye irritants, test; proposed rules, 8534, 13270.

Labeling requirements, State and local, for household products; Federal preemption, proposed rules, 18628.

Skin irritants, primary; revision of tests, proposed rules, 27635.

Toys, games, and other articles intended for use by children; test methods for simulating use and abuse, proposed rules, 26120.

FOOTNOTES

[1] Program was transferred to the Consumer Product Safety Commission on May 14, 1973.

[2] See also Antibiotics and Insulin, Biological Products, and Blood and Blood Products.

DEFENSE DEPARTMENT EVALUATION BY ORR KELLY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on October 23, Mr. Orr Kelly in an article in the Washington Star-News announced that, after 6 years of reporting on Defense Department activities, he was transferring to cover the Justice Department. His incisive reporting on important Pentagon and other defense-related activities will be missed. Mr. Kelly in his 6-year tenure as a military reporter had an outstanding opportunity to obtain an understanding of defense activities and to evaluate the performance of agencies of our Government charged with managing our defense programs. Mr. Kelly was thoughtful enough to share his evaluations with us in his article in the Washington Star-News. I commend the article to all of my colleagues.

Mr. Kelly includes in his observations comments on the current Middle East confrontation, the arms budget, foreign deployment of our troops, and some very pertinent comments on Defense Department management in general. After 6 years of study which, as Mr. Kelly observes, "is a long time—substantially longer than most key officials of the Department spend in their jobs there," and on the eve of his departure from the Pentagon beat, he summarizes his evaluation of Defense Department management this way:

> Despite its size, the Defense Department probably is the best-managed agency in the government. This is true, also, in spite of all the talk about cost overruns and inefficiency.

I commend to my colleagues' attention Mr. Kelly's complete article wherein he elaborates on his views concerning trends in management and the quality and character of the civilian and military personnel in the military establishment.

I wish Mr. Kelly every success and satisfaction in his new post. I also thank him for his past efforts to better inform the citizens of our Nation concerning its defense and security.

I insert Mr. Orr Kelly's article here for the convenience of all Members.

[From the Washington Star-News, Oct. 23, 1973]

LAST PENTAGON REPORT

(By Orr Kelly)

This is the last column on military affairs that will appear here under this byline.

After more than six years covering the Pentagon, through much of our nation's longest war and through crises and scandals almost too numerous to recall, this reporter is moving across the Potomac to cover the Justice Department.

In the life of a bureaucracy like that of the Pentagon, six years is a long time—substantially longer than most key officials of the department spend in their jobs there. It is a time that affords some perspective on American military policy and the military establishment.

Here are some brief observations based on that perspective:

First, as the current confrontation in the Middle East has reminded us, the major concern of American foreign and military policy is, and will remain, the Soviet Union. Despite all the talk of detente and of the turn from confrontation to negotiation, relationships between the United States and the Soviet Union are supremely important and dangerously uncertain.

This does not mean that war between the two countries is probable. War has been avoided in the difficult years since the end of World War II on a number of occasions, and there is real hope that war can continue to be avoided. But with two countries armed as no nations ever have been armed before in history, the awfulness of war, if it should come, makes the avoidance of war between the United States and the Soviet Union the single most important objective of American policy.

Since the avoidance of war—deterrence, is the word of our nuclear strategists—depends on a balance of terror, there is very little realistic hope that the U.S. defense budget can be reduced in the foreseeable future. If the relations between the United States and the Russians continue about as they are now, with slow progress toward more comprehensive strategic arms limitations, we probably will be fortunate to keep the arms budget at about its current level in constant dollars. But there is little slack in the budget for emergencies, like the current resupply of Israel, and even brief crises can eat up millions, even billions, of dollars.

There is a broad range of opportunities for improvements in the American military structure. The changes, requiring a certain boldness and a willingness to challenge hoary assumptions, might save some money, but mostly they would provide more effective defense for about the same money.

The irrational deployment of American troops in Europe, for example, has long cried for change. The Titan missile force, already bargained away in exchange for the right to build more submarines, still is kept on alert at an annual cost of $30 million, as another example.

Spending on defense is declining as a percentage of the gross national product, as a share of the federal budget and, most dramatically, as a percentage of all public spending, both federal and local. There simply is no way that the defense budget can be squeezed to provide the large sums of money that other government programs, already on the books, will require in coming years.

There will, of course, continue to be extremely heavy pressure on the defense budget. It is very difficult to explain, for example, why the government is spending less this year to house a rapidly expanding prison population than it spends for a single fighter plane. This pressure will require great discretion to determine what is really needed and what can be cut without danger to national security.

Despite its size, the Defense Department probably is the best-managed agency in the government. This is true, also, in spite of all the talk about cost overruns and inefficiency.

The fact that most Americans, most congressmen and many Pentagon officials do not believe the department is well-managed is a problem in itself. There is a pervasive—but false—belief that all of the Pentagon's problems would be solved if it were simply managed better.

This is simply not true. The management of the department has been improving gradually over the years and it almost certainly will continue to improve. But there is no reason for hope that there will be some miraculous breakthrough to an era of mistake-proof, error-free management. The best we can hope for is continued gradual, undramatic improvement—and demands for a miracle will simply make that kind of improvement more difficult and unimpressive when it does come.

Finally, it should be said that, despite the recent scandals that have tarnished the image of the military establishment, the nation is indeed fortunate that the quality of those, both military and civilian, who devote their skills to national defense is, on the whole, so very high.

NATIONAL INTERESTS IN LIGHT OF MIDEAST DEVELOPMENTS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, Benjamin Franklin once said, "The things which hurt, instruct." If there is truth in these words, the latest Mideast war should prove to be a powerful learning experience.

Media reports in the past few days provided the text for some lessons.

Perhaps the most painful lesson to be imparted is how much the United States can depend on its "friends" when the chips are down. While this country strained to replace vital Israeli weaponry, our allies made things as difficult as possible, lest their oil supplies be threatened.

The Navy and Air Force had to adopt a roundabout system of supply because key Western European countries—our allies—along the supply route forbade their territory to American aircraft. For example, under a Navy plan for the urgent supply of A–4 Skyhawks, the planes were flown to Israel from the east coast via the carriers *John F. Kennedy* and *Franklin D. Roosevelt* for refueling by tanker aircraft. Meanwhile, Air Force C–5A's headed for Israel only partially loaded so that they could carry sufficient fuel to make the extra long stretches of the flight.

When U.S. NATO representative Donald Rumsfeld attempted to win support for American policy in the Middle East, he was reportedly unable to do so. The oil issue apparently outweighed unity.

About 1 month ago Libya's Muammar Kaddafi told an American newsman that, in the Middle East, "perhaps the new oil situation will finally convince you that you should think of your own national interest." While the United States may still need some convincing, Kaddafi's words apparently were not wasted on our allies.

Quite obviously as a minimum, a review of our national interests in light of the facts brought out over the past week is required.

TWO HEROES: ANDREI SAKHAROV AND ALEKSANDR SOLZHENITSYN

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, two men living in a police state—the Soviet Union—deserve for their courage the warm support of free citizens everywhere. The statements of these two men—Andrei Sakharov and Aleksandr Solzhenitsyn—speak eloquently for each of them, and I am including them in the RECORD for the benefit of my colleagues:

[From the New York Times, Oct. 17, 1973]

(NOTE.—This interview with Andrei D. Sakharov on the war in the Mideast was conducted by a Lebanese correspondent. Sakharov is the Soviet physicist and controversial advocate of civil rights in the Soviet Union.)

MOSCOW.

SAKHAROV. The events in the Near East alarm me greatly. I do not know if words can be important at such a moment but I am ready to answer your questions.

CORRESPONDENT. How do you appraise the events in the Near East?

SAKHAROV. This war, which began with simultaneonus large-scale Egyptian and Syrian military operations, is a great tragedy both for Arabs and for Jews. But, for Israel in this war, just as in the wars of 1949, 1956 and 1967, what is at stake is the very existence of the state, the right to life. I believe that for the Arabs this war is basically a result of the play of internal and external political forces, of considerations of prestige, of nationalistic prejudices. I believe that this difference exists and must be taken into account when appraising these events.

CORRESPONDENT. What can the Arabs and Israelis do to end this conflict?

SAKHAROV. Immediately agree to a cease-fire and sit down to negotiations. The Arabs should clearly and unequivocally declare that they recognize Israel's right to existence within borders ensuring its military security, fundamental economic interests and prospective immigration. Israel should give guarantees in return. With these conditions the honorable peace long wished for by both parties is possible.

CORRESPONDENT. What steps can the U.S.A. and Western nations take to terminate the war?

SAKHAROV. Call upon the U.S.S.R. and socialist countries to abandon the policy of one-sided interference in the Arab-Israel conflict, and take retaliatory measures if this policy of interference continues. Use all means, including diplomatic, for an immediate cease-fire and for the initiation of direct peace negotiations between the Arabs and Israel. Make effective use of the United Nations Charter to safeguard peace and security.

CORRESPONDENT. Which is better for socialist countries and countries of the third world, an Israeli victory or an Arab victory?

SAKHAROV. The people of all countries are interested not in military victories but in peace and security, in respect for the rights and hopes of all nationalities, in tolerance and in freedom.

CORRESPONDENT. How can you, as a defender of human rights, help the Arab countries?

SAKHAROV. I speak out for the democratization of life in our country, and this is closely related to our foreign policy and the relaxation of international tensions. The Arab countries, as countries throughout the world, have an interest in this as one of the conditions for development free from external forces.

CORRESPONDENT. At the present time do you intend to criticize the policy of Israel's leaders?

SAKHAROV. No. That country, which is the realization of the Jewish people's right to a state, is today fighting for its existence surrounded by enemies who exceed it in population and material resources many times over. This hostility was stirred up to a considerable extent by the imprudent policies of other states. All mankind has on its conscience the Jewish victims of Nazi genocide during World War II. We cannot permit a repetition of that tragedy today.

[From the New York Times, Oct. 31, 1973]

HIRED KILLERS

(NOTE.—On Oct. 21, two Arabs who said they were members of the Black September terrorist organization talked their way into the Moscow apartment of dissident Soviet nuclear physicist, Andrei D. Sakharov. They threatened his life if he ever again made a statement—as he had on Oct. 12—sympathetic to Israel. As a result of Dr. Sakharov's report of the incident, his friend, the Soviet writer Aleksandr I. Solzhenitsyn, wrote him this letter.)

DEAR ANDREI DMITRIEVICH: I was away when the news of the attack on you became known, and so I am writing only now.

Our country has fallen low in the esteem of the Arabs if they have no reason to respect our national honor. Even so we really do not need Arab terrorism to "straighten out" Russian history. But I assert that in our native land under the conditions of continuous surveillance and eavesdropping that exist in your case, such an intrusion is impossible without the knowledge and encouragement of the authorities. If this intrusion had been independent of and unwelcome to the authorities, the numerous members of the security organs would have had no difficulty in stopping it before its inception or in the course of its hour and a half duration or in apprehending the criminals immediately afterward. Would they have dared to act without having received permission? Anyone familiar with our situation would find this absurd.

This is only the latest method. What can answer the free words of a free man? Arguments do not exist. Rockets are irrelevant. Fences harm one's reputation. Only hired killers remain. If they ever strike such a blow against you while I remain alive, I assure you that I shall dedicate what remains of my pen and my life so that the murderers will not triumph but will lose.

With warmest personal regards,

SOLZHENITSYN.

OCT. 28, 1973.

CHARLES HORMAN: AN AMERICAN'S DEATH IN CHILE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the sad news confirming the death of Charles Horman, son of constituents in my district, has been amplified by the accompanying letters sent to myself and to Senator FULBRIGHT—a copy of the latter was sent to me by Mr. Horman—by the father, Edmund C. Horman.

I would like again to express my sorrow at Charles Horman's needless death, and to bring to the attention of the Congress, the allegations of Mr. Horman concerning the State Department—in particular, the American Embassy in Santiago's incompetence, or worse, indifference to the plight of the family in the Embassy's investigation of the disappearance and subsequent death of Charles Horman.

The correspondence follows:

NEW YORK, N.Y.,
October 26, 1973.

Congressman EDWARD KOCH,
Congress of the United States,
Washington, D.C.

DEAR MR. KOCH: My wife and I wish to thank you for the efforts which you made in behalf of our son, Charles. Without such efforts I believe that we never might have learned the circumstances of his death.

The copy of a letter to Senator Fulbright is enclosed that it may play a part in making sure that, in the future, some of the many dreadful things which have occurred and still go on in Chile may be forestalled.

Thank you,

EDMUND HORMAN.

NEW YORK, N.Y.,
October 25, 1973.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Foreign Relations Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: I was in Santiago, Chile from October 5th to October 20th, in search of my son, Charles Horman, who was killed by Chilean Military Forces in the National Stadium and who is mentioned in the letter sent to you by Richard P. Fagen of the Institute of Political Studies of Stanford University on October 8th.

My hope is that the telling of what I observed in Santiago and in Washington may lead to better protection of American citizens than was afforded to my son and to others by the Department of State.

Charles was seized in his rented house by Chilean soldiers at 5 p.m. on September 17th. The soldiers placed him in a truck and the truck was seen to enter the National Stadium, where prisoners were being concentrated. These events were witnessed, wholly or in part, by four people. On the following morning Mario Carvajal, a Chilean industrial designer and friend of Charles, was called by a man who identified himself as from Military Intelligence and asked questions about Charles. On the same morning a call was made to Warwick Armstrong, a New Zealander, employed by Cepal Division of United Nations and also a friend of Charles. The caller again identified himself as from Military Intelligence, asked questions about Charles and ordered that Armstrong go to the nearest Carabinero station and make a statement. Armstrong discussed this with his superior at Cepal. They decided that going to the station might be dangerous. They decided that Armstrong should call Robert P. Coe at the American Embassy. Coe told Armstrong to speak to Frederick K. Purdy, which he did. Purdy told me later that he had learned of Charles' seizure, at about the same time, from an Embassy employee who had been called by a friend of Charles.

On October 5th I arrived in Santiago and, with my daughter in law, met with Nathaniel Davis, Purdy and Col. William Hon, Military Attache to the Embassy. Davis said that the Embassy feeling was that Charles probably was in hiding. I said that this seemed implausible; that even if he were afraid to call his wife directly, he easily could have passed a message through one of their many friends. I asked what had been done to follow up the probability that Charles had been seized by Military Intelligence, as indicated by the evidence of neighbors who saw the seizure and friends who had been called by Military Intelligence. Davis looked at Purdy and asked whether he knew anything about the telephone calls. Purdy said "No sir." My daughter in law reminded Purdy that, some days before, he had shown her some of his notes and that the call from Armstrong was on them. Purdy then remembered the calls. Davis wondered whether the telephone calls really were as I had described them. I suggested that he have them checked out immediately and he told Purdy and Col. Hon to do so. On the next day, October 6th, Purdy told me that both people who had been telephoned had been interviewed; that their accounts matched mine; that Col. Hon would ask Chilean Military Intelligence for a report.

October 8th Purdy and Col. Hon came to my hotel. Col. Hon said that the Chilean Military denied all knowledge of Charles. Repetitions of this statement were the only information given to me by the Embassy on this statement until October 18th. I gave them a letter asking that they press on; that they investigate the possibility of other prissons than the National Stadium; that they check all foreign embassies where Charles might have gained asylum; that they make a fingerprint check of all unidentified bodies in the morgue; that news releases be given all Chilean newspapers; that reward offers be made in the newspapers. I offered to pay the rewards. All the above were approved for immediate action by Davis. Purdy, however, asked me to check the Swedish Embassy, explaining that their relations with the Swedes were not cordial because of the help given to an American woman who had said that the American Embassy had refused to help her and who had been given shelter by the Swedes. I spoke to the Swedish Ambassador by telephone later.

October 10th Purdy telephoned me, saying that a fingerprint check showed that Charles was not in the morgue. At my request he confirmed this by letter. I then asked for a re-check by a recognized expert and offered to pay any fee. Several days later this was done and the same report received. On October 9th I had sent Purdy a note asking that a check be made on disposition of bodies removed from the morgue.

October 15th, after being told by Purdy that the Chilean Military continued to deny any knowledge of Charles and that our people knew of nothing further that could be done to persuade them, I visited Major Luis Contreras Prieto of the Chilean army. I was put in touch with him by his brother, who is employed by a New York bank. I appealed to the Major on the grounds of humanity, saying that, if Charles were not alive, I hoped that they would not leave me without the truth when I returned to face his mother. Prieto immediately telephoned a Major Hugo Sala of Military Intelligence. After hanging up he told me to wait for a visitor next morning. On October 16 two men from Military Intelligence, Ortiz and Menesas by name, visited me for almost two hours. When they left, they said that I would hear from them promptly. On October 17 they returned and asked many questions about the clothes which Charles wore. They asked whether I could obtain fingerprints. I called Purdy at the Consulate and he sent the prints at once by messenger. The men left with them. On the same afternoon I visited Enrique Bernstein for almost an hour. He is Foreign Minister Huerta's assistant and had been spoken to in New York by my brother in law, the arrangement having been made by Brian Urquhart of the United Nations. Senor Bernstein promised to do everything possible.

On the same day, a man associated with Ford Foundation told me that a close friend of his also is a close friend of a General in the Chilean army; that the General had said that Charles had been shot to death in the National Stadium "on or before September 20th."

On October 18th Inspector Mario Rojas, of Investigaciones, summoned my daughter in law to be interviewed. He showed me a letter from the Minister of the Interior directing him to devote his entire effort to finding the truth about Charles.

In the late afternoon Purdy telephoned me. He said that the Chileans had telephoned the Embassy and said that they had matched Charles' fingerprints to those of the body of a man who had been shot in the National Stadium on September 18th and had been interred in the wall of the National Cemetery on October 3rd. This report was confirmed to me formally in visits by the men from Military Intelligence and by Inspector Rojas of Investigaciones.

So—from September 18th to October 5th, the date of my arrival in Santiago, the American Embassy did *nothing* to verify the evidence which had been placed in their hands on September 18th and which proved to be the key to the truth. From October 5th to the very end, their "efforts" produced no results beyond their repeated statements that they had contacted the Chilean government, right up to General Pinochet, and had been told that the Chileans knew nothing about Charles or his whereabouts. And yet, within three days after my talks with Major Prieto and Enrique Bernstein, the truth was made plain.

I do not know the reason underlying the negligence, inaction and failure of the American Embassy. Whether it was incompetence, indifference or something worse, I find it shocking, outrageous and, perhaps, obscene.

My own observations and the experiences related to me by others convince me that the attitudes and behavior of some—not all—American State Department employees fall very short of those of the personnel of certain Foreign Embassies and of workers in the groups who are helping refugees in Chile. As examples I might mention:

On October 8th Ambassador Davis directed that news releases be requested in all Chilean newspapers and that offers of reward be inserted. As of October 11th, despite my daily inquiries, one news release and no reward offers were printed. When I was referred to the Embassy press officer I was told that I should be grateful for the one story I then protested to the Ambassador who put another man on the job. Another story appeared on the following day and the reward notices were prepared for immediate insertion as advertisements.

A friend of my daughter in law asked the wife of an Embassy officer why there was so much delay and difficulty in locating Charles. The response, as quoted directly to my daughter in law, was "He must have been doing something very naughty."

On September 28th I was in the State Department offices in Washington. One of the men let me use his office for four hours while he attended a meeting. During this time, a friend of my son, who has literally devoted all his time to the search, called from the reception desk and asked for me. The man to whom he spoke had talked with me at length and could see me in the office. He told the young man that I was not there and refused to let him come up and wait for me.

The Department issued press releases, and made statements to me and to others, both in Charles' case and in that of Frank Teruggi, quoting the Chilean statements that both had been released from the National Stadium and possibly were in hiding. This seemed completely illogical at the time and was proven false in my son's case. Taking these actions of the Department together with an article printed in the New York Post during this past week and quoting a Department press officer by name as saying that Charles probably was seized by a leftist group, it seems apparent that it is Department policy to clear the Chilean government of responsibility and, at the same time, clear themselves of their obligation to hold a foreign government to account for killing an American citizen. The press release to the Post conflicts directly with the view expressed to me by Purdy. Fearing that the Chileans might disclaim responsibility by blaming Charles' seizure by rightist (the thought of leftists doing this is preposterous) groups, I asked Purdy the Embassy view of the possibility that such groups might have been active. He confirmed what I already believed: that there was so much dissension and possible disloyalty in the Chilean army that special armbands were issued each day and that any irregular groups would have been in great danger.

My daughter in law was treated discourteously by Embassy people. As stated earlier, until October 5th no steps were taken to follow up the evidence which was given to the Embassy on September 18th.

Very truly yours,

Edmund C. Horman.

SUPERB ADDRESS OF HON. CHET HOLIFIELD

(Mr. DORN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DORN. Mr. Speaker, our distinguished and beloved colleague from California, Hon. Chet Holifield, delivered a superb address recently at the dedication of Duke Power Co.'s Keowee-Toxaway project. We are extremely proud of this project in our congressional district, which won for Duke Power Co. the Edison Award, the highest citation of the electrical industry. Duke was cited for "its outstanding engineering accomplishment in the integrated hydrothermal development of the project and protecting and enhancing the environment of the Keowee Valley."

Mr. Speaker, it was entirely fitting and proper that Congressman Holifield make the dedication address, as no American has contributed more to the development of the peaceful uses of atomic energy. During this time of energy crisis and international crisis I commend to the Congress and to all Americans Chairman Holifield's superb address at the dedication of Duke Power Co.'s Keowee-Toxaway project.

The address follows:

Remarks by Congressman Chet Holifield

October 20, 1973.

Mr. Chairman, respected guests, my Congressional Colleague, the Honorable Bryan Dorn, and friends.

I would like to take this opportunity to commend the officials of the Duke Power Company for their imagination in the planning of this project and for their fine efforts in bringing these plants on line. The Keowee-Toxaway Project represents an innovative and award-winning combination of hydroelectric and nuclear powered generating plants. Moreover, in addition to providing needed power for this rapidly growing area, these lakes will offer recreational benefits for the members of the public and enhance the general area for residential use. The recent Edison Award to Duke Power summarizes the achievement succinctly. Let me quote:

"For engineering vision in designing the Keowee-Toxaway-Oconee power generating complex, and integrated hydro-thermal development, the hydro-station lake supplying cooling water for thermal plant use and its black start capability providing emergency start-up power; for demonstrating its concern for ecological balance and the well-being of its customers by stressing environmental protection in its design and by providing recreational facilities; and for the technical and managerial accomplishment of design and construction management of the complex using company manpower."

I want to especially thank my friend and colleague in the House of Representatives, the Honorable William Jennings Bryan Dorn, with whom I have served since 1947. He is a great representative of the best interests of the people of his District and our Nation. He is a champion of nuclear energy and has supported our great atomic programs to keep our country safe and strong in a military sense and progressive and prosperous on the economic plane.

The United States of America is approaching a severe energy deficit faster than most people realize.

This great Nation has been built on the fact that within our borders we have always possessed an abundance of energy sources. Over a century ago, we depended on an abundance of wood from virgin forests to heat our homes, and to fuel our steamships and locomotives. Then, we turned to our rich deposits of coal for use in our homes, factories, ships and trains. At the beginning of this century we turned to oil and gas.

Today our wood is gone and our rich fields of oil and gas are going. We have become more and more dependent on oil and gas for home, factory and transportation. But, as our domestic supplies of oil and gas declined, we have been forced to import from South America, Canada and the Middle East an alarming amount of oil to supplement our domestic petroleum sources.

We imported seven and one-half billion dollars worth of oil in 1972. We on the Joint Committee on Atomic Energy made some estimates earlier this year of our future imports based on $4 per barrel oil. On this basis, our imports for 1973, were estimated to be $9 billion and for 1980—seven years from now—$20 billion. But these estimates are already significantly out-of-date. Based on the recent statement of Libya, the cost is now to be $6 per barrel and not the $4 we used in our estimate. This would change the estimate for 1980 from $20 billion to $30 billion. Of course, based on the announcement made in Kuwait last Wednesday by the Arab oil states on cut backs in petroleum production for the United States, the upbidding for oil will be further intensified. We would be incredibly naive if we believed that the price hike also announced last Wednesday is the last one the Middle East sheiks will impose. Of course, even the present estimate of imports would spell financial chaos for our country. Long before 1980, such import needs would bankrupt America. We must develop alternatives and those alternatives will have to be electricity from coal when we make it environmentally acceptable, and from nuclear power.

We cannot support such a huge outflow of dollars. Why do I use these alarming forecasts of energy facts and figures?

First, because every reputable statistical source verifies these figures and forecasts.

Second, because I want each of you to know the importance of this event today.

I want you to know that we are in the twilight of the fossil fuel age.

We are at the beginning of the nuclear energy age.

Since 1954, your Congress has been working to transform the curse of nuclear destruction into a blessing for mankind. Your Congress has supported the peacetime atomic program which makes this great reactor possible. Your Congress has followed the wise advice of the Joint Committee on Atomic Energy and we have developed more than 1500 peacetime uses of the dread substance that destroyed Hiroshima and Nagasaki, the two great cities in Japan.

Time has proven correct the prediction expressed in the 1963 Joint Committee hearings that we were entering an era of declining supply of fossil fuels. Because of that vision and wisdom and the expenditure of several billion dollars of your tax money, we stand today with the ability to off-set our growing fossil fuel energy deficit with a new supply of energy from the atom.

This replacement of energy will not come into being by the wave of a magic wand. It can only come into existence by building about 1000 nuclear reactors by the year 2000 similar to this great plant we dedicate today.

Strange as it may seem, there exists abroad in our land today people, many of them well-meaning perhaps, who are woefully ignorant of the crisis which is approaching you, me and our children.

These people have listened to charlatans and demagogues who are ill-informed and fearful of progress. Their recent ancestors opposed the advent of the train, the automobile and the airplane.

They predicted calamity which never occurred. Their ancestors sat in a cave by a wood fire and ate burned meat and scratched their bodies for recreation.

This type of people today claim to worship nature and seek to preserve nature in its most simple aspects. They forget that thorns and thistles and briars infest our fields that grow our food and fiber. They forget that uncontrolled floods drown our crops and denude our precious topsoil. Some of the older citizens can remember this area when Nature held full sway. They have seen this area changed from land worth $15 to $25 per acre to today's land of rich farms bounded by modern roads and an influx of electrical energy that makes life worth living and provides industrial employment which was undreamed of forty or fifty years ago.

All this great change came about because of progress from a primitive agricultural society to the advanced society you enjoy today—and that progress came about because men of vision and courage were not afraid to control the natural factors for the benefit of mankind. These men of vision and courage were not fearful men looking backward in nostalgia to the past. They were men who, like their forefathers, were willing to face the challenge of uncontrolled natural forces and guide them into beneficial channels for their present benefits and their children's future benefits.

So, today we are gathered here as friends of progress—friends of people who are entitled to a better life than their forefathers.

We are here today to pay our tribute to the men who plan and operate these great energy factories. We are here to compliment the people of this gerat and progressive region—people who are alive to modern needs and are supporting the move to channel the forces of nature into the blessings of a better future.

I would like to say again what an honor and pleasure it is to participate in this dedication. I again commend all of you for your vision in making this great contribution, not only to this area, but also to the Nation as a whole. Every person in this Nation should be grateful to you for every kilowatt-hour generated here. Everyone will help this Nation in contending with our growing energy shortage. I wish you every success in your continuing efforts.

Now, may I talk briefly in more technical terms.

Here, we are dedicating a *real* reactor based on proven technology. Not something academic. We are not probing into the theoretical pie-in-the-sky dreams of those who find a new, academic concept more interesting than one based on sound technological development.

What can we look forward to in the next one or two decades to solve our growing energy problem? Practically the only two primary energy sources we have in this country in adeqaute amounts to do this are coal and nuclear power. And the nuclear power to which I refer are fission reactors such as we have here. We must concentrate our efforts on these two sources.

As to the follow-on new type of nuclear reactor known as the liquid metal fast breeder reactor, it is expected to be making significant contributions in the 1990's. This new type of nuclear reactor will increase the heat we can extract from a gram of uranium a hundredfold.

In all candor, we must admit that its technology has not been completely developed. But we have expended more than a billion dollars on solid research and development work on this concept. We, meaning the Atomic Energy Commission, the Joint Committee on Atomic Energy, the President, the successful reactor manufacturers and the large majority of the utility customers, have etsablished a priority goal for completion of this new reactor which embodies the largest consensus of support. Other nations are also giving vigorous support to their concepts of an LMFBR. If we are successful, and we believe we will be, we will solve our energy fuel resource problem for thousands of years.

After many years of research and development, Congress has authorized the building of a full scale prototype of this new type of reactor. The site has been chosen in your neighboring state of Tennessee. The contractors have been chosen. The partnership arrangement between private industry and the Federal government has been developed. We are ready to go. The successful development of a breeder reactor is a giant step forward and can and should give us an unlimited supply of energy for the future needs of our people.

There may be other technical paths which are desirable to explore. But at what risk? To what degree do we want to or can we parallel a different technology which may offer a hoped-for better solution? Where is the money coming from to pursue a parallel source?

Do we want to confuse the Congress and the industry by abandonment of all we have learned at such great expense and go down the glory road? Are we really justified in playing the game of "leap frog" over the advanced LMFBR technology? And if we leap, where do we land?

Can I go on the floor of the Congress and tell the Congress that the Commission, the Committee, the industry and the President were wrong for the past ten years in proceeding, step by step, building our breeder technology on proven successes in the light water field? Will they listen? What justification can I give for such a drastic step of abandonment and embarkation on a new venture—a new venture with relatively little research and development base and with great skepticism from the powerful entities that now support the LMFBR approach.

Have the new technological problems which beset every turn in the path of *any* new technology been adequately explored? What about safety? What about fuel technology? What about long-term material behavior? And, finally, what about the economics?

We are standing on solid ground today in the shadow of this great and expensive reactor. I wonder if any of the persons in this audience can realize the feeling of pride which I have within me today. This great nuclear reactor represents the peak of reactor accomplishment to date. It represents in its technology the results of 27 years of effort of not only myself and Congressman Price, but of a long line of members of the Joint Committee, the Atomic Energy Commission and the thousands of scientists, engineers, contractors and construction people that have brought into being this great atomic electric generating reactor. It represents far more. It represents the wisdom and courage of the great utility industry, because they provided the base of venture capital that built this reactor and most of the other licensed reactors in the commercial field. There is enough credit to go a long way, but today I wish to specially commend and compliment the management of the Duke Power Company for their years of support in the pioneering field of electric generation from the energy of the split atom.

I also wish to thank your Congressman and my friend Brian Dorn for his consistent support of the atomic program for more than twenty-five years.

As we move forward to meet the increasingly difficult problems which will beset us in the closing years of this century, I can assure you that the United States Congress will, with the solid support of the people, furnish the vigor and the vision which will safeguard and preserve the blessings of our form of government for all of us and for our descendants.

COMMUNIST PROPAGANDA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, we are all deeply concerned about Communist propaganda which is being infiltrated into the United States and Latin America by Castro and his Communist regime. We are also deeply concerned about the Russian military buildup in Cuba and in the Caribbean. One of the most knowledgeable men in the United States in respect to both of these subjects is Dr. Manolo Reyes, distinguished news commentator for the CBS outlet in Miami, channel 4. Dr. Reyes, formerly a distinguished lawyer and television personality in Cuba has been since about the beginning of Castro's regime a resident of Miami. Several times Dr. Reyes has given invaluable information about the dissemination of Cuban propaganda and about military activities in Cuba and in the Caribbean by Russia. We in the Congress and our fellow countrymen need to listen to men like Dr. Reyes who are warning us about Russian buildup so close to our shores which is constantly increasing.

So I was very much pleased as chairman of a subcommittee on the Theory and Practice of Communism of the House Internal Security Committee to chair a hearing of our subcommittee recently when Dr. Manolo Reyes gave us invaluable, if disturbing, information about these two subjects:

SUMMARY OF DR. MANOLO REYES' TESTIMONY

A subcommittee of the Committee on Internal Security has received testimony and fresh evidence to show that Communist Cuba is still exporting Fidel Castro's brand of revolutionary violence and subversion to Cuba's neighbors in the Western Hemisphere.

The very distinguished Latin American news editor of Station W-T-V-J, Miami, Dr. Manolo Reyes, told a subcommittee on Communist Theory and Practice which I had the honor to chair that Cuba played a major role in supporting the deposed and now dead Marxist President of Chile, Salvador Allende.

Dr. Reyes said he obtained a great deal of first-hand information from a delegation of 16 Chilean newsmen who recently arrived in Miami and one he interviewed had been the first newsman to enter the palace in Santiago, Chile, after Allende committed suicide.

Dr. Reyes said the newsman provided a vivid description of the scene and gave details of just how Allende placed the end of a gun barrel under his jaw and blew out his brains moments before police and soldiers stormed into the palace. The gun Allende used was a gift from Castro.

Dr. Reyes spoke of clandestine arms shipments from Cuba to Chile for Allende's followers, of the discovery on September 9, 1973, by the Chilean military of plans for a leftist coup designed to place the country entirely in the hands of Allende's revolutionary, communist followers, and of a July 29, 1973 letter from Castro to Allende advising that two of Castro's right-hand men, Carlos Rafael Rodriguez (Deputy Foreign Minister of Cuba) and Major Carlos Pineiro (Cuba's Chief of Intelligence and Security) were going to Chile to help Allende stave off the opposition until leftists could prevail.

At this point in the Record, Mr. Speaker, I would like to submit an English translation of Castro's hand-written letter to Allende (written, incidentally, on the Cuban dictator's official stationery) because it even contains a hint that Castro may have given Allende the idea of commiting suicide if Allende's strength and honor were threatened:

HAVANA,
July 29, 1973.

PRIME MINISTER.

DEAR SALVADOR: Under the pretext of discussing questions concerning the meeting of unaligned countries with you, Carlos and Pineiro are making a trip to your country. The real purpose is to confer with you about the situation and to offer you, as always, our willingness to cooperate in the fact of the difficulties and perils which hinder and threaten the process. Their stay will be very short inasmuch as they have many pending obligations here and notwithstanding the sacrifice of their duties, we decided that they would make the trip.

I see that you are now in the delicate question of the dialogue with the D.C. in the midst of serious events such as the brutal assassination of your naval adjutant and the new truck-owners' strike. I can imagine the great tension existing because of this and your desires to gain time, to improve the correlation of forces in case the struggle breaks out and, if possible, to find a channel to permit going ahead with the revolutionary process without civil strife while at the same time [excusing —?] your historical responsibility for what may occur. There are laudable goals. But in case the other party, whose real intentions we are not in a position to evaluate from here, persists in a treacherous and irresponsible policy by demanding a price impossible for the Popular Unity and the Revolution to pay, which is, even, likely, don't forget for a second about the formidable strength of the Chilean working class and the vigorous support it has given you in all the difficult times; it can, upon your call to the endangered Revolution, paralyze the coupists, maintain the concurrence of the wavering ones, impose your conditions and decide, if need be, Chile's destiny at the same time. The enemy must learn that it is in readiness and ready to go into action. Its strength and its combativeness can shift the balance in the capital in your favor even if other circumstances may be unfavorable.

Your decision to defend the process with steadfastness and honor, even at the cost of your own life; for they all are aware that you are apt to comply, will draw all the capable fighting forces and all Chile's worthy men and women to your side. Your valor, your serenity and your fearlessness at this historic hour of your country and, above all, your steadfast, determined and heroically exercised leadership constitute the key to the situation.

Let Carlos and Manuel know in what way we, your loyal Cuban friends, can cooperate.

I reiterate the affection and unlimited confidence of our people.

Fraternally,

(s) FIDEL CASTRO R.

Dr. Reyes also spoke of the efforts by Cuban communists to bring propaganda to the American people in an effort to soften the U.S. position with respect to Castro and Cuba.

And he showed our subcommittee a film clip of a Soviet naval squadron, including a nuclear-equipped submarine, moving through Caribbean waters near the Florida Keys.

Dr. Reyes reported that thousands of Russian technicians, instructors and military personnel are stationed in Cuba and have the air and naval strength there now in such quantity that Moscow might not back down if faced with a new missile crisis as was the case in 1962.

Other witnesses joined Dr. Reyes in deploring the fact that a project to promote the image of Castro and Cuban communism—a project known as EXPO-CUBA had been permitted to be launched in New York this past summer and was scheduled to be exhibited throughout the U.S. in months to come.

Dr. Reyes' testimony, as well as supporting testimony from other witnesses, was a sharp reminder that a major threat to our nation's security lies just 90 miles off our southeastern coast. We cannot afford to ignore it.

AMBASSADOR JOSEPH JOHN JOVA SPEAKS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on October 20 in Miami, Fla., the distinguished U.S. Ambassador to the Organization of American States spoke to the Inter-American Businessmen's Association. In an able and outstanding address Ambassador Joseph John Jova gave a learned review of the development of the Western Hemisphere. With emphasis upon Latin America he showed how the streams of life and development in the northern and southern part of the hemisphere had become intertwined and how interdependent all parts of the hemisphere are. Ambassador Jova emphasized that today Latin America is alive:

> Today Latin America is alive—actively and assiduously seeking the economic wherewithal to make up lost time.

Mr. Speaker, my colleagues and fellow citizens who read this able address will be informed and delighted. I, accordingly, ask that Ambassador Jova's address appear in the RECORD following my remarks:

REMARKS BY AMBASSADOR JOSEPH JOHN JOVA TO THE INTER-AMERICAN BUSINESSMEN'S ASSOCIATION

MIAMI, FLA.,
October 20, 1973.

In the course of my life this part of the United States has changed from a real frontier—a simple mix of vacationland and farm country—to a cosmopolitan gateway for the entire world. There were first the days of boom-and-bust speculation in South Florida swampland in the twenties, followed by a far more substantial boom in the next generation, when Miami and its environs became America's playground. And now in the past decade or so it has blossomed into a bilingual city, fast developing into an extremely busy center of inter-American business, banking, education, culture, medicine and society. True, Miami has about it little of that wonderful Latin culture exemplified in, say, Cuzco or Old Mexico. And it is not perhaps an industrial dynamo like a Pittsburgh or a Sao Paulo. I think it is rather uniquely the inter-American city of the future. For that reason it seems an ideal place for me as the United States Ambassador to the Organization of American States to meet with the Asociacion Interamericana de Hombres de Empresa. This dynamic organization is bringing together the real "fuerzas vivas" of some of the most active cities on the Gulf of Mexico and the Caribbean. As a resident of Washington I am particularly pleased at the establishment of a chapter in the Nation's capital. A city that, like Miami, is undergoing its own metamorphosis, in its case from a purely government city to a modern metropolis.

I trust that you are aware of the importance of private business at this point in the history of Latin America, when development is the main pre-occupation in every country. As businessmen, in your industrial, commercial and financial activities in Latin America you are, of course, concerned with making a profit. It is only right—indeed in our economic system it is indispensable—that you do so. But I hope too that you are conscious of your profound responsibility in the ongoing economic and social development of the hemisphere. Without such development, the outlook for business itself is dim indeed.

The United States and the industrial revolution were born at about the same time, twins out of the same mother. It should not be surprising then that the British colonies should be in the forefront of economic development. Latin America likewise grew up in the wake of a glorious tradition—the Spain of Columbus, Diego de Velasquez, Cortez, Cervantes; the Portugal of Henry the Navigator, of Camoes; of the bandeirantes; not to mention the Indian and African infusions which make our hemisphere so uniquely rich. But neither the Iberian tradition nor the Afro/Indian tradition sufficiently prepared Latin America for economic development in the twentieth century. I need not belabor the point: for complex reasons, the entrepreneurial spirit pervaded North America; and it was later in coming in most of the countries which developed south of the Rio Grande and the Straits of Florida. Those days are passed, however, and expanding economies in Latin America and your own presence here today is testimony of this fact. This little historical capsule is, I hope, sufficient to point up your importance as businessmen in the hemisphere's future. Latin America is no longer far from the center of the world's stage; no longer are there banana republics; no longer are large parts of America doomed to economic and social stagnation. No longer are its managerial and business talents confined to running haciendas or collecting urban rents.

Today Latin America is alive—actively and assiduously seeking the economic wherewithal to make up lost time. Most of the hemisphere must rely on the private sector to be the true motor of development. It must look to the membership of this association (for example) for trade, for capital, for technological expertise—whether you are nationals of the United States, of the host country or of a third country. Yet the climate for the private sector—and particularly for foreign investment—often seems gloomy. We have seen expropriations, nationalizations and the intention of some governments to control the activities of foreign companies. I think we—and by that I mean both the potential investor and the U.S. Government—should keep in mind that reasonable controls on investment are a fact of modern life and need not be against our long term interests. Host governments have a right to insure that investments are in the general welfare. But it is important for both government and investor to know what the rules of the game will be. By the same token, private investors have a right to stay away if the rules are too tough or their application too uncertain. I believe that most of the governments of Latin America recognize the importance of foreign investment to their economies, and I also believe most of them are increasingly aware that it is unwise to take actions which would discourage potential investors. In today's world capital is scarce and it flows only to those places where it is welcome. This fact should become increasingly clear during a period when development, with its never ending requirement for inflows of capital and technology, is the prime goal of every country of the hemisphere.

This very drive for development is opening vistas as well as creating problems for both business and government and has helped to create the present state of U.S.-Latin American relations. For those of you who are U.S. citizens especially, but for all of you, I think, the state of those relations is very important. I, therefore, propose to review briefly the picture as seen from my particular arena—the Organization of American States.

From the perspective of history, inter-American relations show a central and recurring theme, the effort of Latin American nations to place restraints upon the behavior of its giant neighbor to the north. I don't use restraint in any pejorative sense. Nations, like human beings, do themselves no good when they behave in an unrestrained fashion. So it is good for us and it is good for every nation to agree to the placing of reasonable restraints, and I emphasize reasonable, upon its own behavior.

For many years the principal thrust of this effort lay in the field of political behavior as Latin America sought to restrain us from intervening, militarily or otherwise. The good neighbor policy was a recognition of the validity of the principle of non-intervention and (in 1947–48) it was made a treaty obligation in the Charter of the OAS and in the Rio Treaty.

When the nations of the hemisphere agreed, not without difficulty, to institutionalize the Inter-American System through the Charter of the OAS and the Rio Treaty, these steps were based on the existence of at least a rough consensus on hemispheric goals and principles. I would summarize this consensus in terms of four elements (a) non-intervention (b) the deterrence of extra-continental aggression (c) the maintenance of peace among the nations of the hemisphere themselves and (d) the acceptance of a system of cooperation among us all.

This consensus was later inadequate to deal with the drive toward economic and social development, which became increasingly important to the Latins in the fifties and suffered a partial breakdown which threatened the edifice of inter-American cooperation. This new concern led to Operacion Panamerica and the creation of the I.D.B., and, sharpened by the advent of the Castro regime, led directly to the Alliance for Progress during the administration of President Kennedy.

The accomplishments of the Alliance for Progress were many. But it has now been largely overtaken by events and by changes in attitudes both north and south. We have seen an erosion of the consensus that bound us together, an erosion that has been accelerated by the lessening of the threats of the Cold War era. In Latin America we have seen grow a nationalism that has become increasingly assertive in its concentration on development goals. For our part, we in the United States have become increasingly cognizant of the finite nature of our resources and our need to balance international responsibility with our duty to our own people.

The Nixon Doctrine was a direct response to these realities. Its concept of a mature relationship, without the paternalism of the past, of a realization that our capabilities are—and must of necessity be—directed to helping others to help themselves and its offer to respond to Latin initiatives in both trade and aid, was well received in both Latin America and at home.

Unfortunately, the war in Vietnam, our obligations at home, and a deteriorating balance of payments combined to make it difficult for us to be as responsive as we had hoped.

It is this complex of changed realities, then, that is reflected in Latin America's dissatisfaction with the existing system for development cooperation. It is precisely this dissatisfaction that underlies the complaints about the OAS and the Inter-American System as a whole and which led to the creation of a Special Committee of the OAS to reform the Inter-American System. This Committee has been meeting since June, first in Lima and now in Washington. The thrust of the Latin Americans is not so much for changes in the structure or organs of the OAS as for a change in the very relationship between the U.S. and Latin America.

In drawing up a new framework of relationships, some of the Latin American countries seek to obtain from the U.S. a commitment for additional legally binding obligations and restraints. For example, a system of collective economic security—complete with both obligations to provide assistance and with definitions of economic aggression—has been proposed. While the U.S. has no intention of committing economic aggression against any country, in an interdependent world, such as we have today, nearly anything one government does will have some impact on another. Sugar quotas in the U.S. affect world prices. An export embargo on a commodity affects the world supply situation. Moreover, it is easy to forget that this should apply to actions by Latin American governments against U.S. interests as well as vice versa. Therefore, I do not believe that such a wide-ranging system of collective economic security is acceptable to the U.S. at this time.

This is merely an example of the type of issue which faces us in the OAS now. There are many differences of opinion among OAS members, but we are working overtime in an effort to find formulas which will protect the interests of all parties.

I should make clear that our joint efforts in the Inter-American system run parallel to efforts on the world scene to order the relationships between the developed and the developing, an undertaking in which President Echeverria of Mexico has taken a leading role. In this connection, speaking of the development effort, Secretary of State Kissinger stated to the United Nations General Assembly:

"We will participate without conditions, with a conciliatory attitude and with a cooperative commitment. We ask only that others adopt the same approach. . . . We are willing . . . to examine seriously the proposal by the distinguished President of Mexico for a Charter of Economic Rights and Duties of States. Such a document, will make a significant and historic contribution if it reflects the true aspirations of all nations; if it is turned into an indictment of one group of countries by another it will accomplish nothing. To command general support—and to be implemented—the proposed rights and duties must be defined equitably and take into account the concerns of industrialized as well as of developing countries. The U.S. stands ready to define its responsibilities in a humane and cooperative spirit."

In short, the U.S. agrees that we need in the hemisphere an effective and active Inter-American System, but one based on reciprocity. We think it important to seek a new *consensus*, suitable to the times in which we live, but one that is realistic, which aims at enhancing "convergent interests" and at resolving the differences among us. We must approach this in a spirit of accomodation and realism and so must our neighbors. As the Foreign Minister of Colombia, Alfredo Vazquez Carrizosa, pointed out recently in the OAS Special Committee, Latin votes of twenty-two against one American are worth nothing in themselves. If decisions are to be meaningful, Dr. Vazquez said, a consensus must be worked out in which the United States can participate. Good faith—a will of all nations to work together for peace and development—these are the essentials of a workable Inter-American System for the years ahead. In order to develop such a political will, Dr. Vazquez called for a conference of the hemisphere's foreign ministers. From the perspective of a diplomat and of someone whose vocation and personal commitment has been to the inter-American relationship, I would like to point out some of the ground rules and conditions which determine how the game will be played.

First, countries make their own decisions on what reforms are needed; development is largely an internal question. Self-help is the most essential ingredient for development, and outside assistance—while important—is secondary. A set of rules and sanctions with respect to U.S. economic behavior will not substitute for the internal development process.

Secondly, we are dealing with sovereign states, including the U.S. Where there is conflict between U.S. interests and those of other sovereign states, one must recognize the legitimacy of interests on both sides and seek mutual advantage through a process of accommodation.

Thirdly, this is a richly diverse hemisphere, with differing views on many matters. At the last OAS General Assembly we joined together to recognize under the rubric of "plurality of ideologies" the diversity of political, social, economic systems. But at the same time a historic commonality of ideals and interests has joined the Americas into a living relationship which has endured since the days of our Independence. This vitality of the Inter-American System has often been overlooked.

My fourth and last point concerns a matter I touched on briefly before—the knotty issue of the behavior of private foreign investment. There simply is not enough public capital available overseas to fund the needs for capital in the developing countries. President Nixon, in his major Latin American policy speech in October 1969, emphasized the importance of foreign investment: "For a developing country," he said, "constructive foreign private investment has the special advantage of being a prime vehicle for the transfer of technology. And certainly, from no other source is so much investment capital available, because capital, from government to government on that basis, is not expansible. In fact it tends to be more restricted, whereas, private capital can be greatly expanded." The experience of Cuba in pre-Castro days and of Brazil today could hardly be more eloquent as examples of the truth of that statement.

At the same time, developing nations fear that foreign business may contravene national development policies or interests. All, of course, reserve to themselves the sovereign right to determine the conditions under which foreign investment operates. The issue involves strong emotions and real interests. It would be in everyone's interest to work out some means of resolving disputes in this area that would protect the legitimate interests of all concerned.

It is now part of our conventional wisdom that the U.S. has, for a number of years, been walking a valley of shadows. Our traditional optimism has been frustrated by the unsuspected stubbornness and complexity of problems both domestic and foreign. We have come to an equivocal tangle of complexities, new responsibilities and even setbacks in a world which is changing vertiginously. The United States has learned more of pain. And, if I may say so, I think we have learned also of humility.

Much of the thrust of this Administration's foreign policy reflects a realistic appreication of these events. Thus we have the Nixon Doctrine, detente, a determination not to be the policeman of the world, and particularly in Latin Amrica, a more modest perception of our true role. We also recognize the new Latin nationalism as a fact of life.

For several years we have been trying to mold our Latin American policy to these realities. We have consciously channeled a majority of our economic assistance through multilateral institutions such as the IDB and the World Bank. We have diminished the number of U.S. Government officials in Latin America. We have accepted the existence of a "plurality of ideologies" in the hemisphere. There is a realization that development is a complex matter indeed and most of the impulse must come from within.

While we are still as committed as we ever were to the desirability of economic and social development in Latin America, we want to do more listening and less talking. Because of the importance to us (and indeed to Latin America as well) of our own economic health, we have given priority to this issue. The U.S. and Latin America are traditional trading partners; we are mightily interested in the promotion of American exports, and the United States Government has given this new emphasis. And we are attempting, with due respect for the sovereignty of others, to protect what we have seen as legitimate interests of U.S. investors in Latin America and elsewhere abroad.

I need not emphasize that our efforts so far have not met with uniform success. At times we have lacked the style, the panache to project the seriousness of our intention to continue cooperating with Latin America while shedding the accoutrements of paternalism. And we have run into conflicts between how we see our economic interest and how several Latin American countries view their interests.

Despite this I am persuaded there is reason for optimism that U.S. relations with the other countries of the hemisphere can be improved in the years ahead. As Secretary Kissinger recently pointed out, we and the Latin Americans—despite our differences—have much the same principles based on freedom and human dignity. Despite differing levels of development within Latin America as well as between Latin American and the U.S., we share a tradition in which the private individual, the private entrepreneur, the private business organization have key roles in determining how society will develop.

I hope that each of us here will go forth with a deeply felt determination to help in the continuing construction of this hemisphere which we still know proudly as the New World. More and more, business is being called on to consider whether its activities are in the interest of those ideals about which we in the OAS speak—and I hope, think—a great deal. Namely, prosperity for the many, peace among the peoples of the world, the fulfillment of the individual man. Creation of healthy societies also is good business.

Through the Inter-American System the United States has a covenant to work together to improve the quality of the life for all people in the hemisphere. I feel confident that the private businessman can be counted on to do his part in the fulfillment of that covenant.

WORLD FOOD SITUATION CHRONICLED IN MINNEAPOLIS TRIBUNE

(Mr. FRENZEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, in recent months, it has become increasingly apparent to us in the Congress that the world's food supply is lagging woefully behind demand. We have heard Secretary of State Henry Kissinger urge the United Nations to step up its activities in the form of a world food conference, and pledge the U.S. support for U.N. food programs. In addition, recognized food experts, like Dr. Norman Borlaug, winner of the Nobel Prize, have urged that new emphasis be placed on world food sharing programs and grain reserves. And now, the Senate Committee on Agriculture has begun hearings on the subject.

In spite of this growing awareness in the Congress, this problem is obviously not a new one. People have been starving for centuries, and the world's food experts have always known about it. Unfortunately, it has often been said that little or nothing can be done. However, the "green revolution," spurred by Dr. Borlaug's super high yield grains, has begun. In addition, this country has for the first time in years, passed a production-oriented farm bill, which will certainly help to fill up America's breadbasket, and will help other nations, too, until they can produce as we do.

To provide some additional information on these problems and potential solutions, I am today inserting in the RECORD the first of a series of four articles by Minneapolis Tribune staff writer, Al McConagha, dealing with world food supply. The series contains vital information for all who want to know more about food supply and demand. The article by Mr. McConagha follows:

[From the Minneapolis Tribune, Oct, 28, 1973]

FOOD SUPPLY BECOMES WORLD CONCERN

(By Al McConagha)

WASHINGTON, D.C.—Last summer when we needed a banker to finance a slice of U.S. Choice, we also began hearing about starving Africans and soybeans so precious we couldn't sell them to foreigners.

When crop reports turned up on television news, it was clear that something was wrong with something the nation long had taken for granted—an ample supply of relatively low-cost food.

In his first speech as secretary of state, Henry A. Kissinger made it a global issue. He urged the United Nations on Sept. 24 to call a world food conference to deal with the "growing threat."

"Since 1969 global consumption of cereals has risen more rapidly than production," said Kissinger, outlining the difficulty. "Stocks are at their lowest levels in years.

"We now face the prospect that—even with bumper crops—the world may not rebuild its seriously depleted reserves in this decade," Kissinger told the General Assembly.

Argument rages over how depressed we should be at this news. But one point is as unmistakable as horseradish: When it comes to food, the world is a smaller place than we are accustomed to thinking of it.

The anchovy catch declines off the coasts of Peru, trimming an important source of animal protein, and the result is that the price of soybeans soars in New Ulm, Minn. And, as the cost of beans to the livestock producers takes off, the price of pork chops leaps in Paris.

The Soviet Union buys American wheat, and the world market goes up. As a result a hungry Pakistani can't afford his usual chapoatti, a cereal staple, and is less likely to get it on relief.

This oversimplifies, perhaps, but does not distort. It is clearer than ever that food—like energy and environment—involves manifold interconnection of men and conditions.

Food is a uniquely American asset. North

America has become the world's dominant source of grain, largely because of superior soil, climate and technology.

With stocks at a 20-year low, the world depends each year on a good harvest on the prairies of the United States and Canada. That harvest, of course, depends on the weather.

To some American farmers, however, current fears are as recurrent as the weather. They see themselves in yet another cycle of the boom and bust that has characterized the nation's farm history.

The last food "crisis" occurred in 1965–1966. Two successive monsoon rain failures devastated Indian harvests and a U.S. grain armada saved perhaps 60 million people.

At that time there also was "new-era" talk. Then Agriculture Secretary Orville Freeman, former Minnesota governor, in 1966 relaxed wheat restrictions and some 30 percent more acres went into production.

To be ready for the anticipated wave of high prices, farmers went further into debt equipping themselves. Farm-related industries, such as fertilizer, expanded to get in on the boom.

During that summer's harvest, however, wheat prices plunged and surpluses again headed into government storage. These stocks continued to build until the controversial wheat sale to the Soviet Union.

CROPS FAIL IN PHILIPPINES, INDIA

At the same time the prophesies of disaster that had accompanied the hardships in India gave way to euphoria over the seemingly boundless promise of the "Green Revolution."

These new rice and wheat varieties offered hope at the end of the 1960s that food production would keep up with population growth. They now appear merely to have postponed the hour of crisis.

The high-yield wheat and rice did, however, provide some significant successes and India, for instance, became self-sufficient in wheat before it was set back by drought in 1972.

That was the year of reversal on many food production fronts. Besides subnormal rain in India, drought and typhoons damaged the Phillippine rice and corn crops. Peru's anchovy harvest failed, cutting fishmeal supplies. Six African nations below the Sahara suffered their fifth consecutive year of drought. Poor conditions also cut deeply into harvests of major grain exporters, giving Australia its poorest wheat crop in 13 years and forcing Argentina to suspend exports of durum, bread wheats and flour.

That year, too, winter kill and a dry summer reduced the Soviet wheat crop. And it was at this point that the decisions of governments also began to have an impact.

Instead of asking its people to go without as it had in the past, the Kremlin bought 28 million tons of grain overseas to spare its livestock herds and continue its protein development program.

At the same time the United States decided to meet escalating world demand and (with the exception of the soybean embargo) opened its bins and sold off all of its government-owned stocks.

Another governmental decision also raised world demand. Two formal and one unofficial dollar devaluations had the effect of lowering U.S. export prices and spurring foreign buying.

Willingness to spend money on farm products also was fueled to generally expanding economies in the industrial nations that bid up the prices of grain and protein used to feed livestock for the production of meat.

The impact of all this on American food prices at home is well known. It also led to a trade boom overseas. U.S. food exports increased from $8.1 billion in 1972 to $12.9 billion this year.

Implications for the future are uncertain. Some economists see the convulsions of the past 18 months as a peculiar combination of bad luck and poor weather not likely to be repeated.

The United States is expected to have a record crop this year and next. The global food production outlook is favorable although there is drought in West Africa, North Africa and the Mideast.

Don Paarlberg, Agriculture Department director of economics, says supplies are likely to remain quite tight this marketing year but crop failure on last year's scale are "unlikely on a continuing basis."

Generally speaking, the department thinks food supply and demand will be in a "reasonably good" equilibrium in the next decade or so but that prices will be "substantially" higher than in the 1960s.

PESSIMISTS SEE GROWING FOOD SHORTAGE

Obviously prediction is hazardous. "The problem is we don't know what is going to happen next January let alone what is going to happen next year," says D. Gale Johnson of the University of Chicago.

Nevertheless, he predicts that the present tight supply situation will ease in one or two years and continued high prices will depend largely on expanded trade through negotiation.

More pessimistic observers, while not ruling out possible relaxation of supply problems for a few years, believe the current trend is toward increasingly chronic food scarcity.

Not even the most optimistic Agriculture Department analyst contends that agriculture can meet the demands of population growth indefinitely. So the cosmic question becomes not if, but when, we won't have enough.

Sen. Hubert Humphrey, D-Minn., a close student of the issue, talks of some starvation within five years. Agriculture Secretary Earl Butz says we have a couple of decades to get population under control.

Population causes the historic demand for more food. The number of people on earth has been rising by about 2 percent (75 to 80 million) each year and has for the past 40 years.

This requires food production also to double in little more than a generation to meet minimal food requirements to prevent starvation—and this begs the monumental issue of the malnutrition that affects millions of people who have enough food to stay alive but not to stay healthy.

Moreover, there is lately a new appreciation of the impact of affluence on food supply. As incomes go up, so does the demand in all industrial countries for red meat.

And it takes anywhere from 3 to 8 pounds of grain to produce a pound of poultry, pork or beef.

Lester R. Brown, senior fellow of the Overseas Development Council, is particularly active in stressing the effect of this hunger for livestock products on the world grain supply.

As he calculates it, grain consumed directly represents 52 percent of man's food supply. In poor countries the annual availability of grain for each person averages some 400 pounds each year.

In the United States and Canada each person uses about one ton of grain a year. Only about 150 pounds are eaten directly. The balance is passed through animals and consumed as meat, milk and eggs.

Also, the per capita consumption of beef rose in the United States from 55 pounds in 1940 to 117 pounds in 1972. During the same period poultry consumption increased from 18 to 51 pounds.

At the same time there are serious restraints on production. The best land is already cultivated. Poor practices are eroding other soils. Soybeans resist laboratory efforts to improve their yields.

Weather, on which all crops depend, remains uncertain. Brown contends that drought has visited the United States in 20-year cycles since the Civil War—and another one is on the way.

Although this thesis has not found wide acceptance, weather does seem to come in cycles and some experts are disturbed by persistent rainfall deficiencies in the Dakotas and western Minnesota.

Reid A. Bryson, University of Wisconsin meteorologist, says the earth's climate is now changing in a way that poses a staggering threat of drought and famine for the Indian subcontinent.

"I would say the food problem has never been so serious in the history of the world," William Paddock, Washington food consultant and author, observes.

"For people to live on the brink of starvation is not unusual. But for so many to live on the brink is unusual," he adds. "For the first time in my memory there is no food reserve to help them."

A. H. Boerma, director-general of the U.N. Food and Agriculture Organization, adds the lament that "enough decent food for millions of human beings may simply depend on the whims of one year's weather. Is this," he asks, "a tolerable human condition?"

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. PODELL (at the request of Mr. O'NEILL), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHUSTER) to revise and extend their remarks and include extraneous matter:)

Mr. TREEN, for 10 minutes, today.
Mr. TALCOTT, for 10 minutes, today.
Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous matter:)

Mr. MORGAN, for 30 minutes, today.
Mr. FLOOD, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. REUSS, for 10 minutes, today.
Mr. FULTON, for 5 minutes, today.
Mr. FRAZER, for 5 minutes today.
Mr. FUQUA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SHUSTER) and to include extraneous matter:)

Mr. BLACKBURN in two instances.
Mr. TREEN in two instances.
Mr. ESCH.
Mr. SHUSTER.
Mr. ROBISON of New York.
Mr. BRAY in three instances.
Mr. ERLENBORN.
Mr. ARCHER in two instances.
Mr. LANDGREBE in 10 instances.
Mr. HANRAHAN.
Mr. STEIGER of Wisconsin in two instances.
Mr. CLEVELAND in two instances.

Mr. Widnall.

Mr. Hosmer in three instances.

Mr. Shriver.

Mr. Zwach in six instances.

Mr. Roncallo of New York in two instances.

Mr. Collins of Texas in three instances.

Mr. Wyman in two instances.

Mr. Kemp in two instances.

Mr. Towell of Nevada.

Mr. Mizell in five instances.

(The following Members (at the request of Mrs. Schroeder) and to include extraneous matter:)

Mr. Tiernan.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Drinan in five instances.

Mr. Owens in 10 instances.

Mr. Culver in six instances.

Mr. McCormack.

Mr. Harrington in five instances.

Mr. Moorhead of Pennsylvania in 10 instances.

Mr. Kastenmeier.

Mr. Teague of Texas in six instances.

Mr. Reid.

Mrs. Schroeder in 10 instances.

Mr. Charles H. Wilson of California.

Mr. Milford in two instances.

Mr. Moss.

Mr. Moakley in 10 instances.

Mr. Nedzi in four instances.

Mr. Vanik in three instances.

Mr. Carey of New York.

Mr. Stokes.

Mr. Flowers.

Mr. Byron in 10 instances.

Mr. Rogers in five instances.

Mr. Hamilton in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 702. An act to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

ADJOURNMENT

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Thursday, November 1, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1492. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on September 30, 1973, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

1493. A letter from the Assistant Secretary of the Interior, transmitting a report on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs" during fiscal year 1973, pursuant to 25 U.S.C. 451; to the Committee on Interior and Insular Affairs.

1494. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued operation of a mountain handicraft center for the public in the Cone Manor House at Moses H. Cone Memorial Park on the Blue Ridge Parkway, N.C., through December 31, 1978, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1495. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to delete the requirement that Congress authorize amounts of special nuclear material which may be distributed to a group of nations; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MELCHER: Committee of conference. Conference report on S. 1081 (Rept. No. 93-617). Ordered to be printed.

Mr. PRICE of Illinois: Committee on Standards of Official Conduct. House Resolution 128. Resolution expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes (Rept. No. 93–616). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIESTER:

H.R. 11200. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BIESTER (for himself, Mr. Coughlin, Mr. McDade, Mr. Heinz, Mr. Andrews of North Dakota, Mr. Eshleman, Mr. Frelinghuysen, Mr. Hillis, Mr. Johnson of Pennsylvania, Mr. McKinney, Mr. Ruppe, and Mr. Winn):

H.R. 11201. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 11202. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 11203. A bill to amend the Federal Food, Drug, and Cosmetic Act to include the definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMP:

H.R. 11204. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. CORMAN (for himself and Mr. McCloskey):

H.R. 11205. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. EVANS of Colorado (for himself, Mr. Brown of California, Mrs. Chisholm, Mr. Danielson, Mr. William D. Ford, Mr. Hechler of West Virginia, Mr. Lehman, Mr. Long of Maryland, Mr. Moakley, Mr. Podell, Mr. Riegle, Mr. Roybal, Mrs. Schroeder, Mr. Charles H. Wilson of California, Mr. Wolff, and Mr. Won Pat):

H.R. 11206. A bill to prohibit payment of salaries of heads of departments, agencies, and other organizational units of the executive branch which do not comply with requests of committees of Congress for certain information, and for other purposes; to the Committee on Rules.

By Mr. FLOOD (for himself, Mr. Kyros, Mr. Mann, Mr. Carter, Mr. Parris, Mr. Conte, Mr. Shriver and Mr. Hastings):

H.R. 11207. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on the District of Columbia.

By Mr. HARSHA:

H.R. 11208. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for other purposes; to the Committee on House Administration.

By Mr. HILLIS:

H.R. 11209. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Juliciary.

By Mr. KOCH (for himself, Mr. McCloskey, and Mr. Nix) ·

H.R. 11210. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on Interstate and Foreign Commerce.

By Mr. LENT (for himself, Mr. Wydler, and Mr. Roncallo of New York):

H.R. 11211. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. McCORMACK (for himself, Mr. Teague of Texas, Mr. Mosher, Mr. Goldwater, Mr. Hechler of West Virginia, Mr. Symington, Mr. Thornton, Mr. Roe, Mr. Brown of California, Mr. Winn, Mr. Bell, Mr. Pickle, Mr. Parris, Mr. Gunter, Mr. Esch, Mr. Martin of North Carolina, Mr. Fuqua, Mr. Cronin, Mr. Bergland, Mr. Downing, Mr. Cotter, Mr. Conlan, Mr. Hanna, Mr. Frey, and Mr. Milford):

H.R. 11212. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. McKINNEY (for himself, Mr. Conte, Mr. Fauntroy, Mr. Frenzel, Mr. Johnson of Colorado, Mr. Mitchell of Maryland, Mr. Mosher, and Mr. Stark):

H.R. 11213. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOAKLEY:

H.R. 11214. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mrs. Boggs, and Mr. Conyers):

H.R. 11215. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PRICE of Illinois (by request):

H.R. 11216. A bill to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. ROE:

H.R. 11217. A bill to establish a National Environmental Bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

H.R. 11218. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

H.R. 11219. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

H.R. 11220. A bill authorizing the Secretary of the Interior to issue certain obligations and to utilize the revenues therefrom to acquire additional wetlands; to the Committee on Merchant Marine and Fisheries.

By Mr. ST GERMAIN (for himself, Mr. Annunzio, Mr. Barrett, Mr. Moorhead of Pennsylvania, Mr. Brasco, Mr. Cotter, Mr. Hanley, Mr. Johnson of Pennsylvania, Mr. Moakley, and Mr. Roncallo of New York):

H.R. 11221. A bill to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $50,000; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 11222. A bill to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain, sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes; to the Committee on Agriculture.

By Mrs. SULLIVAN (for herself, Mr. Clark, Mr. Downing, Mr. Grover, and Mr. Mailliard):

H.R. 11223. A bill to authorize amendment of contracts relating to the exchange of certain vessels for conversion and operation in unsubsidized service between the west coast of the United States and the territory of Guam; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of Texas (by request):

H.R. 11224. A bill to amend the District of Columbia Sales Tax Act to exempt certain food programs from the imposition of the sales tax; to the Committee on the District of Columbia.

By Mr. WHITE (for himself and Mr. Hanley):

H.R. 11225. A bill to amend title 13, United States Code, to prohibit delaying or postponing the preparation, the taking or the publishing of any of the statistical compilations or periodic censuses required by said title, and for other purposes, to the Committee on Post Office and Civil Service.

By Mr. BOB WILSON:

H.R. 11226. A bill to amend section 911 (a)(2) of the Internal Revenue Code of 1954 to permit alien residents to exclude from gross income certain income earned abroad in the same manner as U.S. citizens; to the Committee on Ways and Means.

By Mr. CHARLES WILSON of Texas (for himself and Mr. Eckhardt):

H.R. 11227. A bill to amend title 1 of the Marine Protection, Research, and Sanctuaries Act of 1972 in order to facilitate the enforcement of the ocean dumping laws by requiring that dye or other effective visual marking be used to identify where wastes are dumped; to the Committee on Merchant Marine and Fisheries.

By Mr. CAREY of New York:

H. J. Res. 803. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H.J. Res. 804. Joint resolution authorizing the President to proclaim the week beginning on the second Monday in November each year as Youth Appreciation Week; to the Committee on the Judiciary.

By Mr. HUBER (for himself and Mr. Sebelius):

H. Con. Res. 374. Concurrent resolution expressing the sense of the Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. BEVILL:

H. Res. 674. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. KUYKENDALL:

H. Res. 675. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. Cohen, Mr. Collins of Texas, Mr. Downing, Mr. Eshleman, Mr. Jones of Oklahoma, Mr. Moss, Mr. Shriver, Mr. Taylor of North Carolina, and Mr. Widnall):

H. Res. 676. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. SHUSTER:

H. Res. 677. Resolution to investigate Archibald Cox and his task force; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 11228. A bill for the relief of Sunshine Art Studios, Inc.; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 11229. A bill for the relief of Mrs. Harry F. Armstrong; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

323. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to support of the State of Israel; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

346. The SPEAKER presented a petition of Renato Luppi, Ferarra, Italy, relative to economic aid to the Soviet Union; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

TREASURY STUDY SUPPORTS THE VANIK-MOSS APPROACH TO GASOLINE CONSERVATION—IV

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. VANIK. Mr. Speaker, the Treasury Department has recently completed a staff study which explores the potential for gasoline conservation through the institution of an excise tax on new automobiles. The level of the tax would vary with the efficiency of the vehicle—those which are the most inefficient pay the highest tax. Senator Moss and I have been joined by 39 of my colleagues in sponsoring legislation—H.R. 9859—to accomplish this task. The Treasury study was conducted with assumptions which are alined closely with the Vanik-Moss bill.

I would like to outline briefly some of its major points:

First. The American auto industry can produce large cars which yield close to 20 miles per gallon using existing technology without sacrificing comfort, styling, or exhaust emission standards.

Second. Through such a tax gasoline savings could reach 1 million barrels a day by 1980.

Third. The proposed tax will not adversely affect the competitive position of American autos with regard to foreign imports.

Mr. Speaker, I believe that the conclusions of this study are so important to our energy future that I am enclosing the entire text of this report in the RECORD.

TREASURY DEPARTMENT STUDY

DOWNWARD SHIFT

It is also possible that many owners of large cars would shift to smaller cars, rather than no cars as a result of the tax. It seems clear that some Ford owners might shift to a Maverick, or a Chevelle owner might shift to a Vega. How pronounced would this shift be? We have found no studies which would provide any information on this subject. In the absence of any data, we have elected to ignore the possibility. To the extent that it happens, of course, this will be a useful national trend which will aid in gasoline savings. But since there is already a massive national shift in this direction, we have assumed that this trend would continue, but that it would not be augmented by the tax.

WHAT SAVINGS IN GASOLINE WOULD OCCUR FROM THE TAX?

The gasoline savings can be estimated by the following gas consumption before the tax—estimated gas consumption after the tax equals gasoline savings.

To make this calculation requires some assumptions:

(a) There will be no savings from high priced cars or foreign cars.

(b) The savings apply, of course, only to new cars, so the effect is spread slowly, year by year, throughout the automotive fleet.

(c) The present trends on annual automobile mileage will continue. These trends are shown in Report No. 2 of the Nationwide Personal Transportation Study of DOT, April 1972 as being as follows:

Age of Car (year) and Avg. No. of Miles driven in 1 year:

New	17,600
1	16,200
2	13,200
3	11,500
4	11,700
5	10,000
6	10,400

These figures are modified to introduce a scrappage factor based on scrappage in previous years. (1965 was used as a base). Accordingly, the scrap rate of new cars is taken as follows:

Year and percentage of cars remaining:

	Percent
1	100
2	99.8
3	99.3
4	96.4
5	93.9
6	89.8

Thus modified, the annual mileages of cars are adjusted by the scrappage factor:

Year and Avg. miles driven (less scrappage):

1	17,500
2	16,068
3	13,108
4	10,990
5	10,517
6	8,950

Using these assumptions, therefore, gasoline savings can be calculated as follows:

$$\left[\frac{L_p}{M_{1p}}-\frac{L_a}{M_{1a}}\right]+\left[\frac{S_p}{M_{sp}}-\frac{S_a}{M_{sa}}\right.=r_{75}'r_{76}'r_{77}-r_{80}$$

Where

L_p =pretax large car sales
L_a =after tax large car sales
M_{1p}=pretax large car miles per gallon
M_{1a}=after tax large car miles per gallon
Sp, Sa, M_{sp}, M_{sa}=small car data

And total gasoline savings (g) each year are as follows:

$g_{75}=r_{76}$ (17,500)
$g_{76}=r_{76}$ (17,500) $+r_{75}$ (16,068)
$g_{77}=r_{77}$(17,500) $+r_{76}$(16,068) $+r_{75}$(13,108)
ek
$g_{80}=r_{80}$(17,500) $+r_{79}$(16,068) $+r_{78}$(13,108)

From these calculations, r_{75}=52.34; r_{76}=169.66; r_{77}=232,62; r_{78}=260.75: r_{79}=270.71; r_{80}=259.92.

and annual gas savings are:

	Millions of gallons of gas	Barrels per day
Year:		
1975	916	59,686
1976	3,804	248,140
1977	7,466	487,018
1978	11,076	722,504
1979	14,365	938,256
1980	17,098	1,115,329

Translated into specific terms, this means that the fuel economy tax, by 1980, could be saving one million barrels a day of gasoline: this is roughly one half of the projected output of the Alaska pipeline by 1980, so the saving is substantial.

REVENUE EFFECTS

It is now possible to summarize the revenue to be derived from a fuel economy tax, as shown on the following chart:

TAX REVENUE FROM THE FUEL ECONOMY TAX, 1975–80

	1975	1976	1977	1978	1979	1980
Tax rate (per EG)	$80	$160	$235	$235	$235	$235
High price cars sales (thousands)	257	257	257	257	257	257
Tax paid per car	$414	$827	$1,215	$1,215	$1,215	$1,215
Total tax revenue (thousands)	$106,398	$212,539	$312,255	$312,255	$312,255	$312,255
Large cars sales (thousands)	4,561	3,814	3,371	3,053	2,685	2,451
Tax paid per car	$386	$576	$503	$294	$132	$132
Total revenue (thousands)	$1,760,546	$2,196,864	$1,695,613	$897,582	$354,420	$323,532
Small cars sales (thousands)	$2,933	$3,209	$3,497	$3,841	$4,198	$4,465
Tax paid per car	$100	$114	$61			
Total revenue (thousands)	$293,300	$365,826	$213,317			
Foreign cars sales (thousands)	1,584	1,584	1,584	1,584	1,584	1,584
Tax paid per car						
Total revenue						
Total revenue (billions)	$2.16	$2.78	$2.2	$1.2	$0.6	$0.6

[1] Some large imports would, of course, pay some tax since their mpg is less than 20. The number of such imports is so small ,however, as to be negligible in this chart.

The tax would generate the most revenue in 1976 when the tax was only $160 per EG. It would rapidly fall off to $600 million by 1979 when the mass of American car owners would be driving in smaller sized fuel-efficient vehicles getting close to 20 mpg.

AIR CONDITIONING

The EPA study indicates that air conditioning adds about 9 percent to the fuel usage of an automobile in the months in which it is used. If we average Florida (12 months) with Maine (2 months) we can perhaps assume a national average of 6 months of the year, i.e., a 4.5 percent fuel use increase. A new car equipped with factory air conditioning would thus pay a fuel economy tax which would include an allowance for the cost of the air conditioning. This opens up, however, a major loophole for add-on air conditioning since it would obviously be considerably cheaper to have air conditioning units added on after the purchase of the car and thus avoid a significant portion of the excise tax.

To eliminate this loophole therefore, it would be necessary also to tax add-on air conditioning for automobiles at about the same rate. This should not penalize the add-on air conditioning business but simply keep the two types of air conditioning on an equal basis.

How much should the add-on air conditioning tax be?

To make this determination it is necessary to determine how much the tax on factory air conditioning would be. The simplest method is to take the median 1973 car rates in terms of weight. This is a Ford Torino weighing 3,700 lbs., curb weight, its inertia weight being 4,000 lbs. This car should deliver an average of 11.2 miles per gallon or 8.92 gallons per hundred miles. About 75 percent of new cars come equipped with air conditioning so we may assume that the median Torino has .75 of an air conditioning unit. After calculating the cost, it can be shown[1] that air conditioning in the median car costs an annual average of .39 gallons per hundred miles. Multiplying this figure by $235 per EG equals an excise tax of $91.88 on add-on automobile air conditioning to equate them with the excise tax on factory air conditioning.

FOREIGN CARS

One often cited obstacle to a fuel economy tax is the claim that it would temporarily give a competitive advantage to foreign imports. These generally have greater fuel economy and hence, would pay a lesser fuel economy tax than U.S. automobiles (or in most cases no fuel economy tax at all).

The facts do not support this claim. It is true, of course, that the tax would provide a slight competitive advantage to luxury type foreign imports such as the Mercedes or the Volvo which are light in weight, high in mpg, but long on luxury. But these cars are an extremely small percentage of total sales totaling less than 1 percent of all U.S. car sales.

[In the case of the competitive automobiles such as the Volkswagen, Toyota, Datsun, Opel and Fiat, the tax should not be of significant help. There are two reasons for this:]

a. Phasing of incremental tax increases

The U.S. automobile industry needs time to design fuel-efficient machines and to get them into production. Given sufficient time, it is probable that the automobile manufacturers can build competitive vehicles. But the industry is unlikely to begin work until it knows that there are economic incentives requiring it. It is for this reason that it is proposed that the tax be enacted in 1973 applying to 1975 models and that this initial tax be a modest tax ($80/£G) with increasing taxes for 1976 and 1977. This system should give sufficient warning and lead time to the U.S. industry without giving major competitive advantage to foreign automobiles.

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[1] Median car (Ford Torino) inertia wt. 4,000 lbs. mpg 11.2 w/o AC.

Includes .75 of a.c. ac=4.5 percent less mpg. . . includes (.75) (.045) =.

∴

[1 − (.75) (.045)] 11.2=10.74 mpg with AC.

GPCM without AC=8.92.

GPCM with AC=9.31.

EG from AC=.39.

Tax @$235=$91.88.

b. Devaluation of the dollar

The successive devaluation of the dollar and the reevaluation of foreign currencies have been particularly meaningful in regard to imported car prices. Competitive models are now at or above U.S. prices with the sole exception of the Toyota.

	1973 price[1]	Price increase since 1971 (percent)
Datsun 1200	$2,245	+26.4
Fiat 128 2-door sedan	2,245	+22.0
V.W. Beetle	2,249	+19.2
Toyota 1200	1,998	+11.1
Gremlin 6	2,098	+10.5
Pinto 4	2,021	+5.3
Vega	2,087	−.1

[1] Includes dealer preparation fees, excludes local transportation, local taxes.

The addition of a small fuel economy tax to the three sub-compact automobile prices will still leave them cheaper than any comparable foreign import except the Toyota.

For the above reasons, therefore, it is believed that the fuel economy tax will not provide an overwhelming advantage to foreign automobiles.

RESOLUTION ON IMPEACHMENT

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, I attach herewith a significant statement adopted by the board of trustees of the Unitarian Universalist Association of America on October 28, 1973.

This resolution recommending the impeachment of the President was adopted by the board of trustees by a vote of 23 "yeas" and 1 "nay."

The Unitarian Universalist Association is composed of over 1,000 churches and fellowships in the United States and Canada with its continental headquarters in Boston.

This resolution of impeachment adopted by the national decisionmaking body of the Unitarians in America has been promulgated by the joint Washington Office for Social Concern—a unit which is a cooperative effort to apply the insights of humanistic ethics and liberal religion to major problems facing American society.

The impeachment resolution of the Unitarians follows:

RESOLUTION ON IMPEACHMENT

Adopted by the Board of Trustees of the Unitarian Universalist Association of America, at Boston, October 28, 1973

The loss of confidence in the Nixon administration and the proliferating charges of high crimes and misdemeanors leveled against the President have caused a grave and threatening national crisis.

The events of the past weeks have demonstrated that the best way to resolve this crisis is for the House of Representatives to initiate formal impeachment proceedings so that all the facts can be uncovered.

Therefore be it resolved that the Unitarian Universalist Association Board of Trustees:

1. Calls on the Congress to fulfill its constitutional responsibility by initiating such impeachment procedures;

2. Urges member UUA congregations in the United States to speak out on this issue and communicate their stand to their Representatives;

3. Directs the President of the Unitarian Universalist Association to transmit this action to other religious organizations in the hope that they, too, will do all in their power to help restore our nation's self-confidence and pride.

TRUTH ABOUT HEARING AIDS

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MILFORD. Mr. Speaker, as a result of an earlier published article in the CONGRESSIONAL RECORD, a constituent of mine, Bill Keeler, contacted me about many glaring errors in that report. Mr. Keeler is a hearing aid specialist in Dallas and is president of the Texas Hearing Aid Association.

To rebut the earlier article written by a high school student, Mr. Keeler contacted Marvin H. Pigg, president of the National Hearing Aid Society, to respond point by point to the earlier report.

Being one of the many thousands that wear hearing aids, I would like to insert it in the RECORD so that my colleagues will be aware of the true facts concerning hearing aids.

NATIONAL HEARING AID SOCIETY,
Detroit, Mich., October 12, 1973.

Hon. DALE MILFORD,
House of Representatives,
Washington, D.C.

DEAR SIR: When you consider that the hearing aid industry has devoted itself to the welfare of the hearing impaired for over 60 years, that it has developed sophisticated equipment to test hearing and then compensate for the hearing loss with such tiny but effective devices, that the industry itself has been one of the most powerful and constructive forces in reaching and maintaining high levels of competence and ethics in the field, and that this has been possible only because of the thousands of dedicated individuals in the field who made it happen, we are dismayed that the narrow and erroneous views of a high school student should be awarded the credibility and stature to be read before Congress and placed in the Congressional Record.

The record should be set straight about the report of Ms. Nadine Woodard, which Representative Gilbert Gude introduced into the Congressional Record on August 3, 1973. Although Representative Gude said that this is "a close study of the problems and the possible solutions", by a student intern, and that he had "selected one that shows especially conscientious research", the report by Ms. Woodard was not original research at all, and was almost totally extracted from a report written by a group of college students in Minnesota. The Minnesota report, known as the MPIRG report and published in November, 1972, has been discredited, but the truth has had difficulty catching up with it. The language of both reports was emotionally charged, opinion-loaded, inflammatory, and unworthy of any report purporting to be objective research. Phrases such as "unscrupulous sales techniques," "unjustifiable profits," and "outrageous prices" are not substantiated by fact. Consider, for example, the conclusion: "Incompetence, deceptive and misleading statements, inadequate or even non-existent testing and testing facilities and extreme pressure tactics have made the hearing aid industry into what it is today. The industry is analogous to a spider, as it preys on people like flies once they have been trapped in the web of deafness. It is time that its stranglehold on the destinies of the hearing impaired be released." This statement is without substance; yet, the hysterical tone of its dramatic rhetoric would alarm and frighten the hearing impaired, causing further reluctance in obtaining care. It portrays the hearing aid industry as an unscrupulous predator on the hearing handicapped, when, in fact, it has been one of the most dedicated protectors and benefactors of the hearing impaired.

Point by point, some errors contained in Ms. Woodard's report are as follows:

1. "Bulging under clothing or protruding from the ear . . ." This statement is not correct. All body-type aids can be worn in cloth carriers which fit close to the body and do not bulge. "Protruding from the ear" applies only to the receivers used with body-type aids. With behind-the-ear aids or eyeglass aids, nothing protrudes from the ear. With the all-in-the-ear aids, the aid is visible but does not protrude unless the user has a very small ear. Modern technology has permitted manufacturers to produce small hearing aids. This was not always true, however, for in the 1930's, the batteries were in a separate box which was strapped to the user's leg. At that time, the complete hearing aid weighed over two pounds, while today, it weighs just a few ounces.

2. "These high prices help to explain the fact that while fifteen million Americans have significant hearing impairments, only ten percent of those afflicted wear hearing aids." Objective evidence indicates that primary reason people are reluctant to wear a hearing aid is vanity. They must be motivated to seek assistance. Even in those countries where hearing aids are free, the hearing impaired are reluctant to admit their handicap and obtain a hearing aid. The Market Facts Survey of 1971 showed that only 7% believed hearing aids were too expensive.

3. "Unscrupulous sales techniques coupled with misleading advertising often induce those persons who do seek help to make needless or inappropriate hearing aid purchases." Since the adoption of the Code of Ethics of the Hearing Aid Industry in 1960, its enforcement by the National Hearing Aid Society, and the F.T.C. Trade Practice Rules for the Hearing Aid Industry, misleading advertising and unscrupulous sales techniques have been nearly eliminated. In addition, the licensing laws for hearing aid dealers in 38 states control and regulate advertising and sales practices. It should be pointed out, however, that ethical advertising and sales practices by hearing aid specialists have been a prime motivator in persuading the hearing impaired to obtain care for their hearing loss. To say that the hearing aids are "needless" or "inappropriate" rejects objective studies by the U.S. Public Health Service and Market Facts, Inc. which show satisfaction levels at 90% or better.

4. "When a forty million dollar industry reaps unjustifiable profits. . . ." This accusation, which is so frequently hurled at the hearing aid industry, is unsupported by facts. Objective studies prove that profits are reasonable and justified. One such study was

made in 1971 by the Auditor General of the State of Michigan, and another was conducted in Massachusetts, and both showed that the net profit margin is small and the median income of hearing aid specialists is modest. The Michigan report also showed that hearing aid specialists have a high overhead.

5. "Hearing aids may be purchased at prices ranging from seventy-five dollars to seven hundred fifty dollars. . . ." The report failed to say that the $750 figures would be for TWO hearing aids.

6. The definition of an audiologist is incorrect. Many audiologists hold only bachelor's degrees.

7. ". . . one should see an audiologist before shopping for a hearing aid." This advice is being perpetuated by the audiologists who wish to elevate their own importance, but generally, it is not necessary to consult an audiologist. This only creates unnecessary expense and inconvenience in obtaining care. The National Hearing Aid Society recommends that a person with a hearing loss consult a medical ear specialist first, and then let the medical doctor determine the best management of the hearing loss. Sometimes, the medical ear specialist can provide medical or surgical treatment. In other cases, the medical doctor refers the person directly to a hearing aid specialist. A few cases may benefit from an audiological work-up, and the medical doctor will recommend it when needed.

8. The information about the National Hearing Aid Society, and its educational and Certification programs was grossly inaccurate. Our Society has been one of the most constructive forces in improving the skills of hearing aid specialists. The Basic Course in Hearing Aid Audiology was developed in consultation with reputable educators, and includes not only the twenty lessons cited by Ms. Woodard, but the required reading of three textbooks. The twenty lessons serve as a guide to the textbook study. The price of the course cited by Ms. Woodard was not correct. Our final examination is always monitored by a professional person and every effort is made to eliminate errors, avoid cheating and insure accurate results.

Our total Certification requirements include much more than just taking the course and passing the examination. The Certification program sponsored and administered by the National Hearing Aid Society has been a significant and valuable contribution in encouraging hearing aid specialists to reach and mantain high levels of competence in the selection and fitting of hearing aids.

To correct the record: Certification is granted only to those who have met strict standards of education, experience, competence and character.

Education.—The applicant must complete the NHAS Basic Course in Hearing Aid Audiology, or an equivalent approved course.

Examination.—The applicant must pass the comprehensive NHAS certification examination, or an equivalent approved examination. All examinations must be monitored by a professional i.e. educator, doctor, lawyer, etc.

Experience.—The applicant must submit proof of two years actual experience with supervision, in the fitting of hearing aids.

Endorsement.—The applicant must submit references from three persons: his employer, a physician (preferably an otologist), and a qualified person in the hearing aid field. The physician and employer affirm that the applicant is competent to make the required hearing analysis, take ear impressions, and adjust a hearing aid and earpiece to carry out their functions. The applicant must also submit character references, as well as financial references from his bank and suppliers. All references are thoroughly checked by the National Hearing Aid Society.

Ethics.—The applicant must pledge, under oath, to abide by the NHAS Code of Ethics. He must also submit all his advertising for a period of 30 days prior to the examination, as proof of ethical advertising practices.

Evaluation.—On successful completion of these requirements, the applicant's name is published in a bulletin to the NHAS membership for comment. His application is then sent to the National Board for Certification for review and evaluation.

All Board members are Certified members of NHAS, and come from various areas of the United States and Canada, to provide broad geographical distribution. Certification is granted only by majority approval of the Board.

In its By-Laws, the National Hearing Aid Society has established a procedure for filing of grievances against Certified members, investigation of such complaints, and reprimanding any Certified member who is found to have violated the standards. Penalties may be imposed, even to the extent of withdrawing Certification.

Those who are granted Certification are granted use of the title, Certified Hearing Aid Audiologist. Its use is carefully monitored by our Society. Ms. Woodard claims that its use deceives consumers and implies a medical competence which does not exist. This is entirely erroneous. Our traditional, historical, and legal rights to the title have been documented, and it was in use by hearing aid specialists long before clinical audiology became a separate specialty. By applying the name "audiology" to their profession, the clinical audiologists created whatever confusion exists. Further confusion results when the clinical audiologists with a Ph. D. use the title of "Doctor", leading many consumers to believe that they have medical expertise and training, which is not the case. Theirs is a non-medical specialty.

10. "Some dealers . . . take upon themselves the diagnosis . . . of hearing problems. . . ." This would be an unethical practice, if, indeed, it actually occurs, and would be subject to the penalties imposed by the 38 licensing acts and of our Society. Most of the licensing acts require the hearing aid specialist to give written notice that the purchaser is advised that any examination or representation made by a licensed hearing aid dealer and fitter in connection with the fitting and selling of a hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice medicine and therefore must not be regarded as medical opinion or advice.

11. Under "Hearing Aid Sales", Ms. Woodard makes some sweeping generalizations about the practices of hearing aid specialists which would lead the reader to believe that hearing aid specialists cannot be trusted, and are merely manipulating the consumer. Our sense of justice compels us to reject the notion that a person who earns his living through the sale of a product is any less trustworthy or less honest than a person who is paid a fee for his or her services. We believe that Ms. Woodard's condemnations and insinuations have little basis in fact. We believe it is fair to ask what kind of study Ms. Woodard conducted in order to reach these conclusions, for it is our belief that she has no direct or personal knowledge of the field, and has written a report based on hearsay.

12. "Virtually no dealer has the equipment necessary to test the objective benefits of binaural fitting." This statement is misleading, since ALL binaural tests are subjective and rely on the judgment of the person being tested. Equipment for making an objective test does not exist.

13. Ms. Woodard denigrates the hearing aid dealer licensing program; yet, it is doubtful that she has read these state laws. If she had, she would have found that these laws, which have been enacted in 38 states, protect the consumer as follows:

a. The hearing aid specialists must show proof of competency

b. Prohibited acts are listed

c. Penalties for violations are provided

d. Each bill provides recourse for the public

e. Public members have positions on the Boards

Although the licensing program is young, and relatively few consumer complaints have been entered, state licensing boards have shown by prompt and vigorous action that this system of policing is as effective as that of any profession or business we know of.

The licensing bills of nearly all, if not all, occupations, provide for the peer group to be in the majority. The consumers would be poorly served if the majority of the members had little or no knowledge of the occupation which is being regulated.

The hearing aid industry welcomes carefully considered suggestions for improvement, and, in fact, continually reviews its own policies and practices to determine how consumers can receive maximum satisfaction. However, such irresponsible and inaccurate reports as Ms. Woodard's can hardly be regarded as constructive, and will only serve to deter the hearing impaired from obtaining proper care for a hearing loss.

We would appreciate your assistance in correcting the record.

Sincerely,

MARVIN PIGG,
President.

IS REVENUE SHARING DOING ITS JOB?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ZWACH. Mr. Speaker, revenue sharing, our effort to restore power to local governments, by returning to them a portion of Federal tax money, is now almost a year old.

What has been the effect of this action on our small communities in countryside America? To be sure, the people have known some measure of tax relief, but in general, revenue sharing has not returned enough money to the communities to enable them to initiate the major projects, such as waste treatment facilities, they so badly need.

Mr. Speaker, the Renville Star-Farmer, a weekly newspaper in our Minnesota Sixth Congressional District, recently printed an editorial on the subject of revenue sharing which I would like to make available to my colleagues by inserting it in the RECORD:

IS REVENUE SHARING DOING ITS JOB?

Although the federal Revenue Sharing program has been in operation for almost a year now, no one of any consequence has undertaken to speak out publicly yet on its effectiveness. And perhaps it is still too early to constructively assess the impact of such a far-flung program so new to the American scene.

From indications available, it would seem that most municipal governments, particularly in this area, are concentrating most in assigning revenue sharing funds toward tax reduction in the form of replacing existing equipment, whose replacement later would cost local taxpayers, and as a hedge against future emergencies, or for the performance of local housekeeping chores that never seemed in the past to get done because of a shortage of municipal dollars.

Unfortunately, revenue sharing receipts in smaller municipalities are woefully insufficient to tackle the major projects that need doing. For example, Renville could use a modernized sewage collection system; and the city could make use of a government center building that would put many scattered operations under one roof. But revenue sharing receipts would be insufficient even to provide designs for either of the projects.

By the same token, Danube keenly feels the need for a sewage disposal and collection system. But the village must seek financing from other federal agencies before it can proceed with the needed work.

Nor do municipal governments feel assured of permanence in the revenue sharing program, for the old observation what government gives, government can take away holds true for lower governmental units just as it does for citizens and non-public groups.

Possibly these are factors that keep municipal governments from attacking problems with creativity, and this reluctance could be justified for those causes. But it is also justifiable to assume that a vital and continuing revenue sharing program will need innovativeness on behalf of municipal recipients if the program is to succeed in its main objective of restoring power to local governments.

LABOR DIGEST COMMENTS ON COX FIRING

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RONCALLO of New York. Mr. Speaker, although I feel that President Nixon was greatly ill-advised in choosing to fire Special Prosecutor Archibald Cox, Mr. Cox is nonetheless not free from an equal measure of blame in this matter. The following article from the Labor Digest gives a bit more balance to the overall picture, and I commend it to my colleagues:

(From the Labor Digest, October 29, 1973)

Did Special Prosecutor Archibald Cox Misjudge, Blow His Job by Attempting to be Judge as Well as Prosecutor? As dust settles over latest explosion in infamous Watergate and related scandals, second thoughts come to fore as minds, numbed by the almost incredible events of the past ten days, begin to reappraise events. There is a growing realization that Mr. Cox failed to sense that he, and he alone, held the key to the whole Watergate mess. President Nixon had designed a compromise agreement whereby the White House tapes would be released to Senator John Stennis with summaries and verbatim quotes in those areas where evidence was needed to assist in evaluating White House involvement in the sordid break-in and subsequent ugly cover-up. Attorney General Elliot Richardson and his deputy were parties to the discussions leading to the decision. The Attorney General was, in turn, keeping the Special Prosecutor informed. With the approval of the three senators to be involved (Stennis, Ervin and Baker) the White House and Mr. Richardson believed they had conformed to the memorandum (from an earlier paper of the late Felix Frankfurter) the Court of Appeals made public "asking Mr. Cox and the President's lawyers to agree on some compromise which would avoid a sharp constitutional encounter". Mr. Richardson has stated he was in agreement with the plan, and tried, unsuccessfully, to obtain the Special Prosecutor's approval to present the compromise to Judge Sirica for his decision whether it would satisfy the court and "prevent a constitutional encounter."

The self-willed Special Prosecutor, however, set his teeth. Knowing Mr. Richardson's unfortunate position and public promise he was willing, as we have seen, to have the Attorney General leave office, force a showdown with the White House. Mr. Cox and his senior staff must have concluded they had the President in a bind; in retreat. The Special Prosecutor had said he would resign at any time he felt his independence was lost. But Mr. Cox did not offer his resignation knowing in advance, through consultation, that neither the Attorney General nor the Deputy Attorney General would fire him. Mr. Cox for that moment felt himself above an embattled President. And he blew the one, great opportunity to continue in full charge of the investigation and continuing control. Mr. Cox could have reluctantly agreed to the compromise plan, predicating his acceptance on Judge Sirica's approval. Result: Mr. Cox would have continued as Special Prosecutor, and had Judge Sirica, under the new circumstances, accepted the compromise plan, as meeting the guidelines of the Appeals Court, the Senate Watergate Committee would have been given the same information as the court. (Now, Judge Sirica gets the tapes, but says the Watergate Committee can't have them.) Inexcusably, Mr. Cox called a press conference to haughtily denounce the Nixon-Ervin agreement and to "fling down the gauntlet of a citation of the President for contempt of court" before Mr. Richardson and his deputy resigned, and before Mr. Nixon took action against him. Archibald Cox, who like General of the Armies Douglas MacArthur, couldn't conceive that a gusty President would fire him, was fired.

FRANK SMALL, JR.

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. BAUMAN. Mr. Speaker, with the passing last week of former Representative Frank Small, Jr., Maryland loses a longtime public servant whose service in politics and in business spanned many decades.

A longtime Republican, Frank Small began his career in elective politics with service in the Maryland House of Delegates in 1927 and 1928. He served in this House during the 83d Congress some 25 years later, from 1953–55. He represented three southern Maryland counties which are now part of my own district, Charles, Calvert, and St. Marys. He was a member of the Republican State Central Committee of Maryland from 1934 to 1942, serving as chairman for 4 of those years. He was a delegate to three Republican National Conventions, in 1940, 1944, and 1956. In 1962 he was the Republican candidate for Governor of Maryland.

He served on the Maryland Commission of Motor Vehicles, 1955–57, and as a member of the Maryland Racing Commission, 1937–52. He was racing commission chairman during 1951 and 1952, and was president of the National Association of State Racing Commissioners at the same time.

Frank Small's dedication to the needs of his constituents dominated his term in the Congress. Long before it became the vogue, he expressed concern over water pollution and water supply. He fought for funds to control flooding at Peace Cross in Bladensburg and as a member of the Committee on Public Works, he often gave voice to public concerns relating to pollution and flood control.

Through his efforts, Congress voted to construct the Jones Point Bridge, now known as the Woodrow Wilson Bridge, between Prince Georges County and Alexandria.

The 83d Congress was one of only two instances in which Republicans have been in the majority in the House since 1931, and Frank Small expressed pride in the fall of 1955 that for the first time in many years, appropriations made by Congress had actually been cut by $7 billion. He was dedicated to economy in government, and served the citizens of Maryland's Fifth Congressional District with dedication and interest.

Frank Small's death at the age of 77 ended a long and productive career. Marylanders benefited by his efforts in their behalf, and we are grateful for his many years of public service. His family has my deepest sympathy.

CRIME CONTROL NO. 2

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. LANDGREBE. Mr. Speaker, for the past several months a portion of the Record has been devoted to newspaper stories in which criminals have used guns in which to kill and/or rob their victims. Now aside from the fact that such stories are presented by those who deplore violence in the media, but who are quite willing to publish stories of criminal actions if such stories may be used to bolster their position on gun control, the logic behind such argumentation is quite eccentric. The argument is simply this: Since some guns are used by some people—criminals—to steal from and kill other people—victims—some guns should be registered and/or confiscated by the Federal Government. Now this labyrinthine logic rests on the equivocation in the word "some." The guns owned by private citizens are not the same guns used in crimes by criminals: The latter are a far smaller group of guns. Gun controls already exist which are aimed at guns used by criminals in the commission of a crime: They are confiscated. Furthermore, such persons are barred from possession of guns in the future. In some cases, use of a gun in the commission of a crime may bring harsher penalties for the criminal.

These laws are quite proper. Yet those who are first to weep for the vicious murderer or thief are first to demand that guns owned by victims of crime be registered and/or confiscated. Together with the illogic of their position goes its immorality: The force of the law—that is, the guns of the Government—is seen as the proper means to confiscate guns from private citizens, that is, from the victims of crime. Those who advocate gun control legislation are quite conscious that the guns they mean to control are those owned by private citizens. These same people are most eager to use the "public" guns, the Government, to enforce "gun control." The result is that Government, which has grown far beyond its proper and constitutional limitations, will be unrestricted by such laws while private citizens woll be straitjacketed. There will then be no further and final opposition to a government which will have a legal monopoly on the use and possession of guns. No dictator, or aspirant for the position, could wish for more.

MESSRS. COX, FORD, NIXON, AND THE CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HAMILTON. Mr. Speaker, I am including in the RECORD, my Washington Report of October 31, 1973, as follows:

MESSRS. COX, FORD, NIXON, AND THE CONGRESS

In another week of astonishing events, the President dismissed Special Prosecutor Cox, accepted the resignation of his Attorney General, and, in a stunning reversal, capitulated to public outrage and turned over the Watergate tapes to Federal Judge Sirica. The President's concession—a concession he vowed he would never make—was made after he was confronted with the threat of impeachment in the Congress and the likelihood of a contempt citation in federal court.

After sifting through these events, it seems to me the Congress should take several steps:

1. The first order of business is for the Congress to re-establish the Office of the Special Prosecutor to investigate fully, fairly and relentlessly the whole Watergate affair. A number of criminal indictments and investigations of high federal officials are pending and should be carried forward.

The Congress does not have confidence in the President's investigation of Watergate: several investigations in his administration failed, he has impeded the investigation by Cox, and it is an unacceptable conflict of interest for the President or his office to be investigated by a prosecutor subject to the President's control.

When Cox began to probe deeply into every aspect of White House activity, the President decided Cox was not containable, and dismissed him. This action disturbed the Congress because the President had made a compact with the Congress to give a special Prosecutor "absolute authority" to investigate and prosecute offenses arising out of any aspect of the Watergate case. This compact was a condition of Richardson's confirmation as Attorney General, and violation of it brought about the present crisis. My impression is that the President's compromise to make available a verified summary of the tapes could not have been acceptable to the Special Prosecutor because it destroyed his independence, and Cox's inevitable refusal gave the President the pretext to fire Cox and abolish the Office of the Special Prosecutor.

The people of the country simply will not believe that justice has been done unless an independent prosecutor is permitted to investigate all aspects of Watergate without limitation, interference or control by the President. Only by the vigorous investigation and prosecution of the Watergate affair can justice be done and a real or apparent coverup avoided.

2. The Congress should also proceed promptly and responsibly to perform its constitutional function to confirm Representative Gerald Ford as Vice President. Settling the issue of succession would remove a major source of uncertainty and help restore public confidence in the Congress.

In my view the Congress should not hold the nomination hostage as it considers impeachment proceedings, but should proceed to the prompt completion of investigation, hearings, reports, debates and votes. Arguments are being made by some Democrats to delay Ford's confirmation and engineer Speaker Albert, now second in line, into the Presidency. Those arguments are politically mischievous and ignore the need in the country for action without delay and free from political considerations. The Speaker properly rejects these arguments and points out that Mr. Ford should rise or fall on his own qualifications.

3. The Congress should also begin a responsible inquiry into whether the President has committed any offenses that could lead to impeachment. Both Democrats and Republicans have endorsed this inquiry in the House. Grave questions surround impeachment and precedents offer few guidelines. No member of Congress is pleased with the prospect of this investigation, but with the crisis of political leadership and the concern about the integrity of the government, Congress cannot ignore the impeachment resolutions before it. With the President turning over the tapes, the drive for impeachment may be blunted, but it has not been stopped.

NORMAN CHANDLER: A GIANT OF JOURNALISM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CHARLES H. WILSON of California. Mr. Speaker, the loss of Norman Chandler, longtime publisher of the Los Angeles Times, leaves a void not easily filled.

Mr. Chandler's ambitions as a young man were matched only by his boundless enthusiasm. Under the practiced and wise hand of his father, Harry Chandler, he was to learn the ground rules of his publishing inheritance, and learn he did. No job was too menial, and he undertook each task with forthright eagerness. The thorough knowledge he thus gained of the newspaper industry served him well in the future when he was to know the awesome responsibilities of leading this fast-growing enterprise.

Mr. Chandler admitted that he was biased in his approach to the news when he first became publisher of the Times. Yet this provincialism was to vanish completely as he accepted the enormous challenge and great import of molding public knowledge and public opinion. The course was a wise one, and led to many accolades not given lightly, primarily eight Pulitzer Prize awards to his publication.

The Los Angeles Times has, in his time, grown as a respected newspaper throughout the world because of the scope and accuracy of its coverage of our times. This is no accident or unique twist of fate, but is due to the responsible reporting demanded of every writer on its staff.

The growth of the corporation's other interests also reflect Norman Chandler's expansive vision and unfailing vigor. A respected philanthropist, his countless contributions to the arts and culture of southern California have greatly enriched our State. He was also actively involved in establishing the Times charities which generously funded clubs for boys, summer camps for underprivileged children, swimming pools for the city's youth, and many other activities which would benefit the area's young people and future adult citizens.

Far from seeking personal honors, Norman Chandler shied from the public view. Nevertheless, he won many awards, including honorary degrees from two major universities. His interest in education was keen, and he willingly served as trustee of both the University of Southern California and California Institute of Technology.

On the 75th anniversary of the Times, President Eisenhower, Chief Justice Earl Warren, and other world leaders, joined in congratulating Norman Chandler for his journalistic achievements.

Certainly, the world in general and the populace of southern California in particular are a better place because Norman Chandler was here. The bereavement his wife Dorothy, his son Otis, and his daughter Camilla, as well as other members of his family and his corporation feel at this time will eventually be lessened as they take comfort in his heritage and in the knowledge that many lives have been enriched by his gentle wisdom, guidance, and generosity.

IN OPPOSITION TO THE CONFERENCE REPORT ON DOD AUTHORIZATION FOR FISCAL YEAR 1974

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, I wish to explain my vote in opposition to H.R. 9286, the military procurement authorization bill. The Nation's needs in health care, housing, welfare reform, education, mass transportation, drug education, energy research and development, and many areas remain unmet. The President has vetoed legislation to fund emergency medical services, vocational rehabilitation and minimum-wage improvements. Under such circumstances, it seems to me that it would be wholly inappropriate for the Congress to authorize the expenditure of $21 billion for the purposes of military procurement. I am unconvinced that the B-1 bomber, the Trident submarine, the 606,000 overseas troops, the ABM, or the A-10 aircraft are more essential to our national well-being than the quality of life at home.

For this reason, I will vote against H.R. 9286, and urge each of my colleagues to do the same.

INTERNATIONAL SECURITIES MARKETS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MOSS. Mr. Speaker, earlier this month, the Federation Internationale des Bourses de Valeurs—the International Federation of Stock Exchanges—met in the United States in its first meeting outside Europe.

At this meeting, hosted by the New York Stock Exchange in New York, delegates from 30 stock exchanges in 19 countries discussed a series of important and common issues to the principal stock exchanges of the world. Many of these issues, as reported in the official news release following the meeting, are being addressed by the Subcommittee on Commerce and Finance, which I chair. While it is often said in the financial markets of Europe that "when the United States sneezes, Europe catches cold," the legislative solutions which our committee will be presenting to this House will be directed to improving and strengthening our securities markets and stock exchanges, and thereby may serve as guidelines for other stock exchanges of the free world as well.

The leadership provided by our stock exchanges in world finance was recognized at this meeting by the naming of Mr. James J. Needham, chairman of the New York Stock Exchange, as the vice president of the federation. In addition, Mr. Donald L. Calvin, vice president of the New York Stock Exchange, chaired the meetings of the federation's working committee.

The news release issued at the conclusion of the New York meeting follows:

FEDERATION INTERNATIONALE DES BOURSES DE VALEURS

The Federation Internationale des Bourses de Valeurs (International Federation of Stock Exchanges) concluded its 1973 General Assembly today after authorizing for the first time the creation of a Special Committee to address crucial issues affecting the stock exchanges of the world.

The Federation today elected as President Pedro Rodriguez Ponga y Ruiz de Salazar, Chairman of the Madrid Stock Exchange. Chairman James J. Needham of the New York Stock Exchange was elected Vice President of the Federation.

The Special Committee will be appointed by Mr. Ponga and Mr. Needham, and by Dr. Friedrich Priess, outgoing President of the Federation and Chairman of the Hamburg Stock Exchange.

The New York Stock Exchange was host for the three-day General Assembly, held in the United States this year for the first time. Delegates from exchanges in 19 countries throughout the world attended.

The creation of the Special Committee, the Federation said, was a move by the exchanges to adjust to new, rapidly emerging challenges posed by a growing internationalization in economic matters.

"Adjustment to these new conditions," the Federation said, "is an imperative step taking the highest priority."

The Federation's existing Working Committee, made up of representatives of 15 nations, will deal with a related broad range of matters, among them listing of foreign securities on national exchanges, exchange membership, international cooperation in the clearing and settlement of securities, and issues posed by the proliferation and growth of institutional investors active on a global level.

In another action, the Federation forwarded to its Working Committee for study the question of whether all trading in listed securities should take place on exchange markets. The question was first raised by the Madrid Stock Exchange in a report to the Working Committee of the Federation at its meeting in Brussels last March.

A paper distributed to the General Assembly stated that such an inquiry would provide the Federation with the "opportunity to express its opinion on the requirements for quotation, the protection of investors, the authenticity of prices and the liquidity of the security market."

The Working Committee was also asked to study the uses of automation among the world's stock exchanges. A paper distributed at the General Assembly stated:

"With significant internationalization of securities markets only two to three years in the future, there are some important questions which could well be considered now in order to avoid hasty action in the face of future stress."

Questions specifically cited in the discussion included whether a security should be traded in different places and at different times "or, to avoid market fragmentation and to insure fair execution and maximum liquidity, should all orders for any given security be placed in a designated exchange trading mechanism?" The paper also dealt with the providing of clearing facilities by exchanges for settlement of international transactions between exchange members.

The Federation also stated that it "supports the continued development of the stock exchange as a place where the public may invest with confidence."

The General Assembly also:

Placed on the agenda of its Working Committee the question of widening investor participation and securities ownership, based on a report of the Paris and Madrid stock exchanges. Questions asked in a paper distributed at the General Assembly included: "How far is it possible to go in that direction? What precautions must be taken by government agencies, by the exchange authorities, by intermediaries?"

Admitted the Osaka, Japan, Stock Exchange as an Associate Member.

Selected Madrid as the location for the 1974 General Assembly.

NEVADA DAY

HON. DAVID TOWELL

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TOWELL of Nevada. Mr. Speaker, on behalf of Nevada's 520,000 citizens, I would like to welcome my colleagues here in Washington to celebrate Nevada Day as we do each October 31.

It was on October 31, 1864, that Nevada joined the Union. We are proud and individualistic citizens who cherish our State and, indeed, our country, highly. The State motto is "Battle Born"; and, with little exception, each Nevadan is ready to do battle for what he or she believes is right.

Nevada is a study in contrast from the 24-hour glitter of the Las Vegas "Strip" to the high mountain solitude of Wheeler Peak, some 13,000 feet in the clear desert sky. The old and the new West are both alive and well in Nevada.

As the State's lone Congressman, I extend to all of you from every Nevadan a happy Nevada Day and an invitation to visit us anytime.

THE MIDEAST ALERT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ARCHER. Mr. Speaker, there has been much speculation and debate over the recent action of the President in placing U.S. military forces on an alert status in regard to the situation in the Middle East. I would like to enter a copy of an excellent editorial evaluating this decision which appeared in the Washington Star-News on Friday, October 26, 1973, entitled "The Mideast Alert":

[From the Washington Star-News, Oct. 26, 1973]

THE MIDEAST ALERT

Based on the available evidence, President Nixon's placing of United States military forces on an alert status was fully justified.

The dramatic move was in response to an apparent threat by the Soviet Union to send troops into the Middle East, a situation that Secretary of State Kissinger rightly pointed out would have been intolerable and would have produced the gravest dangers to world peace.

Fortunately, the Soviet Union has drawn back from that course and has accepted the sending into the area of a peace-keeping unit under United Nations sponsorship, a force devoid of troops from the major world powers.

For a while yesterday, the situation looked grim but it appears now that the firm stand taken by the United States has put negotiations back on the track. As Kissinger said in his press conference, the first real opportunity for negotiating a permanent settlement of the Middle East crisis may be at hand and it is "an opportunity that the Great Powers have no right to be permitted to miss."

If the Soviet Union had been permitted to send troops unilaterally into the area to enforce a cease-fire, it might have led to a military confrontation among the Great Powers on the sands of the Sinai or on the heights of Golan. One thing the world doesn't need is for Russian and U.S. troops to be wandering around the Middle East with loaded rifles that might accidentally or deliberately be turned on one another.

Without full access to information, it is impossible to know exactly what led to the U.S. "alert" order. But there is hardly room for doubt that the Soviet Union's intention to move on its own was made clear to U.S. authorities. Senator Jackson, who has access to high sources, said that Soviet Ambassador Anatoly Dobrynin delivered a "brutal and threatening note" to Kissinger.

There ought to be a lesson for the country in the grim events involving the Middle East the past couple of days. It is that this country cannot continue to be torn apart by domestic political concerns and expect that foreign affairs can be conducted as if nothing is happening.

It is time to step back from the near hysteria that enveloped the nation the past several days over Watergate issues. We are not saying that the Watergate investigation should be called off. But we are saying that the country is ill-served by emotional excesses and hourly calls for impeachment of the President.

It is beyond argument that the division within the United States influenced the Soviet Union to threaten use of its military muscle in the Middle East. Kissinger put it well yesterday, we thought, when he said: "One cannot have crises of authority in a society for a period of months without paying a price."

Soviet leaders appear to have misjudged the American situation and were led to believe that the United States was incapable of strong reaction. We hope that the conduct of the Watergate investigation and the reaction to developments in it during the coming weeks and months will be such that neither the Soviet Union nor any other world power will be led into another miscalculation as to this country's ability to function.

The suggestion in some quarters that President Nixon issued the military alert to distract national attention from Watergate is hardly worthy of comment, except to observe that Watergate has brought us to the point where some people are willing to believe anything. It is time to stop imputing devious motives to everything the President does.

In the words of Kissinger: "There has to be a minimum of confidence that the senior officials of the American government are not playing with the lives of the American people."

ROMANTICIZING WELFARE

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BAUMAN. Mr. Speaker, one of the least acceptable programs presented by the current administration was the now hopefully dead "guaranteed annual income." The fact that the President would have suggested this program at all is distressing to me. This mistaken view of welfare was rightfully illuminated in an editorial entitled, "Romanticizing Welfare" written by Don Herring, editor of the Cecil Whig in Elkton, Md. I think it is worth reading, especially as it contrasts with the initiative shown by one of my young constituents, John Wrang, who is mentioned in the editorial:

ROMANTICIZING WELFARE

A few weeks ago, the producers of "Room 222" decided to say something socially important in the otherwise innocuous television show about a suburban public high school.

The lesson: it is better to go on welfare than to work, and it is better to be on welfare than accept the generosity of one's own family.

The program dealt with a Mexican-American youth, in his last year of school, who was working to support himself.

As an alternative to self-support which according to the show was adversely affecting his grades, his teachers suggested he go on welfare.

At first resisting, the youth relented when told the college scholarship he was seeking was equivalent to welfare because both are aimed at helping.

Come on now! A scholarship is earned; welfare is gained by sitting back while others earn for you.

Eventually, as it worked out, the boy was offered aid by an uncle, but before accepting what others would term a fulfillment of familial obligation and generosity, the youth, at the prodding of his teachers, belittled the uncle's offer because the uncle had opposed the welfare scheme.

How can morality and the American ethos survive the self-destructive trend toward slothfulness when script writers are romanticizing welfare and depredating family and self-reliance?

Maybe a real-life example can serve to offset such propaganda.

Elsewhere in this issue of the Cecil Whig, there appears a story about John Wrang and his family.

John is a 15-year-old from Chesapeake City who worked this past summer to earn—remember earn—part of his tuition to The Tome School at North East. The balance of the tuition was provided by a scholarship he earned—again, earned.

We salute John, for his efforts are the stuff that made America, and as long as American youths respect ideals such as his, no assaults from the boob tube can unmake it.

COMMUNITY SUPPORT FOR THE AIR NATIONAL GUARD IN MACOMB COUNTY, MICH.

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. NEDZI. Mr. Speaker, the recent precautionary alert set into motion by the roles of the big powers in the Arab-Israeli war reached into the neighborhoods of many American communities.

Whether the alert was justified by events is not relevant. However, the fact is that not only did the active forces step up their readiness, but Guard and Reserve units also prepared to meet possible assignments.

The consequences to a community of having an Air National Guard unit in its midst were set forth with understanding and appreciation in an editorial of the Macomb Daily, October 27, 1973.

Under leave to extend my remarks in the RECORD, the editorial follows:

NOISE, DISCOMFORT, SMALL PRICE TO PAY

For the second time since its activation as a unit at Selfridge, the 403rd Tactical Airlift Wing has been placed on alert as the result of an international crisis.

The 900 members of the 403rd, most of them from Macomb County, have been fulfilling military reserve obligations by performing weekend duty at the base.

These reservists who come from every walk of life—education, business, medical, student, sales and production workers—strive to maintain a combat-ready unit capable of moving at a moment's notice in support of ground operations anywhere in the world.

Necessary to peak efficiency of such military capability is constant training of the kind that may often annoy residents who live a wingtip or so from the base. Night operations, particularly, can be annoying when the roar of engines on the huge C-130 Hercules cargo planes drone overhead. In addition to the noise of the aircraft, radar equipment plays a game of beep with TV sets.

Yet, these inconveniences are necessary if units like the 403rd and Air National Guard are to maintain readiness status in case they are called upon during a crisis such as that now posed in the Middle East.

Eleven years ago, in the fall of 1962, the 403rd served with distinction on active duty status for 31 days during the Cuban Crisis. At that time, the reservists were uprooted from jobs and families to perform that task for which they had been trained—to meet the challenge of a threat to our national security.

These men are being called upon again today. While momentarily they are on stand-by readiness, events over which they have no control could at any moment dictate they be dispersed to bases throughout the country and the world in support of any action ordered by Washington.

An engine's roar or a TV beep seems a small price to pay for having such guardians of our nation's interest living next door to us.

RESTRUCTURING THE FINANCIAL INSTITUTION SYSTEM

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TIERNAN. Mr. Speaker, on October 11, the administration proposed legislation designed to restructure the financial institution system in the United States. Through recent actions by the Federal banking agencies we have seen that the administration has already embarked on this plan of restructure, that is, the new "wildcard" savings instruments. My reason for immediate concern is the disastrous effect this legislation will have on the mortgage market.

There are several proposals in this piece of legislation that I believe will be detrimental to the availability and cost of mortgages. The proposals of great concern are:

First. Abolition of interest rate differentials for thrift institutions;

Second. Phasing out of interest rate ceilings;

Third. Expanding the investment powers of thrift institutions; and

Fourth. Institution of a tax credit based on the gross interest income from residential mortgages.

The main thrust of this new legislation is designed to put saving and loan associations on equal footing with commercial banks. By phasing out interest rate ceilings, financial institutions will be able to compete more favorably with other market forces for savings funds. But under the present system, saving and loan associations could not maintain financial stability while competing for savings at the inevitable high interest rates. These associations would be precluded from offering rates comparable to commercial banks because their investment portfolios are laden down with low-yield, long-term mortgage loans. To cure this, the new proposed legislation would expand the investment powers of the saving and loan's to allow them to make the higher yield "commercial bank" type loans, for example, consumer loans and commercial paper. They would then be able to compete for savings funds at higher interest rates.

Along with the general vein of this legislation, the favorable tax treatment granted to savings and loans for making mortgage loans will be abolished. In its place, a new tax credit will be offered to all financial institutions that extend funds to the residential mortgage market. Under this new system I believe that the savings and loans associations will become the weak little sisters of the big commercial banks and funds available to the mortgage market will diminish significantly.

The phasing-out of interest rate ceilings and the abolition of the thrift institution differential will force the cost of savings funds up. Savings and loans will have to abandon the low yield mortgage loans and compete with the commercial banks for the higher yield investments. The start up cost of checking accounts and credit cards will prevent these avenues from adding financial stability to savings and loans. The thrift institutions will now be forced to compete on the home field of the established commercial banks. I fear they will suffer greatly in this confrontation.

The only incentive to continue investing in the mortgage market will be the newly proposed tax credit. But this proposal presents several problems. First, the tax credit is based on the residential mortgage interest income earned. This will constantly keep upward pressure on the interest rate charge on mortgages. An increase in the charge on a mortgage will increase the amount of tax credit the lender will receive. For example, if a banking institution has 70 percent of its assets invested in the residential mortgage market, an investment of $1,000,000 in residential mortgages at 8 percent will produce a tax credit of $2,800. But if the charge on this $1,000,000 investment in mortgages is raised to 10 percent, the tax credit will increase to $3,500, a 25-percent jump in the amount of tax credit.

With present State usury laws this tax credit will be of no avail if the increased cost of obtaining savings funds makes it impossible for mortgage loans to be profitable.

Another troublesome area of this tax credit is the sliding percentage scale that depends on the amount of assets invested in mortgages. This credit will be equal to 3.5 percent of the residential mortgage interest income if 70 percent or more of the taxpayer's assets are invested in residential mortgages. If less than 70 percent of the taxpayers assets are invested in residential mortgages the credit percentage will be reduced by one-thirtieth of 1 percentage point for each 1 percentage point below 70 percent. No credit will be available unless at least 10 percent of the taxpayer's assets are invested in residential mortgages. Since it is more profitable to invest in commercial bank type loans, this tax credit must supply the sole economic incentive to enter the mortgage market. If the tax credit makes it as profitable to offer a mortgage loan as a commercial bank type loan, money will still be available for mortgages. Since savings and loans invest most of their assets in residential mortgages they can avail themselves of the full tax credit. But the incentive for commercial banks is much lower. If only 10 percent of their assets are invested in residential mortgages the tax credit incentive will only be 1.5 percent compared to 3.5 percent for the saving and loans. Since this incentive is much smaller I doubt if many commercial banks will alter their high yield portfolios to include low yield mortgage loans.

The impact of this legislation will weaken the saving and loan institutions to such an extent they will be swallowed up by the strong commercial banks. We are destined for much higher mortgage rates and a scarcity of available funds to the homeowners if this legislation is enacted. If we are to provide adequate housing for our citizens it is important to have strong and viable saving and loan associations ready and willing to invest funds into the mortgage market.

ARCHIBALD COX INVESTIGATION

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. SHUSTER. Mr. Speaker, I, along with millions of Americans, have been betrayed by that supposed paragon of virtue, Archibald Cox.

When Archibald Cox confessed yesterday that he passed privileged information disclosed to him in the course of his investigation by former Attorney General Richard Kleindienst concerning the ITT case to Senator TEDDY KENNEDY—an avowed political opponent of the President—I found it just incredible. I supported an independent prosecutor, and still do. But what I, and millions of Americans, thought was independent—apparently was political from the start. In fact, this pompous, pious, self-righteous, supposedly independent special prosecutor, was far worse than just political. While cloaking himself in the cloth of justice, he was betraying his trust to the American people by feeding information to his political cronies. Cox has clearly violated the Federal Code title 28, chapter 1, part 50 which forbids the release of information pertaining to Federal investigations. How much more information has he unlawfully fed for political purpose? The President simply fired this cheat 1 week too soon. Today I am introducing a resolution on the floor of the House calling for an investigation of Archibald Cox and his task force. In a word Archibald Cox is a fraud.

The resolution follows:

RESOLUTION

Whereas, Archibald Cox, former Special Prosecutor for the Department of Justice, has broken faith and trust with the Congress, the Department of Justice, and the American people, by releasing information to unauthorized persons concerning a certain alleged discussion involving the President and then Deputy Attorney General Richard G. Kleindienst, on a matter of anti-trust action against International Telephone and Telegraph Company, such information having been entrusted to him as Special Prosecutor; and

Whereas, Archibald Cox, in releasing said confidential information, was in violation of 28 U. S. C. 509, 50.2 of Part 50 of Chapter 1 of Title 28 of the Code of Federal Regulations, prohibiting the making of an extrajudicial statement by the Department of Justice personnel; and

Whereas, Archibald Cox, as an Officer of the Court, had a responsibility to maintain the confidentiality of information obtained in the course of the investigation he headed; and

Whereas, Archibald Cox, as a former Special Prosecutor, had a responsibility to maintain the confidentiality of information gathered in the course of an investigation intended for presentation to a Grand Jury;

Therefore be it resolved that Archibald Cox and certain members of his Special Task Force be investigated by the House of Representatives to determine the extent of criminal violations, the findings of which shall be turned over to the Department of Justice for potential criminal prosecution.

"ERIK JONSSON—DALLAS' 20TH CENTURY HORATIO ALGER

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MILFORD. Mr. Speaker, I would like to introduce to you and to my colleagues the nature of a man who turned the tide of rivalry and resentment into a wave of cooperation—Erik Jonsson, former Dallas mayor. He is now chairman of the Dallas/Fort Worth Regional Airport which was dedicated this September. Mr. Jonsson has been chairman since the board became an airport authority in 1968.

He became mayor of Dallas in 1964 on the heels of an atmosphere of rivalry and noncooperation with Fort Worth in building a regional airport.

But with Erik Jonsson came his foresight. The foresight to know that the existing Dallas Love Field could not be enlarged. The city lapped up all around the airport. Super jets of the future would not be able to take off and to land at Love. Super jets of the present were cramped by surrounding office towers.

Mr. Jonsson moved into the airport controversy in 1965—forced to a head by the threat of a withdrawal of Federal funds for airports. He says of this venture:

> I worked well with my city council and we all decided we needed a bigger and better airport than Love. When you make a decision like that, you have to move forward or you lose the opportunity.

So in 1965, the Dallas/Fort Worth Regional Airport Board had its unofficial beginnings with Mr. Jonsson at the helm.

Besides his attitude of cooperation, the former Dallas mayor had some ideas about the size of the then future airport. "Better too much than too little," he says of the amount of land—17,500 acres—occupied by the airport.

Then in 1967, 4 years after an earlier Dallas mayor had said, "Dallas is not in the least bit interested in any regional airport plans Fort Worth may have," ground breaking was held for the Dallas/Fort Worth Regional Airport.

At that time, the airport board, headed by Mr. Jonsson, hired airport director Tom Sullivan with these directions:

> You will be in charge completely and not be subject to politics. We want the biggest and best airport in the world.

And to these directions, Mr. Sullivan replied,

> What the hell more can you ask? It is the challenge of my career.

As Tom Sullivan selected his staff and saw to their expert production, the board saw to the money raising and the room to build in. A task which carried a $700 million price tag financed by revenue bonds backed by 13 city governments and a consortium of airlines.

Mr. Jonsson had taken the dream—born in 1927—of having a regional airport and replaced this vision with hard work and diligent negotiations. People at home call him, "the single dynamic force who began bringing warring factions in the two cities back together again, bringing peace to old, open hostilities. He was the man who maintained the belief that cooperation meant much more to north Texas than competition."

Certainly, Erik Jonsson was not alone in these strides toward cooperation. But he was able to guide the neophyte airport board down a course of good neighbor policy while enhancing the economic prospects of both Fort Worth and Dallas as well as the 11 other cities and three counties which share the world's largest airport.

Erik Jonsson was not afraid of working for the "good of the whole" because he knew that Dallas would benefit, too. He is a Dallas man, a member of the Dallas establishment which is so firm an establishment that its members refer to themselves by that name.

The former mayor bought the American work ethic as a way of life while a youngster in Brooklyn where he worked at odd jobs as the only child of Swedish immigrant parents who owned and ran a news and tobacco stand. The man who now has been awarded five honorary doctoral degrees earned his first degree in mechanical engineering from Rensselaer Polytechnic Institute.

He moved to Dallas in 1934 from New York to become secretary of a corporation in which he later became an owner—Texas Instruments. This Dallas-area electronics firm today is the 150th largest business in the U.S. with sales of $935 million.

But the tall, 72-year-old, 20th century "Horatio Alger," honorary chairman of the board of Texas Instruments, director of several banks and insurance companies, solid member of the Dallas establishment and chairman of the board of the world's largest airport, has not forgotten "the mother with three kids, baby bottles and diaper bags." He says:

> If she can't use the airport easily, then everything else we've done would be useless.

That is the kind of thinking Mr. Jonsson seeped into the airport design which puts passengers within 120 feet of their plane when they park their car.

That is the kind of leadership Mr. Jonsson brought to Dallas and has encouraged in the last 39 years.

EXPEDITED COURT TEST OF SPECIAL PROSECUTOR LEGISLATION

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CAREY of New York. Mr. Speaker, the rule of law in this Nation, a rule upon which our form of government is founded and protected, has been challenged directly by that branch of our Government charged with faithful execution of the laws.

Clearly, the firing of Professor Cox as special prosecutor, and the attendant leaving of office by former Attorney General Richardson and Deputy Attorney General Ruckelshaus, have presented the American people and their Representatives in Congress with a clear responsibility.

That responsibility is to right the distortion of due process and legal equity and propriety caused by the removal of a prosecutor independent of his ultimate appointive officer, and possible defendant—or, certainly, close associate of several former executive branch officials facing possible indictment and prosecution.

The Congress has a clear and present duty, in light of an equally clear and present danger, to grant to the courts the power to appoint a special prosecutor—a prosecutor independent of the executive branch; indeed, independent of the legislative branch. Today, I introduce legislation to achieve the goal of establishment of a truly independent prosecutor—a prosecutor free from improper pressures, and a prosecutor free from fear of dismissal by an Executive which is the object of his investigations and the possible defendant in indictments to be signed and forwarded to the courts for action.

Mr. Speaker, while the factual situation in which we find ourselves is almost unprecedented, and the constitutional situation is certainly becoming disordered, there is clear constitutional authority and court precedent for the legislative establishment of the office of special prosecutor. This is not just wishful thinking on my part, it is based on the wording of the Constitution itself, article II, section 2, and the "necessary and proper" clause of article I, and on substantial court precedents.

The courts have consistently upheld the legal and practical necessity of providing for prosecution of alleged wrongdoing when the prosecuting authority itself may become a defendant. Clearly, the courts must possess the power to assure that justice is done, no matter who may be a party to investigative, grand jury, and court proceedings. *United States* v. *Cox* (5th Cir. 1965), certainly supports this necessity for prosecutorial power existent separate from regularly constituted prosecutorial offices and procedures. To hold otherwise would be to place a prosecuting authority itself above the law it is sworn to uphold and the justice it is sworn to pursue. Many State courts have upheld the authority and necessity for courts to appoint special prosecutors when a member of the State's executive branch is involved in possible wrongdong.

Certainly, Mr. Speaker, the Congress should and does remain content to have the President of the United States, through his Attorney General, prosecute cases. However, when the President himself is so clearly a party at interest, the Congress must create the mechanism for appointment of an independent prosecutor.

Myers v. *United States* (1926), makes clear the power of the Congress to create appointive offices and to define their powers and functions. Indeed, Justice Holmes, in a separate, but concurring opinion, stated that the Congress could even take the power of appointing postmasters from the President, and "transfer the power to other hands."

Mr. President, there has been discussions of other alternatives to the plan I propose of having the courts appoint the special prosecutor. Some have suggested the President appointing a special prosecutor from a list of nominees provided by the American Bar Association or by a panel of judges. This suggestion falls as did Professor Cox, through the President's assertion of unlimited authority to remove any official of the executive.

Another suggestion is to have the President appoint a special prosecutor for a fixed term, during which he could not be removed except for cause. This appointment would be with the advice and consent of the Senate. This suggestion falls again on the President's power of removal, plus the fact that the President remains an interested party, and is, in effect, investigating and prosecuting himself. To solve this problem, the prosecutor should exist apart from the executive branch. Only by having the courts appoint the special prosecutor, will we assure his independence from the executive and legislative, and where necessary, from the judicial branch of the Government.

Mr. Speaker, numerous bills and resolutions have been introduced providing for the creation of a special prosecutor by the Congress, with the position itself to be filled by the courts. While my bill does provide that the office be created by the Congress, and be filled through appointment by the U.S. District Court for the District of Columbia, it also includes, as did legislation creating the constitutional amendment on the 18-year-old vote, provisions for immediate court-testing.

Section 11 of my bill states:

> The District Courts of the United States shall have jurisdiction of proceedings instituted under this joint resolution, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

Mr. Speaker, passage of my bill and successful overturn of an expected veto, will swiftly be followed by court action on the part of several interested parties and on many different possible grounds. Challenges will be made on questions of jurisdiction, constitutionality, and others. In order to avoid any further and additional prolongation of this affair, expedition of court tests is a must. My bill provides that swift resolution of court challenges, so the putative special prosecutor can get on with his vital work.

Mr. Speaker, divisions have been created in the Nation on this and related issues. Watergate is something even the most partisan man could not wish upon this Nation and its people. However, to clear the air, wash the Nation's wounds, and to restore public confidence in Government officials, the Congress must live up to its responsibility and constitutional mandate. Congress must redress the imbalance created by the firing of the special prosecutor and create an independent officer of the court, who will see that justice is done completely and swiftly. That is our task. The power we have as the people's representatives shall not be abused by the Congress insisting that impartial justice be done. Our power is, after all, the people's, and our power is best at work for the people's interest, to see that their power, wherever vested is not abused. The people should never be the victim of their own power. The Congress must see to that.

DESPITE INFLATION AND SHORTAGES U.S. CITIZENS STILL ARE WELL OFF

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WYMAN. Mr. Speaker, in a time when there is more than an average amount of griping about oil shortages, or rising food prices, or the erosion of the purchasing power of our dollars by steady inflation, it is well to compare our standard of living with that of most of the rest of the world.

As the following interesting Warner & Swasey message from U.S. News points out, we still have it "pretty good" but this cannot last unless all of us recommence producing an honest dollar's worth for a dollar's worth of pay. The article follows:

YOU THINK AMERICA HAS TROUBLES?

WHAT'S NIGHTMARE TO US WOULD BE UTOPIA TO THE WORLD

In much-envied Japan, the best beef costs $35 a pound; pollution is so bad in Tokyo that traffic policeman take an "oxygen break" every hour—3 minutes of breathing bottled oxygen; their factories produce ten times the industrial waste per square mile that our factories do and 70% fail to process their waste; school children pass out after playing in the smog.

Britain, France, Spain, Italy, Denmark and Finland have worse inflation rates than we do, and controls have failed. (Gasoline in one country costs $1.03 a gallon).

In Brazil less than half the cities have high schools.

In Rio de Janiero as many as 6 companies have to share one telephone.

In Cuba per capita income is down to $357 per year.

In the Congo prices have risen 90% since the late 60's and wages have risen only 40%.

In mainland China workers live in huge apartments where 6 to 12 families share one kitchen.

Calcutta has a population explosion (9 million; it was 2 million just ten years ago) because people crowd in to get factory jobs at 34c a day—twice the Indian national scale.

We have only 6% of the world's population but we produce and consume 30% of the world's goods and services, making us better fed, better housed, better educated, with better medical care than virtually any other people on earth.

Complacent? We'd better not be! We'd better learn how to get back to being the *productive* people we once were, when we were *safe*, and genuinely prosperous—and reasonably happy.

THE FDA AND REGULATIONS ON VITAMINS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ARCHER. Mr. Speaker, many of my constituents as well as people throughout the United States have been very upset and concerned with the regulations issued by the Food and Drug Administration concerning the sale of vitamins and mineral food supplements. I have cosponsored H.R. 6043 which would prevent arbitrary action by the FDA in this area. It is my fervent hope that we can get action on this legislation soon.

The Public Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee has held hearings on this proposed legislation on October 29, 30, and 31. I would like to enter a copy of the testimony I presented to the subcommittee:

STATEMENT ON THE VITAMIN BILL, H.R. 6043

The regulations issued by the Food and Drug Administration, which have sought to ban the sale of vitamins and mineral food supplements for reasons other than fraud and danger to health, have been an abritrary action of a federal agency which would unfairly destroy the food supplement industry and would be a serious infringement on individual rights.

My constituents by letters, phone calls, and visits have expressed their strong and total opposition to the order issued by the FDA and published in the federal register of January 19, 1973. I share that concern and opposition. I commend the public health and environment subcommittee of the interstate and foreign commerce committee for holding public hearings on H.R. 6043, which would amend the federal food, drug, and cosmetic act to prevent arbitrary action by the FDA in this area.

Some of the "proposed findings of fact" have seriously concerned me. Many of these "facts" are merely opinions of certain experts which can be balanced by the opposite opinion of other experts in the same field. The FDA reported that "mineral nutrients in foods are not significantly affected by storage, transportation, cooking and other processing" and that "while some vitamins are susceptible to partial destruction through the effects of heat, light, oxidation, and other physical and chemical reactions, loss of nutrients from the ordinary effects of cooking, processing, transportation, and storage have not significantly impaired the nutritional qualities of food in the United States."

We should pause and consider what "significantly affected" or "significantly impaired" mean. These two statements are not "facts" but merely conjecture and I strongly oppose the action of the FDA in leading us to believe they are "facts." Nutrition is not an exact science and that should have been the only "fact" the FDA should have reported as correct.

This FDA order, if enforced and allowed to stand unchallenged and unchanged, would interfere with the basic right of the consumer to have the freedom of choice to select those nutrients which the individual consumer decides will best aid him in achieving optimum health. It is my firm conviction that consumers should have the freedom to consult and follow the advice of their own physicians in the field of nonharmful vitamin supplements. This FDA "order" is an example of "Big brother" Governent at its worst—an agency arbitrarily telling the individual citizen what is "good" for him.

This order of the FDA would also unfairly destroy the food supplement industry by banning approximately eighty per cent of the preparations available.

This proposed legislation would not weaken consumer protection aspects of the FDA nor would it prohibit the FDA from having the authority to prohibit the sale of any product which is not intrinsically safe at a recommended dosage.

It is time we enact legislation which would restore the individual's freedom to supplement his diet with additional vitamins and nutrients. I urge speedy action on this legislation.

WE NEED A NEW MINIMUM WAGE BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ERLENBORN. Mr. Speaker, over the past several weeks, the general Subcommittee on Labor has been singularly occupied with bringing H.R. 2, our committee-approved pension bill, to the House floor. Unfortunately, we were told yesterday by the Rules Committee that our request for a rule would be deferred until December 4. I say "unfortunately" because, for the most part, H.R. 2 is a good bill; and I had hoped the House would have an opportunity within the next week or so to consider it.

The one saving grace occasioned by the delay is that our subcommittee could take advantage of the intervening weeks to tackle another important project: a new minimum wage bill.

When asked during the Rules Committee hearings on H.R. 2 about the timing of another minimum wage bill, our chairman (Mr. DENT) replied that we should be able to get one soon.

The postponement of pension legislation means that "soon" could be now, if our chairman would allow our subcommittee to meet for this purpose.

I would be surprised, but greatly pleased, if "soon" were to turn out to be "now."

NORTHEAST RAIL LEGISLATION, H.R. 9142, ADVANCES IN HOUSE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, I was pleased to learn this afternoon that today the House Interstate and Foreign Commerce Committee has reported out H.R. 9142, the Shoup-Adams bill to comprehensively restructure the endangered Northeast railroads. I commend the committee and its distinguished chairman, Congressman Harley O. Staggers, for their dedicated work on this most complex and difficult matter, and I especially congratulate Congressmen Brock Adams and Dick Shoup, who deserve great credit for this most important and worthwhile bill.

I hope now that the full House will act quickly to pass H.R. 9142. Many observers of the rail situation have warned that termination of service on the part of the six bankrupt railroads—which would bring about dire economic results throughout the Nation—is not very far distant. Recent events strengthen this contention and heighten the importance of rapid and favorable action upon H.R. 9142.

Last summer the trustees of Penn Central petitioned the bankruptcy court, conducting reorganization proceedings for the railroads, for liquidation of railroad assets and termination of rail services. On October 12 the bankruptcy judge, Judge John P. Fullam, delayed final action on this liquidation proposal, basing his delay at least in part on an ICC report that showed the cash position of the Penn Central to be good enough to allow for continued service at least through the first quarter of 1974.

Events since the October 12 hearing cast into doubt the ICC evaluation that Penn Central can continue to operate. The Amtrak authorization measure that recently passed the Congress forbids Amtrak from paying Penn Central an additional $40 million that had been ordered by the ICC in a separate action earlier this fall. A recent court of appeals decision has required Penn Central to make immediate payment of approximately $20 million to other railroads from whom it leases track, or with whom Penn Central lines connect. Increases in costs of fuel, due in large part to the nationwide energy crisis, have raised Penn Central's costs by about $30 million above what had been anticipated. And, the Federal Railroad Administration has ordered Penn Central to upgrade much of its track mileage to meet Federal track safety standards—a program that will cost millions of dollars.

The result of these unsettling developments is to further aggravate the already serious cash-flow problems encountered by Penn Central. The cash-flow situation of the other bankrupt lines, including the Boston & Maine, is not much better. Worse, cash flow is only the tip of the rail crisis iceberg. Just as serious if not more dangerous is the continuing erosion in the value of the bankrupt railroad creditors' estate. In March of this year Judge Fullam warned that the point of unconstitutional deprivation of property, through erosion of the estate, may have already have been passed. This erosion has continued virtually unabated, and Judge Fullam has implied that he may act on fifth amendment grounds—to protect creditors against further deprivation of property without adequate compensation or due process of law—to liquidate railroad assets and terminate rail service. Such a fateful decision could come within a matter of weeks—if not days. While an order of Judge Fullam to liquidate the railroads would doubtless be contested in the courts, such a course of action is hardly to be desired, and surely not a good way to begin the difficult task of restructuring the Northeast railroads into self-sustaining or profitable entities.

I have on previous occasions spoken in detail about the mechanics and principles of H.R. 9142. While I strongly support this bill, I do have some reservations resulting from actions taken by the Interstate and Foreign Commerce Committee. The decision of the committee to reduce the bond authority available to the FNRA—Federal National Railway Association—from $2 billion to $1 billion is particularly questionable. While I understand and appreciate the legitimate concern of many Members that the Federal Government not commit excessive funds, I am concerned that $1 billion in bond authority will not be enough to give the Regional Rail Corporation a fair chance at success.

FNRA bonds have four basic purposes. First, the bonds will provide the bulk of the financing necessary to rehabilitate, upgrade and modernize the physical plant of the bankrupt railroads. For Penn Central alone this cost has been estimated to be between $600 and $800 million, and other railroads, such as the Boston & Maine, have substantial needs as well. Second, FNRA bonds can be used to purchase new railroad equipment and other rail assets.

Third, if the bankruptcy court—or higher court— determines that the common stock of the Regional Rail Corp. does not constitute adequate compensation for the value of creditors' assets, then a portion of FNRA bonds, hopefully a minimum amount, may be used as a "sweetener" to compensation agreements. Also, some bond money can go to local communities for the purchase of branch lines, so as to continue local service. These four uses of FNRA bonds constitute a cumulative demand that will in all probability exceed the $1 billion limit.

A basic goal of legislation to restructure the Northeast railroads should be to get the new operating corporation—the RRC—off to a clean start. In most aspects H.R. 9142 meets this goal. The RRC should be free of the debt service obligations that have plagued the six bankrupt railroads. It should have the necessary capital to make improvements in plant and service that are absolutely essential if the declining trend in rail traffic is to be reversed so that railroads can once again operate in the black—$1 billion in FNRA bond authority may not be enough to meet these critical goals. If the railroad reorganization is successful there will be little direct cost to the Government for the FNRA bonds. A $2 billion bond authority, in my view, would increase the likelihood that the Government would never have to make good its guarantees. The $1 billion figure increases the risk that the reorganization may fail, and thus increases the risk that the Government will have to pay up the $1 billion guaranteed. It also increases the danger that, despite these large expenditures, in a few years Congress will be confronted with the most unfortunate specter of nationalization. I would urge my colleagues to consider whether an increase in bond authority to $2 billion would further the chances of success of railroad restructuring.

Mr. Speaker, the November 5, 1973, issue of the Nation magazine contains an article on the critical urgency of the Northeast rail crisis and the efforts of Congressmen Adams and Shoup to save the railroads. I believe this article to possess valuable insights, and I would like to take this opportunity to share this article with my colleagues:

Remember Penn Central?

The United States has become a country chronically beset by crises. Some are fictitious or partly so—a business crisis is often an opportunity for somebody to get something for nothing. Some, like the "energy crisis," make good copy, so the media are generous with time and space. In contrast, some crises, though just a bore, are real and serious. The threatened shutdown of the Penn Central Railroad, and the whole tottering Northeast rail network, is in this category. It lacks glamour, and the worst rail headache, that of Penn Central, has been around so long that the public assumes that, one way or another, the trains will limp along.

This optimism is unjustified. It is true that Penn Central has been in bankruptcy since 1970 and that most of its lines have continued in operation, after a fashion. One of its components, the New Haven, has been in bankruptcy off and on for the greater part of the century and, solvent or insolvent, its trains have run without interruption. In fact, it is now the Penn Central's biggest creditor, with a claim of $134 million.

This odd fact sheds some light on the situation as a whole. It is an intra- and inter-corporate struggle for money and, as Commodore Vanderbilt said, "the public be damned." One reason why the Penn Central is in the courts is that it was looted by certain of its officials, and until the very end kept on paying dividends every year, instead of maintaining its enormous plant at top efficiency and competing—as it might have—with trucks, barges and airlines. But even in its present decrepit state, with about one-fifth of its 38,000 miles of track considered unsafe at any speed, and freight moving on a substantial part of the rest only at reduced speeds (which is no way to make money), it manages to keep 2,600 trains in operation. It carries one-fifth of the nation's freight. This proves that the railroad is *needed.* The crisis is financial: the business is there, but the incubus of past mismanagement, among other factors, makes it unprofitable.

Since financial considerations govern, in theory, John P. Fullam, the federal district judge in charge, can order the road shut down. He is free, that is to say, to order a national catastrophe. It is unlikely that he will do so, but he is using the threat of shutdown in an effort to get the contending parties together on a viable plan. The railroad itself is not above a piece of blackmail for real or supposed advantage. It stopped freight service on 2,790 miles of substandard track on October 16 in a dispute with the Federal Railroad Administration, contending that it could not finance a $49 million rehabilitation program (over eight years). Two hundred route miles of this trackage are in Connecticut. Before the matter was hastily adjusted, business was disrupted in the affected area, with workers laid off in industry, warehousing and food distribution, etc. The action was taken on eight hours' notice. "It was straight, out-and-out blackmail," a state transportation official commented.

But this is a nondeferrable crisis; Judge Fulham will not stay his hand forever, and perhaps a little blackmail was in order. The Nixon Administration has taken a relaxed attitude, but the House Commerce Committee has before it a bipartisan bill drafted by Rep. Richard Shoup (R., Mont.) and Rep. Brock Adams (D., Wash.) which would create a new agency to decide which Northeast lines to keep running, and provide $2 billion in federally guaranteed loans to modernize them. Both men have good reason to be interested: 40 per cent of the lumber of the Northwest moves to markets in the eighteen states served by the Northeast railroads. Besides the Penn Central, the bill would salvage the Boston & Maine, the Central of New Jersey, the Erie-Lackawanna, and the Lehigh Valley and Reading. This bill should be reported out of committee at the earliest possible date, so that the entire situation can be thoroughly discussed on the floor of the House. There is no sense in letting a slow-moving crisis turn into an overnight catastrophe.

ENDORSEMENT OF EQUAL RIGHTS AMENDMENT BY AFL–CIO

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. FRASER. Mr. Speaker, I wish to recognize and congratulate the AFL–CIO for the endorsement it gave the equal rights amendment at its 10th biennial convention in Miami, Fla., on October 22, 1973.

It is particularly gratifying that this endorsement comes from a federation which—besides representing so many women workers—has fought hard for equal rights and dignity for all, regardless of race or religion, and now, regardless of sex.

I congratulate the AFL–CIO again, and include its entire thoughtful statement below:

EQUAL RIGHTS AMENDMENT

Whereas, There are an estimated 33 million women working or seeking work outside the home in the United States, and

Whereas, Their number has been steadily increasing to the point where they now make up more than 38 percent of the nation's labor force, and

Whereas, It is self-evident that the U.S. economy vitally needs their abilities, talents and skills, and

Whereas, Most women work outside the home because they and/or their families need their earnings to raise their living standards above low-income or poverty levels and to help meet the spiraling cost of living and of education for their children, and

Whereas, More than 22 percent of heads of households in the United States today are women, and

Whereas, Women continue to be one of the most discriminated against and exploited groups of workers in the nation, one manifestation of which is the fact that they earn an average of only three-fifths of what men earn, and

Whereas, It is now more urgent than ever to remove employment opportunity barriers against women wherever they exist, and

Whereas, State protective labor laws applying only to women are being invalidated in nearly every instance by the courts under the equal employment opportunity provisions of the 1964 Civil Rights Act, and

Whereas, Recent Supreme Court decisions have thrown strong doubt on the constitutionality of most laws that differentiate on the basis of sex, and

Whereas, More and more women are recognizing that the trade union movement is concerned with and seeking to be responsive to the needs of all workers, women and men alike, and

Whereas, Women are turning to the trade union movement in ever increasing numbers as the only effective means of gaining and maintaining justice and equality that is being denied them in the workplace because of their sex, and

Whereas, The proposed Equal Rights Amendment to the Constitution has become a symbol of commitment to equal opportunities for women and equal status for women.

Resolved: That this 10th Biennial Convention of the AFL–CIO endorses the Equal Rights Amendment to the U.S. Constitution as precisely the kind of clear statement of national commitment to the principle of equality of the sexes under the law that working women and their unions can use to advantage in their efforts to eliminate employment discrimination against women, and, be it further

Resolved: That state labor federations, in states which have not yet ratified the Equal Rights Amendment, urge their legislatures to act favorably upon the measure.

RESOLUTIONS OF EXECUTIVE COMMITTEE OF B'NAI B'RITH DISTRICT I

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues the two following resolutions of the executive committee of B'nai B'rith District I in Queens:

RESOLUTION ON THE OIL CRISIS

Whereas, the Arab states are seeking to exploit their position as a major source of crude oil and have launched a campaign of propaganda and political pressure aimed at changing United States policy in the Middle East;

Whereas, it is now apparent that various oil companies have joined with these Arab nations and their friends in this effort to persuade the American people that the oil problem can only be solved if the United States alters its policy in the Middle East;

Whereas, there is no relationship between the oil problem and Israel, and the current oil supply shortage would have confronted the United States even if Israel did not exist;

Be it resolved: that: B'nai B'rith Women District One through its leaders and Anti-Defamation League Chairmen undertake an educational campaign, bringing the facts to the American people that Israel's existence as an independent democratic state in the Middle East is wholly irrelevant to the oil problem; and urge the United States government to adopt a national policy with the goal of energy self-dependency as soon as possible.

RESOLUTION ON THE 1980 OLYMPICS

Whereas, members of the Israeli team participating in the World University Games held in Moscow during the summer of 1973 were subjected to racist discrimination and Anti-Semitism by the Russians;

Whereas, a group of Russian fans led by uniformed soldiers rushed at some Moscow Jews who had been waiving an Israeli flag and banner during a basketball game between Israel and Puerto Rico, and they tore down the Israeli banner and flag;

Whereas, Anti-Semitism appears to be official Russian policy and that the behavior of the Russians this summer proves that they cannot live up to the ideals of the Olympics of fair play and good sportsmanship;

Be it resolved: that: B'nai B'rith Women District One through its leaders go on record as being unalterably opposed to Moscow being selected as the host city for the 1980 Olympic Games.

INNER-CITY BROADCASTING EXPANDS BLACK INVOLVEMENT IN THE MASS MEDIA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RANGEL. Mr. Speaker, there is currently a tragic underrepresentation of blacks and other minority groups in ownership and policymaking positions in the mass media. As a result, many affairs of interest to minority communities are ignored on television and radio and in newspapers and magazines.

We in the Congressional Black Caucus have been heartened by the increased activity of minorities in mass communications. The Reverend Everett C. Parker, director of the Office of Communications of the United Church of Christ, has just filed a study with the Federal Communications Commission on minority employment in television. The United Church of Christ study reported a gain in employment of minorities as TV personnel. At the same time, however, no parallel improvement was found in the status of women in television. There is still a long way to go.

One major problem faced by minority businessmen, journalists, broadcasters, and community groups seeking to purchase media outlets is financing. The difficulty in getting adequate credit for acquisition of large radio or television stations is an obstacle which can be overcome only by a combination of hard work, persistence, and luck. Unfortunately, leading financial institutions have been too reluctant to assist minority groups in these important endeavors.

I am especially pleased by the positive step taken by Inner-City Broadcasting in acquiring WBLS radio in New York. This company was able to overcome the financial roadblocks in its path.

Inner-City Broadcasting has a proven record of service to the people of Central Harlem in my congressional district. As owners of WLIB radio, and as the new owners of WBLS, Inner-City Broadcasting's programing will continue to cover events of concern to black New Yorkers while providing quality entertainment.

I am proud of this latest achievement and hope it will encourage further minority involvement in the mass media.

THE ADMINISTRATION'S HOUSING MESSAGE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, although the Government has committed itself to insuring every citizen with decent housing, it seems evident to me that it is reneging on its promise. People are faced with escalating building costs and mortgage interest rates, and many are therefore unable to afford their own homes or are forced to pay for them at inflationary costs which leave them many years in debt.

The President recently released his Federal housing message. Yet his proposals only exemplify the Government's lack of concern for families with low and moderate incomes. Whereas there is an immediate need for adequate housing, the President is willing to wait until 1977 to fulfill such housing needs.

Mr. James Fiorentini, board chairman of the Greater Haverhill Community Action Commission, has prepared an informative analysis of the message and has pointed out its major shortcomings. His analysis seems to me to be well reasoned and wholly grounded in fact. Therefore, I wish to insert his analysis in the RECORD for the consideration of my colleagues:

SUMMARY AND ANALYSIS OF THE ADMINISTRATION'S HOUSING MESSAGE

The United States has long had a commitment to provide "decent and adequate housing for all Americans". This commitment was expressed as early as in the Housing Act of 1937 and in President Franklin Roosevelt's announced goal of 100,000 units of public housing a year for low- and middle-income Americans.

The Housing Act of 1968 again renewed that commitment. That act expressed a congressional policy of building one million subsidized housing units every year as a means of insuring decent and adequate housing for those least able to pay.

The Nixon administration's long awaited Federal housing message, finally released last week, represents a dramatic retreat from our commitment to decent and adequate housing.

The underlying philosophy of the message is that the basic regulator of the supply and condition of low and moderate income housing should be the free market economy. For the middle-class, the housing message proposes priming the amount of mortgage money available with a government influx to the VA, FHA, and private mortgage industry. This proposal is supposed to be accompanied by the lifting of state bans on the maximum allowable mortgage interest rates. But, one state, New York, has already rejected this suggestion as inflationary and not in the public interest. The net effect for the middle-class, already burdened by the highest mortgage rates in the history of the nation, will be more mortgage money at even higher interest rates.

The Administration's housing message as the Globe said, "offers the poor nothing but promises". The housing subsidy programs, already frozen until next July, when many of them expire. Despite the admonition of Senator Edward Brooke (R., Mass.) that "present subsidy programs should not be allowed to expire without a replacement", there will be no immediate replacement when the programs expire next July.

What the Administration has proposed for the poor is the promise of a study of direct cash assistance programs replacing Federal Housing Programs. That study would be released in late 1974 or early 1975, and if favorable, would call for the payment of cash grants to the *elderly poor*.

Senator John Sparkman (D. Ala.) estimates it will be a minimum of two years later that housing grants would be available to the poor generally. Thus for the poor, for the elderly, and for those priced out of the housing market by the administration's economic policies, the housing message promises no assistance from the Federal Government until as late as 1977.

Congressman Henry Reuss (D. Wisc.) accurately summed up the Administration's housing message as follows:

"The Administration has labored and brought forth not a mouse but the promise of a mouse by 1975. . . . For low and moderate income Americans already hopelessly priced out of this housing market, this is cruel news."

What can be done:

1. The Administration's policies must gain the consent of Congress. We should use every effort to rally public support against the proposals, and insure the poor are not left without housing assistance.

2. The message does offer the proposed expansion of the leased housing program, Section 23, of the 1937 Housing Act. We should make every effort to assist local housing authorities in obtaining leased housing funds.

3. The message also offers the hope of mortgage subsidies for young families. This possibility for the Merrimack Valley area should be explored.

JAMES FIORENTINI,
Board Chairman.

THE EMERGENCY MEDICAL SERVICES ACT OF 1973

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on Thursday, October 25, the House voted on the Emergency Medical Services Act of 1973.

Unfortunately, I was detained downtown because of an important speaking engagement. Had I been present, I would have voted both for the rule and for final passage.

REPRESENTATIVE LAWRENCE HOGAN'S SPEECH BEFORE MARYLAND BANKERS ASSOCIATION

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BLACKBURN. Mr. Speaker, recently our distinguished colleague from Maryland, Mr. HOGAN, presented a speech before Maryland Bankers Association regarding various pieces of banking legislation that is pending before my committee.

One matter pending before the Banking and Currency Committee is the Hunt Commission Report. This report recommends the most revolutionary changes ever proposed in the American banking structure.

At this time, I would like to bring Mr. HOGAN's speech to the attention of all my colleagues:

ADDRESS BY CONGRESSMAN LARRY HOGAN, OCTOBER 18, 1973

Walter Clements asked me to speak on pending legislation of interest to bankers. The whole subject of banking legislation is so volatile right now that the word I got at noon today may be all wrong by tomorrow morning. Moreover, this is an exceedingly complex area that I don't pretend to be an expert in.

Some of what is being proposed, both by the Treasury Department and by the Banking and Currency Committee of the House, meets the acid test for good legislation, but it is not going to make anybody very happy—not you and not the savings and loan institutions.

The Treasury's proposals were sent forward less than a week ago, and the House Banking and Currency Committee is now holding hearings on it's own proposals, so there is no way to know, at this moment, what is finally going to be presented for our consideration and action.

However, I would like to share some thoughts with you tonight on some of the high points of the various proposals, as I understand them.

We're still trying to live in an inflexible financial system designed to meet the depressed economic conditions of the 1930's—not the expansionary and inflationary conditions of the 1970's.

Today we find these same regulations, which were intended to keep money flowing in the Depression, have dried the flow to a slow trickle and penalized both borrower and saver. People who want money either can't get it at all or must pay high interest rates. And those people who have surplus money to make available are shunning the lending market for other sources of higher returns on their investments.

The nation is in serious economic trouble, and our financial structure is a key to much that is wrong. We're all going to have to try to work together—the Administration, Congress, commercial banks, thrift institutions, the entire financial community—and the consumer—in a concerted effort to solve some of these problems before they destroy our financial system altogether.

The administration is committed to the basic assumption that the public interest is generally better served by the free play of competitive forces than by the imposition of rigid and unnecessary regulation.

However, after 40 years of tightly restrictive control, it is obviously not impossible to lift all regulation overnight.

As far as I can see, the Treasury's proposals are designed to make the transition from maximum control to minimum control with as little serious trauma as possible.

For example, the Administration proposes to phase out Regulation Q over a period of five and one-half years. This would be accomplished by raising the interest rates payable by banks in four steps, beginning 18 months after the legislation is enacted.

The result would be a parity in the rates which could be paid by banks and thrift institutions on savings deposits and certificates of deposit.

The Administration also recommends that negotiable orders of withdrawal, or "NOW accounts," be offered by both banks and thrift institutions. In recommending the use of NOW accounts for both banks and thrift institutions, the Administration points out that, as the electronic funds transfer system becomes more widely used, the present differences between savings and demand accounts will disappear. The rapid transfer system could result in the situation where a person could deposit money in his demand account only when it is necessary for him to effect a transaction.

In the President's message covering the initial recommendations of the Hunt Commission—on which the Treasury Department based its proposed legislation—he made clear that the interests of the consumer were paramount and that the recommendations were also aimed at reducing or eliminating the need for subsidizing the thrift institutions.

To offset any competitive disadvantages which might befall the thrift institutions and to increase the competition among all financial institutions, the Administration recommended expanded deposit liabilities and assets for savings and loans. Among these services, in addition to NOW accounts, would be checking accounts, third party payments powers, and credit cards. There would also be the opportunity for national banks to offer savings accounts for corporate customers.

It is the feeling of the Administration that such innovations will result in the opportunity for consumers and business interests to choose from a wide variety of institutions at less cost. And the increased competition will result in a higher quality of service and greater efficiency for all financial institutions.

While enabling the savings and loans associations to expand their activities, the proposed legislation would also subject them to reserve regulations comparable to those required by commercial banks.

The Administration is recommending some modifications in the tax structure of both banks and thrift institutions, again designed to further equalize the tax burdens of both. Since the details of the tax proposals are not yet available, it would be premature to discuss them, except to emphasize the Administration's intent to make broad and coordinated changes in the total structure simultaneously, so that no part of the system becomes badly out of kilter.

I might point out that three of the most controversial proposals in the Hunt Commission are not contained in the Treasury's proposed legislation submitted last week. These are the Hunt Commission's recommendations for statewide branching in all 50 states, a restructuring at the Washington level of the banking regulatory agencies, and mandatory membership in the Federal Reserve System for all lending institutions.

The last proposal also involved the question of uniform reserve requirements, and its absence from the proposed legislation would indicate that Treasury has moved to at least a neutral position from its previous position of opposition to uniform reserve requirements.

It would seem that uniform reserves could be achieved without mandatory membership in the Federal Reserve System. The Administration emphasizes in its revised recommendations that even if non-Federal Reserve System member banks were to be made subject to the Fed's reserve requirements, such mandatory membership could severely weaken the present dual banking system.

Let me spend just a moment on a few of the major recommendations arising from the study done by the House Banking and Currency Committee, on which hearings are being held right now.

Among the proposals which call for far-reaching changes is the recommendation that commercial banks be required to divest trust departments which hold assets in excess of $200 million. These trust departments would be established as independent trust companies, to be regulated by a new agency, the Federal Trust Management Commission.

The report accompanying the proposal states that the massive flow of investment funds into the commercial bank trust departments has circumvented the Glass-Steagall Act of 1933, which separated commercial banking from investment banking, and that because of this situation, the separation of trust activities is necessary.

The proposals call for allocating credit for priority areas of the economy. In order to insure an adequate flow of funds into the mortgage market, there would be mandatory minimum housing investment requirements for all commercial banks, life insurance companies, private pension funds, foundations and thrift institutions.

The report also suggested expanded powers for thrift institutions, including the right to convert to commercial banks.

In an effort to provide greater consumer services, the payment of interest on all demand deposits, regardless of whether they are held by banks or depository thrift institutions, would be allowed. At the same time, bank giveaway programs as a means to attract deposits would be eliminated.

The report proposes establishing a new regulatory agency, to be known as the Federal Banking Commission, which would encompass the present Federal Deposit Insurance Corporation and all of the regulatory authority of the Federal Reserve Board and the Comptroller of the Currency. The duties of the Federal Reserve Board would be limited to monetary policy.

Because all of these issues are so complex, so far-reaching in their effects and so interwoven as to require coordinated—rather than piecemeal—action, there is no indication that definitive legislation will come before either House of Congress in this session.

In addition to the House Banking and Currency Committee hearings now going on, hearings are scheduled in early November before the Subcommittee on Financial Institutions of the Senate Banking, Housing and Urban Affairs Committee.

Let me conclude by urging you to keep up to date on the progress of this legislation, to keep in close touch with the legislative people in your association, to become as well informed on these issues and proposals as you possibly can, to offer to testify, and—most of all—let your representatives in Congress know how you feel.

As members of Congress, there are a multiplicity of forces and counterforces pulling and pushing us from every conceivable angle. But we expect this, and we welcome it, because it helps us to reach what we believe to be the consensus decision that best serve our country and our constituencies.

If a significant force is missing in the counterbalancing process, then that constituency may not be getting a fair shake. It is not only in *your* best interest to see that we thoroughly understand you and your points of view, but we in Congress need you to help us do our jobs effectively.

Whatever legislation arises out of these many approaches, recommendations, proposals, suggestions—modified and tempered by your input at the hearings—you are being given your opportunity to have a hand in it. This is part of what representative government is all about.

Make the very best use you possibly can of your opportunity to influence this legislation. It's an opportunity you can't afford to pass up! My staff and I stand ready to work with you in every way we can.

WHITHER ALLENDE?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. SCHERLE. Mr. Speaker, I would like to share with my colleagues the following article by Dr. Joseph F. Thorning entitled "Whither Allende" which appeared in the May 21, 1973 publication of the Rising Tide. Dr. Thorning, widely known in educational circles in this country and throughout Latin America, shows excellent foresight in this article into the current situation we find in Chile today.

The article follows:

WHITHER ALLENDE?

(By Dr. Joseph F. Thorning)

How many observers in the USA remember that when President Salvador Allende took office in 1970, he did so thanks to the votes of the majority of Senators and Deputies, many of whom are now disenchanted with his recent policies?

Allende's adherents in Chile, mainly Marxists and Marxist-Leninsts, maintain their enthusiasm, despite a sadly deteriorating economy. They point with pride to an increase from 36.3 to 43.4 percent in the popular vote on March 4, 1973 for the members of Allende's Congressional coalition. They note, quite correctly, that they added two Senators and six Deputies to their ranks in the Chilean Parliament. Consequently, Allende and his cohorts continue their loud proclamations of popular "victory."

REJECTION

The Allendistas, however, overlook an undeniable fact. On March 4, 1973, a majority of the voters of Chile—56 percent—although subjected to subtle and not-so-subtle forms of political blackmail, called for new directions in public administration. The people, by their majority vote, rejected totalitarian tactics, demanding a return to democratic procedures. They made clear their preference for a system of social justice respectful of their homes, their modest-sized farms and other family-owned centers of production. In a profoundly true sense, the majority voted in the light of religious convictions and with a determination to safeguard the rights of their children. Women were outstanding in their emphasis on such principles.

REACTIONS

Nevertheless, Dr. Allende talked and acted as if he had won a new mandate. Fresh measures toward the nationalization of Chilean properties were enacted. In reorganizing his Cabinet, the chief executive dropped the three military men who, in the eyes of the people, represented good order and fair play. This move strengthened the hands of partisans who made more strident their demands for a speedier route to total domination of the body politic and the seizure of the private property of Chile's citizens.

Equally significant was Allende's next step. He proposed a "unified school system" on a national scale. This would mean the suppression of a noble Chilean tradition: a flourishing system of public and private schools, colleges and universities administered in an atmosphere of mutual respect for the benefit of all concerned. Religious education, of course, was the principal target.

Allende's drive may have been premature. In 1970 religious people were prepared to give the Marxists the benefits of every doubt. They realized the need for radical change. They were aware of conditions of work in mines, factories, offices and on farms. They were ready to cooperate.

But they were sickened by a bid for power over the minds of their children. The result might have been foreseen. In response to the petitions of parents, the Chilean Bishops, after deliberation and prayer during the 1973 Holy Week, issued a reasonable, well-balanced statement. Although maintaining their principle of warm approval for genuine efforts toward social reconstruction, they reiterated their devotion to the right of all citizens for freedom of choice, not only in the field of education, but also throughout the broad domain of human rights.

". . . ANOTHER MODEL OF INJUSTICE"

A key passage of the Easter Sunday declaration is worthy of study. It reads as follows:

"Why should not our Fatherland become more human, more just, more open to structures that may provide equality of opportunity to all her sons and daughters? And why cannot this desire in the hearts of the majority of Chileans be realized without grave personal and collective sins; and without giving birth to another model of injustice and tyranny, which offers no solutions and merely hands power over to one or another minority group?"

Most Christian Democrats, Liberals and Nationalists in the Republic of Chile and elsewhere interpreted this strong message as a reference to the voice and determination of the 56 per cent of citizens who voted for liberty on March 4, 1973.

Popular sovereignty is sound religious doctrine. When people go to the polls, they show that they want their elected officials to respect their homes, their land, their schools and their right to earn a living, irrespective of the political administration of their country, provided their activities conform to the Constitution and laws.

In other words, a majority of Chileans recall that another Marxist-Leninist regime, that of Fidel and Raul Castro in Cuba, constantly promised "free elections," respect for religious education and democratic procedures—until securely ensconced in total power.

The Chileans will do their part not to be tossed "from the frying-pan into the fire." They have not the slightest inclination to see their beloved country become another colony of the Soviet Empire. For many reasons, the majority in Chile deserve the admiration and support of free peoples and independent nations.

HUEYTOWN HIGH SCHOOL

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. FLOWERS. Mr. Speaker, on October 22 we celebrated Veterans Day with many communities staging parades or other ceremonies to honor those men and women whose dedication and service have helped our Nation remain free. I was privileged to participate in several observations in my home State including the great annual celebration in Birmingham, Ala.

My pleasure in attending the day's activities was heightened by the selection of Hueytown High School, located in my district in West Jefferson County, for five awards for its involvement in community affairs. Among the awards won by this outstanding school was the Governor's Trophy, making the third consecutive year the school has received this esteemed award.

For the second consecutive year, Hueytown High received the Raymond Weeks Americanism Cup. This award was based on sponsorship and involvement in many different school and community projects.

In some places and among some groups, patriotism or Americanism are not popular subjects. So it is heartwarming indeed to see the young men and women of Hueytown High School continue to respect and honor those principles upon which our country was founded. I am pleased to commend the actions of the students and faculty of Hueytown High School for their efforts, and am equally pleased to see their efforts so deservingly rewarded.

VALUE OF MEN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the time between the understanding of the fundamental laws of science and the application to the benefit of man has grown shorter and shorter over the years. It is fortunate that this has been the circumstance. Prevention of disease and improved living standards all depend on new technology derived from scientific investigation. A recent article in the Evening Times of Melbourne, Fla., September 27, 1973, points to the value of men and their contributions in Skylab 2 and 3. We are fortunate in having automated satellites which greatly contribute to our ability to predict weather and to communicate on a worldwide basis. Along with this capability, it is important to recognize that man has a strong and direct role to play in space. This continues to be exemplified by the achievements of Skylab. I include this significant article in the RECORD for the benefit of my colleagues and the general public:

VALUE OF MEN IN SPACE PROVED AGAIN

Those dauntless Skylab 2 astronauts have again proven the value of having men in space.

This time they overcame a crippled spacecraft to perform an unprecedented and tricky reentry maneuver Tuesday for a successful splashdown in the Pacific off the California coast.

Two leaking steering jets on the Apollo ferry ship early in the 59½-day mission threatened a possible rescue attempt and curtailment of the voyage.

Instead, the astronauts surmounted the obstacles. With ground support they flew the entire mission to rack up more gains for this country's space achievements.

The actual results of the benefits of this latest manned space mission may be years away.

The thousands of photos and miles of tape could lead to an endless source of pollution-free energy, a catalog of the world's resources and new metals and materials.

Years may be required to evaluate completely the data obtained from the Skylab 1 and 2 crews and that still to come from Skylab 3.

"Space is a place, a very unique place and a new important resource that can be used for the benefit of people everywhere on earth," said NASA Administrator James B. Fletcher in summing up the importance of Skylab.

Skylab 2 brought home this week 77,600 pictures of the sun snapped through six solar telescopes. There are more than 12,000 pictures and 18 miles of computer tape gathered during earth resources surveys.

Add to that 30,000 sun photos and 3,000 earth photos collected by the Skylab 1 crew, and scientists declared it a bonanza.

Perhaps most importantly, the astronauts have proven that man can adapt to the weightless environment of space for long periods of time.

Photos and sensor data may determine through study hidden oil and mineral reserves needed by our nation.

Also important will be assessing land for its agricultural potential, timber volume and water runoff, as well as air and water pollution sources.

Of particular interest to Florida and Brevard County would be improved weather forecasting and determining fishing grounds.

Of the solar flares and activity recorded, Dr. Neil R. Sheeley of the Navy Research Laboratory, said, "Now we've got the possibility of answering questions that we've only had clues to for years."

Flares spew large doses of radiation into space, influencing weather and disrupting communications on earth by creating magnetic storms.

Experts hope the solar data will help unlock the secret of controlled thermonuclear fusion, which is the source of the sun's energy.

This would aid in searching for an unlimited and pollution-free power source on earth.

That alone would more than repay the cost of the entire space program borne by United States citizens.

NO CONFIDENCE IN PRESIDENT NIXON

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BINGHAM. Mr. Speaker, one of the tragic aspects of our Nation's present political crisis is that President Nixon has almost totally lost the ability to convince people that he is telling the truth at any given moment.

Of course, he has no one but himself to blame for this situation. Sometimes, it seems as if he has a compulsion to make statements that can later be demonstrated to be untrue.

An example was the following statement from his October 26 press conference:

You remember the famous case involving Thomas Jefferson where Chief Justice

Marshall, then sitting as a trial judge, subpoenaed a letter which Jefferson had written which Marshall thought or felt was necessary evidence in the trial of Aaron Burr. Jefferson refused to do so, but it did not result in a suit. What happened was, of course, a compromise in which a summary of the contents of the letter which was relevant to the trial was produced by Jefferson. . . .

At the time I had no special reason to doubt the accuracy of Mr. Nixon's account, and I imagine others who heard his press conference were in the same position. But as Anthony Lewis, of the New York Times, has pointed out, this account was actually "a farrago of untruths." Mr. Lewis states "the historical facts" thusly:

The letter at issue was not from Jefferson but to him, from Gen. James Wilkinson. Jefferson did not refuse to cooperate in the matter; indeed he offered to be examined under oath in Washington. And he did not produce a mere "summary" of the letter. He gave the entire original letter to the U.S. Attorney, George Hay, who offered it to the court for copying and use of "those parts which had relation to the cause."

To seek to deceive the American people in such a readily detectable manner is almost a self-destructive way to behave. Its consequences are adverse to Mr. Nixon himself. More importantly, they are adverse to the Nation's confidence in its own political institutions.

The text of Mr. Lewis' column, from the New York Times of October 29, 1973, follows:

Why We Are Shaken

(By Anthony Lewis)

Washington, October 28.—In answering the first question at his press conference Friday, President Nixon brought up the case of Aaron Burr as a precedent to support his continued withholding of Presidential papers. He said:

"You remember the famous case involving Thomas Jefferson where Chief Justice Marshall, then sitting as a trial judge, subpoenaed a letter which Jefferson had written which Marshall thought, or felt, was necessary evidence in the trial of Aaron Burr. Jefferson refused to do so, but it did not result in a suit. What happened was, of course, a compromise in which a summary of the contents of the letter which was relevant to the trial was produced by Jefferson. . . ."

The historical facts are as follows: The letter at issue was not from Jefferson but to him, from Gen. James Wilkinson. Jefferson did not refuse to cooperate in the matter; indeed he offered to be examined under oath in Washington. And he did not produce a mere "summary" of the letter. He gave the entire original letter to the U.S. Attorney, George Hay, who offered it to the court for copying and use of "those parts which had relation to the cause."

In short, Mr. Nixon's account was a farrago of untruths. It may seem a minor matter in a press conference that also saw him falsely imply that Elliot Richardson had "approved" his course of action on the tapes. But the President's misuse of the Burr case is interesting precisely because it was so unnecessary, so minor, so gratuitous.

Why did he introduce such an historical episode into his discussion and then so gravely distort it? Did he consciously intend to deceive his audience? Or is there in him some unconscious process that reshapes the truth to his ends?

Those questions are not put down to suggest that there can be sure answers. What is disturbing is that the public cannot be sure. Even on so small a matter we cannot trust the President of the United States.

Trust is fundamental to the functioning of a free government. Those who wrote the American Constitution understood that, and therefore tried to make sure that faith in our system of democracy would survive mistaken leadership. To that end they created institutions—in shorthand, government of laws, not men.

That Richard Nixon has made it impossible for the country to trust in him is not the worst he has done as President. The more grievous harm has been to damage trust in our institutions. Consider some examples.

The police are a particularly sensitive barometer of trust in any society. The most respected American police institution has been the Federal Bureau of Investigation. In 1970 President Nixon sought to involve the F.B.I. in a program of illegal wiretapping, surveillance and burglaries. After protests from J. Edgar Hoover, the program was allegedly canceled, but the White House plumbers carried out some of the illegal activities. Americans' confidence that Federal law-enforcement institutions will respect the law has certainly been damaged.

The Central Intelligence Agency is another sensitive institution. The evidence indicates that Mr. Nixon's top assistants, almost certainly on the orders of the President, sought to involve the C.I.A. in the cover-up of Watergate.

Our military institutions suffered a painful loss of public confidence as a result of Mr. Nixon's secret bombing of Cambodia. It is not surprising that people should be shaken if our powerful forces can be used in secret, without the consent or even the advice of Congress, and with military men joining in a conspiracy to deceive Congress and the public by false reports.

It hardly needs to be said that the courts have been abused by this President, or that Congress has suffered as an institution from the attitude of open contempt displayed toward it by this White House.

Finally, one must mention a sordid episode in which Mr. Nixon did not hesitate to soil the institution of the Presidency itself—by innuendo directed at a dead President. At a press conference on Sept. 16, 1971, he said the United States had got into Vietnam "through overthrowing Diem and the complicity in the murder of Diem." We have no evidence of any such complicity. Mr. Nixon's remark came shortly after his White House consultant, E. Howard Hunt, tried to forge some—a "cable" made to look as if it had come from the Kennedy Administration.

These assaults on our institutions and on our trust have left the country in a state of nervous exhaustion. Before we can recover, we shall have more to endure. Investigating a President, and judging him, will require us to face hard questions of law and policy and politics. But there is no other way.

As we proceed, we should remember above all that we are trying to heal wounded institutions. That means that the whole process of investigation, impeachment and, hopefully, political accommodation must be carried forward with a deep concern for institutional regularity. We must answer disrespect for institutions with respect, lawlessness with law.

HOW TO LOSE AMERICAN JOBS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WYMAN. Mr. Speaker, the amount of production of domestic consumable products in the United States that has moved abroad in recent years is alarming. It involves a substantial loss of U.S. jobs. It also illustrates the principle that dollars are not patriotic and will flow to whatever part of the world they will buy the most for the least.

Labor costs are a substantial component of many of these products. The significance of the disparity between this element of cost in the United States compared with that in most foreign countries is startling. It is emphasized by the fact that such goods can be manufactured half way around the world, shipped thousands of miles to the United States and still sell for less than the same product produced here at home.

In this connection another excellent commentary from the Warner and Swasey Co. appearing in this weeks U.S. News & World Report merits thoughtful consideration:

Nobody Likes To Be Second-Best, But We're Getting There All Too Fast

The United States used to make 76% of the world's automobiles. Now it's 33%.

We produced 47% of the world's steel; now 19%.

Following World War II we built most of the world's merchant ships. Now only 2%.

First—first to third as builder of machine tools.

The American sewing machine used to be the trademark of the American home. Now only one company makes *any* here.

40% of Americans walk in imported shoes.

Whose fault? It's *everyone's* fault who wants something for nothing or takes something he doesn't earn. That is what is causing exorbitant prices, shoddy quality, disgusted customers. America was built by hard work, with everyone carrying his share. We'd better get back to it *fast*, while there's still time.

THE HANCOCK NEWS STANDS UP FOR AMERICA

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BYRON. Mr. Speaker, preparations for our Nation's Bicentennial celebrations are now underway at a time "when the very fiber of American life is being tested and challenged." In this regard, I would like to take a few moments to share with you a recent editorial published in the Hancock News which captures the essence and meaning of America's 200th birthday.

The Hancock News is an informative weekly newspaper published by James S. Buzzerd and J. Warren Buzzerd and I think this editorial reflects the continuing strong patriotism and hope in the future that is in the hearts of most Americans today:

America's Bicentennial

"Old Glory" has seen many changes in her lifetime. As she rippled majestically above the American landscape, she watched Thirteen Colonies grow to mature adulthood; she suffered the hell of war and the joy of a surging economy; she has heard cries of doubt and despair turn to a voice of confidence as her people made their way into the uncertain arena of global affairs. Now the U.S. prepares for its Bicentennial celebration in 1976, and there are thousands of ways for each of us to show pride in our heritage and hope for the future.

Robert O'Brien, in his article entitled "A Chance for Rediscovery," appearing in the September issue of The Reader's Digest, calls for a rededication to the principles of America and a new appreciation of all she has stood for in the world. All 50 states have plunged into preparations for the event, with efforts ranging from reconstruction of historic forts and trails and the building of exhibits costing millions—to clean-up campaigns in every city, town and village. The executive director of the Arkansas Bicentennial Commission, Mrs. Glennis J. Parker, captured the essence of the nation's 200th birthday celebration when she said, "We're not a wealthy state, and we can't do big things. But that's not what it's all about. The Bicentennial is a spirit, a demonstration of love for our country. . . ."

These are troubled times, when the very fiber of American life is being tested and challenged. Yet, as we survived the turmoil of the past, so shall we conquer the unknown that which lies ahead. Everyone who is proud to be an American should dedicate themselves to making our 200th birthday one never to be forgotten, while at the same time seeing to it that our sacred Constitutional rights and freedoms remain inviolate.

DÉTENTE PATTERN HOLDING DANGER

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TREEN. Mr. Speaker, in a recent article in the New York Times, Mr. Anthony Harrigan provides a summary of the more important points raised at the National Committee To Unite America Conference. While I do not necessarily agree with all of the points mentioned, I think this article will serve to illustrate the potential perils of détente. Consequently, I am inserting it in the RECORD for consideration by my colleagues:

[From the Baton Rouge (La.) State-Times, Oct. 6, 1973]

DÉTENTE PATTERN TERMED EUPHORIA HOLDING DANGER

(By Anthony Harrigan)

NEW YORK, N.Y.—The peril in an unrealistic foreign policy of détente with the Soviet Union was the principal theme of a meeting here of the National Committee to Unite America.

Representatives of research centers, voluntary associations, and other groups gathered to discuss national issues in a forum moderated by C. Dickerman Williams, a leading member of the New York bar.

Eugene Lyons, former senior editor of Reader's Digest, set the theme of the meeting with his statement that détente is a "disaster." He warned that the United States is "accepting the fairy tale that the worst is over." Under the banner of détente, said Lyons, who has published authoritative books on the Soviet Union, "we are opening our technology to the communists who need it. Why should we act to salvage the Soviets from the errors and fallacies of their system?"

Lyons pointed out that it is a myth of our decade that the cold war is over, noting that the "Communists are carrying on their offensive against our world as though nothing had happened. The cold war will be over when they pull down the Berlin Wall and when the Brezhnev doctrine is repudiated." He added that "detente is another cover word for our will to die, our almost hysterical desire to throw off responsibilities."

Henry Taylor, former U.S. Ambassador to Switzerland and a nationally syndicated columnist, pointed out that he had participated in 108 negotiations with Soviet officials. Referring to hope for détente with the U.S.S.R., Taylor said: "It is absurd to believe this leopard has in any way changed its spots. The Soviet maneuvers are strictly tactical."

Dr. Stefan Possony of Stanford University discussed growing concern among Americans and Europeans about the repression and "psychiatric torture practiced by the U.S.S.R." He said that Secretary of State Henry Kissinger doesn't understand that the Soviet leadership hopes to "revalidate the Stalinist system" in its campaigns against Soviet dissidents.

Robert Morris, president of Plano University warned that Secretary of State Kissinger is "disarming us psychologically as Robert McNamara disarmed us militarily." He charged that the nation is experiencing "euphoria and self-deception comparable to what prevailed at the height of the U.S.-Soviet wartime alliance."

The various speakers at the New York conference noted that Americans are being alerted to the real nature of Soviet intentions by Soviet dissidents such as Andrei Sakharov and Alexander Solzhenitsyn, while Secretary of State Kissinger plays down grim Soviet realities. Several speakers said the Soviets are talking detente because they want to gain access to American technology—especially computer technology—and foodstuffs. They made the point that recent statements by Soviet officials indicate that the U.S.S.R. intends to utilize the detente gambit for a period of about 10 years until it has solved its economic problems, energized its industries through American know-how, and gained complete military superiority.

Charles W. Wiley, executive director of the National Committee for Responsible Patriotism, made the point that sometimes a terrible mistake of failure alerts the American people to a disastrous policy. He cited the grain sale to the Soviet Union as a case in point. Now, he said, the American people realize that the detente policy of providing grain to the Soviets at low cost has resulted in a poorer American diet and higher food costs.

The New York conference served an important purpose in bringing together thought leaders from different backgrounds and different parts of the country. While each individual had a special assessment of the situation facing the United States, there was a general air of optimism as to alerting the American people about the true nature of detente. It was noted, for example, that a consensus is in the making among many conservatives and liberals that the U.S. should not confer trade advantages of the Soviets while the Communist leadership increases neo-Stalinist repression throughout the Soviet empire. This consensus seems to be evidenced by the strong support the Congress is giving the Jackson amendment to the foreign trade bill.

HEW STRIKES AGAIN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mrs. SCHROEDER. Mr. Speaker, yesterday 102 Members representing both parties cosponsored the Social Services Amendments of 1973. This legislation was designed to save the social services program from the regressive, restrictive regulations that the administration has been trying to implement since February.

It is hard to focus on too many things these days. Probably there have never been so many pressures upon this branch of Government as there are today. No one could have foreseen or prepared for the extraordinary circumstances in which we now find ourselves. We have been called upon to consider the impeachment of a Vice President, who subsequently resigned. We are now asked to act on the confirmation of a new Vice President. It next becomes necessary to write and pass legislation to create an Office of the Special Prosecutor, although we believed that had been accomplished a few short months ago. Finally, the American people have demanded that we consider the impeachment of President Richard M. Nixon. It is terribly difficult, amidst these very pressing demands. for us to focus on much else.

Yet 102 Members of this body were able to turn their attention to the need for the Social Services Amendments of 1973. They realized that the regulations proposed by HEW since February would cut the heart out of the social services program. The bill introduced yesterday is companion legislation to Senator MONDALE's bill, which has 31 bipartisan cosponsors in the other body.

That the issue of the social services regulations has been of great interest to the Congress and to the people we represent cannot be debated. The large number of cosponsors of the legislation introduced yesterday is adequate testimony to that. This legislative action was the culmination of 9 months of trying to persuade the administration that the regulations they were proposing were not acceptable to Congress. There have been meetings with Secretary Weinberger and Members of Congress. There have been innumerable letters and telegrams protesting the regulations, both from Members and from citizens to the agency. The Democratic caucus earlier this year passed a resolution calling for an early settlement of this issue. The Senate Finance Committee held hearings on the matter, and determined that HEW had in fact gone beyond congressional intent in setting such restrictive regulations. Congress has repeatedly expressed its concerns and tried to impress upon the administration that the implementation of the regulations would have a devastating effect on the whole social services program, an effect not compatible with congressional intent.

It is outrageous that the administration has chosen to ignore Congress and is going ahead with the implementation of a set of regulations which are still disastrous to the social services program.

The manner in which we were informed of their intentions is equally outrageous.

Yesterday morning HEW held a press conference to announce the new, "revised and final" regulations. As best we can determine, not one Member of Congress was notified of, or invited to, the the press conference, nor were any representatives of any interested citizens' groups.

When I learned about the press conference and HEW's decision to implement the regulations on November 1, I called HEW congressional liaison. My incredulity at the manner in which Congress was being treated increased when I learned that HEW had not even bothered to inform its liaison office of the press conference, or of the issuance of the final regulations. A call was placed to Secretary Weinberger's office to protest the manner in which this had been handled, and to get a copy of the regulations. The result was a return call from the Office of Social and Rehabilitative Services, which informed us that they could not make a copy of the regulations available to us. We were told that the regulations would be published in today's Federal Register, and we could wait until this morning to read them.

That this type of treatment on the part of an agency created by Congress is outrageous and insulting is putting it mildly.

The regulations that will be implemented on Thursday are not very much different from the other regulations HEW has been issuing since February. They have decided to use the State's standard of need as the basis of determining income eligibility instead of the State's payment standard. In my State of Colorado, there is no difference between the two figures. These regulations will have the same disastrous effect on the social services in Colorado as every other set of regulations HEW has issued this year.

It seems evident to me that HEW has gone beyond congressional intent once again, and that there are many people who will suffer irreparable harm due to the administration's action.

We create and fund agencies to carry out programs we in Congress determine are national priorities. It is incredibly frustrating to have those agencies set out to sabotage the programs they were created to implement and to shortchange the people they were created to serve.

OUR NEGLECTED CITIZENS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. STOKES. Mr. Speaker, the crimes and scandals of the Nixon administration are digging critical wounds in this Nation. But even without them, the administration has dealt mortal wounds to the chances of millions of disadvantaged Americans for the decent living which is their birthright.

Mr. Colman McCarthy, in the Washington Post of October 30, 1973, has eloquently described the slow death this administration has decreed in the name of "benign neglect." But the article, strangely, gives me heart. The public is now demanding President Nixon's impeachment for all sorts of reasons not touched on by Mr. McCarthy's article. If we, the elected representatives of the American people, act swiftly to impeach the President, and replace him with a man who will commit the Federal Government to truly helping the disadvantaged to help themselves, then I am tempted to call the criminal overreachings of this administration, blessings in disguise. If the administration has given us solid legal grounds for getting rid of its mastermind, then we have a golden opportunity to halt the slow death to which it has sentenced the powerless.

To begin to turn around the Government once again, though, the first and necessary order of business is to impeach President Nixon.

I urge my colleagues to give Mr. McCarthy's article their very serious attention:

OUR NEGLECTED CITIZENS

(By Colman McCarthy)

The crimes and shames of the Nixon administration continue. It is a museum of scandals, with its own building program ever constructing new wings and corridors for added specimens of disgrace; Richard Nixon has changed from a politician to a curator. Watergate, Agnew, the forbidden tapes, the firings, the wiretaps and now even Bebe Rebozo's reported deals with Howard Hughes: the ooziness of all this, it is being said, has spread to the point that severe damage is being done to the American tradition and the national stability.

Perhaps. But damage to tradition and stability are abstractions that tend to hover above the lives of the citizens with no proof that they touch those lives. The case—a provable one—that needs to be made more forcefully is that even without the current corruption, the attitude of the Nixon government is doing another kind of damage to the country, not measurable in terms of tradition and stability but measured in the daily-world sufferings of common citizens. We seldom see the human damage; first, because the victims are usually powerless and scattered and, second, because the pain is inflicted in a darkness caused by the light of attention being shined on the great tragedies of state now current, not the lone tragedies of citizens.

Counted first among the victims of this administration's attitude are the poor. A naked display of this attitude—it also deserves space in the museum—is revealed in the October issue of Harper's. Jeb Magruder, recalling his White House days, states: "We didn't spend time on the disadvantaged for the simple reason that there were no votes there." Such a candid statement is backed not only by the administration's efforts to destroy OEO—even a symbol of the poor is considered a threat by the White House—but also by hard figures. The current issue of the Community Nutrition Institute weekly report cites a study of federal aid to the poor. "Considering only program expenditures that can be controlled by the executive branch, the Nixon administration has cut back poverty assistance from $7.2 billion in fiscal 1973 to $6.6 billion in fiscal 1974, the first such decrease in the 10-year period since 1964. Most of the cutbacks proposed for fiscal 1974 are in so-called 'human investment' programs designed to assist the poor in breaking out of poverty through their own efforts."

Other examples of ignoring the poor are easily found: from the administration's opposition to raising school reimbursement lunch money from 8 cents to 10 cents, even though school officials stated that 12 cents was a basic minimum and had so persuaded the Senate, to inaction on proposing controls on the lead content of gasoline that may be contributing to retardation among ghetto children who consume dirt poisoned by lead fumes. The citizens suffering from this neglect do not have Sam Ervin to hold hearings for them, but they exist nevertheless. At best, they get an occasional TV camera crew or print journalist to come examine their case, and report it on the theory that if the powerful in the White House know people are suffering they'll do something—won't they?

Magruder is precise in saying the poor have no votes; what they truly lack is money for campaign contributions, and that is their uselessness. This may also explain the administration's aloofness from the needs of many other citizens who did not have the spare cash to join American Airlines, W. Clement Stone and others who contributed $60 million to the 1972 Nixon campaign. Many in this group are having their rights and needs ignored also.

Some are disaster victims who can't get loans because the President vetoed the necessary legislation. Some lay dying in hospitals because funds for medical research have been severely cut. Some are workers in the 40–64 age group who cannot get jobs because of age discrimination. A law forbids such prejudice but the Nixon administration is not bothering much to enforce it; less than half the $3 million authorized by Congress has been asked for the 1974 budget. Some are the handicapped who will continue in lameness because their legislation was vetoed. Some are the parents of 10,000 infants who die annually from crib death; the current federal primary money for research grants into this disease is $262,000, less than the cost of redecorating the President's jet. Even when public attention is given to a neglected group, the administration's attitude is sufficiently firm that it still resists. A nongovernment study on educational benefits for veterans concluded that the present benefits do not match those provided after World War II. But the administration told Congress that it is content with veterans' education benefits the way they stand now, regardless of what a study says.

In Washington, the attitudes of the Nixon government are mostly seen in the context of issues and politics, not human suffering. The President—remote and secretive—acts and most observers look for new waves in the political ocean, not for how many citizens are drowning. An ex-worker like Magruder can speak frankly about White House justifications for neglecting a large part of the public, but the current official line is the same that Magruder, in his team-loyalty days, defended; spending must be kept down to prevent inflation.

This means the President can have it both ways. When money for weapons of war are involved, he says that "further cuts would be dangerously irresponsible and I will veto any bill that includes cuts which would imperil our national security." Later, he states: "Let there be no misunderstanding, if bills come to my desk calling for excessive spending which threatens the federal budget, I will veto them."

Unlike the Agnew case and parts of Watergate, in which the courts made swift judgments, no similar speed exists in judgments upon the less noticed acts of the administration. Many of the handicapped, for example, have their needs ignored—a bill was signed but only after two earlier ones were vetoed as too expensive—but who keeps tally on the days of pain some anonymous disabled person must spend because his President says submarines and missiles are more important than wheelchairs? Who counts the years of misery an aging worker must spend because the government does not enforce an age discrimination law? It is not as though the administration's talk about the federal budget and curbing spending were actually lowering prices for the common citizen. Hard days might be endured for that reason. But exactly the opposite is happening: prices soar and no monthly stammerings from the White House economists can bring them down. As for national security—another idolatry to which the President kneels—it is ironic that evidence grows that the emotions of the nation have never been more insecure. Gallup reports new highs in public pessimism. "The public's sense of frustration is likely further compounded by a feeling of impotence, caused by their inability to influence legislation."

It is doing the easy thing, as President Nixon might say, to see the great scandals of state as the only current threat. It is true, the crimes and abuses may be larger. But in terms of the quality of the lives of the citizens—no other measure is important for a democracy—the damage caused by social neglect goes just as deep.

FRANK SMALL, JR.

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. GUDE. Mr. Speaker, Frank Small, Jr., who died Saturday, combined a respected career in business with vigorous and dedicated public service.

At his death, he was vice president of the Equitable Trust Co., of Baltimore, president of the Clinton Realty Co., and a director of several other financial institutions.

But most of us know him as a State legislator, a member of the Board of Commissioners of Prince Georges County, a member of the Republican State Central Committee, a member of the State Racing Commission, State commissioner of motor vehicles, and a Member of the U.S. House of Representatives.

His long career had simple beginnings. He attended public schools in Prince Georges County and studied at the National Automobile College before opening an automobile dealership in 1923. In 1928, he was elected president of the Clinton Bank, a post he continued in until last year.

We can all be thankful for Frank Small's work for Maryland and Prince Georges County, and can join in sympathy for his family, who include a daughter, Grace, of Clinton; a son, Dr. Frank Small III, of Olney; a brother, Keith, of Suitland; 11 grandchildren and 5 great-grandchildren.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL" NO. 40

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, the need for handgun control was dramatically portrayed last week in the multiple shooting of Mrs. Nancy Lee Hall's family.

The tragedy of a family destroyed by a handgun can only strengthen the argument for gun legislation. There are many who will argue, "It was the person who killed the victims, not the gun." But with a weapon other than a gun, would Mrs. Hall have been able to kill her children and husband? The outcome of her attempts would not have been so well assured.

Therefore, I am asking for immediate gun control legislation. And it is the responsibility of the Congress to act.

At this time, I would like to include the October 22 article by Adam Shaw of the Washington Post:

Son Dies, Fifth Victim Of Shooting

(By Adam Shaw)

Twelve-year-old George Marshall died yesterday of a bullet wound in the head, two days after his mother had arisen at dawn to shoot him and kill her husband, her infant daughter, her eldest son and, finally, herself with a .22-caliber revolver.

The boy died without regaining consciousness just hours before his two surviving sisters, Pattie, 13, and Judy, 21 sat in their somber Wheaton apartment trying to explain what had driven their mother, Nancy Lee Hall, 36, to commit mutiple murder and then suicide.

"I want everyone to know that my Ma loved us," Pattie said, "But the problems just kept building up. She didn't want us to suffer. . . .

"The only reason she did this was because she loved us," said Pattie, who narrowly escaped being shot herself.

"I heard some shots," Pattie recalled, "and then my Ma came into my room and told me to move over in bed. She did not say she would kill me . . . I saw the gun at my head, though, and I said, "Mom, no."

"She said, 'O.K., get the hell out,' and I did."

Pattie said she ran to her sister Judy's apartment, and Judy's husband, Craig Baxter, called the police.

When the police arrived at the Hall's second-floor apartment at 12610 Viers Mill Rd., Wheaton, they knocked down the door to find Jack Hall, 47, and Mrs. Hall lying side-by-side in a blood-soaked bed.

Two-year-old Nancy Lee lay mortally wounded beneath her mother, barely breathing. A gun was beside them, police said.

In an adjoining room, George Marshall lay alive, but unconscious, police said; his brother Walter, 16, lay dead on the lower of two bunk beds.

The problems that kept building up for Mrs. Hall were, according to Judy Baxter, Pattie's married sister, a difficult marriage and a fear that Walter and George Marshall—Mrs. Hall's sons from a previous marriage—"would be put behind bars" in connection with several law violations over the past year. Both boys are now dead.

Two of Mrs. Hall's neighbors said she was also upset by an eviction notice giving her until Dec. 1 to move out of the $170-a-month three-bedroom apartment.

Baxter, who took Pattie in to live with his family after the shooting, said his mother-in-law "couldn't stand to see her boys behind bars."

As the two boys were juveniles, police said they could not release details of their records, if any.

"I didn't think she was capable of this," Baxter, an auto mechanic, said. "She was such a kind, nice woman."

His own three young children played in the hall of the Rock Creek Terrace high-rise where he lives, near the Hall's garden apartment.

The Baxters and Pattie Marshall spoke of Mrs. Hall as a generous, loving woman who had had two difficult marriages and who did not know how to deal with her boisterous teen-age sons.

"But she was not crazy," Pattie said. "She just was trying to keep us happy."

Mrs. Baxter said her mother had briefly worked as a nurse's aide at the University nursing home in Wheaton, where she met her second husband, Jack Hall.

Her first husband, Richard Marshall, with whom she had four children, two of them now dead, lives in suburban Maryland, according to the Baxters.

They said Joseph Marshall, 11, whom Mrs. Hall sent out of the apartment to carry letters addressed to various members of the family, was staying with Marshall.

"She was such a nice woman," said Jean Williams, a neighbor of the Halls. "How could she do such a thing?"

"It was because she loved us," said Pattie, holding back tears. "She really did."

HIGHWAY TRUST FUND CRITICISM: FACTS PREVAIL

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CLEVELAND. Mr. Speaker, I have repeatedly contended that much of the public support for raiding the highway trust fund for urban mass transit has been based on fundamental misunderstanding of the issues at stake.

This is understandable, in view of pervasive bias in the press which is, in turn, reflected in votes in this body. This is why earlier this year I protested CBS news treatment of the issue under the fairness doctrine until provided an opportunity to offset its misleading coverage.

Given this concern, I was particularly struck by a letter, published in a New Hampshire newspaper, from a member of the American Automobile Association who resigned in protest against the AAA "highway lobby" position on the trust, denouncing it as unrepresentative of the interests of the New Hampshire motorist.

A response from the AAA sought to counter the views held by the member, whereupon she graciously and publicly apologized and renewed her membership.

Those of my colleagues who maintain a continuing interest in the subject may be interest in the exchange, which reflects credit both on the AAA trust fund position and on the member's receptivity to reasoned argument and willingness publicly to withdraw her earlier criticism.

The letters, from the Laconia, N.H., Evening Citizen of September 15, September 20, and October 1 follow:

Undemocratic Lobby

(Editor's Note.—The following letter addressed to American Automobile Association was sent to the Evening Citizen for inclusion in the Letter Box.)

Dear Sirs: Our membership in your organization will soon be due for renewal. You offer many benefits, indeed security, to car owners like Mr. Allen and myself, who are approaching the senior citizen category, who live in the country, who like to travel, and who feel relatively safe with your membership card in our pocket.

In the spring, the American Automobile Club magazine spoke with pride about the role of the organization in lobbying to preserve the $6-billion-a-year Federal Highway Trust Fund for Highways Only. We do not agree with that position and feel that here in New Hampshire the answer to ever-more-noticeable air pollution, fast-diminishing green spaces, lack of choice in other means of transportation (awkward bus schedules that do not fit a commuter's needs, too costly air travel and no more trains), and ever-increasing congestion on the highways lies not in more and bigger highways, but rather in combining highways with good mass transit system. We rejoice the Congress was able to negotiate a compromise so the Federal Highway Trust Fund has at least been cracked open. Since a good New Hampshire mass transit system would necessarily be tied in with Massachusetts, we would urge our legislative leaders to cooperate with those in adjoining states on a long range plan, and to convert our highway funds into transportation funds.

We deplore the thought our membership in the AAA added to your voice as part of the highway lobby. How did you arrive at your position? Mr. Allen and I were never given an opportunity to voice an opinion or to vote on a position in AAA. Lobbying is part of the democratic procedure, but only if the position taken is arrived at in a democratic fashion.

Mr. Allen and I will miss the many benefits you offer, but under these circumstances we do not wish to be members of the American Automobile Association.

LUCILE V. ALLEN.

GILFORD.

HIGHWAY BUILDING

(EDITOR'S NOTE.—The following letter addressed to Mr. and Mrs. T. Gary Allen, was sent to the Evening Citizen in response to an earlier letter in this column.)

DEAR MR. AND MRS. ALLEN: Thank you for taking the time to write us a note explaining your reason for cancelling your AAA membership.

We are, of course, pleased that you have enjoyed the many benefits of being an AAA member, but we are equally concerned that you would fail to renew your membership due to what appears to you to be a difference of opinion between your views as a member and a policy held by the club.

We respect your difference of opinion regarding funding for mass transit, but we hope you understand that prior to taking these kinds of policy positions we make careful evaluations of all the facts and then represent the interests of the majority of our members.

To further explain our position on mass transit, I refer you to page 9 of the enclosed booklet, "1973 Policies and Legislative Proposals". Under a heading Integrated Transportation Systems, we state the New Hampshire Division of AAA recognizes the need for an integrated transportation system in the state, including rails, buses, and accessible airports offering convenient service to travelers. It is at that point that we apparently disagree, however, since we finish that paragraph by saying the club opposes efforts to subsidize additional forms of transportation by diverting funds from the State Highway Trust Fund.

That position was arrived at by the most democratic process possible. Currently, our New Hampshire Division of AAA has 64,000 members, 46,700 of which hold AAA master memberships, the remainder being associate members. Last November prior to the New Hampshire Legislative Session, we mailed a legislative questionnaire to all of the then 42,500 master members. That questionnaire polled members on 18 issues which we expected to be discussed during the 1973 session. Among those issues, we asked members if they continued to support the AAA position that all state highway user taxes should be expended exclusively for highway purposes. Of 6,555 respondents, 87 per cent or 5,701 members requested the club continue to preserve that fund. I am enclosing a copy of that questionnaire and its results.

Unfortunately, rumors have it both State and Federal Highway Trust Funds have existing surpluses which grow larger each year and threaten our natural environment by providing the means to pave over the countryside. The facts are, however, these surpluses are mythical and nonexistent. At the national level, the Highway Trust Fund currently represents a $3.5 billion dollar debt, and at the local level, our own New Hampshire Department of Public Works and Highways has only funds enough to meet 55 per cent of its annual needs—and that includes state and federal Highway Trust Fund sources. The backlog in New Hampshire created by this level of funding won't be met during this century.

To advocate diversion for any reason—regardless of how worthy the cause—can only further jeopardize planned projects to improve highways, replace outmoded and dangerous bridges, correct narrow curving roadways, improve shoulders, improve intersections, reduce traffic casualties, and on and on. A graphic example of the needs that exist is our critical shortage of funds for bridge repair and improvement. Nationally, 89,000 bridges along state highways, country roads, and city streets are classified as being critically deficient. They may be obsolete, badly deteriorated, structurally unsafe, have insufficient load capacity, present other hazards, and even be in imminent danger of collapse. At the present time, only two bridges from each state have been funded for improvement and the average cost was $2 million for each bridge.

Should you have fears that highways run uncontrolled and would blacktop New Hampshire if given a chance, let me assure you this is not the case. In the last 35 years since the beginning of our State Highway Trust Fund in 1938, the miles of roads in New Hampshire have increased by only 9.5 per cent from 13,506 miles to 14,795 miles. New residential streets represent a large part of that increase. During that same period of time, the population increased 50 per cent. In comparison to our total land area, New Hampshire highways occupy less than one per cent.

Regarding your observations of more noticeable air pollution in New Hampshire, you should know your club is the only source of information in the state regarding the extent of automotive air pollution. We have conducted a program in which we have offered free auto emission testing to the general public and have maintained records of our findings. The program has been conducted on a limited basis, but to my knowledge, we are the only agency, public or private, that has begun compiling information. In addition, early this year the club launched an extensive program of seminars throughout the state geared to certify automotive technicians in the service and maintenance of emission control devices on new and late model cars. As a result, over 2,000 New Hampshire mechanics have been certified by the Manpower Development and Training Program of the New Hampshire Department of Education.

In reading the enclosed 1973 Policies and Legislative Proposals, we hope you find far more positions which you can support than ones which you oppose. In fact, it would come as a surprise to me if you couldn't support 95 per cent of what AAA represents. Your membership supports many good programs that shouldn't be forgotten because you differ in opinion with one position.

You have my respect for your opinion on mass transit funding and regardless of your decision on your membership renewal, we have been happy to serve you, Mr. Allen, since 1966 and you, Mrs. Allen, since 1971. We extend to you our wishes for your driving convenience and safety on the road ahead.

DWIGHT L. CONANT, III,
Director of Safety and Legislative Services.

MANCHESTER.

RENEW MEMBERSHIP

(EDITOR'S NOTE.—The following letter addressed to Dwight Conant of the American Automobile Association was sent to the Evening Citizen for inclusion in the Letter Box.)

DEAR MR. CONANT: Since my previous angry letter to you and your courteous, lengthy reply were published in the Letter Box, I feel a public apology is in order.

Thank you for your letter with its enclosures: The New Hampshire Automobile Association of America 1973 policies and legislative proposals and the club news special edition membership questionnaire on legislative issues. Your record for initiating and carrying out safety measures is to be commended; and even though only 15 per cent of the membership responded, your polling of the mebership before taking a position is democratic.

If you will direct your membership secretary to send us another set of cards and the bill, Mr. Allen and I would like to renew our membership in the American Automobile Association.

LUCILE V. ALLEN.

GILFORD.

IMPORTANCE OF UPCOMING ELECTIONS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CONYERS. Mr. Speaker, in the never-ending effort to increase citizen participation in elections, I am communicating to all of the voters in the First District of Michigan the importance of the upcoming election in the statement that follows:

STATEMENT

The importance of your participation in elections has been highlighted by the dramatic events of the last few months. I certainly agree and hope that all Americans, regardless of whom or what they support, will exercise their fundamental right and important responsibility to vote in each and every election.

This November 6th, you have an opportunity to choose the leaders who will direct many extremely important functions of the government of our city and school system during the next few years. In addition you will be able to make your decision on the new city Charter proposed as the basic document for your city's structure and management.

It is important for you to study the new Charter, to understand what it is, what changes it might bring and whether you approve or disapprove, In either case, it is critical that you use your FULL voter power to vote on Proposal A at the top of your ballot.

Vote Tuesday, November 6th! And vote the entire ballot!"

SAVE THE ANCIENT AND BEAUTIFUL NEW RIVER FROM SENSELESS AND NEEDLESS DESTRUCTION

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MIZELL. Mr. Speaker, as many of my colleagues know, I have been trying for almost 5 years to save the ancient and beautiful New River from senseless and needless destruction.

The Appalachian Power Co. wants to build a massive twin-dam pumped-storage hydroelectric power project, called the Blue Ridge project, on the New River at the North Carolina-Virginia border.

The project would back up 44 miles of the river, destroying the free-flowing stream that has flowed for 100 million years, and polluting the only major unpolluted river in the eastern half of the United States.

In addition, the project would flood almost 40,000 acres of extremely fertile and scenic land along the river and destroy a way of life that has been cherished and enjoyed by generations of people.

The benefits claimed for this project come down essentially to the generation of 1.8 million kilowatts of electric power. But because the project is a pumped-storage type, it consumes three units of power for every two units it generates. As a result, construction of this project would produce a net burden on the Nation's limited energy capacity of an additional 900 million kilowatts a year.

That kind of deficit would be hard to justify under the best of circumstances, but it is especially difficult in light of the fact that the New River is such a great national treasure, the fact that we do have a serious energy problem, and the fact that Appalachian Power Co. and its parent, the American Electric Power Corp. rank dead last in research and development of new methods of energy production.

Pumped-storage facilities today are in marked decline, and but for the intransigence of some companies, those facilities might soon fall into well-deserved extinction altogether at least as far as new projects are concerned.

I have commented at greater length on this entire matter in a brief filed recently with the Federal Power Commission. The text of that brief is as follows:

[United States of America before the
Federal Power Commission]

APPALACHIAN POWER CO.—PROJECT NO. 2317

I. INTRODUCTION

This Reply Brief on Remand represents the final summation of my points of opposition to the Modified Blue Ridge Power Project (Project No. 2317) and my assessment of the conduct of the cross-examination hearings on the Federal Power Commission Staff's Environmental Impact Statement on the Project.

II. POINTS OF OPPOSITION

The New River would be destroyed by this project. As noted in the Staff EIS, "present uses of the free-flowing stream . . . would be lost" as a consequence of the project. The surpassing importance of that loss, however, lies not in the fact that the New River is simply a "free-flowing stream," but rather in the fact that the New, according to the U.S. House of Representatives' Committee on Public Works' report on the Water Resources Development Act of 1973, ". . . is believed to be the second oldest river (one hundred million years) in the world, second to Egypt's Nile."

The Committee report further states that the segment of the river on which the Blue Ridge Project would be built is "known to be one of the few remaining relatively pollution-free rivers in the eastern half of the United States. It is recognized, as well, as one of the finest rivers for recreational small-mouth bass fishing in the Nation."

Hence, the New is no mere "free-flowing stream." It is an historic, environmental and recreational treasure, and to plunder that treasure for any reason is to leave the poorer not only the river and its environs, but the Nation as well.

And the congressional report affirms that "construction of the (Blue Ridge) project would drastically alter the character of the river," as suggested in the FPC staff appraisal.

Furthermore, "the (Public Works) Committee, while refraining from involving itself in the relative merits and demerits of the project, has noted considerable opposition to the project on the grounds it would destroy the New River and its environs."

The Committee went on to state that "in view of this long-standing and continuing controversy as to the best use of the river, . . . a detailed study by the (U.S. Army) Corps of Engineers is desirable."

The Committee thus authorized a study by the Corps of Engineers of possible recreational, conservation and preservation uses of the New River between its South and North Forks and the town of Fries, Virginia. This section further provides that "no project shall be licensed within the aforementioned boundaries until two years after the study has been submitted to Congress."

On October 12, 1973, the U.S. House of Representatives adopted the Water Resources Development Act, including Section 67, which states in full:

"The Secretary of the Army, acting through the Chief of Engineers, is authorized to make a detailed study and report of such plans as he may deem feasible and appropriate for the use of the New River from the headwaters of its South and North Forks to the town of Fries, Virginia. Such study and report shall include the recreational, conservation and preservation uses of such area. The Secretary, acting through the Chief of Engineers, shall consult with the Bureau of Outdoor Recreation, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency. Notwithstanding any other provision of law, no Federal agency or entity shall license or otherwise give permission under any Act of the Congress to the construction of any dam or reservoir on or directly affecting the New River from the headwaters of its South and North Forks to the town of Fries, Virginia, until two years after the report authorized by this section has been submitted to the Congress."

The vote of the House was 337–14 in favor of the measure. The legislation is now pending in the United States Senate, where Senator Sam J. Ervin, Jr. (D.-N.C.) has pledged his support for the Blue Ridge section and recommended that his colleagues support it as well.

In addition, Senators Ervin and Jesse Helms (R.-N.C.) are sponsoring legislation in the U.S. Senate to have the New River included in the Wild and Scenic River System. I am presently considering introducing a companion measure in the House.

The scenic and fertile land in the project area would be destroyed. Staff's EIS acknowledges that the affected 38,000 acres "constitute, for the most part, a rural area with a natural stream and tributaries surrounded by handsome, rolling, forested and sometimes mountainous countryside."

All of this land would be inundated for the creation of water storage pools if the Blue Ridge project is licensed for construction.

Mr. W. R. Cassell, County Agent for Grayson County, Virginia, was recently quoted as saying the project would cut farming by one-third in Grayson County alone. In the July 19, 1973, edition of the Galax (Va.) Gazette, which serves Grayson County, Mr. Cassell is quoted as saying that of the 27,900 acres affected, eight percent are cultivated, 32 percent are wooded, and 60 percent are in pasture and hay.

Mr. Cassell went on to assert that with the construction of the Blue Ridge project, farm trade in the area will be reduced by $6,000,000. Grayson County agriculture will suffer a loss of $3,000,000 in farm trade, and Ashe and Alleghany Counties, North Carolina, will sustain the remaining $3,000,000 loss.

In addition, the drawdown levels proposed for operation of the project would produce numerous and sizable mudflats, blighting the land that now provides a classic definition of nature's beauty.

A way of life for thousands of people would be dstroyed by this project. The Staff EIS acknowledges that "residents of the area . . . would be forced to move, in some cases from property occupied by their families for generations.

"An area of sparse population would sustain an increase of some magnitude," the EIS continues. "The influx of people and the increased activity precipitated by the project would modify the character of nearby communities, both upstream and downstream from the project, and would affect the relatively simple and independent living styles of many of their inhabitants. More of the complexities, sophistications, and adversities of an urbanized society would doubtless intrude in this predominantly rural area."

And in one of the most memorable phrases ever concocted within the Federal bureaucracy, the Staff concludes that "what is now bucolic would become busy."

I represent in Congress the people of Ashe and Alleghany Counties, North Carolina, and I can testify that the "complexities, sophistications and adversities of an urbanized society" could be well done without by most of the residents in the area. If these "complexities, sophistications and adversities" are the "benefits" to be derived by the people from this project as the Applicant and the Staff have stated, many of the "adverse effects" pale in comparison.

The benefits to North Carolina from this project are negligible. Applicant acknowledges, and staff notes in the FEIS that almost all of the power from this project will be consumed in the midwestern United States. Despite Applicant's last-minute insertion in the hearing record of figures intended to show how North Carolina would benefit from the power generation of the project, the FPC Staff expert on power, Dr. Jessel, failed under cross-examination to substantiate that claim. The facts entered in evidence by the Applicant show that Applicant has had no firm power transaction with Duke Power Company in North Carolina for at least the last five years. The figures also show a balance of interchange power transactions between Applicant and Carolina Power and Light Company that is unfavorable to the Applicant.

These figures tend to support the Intervenor's contention that North Carolina's power utilities do not need the Blue Ridge project, rather than Applicant's contention that they do. In any event, the figures provided for North Carolina consumption are miniscule in comparison with the total generation capacity of the project.

In addition, as far as "recreational benefits" to the State are concerned, it is clear from the record that the Governor of North Carolina and the General Assembly of North Carolina do not share the Applicant's conviction that the recreational benefits accruing from this project are superior to those already available on the New River and its environs in their present state.

The need for the additional power capacity of the Modified Project has never been substantiated or justified. In my comments on the Draft Environmental Impact Statement, I stated:

"Staff's recitation of the need for power and power sources is not contested, but it is hardly relevant to this proceeding, certainly not to the extent that it would require a doubling of the size and expense of the Blue Ridge project from what was originally envisioned and proposed.

"Staff contends that the ten-year delay that has thus far been accumulated in anticipation of a ruling on this project license has resulted in the need for a much-increased power generation capacity for the Blue Ridge Project, requiring the project to be built in the dimensions called for in the Modified Project Proposal (No. 2317). This is an unsubstantiated claim that seems to have been contrived either in haste to avoid further delay or in blatant disregard for the true facts of this case.

"Appalachian Power Company certainly did not anticipate or foresee a ten-year delay in obtaining a license to construct the Blue Ridge project when it first petitioned the Commission in 1963. Nor did Appalachian anticipate the U.S. Department of the Interior's subsequent demand that the project be doubled in size and expense for the primary purpose of providing low-flow augmentation for regulation of streamflow for water quality control (pollution-dilution).

"But the Company did in fact, in the formulation of its original project proposal, anticipate and project to the most accurate degree possible the power needs of the nation and the company's role in helping to meet those needs over a period of the next fifty years and more. The ten-year delay bears no significance on those projections, and Staff's contention that the delay affects those projections so profoundly as to double the size of this project is ludicrous in the extreme."

My representative at the cross-examination hearings, Mr. Patrick Butler, sought to ascertain Staff's method of computation and justification for near-doubling the power generating capacity of the project, from 980,000 kilowatts in 1965 to 1,800,000 kilowatts in 1968. The purported justification for this increase was provided by the Staff expert on power, Dr. Jessel, in a series of nonresponsive, confused and confusing replies to specific questions.

The need for this additional power capacity, then, has not been justified and is not justifiable.

Section 102(b)(6) of the Federal Water Pollution Control Act Amendments of 1972 was circumvented by the Staff in recommending the Modified Project rather than the original. Again quoting from my comments on the Draft EIS, I stated:

"As the author of Sec. 102(b)(6), I filed on March 19, 1973, a statement of legislative intent with the Environmental Protection Agency to assist in its preparation for determining whether or not to recommend "pollution-dilution" in conjunction with the Blue Ridge project. In that statement I said in part: "It was my intent as the author of this amendment to see the Blue Ridge project reduced to its original, pre-pollution-dilution specifications."

It is apparent from the Draft and Final environmental impact statements, and from testimony by Staff witnesses in the cross-examination hearings, that the original project was never seriously considered as an alternative to the Modified Project, Sec. 102(b)(6) notwithstanding.

Popular participation in the project application process was discouraged, rather than encouraged. Section 101 of the Federal Water Pollution Control Act Amendments of 1972 encourages consideration of the opinions of the people who live in the project area as part of the license proceeding. No public hearing was ever held at or near the project site. A hearing was held in Beckley, West Virginia, in 1970. But Beckley, West Virginia, is more than a 200-mile round trip over treacherous roads from the actual project site. The selection of Beckley for public hearings does not in any way satisfy the intent of Section 101 of the FWPCA Amendments of 1972.

Alternative sites and projects were not adequately explored. As noted above, the Staff was demonstrably disinclined to consider on a comprehensive basis the possibility of reverting to the original project proposal, as Sec. 102(b)(6) of the FWPCA Amendments of 1972 intended. A similar attitude toward other alternatives was demonstrated during the cross-examination hearings by Mr. Corso.

Officials of the Appalachian Power Company have acknowledged that the Blue Ridge project has been taken off the company's construction schedule, and that alternative projects are already being planned or implemented. On July 27, 1973, Mr. William McClung, a public relations official for APCo, came to my office and so informed Mr. Butler of my staff. The implication of this admission is clear: Appalachian Power Company can obviously get along without the Blue Ridge project, and the New River and the people who live on the river can get along without it as well.

Official opposition to the project is mounting. I have worked in opposition to this project ever since coming to Congress in January, 1969. I have since been joined in this opposition by the Governor of North Carolina, the General Assembly of North Carolina, Senators Sam J. Ervin, Jr. and Jesse Helms of North Carolina, and Virginia Lieutenant Governor Henry Howell, who in his campaign for Governor of that State has pledged to oppose the project if elected. U.S. Representative Ken Hechler of West Virginia has also declared himself as a staunch opponent of the project.

As noted earlier, there is considerable legislative activity in the Congress of the United States toward stopping the project.

Last year, the Congress enacted my Blue Ridge amendment prohibiting pollution-dilution unless the Administrator of the Environmental Protection Agency specifically recommends its inclusion in hydroelectric power projects like Blue Ridge.

This year, the House passed legislation requiring a Corps of Engineers study of alternative uses—recreational, conservation and preservation—of the New River before any license can be granted for the Blue Ridge project. Implicit in this action by the House is the approval of a delay in the project from representatives of districts and states to which Blue Ridge power would eventually go. Senator Ervin has pledged to work for the retention of this measure when it is considered in the Senate.

In addition, I have sponsored legislation, with an identical measure having been introduced by Congressman Hechler, completely prohibiting the licensing of the Blue Ridge project. The chairman of the House Committee on Interstate and Foreign Commerce, Representative Harley Staggers of West Virginia, has pledged to hold hearings on these bills.

Finally, Senator Helms has introduced a bill in the Senate, with Senator Ervin as a cosponsor, to have the New River included in the Wild and Scenic Rivers System, and I am considering introducing a companion measure in the House. The House Interior Committee will hold hearings on proposed amendments to the Wild and Scenic Rivers Act of 1968 later this month.

Beyond this opposition to Blue Ridge at the congressional level, the Environmental Protection Agency has ruled against pollution-dilution in the project, and is now in the process of making a determination, in the words of Mr. Robert Blanco, chief of the Environmental Impact Branch of EPA's Region III office, "whether the project is 'unsatisfactory from the standpoint of public health or welfare or environmental quality,' as required by Section 309 of the Clean Air Act of 1970."

In a letter sent by Mr. Blanco to Mr. Allen F. Crabtree of the FPC environmental quality staff, Mr. Blanco stated:

"We found the draft impact statement for this project to be inadequate in that it did not provide specific references to document the staff conclusions as to project impacts and alternatives. A number of topics of specific interest were cited in our comments as requiring further discussion. The final impact statement does not provide the requested documentation, nor does the extent of the descriptive material provided in it fill our need."

Clearly, the Environmental Protection Agency cannot be said to favor the project at this point.

Nor can the people of Ashe and Alleghany Counties, North Carolina, speaking through their counsel, Mr. Edmund Adams, nor the people of Grayson County, Virginia, speaking through their counsel, Mr. Lorne Campbell (reinforced by County Agent W. A. Cassell) be said to favor the project. They are almost unanimously opposed to it, as are a significant number of environmental groups, including the Izaak Walton League.

Opposition to this project has not waned or evaporated, despite long years of tedious and complex proceedings. The opposition is real, substantial and quite determined, and it is growing.

III. CONDUCT OF THE HEARINGS

Repeated citing of "the record" by the Administrative Law Judge is misleading, and frustrates the intent of Greene County v. Federal Power Commission. The transcript of the cross-examination hearings on the staff final environmental impact statement is replete and heavy-laden with Judge Levy's interruption of questions with the phrase, "That's all in the record." The fact is that much of the record consists of Appalachian Power Company's claims for this project, rather than facts determined through independent research by the FPC Staff.

It was the intent of *Greene Co. v. FPC* that the assertions of a project applicant not be taken as the indisputable facts of a given project proposal. To the extent that the FPC staff did not thoroughly corroborate, through independent research, the findings and assertions set forth by the Applicant, the *Greene County* decision was frustrated. The frustration was further compounded by the Administrative Law Judge's repeated interruption on behalf of the Staff at several potentially crucial and informative junctures.

In addition, the cross-examination hearings were held in great haste, taking only two days. The brevity of the hearings seems, *prima facie*, to prove that the complexities and controversies of this case were not thoroughly resolved to anyone's satisfaction. The fact that this case has a long history already supports the contention that the hearings were too brief, rather than too long or superfluous, because it was *Greene County's* intent that the FPC staff come to its own conclusions, rather than accept conclusions arrived at by the Applicant at some point in the past. These independent conclusions were then to be subjected to cross-examination. The cross-examination hearings revealed not only that Staff had in fact accepted Applicants' conclusions in numerous instances, but also that several relevant questions from Intervenors on the Staff conclusions went unanswered.

IV. CONCLUSION

The Blue Ridge power project, by any account, would effectively destroy the New River, a national treasure. Beyond the destruction of the river, the project would also destroy a way of life for hundreds of people, and what is now a fertile land of beauty would be blighted and ravaged beyond redemption.

As a member of the House of Representatives Subcommittee on Energy, I realize that there exist great and legitimate concerns about the adequacy of the nation's power sources.

But to blindly and meekly sacrifice irretrievable, invaluable and incomparable natural resources on the altar of "power crisis" emotionalism is to sacrifice our own power of will and reason and perspective.

I am not ready to sacrifice all those powers and all those treasures for a project conceived and promoted in callous disregard for their worth.

This country is blessed with resources of both energy and environment, and we must make hard choices of what we should protect and what we should develop. And I believe the New River should be protected. There are many others who share that opinion—people of national renown and people known only to their neighbors. The Applicant's own officials concede that Blue Ridge is no longer being counted on by the company. It is not required for the nation, nor desired by the people. There is, then, no good reason to license this project at all.

CREDIT DUE PRESIDENT NIXON AND SECRETARY KISSINGER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WYMAN. Mr. Speaker, in a time of reckless and sometimes hysterical calls for impeachement of our American President, it is fitting that credit be recognized as due President Nixon and his able Secretary of State Henry Kissinger. for their successful efforts to obtain a cease-fire in the Middle East conflict. How touch and go this was last week is well illustrated by the following comments of Joseph Alsop appearing in today's Washington Post.

This country is fortunate, indeed, to have a President during such critical times whose acknowledged expertise in the conduct of foreign affairs has withdrawn us from one war and is successfully keeping us and the world from becoming involved in another. Impeachment of such a President for the misconduct of a small minority of employees within the executive branch would be a domestic and international disaster. The Nation will be better off when it is recognized that the courts should handle criminal misconduct and the Congress proceed with the many national problems demanding legislative solutions instead of partisan political attacks.

The article follows:

THE CUBAN COMPARISON

(By Joseph Alsop)

The House majority leader, Rep. T. P. O'Neill has Cambridge, Mass., as the district he must please, and he has always catered to his violently anti-Nixon academic voters. He is also an extremely partisan Democrat.

It is striking, therefore, that Rep. O'Neill has directly compared President Nixon's recent Middle Eastern problem to President Kennedy's breathtaking problem of the Soviet missiles in Cuba. O'Neill, of course, had the advantage of *knowing* the facts, probably including the contents of Leonid Brezhnev's grim message to President Nixon on the night of Oct. 24.

Rep. O'Neill's comparison, therefore, deserves to be pursued in much greater detail. Admittedly this comparison of the Cuban missile crisis was discouraged at the Oct. 25 press conference of Secretary of State Henry A. Kissinger, who then had to keep one eye on the Kremlin's still unknown reaction to the President's answer to Brezhnev.

There is one cardinal fault in the comparison, too. In Cuba, President Kennedy had to force a public climbdown by Nikita Khrushchev. In the present instance, President Nixon only had to persuade Leonid Brezhnev not to carry out a private threat.

Yet the threat was to send Soviet troops to intervene in the Mideast war; and three Soviet airborne divisions were ready on their airfields for an intervention that might have occurred within hours. Here the true comparison begins. President Kennedy had days to work out the Cuban missile crisis. President Nixon had the late evening of Oct. 24, when the Brezhnev note was in his hands, until 3 a.m. Oct. 25, when he ordered the U.S. military alert and sent his answer to Moscow.

Secretary Kissinger further stated that the National Security Council's recommendations to the President were unanimous. This was literally true, but only barely true. It can be stated confidently that a good deal of the unanimity had the approximate consistency of jello. This was a problem President Kennedy also had to face. Yet there was another, far more profound problem that President Kennedy most emphatically did *not* have to face. At the time of the Cuban missile crisis, the United States had a nuclear-strategic lead over the Soviet Union of at least five to one. Some experts say ten to one. In the Caribbean crisis area, moreover, the United States further enjoyed total supremacy in conventional arms.

President Nixon, in sharp contrast, well knew that the reinforced Soviet fleet in the Mediterranean was certainly much more modern, was also rather more numerous and was probably more powerful than the U.S. Sixth Fleet. In addition, he well knew that the former vast American nuclear-strategic lead had been frittered away to what is politely called "parity"—and is actually nuclear-strategic inferiority. This was not the President's wish. It was by inheritance from the previous administration and by the obstinate will of a continuously hostile Congress.

Finally, it is worth remembering the paeans of praise for the solution of the Cuban missile problem deservedly earned for President Kennedy. Consider, too, the far more difficult time factors and, above all, the fearfully more unfavorable power factors last Oct. 25. It would seem, then, that President Nixon has deserved a lot more praise than he has got.

Instead, as one sample, we have Mrs. Barbara Tuchman. She first signed an impassioned public print plea for all-risk aid to Israel. Next, the President's shrewd courage all but certainly saved Israel (as all informed Israeli leaders freely admit) from reduction to defenseless impotence, or even from actual destruction by the threatened Soviet armed intervention. Whereupon, Mrs. Tuchman promptly published an equally impassioned plea for the President's impeachment.

This kind of thing seems a bit odd. But then liberal-intellectual partisanship always makes the party-feeling of a man like Rep. O'Neill seem milder than mother's milk.

Meanwhile, the really important thing to note is the grim deterioration of the national situation that is revealed by the foregoing comparison. We cannot count on being so lucky next time as we were on Oct. 25. Hence the real question is whether the President, in his present bitter trouble, is able to cope with this deterioration.

CONSTITUTIONAL CRISIS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ESCH. Mr. Speaker, events surrounding the office of the President and Vice President in past months have moved with unprecedented speed. It has not been possible for the public, the press or public officials to put these matters into perspective, let alone develop analytical and objective approaches to the constitutional crisis facing the country. The following represents my views on these developments.

First. There must be a completely independent prosecutor to carry out the functions of the investigation surrounding the Watergate incident as well as related matters. Another Presidential appointment will no longer suffice for the American people. Only an independent prosecutor can conduct the investigation apart from any cloud of suspicion. There are several approaches before the House and Senate to accomplish this goal. It is important we have a special prosecutor, but I want one whose convictions will not be overturned by an appeals court on the basis of a conflict of interest; and I do not want one that is eventually dismissed by the Supreme Court on constitutional grounds. Some legislative approaches present these problems. As one who first introduced legislation to establish an independent prosecutor, I am sponsoring new legislation to establish an independent prosecutor in cooperation with the courts. My bill follows the American Bar Association recommendation that Congress pass legislation requiring appointment of an independent prosecutor by all sitting judges of the U.S. District Court in Washington.

Second. Regarding the question of impeachment, the House Judiciary Committee has begun hearings to determine if there are sufficient grounds on which to initiate impeachment proceedings. It is important that this determination is expedited and that the review is thorough and objective. Neither the country nor the office of the President can afford any delay. The entire House will act—and individual congressmen will vote—only after an impartial and thorough analysis by the Judiciary Committee. I have already called for an orderly process through which a committee can make a determination if grounds for impeachment are present. Eventually, when the House Judiciary Committee reports, I may be called upon to perform my constitutional responsibility to pass judgment in the House of Representatives by voting on the articles of impeachment as presented by the House Judiciary Committee. To prejudge this investigation and this vote is irresponsible and without precedent.

Third. There are always those who would use a time of national crisis for other ends. It is totally reprehensible for any Senator of the United States to prejudge the question of the President's guilt. Whether or not the President is eventually found guilty, under the Constitution, Members of the Senate must sit as a jury under an impeachment resolution sent from the House. Thus several Senators should consider disqualifying themselves in any future action. I, for one, want no part of such irresponsible statements.

Fourth. The President of the United States should give evidence to the American people of his willingness to cooperate with all investigations including those in the courts, the House, and the Senate to assure that all those guilty of crimes are brought to justice.

Recent exchanges between the President and the press have created even more distance between the President and the people and serve little purpose. What is needed on both sides is a willingness to deal with facts and not accusations and hearsay. The President must recognize the basis for the American people's attitude. It is not only because of media action. The Vice President selected by the President has resigned and pleaded no contest to a felony. Two of the President's former cabinet members are under indictment. His highest and direct advisers have resigned and face possible indictment. Others who either served under the President in the White House or on the Committee for the Re-Election of the President have already been found guilty. The news media did not invent these acts.

The President must recognize these facts and must realize that to have an effective and credible Government he must show through his actions a willingness to cooperate. The surrendering of the tapes, while late in coming, was commendable. This act alone waived the issue of Executive privilege where possible crimes are involved and thus the President should demonstrate now that he has nothing to hide. Correspondingly, the media has a unique contribution to make at this time. It has the inherent responsibility to verify the sources and authenticity of charges in the process of reporting. The media plays a vital role in a free society, searching out and reporting the truth—indeed it is a major contribution to the self-correcting process of our system—and that role must not be sacrificed in expediency or emotionalism.

Fifth. The Congress should move expeditiously on the nomination of GERALD R. FORD to fill the office of Vice President. A thorough review of Mr. FORD's background is only right and proper. Further, it might be well to have such a thorough investigation of the man who now stands in line for the presidency—Speaker of the House, CARL ALBERT. Indeed, we may be entering a new era in which all Members of the House and Senate are more fully scrutinized in the election process.

It is essential, however, that the review process be expedited by the House and Senate. To suggest as some have done, that Mr. FORD's nomination be "held hostage," raises questions of partisanship and is directly contrary of the intent of the 25th amendment to the Constitution.

Sixth. The Congress must share a major portion of the responsibility for not acting on the problems facing the country and move ahead aggressively on needed legislation. As of November 1, the 93d Congress—after 11 months of existence—has not passed such vital legislation as tax reform, comprehensive medical care, war powers limits, pension reform, executive privilege, trade legislation, housing programs, and environmental protection, to name only a few.

Congress must exert more leadership in these critical areas.

WAR POWERS RESOLUTION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. KASTENMEIER. Mr. Speaker, next week the House will be voting to override the President's veto of House Joint Resolution 542, the War Powers Resolution.

This legislation, authored by our distinguished colleague from Wisconsin, CLEM ZABLOCKI, is essential if the Congress is to enforce its constitutional responsibility that war cannot be conducted in the absence of a formal declaration by the Congress.

Mr. Speaker, another colleague from Wisconsin, LES ASPIN, who has emerged as a leader in the effort to curb the unbridled power of the military, has written an article in the October 31, 1973, Washington Post, citing the need to override the President's veto of the war powers measure. Congressman ASPIN's statement deserves the attention of all House Members.

The article follows:

THE WAR POWERS VETO

(By LES ASPIN)

On November 5, 1964, Assistant Secretary of State William Bundy wrote a paper on how to handle world and public opinion if the President decided to escalate the war in Vietnam. He didn't expect it to be heard:

"Congress must be consulted before any major action perhaps only by notification . . . but preferably by talks with . . . key leaders . . . We probably do not need additional congressional authority even if we decide on very strong action . . . A Presidential statement with the rationale for action is high on any check list. An intervening fairly strong presidential noise to prepare a climate for an action statement is probably indicated and would be important . . ."

Had the War Powers Resolution then been law, Bundy would not have been able to dismiss congressional and public opinion quite so easily.

Next week the House will vote on whether to override Mr. Nixon's veto of the compromise bill which requires that the President consult with Congress before committing U.S. forces to hostilities abroad and report to Congress within 48 hours his reasons for doing so. At the end of 60 days, he must withdraw American forces unless Congress votes to allow him to continue the commitment. The deadline could be extended for up to 30 days to permit the same withdrawal of the troops.

The criticism of the measure from the right is predictable enough. It was summed up in the President's veto message by his (inaccurate) claim that the bill was unconstitutional and deprived the President of the powers necessary to act decisively in times of crisis. In fact the bill's intent is simply to restore to Congress a little of the share in the warmaking process with which the Framers endowed it and which successive Presidents have since arrogated to themselves.

The events of the last week, which the President himself described as the greatest international crisis since 1962, give the lie to his objections to the bill. Had the War Powers Resolution already been law, it would not have prevented Mr. Nixon from replenishing Israel's supplies, and it would not have prevented him from calling a worldwide alert of U.S. forces as he did at 3 a.m. on Thursday morning. It would not have stopped him from sending any of the firm notes he says he sent to Mr. Brezhnev; it would have done nothing to limit the scope of the diplomatic triumph he says he achieved. It would have meant simply that, had he decided to commit the alerted troops, he would have had to explain his actions rather more fully than Secretary Kissinger chose to do on Thursday.

The liberal objections to the bill are more serious and more complicated. They are, first that the bill will actually extend the President's warmaking powers, giving him authority he does not now possess to make war anywhere in the world for 60 days and second that even then Congress is most unlikely to stop him. It is said that the President will identify the struggle with flag and with honor and that Congress will almost inevitably rubberstamp it.

Both these objections carry weight—the bill is far from perfect. But they ignore not only that the President already acts thus, whether he has the legal authority or not, and that Congress is already a rubber-stamp. They also miss the less obvious but more fundamental benefit of this bill. Besides its direct impacts (the 48 hour report, the 60 day approval, etc.) which do have drawbacks, the bill will have an indirect effect which is altogether beneficial. This is in the enormous impact which it will have on the decision-making process of the executive branch.

When the President considers sending troops into hostilities—even in support of a treaty commitment or to defend U.S. forces—he and his advisers will know that an affirmative decision will provoke an intense debate which, unlike today, will focus on a concrete decision to be made by Congress within 60 days. Congressmen will hold hearings, editorial writers will write editorials, columnists will construct columns, Meet the Press and Face the Nation will cross-question government spokesmen, there will be network specials, demonstrators will demonstrate, and most important, constituents will write mail—telling congressmen whether they should say yea or nay to the President's action. This foreknowledge is bound to strengthen the hand of those in the President's council who might otherwise find it more politic to muffle their dissents.

Congress' ultimate verdict is not the most important factor. What is important is that the President and the men around him will know before he takes his decision that the scrutiny of his policy is likely to be far more consistent and purposeful than it is today. He will be much less inclined than he is today to embark upon an adventure unless he has a very good case to support it.

The real point about the War Powers bill is not that it gives the President power to go to war for 60 days (his lack of that power now doesn't limit him) nor is it that Congress is likely to force him to pull the troops out (it may well not). The bill's value, which far outweighs these defects, is that it will force the President to consider very carefully what is in store for him if he decides to make war. This is so because there will be a solid, practical reason for his more cautious counsellors to present him in advance with the arguments he will have to answer within 60 days.

The Pentagon Papers demonstrates how anxious the Johnson administration was to avoid a great national debate on its Vietnam policy. The War Powers bill not only guarantees that there will be such a debate, it will also compel the President to take public opinion into serious account when he makes his decision. In fact, it may well be not so much the debate itself but the agonizing prospect of it that will act as the most effective check on the President's warmaking. A President who rejects the bill does so only because he is concerned that his case for making war might not always be very convincing.

THE A-10A AIRCRAFT: AN ASSET FOR ISRAEL

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RONCALLO of New York. Mr. Speaker, I wish to submit in the RECORD for the attention of my colleagues the October 22, 1973, issue of Aviation Week and Space Technology magazine, which delineates the invaluable equalizing capabilities of the A-10A close-support aircraft in combating the Soviet-built 23-mm ZSU-23-4-SP antiaircraft vehicle, in such a critically strategic area as Israel.

The article follows:

SOVIET ANTI-AIRCRAFT GUN TAKES TOLL

Soviet-built 23-mm. anti-aircraft systems introduced against U.S. forces flying over North Vietnam in the late stages of action there are being used with frequency against Israeli aircraft in the Syrian and Egyptian sectors and are taking a heavy toll.

The 23-mm. ZSU-23-4 SP anti-aircraft vehicle consists of four mounted on a single fixture and fired together. A Dish-type radar in the 15.56-gc. frequency called Gun Dish is mounted with the guns. The radar has a very narrow beam providing excellent tracking of aircraft and is difficult to detect or evade, according to U.S. officials.

Since the radar operates at a high frequency, a band equivalent to U.S. airborne radar, it offers disadvantages in limiting the range. To enhance the weapons tracking range, the system is connected to other acquisition radar in the area of operations and the gun radar is slaved to the acquisition radar until lock-on.

The fire control radar trains the guns and computes target speed and range.

The entire system is mounted on a tracked vehicle of which the hull and automotive components are the same as the Soviet PT-76 tank. The 23 mm. guns have an anti-aircraft range of about 4,000 feet with an elevation from 0-85 degrees. The guns can fire at 1,000 rounds/min. each.

While most American-built aircraft flown by Israel at low altitude are vulnerable to the quad 23-mm., one U.S. aircraft in development now has been tested against a 23-mm. shell and found extremely survivable, according to the Air Force officials.

The Fairchild Industries A-10A close-support aircraft was subjected to direct fire from a Soviet-made 23-mm. gun during testing at Wright-Patterson AFB, Ohio.

More than 58 23-mm. rounds were fired into components of the A-10A mounted on a test stand. The gun was placed directly beneath the components. Thirty-five rounds were fired into the fuselage because reserve fuel tanks are located there. All tanks on the A-10A are surrounded by foam for protection against anti-aircraft fire.

Survivability of the A-10A is enhanced by titanium armor throughout the aircraft, including aircrew armor, redundant hydraulic flight controls with a manual backup system and critical subsystem armor. The aircraft is built around the General Electric GAU-8A 30-mm. gun system that can destroy hard mobile targets such as tanks, armored personnel carriers, and tracked antiaircraft systems like the Soviet-made 23-mm.

TOWARD A PROFESSIONAL ARMY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, people are the prime ingredient in the all-volunteer Army. For the volunteer Army to succeed, it must appeal to young men and women as a career alternative, and it must make military life meaningful and attractive for them after they enlist.

If the volunteer military is to be people-oriented—and if it is to work—we will need concerned, aware and dedicated individuals who want to make sure it succeeds. One such individual whose efforts will be most important in this regard is Lt. Gen. Bernard W. Rogers, Deputy Chief of Staff for Personnel, Department of the Army.

In an interview in the August edition of Soldiers magazine, General Rogers spoke about what kind of army he wants the volunteer Army to be:

> I would expect the volunteer Army to be a professional Army. I would expect it to be professional in terms of the skills and motivation of its members; professional in training, equipment and combat readiness; and comprised of disciplined and dedicated men and women who want to be in the Army, and who find it a proud, challenging and satisfying career. That is the kind of Army we must have—the kind our Nation expects and should require that we have.

The interview follows in its entirety:

TOWARD A PROFESSIONAL ARMY

SOLDIERS. How is the All Volunteer Army shaping up in terms of enlistments?

Lieutenant General ROGERS. Between July 1972 and this past May our goal was 165,100 non-prior service male enlistees. We have fallen short of this goal by 9,800—enlisting 155,300 non-prior service males. However, the months of February-May are historically poor recruiting months, and we hope to reverse this trend in the good recruiting months June through September.

SOLDIERS. Were the volunteers of the quality desired?

Lieutenant General ROGERS. Of course, that answer depends upon one's definition of quality. In the final analysis, one should judge quality by a man's overall performance on the job. One measure of quality for an enlistee we have been using—and it may not be the best measure—is whether he is a high school graduate. Since February 1 we have limited our recruitment of non-high school graduates to 30 percent of our total enlistment objectives and are receiving encouraging reports concerning quality from training center commanders. Another measure we have been using is the mental category of the enlistee as determined by his results on the Armed Forces Qualification Test (AFQT). Here again we have been meeting or exceeding our objectives for the percentages by various mental categories.

Incidentally, I don't wish to give the impression that we have anything against non-high school graduates; far from it. The great majority of them are fine young men and will serve well. But the fact remains, our experience has shown that from the standpoint only of disciplinary problems being created by graduates versus non-graduates, a disproportionate share is created by the non-graduates.

SOLDIERS. Industry is also recruiting high school graduates. Will we be able to recruit them in sufficient numbers to maintain an All-Volunteer Army?

Lieutenant General ROGERS. I think we will get our share and probably continue to get them in the numbers we have in the past. I would like to point out, however, that we are taking a close look at finding a better means of measuring quality than solely by the standards of being a graduate or being in a certain mental category as related to AFQT results.

Frankly, it is still too early to state positively that we will be able to enlist soldiers of the quality we need in the quantity required to man our structure. However, we are moving along a relatively uncharted course. As you know, since World War II we have only had one 15-month period—1947-1948—when we didn't rely on the draft. The conditions and circumstances which existed within our society then, as well as among the youth of that society, were different from those today. Thus we have no previous experience upon which to base a prediction.

SOLDIERS. Some Army officials have suggested that 4-year enlistments—especially where some skills require lengthy training periods—would result in better manpower utilization and reduced recruiting costs. Are 4-year enlistments going to become the standard?

Lieutenant General ROGERS. I don't see that happening soon except in the skills for which an enlistment bonus is paid. If we looked at it purely from a cost effectiveness standpoint, 4 years is the way we would go with all enlistments. However, you also have a psychological factor working here. Looking at it from the perspective of an 18- or 19-year old, 4 years represents a big chunk of his life. It seems like a whole lifetime to some of them. I think it's best that we have less than 4 years to offer so the man can enlist for a shorter period and see how he likes the Army.

SOLDIERS. You began paying a $1,500 bonus for combat enlistments in June 1972. The bonus was increased to $2,500 during this past May and June. Did the $1,500 fail to attract enough qualified volunteers for the combat arms?

Lieutenant General ROGERS. We did fail to meet our combat arms enlistment objectives by 30 percent during that 1-year period.

Let's look at the entire bonus picture. Congress authorized payment of $3,000 for enlistment in the combat elements. Department of Defense then authorized us to run a 1-year test, paying $1,500. Combat arms enlistments averaged only 300 per month before we began offering certain enlistment options and then later paying the bonus. With the bonus, 4-year enlistments increased from 5 percent to 15 percent. In addition, the number going into combat arms as a result of the bonus and some enlistment options increased to about 3,000 per month. But we still came up 30 percent short overall.

We also had shortfalls in some of our hard skill MOSs, so with OSD's approval we increased the bonus to $2,500 and included volunteers in those combat-related hard skills, particularly in the missile and electronics fields. This increased bonus package is being conducted as a 2-month test ending in June.

Soldiers. Did the bigger one attract more volunteers?

Lieutenant General Rogers. It is not attracting more overall enlistments, but it is proving that such a bonus can change the distribution pattern of enlistees by increasing enlistments in the hard skills I mentioned and causing them to enlist for 4 years. We are happy about that.

Soldiers. Critics of the All-Volunteer Army concept suggest that blacks, other minority groups and the poor will be attracted to the Army in large numbers, resulting in an Army largely composed of minorities and the poor.

Lieutenant General Rogers. Present trends suggest that their fears are unfounded. Let's take that one apart, however.

We don't ask what an enlistee's father earns. We don't care. It makes no difference whether a man's father earns $25,000 a year or whether his folks are on welfare. If a man is qualified, willing to enlist in the Army and perform to the best of his ability, why shouldn't he be able to serve?

As for minority groups, there has been some increase in the number of non-Caucasian enlistments. Minority groups comprise about 18 percent of the overall Army strength. I see no indication of a substantial increase.

Soldiers. Suppose you did have a substantial increase?

Lieutenant General Rogers. I would answer your question with another question. So what if there were?

I know in the eyes of many it would be most tidy if we had, say, 11 percent blacks—that is their approximate percentage of the total population—and, say, 2 percent other non-Caucasians. That would represent a fairly good cross-section of the American population.

Life just isn't that tidy or precise. Furthermore, if non-Caucasian enlistments did increase significantly and you asked when should we cut them off, I certainly couldn't give you an answer as to when or if, and I know of no one in a position of responsibility who could.

Soldiers. Today's young soldiers are getting married earlier than they did a decade ago. Are we going to expand health care services and build more family housing?

Lieutenant General Rogers. More of our young soldiers do get married earlier. If that trend continues we will have to think about building fewer barracks and more family housing. We must take a very hard and long look at this because here we are talking about projects involving millions of dollars.

Greater health care services may be needed; however, we're thinking in terms of the total environment for the soldier and his family. We would hope to improve all post services: Post Exchanges, in- and out-processing, recreational facilities, commissaries, educational opportunities and the like.

Soldiers. The Qualitative Management Program for enlisted personnel is causing some concern among NCOs. Some question the wisdom of denying reenlistment to NCOs, while increased emphasis is being placed on enlisting greater numbers of younger soldiers.

Lieutenant General Rogers. We don't intend to change the Qualitative Management Program, although we may make some fine-tuning carburetor adjustments as we go along. The Army is going to be smaller but we're still going to do a professional job with fewer people. The NCOs have all got to be professionals.

We have established standards of performance, behavior and attitude. As long as an NCO measures up he need not be concerned. An NCO should know what those standards are and if he is not measuring up he had better be concerned because he may be on the way out. There is no place in the Army for those who believe they have the right to serve for 20 or 30 years irrespective of performance, conduct and attitude. That day has passed, if indeed it ever existed.

We are denying reenlistment to only those persons at the lower end of the performance, conduct and attitude scale. The officer corps has had such a program for many years. In fact, I think you will find that most NCOs are pleased that there exists a system to police their ranks. They want their corps to consist of motivated, well-behaved professionals in every sense of the word.

Soldiers. Some NCOs believe that the up-or-out program is unfair because it forces them to retire irrespective of the fact that they have done good jobs during their many years of service.

Lieutenant General Rogers. The strength of senior NCOs in grades E-8 and E-9 cannot exceed 3 percent of the total enlisted strength. We have to have cut-off points so the young soldiers coming along can have a fair career progression.

Let's take the case of a master sergeant: The "window" through which he has to pass to be promoted to E-9 is so small that promotion becomes increasingly difficult at that level. It's the same way with a colonel who hasn't been promoted to brigadier general and has to retire after 30 years. There should be no stigma attached to the master sergeant or the colonel. Those grades carry great responsibilities and a person exercises a high degree of authority in those grades. Remember, the window is small.

I'll tell you one thing, though. Going through that window is a humbling experience—especially when you know so many fine persons whom you thought deserved to go through and didn't make it.

Soldiers. What about a person in the middle NCO grades who is doing a fine job but is happy with his present status. Will you retain him?

Lieutenant General Rogers. No, not indefinitely. You see, that person might be happy with his present status, but there is a younger man below him who eventually wants to move up. We won't retain this man by blocking a more aggressive soldier's chances for advancing.

Soldiers. Was the current officer reduction-in-force (RIF) designed to improve leadership?

Lieutenant General Rogers. No. To do that we have a continuing program of identifying and separating those officers who fail to measure up. This RIF is a quantitative one caused by our having more officers than required and permitted.

This RIF is very painful because, among other things, it involves many good officers. We're separating 4,900 officers for two reasons. First, our authorized officer strength is based on a percentage of the overall Army strength. As an example, prior to the Vietnam build-up our officer strength comprised about 11.6 percent of the total Army population. It had reached 14.9 percent by the end of FY 1972. We must get down to 13.7 percent by the end of this fiscal year and this requires that we separate a number of officers. That percentage will continue to decline in the future.

Second, our officer structure has a sizable hump in it resulting from the requirements for Vietnam. That hump—an overstrength—is generally in Year Groups 1967 to 1970. If we left that hump in place when it reached the promotion window to major, many in the excess year groups could not be promoted and they would then have to be separated under the law. We thought it would be fairer to separate them now while they are young enough to start a second career.

We are also taking other actions to reduce officer strength: During the past 10 years we have brought an average of approximately 28,000 officers to active duty each year. We are only bringing in 8,900 during FY 74. Of that figure, 3,800 are ROTC officers, and of those, we are obligated to bring in 2,550 who are Distinguished ROTC Graduates or scholarship students. We will also only bring in 350 OCS graduates in FY 74.

Soldiers. What officers will be most affected by the RIF?

Lieutenant General Rogers. The great majority will be from Year Groups 1967–1970.

Soldiers. One of the stated goals of the All-Volunteer Army is to provide the soldier with a satisfying job. Hundreds are being involuntarily reclassified into new MOSs. Won't that have an adverse effect on the overall program?

Lieutenant General Rogers. Yes, for a while. But surplus MOSs are also having an adverse effect. We wound up with large excesses of Vietnam-related MOSs, one example being in the aviation field. It's obvious that we don't need as many aviation personnel as we did during the Vietnam War. On the other hand we can't have people sitting around with nothing to do, nor do they like not being meaningfully employed. We have personnel teams going to CONUS posts and taking a look at surplus MOSs and trying to get the soldiers reclassified and retrained into shortage MOSs. CONUS commanders and CINCUSAREUR have the authority to reclassify soldiers out of overage skills. I think it likely that many reclassified men will find new interest and new challenge in their new MOS. But let there be no doubt about it, MOS imbalance and MOS mismatch comprise one of our big problems at this time.

Soldiers. There are complaints that involuntary reclassification hurts NCOs when they're considered for promotion or QMP board action.

Lieutenant General Rogers. I can understand how they might have that feeling. All I can say is that members of boards do take involuntary and voluntary reclassifications into account. I've observed enough of those boards to know that their members exercise a great degree of judgment in their deliberations.

While we're still on the subject of MOS, let's take a closer look at this MOS mismatch situation. As is often done, if we only compare a man's duty MOS with his primary MOS, one may well find a mismatch. But if one compares the duty MOS with his secondary or alternate MOS, he might also find a match. So one must look closely at the method used in determining MOS mismatch.

Soldiers. Senior NCOs are required to be qualified in at least two skills. Will soldiers of all grades eventually be required to do so?

Lieutenant General Rogers. We certainly encourage all soldiers to learn as many skills as possible, and we have recently implemented a program to require qualification in two skills. However, in the case of a young soldier, it normally takes a few years for him to master his primary skill. We don't believe we can require him to learn another one before he masters the first one.

Soldiers. Will the Army ever reach MOS equilibrium?

Lieutenant General Rogers. By equilibrium I take it that you mean one soldier—no more and no less—for every MOS in every unit. We will never reach that day, because too many things happen that are beyond our control.

First, there is the inability to predict with absolute precision which men with what skills will become future lossess and then have new men in training to replace them at just the right time. Then there are continual changes in our structure, in TAs and TOEs, some related to activation/deactivation, of units, to the introduction of new weapons systems, to base closures and the like. So you see, there are several variables in the equation which have their impact. But we can improve our MOS imbalance and mismatch and we are working hard towards that end.

We are also looking at a concept which would reduce the number of MOSs by training the soldier in, say, basic infantry and having his unit train him in such skills as mortar crewman or other specialized training. We are taking a hard look at that one.

Soldiers. Rumors have it that the Women's Army Corps will vanish as a separate corps within another year. Are the rumors true?

Lieutenant General Rogers. The WAC was established as a separate corps by the Congress and only Congress can change the law. I can't say when that will happen, but in my judgment somewhere down the road the WAC will no longer exist as a separate corps.

There are 17,000 members of the Women's Army Corps serving in the Army and that figure will increase to at least 24,000 by 1978. Of the 480-plus enlisted skills, we've opened all but 48 of them to women. WAC officers may now be assigned to approximately 65 percent of the officer skills and we're taking another look because we think we can open up more.

In recent action we've eliminated the word male from our aviation regulations and qualified women may now become pilots.

We've also opened all ROTC programs to women beginning with school year 1973. A young lady can now join the Army ROTC on any college campus that has a unit, providing the host college or university agrees. Now, there are two things that I don't see happening. We won't see women serving in foxholes in a combat situation, and they won't be assigned to positions in which they cannot maintain their privacy.

We are not going to be rushed into changes just for the sake of change or for cosmetic purposes. We will continue to make changes with respect to the utilization of women when the changes are right for the Army and right for the women, and we'll make them without fanfare.

Soldiers. Many NCOs have expressed concern over the retention of Article 15 records in the soldier's permanent file.

Lieutenant General Rogers. A lot of officers also have the same concern for the soldiers in this regard. However, we're not going to change the policy at this time. It will be reviewed at the end of a year to determine if it should be changed.

I'm sure you understand the reason for the policy. For example, when a man is considered for board action—promotion, retention, schooling, special assignment and the like—all that is generally available is his record to be considered by the board. Let's suppose he's an officer or NCO being considered for promotion. The board looks at his record and those of his contemporaries. If that person has received an Article 15 for misconduct or failure to perform his duties satisfactorily and none of the other individuals being considered has received an Article 15, it just seems unfair to the rest that the one be viewed as having performed equally as well as all the others. And yet that would have to be the board's judgment if the Article 15 is not in the man's file.

I'm not talking about an Article 15 for, say, a single minor traffic ticket. I'm talking about serious misconduct, of a pattern of habitual misconduct, or non-performance of duty. I would hope that persons expressing concern over retention of the Article 15 in permanent records would keep in mind the fact that board members exercise pretty good judgment and take into account the seriousness of the offense or offenses which resulted in Article 15.

Soldiers. A few commanders have expressed a reluctance to give Article 15s, knowing they become a permanent part of the soldier's record.

Lieutenant General Rogers. I am unaware of any decline in the number of Article 15s since the policy was initiated.

Soldiers. What do you see in the future for the all-volunteer Army?

Lieutenant General Rogers. As to size and composition, I can give you a better picture down the road a ways. However, I would expect the volunteer Army to be a professional Army. I would expect it to be professional in terms of the skills and motivation of its members; professional in training, equipment and combat readiness; and comprised of disciplined and dedicated men and women who want to be in the Army, and who find it a proud, challenging and satisfying career. That is the kind of Army we must have—the kind our Nation expects and should require that we have.

ARTICLE BY CONGRESSWOMAN SCHROEDER ON DEFENSE BUDGET

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, my colleague, Congresswoman Pat Schroeder recently authored a most persuasive article on the defense budget and the House Armed Services Committee, of which Congresswoman Schroeder is a member. This compelling article appeared in the November 5 issue of Nation magazine.

This insightful article details example upon example of the many weaknesses in the way in which Congress yearly considers the multibillion-dollar defense budget. For example, Congresswoman Schroeder's article notes that this year the 43-member Armed Services Committee has been asked to grant $22 billion to the Pentagon for weapons projects. The $22 billion request was prepared by some 30,000 people—yet each member of the Armed Services Committee has 5 minutes per witness to scrutinize the incredibly complex and unbelievably expensive weapons projects proposed.

Congresswoman Schroeder's article is more than a perceptive commentary upon the Armed Services Committee. It also serves to highlight the need for vast changes in the philosophy of the Department of Defense and its approach to winning congressional approval for outrageous budget requests. I hope my colleagues will take this opportunity to share the observations of Congresswoman Schroeder:

On the Armed Services Committee—A Freshman in the Weapons Club

(By Representative Patricia Schroeder)

Washington.—No member of Congress going through the military budget process for the first time can fail to be overwhelmed by the experience. The forty-three of us who are members of the House Armed Services Committee sit in tidy rows in the Rayburn Building's cavernous Room 2118 like the cadet and midshipman sections at an Army-Navy game. On the walls hang portraits of past committee chairmen—Rivers, Vinson and the others—along with pictures of the guns, ships, planes and battles their authorizations made possible.

On hearing days the room fills up with hats and brass and charts and squeaky leather shoes. This year the Pentagon asked us for $22 billion for things like the UTTA, the Tomcat, the Condor, the Orion, the P.F., the Trident, the TOW, the B-1, the Shrike, the SCAD, the CVN-70 and Site Defense. Thirty thousand people played some role in putting the request together. Each committee member was given five minutes per witness to find out why they needed it all.

Such interrogation tends to center on the qualities of the weapon itself. Is it bigger? Is it faster? Is it more maneuverable? Does it give closer, more comfortable shaves? Seldom are the whys or what-fors asked. Even less frequently are the requests tied to coherent notions of foreign policy. What comes into play is the military equivalent of the Peter Principle: the capacity of American technology to produce a particular system governs the nature of the Pentagon's request.

Weapons that were presented as the ultimate answer to strategic and tactical problems only a year or two back suddenly fall into place alongside the catapult and the blunderbuss. The Pentagon seems to feel that, unless it is convinced that nothing and no one is safe, the Congress will put the military out of business.

This year's acceleration of funding for the Trident submarine offers some insight into how these systems come about. Infighting between Admiral Smith, who supervises the missile end of the program, and Admiral Rickover, who seems never to have met a reactor he didn't like, led to placing the 4,000-mile-range Trident I missile on a spanking new ship, although most of the existing fleet of Polaris submarines could have been fitted with Trident I missiles to achieve the same strategic capabilities at a fraction of the cost.

In a recent report on the cost growth of major weapons systems, the General Accounting Office (Congress' governmental watchdog) warned that "Study after study has demonstrated that the telescoping of development and production has often resulted in slippages and overruns rather than shorter time spans between concept and inventory." To avoid such problems, GAO urged those framing the defense budget to "avoid concurrent development and production and adhere to order and sequential design, test and evaluation."

But the White House had no such plans for Trident. A year ago, the word was passed that the President desired some highly "'visible" expenditure in the field of nuclear weaponry in order to keep conservatives in tow during an election year and in the wake of the SALT accords. As a result, the Trident submarine was accelerated, with the research and development and the production phases crunched together.

The ship was then sold to Congress as an urgent follow-on to our "aging" Polaris-Poseidon fleet, despite the fact that most of these submarines will be perfectly capable of fulfilling their missions well into the 1980s. We were told that Trident would be bigger, faster and quieter.

Size and speed, though, while admirable

qualities for a yacht, tend to make submarines more detectable. (So, incidentally, does basing them in Bangor, Wash., where they must glide through the narrow mouth of the Juan de Fuca Straits in order to reach the Pacific. But basing them in Bangor can open some influential eyes to the strategic necessity of the accelerated program.) And since not even the Navy's top anti-submarine warfare experts are able to predict the nature of the technological breakthrough that will enable our enemies to track our nuclear submarines, producing a quieter ship may or may not be vital to insuring its survivability. In effect, then, the Congress was asked and agreed to authorize the accelerated replacement of ships invulnerable to present methods of coordinated attack with new ships not necessarily designed to meet future challenges.

I supported an amendment offered by Bob Leggett, an Armed Services Committee colleague from California, which would have cut $885 million from the Trident authorization, leaving funds for the improved missile but returning the new submarine to its original schedule. It was one of a number of measures advanced by a small minority of committee members who hoped to restore a semblance of proportion—sanity if you will—to the legislation.

This minority initiative was, at the very least, regarded as bad form and seemed to be taken as a personal affront by a number of veterans on the committee, where membership seems at times to resemble membership in a sacred fraternal order. Differences must be resolved behind closed doors, just as the leadership apparently desires that the three services resolve their bureaucratic differences off stage and present a united front to the committee. Thus any enlightening dialogue is stifled on most defense issues. Options, alternative means of achieving the same defense ends, are rarely if ever presented to the membership. By the time an issue comes before us our choice is thumbs up or thumbs down, and the implications of a thumbs-down verdict are presented in the most frightening manner possible. If we err on the side of too much defense, we are told the result is a little waste. If our error is on the side of too little, it's Armageddon. That we might be manufacturing our own Armageddon by taking every suggested measure to avoid one escapes mention altogether.

The clubbiness extends, of course, to the Pentagon, whose witnesses are treated with a deference bordering on adulation. Those who oppose official views receive an altogether different welcome. Lt. Col. Edward F. King (Ret.), for example, rose from the rank of buck private during a distinguished military career that spanned more than twenty years. Now an outspoken critic of the misallocation of military manpower, he has appeared before the Armed Services Committee the past two sessions and has been as articulate, courteous and well informed as any witness to come before us. Still, committee members find it pertinent to inquire whether he graduated from West Point, whether he accepts his monthly pension, and how he was able to remain in the Army amid such waste for as long as he did.

Another witness, Rear Adm. Gene La Rocque (Ret.), brought with him similarly distinguished credentials as a former commander of a destroyer squadron and director of the Navy's War College. Today he is director of the Center for Defense Information, an important independent source of enlightenment for members of Congress who are buried under a sea of Department of Defense statistics. Nonetheless, La Rocque was denigrated during floor debate by one senior committee member as ". . . this admiral, who only scoffed after he retired." The words recall those uttered in Richard Nixon's White House when the name of Pentagon cost analyst Ernest Fitzgerald came up. That he had unearthed bungling on the C–5A program that had cost taxpayers some $2.5 billion was secondary to his having betrayed "the team." One is always tempted to wonder on such occasions who "the team" is playing against.

Committee acquiescence to each Pentagon proposal can reveal itself in amusing ways. Like a folk epic appearing in different cultures, the wisdom of the Pentagon often finds expression by committee members of different political stripes. During floor debate on the 1972 Trident acceleration one Midwestern Republican told the House, "The Trident program is not a crash program. It is an urgent but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities." Moments later his colleague, an Eastern Democrat, began: "The Trident program is not a crash program. It is an urgent but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities." Altogether, the two ran on for seventeen identical paragraphs, right down to the last, "We must start building at once." The Pentagon builds redundancy into many of its strategic delivery systems, not the least of which is the House Armed Services Committee.

Given this atmosphere, the new member soon learns that mere logic is an inadequate tool. However useless a defense concept, however premature its implementation, however extravagant its cost, an argument to proceed is deemed conclusive on one of two grounds. Either the Russians are doing it and so must we do it to avoid falling behind, or the Russians are not doing it and therefore we must in order to stay ahead. In the former category one can include Safeguard and Site Defense; in the latter, the B–1 and the CVN–70 aircraft carrier. For those weapons systems that fall easily into neither category—the Trident, for example—there is always the bargaining chip catch-all. If we don't have it, how can we bargain it away?

What then are the feelings I was left with, the lessons I learned as a freshman on the Armed Services Committee, during a year when an Administration, badly weakened by Watergate and confronting a Congress allegedly eager to reassert its prerogatives, still got everything it wanted in weapons?

Lesson number one is that we are talking about strategies for cutting programs that are grossly excessive in terms of both cost and overkill potential. No longer is it necessary to discuss threshold policy questions while military costs stampede over us. We need no longer be apologetic about seeking to bring such costs under control. It is not reasonable strength that we oppose but unreasonable redundancy. Substantial cuts in this year's program were, for example, supported by such unlikely combinations as Bella Abzug and John Rousselot, Ron Dellums and Hamilton Fish, Herman Badillo and Mario Biaggi. The movement, alas, was not all-encompassing, but it was ecumenical.

Lesson number two is that first and second termers, particularly those on the Armed Services Committee, need not and ought not defer to their more senior peers. There is nothing personal in this at all. It is simply that my constituents elected me to work for sensible changes now, not twenty years from now. I did not keep my views on runaway military budgets secret in Denver. There is no reason why I should keep them secret in Washington.

I am reinforced in this conclusion by the sad national experiences of recent years. If we have learned nothing else from our foreign policy and political misadventures we should at least have learned the value of debate and dissent. Muting dissonant voices is a mark of insecurity rather than strength. We need the confidence to discuss military issues without bitterness. The wisdom allegedly acquired by mere political longevity can, moreover, easily be overestimated. I doubt that experience will persuade me that it is wise to spend $350.3 million on a Safeguard ABM system that is useless in the first instance and severely limited by the SALT agreement in the second. Or $100 million on "Site Defense" which is a euphemism for the ABM system to encircle Washington, D.C., that most members thought had been scuttled a year ago. Neither is experience likely to alter my belief that the $473.5 million authorized for continued development of the B–1 manned bomber is $473.5 million wasted. One Pentagon planner said all there was to say about this weapon when he compared it to the old horse cavalry in an *Aviation Week* interview: "Once the horse was replaced by something else, they didn't go on improving horses."

If anything, experience should have taught those urging acceleration of the Trident program that it is wasteful to press forward with production of a weapon before the research and development stage has been completed. Just as wasteful as keeping four and one-third divisions in Europe in 1973 when five full divisions were thought little more than a "tripwire" a decade ago.

It is also possible for the new member to become conversant with the dominant defense issues in fairly short order due to the superb work of groups like Members of Congress for Peace Through Law, the Center for Defense Information, the Brookings Institution and SANE along with an occasional *ad hoc* committee consisting of former members of the defense community.

While it may, then, take me years to become familiar with all the acronyms and jargon in the defense lexicon—some refer to the Pentagon's vocabulary as its first real line of defense against Congressional oversight—I do believe the conclusions I reached regarding a number of pet military projects were based on solid evidence. It takes only a knowledge of recent history, for example, rather than twenty years' experience on the Hill to decide that the new super carrier, CVN–70, will become a floating war looking for a place to happen. Similarly, one can reach conclusions regarding the wasteful concurrency we have now legislated in our Trident program, the anachronistic deployment of our forces in Europe, the bloated grade structure of our three services, and the implausible "teeth to tail" ratio of our support and combat forces, without having spent a professional lifetime in the military business.

Lesson number three is that there are no panaceas when it comes to trimming procurement bills. This year, after our noses had been bloodied in every roll-call battle challenging specific weapons systems, Rep. Les Aspin, the brilliant second termer from Wisconsin and a colleague on the Armed Services Committee, introduced what somewhat uncharitably came to be called the "meatax" amendment. Notwithstanding any other provision in the legislation, the Aspin measure would have trimmed $950 million from the final authorization and required the Pentagon to return to Congress with its plan for apportioning the reduction. If Congress failed to act within thirty days, the Pentagon plan would have been deemed approved.

As a tactical maneuver the amendment had a world of appeal. By the time most weapons systems come before the Congress for major authorization, the bureaucratic trade-offs that led to their birth have long since been consummated, industrial and political constituencies have grown up behind them, and their discontinuation means a loss of jobs in cities where they are produced. The Aspin amendment skirted all these problems. It also attracted many conservative budget cutters, who would do just about anything to save money except reduce the number of times we can wipe out the world's population.

On July 31, the amendment passed the House, 242 to 163, much to the consternation of senior Armed Services Committee members who quite realistically regarded it as a vote of no confidence in their handling of this year's bill. Two months and one day later a similar effort narrowly lost in the Senate. As of this writing the Aspin amendment has died in conference. I supported the amendment as a last resort. I shall support it again, if necessary, but again as a last resort. While attractive for the reasons already discussed, the amendment is in my judgment flawed as a long-range device for reducing military costs.

First, it holds out the false promise that we will forever be able to develop new, costlier and unnecessary weapons hardware while still keeping reins on the overall size of the defense budget. This is, at best, a dubious prospect and, at worst, a signal to Pentagon planners that Congress is neither willing nor able to apply even minimal constraint to the galloping arms race.

Second, putative savings from such an approach are likely to prove illusory, even during the very session in which the measure is enacted. We are dealing, after all, with an authorization bill. The appropriation process still must follow. And each year the House Appropriations Committee can be expected to cut somewhere in the neighborhood of $1.5 billion from the amount authorized by the earlier procurement legislation. An amendment trimming any lesser amount from the authorization bill is simply an open invitation to the Appropriations Committee to conduct business as usual, appropriating such funds as it sees fit and cutting where it chooses up to its normal amount—minus, of course, what has already been cut by the amendment.

Third, the Pentagon is one of the most sophisticated, adaptable agencies in the history of American government, an agency which manages to spend more in peacetime than it does in war, which routinely converts arms limitation agreements into excuses for "emergency" weapons funding. That sort of agency is unlikely to be restrained in the long run by annual ceiling amendments. Indeed, they are likely to inspire it to build even greater quantities of lard into its annual budgetary requests.

The last lesson of my freshman year, number four, is that the annual battle in committee against excessive spending on weapons, while frustrating in the short run, should not be abandoned. Again I return to the fatalistic argument that, by the time a weapons system is presented to the Congress for meaningful consideration, the battle against it has already been lost. That is perhaps true when the incumbent Administration lines up forcefully behind the program and has as its ally an Armed Services Committee dominated by pro-military hard liners. Except when rare circumstances converge, as happened with the ABM system, building a national consensus against a particular weapons system is a difficult undertaking. Better than 60 per cent of the people nationwide are telling Mr. Gallup that we are spending too much on defense, yet only a relative handful has even formulated opinions on Trident, the B-1 or the CVN 70.

But consider what that figure may some day mean to a national administration committed to the reality as well as the rhetoric of arms control. Quietly, unspectacularly, losing a dozen battles for every victory, those who have been fighting each year's outrageous Pentagon requests have been creating a political climate conducive to meaningful reform.

While it harbors only the vaguest feelings regarding individual items in the military procurement bill, the public clearly regards the whole package as far too big. That sort of feeling will make it increasingly difficult for future national candidates to campaign on cold-war issues and increasingly easy for rational discussion of conversion and the economics of disarmament.

So I shall continue to vote against programs I consider reckless, wasteful and provocative, and to work against such programs as a junior member of the House Armed Services Committee. So, too, I shall continue to ask what the military should do, rather than what it can do. I anticipate that we'll continue to lose more arguments than we win. But should a candidate with national aspirations decide to advocate common sense in military expenditures, he is likely to find that some of the educational spadework has already been done.

FDA SHOULD ALLOW INDIVIDUAL CHOICE ON VITAMINS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. SHRIVER. Mr. Speaker, on March 22, 1973, I joined in sponsoring legislation to prohibit the Food and Drug Administration from attempts to ban sales of truthfully labeled vitamin and mineral supplements for reasons other than safety or fraud. The popular response to this bill has been tremendous, giving further evidence that the American people consider personal health actions to be a personal matter. The rightful role of the FDA is to insure the safety and truthful labeling of food supplements, not to make individual prescription decisions.

Under leave to extend my remarks, I am including in the RECORD my statement before the Public Health and Environment Subcommittee of the House Interstate and Foreign Commerce Committee regarding this legislation:

Mr. Chairman and distinguished members of the subcommittee: I appreciate having this opportunity to appear before your subcommittee today to convey the strong feelings of my constituents regarding the Food and Drug Administration's regulations on vitamin and mineral supplements.

No legislation introduced thus far in the 93rd Congress has generated such overwhelming support among my constituents in the Kansas 4th District as the bill before your subcommittee. I began receiving letters protesting the proposed FDA regulations soon after Congress convened this session, both from constituents concerned about the effect such regulations will have on their health and well-being and, just as importantly, from those who view this as just another attempt by "those bureaucrats in Washington" to rule their lives.

Here are portions from one such letter I received from a senior citizen in Wichita, Kansas. "I understand that the FDA has decided just how potent my vitamins should be, but their decision does not happen to coincide with mine. I am almost 83 years old—live alone, do all my cooking, baking, laundry and other related tasks as well as make my own decisions, and I greatly resent any bunch of nincompoops telling me what and how much I shall eat . . . For over twenty-five years I have been taking about ten times as many vitamins as the FDA thinks I should be allowed, and I am still here—going strong . . . And even if they (vitamins) were to kill why should they be prohibited when I could buy a barrel of whiskey, smoke ten packs of cigarettes a day or eat a bottle of aspirin were I so inclined—and had the money."

Another constituent has written: "I am outraged to find that the FDA has taken away my rights to decide how many and how I am to take vitamins and food supplements! Actually, I can get around this regulation by taking more individual supplements. But why, when inflation is already eating us up do I have to go to this added expense. . . . Why are they allowed this power to take away the citizen's rights and freedom of choice?"

Several important points about the impact of the proposed FDA regulations are brought out in these and other letters I have received. There is a serious question that the Recommended Daily Allowances for vitamins and minerals set by the FDA may not be based on fact. Certainly, there is a wide variation among nutrition experts regarding suggested dosages of Vitamin C. For example, Dr. Linus Pauling, winner of a Nobel prize for chemistry research, recommends a daily dosage of this vitamin at 50 times the amount prescribed by the FDA.

The regulations will have a serious effect on the health food and vitamin supplement industries and they will increase the cost and inconvenience suffered by those wishing to supplement their diets with vitamins and minerals. But, I believe the most important issue which must be settled, is whether or not we can continue to allow bureaucrats to involve themselves in every single aspect of the daily personal lives of our citizens. No one, myself included, has questioned the right, indeed, the responsibility, of the Food and Drug Administration to protest the American consumer against fraud and/or contamination. At the same time, no one, least of all the Federal Government, should question the right of the consumer to decide how much, if any, diet supplementation he wants. I do not share the view of the Food and Drug Administration to protect the is incapable of deciding what vitamin and mineral supplements he wants as long as these supplements are truthfully labeled. It is difficult to understand the alarm over vitamins and food supplements when one considers the amount of amphetamines and other across-the-counter drugs which are consumed daily by a large segment of our population.

We are fast approaching the deadline when the vitamin and mineral regulations will take effect. This is but another example of the government's attempts to overprotect American citizens and Congress must act promptly to force the Food and Drug Administration to let people decide for themselves what is best for them as individuals.

I am hoping that the Committee will give careful and complete consideration to H.R. 643 and recommend this proposed legislation for passage.

UNIVERSITIES—WHERE DO WE GO FROM HERE?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ROBISON of New York. Mr. Speaker, earlier this year I brought to the attention of the House remarks made by Dr. Hale Corson, president of Cornell University, because of the relevance they had to contemporary higher education issues. In his usual forthright and thoughtful manner, Dr. Corson spoke to the annual fall gathering of Cornell trustees and its alumni council, again raising the difficult questions which must be answered in the field of higher education.

The issues raised in Dr. Corson's speech are ones which this Congress and the Nation must confront. Because they are so well stated in Dr. Corson's remarks, I want to commend them to my colleagues for their consideration, and with the hope that they will stimulate a more aggressive search for the answers:

UNIVERSITIES—WHERE DO WE GO FROM HERE?

(By Dale R. Corson)

The topic for this session is "Universities—Where Do We Go From Here?" Let me assure you we are going to go onward and upward. You expect no less from us, and the universities are too important to do otherwise.

In the future, however things will be different for the universities of this country, including Cornell. There is no such thing as standing pat. Even if we wanted to stand pat, external forces over which we have no control would guarantee that we could not.

Right here at Cornell, we are going to see changes in our student body, in our educational offerings, in the role we play in public service and social problem-solving, and possibly most of all, in the way we are financed.

The students themselves are changing. There is medical evidence that, biologically-speaking, young people are maturing earlier. Furthermore, they have travelled—sometimes to far parts of the world. They have watched television for thousands of hours and bring with them all the information and all the value systems TV provides. Finally, their secondary school education has been at a high level. Today's typical high school graduate is more mature and more able than we have ever seen before.

Another important factor is the growing tendency to break away from the traditional pattern of direct progress from high school to four consecutive years of college and possibly straight on to graduate or professional school. More flexible arrangements are being tried. Students increasingly "stop out" of school for a time—to work, to experience a change of pace, to travel, to restore or enhance their motivation, or to sort out their educational and career objectives. We will also be placing more emphasis on adult, continuing, and mid-career education. We will reach a different audience, and we will have to stop thinking of college students exclusively in terms of an 18-to-21 year-old stereotype.

New points of emphasis are developing in what we teach and how. Ever since World War II we have seen an increasing tendency to specialize at the undergraduate level and there may now be reaction growing against such specialization. We are seeing increased effort to reduce time required for a bachelor's degree, and also to reduce the extraordinary time now required for some kinds of professional education, such as medicine.

There is new emphasis on vocational, technical and non-traditional education. The term "postsecondary education" has acquired a new vogue because of a conscious desire—in Washington and elsewhere—to place these kinds of education on an equal footing with what we think of as traditional higher education. After all, there are about 7,000 occupational institutions in the country, most of them proprietary, compared with 2,700 collegiate institutions. There is a rising belief that traditional higher education is not needed or is not wanted or is not appropriate for all the nation's young people.

We must think through the role the academy should play in dealing with social problems. As I indicated in the report, "Cornell in the Seventies," I believe universities must undertake new approaches to deal more effectively with the problems of a massive and ailing society, and we must do so without destroying the basic discipline-oriented departmental university structure which has proved productive and appropriate. Relevance to the "real" world is good for motivation. It can be good for learning, for teaching, and for research. It is more than simply a response to a perceived public need, important though this is. We need to bring to bear all the disciplines relevant to social problem-solving, whether law, history, engineering, economics, sociology or biology.

The importance of developing these new approaches, at the same time we retain and strengthen our old approaches, is especially acute at a Land-Grant institution such as Cornell. The land-grant mission requires us to employ the methods and findings of scholarship and research to meet the problems of people at large, outside the university. It is not enough to rely on our statutory colleges and our excellent programs of cooperative extension to carry out this mission: it is a mission of the entire university. We must ask ourselves what the land-grant responsibility means or should mean in this last third of the 20th century. I have appointed a faculty committee to advise me on these questions, a committee under the able chairmanship of Professor and former Provost Robert A. Plane. You will hear from him this afternoon about some of the problems and issues his committee will be studying.

Let me come now to a series of higher educational issues, all with serious financial implications. Some of them threaten the survival of much of what we value most in higher education.

ISSUE NO. 1

Can we continue to raise tuition indefinitely at a rate higher than the general inflationary rate in the economy? Do we keep doing what we do now, or something like it, keep our present quality and live with the financial consequences, or do we cut back expenses to the general inflationary rate and lose what we have come to regard as Cornell quality?

If we add 6% per year in accord with the current trend, the combined annual tuition and fees in Cornell's endowed colleges will reach $5,000 by 1981, $10,000 by 1993, and $15,000 by 2000.

Consider, however, the squeeze this puts on the university. Inflation has eroded everybody's dollar, but in higher education the rate historically is twice as great as the national inflationary trend. Princeton's President William Bowen, an economist, has developed figures showing that the average increase in cost per student per year has been more than 5% since 1905 at some typical private universities. The economy-wide cost index was rising at an average of slightly over 2% per year in this period. During the relatively normal peacetime years of 1949–66, per student costs rose 7.5% per year.

In the last half dozen years this long-term trend has overtaken the system and swamped it in crisis, even though disposable family income has increased about as fast as our tuitions have increased. Unlike industry, a university cannot hope to achieve significant offsetting increases in productivity, so where are the funds to come from to make up for the gap? Gift support has been magnificent and heartening here at Cornell, but there seems to be no prospect that it can bridge this wide a gulf.

Let me give you an example. We have a marvelous library system—one of the best in the country. It took us 70 years to reach the first million volumes, 20 years the second, 9 years the third and 6 years the fourth million. Our shelves will be filled by 1976. At the present rate we must duplicate our total capacity: Uris, Olin, Mann, Carpenter, Clark and all the others every 14 years. Right now we are filling the equivalent of one Olin Library every 8½ years. If our acquisitions continue to increase at the present rate we will be filling the equivalent of one Olin every five years by 1985, and one every two years by 1995. This requirement for facilities is on top of an increase of at least 10% per year in the cost per book. What shall we do?

ISSUE NO. 2

Should everyone in our diverse population attend a college or university? Having made the national commitment to universal access to postsecondary education, which institutions are the students going to attend and, above all, who is going to pay the bill?

Undoubtedly some can benefit more from non-collegiate forms of postsecondary education, and some simply don't wish to pursue higher education even though they may be qualified to do so.

We have, according to Kingman Brewster, too many "unwilling students" in the system now, students who are there for social or family or prestige reasons rather than from serious internal motivation. Perhaps we have overemphasized the idea that increasingly higher percentages of young people should go the collegiate route.

We have clearly established the concept of access for all as a national goal. This means that everyone should have the opportunity to participate in that type of postsecondary education which he or she is qualified for and wishes to pursue, regardless of social or economic status. The goal is socially and morally right. I believe in it. The country has taken a number of important steps toward it.

The fact is, however, that to attain this goal fully—especially with regard to providing the student with choice as to the institution he attends—will require resources far greater than the society has thus far shown itself willing to commit. It would require perhaps $2.5 billion per year, for example, to fund completely all the student financial aid programs Congress approved in principle last year. The current outlook is about a billion dollars short of that goal and even if the goal were reached, there would still be no relief in sight for the middle income family struggling with massive charges for one or more college-going children. How shall we deal with the problem?

ISSUE NO. 3

Collegiate enrollments are going to decline. This trend, which will begin toward the end of this decade, following some further growth in the interim, will result from two factors: a decline in the birthrate, and saturation of the market. The percentage of high school graduates who elect to pursue the collegiate route will have reached its practical maximum.

This is going to be hard on the institutions, both public and private, and the phrase "orderly retrenchment" is beginning to appear in discussions about long-range planning. Where there is no growth, there is sharply limited room for innovation and flexibility. All the overhead keeps on going while the income declines. Competition for students, already a serious problem of many of our smaller private colleges, will result in the demise of some—perhaps many—and could result in acrimonious confrontations between the public and private sectors.

I have heard the problem of how to stay healthy when no growth is possible described as a problem in the dynamics of the potted plant.

The situation is made more awkward by the enormous growth in the number of students pursuing higher education in the last decade. Degree-credit undergraduate enrollment in the nation's colleges and universities was about 3.5 million when I first became a dean in this institution in 1959, and is about 8.4 million now. Graduate enrollment has gone from perhaps 350,000 to about a million. Never before have we had such massive additions to our higher educational system. The State University of New York, for example, has grown from a modest array of teachers' colleges two decades ago to the largest state system in the country, enrolling 280,000 full-time equivalent students and spending from all sources, some $800 million a year for operating expenses alone. Shifting gears from this growth rate to a "steady state" situation with some decline is a major challenge for the coming decade.

How are we, and every other university, going to learn how to settle down in a "steady state" operation after a quarter century of unprecedented growth and expansion?

ISSUE NO. 4

How do we achieve a balanced and compatible dual system of public and private institutions which has proved so effective in the past?

If all the private institutions in the country were to fail because of the tax-subsidized competition of the public colleges and universities, then the taxpayers would have to pick up the added burden at a staggering cost. A reasonable ballpark estimate of the additional annual cost to public treasuries is $4 billion.

A key problem at the moment is the great and widening difference between tuition charged at the two kinds of institutions. Middle income families are strongly motivated to send their children to the public institutions; if they elect private colleges they pay twice—once through tuition charges at the private institution, and again through taxes to support the public institutions. The combination of this tuition gap and declining enrollments is potentially ruinous for the private sector. How shall we avoid such a calamity?

ISSUE NO. 5

(Followng directly from issue No. 4.) Will adequate help for private institutions be forthcoming from public sources, and if so, on what terms?

Caught as we seem to be in an inexorable squeeze between inflation and tuition charges, with looming enrollment declines and heightened competitive forces, the higher educational system has been forced to look more and more toward the possibility of increasing support from tax resources.

The outlook for adequate funding is not encouraging, despite recent increases by the State of New York in its program of aid to private institutions, and despite the elaborate array of new and expanded aid programs approved in principle last year by the U.S. Congress. The share of total State expenditures going to higher education has leveled off. The Administration in Washington has shown itself unwilling to put into effect more than a modest fraction of the programs authorized last year.

If we must accept and seek subsidy of private higher education by the public treasury, whether Federal or State, we must develop and articulate a rationale and come to some understandings about the terms. Public support can be justified—to some extent—on the social utility of the service the private sector performs. Both the individual and society-at-large benefit, if we are doing our job properly. Beyond that is the fact that a relatively small cost will keep private institutions in business, saving the far greater cost of public takeover.

We know, however, that public subvention is never without its own costs. What is it reasonable for governments to ask, in the name of the people, in return for public money? The institutions should be "accountable," we all agree, for any public money they spend, but what does that mean in practical terms? Fiscal responsibility, of course. But can our outputs be measured and compared, with rewards being allocated accordingly? Are there meaningful measures of efficiency to which we can be held? Is Cornell a less cost-effective place than the University of Buffalo? By what standards of value?

Is there an acceptable mechanism by which public funds can provide the marginal dollars to maintain the present high quality private sector and if so, will the "accountability," which the public rightfully deserves, tend to reduce private higher education to the lowest common denominator?

These are troublesome questions; we are already running into them; and there may be some head-on collisions in the future.

ISSUE NO. 6

The Federal Government has pulled the rug out from under graduate education and has slowed the pace of university-based research. Will public policy and public pressure seriously weaken the system of university research and graduate education which has been so successful?

Drastic changes in Federal policy have compounded the financial problems of the major universities such as Cornell with strong graduate and research programs. We built these programs during the 1950's and 60's to meet the Federal Government's direct requests or indirect financial stimulation. Now we are stuck with much of the machinery we created. The fluctuations in national policy have been far more rapid than the response times of a system which cherishes and depends upon long-term stability.

Federal support for graduate students has been declining steadily since 1967 as a result of a deliberate policy to cut back sharply on all Federal grant support for graduate students, and to eliminate the NSF and NIH Training Grants.

According to the Federal Interagency Committee on Education, there were 51,000 Federal Fellowships and Traineeships in 1967—the peak year. In 1973, there were about 17,000 of these awards. The NASA Fellowships have disappeared. The NSF Traineeships have disappeared. The NDEA Fellowships are disappearing. The NIH grant and fellowship support is being severely cut back. Support for graduate students under the G.I. Bill is now the largest source of Federal aid to graduate students, but this will decline soon.

There is no way the universities can make up for this lost support from their own resources. The students themselves will have to shoulder the major burden for their graduate education, implying loss of access for students fully qualified except for the money. There is a possibility that there will be a decline in the student population in those areas which the Government has in the past identified as meriting special support to serve future public needs. This situation is especially difficult for minority students, who are badly needed in the professions, and who are now receiving bachelor's degrees in ever larger numbers and are ready to take up graduate study.

As for Federal sponsorship of research and development, a report recently issued by the National Science Board shows that, when expressed in non-inflated dollars, there was a 12% decline in the period from 1968 through 1971, with a slight pickup thereafter. In basic research alone, again using constant dollar equivalents, there was a 10% decline from the 1968 peak year to 1972.

This same report also points out that U.S. expenditures on research and development are declining as a percentage of Gross National Product, going from 3.0% to 2.6% in four years. This was occurring at a time when U.S.S.R. expenditures were rising sharply (from 2.3% to 3.0% of GNP), and R. & D. expenditures in Japan and West Germany were also rising as a percentage of GNP.

Research, I need hardly remind this audience, is a vital component of the university mission, essential to the education of students in addition to its own intrinsic worth.

Not only are the deflated dollars declining, but there is a fundamental change in emphasis and attitude in the Federal Government brought about by the pressure for quick results. Mission-oriented research, seeking solutions to clearly defined problems, is dominant, while fundamental research is being cut back.

I have already pointed out the need for problem-solving interdisciplinary research, and I think we can understand the public's disenchantment with expensive research when there are no clearly evident results. What tends to be forgotten, however, is that the visible results of the future depend on the laborious and unheralded fundamental research of yesterday and today.

This point was vividly illustrated in a report commissioned by the National Science Foundation a few years ago, a report which traced such important developments as computers and the electron microscope back to the discoveries, often occurring many years earlier, which made them possible.

One of the developments used as an example is the oral contraceptive pill. The underlying discovery of hormones and the evolution of steroid chemistry trace back to the turn of the century. A series of critical discoveries in the physiology of reproduction occurred in the 1920's and 1930's, notably including some which relate directly to the inhibition of ovulation. The first manufacture of sex steroids occurred in the early 1940's. In 1952, based on all of these streams of prior effort, the direct development of "the pill" began in earnest. In 1960, the progestin-estrogen combination known as Enovid was approved by the Federal Food and Drug Administration as an oral contraceptive.

"The pill" has had a major social impact in the short dozen years it has been on the market. But I would like to draw special attention to the location of some of the laboratories where individual investigators decades ago did the fundamental research which made it all possible—the Universities of Göttingen, Wisconsin, Rochester, California at Berkeley, Penn State, Pennsylvania, Columbia, and Harvard, to name just a few.

To take another example, when I speak to groups of agriculturalists I like to point out that hybrid corn, on which so much of the Mid-West economy rests, came from those two great agricultural colleges, Harvard and Princeton.

I hope our national policy-makers will keep this sort of perspective in mind when they discuss what is "relevant" and worthy of budgetary support.

This has been an effort to frame some of the issues with which we must cope. Change on the campuses has occurred so rapidly in the recent past that we have all had difficulty in assimilating it, or in seeing it in perspective. But it is still going on, and will continue to go on, and we will continue to have trouble getting our bearings until some of the fog surrounding higher education is dispelled.

Our distinguished panelists will now start dispelling the fog.

MINORITY ADVANCEMENT AT CUMMINS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HAMILTON. Mr. Speaker, the Sunday, October 21, 1973, edition of the New York Times contained an excellent article by Marilyn Bender which reports the noteworthy progress the Cummins

Engine Co. of Columbus, Ind., has made in hiring minority executives.

Cummins is to be commended for the advances it has made in equal opportunity executive employment which are described in the following article:

BLACK EXECUTIVES IN NEW ROLE

(By Marilyn Bender)

COLUMBUS, IND.—A nearly all-white town of 27,000, famed mostly for its modern architecture and the Ku Klux Klan tradition of its environs seems an unlikely mecca for black executives hoping to rise in the corporate world.

Yet, during the last eight years, some 100 black managers and executive trainees have moved here precisely for such professional achievement, and they have come despite their apprehensions about the setting.

A black corporate middle class thus has been grafted onto a community whose nonwhite population previously consisted of about 400 unskilled, low-income people.

The newcomers were imported mostly by the town's dominant industrial employer, the Cummins Engine Company. The results have been mixed, though not always as expected.

"It's been really smooth, and the main reason is that they brought in a large number of Harvard variety," observed a newspaper editor here.

During the last year, blacks with highly regarded credentials were named to three of Cummin's corporate-officer slots—a minority representation thought to be one of the highest in American industry. These officers are:

Delmar Barnes, 45 years old, an accountant with tax expertise, who was promoted to corporate controller.

Ulric Haynes Jr., 42, a New York management consultant, bank director and member of various corporate and cultural boards, who was appointed vice president—management development.

James A. Joseph, 38, a Yale-educated clergyman and foundation director, who was named vice president—corporate action.

Also, in recent months a popular black candidate for corporation directorships, Franklin A. Thomas, president of the Bedford-Stuyvesant Corporation, New York, was elected to the Cummins board.

Cummins hired William Norman, 35, a retired Navy commander, as director of corporate responsibility and William Mays, 28, as assistant to the president.

Irma Seiferth, 32, became college relations manager and the highest ranking black female in the company. She started at Cummins eight years ago as a clerk and has no college degree.

Cummins made these appointments in a disappointing year for earnings. In 1972 the diversified engine manufacturer had a scant profit of $8.2-million on sales of $521-million. Cummins blamed a two-month strike, price controls and start-up expenses for its international expansion program. The company's sales and earnings in the first half of this year made new highs.

Cummins has avoided broadcasting its social performance for some of the same reasons as those expressed by other corporations in similar situations.

Employe relations at Cummins are already strained by rumors that the new minority members were lured by inflated salaries. Though few salaries are disclosed at Cummins, their pattern seems in line with current levels for sought-after candidates. For example, a state university M.B.A. with business experience is paid $17,000 a year. Mr. Haynes termed the rumors of bonanza pay "a national myth."

Furthermore, many companies believe publicity tends to generate lawsuits; most of the Government's equal employment opportunity cases have been instituted against companies of some size and visibility.

Then, too, J. Irwin Miller, Cummins' chairman, major stockholder (40 per cent of the common stock is owned by his family) and the town's most influential citizen, is one of the nation's more unassuming multimillionaires.

A Republican, Protestant lay leader, civil rights activist and architecture buff, Mr. Miller has consistently channeled his family's philanthropies into support for racial equality and minority development. The Cummins Engine Foundation, a corporate trust, guarantees the architectural fees for any public building in town. Among the landmarks are a library designed by I. M. Pei and a bank building by the late Eero Saarinen.

"The chairman of the board is very much a humanitarian," said Mr. Norman by way of explaining why he had left the stimulating crucible of Washington (where he was a special assistant to Adm. Elmo R. Zumwalt Jr., chief of naval operations) for this placid Indiana community. At most parties in Columbus, a guest isn't asked where he works but rather in which department.

Mr. Miller's credibility "and the very bright people at the top caused me to believe the location was a secondary factor," Mr. Norman said.

The top management of Cummins is believed to share Mr. Miller's convictions about racial equality and social justice. The company's commitment to achieving "population parity in the work force" is spelled out in the annual report. But no one pretends that the message has thoroughly seeped down to middle management.

"I'm disturbed about the placing of minorities," one white manager said. "They may not all be qualified."

Everyone at Cummins knows that Mr. Barnes' sole rival for controller was Adrienne Savage, a white woman. Mrs. Savage was openly disappointed at losing out, and she discussed the decision with top management.

"Part of the group felt it was more important to have a black at this time," she reported, "although in some other areas it was felt his strengths may have outweighed mine."

She added, "I appreciate the fact that Del called me before he accepted to ask how I would feel about it."

Acceptance of the blacks was encouraged somewhat by the corporate policy of at least surface egalitarianism. Cummins has done away with reserved parking for executives. There are no executive washrooms. And executive offices are simply open recesses along distant walls. A former warehouse contains the corporate headquarters.

For most of the black professionals their apprehensions about living in a small, Southern-minded community (the nearest cosmopolitan center, an hour's drive away, is Louisville) proved unfounded. In Columbus, they discovered, monotony is a more serious problem than racial adjustments.

One of the top black executives noted with some irony that he was unable to hire a black for domestic work. He believes the low-income resident blacks of Columbus resent the presence of the newcomers. He was able to engage a white cleaning woman easily.

The activism of some of the earlier black arrivals at Cummins erased some of the expected problems, such as finding housing.

Columbus now has an open-housing ordinance, and almost all of the new black families live tranquilly in prosperous, mostly white sections of town and countryside. The excellence of the company-donated 350-acre recreation site, Ceraland, and other public facilities has made the question of membership in this area's two country clubs not worth bothering about.

DELMAR BARNES

Delmar Barnes, the controller, came to Cummins in 1967 as manager of tax planning. When he was an Internal Revenue Service agent in Cleveland, he had happened to sit next to two of Cummins's senior officers on an airplane and discussed a football game they had all attended. Shop talk followed, and a year later an offer to join the company was made.

"I've had great rapport from the top down, and— knock wood—I've never had a people problem here," he said. Nor does he think he has reached a dead end as controller. "I harbor hope that something will open up," he said. "This company is very dynamic."

He still has reservations about Columbus though. "It's a difficult place to create a unified black experience because the numbers are so small," he said. He is a past president of the William R. Laws Foundation, through which many of the black executives have tried to upgrade the education and motivation of Columbus blacks.

But he is concerned about the loss of black identity for his two teen-age children.

"They don't identify with things black, such as music style," Mr. Barnes said. He recalled wistfully that, in his formative years in the nation's capital, he attended black as well as white theaters and music halls.

ULRIC HAYNES, JR.

"Yolande, you're too pretty for Columbus," a neighbor told the Haitian wife of Ulric Haynes Jr. In New York Yolande Haynes had been a fashion model and actress. In Columbus she blooms like an exotic flower.

The Haynes house is furnished with Museum of Modern Art furniture and African sculpture of collector's caliber. Mrs. Haynes, whose cooking is of international quality, wonders if Columbus would support a first-class restaurant if she opened one "to keep busy."

Mr. Haynes is often accompanied by his wife and their 2-year-old daughter, Alexandra, on trips across the country and abroad. The Hayneses have rented out their brownstone house in the Clinton Hills section of Brooklyn.

Sometimes I miss the exhilaration of New York, the thrill of survival," Mr. Haynes conceded. "But, then, in New York I was twice stopped by cops for jogging. In New York, a black man running is a criminal."

He was educated at Amherst and the Yale law school. He served in Africa with the State Department and the United Nations. And he has lectured at the Harvard Graduate School of Business Administration.

He said he took on management development for Cummins "corporatewide and worldwide" as a way of "marrying my business and international interests."

Mr. Haynes declined to speculate about his long range potential with Cummins.

"I'm of that generation of young executives who don't feel committed to one corporation for life," he said. "Those days are gone forever."

JAMES A. JOSEPH

James A. Joseph, vice president-corporate action, also prefers not to predict his future in the company. "I'm still adjusting to being a businessman," he said.

Between two previous positions as associate director and later as president of the Association of Foundations (comprising the company's and the Miller family's two foundations), he was chaplain of the Claremont Colleges.

"Basically, I'm interested in the use of power for social change," Mr. Joseph said. "In 1960 the arena for social change was the church and civil rights. Then the focus became the university. Now it's clear that the center of power and the source of influencing change is the multinational corporation."

One of the projects under his aegis is a reappraisal of Cummins's operations in South Africa.

"I don't see myself as president of the corporation," he said, "but then I never saw myself as vice president either. For the time being I'm committed to the corporate life."

Mr. Joseph was threatened by the Ku Klux Klan in 1965 when he worked in Mississippi with church-related civil rights groups.

"Some of my friends thought I was out of my mind to come to southern Indiana, the birthplace of the Klan," he said.

"And the John Birch Society was founded in Indianapolis," he added. "But I've never had an encounter here with the Klan. When they had a parade here in town last year, no one paid much attention."

WILLIAM MAYS

"Architecture doesn't mean anything to me and even the money wouldn't count if I thought I was going to sit here for the next 10 years," declared William Mays, who weighed the Cummins offer of presidential assistant against that from Xerox, Dow Chemical, Eli Lilly and Procter & Gamble. (He had worked at Lilly and P.&G. before returning to Indiana University to earn his M.B.A. degree.) The presence of the three black officers tipped the scale in Cummins's favor.

"I don't know of any other corporation where you can touch a black who is in a position to do something," Mr. Mays said. "Del Barnes is really the controller here. Without his signature certain things don't happen. If I'm going to be an ice breaker, I'd rather break ice from the top down, as I think a black can do here."

Mr. Mays described his job as "a training exposure position from which I will move in a year to a line position, probably in marketing or sales."

"Most blacks have a tendency to move into staff positions, but I prefer to be on the firing line," he said.

Mr. Mays is the first black to hold the prized presidential assistant's job. He acknowledges: "If I were a guy with the same ability and not black, I might not have been able to touch these strings. There's nothing particularly outstanding about me."

THE SEIFERTHS

"There's no significance to the three black officers, because blacks don't move up in this corporation," asserted Jesse Seiferth Jr.

He came to Cummins in 1965 as an executive trainee in the first wave of black recruits. He had just graduated from Tougaloo College, a black institution in his home state of Mississippi.

Irma, his wife and kindergarten sweetheart worked to put him through college. She started at Cummins as a clerk at the bottom of the hourly wage scale while he entered at the bottom of the salaried rung. "She closed the gap," Mr. Seiferth said.

His ambitions lie in finance and operations. After the initial six-month training program, he says, he "bounced from one area to another," from systems analysis to profit planning, "never getting enough responsibility and training."

Then he took a leave of absence to study for his M.B.A. while his wife kept working to support him and their two daughters. "I thought I could use my schooling as leverage," he said.

Since returning to Cummins with his master's degree in 1971, Mr. Seiferth has continued internal job-hopping. "I don't know where it's going to lead," he said.

Meanwhile, Mrs. Seiferth's career took a startling upward turn. In 1970 she asked to be admitted to a program for training hourly employes for exempt jobs. From there she advanced swiftly through the personnel department. In her current post she supervises a staff of campus recruiters and travels to leading universities to conduct interviews.

What accounts for her success? "I'm a woman," she said jokingly.

"She's in personnel," said her husband with a bitter edge in his voice. "If I had a choice again, I'd be in the non-technical side."

"There is a frustration problem for most blacks in still predominantly white companies," Mrs. Seiferth said with matter-of-fact sadness.

"You don't find any black middle manager who thinks he's ever going to be a director," Mr. Seiferth said, alluding to the highest job level below officer status.

THEODORE JONES

Houston-born Theodore Jones asks himself if his life style and training in industrial relations will hamper his upward mobility in the corporation. At 25, he has a degree in sociology from Notre Dame University and two years of personnel experience as a counselor to Cummins's factory and clerical employes.

Most of the employes are white. (Because of its location, Cummins has been far less successful in attracting minorities for its plant work force.)

Many of the employes are troubled. (Alcoholism is a problem he frequently deals with.) And many are disconcerted by having to discuss personal matters with him.

"A lot of people are up-tight about psychology—'Are you a shrink?' they ask me—and about the shoes I wear and the way I comb my hair," said Mr. Jones. His husky form is heightened by a lofty Afro and platform boots.

He said: "This company is M.B.A. and Ivy League-oriented. I don't have Ivy. Is there a possibility for me to get on the fast track, or will I be refrigerated?

"I'm beginning to think you have to buy into the whole ball game—the legitimate area with legitimate friends, the Little League and the North Christian Church. [Mr. Miller's congregation]. Or you don't make it."

PAST AND FUTURE: HUMAN RELATIONS IN ATLANTA

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. YOUNG of Georgia. Mr. Speaker, Dr. J. Randolph Taylor, the very able chairman of the Atlanta Community Relations Commission, recently made a perceptive speech on human relations in our city, past and future.

Dr. Taylor vividly described the history of Atlanta and the vitality of its people, and portrayed a major city looking to a future of continuing progress and greatness. As a clergyman who is highly sensitive to the problems of human relations in urban life, he set forth a challenge which every city faces. I agree with his conclusion that—

> Atlanta has the best opportunity of any city in the world to do a new thing, to be a new kind of city, more free and fair, more open and just.

Mr. Speaker, I submit for the RECORD the full text of this important address by Dr. Taylor to the Kiwanis Club of Atlanta on September 18, 1973:

PAST AND FUTURE: HUMAN RELATIONS IN ATLANTA

Atlanta is a community characterized by chromium and concrete, by charisma and kudzu. Its feet are firmly planted in its region and its past, yet it aspires to the stars. What is happening in Atlanta in the field of human relations—as well as in other areas of inquiry—can be understood best by reviewing our past and reflecting upon the implications for the present of the path along which we have moved as a city. If we can understand how we came to be where and who we are, we shall understand better our present identity and our future hopes.

TERMINUS

Historians tell us that this community had its beginning in 1836 and was first known as *Terminus*. The name marked the function which founded the community: it was the south-eastern terminus of the Western and Atlantic Railroad. The stake driven into the ground determining the spot for the terminus is still marked by the zero mile post in Underground Atlanta. In 1837, one year after its founding, engineer Stephen H. Long remarked: "The Terminus will be a good location for one tavern, a blacksmith shop, a grocery store and nothing else." His prediction seemed sound enough at the time, for there was no particular reason to expect growth. There were no natural characteristics, like bays or rivers or land promontories, which predetermined that the community should be built where it was.

It was the determination of men and women which founded the community at a spot where train lines could intersect going North and South, East and West. It was just far enough below the Appalachian mountain range to make tunneling unnecessary. It was built on convenience. Following the railroads, came the highways and then the interstates. Along with them came the air routes forming here a hub for the Southeast.

We were a town characterized from the beginning by convenience, by accessibility, by movement. We are still Terminus. We live as a community by being convenient, open, accessible, in motion. This means that we need constantly to plan ahead for those things which enable Terminus to function and flourish and grow. When we are confronted with long and difficult holding patterns over Hartsfield International Airport or on the downtown connector, this is not simply a minor problem of inconvenience; it is an issue of life and death for us as a city.

This characteristic of life from our past is part of the picture of human relations in Atlanta. We are still Terminus, and into Terminus have come, as to a magnet, a tremendous variety of people who have been unfamiliar with the taste of urban life—people from the fields of Alabama, from the crossroads communities of south and north Georgia; people from the small towns of South Carolina and Tennessee, from the villages of Ohio and West Virginia, from the diminishing mill towns of the industrial East. Life in Terminus has been characterized for many by pressure, rootlessness, transiency, powerlessness, frustration.

Life in the cloverleaf patterns of Terminus demands major adjustment. Its movement and pressure seem normal to those who are riding along the expressway lanes but, to those standing on the side or seeking to get in, the pace and possibilities seem dizzying. Crowded into and around the magnet of Terminus, there is a built-in frustration that decisions are being made over which one has no control. Dependent upon the commerce and convenience of the community, one nonetheless feels held outside, restrained along lines of race or class or income or language or age. Human relations in Atlanta today are complicated by the very nature of what it means to be Terminus. It focuses upon the difficulty of adjustment for newly urbanized people who by moving into the metropolitan network of Terminus have experienced the breakdown of family patterns, of rootage in the land, of the constraints of community. This has the effect of disintegrating community as well as personality.

This, then, is one of the givens which we share in our corporate life as Atlantans.

From the zero mile post to MARTA, we are still Terminus. The very success of Atlanta as Terminus results in the rising complexity of community relations. The more we succeed, the more we have the possibility of failing.

MARTHASVILLE

Terminus, however, is only part of our past. That functional name seemed unimaginative to our ancestors and, in 1843, they changed the name of the community to Marthasville. Martha, for whom we were named, was the young daughter of former Governor Wilson Lumpkin. He was a booster of the Western and Atlantic Railroad, and, to honor him, they honored his young daughter. It was a warm, personal, familial thing to do, and characteristic of the community which was emerging.

While we did not bear that name long, it is important to remember that we are still Marthasville. We continue to be marked by a personal and family orientation and we are still, even in the late 20th century, a city for the young. This is still Martha's city. In a very real sense it belongs to her. She may be Black or White; she may be a girl or a boy; she may be named Martha or Martin—the important thing is that she is still a major concern for us as a community. As interested as we are in seeing Terminus boom, we are not willing to let its commerce run over Martha. For this is her city.

When you pick up a child you pick up the whole community. We have found that at the church which I serve as pastor. When you pick up a child in a sick baby clinic, the whole community comes up with her. Where does she live and under what circumstances? How many others are there in her family and do they all get something to eat at mealtimes? Where does her father and/or her mother work? Where does Martha have an opportunity to go to school and what kind of education is she likely to get there? How is Martha treated by her elders—teachers, citizens, police officers, public officials? What job opportunities are open to her upon graduation? What doors are open to her so that Martha may own a part of the life of her city and mark it with her own contribution as though the place were named for her?

There is no way of understanding Atlanta without reading into it this orientation toward Martha. Atlanta University was founded here in 1867; Morehouse College began that same year in Augusta and ten years later moved to this city; Clark College was founded in 1869; Spelman College and Morris Brown were established in 1881; the Georgia School (later Institute) of Technology was founded in 1888; Agnes Scott was first known as the Decatur Female Seminary, which opened its doors in 1889; Emory University moved in from Oxford, Georgia in 1915; Oglethorpe was re-established here in 1916; the Atlanta Division of the University of Georgia became Georgia State College of Business Administration in 1955 and its emergence as Georgia State University, along with the public colleges which feed into it, is reshaping our educational life and a part of our city. All of these are appropriately understood as a part of Marthasville.

The Marthasville quality of Atlanta helps to explain a variety of aspects of our corporate life—such as the De Give and Kimball Opera Halls in the 19th century and the Memorial Arts Center in the 20th; Peachtree Street; the Carnegie Library; the first public housing units in the nation at Techwood Homes; the varied history of "Tight Squeeze"; the sentimental feelings about the Atlanta Crackers and their major league successors in a variety of sports; the reclamation of Underground Atlanta; the rise of Rich's, perhaps; and the feelings in the inner city and in the patterns of white flight concerning the importance of the schools.

This Marthasville quality also gives us a point of focus in the field of human relations. The issues which confront us in this city are, in a very real sense, Martha's issues. Take, for example, the issue of the public schools. The issue joined here is not really busing nor neighborhood schools nor administrative personnel nor legal opinions nor community compromises—the basic issue is Martha. What about her? She should be able to experience and know and feel that this is her city, as though the place were named for her. That is why the schools are important, for it is through the schools primarily—along with the home—that we have the opportunity of giving to Martha a more open and more just community than we have given her in the past, a community whose future she can call her own.

As important as it is for us to fulfill the function of Terminus, we are not able nor willing to remove from our memory that we are also Marthasville. That gives us an effective point of focus in the matter of community relations.

ATLANTA

In 1845, we became *Atlanta*. The name was originally coined by J. Edgar Thompson, chief engineer of the Georgia Railroad. It is the feminine form of Atlantic and, no doubt, is traceable to that original Western and Atlantic Railroad. It is also the feminine form of the name Atlantis and reminds us of the mythical island Atlantis, that great kingdom under the sea that continues to conjure up imaginative stories about greatness and world-wide significance. Its root word is Atlas, the Greek symbol of support for the heavens and the earth. Imagine that! In 1845, a little community of 250 residents named themselves Atlanta! That is a classic symbol for aspiration, for ambition, for aggressiveness.

The little community had grown by 1847 to the place where it was chartered as a city by the State legislature, and it is this date which we recall as our date of birth. In 1850, there were 2,572 residents—a growth of 1,000% in half a decade. In 1860, there were 9,554; and then came the Civil War. The town was captured in 1864 and on November 15 of that year in recognition of its strategic importance to the transportation and economy of the South, General William T. Sherman's troops burned the city to the ground. On the following morning, as General Sherman mounted his horse and prepared to march to the sea, Captain Orlando M. Poe informed him: "the city of Atlanta has ceased to exist." That assessment was accurate except for the ideas resident in the symbols of Terminus, Marthasville and Atlanta. In December of that year, a writer in the *Atlanta Intelligencer* concluded a description of the devastation with the significant words: "Let us look now to the future!"

That was the spirit of Atlanta that has expressed itself in the recurrent theme of "Resurgens". The qualities of aspiration, ambition and aggressiveness asserted themselves once more. A Boston correspondent reported in 1865 on Atlanta's busy streets which, he said, were alive from morning until night with drays, carts, wheelbarrows, wagons, hauling teams, shouting men loads of lumber and brick and sand, piles of furniture and boxes. "Chicago in her busiest days could scarcely show such a sight as clamors for observation here. Every horse and mule and wagon is in active use. The four railroads centering here groan with the freight and passenger traffic, yet are unable to meet the demand of the nervous and palpitating city." He characterized the city as "not sitting in the supreme ease of settled pause, but standing in the nervous tension of expected movement."

That stance "in the nervous tension of expected movement" is both the description and the explanation of Atlanta. By 1870 the city had become the capital of the State and its population had grown to 21,789. By 1890 it had grown to over 75,000, and that trend of growth has continued up to today. It has not happened by accident. It has happened by the characteristics which are gathered in its name. In the 1880's, a writer in *Harper's Monthly* had commented: "Atlanta is less peculiar and picturesque in its characteristics than any other town in the South. She looks to me more like a Western town, since her newness and enterprise hardly affiliate her with Augusta, Savannah, Mobile, and the rest of the sleepy cotton markets whose growth, if they have had any, is imperceptible, and whose pulse beats are only a faint flutter."

The period since then has been marked by such ambitious evidences of aspiration as the International Expositions of the late 19th century; the Forward Atlanta programs of the 1920's and the 1960's; the aggressive search from industry, air routes, commerce, conventions and computerized communications; the bold and slightly premature assertions of "a new, international city" and of "the world's next great city."

We have a remarkable and often recorded capacity to build out of the rubble of the past, to take something that is as insignificant as a small idea and make of it an empire. How else explain Henry Grady and the slogans of the New South; or Joel Chandler Harris and the legends of the furry critters; or Margaret Mitchell and her long novel; or Coca-Cola; or Peachtree Center; or that classic of aspiring titles: the Omni?

This quality of aggressiveness is the key to this city's hopes in the field of human relations. It is also a sign of our city's youth. Its youth is in part what makes it a new kind of city. While we are grateful for our age and for 126 years of life and growth, we should be equally grateful for our youth and for the fact that our historical roots go no further back than they do. For this means that Atlanta is young enough to have missed the worst scars of the past and is a new kind of city born after the bitterly unjust and insidious experience of bondage and slavery. It also means that Atlanta continues to think young, young enough to learn from other and older cities.

Atlanta needs—for the sake of its future, of its region and of its nation—to apply its aspirations and aggressiveness to the area of human relations. It must further the kind of insight which Charles Morgan, of ACLU, expressed in referring to Atlanta as "the Center of the rational South." It must understand the insight of Julian Bond, who said, "Atlanta is not as good as we all say, but it's pretty good!" It must foster the discernment of Dr. Benjamin Mays, who wrote in his book *Born to Rebel:* "I have never been able to sing 'Dixie.' I cannot sing 'Dixie' because to me Dixie means all the segregation, discrimination, exploitation, brutality, and lynchings endured for centuries by black people. . . . But if Dixie were Atlanta or Atlanta were Dixie, I could sing 'Dixie'. . . . As long as Atlanta struggles toward the dream, I can sing Atlanta."

We need to sing Atlanta and to be grateful that we have here a new kind of city, born with its eyes toward the future, conscious that it is at one and the same time Terminus and Marthasville and Atlanta, and not losing sight of any part of that three-dimensional community.

The hope of human relations in Atlanta is that we are going to work together because we have got to work together. Our metropolitan area is not peopled by citizens who want Atlanta to fail, but if we are to succeed we must give ourselves ambitiously in the field of interpersonal community concerns. I have become convinced that things change in the human community when the right and the profitable coincide. Most people do not change attitudes and behavior just because something is right. Saints will do the right thing no matter what the cost, but not a whole city.

At the same time, most people do not change and do things just because something pays. Thieves will do what pays even if it breaks all laws of right and wrong, but not a whole city. The city—and that means those of us who are part of it—lives somewhere between the saint and the thief. When a thing is right and when it pays, the human community is willing to make massive changes. Examples of that are to be found in our recent past in such experiences as the opening up of restaurants and public accommodations, the need and use of public transportation, the openness of job opportunities. To live together as good neighbors has become the most important necessity for our future survival and growth and prosperity.

It is important that Atlanta still strive to be a new kind of city, understanding that we are a crossroads (Terminus) made up of people (Marthasville) who aspire to the stars (Atlanta). Atlanta must strive to be a new kind of city which understands a new thing about itself. It must be new not simply in terms of its towers and its advertising, but new in terms of its schools and its streets as well; not only new in its ambition for international air routes, but new also in its ambition for interpersonal relationships; not simply new in its emphasis upon news media, but new in its emphasis upon neighborhoods. It must be a new kind of city, capturing the insight of that citizen of Atlanta and of the world, Dr. Martin Luther King, Jr., becoming a place where men and women "will be judged not by the color of their skin, but by the content of their character." Not to sense and seize upon that is to sell our birthright for a mess of cement pottage.

Today, Atlanta has the best opportunity of any city in the world to do a new thing, to be a new kind of city, more free and fair, more open and just. Our history gives us the points of reference, but gives us no guarantees. We have a chance here in Atlanta in the field of human relations, but it is only a chance and that means that if we want it, we are going to have to take it. Like the Atlantans who smelled the odor of charred wood in 1864, our word to one another today is: "Let us look now to the future!"

CRAVING FOR LIBERTY AND FREEDOM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BIAGGI. Mr. Speaker, on October 28 we celebrated the 51st anniversary of the establishment of the independent Republic of Czechoslovakia which at that time comprised Bohemia, Moravia, Slovakia, and Ruthenia.

Yet the history of independence for the Czechoslovakian nation has been short lived. It only took 30 years before a bloodless coup on February 23–25, 1948, resulted in a complete Communist seizure of the Czech nation.

Yet the spirit and craving for liberty and freedom among the Czech people has remained strong throughout the years. Yet, as strong as these feelings are, the ruthless suppressionary powers of the Communist rulers in this nation have emerged victorious time and time again.

A stark example was in 1968 when a developing reform movement in Czechoslovakia, in existence for less than a year, was ended abruptly when tanks and troops of the Warsaw Pact led by Russian soldiers crushed the movement and tightened their hold over the Czech people.

The courage and determination of the Czech people to resist the yoke of oppression throughout its 50 troubled years has deeply impressed the world. And in the year 1973, there are signs that there may finally be some thawing in the Soviet's treatment of Czechoslovakia.

Yet for many in Czechoslovakia, the continuing struggle for basic freedoms still clouds their celebration of Czech Independence Day. Let us hope that with the apparent emerging détente policy between the Soviet Union and the United States, the welfare of the people of Czechoslovakia will be improved. So this should be the goal that we should address ourselves in the coming year, let us strive for the day when the Czech people can truly begin celebrating their independence day.

THE WAR POWERS BILL

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. REID. Mr. Speaker, I am inserting in the Record two excellent articles by our colleagues, the gentleman from Minnesota (Mr. Fraser) and the gentleman from Wisconsin (Mr. Aspin) expressing support for overriding President Nixon's veto of the War Powers bill.

Both of these articles address themselves specifically to constitutional and other reservations held by a number of liberals in the House.

Mr. Fraser, writing in this week's New Republic magazine, answers an editorial which appeared in that publication last week, pointing out both factual and conceptual errors and setting the record straight on exactly what this bill would do.

Mr. Aspin's article, which appeared in this morning's Washington Post, also attempts to dispel the fear of some that the War Powers bill would increase, not limit, the President's warmaking powers.

Mr. Speaker, the House has a real chance to override this veto and to remind not only this President but future Presidents that it is Congress, not the Executive, which has the power to declare war. This bill provides the necessary machinery to enable Congress to accept and carry out that duty, including the provision that a single Member can introduce a resolution which must be considered by either House on a privileged basis.

I commend these two articles to the attention of my colleagues:

War Powers Bill—The Veto Is Wrong

(By Donald M. Fraser)

A socialist orator is supposed to have once said that "while yesterday we stood at the edge of a precipice, today, thanks to the Socialists, we have taken a step ahead." Apparently the editors of *The New Republic* believe that the enactment of the war powers bill would be such a step. In "A Bad War Powers Bill," (October 27 issue) they contend that this measure "defeats its own purpose" and that it would somehow expand the President's authority to draw us into new wars. Mr. Nixon, for his own reasons, vetoed the bill.

As a member of the conference committee that approved the war powers bill, I feel that *The New Republic* seriously misinterprets this unique legislation. It does place important new restrictions on the President's warmaking power: first, he must consult with Congress before introducing US armed forces into any hostilities; second, he must provide a full report to Congress within 48 hours after taking such action; third, he must withdraw troops within 60 days if Congress has not expressly authorized continued US military involvement (a 30-day extension is permitted if the safety of the troops requires it); fourth, he must immediately withdraw troops if Congress mandates it through a concurrent resolution, a measure which does not require a presidential signature.

This bill does not expand the President's authority. It states that none of its provisions shall be construed as granting any authority to the President "which he would not have had" in the absence of the bill.

The first section simply recites the constitutional powers of the President to introduce armed forces into hostilities when 1) war has been declared, 2) a specific statutory authorization is on the books, and 3) a national emergency is created "by attack on the United States, its territories or possessions, or its armed forces." Despite the clarity of this language *The New Republic* sees loopholes where none exist.

The editorial maintains that an attack on the armed forces anywhere gives the President authority to act. But this interpretation ignores the words "national emergency." As I pointed out on the floor of the House, an attack on an isolated unit of armed forces does not constitute a national emergency. The 1964 PT boat attack on destroyers in the Gulf of Tonkin could not be considered a national emergency. A nuclear attack on the Sixth Fleet clearly would.

Curiously the editors contend that there is no restraint on the President's authority to use US troops to rescue American citizens abroad. But we recite the President's powers in the bill and rescuing US citizens is not one of them. Such a provision was included in the Senate bill but was dropped in conference.

The editorial is flatly wrong in claiming that the bill would allow the President to commit troops under treaties that have been ratified. Exactly the opposite is true. The bill says that such authority shall *not* be inferred from any existing or prospective treaty, unless there is *legislation in addition* that specifically authorizes the President to commit troops.

Finally, *TNR* ignores a key provision that gives Congress authority to mandate military disengagement at any time. The constitutionality of this provision has been questioned but this new authority would clearly operate as a powerful restraint on any President.

In large part the war powers bill is significant as a political document rather than as a legal statement. Sen. Fulbright emphasized this in urging support for the final bill, having opposed the Senate version.

Legal restraints on the President have proved to be ineffective during the last 25 years, as *The New Republic* correctly points out. Most conferees accepted this fact acknowledging that the President may continue to ignore statutory limitations even if the war powers bill were to become law. We recognize that the President might have the power to use military power beyond the territorial limits of the United States, but the question of his authority would emerge as a clearly defined issue. Congress could call him to account under the terms of this bill. That point is emphasized by Harvard law professor Roger Fisher in a recent letter to some House members urging them to override the President's veto: ". . . the political restraints that the resolution establishes should far outweigh any effect of opening the door. The door now, unfortunately, is wide open. Speeches on the floor of the House are likely to be a less effective way of closing it than are the procedural requirements of the joint resolution. The requirements of reporting to Congress and the necessity of a congressional debate should cast their shadow forward and operate as an appreciable deterrent. Everyone knows the purpose of the resolution and the mood of the Congress which adopted it. Its political impact on a future President will be a reflection of these items, not the result of intricate legalistic arguments from language."

If Congress fails to override the veto, we will have lost an opportunity to restrain growing presidential usurpation of Congress' war-making responsibilities. To leave the President unrestrained is to take inordinate risks with our democratic system.

THE WAR POWERS VETO

(By LES ASPIN)

On November 5, 1964, Assistant Secretary of State William Bundy wrote a paper on how to handle world and public opinion if the President decided to escalate the war in Vietnam. He didn't expect it to be hard:

"Congress must be consulted before any major action perhaps only by notification, . . . but preferably by talks with . . . key leaders . . . We probably do not need additional congressional authority even if we decide on very strong action . . . A Presidential statement with the rationale for action is high on any check list. An intervening fairly strong presidential noise to prepare a climate for an action statement is probably indicated and would be important . . ."

Had the War Powers Resolution then been law, Bundy would not have been able to dismiss congressional and public opinion quite so easily.

Next week the House will vote on whether to override Mr. Nixon's veto of the compromise bill which requires that the President consult with Congress before committing U.S. forces to hostilities abroad and report to Congress within 48 hours his reasons for doing so. At the end of 60 days, he must withdraw American forces unless Congress votes to allow him to continue the commitment. The deadline could be extended for up to 30 days to permit the safe withdrawal of the troops.

The criticism of the measure from the right is predictable enough. It was summed up in the President's veto message by his (inaccurate) claim that the bill was unconstitutional and deprived the President of the powers necessary to act decisively in times of crisis. In fact the bill's intent is simply to restore to Congress a little of the share in the war-making process with which the Framers endowed it and which successive Presidents have since arrogated to themselves.

The events of the last week, which the President himself described as the greatest international crisis since 1962, give the lie to his objections to the bill. Had the War Powers Resolution already been law, it would not have prevented Mr. Nixon from replenishing Israel's supplies, and it would not have prevented him from calling a worldwide alert of U.S. forces as he did at 3 a.m. on Thursday morning. It would not have stopped him from sending any of the firm notes he says he sent to Mr. Brezhnev; it would have done nothing to limit the scope of the diplomatic triumph he says he achieved. It would have meant simply that, had he decided to commit the alerted troops, he would have had to explain his actions rather more fully than Secretary Kissinger chose to do on Thursday.

The liberal objections to the bill are more serious and more complicated. They are, first that the bill will actually extend the President's warmaking powers, giving him authority he does not now possess to make war anywhere in the world for 60 days and second that even then Congress is most unlikely to stop him. It is said that the President will identify the struggle with flag and with honor and that Congress will almost inevitably rubber-stamp it.

Both these objections carry weight—the bill is far from perfect. But they ignore not only that the President already acts thus, whether he has the legal authority or not, and that Congress is already a rubber-stamp. They also miss the less obvious but more fundamental benefit of this bill. Besides its direct impacts (the 48 hour report, the 60 day approval, etc) which do have drawbacks, the bill will have an indirect effect which is altogether beneficial. This is in the enormous impact which it will have on the decision-making process of the executive branch.

When the President considers sending troops into hostilities—even in support of a treaty commitment or to defend U.S. forces—he and his advisers will know that an affirmative decision will provoke an intense debate which, unlike today, will focus on a concrete decision to be made by Congress within 60 days. Congressmen will hold hearings, editorial writers will write editorials, columnists will construct columns, Meet the Press and Face the Nation will cross-question government spokesmen, there will be network specials, demonstrators will demonstrate, and most important, constituents will write mail—telling congressmen whether they should say yea or nay to the President's action. This foreknowledge is bound to strengthen the hand of those in the President's council who might otherwise find it more politic to muffle their dissents.

Congress' ultimate verdict is not the most important factor. What is important is that the President and the men around him will know before he takes his decision that the scrutiny of his policy is likely to be far more consistent and purposeful than it is today. He will be much less inclined than he is today to embark upon an adventure unless he has a very good case to support it.

The real point about the War Powers bill is not that it gives the President power to go to war for 60 days (his lack of that power now doesn't limit him) nor is it that Congress is likely to force him to pull the troops out (it may well not). The bill's value, which far outweighs these defects, is that it will force the President to consider very carefully what is in store for him if he decides to make war. This is so because there will be a solid, practical reason for his more cautious counsellors to present him in advance with the arguments he will have to answer within 60 days.

The Pentagon Papers demonstrate how anxious the Johnson administration was to avoid a great national debate on its Vietnam policy. The War Powers bill not only guarantees that there will be such a debate, it will also compel the President to take public opinion into serious account when he makes his decision. In fact, it may well be not so much the debate itself but the agonizing prospect of it that will act as the most effective check on the President's warmaking. A President who rejects the bill does so only because he is concerned that his case for making war might not always be very convincing.

CAN WE TRUST OUR PRESIDENT?

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, the question of whether we can trust the President is on the lips of many Americans, especially since the events of October 20.

When he says he will do something, will he do it? Or will he reverse himself at his own convenience? A spokesman for many of the Nation's teachers writes to Mr. Nixon asking him how he expects a teacher to impart the ethical and moral standards of a decent person when the President lies. Telegrams and letters pour into the Capitol at unheard-of rates demanding by an overwhelming majority that the President resign or be impeached. An editorial in Monday's Boston Globe asks the same:

A QUESTION OF TRUST

A week ago today in this space The Globe was compelled, because of the grave constitutional crisis in this nation, to call for the resignation of President Richard M. Nixon.

The events of the intervening week have served only to confirm that the national interest would be best served by such a course of action.

On Monday morning, on national television, Charles Alan Wright, the President's attorney for the Watergate matters, stood resolute in the view that the White House tapes should not be available to the court. Six hours later, the same Mr. Wright was in court offering the tapes on behalf of the President. His appearance represented a precipitous reversal by the President of a principle on which for months he had been staking his own credibility.

Then on Tuesday, former Attorney General Elliot Richardson held a press conference which White House aides had expected would help their beleaguered leader. But Mr. Richardson said that his resignation was based on the threat posed by the President to the integrity of the Watergate investigation, a matter more important to him than his admitted loyalty, respect and appreciation for the President.

On each of the next two days, Wednesday and Thursday, the White House announced that the President would appear on national television during the evening to report to the nation. Both events were canceled.

And on Friday night, when the President finally made his twice-postponed television appearance, he revealed the historic confrontation with the Soviet Union that by his own terms paralleled earlier confrontations between the superpowers which were supposed to have become obsolete after detente.

But of all the week's occurrences which continued to erode the public's confidence in the President's ability to govern, none was more devastating than the press conference itself.

During the course of the 38-minute confrontation with the press and the nation, Mr. Nixon:

Guaranteed a new crisis with the Congress by his unwillingness to accept a special prosecutor with the degree of independence the entire nation thought he had provided to Archibald Cox.

Tried to soften the impact of Elliot Richardson's resignation by asserting contrary to Mr. Richardson's own words that the former Attorney General had approved the compromise plan on the tapes supported by the President.

Repeatedly returned to the Mideast as evidence of his ability to govern despite the suggestion by Secretary of State Kissinger that Mr. Nixon's crisis of authority at home may have contributed to creating the crisis abroad.

Justified his friend Charles "Bebe" Rebozo's actions in connection with the receipt of $100,000 in cash from Howard Hughes and its retention for three years with an explanation which, by his own admission. sounded "incredible to many people."

Unleashed an attack on the press, particularly the electronic media, which can be most appropriately described by the same words he used in his attack: outrageous, hysterical and distorted.

Despite his overwhelming electoral majority less than one year ago, Mr. Nixon has lost the trust and confidence of the American people to such a degree as to make it a disservice for him to continue in office.

He asks us to believe his assertions that only he can handle international affairs after he brings us to the brink of war. The Russians have denied the severity of the crisis and Mr. Nixon's credibility is so low that he had to publicly humiliate Mr. Brezhnev to try to convince the American people that he had done the right thing.

He asks us to believe that he will cooperate with a new special prosecutor even though he broke the same promise before.

He asks us to believe that the press is venal four months after he publicly praised the media for uncovering Watergate.

He asks us to believe that he is cool when the going is tough while he is unable to control his own pique during a nationally televised press conference.

The suggestion from constitutional law scholars such as Harvard professors Paul Freund and Raoul Berger that Congress could call a special presidential election next year if the Presidency was vacated may provide the avenue to restore both confidence in our institutions and the national spirit.

The Gallup Poll now reports that more people favor impeachment than approve of the President's performance in office. And the President has estranged himself from the press, the one institution through which he might be able to communicate a reassuring pattern of activity over the coming days.

For himself, and for the country which he so dearly loves, the President must resign.

FIRST NEW HAMPSHIRE REGIMENT IS ACTIVATED

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CLEVELAND. Mr. Speaker, the men of New Hampshire fought long and well in the American Revolution, earning an honored place in history which deserves recognition as we lead up to observation of our National Bicentennial.

Their dedication to freedom and willingness to fight for it, embodied in our State motto, "Live Free or Die," was exemplified by the 1st New Hampshire Regiment.

Formed in 1775, the regiment reinforced colonial forces at Bunker Hill and served in many of the principal engagements of the war, including those at Trenton, Princeton, Saratoga, Bennington, and Yorktown, where General Cornwallis surrendered his British forces to George Washington.

Unlike the 2d and 3d New Hampshire Regiments, the 1st remained intact throughout the war, and some research indicates that it was not deactivated until 1784 when the last British finally left New York.

I wish to inform my colleagues that this distinguished regiment has been reactivated and headquartered in Nashua, and already numbers more than 75 members from some 20 communities, some of whose forebears served with the original regiment. They will be commemorating the regiment's contribution to the War of Independence in observances in connection with the 1976 Bicentennial, including participation in reenactment of the Battle of Bunker Hill.

In addition, they have begun assembling a small library which they have plans to expand, and hope to build a museum with the objective of stimulating historical research into and public awareness of the role of the regiment and the life of the times.

The following proclamation of the unit's reactivation, signed by myself and the other members of the New Hampshire delegation, was drafted by Adj. Joseph P. David of Nashua on the basis of documents of the period:

A PROCLAMATION

To the Delegates of the United Colonies of New-Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the Counties of New Castle and Sussex *on* Delaware, Maryland, Virginia, South Carolina *and* Georgia, *to the People of New-Hampshire, Gentlemen, Greetings:*

Whereas the people of New-Hampshire were eagerly disposed to fight the oppression of His Britannic Majesty, George III, King of Great Britain, and

Whereas it is fully documented and proven that the people of New-Hampshire did raise a Regiment before the Enemy at Bunker Hill under the Command of New-Hampshire's John Stark, and

Whereas it was the pleasure of The Honorable Council and House of Representatives for New-Hampshire in General Court assembled to declare and proclaim that the forces assembled before Bunker Hill under John Stark to defend Liberty and Freedom against the Enemy be designated as the First Regiment in New-Hampshire for the Defense of America, and

Whereas, the First New-Hampshire Regiment served the United Colonies of North America with one of the longest and most honorable service records of any Regiment in the American Revolution, and

Whereas the people of New-Hampshire are still favorable disposed to the Spirit of Liberty and Freedom.

Now therefore be it known that we repose especial Trust and Confidence in the Patriotism, Valor, Conduct and Fidelity, and Do by these Presents constitute, appoint, proclaim and commission Herbert M. Surette of *Hudson*, Joseph P. David of *Nashua*, Russell S. Aiken, Jr. *of Manchester*, Raymond E. Atkinson *of Nashua*, to re-activate The First New-Hampshire Regiment in the Army of the United Colonies, raised for the Defense of American Liberty and for repelling every hostile Invasion thereof. They are to carefully and diligently discharge their Duty to the First New-Hampshire Regiment to do and perform all Manner of Things thereunto belonging. And we do strictly charge & require all Officers & Soldiers under the First New-Hampshire Regiment to be obedient to their Officers. They shall observe & follow such Orders and Directions from Time to Time as they shall receive from the Congress of these United Colonies or Committee of Congress for that Purpose appointed or the Commander in chief for the Time being of the Army of the United Colonies, or any other superior Officer, according to the Rules & Discipline of War in pursuance of the Trust reposed in them; and

Be it known that the Subscribers proclaim that the aforementioned may seek and recruit all Able-bodied men within the Colonies to prevent this Country from being ravaged and enslaved by Our cruel and unnatural Enemy, George III. King of Great Britain.

Done in the City of Washington, The District of Columbia this twenty-second day of September in the Year of Our Lord One-Thousand-Nine-Hundred and Seventy Three and In The Year of Our Independence The One-Hundredth and Ninety-Seventh.

NORRIS COTTON,
Senator.
THOMAS J. MCINTYRE,
Senator.
JAMES C. CLEVELAND,
Member of Congress.
LOUIS C. WYMAN,
Member of Congress.

ACLU MAKES ALL-OUT EFFORT TO PUSH LEGAL SERVICES

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BLACKBURN. Mr. Speaker, earlier this year, the House passed the legal services bill which placed restraints upon the activities of Legal Services attorneys.

The Senate Committee on Education and Public Welfare has reported a very loosely drawn legal services bill. One group which is making a determined effort to enact a Legal Services Corporation is the American Civil Liberties Union.

At this time, I would like to insert an article from the October 13, 1973, issue of Human Events for my colleagues' attention:

[From Human Events, Oct. 13, 1973]

ACLU MAKES ALL-OUT EFFORT TO PUSH LEGAL SERVICES

The left-wing American Civil Liberties Union, which last week began a campaign to impeach President Nixon for the Administration's secret bombings in Cambodia and the creation of the White House's "plumbers" operation, is also making a determined effort to enact a Legal Services Corporation run by extremist anti-poverty attorneys (see cover story).

Just prior to the Senate's scheduled discussion of the legal services bill this week, ACLU members received a letter from the organization's Washington director, Charles Morgan. Arguing on behalf of a corporation with virtually no restrictions on militant legal activists, Morgan wrote that ACLU supporters should begin bombarding their senators, the President and the attorney general for the purpose of enacting a corporation "purged of all the restraints" against the activities of legal services attorneys written into the House bill.

According to Morgan's letter, the ACLU believes attorneys subsidized by the federal corporation should be permitted to get involved in cases involving busing, abortion, draft evasion, boycotts, strikes, lobbying, and virtually all projects cherished by the militant left. Condemning restraints on legal services attorneys, Morgan also urges the Senate to fund legal services "back-up" centers, even though these centers have proven to be a haven for left-wing activists.

"As you know," writes Morgan, "the legal services program—whose 2,500 lawyers have been serving some 1.2 million poor people per year through 900 offices in some 300 communities—has been under severe attack from the White House.

"As you also know, the White House and its allies succeeded last June in passing a bill to create a new Legal Services Corporation. That bill, HR 7824, came to the House floor on June 21 in acceptable form (it was far from ideal, but it was liveable). When the House was through with the bill, after 11 hours of vicious, mean-spirited debate, the bill was so ravaged that its enactment would be worse than no program at all."

Now, says Morgan, the focus has moved to the Senate where a "better bill" can be expected, but the Senate must pass an "outstanding bill." Otherwise, when the Senate and the House meet to iron out the final bill in a conference, "there will be nothing to compromise on; the regressive bill will result."

The ACLU, stressed Morgan, "is making the proposed Legal Services Corporation a major legislative goal for the immediate future. We are part of a coalition, called Action for Legal Rights (ALR), working full time to press Congress to fulfill its responsibility. . . ."

Morgan urges ACLU's members and supporters "to flood their senators with demands for passage of a strong legal services bill. Wherever possible, your personal interest should be communicated to your senators.

"It will also help for you to see that your representatives are pressed to reconsider HR 7824 and produce a decent bill. Your representatives should also be urged to instruct House delegates to that Conference Committee to drop all the regressive amendments.

"Senators should be contacted by you, your groups, and by public officials, bar leaders, party officials, labor unions, churches and individual campaign contributors. Urge your local papers to write strong editorials. No effort should be spared."

Ironically, says Morgan, the Watergate scandal seems to be helping the entire effort to get a liberal bill. The "new attorney general"—Elliot Richardson—"says he is committed to an effective program. Likewise, President Nixon has new legal counsel [obviously Len Garment]; some of them, too, acknowledged America's obligation to equal justice. Further, the new head of OEO has promised not to destroy legal services, which was the announced goal of his predecessor."

Thus, argues Morgan, there should be "far less negative pressure" coming from the White House than there was in the spring, and "it is all the more possible for the Senate to pass a strong bill."

CONGRESSMAN DRINAN ACTS TO SAVE NOW ACCOUNTS IN MASSACHUSETTS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, November 1 is the deadline for comments on the regulations proposed by the Federal Deposit Insurance Corporation affecting NOW accounts in Massachusetts and New Hampshire. I spoke out strongly in favor of preserving these accounts at the time of the enactment of Public Law 93–100. The Federal Deposit Insurance Corporation proposes to reduce the attractiveness and availability of NOW accounts in Massachusetts contrary to the legislative purpose, which was to permit the accounts to continue in Massachusetts and New Hampshire as an experiment.

The following are my comments on these proposed regulations, which I have sent to the FDIC:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 31, 1973.

EXECUTIVE SECRETARY,
Federal Deposit Insurance Corporation,
Washington, D.C.

DEAR SIR: I am pleased to have an opportunity to make comments concerning your proposed rules relating to the offering and use of NOW accounts by banks in Massachusetts and New Hampshire (12 C.F.R. Part 329).

I wish to make it clear that I believe there is no basis in the statute, or even relevant legislative history, for the actions which you propose to take which will pronounce the death knell to NOW accounts in Massachusetts.

In your proposed rules, you state that you would limit NOW accounts to those eligible for a savings deposit. While the regulations are not clear, I am hopeful that this will include fiduciaries.

You also would limit the offering of NOW accounts to depositors residing in Massachusetts and New Hampshire. This regulation would be unduly harsh, contrary to existing banking practices, particularly for those banks near state borders, and unsupported by the statute or legislative history.

Your regulations propose 4½ percent per annum as the maximum interest rate. This interest rate would completely change the nature of the NOW account as it now is in Massachusetts. It is perfectly clear from all of the legislative history, including the floor debate, hearings, and statements, that the intent of the legislation was to permit the NOW accounts to continue in their existing form in Massachusetts and New Hampshire as an experiment. The purpose of this experiment is to determine just what effect these accounts have on other financial institutions. The power to regulate these accounts was given to the Federal Deposit Insurance Corporation in order to monitor and to be able to act to prevent imbalance, if such became apparent. The power was not granted to the FDIC to restructure and remake NOW accounts.

Furthermore, it is clear that both the New Hampshire and Massachusetts banks have proceeded along somewhat different lines in the creation of their NOW accounts, and the attempt by the FDIC to write a regulation to cover such accounts in both states is overreaching, and neglectful of the differences between the accounts in each state.

Your regulations would eliminate the differential between the NOW account as offered by a savings bank, and a savings account offered by a commercial bank. This departs from the rules on savings deposits of other categories, where at least ¼ of one percent differential presently exists. For the experiment to continue, I believe it would be advisable for you to leave the rate in Massachusetts at 5 and one quarter percent per annum for the thrift industry, and 5 percent for commercial banks.

You propose the possibility of interest paid at a split rate, with lower interest on $200 to $300 in the account and a higher rate on anything in excess of that amount. Banks with NOW accounts believe this to be most difficult to compute and discuss how highly unworkable this would be in explaining the different rates to a customer. It would also make the maintenance of a NOW account more expensive and thus less attractive to a thrift institution, as well as the customer.

Your suggestion in the regulations that no interest can be paid on any amount in an account which exceeds the lowest balance in the account during any given calendar month destroys the NOW account features which are supposed to be like a savings account, where thrift institutions in Massachusetts now pay from day of deposit to day of withdrawal, crediting this at the end of each month to all accounts which have maintained at least a $10.00 balance.

In summary, I believe your proposed regulations will destroy the experiment proposed in the federal legislation. Your regulations will spell the demise of NOW accounts. The result of your regulations will be a demand deposit paying 4-½ percent per annum, rather than a new method of withdrawal from a regular savings account which benefits the consumers, including the elderly and shut-ins.

I believe the NOW account has been a great service of real benefit to the public. Your regulations will make this service expensive to operate and less attractive to savers.

At the very least, in order to maintain the experiment which was the intention of the Congress in enacting Public Law 93–100, I urge you not to limit the category of those eligible for such an account, to establish in Massachusetts a 5-¼ per annum maximum rate, to allow payment of interest on a daily basis, credited monthly to the account, and to permit the accounts to be maintained in other particulars as they were as of the date of the enactment of P.L. 93–100.

I speak for myself and many of my constituents in urging you to reconsider these regulations proposed for NOW accounts.

Thank you for your attention.

Cordially yours,

ROBERT F. DRINAN,
Member of Congress.

OIL WITHOUT REFINERIES IS NO SOLUTION TO THE ENERGY CRUNCH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RARICK. Mr. Speaker, as Trans World Airlines announces a layoff of 503 employees because of reduced flight schedules caused by the fuel shortage, one would think that the message would start reaching the American people.

Yet, in nearby southern Maryland a proposal to build a $160 million oil refinery is reported to be meeting with opposition, seemingly to the satisfaction of the reporting news media and many of the puritan environmentalists.

The pressing question remains, "What will it take to awaken and arouse the American people?"

Perhaps when the housewife awakens one cold morning because her electric blanket is not getting electricity and finds that the bedside lamp will not go on; when her gas range refuses to turn on to heat the coffee; or when she goes to her elevator to find out it is only operating 30 minutes in the morning and 30 minutes in the evening and walks down the stairs and finds her car low on gas; when she goes to a filling station which is closed or has not received its month's allocation of fuel; then receives the biggest insult when her car runs out of gas and the station attendant wants to charge her rent for parking.

Then perhaps after it is too late, the American public will awaken to the realization that whether or not the energy crisis is real, political, or manipulated, it is nevertheless here, and we must either learn to live with it by adjusting our way of life or solving the problem by increasing our fuel production.

Crude petroleum, be it from Alaska or the Middle East, will not alone solve the energy problem. We must have additional refineries which must be located near the port of entry or near the populated areas of users.

If it gets cold enough in southern Maryland this winter, I feel confident that there will be a public uprising, perhaps not by the eco-nuts, but surely by those American citizens who have had enough of being denied their right to pursue their life style as an individual American citizen.

I include related news clippings:

[From the Washington Star-News, Oct. 30, 1973]

REFINERY FOES INCREASE

(By Donald Hirzel)

The Steuart Oil Co.'s proposal to build a $160 million oil refinery at Piney Point on the Potomac River has generated a growing resistance in St. Marys County in Southern Maryland.

Eric Jansson, a member of the Potomac River Association, a conservation organization, said a fund-raising rally in opposition to the plant will be held at 7:30 p.m. Saturday at the Second District Fire Hall at Valley Lea.

The association's board of directors met over the weekend, according to Jansson, to discuss strategy in opposition to the plant and to make plans for the rally.

He said money will be needed to hire attorneys and technological experts to prepare a case against the proposed refinery which some county residents fear will affect the environment.

Jansson said David Sayre, president of the Watermen's Association who also is a member of the Potomac River Association, reported the Watermen are opposing the project.

"The watermen have not met yet to vote on opposition," Jansson said, "but Sayre is certain they will oppose it."

There are 1,500 members of the Watermen's Association and between 500 and 600 in the Potomac River Association which represents watermen, permanent county residents and summer residents.

Jansson said there is great fear that the refinery could affect the productive oyster beds in the Potomac River off of St. Mary's County.

"The county now leads the state in oyster production," according to Jansson, "and we don't want to lose it."

The association, he said, prefers more "light, clean" industry in the county to provide a broader tax base and to provide jobs to take the pressure off the increasing property tax.

"We have the Patuxent naval base," he noted, "which is the county's major employer—perhaps something could be done there."

The two associations opposed the $40 million refinery Steuart wanted to build at its Piney Point plant in 1968–69.

"We beat them," Jansson said, "and I think we can beat them now."

Last week, Leonard Steuart, vice president of the oil company, unveiled plans for the refinery at a special meeting with country leaders in Lexington Park.

Those present indicated a guarded interest in the project but wanted more information on how the refinery might affect the environment.

Steuart said the oil refinery would be an asset to the county and that an environmental study had been made by a company hired by Steuart which showed no adverse affect.

The plant would be built on the present company property which is now used to import fuel oil for use by Washington area utilities.

The proposal for the new plant comes at a time of increasing oil shortages and the threat of a drastic curtailment in fuel oil here this winter.

At the meeting last week Steuart pleaded for cooperation from county residents. The company must receive approval from state and federal agencies as well as the county before the plant can be built.

TWA LAYS OFF 503 BECAUSE OF FUEL SHORTAGE

KANSAS CITY.—A Trans-World Airlines spokesman says the airline will lay off without pay 503 employees nationwide because of reduced flight schedules caused by the fuel shortage.

The spokesman said yesterday the lay-offs are effective Dec. 1. He said they include 100 pilots, 303 hostesses, and 100 ground personnel.

The employes will be subject to recall at any time.

TWA has terminated 30 flights in the domestic system. "There might be still more," the spokesman said. "The situation is still very fluid."

RECENT DEVELOPMENTS IN THE MIA SITUATION

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. OWENS. Mr. Speaker, North Vietnam has continually and stubbornly refused to cooperate in accounting for the 1,300 American servicemen listed as missing in action. The United States has tenaciously sought to determine the fate of these men, yet our efforts have been largely obstructed by the North Vietnamese Government. The Joint Casualty Resolution Center and the Four-Party Joint Military Team are currently seeking information concerning the MIA's. They have a detailed description of the circumstances surrounding the case of each missing serviceman and personal files on each of the men that would aid in identification, but both teams have been denied access to Communist-controlled sections of South Vietnam as well as Laos and North Vietnam. More recently, Hanoi has hinted that a full accounting of those missing in action would be contingent upon the release of political prisoners held in South Vietnam.

Mr. Speaker, Hanoi's disregard for the Paris agreement is a constant source of frustration and despair for the friends and relatives of our MIA's. Their anguish grows daily as our Government fails to uncover any information concerning their loved ones. I believe it is our obligation to provide a detailed accounting of those missing in action and to keep Americans informed of Government action to find them. I would like, therefore, to outline some recent developments in the MIA situation.

I have noticed, lately, that there seems to be a strengthening of diplomatic resolve by the administration regarding the MIA issue. On September 29, the United States finally issued a formal statement charging the North Vietnamese and Vietcong with interfering in the search for American servicemen missing or dead. Secretary of State, Henry Kissinger, also indicated a more vigorous attitude toward the recalcitrant North Vietnamese during testimony before the Senate Committee on Foreign Relations. When questioned about steps he would take as Secretary of State to secure an accounting of MIA's, he replied:

> We will use diplomatic pressure to the extent that it is available to us, and we will have to make clear to the North Vietnamese that the normalization of relations with them, which we would otherwise seek and welcome, is severely inhibited by their slow compliance with the missing in action provisions.

These executive actions are certainly a welcome change in diplomacy, but they represent only a rhetorical effort by the administration.

There have been, however, other encouraging events in addition to the State Department's stiffened protocol. I have long-favored withholding economic aid from North Vietnam until they permit a complete investigation of U.S. servicemen missing in action. The recently passed foreign assistance legislation reflects a growing consensus among Members of Congress that Hanoi should be denied reconstruction revenue until their cooperation is secured. Not one dime of the $2 billion authorized for foreign economic assistance over the next 2 years will go to North Vietnam. I believe that the United States should continue applying this type of economic sanction to elicit North Vietnam's compliance with the Paris agreement.

Recent developments in Vientiane, Laos may provide new information concerning the 327 servicemen missing in action there. On September 14, the Pathet Lao reached a negotiated settlement with the Royal Laotian Government. This protocol includes explicit provisions for the release of prisoners and accounting for those individuals missing in Laos, regardless of nationality. A delegation from the National League of Families of POW's/MIA's returned on October 22 from Laos, where they met with various government officials. The delegation was treated cordially during their stay in Southeast Asia, but they were not given specific information regarding U.S. personnel listed as missing in action. I share in the national league's hope that the new Laotian Government will cooperate in accounting for American MIA's once they have overcome the difficulties of establishing a coalition government.

The MIA issue must be resolved. I am

convinced that significant progress in this direction can be achieved through increasing United States' economic and diplomatic pressure on those countries refusing to cooperate. We might also encourage the release of all prisoners being held for political crimes in South Vietnam. This would remove Hanoi's principal excuse for refusing to allow MIA search teams access to Communist-controlled territories.

The fact remains, however, that 1,300 American servicemen are currently missing in Southeast Asia. These men performed a service for their country, a service which, in many cases, cost them their lives. Our Government has an obligation to account for every American who served in the Indochina war. Only then will United States' involvement be completely terminated.

LEGISLATION IS NEEDED TO REVERSE FDA VITAMIN REGULATION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HANNA. Mr. Speaker, the Subcommittee on Public Health and Environment is presently considering legislation sponsored by Congressman HOSMER and cosponsored by myself and many others which would reverse the FDA's recently published regulations on vitamins and food supplements. These regulations, as I am sure my colleagues are aware, have created a storm of controversy. That controversy, in my view, has arisen because the FDA's regulations are philosophically and practically unsound. They act against the basic thrust and meaning of our system of government. They go against the grain of what the American public rightly understands to be the proper function of government.

Because of the great interest which has been generated by the FDA regulations and the legislation to reverse them, I am inserting in the RECORD for my colleagues' information, the testimony I submitted to the subcommittee on these matters.

TESTIMONY BY REPRESENTATIVE RICHARD T. HANNA

As one of the co-sponsors of legislation to reverse the FDA's recently published regulations on vitamins and food supplements, I welcome the opportunity to address this Subcommittee. The issues involved in the passage of this legislation are not difficult. But often it is that the most clearly drawn issues of public policy are also those which are the most profound. And, the issues addressed by the bill before you are profound. They are profound because they go to the basic root and substance of the lives of ordinary people in this country. They are profound because they bear on the question of the fundamental role of government in a free society. And they are profound because they point out the limits of sensible government regulation.

My reasons for offering legislation to reverse the FDA's policy in the area of vitamins and food supplements boil down to this: my basic philosophical disagreement with the FDA's position and my strong belief that their regulatory program in this area is, simply stated, just bad and impractical regulation.

The late Justice Brandeis once wrote that "the greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding." In my view, the FDA's regulatory policy regarding vitamins is the kind of "insidious encroachment" which Mr. Justice Brandeis had in mind. Under the FDA's regulations, any single vitamin tablet which exceeds the Recommended Daily Allowance for the average adult can be obtained only through prescription. Moreover, the FDA's rules would prohibit the combining of any vitamins in other than the combinations FDA approves and would prohibit the combining of vitamins or minerals with other associated food factors.

These regulations are not based upon any firm scientific evidence that vitamins taken in quantities above the Recommended Daily Allowance are intrinsically harmful to health. In many instances, just the opposite is true. For example, the FDA would require people to go to a doctor to obtain a prescription to purchase a Vitamin A tablet which exceeds 10,000 units. But a cup of diced carrots furnishes 18,000 units and a 2 oz. serving of fried beef liver provides 30,000 of such units. Is it credible to assert that the interposition of the government is necessary to protect people from a tablet which has only one-third the potency of 2 oz. of beef liver? I submit, Mr. Chairman, that it is not.

In its report on this bill, the Department of Health, Education, and Welfare would have us believe that a vitamin should be classified as a drug simply because it is "offered for the treatment or cure of disease." As such, according to HEW, the manufacturer should have the affirmative burden of proving that the vitamin is safe and effective. I don't dispute the FDA's legal authority under existing law to reason this way if it so chooses. What I do question is the wisdom and sense of justifying a disruptive public policy only on the basis of the technical legal meaning of statutory provisions and on the basis of reasoning that amounts only to the neat syllogism that since drugs are usually "offered for the treatment or cure of disease," vitamins which are so offered should be regarded as a drug. With this kind of reasoning, the old adage of "an apple a day keeps the doctor away" would require those of us who go to "excesses" by eating two apples to have a prescription to do so. Of course, nothing could be more absurd.

The absurdity of the FDA's position arises from the fact that, realistically speaking, in no stretch of the imagination can vitamins be called drugs. The nutritional elements consumed in a vitamin pill are for the most part, precisely the same as may be consumed in a totally unsupplemented diet. The same Vitamin A which is regulated by the FDA is found in carrots.

The same Vitamin C which is regulated by the FDA is found in citrus fruit. The same iron which is regulated by the FDA is found in red meat. It is clear that the FDA's regulation of food supplements is merely a regulation of form and not of substance. If you package ascorbic acid in the form of orange juice, the regulations don't apply, but if you package it in the form Vitamin C tablets, they do.

With all of these factors in mind, Mr. Chairman, it seems to me that the FDA has crossed the very fine but very definite line between government protection as a servant of the people and government protection as master of them. The warning of President Eisenhower rings truest in cases like the one before this Committee now: "Every step we take toward making the State the caretaker of our lives, by that much we move toward making the State our master." No one offering this legislation would defend a vitamin producer's misrepresentation of the contents of his product or his failure to disclose additional information under circumstances where a half-truth would mislead the public. But that issue is not involved in these FDA regulations. What is involved is nothing less than government regulation of the human diet—not because it has been found that vitamin consumption is intrinsically unhealthy—but only because the circumstances surrounding the consumption of vitamins are similar to those surrounding the consumption of drugs.

I submit, Mr. Chairman, that we embark upon a historically dangerous path when we place the affirmative burden upon the citizen to prove the adequacy and effectiveness of his diet. In our system of government and jurisprudence, legally imposed affirmative burdens on the citizenry are few. And they are few for precisely the reason that government-mandated affirmative duties are the exception in a free society, but are the rule in a tyranny. Only the most compelling reasons of public policy can justify the creation of such positive duties, and the simple fact is that the FDA has failed to present any compelling case. Of course, this presumption is reversed with regard to what is ordinarily understood to be a "drug." But that is because true drugs often involve the introduction of unaccustomed elements to the human body, and in our common experience we have learned that the risks of such practices are so high as to require the imposition of maximum safeguards. This kind of standard, however, is hardly applicable to Vitamin C. And these FDA regulations, while perhaps falling within the letter of the law, hardly meet its spirit. Surely the philosophy which lies behind these regulations is not the philosophy which imbues the Food and Drug Act. Passage of the legislation before you will reassert what that fundamental philosophy is.

Not only are the FDA's vitamin regulations unwise from a philosophical point of view; they are unsound from the standpoint of what makes for practical, sensible regulation. What is the real impact of these regulations? It is not to limit the consumption of vitamins. Rather, it simply makes their consumption less convenient. And mere inconvenience is hardly the proper tool to employ to protect people from what presumably can be harmful to them.

This nonsensical aspect of the FDA's regulations arises from the fact that under them people can still purchase and consume vitamins in whatever quantity they so desire, so long as they do so by consuming individual tablets of a specified potency. What this means, for example, is that if you wish to consume 1 gram of Vitamin C per day, you can still do so—but only if you take 11 tablets. Or, if you just want to supplement your diet with a single pill containing both Vitamin A and Vitamin D, you can't—unless you take 7 other vitamins at the same time. Dr. Albert Szent-Gyorgi, who won the Nobel Prize for his resarch into the metabolism of Vitamin C and Vitamin A, has written that he consumes two grams of Vitamin C per day. Isn't it just a little ridiculous to require him to take 22 tablets for this purpose?

The practical fact of the matter, Mr. Chairman, is that millions of Americans supplement their diet with vitamins. I have no doubt but that these consumers will continue their dietary habits regardless of the FDA's regulations. The only difference will be that once the FDA rules go into effect, these consumers will have to do an end-run around the law. When government regulations encourage avoidance of the law, they breed disrespect for legal authority. And, particularly in these times, we can hardly afford to encourage that kind of attitude.

In sum, Mr. Chairman, these FDA regulations are neither philsophically nor practically justifiable. The legislation before you reverses these regulations and returns government activities in this area to their proper sphere. Passage of this legislation will reaffirm to the American public that the Congress is cognizant of the proper limits of governmental authority.

HEAVYWEIGHT CHAMP IN KOREA

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues the story of a man who has developed his own form of foreign aid. Father Mike McFadden left his hometown for the peace and quiet of South Korea. Disturbed about the poverty and ignorance he found, Father McFadden, a member of the Columbun Order, started a credit union which has been a great help to the farmers of the area. It is a pleasure for me to insert in the RECORD an article about this great American:

HEAVYWEIGHT CHAMP IN KOREA

(By Maggie Black)

Big, round, smiling Father McFadden is a heavyweight fighter of a rather unconventional sort. His opponent is the poverty and ignorance that he found in the little village of Mun Mak in South Korea.

He went there in 1969 to "get away from everything"—everything being the bustle of Philadelphia, his home city. "I wanted a small parish, and some peace and quiet for reading and contemplation."

But it wasn't long before the calls he made on his parishioners gave him a deep urge to do something about their grinding poverty.

Pig farming in a co-operative framework appeared to be the best way for local farmers to raise their standard of living. So Father McFadden took himself off down the new highway to Seoul, the capital, to learn all about rearing pigs.

He then went off to visit Father McGlinchy on Chejn-Do island, who's been running a pig co-operative with Oxfam's help for many years.

Father McFadden described the experience as traumatic. "He took my suggestions apart piece by piece. At first I was apologetic, because I wanted Oxfam to finance me. But after a while, when this seemed hopeless, I began to argue and fight back, to show I'd done my homework. At the end, after hours of arguments, in which Don Shields had decimated my plans, he sat back and told me that in spite of all he'd said, he was going to recommend to Oxfam that they support me. I was absolutely flabbergasted."

The amount was less than Father McFadden had originally hoped for—£4,400. "But I was very grateful for the advice that Don Shields gave me. I can see now that if I had embarked on such an ambitious programme as I had planned at the beginning, it would have been a failure."

The first task that faced Father McFadden was to reactivate the Credit Union in the area around Mun Mak which had been started in 1966, but had collapsed because many of the Catholic members had opted out and wouldn't repay the money they had borrowed.

Undaunted by the behaviour of his own official flock, Father McFadden approached the nonCatholic people in the community. He trained local boys who went with him into the villages and began to build up enthusiasm for credit unions.

"But I felt it was essential to start on the right foot," relates Father McFadden. "I didn't want to start a new credit union until the Catholics had repaid their debts—or people would think it was doomed to failure like the last one. So I demanded that the Catholics pay up. Some of them tried to get me removed from the parish—even interceding with the Bishop against me.

"But the Bishop backed me all the way, and really laid them out. This has really helped to develop a broader outlook among the Catholics, so that they don't just ignore everyone else."

Once Father McFadden had got the Credit Union going again, he was able to start up the co-operative so that farmers who were putting savings by, could use them in the most fruitful way.

The Credit Union now has 500 members, of which the majority are non-Catholics. The maximum loan is only $10, but this sum guarantees that when a person is ill he can get into hospital. Hopefully the tragedy of Han Ho Tek will not be repeated.

But just as important are the loans that enable farmers to buy gain and fertiliser. The interest rate is only 2% compared with the 35% or 40% that local manufacturers used to charge when the farmers were obliged to go to them for credit.

The part of the project closest to Father McFadden's heart is now firmly established—this is St. Peter's Farm—the co-operative's own piggery. The new sow-house has been built, and the first four inhabitants are soon to be joined by another 30 breeding sows.

The price of pork—and of piglets—is going up in South Korea, so prospects are bright. With the new highway to Seoul running right past the village, marketing presents no problems. The restaurants are just waiting for as many nice juicy pork cutlets as the pig co-operative of Mun Mak can provide.

The co-operative is already diversifying into other enterprises. Father McFadden described a nutrition programme run during 1972. "I put on an apron myself to show the men how to make little pancakes out of oatmeal flour. They were amazed at the idea of a man doing the cooking!"

He now has a full-time woman volunteer visiting the women of Mun Mak and other villages to show them how to prepare and cook nutritious meals for their children.

The co-operative is already diversifying into programme for pig farmers in the area. Three hundred men have come in for the course, to learn about how to run a co-operative pig industry, look after the sows properly, and market the piglets.

"It's marvellous how enthusiastic the farmers are when they realise what the future has in store," says Father McFadden, "they're all so keen to learn."

A REALISTIC APPRAISAL OF THE PRESIDENT'S HOUSING MESSAGE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HANNA. Mr. Speaker, it is no secret that we stand at a critical crossroads in our national housing policy. Since the housing moratorium began last January, never has there been a more agonizing reappraisal of Federal housing policy by all concerned. Yet, that dialog, it seems to me, has taken the form of a rather impersonal appraisal of the past and an even more impersonal projection of the future. The administration has barraged us with cost figures, criticisms of past design standards, technical problems in the administration of FHA, et cetera.

Missing from all of this testimony is the kind of sensitivity to the problems. of the poor and the cities which actually comes from having had to grapple with the realities of providing safe, sanitary, and decent housing for those least able to afford it. It is one thing to read about and quantify the problems of the poor. It is quite another thing to have been out in the field trying to create and carry out viable solutions. As a member of the Housing Subcommittee, I cannot help but be struck by the paradox of receiving proposals for reform of Federal housing and community development programs from those who have consistently opposed vigorous Federal leadership in this area.

I have recently received a copy of a letter to an aide of Congressman BIESTER which reflects in a most articulate way the kind of sensitivity which comes from experience in and commitment to solving the problems of low income housing. This letter, from the executive director of the Bucks County Pennsylvania Housing Authority, represents one of the most perceptive criticisms of the President's housing message that I have read. I strongly recommend it to my colleagues.

The letter follows:

BUCKS COUNTY HOUSING AUTHORITY,
Doylestown, Pa., September 26, 1973.

Mr. RONALD L. STRAUS,
Cannon House Office Building,
Washington, D.C.

DEAR RON: Thanks for your letter of September 20th, 1973, and the attached fact sheet on the President's housing proposal. I have read the fact sheet, and I have also read the full text of the President's message to Congress. My thoughts have not yet fully jelled on all of the aspects of the President's housing message, but I can give you, as you requested, a few preliminary reactions.

I am concerned, to begin with, that again in this message the White House would rather focus on the achievements of the near past than face the problems of the immediate present. All the glowing words concerning the production of housing refer to a recently passed situation. The President's message does not recognize the present condition of the housing industry or the fact that the production records of the near past do not help the growing numbers of American families who find themselves disenfranchised in the housing market.

With regard to the President's recommendations concerning the mortgage credit system, I find them to be sound as far as they go. It seems to me that they fail to recognize that reducing the cost of mortgage money or, in some other way, reducing monthly mortgage payments, in and of itself does not deal with the problem which has been created by the spiralling inflation of construction costs. The fact of the matter is that many families (I would estimate more than 60% of the Bucks County families, for example) cannot afford the kind of housing product which is being made available for them. Too much ground is involved, and usually too much house is involved. If these people are to be helped, either some kind of pressure must be exerted on local officials with regard to zoning and building codes, or some kind of subsidy must be made available to allow these families to buy the product which is now made available. Simply put, I find it hard to see how the President's recommendation with regard to the mortgage credit system will help a family earning less than $15,000 per year (60% of Bucks County, at the least) buy a house costing more than $40,000 a year (now the average in Bucks County's present production pattern).

I'm not really so much concerned about this area, however. I have great hope that an agency such as the Pennsylvania Housing Finance Agency will make a dent here, and their program for home ownership will be announced some time in late October.

Obviously, that portion of the President's message with which I am most concerned is the section dealing with low income families. My dogged persistence in this area is explained, I guess, by the fact that I'm concerned—legitimately and sincerely concerned—with the families we are trying to assist. I approach the President's message, then, with a bit of a prejudice. Housing, by my definition, means more than bricks and mortar. It means environment as well. Given this, then, my initial sketchy reaction to the President's message is as follows:

1. When he notes that Federal programs have produced some of the worst housing in America, with what is he comparing the housing produced? How does this supposed "worst housing" compare with the dwelling units previously occupied by the families who have supposedly benefited from the program?

2. When the President describes the public housing projects he has seen as "monstrous, depressing . . . run-down, overcrowded, crime-ridden, falling apart" I am wondering whether he is not describing the tenants more than the structures. Given design inadequacies, we must recognize that we are dealing not only with an economically disenfranchised group but a culturally disenfranchised group as well. I think that it is precisely in this area, to get a bit ahead of the game, that the President's housing message misses the mark. (Let me emphasize that I am not being patronizing or condescending or unfair in my evaluation of low income housing tenants; I am emhasizing the fact that they do have unique problems which require unique solutions. Without unique solutions, the effect these families have on any construction owned by anyone is liable to be the same.)

3. I agree with the President's comments to the effect that grouping low income families in large overbearing projects is unfair and dehumanizing. I have discussed the benefit of the Section 23 leasing program in this regard many times in the past and will not expand upon it now. On the other hand, speaking with some degree of pride, I would suggest that the President is unfair in his generalization based upon Pruitt-Igoe. We have, in Bucks County, an architectural award winning project which has never lost one penney of rent revenue. We have a project which has improved the lives of the elderly socially, physically, financially, and in every other conceivable way. In short, the picture is not as bleak as the President's message would paint it, although I'm inclined to agree that it could be improved through the use of the Section 23 leasing mechanism.

4. At one point the President's message states, "The present approach is also very wasteful, for it concentrates on the most expensive means of housing the poor, new buildings, and ignores the potential for using good existing housing." I guess it all depends where you're sitting. In Bucks County, this simply isn't true. We don't have the "good existing housing," and as mentioned above, the present market will not produce it for these people. But let me hasten to add that even if we did have the housing, I continue to insist, as spelled out in much greater detail in my several letters on the Direct Housing Allowance Program, that such direct cash payments would not generally get low income families into existing housing.

It is empty rhetoric to discuss the "basic right to choose the house they will live in" for most of the poor. Giving a large Black family a direct housing subsidy is not going to build a large unit, and it is not going to deal with the subtle prejudices which continue to operate. Putting cash in the pocket of an elderly family will not provide, as I have spelled out previously, that specially designed unit and environment so vital to a longer and better life for the elderly.

Interestingly, the President's housing message has given us reason to discuss with several of the owners in our leasing program how they would react to a suggestion that they house our low income tenants on a direct housing allowance plan. The general reaction has either been that they would not consider housing the tenants without the backup services of the Housing Authority, or that they would have to charge a *premium* to low income families. The same reasoning is behind either point of view: low income families by their very nature cost more to house. The elderly require special services, and the larger low income family, in addition to requiring special services, incur higher maintenance and management costs. The fact that we guarantee the owners against tenant abuse and neglect, and the fact we field the problems which come through senility or even from racial stress among the tenants, is, in and of itself, an incentive to the owner to house these families. I would venture a very sound guess as of this time, that the per unit month cost to the Federal government on a Direct Housing Allowance Program will be higher than is our cost presently in leasing.

5. When the President discusses the development of a "better approach," I refer you, again, to all that I have written previously on the Direct Housing Allowance Program. Let me just emphasize again that the basic problem of the poor is a lack of housing and not a lack of income. The income must be converted to housing before the problem is solved. It seems to me that, after guaranteeing the direct housing approach to be the most equitable, the President undermines his argument by listing all of the nitty-gritty problems which will have to be worked out to make the program equitable. To quote some of the problems, using the President's own words, "What, for example is the appropriate proportion of income that lower income families should pay for housing? Should this level be higher or lower for different kinds of families—for young families with children, for example, or for the elderly, or for other groups? Should families receiving Federal aid be required to spend any particular amount on housing? If they are, and the requirement is high, what kind of inflationary pressures, if any, would that produce in tight housing markets and what steps could be taken to ease those pressures? In the important case where poor families already own their own housing, how should that fact be weighed in measuring their income level? How should the program be applied in the case of younger families who have parents living with them?" And all of these questions on top of the myriad of questions that have come from other people with regard to the Direct Housing Allowance Program!

6. With regard to the President's willingness to lift the moratorium on Section 23, I'm concerned about the fact that the housing will be produced for "some" low income families and that it will be used "sparingly", however. My first basic question is for what kind of family will the moratorium be lifted—non-elderly or elderly? (Rumors have had it that it would be for the non-elderly, and this would be tantamount to building nothing, since local municipalities will not generally approve of housing for non-elderly, at least in Bucks County.) Another question would be concerned with what kind of changes will be made in the regulations, and perhaps the most pointed question of all is concerned with when I can resubmit our applications!

You may remember a letter I wrote two years ago or so arguing that all of the desirable goals of direct housing allowances could be achieved through Section 23 leasing, particularly the scattered-site program. I would repeat this claim now.

7. To the brief one paragraph mention in the President's message concerning some kind of new program similar to rent supplement under which the Federal government will give subsidies directly to the builder, I refer you to my comments immediately above concerning the attitude of developers and managers with regard to low income families.

8. I agree wholeheartedy with the President's concern with the operation of present low income public housing. In this regard, I refer you again to my past correspondence urging the repeal or drastic modification of the Brooke Amendment to generally allow housing authorities to administer their own programs, including the fixing of their own rents. I would argue that much of the lack of motivation the President points out in his message is due to the fact that the federal government has neither allowed nor required local housing authorities to be responsible for managing their own programs. It may, admittedly, be very late in the game for some authorities, but until the responsibility is fixed, including the responsibility for determining the local rent to a tenant, given cost and local market, the local housing agency will always pass the buck to the Federal government. I will be very interested in seeing the details of the recommendations the President has requested from Secretary Lynn in this area.

9. I am interested in the fact that rural housing seems to be kept apart from the general point of the housing message, and I have some general philosophical concern about how you draw a line between rural and urban problems. More specifically, however, I am practically concerned with what form the Farmers Home Administration Programs will take, since much of Middle and Upper Bucks can solve problems using this agency. (As a matter of fact, it now appears as though the subsidies in our planned residential development in Plumstead Township will eventually come from this source.)

All of this, then, is my preliminary and rather sketchy reaction to the full text of the President's housing message. I remain a dedicated advocate of the Section 23 program because I feel strongly that it combines all that has been best in public housing, rent supplement, and direct housing allowances. I think it can be a tool to accomplish home ownership. I think that it avoids ghettoization which has been more of a contributing factor to the Pruitt-Igoes of our country than has poor design. Thanks for taking the time to read all of this.

Very truly yours,

KARL A. GABLER,
Executive Director.

JUDGE WEINSTEIN SPEAKS AT BUFFALO B'NAI B'RITH

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. LENT. Mr. Speaker, on October 21, my good friend and colleague, JACK KEMP, was honored at a dinner of the Buffalo, N.Y., B'nai B'rith. In remarks delivered before that gathering, U.S. District Court Judge Jack B. Weinstein recognized the need to understand the universality of human rights. He has a reasoned perspective which should be heeded, especially in light of conditions which exist around the world today, and I am pleased to include them in the RECORD at this point.

The remarks follow:

IN DEFENSE OF JUSTICE

(By Jack B. Weinstein)

I am pleased to be here tonight to join B'nai B'rith in honoring a distinguished citizen.

We here tonight know there are reasons other than his football experience for honoring Jack Kemp. Last Sunday, as I stood in New York's city hall square surrounded by some 60,000 people meeting to express our concern for the State of Israel and Soviet Jewry, I reflected that tonight I could help honor a man who long ago, in leading demonstrations to gain the release of oppressed Soviet Jews, recognized that this is one moral world; that there is a connection between repression inside Russia and brutal force applied by it outside whether directly as in Czechoslovakia or Hungry or Poland or the Baltic states or indirectly through those it has supplied with arms and training and then goaded into attack on Israel, the one democracy in the Middle East; that this country's long-term security depends upon preventing Russia from taking over the Middle East and the Mediterranean and that the Vital barrier to Russian imperialism is the free and independent State of Israel; that we will not be blackmailed into abandoning our friends by threats to withhold 5% of our oil needs—creating a gap that can be filled by cutting the temperature of our overheated homes a few degrees or driving less or more slowly.

The Rubinstein humanitarian Award is particularly one that I admire because Emil Rubinstein was a leader in B'nai B'rith's anti-defamation work on behalf of all—Jew and non-Jew—whose rights needed protection. When I taught at Columbia I headed a group of volunteers that wrote briefs and memoranda for civil liberties groups including the Anti-Defamation League, and my respect for your work for all the community was gained then.

The first words of the 1843 preamble of B'nai B'rith's Constitution seem to me to reflect the essence of the civilized man's concern for himself and for the world: "B'nai B'rith has . . . the mission of uniting Israelites on the work of promoting their highest interests and those of humanity . . ."

So, while you fought against Jim Crowism, you set up Hillel foundations to guide Jewish youth in their heritage; while you gave aid to the American armed forces and all veterans' hospitals, you created your fine adult Jewish education program; while your training programs in American citizenship went forward, your devotion to Zion remained unimpaired.

Therefore, despite our overriding concern tonight for Israel's life, it is in B'nai B'rith's tradition not to forget our continuing obligations to society as a whole.

You will, I hope, indulge me if I reflect with you on the need for effective justice today.

This subject has been an overriding concern to the Jews, since biblical times, when they recognized that abstract justice without human institutions to enforce the rights of real persons in the real world was futile. Others have noted that in Deuteronomy (Ch. VII) there is provision first for the courts and then for the king, from which scholars have deduced that no man, even the king, is above the law—a precedent, perhaps, of some current interest.

As in Deuteronomy, today the judges are the passive branch who declare judgment only when parties come to them. If, therefore, in the tradition of American Constitutional Law, conflicts between Congress and the President are resolved by compromise, the courts should not and will not intervene to force an abstract decision. But if the case comes to them as a justifiable dispute within their jurisdiction they must decide.

In Nazi Germany we know how millions died when the law could not protect individuals and in Russia today, despite a constitution, the laws are perverted to deny rather than to protect the integrity of the individual at a terrible cost to Jews and others. Strong judges and our judicial system in this country stand guard against tyranny of the right or the left.

Rather than talk of high constitutional cases, let me tell you about three recent cases which illustrate some everyday problems of the courts—each of them involves a young person.

The first was a twenty-one year old Jewish boy of unblemished record from a well-to-do suburb of Long Island, bar mitzvahed in a conservative congregation. He was in his last year of college and his parents had sent him to Israel for the summer; he was apprehended at Kennedy Airport smuggling (for resale) a large amount of hashish on the way home. Despite the pleas of his family and rabbi I felt I had to sentence him to jail for rehabilitation and to deter others, since the word that the courts will not condone this conduct does get around in the colleges. Under the Youth Correction Act I allowed him to finish school before being sent to the Youth Center in West Virginia. After his family moved to Israel I released him so he could join them. This month, the day before Yom Kippur I signed a certificate setting aside his conviction because probation reported he had a good job doing economic development work in Israel. He was about to be married, and the chances of recidivism were nil. Whether he is alive tonight, a fortnight after I acted, I do not know.

Other Jewish and non-Jewish defendants before me of good backgrounds have been involved in heroin and cocaine smuggling, in income tax cheating, in fencing hijacked merchandise and in other crimes. The law's deterrence can have but a minimal impact when the well-to-do and educated members of a society become so greedy, materialistic and power hungry, that they deliberately do wrong. You and others of good will, will have to discover what can be done to improve their and our moral commitment to avoid such cases. There is no pre- or post-Watergate morality. There are moral standards which individuals have to choose to live by or reject.

The second case is that of an eighteen year old girl. She came into Kennedy International Airport as a "mule", with cocaine strapped to her body. Her family from a small farming community in Colombia, South America, makes about $100 a year and she was promised a few hundred dollars and a ticket to New York. "If," she was told, "you are caught, they'll just send you back." The girl did not know she faced jail. The airlines deliver hundreds like her each year to New York and Miami. She had to be sent to jail to deter others. But there can be no deterrence if those like her who live in a land where cocaine is freely used are not told they face harsh penalties for smuggling. They must be informed at the foreign airport before they board the plane or sentencing becomes a useless act of cruelty.

For a year I have been trying to get the State and Justice Department to obtain the cooperation of airlines to warn people from abroad of the dangers of smuggling drugs into the United States. Until there was the threat to seize aircraft—based on precedents traceable to the law of the decedent going back to biblical times, that an object used in committing a crime is forfeit—nothing was done. After the threat of seizure the main airlines to Colombia agreed to cooperate fully by posting warnings and in other ways. If deterence can work, this source of drugs should begin to dry up. The point here is that the law must have the cooperation of private persons and industry. For example, the drug companies pushing chemical mood changers on television and other media urging easy solutions to problems make enforcement of the drug laws more difficult by creating an atmosphere of tolerance of drugs.

The third, and last, case is of a young man of 26 from the ghetto who I sentenced to a long term for armed bank robbery. At the sentencing his sister burst into tears. "He was so good until he was 12 and our parents broke up and he started getting into trouble. When he was taken to Family Court they did nothing and then it got worse and worse." His record showed just that. Family Court had a chance to save him and the family. The court, overloaded and with inadequate psychiatric and family counseling services, did nothing. In many cases we know who the criminals of tomorrow will be but we do not apply the knowledge. In the poorly administered criminal courts this young man plea bargained and plea bargained while he engaged in a life of crime. Probation did nothing for him. When he came to my court he was a criminal psychopath, rehabilitation was unlikely, and incarceration was needed in part because he was too dangerous to let loose.

This last case illustrates the great failures of the state criminal justice systems. This is not the time to go into detail, except to say that the system needs substantial structural and other changes if we are to reduce the discrepancy between what the law promises and what it delivers.

We need to select judges, as they do in half of the states, on merit, non-politically and without the elections we have requiring absurd large expenditures and political debts. We need a new method of disciplining judges who prove inadequate, or corrupt, using techniques working well elsewhere. We need consolidation of courts and more effective administration using techniques developed in the federal and other state courts. We need the state to take over fiscal responsibility so that every part of the state has equal and effective justice. All this can be accomplished when the citizens demand it.

Even the best run justice system cannot, by itself, eliminate crime. To meet the problem of crime and to assure the dignity of all citizens there must be adequate housing, decent education and good jobs for everyone in the society.

I recall a long conversation I had in this very hotel some seven years ago with Senator Robert Kennedy. We were at the State Democratic Convention and I had begun to work out plans for revision of the state constitution and, particularly, its judicial system. Both of us recognized that it would be many years and there would be many defeats before judicial reforms would be accepted. Yet he urged me to make the effort.

In his book, to Seek a Newer World (1967), page 231, he explained:

"Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

It is a great honor to be here with an organization, Bnai Brith, and a man, Congressman Kemp, who have worked so hard to assure justice for all.

ELROY SPRAUVE: ST. JOHNIAN FEATURED IN THE LUTHERAN MAGAZINE

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DE LUGO. Mr. Speaker, in these times when our Nation is buffeted by one crisis after another, it is encouraging to note the consistent, dedicated efforts of individual citizens in building a healthy and stable society. One such individual is my constituent, Mr. Elroy Sprauve, of St. John, V.I., who was the subject of a recent illustrated article in the Lutheran, the official publication of the Lutheran Church of America.

Mr. Sprauve, a former senator, is guidance counselor and acting assistant principal of the Julius E. Sprauve School in Cruz Bay which was named for his father. I am proud of the contributions which this young St. Johnian has made to the social well-being of his community, and am pleased to insert in the RECORD an article from the Virgin Islands' Daily News describing some of his activities:

SPRAUVE FEATURED IN U.S. CHURCH MAGAZINE

CRUZ BAY.—Elroy Sprauve of St. John is featured in a three page illustrated article in the Oct. 17, edition of The Lutheran, official church organ of The Lutheran Church in America.

The article by Edgar R. Trexler, associate editor, describes Sprauve's role in the Virgin Island community. A former senator, Sprauve has served the Nazareth Lutheran Church in Cruz Bay "as everything from acolyte and Sunday School teacher to organist and council president." He is also guidance counselor and acting assistant principal at the Julius E. Sprauve School in Cruz Bay which was named for his father. The 34-year-old Sprauve holds a master's degree from Inter-American University in Puerto Rico in linguistics and another master from New York University in guidance and counseling.

Trexler quotes the well-known St. Johnian at some length on the need for the church to reach young people and help in social work, hospitals and schools. "Young people in the islands are particularly disenchanted with the church," Sprauve feels. "They feel it is irrelevant to the needs of the day. Some still attend Sunday services, but not many are moved by them . . . We have to have more commitment . . . For example, if a member is in financial need, the church should do something. If a member is sick, we should provide a meal, visit him—simple things like that."

The Lutheran magazine article takes note of the warm regard St. Johnians of all ages feel for the soft-spoken erudite young Virgin Islander and his compassionate community concern.

"We don't really need any more churches in the Virgin Islands," Sprauve says, noting that on St. John alone with a population of 2,000 persons, there is one Lutheran, two Moravian and two Baptist churches as well as an Anglican, a Roman Catholic, a Methodist church, Jehovah's Witnesses and Seventh Day Adventists. "What we need is for the ones we have to meet the challenge in juvenile crime, housing for the elderly and things like that."

Just as St. John churches are geared to U.S. counterparts, Sprauve feels, so are its schools. "The educational system needs help. We need more vocational programs and the upgrading of what we have. There's a shortage of skilled labor on the islands. Our academic program has fared better. We have open classrooms in some areas. But some of our curriculum needs to be tailored more to local needs, such as classes in marine biology and island history."

THE NEED FOR MORE PLANT CAPACITY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CHAMBERLAIN. Mr. Speaker, in an article entitled "The Need for More Plant Capacity," which appeared in the Wall Street Journal on October 17, Dr. Paul W. McCracken, former Chairman of the Council of Economic Advisers under President Nixon, and present professor of business administration at the University of Michigan, offered thoughtful commentary on providing job opportunities for America's ever increasing work force. Cautioning against the extremes of diverting vast capital investments into environmental expenditures producing only limited job opportunities, as well as against creating jobs at the expense of our resources, Professor McCracken urges a balanced alternative and that consideration be given to stimulating growth by enlarging the share of total output going into capital formation. I include this article in the RECORD so others may have an opportunity to review Dr. McCracken's suggestions:

[From the Wall Street Journal, Oct. 17, 1973]

THE NEED FOR MORE PLANT CAPACITY

(By Paul W. McCracken)

In this current expansion we obviously have run out of plant capacity before we have run out of employable labor. Apparently a certain amount of further investment is needed for there to be a productive job available for each new entrant to the work force. And if that investment does not take place, the job seeker may find himself stranded.

During the first half of 1973 95% of the labor force was employed, the same as for the last half of 1964. It is obvious, however, that demands are pressing a lot harder on our capacity to produce this year than in 1964. In the first half of this year 87% of all companies in the purchasing agents survey reported slower deliveries, about equal to the proportion during the half-year following the outbreak of the Korean conflict. In the first half of 1964 the figure was only 68%. And if any further evidence were needed about pressures on the economy, the 13% per year rate of rise in industrial wholesale prices should settle the argument.

Yet the unemployment rate has remained at 5%. And group by group the rates are similar to those during the first half of 1965, when a comfortable margin of capacity seemed to prevail. Employment could be higher today except that we do not have the added plant capacity needed if these people are to be productively employed.

Why the shortfall?

At first glance it does not look as if there could be any shortfall at all. In 1973 fixed investment outlays (excluding residential construction) will be equal to about 11% of GNP (both in 1958 prices). That seems to be about in line with historical trends. During the last half of the decade of the 1960s, for example, 10.9% of our GNP was accounted for by these outlays, and during the first half of that decade the figure was only 9.7%. We seem to be devoting about as large a proportion of our output to capital formation as we usually have.

For two reasons, however, this customary share of output going to capital formation has left us short of plant capacity. For one thing we have had much larger increases in the labor force since 1970 than anything we saw in the previous decade. During the 1960s the civilian labor force grew at the average rate of 1.3 million per year. Since 1970, partly because of reductions in the armed forces, the growth has been at about a 2 million per year pace. The result has been that in the three years 1971–1973 inclusive capital formation has averaged only $39,000 per net additional person in the civilian force, sharply lower than the $49,000 average for the years 1963–1968. (Both of these figures are also expressed in 1958 prices.) And since the amount of gross investment required to replace the wear and tear on existing facilities is growing, the decline in the net investment per person added to the work force is even sharper than these gross figures suggest. These data suggest that the fixed investment needed if plant capacity were to be enlarged as rapidly as the work force grew simply has not been occurring in sufficient volume.

COMPLICATING A PROBLEM

The problem has been complicated by the fact that businesses did not begin earlier to anticipate their future inventory needs. Even a year ago an orderly build up in stocks would have been prudent and could have been done, but businesses refused to enlarge their inventories as sales were rising, and with every indication that they were destined to rise further. The result now is hand-to-mouth operations for many firms and with ceilings on production schedules imposed by shortages of raw materials and components.

The over-all statistics are quite dramatic. Inventories for manufacturing and trade by mid-1973 were down to 1.41 months of sales, and the ratio was declining. This is well below the normal relationship, which would be perhaps 1.5, and it is far below where inventories usually are relative to sales on the eve of a recession. If there is a 1974 recession, which has a lower probability than the nose-count of economists would imply, it will have to do its best with less assistance from inventory liquidation than any recedence in the postwar quarter of a century.

Capital formation, including inventory accumulation, in recent years would not have given us an expansion of plant capacity adequate for reasonably full employment of the civilian labor force even if it had all been of the conventional type that adds to plant capacity. But, of course not all of it was. A significant amount of our capital formation has been devoted to environmental objectives. However meritorious these objectives are, and in themselves they are quite unexceptionable capital expended for these purposes but does not leave the company in a position to produce more of its own products, and this inevitably limits its ability to take on additional employees.

Earlier this month Burt Schorr's story in this newspaper indicated that industry was in for a jolt because the water-cleanup bill was going to be far larger than had been predicted. This seems to be a law of life. Public programs are sold with a massive under estimate of costs, and after the commitment is made the true dimensions of the costs begin to emerge. And the Deputy EPA Administrator was quoted in the story as stating that "the capital costs of these facilities are going to represent a very large portion of total capital investment by the affected industries" during the next four or five years.

We have been excessively sanguine and complacent about the employment effects of these capital outlays because of a tendency to confuse two things. One is the employment incident to producing the equipment or building the facilities needed for cleaning up the air or water. It is presumably true that a billion dollars of anti-pollution equipment provides about as much employment in its production as the production of a billion dollars worth of more conventional capital equipment. What the latter does do, and the former does not, is to leave the buyers of this equipment with expanded capacity, either directly or through more efficient operation or both. Now we are beginning to see that these differences are not just figments of economists' imagination. Our shortages of plant capacity mean not only slower and more erratic delivery schedules; they are also limiting new job opportunities.

We must find the optimum balance here among some trade-offs. At one extreme we could forget about our environmental concerns and shift our capital formation back to the conventional items that expand capacity—either directly, or indirectly through improving productivity and reducing costs. This would have the advantage of relieving some serious supply constraints, and it would enlarge the plant-capacity base for new job opportunities. It would, however, have the consequence of halting or reversing progress in cleaning up our air and water resources.

At another extreme we could invoke the Club of Rome vows that economic expansion needs to be sharply curtailed in any case. The capital budgets of businesses could then be largely re-directed toward environmental objectives, recognizing that thereby capital outlays for more normal expansion purposes would be drastically curtailed. If this is a rational decision, and not a mindless and passionate seizure of one objective in complete disregard of the implications, it would mean that we want to do this while fully aware of the consequences. What would the consequences be? They would be some combination of a reduced rate of growth in real income and a reduced rate of growth in employment opportunities, with a tendency for unemployment "to stick" at a relatively high rate. The unemployment problem could be avoided if wage and salary levels were held below where they would otherwise be—thereby tilting the economy somewhat in a more labor intensive direction. If we are not willing to take any reduction in real income gains, employment opportunities would then be constricted.

A decision to divert capital budgets of firms in a large way would be a perfectly rational social decision if we candidly face the consequences for employment or real income.

A THIRD POSSIBILITY

There is a third possibility. We could enlarge somewhat the share of total output going to capital formation. In that way capital budgets for environmental projects could be enlarged without a parallel cutback in more conventional projects to enlarge or improve basic productive capacity. Thereby we would largely avoid the problems that would otherwise be posed by limited plant capacity.

Going down this route carries with it its own set of implications. For one thing a higher level of business profitability than now prevails would be required to provide the means and the incentives for these heavier investment programs. The fact is that corporate profitability, even with the sharp improvement from 1970, remains low by historical standards. In 1973 profits (excluding transitory inventory profits) will be equal to about 10.5% of national income. This is low for this stage of the cycle, 20% lower than the 1963–65 average of 12.8% and not consistent with a longer run diversion of our output toward a greater share for investment. Nor is this greater profitability apt to be realized in an era of direct controls.

Those are the three outer boundaries of policies through which we can work our way out of the current imbalance between the size of the work force and our inadequate plant capacity. We are certainly not going to jettison our concerns about environment and pollution. While there has been a large theological component to this movement on the part of some, and for a few it was a convenient device for lashing out at "the System," informed people remain determined to make progress toward cleaner air and water. We must, however, face the fact that this means a somewhat slower rate of growth in real income, ultimately the need to reduce the productivity factor in wage contracts, and the probability that growth in plant capacity will tend to lag behind the growth in the labor force.

What we cannot afford is another round of overly and unnecessarily ambitious objectives, adopted with insufficient exploration of consequences in other directions, and with the public misled by serious under-estimates of true costs and consequences.

THREE CHEERS FOR BRISTOL, CONN., NATIONAL GUARDSMEN

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mrs. GRASSO. Mr. Speaker, our National Guards are trained to defend their country in times of national emergency.

However, another role the Guards play is that of concerned citizens involved in projects which benefit the community at large. One such project is the painting of the Bristol Clock Museum which Infantry Co. C, Unit 102 from Bristol, Conn., carried out on a clear Sunday afternoon last month.

For the benefit of my colleagues I have inserted the following editorial from the October 15 edition of the Bristol Press telling of the service the Guards performed in painting the museum. I join the Press in requesting three cheers for Bristol's National Guardsmen.

THREE CHEERS FOR BRISTOL'S NATIONAL GUARDSMEN

On a clear Sunday afternoon in October, normally the Clock Museum would expect to host a modest number of clock buffs. And usually well over half the visitors come from out of town and many from out of state. The fame of our outstanding clock and watch museum among knowledgeable collectors has spread far and wide, throughout the country and even overseas.

But yesterday the routine was somewhat different as far as activity was concerned at Bristol's American Clock and Watch Museum. Several hours ahead of the afternoon visiting hours there were quite a few folks at the Clock Museum (and most of them from Bristol) who were giving their attention to the outside, rather than the famed collections in the Museum. There were men on the roof and men on ladders. And there were others relaxing on the grass, awaiting their turn on the ladders and on the roof. They were all in "fatigues" and many of them had come in the National Guard truck.

They were members of Company C unit, 102 infantry, Bristol National Guard. They were giving of their time and energies on a community project. They were painting the exterior of the Clock Museum.

It was a sight to behold—and one that makes you feel pretty good towards the National Guard and the men in that Bristol company. Here was an example of Bristol young men who are geared for national defense and emergency service in time of crisis, going all out to take on this community service project. Chris Bailey, curator of the Museum was with them. He was up on the ladder wielding a paint brush, too. A member of the Guard unit, he had put in a request that the Clock Museum paint job should be the Guard's extra community service project for this year. A year ago it was a clean-up day at the old N.D. buildings on North Main Street.

With the local National Guardsmen cooperating, all they needed was the same kind of good cooperation from the weather man. And they had that in good abundance Sunday morning, despite a few showers in the very early morning hours.

The guardsmen did a fine job on "instant painting". Those who did not see them in action may be interested in checking the action photo taken by our Press photographer about 11 a.m. Sunday—on another page in this edition. The Clock Museum and the community as a whole are indebted to our local National Guardsmen. They have given an outstanding demonstration of good citizenship in peacetime. Let's have it loud and clear—"Three Cheers for our Bristol National Guard"! [Picture not reproduced in the RECORD.]

MAN-TO-MAN PROGRAM: "THE LEAST OF THESE * * *"

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. YOUNG of Georgia. Mr. Speaker, in the last 2 years a remarkable program known as Man-to-Man has been developed by community volunteers and inmates at the Lorton Reformatory, the Washington, D.C., prison located in northern Virginia.

One of the moving forces behind Man-to-Man is its president and project director, the Reverend Charles C. Mottley, who described the program in a recent speech to a group of men and women interested in starting similar work in Atlanta.

The concept and nature of this work is simple. Mr. Mottley explains:

> We ask the volunteer in the community, on a one-to-one basis, to take an inmate as a friend and visit him at least once a month, to help him get a job when he gets out of prison and then to stay with him as his friend on a long-term basis.

In the following speech, Mr. Mottley tells the story of Man-to-Man and its potential for dealing with the problem of crime.

"THE LEAST OF THESE * * *"

(By Charles C. Mottley)

Before I begin my speech, I would like to thank Wayne Smith for inviting me here to Atlanta to be with you on this very special occasion.

I noticed the headlines in tonight's newspaper—that crime had increased by 9% in the last year in Atlanta. What you are beginning here is a step in the right direction, and, I believe, a necessary one if we are ever going to get to the root cause of crime and quit dealing with symptoms. I met earlier this evening with Wayne Smith and Jimmy Washington (basketball player with the Atlanta Hawks) and I believe that they will give Atlanta the kind of leadership that they will need to deal with this ever-increasing problem of crime.

In my opinion, it will take another dimension to the usual law enforcement and corrections action—it will take community involvement on a one-to-one basis with real commitment by all involved, to this concept and to each individual offender. I would like to share with you how I got involved in this one-to-one concept.

This is my story:

"Mr. Mottley and Mrs. Suydam would like to talk with you about a television series that they are working on." The speaker was John Boone, the Superintendent of Lorton Reformatory, the Washington, D.C., prison which is located in Northern Virginia.

While John Boone was introducing us, I took my eyes off of him and looked at the 40 men assembled there in the large room. Each one of these 40 men had been convicted of either murder or rape. Mr. Boone's words broke upon my thoughts, "and now I turn the meeting over to Mr. Mottley." He looked at me and smiled and then turned and walked out of the large meeting room.

I looked around to see if there were any guards in the room with us, but I didn't see any. I couldn't believe that he was leaving my friend, Jane Suydam, and myself, in the room with 40 convicted murderers and rapists! To say that I had never felt so out of place in my life was an understatement.

I found myself thinking something like, "Mottley, what have you gotten yourself into now." I had been in some tough situations before—like looking over the edge of a cliff in Trinidad (our car had been forced off a narrow wet mountain road)—or like landing in Guyana with only one wheel of the airplane working—or like riding out turbulent thunderstorms flying over Central America, where two other passengers had been killed by being thrown against the ceiling of our airplane.

I had been in the presence of physical danger—violence and death, but, needless to say, I was not prepared for this particular occasion.

It all began when my friend, Jane Suydam, who had been a television producer, had heard me give a lecture on forgiveness. We began to discuss the relationship of the breaking of man's laws to the breaking of God's laws. There were many proposed solutions to the rising crime problem in Washington, D.C., but no one, to our knowledge, was approaching the crime problem from a spiritual point of view.

Jane decided to do some research for a T.V. series which would explore this relationship—the breaking of man's laws to the breaking of God's laws and asked me to help her with the research. As far as I was concerned it was strictly an intellectual exercise—one with no personal involvement. It sounded like it would be an interesting project.

It wasn't very long before we had an appointment with the Superintendent of Lorton, John Boone. He was very receptive to our premise that underlying the breaking of man-made laws was the breaking of spiritual principles, or laws. After about forty-five minutes, he said, "Look, why don't the two of you talk to some of the inmates here at Lorton?"

My reaction was, "Yes, that's a good idea. Maybe we can come back in a couple of weeks and interview one or two of them." Walking through the prison gates had been enough of a cultural shock for one day.

John Boone replied, "You don't have to wait, I can get a group together right now—in fact, why don't I get the 40 men who belong to the Lorton Lifers fro Prison Reform."

Mr. Boone got up from his chair and continued talking as he walked toward the door of his office. "You can talk to them about forgiveness or anything else that you like—and get their response."

He opened his office door and I could hear him giving his secretary instructions to have the men meet in the meeting hall in 15 minutes.

I looked at Jane and she just smiled back as if this was the most natural thing in the world to be doing. "Well, at least there will be guards with us," I thought to myself.

But there wasn't as I found out, as Mr. Boone left the meeting hall.

And so, I found myself in a room with 40 men—and one woman, Jane, who seemed to be the most relaxed person in the room.

The room was quiet. I could feel every eye in that room looking at me as I stared at a spot on the floor about two feet in front of my shoes. How did I feel? Well, "inadequate" comes close. Maybe "helpless" is a better word.

Have you ever been in a situation where your choices were to speak and feel foolish, or not to speak and feel foolish?

So, I started speaking. "We are here to do some research for a possible television series that would deal with the relationship of breaking man's laws and the breaking of God's laws." My eyes began to meet some of their eyes—but no response.

"We were talking with Mr. Boone just a little bit earlier and he suggested that we tell you what we are trying to do and maybe you could help us." I only saw one white man in the group. He had an intelligent look about him as did most of the others—but still no response. (He later escaped in a well planned exit.)

"For example, we are looking for anv stories of forgiveness where maybe you have forgiven someone for something that they've done to you or where someone has forgiven you."

Two men in the back row got up and walked out of the room. I saw a couple of smiles. "Great, Mottley," I said to myself, "just great. At this rate, they will all be gone in eight minutes." I paused for a few seconds to look around the room. Still no response. No flicker in the eyes. I hadn't touched anyone.

And then I began to tell them about the love of God—and about His Son, Jesus, and that God forgives us of all that we've done—and we know this because of what happened on the Cross. And I began to see a flicker on a pair of eyes there and then another one.

"You see, forgiveness is important. It's important because only as we forgive others can God forgive us—it sets us free and releases us from bitterness and resentment so that we may live in a full and whole life." Well, it wasn't exactly Billy Graham, but at least no one was leaving.

Most of the men were looking down at the floor and I still hadn't felt that I was really communicating with them. "Look, I just don't feel I'm doing a very good job explaining to you what I mean. Is there anyone in here who understands what I'm saying and can communicate it to the others?"

The room was very quiet. I became aware of rock music from a radio in an adjoining building. Some of the men shifted uncomfortably in their chairs. No one was looking at me. Except Jane. I was sure that she was saying to herself, "Okay, Mottley, what now?" And I didn't know.

After what seemed like eternity, a tall man, maybe 6'5", who looked to be in his middle 30's, stood up in the back of the room. "I know what you're talking about. I had two brothers who were killed. They were both caught in the act of robbery and were shot to death. I had a lot of bitterness about that. I was sentenced to a lifetime in prison for killing someone, but yet nothing happened to those two people who killed my brothers."

He was speaking in a very quiet, peaceful tone. "I hated them, really hated them, and the whole system too, but this hate was about to drive me crazy. After awhile, I saw what it was doing to me and with the help of God I was able to forgive them. It really made a new person out of me." He sat down.

Needless to say, I felt relieved. I could feel the tenseness leaving my body. The speaker had done a beautiful job of expressing the forgiveness principle, and because he was expressing it, the men could identify with him. They were having a hard time hearing someone from the outside who obviously had no idea of what it was like to be on the hated inside. And even though there were some men who obviously disagreed, the atmosphere of the room had changed. The spark had been lit and the dialogue had begun.

After the speaker had sat down, one man immediately fired back—"You mean if you saw either of those people walking down the street, you wouldn't do anything to them?"

"No," he answered, "I wouldn't. It's all over." And you had the feeling that it was, too.

I came away from Lorton that day with a terrific burden for the men there. After our little meeting, we stayed around for another hour talking informally with a few of the men.

What could I do to help them? What could one person do? And a nonprofessional at that, who knew nothing about these men, their background—or even about the correction system. College and Seminary had not prepared me for this kind of world with these kinds of problems.

These were the forgotten people of our society—the new "lepers" that are put outside the walls of our cities. These men were the men who for the most part had six common characteristics: they had no job skills; no high school education; grew up in the ghetto; had experienced drugs; were black; and had come from a broken family with no father influence.

But these forgotten men would soon be back with us. Of the 1,500 inmates at Lorton, 97 percent would be back in the community again, and if the national averages held up, 70 percent of those men would be back in prison within four years.

Another fact that astounded me was that over 80 percent of all crimes committed are committed by men who have already been convicted of another crime. In other words, if we want to do something about tomorrow's crime, we need to go to the prisons today.

There are many questions that need answering: what do we do about the compulsive, habitual offender? How do we keep the family together while the father is in prison? What can we do about the degradation of men in prison: the rapes? and the homosexual attacks?

From these concerns, which grew out of that first trip to Lorton, I shared with a group of friends a vision I had to try and do something about our prisons. We started a work at Lorton called Man-to-Man, which now had over 70 men involved in it.

We ask the volunteer in the community, on a one-to-one basis, to take an inmate as a friend and visit him at least once a month, to help him get a job when he gets out of prison and then to stay with him as his friend on a long term basis.

In the last two years, there have been some dramatic things which have come about not only with the inmates, but with the men in the community as well. The T.V. series, which was the reason for going to Lorton that first time, has yet to be produced, but something of far greater substance and value has been produced.

One of the things that has happened is that men in leadership positions in the Washington Metropolitan area responded to the challenge of the Man-to-Man concept. Some of the Northern Virginia men on the Board of Directors are: Charley Harraway, the Washington Redskin fullback who is also Chairman of the Board of Directors; Judge Frank Deierhoi of the Juvenile and Domestic Court in Fairfax County; Dr. L. H. Blevins, a former member of the Arlington County Board of Supervisors; Neil Markva, an attorney; and Don Tobias, President of Data, Inc.

There have been many instances of unusual acts of kindness, but more important is the relationships that are being built. Some of the inmates who in the beginning were openly questioning the motives of the volunteers, are now calling the sponsor "the best friend that I have."

An inmate's wife was hospitalized for a week and there was no one to take care of his children, so his sponsor and his wife kept the children for that week while the wife was in the hospital. A small act of kindness for the sponsor, but even more important the opportunity to demonstrate his verbal commitment.

An inmate had not seen his daughter in eight years and his sponsor picked up the thirteen year old daughter in Washington, D.C., and took her to Lorton to be reunited with her father. In terms of time, a small thing for the sponsor, but in terms of demonstration of commitment, a very important act in building a relationship.

We in this work have come to the realization that God's love is very practical and that it means that our relationship to that man in prison is based on our commitment to him, not on his performance, just as our relationship to our children is based on our commitment to them, as parents, and not on their performance. It makes no difference in our relationship to our children whether they are "good" or "bad", we are still their parents. My friend in prison may escape, or he may be released and then get into trouble again and be put back into prison. But, no matter what happens, I am commited to be his friend, and my relationship to him is based on that commitment, not on his performance.

"As you do this to the least one of these, my brothers," Jesus said, "so you did it unto me."

RARICK REPORTS TO HIS PEOPLE: THE NEW POPULISM, AN INTERVIEW WITH FORMER SENATOR FRED HARRIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RARICK. Mr. Speaker, during a recently televised report to my constituents I interviewed former U.S. Senator Fred Harris of Oklahoma. I insert the text of that program at this time:

Mr. RARICK. The preamble to the Constitution begins with the words "We the people." Many Americans today feel that their government has become isolated from the average citizen because of its massive growth in recent years. And thus, "We the people" have lost much of the power to govern our own lives. Former Senator Fred Harris of Oklahoma is one of these people.

Senator Harris was elected to the U.S. Senate from Oklahoma in 1964 and served there until he resigned in 1971 to seek the Democratic nomination for President. He ran on a platform that has been called "The New Populism." This philosophy became the basis for his new book of the same title. Senator Harris is now a practicing attorney here in Washington and teaching at American University. Fred, let me ask you this: what is the New Populism and why do you feel it is relevant to America in the 1970's?

Mr. HARRIS. Well, we believe in a lot of the same kind of things that Huey Long believed in. We believe, for example, that there ought to be widespread private ownership of private capital in this country. Everybody ought to have a chance to own a part of the system, to be owners. We also believe that there ought to be a lot more competition in our economy, rather than more programs, more government regulations, more government subsidies. We believe that the market ought to be able to work better and can work better, as an alternative to more and bigger government. We also are against monopoly. We believe like William Jennings Bryan said that there ought not to be private monopolies. If there's going to be a monopoly, it ought to be a public monopoly. But primarily, we believe in the market.

Mr. RARICK. Well, does the New Populism then oppose the redistribution of the wealth?

Mr. HARRIS. No, we're for that, but that sounds a lot wilder than it is. Obviously, that's what we're up to with government—that is some kind of fair distribution of wealth and income and power. It's the whole idea. We think that the best way to do that is to enforce the present kind of laws that we have—for example, anti-trust laws. We're against monopoly profits. We're against these across-the-board wage and price controls that really haven't worked. The market would work a lot better, rather than trying to control the whole economy and set all prices and wages. Nobody is smart enough to be able to do that.

Mr. RARICK. You've been here in Congress and, of course, you're aware that many times we get gentlemen in Congress who have new theories for redistribution of the wealth. They always try to hide behind helping the poor man. And yet when these programs are proposed, many of the people who are in here lobbying for them certainly aren't poor people. The minute these programs get going, some of these strong men or wealthy powers get in control, and the whole theory of redistribution ends up meaning actually that the rich get richer and the poor get poorer.

Mr. HARRIS. With a lot of these programs, there's no question about that. I think, though, that it's really a shame that in the richest, most productive country in the world, most people who are working as hard as they can work are having a hard time buying groceries. That's just wrong, and I think there's a couple of reasons that are pretty obvious why that's so. One, we've got this awful inflation, a lot of it caused by monopoly power. And secondly, I think the government is taking too much out of the pockets of most of the working class people in this country. They're paying far too much of the bill and getting very little in return. My father's a very small farmer down in Southwestern Oklahoma, and he works as hard as a person can work. He's paying more than his share of the bills of the government. It's not enough just to have tax reform. I'm for that, and strongly for it. But, I think we also need some tax reduction for most of the taxpayers.

Mr. RARICK. We also find that many of the people retired today who can't even live on retirement are being forced into moonlighting and outside employment. Of course, Congress even increased the amount of earnings that the retired person now can make. From reading your book on the New Populism, Fred, is it safe to say then, that you don't agree with the old maxim that "what is good for General Motors, is good for America"?

Mr. HARRIS. No, I don't. I like the idea in America of the entrepreneur, somebody that can get in business, stay in business and make a living for himself and his family, or herself and her family. But what we've got now, today, is so much of the industries of the country, as with the automobile industry, are these huge giants that are bigger than the market. Remember, we used to have a lot of different kinds of automobiles and that was because the competitive system was working. Now, we've got three big giants that control about 90 percent of the automobile production in the country. They don't really compete on price, they don't compete on quality, and therefore, we've got a lot of Japanese making Datsuns and Toyotos and a lot of Germans making Volkswagens and Mercedes, that might be Americans making these cars, if we really had a competitive automobile industry here. The anti-trust laws are on the books, and we say we're against monopolies. What we'd like to do, those of us who call ourselves New Populists today, is to see the anti-trust laws enforced so that we could have real free enterprise again.

Mr. RARICK. Fred, I notice that in your book you have one chapter entitled, 'The Money Changers Own the Temple." And in it, you mention my bill H.R. 119, which I introduced to provide for public ownership of the Federal Reserve Banking System. I dare say that the average American doesn't even realize that a private, independent corporation, not Congress, actually is in control of the flow of the money and the development of the credit in our country. How would your theories of New Populism answer this question of the money monopoly?

Mr. HARRIS. Well, that's one of the prime reasons, Congressman Rarick, I wanted to come on your program, because I really think you're on the right track, in regard to public ownership of the Federal Reserve Bank. I agree with you; I don't think most people know how money is created or how it's circulated. We know it's there. That's about all I used to know. We get a dollar bill; we can spend it. We didn't know where it came from, or who put it out or printed it. Well the Federal Reserve Bank is a monopoly. And it ought to be a public monopoly instead of a private monopoly. They make all sorts of decisions that affect every one of us about how much money supply there should be, about what the interest rates will be, and so forth. Now, interest rates have gone out of sight. And it is just wrong to allow people to do that privately, to affect the money of the whole country, when their own personal interests are very often deeply involved with what they do. That's why I think you're on the right track with the idea that that ought to be something the government does, the control of our money.

Mr. RARICK. Well of course, it's interesting that the Founding Fathers placed the responsibility and the authority to adjust any credit or any flow of money in Congress.

It's amazing to hear some of the opposition. When people say they don't want Congress to control the money flow, I usually reply, "Well, why not?" And they say, "We don't trust politicians." I say, "Oh, you trust bankers who are not responsible to the people?" I doubt if there are ten members of the entire Congress and Senate of the United States who even know who the members of the Federal Reserve Banking System are. These people have to file no disclosures of outside income; they have no kind of written ethics code. The American people demand this much of their political leaders. We have to live in a goldfish bowl. The bankers who regulate all the wealth of the country don't stand for reelection every two years.

Something must be wrong, because the system isn't working. We still have rampant inflation. They're apparently not regulating to help the average man. You see this from a Populist viewpoint, but it even goes back to provisions in our Constitution.

Mr. HARRIS. When I used to serve on the Senate Finance Committee, we'd have these bankers come in before us and almost say, "Don't throw us in the briar patch." They'd say, "I hope you folks don't force us to have to raise the interest rates so high again to save the country." I was talking to a fellow the other day. I happen to like him; he's a friend of mine and is president of a huge life insurance company. I was asking him what he thought was going to happen to the economy. And he said he was not very optimistic. In consequence of that, he said while normally they keep on hand one hundred fifty million dollars in cash, they've now run that up to four hundred fifty million in cash, which they're investing in 90-day notes at nine percent plus interest. Now, you can't tell me they're hurt by high interest rates. It's just about like my old daddy used to say, "If you've got money, you can make money." That's particularly true if these bankers run these interest rates up. Whereas, folks that are having to buy washers and dryers, cars or homes are paying an enormous penalty because we don't have real control over the Federal Reserve Board.

Mr. RARICK. People get mad at local bankers not realizing that the controls are coming from the Federal Reserve Banking System.

Mr. HARRIS. That's right. They have to get their money somewhere.

Mr. RARICK. But, the local banker is about as frustrated as he can be. You are aware that the Banking and Currency Committee of the House has come out with a bill to audit the Federal Reserve Banking System. And many people have been amazed to find out the Congress of the United States has never audited the Federal Reserve Banking System in all these years.

Mr. HARRIS. That's really a strange thing to me. I wonder how we got into that kind of situation. You know, I served in the Senate for eight years, and I didn't know enough about it. It's a complicated subject, and folks don't understand it out in the country and most of us in the Congress don't know as much as we ought to. I really like the idea of auditing the Federal Reserve Bank regularly. Anything we can do to learn a little more of what's going on will be helpful and might lead the way toward government ownership of the Federal Reserve Bank.

Mr. RARICK. Well, I suggest that we need an investigation with the depth of the Watergate probe into the operation of the Federal Reserve Banking System. Maybe then the common man and the working masses of America would really know what is happening to their dollar.

Mr. HARRIS. I agree with that.

Mr. RARICK. Well, Senator Harris, we're very happy to have had you on the show. Your book, The New Populism, certainly presents new, and different views—refreshing views to what our people are now hearing. I'm certain that many of our people will be interested in following your efforts and your new program. We certainly appreicate your chance to be with us and share your views today.

Mr. HARRIS. Thank you.

MORTGAGE MONEY PROBLEMS CONTINUE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HANNA. Mr. Speaker, on July 20, I warned that the July 5th decision of the Federal Reserve Board and the Federal Home Loan Bank Board would wreak havoc in the homebuilding industry. I was especially concerned that the creation of the "wild card" certificate of deposit would either drain savings and loans or would cause an unacceptable increase in interest rates on home mortgages.

The Congress quickly responded to the unsatisfactory results of the experiment with the "wild card" certificate by recently enacting Senate Joint Resolution 160 which requires the relevant regulatory agencies to set ceilings on 4-year, $1,000 minimum certificates. On October 17, acting pursuant to this legislative mandate, the Committee on Interest and Dividends, with the Federal Home Loan Bank Board dissenting, set ceilings on the "wild card" of 7½ percent for thrift institutions and 7¼ percent for commercial banks and, at the same time, removed the 5 percent-of-savings restriction on the certificates.

Mr. Speaker, these new ceilings are too high to correct the problems which Congress intended to correct and, as such, are not in keeping with congressional intent. The entire history of the change in rate ceilings since July 5 reflects a desire on the part of the financial regulatory agencies to reduce disintermediation and stabilize mortgage flows. But the history of the effects of their decision has been precisely the reverse. It is my strong feeling that the CID's October 17 decision will continue into the future this misguided record of the recent past.

One of the problems Congress intended to correct with Senate Joint Resolution 160 was a situation where thrift institutions held a considerable amount of deposit accounts at yields which would require the institutions in turn to give mortgages at unacceptably high interest rates. But that condition continues uncorrected by the CID's October 17 decision. In order just to break even on 8½ percent VA or FHA loans, for example, financial institutions can afford to pay no more than 6¾ percent on deposit accounts. Therefore, what the 7½ percent ceiling on thrift CD's means is that thrift institutions face the unhappy choice of either relending significant portions of their portfolios at above 9 percent—where homebuyer resistance is high—or risking significant outflows of savings to commercial banks. That was the situation before October 17, and that is still the situation today.

Another of the problems intended to be addressed by Senate Joint Resolution 160 was to lessen the tight grip which high interest rates have placed on the availability of mortgage money. But that problem also will continue to exist despite the CID's October 17 decision pursuant to Senate Joint Resolution 160. In light of the fact that the loan portfolios of savings and loans rarely exceed 7.2 percent, it is doubtful that thrift institutions will be able to compete with commercial banks for these long-term consumer deposits by taking full advantage of the one-fourth of 1 percent rate differential. If that is so, long-term depositors are likely to make their deposits in commercial banks—here high turnover short-term loans make it feasible to give higher yields on deposit accounts. With approximately $20 billion worth of CD's coming due this quarter, it is clear that there will be an inadequate flow of capital into those financial institutions specializing in home mortgages.

In short, Mr. Speaker, the problems which were addressed by the Congress in Senate Joint Resolution 160 have apparently been ignored by the Committee on Interest and Dividends in its October 17 decision. If the results of the October 17 decision fail to correct the problems created by the July 5 decision, yet stronger congressional action may be in order.

I wish to insert in the RECORD, for my colleagues' attention, a series of telegrams which describe the problems now being faced by thrift institutions throughout the country:

BEVERLY HILLS, CALIF.,
October 25, 1973.

Congressman RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

The July 5 "wild card" was destructive to home financing resulting in New York commercial banks offering up to 10 percent on $1,000 accounts obviously not to be used to finance home ownership.

The proposed ceiling of 7.5 percent compounded daily on $1,000 savings accounts which amounts to 7.79 percent per annum means eventual disaster to all financing for home ownership. The $1,000 minimum at 6.75 percent which compounded daily amounts to 6.98 percent is as high as any financial institution can pay to break even on VA or FHA loans at 8½ percent. There is strong public opposition to 8½ percent for home loans and home building and real estate sales are gradually coming to a full stop at 6.98 percent interest cost and overhead of approximately 1½ percent. There is little or nothing left for reserves on 8½ percent mortgages so how can 7.79 percent be economically sound for $1,000 savings accounts to provide funds for home ownership? Immediate action should be taken to entirely eliminate the $1,000 4-year proposal costing 7.79 percent which is economically unsound for home financing.

S. MARK TAPER,
President, American Saving and Loan Association.

GLENDALE, CALIF.,
October 18, 1973.

Congressman RICHARD HANNA,
Rayburn House Office Building,
Washington, D.C.:

The action taken by the Treasury Federal Reserve and Federal Home Loan Bank Board yesterday appears to once again thwart the wishes and directives of Congress. As we understand the intent of Senate Joint Resolution 160 passed by both Houses and signed by the President on the 15th this was to reduce competition for funds and encourage additional flows of money into the housing market. The net effect of current action is to increase interest rates to home owners. The savings and loan industry in order to pay these new rates would have to charge on the order of 9 percent on real estate loans to enable them to continue in business. May Congress now reconsider Joint Resolution 160 and make its desires more emphatic to the C.I.D.

D. A. CLARKE,
President, Glendale Federal Savings and Loan Association.

SAN MATEO, CALIF.,
October 19, 1973.

The new wild card rate controls of maximum 7½ percent for Savings and Loan Associations and 7¼ percent for commercial banks is too high and appears to ignore and violate the intent of Congress, as expressed in JR160. The rates and rate differential announced will not assist or improve home mortgage situation, but does illustrate the apparent attempt of Treasury, FDIC, and Federal Reserve Board to set rates that penalize Savings and Loans and aid commercial banks.

California Savings and Loan Associations' average mortgage loan portfolio yield is 7.2 percent. Obviously, we cannot afford Savings rates as announced, or compete with commercial banks. The Savings and Loans in balance of country have loan portfolio yield of less than 7.2 percent. I urge passage of bill which would require concurrence on rates by the four federal financial agencies involved. It has become obvious that Congress and the country cannot depend upon the three commercial bank-controlled federal agencies to reflect the view of Congress in terms of public need for housing rather than promoting profit for commercial banks.

It is also apparent we urgently need passage of Senator Hubert Humphrey's bill S2454, to establish savings rate ceiling of 6¾ percent, with sufficient differential between commercial banks and Savings and Loan Associations to ensure an adequate flow of funds to the mortgage market.

Request your immediate support and appropriate action.

MILO J. D'ANJOU,
President, West Coast Federal Savings.

GLENDALE, CALIF., *October 18, 1973.*

Hon. RICHARD HANNA,
House Office Building,
Washington, D.C.:

The Committee on Interest and Dividends has again thwarted the intent of Congress in the new rates that they have just passed for banks and savings and loans.

The Fed continues to carry on a rate war against the savings and loans. Until there is agreement of rates rather than a 3 to 1 vote, the savings and loans and as a result, housing, will never get an even break.

The saving and loan industry cannot pay 7½ percent as a rate. There are not more than a few associations that have a portfolio yield that even reaches 7½ percent. Hence, the future safety and viability of our industry is in jeopardy.

Congress should act now to have the CID set reasonable, fair rates.

R. D. EDWARDS,
Chairman of the Board, Glendale Federal Savings.

SAN FRANCISCO, CALIF., *October 17, 1973.*

Congressman RICHARD T. HANNA,
House Office Building,
Capitol Hill, D.C.:

The new "wild card" rate controls announced by the Federal financial agencies today appear to be a direct rebuff of the intent of Congress as expressed in J.R. 160. The rates and rate differentials announced today will not assist the present dreadful home mortgage situation, and illustrate the intent of the Treasury and the Federal Reserve to set rates that penalize savings and loans and aid commercial banks.

I urge passage of an amendment to J.R. 160 which requires concurrence—repeat concurrence—on rates by the four Federal financial agencies involved. It is obvious that Congress and the country cannot depend upon the three commercial bank-controlled Federal agencies to fairly reflect the view of Congress and to allocate savings flow in terms of public need rather than private profit.

ANTHONY M. FRANK,
Chief Executive, Citizens Savings.

DR. KONSTANTIN FRANK AND THE WINES OF THE VINIFERA WINE CELLARS

HON. LESTER L. WOLFF

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WOLFF. Mr. Speaker, a few weeks ago, I challenged the California delegation to back the Oakland Athletics in the world's series against the New York Mets. Well, unfortunately, I lost that bet, and last night the New York delegation joined with the California delegation to pay off the wager with some New York State wines.

We were lucky enough to be tasting the wines of Dr. Konstantin Frank, wines which, according to the experts, are among the finest produced in the United States. Dr. Frank drove to Washington from Hammondsport, N.Y., near Elmira, in the western part of New York State in order to deliver and serve his wines to us personally.

Dr. Frank mentioned that "Americans are behind the moon" in understanding and appreciating fine wines. Perhaps he is right, but I do know that each of us who were fortunate enough to attend the wine tasting last night realized that we were drinking a superb product.

I want to thank Dr. Frank in behalf of the members of the New York and California delegations who participated in the wager—for driving down here with his student, Brother David of the Benedictine Brothers of Indiana, and for being so kind as to allow us to sample his wines.

In Dr. Frank's honor, I would like to include at this point in the RECORD an article from Holiday magazine, written in May 1968, after he had been operating on his own for only 5 years. It was certainly my honor and privilege to be his host here in Washington.

The article follows:

NEW YORK WINES COME OF AGE

(By William Clifford)

"Except for a couple of serviceable champagnes, nobody I know would be caught dead with a bottle of New York State wine in his cellar." The man who said this to me was a connoisseur with several thousand bottles of good wines in his cellar—enough so that he will very likely die with many of them still there. And he was expressing the common knowledge that New York wines are marked with the taste of wild grapes, grapes that once grew so profusely all over the eastern part of America that Leif Ericson named it Vinland. Many connoisseurs assert that all New York wines have always had this taste and always will. I am pleased to report that these connoisseurs are wrong.

I won't be surprised if a few people question this statement. By and large, the wines that have been made by many individuals in the East for some three hundred years, and in New York by large commercial wineries for more than a century, do not taste much like any other wines on earth. This has little to do with the soil or the climate or the way of making the wine; it has much to do with the varieties of grapes. There is a long record of failure to grow European wine grapes in the Eastern United States. And there is an equally long record of unfounded claims of indigenous excellence. A colonial governor was so impressed by the quantity of wild grapes that he conceived a plan for America to become the world's major wine producer. This hasn't happened yet, and it doesn't seem likely to happen, if only because Russia is currently making a much stronger bid than ours to overtake France and Italy.

More than a century ago Nicholas Longworth was selling his Cincinnati-made Sparkling Catawba in the urban centers of the East, and he even sent some cases of it to England. An accomplished showman as well as an honest wine maker, Longworth once claimed indignantly that when people ordered his wine at certain New York hotels they were served inferior French champagne in its place. And our agrarian-epicure President, Thomas Jefferson, had some years earlier written to a friend that his—the friend's—American-made red wine equaled any Chambertin. This was before the Concord grape had been hybridized, or the Isabella (which was bred at Flushing, Long Island), or Longworth's favorite, the Catawba, to which Henry Wadsworth Longfellow wrote the following lines (actually a thank-you note to Longworth for a gift of his wine):

> Very good in its way
> Is the Verzenay,
> Or the Sillery, soft and creamy;
> But Catawba wine
> Has a taste more divine,
> More dulcet, delicious, and dreamy.

But the wine that Jefferson praised must have carried the heavy stamp of all wild American grapes, the pervasive taste that wine people refer to as grapy or foxy. (The French call it *goût sauvage.*)

Last year, when the *Foreign Service Journal* asked Ambassador David Bruce to name the ten greatest wines in the world, it received a list of ten French and German wines—naturally enough. It also received cries of outrage from wine growers and congressmen in California and New York. How could a senior American diplomat commit such a *gaffe*, at a time when the State Department was promoting American wines abroad? Yet had the ambassador, a recognized connoisseur, included a California wine, American epicures might have been surprised and even distressed, because his choice would certainly have been a premium varietal of very small production, almost unobtainable by the general public. Had he included a New York wine, sophisticated wine drinkers might have fainted from shock.

Nonetheless, what I have to report is the recent production in New York State of wine that comes close to meriting a place on his list. After a century of crushing Concords and Catawbas, blending some good champagnes (New York makes more than half our sparkling wines, though California makes 85 percent of all American wines), making popular fortified and dessert wines, and last of all the odd-tasting table wines, New York has now suddenly produced fine dry table wines without a trace of the foxy flavor. They are wines that compare favorably with the well-known Rieslings of the Rhine and the superb Pinot Chardonnays of Burgundy.

To a considerable degree, this is the accomplishment of Dr. Konstantin Frank.

Born of German parents in the Ukraine on the Fourth of July, 1899, Doctor Frank immigrated to America in 1951, following eight years of agriculture and viticulture in Austria and Bavaria. Before the War he had been in charge of large vineyards in the Ukraine, where he supervised the planting of 2,000 acres of Rieslings and other fine wine grapes. His academic degree in agriculture comes from Odessa, where Lysenko was one of his professors.

Like many another immigrant, Doctor Frank arrived in America broke and without a job. Finding life in a slum under the Brooklyn Bridge intolerable, he bought a one-way ticket to Geneva, New York, where the state's Agricultural Experiment Station is located. There he knocked on the door, described his previous experience with grapes, and requested a job. He was given menial work, which he performed for two years. Then his talents came to the attention of Charles Fournier, the head of one of the nearby Hammondsport wineries, who hired him as director of vineyard research for Gold Seal. Fournier had himself been an immigrant, though in different circumstances, from Reims, France, in 1934.

During his decade with Gold Seal, Doctor Frank experimented with many grape varieties, root stocks and soils. New York's winters are much colder than the winters in the vineyard areas of western Europe, but he was already familiar with the subzero temperatures of the Ukraine. And he knew that wine grapes benefit from a certain amount of cold, that in most wine districts of the Northern Hemisphere the best wines are made from the grapes growing the farthest north. This was a factor in favor of New York. And native American roots had adjusted to the climate and developed resistance to pests and disease. The soils proved favorable too. It was the grape varieties, the buds he grafted into native roots, that constituted Doctor Frank's daring area of experimentation.

In common with many other fruits, grapes are not generally grown from seeds, which would result in throwbacks to undesirable hereditary characteristics, but from grafts of the finest specimens onto suitable roots. The buds Doctor Frank determined to grow were all of the European Vinifera family, the grapes that had defeated attempts to grow them in the Eastern United States for three centuries. The men who remember him at Geneva say he has a green thumb. He also has scientific knowledge, practical experience, unlimited energy and dogged determination. He personally grafted more than 250,000 buds of European wine grapes onto American roots for Gold Seal, planted these grafts in various soils, watched them grow (the ones that *did*—naturally, there were failures), harvested the grapes and made the wines. He made wines that tasted not at all like the foxy New York State products of the past, but like the fine wines Europeans make from these same grapes.

Gold Seal continues to produce Vinifera wines, though it is a very small part of the firm's business. Its premium champagne, Charles Fournier Brut, takes much of its production of Pinot Chardonnay (one of the three legally authorized grapes in French champagne, and one of two that account for all *blanc de blancs* champagne); but if you can find a bottle of Gold Seal Pinot Chardonnay, or a bottle of Gold Seal Johannisberg Riesling *Spätlese*, you will have a good wine.

Five years ago Doctor Frank left Gold Seal to toil full time in his own vineyards. By then he owned more than a hundred acres of good land (forty-seven planted in about twelve varieties of the best grapes, with a heavy concentration of Rieslings), plus a sturdy brick house equipped with laboratory and library, a winery, and a cellar that represented his chief cash investment. Each year he has grown grapes with the zeal of the missionary and made wines with the care of the perfectionist. His own wines—labeled Dr. Konstantin Frank, Vinifera Wine Cellars—have been on the market since late 1965. The distribution has been limited, but any retailer or individual whose state laws allow it can order direct from him in Hammondsport. His wines cost more than all other New York table wines and most of California's, and serious wine drinkers may resist buying them both because they can't believe he has eliminated the foxy taste and because they thnk they can buy something better from Europe at the same price.

But those who have drunk his Pinot Chardonnay, or his Johannisberg Riesling *Spätlese* (all his Riesling is *Spätlese*, which means left late on the vine, and it's also *Natur*, undoctored with sugar), or his Gewürztraminer, have been astonished. These are his big three, and each has been sold in two or three vintages so far—1962, 1963 or 1964. He also makes a sweet fortified dessert wine, a superb Muscat Ottonel; and finally, in minuscule quantity, mainly to prove that you can do anything in America, he has made a *Trockenbeerenauslese* Riesling. Traditionally the world's most expensive wine, *Trockenbeerenauslese* is pressed from dry raisin-like grapes of the Rhineland that are picked one by one (only the driest single grapes out of the clusters) very late in the fall. They yield only a trickle of juice, but what there is ferments into the nectar of the gods—or of the Germans who willingly pay $30 and more a bottle when their wine makers are able to produce it. Doctor Frank charges $45 for his, and he is selling some at that price. The Commonwealth Club of Richmond, Virginia, ordered a second case when several of its members discovered how much they liked it.

Other Vinifera Wine Cellars prices are less astronomical. The 1964 Riesling retails for $3, and while that may seem expensive for a New York State wine, I am unable to find a German Riesling of equal quality at that price. I find that you have to pay closer to $5 for imported wines in the same class, and even then you are not so sure of getting honest wines as you are when you buy one of Doctor Frank's.

His Pinot Chardonnay, Gewürztraminer and Muscat Ottonel cost a dollar more than the Riesling, not because they are better but because he has less of them to sell. Each is well worth its price. During the past two years he has invited and conducted many blind tastings and open comparisons, but his wines have so often come out on top that it doesn't seem like much of a contest any more. Only his red wines (in small experimental production) fail to win universal favor, which seems to indicate that New York's Finger Lakes region is better suited to white wines, as is the Rhineland.

While this development in New York State wines might not have occurred—at least not in our time—without Doctor Frank, it also might not have occurred without the broad foundation of American wine production and the recent change in our cultural climate. Year by year we are growing more sophisticated in the arts of good living, including wine drinking. French-born restaurateur Roger Chauveron (original owner of New York's Cafe Chambord and for the past decade of the Café Chauveron) says that America now has more gourmets than France. Conceivably M. Chauveron wishes to flatter his distinguished clientele, but there are ways to substantiate his claim. Commenting on the scarcity of good bottles on the wine lists of ordinary restaurants in France, a wine buyer told a friend of mine, "Today France has the dollars but America has the wines." What does it profit a man to become rich, if in so doing he diminishes the good things money can buy?

With our growing national sophistication we have produced more wine connoisseurs, more people who buy the expensive wines of Europe, and more plain wine drinkers who appreciate an improvement in what goes into the two-dollar bottle or the gallon jug. We have hundreds of major private cellars and thousands of smaller ones. One estimate suggests there are three million of us who drink at least a couple of bottles of wine a month. Much of this is inferior, but it may lead to a taste for better wines.

"Have you tasted So-and-so's new rosé?" I asked a restaurant owner, naming a domestic brand.

"*That*," he replied, "that isn't even a wine." I was reminded of a *sommelier* in France who once said something similar to a friend who asked his opinion of *vin rosé*: "Monsieur, a rosé may be a very good *drink*, but it is not a *wine*." Both these men were condemning a type of wine that connoisseurs usually hold in low esteem, but that is nonetheless very popular. If this steps on your toes, I hope you will hobble on drinking what you like. That bottle of excellent Tavel you drank on a hot summer day in Aix, the Bandol in Saint-Tropez, the Bellet in Nice—if you can evoke the pleasure of their discovery by drinking them again and again, why not? By all means drink what suits your palate, but please keep it receptive. The palate can be educated much as the eye or ear. A California Grenache rosé (such as Beaulieu or Cresta Blanca) or Gamay rosé (Christian Brothers, Robert Bondavi) makes an excellent all-purpose drink.

The other part of the climate of readiness in which the remarkable new wines have appeared in New York State is that complex of ferment in Hammondsport. About the time Nicholas Longworth found his way from Pittsburgh down the Ohio River to Cincinnati, the New York wine industry got its humble start in the rectory garden of Hammondsport's Episcopal Church. The Reverend William Bostwick had brought the vines there from his previous parish in the Hudson River Valley. They were native American grapes and they flourished. Other citizens of the town soon had vineyards on the sloping shores of Lake Keuka, and in the 1860's two of the great wine companies of today were born, Great Western (the company name is actually Pleasant Valley) and Gold Seal (then called Urbana). Both gave priority to champagne, which is still their first order of business a century later. Both Great Western and Gold Seal make full lines of sparkling and still wines, and both have exeprienced with new types of grapes.

The other two major New York companies, Taylor and Widmer, both got their start about a generation later, Taylor also at Hammondsport, and Widmer at Naples, on neighboring Lake Canadaigua. The Swiss-descended William Widmer has a private cellar of the family's varietals going back to the 1890's. and the company sells wines made from such native American grapes as Catawba, Delaware, Moore's Diamond, Diana, Dutchess, Elvira, Niagara, Salem and Vergennes (all white wines), and Isabella (red). Widmer does not emphasize champagne, but has instead concentrated on fortified wines. Its sherry ages in barrels on the roof, exposed to summer sun and winter cold, pleasing the eye of the tourist, who often takes this for a *solera*, if he has heard of the Spanish way of aging sherry. Widmer does not keep blending new sherries with old ones as the Spanish do, so that there is always some wine in every barrel dating back to the year the *solera* was set up. (One of these true *soleras* has just been set up at Great Western.) Widmer has also many years' experience with *Spätlese* wines, but made from the Missouri Riesling (an American variety), not from the Johannisberg Riesling of the Vinifera family.

The Taylor family has probably played the most influential role of all in the development of the New York State wine industry. A rural wine museum has just been opened in the old wooden building that housed Taylor's first winery, high above Lake Keuka, several miles from the great modern winery, offices and warehouse that are wonders of technical efficiency. The museum is the brain child of Walter S. Taylor, who works with his father, Greyton H. Taylor, in the management of Great Western. The Taylor Wine Company bought Great Western several years ago, but it runs as an independent subsidiary. Taylor and Great Western wines compete with each other in the market, and they are made differently from each other. Still, there is sometimes a tendency to think of the two companies as one, even within the family. "We are the third biggest champagne producers in the world," a Great Western executive told me, and his "we" meant Taylor and Great Western combined. (Incidentally, the two bigger producers are Moët & Chandon in France and Henkell in Germany.)

Whether or not other grape growers and wine makers can duplicate Doctor Frank's achievement is a vital question for the future of Viniferas. The powers at Hammondsport agree that he is bringing new prestige to the New York wine industry, but they aren't entirely comfortable with it. They aren't sure they should change over to his kind of wine making, or that they can. Some of them, together with some of the men at Geneva, seem to consider him more an egotist than a scientist. But as one man admitted to me, "If he didn't have a strong ego, he wouldn't have survived. He knows he's achieved what nobody else was able to do, what we all said couldn't be done."

This is the background against which Doctor Frank says, defiantly and proudly: "Taste my wines. Compare them with European wines. Mine are better. America can do everything bigger and better. In forty-five years I was never so successful in Europe. The vines are so big and strong in this great country that I can plant only 600 of them to an acre. In Europe, 1,800 and even more. Here we pick grapes from new vines after two years. In Europe, five."

The problems are that it requires knowledge and care to grow Viniferas and that the yield is low, necessitating a higher price for the grapes.

Whatever the outcome—whether a generation from now there are Rieslings growing in twenty or thirty states (as Doctor Frank believes there will be, and I hope he is right), or whether the commercial wineries aren't going anywhere except on down the Concord-Catawba trail—there's no denying the real accomplishment of the past few years. Serious wine drinkers can no longer ignore or disdain New York wines. An American ambassador who follows Washington's directive and offers his guest a glass of New York Isabella may not himself know or like what he's drinking. But if he then opens a bottle labeled New York State Pinot Chardonnay, he may get the surprise of his life. And if the guest happens to be a European in the wine business, *he* may even feel a chill. The patriotic Doctor Frank likes to point out that the money we spend importing European wines would provide jobs to support a city the size of Albany. He especially likes to point this out to officials in Albany the state capital who feel he ought to do more to support the New York wine industry.

A lot of rainwater has drained down the slopes of the world's vineyards since Noah planted his vines on Mount Ararat. And there have been many remarkable developments in the science and art of viticulture. But no innovation I am aware of has been more surprising than what has happened recently in New York. You are welcome to go and see (and taste) for yourself. Hammondsport is a pretty place to visit, and there's a glass of wine on the house waiting for you at the end of a guided tour at each of the major wineries. If you want a serious talk about Viniferas, there's also Doctor Frank, in his red-brick house overlooking his vineyards and the lake. Perhaps one day people will go on wine tours or pilgrimages to Hammondsport as they do to Bordeaux and Beaune, to Reims, Mainz and Jerez. If they do, I think there ought to be a plaque on the modest building of Vinifera Wine Cellars, saying that here was the home and laboratory of Dr. Konstantin Frank.

AMERICAN CORPORATE SUPPORT FOR EXPLOITATION OF BLACKS IN PORTUGUESE COLONIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RANGEL. Mr. Speaker, testimony before subcommittees of the Judiciary Committee and the Foreign Affairs Committee of the House of Representatives has unfolded tale after sordid tale of American corporate support for policies of racism and exploitation. In the Republic of South Africa and in the Portuguese-held colonies of Africa, American dollars are more than currency; they are rationalizations for profits and dividends at the expense of the lives and blood of black workers.

American firms which so proudly proclaim that they are "equal employment opportunity" companies in the United States seem to have no compunction about running the 20th century equivalent of plantations overseas with African workers as virtual slaves.

Our own Government has subsidized the South African system of apartheid in operating a NASA space tracking station in South Africa where there is open, undisguised discrimination against black employees. Fortunately, attempts in Congress over the past 2 years to bar the authorization of funds for maintaining this tracking station focused public attention on U.S. Government complicity in a racist facility. As a result of these attempts which I led, NASA has agreed to phase out our facilities in South Africa.

Corporate subsidization of discriminatory and barbaric political and economic systems continues, however. Pulitzer-prize winner Jack Anderson recently recounted the story of one stockholder's valiant fight to make Gulf Oil responsive to its unconscionable role in Angola. The Anderson column follows:

[From the New York Post, Oct. 20, 1973]

GULF, ANGOLA AND GRANDMA

(By JACK ANDERSON)

WASHINGTON.—In a world beset by war and Watergate, a determined grandmother has stood up to a powerful oil executive over Gulf Oil's practices in faraway Angola. The story, as it has unfolded in their private correspondence, is an American morality tale worth printing.

The grandmother, Elizabeth Jackman of Arcadia, Calif., a Gulf stockholder, read a newspaper story criticizing her company for supporting the Portuguese colonials against the oppressed blacks in Angola. She protested.

The executive, B. R. Dorsey, president of the multibillion-dollar corporation, heeded the voice from the crowd and tried to assuage her. She wound up going to Angola, a lone stockholder on a fact-finding mission, where Gulf promised she would see for herself the company's benevolence toward the blacks.

Her private crusade began in April, 1972, when she set aside her family duties long enough to fly to the Gulf stockholders' meeting in Pittsburgh. She had a question.

"Could not Gulf," she said politely, "be more responsive than it is to the needs of the Africans?" But the Gulf brass gave her the brush-off.

Bothered by this, she wrote an acidly civilized letter to the corporate boss himself. The stockholders' meeting, she complained, had been a "dismal joyless affair, lacking in taste, sensitivity and humor. I had believed that (it) would be an occasion for the exchange of ideas. I now recognize the extent of my naivete."

The Gulf executives, she wrote, were "sitting there like robots . . . clapping together (at) the same beat. I heard a beat from a different drummer. Why didn't Gulf . . . explore a more creative position in Angola? (It) brought out the Bella Abzug in me."

The earnestness of her appeal stirred the busy Gulf president. "I must begin by apologizing for (the meeting's) rigidity," Dorsey responsed. "I am sorry it seemed 'dismal and lacking in taste.' We must improve the way we conduct future meetings . . . I am . . . abashed."

As for her complaints about Angola, he invited her to see the Gulf operation there for herself at company expense. Mrs. Jackman accepted the invitation but insisted upon paying her own fare.

The obliging Dorsey personally ordered detailed briefing papers be sent to her. These showed that Gulf has a formidable $209 million investment in Angola. Black employment at the oil facilities, according to the company statistics, was up 10 percent is one year, with pensions and other programs above the Angolan average.

Loaded down with corporate materials, the determined grandmother flew off to "see for herself" the Gulf facilities in both Angola and Nigeria. She received the well wishes of Dorsey from his executive suite.

"This letter probably will arrive too late to have permitted me to wish you a safe and worthwhile trip to Africa,' he wrote, "but not too late to be welcoming you back and to ask you to share with me your reactions to your trip."

Upon her return, accordingly, Mrs. Jackson shared her reactions with Mr. Dorsey. "Gulf's Angolan efforts seem ludicrous and feeble," she wrote.

She had been impressed with Gulf's effort to assist the black government in Nigeria with the "transition from colonialism to self-determination." But she had found this approach "totally lacking" in Angola. "The one black" in the Angola Gulf management, she wrote, had been shipped out of town "apparently because of friction with the Portuguese staff."

She had been briefed by Gulf on how kind the Portuguese were to Angolan blacks. Instead, she had found laborers on a coffee planation kept behind barbed wire "in one-room dormitories . . . separated from their families, cooking the allotted food on open fires."

The few whites in Angola, in contrast, lived in a world of golf courses, swimming pools and luxurious homes with well-stocked liquor cabinets.

"Importing large American cars for the Gulf staff," she wrote Dorsey, seems quite unnecessary." The practice "fosters the idea of limitless American money . . . The big cars are locally dubbed 'swimming pools.' "

Some of Gulf's employes in Angola, she charged, regarded blacks with "the outmoded Southern USA . . . redneck attitude."

She called upon Gulf to support small black businesses, to seek increased black enrollment in farm and technical schools and to promote better understanding of black liberation efforts in Angola.

"The priority given to construction of clubs for the Gulf staff, mainly Europeans, puts an emphasis on importing a lifestyle completely inappropriate to black Angola today," she wrote.

The disappointed Dorsey, however, didn't reply. Instead an aide, William Cox, who accompanied Mrs. Jackman on her African tour, wrote back that "we both saw the same things but interpreted them quite differently."

Saddened, the crusading grandmother sold her Gulf stock and joined a church-sponsored boycott of Gulf products.

Footnote: The dissident stockholder, nevertheless, had an impact on Gulf policies. Company officials have now recommended ending the use of large American cars in Angola, promoting greater black enrollment in technical schools and making more purchases from small black businesses.

PETITION TO HOUSE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, all of us are aware of the achievements of Nicholas Johnson, a distinguished Commissioner of the Federal Communications Commission. Mr. Johnson has taken the very bold and brave step of speaking out before the House of Representatives on the subject of an impeachment inquiry of the President of the United States. I am hopeful that my colleagues will read carefully Commissioner Johnson's petition to the House of Representatives regarding the impeachment of President Richard M. Nixon.

The petition follows:

A PETITION TO THE HOUSE OF REPRESENTATIVES REGARDING THE IMPEACHMENT OF PRESIDENT RICHARD M. NIXON

From Federal Communications Commissioner Nicholas Johnson.

OCTOBER 29, 1973.

In the course of history of men and nations there are times when citizens must take a stand.

The tumultuous, exciting experiment called the United States of America has brought a number of decision points to its citizens. The Declaration of Independence of our colonies from England was one of the first and hardest choices we had to make as a people. Each war—the Revolution, Civil War, World Wars I and II, the Southeast Asian War—has called for a personal commitment of support, or opposition, from each citizen. And so today, as we ponder the initiation of impeachment proceedings against our President, must each American man, woman—and, yes, even child—ponder the facts and issues as he or she is best able, and come to some judgment.

It is crucial to our decision that we understand what we are, and what we are not, called upon to judge at this time. A conviction following the impeachment of the President—this is, his removal from office, or not, based upon findings by the United States Senate as to his guilt or innocence of charges—is not the issue at this time. Presidents are no more beneath the protections of the law than they are above its prohibitions; President Nixon is entitled to the same presumption of "innocent-until-proven-guilty" as any other citizen.

No, the only question that is now before the American people—and it is they who are the ultimate actors in this drama—is whether the House of Representatives should send to the Senate for trial the allegations against the President regarding the constitutional grounds for impeachment: "treason, bribery or other high crimes and misdemeanors." To borrow an analogy from our more conventional court proceedings, we are not sitting as a jury deciding guilt or innocence; we are merely sitting as a grand jury, deciding whether or not to indict and bring to trial.

Prejudgments of guilt or innocence should no more frighten us into motionless inaction than should outrage propel us to judgment.

If ever there was a time to put aside partisan considerations, this is such a time. And I believe that, to the extent partisanship has been evident on these issues, it may have been evidenced in the reluctance of Congressional Democrats as much as Republicans. It is charged that some Democrats may have hesitated to act because the polls did not yet indicate majority support for a conviction of impeachment, that others may be fearful they will be charged with precipitate and partisan action, and that all are mindful of the political disadvantges of running a Democratic nominee against an incumbent Republican President in 1976.

I must admit that I am not free of fault on this score. Richard Nixon's political career has been a part of my consciousness for 25 years. During the course of his Presidency, I have detailed some of the offenses that we must now consider in evaluating the propriety of House hearings—his manipulation of the media, the role of big money, and the war in Camobdia.[1] The evidence regarding the conduct of President Nixon's 1972 Presidential campaign has been available to all of us for over a year. The uproar following the resignations and firings in the Department of Justice the weekend of October 20, 1973 was the moment of decisions for millions of Americans. Through all these events I have remained silent.

I can no longer.

As a Presidential appointee,[2] and currently active federal official, I recognize the seriousness of this action. But I also recognize the seriousness of continued silence, that "not to decide is to decide."

Accordingly, I am today sending a copy of this statement to members of the House of Representatives, urging them to support the prompt initiation of House proceedings regarding the allegations of impeachable conduct by President Richard M. Nixon. I am simultaneously urging those of my fellow citizens who share my views to write their Representatives.

It seems both appropriate and necessary that the reasons for my action be set forth.

It is with deliberation that this decision, and statement, have been delayed until the "resolution" of the tapes issue; because, in my view, the allegations compelling House action on Presidential impeachment are unaffected by the events and issues surrounding the tapes. And it has been my desire to present the case without the diversionary complications of that issue.

In the flashing headlines surrounding burglaries, buggings, bribery, and break-ins, the most serious allegations have often been shadowed or ignored. It seems to me useful to review them here.

War. President Nixon ordered a land invasion of the sovereign state of Cambodia by American troops in May 1970 without the Constitutionally-required approval of Congress, and in violation of Cambodia's neutrality, as recognized by principles of international law and the United Nations which the United States is pledged to support. Even prior to that time, he authorized a secret bombing war against Cambodia which was undisclosed and overtly misrepresented to the American people, the press, members of the Senate and House, and even the civilian officials of the Department of Defense.

Free Press. President Nixon has waged a systematic campaign against the news media, including, but not limited to, the subpoenaing of newsmen's notes and films, wiretapping of Washington correspondents, the unprecedented effort to enforce "prior restraint" of publication (the Pentagon Papers), the jailing of newsmen, fraudulent FBI investigations of newsmen (the Daniel Schorr case), frightening non-complaint neworks and stations with ominous recriminations (while promising economic protectionism for good behavior), attempting to control the lyrics of popular songs, and trying to influence the funding, programming, personnel, and administration of the Public Broadcasting Corporation.

Impoundment. The degree to which President Nixon has used the impoundment process to defy the authority of Congress to fund legislative programs is unprecedented—over $40 billion for health care, housing for the needy, assistance for children of working mothers, and the handicapped.

Electoral Interference. During President Nixon's 1972 campaign there were violations of federal law in the collection and illegal use of campaign funds; a list of "enemies" was compiled for purposes of harassment by the Internal Revenue Services; fraud, espionage, libel, burglary, wiretapping, extortion, false reporting, bribery, and perjury were designed to—and very probably did—have an impact (whether or not decisive) upon the outcome of that election.

Use of Government Property. Unanswered questions remain regarding the use of government funds to improve private homes in California and Florida—as well as the private financial and tax transactions involving the acquisition of those properties.

Invasion of Privacy. Widespread use of wiretapping (including the wiretapping of his own employees), the secret taping of his own conversations with others, the investigations and spying on private citizens, the maintenance of dossiers on civilians by the military, all indicate a less than full commitment to the letter and spirit of the privacy guarantees of the Fourth Amendment. The President's July 23, 1970 approval of the interdepartmental intelligence project (subsequently abandoned at FBI Director Hoover's insistence) and the 1971 creation of a special investigative unit ("the plumbers"), indicates an affirmative intention to violate such rights.

Legal Procedures. While Daniel Ellsberg was on trial, White House aides burglarized his psychiatrist's office for possible evidence, and discussed with the Judge presiding over that trial his possible Directorship of the FBI. In May 1971 over 13,000 people were arrested in a Washington dragnet, on direct orders of the White House, and in a manner subsequently found by the courts to have been unconstitutional. Having agreed to abide by a court ruling regarding his tapes, the President subsequently refused to either appeal from, or comply with, a lawful order of the Court of Appeals—a position from which he subsequently retreated. Grand juries have been urged to return politically motivated indictments.

Intelligence Independence. There is evidence that the President and his aides sought to subvert the independence of the FBI and CIA, using those agencies to serve their own illegal, personal, and political ends.

Bribery. The evidence is not yet fully compiled regarding the relationship between the $60 million that was collected for the President's 1972 campaign and every governmental decision that may have been influenced thereby. Sufficient facts have already come to light, however, to suggest that there were at least some instances in which "bribery" may have taken place for which the American people are now paying the high price of a government-ordered "inflation" of "regulated" prices.

Many of these items are, at this point, only

Footnotes at end of article.

allegations that may be proven to be false. They are, however, illustrative of the "treason, bribery, or other high crime and misdemeanors" referred to in Article II, Section 4 of the Constitution as grounds for impeachment.

It is precisely because of—and not in spite of—my patriotism that I believe these charges cannot be ignored. My childhood was not so different from that of Richard Nixon. I, too, made an early commitment to public life, to study and participate in government, politics, law and law enforcement. I, too, was active in student government from the time of my grade school years. I, too, have participated in party politics throughout my adult life (though in much lesser roles than he). I, too, keep a flag in my office, and can sing the national anthem with the best of them. I, too, have studied the lives of our great American leaders, and have had the privilege of feeling the personal influence and inspiration of some of them—in my case, men like Supreme Court Justice Hugo L. Black and President Lyndon B. Johnson. I, too, have served the federal government during the past decade.

And so I can say that it is precisely because I *do* love America, because I have a commitment to the genius of its idea that is sentimental as well as intellectual, personal as well as professional, pragmatic as well as idealistic, that I cannot sit by silently and watch its decline and fall.

Without a commitment to our Constitution, without a defense of our dream, without the inspiration of our ideals, America is nothing but another authorization industrialized state with rapacious rich and ravaged poor, freeways anf factories, and neon signs amongst the natural beauty.

We cannot say "politics has been ever thus." That is simply not true. The Presidents of my lifetime—Roosevelt, Truman, Eisenhower, Kennedy and Johnson—may not have been paragons of virtue in every aspect of their lives. But I take pride in the fact that the cumulative allegations against all of them combined do not equal in seriousness the significance of any one of the nine categories of charges I have itemized regarding President Nixon.

We owe it to those who look to us for leadership to assert unequivocally that the past few years have not been "business as usual" in the land of Jefferson and Lincoln, that the lamp of liberty still burns bright from the Statue of Liberty to the eternal flame in Arlington Cemetery. We owe it to the "huddled masses yearning to be free" who look to us from across the seas, we owe it to our children—before the sparkle of youthful hope and idealism turns forever to the hard, cold stare of cynical despair. And, not least of all, we owe it to ourselves—those of us in "the establishment," the opinion leaders, the captains of industry, the educators, the ministers, the officials—who, if we are to lead, must feel of ourselves that we are fit to lead.

For America never promised the world it would be perfect. We are a bustling, brawling, boisterous people. We have a history of more materialism than is good for us, and more wars than have been good for anybody. All we have ever guaranteed is that "all men are created equal" and that no one would be bored. And, with occasional backsliding, we've struggled to make good on those promises.

We never said our Presidents, judges, and legislators would be free of fault. Indeed, the genius of our system of government is that it quite candidly creates checks and balances to deal with fault. Our leaders are not figures descended from royalty, gods or angels who "can do no wrong." They are quite human, "of, by and for the people," with all the strengths and weaknesses of the other mortals they serve and represent.

Thus, the great shame of the actions leading to the charges against President Nixon has not yet come. That the charges have surfaced, that the press has reported them, that the Senate and courts have investigated them, should be a matter of greatest national pride. No, the great shame will come to our nation if, and only if, knowing the charges, the House of Representatives refuses to act.

And so I conclude as I began. It is not my judgment that the President should be convicted after a trial. Under our Constitution, it is the United States Senate that will hear that case and consider the question. And just as all American citizens now sit as an advisory panel to the House, so will we then all sit as judges with the Senate. The only issue before us now is whether the facts, charges, and allegations I have summarily outlined here are sufficient cause for the House to send the matter to the Senate. That they require such action seems to me clear beyond doubt—although I expressly reserve judgment on whether the President should be removed from office following his Senate trial.

It is encouraging and commendable that the House Judiciary Committee has begun hearings. I urge every Member to support the efforts of that Committee and to expedite the transmission of this case to the Senate, where it belongs.

FOOTNOTES

[1] For example, "Government by Television: A Case Study, Perspectives and Proposals," Earth (March 1971), pp. 50–59, 92–93; "Subpoenas, Outtakes and Freedom of the Press: An Appeal to Media Management," reprinted as "Stations Are Standing By While News Is Threatened," Television/Radio Age (April 6, 1970), pp. 69, 114, 116, 118, 120, 124, 126, 128, 132; "Dear Vice President Agnew," The New York Times, Oct. 11, 1970, p. D–17; "The Power of the People and the Obligation to Dissent," Los Angeles Free Press (May 29, 1970), p. 15; "Evil Times and Great Wealth," speech delivered at the University of Northern Iowa, Cedar Falls, Iowa, Oct. 15, 1973.

[2] July 1, 1966, by then-President Lyndon B. Johnson, not President Nixon.

SPECIAL PRESIDENTIAL ELECTIONS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MOAKLEY. Mr. Speaker, I am today introducing legislation to provide for a special election if the President resigns or is impeached while the Vice-Presidency remains vacant.

Before explaining this legislation, its purpose and intent, I would like to offer a word of profound thanks to Prof. Raoul Berger of Harvard Law School who called attention to the possibility of special election several months ago. He is, perhaps, our Nation's foremost authority on the Constitution and certainly there would be no effort in this direction today without his generous assistance and wise counsel.

Today I am introducing a bill, identical—except for technical changes—to the bill introduced by Representative Egbert Benson—Federalist—New York—in the Second Congress. The Constitutional Convention had charged Congress with responsibility for providing for Presdential succession by statute. Representative Benson's legislation fulfilled that responsibility and implemented the intent of the Constitutional Convention by providing for an acting President to serve until the next general election when a new President and Vice President would be selected.

Professor Berger has thoroughly explored the constitutional history and concluded that the Founding Fathers required a special election if there was a vacancy in both offices.

This remained law for 94 years and was force when the only Presidential impeachment in our Nation's history took place.

In 1886 and 1947 this statute was changed and produced our present law of Presidential succession which provides for the Speaker to take office for the remainer of the term.

Our present Speaker, CARL ALBERT, is a Democrat, yet 60 percent of the American people voted for a Republican. One of our greatest concerns is that Congress could be charged with political maneuvering if the party in power was changed by impeachment yet it is clearly unthinkable that the President could be allowed to name his own successor if circumstances force us to remove him from office.

No matter what happens, this would be a traumatic event for our Nation. I think it behooves us in Congress to do all that we can to be certain that as little damage as possible is done to the fabric of this Nation by such an event. Obviously we cannot ignore the fact that our present sucession law violates the specific intent of the Founding Fathers and the implied language of clause 5.

A Vice President has resigned under pressure, the President himself continues to obstruct efforts to fully investigate wrongdoing in his administration and impeachment could yet become necessary. In that event can we ask our esteemed Speaker to take office under a succession law whose constitutionality could yet be challenged? I think we owe it to him and to the American people to be absolutely certain that the most perfect possible succession law is in effect.

For most of our history, a law almost identical to the one I am now introducing stood in faithful compliance to the intent set forth at the founding of this Republic. It provided that the choice of President would remain where it belonged—with the people.

This bill provides that, if the Presidency and Vice-Presidency should both become vacant, the Speaker would become acting President—with all the powers and responsibilities invested in that office—until a President was selected on the next election day.

If the election day were 60 days away or less when the second office became vacant, the selection would be made on election day of the following year.

There are some technical problems involved in conforming to the electoral college machinery but that is adequately handled in this legislation.

I have asked the Judiciary Committee to schedule hearings on this legislation. While many pressing matters are now in the hands of that distinguished committee, I think it is important that we have a proper succession machinery established before we vote on impeachment. I believe that this is a good bill which solves serious political and constitutional problems in the proper, democratic tradition.

But I am anxious to see thorough hearings at which the Judiciary Committee could hear the opinions of the best legal and constitutional minds in this country. Professor Berger and his Harvard colleague Prof. Paul Freund have both informed me that the concept of special elections lies on sound constitutional ground. If they and other experts offer improvements on this legislation, I for one would be more than happy to see the best thinking available to the Judiciary Committee used in preparing this legislation for enactment. I am anxious to see the Judiciary hear from the constitutional scholars of this country and this bill seems to me to be the best means of obtaining such hearings.

I therefore invite support for this legislation in a truly bipartisan spirit of returning the choice to the American people and present it to my colleagues for their careful consideration.

H.R. 11214

A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the office of Presdent and office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of title 3 United States Code is amended to read as follows:

"¶ 19. Vacancy in offices of both President and Vice President, officers eligible to act; special election

"(a) In any case of removal, death, resignation, or inability both of the President and the Vice President, the Speaker of the House of Representatives (or, in any case in which the office of the Speaker of the House of Representatives is vacant, the President pro tempore of the Senate of the United States) shall act as President until such inability is removed or a President is elected.

"(b) (1) In the case in which both the office of the President and the office of Vice President are vacant, the Secretary of State of the United States shall notify the chief executive officer of each State with respect to such vacancy.

"(2) Except as provided by paragraph (3), electors of the President shall be chosen in each State on the first Tuesday after the first Monday in November following the date of notification under paragraph (1).

"(3) If there are less than two months between the date of notification under paragraph (1) and the first Tuesday after the first Monday in November, and if the terms of the most recent President and Vice President does not expire on the twentieth day of January next succeeding the date of such notification, then the Secretary of State shall specify in such notification that electors of the President shall be chosen on the first Tuesday after the first Monday in November in the calendar year next succeeding the date of such notification.

"(4) The electors (appointed or) chosen under paragraph (2) or paragraph (3) shall meet and give their votes on the first Monday after the second Wednesday in December following their selection."

SEC. 2. The table of sections for chapter 1 of title 3, United States Code, is amended by striking out the item relating to section 19 and inserting in lieu thereof the following:

"19. Vacancy in offices of both President and Vice President; officers eligible to act: special election."

HOUSE OF REPRESENTATIVES—*Thursday, November 1, 1973*

The House met at 12 o'clock noon.

Rev. J. C. Odum, pastor, Long Avenue Baptist Church, Port St. Joe, Fla., offered the following prayer:

Almighty God, accept our grateful thanksgiving for the heritage of faith and freedom that is ours. We ask for Your blessings to continue upon our Nation. Help us to be true to those great ideals that have made our Nation great. We ask for providential guidance not only for our Nation, but for all nations and people of this world which You have created. Deliver us from all bitterness and misunderstanding.

Especially do we beseech Thee in behalf of those to whom You have committed the authority of Government. Grant unto them the wisdom of Your counsel in their work today. This we ask in the name of our Saviour and Lord, Jesus the Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE REVEREND J. C. ODUM

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the prayer in the House today was offered by the Reverend J. C. Odum, of the Long Avenue Baptist Church of Port St. Joe, Fla., in my congressional district. Reverend Odum has an enviable reputation for sound and constructive service in God's work over a period of many years.

Reverend and Mrs. Odum are visiting in the Nation's Capital with their son, Capt. David Odum of the Army, and their daughter-in-law and grandchildren. Reverend Odum's family are seated in the gallery at this time enjoying with us this special moment of dedication, which is always such an important part of the procedure of the Congress. I know the House joins me in a warm welcome to each of them.

DISCHARGING COMMITTEE ON THE JUDICIARY FROM FURTHER CONSIDERATION OF HOUSE RESOLUTION 634, INQUIRY PAPERS IN CUSTODY OF SPECIAL PROSECUTOR

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of House Resolution 634 and that the resolution be laid upon the table.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCLOSKEY. Mr. Speaker, I have requested the discharge of the Judiciary Committee from further consideration of House Resolution 634 by reason of the order of Chief Judge Sirica dated October 26, 1973, in which he orders court custody of the documents and exhibits in the possession of the Watergate special prosecution force. A copy of that order is set forth in full:

[U.S. District Court for the District of Columbia]

IN RE INVESTIGATIONS BY JUNE 5, 1972, GRAND JURY AND AUGUST 13, 1973, GRAND JURY—MISCELLANEOUS NOS. 47–73 AND 108–73

ORDER

Upon consideration of the motion dated October 25, 1973, submitted on behalf of the grand juries pursuant to Rule 6 of the Federal Rules of Criminal Procedure and 28 U.S.C. 1651, it is by the Court hereby

Ordered:

1. The transcripts of testimony taken before the above-captioned grand juries, all reporters' notes of such testimony, all exhibits introduced before the grand juries, and all writings, memoranda, notes, and other files containing information derived from such testimony or exhibits or secured pursuant to grand jury subpena, and located within the office of the former Watergate Special Prosecution Force, 8th and 9th floors, 1425 K Street, NW., Washington, D.C., are declared to be in the custody of this Court.

2. The Administrator of the General Services Administration is directed to instruct all officers of the Federal Protective Service assigned to security functions at the above described offices of the foregoing provision and not to permit the removal of any transcripts, exhibits, memoranda, files, or other writings from those offices except in the possession of an attorney employed by the Watergate Special Prosecution Force as of the close of business on October 19, 1973. Except for personal papers, such attorneys may remove such materials only for the purpose of conducting legal proceedings, interviewing witnesses, or otherwise discharging their official duties. In addition, Henry E. Petersen, Assistant Attorney General in charge of the Criminal Division, may remove copies of such materials for the same purposes.

3. No materials shall be removed from the above described offices by any person unless a true and exact copy of all such materials is left in the customary file in those offices.

4. The provisions of this order shall remain in full force and effect pending further order of the Court, either on application of the movants, the Acting Attorney General, the Assistant Attorney General in charge of the Criminal Division, or upon the Court's own motion.

5. The United States Marshal for the District of Columbia is directed to serve forthwith certified copies of foregoing order and moving papers upon the Administrator of the General Services Administration, the Director of the Federal Bureau of Investigation, the Director of the United States Marshals

Service, or the Acting Assistant Attorney General for Administration, Department of Justice.

JOHN J. SIRICA,
Chief Judge.

THREE NORTH CAROLINIANS WHO HAVE STOOD UP TO BE COUNTED FOR THE BILL OF RIGHTS

(Mr. HENDERSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.

Mr. HENDERSON. Mr. Speaker, on Thursday evening, October 18, 1973, a distinguished North Carolinian addressed the North Carolina Democratic Club of Washington, D.C.

He is Albert Coates, professor emeritus in the law school of the University of North Carolina and moving spirit behind North Carolina's Institute of Government.

The North Carolina Institute of Government is administered by the University at Chapel Hill and has become a model for other States to follow as a training facility for local government officials. Mayors and city fathers, county commissioners, law enforcement officers, and many others have received valuable training there. It has provided research and technical assistance to the North Carolina General Assembly.

Albert Coates is a modest man who would not boast of his own achievements, but he can rightfully take his place along with leaders like Dr. Frank Porter Graham and Senator Sam Ervin who have exemplified the spirit of the great University of North Carolina.

I want to share with my colleagues the following address delivered by Albert Coates to the North Carolina Democratic Club.

THREE NORTH CAROLINIANS WHO HAVE STOOD UP TO BE COUNTED FOR THE BILL OF RIGHTS—SAM SPENCER IN THE 1760's; ZEB VANCE IN THE 1860's; AND SAM ERVIN IN THE 1970's

(By Albert Coates)

THREE NORTH CAROLINIANS AND THE BILL OF RIGHTS

I thank the leaders of the North Carolina Democratic Club in Washington for this opportunity to talk to you. There are many things I have wanted to say, and I cannot think of a better time and place to say them. I want to talk to you about the historic tradition of North Carolina and the Bill of Rights as we know it today.

If I had to pick out three North Carolinians who have stood up to be counted for the Bill of Rights at critical moments in our history, and limit the picking to three, I would pick out Sam Spencer of Anson County in the 1760's, Zeb Vance of Buncombe County in the 1860's, and Sam Ervin of Burke County in the 1960's. Let me tell you why.

Sam Spencer of Anson County

In 1788 in the Constitutional Convention in Hillsborough Courthouse:

> Our rights are not safeguarded. There is no declaration of rights, to secure every member of society those unalienable rights, which ought not to be given up to any government. . . . I know it is said that what [power] is not given up to the United States will be retained by the individual states, I know it ought to be so, and should be understood; but, sir, it is not declared to be so . . . there ought to be something to confine the power of this government within its proper boundaries. . . . The government is proposed for individuals. The expression "We the People of the United States" shows that this government is intended for individuals. There ought therefore to be a Bill of Rights.

I. Sam Spencer

Who was Sam Spencer? He was born in Connecticut in 1738; graduated from Princeton University around 1758; moved to North Carolina and became Clerk of Court in Anson County in the 1760's.

The Rule of Law and the Bill of Rights got into the mind of Sam Spencer as he read and studied the Charter from the Crown in 1663, guaranteeing to settlers in the Province of Carolina, the rights and privileges of Englishmen living in England. As he learned that these rights and privileges had been spelled out in Magna Carta in 1215 and the Petition of Rights in 1628, and promised to "the freemen of England and their heirs forever." As he learned that they had been rearfirmed and expanded in the Declaration of Rights in 1689.

They became more than words to him in the 1760's, 70's, and 80's and got into his bloodstream as he saw the King and Parliament denying these elemental rights to North Carolinians—vetoing act after act of the Colonial Assembly in the growing conflict of interests between the Colony and the Crown. As he saw Cornelius Harnett lead five hundred angry citizens to the doors of the Governor's palace to protest against the Stamp Act. As he saw the Royal Governor flee the Colony to the protection of a British Warship in the Wilmington harbor in the 1770's. As he marched with the Anson County militia in the American Revolution and became their fighting colonel.

He stood up to be counted for them as a delegate to the Provincial Congress in North Carolina which drew up the Halifax Resolves, authorizing "the delegates for this colony in the Continental Congress to concur with the delegates of the other colonies in declaring independency."

The American historian, George Bancroft, wrote this about the Halifax Resolves: "The first voice for dissolving all connection with Great Britain came, not from the Puritans of New England, the Dutch of New York, or the planters of Virginia, but from the Scotch Presbyterians of North Carolina."

He stood up to be counted for them again as a delegate to the Convention which met at Halifax from November 12 to December 18, 1776, and wrote into the State's first Constitution the relevant rights and privileges of the people which had been spelled out in Magna Carta, the Petition of Right, and the Declaration of Rights.

To make assurance of these rights and privileges doubly sure, he was one of the delegates who added the provision: "That the Declaration of Rights is hereby declared to be part of the Constitution of this State and ought never to be violated on any pretence whatsoever.

He stood up to be counted for them again on the floor of the State Convention in Hillsborough Courthouse in 1788 as a delegate from Anson County, and refused to vote to ratify the United States Constitution, drafted in Philadelphia the year before, because it did not include a Bill of Rights, such as he had helped to write into the North Carolina Constitution in 1776.

Here is what he said in debate on the floor of the Convention in Hillsborough Courthouse:

"Our rights are not safeguarded. There is no declaration of rights, to secure every member of society those unalienable rights which ought not to be given up to any government. . . . I know it is said that what [power] is not given up to the United States will be retained by the individual states, I know it ought to be so, and should be understood; but, sir, it is not declared to be so . . . there ought to be something to confine the power of this government within its proper boundaries. . . . The government is proposed for individuals. . . . The expression "We the People of the United States" shows that this government is intended for individuals. There ought therefore to be a Bill of Rights."

He Foresaw

Sam Spencer did not share the view of James Madison and his associates, who believed the people could do no wrong, that the rights of the people were safe in the people's hands, and therefore did not need a Bill of Rights in the United States Constitution.

He foresaw the abuse and the dangers of raw power in *anybody's* hands. He foresaw the doctrine of Lord Acton that "All power corrupts and absolute power corrupts absolutely." And he might have had some sympathy for the latter day observation that it is "being out of power that corrupts absolutely."

He foresaw what we have lived to learn in the hundred and eight-six years from 1787 to 1973: That the commonwealth may be plundered by favorites of the people as well as by favorites of the King. That to the victor belong the spoils may be the slogan of elected office holders as well as hereditary rulers. That shades of the ancient spoilsmen may gather in the modern sheriff's eyes. That remnants of the divine right of kings may still crack down in a policeman's billy. That the aristocratic doctrine that some men are not as good as other men may be changed into the democratic doctrine that "every man is as good as every other man, and a damn sight better."

If he had lived a few years longer, he would have felt his foresight was vindicated when the General Assembly of North Carolina in 1807 tried to deny a seat to a duly elected member because he was a Jew, and this Jew saved his seat by invoking the provision of Sam Spencer had helped write into the Declaration of Rights guaranteeing to every citizen the "right to worship God according to the dictates of his own conscience."

So much for a thumbnail sketch of Sam Spencer of Anson County, how the Rule of Law and the Bill of Rights got into his mind and bloodstream, and why he stood up to be counted for them in North Carolina in the 1760's and thereafter.

Zeb Vance of Buncombe County

In 1862 in a letter to the President of the Confederacy on learning that forty citizens of North Carolina had been taken from their homes and put in prison without a hearing:

> As Governor, it is my duty to see that the citizens of this state are protected in whatever rights pertain to them, and, if necessary, I will call out the State Militia to protect them and to uphold the principles of Anglo-Saxon liberty—trial by jury, liberty of speech, freedom of the press, the privileges of Parliament, habeas corpus, the right to petition and bear arms; subordination of military to civil authority; prohibition of *ex post facto laws*.

II. Zeb Vance

One hundred years later, in the 1860's, Zeb Vance stood up to be counted for the Rule of Law and the Bill of Rights in critical moments of its life in North Carolina.

Zeb Vance was born in Buncombe County in 1830, went to the University of North Carolina in 1850–51; practiced law; went to the State Legislature in 1852; went to the National Congress in 1854, at the age of twenty-eight; became Governor of North Carolina in 1862, at the age of thirty-two, while he was fighting in the Confederate Army; became Governor again from 1876 to 1878; went to the United States Senate in 1878, and stayed there until the 1890's.

The Rule of Law and the Bill of Rights got into Zeb Vance's mind while he was a student at the University of North Carolina in the 1840's. He took a course given by David Lowry Swain, President of the University, and described the catalogue in these words:

"A regular course of lectures is delivered on the History of Constitutional Law, presenting an analytical review in chronological order, of the Magna Carta of King John; the Petition of Right; the Charters of Carolina; the Fundamental Constitutions (by John Locke); the Habeas Corpus Act; the Bill of Rights; the Declaration of Independence; The Articles of Confederation; the Treaty of Peace with Great Britain, and the Constitution of the United States."

In later years Zeb Vance wrote this description of one of President Swain's lectures in this course:

"I entered the University in 1851 and joined the senior class as an irregular. The first lesson was in Constitutional Law. A single general question was asked and answered as to the subject in hand and from these, [he] went back to the men and the times when the great seminal principles of Anglo-Saxon liberty were eliminated from feudal chaos, and placed one by one as stones polished by the genius of the wise, and cemented by the blood of the brave, in the walls of the temple of human freedom. He told us of the eloquence of Burke, of the genius of Chatham; he took us into the prison of Eliot and went with us to the deathbed of Hampden; into the closet with Coke and Seargent Maynard; and to the Forum where Somers spoke."

If the Rule of Law and the Bill of Rights got into Zeb Vance's mind through his college course with David Lowry Swain, they got into his bloodstream in his fight against secession by the General Assembly of North Carolina in 1860 and 1861.

He stood up to be counted for them as Congressman in 1960. Glen Tucker tells the story of a statewide rally of the Whig forces in Salisbury in 1860 to proclaim to the world "their stand for the preservation of the Union." Zeb Vance, a thirty-year-old Congressman from western North Carolina, "little known to the leaders of North Carolina politics . . . was called to the platform. . . . Any sentiment for secession which might have prevailed in the large gathering was swept aside by the words which poured from this young man's lips, as he said: 'We fight for the Constitution, for the Union, and the Laws. We fight *within* the Constitution for the Union and the Laws. We will not be led off by seceders.' He went on to say that:

"If they [the people] choose to undo the work of their wise and heroic ancestors, if they choose to invite the carnage to saturate their soil and desolation to waste their fields, they cannot say their public servants precipitated them into it! The people must and should rule, but we must see to it that we do our duty in warning, instructing, and advising them."

Under this sort of leadership the people of North Carolina voted down even the suggestion that a convention be called to look into the advisability of secession. In his own words: "I was canvassing for the Union with all my strength. I was addressing a large and excited crowd . . . and literally had my arm extended upward in pleading for peace and the Union of our fathers when the telegraphic news was announced of the firing on Fort Sumter and the President's call for seventy-five thousand volunteers, and my arm fell slowly and reluctantly to the side of a secessionist."

He stood up to be counted for them again as Governor in 1862. Glen Tucker tells the story:

"General French moved into eastern North Carolina in the latter part of 1862 and officers under his command arrested forty citizens on the suspicion that they were disloyal and sent them to a military prison at Salisbury for safe keeping—without notice or a hearing."

Vance wrote to the President of the Confederacy in Richmond, saying that as Governor of North Carolina it was his duty to see that these citizens were protected in whatever rights pertained to them, and that if necessary, "he would issue a proclamation recalling the North Carolina soldiers from Virginia and call out the state militia to protect the liberty of its citizens" and to uphold "the principles of Anglo-Saxon liberty—trial by jury, liberty of speech, freedom of the press, the privileges of Parliament, the right to petition and bear arms; subordination of military to civil authority; prohibition of ex post facto laws."

"If, in short, the merest citizen in all the land cannot instantly command for his protection in the commonest, simplest personal right, the entire physical and moral weight of the Republic . . . then, indeed, it is no more entitled to your reverence and attachment than is the autocratic splendor of the Czar or the idle magnificence of the Grand Turk."

He advised President Davis to go slow in suspending the writ of habeas corpus, "before shocking all worshipers of the common law throughout the world by hounding freemen into sheriffless dungeons for opinion's sake."

He knew what Sir Edward Coke meant when, in the debates involving the Petition of Right in 1628, he said that "the greatest inheritance that a man hath is the liberty of his person, for all others are accessory to it."

He knew that the writ of habeas corpus was the protector of other rights in the Constitution, and while it was suspended in Northern states by President Lincoln, and in Southern States by President Davis, Zeb Vance refused to suspend it at any time in the state of North Carolina.

He stood up to be counted for them again on May 11, 1863, when he issued a proclamation to militia officers "not to arrest any man as a conscript or deserter who had been discharged under a writ of habeas corpus issued by a Supreme or Superior Court Judge of the State" and to "resist any such arrest by any person not authorized by the legal order or process of a court or judge having jurisdiction of such cases."

His Proudest Boast

In later years he said that the "proudest boast" of his governorship was that "the laws were heard amidst the roar of cannon. No man within the jurisdiction of North Carolina was denied the privilege of the writ of habeas corpus, the right of trial by jury, or the equal protection of the laws, as provided by our Constitution and the Bill of Rights."

Sam Spencer would have thrilled to this record.

So much for this thumbnail sketch of how the Rule of Law and the Bill of Rights got into the mind and bloodstream of Zeb Vance, and why he stood up to be counted for them in the 1860's.

Sam Ervin, of Burke County

In 1973, in a speech to the student body of the University of North Carolina at Chapel Hill:

So long as I have a mind to think, a tongue to speak, and a heart to love my country, I shall deny that the Constitution confers any arbitrary power on any President, or empowers any President to convert George Washington's America into Caesar's Rome.

III. Sam Ervin

A hundred years later, in the 1960's, Sam Ervin stood up to be counted for the Rule of Law and the Bill of Rights in critical moments in the history of the United States.

I have talked about Sam Spencer and Zeb Vance from a background of reading and research. I shall talk about Sam Ervin from a background of observation and experience. I have known him since college days at the University of North Carolina in 1914.

He was born in Morgantown, Burke County, North Carolina, in 1896; graduated from the public schools in 1913, and from the University of North Carolina in 1917; went from college campus to training camp and World War I in the spring of 1917; graduated from the Harvard Law School in 1922; began practicing law and went to the General Assembly of North Carolina in 1923; became judge of the Burke County Criminal Court in 1935; Judge of the Superior Court of North Carolina in 1937; Congressman in 1946; Justice of the Supreme Court of North Carolina in 1948; and United States Senator from North Carolina in 1954.

The Rule of Law and the Bill of Rights got into Sam Ervin's mind by way of his lawyer-father who put him to reading Blackstone's Commentaries on the Laws of England when he was fifteen years old, and by way of teachers in the University of North Carolina just before and after World War I.

In talking to the University faculty in Chapel Hill in the spring of 1973, here is what he said about Dr. de Roulhac Hamilton's course in American Constitutional History: "He made it plain that if one is to understand the fundamental principles of the Constitution he must know the history of the events which brought those principles into being. I cannot over magnify the benefits which I received from his instruction." Here is what he said about Dean Lucius Polk McGehee's course in Constitutional Law: "Dean McGehee was one of the greatest lawyers as well as one of the greatest scholars I have ever known, and he emphasized above all things the necessity of being thorough in one's studies and endeavors, and being completely honest intellectually. I cannot adequately express my appreciation of the aid which his instruction has given me through all the intervening years."

They become more than words to him as he sat in the assembly of students in Chapel Hill in the spring of 1917, when college seniors were leaving the campus for the training camp in World War I, and President Edward Kidder Graham called the roll of great landmarks in this history of liberty—Magna Carta, the Petition of Right, the English Declaration of Rights, the Declaration of Independence, the United States Constitution, and the First Ten Amendments, and said: "Young gentlemen these are not empty phrases. Cut them and they bleed."

He stood up to be counted for them in the 1950's in a speech on the floor of the United States Senate, involving a provision in the United States Constitution, saying, "that . . . for any speech or debate in either House [Senators and Representatives] shall not be questioned in any other place."

Senator Joseph McCarthy had been using this provision as a cloak of immunity from prosecution while he was smearing the reputations and characters of American citizens whom the Bill of Rights was designed to protect. Sam Ervin spoke in support of a Senate Resolution censuring Senator McCarthy for this abuse of a Senator's privilege. In my opinion that speech was his finest hour up to that time.

He has stood up to be counted for the Rule of Law and the Bill of Rights again and again and again throughout the 1960's and 1970's, as he has spoken out on the floor of the U.S. Senate:

In protest against a bill before the Senate permitting police to break into a man's house by day or night "without knocking," on mere suspicion that he had "dangerous substances" in his possession which he might destroy if he was not taken by surprise.

In protest against bills permitting the courts to deny the right of bail to persons whom police and judges "suspect" might commit new crimes while out on bail.

In protest against regulations of the Post Office Department that would permit the opening of sealed letters from abroad without notice to the writer or addressee, if it is "suspected" that the letters contain pornographic pictures, lottery tickets, or narcotics.

In protest against regulations of the Census Bureau and other government agencies permitting data collecting programs, sophisticated surveillance techniques, and the use of the computer and data banks in ways violating the individual's historic right of privacy.

In protest against regulations of government employment agencies permitting probing questions about religion, family, and sexual matters. Questions calling for the disclosure of personal finances and creditors of employees and their relatives. Practices coercing employees to buy bonds and support political parties and participate in community activities having nothing to do with their jobs, and to conform their personal behavior and associations outside the office to agency rules and a supervisor's whim.

In protest against activities of military agencies operating a data bank "collecting files on private citizens" and spying on the lawful pursuits of Americans in public and private assemblies throughout the country.

Reminding privileged students on college campuses, as well as the underprivileged inhabitants of slums and ghettos, that the freedoms guaranteed in the U.S. Constitution do not go so far as to provide a cloak of immunity for such crimes as "treason, felony, or a breach of the peace" committed by anybody, anywhere, at any time.

Sam Spencer and Zeb Vance would have thrilled to this record.

Sam Ervin and the Senate Select Committee in 1973

The portals of the National Department of History and Archives carry this legend: "What Is Past Is Prologue." "What does that mean?" asked a tourist of a taxi driver, and got this answer: "It means you ain't seen nothing yet." That legend is true of Sam Ervin today as he stands at the threshold of his greatest challenge and his greatest responsibility as Chairman of the Senate Select Committee, appointed on the fifth day of February 1973, "to conduct an investigation and study of the . . . illegal, improper, or unethical activities . . . engaged in by any persons, . . . in the presidential election of 1972, or any campaign, canvass, or other activities related to it."

North Carolina can take pride in the fact that one of her sons, coming to the United States Senate in 1954, in nineteen years of intimate association won the confidence of his fellow Senators in his ability, integrity, and fairness, to the point that the Senate Majority Leader, Mike Mansfield said in appointing him Chairman of this Select Committee, "We are looking for a good, fair, impartial investigation, and Sam Ervin is the only man we could have picked on either side of the aisle who would have the respect of the Senate as a whole."

This Senate Select Committee comes at a time when men who ought to know better believe that loyalty to a candidate for political office is more important than loyalty to the laws, the Constitution, and the Bill of Rights, and carries more weight than the ten commandments. At a time when men distort the Golden Rule into saying: "Do unto others what you think they are going to do unto you and do it first." "Thrice armed is he who feels his cause is just," these men are saying, "but thrice times three who gets his licks in fust."

At a time when the Rule of Law and the Bill of Rights are being called into question as never before in the twentieth century. Let me illustrate my meaning.

Old Liberties in New Settings

The 39th Article of Magna Carta, written in 1215, promised to "the freemen of England and their heirs forever", that:

"No freeman shall be arrested, or detained in prison, or deprived of his freehold, or outlawed, or banished or in any way molested . . .; and we will not set forth against him, unless by the lawful judgment of his peers and by the law of the land."

This provision was brought forward in the Constitution of North Carolina in 1776, and in the Constitution of the United States in 1791. It takes on fresh and vivid meaning in the setting of 1973, as we listen to testimony that governmental agencies are being used to harass citizens by politically motivated audits, "quickie" investigations, and other tactics prostituting normal governmental activities to partisan political ends.

The 40th Article of Magna Carta reads like this:

"To no one will we sell, to no one will we deny or delay right or justice."

This provision was brought forward in the North Carolina and United States Constitutions. It takes on fresh and vivid meaning in the setting of 1973, as we listen to testimony about slowing down the processes of the courts in civil litigation, and suggesting a prestigious appointment to a judge while he is trying a criminal case—by an administration interested in the coutcome of cases before the court.

A provision in the Petition of Right in 1628 reads like this:

"That no man be hereafter compelled to make or yield any gift, loan, benevolence, or tax, or such like charge, without common consent by act of Parliament."

This provision was brought forward in the Constitutions of North Carolina and the United States. It takes on fresh and vivid meaning in the setting of 1973, as we listen to testimony about political pressures for campaign gifts from competing corporations. Testimony about rulings increasing the price of products in return for campaign contributions. Testimony about shifting profits from producers to middle-men by withholding information about massive sellings in the offing. Testimony about mergers of business influenced by proffered donations to subsidize the site for political conventions.

A provision in the Declaration of Rights in 1689 reads like this:

"That election of members of Parliament ought to be free."

This provision was brought forward in the Constitutions of North Carolina and the United States. It takes on fresh and vivid meaning in the setting of 1973, as we listen to testimony about uncounted millions of dollars used to manipulate elections by the fraudulent devices of lying, concealment, and non-disclosure, and the calculated use of "dirty tricks" without stint or limit.

A provision in the Declaration of Rights in 1689 reads like this:

"That it is the right of the subjects to petition the King . . . and that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently."

This provision was brought forward in the Constitutions of North Carolina and the United States, and the first amendment to the United States Constitution guaranteed "the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

It takes on a fresh and vivid meaning in the setting of 1973, as we listen to testimony about military agencies operating data banks, collecting files, and spying on American citizens attending lawful assemblies.

The fourth amendment to the Constitution of the United States reads like this:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the places to be searched, and the persons or things to be seized."

It takes on fresh and vivid meaning in the setting of 1973, as we read of the practice of "no-knock" entries into homes to take the occupants by surprise, preventive detention of suspected persons, electronic surveillance, and burglaries of dwellings and business establishments, whenever possessors of "a little brief authority" request it.

Build-ups and Let-downs in the Flow of Freedom

The flow of freedom from the Establishment to the People throughout the centuries has not been uniform or smooth. It has been irregular and disjointed. Many times it has gone under in the undertow, and later come to a new advance with a returning wave—adding a new beachhead to the main, and expanding our liberties by slow and gradual accretion. Let me illustrate my meaning:

On April 19, 1783, the Governor of North Carolina wrote to members of the North Carolina General Assembly that:

"His Britannic Majesty having acknowledged the United States of America free, sovereign and independent, . . . Nothing now remains but to enjoy the fruits of uninterrupted Constitutional freedom, the more sweet and precious as the Tree was planted by virtue; raised by the toil and nurtured by the blood of Heroes."

With this invitation to rest on their oars, thirteen "free and independent" states began withdrawing from each other. They withdrew long enough to find that they could live *in* liberty but they could not live *on* it, long enough to find that they could not "go it alone," long enough to find that every state could not do as it pleased and let every other state do as it pleased, long enough to understand that they must pull together "in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity."

This experience of build-up and let-down has been repeated throughout our history. The let-down followed Magna Carta, and the build-up came with the Petition of Right. The let-down followed the Petition of Right, and the build-up came with Declaration of Rights. The let-down followed the Charter from the Crown, and the build-up came with the Declaration of Independence.

This let-down and build-up in the flow of freedom from one generation to another is a little like the flow of oil in a pipe line—starting out strong, and slowing down almost to a stop from the friction and erosion of the surrounding pipe, until a booster station pumps new life and vigor into the flow. It was in this way that Magna Carta, the Petition of Right, the Declaration of Rights, the Charter from the Crown, and the Declaration of Independence became "booster stations" in the flow of freedom. And so with the 13th, 14th, and 15th amendments in the 1860's, the Segregation Decision in the United States Supreme Court in 1954 and the decisions triggered by it, the Civil Rights Act of 1964 and the Voting Rights Act of 1965 in the United States Congress.

Flowing through the centuries like some magic gulf stream these historic documents have changed the climate and tempered the habits, customs, and manners of men wherever the current has gone. They are joints in the backbone of our liberties. The fluid in the spinal column. The marrow in the bones. The spark of life in the customs, laws, and Constitutions of North Carolina and the United States. Let the spark of life go out of the human body and the human body goes to rot. Let that spark of life go out of our customs, laws and constitutions, and our customs, laws and constitutions go to rot.

I believe it was a vivid awareness of this tragic flaw of build-up and let-down in human nature and in the body politic which caused Sam Spencer and his associates to write Section 35, Article 1, into the North Carolina Constitution in 1776, saying: "That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty."

I believe it was this vivid awareness which caused them to follow up Section 35 of Article I with another provision, saying that the North Carolina Declaration of Rights is "hereby declared to be part of the Constitution of this State and ought never to be violated on any pretense whatsoever."

Revelations going on around us today demonstrate with all the stinging freshness of demonstrated truth that "a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty." This is simply another way of phrasing the well-worn observation that "eternal vigilance is the price of liberty."

The task of the Senate Select Committee is both simple and profound. It is (1) to find the facts, (2) inform the people, and (3) recommend laws and procedures to correct the evils they uncover.

It is well on its way to finding the facts, and it will keep on going until it finds them. It is well on its way to informing the people, and it will keep on going till it informs them. It will then propose legislation to strike at the roots of the evils it uncovers.

I do not know how many paragraphs and pages it will take for the Senate Select Committee to spell out the grievances of the people in 1973, as the predecessors spelled out the grievances of the people in 1215, 1268, 1688 and 1776. But I do know that its report must begin with a reaffirmation of the "ancient rights, liberties and inheritances," promised by Magna Carta to "the freemen of England and their heirs forever." Reaffirmed and expanded in the great historic documents which have punctuated the flow of freedom from one generation to another throughout our history.

If the Senate Select Committee draws up a document reaffirming and expanding our "ancient rights and liberties and inheritances," in this day, as their predecessors have done before them.

If it strikes at the roots of our grievances today, as its predecessors struck at the roots of the grievances of their day.

It will give the American people something to celebrate as the 200th anniversary of American Independence arrives in 1976; something above and beyond anything that any Bicentennial Commission is likely to propose; something that will help to turn "the Watergate Affair" into another "booster station" in the flow of freedom from the Establishment to the People.

What Will the People Do?

Mary McCarthy, writing in the New York Review of July 19, 1973, says this of Sam Ervin and his leadership of the Senate Select Committee: "It is the old America which Senator Ervin believes in. This house, he feels, can be cleansed, and restored to its semi-pristine condition. That is why he is stubbornly convinced that the hearings will arrive at their destination—the truth.

"But if it doesn't come out that way," I said to him. "If they fail? Just take it as a hypothesis." "I refuse to entertain the thought," was Sam Ervin's answer. "As though the thought was a felon seeking entry into his mental house. He is becoming a folk hero, because of that stout old-fashioned attitude."

Mary McCarthy goes on to say:

"I hope that Senator Ervin is right, but if he is right and nothing happens—a strong possibility—then we are worse off than we were before. If we know, that is, and don't act, can find no frame for action, then the powers that be, knowing that we know and won't do anything, will have nothing more to fear."

Sam Ervin is old fashioned enough to believe that the people will act. He knows that "the boughs of the Tree of Liberty have been swayed this way and that" throughout our history. He knows that "their strength to withstand the wind comes from the depth and toughness of their roots in the past. He knows that "the greatest danger to the people is that they themselves may erode these roots by forgetfulness and indifference—the slow smokeless burning of decay."

He also knows that in 1973, the people are seeing these revelations of what has been going on around them—revelations on their television screens by day and by night, reading about them in their morning and afternoon papers, and talking about them wherever they are. They are becoming as much aware of the pollution in the body politic as they are aware of the smog which obscures the sun and the waste which fouls their streams. As much aware of the gradual erosion of their liberties as they are aware of the general erosion of their top soil and the blighting of their landscape. Aware of the smug and arrogant complacency of a witness under oath recognizing their erosion and bragging about his part in it.

He is old fashioned enough to believe that a self-respecting people will not listen to seductive and self-serving cries from those who would stop the hearings before the truth comes out, any more than he believes that a self-respecting dentist will put a cement filling in a decaying tooth before rooting out the rot. He does not believe the American people are willing to be a party to the stultifying process of covering up the cover up".

Common Sense and Mother Wit

I think there may be something to Mary McCarthy's suggestion that he is becoming a folk hero because "of his stout old-fashioned attitudes." There are in him qualities giving color of title to his talk.

He is himself and nobody else. He moves in his own orbit, along inner directed courses. He is full of common sense and mother wit. Whether he is quoting the Bible or the Constitution he is illustrating his own philosophy and religious thinking and beliefs. He is all of a piece—not a lot of planks nailed together, but a growing tree with the sap of life flooding through it.

A Great Compassion

It surfaced at a hearing of the Senate Select Committee the other day, in saying that the Watergate affair may turn out to be a greater tragedy than the Civil War. Ed Yoder points out in the Greensboro *Daily News* that Sam Ervin is using "tragedy" in its precise and classical meaning:

"Those who recall its ancient resonances, as discussed by Aristotle, may feel that it fits the Watergate matter very precisely. Tragedy, said Aristotle, is the calamity of the man of overwhelming pride, neither exceedingly good nor exceedingly bad, who is betrayed by a tragic flaw and punished for his lapse by the gods. In King Oedipus the flaw was anger; in some of the Watergate principals—one thinks, for instance, of former Atty. Gen. John Mitchell—it was a dangerous mixture of cynicism and arrogance; in others, a misplaced, almost mindless, loyalty. . .

"When one feels, as Senator Ervin seems to feel, that the frailty of pride has undone the men of Watergate, and reflects that this frailty is universal, the natural response is indeed pity and fear—or what we mean when we think, "there but for the grace of God go I." One may not agree with the Senator that Watergate, in the scale of delinquency or present retribution, rivals the Civil War. But both, equally, were collisions of arrogant men "dressed in a little brief authority" that constitutes tragedy.

'Senator Ervin, as usual, has defined the matter with a precision his critics do not grasp."

In the twisted lives and tortured reputations of witnesses unfolding in succession before the Senate Select Committee, Sam Ervin has seen and heard and felt the "still sad music of humanity, not harsh nor grating, but with ample power to chasten and subdue."

He knows what the Grecian poet was talking about twenty-five hundred years ago when he wrote of the "God whose law it is that knowledge comes through suffering. . . ." How "Sorrow falls, drop by drop upon the heart, until, against our will, and even in our own despite, comes wisdom to us by the awful grace of God. . . ."

A Mighty Heart

Along with these qualities of common sense, mother wit, and compassion, he brings to the leadership of the Senate Select Committee another all important quality—which was pointed out in a Memorial Day address in 1884 to Union Veterans of the Civil War, by Mr. Justice Holmes: "Above all, we have learned that whether a man accepts from Fortune her spade, and will look downward and dig, or from Aspiration her axe and cord, and will scale the ice, the one and only success which it is his to command is to bring to his work a mighty heart."

In a speech on the Senate floor supporting the resolution to censure Senator Joseph McCarthy in the 1950's, Sam Ervin said in answer to a question, that if his name was called in question as Senator McCarthy's was, then if the Potomac was a river of fire instead of water he would somehow cross it to appear in defense of his name.

I call your attention to the fact that Sam Ervin said he would walk through fire. He knew he could do this, because he had done it before when he belonged to Company I of the 28th Infantry, selected as the first regiment of American troops to go "over the top" at the Battle of Cantagny—the first engagement fought by American troops in World War I. His part in the battle is described as follows: "Private Samuel J. Ervin, with exceptional courage and perserverance, led a carrying party through heavy fire; he made several trips from the rear to the front until he was wounded."

In the Battle of Soissons, on the 18th day of July, the 28th Infantry was halted by machine gun fire from an emplacement one hundred yards ahead. Most of the officers of the Company had been killed. At this point, twenty-two year old Sam Ervin called for volunteers to help silence the enemy gun. Four men responded and they charged the gun. Here is an affidavit of one of those men: "One man was mortally wounded. Another was killed. Ervin was knocked down by a shell fragment in front of the gun. The two remaining reached the machine gun, killed its crew, seized the gun," and the troops went on to victory.

The affidavit goes on to say: "We went back to Ervin and bandaged his wounds to stop the flow of blood and wanted to carry him back to safety, but he refused to be assisted and told us to go back and join the other soldiers if we could.

"It was only due to Ervin's initiative and gallantry that the gun was captured. Throughout the engagement he directed the fire upon the machine gun, and after being wounded he urged us to capture the gun and showed himself unmindful of his own safety. Though wounded so severely he was unable to walk, he refused to go to the rear, but crawled back and organized an advance automatic rifle post where he remained on duty until all danger of a hostile counter attack was over."

In speaking to five thousand students at the University of North Carolina in Chapel Hill some days ago, Sam Ervin said: "As long as I have a mind to think, a tongue to speak, and a heart to love my country, I shall deny that the Constitution confers any arbitrary power on any President, or empowers any President to convert George Washington's American into Caesar's Rome."

Anyone who knows Sam Ervin knows that he will live and die fighting on this front—fighting with his face to the enemy and with his wounds to the fore. Anyone who knows Sam Ervin knows that in 1973 he is doing this as instinctively, as deliberately, and as knowledgeably as he charged the machine gun firing on his comrades in the Battle of Soissons on the 18th day of July, in 1918.

A Love Letter to Sam Ervin

When I read what I had written up to this point to my wife, she said, "It reads like a love letter to Sam Ervin." As indeed it is. Let me tell you how we came to know Sam Ervin.

He was in the Class of 1917 and I was in the Class of 1918, in a University with a thousand students who knew each other—always by sight and nearly always by name. We felt the accuracy with which he was characterized in the college annual by one who knew him: "Everything he meets responds, and at once a sympathetic friendship ensues. Like Midas, he has that magic touch that makes everyone he meets his friend; and consequently he is liked by all."

He became a dramatic figure in the eyes of my wife and myself when the classes of 1917 and 1918 held a joint reunion in June 1929. This incident occurred as one returning alumnus after another stood up around the table giving his name and telling what he was doing in post-war years—until a ten-year-old boy was introduced as the son of Oliver Ransom of the Class of 1917.

At this point in the proceedings, my wife saw a tall and slender young man, elegant in dress and bearing, come to his feet in tribute to this ten-year-old boy's father, and the spirit that had moved him to . . . pour out the red, sweet wine of youth;
Give up the years to be of work and joy,
And that unhoped serene that man call age.

My wife had come to Chapel Hill from Virginia as a bride the year before, and had never seen Sam Ervin until that night. She marvelled at his power to stir a cynical post-war generation in 1929 with the poetry of Rupert Brooke—until I told her that Oliver Ransom was Sam Ervin's friend and classmate, who had gone to war with him in the spring of 1917, and was killed in action early in the War and left behind him a bride who had become a wife, a widow, and a mother within a year, and this ten-year-old boy was the son that Oliver Ransom had never seen.

We followed Sam Ervin's career in the years after this 1929 reunion as the morning paper brought to our breakfast table the news of his election as Congressman, his appointment and election as Superior Court Judge, Supreme Court Justice, United States Senator. Each time my wife and I have interrupted our breakfast to call him on the phone to tell him of our delight and to wish him well.

We have voted for him in successive elections, not because of how he stood on any one particular issue—we never asked him—but because he was the sort of man he was; and we knew without his telling that he would vote and act from forces welling up within him and not from any outside force or external pressure, and because we felt he was headed in the general direction we wanted to go.

We have never had any fear that he would get lost along the way. There is a story told to us by Miss Beatrice Cobb, editor of his hometown paper, that Sam had been reported "missing in action" in World War I and continued on the missing list for a long time. When he finally turned up the whole worried community came together in a sigh of relief that "little Sam" had been found. "I was never lost," he told them. "I knew where I was all the time." And so it has been from that day to this. Sam Ervin is all there, all at once, and all the time.

Let me bring this love letter to a close by saying that my wife has read all that I have written, and begs exemption from the common-law doctrine that man and wife are one and the man is the one, long enough to sign her own name to this letter.

The Great Tradition

I have heard it said from boyhood days that one could up a seashell, hold it to his ear and hear the sound of ocean waves beating upon the shore. Not long ago I ran across this notion in a poem:

The hollow sea-shell, which for years hath stood
On dirty shelves, when held against the ear
Proclaims its stormy parent, and we hear
The faint, far-off murmur of the breaking flood.

This poetic folklore is a matter of fancy rather than of fact, but I have no doubt that imagination may call up the "far-off murmur of the breaking flood" to ears familiar with the sea.

As North Carolinians, we can take pride in the fact that when our freedoms have been in danger here in North Carolina, there have been among us men who have held the historic documents of our liberties to their ears and heard their music and gone into battle in their defense.

Sam Spencer in the 1760's, Zeb Vance in the 1860's, and Sam Ervin in the 1960's and 70's take their places in the great tradition of Stephen Langton and his associates in the Magna Carta, Sir Edward Coke, Sir John Eliot and John Somers and their associates in the Petition of Right, and the Thomas Jefferson, in writing the Declaration of Independence in 1776; James Madison and his associates in drafting the First Ten Amendments to the U.S. Constitution in 1791. Men who stood up to be counted for the Rule of Law and the Bill of Rights. Men who were, in Stephen Spender's words:

Born of the sun, [and] traveled a short while toward the sun,
And left the vivid air signed with their honor.

PERSONAL STATEMENT

Mr. BOLAND. Mr. Speaker, through some mistake, I am recorded as having voted "no" on rollcall No. 474.

I did not intend to vote "no." I supported the measure under consideration and wish to make my support clear. If the rules would allow, I would ask unanimous consent that the printed recording of my vote in the permanent Record be changed.

Mr. Speaker, rollcall No. 474 concerned final passage of H.R. 9256 to increase the contribution of the Government to the costs of health benefits for Federal employees. I have consistently supported legislation benefiting Federal employees. My first committee assignment upon being elected to Congress was on the Committee on Post Office and Civil Service. My service on that committee and my continuing service in the Congress reflects my constant interest in, sponsorship of legislation and support of all proposals improving the lot of Federal employees.

PERMISSION FOR JOINT COMMITTEE ON ATOMIC ENERGY TO FILE A REPORT ON H.R. 11216

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the Joint Committee on Atomic Energy have until midnight tonight to file a report on H.R. 11216.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PRESIDENT NIXON SHOULD SUBMIT HIS RESIGNATION

(Mr. RIEGLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. RIEGLE. Mr. Speaker, I rise today to ask President Nixon to submit his resignation from office, to take effect on the date that Vice-President-designate Gerald Ford is officially confirmed in his new post.

Only the most hardened Nixon partisans still believe the incredible deceptions, self-justifications, diversions, and excuses coming from the White House.

Who can believe the latest tale of the disappearing tapes? Well, I do not believe it. I think the White House is lying and that the tapes have been destroyed or hidden to protect the President.

The fact that they have the gall to try to foist this latest deception on us shows that the President takes the Congress and the country for a bunch of fools.

We are witnessing the destruction of our Nation's ethics right before our eyes.

This Congress must summon the courage and moral strength to insist on a new President, a President with integrity and a clean record. Only then can we begin the process of rebuilding citizen faith in Government.

SMALL BUSINESS AND METRIC CONVERSION

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, metric conversion is a topic that has been in the air for a considerable number of years. Yet there has been little public discussion and understanding of the purposes and implications of "going metric."

Considering the Congress may soon be required to vote on this far reaching proposal virtually without the benefit of constituent views, I would commend to the Members an enlightening position paper published by the Natitonal Federation of Independent Business. This paper was prepared by Mr. John Motley earlier this month for a World Trade Institute seminar in New York:

Small Business and Metric Conversion

Although there has been some uncoordinated and widespread movement toward increased metric usage within the small business community over the past few years, the National Federation of Independent Business believes that the present attitude of the nation's independents can best be described as apprehensive and cautious. In other words, we feel that most small businesmen are not anxious to switch from their present system of weights and measures to metric. They simply do not see any pressing need for the proposed change over.

Metric conversion will have a widely diverse impact upon the various segments of the small business community. It will have little or no effect upon some small firms, like those in the pharmaceutical and chemical industries, because they have already converted to metric, but it will have a greater and more trying impact upon others, especially those dealing in consumer orientated products such as packaged goods and clothing. In general, though, systems of measurement play a much more critical role in manufacturing and electronics. Standards, dies, machinery and technical diagrams must all be accurately changed or converted within a specified period of time—a monumental task for a small firm. One slip, one time consuming mistake could inrreparably damage its competitive position.

Small firms with measurement sensitive operations are faced with a similar problem. Because of their highly competitive nature, they must be thoroughly prepared to convert whenever their materials and designs are changed to metric. Reluctance or hesitation on their part could cause them to lose valuable contracts. Engineering and architectural firms and all types of building contractors would be included in this category.

Consumer orientated service and retail firms face a somewhat different situation. Their main problem is one of education. Auto mechanics, TV repairmen and a host of others will have to learn to use new tools and terminology to work on and with metrically designed products. Wholesalers and retailers will have to rely on a comprehensive educational program to overcome consumer reluctance and combat employee ignorance. Such programs could prove very costly and even financially impractical for many small firms.

The diverse nature of the small business community makes it extremely difficult to determine and present a cohesive position of an issue as complex as metrication. Because of this, the federation has spent a good deal of time and money over the last seven years trying to gauge its reaction to the proposed change over.

During this period NFIB polled its membership twice on metric conversion. It also participated, at the invitation of the department of commerce, in the metric feasibility study conducted by the national bureau of standards. If nothing else, these surveys showed that the small business community is deeply divided and not overly anxious to change its traditional system of weights and measures.

The Federation's first mandate poll on this issue was conducted in 1965. It showed 41 percent of the responding members in favor and 54 percent against metric conversion. The remaining 5 percent were undecided. Metrication was polled again during February and March of this year. The results denote a shift in opinion to 51 percent in favor and 46 percent opposed.

While these polls indicate a trend in favor of metric conversion, the Federation does not feel that a 10 percent shift over a seven year period is dramatic enough to warrant its unequivocal endorsement of the change over. To the contrary, we feel that this shift is so slight, and the percentage opposed so large, that it reflects a deeply split small business community and re-emphasizes the need for continued caution.

The air of apprehension or reluctance that we have noted here is reinforced by closely examining the findings of the 1970 survey NFIB conducted for the metric study group (National Bureau of Standards). It surprisingly showed that only 6 percent of the respondents were then using metric, with the largest group of users being professionals. It also indicated that there had not been and probably would not be any rapid movement to metric by the small business community. Just 5 percent of the responding firms noted recent changes in the measuring systems used in their industries, while only 3 percent answered that they intended to switch to metric in the future. Clearly, contrary to what seems to be a rather widely held and popular belief, there has been no significant shift to metric by the business community. Nor does it appear that we can expect any widespread voluntary conversion in the near future.

There are several very sound reasons why small, independent business embraces this cautious and reluctant posture. And, most of them are based on the cost-benefit ratio of conversion.

The strongest and soundest argument used by the proponents of metrication deals with and plays upon the current unstable position of the United States in the international market place. The world is going metric and the U.S. must protect itself by adopting the same course. If it does not, its ability to influence international standards and to increase, or even maintain, its present share of the world market will be greatly impaired. While this argument is valid, it is advanced on behalf of and would benefit only a very small portion of the American business community. This select group would consist mainly of our major exporting firms, many of whom are large multinational corporations.

The export trade of the United States is dominated by big business—by conglomerates that have the market knowledge and the resources needed to compete on the same level with foreign cartels and government supported industries. Trade statistics show that only 4 percent of the Nation's 5.4 million firms are engaged in exporting and according to the evidence gathered by the House Select Small Business Committee less than 12,000 small manufacturers out of the more than 300,000 with export potential are involved in sending goods abroad. Although over 90 percent of all U.S. manufacturers are small, they account for less than 10 percent of the country's exports, a fact that clearly shows the dominance of our large firms in international trade.

Small business has and probably will continue to concentrate its efforts on our domestic market. Because of this, it would gain little from metric conversion, the cost of which would far outweigh any benefits it might receive.

The vast gulf that exists in the resources available to big and small business to finance the costs of conversion is another reason why independents have maintained a wait and see attitude toward metrication. Most small firms are well aware that they will need help to complete a successful changeover, while this is not generally true of their larger competitors.

Large corporations have the ability to convert to metric without encountering significant economic dislocation. Small firms, on the other hand, simply do not have the dollars needed to obtain the technical, financial and administrative expertise necessary to make an unassisted and successful changeover. Most multinationals and many of our larger domestic corporations have already given considerable thought to metrication, and they are preparing to face the challenges and opportunities it presents. Unfortunately, the nature of small business does not allow it this type of luxury.

Unassisted, forced conversion to the metric system could prove the difference between success and failure for many small firms that do not have the capital or the expertise to make the transition. If big business is allowed to dictate the timing and terms of the changeover, many small firms could be placed in an extremely vulnerable position vis-a-vis their larger competitors. This would be especially true of small manufacturers, who must sometimes employ used machinery in their operations. They simply could not make the transition to metric as inexpensively, as quickly and as easily as a General Motors or an IBM.

The American consumer is a whimsical individual and the small businessman must be ever conscious of his likes and dislikes. Since most small firms are controlled by market forces, constantly changing consumer tastes and attitudes are factors that cannot be taken lightly or ignored. Any faltering in demand or lag in sales might have a potentially harmful impact upon a small company.

The small businessman is simply not convinced that his customers approve of or understand the need for metrication, and this appraisal is backed by the findings of the metric study group. Its investigation found that only 40 percent of the individuals questioned knew anything about metric units and that only half of these were familiar with the relationship between traditional units and their metric equivalents. The small businessman sees this lack of knowledge about the metric system as an indication of possible consumer resistance to conversion. He feels that many people will be reluctant to study a new system that will challenge the security of present life styles and alter familiar habits. And, he seriously doubts that they will be willing to spend the time and effort needed to learn a system that seems to be imposed from above for the benefit of large multinational corporations. In short, his apprehension and caution about metric conversion is nothing more than good, sound business sense.

A common thread—cost—has run through everything that I have said so far about the apprehensive and cautious attitude of small business toward metrication. The exact dollar figure and the amount of economic dislocation involved in conversion are very controversial topics and have been the subject of a long and heated debate, but no matter whose estimate is used the fact remains that there will be substantial costs resulting from any change over to metric, and it is time for us to take a brief look at where these costs will impact within the small business community.

In a recent article in the Texas Business Review, Mr. J. Bryant Adair, a staff member of the Bureau of Business Research at the University of Texas, estimates that metric conversion will cost Texas business $449 million. He breaks down and distributes this figure into nineteen separate SIC code categories, in which soft manufacturing ranks first at $101 million, wholesale fifth at $30 million and retail sixth at $22 million. Nearly three quarters of the American small business community is concentrated within these three SIC categories, which means that there would be a very heavy burden placed on our smallest firms.

The Federation's 1970 Survey for the Metric Study Group determined that the average estimated cost per firm would be approximately $11,700. The distribution of these costs varied from $1,000 in the O–3 employee size category to over $26,000 in the 50 or more employee group, and from a low of $600 in the financial and real estate industries to a high of almost $42,000 in manufacturing. The most surprising figure was an estimated average of over $17,000 by responding professional firms.

These costs must be viewed in the context of the present operating environment of small business. A myriad of costly congressional enactments, including consumer, job safety and environmental laws, have had a negative impact upon certain segments of the small business community. Recent restrictive credit policies, an ever increasing federal paperwork burden and the pressures and uncertainties of phase IV have only posed additional restraints. The cost of metric conversion, added to these, would strain the financial resources of many small businesses to the breaking point and NFIB sees no immediate justification for exerting this unneeded pressure.

Small business would oppose a completely voluntary conversion plan that would let the costs fall where they may. In short, this would be suicidal. Unassisted, voluntary conversion would place the reins of decision firmly in the hands of big business, a situation that could pose a very real threat to many small firms that are vulnerable to this type of competition. The financial resources and expertise available to big business give it an edge in conversion—an advantage that would be used by some corporations against their smaller competitors.

In its 1970 metric study survey, NFIB asked its advisory council members to select the metric conversion plan they thought would be best if Congress decided the change over should be made. They were given a choice between a voluntary plan and a nationally coordinated program, and 67 percent of those responding preferred the latter. Their comments indicated that they heavily favored a nationally coordinated program because it emphasized education—an absolute necessity in their eyes.

If metrication becomes inevitable, small business would strongly prefer a well defined and coordinated conversion program, stretching over a number of years and emphasizing intensive educational preparation. It would also favor federal government aid, in the form of long term, low interest loans, to those small firms that need it. This is in keeping with its long established position that government has an obligation to assist small business when it could be injured by federal enactment of this type. But, small business is by no means convinced that conversion to the metric system is necessary, and if it had a choice it would, at least for the time being, leave well-enough alone.

LEGISLATIVE PROGRAM

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of Illinois. Mr. Speaker, I wonder if we can from the majority side of the aisle have the program for the coming week.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I am happy to respond to the gentleman from Illinois.

There is no legislative business for today and on the announcement of the program for next week I will ask unanimous consent to go over until Monday.

The program for Monday is as follows:

On Monday we will have the Consent Calendar, and under suspensions there are no bills.

On Tuesday we will have the Private Calendar, and under suspensions we will have 10 bills as follows:

House Joint Resolution 755, Iranians at U.S. Naval Academy;

H.R. 10369, travel expenses for certain crew members;

H.R. 10366, Reserve officers active duty requirement;

H.R. 10367, assignment of certain reserve members;

H.R. 9075, office equipment disposal;

H.R. 10840, Library of Congress police salaries;

H.R. 3490, referees in bankruptcy salaries;

H.R. 5874, Federal Financing Bank Act;

H.R. 8219, Organization of African Unity; and

H.R. 10937, Watergate grand jury extension.

On Wednesday we will have House Joint Resolution 542, the vote on overriding the veto on the War Powers; and, subject to a bill being reported and a rule being granted, we will have the bill on the Social Security Act amendments.

On Thursday and the balance of the week we will have H.R. 9142, Northeast rail transportation, subject to a rule being granted; and H.R. 10265, audits of the Federal Reserve Board, also subject to a rule being granted.

Mr. ANDERSON of Illinois. I thank the gentleman from Indiana.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the acting majority leader in this rush for adjournment whether the plans for the Thanksgiving recess have been finalized.

Mr. BRADEMAS. Mr. Speaker, if the gentleman from Illinois will yield, I may say that the plans have not been made final. However, as the majority leader has already said on the floor we will probably be in recess from November 15 until Tuesday, November 27.

Mr. GROSS. I thank the gentleman.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 5, 1973

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday, November 5, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday of next week.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE CASE OF DR. BENJAMIN SHAPIRO

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, although consideration of the trade bill and the Mills-Vanik amendment has been temporarily postponed, we must continue to realize the plight of Soviet citizens who have applied for emigration permits and experienced great difficulty as a result of their applications.

Consider the case of Dr. Benjamin Shapiro and his family. He is from Belgorod in the Ukraine, and until July 1972 taught chemistry at the University of Belgorod. In 1967, his entire family applied for emigration visas to Israel. Dr. Shapiro's parents were permitted to leave, and departed for Israel with the assurance that their son, his wife and child would soon be issued permits.

Six years and five more applications later, Dr. Shapiro remains in the Soviet Union, fired from his job at the university and existing only on minor work.

Mr. Speaker, these have been 6 years of frustration and of financial strain on the Shapiro family. But their case is not unique. I met hundreds of Soviet Jews on a recent trip to Schoneau and Israel—virtually all of whom confirmed the existence of cases such as these.

Obviously the Congress must act on the trade bill at an appropriate time and undue delay could have thousands of Soviet Jews in daily jeopardy.

THE MISSING TAPES

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, after a constitutional crisis threatened to bring down the Government—after the public's confidence has been eroded, perhaps beyond repair—after months of agonizing courtroom proceedings—we now learn that certain conversations with two key aides are not available.

And, we are asked to put faith and confidence in that revelation.

But, we are reminded of the paper shredders used all too frequently to destroy evidence.

We are reminded of the instructions to a key White House aide to "deep six" pertinent data.

We are reminded of the burning of documents by the Acting Director of the FBI.

How can the American people help but reflect a cynical attitude?

Mr. Speaker, a special prosecutor who is obliged to the central figure in the Watergate scandal cannot gain the trust of the American people. He cannot serve two masters—he cannot serve both the law and the accused.

To restore faith in our system of government; to restore confidence that all the facts will be revealed—we must enact a law such as House Joint Resolution 784 which will allow the court to appoint a special prosecutor. We must take this out of the hands of those who have lost the people's confidence and place the matter before the courts with an objective prosecutor who is working for justice.

THE WAR POWERS VETO—ARTICLE BY REPRESENTATIVE LES ASPIN

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the Washington Post for October 31 published a superb article by our colleague, Representative Les Aspin, concerning the War Powers Act and the importance of overriding the President's veto. Representative Aspin had no difficulty in dismissing the inaccurate claims by the President in his veto message as to the extent to which the bill would hamper the conduct of foreign affairs by the President. Anyone who reads the bill carefully can see that the President's assertions are simply without foundation.

More important, Mr. Aspin points out how the act would bring about major changes in the way in which decisions are made in the executive branch with respect to the commitment of troops to hostilities. Because the bill requires notification to the Congress within 48 hours of any such act and a decision by Congress within 60 days, the President, as Mr. Aspin points out, will be forced to consider very carefully what is in store for him if he decides to initiate hostilities and will be forced to require his counselors to present him in advance with the justification he will have to make to the Congress.

Mr. Aspin points out that the Pentagon papers show how eager the Johnson administration was to avoid debate on our Vietnam policy. The War Powers Act would guarantee such debate in similar circumstances. This in itself would add an important check on the President's warmaking.

The full text of Mr. Aspin's article follows:

The War Powers Veto

(By Les Aspin)

On November 5, 1964, Assistant Secretary of State William Bundy wrote a paper on how to handle world and public opinion if the President decided to escalate the war in Vietnam. He didn't expect it to be hard:

"Congress must be consulted before any major action perhaps only by notification, . . . but preferably by talks with . . . key leaders . . . We probably do not need additional congressional authority even if we decide on very strong action . . . A Presidential statement with the rationale for action is high on any checklist. An intervening fairly strong presidential noise to prepare a climate for an action statement is probably indicated and would be important . . ."

Had the War Powers Resolution then been law, Bundy would not have been able to dismiss congressional and public opinion quite so easily.

Next week the House will vote on whether to override Mr. Nixon's veto of the compromise bill which requires that the President consult with Congress before committing U.S. forces to hostilities abroad and report to Congress within 48 hours his reasons for doing so. At the end of 60 days, he must withdraw American forces unless Congress votes to allow him to continue the commitment. The deadline could be extended for up to 30 days to permit the safe withdrawal of the troops.

The criticism of the measure from the right is predictable enough. It was summed up in the President's veto message by his (inaccurate) claim that the bill was unconstitutional and deprived the President of the powers necessary to act decisively in times of crisis. In fact the bill's intent is simply to restore to Congress a little of the share in the warmaking process with which the Framers endowed it and which successive Presidents have since arrogated to themselves.

The events of the last week, which the President himself described as the greatest international crisis since 1962, give the lie to his objections to the bill. Had the War Powers Resolution already been law, it would not have prevented Mr. Nixon from replenishing Israel's supplies, and it would not have prevented him from calling a worldwide alert of U.S. forces as he did at 3 a.m. on Thursday morning. It would not have stopped him from sending any of the firm notes he says he sent to Mr. Brezhnev; it would have done nothing to limit the scope of the diplomatic triumph he says he achieved. It would have meant simply that, had he decided to commit the alerted troops, he would have had to explain his actions rather more fully than Secretary Kissinger chose to do on Thursday.

The liberal objections to the bill are more serious and more complicated. They are, first, that the bill will actually extend the President's warmaking powers, giving him authority he does not now possess to make war anywhere in the world for 60 days and second, that even then Congress is most unlikely to stop him. It is said that the President will identify the struggle with flag and with honor and that Congress will almost inevitably rubberstamp it.

Both these objections carry weight—the bill is far from perfect. But they ignore not only that the President already acts thus, whether he has the legal authority or not, and that Congress is already a rubber-stamp. They also miss the less obvious but more fundamental benefit of this bill. Besides its direct impacts (the 48 hour report, the 60 day approval, etc.) which do have drawbacks, the bill will have an indirect effect which is altogether beneficial. This is in the enormous impact which it will have on the decision-making process of the executive branch.

When the President considers sending troops into hostilities—even in support of a treaty commitment or to defend U.S. forces—he and his advisers will know that an affirmative decision will invoke an intense debate which, unlike today, will focus on a concrete decision to be made by Congress within 60 days. Congressmen will hold hearings, editorial writers will write editorials, columnists will construct columns, Meet the Press and Face the Nation will cross-question government spokesmen, there will be network specials, demonstrators will demonstrate, and most important, constituents will write mail—telling congressmen whether they should say yea or nay to the President's action. This foreknowledge is bound to strengthen the hand of those in the President's council who might otherwise find it more politic to muffle their dissents.

Congress's ultimate verdict is not the most important factor. What is important is that the President and the men around him will know before he takes his decision that the scrutiny of his policy is likely to be far more consistent and purposeful than it is today. He will be much less inclined than he is today to embark upon an adventure unless he has a very good case to support it.

The real point about the War Powers bill is not that it gives the President power to go to war for 60 days (his lack of that power now doesn't limit him) nor is it that Congress is likely to force him to pull the troops out (it may well not). The bill's value, which far outweighs these defects, is that it will force the President to consider very carefully what is in store for him if he decides to make war. This is so because there will be a solid, practical reason for his more cautious counsellors to present him in advance with the arguments he will have to answer within 60 days.

The Pentagon Papers demonstrates how anxious the Johnson administration was to avoid a great national debate on its Vietnam policy. The War Powers bill not only guarantees that there will be such a debate, it will also compel the President to take public opinion into serious account when he makes his decision. In fact, it may well be not so much the debate itself but the agonizing prospect of it that will act as the most effective check on the President's warmaking. A President who rejects the bill does so only because he is concerned that his case for making war might not always be very convincing.

OUR FORM OF GOVERNMENT IS AT STAKE ON THE WAR POWERS VETO VOTE

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the failure of Congress to override President Nixon's numerous vetoes has discouraged the American people's faith in effective, representative government.

The required two-thirds vote to override a veto has been beyond the grasp of Congress, which is desperately attempting to assume needed leadership to handle national domestic crises.

On Wednesday of next week the House will face the test of this century in defense of the constitutional rights of people on the most basic of issues—the power to declare war for the Nation.

For a generation we have floundered in an atomic era misconception that has permitted the office of the Presidency to act single-handedly on this most grave proposition—the commitment of our Nation's youth and vigor and wealth to foreign wars, not in our own national defense, but the brutal warfare of other nations.

We have had the youth of the country trapped by forced drafts, draining their very zeal and patriotism for their country, to settle Asian conflicts over political ideology. We have drained our economy, causing us to lose our competitive position in world trade, forcing dollar devaluations and resulting in inflation that has sapped the security of our elderly and all others living on a fixed income, to participate in others wars. From crib to crypt, all ages of Americans have suffered, they suffer now, and will suffer in the future for a misguided, miscalculated, miserable policy of warmaking which benefits only those whose fortunes are geared to war materials, armament, and keeping multimillions of Americans in uniform.

After admitting our previous errors in the Southeast Asian involvement, the current administration, which rightfully disclaims responsibility for the start of our involvement in Vietnam and claims plaudits for its conclusion, confronts us with a Presidential veto of a mild bill to limit a President's ability to plunge our Nation into another war.

At no better time than now, with the Mideast stoker again belching flames of periodic strife, could the Congress of the United States speak on behalf of the people to the President—now and to those who will be Presidents in the future—"this is the way, and the only way, Mr. President, that this country will go to war."

Congress must determine that war is in our national defense.

You, Mr. President, will not have your hands tied in case of attack, but you will have to answer to the American people for all military actions. You will have a 90-day period to seek and obtain the support of the people's representatives, or you will desist, Mr. President, because the U.S. Constitution places the power to declare war, not in your hands, but in the people whose representatives are the Members of Congress.

At no time has the need for a strong, straight-talking Congress been needed more to preserve this country's Government than now. A return of confidence in our national Government demands that Congress respond to the people's concern and rightful expectation that Congress reassert its power under the Constitution to commit, or refuse to commit, our country to war.

How much more usurpation of power must this country endure before Congress makes it clear that we will engage in war, not on the decision of just one man, but only after the people have made a collective judgment through their elected representatives in Congress?

A vote to override the President's veto of the war powers bill is a vote for the American concept of representative government.

To fail to override the President's veto would be a failure to uphold the people's rights under the Constitution to be protected from the whims of a single man by the requirement that all of their representatives participate in any decision so momentous—a decision which, in this atomic age, may involve the lives of all of us.

MATERNITY LEAVE OF ABSENCE—A FIRST FOR THE HOUSE

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, the House of Representatives has just heard the Speaker request a leave of absence for one of our distinguished Members for maternity reasons.

This is an historic first in the House of Representatives, and I want to extend my congratulations to both parties, both to the Member and the Speaker of the House.

IS AMERICA OVERBURDENING ITS INSTITUTIONS?

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

Mr. KEMP. Mr. Speaker, in the sophisticated world of modern technology, our scientists and engineers have developed early warning devices—little red lights flashing or buzzers sounding—to warn of overloads and pending malfunctions, allowing immediate action to save the whole of the system and to avert a larger crisis.

If we were able to devise a system of giving us early warning on pending overloads of our political, economic, and social systems, we would have lights flashing and buzzers sounding all about us today. Fuel shortages. Food shortages. Inflation. Watergate. Confiscatory taxation. Huge deficits. Welfare abuses. Work quality. Corruption. Crime. Promises exceeding deliveries. Centralization of power. Special interests. Uncontrolled spending. But, these are the results of our crisis, not its causes.

Each in its own way is a warning to us, as a result of the overloading of our institutions with demands which exceed their capabilities for performance.

THE ROLE OF INSTITUTIONS

Our institutions serve as the backbone of the "body politick." They are the mechanisms through which a culture transmits its values and establishes the norms of human interaction and conduct. They are the lengthened shadows of man, bringing cohesion of process and purpose to the extensions of time, serving as the threads which weave together the fabric of society. Upon their collective continuity rests the continuity of society and government and of the foundation stones upon which common consent rests. Institutions may be practices, or relationships, or processes, or organizations, or structures, but the common denominator of all is that they serve as the dispassionate devices through which people and groups, in agreement or in disagreement, act and react with one another.

Institutions do not arise simply and solely from the genius of man. They are, through the ceaseless learning processes of a people and a nation, hammered out upon the anvil of human experience. They are tried. They are tested. They are proved. And through all of this, adjustments are made, carefully here, prudently there. But in the long run, they provide the procedural mechanisms through which human conduct can be self-regulating by common agreement and perception, and, when necessary, by force of law.

It takes no specialist in institutional dynamics to conclude with a reasonable degree of certainty that we, as a nation, are placing ever greater burdens upon our institutions. It is not demagoguery to question the ability of our institutions to meet adequately the demands now being placed upon them.

We are, in my opinion, overloading our institutions with demands that exceed our human capacity to perform, and this gap between expectation and performance widens daily. Unless this trend is reversed, our institutions may be destroyed, our leaders overwhelmed, and our free society radically altered.

WHY OUR INSTITUTIONS ARE BEING OVERBURDENED

In order that we might better learn from the past, it is appropriate to inquire: How has our society moved so far and so dramatically toward an overburdening of its institutions?

There is no wholly adequate single answer to this query, for the reasons are several and interrelated. The answer lies in a combination of tendencies or propensities which became more acute during the past decade but which only collectively brought about the present crisis. I speak, principally, of these:

First, the failure of elected officials in general to demonstrate both by word and deed the qualities of leadership which engender respect both for our system and the principles on which it is based, and their seeming willingness to follow the uneven and often self-contradictory tides of public opinion in contrast to conscious efforts to make public opinion on issues of enduring concern.

Second, the failure of our leaders and our people to ascertain sharply the differences between realities and the appearance of realities—between substance and rhetoric—between substantive goals and procedural tactics.

Third, the inability of our institutions to keep performance abreast of expectations—to match delivery and anticipation—an unavoidable consequence of promises being made upon inadequate premises.

Fourth, the search for single answers to major problems with infinite variations, which search has contributed mightily to a concentration—rather than diffusion—of power in the upperstrata of decisionmaking, whether in government, or in business, or in labor, or in whatever. Such efforts tend, on the whole, to lessen the intellectual capabilities of a free and diverse people to resolve their own individual problems, leaving it instead, to self-professed problem-solvers who urge government expansion and intervention as the only solution.

Fifth, the inherent necessity of the news media focusing upon the problems of our society, instead of the time-proved, day-to-day occurrences which constitute the overwhelming bulk of human action, experience, and hope—"inherent" because, by definition, the news focuses on obvious aberrations from moral standards and normative states.

While understandable, this, unfortunately, distorts our view of the world, focusing that view upon the unusual, the tense, the conflicting aspects of human conduct, rather than upon the majority of human events which will go forever unnoticed in the public annals of our times. In short, there has been a neglect of our history as a nation and those real life examples which help us shape standards of the humanly possible.

Sixth, the inevitable frustration which builds within the people when the mandate of public elections is frustrated by unaccountable bureaucracy, unrestrained special interests, and divisive forces within the society. There cannot be a continuing faith in the electoral process, when the ballot box is frustrated by forces not accountable to the people.

Lastly, the understandable tendency of the public to be overwhelmed by the very visible effects of the breakdown in our institutions—to be overwhelmed by the sheer gravity of our times.

THE QUALITIES OF LEADERSHIP

Mr. Speaker, in his now classic work of 1922, "Public Opinion," Walter Lippmann noted that where the true qualities of leadership are absent, elected public officials simply follow public opinion; they do not help to mold it. Lippmann characterized these officials, no matter how lofty their stations, as opinion reflectors, not opinionmakers.

It is not an easy task, within a free society and within a republican form of government, to determine the proper balance between an official molding public opinion on one hand and merely following the perceived opinions of his constituency on the other hand. Such a search for balance will take one headlong into the ageless debate over whether an official is elected to exercise his own judgment in behalf of his constituency or simply to follow the majority opinion within that constituency on each and every issue. I do not intend to join that issue here, except to state that it is not an abridgement of the principles which buttress freedom for learned men in elected positions to exercise their own intellectual and political capabilities to positively influence the attitudes and perspectives of the electorate. It is in furtherance of the concept of the responsibility of leadership to impart wisdom and facts to those who will be effected by decisions arising from the judgments of those leaders to follow such a course of action.

The testing of leadership is acute today, made more so by the ever-shortening time frame within which astute judgments must be made and implemented, for every problem, every decision, and every judgment can now be brought into immediate question, on a nationwide scale, through instant communications. And, the perceived intensity of the problem to be solved governs the immediacy of its resolution.

A major problem of leadership today is the wide and deep scope of issues which must be joined and resolved. As a nation, we have concentrated, both knowingly and yet unwittingly, power into the hands of a diminishing number of leaders, giving each greater influence over our lives yet less time with which to deal adequately with the question. Because of their number, key questions must be delegated for resolution, at best reserving for the leader only a last moment "veto" privilege over the nature and implementation of the decision. Only the most major of issues can today receive the personal attention of national leaders, and then there is no surety that all points of view will be adequately expressed and alternative courses of action weighed either by him or those to whom he has delegated responsibility. In short, the supposed decisionmaker becomes little more than a mediator among competing constituencies or special interest groups within the nation, weighing the consequences of his action most heavily upon the voting booth and not upon the rightness of his judgment or decision. When we give to one man or one agency of government the power to effect an entire sector of the economy and millions of people, is there little wonder that we have thrust at him or that agency an opportunity for the abuse of power?

And in giving such major personal and institutional responsibility to the President and to his agencies, has not the Congress shirked its own constitutional and moral responsibilities to make such decisions—in essence, "passing the buck" and all the temptations for malfeasance which arise therefrom? And who is to blame: The man who had to make the specific decision, or those who placed that decisionmaking capacity solely in his hands?

The role of the conscientious critic is an important one, particularly within a free society, but so too is the role of the positive advocate. Our society has developed a tendency of late to criticize so quickly and so acutely the actions of its leaders, that it often makes them prone not to make decisions at all or, at best, to seek the paths of least resistance by "hedging the question." This is a tendency antithetical to true leadership. As then-Vice President Theodore Roosevelt declared in 1899:

> Far better it be to dare mighty things,
> To win glorious triumphs,
> Even though checkered by failure,
> Than to take rank with those poor spirits
> Who neither enjoy much nor suffer much,
> Because they live in the gray twilight
> That knows not victory nor defeat.

Our leaders should aspire to these words, to dare to do great and meaningful things, with their feet planted squarely upon the ethical foundations of truth and reason.

SUBSTANCE VERSUS RHETORIC

Mr. Speaker, we are a society and a world turned topsy-turvy by the rhetoric of an age in which the maximum degree of a man's or a nation's focus is often upon a minimum of genuinely important concerns. While on the one hand we have seen in our lifetime accomplishments which rank easily among the most notable of man's achievements, we have on the other hand seen the apparent degeneration of the spirit and soul which hold men's minds intact and civilizations together. Of what do I speak?

In the name of "peace," men wage war.

In the name of "love," men foment hatred and violence.

In the name of "liberation," one-half of the world's people has been subjugated.

In the name of the "quality of life," our courts sanction the destruction of human fetuses.

In the name of "preserving free enterprise," government regulation threatens to destroy it.

In the name of "controlling inflation," government abets it.

We move ever closer to the slogans of George Orwell's "1984"—"War Is Peace," "Freedom Is Slavery," "Ignorance Is Strength." And yet we live not within the pages of a novel about future civilizations.

This, then, becomes a task incumbent upon every citizen: To perceive the difference between the appearance of reality on one hand and reality itself on the other. They are often worlds apart. Aimless rhetoric has obscured the substantive issues with which we must, as a people, come to grips. We have lost our hold on substance by grasping at the shadows of rhetoric. We have made truth an elusive fact.

In the jargon of our times, the admonitions that, "you've gotta tell it like it is," or "gotta keep your eye on the ball," seems most appropriate for the seventies. We must all train our minds to be ever vigil upon the substance of our times. It is substance—not rhetoric, not procedure—upon which our mind's eye must be focused. It is not an easy task.

As President Kennedy declared in 1962:

> The great enemy of the truth is very often not the lie—deliberate, contrived, dishonest—but the myth—persistent, persuasive, and unrealistic.
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> * * * * *
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> We must move on now from the reassuring repetition of stale phrases to a new, difficult, but essential confrontation with reality.

And the German dramatist, Johann Goethe, writing in 1828, summarized the imperative this way:

> The truth must be repeated again and again, because error is constantly being preached round about us. And not only by isolated individuals, but by the majority. In the newspapers and encyclopedias, in the schools and universities, everywhere error is dominant, securely and comfortably ensconced in public opinion which is on its side.

Every public leader, elected or otherwise, has a specific, affirmative obligation to tell the people the truth, not just what they perceive the people might want to hear. The time has come to tell the people the whole truth, no matter how much that may be in disagreement with prevailing public opinion and no matter how much the telling of the truth may hurt at the voting booth. We can no longer afford superficial solutions and foolish promises which can neither be fulfilled nor are expected to be fulfilled by those who make them. Words and promises are not deeds.

There are no painless nor cheap solutions to defeating inflation, providing adequate energy resources, restoring our environment, providing an adequate national defense, helping to assure peace. Promises made in a vacuum resolve none of our Nation's ills. Truth alone provides the premises upon which real world answers can be espoused and effectuated.

EXPECTATIONS VERSUS CAPACITIES FOR DELIVERY

Mr. Speaker, we are all, today, seeing too much of too little of the stage upon which all of us stand. Our concentrated focus on the problems and weaknesses of our system is misleading us into thinking we are looking at the cause of our ills. We are not; rather, we are looking at the results.

It must not be assumed that if capacity for increased performance lies latent in our society, we can continually increase our demands on our institutions, or that performance will automatically rise to the levels of demands. When you raise the ante, you do not improve the cards.

Yet the notion that in raising the ante one improves the cards is the central fallacy of our times. It is responsible in large part for our economic chaos, our overcommitted foreign policy, our overextended leaders. It is responsible for the dampening of our spirit.

We have not yet learned that the improvement of institutional and individual performance takes much effort over a considerable time. Demands for instant performance that ignore the time scale required lead to false judgments about our moral purpose and our social concern. It becomes easy to believe that only human depravity stands between the dream and the fact of heaven on Earth. Such a conclusion can be both false and dangerous.

One dangerous consequence of this distortion of demand and performance is only now coming into focus; namely, the downgrading of the whole profit sector of our life, both in its educational, social, and religious modes and in its entrepreneurial aspects.

The reason the private sector is in trouble is that increasing demands on our institutions have advantaged the public sector with its powerful levers of police, taxing, and spending powers. The private sector is under the pressure of demand also, but its limits of action are established by the levels of voluntary support. The Government's share of the wealth is interfering with our private enterprises' ability to produce the wealth so necessary to advance our society.

Some are only now beginning to fully appreciate the retarding influences generated by government taking ever greater shares of the people's money. In the New York Times of Friday, October 5, 1973, Robert B. Anderson, former Secretary of the Treasury, made the point graphically:

> More capital is a necessary steppingstone to further advances in our standard of living. The higher American standard of living as compared with other countries is a direct outgrowth of higher levels of capital investment per worker. America's ability to combat inflation at home and to meet foreign competition is in direct proportion to her ability to accumulate larger capital resources.
>
> In the area of expanding employment opportunities we must be equally aware of the demands for more and more capital. Frederick B. Dent, Secretary of Commerce, recently cited the staggering figure that each new indutrial job created in this country requires an average capital input of $25,000. Since my tenure at the Treasury Department we have also witnessed an increase in the demand that our economic system provide the answers for such valid national goals as clean water, pure air and better land use. Americans must realize that how we legislate or control our national stock of capital directly affects our standard of living, our jobs, our environment and our ability to fight inflation.
>
> Unwise tax policies that discourage savings and dampen the psychological climate for investment have an adverse effect on our total national well-being and on all segments of our society. There can be no more important national objective than to increase our capital resources. But we see instead under the guise of tax reform renewed attacks on the sources of capital accumulation.

Mr. Speaker, if we are coming to the point where it is widely believed that only those on the public payroll can work in the public interest, this endangers our free society. If we ever come to the point where we rely on others to make decisions on issues which directly affect us, our free society will be doomed.

Virtually every institution is being overburdened today. Greater and continued reliance upon government, as an institution, has placed its capacities to deliver effectively at a breaking point. Our colleges and universities are overburdened with enrollments, and the quality of education given to the quantity of students has noticeably declined. The President, as an institution, is given massive responsibilities of judgment over issues with which the other branches are unwilling to grapple; I have already commented in depth on this phenomenon. Our Congress is asked by every special interest group or constituency conceivable to act in its interest, often obscuring both our capability to work for the whole of the commonwealth and our capability to deliver. Our churches, as institutions, are overwhelmed with the depth of the moral crisis and moral dilemmas of our age, and the absolute and unflexible standards so necessary to our ethical system. The private sector is overburdened because the increasing demands on our institutions have advantaged the public sector with its powers of regulation, tax, and purse, and the capacities of the private sector to deliver through profit incentives and volunteer efforts are being restricted by government intervention and usurption.

And if we do not believe that this body stands guilty of adding to this widening gap between expectation and capacity to deliver, look at the recently quoted words of the distinguished chairman of the Committee on Appropriations (Mr. MAHON):

> We're not stingy, we just don't have the money available. Full funding of all bills with specific dollar authorizations would have added $50-billion to last year's budget.

There is nothing wrong with proposing a solution to a problem: That is the exercise of a responsibility of office. What is wrong, however, is proposing a solution when one knows that it will only increase the hopes of those whose problems would be partially or wholly alleviated thereby but stands no realistic chance of enactment and implementation. We must be ever on guard against this natural tendency within the political process, for in the long run it endangers the very system we seek to preserve.

SIMPLE ANSWERS ARE NO ANSWERS

Mr. Speaker, the search for single answers to major problems with infinite variations has contributed to a concentration of power in the upperstrata of decisionmaking, particularly in Government.

Our Nation has moved to the implicit belief that it is possible to tamper indiscriminately with our system, making patchwork adjustments here, and imposing controls there, without affecting our productivity and standard of living. I believe that we have reached the point where we can no longer afford this view.

It is difficult to avoid the conclusion that the rapidly expanding role of government, if not reversed, will fundamentally change the nature of our system.

Our difficulties stem from the tendency these days to identify the source of our problems, real or imagined, with the functions of our system. Some government control or government program is then immediately advocated to come to grips with the supposed problem.

On the other hand, if there is anything that history teaches, particularly the contemporary history of midtwentieth century America and Western Europe, it is that symptom-fighting solutions are inherently self-defeating in a complex, interrelated structure. There are secondary and tertiary effects from all government actions. Problems do not disappear through government action, they are merely displaced.

Examples of the failure of institutions lie all about us, particularly in the area of government programs.

The war on poverty, heralded in 1964 upon its proclamation as "the answer" to America's economic and social ills, produced few meaningful alleviations of poverty, benefiting those most who served as full-time salaried employees within the poverty consultant complex.

The massive Federal efforts for low-income housing are generally conceded now, by liberals and conservatives jointly, to have been terrible failures, benefiting almost everyone except those for whom the benefits were intended.

The federally sponsored urban renewal program was never able to address itself fully to the real causes of urban blight and, in summary, simply moved a problem from one urban area to another, or from an urban area to a suburban area.

Government attempts to allocate scarce resources have not only failed to develop additional resources with which to overcome such scarcities but have also often resulted in worsened shortages. The energy crisis has been brought upon us, in no small measure, by government regulatory schemes and disincentives created thereby. Disincentives to exploration and artificially established wellhead prices have led to the shortage of natural gas—the cleanest of all our major fuels. Disincentives to exploration have resulted in rapidly declining searches for crude oil. Concerns, no matter how well intentioned, over potential, rather than proved, environmental impacts have stopped the trans-Alaskan pipeline, offshore exploration, et cetera. The food shortages being faced by the consumer today are similarly a result of misdirected government policies.

Most economists now agree that the attempts by Government to regulate prices as a means of controlling inflation have resulted, in a wide variety of instances, in higher prices than those which would have resulted if left to the free market and its principles of supply and demand.

A broad principle embodied in our Constitution gives an answer to these problems that has preserved freedom thus far, though it has been violated repeatedly in practice while proclaimed as precept.

The principle is that government power must be dispersed. If government is to exercise power, better in the county than in the State, better in the State than in Washington. If one does not like what his community is doing, he can move to another community, and though few may take this step, the mere possibility acts as a check. If one does not like what his State does, one can move to another. But if one does not like what Washington does, we have few alternatives in this world of jealous nations.

The great tragedy of this drive to centralization, as of the drive to extend the scope of government in general, is that it is mostly led by men of good will who will be the first to rue its consequences.

Prof. Milton Friedman, former president of the prestigious American Economics Association, summarized these concerns:

> The preservation of freedom is the protective reason for limiting and decentralizing governmental power. But there is also a constructive reason. The great advances of civilization, whether in architecture or painting, in science or literature, in industry or agriculture, have never come from centralized government. Newton and Leibnitz; Einstein and Bohr; Shakespeare, Milton, and Pasternak; Whitney, McCormick, Edison, and Ford; Jane Addams, Florence Nightingale; not one of these opened new frontiers in human knowledge and understanding in response to government directives. Their achievements were the product of individual genius, of strongly held minority views, of a social climate permitting variety and diversity.
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> Government can never duplicate the variety and diversity of individual action.
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> There are only two ways of coordinating the activities of millions. One is central direction involving the use of coercion. The other is voluntary cooperation of individuals—the technique of the market place.
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> The existence of a free market does not of course eliminate the need for government. What the market does is to reduce greatly the range of issues that must be decided through political means, and thereby to minimize the extent to which government need participate directly in the game. The characteristic feature of action through political channels is that advantage of the market, on the other hand, is that it permits wide diversity. It is, in political terms, a system of proportional representation.
>
> The fundamental threat to freedom is power to coerce. The preservation of freedom requires the elimination of such concentration of power to the fullest possible extent and the dispersal and distribution of whatever power cannot be eliminated.
>
> The use of political channels, while inevitable, tends to strain the social cohesion essential for a stable society. The strain is least if agreement for joint action need be reached only a limited range of issues on which people in any event have common views. Every extension of the range of issues for which explicit agreement is sought strains further the delicate threads that hold society together. If it goes so far as to touch an issue on which men feel deeply yet differently, it may well disrupt the society. Fundamental differences in basic values can seldom if ever be resolved at the ballot box; ultimately they can only be decided, though not resolved, by conflict.
>
> The widespread use of the market reduces the strain on the social fabric by rendering conformity unnecessary with respect to any activities it encompasses. The wider the range of activities covered by the market, the fewer are the issues on which explicitly political decisions are required and hence on which it is necessary to achieve agreement.
>
> A good society requires that its members agree on the general condition that will govern relations among them. No set of rules can prevail unless most participants most of the time conform to them without external sanctions; unless that is, there is a broad underlying social consensus.
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> The need for government in these respects arises because absolute freedom is impossible.
>
> The major problem in deciding the appropriate activities of government is how to resolve such conflicts among the freedoms of different individuals.
>
> The paternalistic ground for government activity is in many ways the most troublesome to a liberal; for it involves the acceptance of a principle—that some shall decide for others—which he finds objectionable in most applications and which he rightly regards as a hallmark of his chief intellectual opponents, the proponents of collectivism in one or another of its guises.

THE FOCUS OF OUR ATTENTION

Mr. Speaker, as I pointed out earlier, there is an inherent necessity of the news media focusing upon the problems of our society, instead of focusing on the time-proved day-to-day occurrences which constitute the overwhelming bulk of human action, experience, and hope. This is an inherent characteristic because, by definition of its role in society, the news-gathering and news-reporting institutions must focus upon the aberrations from moral standards and normative states. That is what makes the news the "news." Yet this necessity has created some intense problems within our society, primarily by, first, leaving the impression that the aberrations are the norms, and, second, by dampening the spirit of the people and their hope and feelings of well-being. We now constantly feel that "something is wrong with America," when that which is reported and which leads us to that conclusion is but an aberration, a distinct minority of human action.

Thankfully, this phenomenon has not gone unnoticed.

The noted scholar, historian, and Director of the National Museum of History and Technology of the Smithsonian Institution, Daniel J. Boorstin, has summarized his concerns:

> One of the most effective weapons that can be used against a nation is to persuade it that it is suffering from incurable illnesses of some kind. I have been dismayed in talking recently to some politicians in Washington who refer casually to the "national decadence." I suggest that the best way to make a nation decadent is to persuade people to talk about its decadence.
>
> I don't suggest that the press and television give up their critical roles. That's very important. But I think they should give more of their attention to exploring the achievements that justify our society and its inhibitions. Unless they do that, the weight will go increasingly on the side of destruction, dissent, and discontinuity. It will depreciate more and more the gifts of tradition and civilization which are enormous and which are greater in the United States today than they have ever been anywhere before.
>
> We have lost interest in the real examples from the human past which alone can help us shape standards of the humanly possible.
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> When we allow ourselves to be imprisoned in the present, to be obsessed by the relevant, we show too little respect for ourselves and our possibilities.

A man who comes from the media industry itself, Mr. Bruce Herschensohn, an Academy of Motion Picture Arts and Sciences Oscar winner, for the USIA film, "Years of Lightning, Days of Drums," has set this phenomenon into perspective:

> This generation has been witness to life and age and death in new time-zones and it has created the young-generation-in-a-hurry. Television has brought this generation a feeling of urgency towards life.
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> Television has had a tremendous effect upon all of us and upon the way we live our lives.
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> All those lenses, viewfinders, turrets, cranks and buttons have been made to preserve the visible on film or tape or for live transmission. But that assumes the visible is the truth. It's not. The invisible is the greatest truth.
>
> What is so important that's invisible? Everything that's truly important. Peace is invisible, freedom is invisible, love is invisible, faith is invisible. Even the motivation behind political decisions is largely invisible.
>
> The camera, unable to record the invisible, not only focuses on the visible, but it lives with an inborn prejudice. It ignores the visually dull and records the visually interesting. And most often the visually dull is the more vital hint of the invisible truth.
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> Peace is simply a visual bore. War isn't. Put television cameras in choice positions around An Loc during a battle. It will be watched. Put the same cameras around Ann Arbor to watch the peace. It will be dull and boring.
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> Because of the immediacy of television, Americans and citizens of other sophisticated countries of the world have become news oriented. There is a great deal of difference between fact orientation and news orientation. Many say this generation knows more information than any generation before it. The truth is it knows more news than any generation before it. But news by itself can be misleading if not put in context with facts which are not news.
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> Television has been guilty of educating the younger generation in half-truths and non-truths. The six o'clock or seven o'clock or eleven o'clock news is accepted as truth. It is truth—but news programs by their very nature must present the truth of abnormality.
>
> A riot? News. No riot? That's not news. A murder? News. A life continuing from Monday to Tuesday. No news. A baby found in Appalachia with a distended stomach? News. Millions of well fed babies? No news. No story. Not interesting. Not visual. Dull. Boring.
>
> And so night after night all those little segments of news build up a composite and grand visual picture entitled: "The United States of America".
>
> But it isn't.
>
> The fact that riots and murders and poverty are news is a virtue and not a vice. It attests to their abnormality. If they were normal they would not be news.
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> Even in terms of dissent versus support, the dissent is visible in masses protesting and demonstrating, whereas support generally comes in the words of letters and telegrams.
>
> It is entirely possible that we can no longer fight wars in a visual age. This would surely be a great advance if it were true for the entire world. Unfortunately, the rule only applies to a free society. In closed societies they see what the government wants them to

see. In short, the visible becomes the invisible.

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> Television images can mean life and death to someone. In a larger sense, those images can mean life and death to nations. Those images can be more powerful than a thousand armies—because armies can only scorch the skin but television can scorch the mind.

Mr. Speaker, these words were not intended by Mr. Herschensohn to be "antitelevision" or "antimedia." They could be taken that way only superficially or in an overreactive defense of the media. Rather, they call graphically to our attention the way in which the viewer, because he does not frequently think about the abstract character of that which he is viewing, can be unwittingly a party to viewing the "news" as the entirety of a day's events—viewing the aberration as the normal.

Coupled with the other tendencies of our age, this phenomenon adds to our seeming incapabilities to deal adequately with real world problems and to view them in their proper perspective.

FRUSTRATION OF MANDATES

Mr. Speaker, the frustration of mandates given to the programs of elected leaders by the people is nothing new to our system or to our Nation, yet it has been accentuated in recent years.

Consider what happens with most Federal programs today. The Congress levies taxes and authorizes expenditures, but the crucial operating decisions are often made by anonymous bureaucrats who are directly accountable neither to elected officials nor to the public at large.

Government talks more and taxes more, but too often it fails to deliver. It grows bigger and costlier, but our problems only seem to get worse. The result has been a widening frustration in America and the mounting fear, as I have pointed out in the entirety of these remarks, that our institutions will never again be equal to our needs. This must not be allowed to continue.

The people work and vote for a candidate pledged to a change in the direction of programs. The people, by majority vote, give to that candidate a mandate for such change. He comes to office and strives to achieve his plurality-endorsed mandate, but too often nothing, or little, happens.

The American people perceive the ways in which bureaucracy committed to old programs and special interests, committed to their own particular interests, often over and against the interests of the whole, are able to frustrate their—the people's—intent, expressed through the ballot box.

There can be little wonder why these frustrated voters often call into question the capacity of government to perform. One answer lies in making the structure and people within the government more accountable. An additional answer lies in removing from government the power over people's lives, so that they may, individually and collectively, make the decisions which affect them most directly.

IN CONCLUSION

Mr. Speaker, the time has come for a reassertion of genuine leadership in America. Misdirected programs—resting upon ill-conceived or inadequately documented premises, arising from the central yet fallacious notion that government alone can perform best for the people—have contributed mightily to the breakdown in our institutions, public and private. We see daily manifestations of this breakdown, but they are the results, not the causes, of our problems and of my concern.

Abraham Lincoln, before he came to the Presidency, lamented:

> If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it.

I think we, who look coldly at the truths of history and their relationship to our present crisis, know exactly where we are and where we should tend. I think it is time for this Nation and Members of this body to give to the Nation the quality of leadership which it and its institutions now require.

CAN DÉTENTE WORK?

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. Mezvinsky) is recognized for 10 minutes.

Mr. MEZVINSKY. Mr. Speaker, recent Soviet actions in the Middle East raise serious questions as to the Soviets' conception of the détente negotiated with the United States. At the outset of the war in the Middle East the Soviet Government publicly encouraged uninvolved Arab States to join Egypt and Syria in their war with Israel. Despite United States' calls for restraint, the Soviets immediately began massive airlifts to the Arab nations, thus insuring an escalation and prolongation of the bloodshed in the Middle East. Finally, the Soviets ominously threatened to send troops into the area. The President reacted by placing American Armed Forces on a military alert. Although both powers wisely backed away from a confrontation, it is this kind of confrontation which presents a clear threat to world peace.

Détente cannot work if the Soviets are allowed to believe that they can encourage warmaking and military confrontation abroad and practice brutal repression at home. Yet this is the course which the Soviets are continuing to pursue. Internally, they continue to oppose emigration of Jews and various other ethnic groups desiring to join relatives elsewhere. Most of those denied exit visas have lost their jobs and are forced to support themselves through manual labor and help from friends abroad. They are subject to constant harassment and arbitrary arrest.

The U.S. Congress is attempting to exert economic pressure on the Soviets to ease these severe emigration restrictions. Legislation which I am cosponsoring attempts to exert pressure by withholding MFN status. Similar efforts are being made to withhold credits and credit extensions. The Soviets have branded these efforts a grave threat to détente.

But it is not economic pressures which menace world peace and threaten détente. True threats to world peace are posed by actions which intensify international tensions and invite military confrontation—actions such as those of the Soviets during the Middle East conflict.

In light of these considerations we surely must reassess the nature of the détente that has been negotiated with the Soviet Union. We must continue to work with the Soviet Union toward world peace. But let us make certain that the détente negotiated is détente by mutual consent and not détente under Soviet terms.

CONGRESSMAN DRINAN SPEAKS ON IMPEACHMENT, THE CONFIRMATION OF GERALD FORD, AND THE NECESSITY OF A SPECIAL WATERGATE PROSECUTOR

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. Drinan) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, well over 3,000 persons have written to me during the 10 days following the "Saturday night massacre." All but 80 of these letters have called for the impeachment of the President. The authors of the communications also express their grave misgivings with respect to the confirmation of Gerald Ford as Vice President and their reservations concerning the appointment by the President of a special Watergate prosecutor.

Mr. Speaker, I want to give my viewpoints on these crucial questions both for my constituents and my colleagues.

HOW MANY IMPEACHABLE OFFENSES ARE NEEDED

On July 31, I filed the very first resolution of impeachment in the 93d Congress. I scrupulously avoided mentioning any possible offense of the President related to the Watergate crimes. I noted that impeachment is a noncriminal and nonpenal proceeding. I carefully noted that all of English and American legal tradition confirms the fact that impeachment is a proceeding of a purely political nature. Impeachment is not designed to punish the offender but simply to divest him of his political capacity and office.

On July 31, I mentioned—without excluding others—the following impeachable offenses. First, the secret bombing by the President of Cambodia over the period of 14 months between March 1969 and May 1970. Second, the clandestine taping of all conversations in the White House—an act which might well be a violation of existing Federal statutory law. Third, the fact that the President continues to impound billions of dollars—despite the fact that at least 21 Federal court decisions have denied the administration the right to continue this unconstitutional practice. Fourth, the establishment of a supersecret security force within the White House itself in derogation of the statutory duties of the FBI and the CIA.

The nature of impeachment as it has been understood in American law does not require the House of Representatives to wait before commencing impeachment proceedings until some clear indictable offense on the part of the President becomes manifest. The framers of the Constitution separated impeachment from subsequent criminal prosecution. The

Founding Fathers made it clear that impeachment requires more evidence than would be required in the European parliamentary situation for a vote of no confidence. At the same time the authors of the Constitution intended that impeachment could be voted by the House of Representatives for Presidential conduct which would be less than criminal but more than tolerable.

Since impeachment is by its very nature a political process the people of the United States should be heard on this question more than perhaps on any other single issue that can ever come before the Congress. I, therefore, welcome communications from my constituency and from others since I obtain insights, sometimes of a very unique nature, from the hundreds of letters that come to me.

At this time the staff of the Judiciary Committee of the House is being expanded and a comprehensive investigation into every possible impeachable offense of the President has been initiated. No one at this time can predict how long that investigation will go on or where it will lead. I have repeatedly emphasized what I said on July 31:

> Impeachment should not be a partisan issue. Impeachment should be a question which members of both political parties in the House of Representatives should be able to discuss.

By the very establishment of impeachment proceedings in the House it seems fair to state that the Congress has come to the conclusion that an impeachment proceeding is the only way by which the President can vindicate himself. Col. George Mason, one of the authors of the Constitution, made this point that sometimes impeachment is the only way by which a President can exonerate himself. Colonel Mason, speaking to the framers of the Constitution meeting in Philadelphia, recommended that the Constitution provide "for the regular punishment of the Executive when his misconduct should deserve it—and for his honorable acquittal when he should be unjustly accused."

In my judgment that is the way in which the Congress and the country should approach the impeachment proceedings now unfolding in the Judiciary Committee of the House of Representatives.

THE CONFIRMATION OF GERALD R. FORD TO BE VICE PRESIDENT

As a member of the Judiciary Committee I have taken no stated position with respect to the confirmation of GERALD FORD to be Vice President. The 38 lawyers on the House Judiciary Committee will watch with the keenest interest the Senate hearings and will evaluate every item of information which will be obtained concerning the first nominee to be Vice President under the 25th amendment of the U.S. Constitution.

Although the legislative history of the 25th amendment is not without doubt it seems fair to state that the authors of that amendment intended that the 535 Members of the Senate and House would utilize as their norm in voting upon a Vice President the basic question of whether in their judgment this person has the qualifications to become, if called upon, the President of the United States. The framers of the 25th amendment did not intend to exclude the political ideology of the nominee nor did they think that the Members of the Congress should be required to set aside partisan differences of viewpoint as irrelevant or immaterial.

It would seem that the confirmation of Congressman GERALD FORD might well turn on the degree to which the Members of Congress feel that his judgment and conduct can be independent of those policies of the Nixon administration which a majority of the Congress deplore and lament. Obviously there are delicate and complex questions of the extent to which Congressman FORD should be penalized with respect to his views on executive privilege, impoundment of funds or the several other issues which cause Members of Congress to feel that their rights have been invaded by the executive branch of Government.

No one on the Judiciary Committee or in the House of Representatives has any desire or intention to delay unduly the nomination of Congressman GERALD FORD. At the same time it is self-evident that his confirmation is intertwined with the wrenching question of the impeachment of the man who appointed the Vice-President-designate.

One of the limitations in evaluating the background of Congressman FORD has been the attempt, at least up to this time, of the Department of Justice to make available the 1,400 pages compiled by the FBI on Mr. FORD only to the chairman and ranking minority member of the House Judiciary Committee. In my judgment that material and all other relevant material collected by any agency of the Federal Government should be available to every single Member who desires to view it. The contention made by the Department of Justice that allowing members of the Judiciary Committee to see this material might lead to unfortunate "leaks" does not respond to the assertion made by myself and other members of the Judiciary Committee that we are being deprived of knowledge which it may well be our legal and constitutional duty to evaluate.

As I write this statement there is growing pressure both from the press and from some Republicans to hasten the process by which Congressman FORD is to be confirmed. The reasons why haste is necessary never seem to be spelled out. If some individuals or organizations want to allege that the Judiciary Committee or the House of Representatives is deliberately delaying the burden is on them to demonstrate that there has been negligence. Any excessive speed in acting upon this nomination which could result in a failure to evaluate all of the issues involved in this selection could well bring to the American people another reason for their ever-deepening disillusionment with the way in which the Federal Government has been conducting itself in the recent past.

It should also be noted that the action of the Congress with respect to Mr. FORD is entirely different from the "advice and consent procedure" of the Senate with regard to the appointment of Cabinet members by the President. It should be noted, for example, that unlike other comparable sections of the Constitution the 25th amendment states that the President does not appoint the Vice President but rather that he "nominates" him and that the Congress does not give its "advice and consent" but rather the Congress gives "confirmation" of the President's nomination.

IS A SPECIAL PROSECUTOR STILL NECESSARY?

The nomination by the President of Leon Jaworski on November 1, 1973, will be urged by many as a reason why the House and the Senate should drop their plans to enact legislation to provide for a special prosecutor who will be accountable to the chief judge of the District Court of the District of Columbia. Obviously the appointment of a special prosecutor to be accountable to the new Attorney General-designate, Senator WILLIAM SAXBE, of Ohio, can be theoretically looked upon as the reestablishment in theory and in fact of the special Watergate prosecutor's office as it existed under Archibald Cox. Upon close examination, however, it would appear that the SAXBE-Jaworski arrangement cannot really be said to enjoy the independence or prestige possessed by the arrangement liquidated by the President in the "Saturday night massacre" of October 20, 1973. I am afraid that the assurance of the President that he would not dismiss the new special prosecutor without the consent of certain leaders in the House and Senate does not make the new arrangement equivalent to that which the President eliminated with the firing of Archibald Cox.

The President himself indicated in his press conference last week that it is inappropriate to have "a suit filed by a special prosecutor within the executive branch against the President of the United States." In my judgment the President is correct on that point and that the answer to the problem is to take the special prosecutor out of the executive branch. If, however, either the House or the Senate, both controlled by the Democratic Party, should be the appointing power such an arrangement could be looked upon as injecting partisan politics into an area which must be totally void of partisan consideration. Consequently the only approach left is to mandate that the chief judge of the District Court of the District of Columbia appoint the prosecutor. Under the unique and tragic circumstances that now exist it appears that this arrangement is the only possible way by which the people of America can be assured that the Office of the President is not being investigated by the Office of the President but by an outside, impartial agency accountable to someone other than to the executive branch of Government.

As impeachment becomes more and more a real issue within the Congress I am sure every Member of the House and Senate is resolved to avoid the excesses which stigmatized the only other impeachment proceedings ever conducted by the Congress—the proceedings against President Andrew Johnson in 1868.

A decent regard for the design of the founders of our Constitution mandates that all Members of Congress speak rationally, responsibly, and reasonably about that one process given to us by our basic law by which Federal officials may be removed from office.

It has been 90 days, Mr. Speaker, since I introduced my resolution of impeachment. I filed that resolution with the greatest reluctance and after a period of delay of many weeks and months in which my mind and heart resisted the conclusion that impeachment is now the unavoidable duty under the Constitution for Members of the House of Representatives. The determination of the question of impeachment is a right and duty which under the Constitution the House of Representatives possesses and which it may not delegate to any other body in America.

I have the hope that the House of Representatives, regardless of the ultimate outcome of its proceedings, will act with respect to impeachment in a way that will restore and deepen the faith of America in the integrity and soundness of the procedures and the objectives of that body of the Federal Government, the House of Representatives, to which the authors of the Constitution gave unique and exclusive jurisdiction over impeachment.

DECLARE FEBRUARY 16 BATAAN-CORREGIDOR DAY

The **SPEAKER**. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. **MATSUNAGA**. Mr. Speaker, few chapters of the history of World War II's Pacific theater tell a more dramatic story than that of Bataan and Corregidor.

When Japanese aircraft bombed Manila on December 8, 1941, the day after the Pearl Harbor attack, Gen. Douglas MacArthur commanded a force of some 30,000, including 15,000 American troops, the remainder a combination of the regular Philippine Army and reservists. The Japanese invasionary force quickly reached 200,000, and the Japanese controlled both sea and air around the Philippines. In late December MacArthur was forced to evacuate Manila and withdraw his army to the Bataan Peninsula, setting up headquarters on the island fortress of Corregidor.

The defense of Bataan and Corregidor was nothing short of valiant and inspiring. Both American and Filipino forces fought tenaciously, withstanding onslaught after onslaught by Japanese infantry, artillery, and air power. More than half of the Allied troops were disabled by either wounds or disease, and all were at the point of starvation by mid-April. Tens of thousands of Philippine refugees complicated the peninsula's defense.

General Wainwright, assuming command from MacArthur, in March when MacArthur reestablished his headquarters in Australia, was forced to surrender on May 6, 1942.

General MacArthur promised that he would return to the Philippines, and, of course, he did. In October 1944 he waded ashore on Leyte, beginning a campaign that carried American and Philippine forces back to Corregidor on February 16, 1945. Beginning with a surprise paratroop landing, the 6th Army overcame bitter opposition, gradually forcing the Japanese back, and finally recapturing all of Corregidor 2 weeks later.

Seldom have troops fought so valiantly as did the joint Philippine-American force which eventually yielded to the Japanese invaders at Bataan and Corregidor in 1942. Their vindication came almost 3 years later, with the retaking of Corregidor beginning February 16, 1945. Thousands died or suffered severe injuries. All endured the infamous "Bataan Death March" of prisoners to Camp O'Donnell.

In honor of the brave men who, at Bataan and Corregidor, struggled to keep the land free for democracy, I am today introducing a resolution calling on the President to designate February 16 as "Bataan-Corregidor Day." Perhaps by recalling the valiant struggle of the Americans and Filipinos who fought side by side for liberty, we can remind ourselves of the common heritage shared by free men everywhere.

I ask unanimous consent that the text of my resolution be included in the RECORD at this point.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating February 16 as Bataan-Corregidor Day in observance of the anniversary of the recapture of Bataan and Corregidor and as a tribute to the gallant American and Philippine soldiers who fought, suffered and died side by side defending the principles of freedom. Such proclamation should call upon the people of the United States to observe such day with appropriate ceremonies and activities.

AN ANALYSIS AND DISCUSSION OF HOW COAL CAN ALLEVIATE THE ENERGY CRISIS

The **SPEAKER**. Under a previous order of the House, the gentleman from Alabama (Mr. BEVILL) is recognized for 5 minutes.

Mr. **BEVILL**. Mr. Speaker, energy shortages throughout the Nation continue to have an effect on the economic and everyday lives of our citizens. I believe we must redouble our efforts to increase domestic production of all types of energy. We must also develop other forms of energy. The United States has sufficient resources to meet its foreseeable energy needs. Coal reserves are abundant, and represent a supply of at least several centuries at existing levels of consumption.

My State is a coal-producing State. It has estimated recoverable coal reserves of 7 billion tons. This takes into consideration the 50-percent recovery factor. Coal production amounted to approximately 18 million short tons in 1971.[1] With these statistics, my State has roughly the potential of producing coal for 390 years.

With improvements in mining technology and the potential of coal conversion processes to produce clean burning fuels, production can be increased and coal can be made a larger contributor to the energy scene than ever before. It can be developed within a shorter time span than less abundant and more costly and sophisticated energy resources. Coal is recognized by leading coal industry and government authorities as a very significant short- as well as mid-term contributor to alleviating the domestic energy crisis.

Coal is a primary fuel for the Nation. In his testimony before the Committee on Science and Astronautics, Subcommittee on Energy, U.S. House of Representatives, October 18, 1973, however, Carl E. Bagge, president of the National Coal Association, emphasized that coal contracts, certain environmental, and strip-mine implications must receive attention before coal can become a full-fledged contender in the energy field. He very cogently pointed out that although coal is regaining, of necessity, its public visibility as a crucial source of energy, it cannot realistically be expected to reach its full stature merely by the shrinkage of other fuels. With that he added that:

> The coal industry, which has lived too long on a subsistence level, absolutely requires national policy encouragement and help to increase its production, improve its product, and compete without extraneous handicaps in a free fuel market.
>
> The nation has a second chance to put its energy house in order through sensible management and fuel use of its fuel inheritance. That reprieve, however, could be wasted unless the nation reverses its historical attitude of something less than benign neglect toward coal. We may look ahead to the nuclear promise and the even more remote hope of solar power, but in the realistic meantime we must live according to our present energy means, not draw blank checks against the future.

THE DEVELOPMENT OF COAL TECHNOLOGY

Research and development is a key factor to the future of coal and its contribution to the energy picture. It is obvious that the technological base of coal extraction, distribution, conversion, and consumption must be sound and expansive if America's energy needs are to be satisfied. To meet the annual demand will require a complex new coal system of which research and development is a crucial part.

Equally crucial appears to be to solve governmental restraints which inhibit the coal industry's ability to produce and market its product efficiently. Most frequently cited are price controls which interfere with the provisions of long-term cost recovery contracts, air pollution controls that rule out the use of much available high-sulfur coal, and the freezing of leases and exploration permits on western lands which halted major plans to expand the industry. It has repeatedly stressed the enactment of governmental policies aimed at expanding the capability of coal to meet the demands of a rapidly growing and energy intensive society. These policies, they feel, should take into consideration and devise a total systems research and development program for coal. Only such a program can give production, distribution, conversion, and consumption technologies for the 1980's and beyond.

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[1] U.S. Department of the Interior, Bureau of Mines, Mineral Industry Surveys, *Coal—Bituminous and Lignite in 1971,* Washington, D.C. 20240, 69 pp., pp. 8 and 11.

The administration proposal, with the intent to create a Department of Energy and Natural Resources as described in H.R. 9090 is aimed in that direction. According to the Atomic Energy Commission Chairman Dixie Lee Ray:

> The mission of the new Department is to bring together and direct Federal activities relating to research and development on the various sources of energy—to exercise responsibility for policy planning, coordination, support, and management of research and development programs—to be responsible for assessing the requirements of research and development—in terms of both short- and long-term needs.

The proposal heavily focuses on coal management.[2]

Although these efforts will have little immediate effect in terms of added supply through coal unless some of the utilization constraints are relaxed, they promise to establish research goals, define priorities needed to achieve such goals, and allocate those resources necessary to attain specific research objectives. According to its spokesman, the coal industry believes that the following are the research priorities necessary to permit maximum utilization of our vast coal resource base.[3] The specific allocation of effort in each one will depend upon the need, the technical state of the art, and available resources.

First. Mining research—Productivity has declined since the passing of the Coal Mine Health and Safety Act of 1969. It has also declined through the simple aging of coal mining technology which has remained relatively static since the 1950's. Future coal demands cannot be met without a major new forward thrust in extraction technology. It is felt that acceleration of research programs on production technology, within strict health and safety requirements, would improve the efficiency of coal mining. In a statement on October 11, 1973, the President has recommended that extraction technology, which includes reclamation, be increased from $5.9 million in fiscal year 1973 to $9.9 million in fiscal year 1974. Other mining and health and safety research and development is to be increased from $34.7 to $51.2 million.

Second. Liquefaction — Liquefaction processes can provide a low-sulfur alternative to imported residual oil for boiler purposes. The market potential for such a product is clear. Pilot plant work is now underway in solvent refining. An accelerated program, leading to the construction of additional pilot plants as successful research programs indicate, and the earliest possible construction of demonstration stations, strongly promise to be within the national interest. Again, according to the October 11 Presidential energy message, funds for liquefaction are to be increased from $11.5 million in fiscal year 1973 to $30.4 million in fiscal year 1974.

Third. Gasification—A major effort is underway in coal gasification. A jointly sponsored program between the American Gas Association and the Office of Coal Research has brought this process to the pilot plant stage. In addition, several private companies have extensive research programs of their own underway.

Within the past several years there has been a new initiative in another type of coal gasification, the use of low-Btu in conjunction with the combined cycle for the generation of electrical power. This program has exciting potential. If it is successful, future new power stations will be more efficient and will be able to burn a clean fuel made from coal. Federal dollar support in these areas have taken the following form: High-Btu gasification, low-Btu gasification, and research into improved combustion technology are to be increased from $33.4 million in fiscal year 1973 to $64.0 million in fiscal year 1974.

Fourth. Power systems:

Research and development in this area is both expensive and time consuming. But the realization has come that it is timely to develop power systems of the future, systems which will burn coal more efficiently and with less pollution than present power plants. Notice must also be served to the producers of electrical power that coal is and will remain a vital part of the Nation's energy base for decades to come.

Projects underway in the Office of Coal Research include fluidized bed combustion, now programed for pilot plant operation; magnetohydrodynamics—MHD—which seems to be a longer-term project; and combined-cycle generation. All of these systems promise exciting prospects. All have potential, but will be expensive to build and bring to commercial application. By the way that power systems are defined in the Presidential budget allocation, the exact allocation for such systems is difficult to determine.

Fifth. Environmental challenges to coal:

According to the industry, the largest single impediment to coal growth at present appears to be the unattainable pollution abatement standards which have been set by the Environmental Protection Agency and the various States. In its natural state, coal carries ash, sulfur, and other impurities. The focus of attention, to date, has been on the problem of sulfur dioxide control technology. Several processes have been brought through the pilot plant stage and are now at the early stages of demonstration work. But, ultimately, one or more of these processes will have to be used for a reasonable period of time on a full-scale power plant of 500 megawatts or above to demonstrate commercial feasibility. This will require a large dollar investment and the fullest cooperation of industry and the Federal and State governments involved.

Yet, even if and when sulfur dioxide problems are solved, there are oxides of nitrogen within coal and fuels. It is recommended that research and development begin immediately and be carried forth quickly so that when the new standards for nitrogen oxides are designed and implemented, the technology will be available to permit coal to meet them.

It has become evident that America desires both ample energy and a relatively pollution-free environment. The vast reserves of coal available to the Nation can supply both, given the time necessary to do it and a research and development program which will provide the technological base for meeting the energy requirements within acceptable environmental constraints.

COMPETING ENERGY SOURCES

Nuclear power is coal's potential major competitor in the utility market. It is a reality, however, that nuclear power will in the near term not be able to meet the energy shortfall of the magnitude involved.

Imported fuel oil appears to be the only feasible alternative to coal in much of the East and Midwest. A decrease in coal production is certain to increase the amount of oil imported. But current events in the Middle East doubly underscore the case for coal.

Many proposals have been made to develop alternate energy resources such as geothermal or solar energy to replace coal. Appealing as they may appear, their lack of early availability makes them clearly unacceptable in the early future.

The inevitable conclusion must be that the current focus on coal is here to stay.

RETIREMENT OF JULIAN R. SERLES, JR., AS OFFICIAL REPORTER OF DEBATES

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, I take this time to call attention to the retirement yesterday of a native-born Californian, Julian Serles, who has been an Official Reporter of Debates of the House of Representatives for the past 10 years.

In addition to that service here in the House, Mr. Serles was an Official Reporter of Debates of the Senate for some 7 years, and prior to that time an official committee reporter of the House for nearly 10 years.

He also had service in the U.S. Air Force during World War II, the latter half of which was in India and China. Therefore, his total service for the U.S. Government is nearly 30 years.

So far as I am aware, Mr. Speaker, Mr. Serles is the only reporter in history ever to serve in all three official reporting positions on Capitol Hill. In addition, he has the distinction of having been appointed an official superior court reporter for the Kings County Superior Court, in California, at the age of 19. He served in that court prior to entering the Air Force, where he performed the duties of a courts-martial reporter for more than 3 years.

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[2] Cf. Weekly Energy Report, August 6, 1973, p. 4.

[3] Testimony, Carl Bagge, October 18, op. cit.

Mr. Serles, in addition, has been active in his local community. He was the main organizer of and president for 5 years of the Donaldson Run Recreation Association, a community swimming pool in Arlington, Va.; and at the present time is the president of the River Bend Golf and Country Club of Great Falls, Va. At that club he has been an active and ardent golfer. He is the present club champion, as well as the senior club champion.

During the time he was an official committee reporter he attended Georgetown University, where he majored in executive business administration, in evening courses for some 7 years. At that university he was elected a member of the Gold Key Society and also was awarded the gold medal for economics.

Mr. Serles was born in Hanford, Calif., and attended local schools there while a boy. Thereafter he learned to write shorthand at the Merritt Business School in Oakland, Calif., before returning to Hanford to become a court reporter.

While he was in the service in World War II he married a North Carolina girl, and after the war he and his wife, Lewis, were blessed with a daughter, Grace, who now is married and living in Charlotte, N.C.

Mr. Speaker, I know I express the sentiments of all Members of the House when I wish both Julian and his wife very pleasant and happy years of retirement.

SAFE STORAGE OF NERVE GAS

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 10 minutes.

Mr. OWENS. Mr. Speaker, earlier this year I introduced H.R. 9745, following an announcement by the Army that certain quantities of nerve agent at the Rocky Mountain Arsenal in Denver would be shipped to the Tooele Army Depot, a storage site located in my district in Utah. Since there are already large quantities of these nerve agents in storage at Tooele, my concern was not whether the depot could safely store the additional material contemplated for transfer. My concern was with the Army's long delay in confronting the danger inherent in storing nerve gas near the main airport at Denver, and whether transfer of the agents was the best means of removing that danger. Destruction onsite seemed to me to be the most logical and certainly the safest course of action possible. Such an action would necessarily depend on whether the Army really needed the stockpiles at Denver or whether these agents were surplus and could be destroyed.

The entire manner in which the Army handled this matter of the stockpiles at Denver indicated to me that there was no clear and well-coordinated plan either with regard to the necessary size of national stockpiles or as to procedures for munition disposition. It seemed incredible to me that such dangerous munitions could have been designed, tested, and produced without any detailed thought as to maintenance, storage, and destruction of deteriorating munitions, or the safety of transport of bulk agent for the filling of fresh munitions. The absence of a clear and definitive plan and the apparent Army policy of reaction to crisis and public pressure rather than of following a logical program suggested the possibility that inertia was the basis of our policy of maintaining nerve agents as a deterrent weapon system.

My bill was referred to the Subcommittee on Research and Development of the Armed Services Committee where hearings were held on October 3 and 4. The Army announced publicly, on the first day of the hearings, that a decision had been made to destroy all the nerve agents onsite at Denver. This, of course, had been my recommendation from the beginning.

Under questioning at these hearings, the Secretary of the Army and other Department of Defense witnesses indicated that a reevaluation of the stockpile requirements by the Joint Chiefs of Staff and the National Security Council had led to the decision that the stockpiles at Denver were not needed. One cannot help wondering whether this reevaluation would have been completed as quickly and the same decision reached if public examination had not exposed the dangers of the Denver storage site. I am pleased that the Army announced last week that destruction of the munitions has begun. Priority should be given to completion of the required destruction of the bulk agent as well.

When the Army announced its decision to destroy the nerve gas at Denver, one of the major objectives for House action on my earlier bill was satisfied. The bill was tabled by the committee and the hearings were adjourned. However, the testimony given at the hearings still leaves a number of issues of greater national importance still unresolved. Two other objectives of H.R. 9745 were to direct attention to the need for reevaluating our policy of maintaining nerve agent stockpiles as a deterrent weapon system and to focus attention on the fact that the Geneva protocol of 1925, in the Senate Foreign Relations Committee for over 2 years, has still not been reported out—apparently because of that committee's disagreement with a position taken by the President with regard to the exclusion of herbicides and riot control agents from the requirements of the protocol.

Some members of the House Armed Services Subcommittee pointed out during the hearings that they could not understand why the Senate Foreign Relations Committee would view the President's attempt to exclude herbicides as the basis for delaying action on the Geneva protocol when the more important issue of controlling chemical warfare, and particularly the use of nerve agents, was the primary purpose for ratifying the protocol. I think that the larger and more complex issues associated with the Senate actions were overlooked during these discussions. Herbicides are more than defoliating agents. They are also crop destruction agents and their use was discontinued in Vietnam because of serious charges that toxic substances capable of having a teratogenic effect on human beings were contaminating the area. The issue of excluding herbicides from the protocol has broader implications when viewed in the context of international understandings concerning the scope of the protocol, and the fact that there is concern in the world that the exclusion of one set of chemical agents might establish a precedent for exclusion of other agents. Such specific exclusions might weaken the effectiveness of the protocol as an international treaty. I cannot in this brief statement discuss the complexity of these arguments except to point out that the Senate committee did examine the issue in some detail. They arrived at the conclusion that they could not agree with the President in his interpretations, and rather than report out the protocol with a negative recommendation, asked the President to reconsider his position. Although he apparently has not chosen to reply to the Senate committee's request, the President's position on this issue was discussed during the House committee hearings on H.R. 9745. Ambassador Hill indicated in his testimony that the administration has not changed its position, despite the controversy about the dangers of herbicides, the investigations still continuing on the ecological effects of the use of these compounds in Vietnam, and the fact that the Senate committee disagrees with his recommendations.

The hearings before the Armed Services Committee only partially examined the national policy questions I had posed. Some of the testimony left me with serious doubts that we really are reevaluating our stockpile needs. The fact that the Army has proceeded to the point that plans for producing the new binary chemical warfare weapons have been announced, and that a decision is near regarding the open air testing of such weapons, makes me anxious to insure that we are certain about the need for replacing current nerve agent stockpiles with the new binary munitions. Such a restructuring of weapons systems bears with it not only the increased costs associated with the adoption of any new weapons system but also the danger, according to some analysts, of an escalation of chemical warfare capabilities by other nations.

I believe that the issue of our chemical warfare policies and the status of international treaty negotiations on chemical warfare arms control still require examination. To this end, I am submitting a resolution today which is intended to secure an intensive examination of our progress in negotiations on chemical warfare treaties and a careful public scrutiny of the entire process of determining whether this Nation should continue to commit itself to a policy of maintaining large stockpiles of chemical warfare weapons.

The proposals regarding binary chemical weapons have merit with regard to alleviating the dangers of storing and handling these highly toxic munitions, but this does not constitute an adequate justification for the continuation of stockpiling. The question of continued stockpiling requires evaluation, and in my opinion, this evaluation should not only be conducted in a public forum but should be completed as soon as possible, and certainly before we commit any additional resources to the production and stockpiling of binary munitions. To this end then, I recommend that the Congress conduct such an evaluation to determine whether our policy of maintaining stockpiles for deterrent purposes is indeed justifiable. I think that an examination of this policy will also help to clear the air and permit us to make definite decisions regarding our position in current international negotiations on chemical warfare arms control and progress toward ratification of the Geneva protocol. There is no reason why policies on chemical weapons should be conducted in an aura of secrecy in these days of open discussion of nuclear weapon capabilities and systems. I urge your support of this resolution, the text of which follows:

H. Res. 679

A resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare

Resolved, That it is the sense of the House of Representatives that the Geneva Protocol of 1925, banning the first-use of gas and bacteriological warfare, be ratified immediately; and be it further

Resolved, That it is the sense of the House of Representatives that both the President and the Congress should resolve the Position of the United States on the future status of herbicides and tear gas so that the Senate may move forward toward immediate ratification of the Geneva Protocol of 1925; and be it further

Resolved, That it is the sense of the House of Representatives that reconsideration of the Protocol would provide an opportunity for a comprehensive review of United States' policies in the field of chemical warfare.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mrs. Burke of California (at the request of Mr. Hawkins), on account of maternity leave.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Anderson of Illinois) to revise and extend his remarks and include extraneous matter:

Mr. Kemp, for 30 minutes, today.

(The following Members (at the request of Mr. Riegle) to revise and extend their remarks and include extraneous matter:)

Mr. Mezvinsky, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Drinan, for 5 minutes, today.

Mr. Matsunaga, for 10 minutes, today.

Mr. Bevill, for 5 minutes, today.

Mr. Fuqua, for 5 minutes, today.

Mr. McFall, for 5 minutes, today.

Mr. Owens, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the Record, or to revise and extend remarks was granted to:

Mr. Henderson, to extend his remarks in the body of the Record, notwithstanding it exceeds two pages of the Record and is estimated by the Public Printer to cost $940.50.

Mr. Boland, to extend his remarks in the permanent Record, following the rollcall No. 474.

(The following Members (at the request of Mr. Anderson of Illinois) and to include extraneous matter:)

Mr. Frelinghuysen in two instances.

Mr. Derwinski in two instances.

Mr. Quie in two instances.

Mr. Esch in four instances.

Mr. Robinson of Virginia in two instances.

Mr. Hinshaw.

Mr. Cleveland.

Mr. Young of South Carolina.

Mr. Kemp in two instances.

Mr. McClory.

Mr. Fish.

Mr. Heinz in two instances.

Mr. Shriver.

Mr. Spence in two instances.

Mr. Cohen in two instances.

Mr. Rousselot.

(The following Members (at the request of Mr. Riegle) and to include extraneous matter:)

Mr. Staggers.

Mr. Giaimo in 10 instances.

Mr. O'Hara.

Mr. Owens in five instances.

Mr. Dingell in two instances.

Mr. Won Pat in five instances.

Mr. Gunter in two instances.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. Helstoski in 10 instances.

Mr. Danielson in five instances.

Mr. Harrington in two instances.

Mr. Drinan in five instances.

Mr. Moss.

Mr. Roush.

Mr. Dulski in six instances.

Mr. Hanna in five instances.

Mr. Riegle.

Mr. Waldie.

ADJOURNMENT

Mr. RIEGLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, November 5, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1496. A letter from the Secretary of the Treasury, transmitting drafts of proposed legislation to provide for increased participation by the United States in the International Development Association, and to provide for increased U.S. contributions to the Special Funds of the Asian Development Bank; to the Committee on Banking and Currency.

1497. A letter from the Secretary of Health, Education, and Welfare, transmitting a plan for the delegation of certain functions of the Commissioner on Aging to officers of the Department of Health, Education, and Welfare not directly responsible to him, pursuant to section 201 of the Older Americans Act of 1965; to the Committee on Education and Labor.

1498. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determination No. 74–5, finding that it is important to the national security of the United States to furnish sophisticated weapons systems to the Republic of Korea, Turkey, and Jordan in fiscal year 1974, pursuant to section 504(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1499. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of September 30, 1973, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1500. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of July 1973, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUNGATE: Committee on the Judiciary. H.R. 10937. A bill to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia; with amendment (Rept. No. 93–618). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of Illinois: Joint Committee on Atomic Energy. H.R. 11216. A bill to amend Public Law 93–60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 93–619). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 11230. A bill to amend title 3, United States Code, relative to Presidential succession; to the Committee on the Judiciary.

By Mr. ANDERSON of California (for himself and Mr. Roe):

H.R. 11231. A bill to amend the Public Health Service Act to provide for the screening and counseling of Americans with respect to Tay-Sachs disease; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of California (for himself, Mr. Brademas, and Mr. Chappell):

H.R. 11232. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. Badillo, Mr. Collier, Mr. Conyers, Mr. EDWARDS of California, Mr. FRENZEL, Mr. HORTON, Mr. KEATING, Mr. KEMP, Mr. KETCHUM, Mr. LEGGETT, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. NIX, Mr. O'HARA, Mr. RANGEL, Mr. ROE, Mrs. SCHROEDER, Mr. THOMPSON of New Jersey, Mr. UDALL, Mr. WIDNALL, Mr. YATES, and Mr. YATRON):

H.R. 11233. A bill to provide for the conservation of energy through observance of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH:

H.R. 11234. A bill to improve the conduct and regulation of Federal elections and campaign activities; to the Committee on House Administration.

H.R. 11235. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. FOUNTAIN:

H.R. 11236. A bill to provide authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for operation of those projects, and for other purposes; to the Committee on Government Operations.

By Mr. FUQUA:

H.R. 11237. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees; to the Committee on Government Operations.

By Mr. GUDE (for himself, Mr. FRASER, Mr. RANGEL, Mr. DELLUMS, Mr. FAUNTROY, Mr. STARK, Mr. MAZZOLI, and Mr. MCKINNEY):

H.R. 11238. A bill to amend the act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HENDERSON:

H.R. 11239. A bill to amend section 1006 of title 39, United States Code relating to the eligibility of U.S. Postal Service employees for promotion or transfer to other positions in the executive branch, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11240. A bill to clarify the application of section 8344 of title 5, United States Code, relating to civil service retirement annuities and pay on reemployment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KYROS:

H.R. 11241. A bill to provide for the conservation of energy through observance of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS of California:

H.R. 11242. A bill to amend the act which created the U.S. Olympic Committee to require such committee to hold public proceedings before it may alter its constitution, to require arbitration of certain amateur athletic disputes, and for other purposes; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. ROSENTHAL, and Mr. CHARLES H. WILSON of California):

H.R. 11243. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 11244. A bill to repeal the Campaign Communications Reform Act, to amend the Federal Election Campaign Act of 1971, and for other purposes; to the Committee on House Administration.

By Mr. O'BRIEN:

H.R. 11245. A bill to provide standards of fair personal information practices; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 11246. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. RANDALL:

H.R. 11247. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11248. A bill to direct the Chief Judge of the U.S. District Court for the District of Columbia to appoint a Special Prosecutor to investigate and prosecute any offense with respect to the election in 1972 for the Office of President and with respect to the conduct of the Office of President by Richard M. Nixon; to the Committee on the Judiciary.

By Mr. REID:

H.R. 11249. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. STARK (for himself, Mr. BELL, Mr. WOLFF, Mr. HEINZ, Mr. MALLARY, Mr. GUDE, Mr. KEATING, Mr. DE LUGO, Mr. MCKAY, Mr. ROBERT W. DANIEL, JR., Mr. BAFALIS, Mr. YOUNG of Illinois, Mr. JOHNSON of California, Mr. DANIELSON, Mr. VEYSEY, Mr. BURTON, Mr. BIESTER, Mr. MCCLOSKEY, Mr. PETTIS, and Mr. HANLEY):

H.R. 11250. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States, and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking and Currency.

By Mr. ULLMAN (for himself, Mr. SCHNEEBELI, Mr. MAHON, Mr. BURKE of Massachusetts, Mr. LANDRUM, Mr. FULTON, Mr. BURLESON of Texas, Mr. CORMAN, Mr. GIBBONS, Mr. WAGGONNER, Mr. KARTH, Mr. CONABLE, Mr. PETTIS, Mr. DUNCAN, Mr. BROTZMAN, and Mr. ARCHER):

H.R. 11251. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of methanol imported for use as fuel; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 11252. A bill to amend title 5, United States Code, to provide for the reclassification of certain security police positions of the Department of the Navy at China Lake, Calif., and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 11253. A bill to authorize the Secretary of Agriculture to make grants to cities to encourage the increased planting of trees and shrubs and to encourage other urban forestry programs; to the Committee on Agriculture.

By Mr. CULVER (for himself, Mr. CONTE, Mr. CORMAN, Mr. JAMES V. STANTON, Mr. MINISH, Mr. DOWNING, Mr. STRATTON, Mr. FULTON, Mr. DRINAN, and Mr. ANDREWS of North Carolina):

H.J. Res. 805. Joint Resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 806. Joint Resolution to authorize the President to proclaim February 16 as Bataan-Corregidor Day; to the Committee on the Judiciary.

By Mr. O'NEILL (for himself and Mr. HARVEY):

H. Res. 678. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. OWENS:

H. Res. 679. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

324. The SPEAKER presented a memorial of the Legislature of the Territory of the Virgin Islands, relative to the transfer of title to submerged and other lands to the territories; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

347. The SPEAKER presented a petition of Demetrius Zettos, San Francisco, Calif., relative to impeachment of the President; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

LUDWIG VON MISES: EMINENT ECONOMISTS PAY TRIBUTE TO HIS LIFE AND WORKS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. KEMP. Mr. Speaker, in 1952, Prof. Ludwig von Mises, already recognized as an intellectual giant in the field of economics, contrasted free market economies with state-controlled economies:

> Laissez-faire does not mean: let soulless mechanical forces operate. It means: let individuals choose how they want to cooperate in the social division of labor and let them determine what the entrepeneurs should produce. Planning means: let the government alone choose and enforce its rulings by the apparatus of coercion and compulsion.

Professor Mises' life and works stand as a tribute to unceasing efforts on his behalf to espouse the principles of freedom within the marketplace, stressing, with the full force of history marshalled to sustain his arguments, that political freedom itself cannot long exist without economic freedom.

Professor Mises' teachings, particularly his classic work Human Action, have had a great influence upon me and my philosophies of government, economics, and human action. And, he has served as the principal inspiration for an entire school of economic thought, only now having a fuller impact in the political sphere.

Memorials honoring this great economist-philosopher have been marked by profound belief that Mises was a visionary of extraordinary insight, whose wisdom will, perhaps, not be fully appreciated for years. The current issue of National Review expressed this feeling in this way:

> The death of Ludwig von Mises, at the age of 92, marks the passing of the greatest economist of his generation. His was, in fact, one of the most powerful and original minds that ever operated in the social sciences, to be compared with such figures as Ricardo, Boehm-Bawerk, and Max Weber.

Four of the Nation's outstanding economists paid tribute to Mises in that issue of National Review, November 9, 1973. For the benefit of all my colleagues who struggle daily in this Chamber with the question of the proper role of government in the economy, I include these tributes in the RECORD:

TRIBUTE TO VON MISES

I. HIS OEUVRE

An incredible worker, he was the author of at least 19 books if one counts only first editions, and of perhaps double that number if one includes revised and expanded versions. He wrote hundreds of articles and monographs, and delivered countless lectures.

His published works include at least three masterpieces. They were *The Theory of Money and Credit*, first published in German in 1912, *Socialism: An Economic and Sociological Analysis*, also first published in German in 1922, and *Human Action*, which grew out of a first German version appearing in 1940.

Mises made so many special contributions to economics and to social thought that it is impossible to indicate here anything more than their general nature. He rejected the rigid quantity theory of money as elaborated by Irving Fisher and his school. Instead, he was the first to apply consistently to money the "Austrian" marginal theory of value and thus was the first to unify monetary with general economic theory.

He also elaborated, in his early book on money, the rudiments of a satisfactory theory of the previously mysterious "business cycle." He showed that, contrary to the contention of Karl Marx, booms and busts were not inherent in capitalism, but the result of unsound currency and credit systems, usually promoted by governments. Fractional bank reserve systems, combined with the support furnished by central banks, chronically promoted the overexpansion of money and credit, raised prices, and led to malinvestment, until finally the inverted pyramid of credit collapsed.

Mises' *Socialism* is the most devastating analysis of that philosophy ever written. Of the many new insights in it, the most memorable was to make clear that a complete socialism could not solve "the problem of economic calculation"; that it could not know what was being produced at a social profit and what at a social loss; and consequently could not know the relative amounts of the thousands of different goods and services that it ought to produce. It was this insight that led Oskar Pange, a Marxist economist who later became a member of the Polish Politburo, to propose that future socialists ought to erect a statue to Ludwig von Mises for forcing them to recognize this central problem.

Mises was not only a great thinker but a great man. I have never met anyone more completely dedicated to a life of the mind. In his youth, it is true, he was fond of some sports: He enjoyed mountain climbing and skiing, and occasionally even played tennis. When someone remarked that he was not very good at it, he replied: "The fate of the ball does not interest me very much."

His conversation was remarkable for its unsparing logic, its flashes of wit, and his immense range of historical knowledge; but he had no small talk.

There was not a touch of pettiness in him. Though he was so often neglected or disparaged, I never heard him utter a word of personal bitterness or resentment. When he first came to this country in 1940, he was in serious economic straits; but he never mentioned a word about this to me. Yet though he never asked for help, he was permanently grateful for it whenever it came.

His outstanding quality was moral courage, and an almost fanatical intellectual honesty that refused to deviate or compromise an inch. This often cost him dear personally; but it set an ideal to strengthen and inspire his students and all the rest of us who were privileged to know him. Henry Hazlitt.

II. VIENNA YEARS

The foundations of the great system of social thought that we now know as the work of Ludwig von Mises were laid half a century ago when he was a busy administrator for whom research and teaching could be only spare-time occupations. So long as he lived in his native Vienna, that is, far into his fifties, most of his time was devoted to his work as financial consultant to the most important semi-official organization of Austrian enterprise, the Vienna Chamber of Commerce, and he could only do a little teaching at the university on the side. Even this was interrupted by long service as an artillery officer during the First World War. Yet shortly before and after that, he published the two works which contain the outline of most of the ideas that he later developed into his comprehensive system.

In 1912 his *Theory of Money* appeared, for many years the most profound and satisfying work on the subject available. That it did not have the immediate effect it deserved—which might have saved the world many of the monetary troubles of the postwar period—was due mainly to the fact that he had found it necessary to go deeply into the problems of the general theory of value. This deterred many who might have profited from his elucidation of questions of more immediate practical value. After the war, in 1922, there followed his great work *Socialism*, which established his fame. Its central thesis was not, as it is sometimes misleadingly put, that socialism is impossible, but that it cannot achieve an efficient utilization of resources. That can be achieved only on the basis of a calculation in terms of value or price, which in turn can be ascertained only if there is a competitive market. It was this thesis which attracted the widest attention and led to discussions extending over many years in which Mises certainly was victorious, at least in the sense that the defenders of socialism were driven to far-reaching changes in their doctrines.

The book on socialism was particularly important in that it marked Mises as the leading interpreter and defender of the free enterprise system. Though he had been taught as a very young man the mild "Fabian" socialism then prevalent among the Viennese intelligentsia, he soon reacted against it, thereby isolating himself from most of his contemporaries. He probably owed this conversion to Eugen von Boehm-Bawerk, the teacher at the university who had the greatest influence on him. Boehm-Bawerk, before his premature death, had begun to work on the lines which Mises later developed. By the time he published *Socialism*, Mises had become so strongly convinced that socialist aspirations were based on an intellectual confusion and a failure to comprehend the task which the economic system had to perform that his later attempts to develop social theory and his defense of a libertarian political order often became inextricably intertwined. His tendency, particularly in his younger years, to defend his position with stubbornness and intransigence, made him many enemies. This was largely the reason he never obtained a regular university position in Vienna and why many academicians treated even his purely theoretical works as ideologically suspect for so long. He continued to teach occasional courses at the university, but for many years it was through an informal discussion circle, his *Privatseminar*, as it came to be known in Vienna, which ranged widely over problems of social theory and philosophy, that he extended his personal influence. Among the best known members of this circle are not only the economists Gottfried Harberler and Fritz Machlup, but also sociologists like the late Alfred Schuetz and philosophers like the late Felix Kaufmann.

During these years, the Twenties and early Thirties, Mises was extraordinarily fertile, and in a long series of monographs on economic, sociological, and philosophical problems built up the comprehensive philosophy of society that he first expounded in a German work and then summed up in the *magnum opus* by which he is mainly known to American readers, *Human Action*. This was written in New York. Mises had left Vienna for a professorship at Geneva shortly before Hitler occupied Austria, and in 1940, about as late as was still possible, he moved from Geneva to the United States. The years in America were happy. Newly married, in the care of a congenial companion, for the first time in his life he was able to devote himself entirely to writing and teaching. But not even a brief sketch of his life can conclude without a mention of three characteristics of his work as a scholar: the rare lucidity of his exposition, his astounding historical erudition, and his deep pessimism about the future of our civilization—a pessimism which led him often to predictions that did not come true as soon as he had expected but that were usually confirmed in the end. I believe the world would be a better place if Ludwig von Mises had more often been listened to.—F. A. Hayek.

III. TEACHER

Historians of the twenty-first century will surely be puzzled by the rankings accorded to economists in this era.

On the one hand they will note that academic honors, and in many cases substantial monetary rewards, were profusely showered on Establishment economists whose contributions were minuscule. Mostly they were technicians whose efforts were devoted to analyzing small segments of economics. On the other hand they will note that the work of the colossus of that period—Ludwig von Mises—was largely neglected by Establishment economists, despite the fact that this great social philosopher had formulated a coherent and powerful general theory the likes of which the world had not seen for over a century.

Of course Mises had a worldwide reputation, and a limited, devoted following who venerated him, including many distinguished academicians such as Lionel Robbins in Great Britain, Jacques Rueff, adviser to de Gaulle, Luigi Einaudi, former president of Italy, Professor Ludwig Erhard, former chancellor of Germany, Friedrich Hayek, and many others. But the popular verdict favored many lesser men.

Mises built his philosophy on the supremacy of the individual. Human action—the rational, purposeful decisions of individuals seeking to achieve more favorable conditions for themselves day by day—this is the keystone of his work. A nation *harmonizes* its economic and social conflicts by meticulous regard for the rules of the free market where individuals vote their preferences. By constant adjustments of prices, production, and consumption the free market enables people of a nation to live better and to enjoy a maximum of personal freedom.

The Mises philosophy is ideal for a dynamic economy. It scorns the "equilibrium" theory favored by Establishment economists like Samuelson. New and unpredictable decisions by millions of people every day should result in dynamic change—an economy in flux—not static equilibrium. Since economics and politics cannot be reduced to neat mathematical equations like physics and chemistry, the "managers" of an economy are always fumbling in the dark. The free market and consumer sovereignty are the basic conditions of a prosperous, free society.

Little wonder that Mises' concept was not enthusiastically followed by Establishment economists. Most of them were lured into statist solutions by the devastating wars of the first half of the twentieth century and the Great Depression. It may be more than mere coincidence that statism, which requires decisions by countless boards and commissions of economists, greatly enhances the popular prestige of these economic managers. What need would there be for countless decision-making economists under a self-adjusting free-market system? When the world increasingly adopted the philosophy of *dirigisme* and socialism, it created conditions of Marxian *social conflict* rather than conditions of Mises' *social harmony*.

Mises was foremost—and very early—in pointing out the great dangers of the coming inflation. He often recounted how, before World War I, finance ministers in Europe scoffed at the very idea that nations would ever permit inflation to become a serious problem. He anticipated the dangers of the superwelfare state and sounded the alarm more than half a century ago. But most of the world did not listen. Like lemmings hurrying to their own destruction, celebrated economists continued to expound the beauties of the welfare state and inflation.

By the twenty-first century the ravages of hyperinflation and statism may become so evident to all the world that economists, historians, and social philosophers will rediscover the genius of Mises and accord him his rightful place in history. Lawrence Fertig.

IV. ON THE MARKET

In paying tribute to the memory of an inspiring teacher and towering scholar and thinker, it seems eminently appropriate to draw attention to the major intellectual "vision" which sparked and sustained the master's contributions to his science. To those who knew him, Ludwig Mises was, in the face of shocking neglect by so many of his contemporaries, a living exemplar of incorruptible intellectual integrity, a model of passionate, relentless, scholarship and dedication. It will not be easy to forget these stern lessons which he so courageously personified. But what will surely live on even longer in future histories of economic thought will be those distinctive elements of Mises' extraordinary contribution which set it so clearly apart from the dominant economics of his age. It was into the enunciation of these elements that Mises poured a lifetime of what can almost be called intellectual martyrdom. It is for the brief exposition of one of these brilliantly seminal ideas—the perception of the market exclusively in process terms—that these lines are set down.

In the sweep of the development of economic ideas over the past two centuries, the concept held by the various thinkers concerning the *market* has been crucial. The pioneers of modern economics after 1870, reinvigorating the contributions of the earlier classical economists by the infusion of powerful new insights into the nature of demand, offered a view of the operation of the market society which was of enormous significance. Henceforth economic literacy could not fail to embrace the understanding of the way in which the free interaction of the decisions of owners of resources, of producers, and of consumers in the market systematically generates determinate patterns of prices, output quantities and qualities, methods of production, and resource allocation.

However, in the ferment of intellectual developments in economics during the twentieth century, this understanding came, in the work of the dominant schools, to be perceived within a mechanistic framework which did violence to the subtle insights a more profound awareness of the market is able to confer. The *market* came to be seen as a kind of computer, grinding out the equilibrium solution compatible with the basic data of the system—a task which presumes that the economic actors already possess perfect knowledge. The *theory* of the market came to mean the solving by the theorist of the computation problem. Moreover this theory came to be seen as equally well suited to the needs of societies choosing to allocate their resources by central direction; the socialist planner could, it came to be thought, simulate the success with which the market allocates resources by merely addressing himself to the very same computation problem which it was thought to be the function of market theory to solve.

It was this view of the market which Mises denied with every ounce of energy. It is no exaggeration to say that this denial was central to the major portion of Mises' disagreements with the various economic doctrines of his age. Future economists, when they come to accept, as in time they surely must, the validity of the Misesian critique of the faulty perception of the market, will find it necessary to reexamine many of the doctrines of contemporary economics with which Mises took issue. For Mises the market is *not* a computer grinding out equilibrium solutions to sets of simultaneous equations. Rather the market is a delicate *process* whereby, against the background of continually changing conditions, and with informations available only in limited and piecemeal fashion, the decisions of market participants are, through their interplay in the market, brought into steadily more dovetailing adjustment. In this process the key roles are played by restless, active, ever alert entrepreneurship, and by its counterpart, the merciless, ceaseless, impartial court of active competition. Both these latter roles—completely absent in the dominant equilibrium versions of market theory—are crucial in the emergence of the kaleidoscopically changing patterns of *market prices*.

It was the "process" perception of markets and of market prices that led Mises unerringly to dismiss all attempts to recognize "nonmarket prices" as devices through which socialist planners might simulate the achievements of the market economy. The notion of nonmarket prices can have relevance only in a world of equilibrium situations; it bears no analytical or functional resemblance to the prices which emerge during disequilibrium, in markets revealing the impact of entrepreneurial competition against a background of widespread ignorance.

It was the "process" perception of markets and of market prices that led Mises to deplore with such sharpness the dominance over economics achieved by mathematical techniques during his own lifetime. Such techniques, useful though they may be to the derivation of the conditions for equilibria of various kinds, must inevitably mask the more subtle processes of entrepreneurial change which (because they depend on essentially extra-economic flashes of awareness) do not permit analysis within the procrustean bed of maximization techniques.

And it was the "process" perception of markets and of market prices that led Mises to reject the various attempts by economists since the Thirties to build theories of the market based on notions of monopolistic or imperfect competition. Such models fail, Mises believed, because they reveal precisely the central weaknesses of the theories they seek to replace, viz., an exclusive concern with equilibrium, and a failure to understand the active entrepreneurial-competitive process.

No economist perceived more thoroughly and sadly than Mises how the rejection of his ideas was leading Western societies relentlessly down a path along which the free interplay of independent, individual decisions in the market was being steadily replaced by the centralization of more and more political and economic power in the hands of governments and their functionaries. If Western society ever achieves a reversal of this trend, if it ever learns to respect the decisions of free men interacting within a framework of rigorously maintained individual rights, it can only be as a result of Mises' vision and insight into the true character of the market society. Here indeed we have a monument to Mises the construction of which is well worth our diligence and our dedication.—Israel Kirzner.

Allan Brownfeld paid tribute to Professor Mises in a recent edition of Roll Call, and I include that article in the Record:

An Abiding Belief in Freedom

(By Allan Brownfeld)

There are men who live their lives currying favor with the passing fads and the powers that be. They do what is expected of them, and they are the recipients of the world's rewards and riches. These men we know well, for all too often they are our leaders, and arbiters of taste, and the wielders of power.

There are other men who stand alone, not because loneliness is their choice but because a strict adherence to principle has afflicted them as a kind of plague, and men with more mundane ambitions quickly learn that association with them may enrich the soul, but will hardly assist one in getting on in the world.

Such men, however, are the ones who are remembered hundreds of years later. They are the men upon whose shoulders civilization and culture are built. They are the prophets who are never revered in their own time and place, but are later discovered by other men who have despaired of the mediocrity and opportunism which dominate most societies and seek to learn from the lives of men built of sterner stuff.

One such man—the economist and philosopher Ludwig von Mises—died on October 10 at the age of 92. He was an advocate of freedom and in this century he did battle with all those who believed in something else—Communism and socialism, facism and nazism, welfare statism and government interventionism.

Forced to leave his professorship at the University of Vienna and to flee from his native Austria as the Nazis approached, he came to the U.S. in 1940 and became a citizen in 1946. It was his economic work which has been credited with reviving respect for free-market economics in Europe and he was considered by many to be the intellectual godfather of the postwar German economic advance.

Only five years after the Russian Revolution, Professor von Mises wrote a book entitled Socialism, which shows his view of that economic system. He declared that

Marxist economics lacked an effective means for "economic calculation," or an adequate substitute for the criticial resource-allocation function of the market pricing mechanism. Thus, he pointed out, socialism is inherently condemned to inefficiency, if not disorder.

Economic freedom and political freedom, he believed, went hand in hand. It was not possible, in the long run, to have one without the other. In the U.S. he saw the major threat to freedom not from outright socialism, but from continued and gradual government intervention in the economy—as we have seen in the current Administration's policy of wage and price controls.

In his important book, Bureaucracy, Professor von Mises pointed out that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of consumers." He declared that, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion for its usefulness . . . the problem of bureaucratic management is precisely the absence of such a measure of calculation."

He maintained that interventionism usually achieves results precisely the opposite of those intended: subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

Discussing his analysis of recent welfare-state policies and their effect, Professor William Peterson, a former New York University faculty colleague of Professor von Mises, notes that, ". . . citing German interventionism experienced in the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held that so-called middle of the road policies sooner or later lead to some form of collectivism, whether of Socialist, Fascist or Communist mold."

Professor von Mises knew that the differences between Nazism, Fascism, Communism, socialism, and welfare statism were matters of degree. He maintained that economic interventionism necessarily produces friction. What otherwise would simply be the voluntary action of private citizens in the marketplace becomes coercive politicized and intervention when transferred to the public sector. Such intervention breeds more intervention, and violence eventually becomes inevitable.

Ludwig von Mises was, according to Dr. Peterson, "the antithesis of sycophany and expediency, the intellectual descendant of the Renaissance . . . he believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state. . . . He opposed the plannned society, whatever its manifestations. He held that a free society and a free market are inseparable."

Truth can be denied, but it will inevitably return. In the midst of the twentieth century's romance with collectivism, Ludwig von Mises instinctively knew that this was true.

In his poem, "The Gods of The Copybook Headings," Rudyard Kipling provided something of an epitaph for the man who kept faith and insisted upon telling the truth, even when the worlld refused to listen:

Then the Gods of the market tumbled, and
their smooth-tongued wizards withdrew,
And the hearts of the meanest were humbled,
and began to believe it was true
That All is not Gold that Glitters, and Two
and Two make Four—
And the Gods of the Copybook Headings
limped up to explain once more . . .
And that after it is accomplished, and the
brave new world begins,
When all men are paid for existing, and no
man must pay for his sins,
As surely as Water will wet us, as surely as
Fire will burn,
The Gods of the Copybook Headings with
terror and slaughter return."

Mr. Speaker, this body should heed the wisdom of this great economist.

FARM LABOR AND THE SECONDARY BOYCOTT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, on September 10, 1973, I placed in the RECORD an abstract entitled "Exclusive Representation—Whose Interests Served?" It was the first in an excellent series of abstracts, prepared by the Farm Labor Research Committee, analyzing current legislation dealing with farm labor-management relations.

I am pleased to call the attention to my colleagues to the second of these abstracts, dealing with the question of secondary boycotts:

PROPOSED FARM LABOR LAWS WOULD NOT PREVENT SECONDARY BOYCOTTS

The nationwide grape and lettuce boycotts used by Cesar Chavez in his drive to bring all agricultural employees under the control of his United Farm Workers Union are, in effect, secondary boycotts. They are designed to force retailers—secondary employers—to force farmers—primary employers—to sign contracts which force employees to pay union dues in order to hold their jobs.

Some farmers seeking to protect themselves from this coercive tactic have turned to legislative proposals to extend our present system of labor law to agriculture, since it supposedly bans secondary boycotts.

In fact, however, under the National Labor Relations Act, even as amended in an attempt to close loopholes, unions in industry have found it easy to conduct secondary boycotts. The provision of the labor law which outlaws secondary boycotts contains a proviso which has been interpreted to sanction union activities at the place of business of a secondary employer for the purpose of publicizing the union's dispute with a primary employer.

The National Labor Relations Board, backed up in several cases by the courts has allowed union officials to use this special privilege to conduct massive secondary boycotts. For example, the Farah Company, manufacturer of Farah slacks, has been the victim of a nationwide secondary boycott for over a year, and is completely helpless to stop it under the one-sided labor law. Closer to agriculture, the Supreme Court has upheld the NLRB's ruling in the Fruit and Vegetable Packers case that when a union strikes one employer and then engages in picketing or leafletting at the place of business of another employer who handles the first employer's products, the union's coercive activity is perfectly legal no matter how widespread a consumer boycott it brings about.

This is the so-called "protection" that farmers would gain from inclusion under the National Labor Relations Act. They would also gain all the other organizing and bargaining disadvantages under which industrial employers have been laboring for 38 years. Regulating farm labor relations by the federal legislation currently being considered could only result in the institutionalization of the same adversary relationship between unions and management that exists in industry generally. Farmers, farm workers and consumers will all suffer.

AMERICAN EDUCATION MAKES A DIFFERENCE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. QUIE. Mr. Speaker, I recently read a newspaper article by Grace Hechinger which reports encouraging news about the state of American education as compared to 19 other countries. Because of the hopefulness of the conclusions of the study—released by the International Association for the Evaluation of Educational Achievement. I am inserting the article at this point in the RECORD.

DOES EDUCATION FOR ALL LEAD TO MEDIOCRITY?

(By Grace Hechinger)

America as the land of opportunity has long been synonymous with its faith in universal education. Does such open access to school, without any prior sorting out of either the materially or intellectually less privileged youngsters, penalize the gifted? Does the American commitment to mass education in fact mean that the talented few are sacrificed to the concern of the mediocre many? As an old Tory expression puts it, does more mean worse?

American egalitarian ideology has always said no to these questions—largely on faith. But now this idealistic view has been confirmed, not by populist do-gooders, but by the conclusions of the most extensive worldwide survey of educational accomplishments ever undertaken. The recently released findings of the International Association for the Evaluation of Educational Achievement (IEA) provide unprecedented proof that the critics of the open door to learning are wrong in their insistence that universal education is incompatible with quality education.

The study is based on data from 9,700 schools in 19 countries. They include Australia, Belgium (the French-speaking and Flemish-speaking sectors were considered separately), Chile, England, Finland, France, Hungary, India, Iran, Israel, Italy, Japan, the Netherlands, New Zealand, Scotland, Sweden, Thailand, the U.S. and West Germany. The $5 million cost of the survey was met by a number of private foundations and governmental agencies from many of the countries involved.

One of the study's key findings shows that in reading comprehension, the top group of American high school seniors—the upper 9% or 10% in academic achievement—actually comes out ahead of all other nations, including the educationally highly restrictive ones. In science, the comparable American groups finished in seventh place, still a respectable showing.

Professor Torsten Husen of the University of Stockholm, director of the IEA study, said in answer to the educational elitists: "It is actually the selective system that pays a price in lost talent and social dislocation."

To underscore that claim, he offered statistics that show West Germany, which siphons off "nonacademic" children at age 10, suffers from the highest degree of "social bias," the major indicator of a stratified society. This means that the highest ranking students come almost exclusively from the most privileged social and economic classes. By age 18, only 1% of the lower class children, defined as coming from unskilled or semi-skilled workers' families, were still attending school. As a result, only 1% of that group show up in the academic elite. In American schools, 14% of those who graduate from high school come from lower socioeconomic groups. This means a steady influx of "lower class" children into the potential leadership sector.

It is only when all American high school seniors are tested that the American performance slipped severely—to 12th place in reading comprehension. However, the U.S. keeps 75% of its young people in high school through graduation—the highest proportion of any country in the survey. In all the other participating countries great numbers of young people have by that time already dropped out or been pushed into nonacademic activities. Thus the low ranking of the American high school senior class on the international scale is not the sign of depressed academic quality that American critics see in it, particularly since it does not lower the achievements of the intellectually gifted. On the contrary, it is reasonable to support Professor Husen's conclusion that the American plan for keeping virtually everyone in school until high school graduation gives the U.S. a greater pool of educated citizens from which to draw its leaders. And it clearly aids the American people's social and economic mobility.

The relationship between children's education achievements and their adult careers and status is a subject of continuing controversy here and abroad. For instance, the Stockholm report challenges head-on the widely publicized study by a Harvard research team headed by Christopher Jencks, which claims that schools fail to reduce social and economic inequity. The IEA survey did not directly concern itself with pupils' future income; but by proving that open access is a significant factor in allowing children from disadvantaged homes to rise to the level of the academic elite, it offers persuasive evidence that education does improve chances for econmic success, and has done so more effectively in the U.S. than anywhere else.

The study does uphold the claim, first published by sociologist James Coleman in 1966, that home background is more important to a child's scholastic success than anything the schools have so far been able to offer. But the Stockholm findings point more strongly than did the Coleman report to the fact that schools, nevertheless, make a substantial difference—a fact that has increasingly been denied by the New Left anti-school ideologists.

The debate over the effectiveness of public education in the United States thus will have to take account of these findings:

Hard work in school plus open access do count. "Get them and stretch them" is the way a member of Professor Husen's research team summarized the need for a combination of mass education and tough study requirements.

Women's Lib is right in charging that girls have traditionally been short-changed. They have lagged behind boys in interest and performance in science and the gap grows larger the longer girls attend all-girls' schools, where they are not being challenged. Significantly, the gap does narrow in coeducational schools.

An analysis of the schools' greater success in teaching science—called a "school-oriented subject" by the study—than in teaching reading—labeled "home-oriented"—suggests a puzzling discrepancy in the schools' relative skills and efforts. "The schools appear to do little to mobilize their resources for the improvement of reading beyond the early years," the report said—a serious indictment of neglect in so crucial an area.

The study itself, however, is not without its limitations. The basic problem with a survey of so many nations' schools is that educational systems do not exist in a social and historical vacuum. The way a nation interprets its educational responsibilities cannot be discussed independently from its political, social and economic priorities. There is no common denominator which can readily be extracted from such a study. To be valid, comparisons between countries cannot be made without great caution and qualifying explanations of cultural and sociopolitical differences.

Moreover, the process of statistical averaging dulls the sharp edges of the data and thereby tends to reduce the usefulness of such research for specific pedagogical reform planning. For example, the study concluded that class size makes little difference in the pupils' success. Yet that conclusion becomes of limited usefulness when the differences, which are typically between 30 and 35 pupils, are averaged out. What such statistics fail to provide is information on a real difference—between a class, say, of 10 and another of 30 students.

Moreover, in the science study, only the hours of science teaching are measured. This is of little help to potential policy makers in individual countries who are left in the dark about the relative value of laboratory work vs. classroom lectures in science.

In spite of these limitations, the international scope of the study does offer some much-needed perspectives and insights for a more rational approach to the American debate of the problems of public education. The increasingly vocal critics of our schools, in keeping with the current mood of American self-criticism, have assumed an isolationist or at least a provincial tone. It is, of course, true that American schools have discriminated against the poor and against minority groups. American education policy has not always made the climb up the ladder of success as easy or as equal as envisioned by the American dream. But a look at the schools of Germany, England and France, where stratification is still far more rigid puts the American achievement in a much brighter light, clearly at the head of the international parade.

The virtue of the IEA studies is precisely that they shatter the parochialism of both the conservative and radical critics who overanalyze and undervalue American education. Charles W. Eliot, president of Harvard at the end of the 19th Century and one of the leading public school reformers of his time, wrote almost 100 years ago that, in order to keep society fluid, "it is a supremely important function of the teacher throughout the entire school system to discover, recognize and give ample chance to the remarkable child." And he emphasized persistently that he saw no contradiction in the establishment of quality controls and the open democratic approach.

The message from Stockholm confirms President Eliot's earlier faith. The IEA findings, despite their limitations, are persuasive on two points central to forward-looking American public school doctrine: Schools do matter in keeping society fluid, and more can be better.

NATIONAL AIR TRANSPORT POLICY BY THE HONORABLE JOHN J. McFALL

HON. HARLEY O. STAGGERS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. STAGGERS. Mr. Speaker, practically every Member of Congress is actively interested in one or more of our various systems of transportation. By necessity, every committee becomes involved in transportation problems. The Honorable John J. McFall, prestigious and knowledgeable member of the Appropriations Committee, adds to his other responsibilities that of the chairmanship of the Transportation Subcommittee. As is the case with many of us, he sees the need of formulating and putting into effect a national policy on transportation which will bring the various sprawling systems into a mutually supplementary relationship designed to add to their efficiency and economy.

At a recent conference of the Airport Operators Council, Congressman McFall delivered a thoughtful address on the problems of the air systems of transportation. His remarks constitute a practical approach to the formulation of a national policy with respect to all transportation. I believe my colleagues in the House will find it useful in developing their own ideas on the matter.

The remarks follow:

Address of the Honorable John J. McFall, of California

It is an honor and a privilege to be with you today at your Airport Operators Council Conference, because you and your operators are such an important part of our country's, and the world's, transportation system.

You have chosen a very fitting location for your meeting—the site of the Nation's newest and by far our largest airport. Dallas-Fort Worth is a Texas-sized response to the massive challenges that face the aviation industry during the remainder of this century.

When I left Washington yesterday, to fly from Dulles to Dallas, I thought to myself that there could not be two more different solutions to the same set of problems.

Because Dulles, like Dallas, is an attempt to cope.

Dulles, all of you know, features a single, compact terminal with mobile lounges waiting to ferry passengers to the airport.

Dallas-Fort Worth, which I had the opportunity to see yesterday, is a multiple, composite terminal which provides separate passenger facilities at planeside for each flight. A passenger can park his car within walking distance of his plane. It is as close as we can get to drive-in aircraft boarding.

The thing that Dallas and Dulles have in common is that they are both airports of the future. And whether one approach is better than the other only the future can tell.

I am told that Dallas-Fort Worth will probably be in full-scale operation by early 1974. I understand that the airlines need some time to set up their terminal facilities and baggage handling facilities.

One thing is certain: the developers of Dallas-Fort Worth deserve congratulations for their foresight and initiative. I want to extend my personal commendations to the two cities, the Regional Airport Board and to the Board's Director, Thomas M. Sullivan. Rather than talking about their problem, they got together and did something about it. It was a major cooperative effort involving the cities, private industry and government at all levels. At the Federal level, incidentally, our participation was almost $85 million including funds for people-movers, control tower and other facilities and equipment. That is a fact of which I am particularly aware as Chairman of the Transportation Subcommittee. What they have accomplished here in Texas is an unmistakable message to everyone else—get together and get moving.

Dallas-Fort Worth—or D-FW, as it is known—shows how radically you can alter the airport complex itself in an effort to free it from the restraints of ground traffic congestion and heavy passenger-service demands. It also shows that no matter how vast the solution, certain industry problems—beyond the control of any single facility—can continue to beset the airport. What I am trying to say is, you can still get caught in the traffic on the way from the airport to the hotel.

I understand that at the airport dedication a few weeks ago, most of the honored guests were flown in—which is not unusual except that they were flown in from Love Field and Greater Southwest Airport to avoid the crowd on the highways.

Congested access roads, of course, plague most of the great airports of this nation. This problem—and most of the others associtated with air transportation—inevitably come to roost upon the airport and the airport operator:

The capacity of airport loading facilities,

Over-use of hub airports and under-use of associate airports,

The daily ground-level transactions involving passengers, baggage, cargo and mail,

Airport security,

Noise,

And that little matter of operating the airport at a profit, so it will be an asset not a burden to the taxpayers.

* * * * *

Now, I could discuss each of these questions on an individual basis. But there has been too much of that already. Because these are not isolated questions. They are simply different aspects of the same single gigantic American transportation quandary: How do you get there from here?

Congress has wresteled with this problem and its corollaries for many years. Texas' own Albert Thomas—one of the most respected and well-liked members of Congress—devoted much of his career to it. Congressman Thomas had major influence on most of the national transportation decisions of the last decade. He was the father of the carryall concept we see at Dulles. He worked hard to establish the Manned Spaceflight Center—now renamed for Lyndon B. Johnson—near Houston. Until his death in 1966, he was chairman of the predecessor subcommittee to the Transportation Appropriations Subcommittee which I now head. Finally, Congressman Thomas strongly supported the development of a national transportation policy; he sought ways to focus our efforts on our transportation problems.

That is why he would have been as astonished as I was when the Administration proposed breaking up DOT just four years after it had gone into operation. That was one of the recommendations of the department's 1971 statement on national transportation policy.

That, of course, is exactly the reverse of what Congress intended when it created DOT in 1966. Unfortunately, that kind of recommendation is all too typical of the performance we have been getting from the present administration and the Department of Transportation.

After six-and-a-half years in operation, DOT still refuses to address itself to the big picture. It continues to nibble at things on a piece meal basis—as if it were still a series of isolated agencies.

The purpose of establishing DOT was to get rid of the piecemeal approach. Piecemeal won't work anymore. You cannot deal with air travel without considering the impact of highways and railroads.

For example, the railroad crisis in the northeast very definitely reduces the effectiveness of Dallas-Fort Worth Airport. If you do not have fast dependable rail transit, people will fly, instead, between Washington and Boston and New York. And if air space over New York is cluttered with these local flights—as well as the international and transcontinental traffic—Dallas-Fort Worth is going to have considerably more difficulty in getting its planes into and out of Kennedy.

The northeast rail crisis consumes so much of the government's time and energy that very little is left for any other transportation problem—to say nothing of a national transportation policy. I recently asked the president of one of our major automobile manufacturers about competition from Japanese imports. He said that Japanese cars have an edge when they arrive on the West Coast. But once the importer ships inland, and his vehicles get caught in our transportation system, they lose their competitive advantage. A sad commentary—even the Japanese cannot cope with our transportation system.

Now, let's take a look at the transportation demands facing us in the years ahead. By 1980, our population will be 227 million, an increase of 21 million in ten years. Besides all the other implications of that growth, the demands of our burgeoning population will triple air passenger miles. Railroad ton-miles will go up twenty-five percent. Truck tonnage will increase by one half. And travel in private motor vehicles will go up thirty percent.

By 1990, we will have to double the transportation capacity of this nation; we will need twice the transportation facilities which we have developed and installed in this nation since its founding in 1776. Not only that, we will have to accomplish all this without ruining our environment and without wasting our energy resources as we have done in the past.

So how do we do all this? How do we even begin?

Tom Sullivan, there, knows what I am going to say. Because he was a member—and a very capable one—of the Aviation Advisory Commission which made its final report to President Nixon last January.

Crocker Snow, Director of the Massachusetts Aeronautics Commission, was chairman of the advisory commission, and the commission's report recommended the development of a national aviation plan as part of a national transportation plan.

Now, that is exactly the conclusion I reached—and many other Members of Congress reached some time ago—and that is what we have been calling for from the Department of Transportation—a single comprehensive national transportation policy.

My colleague, Brock Adams, Congressman from Washington State and a Member of the Commerce Committee, very eloquently stated the consequences of this lack of transportation policy. In a recent address, Congressman Adams said: "The failure of the federal government to adopt a national transportation plan is the primary cause of the massive urbanization of the last thirty years; we have allowed our smaller communities to wither away, and we have caused a concentration of people in megalopolis-type centers."

Congressman Adams pointed out that such concentrations simply compound our urban ills, waste the potentials of our smaller communities and—of particular concern to the air industry—reduce the market for air transportation.

A respected spokesman for the air industry—Mr. C. R. Smith—told his staff that the lack of a transportation policy is one of the big things airlines are up against. Mr. Smith, I am sure you know, recently resumed control of American Airlines, and one of his first concerns was the federal role—or lack of it—in transportation planning.

Now what would we do with this policy if we had it? What would it mean, for example, to you, the airport operator?

The kind of national policy I am talking about would lay out for us a system of arterials and ancillary routes—something like we already have for our interstate highways. But this would be a composite system showing our major and subordinate routes for all forms of transportation—from mule track to great circle routes and all the railroads and watercourses and highways in between.

If we had such an integrated policy, obviously we would know where to locate our new airports and other transportation facilities. We would be able to project the use of these airports and perhaps to deal with these problems of loading capacity and ground passenger services—including security. We would be able to spread the passenger load more evenly—not only among airports but among the alternate methods of transportation. We would have an important leg up on the noise problem if we knew well in advance where we are going to put our new airports. A national transportation policy would enable us to use each method of transportation to its best advantage—and to make the best use of the scarce resources of our lands, waters and skyways.

Unfortunately, the report of the Aviation Advisory Commission received the treatment that this Administration gives most reports from most of its advisory bodies—a swift and unlamented death.

And the Department of Transportation continues to tinker with transportation policy as if it were a Model T. DOT's planners spend an excessive—almost obsessive—amount of time working with the economic regulation aspect of transportation. They hope that with deregulation, private industry will step in and take over, and competition will solve the problem.

Certainly this kind of regulation is important but it is only a part of the problem.

Last year James M. Beggs, former Under Secretary for Transportation authoried an article in which he laid out the Department's objectives. They boil down to the same three things that the department always comes back to: reorganization—which means splitting up DOT—revenue sharing and deregulation.

All of these are political solutions that deal with the problem largely in terms of money. And even President Nixon says you can't solve problems merely by throwing money at them. We need to knew what we should spend the money for.

Revenue sharing provides funds to states and cities with as few constraints as possible on the way they spend it. That means you will have everyone running in all directons—something we don't want in transporation.

The deregulation of carriers would simply return us to chaos. We need to decide what type of system to have before we worry about how to regulate it.

What sort of balance do we need among our air, rail and highway systems? Between public and private development? Between federal and local participation?

The federal government must articulate a rational and coherent national transportation policy. That is the key to a functional service-oriented transportation system—compatible with its environment, convenient to its users and reasonable in its fares.

Then we should attract the private participation we need.

It is up to the government first to provide the substance of the policy and then to commit itself to put that policy into operation.

What has Congress been doing toward these goals?

Congress created DOT to coordinate federal transportation activities. Congress established a trust fund to help build airports in decades ahead. And Congress again this year appropriated nearly $8 billion for DOT and related agencies in fiscal 1974, including more than $1.5 billion for aviation.

Last June Congress passed legislation improving the benefits available from the Airport and Airways Development Trust Fund. The 1973 amendments increased the federal share of most airport projects to seventy-five percent, authorized $620 million in new contractual authority and prohibited DOT from imposing an airport "head tax" this year. The tax was another piecemeal measure, and we directed DOT to give it more study within a wider context.

The airport trust fund, which Congress created less than four years ago, has already accumulated about $1 billion. Congressional foresight has been more than justified; the Administration now estimates that this nation will need almost 700 new airports by 1983.

Congress also has given considerable attention to other modes of transportation this year. We passed a landmark highway bill which for the first time allows use of some trust funds for urban rail mass transit, beginning in the second half of 1975. Legislation dealing with the railroad crisis in the Northeast is in the final stages of committee preparation.

Our campaign against noise is growing rapidly. In fiscal 1973, DOT spent $22 million on noise reduction, and the entire federal government spent $73 million—twice the amount of 1972.

Last year Congress gave FAA and the Environmental Protection Agency the duty of protecting people against aircraft noise. EPA is drafting proposed regulations which should be ready soon for review and comment by FAA.

Compatible use of adjacent land and diversionary take-offs can help. But much of the answer remains with technology—for noise and for two related considerations: Air pollution and energy waste. We must make our jet engines quieter, cleaner and more efficient users of fuel.

Aircraft are a minor source of air pollution—but nevertheless a consistent one—and they must be included within the federal clean-up effort, with emphasis equaling that on the automobile.

However, jet engine research is just as important to our energy problem as to the questions of noise or pollution.

Recently, our Transportation Appropriations Subcommittee had a special meeting on the entire energy crisis. We received a thorough briefing from the staff of the joint Congressional Committee on Atomic Energy. I can tell you that the dimensions of the problem are just staggering.

Transportation is by far the nation's most wasteful user of energy. Our ships, planes and cars burn up eight million barrels of oil a day—twenty-two percent of all the energy we use. Yet because of the nature of these craft, they convert only one-fourth of their fuel into propulsion; fully three-fourths of the energy in-put is wasted.

Actually, if you drive one of those great big fully equipped automobiles, you are losing ninety percent of your energy in-put.

By contrast, our largest user of energy—industry—and our third largest—residential and commercial—successfully convert more than seventy percent of their fuel into useful work.

The United States with six percent of the world's population consumes thirty-five percent of our planet's energy projection. That amounts to the equivalent of thirty-five million barrels of oil per day. By the year 2000, if present trends continue, the United States will require the equivalent of ninety-five million barrels per day.

Where is this energy going to come from? Texas, the nation's largest oil producer, now supplies three-and-a-half million barrels a day. That meets only one-tenth of today's needs, and Texas' output is declining.

Plainly, we must supplement our energy sources and drastically improve our efficiency of use. We cannot look simply to the Middle East for additional supplies. If we were to make up all of our projected deficiencies with imports, we could expect to be paying at least $35 billion a year for foreign oil by 1985—provided, of course, that the Arab nations would sell it to us. The new outbreak of hostilities in the Middle East has reminded us once again of the enormous foreign policy ramifications attending oil from that source.

That is why Congress is so concerned about our energy situation—why we are encouraging research on alternate fuels, why we are seeking new oil supplies in Alaska, and why we must develop more efficient use of our fuels—not only in transportation but in every sector.

That is why we have tried to prod the Department of Transportation into giving us a national transportation policy.

To date, DOT's reply has consisted of a 1971 statement on national transportation policy, a national transportation report in 1972 and, just last month, a national airport system plan.

The policy statement involved the empty unworkable and incredible discredited troika: revenue sharing, reorganization, and deregulation.

The 1972 report was simply a study of capital investment needs; it projected costs far beyond our financial capabilities, and it failed to take the essential step of molding needs into a meaningful policy.

The airport plan was submitted three years after the law that ordered its preparation—and one year after the deadline set by that law. Despite that, the plan is just a "wish list" that presents no reasonable alternatives if we cannot build all the 700 airports it hopes for. The plan fails to relate each airport to the rest of the transportation system, and it does not consider the effects of future technology on aeronautics and other modes of transportation.

I think we have had enough of this continuing ineptitude or indifference on the part of the department. I think it is time that Congress struck out on its own.

For some time now, I have felt that Congress itself should undertake the study of a national transportation policy. I hope that we can either jar the department into activity or beat them to it and produce a viable and functional transportation policy on our own.

I have discussed this matter at some length with Chairman Harley Staggers of the Committee on Interstate and Foreign Commerce. I can announce to you now that if this departmental apathy continues—if DOT continues to show no inclination to address itself to the nation's most critical transportation problem—then I will ask the Commerce Committee to fund and to staff such an undertaking on behalf of the Congress. That will be a bi-partisan fact-finding and policy recommending task force employing the best transportation minds in the country.

There is no reason for further delay. We must push on with this task. We should be at work on our national transportation policy—within the Department of Transportation or in spite of it—not later than early 1974.

I think the best interests of our nation—its economy, its national security, and its future—demand such action.

The necessity and the urgency are self-evident. We need only supply the will and the energy to meet the challenge of the Twenty-first Century. I ask your help. Only if we all strive together can our great nation achieve the vital, flourishing, pre-eminent transportation system that our destiny and our posterity demand.

CONGRATULATIONS, LIEUTENANT

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. SPENCE. Mr. Speaker, on July 1, 1972, one of my constituents performed an act of courage which was so outstanding that it attracted nationwide attention in a field where heroism is routine.

Lt. Ralph O. LaFrance, of the Orangeburg City Fire Department, put his life in extreme jeopardy no less than three times that day; and because of his actions, three young children are alive today. Lieutenant LaFrance has received both State and national recognition for his efforts, and the latest award prompted a fine editorial about him in the Orangeburg Times and Democrat. The Times and Democrat's editorial entitled "Congratulations, Lieutenant," expresses as well as anyone can the feelings that the citizens of Orangeburg have for their own national hero. Mr. Speaker, I insert this fine tribute to an outstanding man at this point in the RECORD:

CONGRATULATIONS, LIEUTENANT

The Times and Democrat's congratulations go to Orangeburg Fire Department's Lieutenant Ralph O. LaFrance who, this week, was one of eight firemen over the nation receiving Award of Honor plaques in the annual Fire Industry Awards for Heroism in Baltimore, Md.

It was the second time that Lieutenant LaFrance has been honored, the first being on June 6 when he was named the James B. Murphy Award for Heroism recipient and at the same time was named the Fireman of the Year in the state by the South Carolina State Fireman's Association.

Both awards are well deserved. Each was based on Lieutenant LaFrance's courageous action on July 1, 1972, during a fire at 173 Amelia, N. E., which resulted in his being credited with saving the lives of three young children.

The firefighter risked his life not once, but three times when he repeatedly entered the blazing house in which the walls were flaming, smoke so dense that visibility was almost nil except near the floor.

Of all things man and animals fear most is fire. To conquer such fear is a must for firefighters. It is not easy to do. Lieutenant LaFrance did it. He has been recognized on both a state and national level.

We know that Lieutenant LaFrance thought nothing of either the possible personal consequences of his act or the recognition it might bring. It was the instinctive reaction of a brave man, a courageous man.

His bravery and courage have brought an additional brilliance to the image of the City of Orangeburg and its Fire Department. He will be long remembered by a grateful citizenry.

FDA OVERSTEPS ITS BOUNDS ON VITAMIN REGULATIONS

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. DANIELSON. Mr. Speaker, as one of the sponsors of the Food Supplement Amendment of 1973, I submitted a statement in support of this crucial legislation to the Public Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee during its hearings on the FDA's new vitamin regulations. These regulations, which are the result of a serious abuse of authority on the part of the FDA, can only be changed through passage of the food supplement bill (H.R. 643). I would like to include in the RECORD my statement on the FDA's actions and H.R. 643:

STATEMENT BY HON. GEORGE E. DANIELSON

Mr. Chairman, I am submitting this statement today as the spokesman for thousands of my constituents who have written to me to protest strongly against the FDA's new regulations of food supplements. These citizens are, like myself, gravely concerned about the FDA's attempts to drastically curb the availability of dietary supplements to people whose health may depend on them, or who simply feel that they are necessary for continued good health.

The FDA has undertaken this effort to set new standards for vitamins and minerals as part of its overall program to improve the nutrition information available to the average consumer. These standards, based on Recommended Daily Allowances established by the Nutritional Board of the National Research Council, National Academy of Sciences, limit both the potency and the combinations of ingredients allowed to be sold as non-prescription food supplements.

Aside from the readily apparent concerns which these new regulations generate, such as the restriction of freedom of choice, the inevitable cost increases to consumers, and the economic damage to small health food store owners and vitamin supplement dealers, there is, I think, a more fundamental issue at stake. Does the FDA have the authority to so drastically limit and regulate our supply of vitamins and minerals? The FDA was set up to protect the American public from adulterated products, toxicity and fraud in the marketing of all food and drugs. Food supplements, except in huge overdoses, are not toxic and neither is there fraud involved in their marketing. Who gave the FDA the authority to decide which *safe* foods we can and can not eat?

Even if one is willing to assume that the FDA has this authority, there remains the question of whether it has the capability to determine the optimum nutritional requirements of every individual in the United States. At this point in the development of the relatively new science of nutrition, there is a great deal of disagreement among the experts about the effect upon one's health of vitamins and minerals, which ones are essential, how much of each we should take, and how much variance there is in individual nutrition requirements. Yet the FDA feels it knows enough about nutrition to write into law the essential vitamins and minerals, the maximum necessary potency of each one, and the proper combinations of ingredients for dietary supplements.

These regulations, which assume that we are already getting all the nutrients we need from the food we eat, are supposed to assure maximum good health for all average Americans. A person who for any reason is not average and needs more nutrients than those allowed by law will have to purchase food supplements classified as drugs by the FDA.

I think it is fairly obvious that the FDA is overstepping its bounds. I have introduced a bill, H.R. 6098, which is designed to correct this intolerable situation by curbing the FDA's authority to limit our vitamin and mineral intake. H.R. 6098 is identical to Congressman Hosmer's bill the "Food Supplement Amendment of 1973." The Hosmer bill will not prevent the FDA from regulating any dosage or ingredient which is thought to be unsafe. The bill will not affect the FDA's ability to enforce truthful labeling requirements for dietary supplements. It will simply ensure that people will be able to consume whatever nutrients they feel will contribute to their maximum good health.

It is necessary that we pass this bill to protect the right of Americans to determine and satisfy their own individual health needs.

THERE IS LIPSTICK UNDER THAT FORESTER'S HARD HAT

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. COHEN. Mr. Speaker, one of the most striking, positive, and healthy achievements of our society in the decade of the 1970's has been the profound changes that have occurred with respect to the role of women in American society. Whether by personal experience, hearsay, or through the medium of the press, each of us have become acutely cognizant of the redefined and expanded role of women in our society.

Today, it is not uncommon to find women making critical corporate decisions, climbing telephone poles, inspecting oil rigs, adding transmission fluid to your car, or even occasionally calling balls and strikes in a minor league professional baseball game. Clearly, there is widespread evidence of the phenomenon of women entering into vocations and performing tasks that were formerly reserved for the male of the species.

One of the more refreshing instances in which women have breached a formerly all-male bastion occurred in Maine this past summer, and was thoughtfully brought to my attention by the Georgia-Pacific Corp., one of the partners in this historic venture.

I would like to share the extremely interesting and enlightening press account of this undertaking with my colleagues, and I insert it in the RECORD for my colleagues to review:

THERE IS LIPSTICK UNDER THAT FORESTER'S HARD HAT

Up until the historic "lib" year of 1973, the deep woods of eastern Maine were a place for husky male foresters to safely roam, but eight young women employed by the Georgia-Pacific Corp. woods department at Woodland (Maine) have changed all that. The girl foresters who breached the all-male bastion recently wound up 10 weeks of woods work that earned them an "excellent" rating from the company's divisional chief forester, Oscar Selin.

He has had some of the girls working with survey crews mapping out the construction sites for a new lumber mill and a planned secondary treatment lagoon at the pulp and paper mill to further improve quality of the adjacent St. Croix river. Others have been measuring permanent timber plots to check annual growth rates and timber inventories. A few of the girls have been wielding Swedish axes to thin over-abundant new timber growth on areas harvested by the company.

Woods department men who work with them and have watched their progress praise the girls for their enthusiasm, adaptability and won't-quit attitude. Working in steel-toed safety boots and under hard hats, with some very unfeminine attire in between, the girls started every eight-hour work day at 7:30 a.m. Despite the tough work, they all say they enjoyed the summer experience; some of them for the chance to earn money, others to prove they could do a man's work and, in the case of Patricia Casciere, because she has chosen forestry for a career.

Pat, the only non-Mainer in the group, will graduate next year from the State University of New York College of Environmental Sciences and Forestry at Syracuse. The other two college girls on what appears to be only a temporarily disbanded summer crew were Donna Crosby and Janet Duval.

A 1972 graduate of Woodland High School, Donna is majoring in health, physical education and recreation at the University of Maine at Presque Isle. She wants to teach physical education so she can "get kids interested in sports." Janet, whose father is a Georgia-Pacific forester, attends the University of Maine at Presque Isle and plans to be a nurse.

Five of the girls, Christie James, Linda Call, Darlene Smith, Betsy McCluskey and Denise Huntley, are 1973 graduates of Woodland High School, and all have a parent or relative working at Georgia-Pacific's Woodland mill.

Christie will enter the University of Maine at Orono where she will study to be a medical technician. Linda says she wouldn't mind returning as a truck driver or heavy equipment operator because she loves being out-of-doors. Darlene wants to get into elementary education, and she will enter the University of Maine at Machias this fall.

Before parting company to go their separate ways after the summer "breakthrough," the girls gathered at a nearby Eastport seafood restaurant for their "First Annual Lady Loggers Convention." Some were already talking about returning to the forestry job next summer. Pat Casciere said she would be happy to leave New York and return to Maine as a practicing forester.

Denise Huntley said she'd like to try it another summer even though she's going to beautician's school and planning to be married next June. Why? "Because I want to prove to my husband that I can do it!"

Regardless of their reasons for returning, it's a sure bet that Chief Forester Selin will welcome them back to the Georgia-Pacific forest.

Although it doesn't apply to the hard work accomplished by G-P's all-girl woods crew, one formerly doubtful male adds this:

"The Maine woods had a certain new allure this summer."

CRIME CONTROL NO. 3

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, the advocates of gun control rest their case on the argument, since guns are used to kill so many people, guns are "responsible" for the deaths, and therefore guns should be registered and/or confiscated from private citizens. Now my dictionary defines "responsible" as:

> 1. Liable to be called upon to answer as the primary cause, motive, or agent; 2. Able to answer for one's conduct and obligations.

When the concept responsible is applied to guns, the result is an unintelligible mush—and it is this mush that we are asked to accept as logical argumentation. Is a gun "able to answer for one's conduct and obligations?" Is a gun 'liable to be called upon to answer as the primary cause, motive, or agent?" When someone remarks that guns are "responsible" for thousands of deaths each year, that person is speaking nonsense: the notion of responsibility is applicable only to conscious beings, not pieces of inanimate metal.

Only living beings, and in this case, human beings, can be responsible, for only living beings can respond. But the materialism of the gun controllers is so pronounced that they make no distinction between human beings and pieces of metal—and thus place "responsibility" on whatever "machine" they wish, human or mechanical. This is the same "environmentalism" that finds its most explicit formulation in Marxism: remove the guns from the environment, that is, improve the society, and the individuals will improve. The illogicality of such arguments should be apparent to all.

GUAM'S ECONOMY: BOMBERS AND BIKINIS

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. WON PAT. Mr. Speaker, the Nation's economic decline during the past several years has taught many American communities the dangers of being a "one industry town." Seattle learned this the hard way when Boeing Aircraft slowed its production to a crawl. Rhode Island and Massachusetts recently discovered that the Navy would not be a permanent part of their economic scene. And Cape Canaveral in Florida has felt the full economic brunt of the slow-down in our space program.

Guam, too, has long feared that the U.S. military, which has been a major part of our Island's economy for almost 70 years, would someday decide to decrease its presence in the Territory. Last year, the military funneled into the island almost $144 million by taking care of its B–52's, Polaris submarines and other facilities. While no one seriously questions that Guam will continue to play a vital role in our Nation's strategic defense system, wisdom dictates that alternatives be developed to decrease our reliance on military spending.

The principal alternative is tourism. In recent months, Guam's sudden rise as one of the most favored tourist spots in the Pacific has been chronicled by a number of leading journals. From time to time, I have inserted these articles into the RECORD for the enlightenment and enjoyment of our colleagues in the House.

On October 23, the Wall Street Journal also reported on developments in the Territory, this time taking an in-depth look at the economic ramifications of our new-found progress, rather than simply reciting a few facts about Guam's scenic beauty. As the Journal article shows, Guam's continuing struggle to develop a strong civilian economy is far from won. But, with continued hard work and the support of the American people, I am certain that Guam will meet the challenge facing it.

At this point, Mr. Speaker, I insert the Wall Street Journal story into the RECORD.

GUAM'S ECONOMY IS BASED ON MILITARY, TOURISTS; BUT SOME FEAR BOOM IN VACATIONERS MAY BURST

(By William D. Hartley)

TAMUNING, GUAM.—Over the waters of Tumon Bay, a huge B52 bomber banks right as it heads for a landing at Anderson Air Force Base. Not long back, it would have been returning from a raid on North Vietnam; today it is just on a training flight.

Below, at poolside of the Hilton Hotel, a bikini-clad Japanese girl lazily watches the jet for awhile, then turns back to tickle the toes of her new husband. They are honeymooners from Tokyo on a three-day trip.

Bombers and bikinis make an incongruous combination, but they also present a pretty accurate economic picture of the island of Guam these days. The American military and the Japanese tourists support Guam's current prosperity.

The military has been here a long time, but tourism burst onto this island unannounced—and mostly uninvited—only a few years ago. An estimated 200,000 tourists, nearly all from Japan, will visit here this year, compared with only 3,500 in 1967. They will spend $90 million on hotel rooms and food, tours and souvenirs. Most are honeymoon couples taking advantage of cheap excursion air fares and a more valuable yen that buys a lot in a place that uses the U.S. dollar.

A BOOM BUT . . .

So Guam booms. Construction grows more than 50% a year. Also rising is what passes for gross national product; officials call it gross business receipts, and it measures only the private sector. Whatever you call it, it's been going up 27% annually for the past several years. Consumers spend wildly, and money circulates rapidly.

Yet there is something of a soap-bubble look to Guam today, and not a few here are worried about the stability of this boom. The steps that Guam decides take over the next year or two and how successful they will be are crucial to both the economic and political future of this tiny American community in the Pacific.

The military is little worry; it spent $144 million here last year taking care of its B52s, Polaris submarines and other facilities; it is believed here to stay. But tourism is another question, and there are serious doubts here as to just how long it can last unless someone pays more attention to it. "It sprang on us like a tiger," says one of Guam's leading businessmen. "We weren't ready for it, and we still aren't ready for it."

STARING INSTEAD OF SELLING

Indeed, the invasion of tourists is so new that some Guamanians are a bit dazzled and often aren't quite sure what to do. "When tours pass through a village, the villagers come out and stare at the tourists instead of thinking how they could sell them something," complains Bert Unpingco, who runs the Guam Visitors' Bureau. The island did little to attract tourists in the first place, and some here argue that little is being done to keep them. There are plans galore, the complaint goes, but little action.

It was Pan American World Airways that opened Guam to the Japanese tourist a few years back, promoting it as an ideal spot for a cheap honeymoon. The results were dramatic, and soon hotels were sprouting from the sands of Tumon Beach. There are a half-dozen modern ones now, most owned by Japanese interests, and a couple more are under construction. "Six years ago we had three restaurants here," one man says. "Now there are 50."

Tourists are fickle, though, and the worry of some involved in the business is that they could fade away overnight if new destinations offer fresher attractions. The Philippines are making a big push for Japanese tourists, and a recently offered low-cost fare between Manila and Tokyo could cut into Guam's trade.

POINT OF NO RETURN

Officials in Guam's capital of Agana already fret over the fact that return visits by Japanese tourists are minimal. In this industry, that's a danger signal. The officials concede that so far Guam has little to offer except sunshine and clean air. There isn't any doubt that these are attractions for Japanese who live in polluted cities, but it is also true that these qualities can be found elsewhere.

So the economic preoccupation of government and business these days is to provide alluring tourist facilities to keep visitors arriving and happy and to diversify, even if minimally, into other industries as a backstop. Neither goal will be easily achieved, and the problems facing this island are tough ones.

One is that Guam simply isn't very big and its resources are too limited to accomplish all it would like, says Shinkyung Kim, chief economist for the Department of Commerce. Only about 104,000 persons live here, and about 30,000 of these are transient military men and their families. Full employment today means Guam has to import nearly a quarter of its labor force. There aren't any natural resources to speak of, and even the agriculture is poorly developed; thus, Guam imports essentially everything it consumes. About two-thirds of the island's 209 square miles are owned by the military and local government and are prohibited from private use, and this could hamper development in a few years.

Guam, of course, is an American territory, the possession most distant from the U.S. mainland and the one most often forgotten. It lies some 6,000 miles west of California, across the international date line, which produces its constantly repeated slogan, "Where America's Day Begins." The U.S. gained Guam as spoils of the Spanish-American War, and for decades it lay sleeping in the Pacific, subsisting on the military dole.

Although for the past three three years Guam has had Carlos G. Camacho as an elected governor (previous chief executives were appointed by Washington), the U.S. federal government still can control Guam. Congress has power to change laws without any say from Guam. Guamanians are U.S. citizens but can't vote in federal elections.

Needless to say, this status often irks the populace. There is constant discussion of the island's political future, and there is a growing realization that its economic efforts are closely linked to that political future.

One popular idea is is to create a commonwealth, similar to that of Puerto Rico, and join Guam with the northern Marianas Islands, which include Saipan and Tinian. The 13,000 people of these islands are of the same Chamorro ethnic strain as the bulk of Guam's population. These islands currently are part of a United Nations trust territory called Micronesia, administered by the U.S.

"Guam has been historically part of the U.S., and our people can't see any other form of government," Gov. Camacho says. "The ultimate desire of the people is statehood." But in the interim, the desire is for more home rule, more autonomy. Under commonwealth status, Guam would have political autonomy and make its own laws while the U.S. would handle foreign affairs and defense.

But Guam isn't likely to win home rule if the island, as in the recent past, remains dependent on military spending, says J. S. Leon Guerrero, president of the Bank of Guam. And so Guam realizes now that diversifying the economy is a must. Tourism gets priority, but there are other efforts as well.

Guam wants industry, so it has drawn up a list of tax incentives even more generous than those offered by most developing countries. For instance, it will rebate to the investor 75% of corporate income tax for up to 20 years and all property tax up to 10 years. It is a duty-free port, so manufacturers can import parts for assembly freely, and because it is part of the U.S., goods can be shipped to the mainland, under certain conditions, without paying duty.

WATCHES AND APPAREL

This has been a factor in drawing six companies here to assemble watch movements. Three apparel companies have been established, a government official says, and formation of three more is pending. But businessmen think it unlikely that foreign investors will rush here in droves.

And whatever comes here would just be frosting. The cake is tourist trade, and this is the area in which Guam is beginning to put most of its effort. Many observers say the activity is at best belated, but Gov. Camacho defends the past efforts.

What Guam needs and has been low in providing is something for tourists to do besides soak up the sun. "At the beginning, honeymooners were perfect tourists for Guam because there weren't any facilities and honeymooners didn't make any demands," says Mr. Unpingco of the visitors' bureau. But Guam also wants to attract the more lucrative trade of tours and families, and these are more finicky visitors.

There are plans to open more beaches (Guamanians concede that the current ones aren't especially attractive), and there are moves to construct marinas for sports fishing. "We'll be spending $20 million in the next five years to build facilities," says Jose D. Diego, director of the Department of Commerce. And there is private money as well.

Guam would feel more comfortable if some tourists came from somewhere in Asia beside Japan. A Japanese recession—which isn't considered altogether unlikely in the next year or two—could sharply reduce the number of tourists from Japan. Gov. Camacho says: "We see that putting all our eggs in one Japanese basket could be fatal."

Still, affluent Japan is certain to be a major market for years to come. Martin Pray, an associate professor of the travel industry at the University of Guam, sees this island someday becoming Japan's Bermuda, to which richer Japanese will escape for a weekend.

Guam has one great advantage over all the rest of Asia, says Koki Narita, who runs the local office of Japan Travel Bureau, a travel agency. This island is the closest piece of U.S. territory to Japan. In status-conscious Japan, it means a lot to have a U.S. visa in a passport. Some couples even delay their weddings until the ceremonies can be performed here on U.S. soil.

LIMIT PRESIDENTIAL WARMAKING POWERS

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, the crisis in the Middle East, and the continuing danger that we might become directly involved, though against our will, underlines the inescapable responsibility of both the President and Congress in matters of war and peace. Passage of House Joint Resolution 542 would have the effect of muddying our mutual responsibility. It could severely handicap the flexibility of a President to act without giving Congress any responsibility we do not already have.

An editorial in the October 26, 1973, edition of the Detroit News clearly points out the inherent dangers in enacting House Joint Resolution 542, and I commend this article's consideration to my colleagues.

Mr. Speaker, I ask unanimous consent to insert this editorial in the RECORD. The editorial follows:

LIMIT PRESIDENTIAL WARMAKING POWERS

"Members of Congress must have known their timing was bad when they sent President Nixon a bill to limit presidential warmaking powers in the middle of the Mideast war crisis.

"Imagine the position President Nixon would be in if the other side knew he could commit troops for no more than 90 days and that his decision to do so could be countermanded by a simple majority vote in the two houses of Congress?

"Military leaders contend that this country would be openly inviting the Soviets to engage in military 'excursions' abroad if an American president were limited in this way. The Red Army could dart out from its lair, then withdraw and dart out again while America, in a state of confusion, tried to settle its military and strategic policy in committee.

"The Kremlin is not limited by the Soviet legislative assembly on how it may throw its strategic weight around. Russia does not make these decisions in committee. Russia can move pretty quickly when she wishes.

"Knowing that, why should we deliberately throw away the ability to respond immediately? And if we do, how can we speak convincingly to this adversary on the other side of the Iron Curtain?

"British jurists are fond of saying that it is 'not only important that justice be done, but also that justice appear to be done.' Let us paraphrase that:

"It is not only important that America be strong, but also that America appear to be strong. Otherwise, who will listen when America speaks?"

BEEP—BROOKLINE EARLY EDUCATION PROJECT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. QUIE. Mr. Speaker, I wish to bring to the attention of my colleagues a most significant research project being conducted on early childhood education. The Brookline Early Education Project is a project being administered by the Brookline, Mass., public school personnel in cooperation with Burton L. White, director of the Harvard University preschool project, and parents, physicians, and 225 infants.

The $750,000 project, funded by private foundations, is developing a data bank and information on the effect of a child's home environment during his first months of life. I commend the following article appearing in the November 1973 issue of Nation's School describing this project and a few other preschool projects designed to help mothers develop the home situation into a more productive learning situation.

HOME, SWEET HOME: BEST PLACE FOR EARLY LEARNING

True story. Thirteen-month-old Sandra reaches for a glass of milk on the kitchen table, sips a little, spills a little, then puts it down. She drops a piece of meat into the glass and watches it fall to the bottom. Next, she tries a potato chip and—surprise—it floats.

Enter Sandra's mother. "Oh, you're naughty today," she says and snatches the glass away.

So begins Sandra's education. But, according to one of the country's best-known early learning experts, her Mom just blew it. What the mother doesn't realize, says Burton L. White, director of Harvard University's Preschool Project, is that Sandra's experiment with flotation amounts to a "highly intellectual activity" for a child her age. "By cutting it short, the mother is doing her daughter a real disservice," says White—one that could lead to failure in school and life.

As White sees it, the flotation incident—and hundreds like it recorded by researchers in the Harvard project—points to an urgent need for educators to get involved in the early home life of their students. If education is to have any lasting effect on children at all, White contends, schoolmen first must offer prenatal instruction for parents and institute a new type of informal schooling in which teachers work with parents and preschoolers in the children's own homes.

It is in those homes, say most early learning experts, that children receive their most important intellectual training—training that constitutes the "fundamental requirements for academic success." Yet precious few parents are prepared to provide the skills, guidance and stimulation their children need so early in life.

Parents who *are* prepared make a huge difference, White believes. Since 1965, he has been studying poorly and well-developed children at home to determine how to structure experiences that "encourage maximal development of human competence." His studies indicate that the period between eight and 21 months of age is a critical one for building linguistic, intellectual and social skills. Successful parents—those with highly competent children—act a particular way during that period, White has found. They consistently make themselves available to their child, usually at the child's initiative. Unlike Sandra's mother, they encourage their baby's experiments and may try to facilitate them as well by giving the child more equipment, for instance. Then they quickly move away and let the baby discover things on his own. Significantly, White notes, successful parents *don't* try to play a traditional teacher's role or schedule their child's activities in advance.

These are rare parents indeed. The more typical ones, says White, act like Sandra's mother, and their mistakes are all but impossible to rectify later on. "There's a limit to what schools can do," White asserts. "And it's a surprising one."

Better preschools and kindergartens aren't the answer, he and other early childhood experts believe, because by the time children get there, it's likely to be too late. White's research has led him to conclude that youngsters beyond the age of three can only "refine" their skills in areas like language and problem-solving. Moreover, he has found that the three-year-old who's six months or more behind in these areas is unlikely *ever* to be successful academically, given the current state of remedial education.

Bringing youngsters to school earlier won't help either, the experts agree. Reason: Most pre-threes still have strong dependence needs and aren't emotionally equipped to leave their parents for a formal school environment. "Except in the case of an intolerable home life," White says emphatically, "the best place for early education is the home."

To make that home the educational force it can and should be, White currently is working with public school personnel, parents, physicians and 225 infants in the pioneering Brookline, Mass., Early Education Project (BEEP). Aim of the project is to help parents in shaping a home environment that will best develop their youngsters' natural abilities.

Initiated by Brookline's superintendent of schools, Robert I. Sperber, and funded with $750,000 in grants from private foundations, BEEP offers a unique blend of free services.

For the babies. BEEP provides a complete program of medical, psychological and educational testing from birth to kindergarten to make sure none of them get through their preschool years with undetected problems that might hamper their learning abilities. For mothers and dads, the project offers parenthood education classes at the BEEP center and regular home visits from project teachers.

The format and frequency of the classes and home visits vary with different groups of participants. In both activities, however, BEEP teachers generally try to make parents more aware of child development principles, especially those related to learning stages. Teachers also spend time discussing any child-related subject, from diaper rash to discipline, that the parent considers important.

Just as accessible to parents is the project's early education center, which offers a child information library and a loan service of educational toys, records, films and other materials to try out at home.

Brookline school officials are keeping detailed individual profiles on project children and are already meeting with BEEP staffers to consider the best ways the schools can accommodate BEEP graduates. One proposal: Analyze the profiles for learning styles and academic strengths and weaknesses, then structure kindergarten programs around them.

Other less ambitious school programs are also incorporating the findings of early learning researchers, and the results could have dramatic effects on education in the near future. In Compton, Calif., for example, schoolmen recently received $46,000 in state funds to license 10 to 35 day care homes, where Montessori-type preschool centers will be set up. Plans are to train mothers to use project materials both in the centers and their own homes. Like BEEP, Compton's program also will involve health checks and developmental tests for youngsters. School kindergarten teachers will be trained to handle the project's graduates.

In Oklahoma City, Okla., the private Casady School is trying yet another approach to early education. Along with the Oklahoma City Arts Council, Oklahoma City University, and the state department of social services, Casady school officials supervise the operation of a "magic blue bus," a van that travels to 25 day care centers and 22 licensed day care homes. The driver, a teacher, lends early learning materials to parents and also instructs them in how to use the materials with children. During the driver's subsequent visits, books and toys are exchanged for new and more advanced materials. Aimed at low-income families, the year-old project now reaches about 1,100 preschoolers and plans to add two more "magic buses" next year. "Our goal is to affect the child's disposition to learning, to make him more learning-oriented," explains Robert Woolsey, Casady School headmaster.

All in all, early learning researchers are making an impact on schools—though definitely not as powerful as they'd like. But Burton White, for one, feels certain the day will come when educators will invest heavily in the first years of a child's life and spend less as he moves through elementary and secondary schools.

"Such a radical shift is sure to meet with resistance," White acknowledges, "but it's inevitable."

GIVE THE AMERICAN PEOPLE A CHOICE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HARRINGTON. Mr. Speaker, the suggestion has been made that there will be a need for a special Presidential election in November 1974, in the event of vacancies in the Office of President and Vice President. Surprising as this may seem at first glance, it is actually a very old idea dating back to the Constitutional Convention, and one that, until a few years ago, was the law of the land.

After a moment's reflection, it seems clear that this is the best solution to the possible question of succession and the cynicism that now pervades the Nation. Let the people decide. What could be simpler, more straightforward or more consistent with our traditions.

I support this proposal and urge my colleagues to give it serious consideration as the fairest and most satisfying way out of the Watergate quagmire.

For the information of my colleagues, I include the proposal for a special Presidential election as it appeared in the New York Times.

FOR A SPECIAL PRESIDENTIAL ELECTION

(By Kevin H. White)

BOSTON.—The nation is now facing the most significant political crisis in its history. The crisis encompasses not simply the issue of whether and how the President should be removed but perhaps more importantly the question of how, through the manner of Presidential succession, confidence in the Presidency and the political process is to be restored.

There is a solution to our present difficulties. One that is readily available to us, and one which will give the American public time to debate, and also time to decide their own destiny—the electoral process.

There is no reason why an election could not be held in 1974 to determine national leadership. It is possible through legislative action for the people to elect a new President and Vice President in 1974. The Speaker of the House would serve as interim or acting President until Jan. 20, 1975, when the newly elected administration would commence a full four-year term.

This would require no constitutional amendment, but simply an act of Congress. The idea is not far fetched; ironically enough, it was the intent of our Founding Fathers. It is not a revolutionary concept; it is, in fact, just the opposite for the Constitution was explicitly written to make it possible.

In the Constitutional Convention of 1787 the framers consciously adopted the language of Article 2, Section 1, Clause 6, to allow Congress to provide by law what should happen if the offices of the President and Vice President should both become vacant.

The second Congress of the United States in the Succession Act of March 1, 1792, accordingly provided for a special popular election to fill such a void. That statute remained the law of the land for 94 years.

This system was changed by the Succession Act of 1886 which provided for succession through the Cabinet and dropped the requirement of a special Presidential election in these circumstances. It, however, required Congress to assemble within twenty days of such an occurrence, thus facilitating the discussion of other options. The Presidential Succession Act of 1947 made no reference to this alternative.

A special Presidential election was, then, the required method of succession in the event of simultaneous vacancy of the Presidency and the Vice-Presidency for almost a century.

It was mandated by act of Congress and it can, therefore, be restored by act of Congress.

As President Kennedy once wrote: "Our greatness is based on the final premise that the people themselves, working among themselves, making their final decision, will make a judgment which fits the best interest of our country. If we did not accept that premise, then the whole concept upon which a democracy is based would be hollow."

Rather than living for three years with an Administration unable to instill confidence and lacking legitimacy, a special election would seize the crisis of impeachment and succession as an opportunity to reaffirm the workings of our political process. Rather than resulting in a traumatic confrontation, a special election would serve as a beginning of national renewal—cathartic, salutary and healing.

Rather than entrusting succession to the Congress and leaving it susceptible to partisan jockeying, tactical maneuvers and backroom political deals, a special election would return decisionmaking directly to the people, where it belongs.

Rather than increasing alienation and cynicism about the workings of a closed political system, the special election would bring us together in the process of open and participatory debate.

It would finally not only insure the legitimacy of Presidential power, but a special election run fairly and honestly and openly would answer directly the fundamental issues underlying our current crisis and help to restore confidence not only in the operations of government, but in the resilience and viability of our political system itself.

Watergate and related abuses have cast a long and ominous shadow over the entire workings of Government and the faith our people have in the institutions they are called upon to support and defend.

An untainted and open election would help to heal the nation by reaffirming the very process which was compromised and violated by Watergate.

ROUSH DISCUSSES FEDERAL HIGHWAY AID

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ROUSH. Mr. Speaker, one of the most widely discussed subjects in the northeastern Indiana press in recent months has been the Federal-aid highway program. Indiana State Highway Commissioner Chairman Richard A. Boehning has visited our area a number of times to speak about it. Newspapers have editorialized about it. Environmentalists have written letters to their editors about it.

Most of this discussion has been precipitated by Congress recent consideration of the Federal-Aid Highway Act of 1973 and the revelation that Hoosiers were paying more in highway user taxes than they were receiving in Federal highway aid. Unfortunately, much of the discussion has been characterized more by partisan rhetoric than by an objective analysis of the problem and potential solutions.

Like most important questions of public policy, the questions relating to Federal highway policy, the Congress role in setting it, the use of highway trust fund money for mass transit and the rate at which Indiana is returned its highway user tax dollars have no simple answers. To adequately pursue them requires an impartial discussion, beginning with 1956 when the Federal highway program, as we know it today, began.

In passing the Federal Aid Highway and Revenue Acts of 1956, the Congress and President Eisenhower made the following commitments:

First, the Nation needed and would complete a 41,000 mile system of interstate highways to connect the Nation's major population centers and provide a transportation network vital to the Nation's defense.

Second, the Nation needed to and would help keep the primary and secondary roads in both rural and urban areas in this country in adequate condition.

Third, the Federal Government would finance these two prior commitments on a wholly highway-user-supported, pay-as-you-build basis.

With these major commitments, the Congress established a "highway trust fund" which serves as a depository for the excise taxes collected on motor fuels, motor vehicles and associated products. Money from the trust fund is used to support six entirely different programs: the Interstate Highway System, the rural primary road, rural secondary road, urban extension, urban system and priority primary road programs.

It should be understood as well that although Congress and the U.S. Department of Transportation—DOT—determine each State's apportionment of funds for each of these programs before any construction begins, no money is actually distributed to the States until the work is complete and the books audited.

It is also important to remember that by no means is the highway trust fund the sole source of highway and road construction money in Indiana. We have a number of different State and local highway, road, street and bridge programs financed with State road taxes and other non-Federal funds. These State and local programs are responsible for the construction and maintenance of the bulk of Indiana roads and streets. In addition, there are a number of other Federal highway programs which have no automatic apportionments but depend on interested State and local governments to apply for the funds.

With these considerations in mind, I want to address myself to the three most frequently asked questions about the operation of the Federal highway trust fund programs in Indiana.

First. Is Indiana getting its share of highway trust fund money? This is a more complicated question than it appears. First of all, the Internal Revenue Service does not keep records of highway-user excise taxes by State so no one really knows for sure how much each State contributes. Secondly, there are some serious problems with trying to evaluate the State's "share" for only 1 year of an ongoing program. Thirdly, the difference between the Congress-DOT determined apportionments and the money actually distributed to the states raises problems as to which amount should be used in such an analysis.

Despite these caveats, it is true to say that Indiana last year got considerably less in highway aid than the Federal Highway Administration—FHWA—estimates our highways' users paid in excise taxes. The FHWA estimates that Indiana highway users paid 2.82 percent of all taxes paid nationally to the highway trust fund and received back 2.31 percent of all funds paid out.

Two things that soften these statistics somewhat can be mentioned. It is not entirely the individual Hoosier motorist who contributes to the trust fund from Indiana but also the visiting tourist and the trucker hauling his wares from, to and through the State. In addition, Indiana has not always been in as bad a position in receiving funds. In 1969, for example, we paid 2.88 percent of all taxes paid into the fund and received 3.46 percent of the money paid out.

Second. Who is responsible for the poor return Hoosiers get on their Federal highway tax dollar and why? Again a complicated question with a lot of complicated answers. Let me give you what I perceive to be the two most important reasons that Indiana motorists will be getting back less than they will contribute to the highway trust fund this year: our nearly finished Interstate System and Presidential impoundment policies.

Because the Interstate System in Indiana is 90 to 95 percent complete, we get a much smaller portion of the interstate highway money than do States who are not as far along in building their interstates as we are.

Earlier I mentioned that the highway trust fund provides money for six different programs including the Interstate System. Indiana does better with the five noninterstate programs, where we have been apportioned 87 percent of the national per capita average this year than with the interstate program, which is by far the largest, where we receive only 47 percent of the national per capita average.

What has happened is that our State has completed all but a small number of miles—the official figures vary somewhat; State Commission Chairman Boehning was very recently reported as saying 63 miles—of its 1,129-mile Interstate System. These funds are apportioned on the basis of the relative Federal costs of completing the remainder of the system in each State. Since our interstates are almost complete, our share of interstate funds is now quite small.

Of course, this was not always the case. In 1968, we received 119 percent of the national per capita average in interstate funds and in 1969 that figure went up to 141 percent.

Thus, while Indiana got a large chunk of interstate money early in the game, other States are only now getting their share.

We could advocate that the entire interstate program be discontinued or substantially modified now that Indiana has pretty much received its share and that the money is going to other States not as far along as ours. This would keep some of our dollars from going to other States.

As a practical matter, however, I do not think that either the Congress or the President will abandon the Interstate System—and I think in the long-run this commitment will benefit our State just as the early completion of our own interstates have. At the same time I plan to pay close attention to the noninterstate trust fund programs to make sure we continue to get a reasonable share of that money.

This is the main reason why Indiana has received the 1974 apportionment it has. However, the Nixon administration's policy of impoundment—preventing the distribution of Federal funds—is likely to mean that we will get even less. State Commission Chairman Boehning has indicated that $18 million of our $80 million apportionment, 23 percent, may be withheld this year. He and State Senator Keith McCormick have been reported as having an interest in joining a law suit against the administration for release of the funds, an action in which I would be willing to join.

Third. Will provisions in the new Federal highway law permitting some highway trust fund money to be used for mass transit hurt Indiana even more? This certainly is the easiest of the three questions. The answer is an emphatic and unequivocal "no."

For quite some time transportation experts have realized that in parts of this country the ever increasing use of the automobile is a growing menace. In many of our larger communities, congestion caused by auto usage is creating serious health and safety problems—to say nothing of the gasoline shortage—which cannot be solved by more highways.

These experts have pointed to the highway trust fund as a potential source of help in this crisis. They contend that the fund was established to meet the Nation's transportation needs in the most effective way and that some forms of mass transportation, rather than highways, would have that effect in many communities.

Congress recognized their arguments but also kept in mind that more and safer highways were still needed in many places. Hence the bill we passed—and which I supported—made this provision: Beginning in fiscal year 1974–75, areas over 50,000 in population have the option of using their "urban system"—one of the six trust fund programs mentioned earlier—apportionments for either roads or passenger bus purchases. Beginning the next year, all or part of these large communities' apportionments could be used for roads, buses, or rail transportation projects. No trust fund money is allowed to be used for mass transit operating subsidies.

It is important to note that no money is being diverted to urban areas from rural areas and that urban areas do not have to use the money for mass transit. They only have the option of choosing whether to use the urban system money they would have received anyway for mass transit or for roads.

I think it fair to conclude that our deficiencies in receiving highway funds in the upcoming year will be due for the most part to our advanced position in interstate construction and Presidential impoundments and that the new Federal highway law's provision regarding mass transit will provide only more flexible transportation possibilities for larger communities and not hurt the other roadbuilding programs in our State.

PICKLE LETTER ON ITT-SEC CONTROVERSY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. PICKLE. Mr. Speaker, I place a letter I mailed yesterday to Acting Attorney General Robert H. Bork in the RECORD. The letter speaks for itself.

Today I am sending the letter to Attorney General-designate Senator WILLIAM B. SAXBE.

The letter follows:

Hon. ROBERT H. BORK,
Acting Attorney General of the United States, U.S. Department of Justice, Washington, D.C.

DEAR MR. BORK: On October 10, 1973, the Special Subcommittee on Investigations of the House Interstate & Foreign Commerce Committee referred to the Department of Justice the record of its inquiry into the withholding and transfer of SEC files pertaining to ITT.

Accompanying the records was a letter from the Honorable Harley O. Staggers to the former Attorney General Elliot Richardson.

The last sentence of Chairman Staggers' letter of October 10th states, "Individual members may also contact you with supplemental views concerning the issues which have been raised during the Subcommittee's inquiry."

This letter is pursuant to this part of Chairman Staggers' letter.

I do not write a minority view, nor do I attempt to limit or give a charge to the Justice Department's review of the Subcommittee's referral. I write as an individual who has participated in every hearing with concern and interest.

During the Subcommittee hearings, some evidence was particularly disturbing; and as a Member of Congress and as a citizen, I feel that I would be derelict in my duties if I did not present my particular concerns to the proper officials of the Executive Branch of our government.

My concern can be divided into a general observation and five specific areas.

GENERAL OBSERVATION

As a general observation, I must state that the larger overview, which I have of the whole set of hearings, is that Mr. William Casey, while Chairman of the SEC, with the knowledge and encouragement of certain White House officials, improperly tried to keep certain documents related to ITT away from the public, the Congress, and even the Justice Department (until he received a subpoena might issue from the Subcommittee for the documents). Mr. Casey purposely and willfully refused to deliver the files requested. He did everything in his power to keep these pertinent files away from a Congressional Committee.

Afterwards, in an attempt to mask his actions, and the motivations for those actions, former Chairman Casey made several very questionable statements under oath to the Subcommittee.

A thorough investigation of Mr. Casey's and the White House officials' actions in these matters should be undertaken by your staff.

SPECIFIC CONCERNS

I. ITT transfer of Hartford stock to Mediobanca & Dreyfus

This area can be divided into two parts:

A. There is a possibility that ITT exchanged ITT stock for Hartford stock under extreme misrepresentation to the Hartford stockholders and possibly the Internal Revenue Service. Even though I do not have the exact dates, as this question was not fully developed in the Subcommittee's hearings, I must give a step-by-step tracing of certain developments of the ITT-Hartford merger.

1. ITT obtains approximately 8% of Hartford's outstanding stock shares.

2. ITT proposes to exchange ITT stock for Hartford stock held by Hartford stockholders in order to consummate a merger between the two companies.

3. The Internal Revenue Service, in response to an ITT inquiry as to how the exchange would be treated for tax purposes, holds that ITT must divest itself of 8% of the Hartford stock it had earlier obtained in order to have a tax-free exchange of ITT stock for Hartford stock.

4. ITT submits to the IRS a three-part proposal outlining steps ITT would take to rid itself of the 8% Hartford stock. In a very short time the IRS gives approval to ITT's proposal. Parts 1 and 2 of the ITT submission to IRS stated plans to complete a bona fide selling of the 8% Hartford stock by ITT Part 3 of the IRS submission was a vague outline of ITT's selling its stock, through its agent Lazard Freres, to Mediobanca of Italy.

5. ITT does not follow Parts 1 and 2 of its submission to IRS, and instead implements what appears to be a bogus sale of the 8% Hartford stock to Mediobanca.

6. The SEC later determined that the ITT-Mediobanca transfer was not a sale, for ITT maintained complete control of the stock while it was on Mediobanca's books, including the dividends the Hartford stock might yield.

The points that I would make about this rather contrived turn of events are twofold.

First, one can assume the IRS ruled the future ITT-Hartford exchange as being tax-free to the Hartford stockholders because the IRS thought that Parts 1 and 2 of ITT's submission were to be followed by ITT. If this is the case, ITT has committed a fraud or filed a false statement (I use these items in the non-legal sense since I am not an attorney) on the IRS by deliberately misleading the IRS to think that ITT was going to make a bona fide sale of its earlier obtained 8% stock.

Second, if the IRS did know of the plans of ITT to engage in a sham transaction, or if the IRS did not want to know what the rather vague ITT Part 3 proposal entailed because the agency suspected what ITT was planning to do, then I would be very disturbed by the implied compromising of the IRS in order to facilitate a merger of ITT and Hartford.

No matter how the IRS-ITT situation is viewed, it would seem that ITT's representation to the Hartford stockholders that ITT had divested itself of the 8% Hartford stock appears fraudulent to me.

The Hartford stockholders assumed their taking ITT stock for their Hartford stock would be tax-free since ITT supposedly sold its earlier obtained 8% Hartford stock.

Since ITT had not unconditionally disposed of its Hartford stock, the exchange of ITT stock for Hartford stock should not have been tax-free.

There is strong speculation that the Hartford stockholders would not have agreed to the exchange if they had known the exchange would result in their incurring a tax liability.[1]

In any event, Hartford stockholders acted in good faith on a bad faith ITT representation that it (ITT) had sold its earlier obtained 8% Hartford stock.

B. The second aspect that bothers me about the ITT-Mediobanca transfer is that the 8% Hartford stock was eventually sold to the Dreyfus Fund by ITT's agent Lazard Freres, and there was no evidence presented to our Subcommittee that ITT ever incurred a tax liability, or a tax loss for that matter, on the sale to Dreyfus.

If ITT has never reported this sale on either its 1971 or 1972 tax returns, then ITT could be guilty of income tax evasion.

To conclude this Part I of my letter, it would seem to me that the SEC should have reported the fraudulent or questionable nature of the ITT-Mediobanca transfer, and the tax question of the ITT-Dreyfus sale, to the Internal Revenue Service and the Justice Department. I would think the SEC had a duty to do so, and despite reviewing these matters, I still do not understand why the SEC did not do so.

II. The testimony presented by Mr. Charles Colson to our subcommittee

You and your staff can readily see from the record that Mr. Colson clearly left the impression with the Subcommittee that he (Mr. Colson) had no knowledge of certain documents pertaining to the ITT-Hartford merger held by the SEC.

Mr. Colson appeared before our Subcommittee on the afternoon of June 14, 1973, and that morning, at 9:30 a.m., the staff of the Subcommittee had delivered to Mr. Colson's offices copies of the SEC-ITT documents.

On August 1, 1973, a memorandum was made public by the Senate Select Committee on Presidential Campaign Activities. This memorandum was from Charles Colson to Mr. H. R. Haldeman. The memo was dated March 30, 1972.

The general purpose of the memo was to express Mr. Colson's dissatisfaction with a decision to postpone until June 1, 1972, any White House decision to withdraw Mr. Richard Kleindienst's nomination for Attorney General of the United States.

The Colson to Haldeman memo contained the following assertions about certain ITT documents; that he (Colson), Fred Fielding, and John Ehrlichman had fully examined all the documents, and that some of the documents were in the hands of the SEC.

Mr. Colson also described the documents in the memorandum.

Several of the documents Mr. Colson described in the March 30, 1972, memo were in the hands of the Subcommittee on June 14, 1973, when Mr. Colson testified before the Subcommittee.

On June 14, 1973, Mr. Colson, when shown a document that was clearly described in his

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[1] Of course, there is the side issue that the IRS should re-examine the exchange with a view to collect that tax liability.

March 30, 1972, memo, responded as if he had never seen the document. (Refer to Pages 54–55 of the Committee transcript.)

Three times after Mr. Colson's statement on Pages 54–55, he affirms that he had not seen certain ITT documents until June 14, 1973. (See Pages 70, 72, and 96.)

Comparing the testimony of June 14, 1973, to the memo of March 30, 1972, one must note that the March 30, 1972, memo demonstrated a full knowledge of ITT documents held by the SEC, while before the Subcommittee Mr. Colson demonstrated little or no knowledge of these documents.

Before leaving Part II, which is a general oversight of Mr. Colson's testimony, I want to call attention to Pages 76–87, 87–89, and 97–98. On these pages I questioned Mr. Colson of his knowledge of the original Dita Beard memo as published by Jack Anderson, his knowledge of the rather mysterious sequestering of Mrs. Beard in Denver, Colorado, and the intensive investigation of the authenticity of the Beard memo.

It is obvious to me that Mr. Colson had extensive knowledge of the events surrounding the ITT affairs, particularly those events involving Mrs. Beard's presence in Denver, Colorado.[2] Mr. Colson was either not telling the truth, or his memo to Mr. Haldeman was inaccurate.

I would urge that my impressions be investigated to the fullest by proper officials in the Justice Department.

It is obvious to me that Colson knew a great deal about the ITT affair.

III. Passing of FBI materials to ITT

In this part, I turn to a discovery that I made during my questioning of Mr. Colson that still disturbs me.

Succinctly, from Mr. Colson I learned that the FBI had obtained the original, or Anderson, Beard memo from Jack Anderson. Then, someone at the White House obtained this memo from the FBI. (Mr. Colson stated he did not know how the White House got the memo, but the implication is strong that John Dean did. Pages 98–102.) Then from the White House, the original Beard memo was examined by Intertel,[3] which had been retained by ITT. (Pages 98–102) In short, ITT gained possession of a document in the possession of the FBI via a White House conduit.

I have since been advised that this chain of events may not technically be illegal because if ITT had been under judicial action, the corporation could have obtained this document through discovery proceedings.

Since ITT at this time was not involved in a Court action, and since this turn of events seems highly improper, I would hope that the ramifications of the circumstances which I learned of during questioning of Mr. Colson, would be reviewed closely.

Frankly, I think that it is reprehensible that the White House passed material in the hands of the FBI to investigators for ITT.

IV. Ex parte contacts by John Ehrlichman with the SEC

During the June 27, 1973, hearing former Chairman Casey described a meeting he had with former White House aide John Ehrlichman.

This meeting was held at Mr. Ehrlichman's request, and occurred in March of 1972.

As Mr. Casey described the meeting, Mr. Ehrlichman inquired of Mr. Casey of the necessity of the SEC's subpoenas for ITT documents. Mr. Ehrlichman's questioning came after columnist Jack Anderson published the Dita Beard memo, which led SEC staff attorneys to believe ITT had not fully complied with earlier SEC subpoenas.

I would hope that your staff would give a full review of the Ehrlichman-Casey meeting, keeping in mind 18 U.S.C. 1505.

V. Kleindienst's possession of ITT documents

Also in the June 27, 1973, hearing, former Chairman Casey stated that on August 25th or 28th former Attorney General Richard Kleindienst had been provided with copies of the "politically sensitive" ITT documents (Pages 93–97).

Several things can be noted of this fact. First, Mr. Kleindienst had supposedly recused himself from consideration of the ITT case.

Second, Mr. Kleindienst never sent these documents to those in charge of the ITT investigation with regards to the Kleindienst confirmation hearing record, even though one person familiar with these documents stated the documents were proof perjury was being committed during these hearings.

Third, the whole controversy between Mr. Casey and our Subcommittee was whether or not our Subcommittee could review documents Mr. Casey eventually maintained were sent to the Justice Department in early October, at the request of the Justice Department, when the truth is that former Attorney General Kleindienst had already reviewed the "politically sensitive" documents over a month earlier.

This concludes my recitation of the three areas which particularly bothered me as a result of these hearings.

SUMMARY

To summarize, I am concerned with:

I. The improper activities of former Chairman William Casey in keeping certain documents from a Committee of Congress.

II. The possible act of fraud and filing of false statements by ITT in the matter of the supposed ITT to Mediobanca transfer of Hartford stock, and the possible tax evasion involved with the ITT to Dreyfus sale of Hartford stock.

III. The possible inconsistencies in Mr. Colson's testimony before the Subcommittee in view of his assertions in a memo to Mr. H. R. Haldeman over a year earlier.

IV. The passing of documents in the FBI's possession by the White House to the party being investigated.

V. The possibility of a very improper contact by John Ehrlichman with William Casey concerning SEC subpoenas.

VI. Certain ITT documents were in the possession of former Attorney General Richard Kleindienst beginning in late August, 1972, and these documents were not turned over to staff attorneys at the Justice Department for their review.

I re-emphasize that my letter is only a statement of a layman who has heard and studied the testimony presented to the Subcommittee.

I do not wish to limit your review of the record to those points that bother me, nor do I intend to give a charge to you and your officers.

For the past two weeks, I have deliberated over the question to whom my letter should be addressed. This was a particular problem since Mr. Henry Petersen had reclused himself from the ITT matter after the Kleindienst confirmation hearings. Recently, however, I have been assured that the investigation of the ITT matter begun by Mr. Cox is to be vigorously pursued by your office.

I appreciate the Special Subcommittee on Investigations allowing me, as an individual and a Member of Congress, to write a separate view of things that I learned while serving as a member of the Subcommittee.

Your consideration of all these matters is appreciated.

Sincerely yours,

J. J. PICKLE.

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[2] I do not make reference to several very interesting articles which have appeared in the *Rocky Mountain News* over the past few weeks.

[3] Private investigative firm.

THE PRESIDENTIAL CHALLENGE TO ACCOUNTANTS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HANNA. Mr. Speaker, even the greatest tragedies have some humor. And that humor may itself make more poignant the point which is intended to be made. Imagine for a moment the difficulties which stories of President Nixon's personal finances have created for accountants around the country. Beset by recitals of the President's example, these accountants are likely to be confronted by suggestions of "creative" financial arrangements heretofore unheard of.

In a recent issue of the Saturday Review, Goodman Ace has imagined such a situation by writing a letter to his own accountant, a Mr. Greenwald. To my good-humored colleagues, I commend this witty piece. Place yourself in Mr. Greenwald's position, for a moment, and imagine trying to write a reply.

The letter follows:

TOP OF MY HEAD

(By Goodman Ace)

ONE MAN'S LOAN IS ANOTHER MAN'S LIEN

DEAR MR. GREENWALD: For more years than I care to remember, you have been our accountant—certified, bona fide, deified. Have I ever before written to you complaining about your tax estimates? No! Never!

However, after this year's tax bite, I have finally figured out what is wrong with you. You are honest! I recognized that grievous fault the day you sat for three hours adding, multiplying, with a minimum of subtracting. You rose from the desk and stretched. You gave yourself away when you arched your back. Mr. G., you have been bending over backward to be honest.

Come with me, sir, into our new era of permissiveness. Not one deduction for which I fought last year did you permit. You kept saying, "Dick Nixon won't like that; the government won't pay for those deductions." And you added, "It's not honest!" Man, don't you read the papers?

Listen, somebody buys a ten-room home, with five bedrooms, in San Clemente. The price is $1.4 million. He gets a loan of $625,000 from a friend. The friend later creates an investment company, which buys the 23.1 acre tract surrounding the home for $1,249,000 and, in doing so, wipes out the $625,000 loan and erases the lien on the home.

Can't you do little things like that for me? Don't you have a pencil with an eraser? No! You keep sticking to your old math. Since you began accounting, Mr. G., a lot of water has flowed under the gate.

Remember last spring? I told you we were planning to landscape the long terrace of our apartment. It wasn't to be a big deal—nothing like the $76,000 landscape caper at San Clemente. Just some flowers I could smell when I'm sitting out there thinking of something to write. I create best when I'm smelling flowers. It's a deductible business expense.

But you said that smelling flowers is not a business expense. The government isn't going to pay for flowers. "If you want to smell," you said, "plant your own garden." So I did. And for the first time in botanical history, tulips came up upside down. And not one bee demeaned itself by walking around to the back door of one of my tulips to beg for a cup of honey.

Let's go now to last June and early July, a "time frame" our President designated as Salute America Week. We had made plans to sit on our terrace, where we were going to install our flag on a pole. Surely the government would allow a deduction for that. Nothing as grand as the San Clemente flagpole, which, according to the General Services Administration, cost $587, plus $1853 to install and $476 to paint. Ours was to be a small pole, complete with a can of paint.

Again you said the government wouldn't pay me to be patriotic and added that Dick Nixon wouldn't like that. But believe me, Mr. G., our President would have thought it a sorry sight to see my wife and me sitting out there, celebrating the Fourth of July with two small flag decals pasted on the terrace windows.

Then this fall I spoke to you about installing an electric heating system in our apartment. No $13,500 system as in S.C. A model electric system, much needed for our security against the winter and the icy drafts that seep through our twenty-fifth floor windows.

I wasn't too surprised when you told me the government wouldn't pay for that. What hurt me most—and that's why I'm writing you—was when my wife improvised a couple of rasping coughs and you said sternly, "Sorry, you'll have to pay for it yourself." Which sounded to me as if you had said, "Sorry, you'll have to cough up the money yourself."

You make every item I want to deduct seem as if I were asking for $7515 worth of picture frames, or a $100,000 golf course, or $3800 for a couple of golf carts, or $999 for fertilizer. (I guess they got that at a sale.)

In closing, Mr. Greenwald, as our President has so often said, I think you are out to get me. You are just too precise. I suggest we have a talk about eating higher off the hog—the affluent lifestyle set by our leader. And when we meet, will you please, in your precise manner, stop pronouncing the second *c* in Connecticut. It's driving me up a wall.

And another thing: Please stop referring to our President as Dick Nixon. If you simply have to be familiar—and honest—try Rich Nixon.

WHY I LOVE MY COUNTRY

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. SPENCE. Mr. Speaker, looking through my files recently to prepare for several Veteran's Day speeches, I came across a clipping which I had cut out of the newspaper last May. The newspaper item consisted of comments from several grammar school students on "Why I Love My Country."

I was so impressed with the efforts of these young people—aged 8 and 9—to express their love for America, that I thought perhaps my colleagues would want to have the opportunity to have them for their own files.

Therefore, Mr. Speaker, with great pride I include the remarks of my constituents, Mr. Doug Brown, Miss Angela Lorick, Mr. Joby Vining, Miss Debbie Crawford, Miss Beth Branham, and Mr. Michael Whitener, as printed in the Journal of West Columbia, S.C., on May 9, 1973, in the RECORD at this point:

WHY I LOVE MY COUNTRY

When I say "America" I mean freedom to anything I want. We have "free speech" when we disagree. We have "religious rights". We didn't just have this country, we fought for it!! Like the "Civil War", the southern states fought the northern states, we lost but we're free. Many men gave their lives to win freedom and we got it! Some were kept hostage, but our president got them out. The first few presidents didn't get involved as much as today, but now they pay more attention. Our president is the best ever.—Doug Brown, 8, B–C No. 2.

I love my country because it is beautiful. And in spring the flowers bloom and makes it more beautiful. I love my country because in the summer you can go to the beach. And if we had never had our country we could have not been born and we would have not had pretty flowers blooming and could not go to the beach and swim. I love my country because it is a free country. You have the right to say what you want to say in speech. I love my country because it is a beautiful place to live. Because it has nice houses and nice communities. I love my country because it is clean. I love my country because it has nice schools to go to learn to read and write and spell. I love my country because it has nice stores to go and shop for clothes and food and stuff to go in your house. And that is why I love my country.—Angela Lorick, 8, B–C No. 2.

I like America because it was fought for many times. Many brave men gave up their lives for this country. This country took time to build. People went through strife, agony, and hatred to build this great land. Finally it came, peace. This country was civilized. Our first president came to America. Our population grew and grew. I like my country because we have food, clothing, and a right to free speech. We can go to our own church and have our own religion. You know many people don't have what we have. You can go to wherever you want. You can select your own job and vote for whom you want. I also appreciate America for it is a country where if I work hard I can get all the things I need for my family. We have a fine president. I'm proud of America because it is organized now.

I wish the ones who fought could see what they brought to this land. If it weren't for them this land would not be a land. I think we have a good government who will take care of our problems. And most of all I thank God for America.—Joby Vining, 8, B–C #2.

I love America because it's other country's like Russia make you do what they say.

America is fair to everyone.

I love America's natural beauty. I really like what America's doing. America is trying to save its wild-life. While other country's like Russia don't care about their wild-life.

America will fight for it's right's.

What I am trying to tell you is, the reason I love America is its free, brave, gentle, and that the way I want to be. And that's the reason I love America.—Debbie Crawford, 9, B–C #2.

First of all why I love my country is because of my freedom. I have freedom to worship God. I have freedom to speak. I love my country because there are no wars. I feel safe when I go to bed at night because I live in America. I have good police looking after me. I love my country most of all because it is so beautiful.—Beth Branham, 8, B–C #2.

I like America because it has good schools and good teachers. Because I have gone through three levels and thats not bad, and if it had not been for Mrs. Moody I wouldn't be so smart. And I have a lot of friends in America that care about me. It has lakes where you can get good meat free. America has one of the best presidents that America has ever had. A president that cares about his country. He stopped the war which saved millions of lifes. And America has good laws and besides, I think America is great.—Michael Whitener, 8, B–C #2.

FINANCING PRIVATE HIGHER EDUCATION

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HEINZ. Mr. Speaker, from time to time, we, as Members of Congress, must make judgments on legislation that affect both public and private educational institutions.

Private higher educational institutions in the United States constitute a large and important sector of our quality universities. Since the financial condition of the private educational sector continues to decline, it is well that we consider carefully the role of private higher education in our society and its relationship to public institutions of higher learning.

In his recent annual report to the trustees of Carnegie-Mellon University, CMU President Richard M. Cyert offers an insightful view of the current problems of America's private institutions of higher education. I urge my House colleagues to review President Cyert's report and to give full consideration to the thoughtful proposals he offers to some current financial and educational dilemmas.

President Cyert's report to the trustees follows:

PRIVATE AND PUBLIC HIGHER EDUCATION

(By Richard M. Cyert)

(NOTE.—*To the Board of Trustees: It is a pleasure to present the annual report of the President of Carnegie-Mellon University for the year 1972–73.*)

Carnegie-Mellon University closed the fiscal year 1972–73 with a surplus; this indicates a vastly improved fiscal position. Moreover, the freshman class entering in the fall of 1973 will be larger by 100 students than the class which entered in the fall of 1972. These are encouraging results and the Carnegie-Mellon University community can be proud of them. Private higher education, however, continues to be in a critical state, and the essay which follows is, I believe, an important analysis for those charged with anticipating its problems and insuring its welfare.

Upon accepting the presidency, I indicated my commitment to the preservation of the private university. After one year in office, my determination to work toward this end is even greater than it was when I accepted the presidency, and my understanding of the difficulties of the task is much deeper. It is quite clear that our mixed system of higher education—a combination of public universities and private universities—is being threatened by the growing gap between private and public university tuition.

The original role of public universities justified heavy subsidy by the state and federal governments, and as a result the student paid only a token amount of tuition. Thus, in most instances, the tuition in a public university is a fourth to a third of that of the private university.

Today tuition is low in public universities because society wishes to provide an opportunity for higher education for all of its members. The concept extends access to freely available public education from kindergarten beyond high school. One might question, however, the way in which the subsidy to public universities is being utilized. For example, a study of freshmen in 1972 was made by the American Council on Education.[1] It included 19 public universities from which a sample of 36,636 students was taken. An analysis of the income distribution of the parents of these entering students shows an estimated average income of approximately $17,000 and an estimated median income between $12,500 and $15,000. Indeed 77.9% of the parents of students enrolled in public universities had incomes above $10,000. In contrast only 51.7% of the 53.3 million families in the United States in March 1972 received an income of $10,000 or more in 1971.[2]

The effect of the low public university tuition on the private university, however, is a significant negative factor. As the gap between the cost of attending public and private institutions becomes larger, private colleges and universities will begin to fail roughly in reverse order to the size of their endowments, starting of course with those having the smallest endowments. In Pennsylvania, where the mix of universities is fairly typical, students who in the past would have attended private universities will because of the tuition gap move either to the community colleges or the public universities. This reduction in enrollment will lead to an increasing number of private schools in financial trouble deep enough to force them eventually to close their doors. The result will be an excess of total educational facilities at the same time that the state is being pressured to invest public funds to increase the capacity of public campuses. In the long run, unless there is a significant change in the methods of financing public education, all private universities will be affected adversely regardless of quality and size of endowment.

To see the reality of the threat to private education, it is useful to look at some trends in higher education. One striking statistic is the change from 1961 to 1971 in the number of bachelor's degrees conferred by public and private institutions. In 1961 private institutions accounted for about 44% of the degrees awarded nationally. By 1971, when the degrees granted had doubled (402,000 to 840,000), private institutions were awarding only 34% of the degrees. Part of the reason for this drop is the fact that many private institutions did not try to expand, but a more substantial reason is the increase in the number of low tuition public institutions. The opening fall enrollment of students in 4-year institutions in 1961 found about 56% of the total students in public institutions. In 1972 this figure had gone to about 69%. By 1981 it is projected at 74%.[3] Clearly these developments must be of concern to our society if our current mixed system is one we want to maintain.

The trends are, of course, no different from those that could be expected if any private industry had to compete with a government sponsored industry that was subsidized with public funds. Suppose that the government decided to enter the automobile business to produce a low-priced car, and suppose further that the decision was made to subsidize the factories to enable the poor to have cheap automobiles. Thus the government factories would not be required to show a competitive return on investment, nor to account for depreciation, or even to recover all out-of-pocket costs, in the prices that it charged. It would be only a short time before private manufacturers would have to withdraw from the production of low-cost automobiles. Neither the Ford Motor Company nor General Motors could compete with the federal government when it was producing automobiles under these conditions. Private companies would produce only expensive, high quality automobiles. As the gap in price between the high quality automobiles and the low quality, publicly produced automobiles became greater, production by private companies in the high quality product would have to be significantly reduced.

In education a similar situation is exacerbated because of the difficulties for most people of appreciating the quality of education and because of the deficiencies on the part of private universities in attempting to measure and make clear what quality education is.

WHY PRIVATE UNIVERSITIES?

At this point it is proper to raise the whole question of why private universities should continue to exist.[4] To those of us who have been in private education most of our lives, it may come as a shock to realize that almost all of the universities of the world are dependent upon various public governments for support. Private universities are in a minority. Even in the United States two-thirds of all faculty employed at institutions of higher education are employed at publicly controlled institutions.

The argument for maintaining private universities is based on their role in providing leadership and high quality in education. It is fair to say that the private universities have been of significant importance in the history of higher education and research in America, particularly as a source of innovation. Private universities have also led in experimentation and curriculum development in undergraduate education. The initial impetus to graduate education and research was given by private universities. And, in each of the five rankings of the quality of graduate education since 1925, the private universities have had a majority of the strongest departments in most fields. Most of the institutions of highest quality have been private universities.[5]

Other kinds of evidence also substantiate the importance of private institutions. In 1970, for example, although fewer than 50% of the graduate degrees were granted by private institutions, roughly 71% of the professors in the five strongest departments in each field were from private institutions. This is, again, an indication that the private institutions are remaining vigorous. An analysis of Nobel prize winners leads to the same conclusion. Sixty-six Americans received the Nobel prize between 1946 and 1971, and of these approximately two-thirds received their most advanced degree at a private university, only 13% in public universities, and 20% in foreign universities (most of the last were naturalized Americans).

Thus the private sector is vital not only to the quality of higher education, but also to the diversity necessary to make further progress in research and education. The United States has been a leader in research because of the quality of its private institutions. It is generally recognized, too, that public universities are of better quality than they would be without the competition of private universities. And they are better because of the great contributions of the private universities to innovate education, to graduate training and to research.

These arguments indicate that, since the quality of education is important, the probability is high that the American education system will be poorer if the private institutions disappear.

TO STRENGTHEN PRIVATE HIGHER EDUCATION

What then is the answer? There are several that can be given. First, the private universities must manage themselves more effectively. Many of the academic institutions of greatest quality have tended to ignore the concept of efficient management. It has now become critical that private universities move to use all of their resources in the most effective manner possible. Steps in this direction are already being taken, and I predict that within a five-year period private universities will become models of efficient use of resources. But these moves alone cannot solve the whole problem. Over the years it is unlikely that the savings achieved by decreasing cost through improving efficiency can keep up with the pace of inflation. A second step needed is to increase the amount of income from endowments. Again, it is unlikely that increased return on endowments, even with the utilization of capital gains, will enable private universities to make their tuitions competitive.

The third and most decisive change that must take place is in the way that the state finances public education. If we are to maintain a mixed system of private and public education, state governments must move to the concept of giving public funds directly to students and enabling those students to decide upon the university of their choice. A simple form of determining equity in financing would be to give the student the dollar amount of the subsidy students in public universities receive, that is, total cost of public education per student minus the tuition paid, and allow the student to apply that sum against the tuition in a private university. There are other more elaborate formulas that could be developed.

Another, even more appealing, solution to the problem exists.[6] We have shown that the parents of students attending public universities have a significant financial capability. It would be appropriate, therefore, for the state to increase the tuition in public universities to the point where tuition covered one-half to two-thirds of the cost, and to reduce the amount of budget support provided public universities by taxpayers. Such a move coupled with a scholarship program paid directly to qualified, needy students to allow them to attend the schools of their choice would reduce the state budget and hopefully the tax burden. And such a move could provide conditions that would enable our mixed system to survive because any remaining tuition gap would be significantly reduced.

It is clear that much fresh, hard thinking must be done by state governments and by the faculties and administrations of private universities in order to maintain and strengthen our system of mixed public and private higher education in the years ahead.

With these financial pressures on private institutions, and with the clear indication that excellence is required for survival, it is incumbent upon us at this University to continue to make the changes required to improve the educational services that we offer and to increase our efforts and determination to develop new knowledge through our research. Indeed, it is only through such efforts, as I have indicated above, that private education itself can justify its cost.

Footnotes at end of article.

FOOTNOTES

[1] *The American Freshman: National Norms for Fall 1972*, ACE Research Reports, Vol. 7, No. 5, December, 1972, p. 35. It is interesting to note that the same study (p. 36) shows that 41.9% of the students entering private universities had an average grade of A— or better in high school as opposed to 25.3% of those enteing public universities.

[2] *Current Population Reports—Current Income*, U.S. Department of Commerce Publication, Series P-60, No. 83, July 1972.

[3] *Projections of Educational Statistics to 1981–82, National Center for Educational Statistics*, 1973, p. 42.

[4] For much of the information in this section I am indebted to the "Report of the Committee on Private Universities and Private Giving," published in *The University of Chicago Record*, Vol. VII, No. 5, April 21, 1973.

[5] The most recent of these rankings is: Kenneth D. Roose and Charles J. Andersen, *A Rating of Graduate Programs*, American Council on Education, Washington, D.C. 1970.

[8] *Higher Education: Who Pays? Who Benefits? Who Should Pay?* The Carnegie Commission on Higher Education, June 1973, pp. 9–13.

FULL TEXT OF IMPEACHMENT RESOLUTION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. WALDIE. Mr. Speaker, in the past week there has been an overwhelming request for information concerning the text of the impeachment resolution which I introduced for myself and 30 cosponsors last week.

Mr. Speaker, the full text of the resolution to impeach President Richard M. Nixon follows:

RESOLUTION

Whereas the United States Court of Appeals for the District of Columbia Circuit has issued an order that President Richard M. Nixon produce for inspection by the Chief Judge of the United States District Court for the District of Columbia certain tapes, documents, and other materials requested by the Special Prosecutor Archibald Cox, relating to the breakin of the Democratic Headquarters on June 17, 1972, and President Nixon has indicated his intent not to comply with that order of the honorable court;

Whereas, President Richard M. Nixon has dismissed the Special Prosecutor Archibald Cox and abolished the Office of the Special Prosecutor in violation of the order which established that Office and contrary to his promise made to the United States Senate through his Attorney General designate, Elliot Richardson, that the Special Prosecutor would have full authority to pursue all matters relating to the break-in of the Democratic Headquarters, and thereby has obstructed the administration of justice;

Whereas, President Richard M. Nixon has further impeded the administration of justice by forcing the resignation of Attorney General Richardson and by firing Deputy Attorney General Ruckelshaus because they refused to participate in the President's attempt to subvert the order of the Court and to interfere with the administration of justice;

Whereas President Richard M. Nixon knowingly and unlawfully and with the intent to obstruct justice refused to make available to Special Prosecutor Archibald Cox certain tapes, documents, and other materials relating to the investigation which Mr. Cox had been lawfully appointed to conduct, and thereafter ordered Mr. Cox to cease and desist from further utilization the judicial process to acquire said tapes, documents, and other materials, thereby intentionally engaging in the unlawful obstruction of justice: Now, therefore, be it

Resolved, That a committee be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Richard M. Nixon, President of the United States, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives does hereby exhibit these particular articles of impeachment against him and make good the same.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States, in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

ARTICLE I

That said Richard M. Nixon, President of the United States, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, and contrary to the Constitution and laws of the United States, did knowingly, and willfully and with the intent to obstruct the process of justice, violate the mandate of the United States Court of Appeals for the District of Columbia Circuit issued under lawful authority commanding the said Richard M. Nixon and any of his subordinates or employees acting under his direction having custody of certain tapes, documents, and other materials, to comply with the order theretofor entered by the Chief Judge of the United States District Court for the District of Columbia, requiring the production of such tapes, documents, and other materials for inspection by the said district court in connection with certain grand jury proceedings then pending.

ARTICLE II

That said Richard M. Nixon, President of the United States, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did knowingly and willfully, and with the intent to obstruct the process of justice, issue orders and instructions directing Mr. Archibald Cox not to invoke the judicial process further to compel the production of certain tapes, documents, and other materials then in the custody and control of said Richard M. Nixon or his subordinates or employees acting under his directions, said Archibald Cox having been theretofore duly appointed and commissioned as a Special Prosecutor of the United States with full and lawful authority to investigate and prosecute certain crimes committed by officials and employees of the executive branch of the Government and other persons in connection with the burglary of the offices of the Democratic National Committee and other burglaries and other crimes, including the misprision and concealment thereof, said Richard M. Nixon is hereby guilty of an impeachable offense while in office.

ARTICLE III

That said Richard M. Nixon, President of the United States, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did on October 20, 1973, knowingly and willfully, and with the intent to obstruct the process of justice, issue an order to the then Acting Attorney General of the United States Robert H. Bork, for the removal of Archibald Cox from the Office of Special Prosecutor and the abolition of the said office, the function and duty of such office being to investigate and prosecute certain crimes committed by officials and employees of the executive branch of the Government and other persons in connection with the burglary of the offices of the Democratic National Committee and other burglaries and other crimes, including the misprision and concealment thereof, which order in substance was stated as follows:

"DEAR MR. BORK: I have today accepted the resignation of Attorney General Richardson and Deputy Attorney General Ruckelshaus. In accordance with title 28, section 503(B) of the United States Code and of title 28, section 0.132(A) of the Code of Federal Regulations, it is now incumbent upon you to perform both the duties of Solicitor General, and duties of and act as Attorney General.

"In his press conference today, Special Prosecutor Archibald Cox made it apparent that he will not comply with the instruction I issued to him, through Attorney General Richardson, yesterday. Clearly the Government of the United States cannot function if employees of the executive branch are free to ignore in this fashion the instructions of the President. Accordingly, in your capacity of Acting Attorney General, I direct you to discharge Mr. Cox immediately and to take all steps necessary to return to the Department of Justice the functions now being performed by the Watergate Special Prosecution Force.

"It is my expectation that the Department of Justice will continue with full vigor the investigations and prosecutions that had been entrusted to the Watergate Special Prosecution Force.

"Sincerely,

"(S) RICHARD NIXON."

Further, the said Richard M. Nixon did by such order procure the dismissal on October 20, 1973, of the said Archibald Cox as Special Prosecutor and the abolition of the said Office of Special Prosecutor by then Acting Attorney General Robert H. Bork; and in pursuit of his objective to thwart and obstruct the investigations aforesaid the said Richard M. Nixon did force and bring about the resignation and removal from office on October 20, 1973, of Elliot L. Richardson, Attorney General, and William D. Ruckelshaus, Deputy Attorney General, both of whom had been theretofore duly appointed and commissioned, with the advice and consent of the Senate of the United States; whereby said Richard M. Nixon did then and there commit and was guilty of an impeachable offense while in office.

DÉTENTE AND RADICAL LEFTIST MOVEMENT IN OTHER COUNTRIES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. DERWINSKI. Mr. Speaker, while we discuss, here in Congress, the true meaning of détente as well as the question of whether or not the radical leftist movement is a motivated one, it is perhaps practical to look at the same questions as they affect other countries.

In this sense, I believe there is a most interesting implication given by the distinguished, international correspondent of the Copley Press, Dumitru Danielopol, who recently returned from a factfinding tour of Europe, in his commentary in the Aurora, Ill., Beacon-News of September 29.

The article delves into the facts toward a logical relationship to events in the United States and other countries:

[From the Aurora (Ill.) Beacon-News, Sept. 29, 1973]

POMPIDOU ON THE HOT SPOT

(By Dumitru Danielopol)

COTE-D'AZUR.—Any Frenchman who recoils at the memories of the May, 1968, student-labor revolt in France must be apprehensive this fall. And that includes President Georges Pompidou.

The "affaire Lip" is a case in point. Lip was an old and reliable watch manufacturer in Grenoble. Its managers branched out but found themselves in financial trouble. They decided to close down.

"Not so," decided the workers. They were going to lose their jobs. They seized the factories and ran themselves in a "socialist" way. They stole existing stocks of watches and manufactured new ones, selling them privately at 40 per cent discount. They paid themselves and capitalized the rest by neglecting to pay taxes, social security or to make allowances for purchases of necessary materials.

Lip was a victim of anarchy. The workers under the coercion of "Gauchistes," extreme left wing agitators, vandalized the operation in the name of anti-bossism. True, they had lost their livelihood—but they had taken none of the risks of their bosses.

When they were finally thrown out by the army they moved to other premises and continued to operate on Lip's assets, thus robbing the stockholders who had invested in Lip.

"Had this not happened during the August vacations other enterprises would have gone on strike in sympathy of Lip workers," said one observer.

As it was, the government controlled radio and TV struck for 24 hours in support of the Lip workers.

Another ominous incident that serious Frenchmen must ponder was a demonstration at Larzac where several thousands extreme leftists and antimilitary hoods gathered to oppose government plans for the area.

The government proposes to buy farm land at Larzac to extend its military training facilities. The farmers refuse to sell and move away. They are sheep breeders and want to stay out.

The leftist demonstrators are the same type that nearly brought down the system in France in 1968. They are anti-establishment, nihilists, anarchists and thugs on the rampage. They have seized a local issue in an attempt to fan national indignation.

Too few Americans realize the inroads of this type Soviet inspired anarchy in West Europe as a result of "detente" and automatic respectability conferred on radical socialism. Mixed with modern laisez-faire morality, the effects are frightening.

Another symptom of trouble is the action of Lloyds of London and other insurance companies in canceling policies for fire insurance on the elegant mansions and villas on the famous Riviera. The rash of fires in recent years, particularly during the summer season, are deliberately set by leftists, the insurers claim.

Their slogans seem to be "burn baby, burn."

Unless Pompidou asserts authority, an isolated problem on the Riviera could become a national headache this winter.

MORE FOR IMPEACHMENT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HARRINGTON. Mr. Speaker, after the latest fiasco in the Watergate affair, the incredible claim that two of the tapes do not exist, my office has not received a single correspondence supporting the President. Today's total is 79 in favor of impeachment, none against. The totals since October 20 are: In favor of impeachment, 1,091; opposed to impeachment, 25.

A CALL TO END THE CONTINUING SHIPMENT OF U.S. HERBICIDES TO PORTUGAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RANGEL. Mr. Speaker, on June 11 of this year, I proposed a bill that would prohibit the export of herbicides from the United States to Portugal and South Africa. It was referred to the House Banking and Currency Committee where no action has been taken on it yet. It is now November, almost 6 months since I have introduced this legislation and during that time Portugal, with assistance from South Africa, has continued to spray herbicides over large portions of its colonies Angola and Mozambique. The following article from the monthly "Southern Africa" describes the atrocities which are resulting from the use by Portugal of herbicides shipped from the United States.

ANGOLA

HERBICIDES—ANOTHER FORM OF MASSACRE—IN ANGOLA

In the wake of publicity on Portuguese atrocities in Mozambique, various witnesses have spoken of similar atrocities in Angola, showing once again that it is all of a pattern—that none of the atrocities can be dismissed as unusual or exceptions to the rule.

Both MPLA and GRAE have also classed Portuguese use of herbicides as equivalent to a face-to-face massacre. GRAE reports more than 2500 cases of diarrhea, of which more than 200 were fatal, during the period of November 1972 through July 1973. Cause: food and water polluted by chemicals sprayed and bombed over the area by the Portuguese. The MPLA estimates 4,000 persons dead from eating poisoned crops in the past 18 months.

A former Portuguese Air Force major, Jose Ervedosa, estimates that between 50,000 and 80,000 Angolans were killed between March 16 and June 30 of 1961, in the reprisals against the African uprising in the coffee plantation area of northern Angola. He served at the time with the Information Section of the Second Air Region in Angola—the office that was compiling the official statistics of the military and police activities in that region. He also participated in some of the bombing.

Ervadosa is now a supporter of the FPLN, the Portuguese Liberation Front, which is related to the Revolutionary Brigades who have claimed various acts of sabotage inside Portugal during the last year.

An MPLA member, now in England studying, has spoken recently of witnessing the total destruction of a small village—about 30 people and their huts—in 1967 in Angola. The Portuguese troops forced the people to dig a hole, then lined them up beside it and shot them, afterward burning the huts. It was during the rainy season in a village northwest of Vila Salazar where he was teaching at the time.

A Belgian Roman Catholic priest, Father Francois Houtart, has said that in October 1970 about 300 nationalists in a village near Luanda were massacred in reprisal for the assassination of a Portuguese. Father Houtart gave his source as Bishop Eduardo Muak, auxiliary bishop of Luanda.

And two Dutch missionaries, in a recent radio broadcast, have reported massacres of 130 persons in two villages east of Luanda. The date is not given. GRAE confirms the report and says one of the villages is Quibaxe and that the total dead reached 200. (*Vers l'Avenir* (Belg.) July 25; *La Croix* (France) July 25; *Anti-Apartheid News* July-August 1973; *Times* (London) July 28; *The Living Church* September, 1973; *Guardian* (London) July 26; *East African Standard* July 27; *Star* (Johannesburg) July 28, 1973).

With these statistics glaring us in the face, I once again ask this House to consider H.R. 8573 and H.R. 8574 so that the United States will cease its support of these atrocities.

NEW JERSEY'S STAKE IN WORLD TRADE

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, Mrs. Margaret M. Miller, international relations chairman of the League of Women Voters of New Jersey, has sent me a copy of "New Jersey's Stake in World Trade," a publication she recently compiled for use by the League and other groups concerned about world trade.

As pointed out in this report, New Jersey, while ranking 46th in size among the States of the Nation, also ranks 8th among the States in exports.

As one who is interested in the development of an enlightened U.S. trade policy, I read this article with great interest, and recommend its consideration to my colleagues.

Mr. Speaker, I include in the RECORD the article "New Jersey's Stake in World Trade" at this point:

[From New Jersey Issues, October 1973]

NEW JERSEY'S STAKE IN WORLD TRADE

(NOTE.—The League of Women Voters believes in a liberal U.S. trade policy. We are convinced that the political and economic interests of this country and of its citizens collectively and individually are best served by such a policy, which paves the way for political harmony with other nations, stimulates economic development at home and abroad, and expands consumer choice. We believe that our trade policy should be flexible, effective and efficient and that it should be based on the public interest, not on special or sectional interests.)

INTRODUCTION

New Jersey is a small state, ranking 46th in size among the states of the nation. New Jersey, however, ranks among the top ten states as an industrial and trading center.

The state's strength lies in its advantageous geographic location. Within a radius of 250 miles are more than 29 percent of the population of the United States and an effective buying income totalling $238 billion. New Jersey enjoys the strategic position as a gateway to the rest of the world by being bounded on the east by the Hudson River and the Atlantic Ocean, and on the south by the Atlantic Ocean and the Delaware River Bay.

Although New Jersey is called the "Garden State", actually less than three percent of its work force is engaged in agriculture. In fact, New Jersey is an industrial giant. Its 17,000 plants manufacture products which represent almost 95 percent of all classifications of U.S. industrial goods. Almost one-third of the state's labor force is engaged in manufacturing.

NEW JERSEY'S PORTS

Located in the greater New Jersey area are two of the largest port complexes in the world—The Port Authority of New York and New Jersey, and the Delaware River Port Authority of Pennsylvania and New Jerey (Ameri-port).

Since the 1950's, the enormous growth of the New Jersey side of the Port Authority of New York and New Jersey has coincided with the parallel growth of container shipping. Containerization may be defined as the shipping of cargo in huge sealed cartons, which function as demountable truck bodies, are usually eight feet in heighth and width and around 40 feet in length. This system, which is revolutionizing the transportation industry, replaced the more expensive method of shipping cargo in comparatively small parcels.

The giant shipping complex on the west shore of Newark Bay—only eight miles from the open sea—includes the 1,000 acre Elizabeth marine terminals, the adjacent 800-acre Port Newark, and Newark Airport. The Elizabeth-Newark container complex began operating in 1962 and in 1971 it handled 10.3 million tons of general cargo, more than six million of this amount containerized. Port developments will end in 1976 when the two terminals will have the combined capacity to handle 18 millions tons of cargo annually. The Elizabeth terminal, devoted almost exclusively to the use of container ships, is already known as "the container capital of the world".

Within the complex is the 2,300 acre Newark International Airport that moves 160,000 tons of air-freight and 6.5 million people annually. In 1972 the airport handled over 347,000 overseas passengers, and this figure is expected to quadruple by 1975. Presently under development are three new passenger terminals, an instrument runway, a 10.6 million gallon fuel storage and underground distribution system, new roads, parking facilities, etc. The master plan for Newark's redevelopment also calls for the expansion of existing cargo building facilities, but this has not yet been inaugurated.

Another strategic area which has been reviving in recent years is the west side of the Hudson River, just across from Manhattan. Two new major terminals are located at Port Jersey and Weehawken. As part of Jersey City's Liberty Harbor redevelopment plan there are 615 acres of land slated for industrial development. Thus far, the major tenant, Global Terminal, occupies a 73-acre facility used by a number of million tons of cargo last year, and a 12-acre expansion is planned.

The Delaware River Port Authority of Pennsylvania and New Jersey stretches from Trenton to Delaware Bay, and includes such New Jersey cities as Trenton, Burlington, Camden, Gloucester, and Deepwater Point. The port complex is served by more than 100 steamship lines, which operate to every part of the world. Growth has been rapid: in 1951 the port's international trade was about 28 million tons; during 1963, this total had reached over 50 million tons. In 1972, this figure rose to over 63 million tons, a 17% increase over 1969. Major imports entering the complex include petroleum and iron ore, which are processed in nearby refineries and mills of New Jersey and Pennsylvania.

EXPORTS AND NEW JERSEY

In recent years, New Jersey has experienced a remarkable growth in export trade. In 1960 its world-wide commerce was valued at $782 million. By 1969 this export trade had grown to $1,113 billion. In 1972 this figure rose impressively, again to a projected $1,412 billion. Included are $1,401 billion in manufactured products, and $11 million in agricultural products. New Jersey ranks eighth in the nation in total and per capita exports.

Based on studies made by the Bureau of Labor Statistics of the U.S. Department of Labor, each billion dollars worth of exports provides jobs for 66,000 workers. For New Jersey, therefore, the employment directly attributable to exports is an estimated 93,200 jobs. It is significant to note further that, according to the State of New Jersey's Department of Labor and Industry, over 300,000 people—ten percent of the state's work force—are involved directly or indirectly with international trade. Moreover, by 1980, it is predicted that two out of every ten jobs will depend on import and export related activities.

Well over half a billion dollars of New Jersey's exports consist of chemicals and machinery, both electric and non-electric. Other important exports include transportation equipment, primary metal products, food products, fabricated metal products, petroleum and coal products, instruments, and rubber and plastic products.

The biggest industrial exporting centers are Newark, the Paterson-Clifton-Passaic area, and the counties of Camden, Burlington, and Gloucester. Other communities whose products are sold abroad include Atlantic City, Jersey City, and Trenton; as well as Salem County and Warren County.

FOREIGN INVESTMENT IN NEW JERSEY

The other side of the coin in New Jersey, as far as international business is concerned, features reverse, or foreign investment into the state. According to Joseph F. Brady, Chief of the Bureau of International Operations, State of New Jersey, there are now more than 105 foreign plants in the state and at least another 100 foreign installations, such as supply centers, American headquarters, and regional offices. New Jersey ranks second in the nation in foreign investment and the number of companies locating here is growing rapidly.

A number of leading foreign car manufacturers have established U.S. distribution headquarters in New Jersey. They include Volkswagen of West Germany, and Fiat of Italy, Englewood Cliffs; Suburu of Japan, Pennsauken; Volvo of Sweden, Rockleigh; Leyland of England, Leonia; and Mercedes-Benz of West Germany, Montvale. Toyoto of Japan established its Eastern regional operations in Lyndhurst.

New Jersey long has been the leading state in chemicals and pharmaceuticals and has attracted a number of foreign-based multinational corporations. They include four Swiss companies: Ciba-Geigy, Summit; Sika Chemical, Lyndhurst; Hoffmann-LaRoche, Nutley; and Sandoz-Wander, East Hanover, German companies such as BASF, Parsippany; and American Hoechst, Bridgewater; and Organon in West Orange, which is owned principally by a Netherlands company.

Products made in or sold through New Jersey by foreign companies include steel, photography, liquor, machine tools, electronic components, typewriters, textiles, printing presses, perfumes, canned food, construction equipment, china, candy, and motorboats.

Countries whose companies operate in New Jersey include Austria, Belgium, Canada, Denmark, England, Finland, France, West Germany, Italy, Japan, Netherlands, Sweden, and Switzerland.

Although there are no estimates available as to the amount of money foreign business has invested in New Jersey, it is believed the figure is in the hundreds of millions of dollars. It is known that current cumulative foreign direct investment in the United States is approximately $15 billion. Certainly foreign investment has contributed greatly to the economy of the state by providing new technology and in the creation of thousands of jobs for New Jersey people. Also, like exports, foreign investment helps offset the U.S. balance of payments deficit, which has persisted for some years now.

NEW JERSEY AND U.S. TRADE POLICY

It is estimated that United States exports have risen dramatically since this country began to pursue a liberal trade policy in the 1930's. Total U.S. exports amounted to only $2.1 billion in 1934. In 1972 they climbed to $48 billion. In order to protect and expand its export business and jobs, the U.S. must continue its efforts toward trade expansion, not trade restriction. Foreign buyers of New Jersey's big exports include importantly the countries of Western Europe, Taiwan, Korea, Japan, and Latin America—countries which depend on sales of their products, so they in turn, can buy U.S. products. All these countries would be hurt by U.S. unilateral restrictions of their sales, and would be forced to retaliate by limiting U.S. exports into their own markets, and notably those which make up the bulk of New Jersey's foreign sales.

Furthermore, a spiral of retaliation similar to the disastrous Smoot-Hawley years could plunge the world deep into an economic depression and result in dangerous deterioration of relations between the members of the world community of nations.

While it is true that the U.S. balance of trade has reflected a greater volume of imports over exports in 1972, it appears that U.S. dollar devaluations abroad are alleviating this negative trend. To further insure a favorable position in the international market, the United States is expected by the end of 1973 to enter into negotiations seeking a more stable, equitable world monetary system and multilateral negotiations to reduce tariff and non-tariff barriers to trade.

Finally, serious consideration should be given to upgrading U.S. export efforts. Despite its position as a major exporting state, efforts by the State of New Jersey in this area have been minimal, due to budgetary restrictions. The governments of many other countries offer considerable encouragement and assistance to companies entering the export field. Perhaps the federal government should offer increased financial and technical assistance to state governments to encourage expanded trade efforts on a state level.

It is evident that New Jersey has a large stake in world trade. Both exports from and foreign investment into the state have steadily increased in recent years, have created new jobs, and contributed immeasurably to the real prosperity of New Jersey. With cooperative efforts on the part of governmental agencies, business, and labor, New Jersey can become an even more important center of international commerce. New Jersey's economy and the economy of the nation as a whole will be well served by an expanding trade policy.

A SYNOPSIS

In 1972 N.J. exports are expected to total $1,412 billion.

N.J. ranks 8th among the states in exports

An estimated 93,200 jobs in N.J. directly relate to exports

300,000 N.J. jobs (10% of the work force) depend on import/export related activities, number predicted to double by 1980

Despite great potential, only 5% of N.J. firms export

In the greater N.J. area are located two of the world's largest port complexes

N.J. is 2nd in nation in foreign investment into state

N.J.'s future prosperity depends on U.S. continuing liberal, expanding trade policy

"HOW TO" EXPORT

Obviously, exporting is a vital source of employment. It also benefits New Jersey's economy in other ways as well. Exporting provides the manufacturer with additional markets in which to sell his goods. A leading U.S. bank emphasized this fact in an advertisement which read: "Since 1950 world-wide industrial production had almost doubled and the volume of world trade has almost doubled. . . Any businessman who ignores the world market is betting against the future."

No more than 25,000 of an estimated 300,000 U.S. manufacturing companies export to any extent. A relatively few large corporations account for most of the exports and the few small and medium sized companies that do export do so at only a small portion of their real potential. It is estimated that only five percent of New Jersey's companies are engaged in exporting. Why are there not more?

According to Theodore S. J. Davi, president of the New Jersey World Trade Committee, "There is a market somewhere in the world for every product made in New Jersey. Unfortunately, many businessmen are not aware of export opportunities abroad, and do not know that assistance is available to help them enter the foreign sales market."

An interesting program designed to help smaller companies export operates as a joint effort on the part of the World Trade Institute, the National Association of Manufacturers, and the U.S. Department of Commerce. Called the Partners in Trade Program, it utilizes the services of 25 major U.S. companies and banks as senior partners to provide specific marketing, product, financial, and legal expertise to the smaller companies that want to break into the export market. In effect, these 25 companies for one year act as consultants to the participating companies in a series of workshops, seminars, and personnel conferences. The World Trade Institute conducts the meetings at the World Trade Center in New York City. Although there is a moderate fee paid by the prospective exporter to cover expenses, the senior partners donate their services. The Port Authority of New York and New Jersey, the parent organization of the World Trade Institute, furnishes information advisors. Further information about the program may be obtained from: Registrar, The World Trade Institute, 1 World Trade Center, 55th Floor, New York, N.Y. 10045 (Telephone: 212-285-4452).

DETROIT FREE PRESS URGES OVERRIDE OF WAR POWERS ACT VETO AND QUOTES REPRESENTATIVE GERALD R. FORD IN SUPPORT OF SUCH LEGISLATION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. SEIBERLING. Mr. Speaker, the Detroit Free Press, in an editorial of October 27, states that the war powers bill just vetoed by the President is crucial to correct the imbalance of power that has developed within our Government, and goes on to urge Congress to override the veto.

The editorial quotes some very interesting comments made by Representative GERALD R. FORD, the distinguished minority leader, in a speech in July 1971. Mr. FORD, at that time, pointed out that circumstances have undermined the exercise by Congress of its constitutional warmaking powers and that this situation should be corrected by legislation at the earliest possible moment. He went on to say that such legislation would be a responsible way for Congress to exert its power over the deployment of U.S. troops and would "guarantee that the United States will not again be drawn into an undeclared war without the support of the American people." Mr. FORD also stated that—

This legislation would not tie the President's hands. He would still have the freedom to act promptly in an emergency situation.

The full text of the editorial and the excerpts from Representative GERALD R. FORD's speech follow:

[From the Detroit Free Press, Oct. 27, 1973]

CONGRESS MUST FIGHT VETO TO BALANCE WAR POWERS

The war powers bill just vetoed by President Nixon is crucial to correcting the imbalance of powers that has developed within our government. If Congress is to have any effect on government over the next three years, it must override that veto.

The test comes on the House floor on Thursday. Rep. Clement J. Zablocki, D-Wis., is handling the bill, and he says seven more switches could bring the needed two-thirds majority. Some of those switches should come from the Michigan delegation. Those who voted for the bill when it first passed will also have to hear from the folks back home to encourage them to stand against the heavy pressures the President will bring to bear.

Michigan representatives who voted against the bill and who should reconsider their position are Edward Hutchinson, Gerald Ford, Lucien Nedzi and Robert J. Huber. Rep. John Conyers of Detroit did not vote against the bill but announced his opposition to it. All but Reps. Conyers and Nedzi are Republicans and will feel White House pressures to hold the line.

But one need reach back only to 1971 and for the words of Rep. Gerald Ford, reprinted elsewhere on this page, for some good arguments for overriding the war powers veto. Rep. Ford, speaking to the Pennsylvania American Legion in convention, said:

"The best way to avoid another Vietnam is to develop mechanisms that will bring the people into executive branch decision making—and the best way to do that is through the people's chosen representatives, the Congress of the United States.

"The Constitution clearly grants to Congress the power to declare war."

Rep. Ford went on to outline procedures for limiting war powers of the President even more than the legislation just vetoed. Yet when forced to choose between his own views and those of his President, Rep. Ford has voted against limiting war powers.

Should Rep. Ford choose to vote his convictions this time around, that would be one of the needed switches. His action would also free up the other Republicans to vote to override if they see fit.

Rep. Conyers could also find himself among the switch-hitters without sacrificing his previous stands. Rep. Conyers is one of the liberals in Congress who argue that the bill actually gives the President too much power. This group holds that the Constitution gives all warmaking powers to the Congress and that executive wars under several recent presidents have actually been in violation of the Constitution.

Those who favor the bill argue that it will not only return war powers to the Congress but it also will delegate a limited amount of those powers to the presidency. There is a need for some delegation of power in our jet bomber-ICBM-nuclear age. If some future Congress believes too much authority has been delegated, the war powers can be further limited once Congress has reasserted its prerogatives. Right now it has no control. If it did, the American troop involvement in the war in Vietnam might have ended much sooner—if begun at all.

Defining war-making authority is a vital part of the sorting out process that is underway in Washington. The bill, passed by huge margins in both houses, but now vetoed by a power-hungry President, will cut deeply into the power bulge that has accumulated in the presidency.

The bill is a reasonable compromise, and even those who oppose presidential war powers can justify a vote in support of it.

FORD ON WAR POWERS

(Following are excerpts from a speech calling for legislation to limit presidential war-making powers which Rep. Gerald Ford made to the Pennsylvania American Legion in convention in Pittsburgh on July 16, 1971.)

There must never be another Vietnam. We are all determined never to repeat it. The best way to avoid another Vietnam is to develop mechanisms that will bring the people into the executive branch decision making—and the best way to do that is through the people's chosen representatives, the Congress of the United States.

The Constitution clearly grants to Congress the power to declare war, but we are now living in a world where wars are fought but not declared. We are living in an age of limited and undeclared wars. This circumstance has stripped Congress of its war-making power and delegated it solely to the executive. It is this which makes a tragedy like Vietnam not only possible, but likely. This is a situation which should be corrected at the earliest moment. I therefore urge that Congress approve legislation which would create a new and meaningful role for Congress in limited war or undeclared war situations.

Under terms of the legislation, a military action by the President would have to be approved by the Congress within 30 days or U.S. troops dispatched to a foreign station would have to be withdrawn.

This legislation also would create a new joint congressional committee on national security which would consult with the president and his national security advisers on military decisions.

Prior to military action, or no later than 24 hours subsequent to it, Congress would consult with the president or his advisers and obtain information on the circumstances surrounding the military action. The committee would then draft and send to the House and Senate legislation to ratify or alter the president's action.

This legislation would not tie the president's hands. He still would have the freedom to act promptly in an emergency situation. But his action would be subject to immediate review by the Congress—and this is as it should be. This would bring the Congress into the decision-making process in all military actions involving the dispatch of U.S. troops into any foreign theater of operations.

This would be a responsible way for Congress to exercise its power over the deployment of U.S. troops abroad and could help guarantee that the United States will not again be drawn into an undeclared war without the support of the American people.

MORE SOBER THOUGHTS ON PRESIDENT NIXON'S DISMISSAL OF ARCHIBALD COX

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. MICHEL. Mr. Speaker, after the initial round of emotional and, in some cases, almost hysterical press accounts relating to the President's decision to fire Mr. Archibald Cox, it would appear that the time has arrived for a more sober and deliberate examination of the whole affair.

In that connection, I noted two columns by the distinguished and respected columnist for the Washington Evening Star, Mr. Richard Wilson. The first, from the Saturday, October 27, 1973, edition, entitled "Why Professor Cox Had To Be Fired", and the second, from the October 29, 1973, edition, entitled "No Case Yet for Impeachment". I insert both columns in the RECORD at this point.

Why Professor Cox Had To Be Fired

(By Richard Wilson)

The professor was in good form before his awed and appreciative class. He savored the exquisite nuances of his exposition of a classical legal exercise which would go down in the annals of the law for all time to come.

Even indulging a daring "what the hell", Prof. Archie Cox enthralled the amateur law students who then fed him leading questions allowing him to embroider his explication.

But this was not the Harvard law school, nor Prof. Archie Cox. It was a press conference in which special prosecutor Archibald Cox made it unmistakably clear what the trouble was about his attempt to implicate the President of the United States in criminal activity, and why Cox had to be fired.

The trouble was that, with the sure instincts of a law professor of the Kennedy school, Archie Cox was digging himself in for a long tenure which would continually harass if not paralyze the presidency. No amount of self-abnegation or professed detachment could mask the fact that Prof. Cox, himself a Kennedy partisan and solicitor general, had surrounded himself with avid Kennedyite lawyers who fully expected to be gnawing away at the Nixon administration for three and a half years.

The legal exercise so fascinating to them was intolerable to a government which required a much faster resolution of the Watergate affair and could not abide a continual inquisition constantly refueled by leaks of information.

No government could abide that condition of perpetual inquisition. With Cox and his Kennedyites ranging into every wild rumor and false implication far afield from the Watergate break-in the Nixon administration would be kept in constant turmoil. The noose was out for Nixon, to be drawn strangulation tight from any angle it could be tossed and no matter how long it took.

Cox's fate was predestined even before he defied the President and threatened him with contempt of court. He invited his own execution, surely knowing that his demise might conceivably bring down Nixon, and it nearly did. What he also knew for sure was that his one-time law student, the proper Bostonian Elliot Richardson, would be true blue to the law school tradition, no matter that Nixon had accepted the Richardson compromise on the presidential tapes.

It was a good compromise, a fair and reasonable one which would have supplied the court and the Senate with substantively as much evidence as the court will get under the modified circuit court decision with which Nixon is now complying. Now the court gets it all, and the Senate gets nothing.

So, it is "goodbye, Mr. Cox" without the loving kindness afforded to the professional Mr. Chips in the movie by that name. The result could not have been otherwise under the conditions Cox created. He had to know that from the beginning his independent status was delicate and tenuous. From the first day of his investiture his resignation or discharge was a matter for public discussion.

The whole concept of an independent prosecutor at the pleasure of the President was transparently faulty, with as many contradictions as the forgotten Pat Gray encountered when the FBI was charged with investigating the White House.

Nor is it likely that Congress can create an effective prosecutorial office. The constitutional responsibility for enforcing the law cannot be taken away from the presidency. This is what the Nixon people have been talking about when they say Cox tried to set himself up as a fourth branch of the government.

That does not lie within Congress' power either, nor is it practical to create an office within the executive department which is not under the President's control. Even if that were constitutional, which is doubtful, such a prosecutorial office could be isolated and rendered ineffective.

The more the whole problem of acting against the President is considered the more its dimension returns to what it was in the first place.

If Congress is determined to act against the President's interest in the Watergate affair, it will in the end find the clearest course in the constitutional remedy of removing him from office. Once removed he could be subjected without question to criminal proceedings.

But this is a course Congress does not take for reasons other than the shock to the country. Congress does not have evidence sufficient to prove Nixon guilty of conspiracy to obstruct justice, nor did Cox have it. An impeachment proceeding so weekly based could end in disaster for its initiators.

No Case Yet for Impeachment

(By Richard Wilson)

Nothing illustrates with more crystal clarity the urgency of a quick and final resolution of the impeachment issue than the public attitudes which ran wild in the recent Mideast crisis.

Every random thought which ran through a congressman's or journalist's head was articulated in living color to feed the fevered imaginations of the prejudiced and irresponsible.

If there is cause for impeachment, let's get it out and done with immediately. If there is not—and this is the rub, there is not yet a clear case for impeachment—then let's bury the thing and get on with what has to be done.

Implications that the President has gone berserk, that he created a phony nuclear crisis, that he tricked up a scheme to justify firing the special Watergate prosecutor are evidences of the irrational fury of those who wish to hang Nixon without a trial.

They demand that he commit political suicide and there are even those so intense that they imagine his physical and mental collapse, to be followed by self-destruction.

This is more than the "crisis of confidence" of which Secretary of State Henry Kissinger spoke. It is a livid hatred demanding punishment and retribution for imagined crimes which have not been proved. Lacking conclusive proof of criminality, Nixon would be rushed to the stake for the "secret" Cambodia bombing, for impounding congressionally appropriated funds, for his opposition to busing for inetgration purposes and—yes—for settling the Vietnam war on a time schedule not considered fast enough. He would be pilloried for the detente with Russia as a dangerous illusion, and brought to ruin for opposing the obstructive arrogance of a Congress controlled by the opposition party.

Usurpation of power by Congress was one of the earliest fears of the founders of the Republic who had little faith in the ability of the people's representatives to execute national policy. The present affords a vivid illustration of those fears. A runaway Congress is determined to impose its will on the chief executive because it differs with his methods and quarrels with constitutional prerogatives the President deems unimpeachable.

The impeachment issue has thus burst outside the bounds of treason, high crimes and misdemeanors. It has spread into the political morass of how the country is to be governed, what the Constitution meant when it gave the presidency its great powers, whether Nixon's major policies are right or wrong, and, indeed, on subjective judgments of good and evil based on whether or not people like the cut of the President's jib.

A president is to be impeached because he has a legally reasoned and carefully prepared position on the foggy issue of executive privilege? Nonsense. He is to be impeached because he fired a member of the executive department? Unbelievable. He is to be impeached because he claimed war powers which Congress does not have the votes to deny him? Bunk. He is to be impeached because he sought to protect the integrity of national security secrets? Debatable.

Then what can he be impeached for? He can be impeached for the criminal obstruction of justice which hasn't yet been proved and may be no more provable from the White House tapes when they are presented to the grand jury.

This is the issue which needs to be gotten on with quickly and cleared up once and for all. The rest of it is a massive political collision involving windy moralizing about the "capacity to govern" of a President who has just proved that he can govern under the most ominous circumstances.

The blather, fustian and exaggeration—called a "fire storm" in the hyperbole of those who wish to incinerate Nixon—has done as much to limit Nixon's ability to govern as anything he has done.

The symptoms of what has happened to the country, to which Kissinger referred, are those of a fevered, unreasoning patient wildly suspicious of his physician. Not until the fever subsides will the patient's judgment return.

In this case the way to get the fever down is to get to the seat of the ailment, the Watergate collusion, and proceed with radical treatment if justified. That means quick action on impeachment or none at all. The patient can't stand much more of the intermediate political procedure.

HUGE WHEAT EXPORTS DETRIMENTAL TO WHEAT SUPPLY IN UNITED STATES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. WOLFF. Mr. Speaker, I would like to share with my colleagues the resolution that was recently adopted by the members of the American Bakers Association expressing concern over the impending severe wheat shortage facing our country due to abnormally excessive exports of our wheat to other nations. The American Bakers call upon the Congress to regulate the exportation of wheat in order to insure an adequate domestic supply. I agree that we are going to face a real crisis this spring if we do not take steps to control the exportation of domestic supplies, and I have introduced legislation, H.R. 10844, which would set up an export licensing and allocation system in order to insure adequate domestic supplies of agricultural commodities at prices the American people can afford.

The text of the American Bakers resolution follows; I urge my colleagues to direct their attention to this critical problem.

RESOLUTION ON WHEAT SUPPLY

(Adopted by the Members of the American Bakers Association At their Annual Meeting, October 15, 1973, Atlantic City, N.J.)

Whereas the wheat supply in the United States is in great jeopardy due to abnormally large quantities now committed for export to foreign nations, and

Whereas this continuing high rate of exports, encouraged and fostered by the government, does not make adequate provision for domestic requirements including carryovers, and

Whereas the Baking Industry is the largest domestic user of wheat flour, requiring 400 million bushels of wheat annually out of total food requirements of 525 million bushels, and

Whereas a minimal carryover of wheat for blending from one crop year to the next should be maintained at not less than 350 million bushels, and

Whereas the Baking Industry is alarmed and greatly concerned that sufficient wheat flour to manufacture bakery products for consumers will not be available in the spring of 1974, and

Whereas the American Bakers Association has previously expressed its concern to the President of the United States and officials of his Administration as well as the Congress, and

Whereas the Administration claims to be without legal authority to interfere with wheat exports in advance of an actual physical shortage, and

Whereas time is of the essence in resolving this problem of sufficiency of supply, otherwise the Baking Industry and the consumer will be considerably damaged because of a shortage of bread and other bakery products.

Now, therefore, be it resolved that the members of the American Bakers Association in Annual Meeting assembled do call upon the President, the Secretaries of Agriculture and the Treasury, and the Congress to take all steps necessary, including enactment of legislation by the Congress, to assure adequate supplies of wheat and wheat flour for domestic needs during the remainder of the 1973–74 crop year.

Be it further resolved that the Administration and the Congress establish as a matter of policy, by legislation or Executive Order, that domestic wheat needs take precedence over exports and in any given crop year a quantity of wheat of not less than 350 million bushels shall be made available to meet carryover requirements.

WAR POWERS FOR WHOM?

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. MOSS. Mr. Speaker, next week we will consider legislation that has been presented as enhancing congressional powers in declaring war. A close scrutiny, however, of the contents of the war powers bill, reveals that nothing could be further from the truth. Indeed, in an age when we should be reasserting our constitutional warmaking powers, this bill would grant to the President the unprecedented and unconstitutional right to conduct war for 90 days without full congressional approval. It implies that the only power Congress has is to insist upon disengagements of conflicts precipitated by a war-hungry Executive. In short, it makes impotent the fundamental constitutional doctrine that Congress has "the power to declare war."

The Constitution ordains that all legislative powers herein granted shall be invested in the Congress of the United States. If anything makes clear the dominant role of the Congress and the limited role envisioned for the President, it is article I, section 8 of the Constitution, entitled, "Powers Granted to Congress";

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

The legislation we are being urged to enact, notwithstanding the veto of the President, would constitute a grant of power to the Executive that is potentially as dangerous as was the Gulf of Tonkin resolution. Rather than seeking to satisfy a grasping Executive, eager to expand its privilege and power, Congress should act to regain and exercise its authority over the disposition of our military power. For a more detailed analysis of this legislation, I insert the following article from the New Republic in the Record:

A BAD WAR POWERS BILL

After more than three years of grappling with the subject, Congress has finally passed a compromise bill that seeks to spell out the President's power to commit the country to war. The bill is bound to be vetoed by Mr. Nixon, who has described it as "dangerous bid to erode the constitutional authority of the Chief Executive," and it is doubtful that the House of Representatives can muster the votes to override his rejection. We have long sympathized with attempts to control the Executive's war-making authority, and we disagree completely with Mr. Nixon's efforts to preserve his almost absolute power in this domain. Yet we would welcome his veto, for, in our estimation, the present war powers bill is so riddled with reservations that, in many ways, it defeats its own purpose. Indeed it may give a President more power to take us into war than is granted him in the Constitution.

Except in the event of enemy attack, a President has no constitutional authority to initiate or declare war, a prerogative that belongs to Congress. Even Alexander Hamilton, who favored a strong Executive, held during the Constitutional Convention that the war-making power "is the peculiar and exclusive province of Congress," and, as Justice Douglas pointed out during the Cambodia bombing controversy this summer, that interpretation was further strengthened in the Prize Cases of 1863. Nevertheless in practice the legal limitations on Presidents have been ignored time and again within the past quarter-century. Harry Truman thrust us into Korea in 1950 without congressional authorization, and President Eisenhower bypassed the legislature eight years later when he landed US troops in the Middle East. We began to ooze into Southeast Asia under John F. Kennedy, and Lyndon Johnson escalated the Vietnam conflict, in both instances without any specific authorization by Congress, and Richard Nixon behaved with similar autonomy when he ordered the invasion of Cambodia. Against this background of unilateral military actions by successive Presidents, the need for an explicit definition of the right to push the nation into war had been long overdue. To our regret the current bill does not fulfill that need.

In the first place the bill authorizes a President to get the nation into a fight without the prior legislative sanction in the event of a "national emergency created by attack upon . . . its armed forces"; considering the fact that more than a half million American soldiers are now deployed around the world, many of them as safe as the crater of an active volcano, this would effectively permit the President to escalate a war in those areas on his own initiative. Thus Mr. Nixon could conceivably move fresh forces into Thailand if he estimated that the 40,000 US troops already there were endangered by last week's coup d'état, and, with the same self-generated authority, he could increase our military strength in South Korea on the grounds that our boys in that country are threatened. It is worth recalling in this respect that the Tonkin Gulf Resolution of 1964, which Lyndon Johnson referred to repeatedly as his legislative support for expanding the Vietnam war, authorized him to "take all necessary measures to repel any armed attack against the forces of the United States. . . ." Even after the Tonkin Gulf Resolution was repealed, the Nixon administration continued to rationalize its operations in Indochina with the protect-our-boys argument. In April 1972, asked to explain on what authority the President had resumed the heavy bombing of North Vietnam, the then Defense Secretary Laird replied: "It is the protection of American personnel. You don't need any more authority than that . . . That is sufficient, complete and total."

Another feature of the bill that seems to fortify rather than reduce a President's war powers is a clause that requires him merely to "consult" with Congress before introducing US forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." In short that appears to say that a telephone call from the White House to the congressional leaders will suffice. And once troops are committed, the bill goes on to say, a President need only explain "in writing" within 48 hours the circumstances necessitating their intervention, the estimated scope and duration of the hostilities, and the authority under which he acted. Conspicuously absent from the bill is any restraint on a President's authority to use US soldiers to rescue American citizens abroad—the argument, it will be remembered, that Lyndon Johnson used when he intervened in the Dominican Republic's civil war.

More significantly the bill permits a President to commit troops for 60 days simply by keeping in touch with Congress, and he can extend that period for another 30 days by certifying that "unavoidable military necessity" requires their prolonged presence. Criticizing the bill from opposite sides, Senators Barry Goldwater and Tom Eagleton have emphasized that this timetable accords a President powers beyond those in the Constitution. Moreover, it is difficult to imagine that Congress would compel a President to pull US soldiers out, when they had been sent in ostensibly to defend the flag and the honor of America. Here again the Tonkin Gulf Resolution offers a lesson. Passed in

August 1964 it was not repealed until January 1971—and even then it took two more years before US troops were finally withdrawn from Vietnam. It also took until last August to halt the President's bombing of Cambodia, and that came about only after Congress deliberately voted to cut off his funds. So we concur in Senator Eagleton's opinion that this provision is nothing less than "an open-ended blank check for 90 days of warmaking anywhere in the world by the President."

Still another part of the bill appears to us fuzzy. It would allow the President to commit troops under treaties that have been ratified. But treaties are only ratified by the Senate, and thus the House of Representatives, which under the Constitution shares the authority to declare war (not to mention its responsibility for raising and maintaining an army), seems to be excluded. Consider, for example, US allegiance to the Southeast Asia Treaty Organization. As Professor George McT. Kahin recently wrote in these pages, SEATO may be moribund, yet it legally binds the US to assist certain countries militarily, and it allows a President to define whether internal insurgency is really outside aggression, and, consequently, whether US intervention is legitimate.

To a large extent the bill is confused because, in an attempt to reconcile their differences, the Senate and House produced a hodgepodge. Senator Javits, who worked hard to sponsor it, obliquely admitted that the result was less than ideal in his remarks during the Senate debate that "it is a miracle that we got this bill." That raises the question of whether bad legislation is better than no legislation. Eagleton, who has long wanted to curb presidential war-making power, obviously had this question in mind when he withdrew his support from the compromise version, commenting that the baby he had originally helped deliver "has been kidnapped."

The President's expected veto will render this debate and the bill itself academic, and it will take years and perhaps another crisis like Vietnam before better legislation on the subject is brought up. In the meantime, we submit, Congress has ample latitude under the Constitution to restrain a President, as it demonstrated when it forced a halt to the bombing of Cambodia in August. Senator Stennis' project to investigate the Central Intelligence Agency, for instance, could expose what US covert operatives are up to overseas and thereby contribute to curbing their activities. The Appropriations, Foreign Relations and Armed Services Committees in both chambers have authority to sit on other operations abroad. Above all Congress controls the purse. The key question is whether the legislature is going to use its prerogatives responsibly. "It is easy to roll this body because the executive branch comes in with power . . . we are afraid, we are fearful men," confessed Hubert Humphrey during the recent debate. His autocriticism ought to challenge Congress to exercise its authority over the disposition of our military power. That can be done without new legislation.

MONSIGNOR ADAMSKI SYMBOL TO POLISH COMMUNTY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. DULSKI. Mr. Speaker, in the spring I spoke of the commemoration this year of the 100th anniversary of St. Stanislaus, the "Mother Church of Polonia," the oldest Polish church in western New York. In the century since the founding of St. Stanislaus in Buffalo, three men have served as pastors there, with the Right Reverend Monsignor Peter J. Adamski, P.A., having served since 1945.

"Served" is the appropriate term for Monsignor Adamski's relationship with his parishioners, as I can personally attest.

It has been a great privilege to count him as my friend for the past quarter of a century, and he has provided me with guidance on many occasions and through many trials and tribulations. One of his most admirable traits is his ability to see both points of view—to state the other side of a discussion without seeming to try to convert his opponent.

Recently, the Buffalo Courier-Express ran a series of three articles on the interrelationship for Monsignor Adamski and the Polish community on the east side. Mr. Wiater has written a most perceptive account of this good man, his great understanding of his people and his tremendous empathy for the character of the Polish immigrants in our country. I am pleased to insert the text of these articles:

MONSIGNOR ADAMSKI SYMBOL TO POLISH COMMUNITY

(By Edward S. Wiater)

The heels of an oppressor can dig deep, cruel wounds into a nation and whether that nation survives depends on many factors—factors sometimes varied and complex, sometimes few and simple.

The Poles have survived.

Not only have the Poles survived their calvaries in Europe (so often has Poland been invaded during the past 1,000 years and her soil drenched in blood that one of her flags is a white eagle on a dark red background), but they have contributed handsomely to America through communities such as Buffalo's East Side and Black Rock.

If one was to pin down the indomitable spirit of the Poles, he would find it to be made up largely of an unquenchable thirst for freedom and a burning belief in the Roman Catholic Church.

But what brought the Pole to America? More pointedly, what brought him to Buffalo? And what has he contributed here? And what of the future?

The answers can be found to some degree by researching books in libraries and by poring over documents such as the doctorate dessertation of Felician Sister Ellen Marie Kuznicki, CCSF, Ph. D. (She is a teacher of history and French at Villa Maria College). But the inside story can best be told by such towers of community strength as the 82-year-old patriarch of Buffalo's East Side, the Rt. Rev. Msgr. Peter J. Adamski, PA, the third pastor of Western New York's oldest Polish parish, St. Stanislaus Bishop and Martyr.

Msgr. Adamski has been the pastor of St. Stanislaus since July 2, 1945. And a patriarch he has been in every powerful sense of the word; a patriarch with an exceptional grasp of history and the ability to learn from it.

Even his physical appearance a deceptive picture of a slight but ram rod straight frame—gives one the feeling that he is in the presence of a man whose intellect is extraordinary, whose vision is unclouded and whose love for his people and religion knows no bounds.

He moves not with the waver of aging persons, but almost as if he were gliding—walking on air if you wish. His bearing is almost majestic and it's easy to understand why the Poles over the years have huddled to him, have found comfort and solace in his advice.

And solace and comfort the early Poles in America needed. For it was because of tyranny, oppression and hunger that they left their mother country, the land that gave birth to Chopin, Copernicus, Paderewski, Pulaski and Kosciuszko, among others and Peter J. Adamski.

When Peter J. Adamski first saw the light of day on August 2, 1891, in Sanok, Poland was not to be found on the maps of the world. She was divided by the three powerful enemies, Germany, Russia and Austria.

"And, although Poland with geographic boundaries was not to be found on the maps of the world, all of us who were born and raised in the areas held by the three partitioning powers knew very well that we were Poles, with a rich heritage and a future," Msgr. Adamski recalls.

That heritage included a strong belief in God. And the idea of serving God touched Msgr. Adamski as a youth at a time when he also recognized the value of education.

"Although Poland was partitioned, religion was not forbidden as some people might think," Msgr. Adamski said. "You've got to remember that Germany always had religion; Austria was a Catholic country and Russia had its Orthodox church. And leaders of these countries recognized the role religion plays in maintaining order. But the economic picture in Poland during the years of the partition was terrible."

In 1909, the Rev. Michael Dyminski, pastor at the time of Holy Trinity parish in Niagara Falls, N.Y., returned to his native Poland and took time out to visit an old school chum, the father of Peter J. Adamski.

"When I learned that Father Dymanski had a parish of his own, there was nothing that was going to hold me back from becoming a priest and from going to America," Msgr. Adamski recalls today with a smile.

And nothing did hold him back.

On Dec. 18, 1909, a train pulled into the railroad station in the Cataract City bearing among its passengers a young man with two years of college studies, Peter J. Adamski.

Father Dyminski took the young Adamski under his wing and shortly after sent him to St. Bonaventure to complete his college study. After his graduation in 1911, he was "adopted" by the late Bishop Charles H. Colton and continued his studies for the Diocese of Buffalo. He was ordained by Bishop John Grimes of Syracuse on June, 1915, at St. Bonaventure and celebrated his first mass at Assumption Church in Black Rock.

His first assignment: Assist the Rt. Rev. Msgr. Alexander Pitass, pastor of St. Stanislaus parish. The impact of Peter J. Adamski on Buffalo was about to be felt.

MONSIGNOR ADAMSKI: GOD, EDUCATION

(By Edward S. Wiater)

The Pole that came to America, materially, brought with him only what he could carry on his back—the necessities of keeping the body warm.

The riches he brought were a cultural heritage; riches built on a solid base of earning his bread, an appreciation of freedom and belief in God.

Rare was the Pole who came to America with that added advantage of having an education. And, for that he paid a price; sometimes, a terrible price.

"Keep in mind that the Pole came to America in the late 1800s came with a background that knew only servitude and oppression," Msgr. Adamski relates. "He didn't know the English language and because Poland had been divided by the three European powers he knew fear, and timidity as etched in his soul. This was to hinder the Pole for decades.

"The immigrant Pole found in America freedom, but he also found that a lack of education, the strange language and in many instances hostile people were to impede his progress, and indeed rekindle fears learned in Europe, fears which brought on timidity."

When the immigration quotas made it possible for the Poles to come to America they streamed for the established areas, New York City and the larger cities around the Great Lakes—Buffalo, Chicago, Detroit.

"Water was the cheapest mode of transportation and most chose to move by ship and consequently ended up in port settlements," Msgr. Adamski observed.

Ironically, hundreds of Buffalo Poles, according to Msgr. Adamski and Felician Sisters Ellen Marie and Mary Donata, who have made a study of Polonia as the heart of Buffalo's Polish settlement has been known, came to the Queen City because of Germans.

Msgr. Adamski relates that Poles and Germans had intermingled in Europe especially in the Posen district. The Germans who had emigrated to America often wrote to families in Europe telling of the opportunities in America. Hearing the stories, the oppressed Poles asked, "Why shouldn't we go to America too?"

And go they did. And, once in Buffalo they settled near the German neighborhood. They chose to live at first in the Spruce, Walnut, Ash, Pine, Clinton and Genesee St. portion of the city. They worshiped at St. Mary's Church.

"You've got to keep in mind that most Poles in America were from the German-held section of Poland and they could relate a bit to their new neighbors," Msgr. Adamski said. "And, because the language was new to them, they learned English mixing it with the guttural sounds of German, thus the strong accent of first and second generation Poles."

Although the Pole was timid, he displayed a marvelous capacity for self-discipline and thrift.

"The Pole, because of his lack of education and because other nationalities had a foothold in America through early arrival had to take whatever job was offered," Msgr. Adamski said. "The job frequently was dirty and paid poorly. And yet the Pole was able to get food on the table from the meager pay, put away money and even send a dollar now and then to the family still in Europe. If you look at this, it was really an amazing accomplishment."

Msgr. Adamski then pointed out that the goal of every working Pole was to own his own home. He said:

"He was subjected to serfdom in Europe and to own property was a dream. If you want to understand the full meaning of this keep in mind the picture of subjugated Poland where people owned almost nothing.

"And so here you had the Germanic people and the Irish and those of the Jewish faith who came to American early spreading out in business, finance and industry while the Pole was saving his money to buy a piece of land and a home to call his own.

"They were too timid to strike out in bold ventures. They didn't have the education to become professional people. They huddled to the church and in Buffalo they eventually found the Broadway-Fillmore area their Polonia."

The fact that so few Poles were in the ranks of professional people and that so few were in finance left scars in the make-up of Msgr. Adamski. And it seems much of his life has been dedicated to the education of young people, to the goal of pointing out to the Poles that their future is tied up in God and in education.

He has immense pride in Poles who have proven themselves in the world.

"They did it the hard way and have added to the good we find in America," Msgr. Adamski said.

Msgr. Adamski's eyes glow with pride when he talks of Buffalo people and organizations who have contributed to the cultural wealth of the Niagara Frontier.

"You know, there is much more to the goodness Poles have brought with them than just kielbasa," Msgr. Adamski said.

He pointed out that while kielbasa is now accepted nationally as a fine food, so is "barszcz" (a soup), "golabki" (often referred to in English as pigs in a blanket) and "pierogi" (dumplings).

"The real big contributions our people have made can be found in such cultural areas as music," Msgr. Adamski said. "Polonia here can point to such organizations as the Chopin Singing Society, Kalina Singing Society, Arions, Paderewski Singing Society, Moniuszko, Harmonia, Fileraci and others."

And when one thinks back to the recent performances of the Polish singing and dance group, The Mazowce, at Kleinhans Music Hall, it is easy to understand why pride swells the soul of those of Polish parentage.

But, these are changing times in which we now live. The past is history. What does the future hold? Is there still Polonia? If there is, can she exist?

Msgr. Adamski speaks of the future in most concerned terms.

CHANGE TEARS AT POLONIA

(By Edward S. Wiater)

The back of Polonia is broken!

There is almost insurmountable tragedy in this phrase. And many refuse to believe it.

To the millions who found a delightful little bit of Poland in the concentration at the crossroads of Broadway and Fillmore, this pronouncement brings on anguish; perhaps even a desire to turn back the clock. But it appears to be true. And, sadly, Msgr. Adamski acknowledges the developments which are tearing at Polonia.

"There was a time when you found more people shopping in the Broadway-Fillmore area than you had in downtown Buffalo," Msgr. Adamski reminisced. "But, it's no longer that way. Things have changed. The back of Polonia has been broken."

The sadness in Msgr. Adamski's voice was unmistakable when he delivered the last phrase. Just as in the areas of Main St. north of Chippewa, empty stores provide undeniable proof that Broadway-Fillmore is in death throes.

Is this a sudden development? Or has it been coming on since the end of World War II, a time when so many changes have taken place?

As far as Msgr. Adamski is concerned, change in the Pole in America has been taking place since World War I. True, Polonia has been growing since World War I days, but there also has been an exodus. What it amounted to is found in the title of the song, "How Are You Going to Keep Them Down on the Farm After They've Seen Paree?"

The title of the song could really be applied to everyone, however. With World War I conscriptions into military service, men got a chance to see the world. When they returned, America had already started to become a nation on the move. The moving was slow, but it was there.

Broadway-Fillmore prospered and, outwardly after World War II, the district was happy. It was a place to see.

But the winds of change were blowing.

On July 2, 1945, Msgr. Adamski was installed as the third pastor of St. Stanislaus. He felt the winds, but he also felt the overwhelming need to provide the best education possible for the young people of his parish.

A year later, Bishop Colton High School for girls and Bishop Ryan High School for boys were opened to serve the youth of the East Side. He was going to do everything possible to see that more Poles were to get the education necessary to become professional men and women, to be competitive, to be able to throw off the shackles of timidity.

But the winds of change have been relentless.

Msgr. Adamski points with pride to "our people" when he recounts the roles Poles have played in international, national and Western New York developments.

"In this year of Copernicus, it is easy to do so," he said. "But, we have had Poles who played major roles in other years and whose accomplishments weren't really fully appreciated."

Msgr. Adamski had in mind such accomplishments as Poles who said the Niagara River could be bridged and helped to do so, that the Delaware between Philadelphia and Camden could be bridged and helped prove it, and that a monument could be carved in a mountain as a tribute to the Indians and are proving it.

And, while Msgr. Adamski stressed the importance of education, he toiled tirelessly to keep Polonia from disintegrating.

Mass at St. Stanislaus once attracted some 3,000 persons to church at one time. Now, the total is at best about 1,000.

The exodus into the suburbs has been general. Whether it's been for the good is debatable. The winds of change have caught everyone.

The East Side is changing in Buffalo. But so are the West Side, the South Side, the North Side and the core.

And so are the suburbs changing. The mixture is becoming complete.

Is there a comeback in the future for Broadway-Fillmore? Where does Polonia fit in the picture?

Even the most optimistic observer has difficulty generating any enthusiasm at present for a vibrant Broadway-Fillmore shopping district.

The smell of kielbasa is there, the "ski" can still be found on names of store signs and "dzien dobry, pani" (good day, madam) and "dziekuje" (thank you) can still be heard. But, the smell of sausage is not as strong, the "ski" is on signs showing wear and tear and the Polish language is not THE language.

There is a rebirth in downtown Buffalo. But the ember of hope for Broadway-Fillmore, as Buffalonians once knew it, is a weak flicker.

Msgr. Adamski today still counsels his flock. And he speaks of it in endearing terms.

"They are my people," he says proudly.

St. Stanislaus this year celebrates its 100th anniversary. Parishioners have much of which to be proud: the impressive stone church, the modern elementary school and the bright and much-needed athletic center. And Msgr. Adamski has much of which to be proud. "His" children have done well, his drive to provide quality education has paid off.

Although a shadow of darkness seems to be spreading over Polonia, there are recognizable flickers that Poles are capturing the imagination of others. There are Polish chairs of culture in our universities, the Polish language is being taught in more and more schools and Poles and non-Poles are learning, by going to Poland and returning with enthusiasm over their discoveries.

There is a sign over the doors on buildings at St. Stanislaus that reads "Sto Lat." It means 100 years. It is in Polish, also a wish of warmth. Roughly translated it means, may you live to be 100, may you live in good health and good cheer.

With Msgr. Adamski, now in the warm glow of the 80s, it is fitting to say, "Monsignor, sto lat."

Polonia is not what she used to be. But, there are embers, thanks to Msgr. Adamski. It may take another 100 years, but Polonia will rise again. It could produce another Msgr. Adamski. And, if it does, all Buffalo will benefit.

"Sto lat."

BOOM-AND-BUST SCIENCE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the training and effective utilization of those dedicated to the pursuit of science is an important national resource that cannot be ignored. To solve many of our major problems, the abilities of engineers and scientists are not only important but essential. Further, adequate support for the research and development to foster the necessary technology in solution of many of our national problems requires a constant support of research and development in our country. A recent editorial of Monday, October 15, 1973, outlines the significance of adequate and stable support for science and technology. This important editorial follows:

[From the New York Times, Oct. 15, 1973]

BOOM-AND-BUST SCIENCE

Spokesmen for the American science community claim that the United States is falling behind other industrial nations in "the rate of growth and application of new scientific findings." The predictable response to such warnings is to view with alarm only the impact of the lag on competitive military strength. In reailty, far more is involved, as Dr. H. Guyford Stever, director of the National Science Foundation, suggested by citing the decline of new patent applications.

Science advocates are not above the suspicion of acting in the manner of special interest lobbyists. Dire predictions are a familiar technique whenever any group loses Federal funds and favor, especially if partisan purposes can be served by accenting the negative.

In this case, however, all the surrounding circumstances lend both credibility and urgency to the scientists' warning. Dr. Lee A. DuBridge, who joined the appeal, was until recently one of President Nixon's close advisers. What bothers the scientists, without regard for party identifications, is the long-term trend toward allowing scholarly priorities to be determined by a curve which rises and falls in direct relationship to real and imagined national crisis which ought not to affect a nation's academic or scientific commitments.

Thus, if it was inexcusable to let science, mathmatics and foreign-language studies languish in the post-World War II era, there was a touch of the absurd in the return to academic rigor purely as a defensive reaction to the launching of the first Soviet Sputnik in 1957.

Now, academic enterprise has once again slipped downward on the scale of public and official concern. The National Science Foundation reports a decline in science enrollments in two successive years. The number of federally supported graduate students in science is down by 10 per cent—and by 20 per cent in mathematics alone.

Scholarship and research are caught between the penny-pinching of economy-minded conservatives and the hostility of those, at the other end of the spectrum, who equate science expenditures with support of the military. A more realistic view of national needs should make it evident that none of the nation's and the world's critical problems—from environmental issues to the urgent need for food, energy and transportation—will be solved without the innovative contributions of trained minds. The continued boom-and-bust cycles in support of education and research constitute a costly waste of the nation's human resources. Perhaps the President's recent presentation of the National Medal of Science to eleven top scientists—the first such awards since 1970—represents a signal of Administration desire for a sounder approach.

SERIOUS QUESTIONS ON PUBLIC FINANCING OF FEDERAL ELECTION CAMPAIGNS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HEINZ. Mr. Speaker, as a result of Watergate, Congress is devoting much time and consideration to legislation that would curb the abuses of campaign spending.

The Senate has already taken action on legislation that promotes public financing of elections. However, I would urge my colleagues in the House to exercise restraint before enacting any measure that would use taxpayers dollars to pay for campaign expenses. We must understand completely the implications of public financing before we—as a result of strong public demands growing out of Watergate—approve any legislation of this type.

"Politics and Public Financing" is the subject of two articles, one written by Philip M. Stern and the other by George Thayer, which appeared in the Washington Post on October 7, 1973. Stern and Thayer carefully analyze the pros and cons of paying Federal election campaign expenses from the Federal Treasury.

Since there seems to be hot debate but little public understanding of this issue, I recommend that all my colleagues closely consider these two thoughtful pieces:

TOO MANY LIMITS

(By George Thayer)

What can be done to improve our campaign financing practices? The first thing we must do is to ask ourselves what kind of a political system we want. Presumably, it should be dynamic and flexible, open to all comers, competitive, capable of attracting the best minds and candidates and provide a forum for debate, new ideas and national reconciliation.

Campaign financing reforms should be molded around this ideal. We should work toward creating a broad-based financial system in which the bulk of all contributions come in sums of $500 or less.

One scheme that will probably not improve matters is the $1 checkoff plan, a provision of the Revenue Act of 1971 which does not go into effect until the 1976 elections. A revival of an old idea previously introduced by Sen. Russell Long in 1966, the plan would allow a taxpayer to earmark $1 of his tax payment to the party of his choice. Once the party picks its presidential nominee, the money would be turned over to him to spend as he chooses. If the candidate accepted this form of fund raising, he would have to forgo other forms of financing. Indeed, if a contributor gave more than $1, the excess amount would be deducted from the total the candidate could receive from the checkoff fund. Tax authorities believe that over $20 million will be available for each presidential candidate in 1976 from this scheme.

LIMIT ON SPENDING

At best the plan is of dubious value. In the first place, if private funds are spent independently on behalf of a candidate, can such money be applied against the candidate's total allowable limit without a bitter fight—indeed, chaos—breaking out? Is not such a scheme an abridgement of First Amendment rights for those citizens who wish to express their support for candidates in more substantial ways?

Second, it puts a limit on presidential campaign spending that is totally arbitrary. The amount to be spent is determined by taxpayer whim rather than the needs of the democratic process. Suppose, for instance, taxpayer interest in the scheme waned and only, say, $10 million was raised for a particular presidential election. Is that the amount we should be spending to elect a President? Most Americans undoubtedly would say no.

Third, the money is to be contributed to parties prior to nominees being selected; thus a $1 donor might find himself having contributed to a party whose nominee he does not support. Furthermore and fourth, Americans have historically supported *individuals*, not parties, with their money. This plan would enshrine the two big parties as permanent bodies on the political scene.

Fifth, such funds will tend to perpetuate the incumbents in power. The 1968 Democratic debt, in retrospect, has had a revitalizing effect on the party and, as such, is a healthy development; had its leaders been guaranteed huge sums every four years, yesterday's losers would probably still be running the party.

Sixth, such a scheme will undoubtedly wreak havoc on state and local parties because, without a fund-raising role, they will be downgraded in importance and deprived of one of their major functions. Party control will become centralized in the candidate with the money, the faithful will feel less needed, and volunteers would probably become difficult if not impossible to find.

PUERTO RICO'S WAY

Another frequently suggested solution to our campaign financing inequities is federal funding, in which all or part of the money needed in presidential, House and Senate races would be simply appropriated from general tax revenues.

Puerto Rico has had such a subsidy system since 1957. It allows each of the three major political parties (Popular Democratic, Statehood and Independence) to draw against a fixed allotment in off years and a larger fixed allotment in election years. A party is allowed to harbor its financial resources in off years by accumulating unspent balances of up to 50 per cent of the yearly allotment. The private solicitation of additional funds is not prohibited.

The trouble with this and other similar schemes is that guaranteed money tends to entrench politicians in power; it strengthens the power of the existing parties and guarantees that they will remain on the scene for years, regardless of how spiritually and politically bankrupt they may become; it hinders the rise of new talent to the top; and it makes life difficult for splinter parties that cannot compete financially.

Partial government subsidies used for specific purposes are not necessarily regressive, however. Many Western European governments underwrite costs like election-day expenses, television time and free mailings.

Eliminating such partisan political expenses as pollwatching, "walking-around money," babysitting fees and so forth could reduce the costs of some campaigns by as much as 30 to 40 per cent. The costs could be picked up by the local, state or federal governments out of general revenues. Of course, there would be stiff opposition to such a plan from local leaders whose political power derives in part from their financial clout on election day.

The British government also assigns during elections a certain number of free hours of television and radio time to the major political parties. Each can use its time as it sees fit.

A similar plan would be beneficial in the United States. The major television and radio networks should give a prescribed number of free hours each election year to Republican and Democratic candidates for President, Vice President, the House and Senate, governor and mayor of cities over 200,000 in population. Minor political parties should also be given some free time, perhaps basing the amount on the number of signatures each collects. Furthermore, a bonus plan should be available to those who use their time for public debates and presentations of 15 minutes or more.

The private purchase of time should not be prohibited (to do so might be an abridgement of First Amendment rights), but the free time made available should be close enough to the saturation point so that large amounts of additional purchased time would be deemed unnecessary.

A similar scheme could be worked out for the primaries: Each candidate for office would be given a small amount of free television and radio time which he could supplement with his own funds. The purpose in both instances would be to guarantee a basic access to the broadcast media, to help relieve the financial pressures of broadcast campaigning, to promote rational political discussion and to stimulate citizen participation.

The British government also underwrites one free mailing for every parliamentary candidate. Such an idea should be adopted here in the United States right down to the local political level. Every announced candidate for office should be allowed one free mailing throughout his election district. (Rules limiting an individual's mailing to one sheet of paper, to be sent third class, the addresses broken down by the candidate by zip code and street number, all of which would have to be delivered to the post office by a certain date prior to the election, would surely cut down on the postal overload.)

DISCLOSURE IS CORE

Adopting some of the good ideas from other countries, however, will only partially ameliorate the problem. What is needed most of all is sufficient conviction to use the homegrown ideas already available.

More than anything, we must work to secure the vital centers of our campaign financing law. The fact that we do not, and probably will never have, a perfect law should not be of particular concern, because if we strengthen those vital centers the peripheral inadequacies, loopholes and inconsistencies will fade into insignificance.

Disclosure is the vital core of campaign finance law. The provision of the 1971 act, as written, are quite comprehensive and only minor loopholes remain.

One of the loopholes that could be closed is that which allows, through lack of clarity in the law more than anything else, foreign corporations or nationals to contribute, as happened technically in the Mexican and Luxembourg laundry operations.

Another loophole that should be closed is that which tacitly allows corporations and unions to lend their jet aircraft to candidates. There should be a flat ban accompanied by stiff fines for any candidate for federal office, or federal officeholder, using corporate or union transportation, or any other costly "courtesies."

Another vital area is the one that guarantees, and indeed encourages, dynamic, open and freewheeling elections. In this regard, several sections of the law are in need of revision. One is Section 315 of the Communications Act, known as the "Equal Time Provision," which hinders debate between serious candidates for a particular office because all candidates, no matter how frivolous, for the office are required to be given equal air time.

If this section were repealed, minor party candidates would not necessarily be denied access to the media. On the contrary, the Federal Communications Commission has encouraged stations to offer free time to minor party candidates as part of their community service function. In fact, in 1972, many minor party candidates received free exposure, but at the same time there were no debates or public discussions between Nixon and McGovern or even their surrogates.

A further provision of the law that needs eliminating is that which limits media expenditures to 10 cents per voter. Although the law appears to curb profligate television and radio spending, it is in fact an invitation to break the law, despite the cost-of-living escalator clause, because of the competitive nature of American politics. There should be no laws limiting how much can be spent, but only the manner in which money can be raised. Candidates will spend every cent they can get their hands on, and to set a limit, as the old Corrupt Practices Act attempted to do, is to make lawbreakers of every person running for office.

CONTROL FUNDS AT SOURCE

Another vital center is the one that seeks to clamp down on the power and influence of special interests. The most effective way to do this, in addition to complete disclosure, is, as has been noted, to control campaign funds at their source. While it would be distasteful, and probably unconstitutional, to legislate a monetary limit on total contributions, the influence of "fat cats" could be diminished somewhat by requiring that all cumulative gifts over $3,000 be subject to the gift tax, regardless of how many political committees the money passes through.

The ban on contributions from business and union general operating funds should also be rigidly maintained. The problem here is less with a weakness in the law and more with a weakness of government officials to prosecute violators.

The personal spending limitations in the Federal Election Campaign Act of 1971 placed on candidates for the presidency and vice presidency ($50,000), the Senate ($35,000) and House ($25,000) on their face appear unconstitutional and should be replealed. If it is legitimate for one person to contribute unlimited sums to another (even if the gift tax applied), why should a candidate not be able to spend as much on himself? Surely this abridges a man's freedom of speech.

The sentiment is right: the law seeks to bar rich men from buying office. But have rich men bought their way in? History has told us, in the words of stockbroker Fergus Reid, that "the graveyard of American politics is strewn with the bones of rich guys who didn't make it," and that those wealthy individuals who have succeeded in politics through the use of their own money have gone no farther than they deserve. There should be a ceiling on contributions only if large funds pose a direct and substantial danger to our political process which cannot be controlled by alternative measures, and it has never been proved that such a danger exists.

The danger of rich men in politics is not a general one, but is specifically limited to primary elections. There, a rich man whose only qualification for office is his money can do particular damage, because he does not have to compete in the political marketplace for his funds (which in itself is a winnowing process), and he forces the voter to give him attention which he might not otherwise merit. The time spent examining his qualifications, or lack of them, inevitably reduces the amount of time the voter could spend analyzing the assets of more qualified candidates.

As a result, a "fat cat" candidate's money can distort the process, as John F. Kennedy's did in the 1960 presidential primaries and as Richard Ottinger's did in the 1970 New York primary. But in the general election, a rich man's money becomes less important because traditional party sources are tapped for the bulk of the necessary campaign funds.

The problem, therefore is to balance the influence of wealthy candidates with less wealthy ones in primary elections. One way this can be done is by offering certain free services, such as television and radio time and election-day expenses, to all comers, both rich and poor alike. Another way to equalize the imbalance without abridging individual rights (through arbitrary spending and contribution limits) would be to require an even stricter accounting of funds prior to the primary election day. For instance, the law might be expanded to require disclosure reports on the 25th and 35th, in addition to the 15th and 5th, days preceding the primary. In our zeal to give every break to a candidate of average financial means—a worthy goal—we do not want to end up taking away rights from others.

MATCHING FUND PLAN

Yet another vital center and perhaps the one best suited to minimize the influence of the rich and the powerful, is that body of law which encourages small, broad-based contributions. The provisions of the Revenue Act of 1971, which allow up to $100 in campaign contributions to be deducted from a joint tax return, appear to be the best means to achieve this goal.

Although there are critics who argue that democracy should not be tax deductible, such a scheme has been used successfully in the past to finance many worthy causes. This provision of the law could be improved, however, by periodically increasing the limit to cover the full cost. A tax-deduction limit today at $300 per couple, for instance, would not empty the U.S. Treasury, yet it would free candidates from heavy dependence on "fat cats" and the real or implied debt that comes with their large contributions.

The federal government should also institute a matching fund plan, in which every dollar raised from small broad-based solicitations such as the tax-deduction device would be matched by an additional dollar. Bonus money could also be offered in addition where expenditures are channeled toward activities that promote vigorous debate and discussion. Such a plan would further reduce both the inequities between the wealthy and the not-so-wealthy, and the power and influence of "fat cat" contributors.

The most vital element of all, of course, is American society itself. Nothing in the realm of campaign financing will change substantially unless we change some of our habits and attitudes. Adherence to our campaign financing laws will never improve until we change our attitude toward the enforcement of all our laws. It should not be surprising that our lax attitude toward enforcing many of our laws spills over into the manner in which we enforce our campaign financing laws.

Any attempt to curb the power and privileges of special interest in politics will occur only when we curb such interests throughout society. Until monopolies, polluting industries, price-fixers, closed-shop unions, lobbyists, elitist professions and the like are brought to heel, it is unreasonable to expect them to be brought under control in our political process.

A GREAT BARGAIN

(By Philip M. Stern)

With remarkable rapidity, public financing of elections has suddenly become an enactable and widely debated program. It won 38 votes in the Senate on July 26 (not counting seven announced proponents who voted nay on procedural grounds); it was the subject of Senate hearings in September, and it is attracting new adherents who heretofore have been cool or opposed to the idea—ranging from the AFL–CIO to George Spater, the former chairman of American Airlines who admitted responding to Nixon fund solicitation with a $55,000 illegal contribution of corporate funds.

As the debate proceeds, new facts and arguments for public financing are being advanced and some old objections are being answered. For example, some new calculations by the Center for Public Financing of Elections may allay one of the main fears about federal aid to campaigns: the potential cost to the taxpayers, especially if the lure of federal assistance produces a deluge of candidates in primary contests. The Center has calculated that, even under the broadest and most generous plans thus far proposed, the cost of federal assistance in all elections—primary as well as general—for the House, Senate and the presidency, would not exceed $262 million a year, or $1.88 for each of the 140 million eligible voters in America.

TWO ASSUMPTIONS MADE

Seeking to build its cost overruns into its projections, the Center's $1.88-per-voter figure assumed a trebling of the number of congressional primary candidates over those who filed in 1972. But the Center also found that even if the number of candidates were to quadruple, rather than merely treble—that is, even if an *average* of 14 House candidates in each congressional district and 26 Senate candidates in each state were to enter the primaries *and* quality for federal assistance—that would merely add 30 cents per eligible voter to the annual cost of public financing of elections.

Even then, the cost per voter would be little more than $2 per year. That is about one-hundredth the projected cost over the next decade of cleaning up the environment—surely not an excessive price for cleaning up American elections.

BARGAIN OF THE DECADE

Indeed, public financing of elections would be the greatest bargain of the decade for taxpayers and consumers, since it would remove the hidden costs of financing elections, which mount into the billions every year.

Take, for example, just two governmental decisions that were hugely expensive to the public. The first involves the $500 to $700 million in higher milk prices that apparently resulted from the contributions to the Nixon re-election campaign by the major milk producers. Prior to the dairymen's display of generosity, the Secretary of Agriculture could find no evidence to justify an increase in the government support price of milk. But after the dairymen had met personally with the President and after they had begun pouring what became more than $400,000 into the Nixon campaign chest, the Agriculture Secretary discovered new "evidence," and announced a boost in the support price of milk that is now costing millions of milk buyers some $500 to $700 million a year in higher milk prices—twice to three times the maximum annual cost of federal campaign assistance.

Secondly, in 1970, Mr. Nixon refused to abolish oil import quotas, as recommended by his own Cabinet task force, and thereby deprived tens of millions of oil consumers of a $5 billion annual saving—20 times the yearly cost of public election financing. That is, the President sided not only against his own Cabinet's portrayal of the national interest but against tens of millions of consumer-voters and in favor of a single industry whose members had contributed at least $500,000 to his 1968 election campaign.

If the existence of public financing of elections could have prevented (or reversed) just those two governmental decisions that would have netted the taxpayers a 200–300 per cent return on their public-financing "investment" in the case of milk and a 2,000 per cent return in the case of oil.

Is it reasonable to suppose that public financing could have that effect? I think so. In the milk and oil cases, the influence of big contributors was potent enough to prompt a President, faced with the task of raising millions of dollars from private sources, to risk angering millions of voters. But suppose, in both cases, that public financing had been in effect, with the campaign fund assured in advance, and with the President beholden equally to every voter for it. Under those circumstances, wouldn't a politically-sensitive President be far more inclined to side with the millions of voters rather than with the handful of donors?

CAPITAL GAINS TAXES

Certain tax preferences, whose benefits are confined to the very rich, represent an even more blatant flouting of the one-person-one-vote principle—at enormous expense to the average taxpayer who contributes little or nothing to political campaigns. For example, the favored taxation of capital gains costs the taxpayers $14 billion a year. Who benefits from that tax preference, and who foots the bill? Hard Internal Revenue Service statistics provide the answer: 90 per cent of all taxpayers receive no capital gains and are thus wholly excluded from the blessings of this tax favor; only 1 per cent receive a significant amount of capital gains each year. That means that the lowest 99 per cent of the people are footing a $14-billion bill for the top 1 per cent.

Now, given that astounding 99 to 1 ratio, why aren't more candidates for office clamoring for the repeal—or at least the substantial tightening—of this preference-for-the-rich-only? The answer lies in the universal dependence of candidates on large contributors.

An illustration will show that this is more than pure surmise on my part: in 1970, Joseph Duffey, then a candidate for the U.S. Senate from Connecticut (as well as national chairman of ADA), had the temerity to propose repealing the capital gains preference. And what happened? First, a businessmen's fund-raising lunch in New York was abruptly canceled; then, many of Duffey's wealthy (albeit liberal contributors descended upon him in indignation. Such a reaction hardly encourages a candidate with a million-dollar campaign budget to espouse causes offensive to the wealthy, from whom the bulk of his campaign funds emanate.

But, if all candidates for federal office could be assured in advance of a minimum campaign budget, supplied equally by all the voters, reforms that offend the wealthy would no longer be politically "out of bounds," far more candidates would be willing to debate them, and, as candidates' silence was broken and the public became educated as to who was benefiting and who was paying the bills, I believe that many of these preferences for the rich would soon be repealed or substantially tightened. To the extent that is true, then the billions that now are affected by these preferences must be reckoned as part of the cost of the present system of private, fat-cat-dominated financing of campaigns.

Public financing would net far more than a dollars-and-cents return. It would open up politics not just to new ideas but to new faces. In his forthcoming book, "Who Shakes the Money Tree," George Thayer argues that federally provided campaign funds would merely serve to entrench those already in power. But a new study of the 1972 elections by Common Cause shows that it is the present system that favors the incumbents and deters their challengers. In the 1972 congressional campaigns, incumbents raised more funds than challengers, on the average by 2 to 1. They were especially dominant over challengers in attracting the funds of organized groups of contributors.

This, of course, merely compounds the advantages inherent in officeholding (greater public renown, better access to the mass media, government-paid staffs and mailing etc.). Little wonder that, since 1954, more than 90 per cent of House incumbents who have sought re-election have successfully fended off challengers.

UNCONTESTED ELECTIONS

Even those figures don't tell the whole story, for they do not speak of the remarkable number of congressional elections that, under the present system, are uncontested. In 1972, fully half of all House primary elections were uncontested. Even in the general election, the winning candidate had no opposition in 53 congressional districts. Lack of money is of course not the sole cause, but it is surely a major factor.

But the heart of the problem lies in the universal candidate dependence on large contributors—and by large contributors, I do not mean solely the super-rich like W. Clement Stone, who has bestowed no less than $4 million on the 1968 and 1972 presidential efforts of Richard Nixon. It goes much deeper than that.

After all, only a tiny fraction of the population can afford to give $100 or more to a single political candidate. And yet, two-thirds of all congressional campaign funds raised in 1972 came from $100 and over contributors. Even in the case of Sen. McGovern, whose direct-mail solicitation of small gifts was remarkably successful, $21.3 million of his 1972 presidential campaign funds came in gifts of $100 and more.

Tighter disclosure laws will not reduce that dependence on large givers; neither will ceilings on campaign spending, which still leave candidates faced with the need to raise large amounts of money. It's doubtful, too, that tax incentives alone will solve the problem: such incentives were in the law, in 1972, yet nearly two-thirds of all congressional campaign funds still came from a small segment of the population.

The only way to do away with the large contribution is to make it unnecessary; and the only way to do that is to assure each candidate a minimum campaign budget, for which he will be beholden equally to all his constituents—that is, from tax-supported funds.

And why not? Election campaigns are, after all, very much the public's business—and one of the few examples of the public's business not financed by tax-supported money. Every other aspect of elections—registration, printing and counting of ballots, purchase of voting machines, etc.—is paid for by the taxpayer, in the interest of honest elections. Private financing of those activities would be unthinkable.

Yet campaigns are an integral part of the election process; why should they be *entirely* privately financed, especially in the face of the overwhelming evidence that the present system badly warps the entire democratic process, giving vastly more weight to the big giver than to the average voter?

METRIC SYSTEM

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ESCH. Mr. Speaker, the House Science and Astronautics Committee has approved legislation to start the United States on the way to conversion to the metric system. The bill is now pending before the House Rules Committee.

The legislation would create a special board to report a plan for implementing the changeover within a year. If Congress agrees, the plan would go into effect during the next 10 years on a voluntary basis.

As an indication of the attention the metric system is getting around the Nation, I offer for the Members' attention the following excellent article by Emer E. White, of the Michigan Press Association:

Metric System

(By Elmer E. White)

Americans might as well get used to the idea. It won't be long before you'll be going to the store for a couple of liters of milk and a half kilo of butter.

The metric system is going to come to this country. The only question is when.

At present, we are the last major industrialized nation on the earth to measure distance by inches, feet, yards and miles; weight by pounds and tons; bulk by pints, quarts, gallons and bushels. That puts us in company with such nations as Southern Yemen and Tonga.

The metric system can sound very complicated to someone who never had to deal with it, but it actually is much simpler than what we have. In it, all units are based on increases or decreases of one decimal point.

The basic unit of length is a meter—a little over 39 inches long. But instead of being divided into three parts (feet) or 36 parts (inches) like a yard, it is divided by tens. Thus one-tenth of a meter is a decimeter, one-one hundredth is a centimeter and one-one thousandth is a milimeter. The same goes for liters, which measure bulk, and grams, which measure weight.

Americans already have begun letting metric terms slip into their language. The huge influx of foreign cars, for example, has quite a few Americans talking about "two liter" engines or "five liter" engines where a few years ago cubic inches were the only measurement used to describe displacement.

For many people who grew up with our current system, the changeover could be traumatic. Some may never really feel comfortable with it. But if your children are young enough, they may grow up with the metric system wondering how on earth anyone ever understood all that gobbledeegook about inches, pounds, ounces and all that.

The Michigan Department of Public Instruction already set up requirements to insure that all match and science textbooks sold in Michigan after June, 1976, use the metric system as their dominant form of measurement.

All this means instead of a grammar school math book having a story problem about how much candy Sally has if she buys eight ounces in one store and seven in another, it will ask how much she has if she buys 500 grams in one store and 450 in another.

To help people confused by the conversion, the department is developing a pocket card on metric transition for use by anyone who wants it.

While it may look imposing, after a few weeks or months with it, most people should get along quite well.

And with the rest of the industrialized world using the metric system, and the United States needing to increase its trade with other countries, the changeover can help greatly.

The major corporations are already working on the change. In fact, Ford has built a $100 million plant in Lima, Ohio, to build engines which will be based on the metric system.

CITIZEN'S RIGHT OF PRIVATE PROPERTY

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ROUSSELOT. Mr. Speaker, Columnist and Editor Dick Tracy, of the San Gabriel Valley Tribune, in my 24th Congressional District in California, has called attention to the fact that pending land-use legislation threatens to establish total Government control of all lands in the United States. H.R. 10294—a successor to H.R. 6894, the bill Mr. Tracy discusses—is currently being marked up by the House Committee on Interior and Insular Affairs. This bill would require the States to establish comprehensive land-use planning programs, with an associated bureaucracy which would have a veto over local land-use policy actions. The State plans would have to be acceptable to the Federal Government, or else the Department of the Interior could impose its own plan and cut off large amounts of Federal grant funds.

While the supporters of this bill claim it is to protect the environment, it actually contains several provisions which would interfere with the ability of localities to establish and enforce their own environmental standards. For example, section 105(e) requires the State master plan to "assure that local regulations do not unreasonably restrict or exclude development and land use of regional or national benefit." This is an antienvironmental provision if I have ever seen one, and it is antilocal government, as well.

The fifth amendment provides that:

> No person shall "be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Since H.R. 10294 would subject private property to unprecedented State and Federal controls without providing either due process or just compensation to the owners, I believe it is unconstitutional.

As I stated before this House on September 19, "if we pass the land-use bill we will be foregoing this very basic right in return for a vague promise of environmental preservation, regulated by the Government."

I submit for my colleagues' attention the full text of Mr. Tracy's column of October 21, 1973, as it appeared in the San Gabriel Valley Tribune. I hope this extremely cogent discussion of proposed land-use regulation will be carefully reviewed.

The article follows:

Federal Law May End Private Land Control

(By Dick Tracy)

Under all is the land and he who controls it has wealth greater than gold.

It has been an accepted tenet since the days of feudal serfdom that man has a right to the ownership and control of the land he can acquire.

Yet we know that the freedom to own land and control its use is, in modern society, a limited freedom.

We may be on the verge of losing even that limited freedom.

We may be on the verge of total government control of all land in the United States.

Of course, we may have a title. Certainly we will pay taxes. But government will control the land, totally.

It will be done, naturally, in the guise of promoting the national interest by protecting our environment. The result will be the same, federal control.

Establishment of a federal "land czar" is well along the way to completion in Senate Bill 268, passed 64–21 on June 21, 1973, and entitled "Land Use Policy and Planning Assistance Act."

The next 15,000 or so words in the bill spell the end of the traditional concept of private ownership of land as conceived and understood under the American system of Constitutional government.

A similar bill, H.R. 6894, is before the House of Representatives for action.

At the other end, states are falling into line with the federal intent by approving their own land use commissions, which would, in effect, carry out the dictates of the federal government.

Under Pre-Print Assembly Bill No. 1 by Assemblyman Paul Priolo, a state lana use commission would assume authority over all matters involving real estate from the current Real Estate Commission and all local government agencies.

If a pattern seems to emerge, it's because there is one.

The states would carry out the land use wishes of the federal government or—as we might have suspected—they would be denied federal grants and revenue sharing funds.

In asking for land use control under S.B. 268, President Nixon echoed the call heard in Washington for years by proponents of regionalized government who hold no brief for the tradition of states' rights and the premise that local government is the best government.

Former HUD Chief Robert C. Weaver was quoted as having said: "Regional government . . . would supersede state and local laws. Through this authority, we seek to recapture control of the use of land, most of which the government has already given to the people."

More moderately but no less ominously, Los Angeles Mayor Thomas Bradley said recently: "Americans have always felt the ownership of land somehow gives them the right to do with it what they want. We are no longer able to do that. There have always been some controls, but we are going to have to take them a few steps further."

There has been, to this point, little press attention given the federal land use law. Watergate and war have been too much to the fore.

And, quite honestly, many people in this country are convinced that federal controls is the best—if not the only control if the environment is to be preserved. They view additional federal control as desirable, not despicable.

At the opposite pole stand those who are convinced that land use control is not only socialistic but derives from communism through the evil United Nations.

It may be significant that one of the original sponsors of S.B. 268. Sen. Paul Fannin of Arizona, awakened suddenly to the dangers inherent in it.

Sen. Fannin says the land use policy "would do great violence to our traditional American rights" and warns that through it property owners can be reduced to landless serfs beholden to the lord of the manor in Washington.

The key element which clinches government control under S.B. 268 is its ability to prescribe areas of "critical environment concern" and subject them to severely limited uses.

According to Sen. Fannin, "It is not folly to say that in some states every square foot of private and state land could fall within such a limitless definition." And he points out that lands already owned by the federal government are exempt from the act.

So obviously S.B. 268 intends to control only private and state land, not federal land.

SENIOR CITIZEN'S TAX PROBLEMS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. FISH. Mr. Speaker, we are all aware of the special problems senior citizens confront as they struggle to maintain an adequate standard of living in the face of continuously rising prices. We, in the Congress, have responded to their pleas for help in a variety of ways, including reform of the social security system and expansion of medicare coverage.

Yet, an issue that remains untouched at the Federal level of Government, and that increasingly is brought to my attention by the elderly in my district is the property-based school tax.

Many of our older Americans pay out a large percentage of their incomes for property-based taxes, incomes that are often too small to warrant the payment of State and Federal taxes. This is becoming an increasingly harder burden for the elderly to bear, given our inflationary economy.

No governmental entity has yet come forth with a satisfactory solution to this problem because, as a practical matter, a State cannot eliminate school taxes without insuring another source of revenue. For example, in my own State of New York, while most localities grant a 50 percent property tax abatement for senior citizens who meet certain age, income, and residence requirements, the result is that any taxes lost to the community must be made up through increased levies on the other property owners within a particular community.

While the property-based school tax has generally been held to be matter that each individual State should deal with, I think it would be unrealistic for us to deny that the States are going to need Federal assistance if a workable alternative is to be developed. Further, I believe that a viable alternative must be found because of the hardship that the property-based tax inflicts on our senior citizens.

On September 26, a meeting of the Region 3—New York State Wide/Senior Action Council was held in Newburgh, N.Y. The delegates, representing Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, adopted a resolution relating to this problem. At this point in the RECORD, I would like to insert the full text of this resolution because I think it points up the severity of the problem, as well as the need for a comprehensive study of possible solutions.

RESOLUTION

The following resolution was presented at a regular stated meeting of Region 3-New York State Wide/Senior Action Council, held on Wednesday, September 26, 1973, at Newburgh New York and approved by the duly elected delegates representing Region 3 from the seven participating Counties, namely Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester.

Whereas senior citizens as a group are opposed to the present system of school taxation based on real estate to support schools and

Whereas the majority of the voters at school budget hearings and elections are Senior Citizens, many retired and

Whereas the only income many Senior Citizens have today comes from their retirement or social security and

Whereas one school budget after another has been and are still being voted down, because Senior Citizens cannot afford, in our present escalating economy to pay for school services, and

Whereas the tax structure is driving many Senior Citizens from ownership of property in New York State, to seek living quarters in other States, thereby leaving beloved families and homesteads, and

Whereas this results in the breakup of the family structure, and nurtures despondency and lonliness, now therefore be it resolved

That the support of the schools be based on income and not on real estate holdings and be it further resolved

That the schools be supported through a State and or Federal Income Tax structure, and be it further resolved

That a copy of this resolution be forwarded to the Governor of the State of New York and to each legislator, by our membership and be it further resolved

That we would welcome any support the legislators could and would give to proposals in law, that may be submitted along these lines.

HOT AIR VERSUS CLEAN AIR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BROWN of California. Mr. Speaker, on September 27, in the course of reporting the findings of a recent medical profession symposium on air pollution, I mentioned that the Governor of California has written to every Member of Congress from our State, urging us to weaken the Clean Air Act of 1970.

The San Francisco Examiner, which printed an article describing Governor Reagan's lobbying efforts, subsequently printed a commentary on the subject written by Edward Groth III, Ph. D., a research fellow in the population program at the California Institute of Technology in Pasadena. Dr. Groth recently moved to Pasadena from northern California, where he served as chairman of the advisory council to the Bay Area Air Pollution Control District while working in the biological field at Stanford University. His statement should be of interest to all of us, since we may be called upon to vote on efforts to weaken the Clean Air Act, and I, therefore, submit the article, from the Examiner of October 10, for inclusion with my remarks in the RECORD at this point:

[From the San Francisco Examiner, Oct. 10, 1973]

HOT AIR VERSUS CLEAN AIR

(By Ned Groth)

The amendments of 1970 to the Federal Clean Air Act (CAA) have been hailed by environmentalists as perhaps the strongest and most progressive piece of conservation legislation ever enacted by the Congress. Now, three years after the amendments took effect, an unprecedented political drive is being mounted to cut the act.

Governor Ronald Reagan has now joined the chorus clamoring for "modification" (read: emasculation) of the law, by sending a message to California's congressional delegation, urging the adoption of a nine-point plan to make the CAA more "workable."

Reagan's intent, it seems clear, is to cut out the muscle and sinew, indeed the very heart, of the nation's most important air pollution law.

Reagan would like to see air quality standards lessened, whenever their implementation meant high cost or economic disruption.

He is opposed to the 1975 target date and feels the states should have more freedom to design their own control strategies, rather than have to follow guidelines set down by the federal Environmental Protection Agency (EPA).

These, and other elements that the Governor objects to, are the essential core of the changes adopted by the 1970 Congress—changes which transformed the national effort to combat smog from an uneven, often ineffectual attack into a strong multi-front campaign.

Previous federal clean air laws had required the states to adopt air quality standards. But the old laws had no teeth, and fewer than half the states took the required action.

Under the 1970 law, EPA set national air quality standards and drew up a plan that will work. As a direct consequence of the CAA, many significant new measures to fight smog have been enacted in California in the last three years.

Though much has been done, the tasks still remaining are mind-boggling. The CAA calls for innovative approaches to the control of pollution—regulating land use to control the growth in numbers of sources, and controlling automobile use in order to curb the emissions of the number one pollution source, the private car.

Under the law, such measures must be adopted—but California, and the Bay Area smog board, have moved into this new field of rule-making most reluctantly and gingerly.

The reason is obvious—this approach to smog control runs head-on into some of our biggest social and economic sacred cows; unregulated economic and population growth; transport systems based almost entirely on the auto freeway alliance; oversized, overpowered, gas-guzzling cars; spiraling energy consumption; and accelerating squandering of our finite fossil fuel reserves.

The five-year time span for compliance allowed by the CAA was probably unrealistic for some areas of the country. In smog-shrouded Los Angeles, for example, EPA estimates that present levels of auto traffic must be reduced by more than 80 percent if the oxidant standards are to be attained.

The state Air Resources Board, unwilling to attempt any drastic measures that could achieve such a reduction, has done virtually nothing to this end in three years. At present, EPA is debating whether to impose severe gasoline rationing in the L.A. air basin, the only method likely to work, given the short time remaining.

The problems of Los Angeles and other heavily polluted regions are not insoluble, if the political will power exists to take the needed steps. Reagan clearly lacks that will power; he'd rather ride herd on his sacred cows.

Reagan's proposal to Congress, if accepted, would be a national disaster. The air quality standards that the Governor would like to see relaxed are not arbitrary numbers. They are designed to protect the health of the public, and to prevent the further erosion of the aesthetic quality of life.

The current standards were adopted after a lengthy political process, in which the difficulty of achieving them was weighed carefully, along with the potential health hazards of tolerating higher smog levels. The national standards are in a number of cases less strict than California's own standards, adopted in 1969.

Too much is at stake to throw in the towel the first time the bill comes due for the costs of cleaning up the air.

Reagan's objectives also include removal of the firm compliance dates and the EPA back-up authority from the CAA. These are the heart and soul of the law.

It has been shown time and time again that, without a specific, unavoidable target date, major programs are very often procrastinated into oblivion.

And the most effective spur to state action yet devised is the certain knowledge that failure to act will lead to the imposition of a "solution" from above, one which might be hard to live with.

Some of the more drastic proposals now coming out of EPA, such as gasoline rationing, are potential political dynamite which, in the hands of irresponsible leaders, could be used to blast air pollution control efforts back into the (pre-1970) stone age.

Reagan and his think-alikes hope to capitalize on the certain unpopularity of such measures to rally public support for their campaign to destroy the effective portions of the CAA.

The Clean Air Act is basically sound. It is strong, forward looking, and the most effective law of its type this country has ever had. It is essential that the integrity of the CAA be maintained.

Mr. Speaker, so that my own position on this issue may be quite clear to all interested, I will also include at this point the text of the letter which I sent to Governor Reagan in response to his lobbying efforts:

OCTOBER 9, 1973.

DEAR GOVERNOR REAGAN: On September 20 of this year, you wrote to each member of the California Congressional delegation to urge them to support your proposed changes in the Clean Air Act Amendments of 1970. I have been actively involved in encouraging strong and effective air pollution controls since the 1950's at virtually every level of government. I was one of the Congressmen who urged the adoption of the 1970 amendments to the Clean Air Act. Those amendments established the principle that the federal government would enforce air pollution laws if local and state governments failed to act. After watching your response to this law, I am disappointed, but not surprised that you now ask the Congress to support changes in the law that would, in essence, "gut" the Clean Air Act.

Your recent veto of the South Coast Air Basin APCD bill (AB 2283) demonstrated your lack of concern about cleaning up the air. The reason the Clean Air Act gives the U.S. Environmental Protection Agency the authority to act when states fail to act is because we, in Congress, do not intend to let the citizenry of the U.S. or California suffer because of mistaken inactions by any particular state.

Your letter asks the Congress to remove from the EPA the power to enforce air pollution control strategies. That reserve power is necessary for the protection of the health and welfare of the people. This is especially true when politicians, such as yourself, fail to do their duty and protect the health and welfare of their constituents.

Your letter asks for the Clean Air Act to be rewritten to restrict any standards and controls by the innocent sounding but insidious philosophy of technologically and economically feasible goals. This philosophy invariable means inaction because any changes in the status quo can be called technologically and/or economically infeasible. The health related air quality standards are the only criteria that should be considered in legislation that affects what everyone must breathe.

Your letter called for an extension of the deadlines of the Clean Air Act Amendments of 1970. We may eventually need some extensions, but we will not know what type of extensions to consider until we make a genuine, good-faith effort at compliance with the air pollution control strategies. I have yet to see any good-faith efforts emanate from your office in this field.

I would like to end my response to your letter by challenging you to put the resources of your high office towards solving the continuing air pollution crisis that we have in the Los Angeles Air Basin. I would like to see your office devise an air pollution control strategy which includes transportation and land use controls that would give us clean air. Furthermore, I would like to see you support the federal, state and local financing that would be necessary for any effective control strategy to work. I would like to see you recognize that the oil dependent, pollution plagued internal combustion engine is obsolete. I would like to see you support the efforts to "bust" the state and federal highway trust funds. In addition to these suggestions, I would like to see you direct the state government to be the leader in the implementation of the various pollution reducing suggestions that exist and set an example for the rest of the nation. Once you, as the Governor of California, demonstrate that you can do a better job at air pollution control than the U.S. Environmental Protection Agency is doing, then I, as a Member of Congress will be ready to believe that your proposed changes in the Clean Air Act are justified and in the best interests of the health and welfare of the people of California.

Sincerely yours,

GEORGE E. BROWN, Jr.,
Member of Congress.

BRONX RESIDENTS HELP THEMSELVES COPE WITH GOVERNMENT REDTAPE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BINGHAM. Mr. Speaker, on several occasions I have had the pleasure of rising to describe the cultural and civic accomplishments of Bronx County, N.Y. Today, I would like to advise my colleagues of a most unusual service available to residents of the Bronx. The Citizens Advice Bureau, which operates out of a storefront in my district, is a private, nonprofit organization providing free counseling and information services for people having problems with Government. The service is unique, first because it centralizes information about Government needed to cope with bureaucratic redtape, and second, because it helps its clients to use that information to solve their problems.

The "problem solvers," as the CABers call themselves, see between 650 and 750 persons in need of help each month. For the elderly, and others unable to travel about town to deal with the various governmental agencies, the need for such a service is obvious.

As the article below, which appeared in the October 30 New York Post, makes clear, the CAB has had a great deal of success. I congratulate the bureau on its efforts, and commend the idea to my colleagues for consideration:

A POOR FOLKS' ADVICE BUREAU

(By Peter Freiberg)

They come into the storefront at 2103 Grand Concourse for a variety of reason's: a tenant claims harrassment by his landlord, an elderly couple wants senior citizen transit passes, a widow needs help in filling out a Medicaid application. Sometimes, they come in simply because they are lonely or frightened.

Although information or help might be found elsewhere, obtaining it would usually mean a trip out of the neighborhood and a battle with government red tape.

But since July 1972, West Bronx residents have been able to take advantage of a unique storefront operation—a Citizens Advice Bureau, reported to be the only one of its kind in the country.

A BRITISH PROGRAM

The idea for the CAB came from Mildred Zucker, a veteran New York social worker who had studied the British network of advice bureaus and concluded New Yorkers could benefit from them also.

The Bronx CAB was established with financial support from the Greater New York Fund under the co-sponsorship of the West Federation and the Federation of Protestant Welfare Agencies.

Heading the CAB is Edward Kaufman, a 30-year-old social worker. Working with him are Hilda Pagan, his assistant, two graduate social work students and a half dozen volunteers from the Ethical Culture Society of Riverdale.

The CAB is partly a "middleman," giving the citizen enough information to get a needed service without wasting time and energy going from agency to agency.

But it is also an advocate—calling, writing and badgering agencies on behalf of individuals seeking help. It is open weekdays from 9 a.m. to 5 p.m.

"PROBLEM-SOLVERS"

"Most other organizations and agencies that give information don't specialize in it, like we do," said Kaufman. "We see ourselves as problem-solvers."

About 8300 people visited the bureau in its first year, and they are still coming at the rate of 650 to 750 a month. More than 60 per cent are elderly, and the majority are white. Most are poor.

"People don't know where to get a service," Kaufman said. "And if something comes along, and you've never gone through the bureaucracy, it's a difficult thing to do. Even people with good education, people with money—have problems."

Sometimes a person is relatively easy to help, like the woman who had been trying for three years to get $500 the Social Security Administration owed her."

"We started calling around," Kaufman said, "and two weeks later she came in smiling and holding her check."

Often, more effort is required for success. Max and Miriam Schwadron came to the CAB for assistance after they received what they considered an illegal rent increase.

A REDUCTION INSTEAD

The bureau advised them on how to protest the increase. "So instead of a rent hike," said Mrs. Schwadron, "we got a reduction, and now we're due for another reduction."

One day last week Hazel Shackelford, 60, who has been on the city Housing Authority's waiting list since 1970, asked the CAB if it could get the city to move faster on her apartment request.

Harriet Buyon, a CAB volunteer, called the Housing Authority, as she had once before on Mrs. Shackelford's behalf. She was told the woman had been placed on the "emergency waiting list." "If you don't hear soon," Mrs. Buyon advised Mrs. Shackelford, "come back and we'll call again."

But in some cases, there is nothing the CAB can do. Kaufman tells of one widow in her '70s who has $203 on which to live. After she pays her $100 rent, she is left with about $25 a week to spend.

"She comes in here and cries and cries and we can't do anything," says Kaufman. "But it's something that a humane society would never allow to happen. She's worked hard, been a good citizen, and she's just thrown to the dogs . . . and she's not an isolated case by any means."

CONCERN IS CRIME

The "overriding concern" of residents in the Concourse area, according to Kaufman, is crime. "Until steps are taken to correct the housing crisis and ensure the safety of residents in the area, the neighborhood cannot be stabilized," Kaufman said. Without such steps, the West Bronx is certain to become a ghetto, he predicted.

Kaufman would like to see CABs in neighborhoods throughout the city. He says his experience in the Bronx has also reinforced his views about the need for decentralization and some degree of community control over services.

"If services were decentralized, without people having to go downtown to Manhattan or elsewhere, it would solve a great deal of the problem," he says.

WEAPONS SHORTAGE: SHORTING PETER TO SUPPLY PAUL

HON. ANDREW J. HINSHAW

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HINSHAW. Mr. Speaker, I believe the war now going on in the Mideast between Israel and the Arab States has created a situation for this country which deserves the urgent attention of this Congress.

The situation to which I refer is our decision to provide additional military supplies and materiel to the Israeli Government so as to keep the balance of power in the Mideast as it was prior to the outbreak of the current hostilities.

I am confident that we are primarily concerned with bringing the hostilities to a halt. At the same time, however, I believe we need to concern ourselves with replacing the Department of Defense stocks which are presently being transferred to the State of Israel. This concern is doubly important at this point in time in that our weapons reserves have already been seriously depleted, because of our long involvement in Southeast Asia.

It is with this thinking in mind that I have sent the following identical letters of this matter to Chairman MAHON, of the Appropriations Committee, and Chairman HÉBERT, of the Armed Services Committee:

DEAR MR. CHAIRMAN: I have, with a good deal of interest, followed the attitudes of many of our colleagues urging that we undertake the resupply of military materiel to Israel.

I have also noted the actions which have been taken by the Administration to keep the present balance of power in the Mid-East—which includes some replacements of weapons lost by Israel in the fighting in that area. In this regard, I have been particularly impressed with the competence demonstrated by the men and women of the Department of Defense in meeting these demands both in the shortest period of time and with the highest degree of professionalism.

At the same time, I feel that you share my view that we now want to take the necessary steps to assure that these supplies are not being provided at the expense of our own Department of Defense resources to meet both our present needs as well as our capability to meet future contingencies.

I strongly feel, to the extent the stocks have been drawn down from our own reserves, that prompt action needs to be taken to restore them with equipment and the materiel required.

It is my understanding that the materiel being supplied to Israel is being provided as a cash sale and the funds made available through this sale will be provided to the Department of Defense to replace items drawn from its inventory. However, I think it likely that the receipts from these sales will, in many cases, be inadequate to cover the costs of replacement items. I expect that this will be true, first, because the elapse of time between the original procurement of these items and the procurement of their replacements will be such that inflation alone will increase the replacement costs above the amounts charged to the Government of Israel. Secondly, it is possible that some of the items provided to Israel were costed on the basis of used rather than new equipment. If this is true, this will be another source of a deficiency in funds for the procurement of replacement items.

In both of the cases cited above, all the Members of the Congress should be alert to this new need for increased funds for the Department of Defense and we should also be prepared to support legislation to provide these funds just as quickly as we have been to support the transfer of this materiel to the Government of Israel.

I recognize that both authorization legislation and appropriations for the Department of Defense may, and should, draw increased support from Congress merely as a result of a broader recognition that there is a continuing and urgent need for Congressional action to provide strong support for our national security. However, I question whether the regular authorization and appropriation measures which had been prepared and considered by the Congress *before* this recent action to resupply Israel can be expected to meet the concerns I have discussed above.

I will strongly support any actions that you feel should be taken to meet the unique requirements placed on the Department of Defense as a result of the resupply action and stand ready to assist you in any way that I can.

NORTHERN IRELAND

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. MOAKLEY. Mr. Speaker, I am pleased to bring to the attention of my colleagues and the public at large the following articles on Northern Ireland by a constituent of mine, Mr. Fred Burns O'Brien of Boston:

[From the Irish People, Feb. 17, 1973]

THE IRISH POLICE STATE

(By Fred Burns O'Brien)

A series of measures has been taken recently by the Government of Ireland directed against so called terrorist elements, more specifically, they seek to silence the Irish Republican Army, which has abstained from any act of violence in the Republic. The only reason Prime Minister Lynch has taken the repressive course against his own people is that he has made a deal with the British Government and has advance knowledge of what the British will publish in their upcoming White Paper on the future of the North. In order to risk the displeasure of his people, Mr. Lynch has to have assurances from the British that they will announce the eventual reunification of Ireland and make John Lynch the hero. For this, the Irish Prime Minister has taken steps that in reality remove basic protections within the administration of justice from the Irish people.

In the first instance, the headquarters of Sinn Fein, a legal political party in Ireland, was closed by the Government of John Lynch. Sinn Fein is the oldest party in Ireland, North or South. The mission of Sinn Fein is political. It is to use its political persuasion to convince the people of the validity of Republicanism and to offer dissent towards the Government. The Constitution of Ireland is premised on the basis of Republicanism which is the goal of Sinn Fein—a united 32-County Irish State. Sinn Fein has served to remind the Government of their pledge to unite Ireland. Sinn Fein does support the IRA Campaign in the North because they do not draw the line that peaceful means are the only ones to be utilized in fulfilling the mission of the Republicans.

Peaceful means have been attempted and their failure brought violence in their wake. When the Government has to resort to such tactics as the elimination of its opposition then it is in fear of itself and makes an admission of its failures. The words of dissent must ring true if a state must prevent free speech, as its own rebuttals fall short of belief. The Government has not taken its measures for the protection of the people as it would have the outside world believe. Instead, it has forged a policy to rid itself of concrete dissent.

Article 40(1) of the Constitution of the Irish Free State gives citizens the right to express freely their convictions and opinions. It is reasonable to assume this applies to all citizens not just those approved by the Government. The words of Sinn Fein obviously have an adverse effect on the Government and they are feared all the more for being true. Normally a state fears the truth, because a Government can always weather any false allegations, but the truth is difficult to escape and to suppress it sets the state involved on the path of a police state.

The Government may consider the policy of Sinn Fein seditious and therefore punishable by law, but the Sinn Fein Party only follows consistent policy laid out over fifty years ago that set guidelines of what Irish

Independence is all about. Each successive Irish Government since the institution of The Irish Free State has professed an allegiance to the very policy of Sinn Fein, but the party itself, the purveyors of the policy, is now considered seditious. To consider Sinn Fein seditious is to defeat the very essence of the foundation of an Irish Republic.

Article 40(iii) further states the right of citizens to form associations and unions. Sinn Fein, formed before the Constitution itself, certainly qualifies as an association. The state considers it has the right to regulate and control in the public interest, the right of exercising the right to form associations. Countering this, Article 40(2) provides that even laws regulating the association in question shall contain no political discrimination. The closing of Sinn Fein headquarters was the government's fear of a political organization evidencing its own inadequacies.

The Government's general policy of repression is in itself unconstitutional. The closing of Sinn Fein headquarters sparked the Government's general crackdown of any supporters of the IRA Sinn Fein and the IRA in their pursuit of a united Ireland are only following Articles 2 and 3 of the Irish Constitution which recognizes the whole island of Ireland as the true historic nation; anything short of this is unacceptable.

The hierarchy of Radio Telefis Eireann RTE, the Government owned television network, were dismissed by the Government for allowing controversial people to appear and give their views on Irish Television. This was aimed at preventing the IRA from giving their views on the North. This act on the part of the Government was to establish a precedent for preventing future dissent against the Government's policies.

The Government in their effort to railroad members of the IRA to prison and away from the public, sought to coerce Mr. Kevin O'Kelley to testify in court that a taped interview he had in his possession was in fact with Mr. Sean Mac Stiofain, Chief of Staff of the IRA. Mr. O'Kelley, much to his credit, refused to break a confidence and was held in contempt of court and sentenced to prison. If a newsman were to reveal all his sources, news would be hindered and only limited selective stories would ever get printed. People have to rely on the word of newsmen in order to feel free to divulge information. It is quite obvious that the Irish Government wishes to prevent this.

At the trial of Sean Mac Stiofain, there was no jury and he was appearing after having been on hunger strike. He was weak, but made very pertinent objections at the most opportune times. Without reservation, it can be said that no lawyer could have done any better objecting to the discrepancies put forth by the Government's counsel. Mr. Mac Stiofain only offered objection to the legal discrepancies raised in the Government's case, but would not defend himself, as he did not recognize the court. His trial was a sham and in the class of a kangaroo court. It was disgraceful for a country to offer such a slur to the legal system. Instead of trying him at all, they would have been better off just to incarcerate him which was the intention of the Government.

At the end of 1972, the Irish Government passed a bill amending The Offenses Against The State Act that at the least can be called repressive. By its very nature, it is designed to curb individual rights and projected over time to prevent meaningful dissent.

The Irish Republic had been critical of Britain when Her Majesty's Government permitted the Provincial Regime at Stormont Castle in Belfast to impose internment without trial under the Special Powers Act. The Act was used solely against the Minority as they were contrived to be the sole culprits for all the violence that occurs in the North of Ireland. Regardless of what Community or people this Act was designed to repress; it is a denial of basic rights under law and abridges due process under law. For this same offense, Ireland brought an action against Britain in the European Court of Human Rights, as the Special Powers Act is in violation of the Convention on Civil Rights in Europe of which Britain and Ireland are signatories.

Ireland seems to have just cause in bringing the British Government to account on this matter. Now Ireland in its self-righteousness has passed parallel legislation that is as offensive as the Special Powers Act. It can be expected for the Irish to drop their case against Britain as part of the deal bringing about Ireland's repressive legislation which Britain has pressured Ireland to pass. What this does is for one oppressor to pat the other on the back while each is absolved of guilt by the other. As two established Governments, no nation is going to question their actions.

According to the new legislation in Ireland, any senior Irish policeman can have an individual encarcerated on his word alone. This law is so far reaching that if a given policeman observes a newspaper article that alleges that a certain individual is a member of the IRA, then the policeman may assume that this article is correct and report his contentions which are taken as valid without verification. On this absurd evidence, a special court may find the defendant guilty and pass sentence. The defendant is deprived of a jury of his or her peers and the full burden of proving innocence rests with the defendant. The accused will find it extremely difficult convincing a court of his or her innocence when that court was established for the purpose of rubber stamping a prejudged conclusion of guilt.

How can a government expect its people to accept such treacherous legislation? Any lawyer must reject this Act as totally abhorrent to the very basis of a legal system. This administrative practice is reprehensible as a complete violation of the European Commission on Human Rights and it is in a class with the Special Powers Act. With such legislation in effect, no citizen can feel free to live unhindered in a day to day society as an aura of parranoia will shortly set in. The Irish Government can extend their jurisdiction at will under this broad power. Any person that is a vocal dissenter can be put away.

For instance, a prospective defendant might travel to the States to visit a relative and it might be mentioned that the visitor was a member of the IRA. By some wild coincidence, if the information is made known and a United States policeman hears the rumor and by further fantastic coincidence it reaches the U.S. Department of State; what then happens? The State Department may become perturbed that such a "terrorist" is present in the United States. The State Department feels obligated and then informs Dublin of the whereabouts of their errant terrorist who upon touching down at Shannon Airport is then taken into custody. He is then found guilty on the testimony of a senior police official whose reliable proof is the word of the U.S. State Department and their contrived rumor. This situation is so far fetched yet it truly faces every Irish citizen.

The legislation, as offensive as it is to the legal system, is passed and it has to be asked—how was it passed? It did not have the consent of the Irish People "since it was never presented to them." They would most certainly have rejected a blatant infringement on such a precious rights as free speech and assembly. Then one might ask—if the people wouldn't stand for it, how was it put into effect?

There were reliable reports that when this legislation was introduced it would be defeated by a 71–70 margin. Fearing this rejection, the Government just might have resorted to extraordinary tactics. They key question is, who stood to lose from the defeat of this bill?

Prior to the passage of this amendment to the Offences Against The State Act, there was an explosion that killed two people in Dublin. There had never been any IRA violence in the Republic of Ireland, since they stood to lose by initiating any such action. They would not perpetrate violence in their so-called heaven from the British in the North. This would have jeopardized their whole operation and in no way would they have been responsible for the explosion. If and when the IRA commits a violent act they admit it even if it is detrimental to their cause. They are at least that honorable. Their word is binding, since the whole freedom movement depends on it.

Then if the IRA did not plant the bomb, who did? There are only two explanations to consider. The timing of the explosion was strategically planned to go off during the vote on the bill. It had to have the acquiescense of either the Irish Government, the British Government or both. This is not to say that either intended for anyone to die. On the other hand, death is such an extreme measure that its effect would be profound and insure the desired result. The British wanted the bill to pass, since they had been pressuring Dublin for just such legislation.

The Irish Government cognizant of their entry into the Common Market had to appease the British pressure and therefore needed passage of the bill. Both the British and the Irish were set to receive massive pressure from the Common Market countries to settle the conflict. The Common Market is obliged to help depressed areas within its jurisdiction and the North of course is such an area. If the Dublin Government participated in planting the bomb, it would be consistent with their recent policy of total appeasement of the British.

As it turned out, the Bill was passed 70–23 with its main opposition abstaining, solely as a result of the well timed explosion. The Government carried the day and put into effect one of the most repressive laws anywhere in the world. Ireland took the first step on the road to a police state.

Whoever planted that bomb assisted the Government in a power crisis. It could have been the British intelligence squad with the complicity of Dublin or someone authorized by Dublin itself. This is a horrible thought to think established Government would participate in such an enterprise, but who else stood to benefit from that well placed bomb. The answer to that will tell who set it. Had it not gone off, the new legislation would have been defeated. The culprits knew the opposition to the bill would automatically assume it was the work of the IRA. They are the one group who definitely did not set that bomb.

[From the Irish People, July 28, 1973]

BRITISH VIOLATIONS OF THE HUMAN RIGHTS DECLARATION

(By Fred Burns O'Brien)

There was a study in 1932 concerning the Special Powers Act of Northern Ireland and that unequivocally denounced it as unbefitting a democratic society. It was deemed a degrading piece of legislation designed and implemented to curtail the political activity of Irish Nationalists in the six counties in the Northeast corner of Ireland. From its inception, Nationalist politicians in divided Ireland have made lengthy appeals for its abolition; first of all, as it violates international agreements, and secondly, since its primary function is directed on a discriminatory basis at only a portion of society (with a token exception now and again), making it selective in application.

One could hear British politicians for the better part of fifty years berating the necessity for such diabolical measures, but their reverberations remained only words, lacking the transformation into the actual repeal of the Act. The law, per se, only applies to Northern Ireland and not Britain proper, so that the pressure of constituents is not an overbearing factor to contend with the abrogation of the Special Powers Act remained elusive.

Nine of the twelve Members of Parliament from the North itself are vociferous supporters of the Special Powers Act as long as it is applicable only to the Nationalists, yet they offer mild condemnation when it is threatened on militant loyalists. With its singular application (until very recently) against the Nationalist Community there were only three consistent M.P.'s steadfastly in opposition to the legislation, for it does directly affect their constituents.

In 1972, the British Government finally relented and instituted the Diplock Commission to study the Special Powers Act and make its pertinent suggestions as to its rectification. The Commission was the result of pressure from international circles and not the consequences of deep humanitarian feeling. The mass media around the globe found it interesting that an alleged democracy could employ such undemocratic legislation to curtail political and in some cases military activity (implemented to bring an end to discrimination). The European Economic Community was not elated that one of its new members (Britain) adhered to such practices, and the European Court has agreed to hear complaints of prisoners who had been tortured during internment without trial under the auspices of the British Government which is a blow to Britain's international reputation.

The British Government by its utilization of the Special Powers Act on the Nationalist Community (with recent exceptions) has devolved upon herself the condemnation of world humanitarians who view her flagrant disregard of human rights as reprehensible. There are many specific points that must be noted, whereby the Special Powers Act controverts the United Nations Universal Doctrine of Human Rights. There are thirty articles in The Declaration and Britain is blantantly in violation of fifteen of them; quite a serious violation as perceived by the impartial eyes of the world community.

Article 3 states that every person has the right to life, liberty and security of person. The selective detainment of citizens occupying the streets of the North by walking on them, the unannounced invasion of private homes, and the shooting and maiming of individuals is in illicit contradistinction of these stated natural freedoms. If an individual cannot feel secure in his or her home and on the street without the fear of harrassment from soldiers of a foreign nation, then the society has embraced the atmosphere and physical presence of a police state.

In article 5, no one shall be subjected to torture or cruel, inhuman or degrading treatment, or punishment. International committees of inquiry have clearly established that many of those encarcerated under The Act have been brutally beaten and tortured and the status of coerced degradation has been evidenced substantially. This is a blatant violation of people's rights and subverts human decency as well as international law.

All people mentioned in Article 6 have a right to recognition everywhere as a person before the law. In other words, no individual shall be prevented from obtaining due process of law and no person shall be deprived of liberty without the same. The very fact of the Special Powers Act subrogates this internationally recognized right as its primary purpose is to detain and imprison without trial.

Article 7 holds that all are equal before the law and are entitled without any discrimination to equal protection of the law. The State of Northern Ireland was created by Britain as a sectarian haven for Ireland's Protestants thereby having this pervading factor inhibiting the state through fifty-three years of its history. To seek to alter this after allowing it to flourish is a task of dimensions not truly contemplated by the British Government.

The Government of Ireland Act of 1920, technically the Constitution of the North, sets forth principles assuring fundamental rights to all citizens, yet remedies for contesting the violation of the rights remain stagnant relegating complaints to having no effectual remedy at all, thus violating Article 8 which states that competent national tribunals must be made available so abused citizens might avail themselves of their legal comfort. The word competent has to be interpreted to mean fair and impartial, words lacking in the British vocabulary as applied to Northern Ireland.

No one shall be subjected to arbitrary arrest, detention, or exile states Article 9, but Britain has completely violated this in the implementation of internment without trial which controverts accepted international legalities and encarcerates (usually innocent) people after an arrest and detention based on no founded charges or concrete evidence, only arbitrary sweeps of neighborhoods arresting any person whose politics might suggest a desire for reunification of the Irish nation.

In conjunction with Article 9, Article 10 states that every person is entitled in full equality to a fair and public hearing by an independent and impartial tribunal to elucidate the charges against a person and provide a forum for rebuttal and the opportunity to formulate a defense. This has been denied to those political prisoners arrested in Northern Ireland and detained without charges. A Bill of Rights emulating that of the United States Constitution would ensure a protection of these rights of the individual, or perhaps just adherence to the Declaration of Human Rights.

In most criminal systems, regarded as free, the accused is presumed to be innocent until proven guilty beyond any reasonable doubt. Under the internment process utilized in the North, there is guilt with no chance to prove one's innocence. The accused is categorically declared guilty with no opportunity for defense under the system of internment without trial, just by being arrested. With the complete disregard for the fact of a person's innocence, Britain finds herself in violation of Article 11, which holds "the presumption of innocence may be deemed a principle of justice 'so rooted in the traditions and conscience of our people as to be ranked as fundamental.' "

The language of Article 12 protects in theory against the arbitrary interference with an individual's privacy, family, home, or correspondence and against attacks upon honor and reputation. It recommends the protection of the law against such intrusions and violations. In the North, it is difficult for them to evolve a protection of the law, when the forces of law and order and the law itself is aimed at certain selected portions of the community to in fact deprive them of their rights under democratic law, which is absent from Northern Ireland by design of the London Parliament.

The British Army in Northern Ireland has violated the privacy of the citizens, broken up families causing undue hardships, destroyed the homes of many and confiscated correspondence as many who have written to the North can attest. The victims are afforded no chance of defense and are arbitrarily detained for indefinite periods of time without due process of law. While in concentration camps, the detainees are subjected to mental abuse and physical torture which has been substantiated by concrete evidence in the form of testimony of those abused and the doctors treating them.

By her insistence in maintaining colonial authority in the North, Britain denies a nationality to all citizens, both those desiring Irish nationality and those claiming to be British or Irish British. Article 15 declares that no nation can prevent another's citizens the right to a nationality. This article was specifically designed to protect the nationals of small nations from subjugation by "great powers." It is a crime to display the effects of Irish nationalism, especially the Tricolour of Sinn Fein in the North, which is the symbol of a united Ireland.

When other rights have been denied, it is an accepted fact that the right to freedom of thought, conscience and religion are assumed to be abrogated as well. This is ever so true in Northern Ireland where the sectarian government with the full complicity of the British Government has prevented free access to all phases of society (housing, employment, politics) due to a person's religious persuasion. The issue has been employed to polarize the Nationalist and Loyalist Communities to complement the power structure which could never survive a vote of the laboring class which makes up the overwhelming majority of both communities. The elite class divides and conquers and maintains political and economic dominance. Article 18 forbids this and calls for freedom to think and express one's thoughts publicly in opposition to the existing ruling class. If one is a Nationalist, and now if one is a Separatist (calling for an independent Ulster), then he or she is suspect and if public expression is considered potentially detrimental to the politicians in power, there will result internment without charge. Nationalists cannot express their true thoughts for fear of encarceration and certain elements cannot stand for election. This is in violation of this Article of the Declaration.

Hand in hand with this is the guarantee of the right to freedom of opinion and expression without interference as guaranteed in international law by Article 19. One cannot be free to express one's opinion and impart information with full freedom if there is a risk of imprisonment as there is in the North.

To foster one's opinions publicly there must be the right of peaceful assembly and association as specified under Article 20. These were the methods used by Irish civil rights people in the 1960's, but violently prevented which only set off further violent confrontation. When troops were called in to protect the established government, the soldiers sided with those who prevented peaceful civil rights activity calling it a danger to the peace and security of the society of Northern Ireland. This attitude on the part of the troops in protecting the sectarian government was another spark that put Northern Ireland into a state of war.

The interpretation of Article 21 is clear as it succinctly holds that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives. Britain allowed the puppet government in Northern Ireland to distort the electoral process into a debacle of debauchery. To claim that a free election might be held in so far as all might be permitted to cast a vote is misleading, since the result could be predicted before any ballots were cast because of the blatant gerrymandering process. This gives an outward appearance of all people participating in an election, but in effect denied systematically any possible chance at gaining control prior to participation.

If all these rights are attained on paper, there must be a force that those denied rights might turn to for an effective remedy. Article 28 calls for a social and international order in which the rights and freedoms set forth by the other Articles of the Declaration can be fully realized. The people of Northern Ireland have no hope for appeal to the logic body—the United Nations, since a complaint as attempted by the Irish Republic, can be and has been vetoed by Britain by claiming domestic jurisdiction under Article 2(7) of The United Nations Charter.

The only way those in the North could appeal would be as a nation with a provisional government in exile recognized by the United Nations as an entity of its people. The U.N. agencies might then be able to given proper attention to a nation of people in pursuit of self-determination from a foreign power. Many national groups, lacking in military capability utilize this method attaining international recognition for their plight. The people of Northern Ireland might consider uniting their divided community by seeking to develop their own nation free of Britain with long range possibilities of integrating with the rest of Ireland.

The civil rights movement was started in Ireland to attain the basic human rights as set out in the previously discussed declaration. The categorical denial of these rights has led the Irish people on the path of insurrection and actually forced them to confront the British over the right to govern themselves and more important the right to be first class human beings, not chattels of the state. British legislators always respond to Irish unrest with an affirmative plan, but its implementation is stalled and finally ignored and its contents are deleted so as to be made ineffective. Now the implementation of human rights is not enough without the right to self-determination which is where the crisis has evolved to in recent years. In 1969 human rights effectively enforced was the solution; in 1973 a new nation is necessitated by the historic indifference of Britain toward her conquered colony allowing its deteriorating into an undemocratic province ruled by a landed elite who use religious differences as a tool for maintaining power by polarizing two Irish Communities against one another.

HOBBYISTS AND COLLECTORS NEED ADDED PROTECTION AS ANTIQUE MARKETS EXPAND

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HELSTOSKI. Mr. Speaker, during the past decade more Americans than ever have taken up the hobby of collecting antiques. Many people seek interesting and unusual items of eras past to add to the decor of their homes. Some antique collecting becomes a hobby in itself—that is, just the sheer fun of taking long drives in the country and rummaging through secondhand stores looking for the old and hard to find. Others, more serious, search the world over for additions to their rare collections. And many are now collecting antiques as a hedge against inflation and as a means of building their financial estates.

The sharp increase in demand for all kinds of antiques has quite naturally brought about sharp increases in price—and unfortunately sharp business practices among unscrupulous sellers. This growing problem has already been brought before the Congress in an attempt to protect antique purchasers from those who fraudulently "reproduce" political items and numismatic items—H.R. 5777, the Hobby Protection Act of 1973.

The question now appears, however, if in fact we must broaden the scope of protection to include other forms of collecting; such as glassware, china, and metal objects d'art, which are as easily copied and sold as originals as coins and political artifacts.

And aside from the "antique factory" menace the growing profit motive in everything antique has created a very disturbing situation wherein some dealers and hustlers find it enormously profitable to create markets for items that otherwise have no intrinsic value. These bogus markets are often fueled by the periodic publication of price guides which purport to set the current price for any given antique item.

All collectors, regardless of their reasons for collecting have one common bond. They are all concerned with price—what to pay when buying, what to ask when selling. This is the common concern of all antique hobbyists and even more so to all antique dealers.

This factor gave birth to the price guide. It is unknown how many unsuspecting hobbyists and collectors have been the victims of the antique price guide scheme over the past 20 years.

It works something like this: You go into a charming little roadside antique shop while on a weekend drive. You see a piece of cut glass that matches the one given to you by your grandmother. Should you buy it? You just came in to browse, but now you have a decision to make—to buy or not to buy. The dealer helps you by producing a price guide. He may bring to your attention that the price of this pattern of cut glass has gone up 15 percent from the price listed in previous editions of the price guide. Now, assured that you are buying at a better than current price and assured that the value has steadily increased, you make the purchase. Pride of ownership and human nature never lets you doubt that you got anything less than a bargain.

Was the information given in the price guide really valid and reliable? Unfortunately the purchaser has no way of knowing. With few exceptions price guides are homespun products, without research staff or expertise. Some price guides tend to be basement products suited to being peddled through the mail with no objective standard determining the listed prices. Usually the price guide is the opinion of a single person bent on arbitrarily raising prices with every new edition.

There is one and only one way of determining the current price of an antique. That single foolproof method is the price at which the seller is willing to part with an item and a buyer is willing to pay to acquire the item. Such information pertaining to an actual sale should be recorded in every published price guide.

Thus price guides for antiques or objects d'art can be helpful if they list an accurate description of the item, especially markings or characteristics that will help in deciding if it is authentic. Also listed prices of a bona fide price guide will give evidence of date and place where such an item was sold for the listed price. Such price guides are generally a labor of love by a serious collector or club and are nearly always limited to a selected subject. Often legitimate auction houses will publish a catalog of available objects d'art to be sold at auction and give reference to the price paid by the previous owner or prices paid by buyers of similar objects at recent auctions.

Consequently price guides can be invaluable to both purchaser and dealer when they reflect actual current transactions, but they can also be fraudulent—and cheat the purchaser or the dealer—when their listed prices are used for the purpose of inflating the market.

U.S. FOREIGN POLICY SUFFERS METTERNICH SYNDROME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RARICK. Mr. Speaker, the reaction by Dr. Kissinger to our allies in Europe because of their failure to support U.S. policies and actions in the Middle East must certainly be considered as grave a threat to the United States and the American people as is the potential of a Middle East holocaust itself. Reports that Secretary of State Kissinger is disgusted with NATO and that President Nixon and top Cabinet members criticized Western European leaders for their abstention from Middle East involvement certainly does not give us the assurance of free world solidarity.

The world is again in a state of flux with much of the problem having been caused by the new Nixon policy of détente and application of Metternich theories to the 20th century.

Staunch allies of years past, such as England, France, Spain, and West Germany, to name a few, have refused to allow the United States to implicate their countries in the Middle East situation through use of their ports and airfields for U.S. military action. The increased exposure of American men to hostile action in making deliveries of aircraft and other military to Israel have been greatly increased because of the hands-off attitude of our European friends.

On the other hand, 26 nations of the black area of Africa have severed diplomatic relations with Israel—nine preceding the current war—Guinea, Uganda, Congo—Brazzaville, Niger, Chad, Mali, Burundi, Togo, and Zaire—and 17 since the war started—Dahomey, Upper Volta, Rwanda, Equatorial Guinea, Cameroon, Tanzania, Malagasy, Senegal, Gabon, Kenya, Central African Republic, Ethiopia, Nigeria, Gambia, Zambia, Sierra Leone, and Ghana.

How can this but jeopardize U.S. foreign policy in Africa as well as at the United Nations?

Of the 41 nations in Africa, only 8 continue to have diplomatic relations with Israel. Among these eight we find the Republic of South Africa.

And in Holland, it is reported that starting next week there will be a Government ban on Sunday driving because of the gas shortage resulting from the war. The Netherlands people apparently will not even be able to use their automobiles to drive to church on Sunday. Because of the détente and the free trade program with Russia, we can expect that the Dutch will blame their situation on the United States and not on other trading patterns.

If the existing foreign policy of our country is being made and carried out for the benefit of the American people, then something is wrong. Right now it appears to be the United States and Israel against the rest of the world. And if what we read is correct, even Israel is not behind us.

The related newsclipping follows:

[From the Washington Post, Nov. 1, 1973]

U.S. CRITICISM BRINGS ANGRY RESPONSES FROM EUROPEANS

(By Dan Morgan and Michael Getler)

American displeasure with the neutral Middle East policies of its closest allies provoked a number of angry European responses yesterday, as the dispute showed signs of spreading into other areas affecting Atlantic relationships.

In Paris, French President Georges Pompidou proposed a summit meeting of the nine Common Market countries to seek a joint European policy on the Middle East.

Pompidou noted that Western Europe had been left out of the American and Soviet moves even though its vital interests had been at stake.

In Washington, a high-level European-American consultations on trade policy and future tariff reductions ended with both sides admitting that they were far from any agreement.

At the same time, Europeans who spoke with Secretary of State Henry A. Kissinger earlier in the week said he was "very angry" about a wide range of Atlantic matters, not all of them directly connected with the Middle East.

One of the few bright signs in the otherwise dissension-ridden atmosphere was a cautious resolution drafted here yesterday by American congressmen and European members of parliament. It calls for the two sides to avoid trying to outbid each other in the scramble for oil supplies which have suddenly been restricted by Arab countries.

Far less harmonious, according to European sources, were talks held this week between Sir Christopher Soames and top administration economic officials. Soames, representing the Common Market countries, met with Treasury Secretary George P. Shultz, Under Secretary of State William Casey and the special White House representative for trade negotiations, William D. Eberle.

"After Sir Christopher's talks here there is broken china all over town," said one European. He said that Soames had refused to accept extremely tough administration criticism of European trade policy and had "given back what he got."

U.S. officials are angry over the refusal of European members of the General Agreement on Tariff and Trade, meeting in Geneva last week, to set up working groups pending passage of a U.S. trade bill that would give the administration authority to negotiate tariff cuts.

But the Europeans are equally angry over signs that the U.S. trade bill may not be passed until March—and could conceivably be vetoed by President Nixon if Congress succeeds in inserting restrictions on trade with the Soviet Union.

In talks with European legislators this week, U.S. officials reportedly blamed Zionists, isolationists and labor unions for stalling the trade bill by demanding restrictions on Soviet trade.

At a meeting with reporters yesterday, Soames said that he had noticed "no signs of strain," but added that there is "no sweet harmony." He said, however, that this was "not such as to cast doubt on the good intentions of either partner."

The Europeans and Americans are trying to draft a joint declaration of economic principles. European sources said this week that Kissinger had blamed the Europeans for stalling on this.

A visiting member of parliament said, "He is very angry that the whole thing is hung up because the French and the British can't agree on the word 'partnership' as it refers to the United States."

He said Kissinger was also angry that Britain refused to submit a proposal for a Middle East cease-fire in the U.N. Security Council, "even though he knew very well that the British thought it was too early for an initiative."

These developments came amid indications that a difference of opinion is developing within the Nixon administration over the way it has directed criticism at U.S. NATO allies for their failure to line up behind this country in the Middle East crisis.

Last Friday, the President, Secretary of Defense and the State Department all joined in leveling unprecedented criticism at the Europeans for their role.

However, some senior U.S. officials say the Pentagon would prefer that the State Department tone down its strong public chastisement of the Europeans in favor of more quiet discussions.

It is the Pentagon that must deal with the allies most directly on military matters, and the Defense Department's top official—Defense Secretary James R. Schlesinger—will have to confront the Europeans face to face next week at a previously scheduled NATO meeting at the Hague.

Though Pentagon officials have criticized the Europeans, much broader criticism has come from the State Department. Yesterday, a State Department spokesman denied published reports that Kissinger had gone so far as to express "disgust" on Capitol Hill over the NATO countries' neutral stance in the Middle East crisis.

[From the Washington Star-News, Oct. 31, 1973]

ALLIES BLASTED BY KISSINGER

(By David Binder)

Secretary of State Henry A. Kissinger has reportedly said he is "disgusted" with the North Atlantic Treaty Organization because its European members did not support U.S. policies in the Middle East crisis.

Testifying Monday at a closed session of the House Foreign Affairs Committee, Kissinger advanced the administration's criticism of the Western Europeans, begun publicly Friday, when President Nixon chastised them, as did the Defense and State Departments.

After Kissinger had finished his testimony, a congressional aide said, the secretary remarked in an aside heard by a committee member, "I don't care what happens to NATO, I'm so disgusted."

Kissinger is also said to have voiced his irritation yesterday at a meeting with a group of Western European members of parliaments.

Chancellor Willy Brandt of West Germany sent a letter to President Nixon Sunday voicing "understanding" for American actions in the Middle East as "a world power," but also chiding the United States because it failed to advise its allies fully and swiftly on its estimate of the nature and degree of the Middle East crisis.

Complaints were also voiced in London that the United States had been remiss, and Prime Minister Edward Heath pointedly refrained from endorsing Nixon's decision last week to put American forces around the world on alert. Heath was speaking in the House of Commons.

Brandt emphasized in his letter that he considered alliance solidarity to be as strong as ever, but he said that the latest events showed that there is a pressing need for better and closer consultation among the allies, especially in moments of crisis.

A congressional source said Kissinger had selected Britain and West Germany for special criticism, reminding the House members of his statement on April 23 that "our European allies have regional interests," but "we cannot hold together if each country or region asserts its autonomy whenever it is to its benefit."

Monday Kissinger was quoted as having said, "It is sad to relate the last three weeks bore out that description."

At the State Department press spokesman Robert J. McCloskey yesterday reiterated the criticisms he and Secretary of Defense James R. Schlesinger made Friday about the lack of Western European cooperation, saying, "this was not done lightly or casually."

McCloskey said the criticism he and Schlesinger had voiced last Friday had been intended to apply to "the time we sought for a cease-fire in the United Nations."

Officials said McCloskey had been referring to the British in this instance, as had Kissinger, who was upset because Britain had declined a U.S. request to sponsor a cease-fire resolution in the U.N. Security Council in the first week of the Arab-Israeli war, which began Oct. 6.

An official said that Britain had sounded out the Egyptians on the possibility of a cease-fire in that week and, being told Cairo was not interested at the time, decided "not to play the fall guy for the United States."

Diplomats said that on Kissinger's instructions the U.S. delegate to NATO Donald Rumsfeld, had strongly demanded of the European allies in the first week of the war that they take steps to chill their trade and political relations with the Soviet Union as a means of pressure.

According to the diplomats, however, the Europeans balked, saying that they had not received information indicating that they together with the United States had entered a major East-West confrontation.

[From the Washington Star-News, Oct. 27, 1973]

UNITED STATES BLASTS NATO ALLIES

The Arab-Israeli war and this week's worldwide U.S. military alert apparently have strained relations between the United States and its European allies.

Government officials in several North Atlantic Treaty Organization nations were said yesterday to be upset because President Nixon did not consult them about the alert and because of comments he and the State Department made about the allies' behavior in the Middle East crisis.

Nixon said at his news conference last night: "Our European friends hadn't been as cooperative as they might have been in attempting to work out the Middle East settlement."

He noted that Europe gets 80 percent of its oil from the Middle East while the United States gets only 10 percent from there. He declared that Europe "would have frozen to death this winter unless there had been a settlement."

Earlier, State Department spokesman Robert J. McCloskey said America's allies had "separated themselves publicly from us" during the crisis when "we would have appreciated support."

Much of the American concern apparently centered on the unwillingness of the European allies to allow bases inside their territories to be used as relay points for arms shipments to Israel. U.S. officials said yesterday that West Germany formally protested such use of the bases on Tuesday.

Only one NATO ally had provided the necessary backing for the United States, McCloskey said, apparently referring to Portugal.

But a British diplomat in Washington said his country was not asked for assistance. "It would have been a mistake to assume that we would have refused such a request," the diplomat said.

West Germany on Tuesday protested the United States' using bases in the country as relay points for supplies going to Israel. Secretary of Defense James R. Schlesinger said two days later that the German protest could force the United States to review the depth of its military and diplomatic commitment to Bonn.

Secretary of State Henry A. Kissinger and West German Ambassador Berndt von Staden discussed the matter yesterday, and Von Staden said afterward the talks had "a friendly atmosphere."

Nixon said last night he ordered the worldwide military alert Thursday because of indications of possible Soviet troop movements toward the Middle East.

Prime Minister Edward Heath of Britain, President Georges Pompidou of France and Chancellor Willy Brandt of West Germany reportedly were informed of the alert after it was in effect but their advice was not sought beforehand, even though some of the alerted bases were in Europe.

When asked to comment on the matter, a European at NATO headquarters in Brussels said an alerted U.S. base is a potential Soviet target and host governments should be consulted about base operations.

"If you have an American base in your country, and the Americans suddenly put it on alert, you might decide you wanted to take a long ride away from the neighborhood," the European said.

Other European diplomats were concerned about the big-power consultations on the Middle East between the United States and the Soviet Union.

[From the Washington Star-News, Oct. 31, 1973]

SUNDAY DRIVES BANNED IN HOLLAND

The Netherlands, coping with an Arab oil cutoff, announced a ban on Sunday driving.

The ban, which starts next week, is the second to affect Dutch motorists as a result of Mideast tension. In 1956, they were forbidden to drive on Sundays for 10 weeks because of Anglo-French intervention in the Middle East which resulted in the closure of the Suez Canal.

There will be exceptions, and Dutchmen have been lining up for special permission to drive on Sundays, but for most people the Sunday pleasure trips will be out for a while, except for bicycle rides.

The Arab oil nations have said they are boycotting the Netherlands because of its pro-Israeli stand in the mideast war.

The ban will apply to cars, motorbikes and motorboats, but not to taxis, emergency vehicles or buses taking fans to sports events, economic affairs minister Ruud Lebbers said yesterday. Small motorized bicycles will also be exempt.

Algeria, Iraq, Kuwait, the United Arab Emirates, Qatar, Oman, Libya and Saudi Arabia have banned oil exports to the Netherlands.

The oil boycott against Holland was expected to affect other countries, too, because the Netherlands re-exports about two-thirds of its refined oil.

The Netherlands also is restricting heating fuel deliveries and has a standby gasoline rationing plan ready if other measures are needed.

In Beirut, meanwhile, Arab oil sources said there would be no policing of the boycott of petroleum shipments to the United States.

One official said the Western oil companies operating in the Arab world would avoid secret shipments to the United States since they then would have to explain to other "countries they are shortchanging where the oil has gone."

Arab nations also have ordered partial cuts in shipments to other Western nations.

Saudi Arabia, for example, will cut its oil production by another 5 percent Nov. 1 in accordance with the plan agreed among most Arab oil producing nations, a Saudi spokesman said yesterday.

The reduction will bring total Saudi production cuts since the beginning of the fourth Middle East war to 26½ percent.

ABRAHAM S. LEVINE RETIRES AS MAYOR OF MOUNT CLEMENS, MICH.

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. O'HARA. Mr. Speaker, on November 8, 1973, the people of Mount Clemens, Mich., will pay special tribute to a very special man—the Honorable Abraham S. Levine, who is retiring after having served for the last dozen years as the city's mayor.

Abe Levine is the kind of man any American community would be proud to have as its chief executive—a man who has helped his city keep pace with changing times; a man who has given tirelessly of his time, energy, and imagination in the development of his city; a man who has carried out his responsibilities without partisanship or factionalism.

For 16 years, Abe Levine has served the people of Mount Clemens—first as a city commissioner and then, since 1961, as the city's mayor. Despite the enormous amount of time that public service demands, Mayor Levine has still found time to serve his fellow men through a variety of other activities—as a member of the lay board of the St. Joseph Hospital in Mount Clemens; as a member of the Board of Trustees of Congregation Shaarey Zedek in Southfield, Mich.; as a member of the City Employees' Retirement Board of Trustees; and as a vice president and member of the board of directors of the First National Bank in Mount Clemens.

In addition, Abe Levine has been a concerned, active, and involved member of a number of citizens' committees, including the Housing and Redevelopment Committee, the Downtown Rehabilitation Committee, the Insurance Study Committee, the Investment Advisory Committee, the Parking Study Committee, and the Central Macomb Development Area Council.

In short, Abe Levine has had a total devotion to the community in which he lives and the people whom he has been privileged to serve. There is a quotation from the works of George Bernard Shaw, which comes strongly to my mind when I think of Abe Levine.

Shaw wrote:

> You see things: and you ask "why?" But I dream things that never were, and I say "why not?"

Abe Levine has dreamed these dreams of better things—for the community and the people he loves—and has done his share, and more, to make these dreams come to pass. The people of Mount Clemens, Mich., are infinitely the better because Abe Levine dreamed his dreams, and the fruits of his labors are visible to all who have watched the city of Mount Clemens march forward.

Now, at age 70, Abe Levine is retiring from public office. Those of us who have seen him move successfully through two careers, as businessman and public servant, know that, even in retirement, he will continue to be a powerful influence for progress for a long time to come.

CLAREMONT HOSPITAL PIONEERS NURSERY CARE

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. CLEVELAND. Mr. Speaker, at a time of great concern over the quality of health care in this country, Claremont General Hospital in my district has developed specialized application of the team nursing concept to the particular needs of the victims of various categories of illnesses.

Building on successful establishment of a coronary care unit, this small community hospital has developed coordinated and specialized nursing teams in the areas of cancer, diabetes, stroke, and respiratory illnesses. Local physicians who have monitored its development attest to the resulting improvement in care and enhancement of patients' recovery.

Response to this innovation is reflected in the comments of Dr. Hanford L. Auten, M.D., of Claremont, who has closely followed the evolution of the specialized nursing teams:

> I have felt that they contributed greatly to the morale and recovery of the patients for whom such coordinated efforts are available, and it has seemed to me that this is a splendid idea which supports my contention that worthwhile ideas can come from any source, even such a relatively small community hospital as ours.

Specifically evaluating performance of the cancer team, Dr. Robert G. Maxfield, M.D., also of Claremont, comments that "from a physician's standpoint, this approach has been of great help in the management of cancer patients at our hospital."

Added Dr. Maxfield:

> I practiced at this hospital for about 15 years before this plan was instituted. This "team approach" has upgraded the quality of our care while, at the same time, increasing the satisfaction of the patient. This has been accomplished by a cooperative effort which delegates and defines certain responsibilities to each of the members of the hospital team.

I consider this a significant indication of the innovation of which one community general hospital is capable, reflecting a dedication by members of the nursing staff to upgrade care and expand their skills, and the essential support by the medical staff and hospital administration.

The director of nurses at Claremont

General, Patricia Waite, R.N., was encouraged to write an article on the program by two members of the Board of Surveyors of the Joint Commission on Accreditation of Hospitals. Their experience in evaluating care at 60 hospitals led them to regard the Claremont program as a pioneering improvement worthy of adoption elsewhere.

I ask unanimous consent that the following excellent article, being adapted for publication in monthly magazine RN, be inserted at this point in the RECORD.

The article follows:

A UNIQUE NURSING PLAN TO IMPROVE PATIENT CARE

(By Patricia Waite, R.N.)

In our small community hospital consisting of 84 beds and a medical staff of 21 members, we recently initiated an innovative plan of nursing care for our patients. Prior to instituting this new plan, we used the traditional, functional nursing approach, common in most hospitals, with individual nursing units of approximately 25 patients each. In this traditional setting, the "head nurse", or "charge nurse", was expected to coordinate total care of all the patients on the unit. It was standard procedure to hold conferences once or twice a week to discuss certain patients, but there was no structured program or planned and shared coordination of care for each individual patient. However, the nursing care rendered at that time was considered adequate and of average quality for a small, closely-knit hospital.

In 1968, we were fortunate in obtaining a grant from the Federal government to open a Coronary Care Unit of 4 beds. This was our first introduction to the "expanded role of the nurse." The Coronary Unit is now successfully established, and we have been able to develop a very well prepared Coronary Care Team. There is a systematic, on-going teaching program within the unit, including lectures and television conferences, provided by the expert staff Cardiologist and/or the nearby 400 bed Dartmouth-Hitchcock Medical complex. As the program developed in this area, it was noted that the Coronary Care Team Nurses were particularly competent, knowledgeable, well read in their specialty and highly motivated toward continuing education and professional development. Having worked so effectively as a team, they were able to administer a truly high quality of patient care. As a result of the enthusiasm generated by these Coronary Care Team nurses, we were encouraged to expand the basic framework of this system to other clinical units.

In the fall of 1970, members of the Nursing Staff (consisting of 63 RN's, 31 LPN's, and 40 nurses aides, divided between full and part time) were approached with the idea of developing various nursing teams to *"specialize"* in caring for patients within the different categories of illness. After considerable exploration by the nurses, the Director of Nursing approached the Executive Board of the Medical Staff, of which she is an ex officio member. They were very receptive and cooperative. Consequently, four additional nursing-care teams were established. These are identified as follows:

1. Cancer Team
2. Diabetic Team
3. Stroke and Rehabilitation Team
4. Respiratory Team

Once these four care-teams were identified, the next task was the "appointment" of nurses and other vital care providers, who were specifically competent or personally interested in one of the four team categories. Each team was composed basically of a registered professional nurse, licensed practical nurse, and a physician, acting as a team member and medical consultant. Representatives from various other hospital departments were invited to join teams of specific concern to them. The dietitian was chosen to serve on the Diabetic Team; the physical therapist on the Rehabilitation Team; and a Reach-to-Recovery worker on the Cancer Team.

Organization meetings of each team's members were held in order to develop their own objectives, teaching program and overall system of functioning. Some teams developed at faster rates than others, depending upon the extent of each member's enthusiasm and the opportunities for action. The Diabetic Team seemed to move the fastest, as they had more basic background on Diabetes on which to build. Since their medical consultant had also helped to develop the guidelines for the Coronary Nurses, he was much more aware of the Team-building approach.

By the beginning of 1971, each team had requested participation by the local Visiting Nurse Association as a much-needed asset to their patients' continuity of care, especially in the discharge planning. Currently, it is a standard procedure for the nurses from the VNA to come to the hospital each day and team members are able to relate accurately and frequently with them about the individual patients and the plan for care.

Scheduled meetings for the combined teams are held every other month. At this time new ideas are generated and problems which relate to patient care in all areas are presented for general assistance and possible solution.

Each individual team schedules its own meetings in accordance with its own needs. The medical consultant is informed of new developments and progress reports are kept up-to-date on a daily basis. At the time of admission to the hospital, a special identification card is prepared for each patient. The following are examples of the way this is accomplished for a diabetic, and a rehabilitation patient:

Name: Brown, Donald, Catholic, Doctor Jackson.

Address: Maple Street, Claremont, N.H., Tele. 2-4325.

Adm. Date, 3-19-72, (36 yrs).

Insulin or P.O. medication, Insulin to scale on admission.

Diet, 1,500 Cal. Diab.

3-30-72: Discharged on NPH 35u daily.

3-19-72: Admitted & Diagnosis of Diabetes—New Diabetic Placed on Insulin (Regular) to scale.

3-20X72: Changed to NPH 50u daily. Given literature and instruction begun by diabetic teaching nurse.

3-21-72: Record "Getting Started" played to patient. Urine testing and insulin administration explained.

3-22-72: Insulin reaction and diabetic coma discussed. Patient testing own urines and injecting own insulin. Very intelligent, adjusting well to his diabetes. Instruction in diet begun by Dietician. Wife present for this day of teaching.

3-26-72: Information about Joslin Clinic given patient. Teaching and reviewing of problems continued.

3-29-72: Appears well adjusted and ready for discharge.

3-30-72: Given list of necessary equipment to purchase along with sample copies of records to keep.

Name: Mars, Joe; Doctor: Short; Date: July 26, 1971.

Address: 127½ Sprnig Ave. City. Sex: Male, Age: 67.

Adm. Diagnosis: Cerebral Vascular Accident (Left hemiplegia).

Date of Onset: May 5, 1972.

Vital Signs on Adm: Blood pressure 210 over 100; temperature, 98; pulse, 100; quality, good; R. 24.

Present alertness: Semi-coma, yes.

Speech: Slurred no, Aphasia, no.

Extremities: left upper, flaccid; left lower, flaccid.

Incontinent: Bladder, yes; bowel, no.

Speaks English yes, foreign language no.

Religion: Protestant.

Attends church: yes.

Past health: Old CVA, no; hypertension, yes; blackouts, no; mental confusion, no; previous coronary, no.

Previous physical handicaps: None.

Hearing difficulty prior to stroke: None.

Sight diffculty prior to stroke: Wears glasses.

Speech difficulty prior to stroke: No.

Personality changes prior to stroke: No.

Degree of independence: Lived with others, yes; relationship, wife.

Degree of self-care: Walked alone, yes; total self-care, yes.

Educational background: Elementary, yes; high school, no; college, no.

Working status: Retired 2 years ago.

Hobbies: Fishing, making bird houses, repairs lawn movers, gardening.

Personality: Happy, easygoing

PROGRESS

5-5-72: 8 a.m., responding when spoken to by gesture only; blood pressure 210 over 100; pulse, 100 Color good skin warm and dry. Left arm and leg appears flaccid, incontinent. Urine: foley catheter inserted.

12 noon: blood pressure 160 over 90; pulse 96; responding verbally.

Eight p.m. appears more alert; blood pressure 140 over 80; pulse 88; left arm and left leg flaccid.

5-6-72: Blood pressure 130 over 80; pulse 80; speech appears normal; R.O.M. exericise to arm and leg show resistance, able to swallow liquids well. Placed on bladder training program.

5-8-72: Patient sent to physical therapy, dangle for 15 minutes, to 1. well.

5-10-72: Sitting in chair, daily physical therapy, foley catheter removed, progress good on bladder program; diet increased to mechanical soft.

5-15-72: Walking with assistance of a cane, doing fairly well in dressing himself.

5-20-72: Doing well. A.D.L. Partial use of left arm and hand and left leg.

5-21-72: Discharged to home walking to cane. Physical therapy as out-patient.

These are individual patient cards which are kept in a central file at the nurse's station on the unit. These are used as cumulative reference cards, and progress notes are continued on this card should there be subsequent admissions. These patients are followed in this manner even though a subsequent admission may be for a different diagnosis. These reference cards are used for information to fill out and build on the patient's nursing care plan in the Kardex.

Each Nursing Unit has a supply of these special admission cards, and the team is notified if a patient is admitted with a diagnosis in any one of the four specialty areas. One of the team members then visits with the patient, fills out the admission card, and starts a planned program of nursing care.

For clarification, our team members are all full time personnel, are on regular staff duty and are assigned a typical patient assignment. Their team duties are in addition to this schedule.

Each team has developed its own manual, consisting of over-all objectives and policies for functioning, teaching instructions, and descriptions of equipment and nursing procedures. Team members have worked many hours on these manuals and continue to devote much time to improving them, keeping them pertinent, and highly effective tools. On examining these manuals, everyone is very much impressed with the expertise as well as the thoroughness of this work. Each manual includes:

1. Purpose

2. Objective
3. Function

Each team has contributed to better patient care through new techniques learned, the use of better appliances and/or equipment through evaluation. With greater knowledge they are more effective in teaching patients, family members and other nursing personnel.

In April 1972, the hospital employed a Social Worker on a part time basis. This person consults with each team and has been a real asset to all of them. As she is also social worker part time at the nearby nursing home, she is able to continue to be involved with many of the patients formerly in the hospital.

Another outgrowth of the Specialized teams, was the forming of a general Patient Care Committee. This includes three Registered Nurses and one Licensed Practical Nurse. They all assist with general orientation and give instruction and demonstration of new procedures or changes in procedures; assist with nursing care conferences, contribute to development of nursing care plans and assist in correlating the specific efforts of all the teams. This committee works closely with the part time In-Service Educational Director.

The Patient Care Committee members have frequent meetings, and each individual has conferences with Head Nurses and Staff Nurses to discuss the proper use of nursing mechanisms, nursing care plans and related patient care problems. Once a month the committee holds a joint meeting with each specialized care team. As this report is being written, it can be validly judged that all nurses on these teams have approximated the ability and competence of "Nurse Clinicians." They have consistently demonstrated increasing competence and a true expertise in their field of nursing service. This fine performance did not happen by chance! They have assiduously grasped every opportunity for continued learning and skill development. Time has been spent in clinical practice in other settings, such as the Orthopedic Unit of the 400 bed, Mary Hitchcock Hospital and Dartmouth Medical Center at Hanover, New Hampshire; the Crotched Mountain Rehabilitation Center in Greenfield, New Hampshire; the Joslin Clinic for Diabetics at Boston, Massachusetts; and the Memorial Hospital in New York City for specialized experience in Cancer nursing and chemotherapy. We also utilize a closed-circuit television from the University of Vermont and Dartmouth Medical Center. Eight of these television sessions were specific to Cancer nursing. Team members attend seminars, in the immediate area, that are relevant to their specialty. Some are members of and attend State meetings of the American Cancer Society and the New Hampshire Heart Association and have participated in the programs offered by these groups. In addition, the team members must carry on their own individual research and study through reading of nursing periodicals and other related literature.

This unique approach to patient-care in our hospital has increased the quality of nursing substantially; and developed the nurses' competence and capabilities in addition to strengthening the effectiveness of communications among the nursing staff itself, as well as with physicians, and members of all other concerned departments and agencies within and without the hospital walls.

We view this innovation as an example of what one small community hospital, geographically distant from the variety of resources of the complex medical and health centers can do to maintain the highest quality of care in at least one segment of the total health system.

BETTER LIBRARIES CREATE BETTER CITIES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BRADEMAS. Mr. Speaker, as the sponsor of House Joint Resolution 766, a bill to authorize a White House Conference on Libraries and Information Services to be held in 1976, I wish to bring to the attention of my colleagues an excellent study of the needs of urban libraries prepared for the Urban Library Trustees Council.

As the study points out, Mr. Speaker, urban libraries, large and small, are faced with an increasing demand for services from diverse and ever-changing populations.

Yet, urban libraries are faced with this increased demand at a time when local funds for libraries are, as a percentage of urban budgets, decreasing.

I need hardly remind my colleagues that this increased demand for services also comes at a time when the administration has proposed that Congress terminate all Federal funds for our Nation's libraries.

Mr. Speaker, I insert "Better Libraries Create Better Cities" at this point in the RECORD:

BETTER LIBRARIES CREATE BETTER CITIES

THE FUTURE OF URBAN LIBRARIES

When it comes to the programs deemed necessary for urban living, an increasing number can neither be developed nor maintained on a strictly local basis. The federal government is already responsible for a great deal having to do with the future shape of urban America with such federally supported urban projects as transportation, pollution control, hospital and health facilities, housing and urban renewal projects. The city can no longer provide adequate financial support for the urban library from its declining tax base. Additional funds are imperative to support the urban library's efforts to serve the residents of disadvantaged, inner city neighborhoods and to continue the urban library's service as reference and research center for the metropolitan region.

The changing environment of the urban library

Cities of over 100,000 population are the home of 27.7 percent of the U.S. population on .37 percent of the land. The character of nearly all these major cities has been changed by recent shifts in population. They are increasingly beset by poverty, inadequate schools, slums, crime in the streets, pollution, insufficient transportation systems, and inadequate services.

As a rough approximation, it appears that at least one-sixth of the urban population, or over five million families, live in a slum environment. Of the 22.7 million blacks in the United States, 74 percent live in metropolitan areas and 78 percent of that number live in central cities. In 1970, more than 80 percent of the ten million Spanish-speaking population lived in an urban environment. During the 1950–60 decade, the white population of the central city increased by 5.7 percent while the non-white population increased 50.6 percent. During the 1960–70 decade the white population of the central city decreased by .2 percent and the non-white population increased 32.1 percent. These bare statistics can convey very little of the human problems represented by the vast movements in population and drifting of millions of people into crowded and poverty-plagued ghettos.

Serving the new city-dweller, the disadvantaged

It is obvious that the future of urban public libraries is inextricably interwoven with these groups who are forming an increasingly large sector of the cities. Libraries can no longer afford to have a policy of business as usual plus a fringe of outreach service to the disadvantaged.

Three strategic information functions for the public library have been suggested: reducing barriers of access to already-existing information, collecting the much-needed information which does not now exist, and effecting the widespread dissemination of crucial information which is not now being distributed so that ghetto people and the groups working with them can be reached. In this last regard libraries should coordinate the proliferation of information from various city agencies about programs, benefits, employment, and training opportunities. Libraries should also serve an important referral function of directing inquirers to the agencies in the city which deal with their problems. A reference service of a highly personalized and specialized form would help to solve the problem.

There is also a need for the urban library to function as a cultural institution, but with materials representing differing cultural orientations than has been traditional in the past. Unlike previous immigrants to American cities, today's ethnic groupings have not melted into a larger society, but prefer to emphasize their own differing outlook and cultural heritage. Neighborhood library centers in black areas have been able to provide a variety of black materials for their communities. Providing cultural material for the Spanish-speaking community involves more problems since materials in Spanish are not as readily available, and Mexican, Puerto Rican, and Cuban groups each have their own history, customs, and attitudes. In addition to books, where money has been available, urban libraries have experimented with the use of non-print materials—records, cassettes, films.

Even with a well-organized information system and a variety of cultural materials, the single most important ingredient in a successful outreach program is staff. One barrier which often separates librarians from inner city residents is the profession's largely white and middle-class composition. The slum individual's habits and values may seem shiftless, delinquent, or unmotivated from a middle-class point of view, while in actuality they may be a perfectly realistic response to the physical, economic, and cultural conditions of slum life. A white librarian finds it difficult to respond with sensitivity to a community of which he has never been and will never be a part. In turn, slum residents are likely to respond with distrust or hostility toward attempts by an outsider to offer help, especially in an institutional form. There is the additional problem of communicating with these people in their own language which is most often not standard English or standard Spanish but the vernacular of the slums.

Another key factor in urban library work with the disadvantaged is the desirability of small neighborhood library centers. These can offer the person-to-person approach for uncertain ghetto residents and can specialize in the needs and wishes of the neighborhood.

Library service for the aged is often mentioned in the context of library service for the disadvantaged. In 1970 over 19 million people in the United States were 65 years or older and that number is increasing by over 1,000 a day. It is true that the group called "the aged" includes people of all races and various income and educational levels. However, in the words of Ollie Randall, founder of the National Council on the Aging:

"At the same time we should recognize that the senior citizens are people with some special social, psychological, economic, and biological needs resulting from the process of aging, and that libraries have a responsibility and a concern for helping to meet these needs."

The greatest problem in carrying out any specialized program for disadvantaged groups is the matter of funding. The majority of programs for the disadvantaged have been financed by federal funds, but the lack of stability in the receipt of these funds has interfered with the effectiveness of the programs. There is a need for a redesign of federal funding for urban libraries that will not just support innovative projects but will support sound ongoing services.

The present user of urban libraries

In order to understand present clientele and to sense potential user groups, several urban libraries have conducted user studies. In these studies different variables have been used to describe the users: different age groupings, educational groupings and occupational groupings.

In addition to user characteristics most surveys have branched into such areas as user satisfaction with library services, reason for the visit, type of material used, whether assistance is sought, and other related topics. It is possible to make some generalizations from these studies about the types of people now using urban libraries.

Age of library users

With respect to age, it is impossible to make exact comparisons, however, in most cases the percentage of use drops off after about 40 years of age and is about 5% or lower by the age of 60.

Generally, the heaviest percentages of use fall in the middle years, from the young adult age group to the 40 years group. Usually the groups showing library use from the age of about 14 or 16 to about 20 or 21 have the highest percentage.

Occupations

Occupations of library users were also studied. Where occupational groupings in individual studies were very detailed, groups were combined to facilitate comparisons with other studies. In all cases, student use is higher than use by any other group, varying from 32.4% to 64.2% of total library use.

Library use by the retired shows the same low percentage as use by the oldest age group, never more than 5% of main library use but higher use of branch libraries. Housewives never show more than 4% use of central urban libraries, but may account for as much as 18% of total use of branch libraries. Both of these cases underline the need for readily accessible libraries.

Considering only employed adults, the professional, managerial category represents the largest user group in each survey. The professional, managerial group represents from 17%-27% of all library use, while the sales, clerical group represents 5.3%-8% of all library use. Those in the craftsman, laborer category represent the smallest group of employed users, 3.5%-5%.

Education

Related to the pattern of occupational use is the pattern of use by educational level. Surveys show consistently that the higher the level of education, the heavier the use of the library. Only 2.4% to 8.3% of library users did not have some high school education. From 22% to 28% of library users graduated from high school. Education above the high school level is reported by 57% to 74% of the users, with 22% to 64.9% of users being college graduates or holders of advanced degrees.

Urban library as area resource center

There is an increasing tendency to ignore jurisdictional distinctions in urban areas. Students, in addition to using school and academic libraries, are major users of urban public libraries. Researchers, whether academic, industrial or professional, use the library most convenient for their purposes. This places the central city library in the role of reference and research center for the outlying area.

Only the urban central library has the variety of material required for research. While the metropolitan area may abound in partial collections in small public libraries, businesses and schools, only in the city library are found specialized materials, bibliographical information, and subject specialists. Therefore the small neighboring libraries or their patrons depend upon the metropolitan libraries to answer difficult reference questions from materials not available in their community. In some cases this relationship has been formalized in the shape of legal designation of the city library as regional resource center with state funds for that purpose. In many cases there remains an informal arrangement without adequate financial support from sources other than local government. This is expensive service in terms of cost of materials and specialized staff, and libraries find that the financial base which made possible the development of the collection is now largely outside the taxing area of the library.

While most urban libraries do not record the frequency of assistance given to other libraries, information on direct use of the urban library by nonresidents is often available. Figures given in user studies include: 38 percent of the use of the Detroit Public Library is by nonresidents, Enoch Pratt Free Library (Baltimore) reports 20.3 percent of their total users are nonresidents and 12.7 percent of users of the central library in San Francisco live outside the city. Letters in response to a questionnaire from the Urban Library Trustees Council report the following figures. Chicago: 25 percent of Central Library users do not live in Chicago; Hartford, Connecticut: 50 percent of walk-in and telephone reference service is given to nonresidents (outside funding for this service amounts to only 2 percent of operating costs); Los Angeles: 20 percent of central library users reside in the county; Mobile, Alabama: 1 of 4 reference users at the main library is not a resident or taxpayer of the service area; New Haven, Connecticut: ⅓ of the in-person and telephone reference use is by nonresidents with no reimbursement to the library; Rochester, New York: 42 percent of the borrowers using the main library lived outside of Rochester.

These figures emphasize the city central library's function of serving the reference needs of the whole area, often with inadequate funding. It is becoming increasingly clear that the legal boundaries of a city are meaningless dividing lines as far as public library service is concerned. It is imperative to the whole region that central library collections should be kept strong, current and well staffed. Money is the crucial stumbling block to achieving this end. Without funds in addition to local city funds supplied from a declining tax base, no urban library can adequately continue their vital function as an area resource library.

Statistics of urban libraries

A 1-YEAR VIEW OF LIBRARIES

A comprehensive view of public library statistics in the areas of budget, staff, holdings, and transactions for libraries of various sizes has been compiled from *Statistics of Public Libraries Serving Areas With at Least 25,000 Inhabitants*.

The following discussion focuses on those libraries serving populations of 25,000-99,999 (to be referred to as small libraries) and those serving populations of 100,000 and over (to be referred to as large libraries). All items have been listed as totals and per capita amounts.

The small library group shows a slight advantage in holdings and transactions per capita. They hold 1.67 books per capita in comparison to the large libraries' 1.57, and each hold approximately .03 bibliographic volumes of serials per capita. However, in terms of average books per library, each small library would have a collection of 80,823 books and each large library would hold 524,763 books. This gives the large city patron access to a collection over six times the size of the collection available to the small city patron.

Library operating and capital expenditures for 1968 were $3.71 per capita for the small library group and $4.40 for the large library group. The major reason for the difference is evident in the break-down of operating expenditures by purpose. Expenditures for salaries show a large variance between the two groups, while the other items vary only slightly. The higher percentage of professional librarians employed by large libraries is reflected in a larger expenditure for salaries.

Federal funding provided 6.2% of the total operating and capital budget of the small library group and 4.3% of the total budget of the large libraries. Translated into per capita amounts, the small libraries received 23¢ per capita in federal funds and the large libraries 19¢. If these amounts had been equalized and the large libraries had received an additional 4¢ per capita, it could have meant in 1968 an additional $3,310,188 for libraries serving over 100,000 population. The difference in federal funding is even more pronounced when the libraries are further subdivided by size:

Population served by libraries and Federal funding per capita

	Cents
25,000 to 49,999	25
55,000 to 99,999	22
100,000 to 499,999	23
500,000 and over	16

This indicates a severe lack of federal funding in the largest libraries.

CITY FINANCE AND LIBRARIES, 1961–70

How have libraries fared in their competition with other city services for a share of limited city income?

Expenditures for libraries have not kept pace with the growth of the city budget. General expenditures for cities of all sizes increased 150.9% from 1961–1970/71, but expenditures for libraries only 111.9%. This 39% difference could have meant an additional $82 million for city libraries in 1970/71 if their income rate of growth had equalled that of general city expênditures.

The difference in growth rate is even more striking for the 43 largest cities. While general expenditures increase 147% from 1961 to 1970/71, expenditures for libraries increased only 99.6%. If expenditures for libraries had grown that additional 47.4% and kept pace with general expenditure, each of the 48 largest libraries would have had an average of slightly over $1 million additional funds for 1970/71.

However, this has not been the case and expenditures for libraries for 1970/71 amounted to 1.39% of the city budget for cities of all sizes and 1.2% of the total budget for the 43 largest cities. In the words of one urban library director, "Because a library's budget is a tiny fraction of expenditure for public service, budgetary cushions are seldom possible in the way that they are for larger departments. A difference of as little as ten percent in a library budget can measure the distance between luxury and disaster."

LEGISLATION PROVIDING FOR SPECIAL PRESIDENTIAL ELECTION INTRODUCED

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Ms. ABZUG. Mr. Speaker, today I introduced a bill that provides for scheduling a special national Presidential election under certain circumstances which may soon become a reality.

Before discussing the details of the bill, I would like to allude to the events of last week, which were among the most dramatic and nerve wracking in the history of our Nation.

In 1 week we went from the unprecedented spectacle of President Nixon defying a Federal order and breaking a solemn commitment to the U.S. Senate by firing Special Prosecutor Archibald Cox to an international crisis in which we appeared to be on the brink of nuclear war.

In the intervening days a dam of popular resentment broke that has been building up with each successive revelation of corruption and unlawful acts by the Nixon administration. We in Congress have been inundated with a reported quarter-million telegrams, as well as phone calls, from all over the country, demanding that the President resign or be impeached. The credibility of President Nixon lies in ruins about us, and despite his turnabout on the tapes, the fact is that the American people can no longer believe what Mr. Nixon says or does.

It is tragic that the President chose to precipitate a national crisis over the issue of the firing of Mr. Cox in the midst of the ominous military situation in the Middle East. While the people of Israel were fighting for their survival, their strongest supporters, the American people, were forced to turn their attention to the survival of our democratic institutions.

We saw a worldwide alert of our Armed Forces, including planes carrying nuclear bombs. I believe that many Americans are prepared to accept the declaration of Secretary of State Kissinger that it was necessary, and not an overreaction, as some people suspected. But I think we must all share Mr. Kissinger's view that "it is a symptom of what is happening to our country that it could even be suggested" that this alert may have been motivated by domestic reasons.

The real tragedy is that Mr. Nixon has cried "wolf" so often—invoking national security as a coverup for his own lawless acts—that when a genuine crisis arises, the American people do not know whether they are being tricked or told the truth. The American people do not deserve to be placed in that kind of dilemma. We cannot exist in a continuing crisis atmosphere created by a President whose actions are suspect. Certainly in this nuclear age, we need a President who has the confidence and support of the American people.

I believe the events of last week, including his appalling attack on our free press at his news conference, demonstrate that the highest patriotic act Richard M. Nixon could perform right now would be to resign as President. If he should not do so, then I think the Congress should place itself on alert and act expeditiously and responsibly to process the impeachment charges that have been brought against Mr. Nixon so that he may be tried before the Senate.

The articles of impeachment that I presented to the House last week are consistent with the view held in the House in 1868 when it was said that:

> An impeachable high crime or misdemeanor is one in its nature or consequences subversive of some fundamental or essential principle of government or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed or omitted, or, without violating a positive law, by the abuse of discretionary powers from improper motives or for an improper purpose.

I believe there is sufficient evidence at hand to warrant prompt impeachment proceedings on these grounds against the President without waiting on lengthy committee deliberations. I appreciate that many of my colleagues believe the Committee on the Judiciary should move very cautiously and deliberately on this matter, which for only the second time in the history of our Nation involves such grave charges against a President. I would only remind the House that impeachment is comparable to indictment, not to a finding of guilt, and that it is in the interests of the stability of our Nation to present this case to the Senate for trial as soon as possible. Certainly we can all agree that if the President should be brought before the Senate the trial would be conducted with the utmost concern for judicial process, the law, and the rights of the defendant.

If, as appears more likely every day, the President is impeached, then it would also, in my opinion, be improper for the Congress to proceed with the confirmation of the President's nominee for Vice President. The 25th amendment did not contemplate, in proposing that the President should fill a vacancy in the Vice Presidency with the approval of the House and Senate, that the President himself would be in an impeachable position.

The role and duties of the Vice President have been the subject of controversy throughout the history of our constitutional democracy, as has been the problem of how to handle the succession to the Presidency. In an article in the Fordham Law Review, March 1964, entitled "The Vice-Presidency and the Problems of Presidential Succession and Inability," John D. Feerick, a noted attorney and authority on this question, discusses in detail the evolution of the office of Vice President, and I would commend it to your attention.

Mr. Feerick recalls that the late President Truman, who served without a Vice President for more than 3 years, sent a special message to Congress on June 19, 1945, in which he declared:

> By reason of the tragic death of the late President, it now lies within my power to nominate the person who would be my immediate successor in the event of my own death or inability to act.
>
> I do not believe that in a democracy this power should rest with the Chief Executive.
>
> Insofar as possible, the office of the President should be filled by an elective officer. There is no officer in our system of government, besides the President and Vice President, who has been elected by all the voters of the country.
>
> The Speaker of the House of Representatives, who is elected in his own district, is also elected to be the presiding officer of the House by a vote of all the Representatives of all the people of the country. As a result, I believe that the Speaker is the official in the Federal Government, whose election next to that of the President and Vice President, can be most accurately said to stem from the people themselves.

In placing the speaker ahead of the President pro tempore, Mr. Feerick reports:

> President Truman stated that the Members of the House are closer to the people than those of the Senate since they are elected every two years and thus the Speaker would be closer than the President pro tempore. He recommended that whoever succeeds after the Vice-President should serve only until the next Congressional election or a special election to elect a President and Vice-President.

If Mr. Nixon should resign or be removed from office and the office of Vice President should remain vacant, under the Succession Act of 1947 the Speaker of the House would become acting President.

It has been widely assumed that the next Presidential election could not take place for another 3 years, until November 1976.

However, an examination of the Constitution and the Statutes of 1972 and 1886, dealing with the succession, indicate very clearly that President Truman knew whereof he spoke when he recommended a special Presidential election.

In a case in which the President and Vice President—including a Vice President chosen under the 25th amendment—leave office, whether by death, removal, or resignation, the Constitution permits Congress to provide by law for the election of a new President, even though the former President's term has not yet expired.

Article II, section 1, clause 1 of the Constitution provides that the President and Vice President "shall hold—office during the Term of four Years," and clause 6 provides that:

> In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law, provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

In its initial form, the provision which ultimately became clause 6 provided that:

> The Congress may declare by law what officer of the U.S. shall act as President in case of the Death, Resignation, or Disability of the President and Vice-President; and such Officer shall act accordingly until the time

of electing a President shall arise. (J. Madison, Notes of Debates from the Federal Convention of 1787, 594.)

However, Madison observed that this, as worded, would prevent a supply of the vacancy by an intermediate election of the President, and moved to substitute "until such disability be removed, or a President shall be elected." Ibid. Madison's motion was agreed to, and remains in the Constitution to this day.

The second Congress of the United States, which included some of the framers of our Constitution, passed the Succession Act of March 1, 1792. 1 Stat. 239, section 9 provided that:

> In case of the removal, etc., of both the President and the Vice President, the President pro tempore of the Senate (or, if there were no such official, the Speaker of the House) for the time being shall act as President of the United States until the disability be removed or a President elected.

I Stat. 240, s. 9, section 10 provided:

> That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be, published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided*, There shall be the space of two months between the date of such notification and the first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the last Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act, 1 Stat. 241, s. 10.

Finally, section 12 of the 1792 act provided that a President so elected would serve for a full 4-year term. In the view of Prof. Paul Freund of Harvard University, it is possible that a President elected by such an "interim" election must be given a full 4-year term because he would fall under the provision of clause 1 of the Constitution that the term of a President shall be for 4 years.

The 1792 provision was repealed in 1886, 24 Stat. 2, c. 4, s. 3, and it was never used because there has never been an instance in which both the President and the Vice President failed to serve out their terms of office. Partly because of doubt as to whether the Speaker and the President pro tempore were "officers" within the meaning of clause 6, the 1886 act removed them from the line of succession and substituted the cabinet officers. 24 Stat. 1, c. 4, s. 1. The act also provided that a cabinet officer could not succeed to the presidency unless: First, he had been confirmed in his cabinet office by the Senate, second, he was otherwise eligible for the presidency, and third, he was "not under impeachment by the House of Representatives of the United States at the time." 24 Stat. 2, c. 4, s. 2.

The 1886 act also provided that Congress should meet within 20 days of the accession of the new acting President, thus leaving it up to Congress to determine then whether there should be a special election.

The Presidential Succession Act of 1947 reinstated the Speaker and the President pro tempore after the Vice President in the line of succession, on the theory that preference should be given to having an elected official as President. 61 Stat. 380, c. 264; H. Rep. 817, 80th Cong., 1st Sess. (1947). Both the committee which reported the legislation and the Acting Attorney General were of the opinion that it was constitutional to have the Speaker and the President pro tempore in the line of succession. H.R. 817, 80th Cong., first session, 1947.

The 1947 act continued in force the prohibitions on succession contained in the 1886 act, including the disqualification of anyone under impeachment. 61 Stat. 380, c. 264, s. 1(e). Except for amendments to reflect changes in the composition of the Cabinet, the 1947 act continues in force, and has been codified as section 19 of title 3 of the United States Code.

It is interesting that following President Truman's message to Congress in 1945, and before the final adoption of the Succession Act of 1947, the question of providing for an interim election of a President and Vice President was seriously considered by the Congresses.

The President's recommendations, including his proposal for a special election, were incorporated in a bill introduced by Representative W. Sumners of Texas on June 25, 1945. The Sumners bill provided for a special election to fill vacancies in the offices of President and Vice President if such should occur 90 days or more before the midterm congressional elections. This provision was eliminated before the bill was passed by the House and forwarded to the Senate, where it became pigeonholed in committee.

In the debate on the Succession Act of 1947, an amendment was also proposed by Senator McMahon regarding a provision for a special election, but it was defeated.

It is clear, however, from this review of the precedents, that the framers contemplated and the Constitution permits Congress to provide for an interim election of a new President, should the President leave office before a new Vice President is confirmed by Congress. This was, indeed, the law from 1792 until 1886, and even from 1886 to 1947 it was up to Congress to provide for such an election under existing law.

Accordingly, the bill I introduced today amends title 3, United States Code, relative to Presidential succession, to provide that if the elected President and Vice President both leave office, the Speaker of the House would act as President only until a new election for President and Vice President was held.

This new election, which would be for a full 4-year term, would take place on the first November election day occurring more than 120 days after the double vacancy occurred.

Conceivably, such an election could be held in November 1974, when a new House of Representatives and a third of the Senate are elected. If less than approximately 1½ years remained in the current Presidential term, the Speaker would serve out the rest of the term and no special election would be held.

We have seen what happens to a nation when a President seeks to violate the Constitution and assumes extraordinary and unlawful power. Under our system, the ultimate power resides with the people and under the bill I am introducing that power would be restored. The confidence of our people in government has been badly damaged by the revelations that have been stunning the Nation since the Watergate scandal broke. It is important that they should not feel that in the current crisis the question of who will lead this Nation will be subject to political manipulation and decided outside the will of the electorate.

In closing, I would recall that during the 1964 debate over the Presidential succession, former President Eisenhower said in an interview on CBS Reports—January 8, 1964—that if the Presidency went to a member of the Cabinet and that man had more than 1 year to serve in the Presidency, then he believed a special election might be called and, he added, "let the people decide this thing." That is the basic principle upon which our democracy operates—"let the people decide"—and it is a rule which should guide us in the crisis we now face.

Text of bill follows:

H.R. 11230

A bill to amend title 3, United States Code relative to Presidential succession

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 19 of title 3, United States Code, is amended to read as follows:

"(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term or until a President shall be elected, pursuant to subsection (f) hereof, except that

"(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice-President qualifies;

"(2) if his discharge of the powers and duties of the office is founded in whole or in part on the disability of the President or Vice-President, then he shall act only until the removal of the disability of one of such individuals."

SEC. 2. Paragraph (2) of subsection (d) of section 19 of title 3, United States Code, is amended to read as follows:

"(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term or until a President shall be elected, pursuant to subsection (f) hereof, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service."

SEC. 3. Section 19 of title 3, United States Code, is amended by relettering subsection

(f) as subsection (g) and by adding a new subsection (f), to read as follows:

"(f) Whenever the powers and duties of the office of President devolve pursuant to this section and more than one year and one hundred twenty days remain before the next scheduled appointment of electors, the Secretary of State shall forthwith cause a notification of such event to be made to the executive of each State, and shall specify in such notification that electors of a President and Vice-President shall be appointed in the several States on the Tuesday next after the first Monday in November which shall occur more than one hundred twenty days subsequent to such devolution. Electors appointed pursuant to such notification shall meet and give their votes on the first Monday after the second Wednesday in December following their appointment, at such place in each State as the legislature of such State shall direct. Except as otherwise provided in this subsection, all provisions of federal law relating to the choosing of a President and Vice-President at a regular quadrennial election shall apply with respect to the choosing of a President and Vice-President to fill a four year term as provided in this subsection; and the terms of the President and Vice-President so chosen shall begin on the 20th day of January immediately following their election.

Sec. 4. Section 1 of title 3, United States Code, is amended by striking out the first word and inserting in lieu thereof the following: "Except as provided in section 19 of this title, the".

Sec. 5. If any provision of this Act, or the application thereof to any person, office, or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provisions to other persons, offices, and circumstances shall not be affected thereby.

Sec. 6. This Act shall be known as "The Presidential Succession Act of 1973."

ON THE CONSTITUTIONALITY OF A SPECIAL ELECTION

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. MOAKLEY. Mr. Speaker, the question of special Presidential elections is one to which we must give considerable attention. The Constitution charges Congress with specific responsibility for enacting statutes which will provide for the orderly, democratic transition of power in the event that the President resigns or is impeached while the Vice Presidency remains vacant.

In an effort to utilize this power to provide for special elections, I introduced H.R. 11214 yesterday, a bill which would, in essence, reinstate the 1792 Succession Act.

Boston Mayor Kevin H. White has taken an active role in presenting the possibility of such legislation to the country. In his investigations, he sought the opinions of three of the Nation's most distinguished experts on constitutional law, Harvard Profs. Paul Freund, Abram Chayes, and Raoul Berger.

They have offered their considered opinion on the constitutionality of the step being proposed. In order to provide my colleagues with the fullest possible background on this position, I am pleased to offer the comments of Professors Freund, Chayes, and Berger.

The comments follow:

Law School of Harvard University,
Cambridge, Mass., November 1, 1973.

Hon. Kevin H. White,
Mayor of Boston,
City Hall,
Boston, Mass.

Dear Mayor White: You have asked if, under the Constitution, Congress has the power to provide by statute for a special election to fill the office of President in the event that both the offices of President and Vice President become vacant. In our opinion, Congress has such power.

Article 2, section 1, clause 6 of the Constitution provides:

"In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

The matter was expressly considered in the Constitutional Convention and the debates show conclusively that the Framers intended to empower the Congress to call a special election in those circumstances.

On September 7, 1787, it was moved in the Convention that the Legislature should designate by law which officer of the United States would act as President in the event of vacancies in the offices of both President and Vice President and that "such officer shall act accordingly until the time of electing a President shall arrive. James Madison objected to this language on the ground that it would prevent the vacancy in the Presidency from being filled by a special election. He therefore moved to change the language to read that the officer who was designated to "act as President" do so "until such Disability be removed, or a President shall be elected." Madison's amendment was carried and with minor stylistic changes was incorporated in the final text of the Constitution.

The Second Congress, of which Madison himself was a member, exercised this very power when it enacted the succession Act of March 1, 1792, providing for a special election in the event of a simultaneous vacancy in both Presidential and Vice Presidential offices. 1 Stat. 239. Actions of the First and Second Congresses are traditionally given great weight on questions of Constitutional interpretation. *Myers* v. *U.S.* 272 U.S. 52, 175 (1926).

The text of the relevant sections of the Act of 1798 is attached to this letter. You will note that the Act provided for the special election to be omitted if the double vacancy occured within six months of the expiration of the Presidential term. It also stipulated that the president pro tempore of the Senate (and if there was none the Speaker of the House) should act in the interim until the special election; and that the person elected should serve for a term of four years from the next inauguration day following the special election. These features are remarked here not to suggest that they are Constitutionally required, but to indicate the flexibility that is available to the Congress in dealing with the practical questions involved in a special election.

The Act of 1972 remained law for almost a century. Then the mechanism of Presidential succession was changed to provide that in the event of the vacancy of both the offices of President and Vice President, one or another member of the Cabinet in the order therein provided should "act as President." But the statute went on to provide that Congress should assemble within twenty days, presumably to consider what further action to take.

The 1886 statute was in turn replaced in 1947 with the present law providing that in the event of the vacancy of both the offices of President and Vice President, the Speaker of the House of Representatives would act as President to be followed by the President pro tempore of the Senate to be followed by ranked Cabinet officers for the remainder of the then Presidential term. 3 U.S.C. 19.

These subsequent enactments are further evidence of the broad and flexible authority available to Congress in fulfilling its Constitutional mandate to provide for continuity in the office of President in case of "removal, death, resignation or inability of both the President and Vice President."

In our view, the Constitutional text, the debates at Philadelphia and the practice under the Constitution leave no doubt that the Congress has the power to provide by statute for a special Presidential election in the event the offices of President and Vice President both become vacant.

Yours very truly,

Paul A. Freund.
Abram Chayes.
Raoul Berger.

FORTY YEARS OF SERVICE—A MILESTONE IN THE DISTINGUISHED CAREER OF CHIEF SIDNEY A. JONES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BROWN of California. Mr. Speaker, I asked to have this time set aside from our busy schedule here today because I want to focus some attention on the distinguished career of Police Chief Sidney A. Jones of Rialto, Calif. In the course of legislative debate here on the floor of the House of Representatives, during consideration of bills that will affect the law-enforcement profession, we often speak of the many fine men and women throughout the Nation who serve as peace officers, but rarely do we refer to any individual by name. I would like to take just a moment here, however, to pay tribute to Chief Jones as he approaches his 40th anniversary of service to the city of Rialto.

Chief Jones was born in Arkansas, but his family moved to Rialto when he was only 5 years old and he has lived in Rialto ever since. After getting his formal education in Rialto, Sidney Jones worked in the local citrus industry for a while, and then, at the age of 21, began his service to the city in 1943. He began with the department of public safety, working as both a fireman and a policeman, but the two functions were split a short time later and in 1945 young Sidney Jones was appointed chief of police.

But Chief Jones has not just sat back and taken it easy, just because he made it to the top so quickly. The Rialto Police Department has grown and improved under his leadership, and Chief Jones has grown and improved as well. He has kept up with current developments in police science—in 1959 he graduated from the FBI Academy—and not too many years ago he was awarded the advanced certificate by the California State Commission on Police Officers Standards and Training. He is highly respected by those who know and work with him as a top law enforcement man with a warm and understanding heart and a good-will ambassador for the city of Rialto, and I am pleased to be able to join today in paying him my highest respect.

OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART XI

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ASHBROOK. Mr. Speaker, starting on May 23 of this year, I inserted in the Record documents, newspaper articles, letters, and commentary on the case of Helmut Sonnenfeldt, whose nomination as Under Secretary of Treasury has now been reported out by the Senate Finance Committee. The House Internal Security Committee has scheduled hearings for November 7 on the Federal civilian employee loyalty-security program which may have bearing on the Sonnenfeldt case.

In this connection, Mr. John Hemenway, who testified against the nomination of Mr. Sonnenfeldt, has written the Department of Justice calling for an investigation into the possible violation by Mr. Sonnenfeldt of criminal statutes including perjury. He also has informed Senator Mansfield of his communication to the Acting Attorney General.

In addition, I have written to Acting Attorney General Bork regarding the identity of the FBI agent who interviewed Mr. Stephen Koczak on the Sonnenfeldt case in 1959 concerning the alleged leaking of highly classified information to a foreign power.

I insert at this point the press release I am issuing on the need for strict implementation of regulations concerning the reliability and good conduct of Federal employees to prevent future Watergates at all Government levels. Also inserted is a copy of my letter to the Acting Attorney General along with the letters from Mr. Hemenway to Mr. Bork and Senator Mansfield:

News Release From Representative John M. Ashbrook

Congressman John M. Ashbrook (R-Ohio) ranking minority Member of the House Internal Security Committee announced today that hearings on the Federal Civilian Employees Loyalty-Security Program will be continued on Wednesday, November 7. The principal witness that day will be Stephen A. Koczak who has already provided testimony to the Senate Finance Committee in connection with hearings on the nomination of Helmut Sonnenfeldt as Under Secretary of Treasury.

Ashbrook has written to Acting Attorney General Robert H. Bork asking the Department of Justice to identify the FBI agent who interviewed Koczak in 1959 in connection with the Sonnenfeldt case. According to Koczak this agent subsequently stated that the Department of Justice had been prepared to prosecute Sonnenfeldt but had been frustrated by the State Department refusal to declassify the telegrams and make them available to the prosecutor as evidence.

The purpose of the Committee hearings is to examine the existing security and suitability procedures in the Federal government and to propose such legislative reforms as may appear necessary. The Committee is currently considering HR 8865 which would establish a Central Security Review Office for the coordination of loyalty and security programs administered by Federal executive agencies.

The Sonnenfeldt case is only one of a number of cases under study by the House Internal Security Committee.

Cong. Ashbrook stated that "one of the issues in the Sonnenfeldt case concerns the peculiar circumstance that so many facts are still a matter of unresolved controversy. I am most disturbed that relevant security information at the FBI, CIA and the State Department appear to have been withheld from the Congress and from responsible officers in the Executive Department. If Executive Order 10450, which seeks to provide reliable, trustworthy employees in Federal employment, public servants of good conduct and character, is to be nothing more than a joke and a fraud, strict observance of the Order's requirements and restrictions must be employed. If nothing else, the Watergate case demonstates this."

Congress of the United States,
Washington, D.C., November 1, 1971.

Hon. Robert H. Bork,
Acting Attorney General,
Justice Department Building,
Washington, D.C.

Dear Mr. Bork: Enclosed is a copy of my letter of October 10 to the FBI which Director Kelley informs me has been referred to the Justice Department for action. As Mr. Koczak is scheduled to appear before the House Internal Security Committee on Wednesday, November 7, I would appreciate receiving by Monday, November 5, a reply as to the identity of the agent involved in the Sonnenfeldt case.

Also enclosed are two replies from the then Acting Director of the FBI, Mr. Ruckelshaus, one of which confirms that Mr. Koczak was interviewed by an FBI agent in 1959 on the Sonnenfeldt case. The other letter, that of May 29, 1973, indicates that over a year transpired before I received an answer to my initial inquiry concerning this case.

Your consideration of this matter will be, needless to say, much appreciated.

Sincerely,

John M. Ashbrook,
Representative to Congress, 17th District.

Washington, D.C.,
November 1, 1973.

Hon. Michael J. Mansfield,
Majority Leader of the Senate,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: As you know, the nomination of Mr. Helmut Sonnenfeldt, to be Under Secretary of the Treasury, was reported out of the Finance Committee for Senate action. Public hearings were held on May 15, October 1, and October 2, 1973.

The confirmation hearings have been protracted. However, I have evidence that several key witnesses were not called. Thus, the evidence and/or information available to Senator Long and the Finance Committee is incomplete. This makes possible a cover-up of Mr. Sonnenfeldt's past activities. For example, clear evidence suggestive of perjury exists.

Information in the record available to senators expected to vote on this important matter, therefore, is incomplete. How can any official, even a U.S. senator, vote intelligently when he has only partial information? If nothing else—the question of other criminal actions notwithstanding—the issue of perjury remains unsettled.

Mr. Sonnenfeldt will handle matters involving billions of dollars; he will be the senior U.S. official charged with checking on the financial implications of the judgements of his personal friend, mentor, and protector, Secretary of State Kissinger, regarding credits involved in East-West trade, special financial arrangements facilitating the so-called "detente" policy of Mr. Kissinger, and other sensitive matters of lasting importance to this nation, such as peace in the Middle East. American taxpayers will have to fund any errors of judgement made by the Treasury Dept.

For this reason, today I wrote a letter to the Acting Attorney General with a view toward possible prosecution of any party established by the hearing testimony to have violated criminal statutes. Mr. Sonnenfeldt may be such a person. A similar letter was directed to the United States Attorney for the District of Columbia today for action.

Recent revelations that high administration officials may have committed perjury has attracted much attention in the Senate. Have we reached such a curious state of morality that, while attention of individual senators is fixed on certain other "perjuries", the U.S. Senate as a body can confirm to a high position a nominee whose confirmation hearing transcript indicates a great deal of evidence that perjury has been committed?

Sincerely yours,

John D. Hemenway.

Washington, D.C.,
November 1, 1973.

Hon. Robert H. Bork,
Acting Attorney General of the United States,
U.S. Department of Justice, Washington, D.C.

Dear General Bork: The purpose of this letter is to report to you the violation of criminal statutes of the United States including, but not limited to the crime of perjury. I am reporting this matter to you because I understand you are currently the senior official in the U.S. Government charged with the enforcement of federal statutes.

Specifically, Mr. Helmut Sonnenfeldt, an employee of the U.S. Department of State and NSC, stands accused of "leaking" highly classified information to foreign agents with whom he had frequent and close associations and to other persons. These charges were made in the public record before the Senate Finance Committee on May 15, October 1, and October 2, 1973. They were reported, somewhat inaccurately, in the press. The charges were specific, capable of being decisively proved or disproved, and were made under oath by a number of responsible citizens including Mr. Otto Otepka, retired member of the Subversive Activities Control Board, and Mr. Stephen Koczak, retired US diplomat who currently holds a responsible position with the AFGE of the AFL–CIO. Many corroborating witnesses are available and have been named in the record.

Mr. Sonnenfeldt has denied the charges under oath. At the very least the crime of perjury may well have been committed. In pre-published form, the Hearing Transcript amounts to slightly more than 250 pages. The transcript is available and part of the public record. Senator Russell Long, Chairman of the Finance Committee of the Senate, can supply you with a copy. I understand that the record is being published today.

Highlights of the testimony on Helmut Sonnenfeldt include the following:

October 1, 1973: Under oath, Mr. Stephen Koczak charged Mr. Helmut Sonnenfeldt with giving highly classified information to agents of the State of Israel.

Under oath, Mr. Helmut Sonnenfeldt denied the charge. However, Mr. Koczak named witnesses who could support his charges who were not called by Senator Long.

October 2, 1973: Under oath, Mr. Otto Otepka charged that Mr. Helmut Sonnenfeldt violated US criminal statute by "leaking" classified information to representatives of Israel and to others not authorized to receive it.

Under oath, Mr. Sonnenfeldt testified in a manner to convey the impression that he denied Mr. Otepka's charges. However, Mr. Otepka named individuals who would support his charges, under oath, in detail.

It is obvious, even to a layman, that, at the very least, the crime of perjury is established by this testimony.

Chairman Long has claimed that the above matters have been investigated, but it is clear that the investigation, such as it was, was far from complete. For example, the FBI files were not complete, when summarized for Senator Long; neither has the FBI contacted Mr. Koczak or me in connection with recent testimony.

The testimony of many other witnesses is not yet in the record—in the FBI files or elsewhere. This testimony includes that of Mr. Lampe of State Department Security (named by journalist Paul Scott), Mr. Niland of Justice (named by Mr. Otepka) and other witnesses, such as those named by Mr. Koczak.

I have been told that the statute of limitations does not apply to some of the criminal aspects of the matters discussed at this hearing. Whether this is true or not, the evident perjury discernable in the transcript is of a recent date.

Your attention to this matter is invited with a view to determining your own duty to prosecute any violation of statutes concerning perjury or other crimes. I would appreciate an early report from you concerning the procedures you intend to take to move forward in this matter.

Sincerely yours,

John D. Hemenway.

EMERGENCY MEDICAL SERVICE SYSTEMS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ESCH. Mr. Speaker, last week I voted in support of H.R. 10956, the Emergency Medical Services Systems Act. This bill, which except for the provisions of the Public Health hospitals, is identical to the bill vetoed by the President earlier this year. I chose to override the President's veto, because I firmly believed that we needed an emergency medical system that can reach out to the millions who could be helped and many of whose lives could be saved if such a system were established.

Even without the Public Service hospitals, this is a good bill and at an authorization of $185 million, not a very expensive one.

First I would like to congratulate the members of the Health Subcommittee and full Interstate and Foreign Commerce Committee for moving so expeditiously in reporting a bill, despite the veto. It is clear the members of the committee, unlike a few on the Education and Labor Committee who are sitting on the minimum wage bill, are more concerned with passing laws for the good of Americans than playing politics.

When this bill becomes law, as I am sure it will, it is estimated that the lives of between 60,000 and 100,000 Americans can be saved through the use of trained personnel and insured ambulance service.

SENATE—*Friday, November 2, 1973*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

The Lord is nigh unto all who call upon Him, to all that call upon him in truth. He will fulfill the desire of them that fear Him: He also will hear their cry, and will save them.—Psalms 145: 18, 19.

O Lord our God, look upon this Nation and bring to it cleansing, renewal, and fresh power. Deliver us from coldness of heart, from indifference to Thy laws, from moral numbness, and from neglect of the things of the spirit. Make us ever ready to confess our sins and even more ready to accept Thy forgiveness. Replenish us with the grace, the wisdom, and the power Thou hast promised to those who love Thee and seek to do Thy will. Support and strengthen all who bear the burdens of government. May we pray for one another, work with and for one another as sons of the great redemption in a nation under God.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 30, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve for each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes; had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. Rooney of New York, Mr. Slack, Mr. Smith of Iowa, Mr. Flynt, Mr. Sikes, Mr. Mahon, Mr. Cederberg, Mr. Andrews of North Dakota, and Mr. Wyatt were appointed managers of the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, disagreed to by the Senate; had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. Staggers, Mr. Macdonald, Mr. Van Deerlin, Mr. Brown of Ohio, and Mr. Collins of Texas were appointed managers of the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

The message further announced that the House had passed the bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for 3 years, in which it requests the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (H. Con. Res. 373) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286 in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the bill (S. 11) to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Metcalf).

HOUSE BILL REFERRED

The bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for 3 years was read twice by its title and referred to the Committee on Labor and Public Welfare.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION BY PRESIDENT OF SENATOR SAXBE TO BE ATTORNEY GENERAL OF THE UNITED STATES, AND DESIGNATION OF LEON JAWORSKI TO BE SPECIAL PROSECUTOR

Mr. HUGH SCOTT. Mr. President, the President has announced the appointment of one of our beloved colleagues, Senator WILLIAM B. SAXBE, of Ohio, to be Attorney General of the United States, and Acting Attorney General Bork has announced the designation of Mr. Leon Jaworski, of Texas, to be special prosecutor.

In the first instance, as to Senator SAXBE, I would hope that the Senate would proceed in accordance with its ancient traditions and will proceed decently and in order toward the steps preceding confirmation. I would hope that confirmation could be had expeditiously. If the Senate wishes to waive a hitherto unbroken tradition, of acting immediately on the nomination of the Senator, I would hope that it will also do that with dignity and that it will proceed with whatever reasonable dispatch it can summon, as I do cherish the traditions of this body—as I am sure we all do.

We know our colleague from Ohio. We know his character, his reputation, and the high regard in which he is held. Therefore, I would hope that the Senate would not use the appointment of Senator SAXBE, of Ohio, to be Attorney General for any purpose other than to determine his competence for the office and his ability to assume its responsibilities.

We will, of course, miss him very much in this Chamber. I have no better friend.

As to the appointment of Mr. Leon Jaworski, whom I do not think I know so far as I can recall, we know that he was a past president of the American Bar Association, that he was frequently counsel for the late President Lyndon Johnson, that he was chief counsel, I believe, at war crimes trials, beginning his labors with the trial of the criminals at Dachau.

Mr. Jaworski refused the job of Special Prosecutor once before because he did not feel that it carried with it the assurances of complete independence. He has now received those assurances and they will be buttressed by the undertaking of the Attorney General, the Acting Attorney General, and, more importantly, of the President of the United States, that he cannot be removed from this office save after consultation with the majority leader, with myself, with the majority and minority leaders of the House, with the chairmen and ranking members of the Judiciary Committees of both bodies, and that a consensus is required. We had a discussion of the consensus yesterday. It can be interpreted to mean a substantial majority or an overwhelming majority. It cannot be interpreted to mean a bare majority. Therefore, members of both parties and, for the most part, nearly all of them, would have to agree. Therefore, the power of removal is volunteered by the Executive even though it cannot be forced from him or coerced out of him constitutionally, in view of the decision of Myers against the United States, Chief Justice Taft's opinion, which has not, in that regard, ever been overruled by any other decision. The power to appoint is the power to remove and Congress cannot prohibit the exercise of that power to remove officers of this kind.

Myers against United States is one way of going at this thing. A better way is, as I have suggested on previous occasions with regard to the President, the way of conciliation, the way of cooperation, the way of ready willingness to concede rights and privileges where the public interest demands.

I took that position—I believe I was the second Senator to take it—with regard to the special prosecutor. I believe it here.

I believe that we should not, here in Congress, or elsewhere, rely solely on our privileges but on consideration also of our responsibilities. So I hope that is the way we will proceed here. This is an offer made in good faith, and made to the American people as well as to Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD a transcript of yesterday's statements by the President, by Attorney-General-designate SAXBE, and by Acting Attorney General Bork.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCHANGE OF REMARKS BETWEEN THE PRESIDENT AND ATTORNEY-GENERAL-DESIGNATE WILLIAM B. SAXBE

Ladies and gentlemen, I have an announcement today with regard to the new Attorney General.

I shall send to the Senate, as soon as the papers are prepared, the nomination of William Saxbe, Senator Saxbe of Ohio, as Attorney General of the United States.

The Senator and I, as I have found from reading press reports, have had several discussions on this in recent days, and I have found that he is eminently qualified, which I had known before, having known him for 25 years. I met him first when he was Speaker of the House of Representatives for the State of Ohio, knew him when I was Vice President, also, when he was Attorney General of the State of Ohio, on two different terms.

Not only is he eminently qualified, but he is an individual who wants to take this position, and who will do everything that he possibly can to serve the Nation as the first lawyer in the Nation. As a matter of fact, as you know, Bill Saxbe had already indicated that he wasn't going to run for the Senate again in Ohio this year, and he wanted to practice law. So I have given him the opportunity, with the Senate's consent, which I think will be overwhelming, to head the largest law firm in America, the Department of Justice.

He will have, of course, under the rules, only a brief statement to make, since he has to answer questions in his confirmation hearings and has to delay any other questions which might relate to those hearings. But you can make a statement, Bill, as I understand, when I complete my own statement with regard to you, and also with regard to Mr. Bork.

Mr. Bork, the Acting Attorney General, who has handled this position with very great ability during a very difficult time, has an announcement with regard to the Special Prosecutor. Mr. Bork will make the announcement and then will be prepared to answer any questions you ladies and gentlemen may have with regard to the Special Prosecutor and his activities in the future.

This matter we have already discussed with various congressional leaders and, of course, discussed it this morning with the Republican congressional leaders in our regular leadership meeting, and they generally felt that the selection which Mr. Bork will announce is one that is perhaps the best we could get for this very important position.

And so, Mr. Saxbe, Senator Saxbe, whom shortly we hope we will call Mr. Attorney General, you will have an opportunity to speak to the members of the press here at the White House now, and when you finish your statement, Bob, if you will then make your announcement with regard to the Special Prosecutor and take any questions that the ladies and gentlemen may have on that, I would appreciate that.

Thank you.

Senator SAXBE. Thank you, Mr. President.

The PRESIDENT. Congratulations.

Senator SAXBE. Most of you I had rather extensive talks with yesterday. I certainly don't feel inhibited in talking about the job because I think I have said about all I have to say on it, but I do understand and comprehend the difficult times that I feel that our country is in, a crisis of leadership. I believe that I can help solve this problem.

I think everyone in this country wants to get back to routine affairs and the very difficult things that we have to settle both nationally and internationally. I hope that I can contribute to this and I certainly am anxious that it proceed just as rapidly as it can and without any limitations in regard to the affairs that Mr. Bork is going to talk about.

I am anxious to undertake this job. I have no reluctance and I have no doubts that I can handle it. I know it is going to be difficult, but it is going to be one that I am familiar with and one that I am happy to tackle.

I want to turn this over to Mr. Bork at this time. I certainly hope that he will stay with me. It is going to be a difficult job to get a staff, and his record as Solicitor General has been outstanding, and I certainly want him to stay. His coolness during this difficult time of the last few weeks has been outstanding. The rest of my staff will have to wait until I get down to the business of confirmation, and I cannot say more about that. I have got to make my calls and be prepared to go before the committee.

Mr. Bork.

PRESS CONFERENCE OF ACTING ATTORNEY GENERAL ROBERT H. BORK

The ACTING ATTORNEY GENERAL. Ladies and gentlemen, in my capacity as Acting Attorney General, I am announcing today that I have appointed Leon Jaworski as Special Prosecutor for the investigation of the Watergate matter and related subjects.

Mr. Jaworski is a distinguished member of the Bar and he has a long record of outstanding public service. He has extensive prosecutorial experience. Born and raised in Texas, he personally prosecuted the first major war crime trials in the European Theater during World War II. He later served as Special Assistant to the Attorney General in the Kennedy and Johnson Administrations, and as advisor to President Johnson.

In 1971 and 1972, Mr. Jaworski was president of the American Bar Association. He is also a past president of the American College of Trial Lawyers. Today, he is a senior partner in a Houston law firm, a position which he is relinquishing, of course, as he takes on this new assignment.

As Special Prosecutor, Mr. Jaworski's jurisdiction will be defined in the same terms as those first established for his predecessor. He has been promised the full cooperation of the Executive branch in the pursuit of his investigations. Should he disagree with a decision of the Administration with regard to the release of Presidential documents, there will be no restrictions placed on his freedom of action.

There is no expectation whatever that the President will ever have an occasion to exercise his constitutional right to discharge the Special Prosecutor or that it would ever be necessary in any way to limit the independence that he is being given. Should that expectation prove to be ill-founded, the President has given his personal assurance that he will not exercise his constitutional powers with regard to the Special Prosecutor without first consulting the Majority and Minority leaders and chairmen and ranking members of the Judiciary Committees of the Senate and the House, and ascertaining that their consensus is in accord with his proposed action.

I want to point out that the decision to name Mr. Jaworski to this post is one I made personally. Senator Saxbe participated in the closing stages of the selection process and concurred in the result. The selection also has the approval of President Nixon.

I should conclude by saying that, as one who has committed his honor and professional reputation to achieving justice in this case, I am totally satisfied with the process of selection, with the terms of the new charter, and most especially with the man who is going to be taking on these new duties. I believe the public is being well served.

Q. Mr. Bork, was there any discussion between you or any other member of the Administration with Mr. Jaworski about the Presidential tapes and other documents?

The ACTING ATTORNEY GENERAL. Was there any discussion between me and who?

Q. Mr. Jaworski.

The ACTING ATTORNEY GENERAL. No.

Q. And any other member of the Administration and Mr. Jaworski?

The ACTING ATTORNEY GENERAL. Not that I know of.

Q. So you know of no understanding that has been reached between Mr. Jaworski and—

The ACTING ATTORNEY GENERAL. No. Mr. Jaworski is not coming on with any understandings that limit his freedom of action. I thought I made that quite plain, and it must be quite plain.

Q. Sir, you said you didn't think there would be any difficulty with him at this time, as there was with his predecessor. Is this because you have elicited some promise from him?

The ACTING ATTORNEY GENERAL. I have elicited no promise from Mr. Jaworski. Mr. Jaworski would not give any such promise if he were asked for one. He is a man of complete independence and integrity.

I anticipate reasonableness on both sides. I anticipate cooperation from the White House. There is no promise that he will in any way be limited in the actions he is free to take.

Q. Will his charter be word for word the same one that governed Mr. Cox?

The ACTING ATTORNEY GENERAL. Yes, except for this additional safeguard about the President's personal assurance that he will not exercise any constitutional power without first consulting with these Members of Congress I have named.

Q. Was there any understanding with Mr. Jaworski about the present special Watergate prosecutorial staff?

The ACTING ATTORNEY GENERAL. Mr. Jaworski, of course, has complete freedom, but I have discussed that with Mr. Jaworski. I have stated to him that I thought that staff is indispensable to the rapid investigation and prosecution of these cases, and Mr. Jaworski fully agrees. Mr. Jaworski, I am sure, will be up here to meet with the staff very early, and I know will urge them to stay with the cases and discharge their professional obligations.

Q. Mr. Bork, if his charter is to be precisely the same as Mr. Cox's was, why was it necessary for you to revoke the departmental order which created that one, and are you now going to reissue it?

The ACTING ATTORNEY GENERAL. The answer to that is, at the time we had no Special Prosecutor. The matter was to be held and handled within the Criminal Division under my overall authority and under Mr. Henry Petersen's direct supervision, and that charter was inappropriate at that time. Now it becomes appropriate with the appointment of a new Special Prosecutor.

Q. What relationship will Mr. Henry Petersen have to this investigation now?

The ACTING ATTORNEY GENERAL. Mr. Petersen will no longer be involved in the investigation. Mr. Petersen will continue to run the Criminal Division, but the Special Prosecutor will run these matters.

Q. Mr. Bork, who brought Mr. Jaworski to your attention?

The ACTING ATTORNEY GENERAL. I had access to the files that Elliot Richardson had gathered in his rather extensive search for a Special Prosecutor. Mr. Jaworski's name was very prominent in those files. I think that is where it first came to my attention, although, of course, I knew of the reputation of the man.

Q. Governor Connally nor Professor Wright, neither discussed it with you?

The ACTING ATTORNEY GENERAL. No. I have never discussed this matter with Governor Connally, and I know Mr. Wright did not bring it to my attention. I have discussed, I should say, the question of a Special Prosecutor extensively within my own staff—well, I should back up on that.

It is a little hard to discuss matters extensively within my own staff within the Department of Justice because it is a very tiny staff, but insofar as it is possible, I discussed it with my own staff. I have discussed it with leaders of the Bar and I have discussed it with lawyers I know personally whose judgment I trust.

Q. Who elicited the assurance of the President that he would not fire the man unless he has the acquiescence of Congress?

The ACTING ATTORNEY GENERAL. I am not sure whose idea that originally was, but when it was brought to my attention, I thought it was a very good idea.

Q. It was not your idea?

The ACTING ATTORNEY GENERAL. No, I did not dream that one up.

Q. On that point, in the event that the President did find it necessary to discharge the new Special Prosecutor and consulted with these Members of Congress, would there be some provision for them voting, and a majority vote would be able to veto the decision, or would he only have to inform them and get their opinion and still be free to do as he chose?

The ACTING ATTORNEY GENERAL. No. My understanding of this personal assurance of the President is that when he says he will consult with them and ascertain that their consensus is in accord with his proposed action, by that he means he would want and need a substantial majority that agreed with him.

Q. Mr. Bork, do you see any change in the scope of the jurisdiction of the Special Prosecutor's office? Will Mr. Jaworski be free to pursue inquiries into the Rebozo-Hughes $100,000 contribution, the dairy fund contribution, and related acts not specifically involved in the Watergate break-in?

The ACTING ATTORNEY GENERAL. If you have read the original charter, which will now be reissued, it contains four heads of jurisdictions. One is the unauthorized entry into the Democratic National Committee headquarters at the Watergate. Number 2 is all offenses arising out of the 1972 Presidential election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility. The third head of jurisdiction is allegations involving the President, members of the White House staff or Presidential appointees. And the fourth head of jurisdiction is any other matters which he consents to have assigned to him by the Attorney General.

Q. Mr. Bork, what moves will be made to extend the life of the various Watergate Grand Juries in view of the length of time it will take for Mr. Jaworski now to orient himself and his activities; and secondly, will you stay on in the Justice Department?

The ACTING ATTORNEY GENERAL. First, the Justice Department has submitted a bill to Congress asking that the life of those Grand Juries be extended. I will fully support that bill, and I trust it will pass.

Will I stay on in the Department of Justice? Yes.

Q. In what capacity, sir?

The ACTING ATTORNEY GENERAL. I would like to stay on in the capacity which is the only one I have ever aspired to, and I would like to try the job out, and that is Solicitor General, which to me is a lawyer's dream job and the one I want to hold.

Q. Is it your intent, as the Acting Attorney General, to assign to Mr. Jaworski the job of investigating those items in my previous question; that is, the milk fund and the Rebozo-Hughes $100,000 contribution?

The ACTING ATTORNEY GENERAL. To answer that question, I think, would be to make a statement about whether or not they are already under investigation, and I am not going to talk about what that staff is presently doing.

Q. Mr. Bork, what if the Attorney General does not want to sign an indictment that Mr. Jaworski might want to bring?

The ACTING ATTORNEY GENERAL. The Special Prosecutor will have the power to sign his own indictments.

Q. The White House has complained that Mr. Cox had "roamed far afield" in his investigation, going into these various matters. Is it your understanding or expectation that none of the investigations, whatever they are, that have been conducted under Mr. Cox would be curtailed, or will they be continued?

The ACTING ATTORNEY GENERAL. That is a decision for the Special Prosecutor. I certainly intend in no way to try to influence his decision. I am confident—knowing Mr. Jaworski and his reputation—I am confident that if there is any investigation that is going forward which he perceives as a live investigation, he will not curtail. But I certainly do not intend to begin in any way to try to tell Mr. Jaworski what he ought or ought not to do.

Q. Mr. Bork, the President said that the general feeling was that Mr. Jaworski was very good and perhaps the best we could get. What, if any, reservations have been expressed to you about him, and were you in the leadership meeting to know what, if any, were expressed there?

The ACTING ATTORNEY GENERAL. I heard no reservations expressed about him this morning. I have talked to a number of leading figures in the American Bar and to a number of personal friends whose judgment I trust, and to tell you the truth, I have heard no reservations.

The man appears to be, and is, an independent type of man, an experienced prosecutor, experienced trial lawyer. Nobody questions his integrity. I am delighted with this choice.

Q. Mr. Bork, is Mr. Jaworski your selection or was he recommended to you by somebody in the White House?

The Acting Attorney General. No, he is my selection, but we discussed him—I discussed him with my staff in the Justice Department, I discussed him with some lawyers in the White House, I discussed him with members of the Bar, but he is my selection, and it has been my understanding from the outset that this was to be my selection.

Q. If I could follow up on that, what lawyers did you discuss it with in the White House?

The Acting Attorney General. Len Garment and Fred Buzhardt. I ask them what they knew about the man and they knew his reputation, is about it, I think.

Q. Will they not be representing the President to this new prosecutor, and is this a proper move, to consult an adversary lawyer on something like that?

The Acting Attorney General. I asked them if they knew anything about the man, and they knew his reputation and that was about it, to tell you the truth.

Q. Did they talk to him, Mr. Bork?

The Acting Attorney General. Yes. Listen, one of the reasons it is essential, I think, that they talk to him is that Mr. Jaworski have it understood all the way around about his independence, and that was fully agreed to. Of course he would want to talk to them.

Q. Mr. Bork, is there now any understanding with the leaders of Congress that they will back off from the legislation permitting the court to appoint its own Special Prosecutor?

The Acting Attorney General. I have no such understanding, and I know of no such understanding. I would hope that many Congressmen would perceive this Special Prosecutor office as fulfilling the needs they feel, and also as not raising the serious constitutional questions that some of the other proposals do raise.

Q. Mr. Bork, was Mr. Jaworski among your top five?

The Acting Attorney General. Oh, yes. I started off with an extensive number of names suggested to me from various sources and Mr. Jaworski was not only among my top five, but as the process continued, he became my top one.

Q. Mr. Bork, would you give us, in some more detail, the underlying reason for your apparent settled conviction that there is not going to be any more confrontation between the White House and the Special Prosecutor?

The Acting Attorney General. Because the President told me he wanted full investigation, he wanted full prosecution. I believe that is what he wants. I think the President fully understands that with Mr. Jaworski that is what he is going to get, and I don't think anybody wants any further confrontations of that sort.

Q. Mr. Bork, did you say that the President concurred in your choice of Mr. Jaworski, and the second part to that question, was Mr. Jaworski the first name you submitted to the President for concurrence?

The Acting Attorney General. I didn't submit any names to the President for concurrence. The President approves of Mr. Jaworski because he has the record of the man's accomplishments and integrity. He knows about him.

Q. Had he disapproved anyone else?

The Acting Attorney General. No.

Q. When does he go to work?

The Acting Attorney General. He hopes to be up here Monday morning, or as soon as the plane gets in from Texas, which may be noon or something like that.

Q. Did Mr. Jaworski require any urging by you or anyone else to accept the job, and if he did, who else besides you urged him to do so?

The Acting Attorney General. Insofar as I could see, Mr. Jaworski was aware that he was taking on responsibilities and duties of the most difficult and profound nature, and I think Mr. Jaworski was acutely aware of the personal sacrifice he was making, but also of the service he was going to perform to the nation at this time.

Q. Was Mr. Jaworski active in the Democrats for Nixon Campaign in 1972 which Governor Connally ran down in Texas?

The Acting Attorney General. I have no idea. I know Mr. Jaworski is a Democrat, but I did not in any way try to figure out his political activities. I didn't think they were important.

Q. Mr. Bork, you may have stated it generally, but so it is perfectly clear and specific, is it clearly understood by you and by Mr. Jaworski that he is free to go to court to press for additional tapes or Presidential papers if he deems it necessary?

The Acting Attorney General. That is absolutely clear.

The Press. Thank you, sir.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Massachusetts (Mr. Kennedy) is now recognized for not to exceed 15 minutes.

Mr. KENNEDY. Mr. President, I have just listened to the remarks of the distinguished minority leader and I, too, would join in congratulating Senator Saxbe on winning the confidence of the President and obtaining this nomination. I also congratulate Mr. Jaworski for the confidence he has been able to achieve in being selected by the President as special prosecutor.

I had the opportunity to introduce Elliot Richardson, the past Attorney General, a man from my State, to the Committee on the Judiciary and to urge, on the opening day of the hearings, the quick and expeditious consideration of his nomination. Mr. Richardson is a person who had served with considerable distinction in a variety of different executive positions, and who had held important positions of public interest and trust in my own State of Massachusetts.

I believe that the Committee on the Judiciary wisely spent a significant period of time—a period of some 3 weeks—and explored with Mr. Richardson his views about the special prosecutor and about a number of other matters of significant public interest.

As a member of the Judiciary Committee, I had a deep interest in a wide variety of matters before the Attorney General's office. In the course of the hearings, Mr. Richardson displayed a clear sensitivity to many of those interests, which was a matter of great satisfaction to many members of the committee.

I am hopeful that we will have a similar opportunity in the Judiciary Committee to explore with our distinguished colleague, Senator Saxbe, his views on many of the matters which are of consequence and importance to this country today. Obviously, we have a very high regard for our colleague. But, if the Senate were to put its stamp of approval on a fellow Member of this body without careful exploration of his views on matters of importance and consequence to the country today, we would fail in our responsibility to the Senate and to the American people. The historic precedents are an important factor, but I think we also have this responsibility.

In addition, I would think that Senator Saxbe would welcome such opportunity. In a brief and informal conversation with him yesterday—he was kind enough and generous enough to come by and talk with me briefly on some of the matters of my particular interest—I gathered the impression that he would welcome the opportunity to explore various issues before the committee and, hopefully, before the American people, and to give us his views on a number of matters of importance.

I must say that, as a member of the Judiciary Committee, I would also welcome the opportunity to explore similar matters with Mr. Jaworski, either at the same time or approximately the same time, so that we may hear his views on how he expects to proceed as the special prosecutor. We had the opportunity to do this with Mr. Cox and Mr. Richardson together, when the arrangements for the special prosecutor were first made, and I think it will be interesting and rewarding for the committee and for the Senate if we have a chance to exchange ideas and to question Mr. Jaworski.

I think we realize at the outset that he has already assumed his position today. Under the terms of the previous arrangement, he already is the special prosecutor, and there is absolutely no existing requirement that his selection must be submitted for the advice and consent of the Senate. But I think we would be negligent in our responsibility on the Judiciary Committee if we do not call him to testify at an early time. I agree with the minority leader that it should be done promptly.

The Judiciary Committee has already scheduled a hearing with a representative of the American Bar Association, on Monday, to be followed by former Attorney General Richardson. We have already heard from Mr. Cox, who was the special prosecutor. I would hope that after Mr. Richardson, we could move ahead with Mr. Saxbe and Mr. Jaworski, and continue with our committee deliberations leading to passage of the special prosecutor legislation and the extension of the Watergate grand jury.

I do feel, as I am sure others do, that there is a very favorable atmosphere and climate within the Judiciary Committee. I certainly share that feeling toward Mr. Saxbe and Mr. Jaworski, and as I have stated earlier, there are extremely significant institutional questions to be resolved with respect to Mr. Jaworski's appointment and his independence from the executive. In spite of the assurances that have been given about consultation with particular congressional leaders prior to any effort to dismiss him, I do not find these assurances sufficiently reassuring. The Judiciary Committee had assurances that Mr. Cox would be fired only for extraordinary improprieties, and we found that he was fired because he apparently had a disagreement with the White House, a disagreement which he was prepared to take to the Supreme Court of the United States.

I wish I could say that I felt a greater sense of reassurance after the statements and comments that have been made on Mr. Jaworski, but I do not. And so, I feel the Judiciary Committee must explore in detail the understanding that Mr. Jaworski has of his independence, after he has had a chance over the weekend to plan his approach to this job. We want to learn what assurances he can give to the Senate and to the American people about his commitment to an independent investigation, and to the pursuit of all the evidence and other materials he will need to do his job effectively.

I would also hope that Mr. Jaworski would retain the Cox team that has been developed in the special prosecutor's office. Mr. Cox has urged that they remain, and I think the Justice Department has urged them to continue. I am hopeful that Mr. Jaworski will share that view.

THE ATLANTIC ALLIANCE

Mr. KENNEDY. Mr. President, last week I paid a brief visit to Brussels to fulfill a speaking engagement and meet with a number of officials in the European Commission. It was a fortuitous moment to be in Europe. Negotiations were just beginning in Geneva on the "Tokyo round" of tariff negotiations, and the MBFR talks were set to begin in Vienna this Monday. Meanwhile the United States and the Soviet Union were engaged in the second round of the SALT talks to limit the nuclear arms race, and 35 nations were involved in the Conference on European Security and Cooperation.

These four conferences—on troops and trade, and on strategic arms and security—all have immense consequences for the current well-being and future development of the Atlantic alliance. The terms of alliance are changing; there are new problems and difficulties; and new opportunities for promoting good relations across the Atlantic for the years ahead.

Throughout this process, the climate of our relations is of the highest importance. This is a time when we must talk with one another; we must understand one another's interests and desires; and we must seek to resolve difficulties before they produce crisis or conflict. If, together, the allies do these things, then I am confident that the next generation of North Atlantic relations will be as rewarding as the last.

We cannot exaggerate the importance of current negotiations, as well as the hopeful opportunities that exist both for the future of Atlantic relations and for moving beyond the era of cold-war confrontation. Thus all of us view with distress the unfortunate disruption of our relations with our European allies that took place last week.

The immediate problem began on October 25, when President Nixon ordered U.S. conventional and nuclear forces on worldwide alert. By all accounts, he took the decision without either informing or consulting a single one of our European allies. He did this even though U.S. forces in Europe were involved, and even though Europe's fate is inextricably bound up with our own.

Last Thursday, I approved the President's decision to place U.S. forces on alert, based on the information that was available to me. But I did not and cannot approve the administration's failure to take our allies into its confidence. Consulting with our allies would not have meant changing our actions to support Israel, to maintain the cease-fire, or to prevent a superpower confrontation in the Middle East. But it would have meant preserving the basis for good relations with our allies, both now and in the future.

The reaction from Europe was predictable. It is one of shock and anger. A decision was taken that could have vitally affected our allies, yet there was virtually no effort by the administration to inform them, much less to consult actively with them.

Here in Washington, the administration still shows no awareness of the threat it has posed to alliance cohesion.

Instead, various administration officials, up to and including the President, have been publicly and privately criticizing our European allies for their actions during the Middle East war. Secretary of Defense Schlesinger stated that the administration will be forced "to consider established notions and established doctrine." The State Department spokesman added his criticisms. The President chastised Europe with the remark that it "would have frozen to death this winter" if there had not been a settlement. And Dr. Kissinger was reported as being strongly displeased with the allies.

It is hard to believe that these statements came from the administration's highest officials. It is incredible to be told that Portugal, of all countries, should now be considered our one reliable Atlantic ally. These comments are all the more incredible coming, as they do, after years of U.S. neglect of the Atlantic Alliance.

Of course, many of us do not approve of the attitude taken by a number of European countries in the recent Middle East conflict. We would have all welcomed more European support for U.S. actions. But, like it or not, our membership in the NATO Alliance compels us to consider the European point of view, just as Europe must consider ours.

Until now, every President since Harry Truman has understood the demands of alliance. One cardinal rule has applied to every nation in NATO: There must be close consultations among allies when one another's interests are at stake.

Along with other allied nations, the United States has generally tried to follow this principle. We have done rather well over the years, especially in the most critical circumstances. President Eisenhower set a high standard, and Presidents Kennedy and Johnson sought to follow his example. Secretary Kissinger himself wrote a distinguished book—"NATO: The Troubled Partnership"—which argued strongly for close consultations between the United States and its NATO allies. Last week, however, all this experience and good advice was ignored. America chose to go it alone, unmindful of its obligations to Europe.

This is a serious development. But it did not just happen in the last few weeks. For several years, this administration has permitted relations with Europe to deteriorate, while it concentrated on other aspects of its foreign policy. It was understandable, perhaps, that President Nixon and Dr. Kissinger wanted to focus on relations with the Soviet Union and China—pursuing arms control and détente with the former, and ending two decades of almost total hostility with the latter.

Yet there is no excuse at all for the United States to ignore Atlantic relations. There has been—and continues to be—a danger of isolating our NATO allies during bilateral negotiations with the Soviet Union. There is a danger of giving the impression that we are prepared to reach agreements with Moscow at Europe's expense. And there is a danger of allowing serious conflict to develop in economic relations among Atlantic States—relations that have been neglected by this administration for far too long.

Earlier this year, Dr. Kissinger proclaimed a "year of Europe," and proposed the adoption of a new Atlantic Charter. There was a mixed reaction to these proposals in Europe. At long last, it seemed, this administration was ready to take allied interests seriously. But at the same time, there was concern in Europe that the administration did not understand the difficulties that lay ahead. How was it possible to chart a new course in Atlantic relations in a single year? How could a set of complex relations be reduced to a single charter?

A new Atlantic Charter can work for the alliance or against it. It could stimulate new approaches to both old and new problems. Or it could be a way for the United States to obscure real problems; to play one European ally off against the others; and to try insuring American supremacy in the alliance, at the very moment when we are being called upon to share our power, our influence, and our responsibilities.

Since then, very little has come of Dr. Kissinger's "year." To be sure, his proposal for a new Atlantic Charter helped stimulate the nations of the European Community into preparing common positions on a range of issues.

Yet it is reported that this response did not please the administration. There was pique, not pleasure, that Europe was beginning to speak with one voice. Despite 20 years of American support for unity in Europe, its tentative steps in that direction were viewed with concern, and with disappointment that Europe could act without tutelage from officials in Washington.

Nagging questions remain. Is this administration really concerned to bolster the Atlantic alliance? Does it intend to work with our allies in meeting the demands of our relations for the 1970's? Can it come to grips with the economic problems of alliance? Or has the new dialog with the Soviet Union become so important that nothing can stand in the way—including the interests and needs of our allies? Despite reassurances from the administration that we are not seeking a "condominium," there has long been reason to believe that Atlantic relations still occupy a very low priority in administration thought and action. And there is continuing evidence that the administration is too overpreoccupied with military issues to act on the critical problems of allied economic relations.

Mr. President, the administration has helped to resolve a crisis in the Middle East. But in the process it has needlessly created a crisis in the Atlantic alliance. It is even now issuing vague hints that the United States will reconsider its policies concerning the maintenance of U.S. troops on the continent—not after careful evaluation and consultation with the allies on the appropriate force structure, not through MBFR, but in retaliation for an alleged lack of European euthusiasm and support for U.S. policies.

I deplore this approach. It goes against American interests in the defense of Europe and in the strength of alliance. And it calls into question the credibility of the administration in managing the foreign relations of the United States.

At a critical time in détente, when negotiations to reduce troops in Europe are just beginning in Vienna, and when the SALT talks raise European concerns about U.S. intentions, stimulating strife and dissension within the alliance is sheer folly. It will make it more difficult to work with our allies on effective preparations for East-West negotiations, on putting the role of military force in proper persceptive, and on creating a new set of economic relations that can benefit all nations.

Our European allies cannot be expected to forget what the President has done, the next time the administration talks of Atlantic charters or years of Europe.

Mr. President, the Atlantic alliance can be—it must be—revived and strengthened. But to do this, the United States must take several specific steps:

The principle of allied consultation must be reaffirmed, and applied consistently to United States-Soviet negotiations, to negotiations on troop reductions and European security, and to matters within the alliance itself.

The administration must work even more closely with the Congress on trade legislation that will permit negotiations on this vital issue;

It must not delay the reform of the international monetary system; it must make the basic decisions required, and negotiate seriously;

The administration must join with Europe in meeting our shared commitment to the economic development of poor nations;

It must make a firm commitment to include our European allies in all U.S. decisions affecting troop levels in Europe;

It must abandon the attempt to link levels of U.S. forces in Europe to European concessions on issues in trade and monetary relations;

It must finally appoint a new Ambassador to the OECD;

It must foreswear any return to the six-gun diplomacy that was uppermost when John Connally was Secretary of the Treasury;

And it must finally take a strong and forthright stand on developing a genuine energy policy, both here at home and in the alliance.

Above all, the attitudes of this administration must change. It must stop patronizing Europe. It must stop seeing relations with the Soviet Union—important as they are—as justifying the neglect of our allies. And it must begin realizing that our future is bound up with that of Europe, and that we must all work together. If the administration hopes to restore the credibility of its foreign policy, it must indicate that it understands the true demands of the alliance—and of foreign policy—in these difficult times.

Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "What 'Year of Europe'?" published in the New York Times of October 31, 1973, and an editorial entitled "NATO and the Mideast," published in the Washington Star-News of November 1, 1973. Both editorials relate to this subject.

There being no objection, the articles were ordered to be printed in the Record, as follows:

What "Year of Europe"?

What the United States had envisioned as the Year of Europe, a period of imaginative updating and refurbishing of the NATO Alliance, capped with a new Atlantic Charter, has become instead the year in which Washington's relationship with its European partners has struck an all-time low.

The Administration's unprecedented decision last week to trumpet its resentment against the allies for not lining up solidly behind United States actions in the Middle East—not once but thrice in a day, the last shaft delivered by President Nixon himself—understandably provoked anger and bewilderment in nearly every NATO capital in Europe. The climate was not improved by Secretary of State Kissinger's alleged remark to visiting European-parliamentarians this week that during the two-week Middle East crisis the European's "acted as though the Alliance did not exist." And his reported expression of "disgust" with NATO during an appearance before the House Foreign Affairs Committee could only further sour relations.

Most NATO members had made clear in advance, privately or publicly, either that they did not share Washington's assessment of the crisis or that they could not afford to take a stance that might have the result of cutting off the flow of Arab oil which, as Mr. Nixon pointed out, is far more vital to Western Europe than to the United States.

Apart from any desire to remain officially neutral between Israel and the Arab states, however, the allied governments felt strongly that once again they were being asked to support an American policy on which they had not been consulted. These feelings were exacerbated when Washington did not notify them in advance of its worldwide security alert, obviously of concern to every country allied with the United States and especially those in which American military bases are situated.

President Nixon was right about Western Europe's tremendous stake in a Middle East cease-fire. State Department spokesman Robert J. McCloskey stated the obvious in saying that maintenance of the military balance and establishment of a durable peace in the Middle East "is just as much in the vital interest in West Germany and the other NATO allies as it is in our interest." The relevant point, however, remains the right of the European allies to be consulted about policies crucial to their survival.

Washington's failure to consult, despite countless promises to do so, and its decision not to give its allies advance warning of a military alert that inevitably affected their interests, fits a dismally familiar pattern for this Administration. Mr. Nixon and Secretary Kissinger can speak eloquently about the indispensable American-European connection; but their actions, particularly in crisis, do not match their words.

Some allied governments did go to unnecessary lengths to "separate themselves publicly" from the United States—one of Mr. McCloskey's complaints. West Germany might at least have made through diplomatic channels, rather than by public pronouncement, its demand that the United States halt arms shipments to Israel from German territory. But no constructive purpose was served by the peevish public criticisms of allied behavior from an Administration whose policy in crisis had been carried out in disregard of the interests of its European partners.

NATO and the Mideast

An important side-effect of American involvement in the Middle East crisis is the acute embarrassment of the North Atlantic Treaty Organization. The problem needs top-level attention to avoid a severe wrenching of the 24-year-old alliance.

The United States has pretty well gone it alone in its policy of supplying Israel to maintain a military balance between that country and its Soviet-supported Arab opponents, both to ensure Israel's survival and to promote an eventual settlement. The crunch came when, in the latest Arab-Israeli war, the Russians mounted a resupply effort for the Arab side and Washington decided it must do the same for Israel.

This produced a public scramble by most of our European allies to avoid identification with the American action and even, in the view of some U.S. officials, to hinder it. Only Portugal permitted overflight and landing by Israel-bound supply planes and fighters. West Germany made a public fuss over the discovery of American tanks being loaded abroad Israeli ships at Bremerhaven. Turkey and Greece, among the countries warning our planes off, reportedly permitted Soviet overflights (which Greece denied in its case).

The spectacle of our NATO allies treating us like lepers caused deep hurt in Washington, even after giving due weight to the European desire to avoid giving offense to the Arabs and jeopardizing the major part of their oil supplies. Defense Secretary Schlesinger and State Department spokesman McCloskey voice unprecedented criticism of our NATO partners, and the President commented bitterly at his generally bitter news conference Friday night. Mr. Nixon turned the oil argument around, saying Europe "would have frozen to death this winter" without the Mideast settlement that American policy seeks to promote.

The rift has pointed up the disparity between European and American attitudes toward the Mideast conflict. It also reveals some basic disagreements on the loyalty to be expected among NATO allies and on American freedom to shift Europe-based equipment and forces to trouble spots elsewhere, even to such a contiguous zone as the Mideast. Russia's role there as Arab sponsor and would-be oil broker can hardly be of no consequence to NATO.

Blame in the current misunderstanding surely belongs on both sides, with Washington still subject to reproach for failure to communicate and consult, especially on the near-confrontation with Moscow that provoked our military alert last Thursday. But the seeming desertion by our European partners could produce enough American resentment to hasten the withdrawal of substantial American forces from Europe. There is important congressional sentiment for doing this, and the administration now is restudying our NATO deployment especially with a view of our flexibility in using men and equipment wherever needed.

The NATO alliance obviously needs intense medication, and it is too bad the necessity has been shown this painfully as an unwanted highlight of Mr. Nixon's "Year of Europe." It is worth taking a moment to reflect that the Atlantic partnership still is vital to the security of all of us.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Allen). In accordance with the previous order, the Chair now recognizes the Senator from Michigan (Mr. Griffin).

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Michigan yield me a minute?

Mr. GRIFFIN. Mr. President, I yield to the distinguished Democratic whip.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DOMENICI ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on Monday, the distinguished Senator from New Mexico (Mr. Domenici) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, following the recognition of the distinguished Senator from New Mexico (Mr. Domenici) on Monday, I ask unanimous consent that there be a period for the transaction of routine morning business of not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON MILITARY PROCUREMENT BILL ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, following the conclusion of routine morning business on Monday, I ask unanimous consent that the Senate proceed to the consideration of the conference report on the military procurement authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FIRE PREVENTION AND CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I have discussed the request I am about to make with the distinguished assistant Republican leader (Mr. Griffin) and have likewise cleared it with the distinguished Senator from Washington (Mr. Magnuson) and the distinguished Senator from New Hampshire (Mr. Cotton): that the yea-and-nay vote which has been scheduled on the final passage of S. 1769, to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, occur at no later than the hour of 12:30 p.m. today; that rule XII be waived; that there be a limitation of 30 minutes on amendments to the bill; that there be a limitation of 20 minutes on any amendment to an amendment, debatable motion, or appeal; and that the agreement be in the usual form; with the added proviso that if at the hour of 12:30 p.m. an amendment is pending, the time allotted to the amendment under the agreement be allowed to run, unless such time is yielded back.

The PRESIDING OFFICER (Mr. Allen). Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, if the distinguished Senator does not want to utilize his time at this moment——

Mr. GRIFFIN. I would like to yield to the Senator from Oklahoma. He will not use all the time.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. BARTLETT. I thank the distinguished Senator from Michigan and the distinguished Senator from West Virginia for yielding to me at this time.

THE PRESIDENT CAN BE REMOVED ONLY AFTER IMPEACHMENT

Mr. BARTLETT. Mr. President, I am very concerned by the suggestions and demands that President Nixon resign his office because of the accusations, insinuations, and innuendoes of Watergate. Well-meaning people may not realize the long-term consequences of such a decision.

One of the greatest strengths of our form of government is the constitutionally guaranteed continuity of government through the elective process.

Article II, section 4, of the Constitution provides that the President shall be removed from office only after impeachment for and the conviction of treason, bribery, or other high crimes and misdemeanors.

There is no provision in the Constitution that a President should resign because of accusations or because of public clamor. If this were so, many of our great Presidents would never have served out their terms. President Lincoln was perhaps subjected to the greatest abuse of any President in our history. Both President Truman and President Wilson plunged to perilous lows of popular support.

If a President who is innocent of an impeachable offense resigns from office because of the tremendous public pressure brought to bear on him, the voters who elected that President are denied their mandate.

Once such a resignation occurs, the precedent is established for a minority to succeed through pressure where it failed through the electoral process.

Certainly, if a President is guilty of wrongdoing he should resign or be impeached. But it is a dangerous idea to suggest that the President resign solely because public opinion has turned against him and that he may be impaired in carrying out his duties. Even the national trauma of an impeachment proceeding would not have the long-term adverse impact of the forced resignation of an innocent President.

The integrity of the constitutional office of the President is far more important than specious and emotional demands.

I yield back to the Senator from West Virginia.

Mr. GRIFFIN. Mr. President, I now yield to the Senator from Louisiana.

PRESIDENT NIXON'S NOMINATION OF SENATOR WILLIAM B. SAXBE AND APPOINTMENT OF LEON JAWORSKI

Mr. LONG. Mr. President, I applaud President Nixon's decision to nominate Senator William B. Saxbe to become Attorney General and the appointment of Leon Jaworski as the new independent prosecutor.

Senator Saxbe's record of independence during his service in the Senate and his crisp and outspoken criticism of the President on a number of issues should demonstrate to any doubters that he will perform the job fearlessly and that he will exercise the judgment that the Nation expects at this time.

I am sure Bill Saxbe would not leave the Senate prior to the completion of his term if he were not certain that he could handle the Attorney General's duties effectively and without partisanship.

While I do not know Mr. Jaworski personally, his credentials are as impressive as any attorney's in this Nation and they are in line with the highest ethics of the legal profession.

I had the opportunity to watch the "Today" show on nationwide TV this morning, in which Mr. Jaworski was interviewed. It took only about 10 minutes to watch that interview to convince anyone that this great jurist is entitled to all the acclaim that has come to him during the past 50 years, because he is the type of person who clearly inspires the confidence of people. Obviously, his elevation to the presidency of the American Bar Association occurred because of his very fine performance of the tasks assigned to him in different areas.

Public service is not new to Mr. Jaworski, and it is entirely unlikely that he would have accepted this appointment had he not thoroughly believed his duties would be performed as was expected of him.

A man of such distinction throughout his life would not accept an appointment of this sort without first setting terms and conditions under which he would be expected to pursue his task. We have heard those terms spelled out—that Mr. Jaworski had a firm agreement with the

President that, if there are disagreements, they would be submitted to the joint leadership—both Republicans and Democrats—of the House and Senate, and the President and Mr. Jaworski would abide by the judgment of the congressional leaders.

Mr. SAXBE explained on television this morning that this would not be just a simple majority of the leadership, but an overwhelming one. He would expect at least six of the leaders would have to agree that Mr. Jaworski was not doing his duty the way it should be performed for the President to be supported against Mr. Jaworski's views.

I do think it was very unfortunate that the situation developed as it did with regard to Mr. Cox. But, in fairness to the President, what has transpired since that time has supported the President's obvious feeling that he was not being treated fairly by Mr. Cox.

I regret that Mr. Cox did something which he admitted was a grave violation of legal ethics. Mr. Cox described it as "unpardonable." Now we see that perhaps the President did have a basis for feeling that he was not being treated fairly by the prosecutor.

I think Mr. Jaworski's appointment now makes it unnecessary for Judge Sirica to name his own special prosecutor at a time when the Nation is beset with serious divison and controversy. I have not heard a single person argue the proposition that a judge should be both prosecutor and judge, or that a judge should be the prosecutor, particularly of the President of the United States, without creating grave constitutional doubts of such a course. In a time of national hysteria, this is also no time for Congress to embark on a journey into a constitutional no-man's land.

It would seem to me the proper approach would be that if Congress thinks a President has committed a crime, it could have all the investigators it wants. But that should start in the House, because the appropriate procedure, under the Constitution, would be impeachment.

I think it is time for many in this body and the other body and news commentators to start being fair to the President. From time to time I think it would be fair for some people even to issue an apology for some of the things they have said that are unfair and unkind.

As I say, it seems to me that if Congress wants to investigate further, it should do so on its own account, either through the Watergate Committee or the Judiciary Committee which is looking into the matters at the present time.

However, I do think that in this time of national unrest, it is no time to depart from the procedures set forth by the Founding Fathers and to embark upon an area that, in my judgment, creates the gravest of constitutional doubts. Even one of its most fervid advocates, Mr. Cox, appeared on public television and stated himself that he had grave doubts about the constitutionality of a court-appointed prosecutor. And if it is doubtful as to whether it should be funded and upheld by the courts, that would then mean that all of those who were charged and prosecuted by this man would have to be turned loose and those indictments would have to be found invalid. I believe that is something we ought to try to avoid.

I would think that others would look into the credentials and understand that the President has an independent prosecutor who feels reassured, as I do, that he will be able to act independently.

I would point out that there is a great difference between Attorney General Richardson's making a commitment to his independent prosecutor and the President himself making that commitment to his prosecutor.

The PRESIDING OFFICER. Does the Senator from Michigan desire to be recognized?

Mr. GRIFFIN. I do.

Mr. President, I commend the distinguished Senator from Louisiana for the very important statement he has made. I must say that this Senator had mixed feelings about the route that we should go in reestablishing a special, independent prosecutor.

There is a lot of appeal in the argument of those who say that the administration should not appoint a prosecutor to investigate itself. On the other hand, as a lawyer, I have been very concerned about the constitutionality of a court-appointed prosecutor since the court would then listen to the testimony and decide the cases.

When Professor Cox himself, as the Senator from Louisiana has said, admits that this is of doubtful constitutionality, it seems to me that we should take a long look at it. The last thing we should want is to have all of those indictments declared invalid because they have come down from a court-appointed prosecutor.

However, there is no question that a special prosecutor appointed by the President is constitutional. And the indictments would be held to be valid.

As a result of being at a leadership meeting on yesterday I can report that the President himself has not talked with Mr. Jaworski. The only person who has is Mr. Bork, the Acting Attorney General, whose job it has been to seek out and name the special prosecutor.

The Senator from Louisiana would agree that if Judge Sirica had appointed Mr. Jaworski, that appointment would meet with general approval. He is a lifelong Democrat, a former war crimes prosecutor, and past president of the American Bar Association. He is a man of impeccable credentials—a man who will insist on independence. He is the kind of person who would resign if he got into a situation where he could not be independent.

Mr. LONG. Mr. President, if the Senator will yield, I think the Senator is aware of the fact that Mr. Jaworski was offered the job before Mr. Cox and he declined it. I assume that one of the reasons he did so was because he did not have the kind of assurances that he has now. He would have to have the assurances of the President and he would want the procedure that he has apparently arranged with the President.

And if he and the President should be at loggerheads about how he is doing the job, the matter would be submitted to what I believe would be a fair jury. And who would be better than the Congress itself, which, incidentally, is far more appropriate than to have the Judiciary Committee decide the matter. The matter would be submitted to the leadership of the Congress. And we in Congress, which has the impeachment function in the last analysis, would look into the matter.

It is agreed, as I understand it, that the President would listen to the views and the consensus of the Congress, so that the President would have to have, let us say, six out of a group of eight, composed equally of Democrats and Republicans, sustain his position in order for Mr. Jaworski to be relieved.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, do I have any time remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 9 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I yield the Senator from Michigan as much time as he desires.

Mr. GRIFFIN. Mr. President, I thank the distinguished acting majority leader.

I want to add another point which I think is important. Obviously, if a different person had been appointed, then I could understand the continuing debate. However, knowing who the man is, it would seem to me that we would want to get on with the job rather than be tied down trying to get the legislation approved in both Houses of Congress and in the face of a possible veto on constitutional grounds.

If we wait for that procedure to be finished before we get a special prosecutor, a lot of time will be wasted. There is need to do that because we now have a special prosecutor. He has the independence that he wants. He is extremely well qualified. He has assurances from the President as to the procedures to be followed in the event there was disagreement and he was to be relieved.

Does anyone really doubt as a practical matter that this appointee is going to be discharged? The public pressure would not tolerate it.

Mr. LONG. Mr. President, any fair-minded person would admit that if Leon Jaworski was appointed special prosecutor by the other route, by being appointed by Judge Sirica, then all of those who are the accusers of the President would be acclaiming the appointment from the house-tops because Judge Sirica would have appointed as eminent a man as could be found anywhere on God's green Earth.

The only objection would be that the man happens to get the job by the only way that is clearly constitutional and by the precedents.

It will be amusing to watch the challenges made concerning a man who is clearly qualified and obviously the right man for the job merely because he got there in the way he is supposed to get there.

Mr. GRIFFIN. Mr. President, it seems

to me that even those who would admit begrudgingly that this is the kind of man we ought to have, would say that we should get on with the job.

Mr. LONG. I would hope so.

SENATE RESOLUTION 194—SUBMISSION OF A RESOLUTION RELATING TO SENATE RESOLUTION 60

(Ordered to be placed on the calendar.)

Mr. ERVIN. Mr. President, I send to the desk a resolution and ask for its immediate consideration. I do this in behalf of all the members of the Senate Select Committee on Presidential Campaign Activities.

The assistant legislative clerk read the resolution by title.

The resolution (S. Res. 194) is as follows:

Resolved That,

SECTION 1. By S. Res. 60, 93d Cong., 1st Sess. (1973), Sec. 3(a)(5), the Select Committee on Presidential Campaign Activities was and is empowered to issue subpenas for documents, tapes and other materials to any officer of the executive branch of the United States Government. In view of the fact that the President of the United States is, as recognized by S. Res. 60, an officer of the United States, and was a candidate for the office of President in 1972 and is therefore a person whose activities the Select Committee is authorized by S. Res. 60 to investigate, it is the sense of the Senate that the Select Committee's issuance on July 23, 1973, of two subpenas *duces tecum* to the President for the production of tapes and other materials was and is fully authorized by S. Res. 60. Moreover, the Senate hereby approves and ratifies the Committee's issuance of these subpenas.

SEC. 2. On August 9, 1973, the Select Committee and its members instituted suit against the President of the United States in the United States District Court for the District of Columbia to achieve compliance with the two subpenas referenced in Section 1 above, and since that time, in both the District Court and the United States Court of Appeals for the District of Columbia Circuit, have actively pursued this litigation. It is the sense of the Senate that the initiation and pursuit of this litigation by the Select Committee and its members was and is fully authorized by applicable custom and law, including the provisions of S. Res. 262, 70th Cong. 1st Sess. (1928). In view of the entirely discretionary provisions of Section 3 (a) (6) of S. Res. 60, it is further the sense of the Senate that the initiation of this lawsuit did not require the prior approval of the Senate. Moreover, the Senate hereby approves and ratifies the actions of the Select Committee in instituting and pursuing the aforesaid litigation.

SEC. 3. The Select Committee and its members, by issuing subpenas to the President and instituting and pursuing litigation to achieve compliance with those subpenas, were and are acting to determine the extent of possible illegal, improper or unethical conduct in connection with the presidential campaign and election of 1972 by officers or employees of the executive branch of the United States Government or other persons. It is the sense of the Senate that, in so doing, the Select Committee and its members were and are engaged in the furtherance of valid legislation purposes, to writ, a determination of the need for and scope of corrective legislation to safeguard the processes by which the President of the United States is elected and, in that connection, the informing of the public of the extent of illegal, improper or unethical activities that occurred in connection with the presidential campaign and election of 1972 and the involvement of officers or employees of the executive branch or others therein. It is further the sense of the Senate that the materials sought by the Committee's subpenas are of vital importance in determining the extent of such involvement and in determining the need for and scope of corrective legislation.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. GRIFFIN. I would have to reserve the right to object because I do not know what the resolution is or its fundamental purpose.

Mr. ERVIN. Mr. President, the resolution is to make it plain that the Senate Select Committee in bringing a suit in the District Court of the United States to require access to certain specified tapes is acting in behalf of the Senate.

Mr. GRIFFIN. May I inquire of the distinguished Senator from North Carolina, does he really expect the matter to be considered and voted on this morning, or is it acceptable to the Senator——

Mr. ERVIN. I would ask unanimous consent that the resolution be placed upon the calendar, and that it be called up Tuesday morning, if that does not interfere with the program.

Mr. GRIFFIN. I suppose it would be called up in the normal course at that time, would it not, if we could have it called up under the same circumstances. The Senate is not coming in on Tuesday, necessarily.

Mr. ROBERT C. BYRD. Mr. President, I was going to reserve the right to object simply to state that it is not certain that the Senate will be in on Tuesday. The Senate will come in on Monday.

Mr. ERVIN. There may be some objection to considering it Monday. I ask unanimous consent——

Mr. GRIFFIN. But to have it go on the calendar——

Mr. ERVIN. I ask unanimous consent that the resolution be placed upon the calendar, and that it not be called up before Tuesday morning.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, I shall not object to that. I realize that many of my colleagues, perhaps, will think that this matter should go to a committee, and we should have some hearings on it, and that would be a preferable way to legislate. But, on the other hand, the Senator from North Carolina, under the parliamentary situation, is clearly able, through this procedure, to ask unanimous consent for immediate consideration to get it to the calendar without it going to a committee, and if he wants to take that route he is certainly within his rights, and the only thing we are doing here by unanimous consent is to avoid the parliamentary steps that would be necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I make this request because time is of the essence. A suit that this resolution might possibly affect is now pending, and may come up any day in the circuit court.

I ask unanimous consent to have printed in the RECORD a statement prepared by me explaining the nature and purpose of the resolution, for the information of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR ERVIN

The Resolution before the Senate is intended to aid in resolving certain questions that have been raised concerning the Select Committee's actions.

It states that it is the sense of the Senate that the Committee, under S. Res. 60, had and has authority to subpena the President, who is an "officer" of the United States amenable to subpena under Sec. 3(a)(5) of S. Res. 60, to obtain certain information relating to possible improper, illegal, or unethical conduct in connection with his candidacy for the Presidency in 1972. It further states that the Senate approves and ratifies the Committee's action in regard to its subpenas.

It states it is the sense of the Senate that the Committee and its members were and are fully empowered by applicable custom and law, including S. Res. 262, 70th Cong., 1st Sess. (1928), to sue to enforce the Committee's subpenas and that the Senate approve and ratifies the initiation and prosecution of this litigation.

Finally, it states that it is the sense of the Senate that the Committee and its members, in subpenaing and bringing a civil action to enforce its subpenas, were and are acting in furtherance of valid legislative purposes—a determination of the need for and scope of corrective legislation relating to presidential campaigns and, in that regard, the revelation to the public of the extent of corruption in the 1972 presidential campaign and election. It also states that it is the sense of the Senate that the information sought is vital to the performance of the Committee's functions.

The members of the Committee are fully confident that they have complete authority to pursue the activities referred to in this Resolution, and are acting in this request with valid legislative purposes. The Resolution, however, removes all doubts.

INTRODUCTION OF S. 2641, A BILL TO CONFER JURISDICTION UPON THE DISTRICT COURTS OVER CERTAIN CIVIL ACTIONS BROUGHT BY CONGRESS

Mr. ERVIN. I send forward a bill and ask for its immediate consideration. I might state that this bill is introduced in behalf of every member of the Senate Select Committee on Presidential Campaign Activities.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2641) to confer jurisdiction upon the District Courts of the United States over certain civil actions brought by the Congress, and for other purposes.

Mr. ERVIN. The purpose of the bill is to make clear that the U.S. District Court for the District of Columbia will have jurisdiction of suits brought by authorized congressional committees to enforce subpenas. The necessity for it is occasioned by the fact that Judge Sirica, under his ruling on the 17th of this month in a suit brought by the select committee at the insistence of all the members of the select committee to enforce subpenas which we had issued to the President calling for the production of tapes for September 15, 1972; February 28, 1973; March 13, 1973; and March 21, 1973, held that the District Court of the District of Columbia had no jurisdiction to pass upon the merits or demerits of the subpena, and he pointed out the fact that the committee had not pursued either of the two remedies that would ordinarily have been available in this connection. One of these remedies is to seek to prosecute in the criminal courts of the district for contempt of the Senate the person who refused to obey the subpena.

Manifestly, the committee did not think it would be appropriate to try to prosecute the President of the United States in the courts for contempt of the Senate, and therefore did not make a recommendation to that effect. The other available remedy is to seek to bring before the Senate itself for punishment the offending party.

We did not think that this would be an appropriate remedy.

The purpose of this bill is to make clear that the District Court of the District of Columbia shall have jurisdiction of a civil action to enforce a subpena directed to the President, the Vice President, or any other officer of the Federal Government, by a congressional committee where the committee is seeking to obtain information which is relevant to an investigation the committee is authorized to make.

I sincerely hope that when this matter is considered on its merits, every Member of the Senate and every Member of the Congress who thinks it is time for the Congress of the United States to quit playing second fiddle to the White House will support this bill.

I ask unanimous consent that the bill be placed upon the calendar, and that it not be called up for consideration prior to Tuesday of next week.

The PRESIDING OFFICER (Mr. KENNEDY). Is there objection to the bill being placed on the calendar, and not considered before Tuesday? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, I also ask unanimous consent to have printed in the RECORD a statement prepared by me explaining the nature and purpose of the bill, for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR ERVIN

The bill before the Senate responds to Judge Sirica's ruling on October 17 that the District Court has no jurisdiction to hear the Select Committee's suit seeking enforcement of its two subpenas. The Committee believes that the Court has jurisdiction in its case and that the Committee would eventually prevail on appeal, but this bill removes any doubt that its suit is properly before the Court. This bill will also permit the Committee to resolve the jurisdictional issue more promptly than if the matter were left solely to litigation.

But the bill has a broader usefulness because it will allow suit against any officer or employee of the executive branch to test the validity of a Congressional subpena. The bill provides a nonexclusive remedy. Other remedies available to the Congress to enforce its subpenas are its implied self-help procedures and the statutory contempt power, but the use of these processes may be inappropriate, unseemly, or nonefficacious where executive officers are involved. Moreover, a civil suit may be a quicker way of enforcing subpenas than either of these other two processes. Use of self-help procedures and the statutory contempt power can result in a court determination of the validity of a Congressional subpena, so there is nothing novel in turning over the question of validity to the courts.

The bill applies to suits seeking to enforce subpenas for "information, documents and other materials." The tapes and documents the Committee seeks would be covered. The use of the phrase "information, documents and other materials" indicates that it is not necessary that the subpenas seek evidence that would be admissable in a judicial proceeding. The bill is limited to subpenas to officers and employees of the executive branch and does not apply to subpenas to private individuals.

The bill is jurisdictional; it deals with the right of the District Court for the District of Columbia to hear suits to enforce subpenas against executive officials and in no way touches on the merits of those suits.

The term "any committee" is used in the bill to demonstrate that it applies to select and special committees, as well as standing committees.

The bill also provides that the Houses and their Committees have *standing* to prosecute a suit of this type.

And the bill provides that the Houses and their committees may employ attorneys of their choice to prosecute their litigations, thus making plain that the provisions of 28 U.S.C. §§ 516–519, which provide that suits on behalf of the United States shall be brought and prosecuted by the Attorney General and his subordinates, are inapplicable to litigation initiated under this bill.

It is anticipated that this section will be seldom used. In most cases where the Congress seeks information from the executive branch, any dispute can be resolved by the normal processes of political accommodation.

Mr. GRIFFIN. Mr. President, I merely want to add, following that last unanimous-consent agreement, that the same explanation in terms of the responsibility of the leaderships on this side would apply to the bill as to the resolution which the Senator from North Carolina offered earlier.

I see no particular reason for having him present it and have it objected to today, and then come back in on Monday, which he could do, have it offered, and then have it objected to again, in which case it would go on the calendar automatically under our rules.

He has asked unanimous consent to bypass those procedural steps and have it go right to the calendar rather than to committeee, and it seems to me that the rights of Senators are protected to the same degree as they would be otherwise.

Mr. ERVIN. I thank the Senator from Michigan.

I would point out that he has reserved, on behalf of any Member of the Senate, the right to make a motion; to refer the resolution or the bill when a motion to call up either of them is made.

Mr. GRIFFIN. I thank the Senator.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. KENNEDY). Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

APPOINTMENT OF A SPECIAL PROSECUTOR

Mr. ERVIN. Mr. President, when the nomination of Elliot Richardson to be Attorney General of the United States came up before the Committee on the Judiciary, Mr. Richardson made a specific agreement with the Senate Judiciary Committee. As I understand it, Mr. Richardson assured the Judiciary Committee that he had been authorized by the President to appoint a special prosecutor to have charge of the prosecution of criminal actions arising out of that unhappy series of events known collectively as the Watergate affair. As I understand it, Mr. Richardson's agreement with the committee pledged that the special prosecutor would not be discharged except for gross improprieties.

Pursuant to that agreement, Mr. Richardson was confirmed as Attorney General of the United States. He appointed Archibald Cox, an outstanding teacher of law, who had served with rare distinction as Solicitor General of the United States, to act as special prosecutor.

From such information as I have on the subject, Mr. Cox was summarily discharged, not for gross improprieties, but simply because he undertook to perform his duty as special prosecutor in a courageous and intelligent manner.

I have grave misgivings about taking any power out of the hands of the executive department of Government, but there is an old proverb which says, "If you fool me one time, it is your fault, but if you fool me the second time, it is mine."

Now, we are assured that Mr. Jaworski, who is a most eminent lawyer and a fine gentleman, will have independence. We were given the same assurance in respect to Mr. Cox. No special prosecutor can truly enjoy independence in the discharge of his duties if he is subject to removal by either the Department of Justice or the White House.

I am not concerned by the argument that an effort to obtain congressional action to insure the independence of a special prosecutor will delay matters.

The Department of Justice has had jurisdiction of the Watergate affair since the morning of the 17th of June 1972. During that time, justice has been traveling on leaden feet.

I think that we need a truly independent special prosecutor.

Section 2 of article II of the Constitution, which deals with appointments of civil officials by the President, subject to the advice and consent of the Senate, expressly states that Congress may provide for the appointment of inferior officers by the President, or by the courts, or by the head of an agency or a department.

In the case of *ex parte Siebold,* 100 U.S. 471, the Supreme Court of the United States held under that provision——

The PRESIDING OFFICER (Mr. Nunn). The time of the Senator from North Carolina has expired.

Mr. ALLEN. Mr. President, I ask for recognition in order that I might yield my time to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina may proceed.

Mr. ERVIN. The Supreme Court held that an act of Congress which provided that supervisors of elections could be appointed by the circuit courts—the court which at that time corresponded to our present day district courts—was constitutional under section 2 of article II of the Constitution.

So, certainly, it would seem to me, that if Congress can authorize a circuit court—or the district court—to appoint supervisors of elections, it can authorize the court to appoint a person much more narrowly related to the activities of the judicial branch of the Government; that is, prosecutors.

Mr. President, if the American people are going to have confidence in the integrity of their Government, it is essential to have a special prosecutor of criminal cases arising out of the Watergate affair who is independent of the Department of Justice and independent of the White House. For that reason, I support this procedure.

After all Mr. President, grand juries, which are recognized constitutional institutions, are the ones who will return any bills of indictments, not the special prosecutor. Those who are indicted will be tried on the bills of indictment returned by grand juries, if any are returned, by the courts and the petit jurors.

I therefore respectfully submit that the appointment of a special prosecutor authorized by an act of Congress or by the courts is perfectly constitutional. But, if it is not, the special prosecutor would be at least a de facto prosecutor and his actions would not be subject to collateral attack.

Therefore, I apprehend no impediment through prosecution on bills of indictment returned by a grand jury when trial is had before counts and by petit jurors.

I think the time has come to restore the confidence of the American people in the administration of justice. I do not think that Congress should sit by and receive a second promise that we will have an independent prosecutor when the first promise proved worthless.

Mr. KENNEDY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am glad to yield to the Senator from Massachusetts, if I have any time left.

Mr. KENNEDY. Mr. President, may I ask for recognition during the morning hour in my own right for 3 minutes?

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to 3 minutes and is so recognized for that purpose.

Mr. KENNEDY. Mr. President, all Americans are in the debt of the distinguished chairman of the Watergate committee. As was seen at the time of his appointment, there is a unanimous feeling within this body of the fairness of the distinguished Senator from North Carolina, who has been an outstanding judge, a thoughtful member of the Committee on the Judiciary, and a great constitutional scholar.

I would like to ask the Senator from North Carolina, who has spoken so eloquently of the importance of a truly independent special prosecutor, why he is not satisfied with the statements that have been made by the White House with respect to the independence of the new special prosecutor. What reservations does the Senator from North Carolina have about the independence that has been promised to the new appointee?

I am interested in knowing whether the distinction between the assurances given by the White House about the independence of the appointee and the statutory independence of a special prosecutor created by Congress outside the appointment of the Executive is a question merely of semantics, or whether there is a real difference of substance.

Is the Senator from North Carolina satisfied with the recent assurances given to the American people that there must be consultation with congressional leaders before the new special prosecutor can be removed? Do these assurances provide the special, independent atmosphere and climate which the Senator from North Carolina feels is essential to assure the American people that this prosecutor will be truly independent? Is the Senator from North Caroina satisfied that those assurances would truly provide the kind of independence which the Senator feels is so essential, and with which I agree?

Mr. ERVIN. Simply because the Supreme Court, in the case of United States against Myers, held that the President had the power to remove, at his own whim and caprice, any executive officer appointed by him. To be sure, this power may be subjected to certain limitations in the cases of quasi-judicial officers.

Our friends talk about the proposal to appoint a special prosecutor as being unconstitutional. I say that it is unconstitutional for the President of the United States to say, "I won't exercise my constitutional power to remove an officer appointed by me, without the consent of the majority and minority leaders of the House and the Senate."

While we are standing for the Constitution, I think we ought to get a constitutional agreement on this matter and not have an unconstitutional agreement such as that now proposed by the administration.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. ROBERT C. BYRD. Mr. President, how much time remains for morning business?

The PRESIDING OFFICER. Sixteen minutes.

Mr. ROBERT C. BYRD. If the Chair will recognize me, I will yield my 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. I would like to inquire further of the Senator. Article II, section 2, clause 2 of the Constitution gives Congress the power in certain cases to allow the courts to appoint Federal officials. As I understand it, the test applied by the Supreme Court in interpreting this provision is the test of congruity. In other words, if it is not incongruous for the courts to appoint the official in question, then Congress can appropriately and constitutionally vest the appointment power in the courts. That is the test announced in the Siebold case in 1879, and it seems to me that under this test, it is entirely proper for Congress to authorize the courts to appoint a special prosecutor.

I wonder whether the distinguished Senator from North Carolina, who is a constitutional authority, feels that we have the power constitutionally to act to create a truly independent prosecutor in this, I also wonder whether the Senator would agree with me that it would be grossly irresponsible if we do not act to create an independent prosecutor.

Mr. ERVIN. I think that under the decision of the Supreme Court in the Siebold case, Congress has power to pass a law authorizing the courts to appoint a special prosecutor for these particular cases. It is well recognized in many judicial opinions that where there is an emergency which renders the regular district attorney or the regular prosecuting attorney unable to prosecute a case, the court has the power to appoint someone to act in his stead, without any act of Congress. The court also has the right to appoint, and is required by law to appoint, lawyers to defend indigent defendants.

If the courts can exercise such powers without a specific act of Congress, I cannot see why, under section 2, article II, the court cannot be authorized by an act of Congress to appoint a special prosecutor to prosecute a specific line of cases.

Also, the necessary and proper clause of the first article says that Congress can pass any law which is necessary or proper to implement any powers given to any officer of the Federal Government, including the President. The President should see that the laws are faithfully executed; but if a President does not exercise that power, is the country to be helpless? I think Congress can pass a law to make effective that duty of the President, and I believe the appointment of a special prosecutor would fit within that category.

Mr. KENNEDY. A final inquiry. In listening to the discussions here this morning, the question of constitutionality has been raised by some Members of the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRY F. BYRD, JR. Mr. President, I yield time to the Senator from Massachusetts.

Mr. KENNEDY. It has been said that if the special prosecutor were actually appointed by the courts pursuant to a statute we enact, and the act is subsequently found to be unconstitutional, many guilty persons may go free. They also say that, in any event, the act may take a long time to test in court. Therefore, they argue, in order to achieve speed of justice in terms of the prosecution of those who are guilty, Congress would be wise not to insist on a court-appointed prosecutor.

Obviously, in an area like this, it is always possible to develop constitutional arguments on both sides. But my own view, after studying the relevant precedents, is that we are on extremely solid constitutional ground in urging a court-appointed prosecutor. Clearly, the 21 law school deans who have filed statements or comments with the Judiciary Committee assuring us of the constitutionality of our legislation also agree.

I would be interested in the response of the Senator from North Carolina, a former jurist, to this question.

Mr. ERVIN. My answer to that question is this: While bills of indictments are ordinarily drawn by the prosecuting attorney, the bills of indictment are totally without effect unless they are returned as true bills by the grand jury. When they are returned as true bills by the grand jury, I do not think the courts are going to waste their time inquiring as to who drew the bill of indictment. Any bill of indictment that is returned by a grand jury as a true bill, even though it may have been drawn by a special prosecutor instead of some hireling in the Department of Justice or somebody in the district attorney's office, would be perfectly valid and could be used as a basis for a valid trial, even if the courts would be so foolish as to reverse the decision in the Siebold case and say that section 2, article II, of the Constitution does not mean what it says.

Mr. KENNEDY. I thank the Senator from North Carolina for his comments.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCOUNTABILITY OF FEDERAL JUDGES

Mr. HARRY F. BYRD, JR. Mr. President, earlier this year, Senate Joint Resolution 13 was introduced by the Senator from Virginia on behalf of himself, the distinguished Senator from Alabama (Mr. ALLEN), the distinguished Senator from South Carolina (Mr. THURMOND), the distinguished Senator from Georgia (Mr. TALMADGE), and the distinguished junior Senator from Georgia (Mr. NUNN), who is now presiding over the Senate.

This joint resolution would attempt to bring some accountability to the Federal judges. In the present situation, Federal judges are appointed for life. They are accountable to no one. This proposal would require reconfirmation at the end of an 8-year period. It is an attempt to bring some accountability to the Federal judiciary.

I submit that in a democracy, it is not logical or wise for a public official to have lifetime appointment and to be completely unaccountable for his actions. In the whole world, the only individuals today who have lifetime tenure are kings, queens, maharajas, and U.S. Federal judges. I think it is time that something be done about this situation.

I am prompted to make these remarks because I received a letter today from the Governor of the State of New Hampshire, the Honorable Meldrim Thomson, Jr. Governor Thomson is interested in the proposed legislation, and in his letter to me he said this:

> Such legislation is long overdue and, in fact, is essential if we are not to have a nation run by judicial dictatorship.

This is a personal letter, and I would not make a comment on it publicly without his approval. I telephoned Governor Thomson, and I have his approval to insert his letter in the RECORD. I welcome his support.

I might point out that the proposal which has been offered to the Senate is in line with 47 of the 50 States.

Forty-seven of the 50 States have fixed tenure for their State judges, and the proposal offered by the distinguished Senator from Alabama, the distinguished Senator from South Carolina, the two distinguished Senators from Georgia, and myself would attempt to do the same thing for the Federal judiciary.

I might state also that the Legislature of Virginia, at its last session, approved a resolution memorializing the Congress of the United States to adopt such an amendment to the Constitution and to submit it to the States for ratification. I think there is a clear, unequivocal indication that our citizens believe that lifetime tenure for Federal judges is a practice which should be ended.

NATIONAL VOTER REGISTRATION AGENCY

Mr. HARRY F. BYRD, JR. Mr. President, I note that proposed legislation to establish a National Voter Registration Agency in the Bureau of the Census, to provide for the post card voter registration at Federal elections, has been tabled by the Subcommittee on Elections of the House of Representatives. The subcommittee conducted extensive hearings on this subject and tabled the measure in mid-September. I commend the House subcommittee for this action. I think it is very undesirable legislation which has been proposed.

A similar proposal passed the Senate by a large vote, I am sorry to say. I call it tombstone legislation. Under the bill, persons, whether existing or nonexisting, could be registered by postcard. I submit that such a bill would probably help to reduce unemployment, but it would not help the electoral process. The reason why it would help to reduce unemployment is that people would be employed by politicians to go around looking at tombstones for names of persons to be registered. I think that to pass such legislation would be very undesirable and could lead to fraud and corruption.

I wanted to speak on this subject today and to commend the House Subcommittee on Elections for tabling this measure and, I hope, killing what I regard as a very bad piece of proposed legislation.

U.S. COMMITMENT TO THE SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY AND ORGANIZATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 453, Senate Resolution 174.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

> A resolution (S. Res. 174) relating to the United States commitment to the Southeast Asia Collective Defense Treaty and Organization.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, there is probably no other alliance of nations that is as outdated as is the Southeast Asia Treaty Organization. Throughout all the years that the United States was bogged down in the tragic war in Vietnam, SEATO contributed nothing but meaningless rhetoric.

In March of 1971, I suggested that the United States use its position of prominence within SEATO to Asianize the Organization; and, if such efforts failed, I said that America should withdraw completely from SEATO.

It is now clear, Mr. President, that SEATO is not going to change in any respect. It is not going to become responsive to the problems unique to Southeast Asia unless it is forced to do so by the withdrawal of its most formidable and powerful member, the United States. And I look upon the resolution that is before the Senate today as the first step toward such a withdrawal.

The resolution, which I cosponsored along with the distinguished Senator from Idaho (Mr. CHURCH) and the distinguished Senator from Vermont (Mr. AIKEN), calls for the Senate Foreign Relations Committee to review American commitments under the SEATO accords. Such a review would be especially timely, Mr. President, in light of the growing disinterest among member nations, the recent formation of all-Asian alliances, and the violence that produced changes in the Government of Thailand.

I hope that the Senate will adopt this resolution, that the review will be conducted as expeditiously as possible, and that the United States will finally remove itself from SEATO.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 174) was agreed to, as follows:

Resolved, by the United States Senate that the Committee on Foreign Relations undertake a full and complete review of United States participation in the Southeast Asia Collective Defense Treaty and Treaty Organization and report to the Senate the committee's findings and recommendations no later than March 31, 1974. Such review shall include reexamination of the basic foreign policy considerations which originally led the United States to join the SEATO Organization and reassessment of those considerations in the light of subsequent developments relating to that Organization and the foreign policy interests of the United States.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 2, 1973, he presented to the President of the United States the following enrolled bill:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1070. A bill to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (Rept. No. 93-482).

S. 2651. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger (Rept. No. 93-483).

By Mr. CANNON, from the Committee on Commerce, without amendment:

S. 1432. A bill to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 20 or more years of such employment (Rept. No. 93-484).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Robert H. Miller, of the District of Columbia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

J. Owen Zurhellen, Jr., of New York, to be Deputy Director of the U.S. Arms Control and Disarmament Agency;

O. Rudolph Aggrey, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia;

Nicholas W. Craw, of the District of Columbia, to be an Associate Director of the Action Agency; and

Donley L. Brady, of California, to be a member of the Board of Directors of the Overseas Private Investment Corporation.

(The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. MAGNUSON, from the Committee on Commerce:

George Henry Hearn, of New York, to be a Federal Maritime Commissioner; and

Mary Elizabeth Hanford, of North Carolina, to be a Federal Trade Commissioner.

The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Hugh F. Owens, of the District of Columbia, to be a Director of the Securities Investor Protection Corporation for the remainder of the term expiring December 31, 1973;

Hugh F. Owens, of the District of Columbia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1973; and

Glenn E. Anderson, of North Carolina, to be a Director of the Securities Investor Protection Corporation.

The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PACKWOOD (for himself and Mr. PROXMIRE):

S. 2640. A bill to provide for full deposit insurance for public funds, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ERVIN (for himself, Mr. BAKER, Mr. TALMADGE, Mr. INOUYE, Mr. MONTOYA, Mr. GURNEY, and Mr. WEICKER):

S. 2641. A bill to confer jurisdiction upon the District Courts of the United States over certain civil actions brought by the Congress, and for other purposes. Ordered to be placed on the Calendar.

By Mr. TAFT:

S. 2642. A bill to establish an independent Special Prosecution office, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 2643. A bill to revise the Immigration and Nationality Act. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 2644. A bill for the relief of Mr. Joselito S. Arca and Dr. Corazon I. Arca. Referred to the Committee on the Judiciary.

By Mr. PASTORE (by request):

S. 2645. A bill to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with Section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. INOUYE:

S. 2646. A bill for the relief of Amador Domingo Domingo. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2647. A bill to amend 5 U.S.C. 5343 (c) (1) to expand the data base for federal wage surveys in certain areas of the United States wherein there is insufficient private industry to determine comparable wages or where State and local governments exert a major influence on wage rates. Referred to the Committee on Post Office and Civil Service.

By Mr. STENNIS:

S. 2648. A bill for the relief of Katherine Whiteman Jackson. Referred to the Committee on the Judiciary.

By Mr. McCLURE:

S. 2649. A bill to provide for the public disclosure by candidates for election to Federal office of their Federal income tax returns. Referred to the Committee on Finance.

By Mr. CRANSTON (for himself and Mr. ABOUREZK, Mr. BROCK, Mr. FONG, Mr. GRAVEL, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. McGOVERN, Mr. McINTYRE, Mr. PACKWOOD, Mr. METCALF, Mr. PERCY, Mr. RIBICOFF, and Mr. SPARKMAN):

S. 2650. A bill to provide for the early commercial demonstration in residential housing and other buildings of technology for solar heating and combined solar heating and cooling by the Secretary of Housing and Urban Development, to establish a National Solar Energy Coordinating Council, and for other purposes. Referred, by unanimous consent, jointly to the Committees on Banking, Housing and Urban Affairs, and Commerce; and if and when one of these committees reports the bill, then to be referred to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. DOLE, Mr. FONG, Mr. GRAVEL, Mr. GRIFFIN, Mr. GURNEY, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. KENNEDY, Mr. McGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. PERCY, Mr. STEVENSON, and Mr. WILLIAMS):

S. 2651. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger. Referred to the Committee on Commerce.

By Mr. JACKSON (for himself and Mr. RANDOLPH):

S. 2652. A bill entitled the National Coal Conversion Act of 1973. Referred to the Committee on Interior and Insular Affairs.

By Mr. GRAVEL:

S. 2653. A bill to authorize and direct the Secretary of the Department under which the U.S. Coast Guard is operating to cause the vessel *Miss Keku,* owned by Clarence Jackson, of Juneau, Alaska, to be documented as a vessel of the United States with coastwise priviliges. Referred to the Committee on Commerce.

S. 2654. A bill to confer jurisdiction upon the U.S. District Court for the District of Alaska to hear, determine, and render judgment with regard to claims concerning certain lands in the city of Fairbanks, Alaska, and for other purposes; and

S. 2655. A bill for the relief of Richard

Zorza. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PACKWOOD (for himself and Mr. PROXMIRE):

S. 2640. A bill to provide for full deposit insurance for public funds, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. PACKWOOD. Mr. President, on behalf of myself and Senator PROXMIRE, I am introducing legislation which will provide for 100-percent insurance of deposits of public agency funds in all federally insured financial institutions.

The Committee on Banking, Housing and Urban Affairs considered this matter during the course of our investigations last year into the need for Federal legislation dealing with State taxation of national banks. In the form of an amendment to the pending legislation, Senator PROXMIRE proposed that we add to the pending bill provision for 100-percent-deposit insurance for public fund deposits .

After this flurry of activity, the 92d Congress finally did nothing to eliminate the insurmountable hurdles that prevent thrift institutions from receiving public fund deposits.

Currently, most States require that deposits of public funds, whether they be from the State government or from units of local government, in effect, be secured by pledged collateral. Such collateral is essentially in the form of Federal, State, and local government obligations. The problem is that thrift institutions are prohibited from pledging government obligations as collateral for public fund doposits.

The inevitable result of this conflict is that nearly all public fund deposits are held by commercial banks, with only a pittance held by thrift institutions.

The latest figures show that commercial banks, with about half of all savings deposits, hold $30 billion worth of public fund deposits. Thrift institutions—savings and loan associations, credit unions, and mutual savings banks—account for only $550 million worth of public fund deposits. In other words, thrift institutions hold, overall, about half of all savings deposits on record; but, because of the hurdles that various levels of government have placed in their way, they hold only 1.8 percent of public fund deposits.

Mr. President, we are talking about billions of dollars of the American taxpayers' money that effectively must be limited in the choice of depositories. At a time when this Nation is experiencing a severe shortage of adequate funds for housing, it is particularly important that we take such action as we can to insure that thrift institutions are in a position to acquire every possible dime in deposits as to insure that those funds will be made available for meeting the housing needs for our people.

During the course of the hearings held by the Committee on Banking, Housing and Urban Affairs last year, I became convinced of the need for this legislation. As the committee proceeds early next year to consider legislation dealing with restructuring of financial institutions following from the President's recommendations based on the Hunt Commission Report, I want to make certain that we consider this very important element of the overall debate: the ability of thrift institutions to compete for fund deposits from whatever source to insure an adequate and continuing supply of mortgage credit to meet the housing needs of this country. One way to insure that this desired end is accomplished is to approve the legislation that Senator PROXMIRE and I are introducing today.

I ask unanimous consent that the text of our proposal be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. (a) The Federal Deposit Insurance Act is amended—

(1) in subsection (m) of section 3 (12 U.S.C. 1813(m)), by inserting immediately after "depositor" in the first sentence the following: "(other than a depositor referred to in the third sentence of this subsection)";

(2) in subsection (i) of section 7 (12 U.S.C. 1817(i)), by striking out "Trust" and inserting in lieu thereof the following: "Except with respect to trust funds which are owned by a depositor referred to in paragraph (2) of section 11(a) of this Act, trust"; and

(3) in subsection (a) of section 11 (12 U.S.C. 1821(a)), by inserting "(1)" immediately after "(a)", by striking out "The" in the last sentence and inserting in lieu thereof the following: "Except as provided in paragraph (2), the", and by inserting at the end of such subsection the following:

"(2) (A) Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available for the account of any one depositor, in the case of a depositor who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an insured bank;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured bank in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in an insured bank in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, of the Virgin Islands, of American Samoa, or of Guam, or any county, municipality, or political subdivision thereof having official custody of public-funds and lawfully investing the same in an insured bank in the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam, respectively;

his deposit shall be insured for the full aggregate amount of such deposit.

"(B) The Corporation may limit the aggregate amount of funds that may be deposited in any insured bank by any depositor referred to in subparagraph (A) of this paragraph on the basis of the size of any such bank in terms of its assets."

(b) Title IV of the National Housing Act is amended—

(1) in section 401(b) (12 U.S.C. 1724 (b)), by striking out "Funds" in the third sentence and inserting in lieu thereof the following: "Except in the case of an insured member referred to in the preceding sentence, funds";

(2) in section 405(a) (12 U.S.C. 1728(a)), by inserting after "except that no member or investor" the following: "(other than a member or investor referred to in subsection (d));" and

(3) by adding at the end of section 405 (12 U.S.C. 1728), the following new subsection:

"(d) (1) Notwithstanding any limitation in this subchapter or in any other provision of law relating to the amount of deposit insurance available for any one account, in the case of an insured member who is—

"(i) an officer, employee, or agent of the United States having official custody of public funds and lawfully investing the same in an insured institution;

"(ii) an officer, employee, or agent of any State of the United States, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in such State;

"(iii) an officer, employee, or agent of the District of Columbia having official custody of public funds and lawfully investing the same in an insured institution in the District of Columbia; or

"(iv) an officer, employee, or agent of the Commonwealth of Puerto Rico, or of the Virgin Islands, or of any county, municipality, or political subdivision thereof having official custody of public funds and lawfully investing the same in an insured institution in the Commonwealth of Puerto Rico or the Virgin Islands, respectively;

the account of such insured member shall be insured for the full aggregate amount of such account.

"(2) The Corporation may limit the aggregate amount of funds that may be invested in any insured institution by any insured member referred to in paragraph (1) of this subsection on the basis of the size of any such institution in terms of its assets.".

Mr. PACKWOOD. Also, Mr. President, I ask unanimous consent that some material on a closely related matter be printed in the RECORD. This is the package of recommendations submitted to the Congress earlier this year by the President calling for a substantial restructuring of our financial institutions. It would be in concert with our consideration of these recommendations that the legislation that Senator PROXMIRE and I are proposing will be considered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS FOR CHANGE IN THE U.S. FINANCIAL SYSTEM, AUGUST 3, 1973

To the Congress of the United States:

Our country depends on a strong, efficient and flexible financial system to promote sound economic growth, including the provision of adequate funds for housing. Such a system is one which allows financial institutions to adapt to the changing needs of borrowers and lenders, large and small, and is free to make full use of technological innovations.

Events during the last decade, however, have revealed significant defects in the operations of our financial institutions. On two recent occasions when the Federal Reserve System moved to restrain the economy, it was found that the inadequacies of our financial structures created unnecessarily severe burdens for the business community and the consuming public. The consumer-saver was denied a fair market return on his savings, while the consumer and small businessman, as borrowers, often could not obtain adequate funds to meet their requirements.

The inflexibility of our financial system can be directly attributed to the methods used by the Government to direct credit flows—methods designed to meet the depressed economic conditions of the 1930's but poorly suited to cope with the expansionary conditions of the past decade. In recent years, government regulations have limited the efficiency and flexibility of our financial system. Ironically, those regulations that were designed in part to keep a steady flow of funds moving into housing loans actually served to diminish that flow, severly penalizing both the borrower, who could not find funds, and the saver who received an unfairly low return on his savings.

As the Government tries to play its proper role in building a better financial system, we must proceed with one basic assumption: the public interest is generally better served by the free play of competitive forces than by the imposition of rigid and unnecessary regulation.

By law, thrift institutions—a category primarily composed of savings and loan associations but also including mutual savings banks—were created to provide funds for housing by maintaining large holdings of residential mortgages. However, earnings on holdings of previously acquired mortgages do not respond to changes in market interest rates. When market rates rise, the ability of thrift institutions to attract funds is limited and their ability to lend additional mortgage money is diminished.

Attempts to alleviate this problem by restrictive laws and regulations have achieved very little at great cost. The main technique has been to impose ceilings on the interest rates that financial institutions could pay savers for funds. The result, however, has often been a reduction in the flow of deposits to financial institutions. In many cases, in fact, deposits have been withdrawn so that they could be invested in higher yielding securities. Thus interest ceilings that were intended as a protective shield for the housing market turned out instead to be an additional burden.

Interest rate ceilings proved harmful to Americans both as savers and as borrowers in the late 1960's. Because the interest rate ceilings for deposits were often below market interest rates, small savers, who depended on banks and other savings institutions, were denied a fair rate of return on their money. On the borrowing side, smaller increases in savings deposits resulted in a sharp drop in loan funds available to consumers and small business firms.

Since financial institutions were prohibited from paying better interest rates, they were forced to compete for customers in other ways. Much of the public had to settle for so-called "free services" or even offers of consumer goods when in fact they may have preferred to receive higher interest on their deposits. In addition, such competition often led to increases in operating costs which prevented lending rates from declining when credit conditions later eased.

Finally, because of reduced inflows of savings, thrift institutions cut back on their mortgage lending or borrowed from Federal Home Loan Banks which had to pay market rates for their funds. Although the Federal Government stepped in and picked up some of the slack, mortgage flows were still disrupted.

Recognizing the need for action on all these problems, I appointed a Presidential Commission on Financial Structure and Regulation during my second year as President to study this entire matter and to make recommendations for reforming our financial institutions. The Commission's report identified quite precisely the causes of rigidity and instability in our financial institutions. Its recommendations were of major assistance in our further deliberations concerning the best ways to correct the weaknesses in our financial system.

The time to correct those weaknesses has come. Our current efforts to fight inflation and preserve the value of the dollar at home and abroad require strong financial markets. Without strong markets, the American public will be forced once again to bear excessive burdens.

If we do not act promptly, there is every reason to believe that those burdens will be even greater in the 1970's than they were in the 1960's. Educated by the last two credit crunches and by constant advertisements about interest rates, even the small saver will shift his funds to places offering higher yields. As market rates rise above passbook ceilings and the saver shifts his funds to obtain the higher interest rates, the result may be that little loan money is available from financial institutions.

In keeping with that analysis, I will propose to the Congress legislation designed to strengthen and revitalize our financial institutions. These proposals may be divided into seven major areas:

(1) Interest ceilings on time and savings deposits should be removed over a 5½ year period.

(2) Expanded deposit services for consumers by federally chartered thrift institutions and banks should be allowed.

(3) Investment and lending alternatives for federally chartered thrift institutions and banks should be expanded.

(4) Federal charters for stock savings and loan institutions and mutual savings banks should be permitted.

(5) Credit unions should be provided with greater access to funds.

(6) FHA and VA interest ceilings should be removed.

(7) The tax structure of banks and thrift institutions should be modified.

These recommendations would achieve the basic reforms our financial system requires. They represent the best suggestions from many different sources—from the Presidential Commission and from business. Government, consumer and academic communities.

The first five of these recommendations are designed to provide increased competition among banks and thrift institutions. Such competition would help to eliminate the inequities now imposed upon the small saver and borrower. My recommendations, and the increased competition that would follow, should reduce the cost of the entire package of financial services for the consumer. Furthermore, the saver would be assured a fair return on his money. In addition, thrift institutions would be strengthened, so they would no longer need the Government support required in the past.

Recommendations 6 and 7, along with the other recommendations, are designed to promote adequate funds for consumer needs, including housing finance. It is clear that interest ceilings on FHA and VA mortgage loans have failed to keep costs down, as evidenced in part by the widespread use of discount "points." At the same time, these ceilings have restricted the flow of private funds into mortgage markets. I will urge that individual states follow our lead and remove similar barriers to housing finance wherever such barriers exist.

The final recommendation would substantially broaden the base of housing finance. Although the final details have yet to be worked out, active consideration is being given to the creation of an income tax credit tied to investments in housing mortgages. Such a credit would be available to all lenders and could vary in direct proportion to the percentage of invested funds held in the form of such mortgages.

These recommendations are not the only steps being taken to strengthen the housing finance market. In my State of the Union message on Community Development of March 8, 1973, I pledged that this Administration would undertake a comprehensive evaluation of our housing policies and programs and would recommend new policies to eliminate waste and better serve the needy. An interagency task force, under the leadership of Secretary Lynn, is now completing that task, and my recommendations will be presented to the Congress in the near future.

My recommendations on restructuring financial institutions represent a coordinated approach to this challenge, and I urge that they be considered as a package. For example, removing interest ceilings will not make a positive contribution unless banks and thrift institutions can expand their deposit and lending services. Flexibility and efficiency will be enhanced by placing competing institutions on a roughly equal footing with regard to three essential considerations: deposit powers, lending powers, and tax burdens. Finally, the tax recommnedation and the removal of FHA and VA interest ceilings will help ensure more adequate funds for housing. The need for reform of our financial institutions is pressing. I urge the Congress to give these proposals its prompt and favorable consideration.

RICHARD NIXON.

THE WHITE HOUSE, *August 2, 1973.*

SUMMARY OF THE PRESIDENT'S RECOMMENDATIONS

Events during the latter part of the 1960's showed that U.S. financial markets are ill-equipped to deal with periods of credit restraint. As interest rates rose because of inflation, thrift institutions faced a severe profit squeeze which threatened to cut off funds for housing.

Attempts to alleviate the crisis by regulation, mainly the imposition of ceilings on the amounts financial institutions could pay for funds, failed to keep funds flowing into the institutions at previous levels.

Interest ceilings adversely affected the public directly and indirectly. In their role as savers, for whom the thrift institution was a major place at which to save, consumers were denied a market rate of return on their money. Moreover, thrifts reduced in a disproportionate manner the availability of funds to consumers and small business firms.

Less direct, but equally costly to the public, interest ceilings contributed to severe setbacks in efforts to meet our housing objectives, and helped make the Federal Reserve's attempt to combat inflation with monetary policy needlessly costly and complicated.

The time to correct those defects in our financial structure is now. Current efforts to fight inflation and preserve the value of the dollar at home and abroad require strong financial institutions. Without them, there is every reason to believe that the burdens of credit restraint will be even greater than before.

Financial institutions are to be strengthened by phasing out Regulation Q over a 5½ year period; permitting all federally chartered banks and thrift institutions to offer a full range of checking and savings accounts, and permitting federally chartered thrifts to offer consumer and real estate related loans in competition with banks. Housing finance will be strengthened by the elimination of Federal Housing Administration and Veterans Administration interest ceilings and by a tax credit to all taxpayers investing in residential mortgages.

The dual banking system will be preserved and strengthened. Federal Reserve requirements on "checking" accounts will apply only to members of the Federal Reserve and Federal Home Loan Bank systems. Federal charters will be available for stock thrift institutions and for savings banks.

Credit unions are to be strengthened by broadened asset and liability powers and by access to a new source of liquidity administered by the National Credit Union Administration.

BEFORE AND AFTER STATUS OF FINANCIAL INSTITUTIONS

COMMERCIAL BANKS

Before	*After*
Deposit Powers	**Deposit Powers**
Payments of interest: severe restrictions on all types of deposits.	5½ year phase-out of restrictions, then interest freely determined. However, no interest on demand deposits.
Savings accounts: individuals only.	Savings accounts: full powers; individual and corporate.
Demand accounts: full powers; individual and corporate.	Demand accounts: full powers; individual and corporate (no change).
Negotiable Order of Withdrawal (N.O.W.) accounts: not permitted.	N.O.W. accounts: full powers; individual and corporate.
Lending and Investment Powers	**Lending and Investment Powers**
Real estate loans: severe restrictions *re* collateral, loan size, maturity and method of repayment.	Real estate loans: model restrictions *re* collateral, loan size, maturity and method of payment; *plus* community rehabilitation loans under a 3 percent leeway authority.
Equities: holdings severely restricted.	Equities: holdings severely restricted (no change).
Taxes	**Taxes**
Tax credits: none.	Tax credits: special tax credits for investing in residential mortgages.
Chartering Alternatives	**Chartering Alternatives**
Federal: yes. State: yes.	Federal: yes, no change. State: yes, no change.
Branching	**Branching**
National banks and State banks: State law governs location of branches.	National banks and State banks: State law governs location of branches (no change).
Summary	**Summary**
Consumer interests penalized. Opportunities to compete for funds limited and prohibitions restrict participation in housing and real estate finance. Absence of mortgage investment incentives given S&L's.	Consumer interests given high priority. Virtually unlimited opportunities to compete for funds; restriction against housing and real estate finance modified, and positive incentives for such investment, identical to those given S&Ls.

THRIFT INSTITUTIONS

Deposit Powers	**Deposit Powers**
Payment of interest: severe restrictions on all types of deposits.	5½ year phase-out of restrictions, then interest freely determined. However, no interest on demand deposits.
Savings accounts: full powers; individual and corporate.	Savings accounts: full powers; individual and corporate (no change).
Demand accounts: not permitted.	Demand accounts: full powers; individual and corporate.
N.O.W. accounts: not permitted.	N.O.W. accounts: full powers; individual and corporate.
Lending and Investment Powers	**Lending and Investment Powers**
Loans for housing and closely, related areas.	Loans for housing and closely related areas; *plus* (on a limited basis) consumer loans; real estate loans under same conditions as commercial banks; construction loans not tied to permanent financing; community rehabilitation loans under a 3 percent leeway authority. Commercial loans permitted only to extent they are closely related to housing.
Equities: no acquisition of private sector issues.	Equities: no acquisition of private sector issues (no change).
Securities: no acquisition of private debt securities.	Securities: limited acquisition of high-grade private securities.
Taxes	**Taxes**
Loan loss deductions: preferential treatment compared to banks.	Loan loss deductions: will move to experience basis; same treatment as banks.
Tax credits: none.	Tax credits: special tax credits for investment in residential mortgages; significant incentive to retain high percentage of portfolio in residential mortgages.
Chartering Alternatives	**Chartering Alternatives**
Federal: mutual associations only.	Federal: mutual and stock associations.
State: mutual and stock associations.	State: mutual and stock associations (no change).
Branching	**Branching**
Federally chartered: governed by FHLBB.	Federally-chartered: governed by FHLBB (no change).
State-chartered: governed by state law.	State chartered: governed by state law (no change).
Summary	**Summary**
Consumer interests penalized owing to prohibitions against service competition and enforced specialization between thrift institutions and banks.	Consumer interests strengthened by availability of new sources of supply of both deposit services and lending services and the promise of direct price competition between thrift institutions and banks.
Opportunities to compete for funds limited and little ability to withstand tight-money pressures without substantial government support.	Virtually unlimited opportunities to compete for funds. Ability to withstand tight-money pressures strengthened, minimizing need for government rescue operations.

CREDIT UNIONS

Lending and Investment Powers	**Lending and Investment Powers**
Severe restrictions.	Less severe restrictions.
Chartering Alternatives	**Chartering Alternatives**
Conversion to Mutual Thrift Institutions not permitted.	Conversion to mutual thrift institutions permitted.
Sources of Liquidity	**Sources of Liquidity**
Private sector institutions only.	Private sector institutions, *plus* NCUA-administered Central Discount Fund for emergency, temporary liquidity purposes only.
Taxes	**Taxes**
Tax-exempt.	Tax-exempt (no change).

Narrative Explanation: Background of Issues and Recommendations

ISSUE 1

Payment of interest on deposit accounts

Background

Prohibitions against the payment of interest on demand deposits and interest ceilings on savings accounts were initially a product of the 1930's. The popular notion at that time—since proved incorrect—was that excessive interest rate competition among banks was the cause of bank failures. Thus Congress, with the enactment of the Banking Act of 1933, prohibited banks from paying interest on demand deposits and authorized the Federal Reserve Board to regulate the rate of interest member banks may pay on savings accounts. That era was also characterized by an orientation toward the borrower, in an attempt to bring the nation out of the Depression, rather than toward the consumer/saver.

Studies of the prohibition of payment of interest on demand deposits have shown the reasons for it were ill-founded. Moreover, the prohibition has not kept bank costs from rising during tight-money periods because banks have developed other sources of funds for which they have paid market rates. Unfortunately, misconceptions about the prohibitions are so widely and strongly held that removal is not feasible.

However, development of "negotiable order of withdrawal" (N.O.W.) accounts and the development of "electronic funds transfer systems" (EFTS) can be expected to blur the difference between demand and savings accounts to such an extent that the prohibition will become meaningless. N.O.W. accounts provide most of the benefits that would be derived from interest-bearing checking accounts without forcing banks to pay interest on current demand deposits. They also allow banks a means of experimenting before any move to a system where interest is explicitly paid on demand deposits.

Working with the money flow theories of the 1930's, Congress, in September 1966, turned to interest ceilings to protect the deposit holdings of thrift institutions and thus the flow of funds into mortgage markets. It enacted legislation giving the Federal Home Loan Bank Board (FHLBB) and the Federal Deposit Insurance Corporation (FDIC) authority to regulate, in conjunction with the Federal Reserve Board (FRB), interest payments made by the institutions they supervise. The three supervisory authorities then agreed to formalize the historical interest differentials paid by thrift institutions over those paid by commercial banks at about 50 basis points (reduced to 25 basis points on July 5, 1973).

Interest ceilings on savings accounts have failed to achieve their objectives. Contrary to expectations, they did not protect the liquidity of thrift institutions by preventing an outflow of funds during periods of tight money, and thus did not produce funds for the mortgage market. Large savers enjoyed many alternatives for their savings which paid the higher market rates and reacted accordingly. Faced with a loss of funds, thrift institutions cut back on their mortgage lending or borrowed from especially created agencies, which had to pay market rates for their funds, or did both. The result was significant instability in mortgage markets, and accentuated differences between the rate of return to large and small savers.

Ironically, even though the small savers received less than the large saver, the cost of funds to thrift institutions rose appreciably. Ceilings did force those who, due to their unsophistication or small savings, had only limited outlets for their savings to accept less than market rates. However, large savers who withdrew their funds had the option of acquiring debt issues of Federal Home Loan Banks at market rates. Funds raised in that manner were then relent to thrift institutions at rates which were generally above deposit rates.

Interest ceilings also hampered the implementation of restrictive monetary policy. Because depository institutions could not attract funds, large and increasing credit flows were moving outside the banking sector. The base on which the Federal Reserve operates decreased in relative terms, and its restrictive policies had to be made increasingly stringent at the same time that they became increasingly ineffective.

Formalized interest differentials may have prevented, to some extent, a shift of deposits from thrift institutions to commercial banks. If they did, the interest differential helped to maintain the viability of thrift institutions. That does not necessarily imply however, that the differentials will be effective in future periods of high and rising interest rates. Educated by the last two "credit crunches" and by constant advertisements about interest rates, even the less sophisticated savers will shift their funds to the highest yield if market rates greatly exceed the passbook ceilings. Such shifts began occurring in the summer of 1973.

Thus it is increasingly unlikely that interest ceilings or differentials will continue to protect thrift institutions. Additionally, large corporations, which are not subject to ceilings, have already successfully experimented with small-denomination capital debentures —e.g., savings bonds. Any corporation or governmental unit is a potential competitor for the savings dollar. Savings institutions therefore must be allowed to compete for these funds if they are to continue to provide their intermediation function.

Should "free-competition" for funds cause some institutions to make imprudent lending and investing decisions, the situation can be remedied effectively through actions of the federal and state supervisory authorities. Blanket regulation of the entire deposit industry, geared to the lowest common denominator of management competence, is neither justified nor desirable.

RECOMMENDATION

The payment of interest on demand deposits will remain prohibited for all institutions.

Regulation Q is to be phased out over a period of five and one-half years. Parity of interest ceilings between commercial banks and thrift institutions is to be achieved by raising the rate permitted banks in four annual steps commencing 18 months after enactment of the recommendation. At the same time, preparations can be made for the complete elimination of interest ceilings on time and savings accounts.

N.O.W. accounts are to be subject to ceiling rates so long as the ceiling system remains in force. Such ceilings are to be uniform for banks and thrift institutions and may be no higher than the maximum rate on passbook accounts.

Administrative decisions on the actual levels of ceiling rates will be made by a coordinating committee composed of the FDIC, the FHLBB, the FRB, and the Treasury Department.

ISSUE 2

Expanded deposit liability powers and reserves

Background

The elimination of preferential interest rate treatment for thrift institutions will necessitate adjustments in the structure of their deposit liabilities and assets so that they will be able to compete with commercial banks and other seekers of the savings dollar. Additionally, the decreasing effectiveness of interest ceiling differentials and technological innovations that blur the traditional lines between savings accounts and demand deposits are actual developments which call for the same remedy.

In the area of deposit powers, federally insured thrift institutions are prohibited by law from offering third-party payment services (i.e. bona fide checking accounts) but they may issue non-negotiable orders of withdrawal.

For their part, commercial banks are prohibited from offering savings accounts to their corporate customers. Such accounts were prohibited by the FRB in 1936 on the theory that they represent the indirect payment of interest on demand deposits. (Section 19 of the Federal Reserve Act prohibits member banks from paying interest directly or indirectly on demand deposits.)

Those constraints upon federally insured thrift institutions and member banks can be effective only in a world where all thrift institutions operate under the same rules and where there are relatively high costs attached to shifting funds from savings accounts to demand deposits. If that ever were the case, it no longer is so. Non-federally chartered thrift institutions in Massachusetts and New Hampshire are offering negotiable order of withdrawal (N.O.W.) accounts which are tantamount to and near-perfect substitutes for interest-bearing checking accounts. Such a system is made possible by advances in computer technology which enable any institution to offer customers low-cost rapid transfers of funds from checking to savings accounts and the reverse.

It seems imprudent to try to block those innovative changes sought by the consumer. Innovative minds will always find ways around piecemeal restrictions. However, if commercial banks and thrift institutions are permitted to offer the same range of services, some suggest that they should operate subject to the same ground rules. The more important of those rules covers the holding of reserves against accounts subject to third-party payments.

Imposition of comparable deposit reserves on all banks and thrift institutions is controversial. Comparability does not exist now, and differences between the Federal Reserve and the individual states on the issue of reserves is one of the important factors keeping the dual banking system alive. Of the 509 state-chartered banks opened for business in 1970 through 1972, only 30 joined the Federal Reserve System. However, Federal Reserve member banks hold approximately 80 percent of all demand deposits. There are substantive advantages to maintaining the dual system, particularly the advantages and innovations of competitive regulation and the avoidance of overly restrictive chartering policies.

Recommendations

For federal thrift institutions, checking accounts, third party payment powers, credit cards, and N.O.W. accounts will be available to all customers, individual and corporate.

For national banks, savings accounts and N.O.W. accounts will be avaliable to all customers, individual and corporate.

All federally chartered institutions and all state chartered institutions which are members of the Federal Reserve System or the Federal Home Loan Bank System will be required to maintain reserves against deposits in demand and N.O.W. accounts in a form and amount prescribed by the FRB after consultation with the FHLBB. State chartered savings and loan associations insured by the Federal Savings and Loan Insurance Corporation (FSLIC) need not be members of the Federal Home Loan Bank System, just as state chartered banks need not be members of the Federal Reserve System.

N.O.W. deposits will be subject to the same range of reserves as demand deposits. However, the FRB after consultation with the FHLBB may establish a different level of reserves for N.O.W. accounts.

Required reserves for demand deposits and N.O.W. accounts will range from 1 to 22 percent. Those for savings accounts will range from 1 to 5 percent and those for time accounts will range from 1 to 10 percent.

For state chartered institutions FDIC and FSLIC statutes will be changed to permit competitive equality, if such equality is sanctioned by state law.

ISSUE 3

Expanded lending and investment powers

Background

The removal of interest ceiling and the granting of a greater range of deposit powers can be expected to alter significantly the maturity structure of thrift institutions deposits. Those changes on the liability side require flexibility for compensating adjustments on the asset side. Such compensations should look to increasing income and enhancing liquidity through portfolio diversification—objectives that can be achieved only through the acquisition of shorter term and more diversified assets, such as consumer loans. Opening up those areas to thrift institutions can be expected to create downward pressures on the cost of credit to consumers and governmental bodies.

It might be argued that such significantly liberalized lending authority may curtail the flow of funds into housing. That issue is not easily resolved, but the Administration's task force concluded that the expansion of powers, coupled with the suggested tax changes, should not adversely affect the supply of mortgage funds. It is impossible to give definitive support to that position because theoretical arguments on both sides abound. The key seems to be the extent to which: (1) thrifts will shift long-term funds into short-term (non-mortgage) assets, and (2) the extent to which that shortfall would create market inducements encouraging other institutions (e.g. commercial banks and real estate investment trusts) to fill the gap. In its study of the issue, an Administration housing study group, chaired by the Council of Economic Advisers, concluded that the former would likely be small and that the latter would operate, leaving mortgage flows unaffected.

The possibility that commercial banks may fill the gap will be enhanced if current restrictions on their real estate lending are removed, especially in light of the removal of interest ceilings on savings accounts. Furthermore, commercial banks will be confronted by thrift institutions armed with a full range of consumer finance powers and, therefore will need to be more attentive to mortgage credit demands if they are to hold their customers for other consumer business.

However, since housing has a high social priority, it seems advisable to place some restrictions on the acquisition of "non-mortgage" assets and to increase the number of ways thrifts can participate in financing construction activity. In addition, changes are also being recommended in the taxation of banks and thrift institutions to assure a steady flow of funds into housing.

Since the impact of the proposed changes on the availability of mortgage funds is so important, a synopsis of the Administration's task force study on this matter will be found later in this booklet.

Recommendation

Federal savings and loan associations will be authorized to:

(1) make consumer loans not exceeding 10 percent of their total assets;

(2) make real estate loans under the same conditions as commercial banks;

(3) make construction loans not tied to permanent financing (i.e., interim construction financing as offered by banks);

(4) make community rehabilitation and development and mortgage loans on residential and related properties, including a participation in rental income or a share of capital gains on the sale of property, but with this leeway authority not to exceed 3 percent of their total assets;

(5) acquire high quality commercial paper and private investment-grade corporate debt securities in accordance with approved-list and other guideline procedures established by the FHLBB. Such investments are not to exceed 10 percent of total assets, with the maximum limitation to be set at 2 percent in the first year and growing to 10 percent, at the rate of 2 percent per year, over a 5-year period;

(6) utilize for consumer loans the unused portions of authorized investments in private corporate debt (commercial paper and debt securities) and leeway loans; and

(7) continue the acquisition of a full range of U.S. Government, state and municipal securities.

National banks will be granted:

(1) liberalized powers with respect to real estate loans;

(2) a leeway authority, not to exceed 3 percent of total assets, for community rehabilitation and development and mortgage loans on residential and related properties, including a participation in rental income, or a share of capital gains on the sale of property.

The FRB is to be granted more flexible authority to define assets eligible for discount, and the FHLBB is to be given expanded authority to broaden the definition of collateral required for advances to savings and loan associations.

ISSUE 4

Charters for thrift institutions

Background

The dual banking system has contributed a great deal to the more efficient operation of financial markets. It has permitted an element of competition among supervisory authorities which has been conducive to innovation and experimentation by financial institutions. In addition, it has restrained supervisory authorities from over-zealously protecting existing firms by restricting entry to the field.

The dual banking system is, however incomplete. Federal charters are not available to mutual savings banks and federal law explicitly prohibits the federal chartering of *stock* savings and loan associations. Both types of institutions have been operating in a more than satisfying manner at the state level for a number of years. There are no obvious reasons why federal charters should not be available to them.

Recommendation

The FHLBB is to be empowered to charter stock thrift institutions, granting them powers identical to those enjoyed by mutual savings and loan institutions.

Newly empowered federally chartered thrift institutions may be called either "savings and loan associations" or "savings banks."

State chartered mutual savings banks may convert to a federal charter and be granted all of the asset and liability powers available to all federally chartered thrift institutions. In addiiton, they may retain their life insurance, equity investments and corporate bond investments. Equity and corporate investments may be no greater than levels determined by their average percent of assets for the 5-year period January 1, 1968 through December 31, 1972.

State chartered mutual thrift institutions which convert to a federal charter will be insured by the FSLIC, even if they had been insured by the FDIC.

ISSUE 5

Credit Unions

Background

Credit unions represent a small but rapidly expanding portion of the nation's financial system. At the end of 1972, there were about 23,200 credit unions holding total assets of more than $24.8 billion. That represents only a 4.4 percent increase in the number of firms since 1965, but a 134.6 percent increase in their assets over the same period.

Because of their cooperative form of ownership credit unions enjoy, by law, many advantages not accorded other depository institutions, but must satisfy special conditions to keep those advantages.

Their principal advantage is exemption from income taxes, while the main constraint on their operations is inability to offer services to non-members. Membership is limited to those who share a "common bond of association."

That constraint does not impinge upon the operations of the vast majority of credit unions. Although there are credit unions that would prefer to offer the services of "mutual saving institutions," such an extension of powers would leave them indistinguishable from taxable institutions and their tax-free status could not be justified.

Credit unions deposit in and borrow from commercial banks. However, there is the possibility that in times of severe credit restraint, a credit union may face an emergency, such as a plant closing, and be unable to acquire short-term funds from the banking system. A totally-credit-union-financed "Emergency Fund" might be one method to solve this problem.

Recommendation

A Central Discount Fund will be established for insured (federal or state) credit unions solely to provide funds to meet emergency, temporary liquidity problems. Capital for the fund will be obtained through subscriptions by credit unions wishing to join. The Fund is to be administered by the National Credit Union Administration.

Additionally, there will be some minor liberalization of existing credit union powers. Credit unions will retain their tax-exempt status as long as they remain within the bounds of the existing tax law.

Credit unions that want to expand their services and assume the burdens of full service mutual thrift institutions will be permitted to do so. Procedures to facilitate an exchange of charters will be available.

ISSUE 6

FHA and VA interest ceilings

Background

One of many federal attempts to keep the cost of housing funds low is the administrative interest ceiling placed upon Federal Housing Administration-insured and Veterans Administration-guaranteed mortgage loans. Those attempts have by and large failed, as is evidenced by the widespread use of "points," and the move by the Federal National Mortgage Association in 1968 to a "free market system" for buying and selling mortgages. If administrative rates have kept costs down, it has been at the expense of fewer funds available for housing.

Recommendation

The FHA and VA interest ceiling will be removed.

ISSUE 7

Taxes

Background

In light of the expanded powers to be granted thrift institutions and the overall goal of reducing the degree of functional specialization among financial institutions, the basic objective of the tax proposals is a uniform tax formula for all financial institutions. A "tax neutrality" is sought, by providing that a given investment or activity will be subject to the same income tax provisions regardless of the functional type of financial institution making the investment or engaging in the activity.

However, differences in tax treatment, and thus overall tax burden and effective rates of taxation among financial institutions, will continue to exist. Those differences will result from three factors: (1) the form of the institution, i.e., mutual bank versus capital stock corporation; (2) federal and state regulation which will grant certain types of institutions the power to make certain investments and engage in certain activities that are denied to other institutions; and (3) the extent to which an individual institution uses the powers granted to it.

The principal difference between existing income tax provisions applicable to commercial banks and savings institutions is in the area of deductions for additions to a reserve for losses on loans (Internal Revenue Code sections 593 and 585). Those provisions must be changed if there is to be a uniform tax formula. Furthermore, if changes are made in that area, conforming amendments will have to be made to a number of other provisions of the Internal Revenue Code which currently reflect the differences of existing law. Those other changes are technical in nature and do not involve policy considerations. Therefore, the recommendations which follow deal only with the provisions affecting deductions for additions to a reserve for losses on loans.

If the current subsidy being provided thrift institutions through the special bad debt reserve provisions is eliminated, a continued incentive to insure a flow of capital into the residential mortgage market may be provided through a mortgage interest tax credit. Such a credit would be equal to a percentage of the interest income earned on residential mortgages and would operate as a direct incentive in place of the indirect incentive currently being provided through provisions for loan losses. In addition, the mortgage tax credit could be used to compensate thrift institutions for the loss of tax benefit resulting from elimination of the special bad debt reserve deduction.

Recommendation

The special reserve provisions applicable to thrift institutions will be eliminated and all thrift institutions will compute reserve additions under an experience method similar to the one applicable to commercial banks.

Thrift institutions will be compensated for the tax benefit being eliminated by means of a new tax credit equal to a percentage of the interest earned from residential mortgages and other qualifying loans. The credit will be made available to all taxpayers and will serve as an incentive to attract capital into the residential mortgage market.

The size of the credit has not yet been decided, but it will be calculated so as to give thrift institutions full compensation for the tax benefit they would have received in the aggregate (based on projections for a future year) through deductions for additions to a reserve for losses on loans. To induce thrift institutions to continue their high level of investment in residential mortgages (to be eligible for the special bad debt reserve deduction they currently must invest 60 percent of their assets in qualifying real property loans and must invest 82 percent of their assets in such loans to receive the maximum tax benefit) and provide an incentive to other lenders to increase their level of investment in residential mortgages, the credit will be multi-level. For example, one rate might apply to those lenders who invest more than 70 percent of their assets in residential mortgages, a lower rate might apply to those lenders investing more than 50 percent of their assets in residential mortgages and still lower rates might be set for all other lenders. The specific rates and the investment levels have yet to be determined.

QUESTIONS AND ANSWERS

I: PAYMENT OF INTEREST ON DEPOSIT ACCOUNTS (REGULATION Q, ETC.)

Q. What are the current regulations governing the payment of interest on demand deposits?

A. Payment of interest on demand deposits by any insured bank is prohibited by federal statute, 12 U.S.C. 1828g.

Q. When and why was the payment of interest on demand deposits barred?

A. Payment of interest was prohibited in 1933 in the belief that deposit rate competition contributed to bank failures. Subsequent studies have failed to support that belief.

Q. What is the legal basis for the current regulations governing the payment of interest on time and savings accounts?

A. Federal law empowers the FRB, the FDIC, and the FHLBB to limit by regulation the payment of interest on time and savings deposits. Ceiling rates may be varied in accordance with deposit size, maturity, location of institution and any other basis deemed desirable in the public interest.

Q. When was that authority first granted those regulatory bodies?

A. The current broad grant of authority was first enacted in September 1966 at the time of the severe liquidity crisis.

Q. Why was it enacted?

A. It was believed at that time that ceilings on deposit rates would hold down the costs of deposit institutions (primarily S&L's) thereby alleviating the squeeze on their profits and maintaining them as viable suppliers of funds for housing. However, the ceilings failed to provide a protective shield.

Q. What is Regulation Q?

A. Regulation Q is a regulation issued by the FRB, under the authority mentioned above, governing the payment of interest by member banks on time and savings deposits.

Q. Are other regulatory bodies empowered to set interest ceilings for the depository institutions they supervise?

A. Yes. Under the legislation originally passed in 1966, both the FHLBB and the FDIC may set interest ceilings on the time and savings accounts of the institutions they supervise. Extension of that authority until December 31, 1974, is currently before Congress. Under current authority the FDIC has promulgated 12 CFR 7829.6 and the FHLBB 12 CFR 526.

Q. Are the same regulations applicable to commercial banks and thrift institutions?

A. Not entirely. The ceiling rate permitted thrift institutions is now generally 25 basis points higher than that permitted commercial banks. There are no ceiling rates on certificates of deposit of $100,000 or more, or on 4-year deposits of $1,000 or more (up to 5 percent of time and savings deposits).

Q. Has the differential between what commercial banks and thrift institutions can pay for time and savings accounts been due to a law or to administrative action?

A. Administrative action.

Q. Why are thrift institutions given an interest-rate advantage?

A. Because of the prominent role they play in funneling funds into housing markets.

Q. Why is elimination of that differential now being proposed?

A. The total package of recommendations contains other and more efficient means of encouraging financial support for housing, principally through the mortgage tax credit.

Q. What is a "N.O.W." account and how does it differ from a demand deposit?

A. A N.O.W. account in a negotiable order of withdrawal offered by mutual savings banks in Massachusetts and New Hampshire. In essence, they are checks drawn on savings accounts in those institutions. N.O.W. accounts differ from demand deposits in that such accounts bear interest and legally a bank does not have to honor it on demand.

Q. Why are you recommending the payment of interest on accounts that are essentially demand deposits while continuing the ban on interest payments for demand deposits?

A. Given the long period in which banks have not paid such interest they will need time to experiment with interest-bearing transaction accounts. Maintaining a distinction, however small, between N.O.W. accounts and checking accounts gives banks time for experimentation.

If interest could be paid immediately on demand deposits, it is believed that banks with their existing large balance of demand deposits would start paying interest on them and S&L's would never have a chance to attract such deposits. Also, many banks would feel that they were being forced by the government to pay such interest. And finally, by allowing N.O.W. accounts rather than interest on demand deposits we have introduced a degree of gradualism into the new world of paying interest on demand deposits.

Q. Why do you want to phase out Regulation Q?

A. We want consumer/savers to have the full benefit of market interests and thus to receive a fair return on their savings.

Interest ceilings on time and savings accounts have inhibited financial institutions from competing with the rest of the capital market for funds, particularly during periods of credit restraint.

Q. If you eliminate Regulation Q, won't we have the same type of cutthroat interest rate competition that led to numerous bank failures in the 1930's?

A. No. The statement that interest rate competition led to bank failures has not been supported by the evidence. There is little if any evidence that pure interest rate competition led to bank failures. The cause was, instead, poor investments.

If irresponsible deposit rates, inaugurated by isolated banks, should lead them to invest unwisely, this can best be handled on a case-by-case basis by the supervisory agencies. There is no point in penalizing all savers and all institutions for potential abuses by a few.

Interest rate ceilings in the past have proved to be discriminatory to the small unsophisticated saver while not really protecting the individual institutions.

Q. If you allow ceiling rates to increase, won't this mean higher rates on mortgages and bank loans?

A. Not necessarily. A number of interrelated factors have to be taken into account:

1. The interest rate for loans is determined by a market that is separate from the one which determines the interest rate for deposits. Although these two markets are indirectly related, they do not necessarily move in unison.

2. The market for mortgage loans is a long-term market, while the market for deposits is short and medium term.

3. To argue that removing Regulation Q will mean an increase in the average cost of funds for institutions is to assert that the Regulation has been effective in holding down the average cost of funds to the institutions. This has not been the case. What has happened has been a tilt in the yield curve with the average remaining about what it would have been otherwise—i.e., short-term Regulation Q rates have been depressed (savings accounts of small consumers) while the longer maturity deposits (big CD's) have been disproportionately bid up due to the intense competition by institutions for these relatively scarce deposits. We might expect this yield curve to "untilt" and thus not necessarily increase the average cost of funds to institutions.

4. However, the overall Regulation Q rates

may go up and loan rates may go up. But if this happens, there will merely have been a redistribution of income from borrowers to savers. Who is to say that the consumer savers should not receive a fair return on their savings?

Q. Why not remove Regulation Q immediately?

A. S&L's, due to their portfolios of substantially all long-term mortgages frozen into fixed rates, do not have the ability to immediately start paying free competitive rates. They must be given a couple of years to adjust their portfolios so as to shorten the maturity of some of their assets (i.e., consumer loans) and improve their overall yield.

II: EXPANDED DEPOSIT LIABILITY POWERS AND RESERVES

Q. What are the major differences in deposit liability powers between commercial banks and thrift institutions?

A. All thrift institutions, both federal and state chartered, offer a full range of savings account services to all customers, individual and corporate. However, thrift institutions may not offer demand deposit services. A major exception is the N.O.W. account offered by mutual savings banks in Massachusetts and New Hampshire. Among commercial banks only member banks of the Federal Reserve System may not offer a full range of both demand and savings account services to all customers. Member banks may not offer savings account services to their corporate customers. That prohibition is a regulation promulgated by the FRB. State chartered non-member banks are subject to state law on the issue of corporate savings accounts.

Q. Why have differing deposit liability powers for commercial banks and S&L's been established?

A. It has been generally believed that the longer maturity structure of thrift assets, vis-à-vis commercial banks, demands a longer maturity structure of deposit liabilities. Hence the general prohibition against S&L's offering checking accounts.

Q. Why the recommendation that the difference in deposit liability powers between S&L's and commercial banks be eliminated?

A. It will be beneficial for consumers and small businesses to be offered a full range of services by all institutions which wish to do so. The elimination of current differences is part of the overall plan to make thrifts more viable financial institutions. By possessing all the powers needed to compete for deposit funds, thrifts will no longer require the great rescue operations used in the past.

Q. Will changes in their liability powers require changes in their asset powers?

A. Yes. Permitting thrifts to have shorter-term liabilities requires that they possess shorter-term assets. Recommendations put forward by the President include proposals that would permit thrifts to make consumer loans and business loans related to real estate.

Q. Will these changes in liability powers mean changes in their deposit reserve responsibilities?

A. Not necessarily. If thrifts are members of the FHLBB system, and membership will be voluntary for state chartered institutions, reserves on their transaction accounts (demand and N.O.W. accounts, but not time and savings accounts) will be imposed by the FRB, after consultation with FHLBB.

Q. Will that be the same treatment accorded commercial banks?

A. Members of the Federal Reserve system will be subject to the same requirements on their transaction accounts as members of the FHLBB system. Again, membership will be voluntary for state chartered institutions.

Q. Will there be any differences between the reserve requirements for thrifts and commercial banks?

A. Yes. Current reserve (liquidity) requirements on time and savings deposits of thrifts will not be altered. Those on the time and savings accounts of commercial banks will be altered.

Q. Before we get into these changes what are the current limits on reserves?

A. Currently, the FRB is empowered to set reserve requirements on demand deposits from 10 percent to 22 percent for so-called reserve city banks and from 7 percent to 14 percent for all other banks.

Q. What are the requirements in effect today?

A. As of May 31, 1973 reserve requirements on demand deposits were:

Deposits ($ millions):	*Reserve requirements (percent)*
0–2	8
2–10	10
10–100	12
100–400	13
over 400	17½

Q. What will the new reserve requirements be?

A. They will range from 1 to 22 percent on transaction accounts (including demand and N.O.W. accounts), 1 percent to 5 percent on savings accounts, and 1 percent to 10 percent on time accounts.

Q. In what form will reserves be held?

A. For Federal Reserve and FHLBB members, reserves will be held in a form and amount to be prescribed by the FRB.

Q. Are reserve requirements imposed on savings accounts?

A. Yes. Currently, member banks of the Federal Reserve system are subject to reserve requirements on savings accounts. Such reserves may range from 3 percent to 10 percent. At the moment the requirement for all banks is 3 percent. Non-member banks are subject to state law.

Q. Are there any reserve requirements on time deposits and certificates of deposit?

A. Members of the Federal Reserve system must hold as reserves 3 percent of such deposits for the first $5 million and 5 percent for deposits over $5 million. Recently, the FRB imposed an 8 percent marginal reserve requirement (the regular 5 percent plus a supplemental 3 percent) on further increases in the total of (a) outstanding certificates of deposit of $100,000 and over issued by member banks, and on (b) outstanding funds obtained by a bank through issuance by an affiliate of obligations subject to the existing reserve requirement on time deposits. The 8 percent marginal reserve does not apply to banks whose obligations of those type aggregate less than $10 million.

Q. What proposals are being made for reserves on time and savings accounts in commercial banks?

A. For member banks reserve requirements on savings accounts will range from 1 percent to 5 percent and those on time accounts will range from 1 percent to 10 percent. State law will prevail for nonmember banks.

Q. What is the difference between savings accounts and time accounts?

A. Generally, the two differ in terms of the amount of time funds must remain on deposit and the rules governing withdrawal of funds.

For savings accounts, the depositor is not required by contract to leave funds on deposit for any specified period of time nor to give notice in writing of an intended withdrawal. However, the depositor may at any time be required by the bank to give at least 30 days notice.

For time accounts, the depositor agrees to leave funds on deposit for a specified minimum period of time and for many types of time deposits must give prior notice of withdrawal.

Q. Will new reserve requirements be imposed on time and savings accounts in thrift institutions?

A. No. The liquidity reserves imposed by the state or the FHLBB, whichever is applicable, will continue.

Q. Although the FRB imposes reserve requirements only on member banks, are you recommending that it set reserve requirements for all federally insured banks?

A. No—not all of them. The FRB will have authority to set, in consultation with the FHLBB, reserve requirements on transaction accounts of members of the FR and FHLBB systems.

Q. Won't that recommendation bring some thrift institutions under the control of the FRB?

A. Only with regard to reserve requirements on transaction accounts. There is no way to estimate at this time how many FHLBB thrifts will offer transaction accounts.

Q. Are there any reasons for preserving the dual banking system?

A. Yes. The dual system creates 52 laboratories for experimentation in bank regulation. Experimentation has taken place in areas of ancillary bank services and capital adequacy to the advantage of the banks and the public. In addition, the availability of alternative chartering agencies has resulted in increased competition and more service for the public.

Q. Why is it that state chartered banks which are not members of the Federal Reserve System do not have to hold the same reserves as the system members?

A. The history of our banking laws has been one of dual regulation of state chartered banks and federally chartered banks. We do not wish to damage this very healthy system of dual banking.

By providing a choice of chartering and supervisory agencies to banks and S&L's, we have fostered an innovative and progressive banking system.

We believe that states have the right to regulate their own banks so long as such regulation does not unduly interfere with the implementation of monetary policy which is, of course, a federal responsibility. From a practical point of view, most state banks hold reserves roughly equivalent to those of FR member banks. However, unlike the member banks, they are frequently able to put such reserve balance to productive use.

Q. Summing up, how will this decision on reserves affect financial institutions?

A. National banks—no change.

State Federal Reserve System member banks—no change.

State non-member banks—no change.

Federal S&L's—must hold reserves against demand deposits and N.O.W. accounts; no change on savings and time deposits.

State S&L's—if member of FHLBB (which almost all will remain), same as above. If not FHLBB member, state banking authorities will set reserve requirements. It is hoped they will be the same as for banks.

Mutual savings banks—same as for Federal and State S&L's.

The new ranges within which the Fed may set the reserve level are:

Demand deposits and N.O.W. accounts—1–22 percent.

Savings—1–5 percent.

Time—1–10 percent.

III: EXPANDED LENDING AND INVESTMENT POWERS

Q. What is the general purpose of expanding the lending and investment powers of thrift institutions and banks?

A. Generally, the expansion is part of the overall plan to make thrifts more viable financial institutions. More specifically, changes on the liability side require compensating adjustments on the asset side aimed at increasing income and enhancing liquidity. Those objectives can be achieved only through the acquisition of shorter term and more diversified assets, such as consumer loans. Opening up those areas to thrift institutions can be expected to create downward pressures on the cost of credit to consumers and governmental bodies.

Q. What are the current limitations on lending and investing by thrift institutions?

A. This can be answered precisely only about federally-chartered S&L's, since there are so many laws covering state-chartered institutions.

Currently, federally-chartered S&L's are generally restricted to making loans related to housing and real estate.

There are two exceptions to that rule. First, they may make passbook loans, that is loans to account holders secured by the deposits in their accounts. The size of loan is limited to the amount of funds in the account. Second, thrifts may make loans to individuals to pay for college, university or vocational expenses. Those loans are limited to 5 percent of assets.

Generally, S&L's are precluded by law and regulation from acquiring private sector debt obligations other than mortgages. They may, however, acquire the stock of so-called service corporations—corporations designed exclusively to provide related services such as data processing.

Q. What expanded lending and investing powers are being recommended for federal savings and loan associations?

A. Federal S&L's will be authorized to make consumer loans; make construction loans not tied to permanent financing; make community rehabilitation and development and mortgage loans on residential and related properties, including a participation in rental income or a share of capital gains on the sale of property; acquire high quality commercial paper and private investment grade corporate debt securities; utilize for consumer loans the unused portions of authorized investments in commercial paper and securities, and in community rehabilitation and development and mortgage loans.

Q. What expanded lending and investing powers are being recommended for national banks?

A. National banks will be granted liberalized powers with respect to real estate loans, and authority to invest in community rehabilitation and development and mortgage loans on residential and related properties, including a participation in rental income or a share of capital gains on the sale of property.

Q. Why should thrift institutions be given expanded lending authority?

A. This will allow them to pay the market rate for deposits by shortening the maturity and diversifying the composition of their assets, and increasing the yield thereon.

Q. Won't this diversification divert money from the home loan mortgage market?

A. The CEA study referred to earlier in the discussion of issue 3 concluded that such curtailment will not be significant in view of the other powers being extended to thrift institutions. Moreover, commercial banks can be expected to take up some of whatever slack does occur if current restrictions on their real estate lending are removed, particularly in light of the elimination of interest ceilings on savings accounts.

Q. Why are strict percentage-of-asset limitations being set on thrift institutions' expanded investment powers?

A. Since housing has a high social priority, it seems advisable to place some restrictions on the acquisition of non-mortgage assets and to increase the number of ways thrift can participate in financing construction activity.

IV. CHARTERS FOR THRIFT INSTITUTIONS

Q. Why are there no existing provisions for federally-chartered stock thrift institutions?

A. At the time the federal law was enacted savings and loan associations were looked upon simply as self-help cooperatives, and there was thought to be no role for stock savings and loan associations.

Q. Why is it being recommended that Federal charters now be granted to stock thrift institutions?

A. Presently 21 states charter stock savings and loan associations. Experience with stock savings and loan associations has been at least as satisfactory as that with mutuals; therefore there is no good reason for the present statutory ban on federal charters. It is also believed beneficial to have a dual option of chartering and supervisory agencies to avoid two problem areas which emerge when a particular type of financial institution can be chartered by only one agency: first, the agency may become overzealous in protecting existing firms; second, the agency may not be as innovative and imaginative as it should be in exercising its authority.

Q. Under the recommendations will there be any difference in activities permitted stock S&L's, mutual S&L's, mutual savings banks, and the new savings banks?

A. Under the recommendations all federally-chartered thrift institutions will have essentially the same asset and liability powers. "Savings bank" will just be an alternative title available to newly empowered federally-chartered thrift institutions. However, state-chartered MSB's which convert to a federal charter will be able to retain their life insurance, equity investments and corporate bond investments. This will enable them to maintain their customary investments which will not be available to other existing or newly chartered federal thrift institutions.

Q. Won't allowing MSB's to convert and retain their investments undermine a dual banking system?

A. No. Allowing mutual savings banks, which can now be chartered in 18 states and Puerto Rico, the option to convert to a federal charter and maintain their customary investments will enhance the dual banking system. Allowing them to retain their investments upon conversion will give them a real option between either remaining under their present state supervisory agency or coming under a federal supervisory agency.

V: CREDIT UNIONS

Q. What is a credit union, and what special privileges does it enjoy?

A. A credit union is a cooperative nonprofit organization of individuals with a common bond of occupation, association or residence. The credit union's objectives are to promote thrift among its members and to provide them with a source of credit at reasonable rates of interest. Credit unions enjoy an income tax-free status since they are nonprofit organizations.

Q. Are federal and state charters available to credit unions?

A. Yes; credit unions may be incorporated under a federal law or under the laws of 44 states.

Q. What resources are available to federal credit unions now to meet temporary liquidity problems?

A. Credit unions may use their investments or increase their direct borrowing from other credit unions and private sources such as commercial banks. However, to qualify for federal insurance, credit unions are limited by a ceiling on aggregate borrowing from all sources.

Q. What is being recommended to meet emergency problems?

A. The establishment of a Central Discount Fund (CDF) to be administered by the National Credit Union Administration is being recommended. It would provide funds to meet the temporary liquidity problems of its members.

Q. Will non-federally-chartered credit unions have access to the CDF?

A. Yes. All *insured* credit unions, either federal or state, may become members of the Fund.

Q. How will the CDF be funded?

A. The capital for the Fund will be supplied through subscriptions by member credit unions. (Presumably additional funds could be provided through the issue of debt obligations and from the deposits of credit unions as recommended by the Hunt Commission.)

VI: FHA AND VA INTEREST CEILINGS

Q. What are the current Federal Housing Administration and Veterans Administration interest ceilings on mortgages and who imposes them?

A. Interest ceilings on FHA-insured loans are set by the Secretary of Housing and Urban Development; those on loan guaranteed by the VA are set by the Administrator of Veterans Affairs. The ceiling on FHA-insured and VA-guaranteed loans was recently raised from 7 to 7¾ percent.

Q. What was the purpose of having interest ceilings on FHA- and VA-backed loans?

A. FHA insurance is intended to enable persons of modest incomes to more easily obtain residential mortgages. Ceilings on FHA and VA loans were imposed with the assumption that borrowers under these programs would pay reasonable rates of interest.

Q. Why are you recommending the elimination of those ceilings?

A. Experience has shown that the administratively set ceilings lag behind market rates for conventional mortgages. This has meant that either FHA- and VA-backed loans become unavailable during periods of rapidly rising interest rates, or the effective rate of interest on these loans is raised above the ceilings by the practice of charging "points," in effect buying the loan at a discount. Ending the ceilings will eliminate this practice and enable persons who rely on FHA- or VA-backed financing to obtain mortgages during periods of high interest rates.

Q. Won't elimination of the ceilings lead to a rise in mortgage interest rates?

A. At present, the interest rates on FHA- and VA-backed mortgages rise with market rates on conventional mortgages through the use of "points" (or mortgage money becomes unavailable). Elimination of the ceilings is not expected to increase the *effective* rate of interest charged on these mortgages but is expected to provide a steadier supply of funds for mortgages during tight money periods.

Q. Why won't there be a phase-out period for these ceilings, as is planned for the interest ceilings on time and savings deposits?

A. The removal of interest ceilings on FHA- and VA-backed mortgages is not expected to sharply affect interest rates charged on mortgage loans so their removal should not disrupt the mortgage market. Some fear that the removal of ceilings on time and savings deposits may lead to substantially higher interest rates on those deposits. Rather than expose financial institutions to perhaps damaging and sudden competition for those funds, a period of adjustment will be provided, during which these institutions will be able to learn through experience what rates are needed to attract necessary funds without damaging their viability.

Q. Will removal of FHA and VA interest ceilings eliminate all usury-type barriers to mortgage financing?

A. No. Currently, many states employ usury ceilings in the mortgage area. It is the Administration's hope that states which impose such ceilings will move toward eliminating them as soon as possible. During periods of severe credit stringency, arbitrary ceilings below market rates can keep funds from mortgage markets.

VII: TAXATION

Q. Why are changes being recommended in the taxation of banks and thrift institutions?

A. The purpose is threefold: (1) to assure a steady flow of funds into housing; (2) to achieve a tax neutrality by providing that the income from a given asset will be subject to the same tax provisions, regardless of the functional type of financial institution holding the asset; and (3) to place competing institutions on an equal footing.

Q. What are the current special reserve provisions which apply to thrift institutions and how do they differ from the reserve provisions applying to commercial banks?

A. The principal difference between existing income tax provisions applicable to commercial banks and savings institutions involves deductions for additions to a reserve for losses on loans. Currently, thrift institutions are granted more favorable terms than commercial banks.

Q. Will the recommendations completely eliminate all differences in taxation between thrift institutions and commercial banks?

A. Generally, yes. The special reserve provisions applicable to thrift institutions will be eliminated, and all thrift institutions will compute reserve additions under an experience basis rule of the type currently applicable to commercial banks.

Q. How will thrift institutions be compensated for this tax loss?

A. Thrift institutions will be compensated for loss of the tax benefit by means of a new tax credit equal to a percentage of the interest earned from residential mortgages and other qualifying loans.

Q. Would the proposed mortgage interest tax credit be available to all lenders?

A. Yes.

Q. What are the current provisions of tax law with regard to the treatment of loan losses of thrift institutions?

A. In computing taxable income, all deposit institutions may deduct from gross income an expense item called additions to reserves for bad debts.

Currently, thrift institutions may, in calculating that expense item, use the same methods available to commercial banks or, in the case of qualifying real property loans, a special method designed to increase the after-tax profitability of their mortgage holdings.

Under the second alternative, thrift institutions may deduct, for the year 1973, up to 49 percent of taxable income. Between 1973 and 1979 that maximum figure will be reduced gradually to 40 percent.

To obtain the maximum deduction permitted by law, at least 82 percent of a thrift institution's assets must be in so-called eligible assets. As the amount of eligible assets declines so does the percent of gross income which may be deducted as a business expense. If the percentage of eligible assets falls below 60 percent of total assets, the special method is not available.

With regard to non-qualifying loans, bad debt reserve deductions are made under the same ground rules as are applicable to commercial banks.

Q. What changes in the tax treatment of "additions to reserves" are being recommended?

A. As of the effective date of the legislation, all deposit institutions would operate under the provisions now available to commercial banks.

Q. What are those provisions?

A. Banks may deduct amounts in accordance with an "experience method" or a "percentage of eligible loan method."

Under the "percentage of eligible loan method," the amount to be deducted is the amount necessary to bring the level of the reserve for bad debts up to a specified percentage of eligible loans. That percentage is currently 1.8 percent but will be reduced to 1.2 percent in 1976 and to 0.6 percent in 1982. This method will cease to be available after 1988.

Under the experience method, the amount to be deducted is the amount necessary to bring the level of the reserve up to an amount reflecting the actual loss experience for the current year and preceding 5 years.

Q. When thrifts convert to the provisions available to banks, will the level of their reserves be low enough to permit them to deduct loan losses as a business expense?

A. Generally, no.

Q. Will thrifts be given any special treatment as a result?

A. Yes. Highly technical changes in the tax law will be made so that thrifts will continue to be able to deduct additions to reserves for bad debts as a business expense. However, the amount of the deduction will. be substantially lower than that which is available under current law. Thrift institutions will always be able to receive a deduction for actual loan losses.

Q. Are the proposed changes in tax law designed to equalize the effective tax rates or tax burden?

A. No. The object of the recommendations is to create a tax neutrality with regard to the lending and investment activities of deposit institutions. Under the proposal, differences in effective tax rates and burden will continue to exist. Such differences will result from a combination of three factors: (1) the form of the institution (i.e. mutual vs. capital stock corporation); (2) differences in federal and state regulation governing the permissibility of certain investments and ancillary activities; and (3) the extent to which the individual institution utilizes the powers granted to it.

Q. What is the background of the bad debt reserve deduction?

A. Under current law a thrift institution is entitled to the special bad debt reserve deduction with respect to all *qualifying real property loans* (defined to include all loans secured by an interest in improved real property or secured by an interest in real property which will be improved from the proceeds of the loan). Improved real property includes residential property such as a single family home or apartment house as well as office buildings, shopping centers, warehouses, hospitals or other health, welfare, or educational facilities.

Based on 1971 figures, approximately eight percent of loans made by S&L's were not secured by an interest in *residential* property. In the case of MSB's virtually all of their mortgage loans were secured by an interest in residential real property.

The proposed mortgage interest tax credit is *limited to interest income from residential mortgages*, but is designed to compensate thrift institutions for the tax benefit they presently enjoy with respect to all real property loans.

Q. If the credit is limited to residential mortgages, what loans would be excluded?

A. All mortgages secured by an interest in commercial and industrial property, and loans secured by an interest in educational, health or welfare institutions or facilities including facilities used to house students, residents, patients, employees of staff members of such institutions or facilities.

Q. What effect will the proposal regarding bad debt deductions have on student loans?

A. Under current law, student loans are one of the types of investments that a thrift institution may make in order to meet the 82 percent test which will entitle it to the maximum bad debt deduction. However, the percentage of taxable income method is available only with respect to qualifying real property loans and does not include student loans.

Under the proposed change, the bad debt reserve deduction with respect to student loans will be unaffected. However, since thrift institutions will no longer be required to maintain a specified percentage of assets in eligible assets, student loans will be classified as consumer loans, for which there will be ample lending authority.

VIII: MORTGAGE AND HOUSING MARKETS

Q. Is the mortgage lending industry viable with its existing structure and regulations?

A. We take "viability" to mean the ability to withstand the effects of cyclical changes in credit market conditions without the need for massive Federal supportive intervention.

A conclusive case that the industry is not viable cannot be made on the basis of available evidence, but there appears to be a high enough probability to warrant attention. The instructive value of 1966 and 1969–70, the last two complete occasions when mortgage markets were under severe pressure, is not easily assessed, since many structural and regulatory changes have taken place over the last few years.

The chance of severe harm to thrift institutions has to some extent been moderated since 1969 by the improvement of the secondary market for both conventional and insured mortgages and by improvements in government sources of emergency liquidity. Moreover, thrifts and banks are now able to offer a "no-ceiling" deposit (minimum $1000 and 4 years) to the small consumer. On the other hand, there seems to be a general awakening of savers to the various forms of holding wealth alternative to deposits at thrift institutions. In addition, new alternatives to savings accounts have emerged in the last two years.

On balance, it appears that if present institutional arrangements were to continue, there would be good cause for concern about large-scale reductions in deposit inflows when market rates climb appreciably.

Q. How can we make the mortgage lending industry more viable without increased Federal support?

A. By implementing the balanced program of broadened asset and liability powers for financial institutions and restructuring tax support for residential mortgage lending.

Q. What are the present forms of government activities relating to housing and mortgage markets, including taxation?

A. Federal assistance to housing now takes two forms: (1) direct assistance to low-income persons building, buying or occupying dwellings and (2) a number of general tax incentives, some with accompanying restrictions, designed to encourage those same activities. Two major incentives are the deductibility of mortgage interest paid from homeowner's taxable income and the favorable manner in which savings institutions can add to bad debt reserves (beyond the levels warranted by losses) in return for the restriction that a high portion of their assets be held in residential real estate mortgage loans.

Q. How will Federal expenditures and tax preferences change if the President's recommendations are implemented?

A. The President's recommendations would not affect the structure of any direct program, but would substitute a tax credit for the bad debt provision for thrift institutions, and would make the residential mortgage tax credit available to all taxpayers. The amount of existing bad debt preferences for thrift institutions was estimated to be $545 million in fiscal 1971. If the tax credit is set at a level which does not alter the taxes paid by thrift institutions, the overall tax subsidy to housing will be larger since other investors will utilize the tax credit. If the overall subsidy is maintained at the current level, thrift institutions would receive less of the tax subsidy, with other holders of residential mortgages receiving the remainder.

Since the outlays in some Federal direct programs are positively related to mortgage rate levels, these would rise if rates increased and decline if rates decreased. If a mortgage tax credit is established in such a way as to compensate for the loss of subsidy through the bad debt reserve treatment, residential mortgage interest rates should not be higher as a result of this package. Indeed if anything they should be lower, as the tax credit would benefit all holders of mortgages. This would reduce direct Federal outlays on housing support programs.

Q. How would adoption of the President's recommendations on expanded powers affect mortgage markets both in the long run and cyclically?

A. The overall impact of the proposed changes on the mortgage market depends upon the relative magnitudes of two opposing effects.

First, expanded asset powers for thrifts, in and of themselves, might reduce the supply of mortgage funds from those institutions. However, the reduction would be small.

Elimination of interest rate ceilings for commercial banks would increase competition for savings and loan associations and mutual savings banks and thus contribute to the negative effect.

On the other hand since thrift institutions will be able to provide a broad range of consumer services, they would be in a stronger position to attract savings deposits. Since a good portion of these deposits would go into mortgages, the mortgage market would benefit.

Finally, the rate of personal savings in the economy might well increase, providing more funds for all financial intermediaries.

It is believed that the *net* effect on mortgage flows of all these nontax factors is approximately neutral. With an appropriate tax credit, the effect will be positive.

Additionally, an element of cyclical stability will be introduced. The new powers to be granted to thrift institutions would improve their ability to compete for funds, strengthen their cash flows, and thereby alleviate tendencies toward disintermediation (loss of deposits) during periods of financial restraint.

Q. Ignoring for the moment the mortgage tax credit, if the recommendations reduce the supply of mortgage funds, won't there be a corresponding decline in the supply of housing?

A. Not necessarily. Mortgage credit and housing finance are not identical. The former is only one constituent of the latter. Other constituents include personal wealth (e.g. savings accounts; funds from sale of current house) for home buyers and equity markets for the development and construction of housing projects and apartment houses.

The popular view is, however, that the rate of housing production is a captive of the amount of mortgage funds in both the short and long run. Those who believe this point to the data which show mortgage funds and housing moving together in the short run. However, that relationship is open to another interpretation: both housing and mortgages are simultaneously influenced by other factors. According to this view, high interest rates reduce housing production by reducing demand for housing and high interest rates channel funds away from thrifts (because of interest ceilings) which are legally required to invest in mortgages. Choosing between the two explanations is not easy.

However, the most recent studies tend to support the second idea; credit conditions in general, not the availability of mortgage funds, influence housing over the long run. Over the short run the availability of credit is, however, a significant factor.

Under a contract to the Department of Housing and Urban Development, two Princeton University economists, Professors Ray C. Fair and Dwight M. Jaffee, prepared a report which attacks the problem directly. Using the Federal Reserve-MIT-Penn Model of the economy, the authors ran a number of tests simulating the impact of the Hunt Commission's recommendations during the 1960's. On the expanded powers, the President's recommendations are similar to those in the Hunt Report. The authors summarized the results of their tests as follows:

"Our results indicate that the housing market would probably, on net, gain under the Hunt Report, while the mortgage stock may gain or lose depending on the specific assumptions. In any case, the magnitudes involved are small relative to the current outstanding stocks of these assets." *

Q. What implications would the recommended changes have for the conduct and effect of monetary policy?

A. The expanded deposit and asset powers for thrift institutions and banks, the abolition of interest ceilings, and the tax credit should make mortgage and housing markets less sensitive to changes in credit conditions.

Removing restrictions on interest paid on deposits would greatly moderate the shifts between deposits and other assets as market rates fluctuate. This would reduce the disorder in financial markets which has accompanied restrictive fiscal and monetary policies.

Q. What are "points."

A. A point is one percentage point of the total value of a mortgage loan. One or more points may be added to the homebuyer's closing costs to compensate lenders when market rates on loans are above usury ceilings.

Q. What are Government National Mortgage Association tandem plans?

A. Tandem plans were employed by GNMA to add support to housing markets. Under those plans GNMA would buy mortgages typically at above market prices and sell them later at market prices to private buyers (often pension funds). GNMA would absorb any losses that might result.

Tandem plans were suspended June 28, 1973.

Q. What is the Federal National Mortgage Association's role in mortgage markets?

A. FNMA, a private corporation since 1968, has as its primary responsibility providing secondary market services by buying and selling FHA-insured, VA-guaranteed, and conventional mortgages. The great bulk of current holdings is composed of FHA-insured and VA-guaranteed mortgages.

FNMA was permitted to begin secondary market operations by the Emergency Home Finance Act of 1970. However, it did not begin actual operations until February 14, 1972. At the end of April 1973, FNMA held $133 million of conventional mortgages and its rate of activity has increased substantially in 1973 over 1972.

IX: UNIFORM RESERVES

Q. Is it true that the President's recommendations do not call for uniform reserves on all third-party or transaction accounts such as checking accounts or N.O.W. accounts?

A. Yes. Under the President's recommendations only members of the Federal Reserve and FHLBB systems will be subject to federally-set reserves on their transaction accounts. Membership in those two systems will remain optional for state chartered institutions. State non-member institutions will continue to have their reserves set by the individual states.

Q. Why do the President's recommendations exclude the request for uniform reserves?

A. The question of uniform reserves has been discussed at great length over the years, by formal commissions and congressional committees. Although not critical at this point, should the lack of uniform reserves impede the implementation of monetary policy, the question must rightfully be opened.

Q. What has been the practical effect of voluntary FR system membership for state chartered banks?

A. Voluntary Federal affiliation has been healthy for the system and spurred creative regulations. At the moment, about 40 percent of all commercial banks holding about 80 percent of all commercial bank demand deposits belong to the Federal Reserve system. Most newly chartered banks obtain state charters but few of them elect to become members of the Federal Reserve system. Of the 509 state chartered banks opened for business between end-1969 and end-1972, only 30 joined the Federal Reserve system. Small banks used the correspondent banking services of large banks and most large banks belong to the Federal Reserve system.

Q. Why is it important to have uniform reserves?

A. The FRB maintains that uniform reserves are essential for the efficient conduct of monetary policy.

The reasoning underlying that argument seems to fall into two parts. First, the fact that all banks are not subject to uniform reserves limits the effectiveness of changes in required reserves as an instrument of monetary management. Second, there is the fact that demand deposits in non-member banks do not respond directly to other techniques such as open market operations.

As a result of those two factors some contend that member banks bear a heavier burden during periods of credit restraint than do non-member banks.

Q. What has been the practical effect of the existence of non-member banks on the conduct of monetary policy?

A. There is no easy way to answer that question. However, as of June 1973 non-member banks held about 22 percent of all commercial bank deposits and about the same amount of demand deposits of individuals, partnerships, and corporations (IPC deposits).

Some argue that under existing conditions non-member bank deposits need not affect the efficiency of monetary management. So long as the demand for deposit reserves by those banks is stable and predictable and so long as the FRB can control the supply of those reserves the efficiency of monetary management should not suffer.

However, over the longer run, changing circumstances may warrant a reexamination of this issue.

Q. Since the absence of uniform reserves has preserved the dual banking system, what advantages have accrued to the American public?

A. Generally, it has permitted an element of competition among supervisory authorities which has been conducive to innovation and experimentation by financial institutions. It has restrained supervisory authorities from over-zealously protecting existing firms by restricting entry.

Non-member bank deposits need not affect the type experiments on such issues as capital adequacy, capital debentures, and the extension of ancillary services such as data processing services, insurance services, messenger services and the like.

State law and federal law are not the same on those issues and thus some banks have more freedom on the issues than others. They have used that freedom to experiment. And supervisors have learned from those experiments. In some cases the freedoms have been extended to those who had not previously enjoyed them.

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*Ray Fair and Dwight Jaffee, "An Empirical Study of the Implications of the Hunt Commission Report for the Mortgage and Housing Markets," HUD Contract H1781, April 1972, second page of Abstract.

If preserved, the dual banking system can continue to serve the public interest and keep the federal system alert.

Effects on Housing of Changes in Financial Structure

The effect on housing of the recommended changes in financial structure can usefully be examined in two parts. First, the overall effect of all the changes except the tax changes can be estimated. Then the tax recommendations can be evaluated. Since the mortgage interest tax credit can in principle be set at any level, it can be established in such a way as to ensure that the overall impact on housing is not adverse.

However, the overall impact of the nontax recommendations together is not likely to be adverse. For that reason, the mortgage tax credit can be established on the basis of subsidies lost when existing tax treatments are changed.

Important to the issue concerning the effects of the Administration recommendations on housing is what effect, if any, the specialized system of mortgage finance has had on housing in the United States. Yet, as the Interagency Task Force Study on Housing chaired by the Council of Economic Advisers makes clear, it is important to realize that this is not the only consideration. There are two important central issues here. The first is what effect, if any, the recommendations will have on the supply of mortgage credit. The second is what effect a change in mortgage credit will have on housing. Even if the recommendations would decrease the supply of mortgage credit, as seems unlikely, it does not follow that anything like a corresponding effect must be transmitted to housing. The last point is not widely understood and merits elaboration.

As a matter of definition, a mortgage is secured by an existing (or potentially existing) house, but the creation of a new mortgage does not imply that new construction will necessarily take place. Nor does the construction of a new house in all cases require a mortgage.

First of all, "mortgage money" is widely used to finance existing housing in addition to newly constructed housing. Indeed, a homeowner may mortgage his house in order to pay for his children's college expenses, or to finance the expansion of his business. A larger mortgage may be sought to enable the home buyer to purchase furniture.[1] A family may choose a larger or a smaller mortgage, depending on its savings and other sources of potential borrowing. In general, mortgage credit (like any other kind of credit) is "fungible." That is, it can be used for any purpose the borrower chooses.[2]

Moreover, a mortgage is only one among a variety of sources of funds available to the borrower, whether he seeks money to acquire a house or for any other purpose.[3] A family which owns its home outright may finance a new house simply by selling the old one. When outside financing is chosen, it can come either from a mortgage or from several other sources.

Furthermore, the financing of new housing involves not only homeowners but many other categories of investors. The following is a partial list of the types of financing which play a role in the production of housing:

(i) equity investment: the accumulated savings of homeowners; equity for the development and construction of large housing projects, and equity investments in apartment houses.

(ii) construction financing: short-term debt money for developers and builders during the development and construction phases of housing.

(iii) other debt financing: long-term mortgage funds for consumers; long-term mortgage funds for investors for the purpose of buying and renting housing units, and short-term loans for consumers and investors for repair and rehabilitation of housing.

These other sources of financing can (and sometimes do) act as substitutes for mortgage credit. In sum, mortgage credit and housing finance are not identical: the former is only one constituent of the latter.

Frequently, however, the distinction between them has been blurred. The popular view, which is held by many mortgage practitioners and home builders, as well as by some economists, regards the rate of housing production to be a captive of the *amount* of mortgage funds available—in both the short and long run. This view, which may be called the "bottleneck" hypothesis, is held so widely and firmly that few writers, at least until recently, have felt that it is open to question.[4]

Proponents of this view believe that specialized financial institutions provide additional funds for some borrowers to which they would not otherwise have access. They argue that savings and loan associations and mutual savings banks have produced higher mortgage flows and lower mortgage rates than would otherwise occur because they are forced to invest in mortgages. Thus, they contend that if the financial institutions which funnel funds to the mortgage markets are allowed to reduce their specialization because of the administration's recommendations, the flow of money for mortgages will be reduced and mortgage interest rates will rise.[5]

If this "long-run bottleneck" view is correct, then policy measures which subsidize or support the mortgage market (holding general credit conditions constant) will also increase the rate of housing production in the long run. Measures which support the mortgage as such will be effective without subsidizing housing directly.

Proponents of this view have supported their case by noting that mortgage flows and housing move together in the short run. Actually, several different interpretations of this numerical relationship are possible, including:

(a) the rate of housing construction is influenced by the supply of mortgage credit;

(b) the demand for mortgage credit is influenced by the rate of housing construction;

(c) mortgage credit flows and the rate of housing construction are influenced simultaneously by outside variables.

Although the first of these views is the popular one, it is the third which follows most naturally from received economic theory. According to this view, the mortgage and housing markets are stimulated or contracted simultaneously by outside influences—in the short run notably by fluctuations in general credit conditions.

The reasons are straightforward and combine two effects. First, when market interest rates rise, households defer long-term borrowing and purchases of long-lived assets, such as housing. Second, higher open market rates induce the public to move out of deposits at thrift institutions into marketable securities since these institutions cannot increase their interest rates on deposits by as much as the rise in open market rates. When the latter fall, funds shift back to institutions.

Thus, high interest rates (i) reduce housing production by decreasing the demand, and (ii) reduce mortgage flows by channeling savings away from the financial institutions that are legally required to invest heavily in mortgages. Such a mechanism would explain why the mortgage and housing markets have often moved closely together in the past. This view places little stress on the structure of financial institutions as a determinant of long-run mortgage flows, housing production and mortgage interest rates.

Credit can and does flow to ultimate users via a number of routes. A dollar flows to where it can earn the best return, given risk, term to maturity, tax status, and so on. Thus, no one type of borrowing group can enjoy special rates, independent of such attributes, that arise from institutions constraints. Similarly, specialized institutions do not provide increased access to capital for special purposes such as housing.

This view says that a savings and loan association, for example, must be able to compete with other investment opportunities if it is to attract savings from the consumer. If the operation of S&Ls increased the aggregate flow of mortgage funds and lowered mortgage rates below rates of return in the other sectors of the financial markets, S&Ls would be in a weak position to compete for deposits and capital. At the same time, there are other types of financial institutions which provide funds to mortgage borrowers. If S&Ls increased their investment in mortgages, mortgage yields would fall, inducing other suppliers of credit to reduce their mortgage investments.

This approach implies that changes in the supply of mortgage funds, holding general credit conditions constant, will not materially affect housing construction. In this case, indirect policy measures such as the government purchase of mortgages will not succeed in stimulating housing in the long run because government lending simply displaces other lenders. In the short run (up to a year), a stronger case can be made that government purchases of mortgages will have a positive impact on the mortgaging and housing markets, and this fact should not be lost sight of.

If is difficult to design and conduct a definitive empirical test of whether housing demand is more responsive to mortgage flows or interest rates. The best available work found by the housing study group supports the interest rate hypothesis. It is also very significant that a number of European countries have experienced the same type of behavior of mortgage flows, housing production and interest rates. This has occurred despite wide variety in the institutional structure by which housing is financed. Accordingly, the Task Force leaned toward the view that the financial effects on housing production operate primarily through general credit conditions and not through the specific characteristics of the mortgage market. Housing production is also presumably affected by economic variables specific to the housing industry itself. The Task Force accepted that credit rationing may occur in the very short run, but was persuaded that over any significant period of time it is the general level of interest rates, rather than the flow of mortgage credit, which acts as the rationing instrument for housing and other durable assets.

There remains the question of how the Administration's recommendations will affect the flow of funds into the mortgage market. This is still a relevant question for two reasons. First, nearly all economists agree that in the short run (about a year or less) changes in the availability and flows of mortgage credit importantly influence housing production. Second, it is of interest to note how the housing stock will be financed in the future. The impacts can be separated into cyclical and long-range.

It is hard to imagine how these recommendations could increase the cyclical variability of housing compared with recent years. The Task Force believes they will decrease it substantially by decreasing short-run disruptions of mortgage flows. This will result from two important sets of changes. First, traditional mortgage lenders

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Footnotes at end of article.

will have their cyclical viability strengthened by broadened powers to hold assets and issue liabilities. Second, mortgages themselves will be made more attractive to nontraditional lenders as a result of the mortgage interest tax credit and improvements in the secondary market for mortgages.

Asset restrictions on thrift institutions and the poor development of a secondary market have made it very difficult for thrifts to weather periods of credit restraint for these reasons:

1. The absence of a secondary market in mortgages means that the institutions may not be able to sell their mortgages even with the appropriate capital loss, in order to meet the outflow of deposits.

2. The long-term maturity of mortgages and the resulting low rate of repayment and turnover implies that considerable time may be required before savings institutions can adapt to higher or rising interest rates.

3. The legal prohibitions on investment alternatives and portfolio composition that are placed on savings institutions limit the pool of alternative assets that they could otherwise sell as an aid in their adjustment problem.

For all of those reasons, the ability of institutions to withstand loss of deposits is hampered by enforced specialization of investments. If their assets were diversified, savings institutions would be able to retain deposits more easily, and thus would not have to restrict new lending so severely. Consequently, the relaxation of portfolio restrictions is expected to help stabilize the short-run cycles in mortgage financing of residential building.

Liability restrictions have similarly made it hard for thrift institutions to maintain their mortgage lending when rates rise:

1. Interest rate ceilings limit their ability to compete with securities markets for funds.

2. Savings institutions are not entirely free to offer new types of deposits and other obligations that may increase their flow of funds.

3. They cannot issue demand deposits, which (a) May have the advantage of being less interest sensitive than savings deposits; and (b) Will allow them to provide to the customer services which he formerly had to obtain from a commercial bank.

Again, relaxation of these restrictions will help stabilize the capacity of institutions to provide housing finance in times of tight money. However, while deposit rate freedom should assist thrift institutions to maintain mortgage flows, it will not necessarily reduce the cyclical instability of housing construction. Given relatively elastic housing demand, a significant increase in the interest rates would still imply a significant contraction of residential construction.

Removal of state usury laws and Federal ceilings on insured mortgages should help mortgages attract funds. Use of variable rate mortgages may also do this and may help institutions raise their deposit rates to retain funds when market rates rise. The Task Force is not convinced that variable rate mortgages will be as beneficial as their proponents assert, but sees no reason to impede their use in the private market.

All these changes will stabilize the flow of funds into the mortgage market during periods of high interest rates. Accordingly, they will help eliminate pressures on the housing market caused in the past by the virtual withdrawal of thrift institutions from mortgage lending at these times due to their own precarious positions. Housing production will not be made constant over the cycle, nor should it be, since the demand of housing is highly sensitive to interest costs.

The long-run prospects for funds flowing into mortgages are harder to evaluate. The relevant changes recommended are: (1) relaxed restrictions in investment powers, (2) broadened powers to offer financial services, (3) relaxed restrictions on borrowing powers, (4) equal tax treatment, and (5) removal of obstacles to mortgage lending. Changes (2), (3), (4), and (5) should help mortgage and housing markets, while (1) tends to remove funds from the mortgage market.

RELAXED RESTRICTIONS ON INVESTMENT POWERS

The potential mortgage market impact of the proposals expanding lending powers is not simple to analyze.[6] At first blush, the ability of thrift institutions to invest in assets other than mortgages implies that mortgage flows would be lower. There are important qualifications to this view, however. By investing some of their money in nonmortgage assets, savings institutions will earn a higher rate of return and thus be able to offer higher deposit rates. As a consequence, savings flows could be higher. In addition, allowing savings institutions the opportunity to provide consumer loans will enable them to compete more effectively for consumer savings. When other factors are equal, convenience and familiarity lead people to borrow and to lend with the same institution. Thus, while competitive responses from commercial banks should not be excluded, one effect of allowing savings institutions to offer consumer loans could be larger savings flows to these institutions in the long run. To the extent that there is a greater flow of savings arising from both of these effects, the mortgage and housing markets will benefit.

BROADENED POWERS TO OFFER FINANCIAL SERVICES

It is proposed that savings institutions be allowed to extend their service functions to consumers. The most important function would be the third-party payment services (primarily the issue of demand deposits). If savings institutions could do so, their competitive position vis-a-vis other financial institutions, primarily banks, would be improved substantially. Savings institutions would be better able to compete for the funds of those savers who prefer one-stop banking. As a consequence of this recommendation, savings institutions will thus be in a better position to provide more funds to housing. At the same time, when commercial banks are faced with demand deposit competition, they will need to be more responsive in meeting consumer mortgage demands. In the past, a bank could send a consumer to a savings bank when a mortgage was needed and be relatively confident that the consumer's other business would remain with the bank.

RELAXED RESTRICTIONS ON BORROWING POWERS

Insofar as deposit rate ceilings faced by commercial banks are more severely constraining than those of savings institutions, their elimination would enable commercial banks to compete more vigorously for deposits. If deposits were drawn away from savings institutions, the net effect on aggregate mortgage flows would be negative. This effect could be blunted, however, by higher overall deposit flows to depository institutions induced by higher deposit rates. This would mean that funds were being bid away from other segments of the financial markets or that aggregate savings in the economy was increasing.

EQUAL TAX TREATMENT

The Task Force recommends two basic tax principles which, if jointly put into law, could have a positive impact on mortgage flows. First, Congress should enact a uniform tax formula for all depository institutions. Second, a mortgage interest tax credit should be allowed on mortgage investments. This credit would be based on gross interest income from residential mortgages. The credit would be allowed to all investors in such loans, and not solely financial institutions. Such a credit could completely replace the hidden tax subsidy implicit in the tax laws which allow savings and loan associations tax advantages. Of course, the impact of these tax proposals on the mortgage market will depend on how the tax laws are written and the size of the mortgage investment tax credit.

Mutual savings banks and savings and loan associations currently enjoy a tax advantage because their bad debt reserve deduction on qualifying real property loans exceed actual default experience. The deduction allowed is dependent on an organization having a stipulated percentage of its total assets invested in a prescribed list of assets, the most important of which is mortgages. Thus, current tax laws for these savings institutions provide an incentive for investments in mortgages and supposedly an incentive for investment in housing. The mortgage investment incentive is limited, however, since it is not available to other types of institutions.

One approach in implementing a uniform tax structure for all depository financial institutions would be to base the bad debt reserve on actual default experience. This is currently the direction in which commercial bank taxation is moving. If this route were followed, and there were no offsetting tax credit on mortgage investments, mortgage flows from these institutions could decline. However, any such decline could be offset by implementing the mortgage tax credit proposal, which would act as a subsidy to mortgage flows.

REMOVAL OF OBSTACLES TO MORTGAGE LENDING

The Hunt Commission also proposed a number of ways in which the mortgage market could be made a more flexible instrument for financing housing. Since some of these require state action, while others simply exhort existing institutions to continue and expand what they are already doing, these recommendations were not included in the Task Force's overall judgment about the impact of the recommendations on mortgage flows.

The question here is how all these effects add up. The answer to this question will come primarily from judgment, but there is some empirical evidence which can contribute to judgment. Under a contract to the Department of Housing and Urban Development, two Princeton University economists, Professors Ray C. Fair and Dwight M. Jaffee, have prepared a report which attacks the problem directly. Using the Federal Reserve-MIT-Penn Model of the economy, the authors ran a number of tests simulating the impact of the recommendations during the 1960s. The authors summarized the results of their tests as follows:

"Our results indicate that the housing market would probably, on net, gain under the Hunt Report, while the mortgage stock may gain or lose depending on the specific assumptions. In any case, the magnitudes involved are small relative to the current outstanding stocks of these assets."[7]

To date, the Jaffee-Fair study has been the only direct empirical analysis of the recommendations, although there is a large empirical literature on the mortgage and housing markets. Other studies, using different econometric techniques, would be desirable. The interagency study group finds that the impact of the Hunt Commission proposals on the long-range flow of mortgage credit cannot be determined with any degree of precision, but may well be approximately neutral.

FOOTNOTES

[1] In 1971, 35.1 percent of new S&L mortgage loans were classified as for purposes other than housing. Only 17.3 percent were classified as for the purpose of home construction.

[2] A typical household has a variety of outstanding liabilities (a mortgage, an auto loan,

unsecured borrowing, credit card debt, and so on) which have been used to finance its assets. Fundamentally, there is no way to tell which specific asset is financed by which specific liability even though (in certain cases) one can specify which asset is used as collateral to back a specific loan.

[3] The technical question is the size of the cross-elasticity of demand between mortgage borrowing and other forms of financing (such as the use of accumulated savings) for the purpose of residential construction. If this elasticity is very high, then, at the margin, funds from other sources are close substitutes for mortgage funds, and the demand for housing is determined independently of the supply of funds.

[4] A paper by Arcelus and Meltzer contains a critique of the "bottleneck" hypothesis and some empirical evidence against it. See Francisco Arcelus and Allan Meltzer, "The Markets for Housing and for Housing Services," forthcoming in *Journal of Money, Credit and Banking*. Criticisms of the popular view began to appear in the literature many years ago, but have been largely ignored by the dominant school of thought. Other critics include Brunner, Hester, Jacobs, Mayer, and more recently Geisel and Jaffee.

[5] This argument would, of course, apply to only one part of the recommendations, i.e., that part pertaining to the investment powers of savings institutions. As described subsequently other changes proposed for the savings institutions would provide them with the potential to attract more funds.

[6] See Dwight Jaffee, "The Entry of Savings Institutions into the Consumer Loan Market," Princeton University, February 1972.

[7] Ray Fair and Dwight Jaffee, "An Empirical Study of the Implications of the Hunt Commission Report for the Mortgage and Housing Markets," HUD contract H1781, April 1972, second page of Abstract.

By Mr. ERVIN (for himself, Mr. BAKER, Mr. TALMADGE, Mr. INOUYE, Mr. MONTOYA, Mr. GURNEY, and Mr. WEICKER):

S. 2641. A bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes. Ordered to be placed on the calendar.

(The remarks Senator ERVIN made on the introduction of the bill are printed earlier in the RECORD.)

By Mr. TAFT:

S. 2642. A bill to establish an independent special prosecution office, and for other purposes. Referred to the Committee on the Judiciary.

Mr. TAFT. Mr. President, I appeared yesterday before the Senate Judiciary Committee to testify on the various proposals before that committee relating to the appointment of an independent special prosecutor in the Watergate matter.

At that time, I commented on the so-called Hart-Bayh proposal and the Percy proposal to that effect, and expressed serious reservations about the constitutionality of the approach taken with regard to the power of appointment and the power of removal of the special prosecutor as provided for in those measures.

I also testified at that time with respect to a proposal the substance of which I put in the RECORD at the last meeting of the Senate, which has now been put in the form of a bill which I anticipate submitting at the desk today.

In my appearance before the Senate Judiciary Committee, I submitted to that committee a lengthy statement indicating my reservations about some of the pending legislation, and explaining just exactly why we pursued and attempted, and will introduce today a measure embodying, the course we pursued. At an appropriate time I shall present to the Senate for inclusion in the RECORD a 35-page legal brief in support of that resolution.

At this time, I ask unanimous consent that my statement made before the Committee on the Judiciary be printed in the RECORD, and that the bill I am introducing be printed in the RECORD immediately following that statement.

There being no objection, the statement and bill were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR TAFT

Mr. Chairman, I congratulate this distinguished committee for holding hearings to review the issue of a Special Prosecutor in depth and I appreciate having this opportunity to present my views on the legislation under consideration.

The recent dismissal of the Special Watergate Prosecutor has aggravated the trauma experienced by our county as a result of the events and revelations arising out of the investigation of the Presidential Campaign and election of 1972. That trauma has manifested itself in the growing climate of doubt among the American people as to the credibility of their elected representatives, as well as the vital capactiy of our system to meet the continuous assaults upon its integrity. This distress of the people is heightened by the increasing distrust and political partianship and antagonism which have erupted this year between and within the branches of our government. This temper has filtered down to the people and they are, properly, alarmed.

A democratic government imperiled by loss of faith of its people cannot prosper or even safely survive. Disruptions in the delicate balance of power in our government could ultimately lead to citizen apathy and chaos. Those of us who have been elected by the people have a duty which requires us to put aside partisan politics and in a spirit of cooperation and adherence to truth, seek to establish an independent Special Prosecutor who will vigorously pursue the investigation and prosecution of Watergate-related offenses within the confines and structure provided by our Constitutional mandate form of government.

No branch of government should allow the hysteria of recent events to become the basis for an attempt to exercise supremacy over the other two branches. The framers of our Constitution intended that the tripartite pattern they created would restrain each branch through cooperation and interaction. It is upon this restraint that our people must finally place their hopes and faith in our system. We must deliberate upon the issue of a Special Prosecutor with this trust in mind and in common sense, be cautious that we do not, in the interest of immediate pressures, tamper with the delicate balance of a system that in its short history has proven to be most durable and stable.

I am concerned that certain of the legislative proposals now before the Senate apparently with broad support, are subject to serious Constitutional objection which may not only threaten the existence of the Office of Special Prosecutor sought to be established and raise new constitutional crises, but also might create the risk of dismissal of indictments and reversal of convictions which he may have achieved. This could further upset confidence in the adequacy of our institutions.

Moreover, we can, at the very least, anticipate an immediate Constitutional challenge upon the first calling of a witness or other attempt to seek additional evidence. Depending upon the ultimate determination of the courts, the effective functioning of the Special Prosecutor would at least be delayed several months and might be nullified altogether.

Before these proposals would reach the courts, we must also recognize the possibility of a Presidential veto based upon what I believe are sound legal arguments as to Constitutionality. Before entering his office, the President must swear that he will to the best of his ability, preserve, protect and defend the Constitution of the United States. Article II, Section 1. We in the Senate take a similar oath upon assuming our official duties here. Passage of one of the proposals now before this committee could precipitate one of the most severe Constitutional crises which the fabric of our system of government has ever had to withstand.

The Constitution provides that "the Executive power shall be vested in the President of the United States" and that the President's basic obligation is to "take care that the laws be faithfully executed." Article II, Sections 1 & 3. While the exact nature and extent of this power has been disputed, there can be little doubt that functions placed in the four original federal departments—conduct of foreign relations, command of the military, enforcement of the law and collection of taxes—are at the core of executive authority. Vesting the power of appointment and/or that of dismissal of a Special Prosecutor in the Judiciary or Congress as is proposed in the Hart-Bayh Bill and Percy Bill would seem to be in direct conflict with the Constitutional mandate to the Executive branch.

In *Springer* vs. *Philippine Islands*, 277 U.S. 189, 201–202 (1928) Justice Southerland wrote:

"Legislative power, as distinguished from Executive power, gives the authority to make laws, but not to enforce them or appoint the agents charged with the duty of such enforcement. The latter are Executive functions . . ."

In *Myers* vs. *United States*, 277 U.S. 52, 116, Chief Justice Taft wrote:

"If there is any point in which the separation of legislative and executive powers ought to be maintained with great caution, it is that which relates to officers and offices. . . . The vesting of executive power in the President was essentially a grant of the power to execute the laws . . . As he is charged specifically to take care that they be faithfully executed, the reasonable implication, even in the absence of express words, was that as part of his executive power he should select those who were to act for him under his direction in the execution of the laws. The further implication must be, in the absence of any express limitation respecting removals, that as his selection of Administrative officers is essential to the execution of the laws by him, so must be his power of removing those for whom he cannot continue to be responsible."

While the broad power of the President to remove expressed in the Myers Case has been somewhat curtailed in the *Humphrey* and *Weiner* Cases, both of those cases proceed on the premise that the President's obligation to see to the faithful execution of the laws is a basic executive function as to which the President may direct and supervise his subordinates and ultimately, if necessary, fulfill through the removal of certain officers. It is basic that the power of appointment and the power of removal of the Special Prosecutor remain in the Executive Branch. (See *Parsons* v. *U.S.*, 167 U.S. 324.)

It may be argued that the Special Prosecutor could come under the category of "inferior officers" who are an exception to the power of appointment by the President set forth in Article II, Section 2 of the Constitution. The Senate may by law invest the appointment of such "inferior officers" in the President alone, in the courts of law, or in the heads of Departments, Article II, Section 2. There is no doubt that such "inferior officers" such as court administrators, law clerks, and judicial secretaries may be appointed by the courts themselves. But these employees of the Judicial branch are not executive officers responsible for such fundamental executive functions as foreign relations, military commands, law enforcement, and fiscal matters. Those are the problems of the President, subject to legislative standards that may limit his discretion. Any effort to block his control of these functions would be unconstitutional.

Moreover, it is incredible to suggest that the proposed Special Prosecutor could fall within the category of "inferior officers" who could be appointed outside the Executive branch of government. He has broad investigative and prosecutory powers which involve executive and policy making decisions. He also has the power to appoint and set the compensation for the members of his special staff. His powers are clearly executive which are at least equal to that of a U.S. Attorney.

In *United States* vs. *Cox*, 342, F. 2d 167(5th Cir.) *Cert. Denied*, 85 S. Ct. 1967(1965), the court declared that the Attorney General is the hand of the President in taking care that the laws of the United States and the prosecution of offenses, be faithfully executed. *Id. at 171.* In describing the responsibility for the Executive functions of the U.S. Attorney the court stated:

"The U.S. Attorney is an executive official of the government and it is as an officer of the Executive department that he exercises a discretion as to whether or not there shall be a prosecution in a particular case. It follows, as an incident of the Constitutional separation of powers, that the courts are not to interfere with the free exercise of the discretionary powers of the Attorneys of the United States in their control over criminal prosecutions."

The court held that to transfer the power which is committed to the Executive to determine whether to prosecute to another body would be in derogation of Article II of our Constitution. Thus, the proposed Special Prosecutor is clearly an executive officer who must be appointed and function, within our legislative mandate, as part of the Executive branch of our government and probably as a special office in the Justice Department.

The appointment of the Special Prosecutor by the Judiciary would also raise serious due process questions because of the blending of judicial and prosecutorial functions. Under the Hart-Bayh bill the Chief Judge not only is directed to appoint a Special Prosecutor, but is also empowered to dismiss the Special Prosecutor if, in his discretion, he determines that the Special Prosecutor has violated the provisions of the Act or committed other extraordinary improprieties. It would seem improper and probably a violation of due process for the court on the one hand to assume responsibility for the supervision and conduct of the Prosecutor and on the other hand be responsible for the judicial determination of the case on its merits. In addition, the court would be in an especially difficult position when called upon to determine questions of jurisdiction as to whether the Special Prosecutor or the Department of Justice should be responsible for the prosecution of any specific matter. But under the Hart-Bayh bill, only the Chief Judge is empowered to determine whether the Special Prosecutor had exceeded the bounds of his statutory authority in any particular case. The court found in *Tumey* vs. *Ohio*, 273 U.S. 510, 532 (1926), that:

"The requirement of due process of law in judicial procedure is not satisfied by the argument that men of the highest honor and the greatest self-sacrifice could carry it on without danger of injustice. Every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict a defendant, or which might lead him not to hold the balance nice, clear and true between the state and the accused, denies the latter due process of law."

See also *Smith* vs. *Gallagher*, 408 Pa.551,185 A.2d 135,153 (1962).

It has been argued that the authority of the Chief Judge to appoint the Special Prosecutor is no different than the process by which the courts under Title 28 U.S.C. Section 506, appoint a temporary prosecuting officer to fill a vacancy. That statute, however, does not confer nor have the courts assumed, any authority over the United States Attorney appointed by the court. Like all other United States attorneys, he remains within the Executive branch, subject to direction by the Attorney General and removal by the President. In *United States* v. *Solomon*, 215 F. Supp.835,842 (1963), the court made a clear distinction between the limited appointive power of the Judiciary contemplated by Section 506 as opposed to the President's power of appointment under Article II, Section 2:

"The appointment itself contemplates only a temporary mode of having the duties of the office performed until the President acts . . . the exercise of the appointive power by the Judiciary in no way binds the Executive. The statute clearly contemplates that the Executive branch is free to choose another United States attorney at any time, the judicial appointment notwithstanding. It was not to enable a Circuit Justice to oust the power of the President to appoint, but to authorize him to fill the vacancy until the President should act, and no longer."

It is an invalid assertion, therefore, to use the analogy of appointment by the court under Section 506 as the legal threshold from which a shift of Executive power to the Judiciary can be accomplished. As to the removal power, clearly the statute and the *Solomon* case are authority that it must be kept in the Executive.

As I have previously indicated, and as former Special Prosecutor Cox has indicated, should the Congress pass legislation which is unconstitutional, it will be running the risk that the indictments or convictions achieved by the Special Prosecutor may be thrown out and justice would never be done. In the case of *In re Wyrick*, 301 Mich. 273,3 N.W. 2d 272 (1942), a conviction and sentence for contempt of court was overturned and the defendant was released from custody because a Special Prosecutor, appointed by the court was not legally authorized to participate in the proceeding which led to the conviction of the defendant in the lower court. The court stated:

"The state has wisely provided that this power should lie in the discretion of the Prosecuting Attorney or the Attorney General in certain cases . . . It is directly contrary to public policy to allow any general delegation of a prosecutor's powers, and the courts cannot recognize any such arrangement . . ."

In the case of *United States* v. *Heinze*, 177 F. 770 (1910), the court granted a motion to quash an indictment because of the presence in a Grand Jury room, during an investigation which resulted in the indictment of a person not authorized by law to be there. In that case, the Attorney General had illegally appointed a Special Assistant to help him in the investigation and prosecution of the case. In *State* vs. *Heaton*, 21 Wash. 59,56 p. 843 (1899), the court set aside an indictment because the unauthorized appointment of a Special Counsel who attended the Grand Jury sessions daily, advised them, and aided them in their deliberations, was a substantial irregularity in the proceedings resulting in the presentment of the indictment. See *Viers* v. *State*, 10 Okla. Crim. 28,134 p. 80, (1913); *State* v. *Maben*, 5 Okla. Crim. 581,114 p. 1122 (1911).

Given these dangers, it is clear we must not put stress on our Constitutional fabric by trying to create a Special Prosecutor subject to the control of the Congress or the Judiciary or otherwise taking law enforcement out of the Executive branch. I believe that the responsibility for the appointment and removal and supervision of the Special Prosecutor can be vested in the Justice Department and still establish the degree of independence necessary to the Special Prosecutor in order that he may carry out a vigorous and thorough investigation and prosecution of the Watergate-related offenses. Thus unnecessary Constitutional confrontations can be averted and the stability of indictments and convictions achieved by the Prosecutor can be sustained.

I will be introducing legislation on Friday which calls for the Attorney General appointing a Special Prosecutor and a Deputy Special Prosecutor, each with the advice and consent of the Senate. They will have the same general responsibilities and authority which the Hart-Bayh and the Percy bills provide. The legislative intent of my bill is clear with respect to the degree of independence and vigor with which we expect the Prosecutor to pursue his duties. This legislative mandate will serve as a check upon the other branches to assure the Special Prosecutor of no interference with his performing his duties.

However, he could be dismissed only by the Attorney General and only for neglect of duty, malfeasance, or violation of the Act and for no other cause except by impeachment by the Congress. If the Attorney General believes that one of these violations has occurred, he would be empowered immediately to suspend the Special Prosecutor or the Deputy Special Prosecutor, and prepare a notice of dismissal which would not take effect for 30 days thereafter. The Attorney General would be required to advise both Houses of Congress of the notice and any reasons for the dismissal. This approach seems clearly authorized by language in the *Myers* reading as follows at page 161:

"The power to remove inferior executive officers, like that to remove superior executive officers, is an incident of the power to appoint them, and is in its nature an executive power. The authority of Congress given by the exempting clause to vest the appointment of such inferior officers in the heads of departments carries with it authority incidentally to invest the heads of departments with power to remove. It has been the practice of Congress to do so and this Court has recognized that power."

It has the further merit of leaving untrammeled any residual constitutional power that may exist in the President to remove the Special Prosecutor or his Deputy. With the prescribed procedure for the Attorney General, the question can be avoided.

By this method, the appointment and removal power would remain in the Executive branch in accordance with our Constitution, and yet an immediate dismissal would be impossible, thereby giving the Congress, the people, and the President a 30-day period to consider or reconsider such action.

Since the appointment responsibility would be vested in the Attorney General, the Senate could refuse to confirm his nomination if he does not adequately assure it of the independency of the Special Prosecutor and of his full support for a thorough and non-partisan investigation of all Watergate-related offenses. The same holds true for the

confirmation of the appointment of the Special Prosecutor and the Deputy Special Prosecutor. In this manner, the Senate will have a second check through which it can assure that the desire of the public and the Congress for an independent Prosecutor will be fulfilled.

The requirement that the Special Prosecutor be appointed only with the advice and consent of the Senate is important. In reviewing the qualifications for the new Special Prosecutor and Deputy Special Prosecutor, we must insist not only upon the nonpartisanship of these individuals but also demand assurance of nonpartisanship of the staff which they choose to assist them. To do otherwise would be to threaten the credibility and the impartiality of the investigation and prosecution carried out by their office. The temptations involved and the pressures which may be brought to bear, both in terms of partisan considerations as well as the interests of those persons being investigated, are a severe test of the capacity to carry out the mandate of this legislation. The gravity of the crimes alleged and the temper of our times demand that not only the legislation authorizing their existence but also the individuals assigned the task of Special Prosecutor and Deputy Special Prosecutor be capable of unerring fulfillment of their independent and impartial roles.

I believe that the bill which I am proposing will not only meet the requirements of our Constitution, but will also resolve the concern of the Congress and the public over the concept of a Special Prosecutor under the Executive Branch, having a conflict of interest in fulfilling his duties of investigating the President's role in the Watergate affair. Appointment of a Special Attorney or Assistant U.S. Attorneys in the Public interest has long been provided by statute, 28 U.S.C., Section 542 & 543. Appointment and removal by an Attorney General who has assured the Senate of the independence of the Special Prosecutor should insure that the President's and anyone else's role in the Watergate affair will be fully and vigorously investigated. As former Special Prosecutor Cox has testified, "These things don't happen twice in succession."

I urge you to give serious consideration to the legislation which I am proposing. It avoids the undue confrontation of the three branches of government over the Constitutional separation of powers and prevents the creation of a headless fourth branch which is impossible to fit into the tripartite scheme of our Constitution. Most importantly, it assures us of the establishment of an independent Special Prosecutor to which the public and the Congress are committed and whose indictments or convictions will be sustained.

S. 2642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Special Prosecutor Act of 1973."

SEC. 2. The Congress hereby finds and declares—

(a) Alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions whether a full and complete investigation and prosecution of such charges will proceed without partisanship or favor.

(b) The Justice Department is composed of men and women of the highest integrity and ability capable of conducting a fair, full, and impartial investigation and prosecution of these alleged crimes, but circumstances already existing call for special independent investigation and prosecution.

(c) The appointment of a Special Prosecution Force in the Executive branch of government on May 24, 1973, began the process of restoring the faith of the American people in the integrity of this Administration and, in particular, in the belief that the ends of justice were to be served.

(d) The dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, has aroused public controversy and has the potential to place serious strains on the Doctrine of Separation of Powers inherent in our governmental system.

(e) In order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be in an independent prosecutorial force.

SEC. 3. There is hereby established an Independent Special Prosecution Office (hereinafter referred to as the "Office"), responsible for investigating and initiating prosecution of all offenses and other matters arising out of the Presidential election of 1972 and relating to such election, including all matters which were properly under investigation by the Special Prosecution force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General Designate on May 19, 1973.

SEC. 4. The Office shall be headed by a Special Prosecutor who shall be assisted by a Deputy Special Prosecutor, both of whom shall be appointed by the Attorney General, within thirty days after the date of enactment of this Act, by and with the advice and consent of the Senate.

SEC. 5. (a) The Special Prosecutor shall have exclusive jurisdiction, to investigate and prosecute on behalf of the United States—

(1) offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(2) other offenses arising out of the 1972 Presidential election;

(3) offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(4) all other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. Section 0.37, rescinded October 24, 1973); and

(5) offenses relating to or arising out of any such matters.

(b) The Special Prosecutor shall have full power and authority in carrying out his duties and responsibilities under this Act—

(1) to conduct proceedings before grand juries and other investigations he deems necessary;

(2) to review all documentary evidence available from any source;

(3) to determine whether or not to contest the assertion and scope of "executive privilege" or any other testimonial privilege;

(4) to receive appropriate national security clearance and review all evidence sought to be withheld on grounds of national security not claimed to be under executive privilege or any other testimonial privilege, and if necessary contest in court, including where appropriate through participation in in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(5) to make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(6) to initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file information, and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States; and

(7) notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorneys under the provisions of chapters 31 and 35 of title 28, United States Code, and the provisions of 26 C.F.R. 301.6103 (a)-1 (q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

SEC. 6. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties and responsibilities of the Special Prosecutor under this Act, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to regulation of the Attorney General (28 C.F.R. Sec. 0.37, rescinded October 24, 1973), shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and Grand Jury or other proceedings initiated by the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. Sec. 0.37, rescinded October 24, 1973), shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 30, 1973.

SEC. 7. The Deputy Special Prosecutor shall assist the Special Prosecutor as the Special Prosecutor shall direct in the performance of his duties and, in the event of the disability or suspension of the Special Prosecutor or vacancy in the office of Special Prosecutor, shall act as Special Prosecutor until his successor is appointed in accordance with section 4 of this Act.

SEC. 8. (a) The Special Prosecutor and the Deputy Special Prosecutor shall each be entitled to receive an annual salary and reimbursement for expenses equal to the annual salary and expense allowance payable to a judge of the United States district court.

(b) The Special Prosecutor shall have power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request any officer of the Department of Justice, or any other employee of the Department of Justice, or any other department or agency of the Federal or District of Columbia government, to provide on a reimbursable basis such assistance as he deems necessary, and any such officer shall comply with such request. Assistance by the Department of Justice shall include but not be limited to affording to the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services on a priority basis, of the Federal Bureau of Investigation except that only the Special Prosecutor and the Deputy Special Prosecutor shall have access to confidential or classified documents, records, files, or other such materials unless otherwise waived by the Attorney General or any other head of an appropriate agency.

SEC. 9. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

SEC. 10. Notwithstanding any other provisions of law the Special Prosecutor shall submit to the Congress directly requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this act, and such requests shall receive priority consideration by the Congress.

SEC. 11. The Special Prosecutor shall carry out his duties and responsibilities under this act within two years, except as necessary to complete trial or appellate action on indictments then pending.

SEC. 12. (a) The Special Prosecutor and the Deputy Special Prosecutor may be removed by the Attorney General for neglect of duty, malfeasance in office, or violation of this act, but for no other cause, or by the Congress pursuant to article II, section 4 of the Constitution.

(b) If the Attorney General believes grounds for removal under subsection (a) exist, he may suspend the Special Prosecutor or the Deputy Special Prosecutor immediately and prepare a notice of dismissal. Such notice of dismissal shall be effective 30 days thereafter and shall be transmitted to both Houses of Congress, stating the reasons for such dismissal.

(c) For the purposes of subsection (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty days period.

SEC. 13. If any part of this Act is held invalid, the remainder of the act shall not be affected thereby. The provisions of any part of this act, or the application thereof to any person or circumstance if held invalid the provisions of other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 14. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. KENNEDY:

S. 2643. A bill to revise the Immigration and Nationality Act. Referred to the Committee on the Judiciary.

IMMIGRATION AND NATIONALITY ACT AMENDMENTS

Mr. KENNEDY. Mr. President, I am introducing today a bill to amend the Immigration and Nationality Act.

The proposed legislation goes a long way in continuing the reform effort initiated in the Immigration Act of 1965, which repealed the national origins quota system. In addition to strengthening the traditional immigration objective of family unity, to facilitating the admission of mentally retarded family members, to removing needless barriers to naturalization, and to providing special immigrant visas to Ireland, Holland, Poland, Germany, and several other countries disadvantaged in the transition under the act of 1965, the proposed legislation accomplishes two long-sought objectives.

First, it refines and strengthens the new system established in 1965. It not only remedies the confused situation in the allocation of visas to applicants in Western Hemisphere countries—but also provides a more orderly, flexible, and humane method of allocating visas to applicants of all countries, on a first-come, first-served basis.

And second, the proposed legislation establishes a new humanitarian policy of asylum for refugees and victims of natural disaster and war.

I would like to elaborate briefly on these two major objections.

REFINEMENT OF THE NEW SYSTEM ESTABLISHED IN 1965

Section 3 establishes a worldwide ceiling of 300,000 immigrants annually, exclusive of immediate family members of U.S. citizens and other special immigrants.

The worldwide ceiling becomes effective on July 1, 1976. In the interim, the present ceiling of 170,000 immigrants from countries in the Eastern Hemisphere continues to operate. The present ceiling of 120,000 immigrants from countries in the Western Hemisphere is raised to 130,000—and, owing to the special nature of the Cuban refugee program, refugees who adjust their status to permanent resident alien under the act of November 2, 1966, will not be counted against the ceiling.

Section 4 of the bill extends the present 20,000 annual limitation on immigration from any one country in the Eastern Hemisphere to Western Hemisphere countries as well—except that Canada and Mexico are given a maximum of 35,000 each.

Section 5 amends the preference system established in 1965. In addition to introducing flexibility into the allocation of visas among the seven preferences, this section applies the preference system on a worldwide basis simultaneously with the effective date of the world ceiling.

In the interim, the preference system, which is currently operative only in the Eastern Hemisphere, is broadened to include the Western Hemisphere. But the preference system will operate separately in each hemisphere until July 1, 1976.

As suggested, section 5 of the bill introduces maximum flexibility into the allocation of visas within the preference system. This is accomplished, first of all, by making minor changes in percentage allocations from the pool of visas to each preference category, so as to better reflect the pattern of anticipated demands and, more importantly, by permitting the dropdown of unused visas in any category to meet excessive demand in the category that follows. Visas remaining after the dropdown through the seven preference categories will be issued to nonpreference immigrants.

ASYLUM FOR REFUGEES

Sections 5 and 7 of the bill establish a new humanitarian policy of asylum for refugees. First, the definition of a refugee is broadened from its present European and cold war framework, to include the homeless throughout the world. Second, the number of annual refugee admissions allocated within the preference system is raised from the current maximum of 10,200 to 36,000. Third, the Attorney General is authorized to parole into the country additional numbers of refugees in times of emergency, if he determines it to be in the public interest. This merely confirms what we have done over the last 15 years in admitting those who fled Hungary and Cuba and Czechoslovakia. And, fourth, the bill provides a permanent authority to adjust the status of refugee parolees to that of permanent residence, thus avoiding the need for special legislation of the kind enacted for Hungarians and Cubans.

In practice, our country has always been generous in providing resettlement opportunities to refugees, but our permanent immigration law has never included a comprehensive asylum policy. As chairman of the Judiciary Subcommittee on Refugees, I believe it is extremely important that our law fully recognize refugee problems and resettlement needs throughout the world. The bill accomplishes this objective.

Mr. President, the bill I introduce today meets some pressing needs in the immigration field, and I am extremely hopeful that the Judiciary Committee will be able to consider this bill and other pending proposals within the near future. And I am hopeful as well that the administration will join the Congress in this effort, and finally give its full support to enacting legislation which will continue the reform effort begun in 1965.

Mr. President, I ask unanimous consent that the bill I introduce today, and a summary of its provisions, be printed at this point in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2643

A bill to revise the Immigration and Nationality Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration and Nationality Act Amendments of 1973."

SEC. 2. Subsection (a)(27) of Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) an immigrant who is the spouse or child of a citizen of the United States or is the parent of a citizen of the United States at least twenty-one years of age: *Provided,* That in the case of a parent, the spouse and children of such a special immigrant shall be entitled to special immigrant status if accompanying or following to join him. The special immigrants in this subparagraph who are otherwise qualified for admission as immigrants shall be admitted as such, without regard to the numerical limitations in this Act."

(2) by striking out "carrying on the vocation of minister of a religious denomination" in subparagraph (D) and inserting in lieu thereof "performing duties which are related to the religious activities of a religious denomination"; and

(3) by amending subparagraph (E) to read as follows:

"(E) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided,* That the principal officer of a Foreign Service establishment, in his discretion, shall have recommended the granting of special immigrant status to such alien and the Secretary of State approves such recommendation and finds that it is in the National interest to grant such status."

SEC. 3. Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended to read as follows:

"SEC. 201. Exclusive of special immigrants defined in section 101(a)(27), and of alien refugees who may apply for adjustment of status to that of aliens lawfully admitted to the United States for permanent residence under the Act of November 2, 1966 (80 Stat. 1161; 8 U.S.C. 1255 note), the number of aliens who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence, (a) shall not in any of the first three quarters of any fiscal year exceed a total of eighty thousand and (b) shall not in any fiscal year exceed a total of three hundred thousand: *Provided*, That during the period from the effective date of the Immigration and Nationality Act Amendments of 1973 through June 30, 1976, the number of aliens specified in this section shall not in any of the first three quarters of any fiscal year exceed a total of forty-five thousand and shall not in any fiscal year exceed a total of one hundred seventy thousand for aliens ascribed to independent foreign countries of the Eastern Hemisphere, and (B) shall not in any of the first three quarters of any fiscal year exceed a total of thirty-five thousand and shall not in any fiscal year exceed a total of one hundred thirty thousand for aliens ascribed to independent foreign countries of the Western Hemisphere."

SEC. 4. (a) Subsection (a) of section 202 of the Immigration and Nationality Act (8 U.S.C. 1152) is amended—

(1) by striking out "section 201(b),"—

(2) by striking out "and the number of conditional entries" in the first proviso—

(3) by amending the second proviso to read as follows:

"*Provided further*, That notwithstanding the preceding proviso, the total number of immigrant visas made available to natives of any country contiguous to the United States shall not exceed thirty-five thousand in any fiscal year."

(b) Subsection (c) of such section is amended—

(1) by striking out "or an immediate relative of a United States citizen as specified in section 201(B),"—

(2) by striking out "shall not exceed 1 per centum" and insert in lieu thereof "shall not exceed 3 per centum".

SEC. 5. (a) Subsection (a) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended—

(1) by striking out "201(a)" and insert in lieu thereof thereof "201", and by striking out "or their conditional entry authorized, as the case may be," in the portion which precedes paragraph (1);

(2) by striking out "201(a)(ii)" each place it appears in paragraphs (1) through (6) and insert in lieu thereof in each such place "201";

(3) in paragraph (1), by striking out "20" and insert in lieu thereof "10";

(4) in paragraph (2), by striking out "20" and insert in lieu thereof "24", by inserting a comma and "or parents" after "unmarried daughters", and by inserting after "permanent residence" the following: ": *Provided*, That in permanent residence must be at least twenty-one years of age";

(5) in paragraph (3), by striking out "10" and insert in lieu thereof "12", and insert after "201(a)(ii)," the following: "plus any visas not required for the classes specified in paragraphs (1) and (2),";

(6) in paragraph (5), by striking out "24" and insert in lieu hereof "20", and by striking out "brothers or sisters" in that paragraph and inserting in lieu thereof "unmarried brothers or unmarried sisters";

(7) in paragraph (6), by striking out "10" and insert in lieu thereof "12", and insert after "201(a)(ii)," the following: "plus any visas not required for the classes specified in paragraphs (1) through (5),"; and

(8) by amending paragraph (7) to read as follows:

"(7)(A) Visas shall next be made available, pursuant to such regulations as the Secretary of State may prescribe and in a number not to exceed 12 per centum of the number specified in section 201, to alien refugees described in subparagraph (B), who are not firmly resettled in any country and apply for admission to the United States.

"(B) The term 'alien refugee' means (i) any alien (I) who is outside the country of his nationality or who, not having a nationality, is outside the country of his habitual residence, and who is unable or unwilling to return to such country because of persecution or well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group or political opinion, or (II) who has been uprooted by catastrophic natural calamity or military operations and who is unable to return to his usual place of abode, and (ii) the spouse and children of any such alien, if accompanying or following to join him.".

(9) in paragraph (8), by striking out "(6) and less the number of conditional entries and visas made available pursuant to paragraph".

(b) Subsection (d) of such section is amended to read as follows:

"(d) Every immigrant shall be presumed to be a nonpreference immigrant until he establishes to the satisfaction of the consular officer and the immigration officer that he is entitled to a preference status under paragraphs (1) through (7) of subsection (a), or to a special immigrant status under section 101(a)(27). In the case of any alien claiming in his application for an immigrant visa to be a special immigrant under section 101(a)(27)(a) or to be entitled to preference immigrant status under paragraphs (1) through (6) of subsection (a), the consular officer shall not grant such status until he has been authorized to do so as provided by section 204."

(c) Subsections (f), (g), and (h) of such section are appealed.

SEC. 6. Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended—

(a) in subsection (a), by striking "or to an immediate relative status under section 201 (b)," and insert in lieu thereof "or to a special immigrant status under section 101(a)(27)(A),";

(b) in subsection (b), by striking "an immediate relative specified in section 201 (b)" and insert in lieu thereof "a special immigrant specified in section 101(a)(27) (A)";

(c) in subsection (e), by striking "an immediate relative under section 201(b)" and insert in lieu thereof "a special immigrant under section 101(a)(27)(A)".

SEC. 7. (a) Paragraph (1) of subsection (a) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended to read as follows:

"(1) Aliens who are mentally retarded, except that any such alien may be granted a visa and admitted to the United States if otherwise admissible upon a showing that the parent or legal guardian of such alien will provide for the support of such alien;";

(b) Paragraph (4) of subsection (a) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182 (a)) is amended by striking "or a mental defect";

(c) Paragraph (14) of subsection (a) of such section is amended to read as follows:

"(14) Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) there are not sufficient workers who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply to preference immigrant aliens described in section 203(a) (3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8). The Secretary of Labor shall submit quarterly to the Congress a report containing complete and detailed statements of facts pertinent to the labor certification procedures including, but not limited to, lists of occupations in short supply or over-supply, regionally projected manpower needs, as well as up-to-date statistics on the number of labor certications approved or denied;".

(d) Paragraph (24) of subsection (a) is repealed;

(e) Subsection (b) of such section is amended by striking out "paragraph (25) of subsection (a)" at the first place it appears, and inserting in lieu thereof "paragraph (1) or (25) of subsection (a)";

(f) Subsection (d) of such section is amended by adding at the end thereof a new paragraph as follows:

"(9)(A) If the Secretary of State shall find that it is in the national interest that all, or any portion, of the members of a group or class of persons who meet the qualifications set forth in section 203(a)(7) be paroled into the United States, he may recommend to the Attorney General that such aliens be so paroled.

"(B) Upon receipt of a recommendation pursuant to subparagraph (A) of this paragraph and after appropriate consultation with the Congress, the Attorney General may parole into the United States any alien who establishes to his satisfaction, in accordance with such regulations as he may prescribe, that he is a member of the group or class of persons with respect to whom the Secretary of State has made such recommendation and that he is not firmly resettled in any country. The conditions of such parole shall be the same as those which the Attorney General shall prescribe for the parole of aliens under paragraph (5) of this subsection.

"(C) Any alien paroled into the United States pursuant to this paragraph whose parole has not theretofore been terminated by the Attorney General and who has not otherwise acquired the status of an alien lawfully admitted for permanent residence shall, two years following the date of his parole into the United States, return or be returned to the custody of the Immigration and Naturalization Service and shall thereupon be inspected and examined for admission into the United States in accordance with the provisions of sections 235, 236, and 237 of this Act.

"(D) Notwithstanding the numerical limitations specified in this Act, any alien who, upon inspection and examination as provided in subparagraph (C) of this paragraph or after a hearing before a special inquiry officer, is found to be admissible as an immigrant as of the time of his inspection and examination except for the fact that he was not and is not in possession of the documents required by section 212(a)(20) shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival in the United States.".

(g) Subsection (g) of such section is amended by striking out "who is excludable from the United States under paragraph (1) of subsection (a) of this section, or any alien".

(h) Subsection (h) of this section is amended to read as follows:

"(h) Any alien, who is excludable from the United States under paragraph (9), (10), (12), or (19) of this section, who (A) is the spouse or the unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or (B) has a son or daughter who is a United States citizen, or an alien lawfully admitted for permanent residence, shall, if otherwise admissible, be issued a visa and admitted to the United States for permanent

residence (1) if it shall be established to the satisfaction of the Attorney General that (A) the alien's exclusion would result in hardship to such spouse, parent, or son or daughter of such alien, and (B) the admission to the United States of such alien would not be contrary to the national welfare, safety, or security of the United States; and (2) if the Attorney General, in his discretion, and pursuant to such terms, conditions, and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa and for admission to the United States."

(i) Such section is amended by adding at the end thereof a new subsection as follows:

"(j) Any alien lawfully admitted for permanent residence whose principal, actual dwelling place is in a foreign country contiguous to the United States and is returning from a temporary stay in such foreign country to seek or continue employment in the United States shall be admitted into the United States only if the Secretary of Labor has determined and certified to the Attorney General within six months prior to the date of admission that the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed, and if such certification has not been revoked on any ground. The provisions of this subsection shall be applicable to any aliens lawfully admitted for permanent residence, whether or not such aliens were so admitted prior to or on or after the date of enactment of this subsection."

SEC. 8. Subsection (a) of section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by striking "[a] an immediate relative within the meaning of section 201 (b) or".

SEC. 9. Section 223 (b) (8 U.S.C. 1203) is amended to read as follows:

"If the Attorney General finds (1) that the applicant under subsection (a) (1) has been lawfully admitted to the United States for permanent residence, or that the applicant under subsection (a) (2) has, since admission, maintained the status required of him at the time of his admission and such applicant desires to visit abroad and to return to the United States to resume the status existing at the time of his departure for such visit, (2) that the application is made in good faith, and (3) that the alien's proposed departure from the United States would not be contrary to the interests of the United States, the Attorney General may, in his discretion, issue the permit. The permit shall be valid for not more than three years from the date of issuance and shall be in such form as shall be by regulations prescribed for the complete identification of the alien.

SEC. 10. (a) Section 224 of the Immigration and Nationality Act (8 U.S.C. 1204) is amended by striking "immediate relative" each place it appears and inserting in lieu thereof "alien refugee".

(b) The section heading for such section is amended by striking "IMMEDIATE RELATIVE" and inserting in lieu thereof "ALIEN REFUGEE".

(c) The item relating to such section 224 in the table of contents of such Act is amended by striking "Immediate relative" and inserting in lieu thereof "Alien refugee".

SEC. 11. Section 241 (a) (10) of the Immigration and Nationality Act (8 U.S.C. 1251 (a) (10)) is amended by striking out the language within the parentheses and inserting in lieu thereof the following: "other than an alien who is a native-born citizen of any independent foreign country of the Western Hemisphere or of the Canal Zone".

SEC. 12. Section 244 (d) of the Immigration and Nationality Act (8 U.S.C. 1254 (d)) is amended by striking out "or is an immediate relative within the meaning of section 201 (b)".

SEC. 13. Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended to read as follows:

"Sec. 245. (a) The status of an alien, other than an alien crewman or any alien admitted in transit without visa under Section 238(d), who was inspected and admitted or paroled into the United States may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is filed: *Provided*, That any alien who meets the qualifications of an alien refugee as set forth in section 203(a)(7) and determined by the Secretary of State, shall be eligible to make an application for adjustment regardless of such alien's means of entry into the United States.

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order for the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issued under section 203(a) within the class to which the alien is chargeable, for the fiscal year then current."

SEC. 14. The first proviso contained in paragraph (1) of section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended by striking out "or to any person who, on the effective date of this Act, is over fifty years of age and has been living in the United States for periods totaling at least twenty years" and inserting in lieu thereof the following: "or to any person who, on the date of the filing of his petition for naturalization as provided in section 334, is over fifty years of age and has been living in the United States for periods totaling at least ten years".

SEC. 15. (a) Notwithstanding the provisions of section 245 of the Immigration and Nationality Act and without regard to the numerical limitations specified in that Act, any alien who, on or before the effective date of this Act (1) has been granted by the Secretary of Labor an indefinite certification for employment in the Virgin Islands of the United States which has not subsequently become invalid, (2) has been inspected and admitted to the Virgin Islands of the United States, and (3) has continuously resided in the Virgin Islands of the United States for a period of at least five years as of the date of enactment of this Act, and the spouse and minor unmarried children of any such alien, may have his status adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence, or may be issued an immigrant visa, if the alien (i) is eligible to receive an immigrant visa, and (ii) is admissible to the United States.

(b) Upon approval of an application for adjustment of status under subsection (a) of this section, the Attorney General shall record the alien's lawful admission for permanent residence as of the date of the order of the Attorney General approving the application for adjustment of status.

(c) Applications for adjustment of status or for immigrant visas pursuant to the provisions of subsection (a) of this section may be initiated on or after the effective date of this Act, but not later than the last day of the third fiscal year beginning on or after the date of enactment of this Act. Applications for immigrant visas pursuant to the provisions of this section shall be considered in such order as the Secretary of State shall by regulations prescribe, except that not more than three thousand visas shall be issued in any one fiscal year.

(d) Except as otherwise provided herein, the definitions set forth in section 101 of the Immigration and Nationality Act shall be applicable.

SEC. 16. (a) Notwithstanding the numerical limitations in sections 201 (a), 202 (a), and 202 (c) of the Immigration and Nationality Act, if in any fiscal year after June 30, 1972 the total number of immigrants admitted, or aliens who were adjusted to permanent resident status in the United States under the Immigration and Nationality Act, from any foreign state under paragraphs (1) through (6) and paragraph (8) of section 203 (a) of such Act was less than three-fourths of the average annual number of such visas made available to immigrants from such foreign state under such Act during the ten-fiscal-year period beginning July 1, 1955, there shall be made available to immigrants from such foreign state an additional number of visas for the succeeding fiscal year equal to the difference between the number of visas made available to them under paragraphs (1) through (6) and paragraph (8) of section 203 (a) of such Act in the preceding fiscal year and three-fourths of such average number, except that the number of such additional visas made available in any fiscal year to immigrants from such foreign state shall not exceed seven thousand five hundred. The additional visas authorized by the preceding sentence for immigrants from such foreign state shall be made available as follows:

(1) Forty per centum of the additional visas shall be made available to immigrants entitled to a preference status under paragraph (1), (2), (3), (4), or (5) of section 203 (a) of the Immigration and Nationality Act, except that no more than 8 per centum of the additional visas may be made available to immigrants entitled to a preference status under any one of such paragraphs.

(2) Thirty per centum of the additional visas plus any visas not issued under paragraph (1) shall be made available to immigrants entitled to a preference under paragraph (6) of section 203 (a) of the Immigration and Nationality Act.

(3) Thirty per centum of the additional visas plus any visas not issued under paragraph (1) or (2) shall be made available to immigrants who are not entitled to a preference under section 203 (a) of the Immigration and Nationality Act.

In the case of immigrants entitled to a preference under paragraph (1), (2), (3), (4), (5), or (6) of section 203 (a) of the Immigration and Nationality Act, the additional visas authorized by this subsection shall be issued in the order in which a petition in behalf of each such immigrant is filed with the Attorney General as provided in section 204 of such Act. In the case of immigrants not entitled to a preference under section 203 (a) of the Immigration and Nationality Act, such visas shall be made available in the chronological order in which such immigrants qualify. The provisions of section 212 (a) (14) of the Immigration and Nationality Act shall not apply in the determination of an immigrant's eligibility to receive any visa authorized to be issued under this Act.

(b) No alien shall be issued a visa under the first section of this Act, nor have his status adjusted to that of a permanent resident alien under such first section, after the expiration of the four-fiscal-year period beginning with the first fiscal year commencing on or after the date of enactment of this Act.

(c) Except as otherwise specifically provided in this Act, the definitions contained in section 101 (a) and (b) of the Immigration and Nationality Act shall apply in the administration of this Act. Nothing contained in this Act shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

SEC. 17. Section 21 of the Act of October 3, 1965 (79 Stat. 916, 920), is hereby repealed.

SEC. 18. (a) The amendments made by this Act shall not operate to affect the entitlement to immigrant status or the order of consideration for issuance of an immigrant visa of an alien entitled to a preference status, under section 203 (a) of the Immigration and Nationality Act, as in effect on the day before the effective date of this Act, on the basis of a petition filed with the Attorney General prior to such effective date.

(b) An alien chargeable to the numerical limitation contained in section 21(a) of the Act of October 3, 1965 (79 Stat. 921) who established a priority date at a consular office on the basis of entitlement to immigrant status under statutory or regulatory provisions in existence on the day before the effective date of this Act shall be deemed to be entitled to immigrant status under section 203 (a) (8) of the Immigration and Nationality Act, as amended by section 5 of this Act. The numerical limitation to which such an alien shall be chargeable shall be determined as provided in sections 201 and 202 of the Immigration and Nationality Act, as amended by this Act.

SEC. 19. The foregoing provisions of this Act, including the amendments made by such provisions, shall become effective on the first day of the first month which begins more than sixty days after the date of enactment of this Act.

SUMMARY OF IMMIGRATION BILL INTRODUCED BY SENATOR EDWARD M. KENNEDY

Section 1: designates the bill the "Immigration and Nationality Act Amendments of 1973."

Section 2: redesignates "immediate relatives" as special immigrants—provides special immigrant status to aliens "performing duties which are related to the religious activities of a religious denomination."

Section 3: provides for establishing a worldwide ceiling of 300,000 immigrants annually, exclusive of special immigrants, to become operative on July 1, 1976—in the interim the current ceiling of 120,000 for the Western Hemisphere is increased to 130,000—Cuban refugees who adjust their status to aliens lawfully admitted for permanent residence are removed from ceiling considerations.

Section 4: except for Canada and Mexico, extends to Western Hemisphere countries the 20,000 annual limitation on immigration from any one country which is currently applicable to countries in the Eastern Hemisphere—the annual limitation on Canada and Mexico is 35,000—raises from 200 to 600 the annual limitation on immigration from dependent areas—

Section 5: amends the preference system.

(a) The preference system, currently operative only in the Eastern Hemisphere, becomes operative on a worldwide basis simultaneously with the effective date of the world ceiling—in the interim the preference system operates separately in each hemisphere.

(b) The percentum of first preference (unmarried sons and daughters of U.S. citizens) is changed from 20 to 10.

(c) The second preference, currently the spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence, is expanded to include parents of permanent resident aliens—the percentum is changed from 20 to 24.

(d) The percentum of third preference (members of professions or persons of exceptional ability in the sciences and arts) is changed from 10 to 12.

(e) The fourth preference (married sons or daughters of U.S. citizens) and its percentum of 10 remains unchanged.

(f) The fifth preference, currently the brothers and sisters of U.S. citizens, eliminates those who are married—the percentum is changed from 24 to 20.

(g) The percentum of sixth preference (skilled and unskilled workers in short supply) is changed from 10 to 12.

(h) The percent of seventh preference is changed from 6 to 12—instead of being given "conditional entry" in accordance with regulations prescribed by the Attorney General, refugees are issued regular immigrant visas in accordance with regulations prescribed by the Secretary of State—the definition of a refugee establishes a worldwide asylum policy for the United States: "The term 'alien refugee' means any alien who is outside the country of his nationality or who, not having a nationality, is outside the country of his habitual residence, and who is unable or unwilling to return to such country because of persecution or well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group or political opinion, or who has been uprooted by catastrophic natural calamity or military operations. . . ."

(i) To permit maximum flexibility in the use of visas, available visas not required in any one preference are to be used in meeting excessive demand in succeeding preference categories—except the seventh—or in the non-preference category—

Section 6: technical amendments.

Section 7: facilitates the admission of the mentally retarded and others—provides a permanent authority for the Attorney General to parole refugees into the country for emergency reasons and subsequently adjust their status to permanent residence—regulates the flow of employable "commuter aliens" from Canada and Mexico.

Section 8: technical amendment.

Section 9: removes the renewal provision for re-entry permits, but extends their validity from one to three years—re-entry permits are required for aliens in the United States who wish to maintain their immigration status while temporarily outside of the country.

Section 10: technical amendments.

Section 11: technical amendments.

Section 12: technical amendments.

Section 13: provides for adjustment of status of Western Hemisphere aliens on the same basis as aliens from the Eastern Hemisphere—

Section 14: facilitates the naturalization of persons over 50 years who have been living in the United States for at least 10 years.

Section 15: establishes a temporary program to facilitate the adjustment of status of certain nonimmigrant aliens in the Virgin Islands.

Section 16: establishes a temporary program making additional immigrant visas available to certain countries disadvantaged in the transition from the national origins system to the first-come, first-served system, established by the Immigration Act of October 3, 1965.

Section 17: technical amendments.

Section 18: technical amendments.

Section 19: technical amendments.

By Mr. STEVENS:

S. 2647. A bill to amend 5 U.S.C. 5343 (c) (1) to expand the data base for Federal wage surveys in certain areas of the United States wherein there is insufficient private industry to determine comparable wages or where State and local governments exert a major influence on wage rates. Referred to the Committee on Post Office and Civil Service.

Mr. STEVENS. Mr. President, in August 1972, Public Law 92-392 was enacted which made major changes in the method of fixing pay rates for governmental employees. One of these changes was an amendment to 5 U.S.C. 5343, which reversed a long-standing civil service practice of including nonprivate sector pay rates in Federal wage board surveys for certain areas.

Prior to the enactment of Public Law 92-392, the Federal Personnel Manual provided:

> Under certain circumstances, exceptions are made to the basic policy that surveys cover only private industries. A lead agency may include State and local governmental activities in a regular wage survey when the area involved has limited private industry employment and a high concentration of governmental employment exerts a major influence on the level of rates.

Public Law 92-392 amended 5 U.S.C. 5343(c)(1) to limit the subject of wage board surveys to include only wages "paid by private employers in the wage area for similar work performed by regular full-time employees."

This new statutory limitation has caused considerable concern to Federal employees in several areas of the country. Under the requirements of Public Law 92-392, the Civil Service Commission has understandably felt itself to be limited in its discretion and has ruled that wage board surveys may not include Government operated businesses such as utilities. However, because most of these operations in Alaska; Champaign-Urbana, Ill.; and a few other areas of the United States pay union scale and are an important factor in determining the wage rate for wage board employees, their exclusion has had serious consequences. Many employees in Alaska fear that failure to include these enterprises may force the Wage Board to survey Seattle, with a significantly lower wage scale. Many of these employees have contacted me and asked for my help.

In Alaska, for example, many State and local governmental employees receive good wages, in some cases, higher than the private sector. This is not generally the case in other parts of the country, with certain exceptions. The exclusion of governmental employees in Public Law 92-392 was based on the premise that most governmental employees are paid less than private employees. No account was taken of the few areas, such as Alaska and Champaign-Urbana, wherein Government employees form the only basis of comparison, particularly because they are paid comparable wages.

When the House Post Office and Civil Service Committee was considering the legislation later adopted as Public Law 92-392, John Griner, then President of the American Federation of Government Employees, testified concerning conditions in Alaska. I understand the same conditions are found in Champaign-

Urbana. At those hearings in April and May, 1971, Mr. Griner testified:

> I should like to call your attention to an unusual condition. Just a few days ago, I returned from an extensive trip to Alaska during which I tried to isolate the special problems which affect all employees there, private enterprise, as well as Federal, State, and local government.
>
> One fact is clear, there are so few large private enterprises employing 300 or more workers that the provision in H.R. 12481 and associated bills limiting wage surveys to private establishments with 300 or more employees cannot be effectively carried out in Alaska.
>
> I, therefore, recommend that the State of Alaska be specifically exempted from the provisions of subparagraph (e)(4) of Section 5343 of the associated bills.
>
> I might say, I have full concurrence from both Senators and at least one Congressman—or the one Congressman, I believe we have only one Congressman up there.

At my request, the Department of Defense has forwarded Federal wage system survey data obtained in the 1972 full scale survey for Alaska and Champaign-Urbana.

In the Alaska survey, approximately 58 percent of the survey samples came from governmental—public—jurisdictions. The remaining samples, exclusive of government, would not provide an adequate data base upon which statistical trend lines could be drawn under the Federal wage system procedures.

In Champaign-Urbana, although 46 percent of the sample survey came from the University of Illinois, a governmental activity, the data base from "private" enterprise establishments in the area remained adequate for the development of statistical trend lines under the Federal wage system procedures. The resultant trend lines, excluding the University of Illinois data, would have been significantly lower, however, than that produced if all data, private and public, are used in the computations.

Because of the importance of this bill, I urge Congress to act on it speedily and request that it be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5343(c)(1) of title 5, United States Code, is amended by inserting the following before the semicolon: ", and except that, when there is insufficient private employment in a wage area to establish a wage schedule or a high concentration of state or local government employment exerts a major influence on the level of rates in the area, wages to be surveyed may include those paid by state and local governments (including political subdivisions thereof) in the area".

By Mr. McCLURE:

S. 2649. A bill to provide for the public disclosure by candidates for election to Federal office of their Federal income tax returns. Referred to the Committee on Finance.

Mr. McCLURE. Mr. President, I am introducing today legislation to provide for the public disclosure by candidates for Federal office of their Federal income tax returns.

The suggestion has been made that Vice-Presidential-nominee GERALD FORD should, over and above presenting all financial records, including income tax returns, to the Rules Committee, make his income tax returns part of the public record.

Now I personally do not think we should be required to disclose our personal income tax returns. Yet if we are to demand it of Congressman FORD, then we ought to demand it of ourselves as well. We have no right to say to Mr. FORD, "You have got to be cleaner than the rest of us."

It is not right to require of anyone the forced disclosure of personal, nonpolitical expenditures at the whim of a legislative body which has made no such ruling for its own Members. I am fully aware that some Senators and Congressmen have made such disclosure. This was an exercise of their right to handle their own finances in their own way, which in no way abrogates the rights of others to make a different choice.

Under nomal circumstances each man has the right to keep the small details of his personal life private. His relationship with his church, for example, is a very private one. A man who gives a small amount to a specific charity might be criticized, and a man who gives a great deal, besieged. Public disclosures would also make public the names of those who can afford to and do, give to many charities. Such contributions would then become political.

In requiring a nominee to make a disclosure not required by Members of the body itself, we of the Senate would be clearly implying that Vice Presidents ought to be more moral than Senators.

In these times of doubt and distrust in political officeholders we cannot afford any action which would advance the theory that some people should be more honest than others; that morality is a quantitive ideal. Consistency is essential in morality, and in these times even the appearance of morality must be more carefully guarded than ever.

For this reason I submit a bill which would require all candidates for Federal office to make their tax returns public. If disclosure is a moral issue, it must apply to every officeholder; if not, it should remain a voluntary option for all.

By Mr. CRANSTON (for himself, Mr. ABOUREZK, Mr. BROCK, Mr. FONG, Mr. GRAVEL, Mr. HATFIELD, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. PACKWOOD, Mr. METCALF, Mr. PERCY, Mr. RIBICOFF, and Mr. SPARKMAN):

S. 2650. A bill to provide for the early commercial demonstration in residential housing and other buildings of technology for solar heating and combined solar heating and cooling by the Secretary of Housing and Urban Development, to establish a National Solar Energy Coordinating Council, and for other purposes. Referred, by unanimous consent, jointly to the Committees on Banking, Housing and Urban Affairs, and Commerce; and if and when one of these committees reports the bill, then the bill to be referred to the Committee on Labor and Public Welfare.

SOLAR HOME HEATING AND COOLING DEMONSTRATION ACT OF 1973

Mr. CRANSTON. Mr. President, I rise to introduce for appropriate reference a bill to stimulate the practical application of solar energy in a manner that can make a substantial contribution to our current energy deficiencies.

Mr. President, I also ask unanimous consent that the bill be referred jointly and simultaneously to the Committees on Banking, Housing and Urban Affairs, and Commerce, and provided further that when one committee reports the bill it shall then also be referred to the Committee on Labor and Public Welfare to consider functions imposed upon the National Science Foundation by such bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, this bill is the Solar Home Heating and Cooling Demonstration Act of 1973, and it would require the Secretary of Housing and Urban Development to undertake a major demonstration program to determine the economic and practical feasibility of solar heating and combined solar heating and cooling systems in residential and other buildings.

It has been estimated that up to 40 percent of the energy consumed annually in the United States is used for heating, air-conditioning, ventilation, lighting, and power systems in buildings. If we can perfect and demonstrate existing technology to tap the unlimited energy of the sun for these purposes and begin to apply such technology to a fair number of existing and new buildings, then we can substantially reduce the barrels of oil and cubic feet of gas consumed by this sector at a time of decreasing supplies and international tension.

The idea of tapping the vast energy of the sun is not new. Mr. E. S. Morse received a patent in 1881 on a technique of "warming and ventilating apartments by the Sun's rays" (U.S. Patent No. 246,-626, September 6, 1881). The Heating and Ventilation Journal reported in July 1950 that an experimental solar house in Dover, Mass., had passed its second successful winter without a fuel bill. Other successful experiments took place, prior to 1960, in Denver, Colo., and Albuquerque, N. Mex. I am proud that one of the most recent and innovative steps in the continuing research and development of solar power is the Harold Hay house in Atascadero, Calif., developed in cooperation with the California Polytechnic Institute.

These experiments clearly demonstrate that the technology exists to build a solar-powered house. These houses work. It is primarily the high cost of these homes to date which has prevented solar energy from being more widely utilized.

Since there is as yet almost no mass production of solar energy equipment, the hardware for these homes must be custom designed and custom built. Presently, for example, the price of the collector unit alone for an average single-family home is around $2,000. And inspired and built as they were by different individuals, some of the houses required extensive, frequent maintenance. Such maintenance is something which an inventor would willingly, perhaps lovingly, perform, but would be at best a tedious chore for the average homeowner.

My bill seeks to overcome these obstacles by directing the Secretary of Housing and Urban Development, after consultation with the National Solar Energy Coordinating Council established under this bill, to undertake a major demonstration program to determine the practical feasibility of solar heating and cooling in residential buildings. This would involve the development of appropriate standards and building codes, the awarding of an adequate number of designs to test fully existing technology and innovations, and the actual construction of solar-powered homes. The Secretary of Housing and Urban Development will have overall responsibility for this program, for implementing, monitoring, and evaluating it, after he has consulted with the National Solar Energy Coordinating Council. This Council will be composed of the following, or their designees: The Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Administrator of General Services, the Director of the National Bureau of Standards, the Administrator of the Environmental Protection Agency, the President of the National Academy of Sciences, three members representing the public, and any additional Federal department or agency heads which the President may name.

The bill provides for an immediate 3-year demonstration program for solar heating, and a 5-year development and demonstration program for combined solar heating and cooling systems. The reason for this staggered arrangement is that the technology for solar heating is available now, while the technology for combined heating and cooling needs to be further refined before it can be demonstrated. A maximum of $50 million is authorized to carry out the purposes of the proposed act.

Mr. President, I am confident that this $50 million is a wise investment for the Nation. With a continuing energy supply problem—one which will certainly get worse before it gets better—it is our obligation to seek promising alternative sources of power for a power-hungry economy.

And solar energy for heating and cooling buildings is among those alternatives now available with a high probability of success. In the December 1972 report of the NSF/NASA Solar Energy Panel, entitled "Solar Energy as a National Energy Resource," is the following statement:

> There is no doubt that among all the possible uses of solar energy, residential heating and cooling has the highest probability of success. There are the least uncertainties both in the technology and the economics of these domestic applications. There is, moreover, a very high benefit/cost ratio in that the total funds needed for the development of a viable enterprise will be only a small fraction of the annual value of fuel savings, or of equipment sales, or of some other measure of benefits to the economy. (p. 18)

Solar energy is available now. We do not have to invest untold millions into research and development. We are past that stage with solar heating and cooling. What we need now in order to boost the practical and widespread utilization of this technology is to undertake a demonstration program which is sufficiently large to assure an adequate data base and to determine the ultimate contribution such systems can make to our continuing energy crisis.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Home Heating and Cooling Demonstration Act of 1973."

FINDINGS AND POLICY

Sec. 2. (a) The Congress hereby finds and declares that—

(1) the current imbalance between supply and demand for fuels and energy is likely to persist for some time;

(2) the application of solar energy for the heating and cooling of buildings can help to relieve the demand upon present fuel and energy supplies;

(3) the technologies for solar heating are close to the point of commercial application in the United States;

(4) the technologies for combined solar heating and cooling still require research, development, testing, and demonstration, but no insoluble technical problem is now foreseen in achieving commercial use of such technologies;

(5) the early development and export of viable solar heating equipment and combined solar heating and cooling equipment can make a valuable contribution to our balance of trade;

(6) commercial application of solar heating and combined solar heating and cooling technologies can be expedited by early commercial demonstration under practical conditions; and

(7) the establishment of a Federal coordinating body will assure active participation in the development and implementation of this demonstration program by the Federal agencies knowledgeable or previously involved in solar energy programs. (b) It is therefore declared to be the policy of the United States and the purposes of this Act to provide for the demonstration within a three-year period of the practical use of solar heating technology, using current technology for this purpose, and to provide for research development, and demonstration within a five-year period of the practical use of combined heating and cooling technology, and to establish a National Solar Energy Coordinating Council.

Sec. 3. For the purposes of this Act—

(1) the term "solar heating", with respect to any building, means the use of solar energy to meet such portion of the total heating needs of such building (including hot water) as may be required under performance criteria prescribed by the Secretary of Housing and Urban Development;

(2) the term "combined solar heating and cooling", with respect to any building, means the use of solar energy to provide both such portion of the total heating needs of such building (including hot water), and such portion of the total cooling needs of such building (including cooling by means of nocturnal heat radiation or by other methods of meeting peak-load energy requirements at non-peak-load times) as may be required under performance criteria prescribed by the Secretary of Housing and Urban Development;

(3) the term "Secretary" means the Secretary of Housing and Urban Development;

(4) the term "residential dwellings" means single-family and multi-family dwellings, and mobile homes; and

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

ESTABLISHMENT OF NATIONAL SOLAR ENERGY COORDINATING COUNCIL

Sec. 4. (a) There is hereby established within the Federal Government a National Solar Energy Coordinating Council (hereinafter referred to as the "Council") to advise the Secretary on the implementation of the purposes and provisions of this Act. The Council shall be composed of the following (or their designees whose positions are Executive Level IV or higher): the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Director of the National Bureau of Standards, the Administrator of the Environmental Protection Agency, the President of the National Academy of Sciences, the Administrator of General Services, and such other Department or agency heads as the President may designate, and three public members who have expertise in the field of solar energy or related fields appointed for five year terms by the President. The Secretary shall serve as Chairman and shall call the meetings of the Council, which shall meet at least four times each year.

(b)(1) It shall be the responsibility of the Council (A) to advise and consult with the Secretary in carrying out the purposes and provisions of this Act; and (B) to cooperate with the Secretary in such other appropriate ways as he may request.

(2) The Council shall also have the responsibility for developing and implementing agreements, policies and practicees designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication and inconsistency among the operations, functions, and jurisdiction of the various departments, agencies and branches of the Federal government responsible for research, testing, development, and demonstration of solar energy technology.

(c) Appointed members of the Council shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including travel time; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code; for persons in the Government service employed intermittently.

(d) The Secretary shall make available to the Council such staff, information and other assistance as it may require to carry out its activities effectively.

DEMONSTRATION OF SOLAR HEATING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 5. (a) The Secretary shall promptly initiate and carry out a program as provided in this section for the development and demonstration of solar heating systems for use in residential dwellings.

(b) (1) Within ninety days after the date of the enactment of this Act, the Secretary, after consultation with the Director of the National Bureau of Standards and the President of the National Academy of Science, or their designees, shall determine, prescribe, and publish in the Federal Register, after notice and hearing in accordance with all provisions regarding rulemaking prescribed by section 553 of title 5, United States Code—

(A) performance criteria for solar heating equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating) for such dwellings themselves,

taking into account in each instance climatic variations existing among different geographical areas.

(2) As soon as possible after the publication of the performance criteria finally prescribed under paragraph (1) of this subsection, the Secretary shall determine and approve, on the basis of open competition, an appropriate number (but not less than three) of designs for various types of residential dwellings suitable for and adapted to the installation of solar heating systems meeting the performance criteria finally prescribed under paragraph (1)(a) of this subsection. Each such design competition shall be announced a reasonable time in advance in the Federal Register and appropriate trade publications, and shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) qualified, in accordance with regulations prescribed by the Secretary after consultation with the Council, to assist in the design of residential dwellings to demonstrate solar heating.

(c) The Secretary shall—

(1) (A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of solar heating systems meeting the performance criteria finally prescribed under subsection (b) (1) (A) of this section (including any further planning and design which may be required to conform to the specifications set forth in such criteria); and

(B) if he determines that it would expedite the program to be carried on under this section or otherwise accelerate the achievement of the purposes and provisions of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating systems (by the contractors for development under clause (A) of this paragraph), and for the installation of such prototype systems in residential dwellings meeting the performance criteria finally prescribed under subsection (b) (1) (B) of this section;

(2) enter into contracts with at least two different persons for the actual manufacture and production of solar heating systems as developed under contracts described in paragraph (1) (A) of this subsection (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Administrator of General Services the head of the department or agency concerned, to secure the installation of such systems, manufactured on a mass-production basis, in substantial numbers of residential dwellings which are located on Federal or federally-administered property where the performance and operation of systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) to secure the installation of such systems, manufactured on a mass-production basis, in substantial numbers of residential dwellings which are privately-owned and occupied and located in both rural and urban areas.

The residential dwellings referred to in clauses (A) and (B) of this paragraph shall be located in a sufficient number of different climatic regions (but not less than five) in the United States as are necessary to assure a realistic and effective demonstration of the solar heating systems involved, and of the dwellings themselves, under climatic conditions which vary as much as possible. The United States shall retain title to and ownership of solar heating systems which are installed in residential dwellings as provided in clause (B) of this paragraph; except that the Secretary may provide by contract, that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the purchase of the property, on such terms and conditions as the Secretary may prescribe in regulations, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of such period, upon a determination by the Secretary that the terms and conditions of such contract have been substantially complied with. For the purposes of clauses (A) and (B) of paragraph (3) of this subsection, solar heating systems shall be considered to have been manufactured on a mass-production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Secretary in regulations) to assure a realistic and effective demonstration to carry out the purposes and provisions of this Act.

DEVELOPMENT AND DEMONSTRATION OF COMBINED SOLAR HEATING AND COOLING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 6. (a) The Secretary shall promptly initiate and carry out a program as provided in this section for the development and demonstration of combined solar heating and cooling systems for use in residential dwellings.

(b) (1) As soon as possible after the date of enactment of this Act, the Secretary after consultation with the Director of the National Bureau of Standards and the President of the National Academy of Sciences or their designees, shall determine, prescribe, and publish in the Federal Register after notice and hearing in accordance with all provisions regarding rulemaking prescribed by section 553 of title 5, United States Code—

(A) performance criteria for combined solar heating and cooling equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating and cooling) for such dwellings themselves, taking into account in each instance climatic variations existing among different geographical areas.

(2) As soon as possible after the publication of the performance criteria finally prescribed under paragraph (1) of this subsection (and if possible before the completion of the research and development provided for in subsection (c) of this section), the Secretary shall determine and approve on the basis of open competitions, an appropriate number (but not less than three) of designs for various types of residential dwellings suitable for and adapted to the installation of combined solar heating and cooling systems meeting the performance criteria prescribed under paragraph (1) (A) of this subsection. Each such design competition shall be announced in the Federal Register and appropriate trade publications and shall be open to all professionally-recognized architects and engineers (or architectural or engineering firms) qualified, in accordance with regulations prescribed by the Secretary after consultation with the Council, to assist in the design of houses to demonstrate combined solar heating and cooling.

(c) During the period immediately following the publication of final performance criteria under subsection (b) (1) of this section, the Secretary, jointly with the Director of the National Science Foundation, shall undertake and conduct the research specified in Section 8 with respect to commercial application of combined solar heating and cooling systems as contemplated by the program to be carried out under this section.

(d) The Secretary, at the earliest possible time during or immediately after the period specified in subsection (c) of this section, shall—

(1) (A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of combined solar heating and cooling systems meeting the performance criteria prescribed under subsection (b) (1) (A) of this section (including any further planning and design which may be required to conform to the specifications set forth in such criteria or to reflect the results of the activities conducted under subsection (c)); and

(B) if the Secretary determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating and cooling systems (by the contractors for the development under clause (A)), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b) (1) (B) of this section;

(2) enter into contracts with at least two different persons or firms for the actual manufacture and production of combined solar heating and cooling systems as developed under contracts described in paragraph (1) (A) of this subsection (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Administrator of General Services and the head of the department or agency concerned, to secure the installation of such systems, manufactured on a mass-production basis, in substantial numbers of residential dwellings which are located on Federal or federally administered property where the performance and operation of systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) to secure the installation of such systems, manufactured on a mass-production basis, in substantial numbers of residential dwellings which are privately owned and occupied and located in both rural and urban areas.

The residential dwellings referred to in clauses (A) and (B) of this paragraph shall be located in a sufficient number of climatic regions (but not less than five) in the United States as are necessary to assure a realistic and effective demonstration of the combined solar heating and cooling systems involved, and of the dwellings themselves, under climatic conditions that vary as much as possible. The United States shall retain title to and ownership of the combined solar heating and cooling systems which are installed in residential dwellings as provided in clause (B) of this paragraph; except that the Secretary may provide by contract, that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the puchase of the property, on such terms and conditions as the Secretary may prescribe in regulations, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any subsequent owner and occupant) at the close of such period, upon a determination by the Secretary that the terms and conditions of such contract have been substantially complied with. For the purposes of clauses (A) and (B) of paragraph (3) of this subsection, solar heating and cooling systems shall be considered to have been manufactured on a mass-production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Secretary in regulations) to assure a realistic and effective demonstration to carry out the purposes and provisions of this Act.

DEVELOPMENT OF SOLAR HEATING AND COMBINED SOLAR HEATING AND COOLING SYSTEMS FOR PUBLIC BUILDINGS AND COMMERCIAL USE

SEC. 7. The Secretary in consultation with the Council, concurrently with the conduct of the programs under section 5 and 6, shall provide for such projects and activities (including demonstration projects)—

(1) with respect to apartment, condominium and cooperative buildings, office buildings, factories, agricultural structures (including crop-drying facilities), and other commercial and industrial buildings,

(2) in consultation with the Administrator of General Services and the head of the Federal department or agency concerned and making maximum utilization of funds available to such other Federal departments and agencies, with respect to non-residential dwelling Federal, federally-controlled or federally-assisted buildings (especially educational institutions, hospitals, courthouses, and other public function facilities), and

(3) with respect to non-Federal public facilities; taking into account the special needs of and individual differences in such buildings based upon size, function, and other relevant factors, as may be appropriate for the early development and demonstration of solar heating, and, concurrent with the support of projects pursuant to section 6(d), of combined solar heating and cooling systems suitable and effective for use in such buildings.

SOLAR ENERGY RESEARCH AND DEVELOPMENT

SEC. 8. (a) Notwithstanding any other provision of the law, the Director of the National Science Foundation, jointly with the Secretary in consultation with the Council, and upon recommendation of appropriate scientific peer review panels, is authorized and directed, out of funds otherwise available or transferred to him, to initiate, support, and fund basic and applied research activities related to solar energy, and research, development, testing, and demonstration designed to provide the necessary technological resources in support of the purposes and provisions of this Act. Such research activities shall, insofar as practicable, support the new solar heating and cooling technologies demonstrated or to be demonstrated pursuant to sections 5, 6, and 7 of this Act.

(b)(1) Whenever a patent is granted to an inventor for an invention developed in whole or in part under any contract, grant, or other arrangement funded under this Act, one-half of any amounts payable as royalties by persons licensed to use the invention or as damages by persons liable for infringement of the patent (including any amounts paid in settlement of any claim of infringement) shall be payable to the United States Government, and covered into the general fund of the Treasury as miscellaneous receipts.

(2) There is established on the books of the Treasury of the United States a trust fund to be known as the "Solar Energy Trust Fund" (hereinafter referred to as the "fund"). Amounts in the fund shall be available, without fiscal year limitation, for obligation and expenditure by the Secretary for purposes of carrying out the provisions of this Act, in addition to any amount appropriated under section 12. There is appropriated to the fund, out of any amounts in the general fund of the Treasury not otherwise appropriated, for each fiscal year an amount equal to the amount of royalty payments or damages covered into the genral fund of the Treasury as miscellaneous receipts under this section during the preceding fiscal year.

(3) The provisions of paragraph (1) shall not apply with respect to any use of a patent occurring after June 30, 1979. Any amounts remaining in the fund on June 30, 1980, and not otherwise obligated or expended, shall be subject to fiscal year limitation.

DISSEMINATION OF INFORMATION AND OTHER ACTIONS TO PROMOTE PRACTICAL USE OF SOLAR AND COOLING TECHNOLOGIES

SEC. 9. (a) The Secretary shall take all possible steps to assure that full and complete information with respect to the demonstrations and other activities conducted under this Act is made available to Federal, State, and local authorities, the building industry and related segments of the economy, and the public at large, during and after the close of programs carried out under this Act, in order to promote and facilitate, to the maximum extent feasible, the early and widespread practical application of solar energy to heat and cool buildings throughout the United States. In accordance with regulations prescribed under section 11, such information shall be disseminated on a coordinated basis by the Secretary, utilizing the facilities of all Federal departments and agencies, especially those represented on the Council.

(b) The Secretary shall also, directly or by grant or contract—

(1) study and investigate the effect of existing building codes, zoning ordinances, and other laws, codes, ordinances, and practices upon the practical use of solar energy to heat and cool buildings; and

(2) determine the extent to which such laws, codes, ordinances, and practices should be changed to permit or facilitate such use, and the methods by which any such changes may best be brought about.

(c) Each Federal officer having functions under this Act shall include in the annual report regarding activities of his department or agency to the President and the Congress a full and complete description of his activities during the preceding fiscal year and those projected for the next such year under this Act, along with his recommendations for legislative, administrative, or other action to improve the programs carried out under this Act or to carry out the purposes and provisions of this Act more promptly and effectively.

(d) The Secretary shall submit annually to the President and the Congress a special report summarizing in appropriate detail the progress achieved in carrying out the purposes and provisions of the Act, and all of the activities during the preceding fiscal year and those projected for the next such year of the various Federal departments and agencies pursuant to this Act, in order to present a comprehensive view of such programs. Such special report shall include the results of monitoring and evaluation as required and carried out under section 10 (b) and (c).

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

SEC. 10. Functions under this Act shall be carried out so as to assure that small business concerns will have a realistic and adequate opportunity to participate in the programs under this Act to the maximum extent possible.

GENERAL PROVISIONS

SEC. 11. (a) Notwithstanding any other provision of law, (1) the Secretary may, after consultation with the Council, direct one or more of the Federal departments or agencies represented on the Council to carry out, on a reimbursable basis, any of the functions conferred upon him by sections 5, 6, 7 and 9 of this Act if he deems such directive to be necessary to carry out the purposes and provisions of this Act, and (2) The Secretary shall transfer to any such department or agency, and such department or agency shall so utilize, such funds available to him pursuant to section 12 of this Act as are necessary to carry out such transferred functions.

(b) The Secretary, or, as to systems installed pursuant to subsection (c)(3)(A) of this section, the Secretary and the head of the Federal department or agency concerned, shall have the function of monitoring the performance and operation of all systems installed in residential dwellings, buildings, or facilities under this section.

(c) For the purpose of providing information that will assist Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary shall, in consultation with the Council, provide for independent evaluations of activities carried out pursuant to this Act, and present to the Congress an annual report of the results of such evaluations, as well as his own evaluation, presented in quantitative and qualitative terms and in summary and detailed form, of the progress in carrying out the programs authorized under this Act.

(d) The Secretary shall maintain continuing liaison with the building industry and related industries and interests, during and after the period of the programs carried out under this Act, with the objective of assuring that the projected benefits of such programs are and will continue to be effectively realized.

(e) The Secretary, after consultation with the Council, shall prescribe and publish in the Federal Register such regulations as may be necessary or appropriate to carry out this Act.

APPROPRIATIONS

SEC. 12. There are appropriated to the Solar Energy Trust Fund established under section

8 (b), out of any amounts in the general fund of the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1974, $50,000,000, which shall remain available for obligation or expenditure by the Secretary for the purpose of carrying out the provisions of this Act without fiscal year limitation through June 30, 1980.

Mr. PACKWOOD. Mr. President, it is with great pleasure that I join with Senator CRANSTON in introducing the Solar Heating and Cooling Demonstration Act of 1973. An effort such as that undertaken in this bill is long overdue and I give my support without reservation to his proposal to conduct a major demonstration of the feasibility of solar heating and cooling in various climatic regions of the country.

Reading from time to time of small demonstrations whereby solar energy has been harnessed has engendered my own enthusiasm for the Sun as an alternative energy source. In this day of diminishing supplies, it is imperative that we explore all potential energy sources, and it is with great excitement that I look to our possibilities, not the least of which is energy from the Sun. The route pursued in the bill I am cosponsoring is, I feel, a desirable one, and I fully endorse a major research effort coordinated by the Department of Housing and Urban Development, the National Science Foundation, and the National Bureau of Standards. What is surprising in light of our finite energy sources and our infinite energy needs—which, by the way, gets into another subject of the necessity for a sound energy conservation policy—is that the Federal Government has never taken on a major research, development, and demonstration program of this magnitude where alternate energy sources are concerned. At the very least, one would expect that the feasibility of using solar energy would be inquired into in more depth than research to date indicates has been the case.

Gasoline shortages are proving to be a real attention-getter for the Nation's energy problems, and this is an almost sure indication that some corrective and innovative actions will and must be taken. Not the least among them is, finally, meaningful legislation such as this to demonstrate the feasibility of using solar energy. Recently, the National Science Foundation awarded three contracts for a research project designed to hasten the day when solar energy for heating, cooling, and supplying the hot water needs for buildings will become commercially available. I was glad to see this stepped-up interest and feel that legislation such as we are introducing today will speed the process and coordinate ongoing and new research and development programs. Recently, NSF officials have said that among the methods being researched, the use of solar energy for heating and cooling of buildings is the most advanced potential application and presents an excellent opportunity to make an early impact on national energy requirements. The legislation proposed today recognizes this in pursuing a research development and demonstration program to utilize solar energy to heat and cool our homes and businesses.

Expert testimony in hearings on the subject of solar energy indicates that success in utilizating solar energy could significantly reduce the impact of projected increased use on existing energy resources. The attraction of harnessing an inexhaustible power supply becomes apparent when, according to a recent article appearing in the Wall Street Journal, is is realized that "over the next 30 years the United States is expected to consume more energy than it has since the arrival of the Mayflower." Yet many of the United States present energy sources are either, like natural gas, in short supply or, like coal, a major cause of pollution. Even nuclear power no longer has the assured growth that was once predicted. Solar energy proponents, on the other hand, have pointed out that power from the Sun is not only environmentally safe but also will be shown to be economically competitive with other power sources.

Via a vehicle such as the Solar Heating and Cooling Demonstration Act, we will be able to obtain answers to many of our unanswered questions concerning the feasibility of solar energy. I am not saying that this alone will solve our energy problems, but I do feel that it is one of the steps which must be taken in conjunction with steps to pursue our geothermal and fusion energy potentials and whatever other alternate resources may be available to this Nation. In Peter E. Glaser's article entitled, "Solar Energy: An Alternative Source for Power Generation," he points out that—

> The fundamental aspects of engineering science and technology for a programme of harnessing solar energy will require government and industry support. Both will be needed to advance our capability to enter a new era where fire is no longer a necessity in our lives. The use of solar energy can provide a base from which may spring many foreseen and unforeseen applications with long-term effects which may make our present concern with nuclear affairs seem simple by comparison.

For too long, we have sat idly back and consumed, consumed, consumed until, now, we find ourselves confronting an energy "crunch." I, for one, intend to do my part to alleviate this crunch and plan to pursue vigorously the various avenues open to us, to insure that the United States will indeed implement the necessary national energy policies, pursue energy conservation programs, and investigate our alternative energy sources. It is my sincere hope that this bill, as well as those others which have been introduced to help meet the so-called energy crisis will be considered and acted upon at the earliest date.

Mr. President, at this point in the RECORD, I ask unanimous consent to have printed an article recently appearing in Industry Week concerning the outlook for solar energy.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLAR POWER HAS BRIGHT FUTURE

(While "energy crisis" has been turning into an everyday term, a number of projects have been started in an attempt to harness our greatest potential source of energy.)

People have studied it, written songs and poems about it, feared it, and some even worshipped it as a god. Now, though, scientists around the world are trying to put the sun to a more practical use. They are trying to convert its rays into usable energy that could help allay the world's energy problems.

This summer, the switch was thrown on an experimental house in Delaware that can convert the sun's energy into both heat and electricity. Its planners at the Institute of Energy Conversion of the University of Delaware, Newark, claim it is the first house to perform this dual feat for domestic use.

Solar One, as the house is called, is the brainchild of Dr. K. W. Boer, director of the institute. Dr. Boer and his team of scientists, engineers, and technicians have built a house with a roof that is an array of solar cells. These act as collectors and converters of solar energy. Electricity is stored in lead-acid batteries. Heat is stored by a complex mixture of chemical salts that hold the heat until it is needed—at night or during cloudy periods.

Solar One is being operated to gather data for the widespread use of solar energy and to test specific techniques. The project is partially backed by the Delaware Light & Power Co.

As an associate of Dr. Boer says, "We don't expect solar energy to provide all the heat and power for homes. But if we can supply 50% to 80% of a home's power from the sun, a utility company would not have peak load problems."

There are indeed many reasons why scientists are looking at the sun as a potential source of energy for man. One major reason is that the potential is so large.

The total influx from solar, geothermal, and tidal energy into the earth's surface environment is estimated to be 173,000 x 10^{12} watts. Solar radiation accounts for 99.98% of it. The sun's contribution to the energy budget of the earth is 5,000 times the energy input of all other sources combined.

Radiant energy from the sun is readily convertible to heat, with the only requirement a surface which can absorb the solar energy. If the surface is black, more than 95% of the radiant energy is absorbed and converted to heat. If a fluid, such as air or water, is then brought into contact with the heated surface, the energy can be transferred into the fluid and used for practical purposes.

Theoretically, the heated fluid produced in a solar collector can be used anywhere that conventional fuels are used. Glass-covered, flat-plate solar collectors can deliver heated air or water at temperatures of 100 to 200 F., useful in house heating, domestic water heating, crop drying, and many other areas.

The sun is already being put to such uses. In Japan, solar water heaters dot many a roof. In the U.S. many small businesses are springing up, making and selling swimming pool heaters, hot water heaters, solar collectors, and other devices. Now, big business has taken an interest.

MARKET STUDY LAUNCHED

In May, Arthur D. Little Inc., Cambridge, Mass., started a multiclient study to evaluate means of creating a new market for solar climate control.

Dr. Peter E. Glaser, vice president and head of engineering sciences at Arthur D. Little, is director of the project. Dr. Glaser is convinced the time for solar energy is now. "If you look at the total amount of energy we use in this country for household and commercial purposes, it is 21%. We use electric power for this purpose and natural gas and petroleum products. However, reducing this total by 1% would be equivalent to saving 100 million barrels of oil a year. And, we believe that over the next ten or 20 years, we can approach savings of 5% to 10%, eventually 30%, using solar energy."

The Arthur D. Little study is aimed at bringing these numbers closer to reality. The research firm anticipates that new markets for solar climate control systems (heating and cooling) will approach $1 billion worth of equipment over the next ten years. These systems will include solar collectors, heat storage systems, sources of auxiliary energy, heat-actuated air conditioners, auxiliary equipment such as piping, valves, pumps, motors, and on-site power generation, using solar cells to convert solar energy directly to electricity.

The study is aimed at helping industry to realize this goal. First, it will identify potentially successful businesses associated with solar climate control, the prerequisites for their success, and ways by which they can be integrated into the construction industry. Secondly, it will evaluate specific hardware and formulate more detailed business approaches. Finally, the study team will assist individual sponsors who decide to initiate business activities in solar climate control.

Dr. Glaser emphasizes that it is not a research program, "but a project to develop practical applications in heating and cooling which conserve conventional energy resources with no detrimental effects on the environment."

Dr. Glaser also points out that within three years he expects various products, associated with solar energy, to appear on the market. Then, depending on how the energy picture develops for all fuels, it is possible that in five years, some firm will be offering a total heating/cooling system for homes.

The major problem to overcome oddly enough, is not technical but a business problem. The construction industry is so vast and complex that no one is yet sure where and how solar heating/cooling will fit in.

There is another approach that some scientists think could make use of the vast amounts of solar energy that reach our planet. This is by setting up central power stations that would collect solar energy, convert it to electricity, and distribute it to users.

For about a year now, a joint study by the University of Minnesota and Honeywell Inc., Minneapolis has been working toward this goal. Roger N. Schmidt, manager of solar energy programs at Honeywell, says design of working model for such a system has been completed and construction should be done by February. One year from now, he says, we will know whether we can collect solar energy with this device and do it at an efficiency of 50% to 60%.

The device is a troughlike shape that is 15 ft long—actual devices would be 40 ft long. It is 4 ft wide (the full-size version would be 10 ft wide) and the inner surface is coated to reflect solar energy onto a heat pipe running down the center of the trough. The pipe conducts absorbed heat to one end where it is used to change water to steam to power an electric generator.

Dozens of the larger version of the collection troughs would be laid out in a remote area, possibly in the Southwest, where they would feed their collected energy to a central powerplant.

Such a solar farm, as Honeywell calls it, could also serve another use. The shade provided by the large trough would permit grass to grow. Thus cattle could be grazed on this land.

Among the recent proposals for generating electrical power by collecting solar energy in outer space and beaming it to earth via microwaves is one designed by J. T. Patha and G. R. Woodcock Boeing Co., Seattle.

They told participants at the Eighth Intersociety Energy Conversion Engineering Conference, Philadelphia, that while major engineering development strides will be required to make such a system feasible, the technology is a simple, plausible extrapolation of what we already know today. At least, it is no more or no less feasible than large-scale systems that would be earth-based, they note.

MAJOR TECHNICAL PROBLEM

Just about all the solar scientists claim that solar energy can be put to practical use today, with today's technology. All do admit, however, that there is one area where the technology can stand some improvement.

Jim Eibling, a solar scientist at Battelle Memorial Institute, Columbus, Ohio, explains this deficient area: "What we need are better ways to store heat energy." Without any equipment for storing heat, he points out, solar energy could provide 40% to 50% of a home's heating and cooling needs.

"However, if we could store this energy for just a few days, we could provide 75% of a home's heating and cooling needs. And, we could get up to 90% to 100% if we could store energy for a few weeks."

Some of the more primitive solar energy houses in the U.S. (there are only a dozen or so, usually built by individuals) use stones or gravel to store the heat of the sun. (With today's storage capabilities, these solar houses also use auxiliary heating systems for those periods of prolonged cloudiness.)

Salt mixtures are also being tried by several research teams. The importance of this area of research is indicated by Mr. Eibling: "With present day technology, the average house in the U.S. could get all its energy needs from the sun, if we had long-term storage techniques."

But no one is waiting for this breakthrough. Solar energy projects are moving ahead now. And, a recent National Science Foundation-National Aeronautics & Space Administration study projects that 10% of all buildings constructed by 1985 will have solar climate control systems. That means a $1 billion market over the next ten years.

By Mr. JACKSON (for himself and Mr. RANDOLPH):

S. 2652. A bill entitled the National Coal Conversion Act of 1973. Referred to the Committee on Interior and Insular Affairs.

NATIONAL COAL CONVERSION ACT OF 1973

Mr. JACKSON. Mr. President, in the last 2 weeks, we have had dramatic reminders that a growing dependence on imported oil cannot be tolerated. Increased reliance on Mideast and other foreign sources is not a viable approach for assuring that we can meet our future energy needs.

In the past, it has been "an easy way out" to import relatively inexpensive foreign oil. We have drifted into a dependence on oil imports. Now, when these imports are no longer readily accessible or dependable, we must accept the need for changes in our fuel consumption habits. In recent years, while domestic oil production has been declining, demand has soared.

Similarly, natural gas is currently in short supply. Natural gas is a premium fuel, prized for its cleanliness and for the convenience with which it can be extracted, transported, and burned. Yet, for the past several years new discoveries have not kept pace with consumption. Currently, supplies are very tight, with some consumers facing curtailment and new consumers shut out of the market almost entirely.

With such a tight supply situation, we have lost much of the flexibility in our energy distribution system. A perfect example of this problem is our current crisis: we face oil shortages this winter of up to 3 million barrels a day. Unwise use of our fuel resources and the lack of a rational energy policy has brought us to the brink of this emergency. But we need not be in this situation.

We must stop wasteful use of these increasingly scarce fuels. Petroleum and natural gas are fuels in limited supply. Both are valuable for other uses which cannot be served by coal. The transportation and agricultural sectors are areas in which coal cannot be substituted for oil and gas. National policy should, therefore, conserve these fuels for priority uses. Yet, we are currently burning both oil and gas as boiler fuel to produce electricity, process steam in industry, and so forth—uses which can be served by more abundant coal supplies.

This misuse of fuel is not inevitable and can be alleviated relatively easy. The Federal Power Commission's Bureau of Power has just issued a report entitled "The Potential for Conversion of Oil-Fired and Gas-Fired Electric Generating Units to Coal" showing that about 44 percent of our oil-fired electric plants are equipped to burn coal and could be converted within a year to the use of coal as a primary fuel. If this change were made, we could conserve nearly 500,000 barrels of oil a day. This is more than 40 percent of our 1972 consumption of residual fuel oil and nearly all of our projected import needs for this winter. In the longer run, many more plants can be converted to coal, and even more significant savings realized. These are savings which can scarcely be achieved by any but the most spartan conservation measures.

Had we instituted a coal conversion program a year ago, New England, which in 1972 generated about 74 percent of its electricity in plants using oil and natural gas, would by now have reduced this dependence to approximately 45 percent. In the process, 21 million barrels of oil would have been saved. In the Middle Atlantic States—Pennsylvania, New York, and New Jersey—a natural gas and oil dependence of 41 percent of electricity generation could be reduced to around 20 percent, with a savings of over 84 million barrels. And in the south Atlantic region—Maryland through Florida, including West Virginia—a 35-percent dependence could be reduced to 23 percent, saving approximately 48 million barrels.

Mr. President, I believe that it is essential that the Nation adopt as a matter of national policy a strategy which will enable us to reduce the demand for both natural gas and imported petroleum by converting electric powerplants and other high-volume facilities now burning these fuels to domestic coal. Making this conversion may not be easy for some of these facilities. Implementing such a conversion policy nationally may present logistic problems involving coal supply and transportation systems to move the coal to the converted powerplants and industrial facilities. It will require arrangements for continuing electric service in those areas where plants may be temporarily shut down to convert. The bill is designed to facilitate these steps to energy self-sufficiency.

Perhaps the most difficult aspect of constraints which the Nation's air quality laws have necessarily imposed on the ability of electrical powerplants and other facilities to burn any but the lowest-sulfur fuels. For this reason, this bill provides for temporary and limited variances to be granted from Federal and State emissions standards to facilitate conversion to coal, provided that such variances will not result in violation of primary ambient air quality standards.

Mr. President, I urge the adoption of this legislation. It is entirely appropriate and essential to our long-run energy supply position that we reduce our reliance on foreign oil and increase the utilization of our abundant domestic coal resources. This measure represents the first in what will necessarily be a long series of national initiatives which we must undertake to improve the Nation's capability to be more nearly self-sufficient in basic energy supplies.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1844

At the request of Mr. ABOUREZK, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 1844, the American Folklife Preservation Act.

S. 1929

At the request of Mr. KENNEDY, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 1929, the Nantucket Sound islands trust bill.

S. 2532

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of S. 2532, a bill to amend the Federal Power Act to promote conservation, reduce wastage, and attain greater efficiency in the generation of electrical energy, and for other purposes.

S. 2616

At the request of Mr. GRIFFIN (for Mr. PERCY), the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 2616, a bill to establish an independent special prosecution office as an independent agency of the United States and for other purposes.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 189

At the request of Mr. HUMPHREY, the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Nebraska (Mr. HRUSKA) were added as cosponsors of Senate Resolution 189, to urge the continued transfer to Israel of Phantom aircraft and other equipment.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 621

At the request of Mr. HUMPHREY, the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of amendment No. 621, intended to be proposed to S. 2188, a bill to provide for the identification of a restructured rail transportation system in the Midwest and Northeast regions of the Nation in order to meet the present and future needs of commerce, the national defense, and the environment; the service requirements of passengers, mail, shippers, States, communities, and the consuming public; and for other purposes.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

John L. Bowers, Jr., of Tennessee, to be U.S. attorney for the eastern district of Tennessee for the term of 4 years, reappointment.

Leigh B. Hanes, Jr., of Virginia, to be U.S. attorney for the western district of Virginia for the term of 4 years, reappointment.

James T. Lunsford, of Alabama, to be U.S. marshal for the middle district of Alabama for the term of 4 years, reappointment.

Jack V. Richardson, of Kansas, to be U.S. marshal for the district of Kansas for the term of 4 years, reappointment.

Rex Walters, of Idaho, to be U.S. marshal for the district of Idaho for the term of 4 years, reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, November 9, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON OIL AND GAS DEVELOPMENT IN SANTA BARBARA CHANNEL

Mr. METCALF. Mr. President, ever since the famous oil well blowout in the Santa Barbara Channel in January 1969, the future development of the oil and gas resouces under the channel has been a matter of great concern throughout the United States, particularly in California. The Committee on Interior and Insular Affairs has held hearings on legislation concerning the Santa Barbara situation in both the 91st and 92d Congresses. No law was enacted.

The senior Senator from California (Mr. CRANSTON) has introduced a bill designed to resolve the many unanswered questions—the Santa Barbara Channel Federal Energy Reserve Act (S. 2339). President Nixon also has proposed legislation dealing with the Santa Barbara situation—S. 1951.

I wish to inform all Senators and other interested persons that the Subcommittee on Minerals, Materials and Fuels will hold a hearing on S. 1951 and S. 2339 on November 12. At this hearing we will hear Government witnesses only. The hearing will begin at 10 a.m. in room 3110, Dirksen Senate Office Building.

OPEN HEARING ON S. 2589, NATIONAL EMERGENCY PETROLEUM ACT OF 1973

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate and the public that the Committee on Interior and Insular Affairs will hold an open hearing on Thursday, November 8, on S. 2589, the National Emergency Petroleum Act of 1973.

I need not remind my colleagues of the urgency for considering this measure. Since its introduction, the Interior Committee, together with members from the Committee on Commerce, Public Works, and the Joint Committee on Atomic Energy, have been meeting with administration officials in an effort to devise the best possible strategy to meet the current and prospective energy crisis facing the country. We are actively working on this legislation, and the hearing next Thursday will be for the purpose of receiving testimony from representatives of the administration, including Gov. John A. Love, Director, Energy Policy Office. The committee will invite statements for the record from industry and other witnesses. Time will not permit oral testimony. It is our hope to put together a full and complete hearing record which will be useful and instructive to the Members of Congress and the public as this legislation is considered.

The hearing will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

ADDITIONAL STATEMENTS

DEPARTMENT OF DEFENSE SEMIANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE PROGRAMS

Mr. McINTYRE. Mr. President, under the provisions of section 409, Public Law 91-121, the Department of Defense is required to submit a semiannual report on funds obligated for chemical warfare and biological research programs. In the past this report has contained classified material, so that it could not be inserted in the CONGRESSIONAL RECORD or otherwise be made available for public information.

The Department of Defense for the first time has prepared the report so that it contains only unclassified information. Thereafter, the report covering the second half of fiscal year 1973 can be made public. I request unanimous consent to insert the full report in the RECORD.

I would also like to call to the attention of the Senate the comemnts made by the Armed Services Committee on the fiscal year 1974 chemical and biological warfare programs, which appear on pages 104 and 105 of Report No. 93-385 on the fiscal year 1974 military procurement bill.

There is a widespread interest in the chemical and biological warfare programs of the Department of Defense. Therefore, I will present this report in this same manner in the future to the extent that it is not classified for security purposes.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., Aug. 14, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with the requirements of Section 409, Public Law 91-121, the Department of Defense semiannual report on funds obligated in the chemical warfare and biological research programs during the second half of fiscal year 1973 is attached.

The report provides actual obligations through 31 May 1973 and estimated obligations for the month of June 1973. The report for the first half of fiscal year 1974 will include an adjustment summary which will permit the conversion of estimated obligations for the month of June 1973 to actual.

As a result of inquiries received from members of the House of Representatives relative to the declassification of the semiannual reports, the attached report has been prepared to present unclassified information. Wherever possible, future reports will also be submitted on an unclassified basis.

The attached report has also been sent to the Speaker of the House of Representatives.

Sincerely,

W. P. CLEMENTS, Jr.,
Deputy.

DEPARTMENT OF DEFENSE SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAM OBLIGATIONS FOR THE PERIOD JAN. 1 TO JUNE 30, 1973, RCS DD-D.R. & E. (SA) 1065

[Actual dollars]

	Army	Navy and Marine Corps	Air Force	Total
Chemical warfare program	$19,455,002	$291,000	$100,000	$19,846,002
R.D.T. & E.	8,124,000	0	100,000	8,224,000
Procurement	11,331,002	291,000	0	11,622,002
Biological research program	4,202,000	0	0	4,202,000
R.D.T. & E.	4,202,000	0	0	4,202,000
Procurement	0	0	0	0
Other ordnance program	$27,706,328	−$41,000	$290,000	$27,955,328
R.D.T. & E.	1,329,328	0	0	1,329,328
Procurement	26,377,000	−41,000	290,000	26,626,000
Total program	51,363,330	250,000	390,000	52,003,330
R.D.T. & E.	13,655,328	0	100,000	13,755,328
Procurement	37,708,002	250,000	290,000	38,248,002

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD-D.R. & E. (SA) 1065

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animal Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM

Description of effort	Funds obligated (millions of dollars) PY / CFY	Funds obligated (millions of dollars) In-house / Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS			
Chemical warfare program	−0.032	7.176	During the second half fiscal year 1973, the Department of the Army obligated $8,124,390 for general research investigations, development and test of chemical warfare agents, weapons systems, and defensive equipment. Program areas of effort concerned with these obligations were as follows:

Chemical research:	
Basic research in life sciences	0
Exploratory development	$398,332
Total, chemical research	398,332
Lethal chemical program:	
Exploratory development	0
Advanced development	1,540,572
Engineering development	0
Testing	2,270,000
Total, lethal chemical	3,810,572
Incapacitating chemical program:	
Exploratory development	0
Advanced development	660,000
Engineering development	0
Testing	25,000
Total, incapacitating chemical	685,000
Defensive equipment program:	
Exploratory development	1,597,395
Advanced development	773,927
Engineering development	−45,836
Testing	456,000
Total, defensive equipment	2,781,486
Simulant test support	449,000

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD-D.R. & E. (SA) 1065—Continued

[[1] In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM—Continued

Description of effort	Funds obligated (millions of dollars) PY CFY	 In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			
1. Chemical research	0.122 .276	0.220 .178	
(a) Basic research in life sciences.	(.000) (.000)	(.000) (.000)	1. No additional funds were obligated during the report period. Life sciences basic research in support of chemical materiel continued as follows with funds previously obligated:

(a) Studies were conducted in attempts to induce soil bacteria with respect to thiodiglycol (hydrolysis product of H) and similar compounds for enzyme induction in microorganisms. Studies of solvent effects on solvolysis and chemical reduction were initiated. The reaction of tetraethylammonium fluoride with a phosphonate in acetonitrile showed a positive internal salt effect with an increasing bimolecular rate constant.

(b) Effort was initiated to establish the design criteria for filters that will remove physiologically active aerosols from environmental air with maximum efficiency and minimum power consumption. Equations were developed to predict the aerosol flow rate corresponding to maximum penetration from limited data points. The study of an holographic laser camera technique for following aerosol formation from explosive dissemination was continued. Static calibration trials confirmed the system's particle size resolution limits. Trials with liquid-filled bomblets were made at a series of growth radii relative to the expanding cloud front and at varying times during cloud growth without evidence of a leading droplet spray (as expected).

(c) A closed-system apparatus designed to monitor intermediate rate reactions has been constructed. The reaction product obtained from the interaction of binary intermediates QL and NM has been characterized by gas chromatography and mass spectrometry. The internal reaction pressure as a function of reactor void, and the time-temperature profile of this reaction have been determined. The reactor has been used to characterize and develop reaction simulants—having reaction times and pressures comparable to the QL/NM reaction. Additional effort will be expended to elucidate the rates of agent and simulant reactions; particular emphasis will be placed on the measurement or pressure/reactor void relationships. The technique of fast Fourier transform infrared spectroscopy will be evaluated (theoretically) for application to this problem.

(d) A report is being prepared describing the behavior of free-falling droplets (less than 1 mm in diam). The experimental results were found to be in good agreement with results obtained when drag coefficients for falling water droplets were used; however, some deviation occurs at velocities greater than 325 meters/second. Preliminary plans have been formulated for a column which will permit studies to be made with large droplets (3–4 mm diam) of agents at speeds approaching terminal velocity. Careful consideration will be given to the specific technique, apparatus, and physical layout of this equipment for future work with toxic agents. Fabrication and assembly will be undertaken. As presently envisioned, photographic techniques will be employed to collect the experimental data.

(e) Preliminary evaluation of the rate data obtained in a high pressure thermogravimetric apparatus indicates that atropine undergoes a first-order weight-loss (indicative of decomposition) during the initial one-third of the sample weight-loss. The kinetic data also show the material to be decomposing to form one or two volatile products and one nonvolatile product. A decomposition mechanism has been written. Under atmospheric conditions a simple half-order evaporation is obtained. A large amount of effort was devoted to the selection of computer plotting facilities to handle the large amount of data and numerous calculations involved. This study demonstrated the practical aspects of this approach. Future compounds for study will be selected to demonstrate the useful range and/or limitations of the technique. The mathematical equations, computer techniques, and automatic data plotting aspects of the data reduction will be improved.

(f) The effects of morphine in relation to GD poisoning have been examined in the cat. Morphine abolishes all eclectrical activity in the phrenic nerve and reduces the sensitivity of the respiratory center to stimulation by CO_2. Both Nalline (a morphine antagonist) and GD will reverse these effects. The results suggest that the respiratory depressant effect of morphine comes from its ability to occupy receptor sites in the brain other than those occupied by ACh. GD (7–10 ug/kg, i.v.) restores respiration to the morphine-paralyzed system. Smaller doses are ineffective and larger doses merely cause CNS poisoning, reversible by atropine but not by Nalline. In a cat poisoned by GD at 15 ug/kg, morphine given in the early phase causes immediate respiratory arrest. Hemicholinium has been shown not to be satisfactory for treatment of GD poisoning. The supramedullary area has been selected as the next field of investigation. Efforts will be made to localize the sites of action by means of singlecell recording.

(g) The isolation and characterization of the cholinergic receptor protein from eel AChE has been continued. After isolation of the membrane fraction of homogenized eel electroplax it was radiolabelled with either 125I or 3H labelled cobra neutrooxin. Acetylation of the toxin with 3H acetic anhydride in the presence of carbondiimide was finally successful. Recent results suggest that the receptor is a proteophospholipid (actually a phosphoinosotide). The receptor protein will be given a lipid-spin label and the EPR spectrum will be examined before and after reactions with ACh and other agonists. The effects of binding various drugs on the receptor conformation will be studied by Optical Rotatory Dispersion, Circular Dichroism, difference spectrophotometry as well as spin labelling.

(h) Comparisions of performance ability in human subjects were made after giving paired drugs, with the Number Facility (NF) and the Variable Interval Time Analyzer (VITA) as criteria for performance. The subjects received alcohol: placebo, alcohol: diazepam, and alcohol: methylphenidate. The results to date indicate that performance is impaired more by the alcohol (ethanol): diazepam, and less by the alcohol: methylphenidate, compared to the alcohol: placebo. Studies will continue on the interaction of drugs in man and the combined effects on performance and physiological changes.

(i) Using highly-purified eel AChE, attempts have been made to label the active site with appropriately sized spin-labels so that the structure and stability of the active site of the enzyme can be elucidated (provides information on the mechanism of action of G-agency poisoning). Several spin-labels have been designed, formulated and tested by electron paramagnetic resonance techniques. Studies of circular dichroism and optical rotatory dispersion have also been undertaken. So far no significant differences have been seen in fresh and partly inactivated enzyme. Further studies along the same lines are planned, particularly with intermediate size spin-labels. When satisfactory labels are found, agent effects on the enzyme will be scrutinized.

(j) Using histochemical detection of succinic dehydrogenase (SDH) and lactic dehydrogenase (LDH) (quantitated by photodensitometry), it was established that at 3 percent oxygen, there is a quantifiable increase in the amounts of LDH and SDH present in specific cellular layers of the oxygen starved cornea. The elevated amounts of these enzymes indicates a shift for aerobic to anerobic metabolism in corneas exposed to decreased levels of O_2 for controlled periods. The morphological effects are being assessed. In future work epithelial structures, such as rabbit cornea will be exposed to irritating substances which are known or purported to alter corneal structural integrity or permeasibility. The morphobiochemical effects will be determined.

2. During the report period basic research in chemistry continued as follows:

(a) Considerable effort has been applied to multiple-detector gas chromatography. Attempts are being made to correlate, mathematically, the various "specific" versus "nonspecific" detector response ratios to ascertain gas chromatographic component identifications. Additionally, more sensitive methods of detecting one type of incapacitating agent is being pursued. Basic research will continue on fundamental studies on metabolites, hydrolyzates, and other degradation products of chemical agents (essential to the determination of the total quantity of agent initially present in a suspected contaminated area). All types of spectrometric analysis and elemental analysis will continue to be employed in the identification process.

(b) The Nuclear Magnetic Resonance (NMR) spectral parameters have been determined for five compounds in the phenylphosphonic difluoride series. Studies were conducted on the kinetics of the reactions of the difluorides and 2-propanol, with and without accelerators present. The NMR spectral parameters of two additional phenylphosphonic difluorides will be determined and kinetic investigations will continue to elucidate further the mechanism(s) involved in these reactions. The effect of structure on reactivity and on the spectral parameters may then be evaluated.

	Funds obligated (millions of dollars)		
Description of effort	PY CFY	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			(c) The use of an infrared spectrophotometer as a detector was studied and the investigation of other detectors continued for the identification and quantitation of compounds of interest separated by high speed liquid chromatography. Studies were made of new separation schemes for the analysis of compounds by the same process. Studies will be performed on the separation, identification and quantitation of compounds of interest utilizing high speed liquid chromatography. Research will continue into the use of different detectors for the direct identification and quantitation of compounds of interest.
(b) General chemical investigations.	(0.122) (.276)	(0.220) (.178)	Exploratory development investigations continued in search for potential chemical agents, techniques of evaluating effects of chemicals, medical effects of chemical agents, dissemination and dispersion techniques, process technology, test and assessment technology, systems analysis, evaluation of foreign CW potential, simulation technology and chemical safety. 1. In search for potential agents: (a) The number of agent compounds submitted for toxicity screening has been reduced. However, the variety of special studies that demand attention has increased. Six reports that covered several years work were completed. Screening methodology will be updated, with particular emphasis on new methods to make systemic incapacitant screens, using small animals, more predictive as to the possible effect (both desirable and noxious) in man. An important new area to be developed will be the study of possible toxicological interaction (synergism or potentiation) of chemical agents with air pollutants. (b) In the physical chemical studies on new classes of compounds, two Edgewood Arsenal Technical Reports are in the final stages of publication. These reports cover mass spectra studies. Many compounds have been obtained and analyzed for Nuclear Magnetic Resonance (NMR) spectra and a large volume of spectra were required for the analyses of these compounds which were submitted for evaluation. In the analytical molecular structure determination, confirmation and quantitative/qualitative analyses of toxic chemical agents and related compounds, infrared spectra have been determined and band assignments made for a specific series of compounds, and an Edgewood Arsenal Technical Report has been published on these data. As new potential agents are uncovered, studies will be undertaken, using spectroscopic techniques, to elucidate molecular structures. Thermal analysis, involving molecular orbital calculations, will be initiated to determine the feasibility of applying this technique for correlating activities with structure. Other chemical and instrumental methodologies will be exploited to determine the chemistry of agents. 1. 2. In techniques of evaluating effects of chemicals: (a) Experiments designed to identify the effects of different drugs on the central nervous system have shown that antinicotinic compounds (e.g. mecamylamine) and antimuscarinic compounds (e.g., scopolam) affect separate pathways in the CNS. These results were obtained by fear-conditioned response studies in rats. Similar analyses have shown that anti-ChE compounds (G- and V- agents) affect pathways which are from those affected by anticholinergics (stropine, scopolamine, etc.). Other experiments in rats with operant-type experiments have been directed toward an examination of the extent to which physostigmine will reverse the effects of incapacitating agents such as EA 3834. The results in hand indicate that when separate behavioral responses of the rat are examined after treatment with EA 3834 and physostigmine, some but not all are restored to normal by the physostigmine. (b) Work has been resumed on a study of the effects of the protective ensemble (protective clothing, mask and hood on prolonged visual monitoring. The monitoring has been done with a model task system intended to represent a variety of real systems) (radar screens, tracking system instruments, etc.) Observations have also been made on the use of this task as a component of systems used to evaluate new mask designs. A facility using existing space and equipment has been developed to permit the evaluation of human movement and response rates under a variety of conditions. The objective of this effort is the evaluation of performance criteria and subsequent changes which result when a variety of defense material are used. Data has been used to provide a concrete basis for recommended design changes. These studies are continuing. (c) An automated system has been devised for measuring hemoglobin-methemoglobin levels in blood as a part of the study of cyanide poisoning. A similar automated method has been applied to measure cyanide in blood. As little as 1 ug/ml can be detected. Another application of the automated assay permits measurement of physostigmine in aqeuous solutions when used as an inhibitor of ChE. Efforts will continue to simplify analytical procedures with the goal of automation where applicable and to increase sensitivity of methods used to detect and quantify agents and drugs in various body organs, tissues, and liquids. 3. In medical effects of chemical agents: (a) Long term toxicity evaluations of vapors of difluoro (DF) have continued on dogs; guinea pigs, rats, mice and rabbits. Mutagenicity, teratology, cutaneous sensitivity, physiology, hematology, as well as general toxicity and pathology, have been evaluated. Studies with DF will continue, oriented toward the Binary GB Weapon System. Testing of the chronic toxicity of a mixture of IP and KZ will be initiated. Screening studies have been performed with wet-wet and dry-wet binary test samples of VX. Results indicate that VX production is less than 100 percent efficient. Spin rates of the samples produced appear to have little influence on toxicity of the material produced. (b) The uptake of radiolabeled EA 3580 has been studied in various tissues of rats. Brain, muscle, and heart seem to acquire lower levels than lung, liver, and kidney. The caudate nucleus appears to attain higher levels of glycolate than other regions of brain. Further improvements have been made to standardize the host-mediated assay and a new rapid in vitro screening method for mutagens has been devised. Several strains of E. coli, differing in DNA repair capacity, are exposed to a gradient of the chemical being tested in a Petri plate. The CNS mechanisms regulating water balance are being studied as indicators of the sites of action of various chemical agents and drugs. At 100–600 ug/kg doses, EA 3834 increases the thirst threshold of rats (inhibits drinking) significantly. Atropine SO4 at 20 ug/kg and Librium at 10 ug/kg were also effective. Compound 309,196 is much less potent in its effect on thirst control mechanisms. No change in threshold was found even at doses 100 x those of EA 3834. Studies in animals will continue on the evaluations and determination of site of action of compounds of interest. (c) Critical flicker fusion frequencies have been measured in volunteers who have received various doses (0.25, 0.125, and 0.06 percent) of pilocarpine to constrict the pupil. One eye was treated and one was used as a control. Pilocarpine caused a reduction in the critical frequency. Similar measurements have been made with scopolamine. This will be continued in order to show whether the effect is central or peripheral and whether glycolates have similar effects. Significant differences have been found to red and green visual fields of human subjects after exposure to 302,196. Color vision is also being examined after men have been exposed to EA 3834. To date no significant differences have been seen. Penetration of EA 3834 through skin can be demonstrated by reduction of local sweating. On neck skin of man this varies from 30 to 77 min, depending on dose. Skin penetration, sweating, and vision studies related to compounds of interest will continue in the next period. 4. In chemical dissemination and dispersion techniques: (a) Flight dynamics of inert submunitions which were base ejected from an 8" shell at Dugway Proving Ground were analyzed. Trajectories of the individual submunitions and the resulted ground patterns were examined. A variety of non-lethal projectile configurations were designed and tested in an effort to improve sealing and functioning of the projectiles containing simulants. Aerodynamic studies were conducted on conventional and advanced configurations which appeared to be feasible for achieving extended range for both hand-held weapons and artillery weapons systems. (b) Binary programs were supported by the following chamber/simulant test programs: (1) aerosol characteristics vs burster size for 8-inch projectile submunition, (2) diaphragm rupture characteristics and agent mixing for an air delivered munition, (3) dissemination at cold ambient temperatures; effect of a central void; and aerosol ingition by hot aluminum fragments for models of the XM687 projectile. Preliminary feasibility tests have shown that this system should provide superior "pre-masking" target coverage to the XM687 GB projectile or the XM723 incap projectile. Also a percutaneous capability will be established for Agent EA 3834 and the drop size control will be improved over the percutaneous effects 8-inch VX "expulsion" system. Target coverage vs time data will be obtained to enable system analysis studies to provide quantitative predictions of these capabilities.

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD-D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM—Continued

	Funds obligated (millions of dollars)		
	PY	In-house	
Description of effort	CFY	Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			

(c) A preliminary mathematical model to describe the functioning of the two compartment generator based on, spray equations has been made. The model shows that aerosol sized particles can be created under the conditions of the two compartment functioning. Vaporization-condensation parameters are being considered as a method of making the model more descriptive of the actual phenomena occuring. Electro-analytical procedures were initiated to determine whether electrical oxidation correlates to pyrotechnic oxidation in the pyrotechnic generator. Initial experiments with dye were promising in that similar products were generated from both processes. Potential differences between products were tabulated.

5. Chemical agent process technology studies continue. The current effort is primarily associated with binary G and V systems. NM, a reactant for a binary V agent system, was synthesized for evaluation in a binary reactor. The evaluation showed promise so laboratory studies were started on the process parameters of NM production. The first samples of NM were not stable during low temperature storage so the process must be improved to improve storage stability. Intermediates for other binary systems were also synthesized. Analytical support was supplied for pilot plant work on binary G-reactants. Analytical investigations were conducted to develop or improve methods for use in pilot plant studies and in specifications. An investigation on agent CR was started to determine specification requirements and to develop the required analytical techniques. Candidate agents were synthesized for evaluation in other research programs.

Investigations on a laboratory scale and a prepilot plant engineering scale will be continued where data are lacking on reactants for binary G and V agent systems. The process study on NM will be completed in which the objective will be to produce a stable high sulfur content compound. Analytical assistance and development of analytical techniques will continue on specific problems. Candidate agents will be synthesized for evaluation in the research programs. Environmental pollution problems at Edgewood Arsenal connected with the mission operations will be studied.

6. Effort continued in chemical test and assessment technology. An experimental chamber test program was designed to determine the extent at which simulant properties affect the explosive dissemination process. A novel test device and sampling technique was devised to track the liquid cloud produced by a directional explosive projector. The analyzer portion of the particle transport and diffusion test system was refined by a factor of 2 and 5 micron detection and count capability was achieved. The chamber studies on similant properties will continue with the objective of determining the liquid variables which control explosive dissemination. Work will resume on methods of producing monodisperse particles as part of the particle transport and diffusion test system.

7. A comparative cost effectiveness analysis of several versions of the XM256 Detector Kit was performed. An optimization study was made for the 8-inch binary projectile and a ballistic similitude analysis was made for the XM687 and M483 projectiles. A comparative cost effectiveness analysis will be performed for the rocket and missile systems filled-GB, VX and IVA. A comparative cost effectiveness analysis and a risk assessment for the 8-inch VX system will be performed. The risk analysis for the XM687 will be updated.

8. In technical assessment of foreign CW potential:
   (a) A candidate warhead payload was selected and a test firing conducted at White Sands Missile Range. The warhead fell short of its intended target by approximately 1000 yards. Although the desired grid data was not obtained, valuable film data on the fluid breakup was obtained. An investigation was conducted on the cause of short range flight and tentative conclusions reached. It is intended to statically test three rocket motors to test the hypothesis for short range flight. Additionally, another warhead firing test with complete grid analysis is scheduled for October–November 1973.
   (b) Procedures were developed for analyzing the simulant used in field tests of experimental defensive warning and detection systems against offensive CW threats. Another field trial will be conducted to determine the threat by the means of delivery of the weapons system. Data thus generated will be used to guide the development program for defense equipment.

9. In simulant and training agent investigations:
   (a) The investigation of the irritant compound, EA 4923, as a training agent has continued since this agent would simulate a nonpersistent agent and formulations could be developed leading to diluted or thickened agents which could offer a range of properties for the simulation of the three types of chemical agents desired. Another agent under investigation for consideration as a training agent is the respiratory irritant, EA 3547. Decontamination techniques for EA 4923 and EA 3547 are currently being assessed. Future investigations will be guided by user requirements. Decontamination and defensive techniques will continue to be devised.
   (b) Toxicity and drug therapy studies were completed with MSF (methane sulfonyl fluoride) and DMPT (O,S diethyl methyl phosphonothiolate), GD, and VX simulants, respectively, for the M8 alarm. Though not devoid of toxicity, these simulants were much safer than the agents they replace. Atropine was clearly indicated for MSF poisoning. However, the oxime, 2-PAM C1, should not be used adjunctively. For DMPT, both atropine and adjunctive 2-PAM Cl were suggested for victims of accidental poisoning. Request was also made to the Surgeon General for approval of the use of 1 percent CS in PG as a training agent in the field exercise METOXE III. The approval has been granted. Proposed simulants as training agents for small or large scale exercises introduced into the simulants program will be tested for their acute toxicity in small laboratory animals.
   (c) Test models of each of two concepts of a ground burst simulator for training agents were fabricated and subjected to functional testing. Future effort will include improving the dispersal characteristics of the ground burst simulator selected because of its safety and realism and exploratory development of an air burst simulator which fulfills the CONARC requirements

10. In chemical safety investigations:
    (a) A series of VX samples were analyzed to determine the reaction rate and the effectiveness of decontaminating VX using bleach or chlorine. An Edgewood Arsenal Technical Report was submitted which included mass spectrometric studies to characterize and catalog the fragmentation patterns of agents and potential agents so that identification of these and related compounds becomes more certain and rapid. A number of waste water samples, which were decalin solutions of vapor samplings, were analyzed for the identification of a possible irritant, also samples of air pollutants collected in decalin were analyzed for identification of a lachrymator-irritant present in some of the samples. Effort will continue and be extended to other classes of compounds in the same depth as described for lethal agents. The extent of this undertaking will depend on future requirements for the production, stockpiling, testing, and demilitarizing of such agents.
    (b) The ecological survey of Carroll Island has resulted in a large amount of data on animal and plant populations of the area. This information is being entered on punch cards. Rare and endangered species have been identified. Mammalian studies have been focused recently on squirrel densities and on bat populations. An inventory of woody plants has been completed. Effort is being put into study of the turtle population because they are slow to miltiply and normally live in restricted habitats. This makes them especially good indicators of any serious environmental event. Ecology teams are advising and assisting program managers who lacked the required biological background to prepare acceptable environmental assessment statements. These teams are identifying RDT&E programs for which environmental assessment statements are required and are providing assistance to program managers. The quality and acceptability of environmental statements being prepared has improved very much as a result of this assistance. Population counts of plants and animals will be added to accumulated data banks. Special studies will focus on the turtle population, which appears to be a key species for identifying past effects of agent dissemination.

Description of effort	Funds obligated (millions of dollars)		Explanation of obligation
	PY CFY	In-house Contract	
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			(c) During this report period, tests were conducted to establish the maximum permissible quantity of agent to be disseminated in the Explosion Test Chamber and the Toxic Dissemination Chamber. It has been established that not more than 5 lbs. can be dispersed during any one test. The exhaust gas and particulate filters of the chambers were tested and found satisfactory. Decontaminating solution and procedures for toxics and incapacitating agents were established. Bleach solution will be used for toxics and an acetic acid wash, followed by neutralization with caustic solution, will be used for incapacitating agents. The holding tank disposal procedures were established. All chamber washings will be held for 24 hours in holding tanks, after which time an analysis for the presence of toxic or incapacitating agents is made to insure that complete destruction of agent had occurred. The pH of the solution is then adjusted to 6.5–7. The solution is then disposed of by further dilution with fresh water in a ratio of 100:1. During the next reporting period, plans to move the Controlled Velocity Test Chamber from Carroll Island to Gunpowder Neck area will be expanded to include a long-time surveillance and rough handling facility for toxic and incapacitating agent-filled munitions. Efforts to construct a permanent change house for the Explosion Test Chamber will be continued.
2. Lethal chemical program	0.000 3.811	3.582 .229	
(a) Agent investigations and weapons concepts	(.000) (.000)	(.000) (.000)	No additional funds were obligated under this effort during the report period. Exploratory development effort was expended as follows with funds previously obligated: 1. Structure-activity relationship studies on carbamates have continued with significant attempts to synthesize several possible metabolites and gain more insight into the mode of physiological action. The studies on compounds as related to intelligence sources are continuing and emphasis is being directed toward binary studies. In studies relating to analytical support, a report has been prepared for publication detailing a thin layer chromatography method for the separation of various G agent acids. In order to streamline chemical investigations of lethal agents, physical studies with intermediate volatility agents will be combined with this plan and studies will be initiated on newer agents of interest as they are developed. Partition coefficients with selected systems will be continued. Chemical investigations of new binary systems, to be used in a retaliatory role, will continue with major emphasis on binary systems research concerning compounds of interest as furnished by intelligence sources. 2. The speed of action of VX, EA 1356, and EA 5365 was also evaluated through bare and clothed skin of rabbits at dose levels equivalent to 2, 5, 10, and 20 times their respective LD 50's. Toxicity of GD through bare and clothed skin was conducted. Studies will be initiated to evaluate the influence of changes in agent particle size and of windspeeds on munition expenditures for the eight inch binary projectile agent selection. 3. Technology for the practical generation of binary VX by liquid-liquid system was advanced. Progress was made in the development of a practical binary process for EA 5365 and its analogs, although much still remains to be accomplished. Additional information was generated on specifications for binary intermediates. Effort was continued in the investigation of simulants/simulation techniques for both VX and GB binary systems to permit full scale reaction and dissemination tests. Effort will continue in the development of binary procedures for new agents as well as exploitation and/or optimization of techniques for existing binary processes. Work will also be performed in the development of ingredients specifications and simulants for the binary reactions. 4. Exploratory development of a 155mm binary IVA projectile was continued. Preliminary designs completed for this system included explosive and expulsive munition concepts with agents EA 1356 and EA 5365. Critical trajectory tests were completed for the explosive round. Hardware based on preliminary designs for the 155mm IVA projectile will be fabricated and tested with optimization of the base-expulsion design as a primary objective. The effort will involve necessary analytical, aeroballistic and structural work; theoretical and experimental evaluation of in-flight mixing methods; and evaluation of simulant dissemination with this munition configuration. 5. Experimental hardware for the binary missile warhead and air-to-ground rocket warhead was fabricated and successfully tested. The suitability of equipment and techniques for introducing the second binary ingredient into partially-filled bomblets preassembled in the missile warhead was demonstrated. Design efforts on the rocket warhead were continued, with emphasis on the refinement of the bore-rider mechanism to achieve reliable rupturing of the bulkhead and proper mixing of the two binary ingredients at launch. A parametric study was initiated to provide estimates of the relative effectiveness of missile warheads with massive, segmented, and bomblet configurations. Studies will be continued to evaluate current and new lethal binary agents for use in missile warhead systems, and to determine the effects of flight environments on the binary reaction in warhead systems. Test hardware and instrumentation will be designed and fabricated for static and dynamic tests to be performed in support of these studies.
(b) Agent pilot plant investigations	(.000) (.000)	(.000) (.000)	No additional funds were obligated under this effort during this report period. Advanced development effort was expended as follows: 1. Development of chemical treatment of waste materials anticipated from manufacture of methyl phosphonyl difluoride (DF) was conducted. The objective of chemical treatment is to transform DF waste, such as distillation residues, to a form or forms suitable for disposal or interim storage. Neutralization of DF residues with aqueous sodium hydroxide was shown to be a simple process. The applicability of spray drying to convert the neutralized material to a dry solid state was demonstrated. In addition, the applicability of centrifugal filtration to separate the precipitated sodium fluoride from the neutralized material was demonstrated. The sodium fluoride filter cake was found to be easily tray-dried, and the filtrate (an aqueous solution of the sodium salt of methyl phosphonic acid) was easily spray dried. Data were obtained applicable to the specification of industrial equipment for these operations. A follow-on process/unit operation development program will be applied to such G-binary intermediate product on routes from VX demilitarization residues as may be shown feasible in further laboratory studies. Process/unit operation subpilot studies will be conducted on laboratory improvements to the process for production of intermediate NM for the VX binary liquid/liquid system. Materials compatibility studies will be conducted with this and other later generation binary agent components. Munition tests will be supported by filling of test items. 2. Design and fabrication of a prototype machine for filling and closure of both canisters for the XM687 binary munition are being performed to meet development testing (DT II) requirements in 2d quarter fiscal year 1974. Filling and closure studies have been concurrently performed. Filling is being done by a commercially available pharmaceutical filler. Closure studies have evolved from heat seal closure of large tube diameter to spin welding of a small centrally located filling port. This approach will allow eventual fabrication of an all-up container, probably blow moulded. Developmental studies have been completed to determine closure integrity by tracer gas detection. Direct detection of the agent has been temporarily suspended in order to meet the DT II filling schedule. Preliminary studies have been initiated to determine the closure requirements for the 8-inch binary projectile. Closures with commercially available O-Ring-screwplugs and spin welding are being explored. The prototype filling machine will be made operational during 1st quarter fiscal year 1974. Debugging procedures will be completed during this period. The DT II XM687 canisters (XM20 and XM21) will be filled, sealed, leak tested, and prepared for subsequent LAP operations. Filling and closure studies will be extended to second generation binary systems involving solid and liquid chemical intermediates contained in bulk canisters and in submunitions. These studies will be aimed at developing automated processes for production of the 8-inch binary projectile, the binary air-to-ground rocket, and the binary missile warhead.

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD-D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM—Continued

	Funds obligated (millions of dollars)				
Description of effort	PY	CFY	In-house	Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued					
(c) Tactical weapons systems:					
(1) Advanced development	(0.000)	(1.541)	(1.324	(.217)	Advanced development of the 8-inch binary VX projectile was continued with competitive prototyping of the bulk expulsive and submunition concepts. Both liquid-liquid and solid-liquid binary ingredient systems were studied. Environmental and physical testing demonstrated the integrity of the projectiles. In-flight mixing and dissemination trials with simulants have provided data inputs for the system effectiveness study which will be the basis for selecting the design concept for further exploitation. These dynamic trials were supplemented by agent generation and explosive-dissemination tests in chambers for better prediction of actual munition performance. Advanced development testing of the 8-inch binary projectile will be completed, and a development plan and concept formulation package prepared and staffed for approval to enter engineering development in 2d quarter fiscal year 1974. Commencement of advanced development of the 155mm IVA projectile, which was expected in late fiscal year 1973, was deferred due to the lack of a suitable binary process for an effective IVA. It is now anticipated that this phase will begin in fiscal year 1974 with the initial effort directed toward the development of a test program and the initiation of test hardware procurement.
2. (c) (2) Engineering development.	(.000)	(.000)	(—.012)	(.012)	The formal engineer-design test program for the 155mm Binary GB Projectile was completed, and the prototype system technical review was held for approval to proceed to the DT II phase of development. Simultaneously, a production plan for the acquisition of DT II hardware was prepared and purchase of long-lead-time materials was initiated. Supplemental development efforts to ascertain storage life of canisters and to establish munition effectiveness parameters were continued. With respect to the latter, simulants and simulation techniques have been evolved. Future effort will be concerned with the in-house manufacture of projectiles and ancillary components required for DT II. The supplementary development effort will be continued, effort will be made to estimate munition effectiveness via simulants/ simulation techniques, and if approved, a limited number of open-air tests will be performed. Engineering development will be initiated on the 8-inch binary VX projectile during the next report period.
(d) Materiel tests in support of joint operational plans and/or service requirements.	(.000)	(.928)	(.928)	(.000)	During this report period obligations were incurred in the planning, conduct and/or reporting of joint operational test and operations research studies in response to CINC and Services requirements. The following tests and studies have been actively pursued during this report period: 1. DTC Test 69–14 Phase II: This test was designed to provide the U.S. Air Force with data on the effectiveness of the weapon system (MC–1 Bomb/F4 Aircraft) employing current delivery modes. During this period, 31 field efforts, utilizing the 105 projectile with 15 candidate simulants, were conducted to provide a basis for selection of the best simulant. Four MC–1 flashing trials were conducted with the simulant to verify the 105 projectile trials. Seven of nine MC–1/F4 aircraft trials were conducted for weapon effects data. Hazard analysis has been made and environmental assessment statement prepared for the simulant of choice. Data analysis has been initiated. Final Report is scheduled for second quarter fiscal year 1974. 2. DTC Test 69–14 Phase III: This test is designed to evaluate the hazards resulting from the disposal of damaged or leaking MC–1 Bombs when being handled under current explosive ordnance disposal (EOD) procedures cited in current Air Force Technical orders. During this period a test plan has been prepared, coordinated with the U.S. Air Force and published. Trials to be initiated second quarter fiscal year 1974. 3. DTC Test 73–11. This test is in response to U.S. Air Force and CINPAC requirements and is designed to evaluate and validate emergency destruct procedures for chemical weapons. During this report period a test plan outline has been coordinated and approved by the Air Force and published. Laboratory and munition investigations will be initiated in July 1973 to screen acceptable chemical compounds in order to obtain a test simulant and to obtain test procedures for bomb handling for the field trials scheduled for second quarter fiscal year 1974. 4. DTC Test 71–110 Phase II: This study effort provided CINCEUR with a determination of the effectiveness of V-agent artillery against troops in a temperate European environment. The operations research study was published and forwarded in January 1973. 5. DTC Study 73–111: The U.S. Army requested a computer assessment of the downwind travel and harassing hazards distances resulting from the functioning of nerve agent munitions and to compare these estimates with predictions based on current manuals. During this report period an exhaustive literature review was completed. Safe entering times or safe occupation times were being estimated utilizing a model developed by a DTC contractor. Model computes concentration as a function of downwind distance/time. The model is being modified to incorporate a dose response deviation. The study will be completed 1st quarter fiscal year 1974.
2. (e) Army materiel development (suitability) tests.	(.000)	(1.342)	(1.342)	(.000)	Obligations were incurred for the planning, conduct and reporting for approximately 16 tasks associated with binary weapon systems in response to the U.S. Army's development (suitability) program. The purpose of this testing was to: (1) evaluate the ballistic stability and accuracy of the candidate projectile under various projectile configurations; (2) evaluate rough handling and effects of short term and long term storage under a variety of environmental conditions; (3) identify simulant material that will duplicate the reaction kinetics and dispersion characteristics of V agent munitions; (4) prove that the candidate weapon will disperse its payload in a manner consonant with target effects criteria; and (5) determine the technical performance of the XM687 projectile 155mm and to ensure the item meets the military needs requirements. During this report period, approximately 16 projects were conducted and reported by DTC. Major efforts were on the projectile 155mm and various configurations of the projectile 8 inch. Simulant dissemination trials on prototype bulk filled 8 inch binary projectiles were completed, data analyzed and a model developed to predict target effects was completed. Testing indicated additional field efforts are required. Sixteen flashing trials utilizing two simulants were conducted with the XM687 projectile. Based on the dissemination characteristics, a simulant was selected. Target effects testing will be initiated in the 1st quarter fiscal year 1974. Hazard analyses were made and environmental assessment statements prepared for the simulant. Ballistic firings were conducted employing various configurations of the 8 inch projectile in order to obtain data on optimum design. Safety tests were conducted with 36 projectiles 155mm to ensure the item was inherently sound and safe to release for the engineering tests scheduled for 3d quarter fiscal year 1974. Informal coordination of the preliminary draft test plan for the Engineering test of the projectile 155mm XM687 was completed. Test matrix for the binary agent dissemination trials have been prepared. Hazard analysis and environmental assessment statements have been prepared and forwarded to higher headquarters for approval prior to open air toxic trials of the XM687 projectile in support of the U.S. Army's development program.
3. Incapacitating chemical program	.000	.685	.655	.030	
(a) Agent investigations and weapons concepts	(.000)	(.000)	(.000)	(.000)	No additional funds were obligated under this effort during the report period. Exploratory development effort was expended as follows with funds previously obligated: 1. Investigations into the preparation of high purity precursors for the synthesis of analogues and homologues of thebaine and oripavine has continued with significant reduction procedures advancing the thebaine studies. Additional efforts are being made to prepare large quantities of phenothiazines for additional biological evaluation and some success has been attained toward this end. Work has been completed on writing the discussion and experimental sections of the chemical portion of the Edgewood Arsenal Technical Report being prepared in conjunction with toxicity screening studies on the phenothiazine work. A structure-activity-relationship study for this report is now being written. Future research to be conducted will be based and proceed along the same lines as previously described. It is expected that further work will emphasize (1) percutaneously active glycolates, (2) incapacitants with markedly reduced onset time and increased effectiveness. Attempts will be made to formulate binary systems for the production and application of incapacitants. 2. Two compartment studies were conducted using chemical agent EA 3834. Standard designs gave extremely low yields. Canted propellant chamber orifices gave yields of about 20 per cent. Additional experiments conducted showed that most of the rest or about 60 percent of the agent was found on the chamber floor. The conclusion was that most of the material was sprayed in larger particles and was not aerosolized. The propellant was fully characterized for the complete pressure range for burning rate vs pressure in one, three, and four orifice configuration.

Description of effort	Funds obligated (millions of dollars)		Explanation of obligation
	PY CFY	In-house Contract	
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			
			3. A surveillance program was completed on canisters filled with incap agent EA 3834A. Review of test data indicates there were no significant effects on the ignition or performance of the agent filled canister as a result of this conditioning. A candidate impact fuze was investigated for use in the submunition. Functioning trials of this fuze, FMU-65/B, modified to permit venting, were very promising. Investigation of other impact fuzes such as spin arm and dash pot will continue. Optimum venting requirements for submunitions to produce skittering but eliminate possibility of submunition becoming airborne will be investigated. Design studies were continued on proposed wide area coverage concepts utilizing a SUU-30B/B type dispenser and an air delivered munition. Several concepts of potentially acceptable designs for a non-explosive module were evaluated. One that showed promise is a three piece break away plastic module. Selection of materials and designs for soft tooling for prototype fabrication were completed. Initial units were constructed and limited tests conducted. A requirement for a tactical air delivered incapacitating munition system (TADICAMS) was approved by the Department of the Army. Optimum agent formulation for the submunition canister will be determined. Investigation into new techniques for module design and delivery systems will be continued.
3. (b) Agent pilot plant investigations.	(0.000) (.100)	(0.100) (.000)	Advanced development effort during this report period was expended as follows: 1. Pilot plant studies on the final step in the synthesis of agent EA 3834 free base and acid were conducted in small reactions. The runs yielded data for an optimized process. Purchase descriptions including specifications for the chemical and physical requirements, analytical test methods, safety and packaging details were prepared for incapacitating agent EA 3834A and the two precursors, i.e., the amino alcohol and ester. A method for decontaminating the filtrate from the product separation step was developed and will be used in the production scale design if analytical results of completed confirmatory runs duplicate earlier data. Bench scale studies are being conducted to develop a safe, economical and nonpolluting method for disposal of the detoxified waste streams as applicable to future production scale operations. 2. The overall developmental plan for the XM723 projectile has been revised for the filling of AD, ED, and EST rounds at Edgewood Arsenal. The modifications to the experimental loading facility at Edgewood Arsenal was completed 4th Quarter fiscal year 1973. Basic filling and loading equipment has been purchased for the filling of AD rounds. Limited prototype equipment developmental studies were conducted.
(c) Tactical weapons systems.	(.000)	(.530) (.030)	1. A stimulant mixture has been devised that duplicates the sensitivity of the incap mixture. This mixture has been used to test set back characteristics of the mix with no significant problem noted. Experiments have been scheduled to determine proper pressing force to mechanically withstand set back forces. A second stimulant mixture has been devised which matches gaseous evolution rate and temperature. This stimulant is to be used to provide experimental field coverage data. The agent mix has been characterized as to its burning time-loading force—yield relationship. 2. Significant progress was made in development and design of the 155mm XM723 Incap projectile. Additional metal parts and safety firings were accomplished. Firing (except with simulant in lieu of live agent) of six rounds is scheduled for early July 1973 at Dugway Proving Ground. Contingent upon funding for fiscal year 74, Advanced Development will continue. The assembly of 100 rounds (simulant loaded) is planned for the last half of calendar year 1973. Firing will be conducted at Dugway in early 1974 with the objective of evaluating total design and all functional aspects including ballistic adequacy. The program schedule objective is to accomplish sufficient development and testing during fiscal year 74 to facilitate entry into the ED phase early in fiscal year 75.
(d) Army materiel development (suitability) tests.	(.000) (.025)	(.025) (.000)	Obligations were incurred for a U.S. Army test designed to evaluate the ballistics stability and accuracy of a candidate projectile 155mm. During this report period 6 projectiles were fired by DTC. Report will be published July 1973.
4. Defense equipment program	−.154 2.935	2.270 .511	
(a) Physical protection investigations.	(−.002) (.650)	(.417) (.231)	Exploratory development effort during this report period was expended as follows: 1. The general trend of the reactivity of CK with various nucleophiles in aqueous solution tends to follow the basicity of the nucleophile employed. Alpha nucleophiles tend to exhibit increased reactivity compared with those expected whereas nucleophiles with bulky structural groups around electron-rich sites tend to be less reactive. Neat mustard can be destroyed using a 5:1 volume ratio of monoethanolamine to H; half lives of 5.4 hours at room temperature and 16 minutes at 52°C were obtained. In studies on the effect of cations on the displacement of fluoride ion from GB in nonaqueous solvents it was found that GB can be decomposed or formed depending on the type of cation. In the future, studies will be conducted to find compounds which will facilitate the decomposition of H and VX in the presence of materials generally available in the field (i.e. water and oxygen of the air) for vehicle decontamination. Attempts will be made to find a replacement for DS2 which will overcome its shortcomings. 2. Agent penetration rates into rabbit skin were determined which formed the basis of a mathematical model to correlate the percutaneous lethal dose to a covered lethal dose to an aerated dose. Studies on a new decontaminating paste were continued and it was found that a thixotropic paste appears to represent an optimum skin decontaminant. Modified formulations of DS-2 decontaminating solution were tested but no promising results were obtained to warrant replacing the current composition. Impermeable paint formulations were tested for agent resistance in conjunction with the Coatings and Chemical Lab. Polyurethane formulations were found to offer the most promise. Alternative methods to preclude contamination by simple film covering techniques were studied. Studies will continue on chemical agent insoluble paints (polyurethanes) and chemical agent resistant coatings (polyvinyl alcohol). 3. Studies of gas adsorption kinetics showed that a fully predictive equation is possible for adsorption by a bed of activated carbon granules. Studies of dioctylphthalate aerosol filtration have shown the velocity dependent relationships existing for the diffusion, interception, and inertia filtration mechanisms. Theoretical and experimental gas adsorption and aerosol filtration studies will be continued in order to improve predictive equations for air purification processes. 4. Feasibility studies were performed on removing chemical contamination from air streams at elevated temperatures. A photoionoization system for testing chemical protective devices was fabricated under contract. A technique was developed for testing full scale collective protection systems for entry/exit procedures. A technique of testing for cyanogen chloride was developed. Conceptual studies were performed on an impermeable liner for use in collective protection under pressurized techniques. Physical and chemical tests continued in an effort to increase the capacity of charcoal for agent absorption. Studies will continue on air purification using high heat sources. Work will continue on developing chemical simulant tests for full collective protection systems. Carbon sorbent modification will also be investigated to enhance protection from blood agents and storage stability. 5. An intensive management program was initiated to develop a high performance mask by fiscal year 1976 to replace the M17A1 mask. Prototype models were fabricated utilizing several different canister filtering systems and designs for improved flexible lens for better vision and coupling with Army optical instruments. Maximum effort was placed on methods to enhance the performance characteristics of the adsorbent: The intensive management program was redirected by CDC to TC a mask by fiscal year 1981 rather than fiscal year 1976, making a reduction in the rate of expenditure of effort during the 4Q fiscal year 1973. During the next fiscal year: studies will continue on methods to increase the protective capacity of adsorbents to cyanogen chloride; extensive studies will be made on gas aerosol filter media to determine optimum methods for fabricating filtering elements; mechanical design studies will be conducted to investigate methods of attaching the filter to the protective mask in a rapid and reliable manner; design of temporary tooling and fabrication techniques will be performed and prototypes fabricated; materials engineering will be performed on new elastomers for the protective mask facepiece. 6. Exploratory efforts were continued to determine the parameters which affect the transfer of vapors to the skin from droplet contamination on an outer fabric layer of clothing. Tentative conclusion reached from these studies show that agent vapors perpendicular to the wind direction are more toxic than those parallel to the wind direction, a highly permeable spaced layer increases protection by one order of magnitude and protection increases with increasing wind speed. Efforts continued on a search for a one-layer, carbon-impregnated protective fabric with non-sweat-poisoning charcoal. The search for a non-sweat-poisoning charcoal for use in a one layer charcoal impregnated protective clothing will be continued. Jointly with Natick Laboratories, it is planned to determine if the high air permeability fabric spaced away from the skin will markedly reduce the heat burden imposed by current protective clothing on the operational soldier.

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD-D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM—Continued

Description of effort	Funds obligated (millions of dollars)				Explanation of obligation
	PY	CFY	In-house	Contract	
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued					7. Studies on the ionization detection technique were concentrated on techniques to reduce the flow rate without affecting sensitivity in an effort to reduce the power requirements. Efforts continued on the electrochemical enzyme concentrating on evaluation of the enzyme urethane pad, fabrication of six prototypes and redesign of the cell. Automatic liquid agent detector paint formulations were continued. A scavenger-type automatic liquid agent detector was fabricated. Studies on luminous biosensor systems were initiated. Plans call for studies on the ionization detection technique as a multi-agent detector to be emphasized. Also, the electro enzyme detectors will be subjected to intensive field interference testing and cell redesign studies will be continued. Automatic liquid agent detection will continue with emphasis on the scavenger-type design. Luminous biosensors will continue to be evaluated and the systems will be tested against field interferences. 8. A Passive LOPAIR system has been evaluated to determine the limits of performance. spectral discrimination and effect of potential interferences. A bread-board Isotopic CO_2 LASER LOPAIR device has been fabricated and delivered. Results indicate that reflectivities exceed minimum projected values required for field evaluations. A comprehensive test and measurement program for the Remote Raman technique was developed and implemented. During the next fiscal year: the ability of the Passive LOPAIR system to spectrally discriminate between agents and interferences will be resolved and limiting parameters of the overall system determined; the bread-board Isotopic CO_2 LASER LOPAIR will be evaluated to determine its theoretical advantages in remote sensing; an operations research study will be performed assessing the advantages and disadvantages of the LASER LOPAIR and Passive LOPAIR; the Remote Raman technique will be evaluated to assess potential for detecting the presence of contamination on terrain. 9. A real-time monitoring program for investigating highly sensitive detection systems for use in stack, working areas and perimeter monitors during C-Agent Demilitarization operations was initiated in 4Q fiscal year 1973. Investigative work has been initiated on candidate detectors and concentrators both in the laboratory and at pilot demil facilities. Three systems for monitoring incapacitating agents were tested for sensitivity: (1) an ionization detector; (2) an electrochemical enzyme alarm, and (3) a pyrolysis-gas chromatograph-electron capture device. During fiscal year 1974 feasibility studies on a real-time C-Agent monitor for application in agent demilitarization plants will be completed and recommendations made for a follow-on development effort. A characterization of demil plant interferences will be attempted so that laboratory interference generators can be built for in-house testing. Evaluation of the three candidate incapacitating alarms for plant use will continue. Sampling technique for dry aerosols will be evaluated. Following the selection of one of the detection techniques, design studies for a prototype plant alarm will be initiated. 10. A comprehensive survey of AMC pollution problems was completed. During fiscal year 1974 remote sensing instrumentation developed under task 1W662710AD27-02 will be evaluated for monitoring components of air pollution effluents. This will include on-site measurements of multiple components, cloud drift and diffusion, tracking contaminants to sources and contaminant cloud mapping. 11. Employing ion cluster mass spectrometry, better than 10 parts per billion of certain phosphonate esters have been detected. Mechanistic studies on the Ionization Detector System have resulted in increased understanding of the detection mechanism of the detector. The characteristic P=O stretching frequency of isopropyl methylphosphonate was detected using Fourier Transform spectroscopy with 10^{-12} g of compound. A direct fluorometric test for G-agents and acylating agents using 2-carboxyisonitrosoacetanilide was improved; sodium carbonate system with heat has specific potential for detection of H. The immobilization of a thermo-stable and highly reactive enzyme B. Stearothermophilus on "Enzite" was accomplished. Work will continue on fundamental chemistry of V, G, and H with a view toward finding direct detection and identification end item systems. High volume sampling techniques will be investigated for use in conjunction with promising detection and identification systems. Research will be carried out on new enzyme sources and immobilization techniques for use in biochemical approaches to detection and identification systems. 12. Two feasibility models of an incapacitating agent detector kit were fabricated under contract. Physical methods for detection using ionization and hydrogen flame emission were investigated. Methods to increase the wetability of enzyme detector tickets were studied. Detection of mustard agents by the DB-3 reaction were initiated. During fiscal year 1974, studies will continue on the hydrogen flame emission device for use in the kit mode. Wetability of enzyme detectors will continue as well as the evaluation of the DB-3 detection system for mustard agents. The incapacitating agent detector kit effort will be concluded by 2nd quarter fiscal year 1974. Special application detection techniques for leaking munitions for CB Surety will be initiated. Studies will continue on detector paints and new principles for detection.
(b) Advanced development of defensive systems.	(−0.006)	(.780)	(0.748)	(.026)	1. Chemical Agent Detector Kits prototype and simplified samplers were fabricated in-house and tested for storeability as well as challenge to the agents of choice. Problems encountered in testing for mustard agents were apparently resolved by modifying chemical reactants. This improved sampler is currently being evaluated by testing to the requirements. During the next report period testing of the sampler in the Advanced Development phase will be completed. A validation in-process review will be held and the item advanced into engineering development. 2. A contract was initiated to conduct development studies on the Liquid Agent Detector (LAD) relative to the utilization of high energy surfaces and human factors. Laboratory scale paper making equipment was procured and installed to study paper formulations and serve as a limited production facility. Visits were made to other countries to discuss detectors, paper production techniques. B-1 dye in a paper matrix continued to be the material of choice. Various paper pulp formulations will be studied to evaluate additives, calendering and dye particle size. Detectors will be evaluated under accelerated and aggravated storage conditions. Field tests will be performed to evaluate LAD as an indicator for overall body contamination and warning capabilities.
(c) Collective protection systems.	(.000)	(.100)	(−.300)	(.400)	1. During this report period $300,000 was reprogrammed from in-house to contract an and additional $100,000 contract obligations were incurred for Modular Collective Protection Equipment (MCPE). 2. Engineering development (ED) continued under contract with Donaldson. Contractor fabricated and tested ED hardware. Review was held in June to release design for fabrication of DT II hardware. The expedited program for collective protective equipment for TACFIRE and AN/TSQ-73 was terminated. A mounting bracket for the gas particulate filter unit (GPFU) was designed by Tobyhanna Depot for the TACFIRE and successfully passed the rough road haul. Collective protection compatibility tests on the AN/TSQ-73 shelter were deleted from the DT II requirements for AN/TSQ-73. These tests will be performed as part of the Initial Production Test (IPT). 3. During the next report period hardware will be fabricated and DT II initiated. A limited producibility, engineering and planning (PEP) program will be initiated. Hardware interfaces will be completed for TACFIRE and compatibility tests conducted. Hardware interfaces will be incorporated into production drawings for AN/TSQ-73. Hardware will be procured for use in compatibility tests of AN/TSQ-73 during IPT. Support will be rendered to improve HAWK shelters, if funded.
(d) Warning and detection equipment.	(−.146)	(.000)	(.000)	(−.146)	1. During this report period $146,000 prior year contract deobligations resulted from contract termination and withdrawal of funds. 2. Engineering development effort will be initiated on the Chemical Agent Detector Kit, XM256, during the next report period. Stability and sensitivity of components will be evaluated with emphasis on reliability, maintainability, human factors and production engineering aspects. The Technical Data Package will be updated and limited production tooling will be fabricated for initial production engineering of hardware. The Engineering Development Test Plan will be updated.
(e) Medical defense against chemical agents.	(.000)	(.949)	(.949)	(.000)	1. An extensive sutdy of the role of the liver in the excretion of therapeutic drugs has been initiated by baseline studies with pentobarbital, indocyanine green (ICG) and antipyrine (AP). The effects of stress (temperature, exercise, dehydration, etc.) on clearance rates are being determined. The physiological factors governing wearability of protective masks have been studied and ranked as follows: neuromuscular fatigue, respiratory impedance in heavy work, heat stress, metabolic limitation, mechanical trauma, psychological exhaustion. Guidelines have been established. The effectiveness of cooling by evaporation of water from clothing was determined on men clad in the standard protective outfit (cloth not impregnated in order to allow uptake of water). As the amount of water initially present in the clothing increased, the amount of body heat lost by evaporation decreased. The actual decrease was greater than predicted. Evaluation of protective material with respect to stress (temperature, physical, and chemical) will continue. Stability studies of therapeutic drugs in newly developed containers for storage, injection, etc. will be conducted as needed.

Description of effort	Funds obligated (millions of dollars)		Explanation of obligation
	PY CFY	In-house Contract	
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			2. Because the binding constant is a measure of effectiveness of a vaccine, new methods for increasing the sensitivity and reliability of measurement are in process. Emphasis has been directed to a vaccine against an analog of GD. The binding ability of erythrocyte antibody (Anti-E) has been correlated with the results from histochemical staining and electromicroscopy to permit counting of binding sites on leucocyte membranes. The visual identification of occupied binding sites when leucocytes are exposed to a vaccine indicates how many cells react (recognize) with a given antibody, the titer of amount of reacting antibody in the vaccine sample, and permits identification of blood donors (animals or men) who would receive no agent protection from a vaccine. To correlate physiological protection with levels of circulating antibody, several new methods have been developed. The level of antibodies against paraoxon is currently under investigation using a variation of specific immunoabsorbent column. This method has several inherent advantages. The method employs the natural ability of antibodies to bind antigens specifically and uses the peroxidase-antiperoxidase method to provide high sensitivity. The latter method (previously developed for use in histochemical staining in these laboratories) has many potential uses. Newly developed, sensitive, and accurate methods of measuring hemoglobin and methemoglobin in blood have been applied to assess the effectiveness of amyl nitrite as a means of treating cyanide poisoning. Attempts will be made to immunize species other than rabbits. 3. The spontaneous reactivation of AChE under various experimental conditions (aging pH) is under study. The effect of simultaneous injections of 2-PAM Cl (10 or 30 percent solutions) and atropine into rabbits was tested. The 10 percent solution produced higher blood levels of 2-PAM at 5, 15, 30, and 60 min than did the 30 percent solution whether the same site of injection or different ones were selected for 2-PAM and atropine. The synthesis of ACh in cat brain has been examined by simultaneously injecting and withdrawing fluid in a double cannula inserted into the brain. When tritium labelled choline is added to the perfusate, labelled ACh is formed. Movement from the site of formation appears to be slow. The complete amino acid sequence for the serine active site of eel ACh has been mapped out. A complete analysis of amino acids has also been performed with results in terms of numbers of residues per 60,000 sub-unit weight. A study of urinary excretion of 2-PAM Cl have shown that it is largely eliminated by a base-secreting mechanism rather than an acid-secreting process as previously thought. Thiamin decreases renal elimination of 2-PAM. The intramuscular injection of 2-PAM causes some tissue damage, which in turn causes release of creatine phosphokinase (CPK) proportional to 2-PAM injections. Measuring CPK in plasma will, therefore, give an indication of the extent of damage. It should be noted that exercise also causes CPK release and that i.v. 2-PAM does not increase CPK level. Recent experiments with dogs given 0.9–400 ug/kg atropine have shown that the maximum heart rate developed is not dose-related but the half-time for return to normal is. The plasma clearance of atropine exceeds clearance in liver and kidney combined. The analysis of physiological factors involved in cyanide poisoning and emergency treatment has suggested new concepts in the causes of death and methods of treatment. The release of large quantities of histamine and a pooling of venous blood in the hepato-splanchnic bed (which accompanies cardiovascular collapse in dogs given a lethal i.v. dose of NaCN) may be more harmful than the inibition of the cytochrome oxidase system (commonly thought to be the lethal process). Amyl nitrate and oxygen are effective in reversing cyanide poisoning probably by relieving circulatory distress. Studies similar to the foregoing will be continued in an effort to solve problems in prophylaxis and therapy as related to poisoning by lethal chemical agents. 4. The toxicity to mice of nine potential antagonists to glycolate agents has been measured. One of these compounds (843,884) has low toxicity and shows enough activity against EA 3834 to warrant further examination. A new cytotoxic mechanism has been discovered in cells exposed to H. This process involves depurination of mono-alkylated bases followed by formation of crosslinks in the two strands of DNA. Some crosslinking of this type occurs normally and has been considered a part, if not a cause, of aging. It has also been found that cellular resistance to H poisoning can be increased by inhibiting protein synthesis by removing an essential amino acid from the culture medium. This is thought to promote DNA synthesis and repair, essential processes in recovery from H injury. The preparation of military purchase descriptions for physostigmine is complete and is being submitted. Preliminary studies have been carried out to examine the binding of EA 3834 to the resin XAD2 and to cholestyramine; both resins are effective. The XAD2 resin has somewhat higher binding capacity and a wider pH range than the latter. Efforts to find prophylactic and therapeutic drugs to be used against poisoning by incapacitating agents will continue. 5. A recently acquired polymer solution, identified as MPD 3856, has given good results in protecting animals against percutaneous penetration by liquid VX. Efforts are being made to overcome the problem of bubble formation by using a more suitable solvent system. Formulations suitable for aerosol delivery and for application as creams or ointments are being investigated. Liquid and vapor penetration properties of promising films are being studied relative to water, lethal agents, and irritants. Wearability of promising films on animals is being evaluated. When warranted, similar studies on human volunteers will be carried out. Essential to the development of effective and improved skin decontaminants (and currently being investigated) is the nature or mechanisms of the reaction between VX, GD and other lethal agents and the decontaminants, such as aqueous hypochlorite, dichlorethylene carbonate, and S–330. Previous studies (in which the results of Contractor's investigations were exploited) have provided promising leads to new decontaminants. Their effectiveness for decontaminating skin of laboratory animals contaminated with VX, GD, EA 1356- and EA 5365 will be evaluated.
(f) Army materiel development (suitability) tests.	(0.000) (.456)	(0.456) (.000)	Obligations were incurred for the Suitability and Environmental surveillance testing of the U.S. Army's defensive equipment and materiel. Engineering tests were planned, conducted and/or reported for the following test items: 1. CB Protective Clothing for Explosive Ordnance Disposal Personnel: Test is designed to determine the ability to the suit to meet approved small development requirements. During this report period testing was completed. This included the following phases: (1) transportation, vibration and rough handling tests; (2) biological and chemical aerosol challenges of the suit; (3) environmental operations wearing trials; (4) Service tests at Redstone Arsenal. Minor deficiencies were noted and as a result the developer made corrections and submitted a new suit for testing Final report will be published July 31, 1973. 2. 200 CFM Modular Collective Protection Equipment (MCPE) for TACFIRE: This test is designed to determine the interface hardware system compatability and the overall capability of the MCPE as applied to TACFIRE to meet the protection requirement of system specifications. During this period the test plan was coordinated and published. Rough road haul test was completed at Aberdeen Proving Ground, data provided DTC. Further testing has been suspended at this time. 3. 200 CFM Modular Collective Protection Equipment (MCPE): This test is designed to perform an Engineering and Expanded Service Test and to determine the capability of the MCPE to meet the protection requirements as outlined in requirement documents. During this period the test directive was amended. Informal coordination on a draft test plan was completed. Final test plan will be submitted in July 1973 to TECOM for approval. Testing will be initiated March 1974. 4. Environmental Surveillance Items: The environmental surveillance program for the 3d and 4th quarters of fiscal year 1973 had a total of 19 items undergoing some phase of the long term surveillance and storage at one or more of the test sites. These items consisted of chemical detection and decontamination devices, incendiary weapons, protective masks, winterization kits, protective hoods, etc. One item completed the cycle of long term storage and was reported. Three new items were initiated into the test program during this period. 5. CB Protective Handwear: This test effort is designed to determine the physical durability and sizing characteristics of the CB protective handwear and to evaluate the safety aspects of the handwear. During this period, planning has been completed, test plan published and testing to be initiated 1st quarter fiscal year 1974.

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD-D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 1.—OBLIGATION REPORT ON CHEMICAL WARFARE PROGRAM—Continued

Description of effort	Funds obligated (millions of dollars) PY CFY	 In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			
5. Simulant test support	0.000 .449	0.449 .000	
(a) Materiel tests in support of joint operational plans and/or service requirements.	(.000) (.449)	(.449) (.000)	Obligations were incurred in the planning, conduct and/or reporting of joint operational tests and operations research studies. During this period the following tests and studies were in progress: 1. DTC 70-11 Phase 1: This test effort is in response to U.S. Army, U.S. Navy, and U.S. Air Force requirements and is concerned with the vulnerability of military installations and equipment to chemical attack and decontamination problems associated with such an attack. During this period testing is in progress, 5 of 8 large scale elevated line source releases of chemical simulants tagged with flourescent particles were completed using F4 aircraft and the TMU 28/B spray system. Data analysis is in progress. Project completion is scheduled for September 1973. 2. DTC 70-11 Phase II: This test effort is in response to U.S. Army, U.S. Navy, U.S. Marine, and CINCLANC requirements and is designed to establish the technical aspects of the threat from massive chemical attack including agent characteristics, delivery mode, decontanination capability, and associated test equipment and procedures for evaluation of such threat to military troops and equipment. During this period, the test plan for the laboratory and limited field tests has been coordinated and published. Testing has been initiated and is scheduled for completion August 1973. 3. DTC 71-152 Phase II: This study effort is in response to a CINCLANT requirement and is designed to determine the effectiveness of aerially disseminated chemical aerosols over jungle and forestal areas. Operations research study was published in January 1973.
OBLIGATION REPORT OF PROCUREMENT FUNDS			
Chemical warfare program	4.291 7.040	3.912 7.419	During the second half of fiscal year 1973, the Department of the Army obligated $11,331,002 for procurement activities associated with chemical warfare agents, weapons systems, defensive equipment, and production base projects. Program areas of effort concerned with these obligations were as follows: Lethal chemical program: Materiel procurement .... 0 Production base projects .... $2,400,000 Total, lethal chemical .... 2,400,000 Incapacitating chemical program: Materiel procurement .... 0 Production base projects .... 0 Total, incapacitating chemical .... 0 Defensive equipment program: Materiel procurement .... 8,931,002 Production base projects .... 0 Total, defensive equipment 8,931,002
1. Lethal chemical program	2.000 .400	2.400 .000	
(a) Item procurements	(.000) (.000)	(.000) (.000)	No obligations were incurred for procurement of lethal chemicals.
(b) Production base projects:			
(1) (APE) Advanced production engineering for 155 mm Binary project XM687.	(.000) (.400)	(.000) (.000)	Obligations incurred to conduct advanced production engineering on the end item (155MM Binary production process.) Objectives and benefits of the project are: Objectives: 1. Investigate manufacturing and processing procedures in the filling, closing lack testing, and LAP of the 155MM projectile. 2. Review the form, fit and function of the projectile components their assembly and quantity manufacture with its related documentation. 3. Simplify, improve reliability, and reduce cost. 4. Improve and finalize production and processing techniques. Benefits: 1. Assured fielding of end items which are safer and more reliable. 2. A mass producible nontoxic end item suitable for quantity production.
(2) Chemical agents munitions disposal system (CAMDS).	(2.000) (.000)	(2.000) (.000)	Obligations incurred for continuing design and fabrication of a multipurpose disposal system for use in detoxifying and/or disposing of toxic agents and obsolete chemical munitions. Ultimate system will consist of a series of modules which can be transported to storage sites of toxic agents/munitions, assembled and operated to detoxify and dispose of material.
2. Incapacitating chemical program	.000 .000	.000 .000	No obligations were incurred for procurement of chemical incapacitating agents or weapon systems.
3. Defensive equipment program	2.291 6.640	1.512 7.419	
(a) Item procurements:			
(1) Mask, tank, M25A1.	(.020) (.951)	(.598) (.373)	Obligations incurred for procurement/production and in-house engineering support of protective mask used to provide CBR respiratory protection to the wearer in a combat vehicle.
(2) Shelter systems, M51.	(.026) (2.952)	(.000) (2.978)	Obligations incurred for procurement of transportable collective protection equipment used to provide protection from toxic CB agents in the field.
(3) Decontaminating apparatus, M12A1.	(.000) (.756)	(.110) (.646)	Obligations incurred for procurement and in-home engineering support of decontaminating apparatus.
(4) Filter unit, M13A1.	(.000) (.511)	(.079) (.432)	Obligations incurred for procurement and in-house engineering support of filter units which are installed in armored vehicles to provide purified air to crew members.
(5) Alarm, M8	(2.245) (1.470)	(.725) (2.990)	Obligations incurred for procurement and in-house engineering support of chemical agent alarms.

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SEC. 2.—OBLIGATION REPORT ON BIOLOGICAL RESEARCH PROGRAM

	Funds obligated (millions of dollars)		
Description of effort	PY CFY	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			
Biological research program	0.100 4.102	3.787 .415	During the second half fiscal year 1973, the Department of the Army obligated $4,202,000 for general biological research investigations and the development and test of physical and medical defensive systems. Program areas of effort were as follows: Biological research: Basic research in life sciences 0 Exploratory development 0 Total, biological research 0 Defensive systems: Exploratory development $3,087,000 Advanced development 270,000 Engineering development 0 Testing 423,000 Total defensive systems 3,780,000 Simulant test support 422,000
1. Biological research	.000 .000	.000 .000	Funds for this effort were obligated in the 1st half of fiscal year 1973.
(a) Basic research in life sciences.	(.000) (.000)	(.000) (.000)	Mass spectrometry analysis of hydrolysis products from microbial nucleic acids is undergoing research as a new biological identification approach. Initial findings are favorable for the feasibility of this approach. Contract and in house research will continue on evaluating the mass spectrometry approach for identification of microorganisms from samples of biological aerosols in the presence of atmospheric ambient background.
(b) General biological investigations.	(.000) (.000)	(.000) (.000)	A cost effectiveness study for the chemiluninescence Biological Detector system was reviewed in May 1973. This study was limited to a field army in a defensive posture. A theoretical study of detector deployment logic for large scale line source attacks is being finalized and will aid in the recommended optimum array for protecting large target areas. The report on potential threat of foreign biological attack is being finalized for review and comment. Data are being collated on disease outbreaks throughout the world with the aim of advancing the state-of-the-art in differentiating artificially caused outbreaks as opposed to naturally occurring ones. Cost effectiveness studies will continue to examine the additional protection provided and the additional costs incurred by placing alarms with dedicated personnel. Detector deployment arrays will be developed for multiple point source attacks using probability theory and measuring the number of casualties prevented. A data base of population densities, meteorological data and geographical features will be developed to determine the probability of a successful attack on a specific target. Data will continue to be collected and collated on disease outbreaks. A potential biological agent will be selected and a compendium compiled on instructions for prophylactic countermeasures, therapy and treatment, and practices to assist in termination of the disease.
2. Defensive equipment program	.100 3.680	3.365 .415	
(a) Physical defense against biological agents.	(.100) (.000)	(.100) (.000)	Exploratory development effort during this report period was expended follows: 1. The contract to develop a formaldehyde generator-neutralized was completed and two prototype units delivered. Hydrogen peroxide was selected as the neutralizer. Approximately 1,000 compounds were screened for potential biological decontamination capability with none having sufficient promise to warrant further investigation. Paraformaldehyde was recommended as a replacement for BPL as a biological decontaminant in supply system. The prototype generator-neutralizer units will be evaluated for determination of minimum concentrations of hydrogen peroxide, optimum methods, times of application and effectiveness. Available compounds will continue to be screened for effectiveness. 2. The contract to study the elimination of background through characterization and identification on interferants has resulted in the identification of substances which give positive response to the XM19. Most of these are large particles capable of being removed by particle separation methods. Investigations into the preparation group specific bacterial antisera have resulted in the preparation of individual antigens to serve as base lines for evaluation on antigens for four bacterial pathogens prepared in a single animal. Moderate titers have been obtained. The remote detection of biological aerosols has resulted in the establishment of optimum conditions for excitation and measurement of peak fluorescence emission. The emissions and decay times will probably be suitable for remote laser detection of concentrated biological aerosols. The mobile alarm study has indicated that there are advantages to a mobile detector, potential methods of employment and evidence of feasibility. An analysis of the data resulting from the exploratory studies will be made and continuation of efforts deemed feasible will be supported.
(b) Biological defense material concepts.	(.000) (.270)	(.430) (−.160)	During this report period $160,000 was reprogrammed from contract to in-house, and an additional $270,000 of in-house funds were obligated to continue in-house effort on detector and system/component development. Advanced development effort was expended as follows: 1. The XM19 (Alarm, Biological Agent Automatic: Chemiluminescence) contract effort furnished Phase I prototype models and components incorporating background elimination devices/techniques, improved alarm logic and many mechanical features to improve maintainability, reliability and efficiency. They have been tested and evaluated with simulant agents and the results have led to further improvements. The contract effort on the Sampler, Biological Agent: XM2, has resulted in the large volume concentrator-wet being selected for incorporation into the XM19. Physiological saline has been selected as the best collecting fluid/media. Phase II XM19 devices, incorporating the best features of the Phase I models, will be tested and evaluated at various locations for background determinations and against various pathogens in controlled chambers. Incorporation into this testing will be the XM2 Sampler for evaluation. 2. A comprehensive computer program and methodology has been developed and evaluated considering large scale, high casualty line source attacks, alarm logics, various agents and size zone defended. A cost-effectiveness study has been started utilizing an Army size target considering various deployments and numbers of devices required, all with associated costs. The systems computer model will continue to be exercised with various network variables to assess, define and formulate reasonable, effective and economical networks.
(c) Medical defense against biological agents.	(.000) (2.987)	(2.412) (.575)	1. The experimental program of the Insitute is targeted toward: (a) infectious illnesses which pose special problems to our military forces; (b) medical defense against biological warfare; and (c) the safe study of infectious, highly dangerous microorganisms in the unique and special containment facilities of the Institute. A variety of experimental approaches is used to solve these problems as illustrated by: (a) infectious disease models are developed in laboratory animals and the resulting information is extrapolated and applied to man; (b) the defense mechanisms of the body are studied and stimulated in an effort either to prevent an infectious disease or to reduce its harmful effects among military personnel; (c) rapid accurate laboratory methods are developed for identifying causative microorganisms before,or soon after, illness begins thus permitting therapy to be instituted early in the disease process; (d) techniques are developed to measure subtle changes that occur at the molecular level in cells of the infected host. An understanding of these mechanisms is basic to establishing effective measures to combat disease. 2. Efforts will continue during fiscal year 1974 to exploit the information obtained previously. All aspects of the program will continue to emphasize infectious illnesses of military importance. None of these or future studies is directed toward offensive biological research and development.

DEPARTMENT OF THE ARMY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD-D.R. & E. (SA) 1065—Continued

[In conducting the research described in this report, the investigators adhered to the "Guide for Laboratory Animals Facilities and Care" as promulgated by the Committee on the Guide for Laboratory Animal Resources, National Academy of Sciences—National Research Council]

SEC. 2.—OBLIGATION REPORT ON BIOLOGICAL RESEARCH PROGRAM—Continued

	Funds obligated (millions of dollars)		
Description of effort	PY CFY	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS—Continued			
(d). Materiel tests in support of joint operational plans and/or service requirements.	(0.000) (.139)	(0.139) (.000)	Obligations were incurred in support of a test effort designed to investigate the naturally occurring particulate materiel presen in the marine atmosphere and at the land-sea interface. Data will be utilized in design criteria for biological detection and warning devices. During this period the sampling and analyzing equipment used in the October 1972 sea trials was refurberated, recalibrated and shipped to the Navy Undersea Center at San Diego, California. A second sea trial was conducted aboard the oceanographic vessel USNS Silas Bent (T-AGS 26) during February and March 1973. Samples were taken daily while the ship traveled a route covering 7,000 nautical miles. Trial was successful and preliminary analyses of the data indicate similar results as those obtained during the October 1972 at sea trial. Final Report will be published 1st quarter fiscal year 1974.
(e) Army materiel development (suitability) tests.	(.000) (.284)	(.284) (.000)	Obligations incurred were for the advanced development testing of the biological detectors (chemiluminescence and partichrome). The testing is designed to evaluate the technical performance of two candidate biological detectors under various environmental conditions and to ensure the detectors meet the requirements of system specifications. During this period test plans were prepared, coordinated and published covering the pathogen/nonpathogen chamber exposures test and the open air field challenges utilizing nonpathogen in order to determine detector performance. Chambers testing has been completed. Eight nonpathogen field challenge trials were conducted. Data analysis has been initiated. A background particulate study in a desert environment was completed at Dugway Proving Ground. Testing is expected to proceed for a period of approximately 18–24 months.
3. Simulant test support	.000 .422	.322 .000	Obligations were incurred in the planning, conduct and/or reporting of Joint Operational Tests and/or Operations Research Studies in response to CINC and Service requirements. Testing is in consonance with the current national policy for CB. The following tests and studies have been pursued during the period 1 January 1973 through 30 June 1973.
a. Materiel tests in support of joint operational plans and/or service requirements.	(.000) (.422)	(.422) (.000)	1. DTC Test 70–74 Phase II: This test effort, in response to an Army requirement, is designed to develop the mobile van/microthread technique into a useful tool for field experimentation in order to obtain essential data in the effects of atmospheric pollutants on biological aerosols. Data will be applicable to studies determining U.S. vulnerability to biological attack. During this period field trials to demonstrate the validity of the microthread technique in the mobile van were completed. Data analysis and final report is in progress. Report will be published 1st quarter fiscal year 1974. Design, fabrication and installation of a dual microthread system in the mobile van is scheduled for fiscal year 1974. Additional stimulant work is required prior to finalization of the van/microthread concept for acceptable field experimentation. This effort will continue in fiscal year 1974. 2. DTC Test 73-30: This test effort, in response to a U.S. Army requirement, is designed to obtain data on the effect of sunlight on biological material. Data will be applicable to studies determining U.S. vulnerability to biological attack. During this period a test plan was published. Four field trials were conducted under two test methods: (1) microthread technique and (2) conventional field aerosol release. Preliminary evaluation indicates a good correlation of biological decay can be obtained by use of the microthread technique. Final report is scheduled for publication 1st quarter fiscal year 1974. 3. DTC Study 71–160 Phase IV: This study is to evaluate the CB protective posture of severa. key/critical facilities in CINCLANT's area of responsibility and to make recommendations for minimizing the vulnerability of the facilities. During this period a site survey of the selected facilities was completed. Initial theoretical CB challenges by the use of current models have been completed. Final Report is scheduled for publication October 1973. 4. DTC Study 73–115: This study effort in response to a U.S. Army and a CINCLANT requirement is designed to develop a rationale for establishing decontamination requirements for specific targets as they may vary with climate, area usage and agents. During this period the literature search has been completed. All data compiled and analyzed. Draft report has been initiated. Final report is scheduled for publication August 1973.
OBLIGATION REPORT OF PROCUREMENT FUNDS			
Biological research program	.000 .000	.000 .000	During the second half fiscal year 1973, the Department of the Army obligated $-0- for procurement activities associated with biological defensive equipment and production base projects.

SEC. 3.—OBLIGATION REPORT ON ORDNANCE PROGRAM

OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS			
Ordnance program	0.009 1.320	0.856 .473	During the second half Fiscal Year 1973, the Department of the Army obligated $1,329,328 for general research investigations, development and test of smoke, flame, incendiary, herbicide, riot control agents and weapons systems, and other support equipment. Program areas of effort concerned with these obligations were as follows: Smoke, flame and incendiary program: $32,000 Herbicide program: 272,458 Riot control program: 91,870 Other support equipment program: −55,000 Test support: 998,000
OBLIGATION REPORT OF PROCUREMENT FUNDS			
Ordnance program	4.293 22.084	3.815 22.562	During the second half of fiscal year 1973, the Department of the Army obligated $26,377,000 for procurement activities associated with smoke, flame, incendiary, herbicide, riot control agents, and weapons systems and other support equipment. Program areas of effort concerned with these obligations were as follows: Smoke, flame, and incendiary program: $25,428,000 Herbicide program: 0 Riot control program: 525,000 Other support equipment: 424,000

DEPARTMENT OF THE NAVY, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS DD-D.R. & E.(SA) 1065

[No funds were obligated during the second half fiscal year 1973 for RDT & E activities in the chemical warfare program, the biological research program, or the ordnance program. No funds were obligated during the second half fiscal year 1973 for procurement activities in the biological research program.]

[In thousands]

Description of procurement effort	Funds obligated: PY Fiscal year 1973	Funds obligated: In-House Contracts	Explanation of obligation
1. Chemical warfare program	0 291	291 0	For the procurement of clothing outfit, chemical protective.
2. Ordnance program	−61 20	−41 0	For the procurement of smoke and incendiary devices.

Smoke:
Grenade Hd, Smk Yellow:

Prior year	0
Fiscal year 1973	20,000

Incendiary:
Ctg 81MM Smk, WP, M375/C276:

Prior year	−61,000
Fiscal year 1973	0

Prior year funding decreased from $1,323,000 to $1,262,000 as a result of unit price decreases.

DEPARTMENT OF THE AIR FORCE, SEMIANNUAL REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS (JAN. 1, TO JUNE 30, 1973) RCS: DD-DR&E(SA) 1065

SEC. 1.—CHEMICAL WARFARE LETHAL AND INCAPACITATING AND DEFENSIVE EQUIPMENT PROGRAMS

[In thousands of dollars]

Description of R.D.T. & E. effort	Prior year Current year	In-house Contract	Explanation of obligations
OBLIGATION REPORT OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS			
Defense equipment program:			
Explanatory development	0 0	0 0	
Engineering development	0 100.0	0 100.0	Survey of existing Air Force Collection structures and development of Modification Kits for collection structures.
Total defensive	0 100.0	0 100.0	
Total R.D.T. & E. obligations	0 100.0	0 100.0	

SEC. 2.—BIOLOGICAL RESEARCH PROGRAM—NEGATIVE

SEC. 3.—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS AND PROCUREMENT FUNDS, FOR FLAME, SMOKE, INCENDIARY, RIOT CONTROL AGENT AND HERBICIDE MUNITIONS AND AGENT/MUNITION SYSTEMS AND OTHER SUPPORT EQUIPMENT

[In thousands of dollars]

Description of procurement effort	Prior year Current year	In-house Contract	Explanation of obligation
OBLIGATION REPORT OF PROCUREMENT FUNDS			
Procurement			In support of Southeast Asia operations and Air Force training requirements.
Anti-PAM 510 .b BLU-32	[1]−2.0 220.0	0 220.0	
Anti-PAM 750 lb BLU-27	0 0	0 0	
Incendiary cluster 750 lb M-36	0 0	0 0	
Smoke bomb 100 lb PWP M47-A-4	0 70.0	70.0 0	
Total procurement obligations	[1]−2.0 292.0	70.0 220.0	

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[1] Negative (—) figures represent a deobligation of funds due to price decreases.

NOMINATION OF THE HONORABLE GERALD FORD

Mr. HUGH SCOTT. Mr. President, an editorial in Tuesday's Philadelphia Inquirer states eloquently the need for the Congress to proceed to consider the nomination of the Honorable Gerald Ford to be the next Vice President of the United States. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Philadelphia Inquirer, Oct. 30, 1973]

On With the Ford Hearing

Amid all the other uncertainties which inevitably and indefinitely will be hanging over Washington, one which can and should be removed without further delay is the selection of a new Vice President.

In accordance with the 25 Amendment to the Constitution, President Nixon has sent his nomination of Rep. Gerald Ford to the Congress.

It is not only appropriate but essential, given the crisis of confidence now afflicting our national leadership, that Mr. Ford be thoroughly investigated and carefully questioned before his nomination is acted upon. He himself has said he would want it no other way.

But it would exacerbate, rather than ease, the situation to hold Mr. Ford hostage—as some Democrats want to do—to extract concessions from Mr. Nixon. That would not only leave a dangerous vacuum in the order of succession but would feed the suspicions that some extreme partisans are seizing upon the current chaos to try to overturn the results of the 1973 election.

Mr. Ford's nomination deserves consideration on its merits. If he measures up, he should be confirmed—without regard to other questions—as quickly as deliberate consideration will permit. If he does not, then the nomination should be rejected so that another may be submitted and the nation's second highest office may be filled.

NATIONAL HEALTH INSURANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following statement concerning national health insurance be reprinted in the Record. The statement was written by Mr. Alfred Baker Lewis, national treasurer emeritus of the National Association for the Advancement of Colored People.

The statement summarizes the health care crisis in our country in its various aspects and supports passage of the health security program, a national health insurance bill which I have introduced in the Senate.

Mr. Lewis' statement deserves careful attention.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Let Us Get Government Health Insurance

A bill has been introduced in Congress by Senator Kennedy, S. 3 to provide a system of government health insurance to cover practically all medical, hospital, and dental bills for everyone, except those injured in industrial accidents which are already covered by workmen's compensation liability insurance.

The bill should be passed.

It is absurd that a person hurt while at work gets his hospital and medcal bills taken care of regardless of fault, while a person injured in some other accident, such as an auto crash, has no such coverage.

We should, but do not, have the best medical care. Those who have opposed government health insurance, mainly the American Medical Association argue that we already have the best medical care. We don't.

We are the richest country in the world. We have potentially the best medical care in the world bcause we can afford it. We can and do spend more on medical research than any other country. But we break down in delivering good medical care to those who need it. The reason is that we rely mainly on an ineffective fee-for-service system.

The best test of good medical care is infant mortality. If we had the best medical care we would have the lowest infant mortality. We don't. We are 15th from the lowest. The facts are as follows: The infant mortality rate for the United States is 22.1 per 1000 live births. The rates for other countries having lower infant mortality rates than ours are:

Japan	20.2
Taiwan	13.3
Denmark	16.9
Finland	15.0
France	17.1
E. Germany	21.2
Iceland	13.7
Luxembourg	20.4
Netherlands	14.7
Norway	16.8
Sweden	12.6
United Kingdom (England)	18.8
Australia	18.2
New Zealand	17.7

In addition, Canada, which also has government health insurance, has a lower death rate than ours, namely 7.3. Ours is 9.4. Canada's infant mortality rate is slightly higher than yours, namely 23.1.

(The figures are from the 1970 Encyclopedia Britannica. They get them from the United Nations Monthly Bureau of Statistics for October 1968; Population and Vital Statistics Report July 1, 1968, and Demographic Year Book 1967.)

Every country, including two Asiatic countries and one Communist Country, that has lower infant mortality than ours has some form or other of government health insurance or actual state medicine. Furthermore, our position has worsened. A dozen years ago we were 5th not 15th from the lowest.

This is a fact which cannot be argued away. We can ignore it, as the opponents of government health insurance do. But they do so at the expense of the nation's health.

It is undeniable and inexcusable that we don't deliver medical care to those who need it.

It has been argued that the reason for our too high infant mortality rate is the high rate among Negroes. It is true that the general life expectancy for Negroes is between 10% and 11% lower than that for whites and their infant mortality rates are higher by that much or more. But this is added proof of our lack of proper and reasonable delivery of medical care. For Negroes are basically as healthy and hardy as whites if not more so. If you doubt that, you have only to look at the figures for the Olympic games.

In the 1964 Olympics, one college, Tennessee A&M in Nashville, with 15,000 Negro students, had 7 gold medalists. No other college had more than one gold medalist except the University of California, which has some 90,000 students, over 90% of them whites; and it had two gold medalists. When 15,000 Negro students turned out 7 gold medalists and nearly 90,000 white students won 2 gold medals, no one can say that Negroes are not healthy and hardy. They are. If they don't live quite so long—and they don't—and have a higher infant mortality rate than whites—which they do—it is because of the harder economic conditions under which on an average—they have to live, and part of these harsher economic conditions is poorer medical care.

The 1968 Olympics told the same story. The proportion of Negro to white gold medal winners on the American team was higher than their proportion to the general population.

GOVERNMENT HEALTH INSURANCE MAY REDUCE THE SOCIAL COST OF MEDICAL CARE

There is nothing in government health insurance that will increase the cost of medical care, though it will add to the Federal budget. That is why the statement by Mr. Veneman of HEW that the cost would be far too high is absurd. The cost of ill health is already borne by the members of the community. If a man becomes ill or injured in a non-industrial accident, the cost is borne by him if he can afford it. His family pays part of the cost. His employer suffers the loss of his work, and in a sense the whole community loses from the loss of his productive labor. Some of the financial cost may be borne by an insurance company, which means in the long run by the premiums of the policy holders. If he is indigent, or the illness forces him to become so, the state and local taxpayers, who pay for public welfare relief, carry the load. The cost is there. Someone in the community pays it. All that health insurance does is to distribute the cost around in a more just and equitable manner.

Part of the trouble with health care is that the availability of it is very unevenly distributed. If you live in a poor community the chances are that there is not good medical care readily available even if you can afford it. Most physicians, like others, want to live and practice where the money is. So poor communities have far fewer doctors or dentists in proportion to the population than richer ones.

We recognized this fact by trying to stimulate the building of hospital and health centers in places which lack them through the Hill-Burton Act. This has reduced somewhat but not eliminated the present maldistribution of medical care.

If you are unfortunate enough to be on relief the situation is worse. Most relief costs are paid for by local taxes, mainly real estate taxes, with some subsidies from the state governments. This means, if relief is to be adequate, that the poor would have to be taxed heavily to support the destitute living among the poor, of whom there are many; while wealthier persons living in richer communities are taxed only lightly to support the destitute living among the rich, of whom there are few. This is clearly unjust. Also, it intensifies the maldistribution of medical care because the poorer localities simply cannot pay the taxes to provide adequate relief including medical care for those who need it and cannot pay for it.

Here, too, we have recognized this to some extent by medicare, by substantial Federal contributions to specialized forms of relief like aid to dependent children and aid to the blind and disabled. Also it is the idea behind President Nixon's proposal to establish through Federal funds a guaranteed minimum income. The suggestion is a good beginning, although the amount of the guaranteed minimum income is less than half of what the Labor Department says is needed for an existence minimum.

There are additional reasons why the social cost of medical care would almost certainly be less under a system of government health insurance than it is now.

Too many people, when they begin to get sick, put off going to the doctor because of the expense. Inevitably, when they finally do have to go, the disease is apt to have a stronger hold and the cure is likely to take longer than would have been the case had he or she sought medical care earlier. If they could get medical care by government health insurance without personally paying for it through the fee-for-service system, they would be less likely to put off going to the doctor until too late.

PRESENT ACCIDENT AND HEALTH INSURANCE COSTS ARE TOO HIGH

A good deal of accident and health insurance costs are now carried by private insurance companies. Most of the policies are not sufficiently comprehensive. Some are only for disaster insurance, paying the cost of hospitalization if it goes above a certain fairly high level. Nearly all the group insurance policies that I know exclude mental illness and dental care. Nearly all individual policies exclude the cost of care for illness growing out of a pre-existing physical condition. The cost of maternity coverage is very high for those in the marital and age bracket that need it most.

Above all, all the policies are unnecessarily expensive because of the high acquisition costs. These acquisition costs are mainly broker's fees and advertising expense. They are totally unnecessary from a social point of view, and would be eliminated entirely by government health insurance.

Just what these acquisition costs are, for the industry as a whole, no one can tell precisely. The companies do not publish such costs as a separate item of expense, and do not even tell the insurance departments of the states where they operate. They lump all their costs together. The company I was connected with and which specialized in accident and health insurance, originally the Trade Union Accident and Health Assoc., now the Mt. Vernon Life Insurance Co., had very low acquisition costs compared with other companies, because we dealt mainly in group accident and health insurance for unions, and when we get a policy there were frequently thousands of persons insured. Nonetheless, our acquisition costs were on an average 10% of the premium. At a guess, I believe for the industry as a whole, the acquisition costs would run somewhat over 15% and perhaps 20%. But whatever the proportion of such costs, they would all be cut out by a government health insurance system.

We can get some idea of the acquisition costs from the difference in the proportion of benefits paid out to premiums taken in in those states which have an exclusive state fund for workmen's compensation liability insurance compared with those states where private companies write the policies and compete with each other for doing so.

In Ohio and West Virginia which have an exclusive state fund for workmen's compensation, about 90% of the premium collected is paid out in benefits. In Connecticut and New York where private companies, either mutual companies or stock, write such insurance, the amount paid out in benefits is only about ⅔ of the premium. Not all the difference of course is acquisition costs, but a good deal of it is.

Also, the cost of correction would be negligible, which is not the case now. For those who have jobs and their families it would simply be added to what employer and employee now pay for old age benefits. For those on relief the cost would be paid out of general Federal taxes relieving the local taxpayers of the burden.

So the conclusion is clear that government health insurance would be a good deal less expensive than private insurance. And it could and would in the proposed bill cover practically all health needs, which private insurance does not now do.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I would like to report that, according to U.S. Census Bureau approximations, the total population of the United States as of November 1, 1973, is 211,420,423. In spite of widely publicized reductions in our fertility levels, this represents an increase of 155,541 people since October 1—that is, in just 1 month. It also represents an increase of 1,445,272 since November 1, 1972.

Over the year, therefore, we have added enough additional people to fill three cities the size of Atlanta, Ga. And in just 1 short month, we have added twice as many people as now reside in Wilmington, Del.

BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT

Mr. BEALL. Mr. President, on November 16, the State of Maryland will change the name of its Friendship Airport to "Baltimore-Washington International Airport". This is no cosmetic change, but represents the substantial increase in passenger loads which has come from throughout the Middle Atlantic region. In recent years, this facility has become a major regional airport, serving not only the entire State of Maryland, but the District of Columbia, and portions of Virginia and Pennsylvania as well. Therefore, the change in names signifies a real change in the area of service for this great facility.

Along with the change in nomenclature, should, I believe, come a change in the designator, or three letter code which identifies the airport. This designator is used on airline schedules, tickets and baggage claim checks and on aeronautical charts and other navigational publictions. Certainly it is an important part of an airports operation. Since 1950, the designator for Friendship International Airport has been "BAL". Certainly this designator gives the impression that the airport serves primarily the Baltimore City area only, and I think that at its time of assignment it very accurately reflected the role of Friendship Airport. However, in recent years, as many of my colleagues who use the facilities of Friendship know, this airport has become a major center of travel for the Washington metropolitan region as well. For that reason, I call upon the Federal Aviation Administration to change the airport designator to "BWI" in order to more accurately portray the important place that Friendship plays in the whole region.

The State of Maryland has petitioned the FAA to take this action, which to me sounds very reasonable. However, I regret to report that the FAA has to date denied the request. In a letter to Mr. Robert J. Aaron, Administrator of the Maryland State Aviation Administration, the agency outlined some rather unconvincing arguments in reply to Maryland's request. For instance, they cite a high cost to domstic airlines if the code of a major airport were to be changed. However, I think that any reasonable person can see that a new designator, properly phased in over a period of months, will result in no significant expense to anyone.

Second, the letter seems to imply that if the Baltimore-Washington International Airport's designator would change then others might have to be changed to accommodate it. I am not aware of any other airport in this country which has the initials "BWI" as their designator, thus I cannot see the objection in this case. Finally, they state that several hundred airport names were changed each year without changing the designator. However, this fact should not in any way have any bearing upon the decision to change the designator of the Maryland facility.

I think it is necessary to point out that the agency which denied this request, the FAA, also owns and operates the Washington National and Dulles International Airports, both of which actively compete with Maryland's Friendship International Airport for the share of the Baltimore-Washington travel market. I would certainly hope that the agency's refusal to consider the request that Maryland can change the designator had anything to do with the fact that these airports in fact operate sometimes in competition with Friendship. Such competitive factors should be forgotten in a decision of this nature.

Mr. President, I can only say that it seems very much justified to me that in light of the change of Friendship's name to Baltimore-Washington International, a similar change in the appropriate designator must take place. I call upon the Federal Aviation Administration to give this application by my State prompt, serious, and favorable consideration.

SUPPORT FOR SCHOOL NURSING EDUCATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following resolution by the Department of School Nurses of the National Education Association be printed in the RECORD. As indicated in this statement, our Nation's shortage of qualified nursing personnel is further complicated in our school system by the need for school nurses to obtain additional training in the area of education. The attached resolution requests Federal support for such training in order that a sufficient number of qualified personnel exists to fill the need in our Nation's schools.

The resolution deserves the Congress careful attention.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

STATEMENT FOR CONGRESSIONAL RECORD

In most states, financing of education has depended primarily on real estate taxes, burdening the home and land owner with unequivalent taxes.

Because of the economic plight of the boards of education, supportive services, such as school nursing, are being curtailed or diminished to the detriment of the physical, mental, emotional, and social health of the school child.

The effect of malnutrition, drug addiction, sickle cell anemia, and sensory perceptual deviations on the child's education is evidenced in the learning disabilities, drop-out rate, low reading level of military inductees, and dissent toward school authority.

The NEA-DSN and ANA have collaborated on the drafting of the following resolution:

Resolution to Gain Support of School Nursing Services under Boards of Education by Certified Personnel.

Whereas the school nurse is the health specialist in the school concerned with the health and welfare of the whole child;

Whereas her nursing skills combined with her academic background in both health and education give her the ability to function in this unique capacity in the schools;

Whereas the school nurse must meet the same requirements as teachers for certification and on-going education to keep current with changing needs in the school;

Whereas school nurses provide primary health care through screening procedures, assessment of the health status, and early identification of health problems;

Whereas the role of the school nurse in health education is that of a consultant and resource person in planning, implementing, and evaluating the health education curriculum;

Whereas the school nurse, through health counseling of individuals and groups, effectively permits students to work through their problems;

Whereas the school nurse assists teachers to adapt the school program to the individual's needs;

Whereas the school nurse is a liaison between the school and the home;

Whereas the school nurse counsels parents to secure needed medical, dental, or other treatment; therefore

Be it Resolved, that federal legislators, education and health committeemen support and finance legislation to provide education which will enable persons to become certified in the profession of school nursing; continue in their pursuit of knowledge to continue to perform their specialty of public health in school health programs administered by Boards of Education.

WATERGATE SPECIAL PROSECUTOR X—NADER VERSUS BORK

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Utah (Mr. Moss), I ask unanimous consent to have printed in the RECORD a statement by him and certain documents in the case of Nader against Bork.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MOSS

WATERGATE SPECIAL PROSECUTOR

The events of the last ten days concerning the Special Prosecutor's Office and the discharge of Archibald Cox as the Special Prosecutor are of great concern to me. I firmly believe that we need an independent Special Prosecutor to ferret out, expose, and prosecute all who have violated the public trust and engaged in criminal wrong-doing. The question we are faced with is, "Who will be the Special Prosecutor?"

On May 23, 1973, I voted for the confirmation of Elliot Richardson as Attorney General. I did so in large part because of my satisfaction that he would establish an independent special prosecutor's office to investigate Watergate-related matters, would appoint Archibald Cox to direct that office, and would seek to ensure that the office was operated in accordance with the guidelines agreed upon by him, Professor Cox, and the members of the Senate Committee on the Judiciary. It was my understanding when voting for the Richardson confirmation that the Special Prosecutor could be removed from office only if he committed extraordinary improprieties.

The recent firing of the Special Prosecutor and the abolishing of his office have resulted in my receiving an unprecedented number of telegrams, letters, and telephone calls from my constituents, who are incensed by the blatant disregard of the agreement upon the basis of which the appointment of former Attorney General Richardson was approved by the Senate. These communications from the citizens of Utah evidence a widespread lack of confidence in the nation's government, and in my opinion, this public distrust will continue, and perhaps increase, unless the wrong which has been done is righted.

There are bills presently pending before the Senate which would create a new special prosecutor's office, which would result in the appointment of a new special prosecutor, and which must be acted on in the very near future. Even though I support this legislation, I am in something of a quandary. For while I strongly favor some sort of independent prosecutor, I believe that Archibald Cox was illegally discharged, that his office was illegally dismantled, and that both should be restored to their former status.

Thus, we are in the unfortunate position of having the existing Special Prosecutor illegally discharged, of having the President and the Acting Attorney General proposing to appoint a purportely independent Special Prosecutor, and lastly having the Senate and House considering bills to have the District Court appoint a Special Prosecutor.

If we are to preserve the rule of law in this nation, then we must consider in a step by step manner the ramifications of the various special prosecutors which may be appointed or have already been illegally discharged. With that in mind, I have joined as a plaintiff in a law suit against the Acting Attorney General charging that his firing of the Special Prosecutor was an illegal act.

Upon the disposition of the suit, Mr. Cox will either be restored or we will be in a better position to determine the merits of other Special Prosecutor proposals which may be forthcoming.

Mr. President: I include here certain documents pertaining to the suit against Robert H. Bork.

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, CIVIL ACTION 1954–73

(Ralph Nader, Plaintiff, v. Robert H. Bork, Acting Attorney General of the United States, Defendant)

PLAINTIFF'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT AND ADD ADDITIONAL PLAINTIFFS

Pursuant to Rules 15(a) and 21 of the Federal Rules of Civil Procedure, plaintiff Ralph Nader hereby moves for leave to file an amended complaint in the form filed herewith which (1) adds additional plaintiffs and makes necessary conforming changes with respect to said plaintiffs; (2) adds allegations to reflect events which have occurred since the original complaint was filed; (3) deletes subparagraph 20(d) of the original complaint; and (4) makes other minor changes.

ALAN B. MORRISON,
W. THOMAS JACKS,
RAYMOND T. BONNER,
Attorneys for the Plaintiffs.

U.S. DISTRICT COURT, DISTRICT OF COLUMBIA, CIVIL ACTION NO. 1954–73

(Ralph Nader, Washington, D.C., Senator Frank E. Moss, U.S. Senate, and Representative Bella S. Abzug and Jerome R. Waldie, U.S. House of Representatives, Plaintiffs, v. Robert H. Bork, Acting Attorney General of the United States, Defendant)

AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action (a) to declare that the attempts by the defendant to discharge Archibald Cox as Special Watergate Prosecutor and to disband the Office of the Watergate Special Prosecutor are of no force and effect, and (b) to enjoin the defendant, preliminarily and permanently, from taking any further action to accomplish such objectives.

2. Each of the plaintiffs is a citizen, taxpayer, and lawyer. As lawyers they are officers of the court who have the highest obligation to maintain the integrity of the courts and the administration of justice.

3. Plaintiff Frank E. Moss is a United States Senator who voted for the confirmation of Elliot Richardson as Attorney General. Plaintiff Jerome R. Waldie is a member of the Committee on the Judiciary, United States House of Representatives, which exercises legislative jurisdiction over the Department of Justice and the Federal courts and will consider matters relating to the impeachment of the President and the appointment of a Special Prosecutor. Plaintiff Bella S. Abzug is also a member of the United States House of Representatives, and both she and plaintiff Waldie have introduced resolutions calling for the impeachment of the President which include among the allegations a charge that the President's direction to discharge Archibald Cox and to disband the office of the Watergate Special Prosecutor were unlawful.

4. Defendant is the duly confirmed Solicitor General of the United States who has since the evening of October 20, 1973, been the Acting Attorney General of the United States.

5. The value of the matter in controversy exceeds the sum of $10,000.

6. This Court has jurisdiction over the subject matter in this action pursuant to 28 U.S.C. §§ 1331 and 1361 and Section 10 of the Administrative Procedure Act, 5 U.S.C. §§ 701–706.

7. On April 30, 1973, Richard G. Kleindienst resigned as Attorney General of the United States, and on May 1, 1973, Elliot Richardson was nominated to be Attorney General.

8. During the course of the confirmation hearings on Mr. Richardson before the Senate Judiciary Committee, several Senators expressed their views that there was a need for an independent prosecutor to conduct the Watergate investigation. In response to this expressed desire on the part of most members of the Committee, as well as many members of the public at large, Mr. Richardson stated to the Committee his intention, which was understood by the Committee to be with the consent of the President, to appoint Archibald Cox as Special Prosecutor and to grant to Mr. Cox full independence to conduct the investigation and prosecution of the Watergate crimes.

9. As a result of the assurances given by Mr. Richardson concerning the appointment and independence of Mr. Cox as Special Prosecutor, the Judiciary Committee recommended that Mr. Richardson be confirmed, and the Senate voted to confirm him as Attorney General of the United States. Plaintiff Moss voted to confirm Mr. Richardson in large part because of such assurances. In addition, the Congress foreswore from other legislative activities, such as the statutory creation of an independent prosecutor's office, which were being considered prior to the time that assurances were given that Mr. Cox would be appointed as an independent Special Prosecutor.

10. On May 28, 1973, Mr. Richardson was sworn in as Attorney General, and on May 31, 1973, he issued Order 517–73, effective May 25, 1973, 38 Fed. Reg. 14688 (June 4, 1973), 28 C.F.R. §§ 0.1, 0.37 (1973), which created the Office of the Watergate Special Prosecutor as he assured the Senate that he would. On May 25, 1973, Mr. Richardson designated Mr. Cox as Special Prosecutor and confirmed the appointment by letter dated May 31, 1973.

11. In connection with his duties as Special Prosecutor, Mr. Cox caused a subpoena to be issued to President Richard M. Nixon for the production of certain tapes and other documents under his control. When President Nixon refused and invoked the doctrine of executive privilege in defense of his refusal to comply with the subpoena,

the Special Prosecutor moved for an order in this Court requiring compliance with the subpoena.

12. On August 29, 1973, this Court, the Honorable John J. Sirica, entered an order directing compliance with the subpoena by producing the requested documents for an in camera inspection by the Court.

13. On October 12, 1973, the United States Court of Appeals for the District of Columbia Circuit affirmed the decision of August 29th of this Court with modifications not relevant to this action. That Court delayed the effectiveness of its order for five days to permit President Nixon to seek further review in the Supreme Court.

14. On the evening of October 19, 1973, President Nixon announced that he was not seeking further judicial review of this Court's order of August 29th, but that he had agreed to make available summaries of portions of the tapes sought by the Special Prosecutor. He also announced that he had directed the Special Prosecutor not to proceed further with his efforts to obtain the tapes or other documents which he sought through the judicial process.

15. On October 20, 1973, the Special Prosecutor announced that he would not comply with any direction not to proceed with efforts to obtain such documents through the judicial process since they were essential to the matters that he was directed to investigate and prosecute.

16. Although having elected not to appeal the decision of the Courts of Appeals, the President nonetheless declined at that time to produce the documents for in camera inspection by the Court. In order to prevent the Special Prosecutor from seeking judicial assistance in obtaining the subpoenaed documents, the President requested Attorney General Elliot Richardson to discharge Mr. Cox as Special Prosecutor. Mr. Richardson refused to comply and instead resigned as Attorney General on October 20, 1973.

17. Upon the resignation of Mr. Richardson, Deputy Attorney General William D. Ruckelshaus succeeded him, pursuant to 28 U.S.C. § 508(a). He, too, was requested by President Nixon to discharge Mr. Cox, but like Mr. Richardson, Mr. Ruckelshaus refused to do so and also resigned in lieu of being discharged.

18. Upon Mr. Ruckelshaus's resignation, the Defendant Robert H. Bork, became the Acting Attorney General, pursuant to 28 U.S.C. § 508(b) and 28 C.F.R. § 0.132(a). When he was asked to discharge Mr. Cox, he agreed to do so, and on October 20, 1973, he advised Mr. Cox that effective immediately he was discharged as Special Prosecutor. On October 22, 1973, defendant designated Assistant Attorney General Henry E. Petersen to be in charge of the Watergate investigation and prosecution.

19. The action of the defendant in attempting to discharge Archibald Cox as Special Prosecutor was ineffective because:

(a) Pursuant to 28 C.F.R. § 0.37, which was then and is still today in full force and effect, the Special Prosecutor can be discharged only for "extraordinary improprieties on his part," which does not include a refusal to obey an order to cease litigation with respect to claims of executive privilege since that regulation specifically authorizes him to determine whether or not "to contest the assertion of 'Executive privilege' . . ."; and,

(b) The defendant, as Acting Attorney General, is limited in the powers that he may exercise under 28 U.S.C. § 508(b), and such limited powers do not include the power to remove the Special Prosecutor who was specifically approved by the Senate in the course of confirming the prior Attorney General Elliot Richardson.

20. President Nixon also directed the defendant to abolish the Office of Special Prosecutor, and on the evening of October 20, 1973, the President acted to effect that abolition by directing agents of the Federal Bureau of Investigation to take control of the files of the Office, which they did. The following day defendant replaced the agents of the Federal Bureau of Investigation with United States Marshals. Furthermore, on October 22, 1973, defendant designated Henry E. Petersen, the Assistant Attorney General in Charge of the Criminal Division, to take charge of the Watergate investigation and prosecution. On October 23, 1973, defendant formalized his attempted abolition of the Office of Special Prosecutor by issuing Order No. 546–73, which appears at 38 Fed. Reg. 29466 (October 25, 1973), and which purports to transfer all of the functions of the Special Prosecutor to the Criminal Division of the Justice Department.

21. The attempt by defendant to abolish the Office of the Special Prosecutor is void and of no force or effect because:

(a) The regulation creating the Office provides that the Special Prosecutor shall carry out the responsibilities of the Office "until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself." Since neither of such conditions has taken place, the Office cannot be abolished;

(b) Even if the Office could be abolished under certain extraordinary circumstances by an Attorney General who has been confirmed by the Senate, the defendant, who is merely Acting Attorney General, lacks the power under 28 U.S.C. § 508(b) to abolish the office which a duly confirmed Attorney General has created; and,

(c) Even if defendant might under certain circumstances abolish the Office of Special Prosecutor, his attempt to do so here is ineffective because (1) he was directed to do so by President Nixon, who is one of the persons being investigated by the Special Prosecutor, and hence was ordered to abolish the Office for improper purposes, and (2) he knew that, unless he agreed to order the abolition of the Office of the Special Prosecutor, he would be discharged, and therefore, his attempted abolition of the Office was ineffective and without basis in law as a result of the undue influence and coercion placed upon him to order such abolition.

22. On October 26, 1973, President Nixon announced that at some time during the week of October 28th the defendant will appoint a new prosecutor to take charge of the Watergate investigation within the Criminal Division of the Department of Justice.

23. The actions of the defendant in attempting to discharge the Special Prosecutor and to abolish the Office of the Special Prosecutor constitute attempts to impede the administration of justice which would, if successful, cause grave and irreparable harm to the administration of justice in the United States, to all the plaintiffs as citizens, taxpayers, and lawyers who have sought to insure the independence of the investigation of the Watergate matters undertaken by the Special Prosecutor, and to plaintiffs Moss, Waldie, and Abzug in their capacities as members of Congress.

24. Unless enjoined by this Court, defendant will continue to exercise control over the Office of the Special Prosecutor, will continue to permit Henry E. Petersen to remain in charge of the Watergate investigation on a temporary basis, will appoint a new prosecutor in lieu of Archibald Cox to be in charge of the Watergate investigation, and will continue to conduct the Watergate investigation within the Criminal Division of the Department of Justice instead of as an independent Office.

Wherefore, plaintiffs pray for an order

(1) Declaring that Archibald Cox still validly holds the Office of Special Prosecutor, and preliminarily and permanently enjoining the defendant from taking any action which in any way interferes with the functioning of Mr. Cox in that Office;

(2) Declaring that defendant's attempts to abolish the Office of the Special Prosecutor have been of no force or effect and that he lacks the power to abolish such Office, and preliminarily and permanently enjoining him from taking any action which in any way interferes with the operation of the Office of Special Prosecutor as set forth in 28 C.F.R. § 0.37 (1973); and,

(3) Granting plaintiffs such other and further relief as may be just and proper, including their costs and disbursements herein.

Alan B. Morrison,
W. Thomas Jacks,
Raymond T. Bonner,
Attorneys for the Plaintiffs.

U.S. District Court for the District of Columbia, Civil Action 1954–73

(Ralph Nader, Plaintiff, v. Robert H. Bork, Attorney General of the United States, Defendant)

Memorandum in Support of Plaintiff's Motion for Leave To File an Amended Complaint

Most of the events which precipitated this action occurred on October 20, 1973, the date the defendant purported to fire Archibald Cox as the Watergate Special Prosecutor and agreed to abolish the Office of Watergate Special Prosecution Force. Because of his belief that the defendant's actions were illegal and created a crisis of confidence throughout the country which needed to be rectified as soon as possible, Mr. Nader filed this action on October 23, 1973, the first day that this Court was open after the events of October 20th. During the days following the dismissal of Mr. Cox, Senator Frank E. Moss, Congresswoman Bella Abzug and Congressman Jerome R. Waldie decided to join Mr. Nader in this action.

Plaintiffs' amended complaint is not materially different from the original complaint. The amended complaint makes only the following minor changes:

(1) The addition of Senator Moss, Congresswoman Abzug and Congressman Waldie as plaintiffs and the modification of certain paragraphs to reflect the harm they have suffered. (Amended Complaint, paragraphs 2, 3, 5, 9 and 23.)

(2) The amendment of paragraph 19 of the original complaint (paragraph 20 of the amended complaint) and the addition of paragraphs 22 and 24 of the amended complaint to reflect the events which have occurred subsequent to the filing of the original complaint.

(3) The deletion of the allegation of subparagraph (d) of paragraph 20 of the original complaint (paragraph 21 of the amended complaint).

These amendments are clearly authorized under Rules 15(a) and 21, and no harm to defendant will result from granting this motion.

Respectfully submitted,
Alan B. Morrison,
W. Thomas Jacks,
Raymond T. Bonner,
Attorneys for the Plaintiffs.

U.S. District Court for the District of Columbia, Civil Action 1954–73

(Ralph Nader, Plaintiff, v. Robert H. Bork, Acting Attorney General of the United States, Defendant)

Order

It is hereby ordered that plaintiff's Motion for Leave To File an Amended Complaint to (1) add additional plaintiffs; (2) delete the allegation in subparagraph (d), paragraph 20, of the original complaint; and (3) add paragraphs 22 and 24 reflecting events which have occurred subsequent to the filing of the original complaint is hereby granted.

Plaintiff shall serve by hand and file within 48 hours of the time this Order is signed an Amended Complaint in the form filed with his motion.

U.S. District Judge.

[U.S. District Court for the District of Columbia, Civil Action 1954–73]

(Ralph Nader, Plaintiff, v. Robert H. Bork, Acting Attorney General of the United States, Defendant)

Plaintiff's Memorandum in Support of Motion for Preliminary Injunction

INTRODUCTION

This action challenges the legality of the attempts by the defendant to discharge Archibald Cox as the Special Watergate Prosecutor and to disband the Office of the Watergate Special Prosecution Force. Plaintiffs[1] are all citizens, taxpayers, and attorneys; in addition, plaintiff Moss is a United States Senator, and plaintiffs Waldie and Abzug are Members of the House of Representatives. The complaint prays for declaratory and injunctive relief against the defendant, and this memorandum is submitted in support of plaintiffs' motion under Rule 65(a)(1) of the Federal Rules of Civil Procedure for a preliminary injunction. Because of the extraordinary public interest in having this matter resolved at the earliest possible time, plaintiffs ask this Court to consolidate the hearing on the motion for the preliminary injunction with a final hearing, as authorized by Rule 65(a)(2).

In a nutshell, the facts of this case are as follows:

In May 1973, Elliot Richardson was confirmed by the Senate to be Attorney General after he had, with the authorization of the President, worked out a detailed agreement with the Judiciary Committee concerning the appointment of a special prosecutor to conduct the so-called "Watergate" investigation and prosecutions;

Immediately after his confirmation, Attorney General Richardson formally appointed Archibald Cox to be Special Prosecutor and promulgated departmental regulations establishing the Office of Watergate Special Prosecution Force and embodying explicit rules governing its conduct which were identical to the terms agreed upon during his confirmation hearings;

These detailed regulations authorized the Special Prosecutor to challenge claims of executive privilege in court actions, declared that he could only be dismissed for committing "extraordinary improprieties", and provided that the office would continue to perform its functions until its job was completed or until another time agreed upon by the Special Prosecutor and the Attorney General;

Despite these binding regulations, defendant, who became Acting Attorney General after the forced resignations of the Attorney General and the Deputy Attorney General, purportedly fired Special Prosecutor Cox and abolished his office when Cox declined to accede to a Presidentially proposed "compromise" of a court action concerning access to tapes and other memoranda of Presidential conversations, or to comply with a Presidential directive not to make any attempts through future judicial proceedings to obtain similar materials.

The complaint alleges that two separate actions of the defendant were unlawful. The first of these, the defendant's discharging of Archibald Cox, is alleged to be unlawful because there was then in existence a validly promulgated regulation of the Department of Justice which permitted the firing of Mr. Cox only for "extraordinary improprieties on his part", and there are conceded to be none in this case. Moreover, because of defendant's limited authority as an Acting Attorney General, he lacked the power to discharge the Special Prosecutor.

The second action of the defendant claimed to have been illegal is the abolition of the Office of the Special Prosecutor. Plaintiffs contend that this order is unlawful since the regulation which created the Office specifically provides for its continuation until the Special Prosecutor determines that his work is concluded or until a date mutually agreed upon between the Attorney General and himself. Moreover, the attempted abolition was invalid because the defendant, as a Solicitor General who has become Acting Attorney General, has no authority to effect wholesale changes in the organizational structure of the Department of Justice. Further, plaintiffs argue that the special circumstances surrounding the appointment of Mr. Cox and the creation of his office, also act to preclude a Solicitor General who becomes Acting Attorney General from making a drastic change of this kind. Finally, in this connection, defendant's decision to abolish the Office was unlawful because it was made without any independent rational basis and was undertaken solely because of the direction by the President. Since the defendant would have been fired from his job unless he agreed to both fire Mr. Cox and abolish the Office, his decision to do so was unlawfully coerced and cannot be sustained.

Coercion is of particular importance in this case where the President who directed the abolition of the office is—along with many of his former cabinet officers and closest associates—one of the persons under investigation. Plaintiffs contend that the totality of these circumstances deprives the Solicitor General of the authority to abolish the Office.

In our final point we demonstrate that there is a need for immediate action in this case, primarily because the public interest requires that the legality of defendant's action be determined at the earliest possible date. It is apparent that so long as a cloud exists over the special prosecutor's office, it cannot be run in an effective manner, whether it is within the Criminal Division of the Justice Department or exists as an independent office. Plaintiffs also contend that their own activities are hampered by the uncertainty that persists with respect to the legality of the firing of the Special Prosecutor and the abolition of his office, and that these interests will continue to be severely hindered unless preliminary relief is afforded.

STATEMENT OF FACTS

(1) Events leading to the creation of the Office of the Special Prosecutor and the appointment of Archibald Cox as special prosecutor

On April 30, 1973, Richard G. Kleindienst resigned from the office of Attorney General of the United States, citing as the ground for his resignation his close personal and professional relationship with several individuals then being investigated by the Department of Justice. On the following day, the President submitted to the Senate the nomination for Attorney General of Elliot L. Richardson, who was then serving as Secretary of Defense,[2] and on May 9, the Senate Judiciary Committee commenced hearings on Richardson's nomination.[3]

The principal concern of the Senate Judiciary Committee in passing on Richardson's nomination was that an independent special prosecutor be appointed to manage the investigation and prosecution of certain crimes committed during the 1972 presidential election campaign, which had come to be referred to collectively as "Watergate offenses".[4] It was apparent from the first day's hearings that the appointment of a special prosecutor by the new Attorney General was of such vital importance to the Committee that Richardson's confirmation by the Senate was wholly dependent upon his willingness to create such an office, to grant to the office a high degree of independence, and to place it under the direction of a capable attorney of unimpeachable integrity.[5] Accordingly, at the very outset of the hearings, Secretary Richardson stated that he had concluded that he should appoint a special prosecutor; he added that he thought it desirable to have his designee for the position appear before the Committee and be questioned so that the Senate could be satisfied as to the special prosecutor's qualifications.[6]

During the course of the confirmation hearings, several issues were raised which bear on the subject matter of this litigation. These are discussed more fully in Point I of the Argument, but they are deserving of brief mention here. First, the Committee evidenced a strong conviction that the activities of the special prosecutor should be independent of the Department of Justice and of the White House, subject only to the power of the Attorney General to discharge the special prosecutor in extreme circumstances.[7] Second, the Committee insisted that the special prosecutor be subject to removal by the Attorney General only in the most unusual circumstances.[8] Third, the Committee demanded assurance that the special prosecutor would have the authority to seek access to White House files and to contest in court any Presidential claims of executive privilege.[9]

One of the chief aims of both Secretary Richardson and Committee members during the course of the hearings was to agree upon definite guidelines which would govern the conduct of the special prosecutor's office and which would set forth in writing their formal understanding regarding, among other things, the three issues discussed above. On May 21, 1973, Secretary Richardosn presented to the Committee a set of guidelines which he had formulated after an exchange of correspondence with Senator Stevenson.[10] The guidelines provided generally that a special prosecutor would be appointed to serve within the Department of Justice and to investigate Watergate-related matters. They specified that the special prosecutor would have the authority, inter alia, to determine whether to contest any assertion of executive privilege and whether application should be made to any federal court for subpoenas or other court orders. The guidelines stated that "[i]n exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the special prosecutor's decisions or actions." The guidelines went on to state, with respect to dismissal, that "[t]he special prosecutor will not be removed from his duties except for extraordinary improprieties on his part". Under the heading "Duration of Assignment" the guidelines provided: "The special prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as in his judgment, he has completed them or until a date mutually agreeable between the Attorney General and himself."

On that same date, Secretary Richardson presented to the Committee his designee for the office of special prosecutor, Professor Archibald Cox of the Harvard Law School. Professor Cox was questioned closely by members of the Committee with respect to his understanding of and satisfaction with the guidelines proposed by Secretary Richardson. Both Professor Cox and Secretary Richardson were specifically questioned with respect to the Attorney General's power to govern the conduct of the office of special prosecutor. Both stated that it was their understanding that the Attorney General would have no control over the special prosecutor, except his power to dismiss the special pros-

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Footnotes at end of article.

ecutor if he committed extraordinary improprieties.[11]

Both Secretary Richardson and Professor Cox were also questioned with respect to the special prosecutor's authority to challenge claims of executive privilege with respect to the documents or testimony of executive officials, and especially of the President. Their understanding with respect to the challenging of claims of executive privilege was embodied in Secretary Richardson's statement that:

"For purposes of the Watergate investigation and all the other related matters, if such an issue should arise, the President will be represented by counsel on one side of that issue and * * * the special prosecutor should assert his claim to obtain the information or the evidence on the other, and that if that cannot be resolved otherwise, then in my judgment, the issue would have to be resolved by a court." [12]

Having hammered out what it considered to be a workable set of guidelines for the conduct of the office of special prosecutor, the Committee finally sought and obtained the assurance of Secretary Richardson that upon his confirmation as Attorney General these guidelines would be made legally binding on the Department of Justice through their publication in the Federal Register.[13]

The hearings were concluded on May 22 and Secretary Richardson's nomination was favorably reported to the floor of the Senate on May 23. In recommending the confirmation of Secretary Richardson, Senator Robert Byrd, the floor manager of the nomination, discussed the qualifications of Professor Cox as much as he did those of Secretary Richardson, and he made it clear that his recommendation that Richardson be confirmed was based primarily on the agreement that had been worked out between the nominee and the Judiciary Committee.[14] With this agreement having been presented to the Senate, Secretary Richardson was confirmed as Attorney General on May 23 by a margin of 82–3. He was sworn in as Attorney General on May 28, 1973.

Pursuant to his agreement with the Senate, Attorney General Richardson on May 31, 1973 promulgated and published Order 517–73, effective May 25, 1973, amending Justice Department regulations to create the Office of Watergate Special Prosecution Force.[15] The regulations incorporated an appendix listing the duties and responsibilities of the Special Prosecutor, which was identical in all material respects to the guidelines presented by Richardson to the Senate Judiciary Committee on May 21, 1973.[16]

(2) *Events leading to the firing of Special Prosecutor Cox and the abolition of the Office of the Special Prosecutor*

On July 16, 1973 it became known publicly for the first time that for approximately the past three years every conversation in the Oval Office of the President, the Executive Office Building office of the President, and the White House Cabinet Room had been tape recorded by secret equipment with the knowledge of only a few persons.[17] On July 23, Special Prosecutor Cox, acting on behalf of a grand jury empaneled by this Court, caused to be issued a subpoena to President Nixon requiring the production for the grand jury of certain tape recordings and documents pertaining to conversations alleged to have been recorded. In a letter to the Court dated July 25, the President advised that the materials sought would not be provided. Upon application of the Special Prosecutor, Judge Sirica issued a show-cause order, in response to which counsel for the President filed a special appearance contesting the Court's jurisdiction and raising primarily the defense of executive privilege. On August 29, Judge Sirica entered an opinion and order requiring the production of the subpoenaed materials for his *in camera* examination so that he could determine which portions, if any, were privileged.[18]

Both the President and the Special Prosecutor challenged the order of Judge Sirica by filing separate petitions for a writ of mandamus in the United States Court of Appeals for the District of Columbia Circuit. On October 12, 1973, a majority of the judges of that Court, sitting *en banc*, affirmed Judge Sirica's order in most respects. The Court ordered that the case be returned to the District Court for further proceedings consistent with its opinion, but it provided that the issuance of its mandate would be stayed for five days (until Friday, October 19) to permit the seeking of Supreme Court review of the issues raised in the petitions.[19]

Beginning on Monday, October 15, the President initiated efforts to resolve the controversy extrajudicially.[20] He directed Attorney General Richardson to approach Special Prosecutor Cox with a proposal whereby the court would be given a non-verbatim record of the tapes verified by Senator John Stennis on the condition that, among other things, Cox not seek any other similar tapes or memoranda in judicial proceedings.[21] On Wednesday, October 17, Attorney General Richardson prepared and submitted to Special Prosecutor Cox a proposal embodying most of the President's suggested terms, except that the Attorney General deleted the prohibition against instituting further judicial proceedings seeking other tapes because he considered it to be undesirable.[22]

On Thursday, October 18, Special Prosecutor Cox prepared and submitted to Attorney General Richardson a memorandum [23] in which he voiced several concerns with the proposal and concluded by saying:

"The Watergate Special Prosecution Force was established because of a widely felt need to create an independent office that would objectively and forthrightly pursue the prima facie showing of criminality by high Government officials. You appointed me, and I pledged that I should not be turned aside. Any solution I can accept must be such as to command conviction that I am adhering to that pledge."

Also on Thursday, the 18th, the President's counsel, Charles Alan Wright, addressed a letter to Special Prosecutor Cox in which he stated that while some of Cox's comments on the Attorney General's proposal were negotiable, certain other of his comments departed "so far from that proposal and the purpose for which it was made that we could not accede to them in any form." [24]

On Friday evening, the office of White House Press Secretary released a statement by the President in which he said that he had decided not to appeal the Court of Appeals decision, but had chosen instead to propose a compromise to Special Prosecutor Cox, which had been rejected. The President added that he had "felt it necessary to direct [Cox] as an employee of the executive branch, to make no further attempts by judicial process to obtain tapes, notes, or memoranda of Presidential conversations." [25]

Later on Friday evening, the Special Prosecutor issued a statement in which he said that he considered the President to be refusing to comply with the orders of the courts and that he would present his objections to the courts and would abide by their decision.[26] He added that to comply with the President's order not to seek to obtain through judicial proceedings any other materials relating to presidential conversations would be to violate his promise to the Senate and the nation, something which he would' not do. The next day, Saturday, October 20, Special Prosecutor Cox held a press conference in which he reiterated his inability to agree to the proposal made to him or to abide by the President's direction of Friday evening that he make no further attempts through judicial proceedings to obtain tapes, memoranda or other documents pertaining to presidential conversations.[27]

After that press conference, the President decided that the Special Prosecutor should be fired, and he directed Attorney General Richardson to do so. Richardson declined, and in a letter to the President, he repeated much of what he had said in his earlier letter of that same day [28] and stated that he had "been obliged to conclude that circumstances leave me no alternative to the submission of my resignation as Attorney General of the United States." [29] Upon Attorney General Richardson's resignation, the President next directed States." [29] Upon Attorney General Richard-Deputy Attorney Generol William D. Ruckelshaus to fire Special Prosecutor Cox. The Deputy Attorney General declined to do so, and submitted a letter resigning his office.[30]

The Attorney General and Deputy Attorney General having declined to carry out his instructions and having resigned, the President turned next to the defendant, who was then Solicitor General of the United States, and who thereupon became Acting Attorney General pursuant to 28 U.S.C. § 508(b) and 28 C.F.R. § 0.132(a). In a letter to the defendant dated October 20th, the President stated, in pertinent part:

"In his press conference today Special Prosecutor Archibald Cox made it apparent that he will not comply with the instruction I issued to him, through Attorney General Richardson, yesterday. Clearly the Government of the United States cannot function if employees of the Executive Branch are free to ignore in this fashion the instructions of the President. Accordingly, in your capacity of Acting Attorney General, I direct you to discharge Mr. Cox immediately and to take all steps necessary to return to the Department of Justice the functions now being performed by the Watergate Special Prosecution Force." [31]

That evening defendant signed a letter to Special Prosecutor Cox which stated that he had assumed the duties of Acting Attorney General, and that "I am, as instructed by the President, discharging you, effective at once, from your position as Special Prosecutor, Watergate Special Prosecution Force." [32]

A few minutes after the firing of Special Prosecutor Cox, F.B.I. agents acting on directions from someone in the White House, occupied and "sealed off" the offices of the Attorney General, the Deputy Attorney General, and the Watergate Special Prosecution Force, Prosecution Force staff attorneys were not permitted to remove any papers from their offices, either by hand or by mail. The F.B.I. agents were replaced on Sunday by U.S. marshals, who acted on instructions from defendant, but normal security procedures were not reinstated until Monday, October 22.[33] Also on Monday, the 22d, the defendant announced that he was placing Assistant Attorney General Henry E. Petersen in charge of the Watergate case.[34]

On Tuesday, October 23, 1973, the day this action was filed, defendant issued Order No. 546–73.38 Fed. Reg. 29466 (Oct. 25, 1973), which purported to abolish the Office of the Special Prosecutor effective October 21, and to revoke all prior orders and regulations pertaining thereto, including the regulations which had been promulgated by Attorney General Richardson on May 31st establishing the office and setting forth the agreed upon guidelines under which it would be conducted.

(3) *The aftermath of the firing of Special Prosecutor Cox and the abolition of the Office of Special Prosecutor*

The events of October 19th and 20th sent a shock wave through this nation which has not yet subsided. Beginning on Saturday night, members of Congress were flooded with letters, telegrams, and telephone calls from their constituents, most calling for the impeachment of the President.[35] When the

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Footnotes at end of article.

House of Representatives convened on Tuesday, October 23rd, over 20 resolutions[36] were introduced calling for the initiation of impeachment proceedings of some sort, including resolutions by plaintiffs Waldie and Abzug; such resolutions were sponsored by over 65 members of the House. A large number of other bills and resolutions were introduced in both houses proposing various mechanisms for reestablishing a Special Prosecutor's office.[37] The Judiciary Committees of both houses announced that they would commence hearings on such legislation beginning on Monday, October 29. Some members of those two committees, as well as of the respective full houses of Congress, who believe that the dismissal of the Special Prosecutor and the abolition of his office were illegal, are uncertain whether they should expend their energies and resources and cast their votes for new legislation when they believe the former structure to have been illegally demolished.[38] At the same time, these members consider the reestablishment of some type of independent prosecutorial force to be of the utmost importance, and they are hesitant to withhold their support of such legislation because of the uncertainties that exist with respect to Mr. Cox's status. An expeditious disposition of this case will provide them with the guidance they need to perform their legislative duties.

Indecision and uncertainty have also been the order of the day within the Department of Justice generally, and the Office of the Special Prosecutor in particular. During the first thirty-six hours following the firing of the Special Prosecutor, members of the Force were severally inhibited in the discharge of their duties by the presence of F.B.I. agents and U.S. marshals who, on orders from the White House and the defendant, respectively, refused to permit the removal of any papers from the offices. Although that situation has normalized, uncertainty continues to exist. As recently as October 25th, members of the Force observed in papers filed with Judge Sirica that "[t]he status of the records developed by the Watergate Special Prosecution Force and the responsibility for the security of these materials is * * * uncertain."[39] In addition, the conclusion is inescapable that the work of the Force will be hampered until this controversy is resolved. Potential defendants in criminal cases and their attorneys will be reluctant to engage in any kind of plea bargaining until it is clear who has final authority to speak for the United States.

This uncertainty in both the Congress and the Department of Justice can only have been exacerbated by the President's announcement on Friday, October 27, that "in consultations * * * we've had in the White House today, we have decided that next week the Acting Attorney General, Mr. Bork, will appoint a new special prosecutor for what is called the Watergate matter."[40] While it remains unclear what powers this new special prosecutor would have, President Nixon did state that "[w]e will not provide Presidential documents to a special prosecutor."[40a]

In short, until this Court rules whether the firing of Special Prosecutor Cox and the abolition of his office were legal, neither the Congress, the Justice Department, nor those who are the subjects of investigation can make truly informed decisions about their future courses of action. As time passes without resolution of this issue, the task of righting the wrong which has been done grows more confusing and more difficult.

Finally, it cannot be overlooked that perhaps the greatest harm occasioned by the traumatic events of October 19–20 is the harm that is inflicted upon the American people when they witness the arbitrary dismissal of a highly respected public servant and the forced resignation of two other eminently regarded public officials who refused to violate solemn promises that they had made. Public distrust of government, already at an ebb, appears to be at its lowest point in recent memory.[40b] This lack of confidence will continue, and perhaps worsen, so long as there remains unanswered the question being asked by many—the question whether defendant violated the law in firing Special Prosecutor Cox and abolishing his office. Only an expeditious resolution of this issue can help to restore the citizens' lost confidence in their government and to quiet the raging storm which was unleashed by the abrupt dismissal of Archibald Cox.

ARGUMENT

I. Archibald Cox was unlawfully discharged as special prosecutor

When Elliot Richardson's confirmation hearings began eight days after his being nominated to be Attorney General, virtually the sole topic of concern to the Judiciary Committee members was the appointment of a special prosecutor for Watergate. Mr. Richardson agreed immediately that there was a need for an independent special prosecutor, and he and the Committee members discussed at great length the nature of the independence of the prosecutor. During the hearings he advised the Committee of his selection of Archibald Cox for the position, and on May 21, 1973 Mr. Cox appeared before the Committee to testify concerning his understanding of his role as the Special Watergate Prosecutor.

There can be little doubt that the confirmation of Elliot Richardson was contingent upon establishment of a truly independent prosecutor. As Senator Hart said, ". . . until we have an agreement on the ground rules establishing the independence of this special prosecutor we ought not to move to confirmation."[41] There were extended discussions about the independence of the prosecutor and the grounds for his selection and removal. Mr. Richardson stated at the start of the hearings that the Senate should "concur" in the selection of the special prosecutor.[42] Thus, even though technically the only confirmation was that of Mr. Richardson, it can hardly be disputed that the Senate also specifically approved the appointment of Mr. Cox as Special Prosecutor.

A considerable portion of the hearings related to the question of Mr. Cox's potential discharge should the Attorney General become displeased with his performance. Senator Ervin suggested that he would not be subject to removal "except for malfeasance in office."[43] When this matter was raised initially with the Attorney General designate, he replied that he would prefer the term "malfeasance or gross incompetence" but added that he "cannot conceive that either one would ever occur unless the man had a mental breakdown or something."[44] Later he indicated that, even if the President directed him to fire the special prosecutor, he would refuse "in the absence of some overwhelming evidence of cause," and then added that "these are things that in the present circumstances are so remotely possible as to be practically inconceivable."[45]

After receiving suggestions from the Committee members, Mr. Richardson made certain amendments in his proposed guidelines on the duties of the Special Prosecutor.[46] He stated that, although he reserved the power of removal for "extraordinary impropriety on the part of the special prosecutor, . . . it is totally inconceivable to me that Mr. Cox would ever be guilty of extraordinary improprieties in the conduct of any function."[47] When asked by Senator Tunney to define "extraordinary improprieties," Secretary Richardson indicated that he did not think he could, adding that the phrase was one contained in a letter sent to him by Senator Stevenson and 28 others as "indicative of their notion of specific circumstances under which removal might be justified. I had another phrase before that that was incorporated in language that I had used in other hearings, about arbitrary or capricious or irrational conduct and so on, and I thought that the senatorial phrase was somewhat better, so I substituted it."[48]

With the nominee having pledged to appoint Archibald Cox as special prosecutor, having vowed to vest him with extraordinary independence, and having agreed to discharge him only for "extraordinary improprieties," the Senate accepted the solemn pledge and confirmed Elliot Richardson as Attorney General of the United States. There can be little doubt that the arrangement had the tacit if not active approval of the President, since it was he who had selected Mr. Richardson and had given him the right to decide whether or not to appoint a special prosecutor.[49] Senator Hugh Scott, the minority leader of the Senate, stated that he had discussed the matter of the special prosecutor with the President, who indicated that he would not interfere in the selection or in the conduct of the Office of the Special Prosecutor, and that the President "wishes a complete, total, absolute and utter investigation to the end, to the truth, and to the ultimate consequences."[50]

On May 31, 1973, three days after Elliot Richardson was sworn in as Attorney General, he issued order 517–73, which established the Office of Watergate Special Prosecutor. This order, which was duly published in the Federal Register of June 4, 1973 (38 Fed. Reg. 14688), and was later codified at 28 C.F.R. § 0.37 (1973), is identical to the final agreement that he reached with the Senate Judiciary Committee,[51] save for the substitution of "is" in the first sentence for the words "will be." On the same day, he formally appointed Archibald Cox to be Special Prosecutor, confirming the letter of designation he had written on May 25th. Thus, the solemn compact made by Elliot Richardson with the United States Senate was complete, and the office of an independent Watergate Special Prosecutor was established with Archibald Cox in charge.

In spite of these assurances of independence, the President directed the Attorney General of the United States to fire Mr. Cox and to disband the Office less than five months after its creation. What Mr. Richardson had described during the hearings as actions "totally at variance with the whole approach [the President] set forth," and something that "just will not happen"[52] in fact did happen. Elliot Richardson refused to violate his agreement with the Senate and the Justice Department regulations and resigned, as did his Deputy, William D. Ruckelshaus. Then, on the evening of October 20, 1973, the Solicitor General of the United States, the defendant Robert H. Bork, became Acting Attorney General pursuant to 28 C.F.R. § 0.132(a), and at the direction of the President issued an order purporting to discharge Mr. Cox from office. The letter of discharge from the defendant to Mr. Cox[53] makes no reference to any cause, nor does it suggest that there were any "extraordinary improprieties" on the part of Mr. Cox within the meaning of the regulation establishing the office. Furthermore, at a post-resignation press conference, Mr. Richardson stated that he did not believe that Mr. Cox was guilty of any such extraordinary improprieties and that the President had not purported to fire him on that basis.[54] At his October 24th press conference the defendant never suggested that Mr. Cox had violated the regulation but stated that he wrote the letter because "the decision of the President to discharge Mr. Cox was final and irrevocable."[55]

There can be little doubt that Mr. Cox was fired for one and only one reason: he refused to accede to the order of the President directing him to cease further litigation with re-

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Footnotes at end of article.

spect to documents subpoenaed from the White House. Mr. Cox had first challenged the claim of executive privilege in this Court, where he was successful in resisting the claim, and on appeal the decision below was affirmed with modifications not relevant to this proceeding. On October 19th, the President decided not to take the case to the Supreme Court, but refused to do more than provide Mr. Cox with summaries of the documents. It was in this connection that he directed Mr. Cox not to proceed with further litigation, and Mr. Cox announced at an October 20th press conference his intention not to abandon the pending litigation.[56] Immediately after that press conference, the President decided to fire Mr. Cox because of his refusal to cease litigation on the issues of executive privilege and the President's compliance with the order of the Court to produce the subpoenaed documents for an *in camera* inspection. No other basis for the firing has been suggested, and we do not understand either the defendant or the President to have taken a contrary position.

Seeking court resolution of a dispute would not ordinarily be thought to be "extraordinary improprieties," even where the dispute relates to executive privilege. More important, however, both the testimony before the Judiciary Committee and the terms of the enabling regulation make it clear that Mr. Cox's refusal to cease litigation of the issues was not an extraordinary impropriety. The regulation specifically gives to the Special Prosecutor the "full authority * * * for * * * determining whether or not to contest the assertion of 'Executive privilege' or any testimonial privilege * * *"[57] This specific authority was discussed and approved by the Senate Committee in various parts of the hearings,[58] and thus there can be no doubt that the applicable regulation, which permits a discharge only for extraordinary improprieties, cannot be read to apply to an assertion of a power which was specifically granted to the Special Prosecutor. Finally, when the defendant was asked at his press conference whether Mr. Cox was guilty of extraordinary improprieties, he stated that he had "very little knowledge of Mr. Cox's activities" and that he believed Mr. Richardson who told him that Mr. Cox "was guilty of no extraordinary improprieties."[59]

The regulation governing the discharge of the Special Prosecutor was legally in full force and effect when the attempted firing took place, and hence it limits the authority of the Attorney General to discharge Mr. Cox except for "extraordinary improprieties" until it is validly amended or repealed. The principles of administrative law firmly establish that an agency which issues regulations is bound by them and cannot act in disregard of them. *Vitarelli v. Seaton,* 359 U.S. 535 (1959), and *Service v. Dulles,* 354 U.S. 363 (1957). Even though Mr. Cox might have been summarily dismissed in the absence of the regulation, its existence limits the authority of the defendant to discharge Mr. Cox except for "extraordinary improprieties." See *Vitarelli, supra,* 359 U.S. at 540.

Under these basic principles of administrative law, it is plain that the firing of Archibald Cox was unlawful. This result is particularly appropriate here since there can be little doubt that Elliot Richardson would not have been confirmed by the Senate without specific assurances that Mr. Cox would be truly independent and not subject to normal rules regarding dismissal, and that he would be given full authority over the Watergate investigation. Moreover, it is equally clear that Mr. Cox assumed the job only after assuring himself that he would be independent and could be discharged only in accordance with the guidelines,[60] which Mr. Richardson stated would be issued as regulations having the full force of law.[61] Since his discharge was not for the only valid reason under the regulation, it was unlawful and must be set aside.[62]

It may be argued that the same result could have been obtained by revoking the regulation first and then firing Mr. Cox. The answer to this, of course, is that this is not what was done. The defendant issued an Order on October 23rd, purporting to make it effective as of October 21st, abolishing the Office of the Special Prosecutor. Since Mr. Cox was fired the day before the purported effective date of the order, that order cannot arguably validate the discharge. Moreover, as we shall demonstrate in Point II of this Memorandum, even the belated attempt to revoke the regulation and abolish the Office was invalid.

Archibald Cox was fired in clear violation of a valid existing regulation which permitted his discharge only for "extraordinary improprieties." It is apparent that no such improprieties existed and that the cause of his firing was his refusal to desist from doing that which he was specifically authorized to do under that regulation. Seen in this light, plaintiffs have established not merely that there was a strong probability that Mr. Cox was unlawfully fired, but a virtual certainty of that.

II. The attempted abolition of the Office of the Special Prosecutor was invalid

A. The Regulation Precludes Abolition of the Office

In order to achieve the objectives of the President, the defendant issued an order on October 23rd which purports to abolish the Office of Special Prosecutor. Plaintiffs contend that the order is without validity for a variety of reasons, the first of which is that the regulation creating the office provides for the "Duration of assignment" of the Special Prosecutor as follows:

"The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself."[63] The clear import of this provision is that the Office of Special Prosecutor shall remain in existence until the Special Prosecutor determines that his work is done, or until he and the Attorney General agree upon a termination date. There can be no dispute that neither of those conditions has been met, and accordingly, under the terms of the regulation itself, the office may not be abolished.

The only defense to the plain meaning of this provision, which mandates the continuation of the Special Prosecutor's Office until either of two events occurs, is that there was no authority to enact such a provision and that it could have been revoked the day after its adoption.[64] Our research has disclosed no case in which a revocation of a regulation containing a provision similar to this has been challenged in court. We believe that an analogous area of the law—that dealing with the validity of statutes establishing fixed terms for Presidential appointees—may be of assistance to the Court in this case. Thus, cases such as *Humphrey's Executor v. United States,* 295 U.S. 602 (1935), and *Wiener v. United States,* 357 U.S. 349 (1958), suggest an analysis that is relevant in determining the validity of the provision establishing a determinable, non-revocable term for the Office of the Special Prosecutor. Those cases hold that the validity of statutory limitations on the President's removal powers turns upon the question of whether the office was purely executive, or whether it was one which contained functions which are in part either legislative or judicial. *Humphrey's Executor, supra,* 295 U.S. at 628–629. In addition, the necessity for the independence of the particular officer was considered to be highly significant. *Id.* at 629–30. Judged by these standards, it is apparent that the Office of Special Prosecutor was not purely executive, as was the Postmaster Firstclass in *Myers v. United States,* 272 U.S. 52 (1926) in which the Court held the limitation on discharge to be unconstitutional.[65] The relation of the Special Prosecutor to the Grand Jury and the fact that the Special Prosecutor had been created in a compact with the Congress in part to investigate the executive branch demonstrate that the office is not purely executive. It is obvious that no person could investigate the President and his closest associates and be a purely executive officer. Therefore, the situation is similar to that in *Humphrey's Executor* (Federal Trade Commissioner) and *Wiener* (War Claims Commissioner) where the discharge limitations were upheld.

There are further very strong justifications for the independence of the Special Prosecutor here which support the necessity for insuring that the Office cannot be abolished. Certain of the members of the Justice Department may be witnesses to charges of obstruction of justice (such as Assistant Attorney General Henry Petersen who is now in charge of the investigation), and other former Justice Department officials may themselves be prosecuted. In both of these cases, it is obvious that the Special Prosecutor's Office must be independent of those persons and that, if it is part of the Department of Justice, that independence will be destroyed. Furthermore, although Mr. Petersen had assured the public in September 1972, that an exhaustive investigation of the Watergate matters had taken place[66] it is obvious that the Senate wanted a fresh look taken at the situation and felt that the Justice Department could not properly provide it. This was a situation in which it was essential that public confidence be restored by a truly independent prosecutor who, among other things, could assure sources, who might be unwilling to cooperate with the Justice Department proper, to come forth with evidence. Finally, and perhaps most important of all, Mr. Cox and the staff, which he was free to hire himself, would not have served unless the necessary assurances had been given that he would truly be independent.[67] It is apparent that "independence today but abolition tomorrow" is not the kind of independence that the Senate approved when it confirmed Elliot Richardson. The continued vitality and existence of the Special Prosecutor's office was part and parcel of the confirmation proceedings since the identical terms regarding continuation of the Office that were in the guidelines submitted by Mr. Richardson to the Senate are in the regulation. Everyone, from the President down, knew precisely the nature of the bargain that had been struck with the Senate. To confirm Elliot Richardson as Attorney General, it was necessary to agree to the establishment of an independent Special Prosecutor's office, and in exchange the Senate put aside the various other legislative solutions which had been proposed to it.[68] It is inconceivable that the Senate would have confirmed Elliot Richardson if the position of the President and the Justice Department were that the assurances of the continued operation of the Special Prosecutor's office were no more than empty promises which could be broken as soon as either Elliot Richardson changed his mind, resigned, or was fired. Yet, that is precisely the position which the defendant must take in this proceeding if he is to persuade this Court that the abolition of the office was lawful under the circumstances of this case. We submit that the attempted abolition of the Office of Special Prosecutor by Order 546–73 was a nullity and that there was no authority even for a duly confirmed Attorney General to abolish the Office at this time.[69]

Footnotes at end of article.

B. The Defendant, Who Is Acting as Attorney General Pursuant to 28 U.S.C. § 508 (b), Lacks the Power To Abolish the Office of Special Prosecutor

The attempted destruction by the defendant of the Office of the Special Prosecutor is also invalid because defendant is merely an Acting Attorney General. The Office was established by Elliot Richardson, whose confirmation depended upon his agreement to set up such an Office, and thus it is inconceivable that the Senate expected that the Office could be abolished by someone who became Acting Attorney General pursuant to 28 U.S.C. § 508(b). To permit the defendant to abolish the Office would mean it could also have been eliminated by any of the nine Assistant Attorneys General covered by Section 508(b), including one whose appointment does not even require confirmation. See 28 U.S.C. § 507. That cannot have been the intent of those who voted for the confirmation of Elliot Richardson.

The proposition that the defendant, who is a confirmed Solicitor General but merely an Acting Attorney General, has no authority to effect major organizational changes such as this in the Department of Justice, is supported by the Department's own regulations. Chapter 28 of the Code of Federal Regulations, section 0.180 provides in pertinent part that—

"All documents relating to the organization of the Department or to the assignment, transfer, or delegation of authority, functions, or duties by the Attorney General or to general departmental policy shall be designed as orders and shall be issued *only* by the Attorney General in a separate, numbered series." (emphasis added).

Our research discloses that this is the only instance in the Justice Department's published regulations in which a function is authorized to be performed "only" by the Attorney General. In fact, in only two other instances in the Justice Department regulations is the term "only" used to explicitly limit the authority granted to the persons described. In both of these instances (28 C.F.R. §§ 3.6 and 17.23) persons other than the Attorney General are also authorized to take the particular actions. In the case of § 17.23, which provides that only the Attorney General and such other officials as he has designated in writing may classify documents Top Secret, the use of "only" is clearly for emphasis since the very next section, which deals with Secret and Confidential classifying authority, fails to use that term. Thus, the use of "only" in § 0.180 cannot be lightly disregarded, and since defendant was not the Attorney General, he had no authority to issue order 546–73 which so significantly affects the organization of the Justice Department.[70]

Chapter 31 of Title 28 (Sections 501–526), which contains the Congressional mandate covering the Department of Justice and the Attorney General, provides statutory support for the proposition that the defendant may not effect wholesale changes in the organization of the Department of Justice. Section 508(a) provides that, in the case of a vacancy in the office of the Attorney General, the Deputy Attorney General "may exercise all of the duties of that office . . . ." The immediately following subsection [508 (b)], which deals with the instant case in which neither the Attorney General nor the Deputy is available, provides in startlingly different language that the next person in succession, who may be either the Solicitor General or an Assistant Attorney General as designated in departmental regulations, "shall act as Attorney General." [71] If Congress had intended that someone acting under Section 508(b) would have the same powers as a Deputy Attorney General acting under Section 508(a), it would surely have used the same and not different language. The failure to use identical language in two parts of the same section strongly suggests that Congress did not intend the authorities granted by those provisions to be identical.

Moreover, the legislative history of Section 508 demonstrates that this difference in language is not a mere happenstance of draftsmanship but is based on significant differences between the duties and qualifications of the Deputy on the one hand, and the Assistant Attorneys General and the Solicitor General on the other, and thus operates to withhold from defendant the authority to order such drastic changes as the abolition of the Office of Special Prosecutor. Under Section 347 of the Revised Statutes of 1874, the Solicitor General was the person who filled any vacancy in the office of the Attorney General and was given the power "to exercise all of the duties of that office," which is the same language used now in Section 508(a) regarding the Deputy. Following the passage of the Reorganization Act of 1949, Reorganization Plan No. 4 of 1953 was submitted by President Eisenhower to the Congress on April 20, 1953.[72] Section 1(a) of that Plan provided that "[t]he function with respect to exercising the duties of the Office of Attorney General vested in the Solicitor General by section 347, Revised Statutes, as amended (5 U.S.C. 293),[73] is hereby transferred to the Deputy Attorney General, and for the purposes of Section 177, Revised Statutes (5 U.S.C. 4)[74] the Deputy Attorney General shall be deemed to be the first assistant of the Department of Justice." Thus, Section 1(a) substituted the Deputy Attorney General for the Solicitor General as the immediate successor to the Attorney General, and this provision became the basis of Section 508(a) of the current Title 28. Section 1(b) of that Reorganization Plan established a new provision which is substantially identical to the present Section 508(b) and which provided for the filling of the vacancy of the office of Attorney General when neither the Attorney General or the Deputy is available, by the Solicitor General or the Assistant Attorneys General in such order of succession as the Attorney General may from time to time prescribe. Section 1(b) specifically provided that the person filling the vacancy in that case "shall act as Attorney General," a marked contrast to the language used to describe what the Solicitor General formerly might do under Section 347 of the Revised Statutes, and what the Deputy could do once the change took place, as it did on June 20, 1953, without objection by Congress.[75]

The accompanying reorganization message sent by President Eisenhower gives the reasons for this change.[76] He stated that the Solicitor General is:

"No longer the appropriate officer of the Department of Justice to be the first in the line of succession of officers to be Acting Attorney General. His basic and primary function is to represent the United States before the Supreme Court. He is not concerned with the day-to-day administrative direction of the affairs of the Department of Justice. Thus, he is not likely to be the officer of the Department whose regular duties best prepare him to assume the occasional responsibility of guiding the affairs of the entire Department in the capacity of Acting Attorney General."

The message then detailed the duties of the Deputy Attorney General, from which President Eisenhower concluded that the Deputy is "both by title and by the nature of his functions, the officer best situated to act as the administrative head of the Department of Justice when the Attorney General is absent or disabled or the office of Attorney General is vacant."

The differences in language between these two provisions, now Sections 508(a) and 508 (b), and hence the differences between the authority given the Deputy and that given the others when filling a vacancy in the position of Attorney General, are amply supported by the reasons given by the President for removing the Solicitor General from the position as immediate successor to the Attorney General and these reasons still apply today. The duties of the Solicitor General, as set forth in 28 C.F.R. § 0.20, indicate that he is basically an appellate attorney, one who, in the language of Section 505 of Title 28, is selected because he is "learned in the law." Similarly, the Assistant Attorneys General all are given areas of special expertise, ranging from tax, to criminal law, to antitrust. While those persons may be well-qualified in their areas of expertise, there is no guarantee that they have any broader range of experience such as would be normally found in an Attorney General or his Deputy. Moreover, they were not confirmed for their positions with these broader duties in mind and have ordinarily had virtually no experience in the Department outside their specialized area. Accordingly, they would, in the normal course of events, be ill-suited to handle the wider-ranging duties of the Attorney General, whereas the Deputy by reason of his normal functions would be prepared to take over for the Attorney General, and his confirmation would have been given with this in mind. It is one thing for Congress to provide a statutory framework to insure that there is always someone to act as the head of the Justice Department; it is another to assume that when Congress used different language to describe what different officials may do when filling a vacancy in the office of Attorney General, that it meant that in both instances the powers were identical.

The notion that an Acting Attorney General has limited powers and cannot perform all of the duties that the Attorney General may, is fully consistent with the Constitution and, indeed, may even be required by it. Article 2, section 2, clause 2 provides that the President . . .

Shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, or in the Courts of Law, or in the Heads of Departments.

There can be little doubt that the requirement of Senate confirmation is essential in order for Congress to maintain some measure of control over those department heads who are in charge of effectuating the laws which have been duly enacted by Congress. It is apparent that, if a person not confirmed by the Senate as a department head could assume the duties of a department head, great changes could be wrought without any opportunity for Senatorial supervision and control. On the other hand, it is equally apparent that some interim measures must be provided for so that when a sudden vacancy occurs in an important governmental office, the immediately necessary work of that office does not cease because there is no person validly holding the office as head of the department.[77]

Therefore, the Second Congress enacted a statute in 1792 which provided for the temporary filling of vacancies in the offices of Secretary of State, Treasury, and War by the President.[78] It was not until 1863 that Congress extended to the President the power of temporarily filling a vacancy in the other heads of departments and simultaneously imposed the first time limitation on vacancy appointments (six months).[79] In 1868, because of alleged abuses by President Andrew Johnson, the period for filling a vacancy was

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Footnotes at end of article.

cut to 10 days by the statute which is known as the Vacancies Act and is now codified in 5 U.S.C. §§ 3345–49.[80] Senator Trumbull, the statute's principal Senate sponsor, stated that it was his intention that the bill should repeal all other laws inconsistent with it and that:

"The intention of the bill was to limit the time within which the President might supply a vacancy temporarily in the case of the death or resignation of the head of any of the departments or of any office appointed by him with the advice and consent of the Senate in any of the departments * * *" 39 Cong. Globe 1163 (Feb. 14, 1868).

The ten day limit for filling temporary vacancies was increased in 1891 to the present 30-day period[81] because of a belief that the shorter time limit resulted in undue haste and possible mistakes in selecting persons for important positions. See 22 Cong. Rec. 2078–79, (Feb. 3, 1891) (Remarks of Senator Gorman and others). Accordingly, since the office of Attorney General is covered by the Vacancies Act, see 28 U.S.C. § 508(a) and 5 U.S.C. §§ 101 and 3345–49, the defendant may continue as the interim head of the Justice Department only for a period of 30 days. See *Williams v. Phillips*, 360 F. Supp. 1363 (D. D.C.), *motion for stay denied*, 482 F. 2d 669 (D.C. Cir. 1973).[82]

Thus, the Congressional decision to permit the President to fill vacancies in emergency situations, where the Constitution otherwise requires that he first obtain the advice and consent of the Senate, coupled with the short periods of time for which those vacancies may be filled, strongly suggests a Congressional concern that these interim appointments be only for the purpose for which they are intended—*i.e.*, to handle emergency or quasi-emergency situations. Congress never intended the Vacancies Act to be a blanket authorization to the President to affect wholesale changes in the operation of the departments during periods in which the head of a department is an interim appointee who has not been confirmed by the Senate.

Seen in this light, the distinction between the language in Sections 508(a) and 508(b) is quite significant and represents a judgment initially made by President Eisenhower and confirmed by the Congress that the emergency powers which may be conferred upon a Deputy Attorney General are of one kind, whereas those conferred upon the Solicitor General and the other specialists who head the divisions of the Justice Department, are of a different sort. Congress was obviously aware that the vacancies would only be for a period of 30 days and that the nature of the matters to be undertaken during that time could not be fully predicted. Yet these statutes clearly indicate an expression of Congressional policy that the Solicitor General and the other Assistant Attorneys General do no more than is necessary, whereas far greater power is given to a Deputy Attorney General who is filling the Office of the Attorney General. Judged in light of the historical perspective, it is apparent that Congress, in passing the Vacancies Act and in enacting Section 508(b), never intended to allow a Solicitor General, as an Acting Attorney General, to take so drastic an action as the abolition of the Office of the Special Watergate Prosecutor, which had been painstakingly created in conjunction with the Senate and which had been the *quid pro quo* for the confirmation of Elliot Richardson and the abandonment of proposals to create an independent special prosecutor by Act of Congress.

Finally, the defendant has himself expressed the view that as an Acting Attorney General his proper role is a limited one:

". . . I am not nominated and confirmed Attorney General, and therefore, I view it as my task simply to keep the Department going on an even keel and to make it as effective as possible for as long as we can until a new Attorney General is nominated and confirmed. I don't plan any major structural changes. I don't plan any personnel changes.[83]

This common sense view, that an Acting Attorney General is little more than a caretaker, is buttressed by Section 508(b) when the Acting Attorney General is someone other than the Deputy. Yet the major organizational change which defendant ordered is wholly at odds with his own concept of a limited role for an Acting Attorney General. Accordingly, for the reasons set forth above, defendant lacked the power to issue order 546–73 abolishing the Special Prosecutor's Office.

C. Defendant's Order Assigning the Functions of the Office of Special Prosecutor Back to the Criminal Division Was Not an "Appropriate" Order Within 28 U.S.C. § 510, and was Arbitrary, Capricious, and Without Basis in Law Or Fact

The attempted abolition of the Office of the Special Prosecutor by defendant was also invalid because it was not an "appropriate" order under 28 U.S.C. § 510. The analysis of this issue begins with Section 509, which provides that "all functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General . . ." with four exceptions not relevant here. Next, under Section 516 the conduct of litigation to which the United States is a party, which includes all criminal proceedings, is reserved to officers of the Department of Justice under the direction of the Attorney General.

Thus, under this statutory framework, the President has the undisputed authority to nominate, and with the advice and consent of the Senate, to appoint the Attorney General of the United States, but he does not have the power to run the Justice Department, or to require the Attorney General to perform specific acts, or to direct the Attorney General's subordinates to do any such acts. This is made clear from provisions such as Section 511, under which the Attorney General "shall give his advice and opinion on questions of law when required by the President," a power specifically derived from Article 2, Section 2, Clause 1 of the Constitution.[84] That same clause in the Constitution also makes the President Commander-in-Chief of the Armed Forces, an authority which permits him to direct their operations. But there are no comparable statutory or constitutional authorizations for him to direct the Department of Justice, and hence if he disagrees with the policies which the Attorney General is following, his only recourse is to discharge him. The President does not have the authority to direct the implementation of those policies, and indeed he has no authority to order the discharge of inferior officers or the reorganization of the Department of Justice. The actions of the President in this case confirm this interpretation since he did not attempt to discharge Archibald Cox himself, nor did he issue any orders which purported to abolish the Office of the Special Prosecutor. These tasks he assigned to others, and when two Attorneys General resigned rather than comply, the defendant was asked and agreed to carry out the directives.

The Supreme Court has recognized that the provision in Article 2, Section 1 of the Constitution that "the executive power shall be vested in a President of the United States" does not mean that the President may direct the actions of every single person in the executive branch of the government contrary to express Congressional direction:

"The executive power is vested in a President, and as far as his powers are derived from the Constitution, he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power. But it by no means follows that every officer in every branch of that department is under the exclusive direction of the President. Such a principle, we apprehend, is not, and certainly cannot be claimed by the President.

"There are certain political duties imposed upon many officers in the executive department, the discharge of which is under the direction of the President. But it would be an alarming doctrine that Congress cannot impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President.

* * * * *

"It was urged at the bar that the Postmaster General was alone subject to the direction and control of the President, with respect to the execution of the duty imposed upon him by this law, and this right of the President is claimed, as growing out of the obligation imposed upon him by the Constitution to take care that the laws be faithfully executed. This is a doctrine that cannot receive the sanction of this court. It would be vesting in the President a dispensing power which has no countenance for its support in any part of the Constitution; and is asserting a principle which, if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress, and paralyse the administration of justice. *Kendall v. United States.* 37 U.S. [12 PET.] 524, 610, 612–13 (1838)."

Accordingly, it is the determination of the defendant who ordered the abolition of the Office, and not that of the President which must be judged in assessing the lawfulness of the attempt to bring the Office of Special Prosecutor back into the Criminal Division of the Justice Department.

In assessing the validity of the defendant's direction, it is well to recall the sequence that led to the attempted abolition. On the afternoon of October 20th, after both the Attorney General and the Deputy Attorney General declined to discharge Mr. Cox and to abolish the Office of Special Prosecutor, the President made a similar request of the defendant, and he agreed to execute the orders. That very evening, minutes after the discharge orders were conveyed to Mr. Cox, agents of the Federal Bureau of Investigation were sent by the White House to take control of the files at the Office of the Special Prosecutor and thereby to deny access to members of that staff to the premises. Thus, the legality of the determination to reassert control over the Watergate investigation must be judged on the basis of what the defendant knew and considered on Saturday, October 20th, and not at the time that the decision was committed to writing three days later.

The authority under which the Attorney General may assign the functions of the Justice Department among its employees is contained in Section 510, which provides that the Attorney General may "make such provisions as he considers appropriate authorizing the performance by any other officer, employee, or agency of the Department of Justice of any function of the Attorney General." Thus, the statute requires that the Attorney General consider the assignment to be "appropriate," and it is apparent here that the defendant gave no independent consideration to the question, but simply obeyed the order of the President. Mere obedience to the command of another cannot constitute a proper use of administrative discretion.[85]

Footnotes at end of article.

There are only two reasons of which we are aware for which the office might have been abolished. If either or both of these reasons is improper, *i.e.*, legally irrelevant to defendant's determination that abolishing the office was "appropriate," then the determination must be set aside. *D.C. Federation of Civic Ass'ns.* v. *Volpe*, 459 F. 2d 1231 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 1030 (1972). The first possible reason is that the President did not want to surrender more than the summaries of the tapes, which he had agreed to provide to Judge Sirica, and which Mr. Cox, and presumably other members of the Office of the Special Prosecutor, would not accept as being sufficient. That reason is not necessarily related to the independence of the Office since any prosecutor could demand the tapes, subject only to the threat of discharge by the Attorney General for doing so. Thus, that reason seems wholly irrelevant to any consideration that might properly cause defendant to abolish the Office of the Watergate Special Prosecutor.

The second possible reason is that the President himself was concerned that the investigation was coming too close to him, to former members of his Cabinet, to his friends, and to his former close associates in the White House. In short, he was concerned that the independent prosecutor would truly be independent, and that he and his closest associates might be adversely affected by such continued independence. No other reason has been suggested for the abolition of this office, and the circumstances admit of no other conclusion. It is apparent that if this other reason is the basis for assigning the functions of the Special Prosecutor back to the Criminal Division, that is not an "appropriate" reason under Section 510.

Finally, in determining whether the defendant acted in an arbitrary and capricious manner in abolishing the Office, it is well to consider that he was aware of the resignation of the two predecessors in office and knew that he would be out of a job unless he also agreed to the President's desire.[86] Seen in this light, his decision, even if he had the authority and met the technical requirements of the statutes and regulations, was clearly affected by a personal stake and thus must be judged with the greatest skepticism. In that respect the defendant's decision must be viewed in the same manner as the Court of Appeals for this Circuit did in assessing the approval by the Secretary of Transportation for the Three Sisters Bridge in *D.C. Federation of Civic Ass'ns.* v. *Volpe*, *supra.* The improper influence in that case was a threat on the part of Representative Natcher to withhold badly-needed funds for the District of Columbia Metropolitan Transit Authority unless the bridge was approved by Secretary Volpe. Judge Bazelon found this pressure to be "sufficient, standing alone, to invalidate the Secretary's action,"[87] and Judge Fahy agreed that it was sufficient, when combined with other factors, to overturn the administrative decision. We submit that the virtual certainty of the defendant that he would be fired unless he obeyed the President's order, coupled with the fact that the President appears to have acted in part to prevent the Special Prosecutor from investigating him and his closest associates, fatally taints defendant's decision to abolish the Special Prosecutor's Office and requires that this Court set aside Order 546-73 of October 23, 1973.

* * * * *

The question presented on the abolition of the Office of the Special Prosecutor is whether the statutes, regulations, Constitution, and the Congress of the United States contemplate that a Solicitor General, who is suddenly catapulted into the office of Acting Attorney General, should be able to make the drastic organizational change of destroying the Office of an independent prosecutor, which was established to reassure public confidence in the investigation of the Watergate matters, where he did so at the direction of the President who is a subject of the investigation and where he made the decision in order to avoid being fired and without any rational basis. Plaintiffs submit that the answer to this question is clearly "No," and that the attempted abolition of the Office of Special Prosecutor was of no force and effect.

III. Immediate injunctive relief is required in this case

The Court of Appeals for this Circuit established the criteria for the issuance of a preliminary injunction in *Virginia Petroleum Jobbers Ass'n* v. *FPC*, 131 U.S. App. D.C. 106, 110, 259 F.2d 921, 925 (1958). Under that decision, this Court is required to consider the probability of success on the merits, to balance the equities between the parties, and to assess where the public interest lies. Moreover, the Court made it clear that a far lesser showing of irreparable harm to the plaintiffs is required as the probability of success increases. *Id.* As we have demonstrated above, there is a very strong likelihood that Mr. Cox was unlawfully discharged from his office and that the attempted abolition of the Office of Special Prosecutor was invalid. Thus, the showing of harm to these plaintiffs which is required can be met without proof of the kind of irreparable harm present in other situations where plaintiff's case on the merits is not so strong.

Each of the plaintiffs is seeking to restore the public confidence in the administration of justice in this country and to insure that a truly independent special prosecutor is given full powers to investigate the full range of Watergate matters. Their efforts will be greatly aided by a preliminary injunction since that will permit them to turn their attentions away from legislative solutions to the problem of an independent prosecutor and direct their efforts towards other aspects of the problem, particularly since preliminary relief will entail a finding of probable success on the merits.[88]

A preliminary injunction will cause almost no harm or inconvenience to the defendant since he has little personal stake in the outcome of this controversy; in fact, an injunction may relieve him of the problem of selecting a new prosecutor to handle the Watergate matters and of the need to exercise any further supervision over this matter. As for the public interest, even a preliminary injunction will go a long way towards restoring the public's faith that ours is still a system of laws and not men and that the actions of every citizen are subject to scrutiny by the courts where they transgress specific provisions of law.

This motion also asks that the hearing on the motion for a preliminary injunction be consolidated with a hearing on the merits as authorized by Rule 65(a)(2). This case would seem to be a particularly appropriate one for consolidation since the facts would not appear to be in dispute and the conflicts are solely those of law. Perhaps more important than the absence of factual dispute, and the consequent lack of need for discovery, is the real public need for the resolution of this conflict at the earliest time. So long as there is any uncertainty about the legality of the firing of Mr. Cox, the work of the office cannot go forward. No defendant will be able to consider entering a plea until he knows who is in charge of the prosecution, and no indictments can be brought until it is determined who has the final authority to decide who is to be charged with what. Perhaps the best evidence of the uncertainty that must be resolved is the joint motion of the Special Prosecutor's Office and Mr. Petersen which asked Judge Sirica to take control over the Office's files until these questions of control can be resolved.[89]

Finally, the stated intention of the President to have the defendant appoint during this week a new special prosecutor, who will operate within the Justice Department, makes clarification of the legality of defendant's actions at the earliest time even more urgent. It is clearly not in the interest of anyone to have a new prosecutor embark on examination of all the work undertaken by the Special Prosecutor's Office only to be told later that Archibald Cox is still validly holding the position of Special Prosecutor.

CONCLUSION

For the reasons set forth above, plaintiffs' motion should be granted in all respects, and this Court should enter plaintiffs' proposed order submitted herewith.

Dated: Washington, D.C., October 29, 1973.

Respectfully submitted,

ALLAN B. MORRISON,
W. THOMAS JACKS,
RAYMOND T. BONNER,
Attorneys for Plaintiffs.

FOOTNOTES

[1] Submitted simultaneously with this motion is a motion for leave to amend the complaint and add additional parties. This amended complaint raises no new issues, and most of the changes simply reflect the addition of the new parties and the changes in circumstances that have occurred since the original complaint was prepared. For the convenience of defendant and the Court, we will refer to the amended complaint in this memorandum in lieu of the original complaint and include facts and arguments related to the parties in the amended complaint.

[2] 119 Cong. Rec. S 8094 (daily ed. May 1, 1973).

[3] *Hearings Before the Sen. Comm. on the Judiciary on Nomination of Elliot L. Richardson, of Massachusetts, to be Attorney General*, 93rd Cong. 1st Sess. (1973) [hereinafter cited as "Hearings"]. [A copy of the Hearings is being provided to the Court for its convenience].

[4] Even before the hearings began, numerous resolutions and bills had been submitted in both houses of Congress calling for the creation of a special prosecutor's office. *See* S. Res. 105, 106, 109; H.R. 7590, 7504, 7855; H.J. Res. 538, 541; H. Con. Res. 208; H. Res. 367–369, 373–374, 376–378, 381, 384–386, 391, 93d Cong., 1st Sess. (1973).

[5] Hearings at 12 (Remarks of Senator Hart).

[6] *Id.* at 4–5.

[7] See, e.g., *id.* at 5, 15, 17, 36, 45–47, 94, 130–131, 144–147, 177. Members of the Committee were especially insistent that the Watergate prosecution not be under the direction of Henry E. Petersen, the Assistant Attorney General in charge of the Criminal Division. See, e.g., *id.* at 152–153.

[8] Senator Ervin stated early in the hearings, "[h]e should have assurance that he would not be subject to removal from his position except for malfeasance in office." See also *id.* at 38 and 137–139, as well as the prescient, if overly optimistic exchange between Senator Tunney and Secretary Richardson discussing the possibility of the Attorney General's being pressured by the President to dismiss the special prosecutor, *id.* at 72–73.

[9] See generally *id.* at 40–42, 52, 57–58, 68–69, 76–77, 79, 159.

[10] Hearings at 144–146. Such guidelines were first proposed in a Senate resolution offered by Senator Stevenson and others, and were later the subject of correspondence between Secretary Richardson and Senator Stevenson. See 119 Cong. Rec. S 9713–15 (daily ed. May 23, 1973).

[11] Hearings at 146, 149–150, 155–156, 177–178.

[12] *Id.* at 159. See also *id.* 179–182.

[13] *Id.* at 200–01 (colloquy between Secretary Richardson and Senator Mathias).

[14] 119 Cong. Rec. S 9709 (daily ed. May 23, 1973). See also *id.* at S 9711 (Remarks of Senator Kennedy), S 9712 (Remarks of Senator Javits), and S 9712–15 (Remarks of Senator Stevenson).

[15] 38 Fed. Reg. 14688 (June 4, 1973), 28 C.F.R. §§ 0.1, 0.37.

[16] Also on May 31, 1973, Attorney General Richardson promulgated Internal Order 518–73, which was not published in the Federal Register, designating Special Prosecutor Archibald Cox the Director of the Watergate Special Prosecution Force, effective May 25, 1973. Additional orders were promulgated by Attorney General Richardson over the next few months to further clarify the authority of the Special Prosecutor. See 38 Fed. Reg. 18-877 (July 16, 1973); 38 Fed. Reg. 21404 (Aug 8, 1973).

[17] See *Hearings Before the Select Sen. Com. on Presidential Campaign Activities on Watergate and Related Activities,* 93d Cong., 1st Sess. 2073 *et seq.* (1973).

[18] *In re subpena to Nixon,* 360 F. Supp. 1 (D.D.C. 1973).

[19] See *Nixon v. Sirica,* — F.2d — (D.C. Cir. No. 73–1962, decided Oct. 12, 1973), reprinted at 119 Cong. Rec. S 19303 *et seq.* (daily ed. Oct. 18, 1973).

[20] Transcript of Press Conference of Former Attorney General Richardson, October 24, 1973, p. 3; a copy of the transcript is submitted as Exhibit 14 to the Affidavit of W. Thomas Jacks filed herewith [hereinafter referred to as "Richardson Press Conference"]. [Exhibits to this affidavit will hereinafter be referred to as "Jacks Exhibit —"].

[21] See Richardson Press Conference [Jacks Exhibit 14] at 3–4. A copy of Attorney General Richardson's proposal is submitted as Jacks Exhibit 1.

[22] Richardson Press Conference at 4.

[23] A copy of this memorandum is submitted as Jacks Exhibit 2.

[24] A copy of this letter is submitted as Jacks Exhibit 3. On Friday, October 19, the day on which the stay of the Court of Appeals was to expire, Special Prosecutor Cox and Attorney Wright had still another exchange of correspondence, but were still unable to resolve their differences. Copies of these two letters are submitted as Jacks Exhibits 4 and 5.

[25] Copies of the President's statement and the White House press release are submitted as Jacks Exhibit 7. Just before issuing this statement, President Nixon sent a letter to Attorney General Richardson directing him to instruct Special Prosecutor Cox accordingly and expressing his regret for "the necessity of intruding, to this very limited extent, on the independence that I promised you * * * when I announced your appointment * * *" [A copy of the President's letter is submitted as Jacks Exhibit 6]. Attorney General Richardson responded to the President's letter the next day, stating that the President's direction was an intrusion on the independence promised him by the President and that for him to carry out the order would be to violate a number of the specific promises made by him to the Senate. [A copy of this reply letter is submitted as Jacks Exhibit 9].

[26] A copy of the Special Prosecutor's statement of October 19 is submitted as Jacks Exhibit 8.

[27] A copy of a transcript of Special Prosecutor Cox's press conference of Saturday, October 20, is submitted as Jacks Exhibit 10.

[28] This letter is discussed in note 25, *supra.*

[29] A copy of Attorney General Richardson's letter of resignation was released by the White House on October 20th; a copy of that release is submitted as Jacks Exhibit 11.

[30] Deputy Attorney General Ruckelshaus' reasons for resigning were discussed by him in a press conference on Tuesday, October 23, a transcript of which is submitted as Jacks Exhibit 15.

[31] The text of the President's letter to the defendant was released by the Office of the White House Press Secretary on October 20th; a copy of that release is submitted as Jacks Exhibit 12.

[32] A copy of this letter is also part of Jacks Exhibit 12.

[33] See Motion for Prospective Order, *In Re Investigations By June 5, 1972 Grand Jury and August 13, 1973 Grand Jury* (D.D.C. filed Oct. 25, 1973) (copy submitted as Jacks Exhibit 17).

[34] See note 7, *supra;* In a written statement released to the press, Bork added that "[m]y job is to keep the Department operating effectively until such time as the President nominates and the Senate confirms a new Attorney General. In my capacity as Acting Attorney General, I hope to preserve for that future Attorney General the programs and initiatives begun by Elliot Richardson." A copy of the Acting Attorney General's written statement is submitted herewith as Jacks Exhibit 13.

[35] See the affidavit of plaintiff Moss, which is submitted herewith.

[36] See 119 Cong. Rec. H 9356–57 (daily ed. Oct. 23, 1973).

[37] See, e.g., S. 2603; S. Res. 191, H.R. 11043, H.R. 11067, H.R. 11075, H.R. 11081, H.J. Res. 784–788, 791–793, H. Res. 632, H. Con. Res. 366, 93d Cong., 1st Sess. (1973).

[38] See generally the affidavit of plaintiff Moss submited herewith.

[39] See note 33, *supra.*

[40] *New York Times,* Oct. 27, 1973, at 14, a copy of which is submitted as Jacks Exhibit 19.

[40a] *Id.*

[40b] See the Moss affidavit submitted herewith.

[41] Hearings at 12.

[42] *Id.* at 5.

[43] *Id.* at 6.

[44] *Id.* at 38.

[45] *Id.* at 72.

[46] *Id.* at 144.

[47] *Id.* at 150.

[48] *Id.* at 177.

[49] *Id.* at 73.

[50] *Id.* at 46.

[51] *Id.* at 144–46.

[52] *Id.* at 73.

[53] Jacks Exhibit 12.

[54] Jacks Exhibit 14, p. 37.

[55] Jacks Exhibit 16, p. 4.

[56] Jacks Exhibit 10 pp. 16–17.

[57] 28 C.F.R. § 0.37 (1973).

[58] Hearings at 41–42, 52, 57–58, 68–69, 77.

[59] Jacks Exhibit 16, pp. 27–28.

[60] Hearings at 144, 174.

[61] *Id.* at 200–201.

[62] In addition, the discharge was invalid for the reasons set forth in Sections B and C of Point II of the Argument—*i.e.,* that as Acting Attorney General the defendant lacked the power to discharge Mr. Cox and that his decision to do so was not an independent exercise of his discretion but was merely a carrying out of the President's order in order to prevent the President from discharging him as well.

[63] 28 C.F.R. § 0.37 (1973).

[64] In this connection it should be noted that Justice Department regulations, 28 C.F.R. §§ 0.25(b) and 0.182, require the Assistant Attorney General in Charge of the Office of Legal Counsel to review all proposed orders, including those affecting organizational changes in the Department, for form, legality, and consistency with other orders. It would be interesting to know what led the same person, Robert G. Dixon, to conclude in May that the provision was valid, and to reach the opposite result in October.

[65] The Court held that there could be no limitation on the President's power to dismiss where Congress had vested the power of appointment in the President. It noted that until Congress "is willing to vest their appointment in the head of the department, they will be subject to removal by the President alone and any legislation to the contrary must fall as in conflict with the Constitution." 272 U.S. at 163. Thus, *Myers* is not applicable to the issue of discharge since Mr. Cox was not appointed by the President.

[66] Hearings at 152.

[67] *Id.* at 144–46.

[68] *Id.* at 62. See also note 4, *supra.*

[69] The legislative understanding was further confirmed when the Senate appropriated 2.8 million dollars for the Office of the Special Prosecutor. S. Rep. No. 368, 93rd Cong., 1st Sess. 12 (1973); See also *Hearings Before the Committee on Appropriations,* 93rd Cong., 1st Sess., pt. 2, at 2151–2153, 2181–2194 (1973). Because the Office was created after the House committee had concluded deliberations on the Justice Department fiscal 1974 appropriations, no provision was included in the House bill, and as of this date, no conference committee meeting has been held to resolve the differences between the two bills.

[70] The importance attached to organizational changes is demonstrated by the Reorganization Act of 1949, 5 U.S.C. §§ 901 *et seq.,* under which a reorganization plan must be submitted by the President to Congress for 60 days before it can become effective. Such plans include "the consolidation or coordination of a part of an agency *or the functions thereof* with another part of the same agency or the functions thereof . . ." 5 U.S.C. § 903(a)(4), and thus appear literally to cover the transfer at issue here. However, the Act has never been considered to apply to functions which are created administratively, and hence its requirements are useful only as a guideline that Congress attached to major organizational alterations.

[71] Prior to October 23rd, the only successor designated was the Solicitor General. 28 C.F.R. § 0.132(a). On that date defendant issued a new order providing for further successors after the Solicitor General. See 38 Fed. Reg. 29466 (Oct. 25, 1973).

[72] Jacks Exhibit 18.

[73] Now 28 U.S.C. § 505.

[74] Now 5 U.S.C. § 3345.

[75] 67 Stat. 636 (1953). In 1966 the codification of Title 28 merely reflected these changes in what are now Sections 505 and 508.

[76] A copy of President Eisenhower's message is submitted as Jacks Exhibit 18.

[77] The defendant's action in promulgating an order of succession to follow him (38 Fed. Reg. 29466, October 25, 1973) was clearly the type of emergency action which he had authority to take since the prior regulations, 28 C.F.R. § 0.132(a), did not cover the case in which there is no Solicitor General to fill the vacancy.

[78] 1 Stat. 281, Ch. 37, Sec. 8.

[79] 14 Stat. 656, Ch. 44.

[80] 15 Stat. 168, Ch. 227.

[81] 26 Stat. 733, Ch. 113.

[82] We do not suggest that the actual confirmation process and swearing in must be completed within 30 days, which expires in this case on November 19th, since that would permit the Senate, by delaying action on a nominee, to cause the removal from office of the person holding the acting position. In our view the Vacancies Act is properly construed to require only the nomination of a new Attorney General within that period of time. This view is supported by the remarks of Senator Trumbull, who said: ". . . the President is authorized to detail some other officer to perform the duties for ten days in case of a vacancy, and during those ten days it will be his duty to nominate to the Senate * * * some person for the office * * *." 39 Cong. Globe 1164 (Feb. 14, 1868).

[83] Jacks Exhibit 16, at 5.

[84] "The President . . . may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any

Subject relating to the Duties of their respective offices. . . ."

[85] The Department's own regulation, 28 C.F.R. § 0.182, requires the submission of proposed orders to the Office of Legal Counsel "for approval as to form and legality and consistency with existing orders." There is not the slightest indication that any such action was taken before the F.B.I. take-over of the files of the Special Prosecutor, and thus there also appears to be a failure of compliance with the Department's own regulations.

[86] Jacks Exhibit 16, p. 3.

[87] 459 F. 2d at 1245.

[88] Had the attempted discharge not already taken place by the sudden unilateral action of defendant, there seems little doubt that the balance of equities would compel the issuance of an injunction, even if the case were far weaker on the merits.

[89] See Jacks Exhibit 17.

POLITICAL REFUGEES IN CHILE

Mr. KENNEDY. Mr. President, on October 18, I wrote to Secretary of State Henry A. Kissinger to express my concern over conditions in Chile, particularly the difficult situation of political refugees and the continuing violation of human rights.

Although the record does suggest that a measure of progress has been made in this important area of international concern, a tremendous gap continues to exist between the actions of the Chilean authorities and their repeated assurances on human rights questions to various international organizations and to other governments.

Because of numerous reports regarding personal tragedy and human rights violations in the aftermath of the coup in Chile, I urgently appealed on September 12 for humanitarian initiatives by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross. The military government in Chile subsequently admitted representatives from these international humanitarian organizations and has committed itself to the humane treatment of political prisoners and the protection of political refugees and others in distress. Several thousand refugees are now awaiting safe conduct out of the country under international auspices.

In supporting the work of the United Nations High Commissioner for Refugees, I urged Secretary Kissinger and the Department of State to respond positively to the appeal of the High Commissioner on October 17 to provide resettlement opportunities for political refugees in Chile who wish to migrate to other countries. In light of the fact that there are now a number of applications for refugee visas to the United States pending at the American Embassy in Santiago, I believe the time is long overdue for our Government to express its willingness to assist in this resettlement effort of the U.N. High Commissioner.

I urge the administration to take immediate steps to provide asylum and resettlement opportunities in our country to a reasonable number of political refugees in Chile, under the parole provisions of the Immigration and Nationality Act.

The time to act is now. And, as we have done with refugees from Hungary, Czechoslovakia, and Cuba, and more recently in the case of Asians from Uganda, this humanitarian gesture is in keeping both with the law and our past traditions.

Mr. President, I ask unanimous consent that the full text of my letter to Dr. Kissinger and my questions to the Department of State on developments in Chile, as well as the text of the appeal by the United Nations High Commissioner for Refugees, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 18, 1973.

Hon. HENRY A. KISSINGER,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: Congressional and public concern continues over the conditions in Chile, including the difficult situation of political refugees and the continuing violation of human rights. As you know, I share this concern, and, since the overthrow of the Allende government on September 11, I have strongly advocated and supported efforts by our government in behalf of protecting human rights and of providing international protection and safe conduct out of Chile for political refugees and others in distress.

On September 28, the Judiciary Subcommittee on Refugees appreciated the testimony on these matters from the Honorable Jack B. Kubisch, Assistant Secretary for Inter-American Affairs, and Mr. Louis A. Wiesner, Acting Director of the Department's Office of Refugee and Migration Affairs. In this connection, and as anticipated by the Subcommittee's witnesses, enclosed are a number of questions which elaborate the Subcommittee's concerns over developments in Chile, especially in the area of human rights and refugees.

Although the record suggests that a measure of progress has been made in this important area of international concern, a tremendous gap continues to exist between the actions of Chilean authorities and their repeated assurances on human rights questions to international organizations and other governments. Action taken in recent days by the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) clearly suggests this. Moreover, reports from many sources confirm that the situation of many thousands, both foreign residents and Chilean nationals, continue to deteriorate. Apart from the general concern over the repressive policies of the Military Government, there is specific concern over the treatment of political prisoners, and over the failure of Chilean authorities to maximize the protection of political refugees and provide for their safe conduct out of the country.

In light of these conditions, I would like to encourage a more positive and active policy on the part of our government, and urge that a number of immediate steps be taken.

First, our government should make strong representations to Chilean authorities in support of the UNHCR's effort to provide full protection for political refugees under his mandate, including their unimpaired access to the many "safe havens" and refugee centers established in Chile under international auspices.

Secondly, our government should make strong representations to Chilean authorities for a speedy conclusion of agreements with the UNHCR to ensure the safe conduct out of Chile of political refugees under his mandate, including several hundred persons remaining in foreign embassies.

Thirdly, in light of the UNHCR's current efforts to find resettlement opportunities for all refugees from Chile, I am extremely hopeful that our government will reconsider its apparently negative response to my earlier recommendation that the United States should offer asylum to a reasonable number of refugees from Chile under appropriate provisions of the Immigration and Nationality Act.

Fourthly, our government should make strong representations to Chilean authorities in behalf of the humane and just treatment of all persons, including former members of the Allende Government, who are being detained for political reasons. Especially, the United States should strongly support efforts by the International Committee of the Red Cross (ICRC) in this area of international concern, and actively encourage Chilean authorities to invite a regular inspection of all detention facilities by representatives of the ICRC and to provide for the orderly due process or release or safe conduct of persons detained for political reasons.

Fifthly, our government should actively encourage and support efforts of the Inter-American Commission on Human Rights to undertake an immediate inquiry into recent events in Chile.

And finally, with the exception of emergency humanitarian assistance, the President should deny the new Chilean Government American economic or military assistance, until this Government carries out its assurances to the UNHCR and others on questions of human rights and refugees, and fulfills its humanitarian obligations in conformity with international conventions to which Chile is a party.

I am extremely hopeful that Congress and the American people can be fully assured of our government's active concern over developments in Chile, and that every effort is being made to encourage and facilitate a resolution of Chile's human rights and refugee problems under international auspices.

Many thanks for your consideration, and I look forward to hearing from you soon.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Judiciary Subcommittee on Refugees.

QUESTIONS ON DEVELOPMENTS IN CHILE SUBMITTED TO THE DEPARTMENT OF STATE BY SENATOR EDWARD M. KENNEDY

1. During September 28 hearings before the Subcommittee on Refugees, Department of State witnesses were asked to comment on allegations in the press and from other witnesses before the Subcommittee regarding widespread killing, executions, torture, etc. At one point, Assistant Secretary Kubisch said: "We do not have all the facts now but we are tracking down everything we can . . . We have not been able to find out anything concrete. . . . It has been so far only hearsay. . . . I do not exclude the possibility that we may learn more in a week or two, or a month from now, but we are doing everything we can now to find out. . . ."

What is the Department's current assessment of allegations regarding: widespread killing, executions, torture, etc.? What is the Department's current understanding of the cumulative total of persons killed, executed, arrested, detained, etc.? What is the Department's overall assessment of the impact of the Allende Government on political activities, civil liberties, and human rights in Chile?

2. Generally describe the mandates, activities and objectives in Chile of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC).

3. Describe the number, location, administration, and conditions of the "safe havens", which are operated under the auspices of the UNHCR for political refugees. Are the

centers open to both foreign residents and Chilean nationals? How many persons are in these centers? What are their nationalities? Are the locations of these centers publicly known and easily accessible? Are Chilean military or police personnel in the centers or around them, and has there been any evidence of interference by the Military Government in the effective operation of these centers or in the movement of persons into the centers? Have any persons been removed from the centers by Chilean authorities, and, if so, for what reasons? An October 17 UNHCR press statement declares: "Chilean authorities have said that refugees who have committed offences would be prosecuted, but the High Commissioner said it was not as yet clear what was meant by the term 'offences'. He was trying to obtain clarification on this point." Comment on this statement, and what is the Department's understanding in this area of concern?

4. What is the status of the UNHCR's efforts to provide safe conduct out of the country for persons able to reach a refugee center? Have any persons in the refugee centers been given safe conduct out of the country? Why has there been so little progress on the conclusion of safe conduct agreements, and what is the United States doing about it?

5. What is the number of persons who sought asylum in foreign embassies? What are the nationalities of these refugees, and in which embassies did they find asylum? How many refugees in these embassies have been given safe conduct out of Chile? What are their nationalities, from which embassies did they leave, and where did they go? How many refugees remain in embassies? What are the nationalities of these refugees, and in which embassies are they still found? Why haven't they been given safe conduct out of Chile, and what is the United States doing to help resolve this problem?

6. Were any persons given asylum in the American Embassy? Were any persons refused asylum in the American Embassy, and, if so, on what grounds? Generally elaborate on United States policy towards granting asylum in an American Embassy or United States government office overseas.

7. Generally describe our Embassy's activities in behalf of Americans present in Chile during and following the military coup. What specific activities were carried out in behalf of Americans detained, missing, etc? Has the Department been satisfied by the response of Chilean authorities to official American inquiries and activities in this area of concern?

8. Describe any supportive role the United States Embassy has played vis a vis UNHCR, ICRC, and similar international activities or presence in Chile.

9. Why hasn't the United States responded positively to the UNHCR appeal for resettlement opportunities for refugees from Chile?

10. What is the Department's understanding as to the number and nationalities of political prisoners in Chile, the number and location and condition of detention facilities, the treatment of detainees, the allegations of torture and summary executions, and the prosecution and sentencing of those charged with "offences"?

11. Has our Embassy in Chile and the Department of State been satisfied with the Chilean Military Government's response to UNHCR, ICRC, and other international activities in behalf of refugees and human rights in Chile? Is it the Department's judgment that the Military Government is living up to its publicly stated commitments to the UNHCR and the ICRC, and that the Military Government is fulfilling Chile's humanitarian obligations under international conventions and law? If not, what can, or should, the United States do?

12. Define the considerations which led to United States recognition of the Chilean Military Government on September 24. Did any bi-lateral understandings, commitments, etc. accompany American recognition of the junta?

13. Describe any United States aid or other commitments to Chile as of early September 1973. Describe any pending Chilean requests to and/or negotiations with the United States, again, as of early September 1973. What effect did the Allende Government's overthrow have on these commitments, requests and/or negotiations?

Describe any new United States aid or other commitments to Chile since the Allende Government's overthrow by the junta. Describe any pending Chilean requests to and/or negotiations with the United States.

14. Was the overthrow of the Allende Government in Chile in the best interests of the United States? Elaborate.

15. Regarding contacts between United States personnel attached to the Embassy and Chilean military personnel, list the names of the personnel involved, the dates of contact, and the subjects of conversation during the 10 days immediately preceding the coup.

16. The Senate Foreign Relations Subcommittee on Multinational Corporations concluded in its report: "ITT sought to engage the CIA in a plan covertly to manipulate the outcome of the Chilean presidential election," and that "The pressures which the company sought to bring to bear on the U.S. for CIA intervention . . . are also incompatible with the formulation of U.S. foreign policy in accordance with the U.S. national, rather than private interests." On the issue of whether American foreign policy should be highly influenced by the interests of private U.S. firms, have U.S. officials or Department of State personnel met with officials of U.S. firms which had been nationalized by the former Chilean government since the coup? If so, when and who and which companies were represented? Elaborate on the purposes of the meetings and at whose initiative they were called.

17. From the ITT hearings of the Foreign Relations Committee, the Senate is familiar with a series of Forty Committee meetings in 1970 which dealt with Chile. The first meeting of which there is public knowledge took place in June 1970. At that meeting, the CIA was authorized to carry out a covert propaganda campaign against Allende. $400,000, was, in fact, spent for this purpose. Additionally, the testimony states that there was a further meeting of the Forty Committee which dealt with Chile soon after Allende was elected on September 4, 1970. The Subcommittee was unable to get a clear answer as to precisely what transpired at this meeting. But it was subsequent to this meeting that Mr. Broe of the CIA made his proposal of September 29, 1970, to Mr. Gerrity of the ITT Corporation to create economic chaos in Chile. The testimony showed that this proposal was made with Mr. Helms' knowledge and approval.

How many times since has the Forty Committee considered the Chilean political situation and U.S. policy with respect to the Allende regime? When was the last Forty Committee meeting prior to the coup in which the subject of Chile was discussed? What were the conclusions regarding Chile?

Did the Forty Committee at any of these meetings authorize CIA assistance, directly or indirectly, in any form whatever, to any of the groups or individuals opposed to Allende?

From Mr. Hennessey's testimony before the Multilateral Corporations Subcommittee it is clear that the U.S. Government used its influence in the multilateral lending institutions to prevail upon these institutions to cut off economic development credits to Chile, even before there was any expropriation of any properties by the Chilean government. Yet Mr. Hennessey also testified that the United States Government made available millions of dollars of credits for military purchases. Why were new military credits offered and new economic loans denied?

18. In an article in the *New York Times* of September 27, 1973, a *Times* correspondent reports that the plotting of the coup which toppled Allende began as early as November 1972. In October 1972 there were a series of demonstrations by Chileans, primarily from the middle class who were opposed to Mr. Allende, the so-called "pots and pans" demonstration. This demonstration bore a striking resemblance to similar demonstrations which took place in Brazil in 1963 and early 1964 against the Goulart regime. Did the CIA play any role whatsoever, directly or indirectly, in the demonstrations which took place in Chile in October of 1972?

UNHCR Executive Committee Cables Chilean Government About Protection of Refugees

(The following is reproduced as received from UNHCR, Geneva)

The Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) has sent a cable to the Government of Chile expressing "the hope that Chile will, in continued co-operation with the High Commissioner, and in conformity with the international conventions to which it is a party, promote rapid solutions for refugees under the High Commissioner's mandate in Chile, taking into account their need for protection and assistance".

The idea of dispatching a cable was first suggested by the Norwegian delegate to the Committee, Edward Hambro, after a great number of delegates among the 31 member Governments had stated their concern about the situation of refugees from various Latin American countries who are living in Chile.

ANOTHER UNHCR OFFICIAL SENT TO SANTIAGO

UNHCR's presence in Chile was strengthened yesterday when another senior official was sent to Santiago from Geneva to join UNHCR's Regional Representative for Latin America, Oldrich Haselman. Soon after the change of regime last month, Mr. Haselman established "working modalities" with the Chilean Ministries of Foreign Affairs and of Interior.

Several hundred refugees from various Latin American countries have sought protection and assistance in the emergency reception centres that have been set up under the auspices of the National Committee for Aid to Refugees. UNHCR has secured the services of a Chilean lawyer to provide to the greatest extent possible due process of law and proper defence of refugees charged with offences.

Chilean authorities have said that refugees who have committed offences would be prosecuted, but the High Commissioner said it was not as yet clear what was meant by the term "offences". He was trying to obtain clarification on this point.

In addition to strengthening the UNHCR presence in Chile, the High Commissioner is intensifying his contacts with Governments, the International Red Cross, the Intergovernmental Committee for European Migration, and international as well as national voluntary agencies, to ensure co-ordinated actions to assist the refugees in Chile.

Supporting the idea of sending a cable to the Chilean Government, the delegate of Sweden, Governor E. A. Westerlind, stated during the Committee's deliberations: "If the international instruments that safeguard the rights of refugees are not applied entirely in Chile, this could have a bearing on their application in other situations. Silence today might destroy the whole system of measures of protection that has been built up so laboriously over the years".

Chile is a party to the two main instruments in the field of international protection of refugees, namely, the 1951 Convention relating to the Status of Refugees, which defines the rights of refugees and prescribes a standard of treatment to which refugees are entitled, and the 1967 Protocol relating to the Status of Refugees which extends the provisions of the 1951 Convention to new groups of refugees and is thus applicable to the present situation.

APPEAL FOR RESETTLEMENT OPPORTUNITIES FOR 1,000

The High Commissioner has also appealed to the Governments who are members of his Executive Committee to provide resettlement opportunities for some 1,000 refugees in Chile who wish to migrate to another country. This is considered an initial figure which may increase considerably. UNHCR has been informed that 20 refugees have already arrived in Canada.

Even before the High Commissioner's appeal, the representatives of Sweden, Switzerland and France had told the Committee that their Governments would be willing to accept refugees uprooted as a result of events in Chile who decided to resettle elsewhere.

The full text of the cable that was handed yesterday by the Chairman of the Executive Committee, Axel Herbst of the Federal Republic of Germany, to Pedro Daza, Permanent Representative of Chile to the United Nations in Geneva, for transmittal to the Minister of Foreign Affairs, is as follows:

"The Executive Committee of the programme of the United Nations High Commissioner for Refugees has during its present session requested me to inform Your Excellency of the following: The Executive Committee has considered the situation of the refugees under the mandate of the High Commissioner in Chile. With reference to the contacts which have taken place and the arrangements made between your Government and the High Commissioner in view of the humanitarian aspects involved, the Committee has expressed the hope that Your Excellency's Government will, in continued co-operation with the High Commissioner and in conformity with the international conventions to which Chile is a party, promote rapid solutions for these refugees, taking fully into account their need for protection and assistance.

"Accept, Your Excellency, the assurances of my highest consideration."

ANNIVERSARY OF UNITED CHURCH OF WEST RUTLAND

Mr. STAFFORD. Mr. President, on October 20, 1973, the bicentennial celebration was held for the United Church of West Rutland, Vt. A beautiful historic landmark, the church has a rich local history. In 200 years the church has had 25 pastors and has worshiped in four church buildings. The impressive development of both the church and the town has been facilitated by a very active membership.

The Reverend Benajah Roots was the first pastor from 1773 to 1787. The church was built early in the ministry of Lemuel Haynes, the first Congregational clergyman of partially black ancestry. Father Haynes was a self-educated and widely respected man of independent thought and fearless utterance. The worship service opening the bicentennial week included a memorial to these men and to the fine people who have shaped the history of the United Church of West Rutland.

I ask unanimous consent that the following article from the Rutland Herald of October 1, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANNIVERSARY FOR CHURCH IN WESTSIDE

The United Church of West Rutland began with a gathering of 14 persons at the home of its first pastor Oct. 20, 1773. And later this month, the present membership will celebrate that event and the 200 years of rich, local history that followed.

A succession of church buildings marks the evolution and expansion of both the church and the town.

At first, the church served only Congregationalists. Now, it serves Baptists, Methodists and Episcopalians as well.

The first incorporated group met under the leadership of the Rev. Benajah Roots, who was pastor from 1773 to 1787. Services were held at a log meeting house which had slabs for seats. The house was on the west side of what was known as Meeting House Hill, near Evergreen Cemetery in Center Rutland.

This log meeting house was the first established church in Rutland County and the 10th in the state. Since its founding, the church has moved to three other buildings and has thrived under its string of 25 pastors.

In 1784, the eastern parish of the original group erected its own meeting house and in 1788, its own church. This split was the beginning of the present Grace Congregational United Church of Christ in Rutland.

The Rev. Mr. Roots died in 1787. The following year, his parishioners built a new church. This wood frame church was just south of the old Pleasant Street Cemetery.

It was an austere church, lacking a steeple, chimney, paint or heat. It was built early in the ministry of the Rev. Lemuel Haynes, who was pastor until 1818.

The Rev. Mr. Haynes was the first Congregationalist minister with black blood. He was self-educated and had fought as a Minuteman in the Revolutionary War.

During his tenure, 300 persons joined the congregation despite his outspoken opinions on national politics. The Rev. Mr. Haynes was later dismissed from the pastorate at his own request.

The wood frame church served the parish until 1855. In 1826 a porch, a belfry, a steeple and three galleries were added. It was described as a "handsome building."

But the parish decided in 1855 to build a brick church.

The new church was Greek Revival in style, with white columns and a steeple. It cost $18,000 and was on the east side of Pleasant Street, across from the cemetery and the wood frame church.

This new church was believed by some to be ill-fated. When it was being built, the master builder fell to his death.

The hall echoed, the roof leaked and the church often filled with smoke because the chimney had been poorly placed.

The church was torn down in the late 1880's after only 30 years of service. Much controversy is recorded about the decision, but renovation of the old church would have been too expensive.

A new site was chosen in the growing western side of the village. One parishioner laid the misfortunes of the first brick church to the omission of a religious service at the laying of its cornerstone. "I expected accidents would happen," he is reported to have said, "and that everything would go wrong. The Lord wants His work to start right," he said.

Things were put right for the fourth church. A formal ceremony was held when the cornerstone was laid Sept. 10, 1886, for the second brick church at its present site—the corner of Chapel and High Streets.

The cornerstone contains copies of The Herald, the Vermont Chronicle, the Boston Congregationalist (a church manual dating from 1831), a sermon preached by the Rev. Mr. Haynes in 1805 and a historical address by one Deacon Thrall.

The foundation of the church is dark blue marble donated by Sheldon and Sons. A pipe organ dated 1866 and made in Westfield, Mass., was moved from the old brick church. Its black walnut case was altered to the style of the 1880s.

The membership of the church broadened early in the century. The Congregational Society voted Dec. 27, 1918, to invite the Methodist and Baptist churches to join them as the United Church of West Rutland.

The Episcopal Church didn't join this union. But it discontinued its own services at the same time. The Methodist and Baptist churches were sold and torn down. The Episcopalian chapel is now a house near West Rutland School.

On March 2, 1919, the Rev. Thomas Carlson became the first United Church pastor. In the middle 1960s, the West Rutland church was affiliated formally with the United Church of Christ.

The church has been renovated and redecorated over the years through the work of youth groups, the Women's Society and individual gifts.

A two-story wooden building called Pratt Hall is adjacent to the church and is used for Sunday school and special programs. It has been a meeting hall during remodeling at the church.

The bicentennial celebration begins Oct. 14 and will continue for a week. Highlighting the actual anniversary on Oct. 20, will be a banquet at the Beacon Restaurant in North Clarendon.

The speaker will be Robert W. Mitchell, editor and publisher of The Herald. Chauncey Osborne will be toastmaster. Reservations are available from Mrs. Louis Shannon or Mrs. H. B. Pratt.

A memorial tablet will be dedicated to the Rev. Mr. Roots, the first pastor, at the Sunday morning worship service opening the bicentennial week.

The Rev. James McLaughlin, pastor from 1965 to 1967, the Rev. Roger L. Albright, pastor from 1957 to 1965, will take part with the current pastor, the Rev. Irving E. French.

An organ recital will be held in the afternoon. Also scheduled are a Gospel music concert Oct. 17 and a special morning worship service Oct. 21.

AQUACULTURE AT WOODS HOLE, MASS.

Mr. KENNEDY. Mr. President, seldom do we have the opportunity to discuss good news for the New England fishing industry; but recently there has been some renewed hope that we can be successful in our efforts to revitalize the industry. We have witnessed a growing national awareness of the problems of the fishing industry and movement in the Congress to deal with those problems.

We have heard of the disappointment at recent ICNAF meetings; but we saw some small signs of hope at the meeting 2 weeks ago in Ottawa that other nations are at least aware of the serious intention of the Congress to act to preserve and protect our fish stocks. New inspection procedures and a reduction in quotas for 1975 to allow our dwindling fish stocks to recover are both important steps achieved at the Ottawa meeting to assist the New England fishing industry.

And in the last few months, representatives of the New England fishing industry working with the National Oceanic and Atmospheric Administration have initiated a plan funded by NOAA to deal with some of the unique problems facing New England fishermen.

I want to bring to the attention of the Senate another important development in the painfully slow process of revitalizing the fishing industry and that is the research that is being conducted at Woods Hole Oceanographic Institution in Massachusettts in aquaculture.

Very simply, Dr. John Ryther of the institution is recycling waste to grow algae which is a source of food for shellfish. It is the kind of research that is important in the field of pollution abatement, renewal of the fish stocks, and ultimately food supply for the world.

I ask unanimous consent to print in the Record an article from the Woods Hole Notes which describes in greater detail this important research project.

There being no objection, the article was ordered to be printed in the Record, as follows:

AQUACULTURE AND ADVANCED WASTE TREATMENT

Aquaculture—the farming of the sea and cultivation of its animal resources—is being done at many locations today for the development of food resources from the sea to support the world's growing population. None, however, reflect the approach of Dr. John Ryther of the Woods Hole Oceanographic Institution, whose acquaculture project incorporates an advanced waste treatment process by recycling human wastes to grow algae as a source of food for shellfish.

In a sense, Dr. Ryther is working with one aspect of overpopulation—pollution—to help meet the needs of another—food. In recent months, he has received grants from the National Science Foundation and from several private sources totalling more than one million dollars to fund the initial construction and operational costs of an Environmental Systems Laboratory for further expanded research. The first phase of the laboratory, located in a wooded area in the Quissett section of Falmouth, about two miles from Woods Hole, was finished at the end of the summer and becomes operational next month.

"A major focal point for aquaculture is in the oyster fisheries," said Ryther, explaining how shellfish have been produced in a variety of ways around the world for years. "In the Chesapeake Bay region, draggers called skipjacks are employed, dredging oysters under sail in a picturesque but inefficient method. In Brittany, lime-coated tiles are systematically laid out in estuaries. The oysters attach themselves to the tiles from which they are later removed, planted in prepared inter tidal beds, and allowed to grow to maturity. In Japan, a three-dimensional hanging culture method was developed which makes available a whole water column to nourish the growing oysters. When grown under these conditions, the oysters reach marketable size in about a year. A single raft in the Inland Sea of Japan can produce four tons of oyster meat per year—the highest rate of production of animal protein per unit anywhere on earth."

As a source of oyster food, algae has been the subject of diverse research pertinent to its growth. "Fresh water algae has been grown in various kinds of little ponds and other experiments have been carried out at the University of California at Berkeley, using raw sewage as a source of food for the algae," pointed out Ryther. "Shellfish, like clams and oysters, are filter-feeding mollusks which can feed on the algae grown under controlled conditions using sewage for nutrition. Through the shellfish, the algae is converted at little cost into a form of animal protein with high nutritional and commercial value for mankind."

Ryther envisioned the output of an algae farm being linked to a shellfish farm designed along the lines of the Japanese hanging culture method. "The water containing the treated sewage would provide a source of nutrients for the algae farm, and the algae would provide food for oysters," he said. "In turn, the oysters would become a source of food for man, based around a large-scale but reasonable farm system."

Under Ryther, a similar, experimental process has been going on in laboratories at the Oceanographic Institution for the past three years. A scaled-down model of the tertiary-treated, sewage-aquaculture system was designed and successfully tested both indoors and outside before evolving to the present plan. This summer, as in the past two years, a scale model of the system was set up on the Institution's pier, but for the last time. The level of experimentation now must be increased to a much larger scale, which will be accommodated at the new Environmental Systems Laboratory.

Basically, Ryther's aquaculture project involves working with pollution—growing marine phytoplankton in diluted effluent from treated sewage and other compounds. Inorganic products of sewage decomposition, such as ammonia and phosphate, are removed in the process, and crops of the commercially-valuable shellfish are raised on the resultant algae. Carried to a high level of sophistication, the system could raise food crops of oysters and other bivalve mollusks such as mussels and scallops for man, using algae as a source of food for the shellfish. In turn, the marine animals would keep the seawater in the area clear of excessive algae, which would otherwise grow as a result of enrichment from the sewage.

"In any consideration of pollution problems, the choice is not simply between 'clean' and 'dirty' water," points out Ryther, "but may also, to a large extent involve the choice between high and low productivity of organisms, including those of direct use to man as food. There can be little question that the high yields of shellfish from such places as Chesapeake Bay, Long Island Sound, and other estuaries is due, at least in part, to the fertilization of these waters with human wastes. The cleansing of these waters may therefore be accomplished at the expense of their fisheries.

"The resulting dilemma is an example of the conflicting uses of, and demands on, the coastal zone," he continued. "The solution to such problems must lie in our ability to design processes and techniques whereby these various uses may be made compatible, either by separating them physically or by designing them functionally so that they are not mutually exclusive within the same physical environment." The system under investigation, consisting of a combined sewage treatment-acquaculture process, would concentrate two essential uses of the coastal zone—food production and waste disposal—in one confined area, leaving the contiguous waters free and unaffected by those uses for other purposes such as recreation.

Done on a large enough scale, the system could produce an annual crop of one million pounds of shellfish meat from a one-acre animal production facility and a 50-acre algae farm using treated effluent from a community of 11,000 people, according to Ryther. Projecting the pattern even further, he noted: "In New York, 10 million people produce about a billion gallons of sewage per day, which is discharged into New York Harbor and Bight. This could flow through a secondondary sewage system so that the organic matter is decomposed and mineralized into inorganic nutrient materials. Sea water could be brought through a nuclear power plant, providing warm water the year round for the growth of the algae. The output of the algae farm could be linked to a shellfish farm designed along the lines of the three-dimensional hanging culture method first developed in Japan."

Thinking on such a hefty scale, one would expect Ryther to be among those citing the untapped resources of the sea as a potential cure-all for man's increasing demands for food to satisfy his multiplying numbers, but such is not the case. His view is tempered by the experience of two decades of ocean study rather than by the rhetorical expectation of the decades to come. "We've drastically revised our estimates of the potential of the ocean for food production," he said. "The ocean is not the great reservoir of food that everyone thought it was—a thought which came about after *Challenger* and other expeditions showed the great variety of life in the deep sea.

"In my own work, I started out measuring primary productivity in the oceans," he continued: "Soon, it became obvious that most of the ocean was nutrient-limited; productivity was extremely low, and it was centered in the coastal areas. Most people now generally agree that 90 per cent of the ocean is poor in terms of food resources. This led me to aquaculture with the possible beneficial application of human wastes for increasing productivity."

That application will continue as the main thrust of the research conducted by the Ryther group at the newly-completed Environmental Systems Laboratory, but while the scientists will be most concerned with waste recycling in respect to aquaculture, other studies also will be made on the accumulation of pollutants such as heavy metals and chlorinated hydrocarbons in the marine food chain, since pollution has such a major bearing on the field. The 4,800 foot single story structure was designed by the engineering firm of Kramer, Chin, and Mayo of Seattle to house laboratories and a supporting complex of elaborate piping systems and tanks. A second phase of construction is envisioned for the future and will include additional ponds and enclosures for the growing animals, and laboratories.

Initially, the Environmental Systems Laboratory will utilize a 12,000 foot algae farm and shellfish and finfish culture tanks using seawater from Vineyard Sound, a short distance from the site, and treated effluent to cultivate algae as food for the fish. The six algae ponds are 50 feet in diameter with three foot depths, the shellfish growing units occupy a 3,000 square foot area, and the piping system is capable of filtering and heating up to 1,000 gallons of seawater per minute. The facility is unique in that it will be the first such large scale operation to draw on salt water and treated effluent in an aquaculture project.

Earlier research in existing laboratories was done by Dr. Ryther and his staff on a smaller scale with seaweed, oysters, clams, shrimp, lobsters, and other shellfish. It revealed that nutrient-enriched waste water diluted with seawater to a concentration of 50 per cent has proved to be an excellent culture medium for the growth of phytoplankton at the base of the marine food chain. The 20-man staff of the Environmental Systems Lab will be conducting related research on a much larger scale which could make future production of shellfish as a high-protein source of food for man economically feasible. The facility also will be concerned with other aspects of pollution control and the environmental sciences in general.

A book entitled "Aquaculture: the Farming and Husbandry of Freshwater and Marine Organisms," written by Ryther, John E. Bardach, and William O. McLarney, was nominated by the National Book Awards Committee for the 1973 science book of the year. In their preface, the authors noted: "Seafaring, including the quest for fish, and the domestication of land plants and animals, has enabled man to spread over the globe. We now wish to explore what species can be domesticated in the sea or in lakes and rivers, especially with the development of some technical mastery over the once alien, liquid portion of our biosphere. It is not surprising that aquaculture has advanced farther in fresh than in salt water and that mariculture is still in its infancy. Thus, the only true domesticated aquatic animals are carp and trout rather than saltwater creatures.

"Whether we wish to grow crab or mullet, lobster or shrimp, and whether the first consideration is to make money or to supply additional animal protein in a country's diet, we should have complete manipulative mastery over the entire life cycle of the animal." In this regard, the authors were concerned with the capability of initiating reproduction at predetermined times while considering other points such as nutrition and diseases and their interplay with aspects of the animals' behavior. Still a third focal point was the utilization of economically-sound technology—aquaculture engineering, an area which ranges from the construction of simple ponds or hand-operated sluicegates that mix fresh and salt water "to more complex, such as sophisticated larval rearing schemes that employ pumps, filters, and ultraviolet sterilization of the water, all more or less automated."

Among the problems to be studied by Ryther's aquaculture project are those relating to the presence of toxic substances in domestic sewage and in industrial cooling water, and their transmission through the food chain. They may interfere with the biological system itself because of their toxicity, or they may become concentrated in the shellfish at the top of the food chain, making them unsuitable as food. Among the toxic pollutants being studied are the ions and organic complexes of heavy metals, and such organic compounds as chlorinated hydrocarbons, polychlorinated biphenyls, dioxins, and petroleum derivatives. The presence and possible biological concentration of the substances must be taken into account if the proposed aquaculture system is to be properly evaluated. The study of the transfer of the pollutants through the experimental food chains will be an important part of the research program and will involve both waste products occurring naturally and those added artificially.

Overall, Ryther sees the problem as an extremely valuable research opportunity. "Little is yet known about the mechanisms, routes, and rates of transfer and concentration of most of the toxic constituents of human wastes," he said. "A few studies have been made with DDT and other pesticides, but for the most part, however, conclusions concerning the food-chain amplification of pollutants have been based on analyses of organisms collected from nature and their assumed position in the food chain. Little attention has been focused on such problems as the partition and rate of transfer of the various pollutants within the various phases of the marine ecosystem (water, sediment, and organisms), the biochemical and geochemical transformations that take place within each phase, and the effects of these variables on biological uptake and concentration."

LONG-RIBICOFF CATASTROPHIC HEALTH INSURANCE AND MEDICAL ASSISTANCE REFORM ACT OF 1973

Mr. RIBICOFF. Mr. President, on October 2 Senator RUSSELL LONG and I introduced the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973. This bill has been cosponsored by 23 Members of the Senate. Our bill will help every segment of our population.

Wherever I go in Connecticut people come up to tell me of their experiences with the high costs of illness. Thousands have written me expressing approval and concern. No one is immune from the possibility of such a catastrophe. This bill provides protection not only for those who have to face present medical bills, but also for those who know that prolonged illness could happen to them.

I am pleased that many newspapers throughout Connecticut and elsewhere recognize the need to take steps now to remove the burden of catastrophic health costs from all American families.

I ask unanimous consent that several editorials be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Bridgeport (Conn.) Post,
Oct. 3, 1973]

NEEDED HELP

Senator Abraham Ribicoff has been busy lately addressing himself to the problems of the chronically and seriously ill.

Our senior Senator is the co-sponsor with Senator Russell Long of Louisiana of the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973.

The measure would create a fund for all Americans covered by Social Security which would be financed by an additional Social Security payment of .3 per cent by both employes and employers. From this fiscal reservoir, the government would assume payment of medical costs after 60 days of hospital care or $2,000 of medical bills.

The bill would also establish a uniform national program of basic medical benefits for low-income persons to cover the first $2,000 and 60 days. Another provision makes available to every American a private health insurance policy at group rates to cover the same basic costs.

The United States, compared to many other industrialized nations, has been remiss in caring for its citizens' medical needs. Although we have the Medicare and Medicaid programs, Senator Edward M. Kennedy recently pointed out that persons covered by the government health insurance are paying higher medical bills now than in 1965 before the programs were enacted.

Hospital costs have been rising at an annual rate of almost 13 per cent. The average daily cost of in-patient care in Connecticut is $97, and the figure for the nation as a whole is a dismaying $110. A National Cancer Foundation survey shows that prolonged illness can reduce a middle-income family to poverty in less than two years.

The Ribicoff-Long proposal has several features to recommend it. It puts a ceiling on runaway medical costs for the individual. While it places the largest burdens on the government, it does not interfere with private plans for basic coverage and makes group coverage available to those who otherwise would not have access to it. Finally, the bill has a much better chance for passage than Senator Kennedy's mammoth $80 billion Health Security Act, firmly opposed by the Nixon Administration.

Ribicoff-Long deserves fullest consideration. A measure of this kind is needed to ensure that for Americans prolonged illness does not spell financial ruin.

[From the New Canaan (Conn.) Advertiser,
Oct. 18, 1973]

CRITICAL HEALTH NEED

Most American families, in contemplating their future, would admit that catastrophic illness is their biggest worry.

With hospital rates at $100 or more per day—not even including the special services often required or the medical expenses—a single serious illness in a family can all but wipe out that future.

Often, the cost of coping with such illness is so great that various hospitalization insurances are but of only minor assistance. Gone in one fell swoop are a life's savings, the children's education fund and all of the aspirations for the years ahead. Only the affluent can survive the toll illness can exact; many of the rest are reduced to virtual poverty and even a place on the public welfare rolls.

The desperate plight of the afflicted has not gone unrecognized, however, and last week U.S. Sen. Abraham Ribicoff of Connecticut introduced legislation that promises to help.

Under its terms, the government would guarantee all medical costs above $2,000 and all hospital expenses incurred beyond 60 days. In addition, of course, everybody would be eligible to buy private insurance that would help cover those initial expenses.

The provisions of the bill are not so generous that they constitute a give-away. They leave with the individual the responsibility of providing for himself and his family, but they compassionately recognize also the limits beyond which a family cannot assume health burdens without ruinous impact.

As in most Congressional legislation, however, provisions for how these costs would be financed remain unclear. Presumably, Americans would make their contributions as they do now to Social Security benefits for their old age. At any rate, the cost in payroll deductions seems preferable to the alternative—depletion of a family's resources.

Concerned Americans should urge their Congress to examine this bill carefully, weighing its practicalities with compassion. We need it or something like it to spare American families from the threat of financial disaster.

[From the Naugatuck (Conn.) News,
Oct. 18, 1973]

THE COST OF MEDICAL CARE

That the cost of medical care these days is a problem for most Americans is an established fact.

The question is—what can be done about it?

Well, we rather like what we have been hearing from Connecticut's Sen. Abe Ribicoff, who joined hands a few days ago with Sen. Russell Long of Louisiana to introduce a measure in Congress which would, it seems to me, go a long way toward accomplishing that objective.

The Long-Ribicoff Bill would provide government insurance, similar to Medicare, which would pay everything beyond the first $2,000 of a medical bill or beyond 60 days of hospitalization.

There's a bit of a gap here, since average hospital costs—around these parts, at least—are about $100 a day. That means the guy who faces a 60-day hospital stay also faces a $6,000 hospital bill—and forget about the extras.

That, however, is something that can be ironed out in due time.

Further, the Long-Ribicoff Bill would seek to introduce health insurance companies to offer policies at a "reasonable cost" covering the first 60 days of hospital care and the first $2,000 of medical bills.

Replace the federal-state Medicaid programs, which vary from state to state, with a uniform national program of medical benefits for low-income people. It would cover 12 million additional low-income people as well as the 22 million poor now covered.

The plain fact is that almost anyone, regardless of income, can find his life savings depleted or his house sold out from under him, educational opportunities for his children lost—all because of a major illness or injury.

Low-income individuals are hurt most of all, but let's face it—middle class Americans can be financially destroyed almost as easily.

Long and Ribicoff propose that their bill could be financed by an increase in social security taxes, which would cover the anticipated $3.6 billion cost.

That may not go down too well with the average worker who is getting a bit fed up these days with payroll deductions—but a small increase in social security deductions is little enough to pay for protection against major financial losses in the event of serious and prolonged illness or injury.

[From the Waterbury (Conn.) American, Oct. 10, 1973]

Aid in Long Illnesses

The Ribicoff-Long national health insurance plan, which places emphasis on catastrophic illnesses, makes a reasonable start toward finding a solution to the medical cost problem plaguing American families. Undoubtedly many other bills will be introduced before a feasible plan is developed.

The Ribicoff-Long measure introduced in the Senate would cover all families on major medical costs above $2,000 and some low-income families for the first $2,000 as well. UAW President Leonard Woodcock charged immediately that the plan is inadequate and unfair. He claims less than a million persons would benefit from it annually, while everyone would be taxed for it.

The Senate measure proposes a $37.80 a year increase in Social Security taxes. The annual cost has been estimated at $8.9 billion. Many other plans carry costs far in excess of this, and also would call for higher taxes. Congress will have to sift out the various proposals, keeping in mind the overall costs and the amount of benefits that should be provided. It will be no easy task.

Already there are predictions that a health insurance plan will not be passed at the current congressional session. Hopefully, however, the plight of families who lose their homes and savings to pay for illnesses will gain enough publicity to pave the way for more thorough studies on ways to finance catastrophic illnesses.

[From the Danbury (Conn.) News-Times, Oct. 7, 1973]

New Health Insurance Plan

Senator Abraham Ribicoff of Connecticut, joined by Senator Russell Long of Louisiana, has moved to break the impasse in Congress over a national health insurance plan.

They introduced the Catastrophic Health Insurance and Medical Assistance Reform Act of 1973 and almost immediately drew several other senators, including Senate Republican Leader Hugh Scott and Senator Robert Dole, former Republican national chairman, as cosponsors.

Their compromise bill probably will not get Senate action until sometime in 1974.

But the sponsorship is a clear indication to the Senate of an effort by its Finance Committee to come up with a workable compromise and a signal to the House Ways and Means Committee that the Senate is receptive to action before the 93rd Congress adjourns sometime in late 1974.

Senator Long is chairman of the Finance Committee and like most of its other members a recognized member of the Senate's conservative bloc. Senator Ribicoff is one of only two or three Finance Committee members identified with the liberal bloc.

The Long-Ribicoff bill would limit the amount an American family would have to spend for medical care in case of serious illness. The catastrophic insurance would cover all medical bills in excess of $2000 and all hospital costs incurred beyond 60 days.

The bill would also make available a certified private insurance policy at reasonable rates to cover the first $2000 and 60 days of cost. Low income individuals would be covered under a medical assistance plan to be administered by the Social Security Administration.

The Long-Ribicoff approach if adopted, would be far less costly than a comprehensive health insurance system proposed by Senator Edward Kennedy of Massachusetts. But it goes well beyond the minor program proposed by the Nixon administration.

As Senator Ribicoff pointed out in introducing the bill, "You don't have to be poor to be staggered by health costs. Almost anyone can find his life savings depleted, his house sold out from under him, educational opportunities for his children lost—all because of major illness or injury."

The Long-Ribicoff bill is not perfect. It can be improved. It does represent an approach which appears reasonable and financially realistic.

It should draw constructive response from all concerned with the financial aspects of health care.

[From the Groton (Conn.) News, Oct. 16, 1973]

NHI—A Reasonable Start

It has been a standard prediction that U.S. Senator Russell Long, a very conservative Democrat, would come up with a National Health Insurance plan that would, in effect, keep the government out of the insurance business.

In cooperation with U.S. Sen Abraham Ribicoff, Russell has produced that plan, and, if it is adopted, and found to be workable, it should easily accomplish that objective.

Ribicoff, in introducing the Long-Ribicoff plan to the senate, conceded that it is a far cry from some of the proposals that have been made for comprehensive National Health Insurance.

He points out, realistically, that every reform must start somewhere—and that the Long-Ribicoff bill is a good starting point.

He is correct in that assessment, for the plan goes to the heart of the health care crisis in the United States. It is an immediate attack on the unbelievably high costs of catastrophic illness.

But, and perhaps most important, it provides legal jaw-boning to force the private insurance industry to come up with a reasonably priced and comprehensive policy for the payment of ordinary medical and surgical bills. The incentives are strong—for if an insurer fails to provide for such a plan after a three year period, he would be excluded from serving as a carrier for Medicare, and thus, in effect, forced out of the health insurance business.

The catastrophic coverage envisioned by the Long-Ribicoff bill would take over after a family has incurred $2,000 in medical bills in the course of a year, and hospital costs would be paid after a person has incurred 60 days of hospital care.

Although the deductibles seem high, the plan would have every chance to work, if the private insurers were able to produce a policy that would cover the first $2,000 or 60 days of medical costs.

The benefits of the plan would be extended to low-income families without payment of premiums, and families above the income eligibility limit for Medicaid benefits would be included if their medical costs reduced their net income sufficiently.

The plan is moderately complex, although its basic purposes are clear.

As Ribicoff said in his presentation to the Senate, "a catastrophic illness can reduce a middle-income family to poverty in less than two years . . ." It is not unusual for families in the middle income class to be inflicted with medical payments in excess of $25,000 for a protracted illness or complex surgery.

In effect, the plan places a ceiling on medical costs for the entire nation—and provides the means for everyone to share equally in the opportunity for a sensible medical prepayment plan. It accomplishes these two purposes without throwing the private insurance industry out of business. That is a benefit that is important—for the insurance industry is a major employer, purchaser and investor in our economy.

[From the Hartford (Conn.) Courant, Sept. 28, 1973]

High-Cost Health Options

Plans for national health insurance could be called a dime a dozen—except that the prospective first-year price range runs from $3.1 billion to $80 billion.

Much as we might be tempted by Senator Edward Kennedy's $60-to-$80 billion plan, which would cover nearly everyone against nearly everything, reality dictates that we do our shopping in lower price ranges.

At the other end of the scale, we could limit ourselves to protection against the catastrophic costs of long-term illness. Senator Abraham Ribicoff has just announced he is backing such a plan.

A plan of this type would extend the Medicare principle to cover the cost of hospital stays longer than 60 days and other costs which exceed $2,000, regardless of the patient's age. In the form now before the Senate, the yearly cost would be $3.1 billion to be paid with increased Social Security taxes.

In the next-higher price bracket one finds several similar proposals, including those backed by the American Hospital Association, the Health Insurance Association of America and the Administration, whose proposal is currently being redrafted.

These call for a partnership between government and the private health insurance industry. Government-backed insurance would be intended primarily to cover gaps not filled by normal private plans.

Most would also provide coverage for catastrophic illness, would encourage health maintenance organizations and other potentially cost-saving means of service and would give strong backing to planning and research.

Within this broad group, though, there is a great cost spread, from about $7.5 billion to $18 billion. The revised Administration plan is expected to come in at the $7.5 billion mark.

Much of the cost difference depends on how much coverage we would buy. For example, the $18 billion proposal would cover up to 90 days in a hospital, while an $8.1 billion version would pay for only 30 days.

Buying national health insurance, then, is a matter of paying your money and taking your choice. A catastrophic illness plan would seem to be the most basic item. It would be relatively low in cost and would meet one of the most serious needs.

There is much to be said too, for the partnership principle in which government would supplement and encourage private health insurance rather than trying to replace it.

Beyond that, however, the selection of added benefits would be similar to adding options to a new car. Air conditioning and power windows might be nice, but they do add to the cost. The same is true of broader insurance benefits.

Before we make the final selection of any national insurance plan, we must first answer some basic questions: How much protection do we really want and need, and how much are we willing to pay for it.

[From the Baltimore (Md.) Sun, Oct. 7, 1973]

Medical Care Legislation

Comprehensive medical care insurance legislation may at long last get off dead center and could conceivably pass Congress during the coming election year. Such a timetable is implicit in the Long-Ribicoff bill introduced this week. Aim of the sponsors, which include, of course, the ideologically distant Senators Long and Ribicoff, as well as Minority Leader Scott and leading liberals from both parties, Senators McGovern and Percy, is, simply, to get something done in this long-neglected legislative area. Then later if it should prove necessary, Congress could go ahead with more radical measures such as the now-stymied Kennedy-Griffiths bill.

But the Long-Ribicoff strategy is not one of getting just anything passed. Their bill is drawing wide bipartisan and inter-ideological support and at the same time appears to offer promising remedies for the present chaos of medical and hospital care financing. Title I of the bill would establish federal insurance coverage (financed by payroll taxes) for all citizens for catastrophic illnesses, defined as requiring hospital and/or medical care payments exceeding $2,000 annually or requiring more than 60 days hospitalization. Title II of the bill would provide federal insurance coverage for the poor for illnesses not covered under the catastrophic provisions. Title III would impose far-reaching reforms on the private health insurance industry, essentially requiring this industry to provide comprehensive insurance policies at reasonable cost for illnesses not included under the first two titles—or else. The stick held over insurance companies would be a three-year oversight of the Title III program with a view to nationalizing health insurance if the insurors do not perform. The bill also would establish devices for more rational hospital utilization and elimination of duplicating facilities, for encouraging membership in health maintenance organizations and for incentives to doctors to move into inner city and rural areas which now suffer severe doctor shortages. Cost of the total program is estimated at $8.9 billion annually in payroll taxes and general funds.

The overworked Senate Finance Committee, of which Senator Long is chairman, cannot get to the bill this year, and the House Ways and Means Committee appears to be in a similar bind. But Senator Long promises early Finance Committee action next year, and many House members are interested in sponsoring similar legislation there. As in the recently passed pension bill, the once recalcitrant and conservative Finance Committee appears to be playing a major social reformist role. The medical care legislative logjam thus may break soon and, with luck, the result will be constructive legislation.

THE CONTINUING SAGA OF JACK HUSHEN

Mr. GRIFFIN. Mr. President, syndicated columnist Nick Thimmesch recently wrote a column about Jack Hushen who served as my press secretary for more than 4 years before going to the Justice Department in May of 1970 as chief press officer. I ask unanimous consent that the column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

Jack Hushen Has Seen Them Come and Go

(By Nick Thimmesch)

Washington.—Write a column on a government public information officer? White House press secretaries, yes, but a department public relations man, how come? Well, Jack Hushen is worthy, if only because he has served as press officer under five attorneys general in three and a half years, and that says something about the Justice Department.

Hushen started under John Mitchell in May, 1970, shared Richard Kleindienst's ordeal for 13 months, was hopeful for a new era under Elliot Richardson for nearly five months, blinked as William D. Ruckelshaus held office for 20 minutes and earnestly vowed to continue under the Honorable Robert H. Bork, acting attorney general.

"Bork is going to be in the job at least until the question over the Watergate investigation is settled," Hushen said. "If he would have quit Saturday (after Richardson and Ruckelshaus), I think there would have been a mass exist here. He prevented that and did the right thing. He had no pledge on Cox as they did."

It must be difficult for Hushen to muse over the department's top names of the past three and a half years because only two of the 27 senior officers who came to DOJ in 1969 are still there—Lawrence Traylor, the pardons attorney, and Ben Holman, director of community relations service.

It's remarkable how Hushen has seen them come and go. "John Mitchell wasn't an ogre as depicted," Hushen says, as though Mitchell's time was light-years ago. "He had the President's ear and did plenty to get more funding and manpower. He built the Law Enforcement Assistance Administration (LEAA), and worked hard on the 1970 organized crime act and antitrust activity. He told me that he did not sign the orders on wiretapping Dr. Kissinger's staffers and some newsmen (the famous 17), and it shocked me when I learned he had.

"Dick Kleindienst was a good guy, but he didn't have a chance to get going. He was tied up three months in confirmation hearings, and the rest of 1972 went to the campaign. He was strong on civil rights and antitrust. There was no reason for him to resign except that he was close to some of those under fire for Watergate, and he didn't want any conflict of interest.

"Richardson was making progress, both in reorganizing the department and reviving work left neglected. We thought we were moving again, especially with programs (drug abuse, crime, D.C. court reorganization) developed in recent legislation.

"I was sorry to see Bill Ruckelshaus leave, too. He was dedicated, like Richardson, and greatly respected here. Did you hear the ovation by department people when Richardson gave his speech and press conference?"

Hushen, 38, was a Detroit newspaperman before joining Robert Griffin in his successful 1966 campaign against G. Mennen Williams for the U.S. Senate. Hushen came to Washington as Griffin's press secretary, was soon in the thick of the controversy generated by Griffin over Justice Abe Fortas.

Griffin's revelations stopped Fortas from becoming chief justice. Hushen was Griffin's conduit to the press in the subsequent squabbles over Clement Haynsworth and G. Harrold Carswell, President Nixon's rejected nominees.

In 1970, Jerris Leonard, head of the civil rights division, was instrumental in bringing Hushen to the department. He serves at the pleasure of the attorney general for $36,000 a year, has an immediate staff of 18 and oversees the work of another 70 Office of Information employees.

Hushen has known newspapering all his life (his father worked 31 years at the Detroit News), worked his way through college as a copy boy and was a student editor before becoming a reporter. The press here, including the jackals, likes and respects him.

So he's listened to when he speaks of newsmen's responsibilities for fairness, especially in the Watergate era, when competition is fierce to find new sin and report it. The result, says Hushen, can be that "ethics is forced into the background. So-called source stories—some of questionable validity—spring forth from every reporter. Today's hallway speculation by someone who has no facts is tomorrow's headline."

Hushen encouraged Richardson to stop leaks from DOJ, and to provide the press with a list of officials at Justice "who know what the facts are" during his past embroilment. Hushen also is against an absolute shield law for newsmen, but strongly supports the practice of no newsman being subpoenaed unless the attorney general okays it.

It was Hushen who announced a new Richardson directive that the attorney general's approval would have to be obtained before any newsman could be questioned, arrested or indicted for a suspected offense while covering a news story.

If Hushen gets no salutes for serving under that quintet of attorneys general, he rates one, at least, for helping set guidelines on how the law must deal with working newsmen.

DR. PAUL DUDLEY WHITE

Mr. KENNEDY. Mr. President, all Americans have been saddened at the passing of Dr. Paul Dudley White. Dr. White was one of the world's most renowned cardiologists. His famous textbook "Heart Disease" was instrumental in influencing the teaching of cardiology throughout the Nation. His skill as a clinician won him the respect and admiration of physicians around the world.

He was dedicated to preventing heart disease and to fostering international peace and cooperation. He devoted much of his life to bridge building with professional colleagues of his behind the Iron Curtain. In 1957 he helped to found the International Cardiology Foundation which is dedicated to combating heart disease on a worldwide basis.

Mr. President, in its editorial yesterday the Boston Globe paid tribute to a "man of heart." I ask unanimous consent that the Globe's editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

MAN OF HEART

If anyone in the world deserved the title "Dr. Heart" it was Paul Dudley White, who died yesterday in his beloved Boston. He deserved the title for many reasons. One is that when he was born on June 6, 1886, the word cardiology did not exist. When he became an intern at Massachusetts General Hospital in 1913, cardiology was being born. They grew together and he became one of the greatest developers: teacher, physician, innovator, preacher and prophet without peer.

In addition, Dr. White had "heart" for all his patients, whether they were presidents or peasants, and whether they lived in Boston, Washington, Moscow or Timbuktu. He treated South American dictators, Soviet scientists, his friend Dr. Schweitzer, President Eisenhower and Boston welfare recipients with equal compassion and skill.

It was this universal interest in people that led him in 1957 to help found the International Cardiology Foundation, an organization dedicated to fight heart disease everywhere through research, travel grants, heart conferences, educational training and fund raising. Its philosophy is that heart disease knows no political, religious or geographical boundaries and that only through international communication can this common threat be conquered.

Much of Dr. White's energy in recent years went into the foundation. His work was so important he was nominated for the Nobel Peace Prize in 1970 and in 1966 was presented a gold stethoscope by his former patient, Dwight Eisenhower, for contributions to medicine and world harmony, especially the idea that common effort among heart scientists could help break down barriers dividing nations.

Many of Dr. White's associates feared that his contributions to cardiology might be overlooked at the time of his death because of his prominence as President Eisenhower's physician. They point to his early recognition of coronary artery disease, his authorship of the first standard text in cardiology, his constant preaching to people, rich and poor, to exercise and to eat sparingly if they wanted to improve their chances for longevity.

Dr. White was "a doctor's doctor." To other physicians he was the man who wrote the book on cardiology. Dr. Alan Friedlich, who was Dr. White's physician, said on Dr. White's 85th birthday, in 1971: "He has done more than any living man to give us the understanding and knowledge of heart disease which are the tools with which to work."

Dr. White did not die a wealthy man, but he died extremely rich in friends and accomplishments. He gave of himself and his pocketbook unsparingly in good causes. He made friends everywhere he went, through his optimism, his ever-present belief in a better world to come, his love for people and his devotion to patients. He taught other doctors the value of optimism in treating heart disease.

The following quotation perhaps best sums up Dr. White, his philosophy and the kind of advice for fellow humans that will long remain with us.

"It is good for the hearts of men, as of women, to do their own chores, to cut the grass, to shovel the snow, to dig and weed the garden, to chop the firewood, to put on and take off the storm windows, and even to take out the ashes. It gets us down to earth, keeps us humble, is good for our health and, incidentally, saves us money."

SENATOR LAWTON CHILES MEETS WITH THE MINISTER OF FOREIGN RELATIONS OF CHILE

Mr. CHILES. Mr. President, despite the swirl of events here at home and in the Middle East, I have had a continuing concern for events in Chile and U.S. relations with Chile. Two weeks ago I met with the new Minister of Foreign Relations of Chile, Vice Adm. Ismael Huerta, who came to see me after his participation in the opening sessions of the United Nations in New York. I wish to report to my colleagues in a summary way the kind of concerns I expressed to Minister Huerta.

I told him that there was great concern in this country for the respect for human rights in Chile. He seemed to be well aware of this and expressed surprise that there was so much concern here. I told him that Chile had a special place in the minds of Americans because of its long democratic tradition and the identity we feel as Americans with other nations like Chile which have a strong commitment to democratic ideals. For this reason there is concern here not just for civil liberties in Chile but for the integrity of the court system, the fact that the Congress has been dissolved and that all the political parties made either illegal or suspended and the effects these might have on the overall evolution of Chilean society.

The Minister emphasized that the military did not want to intervene and take over the government in Chile and they are intent on limiting their period in the government. I warned the Minister that no matter how well intentioned they are it is always more difficult to leave power than to take it. I know that many people in Chile view the military coming to power as a means of regaining their position and their property. The "tuvos," those who had wealth before Allende, now see that it may not be gone forever. This group provides an obvious political base for the present government which over time will create pressure on the military junta to stay in power. While the junta is now looking for support from groups in Chile, it will become difficult to abandon those groups further down the road.

Furthermore, I told the Minister that we had seen in our own country recently the truth in the old saying that "power corrupts, and absolute power corrupts absolutely." We have seen the dangers of too much concentration of power. It seems evident that the more power is concentrated the more it is abused. While it is more difficult to govern, the more that power is diffused, the more freedom there is and the more checks there are on the abuse of power. I told the Minister that I am not alone in looking forward to seeing how quickly Chile can again diffuse power.

I especially emphasized the necessity of freedom of press. I told him that public criticism by the press is an essential means of preventing the abuse of power and of keeping political leaders in touch with the public. No government, even a military government, can afford to lose touch with the society they govern. Whereas Allende definitely made efforts to manipulate the press through increasing government control of advertising and the production of newsprint he never succeeded in stifling any of the news media altogether. At least the Chilean people knew what disasters were occurring. Now there are only three progovernment newspapers in Chile whereas there were at least a dozen papers before the military coup. My own belief is that any government benefits from freedom of the press.

I was glad to have the opportunity to talk with the Minister of Foreign Relations in Chile. I was happy to hear his point of view and his ideas, and I was pleased to be able to express to him the concerns of many Americans, given our own traditions and history, for the future of democracy in Chile.

RECOGNITION OF ENVIRONMENTAL LEADERSHIP BY FORMER SENATOR J. CALEB BOGGS

Mr. ROTH. Mr. President, I would like to take a minute to recognize a former colleague of ours, Cale Boggs. Cale Boggs has been a public servant and leader for more than 24 years, beginning as a Member of the Congress, then Governor, and then Senator from Delaware.

A spirited man, and a man with foresight, Cale Boggs worked hard as a member of the Senate Public Works Committee to protect our environment, from air and water polution laws to ocean dumping laws.

Senator Boggs was recognized recently for his interest and leadership in the environment by the National Recreation and Parks Society.

Mr. President, I ask unanimous consent that the newspaper article that appeared in the Evening Journal be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ENVIRONMENT UNIT TO FETE BOGGS

Former Sen. J. Caleb Boggs will receive a national award Monday in Washington as the National Recreation and Parks Society recognizes his efforts toward preserving the environment.

The national association will meet until Thursday at the Sheraton and Shoreham Hotels.

Boggs this year was awarded the first "Friends of Recreation" award by the Delaware Recreation and Parks Society. The state group nominated him for the national honor. The recommendation cites that Boggs was a leader in successful moves to get the Army and Navy to return land at Cape Henlopen to Delaware to become part of Cape Henlopen State Park: wrote provisions into law which financed anti-pollution efforts in the Brandywine, considered a model river program for the nation; worked to get a $9 million grant for Delaware to build a trash recycling plant; worked for Congressional funds for beach protection along the Atlantic and helped write laws controlling ocean dumping and coastal zone pollution programs.

He worked with the Army Corps of Engineers to get fishing piers along the Chesapeake and Delaware Canal and was instrumental in getting additional funds for acquiring more land and operating funds for Lums Pond State Park. He was active during his years in the Senate in writing air, water and solid waste pollution measures.

SPECIAL PROSECUTOR: THE CONSTITUTIONAL ISSUE

Mr. KENNEDY. Mr. President, the Senate Judiciary Committee is presently considering legislation to provide for the establishment of an independent special prosecutor to succeed Mr. Cox, who was fired from his job 2 weeks ago for attempting to fulfill the responsibilities imposed upon him by the Senate and Attorney General Richardson. The events of last week, and testimony of Mr. Cox this week, make it abundantly clear that Congress must provide maximum insulation for a special prosecutor if he is to be free to pursue his law enforcement duties without influence or pressure or threat from the White House.

Senator Hart, along with myself and 53 other Members of the Senate, introduced S. 2611, a bill to provide for the appointment of a special prosecutor by the chief judge of the district court in the District of Columbia. We believe this legislation to provide the ultimate safeguard against White House inteference—the special prosecutor will not be appointed by or removable by or under the direction of any officer or employee of the executive branch of Government.

Our attempt to vest appointment power in the "courts of law" has given rise to a continuing debate on the constitutionality of the legislation. I indicated upon introduction of the bill, as did other sponsors at the time, a firm conclusion that the bill was constitutionally sound under article I, section 8, and article II, section 2 of the Constitution. The Senate Judiciary Committee will be hearing testimony from constitutional law experts in the coming week, but the House has already taken testimony on this subject and I believe that the statements of law professors before the Judiciary Committee of that body provide us an excellent preview of what our own hearings will be developing: a clear case for the constitutionality of our bill.

Mr. President, I think that Congress cannot lose sight of the need for statutory establishment of an independent special prosecutor, despite our reaction to or attitude toward the appointment of Mr. Jaworski yesterday to serve in that post. Both the law and the public statements of executive branch officials make it clear that the President can have whoever is appointed fired as quickly as he did Mr. Cox. The mere possibility of this ultimate control must hang heavily over the head of any special prosecutor appointed by the executive branch. Some vague notion of consultation with congressional leadership provides an inadequate safeguard to the public's right to have the special prosecutor carry out his duties in the most independent manner. The editorial in today's Washington Post reflects what I believe to be the dominant sentiment now—that the only special prosecutor acceptable to the American people and the Congress is one who does not owe his job to the President and who cannot under any circumstances be dismissed by him. That special prosecutor is provided for in S. 2611.

I ask unanimous consent that the statements of Prof. Paul Mishkin of the University of California at Berkeley, and Prof. Daniel Meador of the University of Virginia, along with a memorandum prepared for the House Judiciary Committee on the constitutionality of a court-appointed prosecutor, be printed in the Record. I also ask unanimous consent that the editorial referred to be printed in the Record after those materials.

There being no objection, the materials were ordered to be printed in the Record, as follows:

STATEMENT OF PAUL J. MISHKIN

My name is Paul J. Mishkin. I am professor of Constitutional law at the University of California at Berkeley. I welcome the opportunity to appear before this Committee which is dealing with what is undoubtedly a most important matter for the integrity of our government and the welfare of our country.

The subject to which I will address myself is the constitutionality of the Congress establishing a new Special Prosecutor to be appointed by a Federal judge or court and protected against removal except for his own misconduct, whose principal focus would be crimes relating to presidential election campaigns or misconduct on the part of executive officers. On initial consideration, proposals along these lines seemed to me to raise constitutional difficulty. On further study and reflection, however, I have concluded that an act of Congress creating such an office would be entirely constitutional. That conclusion is supported by the text of the Constitution, by authoritative precedent, by principle and by history.

The most direct source of the authority to vest such appointment in a Federal judge is Article II, Section 2 of the Constitution. After providing that the President, with the consent of the Senate, shall appoint "Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States" not otherwise provided for, that section continues:

"But the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

The language seems plain enough. And on the basis of the Constitutional history as well, I have little doubt that the proposed Special Prosecutor would be an "inferior Officer" within the meaning of this provision. On the face of the Constitution, therefore, there seems to be no reason why his appointment could not be vested in a judge or judges of what the Constitution elsewhere describes as "inferior" Federal Courts.

The objection has been raised, however, that this language should be taken as allowing vesting in the courts of law only appointments of officers whose work is somehow judicial or related to the work of the courts. It would certainly be possible to make a strong case for the proposition that prosecuting attorneys would qualify even under such a restrictive interpretation; moreover, some early history of the Republic which I shall mention later would support that position. But it seems sufficient to say at this point that the Supreme Court of the United States has entertained that restrictive view but on full consideration decisively and unanimously rejected it. In 1880, the Court squarely held that while Congress might appropriately be guided by such considerations, the Constitution itself imposed no such limitation. *Ex Parte Siebold*, 100 U.S. 371.

The appointment issue might appropriately be taken as completely settled by this case. But one need not rest simply on authority, for this conclusion is well supported by reason, principle and history as well. Judicial appointment of the prosecutor, his independence from the executive, and his protected tenure of office is entirely in accord with the separation of powers which we properly consider a fundamental principle of the framework of our democratic government. The other side of the coin of separation of powers is checks and balances. In the words of Justice Louis Brandeis, "Checks and balances were established in order that this should be 'a government of laws and not of men.' . . . The doctrine of separation of powers was adopted by the Convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments to save the people from autocracy." *Myers* v. *United States*, 272 U.S. 52, 292–93 (1926).

What must be emphasized is that the separation of powers means not the building of high walls or watertight compartments between the different branches but the *sharing* of power among them. In the words of Mr. Justice Jackson:

"While the Constitution diffuses power the better to secure liberty it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but interdependence, autonomy but reciprocity."

It would be possible to spell out many examples of this, but it hardly seems necessary. I cannot, however, resist pointing out the fact that in President Nixon's brief in the Court of Appeals in the Watergate Tapes Case, the President is described in a single sentence as both "Chief Executive . . . and Chief Legislator." (p. 11)

Our Constitution thus provides—and this has been considered its genius—for the kind of flexibility and development which are essential if a fundamental framework of government is to survive for long in a constantly changing world. Thus, with the industrialization of our society, it has now become well established that the Constitution permits the establishment of independent regulatory agencies with members having protected tenure and with functions that are fairly characterized as essentially mixed legislative, judicial and executive in nature. In view of some recent argumentation, it is perhaps worth noting that the essential charge and responsibility of such agencies is to execute the laws entrusted to their care.

In 1934, the Supreme Court unanimously upheld the constitutionality of a provision protecting the members of such a Commission against removal without cause. Rejecting an effort by President Roosevelt to remove a Federal Trade Commissioner, the Court held that protected tenure could be sustained whenever the functions assigned to an office appropriately called for such protection. *Humphrey's Executive* v. *United States*, 295 U.S. 602.

The protection of the Special Prosecutor's tenure against removal except for cause can easily be justified in terms of the function which the office is to perform. It is certainly not difficult to support the need for such insulation of an officer whose principal charge involves the determination and prosecution of criminality in high executive offices. If abstract reasoning is not sufficient to demonstrate that necessity, recent experience should certainly fill any lack.

To be sure there is a danger when the role of prosecutor is too closely tied with that of the judge presiding over the trial. And this might be of constitutional proportions if one contemplates continuous supervision by a judge of the activities of the prosecutor. When, as contemplated by many of the bills presently before you, the judge will in fact merely be an appointing authority with limited power to remove, the dangers involved are of much smaller proportion. In fact, it may be worth recalling that judges sitting on criminal cases can appoint defense counsel, and presumably have the power to remove them if they misbehave badly enough in the conduct of the case, but no one seems to feel that this combination of powers represents a serious threat. Nevertheless, to be safe, and in order that justice not only be done but also be seen to be done, it would probably be at least the better part of wisdom for the appointing judge to disqualify himself from sitting on trials conducted by the Special Prosecutor.

Note, however, that the objection just considered arises from the point of view of due process or fairness to a defendant being prosecuted, and not from any claim of the executive branch. From the latter point of view, the objection raised is that prosecution is "inherently executive" and must be part of the executive branch. Sometimes this is justified on the basis that prosecutorial decisions should ultimately be accountable to the electorate, and this can only be achieved through making the President responsible. I agree that ultimate accountability to the electorate is indeed an important element of our form of government.

Viewing separation of powers in light of its purposes, let us consider the effect of the proposals for an independent Special Prosecutor. He is to be charged with prosecuting crimes committed in, by or for the executive branch. Does this contribute to a concentration of power which is the danger sought to be avoided by the separation doctrine? Or isn't it, rather, fair to say that the creation of this office, particularly under present circumstances, would in fact constitute one of the checks and balances which are not less important than separation of powers in our scheme of government?

But it seems to me that the idea that this is only achievable by keeping all prosecutions under the President is much more attractive as superficial theory than sustainable in fact: On the one hand, it is certainly highly unlikely that prosecutorial decisions will become a significant element in any given presidential campaign. On the other, the Congress is also accountable to the electorate, no less than the President. And it would seem clear beyond question that, should such drastic action be necessary, Congress would have the absolute power to abolish totally the office of Special Prosecutor which it has created.

The phrase "inherently executive" needs further analysis. The term "inherently "normally is used to signify that a power may be inferred, though not expressly provided for in the Constitution, because it goes with a power which is granted by the Constitution. In that sense, I agree that the prosecutorial function is "inherently" an executive function—without being explicitly stated in the Constitution, it is clearly a function which can be derived from the duty to take care that the laws be faithfully executed.

But that concept of "inherently executive" does not mean that no one else may exercise a prosecutorial role. To support that conclusion, "inherently executive" must be made to mean instead "exclusively executive". And that proposition seems to me impossible to maintain. Indeed the very existence of the Grand Jury, with its duty of investigating corruption and other offenses, in government and out, and its power to stand astride the issue of whether any prosecution can be initiated, might itself be viewed as a refutation of that proposition. It is true that in recent years we have seen great centralization of the conduct of Federal criminal prosecutions in the Department of Justice. And while I consider that on the whole a desirable development, the reasons are reasons of policy and evenhandedness rather than constitutional necessity.

Certainly the early history of this country contradicts any idea that criminal prosecution was perceived as exclusively an executive function.

The Federalist papers considered the essence of the executive power to consist of foreign affairs, the planning and managing of appropriated funds, and military operations; in line with this concept, the original Departments of the government were Foreign Affairs (later State), Treasury, and War. There was an Attorney General, but he was not the head of a Department. There was no Department of Justice until 1870. There were local U.S. Attorneys but until 1861 they "remained formally independent of supervision by the Attorney General or anyone else, save as particular statutes gave to him or another officer, such as the Solicitor of the Treasury, a power of direction in particular matters." (Hart & Wechsler, *The Federal Courts and the Federal System* 67, n.2 (1953).)

The attitude of the Framers toward the function of prosecution as purely executive was thus apparently far from categorical. This is certainly suggested also by the fact that at least some of them considered it entirely appropriate under the Constitution that the local U.S. attorneys might be appointed by the district judges, and the Attorney General by the Supreme Court.

That was the proposal of the Senate Judiciary Committee in the First Congress, whose membership included five members of the Constitutional Convention [out of first 8, then 10 members of the Committee]—including such leaders as Ellsworth and Paterson. Though this provision was dropped on the Floor of Senate (for reasons unavailable to us), the very fact of the Committee proposal indicates that prosecution was not conceived as ineluctably executive in nature. The notion of central executive control of federal criminal prosecutions is certainly of relatively recent vintage.

Finally, the idea that prosecution must be instituted and managed by a member of the executive branch is totally inconsistent with another fact of history: the First Congress (which has been viewed as virtually a continued session of the Constitutional Convention) explicitly authorized criminal prosecutions to be instituted and maintained to conclusion by *private individuals* (as well as public prosecutors); one example of this is a statute *outlawing larceny* in federal territory (1 Stat. 112, § 16 (Act of April 30, 1790)).

All of this confirms the basic proposition that— regardless of what some abstract concept of separation might imply—the concept of separation of powers under our Constitution certainly allows for an office such as is contemplated in the bills before this Committee. I have previously dealt specifically with the issue of judicial appointment of a Special Prosecutor. I believe that his independence of the executive and his insulation from removal from office are also entirely consistent with the Constitution. I also believe as a general proposition that the power of removal may appropriately be assigned with the power of appointment. But in any event, in the present case, the same reasons that support the appointment of the Special Prosecutor by the judiciary equally support vesting the power of removal in the judiciary. As I indicated previously, I recognize that too great an aggregation of such power in a single judge may raise a question of fairness or due process for defendants in related criminal trials were that judge to preside over such trials. But that problem can be met. And I see no incongruity with the judicial role for a judge to exercise such powers over a prosecutor. We are certainly accustomed to such judicial supervision over grand juries, and no question can now be raised as to that. It is also true that under the First Judiciary Act and since, judges have exercised certain supervisory powers over United States marshals, who are law enforcement officers.

I thus have no difficulty with vesting the power of removal in a judge or judges. Other possibilities exist. But the choice is in my judgment for this Committee and the Congress. I do not believe that the Constitution bars a reasonable solution to this question.

STATEMENT OF DANIEL J. MEADOR

NOVEMBER 1, 1973.

I am Daniel J. Meador, James Monroe Professor of Law at the University of Virginia, where I have been a member of the Law Faculty since 1957, with the exception of four years during which I was Dean of the University of Alabama Law School and of one year during which I was a Fulbright Lecturer in England. During 1972–73 I served as Chairman of the Courts Task Force which authored the Report on Courts for the National Advisory Commission on Criminal Justice Standards and Goals. Currently I am director of the Appellate Justice Project of the National Center for State Courts.

In response to the invitation of committee counsel, I am presenting my views on the constitutionality of a proposal that Congress create an office of special prosecutor, with a high degree of independence, charged with responsibility for investigating and prosecuting suspected offenses arising out of the Watergate episode and the 1972 presidential campaign. In varying forms such a proposal is embodied in H.J. Res. 784, H.R. 11043, H.R. 11067, H.R. 11075, H.R. 11081, H.R. 11132, and H.R. 11135. The comments which follow are directed to the constitutional validity of the proposal and not to its wisdom and desirability; the latter are matters for the political judgment of Congress.

Although the question is not free from doubt, my conclusion, supported by the reasoning set forth below, is that it is constitutionally permissible for Congress, in the present circumstances, to provide by legislation for a special prosecutor, with investigatory and prosecutory responsibilities as to specified matters, to be appointed by a federal court, and subject to removal only by the court.

1. THE CONSTITUTIONAL TEXT

Article II, Section 2, of the Constitution grants to the President power, with the advice and consent of the Senate, to appoint certain federal officials "and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law." This is followed immediately by a proviso: "but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." For purposes of the question at hand, it is enough to read the words "such inferior Officers" in the latter clause to refer only to "all other Offices of the United States" in the preceding clause.

It is unnecessary to consider here whether this provision would permit Congress to place in the courts the power to appoint officials unconnected with the courts. For a prosecuting attorney, like all members of the bar, is an officer of the court. In the criminal process he is as integral as the judge to the work of the courts. See American Bar Association, Standards Relating to the Prosecution Function and the Defense Function 44 (1970). His role is so intimately involved in the judicial process that the prosecutor's office was dealt with at length in the Report on Courts (1973) of the National Advisory Commission on Criminal Justice Standards and Goals. Thus there is little substance to an argument that to authorize a court to appoint a prosecuting attorney is to involve the court in the appointment of a wholly unrelated official. Such an argument was made as to court appointment of board of education member in *Hobson v. Hansen*, 265 F. Supp. 902 (D.C. 1967), appeal dismissed, 393 U.S. (1968). But even as to those board members, the court upheld the constitutionality of the statute vesting their appointment in the U.S. District Court for the District of Columbia. While that decision relied in the alternative on the special powers of Congress over the District of Columbia, it rested equally on the constitutional power of Congress under Art. II, Sec. 2, to provide for court appointment of officials (265 F. Supp. at 911–16).

In Ex parte *Siebold*, 100 U.S. 371 (1879), the Supreme Court sustained the constitutionality of an Act of Congress which authorized judges of the United States Circuit Courts to appoint "supervisors of election" in connection with elections of representatives to Congress. The supervisors thus appointed were authorized and required by the statute to attend at the times and places fixed for registration of voters, to challenge applicants, and to cause names to be registered as they thought proper; the supervisors were also required by the statute to attend the elections, to challenge voters, to be present when ballots were counted, and to inspect poll books and tallies. The argument was made that these supervisors performed only executive duties and that the courts could not be empowered to appoint officers whose duties were not connected with the judiciary. In rejecting that argument and upholding the statute, the Supreme Court said:

> The Constitution declares that 'the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.' It is no doubt usual and proper to vest the appointment of inferior officers in that department of the government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution; and, if there were, it would be difficult in many cases to determine to which department an office properly belonged. Take that of marshal, for instance. He is an executive officer, whose appointment, in ordinary cases, is left to the President and Senate. But if Congress should, as it might, vest the appointment elsewhere, it would be questionable whether it should be in the President alone, in the Department of Justice, or in the courts. The marshal is preeminently the officer of the courts; and, in case of a vacancy, Congress has in fact passed a law bestowing the temporary appointment of the marshal upon the justice of the circuit in which the district where the vacancy occurs is situated. [presently 28 U.S. § 565]
>
> But as the Constitution stands, the selection of the appointing power, as between the functionaries named, is a matter resting in the discretion of Congress. (100 U.S. at 397–98.)

In addition to the statute mentioned in the *Siebold* opinion authorizing court appointment of marshals, there is, and has been for many years, a statute authorizing a federal district court to appoint a United States Attorney whenever a vacancy in the office occurs in the district. 28 U.S.C. § 546. The constitutionality of this provision was sustained in *United States* v. *Solomon*, 216 F. Supp. 835, 838–43 (S.D.N.Y., 1963). As to both marshals and U.S. Attorneys, the court's appointment holds only until the vacancy is otherwise filled. But this is because Congress chose to couch the appointing power in those terms. The constitutional basis for the Congressional authorization of these judicial appointments is Art. II, Sec. 2, and nothing there limits the authorization to temporary appointments or to those necessary to fill a vacancy on an interim basis.

For present purposes, however, it is unnecessary to consider the constitutionality of a statute empowering the courts to appoint a general prosecutor for all purposes or on a permanent basis. The proposals under consideration all contemplate that the special prosecutor is to have a specifically defined province. He is not to roam over the entire range of suspected criminal activity in the nation. Rather, his authority to investigate and litigate is restricted to matters arising out of specified activities—Watergate and the 1972 Presidential election. The life of the office is also limited to the time within which those matters are disposed of.

2. CONFUSING THE FAMILIAR WITH THE NECESSARY

Where an existing scheme is the only one we have known, there is often a misleading tendency to view it as the only one that is constitutional. Although there are scattered provisions in the federal statutes authorizing courts to appoint officials, most officials are appointed by the President or by a lesser executive officer. This is because Congress has arranged matters that way. The entire executive structure is, to a high degree, a statutory creation. The cabinet departments and their heads and sub-heads are all provided for by Acts of Congress. Provisions concerning the Department of Justice and its officials, for example, are found in 28 U.S.C. § 501 et seq. Though familiar and long standing, this arrangement is nevertheless not constitutionally mandated. The text of Art. II, Sec. 2, and such judicial explication as there has been of these clauses point clearly toward a choice vested in Congress as to the allocation of the appointing power.

Another familiar feature of our system is the placing of prosecutorial functions almost exclusively in an official who is considered a member of the executive department. This too gives rise to erroneous assumptions that the Constitution requires such an arrangement.

Here the English practice may be instructive. There is in England a Director of Public Prosecutions with a staff of lawyers; this office may be analogized to an American prosecutor's office. But relatively few cases are handled by that office. The basic principle in England, subject to a few exceptions, is that any member of the public may prosecute a crime. The prosecuting party need have no special interest in the case, although a prosecution is always conducted in the name of the Crown. Many prosecutions are carried out by the police, as they investigate and assemble evidence of offenses; they prosecute, however, not as officially designated prosecutors but as members of the public, and they engage private lawyers to present the cases in court just as a private citizen would. Other prosecutions are at the instance of businesses such as insurance companies or of government departments such as the Board of Trade.

Some are by private individuals. Jackson, *The Machinery of Justice in England* 154–65 (6th ed. 1972); Devlin, *The Criminal Prosecution in England* 16–19 (1960). The point is that there is no concept of an executive official, or any other official, with a monopoly on the prosecuting function. There is instead a multiplicity of prosecuting possibilities. In the main, private, non-governmental attorneys appear in court to present cases in the name of the Crown, at the instance of the prosecuting party who may or may not be a government official or agency.

While English practices are of course not binding on the meaning of the United States Constitution, they are significant in that they reveal attitudes about legal institutions held by a people with a common legal ancestry and with a traditionally high regard for civil liberties and government under law. The English way of handling prosecutions suggests that there is nothing fundamental to ordered liberty or government under law about having a monopoly of all prosecutions lodged in an executive officer appointed by the President. Nothing in our Constitution expressly prohibits an adoption of the English arrangement. But to sustain a court appointment of a special prosecutor, in the present circumstances, it is not necessary to go nearly so far as that. It is necessary only to recognize that all prosecutions for all offenses need not be placed in the hands of one official or one department; a prosecuting attorney can be designated to handle a specially described group of cases, leaving all others to other prosecuting parties.

The English practice is instructive also in underlining the functional distinction between investigating suspected criminal conduct and presenting cases in court, that is, the distinction between the role of the investigator and the role of the advocate. In England criminal investigations are handled by the police; the presentation of cases in court is handled by solicitors and barristers. There, lawyers appearing in court, in the name of the Crown, have no role in investigation. In the United States these roles are to a degree kept separate, but they are often blended. Many American prosecuting attorneys play an active part in investigating cases as well as appearing in court as lawyers for the state. The proposals for a special prosecutor contemplate combining the investigating and litigating functions in a single individual and office. The constitutionality of authorizing court appointment of a lawyer to represent the government in litigation, and to play no role in investigation, might be somewhat clearer because of the intimate relationship between advocate and court. But adding the investigating function to this advocate's responsibilities would not appear to alter the constitutional power of Congress to place the appointing power in the court.

3. SEPARATION OF POWERS

The doctrine of separation of powers is pointed to as an obstacle to the proposal for a Congressionally authorized, court-appointed special prosecutor. While nowhere expressly set forth in the Constitution, this doctrine is viewed as one of the premises on which the constitutional scheme rests. It is reflected in the creation of the three departments of government—executive, legislative, and judicial. But the special prosecutor proposal, if carefully structured, need not run afoul of the purpose of the doctrine.

The purpose of the separation of powers is to prevent the concentration of power and thereby to protect liberty and to guard against abuses of power. As Madison wrote on this subject in The Federalist (No. 47), "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many . . . may justly be pronounced the very definition of tyranny." And in this same paper Madison read Montesquieu—"The oracle" on the subject—as meaning "that where the whole power of one department is exercised by the same hands which possess the whole power of another department, the fundamental principles of a free constitution are subverted."

Taking the prosecutorial function out from under the dominion of the President in no way runs counter to these concepts. The separation of powers is not concerned with the diminution of power; it is concerned about the consolidation of power. Thus there would appear to be no violation of the doctrine, properly considered in light of its purpose, in allocating the prosecution of certain described offenses to one outside the executive branch. Indeed such a division of the overall prosecution role might be thought of as consistent with the purpose of the separation of powers doctrine by dividing power still more.

Apprehensions may be voiced, however, that authorizing a court to appoint and remove a prosecutor would move toward combining in the judicial branch the executive power in relation to those cases within that prosecutor's jurisdiction. But this need not be so for at least two reasons.

First, nothing in the proposed bills suggests that the appointing court is to control the prosecutor in his decisions and actions. Presumably existing law to the effect that a court cannot direct a prosecutor in the performance of his duties would continue. To make this clear, it might be desirable to include in the bill a provision expressly stating that a court may not exercise any control over the special prosecutor's discretionary decisions concerning the investigation and prosecution of cases. Grounds for removal should be spelled out.

Second, in order to insure that the "same hands" do not exercise the "whole power" of two departments, it might be wise to include in the bill a provision that no judge participating in the appointment of the special prosecutor shall sit in any matter handled by the special prosecutor's office and that no judge who has participated in any such matter shall participate in the appointment or removal of the special prosecutor. A provision such as this would also serve the salutory purpose of assuring future defendants in cases brought by the special prosecutor that the judge sitting in those cases would not have had any role in appointing the prosecutor and could have no role in his removal. The appearance of justice is as important as the fact of justice.

Considerations of justice and its appearance would also be served by vesting the appointing power in the court, or a majority of its judges, rather than in a named judge. Placing the power in the court would also be on firmer constitutional ground since Art. II. Sec. 2, speaks in terms of "the Courts of Law."

An argument of another sort is based on a premise that the Constitution vests in the President a certain minimum core of executive power which cannot be withdrawn by Congressional legislation and that the prosecution of federal crimes is part of this essential executive power. History and practice, however, rebut the idea that the prosecuting function must be lodged under the executive and can be placed nowhere else. The English practice, outlined above, is strong evidence that in Anglo-American jurisprudence there are a variety of legitimate arrangements for getting criminal cases before the courts. The view that there is nothing uniquely "executive" about a prosecuting attorney's role finds support also in the practices of some states in permitting a private attorney engaged by private persons to act as a special prosecutor. See 63 *Am. Jur. 2d,* Prosecuting Attorneys § 9, at 342–43 (1973). This view is also supported by the presence for many years in the U.S. Code of the provision authorizing a federal district court to appoint a U.S. Attorney when a vacancy occurs. 28 U.S.C. § 546. Indeed, state courts have taken the view that a court has inherent power to appoint a lawyer to represent the state in criminal cases when the regular prosecuting attorney is disqualified or unable to act. See 63 *Am. Jur. 2d,* Prosecuting Attorneys § 11, at 344 (1973).

Whatever in general may be thought of as the core of executive power and as the lines of separation among the three departments of government, express provisions of the Constitution control. Thus the provision in Art. II, Sec. 2, giving Congress power to vest appointing authority in the courts governs, even if it appears not to accord neatly with the separation of powers doctrine. As applied to court appointment of a prosecuting attorney, in the special circumstances where Congress finds allegations and grounds of suspicion that the President himself and persons closely associated with him may have engaged in criminal conduct, that clause goes far towards answering any objections based on the separation of powers.

Whether it is wise for Congress to deal with existing circumstances by the proposed means is another matter. The proposal, for example, to create a position of special prosecutor to be appointed by the President and the Senate acting together, with restrictions on presidential removal, would avoid most of the constitutional arguments which can be made against vesting the appointment in the court. Such choices of means, however, are for Congress to make.

MEMORANDUM FOR THE HOUSE JUDICIARY COMMITTEE

RE INDEPENDENT SPECIAL WATERGATE PROSECUTOR

This memorandum, prepared at the request of Representative John C. Culver, examines the Constitutionality of measures introduced by him in the House of Representatives on October 23, 1973 (H.J. Res. 784) and by Senator Birch Bayh in the Senate on October 26, 1973 (S. 2611). These bills would establish by statute an independent Special Prosecutor for defined purposes relating to the Watergate and similar offenses, such Special Prosecutor to be appointed by the United States District Court in the District of Columbia and to be immune from control or discharge by the President.

The two bills are marked more by similarity than by differences. Each exhibits the same purposes and essential mechanisms. There are some divergencies, however, as well as provisions that might appropriately be joined together.

The conclusions reached, based on review of the materials discussed in this memorandum, are, *first,* that the approach taken in the Culver-Bayh proposals is unembarrassed by any genuine or substantial Constitutional difficulty; *second,* that this approach is Constitutionally preferable to any other approach that might be taken to achieve the same purpose; and, *third,* that there are a few amendments to H.J. Res. 784 that might serve to perfect and harmonize the two proposals.

The balance of this memorandum will consider the question of Constitutionality under the following heads of discussion:

I. Prosecutorial Discretion in the Face of a Conflict of Interest.

II. The Separation of Powers.

III. Immunity of Presidential Appointees from Removal by the President.

IV. Immunity of Court-Appointed Officers from Extraneous Control.

V. Conflict of Functions and Due Process of Law.

VI. The Territorial Reach of the Special Prosecutor's Jurisdiction.

An appendix will contain some drafting suggestions for appropriate amendments.

Discussion

I. PROSECUTORIAL DISCRETION IN THE FACE OF A CONFLICT OF INTEREST

Despite the clear language of Article II, Section 2 of the Constitution—"the Congress may by law vest the appointment of such inferior Officers, as they think proper . . . in the Courts of Law"—it is sometimes argued that judicial appointment of a Special Prosecutor would impermissibly intrude upon the discretionary power of the Prosecutor.[1] The case usually cited for this proposition is *United States* v. *Cox,* 342 F. 2d 167 (5th Cir. 1965), in which the Court of Appeals quite properly refused to uphold a District Judge's order that the attorney for the United States sign an indictment presented to him by a grand jury. Nothing in the bills introduced by Representative Culver or by Senator Bayh would in any way change that rule of law; indeed, the prosecutor's freedom from judicial control established by that rule assists in overcoming a different objection that might otherwise be raised to judicial appointment of the prosecutor. (See Part V, *infra.*)

The whole question of prosecutorial discretion as it bears on this legislation has been exhaustively researched and analyzed in an article published last Spring by the American Bar Association's Section of Criminal Law. Schneider, Greenspan & Anzalone, *The Special Prosecutor in the Federal System: A Proposal,* 11 American Criminal Law Review 577–638 (1973). It points out and fully documents that freedom from prosecutorial control by the Courts is wholly compatible with freedom from prosecutorial control by or in the interests of potential parties defendant. Both are essential to the maintenance of the adversary process on which our system of justice is founded. As ABA President Chesterfield Smith put it in his speech on October 25, 1973, this is based upon ". . . the almost universally accepted proposition that only a prosecutor, independent and free from the dictates and controls of those whom he was to investigate, could satisfactorily resolve in the minds of the people the illegality of matters which he was to investigate."

President Smith pointed to the ABA Standards for Criminal Justice, which provide that the prosecuting officer should have no conflict of interest, or the appearance of a conflict of interest. He concluded:

"Thus, under that standard, it clearly was and is improper for an investigation of the Executive Branch of the government, of the Office of the President, or of the President himself or of his close associates, to be conducted by a prosecutor who is under the control and direction of either the President himself or some other person who himself is under the direction and control of the President."

This is so because:

"It has never been suggested to my knowledge that the truth of opposing contentions could be fairly and equitably ascertained if one of the opposing parties before the court could determine what evidence and what contentions his opponent could present to the judge or jury for consideration."[2]

These propositions are so fundamental that they may themselves be considered of Constitutional dimension. The Supreme Court of Missouri has declared it essential that a prosecutor's discretion "be exercised in accordance with the established principles of law, . . . [and] according to the dictates of his own judgment and conscience and not that of any other person." *State* v. *Wallach,* 353 Mo. 312, 322–23, 182 S.W. 2d 313, 318–19 (1944). And the Supreme Court of the United States has held that it violates due process of law for a judge to have a pecuniary interest in the outcome of a case. *Tumey* v. *Ohio,* 273 U.S. 510 (1927). The same might properly be held of a prosecutor, sworn to see that justice is done, whose very job tenure is dependent upon the outcome of his efforts as regards his adversary.

Thus to bow to the arguments of "prosecutorial discretion" when a conflict of interest is present might very well be to condone a violation of due process of law. It may be contended that an honorable man, when and if presented with an actual conflict, would resign as Elliot Richardson and William Ruckelshaus have done. But that of course would not accomplish the prosecutorial purpose. And the Supreme Court in *Tumey* spoke to this point by declaring that "the requirement of due process of law in judicial procedure is not satisfied by the argument that men of the highest honor and the greatest self-sacrifice could carry it on without danger of injustice." (273 U.S., at 532.) As Representative Culver suggested when introducing his bill, in matters of public moment particularly, it is important that justice be not only done but be seen to be done.

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[1] Roger Cramton, the immediate past Legal Counsel in President Nixon's Administration, advanced this argument in the Outlook section of the *Washington Post* for Sunday, October 28, 1973, page C5.

[2] Address of Chesterfield Smith before the National Legal Aid and Defender Association, Coronado Beach, Calif., pp. 4, 5, 7.

An independent prosecutorial discretion, in other words, free from both the reality and appearance of a conflict of interest, would answer fully to the requirements of *United States* v. *Cox* within its established legal setting.

II. THE SEPARATION OF POWERS

The *Cox* case is also sometimes cited for a broader proposition, that prosecution of offenses is somehow an inherently executive function whose placement in any other branch would violate the Constitutional principle of separation of powers. What the Court of Appeals said is that the prosecutor is "an executive official of the Government. . . . It follows, as an incident of the Constitutional separation of powers, that the courts are not to interfere with the free exercise of the discretionary powers of the attorneys of the United States in their control over criminal prosecutions." *United States* v. *Cox, supra,* 342 F. 2d at 171. But again, the Culver-Bayh legislation would not allow judicial interference; instead, it would create an authorization for a special "attorney for the United States" who would remain fully insulated from such judicial interference.

It is not the Separation of Powers, but due process of law as embodied in our adversary system of justice, that ensures freedom from judicial control. This question was met and disposed of in *United States* v. *Solomon,* 216 F. Supp. 335 (S.D.N.Y. 1963), which is the only Federal case to have passed on a Constitutional challenge to judicial appointment of a prosecuting officer. The appointment was made pursuant to 28 U.S.C. § 546 (1970), authorizing the District Courts to fill vacancies in the office of United States attorney, and the court squarely held that this did not violate the doctrine of the separation of powers. Canvassing the literature from Montesquieu to Madison, and the federal practice since adoption of the Constitution, the court determined that there is nothing doctrinaire or rigid about separated powers but that, in Holdsworth's phrase, "it was the autonomy in the action and in the development of these divided, though not quite separated powers, which, *by enabling them to check and balance one another*, was the guarantee of liberty." 10 Holdsworth, History of English Law 721 (1938) (emphasis added); see also The Federalist, Nos. 47 and 48 (Madison) (Wright ed. 1961). The purpose of the Culver-Bayh legislation would appear precisely to be one of setting up checks and balances against Presidential over-reaching.

Separation of powers has never been considered a bar to judicial appointment of what would otherwise be considered executive officers. This is made evident by the longstanding practice of the States. The highly respected Chief Judge of the Supreme Court of New Jersey, Arthur T. Vanderbilt, summarized the situation as follows:

"The state legislatures have . . . long cast many nonjudicial duties on the judiciary. This has traditionally been the practice in England both at the county level and nationally, and it was carried over to the colonies and then to the *states despite statements in the constitutions of many states expressly setting up the principle of the separation of powers*. Dean Pound has catalogued a wide variety of the nonjudicial functions of an eighteenth-century judge: 'In Connecticut, the County Courts appointed Collectors of Excise. . . . In Pennsylvania, the Quarter Sessions licensed rangers to take up stray cattle. . . . So it was in Virginia, where those courts . . . for example, licensed ferry keepers. . . . In North Carolina, the justices of the peace . . . appointed road commissioners. . . . In South Carolina, the County and Precinct Courts, afterwards superseded by the General Court, had general administrative powers. So had the justices of the peace in Georgia.'

"Throughout the country the situation has not changed. . . . A cursory examination of the laws of a single state [New Jersey] discloses that its judges are called upon to appoint county park commissioners, water commissioners, morgue keepers, commissioners to survey the boundaries between municipalities, and persons to examine maimed, sick, or disabled animals." Vanderbilt, The Doctrine of the Separation of Powers and Its Present-Day Significance 113–114 (1953) (citations omitted).

Nor is the case any different when it comes to appointment of prosecuting attorneys. Quite the contrary, either by statute or without it the courts of almost all States are authorized to appoint a special prosecutor whenever the regular district attorney is incapacitated, fails *or refuses to perform his duty, or is disqualified by conflict of interest*. The cases are collected and analyzed in the American Criminal Law Review article previously cited, pp. 579–82. Typical is the Illinois Statute, Ill. Rev. Stat., Ch. 14, Sec. 6:

"Whenever the Attorney General or State's attorney . . . is interested in any cause or proceeding, civil or criminal, which it is or may be his duty to prosecute or defend, the court in which the cause or proceeding is pending may appoint some competent attorney to prosecute or defend said cause or proceeding, and the attorney so appointed shall have the same power and authority in relation to such cause or proceeding as the Attorney General or State's Attorney would have had if present and attending the same. . . ."

It was pursuant to this statute that attorney Barnabas Sears was recently appointed to prosecute State's Attorney Edward Hanrahan in Chicago, see *People* v. *Sears,* 49 Ill. 2d 14, 273 N.E. 2d 380 (1971). The statute has furthermore been upheld against a separation-of-powers challenge, *Tearney* v. *Harding,* 166 N.E. 2d 526 (Ill. Sup. Ct. 1929); and this notwithstanding the explicit language of the 1870 Illinois Constitution, Art. 3:

"The powers of the Government of this State are divided into three distinct departments—the Legislative, Executive, and Judicial; and no person, or collection of persons, being in one of these departments, shall exercise any power belonging to either of the others, except as hereinafter expressly directed or permitted."

There is of course no such separation of powers clause in the Federal Constitution (though if there were, Article II, Section 2 would still provide the requisite express direction or permission).

Some of the State special prosecutors have gained fame, notably Thomas E. Dewey who made impressive discoveries of official corruption in New York in the 1930's. See, *e.g.,* Wilkes, *A History Making Grand Jury,* 13 the Panel 1 (1935). Others have labored in more routine fashion, but the very routineness of their appointments is what is noteworthy here. Set out below in footnote are a representative sampling of decisions in three States which by statute or court ruling or both provide for judicial appointment of special prosecutors in conflict of interest situations.[3] Perhaps the aptest commentary on all such activity was provided by the Maryland Supreme Court, which in 1860 declared:

"We are not prepared to admit that the power of appointment to office is a function intrinsically executive, in the sense in which we understand the position to have been taken; namely that it is inherent in, and necessarily belongs to, the executive department. Under some forms of government it may be so regarded, but the reason does not apply to our system of checks and balances in the distribution of powers, where the people are the source and fountain of government, exerting their will after the manner, and by instrumentalities provided in, the Constitution." *Mayor of Baltimore* v. *State,* 15 Md. 376, 455 (1860).

Under the Federal Constitution, of course, it is the Congress that creates offices and that regulates their powers and duties. Congress need not have created a Department of Justice at all, or made it fully subject to the President's control. Normally it is more convenient to do so, but perceptions of convenience can change as for example when conflict of interest is involved. For any such case, Congress may at any time take the appointment power away from the President and "transfer the power to other hands." *Myers* v. *United States,* 272 U.S. 52, 177 (1926) (separate opinion of Holmes, J., concurring with the majority on this point, cf. 272 U.S., at 160). No case can be found in which the contrary has been held.

The notion of intrinsic Executive authority, insofar as it extends to creation or regulation of governmental offices, is antithetical to the Constitution. Article II, Section 2 demonstrates that ours is a government not of rigidly separated but of blended powers. In Professor Kenneth Davis' well-chosen phrase, "we have learned that danger of tyranny or injustice lurks in unchecked power, not in blended power."[4]

III. IMMUNITY OF PRESIDENTIAL APPOINTEES FROM REMOVAL BY THE PRESIDENT

Suggestions have been heard that, instead of vesting the appointing authority in the courts, Congress might better follow the more habitual route of allowing the President to appoint a Special Prosecutor by and with the advice and consent by the Senate. The independence of the prosecutor, it is contended, could be assured by prohibiting or severely restricting the President's right to remove him from office.

This is of course the route that was followed by the Reconstruction Congress in the various Tenure of Office Acts, and it provokes the controversy that culminated in the imepachment (but not conviction) of President Andrew Johnson. Many years later, in *Myers* v. *United States,* 272 U.S. 52 (1926). the Supreme Court struck down the Tenure of Office Acts as unconstitutional. Of course that opinion itself was over-broad, and it was substantially whittled down just nine years later in *Humphrey's Executive* v. *United States,* 295 U.S. 602 (1935). But *Myers* has never been over-ruled, and it remains as at least something of a threat to the independence of any Presidential appointed Special Prosecutor.

To assure independence, the case would have to conform very closely to that of *Humphrey's Executor*. There are responsible grounds for believing this could be done. *Myers* had involved a postmaster, which the Court described as "an executive officer restricted to the performance of executive functions. He is charged with no duty at all related to either the legislative or judicial power." (295 U.S., at 627.) *Humphrey's Executor* by contrast involved a member of the Federal Trade Commision, an agency with quasi-judicial as well as quasi-legislative responsibilities and one whose independence the Congress had been at pains to establish. "The commission is to be nonpartisan; and it must, from the very nature of its duties, act with entire impartiality. It is charged with enforcement of no policy except the policy of the law." (At 624.) The Court accordingly rejected the President's claim of power to remove a Commission before the end of this statutory seven-year term. And it suggested that the test for removability in such cases should turn on whether the officer in question is but a policy *alter ego* for the President; whether "their acts are his acts" and the President's will therefore controls. (At 631, citing *Marbury* v. *Madison*, 1 Cranch 137.)

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[3] Indiana: Ind. Ann. Stat., Sec. 49–2515–16 (1964), afterwards repeated but held constitutional in *Hendricks* v. *State,* 245 Ind. 43, 196 N.E. 2d 66 (1964); see also *Williams* v. *State,* 188 Ind. 283, 301–02, 123 N.E. 2d 209, 215 (1919). Iowa: *White* v. *Polk County,* 17 Iowa 413, 414 (1864). Missouri: *State* v. *Jones,* 306 Mo. 437, 445, 268 S.W. 83, 85 (1924).

[4] Davis, Administrative Law, Sec. 1.09, at 30 (1972).

There is much in the *Humphrey's Executor* opinion that is readily adaptable to a Congressionally created office of Special Prosecutor. Certainly the intent could be made clear that the Special Prosecutor was not to be the President's *alter ego*, that he was to enjoy independence, and that he should carry out his judicially related responsibilities with entire impartiality and pursuant to no policy but that of the law. Yet all that *Humphrey's Executor* actually decided, as the Court made plain, is that a postmaster can be fired whereas an FTC Commissioner cannot; other cases between these two, the Court said, would have to be decided as they arose. And the language of the opinion is no sure guide to how they may be decided. Supreme Court Justice Stanley Reed was fond of recalling how his staff assured him that, based on the expansive opinion in *Myers*, he could not possibly lose the first case he argued as Solicitor General. Yet he lost the *Humphrey's Executor* argument nine votes to nothing.

We conclude that, even with the advice and consent of the Senate, a Presidentially appointed Special Prosecutor is less certain of achieving secure and independent tenure than one appointed by the courts.

IV. IMMUNITY OF COURT-APPOINTED OFFICERS FROM EXTRANEOUS CONTROL

A. *Appointing Authority*. (*1*) *Article II, Section 2* of the Constitution expressly allows the Congress to vest the appointment of "such inferior officers, as they think proper" in the courts of law. It is plain from the language, in context, that "inferior officers" may include any that are not mentioned in the Constitution; anyone, that is, but the President and Vice President themselves, Ambassadors and other chief diplomatic officers, the Justices of the Supreme Court, and very likely the heads of the Cabinet departments. That still leaves what Justice Story described as "probably . . . ninety-nine out of a hundred of the lucrative offices in the government" free to be appointed as the Congress deems best. 2 Story, Constitution § 1544, cited in *Myers* v. *United States, supra*, 272 U.S. at 150.

It is also plain from the language, "as they think proper", that Congress' discretion is Constitutionally unlimited. Story's commentaries again provide an amplifying key: "The propriety of the discretionary power in Congress, to some extent cannot well be questioned. If any discretion should be allowed, its limits could hardly admit of being exactly defined; and it might fairly be left to Congress to act according to the lights of experience." This is exactly what was thereafter decided in *Ex parte Siebold*, 100 U.S. 371, (397–98) (1879), rejecting an argument that the appointing authority of the courts must be limited to court clerks or other strictly judicial officers. The Court pointed out that marshals are habitually appointed by the President and perform executive functions in the strictest possible sense, but that they might just as logically be appointed by the courts and that the courts in fact had (and still have, 28 U.S.C. § 565) statutory authority to fill vacancies in the office of U.S. Marshal. The parallel with 28 U.S. § 546 (U.S. Attorneys) could scarcely be more striking.

It is hard to find fault, then, with the recent conclusion by the U.S. District Court for the District of Columbia that "Article II is couched in terms of discretion; and Congress has not considered it can empower judges to appoint only officers concerned with the administration of justice. . . ." *Hobson* v. *Hansen*, 265 F. Supp. 902 (1968) (three-judge court). To be sure, there is language in *Ex parte Siebold* that the appointment must not be incongruent with the performance of regular judicial functions. But on any fair reading this must be taken to refer to the conflict-of-functions problem, considered in the next Part of this memorandum. At all events, *Siebold* approved judicial appointment of Congressional election supervisors, while *Hobson* approved similar appointment of a school board. The activities of a Special Prosecutor who is after all an officer of the court, will be far more congruent with the regular administration of justice. Certainly the long-established law and practice of the state courts on this matter should suffice to demonstrate any requisite congruence.

(2) *Article I, Section 8* of the Constitution is also in point and supports the legislation. It provides that the Congress shall have power over a wide scope of subject matter, and also "to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Offices thereof."

If the prosecution of criminal offenses is claimed to be an inherent power of the President, or of the Department of Justice, and they are disabled by conflict of interest from exercising those powers as intended, then Congress under the plain language of this clause has full authority to take remedial legislative action to correct the disability. The power is to "make all laws", which should disabuse any argument that the sole Congressional remedy is impeachment. As Chief Justice Marshall put it in *McCulloch* v. *Maryland* 4 Wheat. 316, 415 (1910), the "necessary and proper clause" is a provision "made in a constitution intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs."

(3) *Article I, Section 8* also gives the Congress plenary regulatory jurisdiction over the District of Columbia; and this is recited as additional Constitutional authority in Section 2(e) of the Senate bill (S. 2611). That is a more dubious proposition. In *Glidden Co.* v. *Zdanok*, 370 U.S. 530, 580–81 (1962), Justice Harlan set forth the following considered dictum:

"It is true that *O'Donoghue* v. *United States*, 289 U.S. 516, 545–48] upheld the authority of Congress to invest the Federal courts for the District of Columbia with certain administrative responsibilities—such as that of revising the rates of public utilites—but only such as were related to the government of the District. [Citations omitted.] To extend that holding to the wholly nationwide jurisdiction of courts whose seat is in the District of Columbia would be to ignore the special importance attached in the *O'Donoghue* opinion to the need there for an independent national judiciary.

"The national courts here may perform any of the *local* functions elsewhere performed by State courts." (Emphasis added.)[5]

Presidential accountability is of course not a local but a national matter. For this reason, it would appear that this Constitutional reference might as well be dropped.

B. *Immunity from Presidential Removal*. It is well-settled law that the power of removal goes with the power of appointment. In *Ex parte Hennen*, 13 Pet. (38 U.S.) 225 (1839), the Court so held with respect to a court-appointed clerk, and its opinion has controlled the law from that day to this. See, *e.g.*, *Myers* v. *United States*, 272 U.S. 52, 119 (1926); *Hobson* v. *Hansen, supra*, 265 F. Supp. at 913 n. 13. The relevant passage appears at 13 Pet. 258–60:

"The Constitution is silent with respect to the power of removal from office, where the tenure is not fixed. . . .

"In the absence of all constitutional provision, or statutory regulation, it would seem to be a sound and necessary rule, to consider the power of removal as incident to the power of appointment.

"[T]he Constitution has authorized Congress, in certain cases, to vest this [appointment] power in the President alone, in the courts of law, or in the heads of department; and all inferior officers appointed under each, by authority of law, must hold their office at the discretion of the appointing power. Such is the settled usage and practical construction of the Constitution and laws, under which these offices are held."

It follows that the President cannot claim any authority whatever to remove judicially appointed officers. And since the judges of the federal courts hold their offices for life under Article III of the Constitution, the President cannot do indirectly what he did with Archibald Cox by issuing instructions to remove the Special Prosecutor. Any such instructions would have absolutely no force or effect.

C. *Statutory Regulation of Tenure*. The *Hennen* rule applies as stated only "where the tenure is not fixed" by "statutory regulation." Where Congress has spoken, "the tenure of the office is determined by the meaning and intention of the statute." (13 Pet., at 260.) Employment by Congress of the Article II, Section 2 excepting authority entitles it to regulate the right of removal and restrict it. See *Myers* v. *United States, supra*, 272 U.S. at 160, quoting from and approving *United States* v. *Perkins*, in which it was held that a naval officer could not be removed by the Secretary of the Navy without a court martial, since the statute so specified:

"The head of a department [or court] has no constitutional prerogative of appointment to offices independently of the legislation by Congress, and by such legislation he must be governed, not only in making appointments but in all that is incident thereto."

The Culver-Bayh legislative proposals in fact do make the Special Prosecutor removable from office by the District Court, for "extraordinary improprieties." This is not only Constitutionally permissible but also highly desirable, to make sure of preserving the "inferior officer" status which might be jeopardized if the Special Prosecutor were not removable at all save by impeachment.

D. *Judicial Interference*. Apart from the causes specified in the legislation—as to which a hearing would have to be afforded, pursuant to the Administrative Procedure Act—the judges of the District Court would have no right to interfere with the discretion of the Special Prosecutor. This follows from the cases just considered, as well as the *Cox* decision previously cited. It is an essential element of the adversary process.

Judicial satisfaction that the prosecutor is in fact independent should actually help to assure that any trials are conducted with entire impartiality. It is when a judge suspects that a prosecutor is "pulling his punches" that he is most tempted to intervene and take over the questioning of witnesses. This risks prejudicing the jury or otherwise producing a judgment that is reversible on appeal. See *The Special Prosecutor in the Federal System: A Proposal,* 11 American Criminal Law Review 577, 628–29 (1973), and cases there cited. Thus judicial appointment of the Special Prosecutor should enhance the prospects of attaining due process of law.

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[5] Footnote 54 then recites the probate and divorce jurisdiction of the U.S. District Court, and distinguishes "the appointing authority given judges of this District Court to select members of the Board of Education and of the Commission on Mental Health, . . . (which] *is probably traceable to Article II, § 2 of the Constitution*. . . ." (Emphasis added.)

V. CONFLICT OF FUNCTIONS AND DUE PROCESS OF LAW

In *Ex parte Siebold, supra,* 100 U.S., at 397–98, the Supreme Court held that there was "no such incongruity in the [appointment] duty required as to excuse the courts from its performance, or to render their acts void." In *Hobson* v. *Hansen, supra,* 265 F. Supp., at 916, the court similarly declared that appointment of a prosecuting attorney would cause no due-process difficulties. And in *Tumey* v. *Ohio,* 273 U.S. 510, 534 (1927), where the judge was also the mayor of the village, the Court said that "the mere union of the executive power and the judicial power in him cannot be said to violate due process of law."

Notwithstanding these pronouncements, however, Constitutional and ethical considerations may counsel against vesting the appointing authority in the judge who will also sit in judgment on cases brought by his appointee. The judge might appear to the public or to himself to have acquired an adversary interest which would conflict with his impartiality. In *Tumey* v. *Ohio, supra,* 273 U.S., at 532, the Court stated that "every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear and true between the State and the accused, denies the latter due process of law." On grounds such as these, the Congress has itself adopted a broad disqualification statute (28 U.S.C. Sec. 455 (1970)):

"Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein."

In a recent case which bears considerable similarity to the present one, Judge Gerhard Gesell of the District Court here in fact did recuse himself from sitting in judgment on an indictment which, over the objection of the U.S. Attorney, he had refused to dismiss. See *The Special Prosecutor in the Federal System: A Proposal,* 11 American Criminal Law Review 577, 597–98 § nn. 119–21 (1973).

What this all comes down to is, *first,* that court appointment of a Special Prosecutor would not itself void any convictions or other judgments that might later be returned by that court; but, *second,* that a single appointing judge might feel compelled to disqualify himself from sitting on such cases. Representative Culver's bill indeed anticipates such a contingency in its Section 4. It it is desired to avoid this difficulty, so as to conserve the knowledge of past proceedings held by Judge Sirica, the simplest way would be to amend the bill, authorize creation of a three-judge panel to perform the appointing function, and provide that no member of this panel may participate in cases brought by an appointee.

VI. THE TERRITORIAL REACH OF THE SPECIAL PROSECUTOR'S JURISDICTION

H.J. Res. 784, Section 7, provides that the Special Prosecutor's powers to collect evidence shall extend "throughout the territory of the United States," and Section 6 authorizes him to proceed "in all Federal Courts . . . of the United States." S. 2611 would go further and specify in its Section 4(6) that the Special Prosecutor may initiate and conduct prosecutions "in any court of competent jurisdiction" (which could include the courts of the States, 18 U.S.C. § 3231, paragraph 2). Some question may be raised about the propriety of vesting so nationwide a jurisdiction in an officer appointed only by the District Court for the District of Columbia.

In *Ex parte Siebold, supra,* the Supreme Court ruled that considerations of convenience could guide the Congress' determination with respect to location of the appointing authority. In the present case, no other authority would be so convenient as the D.C. District Court. It is presiding over the two grand juries thus far empaneled to look into Watergate, the so-called "cover-up", and campaign finance offenses.[6] The Office of the Special Prosecutor is here, as is the Office of the President. Furthermore, all or most of the offenses covered by the Culver-Bayh legislation (Watergate, Presidential election, Presidential entourage) bear sufficient connection with the District of Columbia to be triable here. Crimes must be tried under the Constitution in the State and district where committed (Article III, Section 2; the Sixth Amendment)—but "any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed." 18 U.S.C. § 3237 (1970).

If it were thought desirable to resolve this question with absolute clarity, it might be in order to provide that the jurisdiction and venue for all proceedings brought by the Special Prosecutor shall be in the District of Columbia federal courts. There would be some risk, however, that some aspects of some cases could not be Constitutionally tried here. Furthermore, this could put an excessive burden both on the District Court and on the Special Prosecutor. Compulsory process may occasionally be more conveniently enforced in other parts of the country. The same may be true of the initiation of certain criminal cases, such as the prosecution of John Mitchell and Maurice Stans in the Southern District of New York. And alteration of the jurisdiction and venue provisions of the U.S. Code, which have been carefully considered and balanced over the years, is an uncertain venture.

For these various reasons, it appears preferable to authorize the Special Prosecutor to appear in all federal courts of competent jurisdiction[7] and perhaps to provide (on burden-sharing grounds) that the U.S. Attorneys in other districts shall be subject to his supervision and control for this purpose. This would also assist in the disposition of any ancillary civil business the Special Prosecutor may be given. (See Appendix.)

The only other alternative, that of giving each U.S. District Court a separate appointing authority, is too confusing to contemplate. Certainly there is nothing in the Constitution or cases construing it that would compel the Congress to adopt so unwieldy an instrument. Independent prosecution of the Watergate, etc. offenses can be conducted effectively only if it is under unitary management and control. This can be appropriately reflected in the findings and declarations of the legislation.

ROLAND S. HOMET, JR.

APPENDIX: SOME DRAFTING SUGGESTIONS

1. *Title:* [Reconcile the name differences between H.J. Res. 784 and S. 2611.].

2. *Findings and Declarations:* (a) Under the adversary system of justice established in this country, the truth of opposing contentions is ascertained in an impartial court of law with each party free from control or restriction by his opponent in determining what evidence and arguments to bring forward.

(b) Recent serious allegations of improper and illegal activities involving former high officials and advisers of the President of the United States require for their investigation and resolution the services of a Special Prosecutor who will be independent and nonpartisan and engaged in enforcement of no policy but the policy of law, and who for this purpose will be free from either the appointment or removal power of both the President and of the Congress as well as of anyone who is subject to removal by them.

(c) Under Article II, Section 2 of the Constitution, the appointment and removal authority for such a Special Prosecutor may be vested by Congress "in the courts of law"; and the exercise of this power by statute is "necessary and proper" under Article I, Section 8 of the Constitution to assure the due and proper administration of justice.

(d) The court best qualified by location and jurisdiction to receive and exercise such authority is the United States District Court for the District of Columbia.

3. *Protection of Files.* [Section 2 of H.J. Res. 784 confirms the protective authority over Mr. Cox's files and records that Judge Sirica has already reportedly exercised. It would help to ensure that such protection is maintained until the appointment of a new Special Prosecutor. There is no comparable provision in S. 2611.]

4. *Appointment.* (a) The United States District Court for the District of Columbia shall appoint a Special Prosecutor for the purposes and with the powers and duties prescribed in this Act, and shall replace said officer only for extraordinary improprieties in the exercise of his responsibilities as an officer of the court, or in the event the office becomes vacant. [Similar language may be added for a Deputy Special Prosecutor if desired.]

(b) The authority conferred on the District Court by subsection (a) of this Section shall be exercised by a panel of three judges who are members of that Court, said panel to be convened by the Chief Judge thereof. Any vacancies occurring in said panel shall be filled through appointment by the then Chief Judge.

(c) No judge who is a member of the panel convened pursuant to subsection (b) of this Section shall thereafter preside over or otherwise participate in any judicial proceeding conducted by or in behalf of a Special Prosecutor [or Deputy Special Prosecutor] appointed by that panel.

5. *Special Prosecutor: Jurisdiction.* [Section 6 of H.J. Res. 784 covers the subjects in Section 3 (b) and Section 4 (6) and (7) of S. 2611 The following are suggested harmonizing amendments to Section 6 of H.J. Res. 784]:

Anything in the statutes or *rules* of the United States . . . including the Supreme Court of the United States, *involving* any or all of the following *matters:*

(a) . . .

(b) all offenses arising out of the 1972 Presidential election;

(c) offenses alleged to have been committed by the President, present or former members of his White House staff, or other present or former Presidential appointees;

(d) all other matters heretofore referred to the former Special Prosecutor pursuant to regulations of the Attorney General (28 C.F.R. § 0.37, rescinded October 24, 1973);

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[6] The Court of Appeals is more removed, and does not enjoy the precedential benefits of the temporary appointment statute, 28 U.S.C. § 546. The United States Supreme Court should be held entirely detached from the matter.

[7] There is of course no conflict-of-interest justification for going into the province of state district attorneys.

(e) perjury or other offenses arising out of previous or future investigation of such matters; and

(f) such other matters certified by the Special Prosecutor *in camera* to the three-judge panel convened under Section 4(b) of this Act and determined by it to bear a proximate relation to any of the foregoing matters.

6. *Special Prosecutor: Powers.* [Section 7 of the Culver bill covers subjects addressed in Sections 4 (2)–(5), (7) and 5 (a) of the Bayh bill. The following would amend Culver § 7]:

The Special Prosecutor . . . material described in Section *3* of this Act . . . subject matter described in Section *5* of this Act. . . . full power to:

(a) . . .

(b) [insert Section 4(4) of Bayh bill]

(c) [relettered Culver (b), as amended]: *make application to* any Federal Court . . .

(d) . . .; *and*

(e) notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction, including supervision of the United States Attorneys, which would otherwise be vested in the Attorney General or the United States Attorney under the provisions of Chapters 31 and 35 of Title 28, United States Code, and . . . [balance of Bayh Section 4(7)].

7. *Civil Actions.* The Special Prosecutor shall have exclusive authority and responsibility to conduct in the courts of the United States any civil action that is ancillary to the exercise of his responsibilities under this Act, or that challenges its Constitutionality. [*Note*: this is adopted from Senator Stevenson's bill, introduced October 23, 1973, but narrowed so as to encompass such "ancillary" matters as civil contempt, habeas corpus, or a Constitutional challenge.]

8. *Succession.* (a) All material of the character described in Section 3 of this Act, and all information relating thereto, which may have been collected, produced or otherwise obtained after October 20, 1973 by the Attorney General or any other person designated by him to assume responsibility for the investigation of any of the matters described in Section 5 of this Act, shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) [Insert Bayh Section 5(b).]

9. *Staff and assistance.* [Insert Bayh Section 6, with the insert of a new second sentence]: . . .. The Special Prosecutor shall receive a salary equivalent to the current rate payable to positions at Level 5 of the Executive Schedule, under Section 5316 of Title 5, United States Code.

10. *Office, supplies, and services.* [Bayh Section 7.]

11. *Budgetary authority.* [Congress must reconcile Culver Section 5, last sentence, with Bayh Section 8.]

12. *Disclosure of information.* [Culver Section 8, first sentence. The committee might wish to add, if it sees fit, language along the following lines]: Any evidentiary privilege asserted as a bar to a formal request, signed by the Special Prosecutor, for such information or assistance shall be submitted by motion to the United States District Court for the District of Columbia within seven days from the date of such formal request; otherwise, the privilege shall be deemed to have been waived.

13. *Appearances before Congress.* [Culver Section 9, but insert, after the word "evidence"]: . . ., not inconsistent with the rights of any accused or convicted persons, . . .

14. *Public reports.* [Culver Section 11.]

15. *Limitations of Powers.* [Bayh Section 11, perhaps revising the first sentence for clarity to read]: The Special Prosecutor shall exercise only those powers and perform those duties specified herein. . . .

16. *Duration of office.* [Congress must reconcile Culver Section 12 and Bayh Section 9.]

17. *Funding.* [Culver and Bayh Sections 13, with the following addition]: Such funds shall remain available without fiscal year limitation until expended. All funds appropriated to the Watergate Special Prosecution Task Force pursuant to the Departments of State, Justice, and Commerce Appropriations Act for Fiscal Year 1974 and not previously expended, shall by virue of the enactment of this Act, be transferred to the account of the Special Prosecutor appointed hereunder.

18. *Public trust.* [Finish with Section 15 of the Culver bill, H.J. Res. 784.]

[From the Washington Post, Nov. 2, 1973]

NEW MEN AND OLD BUSINESS

The President has now presented us with a nominee to be his fourth Attorney General in less than five years, Sen. William Saxbe (R-Ohio). And Acting Attorney General Robert Bork has presented us with the new Special Prosecutor for the Watergate and related investigations, Leon Jaworski. Ordinarily the discussion of the wisdom of appointing these two men would proceed from an examination of their experience, ability and judgment. And ordinarily the nomination of a U.S. Senator who had served for eight years as attorney general of his own state would move quickly and smoothly through the Senate. Similarly, the appointment of a past president of the American Bar Association who has a reputation as an excellent lawyer and a strong law-and-order man to be Special Prosecutor would be widely hailed.

It scarcely needs to be noted, however, that these are not ordinary times. Both the circumstances creating the vacancies these men are to fill and the congressional proposals for alternative action to advance the Watergate investigations and prosecutions have to be taken into account. Mr. Nixon was so determined to be rid of Archibald Cox that he was willing to sacrifice two of the ablest officials in his administration—the top two men in the Justice Department—in order to achieve that end. In effect, Mr. Cox was offered a deal in which he had to agree to give up any further attempts to obtain vast amounts of evidence in the White House files which he had already identified as necessary to his pursuits. Both houses of Congress are now considering legislation to set up a truly independent prosecutor—one beyond the reach of presidential fiat and one whose search for evidence, recourse to the judicial process to secure it and judgments both as to the scope of his investigations and the nature and number of indictments he will ultimately bring, would be unimpeded.

Thus, the independence that is envisioned for Mr. Jaworski is the yardstick by which the new arrangement should be judged. That in turn depends on two questions. The first is the scope and nature of the assurances of independence which have been made to Mr. Jaworski. The second is his own independence of spirit and resolve to pursue these investigations wherever they may lead. All of that has to be weighed on the scale against the independence which Congress, on behalf of the people, is trying to achieve in the bills now before it.

On the first issue—the assurances Mr. Jaworski has received—the record is mixed. Mr. Nixon has made it clear he believes that presidential papers should not be made available to the Special Prosecutor and there is disquieting evidence that Senator Saxbe agrees with the President—or did, at least, prior to his nomination as Attorney General. Mr. Bork, on the other hand, has dusted off Mr. Cox's recently discarded charter and seems to have strengthened it. In addition to the extraordinarily wide latitude Mr. Cox had—at least on paper—Mr. Jaworski has the assurance that the President can't fire him until he has at least consulted with the majority and minority leaders of both houses and with the chairmen and the ranking minority members of both the Senate and House Judiciary Committees. In addition, Mr. Jaworski is given the power to sign indictments, a power Mr. Cox never had.

On its surface, all of that seems fine, but in light of recent events, it has to be tested. The best test we can think of is drawn from those recent events. The question of how complete these investigations ultimately turn out to be revolves not simply around how much evidence the Special Prosecutor is empowered to seek, but also how much evidence he is *inclined* to seek. Here, the only available standard is the range of investigations Mr. Cox has mounted and the nature and amount of information which Mr. Cox thought he needed in order to accomplish a full investigation into the matters within his jurisdiction.

Mr. Cox was conducting investigations into a number of matters. Among them were the Watergate burglary, the cover-up, the activities of the White House "plumbers," campaign dirty tricks, campaign financing, the ITT antitrust settlements and the political use of the Internal Revenue Service. Attorney General Elliot Richardson has told us that from time to time the White House would raise certain questions about Mr. Cox's jurisdiction and that he—the Attorney General—discussed them with Mr. Cox and invariably backed him. Will Senator Saxbe be as restrained and as resolute?

And further, will Mr. Jaworski be as diligent in pursuing all of these investigations and the evidence needed for them as Mr. Cox was? Mr. Cox has informed us that the subpoenaed tapes and related notes and memoranda were simply the tip of the evidentiary iceberg now buried in the White House. While the legal issue was being tested in the courts, Mr. Cox said, he didn't make a large point of going after the other evidence, but he did give us some idea of how important he thought it was and of the nature of the cooperation he was getting from the White House. He said:

"My efforts to get information beginning in May have been the subject of repeated frustration. This is a very special investigation in some ways. The problem is unique because nearly all the evidence bearing not only on the Watergate incident and the alleged cover-up, but on the activities of the Plumbers and other things of that kind, is in the White House papers and files, and unless you have access to those, you are not able to get the normal kinds of information that a prosecutor must seek."

Mr. Cox can't be faulted for the independence with which he conducted himself. He knew what he wanted and why he wanted it. He also knew what the obstacles were. The President has said that the Special Prosecutor will not have access to presidential papers, whatever those may be. Apparently, whatever they are, the definition expands day by day. Mr. Cox, again at his press conference, explained how this works:

"You will recall that the papers of many White House aides, Haldeman, Ehrlichman, Krogh, Young, Dean and others, were taken into custody, and they were in a special room. And many of their papers were taken out of the usual files and put in something special called Presidential Files."

So we have another veil to add to "national security," executive privilege, separation of powers, confidentiality of presidential conversations and the rest. It is "Presidential Files" or "Presidential Papers." The Congress has to judge whether it believes Mr. Cox's pursuit of this evidence was reasonable and necessary to the performance of the Special Prosecutor's duties. If it believes Mr. Cox was reasonable, it has to decide whether Senator Saxbe and Mr. Jaworski agree with the course upon which Mr. Cox was embarked. It has the means at its disposal to do this. In the consideration of the legislation now pending to set up a new Special Prosecutor, both judiciary committees can call Mr. Cox and explore his views in these matters. They can then call Senator Saxbe and Mr. Jaworski and test the views of these two men against the legislators' own judgment of the correctness of the course Mr. Cox was pursuing. That, in our view, would be an essential first step toward redeeming the terrible damage Mr. Nixon has done to the investigative process that was set up to deal with evidence of wrongdoing in his administration—and thereby to restore public confidence in the workings of our system of justice.

ADMINISTRATION IMPORT OF DAIRY PRODUCTS SHORTSIGHTED AND HARMFUL TO FARMERS AND CONSUMERS

Mr. HUMPHREY. Mr. President, I predict that the decision by the Nixon administration to allow the importing of additional huge quantities of butter and butter oils into the United States is shortsighted, unjustified, and will ultimately result in higher prices for American consumers.

The American consumer may think he is getting a good deal now, because these foreign products are subsidized by the governments of the countries from which they come. But such marketing practices can only lead to the eventual destruction of the U.S. manufactured dairy product industry.

This means that U.S. consumers will then become highly dependent on foreign suppliers with the usual accompanying higher price structure, as we have seen in the instance of crude oil.

This increased importation of European subsidized butter and butter oils is a flagrant example of unfair competition to the American farmer.

It will, if continued, drive the American dairy farmer out of business or compel our Government to engage in extensive increases in subsidies of our own dairy producers. Neither is desirable.

Two weeks ago wholesale domestic butter prices dropped 12½ cents in a single day—one of the greatest drops on record.

There is no indication at this time that this price is about to strengthen. This alone should be sufficient evidence that butter is not in critically short supply in the United States.

Earlier this year 265 million pounds of nonfat dry milk and 64 million pounds of cheese were imported. Added to that is now nearly 80 million pounds of butter.

While the administration may try to convince the American consumer that these imports are being permitted to avoid supply shortages and higher prices, they will likely hide from these same consumers how these imports are destroying many U.S. dairy farmers.

The European Community, where most of these imports originate, pays out a 27-cents per pound export subsidy for every pound of butter it ships to the United States.

While U.S. dairy farmers are prepared to compete with foreign dairy producers in the U.S. market, they can hardly be expected to do so when their competitors are subsidized as heavily as European producers are presently.

The ultimate result of this policy will be to place the American consumer at the mercy of foreign exports. At the same time the number of dairy cows in America will be sharply reduced, thereby reducing fluid milk supplies and causing even sharper increases in prices for all milk products.

PRISONERS OF WAR IN THE MIDEAST

Mr. DOLE. Mr. President, the U.S. Congress has on prior occasions unanimously reaffirmed our support for the principles asserted in the Geneva Convention of 1949. Whatever our many and varied perceptions of the conflict in Vietnam may have been, we in the Congress have concurred vigorously in the humanitarian precepts of the convention. And now, whatever our feelings may be on the conflict in the Mideast, we must continue to focus our attention on the grave problem of prisoners of war. Until international conflicts are settled by means other than war, we must be concerned with the problems of returning men safely to their homes at the end of conflicts.

Under the provisions of the Geneva Convention of August 12, 1949, relative to the treatment of prisoners of war, and particularly article 70, annex IV, and article 122, every party to the conflict is obliged to give the International Committee of the Red Cross without any delay all the information required by that convention, regarding any prisoner held by its forces who has fallen into its power. Such information shall be immediately forwarded to the International Committee of the Red Cross by the most rapid means.

I do not believe it is asking too much of any nation or any political organization to abide by the humanitarian obligations which spring from fundamental human decency and go beyond politics or philosophy. We can all understand the agony, the uncertainty, and the suffering of parents, wives and children who long for any shred of evidence which might provide the basis for resolving the unknown fate of a son, husband or father.

On October 22, speaking to the Security Council in support of the cease-fire resolution, our Ambassador John Scali declared:

> I want to report to the Council that both the Soviet Union and the United States believe that there should be an immediate exchange of prisoners of war.

I call upon our own Government and the Soviet Union to honor that understanding, and to speak out forcefully and clearly on this question, and to use their considerable influence over the parties to the conflict to get their compliance with the requirements of the Geneva Convention.

I call upon all parties to the conflict to submit immediately all the required information to the International Committee of the Red Cross and to enable the representatives of the International Committee of the Red Cross to visit the prisoners at once and to exchange wounded prisoners and make the proper immediate arrangements to exchange all prisoners that they hold.

I have been informed that the representatives of the International Committee of the Red Cross in Israel regularly visit the Arab prisoners of war, those in camps, and also the wounded and sick in hospitals, and that they have been transmitting to the representatives of the International Committee of the Red Cross in Israel data concerning prisoners of war held by them. My information indicates that little information has been received from Syria or Egypt.

I believe the facts regarding the Mideast POW's underscores the need for action. Israel is holding over 7,000 prisoners of war from the recent fighting. Of these, over 6,000 are Egyptians and more than 300 are Syrians, with the remaining prisoners being Iraqis and Jordanians. The Arab POW's held by the Israelis include over 500 officers. The Israelis have 450 of their men "Missing in Action" and estimate that about 350 are POW's held by the Egyptians and 100 are held by the Syrians.

Clearly this is a most important and emotional issue for all parties to the conflict, and I hope most fervently that the POW question will be treated by all the powers to the conflict, as a humanitarian question and not as a political pawn.

LEAGUE OF WOMEN VOTERS STATEMENT ON PROPOSED OIL AND GAS DRILLING

Mr. BIDEN. Mr. President, there is presently considerable concern in my State over proposals to drill for oil and gas on the Atlantic Outer Continental Shelf. The Council on Environmental Quality has currently held a series of hearings on the subject, one of which was held in Philadelphia on October 11, 1973. The League of Women Voters of Delaware presented an excellent statement at this hearing. The statement raises a number of vital questions which are prevalent in Delaware today. Because of the present interest in this subject I ask unanimous consent that this statement be printed in the Record.

There being no objection, the statement was orderd to be printed in the Record, as follows:

TESTIMONY OF THE LEAGUE OF WOMEN VOTERS OF DELAWARE COUNCIL ON ENVIRONMENTAL QUALITY HEARINGS ON PROPOSED OIL AND GAS DRILLING ON THE ATLANTIC OUTER CONTINENTAL SHELF

The League of Women Voters of Delaware is pleased to have the opportunity to comment on the proposed oil and gas drilling on the Atlantic Outer Continental Shelf. The League has a strong position on the need for citizens to participate in decisions which will affect the environment in which they live. We certainly hope the Council for Environmental Quality will use public hearings such as this one again in the future.

As preparation for these hearings, Delaware's Governor Sherman W. Tribbitt held a citizen's conference to bring the issues surrounding the possible off-shore drilling to the people of Delaware. This conference gave a good summary of the geological, environmental, legal, and development issues raised by off-shore oil development.

From the environmental standpoint, the League of Women Voters of Delaware opposes any deterioration of water quality in Delaware Bay. Any drilling would need proper safeguards so that leakage or spills would not enter the tidal marsh area. Delaware has already taken steps to protect the Delaware River estuary and its value both for recreation and as a fertile nursery ground for sea life, by passage of Coastal Zone and Wetlands control legislation. A major spill or drilling leak such as that in Santa Barbara, California would be much more damaging to the complex bay and marsh habitat than to open shoreline. Delaware should have a measure of control over such drilling since the effects of carelessness would be so great.

Because the bay is part of a region rather than belonging to Delaware alone, we also are concerned that a regional approach to be taken to regulation of drilling. We encourage the development of a Federal-State compact for the coastal areas, similar to the river basin commissions. Citizens in the whole region would be affected by regulation policies of any single state or by those of the Federal government acting alone.

Our final concern is that oil and gas are non-renewable resources. Should a national energy policy depend heavily on these for fuel when they will be needed in the future for other uses?

Thank you again for the opportunity to speak on behalf of the members of the Delaware League of Women Voters.

NEW WATCHDOG ISSUES INVITATION TO ASSESS NUCLEAR BREEDER PROGRAM

Mr. GRAVEL. Mr. President, an invitation has been issued to both scientists and laymen by the Natural Resources Defense Council, which is launching a major project to make the AEC's environmental impact statement on the nuclear breeder program into "a full, candid, and public reassessment of the Federal Government's present commitment to commercializing this new reactor."

NRDC recently won a lawsuit for the Scientists' Institute for Public Information; the decision requires the AEC to prepare an environmental impact statement on its huge program to commercialize the breeder reactor.

Now NRDC is trying to "mobilize the resources of the scientific community in an effort to subject the—AEC—impact statement to the most thoroughgoing scrutiny and analysis," and to assist "extensive public participation in this NEPA review."

NRDC points out that, under the National Environmental Policy Act, the AEC's impact statement must discuss possible alternatives to the breeder, such as solar, geothermal, and fusion energy; coal gasification; and energy conservation.

The declared intention of the NRDC project is "to prevent a rash and irrevocable Federal commitment to the liquid metal fast breeder."

NRDC is located at 1710 N Street NW., Washington, D.C. 20036; it is a public interest law group whose board of trustees includes Dr. Dean Abrahamson, Mrs. Louis Auchincloss, Dr. Rene Dubos, Dr. Joshua Lederberg, James Marshall, Anthony Mazzocchi, John B. Oakes, and Laurance Rockefeller.

To work on the breeder review project, Dr. Arthur Tamplin and Dr. Thomas Cochran have joined the NRDC Washington staff. They will coordinate their efforts with Gus Speth, the NRDC attorney who conducted the lawsuit.

TRIBUTE TO SENATOR HRUSKA

Mr. GRIFFIN. Mr. President, along with Senators EASTLAND, McCLELLAN, CURTIS, and BARTLETT, I traveled to Omaha last weekend to attend a dinner honoring our colleague, the senior Senator from Nebraska, ROMAN L. HRUSKA.

The event, attended by nearly 1,000 persons, was the occasion for an outpouring of bipartisan appreciation for Senator HRUSKA's 21 years of service in the U.S. Congress. The eloquent remarks which Senator HRUSKA delivered before that gathering of fellow Nebraskans have meaning and significance for all of us. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

RESPONSE OF SENATOR ROMAN L. HRUSKA

Victoria and I are touched and grateful.

It is more than a little flattering to hear that Roman Hruska did this and Roman Hruska did that. I appreciate deeply the sincerity and kindness of those who have spoken so well of me. I am reminded, however, of a story which helps me to keep my feet on the ground. Many years ago a lawyer asked General George Goethals: "Are you the engineer who built the Panama Canal?" Goethals replied: "No sir, I am one of 2,232 engineers who worked together to build the Panama Canal." Likewise, Roman Hruska is but one of 535 Senators and Congressmen privileged to work together in the greatest representative body in the history of civilization.

Each member of Congress—those sitting now and those whose footsteps still echo in the halls of Congress—has had a part in making our noble idea of self-government real. Each has had an opportunity to make an imprint on the laws and life of our country.

How proud and privileged I have been to have served and worked with each of my distinguished colleagues who is with us tonight.

Many of the ventures my colleagues and I have been engaged in have aroused tension and controversy. After all, the concept of political freedom not only invites but demands that each man advance his opinions on how to secure the common good. The system invites forthright and determined initiative in the public arena, and a diversity of opinion quite naturally follows. But our Constitutional system is a great vehicle for balancing the passions of free men. It has consistently provided for the ultimate resolution of great issues. Only once in nearly 200 years has the fabric been rent—in the tragic conflict of the 1860's. In the long process of reconciliation that followed the Civil War, the system not only survived but was strengthened.

Today, our people and our government are experiencing a crisis that may seem catastrophic, tragic and precedent making. But future historians, looking over the broad sweep of our national history, will note what we, in our immersion in the struggles of the moment, may fail to discern.

My own study of American history tells me that there is precedent for nearly every aspect of our present troubles. Attempts to secure privileged records, accusations of conspiracy to obstruct justice, motions to impeach, the dismissal of executive branch appointees—if not exactly in the same framework we see today—are not unique events in our political experience.

In September 1833, President Andrew Jackson fired Secretary of the Treasury Duane; President Truman in 1951 fired Attorney General J. Howard McGrath and General Douglas MacArthur. Furthermore, President Coolidge appointed a special prosecutor to investigate the intrigues of the Teapot Dome scandal. And talk of impeachment has haunted many a Presidential mind.

Certainly we witness in all of those struggles a demonstration of the quality, the strength, and the stamina of our constitutional system. Conflicts within the system are rarely tidy and never tranquil. At times, they appear to be rather rough and coarse. But the noise and dust of human conflict, seemingly so crushing at the time, fade alongside the cumulative achievements of the decades and centuries. Thus it is that the enduring strength of our nation is in the system itself and not in the frail and imperfect man who operate within it. Indictments, trials, and the like are the stuff of headlines. But they are merely the surface, the rough edges, if you will, of the great historic process of molding evermore firmly our institutions of self-government.

Right now, as they have before in the last 200 years, the trumpeters of dismay are calling for instant and severe action. There is tension, excitement and confusion throughout our land. The tendency is to rush out and proclaim our indignation to the men to whom public trust has been granted and to demand immediate retribution.

But one of the strengths of our system is that it does not allow us to stampede across the pages of history; rather, it demands that we walk, deliberately and surely, hand in hand wtih prudence. The essence of the concept of due process in our Constitution can be summed up in two words: "Fair play." Twenty-one years ago I first swore to uphold that Constitution. If that means being unpopular at times with some segments of the people, with the press, or even with the highest leaders of government, then so it will be. Not that I will be dilatory or tarry too long, but that I will recognize that our system, with history on its side, compels me to be calm and to be guided by common sense.

It is easy, in times such as these, to grow impatient with a system that seems so ponderous, so slow to act. The space age has made us accustomed to swift movements. But I will not decry the safeguards built into our Constitution; rather, I applaud them. I derive sustenance from the Constitution and from the stanchion upon which it rests, the American people.

The American Constitution is the oldest and most successful charter of government in the world. It is mature from two centuries of abundant experience, yet vibrant with guidance for our affairs today. It is limited in specific directives, yet pregnant with potential interpretation. It is the ideal instrument for maintaining the representative government—that government under which the church, the family, the economy and the schools maintain their independence but still cooperate in the political arena. It propels America toward an orderly and rational resolution of its affairs without smothering its diverse institutions and creative initiative with a debilitating cloak of governmental intervention.

But despite the obvious wisdom of the founding fathers in framing the Constitution, that document could not have been preserved without the wisdom of the American people. This is a people who led persecution and repression in all areas of the world and adopted America as a haven of freedom; a people whose descendants have recognized the toil and suffering required not only to tame a continent, but to maintain and exercise their freedom; a people who, generation after generation, have viewed freedom as an exercise, a moving experience, a principle of action; a people who have valued and cultivated individual liberty and refused to see mankind as a helpless marionette, jostled here and there by the impersonal strings of circumstance.

I stand before you to testify to the opportunities this great nation offers to each of its citizens for building the institutions of freedom.

Many years ago in this city when I was going to the House of Representatives, a good friend and distinguished citizen said to me: "Roman, I envy you because you are going to Congress; not because you will sit in high places and people will be deferential to you, but because you will be sitting in an arena where you will have the opportunity to tip the scales one way or another in matters of great importance to our way of life."

Thanks to you, the citizens of this state, this has been my lot and my experience—to play a part in weighing and balancing the needs and desires of a free people. It has been a privilege beyond measure and I am deeply grateful to you for it.

2000 years ago a Greek philosopher, Seneca, observed: "Our ancestors have done much, but they have finished nothing."

Here in America our forefathers have done much; in our time we have added some measure of progress.

Yet, even here nothing is finished. Much remains to be done. It is for us and those who follow us to carry on.

May it be in the spirit and tradition of our Constitution with all of its glory that our Republic will continue in achieving its destiny.

Vicki and I join in saying thank you again. Good night and God Bless.

APPOINTMENT OF SENATOR SAXBE AS ATTORNEY GENERAL

Mr. METCALF. Mr. President, I want to join my Senate colleagues in extending congratulations to Senator Saxbe for his appointment as Attorney General. As one who regards the U.S. Senate as the top job in American Government I cannot understand why he deserts us to take a position in the Cabinet. However, since he has done so it must be said that I do believe that he will be an excellent Attorney General. He is a fine lawyer, his previous experience as Attorney General of Ohio qualifies him to head the Nation's largest law establishment. He is fiercely independent and articulate in his pronouncements. President Nixon could have made no better choice.

A NATIONAL AND INTERNATIONAL FOOD POLICY

Mr. HUMPHREY. Mr. President, Thomas Malthus' thesis, that man would breed himself into a corner of misery, was ridiculed for 150 years as the exaggerations of a "prophet of doom."

However, during the last decade scientists and Government officials have been carefully reexamining Malthus' theory that the ratio of people to resources will continue to decline rapidly with catastrophic results.

This year, as a result of food, energy, forest product, mineral, and other serious shortages, this relationship of people to resources has become a major public concern.

In each of these areas, a tremendous increase in planning for more efficient resource utilization is essential.

One area of vital importance to the continued existence of millions of people throughout the world is food supply. For years we have taken food supply for granted and have done very little, domestically or internationally, to plan and organize to meet the food needs of a growing world population. This failure must be corrected.

The United States must act now to develop a domestic food policy and to vigorously work with other nations in developing a world food policy.

The growing number of mouths to feed, the changes in diet resulting from rising affluence, the limited amount of arable land not in production, and severe shortages of world food reserves, all require that the world community develop food policies that will provide a minimum level of food security for all of the people of the world.

On October 24, I had the opportunity to discuss the urgent need to move "Toward a National and International Food Policy," at the International Conference of the Grain Trade.

I ask unanimous consent that my discussion of this subject be printed in the Record.

There being no objection, the discussion was ordered to be printed in the Record, as follows:

Toward a National and International Food Policy

(By Senator Hubert H. Humphrey)

In the year 1793, Thomas Malthus predicted that man would breed himself into a corner of misery by increasing his numbers beyond his ability to feed himself.

While historically this theory has been subjected to occasional debate, the advances of science and the general belief that the world's natural resources are unlimited have resulted in its being given little serious attention.

However, during the past decade, scholars, scientists, social planners and government leaders have begun a re-examination of the basic process underlining this theory—the ever shrinking ratio of people to resources. And while it may come as a shock to some of us, we, along with the other more affluent and developed nations of the world, are increasingly guilty of depleting the world's scarce resources.

The United States, for instance, with 6 percent of the world's population, accounts for about 40 percent of the world's annual consumption of natural resources.

In other words, as that famous philosopher "Pogo" once stated, "We have met the enemy, and they is us!"

Now you might very well ask, "What does all this have to do with agriculture and the world food situation?"

I'm here to tell you, "A lot."

The goal of controlling the continued expansion of world population still eludes us. The world's population continues to expand at a rate of about 2 percent per year. And added to this demand factor is yet another major claimant on the world's food resources—rising affluence.

In poor countries, the availability of grain per person average only 400 pounds per year, or about one pound per day. Practically all of this grain is consumed directly.

In the United States and Canada, on the other hand, per capita consumption of cereal grains is now approaching nearly 2,000 pounds per year, most of which is converted into meat, milk, and eggs.

What does this mean in terms of "input" requirements, the amounts of land, water, fertilizer and energy, seed, credit, transportation, and storage needed to satisfy such consumption habits?

Briefly stated, it means that the amount of such resources used to support an average North American are *nearly five times* those required to support the average Indian African, or South American.

The United States today supplies almost 50 percent of the world's wheat exports, 60 percent of the world's feed grain exports, and 90 percent of the world's soybean exports. While this means that our nation has an agricultural productive capacity far in excess of its own food needs, it also means that much of the world is directly dependent upon us for its food.

We must also remember that our nation is dependent upon other parts of the world for the input resources needed to produce all of that food.

In other words, food production and supply is a two-way street.

Any disruption or denial of needed agricultural inputs will result in food supply shortages—and today, given the fact that U.S. and world grain reserves are at their lowest levels in decades, anything adversely affecting food production in the near future, especially in the U.S., will have immediate and catastrophic effects in food deficit areas of the world.

If worse comes to worst in this regard, the American consumer can be protected—but not without a price.

The price to the American consumer under these circumstances would likely be some shortages and much higher grocery bills, but the price to many outside the U.S. could mean no food at all—starvation or death.

When Arab countries cut off petroleum supplies to the U.S., they are, in effect cutting food grain supplies that are available for export from this country to assist the needy and sometimes starving people of the world, including many millions of Africans today.

Notwithstanding any man-made or political threats to the achievement of expanded agricultural production this next year, let us examine what is in prospect, assuming normal weather conditions.

World grain and oilseed prospects point to record crops this year. Rice supplies are the tightest among major commodities at present and will likely remain so for the immediate future.

But now let's examine world consumption estimates for this next year.

While world grain production prospects point to record crops this next year, consumption is expected to exceed that record production, which will mean even further drawdowns on carryover or limited reserve stocks.

The world carryover or reserve stocks of all grains (wheat, coarse grains and rice) is estimated to be about 100 million metric tons, about one-month's supply.

On July 1 of this year, wheat stocks in the four major exporting countries—U.S., Canada, Australia and Argentina—were at the lowest level in two decades. Grain stocks in many other nations of the world also have been drawn down.

What all of this adds up to is that the world will be almost entirely at the mercy of next year's weather. Reserve stocks of grain during this next year will be too thin to protect against any major crop failure.

And let's not pass over the "weather" portion of this equation too quickly.

During hearings on the world food situation, which I chaired with Senator Huddleston last week in Washington, Dr. Reid A. Bryson, Director of the Institute of Environmental Studies at the University of Wisconsin, reminded us of the 20-year drought cycle to which the United States has historically been subjected.

While he gave no evidence, or in any way tried to convince us that our nation's Midwest and Great Plains regions would be subject to such conditions next year, he did remind us that the last major drought occurred in those regions during the early 1950's and that, in his judgment, some repeat of such conditions probably could be expected sometime during this decade.

His general analysis of his situation should serve as an ominous and serious warning to the world about the need to protect against such changing weather patterns through explicit food reserve policies in the future.

There is an additional observation. It takes 9 calories of energy input to produce 1 calorie for the American consumer. It takes 5 calories of energy input to produce every 1 calorie we export. Therefore, any substantial dislocation of the energy input (Arab oil) will sharply reduce our production and thereby deny the needy nations and peoples, particularly of Africa and Asia, the food they desperately need. If need be, we can, through export controls, have sufficient food for our own people.

Our nation and the other nations of the world must begin immediately to work toward national and international food and agricultural policies which recognize the interrelationship of all of these factors.

Specifically, here's what I believe must be done to deal effectively with these serious problems:

1. A more extensive and intensive effort must be undertaken by all countries to control continued population growth. This is needed not only in the developing nations where population growth rates are highest, but also in the more affluent nations where resource consumption has reached staggering levels.

2. Affluent nations must also temper their own consumption habits in the future, especially as they relate to excessive depletion of non-renewable resources.

3. A world conference to deal with the problems threatening the world food supply must be convened immediately. I have urged the President, in an amendment to the Foreign Assistance Act of 1973, to initiate a conference to study and report on such issues as barriers to increased world food production, the world availability of agricultural inputs such as fuel and fertilizer, and the requirements for humanitarian food assistance over the coming decade.

4. The countries of the world must give the highest priority to increasing the volume of farm output instead of directing their attention to ways to restrict production and markets by trade barriers, high consumer prices, and other such practices.

5. There must be immediate consultation among the exporting and importing nations of the world on the question of access and equitable sharing of available supplies of food, such consultation must also include the inputs required for food production.

It would be unconscionable for the developed countries to forget the crucial food requirements of the developing world when these poorer countries encounter periods of temporary shortages. Tight supplies may mean spot shortages and rising prices in this country, but in many countries of the developing world, food scarcity or sharp price increases mean death.

6. The developing countries must be provided with greater assistance in their efforts to meet their own food needs by expanding their production. The major thrust of the Foreign Aid Bill, which I recently managed on the Senate floor, is toward increasing food production in the developing countries by sharing the agricultural know-how which has made the American farmer the most productive in the world.

7. We must develop a system that offers the consumers of the U.S. and the world at least a minimum level of food security at reasonably stable prices.

Unless the world develops a system which insures the availability of stored reserves large enough to offset these periodic production swings, the consequences for the farmers and consumers of the world will become increasingly disastrous.

To do this, we must begin immediately to establish a system of domestic reserves to protect the American consumer from wild price escalation, to assure a stable income to the American farmer, and to maintain our credibility in the world as a dependable supplier of food and fiber.

Currently pending before the Senate is a bill (S. 2005) I introduced last May that would provide for an adequate level of domestic reserves of agricultural commodities—wheat, corn, and soybeans. It needs prompt attention, and it deserves the support of the Congress and the President.

The skyrocketing food prices of this past year should underline the need to provide some stability in the prices of essential food items. Farmers also should support it to protect their prices in times of overproduction.

But this alone isn't enough.

The United States must also participate in the establishment of an international system of strategic food reserves. In my amendment to the Foreign Assistance Act of 1973, the President is directed to cooperate fully with other nations to establish such a reserve system. This is something that I have been calling for in the Senate for nearly 20 years. Perhaps its day has finally come.

Such a reserve would provide a minimum level of security for the peoples of the world from the ravages of hunger and malnutrition such as those being experienced in Africa and Asia today.

There must be an equitable sharing of the cost of maintaining such a system between both the producer and consumer nations. Furthermore, these reserves should be strategically located in various parts of the world so they will be readily available when needed.

8. Finally, we must take the opportunity offered in the upcoming round of trade negotiations to tailor world agricultural policies toward increasing world farm output and expanding international agricultural trade.

Without generally accepted rules to guide national farm policies, we force governments to solve their own agricultural problems without regard to the external effects of such actions.

If the nations of the world are to meet the food needs of their people, three basic issues must be dealt with. They are:

Population control

Access to the resources required to produce food (fuel, transportation, storage, fertilizer, seed, land, water, credit), and

Improved management and conservation of such resources.

Unless the world's continued population expansion can be stopped or at least slowed down, the horrible proof of Malthus' theory may soon be at hand.

Unless our nation and the rest of the world soon learns the importance of sharing access to the essential resources required to produce food, major breakdowns in even current production levels will likely occur—petroleum today being a classic example and fertilizer another.

And unless both our country and the rest of the world do more to improve the management and conservation of the world's limited resources—especially the non-renewable type—many of these resources which are essential to food production will be tragically lost through waste or misallocation.

In short, unless we become better managers of our own destiny, mankind will surely collide with himself and the natural limits to his environment.

Food—commodities—has become the new currency. Today nations are trading in commodities which represent real wealth. We, as a major food producing nation, need to fully understand the important asset that is at our command—the productivity of the American farm and the excellent system that we have of processing and distribution. To be sure, it needs improvement but it ranks at the top of the list in comparison to other countries.

Food is a new form of power. Food is wealth. Food is an extra dimension in our diplomacy. There is no way that any country can have economic stability or that its currency can be sound if it suffers from severe scarcity of food and highly inflated food prices. In other words, the hope of international monetary stability will in the long run depend upon the availability of food, fiber, and energy.

If we are to avert serious international tensions that could erupt into catastrophic warfare, we must have an adequate supply of food and energy. We must also understand the interrelationship between food and fuel. When nations threaten to cut back on oil shipments to the United States, the whole world needs to be alerted to the implications that this move could have regarding adverse effects on U.S. agricultural production. And if American agricultural production is severely limited or restricted, then the entire world will suffer.

Why? Because the United States provides about one half of the world food exports, 70% of the world's feed grain exports, close to 80% of the world's soybean exports.

Given this great dependence that agriculture has on petroleum products, especially from the standpoint of its importance as a feed stock for fertilizer production, the implication on U.S. production goals is obvious. If U.S. production falls drastically, then the entire world will feel the consequences. There is a lesson of interdependence here. We live in a global village, and all of us need each other.

I have discussed with you today some of the issues which I believe must be addressed and actions that must be taken if the world is to enjoy a minimum level of food security in the years and decades ahead.

The stakes are too high to let food policies be established after crises are upon us. When that occurs, it is usually too late, and our options are too limited.

Our responsibilities to the producers and consumers of the world demand that we act now to move forward a clearly defined "National and International Food Policy."

THE SBA'S FIRST 20 YEARS

Mr. DOLE. Mr. President, this past summer the Small Business Administration observed the 20th anniversary of its establishment. The site chosen for the ceremonies, appropriately, was the Eisenhower Center at Abilene, Kans. Abilene, of course, was the boyhood home of Dwight D. Eisenhower, who as President of the United States signed into law the Small Business Act in 1953.

The day's events drew an impressive and enthusiastic group of Kansas citizens, dignitaries, and businessmen who knew firsthand what two decades of the SBA has meant to America's economic system.

The event was supervised and presided over by one of Kansas' most distinguished citizens, former Senator Harry Darby. A pioneering industrialist and civic leader, Senator Darby was a close personal friend of General Eisenhower's and is deservedly recognized as the driving force behind the creation of the Eisenhower Center and its development into one of the most outstanding educational and historical facilities in the country.

The entire occasion was a moving tribute to one of America's greatest public figures and to the system of free enterprise and individual initiative which built and sustains this Nation. The statements and observations made that day may be of interest to many, and I ask unanimous consent that the transcript of those ceremonies be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

National Salute to Small Business, the Dwight D. Eisenhower Presidential Center, Abilene, Kans., July 30, 1973

Honorable Harry Darby: "Good Morning, Ladies and Gentlemen."

"Governor Docking and Mrs. Docking; Mr. Administrator, Tom Kleppe; Senator Dole; General Cassidy; General Duquemin and Mrs. Duquemin; General Fry and Mrs. Fry; Senator Carlson and Mrs. Carlson; Distinguished Guests all; Ladies and Gentlemen."

"I am gratified to see such a large crowd. Thank's very much for coming."

"I would like to ask you to stand for the National Anthem of our great country, as sung by our lovely vocalist, Mrs. Deryl K. Schuster, of Wichita. Mrs. Schuster is the wife of the Small Business Administration's Wichita District Director, which services this part of Kansas. Mrs. Schuster will be accompanied by the First Infantry Division Band, Fort Riley, Chief Warrant Officer Francis P. Harris, conducting."

"Please remain standing afterwards, Ladies and Gentlemen, for the Invocation by Chaplain Lieutenant Colonel Raymond P. Hoffman of Fort Riley."

Chaplain Hoffman: "Let us pray. Almighty God, our Heavenly Father, in whose hands are the living and the dead, we give Thee thank's for all those, Thy servants, who have laid down their lives in the service of our country, especially do we pray for Dwight David Eisenhower. Grant to them Thy mercy and the light of Thy presence, that the good work which Thou hast begun in them may be perfected in us. All of which we ask in hope and confidence that you are our God. Amen."

"Thank you, Chaplain, for that appropriate invocation, and thank you very much, Mrs. Schuster."

"As we gather here today for this event at this Eisenhower Center, we are all thinking of Dwight Eisenhower. From a Kansas farm boy to a Supreme Allied Commander in Europe to the Presidency of the United States, Dwight Eisenhower symbolized all that is good about America. He came from the humble beginnings right here in this neighborhood, where he was taught to revere God, to love his country, and to honor his fellow man. He grew up in this 34th State of the Union and was elected and re-elected to be the 34th President of the United States. He personified those enduring qualities that are universally admired and respected by all of us. We thank God for knowing him and for the privilege of living with him right here in Abilene as our neighbor and as our close personal friend, and we can be proud he wanted to come back home to Abilene to be with us. He was probably loved by more people in more parts of the world than anyone who has ever served in public life. We salute him again and again today, as one of the all-time greats in history."

"We have assembled here today on this platform one of the most distinguished groups of both men and woman ever put together. There are about 100 of them, representing every state and every territory of this nation. They are all civic, business and political leaders; distinguished men and women in the field of small business; doctors and lawyers in the professional field; Generals of the Army; Governors and former Governors; United States Senators and former United States Senators; Justices of the United States Courts, state courts and local courts; Congressmen; soldiers; statesmen; Presidents of state universities and colleges; and President Nixon's brother, Ed Nixon; obviously all are very important people. We are proud to have them showing their tremendous interest in the affairs of the United States Small Business Administration by being present on this occasion."

"Time doesn't permit, and more importantly, your comfort during this program, prohibits individual introductions. Weather conditions such as they are today justify our taking a position that maybe these introductions just might be 'too hot to handle' so to speak. I want to present all of them, so I'm asking them, each and every one of them, to please stand so that you can welcome them and applaud their presence at this National Eisenhower Shrine. Please stand, Ladies and Gentlemen. Thank you very much."

"We wish to call your attention to the fact that a number of items provided here for your comfort and pleasure, such as the umbrellas, have not been paid for at Government expense. They were obtained through private donations from the friends of Small Business."

"Right now, Ladies and Gentlemen, I want to present Governor Docking, but before I do that, I want to present his wife, the First Lady of the State of Kansas. She is very smart, charming and gracious, and I'm thinking now that there isn't anyone more important than a pretty girl, especially when she is the wife of the Governor of Kansas. My privilege, Ladies and Gentlemen, to present Mrs. Robert Docking."

"It's great to have our Governor here with us on this occasion. He has affection for his associates and his friends, and seems to master the art of popularity. The people of Kansas like his record in office. They have spoken about his record and elected him four times as their chief executive. He has served the longest term of any Governor of Kansas. He has long been a friend of Small Business. He is a small businessman himself, and obviously a very important one. He has served as a member of the Small Business Administration's Advisory Council in Kansas. He has supported every effort at this Eisenhower Center. His father, Governor George Docking, helped build it. They both have responded promptly when they were called upon to help. It is my privilege, Ladies and Gentlemen, to present the very capable and distinguished Governor of the Great State of Kansas, the Honorable Robert Docking."

Governor Docking: "Thank you very much. Thank you very much Senator Darby and Mrs. Darby, Senator Dole, Mr. Kleppe, distinguished Ladies and Gentlemen. It is with great personal interest and pride that I have the opportunity to participate in this program. We are here today for a tri-fold purpose: to observe the Small Business Administration's 20th anniversary, to pay tribute to the late President, Dwight D. Eisenhower, and to recognize the contributions of our nation's eight million small businesses.

Each of these three purposes of our gathering here today touch me and my family. When my father was Governor, he served under Senator Darby as Co-Chairman of the National Committee which worked for the creation of this Eisenhower Library and Center. On October 13, 1959, Dad attended the ground breaking for this great complex. I know and remember how very proud he was to be a friend of the President's and to be a part of this project's early development. It was under President Eisenhower's Administration that the Small Business Administration was created. As former Chairman of the Kansas Small Business Administration Advisory Board, I know of the many great assets of the SBA, how it was effectively worked to give a foothold to private business, to keep the Small Business community alive and to keep it thriving. For two decades the SBA has sought to fill the major needs of the nation's eight million small businesses. This period has spawned a dramatic surge of individual initiative in a competitive atmosphere where small businesses have become a dynamic force in our economic way of life. Recognizing that the needs of small business can be served best through the combined efforts of the public and private sectors, the SBA has placed new emphasis on administering its programs. The Agency has sought and achieved greater participation of all the business, academic, financial and management segments. This broadened concept has resulted in increased focus on assistance to low income and to other disadvantaged groups."

"I congratulate the SBA, whose role continues to be one of leadership in stimulating and coordinating all possible sources of assistance needed to develop new concerns and strengthening the competitive positions of those already in existence. As a small businessman, I know of SBA's importance, and I wish it continued success in its contributions to maintaining and strengthening the overall economy of the United States of America. On behalf of all Kansans, I welcome the many people who have joined us here today at this beautiful Eisenhower Center to pay fitting tribute to a great President and effective SBA program, and our nation's small businesses, which are indeed the backbone of our American economy. And it's Mrs. Docking's and my great pleasure to be here to share this occasion with all of you."

Senator Darby: "Thank you very much, Governor Docking. We appreciate your appropriate and cordial welcome."

"Ladies and Gentlemen, we have the 1973–74 distinguished Chairman of the National Advisory Council. This SBA's volunteer affiliate plays an important and vital role. The National Advisory Council was established in 1961. At present, the Chairman is President of the Bank of Beaufort, South Carolina. This National Advisory Council Chairman is the forthcoming President of the State Chamber of Commerce, so I'm very pleased to present the very capable and distinguished Chairman, the Honorable Elrid M. Moody. Mr. Moody."

Mr. Moody: "Senator Darby, Governor Docking, Senator Dole, Honorable Tom Kleppe, distinguished platform guests, Ladies and Gentlemen.

"It is with much pride and deep humility that I appear on the program today as Chairman of the National Advisory Council of the Small Business Administration, representing over 2,000 business and professional people throughout the country who give of their time and their talents to bring wide and varied experiences to counsel and recommend new areas of services and assistance to small businesses. This assistance is provided our small businessmen through the agency of the Small Business Administration. The Small Business Act of 1953 created the Advisory Council and defined its role. I would like to pay tribute to those Advisory Council members who, through the twenty-year history of the Small Business Administration, have dedicated their efforts to maintaining on a sound economically viable basis, the small business assistance throughout our nation.

The combined effort and talents of the Advisory Council and the Small Business Administration have enabled our small businessmen to compete successfully in the market place. The SBA provides not only financial assistance, but counseling, planning and management. Guidance and also vital services are provided small businessmen in this area through our council of advisors who have served unselfishly the small businessmen of our country.

"In summary, I would like to pay tribute to President Eisenhower and those who wrote the Act and enabled legislation whereby assistance has been provided through these two decades to our small businessmen; and I would like to use a story of birds to demonstrate the services as I see them in the way I visualize our role in service to our small businessman. Once there was a wise man who befriended the birds; loved and fed them, cared for them and administered to their injuries, sheltered them in winter and provided within his capabilities for their needs. There were a couple of youngsters who resided in the neighborhood. They knew of the wise man's fondness for birds, but doubted his wisdom, so they determined to put him to the test. They caught one of his birds, approached him when he was in the garden, and as they approached, they held their hands behind their backs. When they reached the wise old man, they paused and said: 'O wise man, in our hands we hold a bird. Is the bird alive or is he dead?' The wise man meditated for a few moments, then said: 'I know not whether the bird is alive or dead; I only know that whatever you will it, that the bird shall be.' With that statement the young men were astounded, for the wise old man knew that if he said that the bird was alive, they would squeeze the bird in their hands and take its life. If he said the bird was dead, they would open their hand and release the bird; and to you, Tom Kleppe, and your professional staff within the SBA and to those who legislate for the best interests of everyone in this nation, and to those who serve as advisors or in any other capacity, for the continuing best interest of small businesses, within your hands the future and the future of our nation rests."

"I challenge you to uphold the high ideals that we all can pay respect to today that were conceived twenty years ago, and to carry forward this torch of free enterprise."

Senator Darby: "Thank you very much, Mr. Moody, for those very appropriate remarks."

"Our next speaker today has several distinctions. He is a college drop-out. I'll start with that. He has made a hole-in-one. He has bowled a perfect (300) game. He has picked up money as a rodeo rider. He turned down a contract offer from the St. Louis baseball Cardinals. He is a self-made man and a highly successful businessman."

"At the age of 17 Thomas S. Kleppe was assistant manager of a grain elevator in rural North Dakota. Four years later, he was manager of a small country bank. By the time he had reached the age of 29 he was Vice President of the Gold Seal Company, a North Dakota manufacturer of bleaches and wax. In nine more years he was President and Treasurer of the firm. Before entering public service, he also was Vice President and Director of J. M. Dain & Company, a Minneapolis investment banking firm."

"In 1950, Tom Kleppe was elected Mayor of Bismarck, North Dakota, and in 1966 he was elected to the United States House of Representatives for the first two terms."

"On January 18th of 1971, President Nixon named him Administrator of the Small Business Administration, the Government's official spokesman and guardian of over eight million small businesses throughout the country. On this occasion, he brings personal greetings from President Nixon. So now at this time, I'm pleased to introduce this Administrator of the United States Small Business Administration; the very capable, the very distinguished, the Honorable Thomas Kleppe."

Mr. Kleppe: "Thank you very much, Senator Darby, Governor Docking and Mrs. Docking, Senator Dole, to all of you very distinguished people on this platform and, yes, all of you ladies and gentlemen, boys and girls, out in the audience."

"I approach this podium with a great feeling of depth of humility and thankfulness, one of appreciation, recognizing and knowing that you're here, that all these people up on this platform are here, not because of the Small Business Administration, but because we are here to say we respect and understand the health and the strength and the necessity of the small businessman in our total concept of America as we understand it today. That's what this is all about."

"And, Senator Darby, you got this off to a good start when you introduced all of us en masse. I noticed quite a few heads out here nodding like this. Thank God for Senator Darby's judgment that we are not going to introduce everybody. Now if we don't mess it up from that point on, I think the audience will give you an A-Plus; but all that does is lead me into a word of appreciation and thanks to you, Senator Darby, and all the rest of you SBA people, military people, community people, all of you, for the wonderful arrangements, circumstances prevalent here in this very auspicious moment in the celebration. I would be remiss if I did not mention Chief Warrant Officer Harris, who led this wonderful band here. He's already cleared the post. He's supposed to go to Korea, but out of dedication and wanting to be a part of this celebration today, here he is. We want you to know, Mr. Harris, how much we appreciate this. Thank you very, very much for that personal dedication.

I also would like to commend the efforts of Sen. Darby, his committee and the Host Region for this superb job in negotiating and expediting all the arrangements. Region VII's staff, headed by its most capable Regional Director C. I. Moyer, has my deepest admiration and respect for a marvelous job.

"This letter from President Nixon comes to me, and says: 'Dear Tom: It pleased me greatly that you have agreed to be my personal representative to the special event at the Dwight David Eisenhower Presidential Center marking the 20th anniversary of the U.S. Small Business Administration. I have, as you well know, a strong personal belief in the importance of small business. I grew up in a small business family and it was a great source of stability and satisfaction in my life. It is also the life blood of America. Small business is proud of the freedom of opportunity which is our national creed. It expresses the freedom of every American to achieve something in his own way. From the beginnings of our nation, small business has provided us with some of our best ideas and inventions, and it has considerably accelerated the growth of our industry and science. Today, small business remains one of the strongest forces in the country. It is the livelihood for half of our population. When I first took office I made a commitment; that this administration would encourage, develop and reserve small business. I urged all federal departments and the Congress to work towards those ends. Small Business Administration deserves special recognition for its innovative leadership in this task. Its financial assistance to small business today is more than three times what it was when I entered office. More than one half of all its business loan funding during the 20-year history we are observing, has been made during my administration. This is a record in which I take great pride, as I express my appreciation to those who have made it possible. The deeds of the small business community remain as significant today as they were twenty years ago when President Eisenhower signed the SBA act into law. On this historic milestone, I re-affirm my pledge to give SBA programs our fullest cooperation and support. Sincerely, Richard Nixon.' I proudly present that letter to you."

"I know first hand the dedication of the President to small business. I've had the great privilege and the honor of being the Administrator for two and one-half years and in going to the President and going to Congress with that which we believe will carry out the principles and the purposes for which we were created. That's us really. And the reason it's a thrill, ladies and gentlemen, is so obvious. It's obvious to me, anyway. Because in all of your or my Government, there is no department or no agency that identifies itself so acutely with private enterprise which built this nation, as does SBA and its programs.

That's why, as a businessman, I thoroughly enjoy this. And the spirit of the 4,000 of our employees in 83 offices around this land in carrying that out and trying to do our job better to help that small businessman create more jobs and improve the quality of jobs that are already there, that's America. That's what Government is for. Not to tell you how to do it, or what to do, or to control you at every step of the road, but to take that segment of our private sector that we call the banks, and work with them, providing funds and assistance to small businesses that otherwise isn't available. That's the thrill of running the Small Business Administration; that's the thrill of the spirit of 4,000 people. And I want to publicly tell you what kind of bureaucrats they are. You all know and you've all heard about bureaucrats. Well, when you find a bureaucrat out in the field the important thing to do is to promote him and move him to Washington, so you can cover him up so everybody can't see him. We went the other way, ladies and gentlemen. We've moved people from Washington out to the field, because that's where the work is. We've sent 170 people out and we've got another 40 or 50 to come out. Their visibility is high in your community. We want it to be high because we want them to address themselves to the important problems of assisting small business. That's a thrill."

"And now, having said that, I have some more remarks here, and I have them in order and I'd like to present some of them to you, because today, on the 20th anniversary of our administration, our agency, we do offer a richly deserved national salute to the men and women who work all the time for the benefit of eight million small businesses across this land."

"Knowing fully that it is not within our powers to express adequately our gratitude for the many contributions they have made to the nation's economic strength, but here today are you and us, gathered together in a solemn ceremony here in a very auspicious setting, the Eisenhower Presidential Center, to celebrate our 20th birthday; and this is our 20th birthday."

"And so, it is with a deep sense of gratitude and thankfulness, and a profound respect for the 34th President of our United States who is enshrined on these grounds, we are indeed grateful for the opportunity to participate and to make this the kind of occasion that it is. And in keeping with the dignity which marked General Ike's life, even in his greatest moments of triumph, we planned this ceremony to eulogize the contributions that he made to the small business world; not only that, but also to commemorate twenty years of service by this agency to the small business community."

"This couldn't have happened any other place in America, except right here on this 13-acre tract of land which once heard the thunder of thousands upon thousands of Texas Longhorn cattle that came up here to the end of the Chisholm trail. That's interesting to me because of my heritage of North Dakota and the identity with cattle and that industry, knowing about Abilene, Kansas, long before I really knew much about General Ike."

"It's quite a thrill to be here in this situation, on this location for this purpose. It was right here in this heartland of America that Dwight David Eisenhower formed the roots of a very rare leadership in our land which later grew to world renown and, as has already been said, endeared him to the world. This man has received some awards that no other foreigner in any of these countries have ever received. And yet it was here on this prairie that he played, where he hoed the family garden plot where the Eisenhower Museum now stands, that he learned some of the disciplines of small business when he worked as an ice-puller at the Belle Springs Creamery still located only a few blocks north of his home."

"Perhaps not unexpectedly, it was from this land of rawboned frontier lore that he made his bid for a United States Army career which was to eventually lead him to be Supreme Commander of the allied forces in World War II. Likewise, it was from this frontier territory that Wild Bill Hickok came from that General Ike launched his campaign for the Presidency of the United States."

"In modern times can you and I think of anybody that possibly could have been nominated by either major political party in this country and been elected President, as was the situation with General Ike in 1952."

"Finally, it was in the small picturesque chapel at the western end of these grounds that he was placed to rest in immortal greatness."

"And so, we ask, what more appropriate place than right here at the Eisenhower Presidential Center could have been selected for this occasion, because it was President Eisenhower who signed the bill that created the Small Business Administration twenty years ago today. I don't know what might have crossed his mind at that time, but we do know that he had a great sense of history. So in that frame of reference, I think that it would not be unreasonable that he had a few fond memories of the role that he played in small business by his own life experiences right here. It was at the creamery that he got his first job, and he lived in a God-fearing town where small businessmen provided the kind of leadership so important and so necessary. But perhaps his fondest thought of all on that July day twenty years ago, was his recollection of how total mobilization of the nation's small business sector during World War II helped turn the tide of freedom into victory and win the peace in Europe."

"And, I can't help but think just two weeks ago, ladies and gentlemen, I sat in the castle in the home of the grandson of the old Iron Chancellor of Germany, Otto Von Bismarck; his grandson, Prince Von Bismarck, his grandfather, the name-sake of our city in North Dakota where I came from. His grandson, the Prince and Princess came to Bismarck and my wife and I hosted them at a party, and we have exchanged Christmas cards ever since. Two weeks ago my wife and I were there; we were invited out to their estate for a dinner and they told me all about the destruction of their castle. Three days before the end of World War II the bombs struck, the fires burned. A thought went through my mind. Do you know who bombed that? We did. Whether it was an English plane or an American plane, I don't know. But we bombed it—the Allies. And yet here I was, sitting in a home, being thanked from a member of the German government, saying thank you to America for what they did in reconstructing their country after World War II. No animosities. One of appreciation and thanks. It was a strange feeling, and yet that's the attitude I found in Europe of the peoples of the world about America—much greater pro-America than you will read in the papers. Yet I found with some of our American representatives in the embassies, pessimism, negativism, and in my old salesman's spirit, I tried to give them a pep talk about American patriotism. Oh yes, I used the platform of small business to do it, but several of them thanked me for it because they said we needed it. Well, I'm not necessarily here to give you a pep talk, but as I look at those red, white and blue umbrellas and I hear 'Mine eyes have seen the glory' coming out of that chapel and I see the military people around here, I tell you it stirs the heart. It stirs the heart of America. And to think that we here in the Small Business Community, government or otherwise, can identify with that which built this country, and will sustain this country, I don't care what kind of pressures within or without, we've got something to hold on to."

"And so thank you, ladies and gentlemen, for being a part of saying thanks to the support and strength that all of us must give to the small business community."

"Well, just one example of the wisdom of President Ike, in my judgment, was when he was President, we selected an excerpt from a speech he made on October 27, 1958, and we have committed it to a plaque for permanent installation in the Eisenhower Library. These are the words cast in bronze on that plaque, and I quote:

"Jobs are best provided by sensible, progressive programs which generate and hold confidence, and encourage steady growth all across the land."

"A good example is our help to small businessmen. We made the Small Business Administration a permanent organization. We opened new methods of easing the financial problems of these concerns. We made it easier for small businesses to work with the government. We assured them a full opportunity for a larger share of government contracts."

"It seems to be that President Ike said it all, and we are proud to have that committed to a plaque, which will stay permanently. We think there's a deep sense of pride in those words, and we're happy to be a part of it."

"Now just a word or two about the Small Business Administration during its first year of operation, and it pleases me that Wendell Barnes is here. He was Administrator for five years; he has the longest tenure of any Administrator in the history of the Agency. I proudly come in second at this moment. If the President doesn't catch up with me tomorrow morning, I may make it a few more days. In any event, we did $35 million the first year, but this year of 1974, we are projecting to do $2.6 billion. And we are going to do that to a segment of our population that does 43 percent of our gross national product; more importantly, they hire about 52 percent of our total labor force."

"In epitomizing the small businessman, we've got two people up here that I want to introduce to you, to stand up and to be acknowledged: The Small Businessman of the Year and the National Small Business Subcontractor of the Year. The Small Businessman of the Year, Byron Godberson, from Ida Grove, Iowa, and Mr. Harold Guller, from St. Louis, Missouri. That's what it's all about. They are the symbols and may I tell you if you learned more and knew more about them, you'd know that they are like shining symbols.

"I would like to call your attention to an important phrase that I hang my hat on and that is that we should not forget that the place where the concept of free enterprise has its greatest value and its greatest potential productivity is not in the marketplace. It's in the minds of a free people because if we've got a free people working in the small business community, we've got a vibrancy that can never be destroyed. Boldly engraved in bronze on one of the pylons at the eastern end of these grounds are the following words: "Sustained by faith in the cherished ideals of true democracy each American works at his daily task at plow or forge or machine or desk knowing this nation will forever stand, one and indivisible in devotion to the cause of liberty for all mankind." Yes, it is true, as President "Ike" so aptly declared, that the men and women of small business are the heart of the economy. They serve as a constant reminder of freedom and, used properly, it still remains the key to all meaningful human progress. That's why we salute them here today. And now, ladies and gentlemen, it gives me great pleasure to call upon Dwight Ink, Deputy Administrator of the General Services Administration, to accept the plaque which we present here to the Eisenhower Library and which will be a permanent part. I have already read the words to you, and it pleases me at this time to make this presentation, and with that I say thank you, thank you, thank you."

(Mr. Ink): "Thank you, Tom, Chairman Darby, and guests. I had the privilege of serving in the Eisenhower administration, and I know first hand of his belief in the importance of the free enterprise system and the vital role of small business in that system. I have never thought there was a full appreciation of the sense of experimentation and progress which existed during the Eisenhower years. The Small Business Administration was one of these important innovative steps which was made to succeed and which has since made a significant imprint on the American scene. Tom, on behalf of Art Sampson and the General Services Administration, I am most pleased to accept this plaque for placement in the Eisenhower museum for all to see."

(Senator Darby): "Thank you, Mr. Kleppe and Mr. Ink, for your fine talks. And of course this plaque will long be a tribute to commemorate this occasion. Our next speaker, ladies and gentlemen, is our United States Senator, Bob Dole. He was raised in an egg and cream station in western Kansas. Dole attended Kansas University Law School on an athletic scholarship and later attended the University of Arizona. He graduated from Washburn University Magna Cum Laude. He served five and one-half years in the Tenth Mountain Division, United States Army in World War II. He was wounded twice and discharged from the service as a Captain in the Infantry, and of course he was discharged with honors and decorations. At 26, he was elected to the Kansas Legislature, while attending law school, and was the youngest Representative in our State Legislature at that time. From 1953 to 1961, he served four terms as Russell County Attorney and 4 terms as the First District Congressman from Kansas. He has served in the United States Senate since 1968. He was Republican National Committee Chairman from 1971 to 1973. He was Advisory for the United States Delegation to the United Nations Food and Agricultural Conference in Rome, Italy, in 1965. Senator Dole has served the interests of the small business "community through his great efforts on the United States Senate's select committee on Small Business, which make him a most appropriate speaker for today's event . . . now and at this time, I'm privileged to present the very capable and distinguished United States Senator from Kansas, the Honorable Bob Dole."

(Senator Dole): "Thank you very much, Senator Darby, distinguished guests, Governor and Mrs. Docking, and Senator and Mrs. Carlson, Tom Kleppe, Governor and Mrs.

Avery, and all the other distinguished guests here—particularly those who are in the sun. And I agree with Tom Kleppe; this is a rather unusual day for Kansas—much cooler than we sometimes have—and I'm happy that Tom Kleppe could be here, but people came to be toasted, not roasted, Tom, so I think with the indulgence of the press, I'll stand behind my remarks as far back as I can get and I'll summarize what I intended to say.

"But I do want to welcome Tom Kleppe to Kansas. We were colleagues in the Congress, both from great wheat producing states. It's just that ours is more in demand. And so we're very happy to have him here today.

"I want to say first of all that I think we are indebted to Harry Darby for his great efforts when General Eisenhower and President Eisenhower was alive and since that time the great efforts he has made on behalf of all Kansans to preserve and protect and to emphasize the great leadership of Dwight D. Eisenhower. And I think very frankly as we talk about small business we can talk about other things that as Americans we take for granted. Tom Kleppe made reference to the military and the others and the music played and the patriotism in mid-America. We are in the heartland of America. We do take many things for granted. Some may take peace for granted. But I am convinced when the history of this country is written, two great American presidents will go down in history as the peacemakers. First of all will be our native Kansan, and our great friend and great leader, the late President Eisenhower, and "secondly our present President, President Richard Nixon.

"Sometimes in the flurry of the moment or the week or the month, we overlook great leadership, and I am certain that Ed Nixon recognizes the great number of friends that President Nixon has in mid-America and throughout America. And Ed, I hope you carry that message back to our great President, who did want to be here as has been indicated, but with a 10-day bout with pneumonia, it did upset his schedule. So instead, he sent Kleppe, and fortunately Kleppe's health is very good . . . his lungs are good . . . and I listened carefully and I was hoping to get on before the train. But if they're bringing boxcars, I'll take credit for the boxcars!

"But like Tom Kleppe I worked long and hard on a speech about small business. I don't think that railroad represents the small business I had in mind. But very sincerely, small business is in its purist form the free enterprise system. Bill Avery knows. He was a member of the House Select Committee on Small Business. Senator Carlson knows as a member of the Senate at that time. The late Senator Schoeppel knew because he was on the Senate Select Committee on Small Business when they drafted the first Small Business Act some 20 years ago. Yes, it was under the leadership of Dwight D. Eisenhower, and yes, it had strong bipartisan support in the Congress, Democrats and Republicans, and yes, it had some resistance—some resistance in the banking community—others who felt this agency might in effect take over, might be another Federal bureaucracy. But under the leadership of Administrators like Mr. Barnes that Mr. Kleppe referred to, and I say in all sincerity under the leadership of men like Tom Kleppe, who's been on the job two and one-half years, the Small Business Administration is making progress. It is a cooperative agency. They are working closely with small business and with banks across America to build America and to build the free enterprise system. And that's what it's all about. And when we lose our faith in America in free enterprise and in small business, we've lost a lot.

"Because as Tom Kleppe alluded, the growth of the Small Business Administration in the past 20 years is outstanding. In fact, to some it may be unbelievable. But I know Tom Kleppe . . . I know his staff, and I agree with him when he says they're sending people to the field, not to Washington. They're going where the action is. But I think we remember that most every big business today was once a small business. I think it's well to point out the emphasis now is on those businesses which provide services rather than production. The Small Business Law itself says that they have a mandate. They are charged and directed to aid, counsel, assist, and protect the interests of small business concerns. And I think they've done that. And as a present member of the Senate Committee on Small Business, as Senator Darby alluded to, and under the Chairmanship of one of the great members of Congress, Senator Alan Bible of Nevada, you have friends in the Congress . . . yes, friends on both sides of the aisle. And I think the Committee along with the SBA itself has come a long way. And we're charged with overseeing the activities of SBA. But as Tom Kleppe knows, very few times in the history of SBA have there been any strong differences of opinion.

"I would only say in closing that even though 95% of all U.S. businesses are defined as small, the remaining 5%—or big business—accounts for 63% of the Gross National Product. And today the hundred biggest industrial corporations control approximately one-half the nation's manufacturing assets. So thus, economically speaking, small business is a minority, and as such, it has special problems contending with bigness, lack of credit, unfair trade practices, tax burdens, new technology, government paper work, and compliance with a growing number of safety, health, consumer, and environmental laws. But the problems of the day were no less severe, perhaps different than they were 20 years ago. But we have seen after 20 years what can happen with the proper stimulus and with the great direction and initiative of a man like Dwight David Eisenhower. And from the beginning, the SBA has delivered. That's been the code word. That's been the key word for SBA. So last year in this fiscal year that ended in June, 249,000 loans were made for a total of $3.7 billion. And that's a far cry from the $63 million in the first year of SBA history. So again, I'm very pleased to be here, pleased to have a small part in paying tribute, yes, to a great American, but to a great agency that lives and grows and endures because of its leadership and because of its inspiration. And I thank you all for coming."

(Senator Darby): "Thank you very much, Senator Dole. I just want to say a word to let you know that we all appreciate the efforts of all those who have helped on this ceremony. There have been many that we would especially like to mention: those here at the Center, the Kansas National Guard, the Kansas Highway Patrol, the Commanding Officer and his men at Fort Riley, General Cassidy, General Duquemin, Jeff Hillelson and his associates at General Services Administration in Kansas City and at the Washington level, and the law enforcement and public services under the jurisdiction of Governor Docking and Attorney General Miller, the press, radio, and TV. Obviously we could not have this successful occasion without their help. So I believe I can say for all of us now today that this program has been a marvelous observance of the 20th anniversary of the United States Small Business Administration and a great tribute to former President Dwight D. Eisenhower.

"Now, ladies and gentlemen, we will begin the procession to the Place of Meditation for the next segment of our program. We invite all of you to join in this procession following those we have here on the platform. Thanks for coming."

FIVE BILLION DOLLARS FOR THE BREEDER, AND LIPSERVICE FOR SOLAR ENERGY

Mr. GRAVEL. Mr. President, for a long time I have been saying that the main obstacles to widespread use of solar and geothermal energy are political, not technical. The energy industry and the administration just do not want solar and geothermal power yet.

They are planning a fossil-fuel and fission future for the rest of this century, with only lipservice funding for solar and geothermal energy. Out of a Federal energy development budget in fiscal year 1974 of about $870 million, approximately $15 million is for solar energy, and according to the September 28, 1973, issue of Science magazine, perhaps $12 million for geothermal power.

In fiscal year 1973, although Congress directed the National Science Foundation to spend "not less than" $19.5 million for energy research and technology programs "including but not limited to solar, geothermal, and other nonconventional energy sources," the NSF spent only $4.2 million on solar energy, its "most promising" energy source.

Since nonconventional sources of safe, ecologically attractive energy are plentiful enough to meet all our demands for both fuel and electricity, I think this go-slow policy is unforgivable.

NOBEL LAUREATE ENDORSES SOLAR ENERGY

I would like to quote Sir George Porter of Britain, Nobel Prize winner in chemistry, who predicted on August 21, 1973: that solar energy will solve the world's energy crisis. He also said; according to the Herald Tribune in Paris:

> I have no doubt that we will be successful in harnessing the sun's energy. . . . If sunbeams were weapons of war, we would have had solar energy centuries ago.

His remark is similar to a statement in 1972 by Leon Gaucher of Fishkill, N.Y., who is an energy consultant to Texaco and others:

> Had it not been for an abundance of fossil fuels—coal, oil and natural gas—we might today have a "Solar Energy Economy" just as effective and efficient as our "Fossil Fuel Economy".

The late, great chemist, Dr. Farrington Daniels, was trying to tell us the same thing:

> Solar energy is amply adequate for all the conceivable energy needs of the world. It is harmless and it is certain to work . . . Surely solar energy will be important within 20 years, and if enough financial support should become available, the time could be considerably less.

That is a lot more than can be said for nuclear breeder reactors, to which the Government plans to commit 5 billion tax dollars, according to the October 5, 1973 issue of Science magazine.

Mr. President, I ask unanimous consent that major excerpts from the Science magazine articles entitled "Energy R. & D.: Slicing the Promised Pie," and "One Breeder for the Price of Two?" be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Science magazine, Sept. 28, 1973]

ENERGY R. & D.: SLICING THE PROMISED PIE

(By Robert Gillette)

If the White House takes the advice it requested from Atomic Energy Commission chairman Dixy Lee Ray, federal support of nonnuclear energy R & D will rise by more than 40 percent or $94 million this year, over and above the $220 million originally requested from Congress. Among a number of underfed and long-neglected areas of energy technology due for an increase, geothermal power would receive nearly triple its current level of $4 million in federal funds; money for energy conservation studies would nearly double; magnetohydrodynamic (MHD) power generation would receive a major boost; and a small kitty would be set aside for turning "urban wastes" into alcohol fuel.

Nuclear energy would receive a small bonus—$7 million for gas-cooled reactors to serve as backup technology for the liquid metal fast breeder reactor—but the lion's share of the added money, just over $50 million, would go into coal-related projects, mainly to accelerate the development of gasification and liquefaction technology.

This, at least, is the substance of recommendations contained in a report from the AEC chairman, and currently under review by the White House Office of Management and Budget (OMB). The report, which Ray spent most of the Labor Day weekend polishing before dispatching it to the OMB, is in turn an outgrowth of President Nixon's promise of 29 June to devote an extra $100 million to energy research in the current fiscal year. With the stricture that half the money or more be dedicated to coal, the President left it to the AEC chairman to suggest how the remainder should be divided, and to supply a report by 1 September.

The task was an unusual one for any AEC chairman, but it was only a prelude to a much larger Presidential assignment: To examine (under the general supervision of the White House energy policy office) the present state of government-supported and private energy R & D, to devise a $10 billion 5-year "integrated energy research and development program for the nation," and to have at least the 1975 part of the master plan ready by 1 December.

In his first energy message of the year, last April, Nixon paid abundant homage to research, but said nothing about spending more on R & D than the $772 million contained in his fiscal 1974 budget request to Congress, released at the end of January. This was a sizable increase, roughly 20 percent above the 1973 figure, but evidently was not enough to pacify influential elements of Congress and the energy industry.

What happened between April and June? The year's first and much-criticized energy message dealt mainly with economic aspects of the nation's energy problems, perhaps as a reflection of the fact that its principal author was an economist (James E. Akins, then a State Department authority on international fuels policy, now President Nixon's ambassador-designate to Saudi Arabia). The all-but-defunct White House Office of Science and Technology was invited to contribute essentially nothing to the energy statement, and, although the White House had an embryonic energy policy staff, there was little time for it to incorporate any substantial new initiatives.

"We hadn't been in business very long," a staffer in the energy policy office, now under the direction of former Colorado governor John Love, said recently. "We really weren't on top of things by then."

A less charitable diagnosis current in government circles is that higher authority in the White House suffered an acute and uncomplicated spasm of embarrassment from reaction to the first message. "In all candor, it was not well received," says one highly placed administration official. The way I put it together, all the criticism about lip service to research really stung. They had to show they meant business, that they were really doing something."

That decided—whatever the motivations—two formidable problems remained even after the President released his second message on 29 June: Where to find an extra $100 million, and where to spend it.

Solving the first problem, it now appears, will require either some budgetary sleight-of-hand, some painful sacrifices in other programs, or a discreet raising of the self-imposed $269 billion budget ceiling—or possibly a combination of all three. In public at least, the President has been adamant about holding the lid on spending. Moreover, as he quite pointedly stated in his June message, "These vital [energy] programs must and can be funded within that ceiling."

The implication, it is now clear, was that energy's gain would be someone else's loss; whose loss he didn't say, for the simple reason that no one knew. Two months later, knowledgeable White House officials produced conflicting and rather cryptic answers on this point. On the one hand, a staff assistant in the energy policy office expressed doubt that other research programs would be cut for the benefit of energy R. & D. Speculating that some money would be shuffled from other areas of the budget and that some would simply be added on, he noted that Congress had already authorized some tens of millions of dollars for coal, nuclear, and other specific energy programs that the Administration had not requested. "Our position," he said, "will be to examine these add-ons, and where they are consistent with Administration desires, we will not oppose them."

On the other hand, when asked whether, for instance, a biomedical researcher might reasonably worry about his money being siphoned off for a coal gasification plant, an OMB official would only say that "we haven't explicitly identified program areas" from which the new energy money might be drawn.

There seems to be general agreement on two points, however: The additional $100 million really is an addition to the $772 million previously requested, and will not be conjured by mirrors from within the larger amount as some in government had feared. ("There's not going to be any monkey business here," one White House staffer insisted.) And, what with the first quarter of fiscal 1974 already past, no more than about half the $100 million will actually be spent this year, with the balance spent next year.

The Administration's second problem—where to spend the money—was dropped in the lap of Dixy Lee Ray, though she was already thoroughly preoccupied with the concerns of the AEC. The desire of the White House to produce an immediate "impact" on energy programs by spending the money in fiscal 1974, and the fact that fiscal 1974 was already well under way, conspired to severely limit the amount of time and thought that could be invested in planning the disbursement of the $100 million. Nevertheless, Ray plunged ahead. By mid-July she had recruited two staff assistants, and together they organized an advisory panel of representatives from ten federal agencies with major energy programs. Formal solicitations for ideas went out from Ray's office at the end of July, leaving federal agencies only about 2 weeks to shake the dust off whatever R & D proposals happened to be handy and submit them for screening. From some 320 projects worth $400 million. Ray and the panel winnowed out $100 million in winners just in time to meet the Labor Day deadline.

The consensus of those involved in this frenzied process seems to be that Ray did succeed in injecting an element of considered thought into what had been little more than a hip-fire decision by the White House. Moreover, these was a laudable ambience of openness to it all. Other federal agencies took an active part, the AEC appears to have received no special consideration, and the appropriate committees of Congress were consulted. "I don't mean to damn with faint praise," said one Congressional aide, "but she made a gallant effort."

Inevitably, though, this rush to judgment has left a good deal of grumbling in its wake. There was time only to resuscitate 6-month- or year-old proposals that the OMB had previously spurned, and to pump up the size of existing federal programs. Universities and industry had no chance to compete directly for a slice of the $100 million. OMB was said to be unhappy that Ray's report was not more explicit about what the money would buy in the way of useful new energy technology. Some agencies were apparently overlooked in the screening process; among them was the General Services Administration, which is looking for new ways to reduce the government's consumption of energy. Other agencies were unhappy with what they regarded as an unnecessarily narrow definition of "energy R & D," as applied to the summer sweepstakes. A number of proposals to examine the environmental and health effects of energy production, for example, were declared ineligible.

In response, Ray says that the limits of time, and the demand that the money be spent this year, made it impossible to look beyond the federal establishment in this initial effort. "Our instructions were not 'go thou into the countryside and survey the world,'" she said in a recent interview. "Unless this is understood, there will be criticism."

As for what should and should not be called energy R & D, she commented that:

"You'd be surprised, when something becomes popular, how many things people want to include in energy research . . . enormous mapping programs of the entire United States, impacts on human health, long-range genetic effects, and so on. Certainly there is a relation with energy, but it is hard to call such things R & D and to fit them into the requirement that the money be spent in fiscal 1974."

More than once in the interview during which her two gray dogs lay congenially nearby on the rug of her office at Germantown, Maryland, Ray emphasized that the September report was to be considered an entirely separate undertaking from the one due in December. It was not, she insisted, a "mini-preview" of the $10 billion master plan.

Precisely how this is to be assembled in the next 2 months still seems uncertain, however, and there are signs of wheel-spinning at the AEC. No doubt the AEC staff or one of the national laboratories could whip up a presentable shopping list, but, for the sake of credibility, Ray is anxious to produce something more thoughtful and ecumenical than that. "This cannot be an AEC document," she said at one point. "The agency is not being asked; the President asked the chairman for her advice."

A large advisory apparatus and public hearings have been rejected as too cumbersome and time consuming, although a tentative stab was made in that direction. A panel of consultants, including Alvin Weinberg, the director of Oak Ridge National Laboratory, convened for several days in early September but now appears to have slipped into limbo.

Fortunately, a great deal of homework for the December report has already been done—ironically enough—by the now-defunct OST. In a little noticed sentence in the President's energy message of June 1971 (written by the OST), the OST instructed itself to survey the world of energy R & D and suggest where federal money might be most productively invested. A year later, the result was a foot-high stack of 12 reports from 11 panels organized under the aegis of the Federal Council for Science and Technology, an interagency group which the President's science adviser headed. "Just about every technological opportunity you can imagine was covered," says one of the project's initiators.

Only one of the 12 reports (on solar energy) has been published, but others provided the justification for higher funding of energy R & D in fiscal 1974.

Along with its function as the government's ultimate font of science advice, the OST's reports were bequeathed to the National Science Foundation, which is busy updating them. The NSF is at least as interested as the AEC in asserting primacy in the planning of energy R & D, but Ray is nevertheless banking on the newly revised reports being available.

In the meantime, the processes of national research planning—at least so far as energy is concerned—remain rather in disarray during this interregnum between the fall of OST and the rise of something else. As one student of energy affairs in Washington expresses it, "the first agency to put together a convincing R & D program will have a leg up on all the others." What may emerge in the way of a grand design for research is anyone's guess, but Presidential promises aside, the betting is against any major new initiatives before fiscal 1976.

[From Science magazine, October 5, 1973]

ONE BREEDER FOR THE PRICE OF TWO?

(By Robert Gillette)

The Atomic Energy Commission has estimated that development of a commercially attractive liquid metal fast breeder reactor (LMFBR), designated by President Nixon as the nation's "highest priority" energy R&D project, could end up costing twice the $2.5 billion the AEC said it would cost just 18 months ago.

The new, unofficial price of $5.1 billion appears to reflect a more realistic calculation of expenditures—including direct subsidies to utilities—necessary to bring the breeder to a point of wide commercial acceptance by the mid-1980's. The figure may also indicate an urge in the AEC to embark on an even more ambitious R&D program now that the White House has promised to set aside a $10 billion bonanza for energy research and development over the next 5 years.

The LMFBR's tentative new price emerged recently from the Federal Power Commission's advisory task force on energy conversion R&D. The task force, in turn, is part of a larger technical advisory committee the FPC organized last December to survey broadly the "needs and consequences" of energy R & D. While this might seem a bit far afield of the FPC's duties as a regulatory agency, one of the commission's responsibilities is to encourage the development of new sources of energy, and it therefore considers such inquiries to be within its ken.

Officially, at least, the $5.1 cost estimate was the product of deliberations by the energy conversion task force, a heterogeneous group spanning a spectrum from federal energy authorities to utility executives, and including one environmentalist, Thomas B Cochran, a physicist with the Natural Resources Defense Council in Washington, D.C Cochran and other members of the task force however, say the new cost estimate can be attributed entirely to the AEC, and thus would seem to accurately represent its intentions. Indeed, the $5.1 billion estimate was presented to the group for the first time in a 13 September briefing by the task force's chairman, Merrill J. Whitman, an AEC official. As assistant director of program analysis, Whitman is centrally involved in long-range projections of the AEC's R & D costs.

Attempts to reach Whitman by telephone, for an elaboration of his estimate, were unsuccessful. An AEC spokesman, however, while not disputing the accuracy of the figure, said that it "cannot be compared" to the $2.5 billion estimate used in a published cost-benefit analysis of the LMFBR last year* because the new number had been derived from "certain bases that were different from those used by the AEC in the past."

The 1972 estimate of $2.5 billion (which assumed commercial introduction of the LMFBR in 1986) included only those R & D costs incurred directly in the breeder program, according to the spokesman. In contrast, he said, Whitman's estimate includes another $1 billion for "general" R & D that would indirectly benefit the LMFBR. There are also additional allowances in the $5.1 billion figure for inflation and the "increased cost of hardware and high performance fuel." In short, it appears that building the breeder will cost a lot more than the AEC has previously believed or brought itself to admit.

It is worth noting at this point that the LMFBR program has already rung up some extraordinary cost overruns, particularly at the AEC's Hanford, Washington, site. Here, the total cost of a new experimental sodium-cooled reactor called the Fast Flux Test Facility (FFTF) has been rising during construction from an initial estimate (in 1968) of $87.5 million to a current estimate of around $200 million. The FFTF project has also cost another $300 million or so for related hardware and R & D, and there is reason to believe that, by the time the project is completed next year, the grand total for the FFTF may top $600 million.

Whitman's calculations of breeder program costs also allow $200 million for a second "demonstration" breeder reactor plant, although Congress and the White House have authorized construction of only one such plant—a 350- to 400-megawatt facility to be built near Oak Ridge, Tennessee, at a cost of $700 million (of which utilities have pledged to pay $240 million).

Finally, tucked away in the $5.1 billion price is $90 million that would be spent in direct assistance to utilities, to help them buy their first four commercial breeder power plants. Up until now, the AEC has not openly broached the possibility of directly subsidizing the first such plants, although the General Electric Corporation, among others, reportedly has indicated that subsidies might be essential to the ultimate commercial success of the LMFBR.

In any case, the practice of paying potential customers to buy a strange new product has ample precedent. During the late 1950's and the early 1960's, the AEC spent tens of millions of dollars in direct assistance to utilities to induce them to buy the early light-water nuclear power plants. As an added inducement, General Electric, Westinghouse, and other vendors found it necessary to drastically underprice their first nuclear plants and recoup their losses by raising the prices later.

Reactor vendors, unlikely to stand still for a similar financial beating on their first breeder plants, may thus be counting on some generous assistance from the federal government, above and beyond the gift of LMFBR technology itself.

FATHER HESBURGH—ON RESPONSIBILITY

Mr. HUMPHREY. Mr. President, Father Theodore Hesburgh, the distinguished president of the University of Notre Dame, is noted for the fact that he teaches by the personal example he sets and because his practices have been his preachings. The leadership he has given has been the leadership of example. When Father Hesburgh cites others for leadership we can be certain that they deserve the credit he gives them.

Wherever one who is in public life turns today—be that person a local official or a national official—one senses the national concern about the integrity of all officials which has been caused by the actions of a very few. As one who has worked in local as well as National Government for close to three decades I know that most public officials are honest, hard working, and dedicated to the public welfare. Beyond this most public officials have the highest respect for the law.

Recently Father Hesburgh cited four members of the Prince Georges County Board of Education in nearby Maryland "for their integrity, humanity, courage, and respect for the law."

I ask unanimous consent that Father Hesburgh's letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, all public officials take the same oath of office. It requires that we faithfully execute our office, carry out all laws, and preserve, protect, and defend the Constitution of the United States.

In citing the conduct of four school board members, Father Hesburgh succinctly makes the point that is far too often overlooked in situations such as those faced by local school boards: they are not lawmakers. His main point goes to the real issue that concerns many Americans today—the disciplined response that all of our public officials have to their responsibilities. In the field of education one of the top topics is discipline. Father Hesburgh observes with exact correctness that—

> The key to the learning process that is education is discipline of mind, of character and of deportment.

There is much in America that we can be proud of. We have many local officials of whom the people they serve can be justifiably proud. Our neighbors in Maryland can be proud that they have public officials who set the example in "their integrity, humanity, and respect for the law."

Any citizen who has been thus commended by Father Hesburgh can be proud of his or her achievements. I want to join in adding my commendation to Father Hesburgh for focusing on the positive and constructive accomplishments and dedication of four local officials in Prince Georges County, Md.—Mrs. Ruth S. Wolf, Mrs. Joanne T. Goldsmith, Mr. Jesse J. Warr, Jr., and Mr. Righton S. Robertson.

EXHIBIT 1

UNIVERSITY OF NOTRE DAME,
Notre Dame, Ind., September 26, 1973.

MR. RAYMOND J. MCDONOUGH,
Chairman, Prince Georges County Committee,
Marlow Heights, Md.

DEAR MR. MCDONOUGH: I was most encouraged to receive the report on the continued forward progress in the Prince Georges County Public Schools.

We are a nation whose people do, in the

**Cost-Benefit Analysis of the U.S. Breeder Reactor Program,* WASH-1184 (Atomic Energy Commission, Washington, D.C., January 1972).

main, observe our laws and do what is right. When the dire predictions of last year in Prince Georges are measured against what actually happened this truth becomes self-evident.

Local leadership was most important and this was the ingredient in shortest supply as many simply remained silent.

School Boards have as their first responsibility carrying out the law. They are not lawmakers. The key to the learning process that is education is discipline of mind, of character, and of deportment. School Board members Ruth S. Wolf, Joanne T. Goldsmith, Jesse J. Warr, Jr., and Righton S. Robertson thus deserve special credit for the way they publicly met their obligation to children and education. Their example was a key factor in the peaceful progress that resulted. They have my warm respect and admiration for their integrity, humanity, courage, and respect for the law. Please convey to each of them my sincere regards.

A school—any institution—be it large or small, educational or otherwise, can move forward only if its leadership sets the example of disciplined response to its obligations. In education, discipline in the classroom will follow the tone set by the Board.

Sincerely yours,

Rev. Theodore M. Hesburgh, C.S.C.,
President.

DEDICATION OF REGIONAL WASTE WATER TREATMENT FACILITY, KENT COUNTY, DEL.

Mr. McCLELLAN. Mr. President, recently the junior Senator from Delaware (Mr. Roth) had the pleasure of dedicating Delaware's first regional waste water treatment facility. Senator Roth pointed out that the dedication of this plant not only marks a new day in Kent County, Del., it demonstrates for others how the Federal Government and a State joined hands and successfully developed a farsighted waste water treatment system.

The able Senator from Delaware, my good friend, described it in these words:

> First, it inaugurated the regional waste water treatment system in Delaware. This system connects all the former sewage systems into one pipeline which goes to one plant. This single plant accomplishes, with the most modern technology available, the work of numerous smaller and less efficient sewage facilities. In fact, only one river in the entire county has effluent flowing into it, and that effluent is 98% pure. No longer are effluents flowing into the other rivers in the County.

The Senator added:

> Second, unlike many projects in which the Federal Government becomes involved, this project actually cost less than the amount appropriated for it. The County Engineer, Walter Fritz, and the State did a commendable job.
>
> Finally, the plant is exceptional in another respect, and that is, that it is designed for expansion, but even taking that under consideration, the present facility won't reach its maximum capacity for another 8 years, which will be 10 million gallons per day. It can easily be expanded to 35 million gallons per day. The pipeline in the ground should be adequate for another 50 years. If one part of the system malfunctions, the waste water can be shifted to a duplicate system.

Mr. President, the people of Delaware, and especially Kent County, should be commended for their foresight, planning, and work to clean up the State's waters and preserve the State's natural resources. Senator Roth should be commended, too, for calling this event to our attention.

I ask for unanimous consent that Senator Roth's remarks from the dedication be inserted into the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator William V. Roth, Jr.

Governor Tribbitt, distinguished guests, ladies and gentlemen: I'm honored to be here and participate in a small way on this important occasion.

The Governor talking about sewage in his opening remarks, reminds me of some of the remarks some of my so-called friends on the Senate floor said when I told them that I was coming here to this dedication. They allowed that probably this was an appropriate place for me to speak, because perhaps my remarks could be cleaned up. In any event, it is a most important occasion for this region.

I think that for all too long, bodies of water have been viewed as natural depositories for human and industrial waste. Quick flowing streams and rivers, even slower moving tidal bodies, were thought to be self-flushing or self-cleaning. Despite the fish kills, despite the odors, and despite the ill health resulting from this attitude, it really was not until recent times that we have made a major effort to stop this degradation. This has been true of our bays and oceans as well. It was only last year that the Congress of the United States acted to halt dumping of waste materials in the ocean when it passed the Marine Protection, Research, and Sanctuaries Act of 1972, which I was pleased to help co-sponsor. I might say this is a very important piece of legislation to our State of Delaware.

The Kent County Regional Sewage Treatment Plant has been many years in coming; it goes back to the inception of legislation to clean up waste water, through the various committee hearings; appropriation processes, applications; and months of planning.

But even more important is the actual physical plant here and building. I'd like to, as a member of the Finance Committee, congratulate our County Engineer for—it's rare that you hear about a project where they spend less than had been appropriated for it. In Washington, we always try to do the opposite and have overruns. So I think you should be very proud, Mr. Fritz, of your accomplishment in doing such a fine job. I think those of us who have looked at our rivers lately would all agree that its completion comes none too soon. Unlike many states that are suffering from highly contaminated effluents flowing into their waters—and doing nothing about it—Delaware is moving ahead quickly and efficiently to preserve our environment and our State's natural resources.

The Kent County Regional Sewage Treatment Plant has been, as has been pointed out, a joint effort of the State and local governments with the Federal government. Of the $12.5 million that has been made available, the Federal government has made available something like 55%, or more than $6 million. Of course, the State has invested 25%, and the County has absorbed the remainder.

Combining modern technology with commendable foresight, the designers and planners have developed a facility that will reach its maximum capacity in ten years, and that will be a voluminous ten million gallons per day. I think it's important that the pumping system is capable of pumping twenty million gallons per day; the pipeline is estimated to be large enough to satisfy the needs of the County for the next fifty years. I think this is sound planning. The plant itself can easily be enlarged to a potential 35 million gallons per day capacity.

Perhaps the most outstanding feature of this waste water treatment system is the fact that it satisfies the needs of a rapidly developing region, thus making it our first Regional Sewage Treatment Plant in the State of Delaware. By connecting almost every sewage treatment facility in the County with this plant, the County will have only one river into which the treated effluent will flow. No longer will effluents flow into the Smyrna River, the St. Jones River, or the Mispillion. I have been told that the St. Jones River, for example, is responding to this relief, showing signs of rejuvenation with several forms of marine life returning to the river that had been literally chased from its natural habitat by human and industrial wastes.

Finally, I would just like to say it has been, of course, gratifying to be involved with the enactment of this legislation, but particularly be involved with my good friend and colleague Cale Boggs, who really has been one of the outstanding leaders in Washington of the major pieces of environmental legislation that has made this project possible.

Although this plant has been operational since last January, I think today marks an end to an era of careless waste treatment practices, an end to unmonitored waste treatment, an end to overflows and raw sewage making its way into our streams. More positively, this day launches the regional sewage concept in Delaware, a return to clean bodies of water, and superlative planning.

I thank you.

A USEFUL AND ESSENTIAL UNITED NATIONS

Mr. JAVITS. Mr. President, in addition to the vital role played by the United Nations in the containment and cessation of the recent outbreak of hostilities in the Middle East and the crucial role the United Nations has played in so many other world crisis situations, in recent years there has been an ongoing debate as to whether the United Nations is more than a debating society. In my judgment, the U.N. has proved its worth many times over by its essential peacekeeping role and the settlement of disputes in areas such as Cyprus, Korea, the Congo, and other areas. Furthermore, the United Nations has sponsored the Declaration of Human Rights and numerous international conventions, such as the conventions dealing with genocide, forced labor, and slavery, all of which serve to protect the undeniable human rights and civil liberties of all peoples.

In an article published in the September 1973 Free Mind—a publication of the American Humanist Association—Mr. Jesse Gordon has succinctly described why, in his judgment, the United Nations is the useful and essential world organization that it, in fact, is. I recommend this article, "AHA and the United Nations," for the information of all Senators, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

AHA and the United Nations

(By Jesse Gordon)

When delegates from 50 nations met at San Francisco in the spring of 1945, World

War II was not yet over, but a determination to establish an international organization to keep the peace was paramount in the minds of the delegates. After two months of intense negotiations, the language of the Charter of the United Nations was agreed upon.

Twenty-eight years have passed since the nations of the world pledged themselves "to save succeeding generations from the scourge of war."

In judging the political performance of the UN and in making the organization the scapegoat for the difficulties of its members, a number of important considerations are often conveniently forgotten. The first of these is the origin of the UN. The UN was *not* set up by small or medium powers themselves under the shock and experience of two devastating world wars. Kurt Waldheim, the secretary-general of the UN, states: "The UN was set up by the great powers to avoid in the future the mistakes, weaknesses and misunderstandings which, twice in less than 30 years, had led them into total war. We ignore this historical fact at our peril."

The American Humanist Association is active among the hundreds of non-governmental organizations sponsoring the UN.

The A.H.A. realizes there is an urgent need for greater understanding and support of the United Nations by the millions of citizens who are the constituents of non-governmental organizations. The A.H.A. is represented in the NGO group by Mrs. Henrietta Rogoff with Mr. Jesse Gordon, alternate.

In 1945, the UN came into existence accompanied by the usual flowery speeches. It was seen as "the great hope of humanity," "the hope of the world," and "the last, great hope for peace."

Has the UN fulfilled the "hope" that so many people placed in it as "The last great hope of humanity?" Or, is it just a useless debating society?

First of all the UN has contended with a world of many revolutions—peaceful and otherwise. The original membership of the UN was 51; it now numbers 135, with the two Germanys recently joining. The UN has many achievements to its credit. It can count among its successes, in the political area, the negotiated settlement of disputes affecting Indonesia, Kashmir, and West New Guinea, among others. The Middle East "question" has, of course, been before the UN almost continuously since 1947. It can be shown that UN presence in the area has prevented many incidents from developing into a wider war.

One might ask the question: What might have happened in the Congo and neighboring states in 1960 if it had not been for the UN peacekeeping force there? Critics point to Soviet intervention in Hungary and Czechoslovakia and the impotence of the UN to act in those situations.

It all comes down to big power politics and political objectives. The U.S. role in Indochina could similarly be examined for violations of the U.N. character.

What are the principles of the charter?

The charter is based on seven main principles:

1) The equality and sovereignty of all member states.

2) Fulfillment "in good faith" by all members of obligations assumed under the charter.

3) Peaceful settlements of disputes.

4) Renunciation of the threat or use of force.

5) Cooperation with the UN in any action it takes.

6) Encouragement of non-member states to abide by its principles.

7) Non-intervention by the UN in the internal affairs of any state.

The Charter also calls for freedom of religion. Many faiths, each with a different conception of God, are represented at the UN. A moment of silence opens and closes each General Assembly session, and there is a Meditation Room at UN headquarters which is open at all times. There is no mention of God in the Charter just as there is none in the U.S. Constitution.

The UN Charter pledges all members to cooperate for the promotion of human rights. Although the authority of the United Nations is limited to debate, study, publicity, and recommendation, it has exerted immeasurable influence on behalf of human rights.

In 1948 the General Assembly adopted the Universal Declaration of Human Rights. Its clauses on the civil, political, economic, and social rights of human beings have influenced the written constitutions of a number of new nations. Its provisions have been incorporated in several important peace treaties.

The General Assembly has also produced draft conventions—treaties—in the human rights field. Some forbid particular offenses such as genocide, forced labor, and slavery. Others set standards in particular areas such as political rights of women. Such conventions must be ratified by the individual UN members in accordance with their constitutional processes. In addition, the Assembly has produced two comprehensive human rights covenants, one on civil and political rights and one on economic and social rights, both ratified by more than 30 governments.

For many years UN experts have offered advisory services to governments on human rights questions. Various UN-sponsored international seminars on human rights have been held. The UN has also served as a central point to which aggrieved groups may complain of specific human rights violations. But there is disagreement as to how the UN should handle such complaints. One proposal would establish a UN office, that of High Commissioner for Human Rights, to receive inquiries and complaints from both governments and private parties and to advise and conciliate at their request. The High Commissioner would have no power to overrule a government, but his views would carry moral authority.

OFFSHORE OIL DRILLING

Mr. BIDEN. Mr. President, the move to expedite drilling for oil off the North Atlantic coast is underway. Hearings by the Council for Environmental Quality have already begun and local hearings for the Delaware area will be held shortly. The pressure for such drilling is, of course, increased by our immediate concerns about energy shortages. I am really disturbed that efforts will be made to shove us headlong into such a program, just as efforts have been made to push us toward construction of deep water ports.

It is for this reason that I was particularly interested in an article entitled "California Urged To Keep Oil Curb" which appeared in the New York Times on September 23, 1972. In the article Santa Barbara city and county officials are represented as objecting to the lifting of a moratorium imposed after a disastrous spill in 1969. It appears to have been the feeling of many of those testifying on the subject before the California State Land Commission that adequate techniques are still not available to prevent or contain oil spills.

I think that we on the east coast should take seriously the bitter lessons learned elsewhere and proceed cautiously and prudently in any venture involving offshore drilling. For the information of the Senate I request unanimous consent that the text of the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CALIFORNIA URGED TO KEEP OIL CURB—OFFSHORE OPERATIONS OPPOSED WHILE SUIT IS PENDING

SANTA BARBARA, CALIF., September 22—California should not allow more oil drilling in the Santa Barbara Channel as long as the state is unable to collect damages from the oil industry as a result of the 1969 channel oil eruption, the State Lands Commission was told this week.

The Santa Barbara city and county authorities presented that argument at the commission's hearing on the drilling issue here, registering strong objections to oil and gas industry requests to the state to lift its moratorium on new drilling in tidelands off Santa Barbara. The State Lands Commission had imposed the ban after the disastrous 1969 oil spill at a drilling site leased by the Union Oil Company from the Federal Government some 5 miles offshore and adjacent to state parcels.

The commission headed by State Controller Houston Flournoy, a candidate for Governor, has scheduled a meeting in Sacramento Nov. 29 presumably to announce its decision after studying transcripts of testimony.

COMPROMISE REPORTED

The city and county of Santa Barbara as well as the state Attorney General's office have turned down Union Oil's $2.5-million compromise offer to three governmental entities in response to the combined $500-million suit originally filed. The case is still in United States District Court in Los Angeles.

Spokesmen for 15 major oil companies involved in production called upon the commission to end the moratorium so the industry could help meet the current energy crisis.

The Western Oil and Gas Association and the Independent Oil and Gas Producers of California contended that the industry now had full safety and cleanup capability to augment stiff new state offshore regulations.

The Coast Guard oil strike team for the Pacific Coast has trained personnel to deal with oil spills and is currently testing new oil containment and recovery systems regarded as "highly promising," said Lieut. Comdr. John Wieckert, whose office is on Yerba Buena Island in the San Francisco area.

The hearing also produced testimony from the Sierra Club, the Audubon Society, GOO (Get Oil Out) Inc., of Santa Barbara, and other environmentally-minded groups calling for continuance of the moratorium. Supporting them were State Senator Robert Lagomarsino, Republican of Ventura, and Assemblyman W. Don MacGillivray, Republican of Santa Barbara.

The gist of their testimony and that of other opponents of renewed oil drilling in the channel was that the industry had not conclusively proved with tests in severe weather on the high seas that it had equipment to contain and corral major oil spills without considerable damage to the marine environment.

PRESIDENTIAL PRECEDENT FOR WITHHOLDING EVIDENCE

Mr. PROXMIRE. Mr. President, in the course of President Nixon's press conference last week, a question was raised concerning the use of executive privilege and the President's right to withhold Presidential documents and tapes.

In responding to that question, President Nixon referred to a precedent involving a subpena which was served on President Thomas Jefferson during the treason trial of Aaron Burr. President Nixon said:

> You remember the famous case involving Thomas Jefferson where Chief Justice Marshall, then sitting as a trial judge, subpoenaed a letter which Jefferson had written which Marshall thought or felt was necessary evidence in the trial of Aaron Burr. Jefferson refused to do so, but it did not result in a suit. What happened was, of course, a compromise in which a summary of the contents of the letter which was relevant to the trial was produced by Jefferson . . .

The President relied on this to support his effort to withhold the subpenaed Watergate tapes, and to justify his offer to turn over a summary of the tapes to Watergate Special Prosecutor Archibald Cox.

Mr. President, in the past few days I have done a little research to determine just what did occur when President Thomas Jefferson was subpenaed. My research has convinced me that President Nixon was somewhat mistaken in his recitations of the facts, and that the case actually provides a precedent for the opposite conclusion—that the President may be compelled to submit tapes and documents to the court for examination.

The history of the Burr case is as follows:

In 1807, Aaron Burr was brought to trial in Richmond for treason. The treason charge grew out of allegations that Burr was seeking to sever lands west of the Allegheny mountains, and was planning an attack on Mexico. One of his partners in the scheme was General Wilkinson.

At some point in the scheme, Wilkinson and Burr parted ways, and Wilkinson wrote to President Jefferson about the scheme. Prior to Burr's trial, Jefferson sent a message to Congress, in which he outlined Burr's plan, relying heavily on Wilkinson's correspondence.

At the treason trial itself, Burr sought to subpena a number of Presidential papers and documents, in order to prepare his defense.

One of the subpenaed documents was a letter written by General Wilkinson to Jefferson, dated October 21, 1806. President Jefferson left it to the U.S. attorney, George Hay, "to withhold communication of any parts of the letter which are not directly material for the purposes of justice."

Hay, in turn, told John Marshall, who was serving as presiding judge, that he would be willing to disclose the complete letter to the court, with the court to decide what material portions should be passed on to defendant Burr. In returning the subpena, Hay said that in his opinion, such parts of the letter should be excised as are:

> Not material for the purposes of justice, for the defense of the accused, or pertinent to the issue now about to be joined. . . . The accuracy of this opinion I am willing to refer to the judgment of the court, by submitting the original letter to its inspection.

Thus the Government counsel tendered the entire letter to the court for its examination. In his ruling, John Marshall stated that:

> The President of the United States may be subpoenaed, and examined as a witness, and required to produce any paper in his possession. . . .

Marshall agreed with Hay that the court should decide what portions of the letter should be turned over to the defendant, and stated that the case must be extremely strong to warrant showing private Presidential communications to the defendant. He concluded by ruling that the letter should be:

> Fully shown to the court before its production could be insisted on.

Thus, Marshall made it very clear that it is for the courts, and not for the President, to determine what must be turned over to the other party, and what may be kept confidential. Marshall also made it clear that what is eventually made available to the other side must be a verbatim excerpt, and not a mere summary.

Thus, it appears that in relying on this precedent, President Nixon was wrong on several counts:

President Nixon said a summary of the contents was produced by Jefferson. In fact, the entire letter was made available by Hay to the court. In this respect, the Burr precedent is even stronger than the court of appeals ruling in the Nixon against Cox case—the court in the present case permitted President Nixon to delete the national security and foreign affairs matters himself; Marshall's ruling would have required those excisions to be made by the court.

Jefferson never refused to cooperate, as President Nixon suggested. Jefferson acted through his U.S. attorney, and tendered the entire Wilkinson letter. Furthermore, Jefferson offered to be personally examined on this subject by a court officer.

The Wilkinson letter was written to Jefferson, not by Jefferson, as President Nixon indicated.

According to the Library of Congress, there is one other instance in which a sitting President of the United States has been subjected to a subpena. That was in 1818, when President James Monroe was subpenaed in the course of a court-martial involving a William Barton. Barton needed a statement from Monroe to substantiate his defense involving an appointment to a naval hospital, and had Monroe subpenaed.

Monroe went to his Attorney General for an opinion. The Attorney General advised Monroe to reply that although his duties prevented his coming to Philadelphia, he would comply with the subpena by responding to interrogatories. These were sent from Philadelphia, and Monroe responded.

Mr. President, I hope this will set the record straight. The President of the United States, like any other citizen, is subject to the rule of law. This appears to have been one of the painful lessons to be learned from the Watergate affair. Let us hope that as this case continues to unfold, this administration will reestablish obedience to the law as its No. 1 priority.

THE DANGERS OF ENERGY DEPENDENCY

Mr. JACKSON. Mr. President, I think it is now obvious to all Americans that unless we move without delay in crucial energy programs, the Nation is going to be in serious trouble. After years of nonchalance, the American people are finally coming to grips with a problem to which there is no easy solution.

In this connection, I want to call the Senate's attention to a recent address by my good friend and able colleague Senator Ribicoff. Speaking to a special seminar on energy held in New York on October 29, Senator Ribicoff pointed out that "if the United States is to remain a world power, it must never permit itself to be in a position where vital American interests must be sacrificed because of dependence on foreign energy sources." Everything we have been hearing about the international petroleum situation confirms the correctness of Senator Ribicoff's point.

Mr. President, I ask unanimous consent that the full text of Senator Ribicoff's remarks be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Speech by Senator Ribicoff

Much of the current public discussion over our nation's so-called "energy crisis" has generated neither light—nor heat. In the attempt to score points in the brand new game of petro-politics, basic truths have often been conveniently overlooked, and the nation's energy picture distorted.

We have indeed encountered certain energy problems, but these are mainly in distribution. The fact is there is no lack of energy resources in the world today. What is lacking in this country, however, is an overall energy policy to deal with today's difficulties and tomorrow's potential shortages.

So there is no real energy crisis today. This might come later—and unless we act now—it most certainly will.

Certain trends already are clear. Our nation's rising demand for energy has driven up costs and created a growing reliance on foreign source oil and natural gas. This should not have come as a great surprise. It had been predicted for some years now. But bad news is never popular, and no one paid much heed to the Cassandras. In the meantime our nation's energy spree continued.

The United States is the only nation to attempt industrial development with the assumption of unlimited cheap energy and natural resources. As a result of this, we have developed an energy appetite that is not only gluttonous, but looks like a bottomless pit. With only 6% of the world's population, we consume today over one-third of its energy and over one-half of all the gasoline produced.

American industry has for years used energy consumption as a method of increasing productivity. We have even made our automobile engines bigger to support devices designed to rid the air of pollutants.

The average U.S. automobile gets 13.5 miles to the gallon—or almost double the gasoline required to move its Japanese or European counterpart the same distance.

European and Japanese industrial operations usually operate with an energy consumption of 10 to 20 percent less than that required to do the same job by American industry.

What has happened since World War II is that the United States has become hooked on oil—with the oil companies acting as pushers. With this kind of extravagant consumption pattern, and the rest of the world's appetite for energy, problems were bound to crop up—and they have.

The rest of the world tolerated this situation as long as the United States was self-sufficient in energy resources and was using its own abundant raw materials. But now, because of our growing dependence on oil, we are being forced to purchase more of it overseas. This has raised the most serious questions about the value of the American dollar, the impact on our national security, and the role of the United States as a world power.

The most outstanding feature of our nation's energy consumption pattern is that we have increasingly turned to oil. If the growth in demand continues this will mean dependence on foreign oil.

The very real dangers of such dependence have become apparent during the most recent Middle East conflict. The governments of Western Europe have been forced to pursue a more pro-Arab policy because of their heavy dependence on Middle East oil.

During my recent trip to Europe to study oil and energy problems, I had discussed this very situation with European oil and government officials. Last year Western Europe used oil for 63 percent of its total energy consumption. Two-thirds of this came from the Middle East with almost all the rest coming from Africa. Three countries, all involved in the latest fighting—Libya, Saudia Arabia, and Kuwait—provided more than one-half of Western Europe supplies.

When France sells its latest Mirage fighter bombers to Libya; when England places an embargo on the shipment of tank spare parts to Israel; and when Germany refuses to permit its territory or airspace to be used by American planes airlifting equipment to Israel—we have examples of petropolitics at work.

If the United States is to remain a world power, it must never permit itself to be in this same position. We should all be thankful that this country has not yet reached the stage where vital American interests must be sacrificed because of dependence on Arab oil.

Our own domestic production of oil is now averaging at about 11 million barrels per day of a total of more than 17 million barrels consumed. If our ravenous demand keeps climbing, our needs in 1980 will be 25 million barrels per day—with about half of it coming from abroad.

The problem is more than finding the money to pay for it.

In the midst of the most recent run on the dollar, the Senate Subcommittee on International Trade, which I chair, sought answers from top government officials as to who benefited from the attack on the dollar. While no definitive analysis was forthcoming, the movement of Arab oil money during this crisis was acknowledged.

It is obvious that with the United States paying out $7.5 billion for oil imports this year alone, and with many more billions flowing from elsewhere into the coffers of Saudi Arabia, Kuwait and Libya, the potential for chaos in the entire international monetary system is apparent. This year alone, Saudi Arabia will receive $6 billion in oil revenue with $40 billion predicted by 1980. Saudi Arabia, Kuwait and the Persian Gulf States over the next 12 years will collect the staggering total of $227 billion—and this figure is based on an estimate before the most recent price hikes. By 1985 it is forecast that Arab reserves of gold and foreign exchanges will rise to over $100 billion. How and where this money is spent poses a challenge to all industrialized nations and to the economic health of the world community.

The threat this poses to our economic well-being and foreign policies cannot be overlooked. Not only are there the obvious problems of our balance of payments and our strategic interests in the Middle East, but there is also the danger of destructive competition with Western Europe and Japan for foreign oil. Already, our government's initial attempts to reach some agreement on sharing oil supplies in times of emergency have not been met with great enthusiasm by Europe and Japan.

I have long maintained that ecopolitics is replacing geo-politics in the affairs of nations. With the prospect of the whole world actively competing for the same resources, and the exporting nations playing one nation off against the other, it is fair to say that petro-politics will become the most vital element of ecopolitics.

To date, the success of the OPEC nations in forcing foreign oil companies to meet their demands with regard to price, ownership, control and participation in down-stream activities, has not been matched by cooperation and coordination on the part of the consuming nations. It is simply not in the interest of the United States to leave such important decisions up to our oil companies alone. At the same time it should be recognized that we cannot place the entire burden of developing alternative energy sources on the private sector.

Public attention so far has been focused on oil since most Americans equate the energy crisis with shortages of petroleum products. They have already seen gasoline stations closed or rationing gas last summer. In New England consumers are faced with higher prices for No. 2 heating oil and have been warned of the possibility of shortages this winter. While oil is the immediate problem—it does not provide a longer term solution. Oil reserves are finite and two-thirds of the total proven reserves are in the Middle East. It is through the development of sources of energy other than oil, that the oil problem itself will be solved.

The search for alternative energy sources must be the cornerstone of our nation's energy policy. Today our nation has no clearly defined energy policy, and no clear priorities have been set for research and development. We have had a number of Presidential messages on this subject, but few specific and no appreciable new funding of R & D projects. There has also been no clear signal of what exactly is expected of American industry and the American people.

If we are to escape from a dangerous dependence on foreign-source oil, there are two broad goals which must be pursued simultaneously.

We must lower our demand curve by effective conservation measures and we must increase domestic energy production by the application of new technology and the acceleration of proven methods.

With regard to the first objective, a recent Treasury Department study outlined eight emergency measures that would save two million barrels of oil a day. This figure represents 12% of present U.S. consumption, and is also twice as much as we import from Arab countries.

These are the measures outlined:

1. Reducing speed limits to 50 miles per hour for passenger cars—150,000 barrels a day would be saved.

2. Increasing load factors on commercial aircraft from 50% to 70% by consolidating and reducing flights—50,000 barrels a day saved.

3. Setting home thermostats two degrees lower than average—50,000 barrels a day saved.

4. Conservation measures in industry—500,000 barrels a day saved.

5. Limiting hot water laundering of clothes—300,000 barrels a day saved.

6. Mandatory car tune-ups every six months—200,000 barrels a day saved.

7. Conservation measures in commercial buildings—200,000 barrels a day saved.

8. Increasing car pools for job commuting—from 1.3 average to 2.3 average per car—200,000 barrels a day saved.

If by measures such as these we can keep the nation's growth rate of energy consumption to around 3% instead of the current 4½% annual increase, we can begin to escape from the energy crunch. Realistically, we cannot do away with all oil imports by 1985—but we can limit these imports to around 10% of our total requirements—or about 5 million barrels a day.

A report issued by the Office of Emergency Preparedness said that by 1980, the country would reduce its energy demand by the equivalent of 7.3 million barrels of oil a day and save an estimated $10.7 billion in outlays for imported oil, thus benefiting its balance of payments problems as well.

In examining alternative sources it is prudent to first look at areas where the requisite technology already exists. Because of this the most we can expect from nuclear power by 1985 is 10% of our nation's consumption. Nuclear fusion, hydrogen power and solar energy are still decades away. Natural gas, with only 11 years of proven reserves can only be counted on for 15% of total consumption in 1985. Oil from shale will be important by then, but aside from serious disposal and water problems, this involves the development of new technology.

The key then to a realistic energy policy is coal. This is certainly not revelation to an audience like this. But in the space age such an old-fashioned solution will surprise many Americans. Increased coal production, with emphasis on gasification and liquefaction of coal must be the main element in any effective program.

First, more coal should be used to generate electricity. This can happen almost immediately. While this raises the sulphur problem, there are already in existence processes to remove sulphur from stack gas. For the near future there is great hope in magnetohydrodynamic power generation—MHD—whereby energy from coal is converted directly into electrical energy. More important, however, than the burning of coal itself is its conversion to gas and at a lower priority to oil. The advantages are obvious. Gas is cleaner, more adaptable, easily transported—and environmentally the most acceptable.

Options for processing coal include conversion to low-BTU gas, high-BTU pipeline-quality gas, oil, or various combinations. The great advantages of gas justify concentration on this choice. But a massive crash program is needed to move this forward.

The Congress has already taken the lead here, and has support to develop its own competence in planning energy research projects. The major initiative in the Senate is a measure introduced by Senator Jackson, which I have cosponsored. It seeks to commit this nation to a goal of energy self-sufficiency by 1983 and to buck-up the ten-year commitment with $20 billion. This bill calls for the creation of five quasi-public corporations to develop energy technologies, including one for coal gasification and one for coal liquefaction.

Along with Senator Jackson I have been chairing hearings on the Administration's proposal to create a Department of Energy and Natural Resources. But before we can reorganize, we have to know where we are going and how much we are willing to spend to get there. We also must come to grips with the conflict between greater self-sufficiency in energy and preservation of the environment.

A fourfold increase in the use of coal inevitably leads to problems connected with strip mining. I know you will be hearing more about this later today, but it should be noted that a large part of the nation's coal reserves are located on public lands, putting the federal government in a position to set the conditions for mining operations. Strip mining as you can imagine is not a wildly popular idea with citizens and groups concerned about the preservation of the environment.

It is clear that there must be provisions for restoration of the land after the coal is extracted, disposing of solid waste from the land after the coal is extracted, disposing of solid waste from the mining process, and creating a satisfactory land surface. Similarly, new coal gasification plants must incorporate controls to avoid air and water pollution.

But with a maximum of goodwill and understanding, and with an involved federal government—solutions should not be beyond human ingenuity.

The investment needed to go forward with plans to have coal meet 50 percent of our energy needs by 1985 would be substantial—some $15 billion by reasonable estimate. But I would rather see this nation make such an investment instead of spending this sum to buy Middle East oil.

PUBLIC FINANCING OF ELECTIONS

Mr. BIDEN. Mr. President, on September 21, 1973, I testified before the Senate Rules Committee on the subject of public financing of Federal elections.

In my formal remarks, I took the view that:

I do not believe the old ways of campaign financing are sufficient. In fact, they are deficient. The time has come for all good men of both major parties to come to the aid of the system by changing it.

Slowly, Mr. Chairman, I have become convinced that efforts to place ceilings on overall campaign expenditures, to prohibit certain groups from contributing funds, to restrict the size of campiagn contributions—these and other devices, however well-intentioned and well-designed—are not fully effective.

Mr. President, I ask unanimous consent that the full text of my formal statement be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

Thank you for providing me with a few minutes of your time in order that I may share my views with you about public financing of election campaigns for Federal office. I wish particularly to thank Senator Cannon for his willingness to put this important issue on the agenda of the Committee on Rules and Administration of which he is chairman.

I sense that there is an increasing number of Senators, both Republicans and Democrats, who have come to support the concept of public financing. In late July of this year Senators Kennedy and Scott offered a bipartisan amendment to S. 372, the campaign financing bill then before the Senate, that would have established a system of public financing for elections. The amendment, although tabled garnered 38 votes—10 Republicans and 28 Democrats.

I wonder what J. P. Morgan, the financier, would have said had he witnessed the discussion about the Kennedy-Scott Amendment? Mr. Morgan, you may remember, once complained about President Theodore Roosevelt, who had advocated public financing:

"If Roosevelt had his way, we'd all do business with glass pockets."

And that's exactly the point.

As the New York Times recently pointed out:

"Since political campaigns are indispensable to self-government and since campaign cost have to be paid by some source, the central question is not how to break the nexus between politics and money. Rather, it is how to make that connection clean and open."

In other words, politics needs those "glass pockets" that Mr. Morgan complained about more than half-a-century ago.

Aside from the issue of public financing, I suggest that a majority of the Congress and the American people believe as a minimum that there should be full disclosure of campaign finances—both contributions and expenditures.

But this, in itself, seems to be insufficient.

Full disclosure—"Glass Pockets"—does not touch a condition which is best described as a "Tyranny of the Incumbency." It is too difficult for challengers to overcome incumbency.

I'm now an incumbent myself. Nevertheless, I do *not* believe the old ways of campaign financing are sufficient. In fact, they are deficient. The time has come for all good men of both major parties to come to the aid of the system by changing it.

There is also the matter of rising costs.

The 1984 of presidential elections will come about when there are no candidates available who can each raise the trillion-dollars to finance the campaigns.

What this adds up to is that the political system is in trouble because, as someone has said for us. Democracy is less a form of government than a system that assures we shall be governed no better than we deserve.

The hazard is not necessarily that the voters will rise and vote us all out of office within the next few years. A clear and present danger is that the voters may turn away from the ballot box—after all the 1972 presidential voter turnout, percentage wise, was the lowest in this country.

The real danger, then, is that the dismayed American voter may act like Mark Twain's cat which sat down on a hot stove lid—the cat never will sit down on a hot stove lid again, but also the cat will never sit down again.

My wife, who was less of a politican than I, used to have an expression she used. She said: "You should not burden your elected officials with too much responsibility." I think she was a true Jeffersonian.

Slowly, Mr. Chairman, I have become convinced that efforts to place ceilings on overall campaign expenditures, to prohibit certain groups from contributing funds, to restrict the size of campaign contributions—these and other devices, however well-intentioned and well-designed, are not fully effective.

Disclosure and ceilings have merit, but the ingenuity of political operators outranks that of an Einstein in finding ways of funneling private funds of undisclosed, if not dubious origins, into campaign coffers.

Public-subsidy would allow candidates—incumbents and challengers alike—to compete more on the basis of merit than on the size of the pocketbook—free from potentially corroding dependence on personal or family fortune or the gifts of special interest backers—be they those of business, organized labor or conservative or liberal interests.

I think that when we ask men and women to go out and raise the hundreds of thousands of dollars that is necessary to run for public office in this nation, we are putting them in a position of being exposed to great temptation. Not personal financial gain, but great temptation to maybe not say what they think all the time, maybe not take the positions they support all the time.

I suggest an additional benefit may accrue from adoption of public-subsidy campaign financing. I believe it would hasten the day when we in the Congress enact tax-reform for the American people. Revision of the Federal tax code as to make it fairer is made more difficult, in my opinion, because those wealthy who benefit by existing tax shelters also make large campaign contributions.

As for specifics, Mr. Chairman, let me say that there is an "objective solidarity" among supporters of public-financing of Federal elections that this concept shoulc be enacted into law. I hope we do not fall out among ourselves as specific legislation comes before us. I think we should try for a workable bill, even one that simply makes a modest beginning and even if it permits a measure of private financing of small contributions not in cash. A central reporting system, with a single treasurer, should be established. Adequate provision for public financing of "independent" and minor party candidates should be provided. Some modification of the franking privilege should be instituted—either extending it to challengers in the period between a primary and a general or suspending it during that period for incumbents. At this time, I am most reluctant to compel commercial radio and television stations to provide adequate time for political candidates.

I can well understand the frustration at the unresponsiveness of many individually licensed stations to recognize their public responsibility in this area. Furthermore, I well know the high proportion of expenditures allocated to "media," largely broadcasting. I would prefer to have broadcasting stations respond ungrudgingly on their own: some are. Let's give them an additional opportunity before enacting any compulsory legisaltion compelling them to allocate time for candidates in both primary and general elections.

I think that with good-will, and less concern for obtaining personal recognition, we supporters of public-financing can achieve our objective.

Public financing—public subsidy—is the swiftest and surest way to purge our election system of the corruption that, whatever the safeguards, money inevitably brings.

In an essay of Thomas Carlyle is found a statement I offer in conclusion, Mr. Chairman:

"Our grand business is not to see what lies dimly in the distance—but to do what clearly lies at hand."

THE SCARLET LETTER

Mr. PROXMIRE. Mr. President, the Philadelphia Inquirer on September 9, 1973, carried a most informative article by Mike Leary regarding the serious problems involved in maintaining a good credit rating. Because of today's myriad credit economy, thousands of individuals will encounter difficulty at one time or another in keeping their credit records straight.

One of the cases related by Mr. Leary deals with Robert Meisner, a New York businessman whose auto insurance application was denied because a member of his family was considered unacceptable for credit. According to the information maintained in a credit file on Mr. Meisner, his son had long hair and was suspected of using drugs. Mr. Meisner was one of the more fortunate ones. He finally received auto insurance coverage, but only after considerable effort on his part as to the veracity of the information contained in his credit file. The "intelligence" concerning his son, however, remains a matter of this man's record, on display like a scarlet letter to any inquirer.

Recently, my Subcommittee on Consumer Credit completed 1 week of oversight hearings on the Fair Credit Reporting Act, which has provided some measure of protection against an inaccurate credit report. The information developed during these hearings clearly points out the urgency for more comprehensive regulation.

Mr. President, I ask unanimous consent to print Mr. Leary's article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CREDIT IS A RISKY BUSINESS—IT IS HARD TO CLEAR YOUR NAME

(By Mike Leary)

About a year ago, the Nationwide Insurance Co. turned down Robert Meisner's auto insurance application because a credit company reported that his son was "a long-haired hippie . . . suspected of drug use."

Meisner, a suburban New York City businessman, eventually succeeded—with much difficulty—in persuading Nationwide that the information was of doubtful accuracy.

He got his insurance, but he wasn't able to get the adverse information out of his credit file, where it still ticks away like a time bomb. The reason: the firm that dug up the allegations—the Retail Credit Co., a giant, Atlanta-based investigative firm with branches in Philadelphia and dozens of other American cities—stuck to its charges after rechecking them with its anonymous informants.

Retail Credit's executive vice president, Franklin Brutzman, shrugs off the case as "an isolated example, surely not representative."

But to critics of the way in which credit bureaus currently operate, the case is but one of an apparently large number of cases in which individuals are victimized by the potential for error in the complex field of keeping track of the credit records of millions of consumers.

The critics, which include some consumer agencies, the American Civil Liberties Union, and even some people within the credit bureau business, contend that the consumer needs opportunities to correct wrong or misleading information that comes into his file.

Few persons are advocating that credit bureaus be abolished. The service they provide is essential in an affluent, highly mobile society in which individuals expect to walk into a bank and receive a loan from a loan officer they may never have met before, or to send a postcard away to request a credit card, or to walk in off the street and buy insurance.

Insurance companies, credit card concerns, retail stores, and other businesses pay over $450 million to obtain credit information on potential customers from the nation's some 3,000 credit bureaus. By one estimate the bureaus churn out 135 million files a year on Americans who are buying something, somewhere on credit.

Credit Bureaus like the Philadelphia Credit Bureau at 1211 Chestnut St., simply gather information on how faithfully an individual has paid his bills. Other concerns, like Retail Credit, prepare detailed background reports, including comments on an individual's personal life culled from acquaintances and associates.

Throughout, the individual is dependent on the accuracy, good judgment, and integrity of the credit bureau to literally protect his good name. And, as the Meisner case indicates, there can be cases in which the capabilities of the credit bureau are open to question, and where the citizen's recourse is limited.

"This (the Meisner case) is just the tip of the iceberg" says Ira Glasser, an American Civil Liberties Union attorney in New York. "We run into dozens of similar cases each year, but I suspect many more aren't reported because many people don't realize they have some rights under the law."

What rights individuals do have are embodied in the Fair Credit Reporting Act of 1971, pushed through after sometimes stormy hearings conducted by Wisconsin Sen. William Proxmire. Under terms of the law, Meisner was, for example, able to have his file read to him orally, and to have placed in the file a notation saying that he disputed the allegations about his son.

But some persons, like Harvard law professor Arthur Miller, think such rights give too little power to the consumer. "The act simply doesn't go far enough . . . it's full of loopholes," says Miller, who helped prepare a recent Department of Health, Education and Welfare report that contained strong criticism of automated personal data systems.

To use Meisner as an example again. He wasn't able to obtain a written copy on his dossier, or learn who provided the adverse information. And he wasn't notified of his rejection by the insurance company until it was fait accompli.

Beyond that, the act says only that credit information must be provided to parties with a legitimate business interest in the files, a broad definition. It doesn't prevent straight financial case histories—like the tidy bill-paying records compiled by the Philadelphia Credit Bureau—from being combined with the subjective, investigative reports Retail Credit also prepare.

There is no provision in the law for licensing credit bureaus, and there is nothing to stop bureaus from acting as bill collection agencies, as many do, including the Philadelphia Credit Bureau.

The act skirts questions about the desirability of maintaining such files at all—particularly the investigative reports that delve into such personal areas as drinking and driving habits, and, in some instances, report on sexual activities and political beliefs.

All of these factors add up to what J. Taylor DeWeese, a Philadelphia attorney who was a colleague of Miller's on the HEW panel, describes as "an information imbalance."

"The information-gathering agencies," he says, "are continually obtaining more and more material on the individual who knows less and less about the agencies all the time."

Narrowing this gap means treading on tricky terrain. As Robert Nicholas, director of the Philadelphia office of the state Bureau of Consumer Protection puts it: "Credit bureaus have some rights, too."

A department store, for instance, has an interest in knowing whether a potential credit customer has left a trail of unpaid bills elsewhere. And an auto insurance company would shy away from covering someone who was a problem drinker.

Right now, credit grantors can routinely obtain such records in writing, but consumers can't. This is partly, suggests Anthony C. Capaldi, who manages the Philadelphia Credit Bureau, because of a fear that persons with bad credit ratings would alter written reports to fraudulently—obtain credit.

(Critics—like Proxmire aide Kenneth McClean—scoff at this argument, saying consumers who aren't able to obtain written records can never be certain "whether . . . all of the information is being disclosed.")

Even if written records were available—as they are in the Canadian province of Quebec—there would still be a problem with the investigative reports, which rely heavily on anonymous sources.

Brutzman argues that without confidentiality, 'people wouldn't talk and information would dry up . . . we have to protect our sources just like the press has to protect theirs."

No one has ever conducted a systematic study into the accuracy of such records—their vast numbers (Retail Credit, alone, has 50 million files) is an awesome deterrent.

Miller points to an informal study conducted by a consumer protection group in Tulsa, Okla., in which members checked their own credit ratings: "The error rate was 40 percent. One man, for instance, found he had an excellent credit rating because he was a heavy and frequent borrower and always paid off his loans promptly. In fact, he never had borrowed any money at all."

Investigative files are even more susceptible to error, suggests Glasser, because "They institutionalize gossip, some of it malicious, a lot of it not substantiated. In fact, I've never run across a file of this type that's been completely accurate."

An Inquirer reporter who checked his own file at the Retail Credit Co.'s Philadelphia office uncovered several errors. It said, for instance, that he'd spent a year in Australia, when he hadn't (his brother had); it said that he'd attended the University of Wisconsin when he'd gone to Notre Dame and Columbia; it estimated that his income was 40 percent less than it actually was.

When such errors do crop up, notes Nicholas, "the burden is generally on the consumer to correct them."

William Cain, now manager of Dun and Bradstreet's Scranton office, learned that to his dismay.

Earlier this year, Cain then living in Philadelphia, had his Lit Brothers credit card stolen by a thief who rang up $400 in bad bills on it, Cain wasn't forced to make good on the fradulent purchases, but—by mistake—a negative notation turned up in Philadelphia Credit Bureau files.

After he was turned down for a credit application at Sears, Cain uncovered the error and got Lit's to admit it. But it took more than two months to get his rating restored—and in the meantime he was turned down at Sears a second time.

"It was unbelievable," he says of the incident. "The credit bureau just wouldn't believe me when I told them they'd made a mistake."

Capaldi, manager of the Philadelphia Bureau, for his part, says "such things happen. We're human, and we make mistakes."

For Cain, the error was a relatively minor—although frustrating—problem. But, notes McClean, because "an individual does not learn of an adverse report under the law until he has actually been turned down for either insurance, employment or credit . . . in many cases it may be too late to do anything about it, particularly if he has applied for a job.

"He finds he has lost the job, he goes down to the credit bureau, he gets the report corrected, but in the meantime, someone else has the job, so it doesn't do him much good."

Under current law, there is at least a mechanism to wipe out such errors, or failing that, to dispute them with a contradictory statement.

While the consumer may have difficulty finding out what exactly is in his file, almost anyone who claims to be doing business with him can get the information or request. The only restraint on the dissemination of the material is that which the credit bureaus impose on themselves.

Says Gerald C. Davey, former president of the Credit Data Corp., one of the nation's largest commercial credit agencies, "There isn't anyone who can't find some sort of legitimate business concern and get access to the files."

Indeed, CBS correspondent Mike Wallace once created a bogus corporation, then picked names out of the phone book at random in 20 different American cities. Using a fake letterhead, he asked for credit information on each of the persons from their local credit bureaus. In 50 percent of the cases, he obtained it.

Capaldi says such a thing "couldn't happen" in Philadelphia, noting a company has to be affiliated with the credit bureau before it gets information. But he admits credit ratings are often read over the telephone, and persons who know a store's coded identifying number could "theoretically" obtain information under false pretenses.

Another potential danger, contends Davey, is that "people who have no business looking at credit files get to see them routinely. I feel very strongly that credit reports should only go to credit grantors—and no one else."

Yet Retail Credit frequently submits both character and credit reports to employers. As Brutzman told a reporter: "If you were the publisher of The Inquirer, wouldn't you want to know how someone you were going to hire paid his bills?"

A similar "conflict of information" situation, as Davey describes it, exists when a credit bureau also acts as a collection agency.

The Philadelphia Credit Bureau's collection arm, for instance, sends out notices which warn consumers that delinquent bills must be paid in seven days, or "this information will be entered on your credit record."

It's a practice Capaldi sees "nothing wrong with—we're a reputable agency and if a consumer disputes a bill, we * * *

But Otis Littleton, executive director of the Consumer Protection Committee of the state House of Representatives, disagrees.

"There is an implied threat in that sort of notice," he says, noting that his committee is now drafting a bill to outlaw the practice.

"Why should an individual have to cope with that sort of pressure? It's simply unfair."

That, says Glasser, is the crucial point: "Look at the Meisner case—is it fair that that nonsense about his son is going to follow him around for the rest of his life? Why do insurance companies need such information in the first place?"

"You know," observes Nicholas, "the unfortunate thing about the whole situation is that all of commercial law that deals with sources of information, free flow of credit, (and) ethical conduct, was never developed with the consumer in mind.

"Right now, credit bureaus too often reflect the businessman's interests, but with a few changes here and there, they could very easily serve the consumer."

HARVEY EDWARDS

Mr. SPARKMAN. Mr. President, at the end of October, Harvey Edwards of Tuscaloosa, Ala., retired as chairman of the Druid City Hospital Board of Trustees. He has served that hospital for many years and was during all of those years a great strength and a great manager. He devoted his time and effort without stint to that work.

I have known Harvey Edwards since he was a high school student in the same high school that I attended with him in Hartselle, Ala. He was 1 year ahead of me. Upon graduation he went to the University of Alabama in Tuscaloosa and a year later I followed him to the university. He was a great help to me as a freshman and throughout the years that we were there together. I have never known a better man and a better citizen. I congratulate Harvey Edwards upon his long years of great service and I wish for him and Mrs. Edwards great happiness in the retirement which they have so justly earned.

The Tuscaloosa News printed a very nice review of his activities and his service throughout the years; also, an editorial entitled "Harvey Edwards Has Served Community Well." The Birmingham Post Herald likewise carried a laudatory news item regarding his retirement. I ask unanimous consent to have all of these articles printed in the RECORD as a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

EDWARDS TO RETIRE FROM DCH BOARD

(By Anne Plott)

H. A. Edwards Sr., a 26-year veteran of the Druid City Hospital Board of Trustees and chairman of the board since 1953, will step down when his current term expires at the end of this month.

"I love people and I love Tuscaloosa and the people here," Edwards said of his service on the board before attending a meeting Monday night of the newly created Druid City Hospital Foundation. "It has been one of the greatest joys I ever had. It pays better than anything I ever did."

The 80-year-old chairman was not talking of a cash payment. Hospital board members serve without pay.

Edwards later spoke to a banquet audience combining a meeting of the foundation and the hospital's continuing golden anniversary celebration, and it was then when he announced he was stepping down.

At the meeting, Herbert D. Warner, chairman of the board of the Warner Foundation, and Joe Duckworth, chairman of the board of Duckworth-Morris Agency Inc. and chairman of the board emeritus of First Federal Savings and Loan Association, were named as the Druid City Hospital Foundation's first two fellows.

Both Warner and Duckworth are former members of the hospital's board of trustees. A fellow with the foundation has no fixed duties but may be consulted by foundation officials on matters of policy.

Warner's son Jack, who is president of Gulf States Paper Corp., presented the plaques for the two fellowships. Jack Warner is vice president of the Druid City Hospital Foundation.

Charles Snyder, president of the foundation, said that one of the new non-profit corporation's duties will be to aid hospital expansion by soliciting and administering gifts, bequests and donations to the hospital.

The first phases of Druid City Hospital's massive $20 million expansion program are now under construction, hospital administrator D. O. McClusky told the meeting.

Before Edwards made his announcement, his son, H. A. Edwards Jr., had unveiled a color portrait of the board chairman, which McClusky said would hang "in a position of honor in the board room at Druid City Hospital."

The portrait was a gift from hospital employes.

"He was first appointed to the board in 1947 and has served as its chairman since 1953," McClusky told the banquet meeting, which included hospital trustees, former trustees, members of the medical staff of the hospital, members of Druid City's medical clinic board and others.

"In all those years, he missed only one meeting and that is a remarkable record," McClusky said. "It is true that he did attend two meetings in a wheelchair because he was in the hospital himself, but he was there."

"I know I speak for all of them when I say that he will be deeply missed," Snyder said after Edwards' announcement. Snyder also is a hospital trustee.

"We know it is because of pressures of health and not because of any lessened desire to serve his community," Snyder added.

Edwards talked of the progress made at Druid City over the years since the hospital was located in the facilities of the old U.S. Army Hospital at Northington before the building on the present site was completed.

"It's come a long way since we moved out to Northington," he said. "So much has happened and so many crises passed—apparently successfully."

McClusky later told the group that work is now under way on Druid City's new infant intensive-care unit, on expansion of the emergency room and site work at the rear of the hospital which will result in a new entrance on McFarland Boulevard.

"There are only two hospitals which have more beds than we do, and only one in the state admitted most patients than we did last year," he said.

"I'm glad to say to you tonight that we have a Druid City Hospital that stands out well in comparison with others," Edwards said.

In addition to his hospital board service, Edwards also served 10 years on the Tuscaloosa Planning Commission.

Edward's long career has been studded with many honors for civic and professional service.

In 1966, he was named Tuscaloosa's Citizen of the Year by the Tuscaloosa Civitan Club. In 1971, the Tuscaloosa County Homebuilders Association presented him with the organization's Community Builder Award.

Edwards also was named Realtor of the Year by the Tuscaloosa Real Estate Board in 1962. His church, Calvary Baptist, in 1968 made him a "life deacon" in recognition of his long service in that office.

Edwards' life is almost a model for a story of a poor boy who makes good. He was born in a two-room tenant dwelling in the Morgan County community of Lawrence's Cove.

At 14, he quit school to support his family. But Edwards returned to school when he was 16 and then worked his way through Hartselle High School as a janitor.

He graduated from high school in 1916 with an average of 97 in a class of 13 members. That summer, with $100 in cash, he moved his family to Tuscaloosa where he entered the University of Alabama.

Dr. George Denny, then University president, gave him a job at the school's power plant shoveling coal for the furnaces. Sen. John Sparkman was a member of Edward's crew at the University's power, water and electrical plant at Comer Hall.

He left the job in 1918 for military service. But he returned in 1919 and graduated with an AB degree that year. He worked for a chemical company at Holt for a short time and then returned to the University for his law degree in 1920.

Later that year he entered the life insurance business.

In 1921 after completing some special courses at the University, Edwards went to work for the Veterans Administration in Washington. He later worked for the VA in Illinois, Wisconsin and Michigan.

He returned to Tuscaloosa in 1923 entering the general insurance business. Edwards expanded his business to include real estate in 1928. In 1929, he organized the H. A. Edwards Insurance Agency Inc. and has served as its president ever since.

Edwards is a member of the Tuscaloosa Civitan Club and served as its president in 1947. He is also a member of the American Legion, the Tuscaloosa Chamber of Commerce, the Woodmen of the World and the Masons.

HARVEY EDWARDS HAS SERVED COMMUNITY WELL

H. A. Edwards Sr., will retire as chairman of the Druid City Hospital Board of Trustees at the end of the month. This community and this section of the state owe this man a debt of gratitude for his long, faithful and fruitful service.

Edwards has served as a hospital trustee for 26 years and has been chairman of the board for the past 20. This has been a period during which Druid City Hospital has made tremendous strides toward providing adequate care and treatment for patients of this community and others from West Alabama. It has been a time when the hospital has faced problems—in service, in facilities.

Druid City Hospital today stands as a fitting memorial to Harvey Edwards dedication and determination. He has not been alone in providing leadership for the institution, but he has always been in the forefront in determination to provide this community with the best possible hospital and staff.

Druid City now is embarking on a new expansion program. This is part of a continuing effort to improve facilities, to keep pace with needs and medical technology. That has been the hallmark of the period during which Edwards has been Druid City's board chairman.

Planning and looking to future needs have been uppermost in the direction of the hospital board from the time the institution moved from the University campus to the former Northington General Hospital and then on to its present location in modern facilities.

Certainly Harvey Edwards has earned well-deserved relief from his duties as board chairman of the hospital. And he retires from that position assured that his long service has been appreciated by hospital staff and employes, by his fellow board members and by this community.

Druid City Hospital Board Chairman Resigns

Tuscaloosa.—After 26 years on the board of trustees at Druid City Hospital, the past 20 of them as chairman, H. A. Edwards has resigned.

Edwards was appointed to the board in 1947 and was elected chairman in 1953. In his 26 years on the board, Edwards missed only one meeting, according to hospital administrator D. O. McCloskey.

The resignation announcement came at a banquet celebrating the 50th anniversary of the hospital. An oil portrait of Edwards, a gift from hospital employes, was unveiled and will be hung in the hospital board room.

Also at the meeting, Herbert D. Warner, chairman of the Warner Foundation, and Joe Duckworth, chairman of the board of the Duckworth-Morris Agency, were named as the first two fellows of the newly formed Druid City Hospital Foundation.

The foundation was formed to help the hospital seek bequests and grants for an announced $20 million expansion program.

McCloskey said that progress was being made on the first phase of the expansion, an intensive care unit for infants. He said West Alabama has one of the highest infant mortality rates in the Southeast.

LAND USE POLICY ACT

Mr. ABOUREZK. Mr. President, on June 21 of this year the Senate passed the Land Use Policy and Assistance Act (S. 268). I believe this is a good act. It is badly needed but also widely misunderstood.

It has been claimed by some that the National Land Use Policy Act would challenge the basic rights of property owners. That is simply not true. The purpose, and the effect of this act would be to provide financial assistance through grants to State and local governments to improve existing land use controls and to make them more democratic.

The fact of the matter is that this act may be the last, best chance we have to preserve and invigorate local land use decisionmaking and to insure that basic property rights are not infringed by Washington bureaucrats.

I support this bill precisely because I believe that State and local government, working together, can provide a better design for tomorrow—a design which embodies all legitimate values and goals, local, regional, and national.

We must take this chance while we still have the opportunity. The alternative is continuing land use crises that could well lead to the usual solution to national problems: Federal control.

To further explain this bill. Senator McGovern and I have worked out a fact sheet showing the necessity for this bill and describing what the bill does and does not do. It also includes some editorial comments on the importance of this legislation.

Mr. President, I ask unanimous consent that this fact sheet be printed in the Record.

There being no objection, the fact sheet was ordered to be printed in the Record, as follows:

Fact Sheet on S. 268, Land Use Policy and Planning Assistance Act of 1973

Everything, it seems, is growing: population, size of urban areas, transportation, energy and food consumption, and industrial capacity.

Land area, on the other hand, does not grow; the Nation will remain its present size.

But each of these growth categories requires more and more land, creating more and more conflicts over the use of finite land area.

These conflicts have brought about a clear need for better land use planning and decision-making.

Every change in land use requires a decision: farming or strip mining of coal; corporate or family ownership of farmland; recreation and wildlife or highway construction; factory or power plant or parkland.

At issue is whether decisions as to the best use of land will continue to be made on a helter-skelter basis, with little regard as to how they affect people, or whether they may be made in an efficient, systematic manner.

Congress, after years of study, has developed a proposed method of land use planning and decision-making. It is in the form of a bill, the Land Use Policy and Planning Assistance Act (S. 268), which passed the Senate by a vote of 64–21 on June 21, 1973.

Inevitably, land use decisions will be made. S. 268 addresses the question: who will make them?

People at the local and state levels, and not the Federal government, should make these decisions. That is the intent of S. 268, which has passed the Senate and is now before the House of Representatives. The Federal government should properly assist in funding an effort in each state, and in making decisions of a national concern—but decisions that are legitimately those of the local and state bodies must remain in the hands of the people. S. 268 does not permit Federal interference with these decisions, but strengthens their ability to make decisions stick, by insuring that adequate funds are available. Congress provides a general framework for funding and action—but it would be strongly to the benefit of the people of South Dakota that they take the initiative to plan wisely for future land use.

That there is a need to make these decisions over our land now can be shown by a short review of some of the statistics looming ahead.

Within thirty years, if present trends continue, an additional 28 thousand square miles of presently undeveloped land (18 million acres) will be needed for urban growth. What we call urban sprawl will then constitute an area roughly equal to the combined size of New Hampshire, Vermont, Massachusetts, and Rhode Island. New urban growth will demand an increased area the size of the state of New Jersey each decade.

By 1990 the Department of Transportation estimates that we will have built another 18,000 miles of freeways within urban areas alone. These and other uses will be competing with farm and recreational uses for land. The electric power industry estimates that it will need three million acres of new right-of-way for transmission lines and more than 140,000 acres for 200 new generating plants. During this period of rapid growth, farmers and ranches will be asked to supply enough food not only for our own fast-growing population, but perhaps for other parts of the world, all while urban areas spread into what once was farmland; it is essential to maintain prime farmland for these production requirements.

WHAT S. 268 DOES

(1) Provides that local land use decisions be made by local government.

(2) Requires States to exercise rights and responsibilities over land use planning and policy decisions of "more than local concern."

(3) Requires States to maintain a process of planning and a "balanced" State land use program which takes into account needs of environment (recreation, social services, and essential economic activities—transportation, energy, housing, and agriculture.

(4) Authorizes appropriations to the States to develop land use data inventories, improve the size and competence of professional staffs, establish appropriate planning agencies, and develop State land use programs.

(5) Gives the States wide latitude in determining the method of implementing the Act and reasserts all local land use powers under State guidelines such as in flood plain and power plant siting laws.

(6) Authorizes appropriations to the States to coordinate land use planning in interstate regions, and encourages coordination of Federal planning and management of Federal lands with State and local planning of non-Federal lands.

(7) Authorizes appropriations to Indian tribes to develop land use programs for reservations and other tribal lands.

WHAT S. 268 DOES NOT DO

(1) Does not alter private property rights, which are guaranteed by the Constitution. Subsection 203(f) reads:

"Nothing in this Act shall be construed as enhancing or diminishing the rights of owners of property as provided by the Constitution of the United States or the constitution of the State in which the property is located."

(2) Does not alter any landowner's rights to seek judicial redress for land taking. The Act does not change constitutional or statutory provisions for police power or eminent domain. The right of a landowner to petition a court for a determination of whether a particular exercise of State police power diminishing the use of land requires compensation is guaranteed in every State.

(3) Does not mandate State zoning, but reasserts local zoning powers. States are encouraged to develop programs not by zoning or by producing a master plan, but by reinforcing local government authority and providing guidelines for the exercise of that authority.

(4) Does not require or allow "federal planning" or "federal zoning." Zoning power is based on State police power; the Federal government does not have authority to zone State or privately owned lands.

(5) Does not permit wide-ranging Federal

review of State and local decisions concerning the use of State and local lands. Federal review is to focus on procedures to develop, and the State's ability to implement, State land use programs, not the substance of those programs.

(6) Does not require State planning over all land within a State. Rather it focuses on five categories of critical areas and uses of clearly more than local concern:

A. Areas of critical environmental concern (shorelines, flood plains, historic areas).

B. Key facilities (airports, major highway interchanges, power plants).

C. Large-scale development (industrial parks).

D. Public facilities or utilities of regional benefit.

E. Land sales or development projects.

(7) Does not tell a State how much or what specific land must be included in the State land use program. The extent of and type of land use to be included in the critical areas and uses of more than local concern depends on how the State defines those five areas or uses.

EDITORIAL COMMENTS

Sound land planning use needed now

(Watertown, S.D.—Public Opinion—August 21, 1973)

For years visionaries have proclaimed the need for a national, uniform land use policy in the interests of environmental preservation and human requirements. The need has grown as population has grown and as that population has moved about in the world's most mobile nation.

Land use planning has become a national project, in later years extending into the states. The issue was given strong local flavor recently with a meeting in Watertown of the Special S.D. Legislative Committee on Land Use.

Among those testifying at the committee's meeting was Allen Burke, editor and director of public relations for the S.D. Farmers Union. Burke, emphasizing the growingly acute need for a consistent, inclusive policy oriented—in South Dakota's case—toward agriculture, had this to say:

"Regulation and control of land in the interests of people is essential if real progress is to be made in achieving a quality of life for all Americans. It is essential because control of the land is the key to insuring that all future development is in harmony with sound ecological principles.

"The land use and environmental problems of the present, serious as they are, look relatively insignificant when compared with the problems we will have in 10, 20 or 30 years if we fail to develop the institutional and legal capacity to deal with the land use problems that exist now and that will developed in the future."

At this point, Burke offered some startling projections to document the broadening need for land use planning:

By 1975, the nation's park and recreation areas, many of which are already crowded and overcrowded, will receive twice as many visits as they do today and perhaps 10 times as many by the year 2000.

By 1978, the nation must construct 26 million new housing units. This is equivalent to building two and a half cities the size of the San Francisco-Oakland metropolitan area every year.

Each decade, new urban growth will absorb 5 million acres, an area equivalent to the state of New Jersey.

Demands for electrical energy will double every 10 years. By 1990, demands will have increased by 284 per cent.

The cause for alarm here rests largely in the fact that little has been done to plan for and deal with the problem of accommodating future growth in a manner compatible with a quality environment. Says Burke, "We have instead settled for haphazard growth generated and controlled by individual and local economic considerations with complete disregard for social and environmental problems created by the projects concerned."

It is not at all difficult to identify relatively nearby examples bearing out this statement. Multiply them by a nation-full and the enormity of the problem, with the concurrent need for sound land use planning now, becomes instantly obvious.

Land use laws

(National Catholic Rural Life Conference Newsletter, September 1973)

The National Catholic Rural Life Conference Directors in 1948 at their annual convention passed a resolution on Land Use. 1948, mind you! Twenty-five years ago.

The resolution stated: "We urge the establishment of a National Land Policy which will carry out the mandates of natural law in the matter of access to natural resources by human beings. Agricultural science, social advancement and Christian charity and justice must be considered as basic guides in the formation of a national land policy.

Preservation and development of the family-type farm and to make it productive of the greatest possible spiritual and temporal good for the family, the community and the world."

Today, land use and land policy is the "in thing." Legislators, ecologists, environmentalists, students and Mr. A. C. are high on Land Use. In fact the first broad Federal land use control law in our history, according to reports, is almost a certainty by the end of 1973. The U.S. Senate has already written and passed its version of the new law in bill S. 268. The House of Representatives has begun to write its version, with passage predicted by October.

A land use law for our country is long overdue. Why the delay? The hem-hawing? As the NCRLC resolution indicates, the issue has been around a long time. If you search library shelves, you can find study upon study on land use which is gathering dust. The Senate had passed its version last year but was allowed to die. Why the delay?

For one thing, the issue is very complex. For another, most people because of self-interest—in religious circles we call it greed—did not take it seriously.

The size of our nation and the difference in land topography alone presents a formidable obstacle for national legislation. The jurisdictional rights of federal, state and local government regarding land use present a bewildering maze. Private ownership controls about ¾ of the land and carries many "no trespassing" signs.

Should penalties be attached to the law? What values of land use should be stressed in the legislation? All makes for complexity.

However, I think a more important aspect is the matter of greed. The 1948 NCRLC resolution said, "Agricultural science, social advancement and Christian charity and justice must be considered as basic guides in the formation of national land policy." At present our main concern is based on ag. science. We want to survive. "Social advancement and Christian charity and justice" are still lagging down the road. They can hardly be considered guiding lights even in 1973 Land Use legislation.

The generalities in terminology of the proposed legislation are hardly conducive for quick fulfillment of the law. Let's hope that this "greed" will not catch up with us—as has our national cheap food policy—before we have changed our mind and mended our ways. The proposed legislation has many good qualities and is needed. However, all citizens have a stake in Land Use laws. Don't sit idly by, especially you family land owners, and let some one else write the laws for you. A land use policy indicates that advisory committees may be part of the law. Insist that "plain dirt" farmers get on these committees. Follow the guiding principles of "social advancement and Christian charity and justice." They are still valid and always will be.

U.S. LEADERSHIP IN HUMAN RIGHTS HAS BEEN UNDERMINED BY SENATE INACTION ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the birth of the United States was announced by a profound human rights document—the Declaration of Independence. Since that time the United States has been a champion among nations in the field of human rights.

Indeed, it was effective American leadership at the San Francisco Conference in 1945 that resulted in a strong human rights section in the Charter of the United Nations. Our delegates recognized that the denial of human rights and human dignity creates a prime source of potential conflict and a threat to international peace.

A quarter century ago the United States also lent its leadership to the drafting of the Genocide Convention, which was the first human rights document to be endorsed by the U.N. General Assembly. Today, the United States stands alone with the Union of South Africa among the charter members of the United Nations which have failed to ratify this convention.

The responsibility for this failure rests with this Chamber. This inaction has proven an embarrassment to our diplomats and allies and a delight to our enemies.

Mr. President, the cause of human rights and the promotion of international peace are interlocked. It is imperative that the United States attempt to regain its leadership role in this area. We must renew our dedication to the principles which Thomas Jefferson so eloquently laid down two centuries ago.

I call upon my colleagues, Mr. President, to join with me in attempting to ratify this convention during the current Congress.

A. GRANT FORDYCE

Mr. PELL. Mr. President, I believe that the way a man, after his death, continues to live on this earth is by the merits of his own ideas which affect the course of succeeding generations' lives and which live on in other men's lives, thoughts, and actions.

Monuments constructed, educational institutions, recreational facilities, the bricks and mortar which bear special names, these are tangible reminders which signal man's achievements and are recorded in history.

But it is the ideas and beliefs of the individual which give abiding meaning to these reminders.

It is in this regard that I was particularly privileged to join in honoring this past weekend Mr. A. Grant Fordyce. Mr. Fordyce's collection of architectural books was given by his widow to the Rhode Island School of Design.

Mr. Fordyce was a founder and senior

partner in the firm of Fordyce & Hambly Associates, New York. Among his many projects were the Forrestal Building in Washington, D.C., the Loula D. Lasker memorial swimming pool and the skating rink in New York's Central Park, and the master plan for the gymnasium and recreation center for the New York State University at Plattsburgh.

The honors bestowed on Mr. Fordyce are well deserved. They represent a lasting recognition of his abilities, but we should also remember the originality of his ideas and the breadth of his many interests, and I would stress in my tribute to him these qualities and their inspirational values which will live on for a long, long time.

FAMILY HEALTH MAGAZINE NUTRITION AWARD

Mr. McGOVERN. Mr. President, the Family Health magazine recently held its second annual Nutrition Advertising Awards luncheon.

Family Health was created in 1969 to fill a growing need by millions of Americans for more information on how to stay healthy, look better, feel well—and live their lives to the fullest. To that end, the publishers brought together a distinguished board of editorial advisers and sought out leading experts, medical journalists, and respected magazine writers to chronicle the so-called Age of Health in accurate, nontechnical language.

In a relatively short period, the magazine has achieved an impressive record in accomplishing its goals. Subscribed to by a million families, it is read by almost 4 million persons monthly. Its advertising columns carry consumer information from major corporations in food, drug, beauty, and personal products. Its editorial content has won seven prestigious awards from such groups as the American Medical Association, the American Dental Association, the National Society for Medical Research, the American Association of Anesthesiologists, the American Optometric Association, and the Arthritis Foundation. These awards reflect not only the quality but the diversity of Family Health's editorial approach, the first medium to bridge the communications gap between the consumer and the professional in medicine and research.

In establishing its own award—the Family Health Awards for Nutritional Advertising—the magazine has added another dimension to its unique publishing concept. For with these awards, it hopes to encourage the business community to join in communicating information which will help the American family enjoy all the health-enhancing benefits that modern foods can offer.

This year's award winners were:

Award for Excellence, Best Print Advertisement, Oils, Fats & Dressings Category: Advertiser—Standard Brands, Incorporated, Agency—Ted Bates & Company, Inc.

Award for Merit, Best Print Advertisement, Cereal & Bread Products Category: Advertiser—Kellogg Company (Special K), Agency—Leo Burnett Company, Inc.

Award for Merit, Best TV Commercial, Cereal & Bread Products Category: Advertiser—Kellogg Company, Agency—Leo Burnett Company, Inc.

Award for Excellence, Best TV Commercial, Fruits & Vegetables Category: Advertiser—National Potato Promotion Board, Agency—Botsford Ketchum Inc.

Award for Merit, Best Print Advertisement, Fruits & Vegetables Category: Advertiser—National Potato Promotion Board, Agency: Botsford Ketchum, Inc.

Award for Excellence, Best TV Commercial, Meat, Fish & Dairy Category: Advertiser—Oscar Mayer & Company, Agency: J. Walter Thompson Company.

Award for Excellence, Best Radio Commercial, Meat, Fish & Dairy Category: Advertiser—Geo. A. Hormel & Company, Agency: BBDO/Minneapolis.

Award for Excellence, Best Print Advertisement, Meat, Fish & Dairy Categotry: Advertiser—Geo. A. Hormel & Company, Agency—BBDO/Minneapolis.

Award for Merit, Best Print Advertisement, Supermarket Advertising Category: Advertiser—Nash Finch Co., Piggly Wiggly Div.

The keynote speaker at this year's luncheon was Dr. Charles Edwards, Assistant Secretary for Health, HEW. I believe Dr. Edwards' speech was of great importance to those concerned about good nutrition and good health. For that reason, I ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

NUTRITIONAL LABELING AND PUBLIC HEALTH

(By Charles C. Edwards, M.D.)

I am deeply honored to receive *Family Health's* Special Gold Medal Award. But I would hasten to point out that, while I have been chosen to accept this recognition, the credit for the important strides now being made in nutritional labeling of foods belongs not to a handful of individuals, but to thousands of dedicated people throughout this country.

Jim Grant, Virgil Wodicka, Ogden Johnson, and I had the opportunity to help plan and guide a program that is, I think, one of the most important in the history of the Food and Drug Administration, the food industry, and the entire field of public health.

But our efforts would have yielded nothing without the contribution of countless individuals—in government, in science and industry, and in the consumer movement—who helped shape this program and give it substance.

The Nation's debt to those individuals is beyond measure.

A process has been set in motion in this country that will give the American people the opportunity to do something that has never before been possible—to select and use foods on the basis of their nutritional value.

To those of us who can remember a time when virtually everyone took it for granted that Americans were the best fed people in the world, our new awareness of nutritional deficiencies, and of the need to take firm measures to correct them, comes as something of a shock.

Yet there is no question that we have been living in a kind of fool's paradise—equating quantity with quality, and trusting in the idea that dramatic changes in food technology were producing not just greater convenience, but better nutrition.

I don't need to tell you that this change from complacency to enlightened concern did not happen overnight. Nor does any one factor account for it.

In my judgment, many things contributed to the change toward greater public concern about food, nutrition, and health.

For one thing, the scientific community has made substantial progress toward clarifying the vital connection between nutrition and human health. On top of our traditional understanding of problems such as iron deficiency anemia and the classic illnesses associated with inadequate vitamin intake, we are today much more aware of subtile and often tragic health problems associated with poor nutrition.

Reduced height and weight, especially in young children; physical and mental impairment of newborn infants whose mothers lack proper diets during pregnancy; reduced performance in school and on the job—these and many other problems have been scientifically shown to be associated with inadequate nutrition.

Furthermore, it is now clear that the United States is by no means immune to the health hazards associated with poor diet. Surveys by the Public Health Service and the Department of Agriculture clearly document the existence of improper nutrition and the health risks associated with it.

We spend billions of dollars every year to deal with health problems that could be prevented—through better nutrition, prevention of accidents, and more effective health education all across the board. I personally believe that sound preventive health measures are likely to do more to improve the health of the American people than scores of categorical health programs aimed at solving specific disease problems.

But as I think you know, it took more than scientific insight and common sense to bring nutrition to the forefront of national attention and concern.

It took the relentless and dedicated efforts of people like Dr. Jean Mayer, who recognized not just the problems, but what would be required to solve them, and who had the courage to speak out, even if it meant stepping on important toes.

Surely, the White House Conference on Food, Nutrition and Health, under the leadership of Dr. Mayer and Jim Grant, was a milestone on the road toward facing up to our Nation's nutritional problems. But I think they would agree that it might well have been just another conference were it not for the fact that the people of this country are no longer as complacent as they once were.

Whether you call it consumerism or enlightened self-interest, the fact is that more and more Americans are insisting that they have a right to know the difference between promotional ballyhoo and legitimate nutritional claims. They are convinced, just as we in government are, that the need for sound nutrition is far too important to be left to chance, or the glib assurance of product promotion.

The steps we have taken in nutritional labeling are intended specifically to give the American people the opportunity to know that when nutritional claims are being made for a food product, those claims are valid.

In my opinion, the nutritional labeling program is a remarkably important accomplishment. And the credit belongs, as I said, to many people—not the least of whom are those people in the communications media who helped make the public aware of a problem that had long been swept under the rug.

But I don't want to overestimate the importance of what we have managed to do so far.

I will tell you flatly that this achievement will amount to nothing if we, as a Nation, fail to complete the work that has been started.

The nutrition movement—if I can call it that—has had a history of important advances that never quite had the impact they could have had on the quality of the American diet.

Thirty or forty years ago, scientific interest in human nutrition was remarkably high, and the scientific literature was full of important new discoveries. Yet this scientific information did little to alert the general public about nutritional shortcomings. Indeed, it is now clear that at a time when knowledge in the nutrition field was increasing, the nutritional status of millions of Americans was going down.

Now we are moving into a new phase in this history. But whether it will be a period of advance, stagnation, or decline depends not on the promulgation of Federal regulations on food labeling, but on the degree to which the American people use the information available to them, and use it wisely.

If that is to happen, more than the content of food labels will have to change.

The private sector will have to recognize that its public responsibility goes far beyond providing jobs, paying taxes, and returning earnings to stockholders. If the free enterprise system is to survive in this country, industry will have to accept its full share of responsibility for protecting the health and welfare of the American people.

Nowhere is that responsibility more critical than in the processing and marketing of the Nation's food supply.

The whole level of consumer understanding of food and nutrition will have to rise, and rise substantially. Surveys have shown that the American people know dangerously little about nutrition and what constitutes a balanced diet.

Plainly, we in the Federal Government have to take on our share of the responsibility for educating the public about food and nutrition. As some of you may know, the Department of Health, Education, and Welfare, the Department of Agriculture, and the Grocery Manufacturers Association, with the full assistance and support of the Advertising Council, are about to launch a national campaign to get basic facts about food and nutrition to the American people.

The campaign theme is simple, and the message is clear:

"Food is more than something to eat."

I have seen some of the materials that are going into this campaign—especially an attractive and highly informative publication that will be offered free to the public. It amounts to a basic primer on food and nutrition, and it contains the very kind of information people need to have in order to assure themselves and their families an adequate, nutritious diet.

We hope to have this campaign under way later this Fall, and we are naturally very optimistic about it.

But no matter how effective this individual effort turns out to be, much more will have to be done by government, and by those who are directly involved in food processing, marketing, and advertising.

Some old, entrenched notions about what makes people buy one food product instead of another will simply have to go by the board. Empty calories will be increasingly hard to sell in the months and years ahead. With increasing public awareness—to say nothing of high food costs—the buying public will demand not just convenience, but quality for its food dollar.

In a field as competitive as the food industry, those companies that meet—and even anticipate—the public demand for better nutrition will certainly come out ahead. The food industry spends over a billion dollars a year for advertising and promotion, most of it, frankly, for products that contribute relatively little in the way of nourishment.

I don't have the precise figures in front of me, but I am sure that there is an inverse relationship between the nutritional value of products and the amount of money spent to advertise them. And what is more, a great deal of this advertising is aimed at children. To me, that is not just questionable behavior, it is a serious neglect of public responsibility on the part of the food and advertising industries.

What I am saying is that the products have to change, and so does the way they are presented to the American people.

Certainly the primary function of food advertising is to get people to buy the product. But the way to do that, in my judgment, will be to present the public full and accurate information on what that product has to offer in the way of nutritional content.

The concept that nutrition won't sell is disappearing. A whole new generation of young adults simply won't buy promotional puffery, or the product behind it. They too need to learn something about what constitutes good nutrition, but they don't have any patience for hollow advertising claims, and neither will their children.

I didn't intend to launch into a diatribe. Furthermore, I am sure the changes I am talking about are well known to everyone here. Family Health magazine is making a significant contribution to this process of change both in its own pages, and in its recognition of the efforts of advertisers to make nutrition information a part of food promotion.

But in closing, let me point out something that maybe most of you have not fully appreciated.

In the years to come, when a system of national health insurance is fully established in this country, Federal tax dollars will be paying an increasing share of the cost of health care. It doesn't take any sophisticated calculation to figure out that the healthier the American people are, the less it will cost to provide decent care for those in need.

In my judgment, better nutrition has to be an integral part of our national effort to meet the health needs of the American people, first and foremost by seeing to it that people know how to protect their own health by selecting and using the right foods.

To the extent that nutritional labeling will help make that possible, I would say it is an important first step. But we have to be prepared to take many more steps. And when I say "we," I mean government, industry, educators, and everyone else who has a responsibility to the American consumer.

Americans can be and ought to be what we once thought we were—the best fed people in the world.

It's going to be just a bit harder than we imagined to live up to that claim. But it can be done. Perhaps now we are on the way toward doing it.

SUPPORT FOR S. 1739

Mr. CANNON. Mr. President, on September 26 the distinguished junior Senator from Florida (Mr. CHILES) made a statement on the floor in opposition to S. 1739. His argument was that this legislation would adversely affect "the availability of scheduled service to the people of the smaller communities" in Florida and other States. Although this argument has been made repeatedly by the opponents of this bill, I was especially surprised and disappointed to hear such a statement made by my esteemed friend from Florida. I can only conclude, Mr. President, that someone has failed to give the Senator the facts.

Since Florida is one of the Nation's most popular vacation spots, it is one of the States which would benefit most from the enactment of S. 1739. The purpose of this bill, after all, is to make it possible for people of modest means to take vacation trips to places like Miami or Fort Lauderdale or St. Petersburg by means of low-cost inclusive tour charters. The people who would use this new form of charter service would not be the same people who now come to Florida on scheduled airlines. On the contrary, experience both in this country and abroad has shown again and again that the vast majority of people who travel by charter would not fly at all if charter service is not available. Mr. President, I fail to see how legislation which would bring more tourists to Florida could injure that State or its citizens in any way.

In fact, it is interesting to note that Florida is one of the few States which is already benefiting from the kind of ITC service which S. 1739 would make more broadly available to all Americans. Although there is very little ITC traffic within the United States, because of the regulatory restrictions which S. 1739 is intended to remove, there is considerable ITC traffic from Canada to the United States, because the Canadian regulations are much more liberal than U.S. regulations. Canadian airlines have been allowed to operate ITC's in the United States in accordance with Canadian rather than U.S. regulations. As a result, there is already a sizable flow of ITC traffic from Canada to Florida. In 1972, 13,592 Canadians came to Florida on inclusive tour charters, and in the first quarter of 1973 alone the number was 19,188. Does Senator CHILES believe that this influx of Canadian tourists is hurting Florida? Does he see any evidence that it is reducing the availability of scheduled service to the people of Florida? I doubt it.

The spurt in charter traffic led by ITC's has not been adverse to scheduled aviation between Canada and the United States.

Scheduled traffic in major Canadian-United States vacation markets has maintained healthy growth—while charters also have grown—and scheduled traffic dominates these markets. In 1972, there was a 30 percent increase in Montreal/Toronto-Miami and Toronto-Miami and Toronto-Tampa scheduled traffic, while charter traffic grew 41 percent, but on a much smaller numerical base. One year's growth of passengers—72,000—was more than 5 times the entire charter market growth. Thus, once again, the statistical evidence belies the argument that expanded ITC service would somehow injure the existing scheduled transportation system.

Until recently, the Canadian regulations required ITC flights to the continental United States—including flights to Florida—to include at least two stops. On the other hand, one-stop ITC's were permitted to other points, including Hawaii and the Caribbean. As a result, the amount of Canadian ITC traffic to Hawaii and the Caribbean was far greater than the ITC traffic to Florida. I wonder whether Senator CHILES feels that the interests of his State were served by the fact that many more Canadians took ITC trips to Hawaii than to Florida. I certainly hope not, because Canada has now changed its regulations, and beginning this winter one-stop ITC's will be permitted to Florida and the rest of the continental United States as well. Thus, Canadian citizens will soon begin to enjoy precisely the kind of low-cost ITC service which S. 1739 would make available to U.S. citizens.

Mr. President, none of the supporters of S. 1739 want to weaken or undermine the system of scheduled airline service which now exists in this country. We fully recognize the importance of that system. But there is simply no basis for the argument that the introduction of one-stop inclusive tour charters would hurt the scheduled airline system, particularly in light of the restrictions imposed in the bill and the committee report; on the contrary, the scheduled airlines as well as the charter airlines would benefit from this legislation.

One-stop ITC's have existed for many years in Europe, without any injury to scheduled service. The Canadian Government has recognized this, and has authorized the same kind of service for Canadians. The people of the United States deserve to have what Europeans have had for years, and what Canadians are now about to receive as well. I urge my friend from Florida, and all other Senators, to study the facts, and not to be taken in by the false propaganda which is being spread by those who are trying to kill this legislation. I am sure that anyone who studies the issue fairly and dispassionately will agree with me that S. 1739 is in the public interest, and should be enacted into law.

IMMEDIATE EXCHANGE OF PRISONERS NECESSARY IN THE MIDDLE EAST

Mr. WILLIAMS. Mr. President, since last week when the United Nations Security Council, at the urging of the United States and the Soviet Union, called for a cease-fire in the Middle East, there has been a continuing serious and inexcusable violation of the Geneva Convention by Syria and Egypt.

Under the provisions of the Geneva Convention, every party to a conflict is obliged to give the International Committee of the Red Cross without any delay all information required by that committee, regarding any prisoner who has fallen into its hands. Such information is to be immediately forwarded to the International Committee of the Red Cross.

Israel has been transmitting to the representatives of the International Committee of the Red Cross in Israel, all such required data concerning prisoners of war held by them. However, no information whatsoever has been received from Syrian and negligible information regarding only a few prisoners has been received from Egypt.

It is imperative that Egypt and Syria immediately submit all required information to the International Committee of the Red Cross.

Furthermore, it is necessary for all parties to enable the representatives of the International Committee of the Red Cross to visit the prisoners at once.

Such representatives in Israel are regularly visiting the Arab prisoners of war, those in camps, and also the wounded and sick in hospital.

Mr. President, on October 22, speaking to the Security Council in support of the cease-fire resolution, United States Ambassador John Scali declared:

> I want to report to the Council that both the Soviet Union and the U.S. believe that there should be an immediate exchange of prisoners of war.

The Soviet Union must honor that understanding. It must use its considerable influence over the Egyptians and Syrians to secure their compliance with the requirements of the Geneva Convention. And we in the United States must do all in our power to bring to bear the voice of American conviction in this matter.

All parties should at once exchange wounded prisoners and make the proper immediate arrangements to exchange all prisoners that they hold.

A NATURE ETHIC

Mr. PROXMIRE. Mr. President, last month Arthur Godfrey delivered a speech at Bethel College in Indiana which I believe should be read by my colleagues. Mr. Godfrey has been renowned for decades as one of America's great TV and radio personalities, but in recent years he has devoted much of his effort to advancing the cause of conservation and environmental protection.

His speech at Bethel College, entitled "A Nature Ethic," sums up his feelings about the environment, and what must be done to protect it.

He points out that man is the only species on earth whose population growth rate is greater than zero. He notes that even in the United States, where the growth rate of population has dropped to 1 percent, this rate will mean a population of close to 300 million by the year 2000. How, he asks, will we have sufficient arable acreage, sufficient hospitals and schools, sufficient energy, sufficient recreational areas—when these commodities are in short supply for our present population?

Mr. Godfrey has a unique capacity for reducing things to the bare essentials—and doing so in a way that they can be readily understood by all of us.

Mr. President, I ask unanimous consent that Mr. Godfrey's address entitled "A Nature Ethic" be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

A Nature Ethic

(Address by Arthur M. Godfrey)

Over the entrance to the National Archives building in Washington, are carved in the marble the words: "The Past is Prologue."

Often, as I stumble along down the home stretch of this "fixed" race with the Grim Reaper, I find myself wondering where I went wrong. It is now obvious, in retrospect, that I might have done some things much better. For instance, I might profitably have been a keener student of history.

I don't mean the ridiculous trivia taught in the class room in my youth. I'm thinking of the history of *Earth* as revealed by the geologists, anthropologists and astronomers.

Biologists, too, and limnologists and oceanographers. In a word, really, not history at all except where it helps us to understand ecology.

Ecology. Let's not go any farther tonight with our theme, a Nature Ethic, until we are sure we understand the meaning of that word ecology, because therein lies the key to what is, in my view, the only possible solution to our dilemma.

Ecology is not commodity. It doesn't mean air or water pollution or population growth. Like the word biology, or any other ology, it is simply the name of a science.

Ecology, however, is the most complex of all the sciences because by definition it encompasses all of them.

Ecology is the science which treats of the interlocking relationship that ipso facto exists between all organisms. Ecology is, therefore, so complex that no one, even within a life-span of a hundred years, could hope to master it.

Hence, no person, however learned, can ever really be more than an avid *student* ecologist. No one person even *begins* to know *all* the answers; in fact, the student is soon dismayed to find that the more one searches for the truth, the more one realizes how very little is actually known. The cosmos is awesomely complex; especially the biosphere in which we earthlings live.

The Biosphere? That includes the soils, the waters and the air above them in which the myriad plants, mammals, fish, birds and insects are supported in their life cycles.

If one wishes to affect a little intellectual snobbery, one refers to all this as the flora and fauna and their environment, the lithosphere, hydrosphere and atmosphere. That makes it all seem very simple, doesn't it?

The rub is that every one of these organisms is at least partially dependent upon several of the others—and *all* are inescapably at the mercy of the composition of the air, water or soil, or even all three, in which they exist.

The larger and stronger subsist on the smaller and/or weaker.

It isn't that they're emotional enemies: nobody's really mad at anybody. It's just that everybody gets hungry and the fauna that eat the flora, are in turn eaten by larger fauna who don't like spinach.

Now every organism in nature seems to be subject to two fundamental laws which though they contradict each other, will not be denied. First, the survival of species through propagation and, second, the inexorable law of zero population growth.

Mother Nature will not permit any species to multiply beyond the capacity of its environment. And she inevitably enforces this law even when the species is protected from all predators and is provided with plenty of food.

This was irrefutably proven in recent years by an experiment conducted in Florida. Two pairs of mice—two males and two females—were placed in a "perfect" environment—air conditioned, plenty of water and food supplied at all times and no predators. No unseemly noises, no disturbances of any kind: a *rodential* paradise, as it were.

Well, since mice are mammals and mammals will be mammals, those little critters lived the life of Reilly. One would have thought the creator was speaking to them in Genesis 26, 27 and 28. They really multiplied and took dominion and just like man, they ignored the admonition to replenish.

Before the end of a year, their numbers had increased from four to 2100 some odd.

Along the way the males fought greedily for territory and females, as is the nature of things, and everybody begat themselves silly. How does that old rhyme go: "The world is so full of a number of things, I'm sure we should all be as happy as kings!"

And then, curiously, without a snake or an apple in sight, their little Garden of Eden became a horror chamber. The females refused to copulate, the males quit fighting for territory, the young males even lost interest in the young females—utter boredom and hopeless despair took over. They began to die off and by something like eighteen months from the day the experiment began, the last mouse expired.

I say again: it is quite apparent that Mother Nature will not tolerate a greater than zero population growth once the capacity of the environment is reached.

As those mice showed, and as the lemmings every so often demonstrate, even if there's plenty of food and water, eventually a species which becomes too numerous drives itself nuts! If they don't die of a bad case of ennui, they panic into a suicidal stampede.

Now, let's keep those two laws in mind and examine some other species.

How about rabbits: time was when the cotton-tail was the main dish on the daily menu of owls, hawks, eagles (Golden Eagles), coyotes, wolves, foxes, pumas and lynx and all the lesser wild cats not to mention alligators, occasionally a lucky bear, and both indigent and immigrant human beings.

Despite all of this voracious yen for his savory flesh, the rabbit has always kept everlastingly at it—wham, wham, thank you, ma'am—in the effort to keep his growth rate *up* to zero.

But what we call civilization long ago drove 99% of the so-called *natural* predators out of most of the eastern states in one way or another. Pesticides, traps, poisoned bait, bullets, yes, all those things—but mostly it was just man and his suffocating despoilment of the habitat.

He scorched and denuded, eroded and stripped, dammed and channelled, "reclaimed" and "developed" and it just naturally became a noisy, messy, unfriendly environment to which most of the carnivores could not adapt. The coyote (may his tribe increase) resourceful, intelligent, clever and courageous, alone seems able not only to adapt but to outsmart most of his human enemies. He has recently been reported on the increase in some eastern states, which is good news, indeed.

He will find plenty of mice, rats, squirrels and rabbits—all his favorite food.

But with all of the greater carnivores gone from the eastern U.S., why are we not overrun with rabbits? Why is their growth rate still zero?

Lack of food? No, indeed. Human hunters? Heck, no. There are millions of so-called "sportsmen" out there every open season, but they don't take 1% of the rabbit population because most of them are lousy shots.

What, then? That zero population *growth* law—nothing else. Mother Nature is beautiful but ruthless—when the rabbits get too numerous, she cuts them back, with tularemia, rabies, infertility what not.

How do I know? Well, up until about a decade ago I sincerely believed, for example, that when I shot into a covey of quail (of which there were four on our 2600 acres in Virginia) I was actually doing the species a big favor. All my so-called "Sportsmen" friends, and all the sports and hunting magazines, advised this for years on the theory that we thus "break up" and scatter a covey and prevent in-breeding, which is detrimental and eventually brings on an irrevocable decline in the population. What an ill-founded old wives tale that turned out to be.

I used to go out shooting wood chucks every week-end. Not to eat, like the delicious quail, but just to keep the population down because I was convinced that otherwise they would soon so pepper the fields with their dens that it would be unsafe to ride the horses—or even just pasture them and the cattle. They would be sure to step in a groundhog hole and break a leg. For these reasons I used to shoot over a hundred or so every year and invite my hunting friends to participate in the "sport."

Once or twice I went coon hunting with a neighbor who had some well-trained dogs for the purpose. Why shoot raccoons? Well, it was "beautiful" to hear the "music" of the hounds when they had one treed—and, besides, they reputedly raided quail nests and were bad for game birds.

Believe me, that coon hunting is really some "sport". The procedure is to drive out into the woods with some friends and a jug, turn the hounds loose and "jist set thar" sipping white lightning and wait for the baying of the hounds. When Ol' Bess sounds her bugle it means she has one safely up a tree. Now the "sportsmen" drive as close to the spot as possible, so as not to have to walk too much, up to the base of the tree around which the dogs are circling—two, three or four of them—each twice the size of the coon—daring him to come down and be torn apart. If anyone in the party wants the pelt, the owner will call off his dogs and leash them,—whilst shining a powerful flashlight into the racoon's eyes.

Everyone will be trembling with excitement (aged coon hunters have been known to drop dead of heart failure under these dangerous conditions!) and he who wants the pelt will aim his .220 or .30-30 just under those blinded, shining eyes and knock him down. If the coon is lucky, the shot will be fatal. If not he crawls off into the brush and the dogs are turned loose to find him and finish him off. Often the coon will tear a few chunks out of one or more of the hounds before giving up the ghost, thus serving to intensify the hatred of the hunters, who then vow to come out again and get a couple more as soon as the dogs heal up.

I think about the second time I did that I sickened at the very thought and cut it out.

Shortly afterward, I was "still-hunting" for deer one lovely fall evening, sitting motionless on an old chestnut stump. I could hear some quail talking to each other not far off, so I began to call them by imitating a lost female seeking contact with her covey. By golly, I fooled 'em even with as poor an impression as I just rendered. Soon I heard them rustling through the leaves close by, so I quit calling, to watch. Some of them jumped up on the top rail of an old fence nearby, where a squirrel was munching an acorn. Their presence annoyed him, apparently, because he took a swipe at the closest bird and made him move down the log a little ways.

It was now almost dark and it was difficult for me to see the birds clearly against the brown background under those trees. But sharper eyes than mine were watching those quail, too, somewhere behind me. Suddenly, like a flash of lightning, a big red-tailed hawk swooped past my left shoulder and the birds and the squirrel vanished—but one was too late. Before it could move, the hawk had him in his right talons and was off to a lofty perch to enjoy his dinner.

I had seen the food-chain at work in the bush in Africa, but that was the first time I had ever been treated to the sight of a raptor performing so close at hand. Those quail were less than ten feet away when the hawk struck.

It so happened that the following winter was unusually severe for that part of the country. Over 70 inches of snow fell between Thanksgiving and spring and we had to use the horses to get hay and grain to stranded live-stock. Often, looking down from the saddle, I'd follow a fox track and find telltale feathers and bloodstains on the snow under the poor cover afforded by the widely-spaced branches of the bushes three and four feet off the ground on top of the snow. Many rabbit tracks also ended in bright red-stained fatal rendezvous in the snow—sometimes with no tracks of a pursuer except the marks of beating wings as the raptor fought for altitude and air-speed with his heavy cargo.

Now and then I'd spot a frozen feathered carcass. After that, I'd carry a sack of shelled corn across my horse's withers and throw handfuls into likely cover.

Gradually it became clear to me that the wild creatures had enemies enough without me and my shotguns and rifles. I reasoned empirically, of course, that nature provided plenty of natural controls for population growth in the smaller species. So I quit shooting for a couple of years to see what would happen.

Yes, you've probably guessed it: there are still only four coveys of quail on my place—big, strong, healthy, happy birds—and I haven't shot into them nor permitted anyone else to, for nearly a decade. The inbreeding myth is just that: an anthropocentric fable.

My present herds of bison, elk and European red deer are all big, sturdy descendants of a handful of ancestors in each species. Since I have no wolves, or bears, or pumas, or coyotes, I have to be the controlling predator.

But I haven't shot a woodchuck for years and there are no more holes around today in each field than there were when I used to kill them by the score. The same goes for squirrels and rabbits and raccoons. Nature's law is infallible—population growth rate is zero—period!—except where the *natural* predators have been wiped out. For instance we have ten times more deer now than when only Indians lived here. Why? The deep forests are gone, and there is now plenty of browse, and the only predator is man and he is mostly a lousy shot. Most of them are smaller deer now than formerly because ignorant, arrogant man took all the big ones for trophies. Natural predators take only the weak and the sick and the helpless young, leaving the sturdy to survive for reproduction. We follow that same logic in our beef herds and horses. I also do the same with the game animals and birds.

So I do shoot deer now and then when the browse gets thin and there are obviously too many deer. How does one know when there are too many deer? One stumbles over the carcasses of those who didn't make it through the winter because of starvation. If the deer are beginning to look gaunt and dull-colored, there is obviously something wrong and Mother Nature, in her ruthless wisdom, is cutting back. Her philosophy is that only the fittest shall survive.

I also shoot starlings and sparrows and pheasants without hesitation. They were all imported here from abroad by well-intentioned, badly-mistaken bird-lovers. These shanghaied interlopers have spread like disease throughout the continental United States and are giving native birds a hard time.

On my farm I have observed Mother Nature's well planned territorial distribution at first hand. For instance, there is but one pair of red-tailed hawks living in my woods. They raise one or two young every year and they all disappear somewhere for awhile and then only the parents return. No room for the others, mebbe?

There are two, possibly three fox dens, that's all. The vixen feeds the cubs, teaches them to hunt and they're gone. I can't be sure, of course, but I think the parents stick around for more than one season. They should know by now that they're not going to be hurt on my place. But I shouldn't say that. Now *I'm* being anthropocentric.

These observations and hundreds of others, coupled with the firm resolve to *try* to eschew anthropocentricism like the plague gave rise to my personal philosophy once stated so beautifully by the late Aldo Leopold: "man is just a fellow creature in the odyssey of evolution."

All organisms are inextricably bound together in an indissoluble relationship that can be ignored only at great peril; not only to the human race, but to many of the other mammals and birds and fishes, as well. Such is the enormity of the impact of modern man upon the biosphere, that when he goes he'll surely take with him whatever species have not already become extinct.

The insects will probably be the sole survivors with mebbe some algae, fungi and plankton with which the whole ball of wax started several billions of years ago.

Mark you: I am of the firm belief that this catastrophic climax *can* be avoided *if* the nature ethic I will describe can be universally adopted in time. I am also convinced there is no alternative.

Now, I have brought with me a few copies of an anthology I edited back in 1969 which will give to anyone interested some of the sources of the documentation I have obtained for my ideas. Please believe me, I'm not just plugging *my* book. I want you to buy it because I have directed that royalties be paid to the Environmental Policy Center in Washington which, to the shame of all of us, is desperately in need of financial support. The young people who comprise the EPC are probably the most highly respected and, hence, the most effective conservation lobbyists in Washington.

I hope you'll glance through my book if only to use the bibliography. Actually, that's what it is: a collection of excerpts from well-documented works of competent, highly-regarded men of science who know what they're writing about. I hope that your appetites will thus be whetted to buy some of those books. A properly informed electorate will be able to act in time, I believe.

We have learned a few things already. For instance, we've known for years now that unburned hydro-carbons combined with nitric oxides, lots of sunlight and mountain-locked air inversions cause photoelectric smog, as in Los Angeles, Phoenix, Honolulu (for goodness' sake!) and many other places.

What have we done about it? Well, for openers, we've loaded up the decadent, long obsolescent internal combustion engine with pollution controls which have at least doubled the fuel consumption. We're really worse off now than heretofore, what with the fuel shortages and all. And I read an ad only yesterday in which one of the oil companies complained that we're faced with energy shortages because environmentalists won't let them build their damned pipelines and dig more wells off-shore. It appears that they're not looking for more sources of natural gas (which is practically pollutant free when burned) because the government won't let them raise prices on it and make it more profitable for them. Tsk! Tsk! Shame on us nasty old defenders of the ecosphere!

They also say we'll have to depend upon oil imports which may be curtailed and high-sulphur coal, the latter because environmentalists are trying to stop strip mining.

Now it so happens that I am privileged to serve these days as Honorary Chairman of The Coalition Against Strip-Mining.

The lovely lady who does all the hard work for the group is Louise Dunlap of the EPC. She is probably the best informed and most highly-respected antagonist of strip-mining in Washington. She has made great progress in both Houses of the Congress in keeping the various committees concerned properly informed.

Nobody likes statistics but here are just a few you must mark. Strip-mining, no matter what anyone says, destroys good land. It could be restored and there's a lot of talk about how well they're doing it. But if you'll come with me in my little Beechcraft Baron, I'll fly you over some country and you tell *me* where you see any evidence of restoration. Ask the poor souls who live in the areas that are being stripped! But don't ask those who are in the employ of the mining interests: they're making money and they'll tell you it's great. They couldn't care less what happens to the land.

The horrible thing is that it is absolutely unnecessary to strip-mine low sulphur coal. It is preferable to the miners because its easier and cheaper to dig, but there is 30 times more low sulphur coal available in deep mines in this country, than in surface coal veins.

The ratio of all deep mine coal to strippable coal in the U.S. is 34 to 1.

In Appalachia, where most of the irreparable damage has already been done, the ratio of deep-mine low sulphur coal to strippable low sulphur coal is 43 to 1!

And the ratio of all deep mine coal to strippable coal in Appalachia is 49 to 1!

Of the total coal resources, some 50%, or 1.5 trillion tons of bituminous, subtuminous and lignite coal, are considered recoverable reserves—that is, minable under current economic conditions and with either present technology or technology that may be available in the future.

Furthermore, in certain regions of the country, strippable coal will soon become marginal and in some areas exhausted within the next decade. Thus, eventually they'll have to go deep for the coal, anyway, *after* they have ruined the land.

Here's another example of our stupid policies. The Corps of Engineers has succeeded in ruining every one of the 17 great rivers of the U.S. with hydro-electric dams, thus almost wiping out our anadromous fish population. Guess how much of the total electrical energy used in America these dams provide: a paltry 4%!

Still, we've learned a few things and we have made some small progress, but we have much to do—and time is running out.

For instance, certain groups brag these days that we have no population problem in America because our PGR is only 1%. Fiddle-dee-dee! They forget that U.S. population today is about 210 million—and one percent of 200 million is two million!! That's 40,000 every single week—52 weeks per year! That's a South Bend every two months!

There are about 105 million cars and trucks on the roads today in America—one for every two persons. About 150,000 here in South Bend. At the end of this century there'll be, at the present rate, 150 million cars in America, probably 225,000 in South Bend.

We haven't mentioned schools, yet, or hospitals, or even homes. How many people can we say, on the average, to the American home these days? Three? Four? Let's be conservative and say four. Okay, that's 10,000 homes a week we've got to build. We'll build 'em too, of course—out of fiber glass, garbage, chopped tin cans—anything but wood. We can't use wood; we have to ship it to Japan! Yes! along with the low-sulphur coal we're strip-mining. Oh, we've really got the smarts.

It's funny, y'know, in a way. When I first started barking about population explosions, urban sprawl, smog, sewage and garbage disposal several years ago, many listeners actually became so incensed, that they wrote vicious letters urging the networks to throw me off the air. "How dare you speak of birth control! Conception is an act of God!" Pipe down about pollution of the rivers. If your filthy mind wasn't always in the sewer, you'd never notice it. What do you propose: a return to the backyard privy? Stick to your ukulele and your tea-bags!"

They kept at it, too, until about a year and a half ago, when suddenly "conservation" became the "in" thing. As I said earlier, until about 7 years ago, I had no documentation to bolster my conclusions. My pitifully small knowledge was strictly empirical. I could only describe what I saw or heard or more often *smelled*. And when it came to animal species other than man, I'm afraid I was as phony an animal lover as any dour dowager with a wheezy pet pekinese on an alligator hide leash.

The turning point for me came about 1965 or 1966 when the late Mike Zeamer brought a book to my attention. It was called "Moment in the Sun" by Robert and Leona Rienow. That led me to Paul Ehrlich's "Population Bomb," to Wesley Marx' "Frail Ocean" to Barry Commoner's "Science and Survival" and on to Aldo Leopold's "Sand County Almanac." And more recently "The Invisible Pyramid" by Loren Eisely.

I soon got to know many of the authors personally, had them as frequent guests on my daily CBS radio network show. I came to know and work with Rene Dubos, Lamont Cole, Roland Clement, Bill and Lucille Stickel, Ken Norris and many others among what I call the scientific elite.

I try to read everything these scientists write—talk with them, correspond with them, ask questions. From them at first-hand, I have learned something of elementary ecology, such that I now feel at least partially qualified to express by findings in lay language.

I am now more than ever completely convinced that we must divest ourselves of all of the old fallacies, prejudices, and anthropomorphicism with which we are slowly but surely hanging ourselves! We must do it quickly, too, if there is to be any semblance of a decent future for our descendants. This is no longer debatable! As Paul Ehrlich states on the back cover of his new book "How To Be A Survivor" it is up to those with the intellect, guts and resources, to recognize what is needed and carry the rest of the world."

We must beware, may I add, of wearying of the true story because of too much rhetoric. We must beware of political and commercial exploitation. And we must beware of those who would have us hide our heads in the siren sands of fanatical religious dogmas.

We must realize that no living organism, plant or animal, ever had any appreciable deleterious effect on the biosphere until this critter we call man came along.

It has now been pretty well established that he came down out of those trees and picked up a club about 3 thousand millennia ago—give or take a couple of hundred thousand years—dragging his mate by the hair off to a cave in a steep hillside. There he was safe from attack from above and he could roll rocks down on would-be marauders from below.

Abhorrent as the very thought of such a thing is to the frightened racists among us, anthropologists now generally agree that this initially innocuous little experiment in nature had its beginnings in the middle of the African Continent, and those first forebears of ours were encased in pretty dark skin! That means that three or four hundred thousand generations ago, our ancestors were all "black as the ace of spades!"

Many other such experiments didn't make it, especially those as poorly physically equipped as primitive man, and for uncounted thousands of centuries this poor wretch, our ancestor, was just another link in the food chain. He ate and recycled and *was eaten* and recycled, as is every other living organism. However, because he had neither fangs nor claws nor great speed nor strength, man was obliged to develop his brain. He had to learn to outwit his enemies and he had to devise ingenious methods of providing his food and shelter and the primitive weapons with which to take game and protect himself. He was a hunter and a gatherer and found life very tough going. For

3 million years or so he just barely held his own. The human population growth rate was zero, the same as all other species. Only the ablest and cleverest survived.

I believe modern man is so often capable of being the most despicable of all species simply because we inherit many foul instincts from our primitive forebears who were continually forced to resort to the cruelest cunning in order to exist.

About 8000 years before Christ, man began to cultivate a little grain and domesticate a few cattle. With the dawn of agriculture, life became progressively easier. By the advent of Christianity, he numbered probably 10 million which figure by 1650 A.D. had reached 500 million. Then in only 200 years, it was doubled so that by 1850, the human population of the world had risen to one billion, where, it is now obvious, it should have stopped!

However, through technology, more people reached the age of fertility and stayed there longer. Man propagated and scattered to the far corners of the earth constantly adapting to new environments, constantly improving his technology. He is unquestionably the most readily adaptable of all species. He can and will put up with anything. To find fresh land, man abandoned that which he had ruined and moved on. He did this also to avoid his *worst* enemies—other men. Here again he is unique: Man is the only species which deliberately murders its fellows!

In all other species, he who defends his own territory always wins!—with rare exceptions, of course, to prove the rule.

Man gradually lengthened and facilitated his life, increased in numbers, incessantly making ever more horrible war against his fellows with one hand whilst inordinately befouling the entire biosphere with the other. And all this "For the love of Allah," "For God and Country" or some other fanatical fatuity.

In only 100 years, by 1930, the population had doubled again to 2 billion, and it required only 30 years to bring it to 3 billion in 1960. Here we are in 1973 at about 3.9 billion, going for four at the rate of 70 million a year. That's not the number of babies born. That's the total of new births minus deaths!

The *birth* rate is about the same as it always has been despite the pill, vasectomies and more sensible abortion laws. It's the *death* rate that has been drastically reduced, through our advancing technology, despite the wars, traffic deaths, muggings and murders. Live individuals, of course, are ecstatic about that.

Unfortunately, this results in the human population of the world doubling now every 30–35 years. In America it doubles about every 70 years because both the birth and the death rates are down. Let me re-emphasize: Man is the only species on earth whose birth rate is greater than zero! Net world increase: two-hundred and ten million every three years! That's about the present population of the United States. Therefore, if the predicted cataclysms fail to materialize the world population by 2000 AD will be 7.2 billion. By 2030, 14.4 billion. By 2060, 28.8 billion. By 2090, 57.6 billion and so on. Which is ridiculous, of course. Those figures will never be reached. There are already over 2 billion people in the world who go to bed hungry every night!

Here in the United States, despite our low growth rate of 1%, the population will be close to three hundred million by 2000.

We haven't sufficient arable acreage in America to raise enough food for three hundred million people! Notwithstanding which we continue to destroy a million point 4 acres a year in highways, airports, urban sprawl, reserviors, recreation areas, supermarkets and what not.

Nearly 1½ million acres per year of the best land, too. Yet despite these documented government figures, there are still those in high places who will tell you that we have no population problem in America: "It exists only in the underdeveloped countries." That, as Paul Ehrlich says, is like saying: "Your end of the boat is sinking."

We don't have half enough schools or hospitals or housing for our present 200 million! Three hundred million will mean, even if we provide half again as much of everything, that will still be woefully short of everything. Yet we continue to welcome thousands of immigrants every year and export millions of tons of low sulphur coal and millions of board feet of lumber!

As I have tried to point out, we are some kind of smart!!

And the ghettos—with their poverty and misery and unspeakable living conditions—rats and mice and cockroaches and other vermin. Filth and garbage. Horrible overcrowding. What kind of monsters are we that we allow such things to exist while we waste billions! Gathering moon rocks, and like that? And aren't you glad that we're now sure that our moon is actually 3.6 billion years old? I don't know how we managed to get along all this time without that vital statistic.

So what to do? We want everybody to be happy and healthy and live a nice long life. But we can't keep on multiplying like this—something's got to give. Our little planet, which is ¾ ocean, isn't big enough. And remember one-third of the land area is desert—either sand or ice. We're able to sustain human life on only ⅔ of ¼ of Earth's surface.

Yet, birth control, some say, is immoral. Traditions, mores, religious scruples: wherein lies the solution? Listen: in conclusion, here's a hopeful sign: "Christianity linked to Pollution:" squeaked a headline in the May Day issue of the New York Times three years ago. I say "squeaked" because the article appeared back on page 12, where apparently most people missed it.

Think of it: twenty Protestant theologians convened in Claremont, California in a three-day symposium to "consider the religious dimensions of the ecological issue." Their verdict was beautiful: "Theology, like Western philosophy has gone too far in making man the center of attention." That's the arrogant, anthropomorphism I mentioned earlier.

Y'know, that was more than a courageous, laudable self-indictment: It was a vivid example of the kind of spiritual leadership for which I, for one, have long been pleading.

I have often ventured the thought in bygone years that most of the insufferable, egocentric arrogance of the western world can be traced to misinterpretation of the Judeo-Christian First Book of Moses, also referred to earlier. If only we could as easily abandon some of the rest of the apocrypha of the scriptures, as we did the line ". . . . . and replenish it," it is conceivable that we could eventually develop a breed of Christians worthy of the name!

This is what we must do if we are to stop this insane, wanton destruction of our beautiful planet in time. We have, throughout the centuries, become so completely and blindly preoccupied with our own "special status" that we have lost all logical perspective and we are now perilously close to irreversible environmental degeneration. Ironically, the affluent leaders are guilty of the greatest plunder and are responsible for the most effluent. "Taking dominion over," which should have been interpreted as "assuming careful stewardship," became, instead, reckless abuse and even willful destruction of our environment.

But now, at long last, some of our clerical leaders are taking themselves to task and urging immediate reappraisal of spiritual values. One of the professors at Claremont, Dr. John B. Cobb, Jr., "regarded," said the Times "as a major American theologian," wrote in the principal paper of the conference: "As Christians we need to develop a new asceticism, based not on economics but on ecology." What makes one cross his fingers, though, is the ". . . new kind of asceticism" part. Doesn't that imply the existence of an older kind? Does the Professor actually believe there are bona fide ascetics in this country? (Outside, of course, of a handful here and there of devout members of some very strict religious orders.)

Let's face it: one average American today consumes in his lifetime perhaps a thousand times as much of our planet's natural resources as does an Indonesian, for instance, or an Eskimo, or one of the peaceful forest people of the Madyha Pradesh in India or a proud Masai tribesman of the Serengeti Plain, or any native of any so-called "underdeveloped" country, for that matter. Ascetics in America? We can't even get half a dozen professed Christians to observe any one of the ten commandments let alone adopt any voluntary austerity program! Even among the new craftily-exploited youth cultists who call themselves "Jesus freaks." (The great redeeming feature of this fad, of course, is the possibility that it may steer the kids away from dope.)

Modern Western affluent man no longer contributes anything to the environment except pollution. He pours fossil fuel poisons into the ecosphere (the air, the water and the land), he re-cycles nothing he consumes as food and in addition, incredibly demands, upon his demise an impervious bronze casket in which to eternally house his puny remains so that even *then* he will contribute nothing to the land that nurtured him!

Oh, if only Dr. Cobb's suggestions would be heard: ". . . based on ecology . . ."! Think of it this way: shorn of all the apocryphal, medieval monotheistic legends, Christ emerges as the first and greatest ecologist the world has ever known. A true Christian, therefore, is intrinsically an ecologist and vice versa.

To practice ecology is to love and have consideration for one's fellow creatures, as Christ did. We are all kindred living organisms sharing an interdependence on each other and a common environment. Did he not say: "What you do unto the *least* of these, you do unto me?"

Make no mistake: at the rate we are now destroying ourselves, the "new asceticism" will inescapably be *forced* upon all mankind *long* before the turn of the century. Such regimentation as we've never dreamed of!

If there is to be any quality of life for our children: indeed, if there is to be any life for them at all, we must waste no more time in further "rhetoric of concern."

So, I say, lead on, good reverend sirs: a tragically lonely, confused laity is begging to follow. What better place than the pulpit from which to promulgate the doctrines of ecology? Then the hearth, then the classroom and thence, the political rostrum.

We all have a lot to learn—very quickly. Those of us who know a little must not lose patience with and alienate those who don't know anything. We must help them to understand. We must keep our lines of communication open between the generations, between the races, between the professions and callings, between the lettered and illiterate, between the nations. Since the problems are planet-wide, we must shoot for some kind of world agreement—quickly! Ecology may yet prove to be the final deterrent to global war, even while we develop today the badly needed B–1 bomber for SAC.

If ever people needed to work together, it is now! Black, white, yellow, red—rich and poor. Remember, we are all members of the same species—homosapiens—supposedly intelligent descendants of that beetle-browed poor wretch who started the whole mess by standing up on his feet.

The technology of which we now so proudly boast, cannot manufacture one square millimeter of soil, one drop of water or one breath of air. But the same brains which constitute the vast organization that puts men on the moon, for example, could give the same priorities and support, clean up the pollution in a decade! And for almost the same money! Those 30 billion, plus 30 odd additional billions we squandered so tragically in Southeast Asia, would have done the trick by now.

We've got to find ways to reduce that 165 million tons of pollutants in the air and to recycle that 360 million tons per year of garbage! Nobody need ever again be unemployed with all the mess we've got to clean up! We should rid the army engineers of their beaver complex and put their great organization to work building sewage treatment facilities instead of dams.

Let the aeronautical designers put their brains to work on non-polluting ground transportation facilities. Detroit the greatest collection of engineering brains in the world, ought to be able to come up with an automobile power plant that runs clean! And doesn't use up so much irrecoverable fossil fuel. Please note, however, none of what I have said indicts anything but *irresponsible* technology.

The technology of private industry must in future include protection of the environment. Air and water must be returned to the biosphere clean and unpolluted. All materials must be recycled. This will cost billions of dollars and you and I will pay the bill! And it will require all of the scientific research we can muster and unstintingly support.

No technological advances—even those completely devoid of biospheric pollution—will buy us anything, however, but a little time, if we fail to reduce *by at least half* the human population of the world and *keep* the *growth* rate at zero. Since some 2 billion people are hungry all the time today, if not actually starving, we must already be overpopulated by that many.

We must learn to do as all other species do: refrain from multiplying beyond the ecological limits of our environment!

Instead of striving to take dominion over the fish of the sea and the fowl of the air and every creeping thing that creepeth, let us accept and assume our rightful place among "our fellow creatures in the Odyssey of Evolution."

You must believe me when I assure you that with this humbling understanding there comes finally to a troubled, bewildered heart a beautiful peaceful serenity of spiritual fulfillment akin to Buddhist nirvana, that gives real meaning to everyone's life. Which is why I beg you to read and thoroughly digest the books I have mentioned.

I would like to close today by reading a short piece taken from the "Stevens Point (Wisconsin) Daily Journal" dated December 14, 1967, and sent to me by one of my listeners in Portland, Oregon in February of 1968. It was written by Kenneth Ross for the Idaho Wildlife Review.

In the end,
There was Earth, and it was with form and beauty.
And man dwelt upon the lands of Earth, the meadows and trees, and he said
"Let us build our dwellings in this place of beauty."
And he built cities and covered Earth with concrete and steel.
And the meadows were gone.
And man said, "it is good."
On the second day, man looked upon the waters of Earth.
And man said, "Let us put our wastes in the waters
That the dirt will be washed away."
And man did.
And the waters became polluted and foul in their smell.
And man said, "it is good."
On the third day, man looked upon the forests of Earth
And saw they were beautiful. And man said, "Let us cut the timber
For our homes and grind the wood for our use."
And man did.
And the lands became barren and the trees were gone.
And man said, "it is good."
On the fourth day man saw that animals were in abundance and ran in the fields and played in the sun. And man said, "Let us rage these animals for our amusement and kill them for our sport."
And man did. And there were no more animals on the face of Earth.
And man said, "it is good."
On the fifth day man breathed the air of Earth. And man said,
"Let us dispose of our wastes into the air for the winds shall blow them away."
And man did. And the air became filled with the smoke and the fumes could *not* be blown away.
And the air became heavy with dust, and choked and burned.
And man said, "it is good."
On the sixth day man saw himself; and seeing the many languages and tongues, he feared and hated.
And man said,
"Let us build great machines and destroy these lest they destroy us."
And man built great machines and the Earth was fired with the rage of great wars.
And man said, "it is good."
On the seventh day man rested from his labors and Earth was still.
For man no longer dwelt upon Earth.
And it was good.

ORR KELLY LEAVES PENTAGON

Mr. PROXMIRE. Mr. President, Orr Kelly, the key military reporter for the Washington Star-News, is leaving his post at the Pentagon for the Justice Department.

In the 6 years he has covered the Pentagon, Washington has been left with a rich legacy of reporting and analysis from a man who was close to the military planners. His columns have often been clear and reasoned. They bore the marks of accurate information coupled with sound analysis.

Covering the Pentagon must be a difficult job. Being able to distinguish between planted stories and issues leaked for parochial purposes demands a balanced perspective. Orr Kelly's opinions have always been respected.

In his final military column, Orr Kelly speaks out on several issues based on his experience with the military establishment.

Though his conclusions would not be mine throughout, I share his belief that the nation is fortunate that there are so many highly qualified military and civilian personnel devoted to service for the national defense. Orr Kelly's name is among those.

Mr. President, I ask unanimous consent that Orr Kelly's article titled "Last Pentagon Report" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star-News, Oct. 23, 1973]

Last Pentagon Report

(By Orr Kelly)

This is the last column on military affairs that will appear here under this byline.

After more than six years covering the Pentagon, through much of our nation's longest war and through crises and scandals almost too numerous to recall, this reporter is moving across the Potomac to cover the Justice Department.

In the life of a bureaucracy like that of the Pentagon, six years is a long time—substantially longer than most key officials of the department spend in their jobs there. It is a time that affords some perspective on American military policy and the military establishment.

Here are some brief observations based on that perspective:

First, as the current confrontation in the Middle East has reminded us, the major concern of American foreign and military policy is, and will remain, the Soviet Union. Despite all the talk of détente and of the turn from confrontation to negotiation, relationships between the United States and the Soviet Union are supremely important and dangerously uncertain.

This does not mean that war between the two countries is probable. War has been avoided in the difficult years since the end of World War II on a number of occasions, and there is real hope that war can continue to be avoided. But with two countries armed as no nations ever have been armed before in history, the awfulness of war, if it should come, makes the avoidance of war between the United States and the Soviet Union the single most important objective of American policy.

Since the avoidance of war—deterrence, in the word of our nuclear strategists—depends on a balance of terror, there is very little realistic hope that the U.S. defense budget can be reduced in the foreseeable future. If the relations between the United States and the Russians continue about as they are now, with slow progress toward more comprehensive strategic arms limitations, we probably will be fortunate to keep the arms budget at about its current level in constant dollars. But there is little slack in the budget for emergencies, like the current resupply of Israel, and even brief crises can eat up millions, even billions, of dollars.

There is a broad range of opportunities for improvements in the American military structure. The changes, requiring a certain boldness and a willingness to challenge hoary assumptions, might save some money, but mostly they would provide more effective defense for about the same money.

The irrational deployment of American troops in Europe, for example, has long cried for change. The Titan missile force, already bargained away in exchange for the right to build more submarines, still is kept on alert at an annual cost of $30 million, as another example.

Spending on defense is declining as a percentage of the gross national product, as a share of the federal budget and, most dramatically, as a percentage of all public spending, both federal and local. There simply is no way that the defense budget can be squeezed to provide the large sums of money that other government programs, already on the books, will require in coming years.

There will, of course, continue to be extremely heavy pressure on the defense budget. It is very difficult to explain, for example, why the government is spending less this year to house a rapidly expanding prison population than it spends for a single fighter plane. This pressure will require great discretion to determine what is really needed and what can be cut without danger to national security.

Despite its size, the Defense Department probably is the best-managed agency in the government. This is true, also, in spite of all the talk about cost overruns and inefficiency.

The fact that most Americans, most congressmen and many Pentagon officials do not believe the department is well-managed is a problem in itself. There is a pervasive—but false—belief that all of the Pentagon's problems would be solved if it were simply managed better.

This is simply not true. The management of the department has been improving gradually over the years and it almost certainly will continue to improve. But there is no reason for hope that there will be some miraculous breakthrough to an era of mistake-proof, error-free management. The best we can hope for is continued gradual, undramatic improvement—and demands for a miracle will simply make that kind of improvement more difficult and unimpressive when it does come.

Finally, it should be said that, despite the recent scandals that have tarnished the image of the military establishment, the nation is indeed fortunate that the quality of those, both military and civilian, who devote their skills to national defense is, on the whole, so very high.

ISRAEL—ZIONISM AND THE U.N.

Mr. HUMPHREY. Mr. President, on October 21 many Americans watching the televised proceedings of the United Nations debate on the Middle East after the cease-fire were disappointed at the atmosphere of suspicion and hate which permeated so much of the discussion. This kind of atmosphere is not a healthy one in a forum dedicated to world peace and its attainment. The spectacle of a stream of representatives vindictively engaged in a concerted effort to isolate the government of Israel, which was itself the victim of an attack by its neighbors on October 6, was not a pleasant one for many Americans.

Much of the talking was a series of acrimonious attacks on Zionism. In response, Israel's permanent representative to the United Nations, Ambassador Yosef Tekoah, responded with an eloquent defense of Zionism, describing it as a historical and valid liberation movement of the Jewish people.

I ask unanimous consent that the text of those remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Zionism—Liberation Movement of the Jewish People

(By Yosef Tekoah)

It was not my intention to speak at this stage of the meeting; the statement delivered by the representative of Saudi Arabia compels me, however, to do so.

Only the other day I was interrupted five times in this very chamber in the course of expressing grief over the death of innocent civilian victims of the war, whether they be Egyptian, Syrian, Israeli, or nationals of other states. Yet today we listened to a statement by the representative of Saudi Arabia into which he succeeded in packing the maximum of nonsense and the maximum of verbiage and venom. He did not stop at distorting fact and history. He insulted heads of states, including permanent members of the Security Council. He slandered nations. He abused civilizations and religions. He extolled Hitler and anti-Semitism. Yet no one except me tried to call him to order. His falsifications and calumnies do not deserve any response.

I should, however, like to refer to one point in his speech: his attack againt Zionism—because he is not the only one who resorts to these perfidious views and expressions.

Zionism is the love of Zion. Zionism is the Jewish people's liberation movement, the quest for freedom, for equality with other nations. Yet in an organization in which liberation movements are hailed and supported, the Jewish people's struggle to restore its independence and sovereignty is maligned and slandered in an endless spate of malice and venom.

In his drive to annihilate the Jewish people, Hitler began by distorting the image of the Jew, by rewriting Jewish history, by fabricating some of the most odious historic and racial theories. The Arab Governments, in their campaign to complete Hitler's crimes against the Jewish people and destroy the Jewish State, have adopted the same method of falsifying Jewish history, and in particular the meaning of the Zionist movement and the significance of its ideals.

What is Zionism?

When the Jews, exiled from their land in the seventh century before the Christian era, sat by the rivers of Babylon and wept, but also prayed and sought ways to go home, that was already Zionism.

When in a mass revolt against their exile they returned and rebuilt the Temple and reestablished their State, that was Zionism.

When they were the last people in the entire Mediterranean basin to resist the forces of the Roman Empire and to struggle for independency, that was Zionism.

When for centuries after the Roman conquest they refused to surrender and rebelled again and again against the invaders, that was Zionism.

When, uprooted from their land by the conquerors and dispersed by them all over the world, they continued to dream and to strive to return to Israel, that was Zionism.

When, during the long succession of foreign invaders, they tried repeatedly to regain sovereignty at least in part of their homeland, that was Zionism.

When they volunteered from Palestine and from all over the world to establish Jewish armies that fought on the side of the Allies in the First World War and helped to end Ottoman subjugation, that was Zionism.

When they formed the Jewish Brigade in the Second World War to fight Hitler, while Arab leaders supported him, that was Zionism.

When Jews went to gas chambers with the name of Jerusalem on their lips, that was Zionism.

When, in the forests of Russia and the Ukraine and other parts of East Europe, Jewish partisans battled the Germans and sang of the land where palms are growing, that was Zionism.

When Jews fought British colonialism while the Arabs of Palestine and the neighboring Arab States were being helped by it, that was Zionism.

Zionism is one of the world's oldest anti-imperialist movements. It aims at securing for the Jewish people the rights possessed by other nations. It harbours malice towards none. It seeks co-operation and understanding with the Arab peoples and with their national movements.

Zionism is as sacred to the Jewish people as the national liberation movements are to the nations of Africa and Asia. Even if the Arab States are locked today in conflict with the Jewish national liberation movement, they must not stoop in their attitude towards it to the fanaticism and barbarism of the Nazis. If there is to be hope for peace in the Middle East, there must be between Israel and the Arab States mutual respect for each other's sacred national values—not distortion and abuse.

Zionism was not born in the Jewish ghettoes of Europe, but on the battlefield against imperialism in ancient Israel. It is not an out-moded nationalistic revival but an unparalleled epic of centuries of resistance to force and bondage. Those who attack it attack the fundamental principles and provisions of the United Nations Charter.

DELAWARE'S VETERANS UPWARD BOUND PROGRAM

Mr. BIDEN. Mr. President, an article in the August–September issue of American Education, a publication of the U.S. Department of Health, Education, and Welfare, Office of Education, focuses on the Delaware Opportunities Industrialization Center, a private, nonprofit training organization, and its Veterans Upward Bound program.

The article is entitled "From the Service to the Campus" and was written by Steve Hulsey.

The Veterans Upward Bound program, while primarily designed for Vietnam era veterans, also gives assistance to veterans of other wars and their families. The primary focus of the program is on education, but it also deals with all veteran-connected problems.

With the support of funds authorized under title IV of the Higher Education Act, five pilot VUB's were established last year. Today 67 such projects are in operation.

Delaware's program is unique in that it is both the only one that is statewide and the only one that is administered by an Opportunities Industrialization Center, an agency rather than an educational institution.

At a time when there is much justifiable concern as to whether or not Vietnam veterans are receiving adequate assistance, especially with respect to educational benefits, I think Delaware's DOIC/VUB and the other 67 VUB's throughout the country should be applauded for their worthwhile efforts in this area.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

From the Service to the Campus

(By Steve Hulsey)

A Delaware project that combines talent search and Upward Bound illustrates a nationwide effort to open education to Vietnam vets.

Like many another Vietnam veteran, Robert Hilton returned home with no clear idea of what kind of a career he might want to take up and an equally hazy notion of the possible options.

Bob was luckier than some in that he did manage to find work—with a burglar alarm company, thanks to his training as an electronics technician with the U.S. Coast Guard. However, he says, "The kind of training I could qualify for in the service was so general that it wouldn't carry me very far in a civilian job, and of course the fact that I had only a high school diploma didn't help, either."

The more he thought about the situation the more convinced he became that his best bet was more education. After an absence of three years in the service, however, he was uncertain as to how to go about applying and felt apprehensive about tackling whatever procedures might be involved. Moreover, though he had been saving from his salary from the burglar alarm company job, he recognized that money would be a problem, too. All in all, the odds seemed so much against him that he came close to abandoning the whole idea.

Bob Hilton's dilemma was resolved by a form letter. It came from the Delaware Opportunities Industrialization Center, it described this private, nonprofit training organization's Veterans Upward Bound program, and it invited inquiry. Bob responded, and this is what happened as a consequence: Counselors at the DOIC/VUB, as the enterprise usually identifies itself, familiarized him with the requirements and procedures for enrolling in a small liberal arts college near his home. Since in high school he had not taken the college entrance examination, they helped him get admitted on a probationary basis to complete the course requirements. They helped him apply for education benefits under the Veterans Administration's GI Bill. And to carry him along until his VA checks began to arrive, they helped him arrange a $150 loan to cover the difference between his savings and what he would have to spend. Bob proved to be a first-rate student, and this fall the plans to transfer—again with DOIC/VUB help—to the University of Delaware to major in accounting.

Bob is one of more than 500 Delaware men and women who have received guidance and conseling from DOIC/VUB, and they are in turn among an estimated 40,000 who are being helped by somewhat similar operations run by institutions or organizations in locations marked by high concentrations of unemployed or underemployed veterans. With the support of funds authorized under Title IV of the Higher Education Act, five pilot Veterans Upward Bound projects were established last year. They quickly proved their worth, and today 67 such projects are operating in 41 States, the District of Columbia, and Puerto Rico.

The Delaware program is the only one that is statewide, and it is unique also in that it is administered by an Opportunities Industrialization Center, an agency rather than an educational institution. The first such center was founded in 1964 in Philadelphia to provide free job training and to help disadvantaged persons find jobs. Like the VUBs, the OICs have expanded, there now being 105 of them in the United States and seven overseas.

Despite its name, the VUB component includes not only the Office of Education's Upward Bound program but its Talent Search program as well, these having been adapted to the particular needs of this special "client." The program is designed primarily for Vietnam-era vets (though assistance is also given to veterans of other wars, and their families), and though the focus is on education, in practice it deals with just about any veteran-connected problem.

Talent Search identifies disadvantaged veterans who have a capability for post-secondary education and encourages them to return to school, and also publicizes GI Bill educational benefits and other available financial aid. Upward Bound helps such vets get high school certification, arranges for whatever tutorial or remedial assistance they may need, and seeks to move them into a postsecondary setting, either for vocational training or for academic study in a college or university. The latter involves some special problems.

Many vets, says Eugene N. Cannon, director of DOIC's Veterans Upward Bound program, feel apprehensive about getting back into the classroom and competing with "regular" students. Most have been out of school for a long time and have lost the "feel" of attending classes and studying.

"Just about every veteran we deal with is bothered by having gotten out of the academic flow," Cannon says. "Moreover, though they want to get an education, they are adults now and have adult responsibilities." Most support themselves, many have acquired automobiles, and some have families. Most seem to have shut off all avenues other than that of finding a job. VUB seeks to open up, through counseling and training, the option of getting an education.

"We showed one vet," says Cannon "that he would be making less on a $2.25-an-hour job he was interested in than he would get on the GI Bill while he was getting an education."

Members of the DOIC/VUB staff do not always have so cogent a dollars-and-cents argument to offer, but their batting average is nevertheless high. Most are Vietnam-era veterans themselves. They understand the problems that other veterans face, they are persuasive advocates of VUB services, and they are experts in how to put those services to best use.

Typical of the young people they deal with are George Wilson, James Fitzpatrick, and Priscilla Graham. Wilson spent three years in the Army as a supply clerk. He had a high school diploma, but when he returned home in July of 1971 he was able only to find work "doing odds and ends." At the urging of a friend he entered a DOIC program set up to train technicians in industrial chemistry. VUB staff members helped him apply for GI Bill benefits. And as the training sessions neared an end, they taught him how to fill out job application forms and coached him in how to be effective in job interviews, down to such details as how to dress for such an encounter.

Wilson is now part of a four-man crew that operates and maintains extruding equipment used to manufacture new plastic materials at the Marshallton, Delaware, plant of Hercules, Incorporated, one of the world's largest chemical companies.

"I couldn't have got the job without the DOIC/VUB program," Wilson says. "I'd probably still be looking."

Much the same series of events led James Fitzpatrick, who had been a reciprocating-engine mechanic in the Air Force, to become a fellow member of George Wilson's crew at Hercules. Upon his discharge in 1971 Jim wanted to work for a local aviation firm but discovered it was laying off workers rather than hiring them. He then took a course in welding, only to find that welding jobs were scarce in that area, too. Then through an advertisement in a local newspaper he learned of DOIC/VUB and subsequently enrolled in its industrial chemistry technicians training program. Illustrative of the uncertainty that many veterans feel is that Jim remembers—perhaps more vividly than anything else about the DOIC experience—the help he and George Wilson received in learning how to fill out job application forms, and above all how to handle the tense business of going through an interview. That they learned well is testified to by their supervisor, Gerald H. Zimmerman. "They knew what to say and what not to say," Zimmerman recalls, "And subsequently they demonstrated that they knew how to accept the responsibility of a job."

Like Jim Fitzpatrick, Priscilla Graham made a couple of false starts before DOIC/VUB helped her find her niche. Priscilla had been a nurse's aide in the Women's Army Corps, but when she was discharged she decided she would like an office job. So she completed a course at a data processing school to become a key punch operator, only to discover that the job market for key punch operators was so tight that only experienced people were being hired. She was unhappily working as a waitress when she learned of the DOIC/VUB. There she entered a training program to learn typing, accounting, and the operation of business machines, the staff having meanwhile taken her through the ropes of applying for GI Bill benefits. When a local bank subsequently called DOIC/VUB with openings for teller trainees, Priscilla was recommended by her instructor and landed a job in the bank's computer center. Currently, on the advice of a DOIC/VUB counselor, she is also a part-time student in banking courses at a local vocational college.

"In the job I have now," she says, "I can go as far as I want to. I can move to other departments and get more experience, and when the right time comes I think I can get a supervisory position."

DOIC's Veterans Upward Bound program got under way in July of 1972 with an initial Office of Education Talent Search/Upward Bound grant of $60,000 (later boosted to $85,000) and the mission of serving unemployed veterans throughout Delaware. Inquiries about the VUB program began to come in even before it officially got started, says Cannon. Nearly 70 veterans were enrolled in the first three-month training courses devoted to college preparatory subjects, with a large backlog of others waiting for the start-up of vocational sessions. Meanwhile DOIC/VUB was establishing itself as a kind of "sub-VA," offering special counseling and advice and volunteering help on just about any veteran-related problem. With an office in each of Delaware's three counties, DOIC/VUB now provides Delaware veterans with 24-hour service and the assistance offered has ranged from providing benefits information for the widow of a Spanish-American War veteran to helping an enterprising Vietnam vet negotiate a loan to build an apartment house.

Since a year ago, when Delaware had an estimated 10,000 Vietnam-era veterans, the DOIC/VUB's potential clientele has been increasing at a rate of about 150 per month. Each receives a letter describing the program (the same letter that captured the attention of Bob Hilton) and letting it be known that DOIC/VUB is ready to lend a hand. Those that enroll in the program can get basic instruction in math and English as well as take vocational training or college preparatory courses.

A DOIC staff member known as the "job developer" keeps track of employment opportunities available in the community and maintains a "job bank" that not only serves the trainees but is used as the basis for adjusting the curriculum, toward making sure that the training programs reflect employer needs. Local industries have in turn agreed to interview DOIC/VUB trainees before advertising new job openings.

What happens to the young men and women exposed to the program is indicated by a survey of an initial group of 210: 89 had been placed in jobs, 15 were still in DOIC/VUB training programs, another 15 were taking on-the-job training, 80 had entered a college or university, and the remainder were doing preparatory work toward enrolling in a postsecondary institution this fall.

Those that enter the University of Delaware can receive further assistance under the Special Services for Disadvantaged Students program, also funded under Title IV of the Higher Education Act. These services, operating at the college level, include tutoring, help with applications for GI Bill benefits, and counseling not only as to course work but social problems as well.

But the special Veterans programs

are so new, no statistics are available as to the performance of DOIC/VUB men and women who enter college or undertake vocational training at the postsecondary level. However, the veterans seem to be at least average students and may be somewhat above average. So says the Office of Education's Prince Teal, Jr., veterans coordinator for Delaware and other States included in OE's Region III.

"There is no question but what the Talent Search/Upward Bound approach works," Teal says, "and it helps not only the veterans themselves but the institutions they attend. In some ways it is a kind of unofficial arm of the institution's administration. Veterans today make up a large segment of many undergraduate student bodies—25 percent or more in some places—and it would seem important that these institutions use some of their funds to establish programs that specifically concern themselves with the needs of veterans in the fashion that VUB does. Many colleges apparently are not aware of such things as that the VA will pay tutorial fees for veterans of up to $50 a month."

As the Delaware example demonstrates, moreover, VUB's potential for helping veterans is just beginning to be tapped. As director of DOIC's Veterans Upward Bound program, Eugene Cannon is now seeking to bring its benefits to eligible veterans who are inmates of the State prison. At Delaware State College, campus veterans' clubs are being organized toward building *esprit de corps* and giving these young people an opportunity to share their experiences and aspirations; other veteran-oriented projects are being planned.

"The transition from the service back into civilian life presents some problems for any veteran," Cannon says, "but particularly for those from disadvantaged backgrounds. They recognize that they need more training, more education, if they're not going to wind up in dead-end jobs. And yet they're not sure they can handle it, or even how to go about getting started. That's what VUB is all about. We want to dig out the God-given talent these young people have and then help them exploit it.

"The Vietnam-era veteran represents a major resource for this Nation. We don't want to see it go to waste."

CONFERENCE OF NONALINED NATIONS

Mr. FULBRIGHT. Mr. President, Dr. Thomas B. Manton is a recognized expert on Asiatic and Middle Eastern affairs and has been for many years a close observer of that region.

Dr. Manton, who is the president of the China-America Relations Society, was in Algiers for the recent conference of nonalined nations and wrote a series of articles on the conference for the Arkansas Gazette.

This was an important meeting of the leaders of third world nations and Dr. Manton has provided a very thorough and interesting report.

As Dr. Manton suggests in his report, having improved relations with the Soviet Union and the People's Republic of China:

> A concerted effort must be undertaken to understand and then to reconcile the differences—the enormous differences—that exist between the United States and the Non-Aligned nations . . . Within this process . . . a new and more equitable international system must be built.

I ask unanimous consent, Mr. President, to have the articles from the Arkansas Gazette printed in the Record. Despite the importance of the conference, it received relatively little attention in the American press.

There being no objection, the articles were ordered to be printed in the Record, as follows:

"Third World"—The Largest Gathering of Heads of State

(By Dr. Thomas Manton)

(Editor's Note.—Dr. Thomas B. Manton of New York is a recognized expert in Asiatic studies and has been a close observer of the Asiatic scene for 16 years. He is president of the China-America Relations Society, headquartered in New York. He was in Algiers for the recent Conference of Nonaligned Nations and here is the first in a series of articles he wrote especially for the Gazette, setting forth his observations and opinions on the Conference.)

Algiers.—As the gentle waves of the Mediterranean lapped up on the sandy beach 200 yards away, one Emperor, two Kings, two Princes three Shiekhs, one Sultan, an Archbishop, 34 Presidents, four Prime Ministers and 69 Foreign Ministers from 75 countries of Asia, Africa and Latin America met recently in the ornate yet functional Palais des Nations, 15 miles west of Algiers, at the fourth Summit Conference on Nonaligned Countries. In terms of grandeur, contrasts, peoples represented, and ideas discussed, some of which were agreed to by all, this gathering could rightly have been called "the greatest show on earth." It was indeed the largest gathering of **heads of state** ever assembled.

The Conference theme was expressed by Forbes Burnham, Prime Minister of Guyana. He said, "What we must now do, is liberate ourselves economically now that we have gained political independence." Indeed, the common theme running through all the proceedings, the nearly 70 speeches in the plenary session, the all-night sessions of the political and economic committees, and finally the declaration of the conference coupled with the action program for economic cooperation, **was the absolute necessity of national economic independence as a goal with an intermediate step of interdependence in order to build up that economic sovereignty.**

Essentially, what many of the countries of this non-aligned movement possess is an abundance of natural resources but they lack the technology to exploit them for the good of their own people. Consequently, they have been technologically dependent on the developed countries of the West. Before the large international oil companies came into the Middle East, Saudia Arabia, Libya, Algeria, Iran and the others were all economically backward desert kingdoms. Since the introduction of Western technology, billions have been made, providing many Middle Eastern countries an economic independence possessed by virtually no developing countries in any other part of the world.

Muammar Kueddafi, President of Libya, pulled the tail of the international oil lion, with the knowledge that he had enough money put away for his country ($3 billion in reserves) to survive another ten years without exporting one additional barrel of oil. Rarely has a country of the Third World been able to dictate its terms to a developed nation of the West, let alone a superpower. Consequently, when President Nixon compared his action with that a generation earlier of Dr. Mossadegh, Col. Kueddafi reacted as expected. It was well-known the American government was instrumental in overthrowing Dr Mossadegh of Iran in the early 1950's. Thus Col. Kueddafi in a press conference said, "If anybody intervenes militarily, we are ready to defend ourselves."

The Conference concluded that each country should have effective control over its own natural resources, and that "any state is entitled to set the amount of possible allowances as well as the terms of payment, and any dispute must be settled in conformity with the national law of the non-aligned country. The non-aligned nations would promptly and fully support developing countries and territories under colonial domination, suffering from boycott, economic aggression or political pressures, struggling for the recovery of an effective control of their natural resources and economic activities still under foreign control."

Amid an increasing number of nuclear tests in the atmosphere, the first non-aligned summit conference met in Belgrade, Yugoslavia, at the beginning of September, 1961. President Tito recalled that the conference "addressed an appeal to the great powers, divided by the cold war, at least to sit down together at the table and to begin to negotiate." He further stated "that was an expression of the concern of mankind and a voice of its conscience which was not without its response." At the conclusion of the first Non-aligned conference two groups of heads of state from the summit conference had gone to the superpowers, the United States and the Soviet Union, to plead for an end to atmospheric nuclear testing and a reduction of the cold war. This was an attempt to end the bi-polarity which had characterized world politics since the end of the Second World War and to begin what President Nixon instigated nine years later—an "era of negotiations." In the words of President Habib Bourguiba of Tunisia, "the Belgrade conference was a reaction to the atomic bomb, the military blocs, the foreign military bases on the soil of the nonaligned."

"Now," said President Numery of Sudan, "the two big powers have met and the era of entente has started." President Tito of Yugoslavia said, "if the cold war has lost its intensivity, if in the relations among the great powers negotiations and agreement have replaced confrontation in many ways, if the situation in many parts of the world has been considerably improved—our efforts have also been woven into this progress."

President Boumedienne of Algeria, host to this 4th nonaligned summit conference, voiced the determination that never again would a Yalta conference be held at which three world leaders (Roosevelt, Stalin and Churchill) would meet to determine the fate of the post-war world.

The opening session of this non-aligned conference was a pageantry of contrasts. The 27-year-old King of Nepal strode in proudly at the head of an 18-person delegation followed by his beautiful, young, sari-clad queen. Tall and stately, Archbishop Makarios, President of Cyprus, with a long beard and a tall hat, nodded to the crowds at the entrance of the hall as if he were passing on his spiritual blessing. Fidel Castro, wearing green fatigues, open at the neck, responded to a cheering crowd of enthusiastic supporters. The 71-year-old President Habib Bourguiba of Tunisia walked in a dapper lounge suit wearing dark glasses. Black and white robes flowing, the most powerful man in the conference, King Faisal of Saudi Arabia, was accompanied by a retinue of his highest ranking advisors. The Lion of Judah, Emperor Haile Selassie I, would be called the grandfather of the movement, while President Tito was acknowledged as one of the three founders of the non-aligned movement (the other two having been Nehru and Nasser). The popular heroes at the conference were the more revolutionary ones—Colonel Kueddafi of Libya dressed in a simple uniformed sports shirt and Yassar Arafat, chairman of the Palestine Liberation Organization clad in checkered headdress, dark glasses, hunting jacket and tennis shoes. Madame Indira Gandhi, daughter of the Prime Minister Nehru of India, gracefully

walked in a flowing sari surrounded by an all-male group of advisors.

At the opening session, after President Boumedienne's welcome and the short speeches of appreciation, the plenary session got down to the serious business of listening to the sometimes-longwinded, sometimes-realistic, sometimes-action-oriented, sometimes-flowery speeches delivered by nearly all of the 75 member nations of the conference. In addition, a number of observers and representatives of liberation movements spoke to the assembled delegates.

At the end of each session, the entrances were crowded with the heads of state going in new Citroen limousines, preceded by motorcycle outriders, to their three-bedroom villas dotting the complex known as the "Club des Pines"—a resort area built originally by Algeria's first president (now confined to his own house in Algiers) Ahmed Ben Bella, and now sometimes occupied by American, British and Canadian oil men working in the gas and oil fields (which supply Algeria's largest export).

So many heads of state arrived in their own private planes that during the two days prior to the opening of the conference the band and honor guard welcoming them stood constantly in the blazing sun at "Maison Blanche" airport, while President Boumedienne shuffled from the airport's VIP lounge out to each plane, then to the reviewing stand where the national anthem was played followed by the welcome of each head of state by the Algiers diplomatic corps. After Prince Sihanouk arrived and delivered a 27-minute airport speech, thus making the following plane adopt a holding pattern above Algiers, it was decided that airport speeches would be eliminated.

With such a diverse group of world leaders meeting, conflicts were bound to occur. Frankly, it was surprising that more did not take place. There seemed to be a tremendous sense of solidarity both expressed publicly and felt privately. The next article will attempt to analyze this phenomenon.

'Third World'—Moving Toward New International System

(By Dr. Thomas B. Manton)

(Editor's Note: Dr. Thomas B. Manton of New York is a recognized expert in Asiatic studies and has been a close observer of the Asiatic scene for 16 years. He is president of the China-America Relations Society. Dr. Manton was in Algiers for the recent Conference of Non-aligned Nations and this is a second article that he wrote especially for the Gazette, setting forth his observations and opinions on the Conference.)

Algiers.—At the end of the fourth Summit Conference of Nonaligned Countries, an Algerian came up to me and asked: "What advice would you have given the President of the United States regarding the U.S. policy towards this conference?" I replied, "I would have recommended that he instruct the American ambassador to attend the opening and closing sessions of the Conference as an observer as well as send a message to the Conference, as did the leader of the Soviet Union and the People's Republic of China, congratulating them on holding the Conference; and then at its conclusion, that he invite a delegation from the Conference to inform him of its results, and then determine ways in which the United States could assist in the implementation of its more positive and constructive recommendations."

In other words, the United States will have to come to terms with an increasingly powerful movement of non-aligned nations. Although this Conference defined non-alignment "as not belonging to a collective security pact," a number of countries that do belong to military pacts did apply to be included in its meeting, including Australia, New Zealand, Romania, Turkey and Pakistan. They were all turned away from attending because they belonged to either SEATO, CENTO, NATO or the Warsaw Pact.

What is the cement that keeps this non-aligned movement together? Mujubur Rahman, Prime Minister of Bangladesh, who got the Conference to endorse his country's membership in the United Nations, declared that "there are two groups in the world—the oppressed and oppressors," adding: "We stand with the progressive forces." Prime Minister Gandhi of India told the conference at the outset, definitely "Assembled in this hall are rebels, great revolutionary heroes and architects of newly developing nations . . . once we were termed rebels—today we must speak for those who are many, but whose voice is muted."

THIRD WORLD FALLING BEHIND

The final Economic Declaration said: "The Third World which represents 70 per cent of the world's population, lives on only 30 per-cent of the world's income. By 1980, the average income per person will be $3,600 for the developed countries whereas it will be only $265 for the developing countries." Third World participation in world trade is getting smaller and smaller, stated this Economic Declaration, "passing from 21.3 per cent in 1930 to 17.6 per cent in 1970," adding: "The economic situation in developing countries is worsening because of the international financial crisis for which they are not responsible." President Tito in one of the most thoughtful and perceptive speeches of the conference observed: "We have been and still are preoccupied to the greatest possible extent with the struggle of peoples and countries for state political and economic independence. We are confronted with the seemingly contradictory process. Countries are becoming ever more closely integrated and interdependent, at the same time, [they] determine to achieve and preserve their independence. These are only the two aspects of the same movement; all-around, equitable and fruitful co-operation is only possible among independent and sovereign states. Indeed, independent countries are always oriented toward co-operation with the rest of the world in order to make further progress. However, we are still compelled, and we shall probably be forced for a long time to come, to insist upon independence as an irreplaceable prerequisite of equitable international cooperation."

With an increased call for participation of peoples around the world in the determination of their own destiny, the question becomes obvious—what is the future of the non-aligned movement and how can the United States relate to it?

It was interesting to note that the Soviet Union was strongly defended by Fidel Castro, so much so that President Kueddafi of Libya stated in a press conference, "Castro doesn't belong here, he is aligned to a super power."

The People's Republic of China was hardly mentioned. Prince Sihanouk who is deeply grateful to the People's Republic of China, his government-in-exile being in Peking, made just a passing reference to China. The United States, however, was constantly called by many in this Conference an "imperialist, colonialist, and neo-colonialist power." Our actions in Indochina and our support of reactionary government around the world and, for this conference, our resolute support of Israel were given as examples of the United States being a major enemy of the non-aligned world. Not *one* nation came to our defense.

President Sadat of Egypt remarked how "the non-aligned movement started as a minority but now is a majority." Sadat claimed, as did others, that "the great powers cannot have agreements against the interests of the non-aligned."

The Conference was one of defiance—largely defiance of the United States—economically, militarily, politically, etc. The days of the United States being the great revolutionary example are over in the Third World. We are viewed now as a bully and dominator. Suspicions abound that if the United States cannot get resources using peaceful persuasion, military force will be used.

What were the primary concerns of delegates to this conference which represented a majority of the world's peoples and how can the United States relate to these concerns in helping to build a new international system which is both realistic and just? These questions are hard for us in the United States to answer. But if we want to relate to the rest of the world, as indeed we must, we need to grapple with them.

1. The non-aligned countries were unanimous in their determination to control their own natural resources. Whether it is 51 per cent control or total control is irrelevant—control is what they demand! For too long, they reason, they have been the exploited. Their determination to end that exploitation was displayed in thousands of ways here at this non-aligned conference. What the West has is technology and the ability to use it. What the non-aligned countries need is technology and the training and ability to use it. This struggle was not one between East and West at this conference but between the Northern developed states of the world in contrast to the Southern developing states.

2. One of two over-riding political concerns of this conference was the question of Palestine. In speech after speech, America and Israel were linked together. The Conference gave "its firm support to and solidarity with the Palestine people . . . and called for the restoration of the national rights of the Palestine people as a basic prerequisite for the establishment of an equitable and lasting peace in the area." The United States must realize the depth of feeling on this issue of Palestine around the world. We must then, after very careful consideration develop an all-inclusive policy which would have as its basis the national interests of the United States.

LIBERATION IN SOUTH AFRICA

3. The liberation of white-dominated Southern black Africa was the other major political problem discussed by virtually every speaker. Here is a near perfect case where a small group of persons with technology and the ability to use it are suppressing those who either lack the technology or ability to use it. In this particular case it is military technology or ability to use it. Fighters against these last vestiges of colonialism will probably win in the long run yet it will be a long, bloody struggle. The United States must deal with this problem firmly and without any equivocation. In deciding the policy of action, we in the United States must base our policy on the American tradition of self-determination of peoples and the principles of our own war of independence.

4. The creation of a more equitable international economic system was both a stated and unstated question raised by many speakers. The increasing economic disparity between the "haves" and "have nots" cannot be tolerated ad infinitum. A serious effort must be made to start the process of lessening this gap, not increasing it.

Now that the United States has made peace with the two superpowers, the Soviet Union and the People's Republic of China, a concerted effort must be undertaken to understand and then to reconcile the differences—the enormous differences—that exist between the United States and the Non-Aligned nations. Within this process, indeed a new and more equitable international system must be built.

"Third World"—Afterthoughts on the Nonalined Conference

(By Dr. Thomas B. Manton)

(Editor's Note: Dr. Thomas B. Manton of New York is a recognized expert on Asiatic and Middle Eastern studies and has been a close observer of the Asiatic scene for 16 years. He is president of the China-America Relations Society. Dr. Manton was in Algiers for the recent Conference of Non-aligned Nations and wrote a series of special articles on the Conference for the Gazette. This is the last of three.)

"The world cannot continue to live half hungry and half fed," declared the Egyptian foreign minister, Dr. Hassan el Zayyat, in an exclusive interview with the Arkansas Gazette in Cairo after the Non-aligned Conference. Reflecting on the work of the Conference, Dr. Zayyat looked forward to the day when the assembled nations could indeed undertake important unified action.

He realizes full well that the Third World has much more to bring them together than to rend them asunder—that their commonality is far greater than their divergence.

The issue of hunger and poverty permeated much of the rhetoric of the Conference. The heads of state and government urged that in the context of the grave food crisis confronting vast areas and populations of the world, an emergency joint conference of FAO (Food and Agriculture Organization of the UN) and UNCTAD (UN Conference on Trade and Development) should be convened at a ministerial level in order to formulate a program of international co-operation, to overcome the increasing shortage of food and other primary commodities and maintain stable prices.

The new U.S. Secretary of State, Dr. Henry Kissinger, in a speech before the UN General Assembly on Sept. 24, proposed "that a world food conference be organized under UN auspices in 1974 to discuss ways to maintain adequate food supplies and to harness the efforts of all nations to meet the hunger and malnutrition resulting from natural disasters." Our new Secretary of State seems to be responsive to the major economic theme of the Non-aligned Conference—the gap between the rich and the poor. Dr. Kissinger said, "Let us therefore resolve that this (General) Assembly, this year, initiate a search—drawing on the world's best minds for new and imaginative solutions—to the problems of development." He went on to indicate serious interest in the President of Mexico's proposal for a charter of the economic rights and duties of states.

Meanwhile, at the annual meeting of the World Bank held this year in Nairobi, Kenya, the Secretary of the Treasury, George P. Shultz, announced that, if Congress agrees, the United States will contribute a third of the $4.5 billion three-year program of low cost loans to the poorest nations through the World Bank subsidiary—the International Development Association.

The Non-aligned Conference's economic plea, consequently, has not gone unheeded although some called its rhetoric "dogmatic." Some of the delegates had challenged the developed world to pay attention to the desperate needs of their peoples—and some in the developed world were listening.

The Egyptian foreign minister expressed a fervent hope for a change in United States policy toward the Middle East. He seemed, in retrospect, however, to be as cautious as Kissinger was in his comments to Arab ambassadors at the UN. Dr. Zayyat, in a wide-ranging conversation concerning U.S. policy, said that "Saigon and Tel Aviv have in the last few years been the centers of real decision making power." He referred specifically to the role Saigon had played for a number of years in blocking any peace settlement between Hanoi and Washington—that is until Kissinger broke the deadlock and the decision-making power moved from Saigon to Washington.

After a very quiet trip in March of this year to the Middle East, including Saudi Arabia, Abu Dhabi, and a number of other countries, Senator J. W. Fulbright, who is highly respected in the Middle East, indicated in a Senate speech that there was talk of a possible U.S.-inspired takeover of the oil fields in the Arabian Gulf. Earlier the foreign minister of Algeria had given credibility to the same report in comment at Algiers. When I told a friend who'd lived in the Middle East about his comment, she said that her brother had recently ended his term in the U.S. Army in Germany just as the order had been given to gradually paint desert camouflage on all U.S. Army vehicles there. The closest desert to Germany is in the Middle East.

Secretary of State Kissinger, in a meeting earlier this week with Arab ambassadors at the UN, pledged that the U.S. was ready to assist in finding ways of creating a "situation with which you can live." Kissinger, however, hoped none of the parties in the area would look to the United States or expect the U.S. "to bring forth miracles." It is widely recognized that the Middle East situation will be one of the toughest problems the new Secretary of State will have to tackle. There is little hope in the Middle East that anything positive will come out of the seemingly new initiatives taking place. Reaching any agreement of the parties concerned seems to be an insurmountable task. As the Arabs perceive a more irretractable stance by Israel on such items as annexation and development of occupied lands, the Arabs will be forced further and further into the use of the only bargaining levels they have, their vast resources of oil. Intransigence on one side fosters it on the other. It will take a mighty move to break the vicious circle.

Two days after the Non-aligned Conference ended, it had already lost one of its members—Chile. Colonial Kueddafi, president of Libya, warned that the proverbially blamed "imperialists, colonialists and neocolonialists" would overthrow a number of governments before the next Non-aligned Conference. In Kueddafi's understanding, Chile was the first such overthrow. Which will be next?

ADMIRABLE ACTION BY THE RULES COMMITTEE ON THE FORD NOMINATION

Mr. KENNEDY. Mr. President, no one—no Senator, no Congressman, no citizen, Republican or Democrat alike—can contemplate with equanimity the depths to which the credibility of the Government of the United States is sinking. In the past 2 weeks alone, we have witnessed the immense outpouring of public outrage over the dismissal of Special Prosecutor Archibald Cox, the momentous decision by the House of Representatives to begin an inquiry into the possible impeachment of the President, the alarming public cynicism that greeted the military alert over the Middle East, and the incredible disappearance of two of the most critical White House tapes.

Certainly, the end is not in sight. Today, the Nation faces the possibility of lengthy impeachment proceedings by the House of Representatives, intensified Watergate hearings by the Senate, and reinvigorated investigations by the newly appointed special prosecutor.

In the face of these developments, there is no entirely satisfactory avenue to the restoration of confidence we all now seek. The future course that events may take is difficult to contemplate, let alone assess.

What we do know, however, is that the eyes of America and the world are now on Congress as we try to meet the crisis. At the very least, the extraordinary circumstances of these times demand a firm commitment from every person in public office to act in the highest interests of the Nation, and to avoid any possible imputation that partisan considerations are intruding in any way upon the effective discharge of our great responsibilities.

Seen in this light, one of the most troubling aspects of the current national crisis is the increasingly whispered White House accusation that Democrats in Congress may be seeking to delay action on the nomination of GERALD FORD as Vice President, as part of a partisan plan to reverse the 1972 election results by impeaching the Republican President, installing the Democratic Speaker of the House of Representatives in the White House, and taking over the entire executive branch of the Federal Government.

As one member of the Democratic Party who loves this country and is deeply concerned about its future, I want to go on public record now, as emphatically and unequivocally as I possibly can, to say that the last thing this country needs in the present turmoil is a partisan debate over the motives of Congress as we deal with the current crisis.

All of us in Congress have our own responsibility to the Constitution and the Nation and 200 million American citizens to proceed as responsibly as we can to resolve this tragic dilemma over our Nation's leadership, and to do so in a way that is free of any appearance of partisan political considerations. We must do our utmost to eliminate any such factor from the urgently pressing decisions that Congress and the country now must face.

Once before in our history, in the impeachment of Andrew Johnson, who had been a life-long Democrat before accepting the nomination as Abraham Lincoln's Vice President, allegations of unworthy partisan motives exacerbated the proceedings. At the time of President Johnson's trial before the Senate, Republican Senator Benjamin F. Wade of Ohio was the President pro tempore of the Senate. Under the Presidential Succession Act then in force, Senator Wade was next in line to the Presidency. Yet, Senator Wade was himself concerned in the conspiracy to impeach President Johnson, and he voted to convict the President and remove him from office, amid bitter partisan accusations.

The drive for President Johnson's impeachment failed by one vote, and historians now agree that it properly should have failed. Many factors were involved in those proceedings, but clearly, the passions aroused by these partisan allegations of unfair Senate motives should not have played a role.

Thanks to the 25th amendment, we do not have to repeat that aspect of our history. The Constitution now provides a mechanism to fill a vacancy in the office of Vice President, and Congress has the obligation to use it in good faith to fill the current vacancy.

As Democrats, we owe the country the earliest possible action on Mr. FORD's nomination—consistent, of course, with the special obligation of scrutiny we must give to the nomination of the man who may well assume the Presidency.

Thus, I commend the Senate Rules Committee and its distinguished chairman, Senator HOWARD CANNON, for their prompt and vigorous action on Mr. FORD, and I hope that continuing expedited action on the nomination will be made the Senate's highest business.

All of us are heartened by Mr. FORD's replies yesterday to what are surely some of the most unusual questions any nominee for high national office has ever had to answer. It is a sign of these distressing times that Mr. FORD's best-received replies were those avowing his basic belief in the rule of law and refusing to contemplate the use of executive privilege as a coverup for corruption in the highest office in the land.

Today, all of us are in the Rules Committee's debt for the thorough and statesmanlike and efficient manner in which their hearings and investigations are being conducted. I hope that final Senate action will come as promptly as responsible investigation and scrutiny will permit.

MARINE CORPS EXPLAINS PROMOTION OF LIEUTENANT COLONEL BRENNAN

Mr. PROXMIRE. Mr. President, the Marine Corps has recently replied to an inquiry I made on October 4, 1973, about the details of the Presidential promotion of then major now Lt. Col. John V. Brennan.

The issue involved is that of alleged preferential treatment to a Marine officer due to his service in the White House.

The facts, as outlined by the Assistant Commandment of the Marine Corps General E. E. Anderson, appear as follows. Major Brennan was first eligible for consideration for promotion to lieutenant colonel in 1972 when the Lieutenant Colonel Selection Board met in August and September. At that time he was in the "zone of consideration," the lowest of three levels open for promotion. He was 853 notches below the most junior officer in the "promotion zone," the category of selection coming before his "zone of consideration." As a result he was not selected for promotion in 1972.

Major Brennan again was in the "zone of consideration" for the March–April Lieutenant Colonel Selection Board of 1973. As before, Major Brennan was substantially below the seniority of those who were selected; 728 slots below the last officer in the "promotion zone."

Again, he was not selected. Four majors from Major Brennan's "zone of consideration" were selected for promotion but Major Brennan was not one of them.

After Major Brennan was again passed over, the President intervened via the Secretary of Defense by requesting the Marine Corps to prepare a nomination form for Major Brennan under his authority in article II, section 2, of the Constitution and Major Brennan was submitted to the Senate and confirmed for promotion to lieutenant colonel.

PRESIDENTIAL INTERVENTION FOR MAJOR BRENNAN

In retrospect, therefore, it is clear that for one reason or another, Major Brennan's peers did not find it suitable that he be promoted to lieutenant colonel. Under the Presidential directive, the promotion was made over the heads of 1,105 majors senior to him, though 509 of these had previously failed selection one or more times.

It is also clear that the Commandant of the Marine Corps only gave approval for the promotion after receiving the Presidential directive. In filling out the appropriate forms, he stated:

> The commandant of the Marine Corps is in agreement with this nomination.

According to the data supplied by the Marine Corps, this type of Presidential appointment is exceedingly rare. Aside from the space program, there have been three examples of Marines promoted by Presidential authority: Brig. Gen. C. Randall nominated by President Eisenhower in 1957, Col. H. R. Smith nominated by President Johnson in 1968 and Lieutenant Colonel Brennan this year.

The central question involved in this type of promotion is one of equity. Is it fair to promote Major Brennan in 1973 when he would not have reached the promotion zone until 1976? Is it the result of his excellence or the intervention of political factors? We are left with unknowns.

I do not question the ability or outstanding qualities of Lieutenant Colonel Brennan. He may be an exceptional officer. And I realize that the Marine Corps, after passing over him for 2 years, was in a tight spot.

In the matter of promotions, however, I continue to believe that the Marine Corps is in the best position to judge the qualities of its officers and not the White House.

Exposure to high office and seats of power should not automatically grant an aspiring officer benefits beyond that of his peers.

The Marine Corps is an outstanding service. There is no better in the world. And that is why we must guard against the intrusion of political and nonmilitary forces in the officer selection process.

Mr. President, I ask unanimous consent that my correspondence with the Marine Corps and their reply be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

OCTOBER 4, 1973.

Gen. E. E. ANDERSON,
Acting Commandant of the Marine Corps, Washington, D.C.

DEAR GENERAL ANDERSON: I appreciate hearing from you regarding my statement about the promotion of Lt. Col. John V. Brennan.

You make the point that neither you or the Commandant opposed the promotion of Lt. Col. John V. Brennan. My comments to the contrary were based on the enclosed press article which quotes a Marine officer to that effect. You will note that the prior sentence in my speech indicated that this was "according to one press report."

Nonetheless, I will be happy to make your answer a part of the Record.

In order to clarify exactly what went on in this case would you please answer the following questions?

1. Who sat on the promotion board handling the case of Lt. Col. Brennan?

2. What was the decision of the promotion board with regard to Lt. Col. Brennan? How many times was his case reviewed and with what results? What time periods are involved?

3. How many times has the President exercised his powers of nomination when Marine promotion boards have refused to nominate? Please cite numbers, personnel involved and dates.

4. What are Lt. Col. Brennan's duties in the White House? Under what authority is he employed in the White House? How many other Marine officers are detailed to or employed by the White House?

5. Over how many other officers was Lt. Col. Brennan promoted? Why?

6. Would you please supply a copy of the written statement you attribute to the Commandant regarding his agreement with the nomination?

7. Would you please supply the official decisions of the Marine promotion board with regard to Lt. Col. Brennan?

8. Is it true that the Corps has tried to return Lt. Col. Brennan to active military duty out of the White House? Would you supply any documentation to this effect?

9. Is it true that Brig. General Brent Scowcroft actively pushed for the nomination of Lt. Col. Brennan?

10. Under normal circumstances when would have Lt. Col. Brennan reached the selection zone for Lt. Colonels?

11. Do you think it is prudent to have military officers work continuously and closely with political figures, regardless of the Administration, and thereby enhance their careers with early promotions?

12. What effect did Lt. Col. Brennan's promotion have on other officers in the Corps in terms of morale?

I appreciate your interest in this matter and I will look forward to your early reply.

Sincerely,

WILLIAM PROXMIRE.
U.S. Senator.

DEPARTMENT OF THE NAVY,
Washington, D.C., Oct. 29, 1973.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: I appreciate your placing my September 28th letter in the Congressional Record and now respond to the questions you raised in your letter to me of 4 October 1973.

At the outset permit me to state that the statutory provisions related to the promotion of Marine Corps officers are extensive and are codified in Part II, Subtitle C, Title 10, U.S. Code, Chapters 543, Selection Boards and 545, Promotions, are particularly pertinent.

Under the selection board process for promotion to Lieutenant Colonel, three categories of officers are considered by the selection board:

a. Majors above the zone: Those are majors who have previously been in the promotion zone for lieutenant colonel but who were not selected.

b. Majors within the promotion zone: See 10 USC 5765.

c. Majors who are below the promotion zone but who are eligible for consideration and possible selection by the board. See Title 10, U.S. Code, 5706(4) and 5707(c).

Now, with respect to the questions asked in your letter I will answer them in the order in which they were presented.

1 Who sat on the promotion board handling the case of Lieutenant Colonel Brennan?

Answer: Lieutenant Colonel Brennan, then a major, was in the zone of consideration—the category referred to in subparagraph C, in my preceding paragraph—by the Lieutenant Colonel Selection Board which met in August and September 1972. The board was constituted of three general officers and six colonels pursuant to 10 USC 5703(a). The following are the names of the board members:

Major General M. P. Ryan.
Brigadier General J. R. Jones.
Brigadier General W. R. Quinn.
Colonel F. A. Shook, Jr.
Colonel D. H. Blanchard.
Colonel G. Caridakis.
Colonel K. L. Lynn.
Colonel W. G. McCool.
Colonel B. C. Stinemetz.

Lieutenant Colonel Brennan was 853 below the junior officer in the promotion zone. He was not among those officers selected by the 1972 board. Lieutenant Colonel Brennan was also eligible for consideration by the Lieutenant Colonel Selection Board which met in March and April 1973. The following are the names of the board members:

Brigadier General C. S. Robertson
Brigadier General D. H. Brooks
Brigadier General N. W. Gourley
Colonel D. L. Davis
Colonel H. L. Vancampen
Colonel W. N. Vest
Colonel R. E. Gruenler
Colonel H. F. Deatley
Colonel N. M. Laslavic

Lieutenant Colonel Brennan was 728 numbers below the last officer in the promotion zone. No officer junior to Lieutenant Colonel Brennan was selected by either the 1972 or the 1973 selection boards.

2. What was the decision of the promotion board with regard to Lieutenant Colonel Brennan? How many times was his case reviewed and with what results? What time periods are involved?

Answer: As stated in the answer to the previous question Lieutenant Colonel Brennan was in the zone of consideration for promotion to lieutenant colonel in 1972 and 1973.

3. How many times has the President exercised his powers of nomination when Marine promotion boards have refused to nominate? Please cite numbers, personnel involved and dates.

Answer: The President has nominated the following Marine officers for advancement through his Constitutional Authority:

Name	Position at time of promotion	President nominating	Grade promoted to	Date
C. Randall	Special assistant to the Secretary of Defense.	President Eisenhower	Brigadier general	1957
J. H. Glenn	Astronaut program	President Johnson	Colonel	1964
H. R. Smith	Aide to the President	do	do	1968
R. W. Cunningham	Astronaut program	President Nixon	Colonel, USMCR	1971
J. V. Brennan	Aide to the President	do	Lieutenant colonel	1973

All of the above nominations were confirmed by the Senate except that of Colonel Cunningham. As a reserve officer on inactive duty, his confirmation by the Senate was not then required by the law. However, I think it is important to point out that in the instances listed above, it is not a question of a Marine selection board refusing to nominate an individual. For example, the astronauts nominated by the President were nominated because of their service to the Nation's space program.

In the cases of Colonel Smith and Lieutenant Colonel Brennan it was not a situation where the Selection Board refused to nominate. Rather, in the case of Colonel Smith, he had not yet entered the zone of consideration and in the case of Lieutenant Colonel Brennan, he was only in the zone of consideration. In the Selection Board of March/April 1973, the Board was authorized to select a total of 94 lieutenant colonels and of that number, 5% (or 4 selectees) could come from the zone of consideration. The Board selected the quota of four; none of whom were junior to Lieutenant Colonel Brennan.

4. What are Lieutenant Colonel Brennan's duties in the White House? Under what authority is he employed in the White House? How many other Marine Officers are detailed to or employed by the White House?

Answer: Lieutenant Colonel Brennan has served as Marine Corps Aide to the President since 1968 to assist the President in his constitutional duties as Commander in Chief of the Armed Forces. Another Marine officer, a first lieutenant, is assigned to duty at Headquarters, Marine Corps, but on occasion is a social aide at the White House. The third Marine officer, a major, is assigned to the Office of the Special Assistant to the President for National Security Affairs, Secretary Kissinger.

5. Over how many other officers was Lieutenant Colonel Brennan promoted? Why?

Answer: When Major Brennan was promoted to Lieutenant Colonel he had advanced on the lineal list over 1,105 majors who had been senior to him. Actually, of this number, 509 had previously failed selection one or more times. As I stated in my letter to you of 28 September, the President's Constitutional Authority under Article II, Section 2, of the Constitution, to submit a nomination for promotion when an officer of the Armed Forces is clear and unequivocal. The determination to exercise this authority to nominate is reserved to the President alone.

6. Would you please supply a copy of the written statement you attribute to the Commandant regarding his agreement with the nomination?

Answer: Subsequent to the March 1973 selection board action, it became known at this Headquarters that the President desired preparation of the nomination form nominating Major Brennan for promotion to lieutenant colonel pursuant to Article II, Section 2, Clause 2 of the Constitution. In transmitting the nomination paper to the Secretary of the Navy the Commandant stated "The Commandant of the Marine Corps is in agreement with this nomination."

7. Would you please supply the official decisions of the Marine promotion board with regard to Lieutenant Colonel Brennan?

Answer: As stated previously Lieutenant Colonel Brennan was only in the zone of consideration on the 1972 and 1973 lieutenant colonel selection boards. However, the results of those boards are a matter of record and are contained in the Congressional Records, No. 163 of 11 October 1972, page S17583 and No. 117 of 24 July 1973, page S14618.

8. Is it true that the Corps has tried to return Lieutenant Colonel Brennan to active military duty out of the White House? Would you supply any documentation to this effect?

Answer: Under the normal rotational policies of all Armed Services, officers can expect reassignment after three or four years at a duty station. In anticipation that Lieutenant Colonel Brennan could be subject to transfer under this procedure the President requested the retention of Lieutenant Colonel Brennan in his present assignment because of his outstanding services. The Marine Corps did not seek to transfer Lieutenant Colonel Brennan, either before or after the receipt of the President's request.

9. Is it true that Brigadier General Brent Scowcroft actively pushed for the nomination of Lieutenant Colonel Brennan?

Answer: The evaluation of the performance of Marine officers is accomplished by a periodic reporting form, termed a fitness report, which is transmitted to Headquarters Marine Corps upon completion. Lieutenant Colonel Brennan's reporting senior has been General Scowcroft, the Military Assistant to the President. He has consistently evaluated Lieutenant Colonel Brennan to be an outstanding Marine Corps Officer and in his remarks in fitness report form he had, on each occasion, recommended Lieutenant Colonel Brennan for accelerated promotion. The predecessor to General Scowcroft, General Hughes, made similar recommendations for accelerated promotion, commencing as early as 1969. Other outstanding Marine officers have similarly been recommended for promotion by their reporting seniors. Apart from the foregoing evaluation reports this Headquarters has not been urged by General Scowcroft to promote then Major Brennan.

10. Under normal circumstances, when would Lieutenant Colonel Brennan have reached the selection zone for Lieutenant Colonel?

Answer: On the basis of expected personnel strengths and vacancies the Secretary of the Navy annually establishes the promotion zone. At this time, it is estimated that Lieutenant Colonel Brennan would have been included in the 1976 promotion zone.

11. Do you think it is prudent to have military officers work continuously and closely with political figures—regardless of the Administration, and thereby enhance their careers with early promotions?

Answer: In my opinion, it is desirable to continue the long established practice of assigning military officers as aides to the Commander in Chief. Also, for many years we have had Marine Officers posted at the Congress to work continuously and closely with members of the Senate and House of Representatives and their staffs. I think the results of such assignments have been beneficial both to the Marine Corps and to the other agencies in the United States government which are involved and I forsee no reason to terminate this relationship. As one might expect, only those with proven records and indications of exceptional potential are selected for these assignments. Therefore, it is reasonable to predict a successful promotion pattern for those so assigned, even without benefit of this specific type billet assignment.

12. What affect did Lieutenant Colonel Brennan's promotion have on other officers in the Corps in terms of morale?

Answer: There have been no indications to the Commandant or myself that this promotion of Lieutenant Colonel Brennan has adversely affected the high morale of other Marine officers and their esprit which is the hallmark of our Corps.

I trust that the foregoing information clarifies an incorrect impression created by an obviously inaccurate newspaper account concerning the Lieutenant Colonel Brennan nomination. Also, since your letter to me of 4 October 1973 appeared in the Congressional Record I hope that this response will be afforded similar treatment.

Sincerely,

E. E. ANDERSON,
General, U.S. Marine Corps, Assistant Commandant of the Marine Corps.

OIL AND MIDEAST POLICY

Mr. HUMPHREY. Mr. President, Americans are understandably disturbed about the threatening fuel shortages which we face this winter. Our concern, however, must be more broadly based. None of us welcomes the inconvenience that will be ours as a result of fuel allocations and possible rationing. Even more than those immediate inconveniences, however, will be the long term effects on our economy and our national security in the years to come, should the fuel shortage assume crisis proportions.

It is clear that our present problems are the result of long-term policy neglect. It is a matter of some comfort to me that this body is now seeking to remedy the shortsightedness of the past through hearings, studies, and proposed legislation under the chairmanship of the distinguished Senator from Washington (Mr. JACKSON).

There is, however, an immediate danger that faces us, far beyond the inconveniences that we will experience this winter as a result of the shortages. The danger is that forces both inside and outside of the United States will seek to exploit those fuel shortages in an effort to corrupt and interfere with our national security interests in the field of international relations. I specifically refer to the question of oil in the Middle East.

It is clearly in the best interest of the United States that we seek peace in the Middle East between Israel and the Arab nations which surround that beseiged country. Israel is a democracy whose people seek secure boundaries and yearn for peace. It has been consistent U.S. foreign policy that there be a special relationship between our two countries, two strong and viable democratic societies. This is a consistent policy which has been carried out by the Democratic and Republican administrations and has been supported by both Houses of the Congress through leadership provided by both Republicans and Democrats.

And yet, we have been and are experiencing a serious and deliberate effort by the oil producing Middle East nations to blackmail our country into changing its policy for the sake of alleviating our oil shortages.

Aside from the indignity of our Nation that results from our having placed ourselves in a position to be so dependent upon other nations for the supply of our oil, the process is an outrageous insult which we must and will resist.

In that connection, it is also most unfortunate that certain leading American oil companies are permitting their financial self-interest to so distort their view of our national self-interest as to put them in a position of appearing as helpful or sympathetic to those who now threaten or impose embargoes on crude oil. The reports we all hear of influence and heavy pressuring from some of these large oil companies from our Department of State and our Department of Commerce are very disturbing and sad.

The problem of oil and United States/Middle East policy is a serious one. The highly respected Antidefamation League, which is now celebrating its 60th year, has recently issued a comprehensive analysis of that problem. This report urges a program for accomplishing national self-sufficiency in energy. That study will make a significant contribution to our national deliberations and I welcome it in that spirit. I particularly note its wise observation that once a nation or an individual submits to blackmail, that submission invites a chain of escalating demands. For that reason, we must seek the national self-sufficiency which the study urges. We must never permit our economy to be hostage to foreign economic pressures.

I ask unanimous consent that the study to which I refer, together with the newspaper editorials attached to it and a column by Hobart Rowan which appeared in the Washington Post for October 28 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OIL AND U.S. MIDEAST POLICY

WE MUST BE CONCERNED

The long foreseeable energy crisis is now upon us and is threatening to become worse before it becomes better. Our nation's policies, which include policies not to make hard decisions, have brought us to the point of major dependence upon the daily consumption of imported oil which, to a considerable extent, will mean more imported oil from the Middle East Arab states.

As Americans, we must be concerned both with the immediate and long-range effects of putting these nations in control of well over 100 billion dollars in currency, credits and U.S. property during the next decade. We must also be concerned because these foreign oil producers have made it clear that they intend to raise the price of what is becoming a scarce commodity and will refuse to increase production in order to maintain their superior position for as long as possible.

As Americans, we are concerned not only with the dangers of placing these tremendous sums of dollars in foreign hands, but also with the need of adjusting our consumption of energy to what is available and practicable. As we have done in times of war, we shall have to demonstrate our ability to make small sacrifices of convenience for the greater national interests.

As American citizens of Jewish extraction, we have a secondary need for looking objectively at the elements of the energy crisis. Certain of the Middle East oil producing states have indicated that they contemplate using their effective bargaining position to compel the United States to change its foreign policy toward the Middle Eastern nations and Israel in particular. Approval of the policy of such oil blackmail has been voiced by at least four of the major American oil companies, while others have disavowed support of that position. It is self-evident that American Jews, recognizing the need for Israel as a haven for persecuted Jews from Nazi Germany and in recent years from the Arab nations, and bound to Israel by religious and sentimental ties, are alarmed that such threats may be heeded.

Consequently, the leadership and professional staff of the Anti-Defamation League has spent in recent weeks untold hours in obtaining the facts about the oil shortage and the relevance to it, if any, of the Middle East conflict. We have interviewed top officials of our government, officers of the major oil companies and of independents, as well; we have taken advice from leading specialists in oil, and we have come to a series of conclusions which are set forth in this pamphlet.

Neither Israel nor U.S. policy toward the Middle Eastern nations has any relevance whatsoever to the energy crisis.

If there were no Israel at all, the Arab oil producing nations would continue to increase their prices for the oil they export and they would continue to put a limit on the amount of their exports to maintain their advantageous position and bargaining power as long as possible.

The energy crisis is real and will continue for the next decade by which time alternate sources of energy will be available to meet the growing demands of American industry and American consumers.

In an article outlining "A Plan for National Energy Independence" that appeared in the July, 1973, issue of *Foreign Affairs*, Professor Carroll L. Wilson of the Sloan School of Management, Massachusetts Institute of Technology, wrote:

"I believe the United States is facing a national energy emergency. It arises from our extravagant and wasteful use of energy and from a shift in the sources of fuels. Per capita consumption is three times that of Western Europe, and we may ask ourselves whether our greater use enriches the quality of life by any such margin. Our cars are twice as heavy and use twice as much fuel as European cars which run about the same mileage each year, and the ratio is getting worse because of the sharp drop in fuel economy on recent models of American cars, owing to emission controls and air conditioners. We keep our houses and buildings too hot and use large amounts of fuel in air-conditioning everything. We have not given a thought to fuel conservation and efficiency since the days of rationing in World War II—an era which only 30 percent (those over 45) of the population can remember. These are some of the reasons why with six percent of the world's population the United States uses 33 percent of the world's energy—and why Europe and Japan are unlikely to be sympathetic to our plight as we ask them to share with us their traditional supply sources in the Middle East."

During this next decade our nation will have to cope with this long-expected emergency by a combination of methods. We will have to increase our use of automobiles which get at least 20 miles to the gallon instead of six or eight. We will have to compel our public utilities and other big industrial consumers of energy to turn increasingly to the use of low sulphur coal instead of oil, and where only high sulphur coal is available, to install the sulphur extraction processes now available to limit pollution of the air. We will have to reschedule our airlines so that they do not duplicate flights carrying small payloads and thus conserve the fuel they consume. We will have to increase public transportation to replace private automobile transportation that is wasteful. And as we already have begun to do, we will have to carry out crash programs for recovery of oil from the Continental Shelf, for the gasification of coal, for the extraction of oil from shale, for nuclear energy and for the other potential sources of energy now only in experimental stages.

This paper does not undertake to delineate the means by which we can accomplish self-sufficiency in energy. Rather, it gives the hard facts about the energy crisis and the importation of oil. On the basis of the facts, it is our hope to expose the propaganda which seeks to confuse the Arabs' striving for greater profits and economic independence with their efforts to change American foreign policy in the Middle East.

SEYMOUR GRAUBARD,
National Chairman of the Anti-Defamation League of B'nai B'rith.

OIL AND U.S. MIDEAST POLICY: A STATEMENT OF THE CASE

Americans are in a time of rapidly growing demand for oil and are deluged with talk about an energy crisis and an oil shortage. The Arab states have undertaken an effort to force a change in American Middle Eastern policy and U.S. support for Israel by threatening to hold down crude oil production unless such a policy reversal is carried out by Washington. This Arab effort, sometimes labeled "oil blackmail," is being buttressed by parallel activities of certain international oil companies whose economic interests depend heavily on the availability of Arab oil and the good will of the Arab countries, particularly the oil producing regimes.

In effect, Arab countries which presently provide the United States with a mere 3% or 4% of its total oil needs are seeking to dictate American foreign policy in the Middle East.

Functioning as a cartel, they seek to extort a quick political dividend for the Arab cause by exploiting an oil supply problem that the United States faces in the rest of the 1970s and probably into the early 1980s.

This Arab political pressure comes at a time when rising U.S. energy needs, especially for oil, are making this country increasingly dependent on imported crude and imported petroleum products. While this need for imported oil is expected to continue for some years, depending upon how rapidly the U.S. moves to cut down its consumption of oil and to develop new sources of energy, experts agree that the energy squeeze is solvable and that in the interest of national security, the U.S. can and must achieve energy self-sufficiency as quickly as possible.

At stake is the independence of American foreign policy itself and the freedom of U.S. decision making from pressure by other countries.

What is the energy crisis? The problem confronting the U.S. has nothing whatsoever to do with any shortage of known energy reserves, let alone potential energy resources geologists say lie buried in the American earth and the seas offshore. Experts agree that these known reserves and potential energy resources are sufficient to meet U.S. needs for hundreds of years. But the U.S. economy is heavily dependent on oil and domestic production has levelled off in recent years and is not expected to increase sufficiently to meet projected demand in the years ahead. For reasons of technology, economics or ecology, moreover, the nation's vast potential reservoir of other forms of energy is not available in sufficient amounts now, and is not likely to become available quickly enough, to avoid a gap between available domestic energy supply and the rising energy demand for seven, ten or 15 years. The U.S., with 6% of the world's population, consumes 33% of the world's energy and everything depends on how fast the country moves to cut its oil consumption, to conserve its fuels, and to develop new sources of energy.

In the meantime, the experts agree, the country will have to import more oil from abroad. Most of the readily available foreign sources of oil lie in the Middle East (including Iran which is not an Arab state), especially in Saudi Arabia whose vast known reserves could easily meet projected American oil deficits in the years ahead—if that oil were pumped from the ground and if the U.S. could pay for vast additional imports.

In this situation, which is in no sense political but purely economic, the Arab states, including the Saudis, seek to convince the American people that if their oil is to flow here in sufficient quantities to meet projected U.S. needs, this country must act politically to reduce, or abandon, its support for Israel and must impose a political settlement of the Middle Eastern dispute on terms favorable to the Arab cause. Otherwise, the Arabs, contend, they will hold down oil production, or increase it only minimally, in amounts far below those needed to meet projected American needs.

The Arab campaign, in short, is a political smokescreen to mask the purely economic effort of the oil states to exploit a changed demand-supply equation that has created a long-term sellers' market in the world oil trade, resulting in a new and favorable Arab bargaining position. Certain of the oil regimes, moreover, have found other economic reasons for threatening to hold down output now.

Their rationale is that their vast oil reserves will be worth even more in the future than they are now, even at today's prices, and that it is likewise prudent for them to prolong the life of their finite reserves, however large they may be. Further, these Arab oil states appear reluctant to accept currently devalued American dollars and claim they prefer to wait for stronger American currency; in effect, they contend that at present their oil is worth more to them in the ground than it is flowing into tankers and pipelines.

The demand for a change in U.S. policy toward Israel is merely a "cover"—a political pretext—designed to camouflage these Arab economic motivations as well as the rapidly escalating financial demands and greater economic control of crude reserves being wrested from Western oil companies by the oil producing states.

The efforts of certain leading American oil companies in support of the Arab pressure campaign reflect the fact that more and more the major international oil firms are becoming mere economic agents and hostages of the oil producing Arab states. Whereas the kings and sheikhs once welcomed their technical know-how and capital investments via favorable concessions in return for "royalties" based on the volume of oil extracted from the ground, plus taxes, the major companies today are functioning more and more as tax collectors for the oil regimes and as marketers of Arab crude and its byproducts. The new relationship, in which the companies are increasingly captives of the oil-laden Arab states, has emerged as the oil countries have demanded, and won, a larger share of crude oil profits and greater control over the oil resources themselves—sometimes by threatened or actual nationalization. Cast in their increasingly captive role, certain of the oil companies are now echoing publicly the political demands of their Arab captors for a reversal of U.S. policy in the Middle East.

Extended coverage of the energy crisis and the oil problem in the American mass media during the past year has already fertilized the soil of public opinion for the political demands and propaganda arguments put forward in the parallel campaigns of the Arab states and certain of the oil companies. Some of this coverage in newspapers and magazines, and on television, reaching millions of Americans, has posed the issue in misleading terms: Oil or Israel.

It is a phony issue. The basic economic factors that have made possible the increasingly blunt political demands of the Arabs for a reversal of U.S. Middle Eastern policy have nothing whatever to do with Israel. These basic economic factors, that have given the Arabs new bargaining leverage in the market place, would exist today if Israel had never been born. The U.S. today would be confronting energy problems and an oil supply squeeze even if Israel had remained only a dream in the hearts of Jews around the world. The present sellers' market of the Arab oil regimes were predictable for years. Unfortunately, American government and industry alike failed to plan for it with the necessary prudence and foresight; in fact, some government policies and industry practices contribute to the emergence of the oil supply squeeze that now confronts the U.S.

Unless a sound national policy to achieve energy self-sufficiency is promptly adopted and carried out by the United States on a crash basis, the country faces a growing threat to its national security via a dangerous over-dependence on imported foreign oil in general and Arab oil in particular. Such over-dependence, according to the best authorities, poses future dangers for the American domestic economy, its dollar balance of payments and the value of the dollar; it poses future threats, as well, to American military security and to the freedom and independence of American foreign policy. The United States of America must not become the oil prisoner of any foreign country, certainly not any unstable, unpredictable or unfriendly Arab state, especially when alternative sources of energy are possible, awaiting only a prompt and concerted national effort to develop energy self-sufficiency in America's self-interest and in behalf of American security.

There are the realities underlying the present oil problem—realities to which the State of Israel is totally irrelevant. Economic considerations will continue to determine the amount of oil that flows from wellheads in the Arab world, regardless of U.S. policy toward Israel. If it is economically profitable to the oil regimes, that oil will flow; if it is economically profitable to keep it in the ground in the hope of better returns later, the Arabs will try to hold production down.

In short, it is impossible to assure a continued or increased flow of Arab oil by selling Israel down the river, even if this greater long-term American dependence on imported Arab oil were in the national interest, which it is not. Nor is it in America's national interest to betray its only reliable friend and democratic ally in the Middle East and a major force for stability in the area.

Experience, moreover, shows that when economic agreement and cooperation are deemed profitable by Arab states, continuing U.S. support for Israel is no barrier to the closing of such deals. In the final analysis, economic self-interest and the profit motive are the controlling factors in Arab decision-making and they are completely capable of separating their political goals from their financial concerns when it suits their purposes.

As recently as May, 1973, Egypt signed agreements with two major American oil firms who propose to spend $73 million in Mediterranean offshore oil exploration north of the Nile Delta.

Two months earlier, in March, 1973, a combine of American oil companies initialed an accord with Egypt permitting them to use the projected Suez-Mediterranean pipeline.

Also in March, Algeria, which broke relations with the U.S. after the 1967 Arab-Israeli war and which maintains a revolutionary stance in politics, signed an agreement under which a major American oil company became a partner of the Algerian national oil company.

A month earlier, the same American oil company headed a consortium of Western petroleum firms that signed an agreement granting them rights to new oil developments in Oman.

In April, 1973, Algeria concluded a $1.7 billion deal to sell the U.S. market a billion cubic feet of natural gas a day for 25 years, starting in 1976. The transactions are being financed by loans of $556 million from U.S., Canadian and other banks; $336 million, more than half the loan total, was provided by the U.S. Export-Import Bank.

In September, 1973, Iraq, which has had no diplomatic relations with the U.S. since 1967, awarded a $117 million contract for the construction of crude oil exporting facilities to an American firm.

In October, 1973, Egypt concluded a $400 million deal with an American firm for the construction of the Suez-Mediterranean pipeline. American banks played a key role in the financing arrangements.

Against this background, the current Arab effort to use oil as an instrument for diplomatic blackmail against the United States emerges for what it really is—an opportunistic attempt to secure a political victory against Israel by exploiting the presently favorable economic position the Arabs enjoy in the world market place of oil. The Arabs seek to add political icing to their economic cake.

THE ARAB THRUST

The current Arab effort to harness oil to the goals of Arab political and diplomatic policy in the war against Israel was originated by Libya's fanatical dictator, Khadaffi, but is now being orchestrated by Egyptian President Anwar Sadat, with the help of King Faisal of Saudi Arabia.

Clear evidence of the economic basis for the Arab campaign of political blackmail was contained in a Cairo dispatch to *The New*

York Times by correspondent Henry Tanner that was published on August 31, 1973. The Tanner dispatch is one of many providing such evidence. Tanner wrote:

"One of Mr. Sadat's greatest assets in seeking to harness Arab oil wealth for political purposes, diplomats here say, is that for the first time the economic interests of the Arab oil-producing countries are in harmony with the political interests of Egypt and the other 'front-line' states bordering on Israel."

Tanner wrote that "Egyptian experts working in other Arab countries and officials of the Arab League, under Mahmoud Riad, its secretary general and a former Egyptian Foreign Minister, have been conducting a patient campaign of explanation and education to this end." According to Tanner, their argument, in its briefest form, runs as follows:

"At a time of steep inflation and after successive devaluations of the dollar, the Arab oil countries would be stupid to agree to a rapid increase in production when by keeping more of their oil in the ground they can expect far higher prices. In addition, they can stretch the limited time—two or three generations—that their oil would last at the current rate of exploration.

"The argument continues that at the present rate, oil revenue is so great that even with the greatest ingenuity only a fraction of it can be invested for development in the producing countries or even the whole Arab world.

"Therefore, large sums are piling up in Western banks where they are vulnerable to devaluation and may soon be subject—along with other capital—to restrictions on movement . . .

"When Arab oil and financial experts speak of these issues their talk is technical and unemotional. They talk in terms of economic self-interest. The Arab countries, as much as anyone else, are interested in a well-functioning international monetary system and have no intention of disrupting it, they say.

"But when the political writers get hold of the same issues, the terminology is different. Then it is a matter of 'punishing the United States for its total support of Israel.'"

The official spokesmen of the Arab oil-producing states themselves admit their motivation is primarily economic, not political.

The *Christian Science Monitor* of July 16, 1973, quoted Hisham Nazir, President of Saudi Arabia's Central Planning Organization and a member of his country's Supreme Petroleum Council, as expressing reluctance to sell more oil because Saudi Arabia has no way to spend the additional dollars. He said:

"We were able to spend only 62 percent of the past year's budget, though I think we can improve on that. Of course, seen from the standpoint of you oil users in the West, a 10 percent increase [in oil output] is low. But Saudi Arabia must strike a balance among competing factors."

Listing as the first two factors in importance the requirements of Saudi Arabia's own development and the need to diversify, Nazir continued:

"Everything about oil is vulnerable: the markets, the political angle and the physical installations themselves. Oil is precious. It also is undependable. This is why the kingdom now wants heavy industries.

"Third, is the absorptive capacity of the economy. We can absorb just so much money and no more. Tied to this is the fourth consideration: the accumulation of oil reserves. It is better to have reserves in the ground than a lot of depreciating dollars in hand."

A week earlier, a Saudi Arabian cabinet minister declared:

"We have found that the maximum revenue we can usefully absorb is brought in by production of seven million barrels a day. Anything we produce over that harms our own interests by keeping prices down and by disturbing our economic balance."

In a recent interview with CBS news correspondent John Sheahan, Kuwait's Minister of Finance and Oil, Abdul Rahman S. Al-Ateeqi, said:

"Why should I produce more oil and give it for unguaranteed paper money? Why should I produce oil, which is my own bread, my livelihood, and give it for a price which next year will be devalued for so much percent. That means that I am sacrificing so much percent for somebody else who is giving me unguaranteed paper money."

Obviously, however, were Israel to die tomorrow, the Arab oil regimes and their allies would have the same purely economic reasons for restricting oil output in the present period.

The depreciated value of the dollar, one of the factors which now tempts them to do so, emerged at just about the same time that other purely economic developments were taking place—developments that have driven the price of oil sharply upward, that may in coming years send extra billions into Arab coffers, and that may strain the U.S. balance of payments deficit, putting further downward pressure on the value of the dollar.

The price of oil has just about doubled since 1970. The Arabs have been able to send the price spiraling upward because they have been wresting control of their own oil reserves from major Western oil companies who previously controlled those resources under long-term concessions.

Under the concession system, the Western oil companies, mostly American, British and French, decided how much oil to produce, where to sell it, and how much to charge. The countries in whose ground the oil lay received a fixed royalty of about 12.5% of the sale price, plus a tax. The production costs to the companies were, nevertheless, so low that their producing operations—"upstream"—were highly profitable. "Downstream" operations—refining and marketing—in fact accounted for only a minuscule portion of the profits earned by the giant international companies.

Following a unilateral 1958–1959 cut by the companies in posted prices for oil—the prices on which the taxes to host governments were based—the revenues to the oil states were, as a result, reduced. In 1960, they formed the Organization of Petroleum Exporting Countries (OPEC), originally Saudi Arabia, Iran, Iraq and Kuwait, plus Venezuela, and now including Libya, Algeria, Abu Dhabi, and Qatar, plus Indonesia and Nigeria. These 11 OPEC countries are a cartel that controls half the world's production and 80–90% of the oil that moves in international trade, although only 3% or 4% of U.S. oil consumption comes from the Arab states.

At first seeking only a restoration of the 1958–1959 posted prices that had been cut by the international oil companies, OPEC was by 1969–1970 warring against the concession system itself. In the last two or three years, a rapid succession of confrontations has taken place between the producing countries and the international oil companies that has drastically and dramatically changed their relationships and that has placed the oil states, rather than the companies, in the driver's seat.

The oil states have not only won their demands for higher payments but have wrested ownership participation" rights from the companies as well. This participation, in the case of the Persian Gulf states, provides for a 25% interest in existing concessions now, with 51% majority interest scheduled by 1983. (Now there are rumblings that these states may press for control now—or at least earlier than 1983.) In other countries, such as Libya, oil company properties have been seized without compensation, or have been nationalized with offers of some compensation to the corporations. In yet other cases, nationalization has been threatened.

These actions have been met by a noticeable inability on the part of the companies and the consuming governments to resist. The companies are well down the road to becoming the servants of the exporting countries—more and more mere conduits for the transfer of billions of dollars from consumers to the producing states.

In none of these purely economic developments of recent years, so radically altering the international oil picture, have the State of Israel and U.S. Middle Eastern policy been factors of any significance whatsoever.

ENERGY CRISIS

Just as Israel is totally irrelevant to the purely economic developments of recent years that have led to the new sellers' market in oil and to the threatened Arab oil output hold-down, so too the existence of the Jewish State has no relationship whatsoever to the ever-increasing demand for energy in the United States and the rest of the world that has now come to be called an energy crisis."

That escalating demand for energy—a purely economic manifestation—results from the combined and mounting needs of the U.S., Western Europe, Japan and some of the underdeveloped countries now striving for more industrialization.

The human animal has used up more energy in the 30 years since 1940 than he consumed in all of recorded history until then. And, experts say, by 1980 world energy consumption is expected to be double that of 1970.

As far as the United States is concerned, here is how recognized authorities see the situation:

The U.S. grew to its present stature of strength and prosperity because of vast domestic supplies of cheap energy that enabled it to emerge as an industrial giant with the highest standard of living in the world.

Tremendous amounts of fossil fuels—coal, oil and natural gas—made this growth possible. Those supplies are far from exhausted. Indeed, the energy crisis the country faces is a problem of shortage in the midst of plenty—tight supplies above ground amidst vast recoverable reserves and even vaster basic resources believed to exist under ground and under water but not presently able to be tapped. For example:

The U.S. Geological Survey estimates the nation's total coal resources at 3.2 trillion tons, enough for many hundreds of years, and of this resource base, 150 billion tons are presently recoverable, enough for almost 200 years.

The U.S. has an estimated 385 billion barrels of ultimately discoverable oil—that is, estimated oil in place but not yet part of proven reserves or presently recoverable. The amount is almost equal to all the oil discovered in the country up to 1971.

The U.S. has 1,178 trillion cubic feet of ultimately discoverable natural gas in its overall energy resource base—a little less than double all the natural gas discovered until 1971.

The U.S. has 1.6 million tons of mineable uranium, 700,000 tons mineable at costs low enough to assure cumulative requirements through 1985, and to take the nation from the oil age through the age of the breeder reactor and on into the next energy age, whatever it may be.

The country has 1.8 trillion potential barrels of crude shale oil in oil shale deposits in the Western states.

For reasons of technology, economics or ecology, most of these vast potential sources of energy are not now readily available. The lag in development of these resources is in part the result of government policies, industry practices and pressures in recent years from ecologists and environmentalists.

Existing supplies, meanwhile, have been squandered at a far faster rate than necessary by national wastefulness and failure to conserve—the result, likewise, of various government policies and certain industry practices.

The gap between available energy supplies and mounting energy demands that is expected in the next seven to 15 years is one of the most serious facing the country, if not the most serious. Closing the gap will take time, great outlays of money, technological research and a concerned effort, starting at once.

The prospects for a solution are far brighter for the long term—ten years or more from now—than they are in the short term, between 1973 and 1980 or 1985. Sen. Henry M. Jackson of Washington, considered by many to be one of the best informed men in the nation's capital on energy problems, believes that a 10-year, $20 billion research and development program, on the scale and scope of the Space Program, must be undertaken at once with the goal of making the U.S. once again self-sufficient in energy by 1983.

The challenge confronting the nation is formidable. Energy consumption in the U.S. doubled between 1950 and 1970 and most of the consumption levels projected for 1985 are almost double those of 1970.

Because the American economy is so heavily geared to petroleum and its by-products, much of the projected increase in the demand for energy will take the form of an increased demand for oil, which has already risen markedly in recent years. The U.S. oil consumption picture looks like this:

U.S. oil consumption—Actual and projected

[Millions of barrels a day]

Actual:	
1970	14.7
1971	15.1
1972	16.3
1973 (estimated)	18.0
Projected:	
1975	21.0
1980	22.0–25.0
1985	25.0–27.0

The U.S. oil import picture looks like this:

U.S. OIL IMPORTS, ACTUAL AND PROJECTED

Year	Millions of barrels daily	Percent of total oil consumption
Actual:		
1970	3.4	23
1971	3.7	25
1972	4.6	28
1973	[1] 6.0	33
Projected:		
1975	7.5	36
1980	9.0–12.5	36–57
1985	13.0–15.0	48–60

Until now, most imported U.S. oil has come from Venezuela, Canada and Nigeria. In 1970, less than 3% of total U.S. consumption came from the Middle East. By 1972, the percentage had risen to 3% or 4%.

The estimates of U.S. oil demand for the years ahead, until 1985, tend to vary, depending on assumptions made with respect to various demand and supply factors.

Most of the increased imports, the experts say, will come from the Middle East, and some estimates place the expected 1980 imports of Middle Eastern oil at 35–40% of total U.S. consumption.

All estimates and future projections, it should be noted, rest on a series of assumptions that may or may not prove to be sound. Most of the statistical data on oil come from petroleum industry sources and both the government and the mass media are heavily dependent on oil industry sources for crucial information, key statistical data and indicators, and for future estimates and projections as well.

That the oil industry itself can be wrong in its projections was indicated by Thornton F. Bradshaw, president of the Atlantic Richfield Co., during an interview on a recent three-hour NBC–TV documentary on the energy crisis. Discussing the present oil and gasoline squeeze, Mr. Bradshaw stated that demand for petroleum and petroleum products had proved to be greater than the industry had anticipated and that at the same time actual supply had been less than anticipated.

While the foregoing caveats with respect to oil statistics and future projections are worth noting, it is nevertheless generally agreed that, if the consumption of oil continues to increase, the United States is likely to be increasingly dependent on Middle Eastern oil imports in the latter years of the 1970s and the early years of the 1980s, and the main available sources of supply for such imports from the area will be Saudi Arabia and Iran.

Yet another factor in the picture is the price of crude oil which, as noted, has just about doubled since 1970 and which seems certain to go up even further in the wake of Libya's recent action, setting the price of its crude at $6 a barrel.

The combination of increasing U.S. reliance on imported oil and the rapidly escalating price of crude could have a serious impact on the U.S. balance of payments in the future.

In 1972, the U.S. balance of payments deficit was approximately $6.5 billion of which about $4 billion resulted from energy imports, mostly oil. In testimony before the Senate Foreign Relations Committee on May 31, 1973, Deputy Secretary of the Treasury William E. Simon said that the U.S. payments outflow due to oil imports might reach about $7 billion for 1973, and that this figure could grow to $10 billion in 1975 and might reach $17 billion by 1980.

Allowing for estimated exports of $8.2 billion that would be generated in 1980 by this outflow of dollars—an optimistic estimate—plus about $5.9 billion returning to the United States as "repatriated profits," Mr. Simon put the net dollar outflow due to oil imports at about $3 billion. This figure, however, would be substantially increased by projected capital and exploration expenditures overseas on the part of American oil companies.

The Simon analysis made it clear that some of the oil producing states in the Persian Gulf area—Saudi Arabia, Kuwait, Abu Dhabi and Qatar—had small populations and that they might not be able to increase imports or domestic investments as fast as their oil revenues accumulate. He said that by 1980, the combined dollar holdings of these oil states could be about $60 billion.

A *Newsweek* article in April, 1973, was less restrained. It projected accumulated Arab oil earnings of $120 billion by 1985—a figure the magazine noted was almost as much as the world's combined reserves of gold and foreign exchange and enough to buy up all the issued stock of all the petroleum companies in the world. *The Economist*, respected British publication, recently put the projected monetary reserves of the four Arab oil states of the peninsula at anywhere from $44 billion to $95 billion by 1985.

These projections of accumulated Arab oil earnings by the end of the next ten or twelve years have led to speculation that the oil states could end up controlling a number of major American corporations. Other speculation suggests that Arab investments in U.S. industry will increase sharply. Some highly placed government officials feel such investments are to be welcomed as a way of soaking up accumulated Arab earnings and offsetting the projected U.S. payments deficits.

In any case, the problems implicit in projected U.S. trade deficits stemming from energy imports and accumulated monetary holdings in Arab treasuries are obvious. First and foremost is the problem of how the U.S. is to pay for billions of dollars worth of oil imports and meet its steep balance of payments deficits. Another problem is the possibly serious impact of these oil imports and trade deficits on the value of the dollar in the years ahead. A third is the problem of increasing competition for Arab oil supplies among the U.S., Western Europe and Japan, not to mention the underdeveloped countries who may be priced out of the market as the escalating demand of the major industrial nations drives crude oil prices steadily upward.

Put bluntly, the projected dependence of the United States on oil imports from the Middle East during the next decade poses serious threats to American national security, the health of the U.S. economy, the value of the dollar and the freedom and independence of American foreign policy.

FACTORS IN THE ENERGY SQUEEZE

The growing reliance of the United States on imported oil, especially from the Middle East, has its roots in an array of domestic factors that in recent years have tended to stimulate oil demand while restricting exploratory drilling, U.S. production of oil and natural gas, expansion of American oil refining capacity, and development by this country of alternate sources of energy. These factors include various government policies in the energy field, certain industry practices, and resistance by environmentalists to a variety of energy projects.

Experts who have analyzed the problem say this: Government import quotas on crude oil, originally adopted in 1959, were continued for some time after they had become self-defeating; they were finally abolished by the President on May 1, 1973. By restricting supplies of crude oil, these import quotas tended to stifle construction of additional refinery capacity, as well as competition by independents in the petroleum industry. The industry and other observers contend, also, that government tax, pricing and leasing policies stifled exploratory drilling for new sources of domestic oil, especially offshore oil along the Outer Continental Shelf. At the same time, many experts agree, government price controls kept natural gas so cheap that exploratory drilling likewise lagged, restricting new finds of both natural gas and oil, since the two are often found together. The cheapness of natural gas led to uneconomic and wasteful uses of that fuel; this has led to a supply squeeze in natural gas.

Government incentives have likewise been lacking for the construction of oil storage facilities and deepwater ports to make possible substantial economies from the use of super-tankers. These factors have in turn dampened efforts to construct new refining facilities.

The international oil companies, pointing to uncertainties as the result of all these government policies, have tended to concentrate on "upstream" profits in crude oil production at the expense of building more refining facilities. In many cases, where efforts were made by the major companies or by independents to build refineries, sincere opposition by environmentalists delayed or blocked construction. Environmentalists have likewise opposed construction of nuclear energy plants, although the U.S. now has 30 such plants in operation, 59 under construction and 97 on the drawing boards. Yet nuclear power generates less than 5% of electricity today; this is expected to grow to 20% by 1980, and to 27% by 1985.

The often understandable opposition of environmentalists to the siting of oil refineries and nuclear plants has also delayed or blocked other steps that might, in recent years, have begun to relieve the energy supply problem. Such opposition has held up offshore oil drilling projects and has prevented construction of the Alaska pipeline for the last five years.

The Federal Government recently proposed a variety of steps aimed at speeding the production of new domestic oil supplies and at developing alternate sources of energy. Results, however, will take time, many of the proposals may encounter opposition, and technological research will have to be speeded on an even more urgent basis.

Experts, however, agree that the "supply side" of the nation's urgently needed crash program for energy self-sufficiency must be balanced by determined efforts to attack the "demand side." They point out that national security requires not only the development of new supplies of energy, but a concerted drive to reduce our total consumption of energy, especially oil, plus the more efficient use of the energy supplies we already have.

Conservation of energy, these experts say, must become an urgent national priority because, over a period of time, such conservation can achieve reductions in the country's total energy consumption that would be the equivalent of hundreds of thousands of barrels of oil a day, perhaps even more.

An October, 1972, report issued by the Office of Emergency Preparedness ("The Potential for Energy Conservation") said that by 1980, the country could reduce its energy demand by the equivalent of 7.3 million barrels of oil a day and save an estimated $10.7 billion in outlays for imported oil, thus benefiting its balance of payments problem as well.

The study said major areas for energy conservation were in the sectors of industry and transportation. It said industry could cut demand by 10% to 15% of projected levels, or more, if given incentives to do so. Transportation, which accounts for about 40% of overall energy consumption, offers major opportunities for consumption cuts but some of the possible economy measures, the OEP conceded, might encounter public resistance. Residential and commercial uses, the report said, now consume about 20% of the country's overall energy demands and could possibly be cut 20% by 1980.

In the final analysis, the U.S. goal must be to achieve independence from foreign sources of energy.

ECHOES OF THE ARAB THRUST

In the last year, every aspect of the energy crisis and the oil problem has been covered by the American mass communications media. The public has been deluged with articles, in-depth analyses, editorials and cartoons in newspapers and magazines, and by extensive coverage on radio and television.

In the hundreds of thousands of words that have been printed and broadcast about the energy crisis and the oil problem, there have been references time and time again linking the nation's fuel difficulties to American policy in the Middle East. Such coverage has implicitly or explicitly given credence to the smokescreen the Arabs have raised to camouflage the economic self-interest that underlies their recent threats to hold down oil production now in the hope of greater profit later.

The false Arab claim, that their threatened oil hold-down results from U.S. support for Israel and that Arab oil will flow only if the U.S. changes its policy, has been given such heavy exposure and the energy crisis has been so extensively covered that it appears many Americans are disturbingly vulnerable to the propaganda campaign of the oil regimes and their collaborators here.

Thus, in a June, 1973, advertisement in *The New York Times*, one international oil company urged that the U.S. join with the Soviet Union in insisting on a Middle Eastern peace "guaranteed" by the two great powers—an *imposed* peace between the Arabs and Israel and a solution opposed not only by Israel but by the United States Government itself.

A month later, the board chairman of another major international oil corporation sent a letter to his company's 262,000 stockholders and 40,000 employees, urging them to pressure Washington into adoption of a policy favorable to "the aspirations of the Arab people, and more positive support of their efforts toward peace in the Middle East." The letter received extensive coverage in the mass media. Filled with obvious anti-Israel insinuations, its basic message was identical to that contained in the Arab oil hold-down threats: if the U.S. wants increased supplies of Arab oil for its energy needs, it must change its foreign policy with respect to the Middle East. The board chairman who signed the letter later denied any anti-Israel intent. Other such statements from similar sources have followed. Significantly, all these companies are those most dependent on Arab oil reserves.

Major American oil companies have long maintained a pro-Arab stance and their executives have been for many years busy Washington lobbyists for the Arab cause in the dispute with Israel. Most of their activities, however, have been carried out quietly and discreetly—behind the scenes and far from the spotlight of publicity, in the offices and corridors where policy is made, and by support of "educational" activities carried out by pro-Arab groups to influence public opinion. Rarely, however, have oil companies openly attempted to influence American foreign policy in line with their own corporate interests.

More usual is the tactic whereby oil industry spokesmen have testified before Congressional committees considering U.S. foreign policy, or have met privately with State Department officials, or other top leaders in the Executive branch.

Thus for example, in June, 1972, the former chairman of a consortium of four major American oil companies, testifying before a House Foreign Affairs Subcommittee on the Middle East, urged a change in U.S. Middle Eastern policy and the adoption of a more "realistic political stance" toward the Arab nations. Two years earlier, in July, 1970, the same spokesman told the same House panel that America's pro-Israel policies were hurting U.S. business interests.

In May, 1970, 10 representatives of the same consortium and its four owning oil companies met privately with Assistant Secretary of State Joseph Sisco and warned him that American military sales to Israel would damage relations with the Arab states and jeopardize U.S. oil interests in the Middle East.

As recently as September 4, 1973, the present board chairman of the same consortium, owned by the four major American oil companies (and now in part by the Arab host government as well), told a Los Angeles *Times* reporter in an interview that he was the "middleman" in a "calculated" attempt by the consortium to create a more sympathetic attitude in this country toward Arab nations. The board chairman of the consortium contended that the intent of this effort was not to arouse sentiment against Israel but to promote a climate of public opinion which might move the American government to "more aggressively" seek a settlement of the Arab-Israeli dispute.

In the interview, the chairman also disclosed that he had initiated the effort because of "pressure" from King Faisal of Saudi Arabia. The views of the monarch, the board chairman told the Los Angeles *Times*, were conveyed to him at a meeting early in May, 1973, at which Faisal said he felt the consortium should be doing more in the U.S. to put across the Arab viewpoint.

Following his conversation with the King, the board chairman said, he immediately sent a detailed cable to the four American companies summarizing his conversation with Faisal.

Two of them acted during June and July (a third acted later)—the company that published the ad in *The New York Times* and the company whose board chairman sent the letter to his stockholders and employees. The chairman of the consortium indicated that he considered the content of the letter "ill-advised." But he contended that while the consortium's interest in its own good relations with the Arabs remained a major factor, "Mideast stability" had also become an American national interest.

In any case, the open effort to influence American foreign policy by the oil consortium and three of its owning corporate partners emerged as an Arab-instigated propaganda tactic.

It soon became clear that other major oil firms were disavowing such tactics. In August, 1973, a spokesman for one such firm told *Anny*, a New York advertising weekly, that his firm would not meddle in American foreign policy. "Oil companies," he was quoted as stating, "have no right to involve themselves in international politics." *Anny* reported that another oil company spokesman had issued a similar statement. An official of yet a third major oil firm wrote a public letter asserting that his company "has made no public statement supporting either side in the Middle East conflict." He added: "It is our position that U.S. foreign policy is the responsibility of government, acting on behalf of all citizens who are free to express their individual beliefs."

Despite these disavowals from within the oil industry itself, despite sharp reactions from thousands of customers and from the American Jewish community, and despite editorial criticism from a number of leading newspapers around the country, echoes of the Arab pressure campaign for a change in U.S. Middle Eastern policy were again heard in mid-September, 1973.

In a public speech, the chairman of yet another giant international oil company—like the others a member of the four-company consortium and heavily dependent on Arab crude—called for a re-examination of the country's Mideast policy. He noted that "key reserves on which this country is now dependent, and on which it is destined to become more dependent, reside with countries where these reserves represent substantially all or the major part of their known wealth." Consequently, he said, it was not difficult to understand "that the leaders of these nations will use their oil to achieve the major objectives to which their people aspire, whether they be economic or political."

Perhaps more significant, this oil industry executive pointed out that close ties had developed between the oil companies and Saudi Arabia, adding:

"We must feel concern when those who have been so close to us urge us to review our policies. When such long-time friends assert that we are not being fair and even-handed, it seems only sensible to pause and examine the actions about which they express concern.

"This would seem appropriate even if this nation were not now facing decisions about the Middle East which will directly affect the flow of energy during the critical, short supply years ahead—energy which is so fundamental to our economic well being. To dismiss without some concern the viewpoint of those who feel wronged is to neglect a significant aspect of the nation's energy policy."

As may already be clear, the major international oil companies face some serious problems, but these problems are economic. They result from the economic self-interest of the Arab oil countries and bear no relation whatsoever to the existence of Israel as a sovereign state in the Middle East or to U.S. policy in that area of the world.

All of the problems that now confront the oil companies would confront them if Israel had never existed, or if it were to disappear tomorrow.

NEEDED: U.S. SELF-SUFFICIENCY IN ENERGY

The United States should not, need not, and must not, submit to Arab oil blackmail, aimed at forcing a reversal of U.S. support for Israel.

This country should not submit because a change of policy will not alter the basic economic factors behind the Arab threat to hold down oil production.

This nation need not submit because it has energy options available.

It must not submit because American self-interest and the requirements of national security dictate a policy that avoids a dangerous over-dependence on imported Arab oil.

To submit would invite a chain of escalating demands that would threaten the independence of American foreign policy.

The September, 1973, conference of oil ministers from 10 Arab nations, held in Kuwait, indicated that the Arab world is not as united on the issue of using oil as a political weapon against the U.S. as its propaganda would have us believe. The Kuwait conference ended without any agreement on a common policy to force a change in U.S. policy by holding down Arab oil production. *The Wall Street Journal* of September 5, 1973, quoted "conference sources" as stating that "the ministers believed their views were so diverse that to attempt a common policy at this time would threaten serious damage to the organization."

In any case, the course to be taken by the United States is clear and commands widespread support and broad agreement. That course would set the United States on the road to energy self-sufficiency through adoption of a concerted and coordinated national program to conserve energy and to develop alternative energy sources that would free the country from dependence on imported Arab oil and the vagaries of unpredictable Arab regimes.

While conservation of energy resources through reduced consumption can be and must be pursued, according to many experts, conservation and reduced consumption will not solve the long-term problem. Nevertheless, these experts say, development of mass transit, lower legal speed limits, taxation of heavier cars to stimulate production and purchase of smaller ones, and other such efforts, can be helpful. So, too, they add, can educational campaigns and incentives aimed at persuading homeowners to improve the insulation of their homes and the efficiency of their heating units.

But, all agree, the major U.S. effort must take the form of a national program to develop alternative sources of energy and there is an array of options open to the country. Promptly pursued, on the scale suggested by Sen. Jackson's 10-year, $20 billion development proposal, they offer a permanent solution to the energy problem.

Here is what leading experts in government, science and industry say:

America's energy options include nuclear energy through both fission, including breeder-reactors, and fusion. Fusion especially offers great hope for a lasting solution to the energy requirements of a great industrialized nation.

The nation's vast supplies of coal offer opportunities through the use of gasification and liquidation processes and the use of low-sulphur coal for direct burning. There is great hope in magneto-hydrodynamic power generation—MHD—whereby energy from coal is converted directly into electrical energy. MHD is both a clean and efficient source of energy from coal and offers another long-range answer.

Other potential sources of energy include the extraction of oil from shale rock, already being explored, and from tar sands, plus research into the employment of solar power to tap the vast energy of the sun and geo-thermal energy to be extracted from the core of the earth.

These potential sources of energy will have to be researched and the best sources developed for our long-term future needs because even if national security considerations were not involved and the independence of American foreign policy were not at stake, the plain fact is that even the vast oil resources of the Arab world will some day run out. In the shorter term, if the United States resolutely develops alternative sources of energy, it will stand a far better chance of ending the OPEC cartel's grip on the world trade in petroleum that has produced the current Arab effort at oil blackmail.

The Arabs know all this. They know that they are in an advantageous position now, but that some time down the road in the future, their bargaining position will eventually erode.

American policy in the Middle East must be determined by the long-term interests of American security, not by worry—let alone panic—in the face of an oil squeeze and Arab blackmail threats that may turn out to be mere bluff.

To bow to these threats, to sell the existence of Israel as a reliable and democratic ally for future supplies of Arab oil that would make the U.S. a prisoner of the oil regimes, would be folly.

[From the Jerusalem Post magazine, Sept. 14, 1973]

THE GREAT OIL BLACKMAIL

The Western world's biggest headache during the next decade is going to be the oil crisis. It is a problem of such intimidating dimensions that its association with the Arab-Israeli dispute becomes incidental, almost irrelevant. Put another way, if Israel were to disappear tomorrow, the oil crisis would remain unchanged.

Here are the statistical facts, as they were immediately prior to President Nixon's statement last Saturday. Oil production on the American continent has passed its peak, and is beginning slowly to decline—while consumption goes on growing. The U.S. imported close to 250m. tons last year. That figure, will increase to 600m. tons in 1980.

The Americans consumed 775m. tons of petroleum in 1972—550m. tons of it from internal sources, the rest imported. By 1980 they will be needing 1,200m. tons, 50 per cent of it from foreign wells.

Japan will be buying a similar quantity by then. Europe is importing more than that already. In all, the world will need over 1,000m. tons of extra oil eight years from now.

The chief supplier will be the Middle East, at a price—a very high price. In fact, the cost of this whole operation will be so immense that it probably cannot be accommodated within the framework of the world's present monetary system. For the first time in human memory, neither currency nor bank loans nor gold are going to prevent a major economic deadlock.

The U.S. paid $7,000m. for oil imports last year. By 1980 (with prices already going up), the bill be be $20,000m. or more. The Americans do not have that amount of foreign exchange to spend. They cannot possibly push up their exports by $10–15 billion in eight years—just to pay for oil.

One of the reasons they cannot is that the Arab States face the same problem in reverse. Saudi Arabia—the country with the largest oil reserves in the world—earned $3,000m. from the oil trade last year. By 1980, if she is to supply the purchasing countries as outlined above, she will be earning an estimated $25,600m. per annum. Saudi Arabia has no idea how to spend last year's $3,000m.—and this year's revenue is already appreciably greater. What will she do with an annual inflow of $25 billion?

According to the British Institute of Strategic Studies, the Arabs—and Saudi Arabia especially—want to industrialize; but they cannot possibly manage to spend—whether on raw materials, machinery or consumer goods for the wage-earners—a fraction of these huge sums. If they could, the U.S. would have a new market for exports. Instead, King Faisal will be sitting on an increasing pile of superfluous dollars. He will be stuck with a growing mass of depreciating banknotes. The more he has, the more their value will decline—inevitably, as supply exceeds demand.

Meanwhile, his country's one vital treasure is being remorselessly extracted from the ground. Once that oil is exhausted, Saudi Arabia will be like Samson shorn of his locks—powerless, abandoned, a forgotten monster. The Arabs are lucidly aware of this problem. They are being asked to exchange their one priceless asset for bits of paper—notes, bills, scrip, bonds, share certificates—whose purchasing-power could quite conceivably evaporate with the passage of time. (Western governments are already alarmed at the mounting purchase of securities in their countries by the oil sheikhs.)

Why did Kuwait freeze her petroleum output two years ago? The real reason is that she has no incentive to increase production. Last year she earned $1,560m.—for a population of 800,000, only half of whom are Kuwaitis. That comes to $10,000 per family. This year she is receiving $2,000m. What can she do with the money?

Abu Dabi earned $550m. last year, for a population of less than 40,000. Seven years from now, assuming a 25 per cent population growth, there will be (quite literally) $400,000 a year per family. Even if they share it with other inhabitants of the United Arab Emirates, it will still come to a handsome quarter of a million dollars annually per family.

The game is scarcely worth the candle. Explaining to the "Christian Science Monitor" why his country wants to reduce the growth-rate of its petroleum output from 30 per cent a year (which represents the Western need) to 10 per cent, Mr. Nazer, chief of Saudi Arabia's Central Planning Bureau, said: "Frankly, I wish you could find some other energy source, to take the pressure off us."

Production costs are only six to seven cents a barrel. Yet the Arab Governments make $1.70. (This is in the Persian Gulf, where the posted price is $2.90 a barrel. In Libya, which is nearer the European market, the price is $4.40) OPEC (the Organization of Petroleum Exporting Countries) constitutes by far the biggest international cartel in history. It puts on the squeeze in order to extract profits. These profits have no relation whatever to production costs, the price of capital, or anything else. They are a kind of toll, extorted by the menace of sanctions. It can be said that OPEC was over-successful. The consumer countries were altogether too obliging. Their agreements threaten to wreck the world's monetary stability. (A first small taste of this was felt in the recent dollar crisis.)

One could ask, why should not poor countries get what they can out of the rich countries? If all the poor countries were benefiting, the imbalance would be much less serious, because the world's poor need desperately to buy, and would want to spend those dollars. But even the Arabs are not doing as well as they think out of their one-sided deal. They are at last beginning to recognize that, in a way, they are themselves being exploited for the benefit of the industrialized world. They are giving away their only asset albeit expensively—but at a pace convenient to the buyer, and highly inconvenient to the seller.

It would be best for them to market the oil in their own time, to step up production slowly, as their need for foreign exchange slowly increases. Any business consultant would give them the same advice. Other things being equal, the Arabs should nurse their oil reserves, whose availability, after all, is finite, even in the Middle East. They should dispose of the precious liquid at a cautious and calculated rate, as extra finance is required to activate the country's industrial and social development.

If they sell too much too quickly, as is happening today, they are faced with the problem of finding investments abroad for the cash that comes in. But there is nothing in the world better to invest in than the oil itself, which lies securely under their own feet. The ideal placement for the Arabs is to refrain from pumping the "black gold" out of the ground in the first place.

This dawning realization on both sides of the astonishing problem they have created in their transactions with each other is causing anxiety—on both sides. To say that Saudi Arabia will cut production to a 10 per cent growth-rate because of Israel is meaningless. Even if President Nixon throws Israel to the wolves, will King Faisal, in a spurt of gratitude, order the companies to go on increasing production by a breathtaking 100m. tons a year, as before?

Just as much as the Westerners, the Arabs need an agreed solution to their oil problem and possibly more. Their wealth lies not in the oil, but in the readines of the outside world to buy that commodity. President Sadat may fulminate about the Israel problem, because he has no oil to speak of. But King Faisal is preoccupied with something more important: how to secure that the West buys his oil more slowly, and for a longer time to come. Therefore President Nixon's decision to maximize efforts for developing alternative energy sources should have the King's warm approval.

He probably welcomes the proposed Alaska oil pipeline. He should applaud the development of nuclear energy. On the other hand, he must make sure that the pendulum does not swing too far the other way. If the West, stimulated by the oil crisis into a fever of inventive energy, finds a way of running its cars and trucks with a new form of battery, powered by nuclear energy, there could develop a buyer's market for conventional fuels. That could be a death-blow to Faisal's monarchy—and to Saudi Arabian independence.

There are liberal-minded people in Europe who rely on the Americans to take the hard decisions, and can therefore indulge a curious sentimentalism in their political thinking. They are responsive to the high-minded statements that men like Faisal make for the record, such as his observation to Frank Jungers of Aramco that he is "not able to stand alone much longer in the Middle East as a friend of America"—if, that is, the White House does not change its posture over Israel.

Faisal is first and foremost a friend not of America, but of Faisal. It is not Israel that threatens him, but Egypt, Iraq, the Soviet Union, China. It is Egypt, not Israel, that invaded the Yemen and bombarded Saudi Arabian targets before 1967. It is fear of Egypt that made Faisal beg Harold Wilson, then Prime Minister of England, not to leave Aden. Saud Arabia is today the leading Arab power, thanks partly to Egypt's collapse in the Six Day War. If Nasser's successor, Sadat, makes friendly noises, it is not because Egypt has changed, but because Israel has altered the Middle East power balance.

It cannot be denied that hostility to Israel is a problem. But for the Arab oil principalities, it is largely a rhetorical issue—"a 'figleaf' for more pressing economic objectives," to quote the "Wall Street Journal." The article (published on August 21) goes on:

"Libya has nationalized American properties ostensibly over Israel, but it has nationalized British properties ostensibly over the Persian Gulf islands of Abu Musa, Greater Tunb and Lesser Tunb."

In other words, the oil blackmail is a political bluff, reminiscent of the techniques commonly used in hi-jacking planes. The object is to make kindly-minded people panic. The question for Western statesmen to consider is whether to call the bluff, or submit. If they submit, it will be another defeat for Western interests.

If the West maintains its position and does not yield, one thing at least is clear: the oil problem will not be materially affected. If the Arabs are trying to pretend that they would genuinely like to step up their oil sales, but are prevented from doing so by U.S. policies in the Middle East, that is a gambit which even the least sophisticated listener cannot accept.

As to King Faisal, his mind is evidently divided. He wants to speak up against Israel—the Arabs expect it of him. But it is far from certain that he wishes the Americans to treat his gently-worded reproaches as an ultimatum.

[From the Wall Street Journal, Aug. 21, 1973]

Eyes on the Figleaf

With the voluminous talk of the "energy crisis" and the eternal tension in the Middle East, a great deal of attention has been focused on the possibility that the U.S. may have to back away from its support of Israel because of its need for Arab oil. We often wonder whether the West isn't more obsessed with Israel than the Arabs are.

Some Arab nations have long made rhetoric about oil and Israel, of course, and the current concern arises because Saudi Arabia has started to join in. Lobbying for a more pro-Arab U.S. policy by Mobil and Standard Oil of California, two of the partners in Saudi Arabia's main oil consortium, apparently results from something King Faisal said to their executives. But we wonder just what the king said, and what he meant by it. Similar well-publicized remarks by his oil minister, Sheik Ahmed Zaki Yamani, seemed on close examination to peter out into remarkably vague and mild statements. We wonder whether the whole issue is being kept in perspective.

Take, for example, the "energy crisis," which in fact is America's adjustment to becoming a larger-scale importer of oil like other industrial nations. Saudi Arabia, which sits on some 28% of the world's proven oil reserves, is of course a key factor in meeting future world demand. And the United States will need some Middle Eastern oil to meet its increasing demands. But even 10 years from now about half of American needs will be met domestically, and nearly half of the rest from elsewhere in the Western Hemisphere. Some of the remaining 25% to 30% will come from non-Arab lands such as Iran. Up to now, for instance, our largest supplier from the Eastern Hemisphere has been Nigeria.

As far as the Arab world is concerned, a renewed war with Israel would indeed endanger the flow of Persian Gulf oil. But this possibility seems to have blinded American opinion to the even more serious Middle East trouble spots that border directly on the oil fields. As an immediate source of an oil crisis. Arab-Israeli conflict ranks somewhere below Kurdish nationalism, the Iraqi-Kuwait confrontation over the islands of Babiyan and Warba, the Iraqi-Iranian dispute over the Shatt al Arab waterway, the Saudi tension with Abu Dhabi over the Buraimi Oasis, and the ethnic rebellion in the Dhofar province of Oman.

Arab politics might not even be as monolithic on Israel as many in the West seem to think. In spite of King Faisal's fear of the Jews, the Saudis have not forgotten that the 1967 war forced Egypt to withdraw its expeditionary force from the Yemen, from which it occasionally dropped gas bombs on Saudi border villages.

Rhetoric about Israel in fact often seems to be a "figleaf," as one Middle East bureaucrat puts it, for more pressing economic objectives. Saudi reluctance to increase oil production has its real origin in problems of absorbing oil revenues in a near-feudal economy. Yet the London-based International Institute for Strategic Studies says the answer favored by the Saudis and other Arabs is "a dream of transforming themselves from mere reservoirs into industrialized states, exploiting a combination of surplus capital and cheap energy in order to process oil and other goods for the world market." This dream needs cooperation from America, both as an outlet for investment money and for help creating a local petrochemical industry; the IISS remarks that industralization depends on "assured export markets for oil products and other manufacturers."

While Saudi Arabia may suffer pressure from more militant Arab lands, the militants themselves have their own economic interests. We hear reports that Iraq's oil boycott plan, for instance, would give Iraq an increased share of the market. Libya has nationalized American properties ostensibly over Israel, but it has nationalized British properties ostensibly over the Persian Gulf islands of Abu Musa, Greater Tunb and Lesser Tunb. It recently put production limits on Standard Oil of California despite California Standard's pro-Arab lobbying, suggesting that the real targets of the campaign are the oil companies that have not yet agreed to Libya's economic demands.

Egypt's President Anwar Sadat saluted one of Libya's nationalizations in a militant speech about beginning the battle against American interests in the Arab world. Two weeks before, he was inviting Exxon to explore for oil under a 30-year contract. Two weeks later, he was soliciting American bids for construction of a $300 million Suez-Mediterranean pipeline.

The Arabs no doubt are tough customers to deal with, as are the Norwegians, the Ecuadorians, the Alaskans and almost anybody else who sits on oil. There may be serious troubles ahead if the Arabs decide to foresake their development plans and sit on the oil instead. But the idea that to crush Israel they would ignore their economic interests, or would turn charitable if Israel were sacrificed, strikes us as a view tinged with the romanticism which has so often fogged the Western view of the Middle East.

[From the New York Times, Sept. 5, 1973]

Tightening the Valve

Unofficial reports on the secret talks held by Arab oil ministers in Kuwait yesterday carry the welcome news that no common policy of political blackmail against the United States and other major oil-consuming nations was adopted.

But even if the Arab states' chronic difficulty in ever being united on anything has averted an immediate showdown, it is plain that the Middle East forces determined to use oil as a weapon for isolating Israel from diplomatic and military support are steadily gaining ground. Both price and supply will be the instruments of pressure, with Libya in the van through its 51 per cent nationalization of foreign-owned companies, its 20 per cent boost in the price of crude and its refusal to accept payment in United States dollars.

The intensification of this squeeze makes it particularly important that the United States not allow panic over the availability of fuel to control its decisions on how it can best contribute to a just and stable peace in the Middle East. Instead of yielding to self-serving scare talk from the Arabs, the United States should start taking the long-term steps needed to lessen its dependence on oil as an energy source.

This dependence cannot be ended overnight, but there has been too much extrapolation from that point to suggest that it cannot be ended at all—or at least, not in this generation. When talk is heard about developing alternate sources of energy, that talk is too often shot down as esoteric or science fiction or just impractical. Such has been the fate of two promising energy technologies which, though long familiar in their potential, found themselves for years downgraded when the priorities for private and Government research funds were drawn up.

The more immediate in its possible application is the process called MHD, a manageable acronym for magneto-hydrodynamic power generation, by which energy from coal is converted directly into electric power without the serious problem of pollution or loss of thermal efficiency which still bedevils other processes for using this country's immense coal reserves. The Soviet Union is far ahead of the United States in MHD research, not so much because know-how is lacking here but because the Russians have committed more investment to bringing this process closer to commercial application.

More impressive in its long-range potential is the process of nuclear fusion, which is viewed with unusual unanimity by energy experts as the ultimate answer to the energy demands of the industrialized world. The Atomic Energy Commission has long downplayed fusion research in favor of the less satisfactory fission reactors, now much under fire from scientific and citizens' groups alike for their reputed danger and inefficiency. Even the breeder reactor, which the Administration seems to consider the next best hope in nuclear power, pales in its promise compared with the fusion process.

Technological and economic problems remain unsolved for these and other alternative sources of energy, including even solar power, geothermal energy and gasification of coal—processes which have stirred long-absent popular and industrial interest in the past year or so. Another inhibiting factor, as some specialists argue, may be that existing economic interests have little stake in fusion or MHD research, and thus there are no active lobbies at work to attract funds.

The point is that alternatives do exist to petroleum fuel, if not for this decade, then for the next. That is time enough, since any convincing show of progress in making these alternatives commercially viable—even if realization remains a decade away—would immediately reduce the blackmail possibilities now open to the Arab oil-producing nations. Now it is a sellers' market, and America's dependence on Middle Eastern oil is growing, but once alternative energy sources begin to be taken seriously, the interest of the oil-rich countries would be to extract and sell their oil while they can.

[From the Washington Post, Oct. 28, 1973]

U.S. Oil Policy: Live Without Arab Supplies

(By Hobart Rowen)

The Arab nations' embargo on oil shipments here has taught this country a valuable lesson: It must develop an energy policy to permit the Untied States to get by without any dependence at all on Middle East oil.

"We can't and we won't let the Arab oil-producing countries blackmail us," a high Nixon administration official says. "Happily, we're in a position where we can turn to other sources. We'll be pinched, to be sure. But we can do without any Arab oil at all, while Japan and Europe would be hurt by such a policy."

There is reason to believe that the Arab boycott, coming when it did, may have been a blessing in disguise. Our dependence on Arab oil, while growing, is still a pittance. In July, for example, total crude oil and oil products imports from Arab countries shutting off or curtailing their supplies amounted to 6.7 per cent of U.S. supplies from all sources.

That's an easier gap to try to fill than, say, 20 per cent of our supplies—the level that Middle East oil could have reached in a couple of years if the sheikhs had delayed their squeez play by that long.

But by having signaled this country so dramatically that they are not reliable suppliers, the Arab nations have escalated American efforts to produce oil and gas supplies from shale and coal. What was once seen as an uneconomic venture not only becomes economically feasible, given the sharp rise in oil prices that the Arab producers have been extorting, but a political necessity. No major power such as the United States can vest its foreign policy in the hands of a small group of willful men 10,000 miles from these shores.

But a policy keyed to living without Mideast oil has many grave consequences, all of which must be faced openly and intelligently. Among them are these:

There must be a "crash" program of the same magnitude as the Manhattan Project that developed the atom bomb in World War II to find alternative sources of energy from all sources—fossil, solar, and nuclear. That means beefing up the present Energy Policy Office, and much more concentration on research and development. There are signs that the Nixon administration is willing to invest up to $10 billion in an initial effort in this direction.

Environmental needs will have to take a second priority, at least in the short run. That doesn't mean that all protections for the environment should be abandoned. But environmentalists will be pressured by administration officials to compromise on some goals to permit explorations on the continental shelf, for the production of oil from shale and coal, and to allow the Alaskan pipeline to get under way.

Industrial and individual consumers of energy will have to learn to live with less. We waste a horrible amount of energy (and other raw materials) in this country. But voluntary efforts to save, although clearly now a major necessity, won't be enough. Gasoline and oil will have to be rationed, at least until the time that adequate alternative supplies have been developed. Such rationing plans are being readied by the administration. Consumer goods producers, who have a high consumption of fuel oil per worker, will doubtless be hit hard.

Any drop in total energy supplies will, of course, immediately require the curtailment of private passenger car travel. It could come first by letting gasoline prices skyrocket, later through coupon rationing. Undoubtedly, there would be some shift from truck transportation to more economical (in fuel use) rail transport. Detroit's present frantic efforts to move from gas-guzzlers to compacts will be accelerated.

These measures will substantially raise the cost of all forms of energy, and therefore will add to inflationary pressures in the U.S. economy. But it should be borne in mind that the Arab nations have steadily been extracting a higher price for their oil, and to the extent that they continue shipments, costs will be going up anyway. (And the reason that the United States was planning, before the latest Arab-Israel war, to rely more on Arab oil was that it used to be cheap.)

As difficult as will be our adjustment to living without Middle East oil, the problem is substantially less than it would have been if the Arabs had begun to use oil as an economic weapon against us three or four years hence.

While embarked on a crash program, the United States could make it plain to both the Arab nations and the Soviet Union that it can't be pressured by an oil boycott by indicating that it is also willing to use economic leverage. One highly regarded economist who privately advises the Nixon administration points out that the United States "must be prepared to periodically embargo farm products to certain countries if it is to exercise a countervailing pressure against the Arab-Soviet oil alliance."

If the Russians still want to pursue and reinforce their detente with the United States, they will have to acknowledge that American policy in the Middle East includes a commitment to the preservation of Israel. That policy is not merely a Nixon policy—it is a commitment by both major American political parties.

On the other hand, if we pass from detente back to cold war, it will mean not only a regrettable reversion to an arms race, but it will underscore the need for more dependable oil resources than those in Saudi Arabia, Kuwait, Libya, and other points east.

CLOSE OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

FEDERAL FIRE PREVENTION AND CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1769, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 1769) to establish a United States Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Fire Prevention and Control Act".

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress finds and declares that—

(1) The National Commission on Fire Prevention and Control, established pursuant to Public Law 90—259, has made an exhaustive and comprehensive examination of the Nation's fire problem, has made detailed findings as to the extent of this problem in terms of human suffering and loss of life and property, and has made ninety thoughtful recommendations. The National Commission concluded that while fire prevention and control is and should remain a State and local responsibility, "the Federal Government must . . . help . . . if any significant reduction in fire losses is to be achieved."

(2) The United States today has the highest per capita rate of death and property loss from fire of all the major industrialized nations in the world (57.1 deaths per million versus only 29.7 deaths per million for the industrialized nation with the next to the worst record).

(3) Fire constitutes a major burden affecting interstate commerce. Fire kills twelve thousand and scars and injures three hundred thousand Americans each year, including fifty thousand individuals who must be hospitalized for periods lasting from six weeks

to two years. Almost $3,000,000,000 worth of property is destroyed by fire annually, and the total economic cost of destructive fire has been conservatively estimated by the National Commission to be $11,400,000,000 per year. Firefighting is the Nation's most hazardous profession, with a death rate 15 per centum higher than that of the next most dangerous occupation.

(4) The National Commission concluded that the fire problem is exacerbated by—

(A) "the indifference with which Americans confront the subject";

(B) the Nation's failure to undertake significant amounts of scientific research and development into fire and fire-related problems;

(C) the inadequate facilities and resources available to train firefighters in fire prevention and control techniques;

(D) the scarcity of reliable data and information;

(E) the fact that designers and purchasers of building and products generally give only minimal attention to fire safety ("many communities are without adequate building and fire prevention codes");

(F) the fact that many local fire departments appear concerned only with fire suppression and rescuing victims rather than with being at least equally concerned with fire prevention, inspection, and code enforcement programs ("about 95 cents of every dollar spent on the fire services is used to extinguish fires; only about 5 cents is spent on efforts . . . to prevent fires from starting"); and

(G) the limited number of places in the United States that have burn centers which are properly equipped and staffed to save lives and rehabilitate the victims of fires.

(5) The unacceptably high death, injury, and property losses from fires can be reduced if the Federal Government establishes a coordinated program to support and reinforce the fire prevention and control activities of State and local governments.

(b) Purposes.—Therefore it is declared to be the purposes of Congress in this Act to—

(1) establish the office of Assistant Secretary of Commerce for Fire Prevention and Control;

(2) direct the Secretary of Commerce to establish a national Program for Fire Prevention and Control (FIREPAC) and to authorize him to initiate, support, and maintain programs and activities to reduce the Nation's fire problem;

(3) direct the National Institutes of Health to conduct an intensified program of research into the treatment of burn injuries and the rehabilitation of victims of fires; and

(4) authorize fire protection assistance.

DEFINITIONS

Sec. 3. As used in this Act—

(1) "Academy" means the National Academy for Fire Prevention and Control (FIREPAC Academy), authorized under section 6 of this Act.

(2) "Fire service" means a department, bureau, commission, board, or other agency established by a Federal, State, or local government or by a volunteer organization for the purpose of preventing or controlling fires or loss and damage from fire.

(3) "Local" means of or pertaining to any city, county, special purpose district, or other political subdivision of a State.

(4) "Program" means the Program for Fire Prevention and Control, established pursuant to section 5 of this Act.

(5) "Secretary" means the Secretary of Commerce.

(6) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

ASSISTANT SECRETARY OF COMMERCE FOR FIRE PREVENTION AND CONTROL

Sec. 4. Section 42(a) of the Act of October 21, 1970 (84 Stat. 1038; 15 U.S.C. 1507a) is amended by adding at the end thereof the following new subsection:

"ASSISTANT SECRETARY FOR FIRE PREVENTION AND CONTROL

"There shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce who shall be known as the Assistant Secretary of Commerce for Fire Prevention and Control. This Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary of Commerce for Fire Prevention and Control shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, shall be responsible for carrying out the provisions of the Federal Fire Prevention and Control Act under the direction of the Secretary of Commerce, and shall perform such other duties as the Secretary of Commerce shall prescribe. In carrying out such responsibilities, the Assistant Secretary of Commerce for Fire Prevention and Control shall consult, be guided by, and implement, so far as practicable, the recommendations of the National Commission on Fire Prevention and Control, to the extent not inconsistent with this Act."

FIRE PREVENTION AND CONTROL PROGRAM

Sec. 5. (a) Establishment.—The Secretary is authorized and directed to establish a national Program for Fire Prevention and Control (FIREPAC). The Program shall consist of all relevant programs and activities heretofore established in the Department of Commerce together with all programs and activities authorized or mandated to be established under this Act. The Program shall be administered, under the direction of the Secretary, by the Assistant Secretary of Commerce for Fire Prevention and Control.

(b) Content.—The Program may consist of—

(1) the FIREPAC Academy, authorized to be established by the Secretary under section 6 of this Act;

(2) research and development programs, pursuant to section 7 of this Act;

(3) an annual conference of professionals in fire prevention, fire control, and treatment of burn injuries, pursuant to section 8 of this Act;

(4) a national data center on fire prevention and control, pursuant to section 9 of this Act;

(5) a fire services assistance program, pursuant to section 10 of this Act;

(6) State demonstration projects, pursuant to section 11 of this Act;

(7) citizens' participation programs, pursuant to section 12 of this Act;

(8) relevant studies, as directed by section 13 of this Act;

(9) an annual report, as directed by section 14 of this Act;

(10) an awards program, as directed by section 16 of this Act; and

(11) such other programs and activities as in the judgment of the Secretary are likely to reduce the Nation's losses from fires.

FIREPAC ACADEMY

Sec. 6. (a) Authorization.—The Secretary is authorized to establish a National Academy for Fire Prevention and Control (FIREPAC Academy). The Secretary is authorized, pursuant to this section, to dedevelop and revise curricula, standards of admission and performance, and criteria for the awarding of degrees and certificates. He is further authorized to appoint a Director, faculty members, and consultants for the Academy without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, with respect to temporary and intermittent services, to make appointments to the same extent as is authorized by section 3109 of title 5, United States Code.

(b) Purposes.—The Academy is authorized to conduct appropriate educational and research programs to—

(1) train fire service personnel in such skills and knowledge as may be useful to advance their ability to prevent and control fires;

(2) develop model curricula, training programs, and other educational materials suitable for use at other educational institutions, and to make such materials available without charge;

(3) develop and administer a program of correspondence courses to advance the knowledge and skills of fire service personnel;

(4) develop and distribute to appropriate officials model questions suitable for use in conducting entrance and promotional examinations for fire service personnel; and

(5) reduce the Nation's fire problem.

(c) Board of Overseers.—Upon establishment of the Academy, the Secretary shall establish a procedure for the selection of professionals in the field of fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management to serve as members of a Board of Overseers for the Academy. Pursuant to such procedure the Secretary shall select the members of the Board of Overseers. Each member of such Board shall each year independently inspect and evaluate the Academy and report his findings and recommendations to the Secretary. The Board of Overseers shall meet from time to time and shall advise the Secretary on all questions pertinent to the Academy.

(d) Placement Service.—The Secretary shall maintain at the Academy a placement and promotion-opportunities program for firefighters in cooperation with fire services.

(e) Construction Approval.—(1) No appropriation shall be made for the planning or construction of facilities for the Academy involving an expenditure in excess of $100,000 if such planning or construction has not been approved by resolutions adopted in substantially the same form by the Committeee on Interstate and Foreign Commerce of the House of Representatives and by the Committee on Commerce of the Senate. For the purpose of securing consideration of such approval, the Secretary shall transmit to Congress a prospectus of the proposed facility to be planned or constructed;

(A) a brief description of the facility to be planned or constructed;

(B) the location of the facility, and an estimate of the maximum cost of the facility;

(C) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by each such agency toward the cost of such facility; and

(D) a statement of justification of the need for such facility.

(2) The estimated maximum cost of any facility approved under this subsection as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Secretary, in construction costs, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

FIRE RESEARCH AND DEVELOPMENT PROGRAM

Sec. 7. The Secretary is authorized to conduct directly or through contracts—

(a) a program of basic and applied fire research for the purpose of arriving at an understanding of the fundamental processes underlying all aspects of fire. Such program shall include scientific investgiations of—

(1) the physics and chemistry of combustion processes;

(2) the dynamics of flame ignition, flame spread, and flame extinguishment;

(3) the composition of combustion products developed by various sources and under various environmental conditions;

(4) the early stages of fires in buildings and other structures, structural subsystems, and structural components and all other types of fires, including, but not limited to forest fires, fires underground, oil blowout fires, and waterborne fires with the aim of improving early detection capability;

(5) the behavior of fires involving all types of buidings and other structures and their contents, (including mobile homes and highrise buildings, construction materials, floor and wall coverings, coatings, furnishings, and other combustible materials); and all other types of fires (including forest fires, fires underground, oil blowout fires, and waterborne fires);

(6) the unique aspects of fire hazards arising from the transportation and use in industrial and profesional practices of combustible gases, fluids, and materials;

(7) development of design concepts for providing increased fire safety consistent with habitability, comfort, and human impact, in buildings and other structures; and

(8) such other aspects of the fire process as are deemed useful for pursuing the objectives of the fire research program;

(b) research into the biological, physiological, and psychological factors affecting victims of fire and the performance of individual members of fire services and research to develop clothing and protective equipment to reduce the risk of injury to firefighters;

(c) studies of the operations and management aspects of fire services, including operations research, management economics, cost effectiveness studies, and such other techniques as are found applicable and useful. Such studies shall include, but not be limited to, the allocation of resources, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, and the effectiveness, frequency, and methods of building inspections; and

(d) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

ANNUAL CONFERENCE

SEC. 8. The Secretary is authorized to organize or participate in organizing an annual conference on fire prevention and control. He may pay in whole or in part the costs of such conference and the expenses of some or all of the participants. All the Nation's fire services shall be eligible to send representatives to each such conference to discuss, exchange ideas, and participate in educational programs on new techniques in fire prevention and control. Such conferences shall be open to the public.

NATIONAL DATA CENTER

SEC. 9. The Secretary is authorized to—

(a) operate directly or through contracts an integrated comprehensive fire data program based on the collection, analysis, publication, and dissemination of information related to the prevention, occurrence, control, and results of fires of all types. The program shall be designed to provide an accurate national picture of the fire problem, identify major problem areas, assist in setting priorities, determine possible solutions to problems, and monitor progress of programs to reduce fire losses. To carry out these functions, the program shall include—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of injuries and deaths resulting from fires, including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards of firemen including the causes of death and injury to firemen arising directly and indirectly from fire-fighting activities;

(4) information on all types of fire prevention activities including inspection practices;

(5) technical information related to building construction, fire properties of materials, and other similar information;

(6) information on fire prevention and control laws, systems, methods, techniques, and administrative structures used in foreign nations;

(7) information on the causes, behavior, and best method of control of other types of fires, including, but not limited to, forest fires, fires underground, oil blowout fires, and waterborne fires; and

(8) such other information and data as is judged useful and applicable;

(b) develop standardized data reporting methods and to encourage and assist State, local, and other agencies, public and private, in developing and reporting fire-related information;

(c) make full use of existing data, data gathering and analysis organizations, both public and private; and

(d) insure dissemination to the maximum possible extent of fire data collected and developed under this section.

FIRE SERVICES ASSISTANCE PROGRAM

SEC. 10. The Secretary is authorized to assist the Nation's fire services, directly or through grants, contracts, or other forms of assistance, to—

(a) advance the professional development of fire service personnel;

(b) assist in conducting or supplementing, at the request of a fire service, local and regional programs for the training of fire personnel;

(c) develop model fire training and educational programs, curricula, and information materials;

(d) develop new or improved approaches, techniques, systems, equipment, and devices to improve fire prevention and control;

(e) conduct such development, testing, and demonstration projects as are deemed necessary to introduce new technology standards, operating methods, command techniques, and management systems into use in the fire services;

(f) provide, establish, and support specialized and advanced education and training programs and facilities for fire service personnel;

(g) measure and evaluate, on a cost-benefit basis, the effectiveness of the programs and activities of each fire service and the predictable consequences on the applicable local fire services of coordination or combination, in whole or in part, in a regional, metropolitan, or State-wide fire service; and

(h) sponsor and encourage research into approaches, techniques, systems, and equipment to improve and strengthen fire prevention and control in the rural and remote areas of the Nation.

MASTER PLAN DEMONSTRATION PROJECTS

SEC. 11. (a) GENERAL.—The Secretary is authorized and directed to establish master plan demonstration projects which shall commence not later than eighteen months after the date of enactment of this Act. Not less than five nor more than eight demonstration projects may be assisted by the Secretary under this section. Any demonstration project under this section shall be conducted by, or under the supervision of, a State in accordance with the application of the State submitted under subsection (c) of this section. Whenever any such State includes a Standard Metropolitan Statistical Area, as defined by the Bureau of the Census, the geographical boundaries of which include two or more States, then such State shall include the entire such Standard Metropolitan Statistical Area in its master plan demonstration project.

(b) ELIGIBILITY FOR GRANTS.—The Secretary is authorized to establish criteria of eligibility for awarding master plan demonstration project grants. In awarding such project grants, the Secretary shall select projects which are unique in terms of—

(1) The characteristics of the State, including, but not limited to, density and distribution of population; ratio of volunteer versus paid fire services; geographic location, topography and climate; per capita rate of death and property loss from fire; size and characteristics of political subdivisions of the State; and socio-economic composition; and

(2) The approach to development and implementation of the master plan which is proposed to be developed with Federal assistance under this section. Such approaches may include central planning by a State agency, regionalized planning within a State coordinated by a State agency, or local planning supplemented and coordinated by a State agency.

(c) PROCEDURE FOR AWARDING GRANTS.—A grant under this section may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary shall require. Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 80 per centum of the total cost of such project. Not more than 50 per centum of the amount of each grant shall be allocated to the planning and development of the master plan and the remainder to partial or total implementation. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

(d) MASTER PLAN.—(1) Each demonstration project established pursuant to this section shall result in the planning and implementation of a comprehensive master plan for fire protection for each State funded thereunder. Each such master plan shall contain:

(A) a survey of the resources and personnel of existing fire services and an analysis of fire and building codes effectiveness in the State;

(B) an analysis of short- and long-term fire prevention and control needs in the State;

(C) a plan to meet the fire prevention and control needs of the State; and

(D) an estimate of costs and a realistic plan for financing implementation of the plan and operation on a continuing basis, and a summary of problems that are anticipated in implementing such plan.

(2) Forty-two months after the date of enactment of this Act, the Secretary shall submit to Congress a summary and evaluation of the master plans prepared pursuant to this section. Such report shall also assess the costs and benefits of the master plan program and recommend to Congress whether Federal financial assistance should be authorized in order that master plans can be developed in all States.

(e) AUTHORIZATION FOR APPROPRIATION.—There is authorized to be appropirated to carry out the provisions of this section $10,000,000. Not more than 20 per centum of the amount appropriated under this section for any fiscal year may be granted for projects in any one State.

CITIZEN PARTICIPATION

SEC. 12. (a) GENERAL.—The Secretary is authorized to take all steps necessary to educate the public and to overcome public indifference as to fire safety and fire prevention. Such steps may include, but are not limited to, publications, audio-visual presentations, and demonstrations.

(b) FIRE SAFETY EFFECTIVENESS STATE-

MENTS.—The Secretary is authorized to encourage owners and managers of residential multiple-unit, commerical, industrial, and transportation structures to prepare and submit to him for evaluation and certification a Fire Safety Effectiveness Statement pursuant to standards, forms, rules, and regulations to be developed and issued by the Secretary. A copy of such statement and evaluation shall be submitted to the applicable local fire service and, in the case of transportation structures, to the Secretary of Transportation. Any person who submits such a statement and receives certification may attach the following statement to any contract of sale or lease or any advertisement or notice which pertains to the structure as to which such statement has been submitted: "A Fire Safety Effectiveness Statement has been prepared regarding this structure and this structure has been certified as meeting the requirements of the United States Department of Commerce.".

(c) REVIEW.—The Secretary is authorized to review, evaluate, and suggest improvements in State and local fire prevention and building codes, fire services, and any relevant Federal or private codes, regulations, and fire services. He shall annually submit to Congress a summary of such reviews, evaluations, and suggestions. In evaluating such a code or codes, the Secretary shall consider the human impact of all code requirements, standards, and provisions in terms of comfort and habitability for residents or employees as well as the fire prevention and control value or potential of each such requirement, standard, and provision.

(d) ASSISTANCE.—The Secretary shall assist the Consumer Product Safety Commission in the development of fire safety standards or codes for consumer products, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(e) PUBLIC ACCESS TO INFORMATION.—(1) Copies of any document, report, statement, or information received or sent by the Program for Fire Prevention and Control shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released pursuant to paragraph (2) of this subsection. Nothing contained in this subsection shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(2) The Secretary shall not disclose information obtained by him under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) upon request, to other Federal Government departments and agencies for official use;

(B) upon request, to any committee of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(D) to the public in order to protect health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to health and safety).

STUDIES

SEC. 13. (a) FISCAL STUDY.—The Comptroller General of the United States is authorized and directed to study the financing of the Nation's fire services and to report to the Congress on whether the moneys available to the various fire services through State and local taxation and Federal-State revenue sharing is adequate to meet the Nation's need to minimize human and property losses from fire, or whether the Congress should authorize a grant-in-aid program to prevent and reduce fire losses. The results of such study shall be reported to the Congress not more than three years after the date of enactment of this Act and shall not be subject to prior review, clearance, or approval by any other officer or agency of the United States.

(b) FIREFIGHTERS STUDY.—The Secretary is authorized and directed to prepare a comprehensive study of the organization and operation of the Nation's fire services as they affect individual firefighters, including, but not limited to, rates of pay; retirement benefits; working conditions; training requirements; entrance and promotional systems, standards, requirements, and opportunities; number of hours spent on active service; employment opportunities for women and members of minority groups; the impact on individual firefighters of coordinating and combining local fire services into regional metropolitan, or statewide fire services; risk of injury or death during active service; and recommendations for improvements. The results of such study shall be reported to the Congress not more than two years after the date of enactment of this Act; thereafter, such results shall be updated as part of the annual report of the Secretary required by section 14 of this Act.

ANNUAL REPORT

SEC. 14. The Secretary shall report to the Congress and the President not later than June 30 of the year following the date of enactment of this Act and each year thereafter on all activities of the Program for Fire Prevention and Control and all measures taken to implement and carry out this Act undertaken during the preceding calendar year. Such report shall include, but is not limited to—

(a) a thorough appraisal, including statistical analysis, estimates, and long-term projections of the human and economic losses due to fire;

(b) a survey and summary, in such detail as is deemed advisable, of the research undertaken or sponsored pursuant to this Act;

(c) a summary of the activities of the National Academy for Fire Prevention and Control, for the preceding twelve months, including, but not limited to—

(1) an explanation of the curriculum of study;

(2) a description of the standards of admission and performance;

(3) the criteria for the awarding of degrees and certificates; and

(4) a statistical compilation of the number of students attending the Academy and receiving degrees or certificates;

(d) a summary of the activities undertaken to assist to the Nation's fire services, pursuant to section 10 of this Act;

(e) a summary of the citizens' participation programs undertaken during the preceding twelve months;

(f) an analysis of the extent of participation by owners of residential multiple-unit, commercial, industrial, and transportation structures in preparing and submiting a Fire Safety-Effectiveness Statement pursuant to section 11 of this Act;

(g) a summary of outstanding problems confronting the administration of this Act, in order of priority;

(h) such recommendations for additional legislation as are deemed necessary to carry out the declaration of policy of this Act; and

(i) all other information required to be submitted to Congress pursuant to other provisions of this Act.

ADMINISTRATIVE PROVISIONS

SEC. 15. (a) ASSISTANCE.—Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and directed to furnish to the Secretary, upon written request, on a reimbursable basis or otherwise, such assistance as the Secretary deems necessary to carry out his functions and duties pursuant to this Act including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating.

(b) POWERS.—With respect to this Act, the Secretary is authorized to—

(1) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the provisions of this Act;

(2) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b));

(3) purchase, lease, or otherwise acquire, own, hold, improve, use, or deal in and with any property (real, personal, or mixed, tangible or intangible) or interest in property, wherever situated; and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of property and assets;

(4) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for qualified experts; and

(5) establish such rules, regulations, and procedures as are necessary to carry out the provisions of ths Act.

(c) COORDINATION.—To the extent possible and consistent with the declaration of policy of this Act, the Secretary shall utilize existing programs, data, information, and facilities already available in other Federal Government departments and agencies, and, where appropriate, existing private research organizations, centers, and universities. The Secretary shall provide liaison at an appropriate organization level to assure coordination of its activities with State and local government agencies, departments, bureaus, or offices concerned with any matter related to the Program for Fire Prevention and Control and with private and other Federal organizations and offices so concerned.

PUBLIC SAFETY AWARDS

SEC. 16. (a) ESTABLISHMENT.—There are established two classes of honorary awards for the recognition of outstanding and distinguished service by public safety officers—

(1) the President's Award For Outstanding Public Safety Service ("President's Award"); and

(2) the Secretary's Award For Distinguished Public Safety Service ("Secretary's Award")

(b) DESCRIPTION.—(1) The President's Award shall be presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contribution to the field of public safety.

(2) The Secretary's Award shall be presented by the Secretary or by the Attorney General to public safety officers for distinguished service in the field of public safety.

(c) SELECTION.—The Secretary and the Attorney General shall advise and assist the President in the selection of individuals to whom the President's Award shall be tendered. In performing this function, the Secretary and the Attorney General shall seek and review recommendations submitted to them by Federal, State, county, and local government officials. The Secretary and the Attorney General shall transmit to the President the names of those individuals determined by them to merit the award, together with the reasons therefor. Recipients of the President's Award shall be selected by the President.

(d) LIMITATION.—(1) There shall not be

awarded in any one calendar year in excess of twelve President's Awards.

(2) There shall be no limit on the number of the Secretary's Awards presented.

(e) Award.—(1) Each President's Award shall consist of—

(A) a medal suitably inscribed, bearing such devices and emblems, and struck from such material as the Secretary of the Treasury, after consultation with the Secretary and the Attorney General, deems appropriate. The Secretary of the Treasury shall cause the medal to be struck and furnished to the President; and

(B) an appropriate citation.

(2) Each Secretary's Award shall consist of an appropriate citation.

(f) Regulations.—The Secretary and the Attorney General are authorized and directed to issue jointly such regulations as may be necessary to carry out this section.

(g) Definitions.—As used in this section, the term "public safety officer" means a person serving a public agency, with or without compensation, as—

(1) a firefighter; or

(2) a law enforcement officer, including a corrections or a court officer.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 17. There are hereby authorized to be appropriated to carry out the foregoing provisions of this Act, except section 11 of this Act, such sums as are necessary, not to exceed $25,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $35,000,000 for the fiscal year ending June 30, 1976.

CONFORMING AMENDMENTS

Sec. 18. (a) Chapter 552 of the Act of February 14, 1903, as amended (15 U.S.C. 1511) is amended to read as follows:

"BUREAUS IN DEPARTMENT

"The following named bureaus, administrations, services, offices, and programs of the public service, and all that pertains thereto, shall be under the jurisdiction and subject to the control of the Secretary of Commerce:

"(a) National Oceanic and Atmospheric Administration;

"(b) United States Travel Service;

"(c) Maritime Administration;

"(d) National Bureau of Standards;

"(e) Patent Office;

"(f) Bureau of the Census;

"(g) Program for Fire Prevention and Control; and

"(h) such other bureaus or other organizational units as the Secretary of Commerce may from time to time establish in accordance with law.

(b) Paragraph 12 of section 5315 of title 5, United States Code, is amended by striking out "(6)" and inserting in lieu thereof "(7)".

(c) Title I of the Fire Research and Safty Act of 1968 (Act of March 1, 1968, 82 Stat. 34; 15 U.S.C. 278 f, g) is repealed.

VICTIMS OF FIRE

Sec. 19. The Secretary of Health, Education, and Welfare is authorized and directed to establish, within the National Institutes of Health and in cooperation with the Secretary, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires. The National Institutes of Health shall—

(a) sponsor and encourage the establishment throughout the Nation of twenty-five additional burn centers, which shall comprise separate hospital facilities providing specialized burn treatment and including research and teaching programs, and, twenty-five additional burn units, which shall comprise specialized facilities in general hospitals used only for burn victims;

(b) provide training and continuing support of specialists to staff the new burn centers and burn units;

(c) sponsor and encourage the establishment in general hospitals of ninety burn programs, which comprise staffs of burn injury specialists;

(d) provide special training in emergency care for burn victims;

(e) augment sponsorship of research on burns and burn treatment;

(f) administer and support a systematic program of research concerning smoke inhalation injuries; and

(g) sponsor and support other research and training programs in the treatment and rehabilitation of burn injury victims.

For purposes of this section, there are authorized to be appropriated not to exceed $7,500,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

FIRE PROTECTION ASSISTANCE

Sec. 20. Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended by adding at the end thereof the following new subsection:

"(i) (1) The Secretary is authorized upon such terms and conditions as he may prescribe to make commitments to insure loans made by financial institutions to skilled nursing facilities and intermediate care facilities to provide for the purchase and installation of fire safety equipment necessary for compliance with the latest edition of the Life Safety Code of the National Fire Protection Association, as modified in accordance with evaluation by the Secretary of Commerce under the Federal Fire Prevention and Control Act or which are recognized by the Secretary of Health, Education, and Welfare as conditions of participation for providers of services under title XVIII and title XIX of the Social Security Act, as modified in accordance with evaluations by the Secretary of Commerce under such Act.

"(2) To be eligible for insurance under this subsection a loan shall—

"(A) have a principal amount not to exceed $50,000;

"(B) bear interest at a rate not to exceed the rate prescribed by the Secretary;

"(C) have a maturity satisfactory to the Secretary, but not to exceed twelve years from the beginning of the amortization of the loan or three-quarters of the remaining economic life of the structure in which the equipment is to be installed, whichever is less; and

"(D) comply with other such terms, conditions, and restrictions as the Secretary, in consultation with the Secretary of Commerce, may prescribe.

"(3) The provisions of paragraphs (5), (6), (7), (9), and (10) of section 220(h) shall be applicable to loans insured under this subsection, except that all references to 'home improvement loans' shall be construed to refer to loans under this subsection.

"(4) The provisions of subsections (c), (d), and (h) of section 2 shall apply to loans insured under this subsection, and for the purpose of this subsection references in such subsections to 'this section' or 'this title' shall be construed to refer to this subsection.".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for debate on the bill be equally divided by the distinguished Senator from Washington (Mr. Magnuson) and the distinguished Senator from Alaska (Mr. Stevens).

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. MAGNUSON. Mr. President, we have before us a bill which would create a Federal Program for Fire Prevention and Control (FIREPAC). I quote from the Final Report of the National Commission on Fire Prevention and Control as follows:

> The striking aspect of the Nation's fire problem is the indifference with which Americans confront the subject.

We, as a nation, should not be indifferent: destructive fire takes a huge toll in lives, injuries, and property losses. Each year, 12,000 American lives are lost and $11 billion worth of our precious resources are wasted. Annual costs of fire rank between crime and product safety in magnitude. Each year 300,000 are injured of which 60,000 will spend anywhere from 6 weeks to 2 years recuperating. And the real tragedy is that there are many measures—often very simple precautions—that can reduce these losses significantly.

Mr. President, the legislation which the Committee on Commerce has developed and reported to the floor—the Fire Prevention and Control Act—is the first step towards combating this Nation's neglect of the social and economic costs of fire.

Although a Federal presence is needed in the fire area, that does not mean we should "run the show." In fact, I feel strongly that fire prevention and control should remain primarily a local responsibility. Local governments have always shouldered the responsibility because those governments appreciate special local conditions and needs more than an arm of the Federal Government would be able to do.

The program contemplated by the Fire Prevention and Control Act (S. 1769) is designed to supplement rather than supplant the local effort. There are many aspects of the Nation's fire problem that have not received enough attention—often due to a lack of resources. And while genuine economic problems often stand in the way of deeper investment in fire protection, lack of understanding of fire's threat helps to account for the low priority given fire protection.

The people to whom we turn when fire strikes—the volunteer and the paid firefighter—have themselves been sorely neglected by the Nation. Theirs is the most hazardous profession of all with an injury rate of 39.6 per 100 men. Their training is often scant, their protective gear grossly inadequate and their firefighting equipment archaic.

It is to these problems that the Fire Protection and Control Act are addressed.

S. 1769 as reported would establish the position of Assistant Secretary of Commerce for Fire Prevention and Control who would administer the Federal FIREPAC program. The program to be established in the Department of Commerce would be multifaceted and would include a National FIREPAC Academy, a research and development program, a national fire data gathering system, fire prevention education, and a demonstration grant program to establish master plans for fire prevention and control.

The FIREPAC Academy would offer the Nation's professional and volunteer firefighters the same quality training and teaching in advanced techniques and skills that the FBI Academy has for so many years offered the Nation's law enforcement academy. If properly constituted, the Academy can serve not only as a national center for the education and training of the fire services, but also as a catalyst for modernization of firefighting prevention and control techniques. Although many State and local jurisdictions have established fire training centers, the quality of these centers varies throughout the Nation. I would envision this Academy playing an important role in assisting to upgrade the curriculum of these local programs.

The fire research and development program contemplated by S. 1769 is designed to arrive at an understanding of the fundamental processes underlying all aspects of fire including problems of fighting building, transportation, forest, warehouse, aviation, and high rise fires. The Secretary would also explore the operation and management aspects of the fire services and recommend improvement where necessary.

I would also develop better protective equipment to reduce the risk of injury to firefighters. With regard to this latter function, the Senate Commerce Committee hearings revealed that a major factor contributing to the high injury rate of firefighters is the antiquated personal protection equipment which they are forced to use. The research program in S. 1769 is designed to alleviate this deficiency.

Another component of the FIREPAC program which is specifically authorized in S. 1769 is the establishment and maintenance of a National Data Center. The center would collect information on causes of all types of fires, extinguishment and control methods, and methods of fire prevention. This data gathering function is crucial to the FIREPAC program because it will assist the new Assistant Secretary in defining his priorities for research and education.

The Assistant Secretary for Fire Prevention and Control would play an important role in overseeing other programs of assistance to local fire services. For example, he is authorized and directed to establish five to eight demonstration grant projects which would result in the development and implementation of master plans for fire prevention and control. Similiarly, he is authorized to take all steps necessary to educate the public and to overcome public indifference as to fire safety and fire prevention. He also would review, evaluate and suggest improvements in State, local, and model fire prevention and building codes. I was shocked to learn that many local jurisdictions do not even have fire codes. Clearly, FIREPAC can aid those jurisdictions in adopting such codes.

Mr. President, there is a very human aspect to the fire problem which S. 179 addresses directly. Fire kills. But there are also those that survive fire injuries and for them, there is a long painful and difficult road ahead. About half the victims of fire are children. The average hospital stay for a burn victim is over three times that of a medical and surgical patient. Their scars, psychological as well as physical, often last a lifetime.

At present, fewer than 100 of the 6,000 general hospitals in the United States provide specialized burn care. Together, these few hospitals treat only 8 percent of the Nation's patients with serious burn injuries. In fiscal year 1972, the National Institutes of Health spent only $1.25 million on research connected with burns and their treatment. The Social Rehabilitation Service of HEW spent an additional $380,000 on special studies having to do with rehabilitation of burn patients. This is grossly inadequate.

The Fire Prevention and Control Act would authorize and direct NIH to undertake an expanded program of research on burns, treatment of burn injuries and rehabilitation of victims of fires. Included in this program would be the establishment of 25 additional burn centers—there are currently 12—and 25 additional burn units. Finally, the act would authorize Federal loan guarantees to enable nursing homes to install fire detection devices in compliance with the latest edition of the Life Safety Code.

Mr. President, I was proud of the report of the National Commisison on Fire Prevention and Control which explored the fire problem in the United States. I am equally proud to report, on behalf of the Commerce Committee, this bill, which I authored. The United States—the richest and most technologically advanced nation in the world—leads all major industrialized countries in per capita deaths and property loss from fire. While differing reporting procedures make international comparisons unreliable, it appears as though the United States reports a deaths-per-million-population rate nearly twice that of second-ranking Canada.

I believe this legislation will reduce those losses. The National Commisison on Fire Prevention and Control estimated—and there was pretty solid testimony as to this—that we can achieve a reduction of 5 percent a year in deaths, injuries, and property losses. During the first 10 years, 119,000 Americans would be spared the trauma of serious burn injury and 8,300 lives would be saved. This to me is a proper and prudent investment in our future.

Mr. STEVENS. Mr. President, I wonder if the chairman of our committee, author of the bill, and a Member of the Senate with such a distinguished record in this area, had a chance to see the article that was in the Washington Post of yesterday that sort of derides the efforts of the national commission? One of the comments was: "When was the last time a commission concocted by the Federal Government did not urge the Federal Government to expand itself?" The author also notes that S. 1769 indicates there is an indifference with which Americans confront the subject of fire prevention and says, "This is a right. You might have thought Americans were allowed to be indifferent about something these days, even a problem."

I would ask the distinguished chairman of our committee if we can afford to be indifferent any longer about the problem of fire prevention and the problem of adequate training of our firefighters, and thus to provide the educational structure for the Nation's fire prevention mechanism?

Mr. MAGNUSON. Mr. President, I do not think that we can afford to. I quickly read that article this morning. I think that in all fairness we should have it printed in the RECORD. I ask unanimous consent, Mr. President, to have the article to which reference has been made printed in the RECORD along with, and right behind it a letter that I am sending today to the Washington Post.

Mr. STEVENS. I did not know that the chairman of the committee had done that.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

NOW THE FEDS WANT TO HELP FIGHT FIRES

(By George F. Will)

This month's winners of the Tenth Amendment Memorial Trophy are Sen. Warren Magnuson (D-Wash.) and the 20 senators (13 Democrats, 7 Republicans) who have joined him in sponsoring S. 1769, a bill to establish "a United States Fire Administration and a National Fire Academy," among other things.

This trophy (which would exist if we were fortunate enough to have a United States Trophy Administration) is the way I recognize and reward, in my imagination, the efforts of those who think the federal government, having mastered the art of delivering the mail, needs new challenges to keep it alert

Thus S. 1769 which, at long last, will get the federal government into the fire fighting business, and for the initial bargain basement three-year price of only $127.5 million.

This breakthrough in creative government began, as all things do, with a commission. (I expect that in the next improvement on the King James version of the Bible, Genesis will read: "In the beginning, a commission said, 'Let There be God.' And then God said. . . .") The bill's "declaration of policy" says: "The National Commission on Fire Prevention and Control . . . has made an exhaustive and comprehensive examination of the nation's fire problem . . . and has made ninety thoughtful recommendations."

Pause a moment.

An interviewer once asked Eric Hoffer, the author-longshoreman, why his books are so short. Look, Hoffer replied, waving a thin volume under the nose of the interviewer, this book has five especially well-wrought sentences and five new and true ideas. Of how many books, however thick, can that be said?

Well, Hoffer is a piker. The national commission spun off 90 "thoughtful recommendations" and, according to S. 1769, "The National Commission concluded that while fire prevention and control is and should remain a state and local responsibility,"—brace yourself—"the federal government must . . . help . . . if any significant reduction in fire losses is to be achieved." When, I wonder, was the last time a commission concocted by the federal government did not urge the federal government to expand itself.

Anyway, that predictable "must ("the federal government must . . . it . . .") lacks constitutional force. Really, it does. And Magnuson and friends quaintly acknowledge that there should be some passing nod to the Constitution when shoehorning the federal government into yet another sphere of local responsibility.

So Sec. 2. (a) (3) says "Congress finds and declares" that "Fire constitutes a major burden affecting interstate commerce." Amid the hurly-burly of modern life, our legislators still take time to honor in the breach the doctrine that the federal government needs a *reason* to justify getting up to its elbows in the business of lower governments.

With that formality disposed of, S. 1769 buckles down to what senators recognize as serious business, i. e., rhetoric and the creation of new bureaucracies. So Sec. 2 (a) (4) begins, "the National Commission concluded that the fire problem is exacerbated by—" And now, class, there will be a snap quiz. Which of the following is the topmost exacerbator on S. 1769's list?

A. Oxygen
B. Combustible materials
C. Matches
D. "The indifference with which Americans confront the subject."

Right. You might have thought Americans would be allowed to be indifferent about *something* these days, even a "problem." But S. 1769, like so many other bills, acknowledges that it is a bill made "necessary" because the American people are not interested in it.

So, in case of "fire problem," break glass and pour on a spanking new Assistant Secretary of Commerce, "who shall be known as the Assistant Secretary . . . for Fire Prevention and Control." The Secretary himself is directed to "establish a national Program for Fire Prevention and Control (FIREPAC)" and "the FIREPAC Academy." In addition, there will be a national data center, annual conferences, "relevant studies," "citizen participation programs," and "demonstration projects."

And that, fans of the "new federalism," is how S. 1769 proposes to tidy up after Prometheus. Anyone got a match?

NOVEMBER 1, 1973.

THE WASHINGTON POST,
Editor,
Washington, D.C.

DEAR SIR: George F. Will's November 1 column on the Fire Prevention Act takes some valid pokes at the bureaucratic mentality but he does so at the expense of one of this Nation's tragic and neglected problems. The United States leads all major industrialized countries in the world in per capita deaths and property loss from fire. That is leadership we can do without. Half of the victims of fire are children. This year 60,000 Americans will spend anywhere from 6 weeks to 2 years in hospitals recuperating from burn injuries. The average hospital stay for a burn victim is over 3 times that of a medical or surgical patient.

But to merely quote statistics can not possibly convey the physical and psychological scars of fire victims which often last a lifetime. The frightening circumstances of the injury, the long isolation from family, the feeling of helplessness, the continuous pain during recovery, the cosmetic operations that fall far short of expectations, the stigma of disfigurement—all contribute to a deep despondency that impairs recovery. And perhaps the greatest tragedy of all is that there are many measures—often very simple precautions—that can reduce our fire losses.

There are several major components of S. 1769. It would establish a federal fire academy to provide specialized training to firefighters throughout the Nation. Firefighting is more than merely aiming a hose at a flame: with the complex array of building designs and materials, and the multitude of hazardous materials in commerce, the old techniques may actually exacerbate the ravages of fire. The quality of training throughout the country varies greatly, and many firefighters receive none at all. The Academy would not only itself train firefighters, but would also offer moder curricula to upgrade local programs.

The FIREPAC Program would undertake research in fire prevention and control technology. Research is needed to better understand how fire behaves in the presence of new materials. Much work is also needed to protect firefighters. Firefighting is the most hazardous profession in America. 39.5 of 100 firefighters are injured each year in fires. Firefighting equipment has not changed in 5 decades despite new building designs. Personal protective gear is antiquated—helmets conduct heat, breathing apparatus is heavy and leaks, and turncoats are virtual sweatboxes and often melt on the back of the firefighter.

Finally, the federal government can play a major role in mitigating the pain of burn victims. Only 8% of the 300,000 injured annually in fire received attention in specialized burn care units. In fact, fewer than 100 of the 6,000 general hospitals in the United States offer such care. S. 1769 would direct NIH to undertake an expanded program of research on burns, treatment of burn injuries and rehabilitation of victims of fires. Included in this program would be the establishment of 50 additional burn centers and units throughout the nation.

In short, S. 1769 would supplement, not supplant local firefighting efforts. It is designed to offer State and local jurisdictions the fruits of research, specialized training, and advanced firefighting techniques and technology which, due to a lack of resources, have not been available on local levels. This modest federal effort will, in its first 10 years, save 8,300 lives and spare 119,000 Americans the trauma of a serious burn injury. And that effort deserves more than a cheap shot.

Sincerely yours,
WARREN G. MAGNUSON,
Chairman.

Mr. MAGNUSON. Mr. President, this is the first time that I have read anything as critical as that with regard to the pending bill, As the Senator from Alaska knows, we have had the bill before us for many weeks. I suppose what is behind this particular article is that some person found out that the Senate was going to consider the matter today. I think Mr. Will fears that this will merely be another governmental agency.

Here, we are dealing with loss of life and property through fire. We are not creating a new agency but only authorizing additional programs in the Department of Commerce.

I have seen, and I know that the Senator from Alaska has also probably seen, the result of fire. All one has to do is to go to a children's hospital and see a child in a glassed-in room who has been burned by fire. We would probably double the amount of money contained in the bill if we had all seen such sights.

Mr. STEVENS. I would point out that if one realized that in rural areas such as we have in my State, the situation is much worse. My State is the largest State and has the smallest population. It leads the Nation in this respect. We are double the rate of the rest of the Nation.

As the Senator knows so well, the loss in terms of capital investment that goes with that is almost double in Alaska the rate of the rest of the Nation.

I think we should take a much more serious view of the matter than we have. It seems to me that the most shocking fact about the destruction of fire is, as the Senator has pointed out, the deaths of children under 5 and the deaths of the elderly, those over 65. Those deaths are three times the number of deaths among the rest of the population. And although the young and old, those under 5 and over 65, account for only 20 percent of the population, they account for 45 percent of the fire deaths. Of course, with our high statistics, we are no exception. This is one place where unfortunately we have kept up with the national average. In 1971, 18 of Alaska's 33 fire fatalities—over half of them—were young people or people over the age of 65.

Mr. MAGNUSON. Mr. President, as the Senator from Alaska will recall, we made a special attempt in the hearings to do what we could to report a strong bill on fire prevention. When we consider nursing homes, for example, we realize that there are tragedies almost weekly in which a great many old people have been killed due to inadequate fire protection. In this bill we are trying to see if we cannot get more vigorous fire codes to take care of the very young and the very old.

I think that we can save thousands of lives if this bill passes. And there is no reason why firefighters should not have a National Fire Academy, similar to the Federal Bureau of Investigation Academy for police officers. In terms of dollars, it is not expensive. Each year, there are about 12,000 people in the United States that have died from fires, and the rest are so badly burned that they are immobile for the rest of their lives.

We have done a great deal in the area of deaths from automobile accidents, in which field there are 50,000 deaths a year. Fire is the second greatest cause of accidental death, and we as a nation are completely indifferent about it. This bill would change that.

Mr. STEVENS. Mr. President, I am pleased today to join the distinguished Senator from Washington in urging Senate passage of S. 1769, the Federal Fire Prevention and Control Act. I believe that this is a comprehensive piece of legislation that is direly needed to deal with our Nation's great fire problem.

During the last year, I have been privileged to be named along with Senator MAGNUSON as one of the two congressional advisers to the National Commission on Fire Prevention and Control. Congress established the Commission to make an independent and authoritative examination of the nature and scope of the fire problem in the United States today. After 2 years of careful analysis and research, the Commission filed a final report with statistics which make it abundantly clear that destructive fires are indeed a major national problem.

Each year over 12,000 of our citizens are brutally killed due to fire, and 300,000 more are injured and scarred both physically and emotionally. In addition, each year over $11 billion of our national resources are lost forever due to fire's destructive power.

In comparison to other national perils, fire ranks near the top. Among causes of accidental death, only motor vehicle accidents and falls rank higher. In terms of magnitude of both physical and property loss, destructive fire ranks in size between crime and product safety.

One of the most shocking figures I have read reveals the group upon whom destructive fires fall with unusual severity. The death rate from fire among children under five and the elderly over 65 is three times that of the rest of the population. Although together these young and old make up only 20 percent of the American population, they account for 45 percent of the fires deaths.

As a nation, the United States has an appalling record for fire safety. Although we are the richest and most technologically advanced nation in the world, we lead all the major industrialized countries in per capita deaths and property loss from fire.

Among those Americans who must pay most dearly for this grim record are our firefighters. Firefighting is without doubt the most hazardous profession in our Nation today. In 1971, for example, the injury rate for firefighters was 39.6 per 100 men—or 15 percent higher than for the next most dangerous occupation. In the same year 175 firefighters died in the line of duty; an additional 89 died of heart attacks; and 26 died of lung disease.

Mr. President, these grisly statistics should make it undeniably clear that destructive fire is a truly national problem of alarming magnitude. Nevertheless, destructive fire is a national problem which has not received the critical examination and analysis given to so many other pressing national concerns. Indeed, the deadly toll that is exacted each year through fire accidents has been ignored and forgotten. Indifference and apathy among the public at large and among too many levels of our government have inevitably meant that meaningful efforts toward fire prevention and protection have been allotted a low priority among our national concerns.

I believe that S. 1769 will go a large way in filling the void that now exists in our national fire prevention and control efforts. Surely the Federal Government should assist in helping State and local governments control the fire menace. The final report of the National Commission on Fire Prevention and Control stated that were its recommendations to be adopted, the Nation could half its present level of losses due to fire in about 14 years. This is a goal that I truly believe is worthy of the Senate's effort and support.

Without detailing all of the provisions of S. 1769, I would like to highlight a few of the bill's sections for the Senate.

S. 1769, as amended, would establish a National Program for Fire Prevention and Control—or FIREPAC—in the Department of Commerce. The program would include various projects. One of these projects that I most strongly support is the establishment of a National Academy for Fire Prevention and Control in section 6. The Academy would train fire service personnel in the prevention and control of fires, much as our National Service Academies presently train officers for our Armed Forces. Additionally, the Academy would develop curricular and other training programs for use at other educational institutions without charge, so that all our colleges and universities might benefit from their new teaching techniques.

Section 7 of the bill would authorize the Secretary of Commerce to conduct an extensive research and development program to arrive at an understanding of the fundamental processes underlying all aspects of fire, including investigations into the dynamics of flame ignition and spread, the behavior of fires involving all types of buildings, and the development of design concepts for buildings and other structures.

Additionally, section 9 of S. 1769 would create a National Fire Data Center to collect and disseminate the latest information concerning fire statistics and new techniques in fire control and prevention. The Commerce Secretary is directed to assist the Nation's fire services in the training of fire personnel, and in the development of new firefighting techniques. The Secretary is also directed in section 10 to sponsor research into techniques and equipment to improve fire prevention and control in the rural and remote areas of the Nation. I believe this latter provision is particularly important in light of the greater proportional losses which occur each year in the Nation's rural areas.

S. 1769 would also provide for the funding of five to eight State master plan demonstration projects to serve as models for the rest of the Nation. This limited effort would be to see if such demonstration projects are worth supporting on a larger scale in all 50 States.

Section 16 would establish two classes of honorary awards for the recognition of outstanding and distinguished service by local public safety officers, whether law enforcement officers or firefighters. This provision will help gain greater public recognition and appreciation for the truly heroic efforts that firefighters have achieved. For too long has the Nation bypassed public servants in these fields.

Mr. President, S. 1769 is the most comprehensive legislation ever proposed on the Federal level for controlling our Nation's very real and very sizable fire problem. I believe this is a well designed measure which should greatly assist State and local governments and our firefighters in their daily firefighting efforts. Most importantly, I believe this bill should help to create the national consciousness that is necessary for a truly effective program of fire prevention and control.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement I made before the Alaskan Firefighters' Association and a brief summary of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR TED STEVENS BEFORE THE ALASKA STATE FIRE FIGHTERS ASSOCIATION

JUNEAU, ALASKA,
October 19, 1973.

FELLOW ALASKANS: It is a great pleasure to be with you today to discuss some of the recent developments on the national level concerning fire prevention and protection. Because I believe that recent days have seen some real progress in this critically important field, I would like to explore these matters in some depth.

However, before doing so, I think it is worthwhile to reflect on the nature and scope of the day-to-day dangers that destructive fire poses to Americans in general and to Alaskans in particular. Strangely enough, fire is a national problem which has not received the critical examination and analysis given to so many other national concerns. While anxiety has mounted regarding the high numbers of Americans who die and are injured each year due to automobile accidents and while alarm has risen concerning the health problems posed by air and water pollution, the deadly toll that is exacted each year through fire accidents has been largely ignored and forgotten. Indifference and apathy among the public at large and among too many levels of our government have inevitably meant that meaningful efforts towards fire prevention and protection have been allotted a low priority among our national concerns. Indeed, although those citizens who have survived a fire never forget its terror and incredible destructive potential, most Americans view fire as a remote danger that justifies their ignorance and indifference.

During the last year, I have been privileged to serve as one of the two Congressional advisors to the National Commission on Fire Prevention and Control. Congress established the Commission to make an independent and authoritative examination of the nature and scope of the fire problem in the United States today. After two years of careful analysis and research, the Commission filed a final report with statistics which make it abundantly clear that fire is indeed a major national problem. Each year over 12,000 of our citizens are brutally killed due to fire, and 300,000 more are injured and scarred both physically and emotionally. In addition, each year over $11 billion of our national resources are lost forever due to fire's destructive power.

In comparison to other national perils, fire ranks near the top. Among causes of accidental death, only motor vehicle accidents and falls rank higher. In terms of magnitude of both physical and property loss, destructive fire ranks in size between crime and product safety.

One of the most shocking figures reveals the group upon whom destructive fires fall with unusual severity. The death rate from fire among children under five and the elderly over 65 is three times that of the rest of the population. Although together these young and old make up only 20 percent of the American population, they account for 45 percent of the fire deaths. Our State is no exception to this grisly record. In 1971, 18 of Alaska's 33 fire fatalities, or over half, were ten years old or younger.

As a nation, the United States has an appalling record for fire safety. Although we are the richest and most technologically advanced nation in the world, we lead all the major industralized countries in per capita deaths and property loss from fire.

Among those Americans who must pay most dearly for this grim record are our fire fighters. Fire fighting is without doubt the most hazardous profession in our nation today. In 1971, for example, the injury rate for fire fighters was 39.6 per 100 men—or 15 percent higher than for the next most dangerous occupation. In the same year 175 fire fighters died in the line of duty; an additional 89 died of heart attacks; and 26 died of lung disease. These figures cause me particular distress because of the thousands of Alaskans who contribute their time and effort each year as volunteer fire fighters.

Closer to home, I regret to tell you what you already know far beter than I do—that Alaska leads the nation in its rate of fatalities and property loss due to fire. While the 1971 national fire death rate was 57 per million inhabitants, the rate in Alaska was 119, or over double. Likewise, while national per capita property loss for 1971 was $13.22, the figure in Alaska was $23.91.

As you are aware, this dismal record is not due to poor fire protection and control all over Alaska. The statistics I have received indicate that our major cities have a commendable record and that Alaska's main fire problem lies in our small towns and villages. Alaska is not unique in this situation, however. According to statistics of the Department of Health, Education, and Welfare, the fire fatality rate for Americans in our nonmetropolitan areas is nearly twice the rate for Americans in metropolitan areas.

Because the national loss from fire is so great and because fire presents itself in such direct and tragic form to so many of our nation's citizens, I have believed for some time that more action was required on the national level if we are to deal adequately with the scope of the destructive fire problem. Although each state and local area must develop a fire protection scheme which is adapted and tailored to meet the unique problems of that area, the national government can assist in this effort. In its final report, the National Commission on Fire Prevention and Control stated that were its recommendations to be adopted, the nation could half its present level of losses in about fourteen years. It is my earnest hope that such a goal can be reached.

As I stated earlier, I think that recent days have witnessed some positive developments which will assist states and local governments in dealing with the tremendous fire problems that they face. For example, last year the Congress enacted the State and Local Fiscal Assistance Act of 1972, commonly known as the Revenue Sharing Act. Sec. 103 of the Act enumerates the permissible uses to which local governments can put their revenue sharing allocation. Among these uses is "public safety" which is defined to include law enforcement, fire protection, and building code enforcement. For 1972 Alaskan local governments received over $4 million in revenue sharing funds. Of course, each town, village, or borough must itself decide how to spend these sums. Hopefully, however, some of these monies will be used to improve the equipment and training of local fire fighting forces, whether full time or volunteer.

In 1972, the Congress also enacted the Rural Development Act of 1972. Title IV of the Act established a Rural Community Fire Protection plan whereby the Secretary of Agriculture was authorized to provide financial assistance to state officials for cooperative efforts to organize, train, and equip local forces in rural areas to prevent and control fires which threaten human life, livestock, wildlife, and woodlands.

In 1973 the Congress amended the 1972 Rural Development Act to authorize federal assistance for organizing, training, and equipping local volunteer fire departments in "rural areas." "Rural areas" was defined to include towns with a population of over 200, but less than 2,000. I believe that this provision offers a great deal of hope for the numerous small towns in our state which at present are financially unable to train or equip fire fighting forces.

Unfortunately, I must tell you that no funds were appropriated by the Congress for this section of the Rural Development Act for this fiscal year. As you can guess, budgetary pressure has forced the curtailment of many worthy programs in recent months. I remain hopeful, however, that funds will be appropriated for this provision in the not too distant future.

The report by the National Fire Commission makes plain, nevertheless, that more action is necessary on the federal level for our nation to cope effectively with the problem facing us. I am pleased to report to you today that the Senate Commerce Committee has finished its work on S. 1769, the Federal Fire Prevention and Control Act and has reported it to the full Senate.

Although I have corresponded with some of you in recent weeks concerning the various provisions of this bill, I would like to describe briefly the areas of the bill in light of the amendments that the Commerce Committee accepted.

S. 1769, as amended, would establish a National Program for Fire Prevention and Control (or "FIREPAC") in the Department of Commerce. The program would include various projects. One of these projects that I most strongly support is the establishment of a National Academy for Fire Prevention and Control. The Academy would train fire service personnel in the prevention and control of fires, much as our National Service Academies presently train officers for our armed forces. Additionally, the Academy would develop curricula and other training programs for use at other educational institutions without charge, so that all our colleges and universities might benefit from their new teaching techniques.

The present bill would also authorize the Secretary of Commerce to conduct an extensive research and development program to arrive at an understanding of the fundamental processes underlying all aspects of fire, including investigations into the dynamics of flame ignition and spread, the behavior of fires involving all types of buildings, and the development of design concepts for buildings and other structures.

I was successful in obtaining Committee approval of an amendment to authorize research and development into the behavior and nature of forest fires, fires underground, oil blowout fires and waterborne fires. As most of you probably know there is very little knowledge about how to deal effectively with these latter kinds of fires. In fact, I learned recently that there has been an underground oil shale fire near Eagle that has been burning for nearly a year. No one at present has devised a proper method for dealing with fires of this nature.

Additionally, this bill would create a National Fire Data Center to collect and disseminate the latest information concerning fire statistics and new techniques in fire control and prevention. Likewise, the Commerce Secretary is directed to assist the Nation's fire services in the training of fire personnel and in the development of new fire fighting techniques. The Committee accepted an amendment which I proposed directing the Secretary, in addition, to sponsor research into techniques and equipment to improve fire prevention and control in the rural and remote areas of the nation. I particularly had in mind the development of more effective techniques for small towns and villages in states such as Alaska with their unique weather problems and financial limitations.

Finally, S. 1769 would provide for the funding of 5 to 8 State Master Plan Demonstration Projects to serve as models for the rest of the nation. This limited effort would be to see if such demonstration projects are worth supporting on a larger scale in all fifty states.

The Committee also accepted an amendment that I offered which would establish two classes of honorary awards for the recognition of outstanding and distinguished service by local public safety officers, whether law enforcement officers or fire fighters. This last provision will help, I hope, to gain greater public recognition and appreciation for the truly heroic efforts that fire fighters have achieved. For too long has the nation bypassed public servants in these fields. Hopefully, these awards will also show fire fighters that their great contributions are indeed worthy of national recognition.

As I stated, S. 1769 has been reported to the full Senate this week. I can tell you that I will do all I can to secure prompt passage of this important piece of legislation.

The measures that I have discussed today are limited, to be sure. However, I feel that increased efforts of these kinds will begin to create the national consciousness that is necessary for a truly effective program of fire prevention and control. Ultimately, the task of fire protection falls upon the shoulders of men such as yourselves here today. It is my earnest hope, however, that these efforts will create the climate and conditions so that your great work can be as effective as possible.

BRIEF SUMMARY OF S. 1769

Sec. 4 (p. 50)—establishes an additional Assistant Secretary of Commerce for Fire Prevention and Control. He will be appointed by the President with the advice and consent of the Senate.

Sec. 5 (p. 51)—The Secretary of Commerce will establish a National Program for Fire Prevention and Control (FIREPAC) to be administered by the Assistant Secretary of Commerce for Fire Prevention and Control.

The FIREPAC Program will consist off:

(1) a FIREPAC Academy—Sec. 6 (p. 52).

(2) a Research and Development Program—Sec. 7 (p. 55).

(3) an annual conference of professionals in fire prevention, fire control, and treatment of burns—Sec. 8 (p. 57).

(4) a National Data Center on fire prevention and control—Sec. 9 (p. 58).

(5) a fire services assistance program—Sec. 10 (p. 60).

(6) State Demonstration projects—Sec. 11 (p. 61).

(7) a Citizens Participation program—Sec. 12 (p. 64).

(8) Relevant studies—Sec. 13 (p. 67).

(9) Annual report—Sec. 14 (p. 68).

(10) Awards Program—Sec 16 (p. 71).

Sec. 19 (p. 75)—The Secretary of HEW is directed to establish within the National Institutes of Health an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fire.

Sec. 20 (p. 76)—The Secretary of HUD is authorized to make commitments to insure loans not to exceed $50,000 made by financial institutions to skilled nursing facilities and intermediate care facilities to provide for the purchase of fire safety equipment.

AUTHORIZATIONS FOR APPROPRIATIONS

For sections 2–17

(In millions)

For fiscal year 1974	$25
For fiscal year 1975	30
For fiscal year 1976	35
Total	90

For section 11

(In millions)

Master Plan Demonstration Projects	$10

For section 19 (Victims of Fire)

(In millions)

For fiscal year 1974	$7.5
For fiscal year 1975	10.0
For fiscal year 1976	10.0
Total	27.5

Total for whole bill: $127.5 million for three (3) years.

More detailed analysis of certain key sections of bill:

Sec. 6—FIREPAC Academy—p. 52:

(b) Purposes: 1. train fire service personnel;

2. develop model curricula and training programs, and make them available to other educational institutions without charge.

(c) Board of Overseers—composed of professionals

(e) Construction Approval—for Academy facilities not to exceed $100,000

Sec. 7—Fire Research and Development Program—p. 55:

The Secretary is authorized to conduct:

(a) A program of basic and applied fire research for understanding the processes underlying all aspects of fire, including:

(1) physics and chemistry of combustion processes;

(4) early stages of fires in buildings and other structures . . . and all other types of fires, including but not limited to forest fires, fires underground, oil blowout fires, and waterborne fires;

(5) the "behavior" of fires in (4) above;

(7) development of design concepts for providing increased fire safety . . . in buildings and other structures.

(c) Studies of operations and management aspects of fire services.

Sec. 9—National Data Center—p. 58:

The Secretary is authorized to:

(a) to operate a fire data program based on collection, analysis, publication, and dissemination of information related to prevention, occurrence, control, and results of fires of all types.

Sec. 10—Fire Services Assistance Program—p. 60:

Secretary is authorized to assist the nation's Fire Services, to:

(a) Advance professional development of Fire Service Personnel,

(b) Assist in conducting . . . local and regional programs for the training of fire personnel.

(h) Sponsor and encourage research into approaches, techniques, systems, and equipment to improve and strengthen fire prevention and control in the rural and remote areas of the Nation.

Sec. 11—Master Plan Demonstration Projects—p. 61:

(a) Secretary is authorized and directed to establish no less than 5 nor more than 8 demonstration projects, under the supervision of a State in accordance with the application of the State.

(b) Eligibility for grants—project grants shall be awarded to "unique" projects.

(d) Each demonstration project established shall result in . . . the implementation of a master plan for fire protection for each State funded.

Sec. 12—Citizenship Participation—p. 64:

(c) Secretary is authorized to review, evaluate, and suggest improvements in State and local fire prevention and building codes, fire services, and any relevant Federal or private codes.

Sec. 13—Studies—p. 67:

(b) Firefighter study: The Secretary is directed to prepare a study of the organization, and operation of the Nation's Fire Services, as they affect individual firefighters, including rates of pay, retirement benefits, working conditions, etc.

Sec. 15—Administrative Provisions—p. 70:

(a) Assistance: Departments and agencies of the Federal Government are directed to furnish such assistance as the Secretary deems necessary.

Sec. 16—Public Safety Awards—p. 71:

(a) Establishment—2 classes of awards established: (1) The President's Award, (2) the Secretary's Award.

(c) Selection: Recommendations to the President may be made by Federal, State, and local government officials.

(d) Limitations: No more than 12 Presidential awards per annum.

Sec. 19—Victims of Fire—p. 75:

The Secretary of HEW is directed to establish within the National Institutes of Health an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fire;

The National Institute of Health shall—

(a) Sponsor the establishment of 25 additional burn centers throughout the Nation.

(b) Provide training for specialists to staff the new centers.

Mr. MAGNUSON. Mr. President, I want to add, and I am sure that the Senator from Alaska will join with me in the statement, that we have over 1 million volunteer firefighters all over the United States. I would suspect that most of Alaska's firefighters are volunteers.

Mr. STEVENS. Almost all of them.

Mr. MAGNUSON. They have not been able to receive the training that we should be able to supply them with. This bill would provide them with much of that training.

There was a fire downtown yesterday in the Southern Building. I understand that it took over an hour to evacuate the building, according to the reports. The stairways were filled with smoke so escape was by fireman's ladder.

As it turned out, it did not amount to a great deal. No one was injured. However, if it had flared up, a lot of people could have been killed. I am sure that stairways could be designed that would remain smoke free.

Mr. President, these are some of the things we are thinking of in this bill. We want our firefighters to receive training in fire prevention and control and a knowledge of the proper city codes.

At this time, I am pleased to yield to the Senator from Maryland.

Mr. BEALL. Mr. President, I thank the distinguished chairman of the committee for yielding to me.

I read the article that the Senator referred to in the Washington Post of yesterday. Although I find myself more often in general agreement with the author of that article than I do with some of the others who write in that newspaper, I must admit that I am in general disagreement with the impression he reaches in the article. He did not recognize the nature of the problem. There are 300 very destructive fires in the United States this minute, and I believe this matter needs our attention.

Before becoming a Member of the Congress, I happened to be in the insurance business as an agent. I had an opportunity first hand to view the destruction brought about by fire and the tragedy brought to families and small businesses in rural America.

I have seen people burned out, not because they were indifferent about preventing fire, but because they did not know the cause. They were not aware of the inadequacies in the fire code in their community and the need to upgrade that code.

I have seen firemen burned, not because they were indifferent, but because of the inadequacies of the fire protection devices they were using.

We have not had the research necessary to change firefighting equipment from the early part of this century.

I had the honor and pleasure to chair one of the sessions of the Commerce Committee on this bill, and one of the witnesses was Fireman Thomas Herz, from Baltimore City. One would just have to look at this man to see the terrible burns he had. He brought with him the equipment he used in the fire in which he was injured. The equipment provided hardly any protection whatever. He showed how the equipment had failed when it was supposed to protect him from the ravages of fire.

It seems to me that it is a proper role for the Federal Government to provide a framework whereby we can have the kind of cooperation needed between local and State governments to upgrade the opportunities provided by fire protection devices and can have the kind of cooperation necessary between local and State governments so that firemen can meet one another and find out what is going on.

I think it is proper for the Federal Government to be the leader in research to provide new equipment for firemen. I think it is a proper role for the Federal Government to provide training facilities and people knowledgeable who will be able to train people in fighting fires every day.

Rather than saying that this bill is an unnecessary appendage, I think it is very important legislation.

I commend the Senator from Washington and the Senator from Alaska for seeing to it that the legislation moved so rapidly through the Commerce Committee and in seeing to it that it receives the kind of consideration that it will receive from the Senate today; because, as the Senator from Washington has pointed out, most of the firefighting in the United States is done by volunteers, much of it at their own expense. These men and their auxiliaries go out and raise money, spend a lot of time protecting other people's property, train themselves, and do a splendid job in providing protection for the lives and property of the American people. I think the least we can do is provide some sort of Federal direction so that their time and talents can be used to the fullest advantage through taking advantage of the training, research, and new techniques available to them.

Mr. President, certainly there is no greater catastrophic threat to the citizens of our country than the destruction that is caused by fire. During the next hour as we discuss this legislation, there is a statistical likelihood that more than 300 destructive fires will rage somewhere in this Nation. Annually, fire claims nearly 12,000 lives in the United States. An additional 300,000 Americans will be injured and 1 out of 6 of these victims will be hospitalized for a period ranging from 6 weeks to 2 years. The more seriously burned may be disfigured and/or disabled for life in spite of advances in corrective or plastic surgery. At least $11.4 billion worth of property will be destroyed this year, and we are unable to accurately calculate the additional losses that occur from lost jobs and interrupted business activity. Mr. President, the United States has the dubious distinction of leading the industrialized world in fire death and property loss, with a death per million figure of 57.1, nearly twice that of the second place nation—Canada.

We should also note that our Nation's 2.2 million firefighters are engaged in the most hazardous profession of all.

Their death rate is at least 15 percent greater than that of the next most hazardous occupation, mining, and quarrying. Firefighting is probably always going to be an especially hazardous profession. However, we must develop a concerted national effort to promote programs of fire prevention and mobilize the technological resources of this Nation to improve our ability to combat fires.

For these reasons, Mr. President, I heartily applaud S. 1769. This legislation, which I have cosponsored and strongly endorse, represents an important step in focusing the resources of the Federal Government on the problem of fire prevention and fire control. I urge my colleagues in the Senate to give it overwhelming support today.

Mr. President, this legislation will do several things. First, it will establish under the administration a new Assistant Secretary of Commerce for Fire Prevention and Control and a coordinated program for fire prevention and control. The purpose of this program will be to reinforce and support fire prevention and control activities of State and local governments and volunteer fire companies for research and development programs.

It will also call an annual conference of professionals in fire prevention, fire control, and treatment of burn injuries to discuss the problems in this area. Additionally, the bill will establish a National FIREPAC Academy, a national data center, a technical assistance program for State, local, and private fire services, a master plans demonstration project, a citizens participation program, and relevant studies. Also, the bill authorizes the Secretary of Health, Education, and Welfare to establish a research program on burn injuries and rehabilitation of fire victims in the National Institutes of Health, and authorizes the Secretary of Housing and Urban Development to make loan guarantees toward the installation of fire safety equipment in skilled nursing facilities and intermediate care facilities.

Mr. President, I would also, while discussing this bill, like to take a moment to commend the entire membership of the Senate Commerce Committee, and particularly its able chairman, Senator MAGNUSON. This legislation was introduced on May 9, 1973, as a result of the final report of the National Commission on Fire Prevention and Control, entitled, "America Burning." Originally introduced by Senator MAGNUSON, the bill has been cosponsored by 20 Senators, myself included. Full Commerce Committee hearings were held on September 24 and 26, and it was my pleasure and honor to chair the second day of these hearings. Work on the bill was completed in two executive sessions on October 9 and 11, which readied the bill for consideration. I certainly believe that the expeditious way in which the committee handled this bill stands as testimony to the urgent need for legislation in this area.

Mr. President, the Congress must move quickly to meet the threats posed to this Nation by the dangers of major fire. This bill takes giant strides toward this goal, and I implore my colleagues in the Senate to give overwhelming support, and ask my colleagues in the other body to join with us in helping to curb the needless loss of lives, the almost unspeakable injuries and the extensive destruction of property that is a result of fire. Let us begin today to make that type of national commitment that is needed to halt the menace of fire.

I ask unanimous consent that a section-by-section summary of S. 1769 as reported by the Commerce Committee be included at the conclusion of my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF S. 1769 AS REPORTED BY THE COMMITTEE ON COMMERCE

Sec. 1. Short title, Federal Fire Prevention and Control Act.

Sec. 2. Declaration of Congressional findings and the purposes of the Act.

Sec. 3. Definitions of terms used in the Act.

Sec. 4. Establishes within the Department of Commerce an Assistant Secretary for Fire Prevention and Control who shall be responsible for carrying out the provisions of this Act and who shall be guided by the recommendations of the National Commission on Fire Prevention and Control, insofar as practicable.

Sec. 5. Directs the Secretary to establish a National Program for Fire Prevention and Control consisting of a National Academy for Fire Prevention and Control, research and development programs, a national data center on fire prevention and control, fire service assistance programs, State demonstration projects, and citizens' participation programs.

Sec. 6. Authorizes the establishment of the National Academy for Fire Prevention and Control and authorizes the Academy to conduct appropriate educational and research programs to train fire service personnel, develop training programs, administer a program of correspondence courses, and reduce the nation's fire problem.

Sec. 7. Authorizes the Secretary to conduct a program of basic and applied fire research; research into biological, physiological, and psychological factors affecting human victims of fire; and studies of the operations and management aspects of fire services.

Sec. 8. Authorizes the Secretary to organize an annual conference on fire prevention and control.

Sec. 9. Authorizes the Secretary to operate a comprehensive fire data program designed to provide an accurate national picture of the fire problem.

Sec. 10. Authorizes the Secretary to assist the nation's fire services through grants, contracts, or other forms of assistance to develop technology to improve fire prevention and control.

Sec. 11. Authorizes the Secretary to establish master plan demonstration projects and authorizes an appropriation of $10 million for the purpose of awarding project grants.

Sec. 12. Authorizes the Secretary to conduct citizens' participation programs.

Sec. 13. Fiscal and firefighter studies.

Sec. 14. Annual report by the Secretary on activities pursuant to this Act.

Sec. 15. Administrative provisions.

Sec. 16. Establishes honorary awards for the recognition of outstanding and distinguished service by public safety officers.

Sec. 17. Authorizes appropriations of $25 million for fiscal 1974, $30 million for fiscal year 1975, and $35 million for fiscal year 1976.

Sec. 18. Conforming amendments.

Sec. 19. Directs the Secretary of Health, Education, and Welfare to establish, within the National Institutes of Health, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires; and authorizes $7.5 million for fiscal year 1974, $10 million for fiscal year 1975, and $10 million for fiscal year 1976 for this purpose.

Sec. 20. Amends the National Housing Act to authorize the Secretary of Housing and Urban Development to make loan guarantees for the purchase and installation of fire safety equipment in nursing facilities.

Mr. BEALL. I also ask unanimous consent to have printed in the RECORD a letter I was moved to write to the editor of the Washington Post.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EDITORIAL PAGE EDITOR,
The Washington Post,
Washington, D.C.

DEAR EDITOR: As a cosponsor and strong supporter of S. 1769, the Federal Fire Prevention and Control Act, I was disappointed to note the article by Mr. George Will entitled "Now the Feds Want to Help Fight Fires", which appeared in the November 1 *Washington Post.*

Mr. Will seems to demonstrate a lack of understanding of a serious national problem. Annually, fire claims nearly 12,000 lives in the United States. 300,000 more Americans are injured by fire, of which nearly 50,000 lie in hospitals for a period ranging from six weeks to two years. By conservative estimate, fire destroys $11.4 billion of property yearly, with additional incalculable losses from businesses which must close and jobs that are interrupted or destroyed. I believe it is appalling that the richest and most technologically advanced nation in the world leads all major industrialized countries in per capita deaths and property loss from fire, with a death rate that is nearly twice that of our nearest rival for this dubious distinction.

In his haste to award the mythical "Tenth Amendment Memorial Trophy", Mr. Will also seems to forget the tremendous sacrifices borne by our nation's firefighters. They are the ones who must pay most heavily for this horrendous record. A fireman participates in the most hazardous profession of all, with an annual injury rate for firefighters of nearly 40%, far higher than any other profession. In 1971, at least 290 firemen died of fire or fire-related causes.

The Fire Prevention and Control Act seeks to focus the resources of the Federal Government on this terrible problem. Its three year cost of $127 million is a small investment when compared to the billions annually lost in property, and the massive human suffering, upon which no price tag can be placed. The bill will reinforce and support fire prevention and control activities of local groups throughout the country, and for the first time place proper emphasis on meeting this grave national menace.

I hope Mr. Will would consider these facts the next time he needs a firefighter.

With best wishes, I am

Sincerely yours,

J. GLENN BEALL, Jr.

Mr. MUSKIE. Mr. President, the Fire Protection and Control Act which we are considering today addresses in a constructive manner an historically cruel enemy of all mankind—fire. Throughout history, fires have brought death and destruction, striking down the helpless and healthy alike, destroying the lifework of men and women without mercy. The proud and brave efforts of firefighters have met the threat of fire for generations. But their work has never been given the maximum support needed to minimize the danger of fire.

The Fire Protection and Control Act, S. 1769, would establish programs of education and support for local firefighters that would help them meet the threat of fire. I hope the Senate will give this goal a strong endorsement by passing this bill, so that it may soon become law.

Only a little imagination is needed to translate the appalling statistics about fires in the United States into their cruel toll of death and destruction. The statistics for 1972, released October 10 by the National Fire Protection Association, tell a sad story. Last year nearly 21,000 people died in fires. There were 2¾ million fires in the Nation. And the property loss from these fires was almost $3 billion. And all of these figures sadly reflect an increase over the previous year.

In the face of these mounting tragedies, the firefighters of America have responded with a record of service of which they can be proud. In my own State of Maine, there are over 400 municipal fire departments, with about 12,000 firefighters, most of them volunteers. Maine's professional firefighters work a 56-hour week at modest wages. And they perform the most hazardous job of any in the Nation, with a death rate 15 percent greater than the next most dangerous occupations.

The firefighters in Maine have been part of a strong firefighting tradition which has benefited from widespread community support. Initiatives by State governments have helped their work: one notable example is the fire technology program for professional firefighters which Maine initiated in 1968, which now operates at five vocational technical institutes in the State, and which leads to an associate degree in fire technology. But firemen could be given extra help on the national level to do their job more effectively. Critical national needs exist: there is no central, comprehensive source of data on fires; there is little research conducted on controlling or responding to fires; there is little national effort in the field of training firemen; and there are few sources to which the local firefighting agency can turn for technical advice.

The Fire Protection and Control Act constitutes a framework of sensible Federal effort to meet some of these needs, without altering the nature of firefighting as a local function.

The support furnished by this act would be through a National Program for Fire Prevention and Control—FIREPAC. Working within the Commerce Department, the FIREPAC program would devote resources to getting answers to crucial questions of fire control, would provide that information to firefighters and firefighting agencies throughout America, and would give needed support to firefighting personnel themselves. The FIREPAC program includes research and development programs and studies covering the many topics involved in firefighting from physics to psychology, as well as comprehensive planning programs—called master plan demonstration projects—to be established in selected States. The FIREPAC program would gather firefighting expertise on a national level and distribute it to the firefighting community through an annual conference of firefighting professionals, a national fire data center, a program of fire services technical assistance to local firefighting agencies, and a FIREPAC Academy to train fire service personnel and promote fire service training. Finally, the FIREPAC program would bolster the efforts of firefighting personnel through public safety officer awards and a study of firefighting employment.

The Fire Prevention and Control Act before us today is a modest Federal contribution to the heroic efforts of local firefighters across the Nation. I give it my full support.

Mr. KENNEDY. Mr. President, I urge the Members of the Senate to act favorably on S. 1769, the Fire Prevention and Control Act. The Senate Commerce Committee under the distinguished leadership of Senator MAGNUSON has spent a great deal of time and effort in developing this legislation which is so important to the citizens of this country.

We, in Massachusetts, are unfortunately acutely aware of the devastating effects of fire on a very recent occasion. On October 14, fire destroyed 17 blocks of Chelsea, Mass. We are now in the process of coordinating Federal, State, and city efforts to renew this city of 33,000 people. We have had the sad opportunity to walk through the burned-out section of Chelsea, and we are painfully aware of the need for a broad program of fire prevention and control.

The National Fire Protection Association has completed their preliminary report on the fire in Chelsea and I would like to insert it in the RECORD at this point. Their final report will be completed in the near future.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NFPA FIRE RECORD DEPARTMENT, PRELIMINARY REPORT, CONFLAGRATION, CHELSEA, MASS., OCTOBER 19, 1973

A conflagration occurred in Chelsea, Massachusetts on October 14, 1973. It was the second such fire: a previous fire, in 1908, destroyed about half the city. The city rebuilt an almost perfect replica of the buildings that burned, laying the groundwork for the latter-day fire. With few exceptions, the rebuilt Chelsea had nearly as much conflagration potential as before the fire of 1908.

The hazardous condition in the waste trades district and adjacent residential area, low humidity and high winds, and an inadequate water supply were contributing factors in this second conflagration.

A detailed report will be available from the NFPA in the near future.

HISTORICAL PERSPECTIVE

Conflagrations were more common in the 19th and early years of the 20th century. Cities and towns were built with little or no regard to fire safety, and the fire departments of the day left something to be desired. There were "great" fires in Chicago, Boston, Baltimore, and San Francisco, along with a host of lesser communities. Fewer conflagrations occurred in this country after the 1930's. One can guess at reasons: faster response and reinforcement of firefighters using motor vehicles; better protection by organized and trained fire departments; safer buildings through use of codes and fire prevention activities. Whatever the causes, the last large conflagration on record at the NFPA occurred in 1934.[1] Smaller conflagrations occurred, such as the Bellflower Street Fire in Boston in 1962. But most of these fires were stopped within a few blocks, as soon as sufficient firefighting units could be mustered from the surrounding area. Fire destroying hundreds of buildings have not occurred in almost three decades. Fire and insurance officials, and spokesmen for the NFPA who warned of conflagrations were not heeded. Municipal administrators seemed to feel their fire departments could handle any fire that developed. But they were wrong. Given the right circumstances, the potential for a conflagration could exist in many other communities.

THE CITY OF CHELSEA

Chelsea itself is an independent city of about 33,000 people crowded into just over two square miles. The city has industrial and residential occupancies. Perhaps the largest commercial activity in the city is salvage. Many small companies are engaged in recycling useable materials. The "rag shop district" as it is called is characterized by narrow streets with wood-frame and brick-wood joist buildings up to three stories high. These shops, sheds, and warehouses are loaded with rags, waste paper, used tires or whatever else their owners feel may be of some value. Fire loading is heavy. Housekeeping is poor, and trash is everywhere. If the price on some material drops, the salvage dealers specializing in that line may go out of business leaving the building abandoned but still containing considerable amounts of stock. A few buildings are sprinklered, and a few are of ordinary construction. There are few fire breaks. Streets are only 20 to 25 feet wide; sidewalks 2½ to 3 feet wide. The total separation between blocks is only 30 feet or so. The area fire flow for the rag shop district is about 1,000 gpm.

To the south and east, the rag district gives way to houses. First, there are wood-framed "three-deckers," three-story multiresidential structures. They are on narrow lots, with the structures separated by only a foot or two. They are constructed with wood porches on the rear and sometimes on the front and trash, awaiting collection, is usually stored under the porches.

These buildings contribute to the conflagration hazard. Further to the south and east are apartment buildings of ordinary construction up to four stories high. Some have stores on the first floor. Still further to the south are another industrial area and some petroleum storage facilities.

The conflagration of April, 1908 killed 18 persons, destroyed 3,500 buildings and left 17,000 homeless. In September, 1908, another serious fire destroyed 40 buildings in Chelsea under similar circumstances. With help of donations from all over the world, the city was rebuilt almost exactly as it had been before. The only notable exceptions were that wood-shingle roofs had disappeared, and the "oil works" had increased in size.

Some people did get concerned about the hazard of fire in Chelsea. A local fire prevention council was set up in the 1920's. With encouragement from the NFPA and local backing, the council got a Fire Prevention Bureau established in the fire department. The rag shops were supposed to have sprinklers installed. The fire department was increased in size, and new equipment purchased.

The population had declined in the intervening years, from 38,000 in 1908 to about 33,000 in 1973. Some houses and shops had burned and never been rebuilt. Others were vacant, and frequently the scene of incendiary fires. Fires in all types of buildings were all too common in Chelsea. In 1968, Chelsea had more building fires per 1,000 population than any other city covered by the NFPA's annual survey.[2] The salvage business was in decline, and many dealers simply piled up materials, hoping for a better price. Many of these were marginal businesses at the time of the 1973 fire.

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[1] Excluding brush and forest fires.

In the past few years, the city government finally began to improve conditions. An urban renewal plan was developed which would revitalize the rag shop area and part of the blighted residential area nearby. Planned improvements included an improved water system, re-location of streets to provide bigger lots and wider streets, sufficient parking areas, and zoning restrictions to separate residential and industrial occupancies. After several years, the program had been approved and funded. The local developer was buying buildings and land when this fire occurred.

The first department had changed considerably since 1908. At that time, they had three "steamers," four other companies, and twenty-one men. The present-day department had five engines and two ladder trucks, manned by 109 firefighters. Usually about 23 men were on duty at any given time. To make up, in part, for deficiencies in the water supply, the department was equipping its units with 4-inch hose for supply lines.

It was proposed that one company be eliminated during a recent "economy" drive, but the company continues to operate.

THE FIRE OF OCTOBER 14, 1973

October 14th was a Sunday. The weather was warm, 69°F at 4 p.m., with the wind from the northwest gusting up to 48 miles per hour. There had been only 0.01 inches of rain in the preceding week. It was what forestry men call a "Class 5 Day"—extremely hazardous. Because it was Sunday, there were few people in the area. About 4 p.m., a fire started near a truck parked in a yard at 120 Summer Street.[3] A passer-by reported it to a watchman on duty at a nearby plant. He called the fire department. By that time, smoke from the fire was visible five miles away.

The fire department sent their standard response of two engines, one ladder truck and a deputy chief. The two engine companies had about ⅔ of a mile to travel to reach the fire. When they arrived, the fire had already involved two buildings. The deputy ordered a third alarm as soon as he arrived. At that time, three buildings, were involved. The chief of the fire department arrived from his home a minute or two later and ordered a fourth alarm.

The initial attack was made with two-2½ inch-hose lines, one from each of the first two engine companies. Additional companies, responding to the multiple alarms, began to arrive about four minutes after the first alarm companies. The fire was extending faster than companies could get into operation. The fire spread through tires and other combustibles stored between buildings. An attempt was made to hold the fire in the block of origin, but it was unsuccessful. The fire ignited buildings across Maple Street and jumped across Summer Street. It was now a conflagration.

With the fire spreading rapidly, and parts of three blocks already in flames, the chief realized a major conflagration was developing. He ordered his off duty firefighters to report for duty. He also put out a call for "all available assistance" over the intercity fire radio. (This is a system for communication between fire departments of different cities when assistance or "Mutual Aid" is required. There is no control function which decides which departments should send assistance and how much). The response to this and later calls was about 105 units and 700 firefighters.

At this time, the chief attempted to hold a line at Third Street. But the fire jumped this, and successive lines. Hand lines were too small to be effective, and there was not enough water available to supply master streams. Water supply was becoming critical.

In one case, five pumpers were required to provide one good stream at the fire. Command and control problems were developing. The fire had become so large that one could not see all important parts of it. The chief started to walk from point to point, but the area was so large and the fire developing so fast that he could not exercise control effectively that way.

Arrangements were made to get a helicopter for the chief so he could get an overview of the fire. The chief felt this was an excellent means of finding critical areas, and taking effective action in them. He had placed a Chelsea officer with a walkie talkie in each sector of the fire. He could communicate directly to them as well as to his dispatcher. They could relay messages to many of the companies. The chief also found spot fires, and could send companies to them through his dispatcher. The command problem was never completely solved, but by this procedure control was significantly improved.

Another control problem related to companies arriving from out of town. The companies might follow the glow of flames till they ended up close enough to the fire to go to work on their own. Other companies came to Chelsea's headquarters fire station to be assigned. The dispatcher would hold them there until someone requested assistance, then send them out. By midevening, companies were arriving every three or four minutes, and only staying a few minutes before being sent out. Some companies were at work in the narrow streets at right angles to and in front of the line. One of these units was burned, and two others were damaged. Others had to pull out hurriedly to avoid a similar fate.

To the north, a successful defense was eventually set up along railroad tracks. The right-of-way, wide enough for six tracks, was wide enough to be a good fire break. Two tracks had been taken up, and the remaining roadbed provided easy access. The buildings north of the tracks were of better construction and less susceptible to ignition, too, when helped.

To the west, firefighters were able to hold a line on Second Street. The wind carried much of the heat and smoke away from them. Also, the flimsy buildings had burned quickly, limiting the most intensive exposure. (The piles and bales of stock, however, continued to burn for several days. The fire was still smouldering Wednesday night).

By 6 p.m., a firestorm had developed. Winds at ground level blew toward the fire at such speeds that working was difficult. Items as heavy as shutters were borne along by the wind. Flaming trash, rags, papers, and brush were carried by the wind to adjacent properties where they ignited accumulated trash and stock, then structures. The effect was similar to that seen in "rolling" brush fires in the western states. Fire was also spread by direct radiation, and by flaming brands drawn up in the thermal column above the fire, then deposited up to half a mile downwind.

The main fire was contained about 9:15 p.m. Additional fire companies were still required to relieve timed crews and broken down or fuel-short apparatus on the fire line. Companies were also required to extinguish spot fires. One spot fire broke out in City Hall about 10:30 p.m. which required a two-alarm assignment to subdue it.

By this time, fuel supplies were becoming critical. Arriving pumpers had come so far they needed fuel on arrival. Companies that had been operating for several hours also needed refueling. Fuel trucks were obtained from neighboring fire departments and local firms. In some cases, fuel was carried in the fire area in 5-gallon cans. The refueling problem was not resolved.

The first out-of-town units returned to their stations about midnight, October 14. The last returned during the afternoon of October 17.

GENERAL POPULATION

A sizeable portion of the general population, perhaps 3,500 people, had to be evacuated from their homes. This work was done by firefighters, police, and bystanders as soon as the fire was seen to be threatening houses. The occupants were usually stunned by the threat of fire to their home, and unaware of the speed at which the fire was traveling. Strenuous efforts were needed to get them out of the house safely. Some fled with nothing; others tried to save furnishings. Most grabbed a shopping bag or trash bag, filled it with clothes and food, and left.

Some of the population have lived in the area for two or three generations. These people, when evacuated, went to stay with relatives or friends out of the danger zone. Others, newly arrived in the area, knew no one to turn to, and ended up at an emergency shelter in the local armory.

A large portion of the population turned out to watch the fire. Spectators sometimes got in the way, but were also of valuable assistance in hauling hose lines and evacuating houses. Police control of spectators was not achieved until about 7:30 p.m. Police operations appeared to have little central direction. Officers came voluntarily or were sent from numerous area police departments. A command post was set up under command of a state police captain. While a force of 25 to 30 police officers stood by at this post, crowd control was left to local police and to volunteers wearing schoolboy traffic control belts.

RELIEF ACTIVITIES

Immediate relief activities including feeding of emergency workers, feeding and shelter of evacuees, and care of the injured. (There were no fatalities reported).

Action was taken to have Chelsea declared a disaster area. By Wednesday, October 17, representatives of the various federal agencies met with Chelsea officials to arrange disbursement of federal disaster aid. It was reported that this was the fastest that such relief had ever been available. About $40,000,000 will be available.

DAMAGE

At this time, losses have not been established. The damage covered 17 blocks. Dollar losses are expected to exceed the $12,000,000 loss of 1908. A detailed break-out of losses will be published when available. There were a number of businesses destroyed, employing about 600 persons. Many of these will not do business again.

Mr. KENNEDY. Mr. President, this report is chilling. The firestorm had developed by 6 in the evening, and families were stunned by the fire and unaware of how fast it was traveling. The report notes that it took strenuous efforts to get families from their homes safely.

And the preliminary report notes that an inadequate water supply was a contributing factor as the fire spread. That is why I have asked for and received the assurances of the chairman that water supply and pressure has high priority in the fire prevention and control bill. Clearly there are areas, particularly in the rural sections of this country, that are desperately in need of improvement of water systems for fire fighting.

I would like to include in the RECORD at this point an article entitled "Hydraulics for Fire Protection" which outlines the crucial need for adequate water pressures in fire control.

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[2] See "Fire Record of Cities," July 1969, Fire Journal, Page 17 Volume 63, No. 4.

[3] See attached map.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Hydraulics for Fire Protection

(By N. J. Patek)

The art of fire protection has been referred to as a study of hydraulics. Good basic fire protection consists of provision of water at adequate pressures and volumes at the start of and at the source of a fire. If this rather simple requirement could be met, fire would be held to the minimum and any resulting loss of property would be inconsequential.

As yet there is no satisfactory alternative for water in fire extinguishment. Admittedly, water has its drawbacks—it wets things down, and as a result it often causes irreparable damage. This is referred to as "water damage"—a phrase often used to attempt to discredit water extinguishment facilities such as sprinkler and standpipe systems. When water causes collapse of structures or equipment, the reason is that the design of the sprinkler or standpipe system did not take into consideration the additional weight of the water needed for extinguishment. When they are not dried out sufficiently after being wet, water can cause slow oxidation of ferrous metals. Last but not least, water can cause serious and violent reaction with certain basic metals.

However, in spite of those, and possibly other, drawbacks, water is still the most basic and the best extinguishant for a wide variety of fires. No other extinguishant offers such relatively easy, economical, fast control and extinguishment (sprinkler systems), such storage capabilities (tanks and reservoirs), such high pressure (pumps and pressure tanks), and such availability coupled with high heat absorption properties. It is therefore appropriate that those concerned with designing structures and equipment consider the problems of hydraulics as related to fire protection engineering.

In my opinion, the best place to start this discussion is at the location of a fire, for if our design assumptions and criteria have been correct, a fire will have slight consequences. If we have designed wrong, there may be a catastrophe.

One axiom of fire protection is that what is done during the first five minutes after a fire starts is more important than what may be accomplished during the next five hours. Fire loss experience files bear this out, all too graphically. Therefore it is essential to provide means of detecting and extinguishing fires at the site of origin and as speedily as possible. The most common means of accomplishing this is an automatic sprinkler system, which incorporates sprinklers actuated by preset temperature elements. The excellent performance of automatic sprinkler systems over the years is borne out by statistics; e.g., over 96 per cent of the fires in properties that have automatic sprinkler protection are extinguished or controlled by actuation of 30 or fewer sprinklers.

In order, then, to arrive at some reasonable bench mark on the amount of water required for fire-fighting, the 30-sprinkler figure seems to be in order, at least from an average statistical standpoint.

Each sprinkler has its own unique design criteria related to pressure and volume. As an average, the normal ½-inch-orifice sprinkler, which is the most common in use, discharges 25 gpm at approximately 20 psi. As the available pressures increase at the sprinkler, the greater will be the quantity of water discharge. Also, increased water pressure emanating from the sprinkler will cause greater water velocity impinging on the sprinkler deflector. This results in finer water droplets as pressure is increased. For a sprinkler to perform at optimum design—mainly quantity discharge, area coverage, and water droplet size—the acting pressure at the sprinkler must be within a given range—generally between 10 and 60 psi. Lower pressure results in the water's just spilling out, which in turn produces inadequate area coverage and droplet size much too large to absorb heat efficiently. Greater pressure results in the water's being broken into such fine mist that it has insufficient mass to overcome the vertical velocity of the heat of the fire.

Therefore the starting design criteria for an "average" water supply become approximately 17 gpm at 10 psi at the most remote sprinkler. If we take an average discharge—a fictitious assumption, as we shall see—of 17 gpm for the 30 sprinklers, the quantity of water required becomes 510 gpm.

The pressure requirement for an "average" sprinkler system at the area of the fire will be in the range of 40 psi. The actual pressure requirement at ground-floor level or in the street will depend upon the building and upon the configuration of the sprinkler system.

For a decade the Factory Insurance Association has been pioneering in advancing the principle of calculating the discharge characteristics of sprinkler systems. Up to ten years ago the sprinkler codes and the people concerned with fire protection grouped hazards under broad classifications, such as light-, ordinary-, and extra-hazard occupancies. Each sprinkler system was designed to accommodate one of the occupancy classifications, and the only task of the designer of the system or of the person reviewing plans was to determine if the system conformed to the prototype. Little if any thought was given to how the system would react under the influence of a specific water supply. The Factory Insurance Association proposed the principle of calculating sprinkler systems originally for high-hazard occupancies, and the idea met with such favor by assureds and other interested persons that calculated sprinkler systems are now provided in a variety of circumstances. The guesswork has been taken out of this phase of protection, and we are able to relate protection to hazards.

I just said that taking an "average" 17-gpm discharge is erroneous, and I would like to explain this.

Let us assume an ordinary 130-foot-per-sprinkler system having eight-sprinkler branch lines, center feed, and standard ½-inch-orifice sprinklers having a 5.7 K factor.

With a starting pressure of 10 psi, the end sprinkler would flow 17.7 gpm. As we calculate branch-line friction losses and equate resulting sprinkler discharges, the required volume pressure at the base of the first branch line riser nipple becomes 377.2 gpm, at a required pressure of 30.9 psi. Calculating cross-main pressure losses and balancing the volume and pressure requirements at the base of the second branch line riser nipple yields a demand at that point of 752.2 gpm at 50.1 psi for 30 sprinklers operating. Carrying the calculations through the system and its riser and supply main to a city water main results in a system requirement of 752.2 gpm at a required pressure of 73.6 psi. Therefore, to discharge 17 gpm at the end sprinkler with 30 sprinklers operating it is necessary that the supply yield 752.2 gpm at a residual pressure of 73.6.

To that quantity we must add hose demands. Each area of a building should be within reach of at least one hand hose stream. Calculations on hand hose nozzles indicate discharge of approximately 100 gpm at 80 psi from standard 1½-inch adjustable spray nozzles. It is not unusual for fire departments and plant fire-fighting personnel to use two, three, or more hand hose streams to extinguish the fire and to wet down adjacent areas, to keep the fire from spreading. To arrive at the total water supply required during the course of fire-fighting, both sprinkler and hose demands must be considered cumulative. Therefore, for the facility we are discussing a combined flow of 992 gpm for both sprinkler and hose demands at a residual pressure of 73 psi is considered an average water supply.

It must be pointed out that the quantity of water discussed here would be adequate for a light-hazard occupancy in a noncombustible building, such as a light-hazard metalworking or electrical assembly plant in a masonry-walled metal-deck-roof building. Other, more hazardous occupancies, such as warehousing, rubber-working, and chemical plants require much more as a basic water supply for the sprinkler system. The sprinkler systems in those occupanices may be designed to discharge three or four times our original quantity, with a resulting increase in pressure requirements.

The next natural question is duration: For how long is it necessary to supply 992 gpm at a residual pressure of 73 psi? Experience shows that fires in industrial properties, where high pressures and large volumes of water are needed, may be of long duration. It is generally considered that high pressures and high volumes should be available for a minimum of one hour, with additional water at somewhat reduced pressure available for another three hours. Therefore a four-hour water supply is considered necessary for proper fire-fighting.

It is surprising how many communities cannot supply the necessary amounts of water for anywhere near four hours. Even city officials are surprised during flow tests from hydrants when the water stream decreases appreciably after flowing water for a relatively short time. Tall, thin standpipes and high, small gravity tanks may impress passers-by, but they are far from impressive to the fire fighter holding a dry hose stream inside a burning building. It is all-important to analyze not only momentary flow characteristics but also what is back of the entire water supply—automatic or manual pumps, size of tanks and reservoirs—and what is to replenish it.

The fact most often overlooked in predetermining water supply is that a water supply determination must be made on a specific basis. Each building complex or occupancy usually has its own water supply requirement. Not all industrial complexes are alike. The sprinkler water requirement for metalworking is quite different from that for woodworking, or an electrical works, or a solvent extraction plant. In answer to the question *What is a good water supply?* we must ask the question *What are we talking about?*

I receive numerous phone calls inquiring if a city water main capable of supplying, say, 1,500 gpm at a residual pressure of 50 psi is a good sprinkler and hose supply. Before answering such a question I must have some idea of the hazards the sprinkler system would be called upon to cope with, the configuration of the building, its construction, and its location in regard to the water supply. In many cases 1,500 gpm at a residual pressure of 50 psi would be more than enough to supply the system. In many others it would be drastically deficient. The mere fact there is a city water main connection, there is a gravity tank or pressure tank on the system, and even one pump has been provided do not necessarily mean an adequate water supply for a specific property.

For quick and self-evident determination of the adequacy of water supplies as related to specific sprinkler and hose demands we often make use of graphs. Knowing that quantities of water flowing through orifices approach mathematically the square root of the pressure (multipled by a constant), we are able to represent the flows by means of a straight line on semilog graph paper.

Plotting pressure versus volume for a given city water supply of 70-psi static pressure and 50-psi residual pressure with 1,500 gpm flowing, and plotting our sprinkler and hose demand curve, we see that the demand point is above the city supply curve. Therefore the city supply is insufficient for the required pressures and volumes. If we plot a theoretical fire pump curve of 1,000 gpm at 100 psi in relation to the demand curve, the pump is able to supply the required volumes and pressures.

Using graphs to plot water demands and supplies is a quick, easy, and readily recognizable way to determine if a given supply is sufficient for a specific property or hazard.

Too many individuals directly responsible for determining water supplies fail to take into account the water requirements to fill both the fire protection needs and the domestic needs of the specific building. The presence of an eight-inch or 10-inch city water main is considered all that is necessary, and the specific sprinkler requirement receives no further thought.

With ever-growing application of the principle of building away from large metropolitan areas, the problem of adequate water supplies has increased immeasurably. Land sites are selected and commitments consummated before any determination is made of the needs of water volume and pressure at the building sites. Building developers too often fail to take into account the large volumes and high pressures required for firefighting purposes over and above normal production and sanitary needs.

During the review of building and occupancy plans insurance companies advance the requirements for additional private water supplies. Building owners are often appalled at the prospect of having to pay for a private water supply system (with costs frequently in the vicinity of a quarter of a million dollars, which were not originally considered in the cost of the new facility) in order to achieve insurance at the lowest possible rates. This naturally arouses consternation, and fire protection is delegated the role of scapegoat. It is then realized that building in small municipalities or unincorporated areas is sometimes less economical than first envisioned. Communities that have a good, strong, reliable water supply may have land values and taxes somewhat higher than other communities, but the cost of providing and maintaining a private water supply over a period of years may well offset any original savings. When the cost of providing the necessary water supplies is considered as part of the fire protection cost of a structure, the ratio of the cost of the fire protection facilities to the cost of the total building becomes extremely high. If the area in question does not have a sufficient city water supply, the cost of fire protection is less; but in all probability taxes will be higher. The saving in taxes therefore becomes a fire protection cost. Would it not be fairer to delegate some of the cost of private water supplies to the accounting ledger column marked *municipal taxes?*

This is not intended to discredit building facilities in outlying areas. Such locations may be extremely beneficial for a given type of property. However, should such a site be selected, all the factors warrant consideration and the property owner deserves to know all the facts and all the costs. Only then should the final selection be made.

After all this has been said, we come to a matter whose logic often evades persons not directly concerned with insurance requirements: secondary water supplies for insurance purposes.

Whenever a facility has an extremely high insurable value, the underwriter feels that to underwrite it successfully a certain backup in water supplies (and possibly other forms of protection) is necessary. The exact dollar evaluation of this "breaking point" is not so important as the determination that the property does constitute a high insurable value. When a property falls into this category the underwriter will advise the assured that the water supply for the sprinkler and hose demands requires two separate and distinct supplies. In the event, under reasonably adverse circumstances, something should occur to take one of the supplies out of service (e.g., breakdown of a city water main, a pump's being down for servicing, or removal of a gravity tank for repairs or cleaning), another source capable of supplying the total sprinkler and hose demands should be available. Basically, this theory can be reduced to "how many eggs in one basket" thinking. If 1,500 gpm is considered an adequate supply for the property and the property has a high insurable value, a second source capable of delivering the 1,500 gpm would be recommended. If the sprinkler system's basic supply is provided by a pump supplied from a reservoir, the secondary supply requires another pump and another reservoir.

Again, one must bear in mind the principle of adequate supply for the hazard. Just because a property has one city connection and one gravity tank, it does not necessarily have two sources of water for its fire protection needs. It may well be that neither of the sources is adequate, and, therefore, that an additional totally distinct and separate source of water supply is necessary. It is wise to consult with insurance carriers regarding their requirements for the specific property as to whether a single or a secondary source of water supply is considered sufficient.

While we are speaking of reliability, I believe it might be well to discuss the reliability of the water supply. In years past the most reliable supply was that of the gravity tank, with nothing more than gravity and open valves being necessary for water to be delivered to the sprinkler system.

Increased floor heights and areas have meant substantial increase in the required pressures for the water supplies. To produce the necessary pressure for high-hazard areas, gravity tanks would have to be situated at extreme heights, making their original and maintenance costs prohibitive.

Over the years electric motor-driven fire pumps have proved to be extremely reliable. In fact, I do not know of one major loss directly attributable to failure of an electric fire pump. There have been situations of serious consequences because of interruption of electric current to the pump, but these were attributable to improper installation of electrical feeders and disconnects. The electric motor and its controller have had a very reputable record indeed. However, at present we face serious situations related to the reliability of the electrical supply from the utilities. Practically all sections of the country, some much more than others, face problems of reduced voltages, brownouts, or blackouts. The duration of these serious situations has varied from moments to hours and even days. The consequences of interruption of electrical power occurring at the same time as a fire are not difficult to imagine. Occurrences at the wrong time, at the wrong place, could result in a major catastrophe.

Underwriters have become increasingly concerned about properties whose major source of water supply depends on electrically driven pumps. Many communities rely almost totally on electric wells or fill or booster pumps as the source for municipal water supplies. The pumping capacities available from stand-by sources are usually negligible.

It has been with this fact in mind that diesel-driven fire pumps have been quite extensively recommended in high-valued, high-hazard properties. Over the last few years diesel-driven pumps at properties insured by the FIA have had a fine record of reliability, as a result of weekly and yearly testing conducted by our representatives. It should be pointed out to owners that maintenance of diesel engines is all-important, as is the presence within the company of at least two knowledgeable individuals. The pump should not be left for long periods out of service, awaiting service representatives.

No item of protection is so basic or so totally necessary as a good, sound, reliable water supply for sprinklers, hydrants, and hand hose connections. Determination of quantities and pressures required is not a simple or easy task, but, rather, a task requiring full knowledge of the construction and the hazards inside and outside the property.

This determination is considered so vital that Factory Insurance Association field engineers spend a large segment of their time testing and analyzing municipal and private water supplies, for it is realized that upon this one item hinges the determination of the eligibility of a property for a superior insurance rate. Our representatives are fully trained and educated to advise architects, builders, and owners of the necessary water supplies. We solicit early—as early in the planning stages as possible—inquiries regarding the water needs of a specific building and how they relate to the area's water supply.

The Factory Insurance Association has recently increased its computer facility to accommodate sprinkler design calculations. Our computers enable us to offer our policyholders quick plans review and existing sprinkler installation design criteria for a specific water supply.

Close cooperation by everyone concerned produces a well-protected facility, of which all who were involved in the building may well be proud, and, more important, wherein all may feel safe.

Mr. **KENNEDY**. Mr. President, the most hopeful thing about this legislation we act on today is that it shows the Congress is aware of the enormous problems involved in fire prevention and control. And that awareness is growing across the country.

We can no longer afford to waste $11 billion annually in property losses, treatment, productivity losses, and fire department operations. We can no longer live with the scars on 300,000 Americans who are injured every year by fire. And we cannot tolerate the loss of 12,000 lives every year in this country from fire injuries.

The first year cost of $42.5 million is a small price to pay if we can begin to alleviate this loss of life and economic injury.

This legislation has important provisions for burn treatment research and rehabilitation for the injured. It provides for loan guarantees for firefighting equipment for nursing homes, and $10 million for demonstration projects to find out how to prevent fires.

The people of Chelsea and all other communities in this Nation that have tragically experienced large and uncontrolled fires know the importance of the legislation we act on today. And it is for them that we take these first steps to reduce this tremendous waste in lives.

Mr. **WEICKER**. Mr. President, as an original sponsor of S. 1769, along with Senators Magnuson and Cotton, I urge my colleagues to overwhelmingly approve this first comprehensive legislation to enhance the training and resources available to the firefighters of America.

S. 1769, the Federal Fire Prevention and Control Act, is based on the recommendations of the 2-year National Commission on Fire Prevention and Control, as well as the hearings of the Senate Commerce Committee.

In its report entitled "America Burning," the National Fire Commission has concluded that—

> Appallingly, the richest and most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property loss from fire.

The Commission estimated that more than half of the 12,000 lives and much of the $11 billion lost in fires in the United States each year could be saved through a greater effort in fire prevention and firemen training programs.

Therefore, to assure that national attention and resources are focused on the Nation's fire problem, the legislation before us today would establish within the Department of Commerce a national program for fire prevention and control—FIREPAC—to be administered by a new assistant secretary for fire prevention and control.

The secretary for FIREPAC would establish a national firefighting academy for the training of fire service personnel and the development of educational programs that may reduce the fire problem. FIREPAC would also provide increased Federal support of fire research and fire safety education programs, develop a comprehensive national fire data system to aid local fire companies, and offer technical assistance to State and local governments and volunteer firefighting organizations.

The Federal Fire Prevention and Control Act would preserve the autonomy of State and local fire departments, which would retain their initiative as innovative and vigorous parts of the community. In providing a significant opportunity for all firefighting units to improve their services and activities, this bill will further assist the development of master plans for mutual aid associations.

Firefighters in Connecticut and other States have long deserved national recognition for their selfless service. The Federal commitment embodied in this toric bill will aid the efforts of local fire departments without encroaching on their responsibilities or essential autonomy. Further, citizens and communities will be encouraged to participate in FIREPAC programs to minimize the shocking human costs and property losses caused by fire.

I urge my distinguished colleagues to afford this imperative comprehensive fire legislation speedy and affirmative consideration.

Mr. ROTH. Mr. President, I am pleased to support S. 1769, the Fire Prevention and Control Act. I have heard from a large number of people in Delaware who support this act. S. 1769 is a bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, assist States and local governments in reducing the incidence of death, personal injury, and property damage from fire, increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes. This legislation is based on the recommended program resulting from a 2-year study by the National Commission on Fire Prevention and Control. The Congress recognizes the need for adequate legislation to reduce the unacceptably high rate of death, injury, and property loss from fires in the United States.

The National Commission on Fire Prevention and Control points out in its report that annually in the United States, fire claims nearly 12,000 lives, leaves scars and terrifying memories on 300,000 Americans, and costs by conservative estimates at least $11.4 billion a year. The report goes on to point out that—

> Appallingly, the richest and most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property loss from fire. While differing reporting procedures make international comparisons unreliable, the fact that the United States reports a deaths-per-million-population rate nearly twice that of second-ranking Canada (57.1 versus 29.7) leaves little doubt that this nation leads the other industrialized nations in fire deaths per capita. Similarly, in the category of economic loss per capita, the United States exceeds Canada by one-third.

Consideration to our firefighters is long overdue, especially when we think about the terrible toll of fire on them; for example, in 1971, the injury rate for firefighters was 39.6 per 100 men—far higher than that of any other profession, the death rate was 175 firefighters who died in the line of duty, and 89 died of heart attacks and 26 from lung diseases contributed to by the routine smoke hazard of their occupation.

S. 1769 is concerned with these problems. It will provide for the establishment of a National Fire Administration to supply a national focus for the fire problem. It will also establish a National Fire Academy, which will offer specialized training in fire protection, assist State and local jurisdictions in planning programs, and conduct campaigns to educate the public.

The bill also calls for the development of a National Data System to collect data on fire injuries and deaths, property losses, and other fire-related information to assist local fire departments. In addition, the bill will provide grants to States and local governments for the preparation and adoption of comprehensive master plans for fire protection. These plans will provide the opportunity for local fire departments to improve and strengthen their fire prevention and control programs.

Research and development for improving fire prevention and control and developing new methods and technology in this area are also a major part of this bill. In addition, other areas of research are included, that is, medical research, aimed at making more burn centers, burn units, and burn programs available for research, treatment, and rehabilitation of fire victims will be conducted by the Secretary of Health, Education, and Welfare through the National Institutes of Health. Fire prevention and control research and development activities will be conducted by the Secretary of Commerce.

When we pause to consider the high price we pay in human lives and losses in property, we realize that fire is such a great tragedy. We should remember that it can strike anyone of us at any time. Therefore, I add my support to this important bill, which I hope, will help in bringing about a reduction in losses due to fire.

Mr. DOLE. Mr. President, I wish to express my support for a bill which addresses a long-overlooked but vitally important concern. The prevention and control of fires in the homes, businesses, and institutional facilities of America is a matter in which everyone has a major stake. We all live in houses, apartments, or mobile homes and have too often seen flames engulf a home bringing loss and tragedy to our own communities. Most of us can recall witnessing at least one major business or industrial fire which resulted in thousands—if not millions—of dollars in losses. And often the headlines tell of major fire catastrophes involving nursing homes and similar facilities.

TRAGIC COST

It is estimated that some 7,200 destructive fires occur every day in this country. Each year 12,000 lives are lost by fire, and more than 300,000 men, women, and children suffer injuries ranging from minor burns to traumas requiring weeks and months of hospitalization and surgery.

The annual cost is a staggering $11.4 billion or more. But the real dimensions of the problem are disclosed only through recognition of the fact that the United States has the highest per capita rate of fire death and property damage of any major industrialized nation.

For a country with our standard of living, technological resources, and problem solving abilities, I feel this situation constitutes a major disgrace. There is simply no excuse for it.

Clearly, the time has come for a major effort to reduce this senseless waste of lives and property. Not only does the need to reduce such widespread human suffering and sorrow make this a cause for action, but the economics of the matter—the sheer waste involved in the present situation—demand that we act now.

PREVENTABLE LOSSES

As the committee report indicates, estimates have been made that only a 5-percent annual reduction in fire deaths, injuries, and property damage over the next 5 years would save 8,000 lives, mean 210,000 fewer injuries—with $85 million saved in hospital and medical costs—and avert some $1.9 billion in property losses.

NECESSARY APPROACH

The approach to formulating a meaningful and effective response to this problem is important.

The answer lies primarily with strengthening our existing system of fire prevention and firefighting. That means emphasis must be put on assisting local governments in their efforts, for we certainly cannot create a new Federal Fire Department.

The program should be directed toward harnessing new developments in the sciences and technology which can be applied to the job of preventing fires before they happen and to putting them out once started. Better information on these developments should be made available, and special efforts should be made to stimulate innovation and improvement in the methods and techniques of fire loss prevention.

EMPHASIS ON BURN TREATMENT AND REHABILITATION

Another area which should receive attention is the treatment of fire injuries and rehabilitation of burn victims. I know that some important work in this field has been undertaken in a few research facilities—the University of Kansas medical center for one. But burns present a whole range of unique medical problems from emergency treatment, to plastic surgery, postsurgical therapy, and vocational rehabilitation. So while we work to reduce the number of injuries, we should also improve our capacity to treat those who still become burn victims.

GOOD FIRST STEP

Mr. President, the bill before us, the national fire prevention and control act, is a worthwhile and constructive first step toward reversing the present situation and bringing this country up to acceptable standards for dealing with fires and fire hazards. Its 3-year, $100 million program is not intended to be a cure-all. But it does appear to be a realistic and sensible way to go about the job at hand.

COMMERCE DEPARTMENT PROGRAMS

It places primary responsibility for this national program of fire prevention and control within the Department of Commerce. This Department, through its National Bureau of Standards, has had a long involvement in fire prevention and control research. And it is the logical location for the FIREPAC program.

I do not wish to itemize the details of the program. But I feel that appropriate emphasis is placed on research and development, technical assistance, information exchange, and availability for professionals in the field and a grant program for State FIREPAC demonstration projects.

NATIONAL FIREPAC ACADEMY

The Commerce Department would also supervise and operate a National FIREPAC Academy, for training local firefighting personnel. It would follow the concept of the highly successful program offered by the FBI Academy for State and local law enforcement officials. I feel this Academy's training opportunities would be highly valuable assets for the thousands of local, county, and volunteer fire companies around the country who make such outstanding efforts to meet their responsibilities to their communities.

LOCATED IN TOPEKA, KANS.

Incidentally, I realize that the site requirements and criteria for this Academy will not be formally determined for some time. But I would think that a central geographic location with ample room for construction of drill and training facilities, classrooms, and administrative quarters would be desirable. In this regard let me offer the suggestion that the deactivated Forbes Air Force base in Topeka, Kans., might very well be an ideal location. This base, much of which is now being considered for disposal as surplus Federal property, would seem to offer many attractive features for selection as the FIREPAC Academy's home. It has a central location. Its runway facilities will hopefully become the new Topeka Municipal Airport. It is located on major east-west and north-south interstate highways. And of course, Kansas is one of the most pleasant, friendly, and desirable places to live and work in America.

It is just a thought, but one which I believe deserves study and consideration at the appropriate stage of implementing this bill's mandate.

The bill also establishes a program within the National Institutes of Health to focus special research emphasis on the techniques of treating and rehabilitating burned victims. This program should be highly worthwhile and I would hope this could serve to stimulate additional research efforts throughout the country. The National Institutes of Health have an outstanding research record and I believe by placing this effort in this kind of Federal research community that chances for major progress can be greatly enhanced.

I also note that the bill establishes a loan guarantee program for supporting the installation of fire control equipment in nursing facilities. I feel this is an extremely important step. As the numbers of elderly in this country continue to increase special care facilities, tailored to their needs will multiply, therefore, we must assure, to the greatest possible degree, protection from fire.

The elderly often have mobility problems which makes speedy evacuation of a building impossible. Therefore, the presence of fire control equipment may spell the difference between alarm and tragedy. So I feel that this portion of the bill looks ahead to a very important and serious need.

Mr. President, I would say in conclusion that the Federal Fire Prevention and Control Act is a most constructive and fiscally responsible approach to problems which have received far too little attention, but must be dealt with if governments on the Federal, State, and local levels have to fully meet their obligation to our citizens.

ALASKA FIREFIGHTING

Mr. GRAVEL. Mr. President, I am today announcing my cosponsorship of S. 1769, legislation which will establish a coordinated program for fire prevention and control in the Department of Commerce, and a National FIREPAC Academy. The need for this legislation is painfully apparent in the report of the National Commission on Fire Prevention and Control. Perhaps the most stunning of all those contained in that report is the fact that the most technologically advanced nation in the world leads all the major industrialized countries in per capita deaths and property losses. This alone cries out for the sound legislative action represented by this bill.

My concern is also parochial. The State of Alaska's fire protection problems have been massive in the past. Symptomatic of this is the fact that each year we sustain the greatest loss of life and property damage per capita of all the States.

Alaska's unusual situation is immediately seen in the amazing figures detailing the cost of forest firefighting. According to Bureau of Land Management data, in 1972 the total amount of damage due to forest fires in Alaska was $9,406,700. Total firefighting costs for BLM was $19,259,000 in 1972, or $64.20 per capita. The total timber loss amounted to $1,890,000. When compared with national fire statistics, one sees that the annual per capita cost of all fire destruction, $54.18 is $10 under the per capita cost of just fighting forest fires in my State during 1972. The national average per capita cost of firefighting operations is $11.88, roughly 17 percent of Alaska's costs in 1972. Lastly, between 1960 and 1969, the average number of acres burned in Alaska was 13 percent of the national average, or 618,496 acres. Though these figures are distorted in some instances because of the high ratio of land mass to the number of people in my home State, I believe they are an indication of the threat fire poses for Alaskans.

However, aside from the pressing need for action in Alaska, I am supporting S. 1769 because it is a sensible approach to the problem. The stated role of the Federal Government will be that of an adviser and information coordinator for the State, local government, and volunteer fire organization. The responsibility for competent fire protection will remain with the local fire organization. This is only proper. I am confident in the case of Alaska that the insight of the local decisionmaker would be more sensitive than that of the distant Federal Government.

This brings me to what I regard as the potentially most fruitful portion of the bill. I am referring of course to the concept of State master plans for fire protection. Under the present bill, between five and eight "master plan demonstration projects" will be formulated, selected, and implemented. After a period of 3½ years the Assistant Secretary of Commerce for Fire Protection and Control will recommend to the Commerce Committee whether or not this concept should be extended to the rest of the States.

I am hopeful that the Assistant Secretary will find that every State should have a master plan for fire protection. From the Alaskan perspective, this would be just what we need. A State-operated system of coordination between the several rural, urban, State, and Federal agencies in charge of fire protection would be a major step toward the comprehensive fire protection envisioned by this legislation. Indeed, when I consider the multiplicity of fire protection facilities in Alaska which would benefit from such an arrangement, I wish that we did not have to wait 3½ years.

This brief description of the hazards of fire in Alaska and what this bill could eventually mean for my State is testimony to the healthy basis for this legislation. In recognizing the importance of local decisionmaking, the Congress can at last provide States with unique fire problems like Alaska with the opportunity to effectively combat fire. The Federal Government cannot provide the panacea in this regard, and should not try. Instead, it should carefully assess its responsibility with a realistic eye directed at the most viable solution. With respect to the national attack on the fire problem and mindful of the interests of my State, I think Congress will exercise sound judgment by expeditiously accepting this legislation.

Mr. ROBERT C. BYRD. Mr. President, I regretfully wish to express my opposition to S. 1769, the Federal Fire Prevention and Control Act, which was reported from the Senate Commerce Committee on October 18, 1973.

This bill, if enacted, would establish a U.S. Fire Administration, within the Department of Housing and Urban Development, to administer the several programs authorized within S. 1769, and to carry out a national fire safety overview program. This bill also authorizes the establishment of a National Fire Academy; a national data collection center to collect information on fires; a technical assistance program for State, local, and private fire services; a master plans demonstration project; citizens participation programs; and several other relevant studies on this subject. In addition, S. 1769 authorizes and directs the Secretary of Health, Education, and Welfare to establish a research program on burn injuries and the rehabilitation of fire victims in the National Institutes of Health.

I support the objectives which are desired to be achieved in this legislation, and I compliment the committee for the thorough job they performed in compiling the report. I am, however, voting against S. 1769 because I believe that it would establish another governmental layer and further proliferate our ever-expanding Federal bureaucracy. I believe that most of the desired objectives set forth in S. 1769 could be accomplished within existing Government structures, and at a lower cost, rather than providing for these new, and in some cases, duplicative programs, which are estimated to cost over $170 million through fiscal year 1976.

I believe the time has arrived when we in the Congress are going to have to take every action possible, regardless of how unpleasant it might be, to hold Federal programs and spending within manageable bounds. If we, in the Congress, continue to authorize new programs, and their concomitant expenditures, such additional Federal spending will further fuel the fires of inflation and necessitate our voting for increased taxes. Therefore, Mr. President, I am voting against this legislation because I believe we have to draw a line at some point to keep our Federal spending in check.

Mr. MAGNUSON. Mr. President, does the Senator object to the technical amendments?

Mr. BEALL. I will join the Senator in offering them.

Mr. MAGNUSON. I have looked them over, Mr. President, and I think they provide some things to perfect the legislation. As far as I am concerned, if the Senator from Alaska agrees, we will agree to them.

Mr. STEVENS. Mr. President, we have examined the technical amendments and have no objection.

Mr. MAGNUSON. I send the technical amendments to the desk.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 50, line 5, strike out all after "SEC. 4." and strike out lines 6, 7, 8, and 9 in their entirety.

On page 50, line 10, strike out the quotation marks.

On page 51, line 3, strike out the quotation marks.

On page 54, line 17, strike out "Interstate and Foreign Commerce" and insert in lieu thereof, "Science and Astronautics".

On page 64, line 7, between "section" and "$10,000,000" insert the following: "not to exceed".

Amend the title so as to read: "A bill to reduce the burden on interstate commerce caused by avoidable fires and fire losses, and for other purposes.".

Mr. STEVENS. I ask unanimous consent that it be in order at this time to take up these amendments, which are technical in nature.

The PRESIDING OFFICER. It is in order to take them up.

Mr. STEVENS. We do not want to yield back our time.

The PRESIDING OFFICER. Does the Senator yield back his time on the amendments?

Mr. STEVENS. Yes.

Mr. MAGNUSON. I yield back my time on the amendments.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing, en bloc, to the amendments of the Senator from Washington (Mr. Magnuson).

The amendments were agreed to.

Mr. MAGNUSON. Mr. President, I have nothing further to say, unless the Senator from Alaska wishes to speak.

Mr. STEVENS. Mr. President, I want to thank the chairman and the other members of our committee for including once again in this bill the proposal that we establish two classes of honorary awards for the recognition of outstanding and distinguished service by local public safety officers, whether they are law-enforcement officers or firefighters.

Twice before the Senate has passed a bill such as this, but, because of the nature of the timing in the other body, it has not become law. I am very hopeful that we will be able to see this provision become law, along with the rest of this bill, because I think it is very important for us to recognize the contributions of these people, particularly the volunteer firemen who serve so well throughout the Nation.

I also want to commend the chairman for the provision that is in this bill relating to the commitments for loans, to insure loans made by financial institutions for skilled nursing facilities and intermediate care facilities to give them the opportunity to purchase and install fire safety equipment. This is one of the most significant problems we face in rural areas of the country, particularly in my State, where we have very old and in many instances outdated hospitals and care facilities. Now we do have some capability to install fire prevention equipment. All too often the people in those areas cannot afford them, and I think it is particularly important that the National Housing Act be amended as provided in section 20.

I commend the Senator from Washington also. He and I were the two Members of this body who were named to be advisers to the National Commission on Fire Prevention and Control, and I think that the leadership in this field of my colleague from Washington, our distinguished southern neighbor, whether in the area of fire prevention and control or in the area of flammable fabrics, is universally recognized. We all know of the long and distinguished record of the Senator from Washington in this area, and I am most pleased to be associated with him in the presentation of this bill to the Senate.

I have no further remarks at this time.

Mr. MAGNUSON. Mr. President, I understand that the distinguished assistant majority leader wants to have a roll call.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. ROBERT C. BYRD. The yeas and nays have been ordered. Under the agreement, the vote would occur not later than 12:30, and could come at any time.

The PRESIDING OFFICER (Mr. Nunn). The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. MAGNUSON. Mr. President, I think some Senators thought the vote might be a little later than now. Therefore, I suggest the absence of a quorum at this time to put them on notice.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Abourezk). Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I understand that the distinguished Senator from Massachusetts (Mr. Kennedy), wants to ask a couple of questions on the bill.

Mr. KENNEDY. Mr. President, I want to commend the distinguished chairman and originator of this legislation. It is extremely important. It is imaginative.

It is legislation which will have a real impact on saving lives in this country of ours. It will also be helpful in assisting local communities and those who are economically affected or injured by fires.

As the Senator from Washington would understand, we had, a little over 2 weeks ago, a most grievous fire in Massachusetts, probably the most serious fire in the history of our State. The fire destroyed more than 1,200 structures, and more than 250 families were left homeless.

One of the factors that contributed to the widespread expansion of the fire was the lack of water pressure within the municipal system. This was reported to me by the mayor and by the firefighters and has been supported by the National Fire Protection Association in their preliminary report on the Chelsea fire. Fortunately, no lives were lost, which is a great tribute to the firefighters, to the police, and to the local officials.

I should like to ask the distinguished chairman and floor manager of the bill whether, in the demonstration programs, as outlined in this legislation, water pressures in municipalities will be one of the factors that will be considered in the master plan. I come from an old part of this country, and I know that the problems of water pressure are of great importance and consequence. We find in a number of communities that there has been a serious problem in maintaining the pressure which is absolutely fundamental and basic in controlling fires.

I wonder whether this will be a feature of the demonstration projects—whether the Senator feels, first of all, that this feature would be useful and, second, whether it is so included.

Mr. MAGNUSON. I say to the Senator from Massachusetts that I am familiar with the terrible disaster in Massachusetts. Probably, they will find that there was an inadequacy of water pressure.

The Senator raises an excellent point. I am familiar with the problems encountered by firefighters in combating the blaze in Chelsea. I would hope that the Firepac program would take a good hard look at that fire to determine what preventive steps could have been taken.

Certainly the water pressure in a municipality's water system is an integral component in combating blazes. Since the master plan program is designed to examine, on a systemwide basis, fire prevention and suppression plans, adequate water pressure would be a component of the master plan.

This could be done in a master plan demonstration project or a research project. The National Bureau of Standards, which would probably conduct most of the research effort under this bill, has an outstanding plumbing laboratory to study the question.

Mr. KENNEDY. I thank the Senator for those assurances. In reviewing the proposed legislation, it seemed to me that these were consistent with the thrust and purpose of the measure. This bill is an enormously imaginative piece of legislation that can make a great deal of difference in this whole problem area of fire prevention and control.

I again commend the Senator and thank him for his assurances.

Mr. MAGNUSON. The Senator from Massachusetts must agree with me that the tragedy that happened in his State is probably one of the best reasons why we should have this kind of bill.

Mr. KENNEDY. The Senator is correct. If such legislation had been enacted years before, it might have been instrumental in saving a good deal of property and industry in an old part of an old community in Massachusetts. Hopefully, it will be implemented, and we can avoid this type of disaster in the future.

I urge my colleagues to support the measure.

Mr. HARRY F. BYRD, JR. Mr. President, the Senate considers today S. 1769, captioned "The Federal Fire Prevention and Control Act of 1973."

The Senator from Virginia has been a strong supporter of the firemen in my State. I have been a strong supporter of volunteer fire organizations and there are many throughout Virginia.

The fire companies and their personnel render a very important service to their fellow citizens in the communities in which they are located. For more than 25 years, I have taken an active interest in the local fire companies, and I have endeavored to be helpful in every way I could.

We come to today's measure, which establishes a new program—a new Federal program—dealing with fire prevention and authorizing the appropriation of $127.5 million over a period of 3 years.

Mr. President, I am deeply concerned about the condition of the Federal Treasury. Unfortunately, Government finance is a subject with which many people are not acquainted. Yet, it affects the lives of all Americans. The Federal Government, in my judgment, has become involved in too many programs. It is trying to spend too much of the taxpayers' money, and it has run up smashing deficits.

The deficit this year, by the Government's own figures, will be almost $20 billion. Last year, it was more than $20 billion. The year before that, it was more than $20 billion. The year before that, it was more than $20 billion. And the same the year before that. In a period of 5 years ending next June 30, the total accumulated deficits of our Federal Government will be $116 billion. That means that during a 5-year period, 25 percent of the total national debt will have been accumulated. It is a very serious matter. It is the major cause of inflation. Inflation is a hidden tax which is eating heavily into every housewife's grocery dollar and into every wage earner's paycheck. Until we get Federal spending under control, we are not going to get inflation under control.

I have reached the conclusion that I must oppose new Federal spending programs unless Congress and the President are willing to cut out other programs. There are many existing programs which are not working, which are highly expensive, which are wasteful, and which are extravagant. Until we do cut out some existing programs, I submit that it is unwise to go into new programs.

Much as I want to help in every way possible and to cooperate in every way possible with our magnificent fellow Americans who are in the fire protection profession, I do not feel that I can vote for a new program of establishing the expenditure of $127.5 million over the next 3 years. The question of fire companies and fire fighting is about as local as any function of government. Yet, the Senate is considering establishing a new program, the initial cost of which will be $127.5 million, for an essentially local function. I question the wisdom and desirability at this time in our history of having the Federal Government undertake such a local endeavor.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FANNIN. On this vote I have a live pair with the Senator from South Carolina (Mr. Thurmond). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Nevada (Mr. Bible), the Senator from Idaho (Mr. Church), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Maine (Mr. Hathaway), the Senator from Iowa (Mr. Hughes), the Senator from Wyoming (Mr. McGee), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), and the Senator from Louisiana (Mr. Long) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh) and the Senator from Wyoming (Mr. McGee) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken), the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Tennessee (Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from New Jersey (Mr. Case), the Senator from Kentucky (Mr. Cook), the Senator from New Mexico (Mr. Domenici), the Senator from Arizona (Mr. Goldwater), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Pearson), the Senator from Illinois (Mr. Percy), the Senator from South Carolina (Mr. Thurmond), and the Senator from Texas (Mr. Tower) are necessarily absent.

I further announce that the Senator from Colorado (Mr. Dominick) is absent on official business.

I further announce that, if present and voting, the Senator from New Jersey

(Mr. Case) and the Senator from New Mexico (Mr. Domenici) would each vote "yea."

I further announce that the pair of the Senator from South Carolina (Mr. Thurmond) has been previously announced.

The result was announced—yeas 62, nays 7, as follows:

[No. 475 Leg.]

YEAS—62

Abourezk
Allen
Bartlett
Beall
Bennett
Biden
Brooke
Burdick
Cannon
Chiles
Clark
Cotton
Cranston
Curtis
Dole
Ervin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hatfield
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Magnuson
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Mondale
Muskie
Nelson
Nunn
Pastore
Pell
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams
Young

NAYS—7

Byrd, Harry F., Jr.
Byrd, Robert C.
Haskell
McClure
Proxmire
Scott, William L.
Taft

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Fannin, against

NOT VOTING—30

Aiken
Baker
Bayh
Bellmon
Bentsen
Bible
Brock
Buckley
Case
Church
Cook
Domenici
Dominick
Eagleton
Eastland
Goldwater
Hart
Hartke
Hathaway
Hughes
Long
Mathias
McGee
Montoya
Moss
Packwood
Pearson
Percy
Thurmond
Tower

So the bill (S. 1769) was passed, as follows:

S. 1769

An act to reduce the burden on interstate commerce caused by avoidable fires and fire losses, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Fire Prevention and Control Act."

DECLARATION OF POLICY

Sec. 2. (a) Findings.—The Congress finds and declares that—

(1) The National Commission on Fire Prevention and Control, established pursuant to Public Law 90-259, has made an exhaustive and comprehensive examination of the Nation's fire problem, has made detailed findings as to the extent of this problem in terms of human suffering and loss of life and property, and has made ninety thoughtful recommendations. The National Commission concluded that while fire prevention and control is and should remain a State and local responsibility, "the Federal Government must . . . help . . . if any significant reduction in fire losses is to be achieved."

(2) The United States today has the highest per capita rate of death and property loss from fire of all the major industrialized nations in the world (57.1 deaths per million versus only 29.7 deaths per million for the industrialized nation with the next to the worst record).

(3) Fire constitutes a major burden affecting interstate commerce. Fire kills twelve thousand and scars and injures three hundred thousand Americans each year, including fifty thousand individuals who must be hospitalized for periods lasting from six weeks to two years. Almost $3,000,000,000 worth of property is destroyed by fire annually, and the total economic cost of destructive fire has been conservatively estimated by the National Commission to be $11,400,000,000 per year. Firefighting is the Nation's most hazardous profession, with a death rate 15 per centum higher than that of the next most dangerous occupation.

(4) The National Commission concluded that the fire problem is exacerbated by—

(A) "the indifference with which Americans confront the subject";

(B) the Nation's failure to undertake significant amounts of scientific research and development into fire and fire-related problems;

(C) the inadequate facilities and resources available to train firefighters in fire prevention and control techniques;

(D) the scarcity of reliable data and information;

(E) the fact that designers and purchasers of building and products generally give only minimal attention to fire safety ("many communities are without adequate building and fire prevention codes");

(F) the fact that many local fire departments appear concerned only with fire suppression and rescuing victims rather than with being at least equally concerned with fire prevention, inspection, and code-enforcement programs ("about 95 cents of every dollar spent on the fire services is used to extinguish fires; only about 5 cents is spent on efforts . . . to prevent fires from starting"); and

(G) the limited number of places in the United States that have been burn centers which are properly equipped and staffed to save lives and rehabilitate the victims of fires.

(5) The unacceptably high death, injury, and property losses from fires can be reduced if the Federal Government establishes a coordinated program to support and reinforce the fire prevention and control activities of State and local governments.

(b) Purposes.—Therefore it is declared to be the purposes of Congress in this Act to—

(1) establish the office of Assistant Secretary of Commerce for Fire Prevention and Control;

(2) direct the Secretary of Commerce to establish a national Program for Fire Prevention and Control (FIREPAC) and to authorize him to initiate, support, and maintain programs and activities to reduce the Nation's fire problem;

(3) direct the National Institutes of Health to conduct an intensified program of research into the treatment of burn injuries and the rehabilitation of victims of fires; and

(4) authorize fire protection assistance.

DEFINITIONS

Sec. 3. As used in this Act—

(1) "Academy" means the National Academy for Fire Prevention and Control (FIREPAC Academy), authorized under section 6 of this Act.

(2) "Fire service" means a department, bureau, commission, board, or other agency established by a Federal, State, or local government or by a volunteer organization for the purpose of preventing or controlling fires or loss and damage from fire.

(3) "Local" means of or pertaining to any city, county, special purpose district, or other political subdivision of a State.

(4) "Program" means the Program for Fire Prevention and Control, established pursuant to section 5 of this Act.

(5) "Secretary" means the Secretary of Commerce.

(6) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

ASSISTANT SECRETARY OF COMMERCE FOR FIRE PREVENTION AND CONTROL

Sec. 4. There shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce who shall be known as the Assistant Secretary of Commerce for Fire Prevention and Control. This Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary of Commerce for Fire Prevention and Control shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, shall be responsible for carrying out the provisions of the Federal Fire Prevention and Control Act under the direction of the Secretary of Commerce, and shall perform such other duties as the Secretary of Commerce shall prescribe. In carrying out such responsibilities, the Assistant Secretary of Commerce for Fire Prevention and Control shall consult, be guided by, and implement, so far as practicable, the recommendations of the National Commission on Fire Prevention and Control, to the extent not inconsistent with this Act.

FIRE PREVENTION AND CONTROL PROGRAM

Sec. 5. (a) Establishment.—The Secretary is authorized and directed to establish a national Program for Fire Prevention and Control (FIREPAC). The Program shall consist of all relevant programs and activities heretofore established in the Department of Commerce together with all programs and activities authorized or mandated to be established under this Act. The Program shall be administered, under the direction of the Secretary, by the Assistant Secretary of Commerce for Fire Prevention and Control.

(b) Content.—The Program may consist of—

(1) the FIREPAC Academy, authorized to be established by the Secretary under section 6 of this Act;

(2) research and development programs, pursuant to section 7 of this Act;

(3) an annual conference of professionals in fire prevention, fire control, and treatment of burn injuries, pursuant to section 8 of this Act;

(4) a national data center on fire prevention and control, pursuant to section 9 of this Act;

(5) a fire services assistance program, pursuant to section 10 of this Act;

(6) State demonstration projects, pursuant to section 11 of this Act;

(7) citizens' participation programs, pursuant to section 12 of this Act;

(8) relevant studies, as directed by section 13 of this Act;

(9) an annual report, as directed by section 14 of this Act;

(10) an awards program, as directed by section 16 of this Act; and

(11) such other programs and activities as in the judgment of the Secretary are likely to reduce the Nation's losses from fires.

FIREPAC ACADEMY

Sec. 6. (a) Authorization.—The Secretary is authorized to establish a National Academy for Fire Prevention and Control (FIREPAC Academy). The Secretary is authorized, pursuant to this section, to develop and revise curricula, standards of admission and performance, and criteria for the awarding of degrees and certificates. He is further authorized to appoint a Director, faculty members, and consultants for the Academy without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, with respect to temporary and intermittent services, to make appointments to the same extent as is authorized by section 3109 of title 5, United States Code.

(b) Purposes.—The Academy is authorized to conduct appropriate educational and research programs to—

(1) train fire service personnel in such skills and knowledge as may be useful to advance their ability to prevent and control fires;

(2) develop model curricula, training programs, and other educational materials suitable for use at other educational institutions, and to make such materials available without charge;

(3) develop and administer a program of correspondence courses to advance the knowledge and skills of fire service personnel;

(4) develop and distribute to appropriate officials model questions suitable for use in conducting entrance and promotional examinations for fire service personnel; and

(5) reduce the Nation's fire problem.

(c) Board of Overseers.—Upon establishment of the Academy, the Secretary shall establish a procedure for the selection of professionals in the field of fire safety, fire prevention, fire control, research and development in fire protection, treatment and rehabilitation of fire victims, or local government services management to serve as members of a Board of Overseers for the Academy. Pursuant to such procedure, the Secretary shall select the members of the Board of Overseers. Each member of such Board shall each year independently inspect and evaluate the Academy and report his findings and recommendations to the Secretary. The Board of Overseers shall meet from time to time and shall advise the Secretary on all questions pertinent to the Academy.

(d) Placement Service.—The Secretary shall maintain at the Academy a placement and promotion-opportunities program for firefighters in cooperation with fire services.

(e) Construction Approval.—(1) No appropriation shall be made for the planning or construction of facilities for the Academy involving an expenditure in excess of $100,000 if such planning or construction has not been approved by resolutions adopted in substantially the same form by the Committee on Science and Astronautics of the House of Representatives and by the Committee on Commerce of the Senate. For the purpose of securing consideration of such approval, the Secretary shall transmit to Congress a prospectus of the proposed facility including (but not limited to)—

(A) a brief description of the facility to be planned or constructed;

(B) the location of the facility, and an estimate of the maximum cost of the facility;

(C) a statement of those agencies, private and public, which will use such facility, together with the contribution to be made by each such agency toward the cost of facility; and

(D) a statement of justification of the need for such facility.

(2) The estimated maximum cost of any facility approved under this subsection as set forth in the prospectus may be increased by the amount equal to the percentage increase, if any, as determined by the Secretary, in construction costs, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this paragraph exceed 10 per centum of such estimated maximum cost.

FIRE RESEARCH AND DEVELOPMENT PROGRAM

Sec. 7. The Secretary is authorized to conduct directly or through contracts—

(a) a program of basic and applied fire research for the purpose of arriving at an understanding of the fundamental processes underlying all aspects of fire. Such program shall include scientific investigations of—

(1) the physics and chemistry of combustion processes;

(2) the dynamics of flame ignition, flame spread, and flame extinguishment;

(3) the composition of combustion products developed by various sources and under various environmental conditions;

(4) the early stages of fires in buildings and other structures, structural subsystems, and structural components and all other types of fires, including, but not limited to forest fires, fires underground, oil blowout fires, and waterborne fires with the aim of improving early detection capability;

(5) the behavior of fires involving all types of buildings and other structures and their contents, (including mobile homes and high-rise buildings, construction materials, floor and wall coverings, coatings, furnishings, and other combustible materials); and all other types of fires (including forest fires, fires underground, oil blowout fires, and waterborne fires);

(6) the unique aspects of fire hazards arising from the transportation and use in industrial and professional practices of combustible gases, fluids, and materials;

(7) development of design concepts for providing increased fire safety consistent with habitability, comfort, and human impact, in buildings and other structures; and

(8) such other aspects of the fire process as are deemed useful for pursuing the objectives of the fire research program;

(b) research into the biological, physiological factors affecting human victims of fire and the performance of individual members of fire services and research to develop clothing and protective equipment to reduce the risk of injury to firefighters;

(c) studies of the operations and management aspects of fire services, including operations research, management economics, cost effectiveness studies, and such other techniques as are found applicable and useful. Such studies shall include, but not be limited to, the allocation of resources, the manner of resources, the manner of responding to alarms, the operation of citywide and regional fire dispatch centers, and the effectiveness, frequency, and methods of building inspections; and

(d) operation tests, demonstration projects, and fire investigations in support of the activities set forth in this section.

ANNUAL CONFERENCE

Sec. 8. The Secretary is authorized to organize or participate in organizing an annual conference on fire prevention and control. He may pay in whole or in part the costs of such conference and the expenses of some or all of the participants. All the Nation's fire services shall be eligible to send representatives to each such conference to discuss, exchange ideas, and participate in educational programs on new techniques in fire prevention and control. Such conference shall be open to the public.

NATIONAL DATA CENTER

Sec. 9. The Secretary is authorized by—

(a) operate directly or through contracts an integrated comprehensive fire data program based on the collection, analysis, publication, and dissemination of information related to the prevention, occurrence, control, and results of fires of all types. The program shall be designed to provide an accurate national picture of the fire problem, identify major problem areas, assist in setting priorities, determine possible solutions to problems, and monitor progress of programs to reduce fire losses. To carry out these functions, the program shall include—

(1) information on the frequency, causes, spread, and extinguishment of fires;

(2) information on the number of inquiries and deaths resulting from fires, including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses;

(3) information on the occupational hazards of firemen including the causes of death and injury to firemen arising directly and indirectly from firefighting activities;

(4) information on all types of fire prevention activities including inspection practices;

(5) technical information related to building construction, fire properties of materials, and other similar information;

(6) information on fire prevention and control laws, systems, methods, techniques, and administrative structures used in foreign nations;

(7) information on the causes, behavior, and best method of control of other types of fires, including, but not limited to, forest fires, fires underground, oil blowout fires, and waterborne fires; and

(8) such other information and data as is judged useful and applicable;

(b) develop standardized data reporting methods and to encourage and assist State, local, and other agencies, public and private, in developing and reporting fire-related information;

(c) make full use of existing data, data gathering and analysis organizations, both public and private; and

(d) insure dissemination to the maximum possible extent of fire data collected and developed under this section.

FIRE SERVICES ASSISTANCE PROGRAM

Sec. 10. The Secretary is authorized to assist the Nation's fire services, directly or through grants, contracts, or other forms of assistance, to—

(a) advance the professional development of fire service personnel;

(b) assist in conducting or supplementing, at the request of a fire service, local and regional programs for the training of fire personnel;

(c) develop model fire training and educational programs, curricula, and information materials;

(d) develop new or improved approaches, techniques, systems, equipment, and devices to improve fire prevention and control;

(e) conduct such development, testing, and demonstration projects as are deemed necessary to introduce new technology standards, operating methods, command techniques, and management systems into use in the fire services;

(f) provide, establish, and support specialized and advanced education and training programs and facilities for fire service personnel;

(g) measure and evaluate, on a cost-benefit basis, the effectiveness of the programs and activities of each fire service and the predictable consequences on the applicable local fire services of coordination or combination, in whole or in part, in a regional, metropolitan, or State-wide fire service; and

(h) sponsor and encourage research into approaches, techniques, systems, and equipment to improve and strengthen fire prevention and control in the rural and remote areas of the Nation.

MASTER PLAN DEMONSTRATION PROJECTS

Sec. 11. (a) General.—The Secretary is authorized and directed to establish master plan demonstration projects which shall commence not later than eighteen months after the date of enactment of this Act. Not less than five nor more than eight demonstration projects may be assisted by the Secretary under this section. Any demonstration project under this section shall be conducted by, or under the supervision of, a State in accordance with the application of the State submitted under subsection (c) of this section. Whenever any such State includes a Standard Metropolitan Statistical Area, as defined by the Bureau of the Census, the geographical boundaries of which include two or more States, then such State shall include the entire such Standard Metropolitan Statistical Area in its master plan demonstration project.

(b) Eligibility for Grants.—The Secretary is authorized to establish criteria of eligibility for awarding master plan demonstration project grants. In awarding such project grants, the Secretary shall select projects which are unique in terms of—

(1) The characteristics of the States, including, but not limited to, density and distribution of population; ratio of volunteer versus paid fire services; geographic location, topography and climate; per capita rate of death and property loss from fire; size and characteristics of political subdivisions of the State; and socio-economic composition; and

(2) The approach to development and implementation of the master plan which is proposed to be developed with Federal assistance under this section. Such approaches may include central planning by a State agency, regionalized planning within a State coordinated by a State agency, or local planning supplemented and coordinated by a State agency.

(c) Procedure for Awarding Grants.—A grant under this section may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary shall require. Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 80 per centum of the total cost of such project. Not more than 50 per centum of the amount of each grant shall be allocated to the planning and development of the master plan and the remainder to partial or total implementation. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

(d) Master Plan.—(1) Each demonstration project established pursuant to this section shall result in the planning and implementation of a comprehensive master plan for fire protection for each State funded thereunder. Each such master plan shall contain:

(A) a survey of the resources and personnel of existing fire services and an analysis of fire and building codes effectiveness in the State;

(B) an analysis of short- and long-term fire prevention and control needs in the State;

(C) a plan to meet the fire prevention and control needs of the State; and

(D) an estimate of costs and a realistic plan for financing implementation of the plan and operation on a continuing basis, and a summary of problems that are anticipated in implementing such plan.

(2) Forty-two months after the date of enactment of this Act, the Secretary shall submit to Congress a summary and evaluation of the master plans prepared pursuant to this section. Such report shall also assess the costs and benefits of the master plan program and recommend to Congress whether Federal financial assistance should be authorized in order that master plans can be developed in all States.

(e) Authorization for Appropriation.—There is authorized to be appropriated to carry out the provisions of this section not to exceed $10,000,000. Not more than 20 per centum of the amount appropriated under this section for any fiscal year may be granted for projects in any one State.

CITIZEN PARTICIPATION

Sec. 12. (a) General.—The Secretary is authorized to take all steps necessary to educate the public and to overcome public indifference as to fire safety and fire prevention. Such steps may include, but are not limited to, publications, audio-visual presentations, and demonstrations.

(b) Fire Safety Effectiveness Statements.—The Secretary is authorized to encourage owners and managers of residential multiple-unit, commercial, industrial, and transportation structures to prepare and submit to him for evaluation and certification a Fire Safety Effectiveness Statement pursuant to standards, forms, rules, and regulations to be developed and issued by the Secretary. A copy of such statement and evaluation shall be submitted to the applicable local fire service and, in the case of transportation structures, to the Secretary of Transportation. Any person who submits such a statement and receives certification may attach the following statement to any contract of sale or lease or any advertisement or notice which pertains to the structure as to which such statement has been submitted: "A Fire Safety Effectiveness Statement has been prepared regarding this structure and this structure has been certified as meeting the requirements of the United States Department of Commerce.".

(c) Review.—The Secretary is authorized to review, evaluate, and suggest improvements in State and local fire prevention and building codes, fire services, and any relevant Federal or private codes, regulations, and fire services. He shall annually submit to Congress a summary of such reviews, evaluations, and suggestions. In evaluating such a code or codes, the Secretary shall consider the human impact of all code requirements, standards, and provisions in terms of comfort and habitability for residents or employees as well as the fire prevention and control value or potential of each such requirement, standard, and provision.

(d) Assistance.—The Secretary shall assist the Consumer Product Safety Commission in the development of fire safety standards or codes for consumer products, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(e) Public Access to Information.—(1) Copies of any document, report, statement, or information received or sent by the Program for Fire Prevention and Control shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released pursuant to paragraph (2) of this subsection. Nothing contained in this subsection shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(2) The Secretary shall not disclose information obtained by him under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed—

(A) upon request, to other Federal Government departments and agencies for official use;

(B) upon request, to any committee of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(D) to the public in order to protect health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to which the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to health and safety).

STUDIES

Sec. 13. (a) Fiscal Study.—The Comptroller General of the United States is authorized and directed to study the financing of the Nation's fire services and to report to the Congress on whether the moneys available to the various fire services through State and local taxation and Federal-State revenue sharing is adequate to meet the Nation's need to minimize human and property losses from fire, or whether the Congress should authorize a grant-in-aid program to prevent and reduce fire losses. The results of such study shall be reported to the Congress not more than three years after the date of enactment of this Act and shall not be subject to prior review, clearance, or approval by any officer or agency of the United States.

(b) Firefighter Study.—The Secretary is authorized and directed to prepare a comprehensive study of the organization and operation of the Nation's fire services as they affect individual firefighters, including, but not limited to, rates of pay; retirement benefits; working conditions; training requirements; entrance and promotional systems, standards, requirements, and opportunities; number of hours spent on active service; employment opportunities for women and members of minority groups; the impact on individual firefighters of coordinating and combining local fire services into regional, metropolitan, or statewide fire services; risk of injury or death during active service; and recommendations for improvements. The results of such study shall be reported to the Congress not more than two years after the date of enactment of this Act; thereafter, such results shall be updated as part of the annual report of the Secretary required by section 14 of this Act.

ANNUAL REPORT

Sec. 14. The Secretary shall report to the Congress and the President not later than June 30 of the year following the date of enactment of this Act and each year thereafter on all activities of the Program for Fire Prevention and Control and all measures taken to implement and carry out this Act undertaken during the preceding calendar year. Such report shall include, but is not limited to—

(a) a thorough appraisal, including statistical analysis, estimates, and long-term projections of the human and economic losses due to fire;

(b) a survey and summary, in such detail as is deemed advisable, of the research undertaken or sponsored pursuant to this Act;

(c) a summary of the activities of the National Academy for Fire Prevention and Control, for the preceding twelve months, including, but not limited to—

(1) an explanation of the curriculum of study;

(2) a description of the standards of admission and performance;

(3) the criteria for the awarding of degrees and certificates; and

(4) a statistical compilation of the number of students attending the Academy and receiving degrees or certificates;

(d) a summary of the activities undertaken to assist to the Nation's fire services, pursuant to section 10 of this Act;

(e) a summary of the citizens' participation programs undertaken during the preceding twelve months;

(f) an analysis of the extent of participation by owners of residential multiple-unit, commercial, industrial, and transportation structures in preparing and submitting a Fire Safety Effectiveness Statement pursuant to section 11 of this Act;

(g) a summary of outstanding problems confronting the administration of this Act, in order of priority;

(h) such recommendations for additional legislation as are deemed necessary to carry out the declaration of policy of this Act; and

(i) all other information required to be submitted to Congress pursuant to other provisions of this Act.

ADMINISTRATIVE PROVISIONS

Sec. 15. (a) Assistance.—Each department, agency, and instrumentality of the executive branch of the Federal Government and each independent regulatory agency of the United States is authorized and directed to furnish to the Secretary, upon written request, on a reimbursable basis or otherwise, such assistance as the Secretary deems necessary to carry out his functions and duties pursuant to this Act including, but not limited to, transfer of personnel with their consent and without prejudice to their position and rating.

(b) POWERS.—With respect to this Act, the Secretary is authorized to—

(1) enter into, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the provisions of this Act;

(2) accept gifts and voluntary and uncompensated services, notwithstanding the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665(b));

(3) purchase, lease, or otherwise acquire, own, hold, improve, use, or deal in and with any property (real, personal, or mixed, tangible or intangible) or interest in property, wherever situated; and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of property and assets;

(4) procure temporary and intermittent services to the same extent as is authorized under section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for qualified experts; and

(5) establish such rules, regulations, and procedures as are necessary to carry out the provisions of this Act.

(c) COORDINATION.—To the extent possible and consistent with the declaration of policy of this Act, the Secretary shall utilize existing programs, data, information, and facilities already available in other Federal Government departments and agencies, and where appropriate, existing private research organizations, centers, and universities. The Secretary shall provide liaison at an appropriate organization level to assure coordination of its activities with State and local government agencies, departments, bureaus, or offices concerned with any matter related to the Program for Fire Prevention and Control and with private and other Federal organizations and offices so concerned.

PUBLIC SAFETY AWARDS

SEC. 16. (a) ESTABLISHMENT.—There are established two classes of honorary awards for the recognition of outstanding and distinguished service by public safety officers—

(1) the President's Award For Outstanding Public Safety Service ("President's Award"); and

(2) the Secretary's Award For Distinguished Public Safety Service ("Secretary's Award.")

(b) DESCRIPTION.—(1) The President's Award shall be presented by the President of the United States to public safety officers for extraordinary valor in the line of duty or for outstanding contribution to the field of public safety.

(2) The Secretary's Award shall be presented by the Secretary or by the Attorney General to public safety officers for distinguished service in the field of public safety.

(c) SELECTION.—The Secretary and the Attorney General shall advise and assist the President in the selection of individuals to whom the President's Award shall be tendered. In performing this function, the Secretary and the Attorney General shall seek and review recommendations submitted to them by Federal, State, county, and local government officials. The Secretary and the Attorney General shall transmit to the President the names of those individuals determined by them to merit the award, together with the reasons therefor. Recipients of the President's Award shall be selected by the President.

(d) LIMITATION.—(1) There shall not be awarded in any one calendar year in excess of twelve President's Awards.

(2) There shall be no limit on the number of the Secretary's Awards presented.

(e) AWARD.—(1) Each President's Award shall consist of—

(A) a medal suitably inscribed, bearing such devices and emblems, and struck from such material as the Secretary of the Treasury, after consultation with the Secretary and the Attorney General, deems appropriate. The Secretary of the Treasury shall cause the medal to be struck and furnished to the President; and

(B) an appropriate citation.

(2) Each Secretary's Award shall consist of an appropriate citation.

(f) REGULATIONS.—The Secretary and the Attorney General are authorized and directed to issue jointly such regulations as may be necessary to carry out this section.

(g) DEFINITIONS.—As used in this section, the term "public safety officer" means a person serving a public agency, with or without compensation, as—

(1) a firefighter; or

(2) a law enforcement officer, including a corrections or a court officer.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 17. There are hereby authorized to be appropriated to carry out the foregoing provisions of this Act, except section 11 of this Act, such sums as are necessary, not to exceed $25,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $35,000,000 for the fiscal year ending June 30, 1976.

CONFORMING AMENDMENTS

SEC. 18. (a) Chapter 552 of the Act of February 14, 1903, as amended (15 U.S.C. 1511) is amended to read as follows:

"BUREAUS IN DEPARTMENT

"The following named bureaus, administrations, services, offices, and programs of the public service, and all that pertains thereto, shall be under the jurisdiction and subject to the control of the Secretary of Commerce:

"(a) National Oceanic and Atmospheric Administration;

"(b) United States Travel Service;

"(c) Maritime Administration;

"(d) National Bureau of Standards;

"(e) Patent Office;

"(f) Bureau of the Census;

"(g) Program for Fire Prevention and Control; and

"(h) such other bureaus or other organizational units as the Secretary of Commerce may from time to time establish in accordance with law.

(b) Paragraph 12 of section 5315 of title 5, United States, is amended by striking out "(6)" and inserting in lieu thereof "(7)".

(c) Title I of the Fire Research and Safety Act of 1968 (Act of March 1, 1968, 82 Stat. 34; 15 U.S.C. 278 f, g) is repealed.

VICTIMS OF FIRE

SEC. 19. The Secretary of Health, Education, and Welfare is authorized and directed to establish, within the National Institutes of Health and in cooperation with the Secretary, an expanded program of research on burns, treatment of burn injuries, and rehabilitation of victims of fires. The National Institutes of Health shall—

(a) sponsor and encourage the establishment throughout the Nation of twenty-five additional burn centers, which shall comprise separate hospital facilities providing specialized burn treatment and including research and teaching programs, and, twenty-five additional burn units, which shall comprise specialized facilities in general hospitals used only for burn victims;

(b) provide training and continuing support of specialists to staff the new burn centers and burn units;

(c) sponsor and encourage the establishment in general hospitals of ninety burn programs, which comprise staffs of burn injury specialists;

(d) provide special training in emergency care for burn victims;

(e) augment sponsorship of research on burns and burn treatment;

(f) administer and support a systematic program of research concerning smoke inhalation injuries; and

(g) sponsor and support other research and training programs in the treatment and rehabilitataion of burn injury victims.

For purposes of this section, there are authorized to be appropriated not to exceed $7,500,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

FIRE PROTECTION ASSISTANCE

SEC. 20. Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended by adding at the end thereof the following new subsection:

"(i) (1) The Secretary is authorized upon such terms and conditions as he may prescribe to make commitments to insure loans made by financial institutions to skilled nursing facilities and intermediate care facilities to provide for the purchase and installation of fire safety equipment necessary for compliance with the latest edition of the Life Safety Code of the National Fire Protection Association, as modified in accordance with evaluation by the Secretary of Commerce under the Federal Fire Prevention and Control Act or which are recognized by the Secretary of Health, Education, and Welfare as conditions of participation for providers of services under title XVIII and title XIX of the Social Security Act, as modified in accordance with evaluations by the Secretary of Commerce under such Act.

"(2) To be eligible for insurance under this subsection a loan shall—

"(A) have a principal amount not to exceed $50,000;

"(B) bear interest at a rate not to exceed the rate prescribed by the Secretary;

"(C) have a maturity satisfactory to the Secretary, but not to exceed twelve years from the beginning of the amortization of the loan or three-quarters of the remaining economic life of the structure in which the equipment is to be installed, whichever is less; and

"(D) comply with other such terms, conditions, and restrictions as the Secretary, in consultation with the Secretary of Commerce, may prescribe.

"(3) The provisions of paragraphs (5), (6), (7), (9), and (10) of section 220(h) shall be applicable to loans insured under this subsection, except that all references to 'home improvement loans' shall be construed to refer to loans under this subsection.

"(4) The provisions of subsections (c), (d), and (h) of section 2 shall apply to loans insured under this subsection, and for the purpose of this subsection references in such subsections to 'this section' or 'this title' shall be construed to refer to this subsection.".

The title was amended so as to read: "A bill to reduce the burden on interstate commerce caused by avoidable fires and fire losses, and for other purposes.".

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. BIDEN). The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

FINANCIAL ASSISTANCE TO DEVELOPING COUNTRIES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Abourezk) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As their role in conveying financial assistance to developing countries has steadily enlarged in recent years, multilateral lending institutions have become vital to our hopes for constructing a new international economic order.

One of the most important of these institutions is the International Development Association, a subsidiary of the World Bank that provides long-term loans at low interest rates to the world's poorest nations. During the 13 years of its operation, IDA has provided over $6.1 billion of development credits to nearly 70 of the least developed countries of the world. Two dozen countries have contributed funds for this effort.

By next June, however, the International Development Association will be out of funds unless it is replenished. As a result of an understanding reached in recent international negotiations, I am today proposing to the Congress that the United States join with other major industrialized nations in pledging significant new funds to this organization. Specifically, I am requesting that the Congress authorize for future appropriation the sum of $1.5 billion for the fourth replenishment of IDA. Initial payments would be made in fiscal year 1976 and the full amount would be paid out over a period of years.

I am also requesting that the Congress authorize an additional $50 million for the Special Funds of the Asian Development Bank. The bank is one of the major regional banks in the world that complements the work of the International Development Association and the World Bank.

Legislation for both of these authorities is being submitted to the Congress today by the Secretary of the Treasury.

STRENGTHENING THE INTERNATIONAL ECONOMIC SYSTEM

Just over a year ago, in September 1972 at the annual meeting in Washington of the International Monetary Fund and the World Bank, I stressed the urgent need to build a secure structure of peace, not only in the political realm but in the economic realm as well. I stated then that the time had come for action across the entire front of international economic problems, and I emphasized that recurring monetary crises, incorrect alignments, distorted trading arrangements, and great disparities in development not only injured our economies, but also created political tensions that subvert the cause of peace. I urged that all nations come together to deal promptly with these fundamental problems.

I am happy to be able to report that since that 1972 meeting, we have made encouraging progress toward updating and revising the basic rules for the conduct of international financial and trade affairs that have guided us since the end of World War II. Monetary reform negotiations, begun last year, are now well advanced toward forging a new and stronger international monetary system. A date of July 31, 1974, has been set as a realistic deadline for completing a basic agreement among nations on the new system.

Concurrently, we are taking the fundamental steps at home and abroad that will lead to needed improvement in the international trading system. On September 14, while meeting in Tokyo, the world's major trading nations launched new multilateral trade negotiations which could lead to a significant reduction of world trade barriers and reform of our rules for trade. The Congress is now considering trade reform legislation that is essential to allow the United States to participate effectively in these negotiations.

ESSENTIAL ROLE OF DEVELOPMENT ASSISTANCE

While there is great promise in both the trade and monetary negotiations, it is important that strong efforts also be made in the international effort to support economic development—particularly in providing reasonable amounts of new funds for international lending institutions.

A stable and flexible monetary system, a fairer and more efficient system of trade and investment, and a solid structure of cooperation in economic development are the essential components of international economic relations. We must act in each of these interdependent areas. If we fail or fall behind in one, we weaken the entire effort. We need an economic system that is balanced and responsive in all its parts, along with international institutions that reinforce the principles and rules we negotiate.

We cannot expect other nations—developed or developing—to respond fully to our call for stronger and more efficient trading and monetary systems, if at the same time we are not willing to assume our share of the effort to ensure that the interests of the poorer nations are taken into account. Our position as a leader in promoting a more reasonable world order and our credibility as a negotiator would be seriously weakened if we do not take decisive and responsible action to assist those nations to achieve their aspirations toward economic development.

There are some two dozen non-communist countries which provide assistance to developing countries. About 20 percent of the total aid flow from these countries is now channeled through multilateral lending institutions such as the World Bank group—which includes IDA—and the regional development banks.

These multilateral lending institutions play an important role in American foreign policy. By encouraging developing countries to participate in a joint effort to raise their living standards, they help to make those countries more self reliant. They provide a pool of unmatched technical expertise. And they provide a useful vehicle for encouraging other industrialized countries to take a larger responsibility for the future of the developing world, which in turn enables us to reduce our direct assistance.

The American economy also benefits from our support of international development. Developing countries today provide one-third of our raw material imports, and we will increasingly rely upon them in the future for essential materials. These developing countries are also good customers, buying more from us than we do from them.

NEW PROPOSALS FOR MULTILATERAL ASSISTANCE

Because multilateral lending institutions make such a substantial contribution to world peace, it must be a matter of concern for the United States that the International Development Association will be out of funds by June 30, 1974, if its resources are not replenished.

The developing world now looks to the replenishment of IDA's resources as a key test of the willingness of industrialized, developed nations to cooperate in assuring the fuller participation of developing countries in the international economy. At the Nairobi meeting of the World Bank last month, it was agreed by 25 donor countries to submit for approval of their legislatures a proposal to authorize $4.5 billion of new resources to IDA. Under this proposal, the share of the United States in the replenishment would drop from 40 percent to 33 percent. This represents a significant accomplishment in distributing responsibility for development more equitably. Other countries would put up $3 billion, twice the proposed United States contribution of $1.5 billion. Furthermore, to reduce annual appropriations requirements, our payments can be made in installments at the rate of $375 million a year for 4 years, beginning in fiscal year 1976.

We have also been negotiating with other participating nations to increase funds for the long-term, low-interest operation of the Asian Development Bank. As a result of these negotiations, I am requesting the Congress to authorize $50 million of additional contributions to the ADB by the United States—beyond a $100 million contribution already approved. These new funds would be associated with additional contributions of about $350 million from other nations.

MEETING OUR RESPONSIBILITIES

In addition to these proposals for pledging future funds, I would point out that the Congress also has before it appropriations requests for fiscal year 1974—a year that is already one-third completed—for bilateral and multilateral assistance to support our role in international cooperation. It is my profound conviction that it is in our own best interest that the Congress move quickly to enact these pending appropriations requests. We are now behind schedule in providing our contributions to the International Development Association, the Inter-American Development Bank and the Asian Development Bank, so that we are not keeping our part of the bargain. We must show other nations that the United States will continue to meet its international responsibilities.

All nations which enjoy advanced stages of industrial development have a grave responsibility to assist those countries whose major development lies ahead. By providing support for international economic assistance on an equitable basis, we are helping others to help themselves and at the same time building effective institutions for international cooperation in the critical years ahead. I urge the Congress to act promptly on these proposals.

RICHARD NIXON.

THE WHITE HOUSE, *October 31, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. ABOUREZK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

JACK GOLDBERG

Mr. MAGNUSON. Mr. President, the auto safety program in the United States suffered a recent setback. There will be no notice in the Federal Register or headlines in the daily newspaper indicating the setback, but it occurred nonetheless with the untimely demise of Jack Goldberg, Associate Administrator for Planning and Programing of the National Highway Traffic Safety Administration.

Those of us who knew Jack Goldberg and worked with him on auto safety matters realize how much he contributed to our efforts to save lives and prevent injuries on the Nation's highways. His services will be missed by both the Department of Transportation and the Congress.

During his tenure in the Federal service, in both the Department of the Navy and the NHTSA, Mr. Goldberg achieved the remarkable feat of receiving outstanding performance ratings almost a half dozen times. In 1971, Secretary Volpe recognized Mr. Goldberg's dedication by presenting him with the "Secretary's Award for Meritorious Achievement."

I wish at this time to publicly recognize his contributions to auto safety and to extend my personal condolences to his wife, son, and daughter.

ARREST OF MECHANIC FOR "THEFT BY FRAUD"

Mr. MAGNUSON. Mr. President, from time to time we are reminded that the very best protection for the Nation's consumers is the integrity of business organizations. Perhaps a minor, but telling, example of such integrity crossed my desk recently in the form of the in-house newspaper for the Goodyear Tire & Rubber Co. retail stores division. In the October 8 edition of the Stores the company ran the story of the arrest of one of its own mechanics for "theft by fraud" for billing a customer $105 for repairs to a car which had been certified mechanically perfect.

Not only did Goodyear publish the articles as an obvious warning for its other employees but it included this statement as an editor's note:

> It is the policy of The Goodyear Tire and Rubber Company to sell only needed parts and service to customers. There are no exceptions to this policy.

On October 22, the lead article in Stores announced the dismissal of the mechanic and the demotion of the store manager.

I ask unanimous consent that the articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MECHANIC DISMISSED, STORE MANAGER AND ADM-R DEMOTED IN BALL JOINT INCIDENT

A Gretna, La., store mechanic has been dismissed and the store manager and an ADM-R demoted for failure to comply with company policy in the sale of automobile ball joints.

The action resulted when an undercover car from the Jefferson Parish Consumer Protection Agency was sent to the store, where the mechanic said the vehicle needed new ball joints and shock absorbers.

After the repairs were made, the mechanic was arrested and charged with theft by fraud.

Goodyear's policy for inspection of all ball joints is clearly specified in many places, including the company's hire package given to all store mechanics:

1.) Measure the ball joint looseness with a dial indicator guage.

2.) Indicate to the customer the looseness as compared to the manufacturer's specifications.

3.) Record this measurement, plus the manufacturer's specification, on all copies of the invoice.

The company emphasizes that it is essential that its mechanics follow these three steps in all ball joint inspections.

"By indicating to the customer the looseness of the ball joints as compared with manufacturer's specifications, the mechanic is graphically demonstrating the need for the repairs," the company says. "And if the mechanic does not follow the stated policy, he is subject to immediate dismissal."

A company investigation of the Gretna incident revealed that the mechanic had measured the ball joints with a dial indicator but that he had failed to record these measurements, along with the manufacturer's specifications, on all copies of the invoice.

Thus, after the new parts were installed, the mechanic was unable to prove the old ball joints were measured prior to being removed.

The mechanic was dismissed because of this violation of stated company policy.

In addition, the company determined that the mechanic was not properly trained in Goodyear's ball joint policy and, as a result both the store manager and ADM-R were demoted.

MECHANIC ARRESTED FOR ORDERING REPAIRS ON "PERFECT" AUTOMOBILE

(EDITOR'S NOTE.—It is the policy of The Goodyear Tire & Rubber Company to sell only needed parts and service to customers. There are no exceptions to this policy. The following story is from the New Orleans Times-Picayune of Thursday, Sept. 27.)

A Gretna, La., automobile mechanic has been arrested and charged with theft by fraud for making unneeded repairs on a car, it was announced Wednesday night by the Jefferson Parish district attorney's office.

The mechanic was an employe of the Goodyear store in Gretna.

According to Ernest Barrow, director of the Consumer Protection Department of the district attorney's office, letters were sent to auto repairs shops about six weeks ago notifying them a car which has been certified mechanically perfect would be sent to repair shops in the parish without warning.

If unneeded repairs were made on the car, the letter stated, the district attorney would prosecute for theft by fraud.

The car was taken to the Goodyear Tire Center Wednesday, where the mechanic said it needed new ball joints, shock absorbers and "the works" Barrow said. The repairs totaled $105.

The mechanic was arrested by Sergeant Elie Lyons of the Parish Sheriff's Department, who has been assigned to the Consumer Protection Department.

Barrow said the mechanically perfect car has been sent to seven Jefferson Parish garages thus far.

The Goodyear mechanic's arrest was the first under the program.

NORTHWEST ENERGY CONSERVATION PROGRAM

Mr. MAGNUSON. Mr. President, the Pacific Northwest has been encountering severe energy shortages due mostly to low water levels on the Columbia River, which is responsible for much or our region's power generation. Until recently, we in the Northwest thought we were unluckier than the rest of the country, but now it appears that the east coast and Middle West may experience a similarly difficult energy situation due to cutoffs and slowdowns of distillate imports from Europe and crude oil imports from Arab nations.

The Northwest appears to be successfully managing its reduced energy budget and can provide leadership for other parts of the country in which severe shortages may come in the next few months. I invite my colleagues to review an account of how the Northwest has kept on top of its problems in the October 22, 1973, issue of Energy, the weekly journal for energy consumers, and ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONSERVATION LAB: PACIFIC NORTHWEST

With European nations cutting the U.S. off from heating oil and other distillate imports which this country must obtain to get thru winter in the style to which it is accustomed, the Pacific Northwest has become a laboratory for an experiment in coping with a severe energy shortage.

The area is suffering because much of its energy is supplied by hydro-electric power which is being hard hit by drought. It also recently began encountering problems with its natural gas supplies from Canada, although these are minor compared with the hydro difficulties.

OREGON SUCCEEDS

Oregon's mandatory curtailment of electrical consumption—the first such statewide program in the nation—apparently has been a success. The Bonneville Power Administration reports demand has fallen steadily. It was about 1.5% below normal when the curtailment ended its first week on Sept. 13 and had fallen by 7% by the end of the third week.

There are reports that Gov. Tom McCall may modify his executive order curtailing outdoor display advertising and decorative lighting in answer to pleas from business, particularly restaurant and motel owners. They want permission to light outdoor signs if they can balance the consumption with savings elsewhere in their establishments.

McCall turned them down at the start of the curtailment because, said an aide, "people wouldn't be aware there's an energy shortage if we let the signs stay on." But with demand continuing to drop, the governor may be willing to make concessions, such as returning the handles for hot water faucets that were removed when the campaign began.

While there have been the inevitable complaints about the program, there have been no court suits challenging McCall and his office claims letters received on the subject back the governor's program 10–1.

Perhaps the most monumental conservation program in Oregon was an "in-house" effort by the city utility of Springfield which claims to have cut its consumption 61.8%. The utility's headquarters had been a showcase for energy use that was lighted 24 hours a day. Springfield said it achieved the 61.8% figure by elimination of non-essential lights and adjusting thermostats.

WASHINGTON TRIES

In Washington state, Snohomish County utility officials have been conducting a campaign to reduce electricity usage by 7% among the District's 106,000 industrial, commercial and residential customers in the hopes that the voluntary curtailment program will eliminate the necessity of mandatory curtailment later.

The utility is making an effort to set a good example during the current power shortage and for several weeks has curtailed all non-essential night lighting; and by reducing the lighting, heating and cooling level in buildings. Employees have been encouraged to conserve on use of electricity in their homes and the large industrial and commercial businesses in the County have been requested to reduce electrical loads by at least 7%.

The Okanogan County, Wash., public utility has supplemented its voluntary conservation program by banning the installation of municipal street lights or rural yard lights except in emergency situations requiring light for safety or security. It has conducted a newspaper and radio campaign to promote voluntary curtailment of power use and has also requested larger customers to do what they can to cut back on energy consumption.

The Grant County utility in Ephrata, WA, has been conducting an extensive conservation program urging all users to participate in the curtailment plan. It has used direct mail, the news media and personal contact to provide commercial and residential customers with information and advice on how they can reduce use of electricity. One official of the utility said that "our own employees are one of our best means of communication with our customers, and we intend to keep them informed of the need to conserve energy."

Meanwhile, Bonneville Power Administrator Donald Hodel warned in Seattle that energy conservation will be a way of life in the Pacific Northwest "from now on." He praised Seattle City Light for its "Kill-A-Watt" program for curtailing use of electricity.

SUCCESS ABROAD

New Zealand and the Pacific Northwest have very similar power problems of hydro power being endangered by droughts. New Zealand seems to be resolving its difficulties thru voluntary power conservation, a three-week long mandatory conservation program and voltage reductions of 5%–10%.

Officials there say their conservation program probably will continue for the next several years. There will also be a public education campaign for power conservation.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may speak out of order during the afternoon. There is no business before the Senate. I ask unanimous consent that there be a time limitation of 15 minutes on such statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR POWERS RESOLUTION

Mr. STENNIS. Mr. President, I regret that the President vetoed the war powers resolution. This measure is more properly called, I think, the "Congressional Responsibility Bill as to the War-Making Power." The measure is the outgrowth of a long and careful legislative procedure which was begun with the introduction in both 1970 and 1971 of separate war powers bills by the Senator from New York (Mr. JAVITS), the Senator from Missouri (Mr. EAGLETON), and myself.

The House of Representatives later passed a joint resolution, the Senate passed a different version, and the House-Senate Conference approved this compromise version last October 4.

I believe the resolution approved by the Conferees was a responsible bill. As I have said before, the most important thing about this issue is that a procedure needs to be established to insure that Congress recognizes and accepts its own responsibility on the question of committing this Nation to war. As a matter of fact, as I have indicated before, I prefer to discuss this issue in terms of responsibility rather than power.

Until Congress specifically outlines procedures for accepting such responsibility in times of crisis, this whole issue will remain fraught with ambiguity and confusion—and I emphasize the word "remain."

Unless we have specific procedures it will always be argued by some, in a crisis, that there is no need for Congress to act because the executive branch has the authority to act alone. As long as it is unclear whether the Executive may properly act solely on its own authority, it will be unclear whether congressional support is necessary or superfluous. This is one of the great lessons of the Gulf of Tonkin resolution passed in 1964.

I am not one to be critical of that resolution or those who voted for it. I was one who did.

I was a Member of the Senate in 1964, and I firmly believe that, if it had been clear in 1964 that Congress had the responsibility to decide for or against war, there would at least have been a vote by the Congress. If the Congress had favored war, the people would have understood and supported the war to a far greater extent than was true.

But fundamentally and apart from all of that, I think it is a clear, positive, spelled-out duty that the Congress, and the Congress only, has the power to declare war, and that means the responsibility.

It is important to note that by its terms this joint resolution gives the executive branch the power to respond to an emergency—and this, I submit, covers the only real basic criticism to the bill—and the further power to extend an emergency period for purposes of protecting the safety of American forces. This is a necessary—of course it is necessary—and desirable feature of any legislation in this area, and I believe this resolution offers ample safeguards to permit the President to deal with a crisis. I know that I certainly would not want to limit his authority in an emergency. And I assume that no other Member of Congress would want to limit that authority and power. Certainly it is the intention of those of us who have backed this legislation to provide ample safeguards and authority to permit a President to deal with a crisis.

The measure has a special added virtue. In place of the confusion and contradiction of court cases and executive orders extending over a period of almost 200 years, we would have a definite, positive, clearly written-down, and recently enacted recognition of just where the power of the President is and also where the responsibility of the Congress is.

For example, during the recent Mideast crisis the President used his authority as Commander in Chief to order the Armed Forces to a higher level of alert than that in which they are normally placed. He also ordered extra ships into the Mediterranean. These were not precipitous acts, but a careful and responsible use of his powers as Commander in Chief. The Armed Forces were not ordered to a state of alert so high as to prepare them for imminent war, but leaves were canceled and readiness was improved. If it had been necessary in the President's judgment for him to go an additional step to meet what he thought was an emergency or a crisis, of course without any further written law he would had the authority under this bill to have gone further. The deployment of the ships did not clearly indicate that was imminent, but the location of some ships was changed to improve general readiness. By these changes in the alert status and deployments of our forces throughout the world the President showed his resolve, and I believe that such steps materially assisted in the agreement in the Security Council of the United Nations on a resolution establishing a cease-fire policed by nations other than the United States and the Soviet Union.

As one who is somewhat disappointed because I expected too much of the United Nations, I would point out that we should never forget and never let anyone fool us in this matter. The United Nations did render a service in those critical hours, in that day or two just a short 2 weeks ago when things were uncertain and when anything could have happened. Let me reassure my colleagues that in my opinion nothing in the war powers resolution would hinder the President from taking these types of steps in the future on his own authority as Commander in Chief, and nothing in the resolution would require congressional approval of such decisions. Moreover, nothing in the resolution would even require the reporting of most such actions, although I believe the President was wise during this crisis to consult with the Congress and I would hope that he will continue to consult with the Congress regardless of whether or not a so-called War Powers Act—I always want to correct it and say congressional responsibility—were the law of the land, or whether its provisions were applicable in a specific case.

But the point is that his ability to respond to an emergency in the way he responded last week would not be inhibited nor limited by this type of legislation. Under the resolution certain deployments of combat-equipped U.S. forces into a foreign nation's territory, airspace, or waters must be reported to the Congress. In addition, if U.S. forces are introduced into hostilities or into situations such that "imminent involvement in hostilities is clearly indicated by the circumstances" then congressional approval is required within 60 days. There is our cooling time, time in which to make adjustments if possible. And it is a generous time in this era in which we live. The deployments and alerts of U.S. forces during the recent crisis clearly do not require congressional approval.

This resolution deals with involvement in war, and imminent war, not with this type of moderate change in readiness and deployment.

Turning to the President's veto message, one feature of which I particularly disagree with, is the emphasis which it places upon the possibility that Congress would take no action to approve the use of the Armed Forces in an emergency.

In a situation in which there is no emergency Congress could, under the resolution as passed, take considerable time to deliberate if the President requested the authority to go to war. This is as it should be. In the absence of an emergency the Congress should not be forced to act quickly on such a momentous question as war or peace. The veto message is quite incorrect, however, insofar as it implies that Congress would fail to act in a true emergency. Quite apart from the patriotism and responsible character of the Members of Congress themselves, it is quite clear that there are stringent procedures in the resolution to insure that, in a true emergency, committee consideration and votes in both Houses would be accomplished relatively quickly. I would urge any interested Senator to study carefully the detailed provisions of the bill which insure prompt consideration of authorizing legislation during a crisis.

Mr. President, am I speaking under a time limitation?

The PRESIDING OFFICER. The Senator from Mississippi is speaking under a 15-minute time limitation.

Mr. ROBERT C. BYRD. Mr. President, I would point out that any number of Senators would be glad to get time and to yield the Senator from Mississippi their time.

Mr. HANSEN. Mr. President, I ask unanimous consent that I might yield my time to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I thank the Senator from Wyoming very much. I ask the Chair to call me at the end of 4 minutes.

Mr. President, in summary I believe the resolution approved overwhelmingly in both the House and Senate is a responsible one and one which establishes the necessary procedures to insure that Congress and the President will assume their responsibility together in any future circumstances where the commitment to war is in question. I urge my colleagues in both Houses to vote to override the President's veto.

Mr. President, we are not going to get into an approved war without the concurrence of both the President and the Congress on this resolution. I remember when Woodrow Wilson asked for a declaration of war or recommended it in 1917. I remember again in 1941 when Franklin Delano Roosevelt did the same thing. And that is the last declared war we have had.

It takes the cooperation and the power and the responsibility and the urgency and the patriotism of all of those officials in addition to the terrific power of the people throughout the country.

I have no doubt that in the proper circumstances the people will always be willing to go to war to defend our country.

I feel like I know—and this is with all due deference to everyone—that if we had had one more safeguard, perhaps we could have gotten the war in South Vietnam settled before it started, and before they started the actual fighting. I am not trying to change history or look back, and I did not offer a resolution at that time to this effect. I am just pointing out that to go to war did not require a single affirmative act by the Congress. Not one.

We already had a draft act passed. We already had selectees in battalions and divisions, and the Navy and the Air Force. We already had all the essential things that have to be legislated in motion and passed, a fait accompli.

The only real test that came was a good long time after that war had started, when the direct issue arose on an appropriation bill. Mr. President, I was the floor manager of that appropriation bill, and held the hearings on it, and I could not get them to make a request for the estimated amount that they desired for the fiscal year that we were already in, for the fighting of the war.

Finally, after I spoke on the subject—and I deserve no credit; I should have done more, of course, and I will never be able to forget it—a request came over for $1.7 billion, or perhaps $1.8 billion.

I just said, "Not enough."

Someone else said, "Well, how much would it take?"

I did not know, of course. The Secretary of Defense said he did not know how to figure it. There was no recommendation at all. But anyway, I finally came up with a figure of $12 billion, and the requirement was just a little more than that. It shows how offbase we were, the people were and everyone was, as to the spoken words, publicly at least, about the cost of the war.

I want to emphasize, Mr. President, that I am just as guilty of error and misjudgment as anyone could be, because I was a Member here during all the buildup and background for that war. I am not crying over spilled milk. But we have a chance now, as I see it, to put on the books something that is fresh and current, and is an expression, after these 200 years that we have existed already as a nation, that we can spell out something. I think the exact language does not make a lot of difference, as long as it is certain that the President can act in an emergency, particularly to head off a crisis, and then leave the responsibility directly in the lap of Congress.

Mr. HARRY F. BYRD, JR. Mr. President, I am in full accord with the comments just made by the distinguished Senator from Mississippi. It seems to me that the so-called War Powers Act, which the distinguished Senator from Mississippi and the distinguished Senator from New York had so much to do with writing, is a reasonable measure. It is one which should have the approval and has had the approval of Congress.

I, too, regret, just as the Senator from Mississippi has expressed his regret, that the President did not see fit to sign that legislation, but I think the arguments made this morning by the able Senator from Mississippi point out the need for the legislation, the reasons for it, and why it is important that it be enacted by this Congress, even though that requires that the veto of the President be overridden.

Mr. STENNIS. I thank the Senator from Virginia. I feel greatly encouraged by his remarks.

Mr. JAVITS. Mr. President, if it will not unduly tire the Senator from Mississippi, I would like him to hear these words.

At a time of division in this country, and a time of deep trouble for our confidence in Government, I deeply feel that Americans should note the way that Congress, with particular reference to the Senate, has closed ranks on this measure. This is the clear, specific measure by which Congress has opted, at long last, to assert its sense of reponsibility in respect to this awful decision of going to war.

When the chairman of the Armed Services Committee, which is generally considered to be the most hawkish committee in Congress, and when the individual Senator whom the President himself says he trusts beyond any other Member of this body for objectivity in respect to a matter of the greatest sensitivity to him, takes this position, I think in terms of American patriotism, it is time for the country to sit up and listen.

Mr. STENNIS. Mr. President, I thank the Senator for his remarks, and I say with deference to all the others that the Senator from New York has put in more time, work, effort, and leadership on this measure than any other Member of Congress, and many have contributed to it substantially. I congratulate him as well as thank him for his leadership.

If I may so state, I think it is an amazing thing, Mr. President, that such a large percentage of the entire Congress, the House of Representatives and the Senate, would find a common ground, first, in feeling the need for such legislation, and second, in being able to agree on the key words.

Mr. JAVITS. Exactly.

Mr. STENNIS. I thank the Senator from New York.

Mr. JAVITS. Mr. President, if I may make just one other observation, the effort has been made in this veto message, in my judgment, to make us feel that a President would be hampered in an emergency.

I think, as the Senator from Mississippi has brilliantly shown in his own brief speech this morning, the very emergency which has just occurred has indicated that the bill would have done nothing except facilitate, in terms of the greatest national authority, should we have resorted to it, the ultimate deployment of forces in this matter where they would have been in imminent danger of hostilities, and that in everything else the President was left absolutely free, and that is exactly the way it ought to be.

So, I thank my colleague very much for his enormous contribution this morning at such a critical point in the consideration of this measure, and wish to add further that we are engaged, Mr. President, in an enormous struggle for American freedom. As far as I am concerned, and I know as far as the Senator from Mississippi is concerned, we will pursue it until that freedom is assured in respect of the power to make war.

I thank my colleague very much.

The PRESIDING OFFICER (Mr. BIDEN). What is the will of the Senate?

ORDER FOR THE RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, following the remarks of the distinguished Senator from New Mexico (Mr. DOMENICI), the distinguished assistant Republican leader (Mr. GRIFFIN) be recognized for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING THE CONSIDERATION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that statements during the period for the transaction of routine morning business on Monday next be limited to 3 minutes.

The PRESIDING OFFICER (Mr. BIDEN). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. Tuesday is election day in my State and in many other States. I just wondered what the Senator could tell us about the program for Tuesday next.

Mr. ROBERT C. BYRD. As of this moment, it would appear that the Senate probably would not be in session on Tuesday, but I am unable to say definitely in that regard. It would depend on what developed over the weekend and what we would have on Monday by way of conference reports, and so forth, that could be called up on Tuesday. But, as of this moment, it would appear that the Senate would go over from Monday until Wednesday next.

Mr. JAVITS. I thank the Senator very much.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday the Senate will convene at the hour of 12 o'clock noon.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. DOMENICI, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of the conference report on the military procurement authorization bill, H.R. 9286.

Mr. President, there will be a yea-and-nay vote on the adoption of the conference report on the military procurement authorization bill on Monday.

ADJOURNMENT TO MONDAY

Mr. HARRY F. BYRD, JR. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 12 noon on Monday, November 5, 1973.

The motion was agreed to; and at 1:15 p.m. the Senate adjourned until Monday, November 5, 1973, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate November 2, 1973:

DEPARTMENT OF JUSTICE

Lincoln C. Almond, of Rhode Island, to be U.S. attorney for the district of Rhode Island for the term of 4 years, reappointment.

Elmer J. Reis, of Ohio, to be U.S. marshal for the southern district of Ohio for the term of 4 years, vice Donald M. Horn, resigned.

DEPARTMENT OF THE INTERIOR

Morris Thompson, of Alaska, to be Commissioner of Indian Affairs, vice Louis R. Bruce, resigned.

FEDERAL POWER COMMISSION

Don S. Smith, of Arkansas, to be a member of the Feedral Power Commission for the remainder of the term expiring June 22, 1978, vice John A. Carver, Jr.

DEPARTMENT OF STATE

The following-named person for reappointment in the Foreign Service as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America:

Sidney Leonard Woollons, of California.

For appointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America:

John A. Murtha, of Washington.

For reappointment in the Foreign Service as Foreign Service officers of class 4, consular officers, and secretaries in the diplomatic service of the United States of America:

Joe L. Alarid, of Oklahoma.
Thomas Robert Kresse, of Ohio.

For appointment as Foreign Service Officers of class 4, consular officers, and secretaries in the diplomatic service of the United States of America:

Gerald C. Mull, of Michigan.
James J. Young, of Georgia.

For reappointment in the Foreign Service as a Foreign Service information officer of class 5, a consular officer, and a secretary in the diplomatic service of the United States of America:

Robert Douglas Jones, of Maryland.

For appointment as Foreign Service officers of class 5, consular officers, and secretaries in the diplomatic service of the United States of America:

Johnnie Carson, of Illinois.
Joseph P. Cheevers, of Kansas.
Jacques Cook, of the District of Columbia.
Richard F. Crehan, of Rhode Island.
William Rogers Gray, of California.
J. Alexander Mannings Jackson, of Pennsylvania.
Patricia Ann Langford, of Mississippi.
Kenneth Walter Luecke, of Illinois.
James Alexander Smith, of New York.

For promotion from Foreign Service officers of class 7 to class 6:

Robert D. Arthur, of California.
Edwin L. Brawn, of Maine.
Donald S. Bryfogle, of Virginia.
Edward Brynn, of California.
Landon C. Carter, of Virginia.
William Harrison Courtney, of West Virginia.
Ann E. Darbyshire, of Hawaii.
John R. Dobrin, of Tennessee.
Arlene I. Gemmil, of New York.
James Hogan, Glenn, of Nebraska.
Dennis M. Grimmer, of Wisconsin.
Judith M. Heimann, of Connecticut.
James R. Hooper, of Michigan.
Joseph S. Hulings III, of South Carolina.
Therese Ann Kleinkauf, of New York.
Richard P. Livingston, of Tennessee.
Ronald L. Main, of Oklahoma.
Thomas H. Martin, of Illinois.
Lauralee M. Peters, of Minnesota.
Roger Keith Rutledge, of Tennessee.
Joseph Philip Saba, of Pennsylvania.
James Gary Seyster, of California.
Charles R. Sten, of Washington.
Gregory D. Strong, of Montana.
Philip Bates Taylor III, of Texas.
Eugene C. Zajac, of Illinois.

For promotion from Foreign Service information officers of class 7 to class 6:

John F. Kerr, of Texas.
Patricia H. Kushlis, of the District of Columbia.
Gary P. Elhiney, of Massachusetts.
Lezetta J. Moyer, of Massachusetts.
Diane M. Murphy, of Ohio.
Veda B. Wilson, of the District of Columbia.

For appointment as Foreign Service officers of class 6, consular officers, and secretaries in the diplomatic service of the United States of America:

Victor A. Abeyta, of New Mexico.
Norman F. Del Gigante, of Rhode Island.
Ellen G. Joyner, of North Carolina.
Grace A. Rafaj, of California.
Eleanor M. Ridge, of Massachusetts.

Lucy G. Silverthorne, of New York.
Joan Veronica Smith, of the District of Columbia.
Mary Elizabeth Snapp, of Virginia.
George C. Stephenson, of Ohio.
Lyle A. van Ravenswaay, of Missouri.

For promotion from Foreign Service officers of class 8 to class 7:

Marshall P. Adair, of California.
Ryan Clark Crocker, of Washington.
Arnold Jackson Croddy, Jr., of Maryland.
Bonnie Ann Frank, of Oklahoma.
John E. Hope, of California.
B. Sue Wood, of Mississippi.

For promotion from Foreign Service information officers of class 8 to class 7:

Frank Dietrich Buchholz, of New York.
Ann Hume Loikow, of Virginia.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Vittorio A. Brod, of New York.
Richard A. Christenson, of Wisconsin.
Robert E. Gribbin III, of Alabama.
Michael J. Guignard, of Maine.
Jon Gundersen, of New York.
Paul Hacker, of New York.
Thomas R. Hanson, of Virginia.
Patrick R. Hayes, of Virginia.
Michael J. Heilman, of Wisconsin.
Douglas Randall Hunter, of Illinois.
James A. Larocco, of Illinois.
Paul B. Larsen, of Hawaii.
John W. Limbert, of Massachusetts.
John P. Londono, of Colorado.
Michael John McLaughlin, Jr., of New York.
Michael D. Metelits, of California.
Peter B. Morrissey, of Hawaii.
David R. Pozorski, of Illinois.
Elizabeth Raspolic, of Arizona.
Richard Allan Roth, of Michigan.
Eugene David Schmiel, of Pennsylvania.
Gregory M. Talcott, of Hawaii.
David K. Thompson, of the District of Columbia.
Thomas C. Tighe, of Florida.
Gary S. Usrey, of Maryland.
Carol E. Wheeler, of New York.
Donald E. Willett, of Illinois.
David W. Williams, of California.

For appointment as Foreign Service officers of class 8, consular officers, and secretaries in the diplomatic service of the United States of America:

Robert L. Craven, of Oregon.
Georgia J. DeBell, of California.
George Anthony Dies III, of New York.
James R. Doyle, of Massachusetts.
Peter D. Eicher, of Connecticut.
Mary Lee K. Garrison, of New Jersey.
Wayne G. Griffith, of Virginia.
Donald S. Hays, of Virginia.
John W. Helm, of Tennessee.
Kevin E. Honan, of New Jersey.
MaryAnn Love, of Connecticut.
Steven Rolf Ordal, of California.
Robert Jefferson Roehr, of Rhode Island.
Brenda Therese Saunders, of Ohio.
Andrew William Spisak, of New Jersey.
Wayne Edward White, of Pennsylvania.
James D. Whitten, of California.
Anne Brevard Woods, of Arkansas.

Foreign Service Reserve officer to be a consular officer of the United States of America:

Fred C. Thomas, Jr., of Pennsylvania.

Foreign Service Reserve officers to be consular officers and secretaries in the diplomatic service of the United States of America:

Albert N. Alexander, of Maryland.
Donald Arbona, of Virginia.
Eric John Carlson, of Virginia.
Edward J. Carroll III, of Virginia.
Norman M. Descoteaux, of Florida.
Paul L. Dillon, of Virginia.
Lillian G. Dobsa, of Maine.
Gary E. Erb, of Montana.
Earl Ferguson, of New York.
William E. Hager, of California.
William C. Hamilton, Jr., of Florida.
Martin C. Hawkins III, of Arkansas.
Jane B. Hoerrner, of New Jersey.
Robert W. Hultslander, of Virginia.
Carolyn J. King, of Georgia.
James R. Lilley, of Maryland.
Danny M. Loftin, of Virginia.
Clyde L. McClelland, of Ohio.
Robert F. Mock, of Virginia.
James D. Montgomery, of Tennessee.
Kenneth P. Moorefield, of Maryland.
Sheila K. O'Neill, of Virginia.
Joseph Pettinelli, of Virginia.
Russell G. Phipps, of Virginia.
Robert H. Riefe, of Connecticut.
Patricia A. Stahl, of Wisconsin.
William R. Stanley, of Florida.
Neyle C. Theriault, of Georgia.
James Webb, Jr., of California.

Foreign Service Reserve officers to be secretaries in the diplomatic service of the United States of America:

Edward W. Coy, of California.
Thomas Franklin Olmsted, of New York.
Elias K. Zughaib, of Maryland.

Foreign Service Staff officers to be Consular officers of the United States of America:

Patrick W. Brennan, of Washington.
Edmund P. Glowen, Jr., of Washington.
Joan McKerness, of Florida.
John H. St. Denis, of California.
Patsy G. Stephens, of California.

In the Navy

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Akin, Richard Walter
Bellinger, Sidney Baldwin
Bingham, George Conley
Brannon, William Lester
Brodhead, Charles L.
Carr, John Eddington
Cefalo, Robert Charles
Chenault, Oran Ward, Jr.
Davis, Reginald Maurice
Delisser, Robert Bache
Fout, Larry Roy
Freeman, Edward Everett
Henderson, John Arthur
James, David Roger
Kostinas, John Eugene
Mammen, Robert Eugene
Marlor, Russell Larry
Meaders, Robert Hogan
Morioka, Wilfred Toshiy
Mullins, Wallace Rodney
O'Brien, Robert Mullings
Palumbo, Ralph Richard
Philip, Gordon Wallace
Pohle, George Alexander
Publicchio, Louis Umil
Pursch, Joseph Arthur
Raffaelly, Nicholas Ral
Randels, Paul Harmon
Simmons, William Wells
Smith, Joe Purser, Jr.
Smith, John Parker
Smith Jose Caunabo
Solomon, Alexandre
Viola, Francis Vincent
Williams, Wilfred Leroy
Woodall, Martin Anthony
Zimble, James Allen

SUPPLY CORPS

Alderman, Charles Bennett
Badger, George Raymond
Bledsoe, William Marvin
Corn, James Raymond
Dempster, Darrell Dean
Dollard, Paul Alan
Eastwood, William O. Car, Jr.
Ebert, Scott Ward
Fiske, Leon Sangster, Jr.
Gilmore, Roger West
Girod, Roy Oscar
Goodwin, Earl Eugen
Johnson, Millard Jerry
Kispert, Lane Arthu
Larson, Nelson Siegfred
Lindsay, William Earl
Lovell, W. B.
Mason, Albert Grant
McNeill, Neil Edward
Mercier, Arthur Gerald
Morehouse, Charles William
O'Neil, Raymond Leo
Ott, Matthew James
Paul, John William
Perry, Robert Phili
Recher, Bernard Louis
Ross, William Thomas, Jr.
Sansone, Joseph Sarto, Jr.
Stumbaugh, David Charles
Taylor, Robert Roe
Trimble, Philip
Vogel, Ralph Herber
Waid, Stanley Bevan
Weber, Robert Josep
White, Frank Lewis

CHAPLAIN CORPS

Chambliss, Carroll Randolph
Fitzgerald, Owen Ray
Kinlaw, Dennis Charles
McAlister, Fred Ranson, Jr.
Miller, Stanley Dean
Schneider, Otto
Slejzer, Ferdinand Edward
Warren, Robert Hagen

CIVIL ENGINEER CORPS

Anderson, Warren Harry
Brooks, Kenneth Donald
Burns, William John, Jr.
Falk, Harvey Alfred, Jr.
Gates, Charles William
Haynes, Howard Homer
Hines, John Charles
Jones, John Paul, Jr.
Jones, Thomas Kennedy
Lake, George
Lawson, Leroy Donnell
Lewis, Frank Herbert, Jr.
Mitchell, Thomas Jerome
Robinson, Charles Francis
Smith, George Lee
Trunz, Joseph Paul, Jr.
Wolf, Robert Bruce
Yoshihara, Takeshi

JUDGE ADVOCATE GENERAL'S CORPS

Lapin, Robinson
Lynch, William Christopher
Mirtsching, Leonard Charles
Price, Oliver Leon
Rawls, Roy Jeff
Zitani, Genius Ares

DENTAL CORPS

Albers, Delmar Dean
Allen, Robert William
Allman, Daryl Manley
Applegate, Donald Ells
Altman, Richard Stuart
Amato, Angelo Emanuel
Anderson, Dale Marvin
Atkinson, Robert Arnold
Barlow, Doil Earl
Biron, George Albert
Bodner, Joseph Andrew
Bottomley, William Kent
Bradford, Paul Laymond
Brenyo, Michael, Jr.
Brown, Charles Anderson
Burch, Meredith Sibley
Burke, Joseph Harold
Cagle, John David
Carrothers, Richard Loc
Castronovo, Sam
Christian, James Tod
Connole, Peter William
Corio, Russell Lawrence
Cummings, Matthew Rolla
Cunningham, Charles Jo
Davis, Malcolm Scott
Deaton, Herbert Clenton
Devos, Brice Jay
Diem, Charles Robert

Dodds, Ronald Neil
Duncan, Donald Eric
Eden, George Taylor
Edwards, Richard Cunlif
Fenner, David Thomas
Fenster, Robert Keith
Gibson, William Vernon
Gomer, Ronald Morris
Gonder, Donald Cook
Goska, John R.
Grimsley, William Arthu
Grisius, Richard Joseph
Grove, David Malley
Hanson, Richard Keith
Hegley, John Howard
Hill, Ronald Kevin
Hoffman, Robert Martin
Holcomb, John Burnett
Holroyd, Samuel Vernon
Howe, Robert Edward
Huestis, Ralph Parke
Kennedy, Paul Thomas
Kieny, Richard Joseph
Kitzmiller, John Stanle
Koss, Ronald Joseph
Leonard, Walter Prudden
Lessig, John Frank
Little, Earl Ernest, Jr.
Loizeaux, Alfred Drew
Lucker, Ronald Wayne
Magnus, Walt Wolfgang
Mark, Leonard Edward
Martin, William Richard
McCann, Thomas Francis
McMurdock, Robert C., Jr.
Messer, Eugene Joseph
Miller, James Earl
Moore, Dorsey Jerome
Moore, Robert Eugene
Morse, Ronald Prescott
Muldrow, Lewis Martin
Neagley, Ross Lynn, Jr.
Osetek, Edward Marion
Parsons, Richard Lee
Pines, Barry Edward
Pirie, George David
Plump, Ellsworth Herman
Prince, Richard Daniel
Reed, Wilbur Guy
Rice, George William, Jr.
Richter, Henry Edward
Roper, David Ardell
Scharpf, Herbert Otto
Semler, Harry Edwin, Jr.
Shaffer, Richard Glenn
Shoemaker, O. L.
Short, George Allen
Smith, David Joseph
Spearman, Glyn Moore, Jr.
Stallworth, Henry Arnol
Stanton, George Addison
Stepnick, Robert James
Strange, Charles Gilber
Stump, Thomas Eugene
Sugg, William Everett
Sullivan, William Clint
Swaim, Bobby Lee
Thomas, Robert Edwin
Tibbetts, Van Roger
Voyles, Wesley Loyd
Walsh, John David
Walters, Ray Alan
Watson, William James
Wilkie, Noel David
Williams, Frederick Bro
Workman, James Leroy
Zustiak, Michael

MEDICAL SERVICE CORPS

Beckwith, Joan May
Connery, Horace Joseph
Feith, Joseph
Petoletti, Angelo Romulus
Steward, Edgar Thornton
Scrimshaw, Paul Wesley
Wetzel, Orval Benjamin

NURSE CORPS

Furmanchik, Helen Imelda
Pfeffer, Elizabeth Marie
Shea, Frances Teresa
Wilson, Katherine
Zabel, Kathryn Elizabeth

The following-named Reserve officers of the U.S. Navy, for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Drewyer, Richard Glenn
Valeri, Cesare Robert

CHAPLAIN CORPS

Bolles, Hebert Winslow
Senieur, Jude Richard

Comdr. Winifred L. Copeland, Nurse Corps, U.S. Naval Reserve, for temporary promotion to the grade of captain in the Nurse Corps, U.S. Naval Reserve, subject to qualification therefor as provided by law.

Comdr. Helen R. Levin, Supply Corps, U.S. Navy, for permanent promotion to the grade of captain in the Supply Corps, U.S. Navy, subject to qualification therefor as provided by law.

IN THE NAVY

The following-named officers of the Navy for permanent promotion to the grade of Captain:

Captain

LINE

Abelein, Herman Carl
Ackerman, Eugene Berthold
Ackley, Alfred Russell
Adler, Robert Earl
Agnew, Richard Scott
Anderson, Stanley Joseph
Angleman, Cornell Carpenter
Anglim, Daniel Francis, Jr.
Ashurst, Albert Joseph
Aslund, Roland Erhard
Axell, Charles Leroy
Ayres, William Harvey, Jr.
Backstrom, Robert Irving
Baggett, Lee, Jr.
Bailey, Henry Gordon
Bakke, Harlan James
Barkalow, Gerald Hyde
Barker, Franklin Hess
Barker, Harold Drake
Barker, Raymond Haydn
Barnette, Curtis Levon
Barrineau, Edwin
Barron, Joseph Michael
Barunas, George Aloysius, Jr.
Baty, Edward McCoy
Bauer, Edward Clark
Beasley, James Wiley
Beesley, Howard Leslie
Beitzer, Francis Joseph
Belter, Robert Herman
Benton, Hugh Arthur
Bergstrom, James Howard
Berthier, Neil Eugene
Block, Peter Fitzgibbon
Borgstrom, Charles Olaf, Jr.
Bortner, James Augustine
Boston, Leo
Bowen, Jack Winnree
Bowersox, Earl Charles, Jr.
Boyd, David Stuart
Branch, Alvin Deon
Bres, John Henry
Brettschneider, Carl A.
Brick, John Henderer
Bryan, Gordon Redman, Jr.
Buck, Roger Leonard
Burden, James Dineen
Burkhalter, Edward Allen, Jr.
Burt, Alexander Roy, Jr.
Burton, Herbert Oran
Bush, Charles Leroy
Buteau, Bernard Lamothe
Butts, John Lewis
Caldwell, Ronald Harry
Cameron, Allan Kenzie, Jr.
Canaan, Gerald Clyde
Cariker, Jess Lee, Jr.
Carius, Robert Wilhelm
Carlson, Burford Arlen
Carlton, George Arthur
Carr, William Kelly
Carter, Edward Walter, III
Cassilly, Frank Rodes
Cawley, Thomas Joseph
Cernan, Eugene Andrew
Choyce, Charles Van
Christenson, Donald Allen
Church, Clifford Ellison, Jr.
Church, George Andrew
Clark, Fred Preston, Jr.
Clark, Wyndham Stokes, Jr.
Clayton, John Edwin
Cochran, James Alexander
Cole, Charles Wesley
Colenda, Herbert Fentriss
Colvin, Robert Doyle
Compton, Bryan Whitfield, Jr.
Conlon, Frank Stevenson
Cooney, David Martin
Cooper, Carleton Robert
Cooper, David Lawson
Cossaboom, William Miner, II
Cramblet, Frank
Crawley, Don Edward
Cross, Daniel Frank
Crow, Edwin Monroe
Culbertson, Richard Knox
Cumbie, Lorendo Andrew
Davey, Richard Byrd
Day, Lawrence Calvin
Demers, William Henry, II
Dewitt, Duane Darrell
Dickens, Richard Amos
Diehl, William Francis
Dittmar, Louis Clinton
Doak, Samuel Lawall
Dood, Robert Lee
Draddy, John Mangin
Dreesen, Robert Fitch
Driscoll, Jerome Maher
Duke, Marvin Leonard
Dunn, Robert Francis
Dunnan, Neville Deon
Dunning, Frederick Samuel, J.
Dwyer, Laurence Albert
Easterling, Crawford Alan
Eckert, Richard Holvey
Eckstein, John Richard
Edwards, Frederick A., Jr.
Elfelt, James Sidle
Elliott, James Donald
Ellison, David Joe
Engle, Raymond Edwin
Fahland, Frank Richard
Falkenstein, Rudolph F.
Fanning, Frank Leon
Farrell, John Roger
Feagin, Frederick King
Felt, Harry Hartman, Jr.
Finley, Alden Gordon
Fitzpatrick, Joseph Anthony
Flynn, Richard Edward
Foley, Sylvester Robert, Jr.
Forbes, Donald Kerry
Forsyth, Robert Joseph
Foster, James Richard
Fox, Albert Daniel
Fox, Richard Thornton
Fraasa, Donald Gordon
Franklin, Billy Dean
Friesen, Edwin J.
Frudden, Mark Perrin
Fuller, Robert Byron
Gamache, Samuel Cresswell
Gardner, Richard Carner
Geitz, Kenneth Lloyd
Gercken, Otto Edward
Gibbons, Paul Coy, Jr.
Gilchrist, John Foster, II
Gillespie, Charles R., Jr.
Gooding, Niles Russell, Jr.
Gottschalk, Arthur W., Jr.
Goulds, Ralph John
Green, John Neal
Green, Richard Wayne
Griffin, Jack Ross
Grigg, William Hunter
Grosvenor, Alexander G. B.
Grunwald, Edward Albert
Gureck, William Alexander
Gurney, Sumner
Haff, William Burton
Halleland, Henry Lloyd
Hallett, Edward Reveley
Hamer, Robert Reginald, Jr.

Hardgrave, James Barton, Sr.
Harkness, Vinton Orris, Jr.
Harris, Robert Doughtry, Jr.
Hart, William Daniel
Hartell, Ronald Dale
Hayes, James Thomas
Heerwagen, David Dupuy
Heigl, John Theodore, Jr.
Herbig, Henry Frank
Herndon, William James, Jr.
Hibson, Leo Anthony, Jr.
Hicks, Lawrence Frederick
Higginbotham, Leonard Howar
Hill, Allen Edward
Hill, James Colson
Hilscher, Carl Charles
Hines, Gulmer Augustus, Jr.
Hofstra, Edward Jacob
Holman, Rockwell
Holt, Robert Edwin
Hoover, Richard Martin
Hopkins, Clifford David
Hughes, Ray Stewart
Hugo, William Peter
Huth, Ralph Lee
Inman, Bobby Ray
Ismay, Arthur Peter
Jacobsen, Adolf M. B.
Jansen, Alan Lester
Jarrell, Donald Lee
Jennings, John Staff
Jensen, Donald Lavar
Jensen, Wayne Leroy
Jermann, Donald Robert
Jett, William Starke, III
Johnson, Ian Jarvis
Johnson, Joseph Jefferson
Johnson, Richard Charles
Johnson, Robert Whitman
Johnson, Willard Edward
Jones, Ray Paul
Jordan, Watt William, Jr.
Kamm, Thomas Allen
Kamrad, Joseph George
Kaune, James Edward
Keach, Donald Leigh
Kelly, Ronald Thomas
Kelsey, Robert Lee
Kempf, Cecil Joseph
Kennedy, James Roger, Jr.
Ketchmark, Giles Jerome
Kidd, Owen Austin
Kinsley, Donald Taylor
Kittrell, Jack Charleston
Kjeldgaard, Peter Dean
Klett, George Jacob
Kollmorgen, Leland Stanford
Kolstad, Tom Irby
Krantzman, Harry Morris
Lacy, James Ernest
Larry, Walter Charles
Lasell, Max Henry
Lasley, William Ward
Lautermilch, Paul Anthony J.
Lawrence, William Porter
Lechleiter, Mark Bernard Jr.
Lee, Byron Albert
Leis, Alfred Charles
Lemon, Robert Taylor
Lester, Louis Rhea, Jr.
Leue, David Ernest
Lewis, James Richard
Lockwood, Harold Raymond
Long, Charles Remington
Longhi, William John
Loux, Raymond Eugene
Lovelace, Robert Henry
Loyd, Rupert Harb
Luskin, Arthur George
Lytle, James Hunter
Mahon, Richard Burton
Maice, Lee, Jr.
Malan, Max Edward
Malloy, John Edward
Manning, Richard Thomas
Mantz, Roy Trafford
Martin, Richard William
Martin, William Kinne
Massa, Emiddio
Matson, Willis Arthur, II
Maxwell, Daryl Orville
Mazzolini, John Andrew
McAulty, David John
McArthur, John Chester
McCarthy, Richard Leland
McCall, Charles Richard
McClain, Kirby Larue, III
McDonough, William D., Jr.
McGarrah, William Erwin, Jr.
McGlaughlin, Thomas Howard
McGlohn, Robin Hollie, Jr.
McKellar, Edwin Daniel, Jr.
McKnight, Jesse Eddie, Jr.
McNally, John Joseph, Jr.
McNerney, James Francis
McQueston, Jack Edward
McQuillan, John Parker
Mealy, Daniel Nelson
Meeks, Robert Benjamin, Jr.
Merchant, Paul Glenn
Metcalf, Joseph, III
Miguel, Theodore, Jr.
Miller, Richard Archibald
Miller, William Anthony
Minnigerode, John H. B.
Mitchell, Joe Cephus
Molzan, Edward Werner
Montague, Lloyd Lee
Moore, William Franklin
Morin, Gene Douglas
Morris, Robert Eastin
Morrissey, John Noel
Mow, Douglas Farris
Muck, Floyd Robert
Mull, Charles Leroy, II
Murphy, Frank M., Jr.
Murray, Douglas Vrooman
Muto, Charles John
Neander, Stanley Brown
Neiger, Ralph Eugene
Newark, Theodore Elmer
Nolan, Joseph Dunstan
Nordan, Emile Earl
Norton, Curtis Ralph, Jr.
Nunneley, James Kenneth
Nunneley, John Kerwin
Nyce, William Edward
O'Connor, Francis Edward
O'Donnell, George Joseph, Jr.
O'Donnell, John Joseph
O'Drain, John Edward
O'Hara, Jack Franklin
Ohlrich, Walter Ernest, Jr.
Orem, John Bohannon, Jr.
Ostrand, Allen Eugean
O'Toole, Kevin James
Ozburn, Forrest Cline, Jr.
Palmquist, John Richard
Parce, James Robert
Parrish, William Isaac
Paulk, Joseph McDonald
Peterson, Richard Eugene
Pettigrew, Raymond Arthur
Pezzei, Engelbert George
Pfeiffer, King Woodward
Phillips, Alan Randolph
Phillips, Charles Thomas
Piraino, Daniel
Platte, William Allan
Powell, James Richard, Jr.
Profilet, Leo Twyman
Puccini, Joseph Elmer, Jr.
Putnum, Charles Lancaster
Quigley, Donovan Bernard
Quinn, Jack Quentin
Radcliffe, Roderick Thomas
Radja, James Eugene
Rau, William Franklin
Redman, James Richard
Redmon, John Gerald
Reed, Robert Kendall
Rentz, Frank Leslie, Jr.
Replogle, Thomas Harvey
Resek, Lawrence Harmon
Reynolds, Kenneth Clay
Robinson, Robert Bruce
Robisch, Herbert Eugene
Rockwell, Richard Frederick
Rockwood, Jerred Rushton
Rogers, Thomas Stevenson, Jr.
Ross, Thomas Hugh
Roth, Franklin Herold
Rough, Jimmie Lynn
Rowley, Reginald Charles
Ruble, Byron Craffe
Russ, Jack Elder
Rutherford, Ralph Baillie
Rutledge, Howard Elmer
Ryan, John James, Jr.
Ryan, Philip Joseph
Sagerholm, James Alvin
Salin, Robert Sven
Sample, Richard John
Sandsberry, Jack Coleman
Sarosdy, Louis Robert
Sattler, Donald Charles
Schenker, Marvin Leonard
Schlank, John James, Jr.
Schneider, Arthur Frederick
Schriber, John Charles
Schuller, Gordon Joseph
Schulte, Richard Joseph
Schultz, Milton John, Jr.
Schuster, Robert James
Schwab, Robert William
Schwartz, Sheldon Omar
Schwarz, Ira Norton
Scribner, Henry Irving, Jr.
Seay, Wesley Herman, Jr.
Self, William Henry Cowles
Shafer, Walter Richard
Shaffer, Guy Henry B.
Shartel, Howard Austin
Shaughnessy, William David
Shaver, Frank Trenton
Sheridan, William Raymond
Sherman, Peter Woodbury
Sherman, Thomas Hanson, Jr.
Shrine, Bertram Jr.
Simmons, Robert Raymond
Skinner, Clifford Admiral J.
Small, Robert Holderman
Smedberg, William Renwick I.
Smith, Maurice Edward
Smith, Thomas Mitchell
Snyder, Carl Sampson, Jr.
Snyder, Roy Dietrich, Jr.
Soracco, David Louis
Space, David Jewell
Spayde, Keith Crawford, Jr.
Speer, Paul Harold
Spiller, John Herman, Jr.
Springer, Roy Marinor, Jr.
Stanley, Richard Mervin
Stapp, Aron Lawrence
Stewart, Thomas Phillip
Stone, Bruce Goodwin
Storeide, Arthur Julius
Strand, John Alexander, Jr.
Stratmann, Charles Immanuel
Stull, Donald
Sullivan, Don Michel
Sundt, Wilbur Allan
Surovik, George Alfred
Swadener, John Richard
Swanberg, John Marvick
Swenson, Erick Noak
Terrell, Fred Worrell, Jr.
Thamm, Tom Brobeck
Thomas, Gerald Eustis
Thomas, John Keith
Thomas, Robert Lee
Thomas, Walter Russell
Tomb, Paul David
Toy, Frank Evans
Tregurtha, James David, Jr.
Tuomela, Clyde Henry
Turnbull, James Robert
Twite, Martin Jerome, Jr.
Tyson, James Jordan, Jr.
Underwood, Leland Jack
Utterback, Paul Wilson
Vahsen, George Martin
Vankleeck, Justin Laing
Vanreeth, Eugene William
Wagner, Robert Henry
Wales, John Renison
Wallace, Kenneth Richard
Ward, Thomas Martin, Jr.
Warwick, William Bertram
Watson, Peter James
Whaley, William Semmes

Wheeler, Donad Lytel
White, Steven Angelo
Whitman, Donald Louis
Wigent, Richard Andrew
Wikeen, Donald Bruce
Wilbur, Harley Dexter
Wilkins, James Rudyard, Jr.
Wilkinson, Edward Lewis
Williams, Allen Dean
Williams William Albert, II
Williford, James Richard, II
Willson, Donald Merritt
Wilson, Alexander Blake
Wilson, Joseph William
Wilson, William Wellington
Winberg, William, III
Winnefeld, James Alexander
Wisenbaker, Eugene Morgan
Woolcock, Thomas Edward
Wooldridge, Edmund Tyler, Jr.
Worchesek, Robert Roman
Young, John Watts
Zeisel, Richard Stephen
Zendler, Edwin Earl
Zink, Stewart Taylor
Zoehrer, Herbert Alfred

SUPPLY CORPS

Armstrong, George Kornegay
Ball, Thomas Fauntleroy, Jr.
Barber, Ray Cleveland
Bray, Joseph Alfred, Jr.
Brown, Robert Michael
Burbank, Donald Dean
Cloutier, Norman Lewis
Davis, James Bly
Dickson, Holton Carroll, Jr.
Donley, Harold Clement, Jr.
Ely, William Benjamin, Jr.
Evans, William Henry, Jr.
Foster, Paul Lowe
Gordon, Donald Bedell
Gove, Jack Edwin
Greenberg, Edwin Gilbert
Henderson, John Merrill
Hutchinson, Arthur Edward
James, Billy Mink
Killebrew, Thomas Edgar
Lynn, James William
McClintock, Harry Clayton
Mitchell, William Frederick
Porter, Orland Ainsworth, Jr.
Ringhausen, Robert Leo
Rixey, Charles Woodford
Ryan, William Jardine
Smith, Herbert Richard
Stratton, Dene Brian
Stubbs, Raymond Cooper
Wasson, John Arthur
Weisskopf, William Malvin
Wirsing, John Arnold
White, George Handford

CHAPLAIN CORPS

Conte, James William
Dimino, Joseph Thomas
Frimenko, Michael
Fuller, William Calvin
Geary, Joseph Francis
Grace, Patrick Joseph
Hardage, Owen Allen, Jr.
Heath, Robert Hubbell
Howard, William Raymond
Huffman, William Wyland
Ingebretson, Ervin Duane
Jones, Asa Wallace
Keen, Homer Eugene, Jr.
Lemaster, Donald Calvin
Moore, Withers McAlister
Roberts, Maurice Edward
Ryan, Joseph Emmet
Samuel, William Roy
Simmons, David Eugene
Sire, Elwin Norton
Veltman, Dean Kay
Wootten, Thomas Joseph

CIVIL ENGINEER CORPS

Courtright, Carl
DeGroot, Ward Walton, III
Forehand, Paul Warren
Olson, Paul David
Phelps, Pharo Alfred
Trueblood, Donald Richard
Wagner, Walter Richard
Whipple, Caryll Robbins
Wingast, Stanley
Zobel, William Marshall

JUDGE ADVOCATE GENERAL'S CORPS

Cedarburg, Owen Lee
Conkey, Carlton Glen
Davis, William Johnson
Driscoll, William Thomas, Jr.
Dunbar, John Peter
Hantzes, Savas
Hawk, James Thomas
Jimmerson, Thomas J., Jr.
Palau, Henry Stuart
Phillips, Lawrence Edwin
Root, John Bernard, Jr.
Sabalos, Nicholas
Selby, Donald Eugene

DENTAL CORPS

Abbott, Paul Lamar
Ainley, James Edward, Jr.
Anderson, John T.
Bowers, Gerald Miles
Elliott, James Roy
Enoch, James Duncan
Falcone, Philip Russell
Fields, Robert Earl
Flagg, Roger Holmes
Gorman, Walter James
Grandich, Russell Anthony
Granger, Ronald Grant
Hardin, Jefferson Frederic
Hiatt, William Robert
Hodson, Harold Wade
Hoffius, Edwin Laurine
Holmes, John Bernard
Hyde, Jack Elgin
Johnson, Dean Leroy
Kelley, John Philip
Lawrence, Joseph James, Jr.
Luther, Norman Kennedy
McKinnon, John Alexander, Jr.
Orrahood, Robert Howard
Pebley, Harry Calvin
Pinkley, Virgil Alvin
Pistocco, Louis Robert
Prange, William Herbert
Reid, Albert Francis
Ruliffson, Franklin Russell
Schultz, Chester John, Jr.
Shirley, Robert Edwards
Slagle, Lowell Elwood
Slater, Robert William
Smith, Albert Ritchie
Stanley, James Howard
Sydow, Paul John
Taylor, B. Frank
Tenca, Joseph Ignatius
Terry, Bill Carlton
Thomason, Robert Richard
Whatley, Thomas Luther
Wilson, James McClelland
Wooden, Robert Aubrey
Woodland, Everan C., Jr.

MEDICAL SERVICE CORPS

Akers, Thomas Gilbert
Barkley, Lucien Edward
Boggs, Clifford Walter
Jones, William Henry
Kaufman, Louis Richard
Laedtke, Ralph Harold
McKearly, Georgia Mae
McMichael, Allen Edgar
Miller, Edwin Bartley
Pruitt, John Dallas
Rudolph, Henry Steven
Still, Donald Eugene
Testa, Michele Joseph
Tober, Theodore Wendel

NURSE CORPS

Butler, Ann Teresa
Byrnes, Anna Marie
Conder, Maxine
Davis, Alice Louise
Gardill, Norma Helen
Parent, Shirley Marie
Weeter, Bessie Racheal

EXTENSIONS OF REMARKS

ENERGY CONSERVATION IN PUBLIC BUILDINGS

HON. DICK CLARK

OF IOWA

IN THE SENATE OF THE UNITED STATES

Friday, November 2, 1973

Mr. CLARK. Mr. President, in the midst of the continuing Watergate scandal, the conflict in the Middle East, and the resignation of the Vice President, our attention has once again been turned away from the country's critical energy crisis.

That crisis is still very much with us and we cannot afford to delay our search for a balanced and an effective approach to a national energy policy. We have already faced shortages of petroleum products earlier this year, and even more severe shortages are predicted in the winter months ahead. Cutbacks in imports from Arab nations will aggravate these shortages.

Energy conservation could substantially help mitigate fuel shortages. We must assess current patterns of energy consumption, and then take the steps necessary to eliminate wasteful practices.

One area in which a great deal of energy could be saved is in the operation and maintenance of the buildings in which we live and work. It is encouraging to see that, in this field at least, the Federal Government is taking a leading role.

In a recent speech, Larry F. Roush, Commissioner of the Public Buildings Services, makes an excellent presentation of the steps being taken by the General Services Administration to conserve energy in Federal buildings throughout the Nation. GSA is obviously making a concerted effort to deal with the energy crisis—an example that should be followed not only by other agencies, but by private industry as well. I commend Mr. Roush's speech to my colleagues for their earnest consideration.

Mr. President, I ask unanimous consent that Mr. Roush's statement be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ENERGY CONSERVATION IN BUILDINGS

(By Larry F. Roush)

For the people present in this meeting today, the word "conservation" needs no definition in ordinary conversation. It is my contention, however, that as we develop an energy conservation policy for public office buildings, the general understanding of "conservation" is not enough. We have recognized that this word means more than just "saving," and that energy conservation must be a continuing effort to achieve the best balance between the benefits and costs of energy use.

The Public Buildings Service has been vitally concerned with the conservation of energy for many years. In our primary role as the builders and operators of office space for the Federal Government, we have attempted to use the most economical source of energy, while using it in the most efficient manner. We have had several on-going energy conservation programs to reduce energy consumption in 2,600 GSA-owned and operated buildings nationwide. These programs were not based primarily on the development of new technologies, but rather emphasized more efficient use of energy in existing buildings.

We quickly realized, however, that new technologies needed to be developed and tested, and their energy conservation features quantified, if we were to achieve optimum energy utilization in existing office buildings and those planned for the future. GSA's energy conservation policy for public office buildings is to incorporate features which insure the best possibilities of energy use. To do this we have attempted to recognize the trade-offs in terms of energy conservation, work area, costs and the environment in general.

For example, in considering the trade-offs between energy conservation and the work area, we must consider the people and the services they provide. For any energy conservation system to be viable, it must be compatible with the comfort and safety requirements of the occupants. We must answer many questions such as: How much light is really required to do specific kinds of work? What noise levels can be tolerated before they become distracting? How "good" are our current air purification and odor control systems? What levels of heat, humidity, and air movement provide the optimum level of thermal comfort for the building occupants? The answers to these and similar questions can provide the information necessary to balance energy usage against an adequate work environment. To do this we must apply the latest systems for measuring these factors in an actual work situation where we can correlate the human response with the environmental conditions.

To evaluate these and other energy conservation related questions, we needed a laboratory—a place where we could accurately measure and compare various energy conservation systems and their impact. And, in June 1972 Mr. Sampson designated the new Federal Office Building in Saginaw, Michigan, as the GSA Environmental Demonstration Building. Most of the experimental features of the Saginaw Project are directly related to environmental concerns. The prime energy conservation feature of the Saginaw Project is the proposed solar energy collector.

Recognizing the need for additional experimental work in energy conservation, the Administrator designated the new Federal Office Building in Manchester, New Hampshire, as the GSA Energy Conservation Building.

For the Manchester Project, we put together a design team consisting of the architect-engineer, an energy conservation consultant, the National Bureau of Standards and GSA. Energy conservation was made a prime design parameter to be considered equally with function, fire safety, life cycle cost and aesthetics. Determinations were made regarding features, systems, and equipment which would contribute greatly towards reduction in energy requirements *before* developing a concept for the building. From the very beginning of the design process, energy conservation possibilities were given major attention.

The final design of the building is expected to make a positive contribution to the urban surroundings and provide a pleasant interior environment for employees and visitors. We expect the building to operate with at least 20 percent less energy consumption than other comparable existing buildings.

In addition to energy conservation features in the basic architectural design, we intend to demonstrate energy savings in the mechanical, electrical, lighting, plumbing, and space conditioning areas. We have included such energy conservation features as heat recovery systems, computer programmed mechanical and electrical systems, and a solar collector. Once the building is complete with the various energy conservation systems installed, they will be monitored and evaluated, based on built-in instrumentation and occupant reaction. From this experimentation we will be able to develop guidelines and criteria for use in the design and construction of future buildings.

I would like to pause for a moment—to quote the President—as he said on September 10: "While energy is one of our Nation's most pressing problems, and while the preservation and effective use of our natural resources is an imperative policy goal, it is presently impossible to administer these related objectives in a coordinated way. Our ability to manage our resources and provide for our needs should not be held hostage to old forms and institutions." I couldn't agree more and commend the President for his initiative to create Governor Love's office and his proposal for the new Energy Research and Development Administration.

The NBC white paper on the Energy Crisis, aired over two weeks ago, emphasized that there were over 40 Federal government agencies involved in some way or another with the energy question. To my way of thinking this indicates that; first, there is a great deal of enthusiasm to solve the problem and second that it must become a coordinated effort if we are going to effectively manage the solutions to our problem. Governor Love's office is a great step toward pulling us all together. GSA hopes that the Manchester and Saginaw projects will help act as a catalyst for the coordination of the technical effort.

But the need to conserve energy is real and now. Therefore, our greatest efforts are being made toward reduction of energy use in the buildings we presently operate.

As you all know, President Nixon has established a requirement to reduce the Federal Government's anticipated energy consumption by 7 percent. In this regard, GSA views its responsibility as the overseer of energy utilization in Federally-occupied buildings and of eliminating wasteful practices and concepts which developed during the past period of apparent energy abundance.

In order to fulfill this requirement we established a task force to develop and implement GSA's accelerated energy conservation program. When we considered that our annual utilities cost exceeds $90 million and that all resources in our buildings equate to over 5 billion kilowatt hours. We also had to review those current building operating practices which result in the consumption of substantial quantities of energy, such as nighttime cleaning operations, lighting levels and the temperature being maintained in our buildings.

It is imperative that you as executives in your organizations gear onto what we're doing. And, it is important to emphasize that, in revising operational procedures, it is critical that the employees at the grass roots level be aware of what you're doing and why you're doing it. This is a voluntary effort and when dealing with existing buildings, the occupants must be educated to energy saving actions.

Accordingly, to the extent feasible, the following changes in operating practices are being initiated in all GSA-operated/owned buildings and GSA's 7,800 leased buildings. I think you can do the same things in your space.

We have advanced nighttime force-account cleaning operations from the 5 p.m.–1:30 a.m. time frame to 11 a.m.–7:30 p.m. daily.

We have reduced the amount of lighting required in various space throughout a building without reducing the level at work stations;

We have raised (by 4 degrees) the setting on room thermostats serving office space during the airconditioning season to a range of 76–78 degrees;

And, we have lowered the setting (by 4 degrees) on room thermostats serving office space during the heating season to a range of 70–72 degrees; and

In addition we have made appropriate temperature and lighting changes in other types of space to realize similar energy savings.

Lessors who provide building services and utilities have been notified by the regional PBS offices to take appropriate action to reduce the anticipated energy consumption during the next 9 months by 7 percent.

Federal agencies have been notified that the aforementioned practices are being initiated, to the extent feasible, in all GSA-managed buildings in a way which will not impair the provision of vital services, nor curtail the proper functioning of the departments and agencies. In addition, each Federal agency has been requested to designate a headquarters representative as a point of contact to assist in realizing these objectives.

These revised operating practices already have been adopted in our Central Office and Regional Office Building, both in Washington, with excellent results.

As an example of savings that may be realized, 22 percent of the fluorescent light tubes have been removed from buildings here in Washington, with an opportunity to do more. Assuming we are able to achieve similar savings throughout the nation, we will eliminate approximately 1.2 million tubes and save 164 million kilowatts of electrical energy each year.

We believe that with the changes in operation, we will be able to reduce our overall energy consumption by approximately 20 percent. This equates to over 1 billion kilowatt hours of electricity or 600,000 barrels of oil or 580,000 tons of coal that may be saved per year. But we're not stopping there.

We have begun a building profile study to determine the energy consumption characteristics of existing buildings as affected by their physical features.

We are conducting an Air Change Rate Study to determine the minimum number of air changes required for acceptable heating and air conditioning of buildings.

We are conducting a study of lighting levels and distribution required for the performance of the various work tasks in Federal buildings.

And we are conducting a study to develop a fully automated building control system using computer techniques and sophisticated equipment to optimize operations, manpower and energy utilization.

The research and the efforts in existing buildings will help GSA accomplish the President's conservation goal. They can be far more valuable, however, if we can get them out to industry and local government. To that end, we have written to all of the nation's governors and the mayors of 20 of our largest cities to urge their cooperation in the energy conservation effort.

We think we have a strong start in the race to alleviate an energy crisis. But all of our efforts are really minimal when you consider that we only have the responsibility for 200 million square feet out of 2.5 billion square feet of space; 200 million out of 2.5 billion! That means that you are very important. Have your employees turn off lights, lower thermostats, etc. I hope we can rely on you for this assistance in our effort, and we will assist you in yours, because it will take the voluntary cooperation of many Federal employees if it's going to be a complete success.

CHILEAN MARXISTS TO ENTER UNITED STATES?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, the recent anti-Communist revolt in Chile has aroused a torrent of criticism from those who believe slavery is not slavery accepted. Marxist Salvador Allende had nearly ruined the economy of Chile, despite aid from both the United States and the U.S.S.R., and had expropriated American property in Chile. There are indications that the government itself planned to use force to impose a dictatorship—a step which all socialist nations must take sooner or later, if they are to remain socialist. Since the anti-Communist coup the leftists have been howling with anger—and the new governors of Chile have justifiably made life difficult for them. It is our misfortune that a bill has been introduced by Congressman Drinan (H.R. 10525) which would allow Chilean political refugees to enter the United States. Apparently America is not to be a haven for the tired, the poor, and the huddled masses yearning to breathe free, but for the angry, the envious, and the vanguard of the proletariat. I insert an article by Mr. Paul Scott which appeared in the Indianapolis News in the Record:

Kennedy-Drinan Bill—Chilean Marxists To Enter United States

(By Paul Scott)

A move is underway in Congress to clear the way for thousands of revolutionaries, Communists, Marxists and socialists, now in Chile to enter the U.S.

Leading the movement are Sen. Edward Kennedy, D-Mass., chairman of the Senate Subcommittee on Refugees, and Rep. Robert F. Drinan, D-Mass., the far-left leaning Catholic priest.

Both lawmakers have introduced and are actively pushing legislation which would turn the U.S into a haven for the militant supporters of the late Marxist President Salvador Allende.

Under the Kennedy-Drinan legislation, upward of 50,000 of these "political refugees" would be permitted to enter the U.S. regardless of their Communist and Marxist backgrounds.

This flow of refugees also would include many of the thousands of foreign revolutionaries who are now in hiding in Chile or have been imprisoned by that country's military government. At least 500 of these foreign nationals are now in foreign embassies in the Chilean capital seeking political asylum and free passage to leave the country. Because of the roles these revolutionaries played in trying to turn Chile into a Communist dictatorship, Chilean troops have barred their departure from the country by placing guards around the embassies.

Overshadowed by the Middle East war and Nixon administration scandals, the Kennedy-Drinan movement has received little or no attention in the press. Only the Daily World, the official organ of the Communist party, and government security officials have given the Kennedy-Drinan drive the attention it deserves.

Alarmed over the prospects of the country being flooded with Latin American revolutionaries, officials of the FBI, CIA, and Immigration Service have passed word to the White House that the Kennedy-Drinan proposal, if enacted into law, would create a major internal security problem for the nation.

These officials warn the Kennedy-Drinan measure would allow into the U.S. the elite revolutionaries and bomb throwers of Latin America who took asylum in Chile when Allende came to power.

Thousands of these foreign nationals were involved in setting up an international Communist brigade similar to the one Moscow established in Spain during the Civil War there. If these foreign revolutionaries are permitted to join with other militants in the U.S., security officials claim that they could turn the country into another Northern Ireland in a matter of months.

Efforts by Assistant Secretary of State Jack A. Kubisch during the senate subcommittee hearings to point out that many of these foreign nationals had been involved in Chile was discounted by Kennedy and the Daily World.

The Communist publication hailed the Kennedy-Drinan movement with big black headlines. The front page article stated that "Sen. Edward Kennedy today demanded that the U.S. government provide 'asylum and resettlement opportunities' to tens of thousands of Chilean patriots (revolutionaries)."

The story in the Daily World stressed how Kennedy had opened his hearings "with an indictment of the Nixon administration for its silence in the face of bloodshed and violation of human rights by the junta."

Whether by design or coincidence, the Kennedy-Drinan movement in Congress to protect these revolutionaries fits into a worldwide campaign now being pushed by Moscow to save them and discredit the Chilean military government.

This campaign is similar to those conducted in the past against the government of Nationalist China and later against the anti-Communist governments of South Korea, South Vietnam and Cambodia.

At stake in this growing controversy is whether the U.S. is now going to become a haven for those who failed in their efforts to turn Chile into a Communist dictatorship.

If permitted to enter the U.S., these revolutionaries' next attempt to establish another Communist base in the Western Hemisphere could be disastrous for all of us.

One of the revolutionaries that would be permitted to enter the U.S. under the Kennedy-Drinan legislation is Luis Corvalan, general secretary of the Communist Party of Chile and a legislator there before the military takeover. He is now being held under charges of treason.

ENERGY CONSERVATION AND THE LIGHTING LOBBY TAKE THE LEASH OFF SNOOPY

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, November 2, 1973

Mr. METCALF. Mr. President, the widespread interest in energy conservation is commendable. The efforts of the administration, State, and local governments, companies and individuals to sensitize the American public to our wasteful energy practices will help alleviate the shortages.

Some of the energy conservation suggestions are being repeated and emphasized in various ways. There are advertisements and speeches. The administration has even enlisted the assistance of Snoopy. And the oil companies have hired Johnny Cash to strum his guitar and admonish us to slow down—which is easy to do in the car-clogged streets of the Nation's Capital.

There are some significant ways to conserve energy which have not yet been incorporated into the ads and commercials. These are conservation methods opposed by the energy companies and the administration, which has our friend Snoopy on a tight leash. I want to suggest today several areas of energy conservation which need to be embarked upon now:

I. LIGHTING STANDARDS

Illumination standards should be drastically reduced. These standards—recommended by the Illuminating Engineering Society which is composed of utility officials and electric equipment salesmen—have been increased some 300 percent during the post-World War II period. Recommended lighting levels are far above the levels recommended by independent lighting experts and used in foreign countries. The July-August issue of the Architectural Forum contains an excellent article on this subject by Richard G. Stein. A Public Citizen's Action Manual, a paperback by Donald K. Ross, published this year by Grossman, includes a chapter on how individuals can help reduce excessive lighting standards. Presentations on the subject by school and library consultants are incorporated within my testimony on advisory committees, on November 4, 1971, before the House Government Operations Subcommittee on Legal and Monetary Affairs.

In addition, Members will be glad to know, the Architect of the Capitol is moving to bring our own institution into line on this matter. At the conclusion of these remarks, I shall ask for inclusion in the Record of correspondence which Chairman Cannon, of the Rules Committee, and I have had with the Architect, Bureau of Standards and General Services Administration, along with excerpts from Architect Stein's excellent article.

II. OIL CONVERSION TO ELECTRICITY

Utility use of oil to produce electric heat is a ghastly waste of a dwindling resource. Electric heat generation requires about three times as much energy, to provide the same number of Btu's, as oil heat does. I intend to develop this point more fully at another time. However, the Architectural Forum excerpts I shall include in the Record today include a succinct discussion of this waste.

III. ALTERNATE ENERGY SOURCES

Given the precarious position of foreign oil markets, and the continuing problems which will always plague nuclear power, we should go all out now on development of solar, water, sewage conversion, and wind energy. Valuable power increments are practical now by some of these methods. On October 30 the senior Senator from Maine (Mr. Muskie) brought us up to date on the

Passamaquoddy tidal power project—Congressional Record, page 35392. For years the Office of Management and Budget has delayed planning of additional generators at existing dams on the Missouri River. The dams are in place—the additional hydropower would involve no additional impoundments. Hydro facilities are superior from an environmental viewpoint to steam or nuclear plants, because hydropower pollutes neither air nor water.

IV. NATIONAL POWER GRID

Construction of a national power grid would reduce new electric plant proliferation by an estimated 25 percent. A national grid—to fill in the serious gaps in our transmission system—would mean lower fuel consumption as well. There would be less demand for peak generating facilities. Bulk power could be moved from one section of the country to another to take care of load requirements peaking at different times of day in the various time zones, and at different seasons of the year in different regions of the country. Legislation to establish a national power grid has been introduced in both the 91st and 92d Congresses. S. 1025, which Senators Mansfield, Humphrey, McGovern, Moss, Abourezk, Hathaway, and I cosponsored, is before the Commerce Committee. Companion legislation by Congressman Tiernan and others is before the House Interstate and Foreign Commerce Committee. The administration's and power industry's opposition to this legislation should no longer delay its consideration.

V. RATE RESTRUCTURE

In a typical utility rate structure, large polluting industries pay about one-third as much for their electricity as do low-income persons in densely settled areas where cost of service is low. Rate structure is subject to regulation by State utility commissions. This means that people do not have to come to Washington for their remedy. A reduction in the rate subsidy now provided large industries would be an excellent incentive to those companies to review their energy consumption practices.

Mr. President, I sincerely hope that all of us, including the administration, can take time to rethink our approach to energy conservation. I was encouraged at one of our Interior Committee sessions Thursday by the promise of Governor Love and Assistant Secretary of Interior Wakefield to broaden the membership of some energy advisory committees. There are good men and women, and good projects, ready and waiting to become part of the answer to our national energy conservation problem.

Mr. President, I ask unanimous consent to print in the Record excerpts from Richard G. Stein's article in the July-August issue of the Architectural Forum, and the correspondence previously referred to regarding lighting standards, the Illuminating Engineering Society, and the constructive attitude of the Architect of the Capitol.

There being no objection, the material was ordered to be printed in the Record, as follows:

Excerpts From the Article, "Architecture and Energy," July-August 1973 Issue of the Architectural Forum

(By Richard G. Stein)

LIGHTING

Lighting is also coming in for serious reinvestigation, and for good reasons. Lighting represents about a quarter of all electricity sold; that is, as noted in the *EEI Statistical Handbook* 1970, about 500 billion kwhrs. 15 years ago, recommended light levels were as much as two thirds lower than present recommendations of the Illuminating Engineering Society (IES) in some categories. 15 years ago, only about one third of present quantities of electricity were being generated. In the interior of buildings, air conditioning is a more frequent requirement than heating. Every two excessive watts of lighting requires one excessive watt of cooling.

While the IES professes a primary interest in the quality rather than the quantity of light, all the quality related tests—Visual Comfort Probability, Equivalent Sphere Illumination, Effective Foot Candles—tend to downgrade the effectiveness of the light computed to satisfy the IES recommended minimal standards, making higher intensities inevitable if the entire methodology is embraced.

Spot analyses indicate that lighting can be reduced by large percentages. There is an advertisement of a lamp manufacturer in the IES magazine *Lighting Design and Application* (Nov. 1972, pp. 58–59). The heading reads, "Part of this lighting story is a lot of hot air." Across the top of the page is a picture of an office with a number of ceiling luminaires, people working below, a stretch of glass wall toward the right of the photo and a text that says, "Over 25,000 Sylvania Curvalume lamps light up the interior of S. S. Kresge Corporation's new headquarters in metropolitan Detroit. With two Curvalumes to a fixture, Kresge got the lighting they were after—and much more. The heat from the U-shaped lamps and ballasts is saved and recirculated into the building. It's a conservation of energy concept with Curvalume lamps at its heart. The bent lamps make it possible to use two by two foot fixtures that can be evenly spaced over the modular ceiling. This makes for even distribution of air as well as light. In Kresge's contemporary building, these long-lived fluorescents last even longer. They are never turned off, which lengthens their life. The constant circulation of air around them increases their efficiency. This handsome installation gives lighting levels of 100 footcandles or more in the general offices and the color of the lamps blends in beautifully with the interior decor."

Now let's see what they are really saying. If 25,000 40-watt lamps are in use 24 hours a day, there are one million watts in use for 8,760 hours a year; or in kilowatts, 8,760,000 kilowatt hours per year. If all the lamps are on from 8 a.m. to 6 p.m., that would mean there are 14 hours of unnecessary time for five days of the week. A million watts times 14 hours is 14,000 kilowatt hours per day times five days of the week, or 70,000 kilowatt hours. On the two days you do not need the lights on at all—that is 48 hours times one million watts, or 48,000 kilowatts. This means that there is an unnecessary expenditure of 118,000 kilowatt hours per week times 52 weeks a year which means that 6,136,000 kilowatt hours per year out of 8,760,000 kilowatt hours are unnecessary.

The waste, just in dollar terms, not to mention energy, at two cents per kilowatt hour, is $122,720 per year. As described instead of using the tubes 2,500 hours per year they are used 8,760. More than three times what they should be. The ad states, "They're never turned off which lengthens their life."

Let's see what this means. If the lamp is turned off once in ten hours, according to the IES Handbook, it will last 140/190 times as many hours as one burning continuously; that is, 75 percent as many hours. If its lamp life is 10,000 hours (the figure given for medium loading) it would last four years if burned ten hours a day for five days a week. If it is on continuously with a life expectancy of 13,300 hours, the additional 25 percent lamp life, it will last about a year and a half. In other words, while the lamp lasts longer it has to be replaced almost three times as frequently.

It is interesting to see in the ad's photo that there are some 15 people at work in the section of the office covered in the photograph. The ceiling above them has 181 fixtures each with 80 watts without counting the power load for ballast, a total of 14,480 watts, or about a thousand watts per person. The lighting is distributed indiscriminately, or should we say uniformly, over banks of files, desks, corridors, storage spaces and aisles. There are 40 fixtures over a bank of files with one person filing.

Also there are floor to ceiling windows that would appear to throw a high level of light for a distance of three ceiling modules or about 15 feet from the window. Yet the lights there are continuously on. Obviously all this adds to the summertime heat load for air-conditioning as well as the power load that the lamps themselves consume.

Next, according to the text the basic light levels provided are above 100 footcandles. According to an article by Mr. Robert Dorsey, then President of The Illuminating Engineering Society, in the AIA Journal (June 1972), this is satisfactory for reading a fifth carbon, which requires ten times as much light as the original for equal visibility. And since lights are always left on, there is no provision for selective switching even if there were an attempt to cut down on energy use.

Let me recapitulate. If the lights were on for an average of ten hours a day, five days a week, this 8,760,000 kwhr load would be reduced to 2,624,000 kilowatts per year. If the maximum overhead level were 50 footcandles (which is higher than the 30 footcandles cited by Mr. Ringgold of IES as adequate for the reading of printed matter), if offices where interviews are carried on were lighted to 20 footcandles (both generous since every typist using an electric typewriter has a connection nearby that could also permit portable light in the typist's area), then the above figure could be reduced by 60 percent. If we add a five percent factor for local lighting, the saving would be 55 percent, reducing the overall power requirements to 1,062,720 kilowatt hours.

Selective switching could turn off unused sections of the office. Conservatively, another 10 percent could be saved. The reduced requirement is now 956,450 kilowatt hours. This total obviously permits a significant reduction in air-conditioning requirements. The capacity of the plant can be substantially reduced and the operation will require many fewer kilowatt hours per year. Without considering the air-conditioning saving, however, there is a direct saving of about 7,800,000 kwhr's per year against the present expenditure of 8,760,000. This is enough to keep a village of 6,500 people supplied with a budget of 5,000 kwhr's per year for each family.

Since this was reported, there have been some changes. According to *Electrical World* (January 1, 1973), the lights are no longer kept on 24 hours a day, and there is some selective switching.

Existing lighting installations can be modified more easily than exterior walls, complex heating and cooling systems and ventilation systems.

A 50 percent reduction in electric usage for lighting would be a three percent reduction in nation-wide energy use. This is equivalent to the output of over 30 1,000-megawatt generating plants.

The question has been discussed in some detail for the past couple of years. The spokesmen for the Illuminating Engineering Society and their sponsored research arm, the Illuminating Engineering Research Institute, have insisted their findings have been misinterpreted and misapplied. Nevertheless, there is no literature coming out that shows how to design and provide controls for lighting that will significantly reduce electrical consumption. It is time to call on the industry to produce some illuminating components that perform quite differently from those that fill our new schools and buildings.

It is encouraging to learn that the American Institute of Architects has disaffiliated itself from the joint committee on school lighting with the IES, and will work toward a new approach to school lighting design with Educational Facilities Laboratory.

The IES has such a long standing commitment to the light evaluation system based on the 1958 Blackwell Report that a fresh overall investigation of how to provide a satisfactory seeing environment for carrying on our daily activities at the lowest energy cost is almost impossible to expect.

The characteristics of the new lighting: A more efficient light source; a lighting component capable of being easily plugged in and removed as requirements change; one capable of delivering a number of levels of light; one easily controlled locally; one fitted with a light-sensitive device that will turn it off if the ambient light level is adequate; and one that will accept screening devices when necessary.

The lighting design standards will eliminate the shibboleth of more than three to one contrast. This is not only contrary to the activity of the eye in nature, but also counters the experience of people watching a drama or film where the task (the stage or screen) is brilliantly lighted and the surrounding area is without light. The contrast between the light from the sky and the light in shadow areas under trees can be 20 to 1 (or more) without causing discomfort or loss of discrimination. In contrast, an unrelieved snowfield can be fatiguing, disorienting and can produce such physical symptoms as headaches and nausea.

The idea of lighting designed for specificity of delivery is certainly not new. Moreover it works effectively wherever it is installed. Examples are an operating room light, the light on a drafting table, the small lamp attached to a sewing machine, the built-in lamp in a study carrell, the individual lights over airplane seats, the light over a pool table, the illuminated instruments in an automobile. In commercial buildings there is no area that cannot accommodate an electric typewriter, a desk computer or an electric coffee maker; which means the area can also accommodate local lighting, either attached to the equipment or free-standing to serve it.

The remote-control device for changing television channels suggests a type of control by which a person could selectively turn lighting on and off, or change its intensity.

In a universal ceiling grid, fixtures could be plugged in or removed to change the light delivery system for different programmatic requirements. The animated movable electric signs in Times Square hint at the variety of levels and points of illumination we could have in a space.

Since there is so much to be gained nationally by reducing unnecessary electric use, the reduction of unnecessary lighting, as well as other technological possibilities, should be immediately investigated (low voltage switching systems, for one).

The great benefit of the modified approach to lighting design—differentiated spaces, contrast and lowered ambient levels—is the improved architectural quality. The building begins to respect and respond to changing human needs, and to variations of climate and weather.

Two recent findings may have some bearing on performance requirements. First, the report on job dissatisfaction among assembly line and production workers. This stated that despite "efficient" work conditions, psychological factors caused reductions in productivity which could be offset by less routine work assignments and less undifferentiated environments. In place of assembly lines, experiments with assembly teams, putting together SAABs and Volvos in Sweden, resulted in dramatic reductions in absenteeism and defective workmanship. Second, it was reported by a CBC radio interview that a Canadian school found that reducing light levels in a new school noticeably reduced psychosomatic headaches and fatigue.

In looking critically at energy use, the amount of energy used for advertising purposes is generally lost in the commercial category reporting. Aside from giving information—the name of a hotel, the number of a building, similar messages, most merchandising lighting is either excessive or superfluous. During the war years of 1942 to 1945, the extreme situation of no advertising lighting pertained. While it was by no means a relaxed and joyful setting (one of the environmental tunes of the day was "When the Lights Go On Again All Over the World," as an equation of lights and peace) it did demonstrate that we could indeed survive without advertising lighting.

The ironic part about advertising is that a high light level, if it is used to overwhelm the message of its neighbors, is only effective if it is the highest light level around. As soon as a new high is established, the tendency is for others to seek a still higher level. This is kilowatt one-upmanship.

The light level intensities can mount from 100 to 200 to 300 to 400 (and higher) foot-candles, and do so very rapidly. Each advance cancels out the merchandising advantage of the one before it. The only way to avoid such an escalation is by having a limit on intensity that is either voluntary, or enforced. When this is done, ingenuity will replace sheer brute brightness.

The wonderful effect of tiny lights strung in trees was demonstrated in New York last Christmas as an increasingly popular technique for decorative lighting. Blocks along Park Avenue and the Avenue of the Americas were given a magical scintillating quality. All told, about one half watt was used per square foot. By contrast, the business streets in Las Vegas have so much wattage that the various messages are virtually cancelled out in the glare.

Lighting in residences has remained closer to light levels people enjoy, especially since there is no one goading them to increase levels for sake of performance. As a result, home lighting was considered undersaturated; that is, it had the potential for being appreciably increased and, energy shortage or not, there are promoters in the electrical industry who want to push up the amount of electricity for home lighting.

In an account of Edison Electric Institute's 1971 Annual Marketing Conference, *Air-Conditioning, Heating and Refrigeration News*, a trade weekly, ran a report about Edwin Vennard, former managing director of the Institute, commenting on residential lighting: "Lighting always stands out as one of our best builders of percent return." Mr. Vennard mentioned that the electric industry had failed to sell higher lighting levels at the residential level where, he continued, "We give them about 20 foot-candles." By raising the average wattage of all electric bulbs used in houses just 30 watts, there would be more net income for utilities "than in all existing house heating. I'm not saying neglect house heating, but why not have both?"

It is ironic that if we attempt to describe the most pleasantly lighted spaces we can think of, our thoughts turn to certain residences. Softly lighted restaurants, theater lobbies and other spaces whose performance requirements have escaped the foot candle escalation process. Judging from the above quotation the watt salesmen are zeroing in on these.

ELECTRIC HEATING

In considering Mr. Vennard's last sentence we come to another emotionally charged subject, electric heating. It would be wonderful to find that it really uses less energy than all those other crude, primitive and expensive systems. It is obvious that costs of installation are generally less than for hydronic fossil fueled systems. No boiler rooms are necessary, no chimneys; instead of conveying heat as a liquid or a gas in pipes, it is transmitted through copper wires that can turn corners more readily and don't require pitches for drainage. Controls operate an on-and-off switch instead of a valve or pump.

Unfortunately the basic production of electricity is so inefficient in converting heat to electricity (which can be converted back to heat) that the advantages of electric heating are offset by the cost of operating it.

In the years 1963–70, it is possible to see the result of the promotion of electric heating on the residential use of electricity. For a decade residential use represented about 30 percent of the total sale of electricity. On a per capita basis, the average increased at the same rate as the general increase in electric usage. That is, it doubled while the population increased by 15 percent. In 1957 there were 167,758,000 people, using 161 trillion kwhr for residential use. In 1967 197,374,000 people using 332 trillion kwhr. Each average family used 3,660 kwhr per year in 1957 compared with 6,420 kwhr in 1967. Suddenly, in 1968 there was a sharp increase in the amount of electricity used in residences, beyond the general rate of increase for electricity. Residential use of electricity within two years jumped to 32 percent of all electricity sold.

If this merely represented a shift from one source of energy to another with no other consequences, it would be interesting as a technological shift. It has more serious results however and complicates the problem it purports to solve.

It may be worth repeating that electric heating is basically wasteful of primary energy, largely due to the three to one inefficiency in converting primary fuel to electricity. The 11,000 (plus or minus) Btu's required to generate a kwhr have a heating value of 3,413 Btu's at 100 percent efficiency in the reconversion process. If primary fuel (oil or natural gas) is burned directly, even if it is burned at only 60 percent efficiency, it will use only half as much fuel as the needed heat supplied by electricity.

The different fuels are interchangeable and interdependent. In the New York City area, for example, gas turbine peaking units are providing some of the base load. These units, basically jet engines, operate on kerosene or No. 2 oil. As they convert it into electricity, used for heating, they contribute to the shortage of fuel oil for heating.

According to New York City officials, one quarter of Con Edison's generation is now in gas turbine units, over 2,000 megawatts worth. Originally planned as peaking units, they now are part of the base load supply. They use No. 2 fuel oil the oil used in home heating furnaces and boilers. The shortage is being worsened since electricity for home heating drains off twice the No. 2 oil from the market that would be required for direct combustion at the houses.

Similarly, where natural gas is available, it is used to generate electricity which, in turn is being used for heating that could be done more economically from a fuel use point of view by using the gas directly.

A rationale of the utilities for using electric heat is that it is required at a time when operations are below their peaks which occur, excepting a few northerly areas, during the summer air conditioning period. There are two flaws in this. First, we are faced with shortages in all primary fuels—oil, gas, fissionable material and available low-sulphur coal. Predictions for the exhaustion of these resources suggest that they had better be used carefully until alternative power sources have been developed and made available in sufficient volume to replace the present generating and petroleum refining capacities. The absolute reduction in primary fuel use becomes more important than the more profitable use of generating facilities on a year round basis. The result of burning less fuel (and still providing the same basic performance standards) is also the reduction in pollution. The second point, however, is that the promotion of electric heat does not affect only the winter loading. The all-electric home is given more favorable rates year round than the non all-electric home. For over 360 kwhrs per month, the service classification for electric heating lists only 60 percent of the non-heating customer's cost during the eight heating months and only 75 percent of the non-heating customer's cost in the remaining four months. As a result the favorable rate structure makes electricity attractive for cooking, clothes drying, and hot water heating in addition to the space heating. It also encourages the use of more air conditioning. These additional electric uses tend to drive the summer peak still higher, resulting in still more winter time capacity to be exploited for electric heating.

If the controls and delivery of fossil fuel systems were as effective as those in electric systems, there would be no basis for discussion. The difference would be three and a half to one in favor of the fossil fuel. As the result of the losses in combustion and delivery, and of less specifically responsive controls, the edge drops down to about two to one. Even with boiler inefficiencies and chimney stack losses, direct use of fossil fuel is generally twice as efficient as electric heat, and does not cut into generating capacity.

The only promising use of electricity for heating under present methods is the heat pump. In the past this has been so beset with poor performance equipment that it has not been actively pursued.

The impact of additional electric heating on overburdened generating capacity can be appreciated by looking at actual quantities. In New York State, depending on location, between 10 percent and 50 percent of new homes have electric heat. In other areas of the country, that figure is higher. According to figures from Pennsylvania Power and Light, the average all-electric house in 1971 used 28,000 kwhrs, while the non-electric one used 5,600. That leaves an average of 22,500 kwhrs for heating. Applying this figure to the one percent of New York State's 5,300,000 residential customers, who now use electric heat, it turns out that 1,200,000 megawatt hours went into electric heat last year in this state—the total output of a 240 MW plant such as Indian Point 1. The amount of fuel which went into generating power to heat these residences could have heated about two and a half times the number of residences directly, given the same standards of construction.

In 1970, with a seven and a half percent saturation of the residential market, electric home heating used about 66,000 million kwhrs of electricity. This represents almost four percent of all electrical energy produced and sold. In other words, if the ratio of capacity to consumption of the Con Edison generators is used, a total of about 16 million kwhrs capacity is required—the equivalent of twice the total capacity of all of Con Edison's generators.

According to "Electric World", the preference for electric heating has increased from 22 percent to 36 percent during the last six years. The electrical industry projects that the number of electrically heated residential units will be 19 million by 1980 and 25 million by 1985.

The annual electric consumption, if this prediction came true (assuming established 22,500 kwhrs per unit per year), would be 562.5 billion kwhrs. In primary energy, this would require about 6.5 billion (10^{15}) Btu's, and would be the equivalent of a 50 percent importation of petroleum in 1985. This is obviously a matter to be decided on something other than first construction cost.

In addition, there has been a successful campaign on the part of the utility companies to increase substantially the amount of electrical heating in office buildings and other commercial installations. In 1969, of all new non-residential construction, 23 percent was electrically heated, a total of almost 40,000 buildings of which 5,400 were new office buildings.

A governmental policy, expressed in codes and power use regulations, is necessary to stop this tendency, one that permits electric heat only in installations where fuel deliveries cannot be made or where the presence of an open flame in an unattended building would be either unsafe or undependable.

U.S. SENATE,
Washington, D.C., September 7, 1973.

Hon. LEE METCALF,
Chairman, Subcommittee on Budgeting, Management, and Expenditures, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR LEE: I enclose a copy of the report of the Architect of the Capitol concerning lighting standards and conditions in Senate spaces, about which you wrote me several weeks ago.

Mr. White's summary of the situation seems to be responsive to my request, but I would be glad to have your comments on it after you have had a chance to read it.

With all best wishes,
Sincerely,
HOWARD W. CANNON,
Chairman.

WASHINGTON, D.C.,
September 4, 1973.

Hon. HOWARD W. CANNON,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In pursuance of your request regarding Senator Metcalf's comments concerning lighting standards and lighting conditions in Senate spaces, I have made a careful investigation of the quality of lighting to which Senator Metcalf refers.

Appended hereto are copies of data obtained by our engineers from calibrated light meter readings made in nine different Senators' offices in the Russell Building. These data corroborate Senator Metcalf's concern. As a personal matter, I should add that I have long held an opinion similar to that of Senator Metcalf's, namely, that the recommended light levels as indicated by the Illuminating Engineering Society standards are, in many cases, substantially more than is necessary for the comfort of people with normal eyesight.

A short review of the lighting development in the Russell Building may be helpful in understanding the present situation.

In the Second Supplemental Appropriation Act, 1955, authority was given for the employment of lighting consultants to survey and study the illumination in the Russell Building (at that time called the Senate Office Building) and to "submit recommendations and estimates of cost for improved illumination. The amount of $10,000 was expended for that study. As a result, an allotment of $220,000 was requested in the appropriations for 1957, to provide for the purchase and installation of new lighting fixtures recommended by the lighting consultant. In the justification for the request, the following statement is made:

"Existing lighting conditions in Senators' suites are definitely substandard. The average level of illumination is five to six foot-candles at desk level, 30 inches from the floor. These figures may vary with the size of the room and the number and type of luminaires."

The justifications state, further, the recommendations made by the lighting consultants. A portion of these reads as follows:

"Initial illumination levels in Senators' private offices, in Administrative Assistants' offices and in reception rooms should not exceed 35 foot-candles. In stenographic-file rooms, the initial illumination levels should not exceed 50 foot-candles."

Accordingly, funds were appropriated and lighting fixtures furnished and installed on the basis of the consultant's recommendations.

Those fixtures, installed in 1958, contained plastic shades that had, by 1973, over the years, become old and brittle and, therefore, subject to frequent breakage during cleaning and lamp maintenance operations. Because of their age, they could no longer be procured from commercial sources without special manufacture. Further, because the fixtures were designed with an open top which caused their efficiency to be impaired as a result of the collection of dirt and insects, and because the exhorbitant cost of shade replacement resulted in approximately half of the lighting fixtures being without any shades at all, funds were requested and appropriated for FY 1973 to enable these 15 year old fixtures to be replaced.

The replacement fixtures which were installed during the first six months of this year were identical in electrical power consumption (wattage) to those which were replaced. Fifteen years of development in the lighting fixture industry, however, resulted in our obtaining much more efficient lighting in terms of lumens per watt. We are thus experiencing substantially greater footcandles at the reading level resulting from the use of the same electrical energy. It should be noted also that the initial footcandle readings will, in a short period of time, diminish to approximately 80%–85% of the initial readings. This occurs in varying degrees in all lighting installations, and is a result of general aging of the lamps and fixtures and the impracticability of cleaning them each day.

Nevertheless, it is undoubtedly true that since the installation of the new fixtures, the illumination level has increased to the point where for some people there may be discomfort. In several of the Senators' offices, half of the fluorescent tubes have been removed from the fixtures and the resulting illumination has remained at a satisfactory level. It thus appears possible to achieve satisfactory illumination levels with virtually one-half the energy consumption that has been used during the last 15 years. It should be noted, also, that the new fixtures, on an individual basis, cost very little more than the replacement costs of the outdated shades on the 1958 fixtures. Since installation was accomplished through the use of our inhouse electricians, the labor cost was minimal.

One further factor should probably be recognized. Lighting levels are, by and large, a matter of individual preference.

Higher lighting levels, within limits, are found to be more comfortable for some individuals, and not for others. Under the present situation in the Russell Building, we are able, with the fixtures installed in 1973, to provide a substantial range of illumination in answer to individual requests. As the appended data indicate, the foot-candle readings in various Senators' offices range from 10 to 160. I certainly agree with Senator Metcalf that these upper levels are substantially greater than necessary. I intend, therefore, to survey each Senator's office with the goal of reducing the electrical power consumption by removing lighting tubes to such extent as deemed necessary, subject, however, to the desires of each Senator.

Because, as you know, the extension to the Dirksen Office Building is now under design, it is my intention, also in accordance with Senator Metcalf's comments, to keep the lighting levels at a range more consistent with the standards of comfort than those generally recommended by the Illuminating Engineering Society. Measurements taken at my own desk have persuaded me that lighting levels beyond 60 to 75 foot-candles are, for the most part, unnecessary, if not uncomfortable, for ordinary desk work by persons with normal eyesight.

Please be assured that the lighting consultants for the new construction will be carefully apprised of these concerns. Our goal in the new building is, of course, to achieve maximum but reasonable flexibility consistent with the cost implications that are inherent in that goal. Thus, in connection with the lighting, it may be that higher illumination levels may be provided for but not utilized except as they may be needed for specific sight tasks.

I shall, of course, be pleased to incorporate or adjust these lighting philosophies in accordance with the guidance of the Senate Office Building Commission. I shall be happy, also to furnish you and Senator Metcalf with any additional information that you might deem appropriate.

Cordially,

GEORGE M. WHITE,
FAIA, Architect of the Capitol.

JULY 9, 1973.

Dr. RICHARD W. ROBERTS,
Director, National Bureau of Standards, Washington, D.C.

DEAR MR. ROBERTS: New lighting fixtures recently installed in my office are so bright that several members of my staff complained that the light hurt their eyes. A test by a Senate electrical engineer showed that the illumination amounted to more than 100 footcandles.

That is a level two or three times the amount recommended by school and library officials and oculists. I included some of the documentation on this point in my testimony before a House subcommittee two years ago, which I enclose for convenient reference. Further documentation is provided in "A Public Citizen's Menion Manual," a paperback by Donald K. Ross just published by Grossman.

The Senate, and many other governmental units, Federal and non-Federal, unfortunately rely on standards suggested by the Illuminating Engineering Society, which is composed principally of utility officials and electrical equipment salesmen. It seems to me, especially in view of the energy problem, that the Federal Government ought to issue scientifically based lighting standards, and that your bureau is the appropriate agency for that task.

I would welcome your general comments on the matter, and your specific response to my suggestion that the Bureau of Standards promulgate appropriate lighting standards for Federal buildings.

In view of the responsibilities and interests of the General Services Administration in this matter, I am sending a copy of this letter to the GSA Administrator, and requesting his comments.

Very truly yours,

LEE METCALF.

JULY 9, 1973.

Hon. HOWARD W. CANNON,
Chairman, Committee on Rules and Administration, U.S. Senate.

DEAR SENATOR CANNON: I would welcome Rules Committee review of lighting standards used in the Senate and other government buildings as discussed in my enclosed letter to Dr. Richard W. Roberts, Director of the National Bureau of Standards, and in the enclosed testimony before a House subcommittee.

Very truly yours,

——— ———.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., July 24, 1973.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Thank you for your letter of July 9 inviting our comments on illumination levels.

The General Services Administration has been concerned with levels of illumination for some time and on this basis is taking action to remedy and revise some of the existing standard procedures. Of special concern are comfortable and adequate lighting levels and the conservation of energy.

We have already taken action to establish new standards for illumination in both existing and new GSA-controlled space which will significantly reduce energy consumption.

In all new buildings we have introduced a new task oriented illumination concept. The traditional concept used in the past provides uniform illumination throughout the entire space to the level of the most difficult visual task, whether needed or not. The idea of the task oriented (or nonuniform) lighting concept is to provide the required amount of light only at the work station, with the flexibility to relocate the light as the work station changes. The traditional concept required a power input of four watts per square foot of ceiling area, whereas the task oriented lighting concept requires no more than two watts per square foot and in some cases may be reduced to one watt per square foot. Attendant benefits are, of course, reduced airconditioning loads and less lighting fixtures to install and maintain.

We are enclosing a copy of our guide specification T 4-13500. Integrated Ceiling and Background (ICB) System. The lighting performance for task oriented lighting is contained in paragraph 2.02A, and establishes a maintained lighting level of 70 footcandles at the work stations, and a minimum of 20 footcandles anywhere within the space.

The task oriented or nonuniform illumination concept is also being applied to existing buildings, in accordance with the enclosed GSA Order 5856.1, paragraph 5 of Attachment A. The Order also indicates other actions we have taken to conserve energy in GSA-maintained buildings.

With regard to new standards, we have recently engaged a private consulting firm to perform a comprehensive study of illumination levels. The study, when complete, will establish criteria to provide a national GSA standard that can be utilized in planning and designing systems for GSA-controlled space. The final report of the study should be complete by October 1973 and if you so desire we shall be pleased to send you a copy.

Concurrently, GSA has an Energy Conservation Demonstration Building (the proposed Federal Building for Manchester, New Hampshire) under design. Present plans include the provision of different types of office lighting on the various floors. For example, one floor will be designed for conventional uniform lighting, other floors will be designed for task oriented lighting, another floor will be designed to take maximum advantage of natural lighting, while other floors may be designed for polarized lighting and lights incorporated in the furniture. Through this demonstration project, we expect to gain further knowledge which will help us provide adequate lighting with savings in energy.

We hope this information has been helpful. If we may be of further assistance, please let us know.

Sincerely,

ARTHUR F. SAMPSON,
Administrator.

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., July 26, 1973.

Hon. LEE METCALF,
Chairman, Subcommittee on Budgeting, Management and Expenditures, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR SENATOR METCALF: Thank you for your letter of July 9, 1973, suggesting that the National Bureau of Standards promulgate appropriate lighting standards for Federal Buildings.

The National Bureau of Standards does not promulgate industry standards. NBS contributes technical competence and makes recommendations upon request to standardization groups. The current research effort at NBS is directed toward an improved technical basis for the quantity and quality of illumination and improved measurement methods for determining whether users' needs are met by lighting systems.

The standard for office lighting currently used is the American National Standard A132.1, "American National Standard Practice for Office Lighting," issued by the American National Standards Institute which is sponsored by the Illuminating Engineering Society (IES). Xerox copies of Table 1—Illumination Levels Currently Recommended, from A132.1—1972 (proposed Revision of A132.1—1966) and appropriate portions of Figure 9-80 IES Lighting Handbook, 1972, are enclosed for your convenience—Appendices A and B, respectively.

The National Bureau of Standards through its Center for Building Technology (CBT) has initiated technical studies on the illumination required to perform visual tasks. These studies were in response to the general dissatisfaction voiced by some of the "user" community to the current recommendations, including some of those documented in your testimony to the House subcommittee. The CBT studies are based on illumination experiments which more nearly simulate real-life conditions. The current American National Standard A132.1 and IES recommendations are based on visual performance data obtained under situations seldom encountered in everyday task performance. A brief summary of the experimental data on which current IES recommendations are based and the initial efforts of CBT in this area is included as Appendix C. Hopefully the new information developed by the current CBT research could serve to stimulate reconsideration of present illumination standards.

CBT's Building Environment Division has been working with the General Services Administration in the field of energy conservation, where lighting power is a very important parameter. In the enclosed copy of NBS/GSA Roundtable on Energy Conservation in Buildings, May 23-24, 1972, on pages 52-53 the subject of lighting is discussed. We understand that GSA is in the process of implementing many of the energy saving ideas mentioned by reducing lighting levels in offices and by providing the principal illumination in the task-performance areas.

NBS is cooperating with GSA on the Manchester, New Hampshire, energy conservation demonstration office building, which was a result of the above Roundtable. Computer studies of savings possible from changing normal design practices to energy design are shown on pages 120–133 of the enclosed publication, Technical Options for Energy Conservation in Buildings, June 19, 1973. This same publication (pages 93–98) gives information on the subject of conserving energy used for lighting.

Thank you for your interest and your suggestions.

Sincerely,

RICHARD W. ROBERTS,
Director.

THE PALESTINIANS: THE REAL PROBLEM IN THE MIDDLE EAST GOES UNSOLVED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RARICK. Mr. Speaker, people the world over are prayerfully hoping that peace can be restored to that area of the world called the Middle East, with whatever concessions are necessary by all parties involved so that all people in that area can save face and live together in mutual respect and understanding.

Tragically, at this time the Palestinian people do not appear represented nor do they have a voice in any of the negotiations. Only those who understand the Palestinian and his ageless plight can understand the seriousness and the futility of any negotiated peace without including the Palestinians.

Those who followed the negotiated "peace with honor" in Vietnam will recall that not only were representatives of North Vietnam and South Vietnam included at the peace table, but also representatives of the Viet Cong and every other dissident splinter faction, a measure which was deemed advisable by our Government so that every aggrieved group participated in the final decision.

In considering a Middle East settlement without the Palestinian, we must remember that before the conversion of Palestine into Israel by unilateral action in 1948, the population of Palestine was 1,845,000, of which 1,076,000 were Arab-Moslem, 608,000 were Jews, and 145,000 were Arab-Christians, Arab-Israeli Dilemma by Fred J. Khouri, Syracuse University Press, 1968.

The 1969 census of Israel gives a population of 2,919,172 of which 2,496,438 are Jews, 314,580 are Arab-Moslem, 73,556 are Arab-Christians, and 34,598 are Druzes and others, Worldmark Encyclopedia of the Nations, vol. 4, 1971 edition.

Where did the Arab-Palestinians go? They are still in the Middle East where they can be expected to continue as an oppressed minority, convinced that they have been deprived of their land and their birthright—and now by action of all nations of the world.

I ask that a related news clipping follow:

[From the Washington Star-News, Nov. 1, 1973]

PALESTINIANS SEEN SHIFTING ON SEPARATE-STATE ISSUE

The Palestinian guerrilla command may be dropping its opposition to the idea of a separate Palestinian state, a switch that could help break the 25-year-old Middle East deadlock.

The development was hinted in Beirut press reports as the Palestinian command was meeting in the Lebanese capital in a summit of various guerrilla organizations as the executive committee of the Palestine Liberation Organization.

Chairman of the group is Yasir Arafat, who heads Al Fatah, the largest of the Palestinian organizations.

The news report yesterday quoted Arafat as saying the Palestinian movement "is on the threshold of a new stage that would require an historic decision . . . and I am confident that it is capable of finally coming out with such a decision."

The Pro-Palestinian newspaper Al Moharrer said that agreement had already been reached by all but one of the Palestinian groups on the executive committee after three days of what it described as "heated debate."

The paper said a majority of guerrilla leaders favored acceptance of a Soviet invitation to Arafat for Palestinian participation in an international peace conference on the Middle East, with the insistence that:

Israel withdraws from occupied Arab territory inhabited by Palestinians without "bargaining."

Palestinians living on the west bank of Jordan, The Gaza Strip and the Hamma Plains east of The Sea of Galilee—the southern part of the Golan Heights—will have "the right to self-determination."

The Palestinians also will "have the right to determine what kind of relationship they want with the east bank of Jordan," King Hussein's monarchy where 70 percent of the population is Palestinian.

The Palestinians had previously rejected a proposal by King Hussein to form a semi-autonomous Palestinian state on the west bank of the Jordan River, federated with his east bank kingdom under the Hashemite throne.

On the critical question of prisoners taken in the war, Syrian authorities said yesterday they would submit a list of Israeli prisoners of war in Syria to the International Red Cross. But Deputy Foreign Minister Abdel Ghani Rafei said Syria would only comply with the Geneva Convention on Prisoners of War if Israel also complied.

Rafei told a news conference Syria had two conditions: That Israel return the bodies of Syrians killed during the fighting and that Israel allow Syrians who fled their villages during the fighting to return.

Egypt has sent Israel a list of 82 Israeli prisoners, but a quick exchange is hung up on Egypt's demand that Israel withdraw from territories it took after the Oct. 22 cease-fire. Israel captured about 6,000 Egyptians and wants to exchange them for about 450 Israeli prisoners the other side took.

THE PROSECUTOR'S PREROGATIVE: INDEPENDENT AND IMPERVIOUS, OR PRESSURIZED?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, there appears to be much sentiment in Congress for the appointment of a special prosecutor by the chief judge of the district court. In the interest of the restoration of confidence in the Federal Government, the role of the special prosecutor should be strictly and unambiguously defined and guaranteed by law in order to assure impartiality and objectivity in investigations and prosecutions of Government authorities. Accordingly, I call your attention, Mr. Speaker, to a letter I received from a gentleman in San Francisco, Calif., who has set forth in reasonable terms what I consider to be some pertinent points to consider in the possible legislation of the appointment:

SAN FRANCISCO, CALIF.,
October 28, 1973.

I have noted with interest the news reports that the congress of the United States is indicating great interest in the establishment of a prosecutor's office which would be unentangled or pressurized either pro or con in its use of the subpoena and other court powers to investigate the administrative branch of the government.

I salute this progressive step only on the condition that the congress do no less for itself by also freeing the prosecutor to act at his whim and will in the same manner, free from pressure or entanglement, politically, in investigating alleged wrong doing on the part of any congressman or senator. And why not the same power to investigate the federal courts themselves?

I predict that any bill with amendments tacked on to it to add investigative and unbridled authority to a prosecutor investigating the congress . . . or the courts, as well as the administration, would die a sudden death in committee.

To state that it would be all right to have uncontrolled investigation of a main branch of our government . . . to wit: the administrative, and at the same time exclude the other main branches . . . the judicial and the legislative, must certainly cause the constitution to vibrate if not crash into pieces.

WILLIAM L. GREGORY.

EQUITY FUNDING CASE AND CONGRESSIONAL ACTION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HANNA. Mr. Speaker, the Equity Funding case now before the Federal Court for the Central District of California gives us a grim and awesome warning of the potential for computer frauds. It must be continually appreciated that all the tools of man are subject to abuse and may be used for evil as well as good. You can use the kitchen knife to slice the bread, but you can also use it to slay the breadwinner. You can use the computer to effectively convey facts, but you can also use it to conveniently confuse or cover the facts. In the Equity Funding case, it appears that the programers used the computer for these latter purposes.

In the words of the assistant U.S. attorney in the case:

> The Equity scandal involves probably the most substantial business fraud of the century, possibly in the history of this country.

It involves approximately one-half billion dollars in Equity's assets and more than $1 billion in allegedly phony life insurance policies. The dimensions of the fraud may exceed the Vesco, Billy Sol Estes, and IOS scandals all together.

Unfortunately, the list of stockholding victims include a number of colleges, public pension funds, churches and foundations. Each of them stands to lose a substantial percentage of its investment and to be tied to a long period of loss of liquidity, if it wishes to reduce its loss by obtaining devalued stock in the course of a reorganization. Since none of these entities pay taxes, their losses will be real and permanent. Each of the eleemosynary organizations affected will have its capacity to serve the public good reduced accordingly.

My expectation, Mr. Speaker, is that the realization of the full scope of the damage will raised demands for legislative action. And I am sure that these demands will be met by countervailing arguments from industry to do nothing at all. Our action should reflect an appreciation in Congress for this new type of sophisticated "white collar" crime. It should equally reflect the best efforts of our committee system and floor activity to hone an answer to the proper use of computers while discouraging to a maximum extent the recurrence of an Equity Funding type of fraud.

CONSERVE ENERGY—RESTORE DAYLIGHT SAVING TIME

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. DULSKI. Mr. Speaker, with increasingly higher estimates of the fuel shortage being revealed, Congress and the administration are trying to map out emergency plans for this winter.

Certainly, a broad spectrum of conservation measures is needed now as well as developing a long-range program to solve the energy crisis.

However, I believe that Congress could take a very simple step immediately to start the long journey toward sound energy policy.

As one of the sponsors of H.R. 7647, to provide that daylight saving time shall be observed on a year-round basis, I am even more firmly convinced than ever that we should institute this change without further delay.

Daylight saving time is an easy and proven method of conservation. We are all aware of the positive results in this country during the World Wars and in fuel-short Europe following the war.

Several of my colleagues already have pointed to the results of the Rand study indicating there would be a saving of half our estimated shortage for next year resulting from DST. We are also cognizant of the auxiliary benefits of increased traffic safety and decreased crime statistics.

At this point, I include the text of a very pertinent editorial:

> TIME TO SAVE ENERGY
>
> The impetus in Congress for conserving energy by adopting Daylight Saving Time throughout the year is one of several signs that the lessons pointed up by the Middle East war are at last being driven home.
>
> Western Europe, President Nixon observed in last week's press conference, "would have frozen to death this winter" unless the Middle East fighting had been brought to an early end. The United States, fortunately, is less vulnerable than Western Europe and Japan to the impact of embargoes or cutbacks of oil production by the Arab states.
>
> Even so, the folly of leaving the future economic life of the U.S. a potential hostage to the blackmail threats of Arab producers charges with fresh urgency the nation's search for ways to minimize the risks in excessive reliance for energy resources upon unstable foreign sources.
>
> This need not imply any cause for panic. We have time to find sound solutions for energy shortages, provided the nation does not delay the effort necessary for the development of fuel alternatives to gas and oil.
>
> The answer to our long-term needs lies in developing new energy sources. John A. Love, director of the President's Energy Policy Office, foresees no one single solution but rather a "group of pieces"—including coal conversion, shale oil, nuclear power and the Alaska pipeline.
>
> But until this massive research-and-development investment commitment can produce effective solutions, there must be a public readiness to restrain demand for energy supplies with an acceptance of what government officials call a new "ethic of energy conservation."
>
> An industrial society that has been profligate with its fuel supply, in an era of abundance when we were all lulled into complacency, now must discipline its wasteful practices. Shifting our life styles and economy demands a reassessment of the way we insulate our homes and offices, the efficiency we get out of our gas-guzzling cars, and in particular prudent restrictions on non-essential uses of electric power. To assure the most efficient use of diminishing fossil-fuel resources, State Public Service Commission Chairman Joseph C. Swidler calls for steps by the major gas and electric utilities to discourage excessive use of power by their major customers.
>
> A similar concern for saving electricity and the fuel it takes to generate it now has prompted congressional proposals for making Daylight Saving Time permanent. An extra hour of daylight at the end of the day, advocates contend, would achieve a substantial savings in winter energy needs. Year-round Daylight Saving Time served this purpose during World War II, when it was adopted by congressional action, and it has stayed in effect in most of Western Europe.
>
> The claims of opponents, that any fuel savings might be offset by such things as additional gasoline consumption for more daylight driving, are currently the subject of study by the Rand Corporation. Though the Nixon administration has taken no official position on a time change long opposed by farm groups, energy officials in the Interior Department lean toward giving experimental daylight saving time a reasonable test, along the lines of a Senate bill. Certainly the need is at hand to intensify present studies and give this potential energy-saving idea serious consideration.

Much more than year-round daylight saving time is need for a complete solution, of course, but there is no plausible reason why Congress cannot promptly pass the legislation for a simple, immediate, and cost-free way to begin to meet the energy crisis in a positive manner, in order that the energy savings can be realized this winter.

ANOTHER AFFRONT TO THE CONSTITUTION OF THE UNITED STATES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RARICK. Mr. Speaker, article I, section 6, clause 2, of the Constitution provides:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States .

The question posed is: Can Mr. Ford and Mr. Saxbe be appointed to the positions of Vice President and Attorney General of the United States?

Mr. Speaker, I include the full text of article I, section 6, clause 2, of the Constitution of the United States following my remarks:

> No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

CRIME CONTROL NO. 4

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, a gentleman has been insisting for several months that guns are responsible for thousands of deaths, and inserting in the Record examples to prove it.

I have already discussed the fact that guns cannot be responsible for anything, simply because they cannot respond. Now, I must call into question the attempted proof of the ghastliness of guns. Apparently the gun control lobbyists believe that the accumulation of case upon case in which guns have been used in the commission of crimes constitutes proof for their fundamental proposition: guns cause crimes. The silliness of this idea may be realized when it is recalled that observation of entities does not include observation of causes. The notion of cause must find its basis in a prior argument and not in observation. The conjunction of guns and crimes no more proves that guns cause crimes than does the conjunction of wet streets and cloudy days prove wet streets cause clouds.

Second, the argument of the gun control lobbyists ignores the fact that crimes, human deaths, and injuries are joined much more frequently with other things than they are with guns: bicycles, stairs, doors, cleaning fluids, tables, beds, football, swings, fuel, glass, lawnmowers, baseball, nails, baths, heaters, pools, ovens, basketball, chairs, cutlery, clothing, paint, chemicals, coins, and automobiles, if one may believe the U.S. Consumer Product Safety Commission. To select guns as the objects responsible for crimes and injuries is arbitrary and unwarranted.

Third, guns are used to stop and prevent crimes as frequently, if not more frequently, than they are used to commit crimes. The alleged proof of the statement that guns cause crimes fails completely. Guns do not cause crimes, nor are they involved in a large proportion of human injuries, nor are they used exclusively for criminal purposes. The argument fails to use logic and observation, and deliberately ignores examples of gun use that militate against its conclusion. In further articles in this series I will present counterexamples. These will serve to show the deliberate misrepresentation of the facts for which the gun control lobbyists are responsible.

URGENT NEED FOR LONG-TERM REHABILITATION PROGRAM IN THE SAHEL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. STOKES. Mr. Speaker, as chairman of the Congressional Black Caucus, I wish to share with my colleagues in the House a joint statement by the members of the caucus calling for increased U.S. aid to the drought- and famine-stricken countries of the West African Sahel.

I invite the attention particularly of those members serving on the foreign aid bill conference which seeks to reconcile the weaker Senate version, S. 2335, with the strong House version, H.R. 9360.

The statement follows:

URGENT NEED FOR LONG-TERM REHABILITATION PROGRAM IN THE AFRICAN SAHEL

The Congressional Black Caucus, concerned about the crippling effects of prolonged drought and famine in the West African Sahel, calls for a strong commitment by the U.S. Government to cooperate with international planning efforts to rehabilitate the area as rapidly as possible.

The six countries principally affected—Mauritania, Senegal, Niger, Upper Volta, Mali and Chad—have just concluded a summit meeting in Ouagadougou, capital of Upper Volta, to discuss long-term rehabilitation of the semi-desert zone. It is now vital that the United States continue to provide the leadership it has shown in the provision of relief food by leading the movement, in cooperation with the African countries, towards effective international coordination and planning on a regional basis in the Sahel. A long-term program of perhaps $1 billion over the next ten years will be required. It is imperative that aid donors assist the countries concerned in implementing their own priorities.

FURTHER RELIEF GRAIN SHIPMENTS

It is urgent that the U.S. Government make commitments for grain deliveries after October when the harvest is expected. Due to the prolonged continuation of the drought and the late arrival, uneven distribution, and periodic interruption of the rains, substantial food shortages are likely in the year to come, at least in certain areas. We urge the U.S. Government to take every precaution against food shortages and to commit grain and protein supplements with a margin of safety adequate to cover the inevitable underestimates which inadequate communications always produce.

The Caucus is not convinced that the preservation of human life and culture in the Sahel is of sufficient importance to the officials of the U.S. Government. In particular, we note with alarm that Portugal whose colonial policies in Africa are officially disapproved by the U.S. has been receiving $30 million worth of feed grain with which to build up a commercial dairy industry, in direct competition with the human needs of the Sahel. The Caucus opposes the diversion of food away from Africa to feed the animals of a colonial regime responsible for brutal repression in Africa. We demand that human life take priority.

CONGRESSIONAL ACTION

The House version of the Foreign Aid Bill contains a provision for $30 million in backing for reconstruction in the Sahel, which was introduced by Congressman Charles C. Diggs, Jr. The Senate Bill contains a weaker clause, without any specific commitment, and we consider it essential that the conferees agree to retain the House version. We appeal for letters to be sent immediately to Congressmen Morgan, Zablocki, Fascell, Mailliard and Frelinghuysen, and to Senators Fulbright, Case, Church, Aiken and Humphrey, urging them to retain the House provision for the Sahel.

In addition, we call on the responsible officials of the U.S. Government to give top priority to work out a long-term development program with (1) the six countries concerned and their permanent Interstate Committee; (2) the United Nations and its agencies involved in regional programming; and (3) other donor countries. We deplore the duplication and uneven concentration with resources in certain sectors and areas which ultimately unbalance the whole economy and environment of the region. We call for an integrated, carefully coordinated African Sahel Development Program.

We also support the appeal of the six Sahel countries for the rescheduling of their debt burden as an essential first step towards the recovery of their economies. We endorse their request for the financing of the dam projects designed for the conservation and efficient use of their water resources—projects which for years have been largely ignored by the donor community.

IMPLICATIONS FOR U.S. AFRICA POLICY

Due largely to the emerging interest in Africa among many communities in the U.S., the United States has become the major supplier of relief food to the Sahel. This relief effort should be supported by a generous appropriation to a development program and a genuine commitment to cooperation on a regional basis.

The disaster in the Sahel has brought home to us the ineffectiveness of U.S. aid to Africa. U.S. aid tends to be concentrated on the relatively prosperous States, where U.S. strategic interests lie; this is an untenable basis for an aid policy, which should be seen as an impartial expression of concern for and solidarity with the poorest areas.

In the long run, last-minute relief efforts are a huge and wasteful drain on U.S. aid resources. The airlift in Mali may have cost as much as the construction of an adequate road system, which has been repeatedly requested by the countries concerned; this would have ensured distribution of food in the years ahead. This painful lesson should lead U.S. aid officials to seek a new policy of anticipating food shortages, and planning ahead, in cooperation with international agencies, to provide the tools with which the countries themselves can plan their own development without major disasters like the seven-year Sahelian drought.

Development is, in the end, cheaper than emergency relief. Should the U.S. revise its aid policy for Africa on the basis of maximum development potential, it could, as a disinterested participant in the struggle for economic self-determination in Africa, avoid the malign neglect of current short-sighted foreign aid policies.

AMSTERDAM NEWS NAMES SARA SLACK AS NEW MANAGING EDITOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RANGEL. Mr. Speaker, I am pleased to report that the New York Amsterdam News, America's largest black weekly newspaper, has just named Sara Slack to the position of managing editor.

Sara Slack, formerly women's editor, has been with the newspaper for 17 years.

The Amsterdam News has earned a reputation for hard-hitting editorials, investigative reporting in the areas of narcotics, crime and community development, and excellent coverage of local events. The promotion of Ms. Slack to the post of managing editor is another sign of this newspaper's continued commitment to excellence.

FIRST AID OF TRANSIT

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. YOUNG of Georgia. Mr. Speaker, one of the most pressing issues facing the future life of the Nation's cities is one of mass transit. If our centers of urban growth are to survive, it is imperative that we take sound and rational approaches to the movement of citizens in these metropolitan centers.

The citizens of Atlanta, Ga., have for some time now made a commitment to plan and design a system of balanced transportation for its metropolitan community. Mr. Stephen Goldfarb, an instructor at the Atlanta University Center has written an informative digest of the effects of that work in Atlanta for the October 22, 1973, issue of the Nation magazine.

I commend it to my colleagues for their reading:

GETTING AROUND IN ATLANTA

(By Stephen Goldfarb)

ATLANTA.—It has been evident for a number of years that only drastic measures will revive mass transit in American cities. From 1950 to 1972 the number of revenue passengers carried by the country's urban systems dropped from 13.8 billion to 5.3 billion per year. Unlike automobile travel, which receives hefty subsidies from all levels of government, transit systems are for the most part expected to pay their own way. With only the fare box to depend on, they have fallen into a downward spiral of higher fares and poorer service and fewer riders. In an attempt to break even, some transit systems have stopped Sunday and holiday services altogether, and have severely reduced service at night. Since 1954, 260 transit systems have gone out of business.

A possible solution for this nearly desperate situation is suggested by the recent experience of Atlanta, Ga. Beginning on March 1, 1972, the bus fare in Atlanta was reduced from 40c with 5c zone and transfer charges to a flat 15c with free transfer. This decrease in fare generated a new patronage of 14 per cent in the first month, and 27 per cent a year later. Not all of the increase can be attributed to the fare reduction, for there has also been a substantial increase in the services offered. In addition to fourteen new bus lines and extensions on sixteen others, there have been ninety-one improvements of scheduling and eighteen route revisions. These changes have increased the number of annual vehicle miles by more than 30 per cent and required seventy-one additional busses.

This remarkable improvement in transit service was made possible by the creation of the Metropolitan Atlanta Rapid Transit Authority (MARTA) by the Georgia legislature in 1965 and the voting on a referendum in 1971 that increased the Georgia sales tax in Fulton and DeKalb Counties from 3 to 4 per cent. Two other counties in the Atlanta metropolitan area voted down the larger sales tax, and are excluded from both expanded service and the reduced fare, but the counties which did approve the increase comprise about two-thirds of the population of the metropolitan area, enough to put a slightly modified MARTA plan into operation.

The long-range goal of MARTA is the construction of 50 miles of rapid rail transit (Atlanta has none at present) and 14 miles of special connecting busways which, with future improvements in bus service, should put most people in the two participating counties close to some kind of mass transit. Of more immediate interest, however, is the fact that MARTA has been able to reverse the downward trend in ridership which has plagued most transit systems in this country. So far, the 12 per cent increase in ridership during the two daily rush hours has not made a dent in the massive automobile congestion, but optimists point out that the twice-daily traffic jam has not gotten any worse since the fare was reduced.

The 1 per cent additional sales tax is used in part to offset the deficit incurred by increased service and reduced fare, which has grown steadily from about half a million dollars in the first month to more than $1 million a month a year later. Figures for July 1973, the latest month for which they are available, show that the total cost of transit operations was $1,845,000, of which $760,000 came from fares and $1,085,000 from the sales tax. The 1 per cent sales tax, however, raised almost $4 million in the same month. The remaining income has thus far gone to pay MARTA's third of the purchase of the old Atlanta Transit System and for 125 new air-conditioned busses (another 365 are on order), with the Urban Mass Transit System paying the other two-thirds. The capital cost of the projected rail-busway system is so great—now estimated at more than $1.3 billion—that even with the federal government paying 80 per cent (its new matching figure), MARTA will have to issue bonds for its share.

As it now seems certain that there will be no federal funds available for the operating expenses of mass transit, a sales tax is perhaps the country's only practical recourse in the present urban transportation crisis. Neither state legislatures, dominated as they usually are by rural constituencies and highway interests, nor the financially troubled cities can be looked to as possible sources of operating funds. Although a few American cities and counties now provide some operating subsidies for mass transit from various tax sources, most of these subsidies are on a year-to-year basis and subject to stiff competition from other vital community needs. The Missouri legislature has in recent weeks levied a sales tax to bail out the near-bankrupt Bi-State Transit System in St. Louis.

It appears from Atlanta's experience of the last year that any metropolitan county in the United States, by levying a 0.5 per cent sales tax on itself, could generate enough income not only to reduce the mass transit fare to, say, 25¢, but also to improve the service substantially. Unlike Atlanta, most large cities already own their transit systems and many have some rapid rail service. With a new source of income, not tied to the whims of either city, state or national governments, a transit system could attract new riders in impressive numbers. That it makes good sense to do so is obvious from a glance at the urban transportation problems that prevail. On a passenger-mile basis, mass transit uses only a fraction of the fuel and creates only a fraction of the pollution that the automobile does. A new air-conditioned, diesel-powered bus carries from twenty to forty times as many passengers during rush hours as does the average automobile, and uses only three times as much fuel. Moreover, a properly tuned diesel engine emits far less pollution than does a gasoline-powered automobile. A beefed-up transit system also takes the steam out of plans for new highways and the widening of streets. The recent defeat of the Stone Mountain Tollway in Atlanta, for instance, was due in part to a rail transit line which is slated to be built near the right-of-way of the proposed highway.

The most obvious criticism of the approach to mass transit is the regressive nature of the sales tax. However, given the loophole-infested federal income tax, a sales tax that excludes food and prescription drugs, which is the case in many states though not in Georgia, may not be as bad as once thought. For a family with a near-poverty take-home income of $5,000, the additional annual tax would be less than $15. If just one member of this family used mass transit to commute to work and the fare dropped from 40¢ to 25¢, the annual savings would be $60 (30¢ times 200 workdays).

For the middle-income family with a take-home pay of $10,000, a good mass transit system can make the difference between owning one car or two, if one of the members can commute by bus. The annual tax burden on this family created by the 0.5 per cent increment in the sales tax would be between $25 and $35, a sum that would not even pay the insurance on a second automobile. Those whose incomes are large enough for the cost of transportation not to be a consideration would ultimately benefit from fewer cars on the streets and freeways and the resulting reduction in pollution.

At present, MARTA is trying to attract the more affluent away from their automobiles. Many of the new lines extend to suburban areas which previously had no transit service. (Due to the creation of two new lines, it is now possible to ride 57 miles for 15¢, changing busses once with a free transfer—which must be the best bargain around these days.) The recently purchased air-conditioned buses, adorned with MARTA's logo of three brightly colored stripes, have given the transit system a certain flair, though the ridership remains overwhelmingly lower income. Whether the middle- or upper-income groups can be attracted away from their cars remains to be seen, but they are, through their payment of the sales tax, making a contribution to mass transit in Atlanta whether they ride on it or not.

CAN MR. NIXON GOVERN?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RANGEL. Mr. Speaker, for the last 6 months the Nation has been in the midst of a constitutional crisis brought on by President Nixon's refusal to give up the Watergate tapes. In the end, after the Nation responded with a flood of mail and telegrams never before experienced, he released the tapes. Does Mr. Nixon thrive on confrontation and crisis for its own sake? Is there the possibility, ever more apparent with each new shock, now that we are told that the tapes never existed in the first place, that Mr. Nixon is really unable any longer to govern because of his loss of credibility?

A column by Joseph Kraft appeared in the Washington Post October 5, 1973 addressed these questions and presents an answer for our Government's current paralysis.

CAN MR. NIXON GOVERN?

(By Joseph Kraft)

By turning the White House tapes over to Judge John Sirica, President Nixon has brought himself—and the country—a breathing spell. The congressional and judicial pressures against his authority are now slightly eased.

But whether he can continue to govern abides as a question. Everybody will still want to think seriously about the possibility of using the present circumstance to organize the retirement of Mr. Nixon in favor of a person capable of giving the country more dependable and steady leadership.

To be sure, the turning over of the tapes is a great relief. It proves that the combination of pressure from the public, the Congress and the courts can force even the most powerful and resolute official to back down.

It also shows that the country is not beyond shocking. There are developments—and the firing of Special Watergate Prosecutor Archibald Cox is one of them—so repugnant that they set in motion a tidal wave of opposition. The taste for freedom and the bias toward constitutional government are not dead in this country. We have proved worthy of the founders.

Still the tapes comprise only a narrow part of Mr. Nixon's troubles. Few knowledgeable people believe that they can resolve anything in an unambiguous way. Many savvy persons felt that all along the President was using them as a device to foil investigation of other more important matters.

So there remain some immediate problems associated with the Watergate investigation. The most pressing by far is the need for an independent prosecutor. Mr. Cox was clearly on the trail of highly explosive material pointing toward criminal action by the President himself, his friend Charles Rebozo and several of his closest political associates.

The Justice Department, which is under the President's orders, cannot possibly conduct an investigation that inspires public confidence. It is surprising that Assistant Atty. Gen. Henry Petersen, who is now in charge of the case, could, of all people, imagine otherwise. For Mr. Petersen is himself a witness in the case and is particularly sensitive to the problem of conflict of interest. There is simply no substitute for an independent prosecutor—preferably Mr. Cox himself. So the incipient moves in the Senate to establish that office will surely go forward.

More important, there is the question of Mr. Nixon's general standing in the country. The effort to stamp out Mr. Cox shows that the President and his praetorian cohorts under Gen. Alexander Haig have lost touch with public opinion.

In the first two days after the Cox firing, Western Union reported some 72,000 telegrams to the White House. The majority was apparently running heavily against Mr. Nixon. While there is no breakdown from the White House, the flow to House Speaker Carl Albert is suggestive. Of the first 156 wires that came to his office, all called for ouster of the President.

Mr. Nixon was not even in touch with the thinking of his own party. Hours before the President decided to turn over the tapes, Bryce Harlow of the White House staff met with the Republican Caucus in the House of Representatives. Hardly any members were prepared to stand up for the President. The one resolution offered called on the President to rescind the order firing Mr. Cox and to comply with the orders of the court.

Partly because he was out of touch with opinion. Mr. Nixon for the last six months has been leading the country at a dizzying pace over a staggering course of crazy developments. Time and time again he has been driven to the brink of crisis. Our standing in the world has been diminished as a result, along with respect for authority in this country. And for what?

Not certainly because of the tapes. That issue could have been settled months ago. The hard issue, the issue that will not drown is the apparent involvement of the President and his closest associates in the various scandals with Watergate. Either Mr. Nixon has something to hide, or he likes confrontation and crisis for its own sake.

In any case, there is now no rapport between the President and moderate opinion in the country. Mr. Nixon can only stumble for the next three years. So it would be a blessing for all of us if a way could be found—perhaps through the continuing vacancy in the Vice Presidency—to drive a bargain whereby Mr. Nixon withdrew to make room for some other leader.

REPLY TO THE PRESIDENT'S VETO MESSAGE ON THE WAR POWERS RESOLUTION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ZABLOCKI. Mr. Speaker, the President's veto message of the war powers resolution (H.J. Res. 542) made several unfounded assertions resulting in serious questions and some confusion.

As you well know, Mr. Speaker, the war powers resolution is first and foremost an effort to reaffirm the prerogatives of Congress—of restoring the balance intended by the Founding Fathers in the awesome decision to send our sons to war. We submit that the war powers resolution does that responsibly and legally.

Chairman MORGAN and I have prepared a reply to the misleading and unfounded assertions in the President's veto message. The memorandum was sent to our colleagues for their careful review and consideration.

In view of the wide interest in this legislation, I include the reply to the President's veto message on the war powers resolution at this point:

REPLY TO THE PRESIDENT'S VETO MESSAGE ON THE WAR POWERS RESOLUTION

In the President's veto message on House Joint Resolution 542, the War Powers Resolution, a number of assertions are made about the legislation which require reply. This statement is intended to answer criticisms made in the October 24, 1973, message and to provide an accurate description of the purpose and effect of the War Powers Resolution.

VETO ASSERTION. The Founding Fathers, acknowledged the need for "flexibility" in meeting national security contingencies, through close cooperation of the Congress and President. The War Powers Resolution violates those principles.

REPLY. "Flexibility" has become a euphemism for Presidential dominance of war powers. The Founding Fathers decreed that only Congress could commit the nation to war and that the President, as commander-in-chief, was to be first among the generals and admirals. In recent years Presidents have in practice illegally arrogated to themselves more and more authority. Congress therefore believes it necessary to pass war powers legislation which establishes a procedure for the close cooperation of the two branches consistent with the Constitution.

VETO ASSERTION. House Joint Resolution 542 "I believe is unconstitutional" because it would "take away . . . authorities which the President has properly exercised under the Constitution for almost 200 years."

REPLY. Section 8(d)(1) of the measure states that the resolution is not intended "to alter the constitutional authority of the Congress or the President . . ." At the same time, under article I, section 8 of the Constitution, Congress has the power to make laws "necessary and proper" for carrying out all powers vested in the government, including those of the President. H.J. Res. 542 does not purport to affect the President's constitutional authority—only to establish a procedure for its legitimate exercise.

VETO ASSERTION. H.J. Res. 542 is unconstitutional because it provides that Congress may require the President to disengage troops from an unauthorized commitment through the passage of a concurrent resolution, an action which does not normally have the force of law.

REPLY. Many legal and Constitutional scholars have endorsed the use of a concurrent resolution as being Constitutional. It is a logical way for the Congress to pass judgment on a commitment not authorized by Congress.

The President can secure advance authorization for a commitment only if a majority of both Houses approve his request.

If he makes the commitment without getting authorization in advance, the ability of a majority of both Houses to pass judgment should be maintained, not diminished.

It makes no sense to give the Congress less control over war powers simply because the President makes a commitment without first securing approval. Yet, that is the effect of the above veto message assertion. Under it, the Congress could force a President to disengage forces from hostilities outside the U.S. only by overriding his veto, which means mustering a two-thirds margin—not just a simple majority—in both Houses.

VETO ASSERTION. H.J. Res. 542 would "undermine this nation's ability to act decisively and convincingly in times of international crisis," and thereby increase the likelihood of miscalculation and war.

REPLY. The measure in no way restricts the legitimate authority of the President to respond to crises. For example, it would *not* have hindered the President in any way from following precisely the course he pursued in obtaining the recent Mideast cease-fire, the U.N. peace-keeping force and the new peace initiative. It simply provides that if the President commits U.S. armed forces to hostilities in a crisis, he may do so for a maximum of 60 days—and must have Congressional approval if he wishes to extend the commitment beyond that time frame. As a practical matter, miscalculation and war are less likely to occur when the Congress and President *jointly* participate in decisions of war and peace, rather than when the President acts alone.

VETO ASSERTION. If H.J. Res. 542 had been in operation, the United States could not have responded as it did during the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation of 1964, or the Jordanian crisis of 1970.

REPLY. The assertion is patently false; if H.J. Res. 542 had been in force, the U.S. response in those crises would not have been affected. Since neither the Berlin nor the Jordanian crises involved direct introduction of U.S. troops into hostilities, only the consultation and reporting provisions of the resolution would have applied. The Cuban crisis and Congo rescue operations did carry clear dangers of imminent hostilities, and in those instances the termination provisions of the War Powers Resolution also would have applied. However, since both operations lasted less than one month, the President would have been acting well within the time parameters set by the legislation.

VETO ASSERTION. Peace might be delayed if a future adversary stalled serious negotiations believing that Congress would allow the 60-day period to terminate.

REPLY. In the unlikely event of such a situation, the President need only inform Congress of the adversary's strategy and it could act quickly to provide him with sufficient additional time to convince the other side to come to the conference table.

VETO ASSERTION. Existence of a deadline could lead to an escalation of hostilities in order to achieve certain objectives before 60 days.

REPLY. This argument assumes acts of irresponsibility and abuse of authority by future Presidents for which there is no model in American history. If a future Chief Executive is irresponsible or irrational in his conduct, he will be so whether or not there is a War Powers Resolution in force. Moreover, the existence of the established procedures provided for in the Resolution might well help restrain an irresponsible President from even greater excesses.

VETO ASSERTION. The resolution "would strike from the President's hand a wide range of important peacekeeping tools by eliminating his ability to exercise quiet diplomacy backed by subtle shifts in our military deployments."

REPLY. This criticism indicates a startling lack of knowledge about H.J. Res. 542. The legislation would require consultation and reporting on important military peacetime deployments, but the termination provisions in the measure would *not* apply. Thus, any authorities presently exercised by the President in peacetime deployments of U.S. armed forces would be unaffected by the measure.

VETO ASSERTION. H.J. Res. 542 would "cast into doubt" Presidential authority for humanitarian relief missions in conflict areas, protection of fishing boats, anti-hijacking actions and response to threats of attack.

REPLY. A careful reading of the legislation would not raise such doubts. No authorities exercised by Presidents in the situations delineated would be infringed. H.J. Res. 542 does not define specific contingencies under which the President may act. Only when he responds by sending U.S. armed forces into hostilities or situations of imminent hostilities do the termination provisions apply.

VETO ASSERTION. Section 8 of the War Powers Resolution contains a "prohibition" against fulfilling U.S. obligations under the NATO treaty.

REPLY. Section 8 contains no such "prohibition"; rather, it contains specific reference in Section 8(d)(1) that the legislation is not intended to alter "the provisions of existing treaties." Moreover, Section 8(b) specifically permits U.S. participation in joint exercises with other NATO members. The resolution concurs with the position of the Department of State that the NATO treaty and other mutual security agreements are not self-executing in their provisions but require Congressional approval for commitments of U.S. armed forces into combat made pursuant to their provisions.

VETO ASSERTION. "The bill is somewhat vague as to when the 60-day rule would apply."

REPLY. The application of the 60-day limitation refers to the physical introduction of United States Armed Forces into hostilities or situations of imminent hostilities. Once the troops have been so introduced, the President has 48 hours to provide Congress with a report on the situation. Sixty days after the report is submitted or is required to be submitted, the use of U.S. forces must terminate unless Congress has, in the meantime, declared war or otherwise approved the commitment. Since the provisions of the resolution are triggered by a specific, tangible act by the President—i.e., introduction of troops into hostilities—there is little chance of confusion.

Veto Assertion. H.J. Res. 542 fails to provide for "positive Congressional action" to force the President to disengage troops which he may commit to combat. Congressional inaction could force disengagement of troops.

Reply. If "positive Congressional action" is required to force disengagement of U.S. troops committed by the President, then it follows that "positive Congressional action" is required to introduce troops. Any other interpretation would distort the Constitutional mandate that only Congress can declare war. There can be no war unless Congress declares it; similarly there can be no commitment of U.S. forces beyond 60 days unless Congress approves it.

Without a doubt, a resolution of approval or disapproval of U.S. troops committed by the President would be introduced. The provisions of H.J. Res. 542 require an "up and down" vote on such resolutions within a 60-day period. In addition, H.J. Res. 542 contains anti-filbuster priority provisions. Finally, special provision is made for situations in which House and Senate versions differ.

When one considers the public pressures which would be on Congress to act in a crisis situation, the assertion of Congress "handcuffing" the President by "doing nothing and sitting still" is ridiculous.

FREEDOM OF CHOICE FOR VITAMIN USERS

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. WON PAT. Mr. Speaker, on Wednesday, I had the privilege of testifying before the House Subcommittee on Public Health and Environment in support of legislation introduced by Congressman Craig Hosmer, many of our colleagues and me. The measure in question would reverse the Food and Drug Administration's ill-advised regulations controlling the use of vitamins.

As one who feels he has personally benefited from the use of food supplements, I believe that it is my right to use whatever type or amount of vitamin I regard as necessary, in lieu of data proving the possibility of harm to the user.

Because this issue has generated considerable interest in many segments of our society, I request that my statement before the subcommittee be inserted in the Record at this time for the information of my colleagues.

Statement of Antonio B. Won Pat, M.C.

Mr. Chairman and members of this Subcommittee, I hereby express my support for H.R. 643, the Food Supplement Amendment of 1973 which I have cosponsored, as the key legislative measure before the Congress in opposition to the FDA regulations limiting the potency and availability of food supplements to the American people. The regulations, which represent a major setting of standards of identity for hundreds of vitamin and mineral products, may be illegal and are certainly beyond the intent of Congress in any section or provision of the Federal Food, Drug and Cosmetic Act.

I view the massive FDA rulings as an overdose of bureaucratic specifics imposed upon an agency and an industry already overburdened with unmanageable regulations. Recently saddled with an apparatus in drug investigations leading to a virtual standstill in new drug entities, the FDA is apparently determined to produce a similar immobility in food supplement formulations. This invasion of privilege in common dietary practices of millions of Americans is not only an unnecessary restriction on private behavior, but also constitutes government control of human activity in an area where the benefits may be high and the risks relatively low. There are few adults today whose safety is in peril because of their use of vitamin and mineral supplements or of any of the standard health foods.

Assuming the FDA/AMA arguments for the daily requirements of nutrients are technically valid, the rulings made regarding these nutrients are unduly restrictive. Why should we put a relatively small industry, or at least the small business sector of it, through refinements in formulations that exceed scientific, medical and nutritional knowledge concerning such refinements? And why should we impose restraints on self-determination in the use of food supplements, when it is a fact that deficiencies in some vitamins and minerals exist in the diets of millions of Americans in many parts of the country? If government is not prepared to control the excessive intake of common foods which cause most of the nutritional and degenerative diseases in the country, why is it so bent on controlling nutrients which are rarely mentioned as leading causes of ill-health and mortality among our people?

The intervention of government in the food supplement market may do a great deal more harm than good. The millions of individuals who rely on vitamins, minerals and other special foods in self-treatment are generally health-oriented people whose dietary practices are only a part of the regimen they follow in preventing disease. Most of them do not smoke or drink alcoholic beverages, nor do they use tea, coffee or large amounts of refined sugars. They engage in sensible exercise and other good "preventive medicine" practices. On the whole, they represent a healthy portion of the population, thus reducing the demand for health care services on a system currently saturated with the burden of medical service demand. By removing the food supplement and dietary cornerstone of the millions of people engaged in good health beliefs, we may, by government fiat, be adding substantially to the population of indulgent Americans who frequent the office of doctors for a "quick fix" from the prescription pad. A scientifically and medically advised consumer protection agency, admittedly concerned with our drug-oriented culture, would do well to concern itself more with the safety and efficacy of such drugs as prescribed by the pharmaceutical-medical complex, and less with what kind and how often our citizens are adding supplemental vitamins to their daily diet.

I believe the rulings and compliance in the area of potent pharmacologic agents is a matter of first priority for FDA and far too important for it to be diluting these efforts by unnecessary and confusing regulations concerning health foods and food supplements. I therefore fully support H.R. 643, which would prevent the FDA from imposing standards of identity and labeling on food supplements unless demonstrated to be harmful in amounts recommended on truthfully labeled food supplement packages.

UNJUSTIFIED SMALL AUTO PRICE INCREASES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. VANIK. Mr. Speaker, in recent months I have been pointing to the vital necessity of designing gasoline efficiency into the American automobile. Recent events in the Middle East have illustrated to us how tenuous our supply of crude petroleum really is. With declining domestic production, we have become increasingly dependent on the narrow and self-serving interests of the Arab States. Seen in this light, efficient automobiles have become a fundamental issue in our own national security. Let us look at some serious facts.

THE OIL SUPPLY CRISIS

Total known reserves of crude oil in the United States—including offshore and Alaskan oil—are about 44.4 billion barrels. With our present consumption of 3.5 billion barrels a year, these reserves would be exhausted by about 1983. If demand does not stay at present levels, but instead grows at historic rates, our reserves will be gone by 1981. Admittedly, these projections follow from an overly pessimistic assumption—that we will discover no more domestic oil. But even if we include new discoveries based upon past rates, we will be pumping our last barrel of petroleum sometime before 1990.

Clearly, we will need to rely increasingly on other countries to supply our burgeoning demand. Mexico, for example, has known reserves of 5.5 billion barrels. Canada possesses 9.9 billion known barrels, and Central and South America show known reserves of 23.3 billion barrels. However, the region best in a position to supply our future needs will be the Middle East. The small countries of the Middle East are sitting on over 67 percent of the world's proven oil reserves.

The United States is not alone in its search for petroleum. In the years ahead, competition for available supplies will intensify. Western Europe and Japan are already heavily dependent on imports for their petroleum supplies. In addition, other rapidly developing countries—India and Chile are examples—will increasingly enter the world market in search of oil. As the result of these changes, the world petroleum market has already shifted from a "buyers" market to a market in which sellers hold the dominant power.

Beyond this unmistakable movement to a monopoly market in oil lies the difficult problem for the United States of massive dollar outflow from increased reliance on petroleum imports. Although estimates vary widely, it is clear that our trade deficit in oil will reach the neighborhood of $10 billion annually by 1980 and will likely be over $25 billion each year by 1985. The bulk of this money will end up in small countries with narrow, undiversified economies. This tremendous liquid balance of dollars in the hands of a few self-interested politicians presents a most grave threat to world economic stability and our own national security. Last winter, we got a brief glimpse of the havoc these dollar reserves could play in the orderly pattern of international monetary flows. By dumping their reserves on the world money markets, the leaders of the oil states can manufacture a crisis of confidence in the dollar and throw our tenuous international monetary system into turmoil.

REASONS FOR CRISIS AND THE NEED FOR CONSERVATION

This crisis, although international in scope, has its roots in our own lack of foresight in energy planning. To find a way out of this dilemma we need to buy time—time which can be spent finding ways to exploit sensibly our available domestic energy supplies: petroleum, coal, oil shale, geothermal and solar energy. We need time also to evaluate our own extravagant consumption of energy. With only 6 percent of the world's population, we consume over one-third of the world's energy. What is perhaps more significant, we waste between a quarter and a third of all the energy we consume. In short, we waste more energy in 1 year than most countries in the world actually consume each year.

These facts boil down to one inescapable conclusion: The energy joyride is over. We must begin now to cut back our inflated energy demand by discovering more efficient ways to use our energy. Cutting back on our energy waste will not only buy us time to recover from our past mistakes but also will prepare our country for the inevitable changes ahead as the world petroleum supply disappears. The now defunct Office of Emergency Preparedness estimated in a report issued 1 year ago that the Nation could conserve 7.3 million barrels of crude oil a day by 1980 through a comprehensive program of energy conservation. This represents a savings of over 40 percent of our present crude oil consumption.

THE NEED FOR MORE EFFICIENT AUTOMOBILES

The best place to initiate an effective national conservation program is the automobile. A recent study by the Department of Treasury has estimated that the automakers in Detroit can manufacture automobiles which by 1980 will realize a savings of over 2 million barrels of crude oil a day by 1980. This task can be accomplished through the application of present technology and need not result in a sacrifice of comfort, safety, or emission control. However, recent actions by Detroit have led me to conclude that the manufacturers are not, as yet, committed to achieving this goal.

Accordingly, I have introduced legislation with Senator Frank Moss of Utah to establish an excise tax on all new automobiles which fail to obtain a certain level of fuel economy and efficiency. The level of the tax would be determined by the fuel economy of the vehicle. This legislation is needed to create an incentive for the automakers to design efficiency into their automobiles. Without a serious sustained commitment to automobile efficiency today, the industry—as well as the American economy—is likely to suffer from severe dislocations as our petroleum supplies dwindle.

AMERICANS WANT A SMALL, EFFICIENT AUTO

Recent news reports have detailed the shifting preferences of the American car buyer. Detroit claims to be meeting this need with the production of more smaller cars. Yet, a more complete examination of the facts illustrates that Detroit's response is more "PR" than substance.

The automakers are committed to profits. Traditionally, Detroit has maximized profits by producing large cars loaded with optional equipment. The small-car market and the export market have received only token attention by the Big Four. However, increasing shortages of petroleum will reinforce and accelerate the demand for safe, clean, and efficient automobiles. In making adjustments to meet this demand, Detroit must reappraise its design and marketing strategies.

Unfortunately, the manufacturers have thus far failed to supply the American consumer with a satisfactory selection of efficient automobiles. By following their past avenues to profits, the managers in Detroit have saddled the economy-minded car buyer with small cars which are neither safe, comfortable, nor particularly efficient. Let us look more closely at the time-tested tactics of Detroit impeding the supply of compact manufacturers from fully meeting the demands of the American market.

One. The "tradeup" strategy: Automakers are fearful of "locking in" their customers to smaller, less luxurious, and less profitable automobiles. To avoid this effect, automakers continually invite their customers to "step up to a wide track." Apart from advertising, the automakers encourage this movement from less profitable to more profitable automobiles in more subtle ways. First, they may consciously limit the appeal of their smaller models. This end is accomplished primarily by limiting the availability of optional equipment on their smaller cars. For example, according to Business Week magazine of March 29, 1969, when Ford first introduced the Maverick there was a decision to offer just 15 options—power steering and power brakes excluded:

> A relatively spartan auto, it is hoped, won't attract the Mustang customer, who likes his cars flashy, and loaded with gadgets. But austerity is bad for profits, since optional equipment, relatively insulated from competitive price shopping, is a powerful money earner.

Second. Making optional equipment standard once an irreversible market for smaller cars developed. Because of the earning power of optional equipment, there has been an increasing emphasis on gadgets by Detroit. Hidden headlights, rear window defrosters, airfoils, all are nonessential equipment that Detroit has attempted to standardize in the design of their cars. In addition, there is an increasing tendency to "package" optional equipment. One-half of the new 1973 models came equipped with vinyl roofs at a cost of around $125 apiece. Over 70 percent are equipped with factory-installed air-conditioning with an added cost of $360 per car. This emphasis on optional equipment is in reality an attempt to counteract the widening trend toward smaller, less profitable cars in the American market. As the First National City Bank has noted—

> The key to successful profit performance . . . is options.

Third. Increasing the weight of established models. Another way for Detroit to increase profits is to increase the size and weight of their established model. The Environmental Protection Agency documents this trend in the Chevrolet Impala: In 1958 the car weighed 4,000 pounds; 14 years later, it had ballooned to 5,500 pounds.

Fourth. Limiting the number of small cars to dealers. Whether by conscious decision or simple mismanagement, the fact remains that Detroit is unable to supply American car buyers with enough small cars. In July, my staff and I conducted a market survey of automobile dealers in the Cleveland, Ohio, area. The results of this survey, reprinted in the Record of August 3, 1973, page 28362 clearly demonstrate the unavailability of small cars among the dealers sampled. Typically, fewer than 10 compacts or subcompacts were available at any one dealership. Waiting periods for these cars ranged to a month and even longer. Meanwhile, the dealer was overloaded with intermediate and full-sized models. The implication is clear: An economy-minded car buyer, unable to tolerate a 4- to 6-week waiting period, is forced to compromise on a larger automobile.

Fifth. Bulging the small car price tag. As a final outrage my staff and I have uncovered abuses by Detroit in the application of price increases recently authorized by the Cost of Living Council. Quite simply, average price increases were applied unevenly so that small cars suffered the highest increase in price, while the price tags of larger models increased only slightly. I will detail more completely this latest manuever by Detroit.

This latest marketing strategy came to light after my staff and I studied the Cost of Living Council's ruling on price increases for 1974 models. We conducted a survey of the base prices of 1973 and 1974 models in the Cleveland area.

During the 1973 model year, the Big Four sold more cars than in any other year since the automobile was invented. Profit figures have mirrored this boom. For example, General Motors experienced profits of $267 million for the third quarter of this year. This is over twice the profits for the same period last year. Despite this rosy profit picture, the automakers pushed for more price increases—increases that would ultimately cost the American consumer over $1 billion.

The Cost of Living Council has the obligation of screening these applications and obtaining a diversity of viewpoints in open hearings. But instead of well organized open hearings, the CLC—through some shrewd maneuvering of its own—provided only a 1-day announcement of the meeting. With such a calculated short notice, it is not surprising that the only witness to challenge the auto industry's claims was a Ralph Nader associate.

Not unexpectedly, the auto industry based their claim for price increases on new governmental pollution and safety standards. Following this reasoning, the add-on cost for each car should have been more-or-less similar. For this reason, the CLC authorized an average increase of $74 for GM, $74 for Ford, while Chrysler and American Motors both received a bit less.

But my market survey shows that the automakers took advantage of the CLC ruling—and exploited the key word "average"—to increase inordinately the price of their smaller cars. As the table below illustrates, the burden of the increase fell on that segment of the market that has shown the liveliest growth—the market for smaller more efficient and cheaper cars. For example, while the Chevrolet Vega increased $281.90, the price of an Impala increased by only $50.90. With these results, I am left to one conclusion: Detroit has manipulated the CLC ruling to bolster their profits in the small car market. In fact, their motivation for initially seeking the increase was false and misleading. I have written a letter to CLC Director John Dunlop requesting his staff to investigate this wanton violation of the intent of his agency's ruling.

The automakers have a moral responsibility to prepare the American people for the inevitable changes ahead. As a nation we can no longer afford the luxury of inefficient, overpowered automobiles. The move toward smaller cars—much heralded by Detroit as evidence of their good faith in meeting our Nation's transportation and energy needs—is an illusion. Detroit's present tactic of gouging the economy-minded auto buyer—by inflating small car prices, limiting their availability, and dampening their appeal—reveals a shallow commitment by the automakers to the genuine needs of the American people.

There is going to be no easy path out of our energy dilemma. Shortages will occur this winter and again next summer. Detroit, however, has the capability of providing the Nation with answers for the future. This is a challenge unparalleled in the history of American industry. To insure that Detroit considers and meets this challenge, the Vanik-Moss bill, which is cosponsored by 39 of my colleagues in the House, will create a profit incentive for efficiency.

Using existing technology, Detroit can manufacture automobiles which have all the qualities of comfort, safety, and efficiency. Up until now, however, there has been little incentive for the automakers to maximize the operating efficiency of their product. A graduated excise tax, as I have proposed, will insure that the transitions that must be made will be accomplished with a minimum of disruption to the industry, the workers, and the American economy as a whole.

The table follows:

LIST PRICES OF 1973 AND 1974 CARS

	1973	1974	Increases
General Motors:			
Chevrolet:			
Vega	$2,060.00	$2,341.90	$281.90
Vega wagon	2,285.00	2,472.90	187.90
Impala	3,726.00	3,776.90	50.90
Impala wagon	4,171.00	4,190.40	19.50
Oldsmobile:			
Omega 2D	2,664.70	2,814.70	150.00
Omega 4D	2,692.70	2,842.70	150.00
Delta 88 2D	4,177.05	4,189.05	12.00
Delta 88 4D	4,238.00	4,250.05	12.00
Ford Motor Co.:			
Pinto	2,021.00	2,292.00	271.00
Pinto wagon	2,343.00	2,543.00	200.00
Maverick	2,248.00	2,441.00	193.00
LTD	4,001.00	4,083.00	82.00
LTD wagon	4,515.00	4,615.00	100.00
American motors:			
Gremlin	2,161.00	2,222.00	61.00
Hornet 2D	2,363.00	2,423.00	60.00
Hornet 4D	2,407.00	2,463.00	56.00
Hornet wagon	2,740.00	2,764.00	24.00
Matador 2D	2,996.00	2,996.00	0
Matador 4D	3,017.00	3,061.00	44.00
Matador Brougham	3,060.00	3,214.00	154.00
Chrysler-Plymouth:			
Dodge:			
Dart 2D	2,467.00	2,597.00	130.00
Polara 2D	4,317.00	4,495.00	178.00
Plymouth:			
Valiant 2D	2,499.00	2,673.00	174.00
Valiant Duster	2,428.00	2,563.00	135.00
Fury II 2D	3,747.00	3,792.00	45.00

BASE PRICE FOR IMPORTS

Fiat: 128 2D sedan	$2,343.00	(1)	(2)
Datsun: 610 2D sedan	3,200.00	3,200.00	0
Toyota: Corolla S1200	2,044.00	2,145.00	$101.00
Mazda: Rx3	3,295.00	(1)	(3)

(1) Not available until January 1974.
(2) Dealers feel a $100 to $300 increase.
(3) Dealers feel a $25 to $30 increase.

EMERGENCY MEDICAL SYSTEM USES NASA TECHNOLOGY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. TEAGUE of Texas. Mr. Speaker, combining space developed technology with down-to-earth needs continues to be an important contribution of our national space effort. A recent NASA press release describes an emergency medical unit now in use in Houston, Tex., which is helping to save lives through aerospace technology. I am including this NASA press release to alert my colleagues and the general public to the possibility of utilizing this technology throughout the United States:

NEW EMERGENCY MEDICAL SYSTEM USES NASA TECHNOLOGY

A compact, 18-kilogram (40-pound) medical unit containing essential equipment to help meet a victim's diagnostic and therapeutic needs at the scene of an emergency—including two-way voice and telemetry communications—has been developed by SCI Systems, Inc., Houston, based in part on technology derived from NASA's manned space flight program.

Called Telecare, the ambulance-stored unit permits trained emergency medical technicians to administer prompt, professional care under radio supervision of a physician who may be miles away in a hospital emergency room or even in his office.

It is during the first critical minutes after arrival of a rescue squad at the scene of an emergency that quick, accurate diagnosis and therapy prescribed by a physician can be instrumental in saving a patient's life—particularly cases involving heart attacks, shock or drowning.

The overall concept of the system brings together six major elements to cope with medical emergencies: trained personnel, diagnostic and therapeutic equipment for use in the field, communications, vehicles, physicians and hospital facilities.

The Telecare unit is a key component of the total system. Despite its suitcase-size it contains the following equipment—brought together for the first time in a single portable package:

A respiratory resuscitation system,

A 15-minute oxygen supply contained in a lightweight canister developed from space technology,

An electrocardiogram display and telemetry system,

A defibrillator for external heart stimulation,

A semi-automatic indirect blood pressure measurement system using a special microphone placed beneath a hand-inflated cuff, similar to the blood pressure device used in the Skylab program,

A basic pharmaceutical pack.

Optional equipment can include an electroencephalogram, to permit remote observation and detection of brain waves stemming from technology first devised for the Skylab sleep analyzer, and a strip chart recorder and tape recorders.

The unique communications system permits full duplex communication between the physician and the emergency medical technician, including a backup system using telephone circuits. In addition, electrocardiogram data on a patient's condition and voice transmissions can be sent simultaneously to the base station over a single radio frequency by the multiplexing process. This permits continuous transmission of medical data as well as two-way voice communication without the use of switches.

Comprehensive field tests of the Telecare system were successfully conducted earlier this year by SCI Systems, Inc., under direction of the Harris County Medical Society in Houston.

As a result, the City of Houston is equipping 28 rescue vehicles with Telecare units and training technicians in their operation. The system is expected to be in operation before the end of the year.

Cities throughout the country are currently evaluating Telecare for possible incorporation in their own emergency medical services programs.

HOUSE OF REPRESENTATIVES—*Monday, November 5, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the peace of God rule in your hearts, and be ye thankful.—Colossians 3:15.

Eternal God, our Father, whose creative spirit is ever calling us to new frontiers of thought and action, we pause in Thy presence as we greet the coming of another day. For the daily task and challenge, may we rise renewed in Thee; in the heat and stress of duty may our souls find strength in Thee. With a greatness of spirit, a genuineness of motive, and a goodness of life may we make ourselves ready for the responsibilities of these hours.

Kindle in our hearts and in the hearts of all people a real love for peace and may the rule of Thy spirit increase in the minds of men until justice with good will shall be established in our land and in every land.

In the spirit of the Master, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1769. An act to reduce the burden on interstate commerce caused by avoidable fires and fire losses, and for other purposes.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PERMITTING TWO IRANIAN CITIZENS TO ATTEND U.S. NAVAL ACADEMY

The Clerk called the joint resolution (H.J. Res. 735) authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. ALEXANDER. Mr. Speaker, at the request of the gentleman from California (Mr. STARK), I ask unanimous consent that the joint resolution be passed over without prejudice.

The SPEAKER. Is there objection to to the request of the gentleman from Arkansas?

There was no objection.

AUTHORIZING TRAVEL EXPENSES FOR CERTAIN CREW MEMBERS WHOSE SHIPS ARE BEING INACTIVATED AWAY FROM THE HOME PORT

The Clerk called the bill (H.R. 10369) to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the distinguished gentleman from Texas, or whoever is handling this bill, what effect the home porting of the fleet in Greece will have and how this legislation would affect the home porting of the 6th Fleet, or portions thereof, in Greece. Would it have any effect at all?

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I would be glad to yield to the gentleman from Texas.

Mr. FISHER. Mr. Speaker, the answer to the gentleman's question is in the negative, that it would have no effect.

Mr. GROSS. It would have no effect whatever?

Mr. FISHER. The gentleman is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 10369

A bill to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 37, United States Code, is amended as follows:

(1) The text of section 406b is amended by inserting "or inactivated" after "overhauled " and "or inactivation" after "overhaul" whenever they appear.

(2) The catchline of section 406b is amended by inserting "or inactivating" after "overhauling", and by making a similar change in the analysis of chapter 7.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIMINATING MAXIMUM TIME ON ADDITIONAL ACTIVE DUTY THAT A RESERVE OFFICER OF THE ARMY AND AIR FORCE MAY BE REQUIRED TO PERFORM ON COMPLETION OF TRAINING AT AN EDUCATIONAL INSTITUTION

The Clerk called the bill (H.R. 10366) to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution.

There being no objection, the Clerk read the bill as follows:

H.R. 10366

A bill to amend title 10, United States Code, to remove the four-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 4301(b) and 9301(b) of title 10, United States Code, are each amended by striking out "but not longer than four years" in the sentence.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE VOLUNTARY ASSIGNMENT OF CERTAIN RESERVE MEMBERS IN THE READY RESERVE

The Clerk called the bill (H.R. 10367) to amend section 269(d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 10367

A bill to amend section 269(d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay to the Ready Reserve, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 269(d) of title 10, United States Code, is amended by striking out the last two sentences and inserting in place thereof the following: "Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned, any qualified member of the Army Reserve retired under section 3914 of this title, any qualified member transferred to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, any qualified member of the Air Force Reserve retired under section 8914 of this title, or any qualified member of the United States Coast Guard retired from active service under section 355 of title 14, United States Code, may, with his consent, be placed in the Ready Reserve and participate in such training duties as the Secretary concerned may prescribe, including those duties described in section 270 of this title."

SEC. 2. Section 684(b) of title 10, United States Code, is amended by adding the following sentence: "Notwithstanding subsection (a), a Reserve of the Army, Navy, Air Force, or Marine Corps described in that subsection who performs active duty for thirty days or less or inactive duty training may receive both the payments to which he is entitled because of his earlier military service and the pay and allowances authorized by law for that active duty or inactive duty training."

SEC. 3. Section 3914 of title 10, United States Code, is amended by striking out the second sentence and inserting in place thereof the following: "He then becomes a member of the Army Reserve, and if otherwise qualified, may be appointed for service in the Army National Guard of the United States or the Army Ready Reserve."

SEC. 4. Section 8914 of title 10, United States Code, is amended by striking out the second sentence and inserting in place thereof the following: "He then becomes a member of the Air Force Reserve, and if otherwise qualified may be appointed for service in the Air National Guard of the United States or the Air Force Ready Reserve."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAND CONVEYANCE IN LOUISIANA

The Clerk called the bill (H.R. 9295) to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

There being no objection, the Clerk read the bill as follows:

H.R. 9295

A bill to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey, without monetary consideration, to the State of Louisiana, for the use of Louisiana State University, all right, title, and interest of the United States in and to the real property at Robson, Caddo Parish, Louisiana, containing 99.956 acres in section 19, township 16 north, range 12 west, and sections 24 and 25, township 16 north, range 13 west, Caddo Parish, Louisiana, being a part of lot 3 (Martin survey) Robson Plantation and described as follows:

Beginning at a point 260 feet south and 230 feet west of northwest corner section 30, township 16 north, range 12 west, thence north 42 degrees 37 minutes east, 2,986 feet to Harts Island Road, thence along road north 44 degrees 55 minutes west, 1,381 feet to intersection with Robson-Forbing Road; thence along latter road south 30 degrees 25 minutes west, 523 feet south 51 degrees 40 minutes west, 832.5 feet south 48 degrees 15 minutes west, 1,008.4 feet south 24 degrees 40 minutes west, 572 feet (all courses along both roads being a distance of 40 feet from centerlines of said roads); thence south 35 degrees 20 minutes east, 567 feet along Bayou Pierre; thence south 1 degree 30 minutes east along Bayou Pierre 530 feet; thence south 85 degrees 02 minutes east along drainage canal 641 feet to place of beginning.

SEC. 2. The real property conveyed pursuant to this Act shall be used consistent with the purposes of Louisiana State University, including, but not limited to, the maintenance of a pecan production research station.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

"WAR POWERS BILL, THE VETO IS WRONG," AN ARTICLE BY THE HONORABLE DONALD M. FRASER

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I believe that Members of the House will find most perceptive and thoughtful an article by our distinguished colleague, the Honorable DONALD M. FRASER of Minnesota, concerning President Nixon's veto of the war powers bill.

Mr. FRASER's article, which appears in the November 3, 1973, issue of the New Republic follows:

WAR POWERS BILL: THE VETO IS WRONG

(By Hon. DONALD M. FRASER)

A socialist orator is supposed to have once said that "while yesterday we stood at the edge of a precipice, today, thanks to the Socialists, we have taken a step ahead." Apparently the editors of *The New Republic* believe that the enactment of the war powers bill would be such a step. In "A Bad War Powers Bill," (October 27 issue) they contend that this measure "defeats its own purpose" and that it would somehow expand the President's authority to draw us into new wars. Mr. Nixon, for his own reasons, vetoed the bill.

As a member of the conference committee that approved the war powers bill, I feel that *The New Republic* seriously misinterprets this unique legislation. It does place important new restrictions on the President's war-making power: first, he must consult with Congress before introducing US armed forces into any hostilities; second, he must provide a full report to Congress within 48 hours after taking such action; third, he must withdraw troops within 60 days if Congress has not expressly authorized continued US military involvement (a 30-day extension is permitted if the safety of the troops requires it); fourth, he must immediately withdraw troops if Congress mandates it through a concurrent resolution, a meassure which does not require a presidential signature.

This bill does not expand the President's authority. It states that none of its provisions shall be construed as granting any authority to the President "which he would not have had" in the absence of the bill.

The first section simply recites the constitutional powers of the President to introduce armed forces into hostilities when 1) war has been declared, 2) a specific statutory authorization is on the books, and 3) a national emergency is created "by attack on the United States, its territories or possessions, or its armed forces." Despite the clarity of this language *The New Republic* sees loopholes where none exist.

The editorial maintains that an attack on the armed forces anywhere gives the President authority to act. But this interpretation ignores the words "national emergency." As I pointed out on the floor of the House, an attack on an isolated unit of armed forces does not constitute a national emergency. The 1964 PT boat attack on destroyers in the Gulf of Tonkin could not be considered a national emergency. A nuclear attack on the Sixth Fleet clearly would.

Curiously the editors contend that there is no restraint on the President's authority to use US troops to rescue American citizens abroad. But we recite the President's powers in the bill and rescuing US citizens is not one of them. Such a provision was included in the Senate bill but was dropped in conference.

The editorial is flatly wrong in claiming that the bill would allow the President to commit troops under treaties that have been ratified. Exactly the opposite is true. The bill says that such authority shall *not* be inferred from any existing or prospective treaty, unless there is *legislation in addition* that specifically authorizes the President to commit troops.

Finally, *TNR* ignores a key provision that gives Congress authority to mandate military disengagement at any time. The constitutionality of this provision has been questioned but this new authority would clearly operate as a powerful restraint on any President.

In large part the war powers bill is significant as a political document rather than as a legal statement. Sen. Fulbright emphasized this in urging support for the final bill, having opposed the Senate version.

Legal restraints on the President have proved to be ineffective during the last 25 years, as *The New Republic* correctly points out. Most conferees accepted this fact acknowledging that the President may continue to ignore statutory limitations even if the war powers bill were to become law. We recognize that the President might have the power to use military power beyond the territorial limits of the United States, but the question of his authority would emerge as a clearly defined issue. Congress could call him to account under the terms of this bill. That point is emphasized by Harvard law professor Roger Fisher in a recent letter to some House members urging them to override the President's veto: ". . . the political restraints that the resolution establishes should far outweigh any effect of opening the door. The door now, unfortunately, is wide open. Speeches on the floor of the House are likely to be a less effective way of closing it than are the procedural requirements of the joint resolution. The requirements of reporting to Congress and the necessity of a congressional debate should cast their shadow forward and operate as an appreciable deterrent. Everyone knows the purpose of the resolution and the mood of the Congress which adopted it. Its political impact on a future President will be a reflection of these items, not the result of intricate legalistic arguments from the language."

If Congress fails to override the veto, we will have lost an opportunity to restrain growing presidential usurpation of Congress' war-making responsibilities. To leave the President unrestrained is to take inordinate risks with our democratic system.

THE CASE OF MENDEL LEIBOVICH TREER

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, the past month has been packed with national and international crises. Our calendars are overcrowded, but the cause of human freedom which is the motivation behind the Mills-Vanik amendment, deserves a place on the busiest of calendars. I welcome the opportunity to be among those of my colleagues who have participated in this vigil on behalf of all peoples who are not free to emigrate from the Soviet Union.

Mendel Treer is a 71-year-old shoemaker from Zaporozhye in the Ukraine. In November 1972, Treer and his daughter, Liubov, a teacher, applied to the local OVIR—passport office—for exit permits to Israel. Treer said that he wished to be reunited with his brother.

But OVIR ignored Treer's eligibility to emigrate under the "reunion of families" policy and twice rejected his application. This elderly, ailing man made trips to Kiev and to Moscow to have his application reviewed; but it was returned to the local OVIR. Again emigration permits were denied.

The Treers were told that since they were born in the Soviet Union they were obliged to live only in the Soviet Union. Another high official told them that as long as he lived and was in a position of authority they could not leave Zaporozhye.

On July 15, 1973, Treer wrote to the Presidium of the Supreme Soviet describing his plight and stated:

> I want to spend the last years of my life in my historical homeland together with my relatives.

Months have passed and the father and daughter are still waiting for permission to emigrate to Israel.

The Soviet Union must lift these restrictions on free emigration. It is urgent that the 93d session of this House pass the Mills-Vanik amendment by an overwhelming majority and go on record as being on the side of human freedom.

STRIP MINING LEGISLATION

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. RONCALIO of Wyoming. Mr. Speaker, this morning in the Subcommittee on Mines and Mining of the Committee on Interior and Insular Affairs, in a meeting in conjunction with the Environmental Subcommittee of that committee, for about the fifth or the sixth day in the last 3 weeks on the failure of an amendment to carry, the minority asked for a quorum call and thereby stopped markup on the very important Surface Mining Act of 1973 from going forward.

This is the second year we have labored on a strip mine bill in this same committee. We reported out an excellent bill which this House passed by a large margin under suspension of the rules in October 1972, and the Senate then allowed it to die.

Mr. Speaker, I take the floor now to ask my friends in the interest of this country, if they are taking part in any "deal" to try to frustrate this legislation, I want them not to think that they will be getting a better bill next year than they would be this year. If they do believe that, they are sadly mistaken.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield to me?

Mr. RONCALIO of Wyoming. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, I think there is a filibuster going on which is instigated by the coal industry and the utilities industry in order to avoid regulation which this Nation is demanding, not only in the way of regulation but hopefully in the way of phasing out strip mining.

Mr. RONCALIO of Wyoming. I thank the gentleman.

Mr. Speaker, many Members and coal company executives now admit they would rather have had last year's bill than this year's. I believe they will be better off with the present bill than one still further in the future. I hope they will not repeat the same action as they did last year. For if they delay again they may well be flirting with an eventual banning of all strip mining, the position I know is not the answer for the State of Wyoming or the Nation at the present time.

CREATION OF A SANTA BARBARA ENERGY RESERVE

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, around noon on January 28, 1969, an offshore oil rig situated on leased Federal seabed off Santa Barbara, Calif., was the site of one of the most significant occurrences in the process by which America was awakened to the hazards of environmental pollution. The blowout at platform "A" released thousands of gallons of crude oil and natural gas into the sea.

It may be difficult for some to recall without a brief reminder the spontaneous reaction of millions of citizens across the land when the television cameras brought to their living rooms the blackened beaches and suffocated wildlife of Santa Barbara along with thousands of citizen volunteers struggling valiantly to restore nature suddenly thrown into disarray. When the initial tide of emotional reaction subsided and the rate of leakage from platform "A" slowed to a few barrels a day, the search for a long-term answer to the difficult task of protecting this environmentally and geologically fragile area began.

As the President's Council on Environmental Quality recommended, the logical procedure was to cancel leases which, if developed, would pose a significant continuing threat to the environment. Along with myself, California's two Senators, then George Murphy and ALAN CRANSTON advocated such a course. In June of 1970, the President proposed legislation to cancel 20 Santa Barbara leases. The difficulty, of course, is that depriving the oil companies of their rights to develop oil that can be produced from these leases—for which many millions were paid—requires compensation.

A key feature of several of the many legislative proposals I have introduced to respond to the Santa Barbara Channel oil problem has been that recompense for leaseholders in the channel, once determined by the courts, would be paid from proceeds of oil sales from Naval Petroleum Reserve No. 1, at Elk Hills, Calif. This method avoids the substantial drain from the general fund of the Treasury and substitutes one reserve of oil, in the Santa Barbara Channel, for another.

Senators CRANSTON and TUNNEY, and the administration since April of 1971, have also proposed the substitution of Elk Hills oil for Santa Barbara oil. Many Members of both Houses have cosponsored these proposals in the interest of protecting the delicate ecological balance of the channel. Unfortunately, there are some old bugaboos associated with the Naval Petroleum Reserve.

Recently our colleague from Sacramento, Calif., the Honorable JOHN MOSS, raised questions about the operation of the Elk Hills Naval Petroleum Reserve, and particularly the financial interest of oil companies in possible production from the Reserve. Hearings held by the Armed Services Committee on October 17 and 18 and available to all Members, deal at some length with these matters and satisfy me that the private gain to any company which would derive from production at Elk Hills is the result of contractual arrangements which have, for the most part, been ratified by Congress as well as the executive branch.

Although incidental to the primary purpose of the Santa Barbara Channel bills, the Elk Hills aspects of these proposals will be of interest to Members in formulating their conclusions as to the merit of such legislation. In the interest of presenting a concise treatment of this matter for the consideration of the Members, I am including a letter from Mr. L. T. Vice of the Standard Oil Co. of California at this point in the RECORD:

STANDARD OIL CO. OF CALIFORNIA,
San Francisco, Calif., November 3, 1973.

Hon. CHARLES M. TEAGUE,
House of Representatives,
Washington, D.C.

DEAR MR. TEAGUE: You have requested the comments of my company, Standard Oil Company of California, as to the letter of October 18, 1973, from Representative Moss of California to the President with regard to his proposal for a limited open-up of Naval Petroleum Reserve No. 1 (Elk Hills) for a limited period, and Representative Moss' remarks to the House when he had a copy of his letter inserted in the Congressional Record on October 24, 1973.

We are happy to oblige.

I shall discuss first my company's participation in the development and operation of Elk Hills, and secondly the current disposition of oil therefrom including the contract with Shell Oil Company which Representative Moss mentioned.

We are not involved in the Teapot Dome Reserve, also mentioned in Representative Moss' letter.

I shall not discuss Representative Moss' general and inflammatory remarks about the oil industry, except to say that we disagree with them in every particular, and that they are irrelevant to the President's proposal with regard to Elk Hills.

CREATION OF THE RESERVE

As you may know, Naval Petroleum Reserve No. 1 was established in 1912 and is located in the Elk Hills in Kern County, California. At the turn of the century, government lands in the West were rapidly being turned over to private ownership. At the same time there was a growing realization of the importance of oil for the Navy, which was then changing from coal to oil burning ships. Accordingly, President Taft withdrew large tracts of potentially oil-bearing public lands in California and Wyoming from eligibility for private ownership, and in 1912 set aside Naval Petroleum Reserve No. 1 by Executive order.

A good many sections of the lands covered by this Executive order had, however, already passed into private ownership, in accordance with the government's policy of the time. While the Executive order establishing the reserve governed the further use and disposition of the government lands included in the reserve, it had no effect on the privately-owned lands so included, and the owners of those lands remained free to use them or dispose of them as they saw fit.

In 1944 there were approximately 44,000 acres of land within the reserve. Of these approximately one-fifth were privately owned in fee by my company, Standard Oil Company of California, and the remainder, or approximately four-fifths, were owned by the United States and administered by the Navy. The Standard lands were and are not all in one block, but are checkerboarded throughout the reserve.

Also, by 1944 three geologic "zones" underlying the reserve known to be commercially productive of oil and/or gas had been discovered. These are the Dry Gas Zone, the Shallow Oil Zone, and the Stevens Zone.

Within the Shallow Oil and Stevens Zones are several separate oil pools or reservoirs. These underlie both Navy and Standard lands within the reserve, and production from the lands of one could reduce the amount of oil underlying the lands of the other, with the result that the government's policy of conserving its oil in the ground until needed in time of emergency could not be effectively implemented if Standard were to produce from its own lands as it had the right to do. For this reason, in the years prior to World

War II, Standard did not develop its lands within the reserve to the extent that it would otherwise unquestionably have done.

On the threshold of World War II, and with the threat of the condemnation of Standard's underdeveloped lands, active negotiations began either for an exchange, purchase or condemnation of Standard's lands within the reserve, or for their operation as a unit with Navy's lands. A purchase or exchange would have required a substantial expenditure by the government. As an alternative arrangement, Navy and Standard agreed to operate all of the lands within the reserve as a unit, and on June 19, 1944, entered into a Unit Plan contract for the reserve.

THE UNIT PLAN CONTRACT

A Unit Agreement is an arrangement, common in the petroleum industry, under which the owners of two or more separate parcels of land in a common pool or field agree to operate all the lands overlying the pool or field as a single unit, and to share production and costs in agreed-upon proportions. Such an arrangement is usually for the life of the field and the parties have the same objective, i.e., to produce currently at minimum expense and at maximum rates, consistent with good engineering practice.

The Unit Plan contract here involved, however, is unusual because its long-range purpose (after certain emergency production during World War II) is not to produce currently but to conserve in the ground as much of the oil in the field—both Navy's and Standard's—as is feasible, until needed for a future emergency. This required Standard to agree to the curtailing of its production from its lands, along with that of Navy from its lands, once World War II was over, for which Standard was entitled to compensation. Accordingly, the parties agreed that in consideration for Standard giving up control over the development and operation of its lands, Standard would be allowed to take certain quantities of Shallow Oil Zone oil, most of which were produced during World War II, until Standard had received 25 million barrels of oil, or an amount equal to ⅓ (one-third) of its share of the estimated recoverable oil in the Shallow Oil Zone, whichever was less—all of which production was charged to Standard's share of the oil in the Shallow Oil Zone. The period during which Standard received this oil is referred to in the Unit Plan contract as the "primary period." After the primary period, production was to stop, except to the extent necessary to cover Standard's out-of-pocket expenses in connection with the operation of the reserve, and except for production for the purpose of protecting, conserving, maintaining and testing the reserve.

Provision was also made for exploration and development, and for the drilling, equipping and maintenance of wells in the reserve so that it could be produced upon short notice in the event of a national emergency. It is a truism, of course, that once oil wells are drilled they must be inspected and tested periodically to make sure that they still retain their capacity to produce.

Incidentally, the Unit Plan contract for Elk Hills was submitted to and approved by both the House and Senate Armed Services Committees, was specially authorized by an Act of Congress adopted in 1944, and after execution by the Secretary of the Navy was approved by President Franklin D. Roosevelt.

THE AMENDATORY AND SUPPLEMENTAL AGREEMENT

After the Unit Plan contract was entered into, exploration within the reserve showed that part of a Stevens Zone pool extended outside the reserve. There was no mechanism provided in the Unit Plan contract for drilling outside the reserve, however, to determine how far. Accordingly, in December 1948 Navy and Standard entered into an amendatory and supplemental agreement which provided in Part II for exploration jointly by the parties of lands of both Navy and Standard in a "proposed extended area" outside the northwest boundaries of the reserve, and for the inclusion under unit operation (down to and including the Stevens Zone) of any lands found to be commercially productive of oil from any pool or pools then productive within the then existing boundaries of the reserve. Under this amendatory and supplemental agreement certain additional Navy and Standard lands were included within the Unit, and Standard received an extension of the "primary period" as consideration for the inclusion of its lands.

Again, the 1948 amendatory and supplemental agreement was submitted to and approved by the House and Senate Armed Services Committees, and was approved by the President of the United States.

PRODUCTION TAKEN BY STANDARD

In other words, 25 to 30 years ago, as a consideration for giving up its control over its own privately owned and proven oil lands at Elk Hills, which Standard had a clear right to develop and produce, Standard was permitted to take a certain quantity of oil from the reserve, most of which would in all probability have been produced anyway in the World War II emergency, and all of which was charged solely to Standard's overall share of oil in the Shallow Oil Zone, thus depleting Standard's share in that zone while leaving Navy's share of the oil untouched and intact in the ground.

Since that time, the only oil which Standard has received from Elk Hills has been in strict compliance with the Unit Plan contract and has been produced at the direction of Navy for the purpose of protecting, conserving, maintaining or testing the reserve—including oil produced to test the readiness wells referred to above—or to reimburse Standard for its out-of-pocket costs in the reserve—the latter on the theory that it would be grossly unfair to require Standard not only to forgo the development and operation of its own proved oil lands at Elk Hills, but to suffer a net out-of-pocket monetary loss in so doing.

Representative Moss' statement that "at given intervals. Socal has been permitted to remove significant quantities of oil from Elk Hills under agreement with government" must therefore be read in the light of the above.

Further, I cannot agree with Representative Moss' statement that "another windfall profit could be in order for Socal if Elk Hills is opened up . . .," whether for national defense or otherwise. So far as I know, no one has seriously suggested that Standard received an undue or unfair consideration for giving up control over its fee lands at Elk Hills when it was permitted 25 to 30 years ago to take a quantity of oil which was going to be produced anyway all of which was charged solely to Standard's agreed share of the oil in the field and not in any way to Navy's share. Since then Standard has adhered to its agreement with the government regarding Elk Hills and its oil as well as Navy's oil has been kept shut up in the ground with the exception of the relatively minor quantities noted above. To say that Standard would receive a "windfall" because Standard would now be able to produce and take an additional quantity of its own oil, if the government concludes that the national interests require that Elk Hills be opened up, strikes me as grossly unfair and prejudicial to my Company.

NO POSSIBILITY OF STANDARD CANCELLING THE UNIT PLAN CONTRACT

Incidentally, there is no danger of the existing Unit Plan contract for the governance of Elk Hills being unilaterally terminated by Standard because of an open-up by the government which otherwise follows the provisions of the Unit Plan contract, no matter what the purpose of the open-up may be, and we are prepared to give the government any needed assurances on this point.

THE OPERATION OF THE RESERVE

Subject to the provisions of the Unit Plan contract, Navy was given exclusive control over the exploration, prospecting, development and operation of the reserve. Navy was also given the right at its discretion to operate the reserve directly with its own personnel or to contract for such operation. Navy entered into a contract with Standard for Standard to operate the reserve, and since that time has entered into two subsequent operating agreements with Standard.

Each of these operating agreements has also been approved by the House and Senate Armed Services Committees, and by the President of the United States.

THE WORKING OF THE UNIT PLAN CONTRACT

Under the Unit Plan contract all exploration, prospecting, development and producing operations on the reserve were placed under the supervision and direction of an operating committee comprised of two petroleum engineers, one to be appointed by and represent Standard and one to be appointed by and represent Navy. In order to provide technical advice and to make certain specified determinations based upon petroleum engineering data, an engineering committee was also established, consisting of the members of the operating committee ex officio and four other petroleum engineers or geologists, two to be appointed by and represent Navy, and two to be appointed by and represent Standard.

The "percentage participations" of the parties in each productive zone within the Elk Hills Unit were fixed as of November 20, 1942, and are to be revised retroactively from time to time in the light of new knowledge gained. Generally, as to each zone, production is to be shared by the parties currently in accord with their then existing participating percentages, and costs are to be paid currently in accord with receipts of production, because of the special provisions of the Unit Plan contract, however—e.g., the provision that Standard was to be permitted to take World War II production, up to 15,000 barrels per day (to be charged to its share of the Shallow Oil Zone oil) during the "primary period"—it was inevitable that the parties from time to time would become "out of balance" with their participating percentages both in oil received and costs paid. In addition, any retroactive revision of the participating percentages of the parties in a given zone will automatically place the parties "out of balance" in that zone. Accordingly, the parties provided for certain "catch-up" mechanisms and provided that at the end of the life of each zone there should be an appropriate cash adjustment to effect an ultimate balancing of production and costs with final participating percentages.

It is because of these special provisions that Standard is at the moment behind in costs and ahead in oil to the extent of approximately $24,000,000, as Representative Moss notes. However, Standard does not "owe" this amount to Navy, as Representative Moss says, or indeed any amount. On an open-up, Standard would be required to reduce its take of production to ⅓ of its participating percentage share (which would work out to be about 12 percent to 14 percent) until oil balance occurs, and then to increase its share of current cost payments until cost balance occurs. You can see, therefore, that in overall operation the Unit Plan contract is a fair one, and does not favor Standard at the expense of Navy or the United States.

DRILLING AROUND PERIPHERY OF RESERVE

Lastly, I should like to commend on Representative Moss' statements with regard to drilling by my Company around the periphery of the reserve.

In his remarks to the House, Representative Moss said "federal regulations prohibit issuance of oil and gas leases by BLM within a mile of a naval petroleum reserve boundary. Over Navy protests and in violation of such a rule, the BLM issued such leases around and adjacent to the Elk Hills reserve to—by sheer coincidence—Standard Oil of California, which proceeded to drill a well within 1 mile of the reserve boundary and, by luck and accident, I am sure, hit major oil strikes." Representative Moss adds that "this has resulted in significant drainage of oil pools under the Elk Hills reserve," and refers to "Socal's illegal drilling near the Elk Hills boundary." Essentially the same statements are Representative Moss' letter to the President

Representative Moss has been misinformed. The BLM has not issued any leases adjacent to or within 1 mile of the reserve to Standard Oil Company of California, over the protests of Navy or otherwise. Standard does hold two government leases on the South Flank of Reserve No. 1 issued to another company in 1920, which company was acquired by Standard in 1943. Both leases are in the Buena Vista Hills field within Reserve No. 2, however, which field has been produced commercially by numerous owners and lessees ever since its discovery and development around 1910. Further, in 1955 the BLM issued a government lease outside the northwest corner of the Reserve No. 1 to American Marc, Inc. In 1965 and 1966 Standard acquired this lease by assignment. Later it drilled several wells thereon, the closest of which was over ¾ of a mile from the Elk Hills Unit. Some of these wells were and are productive from a zone not known to be productive within the Unit. Three wells penetrated a zone (not a pool) which is known to be productive within the Unit, and were shut in. By agreement between Navy and Standard, a well was then drilled to this zone approximately half way betweeen Standard's wells and the boundary of the Elk Hills Unit, and proved to be not commercially productive. Clearly, then, none of these wells of Standard's can be said to be draining or injuring the Unit.

Standard does own outright a substantial amount of land around the periphery of the reserve. As part of our stepped-up exploration program undertaken to help alleviate the growing shortage of petroleum and petroleum products in California, we drilled an exploratory well earlier this year on a section of our own fee land just outside the northern boundary of the reserve. Since the well was drilled on our own fee land, outside the reserve, it cannot possibly be characterized as "illegal." The well was successful, and discovered a new and productive pool of oil. Present indications are that the pool does not extend within the reserve. We have given all the information on our well to the government, however, and if it should turn out that the pool does extend within the reserve, the government has ample authority to protect it, and we would fully expect it to do so.

DISPOSITION OF GOVERNMENT OIL FROM ELK HILLS

Representative Moss' fear that Shell Oil Company will reap "windfall profits" if Elk Hills is opened up as the President has proposed seems to me to be unjustified. While it is true that Shell has a contract executed in May 1970, to purchase Navy's unit production at Elk Hills for a period of five years, under Article IX thereof the contract is terminable at will by either party on six months' notice to the other. Shell is therefore not in a position to "claim all new production," as Representative Moss fears.

At to how and to whom the new production going to Navy might be sold, the Director of Naval Petroleum Reserves can, of course, give you the facts better than we can, but I do know that in past years Navy's production from the Elk Hills area, both within and outside the Unit operation, has been sold at various times to Wilshire, Douglas, Mohawk, Rothschild and Edgington. In each case, Navy has offered the oil for bidding on the open market, and companies desiring to purchase the oil may add a bonus over and above the posted prices for comparable oil produced from other fields in the vicinity. And in each case, the purchaser has had no difficulty in getting the oil out of the field, and disposing of it or utilizing it as he saw fit.

Incidentally, Navy's non-unit production in the Elk Hills area is presently going to the Mohawk Petroleum Company, I understand.

CONCLUSION

In view of the developing energy shortage in this country, it seems to me undeniably in the national interest that the President's proposals for dealing with that shortage receive a fair and objective hearing by all concerned. Accordingly, we very much appreciate your interest in the facts with regard to Elk Hills, and hope that the above will assist you in your inquiry.

Respectfully,

L. T. Vice.

FRANK SMALL, JR.

The SPEAKER. Under a previous order of the House, the gentleman from Maryland, (Mr. Hogan) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, the people of Prince Georges County and of the State of Maryland are mourning the loss of one of our most outstanding citizens and a former Member of the House of Representatives, Frank Small, Jr.

Frank Small was a man of modest and simple beginnings. Born on a farm in Temple Hills, Md., Mr. Small showed the ambition and drive which led him to high responsibilities in government and business. He became the president of the Clinton Bank and after the merger of this bank with the Equitable Trust Co. of Baltimore he served as its vice president. He was also the president of the Clinton Realty Co. at the time of his death.

Mr. Small was a devoted and sincere political leader. He served in the State house of delegates in 1927 and 1928; was a member of the board of county commissioners from 1930–34; was a member of the Republican State Central Committee from 1934–42 and served as its chairman for 4 years. He was a delegate to the Republican Conventions in 1940, 1944, and 1956 and served in the U.S. House of Representatives during the 83d Congress. He was the Republican nominee for Governor of Maryland in 1962 and I was privileged to serve as his coordinator in that campaign.

Mr. Small was a member of the Maryland Racing Commission from 1937–52 and served as the commission chairman during 1951 and 1952; was a member of the Maryland Commission of Motor Vehicles from 1955–57. He also served as president of the National Association of State Racing Commissioners.

I admired Mr. Small very much and learned most of what I know of politics from him. He was a close friend of mine and I extend my deepest sympathy to his children and grandchildren.

INTERNATIONAL MONETARY REFORM: COMMITTEE OF TWENTY'S OUTLINE

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, on October 25—Congressional Record, pages 35019–35022—I spoke here to urge that the United States withdraw our endorsement of the Nairobi fixed but adjustable exchange rates monetary reform. I recommended that this body not approve any so-called reform which deprived the United States of its present option to float the dollar in exchange markets as a regular procedure. I said:

> With the air thus cleared, the Committee of Twenty can go on in a streamlined way to meet its July 31, 1974 deadline. Questions such as SDRs, convertibility, the dollar overhang, intervention will yield easier solutions as a result of this clearing of the air. I shall discuss these questions in a second speech in a few days.

I now undertake that discussion. For purposes of clarity, the simplest procedure is to touch upon the issues in the same order, using the same headings, as in the IMF Committee of Twenty's "First Outline of Reform," issued at Nairobi on September 24, 1973.

PRESSURES; THE EXCHANGE RATE MECHANISM; MULTICURRENCY INTERVENTION

The Committee of Twenty's outline of reform envisages the reinstitution of fixed par values for the currencies of member states. Market exchange rates would be allowed to fluctuate within 2¼ percent above or below the stated par for each currency. In the absence of a change in par values, intervention by monetary authorities would keep market exchange rates within the designated margin. The outline states:

> Countries may adopt floating rates in particular situations, subject to Fund authorization, surveillance and review.

I have already indicated in my October 25 speech the reasons I object to the need for any IMF authorization permitting a country to adopt a floating exchange rate as a matter of regular policy. Each IMF member, I believe, should have the option of permitting the external value of its currency to be determined day to day in exchange markets. This option should be fully equivalent to the alternative of announcing a par value, and should not entail any sanction, or for that matter privilege, for those countries opting in favor of floating rates.

Since the reformed international monetary system will be based in part on fixed par values, the question arises when and how these values will be changed. The outline indicates that changes in par values will result from consultations among Fund members, guided in part by changes in reserve stocks sufficiently large to indicate that serious payments disequilibria in fact exist. Countries that refuse to make the exchange rate changes or to take the other policy actions recommended by the Fund would be subject to a graduated series of pressures designed to induce these countries to conform to the best judgment of a majority of the Fund's membership.

Such procedures seem reasonable for that group of IMF member states that elect to announce par values for their currencies and to formulate their economic policies for a fixed rate regime. Agreement on the technical details of such arrangements should not provide any unsurmountable obstacles or prolonged delays, especially if the reform adopted gives each Fund member the option, without prejudice, of allowing exchange markets to determine the external value of its currency.

Surveillance by an appropriate body of the IMF will also be necessary for those countries electing to let their currencies float. The Fund should be charged with the responsibility of insuring that these countries observe the established guidelines regarding central bank intervention in exchange markets, and that other policies, including monetary and fiscal policy, are not used to bring about competitive exchange rate changes. Monetary and fiscal policies should in general be directed toward the maintenance of domestic full employment and a satisfactory rate of noninflationary economic growth. Of course, such policies will sometimes have external effects, and for countries whose international transactions constitute a third or even a larger fraction of their gross national product, such external repercussions will certainly, at times, be necessary and desirable. A review group in the IMF would be well situated to evaluate these differences in the economic characteristics of member states, and to draw appropriate conclusions about whether their policies are appropriate.

The exchange market intervention activities of countries adopting floating rates are of central importance. This issue does not arise for those nations announcing par values, since intervention by their monetary authorities will be directed toward maintaining actual market rates for their currencies within the margins specified by the IMF. Apparently because the Committee of Twenty's outline is based on a presumed return to fixed but adjustable parties, and sanctions floating rates only as "providing a useful technique in particular situations," it did not address the issue of guidelines for exchange market intervention by the monetary authorities of countries with floating rates. But if the United States and numerous other countries adopt floating as a long-term practice, as I believe they inevitably will, intervention guidelines must be established among IMF members.

I can think of only one legitimate objective of central bank intervention in exchange markets when rates are otherwise being allowed to float, that is, to preserve orderly market conditions in the face of an imminent breakdown. When Federal Reserve Board Chairman Burns testified before the Joint Economic Committee last August 3 and argued that intervention had been necessary to prevent a market breakdown, I asked him how he characterized a disorderly market. In response, he submitted the following useful staff memorandum:

FEDERAL RESERVE STAFF MEMORANDUM IN RE: DISORDERLY MARKETS

Disorderly markets have certain features in common: exaggerated rate movements, wide spreads in quotations, a stifling of the intermediary role of professional dealers, and an unresponsiveness of prices and orders to the fundamentals operating at the time. Disorderly markets are by their nature unstable; in the absence of some stabilizing influence, disorder can increase to the point at which the market ceases to function.

The developments leading up to the Federal Reserve intervention in foreign exchange markets in July provide an illustration of how markets become disorderly. In May, foreign exchange traders of banks and commercial concerns were beginning to take the view that they were likely to sustain losses when they held a long position in dollars overnight and, conversely, to realize profits when they were short of dollars. In these circumstances, traders became increasingly unwilling to expose themselves to the risks of holding dollars. The market found it increasingly difficult to accommodate dollar sales as they appeared. A moderate-sized dollar offer in normal conditions could have been easily handled would be passed from one dealer to another. Traders, hoping to make their rates unattractive to potential dollar sellers, widened very substantially the spreads that they quoted between bid and asked rates. As sales of dollars for foreign currencies continued in this atmosphere, market conditions worsened, and by early July the dollar declined by 2 percent or more each day against major continental currencies.

In the face of this widespread selling and rapidly changing exchange rates, market participants lost confidence in their ability to assess exchange-rate relationships. Traders concentrated their attention on movements in spot rates for major continental currencies and virtually ignored the other currencies and all forward exchange rates; consequently these markets virtually dried up. Moreover, major corporate customers suspended much of their normal foreign exchange business, and by July 6, a number of New York banks were refusing to quote exchange rates and had suspended all foreign exchange business—even in the major currencies.

As conditions in the exchange markets deteriorated during the first week of July, the need for official intervention to restore order in the markets was recognized by monetary officials here and in Europe. A communique implying that such intervention would be undertaken was issued on July 8 by the central bank Governors meeting at the B.I.S. in Basel, Switzerland, and intervention was in fact undertaken by several central banks, including the Federal Reserve, during the ensuing days, with the result that order in exchange markets was restored. The need for official intervention at that time was also recognized by the financial press, including supporters of floating exchange rates. For example, the London Financial Times, in its editorial of July 9, called the situation in the exchange market "not only absurd but dangerous" and urged immediate implementation of "a set of informally-agreed rules to govern the . . . period of floating." Several days later, the New York Times urged a reformed monetary system that would be "less crisis-prone than either the now dead fixed rate Bretton Woods system or the present state of disorderly floating, and growing export, import and capital controls."

As I see it, if a country elects to have the market establish the external value of its currency on a day-to-day basis, the function of any intervention by monetary authorities ought to be to help the market fulfill this role. After a dozen years of fixed parities sustained by massive central bank intervention whenever a crisis threatened, followed by 2 years of switching back and forth between floating rates and fixed parities, exchange dealers, exporters, importers, and international investors cannot be expected to adapt painlessly to generalized floating. The ease with which the international monetary system has adjusted to floating, the continued brisk expansion of trade and investment, the relatively small magnitude of exchange rate fluctuations in the face of unprecedented political upheavals, and the self-correcting ability of the market that has been manifested in recent weeks all testify to the intelligence and flexibility of exchange dealers, traders, and investors.

In the face of a domestic monetary crisis, the function of a central bank is to lend freely. When for any reason all the bets in the exchange market start running only one way, the central bank needs to enter the picture and make a market.

IMF guidelines for intervention by the central banks of countries adopting floating rates will most likely contain a list of what these institutions may not do. The Joint Economic Committee's Subcommittee on International Economics in its report of August 14, 1973, concluded:

> Under no circumstances should intervention in exchange markets by U.S. monetary authorities be massive, continuous, and committed to maintaining a fixed exchange rate between the dollar and any other particular currency. . . . Any intervention that is conducted should be limited in amount, used from time to time, rather than continuously, and applied with respect to an underlying trend rather than a particular rate.

This is sharply at variance with the intervention objective suggested by IMF Managing Director Witteveen in his opening address at Nairobi of "using intervention to prevent * * * excessive deviation from exchange rates considered to be appropriate in the medium term." The inability of officials to judge accurately what are appropriate exchange rates in the medium term has been amply demonstrated in the last 5 years.

A suggestion was offered at Nairobi by Otmar Emminger, deputy governor of the West German Central Bank, that when the dollar strengthens sufficiently to reach the set of exchange parities proposed by officials in February 1973 the dollar be stabilized at that point. Stabilization to prevent a further rise in the exchange value of the dollar would be achieved through sales of dollars by central banks in exchange markets. Mr. Emminger's suggestion would come into play when the dollar was worth 2.67 deutsche marks, as contrasted with its current level of about 2.40.

The set of parities proposed by officials last February was inappropriate at the time, as the market quickly demonstrated. There is no reason to believe that it would be appropriate at the time the dollar again touches these levels. Of course, Mr. Emminger may have proposed stabilization of the dollar in part to permit foreign central banks to run off some of their excessively large dollar holdings. One can hardly blame foreign countries for desiring to divest themselves of some of their paper money and exchange it for goods or more profitable investments. This issue I shall return to in discussing the problem of the dollar overhang.

CONTROLS, DISEQUILIBRIATING CAPITAL FLOWS

The Outline of Reform says on the subject of controls:

> There will be a strong presumption against the use of controls on current account transactions or payments for balance of payments purposes. . . . Countries will not use controls over capital transactions for the purpose of maintaining inappropriate exchange rates or, more generally, of avoiding appropriate adjustment action.

Nations permitting their currencies to float, like those announcing fixed parities, should similarly not resort to exchange controls to influence the value of their currencies. Countries with floating currencies will have no need to rely upon trade or capital flow restrictions, since exchange rates can adjust to eliminate any payments surplus or deficit.

CONVERTIBILITY

The outline states:

> All countries maintaining par values will settle in reserve assets those initial balances of their currencies which are presented to them for conversion.

Thus, as long as the United States allows the dollar's external value to be determined day to day in exchange markets, we would assume no obligation to convert any additional dollars that might be acquired by foreign monetary authorities into SDR's, gold, or foreign exchange. Moreover, to the extent that the fluctuating rate system functions efficiently and without interference by monetary authorities, there should be no additional dollar accumulation.

But for countries adopting fixed parities, the Outline asserts:

> That there is a need for some elasticity within the settlement system, particularly to finance disequilibriating capital flows.

The use of official credits to counteract the impact on exchange rates of large international transfers of liquid assets is, as we have seen in the past, likely to be ineffective, to foster the maintenance of disequilibrium exchange rates, to have severe inflationary consequences in the countries attracting such flows, and to build up massive international debts that are difficult to liquidate. In attempting to curtail speculative capital flows, international monetary authorities should rely upon the harmonization of monetary policies, to the extent that domestic considerations make this feasible, and upon movements in exchange rates to choke off the transfers.

PRIMARY RESERVE ASSETS

If the United States and several other major countries opt to permit their currencies to float in exchange markets, the need for SDR's by the remaining IMF members adopting fixed parities will be minimized. Moreover, given the dollar accumulations of recent years, the global stock of reserve assets is now excessive. There should be little need for additional SDR's until a substantial portion of these dollar reserves are spent in the United States to purchase goods, services, or investments.

CONSOLIDATION AND MANAGEMENT OF CURRENCY RESERVES

As long as the dollar remains a major currency used to finance international trade, it will also continue to be used to some extent as a reserve currency. The reduction and eventual elimination of current official dollar holdings in excess of working balances is not a problem that can be easily or quickly resolved. Perhaps at some time in the future U.S. authorities will be prepared to consider bilateral funding or consolidation of these balances within the IMF. But any proposed exchange of dollar reserves for a few issues of SDR's would need to be carefully managed to avoid the danger of diminishing the attractiveness of SDR's by creating an excessive amount of them.

Another way gradually to amortize the overhang would be to maintain a slight undervaluation of the dollar by permitting foreign central banks to intervene in exchange markets on a regular basis. Official institutions could thus gradually sell off their excess dollar holdings to private foreigners purchasing goods and services in the United States or investing either in equities or real property. But under no circumstances should intervention by foreign monetary authorities be linked to a specific exchange rate between the dollar and any other particular currency. Nor should the degree of undervaluation be large enough to create a price incentive for foreigners to suck away commodities that are scarce in the United States and so create undesirable pressures for export controls. Sales of dollar holdings by monetary authorities should be gradual and gaged with reference to the trend in the dollar's external value as determined by exchange markets. The rate at which the dollar overhang can be reduced should be subject to continuous negotiations between United States and foreign monetary authorities.

THE LINK AND CREDIT FACILITIES IN FAVOR OF DEVELOPING COUNTRIES

Since the need for SDR's is likely to be small, developing countries would benefit only to a minimal degree from any arrangement that would merely increase slightly the proportion of these assets allocated to them. Under these circumstances, an appropriate remedy would be to allocate all newly created special drawing rights to the developing countries. Those industrial nations maintaining fixed parities and desiring to increase their reserve stocks could then earn their SDR's from poorer states. Through this mechanism, transfers of real resources to speed the economic growth of poorer countries would be facilitated.

TOWARD A PROMPT INTERNATIONAL MONETARY REFORM

If the document drafted by the Committee of Twenty includes floating as a fully equivalent and equally desirable alternative to establishing a fixed parity, IMF members should be able to agree quickly on the shape of the proposed reform. After all, the substance of this reform has been in place since last March, and is working far more satisfactorily than did the old fixed-rate regime.

CPA AT FDA, CONTINUED

The **SPEAKER**. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

Mr. **FUQUA**. Mr. Speaker, the huge volume of the Federal Food and Drug Administration proceedings and activities that would be subject to Consumer Protection Agency advocacy under pending bills has precluded me from listing them all in one Record insertion.

To avoid speculation and confusion on these controversial bills, I have asked various agencies frequently mentioned in the CPA bill hearings to list for me their 1972 proceedings and activities, divided into the various categories in which the CPA would have a right to be a party or participant under the bills.

I have been sharing this material with the Members through publication in the Record. Yesterday I inserted part of the FDA response; today I shall insert the remainder. FDA, according to the hearings on these bills, will be one of the prime targets for CPA advocacy.

The bills, now before a Government Operations Subcommittee on which I serve, are: House Resolution 14 by Congressman Rosenthal, House Resolution 21 by Congressmen Holifield and Horton, and House Resolution 564 by Congressman Brown of Ohio and myself.

The major difference among the bills is that the Fuqua-Brown bill would not allow the CPA to appeal to the courts the final actions and refusals to act of other Federal agencies. The other two bills would grant such an extraordinary power to this nonregulatory agency.

The remainder of the FDA response begun yesterday is now inserted in the RECORD for the important reasons already stated:

FDA RESPONSE—CONTINUED

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer:

Food and Drug Administration (FDA): The provisions of 5 USC 556 and 557 could apply in any FDA rulemaking proceeding listed under question 5 or FDA adjudicatory proceeding listed under question 3.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer:

Food and Drug Administration (FDA): 1. New Drugs—human use. New drugs must be approved by FDA before they can be marketed. Strictly speaking, this process is not initiated by FDA but rather by the drug's sponsor. During fiscal year 1972, FDA received 448 new drug applications. In addition, FDA received 3,258 supplemental new drug applications (seeking changes in approved methods, labeling, formulations, etc.) FDA does not publish notice of receipt of new drug applications in the *Federal Register*. Notice of approval or denial of a new drug application for human use usually is given to the sponsor and is generally not published in the *Federal Register*. This information is, however, available to the public through weekly listings.

Many revocations of new drug applications are not generally published in the *Federal Register*. FDA has, however, made it a practice to publish the results of its drug efficacy review in the *Federal Register*.

The following lists notices regarding actions on new human drug applications and of notices concerning the drug efficacy review of human drugs published in the *Federal Register* during calendar year 1972.

2. New Drugs—Animal Use: As with drugs for human use, drugs for veterinary use must be given FDA approval before they may be marketed. During 1972 actions were completed on 545 New Animal Drug Applications. *Federal Register* notices were published with respect to the following new animal drugs during 1972 (numbers are *Federal Register* pages):

Applications, approvals, refusals, etc.:
Animal New drugs:
Acepromazine maleate, 28055.
Acetazolamide, 9048.
Albaplex, 9793.
Aklo-3, 26456.
Aminopentamide hydrogen sulfate, 16539.
Aminopropazine fumarate, 8379, 26828.
Ammonium chloride, 74, 10980.
Anthelmintics, proposed rules, 16200.
Antibiotic-containing preparations, 15946.
Aqua-Strep, 10014.
Aquasol A, 6776.
Arsanilic acid, 3000, 10979.
Arsenamide sodium, 12791.
Aureomycin and combinations, 10014, 15946.
Bacitracin and combinations, 9317, 21960.
Benzathine penicillin G, 13468.
Betamethasone valerate, 6925.
Biosol, 17230.
Bisophene, 18575.
Boldenone undecylenate injection, 11723.
Broiler premix medicated, 26456.
Bunamidine hydrochloride, 24816.
Buqinolate, 4429, 9669.
Butonate liquid, 18530.
4-*tert*-Butyl-2-chlorphenyl methylphosphoramidate, 12172.
Cadmium sulfide, 7111.
Calcium amphomycin, 20164.
Carbadox, 20683, 23906.
Castor oil, 11723.
Cephaloridine, 1170, 20938.
Cerumenex Vet Drops, 24453.
Chloramphenicol preparations, 7497, 12936, 14768, 16076, 19149.
Chlordiazepoxide or chlordiazepoxide hydrochloride preparations, 18482.
Chloroquine hydrochloride, 8564, 11740.
Chlorothiazide, 2178.
Chlortetracycline, 2960, 9317.
Chorionic gonadotropin, 4333, 25230.
Clopidol, 13531, 18615.
Corticosteroid drugs, 24343.
Coumaphos, 3633, 6734.
Crystalline trypsin, liquid, 11723.
Crysticillin, 10014.
Daribiotic, 22891, 26355.
Decoquinate, 2960, 12792, 16077.
Dexamethasone sodium phosphate, 26453, 26537.
Dichlorophene, 5697, 6471.
Dichlorvos, 12633, 20939.
Dictycide, 26454.
Diethylcarbamazine, and combinations, 7783, 24031.
Diethylstilbestrol, 2961, 5264, 12251, 15747, 25307.
Dihydrostreptomycin, 5764, 6509.
Dimethylsulfoxide, 5746, 11241.
O,O-Dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate, 5020.
Disophenol, 21632.
Dithiazanine iodide, 19611.
Dynafac, 4003.
Enheptin soluble, 23285.
Entromycin bolutab, 9354.
Erythromycin thiocaynate, 3000.
Ferric oxide, 14872, 18448, 23905.
Flucinolone acetonide, 14385, 16176, 17171.
Flumethasone, 13281.
Gentamycin sulfate, 6925, 21808.
Glyceryl guaiacolate, 12936.
Griscofulvin, 4333, 12633.
Hepzide blackhead control, 23285.
Hexachlorophene, 11739, 18531, 18575.
Hexamethyltetracosane, 7110.
Hi-Co Nox Medicated, 13815.
Histocarb soluble, 23285.
Histosep-S, 23285.
Hydrochlorothiazide, 13281.
Hydrocortisone preparations, 409, 20938, 20164, 21905.
Intramammary infusion products, 9317.
Iodinated casein, 4730.
Iodochlorhydroxyquin, 13281.
Ipronidazole, 7881, 17387, 24743.
Iron dextran complex, 7080.
Iron hydrogenated dextran, 16076, 18910.
Isopropamide, 12066, 20939.
Kanamycin sulfate, 20164.
Kao-strep Powder, 10014, 15946.
Kaobiotic suspension, 28285.
Kaolin, 409, 3079.
Ketamine hydrochloride, 21429, 21905.
Lactated potassic saline injection, 10980.
Lead arsenate, 492.
Lentovet, 10014, 15946.
Levamisole hydrochloride, 740, 15701, 16540, 23905.
Lincocin forte, 9794.
Lincomycin, 16077.
Lincomycin-neomycin-methylprednisolene, 9764.
Megasul (Nitrophenide) premix, 25560.
Mepine, 16628.
Methetharimide, 7110.
Metoserpate hydrochloride, 6996.
Multiple-vitamin preparations, oral, etc. 18576.
Naloxone hydrochloride, 3053.
Neomycin-sulfacetamide, 409.
Neomycin sulfate and combination preparations, 1130, 6956, 8406, 10676, 12718, 14228, 14385, 15947, 16176, 18530, 21905, 22374, 22891, 23110, 28111.
Neo-My-Sol solution, 9354.
Nequinate, 5372, 9211.

3. Biological products for human use: On July 1, 1972, the Bureau of Biologics (formerly the Division of Biologics Standards) was transferred from the National Institutes of Health to FDA. The Bureau issues Federal licenses for manufacture by establishments and products after determining that prescribed standards for safety, purity, and efficacy have been met. The licensing authorization is found in section 351 of the Public Health Service Act.

Question 4. What adjudications under provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your agency during calendar year 1972?

Answer: Food and Drug Administration (FDA); None. The marketing approvals and disapprovals ordered by FDA (without court action) which are discussed in question 3 have as their primary purpose the protection of public health rather than penalizing industry.

Question 5. Excluding proceedings subject to 5 USC 554, 556, and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer:

Food and drug Administration (FDA); Most FDA regulatory action is taken through rulemaking under 5 USC 553. Under the Federal Food, Drug, and Cosmetic Act, certain kinds of regulations require opportunity for a hearing and must be promulgated according to the formal on the record rulemaking procedures, with judicial appeal, prescribed in sections 701 (e), (f), and (g).

This would include certain of those regulations listed under question 1 which were issued under sections 401 (food standards), 403(j) (special dietary foods), 406 (poisonous ingredients in foods), 501(b) (test methods for strength and purity of certain drugs), 502(d) (habit forming drugs), 502(h) (labeling of drugs subject to deterioration), 502(n) (prescription drug advertising), 506 (insulin), and 706 (color additives). Sections 408 (food additive petitions) and 507 (antibiotics) also provide for formal rulemaking procedures.

Question 6. Will you please furnish me with a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer:

Food and Drug Administration (FDA); 1. Correspondence and other communications and meetings with consumers, industry, scientists, and Congress.

2. Internal operating procedures for inspectors, analysts, etc.

3. Informal enforcement actions (e.g., 1,029 recalls in 1972).

4. Intramural research and methods development.

5. Research performed under contract or grant.

6. Advisory committee meetings.

7. Educational campaigns to alert consumers to hazards of particular products (e.g., toy safety in 1972).

8. Inspections of establishments (10,610 in 1972).

9. Informal defect action levels for various products.

10. Shellfish certification program.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer:

Food and Drug Administration (FDA); (See questions 1 and 3.) A listing of the types of actions during 1972 which could have been appealed to the courts by anyone would almost duplicate these lists which show FDA's proposed and/or final rules and adjudications during 1972. Appeal to a United States court of appeals may be taken under a specific statutory provision (e.g., with respect to the regulations named under question 5 or with respect to actions on new drug applications.) Even if there is no specific statutory provision for review appeals of an FDA final action may be had in a United States district court. Any citizen has standing to challenge FDA actions, administratively or in the courts, and it would be appropriate for an independent Consumer Protection Agency to have the same rights.

FRANCIS J. FOLEY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, last Wednesday, October 31, one of the finest men in American politics and a close personal friend of mine died, Francis J. Foley, chairman of the St. Clair County, Ill., board.

Known to all as "Red" Foley, this remarkable man used the political process for the purpose it should be used—to give better government to the people. Red Foley was a politician in the finest sense of the word.

County board chairman, township official, regional government leader, and Democratic Party power, Red Foley used the leverage of power at his disposal to provide forceful leadership and reform for the public benefit.

At this point, I include the editorial tribute of November 1 that the Metro-East Journal paid to Red Foley:

FOLEY MADE POLITICS WORK

Sure, "Red" Foley was a politician, and we should be glad of it, for his life and his work gave politics a better name in an age when it needs it.

Mr. Foley took the route that politics affords to the poor, rising from jobs as circus roustabout and tavern keeper, to become supervisor of East St. Louis Township and chairman of the St. Clair County Board, a man of substance and success.

Mr. Foley used the power that politics embodies for its best purpose—to give better government to the people.

When he became board chairman in 1962 he inherited a county with a reputation for vice, a county deeply in debt, a county whose leadership was enatangled in political factionalism.

Mr. Foley's firm hand and fast gavel brought a measure of unity and order to the county board.

He insisted that board committees do their work; he knew how, and when, to work out a compromise; he was able to create alliances that would hold up when it came time for the board to take some needed but perhaps unpopular action.

Mr. Foley, the one-time saloonkeeper and gambler, came down hard on the side of propriety in his years at the head of St. Clair County government. Soon after he became chairman be halted the open vice that operated in some areas of the county, and just last year made certain that night club dancers keep their clothes on.

Mr. Foley took over a county that was chronically in debt and turned it into a county that operates in the black.

He paid off old bills with a judgment funding bond issue, insisted that the fee offices turn over their revenues to the general fund, brought professionalism and efficiency to budgeting, tax collection and administration, made sure that county employes, whether they were appointed politically or not, work at their jobs.

Mr. Foley was a blunt and ready speaker, who brought color and zest to the otherwise drab business of arguing some technical point of bi-state planning or settling some item in a county budget.

He had a knack for reducing some complex debate to the human level: "He said to me . . . so I said . . . so we did it that way . . ."

So Francis J. "Red" Foley, who died at his home early Wednesday, will be missed.

We will miss his strong voice as chairman of the East-West Gateway Coordinating Council.

We will miss his strong rule as chairman of a board that has given better government to St. Clair County.

And a lot of us will miss running into him in East St. Louis or Belleville, miss the quick greeting and handshake, miss hearing him argue a point or speak his mind, miss the feeling that we just met someone worth knowing—a good politician.

Part of Red Foley's greatness was that he never forgot the people. His generosity was expressed in private ways that only a few knew about.

During World War II, for example, he saw to it that the local paper was mailed to servicemen from the home area. "Send him the paper," he would say, handing over a $5 bill, "and when that runs out, let me know and I'll give you some more."

In that way, Red Foley made sure that 50 men or so kept in touch with news from home during the war.

As colorful and as strong-willed as he was, Red Foley was one of the most considerate and generous men that I have ever known. He was a credit to the human race.

I include, at this point, the editorial from the Friday, November 2, Belleville, Ill., News Democrat. As the editorial concludes:

The man who takes his place is going to have one helluva job trying to follow in his footsteps.

The editorial follows:

FRANCIS FOLEY

Francis J. Foley was a product of the scandal-ridden East St. Louis political machine that for decades has transcended party lines in order to gain its objective—power and more power.

But Foley had the knack of rising above his tutors and he reached the pinnacle of his success in spite of handicaps that would have toppled most men.

His education was limited to high school and his business training was confined to operating a tavern in the days when East St. Louis was truly a gang-ridden town.

Once elected chairman of the old County Board of Supervisors, however, he soon displayed qualities that confused not only his critics but also his friends.

"Whoever heard of 'Red' talking down the bankers and getting them to go along with a bond issue of more than a million bucks," was the gist of the talk in the courthouse when he embarked the county on a program that eventually led to the settlement of debts, putting the county on a sound financing basis and making St. Clair one of the better-governed larger counties in Illinois.

Foley, an Irish Democrat from East St. Louis, was able to worm his way into the hearts of Belleville's conservative Republican bankers. How he did it—no one can actually say—but the fact remains he did it.

Many Belleville businessmen expressed sincere regrets when they learned "Chairman Red" had died of a heart attack last Wednesday morning. Everyone acknowledged Foley came from an old school of politicians but to a man they also agreed he was able to do a job that brought credit to himself and to the county.

Down through the years, no man has ever put in more hours in handling the county's top administrative job. It's true he was paid well for his efforts but it also must be remembered he rendered a dollar's service for every dollar he drew.

Despite all the criticism that he evoked, no one ever accused him of shirking his duty. No one ever challenged his sincerity or his integrity. At times his judgment was questioned but never his devotion to the cause he espoused.

Well do we remember the time he stood up in court and told a visiting judge he was prepared to go to jail rather than grant a license to a Stookey Township tavern.

He lost the case and eventually had to issue the license but a hawk-like watch was established at this emporium. Complaints about it are rare today.

Saloonkeepers thought they had a friend when Foley was elected board chairman and assumed the office that goes with it—excise commissioner for the unincorporated areas of the county. They soon found out how wrong they could be.

Not only did he drive out gambling and prostitution but he vigorously enforced the closing hours. And woe to the tavern that sold intoxicants to a minor. It meant one thing only—license revocation.

The best part of this tough attitude was that he was able to convince the Illinois Liquor Control Commission and the courts, in a majority of the cases, that he was right.

As chairman of the East-West Gateway Coordinating Council, Foley had more than his share of reverses because the Missouri delegation ganged up on him. Still he was able to push through many of his pet projects.

It's a shame he won't be around if and when work begins on the $350 million airport on the Illinois side of the river in the Millstadt-Columbia-Waterloo district. He gave every bit of his energy in pushing this project, fighting such political giants as ex-St. Louis Mayor Al Cervantes and St. Louis County Supervisor Larry Roos.

It's also a shame he won't be here when they dedicate the $10 million Courthouse in 1975. It was Foley who pressured the County Public Building Commission into keeping the Courthouse in downtown Belleville.

Frequently he remarked: "If we take the Courthouse out of downtown Belleville, Main Street can roll up the sidewalks. That's the only way we will save the downtown stores."

Only time will prove if he was right but, judging from the amount of shopping done by jurors and witnesses in court cases now being heard, we think he had a pretty good perspective.

And finally no comment about Foley would be complete without mention of his devotion to his family. You could talk all you wanted to about "Red" but you never said anything against his wife, Alice, or his daughter, Nancy.

As rough and tough as he was in his dealing with politicians, businessmen and even judges that's how sweet he could be when it came to Alice and Nancy.

Red Foley will be missed—not only in St. Clair County but also throughout the metropolitan area.

The man who takes his place is going to have one helluva job trying to follow in his footsteps.

Mr. Speaker, I have lost a good friend. Fortunately, I have many fond memories of Red that I will carry with me in his absence.

AMERICA AHEAD OF POLITICS

(Mr. PASSMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PASSMAN. Mr. Speaker, I represent a Democratic district; the voter composition is 97½ percent Democratic and less than 2½ percent Republican. With my constituents, Americanism and principle must always come ahead of partisan politics and political party.

My constituents are highly intelligent, they would not tolerate for a moment my taking a position out of step with principle. They expect me to speak up and speak out, and if I should not do so, my tenure in the Congress would soon be ended.

Mr. Speaker, there are two significant matters I would like to bring to the attention of the House and the readers of the CONGRESSIONAL RECORD:

First. My correspondence is running 12 to 1 in favor of President Richard M. Nixon. In today's first mail there were 54 pro-Nixon and 2 anti-Nixon communications. My records are available for inspection.

Second. Some of the finest newspapers in America are domiciled in my district. They put it on the line and say what they think is correct. Under leave to extend my remarks, I am inserting editorials that ran in the Monroe Morning World under the date of October 29, 1973, and in the Ouachita Citizen under date of October 29, 1973. Both are to the point and, in all probability, composed after due deliberation by the topnotch business people and good Americans who wrote the editorials.

I would like to admonish my colleagues to read these editorials carefully. They are indeed food for thought. Read them the second time, and then the third time, if you have time. I believe your conclusions would be that these highly respected newspapers believe in justice above politics, fairness above persecution and, above all, Americanism above unproved accusations.

The editorials follow:

[From the Ouachita Citizen, Nov. 1, 1973]

CRITICAL YELLERS HARASS NIXON

Richard M. Nixon will probably be recorded in history as the most harassed president up to his time. He has shown great courage and durability in his survival up to this time, but if he makes it to the end of his second term it will be a miracle.

Nixon's blood-thirsty political opponents will not let up until they crack the armor of his resistance to their onslaught. We regard much of the news media, particularly a great many of the television network commentators as arch political critics who lend themselves to the objectives of the vanguard of liberal political professionals who are hounding the president.

These electronic jackals, who parade under the cloak of privilege given them under freedom of the press guarantees, are not worthy to be called journalists. They are tools of the liberal left and by no stretch of the imagination can they be considered objective journalist.

And Nixon told them so in his press conference last Friday night when he cited them as "alarmists" and bias merchants. The president assured them in answer to one question, that he did not hate them. "You don't hate those whom you do not respect," Nixon told them with a smile.

None of the biased commentators have seen fit to give Mr. Nixon credit for being a president with backbone enough to bring the communists to the line and end the Viet Nam war with honor and bring American prisoners there home "on their feet instead of on their knees." Nor do they give him any credit for his firmness which resulted in concluding middle east hostilities and forcing Russia to a hands off policy there.

Their reaction to one Nixon accomplishment after the other is to yell about some negative currently on the troubled scene in America.

When the president deals firmly with the communists this coterie of liberal commentators yell that he is bringing the nation to the brink of a holocaust conflict with Russia.

Nixon's handling of American foreign policy should have earned for him at least one compliment from any opinionated objective commentator. Yet, some of these yellers have never said anything complimentary.

We can come to only one of two conclusions when we observe these nightly pontificators who never see any good in our great president. They are either so dedicated to the political enemies of Mr. Nixon that they don't care about the integrity of their chosen profession or they are dedicated to the downfall of America in favor of some un-American ideology.

There should be an investigation to determine why some of these electronic "journalists" appear to be short circuited.

[From the Monroe Morning World, Oct. 29, 1973]

BIG LIE EFFECTIVE AS EVER; BLASTS BY NIXON JUSTIFIED

A dark page in the history of American journalism has been written in the news coverage—primarily by the electronic media—of the momentous events of the past week or so.

Perhaps never has mere speculation—much of it rabid—been so played up to distort fact with opinion. Absolutely never has a President of the United States been subjected to such cheap, irresponsible and disrespectful behavior by the news media, principally the "personality" people of national television, as was President Nixon at his news conference last Friday.

One can shut one's eyes, substitute the name of 1964 presidential candidate Barry Goldwater for that of President Nixon, and get a 1973 replay of the concerted campaign of villification heaped upon the admirable and since vindicated Goldwater.

The big media presentation of both men—Nixon and Goldwater—has been virtually the same: trigger-happy, war-monger, fascist, dishonest, mentally-deranged, etc.

Today, television is falling over itself in a rush to quote the feverish mouthings of such men as AFL–CIO President George Meany, talking about the "dangerous instability" of the President, Archibald Cox suggesting presidential crookedness, and others, with never a hint at the crass political motives that inspire them or the mass hysteria that makes them seem credible.

Where nothing exists, the media—again, mostly the electronic group—manufactures it. In the latest Mideast crisis, it appeared that the United States and Soviet Russia might wind up facing each other over the barrels of loaded guns. Yet, Secretary of State Henry Kissinger actually was asked if the decision to alert U.S. military forces in that potential showdown was the "act of a rational man." On other recent occasions, after presidential appearances, incredible hints were floated that the President of the United States was under the influence of alcohol or drugs.

The depth of this degradation was evident when Kissinger defended the alert on the grounds that President Nixon only approved it as a recommendation of the National Security Council and was not involved in the deliberations leading to it. The stunning lesson from this is that an act in the express interest of the nation was acceptable to the news media only if it originated through someone other than nation's chief executive.

Such bias, the result of willful politicizing by electronic media barons operating behind the mask of freedom of the press, is frightening and can be deadly. Adolph Hitler's use of the "Big Lie" in pre-World War II Germany—the constant repetition of even the most outrageous lie until it is accepted unthinkingly as truth—was devastatingly effective. As it left Germany in shambles, so could it destroy this country.

The snide allusions to the President's mental capacity are but one example of this technique. At every step on the way to peace in Southeast Asia, the President was pictured as a war-monger for taking the hard-nosed actions which proved to the enemy that peace was the only way to save himself. Though the President took the history-shaping steps to achieve accords with Russia and Red China, he is now depicted as using possible war with these behemoths as a distraction from domestic disarray.

Of course, it makes no sense. The Big Lie does not need to. Repeated often enough—daily, say—on the evening news, it passes for truth.

After months of bitterness and confrontation, when the President finally agreed to compromise on the issue of the Watergate tapes, the media overshadowed this significant development with the lesser story of the President's firing of Special Prosecutor Archibald Cox. Though the President was unquestionably within his rights to fire an employe, this story, blown out of proportion, was almost in itself responsible for the present impeachment clamor.

But the absolute bottom was hit last Friday at the news conference. The tone of the questions were patently insulting in many cases, delivered in an air of prejudgment. Even worse was the arrant and obvious disrespect which put before the nation the image of mere newsmen, so puffed up on self-importance, that they were actually shouting and back-cracking at the highest elected official in the land.

Indeed, the tumult would have gotten worse if the President had not, sensibly, broken off and left. So abused has press privilege become that it is no wonder that press conferences have been rare. The President invariably faces, not healthy curiosity and useful skepticism, but bald hostility—monstrous and unrelenting.

Indeed, it is no surprise that the President feels, as he said, no respect for those in the media who, knowing the true facts, nevertheless persist in delivering their own distorted interpretation of selected facts and half-truths. It is to his credit that he was man enough to say so. The contrast between the even tones of the President, his coolness and courage under deliberate abuse, and the rowdy slurs of the assembled newsmen was striking.

Despite calm and control, however, he pulled no punches, declaring: "I have never seen such outrageous, vicious, distorted reporting in 27 years of public life." Pointing to television, apparently particulary to CBS, he observed: "When people are pounded night after night with that kind of frantic reporting, it naturally shakes their confidence."

If the news conference established anything, it was the fact that the confidence of the President himself has not been shaken. Neither has his capacity to act effectively in a crisis, as in the Mideast, despite the spiteful drone of suspicion. Or his ability to discern the face of any enemy in the guise of free speech.

Hopefully, the American people also can now discern the degree of importiality—or lack of it—in much of the "news treatment" they are being saturated with. Old-school journalists are as appalled and offended as the President.

Of course, the President's charge was not a blanket indictment. Neither is ours. But he is as obviously and rightly fed up as many journalists are with the corruption of the Right to Know into the right to know only what a relative few network news executives want to be known. Not only are facts selected and emphasized arbitrarily, but "analyses" are thoughtfully provided to spare the public the effort of thinking their way to the desired conclusion.

The transformation of the nation-commander-in-chief into a surrealistic combination of mongol warload, buffoon-like clown, homicidal maniac and second-story thief is more than the violation of a privilege. It is the violation of a sacred responsibility.

If the President really had the dictatorial powers and assassin's mentality that he is accused of, he could stop this destructive display of raw hatred toward him. Indeed, it could never have started. Those who have freedom are the only ones able to complain of a lack of freedom.

The President has neither that kind of power nor that kind of inclination. At least, however, it was good to see him plainly and openly calling the hand of those behind these power-hungry subterfuges.

IMPACT OF FUEL SHORTAGE ON THE ECONOMY

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, I would rather not make this speech. But there are some things which must be said.

We are going to have hard times this winter. We all now know that heat for homes, schools, offices, and plants will be short as will be fuel for autos and airlines, but very little has been said about the impact on the economy, on people's jobs and incomes of drastically reduced energy consumption. We have approached it largely in terms of reduced airline travel, reduced speed limits, and suggested lower home temperatures or use of lights. The ramifications go far beyond that and it is time to say it loud and clear; serious fuel shortages this winter mean factories reducing output or closing down, swelling unemployment, and a whole host of other impacts on people's incomes. The English coal strike in 1972 provides an example of the effect of an energy shortage. Electricity production was cut by 15 percent, and industrial users of electricity were first placed on a 3-day workweek and, as the strike continued, forced to lay off much of their work force. By the 6th week of the strike, unemployment was estimated to have risen to 10 percent of the work force.

Let me spell out the dimensions of our current trouble in exact terms: even before the Middle East fighting, the Interior Department projected an adequate supply this winter of home heating oil only under the following conditions: First, if the winter was warmer than usual; second, if refinery operations were continued at near-capacity rates; third, if foreign companies with excess refinery capacity cooperated in making available to us their excess products—and that the Arab countries made available sufficient crude oil both for us and foreign refineries; and fourth, if sufficient transport was found to handle the record amount of imports required this winter.

The probability that all these conditions would be met was considered unlikely, and therefore experts considered spot shortages this winter unavoidable. This shortfall could have run from 100,000 to 300,000 barrels during the winter.

The situation is now much grimmer. Renewed hostilities in the Mideast have already cut oil production by over 4 million barrels per day, with all exports from Arab countries to the United States prohibited. This action will increase the winter's shortage to nearly 2 million barrels per day.

Some of us in the Congress have been begging this administration to take the lead in a full force energy conservation program. That effort has won only nodding acknowledgement from the administration leaders, but now, with a crisis upon us, administration officials have suddenly changed their tune and with unrealistic optimism are projecting that a conservation program will deliver us from the brink. That is simply not true; voluntary conservation without monetary incentives to save does not in the short run have that potenial.

It is all very well for the Treasury Department to issue sweeping statements that 3 million barrels a day can be saved by easy conservation methods, but in fact, without strong incentives to save, not much happens. Last summer, in spite of gasoline allocations, sales limitations, and considerable publicity on possible shortages, gasoline sales continue to rise. Even though it is true that a 3-degree reduction in all home temperatures would save the equivalent of 500,000 barels per day of heating oil, it is impossible to enforce such action.

If we restrict our efforts to exhortation, consumption will not be significantly affected until inventories run out, and all the effects of the shortage will pile into the first quarter of 1974 resulting in cold homes, closed factories, and high unemployment.

To cut back consumption of energy at any time will be painful, but it will be less painful if we spread it out by starting now. That is why now is the time to restrict gasoline consumption by rationing or higher taxes or both. Now is the time to force conservation of heating oil, of jet fuel, of electric power. This will not be popular, but the sooner such actions are implemented, the less severe the winter's hardships will be.

Implications of all this cut across the economy in the way Americans live. Since we will not have energy to meet all demands this winter, we have to sort out those which are wasteful and unimportant from those which are necessary. Major decisions will be required. It is impossible for me to list or even to anticipate all of them, but here are some impacts that I see and some suggestions for actions that ought to be taken.

Automobile manufacturers and the public had better quickly face a hard fact: The bigger car is going to be in real trouble within a few months. As gas rationing or much higher prices at the pump descend upon us, retail sales and resale values of larger cars are going to suffer drastically. People limited to 15 gallons a week, or whatever, are going to put them in the tank of a car which will go 300 miles rather than 150.

The auto industry already has a plateful of problems; maybe it is unfair to add this one, but it is coming anyway and plans should be made to minimize the impact on men and women who work in plants to make the larger model cars.

Many efforts on the energy front will pay off only in years or decades. For example, the much touted Alaskan pipeline won't deliver a drop of oil this winter, or the next, or the next. But there are things we can do right now, which will soften the impact on people's incomes and their health. Such actions would include:

First, gas rationing, or a staff gas tax. In Europe it costs $12 to $15 to "fill 'er up." Much higher costs would cause everyone to save every drop.

Second, require an inverted rate structure on residential and commercial utility rates. Beyond some basic home allowance all rates might double to discourage those who squander unnecessary amounts rather than present rates which become cheaper as wasteful use increases.

Third, action might be considred to discourage new vacation or second home developments. With utilities hard pressed to maintain present demands and with first homes in short supply, the less unnecessary construction we have, the better.

Fourth, the Defense Department uses large amounts of energy; without interferring with essential defense needs, greater care can result in enormous savings. Other civilian branches of government including Congress should get in line, too.

There are a host of other suggestions such as permanent daylight savings time to reduce evening lighting loads, limited hours for commercial establishments, lower speed limits, reduced advertising signs and lights, and so on; of course, I do not want to imply that omitted suggestions are not equally important.

The point is, whatever actions are to be taken, they should be implemented now—contingency plans for use when the homes go cold and factories close are inadequate. Every gallon of fuel saved by moderate—if inconvenient—methods in November means that much less unemployment or cold homes in February.

THE LATE HONORABLE JOHN P. SAYLOR

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, October 28, 1973, was a sad day for Mrs. Skubitz and me and so it will remain during our lifetimes for on that day passed from this Earth a man whom we treasured as our friend—John Phillips Saylor of Pennsylvania.

John Saylor was truly a man for all seasons. He was large of heart and spirit and of body to match. He was a statesman in all that word implies. His was no petty mind, hemmed in by partisan considerations and political motivations. His concern, manifested in a hundred ways, was always for what was good for the greatest number; what was right for the land he loved and the Nation he endeavored to make better.

When I came to this august body 11 years ago and was named to the Interior and Insular Affairs Committee, fate and the parliamentary procedures had treated me well for it brought me close to John Saylor. From that day onward, he was my mentor, my counselor, my friend in times of trouble, and above all, my leader. From him I learned that one can fight sharply for his beliefs and be magnanimous in victory and courteous in defeat. From him I learned that this Earth we live upon is a precious land that can be easily despoiled. From him I learned that we who live today owe a duty to those who come after us to preserve and protect the heritage that our fathers left us.

Others have echoed more eloquent tributes than is within my small ability but none feel more strongly and deeply the sense of loss that is with me in the passing of this excellent Congressman, this loving husband and father, and above all this great gentleman. His like will not be among us soon. To his wife, Grace, and to his son and daughter, John Phillips, Jr., and Susan, go our heartfelt condolences.

Mr. Speaker, many citizens throughout this land mourn the passing of our eminent friend, John Phillips Saylor. Not the least among them is Dr. Spencer M. Smith, Jr., a member of the executive committee of the Citizens Committee on Natural Resources, an organization I might add, that in my opinion stands preeminent in its long history of work for environmental protection of our land.

Dr. Smith was a long time personal friend of Congressman Saylor. They appreciated each other and their problems. Dr. Smith, unlike so many in the environmental field, recognized the problems of a legislator and the need for compromise in certain situations.

Mr. Speaker, I now enter into the Congressional Record his tribute to our late friend and I am pleased to do so. It follows:

Citizens Committee on Natural
Resources,
Washington, D.C.

A Big Loss of a Big Man

The Honorable John Phillips Saylor, Representative from the 12th District of Pennsylvania, died October 28, 1973. In the field of conservation, John Saylor stood as tall as the Redwoods he spent so much of his life to protect. The general recognized efforts that he put forth were slow in coming from the general public. Tragically, some of the instant conservationists know not of his long term and outstanding accomplishments. Much should and will be written about the Congressman's contributions in a wide variety of areas and we shall not recount the almost endless individual bills and acts which he either authored or helped bring to fruition to better manage and conserve our natural resources in the public interest. Rather, we should like to emphasize that Congressman Saylor, from the day he was elected to the House of Representatives—almost a quarter of a century ago, was a conservationist first and a politician second.

His was not a popular position and he ran the gamut of criticism from political friend and foe alike. It was not unusual for him to find his position to be a lonely one but it must have been rewarding to find that some years subsequent—it prevailed. John Saylor never hesitated. If he thought he was right to oppose his own party on an issue with great vigor and resolve, he would do so. Those who knew the Congressman are aware of how strenuous and effective that activity was. By the same token, he would support with equal enthusiasm a position of the opposite political party if he was convinced of its correctness. To maintain this kind of independent integrity and still attain an effective leadership with his colleagues resolved any doubt as to the greatness of this conservation pioneer.

He was fond of sharing credit and often pointed to the professionals who labored so long in behalf of constructive conservation policies. He went out of his way to offer them protection that occasionally only a Congressman can give. By the same token, his criticism could be stinging if he thought that bureaucratic pettiness was failing to block a hazardous program or support a good one.

To John Saylor's everlasting credit, there are others today who are extremely helpful in behalf of conservation programs. Everyone appreciates the new awareness but they were far fewer and the difficulties were infinitely greater through the years and early decades during which John Saylor spent his every effort. He would say, "Don't you prettify me—I haven't always been right and there were many times of despair." We can agree with that, but the percentage of his accomplishments is a goal for all of us. We will be lucky if we come close.

Spencer M. Smith, Jr.,
Secretary, Citizens Committee on
Natural Resources.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. Ketchum (at the request of Mr. Arends) for today and tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. McCollister) to revise and extend his remarks and include extraneous matter:)

Mr. Hogan, for 10 minutes, today.

(The following Members (at the request of Mr. Alexander) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Reuss, for 60 minutes, today.

Mr. Fuqua, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Yates, in two instances.

(The following Members (at the request of Mr. McCollister) and to include extraneous matter:)

Mr. Hanrahan in two instances.

Mr. Steiger of Wisconsin.

Mr. Winn in two instances.

Mr. Quie.

Mr. Madigan.

Mr. Arends.

Mr. Hogan.

Mr. Anderson of Illinois in two instances.

(The following Members (at the request of Mr. Alexander) and to include extraneous matter:)

Mr. Montgomery.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. Conyers in 10 instances.

Mr. Dingell.

Mr. Vanik in two instances.

Mr. Sarbanes in five instances.

Mr. Waldie in two instances.

Mr. Anderson of California in three instances.

Mr. Johnson of California.

Mr. Bolling.

Mr. Davis of Georgia in five instances.

Mr. Waggonner.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1769. An act to reduce the burden on interstate commerce caused by avoidable fires and fire losses, and for other purposes; to the Committee on Science and Astronautics.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2410. An act to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 6, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1501. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for accelerated energy research and development efforts (H. Doc. No. 93–175); to the Committee on Appropriations and ordered to be printed.

1502. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report on the Federal contributions program of civil defense equipment and facilities for the quarter ended September 30, 1973, pursuant to section 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1503. A letter from the Assistant Secretary of State for congressional relations, transmitting a report on assistance-related funds obligated for Cambodia during the first quarter of fiscal year 1974, pursuant to section 655 (f) of the Foreign Assistance Act of 1961, as added by Public Law 92–226; to the Committee on Foreign Affairs.

1504. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

1505. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Information Agency; to the Committee on Foreign Affairs.

1506. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a draft of proposed legislation to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Hungarian Claims Agreement of March 6, 1973, and for other purposes; to the Committee on Foreign Affairs.

1507. A letter from the Chairman U.S. Water Resources Council, transmitting the Council's report on the Pearl River comprehensive basin study, Mississippi and Louisiana, pursuant to Public Law 89–90; to the Committee on Interior and Insular Affairs.

1508. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the operation of a public transportation service between San Francisco and Alcatraz Island, Calif., for a term ending December 31, 1978, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1509. A letter from the Secretary of Transportation, transmitting a report on the administration of the Emergency Rail Facilities Restoration Act, pursuant to section 11 of the act (Public Law 92–591); to the Committee on Interstate and Foreign Commerce.

1510. A letter from the Secretary of Transportation, transmitting a report on a study of automobile odometers, pursuant to title IV of the Motor Vehicle Information and Cost Savings Act of 1972; to the Committee on Interstate and Foreign Commerce.

1511. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

1512. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of two aliens found admissible to the United States, pursuant to section 212(a) (28) (I) (ii) of the Immigration and Nationality Act [8 U.S.C. 1182(a) (28) (I) (ii) (b)]; to the Committee on the Judiciary.

1513. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d) (6) of the Act [8 U.S.C 1182(d) (6)]; to the Committee on the Judiciary.

1514. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a) (1) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254(c) (1)]; to the Committee on the Judiciary.

1515. A letter from the Acting Attorney General, transmitting a draft of proposed legislation to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969; to the Committee on Post Office and Civil Service.

1516. A letter from the Administrator of General Services, transmitting a report of a building project survey under the Public Buildings Act of 1959, as amended, for Palmer, Alaska; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

1517. A letter from the Comptroller General of the United States, transmitting a report that consumer protection would be increased if the Animal and Plant Health Inspection Service, Department of Agriculture, improved its administration of intrastate meat plant inspection programs; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 9142. A bill to restore, support, and maintain modern efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes; with amendment (Rept. No. 93–620). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[*Submitted Monday, Nov. 5, 1973*]

By Mr. ALEXANDER (for himself, Mr. Melcher, Mr. Vigorito, Mr. Brown of California, Mr. Mathis of Georgia, and Mr. Baker):

H.R. 11254. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. HÉBERT:

H. Res. 680. Resolution authorizing the printing of proceedings unveiling the portrait of the late Hon. Philip J. Philbin; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

325. The Speaker presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to the Charles River watershed proposal of the Corps of Engineers; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

348. By the SPEAKER: Petition of the Hawaii County Council, Hilo, Hawaii, relative to the appointment of Representative Patsy T. Mink as a delegate to the United Nations Law of the Sea Conference; to the Committee on Foreign Affairs.

349. Also, petition of Vladimir A. Zatko, Tamal, Calif., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Monday, November 5, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. Walter D. Huddleston, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, amid the stress and strife of busy days, we are grateful for unhurried moments of communion with Thee. We open our hearts for the indwelling of Thy love. We open our minds to Thy truth. Teach us, by the light of a great faith, how to be victors over life and not victims of dark powers of defeat. That we may live victoriously, give us a faith fit to live by, a self fit to live with, and a cause fit to live for. Inspire and guide with Thy spirit, the President, all leaders of our Government, and especially the Members of this body, that they may be found faithful stewards of the Nation's trust.

We pray in the Name that is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,
Washington, D.C., November 5, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HUDDLESTON thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

A message from the President of the United States was communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on November 1, 1973, the President had approved and signed the act (S. 907) to authorize the appropriation of $150,000 to assist in financing the Arctic winter games to be held in the State of Alaska in 1974.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HUDDLESTON) laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of G. McMurtrie Godley, of the District of Columbia, to be an Assistant Secretary of State, which nominating messages were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 2, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 456, 457, and 458.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERVENTION ON THE HIGH SEAS ACT

The bill (S. 1070) to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intervention on the High Seas Act".

SEC. 2. As used in this Act—

(1) "ship" means—

(A) any seagoing vessel of any type whatsoever, and

(B) any floating craft, except an installation or device engaged in the exploration and exploitation of the resources of the seabed and the ocean floor and the subsoil thereof;

(2) "oil" means crude oil, fuel oil, diesel oil, and lubricating oil;

(3) "convention" means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;

(4) "Secretary" means the Secretary of the department in which the Coast Guard is operating; and

(5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 3. Whenever a ship collision, stranding, or other incident of navigation or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to the ship or her cargo creates, as determined by the Secretary, a grave and imminent danger to the coastline or related interests of the United States sea by oil which may reasonably be expected from pollution or threat of pollution of the to result in major harmful consequences, the Secretary may, except as provided for in section 10, without liability for any damage to the owners or operators of the ship, to her cargo or crew, or to underwriters or other parties interested therein, take measures on the high seas, in accordance with the provisions of the convention and this Act, to prevent, mitigate, or eliminate that danger.

SEC. 4. In determining whether there is grave and imminent danger of major harmful consequences to the coastline or related interests of the United States, the Secretary shall consider the interests of the United States directly threatened or affected including but not limited to, fish, shellfish, and other living marine resources, wildlife, coastal zone and estuarine activities, and pubic and private shorelines and beaches.

SEC. 5. Upon a determination under section 3 of this Act of a grave and imminent danger to the coastline or related interests of the United States, the Secretary may—

(1) coordinate and direct all public and private efforts directed at the removal or elimination of the threatened pollution damage;

(2) directly or indirectly undertake the whole or any part of any salvage or other action he could require or direct under subsection (1) of this section; and

(3) remove, and, if necessary, destroy the ship and cargo which is the source of the danger.

SEC. 6. Before taking any measure under section 5 of this Act, the Secretary shall—

(1) consult, through the Secretary of State, with other countries affected by the marine casualty, and particularly with the flag country of any ship involved;

(2) notify without delay the Administrator of the Environmental Protection Agency and any other persons known to the Secretary, or of whom he later becomes aware, who have interests which can reasonably be expected to be affected by any proposed measures; and

(3) consider any views submitted in response to the consultation or notification required by subsections (1) and (2) of this section.

SEC. 7. In cases of extreme urgency requiring measures to be taken immediately, the Secretary may take those measures rendered necessary by the urgency of the situation without the prior consultation or notification as required by section 6 of this Act or without the continuation of consultations already begun.

SEC. 8. (a) Measures directed or conducted under this Act shall be proportionate to the damage, actual or threatened, to the coastline or related interests of the United States and may not go beyond what is reasonably necessary to prevent, mitigate, or eliminate that damage.

(b) In considering whether measures are proportionate to the damage the Secretary shall, among other things, consider—

(1) the extent and probability of imminent damage if those measures are not taken;

(2) the likelihood of effectiveness of those measures; and

(3) the extent of the damage which may be caused by those measures.

SEC. 9. In the direction and conduct of measures under this Act the Secretary shall use his best endeavors to—

(1) assure the avoidance of risk to human life;

(2) render all possible aid to distressed persons, including facilitating repatriation of ships' crews; and

(3) not unnecessarily interfere with rights and interests of others, including the flag state of any ship involved, other foreign states threatened by damage, and persons otherwise concerned.

SEC. 10. (a) The United States shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in section 3.

(b) Actions against the United States seeking compensation for any excessive measures may be brought in the United States Court of Claims, in any district court of the United States, and in those courts enumerated in section 460 of title 28, United States Code. For purposes of this Act, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii, and the Trust Territory of the Pacific Islands shall be included within the judicial districts of both the District Court of the United States for the District of Hawaii and the District Court of Guam.

SEC. 11. The Secretary of State shall notify without delay foreign states concerned, the Secretary-General of the Inter-Governmental Maritime Consultative Organization, and persons affected by measures taken under this Act.

SEC. 12. (a) Any person who—

(1) willfully violates a provision of this Act or a regulation issued thereunder; or

(2) willfully refuses or fails to comply with any lawful order or direction given pursuant to this Act; or

(3) willfully obstructs any person who is acting in compliance with an order or direction under this Act, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

(b) In a criminal proceeding for an offense under paragraph (1) or (2) of subsection (a) of this section it shall be a defense for the accused to prove that he used all due diligence to comply with any order or direction or that he had reasonable cause to believe that compliance would have resulted in serious risk to human life.

SEC. 13. (a) The Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, may nominate individuals to the list of experts provided for in article III of the convention.

(b) The Secretary of State, in consultation with the Secretary, shall designate or nominate, as appropriate and necessary, the negotiators, conciliators, or arbitrators provided for by the convention and the annexes thereto.

SEC. 14. No measures may be taken under authority of this Act against any warship or other ship owned or operated by a country and used, for the time being, only on Government noncommercial service.

SEC. 15. This Act shall be interpreted and administered in a manner consistent with the convention and other international law. Except as specifically provided, nothing in this Act may be interpreted to prejudice any otherwise applicable right, duty, privilege, or immunity or deprive any country or person of any remedy otherwise applicable.

SEC. 16. The Secretary may issue reasonable rules and regulations which he considers appropriate and necessary for the effective implementation of this Act.

SEC. 17. The revolving fund established under section 311(k) of the Federal Water Pollution Control Act shall be available to the Secretary for Federal actions and activities under section 5 of this Act.

SEC. 18. This Act shall be effective upon the date of enactment, or upon the date the convention becomes effective as to the United States, whichever is later.

AMENDING THE FEDERAL AVIATION ACT OF 1958 BY OFFERING FREE TRANSPORTATION TO CARRIER EMPLOYEES AND SURVIVORS

The bill (S. 1432) to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 20 or more years of such employment was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 403(b) of the Federal Aviation Act of 1958 is amended by inserting after "in the service of such air carrier or foreign air carrier;" the following: "widows, widowers, and minor children of employees who have died while employed by such air carrier or foreign air carrier after twenty or more years of such employment;".

REDUCED RATE TRANSPORTATION FOR CERTAIN PERSONS

The bill (S. 2651) to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403(b) of the Federal Aviation Act of 1958 is amended by striking out the last sentence and inserting in lieu thereof the following: "Any air carrier or foreign air carrier, under such terms and conditions as the Board may prescribe, may grant reduced rate transportation to handicapped persons and may grant reduced rate transportation on a space available basis to ministers of religion and to persons who are sixty-five years of age or older or twenty-one years of age or younger. As used in this subsection the term 'handicapped persons' means the blind and other persons who are physically or mentally handicapped, as further defined by regulations of the Board."

SEC. 2. Section 22(1) of the Interstate Commerce Act is amended by inserting after "managers of said homes" a comma and the following: "or to persons who are blind or otherwise physically or mentally handicapped, as further defined by regulations of the Commission, or to persons who are sixty-five years of age or older or twenty-one years of age or younger".

STATE OF THE NATION ADDRESS BY THE PRESIDENT OF MEXICO

Mr. MANSFIELD. Mr. President, one of the outstanding chiefs of state in this hemisphere, one of the leaders in the so-called third world, is the distinguished President of the United Mexican States, the Honorable Luis Echeverria.

President Luis Echeverria delivered his third state of the nation address on September 1, 1973. The chief executive of Mexico evaluated the results obtained in the past 12 months of his administration. He also reconfirmed his intention to renew the national structures and called upon the people of Mexico to make this task a common endeavor.

Mr. President, because of the close relationship existing between our two countries, I ask unanimous consent that the full text of the third state of the nation address by the President of Mexico be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THIRD STATE OF THE NATION ADDRESS

(By Luis Echeverria, Constitutional President of the United States of Mexico)

Honorable members of Congress:

Half way through my term of office, I come before the representatives of the people of Mexico and before the people themselves, at a difficult time for the world and at a moment of adversity in nature.

Catastrophes in different areas of the world caused a disastrous crop decline in the past agricultural cycle, considered by specialists to be the worst in the last twenty years.

This is part of an international situation characterized by economic disorder and by an increasingly sharp class division between the highly industrialized and the poor countries.

The conflicts and contradictions among powerful financial groups have triggered an inflationary process which evolves against the chaotic background of the monetary crisis.

The instability of the most important currencies produces uncertainty and mistrust with regard to money; it hinders trade operations, encourages hoarding and speculation.

But although the inflationary process, the shortage of food, fuel and power and of raw materials are problems that affect both large and small nations, their characteristics and effects are different in each case. For a vast region of Africa, it means hunger, plagues and the interminable search for water and food. For many countries of Latin America, it is, above all, the accumulation of social tension, the confrontation of groups with opposing interests. In the centers of financial power, it is one more opportunity to turn the needs of others to their own benefit, to multiply their wealth and extend the invisible frontiers of their empire.

All these phenomena prove the obsolescence of international structures, the decadence of a system founded on an irrational concentration of political and economic power, the need to find new formulas for coexistence that satisfy the true requirements of peoples and nations.

Mexico is suffering the consequences of international instability, the effects of a generalized inflationary phenomenon which goes beyond borders and benefits only those who can amass reserves of raw materials and establish their own market prices. It is a chain of disasters in which drought alternates with earthquakes and cyclones.

The heavy rains of the last few days have made rivers overflow, broken dikes, flooded crops, wiped out whole cities and left a tragic aftermath of death and victims. Hundreds of our countrymen died and hundreds of thousands lost their belongings and their usual means of livelihood.

We had hardly returned from inspecting the ruins of Irapuato when we received word of other floods and of the damage caused by the August 28th earthquake in the states of Puebla and Veracruz.

Although it is still too early for an exact evaluation of the losses in life and property caused by these phenomena, the country can get a general idea of their magnitude from the fact that, to a greater or lesser degree, they affected more than half the states of the Republic.

We have visited some of the disaster areas, given instructions for emergency measures, and have begun definitive reconstruction in cities and on highways, dams, and other infrastructure works. Various civilian and Government organizations and to an outstanding degree, the Armed Forces, have collaborated in these tasks. Nevertheless, the active solidarity of the entire population is indispensable in the effort to help our brothers in distress.

Misfortune serves to test the spirit of peoples that are strong. For them, there can be no defeat, but only challenge. In the ups and downs of fortune they achieve renewal. No matter what the circumstances, they find reason to redouble their determination and to continue onward and upward.

Throughout its history, Mexico has demonstrated its will to survive and to attain greatness. Today, it renounces useless lamentation and enters a new period of unity and collective effort.

Despite the destruction of important works and the loss of thousands of hectares of farmland, our agricultural future is promising. The storage capacity of our dams is calculated at around 28 billion cubic meters, an unprecedented figure that guarantees the irrigation of three million hectares during the forthcoming farm cycles.

The purpose of the present document is to inform the people about our immediate past and our perspectives, about the results of national activity during the period that ends today.

The work that we review at this time concerns us all and must be freely evaluated by everyone. Great collective undertakings are made possible only through enthusiastic action based on patriotic conviction.

Day by day, we explain and offer our acts of Government for public consideration. Today, we must evaluate the sum total of these acts in relation to the objectives that have been set. It is the task of the representatives of the nation gathered here now, and of each and every citizen, to judge what has been done during this year of intensive work.

DOMESTIC POLICY

I promised the Mexican people that I would strengthen our democratic way of life. We have kept this objective in mind in all our Government activities.

That is why we have encouraged open expression of different currents of opinion and have demonstrated, with deeds, the capacity for renovation of our laws and institutions. After three years of work, I can say to the country with absolute certainty that the path we have chosen will enable us to carry out the changes our society requires, within a framework of freedom and justice.

The constitutional reform that reduced the percentage of votes needed to accredit party Deputies and increased their number to 25, made it possible for minority parties to have a greater representation in Congress.

The new Federal Electoral Law and those we promoted to amend the Constitution, when we believed this to be necessary, were based on one of the essential policy targets of this Administration: creation of a legal framework that will permit extensive and deep-rooted political reform.

The new electoral legislation facilitates the integration of national political parties by reducing the number of members required for registration to 65 thousand.

Improvements have also been made in the system of party representation in the Federal Electoral Commission, as well as in local commissions and district committees. The new law provides parties with full guarantees for surveillance of the organization, development, and assessment of the electoral process. In this way, fair elections are assured.

One of the most important innovations in the new law is that it provides political parties and candidates with radio and television time during campaign periods for massive dissemination of their principles and programs. It also granted them special postal and telegraph franking privileges.

The federal elections gave content to the constitutional reforms designed to bring our political institutions into alignment with our demographic realities. The number of inhabitants with the right to be represented by a federal Deputy was increased to 250 thousand, and the Federal Electoral Commission was able to approve the creation of 16 new districts distributed among eight states of the Republic.

True democracy calls for active, day-by-day participation of the citizens in public decisions. But the culmination of this process is the election of the representatives of the people. Failure to vote means renouncing the most important political right of all; it means placing one's will in the hands of others.

By every means within our power, we encouraged the participation of all citizens in the recent elections. An intensive registration campaign produced a considerable increase in the number of registered voters: more than 24 out of a total of 26 million eligible citizens.

In my last report, I said that federal Deputy elections would put to the test the reforms we have carried out. Time has shown us to be correct; the July 1st elections provided categoric proof of their efficacy.

More than 15 million citizens voted not just for candidates and parties, but for our system of civic liberties as well. The country ratified its decision to live as a democracy.

Governors were elected in the states of Campeche, Colima, Guanajuato, Nuevo León, Querétaro, San Luis Potosí and Sonora. State Deputies were elected for Coahuila, Colima, Chiapas, Guanajuato, Morelos, Nayarit, Nuevo León, Querétaro and Sonora, Municipal authorities were chosen in Coahuila, Guanajuato, Hidalgo, Mexico, Morelos, Nayarit, Querétaro and Sonora.

We transformed our institutions without departing from the path we had chosen. The country is advancing toward a higher stage in its democratic life and fully accepts its destiny.

It is most satisfactory to verify, once again, the efficient operation of the mechanism provided by Article 93 of the Constitution. During the past year, seventeen Government officials have appeared before the legislators in sessions of Congress or committee meetings.

The desire to reinforce the concept of the work of the Government as a community effort, to emphasize its republican nature, and to avoid personalization of institutional actions led us to issue a decree prohibiting the inscription of the name of any Government official on the inaugural plaques of public works.

The task of the Federal Government is to consolidate democracy and promote the egalitarian development of society, within the possibilities of renewal offered by law. This action is based on, and reflected in, the creation of new legal instruments.

The present Administration has promulgated a constitutional amendment, twelve new laws, eighteen reforms, and additions to other existing laws. Moreover, seventeen instruments of an international nature have been ratified.

The Government feels concern regarding the effects of the mass communications media on society. It seeks to provide a balance between the need to improve the cultural and informative level the people have a right to expect and the creative freedom of those in charge of such media. In order to regulate the content of radio and television programs, a set of rules was issued in the public interest establishing standards for the adequate use of these federal concessions.

The citizen is aware of Government performance through the action of public administration. The growing complexity of modern living calls for constant revision of our systems of organization.

As of January 1, after careful studies, the five-day work week for those covered by the Federal Law for Civil Service Employees went into effect. This measures does not imply a reduction in working hours but only a new work schedule. We want the civil servant to do his work within the best systems of organization and with a more dedicated and forceful spirit of service so that he may become the most active agent for administrative reform. As an instrument to implement this policy, the Federal Government Commission on Human Resources was created.

Centralization, which forces the poorest citizens to move from distant parts of the country to Mexico City to resolve their problems, is an old defect of our administrative structure that we are determined to correct. Accordingly, 55 public sector agencies have established a process to delegate responsibility, and another process of regional decentralization which divides the country into nine zones has begun. The first of these is already working in the northeast of the country with headquarters in Monterrey, and the others will be set up in the next few months.

To achieve this purpose, new internal regulations of a homogeneous, flexible and modern criterion have been drawn up for various offices of the Executive Branch.

As part of the programs of administrative reform and in order to channel investments of the public sector in a more democratic way, a system of consultation with the people has been established to allow the inhabitants of each community to point out to Federal Government officials which of their demands should be given preference.

The Armed Forces maintain unshakable loyalty to the Constitution and to the people that are their source of origin. They keep the Republic safe from threats from abroad and ensure the continuity of its institutions.

The Army, Air Force and Navy have increased their capacity to assist and serve the civilian population considerably. They cooperate in all campaigns to conserve natural resources and, in coordination with other official agencies, fight against the cultivation and traffic of narcotics. With firm solidarity and exemplary patriotism, the members of our Armed Forces gave opportune assistance to victims of earthquakes and floods that affected a large part of our country. For this reason, they again deserve public recognition of the nation's gratitude.

We have maintained social peace. Although there have been isolated cases of terrorism, this form of violence certainly has no real roots in our country. As a militant strategy, it can only prosper in a climate of totalitarian oppression. As long as opposition can develop freely, clandestine organizations are artificial and destined to lead a precarious existence.

For some time, various groups of individuals engaged in illicit activities have used the facilities of the National Autonomous University of Mexico as centers for their operation. They seriously disturbed public peace and academic activity. In the face of continued criminal practices, university officials denounced these cases and requested the intervention of the Mexico City police who acted by court order to correct the situation.

Mexico is one of the firmest and most consistent defenders of the right of asylum. During the past year, 71 persons who requested asylum for political reasons were granted permission to enter and stay in the country.

The traffic in archeological treasures has been successfully fought against and an intensive campaign has been carried out to prevent and eradicate crimes against health.

The program to improve penitentiary systems in the country has continued, based on the law that establishes minimum standards for the social readaptation of convicted prisoners. State and federal authorities cooperate in this task. New prisons are being built, a policy of subsidies to upgrade existing installations and modernize their services has been implemented and technical assistance has been given to several states so that the most modern principles in the field can be applied.

Mexico now has more than 56 million inhabitants and this number will double in 20 years. Our index of growth of 3.5 percent a year is one of the highest in the world and certainly the highest among the countries with a population similar to or larger than ours. This high birth rate and the decrease in mortality create a serious demographic situation. In accordance with present trends, we shall begin the twenty-first century with 135 million Mexicans who will require food, housing, education, employment and all types of services. The parents of these millions of Mexicans of the year 2000 are already born or are about to be born.

This is the moment to consider seriously a problem which for some time has been faced by many nations that have a different economic and political structure. Large sectors of our population are worried about the problem of family growth. Mexican women by the thousands go to health centers, to Government and private clinics in search of orientation on the possibilities of regulating their fecundity.

We reject the idea that a purely demographic approach to birth control can replace the complex task of development. But we would be committing a grave error if we did not realize the seriousness of the population increase and the needs it generates.

The bill of additions and reforms to the General Law on Population, which we shall soon present to the Congress, establishes the legal framework in which programs for responsible parenthood can be carried out with absolute respect for individual liberties and as part of our general development policy.

We reconfirm our revolutionary and nationalistic humanism. We believe that all social processes must have man as their central concern and that improving his condition always implies preserving his dignity and free will. We affirm that human resources are the vital nucleus of any important change and that the basis of progress is the community's power to modify its circumstances.

FOREIGN POLICY

At this time, the main objectives of Mexican diplomacy are to diversify our foreign contacts and to give them a practical content.

The changes that have taken place in the world during the last few years favor our purpose. Cold War tensions are disappearing and negotiation between opposing forces is slowly replacing aggressive methods based on military power.

In a period characterized by the existence of dialogue, Mexico emphasizes its vocation of universality. We are an active part of the community of nations and our life is conditioned in many aspects by external events. To renounce our responsibility in the shaping of the new international order would mean to endanger the autonomous progress of the country.

We have expanded our bilateral relations. We decided to establish embassies in Barbados, Tanzania, Guyana, Rumania, the German Democratic Republic and New Zealand.

We know that no nation is self-sufficient. Consequently, we are trying to increase our bargaining power with foreign nations. We have hosted trade delegations from seventeen countries and sent numerous economic missions to different parts of the world.

During the sixteenth General Conference of the International Atomic Energy Agency, we reiterated our rejection of any type of nuclear tests. We also demanded that existing arsenals be destroyed. Any position of power implies the risk of its being used and the threat is, in itself, a form of violence.

We subscribed the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matters. This is the first multilateral agreement that attempts to prevent pollution of the sea and to protect ocean ecology.

In view of the upsurge of terrorism and in particular, of hijacking of ships and airplanes, we have stated that the prevention and repression of these acts falls within the exclusive competence of the state in whose territory these acts take place.

We also pointed out that such measures should not conflict with the norms of the right of asylum. The agreement signed with the Republic of Cuba follows these principles, and tries to discourage crimes which endanger innocent lives.

In reciprocity to the state visit I paid to the Republic of Chile, its President, Dr. Salvador Allende, came to Mexico as our guest. During his stay, the agreements approved in Santiago to intensify trade between the two countries were implemented. A line of credit to facilitate these operations was opened and we signed an Agreement for Scientific and Technical Cooperation.

We received the President of El Salvador, Col. Arturo Armando Molina. Pursuant to our policy on foreign investments, we decided to offer for sale to citizens of El Salvador up to 51 percent of the stocks of Fertica, a subsidiary of Guanos y Fertilizantes which operates in that country.

In this capital, I held official talks with the Prime Minister of Australia, Mr. Edward Gough Whitlam. We studied the adequate means to strengthen our ties and expressed our common concern at the increase of nuclear reserves.

Everything that affects the peoples of Latin America concerns the people of Mexico.

We went to the aid of Nicaragua, whose capital city was leveled by an earthquake. We provided aid and technical assistance for its reconstruction to the extent of our possibilities.

In order to counteract the isolationist strategy being used against Chile, we decided to sell oil and cereals to that country. This operation implements the agreement on payments concluded last year and expresses our intention to strengthen fraternal solidarity through economic cooperation.

During the meeting of the United Nations Security Council which took place in Panama, the conflict on the legal charter of the Canal was examined. We backed the just demand of the people of Panama to re-establish full rights over their territory.

As part of the process of regional integration, the Joint Andean-Mexican Commission was installed. Its purpose is to intensify our trade with the countries that are members of the Andean Pact.

We are determined to renew the structure of the Organization of American States. We hold that interdependence does not imply subordination or homogeneity. The fact that many different ideologies exist is a reality that should be recognized as the basis for hemispheric coexistence.

Mexico has invariably postulated that the inter-American system can only be understood as an association of sovereign states. We oppose all types of action, whether unilateral or collective, that interfere with the decisions that fall under the exclusive competence of each state. We do not accept extensive interpretations of treaties that imply interventionist theses.

Under difficult circumstances we have defended this doctrine that stems from the principle of self-determination. The diversity of political systems in the Continent once more proves that Mexico is right.

The lack of imagination in international affairs could chain us to a state of permanent dependence. We shall not delegate to others our decision-making powers. The struggle for sovereignty is also fought outside our national territory.

Our conviction that men and peoples can coexist peacefully, if they show mutual respect for their ideas and ways of life, made it possible for us to visit countries with different political systems and enter into transactions of reciprocal benefit with them.

We accepted, with the prior authorization of this Congress, the invitations extended by the Governments of Canada, the United Kingdom, Belgium, France, the Union of Soviet Socialist Republics and the People's Republic of China. During the course of this journey, we visited the headquarters of the European Economic Community and UNESCO.

More diversified relations with foreign countries will allow us to defend our rights and to promote our progress more firmly. We are trying to intensify relations that favor a substantial increase in economic exchange and which may broaden the sources of scientific and technological knowledge.

Latin America will become the first denuclearized region of the world when all atomic powers commit themselves not to use weapons of this kind against the signatory states of the Treaty of Tlatelolco. As a result of talks held with the Chiefs of State of France and China, both countries entered into this commitment when they signed Protocol II of the Treaty, as the United States of America and the United Kingdom had already done.

In all the countries we visited, we made arrangements for important financial and commercial operations that have since led to a tangible increase in transactions.

In Canada, we concluded agreements for economic cooperation and for exchanges in the fields of science, technology and tourism. With the United Kingdom and Belgium, we established mechanisms for technical collaboration and signed agreements to achieve equilibrium in the balance of trade. The Government of France expressed its interest in acquiring Mexican manufactured goods and in establishing joint capital export companies within our territory.

By virtue of the trade agreements we signed with the Soviet Union and the People's Republic of China, Mexico will receive most-favored-nation treatment. In this way, enormous markets are opened to our exports and favorable conditions are established for the purchase of industrial equipment under advantageous credit terms.

In Brussels, we entered into negotiations to reach an agreement with the European Economic Community, with whose countries we maintain relations of friendship and trade.

Like other nations of the Third World, our country affords possibilities for a diversified production that, under an equitable international system, would allow us to achieve a higher standard of living for our own people as well as to satisfy the demand of the industrial powers.

The prices of many of our articles and raw materials are fixed abroad. Going beyond our borders to defend the product of our labor is an obligation to present and future generations which we have fulfilled during this journey.

During my conversations with Heads of States, I discussed various subjects and obtained numerous results. At all times, I acted as the representative of a sovereign nation, while bearing in mind the needs and demands of the deprived majority sectors of our population.

After assessing the outcome of this undertaking, I can state with complete certainty that Mexico strengthened its prestige and increased its opportunities for trade.

Mexico has been a precursor of inernational theses that are generally accepted today. Repeated foreign incursions have served to reinforce an uninterrupted pacifist and anti-interventionist tradition. Both our past and our present have fostered our solidarity of interests with those countries which, having obtained their independence, are today struggling to achieve economic autonomy.

The principles that governed the international economy in the past have shown themselves to be inefficient. Not only is the gap separating the wealthy nations from the peripheral peoples growing steadily wider, but the dislocations existing in the economic field are further proof that these principles are now inoperative.

The contradictions arising from the survival of power politics are one of the principal causes of underdevelopment. A long colonial past, prolonged into our own times by more or less open forms of imperialism, prevents a radical transformation of prevailing structures of injustice.

Imbalance, inequity and coercion are incompatible with sound development of economic relations.

The Universal Declaration of the Rights of Man should be complemented by a normative document establishing standards that make economic coexistence and progress possible for all nations. We therefore consider that there is a steadily increasing need for adoption of a Charter of the Economic Rights and Duties of States that would express the collective will to preserve universal peace and stability.

The community of nations has given its support to this project. In Geneva, the working group composed of representatives of 40 countries in charge of drafting the Charter recently completed the first phase of its work. The positions held by different countries and groups of countries with regard to the matters that might be included have been expressed in a preliminary document. We do not doubt the praiseworthy nature of the effort this group has made nor the integrity of its intentions. Nevertheless, convinced of the urgent need to accelerate this task, I have recently sent a message to United Nations Secretary General, Mr. Kurt Waldheim, indicating the need for modification of procedures that would allow more rapid approval of the Charter.

We are convinced of the value of this instrument for the establishment of a system of mutual respect and economic cooperation that the general interest demands.

Events abroad condition our own evolution. We cannot remain aloof from the changes that are taking place in a world that is making radical modifications in its structure. Through the creation of new forms of interdependence, we can more adequately confront the circumstances of our times.

Those who have been left behind by historical developments and accept the servitude imposed by docile imitation of other scales of value have raised objections to our right to establish closer relations with countries which, regardless of their social system, offer us their friendship and the opportunity to increase interchange with them in areas of mutual interest.

Our foreign policy decisions demand a mature civic awareness, guided not by the superficial aspects of diplomacy but by a deep understanding of the political significance of the decisions.

The nations we visited repesent the entire range of contemporary political and economic experience. We have no prejudices nor any fear of alleged influences. We accept ideological pluralism as an outstanding characteristic of this stage in history. With a broadened outlook, we reaffirm our confidence in ourselves and in the road we have chosen.

In the first half of 1974 Mexico will receive waters from Colorado River in the amount and quality that we have demanded over the past years. Minute 242 of the International Boundary and Water Commission, signed two days ago, on August 30th, with the Government of the United States, ensures permanent and definitive solution of the salinity problem in the Mexicali Valley.

To put this agreement into effect, the bypass canal for saline waters will be extended to the Arizona-Sonora border, continuing from there through Mexican territory to the Gulf of California. This Mexican portion will be constructed, operated and maintained by Mexico and paid for by the United States.

Last year, we reached the decision that we would refuse to accept Wellton-Mohawk Canal Waters. This is the policy we have followed and will continue to pursue until the works mentioned have been completed.

Successful conclusion of the negotiations we have conducted constitutes a triumph of reason and law, a just reward for the tenacious efforts of our diplomacy, and a promising sign in our relations with the United States.

Mexico reconfirms its confidence in the rule of law as the foundation for international life, and the course of its foreign policy is directed toward the well-being of the Republic.

DEVELOPMENT POLICY

The great tasks involved in national development demand the coordinated participation of every agency of the Federal Government.

Industry, the availability of fuel and power, communications of all types; agricultural, livestock, forestry and fishery production; greater flexibility in distribution systems, employment policies, credit in all its forms, expansion of the hydraulic network, drawing up of agricultural and livestock programs, and security in land tenure, are among the many problems that cannot be analyzed separately. Each complements the others, and all converge in a program of joint activity that must be carried out with a global criterion.

The country's economic growth has always depended basically on the efforts of the farmers. Recognition of this fact has led to our decision to permit no further delay in the payment of this longstanding debt.

Accordingly, we here reiterate our active solidarity with the farmers, to be expressed in a more expeditious solution of agrarian problems and a substantial increase in the resources devoted to the promotion of agricultural production.

During this Administration, we have issued 305 agrarian resolutions covering a total of two million 14 thousand 105 hectares and benefiting 45 thousand 481 families. We have handed over 216 thousand 291 certificates of agrarian rights and have paid 764 ejido members indemnities totalling 109 million pesos for land expropriated for public use. In addition, 21 decisions were taken involving a total of 2 million hectares of public land to accommodate 43 thousand families.

We also granted 6 thousand 18 certificates of non-affectability of farm land and 285 certificates of non-affectability of livestock ranges.

The rights of communial farmers, ejido farmers and small landowners are, and shall continue to be, respected. Attention is given to the demands of dispossessed farmers, but without harming any legitimately acquired interests. Both in the city and in the country, only those who hold spurious land titles or engage in activities prohibited by law can feel, and spread, uncertainty.

The reform we are carrying out rejects the false choice between justice and efficiency. We do not want excessive land division to dislocate agricultural production, but we are determined not to allow a new system of large landholdings to be established for this reason.

We have intensified programs for technical training and farmer organization. The new agrarian law puts an end to the prejudice which held the ejido farmers were incapable of engaging in any activity other than farming or cattle raising. The establishment of agro-industrial enterprises has shown ejido farmers to be fully capable of exploiting the resources of their land for their own benefit and of being incorporated into modern production processes.

Small agricultural landholdings are not always compatible with the dynamics of today's economy. In such cases, it is advisable to encourage the grouping of these farms. It should be noted that the law makes it possible for ejido members and small landholders to form associations under mutually beneficial conditions.

Recently, members of Congress, I have held several meetings with leaders of national farmer associations who have informed me of their decision to organize ejido farming on a collective basis.

The Mexican Revolution has been a complex historical process. There are still those who feel that its initial civic objectives should have gone no further than political reform and that what came later was only a constructive wish to add to that original structure.

It is true that a number of constitutional reforms and the Querétaro Charter were designed to meet the pressing demands of the farmers and workers, but—as so often occurs in the social life of a country—the great general transformation of the nation could not be held back and placed within a mere intellectual and theoretical framework with the thought that it would have sufficed for a planned reorganization of Mexico.

The Agrarian Reform meant reconquering the land for our farmers, even though it frequently followed no set program. We are convinced that we are barely coming to the end of what is the first stage of that reform, and that we must now begin an extensive reorganization that—it goes without saying—will not depend on mere legal or administrative bases, nor simply on the intentions of farmer organizations. Rather, it must be rooted in a profound sense of solidarity, in the subordination of individual interests to the collective need within the communities and ejidos themselves, and even in cases of small landholders who decide to join together, to improve farming methods, make more effective use of fertilizers and insecticides, defend themselves against middlemen and profiteers—a real national plague—establish cooperatives for the use and sale of their products and, in general, plan their crops in a better way.

When we are asked on occasion, from a theoretical point of view, by very studious, very erudite people who work in quiet sheltered studies, whether it is not contradictory to lay out a policy of this type for the future in view of our need for a managerial class imbued with patriotism and nationalism, we answer that, within the mosaic that is Mexico, we need these more socially advanced forms of organization in rural areas and we also need a managerial class, but composed of men who are modern, nationalistic, free of the colonialist mentality, who do not wish to be the employees of foreign interests but rather feel the responsibility to contribute with their initiative, which should be truly creative, to the building of our country.

We tell these learned theoreticians that we do indeed need entrepreneurs who will industrialize the country and help us to avoid being left at the mercy of imports from abroad, by producing what the country consumes and can export. We need entrepreneurs who want to be the masters of their own destiny; who will not limit or hold back their investments until foreign capital comes from abroad; who will not create rumors designed to undermine confidence, such as those that were spread when the Executive and Legislative Branches together began studying legislation on foreign technology and investment.

We have said that investments must be handled with a spirit of solidarity in order to promote the sovereignty and progress of Mexico within a framework of healthy nationalism. Therefore, we subscribe to the thesis that just as we need to establish sound and secure bases through Government organization or by means of farmers organizations, which are true organs of defense, we also need to promote an efficient private enterprise that is nationalistic, modern, and socially meaningful. Everything is compatible when one believes in Mexico and in Mexico's future.

The irrigation works constructed during the past 12 months have benefited a total area of 183 thousand hectares, 53 thousand of which were placed under irrigation for the first time.

Construction of the Melchor Ocampo Dam marked the completion of irrigation works of the Lower Lerma River Irrigation District, serving an area of 33 thousand 200 hectares in the states of Guanajuato, Jalisco and Michoacán.

With an investment in February of 250 million pesos, we began the second stage of the Benito Juárez Plan, delivering fifty units of heavy construction equipment to be used to accelerate the construction of small irrigation works in twenty-two states of the Republic; 188 of these works, with a total storage capacity of 55 million cubic meters, have now been completed.

Investment and credit are two fundamental elements of agricultural development. The Federal Government has exerted a consistent effort to make financial resources available to the rural areas and has created a system of incentives to encourage private banks to do the same.

The Government has allotted 8 billion 300 million pesos for agricultural development. During this fiscal year the major governmental institutions provided credits in the amount of 11 billion 149 million pesos to 525 thousand ejido farmers and small landowners. This amount represents an increase of 41 percent over last year's financing.

Many ejido farmers and small landowners were unable to obtain credits because they were already in debt and the interest charges were often higher than the amount of the original loan. The Executive decided to free the farmers from this problem by absorbing the liabilities in accordance with the operative modalities of each official bank.

In order to correct inequalities between the development of rural and urban areas, we have carried out a program of industrialization under the auspices of the National Fund for Ejido Development. At present, with a total investment of 325 million pesos, there are 124 industries that employ more than ten thousand heads of families and benefit sixty-four thousand ejido farmers who are the owners of these enterprises. Another 88 industries, which require an investment of 202 million pesos, are currently being organized and we have approved 84 additional projects, which involve an investment of 270 million pesos.

The priority which the Government has given to the agricultural sector determined the creation of a Program of Public Investment for Rural Development to be applied in the country's more backward regions. The objective is to create permanent sources of employment which will keep farmers in their places of origin and to construct infrastructure works and services. Through this program, 2 billion 500 million pesos have been invested, of which 54 percent is earmarked for small works of infrastructure and the remaining 46 percent for works of a social nature. In all these projects 300,000 farmers have been employed, particularly during the periods in which they were not engaged in agricultural activities.

The use of natural resources and of local labor in the construction of roads, small reservoirs, irrigation works, schools and agro-industrial plants is a realistic answer to the problem of employment and proof of the creativity of small communities.

National programs for forage crops, pasturelands, and artificial insemination were importantly encouraged, and we started the National Program for Clearing Forest Lands through which large tracts of hitherto unproductive areas were made available for agriculture and livestock. One hundred and seventy thousand hectares in 13 states and territories have been cleared at a cost of 202 million pesos. These are gradually being turned over to farmers without charge in exchange for the work they have done.

In spite of severe floods and droughts, the total value of agricultural, livestock and forestry production was 68 billion pesos. The volume of exports of the main agricultural crops in 1973 increased 52 percent as compared to last year. Exports of meat and cattle on the hoof were temporarily restricted to satisfy domestic demand.

The largest production in the history of the sugar industry—2.6 million tons of sugar—was obtained during the 1972–1973 season. This yield was 230 thousand tons more than the year before and represents a net increase of 10 percent. During this period the farmers were paid at the higher rate established for sugar, molasses and alcohol. In the three years in which the new systems and rates of payment have been in operation, the cane growers have directly received greater benefits—in the amount of 1 billion 326 million pesos—than they did under the previous structure.

The disorder which prevailed in the production of an unfair distribution of profits between growers and manufacturers ended with the purchase of the foreign-owned company which controlled the greater part of the production and distribution of tobacco. With the establishment of Tabamex we obtained a new balance between these two sectors with the result that income to growers increased 184 percent in comparison with the previous year.

Likewise, in order to benefit harvesters of lechugilla, we authorized a new increase in the guarantee price of this fiber which, added to the one granted two years ago, amounts to a 100 percent increase.

Thousands of Indian families are engaged in the weaving of palm hats in the Mixteca region of the states of Oaxaca, Guerrero and Puebla as a supplementary activity. In order to improve their standards of living, increase their productivity and diversify their activities, a trust fund of 25 million pesos was set up. It has already benefited ten thousand families by increasing their income 60 percent.

The Coordinating Committee for the Integral Development of the Isthmus of Tehuantepec continued to promote the creation of new centers of employment. During this year new industries with an investment of nearly 800 million pesos have been inaugurated. Moreover, three programs of rural development, with a total investment of 174 million pesos, were begun. In April we issued a decree for fiscal incentives and other kinds of facilities to favor industrial, fishery, forestry and tourist enterprises that contribute to the economic development of this area.

The useful work of the Commission of Tehuantepec has encouraged us to create a similar agency for the Peninsula of Baja California in order to promote and coordinate the development of the basic activities of that region, which will be greatly stimulated in the near future when the trans-peninsular highway is finished.

In order to preserve and improve the natural conditions of the waters of the nation, we issued two decrees establishing the Tabasco and Papaloapan Basin aquaculture districts.

The primary objectives of the policy for the promotion of fisheries is to lower fishing costs and increase the use of coastal areas. We have made large investments to improve port installations and their operating capacity. We have signed contracts to purchase 500 boats and have improved marketing procedures. The first ejido fishing cooperatives founded in Sonora mark the beginning of the participation of farmers in these activities.

Mexico now holds second place in the American Continent in tuna fishing. In a little more than two years, the tuna fishing fleet has increased 238 percent.

The National Basic Commodities Company (CONASUPO) plays an ever more important role in the protection of small farmers and low income consumers.

Ten million Mexicans obtain their livelihood from corn and bean farming. During the past decade, since the last increase in guarantee prices, their purchasing power has dwindled while salaries and the general level of income of the population have increased.

In response to the urgent demands of all the farmers of the country, and in order to become nationally self-sufficient in grains, we have ordered that beginning with the next harvest, the guarantee price of corn be increased from 940 pesos to 1,200 pesos a ton and the price of beans from 1,750 pesos to anywhere from 2,000 to 2,300 pesos, depending on their variety and quality.

However, new guarantee prices are not sufficient for the farmer to be able to change his systems of production and social conditions. It is also necessary to free him from the monopolizer and the money-lender. In order to prevent the speculation of intermediaries, one thousand 600 purchasing centers are in operation and the system of warehouses and rural stores is being constantly increased.

We must prevent private interests from harming the tenuous balance of the economy of the people. The action of CONASUPO is a rational and just way to transfer income to groups of smaller purchasing power and to strengthen the alliance between the revolutionary regime and the majority of citizens.

True development implies adequate national integration. The efforts the Government is exerting in this respect are not limited to linking up large cities and production and consumption centers. The effort also implies incorporating into the general progress of the country many communities that for centuries have lived in isolation.

Roads, railroads, seaports, postal services and modern means of telecommunication have, in addition to their obvious social and economic usefulness, the political function of increasing awareness of the national unity we require, today more than ever, in order to achieve our objectives.

Because of the importance we place on roads as promoters of development, we give a great deal of attention to the highway construction and maintenance program.

A total of 2 billion 702 million pesos was invested in this area. The labor-intensive roads that are part of the Program for Rural Development have been a decided incentive ot the economic life of backward areas Thirty thousand kilometers of this type of road were completed during the past year at a total expenditure of one billion 512 million pesos.

National Railways is making a vigorous effort to normalize the critical situation caused by the vast accumulation of freight that continues to pile up in seaports, at main railroad terminals and the ports of entry on our northern border.

The purchase of 71 locomotives and 1,233 railroad cars considerably increased the capacity of railroad transportation. The acquisition of these units and other measures we have adopted are not merely an emergency program but the beginning of a complete renewal of the system.

The Ministry of the Navy is modernizing the main ports of the country and has been authorized to coordinate the technical and operational activities of government-owned shipyards. This measure is a decisive step toward the integration of this industry. At present, domestic shipyards are in a position to repair our entire war, merchant, oil tanker, and fishing fleets.

The satisfactory operation of free ports and of enterprises in which the Government has majority control in cargo handling and port services in Manzanillo and Guaymas, led to the establishment of similar enterprises in Ensenada, Mazatlán, Santa Cruz, Progreso, Coatzacoalcos and Tampico, with good initial results.

The eight ports in which duty-free zones were established have been able to reduce the procedures required for the dispatch of merchandise by 90 percent and the corresponding expenses by an average 72 percent.

In Veracruz, two of the most important labor organizations merged and, a week ago, the corresponding Government-participation enterprise was created there. These events definitely strengthen the port reforms carried out in the most important sea terminal of the country.

Constant technological innovations in air transportation call for continual improvement of the country's airport network. During the past year we have invested 385 million pesos in the construction and modernization of airports.

Our intention is to provide mail and telecommunication services that will link up the entire Mexican community The services provided by mail and telegraph networks have been modernized and new routes and service centers have been established.

The special importance we have given to the integration of Indian groups is demonstrated by the activities of the Rural Telecommunications Commission in the Tarahumara, Huicot, and Altos de Chiapas areas and by the Ejido Mail Pouch service that is already serving 9 thousand 329 rural communities.

Telédonos de México continues to provide clear proof of the organizational capacity of the Mexican people. Our country now holds second place in the world in rate of growth of all the nations that have an accelerated telpehone development. In July, the number of installed apparatus passed the 2 million mark. The company's earnings for the year were 873 million pesos, 59 percent more than in the preceding year. With its plans for expansion of its services to rural areas, this enterprise in which the Government is the major stockholder, gives added social meaning to its activities.

Throughout our history, mining has been a key factor in the generation of wealth. For a long time, however, it was simply an instrument of colonial exploitation, and its high and low periods were regulated from abroad.

With Mexicanization of the mining industry completed—795 enterprises in which a majority of the capital is Mexican now provide 98 percent of total production—,the time has come to expand and strengthen it. We are now participating to a greater extent in its development and in the proper direction of the work of exploration, extraction, refining, and marketing.

The total value of the principal mining products reached 7 billion 683 million pesos. This is an increase of 12.6 percent over the preceding period.

Mining will be strengthened by the Government's association with private enterprise. As a result of such action, exploitation of the copper deposits in Caridad, Sonora, which will require an investment of approximately 5 billion 500 million pesos, will soon begin.

This is the most important project ever undertaken by the nonferrous mining-metallurgical industry. Upon its completion, production will have been increased by 40 percent.

Future development of this industry should be based on the promotion of highly productive units, and should also take into consideration small and medium-scale mining companies that can, in the short term and at a relatively low investment, provide numerous jobs for the inhabitants of the arid and mountainous areas of the country.

State-administered mining enterprises increased their earnings by 118 percent over 1972. With recent Government participation in the Compañía Minera Autlán and in Ferroaleciones Teziutlán, the public sector's share in domestic mining-metallurgical production is 28 percent.

Mexico is vigorously confronting the task of strengthening and expanding its industrial progress and of making it compatible with the other aspects of our development.

In order to guarantee industrial growth and provide support for other sectors of the economy, we must ensure a steady flow of hydrocarbons and electric power. The recently founded National Energy Commission has been assigned the function of regulating the rationale use of these resources.

Petroleum is still our principal source of energy. The deposits recently discovered in the states of Chiapas and Tabasco are the most important of the last decade. This area produces an approximate average of 3 thousand barrels a day per well, as against 120 barrels that is the national average. It is already providing 10 percent of the country's total production of crude.

Industrial expansion has led to increased demand for energy which has obliged us to make a number of purchases abroad. However, the new oil deposits in southeast Mexico should make it possible for us to reduce imports as of next year.

Another important contribution to our supply of energy lies in the completion of the second natural gas pipeline from Ciudad Pemex to Mexico City, which has added considerably to the supplies reaching the central part of the country.

National investment in the petrochemical industry is 9 billion 113 million pesos, of which 4 billion 948 million correspond to Petróleos Mexicanos, 775 million to Guanos y Fertilizantes, and 3 billion 390 million to private enterprise. Construction is currently underway on 23 new plants representing a total investment of one billion 78 million pesos.

We increased net generation of electric power for public services by 10 percent, thereby benefitting two million new consumers. Installed capacity is 7 billion 532 million 518 kilowatts and projects being built have added 5 million more.

To diversify our sources of energy, work was begun on the construction of the Laguna Verde Nuclear Power Project, our country's first effort to use atomic power to produce electricity. This plant will have a capacity of one million 300 thousand kilowatts and will begin operations in 1976.

The country's first geothermic unit using steam from the subsoil began operations in the Cerro Prieto Plant in the state of Baja California. Research into possibilities for the generation of electric power by these means in other parts of the country is under way.

The Ciudad Sahagún industrial complex continues to obtain high yield rates. Total value of its production was over 2 billion pesos.

Altos Hornos de México is continuing its expansion programs and plans to produce two and a half million tons of steel by 1975.

To promote the expansion of the basic steel industry, work on the construction of the Benito Juárez-Peña Colorada mining consortium and the Lázaro Cárdenas-Las Truchas steel mill is proceeding at an intensive pace.

The operations of 585 state enterprises that in 1972 obtained a total income of 80 billion pesos, 21 percent over the preceding year, were overhauled. Several of these industries that had previously shown narrow margins of profit or losses, increased their earnings considerably in the course of this year.

Optimum use of our resources and decentralization of industry are essential conditions for generating the employment and exports that Mexico needs at this stage of its development.

The Federal Government has created many incentives to industry which will lead to a substantial increase in employment within a short period of time. The Fund for the Promotion of Small and Medium-Sized Industries, the National Fund for Industrial Promotion, and the National Fund for Industrial Equipment carried out operations for an amount of approximately 948 million pesos.

The decree establishing the bases for the development of the automobile industry is designed to create a structure for this industry in accord with present and future market conditions. Its provisions tend to promote the development of this activity, to favor majority participation of Mexican capital, and seek higher levels of efficiency and more favorable export indices.

Work is proceeding to create 14 industrial cities as one of the activities of urban development planning and promotion and as part of the policy for industrial decentralization. Infrastructure for the industrial cities of Mérida and Durango has been completed and work on similar cities in Aquascalientes, Celaya, Guadalajara, Linares, Mexicali, Morelia, Tepic, Tijuana, Tizayuca, Tlaxcala, Villahermosa, and Zapopan is underway.

To attract the purchasing power of Mexicans living in border zones, the sale of articles produced in Mexico has been promoted with a resulting increase in tax revenues. Fiscal incentives consisting in the rebate of indirect taxes amounted to more than 63 million pesos on 717 million pesos in sales of national products.

The border assembly-plant system was extended to the entire country. During the period covered by this report the number of workers employed in this industry rose to 50 thousand.

Contemporary principles of international coexistence reject the exploitation of weak nations in all its forms. There is a growing consensus that accords foreign capital and technology a supplementary and invariably subordinate role with respect to the internal decisions of the recipient countries.

The accumulation of wealth and political power by the great powers leads to profound imbalance in international relations and thwarts the hopes for autonomous growth of less advanced countries. Subordination of foreign investment and technology to the foundations for vigorous economic nationalism.

The Law to Promote Mexican Investment and Regulate Foreign Investment has as its basic objective the consolidation of our economic independence and the prevention of interference in national decisions.

When capital flows are made subject to the policies and objectives we have set for our country, they promote development and become an efficient instrument for the transfer of technology. Their potential field of action complements national efforts for industrialization and increases the perspectives of a domestic market, at present incapable of absorbing the output of highly productive enterprises.

The new legislation defines the activities that are exclusively reserved to the state and to Mexican firms and places limits on the investment of foreign capital. It lays down specific rules and conditions to be observed by foreign investment and establishes the principle of majority participation by Mexican capital. It also places restrictions on the sale of national firms to investors from other countries. The National Commission on Foreign Investment was set up to coordinate the activities of the various departments of the Executive Branch in this field.

No reasons exist for granting special privileges or excessive incentives. We need foreign investment to accelerate our process of growth, but we are not prepared to accept it under conditions that would place the patrimony and the future of the nation at th mercy of any interests foreign to Mexico.

We have no desire to be the passive recipients of scientific methods that have not been created with our own needs in mind or that are only a factor of the production strategy of transnational corporations.

In our view, technology should be a true instrument of cooperation and never a bond of submission. These are the objectives of the Law on the Transfer of Technology and the Use and Exploitation of Patents and Trademarks.

We shall be independent only insofar as we can count on sufficient information regarding the use of alternative techniques; as we refuse to permit unjustifiable charges for royalties; as we eliminate charges or indirect taxes that increase our production costs and prevent us from creating a competitive industry; as we eliminate limitative clauses or practices such as those that restrict exports or make it compulsory to transfer, free of charge, technical advances or improvements developed in Mexico. In short, we can achieve economic independence only to the extent that we subject the acquisition of technology to the standards that are most in keeping with the country's interests.

Mexico's overall development should be guided by a clear awareness of the nation's realities and historical objectives. Our nationalism has been forged in the course of long and difficult experience, and we cannot exchange certainties for unsubstantial mirages of progress. To know what we are and to work to the limit of our capacity for what we hope to be, to clear the way for the forces of renewal, to unite through the solidarity of our daily efforts and shared benefits, is the only road that leads to the formation of a prosperous and egalitarian society.

EDUCATIONAL POLICY

Educational policy and economic policy reveal with greater clarity than any other Government activity the existing gap between what the nation is and what it wishes to become. Having recognized this fact we sought to devise a strategy in both areas in accordance with the ideals of the national community for change and progress.

One of the main aims of educational reform is to create and encourage studies that will permit our youth to participate in the productive life of the nation without the need for many years of training. It is also designed to eliminate the harmful and elitist notion that only a higher education can give prestige to the individual and provide him with an adequate standard of living.

The gap between the organization of higher studies and job opportunities is becoming increasingly greater. Many professional men face a serious unemployment problem upon graduating from our schools and universities. To deal with this situation, they accept employment which would have required less years of study, or engage in activities for which they have received no previous training.

We must recognize that many educational simple expedient of giving academic credits than to the difficult commitment of teaching students to participate in economic life.

This distortion in the scale of values, which is found in society as a whole, is responsible for the fact that part of our young people attend school not to learn but to obtain a diploma.

The Constitution did not ban titles of nobility only to replace them with professional titles.

Professional degrees must not serve to indicate alleged superiority, but to identify those citizens who owe more to society because they have received more from it.

Serious frustration is felt by our students when their university degree fails to provide them with the advantages which collective pretense had promised them, and when they find that they are unable to serve the community as much as they would have liked.

This disenchantment is, among others, one of the underlying reasons for the problems which affect our major institutions of learning.

When the combative and idealistic spirit of youth does not see adequate channels for self-development in the near future, it adopts attitudes of inconformity.

To hope to solve these problems exclusively within the educational framework reveals a limited view of the phenomenon.

The work to be done must take place both inside and outside the school—inside the school by encouraging the exercise of the democratic prerogative of criticism; outside, through corrective political, social and economic measures necessary for the renewal of the national community within a spirit of progress. In short, it is necessary that our educational system offer opportunities that provide our young people with the certainty that they will be socially useful.

Our policy in the field of public education must not be examined by itself but within the frame of reference of Government action. The fruit it bears will depend on the progress achieved by the country as a whole.

Society is the main teaching agent and the school only shares in part of the process. We are carrying out educational reform which is not limited exclusively to didactic changes. Its principal objective, as we have already said, is to transform our mental structures.

The aims which guide us are oriented toward shaping a culture which, without divorcing itself from universal humanism and science, emphasizes the features of our own identity, is consistent with our needs and ensures our cultural and economic independence.

We have intensified our efforts to extend the benefits of elementary school education in cities and, especially, in rural areas. Two out of every three new teachers are assigned to rural schools. During the past term more than ten million children attended elementary school.

Approximately a million and a half Mexicans live in rural communities of a hundred people or less. For their benefit, different methods combining school and extracurricular procedures have been introduced. During the past year, 106 boarding schools have been established, strategically located in towns that already have schools with complete programs. Another 125 will being to operate this month.

Free textbooks—which are decisive elements in a truly democratic education—have been substantially modified. They encourage a scientific attitude and a marked interest in social problems, as well as active participation by the children in learning. They make the teacher a more diligent and confident actor in the educational process. Eighty million copies of these texts have been distributed to teachers and pupils.

Social integration of Indian groups is one of the central concerns of the Government. To this end 16 coordinating centers have been founded in regions inhabited by Indians speaking the Chatina, Chol, Chontal, Huasteca, Maya, Mayo, Mixteca, Nahua, Otomi, Yaqui, Zapoteca and Zoque languages. We have increased the number of bilingual promoters, teachers and supervisors and we have also set in motion an intensive program for the teaching of Spanish.

Upon the scope and diversity of our intermediate education depends, to a large degree, a solid base for our country's cultural evolution. Considerable budgetary increases permitted the construction of schoolrooms, laboratories and workshops.

For many years this educational level has followed traditional study programs and has neglected technical education to a certain extent.

For this reason we have established new Technological Schools of Agriculture where, in addition to general secondary school studies, useful instruction in farming and livestock-raising is given. Of 331 schools in existence, 262 have been built during the present Administration.

The capacity of Technical Fishery Schools and Industrial Technological Schools has also been increased.

During the present Administration we have founded 17 Centers for Agriculture and Livestock Studies and 45 Centers for Scientific and Technological Studies. Both types of institution were created by the present Government as the base of an independent system of senior intermediate education.

Students graduating from these schools with a bachelor's degree may, with a minimum of additional requirements, obtain a professional degree as technician.

Excessive enrollment in institutions of higher learning and the high rate of dropouts are partly due to the underestimation with which intermediate technical training was viewed. Our young people must understand that there are new possibilities for professional training, more suitable to their vocations, and with broader prospects for employment.

Higher education is the culmination of the community's formative efforts. It therefore defines the community's true nature and establishes the essential guidelines for its future evolution.

The difficult mission that our centers of culture face today is to train men who will keep an open mind toward all currents of thought and who have a deep-rooted awareness of their collective responsibility.

This school year the Federal Government invested 3 billion 255 million pesos in higher education. This expenditure is three times greater than in 1970.

To consolidate the system of technical training, during this Administration 12 new Regional Technological Institutes have been built, and the first Technological Institutes of Agriculture will begin to operate next October.

We created the Institute for Scientific and Advance Research at Ensenada and restructured and strengthened the School for Advanced Studies in Tropical Agriculture in Villahermosa, which will begin operating within three days.

The allocation for the National Polytechnical Institute with its 112 thousand students, was 938 million pesos. The Basic Sciences Unit of the School for Advanced Studies in Mechanical and Electrical Engineering began its work.

In turn, a subsidy of 1 billion 179 million pesos was granted to the National Autonomous University of Mexico, which has a population of 220 thousand students.

After a meeting in Mexico City, the Presidents and Directors of our centers of higher learning came to the conclusion that, due to the increasing demand for enrollment, it is urgent to establish a new university in the Federal District.

Consequently, I shall submit a bill for the consideration of Congress proposing the creation of the Metropolitan University of Mexico City.

In an effort to decentralize education, we have taken steps to strengthen all state universities.

All areas of extracurricular education have been expanded. We have given special emphasis to the organization of new institutions and have adapted the old ones to the cultural needs of the people. This is the criterion which prevails in all official activities related to the dissemination of publications and the fine arts. The rate of publications of a cultural nature was maintained and the National Theater, Opera and Dance Companies were formed.

A registry of archeological zones and remains and of historical monuments was established to defend our cultural heritage, and we created the Center for Advanced Research of the National Institute of Anthropology and History.

The abolishment of scientific and technical colonialism is essential to attain total economic independence. From the beginning of our Administration, agencies were created or restructured to coordinate and promote the work in this field.

As a result of this support, many research centers have been able to increase the volume of resources they have channeled into these activities in the period from 1970 to 1973.

The National Council for Science and Technology (CONACYT) promoted the first Continental Meeting on Man and Science, held in Mexico City. The conference brought together over 5 thousand outstanding Mexican and foreign scientists, technicians and students.

In programs to decentralize research, the National Council for Science and Technology, in collaboration with other institutions of higher learning, is developing the Center of

Physical Oceanography and Instruments in Ensenada; a similar one for chemical studies applied to products from desert areas in Saltillo; and another on tropical ecology in San Cristóbal de Las Casas. It also plans to create a Marine Biology Center in La Paz, Baja, California.

The need to acquire technology suitable to Mexico's industrial development obliges us to give great importance to the professional training of young scientists and technicians. To this purpose, we have signed two new technical cooperation agreements and employed other resources so that approximately 2 thousand Mexican graduate students may specialize abroad. This figure doubles that of last year.

The education budget amounted to 15 billion 100 million pesos, 44 percent higher than last year and 91 percent over 1970. And this is what some people call an inflationary budget. It is a matter of providing schools at all levels for the children of the farmers and workers of Mexico. We should point out, however, that in spite of the greater effort we are making to satisfy our growing educational needs, the collaboration of every sector of our national life continues to be necessary.

The federal school construction program is satisfactorily fulfilling its expansion plans. The budget authorized for this purpose came to over 2 billion 302 million pesos, a figure three times greater than the investment made in 1971.

In response to the just demands of teachers, the Mexican Government approved an increase in salaries for pre-school and elementary school teachers totaling 630 million pesos. Salary raises took into account not only the teachers' years of service, but also the studies they had undertaken to improve their professional skills.

Training programs were given to 262 thousand elementary school teachers, while the regular courses for the faculty of teacher training schools continued as planned.

Fourteen thousand 500 new teachers have been contracted for the coming school year. The new positions opened during the course of this Administration have already reached the figure of 37 thousand 800.

The process for educational reform will be incomplete unless legislation is enacted enabling us to implement its essential points. In a few days, I shall submit to Congress a Federal Education Bill which responds to the present needs of the country and to the philosophy contained in Article 3 of the Constitution. I shall also present a bill on Patents and Professional Practice for the Federal District and Territories, in which legal recognition is proposed for many new professions.

Educational reform is the result of the direct assessment of our reality and a constant dialogue with the entire population, particularly with teachers, parents and youth.

Education is a political task because it inevitably shapes a way of life. Education is not imparted for life in the abstract but for participation in the activities of a given community.

The consolidation of national progress requires the cooperation of young people committed to the needs and problems of society, capable of critical judgment about what happens in the country and in the world, and willing not only to fight against ignorance and injustice, but to train in order to overcome these evils.

To the extent that these objectives are atained, public education will fulfill its commitment to Mexico.

SOCIAL POLICY

Development is not the accumulation of goods but rather the fulfillment of human abilities. It depends, basically, on the rational and just use of manpower.

To postulate that the increase in wealth is an essential value of the community is to submit in advance to those who possess it. Economic profitability based on the exploitation of labor is only an illusion of progress that conceals dangerous forms of colonialism.

On the other hand, to link our future to the improvement and productivity of human resources is a reaffirmation of dignity and autonomy.

During the last few decades, Mexico maintained a high rate of growth and made considerable progress toward industrialization. The main emphasis, however, was on the formation of capital assets, which gave rise to serious imbalance. In the social aspect, we have fallen far behind. Our most valuable patrimony, man's labor, has been underemployed and poorly remunerated.

Article 123 of the Constitution, the principal foundation of all our social policy, summarizes Mexican development philosophy. It not only contains the essential criteria for the protection of labor, but also establishes the legal instruments for the attainment of the well-being of the working class, equilibrium in the factors of production, and a more equitable distribution of its results.

Deterioration of the living conditions of wage earners is a dangerous departure from the mandates of the 1917 Constituent Assembly. The decision of the legislative body to confirm these labor standards by including them in a single legal instrument was taken for the purpose of guaranteeing equal rights to all workers. Accordingly, the establishment of separate jurisdictions in the application of these criteria should serve, rather than impede, this egalitarian purpose.

The Executive Branch offers the states its collaboration in strengthening the application of labor laws. We shall issue an invitation to a first nationwide meeting of labor authorities and welfare institutions to initiate a joint effort to enforce compliance with the provisions of Article 123.

At federal level, we have begun reforms and modernization of structures in the public administration of labor. By substantially reinforcing its traditional functions, we are contributing to the preservation of social peace. However, it is not enough to reconcile opposing interests; it is also necessary to program and direct a genuine labor policy.

The Labor Information and Statistics Center will provide full information on the main indicators of this policy. The activities of the Labor Institute have been expanded to make it a research and training center for labor officials and personnel managers, who will be chosen by competitive examinations.

Special importance has been given to labor medicine and safety measures, and the group of labor inspectors has been reinforced by the addition of technical personnel.

Our respect for the right to strike is invariable, as is our observance of the fundamental principle of non intervention in the internal life of labor unions. However, as revolutionaries, we aspire to the constant improvement and extension of the Mexican labor movement.

The labor movement has contributed vigorously to the growth of our economy, to the nationalization of our natural resources, and to our achievements in the field of social justice. Without its combative action, the institutions of contemporary Mexico could not be explained.

We particularly wish to acquaint members of the younger generations with the history of the struggles and conquests of labor. With this purpose in mind, we have created a Center for Historical Studies of the Labor Movement.

Federal authorities have acted as mediators in the drafting and revision of the most important collective labor contracts. A total of 175 such agreements have been signed, giving workers an average 14.5 percent increase in wages and new fringe benefits.

Particularly significant in the national economy was revision of the collective contracts of numerous locals of the Industrial Union of Mine and Metallurgy Workers of the Mexican Republic, and those of the National Railroad Workers, the Federal Electricity Commission and various branches of the film industry and Petróleos Mexicanos. Contract-laws were also revised, bringing substantial benefits for the workers of the Sugar and Alcohol Industry, the Wool Textile Industry and the Rubber Processing Industry for Manufactured Products.

Contract-laws, by unifying and codifying working conditions within a single economic activity, provide a valuable mechanism for social improvement and the redistribution of wealth. They also expedite processes to regulate competition and carry out national industrial planning.

For some time past, labor groups have been demanding the establishment and expansion of contract-laws. In answer to their requests, we shall proceed to call the relevant meetings.

The National Commission for Workers-Sharing in Company Profits has been convoked. The commission will undertake an evaluation of accumulated experience and eliminate complex procedures that have an adverse effect on its essential purpose. By law its duty is to check the percentage of profits that should justly accrue to wage earners, while allowing management a reasonable return.

The tutelary rights of workers and the improvement in their standard of living are the fruit not of altruism, but of the historic struggle of the proletariat. The forty-eight-hour work week is one of its main victories. In Mexico, it was established as a social guarantee in the 1917 Constitution.

It is only natural that labor should fight on all fronts for contracts providing a shorter work week than the legal maximum. In many technically or socially-advanced Mexican companies, workers long ago obtained shorter work weeeks.

Union demands for the generalization of this conquest through the establishment of a forty-hour, five-day week, have been the subject of controversy and public debate. In matters of supreme importance for the future of the nation, there should be no ambiguities, nor should uncertainty be prolonged.

The right of workers to benefit from technological advances is beyond question. International experience shows that a weekly rest period of two consecutive days contributes favorably to changing the life-style of the individual, the family and society. It also acts as an additional incentive for the improvement of production methods and the extension of welfare systems.

A joint study committee was formed to find adequate formulas to meet the demands of labor on a national scale. The Government will receive with satisfaction suggestions by the sectors involved regarding measures that may be taken to compensate for shorter hours by a real increase in productivity, and also to make optimum use of free time.

Care must be taken that this social demand be compatible with the requirments of development. The solution adopted should not curtail production, increase inflationary pressures, or reduce the country's ability to compete in foreign markets. Accordingly, it will be necessary to decide ways and means to reduce the work week gradually, by branch of economic activity.

Once the respective studies have been completed, the Executive will be able to set in motion the legal reforms that definitely confirm this labor conquest, and establish rational methods for its implementation.

The minimum wage is a constitutional guarantee which transcends its simple monetary value by seeking to ensure that the worker and his family will be provided with the basic means for a proper life.

Different economic phenomena, both here and abroad, have caused a marked rise in prices within the last few months. The fixed-income population is suffering the results of imbalance, while minority groups are making exceptional profits by taking advantage of market conditions.

The Executive Branch considers it is urgent to re-establish the purchasing power of the minimum wage. It has sent to this Honorable Congress, through the Permanent Commission, a draft decree authorizing the National Committee on Minimum Wages to adjust the scales now in force with all possible speed.

For the same purpose, I have issued a resolution granting special raises in the wages and salaries paid to Government employees, which range from twelve to fifteen percent in the case of workers at the lowest income level.

The Federal Labor Law provides the means for those covered by its provisions to demand an increase in the minimum wage, and thus maintain both the remunerative nature of the pay they receive and a balance in the factors of production. I am sure that when they exercise these rights, they will meet with a responsible attitude on the part of management.

This effort, and all those that tend to promote a more equitable remuneration for labor, would in the long run prove useless if wage increases are simply transferred to the final price of goods. They would even be self-defeating if taken as a pretext to trigger undue rises in the cost of living.

The Government of the Republic is paying close attention to these phenomena. It hereby announces its intention to strengthen, if necessary, legal and institutional mechanisms to sustain the purchasing power of wages and eliminate antisocial economic practices of usury or speculation.

As of today, we have ordered the creation of certain instruments for the protection of wages. The market conditions that workers, as consumers, encounter have isolated them and weakened their capacity to demand equitable treatment in commercial transactions.

The purchases they must make to provide for their support and to increase the family patrimony are made through a distribution system that is frequently onerous and, as regards credit terms, notoriously unjust, often doubling legal rates of interest. Such conduct acts counter to the struggle for social betterment and prolongs exploitation of the worker.

We have ordered the creation of a National Fund for the Promotion and Guarantee of Workers' Consumption, which will act as guarantor for workers, thereby giving them the credit standing required for loans to purchase durable consumer goods and essential services. The fund will also finance the establishment of union stores envisaged in the Federal Labor Law, as well as of trading centers offering reduced prices.

This institution is an indispensable complement to those that provide workers with proper housing. The objective is to make credit available to all, encourage savings on a broad popular basis, correct the structure of demand, reduce middleman activity, and encourage better distribution of family budgets.

We have instructed finance authorities to ascertain the amount of resources needed to set up the fund before the end of the year.

If workers' wages are protected at consumer level, their true increase will ultimately depend on the degree of efficiency attained by labor, management, and the community in general.

Both workers and our political system, however, utterly reject any idea of productivity unrelated to the concept of justice.

A rise in labor yield due to a mere increase in the work load is not productivity. Nor is improvement of technical processes enough to ensure higher levels of efficiency. If we are to increase respect for human effort, we must above all have a substantial change in the social climate in which work is performed.

Basic elements of this program include the creation of technical committees responsible for specific productivity projects; rationalization of the transfer of technology; preparation of national inventory of institutions and resources for workers' training; the drafting of a bill for training of the labor force; establishment of a national system of professional orientation regarding the need for and availability of qualified personnel, and coordination of the different production programs already operating in the public and private sectors.

Social Security is a labor victory that the Government is duty-bound to strengthen.

In response to the people's demand for extension of the benefits this system provides, we submitted for the consideration of Congress a bill for a new Social Security Law, which was approved.

In it, we reaffirmed our intention to achieve an integral Social Security system for the double purpose of giving fuller protection to each worker and extending benefits to groups of persons not previously covered by the system.

Existing benefits were improved and new ones added; arrangements were made to permit voluntary membership and, in accordance with our respect for labor rights, provision for medical services to striking workers and their families were made compulsory.

Among the most important new measures are the creation of a system of day nurseries for the children of working mothers and the establishment of the social solidarity system for the protection of fringe groups. Already registered under this system are 40 thousand Federal District newspaper vendors and 535 thousand inhabitants of the ixtle-producing region.

With the addition of groups of henequen, tobacco and mine workers, among others, the general population covered by Social Security increased by one million 500 thousand, or 14 percent.

A total of 63 new medical units were placed in operation and 74 more are under construction. It should be noted that the number of beds increased by 65 percent and the number of clinics by 37.5 percent over the year before.

Just a few days ago the Social Security Institute agreed to extend benefits to farm families in rainfall agricultural zones.

This measure will make medical services available to 5 million people in 22 states of the Republic.

When beneficiaries of these services are unable to pay their fees in cash, they may cover the quota by personal labor in their respective communities, for their own benefit. The purpose of this provision is to help farmers raise their living standards so that they may eventually be eligible to receive full Social Security benefits.

To provide adequate medical care, it will be necessary to establish several hospital-clinics as well as a series of small outpatient units, which together will provide strong support to the program for the consolidation of the micropoles of development that corn-deposit and sales centers represent.

The Institute for Social Security and Services for Government Employees (ISSSTE) also extended its benefits, providing coverage to 10 new important groups of workers. It continued to sign contracts with local state governments to provide medical care for their civil servants. In this way, it has increased its number of beneficiaries to 2 million employees, 45 percent over its total coverage at the beginning of this Administration.

Child protection and welfare institutions directed their efforts toward integral child-care, strengthening the family nucleus and community development.

Three community development centers are already functioning in the Federal District, and 14 more will begin providing services within a few days. This program will be extended to the entire Republic in conjunction with regional institutes.

A program has been launched to provide farm families with guidance in nutrition and hygiene with a view to improving their eating and sanitation habits.

For nearly a year, children in the Mezquital Valley have been receiving free breakfast; daily distribution of these rations has now reached 31 thousand. As of tomorrow, the number of breakfasts distributed to the children of this area will be increased to 50 thousand per day.

The National Institute for Child Protection and the Mexican Institution of Child Welfare are thereby carrying out their sensitive mission with ever-increasing efficiency.

As a contribution to the over-all development of our youth, the construction of sports installations has been intensified. This work will benefit physical training of rural youth as well as young people in cities. A total of 29 thousand sports fields are being constructed throughout the ejidos of the Republic.

Our labor laws establish the obligation of companies with more than one hundred employees to provide low-cost housing for their workers as a social service. The economic motives that limited the scope of this measure were also responsible for the difficulties involved in carrying it out. It became increasingly evident that the original formula should be replaced by one more in accord with the economic and social realities of the country.

Particular mention should be made of the fact that there are already 3 million workers registered with the INFONAVIT (the national low-cost housing institute), and that 97 percent of the companies contributing to the fund employ fewer than 100 workers.

The Institute, which has been in existence for less than one and a half years, is now handling funds for the equivalent of 9 percent of total Government investment.

It is currently engaged in building 54 thousand 725 homes in 45 towns and cities throughout the country, for a total expenditure of 3 billion 540 million pesos. It has also granted 44 thousand individual home loans amounting to a total 2 billion 200 million pesos.

From the moment it began its work with a fund provided by an amount equivalent to 5 percent of the payroll—a percentage contributed by companies as an additional benefit to workers—management, labor and Government indicated that the program was not a panacea, that it would work gradually to solve the housing problem of salaried workers, and that its short-term goal was to reach an annual construction rate of 100 thousand homes. We are well on our way to achieving this purpose.

Workers, entrepreneurs and Government officials developed an equitable method of selecting the wage earners who, over a period of time, would obtain homes or building loans allowing them to build their own homes.

With the aid of Mexico's largest and most modern computer systems, an extraordinarily rapid job was done of drawing up a list of nearly 3 million workers, who have now seen from the first drawings that winners are selected on a just and impersonal basis. As it happens, there are a number of unions whose members earn wages high enough to enable them to purchase land on their own and to build housing complexes in the usual way, or to synchronize their efforts with the system established by the Institute and join with other unions in the construction of large developments that will provide housing facilities for many or all of their members.

Last year, we promised Government employees and members of the Armed Forces that we would take action to bring about the legal reforms necessary to provide them with similar services. Once the reforms were approved, the funds for this, which today total 948 million pesos, began to be used. Construction is now underway on more than 10 thousand homes for these public servants.

The number of houses built in Mexico City is exceptionally high. During the past year, the Department of the Federal District built 7 thousand dwelling units and the National Public Works and Services Bank, another 4 thousand 100. Within a short time, construction of 42 thousand homes will have been completed.

The FOVI has financed the construction of 16 thousand 400 dwellings in various cities of the country. For its part, the Fund for the Guarantee and Support of Housing Credits approved 7 thousand 443 applications for home loans in the last year.

The problem is not that production of building materials has dropped; it has increased, but demand, too, has risen, due to these social programs for low-cost housing. Most of the more than 60 industries involved in the production of building materials are enlarging their installations and stepping up production.

We must accelerate production in this area because the construction rate of low-cost workers housing is also being increased in many cities and small towns.

Rural areas, too, will undoubtedly soon be adding to the demand for building materials in view of the housing programs for farmers that began on a modest scale and are now being expanded.

We must also take into account the needs of the flood and earthquake-devastated areas in the states of Guanajuato, Michoacán, Chiapas, Tabasco, Puebla and Veracruz. The demand for construction materials in these areas is already heavy, and we must provide them in a spirit of social solidarity at official or traditional prices.

We hope, therefore, to see a concerted effort to meet the demands of these construction or reconstruction programs.

During my recent trip abroad, I had the opportunity to note the similarity of problems faced by great cities everywhere. This enabled me to exchange statistics, information and opinions with Heads of State, mayors and municipal authorities of the various capital cities I visited.

There is a noticeable tendency everywhere toward concentration of the population in cities. The causes of this phenomenon are numerous, but the principal motive lies in the difference in living standards of the urban and rural sectors. The grave problems arising from urban growth have created an urgent need for structural changes in each country's domestic policies and even for the revision of the organizational models that will provide guarantees for a future society.

In dealing with urban development, we have given preference to infrastructure works and improvements in low-income areas. Large districts and even entire cities in which poverty-stricken inhabitants existed without paved streets or services were transformed into decent settings for human life, as in the case of Ciudad Netzahualcóyotl.

Another important step was canalization of the Tijuana River, in which the sum of 140 million pesos was invested, and completion of the Urban Center 70–76, which provides new living quarters for 350 families who were living in the affected area.

Work on the Acapulco Plan continues, as do federal urban improvement programs in Ciudad Juárez, Ciudad Madero, Matamoros, Nuevo Laredo, Tampico, and low-income sections in the city of Veracruz.

Additions and reforms to the Organic Law of the Department of the Federal District were promulgated to perfect the process of administrative decentralization.

Among the more important of these measures was the creation of District Attorney offices in low-income neighborhoods to provide legal protection and take the necessary action for proper registration of property.

The city's growth in recent years had led to an increase in so-called "horizontal property". The Law on the System of Real Estate Property in Condominium for the Federal District and Territories offers greater legal security to owners.

FIDEURBE, an organization to promote the rational use of land in depressed areas, was brought into being. Work is underway on property registration in 500 neighborhoods, with the collaboration of both developers and residents, who must establish their right to the property they occupy and determine costs and terms of payment for the lots.

We have made satisfactory progress in programs for rehabilitation of "lost cities", moving thousand of families to housing centers built to meet the requirements of a modern city.

One of the basic problems besetting the Valley of Mexico is the difficulty of supplying it with drinking water. At present, the Federal District receives a volume of 35 cubic meters per second. The cooperation of all citizens is essential to avoid waste of this natural resource, so scarce and so necessary to life. A 7 percent increase in sewage treatment capacity, however, has permitted better utilization.

Huge deep-drainage works now include the drilling of 42 kilometers for the central emitter: 10 more than last year. Four kilometers more have been drilled for interceptors. This work, carried on out of public sight, is designed to carry off sewage and rainwater, thus preventing flooding in Mexico City.

We have greatly improved the electric transportation service in Mexico City with the renewal of over 70 percent of the equipment. The construction of another 13 kilometers of the Collective Transportation System will be undertaken in the near future.

The National Health Convention is an unprecedented event in the annals of our medical history. It scope and scientific importance constitute a new and exemplary point of departure in the struggle to procure the total well-being of our people.

More than three thousand delegates from all parts of the country met at this assembly to undertake an exhaustive study of actual conditions in health, welfare, and social security. The papers presented by eminent specialists, representatives of medical academies and associations, and by federal and state officials, comprised a vast sum of knowledge that is being used at present to compile the National Health Plan.

I would like to place particular emphasis on the gratitude of the Government to the members of the medical profession who participated so enthusiastically in this congress, and point out, at the same time, that unity among them is an essential condition to promote the improvement of our social life based on a firm foundation of individual health and fitting standards of family living.

The deterioration of our environment is one of the main concerns of public opinion. The life and well-being of societies depend on the strategy adopted to maintain a balance between development and preservation of the ecology.

Regulations were issued for the Prevention and Control of Water Pollution. In the period covered by this report, 31 programs of reforestation were undertaken throughout the national territory. In the Valley of Mexico alone, 3 million trees were planted over an area of one thousand 667 hectares.

Despite the efforts of the Government, it will not be possible to reduce present levels of pollution without the active cooperation and interest of every citizen.

ECONOMIC POLICY

From the beginning of my mandate, I proposed to the country the modification of the strategy for development. The objectives we then set forth and which we now reconfirm with facts were the result of a democratic consultation between the masses of the people and all sectors of economic activity.

Soon this Administration will have completed its third year. Therefore, this is a propitious occasion to make an assessment of the results of the actions undertaken and of the domestic and foreign circumstances that counsel us to adjust the policies adopted in order to attain their goals more effectively.

After a period of consolidation in which it was necessary to reduce the overall volume of public and private expenditures, though also the rate of indebtedness, all branches of activity experienced a marked upturn, reaching their highest levels toward the end of last year.

Economic expansion cannot be checked in a country with a high rate of demographic growth and social needs that have been postponed for centuries. The Federal Government assumed the responsibility of promoting productive activities by consistently increasing its outlays, in accord with development program priorities.

We made essential changes in the tax collection system in order to increase revenue. The fiscal reforms which this Congress passed in December 1972 strengthened federal, state and municipal finances. To fight tax evasion, certain modifications in the tax collection system were introduced and its decentralization was accelerated.

During the first eight months of this year, the effective budgeted revenues of the Federal Government showed an increase of 20 percent, while expenditures increased 28 percent. Outlays were based on priorities in order to obtain greater balance among immediately productive expenses and disbursements for infrastructure and social projects.

The numerous fiscal incentives the Federal Government grants facilitated the import of capital goods and industrial decentralization, specially favoring the economically depressed areas. Border assembly plants and mining activities were particularly benefited and an incentive, similar to one applied to exports, was established for the sale of technology abroad.

The rapid growth of demand for goods and services during 1972 constituted the driving force of economic recovery. The main factor was public sector demand, as a result of increased spending. Private investment also grew, although at a slower rate, due both to subjective factors and to limitations in the capacity of our productive structure.

Thanks to the way we oriented economic growth, consumption was strengthened by wage raises and increased employment. The intensive use of labor in rural areas and implementation of undeferrable projects of social usefulness contributed decisively to this growth.

The gross domestic product rose by 7.5 percent during 1972.

Agricultural activities were granted exceptionally high financial resources. This sector produced large surpluses for export. However, important shortages were created in certain food products due to floods and droughts which made it necessary for us to make purchases abroad.

The increase in durable goods and, in general, in all manufactured products, was remarkable. The construction industry expanded importantly due to the reactivation of public works and massive low-cost housing programs.

Diversification of exportable supplies consolidated the opening of foreign markets and offset the outflow of foreign exchange used to buy goods necessary to assure our process of industrialization. According to preliminary estimates, exports between September 1972 and August 1973 reached an approximate total of 23 billion 200 million pesos, that is, 18.6 percent more than in the comparable period of last year.

The sale of manufactured goods represented 43 percent of the total, which confirms the competitive capacity of Mexican industry. During this period, our sales to Japan increased 38 percent, Great Britain 65 percent, Canada 48 percent and the People's Republic of China, 55 percent.

Tourism maintained its high rate of growth. The number of visitors increased by 11.9 percent and our revenue on this account, 22.7 percent.

However, during the first months of 1973, clear symptoms of inflation reappeared. Abnormal rises in prices, in money in circulation and imports indicated an imbalance between total supply and demand. There was also overcrowding in transportation and shortages in the supply of fuels and power and other basic products.

Economic fluctuations transmitted from abroad adversely affected our domestic efforts. The deficit in the balance of payments of the United States and the imbalance in international money markets led, during February last, to a new devaluation of the dollar with respect to the currencies of other countries with which we have commercial relations. The adoption of emergency measures by these nations to avoid the excessive flow of speculative capital which threatened their own stability, led to the abandonment of the guiding principles of the international monetary system.

Also observable on a worldwide scale is a growing scarcity of food products and raw materials essential for development. These shortages are caused by population growth and the incorporation of millions of human beings into the consumer market, as well as by a relative depletion of existing natural reserves, insufficient crops and structural deficiencies in systems of distribution.

These monetary crises permit countries which have a surplus of foreign exchange to stockpile raw materials and engage in speculative activities in world markets. To this we must add the intervention of transnational corporations which take advantage of positions of monopoly to distort normal competitive mechanisms.

Inflation thus has an impact not only on industrial costs but also, to an excessive degree, on consumer prices. International prices of some basic products have, in only a few months, increased twice and three times over. The countries of the Third World are particularly affected by this phenomenon, and though it seems paradoxical, the nations which through our own efforts have developed sufficiently to participate to a greater degree in the world economy are the ones that suffer most.

However, the causes of the inflationary process are not exclusively a reflection of external influences. They are also a consequence of specific domestic conditions. A rapid process of economic expansion and the broadening of distributive policies require a period of adjustment to adapt increased demand to the behavior of management and the proportion of the productive system.

The most important instances of insufficient supply were felt in the agricultural sector which for the past two cycles has been affected by unfavorable weather conditions. Excessive rainfall in the northeast of the country and droughts in the central plateau reduced the corn and sorghum crops, already small due to the problems which for some years have affected agricultural production.

Lack of foresight regarding the volume of private investment needed to satisfy demand in certain fields, and speculative operations by middlemen, originated shortages in industrial supply. Not only do those who violate the essential norms of solidarity harm the interests of society, but also those who maintain in idleness resources that are the result of the common effort of the people.

To affirm that investment and the consequent rise in prices is the result of Government economic policy is a falsehood which only favors the interests of reactionary groups. What the Administration has undertaken is precisely to correct conditions that disclocate our economic life.

Obviously, in Mexico, Government spending is not and never has been excessive. It is notoriously insufficient to satisfy collective needs and as has been proven during the past year, the impulse it provides is indispensible to maintain the rate and continuity of growth.

Having decreased the prospects of foreign debt to which we restored excessively in the past, our economic equilibrium depends, essentially, on the fair contribution of private enterprise to public expenditure. Wealth which is spent on superfluous consumption should be transferred, to a much larger degree, to the achievement of the basic aims of the comunity. This is the key mechanism for redistribution of income.

Some countries have adopted inflation as a technique for growth. Mexico wishes to continue advancing through a stable economy. The rise of inflation is contrary to the aims of the community because it permits those who have the most to increase their profits, while those who have less suffer a loss in their purchasing power.

But if out of fear of inflation we were to permit income to continue to concentrate in a few hands, we would endanger the country's stability and its possibilities for true development.

We must, therefore, at the same time control inflation, promote growth and redistribute income. To this end, we have set in motion an economic program to deal with excessive demand, insufficient supply and abuses of speculation.

Until we can organically reduce the imbalance between supply and demand, it is necessary to regulate the latter through adjustments which I have authorized in global Government expenditures. We have reorganized our disbursements so that their rate, insofar as possible, will keep pace with the general evolution of the economy.

Its structure by sectors is also being reviewed so that preference may be given to directly productive activities within a financial framework strictly adjusted to budgetary levels. We must discourage, for the present, any venture, expense or investment, whether governmental or private, which does not increase the supply of goods and services.

The financial authorities will prevent an excessive expansion of credit, but they will even more firmly support financing of production, principally in rural areas. They will tend to restrict nonessential consumption and excessive inventories, and favor instead consumption by the people of basic commodities.

We shall maintain the exchange rate of 12.50 pesos to the dollar and shall not establish exchange controls for transactions of goods and capital. This invariable policy is essential under the present circumstances to promote confidence and encourage public savings and business investment.

Our financial goals are backed by total reserves of 25 billion 137 millions pesos held by the Banco de México, of which 16 billion 59 million are gross reserves in gold, silver, and foreign exchange, and 9 billion 78 million, secondary reserves in various financial institutions abroad.

Through the coordinated action of all its agencies, the Federal Government is promoting maximum use of installed industrial capacity, as well as of farms and ranches which can rapidly increase the supply of food products, raw materials, and goods for immediate consumption.

The Government is also strengthening measures to encourage private investment, especially in those areas that have shown greater scarcity of supply. This firm action must be reciprocated by the more decided sharing of private investors in the work of development.

The country could not feel confidence in those who would subordinate an activity which is essential to the community, to psychological factors, prejudices or unfounded suspicions.

Quantitative and qualitative production growth depends not only on the increment in rates of investment. Basically it implies the use of our great national reserve: organized labor. It presupposes persevering action to reduce fringe groups, to integrate the country in its social and physical aspects, to improve standards of living, and give each and every Mexican a greater capacity to produce and consume.

Solutions to inflationary problems do not necessarily have to be conservative, as some try to make the nation believe. Measures adopted to curb wages provisionally are justifiable only in societies with high levels of income and well-being.

It is understandable that highly developed countries with low rates of unemployment would prefer to face social costs of a temporary decrease in employment rather than the risks of an increase in economic costs, which would reduce their possibilities to compete internationally.

In Mexico we want to foster production from its base. With this criterion, we decided to increase the guarantee price for corn and beans, as this is the source of income for millions of farmers. For similar reasons, we moved to raise the salaries of Government employees and to request Congress to authorize an adjustment upward in the minimum wage scale.

Similarly, as of today, a 15 percent raise will be granted to the members of a sector that has always shown unvarying loyalty to our institutions: the Army and the Navy.

The Mexican Government cannot ask the low-income groups to bear, alone, the burden of inflation, while certain minority groups take advantage of market conditions for their own benefit.

However, wage raises could be counterproductive unless they are backed by a rational price policy.

Entrepreneurial organizations, encompassing bankers, industrialists and businessmen, have accepted the commitment to absorb, without affecting prices, the wage increases that may be accorded to restore labor's purchasing power.

In a coherent program designed to prevent an inflationary spiral, they have agreed to maintain prices in effect as of July 31, 1973 for basic commodities, for a period ending March 31, 1974.

During this period, only rises in basic production or marketing costs that jointly exceed 5 percent, will be added to the price of goods. In this way, profit margins will not be excessive and speculation, which responsible and nationalistic entrepreneurs should be the first to condemn, will be averted.

I have given instructions to the competent authorities and institutions to work out the methods that will guarantee fulfillment of this commitment and, in cases of noncompliance, enforce it.

The responsibilities incumbent upon each sector at this time are clearly defined. From this tribune, I call upon all social groups to solve the controversies according to law, through negotiation and true patriotism.

Antagonistic feelings among divergent economic interests usually become more acute during inflationary periods. It is up to the Government to see to it that the general interests of society prevail and that its future is guaranteed. The revolutionary nature of our governmental system is not open to question: we are in complete solidarity with the cause of the people.

Just as we demand at international level that the rights of the Third World be respected, so in Mexico we seek to ensure justice for the farmer and the worker. In the same way that we fight in order that fairness and a sense of survival prevail over irrational violence, so in Mexico we shall maintain national harmony to assure prosperity for all.

MESSAGE

Honorable Congress of the Union:

We have worked untiringly to serve the nation. We have rejected all forms of authoritarianism. We have extended systems for consultation with the people and we have renewed essential aspects of our political life.

The practice of democracy does not end with the election of Government officials. It also means the exercise of civic rights and a state of public awareness.

That is why we have opened debate on matters which, until recently, were treated with useless bureaucratic secrecy. We encourage all citizens to express responsible opinions because we do not believe in silence as a valid form of agreement or consensus. To prevent the legitimate expression of social differences neither resolves nor eliminates them; it only disguises and aggravates them.

The people know the dangers of actions by a closed-in Government, the mistakes and tensions that arise when Government leaders do not live immersed in reality or when they consider themselves to be distant arbiters, and not sensitive participants in the social process.

All groups and individuals must be coparticipants in political decisions, for together they are the true expression of the will of the nation.

We promote change but do not confuse what is desirable with what is possible. We accept the risks and limitations involved by strengthening, not suppressing, our democratic process.

International circumstances are difficult for developing countries. At every step we encounter the opposition of powerful interests and deep-rooted prejudice. It is only through the concerted will of all Mexicans and mutual trust between the Government and the people that we can advance toward the creation of more equitable forms of coexistence.

We are particularly concerned about the renewal of our political system and the transformation of our economy.

Mexico does not wish to lose itself in the labyrinth of an imitative consumer society. For the time being, its resources are only enough for a dignified life without superfluous luxuries. Future prosperity depends on its capacity to reorient the course of its productive forces in terms of law and political unity.

We do not govern only for today or for just a few. Each decision demands a broader perspective. We are clearly aware of Mexico's past course and what it must do in the future. We are concerned with the destiny of this and future generations. We take into account the opinion of social organizations and the voice of those who do not have the necessary means to make themselves heard.

We are carrying out a program which recognizes social complexities. We do not pretend to impose dogmas nor do we claim to possess absolute truths. We are acting within reality and not in the context of an oversimplified world. In our work, we face an accumulated backlog of the past, the problems of the present, and the possibilities of tomorrow.

We refuse to identify the administrative function with bureaucratic routine. A leader's desk must not be a barrier or a privilege, but an instrument of work.

We leave it frequently in order to confront specific problems, to get direct information on the needs of our fellow citizens, and to give instructions for immediate solutions.

And, far from remaining indifferent to world change, we have travelled to other countries to reaffirm Mexico's international doctrine, to defend our interests, strengthen bonds of friendship, and to establish relations that reinforce our political and economic autonomy.

Privileged groups invariably confuse general progress with their own, and fight every change that threatens their private interests. They forget, however, that wealth is not unlimited, and that its excessive accumulation presupposes the impoverishment of other sectors and inadequate compensation for human labor.

Social peace, a prerequisite for any stable economic process, cannot be enduring under conditions of injustice. We have always been aware that a program of transformation such as the one we have undertaken would face opposition from sectors, groups, and individuals who always look to the past, whose interests are in conflict with those of the majority, and whose actions and ideologies are alien to our national objectives.

It is necessary that all Mexicans, even those who have yet to understand the meaning of and necessity for the changes we have set in motion, now join in the collective task. The country needs their creative capacity and their human effort to transcend its present stage of historic evolution.

There can be no greater waste than the dispersion of wills. The national unity we call for today is not simply a principle of permanent coexistence; it is also a postulate for progress. We Mexicans have many common objectives to achieve before we can devote our attention to the pursuits of individual or group interests.

At this time, almost three years after my inauguration as President, the Government bases its action on the extensive and solid alliance of the people, without renouncing any of its original goals.

In reaffirming my confidence in the destiny of Mexico, I undertake before this Congress to continue upward toward renewal and onward along the road of the people.

WE MUST PUT OUR NATIONAL HOUSE IN ORDER

Mr. MANSFIELD. Mr. President, the Watergate and related inquiries will continue to be as important if not more important until the facts are fully clarified and corrective legislation is designed and recommendations are made to the Department of Justice. The Senate committee is not concerned with imposing penalties and will not do so. That is a matter for the courts. In the end, that is what the hearings are all about.

Just as important, however, the functions of the Government in the executive and legislative branches must also continue; the immediate problems confronting the Nation must be faced.

There are matters of overriding importance at this time—inflation, about 8 percent and especially the price of food which will show close to a 20-percent jump in calendar year 1973, a gathering energy crisis, campaign reforms, health, education, the skyrocketing cost of housing, and many others. These needs must be attended to and attended to now.

The Senate has been moving to face up to these issues. Together with the House, the Senate has been and is ready, able, and willing to work closely with the executive branch under the President in coping with these problems and in finding solutions.

Ahead of us lie growing shortages in gasoline and heating oil. Money is already in tight supply as attested to by prime interest rates of 9 percent and above. It is shocking to note, too, that in spite of a decline in the unemployment rate to 4.5 percent, in spite of an inflationary boom, there are also fears of a recession.

The record of the Senate has been an excellent one so far this year. It will be even better in the months ahead. While there may be differences between the executive and legislative branches, I want to repeat that there is no obstruction of the regular functions of the Government. Insofar as the Congress is concerned, there will not be any obstruction. On that score, the leadership in both Houses—Republican and Democratic alike—is in full accord. The U.S. Government must continue to function, it is functioning, and it will continue to function.

We are passing through a difficult period. It is not only Watergate and all that it implies. It is years of neglect of inner national needs. It is the long night of a devastating war.

With the phasing-out of the war in Indochina and the establishment of a truce and ceasefire in the Middle East, it seems to me that we must turn to face directly the urgent difficulties inside this Nation. To be sure, major problems still confront us abroad and they must be dealt with in the long-range building of a stable peace in the world. All of them, however, will be more readily resolved if we do what we must do at home to put our national house in order.

Mr. SYMINGTON. Mr. President, may I express my congratulations to the distinguished majority leader for his logical and able presentation this morning.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished Senator from Missouri has just said.

Mr. HUGH SCOTT. Mr. President, I agree with the distinguished majority leader's always rational approach to our duties and our responsibilities. I hope it is a matter well understood by the public that in the midst of all our problems and difficulties, a war we were in, and a war we are now out of; the problems of inflation; the problems of unemployment, which is at at a new peacetime low—a new low for almost 4 years; and the gradual improvement of our economy—all these are good things.

On the other hand, there are other problems which concern us with regard to all the crises, foreign and domestic; and during all this time the Senate and the House of Representatives have proceeded rationally and responsibly in the conduct of the public business. The Democratic Party has acted responsibly, and the Republican Party has acted responsibly. The two-party system in this country is firmly embedded in our practices and in its operation.

I think it is important that we remember that the right of the Executive has been preserved. He has, in fact, had eight vetoes sustained in Congress. On the other hand, the right of Congress to be head on important matters, particularly those of national defense, has been preserved. We have worked out and adjusted many of our differences. We have done all this in the midst of a turmoil that is unprecedented in the country's history.

I think—and I have said—that it is time to bring to an end some of the recurring crises that confront us. The way to do that, I believe, is to make full and complete disclosure of all information by the Executive which would have any bearing whatsoever on the numerous and almost altogether unproved allegations against the administration. The way to do it is simply to give the American people all the facts and to let them judge.

We are not going to lance this boil on the body politic unless we use the kind of measures which will bring about not technical delays, not long processes in the courts, but a mutual spirit of accommodation which itself can go a long way to bring back the confidence of the American people in the operation of our Government—in the legislature acting responsibly, in the administration acting responsibly, and in the court system, in which we all have faith and complete confidence. I believe there are ways in which this can be done. I am in favor of doing it.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New Mexico (Mr. Domenici) is recognized for not to exceed 15 minutes.

Mr. DOMENICI. Mr. President, I yield 3 minutes to the senior Senator from Missouri.

Mr. SYMINGTON. I thank the distinguished Senator from New Mexico for yielding.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that any time given by the distinguished Senator from New Mexico to the distinguished Senator from Missouri—and I do this with the approval of the distinguished assistant majority leader—be taken out of the time allocated to the Senator from West Virginia (Mr. Robert C. Byrd).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE FARCE THAT IS OUR BASE AND TROOP POSITION ABROAD

Mr. SYMINGTON. Mr. President, for a number of years, along with many other Members of the Senate, I have questioned the tens of billions of dollars the United States has been spending in Europe on personnel and bases, much of this spending having been made with the premise that these American military, their equipment, and the bases themselves would be important "staging areas" for possible utilization in case of trouble.

Now we know that these apprehensions have been only too true. Except for Portugal, not a single country in Europe would allow us to use any of these "so-called" U.S. bases and facilities so as to reinforce our shipment of arms to the Middle East.

Let us not kid ourselves with all this talk about multilateral force reduction and so forth. The people of the United States have been taken and taken plenty, to the tune of tens of billions of dollars; and the irony is that the expenditure of all these billions of the taxpayers money have been at the expense of true national security, because a sound economy, with a sound dollar, is vitally important to the latter.

In this connection, I ask unanimous consent that an article by Richard Mowrer from the Christian Science Monitor, dateline Madrid, October 30, entitled "U.S. Bases in Spain—Open, But Inoperative in Crises," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Bases in Spain—Open, But Inoperative in Crises

(By Richard Mowrer)

Madrid.—The Middle East crisis has brought into sharp relief serious weaknesses in the United State's agreement with Spain over joint military bases.

Conflicting views and divergent attitudes on the part of the two military partners indicate that the full effectiveness of the American-manned air and naval installations here tend to be much reduced when there is a world crisis:

When President Nixon put American forces on global alert the Spanish Government announced that the alert did not apply here. In a statement to the press Information Minister Fernando de Linan said the bases used jointly by Spain and the United States were not affected by the alert "because under the treaty of friendship and cooperation the consent of both governments is required."

When the Middle East war exploded Spain let it be known that it would not permit the joint bases to be used in connection with "a local conflict such as the Arab-Israeli war." The purpose of the joint bases, it was stated, was "solely" to counter a threat or attack against the security of the West.

Within days a second statement was even more explicit. It said the bases could not be used in connection with the Middle East war "at any time, in any way, directly or indirectly."

The prohibition has denied the U.S. use of the bases here as staging areas for airlifting supplies to Israel. In previous crises, such as the Lebanon crisis of 1958, and following the Six-Day War in 1967, the bases in Spain had served in varying capacities.

ARABS BACKED

The Spanish attitude is prompted by the fact that it is General Francisco Franco's policy to back the Arab cause in the Middle East. Madrid has never recognized the State of Israel. Reasons for Spain's pro-Arab policy are: dependence on oil supplies from Arab countries and hope that Arab pressures on Spain to give up its possessions in Africa (Spanish Sahara and the enclave cities of Ceuta and Melilla) can be fended off.

According to American officials, the U.S. did not in any case ask to use the bases in Spain in connection with the airlift to Israel, so the question of their availability never arose.

What is not clear is to what extent the operational scope of the U.S. Navy and Air Force elements based in Spain has been affected by Spanish restrictions. The 16th Air Force, with headquarters at Torrejon, commands units across the full length of the Mediterranean. The naval base at Rota provides logistics support for the Sixth Fleet.

KEY PROVISO

Ambiguity surrounds the question whether President Nixon's global alert applied to the bases in Spain. It is a question American sources here are reluctant to discuss. It would seem, however, that the American military in Spain was, in fact, alerted and responded accordingly. If the oposite is true, then the picture is indeed startling.

A key proviso of the Spanish-American agreement of 1970 is that "There shall be urgent consultations between the two governments if there is an external threat or attack against the security of the West."

American officials would not comment when asked if there had been consultations, as provided for in the agreement, when the crisis escalated to direct confrontation between the United States and the Soviet Union. It would seem that in American eyes there was a threat against the security of the West requiring "urgent consultation" with the Spanish Government.

NO CONSULTATIONS

But Spain, it appears, did not see the situation that way. The impression one has is that if the Americans requested urgent consultations they didn't get them.

The U.S. agreement with Spain over the bases is 20 years old, but even though it provides for military cooperation, it is not a full-fledged military alliance. This status is a sore point with Spain, which is not a member of NATO. The feeling is strong in Spain that whereas the United States and the rest of Western Europe benefit from the Spanish link to Western defense, Spain is not getting its due.

Spain would like the American connection to include a clear-cut undertaking to protect Spanish territory in case of attack. But the deal with Spain is an executive agreement and consequently does not go that far. This being so, the inclination here is to be not all that cooperative when a crisis situation flares up.

NEED FOR CONGRESSIONAL BUDGETARY REFORM

Mr. DOMENICI. Mr. President, I know that today many Americans and certainly most Senators and Representatives in this land are concerned about matters that are not usual for us. Yet, it seems to me that while we together try to come to some solution to that problem, a solution that basically, it seems to me, must come in the method and manner suggested by the Senator from Pennsylvania (Mr. Hugh Scott) this morning, I thought nonetheless that even though that problem bothers me, I should return to the floor in the manner I had planned some 3 weeks ago and talk about the appropriating process that the U.S. Congress uses and once again remind my fellow Senators of this very serious problem.

I believe that when I spoke about this subject before, I made it clear that I feel that the system we presently use for appropriating funds appears to me to be totally beyond the bounds of logic and reason. That is a most serious charge, especially for a new Member of the Senate; but because it is, I would like to pursue it further, to buttress my case with additional observations which I hope will make my arguments more compelling.

Today, I would like to address myself to two problems in our present procedures of spending the money that the American taxpayers give us to spend on their behalf: Our failure to relate spending to revenues, and the total absence of priorities in our approach to spending.

If the Members of this body will bear with me, I would like to point out the inevitable confusion which results from both these facts and the danger to our country which follows from them.

Let me begin by saying—as I have already implied—that my arguments will not be based on some esoteric and inexact study called economics, which many of us find more often confusing than enlightening. They come from something more basic than that—from logic, the application of human reason to the problems man faces.

In this case, the results of our confusion, because they can be expressed in dollars and cents, may be economic in nature. But the source of our error, it seems to me, is our refusal to use our reason and to proceed in a logical way.

I do not believe that reason is a faculty from whose use Congress is exempt. In fact, because of the nature and importance of our endeavors, I think we are bound to it and to use it to a degree to which no private citizen can be bound. His mistakes in judgment affect only himself, a family, or a business; ours affect a Nation—and, in these times, a world.

How does a private businessman or professional man approach the sorts of problems we are talking about today?

Whether he is a member of the board of a giant corporation or the proprietor of a one-man shop, he plans. He projects himself into the future. He studies the past and present history of his enterprise and, on the basis of that study, attempts to find realistic answers to two questions:

What can we except as a ratio between what we take in and what we will be expected to spend?

When we spend, which items are essential and necessary to accomplish our ends and which are incidental or dispensable?

These questions are so basic, no business can ever succeed without answering them.

Yet Congress, in conducting the largest business enterprise ever developed by man, does not even ask these questions.

It probably does not matter what the forces of history were which led Congress to its present procedures. But it matters very much that the procedures defeat the application of logic and clear reasoning, that they make it all but impossible to go forward in a way which commonsense itself tells us is essential.

When this is so, it is not logic and reason which must be changed; it is procedures.

Do we, in fact, relate revenues—our annual income—to expenditures?

The answer to that is simply that at no time does either House, acting as a whole, examine any budget to pass judgment on whether its total is appropriate to the needs of the country or wisely related to expected revenues.

I say "any budget," but as we all know, there is only one budget—that drawn up by the President—since Congress does not even prepare such an essential document.

It is true that our Appropriations Committee normally begins its year with hearings on the President's budget recommendations. While their hearing record is printed, no formal report with an overall evaluation of the budget is made to Members of this or the other body.

Expected revenues, again, are examined by the Finance Committee when they act on a limitation on public debt. Yet their aim, as we all know, is to determine as accurately as they can what the gap between spending and receipts will be—not to help adjust spending to a level consonant with income. It would appear that the committee acts on the judgment that Congress has already made most of its spending decisions and it would not be appropriate for them to force those decisions to be revised.

Finally, the Joint Economic Committee holds hearings on such matters as the President's budget and submits a report to Congress—but that report has no direct effect upon us, because it is not a part of our legislative program, procedure, or requirements.

Thus we have a Congress which has no machinery to answer the fundamental question of businesslike procedure: What can we expect to take in and what can we expect to spend?

As to priorities of individual expenditures, our position is even worse.

Here the question is not merely one of how appropriate a single, top-dollar figure is to both revenue and the needs of the country; it is a question of the appropriateness of a series of proposed expenditures, not merely in and of themselves, but also in relationship to one another and to the total figure which I already discussed.

This is many times more complex than arriving at an overall budget total—but that does not mean it is any less necessary.

Unless all proposals can be viewed in relation to each other, how can their validity be determined?

In short, unless we can somehow devise a method for expressing a weight or priority for each category of our spending, we can never spend with the degree of rationality our job requires.

Certainly the present system, in which we face each session more than a dozen major appropriation bills, each presented to us separately and without reference to one another, only leads to economic chaos.

I have today used some strong language about our lack of an adequate system. If you are inclined to feel my descriptions are unjust, I call your attention to the results: A rate of inflation which bleeds away the value of all our holdings; spending which exceeds revenues and puts by nothing for tomorrow in session after session of Congress; and a tax structure which continues to spiral upward toward infinity.

Surely these are facts which persons of all persuasions must recognize. Surely it is incumbent on us to do something about them, even if that requires drastic surgery on our time-honored methods of procedure.

Surely logic will accept nothing less.

Whether you agree with me or disagree, I invite you to make your thoughts heard. For this is the most important legislative body in today's world; and for it to continue to proceed as though what it does makes sense when in fact it does not is an almost criminal affront to reason.

I am critical of no one for the situation in which we find ourselves today. I only invite you to consider it logically, as I hope I have begun to do—and then to join me in my resolve that outmoded procedures must be replaced, for the good of the country and the world.

ORDER OF BUSINESS

Mr. DOMENICI. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is to be recognized.

Mr. STAFFORD. Mr. President, on behalf of the Senator from Michigan (Mr. GRIFFIN), I am authorized to and I do yield back his time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum with the time to be taken out of the time of the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to address the Senate on the time of the Senator from West Virginia.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

THE CONFERENCE REPORT ON MILITARY PROCUREMENT

Mr. MANSFIELD. Mr. President, it is my hope that when the conference report on military procurement, H.R. 9286, is brought before the Senate this afternoon, there will be a rollcall vote on final passage. I shall insist on that because of my strong feelings on this legislation and what has been done to it in the course of what is sometimes referred to as a conference.

The American presence in the war in Southeast Asia has ended; the cry for the domestic needs of our people at home has become more widespread; constituents believe that at last America is shifting her priorities from war to peace. But it seems that the more one hopes for change, the more one realizes that some things remain unchanged and bogged down by the tired old rhetoric of yesterday.

The defense outlays for this Nation would appear to be uncontrollable, or to state it more accurately perhaps—out of control. Total outlays for national defense will increase from $78.3 billion in 1972 to $81 billion in 1974. Authorizations for spending will increase from $80.3 billion in 1972 to $87.3 billion in 1974. There is no control over this rampantly burgeoning complex. It is inconceivable how much of the Nation's wealth is being consumed by this insatiable complex. In an attempt to understand how much money is involved, compared this total to the State budgets of the 50 States combined. The 50 Governors of the 50 States had approximately $59 billion total in their combined statewide budgets for all services and obligations.

The present defense bill deals with $21 billion of this total expenditure. There was great hope this year that slight inroads would be made. The opportunity was certainly there, and the House of Representatives for the first time in years authorized less than the Senate. But the Senate, too, made significant inroads into the question of vesting control in the Congress over both force levels and over the inordinate number of U.S. defense forces stationed on foreign soil—on lands and islands all over this globe.

Yet in the face of what once seemed to be progress by both bodies, the bill somehow returns to the Senate bloated over the levels approved by both the House and the Senate. Force level provisions so ably worked out by the Senate committee are drastically reduced. Troop reductions abroad voted by an overwhelming margin of the Senate have been eliminated. Of course, Trident's acceleration remained intact—committing over 1 billion of the Nation's resources in this fiscal year.

And the F-15 was approved—for nearly a billion more. And, of course, the B-1 goes on, the carriers go on, the M-16, and all the rest for billions more. The war may be over, but priorities have not shifted to peace; defense expenditures are on the increase instead.

With our troubled times at home, what this bill tells the American people is that there is still greater trouble ahead. Unless an effective measure of control is exercised over the voracious appetite of this defense complex, this Nation is in store for a crisis of enormous proportions. That is why I must cast my vote against it. It is the only way a Senator has to signal his concern over the direction of this Nation and the emphasis that must be brought to bear to make us truly strong and safe.

I yield the remainder of the time of the distinguished Senator from West Virginia to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the distinguished majority leader, and I wholeheartedly support what he has just said. I intend to speak on the same subject. I understand the conference report will be before the Senate for action a little later today.

DEFENSE BUDGET ABOUT TO EXPLODE

Mr. President, I might point out that, while not a violation of Senate rules, reporting out a conference report on the military procurement bill that is higher than either the Senate or House versions circumvents at least the spirit of the legislative process.

The conference report on this bill authorizes a total of $21.3 billion. This is higher than either the House bill at $20.4 billion or the Senate bill at $20.9 billion.

The House had an historic vote on this bill when it was before the House. A new Congressman, in his second term, LES ASPIN, a young man from Wisconsin, introduced an amendment which was unanimously opposed by the leadership on both sides of the aisle, and it carried. It carried by a significant margin, but much of that victory was wiped out by action of the conferees.

According to both Senate and House rules, the conference compromise must be between the high- and low-line items limits of either bill. To quote from Senate Procedure:

> In a case where two amounts are involved, they may oscillate between the two extremes, but cannot go below the lower amount nor above the higher amount.

This applies to individual line items and not the full total. Under the strict interpretation of this wording, therefore, it is proper to obtain a total figure in excess of either body.

This is further reinforced by language stating:

> Where one House strikes out all after the enacting clause of a bill and inserts a substitute, the conferees have a wide latitude in dealing with the matters in dispute . . .

It is reasonably clear, therefore, that technically this is a proper situation.

Nonetheless, in my opinion, this "wide latitude" should not be abused and the original intent of both Houses should be reflected in the final conference report. And the original intent of both Houses was to have a lower military bill.

In fact, the conference report before the Senate is not a compromise. There is little give or take. It is mostly give. It is the acceptance of all the high levels of military spending and the rejection of almost all attempts to hold that spending in check by either body. It even contains funds not requested by the Pentagon for certain aircraft procurement.

Mr. President, the military budget is about to explode. Not only has the conference committee compromised at a higher level than recommended but two massive supplemental appropriations bills are waiting in the wings.

First, there is the military assistance supplemental of $2.4 billion, consisting of $2.2 billion for Israel and $200 million for Cambodia.

Second, there are strong indications that the President will ask for a special Department of Defense Supplemental to "increase U.S. readiness." While the size of this supplemental has not been made known, it is expected to be several billion dollars.

Coming on top of a defense budget of $5 billion more than last year and another $3 billion in savings from the Vietnam war, these new increases will have a significant inflationary impact on an economy that cannot stand many more strains.

We have had a series of hearings before the Joint Economic Committee on inflation, and there just is no queston at all this kind of action by Government is the most inflationary action it can take, because while it is necessary for us to have a strong military force—it should be, in my view, the strongest in the world— every dollar we spend in the military area is inflationary, because it increases demand and it does nothing to increase the supply of goods. Unlike housing or manpower training programs, where goods or services available are increased, the military program simply increases the demand for the economic goods that there are.

Furthermore, 70 percent of the controllable outlays in fiscal year 1974—$7 out of every $10 we can control—is in the military budget. That is about $52 billion.

Seventy percent of the controllable outlays in fiscal year 1974 are in the military budget—about $52 billion. Only 30 percent of $23 billion are accounted for by civilian programs. This means that any unanticipated rise in defense spending will either break the President's budget or have to come out of domestic programs. Either would be disastrous.

In addition to the increased military spending, there will be a $4 to $7 billion unanticipated increase for interest on the public debt. The combination of these factors—$5 billion fiscal year 1974 defense budget rise, $2.4 billion more for military assistance, several billion additional funds for the Pentagon in a supplemental, $4 to $7 billion for public debt interest—will be felt throughout a shaky economy in higher prices.

Last Friday we had the good news that unemployment in this country dropped to 4.5 percent, the biggest drop we have had in more than 2 years and the lowest percentage of unemployed we have had in about 3 years. This is good news, for which the administration deserves credit. To a considerable extent, the policies they have had have had much to do with the unemployment decrease. I think it is well for us to be aware of the fact that the unemployment situation has improved. I think all of us are very encouraged by the additional improvement particularly for blacks and other minority groups. I am glad unemployment has dropped sharply for women, who were heavily unemployed. Nevertheless, we should signal caution on our part with reference to any policies that would increase prices.

As I have said, if there is one policy of the Federal Government which has an inflationary effect, it is increasing spending in an area like this, where no economic goods are produced.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. HUDDLESTON).

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUDDLESTON) laid before the Senate the following letters, which were referred as indicated:

PROPOSED PEANUT AND RICE ACT OF 1973

A letter from the Under Secretary of Agriculture transmitting a draft of proposed legislation to establish improved programs for the benefit of producers and consumers of peanuts and rice (with accompanying papers). Referred to the Committee on Agriculture and Forestry.

PROPOSED LEGISLATION ENTITLED "EXTRA LONG STAPLE COTTON ACT OF 1973"

A letter from the Under Secretary of Agriculture transmitting a draft of proposed legislation to establish an improved program for the benefit of producers and consumers of extra long staple cotton (with accompanying papers). Referred to the Committee on Agriculture and Forestry.

DISPOSAL OF SURPLUS MILITARY SUPPLIES

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and material, and for expenses involving the production of lumber and timber products (with an accompanying report). Referred to the Committee on Appropriations.

REPORT ON PROPERTY ACQUISITIONS BY THE CIVIL PREPAREDNESS AGENCY

A letter from the Director of the Defense Civil Preparedness Agency transmitting, pursuant to law, a report on property acquisitions of emergency supplies and equipment for the quarter ending September 30, 1973 (with an accompanying report). Referred to the Committee on Armed Services.

NEGOTIATED DEFENSE CONTRACTS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics) transmitting, pursuant to law, listings of new contracts, supplemental awards, and upward and downward amendments in the amount of $10,000 or more negotiated for experimental, developmental test or research work in the interest of national defense (with accompanying papers). Referred to the Committee on Armed Services.

REPORT BY THE DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army transmitting, pursuant to law, a report on the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff (with accompanying papers). Referred to the Committee on Armed Services.

FOREIGN DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL

A letter from the Chairman of the United States Atomic Energy Commission transmitting a draft of proposed legislation to delete the requirement that Congress authorize amounts of special nuclear material which may be distributed to a group of nations (with accompanying papers). Referred to the Joint Committee on Atomic Energy.

REPORT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the president and chairman of the Export-Import Bank of the United States reporting, pursuant to law, approved loans, guarantees, and insurance in support of U.S. exports to certain countries. Referred to the Committee on Banking, Housing, and Urban Affairs.

REPORT OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the vice president for Public and Government Affairs of the National Railroad Passenger Corporation transmitting, pursuant to law, a report for the month of July 1973 relating to revenue and total expenses (with an accompanying report). Referred to the Committee on Commerce.

REPORT BY THE CONSUMER PRODUCT SAFETY COMMISSION RELATING TO PROPOSED LEGISLATION

A letter from the chairman of the Consummer Product Safety Commission transmitting, pursuant to law, its letter of approval of proposed legislation to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes (with an accompanying paper). Referred to the Committee on Commerce.

INCREASED PARTICIPATION BY THE UNITED STATES IN THE INTERNATIONAL DEVELOPMENT ASSOCIATION AND THE ASIAN DEVELOPMENT BANK

A letter from the Secretary of the Treasury submitting drafts of proposed legislation to provide for increased participation by the United States in the International Development Association and also to the Special Funds of the Asian Development Bank (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT OF THE DEPARTMENT OF THE INTERIOR

A letter from the Assistant Secretary of the Interior reporting, pursuant to law, on donations received and allocations made from the Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs, during the fiscal year ending June 30, 1972. Referred to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT FOR THE MOSES H. CONE MEMORIAL PARK

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a proposed concession contract at the Moses H. Cone Memorial Park on the Blue Ridge Parkway, N.C. (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT FOR TRANSPORTATION AT ALCATRAZ ISLAND

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a proposed concession contract to provide and operate public transportation service between San Francisco and Alcatraz Island (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION REGARDING PATENT AND TRADEMARK CASES

A letter from the Secretary of Commerce transmitting, pursuant to law, a draft of proposed legislation to provide a remedy for postal interruptions in patent and trademark cases (with accompanying papers). Referred to the Committee on the Judiciary.

DELEGATION OF CERTAIN FUNCTIONS OF THE COMMISSIONERS ON AGING

A letter from the Secretary of Health, Education, and Welfare setting forth, pursuant to law, his plan for the delegation of certain functions of the Commissioner on Aging to officers of the Department of Health, Education, and Welfare not directly responsible to him. Referred to the Committee on Labor and Public Welfare.

REPORT OF THE UPPER GREAT LAKES REGIONAL COMMISSION

A letter from the Cochairmen of the Upper Great Lakes Regional Commission transmitting, pursuant to law, the report of the Commission for the period July 1, 1972, to June 30, 1973 (with an accompanying report). Referred to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 55. A concurrent resolution authorizing the printing of the report of the proceedings of the forty-sixth biennial meeting of the Convention of American Instructors of the Deaf as a Senate document (Rept. No. 93–485).

S. Res. 195. An original resolution authorizing the expenditure of certain existing funds of the Committee on Rules and Administration for an inquiry and investigation relating to the nomination of Gerald R. Ford as Vice President (Rept. No. 93–486).

S. Res. 196. An original resolution to pay a gratuity to Mary H. Brick.

S. Res. 197. An original resolution to pay a gratuity to Raymond H. Miller.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SYMINGTON, from the Committee on Armed Services:

Eugene E. Berg, of Minnesota, to be an Assistant Secretary of the Army.

The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. SYMINGTON. Mr. President, from the Committee on Armed Services, I report favorably the nomination of Col. Leonard F. Stegman, USA, to be brigadier general in the Chaplain Corps and Maj. Gen. Ernest C. Hardin, Jr., USAF, to be lieutenant general as deputy commander in chief, U.S. Readiness Command. I ask that these names be placed on the Executive Calendar.

In addition, there are 655 promotions in the Navy to the grade of captain and below. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD on October 10, 1973, and October 16, 1973.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ABOUREZK:

S. 2656. A bill for the relief of Daniel Alberto Ibarra and Marta Susana Bernardi de Ibarra. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 2657. A bill to provide scholarships for the dependent children of public safety officers who are the victims of homicide while performing their official duties, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself and Mr. Weicker):

S. 2658. A bill to direct the National Aeronautics and Space Administration to provide, in cooperation with other Federal agencies, for the early commercial demonstration of the technology of solar heating and for the early development and commercial demonstration of technology for combined solar heating and cooling. Referred to the Committee on Aeronautical and Space Sciences.

By Mr. MATHIAS:

S. 2659. A bill to establish a Conference on the Antitrust Laws. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 2660. A bill for the relief of Monroe A. Lucas. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. Hansen, Mr. Packwood, Mr. McGee, Mr. Stafford, Mr. Stevens, Mr. Williams, and Mr. Young):

S. 2661. A bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS:

S. 2657. A bill to provide scholarships for the dependent children of public safety officers who are the victims of homicide while performing their official duties, and for other purposes. Referred to the Committee on Labor and Public Welfare.

PUBLIC SAFETY OFFICERS' CHILDREN: A CHANCE FOR AN EDUCATION

Mr. MOSS. Mr. President, I am pleased to introduce today a bill which would provide scholarships for the dependent children of public safety officers who are killed in the line of duty. When men and women consider law enforcement careers, they must also contemplate the accompanying dangers that have become very real to our public safety officers.

In this 93d Congress we are now working toward the passage of legislation which would provide a $50,000 death gratuity for public safety officers; legislation which would provide a bill of rights for the policeman; legislation which would encourage higher education for law enforcement personnel; and legislation providing better pension and group life insurance programs for members of the law enforcement profession.

One of the benefits we should first guarantee these professionals to insure that we are able to attract the best people into the law enforcement field is security for their immediate families. Any responsible man or woman will consider the welfare of his or her family and the possibility that the day may come when that family's breadwinner may no longer be able to provide for them. This person must eye the job critically now, for many police families have been left destitute in the wake of the surge of police deaths in the past 5 years.

My bill is quite straightforward. It provides for college scholarships for the children of public safety officers when those officers are killed in the line of duty. The scholarship would pay for tuition, fees, books and room and board, or $3,500, whichever is less. The scholarship would cover 4 years, unless the student is in a program that requires 5 years. In no case is the scholarship to run for more than 5 years.

The streets of our cities and towns have become hostile places now, particularly after dark. A policeman answering a disturbance call today is much more likely to be walking into a planned ambush than ever before. Today's criminals are more brazen and less conscious of the penalties as they shoot it out with policemen. Of course, policemen will continue to climb the dim flights of steps, knocking on third-story doors, listening to the screaming and wailing of incessant fights, yet wondering whether guns or knives or merely hateful invective is being prepared for their arrival. Firemen will continue to rush into burning tenements to save frightened children, despite the personal peril they, too, face in the situation. Prison guards will continue to work for low wages, trying to maintain the semblance of discipline in our prisons which literally seethe with hatred and rage, knowing that they could easily become the hostage in the next critical prison uprising. It is a special kind of person who will still choose as his occupation to defend our body of laws, despite these obvious concerns that he must face daily.

In 1965, the Congress showed great foresight in voting passage of the Law Enforcement Assistance Act, which I was pleased to introduce for the Johnson administration. The 1965 legislation was the forerunner of the Omnibus Crime Control and Safe Streets Act of 1968, which created LEAA, and was indeed the first national expression of concern for the adequacy of local police agencies. Through its grant programs, LEAA provides funds for internal police department reform, improvement of police operations technique, and upgrading of police personnel, as well as for court and prison reform. I take pride in having sponsored the pioneer legislation in this field.

Unfortunately, we live in an age of violence. From the years 1967–1972, crimes of violence jumped 67 percent. This is a serious reflection of our national life. During the same period of time arrests of juveniles for violent crimes doubled. Violent crime continues to increase throughout our Nation in all areas—urban, suburban, and rural—even though recent FBI crime statistics showed overall crime down 3 percent. While firemen and prison guards are also real victims, I shall discuss statistics pertaining to the police since they are available.

It is not surprising that police face this violent mood. Society, with all its shooting, stabbing, gouging, skyjacking, assassination, terror, rape, murder, and assault, has become a pressure cooker for some people. The friendly cop on the beat has sometimes changed into a faceless occupant of a police car and has become a highly visible symbol of the establishment. He has become a tangible target for grievances against shortcomings throughout the criminal justice system; against assembly-line justice in the overcrowded lower courts; against wide disparities in sentences; against antiquated correction facilities; and against the basic inequities imposed by the criminal justice system on the poor.

And, for these reasons among others, 488 policemen lost their lives in the years from 1968–72.

Yet, the strength of our American institutions rests in part on respect for the law and the officers of the law.

The President's Commission on Law Enforcement and Administration of Justice reported in 1967 that two thirds of the police agencies in large- and medium-size cities were understaffed by as much as 10 percent. This problem has become more acute in the ensuing years, as noted by the report of the National Advisory Commission on Criminal Justice Standards and Goals released earlier this year. This report states that it is imperative that the police service engage in forceful, active recruiting. Both reports stress what the candidate must bring to the job. The Bureau of Labor Statistics has cited that an estimated 15,000 opportunities will occur each year for qualified candidates to enter police work through the 1970's. It should be noted that this projection is not based on need but on maintenance of the present police-population ratio.

With this realization of our need for able public safety officers, I am amazed when I scan the literature in the field. It continues to stress selection standards needs such as education, physical ability, character, emotional stability, intelligence—and while I, too, would like to attract such men to become our public safety officers, I continue to wonder why we have not given greater thought to increasing the desirability of the job by bringing the salary up to a competitive level, enhancing pension benefits, improving the working conditions of the many cramped and badly maintained quarters of our police stations throughout the country, and providing better uniform allowances, et cetera. I was hard-put to find any discussions of what our society intends to do when this dedicated public servant dies, leaving a young family behind with mortgage payments, bills, educational expenses, and grief at a shattered dream.

S. 15, providing a $50,000 death gratuity to the survivors of public safety officers who die in the line of duty has already passed the Senate and has received hearings in the House during this 93d Congress. In addition, I feel that we should look to the future of the law enforcement family which has lost its breadwinner. Let us help this man or woman provide the opportunity for his or her children to become educated, perpetuating the finest hopes a parent could have wished for the child.

There were 112 policemen killed in the line of duty in 1972, and I am relieved that no law enforcement officer from the State of Utah was included in that statistic. However, we should remember the words of the English poet: "No man is an island." I believe it is wise to establish a Federal standard when we consider benefits. Our obligation is great in these turbulent times. We need to express our gratitude to the public safety officer more visibly.

An organization in Chicago, the Hundred Club of Cook County, has provided a wonderful service to families of slain law enforcement personnel in that area since 1966. This is an organization of some 500 men who make sure that, whenever a policeman or fireman meets death, his widow will, first, have a substantial sum for immediate needs, and second, be quickly relieved of what for her alone could be the impossible burden of a mortgage on her home and other debts. I salute this organization in Chicago, and the few others like it who have organized to meet such a need. However, several States offer virtually no financial assistance through private or public sources.

Chicago Detective Gerry Gigante, of the fourth police district, has been quoted as telling what this kind of concern can mean to a man:

> There's a feeling of security, knowing that, if anything happens to me, there's going to be such help for my wife, not to make her rich or anything but to give her a way to live.

He relates, and thoughtfully:

> There's more to it than that, more than the money. What I mean is, there's a good feeling knowing you have people on your side, because these are tough times for policemen, not only here but all over the country. It's not easy being a police officer these days.

I believe that this bill which would provide scholarships to the children of public safety officers who are killed in the line of duty, is another way of providing peace of mind to the man who must live on the frontlines of our epidemic violence.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Safety Officers Memorial Scholarship Act".

DEFINITIONS

SEC. 2. As used in this Act the term—

(1) "academic year" means an academic year or its equivalent as defined in regulations of the Commissioner;

(2) "Commissioner" means the United States Commissioner of Education;

(3) "dependent child" means a child who is either living with or receiving regular support contributions from the public safety officer at the time of his death, including a stepchild, an adopted child or posthumous child;

(4) "eligible applicant" means a dependent child of a public safety officer who has been accepted for enrollment at or is enrolled in an eligible institution,

(5) "eligible institution" means any such institution as defined under section 435(a) of the Higher Education Act of 1965.

(6) "public safety officer" means a person serving a public agency, with or without compensation, as—

"(A) a law enforcement officer, including a corrections or a court officer, engaged in—

"(i) the apprehension or attempted apprehension of any person—

"(a) for the commission of a criminal act, or

"(b) who at the time was sought as a material witness in a criminal proceeding; or

"(ii) protecting or guarding a person held for the commission of a criminal act or held as a material witness in connection with a criminal act; or

"(iii) the lawful prevention of, or lawful attempt to prevent the commission, of a criminal act or an apparent criminal act or in the performance of his official duty; or

"(B) a firefighter; and"

(7) the term "State" means any State of the United States, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose subdivision of a State, or any Indian tribe which the Secretary of the Interior determines performs law enforcement functions.

SCHOLARSHIPS AUTHORIZED

SEC. 3. (a) The Commissioner is authorized to award a scholarship to any eligible applicant for full time undergraduate study at an eligible institution. Each applicant shall submit an application accompanied by a certification from the head of the agency which employed the public safety officer upon whom the applicant was dependent, stating that such officer was the victim of a homicide while engaged in the performance of his official duties.

(b) The maximum amount of the scholarship award payable under this section shall not exceed the cost to such applicant at the appropriate eligible institution for tuition, fees, books and room and board, or $3,500, whichever is less, for each academic year for which the scholarship is awarded, as determined by the Commissioner.

(c) The duration of a scholarship award under this act shall be the period required for the completion by the recipient of the award of his undergraduate course of study, or other appropriate course of study at an eligible institution. That period shall not exceed four academic years except where the Commissioner determines that the student is enrolled in a degree program which normally requires more than four academic years for a baccalaureate degree, in which event such period shall not exceed five years.

(d) (1) The Commissioner shall notify both the eligible applicant and the eligible institution in which the applicant is enrolled or has been accepted for enrollment of the award of a scholarship under this Act.

(2) A separate determination shall, on the basis of the latest available information, be made as to the eligibility of a student and the amount of the award to be made under this Act, for each academic year of its duration.

(3) The Commissioner shall, in accordance with agreements pursuant to section 5, utilize the services and facilities of eligible institutions as fiscal agents for paying to students attending such institutions the amounts, if any, to which such students have been determined, with respect to each academic year, to be entitled under this Act.

ADDITIONAL AWARD REQUIREMENTS

SEC. 4. (a) No payment shall be made to an eligible applicant under this Act unless an application therefor is made by such applicant containing such information as the Commissioner may reasonably require together with the clarification required under section 3 (a) of this Act.

(b) A student awarded a scholarship grant under this Act shall continue to be entitled to that grant only if such student (1) is maintaining good standing in the course of study which he is pursuing according to the regularly prescribed standards and practices of the eligible institution which he is attending and (2) devotes himself full time to such course of study during the academic year in attendance at an eligible institution, except that failure to be at an eligible institution during periods of vacation, military service and such other periods as the Commissioner determines are good cause for nonattendance, shall not be considered contrary to the requirements of this clause.

AGREEMENTS WITH ELIGIBLE INSTITUTIONS

SEC. 5. (a) For the purpose of this Act, the Commissioner is authorized to enter into agreements with eligible institutions in which any student receiving a scholarship award under this Act has enrolled or is accepted for enrollment. Each such agreement shall—

(1) provide that an eligible institution will cooperate with the Commissioner in carrying out the provisions of this Act;

(2) provide that the institution will periodically conduct a review to determine whether students enrolled and receiving a scholarship award under this Act continue to be entitled to payments under such grants and the amounts of such payments;

(3) provide for the authorization of such institution as a Federal agent for payments to students under this Act;

(4) provide for such Federal control and accounting procedures as may be necessary to assure proper disbursement of and accounting of funds paid under this Act;

(5) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this Act.

(b) the Commissioner is authorized to pay a cost of agreement allowance to any eligible institution in which a student receiving a scholarship award was enrolled during an academic year ending during any fiscal year after June 30, 1973. With respect to each such student, such allowance shall be an amount equal to $. The Commissioner shall prescribe regulations to insure that a student who received payments pursuant to a scholarship grant during an academic year in more than one institution is not counted more than once for the purpose of computing the cost of academic allowance to which each such institution is entitled under this section.

APPROPRIATIONS AUTHORIZED

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. MOSS (for himself and Mr. WEICKER):

S. 2658. A bill to direct the National Aeronautics and Space Administration to provide, in cooperation with other Federal agencies, for the early commercial demonstration of the technology of solar heating and for the early development and commercial demonstration of technology for combined solar heating and cooling. Referred to the Committee on Aeronautical and Space Sciences.

SOLAR HEATING AND COOLING DEMONSTRATION ACT OF 1973

Mr. MOSS. Mr. President, today in an effort to resolve long-term problems of the great energy crisis, I am introducing legislation to accelerate the use of solar energy. I say "long term" because the severe problems we face in the next few months may well pale to insignificance from the perspective of a few years hence.

This crisis has precipitated a plethora of words and sophistries but precious little action. It is imperative that we act swiftly for the energy crisis is upon us. As far back as last March, David Freeman, one-time energy advisor to Presidents Johnson and Nixon, stated that the joy ride is over. He noted that the richest nation in the world is becoming energy poor because, among other things, it has burned most of the oil and natural gas that have been easy to find in America. Experts claimed the situation is going to get worse in the next 10 to 15 years and they warned of fuel rationing. Their predictions actually proved to be optimistic. Fuel usage has already been limited and allocated, and just this past week the administration has proposed a bill which would ration, and, in some cases, prohibit energy consumption.

The long-term picture is much bleaker. In October, the National Journal Report noted that a worldwide scramble for oil is underway.

Elm City Filling Station of New Haven, Conn., has bought 200,000 barrels of residual fuel oil from the Soviet Union. Tenneco and Union Carbide are also importing and purchasing oil products from the Soviet Union. A report prepared for the White House Office of Energy Policy shows that imports of oil will have to increase a record 64 percent this winter alone. A severe winter will compound this and there is no assurance that enough foreign fuels will be available. The Mid-East, one of America's major foreign suppliers of oil, is in a state of turmoil. Yet, experts predict that within 12 years America will be dependent upon this area for 50 percent of its oil needs. In addition, obtaining Mid-East oil may cost more than money. Arab Governments have stated openly that access to their oil depends on U.S. policy toward Israel. And, in the face of this dilemma, Americans in some places already cannot buy gas on Sunday or find natural gas to run their factories.

Thus, there is a pressing need for a secure, accessible, and vast source of energy. Solar energy meets all of these requirements. First, it is secure from the threat of foreign interference and obfuscation. Second, recent technological advances have made it readily accessible. Finally, the source of energy is as vast as the power which maintains life itself on this planet. The applicability of solar power as a solution to America's energy needs is readily evident. Unfortunately, current funding for research into solar energy amounts to only three-tenths of 1 percent of our total research and development funds. Considering the momentous nature of the problem, this low figure certainly cannot be justified. A more realistic figure must be achieved to demonstrate that solar energy is a viable alternative energy source.

It is for this reason that I am urging the early commercial demonstration of solar heating and cooling. The technologies of solar heating are already close to the point of commercial application. Under proper supervision, a demonstration of solar heating could be achieved in 3 years, and a demonstration of combined heating and cooling could be achieved in 5 years. The National Aeronautics and Space Administration, with its excellent record of achievements in space and solar-related endeavors, is the most logical Government entity to take the lead.

For the benefit of those of my colleagues who may not be fully apprised of NASA's present capabilities in the field of solar heating and cooling, a few examples might be in order.

Of course, NASA and its industrial contractors have been engaged for years in the basic technologies involved, including heat transfer, thermal balance, thermal protective coating, and others.

Two NASA research centers are currently working on a commercial-type building that will have its environmental system of heating and air conditioning partially operated by a solar energy system. Construction of the building, at the Langley Research Center, was authorized for fiscal year 1974. Construction will start in 2 months.

The major objective of this project is to establish a facility to do research in solar energy in areas where NASA has extensive experience, such as thermal design, thermal coating technology, heating, ventilating, air conditioning, system design, controls, and instrumentation.

The 50,000-square-foot, one-story office building will be the first known building in the world of its size for which solar energy will provide a significant part of the buiding's heating and cooling load. It will provide working space for 350 engineering personnel.

A solar collector system of 48,000 square feet would collect all the energy required to supply the heating and cooling needs for the Langley Building. In view of the economics involved, capital outlays, and present state of the art, a 15,000-square-foot collector is planned This size collector will provide most of the heating requirements, some of the cooing requirements, and excess storage capacity, thereby obtaining feasibility data of all aspects of the system. Capability has been maintained to expand the collector system to supply all the energy requirements for the buiding.

The 15,000-square-foot solar system will provide a fuel savings of 10,500 gallons per year. A 100-percent collector would provide a total fuel savings of 35,000 gallons per year for the Langley Building.

A third NASA center, the Marshall Space Flight Center in Alabama, is actively at work on residential heating and cooling using solar thermal energy. The first phase of this work was completed a year ago. The second phase, which will be in full swing by next summer, relies on a recent breakthrough in thermal control coatings. The new coating is economical to apply and allows operation of the solar collector at a higher temperature than previously had been possible. As with all solar heating and cooling systems, this residential system requires an auxiliary energy source for use in extended periods of heavy cloudiness. But it is significant to note the Marshall system is expected to save better than 80 percent of the normal energy requirements of a private home.

I am introducing legislation which utilizes these facilities and NASA's great reservoir of expertise in the field of solar energy. The bill provides for 2,000 mass produced solar heating units and 2,000 mass produced heating and cooling units at an estimated cost of $50 million over a 5-year period. This figure is still less than 1 percent of projected Federal research and development funds.

In conducting this program, NASA will work in conjunction with the Secretary of Commerce to establish performance criteria for solar heating equipment and dwelling units. Differences in climate and geography will be taken into account in order to obtain the most accurate performance data. Shortly after publication of this criteria, and on the basis of open competition, an appropriate number of design for dwellings will be determined. Thereupon, NASA shall be empowered to enter into contracts for the development and production of solar heating and cooling systems.

A number of other Federal agencies would participate directly in this program. The National Science Foundation will have the responsibility of continuing and increasing its support of basic and applied research related to solar heating and cooling.

The National Bureau of Standards will set the performance criteria for solar heating and cooling equipment as well as building designs, and will monitor and evaluate the continuing program.

The Department of Housing and Urban Development will have the role of coordinating the demonstration program and its building activities and providing reports and information to Congress and the public.

The Department of Defense has the logical responsibility of providing buildings for installation of half of the mass-produced heating and cooling units.

Mr. President, I have repeatedly advocated research and development efforts to expedite the use of solar energy. My Committee on Aeronautical and Space Sciences has recently held fruitful hearings toward this end, and the time is ripe for appropriate legislation. Senator WEICKER is cosponsoring this bill, and I trust other Senators will see fit to do so.

Congressman McCORMACK has introduced a similar bill in the House as H.R. 10952. I am hopeful that both Houses of Congress will join together to resolve this critical problem. The time for inaction is past.

Mr. President, at this point I ask unanimous consent to have included in the RECORD the text of the bill, the Solar Heating and Cooling Demonstration Act of 1973.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Heating and Cooling Demonstration Act of 1973".

FINDINGS AND POLICY

SEC. 2. (a) The Congress hereby finds that—

(1) the current imbalance between supply and demand for fuels and energy is likely to persist for some time;

(2) the early demonstration of the feasibility of using solar energy for the heating and cooling of buildings could help to relieve the demand upon present fuel and energy supplies;

(3) the technologies for solar heating are close to the point of commercial application in the United States;

(4) the technologies for combined solar heating and cooling still require research, development, testing, and demonstration, but no insoluble technical problem is now foreseen in achieving commercial use of such technologies;

(5) the early development and export of viable solar heating equipment and combined solar heating and cooling equipment, consistent with the established preeminence of the United States in the field of high technology products, can make a valuable contribution to our balance of trade; and

(6) commercial application of solar heating and combined solar heating and cooling technologies can be expedited by early commercial demonstration under practical conditions.

(b) It is therefore declared to be the policy of the United States and the purpose of this Act to provide for the demonstration within a three-year period of the practical use of solar heating technology, using current technology for this purpose, and to provide for the development and demonstration within a five-year period of the practical use of combined heating and cooling technology.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "solar heating", with respect to any building, means the use of solar energy to meet such portion of the total heating needs of such building (including hot water) as may be required under performance criteria prescribed by the Secretary of Commerce acting through the National Bureau of Standards;

(2) the terms "solar heating and cooling" and "combined solar heating and cooling", with respect to any building, mean the use of solar energy to provide both such portion of the total heating needs of such building (including hot water) and such portion of the total cooling needs of such building, as may be required under performance criteria so prescribed, and include cooling by means of nocturnal heat radiation or by other methods of meeting peakload energy requirements at nonpeakload times;

(3) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(4) the term "residential dwellings" includes mobile homes.

CONDUCT OF ACTIVITIES IN SOLAR HEATING AND COOLING TECHNOLOGIES BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 4. Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended by redesignating subsection (b) as subsection (c), and by inserting immediately after subsection (a) the following new subsection:

"(b) The Administration shall initiate, support, and carry out basic and applied research, development, demonstrations, and other related activities in solar heating and cooling technologies, including (to the extent that funds are appropriated therefor) activities as provided for in sections 5, 6, and 7 of the Solar Heating and Cooling Demonstration Act of 1973.".

DEVELOPMENT OF SOLAR HEATING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 5. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of solar heating systems for use in residential dwellings.

(b) (1) Within eighty days after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator, shall determine, prescribe, and publish—

(A) performance criteria for solar heating equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating) for such dwellings themselves, taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types of residential dwellings suitable for and adapted to the installation of solar heating systems meeting the performance criteria prescribed under paragraph (1)(A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate solar heating.

(c) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958, shall—

(1)(A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of solar heating systems meeting the performance criteria prescribed under subsection (b)(1)(A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b)(1)(B);

(2) enter into contracts with at least two different persons or firms for the actual manufacture and production of solar heating systems as developed under contracts described in paragraph (1)(A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating systems involved, and of the dwellings themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of such paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under that subparagraph.

(d) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

DEVELOPMENT OF COMBINED SOLAR HEATING AND COOLING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 6. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of combined solar heating and cooling systems for use in residential dwellings.

(b) (1) As soon as possible after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator, shall determine, prescribe, and publish—

(A) performance criteria for combined solar heating and cooling equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating and cooling) for such dwellings themselves,

taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1) (and if possible before the completion of the research and development provided for in subsection (c)), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types of residential dwellings suitable for and adapted to the installation of combined solar heating and cooling systems meeting the performance criteria prescribed under paragraph (1)(A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate combined solar heating and cooling.

(c) During the period immediately following the publication of performance criteria under subsection (b)(1), the Administrator shall undertake and conduct with respect to solar heating and cooling a program of research, development, testing, and demonstration designed to provide the additional technological resources necessary for the development and commercial application of combined solar heating and cooling systems as contemplated by the program under this section.

(d) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958 and at the earliest possible time during or immediately after the period specified in subsection (c), shall—

(1)(A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of combined solar heating and cooling systems meeting the performance criteria prescribed under subsection (b)(1)(A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria or to reflect the results of the activities conducted under subsection (c)); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating and cooling systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b)(1)(B);

(2) enter into contracts with at least two different persons or firms for the actual manufacture and production of combined solar heating and cooling systems as developed under contracts described in paragraph (1)(A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating and cooling systems involved, and of the dwellings themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating and cooling systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of this paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under such subparagraph.

(e) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating and cooling systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

DEVELOPMENT OF SOLAR HEATING AND COOLING SYSTEMS FOR COMMERCIAL BUILDINGS

SEC. 7. The Administrator, concurrently with the conduct of the programs under section 5 and 6, shall carry out such projects and activities (including demonstration projects) with respect to apartment buildings, office buildings, factories, agricultural structures (including crop-drying facilities), and other commercial or industrial buildings, taking into account the special needs of and individual differences in such buildings based upon size, function, and other relevant factors, as may be appropriate for the early development and demonstration of combined solar heating and cooling systems suitable and effective for use in such buildings.

FUNDING OF SOLAR ENERGY RESEARCH BY NATIONAL SCIENCE FOUNDATION

SEC. 8. (a) Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(c) The Director shall initiate and support basic and applied research relating to solar energy development, as provided in section 8(b) of the Solar Heating and Cooling Demonstration Act of 1973.".

(b) The Director of the National Science Foundation is authorized and directed to initiate, support, and fund basic and applied research activities related to solar energy in support of the objectives of this Act. These research activities shall, insofar as practicable, support the new solar heating and cooling technologies demonstrated or to be demonstrated by the National Aeronautics and Space Administration pursuant to sections 4 through 7 of this Act. For this purpose the Director of the National Science Foundation is authorized to utilize funds appropriated to the Foundation pursuant to law or transferred to it from the National Aeronautics and Space Administration or other Federal agencies.

DISSEMINATION OF INFORMATION AND OTHER ACTIONS TO PROMOTE PRACTICAL USE OF SOLAR HEATING AND COOLING TECHNOLOGIES

SEC. 9. (a) The Secretary of Housing and Urban Development shall take all possible steps to assure that full and complete information with respect to the demonstrations and other activities conducted under this Act is made available to Federal, State, and local authorities, the building industry and related segments of the economy, and the public at large, both during and after the close of the programs under this Act, with the objective of promoting and facilitating to the maximum extent feasible the early and widespread practical use of solar energy for the heating and cooling of buildings throughout the United States. In accordance with regulations prescribed under section 11, such information shall be disseminated on a coordinated basis by the Secretary, the Administrator, the National Bureau of Standards, the National Science Foundation, the Patent Office, and other appropriate Federal officers and agencies.

(b) In addition, the Secretary of Housing and Urban Development shall—

(1) study and investigate the effect of existing building codes, zoning ordinances, and other laws, codes, ordinances, and practices upon the practical use of solar energy for the heating and cooling of buildings; and

(2) determine the extent to which such laws, codes, ordinances, and practices should be changed to permit or facilitate such use, and the methods by which any such changes may best be brought about.

(c) Each Federal officer and agency having functions under this Act shall include in his or its annual report to the President and the Congress a full and complete description of his or its activities (current and projected) under this Act, along with his or its recommendations for legislative, administrative, or other action to improve the programs under this Act or to achieve the objectives of this act more promptly and effectively. In addition, the Secretary of Housing and Urban Development shall submit annually to the President and the Congress a special report summarizing in appropriate detail all of the activities (current and projected) of the various Federal officers and agencies having functions under this Act, with the objective of presenting a comprehensive overall view of such programs.

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

SEC. 10. In carrying out their functions under this Act, all Federal officers and agencies shall take steps to assure that small business concerns will have a realistic and adequate opportunity to participate in the programs under this Act to the maximum extent possible.

REGULATIONS

SEC. 11. The Administrator, in consultation with the Secretary of Commerce, the National Science Foundation, the Secretary of Housing and Urban Development, the Secretary of Defense, and other appropriate officers and agencies, shall prescribe such regulations as may be necessary or appropriate to carry out this Act. Each such officer or agency, in consultation with the Administrator, may prescribe such regulations as may be necessary or appropriate to carry out his or its particular functions under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. There are authorized to be appropriated to the Administrator, for the first five fiscal years beginning after the date of the enactment of this Act, such sums, not exceeding $50,000,000 in the aggregate, as may be necessary to enable him (1) to carry out the functions vested in him or in the National Aeronautics and Space Administration by this Act, and (2) to reimburse the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and the Secretary of Defense for expenses incurred by them (during the respective periods of the program under section 4 and the programs under sections 5 and 6) in carrying out the functions vested in them under this Act.

By Mr. MATHIAS:

S. 2659. A bill to establish a Conference on the Antitrust Laws. Referred to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, recent disclosures in connection with the ITT antitrust settlement have again shaken public confidence in our legal system. At a time when public confiedence in our institutions is, according to polls, at an all-time low, the recent disclosures concerning the ITT case are a further blow to the already beleaguered Department of Justice.

Great uncertainty surrounds the ITT settlement. This is true despite the fact that many antitrust lawyers believe that the settlement revealed was, in fact, a good one for the Government in view of the novelty of the action undertaken by the Justice Department. Whatever the merits of the ITT settlement, recent and earlier allegations concerning the improper use of influence in that case have cast doubt on the method by which it was reached. The appearance of propriety, which is so essential to public confidence, has been clouded.

The Congress should move expeditiously to ascertain all of the facts in connection with the ITT settlement. It should also move quickly to help restore confidence in the Justice Department. Opportunities to do so now exist as questions of how it can insure the continued prosecution of Watergate offenses are examined and a new Attorney General and Deputy Attorney General are presented to it for confirmation.

I believe also that we should move now to take care to examine and, where appropriate, strengthen those very laws that underlie the ITT controversy, the entire body of statute and precedent that constitute the antitrust laws of the United States. These laws are entrusted to the Antitrust Division of the Justice Department, the FTC, and the courts. It has been remarked that: "The antitrust laws are what the Antitrust Division says they are." It is true that a remarkable power now resides in that Division, a result of the Supreme Court's understandable reluctance to question the expertise of the Division and the FTC and of the failure of the Congress to comprehensively address the application of statutes which have existed for over half a century.

But as the case of Telex against IBM indicates, the frontiers of the antitrust field are again being staked out by private parties—without any meaningful involvement of the Congress or the Justice Department—with implications that are difficult to foresee.

Mr. President, I am today introducing a bill which would establish a conference on the antitrust laws.

Work of the conference would be directed by a council composed of 12 members, 6 from various branches of the Government and 6 from private life. General membership of the conference would include, in addition to members of the council, at least 61 additional members whose knowledge and experience would qualify them to assist the conference in a thorough and objective analysis and evaluation of our existing antitrust statutes and their enforcement. These statutes, passed by the Congress in 1890, 1914, 1936, and 1950, are said by some to contain inconsistencies. There are also those who argue that the conditions of our basic economy and of the world economy in which U.S. businesses must compete have so changed that some of these laws are now out of date. It is also suggested that these laws, because of inherent weaknesses and alleged lack of vigorous enforcement, have failed to prevent increasing concentration of control of U.S. industry and have permitted the development of conditions in a number of so-called "oligopoly" industries in which competition does not now adequately serve the interests of the consumers, taxpayers, businessmen, or of the Nation as a whole. And it is suggested that they work different results depending upon the form of business to which they are applied. Our system is further being tested in competition with other economic systems with different approaches to control of monopoly. These are matters of great controversy among economists, politicians and lawyers inside and outside the Government. It is also true that, whether justified or not, much of the reporting in the press of principal antitrust cases in recent years has been such as not to inspire confidence in the public that the welfare of the Nation is truly being served.

In the last few years, we have vacillated between widely varying degrees of control of prices and wages under the apparent delusion that freely competitive prices and wages are not acceptable to the American people. This erosion of the basic assumptions behind our antitrust laws has gone largely undiscussed, although there has been much attention-calling to the inconsistency between the antitrust laws and most of our Federal regulation of transportation and other public utilities.

Mr. President, in introducing this bill calling for a conference on the antitrust laws, I submit that it is high time that we create the mechanism for a thorough thoughtful review by an expert but sufficiently broadbased body as to give to the Congress some real help in evaluating the adequacy of our present statutes and their administration.

It should be noted that my bill, while it differs in some respects from S. 1196, introduced on March 14, 1973, by Mr. JAVITS for himself and Messrs. HRUSKA, McGEE, and TOWER, has a similar objective—the creation of an expert body to study and report to the Congress on the antitrust laws. While I might differ from Senator JAVITS and the others on the proper measures that study may show need to be taken, we do share the view that serious study is called for at this time, and there is little basic difference between his bill and mine. However, believing as I do in the need for great diversity of viewpoint in any study of these controversial matters, I would propose a conference of substantially larger numbers than that called for by S. 1196.

Mr. President, the issues which confront us this morning regarding the ITT settlement and its message for us all were first clearly spelled out during the hearings of the Senate Judiciary Committee in the spring of 1972, at the time of the confirmation of Mr. Richard Kleindienst as Attorney General. I therefore ask unanimous consent that the views I stated at the conclusion of those hearings be printed in the RECORD at this point, as they further reflect my judgment on the urgency and importance of action by the Congress in this field.

There being no objection, the views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. MATHIAS

The hearings on the fitness of Richard Kleindienst to be the Attorney General have been diverted by events so far from their original purpose that a simple statement of position on that question is not an adequate response to the avalanche of evidence that has threatened to immobilize the Judiciary Committee. The sudden and unexpected appearance of this evidence has, however, been healthy and useful, and I am glad to have been instrumental in the extension of the hearings and the invitation of necessary witnesses.

What use the Congress makes of the information developed will be a test of our sensitivity and our response. These hearings, though indirectly, have given the Congress knowledge not only about Richard Kleindienst, but also about the activities of giant corporations, the competency of our branches of government and the omissions of Congress. We must take advantage of all this information if these hearings are to be fully utilized. In this regard, this should be just the first Congressional inquiry into America's corporate community. The Judiciary Committee must continue its investigation.

We are called upon to make several judgments because we are involuntarily confronted with several issues.

The first verdict must be "guilty." The Congress is clearly guilty of neglect in overseeing and updating the anti-trust laws. Our 19th Century statutes are so unrelated to 20th Century realities that Congress has literally handed over its legislative and overseer responsibility to administrative and judicial officers with only the broadest of guidelines. In some respects the current state of the law is unfair to business management, and in others, it is inadequate to protect the public. In either phase, it is so vague that the unseemly pulling and hauling attempted by ITT to influence the result seemed to corporate officers not only justifiable, but even proper. No judge or lawyer in the United States today can say without fear of contradiction that the law covers conglomerates in spite of the ITT settlement. Only the Congress can say, and the Congress has been silent.

When a corporation has become so large that it can create a ripple effect in the American economy, that it might induce a stock market slump or that it could affect our international balance of payments, it is clearly time for Congress to review national policy in this area. And yet these are the conditions that responsible officials saw as possible, and the apprehension of which was the alleged basis for abandoning litigation and accepting a compromise of anti-trust cases. The Congress can no longer leave it to chance whether these officials were right or wrong. Business, government and the public all have too much at stake for so casual an attitude.

The Congress has also some responsibility to direct whether a hardship settlement is properly available in a case where a warning was issued by the Anti-Trust Division prior to the merger, or where the risk of hardship is primarily upon investors or stockholders and not upon the public generally. Events have now dictated what our own sense of responsibility should have already undertaken. I shall renew my efforts to get action on pending legislation for review and reform of anti-trust laws.

A second verdict of guilty must be rendered against ITT for, at the very least, being willing to stoop to conquer. While it is impossible to probe the corporate motive for every act, it does not seem unfair to assume that fear rather than remorse triggered the shredding of company records and that such destruction of evidence is a serious step going far beyond "taking the fifth." The massive corporate assault on government was launched and pursued at every political and official level.

It does not require any confirmation by Dita Beard to explain to me the relationship between a $400,000 commitment to a political party whose incumbent president is likely to be re-elected and a corporate giant which must deal with some level of government every day. It was like a wind-storm insurance premium since it sustained the general level of protection even it it were not immediately offset by reimbursement for storm damage.

The White House itself has been embarrassed by being designated as one of the targets of this drive, although there is no clear proof that the target was reached in any meaningful way: Even the most desperate corporate official should have realized that the transcontinental activities stretching from Washington to San Diego could not escape notice. While some part of this barrage was the proper exercise of the citizen's right to petition government and to demand justice, the sheer mass of this effort would alone make it excessive. This effort did not gain the optimum result, but it may have enabled ITT to avoid the worst.

The final settlement was apparently ITT's choice of evils. When that has been said, it must be added that the settlement was substantial, significant and reasonable in the light of the risks of litigation to all litigants. It has been supported by objective and independent legal experts. It is regrettable, however, that although it may be the best such settlement ever made, it will always be suspect because of the circumstances that surrounded its conception.

In the interaction of public and private agents and agencies, several omissions in our administrative practices have been noticed. One is the desirability of giving departmental tax rulings in live controversies involving substantial amounts the same publicity as a compromise of a tax case filed in court. In both, the public is entitled to notice. I shall introduce legislation, if necessary, to attain this end.

Secondly, we should attempt to provide for the Anti-Trust Division the kind of insulation from external influences that we have been able to give to courts. Although the Supreme Court may read election returns, we can rejoice in the overwhelming likelihood that attempts to reach judges through political channels would be rebuffed and rewarded by adverse reaction. While the Anti-Trust Division is neither judicial nor quasi-judicial, I think it may need special protection.

Since we have committed administration of Anti-Trust laws to the Anti-Trust Division we could at least assure that it be forewarned, if not forearmed. When anti-trust cases are in litigation, it would not seem unreasonably restrictive to require that contacts between the litigants and other government officials and agencies should be recorded by the litigants at the Anti-Trust Division.

Every citizen, no matter what the nature of his interest or grievance, has a constitutional right to petition his government. Such a right would not be abridged by requiring disclosure of pertinent conversations, but furtive appeals and unworthy demands might be discouraged.

All governmental officers in all departments in all administrations are susceptible to attempts to exert improper external influence, and so we should perhaps consider extending this requirement to quasi-judicial agencies.

The enigma of Mrs. Dita Beard is suspended over the whole scene, poisoning the air but not clearly discernible to the unaided eye. The role Mrs. Beard played can only be surmised from the fragmentary evidence available. Whatever it may have been, it was carried on with bravado and bluff amidst internecine corporate welfare. On the basis of the circumstantial evidence I am forced to conclude that she wrote the famous memorandum, but it is more difficult to conclude why she did so or whether she herself believed what she had written. But in a large measure such questions have been leap-frogged by other testimony and the whole matter no longer hangs upon the answers to them.

Some individual folly and carelessness has, of course, been disclosed. I am, for example, unsatisfied that the secretarial staff at the Justice Department could not have located Mr. Ramsden without White House help. I am disappointed that Mr. McLaren leaned so heavily for support in his testimony on points alleged to be in the Ramsden report, but which cannot be found there nor which its author ever discussed with Mr. McLaren or anyone else in the Justice Department. Mr. Flanagan could have offset these errors if he had simply given Mr. McLaren the address where he could find Mr. Ramsden and then left him to his own devices. Instead, he compounded the error by involving himself personally, as he candidly regretted in his testimony before the Committee. Mr. Kleindienst cannot escape all criticism when he denied participation in functions in which he was required by statute to participate, and when the effect of that participation could have been significant.

Measuring the damage created by these various errors and fixing the blame are tasks complicated by the number of participants and the scope of the action. On the surface, the basic public interest seems to have been protected by the ITT settlement, and any lost opportunities for more comprehensive action can hardly be assessed. Our sights therefore shift to the process by which the settlement was achieved. It seems fundamental to inquire how far private interests inimical to the public welfare penetrated the official process of decision. It is in this area that so many must bear the burden of suspicion for acts that may have been thoughtless or careless, but which appear as questionable to the public as if they had a corrupt or malicious motive. No greater illustration can be given that rules of ethics and standards of conduct provide a shield for public officials as well as for the public they serve.

Thus we return to Richard Kleindienst.

When Mr. Kleindienst came to Washington as Deputy Attorney General, I found myself forced to take issue with some of his first official acts. We each confronted the issues squarely and when they were resolved, as a result of Mr. Kleindienst's flexible and positive attitude, I believe we had a mutually enhanced respect for each other. He has been scrupulous in the observance of every commitment he has made while in office. While I might disagree with the substance of some of his decisions, I do not question his motives in reaching them.

Whatever mistakes Mr. Kleindienst made in connection with the ITT matter, they appear to me to be human errors which result from a highly pressured life and not parts of a deliberate and deep-laid plot to give preferred treatment to a contributor to the Republican Party. I certainly do not believe that all of the questionable acts committed by the entire cast of characters should be laid at his doorstep to prejudice his confirmation.

One example of the manner in which he is willing to confront differences of opinion is worth citing as a guide to the way in which he will conduct himself as Attorney General. He happened to be in the hearing room while Clarence Mitchell, legislative director of the NAACP, was testifying with reference to certain doubts as to Mr. Kleindienst's posture on civil rights. In an act, which I suspect was unprecedented under the circumstances and with candor that was unusual under any circumstances, Mr. Kleindienst returned to the witness table to join Mr. Mitchell in a dialogue that was both frank and friendly. The fact that he was willing to risk a confrontation and that he was able to convert it into a conversation speaks well for his confidence and for the state of his conscience.

His professional ability has not been questioned. His experience as a member of the bar commands respect. No question has been raised as to any personal pecuniary conflict of interest, and he has filed a complete financial statement with the Judiciary Committee.

It is scarcely necessary to observe that it is a very short term we are considering. Under the established precedents, the present Cabinet will submit resignations in January of 1973. At that time the Judiciary Committee and the Senate will again review the qualifications of the nominee for Attorney General. Although I personally would vote to confirm Mr. Kleindienst for a longer term than that to which he has been nominated, I shall urge the Senate to confirm him for the brief period remaining before the 1972 elections bring about a new appointment of the Cabinet.

By Mr. BURDICK (for himself, Mr. Hansen, Mr. Packwood, Mr. McGee, Mr. Stafford, Mr. Stevens, Mr. Williams, and Mr. Young):

S. 2661. A bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas. Referred to the Committee on Interior and Insular Affairs.

Mr. BURDICK. Mr. President, I am introducing today a bill which would vastly increase the benefits received by the public through the Land and Water Conservation Fund Act of 1965. The bill, identical to S. 2473, which I introduced last year, permits the States to use 25 percent of their annual apportionments to enclose certain traditional outdoor recreational facilities. I am pleased that Senators YOUNG, STAFFORD, WILLIAMS, HANSEN, MCGEE, STEVENS, and PACKWOOD have joined me in offering the bill this year. Hearings were held in June of 1972 before the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs, under the able chairmanship of Senator ALAN BIBLE. I feel the record of these hearings clearly establishes the need for my bill and I am hopeful that the Senate committee will see fit to approve it this year.

In 1964 Congress recognized the need for Federal participation in both preservation and development of recreational areas by authorizing the Land and Water Conservation Fund Act. Now, 9 years later over 4,800 outdoor recreation projects have been approved and funded by matching grants to State and local governments of more than $750 million. In addition, there have been greater than 2,600 land acquisition projects which have helped preserve over a million acres of recreational land for public enjoyment. Here there has been a total expenditure of nearly $500 million.

The 50 States, Guam, Puerto Rico, District of Columbia, American Samoa, and the Virgin Islands participate in the program and themselves provide one half the cost of maintaining a statewide comprehensive outdoor recreation plan required by the act. Money for this highly successful program is maintained at an annual level of not less than $300 million by revenues from the sale of Federal real surplus property, the collection of motorboat fuel taxes, and Outer Continental Shelf mineral receipts.

Mr. President, I think that it goes without saying that State and local governments have come to rely upon the responsiveness of this program to meet their identified recreation needs. One such is the development of indoor recreation facilities. The bill I introduce today would give the Land and Water Conservation Fund the flexibility needed to meet this growing recreation demand. The concept of amending the act to provide for the construction of either temporary or permanent enclosures for recreation facilities has interested me for some time. In 1967 I first introduced legislation to do so. At that time, however, many felt that the Land and Water Conservation Fund had not been in effect long enough to permit a complete evaluation of the impact of such a change. I was encouraged, therefore, when during the last session of Congress, and again this year, an administration sponsored bill included a provision similar to that which I offered 6 years ago.

While serious questions have been raised concerning other portions of the administration's bill, I feel that authorizing the construction of temporary or permanent enclosures over traditionally outdoor recreation facilities is needed. For this reason, I revitalized my effort and introduced S. 2473 in the 92d session of Congress. The bill I introduce today is identical. Briefly, it provides that not more than 25 percent of the total funds allocated to a State under the act shall be directed to the construction of indoor facilities in an area where the Secretary determines that: First, the unavailability of land or climatic conditions provides no feasible or prudent alternative to serve identified, unmet demands for recreation; and second, the increased public use made possible by indoor facilities justified their construction. Also, I should mention here that the intent of this legislation is to authorize either portable or permanent enclosures. Senator STEVENS indicated during last year's hearings that there may be a need to clarify this point and I am happy to comply.

The benefits are easily demonstrable. Swimming pools, to cite just one example, are used for only 60 to 70 days per year in my own State of North Dakota. Temporary or permanent covers could make swimming a year-round sport. While the increase in construction costs for such a facility are estimated to be 30 to 40 percent, for this increased cost the public would enjoy 500 percent more swimming time. And this is a pool which recreation experts tell me will be more sanitary and easier to maintain. This is only one example of the benefits to be derived from the passage of my bill.

My amendment would allow fund money to be used for such facilities as enclosed swimming pools, ice skating rinks, and tennis courts—traditionally outdoor recreation activities. The money could not be used to fund such traditionally indoor recreation facilities as bowling alleys, billiard rooms, theaters, and gymnasiums. My amendment would not in any way decrease the funds given to a State for purpose of recreational development. It would not require a State to build indoor facilities and it is not intended to divert any outdoor recreation agency from the acquisition and preservation of land with recreational value. Rather than subvert the original intent of Congress, the bill will go a long way toward realizing the goal of optimum recreational resource development.

Mr. President, I recognize that some feel that the Land and Water Conservation Fund Act money should be used primarily for "open space" land acquisition. The basis for this argument seems to spring from the fact that some of the revenue of the fund was derived from park entrance and user fees, thus making the fund a "trust fund" for additional park acquisition. I feel that the record established by the Land and Water Conservation Fund since 1965 clearly indicates that large amounts of money are being made available for land acquisition and that many acres of land have, in fact, been acquired. But the record also shows that this is not the only purpose of the fund.

Also, it is significant to note that entrance and user fees have historically provided but 6 percent of the total moneys available under the Land and Water Conservation Fund Act. At this point, I ask unanimous consent to have printed in the RECORD a letter I received from the Director of the Bureau of Outdoor Recreation, Mr. James G. Watt, which outlines the cumulative receipts to the fund for the fiscal years 1965–72. Further, the letter indicates that, under recent amendments, entrance and user fees collected are placed within a separate account to be administered in conjunction with, but separate from, receipts in Land and Water Conservation Fund.

Mr. President, my bill has been given the unanimous support of the National Association of State Outdoor Recreation Liaison Officers and I personally have received volumes of mail from every section of the country in support of the concept of Federal participation in construction of indoor recreation facilities. It is my hope that hearings will be scheduled on this legislation soon and that a new vista of recreational opportunities will be opened to the public by its early enactment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF OUTDOOR RECREATION,
Washington, D.C., February 15, 1973.

Hon. QUENTIN N. BURDICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BURDICK: In reply to your letter of January 26, 1973, requesting information about receipts of the Land and Water Conservation Fund, I am pleased to provide you with the following data:

CUMULATIVE RECEIPTS, FISCAL YEARS 1965–72

[In thousands of dollars]

	Amount	Percent
Surplus property sales	$391, 244	29
Motorboat fuels tax	197, 096	15
Outer Continental Shelf receipts	688, 529	50
Entrance and user fees	78, 992	6
Total	1, 335, 861	100

In regard to your question on motorboat fuels tax and entrance and user fees, all of the receipts are comingled and lose their separate identity after they are placed in the Fund. Appropriations are made from the total amount available and not from specific receipts.

Under amendments to the Land and Water Conservation Fund Act of 1965, entrance and user fees collected after December 31, 1971, are covered into a special account to be administered in conjunction with, but separate from the receipts in the Land and Water Conservation Fund and are available for appropriation for outdoor recreation functions of the collecting agency. To date, there have been no appropriations from this special account.

If we may be of further service to you, please let us know.

Sincerely yours,
JAMES G. WATT, *Director.*

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1745

At the request of Mr. MONDALE, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 1745, the Sudden Infant Death Syndrome Act of 1973.

S. 1765

At the request of Mr. Bayh, the Senator from California (Mr. Tunney) was added as a cosponsor of S. 1765, a bill to establish an Independent Board of Parole, to provide for fair and equitable Federal parole procedures, to study the parole procedures provided for released prisoners, and for other purposes.

S. 1777

At the request of Mr. Stafford (for Mr. Schweiker), the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 1777, a bill to amend the Federal meat inspection act to prohibit the sale for human consumption of meat from horses, mules, and other equines.

S. 2238

At the request of Mr. Mondale, the Senators from Iowa (Mr. Hughes and Mr. Clark), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. Abourezk), and the Senator from Wisconsin (Mr. Nelson) were added as cosponsors of S. 2238, to amend the Internal Revenue Code of 1954 to increase the maximum credit and deduction allowable with respect to contributions to candidates for public office, to make certain changes in subtitle H of such Code with respect to the financing of Presidential election campaigns, and for other purposes.

SENATE CONCURRENT RESOLUTION 56—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF HEARINGS ON THE CHILD ABUSE PREVENTION ACT, 1973

(Referred to the Committee on Rules and Administration.)

Mr. MONDALE submitted the following concurrent resolution:

Resolved, by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Labor and Public Welfare one thousand additional copies of the hearings before its Subcommittee on Children and Youth during the present session on the Child Abuse Prevention Act, 1973.

SENATE RESOLUTION 195—ORIGINAL RESOLUTION REPORTED AUTHORIZING CERTAIN FUNDS RELATING TO THE NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

Resolved, That Senate Resolution 53, 93d Congress, agreed to February 1, 1973, is amended as follows:

(1) Sections 5 and 6 are redesignated as sections 6 and 7, respectively.

(2) Insert after section 4 the following new section:

Sec. 5. From October 13, 1973, through February 28, 1974, the amounts made available under sections 3 and 4 of this resolution shall also be available for a study or investigation, including the procurement of individual consultants or organizations thereof, relating to the nomination of Gerald R. Ford of Michigan to be Vice President of the United States.

SENATE RESOLUTION 196—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO MARY H. BRICK

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary H. Brick, widow of John Brick, an employee of the Senate at the time of his death, a sum equal to nine and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 197—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO RAYMOND H. MILLER

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Raymond H. Miller, widower of Anne C. Miller, an employee of the Senate at the time of her death, a sum equal to six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SOCIAL SECURITY ACT AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 640

(Ordered to be printed and referred to the Committee on Finance.)

MEDICARE DEDUCTIBLE FREEZE AMENDMENT TO H.R. 3153

Mr. MUSKIE. Mr. President, on behalf of myself and Senators Church, Clark, Williams, Tunney, Humphrey, Hart, Moss, Hartke, Hughes, Metcalf, McGee, Ribicoff, Pell, McGovern, Eastland, Stevenson, Eagleton, Chiles, Abourezk, McIntyre, Mondale, Stevens, Jackson, Magnuson, Javits, Bayh, Case, Hathaway, Burdick, and Bible, I offer an amendment to H.R. 3153, the Social Security Act Amendments of 1973, to freeze the medicare part A hospital insurance deductible at its current $72 level for 1974 as a temporary relief measure.

The Department of Health, Education, and Welfare announced last month that the deductible—the amount a hospital patient must pay before medicare takes over—would increase from $72 to $84 in 1974. This increase in the hospital deductible would also have the effect of raising by 17 percent the medicare coinsurance charges—the portion of the costs that patients must pay for hospital stays longer than 60 days and for nursing home extended care after 20 days.

If the increase is allowed to take place, it would affect some 5½ million aged and disabled medicare beneficiaries who are expected to be hospitalized in 1974. It would add yet another burden to the aged who have limited incomes and still must somehow cope with ever-rising prices. It would also come hard on the heels of an increase in the monthly premium charge under the medicare supplementary medical insurance program, which has just risen from $5.80 to $6.30 per month.

These additional medicare charges are robbing the aged of the small amount of discretionary income that they have. For many of the aged, food and shelter and medical costs consume almost their entire income. Even relatively small increases in medicare charges can have a major impact on their personal finances.

The deductible for medicare hospital insurance was $40 when medicare went into effect in July 1966. Raising the deductible to $84 would mean that it has more than doubled since the program began. At the same time, the coinsurance payments, which are linked to the deductible, would also more than double. Next year, if a medicare beneficiary required more than 60 days' hospitalization, the coinsurance payment per day for the 61st through 90th day would be $21 a day as compared to $18 currently and $10 when medicare was enacted. For a posthospital stay of more than 20 days in a nursing home the coinsurance would be $10.50 a day compared to $9 currently and $5 when medicare began.

As things now stand, this increase is mandatory because the law requires the deductible to be determined annually according to changes in average per diem hospital costs covered by medicare. Under section 1813(b) of the Social Security Act, each year the medicare inpatient hospital deductible for the following year is set—in multiples of $4—at $40 multiplied by the ratio of average per diem inpatient hospital costs, for the previous year compared to the average per diem cost for 1966. For instance, the deductible for 1974 is set in 1973 based upon inpatient hospital rates in 1972.

My amendment would declare a 1-year moratorium on the ever-increasing hospital deductible and coinsurance charges. The amendment requires that the deductible remain at $72 during 1974, thus also freezing coinsurance at current levels. In addition, the amendment modifies the cost increase formula by changing the base year from 1966 to 1972, thus providing that increases from the $72 level would be based on the percentage increase in the average per diem rate for hospital services since 1972. Under the amendment, for example, the deductible and coinsurance for 1975 would be set during 1974 based on hospital cost increases in 1973.

This temporary relief for medicare recipients can easily be borne by the hospital insurance trust fund. The estimated additional cost of the amendment would be $103 million for 1974, but in that year the hospital insurance trust fund is projected to have a surplus of almost $10 billion. The fund is expected to have increasing surpluses in later years because: First, the hospital insurance fund portion of the payroll tax has been raised from 0.6 percent in 1972 to 1 percent in 1973; second, the amount of wages which are covered by social security, and thus taxed, will go from $10,800 to $12,600 in 1974; and third, the number of employed persons continues to go up, which provides additional revenues. My amendment would not jeopardize the short-term or long term actuarial balance or safety of the trust fund, and would require no further financing.

Finally, there is no policy justification for allowing the medicare deductible and coinsurance to increase. Hearings I have conducted, as chairman of the Subcommittee on Health of the Elderly of the Special Committee on Aging, show that increased "cost-sharing" under medicare would not increase the efficiency of the program, but would merely impose financial hardship on millions of the elderly, and possibly discourage needed preventative health care leading to increased longrun costs.

Mr. President, this amendment is enthusiastically supported by the National Council of Senior Citizens and the National Retired Teachers Association-American Association of Retired Persons. Together they represent almost 9 million aged and aging Americans who are more than a little concerned about escalating medicare charges.

Now is the time to provide at least temporary relief from yet another stiff medicare increase. I urge the Senate to adopt this medicare deductible freeze amendment. I ask unanimous consent that the text of this amendment be reprinted in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 649

At the appropriate place in the bill, insert the following new section:

LIMIT ON MEDICARE INPATIENT HOSPITAL DEDUCTIBLE

SEC. —. (a) (1) Section 1813(b) (1) of the Social Security Act is amended—

(A) by striking out "$40" and inserting in lieu thereof "$72"; and

(B) by striking out "1969" and inserting in lieu thereof "1975".

(2) Section (b) (2) of such Act is amended—

(A) by striking out "1968" and inserting in lieu thereof "1974";

(B) by striking out "$40" and inserting in lieu thereof "$72"; and

(C) by striking out "1966" and inserting in lieu thereof "1972".

(b) The Amendments made by subsection (a) shall be effective with respect to services provided after December 31, 1973.

Mr. RIBICOFF. I am cosponsoring with Senator MUSKIE an amendment to freeze at present levels the medicare deductibles and copayments which patients have to pay. Under present medicare law these payments go up annually as the average daily cost of hospital care goes up.

It was recently announced that on January 1, 1974 these deductibles will go up again.

There is no doubt that the cost of hospitalization has increased since medicare was enacted in 1965. But we cannot keep putting heavier cost burdens squarely on the shoulders of the poor, sick elderly members of our population whose incomes are frozen.

The average out-of-pocket payment for Americans aged 65 and over has grown from $234 in 1966 to $276 in 1972, the latest year for which complete statistics are available.

In Connecticut alone over 290,000 older Americans enrolled in medicare would have to pay more for hospital care. This would completely wipe out the benefit of my 5.9-percent social security increase which Congress recently enacted into law.

If this bill is not enacted, medicare patients will have to pay the first $84 of these hospital bills rather than the first $72.

Because of the increase in the hospital deductible present law also requires other cost increases. Thus, when a medicare beneficiary has a hospital stay of more than 60 days he will be forced to pay $21 a day for the 61st through the 90th day, up from the present $18 per day. If he has a posthospital stay of over 20 days in an extended care facility he will be forced to pay $10.50 per day instead of the present $9. And if a medicare beneficiary ever needs more than 90 days of hospital care, his "lifetime reserves" of 60 days will cost him $42 a day instead of the present $36 per day.

Under our proposal the deductibles would be kept at their present level. That means the 1st day of hospital care will cost $72 instead of $84. The deductible for the 61st to 90th day will cost $18 instead of $21. The deductible for extended care after 20 days will cost $9 instead of $10.50. And the deductible for the medicare lifetime reserve will cost $36 instead of $84.

It is time once and for all to put an end to these additional cost burdens on older Americans who cannot afford to shoulder them.

Our proposal will provide long overdue relief to millions of older Americans.

I ask unanimous consent that certain tables be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

MEDICARE DEDUCTIBLES AND COPAYMENTS

	Levels as of 1974	Muskie-Ribicoff proposal
1st day hospital deductible	$84.00	$72
61st to 90th day hospital daductible	21.00	18
Extended care after 20 days	10.50	9
Lifetime reserve days	42.00	36

INCREASES IN DEDUCTIBLES SINCE MEDICARE ENACTED

For benefit period beginning in	Inpatient deductible	61st to 90th day	Lifetime reserve
1966	$40	$10	$20
1969	44	11	22
1970	52	13	26
1971	60	15	30
1972	68	17	34
1973	72	18	36
1974	84	21	42

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 619

At the request of Mr. MONDALE, the Senators from Iowa (Mr. HUGHES and Mr. CLARK) and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of amendment No. 619 intended to be proposed to the bill (S. 2188), the Midwest and Northeast Rail System Development Act of 1973.

NOTICE OF CHANGE OF HEARING DATE ON OIL AND GAS DEVELOPMENT IN SANTA BARBARA CHANNEL

Mr. METCALF. Mr. President, I wish to inform all Senators and other interested persons that the hearings on S. 1951 and S. 2339, both dealing with the Santa Barbara Channel situation, which were scheduled for Monday, November 12, have been rescheduled for Tuesday, November 13. The hearing will begin at 10 a.m. in room 3110, Dirksen Senate Office Building.

NOTICE OF POSTPONEMENT OF HEARINGS

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator Eastland, chairman of the Federal Bureau of Investigation Oversight Subcommittee of the Judiciary Committee, I announce that the hearings of that subcommittee set for tomorrow, November 6, on S. 2106, to provide a 10-year term for the Director of the FBI are indefinitely postponed due to conflict with the ongoing full Judiciary Committee hearings into the firing of Archibald Cox and legislation dealing with court appointment of a special prosecutor.

Hearings on S. 2106 will be rescheduled as soon as the schedule of the full Judiciary Committee allows them.

ADDITIONAL STATEMENTS

WATERGATE

Mr. YOUNG. Mr. President, I share the deep concern as evidenced by good people all over the country with reference to this whole Watergate mess. There have been countless charges—many of them substantive, but some of them irresponsible and oftentimes of little substance.

Unfortunately some good people have been hurt. They have been put in the position of being guilty until they prove themselves innocent.

One of North Dakota's most able and respected editors, John Hjelle of the Bismarck Tribune has some views regarding the recently fired Special Prosecutor Prof. Archibald Cox. He expressed these views in an editorial entitled "Cox Objectivity Suspect" which appeared in the Tribune on October 31. I am sure the views expressed by this very able and reputable editor are shared by a great many people. It has become a bit too uncommon for editors and others to speak up in defense of an unpopular issue.

I ask unanimous consent to have this printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Bismarck (N. Dak.) Tribune, Oct. 31, 1973]

COX OBJECTIVITY SUSPECT

The suspicion that former special prosecutor Archibald Cox was less than an objective and politically-disinterested participant in the Watergate investigation is strengthened by disclosures Tuesday.

It now has been made known that Cox, who served as solicitor general in the John F. Kennedy Administration, has gone out of his way to discuss secret information in the case with political enemies of the Nixon Administration.

Of course, he says, he did not intend that the information be "leaked" to the press.

He also asks for himself a regard that he has indicated is evil if directed towards anyone else.

He hopes, he says, that members of the Watergate investigation committee will be "charitable enough" to believe that he did not intend a deliberate leak.

And he pleads the "stress and strain" of the last few weeks as an excuse for his misdeed. After the error, he admits it was "inexcusable" and he feels "very badly" about it.

Of course, all this compunction comes after the damage has been done and it's too late to do anything about it.

Cox has been elevated into something of a Galahadian hero whose only purpose as special investigator, before he was fired, was to ferret out the truth without fear or favor.

Now, however, it is divulged that he hasn't been totally above special favors to political compatriots. Of all people he might have chosen, he selected Sen. Edward M. Kennedy, one of the Republican Administration's most bitter foes, and one whose political ambitions may be served greatly by discomfiture to the Republicans, for his confidences. The choice is too significant to be either coincidental or accidental. Obviously, it means he has been feeding information to persons outside the investigating committee for purposes other than the furtherance of the investigation.

BANGLADESH: THE WAVE OF THE FUTURE?

Mr. KENNDEY. Mr. President, just as Bangladesh has come to symbolize for many the triumph of self-determination and the struggle for democratic principle, so, too, has Bangladesh come to represent the growing problems facing most of the developing nations of the world.

In a peculiar and important way, Bangladesh may represent the wave of the future—whether for good or ill. Like so many nations in the Third World, Bangladesh faces progressively severe demographic problems, with persistent scarcities in food, problems and corruption in administration, instability in government, all of which undermine the Nation's social and economic development.

And, like too many developing nations, Bangladesh is particularly subject to the winds of fate. Droughts, floods, and other natural disasters which, in a developed nation barely faze national life, in a nation surviving on the slim margin as Bangladesh, means not only immediate human tragedy but longer-term disruption of economic and social life.

Combined, these factors tend to create a vicious cycle: Forced to use its limited foreign exchange to buy food to feed its hungry cities and towns, Bangladesh is unable to purchase the fertilizers, insecticides, and other agricultural investments to increase its food production, only to be faced again, the following year, with the need to buy more food, sometimes at double the price, with even less funds left for improvement in agricultural production.

Mr. President, if Bangladesh is, as many speculate, a symbol of the future of the Third World, then it becomes one of the crucial issues of our time whether that future is filled with tragedy and even greater human suffering, rather than progress in social and economic development.

This issue was clearly presented last week by the Christian Science Monitor correspondent, Mr. Richard Critchfield. In a two-part essay on Bangladesh, he clearly portrays the human aspect of the dilemmas confronting the developing nations, as well as the governmental and economic problems involved.

Mr. President, I commend these important articles to my colleagues in the Senate, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Oct. 31, 1973]

BANGLADESH—1

(By Richard Critchfield)

JOYPUR VILLAGE, BANGLADESH.—It is a land of golden dreams and dreadful nights, fiercely naked in the enormity of its population and the depth of its poverty.

It is the great delta of the Himalayan-watered Ganges and Brahmaputra Rivers, silt-rich, wet, flat, and so lushly green and fertile that despite regular cyclones, floods, and drought it has managed to precariously support 76 million Bengalis in an area smaller than Wisconsin. If the United States were so densely populated, it would have more than 6 billion people.

It was created after a bloody civil war in 1971. It is the world's newest country and, as Prime Minister Mujibur Rahman told me, it is "poor, poor, poorest of the world." It is the international extremity case, as far as you can go, the rock bottom—Bangladesh.

Land holdings are fragmented and small. Very few (only 10 percent) are as much as 8 acres. Most farms are between one and two acres and closer to one acre. Of the many holdings that are less than half an acre, most are subdivided still further into tiny, disconnected plots.

Rice and few vegetables are the diet; with a daily average of 841 grams per person in the villages and 726 grams in the towns—both amounts considered by some experts to be at the starvation level. Along with malnutrition, such age-old scourges as cholera and smallpox are reported once more on the rise.

Some 94 percent of Bangladesh's people live in the country's 65,000 villages. The productivity of their subsistence agriculture is very low. Its growth rate of 2.5 percent a year cannot keep up with one of the world's highest rates of population growth, estimated at more than 3 percent.

Yet experts believe that if the peasantry is given an opportunity and supplied with all the resources it needs, the potential is there for doubling rice output in 10 to 20 more years. This would be more than enough to feed the projected population.

Unlike the arid and semiarid parts of Africa and India where population already may have outstripped resources and no corrective agricultural technology exists, at least Bangladesh has a degree of discernible hope for its future.

This hope has been reduced to a flicker in the villages. But it is not too late.

Now in the Monsoon, out in the rural countryside, Bangladesh is a very beautiful land, with a soft languor and gentle rhythm of its own. Great swirls of white, thick, cumulus clouds, towering 30,000 to 40,000 feet, drift over its wet, pale-green surfaces. Mist hangs over the endless sea of rice paddies like steam over a vat.

By day, it is a deceptively peaceful scene. The village of Joypur (pop, 1,507, 138 families, 306 houses, six high-school graduates, a primary school, and a mosque) lies steamy and somnolent in the sun—its busy activity out of sight off in the fields, or hidden from view in the women's courtyards.

Chickens scratch for grain, naked children play in the dust, there is the soothing creak of bullock carts; a tailor sits crosslegged before his ancient sewing machine.

In the background, provided the diesel fuel and spare parts can be found to keep it running, there is the drone of the pump engine at the village's only tube well, which waters 60 of Joypur's 250 cultivated acres.

The lack of more wells is a bone of contention: Water means the difference of one or three crops a year. The village has been promised two more deep wells and pumps to irrigate all its land. But although local politicians from the ruling Awami League vowed something would be done before last March's general election, nothing has happened.

At dusk the village comes to life. As crows leave the village in screaming flocks for their night roosts in the fields, the men come in to settle in groups before one of the open pavilions and talk—rich, warm Bengali talk, argumentative and humorous, fervent, and excited in gossip, protest, and indignation.

HIGH PRICE OF CLOTH

The men are barefoot and clad only in saronglike *lungis*—from habit and the high price of cloth; a few still have rags tied around their hair against the day's fierce sun or sudden monsoon rains.

They are for the most part cheerful, with shy, diffident manners that suddenly explode into grins or excited chatter, their heads bobbing from one side to the other. Although generally malnourished, one or two robust figures stand out—like Rashid, an earnest youth respected as the best farmer in the village, or silver-haired Abdur, the cooperative society chief—as if nature sought to show that all of the modern world's concern with nutrition, health, and disease prevention hardly mattered.

Against the murmur of their voices, fireflies dart over the ponds and the winding path to the outside world; slowly the flickering lamps in the enclosed women's quarters start to be extinguished and cicadas and frogs snicker and croak from the fields.

It should be a calm and idyllic scene: It is not.

As night falls, fear seeps into Joypur. The talk, as it always does these days, centers on growing lawlessness, the gangs of dacoits, or bandits, who attack the villages at night.

SITUATION DETERIORATING

"We are always afraid," frets Ram Lal, the Hindu coppersmith. "The government cannot cope with all this lawlessness. Ah, Sheikh Mujib [the Prime Minister] is a good man, but those around him are dishonest and corrupt."

Sitting crosslegged beside the coppersmith, an old whitebeard cackles, "Hee, when an elephant tries to catch a frog, the frog will jump quickly. But once he's under the elephant's heel, he lies there pretending to be dead. That's how it is for us."

"The situation deteriorates day by day," says the bespectacled schoolteacher, feeling called upon to comment.

Although a moon shines, the fall of darkness has made everything outside the halo of a small oil lamp look impenetrable and dark. Across the courtyard, Rashid's wife, shrouded and bent over a smoking cauldron, waits for water to boil. Everyone is resting from the day's labor, thinking and wondering when the dacoits will attack the village next.

They came just after 11 o'clock one night, 15 or 20 young men armed with Sten guns and rifles and landing in small boats from the river—some wearing dark cloths below their eyes but others with war paint like savages in a Hollywood film. The villages suspect it was an inside job. They attacked two houses whose owners had just sold their rice crops. One man refused to open the door; they shot through it and wounded him.

POLICE STATION LOOTED

Some villagers claim they were not real dacoits at all but younger, better-educated men. They got the impression the attackers were liberation war veterans or university students, maybe youths better armed than the police and embittered against the government, who saw no other way of making money.

Others speculate politics was involved: Maybe the night-comers were Communist Naxalities or Muslim Leaguers or Pakistani militiamen or Awami League bully boys. Or maybe just straight bandits after all.

In other places it is worse, they hear—daylight bank robberies, hijackings, murders, rapes.

Most shocking to Joypur's people was a successful seizure and looting of their local thana, or district police station. From Mogul times until now, the police thana always has been the village's main link with the government. What are they to think now at the spectacle of 30 sacred policemen, armed with ancient Lee Enfield rifles and cowering behind their rusted barbed wire at night lest the dacoits strike again?

Who will protect Joypur?

No one but themselves, they conclude, and now each night five volunteers patrol—ready to sound a general alarm the moment anyone suspicious approaches.

Ram Lal, one of the village's few Hindus, is most fearful of all. During attacks on some of the nearby villages, he has heard, the raiders are telling the people that what the Pakistanis had not destroyed the Indians would steal, that Sheikh Mujib mollycoddled Hindus and was not standing by the tenets of true Islam.

EDUCATED DACOITS

Ram Lal knows too well the age-old phenomenon of Bengali Muslims reacting to pressure in unpleasant anti-Hindu ways. He and his wife and children were among the 10-million refugees who fled to India during the civil war and he tells her: "We are a minority and we must always worry about how we will be treated by the Muslims.

"Sheikh Mujib is not communal and has declared Bangladesh a secular state. But if times get bad again, we will be made the victims and must flee."

Now, as everyone sits in silence somewhere out in the darkness comes the mournful cry of a bird, "Trrrr, trrrr. . . ."

Ram Lal shudders.

"Did I feel a raindrop?" asks Rashid.

"Hah," snorts the old man, "we are not salt that will melt away."

After another pause, he observes: "Even the educated people are dacoits these days. But they do it sitting from a chair in Dacca. The real dacoits come to your door."

"They do, they do," affirms the Hindu, drawing nearer his familiar Muslim neighbors as if he has grown apprehensive.

Ahmed, a rugged-faced sinewy man who is one of a group of itinerant landless laborers now in the village, makes fun of the paunchy Hindu.

"Dacoits don't bother poor men," he scoffs. "All we possess is our bedding. Who will slit our throats for that?"

"Whatever comes, it is Allah's will," mumbles another of the laborers.

Ahmed and his group had journeyed two days by boat from their distant village—part of the army surging across the Bengali countryside looking for field work, in return for rice to eat and 50 cents a day. Rashid has let them sleep in a lean-to at his threshing ground.

Young Rashid is troubled. "We got independence but not peace," he tells the others.

"These dacoits come to plunder us at night. Who dares to sleep in his own house? Without security, what good is independence?" In the yellow glow cast by the oil lamp his handsome face has a haunted appearance.

The silver-haired Abdur agrees. "Before we listened to what the government said. Now who can believe the rascals? We just turn away from their words."

NO FERTILIZER

"But the dacoits are not the worst of it," interrupts Rashid. "Look at me. My whole life is growing rice. But these days I cannot grow a good crop for want of fertilizer, insecticides, and fuel to keep the irrigation pump going.

"If we had a sure supply of these things, I for one would like the government to stop its subsidy. Let us pay cash."

The other men enthusiastically agreed.

"But now it's impossible," Rashid went on. "Those foxes in the government are selling our supplies out the back door at black-market prices."

"Some high hands are involved in it," Abdur puts in.

Rashid is stirred up now. "For the last 18 months we are learning from the radio that corruption will end and that the government wants us to grow more food. But for this 18 months, there is no change at all."

"During liberation even a dying man wanted to hear their words. Now no more."

"Ah, brothers," sighs the old man. "I hoped things would get better and I could take rest. Now I must go on working."

"Those who can afford it stop at 60," philosophizes Ahmed. "Those who can't go on until they drop in the fields."

"Work can keep your health," retorts the old grandfather with spirit. "An idle man gets lead in his bones." He looks around slowly at the faces of the younger villagers. "Bangladesh will always live in want," he thinks aloud, remembering many such conversations going back generations. He tells the men how it was in his youth, when Joypur had half the people, much less than half the people. "Ponds full of fish, fields full of grain. . . ." He chuckles and the men laugh.

Only Ahmed is not amused. "You speak like Sheikh Mujib," he says, "and his dream of a golden Bengal."

Some of the villagers may not curse, nor complain, remembering Allah's will, but Rashid is determined to improve his lot. Although like his neighbors he completed only five years of primary school, he keeps careful records of all his earnings and the money he spends.

Rashid possesses two acres (somewhat more than the average sized holding), owns two bullocks, and supports a family of wife, five children, and a widowed mother. (Typically, he married when his wife was 13 and he 22).

A student also lives with the family, in return for rice and a place to sleep, tutoring his children in Bengali, English, mathematics and the Koran—not an unusual arrangement in Bangladesh where learning is held in highest esteem.

Last year Rashid raised 7.5 tons of IR20 and IR5 dwarf rice. plus some traditional varieties for his often-flooded lowland plot, by triple cropping half his land. The total worth of his harvest came to the equivalent of $471, giving him enough, after expenses, to build a new house.

But figuring in his bullocks' labor and his own, Rashid gives his farm a net profit of only $28.

As a cultivator, Rashid sympathizes more with a laborer like Ahmed than the more prosperous coppersmith Ram Lal, who loans money at 100 percent interest. ("After the Hindus fled to India," Rashid says, "more than twice as many came back. It is some Indian Government policy. Some tried to claim land they sold 10 years ago. Maybe Sheikh Mujib favors them; I don't know.")

LAND MORTGAGED

He feels Ahmed is justly embittered; the laborer's wife had an operation at the government hospital in Dacca that cost him $70. Already in debt, he had to mortgage the quarter-acre of land he inherited from his father. For the first time, he joined the hungry army of roaming men looking for farmwork in the countryside.

Ahmed has told Rashid, "First my wife got ill, then came insects, then floods, and now rising food prices. This is the worst year of my life, worse than ever before."

So far, harvesting by day and threshing by night for 18 days, he has managed to send home a $4.50 postal money order.

"I may have to go home empty handed now," he tells Rashid, since there is no work available in Joypur. "It is peaceful here, but all I do is sit around and think what I can take home to feed my four children."

Rashid is sympathetic and realizes his own good fortune. "Khub bhalo katse," he thinks. "I eat good. I have my independence and my dignity. This Ahmed is confused. I can employ men. If you lose the land, you are a slave to others."

Future hope in Bangladesh rests with Rashid and the millions like him, provided law and order is restored and they get the resources they need.

Or a grimmer future lies with men like Ahmed, for whom, in the words of Rabindraneth Tagore, "the horizon is fiercely naked." The great Bengali poet was comparing pent-up human wrath with the ominous silence, heat, and despair of a drought, when "lashes of lightning startle the sky from end to end."

The determination of which of these futures will come to pass in Bangladesh depends largely on the day-by-day decisions of the men in Dacca.

[From the Christian Science Monitor, Nov. 1, 1973]

BANGLADESH—2

(By Richard Critchfield)

DACCA, BANGLADESH.—A clap of thunder breaks from the black clouds fearful and deafening. Hardly has it ceased when there flames such a blinding flash of light that for an instant you can see the whole city to its farthest reaches: the crumbled, rubbish-strewn boulevards; the Mogul and Victorian public buildings mildewed with neglect; the thatch of the squatters' shantytowns gnawed away by rats and rain; the graffiti urging a "Muslim Bengal" and "death to American imperialism"; and everywhere, the straining, emaciated figures of men, pushing hard against heavy wooden carts, pedaling their rickshaws, harnessed like draft animals to barges along the canals, their drawn faces outlined with startling clarity as bursts of lightning gleam in their eyes and glitter from the sweat running down their backs.

Then the rains come. A torrent of solid shafts of water coming straight down. Soon the streets are knee-deep in it; rivers of mud and filth flow down to the low land squatters' colonies.

Under an improvised shelter of corrugated tin, a group of men huddles, shivering. They wear only old sackcloths, which have once seen service for sugar or grain, around their waists. Wet, trembling, half numb with the cold, yet cheerful, they gossip in loud, excited voices.

Here is Ali, a rickshaw man from the rotting slum nearby. Ali, his wife, and four children sleep in their single room, their one possession an iron bed loaned from fleeing Biharis during the war. He earns $1 to $1.40 a day and yearns for enough to send his children to school. But in the five years since he left his village in Faridpur he has been forced deeply into debt.

And Abdul Kalam, son of a rice-growing peasant in Noakhali. A daily laborer, just 18, he has no home nor wife but sleeps on the ground at his construction sites. Alone of the group he wears a torn, sleeveless shirt garment, which despite its holes is still a mark of status.

EARNINGS SHARED

And Rajab, a cart puller, poorest of all. Wiry, barrel-chested, sun-blackened, he owns his cart but must share earnings of 80 cents to $1 a day with one or two youths who push from behind and get 25 cents apiece. On bad days he sometimes goes hungry, but has no debts. "Debts?" he laughs in a rich, deep voice. "Who would be so foolish as to loan money to such a poor man?"

The rain lasts and a plump little man with a black umbrella and anxious eyes seeks shelter, standing apart from the laborers and fretting in English about the rain and the heat. He mops his face with a grubby handkerchief and ties it around his neck to protect a frayed white collar.

Badrul Mohammed, as he shyly introduces himself, formally shaking hands, is a lower-level clerk earning $37.14 a month. He shares one room in a government "mess quarter" with four others from the office.

Cultivated, conscientious, and self-conscious, he pays the $8 monthly tuition of two younger brothers in college being educated to follow his example of shuffling papers in an overstaffed government bureau that exists to shuffle papers and worry about how to educate its future sons for nonexistent jobs. He sends another $7 a month back to his mother in the village.

Badrul gazes into the rain, taking in the pall of cooking smoke from the slum colony, its slippery stairways carved from mud, the potholes, the rubbish everywhere, children with spindly legs and matted hair standing in doorways, and the pathetic lines of torn and ragged garments left hanging by some absent workers and rotting in the rain.

"My father loved Macaulay," he blurts out in a tone of suppressed hysteria, "and he wore a tie, suit, and vest every day of his life."

His longing to escape his environment was barely suppressed—underlined by the tortuous, shadowy streets in this old part of Dacca, with its hint of threatening violence and medieval superstition.

CITY SEEMS OMINOUS

The minor lanes are dark, narrow, and seem charged with a sense of excitement and revolutionary fervor. Here one remembers it is not long since Dacca was a prime symbol to the world of crazed soldiers terrorizing the capital and mobs of armed students who changed the course of the subcontinent's history.

The newer, modern part of the city seems no less ominous.

Even the Intercontinental Hotel—all plate glass and fantastic prices—breathes anxiety. Jittery do-gooders and fed-up engineers exchange the latest horror stories in the lobby. The bar is a hangout for Bengali hoodlums, black marketers, and KGB and CIA hardboys companionably sipping their iced drinks and eavesdropping on each other to find out what is going on.

Worst is the bureaucracy. The central government Secretariat is swarming with scheming Awami Leaguers and petitioners, underpaid clerks with incipient beards intent on procrastination, a muddle of telephones that do not work, frequent power failures (Badrul, the clerk, said he was afraid to ride on elevators in his building for fear the electricity would suddenly give out), and senior civil servants and military officers who openly declare to any sympathetic ear their unhappiness over upset decisions, insecure jobs, being at the mercy of whimsical men in a whimsical party. They bluntly state the country is going to the dogs.

Above all is lawlessness and the pervasive fear of a complete breakdown in order where the deprived Alis and Abduls and Rajabs would rise up in mob rioting, looting and seizing what they could.

To save the situation there has got to be an economic turnaround. In the nearly two years of independence, prices of some key commodities have risen 100 percent, rice has gone from 45 to 120 rupees per sack (82 pounds). Essential goods like cloth and baby's milk are scarce; and farm inputs like fertilizer, insecticides, engine fuel, and spare parts are seldom available, or if they are, at black market prices.

Exports are not going out nor imports coming in as they should. Banks cannot make loans. No one will invest when the law and order and economic situations seem so grim.

The production of jute, the country's primary export, earns just over what was spent to import food this year, but it is expected to decline to 6 million bales in 1973, a million below normal.

Both in Dacca and in the countryside, there is an oppressive, pervasive sense of civil dissolution and national demoralization that most Bengalis seem to feel and are universally anxious to tell you about.

MILLWORKERS MAKE DEMANDS

Millworkers, who either struggled in the liberation war or at least had their hopes raised by it, are becoming hard to handle with their quite legitimate demands in relation to their impoverished status.

The government's response has been to strong-arm banks to provide ever more money to meet union demands—something that feeds already soaring inflation and is self-defeating, since it only buys time.

And time is running out in Bangladesh.

Mujibur Rahman, the Prime Minister, still has some support from the masses; there is no alternative to him in sight, and Bengali peasants are greatly fatigued and deeply conservative. But widespread disaffection seems to be growing quickly as they come to feel themselves directly threatened by lawlessness.

How can a massive upheaval be avoided?

A neat and tidy solution would be if Sheikh Mujib could reform the Awami League, clean house in the bureaucracy, extend popular participation (there will be local elections in December), encourage the growth of an opposition party so that Awami League monopolization of local power does not perpetuate a system of corruption and strong-arm rule, and somehow find ways to arrest economic decline and increase productivity.

One rainswept night in Dacca I spent more than an hour discussing this with Sheikh Mujib in his office in Dacca's old parliament building.

Mercedes 220's lined the driveway, there were a lot of soldiers, and liveried servants scuttled back and forth with elaborate tea trays. But the Prime Minister himself, wearing his habitual white Punjabi pajamas and a black wool vest, seemed, when the conversation turned away from political rhetoric, to be a very decent man, fatherly and with strong, rather conservative middle-class values.

The Prime Minister described Bangladesh as being trapped in the familiar vicious cycle:

As long as most of the country's foreign exchange must be spent on keeping Dacca and the other cities and towns fed, he is unable to buy the fertilizer, insecticides, and irrigation equipment to increase the yield.

"If I have to purchase so much food from outside," Sheikh Mujib asked, "how can I divert money to agricultural production and reconstruction? This is one of my terrible problems."

He also claimed that with an expanding force of Army, combat police, and civil police (he refused to say how many but estimates range from 30,000 to 50,000, with 20,000 more Army and Air Force regulars coming back as repatriates from Pakistan), he would soon have lawlessness under control.

I asked Sheikh Mujib if Bangladesh's troubles were not fundamentally rooted in the inherent difficulty of trying to transform, within some semblance of democratic government, a subsistence agriculture economy into the more prosperous kind of society that lives by buying and selling.

STRONG AUTHORITY REQUIRED?

The United States achieved this a century ago only by exploiting to some degree millions of poor immigrants. Russia did it by brute force, and China now seems to be succeeding, but only by absolute despotism. Could Bangladesh, or even India, carry out its economic transformation without a more authoritarian or at least stronger government?

He answered with some passion: "It is a question of conviction. Within these past 21 months, we have given the nation a liberal constitution with fundamental rights and general parliamentary elections. And production and exports have increased.

"In a fair and free election, we won 307 out of 315 seats. If I wanted to I could pass laws and take more drastic actions and nobody would object to it." (Indeed, the new Parliament that very day passed a new emergency-powers act, that will, in effect, give him virtual martial-law authority if he chooses to use it.)

Sheikh Mujib went on: "After liberation, the people would have given me anything, dictatorial powers. But I don't want them. You should take your people with you. You can't always resort to arms and authoritarianism. You require the people's cooperation and confidence. It is a very big asset.

"Let us try the democratic process. It is a very long one; but democracy is not something you can do in one day."

After I left his office that night, my car fell behind a bus on a crowded, rainy street. It was one of Dacca's old double-deckers. Despite the drizzle and darkness, men were riding on the roof, others clung to the sides, the doors. The rear bumper seemed to drag on the pavement.

The bus creaked forward, not fast, but fast enough so that men who could not find a grip or had lost their hold ran behind, perhaps hoping it would stop further on. But the bus did not stop. It just disappeared into the wet, dense Bengali night and so did the men, running silently, enduringly after it.

LUDWIG VON MISES: GENIUS OF THE FREE MARKET

Mr. BUCKLEY. Mr. President, I was saddened to learn of the death on October 10, 1973, of Ludwig von Mises, described by the New York Times as "one of the foremost economists of this century." A champion of the free market and a defender of individual liberty, Von Mises made a unique and lasting contribution to the history of freedom. Born in Austria in 1881, he achieved worldwide fame for his work, "Theory of Money and Credit" in 1912. Because of his staunch defense of freedom, he was forced to flee Austria when the Nazis took over. For many years he was a member of the faculty of New York University, where a generation of students discovered that his mastery of his subject was matched by his skill as a teacher.

During a period when socialism seemed to many to be the economic dogma of the present and the political hope of the future, Von Mises challenged the premises of socialism and was so successful that he caused socialist theoreticians to make revisions in socialist economics. With devastating logic and a brilliant grasp not only of his subject matter but of a wide range of knowledge, he demonstrated that free choice and a free market are indispensable to a healthy economic system. The attempts at planning an economy that mark socialist theory and practice simply do not work, and Von Mises deserves the major credit for demonstrating by his irrefutable arguments the ineffectiveness of socialist economics.

Mr. President, it is one of the ironies of our times that the name of Ludwig von Mises is relatively unknown to the general public. In an age when the eccentric economic theories of pop-economists like John Kenneth Galbraith are taken seriously and receive front-page publicity, a real genius like Von Mises is relegated to the back pages.

Mr. President, I ask unanimous consent that the following articles be printed in the RECORD:

"Ludwig von Mises: in Memoriam," William H. Peterson, the Wall Street Journal, October 12, 1973.

"Ludwig von Mises, Economist, Author and Teacher, Dies at 92," Leonard Silk, the New York Times, October 11, 1973.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 12, 1973]

LUDWIG VON MISES: IN MEMORIAM

(By William H. Peterson)

A generation of students at New York University's graduate business school who took the economics courses of Ludwig von Mises remember a gentle, diminutive, soft-spoken, white-haired European scholar—with a mind like steel.

Professor von Mises, who died Wednesday at the age of 92, was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

All this was subsumed under the title of his 900-page magnum opus, "Human Action," first published in 1949. Mr. von Mises, a total anti-totalitarian and Distinguished Fellow of the American Economic Association, was professor of political economy at New York University for a quarter-century, retiring in 1969. Before that he had a professorship at the Graduate Institute of International Studies in Geneva. And before Geneva he had long been a professor at the University of Vienna—a professorship which the oncoming Nazi "Anschluss" take-over of Austria, understandably, terminated.

Among his students in Vienna were Gottfried Haberler, Friedrich Hayek, Fritz Machlup, Oskar Morgenstern and Karl Popper who were to become scholars of world renown in their own right.

Starting right after World War II, Mr. von Mises gave three courses at NYU: Socialism and the Profit System, Government Control and the Profit System, and Seminar in Economic Theory. In each course he carefully established the primacy of freedom in the marketplace. He stated that the unhampered pricing mechanism, ever pulling supply and demand toward equilibrium but never quite reaching it, is the key to resource optimization and, indirectly, to a free and creative society.

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies: capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and groups of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effecstively. Free—i.e., noncoerced—individual choice is the key to personal and social development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undereamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preferences in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

The problem, as Mr. Hayek later pointed out, is of the use of knowledge in society. A central planning board cannot obtain the knowledge of the decentralized market. To do so ultimately would be to require the central planning board to know as much as each human actor. Thus this knowledge is far beyond the reach of any centralized agency, even with the aid of computers.

Some years afterwards, Oskar Lange, then of the University of California and later chief economic planner of Poland's Politburo, recognized the challenge of the von Mises critique on Socialist economic calculation. So he in turn challenged the Socialists to somehow devise a resource allocative system to duplicate the efficiency of market alloctaion. He even proposed a statue in honor of Mr. von Mises to acknowledge the invaluable service the leader of the Austrian School had presumably rendered to the cause of socialism in directing attention to this as yet unsolved question in Socialist theory. The statue has yet to be erected in Warsaw's main square.

But probably to Mr. von Mises the more immediate economic threat to the West was not so much external communism as internal interventionism—government ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price supports, from pushing minimum wages up to forcing interest rates down, from vigorously expanding credit to contracting, however, inadvertently, capital formation.

As in socialism, interventionism also incurs the problem of economic calculation, of denial of cousumer sovereignty. In his "Bureaucracy," he held that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of the consumers."

On the other hand, he maintained, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion of its usefulness." He concluded, therefore, "the problem of bureaucratic management is precisely the absence of such a method of calculation." Indeed, interventionism, he maintained, usually achieves results precisely opposite to those intended: subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

So, citing German interventionist experience of the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held so-called middle-of-the-road policies sooner or later lead to some form of collectivism, whether of the Socialist, Fascist or Communist mold.

INTERVENTION BREEDS INTERVENTION

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad. What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. von Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and untimely stagnation. Further, it results in the swelling of the public sector and shrinking of the private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market.

He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

[From the New York Times, Oct. 11, 1973]

Ludwig von Mises, Economist, Author and Teacher, Dies at 92—Champion of the Libertarian View Developed Theory of Subjective Value

(By Leonard Silk)

Ludwig von Mises, one of the foremost economists of this century, died yesterday in St. Vincent's Hospital at the age of 92. He lived at 777 West End Avenue.

Professor von Mises was best known in this country as a champion of libertarian economics—the doctrine that regards with intense suspicion any intervention in the economy by government. He was recognized as a brilliant contributor to economic thought not only by his disciples but also by many who disagreed radically with his political and social philosophy, such as the outstanding socialist economist, Osker Lange.

He acquired his first recognition for his "Theory of Money and Credit," published in German in 1912. In that work he was the first to develop the theory of subjective value to explain the demand for cash balances as a basis for expansions and contractions in economic activity.

Stressing the casual role of individual human decisions, Professor von Mises observed that changes in the amount of cash individuals want to hold would cause expansions and contractions in the volume of money and credit.

DEVELOPED CYCLICAL VIEW

He went on to develop a complete theory of the business cycle resulting from the expansion and contraction of the money supply. Booms, he said, resulted from the expansion of fiduciary bank credit, which inflated the money supply and artificially lowered interest rates. This in turn led to overinvestment, which set the economy up for a slump. Depression would follow as the expansion of the money supply was brought to a halt—either because the banking system encountered a limit of reserves or because the monetary authorities clamped down on further credit expansion.

In 1922, Professor von Mises set forth his critique of collectivist economics in "Socialism: An Economic and Sociological Analysis." The work was to have a major impact on socialist thinking.

He presented the challenging argument that rational economic organization was logically impossible in the absence of free markets. Hence, he contended, socialism was bound to wallow in inefficiency, because it lacked correct market prices on which to base decisions about what to produce and how to produce it.

Although they regarded his views as too extreme, such socialist economists as Oskar Lange in Poland and Abba P. Lerner in England took von Mises' strictures seriously, and set out to construct a theory of socialism based on simulated markets—"playing the game of competition." Professor Lange, who spent some years at the University of Chicago and returned to Communist Poland after World War II, once declared that "in front of every Socialist ministry of planning there should be a statue of Ludwig von Mises."

It was not until the nineteen-sixties that the Soviet Union and other Communist countries began to take seriously the need for developing the market as a tool for rational planning and allocation of goods and resources.

Professor von Mises, however, regarded such socialist efforts at imitating the market—"planning not to plan"—as doomed to failure. "Unfortunately," he wrote, "it is not possible to divorce the market . . . from the working of a society which is based on private property in the means of production." Without the striving of entrepreneurs for profit, of landlords for rent, of capitalists for interest and of workers for wages, the system could not succeed, he contended.

A BRILLIANT TEACHER

The economist was regarded as a brilliant teacher. His students, at the University of Vienna and in his informal Wiener Kreis, Vienna circle, numbered many who were to go on to fame of their own as economists and philosophers. His students included Fritz Machlup Gottfried von Haberler, Fredrich Hayek, Gerhard Tintner, Oskar Morganstern, Rudolf Carnay, and Karl Popper.

Professor von Mises was credited with helping to revive respect for free-market economics in Europe (he was considered by some the intellectual godfather of the German postwar "economic miracle." His views are held in high regard at the American capital of libertarian economics, the University of Chicago, whose most famous resident scholar is Prof. Milton Friedman.

The economist was born in Lemberg, Austria, on Sept. 29, 1881. He left his professorship at the University of Vienna as the Nazi tide approached Austria, and became Professor of International Economic Relations at the Graduate Institute of International Studies in Geneva. He came to the United States in 1940 and became a citizen in 1946. He was a founder of the Mount Pelerin Society, a group of like-minded economists, a member of the faculty of New York University from 1945 to 1969 and the author of 19 books.

Surviving is his widow, Margit.

The service will be held at noon Tuesday in the Universal Funeral Chapel, Lexington Avenue and 52d Street.

ATTENDANCE OF NONPUBLIC SCHOOLS

Mr. PELL. Mr. President, I was very struck by the attached table prepared by the U.S. Catholic Conference in behalf of itself and in behalf of the Council of the American Private Education concerning the decline in attendance of nonpublic schools over a short period of years and also the relative standing of the various nonpublic school enrollment by regions.

Thinking that these tables might be of interest to my colleagues, I ask unanimous consent that they be printed in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

TABLE I.—TOTAL ENROLLMENT IN NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS, AND NONPUBLIC AS PERCENT OF TOTAL, BY REGION AND STATE: UNITED STATES, 1965-66 AND 1970-71

	1965-66[1]			1970-71		
	All enrollment	In nonpublic schools	Nonpublic as percent of total	All enrollment[2]	In nonpublic schools	Nonpublic as percent of total
Total United States	48,448,276	6,304,772	13.0	51,047,429	5,144,058	10.1
New England	2,700,747	515,331	19.1	2,928,088	403,524	13.8
Connecticut	699,047	124,249	17.8	769,911	107,706	14.0
Maine	253,705	31,199	12.3	264,184	19,514	7.4
Massachusetts	1,277,044	256,544	20.1	1,367,170	199,457	14.6
New Hampshire	164,500	35,643	21.7	186,336	27,580	14.8
Rhode Island	205,392	50,891	24.8	225,213	37,123	16.5
Vermont	101,059	16,805	16.6	115,274	12,144	10.5
Mideast	9,697,851	2,016,157	20.8	10,183,849	1,672,040	16.4
Delaware	128,891	20,534	15.9	151,353	18,608	12.3
District of Columbia	167,098	23,082	13.8	168,316	22,612	13.4
Maryland	901,192	138,545	15.4	1,032,859	116,615	11.3
New Jersey	1,614,225	328,225	20.3	1,745,056	263,056	15.1
New York	4,095,275	904,430	22.1	4,226,607	749,591	17.7
Pennsylvania	2,791,170	601,341	21.5	2,859,668	501,558	17.5
Great Lakes	10,019,350	1,702,728	17.0	10,522,312	1,334,140	12.7
Illinois	2,640,883	553,194	20.9	2,802,563	445,927	15.9
Indiana	1,266,461	141,737	11.2	1,339,500	108,042	8.1
Michigan	2,238,730	353,730	15.2	2,447,558	266,859	10.9
Ohio	2,651,679	381,571	14.4	2,747,257	321,614	11.7
Wisconsin	1,131,597	272,496	24.1	1,185,434	191,698	16.2
Plains	4,124,982	587,856	14.2	4,174,623	399,467	9.6
Iowa	725,312	99,954	13.8	731,491	71,387	9.8
Kansas	558,207	51,249	9.2	547,458	35,150	6.4
Minnesota	971,506	163,299	16.8	1,038,533	117,694	11.3
Missouri	1,140,614	176,263	15.5	1,145,886	106,409	9.3
Nebraska	377,958	59,212	15.7	373,830	44,720	12.0
North Dakota	168,205	19,334	11.5	158,985	11,972	7.5
South Dakota	184,180	18,545	10.1	178,440	12,135	6.8
Southeast	10,293,758	576,680	5.6	10,753,651	656,199	6.1
Alabama	862,051	30,350	3.5	859,935	54,730	6.4
Arkansas	464,483	13,252	2.9	475,505	12,185	2.6
Florida	1,314,962	94,381	7.2	1,540,425	112,529	7.3
Georgia	1,084,233	29,147	2.7	1,131,579	32,678	2.9
Kentucky	758,474	93,428	12.3	780,213	63,008	8.1
Louisiana	945,414	142,822	15.1	984,222	141,857	14.4
Mississippi	606,150	21,521	3.6	601,688	67,293	11.2
North Carolina	1,204,161	22,603	1.9	1,220,866	28,679	2.3
South Carolina	654,414	16,424	2.5	668,811	31,011	4.6
Tennessee	907,165	35,167	3.9	934,584	34,691	3.7
Virginia	1,049,007	62,884	6.0	1,144,548	65,794	5.7
West Virg nia	443,244	14,701	3.3	411,275	11,744	2.9
Southwest	3,981,549	238,742	6.0	4,368,895	181,143	4.1
Arizona	408,237	34,578	8.5	470,925	31,401	6.7
New Mexico	292,287	24,587	8.4	295,209	13,837	4.7
Oklahoma	602,658	18,552	3.1	639,521	12,565	2.0
Texas	2,678,367	161,025	6.0	2,963,240	123,340	4.2
Rocky Mountains	1,283,977	84,020	6.5	1,359,903	35,910	4.4
Colorado	532,102	45,318	8.5	585,628	35,568	6.1
Idaho	183,007	9,311	5.1	188,504	6,171	3.3
Montana	185,858	19,093	10.3	187,889	11,177	5.9
Utah	292,643	6,239	2.1	308,731	4,729	1.5
Wyoming	90,367	4,059	4.5	89,151	2,265	2.5
Far West	6,345,062	583,258	9.2	6,756,108	437,635	6.5
Alaska	62,186	2,459	4.0	80,402	557	.7
California	4,713,328	451,328	9.6	4,973,403	340,205	6.8
Hawaii	192,170	29,970	15.6	202,417	21,776	10.8
Nevada	110,765	4,813	4.3	130,519	2,969	2.3
Oregon	483,924	35,397	7.3	505,427	25,900	5.1
Washington	782,689	59,291	7.6	863,940	46,228	5.4

[1] U.S. Department of Health, Education, and Welfare, Office of Education. "Statistics of Nonpublic Elementary and Secondary Schools, 1965-66."

[2] Public school enrollment from U.S Department of Health, Education, and Welfare, Office o Education. "Statistics of Public Schools, Fall 1970."

TABLE II.—NONPUBLIC SCHOOL ENROLLMENTS, BY RELIGIOUS AFFILIATION, 1960-62 TO 1970-71

	1960-62	1965-66	1970-71
Roman Catholic	5,120,932	5,481,325	4,134,299
Lutheran	151,476	188,521	200,914
Seventh Day Adventists	58,048	62,603	53,527
Jewish	39,830	52,589	65,335
Protestant Episcopal	30,516	48,582	73,393
Christian Reformed	39,964	42,275	29,486
Baptist	16,574	25,189	35,098
Friends	8,814	10,572	13,784
Methodist	4,882	5,622	10,760
Prasbyterian	4,335	4,766	7,489
Other	21,158	41,458	52,299
Total church-related	5,496,529	5,963,502	4,676,384
Not church-related	239,951	341,270	467,674
Total nonpublic	5,736,480	6,304,772	5,144,058

Note: All of these figures are taken from National Center for Educational Statistics (USOE) publications. Nonpublic elementary school figures were gathered for 1960-61; secondary school figures for 1961-62. For 1965-66 and 1970-71, however, elementary and secondary data was gathered simultaneously.

HEALTH CARE

Mr. DOMENICI. Mr. President, on September 17, I sent a mailing to more than 2,000 medical doctors, dentists, optometrists, and osteopaths in New Mexico.

The mailing contained some comments of mine on the shortage of doctors in the Nation and the State, and specifically asked the recipients to comment on two bills—S. 2248, to provide for mobile health units, and S. 1550, to provide tax credits for practitioners who set up an office in areas which are medically underserved.

More than 6.5 percent of those who got the mailing responded. Many of them took time from their busy lives to give me extensive observations based on their own experience, some of it lengthy and outstanding.

It is in no way true that the opinions expressed represent so statstically acceptable a sample that we may generalize from them to say what the State's medical community's views are. But because I found them immensely interesting, I ask my staff to summarize them in the form of a report.

Let me note, before addressing myself to their observations, that there were frequent references to the work of the medical school at the University of New Mexico and its need for both Federal and State funding in helping fight a shortage of medical personnel. I am, of course, aware of the work of the medical school and, as I think I have made clear, solidly committed to its support. I thank all those who took the time to call attention to its needs.

Finally, by way of introduction, let me point out that, despite all jokes about physicians' handwriting, only one doctor out of all those who wrote had a signature which proved totally illegible. This may, for all I know, have set a new record in this matter.

IS THERE A SHORTAGE OF MEDICAL PERSONNEL?

It was clearly the consensus of the group that the word "shortage" is a misnomer and that, on this point, we should discuss rather a maldistribution of medically trained people in America.

Despite the fact that one physician discussed his worries about an oversupply of doctors and several others spoke of oversupplies in certain specialties, respondents almost unanimously agreed that many areas, principally rural ones and some low-income sections of larger cities, are poorly served.

But additional points were also made, such as the question of whether or not those of us who comment on the problem are doing a disservice by the use of such adjectives as "critical," which we sometimes apply to it. The point here was that we probably do not have statistics which are totally revealing, especially of patient loads, even where we have accurate counts of medical personnel.

Some figures the doctors pointed out to me are very dramatic, however. When Dr. William Wiese of the University of New Mexico medical faculty issued his report entitled "Distribution of Medical Doctors in New Mexico" in May 1973, it showed that Bernalillo and Santa Fe counties had more than one physician for every 500 persons, while 15 other counties—out of 32—had less than one for every 1,500 residents. At that time, two counties, Guadalupe and Harding, had no physicians at all. As one man, a former president of the State medical society, points out, "There would be no shortage of physicians if the distribution were equitable."

But what do "shortage" and "maldistribution" actually mean? Do we need one practitioner for every 1,000 residents, or for 1,500, or for 2,000? And how do we credit the health-support personnel when arriving at such a measure? These are questions which must be answered if we are to discuss the issue intelligently.

As for reasons why medical people tend to congregate in more populous areas, many were given. Despite one man's warning that we should not generalize—that reasons in Hawaii may be very different from those in Idaho or New Mexico—certain reasons were cited so frequently as to allow us to see this pattern.

THE NATURE OF RURAL AREAS

Small towns offer few cultural or educational advantages and sometimes not even intellectual companionship. Hence they do not appeal to highly educated individuals—or to their wives—one dentist put what was a recurring theme in many letters like this:

> It has been my observation that one unhappy, big-city-oriented wife can override any bill you want to pass.

Another doctor said the 2 years he spent as a general practitioner in a town of 500 people were "the most dismal years of my life."

Several letters also used an ad hominem argument, which went like this: If you are so much for serving rural areas, why did you not set up your legal practice there? It is a legitimate question, and it does at least have the merit of setting the issue in a dramatic context.

THE NATURE OF RURAL PRACTICE

Again and again there were references in these comments to a lack of the kind of support facilities modern medicine seems to need in less populated areas—host of ancillary services which seem to be necessary.

In addition, there were other pleas: the rural doctor is on call for 24 hours of every day; he has no prestige, even with his patients, and becomes a kind of "first aid man," as one doctor put it, who takes care of emergencies and loses his patients to the big towns when they need real help. There were also some references, though they were not overly numerous, to the problem of lower income in rural areas, at least on a long-time basis.

Finally, there was a sprinkling of comments like these. The people who get into med schools are from richer families and more populous areas; they would not be happy making less money in the country. Several people tied this to the lack of openings in medical education and some to the high entrance requirements in such schools. Additionally, some remarked somewhat sharply about the effect of over-specialization on the problem; one person even said it went on "without any reference to social needs."

WOULD MOBILE MEDICAL UNITS HELP TO SOLVE THE PROBLEM

More of those responding thought this was a good idea than were opposed to it. But even many of those who are for it expressed reservations in their support; their attitude could be summarized as "Yes, but—."

Among those opposed, one gentleman flatly called the idea "naive," and another said it "would accomplish nothing." Most who opposed it apparently did so on the ground that such units do not lend themselves to an ongoing doctor-patient relationship; one commentator even said they would provide only "part-time, second-rate care,"—I cannot help wondering if that is not an improvement over no care.

All in all, those in favor of such units seem to feel their service would be somewhat limited—emergency service only if you were in the right place at the right time, plus well-baby and child care and identification of the chronically ill for treatment elsewhere. Others point out they would be really useful only if they were supported by permanently located health workers—not necessarily full-fledged doctors—on some sort of health corps basis.

SHOULD MEDICAL PERSONNEL BE GIVEN TAX BREAKS FOR PRACTICING IN UNDERSTAFFED AREAS?

Here the "vote" was much closer than on the previous question. The "yesses" had it by a slight margin, but again those in favor filed some demurers. Principal among these was the observation that this approach aims at economics only, and since economics is not the main cause of the problem, it probably cannot be the main cure. One respondent also pointed out that such an arrangement might aid in convincing people to set up such practices but it would not help convince people they should stay in the area.

As for those opposed to the idea, some called it unrealistic—"naive" was used once again—and others felt it was unnecessary. One man felt doctors make enough money and do not need this kind of help—a view I doubt if all his conferees share. Another said they get enough tax help already, and one Roswell physician got back to basic economics; he said the free market is the only solution to the whole problem.

ARE THERE OTHER THINGS WHICH SHOULD BE CONSIDERED AS SOLUTIONS TO THE MALDISTRIBUTION PROBLEM?

Of the many suggestions I received, the groupings would seem to go like this.

First. Supply and demand will take care of the problem in time, especially if we adopt some form of universal licensing and develop meaningful information on where oversupply and undersupply really exist. Small communities, which are often unduly "soft" in their approach must speak up, even to conducting some "hard sell" on doctors at the intern and residency levels.

Second. We need a genuine overall health planning mechanism, not the regionalized and inchoate one we have now. Not until we have such a mechanism in operation can we, for example, make full use of hospital beds, instead of having some stand idle while other facilities are overused and overworked.

Third. There is probably a need for Federal funding of all sorts of ancillary services in under-doctored areas. We should study such solutions as satellite hospitals and centralized clinics, as well as an increased use of paramedical personnel at all levels where this is practical.

Fourth. The whole question of the application of improved transportation as it applies to medicine must be tested in some detail. This includes both sides of the issue—do we bring medical service to patients by such means, or do we bring patients to medical service? Besides the use of helicopters, suggested by many observers, one physician prescribed STOL aircraft, such as the DeHavilland Otter, as of maximum utility.

Fifth. A somewhat surprisingly large number of respondents said some sort or another of compulsion must be applied. Their suggestions included a compulsory period of primary practice before final licensing, probably rotating such physicians and others on something like a 2-year basis in undersupplied communities. Large numbers spoke of a National Health Service as an alternative and one even suggested a two-tier level of medical service like that used with some success in some foreign countries.

Sixth. There were a few other long-view suggestions, such as a full-scale attempt at preventative medicine, supported by all the "selling" and publicizing talent of which the country is capable.

I cannot close without observing that the results of my mailing contain numerous fruitful ideas and observations—many more than I would have had a right to expect.

I am grateful to the busy men and women who took time to give me their observations, all of them based on the intimate knowledge which can really come only from participation in a field.

Mr. President, these suggestions are various, which I suppose indicated at least two things: that medical people are as multifarious as those in any other area of endeavor; and that, once again, as in so many other problem areas, there are no obviously "right" and "wrong" solutions and no easy answers.

DRUG ABUSE PREVENTION WEEK 1973

Mr. SYMINGTON. Mr. President, during the past decade, our country has witnessed an alarming increase in the use of harmful, illicit drugs. Estimates place the annual costs of drug addiction at $4.7 billion in crime, law enforcement, treatment, and rehabilitation. However, there is a far greater toll exacted in human loss and suffering.

The harsh consequences of drug abuse are impossible to measure, but almost every community across our land has been victimized at one time or another by the dreadful realities of this problem.

Great strides have been made in curbing rampant drug abuse, but we have not yet reached the end of the road to complete eradication of the Nation's drug problem. This past week was designated "Drug Abuse Prevention Week 1973." It is a fitting opportunity to call attention to the cooperative drug prevention effort which is being carried out by the President's Special Action Office for Drug Abuse Prevention and the State of Missouri Office of Alcoholism and Drug Abuse programs.

As a national cosponsor of Drug Abuse Prevention Week, the Special Action Office is introducing a new theme in the fight against drugs. Emphasis is being shifted from "scare tactics" to the role of people—people who through caring, personal interaction, and concern for the problems of each other can work effectively in preventing drug abuse.

In Missouri, the Office of Alcoholism and Drug Abuse programs, with the assistance of the Missouri Mental Health Association, will carry the important message of Drug Abuse Week to community organizations, State and local officials, schools, police, and to individual citizens.

We are hopeful that Drug Abuse Prevention Week not only will be a capstone of our accomplishments during the past year, but the start of renewed initiatives for the future fight against drug abuse.

Cooperation in government must be accompanied by cooperation and commitment by individual citizens. Drug abuse is a problem of very serious dimensions, but it is not unconquerable. We can join together in preventing drug abuse by assuming greater responsibility for the needs and difficulties of each other.

AFFIRMATIVE ACTION

Mr. BUCKLEY. Mr. President, a recent issue of National Journal Reports contained an excellent article concerning the problems of implementing—indeed, of understanding—the Federal Government's affirmative action and nondiscrimination programs. This article gives both sides of the issue and I think it is one of the most balanced, informative and useful summaries of this controversial area that I have seen.

On May 22, 1973, I placed in the RECORD my own views concerning what I felt to be the basic errors of the affirmative action program as it was being implemented in our universities and colleges. The National Journal Reports acticle to which I refer suggests that there are attempts being made to at least have a unified policy among the various agencies charged, in one way or another, with implementing affirmative action programs. I must say that after reading this article, I am more convinced than ever that goals and timetables are not the tools to use in order to bring about equality of opportunities. I notice that this view is shared by many in the academic area, as well as in labor unions and among certain ethnic minority groups as well.

Mr. President, I ask unanimous consent that this article, "Employment Report/Agency Differences Persist Over Goals and Timetables in Nondiscrimination Plans," be printed in the RECORD. I also ask that the article, "Goals and Timetables in Academic Hiring—A Debate at Political Scientists' Meetings," be printed in the RECORD. This is a supplement to the National Journal Reports article and outlines the basic disagreements among those involved with affirmative action programs at the university level.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

EMPLOYMENT REPORT/AGENCY DIFFERENCES PERSIST OVER GOALS AND TIMETABLES IN NONDSICRIMINATION PLANS

(By Michael J. Malbin)

One cynical view in Washington holds charged with administering one policy, if it is certain to deteriorate into five or more different policies.

Federal attempts to end job discrimination tend to confirm this point of view.

Despite a recent interagency effort to coordinate federal policy in this field, individual departments continue to put their own interpretations on critical aspects of the over-all effort, leading to what one Justice Department official called an "intolerable situation" in which employers do not know who speaks for the federal government.

The interagency agreement outlined the general thrust of the job-discrimination effort, defining the difference between affirmative action and reverse discrimination, and describing the obligations of all employers, public and private.

AFFIRMATIVE ACTION

Virtually every federal department has a hand in enforcing nondiscrimination in hiring.

Both law and executive order forbid employers of more than 15 persons, and all labor unions, to give preference to any job candidate because of race, religion, sex or national origin. In addition, if there is reason to believe the employer discriminated in the past, the employer will be required to correct the effects of his past discrimination by taking such affirmative steps as may be necessary.

Normally, an agency will ask an employer to come up with an "affirmative-action plan" outlining the steps the employer intends to take to overcome the effects of past discrimination. These plans generally will be required to contain goals and timetables, indicating the number of persons in "underutilized" categories the employer expects to hire within a specified length of time.

The general principle of nondiscriminatory hiring, while often resisted in practice, has provoked virtually no public opposition. The elaboration of that principle, directing affirmative steps to overcome past discrimination, is far more controversial.

Labor unions, business groups, Jewish organizations and groups of university professors have been the strongest opponents of goals and timetables, branding them unworkable cures that inevitably lead to the imposition of illegal hiring quotas. Women's groups, black civil rights organizations, the Americans for Democratic Action and the American Civil Liberties Union have supported them, calling an essential part of the overall enforcement effort.

VARIATION

Both the intensity of the interest-group controversy and the intrinsic difficulties involved in understanding federal policy have been responsible for a great deal of variation in affirmative-action policy across federal agencies. Two of the most controversial problems leading to the greatest variation have had to do with goals and quotas on the one hand, and the status of merit systems of hiring on the other.

Does the formulation of a goal and timetable oblige an employer to hire on the basis of race, sex, religion or national origin to fulfill the goal? Federal agents have maintained that it does not, but critics question this.

Even if the policy does no more than force employers to rely on true standards of merit, as the government claims, how does one define an objective standard of merit—especially when minorities typically fail many forms of written tests at a higher rate than the population as a whole?

These two questions represent the thorniest and most controversial of the issues relating to job discrimination. Because different agencies answer the questions in different ways, there has been much confusion over what is the "official" government answer.

COORDINATING COUNCIL

It was to alleviate this difficulty that the Equal Employment Opportunity Coordinating Council was formed in March 1972.

Congress created the council in the Equal Employment Opportunity Act of 1972 (86 Stat 103), as part of a compromise designed to retain Labor Department and Civil Service Commission authority over job discrimination. (*For a report on congressional deliberations over this act, see Vol. 3, No 46, p. 2249*).

Civil rights groups, led by the National Association for the Advancement of Colored People (NAACP), wanted to take the Office of Federal Contract Compliance (OFCC)—which coordinates enforcement of nondiscrimination for all government contractors—out of the Labor Department and place it in the Equal Employment Opportunity Commission (EEOC). The NAACP also wanted to take jurisdiction for state and local government merit-system hiring away from the Civil Service Commission and give it to the EEOC.

COMPROMISE

Clarence M. Mitchell of the NAACP described what happened.

"We felt," Mitchell said in an interview, "that you could not get things coordinated very well if EEOC is going one way and OFCC is going another. We also thought that the Civil Service Commission has been so inept and so difficult in these employment problems that it, too, should not have jurisdiction over racial discrimination cases, but that it, too, should be under EEOC.

"Well, needless to say, OFCC lobbied very strongly against having the EEOC in charge of all these things. Finally, after a lot of negotiations, Senator Javits (Jacob K. Javits, R-N.Y.) thought that the way to keep everybody reasonably happy while achieving some level of coordination would be to form this coordinating council."

GUIDELINES

The coordinating council, which has no staff of its own, is made up of the Attorney General, the Secretary of Labor and the chairmen of the EEOC, the Civil Service Commission and the Commission on Civil Rights

The most important issue the council has dealt with formally has been that of merit-system testing. The testing guidelines have not yet been published in the *Federal Register*, but they were issued for informal comment in the first week of September, and may become official policy within a few months.

In addition, the four operating agencies in the council—Justice. OFCC, EEOC and Civil Service—issued a paper on goals and quotas in March 1973. The agreement was not formally a council product, although it was meant to coordinate federal policy on the goals-and-quotas issue.

GOALS AND TIMETABLES

Goals and timetables can be required in at least three different kinds of situations:

Contract-compliance agencies require them as parts of affirmative action plans for ending discrimination.

EEOC asks employers to include them in any agreement reached through conciliation.

Both EEOC and the Justice Department can ask courts to impose them as a remedy required by Title VII of the 1964 Civil Rights Act (78 Stat 241), as amended by the 1972 Equal Employment Opportunity Act (86 Stat 103).

The situation of colleges and universities illustrate all three of these possibilities, as does the situation of most federal contractors.

As a government contractor, a university is required to submit an affirmative-action plan to the HEW Department, which is the individual contract-compliance agency operating under the authority of OFCC. Before 1972, this was the only way the federal government could reach job discrimination in academies, since the 1964 Civil Rights Act specifically exempted institutions of higher education, as well as agencies of state and local government. With the removal of these exemptions in 1972, EEOC and Justice now share jurisdiction in this field with HEW.

DIVISION OF AUTHORITY

The directives governing contract compliance contain the fullest discussion of the use of goals and timetables. In part this is because EEOC and the Justice Department both derive their authority from Title VII, which does not call explicitly for goals or timetables. Some have even argued that Title VII is inconsistent with the use of goals and timetables. As a result EEOC and the Justice Department are limited to proposing goals and timetables as a remedy to be considered on a case-by-case basis after a prima facie case of discrimination has been established.

The contract-compliance agencies, in contrast, do not derive their authority from the Civil Rights Act, but from a series of executive orders and Labor Department orders stemming from the government's general power to establish conditions for federal contractors in the name of efficiency.

Thus, President Johnson's Executive Order 11246—which in 1965 required federal contractors to "take affirmative action to ensure that applicants are employed, and that employees are treated during their employment without regard to their race, color, religion or national origin"—was based on the President's power as chief executive to set terms for contractors. (ExecOrder 11246 was amended by ExecOrder 11375 in 1967 to includes sex as a prohibited basis of discrimination.)

Because contract compliance rests on this independent authority, the government has been able to require all federal contractors to take "affirmative action" whether or not discrimination was proved against them. What "affirmative action" meant was not clear, however. President Johnson said that it included, but should not be limited to, affirmative steps in hiring, recruiting, advertising, training and salary raises.

The Nixon Administration took an important step, in concept if not in practice, in June 1969, when it announced the Philadelphia Plan, which for the first time included numerical hiring goals for minorities working in the construction trades in Philadelphia. (*For more on the Philadelphia Plan, see Vol. 2, No. 3, p. 130.*) Labor Secretary (1969–70) George P. Shultz followed this up in January 1970 by issuing Order No. 4, which was supplanted by Revised Order No. 4 in December 1971.

ANALYSIS

The revised order requires all federal contractors with more than 50 employees and more than $50,000 in federal contracts to submit a detailed affirmative-action plan to the Office of Federal Contract Compliance as a condition for retaining federal contracts. These plans consist of two main parts. The first is a survey of the contractor's current workforce to determine whether the contractor is "underutilizing" women, blacks, persons with Spanish surnames, persons of Oriental ancestry or American Indians in any of its job classifications. If any such underutilization is discovered, the contractor then must establish goals by sex and race, indicating the number of persons in each category the contractor should be employing in each job classification, and stating a timetable for reaching that numerical goal. Unlike the situation in Title VII cases, these goals and timetables must be established to correct underutilization, whether or not that underutilization results from intentional discrimination. Failure to produce goals and timetables may mean cancellation of all federal contracts for the contractor.

A sex or race is said to be underutilized if it is employed in numbers significantly smaller than would be expected if the employer hired persons from the available workforce in a random, nondiscriminatory way. Thus, if 30 per cent of the qualified or readily qualifiable bricklayers in a particular metropolitan area are black, while only 5 per cent of a contractor's bricklayers are black, that contractor would be underutilizing the workforce of readily available black bricklayers by a factor of 25 per cent.

Each contractor is expected to do this "utilization analysis" on his own. This in turn means that the contractor must do his own estimate of availability for each subgroup in each job classification. "Availability" refers to the number of persons available for work in a given job. To estimate this, it is necessary to know something about skills levels for each subgroup, unemployment rates, population and transportation patterns within each metropolitan area, the existence of training institutes in the area and the degree of on-the-job training possible for each job classification.

Figures on availability must necessarily vary among the job classifications, and are in no way interchangeable with general population statistics provided by the Census Bureau. Despite this, one staff member of the Civil Rights Commission, who asked not to be identified, said that most federal agencies rely on general population statistics if the contractor has not done a complete availability analysis.

GOAL-AND-TIMETABLE ISSUE

Once underutilization has been pinpointed, the contractor must establish a goal—a numerical figure representing what that contractor takes to be a proper level of utilization. In addition, the contractor must establish a timetable containing interim goals, indicating the rate at which the contractor expects to reach a level of proper utilization, given the availability of people in the workforce, and the expected turnover rate on the job.

QUESTIONS

The implementation of these goals and timetables has led a number of critics to raise several serious questions about them. When the contract-compliance agency requires a contractor to formulate a goal, does this mean that it then wants the contractor to hire qualified persons on the basis of race or sex in order to fill the goal? Does it mean, in other words, that the contractor will be asked to fill a quota? Will the contractor who has "overutilized" white males on his present work force be required to discriminate against white male applicants to achieve a proper level of utilization? Are the goals expected to reflect the fact that contractors will not discriminate in their future hiring and recruitment, or do they mean that contractors are expected to engage in "reverse discrimination" until the over-all balance of the workforce resembles what it would have looked like had discrimination never occurred?

NIXON REPLY

The American Jewish Committee asked some of these questions of President Nixon and Sen. George McGovern, D-S.D., in a letter it sent during last year's Presidential election campaign. President Nixon's reply, dated Aug. 11, 1972, said: "With respect to these affirmative-action programs, I agree that numerical goals, although an important and useful tool to measure progress which remedies the effect of past discrimination, must not be allowed to be applied in such a fashion as to, in fact, result in the imposition of quotas, nor should they be predicated upon or directed towards a concept of proportional representation."

DISAGREEMENTS

The President's reply to the American Jewish Committee was a brief one, written in the context of a campaign for reelection. It did little to provide the kinds of answers agency heads needed if they were going to work out the disagreements among themselves over what was the Administration's policy.

Typical of the kinds of disagreements existing, a staff member for the Civil Rights Commission said in an interview, were several between the Civil Service Commission and the Justice Department in 1971 and 1972. The Justice Department had been asking several district court judges for what the Civil Service Commission considered to be an explicit imposition of quota or ratio hiring. The Civil Service Commission was upset, in addition, over a decision of the Sacramento Fire Department to implement a policy of hiring one black for every four whites, whatever their relative position on a list of qualified candidates. Civil Service considered this policy to be opposed to merit standards of hiring—the 1970 Intergovernmental Personnel Act (84 Stat. 1909) gives Civil Service the job of overseeing state and local government merit systems—and it decided to bring the matter up with Leonard Garment, then the President's chief White House adviser on matters relating to civil rights.

FOUR-AGENCY AGREEMENT

After a great deal of negotiation with extensive White House participation, Civil Service, Justice, OFCC and EEOC agreed on a common position.

The four-agency agreement, issued on March 23, 1973, came two days after a speech in which Garment alluded to the problem of interagency disagreements at least three different times, and in which he noted that even though the agreement specifically concerned state and local government hiring, the principles were meant to extend to private employers as well.

GOALS VERSUS QUOTAS

The agreement states that "all agencies recognize the basic distinctions between permissible goals on the one hand and impermissible quotas on the other. . . . A quota system, applied in the employment context, would impose a fixed number or percentage which must be attained, or which cannot be exceeded; the crucial consideration would be whether the mandatory numbers of persons have been hired or promoted. . . . It would be no defense that the quota may have been unrealistic to start with, that he had insufficient vacancies, or that there were not enough qualified applicants, although he tried in good faith to obtain them through appropriate recruitment methods.

"Any system which requires that considerations of relative abilities and qualifications be subordinated to considerations of race, religion, sex or national origin in determining who is to be hired, promoted, etc., in order to achieve a certain numerical position has the attributes of a quota system which is deemed to be impermissible under the standards set forth herein.

"A goal, on the other hand, is a numerical objective, fixed realistically in terms of the number of vacancies expected, and the number of qualified applicants available in the relevant job market. Thus, if, through no fault of the employer, he has fewer vacancies than expected, he is not subject to sanction, because he is not expected to displace existing employees or to hire unneeded employees to meet his goal. Similarly, if he has demonstrated every good faith effort to include persons from the group which was the object of discrimination into the group being considered for selection, but has been unable to do so in sufficient numbers to meet his goal, he is not subject to sanction.

"Under a system of goals, therefore, an employer is never required to hire a person who does not have qualifications needed to perform the job successfully, and an employer is never required to hire such an unqualified person in preference to another candidate who is qualified; nor is an employer required to hire a less qualified person in preference to a better qualified person, provided that the qualifications used to make such relative judgments realistically measure the person's ability to do the job in question, or other jobs to which he is likely to progress. The terms 'less qualified' and better qualified as used in this memorandum are not intended to distinguish among persons who are substantially equally well qualified in terms of being able to perform the job successfully. Unlike quotas, therefore, which may call for a preference for the unqualified over the qualified, or of the less qualified over the better qualified to meet the numerical requirement, a goal recognizes that persons are to be judged on individual ability, and therefore is consistent with the principles of merit hiring."

CRITICISMS

Not all of the critics of goals are happy with this reformulation of the issue of goals and quotas. Robert F. Sasseen, dean of the faculty at California State University, San Jose, said in an interview that even after this statement, goals remain "nothing but quotas with an escape clause."

Others have fewer questions about the four-agency statement than about its implementation. Jan Vetter of the University of California/Berkeley Law School is doing a study for the Administrative Conference of the U.S., of the HEW Department's affirmative-action guidelines as they relate to faculty hiring in higher education. Vetter said in an interview that although he had not yet reached his final conclusions for the Administrative Conference, he did wonder "how much reality" the four-agency agreement has.

"That four-agency agreement is really a manipulation of symbols," he said. "Unless somebody is out there looking to see that those words are connected to something in the real world, it does not necessarily mean anything. . . . As far as I can figure out, there are a lot of people in HEW who have never heard of this four-agency agreement, at the local level and in Washington."

DISSEMINATION

Sheldon E. Steinbech, staff counsel for the American Council on Education's Equal Employment Opportunity Task Force, agrees with this assessment. "The four-agency document," Steinbech said in an interview, "is a reasonably good statement of what goals and timetables are all about. The problem is: I know that document," Steinbech said in an inter- * * * the U.S. attorneys may know it exists and EEOC may know it exists. But I wonder whether the schools know it. A lot of their misconceptions about the program have not been brought about by the people you and I talk to in Washington, but by regional officers who, during the conduct of contract-compliance reviews or at other negotiations, tend to go off on frolicsome detours of their own, not stating national policy, but stating some kind of self-generated policy."

The B'nai B'rith Anti-Defamation League made similar charges in a letter sent to the Justice Department two weeks ago. David L. Rose, chief of the employment section in the department's Civil Rights Division and chairman of the staff committee for the EEO Coordinating Council, was in the process of drafting a response to this letter when he said, in an interview, that "we sent a copy of the agreement within three or four days to every U.S. attorney. Every lawyer in this section and in the education section has it. So, every lawyer who represents this department in court has it. I understand that Civil Service put out something like 2,000, not only to its regional offices, but also to every state and local government. I'm sure that EEOC has distributed it. I know that Labor distributed them to all of the contract-compliance agencies, and I assume that each of them distributed it to their field agencies, so I believe they are very widely distributed." Rose acknowledged that there might be some problems of understanding, however, "The federal government is rather far flung. The very fact that we have a council suggests this."

AGENCY SURVEY

An *NJR* survey showed that, despite the agreement the four agencies still have some major differences.

One of the key problems in understanding the purpose of goals and timetables is caused by a phrase in Revised Order No. 4, which indicates that affirmative action is a "result-oriented" policy designed to ensure that more women and minorities actually are hired. As the four-agency agreement recognizes, however, there sometimes may be a tension between a result-oriented policy and nondiscriminatory hiring procedures and practices. This tension is at the heart of the differences between agency interpretations of affirmative action, rather than any clear-cut difference between goals and quotas.

CIVIL SERVICE

Irving Kator, assistant executive director of the Civil Service Commission, is the commission staff member serving on the EEO Coordinating Council. Kator was on vacation when the survey was taken, but James C. Scott, on his staff, presented the Civil Service Commission's point of view.

Scott tended to put more of an emphasis on process than any of the other officials surveyed—with the possible exception of Peter E. Holmes, director of HEW's Office of Civil Rights.

Scott, saying that others had not defined the notion of affirmative action as precisely as Civil Service had, supported the use of goals as indicators of an employer's progress. "But," Scott said, "goals are not the be-all and end-all of affirmative action. In fact, they are not affirmative action at all, but are merely the means of encouraging affirmative action. We have been trying to sell a definition of affirmative action which is much broader than others we have seen."

Scott argued that minority hiring can increase only "if the commitment and the resources are there on the backup programs."

One of the questions useful to point out the tension between a result-oriented program and a process-oriented program is whether or not an employer ever should use race or sex as a criterion in making hiring decisions. If two candidates for a job have roughly equal job qualifications, should the employer hire the minority or female candidate because of the candidate's race or sex, as a way of redressing an imbalance in his workforce that might have been caused by past discrimination?

Scott said that "a selecting official should have some flexibility in hiring, but he may not use race or sex as a criterion in making his final selection."

Civil rights and women's rights organizations argue in response that if employers use color-blind or sex-blind hiring criteria now, after not having used them in the past, they will simply perpetuate the existing imbalance, making it impossible for minorities or women to catch up in any reasonable length of time. For this reason, they are willing to use race and sex as hiring criteria—and thus risk charges of reverse discrimination—to redress the balance, and bring the composition of the work force to where it would have been had discrimination never occurred.

Scott thinks this is unrealistic. Speaking more of minorities than of women, Scott said, "I personally don't believe minorities can expect to catch up in the employment situation until they also catch up in other areas which affect their employability, such as education and past employment service. A lot of elements in society have to come along. This has to be looked at in a total context. It has been happening. Blacks, for example, have been increasing their college enrollment. More and more women are going into occupational areas formerly considered male. Things are changing, but it is a gradual process. I don't see any overnight changes in the employment picture.

"A lot of people are looking for short cuts, but short cuts won't work. If you short cut the idea of goals too much, leaving out the backup, they become quotas."

JUSTICE DEPARTMENT

J. Stanley Pottinger, assistant attorney general for civil rights since January 1973, worked under Attorney General Elliot L. Richardson when Richardson was HEW Secretary (1970–72). Pottinger was director of HEW's Office of Civil Rights. At HEW, Pottinger replaced Leon E. Panetta, who resigned in February 1970 in a dispute with President Nixon over the use of busing to achieve racial balance in schools. It was under Pottinger that HEW first began to enforce the requirements of Revised Order No. 4 against institutions of higher education.

POTTINGER

In an interview, Pottinger gave more emphasis than did Scott to the result-oriented side of affirmative-action policy. Pottinger said it would be legitimate for an employer, in trying to meet a goal, to take race into account when choosing between two qualified job candidates.

"But that needs to be expanded a little bit," he said. "The model assumes, if it is not an insensitive metaphor, that you have a bag of qualified people who have all met the minimum skills and qualifications. Maybe a better metaphor would be that they have cleared that wall or hurdle. All of them qualify. Then a truly colorblind hiring decision by an employer who is outside the wall, at the gate, with a list, who says, 'We need another worker,' would yield a proportion on the inside of black to white.

"The confusion arises because, in making sure that you are truly not letting racial effects cause you to pull only the whites out of that pool, the judge will say that over a period of time, let's say there were 30 per cent blacks on the inside of that wall, it ought to yield 30 per cent on the employment force.

"Now, how do you do that unless, someplace along the line, you're keeping track of who's coming out? It's impossible in the real world. . . . The only way you can do that is, at some point, to take account of who's coming in."

Pottinger was then asked whether he has in mind simply a matter of record keeping, or whether he thinks race should be a factor in the hiring decision itself. Random colorblind hiring, for example, can never produce the catch-up effect that many groups are asking for. Should hiring of minorities and women be speeded up to balance the workforce? And if so, would not that automatically require an employer to take race and sex into account in the actual hiring decision?

"Yes it would," Pottinger responded. "But you're not going to be permitted to take one person and discriminate on the basis of race against another person who is better qualified where qualifications are relevant to job performance, or where, to do so would be on so compressed a basis that you automatically are excluding even the invitation or recruitment of whites to a job."

Pottinger then spoke of three different groups of people, each of whom would call for a different response on the question of whether or not to use race and sex consciously to produce the catch-up effect. "The first group is where you can name individuals who were discriminated against and you say that they must now move into a position where they would have been but for the discrimination. Common Anglo-Saxon contract law puts you in the same position. You get the car you would have had if you hadn't been screwed by the car dealer.

"The other extreme is a group of black men or women candidates for a position who have not as individuals been discriminated against at all. They weren't even born, let's say, 20 years ago when the policy operated. But they're there now, knocking on the door next to a white colleague, and because of an effort to recruit based on past discrimination, the company says, 'You're equally well qualified, but because you're black and you're black and you're white, I'm going to take the black.' No showing of systemic or class discrimination. That's wrong. That is reverse discrimination.

"The middle group is the group where you have a mix of both. And there's only one real-world practical way to resolve that. You have a mix of people who were actually discriminated against and you have a mix of people who were not but who, by conditions of their race and sex have historically been discriminated against. . . . Since you can't historically turn the clock back to know which are which, the judge takes some of the first group and adds a presumption that there are additional persons in the second group, and sets a goal."

ROSE

While Pottinger concentrated on the occasional need to take race and sex into account when making hiring decisions, David Rose, chief of the employment section in Pottinger's Civil Rights Division, spoke of the need to take race and sex into account at earlier stages of the process, precisely to avoid the need for doing so at the hiring stage.

Rose said in an interview that to ask an employer to eliminate present discriminatory hiring practices without asking anything else is not sufficient. Nor is it sufficient merely to ask employers to recruit and advertise in such a way that minorities and women will know that current practices are nondiscriminatory. In addition, employers should strive actively to redress imbalances in employee utilization caused by past discrimination. Rose said he believes that "in the abstract, it is illegal to take race into account when making individual hiring decisions." But, on the other hand, Rose said it is not illegal for an employer to take race and sex into account when he decides where to direct his recruitment efforts.

Aggressive recruitment in minority neighborhoods should help produce the desired catch-up effect, Rose argued, particularly in lower skills jobs where the high unemployment rate among young blacks should mean that there are a high number of workers available.

"If you ask whether this kind of a recruiting pattern is discriminatory, in a sense it is," he said. "You expect this kind of recruiting to produce a higher percentage of black applicants than there are blacks in the population as a whole. But, if this differential is not produced because the employer, for example, stepped up his advertising on a hillbilly radio station at the same time as he stepped up his advertising on stations listened to by blacks, we would have to ask why the employer did that."

Numerical goals are important, Rose said, because they indicate to the minority community that the employer is serious while, at the same time they prod the employer into action. They differ from illegal quotas in that race and sex may not be factors in individual hiring decisions, but only in the establishment of recruitment and other back-up programs.

OFCC

Philip J. Davis, director of the Office of Federal Contract Compliance, said he believes that race or sex might be a valid criterion for an employer to consider when making individual hiring decisions. Given two roughly equal candidates, Davis said, "I would encourage the contract to give the minority applicant every consideration," rather than let the decision be made by lot.

OFCC Associate Director Robert R. Hobson said that he was pleased with the result-oriented character of Order No. 4, saying that "before Order No. 4 it was a matter of looking at techniques. Now we look at results."

On the question of the catch-up effect, Hobson said that "it's a simple fact that there has been discrimination in the past. Our purpose is to achieve a degree of utilization which would have existed had discrimination not occurred. The mere fact that a contractor is hiring in rough proportion to availability does not mean that the contractor is in compliance. It depends on the seriousness of the deficiency. You would expect the goals in many cases to be higher than the current availability in order to remedy past deficiencies."

It is not clear that the seriousness of the deficiency is the only factor at work, however. The HEW Civil Rights Office under Pottinger, for example, issued guidelines in which it said that universities should strive to eliminate the effects of past discrimination in faculty hiring within five years. This conclusion was based on little research into such factors as the expected turnover rate, availability or normal career patterns.

In contrast, the General Services Administration (GSA), acting as the contract-compliance agency for utility companies, recently accepted a plan from the Long Island Lighting Co. with a much longer anticipated catch-up period. Grant Brown, employee relations manager for the company, said that the plan was put together with the help of National Economic Research Associates, a private consulting firm, which did a study of local availability for each of the company's job categories, projected growth in availability levels, and anticipated turnover and growth rates. Based on the company's low turnover and limited growth potential, given the large backlog of people still working with the company who were hired during the high-growth period of the early 1950s, and given the continued use of what GSA considers to be a nondiscriminatory internal promotion, training and seniority system the company expects that it may take an extremely long time for women and minorities to work their way up through the ranks to reach the top levels in some of the company's job categories. For example, there probably will be virtually no woman foremen in 1983 and only 1 per cent black foremen, unless the labor situation changes within the next 10 years.

This disparity between HEW and GSA does suggest that, in addition to the seriousness of company deficiency, such factors as the seriousness of the economic research undertaken and the degree to which agency heads are concerned with results rather than process, both have an independent effect on what two different agencies working under OFCC direction may find acceptable.

Asked about this in an interview, OFCC director Philip Davis said that "it is the OFCC's intention to have uniform and specific guidelines, but each agency deals with each individual company based on that company's own problems and past record. Our intention is uniformity, of course, and we are now working on guidelines which should alleviate the problem considerably."

CIVIL RIGHTS COMMISSION

The Civil Rights Commission did not participate in the formulation of the four-agency agreement, a fact that Staff Director John A. Buggs said has its advantages. "I view the role of the commission in the (EEO Coordinating) council as a little different from the other agencies' roles," Buggs said. "We, as you know, have long been the critics. I don't know how well one can function as a part of an operation and then turn around and be a critic."

Because it was not a council document, Buggs said he feels completely free to criticize the four-agency agreement. Nevertheless, he said, "I'm not too dissatisfied. There were a few problems, as I recall—it was a few months ago—that concerned me a little, so I sent it (the agreement) to the general counsel's office for comment. I would be hesitant to say what these disagreements were at the moment, however, because frankly I didn't focus on them too much, since I knew we would be asking for the general counsel's views."

The Civil Rights Commission's general counsel, John H. Powell, Jr., never did respond to Buggs' request.

EEOC

Powell recently was nominated by President Nixon to replace William H. Brown III as chairman of EEOC. (*See Vol. 5, No. 34, p. 1265*). Powell told *NJR* that he would not comment on his views until after his Senate confirmation hearings. Thus, he would not state his reaction to the four-agency agreement or provide any insight into the understanding of affirmative action he is likely to take to EEOC.

Powell did say, however, that he was the principal author of the Civil Rights Commission's February statement on affirmative action, the document against which Buggs wanted the four-agency agreement checked. Powell said that he accepts everything in that statement as his current opinion on the issue.

The Civil Rights Commission's statement on affirmative action is more result-oriented than any of the other documents or expressions of opinion encountered in this survey.

On the question of whether race or sex should be used as criteria in individual hiring decisions, the commission said that "the criteria which have traditionally been used in hiring and promoting must be broadened to include consideration of minorities and women."

On this same point, the commission later said that "many subjective elements enter into the selection process. The candidate's personality, disposition, experience, apparent judgment, are just a few of the elements that always influence a selection. Unfortunately, a significant reason for the paucity of minority group persons and women in many job categories is that these subjective factors never included providing a fair share of employment opportunities to them.

"An affirmative-action plan must require some action that has not heretofore taken place, otherwise it is useless. . . . One of the requirements thereof is that in the subjective evaluations that always occur in the selection process, one factor previously excluded should now be included—a concern that a reasonable number of qualified minorities and women be hired until equity is attained."

"The best test for determining whether these aims are being achieved," the commission said at another point, "is by a results test. Whether expressed in terms of applications, hires or promotions, the results test is the best test of whether women and minorities in fact are achieving the access to equal employment opportunities required pursuant to the twin airs of affirmative action."

HEW

Policy at HEW has undergone some subtle changes since Casper W. Weinberger and Peter E. Holmes replaced Elliot Richardson and Stanley Pottinger, respectively.

Secretary Weinberger testified on July 30 at Joint Economic Committee hearings being conducted by Rep. Martha W. Griffiths, D-Mich., on the problems of discrimination against women. Weinberger said that too many persons speaking about affirmative action rely excessively on the numerical aspects of the goals, and get tied up in the "metaphysical issue of goals and quotas."

Holmes agreed with this in an interview, in which he said that HEW's actions as a contract-compliance agency were partly responsible for the problem.

"We are getting too caught up in the numbers game. The whole goal-setting aspect has to be a relatively minor part of the affirmative-action commitment. The focus should be changed, and it will be, to look at the entire process."

Another side of this apparent shift in emphasis emerged in response to a question about a hypothetical school willing to let HEW examine its hiring process to look for discriminatory practices, but which refused to establish numerical goals for faculty hiring because of what it claimed was the lack of sufficient data to determine the availability of qualified persons in each of the subfields in which it had an opening.

"Under current Labor Department guidelines," Holmes responded, "the goals must be established. That's troublesome to me in an example such as the one you have there. I think that in that instance, we would want to maintain as much flexibility as possible, if a university is able to demonstrate the affirmative nature of such things as its recruitment process."

In addition, Holmes said he realizes that availability of qualified candidates affects results.

"I have some concern about the actual availability of minorities and women in the labor market," he said. "There is no question about the availability of people currently working on Ph.D.s. But I think the recently published American Council on Education study, which notes that the percentage of women and minorities on faculties have not increased very much in recent years, raises serious questions about assumptions regarding the widespread availability of women and minorities, and is indicative that the problem may have more to do with discrimination in graduate programs or earlier." (*For more on Holmes' views, see box on the affirmative-action panel at the American Political Science Association convention.*)

AMBIGUITIES

One of the reasons for the persistent differences among the four agencies stems from the interrelationship of the conceptual problems involved. The formulation of goals and timetables, the length of time given for bringing the workforce up to a position where it no longer shows the effects of past discrimination, the problem of reverse discrimination, and the base used for figuring the availability of qualified workers, are all linked; no one of them can be resolved without resolving the others.

None of the persons surveyed has resolved *all* of these problems, and this fact is reflected in some of the criticisms made of the goals-and-timetables policy by both friends and foes of this approach.

Jan Vetter, the Berkeley Law School professor studying higher education guidelines for the Administrative Conference, said in an interview that "the catch-up requirement seems to me necessarily to imply reverse discrimination, especially if you are talking about catching up in five years, as the HEW guidelines suggest."

Vetter's criticism is based on his estimates of the availability of qualified persons and likely faculty turnover rates in the currently depressed academic market.

Bernice Sandler, director of the Association of American Colleges' Project on the Status and Education of Women and a supporter of the goals-and-timetables approach, also connects the idea of goals with the question of availability in a criticism of HEW practice.

"HEW has not been very effective at all," Ms. Sandler said. "Their procedures really have been abominable. . . . One problem is that HEW hasn't been monitoring the goals really effectively, and they haven't explained to the institutions how they are to set goals. They haven't given availability data to the schools. You have every institution in the country looking for the same availability data, which is really wasteful of everybody's time. HEW should be doing that."

Both of these criticisms are directed at HEW, and availability may be harder to determine for jobs that require highly specialized skills than for those with more easily attained skills. Despite this, as the Civil Rights Commission stated, no agency has good availability data for any job, and almost all rely on population or highly approximate Labor Department statistics when they are dissatisfied with an employer's own availability analysis.

CRITICISM

Criticisms of the goals-and-timetables approach have come from labor unions, the business community, Jewish voluntary organization and academicians.

UNIONS

Donald S. Slaiman, director of the AFL–CIO's Office of Civil Rights, said he considers the whole goals-and-timetables approach—and the Philadelphia Plan which resulted from the approach—as "a phony".

Slaiman said that "they (Labor Department officials) speak about it having a good pressure effect, but it wasn't sound. The problem is that they haven't accepted any alternative. They are using an eclectic approach, but whatever real success there is because of the Outreach program (a program of pre-apprenticeship training for the construction trades). In reviewing any program you have to have numbers, but the use of goals and timetables is just a semantic switch for saying quotas. The real reason we don't like it is that too often it is a substitute for a real program, such as the Outreach program, which could do something.

BUSINESS

In a rare show of agreement with the AFL–CIO, Richard A. Berman of the Chamber of Commerce of the United States said that he thought goals and quotas were inseparable, at least in the way that the government is enforcing the goals concept at the local level. "Unless there is some overriding reason—for instance, a recalcitrant party who refuses to use good-faith efforts—our position and, I think, the business community's position, is that quotas and timetables are discriminatory of themselves," Berman said. "You really don't solve one problem by creating another. If there has been discrimination in the past, and everyone recognizes there has been, it has been the fault of everyone; but the business community is being made the scapegoat."

JEWISH VOLUNTARY ORGANIZATION

The major Jewish voluntary organizations, led by the Anti-Defamation League of B'nai B'rith, the American Jewish Congress and the American Jewish Committee, have been actively concerned with what they consider to be a federal encouragement of reverse discrimination. It was largely at the instigation of the Anti-Defamation League that HEW's Civil Rights Office appointed a special ombudsman to oversee problems of reverse discrimination, while the President's letter during the 1972 campaign rejecting quotas was a response to a query from the American Jewish Committee.

The voluntary organizations met with HEW Secretary Weinberger on July 18, at which time they said that, despite the appointment of the ombudsman, "the situation is worse today than it was a year and a half ago."

Benjamin R. Epstein, president of the Anti-Defamation League, made similar charges in a letter to OFCC Director Philip Davis on July 13. Epstein said in the letter that the league is especially concerned with some implications of new guidelines OFCC is considering for contractors.

ACADEMIC CRITICISM

Neither the American Council on Education nor the American Association of University Professors has taken an official stand on the utility of goals and timetables.

STEINBECH

Nevertheless, Sheldon Steinbech, staff counsel for the American Council on Education's Equal Employment Opportunity Task Force, has reached some tentative conclusions of his own.

"I think," said Steinbach, "that the government's desire for goals and timetables really results in somewhat of an unnecessary exercise because, in part, if you could enforce a process that would ensure equal employment opportunity, you could go about your business of searching as widely as possible for candidates for a given slot without having to waste resources and time trying to figure out how many people in the country could possibly fill that slot.

"I think that as a matter of national policy, what we are looking for is equal accesss for all individuals to jobs. If you could assure a nondiscriminatory process, the law and the country as a whole should demand no more. One of the poor offshoots of the whole goals-and-timetables approach is that you create a pressure within the community to achieve that number, and thereby get into the whole problem of reverse discrimination."

TODOROVICH

One organization that has taken an official stand on this matter is the Committee on Academic Nondiscrimination and Integrity, an organization created precisely to deal with this issue, with a distinguished roster of faculty members of all races and both sexes opposed in principle to the use of goals and timetables. The committee's coordinator, City University of New York physics professor Miroslav M. Todorovich wrote in a recent memorandum that "the committee supports the concepts of nondiscrimination and affirmative action outlined in the 1964 Civil Rights Act and in President Johnson's 1965 executive order dealing with employment discrimination. We feel, however, that bureaucratic actions taken to implement these statutes in the Nixon Administration . . . have gone far beyond legally permissible grounds, have treated on *ultra viral* ground (*ultra vires* is a legal term referring to actions that exceed granted authority) and have resulted in patterns of discrimination contrary to law. We believe, despite Administration protestations to the contrary, that this reverse discrimination is the direct consequence of Administration practices, rules and guidelines."

Todorovich maintains that "there are no indications that, within the institutions of higher learning, the mandatory affirmative-action programs tailored in accordance with the requirements of Order No. 4 have achieved anything positive beyond what could have been expected from a projection of favorable trends existent before the introduction of said programs, and a vigorous application of normal grievance and complaint procedures, and a positive promulgation of the true letter and spirit of the original Presidential executive order."

In addition, Todorovich argues that "in writing the rules which are supposed to implement the said Order 11246, unelected lower-echelon bureaucrats have grossly overstepped the boundaries set forth by both the letter and the spirit of the Presidential order. Where the executive order asks for affirmative action to ensure that applicants are employed and that employees are treated during their employment *without regard to* their race, color, religion, sex or national origin, the interpretational rules mandate that persons be treated *with regard to* their membership in ethnic and sexual groups."

Todorovich said that Revised Order No. 4, besides contradicting Executive Order 11246, is "in violation of the explicit provisions of the 1964 Civil Rights Act."

Todorovich bases his contention on Sec. 703(j), which reads, "Nothing contained in this title shall be interpreted to require any employer . . . to grant preferential treatment to any individual or to any group because of the race, color, religion, sex or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex or national origin employed by any employer."

When asked how the Justice Department reconciled the concept of affirmative action, as defined by Order No. 4, with this clause in the Civil Rights Act, David Rose said that the Civil Rights Act only prohibited preferential hiring, while what he was advocating was preferential recruitment of training.

Another answer, more applicable to OFCC contract-compliance cases than to the Civil Rights Act cases brought by the Justice Department, was the one given in 1971 by the U.S. Third Circuit Court of Appeals in a case upholding the Philadelphia Plan (*Contractors Association of Eastern Pa. v. Secretary of Labor*). The court noted in that case that the Civil Rights Act says that "nothing contained *in this title* shall be required," while the OFCC requirements stem not from "this title" but from the legally independent executive order. So far, the Supreme Court has not ruled on either of these arguments.

PRAISE

Women's groups, civil rights organizations and the American Civil Liberties Union have been among defenders of the goals-and-timetables approach.

WOMEN

Bernice Sandler of the Association of American Colleges, for all of her criticism of HEW effectiveness, said she thinks "goals can be very useful when there is a genuine commitment to them, and when there is monitoring of them."

Sheila Tobias, past president of the Professional Women's Caucus and current EEO officer at Wesleyan University, also is pleased at the effect federal policies have been having. "Maybe it is because I am comparing now to yesterday when there were no official policies on this at all," said Ms. Tobias, "but I am just impressed with the progress we have had."

NAACP

Roy Wilkins, executive director of the NAACP, wrote in a March 3 column on the use of goals in the construction industry that he agrees with their use, so long as they do not deteriorate into racial quotas. "The construction industry has had at least 73 years to recognize the right of a Negro American to a job," Wilkins wrote. "Guidelines are in order. Persuasion and pressure are in order. But racial quotas for American life—no!"

ACLU

The American Civil Liberties Union is not so concerned as Wilkins with the distinction between goals and quotas. In a Nov. 29, 1972, memorandum listing policy recommendations of the ACLU's Equality Committee, the ACLU said that "the use of minimum racial, ethnic, religious and sexual quotas as a technique for correcting a serious discrimination in employment is a justifiable means of offsetting past wrongs by temporarily recruiting people from a group which has been discriminated against. A minimum quota may be a necessary criterion to assure the employment of more than a token number from such groups. The minimum quota may thus be a conscious effort to counteract the effects of earlier injustices."

On the question of whether the explicit imposition of minimum quotas would not result in reverse discrimination, the ACLU said that "the alleged discrimination experienced by the individual white applicant under a system of compensatory treatment is not the same as the discrimination previously suffered by blacks. The white applicant is not being barred from employment because of his race; rather his claim to a particular job is being deferred while a remedy is applied."

OUTLOOK

While the ACLU's position is many steps removed from the position the Administration is trying to maintain, the ACLU's memorandum does help to point out the difficulty the Administration has had and can expect to have in trying to maintain fidelity to the four-agency agreement. Is there any likelihood that the Administration position on goals and timetables will be clarified and made more uniform across agencies? The four-agency agreement seems to have reduced the differences in agency interpretation but, as the NJR survey showed, these differences are many steps away from having been eliminated. The differences over the time to be allowed for correcting the effects of past discrimination are but one indication of this.

One key to the problem is the way in which the different agencies try to define the notion of availability. How can you tell how many qualified or easily qualifiable persons are in the pool of those persons looking for jobs?

Clarification of this in turn depends on clarification of what is meant by "qualified or easily qualifiable" candidates.

The EEO Coordinating Council has been trying to define these concepts, and to issue guidelines for tests designed to measure them, ever since its inception 18 months ago. They have finally issued their testing guidelines for informal comment and review—the first step in a several-months-long process that should result in their being printed in the *Federal Register* as formal administrative guidelines. The new testing guidelines will be the subject of the second part of this report.

Goals and Timetables in Academic Hiring

The HEW Department's oversight of college and university faculty hiring has generated sharp controversy over the relationship between goals and quotas in the administration of federal affirmative-action policies designed to eliminate discrimination in employment.

The controversy was the subject of a panel discussion at the annual meeting of the American Political Science Association (APSA) in New Orleans on Sept. 7. Participants were Peter E. Holmes, director of HEW's Office of Civil Rights; Robert F. Sasseen, dean of the faculty at California State University, San Jose; and Jane Cassels Record, senior economist at the Kaiser Health Services Research Center, Portland, Oreg., who delivered a paper she prepared with her husband, William Record, a sociologist at Portland State University. The moderator was Phillip Siegelman, political scientist at California State University, San Francisco.

Holmes defended HEW, Sasseen challenged the assumptions underlying the use of goals and timetables, and the Records raised questions concerning the relationship between affirmative action and ethnic studies.

Opening remarks: These summaries of the panelists' opening remarks and prepared statements follow the order in which they spoke.

Holmes. "The underlying assumption of affirmative action is that qualified women and minority applicants for faculty positions exist. . . .

"To be sure, an institution which falls short of meeting a realistic hiring goal that forms part of an affirmative plan must be able to document the efforts it has made to recruit qualified women and minorities. . . . The concept of good faith demands no more than that the university define and justify the standards it applies and the decisions that are reached as a consequence. . . .

"To argue that demonstrating good-faith effort is a burden that no institution will be able to sustain is to suggest at the same time that hiring decisions are based on criteria unfathomable to the non-academic mind, that no justifiable criteria exist, or that a university's prized defense of and search for merit is nothing but a chimera.

"The affirmative-action process is most certainly not anti-merit; it assumes the right of an institution to hire and promote persons who are deemed most qualified. But those who oppose affirmative action on grounds that it will chip away at standards of merit cannot in the same breath dispute the test of good faith. . . .

"We construe (Labor Department Revised Order No. 4) as prohibiting a contractor's use of an unnecessarily high standard of qualification intended or serving to exclude women and minorities from promotion consideration at a higher rate than others. . . .

"The Office for Civil Rights joins . . . in condemning illegal hiring quotas. However, we dispute the inference that goals are by definition quotas, that the distinction is simply a matter of semantics, and that HEW is applying otherwise legitimate principles in a discriminatory manner. . . .

"That there have been excesses, masking as legitimate affirmative action, is indisputable. . . . However, our experience to date does not support the notion that such distortions are a universal, permanent and ever-growing phenomenon. Indeed, as our inquiries proceed, they are likely to counteract any further momentum in this direction. . . .

"While there is no doubt that affirmative action is 'result oriented,' in the sense that an effective plan is designed to lead to the employment of additional women and minorities, should underutilization exist, the means by which this is to be achieved was seldom examined in any detail. . . . Preoccupation with the end product of what is demonstrably an intricate and comprehensive exercise in institutional reform tended to oversimplify the issues."

Sasseen.—Affirmative action was developed as a means to the legitimate end of the executive order, and is thus properly to be judged in terms of its compatibility with equal treatment and its consistency with the principle of equality. . . .

To the problem of discovering real discrimination, the policy's solution is to give up the attempt. . . . To the problem of demonstrating positive action to ensure equal treatment, the solution is to look for effective effort to overcome 'underutilization,' to achieve the proper proportionality in the employment of numbers of the employed The simplicity of this solution makes it an attractive answer to a complex practical problem. But it is an answer which altogether begs the question and transforms both the executive order and the civil rights legislation into a preferential policy of proportional employment.

"The denial of this transformation is based on the assertion that the policy is a necessary and reasonable means to the legitimate end intended by the executive order. But to be necessary and reasonable, a means must bear an intrinsic relation to the end of which it is a necessary means. . . .

"Underutilization is the policy's focus of concern and point of attack. The underrepresentation of particular groups triggers action under the policy. Action is required to overcome the underrepresentation of women, blacks, Spanish-surnamed individuals, American Indians and Orientals. Most groups, however, are not included in this focus of concern. . . . Through the concept of underutilization, a legitimate order to ensure equal treatment has been transformed into a willful command to recruit, employ and promote more members of the preferred groups.

"Underutilization may be thought to supply the necessary link between means and end which would justify the policy. But for affirmative action to be a necessary and reasonable means to the end of equal treatment in employment, the principle of equality must be understood as an arithmetic proportionality naturally involving proportional employment. . . .

"This radical theory of equality is the true foundation of the policy, and the acceptance of the policy necessarily entails the establishment of that theory as the principle of public law and policy. The ultimate establishment of this false principle of equality will fundamentally alter the character of the republic and that prospect makes affirmative action truly revolutionary.

"Thoughtful citizens have long been disturbed by the persistent disadvantages suffered by blacks and others in our society. The cherished dream of full integration seems no nearer realization still, and affirmative action has perhaps arisen in a desperate effort to make that dream come true. Affirmative action, however, is a fundamental betrayal of that dream. In its efforts to force the proportional employment of persons identified by their race or national origin, the policy writes racial distinctions into law and declares that, after all, race should count in the competitions of life and in the distribution of the benefits of society. In doing so, the policy sanctions the eventual establishment of an American form of apartheid."

Record. Minority studies and affirmative action are at once mutually supportive and inherently conflicting movements. . . . Affirmative action issued from the equalitarian-integrationist-universalistic tradition of the liberal establishment. Earlier curriculums in race and ethnic relations had the same ideological orientation. But the new minority studies programs are quite another matter. Black studies, for instance, have developed as an instrument of the 'black-power' movement, which inevitably assumed a strongly separatist bent. . . .

"It is unfortunate that an elevated sensitivity about graduate and professional school admissions has come at a time when the need for their graduates is declining, as evidenced by market conditions. . . .

"The young white male . . . might find himself being denied admission to these programs in favor of a black or Chicano with a lower achievement record, as measured by the university's own stated requirements.

"That turn of events, though it might be justified as a means of redressing past grievances of minority groups, in effect asks individual members of white society to bear an inequitable portion of the burden. If the demand for professors and lawyers were booming, the onus of redressment could be shifted to society as a whole by merely increasing enrollment and distributing the costs over the taxpaying public; that is to say, members of minority groups selected for admission could be treated as add-ons without reducing the established opportunity levels of other groups. . . .

"In the same sense . . . individual blacks are falling heir to a disproportionate share of the redressment benefits, which could be viewed as belonging to blacks as a whole. . . .

"Once admitted to graduate and professional programs, marginal or submarginal minority students—those who could not meet the entrance requirements upheld for others—present a whole range of problems. . . .

"If minorities exit from, as well as enter, graduate and profesisonal programs on the basis of special criteria, are law firms, university faculties, government agencies and corporations expected to hire them on the basis of special criteria so as to fill the assigned quotas? For how long? Is there a move from horizontal ghettos to vertical ghetto corridors running from kindergarten to the highest educational levels? If so, what is implied for the dignity of blacks and other 'quota-ed' groups, or for the supposedly equalitarian socialization of whites.'

"The alternative to such corridors is to say no at some stage along the way: in other words, to pick a point or points beyond which yardsticks, whatever they may be or come to be, will be applied without regard for race, color, creed or national origin. . . .

"Given the bureaucratic propensity to attack subtle, complex issues instrumentally, the questions raised above are discomfiting."

COMMENTS

After reading their papers, the panelists responded to each other's remarks.

Holmes. "Dr. Sasseen . . . talks about certain aspects of the policy, about numbers and goals and timetables. But affirmative action is much more than that and there are problems on university campuses that affect the equal treatment of women and minorities already on the roll, as well as evidence that the traditional old-boy recruitment system has been oblivious to the interests and qualifications of women and minorities.

"I urge these very distinguished minds to start communicating with me and with the federal government and come forward with recommendations to make this a program more palatable to the academic community."

Sasseen. "I believe we *have* suggested what is to be done. What is to be done is to remove from the policy that corrosive component which leads to the concentration on overcoming underutilization, as if that were the same thing as ensuring equal treatment. If it appears that I am preoccupied with that aspect of the policy, it is because the policy is preoccupied with it."

Records. "In administering policy, we should recognize that the problem is not simply one of ensuring equality, but also one of making sure of the quality of the society in which we are all to be equal.

"If we were to achieve proportional representation in 1973, this would be prima facie evidence that equal employment opportunity did *not* exist, because there are not enough qualified people around for that to happen.

"One question I might ask Mr. Holmes to think about is whether it isn't troubling that this Administration is requiring more hiring of women and blacks while it cuts back on the funds needed to help these groups become more qualified?" (Holmes responded by saying that he was not embarrassed by this, but that he did not pretend to be an economist with a full understanding of fiscal policy.)

"TODAY SHOW"

Mr. ROBERT C. BYRD. Mr. President, on Wednesday, October 31, I was interviewed on the "Today Show," a production of NBC. I was interviewed by Bill Monroe, Washington editor of the "Today Show," and by NBC congressional correspondent, Paul Duke.

I ask unanimous consent that the transcript of the interview be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

An Interview With Senator Robert C. Byrd

Frank McGee. Chapter by chapter, the Watergate crisis continues to unfold. Questions now hanging over Washington include at least these: Will Congress insist on a special prosecutor the President cannot fire; if Mr. Nixon names a new Attorney General will the Senate confirm him; will the Watergate Committee get the White House tapes?

We want to talk about these matters now with a man who will have considerable influence on the answers, Senator Robert Byrd of West Virginia. He's the Democratic Whip in the Senate.

Senator Byrd is in our Washington studios with "Today" Washington editor, Bill Monroe, and NBC New congressional correspondent, Paul Duke.

Gentlemen?

Bill Monroe. Thank you, Frank.

Senator Byrd, let me start with one of the questions that Frank just asked. Is Congress in your opinion, going to insist on a special prosecutor who can not be hired or fired by the President?

Senator Robert Byrd. I think it will.

Monroe. You think that's going to go through both Houses?

Senator Byrd. I think it will. I think there's a majority in both Houses that would support this.

Monroe. Now what happens if Congress passes such a bill but the President has his Attorney General appoint a new special prosecutor within the Justice Department and vetoes the congressional bill for an independent special prosecutor?

Senator Byrd. The vetoing of a special bill providing for an independent prosecutor would be a political decision that the President would have to make and I think it would be fraught with peril to the President, especially in the context of the experiences that the country has gone through recently. Secondly, the legislation passed by the Congress would supersede the actions of the President and I think would preempt the field.

Monroe. In view of the fact that Congress has not been able to override a Presidential veto for some time, do you think the Congress could override a veto in this area?

Senator Byrd. I don't know. It may very well be able to override a veto because I think the public's reaction would be very strong against the President if he should veto this bill because it would be another indication, rightly or wrongly, that the President was trying to obstruct justice.

Paul Duke. You talked yesterday at the Senate Judiciary Committee, Senator, about what you regarded as a new cover-up. Would you explain that?

Senator Byrd. The former special prosecutor, Mr. Cox, indicated to the Judiciary Committee, that various files and papers, at the White House were being shifted into a category designated as "presidential papers" so as to avoid surrendering them to the committees of Congress and to the courts on the basis that they involved matters which were privileged. The prosecutor Mr. Cox also stated that among these files are those which have to do with Mr. Ehrlichman, Krogh, and so on.

In the light of the President's order to Cox that he not pursue the securing of evidence from the White House through the judicial process, and in view of the fact that it appears that the President will not allow any prosecutor named by him or named by the Attorney General to pursue, through the judicial process, the securing of evidence from the White House, that the White House does not wish to surrender, it would then appear on the basis of Mr. Cox's statements that by shifting papers that the White House doesn't wish to surrender into the file designated "presidential papers," thus allowing the invocation of the doctrine of executive privilege, and not allowing a prosecutor to go through the courts to secure these, this then, would amount to the ultimate cover-up.

DUKE. Senator, Senator Mansfield, the Democratic leader in the Senate, said yesterday that the Watergate Committee should now expand its inquiry because we don't have a special prosecutor. Do you support that? Do you believe that the Watergate Committee now must look into other areas of potential wrongdoing?

Senator BYRD. This is a matter which the Committee initially would have to decide. Secondly, the Senate would have to decide this. I think that during the remaining four months under which the Committee will act by virtue of the mandate previously passed by the Senate, through the resolution that was enacted, the Committee will have ample time to go into the matters that remain for it to investigate. And also, there will be ample time to make this decision as to whether or not the mandate should be expanded.

MONROE. Frank?

MCGEE. Senator Byrd, yesterday Mr. Cox told the Judiciary Committee that he had had a discussion with two Democratic Senators about a matter that later was published, and he thereby acknowledged that he might have inadvertently caused a leak. The White House responded by this—to this by saying this proved their contention that Mr. Cox was engaged in a partisan political matter from the beginning. That in fact the whole investigation was politically inspired. Do you agree with the White House assessment?

Senator BYRD. I do not. Mr. Cox's action was of course indiscreet. I think he used very poor judgment in making these statements to any Senators and their staffs. If he wanted to make a report on this matter he should have made it to the full Judiciary Committee. But that doesn't change the substance of the information. I think Mr. Cox was very forthright, he was very contrite, he volunteered the information, it didn't have to be drawn out of him. And he was very, very sorry.

That doesn't change the substance of the information. That—that is really the heart of the matter. The issue really boils down to this, did the government lie about the ITT case? And also, did high government witnesses commit perjury during their testimony in the hearings on the Kleindienst nomination? These are the real issues, and they'll be around a long time after Mr. Cox is forgotten.

MONROE. Senator Byrd, Senator Saxbe, a fairly independent man by reputation, has confirmed that he is under consideration by the President to be the new Attorney General. Suppose he is appointed Attorney General, and he comes to the Senate for confirmation and says we intend to appoint a new special prosecutor, or we have a new special prosecutor, who may then have been appointed by Mr. Bork, and Mr. Saxbe offers some pledges in blood that he will be fully independent. Might the Congress not be swayed to accept Senator Saxbe's word that the prosecutor would be independent?

Senator BYRD. This would put us right back where we were in the case of Mr. Richardson and Mr. Cox, I don't think that there's any doubt but that the Judiciary Committee would certainly attempt to exact commitments, solid commitments out of the Attorney General and out of the new special prosecutor, that they would pursue the case fearlessly and objectively and also there would be a hard and fast set of guidelines drawn up as there was in the case of Mr. Cox. But the problem here is that even with all of these safeguards, the President still has the prerogative and the right to fire the special prosecutor if for reasons of his own, the President's own, he wants to fire the man. So we'd be right back where we were in the case of the firing of Mr. Cox.

MONROE. Then you don't think the Congress would buy that?

Senator BYRD. Well, I think the Congress ought to insist on legislation vesting authority for the appointment of a special prosecutor in the District Court.

MONROE. Senator, we have some more questions for you in just a moment. Right now, back to Frank.

MCGEE. We will be back after this message.

* * * * *

MCGEE. Senator Robert Byrd of West Virginia, the Democratic Whip in the Senate is in our Washington studios. We're discussing Watergate, and we will rejoin Bill Monroe and Paul Duke for the remainder of that discussion in just a few moments.

* * * * *

MCGEE. Now let's return to Washington. Senator Robert Byrd of West Virginia, "Today" Washington editor Bill Monroe, and NBC News congressional correspondent Paul Duke.

Gentlemen?

MONROE. Senator, you brought up the subject of perjury in the ITT case just a moment ago. Now, when Mr. Kleindienst was being considered for Attorney General and testified before your Committee, the Judiciary Committee, he said that he had not been pressured and contacted by people at the White House. There is now evidence that he was called personally by the President. Is this grounds for consideration of perjury and should the Committee reopen its inquiry into the ITT case?

Senator BYRD. I think the Committee probably ought to reopen its inquiry into the ITT case. It would appear that there are grounds for perjury. Mr. Kleindienst did say that he was not importuned, he was not pressured, he was not directed. And on the basis of information that has now come to light, of course, this certainly has the appearance of being an untruth.

DUKE. Senator, we seem to be in a new and nasty phase of Watergate with some Republicans—John Connally, last night, for example, suggesting there is a vendetta against the President in this country, there are new attacks being directed against the press. Do you regard these as a new ploy to divert attention from the real issues?

Senator BYRD. It may very well be a new ploy. I'm in no position to say that it is. I don't think anyone is in the position to say that there's a vendetta against the President. There's no question but that some people probably are carrying on a vendetta against the President, just as they carried on a vendetta against Mr. Johnson, and just as they carried a vendetta against previous presidents.

I don't think any president can escape this on the part of some people. But the majority of the people aren't carrying on a vendetta against the President, and yet the polls show that a great segment of the American people distrust the President and that they feel that he had some part in the cover-up, et cetera.

I don't think that there's a majority of the members of Congress, or even in my own party who are carrying on a vendetta against the President. As a matter of fact, I think Democrats generally in the House and Senate have acted in a very remarkable restrained way. So I don't think it's a vendetta. There may be some substance to this, but not much.

MONROE. Senator, aren't the Democrats in some danger of approaching the whole thing on a partisan basis, and, for example, I realize Senators don't like to comment ordinarily about things going on in the House. The Rodino Committee yesterday, looking into its proceedings on impeachment, voted to give the chairman, a Democrat, subpoena powers, but to withhold the subpoena power from the senior Republican and the vote was on a strict party line basis, and it looks as if that Committee is beginning its inquiry on a partisan basis.

Senator BYRD. I don't know the facts in back of this action by the Committee. I would not be in a position to comment on the action by the House Committee.

MONROE. Is it clear to Democrats in the Congress, and particularly in the Senate, in your view, that the country should have a man in succession, in line of succession to President Nixon who is a Republican? That is, in this case Mr. Ford, because of the fact that the Republicans won the election overwhelmingly about a year ago?

Senator BYRD. That's my viewpoint and I believe that it would be shared by most of the Democrats in the Senate. The country elected a Republican. I think the country's entitled to have a Repubulican serve out the remaining three years of the President's term. I think it would be a serious mistake on the part of the Democrats and Congress if they sought to withhold action on the nomination of Mr. Ford. If they did it purely on that basis, I think it would be a serious mistake because it would be, in effect, a repealing of the results of the 1972 election, and I don't think the country would stand for that.

DUKE. Senator, this has been an incredible year in which we go from controversy to controversy, and bombshell to bombshell, and the impeachment inquiry is now underway in the House. You have your Judiciary Committee hearing on the Cox/Richardson affair. And all of these point to one fundamental question, can the President survive? Can he remain in office?

Senator BYRD. This is a serious question. And the seriousness of this question became so obvious during the recent alert in connection with the Middle East situation. There were so many people in this country who, even in the face of the announced alert, did not believe that there was any crisis of any kind. This indicates that the credibility of the administration has suffered badly and there is a point beyond which lost credibility can never be regained. This is the very vital and sad side of this whole affair.

MONROE. Have we reached that point? Should the President resign?

Senator BYRD. I don't think we've reached that point, but we have reached the point where the credibility of the President has been severely impaired. I have serious doubts that it can be repaired. And as long as it goes on, of course, our country suffers. It affects our national security. I wonder what the response of the people would be in the event there were an attack on this country, or in the event that this country had to send men abroad in a situation which vitally affected the security of this country.

MONROE. Senator Byrd, thank you very much for being with us this morning.

Senator ROBERT BYRD (Democratic Whip in the Senate). Thank you, Paul Duke.

PABLO CASALS

Mr. MATHIAS. Mr. President, the death of Pablo Casals is a proper time to recall one of the principal themes of his life. Once when I was visiting his home in Puerto Rico he told me—

> You must help each child in the world to understand that he is totally different from every other child; that there has never been another child like him in all the world and there will never be another child like him in all the world; and if each child understands this about himself, he will respect himself a little more, and eventually he will come to respect other children, other people, and the world can then be a better place.

Pablo Casals devoted much of his life to peace and to freedom and thought that progress toward those enduring human goals could be attained if each one of us understood our proper relation to our fellow men and to the world around us. If, as he said, each leaf on each tree is unique, how much more remarkable and important is the individuality of every human being.

The story of Casals' lifelong dedication to human dignity is too well known to be retold here. But the integrity of his life in all his associations cannot be understood too often.

For example, he described to me a little of the circumstances of his youth, because he was early recognized as a genius. He was given a scholarship at the Conservatory of Music in Madrid. His merit was recognized by the Queen of Spain, and he became a familiar figure in Madrid. He grew up knowing the royal family very well.

In spite of these close personal ties, he became one of the most ardent advocates of human freedom. He felt compelled, at one point, to go to King Alphonso, a few years his junior, and tell him that he was a Republican and believed that Spain should be a Republic. He said it made no difference in the friendship, and King Alphonso said—

> Well, you are a man, and that is what is important.

I ask unanimous consent that the tribute to Pablo Casals which appeared in the New York Times on October 28, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Oct. 28, 1973]

PABLO CASALS, 1876–1973

(By Harold C. Schonberg)

At the end, of course, Pablo Casals was a symbol. Anybody who lived to his great age—96!—would automatically be a symbol. But in his case, the Casals legend was based on a good deal more than mere seniority. Nobody would seriously argue against the fact that for many years he was the world's greatest cellist. Nobody ever disputed his monomaniacal dedication to music. And then there was his strong stand against dictatorships, which alone would have made him a public figure. And then there was Casals the teacher, Casals the conductor, Casals the player of chamber music, Casals the inspiration. The tiny Catalan musician carried enormous weight.

And he knew it. He was conscious of his worth. He would have been a fool had he not known what he was capable of when he had his cello before him, and Casals was anything but a fool. Some musicians can be simple-minded. Casals, all are agreed, had a shrewd peasant streak in him.

Basically a simple man, he nevertheless must have realized that his art transcended himself. He accepted the honors that came his way not only for himself but in the name of music. I really believe this. And he tried to live the part. There was the time in Puerto Rico when he set forth from his house to receive birthday plaudits from the Governor. There was Casals, neatly dressed, sitting in the back of his car, with ineffable dignity, his chin thrust forward, his body erect. And so he remained through the ceremonies. Coming home, he was tired. His body slumped a bit; his eyes struggled to remain open. But that peasant stubborn chin was thrust forward as strongly as ever. The man was 90 years old at the time.

Like all great instrumentalists, he was born to music. As a baby he had a perfect ear. By the time he was 7, he was a soprano in the church choir, a decent enough pianist, a budding violinist, a boy hypnotized by sheer sound. Curiously enough, he did not start the cello until he was about 12. That is last for an instrumentalist. But it turned out that he and the cello were one; the instrument was an extension of his hands, his body, his ears, his brain.

And so he went on to his great career. What a career it was! There was his discovery of the Bach suites when he was not yet 14. "For 12 years I studied and worked every day at them, and I was nearly 25 before I had the courage to play one of them in public." Musical considerations aside, it did take courage. The cello, in Casals's early years, was more a salon than a serious instrument. Virtuosos avoided Bach and the Beethoven cello sonatas, and instead had a repertory consisting largely of display pieces and lollipops. Those pieces were also in the Casals repertory, as witness the series of Columbia records that were issued in the World War I period—"The Swan," "Song to the Evening Star," and so on. But as the years went on, Casals dropped this literature entirely.

As early as 1900, he and the pianist Harold Bauer were bringing the masterpieces of the literature to the public. His association with Bauer, that elegant musician, lasted for many years. Then there was Casals's part in the trio he formed with two great French musicians—the pianist Alfred Cortot and the violinist Jacques Thibaud. Their recordings made history. How many of us were introduced to the trios of Schubert, Beethoven, Schumann by the Cortot-Casals-Thibaud Trio! It also was in the 1920's, after the advent of electrical recording, that Casals's own great series started. His performances of the great cello concertos—Schumann, Dvorak, Elgar, Boccherini. The six Bach suites. And so to his festivals at Prades and Perpignan, where he and a group of eminent musicians including Rudolf Serkin made records of a good part of the chamber music literature.

As a musician, he was a romantic. What else could he be considering a birthdate of 1876? (Remember: the Civil War was only about 10 years over; the Bayreuth Festival was having its opening season; Queen Victoria had another 25 years to reign.) Casals the interpreter was an apostle of warmth, free tempos and the right—no, the necessity—of the player to add his own ideas to the ideas of the composer.

There was a period, during the strict liberalism of the 1930's, '40's and '50's, when Casals' ideas about interpretation were somewhat looked down upon by the younger generation. Yes, he could play the notes—but *so free! So romantic!* Ugh! It is only in the last decade or so that musicians have come to realize that the controlled emotionalism of a Casals may be closer to the spirit of Bach and Beethoven than the antiseptic performances, devoid of imagination, that once were considered "musicianly."

And so Casals lived a legend, and died a legend. And it was a real legend, one that Casals had righty earned. In him came together a set of attributes that few musicians have matched. The man was largely responsible for modern cello playing, was instrumental in furthering the cause of chamber music, and lived and died for music. His was an important life. And in most respects it was a beautiful life.

THE ENERGY DILEMMA

Mr. MOSS. Mr. President, 22 outstanding faculty members from diverse backgrounds participated in a 1973 Summer Faculty Program in Engineering Systems Design, jointly sponsored by the National Aeronautics and Space Administration and the American Society for Engineering Education.

The 22 faculty members included 20 with Ph. D degrees. The degrees were not only in science and engineering, but also in psychology, economics, law, and political philosophy.

The subject of the study was "The Energy Dilemma and Its Impact on Air Transportation." The study report, numbered NGT–47–003–028, was just released.

Mr. President, I would like to commend this report to my colleagues. I ask unanimous consent to print in the RECORD a portion of the foreword as well as the summary of recommendations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREWORD

". . . The objectives of this systems design program included the following:

(1) To provide a useful study of a broadly based problem of society that required the coordinated efforts of a multidisciplinary team.

(2) To provide a framework for communication and collaboration between academic personnel, research engineers, and scientists in governmental agencies and private industry.

(3) To generate experience and foster interest in participation in and development of systems design activities and multidisciplinary programs at the home institutions of the participants.

These three objectives were met by an intensive systems study of the energy crisis and its effect on transportation, particularly air transportation. The report resulting from this interdisciplinary effort is intended to communicate the dimensions of the energy situation and its impact on air transportation to the general public, to governmental bodies, and to policy makers on the local, state, and federal levels. To be realistic, such a study must encompass a wide range of social, technical, legal, and economic considerations. Therefore to address this study, a group of 20 investigators, including representatives from 10 different academic disciplines, was assembled. The result was a multidisciplinary team with a broad variety of expertise that could be brought to bear on one of the nation's most critical problems.

The presence of a multidisciplinary team has been essential to the success of the study, but the program has been greatly enhanced by visits from many lecturers and consultants from various industries, government agencies, and academic institutions. . . ."

SUMMARY OF RECOMMENDATIONS

". . . A wide range national energy policy is needed now. This should include the following recommendations:

A national energy conservation program should be established which would include:

a. Coordination of conservation efforts and establishment of an energy conservation consciousness in the American public.

b. Institution of a penalty tax on new cars on a sliding scale in proportion to their gasoline consumption rate.

c. These plans should be implemented immediately before the energy dilemma is out of control.

The federal government should conduct a campaign to inform the public about research-initiated technological change, and to determine the best methods for overcoming unfounded public resistance to such change.

An energy data bank should be established.

Energy research should be diversified according to the following guidelines:

a. Federal funding levels should be increased.

b. Development of solar and geothermal energy should receive as much emphasis as nuclear energy development. The solar energy forms would include wind, ocean thermal gradients, solar thermal conversion and photovoltaic conversion.

c. Major investment should be placed in diversified research, development and production of new sources of fossil fuels.

d. Federally-financed coal research should be continued, expanded and integrated, including conversion into clean portable fuels.

e. Research into coal mining techniques including environmental hazards should continue and full land reclamation should be required for all surface mining operations.

f. Federally-funded research should continue toward the development of a safe commercial breeder reactor.

g. Fusion research should continue as a long range energy source.

h. The conversion of solid organic waste into clean fuels should be encouraged.

The government should sponsor an accurate reassessment of available U.S. fossil fuel reserves and production capacity.

Public utilities should be made to pay premium rates for use of prime energy sources such as oil or natural gas so as to encourage central use of other energy sources such as coal, with the attendant pollution control investment requirements.

Environmental, not economic, considerations should dominate the decision regarding disposal of radioactive wastes.

A wide range national transportation policy is needed which would include the following:

a. Government sponsored research should continue toward the development of energy-efficient subsonic aircraft for a wide range of uses, with a reduction in noise and air pollution.

b. Modify the CAB subsidy program to force efficiency in air service to small communities.

c. The federal government should revise the air transportation tax structure so that general tax revenues are not uesd to support air travel, and so that the payment of the air transportation taxes encourages energy efficiency.

d. Encourage economy and charter flights which will fill the airplanes to capacity.

e. To achieve economic and energy efficiency, the CAB should revise its regulatory policies so that the airlines will minimize the duplication of flights and better match aircraft to their intended mission.

f. Provide stand-by economy ticketing for the poor and elderly.

g. Place revenues from user taxes into a general Transportation Fund with allocations from this fund based on a national transportation plan.

The government should establish an extensive research program leading toward the development of a hydrogen economy.

The federal government should fund the development of economical techniques for generating hydrogen from nonfossil sources.

Research on the use of hydrogen as an energy transmission medium should be supported.

A demonstration project should be established to show the feasibility of using hydrogen as a regular jet fuel, with NASA in charge of the project.

Other demonstration projects should follow which would show the feasibility of using hydrogen to power trains, buses, and cars, and as a household fuel.

The federal government should undertake an extensive research program to resolve the present impasse between the environmentally concerned on the one hand and the nation's real energy demands on the other."

CONSUMER PRODUCT SAFETY COMMISSION

Mr. BIDEN. Mr. President, in recent years, the Federal Government has taken an increasingly active role in protecting the consumer. A major step forward was the creation of the Consumer Product Safety Commission charged with promulgating and enforcing safety standards for consumer products.

I would like to bring to the attention of my colleagues an article appearing in the Wall Street Journal on October 1, 1973, which describes some of the activities of the new Commission. I think it is important to publicize its activities in order to promote its efficiency. The consuming public will best be protected by increased awareness of potential hazards and, at the same time, the Commission will be able to focus on those items which it knows are causing injury. This article points out that the Commission intends to focus its actions on products it considers most hazardous, according to injury reports at 119 hospital emergency rooms.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONSUMER SAFETY PANEL TO FOCUS ACTIONS ON PRODUCTS IT RANKS AS MOST HAZARDOUS

WASHINGTON.—The Consumer Product Safety Commission, after months of preparation, is beginning to flex its regulatory muscle.

The five-member commission, which exerts authority over an estimated 10,000 to 100,000 products, doesn't expect to ban any items from the market. Rather, the agency will focus on enhancing the safety of those products that cause the most frequent and severest consumer injuries.

Among its major steps will be issuance of required safety standards for such items as swimming pools, slides and swings and football equipment.

The commission, authorized last year by the Congress and established in May, has prepared a priority list based upon injury reports at 119 hospital emergency rooms. So far, the commission's regulatory actions have been largely based on groundwork laid by the Food and Drug Administration and other agencies whose consumer-product tasks it assumed.

But Richard Simpson, commission chairman, made it clear that the agency will base its future actions on the needs shown in its new priority list, made public yesterday. "We will be working from the worst case first," he explained. "The companies that produce products near to the top of the list have a more immediate problem than the manufacturers near the bottom."

The commission estimates that 20 million Americans are injured and 30,000 killed each year by consumer products, excluding automobiles, with a cost of $5.5 billion in medical care and economic loss. The consumer products ranked as the 10 top causes of injury by the commission are: bicycles and bicycle equipment; stairs, ramps and landings; doors other than glass, including garage doors; cleaning agents and caustic compounds; nonglass tables; beds; football and related equipment and apparel; swings, slides and other playground equipment; lighting fluids inincluding charcoal starters, and sliding glass doors, windows and other glass enclosures.

All told, the agency ranked 369 consumer products in order of their hazard to users. The top 50 were responsible for 3.6 million of the estimated 20 million injuries a year. Mr. Simpson says 70% to 75% of the commission's regulatory actions will be guided by the priority list. He said the agency will attempt to adjust its corrective steps, which could range from merely disseminating information to an actual product ban, to the severity of the hazard, the prospect for success, economic cost and the actual exposure of consumers to risk.

But he stressed that other information coming to the commission from consumer complaints and requests for action from other organizations also will play a role. For the near future he indicated that these steps are probable:

A safety standard for swimming pools designed to deal with problems of shallow depths, diving boards and water slides, shock hazards arising from lighting and slippery surfaces.

Safety standards for football equipment focusing on increasing the protection offered by helmets and other equipment. The commission has been requested by the Football Players Association, representing professional players, to set standards for artificial playing surfaces and impose a moratorium on the installation of new synthetic turf until standards are imposed. The players contend the turf causes burns and a variety of other problems. Football-team owners have asked the commission to take no action. Mr. Simpson says the agency will decide this controversial issue within a week or so.

Standards for swings, slides and other children' playground equipment regulating the minimum strength of metal chains and the required space between swings.

AMERICAN LEGION COMMEMORATES VETERANS' DAY

Mr. MATHIAS. Mr. President, Rear Adm. Robert Y. Kaufmann, U.S. Navy, was the grand marshal for the 41st annual parade and Veterans' Day celebration sponsored by Steadman-Keenan Post, American Legion No. 96, Brunswick, Md.

Admiral Kaufmann is the Director, Strategic Submarine Division, U.S. Navy. He is a Marylander who was appointed to the Naval Academy in the class of 1945. As the officer primarily responsible for Trident development, he is charged with planning the security of the next generation of Americans.

The mayor of Brunswick, the Honorable Jess D. Orndorff, welcomed the thousands of persons who had come to participate in this traditional ceremony. The program was ably conducted by the general chairman, Ellwood Wineholt. The principal address was delivered by Robert N. Ford III, commander, Department of Maryland, American Legion.

Mr. President, I ask unanimous consent that a copy of Commander Ford's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF DEPARTMENT COMMANDER ROBERT N. FORD III

Veterans Day honors those men and women who manned the defense in time of crisis when their country and her freedom and principles were endangered.

Veterans Day is thus, inescapably, a poignant reminder for Americans of the lesson spread across the pages of two centuries of the nation's history. This lesson written with sacrifice and hardship by veterans, is that freedom must be maintained by each succeeding generation.

In their task of defending and maintaining this heritage of freedom that is ours, veterans have learned this great truth from the heart, as no other person lacking their experiences of service to their country could.

Veterans know from hard experience that the defense of this great heritage founded upon freedom has never been and never will be free of pain, free of struggle and free of individual and collective concern and effort. This is a truth faced in every generation, in every year and, yes, in every day of the life of this nation and society.

More than 38-million men and women have served in the United States Armed Forces from the Revolution onward and more than 27-million are still living. Living veterans and their families, plus the living dependents of deceased veterans, constitute about one-half the present United States population. I don't believe you can find another single day that honors so many in tribute for a job well done.

Veterans Day as a national observance, goes back to the great outpouring of relief, of patriotism, of prayerful thanksgiving and unrestrained joy which marked the end of the first World War. Perhaps never again will our nation witness the jubilation of that first Armistice Day.

Young America has been tried in the most terrible war the world had, until then, ever known. The United States had not been found wanting in this test. Its men and material provided the margin of victory. The United States had fought and won "a war to end wars"—a war "to make the world safe for democracy."

The fact that war was not banished from the world, that democracy is as seriously threatened today as it was then, takes nothing from the achievements and the sacrifices of World War I. The honor and esteem in which we hold the veterans of that war today is not lessened by the knowledge that the world and the nation failed to achieve the ultimate victory over evil for which they fought.

From the vantage point of history, we know that World War I was not a war to end wars, but simply another chapter in man's long struggle for freedom and dignity. We have relearned the hard truth that each generation must meet the evil of its time, that as yet there has been no final battle which will bring lasting peace, that no sacrifice, however great, makes further sacrifice unnecessary.

For many years thereafter America celebrated "Armistice Day" each November 11. Unfortunately for the world, the name proved all too fitting. The dictionary defines "armistice" as "a brief cessation of hostilities." And that is what America experienced.

World War II came, and old battles had to be refought on an even bloodier field while a new enemy was licking at our western shores. Americans were called upon to meet the threat of aggression and tyranny in Korea and South Vietnam.

In 1926, Armistice Day was made the official name for November 11th by Congressional resolution. The historical significance of this date was the fact that World War I came to an end on the 11th hour of the 11th day of the 11th month. In 1938, similar action made the date a national holiday.

It remained that way until 1954 when Congress gave the day its broader designation of Veterans Day. The new order spelled out that this day would be one to honor all the nation's veterans, from all wars, both living and dead.

In this change, the veterans of World War I sacrificed their right to an exclusive day in memory of that war. But, in the light of history, the new name seemed appropriate. For the meaning of the word armistice has changed greatly since 1918, when it meant not just an end to a war, but an end to war as an institution. Today its meaning is much closer to the dictionary definition—a truce, a temporary halt to hostilities, with a great deal of emphasis on "temporary."

We do not Honor our Vietnam Day on Nov. 11th but October 22. I am sure all of you know that the date was changed by law to a Monday and that the sole basis for changing the observance date to create a three-day holiday weekend.

Ladies and gentlemen, I must go on record and point out to you, The American Legion has opposed this blatant disregard for historical fact. Such an arbitrary change diminishes the importance long attached to this historical date.

For many years now, our generation and the young men who have followed us to maturity have accepted as a fact of life the necessity of performing some sort of military service. For us and for them it was not a matter of whether or not to serve, but simply, how and when.

In America's wars, its citizens from every station of life have accepted and discharged well the heaviest obligation of citizenship—the responsibility of defending their country with their very lives.

This is the lesson of Veterans Day—that ordinary Americans, the everyday people with whom we live and work—are capable of greatness when great demands are made upon them. And have no doubt about it. Great demands were made upon America's fighting men and women in every conflict in which we have fought.

On this, the day of all veterans, we of the American Legion ask that all Americans rally to the cause of freedom. Great demands are being made on us today, as we are faced with many problems, both internal and external. And it goes without saying that we live in a nation and a world that is far from perfect.

However, all too frequently, we have seen Americans of all ages downgrade their country by emphasizing America's faults while completely ignoring her virtues. While we certainly rejoice over the cease-fire in South Vietnam and the return of the prisoners-of-war, we also witnessed at the same time—during the years of the Vietnam war—the degradation of honorable military service.

Noted experts have observed that when the citizens of a nation assume negative attitudes, national pride is weakened and the national fabric endangered. A nation without pride is a nation headed for history's scrapheap, and it is the task of all Americans to reverse this negativism.

If we fail our responsibility to maintain our national pride, then the United States will have failed its heritage—then will the sacrifices of the veterans of the nation's wars become empty and meaningless.

On this day, so rich in American tradition, let us, resolve that this shall never happen, that America will be preserved for our children, our children's children, and for countless generations yet to come.

Certainly, it is the hope and prayer of all veterans that neither the young people of today nor the future generations of young Americans will ever be faced with war! Yet, we cannot give you a guarantee, for you know, history has proven to us repeatedly that freedom must be won anew by each generation.

Thank you.

CONTINUATION OF RAIL SERVICE ON DELMARVA PENINSULA

Mr. BIDEN. Mr. President, the Delmarva Peninsula consists of portions of the three States of Delaware, Maryland, and Virginia south of the Chesapeake and Delaware Canal. While the area is not heavily industrialized, it does have a substantial number of thriving business enterprises which bolster the economy of the area and provide employment for its residents. Many of these business enterprises depend upon continued railroad service for their successful operation. Also vital to the economy of Delmarva are its general agriculture and its poultry industry. These too depend upon railroad service.

Because the area is completely surrounded by water there are only two rail links with the Nation. One of these is over a bridge over the Chesapeake and Delaware Canal, which connects with the northern part of Delaware. The other is a car float operation between Little Creek—Virginia Beach—and Cape Charles on the peninsula. Both of these connections provide essential service to industry and agriculture in Delmarva. The particular importance of maintaining two rails links was demonstrated recently when a ship hit the railroad bridge over the canal, putting it completely out of commission. Only the existence of the car float operation prevented a major economic disaster.

I have received a resolution from the Delmarva Advisory Council, a representative group of citizens and officials of Delaware, Maryland, and Virginia. This resolution urgently requests:

> The preservation of the present rail service and that the car float link so vital to the rail service of this peninsula be given unrelenting support and assistance.

Rail services to the peninsula are a part of the Penn-Central system that is now in bankruptcy. It is important that the Congress give priority attention to continuing rail service in the Northeast part of our Nation. In doing so we must not lose sight of the importance of rail links such as this one to the economic health of certain areas.

Mr. President, because of the importance of this matter, I ask unanimous consent that the resolution of the Delmarva Advisory Council be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Special Railroad Committee Requested Resolution

(Adopted by Delmarva Advisory Council, Salisbury, Md., Sept. 19, 1973)

Whereas, the Delmarva Advisory Council is a representative group of interested citizens and officials of Delaware, Maryland and Virginia; and

Whereas, this council has been requested by a specially formed Railroad Committee to request, by resolution, that the Delaware, Maryland and Virginia governors and congressional legislators oppose the abandonment of the Penn Central rail and car float links, which is the Wilmington-Salisbury-Norfolk core; and

Whereas, the Penn Central operation on the Delmarva Peninsula is essential to the economic survival of this area; and

Whereas, the car float operation from Little Creek (Virginia Beach)-Cape Charles is an integral part of the railroad's operation on the Delmarva Peninsula and is essential in stopping the deterioration of the Delmarva rail service; and

Whereas, the industrial park areas of Delaware, Maryland and Virginia supported by Delmarva Advisory Council, the Economic Development District organization, and financed by the Economic Development Administration and local funds, will be drastically affected;

Now, therefore, be it resolved, that the Delmarva Advisory Council urge the Delaware, Maryland and Virginia representatives to use their appropriate offices to advocate the continuation of the rail service on the Delmarva Peninsula; and

Be it further resolved, that the Delmarva Advisory Council, at a regular meeting held in the office of the Delmarva Advisory Council on the 19th day of September, 1973, did vote unanimously that all urgency be placed upon the preservation of the present rail service and that the car float link so vital to the rail service of this peninsula be given unrelenting support and assistance to the promotion of this endeavor.

EFFECTIVENESS OF AIRCRAFT CARRIERS DURING MIDEAST CRISIS

Mr. THURMOND. Mr. President, much has been learned from a military standpoint as a result of the recently concluded hostilities in the Middle East.

U.S. weapons systems employed in this conflict were used by Israeli forces while on the other hand the Arab nations were utilizing weapons supplied principally by the Soviet Union.

While it is possible to state at this time that the performance of some of the newer systems was outstanding, it is too early to fully assess and evaluate the military lessons which should receive the attention of the Defense Department as well as the Congress.

However, there can be no doubt that the presence of U.S. aircraft carriers in the Mediterranean was the key to the survival of Israel in the face of this sudden and overpowering military aggression.

Because of the unwillingness of our NATO partners to assist us in aiding Israel, it was necessary to fly planes from the mainland United States to Israel, using only aircraft carriers as landing fields and supply points enroute.

For many years I have argued strongly that aircraft carriers are indispensable in a world in which three-fifths of the surface is covered by water. The use of our carriers in the Mediterranean and the President's deployment of a carrier task force into the Indian Ocean were key moves in assuring the survival of Israel.

Columnist Bill Anderson of the Chicago Tribune has written an article on this point in the November 1, 1973, issue of that outstanding newspaper. I ask unanimous consent that this article be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

How Do-Nothing Allies Strained United States

(By Bill Anderson)

Washington.—One of the many lessons to come from the Middle East war is that the United States military—for the second time since 1970—found it could not count on European allies when it came to a crunch.

Had it not been for Navy carriers, the Israel resupply airlift also might have failed and this would have changed the ending ultimately written on the Sinai Desert. The carriers, three of them as it turned out, acted as landing fields for A–4 jets and as refueling stations for F–4s flown to Israel as replacements.

Still, the absence of cooperation from partners in the North Atlantic Treaty Organization stretched the limits of the American military to a nearly incredible degree. The picture we obtained from Washington sources is this:

The United States Navy, backbone of the American presence in the Mediterranean, was drastically outnumbered by the Russians. At this writing, the Soviets have continued to increase their naval forces in the area, bringing their surface strength to about 90 ships.

What troubled the American navy perhaps more than the numbers [we had about 66 surface ships toward the end of the drama] was the logistics. In regular times, the combined U.S. military presence can draw directly on its resources from Spain, Italy, Greece, and even Turkey along the southern flank of NATO.

When the allies refused to cooperate [and this included West Germany and England], the supply chain for the United States became almost 6,000 miles long. Even with aerial resupply tankers, this strains the ability to move conventional jet fighters. It also means that oil for ships has to be more carefully calculated in the long supply runs.

But by a stroke of luck, the carrier Franklin D. Roosevelt had been on maneuvers in the Atlantic, and she came to the rescue of planes flying the first leg of the long haul to refurbish the Israeli air force. Navy intelligence and estimates of the potential confrontation had also resulted in correct evaluations in enough time to get the supplies rolling.

In fact, the Navy foresaw the potential for Soviet intervention long before Western diplomats were willing to concede that Russia would dare place its own men directly in a combat environment in the Middle East.

Naval intelligence in the Mediterranean is far better than imagined in some quarters, perhaps because it is always under the gun. For example, the Navy has been aware for some time of the exact number of Russian submarines operating in the area. Those vessels outnumber our submarines there almost four to one.

Altho some of the Russian equipment is nuclear powered, there are large numbers of diesel "Fox Trot" types operating with missiles that can be targeted to surface ships. [They have only a few short-range antiballistic-missile submarines in the area and have held back two helicopter carriers in the Black Sea.]

"You can say that it was a very bad place to get into a fight," said one of our sources.

It was pointed out that thruout the crisis that Russian submarines tracked most of the surface elements of the U S. Sixth Fleet and used satellites for double checking—and do so even today. Land-based Soviet air power, which did not materialize over the ocean areas in any large numbers, would drastically complicate the problem in any future emergency.

As it was, Russia overflew Turkey with her transports containing SAM–6 missiles, which destroyed well in excess of 100 planes in the Israeli air force. Portugal was the only partner in NATO which permitted the United States free access to bases developed over the years. There was some under-the-counter support from two other allies, but nothing overt or directly traceable in a diplomatic way.

The estimates here are that the European nations that they were buying this winter's supply of oil by not assisting the United States. It is the American military estimate that if the Western world loses control of the Middle East, the oil supplies will then be totally dominated by Russia.

LACONIA'S WOMAN OF THE YEAR

Mr. McINTYRE. Mr. President, on October 23 the Laconia, N.H., Business and Professional Women's Club presented its 1973 "Woman of the Year" award to Mrs. Julia Elizabeth "Betty" Jessup. This was a wise selection and one which gave pleasure and satisfaction to all of us who know Betty Jessup or her work.

Laconia is my home town, Mr. President, and there are few, if any, in our town who do not know Mrs. Jessup or her work.

Like all close communities, Laconia collectively rejoices over the individual triumphs and achievements of her citizens, and collectively grieves over their individual sorrows.

On that week of October 23, Mr. President, Laconia did both, for as Betty Jessup was winning personal recognition for her multiple achievements as a nurse, as a wife, mother, and homemaker, as a teacher, a church, and civic leader, she was losing her husband of 32 years, the late Dr. James Jessup, who passed away only hours after the award presentation.

I would like to take this opportunity, Mr. President, to express my sorrow over Betty Jessup's loss as I extend my congratulations on her selection as Laconia's Woman of the Year.

Betty Jessup is a nurse, pursuing that

career from the time of her graduation from Skidmore College's School of Nursing, and serving, successively, as medical supervisor at the American University Hospital in Beirut, Lebanon; as obstetrical supervisor at Mt. Auburn Hospital in Cambridge, Mass.; as supervisor and instructor at New Haven Hospital and the Yale School of Nursing; and, for the past 15 years, obstetrical nurse at the Lakes Region General Hospital in Laconia, where she has been assistant director on nights for the past 4 years.

She is past president of the Graduate Nurses Association; past president, past secretary, and now board member of district III of the New Hampshire Nurses Association; is on the committee on nursing education of that association; and teaches home nursing, mother and baby care courses for the American Red Cross.

But Betty Jessup is more than a nurse who, through the years has comforted, served, and treated and taught apprehensive mothers-to-be, the hopelessly ill, accident victims, the elderly, and nursing students. She was the wife and helpmate of Dr. James Jessup, whom she married in Beirut, Lebanon in 1941, and is the mother of three; a church leader; and an active participant in the life of the Laconia community.

Betty Jessup is past adviser for the youth group at the Congregational Church; teaches Sunday school; teaches poise, homemaking, and adult life preparation to teenage girls in the Latter Day Saints Church "Mutual" program; and teaches social relations in the Women's Relief Society. And she demonstrates responsible citizenship by serving on the board of directors of the League of Woman Voters.

I am confident, Mr. President, that Laconia's "Woman of Achievement—1973" was so designated not for her professional prowess, not for her homemaking; not for her church and community activities, but for the truly admirable way she has combined these achievements, honoring each and slighting none.

IN SUPPORT OF PUBLIC FINANCING

Mr. BIDEN. Mr. President, on numerous occasions, I have stressed my continuing strong support for the public financing of Federal elections. As the debate concerning this concept continues, I have become increasingly convinced that no matter how well-intentioned campaign reform legislation is, stronger measures are needed to restore the American peoples' faith in the electoral process. Our citizens have become disgusted with the proliferation of illegal activities that have marred recent elections and demand that such illicit behavior be prevented in the future. By removing a candidate from the potentially corroding dependence upon large contributors, public financing would be a major step toward improving our elections. Candidates would have to address themselves to the vast majority of our people, not the very rich who have always provided the funds necessary to run for office. In short, public financing would allow a return to the one-man, one-vote concept that originally was incorporated into the election process.

Philip M. Stern, writing in the Washington Post on October 7, 1973, discusses the public financing of elections and raises some new arguments favoring the concept. Addressing himself particularly to the cost inherent in public financing, Mr. Stern suggests some financial benefits that may accrue with the inception of publicly-financed elections. As he states at one point;

> If the existence of public financing of elections could have prevented (or reversed) just these two governmental decisions that would have netted the taxpayers a 200–300 per cent return on their public-financing "investment" in the case of milk and a 2,000 per cent return in the case of oil.

Developing the argument even further, Mr. Stern concludes:

> The only way to do away with the large contribution is to make it unnecessary; and the only way to do that is to assure each candidate a minimum campaign budget, for which he will be beholden equally to all his constituents—that is, from tax-supported funds.

Mr. President, I concur with Mr. Stern's arguments and ask unanimous consent that the full text of his article, "Politics and Public Financing" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS AND PUBLIC FINANCING: A GREAT BARGAIN

(By Philip M. Stern)

With remarkable rapidity, public financing of elections has suddenly become an enactable and widely debated program. It won 38 votes in the Senate on July 26 (not counting seven announced proponents who voted nay on procedural grounds); it was the subject of Senate hearings in September, and it is attracting new adherents who heretofore have been cool or opposed to the idea—ranging from the AFL–CIO to George Spater, the former chairman of American Airlines who admitted responding to Nixon fund solicitation with a $55,000 illegal contribution of corporate funds.

As the debate proceeds, new facts and arguments for public financing are being advanced and some old objections are being answered. For example, some new calculations by the Center for Public Financing of Elections may allay one of the main fears about federal aid to campaigns: the potential cost to the taxpayers, especially if the lure of federal assistance produces a deluge of candidates in primary contests. The Center has calculated that, even under the broadest and most generous plans thus far proposed, the cost of federal assistance in all elections—primary as well as general—for the House, Senate and the presidency, would not exceed $262 million a year, or $1.88 for each of the 140 million eligible voters in America.

TWO ASSUMPTIONS MADE

Seeking to build its cost overruns into its projections, the Center's $1.88-per-voter figure assumed a trebling of the number of congressional primary candidates over those who filed in 1972. But the Center also found that even if the number of candidates were to quadruple, rather than merely treble—that is, even if an *average* of 14 House candidates in each congressional district and 26 Senate candidates in each state were to enter the primaries *and* qualify for federal assistance—that would merely add 30 cents per eligible voter to the annual cost of public financing of elections.

Even then, the cost per voter would be little more than $2 per year. That is about one-hundredth the projected cost over the next decade of cleaning up the environment—surely not an excessive price for cleaning up American elections.

BARGAIN OF THE DECADE

Indeed, public financing of elections would be the greatest bargain of the decade for taxpayers and consumers, since it would remove the hidden costs of financing elections, which mount into the billions every year.

Take, for example, just two governmental decisions that were hugely expensive to the public. The first involves the $500 to $700 million in higher milk prices that apparently resulted from the contributions to the Nixon re-election campaign by the major milk producers. Prior to the dairymen's display of generosity, the Secretary of Agriculture could find no evidence to justify an increase in the government support price of milk. But after the dairymen had met personally with the President and after they had begun pouring what became more than $400,000 into the Nixon campaign chest, the Agriculture Secretary discovered new "evidence," and announced a boost in the support price of milk that is now costing millions of milk buyers some $500 to $700 million a year in higher milk prices—twice to three times the maximum annual cost of federal campaign assistance.

Second, in 1970, Mr. Nixon refused to abolish oil import quotas, as recommended by his own Cabinet task force, and thereby deprived tens of millions of oil consumers of a $5 billion annual saving—20 times the yearly cost of public election financing. That is, the President sided not only against his own Cabinet's portrayal of the national interest but against tens of millions of consumer-voters and in favor of a single industry whose members had contributed at least $500,000 to his 1968 election campaign.

If the existence of public financing of elections could have prevented (or reversed) just those two governmental decisions that would have netted the taxpayers a 200–300 per cent return on their public-financing "investment" in the case of milk and a 2,000 per cent return in the case of oil.

Is it reasonable to suppose that public financing could have that effect? I think so. In the milk and oil cases, the influence of big contributors was potent enough to prompt a President, faced with the task of raising millions of dollars from private sources, to risk angering millions of voters. But suppose, in both cases, that public financing had been in effect, with the campaign fund assured in advance, and with the President beholden equally to every voter for it. Under those circumstances, wouldn't a politically-sensitive President be far more inclined to side with the millions of voters rather than with the handful of donors?

CAPITAL GAINS TAXES

Certain tax preferences, whose benefits are confined to the very rich, represent an even more blatant flouting of the one-person-one-vote principle—at enormous expense to the average taxpayer who contributes little or nothing to political campaigns. For example, the favored taxation of capital gains costs the taxpayers $14 billion a year. Who benefits from that tax preference, and who foots the bill? Hard Internal Revenue Service statistics provide the answer: 90 per cent of all taxpayers receive no capital gains and are thus wholly excluded from the blessings of this tax favor; only 1 per cent receive a significant amount of capital gains each year. That means that the lowest 99 per cent of the people are footing a $14-billion bill for the top 1 per cent.

Now, given that astounding 99 to 1 ratio, why aren't more candidates for office clamoring for the repeal—or at least the substantial tightening—of this preference-for-the-rich-only? The answer lies in the universal dependence of candidates on large contributors.

An illustration will show this is more than pure surmise on my part: in 1970, Joseph Duffey, then a candidate for the U.S. Senate from Connecticut (as well as national chairman of ADA), had the temerity to propose repealing the capital gains preference. And what happened? First a businessmen's fund-raising lunch in New York was abruptly canceled; then, many of Duffey's wealthy (albeit liberal) contributors descended upon him in indignation. Such a reaction hardly encourages a candidate with a million-dollar campaign budget to espouse causes offensive to the wealthy, from whom the bulk of his campaign funds emanate.

But, if all candidates for federal office could be assured in advance of a minimum campaign budget, supplied equally by all the voters, reforms that offend the wealthy would no longer be politically "out of bounds," far more candidates would be willing to debate them, and, as candidates' silence was broken and the public became educated as to who was benefitting and who was paying the bills, I believe that many of these preferences for the rich would soon be repealed or substantially tightened. To the extent that is true, then the billions that now are affected by these preferences must be reckoned as part of the cost of the present system of private, fat-cat-dominated financing of campaigns.

Public financing would net far more than a dollars-and-cents return. It would open up politics not just to new ideas but to new faces. In his forthcoming book, "Who Shakes the Money Tree," George Thayer argues that federally provided campaign funds would merely serve to entrench those already in power. But a new study of the 1972 elections by Common Cause shows that it is the present system that favors the incumbents and deters their challengers. In the 1972 congressional campaigns, incumbents raised more funds than challengers, on the average by 2 to 1. They were especially dominant over challengers in attracting the funds of organized groups of contributors.

This, of course, merely compounds the advantages inherent in officeholding (greater public renown, better access to the mass media, government-paid staffs and mailing etc.). Little wonder that, since 1954, more than 90 per cent of House incumbents who have sought re-election have successfully fended off challengers.

UNCONTESTED ELECTIONS

Even those figures don't tell the whole story, for they do not speak of the remarkable number of congressional elections that, under the present system, are uncontested. In 1972, fully half of all House primary elections were uncontested. Even in the general election, the winning candidate had no opposition in 53 congressional districts. Lack of money is of course not the sole cause, but it is surely a major factor.

But the heart of the problem lies in the universal candidate dependence on large contributors—and by large contributors, I do not mean solely the super-rich like W. Clement Stone, who has bestowed no less than $4 million on the 1968 and 1972 presidential efforts of Richard Nixon. It goes much deeper than that.

After all, only a tiny fraction of the population can afford to give $100 or more to a single political candidate. And yet, two-thirds of all congressional campaign funds raised in 1972 came from $100 and over contributors. Even in the case of Sen. McGovern, whose direct-mail solicitation of small gifts was remarkably successful, $21.3 million of his 1972 presidential campaign funds came in gifts of $100 and more.

Tighter disclosure laws will not reduce that dependence on large givers; neither will ceilings on campaign spending, which still leave candidates faced with the need to raise large amounts of money. It's doubtful, too, that tax incentives alone will solve the problem: such incentives were in the law, in 1972, yet nearly two-thirds of all congressional campaign funds still came from a small segment of the population.

The only way to do away with the large contribution is to make it unnecessary; and the only way to do that is to assure each candidate a minimum campaign budget, for which he will be beholden equally to all his constituents—that is, from tax-supported funds.

And why not? Election campaigns are, after all, very much the public's business—and one of the few examples of the public's business not financed by tax-supported money. Every other aspect of elections—registration, printing and counting of ballots, purchase of voting machines, etc.—is paid for by the taxpayer, in the interest of honest elections. Private financing of those activities would be unthinkable.

Yet campaigns are an integral part of the election process; why should they be *entirely* privately financed, especially in the face of the overwhelming evidence that the present system badly warps the entire democratic process, giving vastly more weight to the big giver than to the average voter?

S. 1739, INCLUSIVE TOUR CHARTER BILL

Mr. MOSS. Mr. President, once again the consumers of this country are being confronted with untruths concerning pending legislation designed to benefit them. Once again arguments are being used; the legislation will "put us out of business," the legislation will "undermine" existing structures; or the legislation will "destroy competition."

And so when we hear these same arguments we must look at the bill to which are being attributed the same old tired arguments.

In this instance, it is the inclusive tour charter concept as embodied in S. 1739 reported by the Senate Commerce Committee on September 11, 1973, that is the recipient of this tirade of untruths. I first introduced an ITC liberalization bill in the 92d Congress. We held several days of hearings in the Commerce Committee on the measure, and I reintroduced the bill as S. 455 in the 93d Congress. Hearings were again held on the legislation in the 93d Congress, and the record is replete with examples of how inclusive tour charters can and do provide the vacationing public with an inexpensive and convenient method of enjoying the increasing recreational opportunity and leisure time with which our society enjoys.

This legislation is needed because the Civil Aeronautics Board has been unwilling or unable to comprehend the need for relaxation of ITC rules. But even beyond permitting the CAB to eliminate restrictions on ITC's, the Congress by enacting S. 1739, will require the Board to eliminate the burdensome restrictions on interstate commerce which have hindered the development of ITC's.

The principal objection voiced to the legislation has been that ITC's will undermine scheduled service. This is absolutely untrue as the legislation has been drafted. But lobbyists against this significant consumer proposal have resorted to untruths, innuendo, and threats of doom in order to achieve their objectives.

Now, how would the ITC mode serve the consuming public? Simply by removing restrictions which preclude the American people from making the best use of their vacation dollars.

The most vigorous consumer group involved in aviation matters, the Aviation Consumer Action project, which has repeatedly gone to the courts to throw out CAB decisions which were not in the public interest, has endorsed S. 1739. Particularly noteworthy is a letter from Rubin B. Robertson III, the director of the Aviation Consumer Action project. In this letter is the statement that "their effort—Air Transport Association—has been characterized by an utter lack of factual substantiation for their claims, combined with gross distortions of what the legislation says and what effects it will have." The Aviation Consumer Action project goes even further in pointing out that this vicious lobbying campaign is being unwittingly financed by the consuming public. The irony of individual citizens paying for the demise of a proposal to benefit them is disturbing if not shocking. I wrote a letter to CAB Chairman Robert Timm, recommending that the lobbying expenses used to fight S. 1739, be excluded from the rate base during the next round of scheduled air line fare increases. There is absolutely no reason why the traveling consumer should be financing a lobbying effort featuring untruthful and unethical assertions designed to prevent his taking advantage of a proven method of taking economical vacations.

Mr. President, I ask unanimous consent that a letter addressed to the distinguished Senator from Nevada (Mr. CANNON), chairman of the Aviation Subcommittee, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AVIATION CONSUMER ACTION PROJECT,
Washington, D.C., October 2, 1973.

HON. HOWARD W. CANNON,
Chairman, Subcommittee on Aviation, Committee on Commerce, Washington, D.C.

DEAR SENATOR CANNON: As you know, the Aviation Consumer Action Project has been a vigorous and independent advocate of consumer interests in aviation and tourism since its establishment over two years ago. We have consistently urged the airline industry, the Civil Aeronautics Board and various committees of Congress that the public interest and that of the industry will be mutually served by opening up opportunities for low-cost air travel and developing a more healthy competitive environment. Repeatedly, the response of the scheduled carriers has been to oppose any and all needed reforms, demand higher fares and reduce the level and quality of service, making air travel all the less accessible to the great majority of potential customers.

Again the pattern is showing itself as the Senate prepares to vote on S. 1739, which has been favorably reported out by the Commerce Committee. The scheduled airlines and their trade organization, the Air Transport Association, are putting on a massive lobbying campaign in a last-ditch effort to kill this important consumer legislation. Their effort has been characterized by an utter lack of factual substantiation for their claims, combined with gross distortions of what the legislation says and what effects it will have. In reality their opposition to this legislation has been waged through a nationwide campaign of scare tactics and falsehoods. Most outrageous, perhaps, is that the hundreds of thousands of dollars being expended by the airline cartel to defeat this consumer legislation ultimately comes out of the airline passengers' own pockets through air fares that will include this as a cost of doing business.

We wish to make clear ACAP's support for the liberalization of airline charter restrictions which will be accomplished by S. 1739. If this bill is enacted, Americans will enjoy the same opportunities for low-cost vacation travel that Europeans and Canadians have had the benefit of for years. It will help to strengthen the dollar by encouraging foreign tourists to visit the United States (and Americans to get to know their own country, as well). There is no basis whatever for the argument that single-stop ITC authority will eliminate or reduce scheduled service to any community or will put any airline out of business—especially since the scheduled carriers as well as the supplementals will have this authority.

A recent poll by the Gallup organization commissioned by the Air Transport Association shows that only slightly more than half of all Americans over 18 have ever flown on a scheduled airline, and over 77% of their passengers have annual incomes of $15,000 and up. This is indeed a stunning revelation of how the industry, with the CAB's blessing, has virtually priced out of their market all but a small group of upper-income and expense-account travelers. Nothing could demonstrate more clearly the need for reforms which will make low-cost air travel reasonably accessible to the great majority of middle- and lower-income Americans.

The scheduled airlines' fight against S. 1739 in reality reflects their dog-in-the-manger attitude toward the public and the supplemental carriers, who they hope will be forced out of business if this legislation is defeated. But why should they really oppose a means by which travel possibilities can be made available without unreasonable restrictions to the great numbers of people who don't fly now? Instead of trying to strangle this innovation, airline managements should be eagerly anticipating the huge new potential markets which may be opened up, and the tremendous possibilities for growth. It makes one wonder, indeed, why their shareholders are willing to put up with second-rate cartelites instead of first-rate growth companies.

We urge you to continue your vigorous efforts to see S. 1739 enacted into law.

Very truly yours,

REUBEN B. ROBERTSON III.

Mr. MOSS. Mr. President, I firmly support S. 1739, and I believe that most American citizens, if they were able to obtain the truth about this legislation would similarly support it. But whether the bill wins or loses, I must comment upon the current state of lobbying in Washington.

All of us, save perhaps the legislators from the metropolitan Washington area, must frequently make use of air transportation services. Similarly, we frequently have local officials pleading with us to encourage one carrier or another to improve service to our communities. Finally with campaign financing in a somewhat hazy state of having passed the Senate, but not yet being considered in the House, there are always coercive pressures hanging like unanswered questions.

We cannot fulfill the trust placed in us by the voters if we are subjected to unwarranted pressures surrounding a piece of legislation. The innuendoes of service curtailments if ITC legislation is enacted, are as despicable a form of bribery as money under the table.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the Genocide Convention adopted by the General Assembly of the United Nations, and signed by the United States in 1948, was submitted for Senate ratification by President Truman in 1949. Under this convention, the commission of specified acts with intent to destroy national, ethnic, racial or religious groups as such, is made a crime under international law.

The Genocide Convention has as its stated objective the preservation of man's most precious right: the right to live. When this Convention was first submitted, only five nations had ratified it. Today 75 nations have ratified it, including all of our major allies.

It certainly seems to be mystifying that the United States has failed to ratify a convention which is so closely identified with its best traditions. Over the years our shores have been a beacon for human rights—the only hope of freedom for millions. It is important that the Senate again seize the initiative and ratify this Convention during the current session, thereby renewing our dedication to the cause of human rights.

Mr. President, I urge my colleagues to give this matter their most serious attention.

SOLAR POWER HAS BRIGHT FUTURE

Mr. BIDEN. Mr. President, present crises in energy supply dramatize the immediate need for new sources of power. I was therefore pleased to read in the October 29 issue of Industry Week magazine an article entitled "Solar Power Has Bright Future." I would like to bring this informative article to the attention of my colleagues.

The article describes an experiment being performed by planners at the Institute of Energy Conversion of the University of Delaware. They have built a house, called Solar One, with a roof of solar cells that act as collectors and converters of solar energy. Solar One is being operated to collect information and try out new ideas for potential uses of solar energy.

A solar scientist in Ohio feels that solar energy can be put to practical use today, with today's technology, except in the area of heat storage. Without any equipment for it, however, solar energy would provide 40 to 50 percent of a home's heating and cooling needs, but if energy could be stored for just a few weeks, 90 to 100 percent of the home's energy needs could be provided.

Because of the enormous potential for solar energy, I hope the Delaware experiment, as well as those being conducted in other parts of the country, will prove successful. In the meantime, however, I think we ought to be aware of the work going on and support it wherever productive. A recent National Science Foundation-NASA study projects that 10 percent of all buildings constructed by 1985 will have solar climate systems. It appears that a new technology is fast becoming a part of everyday reality.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLAR POWER HAS BRIGHT FUTURE

While "energy crisis" has been turning into an everyday term, a number of projects have been started in an attempt to harness our greatest potential source of energy.

People have studied it, written songs and poems about it, feared it, and some even worshipped it as a god. Now, though, scientists around the world are trying to put the sun to a more practical use. They are trying to convert its rays into usable energy that could help allay the world's energy problems.

This summer, the switch was thrown on an experimental house in Delaware that can convert the sun's energy into both heat and electricity. Its planners at the Institute of Energy Conversion of the University of Delaware, Newark, claim it is the first house to perform this dual feat for domestic use.

Solar One, as the house is called, is the brainchild of Dr. K. W. Boer, director of the institute. Dr. Boer and his team of scientists, engineers, and technicians have built a house with a roof that is an array of solar cells. These act as collectors and converters of solar energy. Electricity is stored in lead-acid batteries. Heat is stored by a complex mixture of chemical salts that hold the heat until it is needed—at night or during cloudy periods.

Solar One is being operated to gather data for the widespread use of solar energy and to test specific techniques. The project is partially backed by the Delaware Light & Power Co.

As an associate of Dr. Boer says, "We don't expect solar energy to provide all the heat and power for homes. But if we can supply 50% to 80% of a home's power from the sun, a utility company would not have peak load problems."

There are indeed many reasons why scientists are looking at the sun as a potential source of energy for man. One major reason is that the potential is so large.

The total influx from solar, geothermal, and tidal energy into the earth's surface environment is estimated to be $173{,}000 \times 10^{12}$ watts. Solar radiation accounts for 99.98% of it. The sun's contribution to the energy budget of the earth is 5,000 times the energy input of all other sources combined.

Radiant energy from the sun is readily convertible to heat, with the only requirement a surface which can absorb the solar energy. If the surface is black, more than 95% of the radiant energy is absorbed and converted to heat. If a fluid, such as air or water, is then brought into contact with the heated surface, the energy can be transferred into the fluid and used for practical purposes.

Theoretically, the heated fluid produced in a solar collector can be used anywhere that conventional fuels are used. Glass-covered flat-plate solar collectors can deliver heated air or water at temperatures of 100 to 200 F., useful in house heating, domestic water heating, crop drying, and many other areas.

The sun is already being put to such uses. In Japan, solar water heaters dot many a roof. In the U.S., many small businesses are springing up, making and selling swimming pool heaters, hot water heaters, solar collectors, and other devices. Now, big business has taken an interest.

MARKET STUDY LAUNCHED

In May, Arthur D. Little Inc., Cambridge, Mass., started a multiclient study to evaluate means of creating a new market for solar climate control.

Dr. Peter E. Glaser, vice president and head of engineering sciences at Arthur D. Little, is director of the project. Dr. Glaser is convinced the time for solar energy is now. "If you look at the total amount of energy we use in this country for household and commercial purposes, it is 21%. We use electric power for this purpose and natural gas and petroleum products. However, reducing this total by 1% would be equivalent to saving 100 million barrels of oil a year. And, we believe that over the next ten or 20 years, we can approach savings of 5% to 10%, eventually 30%, using solar energy."

The Arthur D. Little study is aimed at bringing these numbers closer to reality. The research firm anticipates that new markets for solar climate control systems (heating and cooling) will approach $1 billion worth of equipment over the next ten years. These systems will include solar collectors, heat storage systems, sources of auxiliary energy, heat-actuated air conditioners, auxiliary equipment such as piping, valves, pumps, motors, and on-site power generation, using solar cells to convert solar energy directly to electricity.

The study is aimed at helping industry to realize this goal. First it will identify potentially successful businesses associated with solar climate control, the prerequisites for their success, and ways by which they can be integrated into the construction industry. Secondly, it will evaluate specific hardware and formulate more detailed business approaches. Finally, the study team will assist individual sponsors who decide to initiate business activities in solar climate control.

Dr. Glaser emphasizes that it is not a research program, "but a project to develop practical applications in heating and cooling which conserve conventional energy resources with no detrimental effects on the environment."

Dr. Glaser also points out that within three years he expects various products, associated with solar energy, to appear on the market. Then, depending on how the energy picture develops for all fuels, it is possible that in five years, some firm will be offering a total heating/cooling system for homes.

The major problem to overcome, oddly enough, is not technical but a business problem. The construction industry is so vast and complex that no one is yet sure where and how solar heating/cooling will fit in.

There is another approach that some scientists think could make use of the vast amounts of solar energy that reach our planet. This is by setting up central power stations that would collect solar energy, convert it to electricity, and distribute it to users.

For about a year now, a joint study by the University of Minnesota and Honeywell Inc., Minneapolis, has been working toward this goal. Roger N. Schmidt, manager of solar energy programs at Honeywell, says design of a working model for such a system has been completed and construction should be done by February. One year from now, he says, we will know whether we can collect solar energy with this device and do it at an efficiency of 50% to 60%.

The device is a troughlike shape that is 15 ft long—actual devices would be 40 ft long. It is 4 ft wide (the full-size version would be 10 ft wide) and the inner surface is coated to reflect solar energy onto a heat pipe running down the center of the trough. The pipe conducts absorbed heat to one end where it is used to change water to steam to power an electric generator.

Dozens of the larger version of the collection troughs would be laid out in a remote area, possibly in the Southwest, where they would feed their collected energy to a central powerplant.

Such a solar farm, as Honeywell calls it, could also serve another use. The shade provided by the large troughs would permit grass to grow. Thus cattle could be grazed on this land.

Among the recent proposals for generating electrical power by collecting solar energy in outer space and beaming it to earth via microwaves is one designed by J. T. Patha and G. R. Woodcock, Boeing Co., Seattle.

They told participants at the Eighth Intersociety Energy Conversion Engineering Conference, Philadelphia, that while major engineering development strides will be required to make such a system feasible, the technology is a simple, plausible extrapolation of what we already know today. At least, it is no more or no less feasible than large-scale systems that would be earth-based, they note.

MAJOR TECHNICAL PROBLEM

Just about all the solar scientists claim that solar energy can be put to practical use today, with today's technology. All do admit, however, that there is one area where the technology can stand some improvement.

Jim Eibling, a solar scientist at Battelle Memorial Institute, Columbus, Ohio, explains this deficient area: "What we need are better ways to store heat energy." Without any equipment for storing heat, he points out, solar energy could provide 40% to 50% of a home's heating and cooling needs.

"However, if we could store this energy for just a few days, we could provide 75% of a home's heating and cooling needs. And, we could get up to 90% to 100% if we could store energy for a few weeks."

Some of the more primitive solar energy houses in the U.S. (there are only a dozen or so, usually built by individuals) use stones or gravel to store the heat of the sun. (With today's storage capabilities, these solar houses also use auxiliary heating systems for those periods of prolonged cloudiness.)

Salt mixtures are also being tried by several research teams. The importance of this area of research is indicated by Mr. Eibling: "With present day technology, the average house in the U.S. could get all its energy needs from the sun, if we had long-term storage techniques."

But no one is waiting for this breakthrough. Solar energy projects are moving ahead now. And, a recent National Science Foundation-National Aeronautics & Space Administration study projects that 10% of all buildings constructed by 1985 will have solar climate control systems. That means a $1 billion market over the next ten years.

EMERGENCY APPROPRIATION FOR AID TO ISRAEL

Mr. HUMPHREY. Mr. President, today I testified before the Foreign Operations Subcommittee of the Appropriations Committee in favor of the President's $2.2 billion budget request for emergency military assistance for Israel. I told Senator Inouye's subcommittee that with this legislation the administration is proposing a plan of assistance which carries out the clear intent of the Senate as expressed in Senate Resolution 189 now cosponsored by 70 Members of this body.

I believe that prompt consideration of this legislation will do much to uphold the balance of power in the Middle East and thus increase the chances of maintaining the cease-fire. As I said in my testimony:

> Only a strong Israel will be able to convince Egypt, Syria and their allies that a resumption of the war is fraught with serious and certain danger to their forces.

Mr. President, I believe a very strong case can be made that Israel has a definite military and economic need for this emergency assistance. An article in the New York Times by Mr. Terrence Smith documents the severe financial burden caused by this war for the Israeli Government and individual citizens.

Mr. President, I ask unanimous consent that my testimony before the Appropriations Committee, a copy of Mr. Terrence Smith's article, and a copy of Senate Resolution 189 with a complete list of cosponsors be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement by Senator Hubert H. Humphrey Before the Foreign Operations Subcommittee, November 5, 1973

Mr. Chairman, I appear today before your distinguished Subcommittee in support of the President's proposal to authorize $2.2 billion in military grant assistance and credit sales to Israel.

I consider this legislation imperative to the maintenance of peace in the Middle East.

If the balance of power is to be upheld, if the ceasefire is to continue, and if direct negotiations are to occur, the Arab world and the Soviet Union must realize that Israel cannot be overwhelmed by military force.

Only a strong Israel will be able to convince Egypt, Syria and their allies that a resumption of the war is fraught with serious and certain danger to their forces.

Only a strong Israel will be able to convince the Soviet Union that it must restrain its Arab friends in order to avoid the expenditure once again of billions of rubles to resupply Arab armies and air forces.

I support the President's request in the spirit of a genuine bipartisan foreign policy.

With this legislation, the Administration is proposing a plan of assistance which carries out the clear intent of resolutions sponsored by over two thirds of the Senate and sixty percent of the House.

I am sure that we realize that this figure of $2.2 billion is but an estimate of Israeli needs. It is imperative that the Executive Branch, with the close cooperation of the Appropriations Committees and the Committees on Foreign Relations and Foreign Affairs, arrive at a figure based on careful evaluation and documentation of Israeli losses and future requirements. We do not want to appropriate large sums of money in a hurried manner without adequate safeguards.

On the question of the Administration's request for $200 million for Cambodia, I believe the Congress should carefully consider the needs of the Cambodian government for these additional funds. I do not believe the Cambodian people should be left defenseless in the face of increased fighting which will likely come at the beginning of the dry season in December. But a note of caution should be voiced. This commitment to supply ammunition should not be expanded in a manner contrary to the law which states that American combat involvement in Indochina be terminated.

On October 18 I introduced S. Res. 189 which called for the United States to maintain Israel's deterrent strength by continuing to transfer to Israel, by whatever means necessary, phantom aircraft and other equipment. On that day I was joined by 66 of my colleagues in this expression of support for Israel. We were endorsing on-going efforts by the President and Secretary Kissinger to provide Israel with the equipment needed to defend itself from Arab aggression. An additional three members of the Senate have since cosponsored this resolution, for a total of 70 sponsors.

I believe a definite and pressing need now exists to justify the authorization of this emergency appropriation.

It has become evident that the military losses suffered by Israel were due, in part. to its unwillingness to launch a preemptive first strike in order to preserve the cease-fire initiated by our government. In the early hours and first days of hostilities, Israel lost aircraft and armor in such amounts as to threaten its capability to deter the advance of the Egyptian and Syrian armies.

Our resupply efforts announced on October 15 in the face of massive Soviet airlifts to Egypt and Syria prevented the military balance from being upset.

Despite the American resupply, Israel continued to suffer losses in the fighting as a result of the provision of highly sophisticated Soviet anti-aircraft and anti-tank weapons to the Arab forces.

I understand that Israel has lost over 700 tanks and more than 90 fighter aircraft in the conflict. Deputy Secretary of State Kenneth Rush has documented the approximately $1 billion in military equipment Israel has recently purchased from the United States to replace its losses and keep its supplies at adequate levels.

In view of past Soviet actions in recent weeks, as well as in 1967, we can be sure that the Soviet Union has and is already undertaking resupply efforts to Egypt and Syria which will far surpass American support of Israel. We know that numerous Soviet ships are on their way to Arab ports, not to mention Soviet air cargo transports which land daily in Egypt and Syria.

Mr. Chairman, I believe it is important for the Subcommittee to take note of the tremendous financial burden which this war has placed on Israel.

It has suffered significant losses of costly aircraft and armor.

Its economy has been disrupted, with 30 percent of its labor force mobilized.

The cost in the loss of young men cannot be measured at this time.

It is estimated that the war was costing Israel $250 million a day. And this rough estimate does not take into account general economic and manpower losses. It is clear that Israel is unable to afford to equip itself with all of the tools needed for its self-defense.

Israel, a country of three million people, already spends approximately 34 percent of its total budget on defense or 20 percent of its total GNP. Before the war an Israeli citizen earning almost $5,000 paid 50 percent of this sum in taxes. The Israeli government has already announced a compulsory "war loan" which will take another 7 to 12 percent from an individual's taxable income. An income of approximately $10,000 was taxed at the rate of 63 percent. The pre-war external debt of Israel was about $4.5 billion. It is the highest per capita external debt in the world.

The individual and collective cost of defense in Israel was astronomical before this war. I am sure that it will become even greater in the weeks and months ahead. Added to these high costs are the continual expenditures for the resettlement and absorption of Soviet Jews which have already cost Israel nearly $400 million this year.

The sum requested by the President will help to relieve the already enormous burden assumed by Israel to pay for its defense. In view of the still uncalculated costs of this conflict and its undetermined effect on the Israeli economy, I strongly support the provision of this legislation which gives the President authority to determine what percentage of the $2.2 billion shall be grant military assistance and what portion should be in the form of foreign military sales credits.

I would state, however, that the Administration should notify the Committees on Foreign Relations and Foreign Affairs and the Appropriations Committees in advance of any final determination of the grant-credit apportionment of these funds, as well as supplying a quarterly report of sums disbursed.

Mr. Chairman, there is neither diplomatic nor military stability in the Middle East as we meet today. The situation remains extremely tense despite the presence of U.N. forces and the intense diplomatic efforts underway. Major issues concerning the return of prisoners of war and the ultimate determination of cease-fire lines remain unsettled. These unresolved problems could cause the fighting to resume.

However, it is clear that if Arab forces violate the cease-fire, they would only do so because they perceived that the Israeli forces were in a weakened state. I believe the Congress has a responsibility to prevent such an event from occurring.

An overwhelming Congressional expression of support for Israel has been followed by the submission of a Presidential request to fund emergency military support. I believe we have a responsibility to approve and enact this legislation in the coming days. At stake is not only the defense and security of Israel, but also the success of the negotiations and eventual peace in the Middle East.

S. Res. 189

Mr. Humphrey (for himself, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Bentsen, Mr. Bible, Mr. Biden, Mr. Brock, Mr. Brooke, Mr. Buckley, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Cotton, Mr. Cranston, Mr. Dole, Mr. Domenici, Mr. Dominick, Mr. Eagleton, Mr. Fong, Mr. Gravel, Mr. Gurney, Mr. Hart, Mr. Haskell, Mr. Hollings, Mr. Huddleston, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Magnuson, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Nunn, Mr. Packwood, Mr. Pastore, Mr. Pearson, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Roth, Mr. Schweiker, Mr. Hugh Scott, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Taft, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Weicker, Mr. Williams, Mr. McClellan, Mr. Sparkman, Mr. Hruska, and Mr. Young) submitted the following resolution, a

Resolution to urge the continued transfer to Israel of Phantom aircraft and other equipment

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an unprovoked attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war, is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91–441, as extended, authorizes the President to transfer to Israel by credit sale whatever arms may be needed to enable Israel to defend itself: Now, therefore, be it.

Resolved, That it is the sense of the Senate that the announced policy of the United States Government to maintain Israel's deterrent strength be implemented by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors.

[From the New York Times, Nov. 5, 1973]

ISRAELIS FACE LEAN TIMES AS COSTLY WAR ENDS BOOM

(By Terence Smith)

Jerusalem, November 4.—In the wake of the costliest war in Israel's history, the country is bracing for a prolonged period of severe economic austerity.

Vast defense expenditures, manpower shortages and inflation as a result of accelerated Government spending are all in Israel's immediate economic future, in the opinion of specialists here.

For the average Israeli, the war marks the end of the unprecedented economic boom that began in 1967. It was a free-spending period in which Israelis made more money than ever before and spent it as fast as they made it on cars, television sets and travel abroad.

All that seems likely to come to an end now. "We had our six fat years," Ephraim Dovrat, an economic adviser in the Ministry of Finance, said. "Now we are likely to have a few lean ones."

The cost of the war is difficult to estimate. As a tentative round figure, Government specialists are speaking of about 30 billion Israeli pounds, or roughly $7.1-billion.

Whether the final figure proves to be a little more or less, it is an awesome amount of money for Israel. This is a country where the national budget for 1973 is less than $5-billion and the gross national product for the year is estimated at slightly more than $8-billion.

Beyond the military expenditures, there is a loss from reduced production during the war, estimated by Mr. Dovrat at two billion Israeli pounds, or about $480-million. In addition, Mr. Dovrat said that hundreds of millions of pounds of damage had been caused to Israeli civilian and military installations on the Golan heights.

To offset these losses in part, Israel expects to raise about $1.5-billion in the next year from the sale of Israel Bonds and in the United States and Europe through the fund-raising activities of the United Jewish Appeal. From 70 to 80 per cent of this money has been pledged from the United States, Mr. Dovrat said.

In addition, President Nixon has asked Congress for $2.2-billion in emergency military aid for Israel. Mr. Dovrat said it was still not clear, however, how much of that money would be in arms credits and how much would constitute a grant.

At home, the Government has increased the high tax rate with a compulsory "war loan" of 7 to 12 per cent of taxable income.

This scheme amounts to a compulsory purchase of Government bonds, which are repaid years later at relatively modest interest rates. Since inflation is rampant in Israel—about 20 per cent last year alone—the money is usually worth far less, interest included, when the Government repays the loan.

The Government has also called on all Israelis who can, to commit themselves to additional voluntary war loans. Itzhak Rabin, the former ambassador to the United States, has been placed in charge of the voluntary loan drive and the response so far has been remarkable. A total of 565 million pounds, or about $130-million, had been raised through last week. The Government hopes to raise some $500-million from both the compulsory and voluntary loan.

Further tax increases are planned, Mr. Dovrat said. "I think the public realizes this and is ready for it," he said. "But it won't make it any less painful for the average working man."

HIGH LUXURY TAX

With significantly less money in his paycheck, Mr. Dovrat said, the Israeli taxpayer will have to pass up many purchases he might have planned to make in the next year.

"I am talking about television sets and luxury goods," he said. "The items will still be in the stores—the temptation will still be there—but the taxes on them will be so high that few Israelis will be able to afford them."

The major economic task, Mr. Dovrat said, will be to meet the increased defense demands. One Israeli economic writer estimated last week that defense items will absorb 30 to 40 per cent of the nation's manufacturing output during the next year. To achieve this the production of many nonessential items will have to be suspended.

The war has also created a severe shortage of trucks. Thousands of the civilian trucks were mobilized and have been off the roads for nearly a month. Vital supplies backed up in ports and manufacturers are having major difficulties transporting their products.

When the problem reached crisis proportions, Mr. Dovrat said, Finance Minister Pinhas Sapir took a personal hand in solving it.

ORDER OF 2,500 TRUCKS

"He got on the phone to about 30 key people in the United States and all around the world," Mr. Dovrat said, "and within 48 hours he had placed orders for the immediate delivery of about 2,500 heavy trucks, many of them from America."

To compensate for the manpower shortage created by the mobilization of the reserves, thousands of pensioners, women and teenagers have been recruited—most set for harvesting. As a result, agricultural production has been nearly normal.

Other industries, however, are off anywhere from 50 to 75 per cent. Tourism and the building industry are among the most hard hit, but both of these have begun to pick up in the last 10 days, Mr. Dovrat said.

The economic consequences of the war are already significant, but the crucial question is how long the country will be required to sustain itself on a war footing. If a solution is reached in the next month, most economic specialists see little problem. If the crisis lasts several months, however, and the reserves remain mobilized, the economy will suffer a major setback.

THE UNITED NATIONS

Mr. MUSKIE. Mr. President, last week the United Nations celebrated its 28th anniversary—in the midst of yet another world crisis in which the U.N. has played a constructive role in the quest for international peace and stability.

Two thoughtful commentaries have come to my attention recently on the role of the United Nations in the international system today. Prof. Walter S. Schoenberger of the University of Maine, at Orono, has written me a letter on the subject, and Prof. Richard N. Gardner of Columbia University has sent me a copy of his remarks at the Pacem in Terris Conference held in Washington earlier this month. I think these two analyses would be useful to my colleagues, and I ask unanimous consent that they be printed in the Record.

There being no objection, the documents were ordered to be printed in the Record, as follows:

Excerpts From Letter of Walter S. Schoenberger, Professor of Political Science, University of Maine at Orono

The United Nations is currently in considerable difficulty, As a result of the inability of the Security Council to resolve the current Middle East conflict, many are once more deprecating the organization. Such criticism overlooks its character and purpose.

Those who wrote the charter attempted to associate the authority to act with the power to make such action effective by requiring that United Nations decisions in substantive matters be subject to the approval of the permanent members of the Security Council. Their assumption was not that the permanent members would usually act unanimously, but that the Council should not act in such matters unless there was approval by the states whose power was necessary to sanction the action. If the Security Council could operate over the objection of a permanent member and against what it perceived to be its interests, a division of power would occur which might lead not only to a weakening of the United Nations but also to war. So the United Nations was not constructed to operate in the case of an issue on which there was a division among the permanent members. Such an issue has emerged in the Middle East.

The problem of public disillusion arises from the fact that the United Nations has been generally oversold and is currently sold incorrectly. Many expect it to do what it cannot do but what they have been told it should be able to do. Despite this situation, however, there are many potentialities which the United Nations promises as useful goals in the long-range development of an effective world government.

Among the many problems facing the United Nations, I consider these to be of special importance:

1. The United Nations doesn't possess the power to stop conflict among either the major powers or among minor powers on occasions when the permanent members of the Security Council are divided. No state has implemented Article 43 of the Charter so as to provide the United Nations with a military force of its own. Military power rests in the member states. Such United Nations forces as have existed, have been ad hoc national forces, temporarily under United Nations control which has been exercised only under national restrictions. In the present international system of states characterized by ideological, national, and strategic conflicts of interest, no government has been willing to place military power in the hands of an organization which it might not be able to control and which might use such force in actions against what it considers to be its national security. In other words, the member states will not provide the United Nations with the power it needs to fulfill its obligation to maintain international peace and security. This situation is a result of the semi-anarchistic international system of states and will not be significantly changed until an effective global community develops as a basis for world government. To suggest that the United States implement Article 43 would be an exercise in futility. Neither it nor other member states will do it under present circumstances.

2. As the number of member states has proliferated, as the Security Council has run afoul of the veto, and as the General Assembly with but limited authority to recommend action to the member governments has assumed a larger operational role, the United Nations has declined as an agency through which the major powers attempt to resolve their major international problems. Quite reasonably, none of the major powers is willing to accept the risk of submitting a matter to the General Assembly which it might not be able to control and in which finding a solution may be complicated and prolonged, when the alternative of bilateral or multilateral negotiations outside the organization is available. In short, there has been a growing disassociation in the United Nations between authority and power. A massive majority vote in the General Assembly means little if it does not include the votes of the most heavily populated and most powerful states of the world. One solution to this difficulty might be some form of weighted voting. But an acceptable formula has been difficult to construct; the idea runs against the principle of sovereign equality of states; and, given the opposition of the great number of lesser powers in the organization, any proposal would be almost impossible to adopt.

3. As human interests have progressively become international, many functional agencies have developed to satisfy the resultant needs. One of the most productive areas of United Nations operations has been in the activities of the specialized agencies. But satisfying such functional needs has been impossible to separate from political considerations, and member states are prone to use such agencies for their national purposes rather than to satisfy an international human interest. The problem might be alleviated by modifying national representation in functional agencies, by developing a much larger international civil service, and by channelling more national funds through such agencies on an obligated basis. It is doubtful that the United States or other

powerful states would accept such suggestions.

The United Nations can only be as effective as the member states permit. It is not a world government. It has little power of its own. Humans, organized in nations, do not identify their loyalties and their emotions primarily with it. It has no administrative machinery capable of taking the actions its great purpose requires. It has no legislature to pass laws binding on its members. It has no court system with mandatory jurisdiction. Under these conditions it is surprising that the United Nations has done as well as it has. Despite its inherent difficulties which largely reflect the nature of the international system, the United Nations has been a useful organization both to the world and to the United States.

There are many evidences of its general utility:

1. It has resolved many disputes, among others, those in Korea, the Congo, and Cyprus. It is reasonable to assume that the world's conflicts might have been more extensive and more bitterly contested were it not for the activities of the United Nations.

2. It has furnished a permanently organized forum for the discussion of matters of international interest and an agency which might be used by the member governments to carry on continuing regular diplomacy.

3. It has been the core around which has developed a growing international civil service.

4. It has been a source of multilateral economic aid to developing states.

5. It has promoted research in and alleviation of many of the world's most pressing human and physiographical problems.

6. It has promoted human rights in all nations and has been a force against the continuing evils of racism.

7. And last, but by no means least, it continues to exist as an organization from which a world government may develop. If only incompletely utilized in a world of semi-anarchy among states, it has been a force for sanity and for order.

For the United States, it has been a particularly useful agency:

1. Inasmuch as during the history of the United Nations, the United States has been able to muster majority support in its organs for United States policies, the organization has provided widespread, multi-lateral, and well-publicized backing for United States positions.

2. Although in recent years the United Nations has been by-passed in arms limitation negotiations, it still provides a useful forum for the promotion of the United States point of view.

3. The fact that the center is in New York, enhances the prestige of the United States as delegates from all of the world's governments journey here to attend United Nations functions.

4. It is a relatively inexpensive means of propagandising the United States system and its values.

5. It provides a means by which the United States may use its resources in providing economic aid to developing states, thus removing some of the stigma attached to unilateral aid programs.

6. Assuming that the long-range interests of the United States lie with world peace based on world order, the United Nations is the best existing hope to accomplish such a goal.

One last thought. Many criticize the United States for using the United Nations to promote its own ends rather than to promote the organization itself. Such criticism is unwarranted and unrealistic. Any organization is viable only in terms of its utility. The United Nations can only develop when member governments believe that they may satisfy their interests by using it. My major concern presently is that states, particularly the major powers, are using the United Nations all too infrequently in resolving their differences. The problem is not that the United Nations is used, but it is not used enough.

THE UNITED NATIONS AND ALTERNATIVE FORMULATIONS—THE HARD ROAD TO WORLD ORDER

(By Richard N. Gardner*)

Has the quest for a decent world order ever seemed so full of contradictions, at once so frustrating and so hopeful? The international institutions established at the close of the Second World War to establish peace, justice and economic cooperation have failed to live up to the world's expectations. Yet never has there been such widespread recognition of the necessity of planetary planning or such an impressive array of ongoing negotiations aimed at the cooperative management of global problems.

The central policy-making organs of the United Nations—the General Assembly, the Security Council and the Economic and Social Council—all seem drained of vitality. They are suffering from a "crisis of confidence," some would even say from "creeping irrelevance." The business of managing the world's political, security and economic problems is increasingly handled elsewhere.

Lord Caradon, the eloquent former British representative to the U.N., liked to say that "there is nothing basically wrong with the U.N. except its members." What is wrong with the members is painfully obvious. Virtually all of them pay lip service to the organization while at the same time pursuing their short-term interests at its expense.

Questions are voted upon less and less with regard to the requirements of law and justice and more and more with a view to bloc affiliations and the protection of other interests. The willingness of U.N. members to risk their short-term interests for the good of the community often seems at the level of the frontier town in the unforgettable Western "High Noon," where the citizens abandoned their lawman as soon as the outlaw was released from jail. If a clear and unambiguous case of aggression came before the Security Council or General Assembly today, there would be little confidence that a majority of members would treat it as such or come to the aid of the victim. The Charter concept of collective security is obviously dead; even for consent-type "peacekeeping," little progress has been made in devising agreed constitutional and financial arrangements.

Given this state of affairs, plans for instant world government carry little credibility. The consensus on basic values and the willingness to entrust vital interests to community judgment is simply not there. One need only picture a world constitutional convention including President Nixon, Chairman Brezhnev and Chairman Mao, Prime Ministers Heath and Pompidou, not to mention Messrs. Castro, Peron, and Qaddafi and Mmes. Golda Meir and Indira Ghandi. What rules and procedures for world government could they agree upon?

The same considerations suggest the doubtful utility of holding a Charter review conference. To amend the U.N. Charter requires the approval of two thirds of the membership, including all of the five Permanent Members. If one examines carefully the attitude of U.N. members to specific proposals, one quickly discovers that the most likely consequence of wholesale revision of the Charter would be to diminish rather than enhance the strength of the organization. The Charter of the U.N., like the U.S. Constitution, provides a framework for organic growth in response to new demands and changing realities. As in the case of the Constitution, we are more likely to make progress by pressing to the outer limits of its potentialities through creative use of the existing instrument, seeking amendments only on carefully selected matters where they seem both necessary and capable of adoption by the constitutionally required majority.

If instant world government and Charter review now seems bankrupt of possibilities, so does the old-fashioned idea of achieving "world peace through world law" by means of a greatly strengthened International Court of Justice. The members of the United Nations seem less willing than ever to entrust vital interests for decision to the fifteen men at the Hague, as may be seen from the Court's lack of activity and the small number of countries accepting the Court's compulsory jurisdiction without crippling reservations. This reluctance to take cases to the Court partly reflects lack of confidence in the competence and independence of some of its judges, but even if all of them had the intellectual and moral qualities of a Philip Jessup the basic problem would still remain. Not only are nations reluctant to risk adverse judgments at the hands of third parties they cannot control, they are understandably unwilling to commit themselves to have all controversies to which they may be a party decided according to rules of international law which may be of doubtful legitimacy, incapable of alteration as circumstances change, and uncertain of enforcement. As Professor Julius Stone once put it:

"How satisfactory would the 'rule of law' be if we awoke one bright morning to find that there was no longer any parliament to make laws, and that the only way we could adjust legal rights among us was either by direct agreement between all the individual citizens concerned, or by naked force? But this precisely has always been and is still the final position in the international community and its law. If, without changing this, we tried to clamp the 'rule of law' on States by requiring every dispute to be settled by binding decisions of an international court this would freeze vested rights as they now are, and make it even more difficult to adjust legal rights to rapidly changing conditions. There is obviously not the slightest hope that States will agree to this. But to change this, a rule of law programme would also have to provide some accepted method of changing the law, and of enforcing it as it changes. The feasibility of this in the international as in a national community turns on whether the community as a whole, especially those who wield supreme power, share certain common ethical convictions as to the basic principles of decency between man and man."[1]

If instant world government, Charter review, and a greatly strengthened International Court do not provide the answers, what hope for progress is there? The answer will not satisfy those who seek simple solutions to complex problems, but it comes down essentially to this: Our best hope for the foreseeable future seems to be, not in building up a few ambitious central institutions of universal membership and general jurisdiction as was envisaged at the end of the last war, but rather in the much more decentralized, disorderly, and pragmatic process of inventing or adapting institutions of limited jurisdiction and selected membership to deal with specific problems on a case-by-case basis, as the necessity for cooperation is perceived by the relevant nations. Such institutions of limited jurisdiction will have a better chance of doing what Professor Stone reminds us must be done to make a "rule of law" meaningful—providing methods of changing the law and enforcing it as it changes and of developing the perception of common convictions and interests that is the prerequisite for successful cooperation.

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[1] *Law and Policy in the Quest for Survival* (The ABC Lectures, 1960).

In short, we are likely to do better by building our "house of world order" from the bottom up rather than from the top down. It will look like a great "booming, buzzing confusion," to use William James' famous description of reality, but an end run around national sovereignty, eroding it piece by piece, is likely to get us to world order faster than the old-fashioned frontal assault. Of course, for political as well as administrative reasons, some of these specialized arrangements should be brought into an appropriate relationship with the central institutions, but the main thing is that the essential functions be performed.

The hopeful aspect of the present situation is that even as nations resist appeals for "world government" and "the surrender of sovereignty," technological, economic and political interests are forcing them to establish more and more far-ranging institutions to manage their mutual interdependence. Consider for a moment the institutional implications of negotiations already underway or likely to be undertaken within the next few years:

We are embarked on an ambitious negotiation for the reform of the international monetary system, aimed at the phasing out of the dollar standard and the improvement of the balance-of-payments adjustment process. The accomplishment of these objectives will inevitably require a revitalization of the International Monetary Fund, which will be given unprecedented powers to create new international reserves and to influence national decisions on exchange rates and on domestic monetary and fiscal policies. The strengthened IMF will probably be able to back its decisions by meaningful multilateral sanctions—uniform surcharges on the exports of uncooperative surplus countries and the withholding of multilateral and bilateral credits and reserve facilities from recalcitrant deficit countries.

We are undertaking a parallel effort to rewrite the basic ground rules for the conduct of international trade and investment. At a minimum, we can expect the strengthening of the General Agreement on Tariffs and Trade to cover a whole range of hitherto unregulated "non-tariff barriers." This will subject countries to an unprecendented degree of international surveillance over hitherto sacrosanct "domestic" policies such as farm price supports, subsidies, and government procurement practices that have transnational effects. New standards will also be developed to regulate protectionist measures to cope with "market disruption" from imports. To make these new rules of the game meaningful, GATT arrangements for consultation, conciliation and enforcement of its decisions will have to be greatly improved. In addition, new standards and new procedures are likely to be developed through the OECD and the U.N. to deal with the activities of multinational corporations and conflicting national efforts to regulate them.

The years ahead will almost certainly witness a continuing increase in the resources of the multilateral development and technical assistance agencies in contrast to static or declining bilateral efforts. This will enhance the authority of the World Bank, the Regional Development Banks and the U.N. Development Program over the economic policies of rich and poor nations. By the end of this decade, we are likely to have a substantial portion of aid funds channeled to international agencies from sources independent of national decision-making—some form of "link" between monetary reserve creation and development aid and some arrangement for the payment of fees to international agencies for the exploitation of seabed mineral resources.

We are likely to witness a continued strengthening of the new global and regional agencies charged with protecting the world's environment. In addition to the comprehensive monitoring of the earth's air, water and soil and the effects of pollutants on human health, we can look forward to new procedures to implement the principle of state responsibility for national actions that have transnational environmental consequences, probably including some kind of "international environmental impact statement" procedure culminating in recommendations from independent scientific authorities. At the same time, international agencies will be given broad powers to promulgate and revise standards limiting air and open pollution by nations and their citizens.

We are entering a wholly new phase of international concern and international action on the world population problem, which is dramatized by the World Population Conference scheduled for Bucharest in 1974. By the end of this decade, a majority of nations will have explicit population policies, many of them designed to achieve zero population growth by a specific target date. These national policies and targets will be established and implemented in most cases with the help of international agencies. Under their auspices, several billions in national and international resources will be mobilized in fulfillment of the basic human rights objective already proclaimed by the U.N.—that every person in the world should be given the information and means necessary to control the number and spacing of his children.

We can look forward, after several years of very difficult negotiations, to a new international regime governing the world's oceans, including new law on such important matters as the territorial sea, passage through international straits, fisheries, the exploitation of the mineral resources of the seabed, the regulation of marine pollutions, and the conduct of scientific research. To make these new arrangements meaningful, there will have to be tough provisions to assure compliance as well as to provide for the compulsory settlement of disputes.

We will almost certainly have to create new international arrangements to cope with the emerging global politics of resource scarcity. The problem is not only that of increasing total supplies but of assuring their fair allocation between countries. Large parts of the world are dependent on food exports from the United States while the United States is increasingly dependent on oil from the Middle East. Unilateral cutoffs of these vital resources for political, economic or conservation reasons could have grave consequences and could trigger international conflict. In the early days of the Second World War, President Roosevelt and Prime Minister Churchill proclaimed an Atlantic Charter with the postwar objective of "access, on equal terms, to the trade and to the raw materials of the world." In three decades of negotiations since that time, our focus has been almost exclusively on access to markets. In the next decades, we will need to place equal emphasis on new standards and new procedures to assure a fair allocation of scarce resources.

We will need to develop new international rules and institutions to regulate new communication technologies, notably direct broadcasting from satellites. While providing some safeguards against the unwanted intrusion of foreign broadcasts, these new arrangements should maximize the potential for using satellite communications to promote trade and economic development as well as world culture and understanding. Ways will very likely be found to give the U.N. and other international agencies access to this new technology for both operational and informational purposes. The International Telecommunication Union and other agencies will be given new powers to allocate radio frequencies and satellite parking orbits among competing users.

We will be obliged at some point in the years ahead to move beyond bilateral discussions on strategic arms into further multilateral negotiations to limit the spread of conventional as well as nuclear weapons. It seems inevitable that the U.N., the International Atomic Agency and perhaps regional bodies will be given new responsibilities for the administration of these arms control and disarmament measures, including means of verification and enforcement.

We are likely, despite the constitutional impasse over U.N. peacekeeping, to resort increasingly to U.N. forces to contain local conflicts in the Third World. The arguments over authorization, financing and operational control will be resolved on a case-by-case basis where the interests of key countries converge. The U.S., the Soviet Union and China, in the happy phrase of an American journalist, will each act "more like a country and less like a cause." Under the aegis of the U.N., or possibly in bilateral negotiations, some principles for mutual non-interference in the internal affairs of other countries are likely to be worked out. A corollary of such agreements will be international peacekeeping arrangements to patrol borders, supervise elections and verify compliance with non-intervention norms.

These and other developments that could be mentioned may not add up to "world government" in the old-fashioned sense of a single all-embracing global authority, but they will represent key elements of planetary planning and planetary management on very specific problems where the facts of interdependence force nations in their enlightened self-interest to abandon unilateral decision-making in favor of multilateral processes.

It may be objected that the above catalogue is more convincing as a statement of what nations ought to do in the pursuit of their enlightened self-interest than as a prediction of what they actually will do. Admittedly, the same forces of short-sighted nationalism that have crippled the central institutions of the U.N. may wreck all or most of these specialized negotiations, but I do not believe this will happen.

The reason is that the case-by-case approach is likely to yield some remarkable concessions of "sovereignty" that could not be achieved on an across-the-board basis. The Soviet Union, China and the United States may be unable to agree on the general rules that should cover U.N. peacekeeping in all unspecified future contingencies, but they may well agree on a new U.N. peacekeeping force to implement a Middle East settlement that is otherwise satisfactory to them. The same three countries are unlikely to accept the compulsory jurisdiction of the International Court of Justice over all disputes to which they might be parties, but they may very well agree upon effective third-party machinery for compulsory settlement of disputes on the specific subjects dealt with in a new Law of the Sea agreement where they recognize compelling national interests in getting other nations as well as themselves to comply with the rules.

What is the conclusion of all this for the foreign policy of the United States? Stated simply, it is that the main preoccupation of U.S. foreign policy from here on in should be the building of the international machinery necessary for the management of mankind's common problems. This means supplementing balance of power politics with world order politics.

Some may argue that the present direction of our foreign policy is incompatible with this approach. This is not necessarily so. The achievement of a better balance of political and economic forces and the normalization of relationships between formerly hostile nations do not constitute world order politics, but they are necessary first steps to make such politics possible. The achievement of a better power balance surely enhances prospects for a world in which power is subordinated to a rule of law. The burying of ancient animosities opens new possibilities for cooperative action on emerging global problems through the United Nations and other international organizations.

One phrase has recurred throughout the foreign policy statements of President Nixon and Henry Kissinger—the building of a "structure of peace." The use of the word "structure" is significant. New political and economic relationships may clear the ground for building a structure of peace, but they should not be confused with the structure itself. To take one example: the Smithsonian agreement of December 1971 which established a more realistic pattern of exchange rates between the dollar and other currencies was a prerequisite to a satisfactory reform of the international monetary system.

But in the absence of a new and acceptable system for changing exchange rates and for settling international accounts, the Smithsonian accord, hailed at the time as "the most important monetary agreement in the history of the world," lasted only 14 months. The recent political achievements in relations with the Soviet Union and China and in relations between the two Germanys could prove equally ephemeral if we do not make the distinction between new *relationships* and new *structures*. For an enduring peace system, the former must be reinforced and buttressed by the latter.

There is some evidence that this point is recognized in Washington and that we are in fact at the beginning of a transition from one phase of foreign policy to another. In his first press conference after his appointment as Secretary of State, Dr. Kissinger, after summarizing the achievements of the first four Nixon years, declared: "But now we are in a different phase. The foundations that have been laid must now lead to the building of a more permanent structure . . . that we can pass on to succeeding administrations so that the world will be a safer place when they take over. Now this requires that there be a greater institutionalization of foreign policy than has been the case up to now."

This reference to "institutionalization," to be sure, was in the context of our domestic arrangements for the making of foreign policy. By combining the post of Secretary of State with that of the President's principal foreign policy adviser, the President has assured that the traditional foreign affairs machinery will now be plugged directly into the Presidential policy-making process. But "institutionalization" at the domestic level is likely to lead to "institutionalization" at the international level. For Dr. Kissinger will now turn his attention to the broad range of foreign policy problems that face the country in the years ahead. In addition to his former preoccupation with Southeast Asia and normalization of relations with the Soviet Union and China, the very nature of his new assignment will take him deeper into the reform of the international monetary and trading system, the law of the sea, economic development, the protection of the international environment, the world population problem, and the global politics of food and energy, not to mention the search for peace in such trouble spots as the Middle East and Southern Africa. Faced with these new challenges, it would be surprising if Dr. Kissinger did not encourage the foreign policy machinery to look for new solutions through more effective international institutions at the global and regional level.

Such a new emphasis on multilateralism would serve another important objective emphasized by Dr. Kissinger—the rebuilding of the shattered domestic consensus for U.S. foreign policy. The self-confidence and idealism of the American people are two of the world's most valuable natural resources. They made possible our sponsorship of the United Nations, the postwar financial and trade arrangements, the Marshall Plan, Point Four, the Alliance for Progress, the Decade of Development, and many other programs of great value.

Viet Nam has transformed much of this self-confidence into self-doubt, much of this idealism into cynicism. It has even encouraged a school of thought which holds that the United States is so violent, so racist and so imperialistic that it can no longer play any constructive role in the world. But the threats to mankind's future from poverty, population growth, environmental degradation and the arms race cannot possibly be dealt with successfully in the absence of a massive global effort in which American technology, managerial skill, and political leadership play a major part.

Forced to choose between interventionism and isolationism, the Americal people will eventually choose isolationism. Multilateralism is therefore the only chance in the long run to sustain a positive U.S. role in the world. It has always been the approach most likely to win support for our actions abroad; but it now is also essential for the achievement of a foreign policy consensus at home.

One of the most important but least appreciated functions of the United Nations is in influencing the political process within member states toward more cooperative and outward-looking policies. In a certain sense, the United Nations and other international organizations constitute an "alliance of doves," in which the outward-looking members of national governments can reinforce one another in their struggle with more inward-looking members of their national administrations. For an American President wishing to gain domestic support for substantial cuts in the military budget and a greater investment in economic and social programs at home and abroad, international agencies represent a resource of enormous potential. They can help us to reorder our national priorities, to turn our country around.

One of the serious dangers for the United States in its reaction from the Viet Nam tragedy is that we may disengage from international enterprises that are mutually beneficial and even essential to our enlightened self-interest. Here again, the United Nations offers an opportunity to American leadership. U.N. programs are yielding new perceptions of the linkages between conditions abroad and conditions at home. To give just a few obvious examples: U.N. assistance to Asian farmers to grow wheat or rice instead of opium can reduce drug addiction and crime in New York. U.N. efforts to limit the use of toxic pesticides in other countries can safeguard our interests in the conservation of wildlife, fish and the health of the marine environment. U.N. efforts to control diseases and establish minimum health standards can save the lives of an untold number of Americans. And, most fundamentally of all, men in blue helmets under a U.N. flag in a world trouble-spot can remove the occasion for American soldiers to fight or die there.

But even beyond these fairly obvious linkages between "foreign" and "domestic" problems, a foreign policy oriented to multilateral organizations could give us a new sense of national purpose—an opportunity for recommitment to some fundamental principles of justice and human dignity which, at an earlier and happier stage in our existence, we perceived as essential elements of our behaviour as a free people.

Increasing numbers of Americans, particularly young Americans, are raising questions about the justice of our domestic economic and political order. At present these Americans are mainly looking inward. But a foreign policy focusing on the building of a decent world order could help us by putting these concerns in a global context.

If world order politics has at last become feasible as well as necessary, there are some very specific steps which we in the United States can take. I venture to suggest a few of them:

1. The President, the Secretary of State, and our senior policy-makers could assert that U.S. foreign policy from now on is aimed at the creation of a better world order founded on the enlightened self-interest of the United States and other countries—and that the strengthening of the United Nations and other international agencies is indispensable to the achievement of that end. Some may dismiss this suggestion as just "rhetoric"—but "rhetoric" can be important. It can stimulate new perceptions of interdependence here and overseas and build a new domestic and international constituency for U.S. foreign policy by identifying our purposes with those of mankind. We could both rebuild and draw upon the reservoir of idealism and generosity of the American people which has been so badly depleted by the war in Viet Nam. By substituting the language of constructive internationalism for reckless interventionism, we could find common ground between generations as well as political parties. Of course, the new language would have to be reflected in new action, which leads us to the other suggestions.

2. The United States could take a principled instead of an instrumental approach to the conduct of foreign policy. Instead of citing the U.N. Charter and other sources of international law when it suits our short-term interest and ignoring them when it does not, we would recognize our long-term interest in strengthening the norms and processes of a civilized world community. In specific terms, this would mean limiting our use of armed force to circumstances clearly permitted by the Charter and other sources of international law and submitting disputes to which we are a party to third-party processes of fact-finding, mediation, and, where appropriate, judicial settlement. There are undoubtedly risks in such a policy, but they are less than the risks inherent in the unilateralism that has characterized some of our actions in recent years.

3. We could put a new emphasis on world order issues in our bilateral negotiations with former adversaries, non-aligned nations, and old allies. In particular, this would mean using our negotiating leverage to encourage the Russians and Chinese to take a more affirmative position on such matters as the law of the sea, international programs to curb population growth, U.N. peacemaking and U.N. financing, and the strengthening of machinery for the peaceful settlement of disputes. There will be a growing number of people in both countries who understand the necessity of tackling such global issues in a cooperative and non-dogmatic way; we could strengthen their hand by the right kind of initiatives. For example, we have created a dozen U.S.-U.S.S.R. bilateral commissions as the result of the recent summit meetings: we

could use the SALT Commission to explore the possibilities of mutual non-intervention by the superpowers in Third World areas and of limiting the spread of nuclear and conventional arms; we could seek support for global health and population programs in the bilateral health commission; and we could press in the environmental commission for Soviet cooperation in global efforts to curb whaling, protect ocean fisheries, and regulate land-based sources of marine pollution. We could place a similar priority on world order issues in our relations with the European countries and Japan both bilaterally and in regional forums like NATO and OECD.

4. We could work harder to develop a "world order bargain" with the nations of the Third World. Because we appear to be neglecting their interests and concerns—whether on Southern Africa or on trade and development—we find ourselves increasingly isolated from them in the United Nations and are securing much less of their cooperation than is potentially available on population, environment, and resource questions. In the U.N. or in any political system, the price of getting support for one's own priorities is to offer some support for the priorities of others. Our objectives in the forthcoming negotiations on trade, monetary reform and the law of the sea may all be frustrated unless we urgently review our present policies on questions of interest to the developing world.

5. We could begin to seek help from international agencies in dealing with our own domestic problems—particularly the problems we face in our cities, problems of pollution, mass transport, crime, and drug addiction. For too long our government has regarded the U.N. system as a great funnel where we stuff aid and advice in at one end and developing countries take out the benefits at the other. The last few years have raised some questions about this rather arrogant approach. We have more than a few problems for which we do not have the answers and we could benefit from insights and know-how from Europe, Japan and the developing countries. If the U.N. and other international agencies were to render services to developed as well as developing countries, it would indicate to the world that we regard learning as a two-way process. It would also help build domestic political support for international agencies by demonstrating to Congress and the public that we derive direct as well as indirect benefits from our participation.

6. We could apply ourselves much more seriously to remedying the serious structural weaknesses in the present system to multilateral agencies. In collaboration with other countries, we should search for ways to harmonize the activities of global and regional organizations, to integrate the functional activities of the U.N. specialized agencies, and to strengthen the competence and the independence of the international secretariats. New thinking and new energy could also be devoted to reforming international decision-making procedures to find a satisfactory middle ground between the principle of unanimity and the principle of one-nation one-vote. There is growing dissatisfaction, for example, with the fact that countries representing less than five percent of the U.N. budget and less than ten percent of the population of the total membership can take decisions in the General Assembly by a two-thirds majority, including binding decisions on budgetary matters. Weighted voting is not now negotiable and possibly not even desirable, but we could explore the use in the U.N. and other agencies of "double majorities," bicameral arrangements and small committees so that action proposals of certain kinds would have to be adopted by a reasonable number of large and middle as well as small nations. There is a pervasive attitude of cynicism and defeatism about the organizational deficiencies of the U.N. and other agencies, but we have not really involved our best minds and senior decision-makers in the search for solutions.

7. We could strengthen our Executive branch and Congressional arrangements for participating in the multilateral system. Our Ambassadors to the U.N. and other international agencies should be men with broad experience and deep substantive knowledge, and their permanent missions should consist of the best talent our country can make available, not only from the foreign service but from the business, academic, professional and scientific communities. The temporary public members of delegations should be chosen on a non-political and merit basis and appointed long enough in advance so that they can make a serious contribution. The Department of State should provide strong policy leadership for our participation in the multilateral system, with better coordination of its own activities and with new powers to coordinate the activities of other Cabinet departments as they relate to the international agencies. To this end, we might consider creating a new Undersecretary of State for Multilateral Affairs, with responsibility for overall direction of the State Department's Bureau of International Organization Affairs, its Bureau of Economic Affairs, the multilateral sections of the various regional bureaus, the Office of Legal Advisor, and State Department functions relating to the environment, population, the law of the sea, fisheries and wildlife, and development aid. Whether or not such a fundamental reorganization is undertaken, a revitalization of the Bureau of International Organization Affairs is clearly essential. As for Congress, there are a number of measures that could enhance its contribution to the building of more effective international institutions—for example, separation of our U.N. appropriations from the State Department budget and greater use of the International Organization Subcommittee of the Foreign Relations and Foreign Affairs Committees (or possibly the creation of a new Joint Senate-House Committee on International Organizations).

8. We could seriously reexamine our financial policies in international organizations. Our behavior here has been a classic example of penny-wise and pound-foolishness. A gradual reduction of the U.S. share of U.N. regular budgets was obviously called for in the light of new economic realities, dollar devaluations, and the addition of new members, but the unilateral and abrupt manner in which we pushed our 25% policy has undermined our bargaining power on matters where we have much more important interests at stake. From now on, our efforts should be focussed not on across-the-board reductions but on selective measures to improve the financial and management practices of the U.N. and its Specialized Agencies, achieve greater centralized control, and enhance the influence of the major contributors in the budget and policy process. In addition, and no less important, we could take some new initiatives to liquidate the U.N.'s financial deficit and establish a modest peacekeeping fund, and we could take a much more affirmative approach to increases in our voluntary contributions to the UNDP and multilateral financial agencies.

9. We could create a private political-action group to translate support for international institutions and international law into the American political process. The trade unions, the corporations, the environmentalists and the welfare recipients of our country have all learned how to get the government to respond to their needs. Citizens interested in a stronger United Nations and more effective U.S. participation in international agencies have not. Ralph Nader has shown how hitherto ineffectual public interests can be given effective voice and political clout. Perhaps the time has come to create a "Nader's Raiders for World Order"—a group that could keep a box score on how Congressmen vote on matters like our U.N. contributions and on legislation violating the Rhodesian embargo. If such an enterprise were properly run, it might attract broad support—particularly from young people who are looking desperately for some way in which they can help the United States play a more constructive role in the world. We might even make such a U.S. group part of a broad transnational effort linking similar groups in key U.N. member countries.

10. We could find new ways of using the mass media to increase public support for international institutions and world order processes. The work of organizations like the Center for the Study of Democratic Institutions and the United Nations Association is excellent—but they do not reach mass audiences. We need to try some new approaches. We could establish a foundation to underwrite television programs which could bring new perceptions of interdependence to the American people through prime-time programs. After an initial period some of these programs might well become self-sustaining. Why not, for example, create a one-hour weekly television serial called "The Peacemakers," featuring a fictional representative of the U.N. Secretary-General grappling each week with the different kinds of problems that international agencies must deal with, whether monitoring a cease-fire between hostile nations, combating a plague of locusts, or coping with relief and refugee problems. Most people are not interested in international organizations as such, but they *are* interested in the problems with which these organizations are dealing, particularly if they can identify with them. E. G. Marshall and "The Defenders" helped influence the attitudes of a whole generation of young television viewers toward the legal profession. With skill and imagination, "The Peacemakers" could do the same for international institutions.

This paper has offered no simple and dramatic solutions, only a hard road to world order with a continual process of institution-building to manage mankind's common problems. To hasten this process, we will need to stimulate new perceptions of interdependence. For the most basic division in the world today is not between communists and non-communists, between blacks and whites, between rich and poor, between young and old—or even between men and women. It is between those who see only the interests of a limited group and those who are capable of seeing the interests of the broader community of mankind as a whole.

When people of my generation were coming of age, we were inspired by a number of leaders who spoke for these broader interests. One thinks of men and women like Wendell Willkie, Eleanor Roosevelt, Adlai Stevenson—and Philip Jessup. It remains for new leaders to pick up the fallen standard of constructive internationalism. They would find, I believe, a ready constituency in the United States—and throughout the world.

QUORUM CALL

Mr. STAFFORD. Mr. President, I move that the Senate stand in recess until the hour of 1:15 p.m.——

Mr. PROXMIRE. Mr. President, will the Senator withhold that motion? I talked to the majority leader a minute ago, and he said he wanted a quorum call first, before we went into recess.

Mr. STAFFORD. Mr. President, I will withhold the motion and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 1:15 P.M.

Mr. STAFFORD. Mr. President, I move that the Senate stand in recess until the hour of 1:15 p.m. today.

The motion was agreed to; and at 12:41 p.m. the Senate took a recess until 1:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. JOHNSTON).

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

THE MATTER OF IMPEACHING THE PRESIDENT

Mr. WILLIAM L. SCOTT. Mr. President, I expect all of us have received a considerable amount of mail urging that the President resign or be impeached. My office has received more than a thousand letters and telegrams within the past 2 weeks that were unfavorable to the President, only about 10 percent of our mail was favorable.

This mail conflicted with what people had told me at home and in visits throughout Virginia. In fact, last Monday, I held an open door in the Richmond office and many people came in highly critical of the media and urging support for the President. It was difficult to know whether people in Virginia who had given the President 70 percent of the vote last fall had now actually lost confidence in him or whether the mail was generated by a segment of the population. To resolve this conflict, I asked several staff members to use both our wats line and regular lines in the office to call people who had written us asking for impeachment or resignation. We thanked them for writing and for their views. They seemed to appreciate our calls and with few exceptions were very polite and responsive. However, we found that only 20 percent of those who wrote had voted for President Nixon last fall and some of these said he was the lesser of two evils. Three percent had not voted or refused to answer and 77 percent had voted for Senator McGOVERN.

The staff talked with 162 people in 21 communities, 125 said they had voted for McGOVERN, 32 for Nixon, 4 did not vote and 1 declined to answer. The calls also indicated that 59 people, or 36 percent, belonged to Common Cause; 16 or 10 percent, said they were members of the American Civil Liberties Union, and 34 people, or 21 percent, volunteered that the Washington Post was the chief source of their information.

Mr. President, these calls indicate that the people who are asking for impeachment are consistent. They did not vote for the President last year and they do not want him this year. Our colleagues in the House who filed impeachment resolutions are also consistent. They also supported Senator McGOVERN last year and now want to impeach the man who defeated him.

President Nixon was elected last year as Chief Executive of our country for a term of 4 years. I am unaware of any charges that would warrant impeachment. While no one would suggest that he is a perfect man, we would have considerable difficulty in agreeing on who should replace him. He has led us to peace, to substantially full employment, a favorable balance of trade, and to an even higher standard of living. The national interest requires that we stop unwarranted criticism of the President and get on with our job of working in the best interests of the people of this country.

I would suggest that those who would destroy the President are harming the country. The liberal left can hawk their wares in next year's congressional elections. They will have another opportunity to gain control of the executive branch of the Government in 1976. The traditional American way to settle our political differences is at the polls on election day. President Nixon received a landslide victory last fall. I would hope that we could stop all unwarranted criticism and permit this man to do the job which the overwhelming majority of the American people elected him to do.

Mr. THURMOND. Mr. President, over the weekend I had the occasion to speak in California, and also in Oklahoma, and I am very pleased to state that the grassroots sentiment where I went was strongly in favor of the President.

The people do not feel that he has not made mistakes. He has made mistakes. He is human. At the same time, they feel that he has been a good President, and they feel that a radical segment of the news media has not been fair to him, and has not been objective. These people are against impeachment, and they are against his resigning.

I talked to hundreds of people over the weekend, and it is my considered judgment that the great majority of the people in this country, if what I saw in California and Oklahoma is any index, are for the President, and that a lot of the mail that has been coming to Senators and House Members is inspired. I understand it is inspired by the ACLU. I understand it is inspired by Common Cause. I understand it is inspired by the labor bosses in this country. All of these groups wish to get rid of Mr. Nixon. But, as the distinguished and able Senator from Virginia just said, those people were against him anyway. They were against him in the election, and they are still against him. They lost the election, but yet they wish to run the country.

Mr. President, it seems to me it is high time that these people who are trying to disturb the President at every move, who are operating practically a vendetta against him, who are vindictive toward him, and who are castigating him at every opportunity, should now either put up or shut up. I challenge them: If they have grounds for impeachment, let them come forward.

The grounds for impeachment are listed in the Constitution. There are three grounds: Treason, bribery, or other high crimes and misdemeanors. There is no evidence that Mr. Nixon is guilty of any one of those crimes enumerated in the Constitution; but if they think they have grounds for impeachment, I challenge them to bring the proceedings. They can be brought in the House of Representatives, and then Mr. Nixon would be tried here in the Senate, with the Chief Justice of the Supreme Court of the United States presiding.

By keeping on and on against this man—every day, every night, the tirade goes on and on and on, and there is no end to it—we are merely harming our own country. We are harming it because we have only one President. He is the Chief Executive of this Nation. He is the commander of the Armed Forces. He speaks for the United States. He handles the foreign affairs of this Nation, and he has done a good job. When he went in, there were more than half a million fighting men in Vietnam. They have all been brought home. Mr. Nixon wound down the war in Indochina. He brought the prisoners of war home. He has been making every effort to locate and bring home the missing in action who are still alive.

In the Middle East no one, I believe, could have handled this very delicate situation more magnificently than he did in the last 2 weeks. That situation could have been inflamed and intensified until it embroiled the whole world in a war, but Mr. Nixon stood up to the Soviets. I thank God that we had a man with his courage, his knowledge, and his willingness to stand for freedom. He stood up, and as a consequence neither the United States nor the Soviets have sent troops to the Middle East. Smaller nations other than Security Council members are now sending troops to supervise the existing truce there.

There are many other matters—his trip to Red China, his trip to Moscow to bring peace to the world—that show him to be a man of peace. So I hope the American people will demand that the Members of Congress and others who are continually backbiting at this President and trying to do all they can to harass him either bring their charges or let him alone. There are a lot of people in this country who are proud of him.

I owe him no obligation, and if he proves unworthy I will not stand with him. But there have been insinuations and innuendoes, even though, as Mr. Cox himself said before the committee, there has not been one shred of evidence to connect Mr. Nixon with Watergate.

If that is the case, why not let him go about his job and represent America? At this time in history, which is such a critical period, we should stand behind our spokesman, who is the President, more strongly than ever before.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MILITARY PROCUREMENT AUTHORIZATION, 1974—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. JOHNSTON). Under the previous order, the Senate will now proceed to the consideration of the report of the committee of conference on H.R. 9286, which will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces and the military training student loads, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of October 13, 1973, at pp. H9024–H9029).

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the following staff members on the Armed Services Committee be extended floor privileges during the consideration of the conference report on H.R. 9286, the Military Procurement Authorization bill. T. Edward Braswell, Jr., Don Lynch, Francis J. Sullivan, George Foster, Charles Cromwell, R. James Woolsey, Edward B. Kenney, and Robert Q. Old.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I submit a report of the committee of conference on H.R. 9286 and the House Concurrent Resolution 373, which is intended solely to correct a technical omission in the conference report, and ask for these two items to be given immediate consideration.

The PRESIDING OFFICER. Pursuant to the prior order, the conference report is already before the Senate.

Mr. SYMINGTON. And the concurrent resolution?

The PRESIDING OFFICER. That should be taken care of after disposition of the conference report.

Mr. SYMINGTON. Mr. President, I would make several preliminary observations regarding the conference report on the military procurement authorization bill (H.R. 9286).

The House approved the conference report last Tuesday, October 30. The Senate action, therefore, remains the final step before the bill goes to the President.

The conference report itself (93–497), 50 pages in length, discusses in detail the results of the conference and the reasons for the actions of the conferees with respect to the differences in the bill.

At this point, I am submitting for the RECORD a detailed breakdown of the 41 procurement differences in the bill, known as title I, and the results of the conference on each item.

I am also inserting an itemized list of the 47 language differences between the Senate and the House versions of the bill; and the results of the conference on each item.

I ask unanimous consent to have them printed in the RECORD.

There being no objection, the breakdown and list were ordered to be printed in the RECORD, as follows:

H.R. 9286—MILITARY PROCUREMENT AUTHORIZATION BILL FOR FISCAL YEAR 1974—LANGUAGE DIFFERENCES BETWEEN THE HOUSE AND SENATE-PASSED BILLS

	Item No.	Page of bill	Senate	Page of bill	House
			TITLE I—PROCUREMENT		
Senate recedes, Oct. 9.	1		None	2	Sec. 101—Air Force, Aircraft Statutory House language which provides tha $172,700,000 of the funds available to the Air Force shall be available for procurement of 12 F-111F aircraft. (Item 10—Procurement.)
Senate recedes Oct. 9.	2		None	2	Sec. 101—Naval Vessels. Language specifying that $79 million shall be only for long leadtime items for the DLGN-41 and 42 nuclear frigates and that contracts shall be entered into as soon as practicable unless President advises that their construction is not in the national interest. (Item 29—Procurement.)
House recedes, Oct. 10 (language in last year's bill).	3	18	Sec 101—Navy, Aircraft. Language specifying that not to exceed $693,100,000 shall be available for an F-14 aircraft program of not less than 50 aircraft subject to no increase in the ceiling price of $325,000,000 specified in the F-14 contract except for increases related to incremental technical changes.		None.
			TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION		
House recedes, Oct. 1.	4	19	Sec. 201—Navy, R.D.T. & E. Language which provides that $60,900,000 is authorized only for the surface effects ships program.		None.
			TITLE III—ACTIVE FORCES		
Mutual compromise cut of 43,000 agreed, October 11.	5	19	Sec. 301—End strengths June 30, 1974: Army 803, 806 Navy 566, 320 Marine Corps 196, 419 Air Force 666, 357 End strength shall be reduced by 156,100 as of June 30, 1974. Reduction to be apportioned among Services by Secretary of Defense who shall report to Congress within 60 days on manner of reduction.	3	Army 791, 627 Navy 565, 912 Marine Corps 196, 363 Air Force 665, 963 Requiring report by Apr. 1, 1974, from the House Armed Services Committee on the advisability of maintaining present military commitment to Europe.
House recedes with amendment, October 9.	6	20	Sec. 302—Makes permanent law the exclusion of reservists ordered to active duty from computation of authorized strength.	4	House sec. 301 makes temporary law the exclusion of called up reservists from the computation of the active duty ceiling and requires semiannual report from the President on all reserve units ordered to active duty. This includes those on active duty for training.
House recedes, October 9.			Sec. 303—Requires semi-annual report from the President on units called to active duty.		None.
House recedes with amendment on civilians, Oct. 9.	7	22	Sec. 304—Adds the requirement for Congress to authorize DOD civilian end strengths in addition to military end strengths beginning with fiscal year 1975, as a prior requirement for the appropriations for the civilians. It also requires the statutory manpower requirement report to add (1) civilians (2) the relationship of the support manpower and primary combat missions (3) the manpower required to be stationed overseas. Report required as of Feb. 15 each year.		None.

	Item No.	Page of bill	Senate	Page of bill	House
Senate recedes, Oct. 9.	8	24	Sec. 305—(a) For fiscal year 1974 and fiscal year 1975 authorizes Secretary of Defense to release all military personnel without regard to any provision of law relating to retention or continuation except those between 18 and 20 years of service. (b) Expresses the sense of Congress that manpower reductions should be reduced to the extent practical by the same percentage in each grade. (c) Entitles regular officers released under the authority of this section to severance pay equal to reservists.	------	None.

TITLE IV—RESERVE FORCES

	Item No.	Page of bill	Senate	Page of bill	House
House recedes with amendment Oct. 11.	9	25	Sec. 401: Naval Reserve 121,481 Coast Guard Reserve 11,300	5	Naval Reserve 116,981 Coast Guard Reserve 11,800

TITLE V—MILITARY TRAINING STUDENT LOADS

	Item No.	Page of bill	Senate	Page of bill	House
House recedes, Oct. 9.	10	26	Sec. 501: Army 89,200 Navy 75,800 Marine Corps 28,000 Air Force 55,100 Naval Reserve 17,400 Marine Reserve 6,700 Provides for reduction in training loads consistent with overall manpower reductions.	6	Army 89,053 Navy 75,647 Marine Corps 27,976 Air Force 54,904 Naval Reserve 15,200 Marine Reserve 5,600
Senate recedes Oct. 9.	11	27	Sec. 502—Repeals Public Law 86-149 requiring authorization of training loads and training report.	------	None.

TITLE VI—ABM PROGRAM—LIMITATIONS ON DEPLOYMENT

	Item No.	Page of bill	Senate	Page of bill	House
House recedes, Oct. 9.	12	------	Sec. 601—This section continues limitation on continuing or initiating deployment of an ABM system at any site except Grand Forks Air Force Base, Grand Forks, N. Dak.	------	None.
House recedes, Oct. 11.	13	------	None.	55	House sec. 605—Aspin amendment limits total amount of money authorized for titles I and II of this act $20,445,255,000 and requires Secretary of Defense to report in 30 days on apportionment of reduction.

TITLE VII—ECONOMIC ADJUSTMENT

	Item No.	Page of bill	Senate	Page of bill	House
Senate recedes, Oct. 9.	14	28	Sec. 701 and 702—McGovern amendment establishes DOD Office of Economic Adjustment and authorizes $50,000,000 to assist communities impacted by Defense changes.	------	None.
Senate recedes, Oct. 9.	15	29	Sec. 703-704—Requires 580-day notification of base closures or curtailments and consultation with local communities. Requires development and implementation of recommendations for economic adjustment. Affects bases employing 500 or more people. Includes non-DOD agencies.	------	None.
Senate recedes, Oct. 9.	16	------	None.	8	Sec. 603—Prohibits multiyear contracts with termination charges greater than $5,000,000.
Senate recedes, Oct. 9.	17	------	None.	9	604—This section codifies 2 provisions of existing law which clarifies the statutory requirement for annual authorization for appropriations for various activities of the Department of Defense. It also eliminates superfluous language and provisions which had been executed and no longer have any force or effect.

TITLE VIII—MILITARY RETIREMENT

	Item No.	Page of bill	Senate	Page of bill	House
Senate recedes, Oct. 9.	18	30	Sec. 801-806—Hartke amendment provides for recomputation of retired pay based on Jan. 1, 1972 pay rates. Applies to former military members who become age 60 or have 30 percent disability.	------	None.

TITLE IX—STUDY COMMISSION

	Item No.	Page of bill	Senate	Page of bill	House
House recedes, Oct. 9.	19	33	Sec. 901-908—Baker-Bentsen amendment established Defense Manpower Commission for 18 months to study all aspects of military and civilian manpower. Authorizes $2,500,000.	------	None.

TITLE X—NATO STRUCTURE

	Item No.	Page of bill	Senate	Page of bill	House
Senate recedes, Oct. 9.	20	38	Sec. 1001-1005—Kennedy-Mathias amendment requires continuing review of U.S. forces for NATO and semiannual report to Congress on results. Requires President to consult with NATO allies and requests negotiation with Warsaw Treaty Organization of MBFR.	------	None.

TITLE XI—GENERAL PROVISIONS

	Item No.	Page of bill	Senate	Page of bill	House
Differences split between Houses ($1126.0M) Oct. 11.	21	------	Sec. 1101—This section establishes a ceiling on funds authorized to be made available for the support of military forces of South Vietnam and Laos during fiscal year 1974. The Senate ceilng is $952,000,000.	7	Sec. 601—Ceiling level is not to exceed $1,300,000.
House recedes, Oct. 10.	22	------	Sec. 1102—Committee language continues restrictions enacted last year to ensure that funding for the C-5A program would be utilized strictly for that program.	------	None.
Senate recedes Oct. 9 (675 limit).	23	44	Sec. 1103—Proxmire amendment prohibits enlisted aides except for 2 per 4-star, 1 per 3-star plus 1 per Chief of Staff.	------	None.
House recedes Oct. 10.	24	44	Sec. 1104—Beall amendment extends the date by 6 months for retirees to sign up for survivor benefits.	------	None.
Senate recedes Oct. 10.	25	45	Sec. 1105—Haskell amendment requiring joint DOD-National Academy of Science study to eliminate chemical warfare agents.	------	None.
Senate recedes, Oct. 10.	26	46	Sec. 1106—Humphrey amendment prohibits funds for aerial acrobatic demonstrations outside the United States.	------	None.

H.R. 9286—MILITARY PROCUREMENT AUTHORIZATION BILL FOR FISCAL YEAR 1974—LANGUAGE DIFFERENCES BETWEEN THE HOUSE AND SENATE-PASSED BILLS—Continued

TITLE XI—GENERAL PROVISIONS—Continued

	Item No.	Page of bill	Senate	Page of bill	House
House recedes, Oct. 10.	27	47	Sec. 1107—Church amendment prohibits use of funds for involvement of U.S. forces in Southeast Asia unless specifically authorized by Congress.		None.
House recedes, Oct. 10.	28	47	Sec. 1108—Proxmire amendment requiring prior Congressional approval before the government is committed to contractor advances in funds in excess of $20,000.000.		None.
Senate recedes, Oct. 10.	29	48	Sec. 1109—Eagleton amendment restricting expenditure of procurement funds for AWACS until Comptroller General of the United States has studied and reported to Congress on defense cost effectiveness studies.		None.
House recedes, October 10.	30	49	Sec. 1110—Eagleton, Aiken amendment which amends the National Industrial Reserve Act to require maintenance of an essential nucleus of government-owned plants and an industrial reserve of machine tools and other industrial manufacturing equipment.		None.
Senate recedes, Oct. 10.	31	53	Sec. 1111—Humphrey amendment—sense of Congress that DOD conserve petroleum. Requires report within 30 days on action taken.		None.
Senate recedes, Oct. 10.	32	54	Sec. 1112—Humphrey amendment authorizes use of DOD escorts, bands and services for 1 week in support of Senate Youth Program.		None.
House recedes, Oct. 10.	33	54	Sec. 1113—Goldwater amendment directs study of merger of Air Force Reserve and Air National Guard. Report by Jan. 31, 1975.		None.
House recedes, Oct. 10.	34	55	Sec. 1114—Dominick amendment—sense of Congress that DOD cut petroleum consumption 10 percent.		None.
Senate recedes, Oct. 10.	35	56	Sec. 1115—Bartlett amendment directs DOD to request retiring employees for suggestions on procurement practices. All suggestions submitted to HASC and SASC.		None.
House recedes	36	57	Sec. 1116—Jackson-Nunn amendment request reduction after 12 months of U.S. forces in Europe by the percentage that fiscal year 1974 military balance of payments deficits were not offset by the NATO allies. Requires quarterly report to Congress. Deficit to be determined by GAO. Urges allies to pay more budget costs.		None.
House recedes, Oct. 10.	37	58	Sec. 1117—Thurmond amendment prohibits procurement of other than American goods unless consideration has been given to labor surplus areas, small businesses, other business firms in United States, U.S. balance of payments, costs of shipping, foreign duties, surcharges, etc.	16	House sec. 606—Prohibits procurement of other than American goods without consideration of unemployment, unemployment compensation or welfare, loss of tax revenue, loss to money supply, cost of shipping and inspecting, foreign duty surcharge, etc. Requires OMB to develop a reporting system and report to Congress.
House recedes, Oct. 10.	38	60	Sec. 1118—Thurmond amendment authorizes Secretary of Defense to provide medical emergency helicopter transportation for civilians. Limits individual liability.		Identical bill H.R. 7139 passed House May 21, 1973.
Senate recedes, Oct. 11.	39	61	Sec. 1119—Humphrey amendment reduces overseas deployment by 110,000 by Dec. 31, 1975 not less than 40,000 by June 30, 1974. Excludes shipboard personnel.		None.
Senate recedes, Oct. 10.	40	62	Sec. 1120—Stevens requires DOD study and report on extending payments of quarters housing and cost of living allowances to junior enlisted personnel.		None.
House recedes, Oct. 10.	41	63	Sec. 1121—Jackson amendment for Admiral Rickover promotion to 4 stars on retired list.		Identical bill H.R. 1717 passed House June 19, 1973.
House recedes, Oct. 10.	42	63	Sec. 1122—Jackson amendment extends military credits to Israel until Dec. 31, 1975. Extends 1970 Defense Procurement Act.		None.
Senate recedes, Oct. 10.	43	63	Sec. 1123—Dole amendment prohibits any use of funds for North Vietnam or Viet Cong until President has certified that parties have complied with peace agreement provisions regarding graves registration and information on missing in action.	8	House sec. 602 prohibits direct or indirect use of funds for any economic or military aid for North Vietnam during fiscal year 1974.
House recedes, Oct. 10.	44	64	Sec. 1124—Goldwater amendment authorizes a maximum of 25 officers per Military Department per year to attend law school.		None.
Senate recedes, Oct. 10.	45	67	Sec. 1125—Byrd amendment prohibits loan settlement with India unless all loans are paid or Congress authorizes lesser amount of settlement.		None.
Senate recedes, Oct 10.	46	67	Sec. 1126—Dole amendment—sense of Congress urging early release of military doctors to communities with medical shortage if DOD medical needs can still be met.		None.
House recedes, Oct. 9.	47	69	Sec. 1127—Magnuson amendment providing for operation of 8 public health service hospitals.		None.

H.R. 9286—MILITARY PROCUREMENT AUTHORIZATION BILL FOR FISCAL YEAR 1974—TITLE I—PROCUREMENT—SUMMARY OF HOUSE AND SENATE DIFFERENCES

[In millions of dollars]

Item		Authorization request		House		Senate		Difference (House-Senate)		DOD reclama		Conference	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	Aircraft:												
	Army:												
1	U-21 utility transport	20	12.2	20	12.2			−20	−12.2	20	12.2		
2	Aircraft spares		25.1		25.1		24.3		−0.8		24.3		24.3
	Programs not in dispute				143.7		143.7				143.7		143.7
	Total		181.0		181.0		168.0		−13.0		180.2		168.0
	Navy:												
3	EA-6B electronic warfare acft	6	116.6	6	116.6	6	101.6		−15.0	6	106.6	6	101.6
4	A-7E attack acft	42	166.9	42	166.9	42	152.1		−14.8	42	152.1	42	152.1
5	AV-8A/STOL acft	12	43.3	12	43.3	12	37.3		−6.0	12	37.3	12	37.3
6	F-14A fighter acft	48	572.0	50	703.0	50	693.1		−9.9	50	693.1	50	693.1
	Aircraft	(48)	(455.0)	(50)	(594.5)		(584.9)						
	Advance proc		(75.8)		(55.0)		(55.0)						
	Spares		(41.2)		(53.5)		(53.2)						
7	T-2C trainer acft	24	32.5	24	32.5		6.4	−24	−26.1	24	32.5	24	32.5
	Aircraft	(24)	(32.1)	(24)	(32.1)		(4.6)						
	Spares		(0.4)		(0.4)								
	Programs not in dispute				1,896.0		1,896.0				1,896.0		1,896.0
	Total		2,958.3		2,958.3		2,886.5		−71.8		2,917.6		2,912.6
	Air Force:												
8	A-7D attach acft					24	70.1	+24	+70.1			24	70.1
9	A-10 (AX) adv. proc		30.0		30.0				−30.0		30.0		
10	F-111F fighter			12	172.7	12	158.8		−13.9	12	184.6	12	158.8
	Aircraft			(12)	(165.5)	(12)	(151.6)						
	Spares				(7.2)		(7.2)						
11	F-5A	116	69.3	116	69.3		28.3	−116	−41.0	116	69.3	116	69.3
12	F-15	77	918.5	39	587.6	77	918.5	+38	+330.9	77	918.5	77	918.5
	Aircraft	(77)	(801.9)	(39)	(511.8)	(77)	(801.9)						
	Spares		(116.6)		(75.8)		(116.6)						
13	T-41D trainer	3	0.1	3	0.1	1	(*)	−2	−.1	1	[1]	1	(1)
14	UH-1H helicopter	308	96.7	308	96.7	180	56.5	−128	−40.2	308	96.7	180	56.5
15	Aircraft modification												
15a	B-52 mods		238.5		238.5		223.0		−15.5		238.5		223.0
15b	Operational necessity mods		20.0		20.0				−20.0		20.0		

Item		Authorization request		House		Senate		Difference (House-Senate)		DOD reclama		Conference	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
16	Aircraft spares (C-130 E)		11.6		11.6		2.3		−9.3		2.3		2.3
17	Common ground equip		82.0		82.0		76.5		−5.5		82.0		76.5
	Programs not in dispute				1,430.6		1,430.6				1,430.6		−41.0 1,430.6
	Total		2,912.8		2,739.1		2,964.6		+225.5		3,072.5		2,964.6
	Missiles:												
	Army:												
18	Lance missile		83.7		83.7		79.0		−4.7		79.0		79.0
19	Pershing missile		53.8		53.8		49.3		−4.5		53.8		49.3
20	AN/TSQ Air Def. Cmd. and control		10.5		10.5		6.2		−4.3		10.5		10.5
	Programs not in dispute				426.2		426.2				426.2		426.2
	Total		599.9		574.2		560.7		−13.5		569.5		565.0
	Navy:												
21	UGM-73A Poseidon		211.0		211.0		175.4		−35.6		205.0		205.0
22	AIM-9H Sidewinder		16.3		16.3		14.8		−1.5		14.8		14.8
23	AGM-84A Harpoon adv. proc.		19.0		19.0		14.1		−4.9		16.0		14.1
24	AGM-87A Bulldog						12.5		+12.5				12.4
	Programs not in dispute				433.9		433.9				433.9		433.9
	Total		680.2		680.2		650.07		−29.5		669.7		680.2
	Marine Corps: Programs not in dispute		32.3		32.3		32.3				32.3		32.3
	Air Force:												
25	LGM-30 Minuteman		401.2		401.2		355.4		−45.8		355.4		355.4
26	AGM-45A Shrike		11.0		11.0		8.8		−2.2		8.8		8.8
27	AGM-65A Maverick		107.1		107.1		97.2		−9.9		107.1		107.1
28	AGM-69A SRAM		136.7		136.7		131.1		−5.6		131.1		131.1
	Programs not in dispute				917.2		917.2				917.2		917.2
	Total		1,573.2		1,573.2		1,509.7		−63.5		1,519.6		1,519.6
	Navy shipbuilding and conversion:												
29	DLGN nuclear frigate adv. proc				79.0				−79.0				79.0
30	SCS sea control ship adv. proc		29.3		29.3				−29.3		29.3		29.3
31	SSBN Poseidon conversions	5	229.8	2	79.9	2	116.2		+36.3	2	116.2		116.2
32	DLG guided missile frigate conversions	2	93.7	2	73.7	2	58.1		−15.6	2	68.7		58.1
33	Escalation		196.7		174.0		102.1		−71.9		173.9		102.1
	Programs not in dispute				3,352.3		3,352.3				3,352.3		3,352.3
	Total		3,901.8		3,788.2		3,628.7		−159.5		3,740.4		3,737.0
	Tracked combat vehicles:												
	Army:												
34	M60A1 tank	360	99.4	360	99.4	240	66.4	−120	−33.0	360	99.4	360	99.4
	Programs not in dispute				93.9		93.9				93.9		93.9
	Total		201.7		193.3		160.3		−33.0		193.3		193.3
	Marine Corps: Programs not in dispute		46.2		46.2		46.2				46.2		46.2
	Navy torpedoes:												
35	Torpedo MK-48	500	164.3	500	164.3	500	159.3		−5.0	500	159.3	500	159.3
36	Captor		11.6		11.6				−11.6		4.9		
	Programs not in dispute				44.0		44.0				44.0		44.0
	Total		219.9		219.9		203.3		−16.6		208.2		203.3
	Weapons and other combat vehicles:												
	Army:												
37	M219, 7.62 machinegun	1,875	8.5	1,875	8.5	1,572	7.2	−303	−1.3	1,875	8.5	1,572	7.2
38	M60 machinegun	6,000	4.5	6,000	4.5			−6,000	+4.5	6,000	4.5	3,600	2.7
39	M16 rifle	31,000	3.1			31,000	4.2	+31,000	+4.2	31,000	4.2	22,620	3.1
	Programs not in dispute				31.7		31.7				31.7		31.7
	Total		51.3		44.7		43.1		−1.6		48.9		44.7
	Navy:												
40	MK22 machinegun	100	0.8	100	0.8			−100	−0.8				
41	CIWS Phalanx		13.0		13.0		5.0		−8.0		9.0		4.0
	Programs not in dispute				28.1		28.1				28.1		28.1
	Total		41.9		41.9		33.1		−8.8		37.1		37.1
	Marine Corps: Programs not in dispute		0.7		0.7		0.7				0.7		0.7
	Grand total				13,073.2		12,887.9		−185.3		13,263.2		13,104.6

[1] Less than $50,000.

Note: ( ) indicates nonadd items. Amounts are included in appropriate numbered items.

Mr. SYMINGTON. Mr. President, there were 26 language additions inserted by the Senate for which there was no comparable version in the House bill. This total compares with five language differences in the House version which had no comparable version in the Senate bill. The remaining number had comparable provisions, with some differences in each version.

The point I make, Mr. President, is that due to a large number of additions made in the Senate, the Senate conferees carried a heavy responsibility in attempting to secure acceptance of these items with the House. I shall discuss these later during these remarks.

With respect to research and development, the conference report on pages 32–33 contains a detailed chart which sets forth the 60 differences in the major R. & D. activities; also the resulting adjustments of the conferees.

DISCUSSION OF FUNDING DIFFERENCES

Summary figures: The figure recommended in the conference report for procurement and R. & D. is $21,299,520,000. This is a reduction of $659.6 million below the authorization request of $21,959.1 billion.

The total figure the conference report recommends is $13.1 billion for procurement and $8.2 billion for R. & D.

DISCUSSION OF PROCUREMENT DIFFERENCES—TITLE I

The Senate is familiar with the bill as originally passed by this body. The easiest way to explain the difference is that, with certain minor exceptions, all procurement items passed by the Senate were retained. In addition, there was a total of $216.7 million which the conferees agreed to add to the Senate version. Principally, and in summary, these were as follows:

Poseidon missile, $35.6 million.

DLGN nuclear frigate adv. proc., $79 million.

SCS Sea Control Ship adv. proc., $29.3 million.

M–60A1 tank, $33 million.

Let us note that the entire bill for procurement and R. & D. was $351.9 above the Senate bill. This includes $135.2 million for research and development.

The bill as finally agreed to is $95.5 million below the bill as reported by the House Armed Services Committee, and $351.9 million above the Senate bill.

One of the more significant features of the bill was the House floor amendment which imposed a ceiling of $20.4 billion on titles I and II. This amendment was $949.7 million below the various items reported by the House. This House floor amendment did not specify where the cuts were to be made in terms of line items.

The House conferees receded from the House floor amendment. When said amendment was deleted, what was then before the conferees was the bill as reported by the House. As stated, the various line items totaled $949.7 million above the ceiling imposed by the House floor amendment.

DISCUSSION OF R. & D. DIFFERENCES—TITLE II

Let us refer briefly to the R. & D. portion of the bill, title II. The able Senator from New Hampshire, Senator McIntyre, chairman of the Research and Development Subcommittee, as he has done in past years, assumed the leadership in working out the differences in the R. & D. portion of the bill. The Senate version was $262 million below the House, of which $100 million was represented in a reduction of the B–1 aircraft program in the Senate committee.

The conferees finally agreed to a reduction of $25 million for the B–1. The remaining differences were compromised in such a way that the final version of the bill and the R. & D. authorization was $127 million below the House-passed total. The final figure agreed upon for R. & D. was $8.1 billion.

LANGUAGE DIFFERENCES

As presented, the conference report discusses in detail the resolution of the language differences. I now discuss briefly some of the principal issues involved in these provisions.

NATO AMENDMENTS

The House accepted the Jackson-Nunn amendment, which requires, under a formula set forth, a reduction in the U.S. forces in Europe unless our allies contribute more toward offsetting the balance-of-payments deficits in Europe.

The House was adamant in refusing to accept the amendment which would have reduced overseas deployments by 110,000 by December 31, 1975, of which not less than 40,000 would be reduced by June 30, 1974. As the Senate will recall, this amendment applies worldwide, not just to NATO. The current war in the Middle East obviously had some effect on the tone of the conference with respect to this amendment, as well as various other differences between the two bodies on the entire bill.

RECOMPUTATION AMENDMENT

The House also was adamant in not accepting the so-called one-shot recomputation provision, passed last year also by the Senate. The issues on this matter are well-known.

MANPOWER COMMISSION

The House conferees accepted the Baker-Bentsen amendment establishing a Defense Manpower Commission for 24 months so as to study all aspects of military manpower.

CIVILIAN AUTHORIZATION FOR THE DEPARTMENT OF DEFENSE

The House conferees accepted the Senate language requiring an annual authorization of the number of civilians employed in the Department of Defense for each fiscal year.

SOUTHEAST ASIA FUNDING

The Senate had reduced the fiscal year 1974 authorization for funding for South Vietnam and Laos to $952 million—the premise being that we were told the war was over—as compared to the $1.3 billion in the House version. The final conference agreement was $1,126 million.

ACTIVE DUTY MANPOWER ADJUSTMENT

As the Senate will recall, the Senate had reduced the total active duty end strength for June 30, 1974, to 2,077,000—a reduction of 156,100. The House reduced this request by only 13,000. After long discussion the conferees agreed to a reduction of 43,000 below the requested strength. This final figure will be 2,190,000. The reduction will be apportioned by the Secretary of Defense. The Secretary must report to the Congress the way he apportions within 60 days of enactment of this bill.

The foregoing remarks summarize the principal features of the conference report. I respectfully request the Senate to adopt the report, together with the concurrent resolution.

Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER (Mr. Johnston). Is there a sufficient second (putting the question). There is not a sufficient second.

The yeas and nays were not ordered.

QUORUM CALL

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I yield to the able ranking minority member of the committee.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in support of the conference report accompanying H.R. 9286, the fiscal year 1974 military procurement authorization bill. This legislation amounts to approximately $21.3 billion for expenditures for military hardware and research and development. It represents a reduction of $659.6 million from the total authorization request of $21,959.1 million submitted by the Defense Department earlier this year.

Mr. President, I would hope the Senate would move expeditiously in agreeing to this report. Its passage is necessary in order that the Congress can move on with the defense appropriations bill.

As the Senate knows, it was not possible for the Senate conferees to obtain the concurrence of the House in the many language amendments added to the Senate bill in approximately 2 weeks of floor debate. However, on balance, it appears to me the Senate conferees held a large number of these amendments and important changes will result from this legislation.

The Mideast war and the resultant expenditures in the movement of U.S. forces and replacement of losses by Israel will place unexpected strains on our procurement budget. However, it is pleasing to me that in the procurement area this bill contains many of the programs most essential for our national security.

Mr. President, in closing I wish to commend all of the Senate and House conferees for the outstanding work they performed in conference. I wish to especially commend the distinguished Senator from Missouri (Mr. Symington) who presided as the chairman of the committee for the able and fair manner in which he handled this bill.

As a whole it is my belief this bill reflects a fair consensus between the two bodies and is legislation which will help maintain our military credibility in the face of a rapidly expanding Soviet defense establishment.

Mr. SYMINGTON. Mr. President, I should like to thank the able ranking minority member of the committee for his remarks. He and I did not agree on everything in the bill. And we do not agree on everything in the bill at the present time. The Senator is eminently fair. It has been a privilege for me to work with him not only on the conference committee but also on the bill when the regular chairman of the committee was not able to be with us.

SECTION 806 OF THE MILITARY AUTHORIZATION PROCUREMENT CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I understand that a question has been raised as to whether section 806 of this bill as reported by the conference committee will restrict the authority of the Defense Department to indemnify its contractors against unusually hazardous conditions or nuclear risk. The Defense Department has had such authority for many years and it has proven extremely valuable in the successful conduct of many of its essential programs involving nuclear ships, weapons systems, and airlift.

It could well have been necessary to use this authority to assist in achieving a cease-fire in the recent Middle East war. Our airlift of vital military supplies and equipment to the State of Israel was conducted by military aircraft alone.

However, if hostilities had continued, the situation might have required us to supplement our military capacity with civilian aircraft. If this had come to pass it would have been essential that the Defense Department be in a position to extend indemnification protection to these civilian companies.

My intention in introducing the original provisions now found in section 806 was to place a restriction on the amounts of fixed obligations, as represented by but not limited to loans and guarantees, contract adjustment authority and other emergency or unusual powers, incurred or envoked by the Department in connection with the statutes which are the subject of section 806 provisions. Indemnification on the other hand involves no specific dollar commitment. The ultimate liability of the Government could be more or less than the monetary limitations set forth in the provisions. It is impractical to place a fixed ceiling on indemnification. To do so would negate the effectiveness of that authority.

Accordingly, I am making this statement in order to avoid any misinterpretation of the scope of intended application of section 806. Emergency situations are extremely rare but one cannot discard the possibility that others may arise in the future, giving need to grant immediate indemnification coverage. These situations, nonetheless, should be immediately reported to Congress.

It was never my intention to restrict the indemnification authority under Public Law 85–804 of the Defense Department and other departments and agencies of the Government. I think it important, therefore, that a statement for the record be made at this time that any interpretation of section 806 to so restrict authority to grant indemnification would go beyond the intent and thrust of my amendment.

It is my understanding that this statement is consonate with the position of the Office of the Secretary of Defense and the Navy, which have expressed interest in clarifying this point.

Mr. McINTYRE. Mr. President, I would like to join with my distinguished colleague from Missouri and with the other members of the conference committee in recommending full support of the conference report on the fiscal year 1974 military procurement authorization bill. Senator SYMINGTON, acting for the chairman of the Armed Services Committee, did an outstanding job of leading the managers on the part of the Senate, of which I was privileged to be a member, in working out the differences with the House between the two versions of the bill. I should also state that the presence of our esteemed chairman, Senator STENNIS, and his participation in the proceedings contributed substantially to the success of the conference. In my recollection the differences between the House and Senate versions of the bill, particularly in the language provisions, were more numerous than ever before. Nonetheless, this did not impede the orderly and constructive progress which brought the conference to a relatively rapid and mutually satisfactory conclusion.

I should like to address a few comments to the research and development portion of the bill, which largely represents the product of the Research and Development Subcommittee, of which I am chairman. In terms of total dollars, the conference report recommends authorization of $8,194,885,000. This compares with the House bill which authorized $8,321,797,000 and the Senate bill which provides $8,059,733,000. The conference recommendation essentially splits the difference between the House and Senate versions, and is $363 million below the budget request of $8,557,900,000.

I am pleased to report that the House accepted the Senate position on the major substantive items in research and development. In partially restoring the amounts reduced by the Senate for the B–1 aircraft, the subsonic cruise armed decoy, and the strategic cruise missile, the objectives of the Senate reductions remained intact. This also applies to the Army light area defense system, site defense program, and the advanced forward area air defense program. The specifics are detailed in the conference report. The House receded on the surface effects ships program and agreed with the actions of the Senate which reduced the program from $72.8 million to $60.9 million and imposed restrictive language limiting the use of these funds to the surface effects ships program.

The House approved the bill as recommended by the conferees last week without change and I strongly urge that the Senate do likewise.

Mr. CHILES. Mr. President, perhaps I have become oversensitive now that my Ad Hoc Procurement Subcommittee has begun hearings, but, ever since I served as a member of the Procurement Commission, much information has come to my attention about what is really wrong with the way we do military procurement and develop new weapon systems. The Commission report on major systems acquisition, to me, is a thoroughly sober assessment of our problems and the solutions that I intend to make a high-priority piece of subcommittee business next session. But, right now, I cannot help but comment on a glaring case in the conference report provisions on research, development, test, and evaluation—R.D.T. & E.—for close air-support weapon systems, page 37, and what they mean to procurement.

The Air Force originally requested $8 million to begin engineering development of a laser missile seeker for the Maverick missile. The House approved the request but the Senate rejected it. Instead, the Senate overruled a decision by the Director of Defense Research and Engineering—D.D.R. & E.—that there should be a three-way competition between the Army, Navy, and Air Force to find the best seeker in a hardware test.

Under the D.D.R. & E. plan, the winning seeker would have been used by all the services: Army, Navy, Air Force, and Marines.

The Senate Armed Services Committee picked the Navy Seeker for the Bulldog; directed its use in the Air Force Maverick; and told the Army to see if they could use it in their Hellfire missile provided it could meet Army requirements. They did this because the competition would have taken more time and cost more money, an additional $2.9 million, according to the Senate report.

The conference report reflects that decision, making $3 million available for integration of the Navy Seeker.

But the net effect of what we have done is this:

First. We have suffocated competition between the services and between the private companies, and

Second. We have guaranteed duplication where commonality was possible by giving the Army an out.

Now, I do not know all the details as to why this action was taken. Perhaps the plan advanced by the Department of Defense—DOD—was not advisable in every respect or had taken too long to get an agreement between the military services. Perhaps the Army, Navy, and Air Force programs should have been consolidated through competition earlier. Nevertheless, from my understanding of the situation, what this conference report does is highly damaging in its own right—and that is what concerns me.

From a system acquisition process standpoint, we have taught everyone some very bad lessons.

We have taught the military services to subvert direction from the Office of Secretary of Defense—OSD—to develop common weapons. We have taught them to hold on and push for their own parochial developments because, in the end, when the pressure is on, there is a good chance they will all get their own systems anyway. We have taught them to depend on the requirements process to prove that they need something different from the other services, putting even more emphasis on technical and performance requirements that have driven up company promises and weapon costs along with them. We have taught them to rely on the requirements process to define what they each "need" instead of an open competition to find what they can all use. As the Procurement Commission stated in its report:

> Early acquisition plans concentrate on a "needed" new system and a preferred system approach with inadequate attention to why any new capability is needed at all and what that capability is worth. One of the reasons new systems have been more and more complex and costly is that current acquisition procedures tend to say "this is what we need" from the outset, in accommodating a host of stipulations on system characteristics and performance.

We have taught the companies in the aerospace industry that promise is more important than performance by cutting off a hardware competition and fly-off. We have taught them that entreaties sent to Capitol Hill may pay off more than good weapons sent to the testing grounds. The Procurement Commission recommendations led to the summary statement that:

> Contractors must enter a competitive arena that rewards suppliers who are held responsible for creating and demonstrating the best system according to their own business and technical judgments. Competition should involve innovative products that must demonstrate that they meet the Government's need at the lowest cost, not an undeveloped but

already defined system at the price needed to win.

In its fiscal year 1972 authorization report, the Armed Services Committee endorsed such competition, saying:

> It would be far more desirable for the Nation to be able to have alternative weapon systems and technical approaches from which to choose those systems best designed to accomplish the most important military missions before a large financial commitment has been made. In this context it is encouraging that the Department of Defense has announced an intention to develop experimental prototypes of new aircraft and other weapon systems and components without a prior commitment to production.

And we have taught ourselves here in the Congress—yet once again—that we do not have an effective framework of control for the Defense budget. While our decision for billion dollar boats boils down to whether we want the first one in 1978 or 1980, our decisions on an $8-million R. & D. request boils down to picking alternative laser seeker heads with different instantaneous field of view, different control circuitry, and different acquisition range requirements. Can we exercise the same erudite technical expertise on the rest of the $8 billion R.D.T. & E. authorization as we did on this $8-million item? Senator MCINTYRE himself has stated that the Research and Development Subcommittee was lucky if it could consider even 15 percent of the 4,000 projects. I sympathize greatly with his position. Again the Procurement Commission stated:

> Congress and its committees have become enmeshed at a detailed level of decision-making and review that disrupts programs, denies flexibility to those responsible for executing programs, and obscures Congress' view of related higher-order issues of national priorities and the allocation of national resources.

And we have started again to reteach a lesson that I thought was only recently unlearned: The lesson of false economy in R. & D. I thought that after David Packard left the Pentagon, everyone had learned that we do not save money in the long run by cutting off competition in the front end of the process: That what small extra price we pay for competition and testing today will be returned many times over tomorrow when the cost overruns, unknown technical problems, and defective systems get into production.

Mr. President, I am not going to raise any objections to this bill because there are so many other considerations involved. But I do hope that Senator MCCLELLAN takes this situation into account when his Defense Appropriations Subcommittee takes up the DOD appropriations.

THE $375,000 FRISBEE FLARE FAILURE

Mr. PROXMIRE. Mr. President, it is only proper that today as the Senate debates the military authorization procurement conference report, we consider just how rock bottom this budget is.

We have heard over and over that this military budget is as low as possible without cutting away essential strength. We have been told that there are no "pockets of fat" in this budget—no money to be saved.

Just how absurd these statements are is confirmed by the Navy Frisbee Flare program.

Beginning in 1969, the Navy has spent $375,000 on testing the popular Frisbee for its aerodynamic qualities as a flare. Two different testing authorities used wind tunnels, computers, special cameras, a motion analyzer and outsider consultants from MIT and Notre Dame University to test Frisbees for military applications.

First the Navy authorized computer tests and wind tunnel examinations of the Frisbee. When these proved inconclusive, the project was moved to Hurricane Mesa in Utah for practical testing. A special launcher was developed to throw the Frisbee over the cliff. The tracking camera recorded its flight. The results, as published in a 207-page report, were "somewhat spectacular and unexpected," a euphemism for test failures due to erratic and uncontrollable flight patterns.

The report concluded:

> While not successful in producing quantitative data, not too much had been expected, and these tests were valuable because they did provide qualitative validation of the math models and insight into the dynamic criteria, revealed problems in flare design, gave experience in field testing and data collection, and led to experience in data reduction.

For $375,000, the Navy received insight, experience, and data collection. But no flare.

Mr. President, every time the statement is made that this defense budget is rock bottom, I hope we will remember the Frisbee flare program. If it were not the taxpayers money, it would be humorous.

Although this particular incident has been reported several times, one of the best accounts comes from the Los Angeles Times by Mike Quinn. From this article and the original report come the quotes in my remarks. I ask unanimous consent that the Mike Quinn article in the Los Angeles Times of November 1, 1973 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Nov. 1, 1973]

HOW FRISBEE FAILED ITS NAVY PHYSICAL

(By Mike Quinn)

NEW YORK.—In June, 1969, U.S. Navy project N-00164-49-C-0662 began. The Naval Ammunition Depot in Crane, Ind., and the government and aeronautics products division of Honeywell, Inc., of Hopkins, Minn., began research on an "Aerodynamic Analysis of the Self-Suspended Flare."

About $375,000 later the two groups had run exhaustive tests, using: a subsonic wind tunnel, a CDC-6600 computer terminal, a Honeywell computer network teletype computer terminal, several cameras, a semiautomatic motion analyzer, consultation from Massachusetts Institute of Technology, and Notre Dame University, and a test facility at Hurricane Mesa in Utah.

The team determined that a Frisbee could not be used as military hardware.

That's right. A Frisbee—the round plastic toy that costs $1.59 at the corner store, put out by Wham-O Manufacturing Co. of San Gabriel.

"Wham-O's feelings were mixed about this program," a company spokesman, Goldy Norton, said. "Primarily, the frisbee is a fun thing. We weren't overly thrilled with the idea of its being used as a weapon. Very honestly, from the company's standpoint, our primary market is the 16-to-30-year-old age group. This would be called the antiwar generation. If the Frisbee were adopted as an article of war, it wouldn't help us any."

But the Pentagon, which did not notify the company of its plans, was not to be denied. A Navy spokesman said it now costs about $50 for each intermediate-length flare parachuted from an airplane. The Navy was looking for a cheaper, more efficient way. Flares are used to illuminate battlefield areas at night and have a peace time application in such missions as search and rescue.

So, in Crane, Ind., the Frisbee began and eventually resulted in a 207-page report. (It may be purchased for $3 from the National Technical Information Service, Springfield, Va. 22151. Ask for Publication AD-74017).

The objective of the research according to the report, was ". . . to develop an air-launched flare concept which would utilize gyroscopic stabilization of the case of a disk-shaped flare to retard the descent of the flare sufficiently to provide intermediate-term illumination (without the parasitic weight and volume of conventional parachute flares)."

The testing of the Frisbee, as well as clay pigeons and other circular objects, was divided into three general areas. The actual research was done between June, 1969, and June, 1970, and the report was published last year.

In an "acknowledgement/disclaimer" at the beginning of the report, it is noted: "It is recognized that the name 'Frisbee' is a copyrighted trademark of the Wham-O Corp. Therefore, the more precise and legally correct way to describe the domed, cupped configurations studied herein would be the terms 'Frisbee-like configuration,' etc. However, in the interest of brevity and clarity, especially on figures, this report will define the word 'Frisbee' to mean 'Frisbee-like configuration.' Therefore, 'solid Frisbee' would refer to a Frisbee-like configuration whose top is domed similarly to the 'Frisbee' but whose bottom surface is filled in flush, etc."

The first approach that was tried placed an aluminum Frisbee in a wind tunnel. It was held in place by a piece of metal. "The results of these tests correlated fairly well with each other and with preliminary estimates and with some available discus data," the report noted. In other words, not much happened.

Next, the researchers tried a spring-mounted Frisbee, but they found that the spring introduced such as wobbling and swaying. For that matter, the solid mounting did not bring very good results.

Then, the project was moved to Utah, but not before the researchers ran a program through a computer. According to their calculations, if a Frisbee were launched at a speed of 50 feet per second from a 2,000-foot cliff, it would be airborne for a little more than 20 seconds and would travel forward about 1,000 feet.

In one of its best moments the report noted: "Satisfaction of the processional criteria represents simultaneous satisfaction of a relatively precarious simultaneous conditional equilibrium condition or coming close enough that the error from equilibrium causes an acceptably slow divergence from a straight flight." In other words, it is desirable to have a large, relatively light disk spun at a high speed and traveling at a low speed through the air.

At Hurricane Mesa the tests were not to be just throwing a Frisbee off a cliff. The Denver Research Institute designed and constructed a special Frisbee launcher that was to be used in planes if the project succeeded.

On hand also were a tracking camera to follow the flight, a data camera recording box, a panoramic motion picture camera and timing devices. Along the mesa floor were five-foot, red-and-white striped tracking poles.

As the report noted, "The results of the Hurricane Mesa tests were somewhat spectacular and unexpected." What happened was that the circular objects tended to take off like a jet plane when fired from the launcher. Their path was erratic and could not be controlled.

The report also noted: "While not successful in producing quantitative data, not too much had been expected, and these tests were valuable because they did provide qualitative validation of the math models and insight into the dynamic criteria, revealed problems in flare design, gave experience in filed testing and data collection, and led to experience in data reduction."

In other words, the project was scrapped—but everyone had a good time while it was on.

Mr. DOLE. Mr. President, the events and tensions which grew out of the latest Arab-Israeli war are appropriate subjects for consideration as the Senate takes up the military procurement conference report.

A TIME OF PEACE

At the outset it should be recognized that we are living in a time which is unusual in the recent history of this Nation. We are at peace. No U.S. troops are engaged in combat in Southeast Asia, for the first time since the early 1960's. Our forces, throughout the world, are performing the duty of maintaining a watchful alert over their areas of responsibility—from Minuteman missiles crews in chambers deep underground in North Dakota, to soldiers on manning watchtowers along the Berlin Wall, to sailors aboard nuclear submarines cruising the ocean's depths. They are performing well, and their service today is no less important or critical to this country than it was in the days of Khe Sanh, Pork Chop Hill, Anzio, or hundreds of other occasions when America has been at war.

OTHER NEEDS FOR FUNDS

But times of peace are difficult times when it comes to maintaining the support necessary to assure adequate resources and capabilities for our defense forces. When we are not at war, it is easy to look at the Military Establishment as an unnecessarily oversized drain on the limited finances available for other worthwhile national purposes. Aircraft, tanks, vessels, and armaments can readily be translated into health programs, old age assistance, handicapped rehabilitation, and countless other endeavors. And seen in a peacetime setting, it is often difficult to appreciate the necessity for continued expenditures on the machines of war.

Our history has demonstrated the hazards of too little peacetime attention to defense needs—particularly in the period between World War I and Pearl Harbor. But I would hope that the era following the Vietnam conflict will be remembered as a time when the coming of peace was not marked by a subsequent weakening of our national defense capabilities.

CRISIS AVERTED

If any Member of the Senate needed a reminder of the peacetime importance of our Defense Establishment, no more vivid or timely example could have been found than in the near-confrontation which arose from the Middle Eastern situation last month.

All the details and information have not yet been made public, but from the available knowledge of those critical days a clear picture has emerged of a major crisis with the Soviet Union being averted in part because the President was able to back up America's diplomatic position with a clear, creditable and understandable military capability. I would not characterize this capability—expressed in the worldwide alert of U.S. Forces—as a threat. The relationships involved in the situation were too sophisticated and complex for resort to bluff-threat theatrics. Rather, it was an indication, a signal that this country was firm in its position, serious in its resolve, and willing to tolerate no misinterpretation of its position.

But because our forces are strong and because their capacity to perform is unquestioned the message came through; and a situation, which could have expanded far beyond the bounds of the Arab-Israeli conflict, was defused and depressurized before it had a chance to get out of control.

POTENTIAL CRISIS ANYWHERE

In considering last month's events we should carefully separate the Israeli-Arab issues from those involving the United States and Russia. They are not the same, not really related, for this situation could have arisen anywhere in the world that American and Russian interests were in potential conflict. The important point is that regardless of the place—the Mideast, Europe, Asia, or wherever—the United States must be capable of taking whatever action is necessary at any time to protect its vital interests. And that ability cannot be assured without a strong national defense about which there is no question either of its resolve or its capacity to perform an assigned mission.

COMPLEX LEGISLATION

This brings us to the military procurement bill, one of the most complex and detailed pieces of legislation considered by the Congress.

As the bill which signs the purchase orders for military equipment, it involves large dollar figures. To some, the size of these figures almost defies imagination, and any thought of effectively assuring economy and reduction of unnecessary expenditures within these huge accounts might seem impossible. But I wish to take this opportunity to commend the members of the Armed Services Committees who assume the responsibility for writing this legislation, for breaking down the programs and for searching out every possible way to impose reasonable limits and insure maximum economy and efficiency in defense expenditures. They do an extremely conscientious job, and they must make many difficult decisions in the course of their deliberations.

CAREFUL WATCH ON EXPENDITURES

Lavish spending is not the answer to our need for sufficient military strength. A wasted dollar makes no contribution to our effort, rather it detracts from it. We should never hesitate to spend every dollar necessary to provide for our Armed Forces, but we should always impose the most stringent standards and requirements for assuring that each of these dollars is spent in the most effective and economical way.

I believe this year's bill is responsive to the broad national interest. First, it avoids crippling cuts in the defense budget and provides the basis for maintaining a peacetime level of preparedness which conforms to our requirements as one of the two great powers in the world. Second, it reflects an appropriate concern for economy in defense spending which is in keeping with the people's desire to hold overall Government spending within reasonable limits. The bill, like all products of compromise, will not satisfy everyone; it does not incorporate a meat-ax approach to spending reduction. It does not constitute a blank check for the military to buy every last item on its want-list of weapons systems, gadgets, and hardware. But it does provide a reasonable approach to meeting our Nation's responsibility for its own security and for our commitments as the free world's leader.

I am pleased to express my support for the conference report and believe that it represents a sound, constructive effort by Congress to deal with a very important field of national concern.

NO AID TO NORTH VIETNAM

Mr. President, as the author of a provision adopted by the Senate in its action on the military procurement bill, I would add just a brief comment about the conference report version.

At my urging the Senate adopted an amendment imposing a prohibition against the provision of any U.S. aid—direct or indirect—to North Vietnam. The Vietcong, as agents and, for all practical purposes, an identical entity, were also covered in the prohibition. This aid ban was intended to be imposed in response to the failure of North Vietnam and the Vietcong to comply with the requirements of the Paris agreements relating to information about our prisoners of war and the missing in action.

Our rights to information and verification are clearly and unmistakably defined in the Paris accords, but the U.S. task force, which is prepared to investigate crash sites, examine burial areas and track down any possible leads, has been prohibited by North Vietnam from carrying out its mission. There is no reason for such obstruction to this purely humanitarian undertaking. There is no excuse.

So as a means of expressing the American people's consideration of this action and their insistence upon our country's rights, my amendment was offered. Its passage was intended: First, to signal that North Vietnam and the Vietcong must live up to their obligations, and second, to demonstrate to some 1,300 American MIA's, their families, and friends that they are not forgotten.

The conference, in considering this Senate amendment as well as similar House language, adopted language which places an outright, unconditional ban on all direct or indirect aid to North Vietnam. As explained in the report, this provision was considered to be more closely in keeping with the will of Congress. Since this provision is broader, stronger and contains no loopholes, I believe it is consistent with the spirit of the Senate amendment. But I wish the record to show that this different language does not weaken, but strengthens, the Congress position in regard to obtaining the fullest possible information about our men—some 1,300 of them—who are still listed as missing in action in Southeast Asia. And as further clarification I ask unanimous consent that the debate on this Senate amendment be printed in the RECORD at this point.

There being no objection, the excerpt from the RECORD was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, Sept. 28, 1973]

SENATE

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendment.

The legislative clerk read as follows:

"At the appropriate place in the bill it is proposed to add a new section as follows:

" 'SEC. . No funds authorized to be appropriated by this or any other Act shall be used directly or indirectly to provide aid, promote trade or cultural exchange, or undertake any other form of assistance or accommodation with the Democratic Republic of North Vietnam or the Provisional Revolutionary Government (Viet Cong) until such time as the President shall certify to the Congress in writing that said governments have fully complied with Chapter III, Article 8, paragraph (b) of the Agreement of January 27, 1973; Article 10 of the Protocol to the Agreement; and point 8(e) of the Joint Communique of June 13, 1973, all of which relate to facilitating the location and care of graves of the dead, exhumation, and repatriation of the remains as well as to obtaining information on those still considered missing in action; and in no event shall any such aid or assistance be made available unless the Congress has specifically authorized such aid or assistance by legislation enacted after the date of enactment of this section.' "

Mr. DOLE. Mr. President, let me state briefly the purpose of the amendment. It merely provides that no funds authorized in this bill or any other act be expended, directly or indirectly, to aid North Vietnam or the Vietcong until there has been an accurate, complete, and full accounting of the Americans still missing in action.

Mr. President, this amendment is intended to accomplish two purposes. First, it will clarify and underscore the intention of this Nation that North Vietnam and the Vietcong live up to their obligations under the agreements which ended U.S. involvement in the Vietnam war.

Second, it will serve to demonstrate to the wives, families, and friends of some 1,300 missing Americans that these men are not forgotten.

Eight months ago, yesterday, the Paris agreements were signed. Eight months ago, the North Vietnamese and Vietcong promised to permit us to undertake and assist us in efforts aimed at resolving the questions and uncertainties surrounding the Americans who are listed as missing in action throughout Southeast Asia.

For 8 months, the North Vietnamese have not only refused to cooperate in our efforts to assert our rights under these agreements, but they have obstructed and frustrated our efforts to do so. This has not been a matter of hardship for North Vietnam or the Vietcong. It has not been a matter of honest misunderstanding or confusion. Instead, it has been a course of deliberate, calculated, and cynical refusal to comply with the clear obligations of the agreements and to permit the exercise of our rights.

I do not know the motivation for this policy. Many years ago I gave up attempts at understanding conduct which is so alien to the most basic humanitarian principles and which appears to offer no hope for any conceivable gain or profit on the part of those who engage in it.

I do understand, however, the agony, the uncertainty, and the suffering of parents, wives, and children who long for any shred of evidence which might provide the basis for resolving the unknown fate of a son, a husband or a father. And I know that for 8 months these Americans have been waiting and anticipating something which was promised to them and the entire Nation by the North Vietnamese and the Vietcong. They were promised a chance to know what became of their men.

These people are not naive. They are not living on false hopes. They know that the passing of every day reduces the chances for survival for anyone listed as MIA. And even before January 27, many days had passed. But they want a chance to have some certainty in their lives. They want to be able to live in the present and look to the future. They want to be able to set their personal and legal affairs in order—on the basis of fact, not speculation or some arbitrary administrative action.

So, today, I offer this amendment to foreclose—to the maximum possible extent—any opportunity that North Vietnam or the Vietcong can expect any advantage or gain to flow from their violation and flouting of the Paris agreements. Not only does this amendment deny any American aid—either direct or indirect—but it assures that no funds will be used to promote trade, engage in cultural exchange programs or any other kind of accommodation which other nations might enjoy with the United States.

I do not believe it is asking too much of any nation or any political organization to abide by humanitarian obligations which it has clearly and unambiguously assumed in a formal agreement. For 8 months, Hanoi and the Vietcong have acted in the most blatant disregard of these obligations, and I believe it is far past time that Congress act to demonstrate its refusal to tolerate such conduct.

I offer this amendment in the hope that Congress will consider it an appropriate means of going on record to demand that the North Vietnamese and Vietcong provide the full accounting and opportunities for verification of the status of our missing men to which we are entitled by the Paris agreement.

I ask unanimous consent that the text of a full-page advertisement published in today's Washington Post be printed in the RECORD. This advertisement, an open letter to the President, was placed by VIVA, an organization which has been active in building public awareness of POW and MIA matters for many years. I believe it indicates the extreme frustration and torment being suffered by the parents, wives, and families of these men. I certainly find no fault with nor criticize them for their anxiety or any expression of it.

But I do believe this advertisement serves to provide additional force to support adoption of this amendment. Hanoi and the Vietcong must be pressured relentlessly and continuously until they live up to their obligations, and every means of applying this pressure in Congress, in public opinion, and elsewhere must be utilized.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE PRESIDENT

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We would like to express our thanks publicly for the concern you have shown for the POW/MIA's and their families. We have not forgotten that under your administration the Defense Department reversed its policy and allowed POW/MIA families to discuss the plight of their men.

Once informed the American people joined in the largest and most dramatic display of brotherhood in our history to help men they had never met. This power of public opinion influenced the Communists to improve the treatment of our men, to which many returned POWs attribute their very lives.

Unfortunately, the Communists are still perpetrating a barbaric form of mental cruelty on almost 1200 POW/MIA families. This inhumanity may never be ended unless the American people are again informed and utilize the power of public opinion.

Many have said that all the POWs are home. Yet more than 50 men, who were known to be prisoners and are still officially listed as POWs by our Government, did not return home nor were they listed as dead by the Communists. Their capture was substantiated by evidence such as a letter written home, photos in captivity, propaganda broadcasts, etc.

Mr. and Mrs. Sparks have a letter from their son Don which says he is in fine health and has been held for ten months without seeing another prisoner. It is fair that because no returned prisoner saw Don that the responsibility now falls on Mr. and Mrs. Sparks to prove that Don is still alive in order to prevent our own Government spokesmen from saying, "All POWs are home and all MIAs are dead," thereby relieving the Communists from their obligation to account for Don and hundreds like him?

To presume that the Communists could possibly account for all MIAs is ludicrous, but to presume that it takes over seven months for them to account for men who were known to be captured is just as ludicrous. Would our outrage have been demonstrated more vocally if only 50 POWs had returned and 500 known POWs had not been accounted for?

We are aware of the ability, sincerity and dedication of our delegation to the Four Party Military Team responsible for handling the negotiations and the men of the Joint Casualty Resolution Center who seek to account for the missing. These men acknowledge there has been little success in encouraging the Communists to live up to the Peace Agreement and that perhaps public awareness is the only weapon left. We have also been assured by Melvin Laird that the administration supports efforts to broaden public awareness of the failure of North Vietnam to comply with the Paris Agreement.

We can only assume, therefore, that it has not been brought to your attention that the Defense Department has been hindering the effective use of this weapon rather than supporting efforts to broaden public awareness.

This is evidenced by public statements such as the one made by Assistant Secretary of Defense William T. Clements who labeled everyone who distributes bracelets and bumper stickers "charlatans". It is also evidenced by the fact that a spokesman for the Department of Defense uses every possible opportunity to urge returned POWs, POW/MIA family members, and concerned citizens to refrain from making public statements on this issue and leave it to the government "experts" lest they harm the negotiations in progress.

Such actions negate the efforts toward awakening public awareness and are completely contrary to the statements of Mr.

Laird's and those actually involved in the negotiations.

Although only the Communists know whether any of them are still alive, all POWs did not return home, nor were they accounted for.

Please, Mr. President, don't allow anyone in our government to render less effective the only weapon the POW/MIA families may have left—that of public opinion.

Please grant representatives of the national organizations directly involved with this issue a meeting to clarify these discrepancies in order that your pledge of support to the POW/MIA families be fulfilled.

Sincerely,

National Board of Directors,
VIVA—Voices in Vital America.

Mr. Dole. Mr. President, I have discussed this amendment with the distinguished Senator from Missouri and the distinguished Senator from South Carolina. We have made one change in the amendment, after conferring with the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.), and it is my understanding that the committee is willing to accept the amendment.

Mr. Symington. Mr. President, will the Senator yield?

Mr. Dole. I yield.

Mr. Symington. Mr. President, the able Senator from Kansas and I discussed the amendment yesterday. This is a subject in which the distinguished senior Senator from Virginia has been interested. Portions of the language were changed with the approval of the Senator from Kansas. As a result, we on this side of the aisle have no objection.

Mr. Thurmond. Mr. President, we on this side of the aisle are willing to accept the amendment. We think it is a good amendment, because it ought to give leverage to the President to get the North Vietnamese and the Vietcong to live up to their agreement. If it does this, it certainly will be worthwhile. We are all anxious, of course, to locate the missing in action and to get those back who are still living. We think this amendment will be helpful in that respect.

I commend the able Senator from Kansas for offering the amendment.

Mr. PELL. Mr. President, I have voted against approval of the conference report on the military procurement authorization bill for several reasons.

First, and most important, the conference report authorizes the appropriation and spending of more money by the Department of Defense than was approved by either the House of Representatives or the Senate in their original action on the bill. The bill authorizes $21.3 billion—$351 million more than the amount we approved in the Senate, and $854 million more than was originally approved by the House of Representatives.

In addition, the legislation as reported by the committee on conference deleted several provisions approved by the Senate which I believe are of vital importance. For example, the conference eliminated the Senate provision that would have required a reduction of 110,000 men in U.S. overseas land-based forces. Also eliminated was a provision of vital importance to my own State—an amendment adopted in the Senate authorizing $50 million for communities and areas, such as my own State of Rhode Island, which face severe economic adjustment problems because of the closing of major military installations.

Mr. President, there are many provisions of this bill, as reported by the conference committee, that I believe are important and indeed vital to our national defense. Among these vital provisions, which I fully support, is the authorization of funds for the *Trident* submarine.

I have, nevertheless, voted against approval of the conference report to express my disappointment that so many provisions approved by the Senate were eliminated in the conference with the House.

Mr. STENNIS. Mr. President, I shall not detain the Senate for over 2 minutes.

I want to very strongly commend and warmly thank the Senator from Missouri for almost a full calendar year of hard work, day and night, on the bill that has just won such overwhelming approval by the Senate. Many members of our committee worked with him, but I especially wish to mention the Senator from South Carolina who is the ranking minority member, and a highly valuable member. He is always ready and willing; he teaches us many things every day.

The Senator from Missouri took up this duty willingly and in a very fine spirit. He and I have worked together on the committee for more than 20 years. He could not have been finer or nicer than he was in picking up the entire burden of the chairmanship and carrying on. He fought this battle through all the hearings, the debate that took place on the floor of the Senate and then in conference. So I thank him again.

I thank the Senator from South Carolina (Mr. Thurmond) for his broad experience and his fine knowledge of military law, military weaponry, and everything that goes with them. The Senate owes him a deep debt of gratitude, and I owe him a special one.

Mr. SYMINGTON. Mr. President, I am very grateful for the remarks of the distinguished Senator from Mississippi, who is one of the most respected of all Members of this body. It was a privilege to try to do my best in service to him because of his temporary absence from the committee.

I have already expressed my deep appreciation to the Senator from South Carolina, but I join the able Senator from Mississippi in thanking the Senator from South Carolina also.

I am glad we now have passed this bill through the Senate.

Mr. THURMOND. Mr. President, I wish to express my deep appreciation to the distinguished and able Senator from Mississippi (Mr. Stennis) for his kind remarks. I have been a member of the Committee on Armed Services since 1958, and I have never worked with a finer or abler chairman than the distinguished Senator from Mississippi. It has been a joy and a pleasure to work with him. He is a knowledgeable man and a fair man. He has made an outstanding chairman.

Again, I express my appreciation to the distinguished Senator from Missouri (Mr. Symington) for the fine leadership he has provided throughout the year and during this conference in particular, and for the fair manner in which he has handled the conference report.

Mr. SYMINGTON. I thank the distinguished Senator from South Carolina.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. William L. Scott). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Indiana (Mr. Hartke), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), and the Senator from Rhode Island (Mr. Pastore) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senator from New Hampshire (Mr. Cotton), the Senator from Colorado (Mr. Dominick), the Senator from New York (Mr. Javits), the Senator from Arizona (Mr. Goldwater), the Senator from Florida (Mr. Gurney), the Senator from Oregon (Mr. Packwood), the Senator from Illinois (Mr. Percy), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

If present and voting, the Senator from New York (Mr. Javits) and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 69, nays 12, as follows:

[No. 476 Leg.]

YEAS—69

Aiken
Allen
Bartlett
Bayh
Beall
Bellmon
Bennett
Bible
Brock
Buckley
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Cook
Cranston
Curtis
Dole
Domenici
Eagleton
Fannin
Fong
Gravel
Griffin
Hansen
Hart
Haskell
Hathaway
Helms
Hollings
Hruska
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mathias
McClellan
McClure
McIntyre
Metcalf
Mondale
Moss
Muskie
Nunn
Pearson
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NAYS—12

Abourezk
Biden
Church
Clark
Fulbright
Hatfield
Huddleston
Hughes
Mansfield
Nelson
Pell
Proxmire

NOT VOTING—19

Baker
Bentsen
Brooke
Byrd,
  Harry F., Jr.
Cotton
Dominick
Eastland
Ervin
Goldwater
Gurney
Hartke
Javits
McGee
McGovern
Montoya
Packwood
Pastore
Percy
Weicker

So the conference report (H.R. 9286) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SYMINGTON. I move to lay that motion on the table. The motion to lay on the table was agreed to.

EXPLANATION OF VOTE

Mr. CHURCH. Mr. President, I voted "no" on this conference report, because I believe it to be an abuse of discretion for the conferees to agree upon a bill that substantially exceeds the amounts authorized by the House of Representatives and the Senate, when each body considered the bill and voted separately on the total to be authorized.

In reporting back from conference a final version of the bill which is larger than either body approved, the conferees have set themselves above the two Houses of Congress they were supposed to represent.

I cannot accede to this arrogation of power, and I regret that the Senate has voted to acquiesce in it.

INVOLVEMENT OF U.S. MILITARY FORCES IN SOUTHEAST ASIA

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives.

The Presiding Officer laid before the Senate House Concurrent Resolution 373, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes, is authorized and directed to make the following corrections:

(1) Immediately after section 805, insert the following new section:

"Sec. 806. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress."

(2) Redesignate sections 806 through 818 as sections 807 through 819, respectively.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to its consideration.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 373) was agreed to.

RESUMPTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that there now be a resumption of routine morning business, with statements limited therein to 3 minutes, with the period for morning business not to extend beyond 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes today.

SUPPORT FOR OVERRIDING THE PRESIDENT'S VETO OF WAR POWERS RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent that a letter sent to all our Senate colleagues by me and Senator Muskie urging them to vote to override President Nixon's veto of the war powers resolution (H.J. Res. 542) be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Colleague: The President's veto of H.J. Res. 542, the War Powers Resolution, is no less dismaying because it was anticipated. The veto should be overridden by the Congress.

It is especially regrettable that the veto message shows no forward movement in the position of the Administration from what it was when Congress first initiated the legislative process almost three and a half years ago, which culminated in H.J. Res. 542. The veto message reflects the same rigid opposition to reform in the war powers field and puts forward the same dogmatic arguments for the "imperial Presidency" as the President's spokesmen have in the hearings conducted in the Senate and the House over the past three years.

One may wonder how the White House could have so isolated itself as to be so unaware of and so insensitive to the logic of history and the demands of our people—which have culminated in the War Powers Resolution adopted by such overwhelming votes in both Houses of Congress. One searches the veto message in vain for evidence of awareness of the historic hearings conducted in the Senate Foreign Relations Committee and the House Foreign Affairs Committee, of the floor debates in both Houses, of the testimony of the nation's leading constitutional authorities, of the attention devoted to the war powers issue in the press and the media, and of the editorials from all over the nation supporting the war powers bill.

Indeed, the veto message simply disregards key provisions of the bill and fails to respond to the arguments in the great national debate which has been conducted respecting the war powers and the Constitution, in and out of the Congress over the past three years. Among the provisions of the bill the veto message disregards are those leaving free to the President general military deployment—what the President in the message calls "subtle shifts". If such deployments are significant in scope, they are subject only to reporting to the Congress. The message ignores the fact that whatever constitutional power the President has, is not taken away, e.g., in protecting U.S. nationals abroad, but only when it leads to war or imminent danger of war does the bill become operative.

Particularly inadequate are the veto message's statements respecting the constitutional questions. For, contrary to the assertions in the veto message, it is indisputable that the Founding Fathers, in drafting the Constitution, took more care to lodge the war powers in the Congress than was devoted to any other single issue. This is clearly manifested in the text of Article I, Section 8 giving the Congress all the appropriate powers—including the "necessary and proper" clause. And, the clear intention of the Founding Fathers in this regard is massively documented in the debates of the Constitutional Convention, in the Federalist Papers and other documents of the period, as well as in the practice of our government—both in the executive and legislative branches—throughout the Federal period.

It is particularly noteworthy that in using the words "foreign affairs" interchangeably with "war powers" to describe the powers dealt with by the vetoed bill, the veto message unwittingly, yet overtly, betrays the inclination of our recent Presidents to think of power in foreign policy as synonymous with power in war-making. This is precisely the attitude which continued the Vietnam war—a war which has deeply and grievously damaged the whole structure of our society, and which has made the war powers bill properly the first priority item on the agenda of national post-Vietnam rehabilitation.

The veto message alleges that the war powers bill seeks to accomplish objectives which ought to be accomplished by constitutional amendment. Administration spokesmen put forward this spurious argument during the Senate floor debates in 1972 and 1973. It is an argument which has been demolished in the Congressional hearings, and outside them, by our nation's leading constitutional authorities and historians. It is sobering to confront such a charge respecting legislation which seeks to restore to the Congress constitutional powers which have been wrested from it by activist Presidents. If the Congress cannot reclaim through legislation authority explicitly given to it by the Constitution, how much less is the Presidency entitled to acquire constitutional authority through unilateral, preemptive acts! By what logic must the Congress pass a constitutional amendment to reclaim its own constitutional powers?

Another of the central arguments of the veto message similarly stands the Constitution on its head. It argues that the Congress ought to have to pass a law in each instance in order to prevent a President from plunging the nation into war without the concurrence of the Congress, and therefore that the 60-day automatic cutoff of Presidential authority in war-making is unconstitutional. According to this logic must the Congress begin each legislative day by making a Declaration of No War? The Constitution gives to the Congress the power to declare war, which is the operative juridical act. Hence, whatever the act of Congress may be called, it is required if our nation is to change from a state of peace to a state of war. The Congress is not obligated to declare or authorize war if requested by a President—and certainly is not obligated to make a Declaration of No War in order to keep a President from making war on his own.

And yet, the White House now argues that the Congress can only restrain a war-making President through legislation which requires the President's signature and is subject to his veto! To our knowledge no one has yet discovered any word or phrase in the Constitution conferring upon the President the power to make war for as long as he can muster the support of one-third plus one vote of either House of Congress—which is all he needs to sustain a veto.

This, truly, is an assertion right out of the doctrine of the imperial presidency.

The veto message contends also without substantiation that the war powers bill would have prevented the successful diplomacy of President Kennedy's Administration respecting the Berlin crisis of 1961 and the Cuba missile crisis of 1962. But, McGeorge Bundy, who occupied the position of Dr. Kissinger in the Kennedy Administration, specifically refuted this contention respecting the Cuba missile crisis when he testified before the Senate Foreign Relations Committee in 1971. Moreover, we know of no actions—diplomatic or military deployment—taken in the Berlin, Congo or Jordanian crisis which would not have been possible under the war powers bill. Efforts to elicit from the Administration facts and evidence supporting such claims have always gone unanswered. One can only conclude that they reflect a failure to consider the war powers bill—or that they are purely rhetorical arguments.

Nothing in the War Powers Resolution could have hampered the President in his handling of the recent Middle East crisis. The bill would have allowed the President to put our Armed Forces on alert, to order movements of our fleets and to resupply the Israelis with military equipment. The bill would have required the President only to report to the Congress within 48 hours in writing with respect to the deployment of U.S. Armed Forces in foreign territory, airspace and waters. It is important to note that during the recent crisis at no point were United States Armed Forces engaged in hostilities or in situations where imminent involvement in hostilities was clearly indicated by the circumstances. The actions taken by the President related solely to the state of readiness of U.S. Armed Forces and did not involve the provisions of this bill.

The veto message claims that the war powers bill "would seriously undermine this nation's ability to act decisively and convincingly in times of international crisis" and that it would diminish the confidence of our allies and lessen the respect of our adversaries.

Quite the opposite is true—for every nation in the world knows now, if it did not before the Vietnam war, that the President cannot commit this nation to a determined war struggle without the concurrence of the Congress; and that, without the concurrence of the Congress, even the President's *de facto* authority falls short of adequate effectiveness. By establishing a procedure wherein the concurrence of the Congress (or its non-concurrence) is plainly established, the war powers bill will bring much needed decisiveness and stability to the conduct of our nation's foreign affairs insofar as it relates to the war power.

The dangerous erosion of confidence and respect for our nation's conduct which developed on every continent during the Vietnam war is evidence of the price which our nation and the structure of world peace is required to pay when efforts are made to conduct Presidential war, which lacks the legitimacy which can alone be derived from Congressional concurrence.

The lesson of the legitimacy of making war, for the American people and for the world, is the crux of the issue. The recent lesson of the Presidential air war against Cambodia with all its dangers and deceptions is there for every American to see.

In another of its inaccuracies, the veto message alleges that the war powers bill would prohibit the fulfillment of our treaty obligations under the NATO Treaty. This is an assertion exactly contrary to fact. For, the fact is that Article 11 of the NATO Treaty specifically provides that all provisions of the treaty will be carried out in accordance with the constitutional processes of the signatory nations. Under the United States Constitution affirmative action by both Houses of Congress is required to commit our nation to war. This Constitutional process cannot be altered by a treaty.

This very point was made clear during the Senate debate on the ratification of the NATO Treaty in 1949. And, this position was confirmed by the State Department at that time, and was reconfirmed by the State Department in a legal memorandum submitted to the Senate Foreign Relations Committee in 1972. Also the bill confirms in Section 8(b) specifically U.S. participation in the joint command with other NATO members.

In its latter portion, the veto message contains several paragraphs of excellent sounding rhetoric concerning the "fullest cooperation between the Congress and the Executive" and "regularized consultations". Such sentiments are welcomed, indeed, but they are belied by the actual experience of recent years—for example, respecting Laos and Cambodia.

Moreover, the insupportable claims respecting "executive privilege" and "separation of powers" which are put forth regularly in the courts by the President's lawyers to justify refusal to provide information to the Congress, and to the courts, vitiate the veto message's implied suggestion that the Congress content itself with a bill which requests after-the-fact reports from the executive branch concerning war-making actions taken by the President.

Finally, the veto message suggests that the war powers bill should be shelved in favor of an administration proposal for a national study commission. Clearly, the Congress cannot abdicate its constitutional and legislative responsibilities to a study commission especially when considered in connection with the consideration of the war powers bill for the last three years—itself quite a "study commission". Moreover, assuming that the study commission proposal is one which is put forward in good faith and not as a way to sidetrack the issue, the appointment of such a commission, rather than an override of the veto, simply accepts the President's interpretation of the Constitution and shackles the Congress in getting back any real control over the war power for yet a considerable time longer.

Accordingly, we urge you to vote to override the President's veto of H.J. Res. 542, the War Powers Resolution. Similar appeals are being made by Congressman Zablocki and Chairman Morgan in the House of Representatives.

Sincerely,

Jacob K. Javits,
Edmund S. Muskie.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 5, 1973, he presented to the President of the United States the following enrolled bill:

S. 2410. An act to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

ORDER FOR ADJOURNMENT TO WEDNESDAY, NOVEMBER 7, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. Wednesday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day this order was modified to provide for the Senate to convene at 12 o'clock noon on Wednesday.)

ORDER FOR RECOGNITION OF SENATOR McGOVERN ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on the day the Senate next meets, the distinguished Senator from South Dakota (Mr. McGovern) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of Mr. McGovern, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRIFFIN AND SENATOR ROBERT C. BYRD ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of Mr. McGovern, and prior to the period for the transaction of routine morning business, the distinguished assistant Republican leader (Mr. Griffin) be recognized for not to exceed 15 minutes and that I then be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. CURTIS. Mr. President, I ask unanimous consent, under the provisions of rule V, that I be excused from the sessions of the Senate while I attend as a designee from the Senate, the Food and Agricultural Organization meeting in Rome, Italy. The meeting will be in session from November 10 until November 29, 1973.

I shall leave here on Friday with the Secretary of Agriculture who is going to attend an International Meeting on Soybeans to be held at Munich, Germany. That meeting will be of great importance to all rural and agricultural areas of our Nation.

I therefore ask unanimous consent that I be excused from attending sessions of the Senate from Thursday, November 8, 1973, for the duration of the Food and Agricultural Organization meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair.

The motion was agreed to; and at 2:50 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:54 p.m., when called to order by the Presiding Officer (Mr. WILLIAM L. SCOTT).

ORDER FOR ADJOURNMENT UNTIL 12 NOON ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Wednesday the Senate will convene at 12 o'clock noon.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Messrs. McGOVERN, GRIFFIN, and ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. President, the conference report on S. 1081, the rights-of-way across Federal lands measure—the so-called Alaska pipeline bill—is expected to be available on Wednesday following action by the House of Representatives, which is likewise contemplated on Wednesday. The distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON) has indicated to me by telephone that he would expect a yea-and-nay vote on the adoption of that conference report. Senators, therefore, may be sure—I think I ought to assure them—that there will be a yea-and-nay vote on that conference report.

Other conference reports may be available and ready for action on Wednesday, and they, being privileged matters, of course can be called up. There may be other bills on the calendar that will have been cleared by Wednesday for action, so Senators can be sure of at least one yea-and-nay vote on Wednesday and possibly others.

The leadership expresses the hope that Senate conferees on bills, that are in conference, will press to make progress with the conferees of the other body, so that the Senate can give these conference reports final action.

Mr. President, that pretty well sums it up.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 o'clock noon on Wednesday.

The motion was agreed to; and at 2:56 p.m. the Senate adjourned until Wednesday, November 7, 1973, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate November 5, 1973:

DEPARTMENT OF STATE

The following-named persons for appointment to the offices indicated:

William H. Donaldson, of New York, to be Under Secretary of State for Coordinating Security Assistance Programs;

L. Dean Brown, of the District of Columbia, a Foreign Service Officer of the Class of Career Minister, to be Deputy Under Secretary of State;

Carlyle E. Maw, of New York, to be Legal Adviser of the Department of State;

John M. Thomas, of Iowa, a Foreign Service Officer of Class One, to be an Assistant Secretary of State;

Robert Stephen Ingersoll, of Illinois, to be an Assistant Secretary of State.

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

Robert W. McVay, of Missouri, to be a Member of the Federal Metal and Nonmetallic Mine Safety Board of Review for the term expiring September 15, 1978. (Reappointment)

WITHDRAWAL

Executive nomination withdrawn from the Senate November 5, 1973:

DEPARTMENT OF STATE

G. McMurtrie Godley, of the District of Columbia, a Foreign Service Officer of the Class of Career Minister, to be an Assistant Secretary of State, which was sent to the Senate on March 16, 1973.

EXTENSIONS OF REMARKS

GERALD R. FORD

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ARENDS. Mr. Speaker, I am pleased to insert in the RECORD for the benefit of all the forthright and direct statement made by our colleague, GERALD R. FORD, before the Senate Committee on Rules and Administration.

After reading the statement, I am sure everyone will feel as I do that these are the views of a dedicated American and that his nomination by the President to fill the office of Vice President is indeed an excellent choice. The statement follows:

STATEMENT BY THE HONORABLE GERALD R. FORD

This is a new experience for me. I realize it is also a new experience for you, and for the American people. I feel that I am among friends. However, I ask you only to treat me as true friends treat one another, with directness, with candor, without favor and without guile, in full and mutual awareness of the solemn oath we have all taken to the Constitution and our responsibility to the people of this great Republic.

Before going further, I must add my gratitude to the two distinguished Senators who ably represent my home State in the United States Senate. Together, Phil Hart, Bob Griffin and I have spent a combined total of 57 years in Washington trying to outdo one another in doing things for Michigan—and none of us is ready to concede that contest yet. But I want to take this opportunity to acknowledge publicly, before trying to exchange a vote for a gavel, that Michigan and Grand Rapids have given me far more than I could ever give them.

Yet I am deeply conscious that today the Congress and the citizens we represent are embarking upon an historic voyage into uncharted waters. I come before you as the nominee of the President to fill a vacancy in the office of Vice President of the United States under the provisions of the 25th Amendment to the Constitution, for which 65 Senators and 368 Members of the House voted in 1965 and which the Legislatures of 48 States subsequently ratified.

I might note that the State where I was born, Nebraska, was the first to ratify the 25th Amendment.

As you might guess, I have recently reviewed the debate on the 25th Amendment and there is little doubt that most of our attention in framing it was centered on the question of Presidential succession, on filling a vacancy in the Presidency.

Section 2, which dealt with the problem of filling a vacancy in the Vice Presidency, was a subsidiary issue in our minds, despite the fact that on 16 previous occasions, for a total of 37 years in our Constitutional history, the nation has been without a Vice President.

Vice Presidents have died and they have resigned, but our circumstances today are unprecedented. Until now they have always been elected, at first separately but most of the time together with the President, by an Electoral College chosen for that purpose by all the people. One Vice President, Richard Mentor Johnson, was elected by the Senate in 1837 under the 12th Amendment when the electoral vote was tied.

This is the first time in history that both the Senate and the House of Representatives have been required to advise and consent to the President's nomination of a Vice President.

These are not ordinary times nor, I suppose, will the times ever be ordinary when the 25th Amendment must be invoked. I want to assure you, the members of this committee and all my colleagues in the Congress, that I fully appreciate and share your determination to consider with the utmost diligence qualifications and fitness for the second office of the Republic. For the sake of the country we all love, for your sakes and certainly for mine, I would not want it otherwise.

I am a member of this Congress. I have a vote and a responsibility under the Constitution the same as yours. Under the circumstances, I will vote "Present" when my nomination is before the House. I am used to this. Custom has compelled me to do it in the last 5 votes for Speaker, when I lost to the Honorable John McCormack and the Honorable Carl Albert.

You know, life plays some funny tricks on people. Here I have been trying with might and main for 25 years to become Speaker of the House. Suddenly, I'm a candidate for President of the Senate, where I could hardly ever vote and where I'll never get a chance to speak.

When I was asked by the President for my recommendations for Vice President I really did suggest Hugh Scott and Mel Laird and one other whose name I won't tell—but the President didn't pay any attention to my advice.

I know you are going to have a lot of questions for me, but there are two big ones perhaps I can answer at the start.

First, what makes you, Jerry Ford, qualified to be Vice President of the United States? Second, what kind of a Vice President would you hope to be?

Let me take the second question first. How do I regard the office of the Vice Presidency—in the climate and context of right now, and in terms of the future. History isn't much help here, except recent history, through which we have all lived.

There are only three living Americans who have held this high office, and three weeks ago at the White House one of them told me he wanted me to take the job.

The first two telephone calls I got after that announcement were from the two other former Vice Presidents. And for their generous good wishes I will always be grateful.

Events at home and abroad have moved so swiftly since that night that I have not had much time for scholarly homework on the duties of the Vice Presidency, or even to collect my own feelings at the sudden change in my own style of life.

My thoughts have been mixed—pride in the confidence which President Nixon has shown for me and deep satisfaction that apparently it is shared by hundreds of other old friends and colleagues, in the Congress, and throughout the country. I have felt a touch of sadness at the thought of leaving the House of Representatives which has been my home for nearly half my life.

I have also felt something like awe and astonishment at the magnitude of the new responsibilities I have been asked to assume. At the same time I have a new and invigorating sense of determination and purpose to do my best to meet them.

Since I first ran for Congress in 1948—the same year one of the greatest Vice Presidents ever to succeed to the Presidency was renewing his lease on the White House by whacking the Republican 80th Congress with hammer and tongs—I have believed that public office is a public trust. I believe that any man or woman who wins the votes of a majority of his fellow citizens has a solemn obligation to serve them faithfully and well, and to do them as much honor as they have done him.

Now I'm contemplating the first public office to which I would not be elected by the people, but by my peers in the Congress as the people's agents. As the first candidate to be so chosen, I recognize and welcome the fact that this committee, as it should, will inquire fully into my worthiness to have the trust of the Nation.

In this century, 32 men have been chosen by the two major parties as candidates for Vice President, and 19 of them have served in the House or the Senate or both. Of the 15 who won, 9 have served in the Congress and I believe there is no better training school for this job than service in the Congress. I am proud to be a Member of Congress, and if I were to express my new ambition in a nutshell, that ambition of mine is to earn the respect as well by all the American people as I hope I have with my good friends in the 5th District of Michigan.

Like that of most men and women who serve in Congress, my public life has been an open book—carefully reread every two years by my constituents. Likewise, the door to my office in Washington has been open, not only to my constituents but to any citizens who have wanted to discuss with me their views and their problems relating to legislation and the Federal government—or even just to satisfy their curiosity as to what a Congressman looks like. These contacts with people have represented a large part of my job, and since 1965 when I became Minority Leader of the House by the "landslide margin" of 73 to 67 such contacts have become more and more national in character. I not only think an open door is a duty, but I have learned a lot from the people who have passed through it, both from those who agree with me and from those who don't.

Perhaps the worst misgivings I have about the Vice Presidency are that such contacts with all kinds of people would be more difficult—and that my friends might stop calling me Jerry.

Not only has my public life been an open book but in the last three weeks my private life has been opened as well. Once I told the President I'd accept—I guess I told him as much—I made a firm decision, I decided to make available to this Committee and to the House Committee on the Judiciary, without reservation except reliance on their good judgment, every record relating to my public service, my personal finances, my health and the health of my wife and children, and to respond as fully and accurately as possible to every reasonable inquiry.

I asked all public officials, Federal, State and local, and all persons or agencies that have custody of normally private records regarding me to make them fully and speedily available, including all of my campaign finances, office and personal bank accounts—even our children's savings accounts—my income tax records and confidential financial disclosure reports required by House rules, all correspondence of my Congressional Office and the records of my certified public accountant in Grand Rapids, including a statement of my Net Worth. It has been a monumental job, just locating and digging out the records I have, all in a very short time. I have answered every request unreservedly, and I want to give such answers because of the great importance of the present inquiry.

I believe you and the Congress and the American people must become fully satisfied that I am worthy of your trust and that I am fit to perform the duties of the Vice Presidency.

I am not a saint, and I'm sure I have done things I might have done better or differently or not at all. I have also left undone things that I should have done. But I believe and hope that I have been honest with myself and with others, that I have been faithful to my friends and fair to my opponents, and that I have tried my best to make this great government work for the good of all Americans.

President Eisenhower had a very simple rule—I have never heard of a better one for people in public office who have to make decisions: get all the facts and all the good counsel you can, and then do what's best for America.

My old law professor at Yale, Eugene V. Rostow, who had a distinguished tour of duty at the State Department during the Johnson Administration, took the time to write to me a warm and inspiring letter upon nomination. I would like to share some of his words with you, because the master still says things much better than his pupil:

"Constitutionally and politically, the first and most important requirement for the post, I should say, is that the Vice-President be capable of discharging the duties of the Presidency, should fate call him to that office. I am opposed to any other criterion in the selection of Vice-Presidents, above all in these times of difficulty and danger at home and abroad. The nation has never needed strong Presidents more urgently, as the Middle East crisis of the last few months demonstrates. A critical factor of that most dangerous confrontation was the President's resolute public and private diplomacy, notably his threat to use force if need be. The basic question to ask about a prospective Vice-President is whether he has the character and insight to do what Theodore Roosevelt and Harry Truman did when they were called to the Presidency.

"While in office, the Vice-President should serve as a vital part of the President's administration. He should have no independent responsibility for policy, save as the President's adviser and agent. That is the idea behind the Twelfth Amendment, in my opinion. The Vice-President's duties and functions as the President's roving halfback cannot and need not be defined with precision. They will depend upon circumstance—on the nature of the pressing business before the country, and on the temperaments and special talents of the two men. Some Presidents have used their Vice-Presidents wisely and well; others, as we all know, have ignored them.

"In your case, it is apparent that President Nixon could well enlist your experience, and your influence in Congress, to help rebuild the relationship of confidence and cooperation between President and Congress which should characterize our constitutional order at its finest moments."

The Constitutional duties of a Vice President are few, and his statutory duties while numerous do not really define his role. It is trite and cynical to sum it all up by saying the Vice President does whatever the President wants him to, and no more. I have a different idea, I hope a broader one. It is based on the uniqueness of my situation and, above all, on the greatest single need of our country today.

I realize, of course, that almost exactly a year ago President Nixon and Vice President Agnew were elected by majorities of the people in 49 of the 50 States. Not only that, but the President was running on his record of four years. He was reelected by a massive majority who approved of his program and his policies as they had been tried and tested over that period. I fought hard for those programs in the Congress as Republican Leader in the House. I defended them vigorously all over the country and on the campaign trail, and for that I have no apologies. If being *for* his President and *for* his party and *for* its candidates disqualified anyone from becoming Vice President, then we'll have another Truman, Nixon, Johnson or Humphrey.

But while I feel a strong obligation to recognize the Presidential mandate of 1972, I am also very much mindful of the Congressional mandate on the same election day. The very same Americans who gave the Republican President a margin of 17,838,725 votes also gave the Senate a Democratic majority of 56 to 42, with one Independent and one Conservative, and the House a Democratic majority of 243 to 192.

The Founding Fathers in 1787 never intended—and the American people in 1972 never intended—to paralyze and cripple the government in Washington. But responsible citizens and leaders in both parties are beginning to worry about our national government becoming seriously weakened by partisan division.

I have served in one Republican Congress and a dozen Democratic Congresses. I have served during three Democratic and two Republican Presidencies. In the course of 25 years I've stood with the Congress when it was right and with the President when he was right, in my judgment, regardless of which party controlled the executive branch or the legislative branch of government.

I know from firsthand experience that almost without exception the people in their wisdom send to Congress men and women who are reasonable, who prefer action to inaction, who are capable of compromise, who love their country and who are concerned for the future of the oldest representative republic on earth.

I know these men and women can work together because I have worked together with them the best years of my life.

So I come back to the first question: What makes you, Jerry Ford, qualified to be Vice President of the United States?

My answer is that I believe I can be a ready conciliator and calm communicator between the White House and Capitol Hill, between the re-election mandate of the Republican President and the equally emphatic mandate of the Democratic 93rd Congress. I believe I can do this—not because I know much about the Vice Presidency—but because I know both the Congress of the United States and the President of the United States as well and as intimately as anybody who has known both for a quarter century.

I count most of the members of the Senate and of the House as my friends. They have been wonderfully kind and helpful during these hectic days in volunteering support and encouragement to me. The President of the United States has been my friend from the time he was a second-termer from California in the House and took time to make a freshman from Michigan feel welcome. He has always been truthful to me, as have my good friends in the Congress. I have never misled them even when they might have wanted to hear something gentler than the truth. And if I change jobs that is the way I intend to continue.

Truth is the glue that holds government together, and not only government, but civilization itself.

So gentlemen, I readily promise to answer your questions truthfully. I know you will not pull any punches—the American people will never forgive any of us if you do. Through my testimony it is my intention to replace misunderstanding with understanding and to substitute truth for untruths.

We have all taken the same oath before God and under the Constitution, and we are today charged with the duty of trying and testing a new Amendment to that Constitution for the first time. Many of us had a voice and a vote in bringing about the 25th Amendment. From that debate I would like to quote two distinguished Senators—anonymously, since I hope you will not throw too many of my own words from the Congressional Record back at me.

One, a Republican, noted that "The security of our nation demands that the office of the Vice President should never be left vacant for long." Another, a Democrat, observed that "At a time of national crisis, the public would not tolerate the playing of politics in the choice of a Vice President."

I agree with both these distinguished Senators, and I also agree with the only American who has ever served consecutively as Speaker of the House and as President of the Senate, John Nance Garner.

"Men who have known how to compromise intelligently have rendered great service to their country," said "Cactus Jack", probably sitting right in the Capitol Office which I now occupy as Minority Leader. "The most constructive laws on our statute books have been put there by intelligent compromise—that does not mean that men have to abandon fundamentals or basic principles."

So my platform, gentlemen, is always to support truth and intelligent compromise. And I pledge to you and to the American people that if confirmed, then, as President Eisenhower did, I will do what I believe is best for America. I will do it as President Lincoln did, "with firmness in the right, as God gives us to see the right."

Thank you for your courteous attention.

FAREWELL ADDRESS OF PRESIDENT ANDREW JACKSON

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. HOGAN. Mr. Speaker, in this critical period of stress and uncertainty surrounding our political system, I would like to share with my colleagues a speech given by a former President. His speech which is as appropriate today as it was over 136 years ago:

FAREWELL ADDRESS OF PRESIDENT ANDREW JACKSON

MARCH 4, 1837.

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the Government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States under our free and happy institutions has surpassed the most sanguine hopes of the founders of the Republic. Our growth has been rapid beyond all former example in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man, and from the earliest ages of history to the present day there never have been thirteen millions of people associated in one political body who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves—from cupidity, from corruption, from disappointed ambition and inordinate thirst for power—that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations make you worthy of the favors He has bestowed and enable you, with pure hearts and pure hands and sleepless vigilance, to guard and defend to the end of time the great charge He has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty and that He has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

HAPPY BIRTHDAY, MR. DEMOCRAT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. JOHNSON of California. Mr. Speaker, I rise today to pay tribute to a special type of person, J. Everett Morrow, known far and wide in Butte County and northern California as "Mr. Democrat." Mr. Morrow, a day or two ago, celebrated his 96th birthday. At that time the Chico Enterprise Record, a newspaper which has established a reputation of independence, described him as "a very special person" not only because of the attainment of the age of 96 but because he is an outstanding example to all of us who are younger of how we should maintain an active interest in public affairs and in people. This basically is what our Government and our democratic system is all about.

So that I might share in the honoring of Mr. Morrow and so that my colleagues might see what one individual has done for his country I insert at this point in the CONGRESSIONAL RECORD the editorial of Friday, October 26, 1973, issue of the Chico Enterprise Record:

HAPPY BIRTHDAY TO "MR. DEMOCRAT"

The fact that this is an "off year"—with no elections being held for state or national posts—accounts for the relatively slow pace of political activity here during the current fall season.

It is true that a few of the hopefuls for next year's key state races—especially the governorship—are beating the bushes occasionally. But no great amount of enthusiasm is yet being generated.

Nevertheless, it is important to note that Democrats of the area are not letting the off-year doldrums prevent them from paying special homage to a very special person. That person is J. Everett Morrow, known far and wide as Butte County's "Mr. Democrat."

Mr. Morrow this week is observing his 96th birthday—and local Democrats are honoring him tonight with a birthday party. It is scheduled for 7:30 o'clock at the Women's Club, 592 E. Third St.

Our reference above to Mr. Morrow as "a very special person" is based not only on the fact that he has managed to attain the ripe age of 96. That is indeed a considerable accomplishment in itself. But what makes Mr. Morrow "special" is the fact that a fellow of 96 happens to maintain such an active interest in public affairs—and in people.

Knowing Mr. Morrow and admittedly a fond fan of his after watching his activities for so many years, it strikes us that his driving interest in people and public affairs may be a key factor in his longevity, quite in contrast to the attitudes of many other persons of advanced age.

We say this because (as we have explained on other occasions) we have always found that while J. Everett Morrow is willing to talke about the past, the real sparks of enthusiasm come into his eyes when he manages to switch the conversation to the future.

What we mean is that Morrow always is looking ahead—looking forward to the next meeting, the next election, the next growing season, and so forth. He just can't seem to wait for tomorrow to come around.

Of equal importance, of course, is the fact that Morrow's has been a life of considerable versatility of interests and endeavors.

He has been a school teacher (in the old Floral District between Durham and Gridley back before the turn of the century; he was paid $65 a month).

He has been a fruit buyer (during one period, he made trips to Chico frequently to buy fruit from Gen. John Bidwell for the Biggs cannery).

He has been a cannery superintendent (running large cannery operations both in San Francisco and Emeryville as a young man—a job that required not only first-rate technical knowledge, but also an ability to use both psychology and muscle in ramrodding the hard-working cannery crews made up largely of fresh Italian immigrants in those years).

He has been a bootleg moonshine buster (at one time during Prohibition he "terminated" a clandestine distilling operation in the rural Gridley region and put the huge boiler into the more respectable service of heating a schoolhouse).

He has been a ranking horticulturist and major executive in the U.S. Department of Agriculture's plant introduction program (after serving in posts ranging from Southern California to the Florida Gulf Coast and Washington, D.C. Morrow was superintendent of the U.S. Plant Gardens here in Chico for many years).

But Morrow himself will tell you that of all the things he has done his 96 years, he is most proud of having been "an active Democrat" all of his adult life.

Emphasis should be placed on the word "active" in that prior sentence. Morrow cut his political teeth during the exciting—but ill-fated—Free Silver campaign of William Jennings Bryan back in 1896. And he has been active on behalf of Democratic candidates in every presidential campaign of the 20th Century, as well as state and congressional campaigns.

It is not surprising, then, that Morrow has for many years been regarded as "Mr. Democrat of Butte County." Nor is it surprising that his fellow Democrats (and a goodly sprinkling of Republicans as well) are making it a point to honor him on his birthday even during an "off-year" for politics.

And we at The Enterprise-Record say again as we have in the past: Happy 96th birthday to "Mr. Democrat" and we look forward to covering J. Everett Morrow's participation in many future campaigns.

FIRST WOMAN MAYOR

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. WINN. Mr. Speaker, I would like to take this opportunity to acknowledge the accomplishments of the Honorable Nancy Hambleton, the first woman mayor of Lawrence, Kans. In the brief period that she has been in office, Lawrence has witnessed many new programs which have promoted and reinforced the town's well-being. Because approximately only 12 other Kansas towns have a woman mayor, with most of these towns being smaller than Lawrence, Mayor Hambleton is an early crusader in Kansas in this position.

As Mrs. Hambleton herself said on the subject of being a woman mayor:

> In some ways it might be easier. It opens a lot of doors and people are sort of intrigued with the idea of a woman being there.

Nancy Hambleton accidentally tumbled into politics in the fall of 1970, through the urging and encouragement of a citizens committee concerned at the time with many of the problems then dividing Lawrence citizens. She was elected to the Lawrence City Commission in 1970 and became the city's first woman commissioner. This past April, she was elected Lawrence's first woman mayor.

Nancy Hambleton has not only developed and extended programs in flood insurance and revenue sharing, but has also given Lawrence's downtown area a facelift. The urban renewal project, initiated while she was commissioner, is nearly completed. Lawrence's main street now shows off new store fronts, sawtooth curbs, new street lights, sidewalk benches, trees, and flowers.

Lawrence is the home of Kansas University, thus the second home for the thousands of KU students. The relationship between the university and the town has increased tremendously. As we all know, any university town is unique in many aspects since the town and the university share many facilities and depend to a large extent on each other economically. Through Mayor Hambleton's efforts, the town and the university have been united in their goals and direction as never before.

Problems such as drainage or special assessments as well as the visual problems of downtown Lawrence, are being dealt with in the abundant revisional programs. "Her Honor" has succeeded in bringing many refreshing changes to Lawrence.

I know my colleagues will want to join me in paying tribute to Mayor Hambleton on the fine job she is doing.

FREE MARKET NEVER FAILS TO WORK

HON. EDWARD YOUNG

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. YOUNG of South Carolina. Mr. Speaker, the great thing about the free market is that it works, and it works every time. One day, the controllers, the manipulators, and the price fixers will learn this lesson.

This summer, the Cost of Living Council decided not to allow the country's 200,000 gasoline stations operators to pass along to the public the higher prices granted to gasoline wholesalers. The anguished cries of our service station people went unheard at the Cost of Living Council. Now, the refiners who produce fuel oil are the same ones who produce gasoline. Gasoline consumption during the summer months was maintained at an unnaturally high level as a result of unnaturally low gasoline prices at the pump, so the refineries quite naturally delayed their conversion to the refinement of fuel oil.

Now the Cost of Living Council and the Congress are mystified that there will be a fuel oil shortage this winter. So fuel oil will be rationed because the retail price of gasoline was frozen last summer. If the Cost of Living Council had allowed the retail price of gasoline to rise—if it had allowed the free market to establish the retail price of gasoline—fewer persons would have driven their automobiles quite so much, gasoline consumption would have been reduced, and the refineries could have converted to the production of fuel oil at an earlier date. There is no better allocator of goods and services than the laws of supply and demand. Since we have decided to repeal those laws, we have had to substitute a mandatory allocation program.

The punishment for violation of the laws of gravity comes with speed and with certainty, thus they are universally obeyed. The law of supply and demand is no less inflexible, yet the price fixers do not seem to be able to learn its lesson. When they do, the Nation will no longer be put through its paces, reeling through a "crisis" here, a "blunder" there, and a "shortage" everywhere.

VALUE OF MEN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the time between the understanding of the fundamental laws of science and the application to the benefit of man has grown shorter and shorter over the years. It is fortunate that this has been the circumstance. Prevention of disease and improved living standards all depend on new technology derived from scientific investigation. A recent article in the Evening Times of Melbourne, Fla., September 27, 1973 points to the value of men and their contributions in Skylab 2 and 3. We are fortunate in having automated satellites which greatly contribute to our ability to predict weather and to communicate on a worldwide basis. Along with this capability, it is important to recognize that man has a strong and direct role to play in space. This continues to be exemplified by the achievements of Skylab. I include this significant article in the RECORD for the benefit of my colleagues and the general public:

Value of Men in Space Proved Again

Those dauntless Skylab 2 astronauts have again proven the value of having men in space.

This time they overcame a crippled spacecraft to perform an unprecedented and tricky reentry maneuver Tuesday for a successful splashdown in the Pacific off the California coast.

Two leaking steering jets on the Apollo ferry ship early in the 59½-day mission threatened a possible rescue attempt and curtailment of the voyage.

Instead, the astronauts surmounted the obstacles. With ground support they flew the entire mission to rack up more gains for this country's space achievements.

The actual results of the benefits of this latest manned space mission may be years away.

The thousands of photos and miles of tape could lead to an endless source of pollution-free energy, a catalog of the world's resources and new metals and materials.

Years may be required to evaluate completely the data obtained from the Skylab 1 and 2 crews and that still to come from Skylab 3.

"Space is a place, a very unique place and a new important resource that can be used for the benefit of people everywhere on earth," said NASA Administrator James B. Fletcher in summing up the importance of Skylab.

Skylab 2 brought home this week 77,600 pictures of the sun snapped through six solar telescopes. There are more than 12,000 pictures and 18 miles of computer tape gathered during earth resources surveys.

Add to that 30,000 sun photos and 3,000 earth photos collected by the Skylab 1 crew, and scientists declared it a bonanza.

Perhaps most importantly, the astronauts have proven that man can adapt to the weightless environment of space for long periods of time.

Photos and sensor data may determine through study hidden oil and mineral reserves needed by our nation.

Also important will be assessing land for its agricultural potential, timber volume and water runoff, as well as air and water pollution sources.

Of particular interest to Florida and Brevard County would be improved weather forecasting and determining fishing grounds.

Of the solar flares and activity recorded, Dr. Neil R. Sheeley of the Navy Research Laboratory, said, "Now we've got the possibility of answering questions that we've only had clues to for years."

Flares spew large doses of radiation into space, influencing weather and disrupting communications on earth by creating magnetic storms.

Experts hope the solar data will help unlock the secret of controlled thermonuclear fusion, which is the source of the sun's energy.

This would aid in searching for an unlimited and pollution-free power source on earth.

That alone would more than repay the cost of the entire space program borne by United States citizens.

HOME RULE FOR THE DISTRICT OF COLUMBIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. EILBERG. Mr. Speaker, as many of our colleagues are aware, this may be a historic week for residents of the Nation's Capital and for the Congress. It is the week that a home rule bill (S. 1435) for the District of Columbia is expected to emerge from a House-Senate conference committee.

Self-government for the three-quarters of a million residents of the District of Columbia is an idea whose time has not only come but is long overdue. It is a principle which I have worked diligently for and supported actively when the bill passed the House October 10, 1973.

The bill approved by the House of Representatives is a sound and reasonable legislative measure. It provides for:

An elected mayor and 13-member city council;

General legislative powers in the city council;

Reorganization and modernization of the governmental structure;

Bonding and general revenue authority;

A local planning and land-use authority; and

A merit-selection system for nominating local judges.

The bill is not all that some had hoped for. For instance, much of the appropriations process will remain in the Congress rather than being transferred to the local government. Yet, by and large, the bill will go a long way toward restoring basic self-government to the people of the Nation's Capital.

I commend the committee, under the able leadership of Mr. DIGGS from Michigan, and the House conferees for their considerable energies. I hope, indeed, that a bill does emerge from conference committee this week and that the bill is the strongest possible version of self-government consistent with constitutional and political realities.

HUMANE TREATMENT FOR MIDDLE EAST PRISONERS OF WAR DISTINGUISHED NIH BIOMEDICAL SCIENTISTS SPEAK OUT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ROSENTHAL. Mr. Speaker, now that the cease-fire in the Middle East has apparently taken hold and efforts are being directed toward achieving a permanent peace, it is vital that all the parties to the conflict avoid actions that could precipitate a further crisis. In an effort to set the stage for meaningful peace talks, the State of Israel has permitted the delivery of food, water, and medical supplies to the surrounded Egyptian 3d Army; and has released the names of and permitted International Red Cross access to Arab prisoners of war.

The fact that the Arab States have not reciprocated in a similar way, threatens the fragile cease-fire and leaves the families of captured Israeli soldiers without information as to the fate of their loved ones.

Mr. Speaker, a distinguished group of biomedical scientists associated with the National Institutes of Health—three of whom are Nobel Laureates—have joined together in an appeal to the American Red Cross to use its influence to secure humane treatment for the prisoners of war being held by the Arab States.

The scientists' statement follows:

The Geneva Conventions require that all countries release complete information on p-o-w's within one week of their arrival at a camp and allow representatives of the International Red Cross access to them. These requirements are not subject to reciprocal arrangements between the combatants nor to any conditions. As of October 31 the Israel Government has released the names of 3,827 captured p-o-w's and allowed the IRC free access to them. Egypt at the same time has released the names of only 47 Israeli p-o-w's captured in the presence of International Observers, and has not allowed the IRC access to them. Syria has also refused cooperation with the IRC and released no names. Egyptian President Anwar Sadat has stated that release of names of p-o-w's and access to them by the IRC will be conditional upon Israeli military withdrawal. This is inadmissible on humanitarian grounds. Unconfirmed reports in the past 24 hours of impending exchange of wounded p-o-w's between Egypt and Israel are a hopeful and welcome sign of the breakage of this deadlock.

In proposing the UN ceasefire resolution in the Security Council on October 22 the US Ambassador to the UN, John Scali, noted that "both the Soviet Union and the United States believe that there should be an immediate exchange of p-o-w's." In accepting the ceasefire resolution Israeli Ambassador to the UN, Joseph Tokoah, stated "we regard the release of all p-o-w's now held in the countries involved in the conflict as an indispensible condition of any ceasefire agreement". So far the Egyptian and Syrian Governments have not fulfilled the commitments which they presumably made to the US and the USSR Governments before the adoption of the ceasefire resolution on October 22.

Apart from normal civilized conduct the Geneva Convention requires humane treatment of p-o-w's. There have been several well-documented instances in the past of Egyptian and especially Syrian maltreatment of Israeli p-o-w's. We now have information from the highest and most responsible sources that in the present conflict there have been instances of mutilation of captured p-o-w's by the Syrians. This should be contrasted with the fact that Israel has allowed humanitarian supplies, water, food and plasma, to reach the encircled Egyptian Third Army, who are not even p-o-w's. The reluctance of the Syrians to give the IRC access to p-o-w's raises, at the very least, the possibility that they have something to hide.

In view of all of the above we call upon the American Red Cross to exert all its influence through the IRC and other appropriate international bodies to persuade the Egyptian and Syrian Governments to abide by the accepted norms of civilized conduct in war. Should the Egyptian and Syrian Governments fail to do so, and should the ceasefire then break down, the blame for the further suffering and destruction on both sides will rest squarely upon them.

The statement was signed by: Robert Adelstein, Christian Anfinsen (Nobel Laureate), Nathaniel Berlin, Jack S. Cohen, Philip Leder, Robert Goldberger, Bernard Moss, Marshall Nirenberg (Nobel Laureate), Ira Pastan, Edward Rall, John Robbins, David Sachs, Alan Schechter, DeWitt Stetten, Sheldon Wolf and Julius Axelrod (Nobel Laureate).

A COSTLY DELAY

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. WINN. Mr. Speaker, with one daily Government "crisis" following another, the American people are finding themselves as shell-shocked as the most battle-worn soldier.

While trying to uncover political scandals, the country's news media have subjected the citizens of this country to a battering comparable to the worst of battles.

In the meantime, we, in Congress, must keep our sense of perspective on the central issues facing this Nation. It is up to Congress to restore a sense of balance and credibility to our Government. In effect, we must carry on with much of the unfinished business still facing the Nation.

One piece of unfinished business is the confirmation of our distinguished minority leader, GERALD R. FORD, as Vice President. This is one matter which should be concluded at the earliest possible date, and it is one which cannot afford a costly delay.

To this end, I submit for the consideration of my colleagues, an editorial from the Lawrence Daily Journal-World:

COSTLY DELAY

In an apparent effort to retaliate against President Nixon, and challenge his arbitrary ways, some individuals and groups have urged using Rep. Gerald Ford as a sort of hostage, refusing to confirm Ford for the vice presidency until Nixon meets certain demands.

These critics, the AFL-CIO among them, argue that since Nixon is under fire he should not be allowed to name his successor until the charges against him have been disposed of.

That is dangerous thinking which could be injurious to the nation. It is based on the notion of considering a man guilty until something comes along to prove his innocence. Suspect as some of the President's actions and utterances may be, he has not yet been convicted of any crimes.

Furthermore, if anything should happen to Nixon now, House Speaker Carl Albert, D-Okla., would become President under a 1947 act of Congress. If Albert could not serve, Senate President pro tem James Eastland would be next in line.

If Gerald Ford is as acceptable as the Vice President as early Congressional action indicated, then the lawmakers should get down to the business of approving him. If he is not acceptable, that should be settled and somebody else should be chosen.

Having a capable man on the job as Vice President, a man qualified to be the President since he might become that, is important and should not be left to chance. Confirmation should not be snarled by personal enmity with the man who nominated him.

Rep. Ford should be judged for the vice presidency on his own merits, which up to now seem substantial. With continued talk of movements to oust Nixon, having a second-in-command takes on even more importance.

The nation has enough crises without wittingly adding new ones, particularly when they can be prevented. Congress should accept or reject Ford immediately with the realization that each day of delay due to pettiness, bickering and politics heightens the percentage for new problems.

AMERICA NEEDS MORE EASTERN WILDERNESS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. RHODES. Mr. Speaker, as you are aware, various areas of land—mostly in the Western States—have been designated as wilderness areas by an act of Congress. The designation of wilderness carries with it certain restrictions. The designation bars logging, construction of roads, use of motor vehicles, and any type of development. Wilderness status is intended to protect these wild lands for public uses such as hiking, camping, fishing, and sightseeing.

The foundations for this national wilderness preservation program were established in 1964, when the original Wilderness Act was signed into law. I have recently sponsored action in Congress which will, if passed, expand the size of our current wilderness system.

The purpose of the original Wilderness Act was to establish a national policy and to lay the foundation for a practical program to preserve areas of wilderness. That initial act began the program by designating 9.1 million acres of wilderness in 54 different units. It also outlined a process for studying additional areas for later addition to the system, and specified the areas to be studied.

Increasingly, attention has focused on the importance of providing wilderness areas for the eastern half of the United States. The bill I have introduced designates 28 new wilderness areas in the East, the South, and the Midwest. If passed, this proposal will bring the benefits of wilderness closer to home for the large part of our population concentrated in these regions.

Each of the 28 new wilderness proposals found in my bill are within a national forest. Sixteen States are represented, and the areas total 471,186 acres.

Our population needs wilderness areas. They provide wholesome primitive recreation opportunities; places where you can camp beyond the roar of traffic, hike without dodging cars, fish without hooking a friend or an old shoe. A wilderness area can relieve the stress and strain of our crowded, fast-moving, highly mechanized and raucously noisy civilization. They are areas of solitude and quiet where we can keep in touch with some of the basic facts of life.

The Wilderness Act emerged from the deep feeling of millions of Americans who rallied to save America's wilderness. I hope that Congress will give my legislation early consideration and act to expand our wilderness system.

COLUMBUS SCHOOL FIFTH GRADERS SHOW ENVIRONMENTAL CONCERN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. DELLUMS. Mr. Speaker, recently I received some enlightening letters from the fifth grade class of Columbus School, Berkeley, Calif. These young constituents show an amazingly avid concern for the welfare and protection of our environment. Their perceptions should inspire us in Congress to focus more clearly on issues of environmental destruction.

If these children are concerned about these problems now at 10 or 11 years of age, they will be more highly motivated as they grow older. At that time questions of environmental quality will be even more serious than now—unless Congress acts promptly and effectively. I am inserting here the letters I received from the fifth grade class, Columbus School in Berkeley.

OCTOBER 19, 1973.

DEAR CONGRESSMAN: I am in the 5th Grade in Columbus School in Berkeley. My teachers' name is Miss. Goodell. My name is Angelo M. Johnson. I wrote this letter to you about pollution & detergent that is making our world an unsafe place. Can't you do something about that. Please try.

Sincerely your,

ANGELA M. JOHNSON.

DEAR CONGRESSMAN: I hope you will do something about the pollution in the sea because the pollution is destroying Plankton which help us live. By inhaling oxygen and outhaling carbon dioxide which we need to live.

Sincerely your unknown friend,

NANOO STAAL.

DEAR RONALD DELLUMS: I am writing to you about this countrys wildlife.

There are to many animals in this country that are not banshed from hunting and maybe destroyed very soon. Various animals like the Golden Eagle, and many other animals. I hope you can do something.

Sincerely yours,

JACOB SMITH.

OCTOBER 19, 1973.

DEAR SIR: I'm a 5th grade student from Columbus. I am concerned about the pollution that is spoiling the United States.

If you could possibly make a public speech concerning this matter it would probably help the people understand it probably would solve a little of the problem.

Yours truly,

MARK CHAMBERLAIN STEVENS.

OCTOBER 19, 1973.

DEAR RON DELLUMS: I think we should do something about the amount of animals that are being killed. We should use some land for animals that are becoming extinct and make a law that no one can kill these animals.

Sincerely yours,

WILLIAM ANSPORCH.

OCTOBER 19, 1973.

DEAR CONGRESSMAN: I am a fifth grade girl who is very concerned about all the damage done to wildlife. We had a visitor come today, Mr. Malcolm Raff and he talked to us about birds and wildlife.

I found out lots of things I did not know. There are less than 200 tigers, they are becoming extinct. So are many other animals, some already have become extinct.

The plankton is be destroyed by detergents. The oxygen will be gone. We won't be able to live.

You have to help stop this, *now*!!!

Anne Rosenfeld.

October 19, 1973.

Dear Congressman: I am a fifth grade student. We just had a vistor his name is Mr. Malcolm Raff. He talked about prevent the birds from dying. He also talked about how animals are extinct.

There is so much pollution that animals are dying. I want to know what you are doing about it.

Sincerely yours,

Angela Reid.

October 17, 1973.

Dear Congressman: I am a fifth grade student writing in concern of our environment. I think that we should all help in the fight against pollution.

I am sure you know that plants convert carbon dioxide into oxygen and that plants seem to be our leading supply of oxygen but I found out today that plankton is our main supply and is going to be extinct within 30 years people estimate. I am sure you would not want this to happen so would you make some sort of legislation or whatever to make people pay a fine, clean it up or go to jail if they add to the chemical pollution of the ocean.

Sincerely,

Glenn A. Carroll.

October 19, 1973.

Dear Congressman: I feel very concerned with the disappearing wild life, Is there something we can do about it? For instance, stop shooting birds and give them a place to live where it is safe. Cats are hunters but why destroy them? I'ts not fair that we live and they have to be killed. We need to save them before they get extinct.

Thank you,

Judy Manza.

October 19, 1973.

Dear Congressman: We have heard that you can help us stop the rate of pollution being dumped into the seas. The plankton is disappearing at a great rate and after all the fish and animals that live in water have died eventually we will die. I hope that you can help and are willing.

Your friend,

Eileen McGrath.

October 19, 1973.

Dear Congressman: I'm a fifth grader and we just had a visitor to talk to us about birds and nature, we found out that to many species of animals have been destroyed by humans. We talked about ways to help and this was one of them, please help stop this now!

Help The World.

Sincerely,

Becky Gross.

October 19, 1973.

Dear Congressman: We had a man come to our class and talk about birds and animals. When we talked we told about the destruction of nature and we know that it is right to stop hunting, preserving animals, and to stop taking all wild life. Can you help the poor inisent animals to be free!

Yours Truly,

Cathy Sevilla.

October 19, 1973.

Dear Congressman: I am a 5 grade student. Are class just had a visiter that has taught us a few things about birds. The litter that are being pourd in the Ocean are destroying the plangton which we get the majority of oxygen that we breath. The trees that are being cut down in the forest are destroying the wildlife. I really think that something shoud be done about this.

Sincerely,

Eric Butler.

October 19, 1973.

Dear Congressman: I am a fifth grade student in Berkeley Calif. We had a visitor today he told us how so many animails are dying and also being killed we think it is time somebody did something.

Sincerely

Holly Goodman.

Dear Congressman: We have just had a man who come in about birds who have just told us all a bout the air polluten that is killing everything it is killing trees the nimals and all either things. And it is killing the nimals that are on top of the water and under the water.

I so do hope something can be done about this yours truely

Ronnie Floyd.

October 19, 1972.

Dear Congressman: Please stop the hunters from shooting birds and other wildlife. The pollution is to much for this world. I am a fifth grader at Columbus School. Do you have any concern for these disappearing species? Eventually the whole world will die out. Can we start to save it well I hope so!

Diana Harris.

October 19, 1973.

Dear Ron Dollum: I am Justin Lena. You came to my fathers party in Berkly once. I am concerned about the birds. too many unatural things are happening to birds. Like polution and guns. I think you should do something about it.

Yours Truly,

Justin Lena.

AGAINST IMPEACHMENT OF PRESIDENT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. RHODES. Mr. Speaker, I have been requested by Mrs. Elsa P. Mulhern, president of the Pima County Republican Women, that the resolution adopted at a general meeting of Arizona's Pima County Women's Organization be brought to the attention of each Member of the House of Representatives. I am pleased to do so—it is a wise, sound statement which I hope will be considered by every Member.

The resolution follows:

Honored Members of the House: By resolution adopted at a general meeting of Arizona's Pima County Republican Women's Organization, I urge you, on behalf of 336 members, to use your influence to prevent passage of any motions of impeachment against the President of the United States.

As Republicans, our great and overriding concern is the stability of the Nation, and the welfare of its people. In a world rife with crises, and with future crises looming at home and abroad, the traumatic divisiveness of a drawn-out presidential impeachment proceeding might well destroy the country we all wish desperately to preserve and undermine the good America has accomplished domestically and internationally. Under America's aegis, and President Nixon's brilliant and determined efforts, tremendous gains have been made toward peaceful solutions of complex problems previously thought to have been insoluble. We cannot allow internal problems, serious as they appear at the moment, nor the petty hatreds of self-servers, to obscure the horrifying potential for disaster which lies ahead, if the collision course toward impeachment is pursued. Gentlemen, the price is too high.

WAR POWERS ACT VETO—AKRON BEACON JOURNAL URGES OVERRIDE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. SEIBERLING. Mr. Speaker, on October 29, the Akron Beacon Journal joined the growing list of distinguished newspapers who have editorially urged that the Congress override President Nixon's veto of the war powers bill. The Beacon Journal correctly characterized President Nixon's criticisms of the bill with a single word "poppycock."

As the editorial points out, the bill in no way infringes upon the President's prerogatives as Commander in Chief but "merely takes a step toward bringing Congress back into its rightful place in the control of foreign and military policy."

Mr. Speaker, I wish to commend the editors for their stand and offer the full text of their editorial for printing in the Record.

The editorial follows:

War Powers Veto Rates a Slap-Down

Congress should promptly override President Nixon's veto of the war powers bill.

Superficially, Nixon could hardly have picked a better time to make his arguments against the bill. His veto came on the same day he placed U.S. troops on alert because of the Mideast crisis.

In addition to holding that the bill is unconstitutional, the President complained that the limitations it would place on his powers could diminish the confidence of our allies in U.S. support. The respect of our adversaries for our deterrent posture would also decline, Nixon said.

He said that if the bill had been in existence in the past, it might have made it impossible for the U.S. to properly respond to the Berlin crisis of 1961, the Cuban missile crisis of 1962, the Congo rescue operation in 1964, and the Jordanian crisis of 1970.

Poppycock.

There is nothing in the war powers bill that would keep the President from taking prompt action anywhere in the world at a time of crisis.

There is nothing that would impair our treaty obligations to other nations.

There is nothing that could reflect, either favorably or unfavorably, on our deterrent posture.

The war powers bill would simply require the President to report to Congress within 48 hours after he has committed U.S. troops to combat abroad.

It would also require that those troops be withdrawn within 60 days unless Congress specifically approved the action, and empower Congress to halt the action anytime within the 60-day period by passing a concurrent resolution not subject to veto.

All of this is designed to prevent any long-term commitment of U.S. troops to a Vietnam-like action without a declaration of war or other specific approval of Congress.

The bill may not be a perfect answer to the problem, but Nixon's protestations notwithstanding, it does not infringe on his prerogatives as commander-in-chief.

It merely takes a step toward bringing Congress back into its rightful place in joint control of American foreign and military policy.

The current sense of crisis—whether real or bogus—should not cloud the issue. This is a proper and justified piece of legislation that is badly needed.

WHAT I CAN DO TO HELP SOLVE THE ENERGY CRISIS

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. HANRAHAN. Mr. Speaker, our Nation is in the midst of a serious energy crisis, which threatens to get worse unless we, as individual citizens, take steps to alleviate over-usage of our precious fuel. For this reason, I joined three of my colleagues in sponsoring an essay contest for high school students in our district. Students were asked to write "What I, as a Citizen, Can Do To Conserve Energy;" and the answers I received were ingenious and informative, indicating an awareness that was both surprising and delightful. For the benefit of my colleagues, I would like to submit the winning entry from my district, written by Tim Joyce, of Dolton, Ill.:

WHAT I CAN DO TO HELP SOLVE THE ENERGY CRISIS

(By Tim Joyce)

To the unwilling sufferers who have resigned themselves to the thought that an individual cannot effectively fight the energy crisis: I merely say, "Think again." Think of five of your friends, and five of their friends, and five of their friends, that's 156 people who could also be helping because you passed on your original, non-polluting flame of genuine enthusiasm. Think of the organizations that may continue to fight because of the moral support of one more person. If nothing else, think of sense of worth that any advancement will bring to your formerly passive lives.

The next step is to find out what you're fighting about, then find out who. The library has all kinds of books and magazines that explain what the energy crisis is doing and will be doing to this country and it's economy. By joining the organizations that are fighting with you, you can receive all the information that they have on the subject. The government also has pamphlets that will help you tremendously.

Now, we get down to the truly individual activities, the first of which is to get your car in tune. An out-of-tune car burns considerably more gas. Then you should continue to have your car checked at the intervals recommended by the manufacturer. A cold engine burns more gas than a warm engine. By combining all your errands and shopping into one trip, you will keep the engine sufficiently warm. Starting a car burns more fuel than letting it run for a few minutes. By buying or having a second ignition key, you can leave the car running and still be able to unlock the doors. When stopped at a stoplight or train crossing, put your car in neutral or park, as idling a motor burns less gas than leaving it in gear.

One man in California makes a profit while helping the cause. He runs a "Computer Car Pool Service," using his brain as the "computer." He advertises in local papers for rider and riders. By matching starting areas and destinations, he groups the people together for minimal fees. The idea is so simple and the work not involved but it does clear the roads of many unnecessary fuel burners.

Cars today have been loaded with so many pollution controls that they are burning much more fuel. I don't know which is more important, the pollution or the gas, but I highly recommend the rotary engine, as it doesn't require pollution controls and gets many miles per gallon.

In the winter, many people leave their cars running for twenty minutes or more. This action was necessary on earlier cars but the machinery and the oils have both been improved. There are now "dip-stick heaters" that can be used overnight.

Is a sweater or an extra blanket so confining that they can't be worn in place of a furnace or electric blanket going full blast? How many people keep their doors shut to 68 degree weather while their air-conditioners rattle on to overcome the rays of the sun and body heat trapped in the house? Check your house for correct insulation, including walls, doors, windows, attics, and crawl spaces. Heating and cooling units, refrigerators (empty) and clocks, all run automatically, and should be shut off or unplugged while on vacation. One adequate lamp is preferred over two or more inadequate lamps, so are those with varying brightnesses. Use only the wattage that is needed. Some appliances such as, television, uses up more electricity while warming up than they do in 15 or more minutes of normal use. If you are coming back soon don't shut it off. Some brands of television use a constant flow of electricity in order to achieve the "instant-on" effect. Unplug them overnight and while on vacation; you can wait a few minutes for your picture. Dishwashers and other automatic shut-off appliances can be run at night when demands on electricty are low, and the generators are running anyway. Wash only full loads. Preheat and pre-cool foods going into the oven and refrigerator, respectfully. This takes space and time, but no gas or electricity. Keep refrigerators away from stoves, ovens, and heating vents that can cause it to lose its cool. You can go as far as having a locker outside to cool things in the winter.

The sun can do marvelous things. My mother makes a wonderful iced tea, letting the sun heat the water while the tea bags just sit. Using mirrors the sun can boil water in twenty minutes. Some houses have been built with hot water heaters used only to supplement the sun, which is used to heat the pool, bath, or whatever hot water is needed for.

Don't waste hot water either. It costs for the water and the power to heat it. A dripping faucet lets dollars down the drain A bath uses more than a seven minute shower.

After following these steps and doing your share, go out and brag about it; show those five friends your enthusiasm, and pass it on. It is the only way to get those thousands of other passive people into the ball game.

PSRO AND THE LOUISIANA STATE MEDICAL SOCIETY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. RARICK. Mr. Speaker, around the country, an increasing number of State medical societies continue to go on record in opposition to the implementation of Professional Standards Review Organizations—PSRO. Apparently, more medical people are becoming aware of the inherent dangers found in PSRO's bureacuratic control of the practice of medicine.

There is little doubt that the PSRO concept, which is so alien to the traditional doctor-patient relationship, would cause a great deal of alarm among patients as well as doctors if all the facts were known.

Unless PSRO is repealed from the Social Security Act, it will become law on January 1, 1974. My bill H.R. 9375 will do precisely that—repeal PSRO. I insert the text of H.R. 9375 following my remarks.

The Louisiana State Medical Society was one of the first State medical societies in the Nation to openly oppose PSRO.

Louisiana doctors realized early that—

> Quality medical care can be offered to all citizens . . . whereby health care professionals are free to employ their unfettered, free, and independent judgments and skills.

They realized too, that—

> It will best serve the public interest for physicians and their organizations to remain free from control of politicians and their assigns.

The overall result of Professional Standards Review Organizations will be to force medical doctors to abandon their oath to serve their patients. Rather, they will be bound by law to follow the edicts of nonprofessional PSRO investigators from the Department of Health, Education, and Welfare. The final decisions as to the type treatment, medication, hospitalization, et cetera, will become the prerogative of the PSRO examiner, not the doctor in charge of the case. In order to be paid for their services, medical doctors will be forced to abide by the treatment guidelines set by HEW. Medical doctors will essentially become political doctors.

This shocking reality has caused doctors around the country to demand that PSRO be repealed.

Mr. Speaker, let me assure our colleagues that if they have not heard an outcry from the doctors in their districts yet, they can expect to after the January implementation deadline becomes law.

I encourage my colleagues to join me in reintroducing H.R. 9375 on November 13.

Before yet another bureaucracy is created to restrict our freedom, I urge other Members to join me in an effort to repeal PSRO.

I insert the resolution of the Louisiana

State Medical Society opposing PSRO and my letter to our colleagues, as follows:

RESOLUTION NO. 6: CONTRACTUAL AGREEMENTS BETWEEN THE LOUISIANA STATE MEDICAL SOCIETY AND ANY BRANCH OF GOVERNMENT

Whereas, quality medical care can only be offered to citizens of this state and nation whereby health care professionals are free to employ their unfettered, free, and independent judgements and skills, and,

Whereas, there exists court decisions stating, "That which government subsidizes, it shall control", and,

Whereas, the physicians of Louisiana intend to continue to render medical services to all citizens seeking said services with each physician exercising his own independent judgement and skill in providing the highest possible quality of medical care and that any denial of claims of beneficiaries of federal programs of health insurance must be solely a function of government, and,

Whereas, it will best serve the public interest for physicians and their organizations to remain free from control of politicians and their assigns, and,

Whereas, no law, including H.R. 1 (PSRO section), demands that physicians or their organizations are mandated to enter into contracts with the Federal Government or assume responsibility for PSRO function, it being an entirely voluntary option,

Therefore, be it resolved, by the Louisiana State Medical Society House of Delegates in special assembly this the 28th day of April, 1973, that it does:

(1) Reaffirm standing prior policy to forbid any contractual arrangement, both directly and indirectly, through commitment by a separately sponsored Foundation or other organization by whatever name, between Louisiana State Medical Society or any assign it may sponsor and any branch of government both federal and state or any subdivision thereof, and, further,

(2) Instruct that copies of this resolution with accompanying appropriate statements or cover letters be forwarded with all due possible haste to

(a) All members of the L.S.M.S.

(b) The Federal Congressional Delegation of Louisiana

(c) The A.M.A. Board of Trustees

(d) All affiliated States Societies of the A.M.A.

(e) Mr. Marvin Rowlands, Editor A.M. News with request for reproduction in an early issue of said publication.

(Adopted by House of Delegates, Louisiana State Medical Society April 28, 1973.)

WASHINGTON, D.C., *November 6, 1973.*

Re H.R. 9375, repeal of PSRO, section 249 F of Public Law 92-603.

DEAR COLLEAGUE: I expect to reintroduce the above-captioned legislation on Tuesday, November 13th.

Section 249 F of PL 92-603 was added by the Senate to H.R. 1 and will take effect 1 January 1974. *This section establishes a network of Professional Standards Review Organizations to see that "appropriate professional standards" are practiced by our nation's doctors. The organizations will be charged with determining what medical practices are suitable.*

I am concerned with this and am firmly convinced that our nation's physicians have done an outstanding job of maintaining high professional standards. They simply do not need another federal bureaucracy to meddle and interfere with the doctor-patient relationship.

The legislation I have introduced, H.R. 9375, would repeal this section of 92-603, thus protecting our private medical delivery system from additional governmental interference. I have received numerous letters from physicians across the country indicating their alarm at the impending implementation of PSRO. To date, H.R. 9375 is supported by the Louisiana State Medical Society, the Indiana State Medical Society, the Kentucky State Medical Society, and the Tennessee State Medical Society.

I would appreciate your joining with me in sponsoring this legislation. If you wish to do so, please contact Nick Ashmore of my staff, 53901, by the close of business Monday, November 12th.

With kindest regards.

Sincerely,

JOHN R. RARICK,
Member of Congress.

H.R. 9375

A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title XI of the Social Security Act (as added by section 249F of the Social Security Amendments of 1972) is repealed.

SEC. 2. Title XI of the Social Security Act is further amended—

(1) by striking out "AND PROFESSIONAL STANDARDS REVIEW" in the heading; and

(2) by striking out "PART A—GENERAL PROVISIONS" immediately before section 1101.

TRIBUTE TO DR. H. M. IVY

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. MONTGOMERY. Mr. Speaker, it is my very deep privilege to represent a man who is considered to be one of the outstanding educators of this Nation. He is Dr. H. M. Ivy, emeritus superintendent of the Meridian, Miss., public schools. I feel very fortunate to have been under his tutelage myself as a young man. Dr. Ivy was recently honored by the Mississippi Association of School Administrations for his accomplishments in and contributions to the field of education. Making appropriate remarks at the time was Dr. Kirby P. Walker, himself an outstanding educator and emeritus superintendent of the Jackson, Miss., public schools. I commend to my colleagues the remarks of Dr. Walker which outline the meritorious career of Dr. H. M. Ivy.

The remarks follow:

HORACE MCCAULEY IVY: HIS FIRST 90 YEARS

The initial opportunity to see the subject of these comments in action was in 1925 when the Southern Association of Colleges and Secondary Schools convened in Jackson at the Edwards Hotel.

It was my first year in school administration.

As an obvious novice in such work, anxious to move ahead, I thought the school I served should, in time, be regionally accredited. This accounted for my temerity in attending that Mississippi convention as an onlooker.

At that Jackson meeting my attention was quickly drawn to the one Mississippian who seemed to be involved in all aspects of Association business. That man just a few years earlier had been Mississippi's first High School Supervisor in the State Department of Education, and at that time was superintendent of the largest school system in the state.

You could not help but observe that Dr. Ivy enjoyed a wide acquaintance with and a warm acceptance by educators there assembled from all sections of our region. The vigor and alertness he exhibited amazed me.

I resolved then I would strive to emulate this educator who had just turned forty the year before. That was a large order I gave myself which I was never able to fill.

II

In this special moment of recognition for one of its most prominent charter members, the Mississippi Association of School Administrators truly honors itself when it reviews the achievements and the brilliant record of Horace McCauley Ivy.

The full story of this man's life—that of his forebears, his childhood, his education, his employment experiences which varied from working as a laborer in a sawmill, as a scientist in the U.S. Bureau of Standards, as a bookkeeper, as a teacher of Latin and Greek, as a high school coach and principal, as a college professor, as state high school supervisor, as superintendent of schools, and as founder and director of Associated Consultants in Education—is an exciting one and an inspiration to hear.

A part of this story has been narrated by Dr. Ivy and taped for the Living History Records of the Southern Association of Colleges and Schools. Should you have occasion to be in the Atlanta office of the Association go to its Library and Archives and listen to the saga of this great leader in Southern education, the Emeritus Superintendent of the Meridian Public Schools.

As a college student Horace Ivy made many teams—debate, oratory, baseball, football, track, and chess.

As a practicing school administrator he also belonged to many teams—some he captained. Some of these teams were the Mississippi Education Association, the Southern Association of Colleges and Secondary Schools, the Century Club, the National Education Association, the Board of Trustees of Millsaps College, the Board of Trustees of George Peabody College for Teachers, and the Board of Trustees of Institutions of Higher Learning in Mississippi.

III

We know there is something especially significant and historic in being Number One.

Several years ago a friend of Dr. Ivy listed a number of these firsts by this notable educator some of which I now recite—

He organized and coached the first football team in Mississippi which played in the first interscholastic football game in the state—Yazoo City vs Winona. His teams were so successful until it was not long until he was known as the Poison Ivy coach.

He was the first high school supervisor employed in the State Department of Education in Mississippi.

He established the twelve-grade school system for Mississippi.

He organized the first vocational-technical program in a Mississippi school district.

He published the first high school curriculum bulletin in Mississippi.

He established the first junior college in a public school district in Mississippi.

He organized the state's first junior college-hospital cooperative program for training nurses.

He was the first public school superintendent in the region to serve as president of the Southern Association of Colleges and Secondary Schools.

He was the first chairman of the Southern

Association's Committee on Negro Colleges and Schools.

He was the first school superintendent in Mississippi holding the PhD degree.

He proposed the establishment of a teachers' retirement system when president of MEA.

He initiated and led a national movement for federal aid to education.

He was chairman of the committee that chose the site and selected the first president of Mississippi Valley State College.

He was the first Mississippian awarded honorary life membership by the Southern Association of Colleges and Schools, followed by a similar award by the American Association of School Administrators.

He authored a book on alcohol and narcotics.

He is the first nonagenarian member of the Mississippi Association of School Administrators cited for his outstanding service to his profession.

IV

The illustrious career of this distinguished educator and friend has caused the Mississippi Association of School Administrators to take this moment in this annual convention to add its endorsement to the many citations by other organizations.

Dr. Ivy, members of this organization wish to acknowledge publicly their great debt to you for your life of service to education, not only in Mississippi but in our nation.

Your never-failing courage to step out, to speak out, and to persist for any cause you advocated has been an inspiration and example to all of us.

Your wisdom and acumen in pressing for educational improvement have been impressive and fruitful.

Finally, your zeal for worthy achievement and your many professional accomplishments distinguish you as Mississippi's Number One School Administrator of the Twentieth Century.

Mississippi Association of School Administrators is proud and distinctly honored to have the privilege of saluting you and congratulating you at this special occasion on this 22nd day of October 1973.

ON THE CONSTITUTIONALITY OF A SPECIAL ELECTION

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. MOAKLEY. Mr. Speaker, the question of special Presidential elections is one to which we must give considerable attention. The Constitution charges Congress with specific responsibility for enacting statutes which will provide for the orderly, democratic transition of power in the event that the President resigns or is impeached while the Vice Presidency remains vacant.

In an effort to utilize this power to provide for special elections, I introduced H.R. 11214 yesterday, a bill which would, in essence, reinstate the 1792 Succession Act.

Boston Mayor Kevin H. White has taken an active role in presenting the possibility of such legislation to the country. In his investigations, he sought the opinions of three of the Nation's most distinguished experts on constitutional law, Harvard Profs. Paul Freund, Abram Chayes, and Raoul Berger.

They have offered their considered opinion on the constitutionality of the step being proposed. In order to provide my colleagues with the fullest possible background on this position, I am pleased to offer the comments of Professors Freund, Chayes, and Berger.

The comments follow:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., November 1, 1973.

Hon. KEVIN H. WHITE,
Mayor of Boston,
City Hall,
Boston, Mass.

DEAR MAYOR WHITE: You have asked if, under the Constitution, Congress has the power to provide by statute for a special election to fill the office of President in the event that both the offices of President and Vice President become vacant. In our opinion, Congress has such power.

Article 2, section 1, clause 6 of the Constitution provides:

"In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

The matter was expressly considered in the Constitutional Convention and the debates show conclusively that the Framers intended to empower the Congress to call a special election in those circumstances.

On September 7, 1787, it was moved in the Convention that the Legislature should designate by law which officer of the United States would act as President in the event of vacancies in the offices of both President and Vice President and that "such officer shall act accordingly until the time of electing a President shall arrive. James Madison objected to this language on the ground that it would prevent the vacancy in the Presidency from being filled by a special election. He therefore moved to change the language to read that the officer who was designated to "act as President" do so "until such Disability be removed, or a President shall be elected." Madison's amendment was carried and with minor stylistic changes was incorporated in the final text of the Constitution.

The Second Congress, of which Madison himself was a member, exercised this very power when it enacted the succession Act of March 1, 1792, providing for a special election in the event of a simultaneous vacancy in both Presidential and Vice Presidential offices. 1 Stat. 239. Actions of the First and Second Congresses are traditionally given great weight on questions of Constitutional interpretation. *Myers* v. *U.S.* 272 U.S. 52, 175 (1926).

The text of the relevant sections of the Act of 1792 is attached to this letter. You will note that the Act provided for the special election to be omitted if the double vacancy occured within six months of the expiration of the Presidential term. It also stipulated that the president pro tempore of the Senate (and if there was none the Speaker of the House) should act in the interim until the special election; and that the person elected should serve for a term of four years from the next inauguration day following the special election. These features are remarked here not to suggest that they are Constitutionally required, but to indicate the flexibility that is available to the Congress in dealing with the practical questions involved in a special election.

The Act of 1792 remained law for almost a century. Then the mechanism of Presidential succession was changed to provide that in the event of the vacancy of both the offices of President and Vice President, one or another member of the Cabinet in the order therein provided should "act as President." But the statute went on to provide that Congress should assemble within twenty days, presumably to consider what further action to take.

The 1886 statute was in turn replaced in 1947 with the present law providing that in the event of the vacancy of both the offices of President and Vice President, the Speaker of the House of Representatives would act as President to be followed by the President pro tempore of the Senate to be followed by ranked Cabinet officers for the remainder of the then Presidential term. 3 U.S.C. 19.

These subsequent enactments are further evidence of the broad and flexible authority available to Congress in fulfilling its Constitutional mandate to provide for continuity in the office of President in case of "removal, death, resignation or inability of both the President and Vice President."

In our view, the Constitutional text, the debates at Philadelphia and the practice under the Constitution leave no doubt that the Congress has the power to provide by statute for a special Presidential election in the event the offices of President and Vice President both become vacant.

Yours very truly,

PAUL A. FREUND.
ABRAM CHAYES.
RAOUL BERGER.

[Second Congress. Sess. I. Ch. 8. 1792, 1 Stat. 239.]

SEC. 9. *And be it further enacted*, That in case of removal, death, resignation or inability both of the President and Vice President of the United States, the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being shall act as President of the United States until the disability be removed or a President shall be elected.

SEC. 10. *And be it further enacted*, That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided*, There shall be the space of two months between the date of such notification and the said first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secreary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act.

SEC. 12. *And be it further enacted*, That the term of four years for which a President and Vice President shall be elected shall in all cases commence on the fourth day of March next succeeding the day on which the votes of the electors shall have been given.

Approved, March 1, 1792.

IT'S TIME TO CHANGE COURSE

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. HANRAHAN. Mr. Speaker, there are many areas in which Congress has been lax in its responsibility to the American people. One of the major problems is that Congress is reluctant to stick to a budget. We must cut Government spending at every opportunity and require the Congress to only spend those moneys which are available.

The results of irrational governmental spending have pushed this country into higher and higher national debt. A recent editorial by the Star-Tribune Publications, in the Third Congressional District of Illinois, points out many of the dangers of excessive governmental control mixed with spending irresponsibility. I should like to submit this editorial for the information of my colleagues:

IT'S TIME TO CHANGE COURSE

Each day the total cost of government increases, and it takes another bite out of the take-home pay and the personal independence of the American people. When the actions and growth of government no longer benefit the people and instead begin to disrupt and dislocate the affairs of the nation and the lives of the people, it is time to change directions.

There seems little question that we have come to a turning point in history. Up to now, we have been a nation of surpluses. We have had the most productive, vital economy in the history of nations. Our strength was so great that we could afford waste and errors and inconsistencies in government's administration of its own affairs and in its management of matters affecting the basic economics controlling the production of such essential things as food and energy supplies. We could almost afford excessive expansion in public welfare programs in an effort to deliver, at taxpayer expense, the good life to all our people. We could tolerate massive federal deficits that would have sunk most countries and have brought a gradually accelerating rate of inflation to our own. But now people of many nations have become more affluent and are competing for the good life. In a shrinking world, there is international competition for natural resources. The U.S. must bid for these.

Suddenly, we are no longer self-sufficient in the vital matter of supplying ourselves with essential petroleum products. We must import massive and increasing quantities. We can no longer control the cost of our energy supply and hold that cost at a low level. Other nations are willing to pay more, and we must bid against them. We must export goods to pay for the oil which we buy abroad. Among our most important exports are agricultural commodities, for which there is a growing world demand. We must reverse a 40-year policy of limiting our farm production to hold up prices. We must encourage the planting of new acres and the production of farm commodities for sale in the international markets. Higher demand for food supplies will mean higher prices for groceries at the local supermarket. Like our energy supply, our food supply is going to cost more. Regardless of political pressures, there is nothing that government can do to maintain the tradition of cheap energy and cheap food. Record-high world demand for grain and rising grain prices inevitably mean higher prices for bread. Overall, it is expected that the end of 1973 will see food costs rising from 18 to 22 per cent over a year ago, and food prices cannot be frozen or set too low by price controls without drying up supply. We have seen this happen in the case of meat.

Government policies must change to encourage American business, industry and agriculture to produce more, not less, and those policies must change quickly. There are many examples. It makes little sense to maintain stiff price controls on gasoline, heating oil and other petroleum products at a time when there is a severe shortage of these essential fuels. This is certainly not the way to encourage crude oil production in the U.S. or the construction of new refineries which are critically needed in this country. At a time when there is world-wide competition for all natural resources and for markets, it makes little sense to propose federal legislation which would cripple U.S. companies operating manufacturing and marketing facilities overseas. These companies strengthen markets for American goods and bolster our sinking balance for payments. Yet such legislation is proposed. It makes little sense to cripple with regulations the innovative capacity of U.S. pharmaceutical companies which once led the world in research, development and introduction of new drug products and which now are falling behind pharmaceutical companies of other nations. It makes little sense to regulate the competitive free market out of existence—the free market which has always been the consumer's finest guarantee of the greatest volume and highest quality goods and services at the lowest possible prices.

These are just highlights of some of the dislocations in our national life in which government policies, often shaped more by political thinking than reality, have played a central role. Perhaps it would be too much in this day and age to suggest that the best government is still the one which governs least. But, in the light of all that is happening, it seems eminently reasonable to state that for the U.S. a better government would be one which governed at less cost and with more regard for the realities of the world today and for the conditions necessary to the successful functioning of the economic system upon which every person in the United States depends for his livelihood and his future.

HIGHWAY LEGISLATION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. PICKLE. Mr. Speaker, the October issue of American Road Builder contains an article by Senator LLOYD BENTSEN, of Texas which amply illustrates the Senator's foresight and leadership capability.

As the chairman of the Senate Transportation Subcommittee, Senator BENTSEN helped marshal the effort to strike a reasonable compromise between those wanting to open the Federal highway trust and those opposing the alteration of the trust.

As we all know, the new highway bill molded an effective and reasonable compromise from this potentially volatile situation. The continuity of our highway improvement program is insured in the new bill, but provisions are included for beginning assistance to mass transit needs in urban areas.

This article offers us a glimpse of Senator BENTSEN's ability to seek out priorities and formulate mechanisms for dealing with complex questions. I am please to enter it into the RECORD:

HIGHWAY LEGISLATION: A RETROSPECTIVE AND A LOOK AHEAD

(Senator Bentsen, a Democrat from Houston, Texas, was elected to a full six-year term in November of 1970. In 1948 he won a special election to Congress and served consecutively as a Representative in the 80th through the 83rd Congresses. A former county judge, Senator Bentsen graduated from the University of Texas with an L.L.B. degree. From 1942 to 1945 he served in the U.S. Army and rose from the rank of private to major and squadron commander.

The Senator had planned to speak to the Annual National Highway Conference in Wichita, Kans. last month. When he was forced to cancel because of a heavy legislative schedule, ARBA asked him to prepare an article, the result of which appears above.)

The Federal Aid Highway Act of 1973 is now law. After some 29 Conferences and nearly three months of meetings, Senate and House Conferees emerged with comprehensive legislation that calls for some $20 billion in Federal funds, primarily for highways, over the next three years.

I will be frank to say that I believe this is a good law. It is in the nature of Conferences that no single group will be entirely pleased with every provision in the legislation; indeed, we expect that in the nature of compromises.

But it is important to note that we lost this bill last year. We lost it during the final hours of the 92nd Congress when there was a call for a quorum in the House of Representatives. As a result, the highway construction industry and millions of Americans lived with uncertainty over our highway program for many months.

With this bill, we have ended the uncertainty. Now we have a three year highway bill which can give members of the industry and the general public a sense of confidence that our highway program will proceed.

When I assumed the Chairmanship of the Senate Transportation Subcommittee, I was determined to move as expeditiously as possible to get our highway program moving once more. Construction was slowing or stopping in many States, and workers were being laid off. Accordingly, I held hearings in February and reported a bill to the Floor on March 1, the first major piece of legislation the Congress considered this year. We passed our bill on March 15 and, slightly over a month later, the House of Representatives acted on its own measure.

There has been considerable talk since the passage of the compromise bill about who "won" or "lost" in the final agreement, particularly in regard to the mass transit issue. I must reject such simplicities. The truth is that both sides gave substantially to reach an accord.

The Senate gave up rail mass transit from the Trust Fund until fiscal 1976; the House gave up its absolute insistence that no funds shall be diverted from the Trust Fund for non-highway related purposes.

There are two significant facts to remember when reviewing this feature of the 1973 Act: the first is that the great bulk of the funds, approximately $18.5 billion, will still be strictly for highway-related purposes. Only urban system funds can be utilized at local option for bus or rail in the final two fiscal years, and that represents a very small percentage of the total. The second is that, by delaying the use of trust funds for fixed rail until fiscal 1976, we have given the Congress time to enact alternative legislation which will be directed specifically at mass transit. If some assured source of urban transportation funding, such as a new trust fund, is enacted prior to that time, the fiscal 1976 diversion will not occur.

On balance, then, the final bill represents a victory, not for "highways" or for "mass transit," but a victory for continuity in our building program, a victory of certainty over doubt and confusion.

Of course, there are other significant features in the highway bill, and it is unfortunate that the emotional debate over this one issue has eclipsed some of the substantial accomplishments found elsewhere in the legislation:

On the question of "Interstate transfer," the use of funds from Interstate segments withdrawn from the system, the Conferees decided that trust fund moneys to be spent on withdrawn Interstates cannot be used for mass transit. If a local government and a state wish to exchange these trust funds for general revenues, that, on the other hand, will be permitted. This provision, largely overlooked, prevents a potential invasion of the Trust Fund in the amount of $5 billion to $12 billion.

A new program, the Priority Primary System, authorizes some $600 million over three years to upgrade our primary roads, many of which are in severe disrepair.

We have acted to cut the "red tape" so strongly criticized by the road builders and other groups by introducing a new form of procedure to approve highway projects on systems other than the Interstate System. This procedure called "Certification Acceptance," allows the Secretary of Transportation to accept a certification of the capability of the state to perform its duties under the law. The Secretary would be required to make a final inspection of the projects upon completion; however, many of the burdensome interim steps would be eliminated and much of the responsibility would devolve upon the states. This provision should cut months and even years from the lengthy approval process.

The conferees have assured fair and equitable treatment for our larger metropolitan centers by assuring that funds attributable to urbanized areas of over 200,000 in population must be distributed according to a reasonable formula developed by the states.

Those innovative provisions and the dozens of others in this bill require a careful reading by the industry and the public. The 1973 Federal Aid Highway Act is much more than a simple extension of past programs or a conflict between the forces of mass transit and the highway construction industry. It is a complex interrelated series of provisions which represents continuity as well as change.

Now that the 1973 Act is behind us, what can we look forward to in highway legislation?

I suggest that we cannot afford to relax and let the legislation go its own way for the next three years. As long as I Chair the Transportation Subcommittee, I intend to monitor the administration of this new law and to develop plans for the future.

We have an Interstate program that will be ending someday, and we are going to have to plan for the post-Interstate period. In Section 107 of the Act there is a provision which declares that following the completion of the Interstate, we will place increased emphasis on the construction and reconstruction of the other Federal-aid systems that have been allowed to deteriorate. But that is not enough. We also have to take a close look at the Section 134 planning process to assure that we maintain cooperation between the local units of government and the Federal Government. We have to take a look at other features of the highway program. In short, an era is ending, and it is time for us to take stock and to decide where we have been and where we are going.

During this time, I do not intend to let my Subcommittee lie dormant, and I suggest that you in the industry resist the impulse to rest after the struggle. For if we do not plan ahead, we run the risk of acting too abruptly, with little consideration for the larger issues of transportation which are of paramount concern to millions of Americans.

I shall look forward to hearing from you in the months ahead, and I pledge you an open door to discuss your views on the issues I have raised.

GEN. BONNER FELLERS IN MEMORIAM

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. BRAY. Mr. Speaker, on October 7, 1973, Brig. Gen. Bonner Fellers, U.S. Army, retired, died at Georgetown University Hospital.

He was a man known to many of us, in both the House and the Senate, and he had our admiration, respect, and affection. My administrative assistant worked for him for almost 2 years, in 1960–61. He often spoke to me of how much he had learned from this intelligent, hard-working, gentle and patient man, "who more than self his country loved."

Since 1946 he had been in retirement from the Army, but had kept up an active, keen interest and involvement in the affairs of his country. His last 27 years, spent here in Washington, saw him deeply committed to those things he believed in, and fought and worked for. Indeed, one can say that he never left the service of his country. Gen. Bonner Fellers never really retired.

Now, as it is written in Pilgrim's Progress:

> He passed over, and all the trumpets sounded for him on the other side.

I have no doubt that, in whatever Valhalla is reserved for those who wore the uniform of their country with pride and courage and honor, as did Bonner Fellers, that when he entered the great hall there was a shouting and stamping and a clashing of swords upon shields, in salute and welcome.

Even though he did not die on the field of battle, his passing, I believe, was in the spirit exemplified in the following lines:

So now these waiting dreams are satisfied
From twilight to the halls of dawn he went;
His lance is broken; but he lies content
With that high hour, in which he lived and died.
And falling thus, he wants no recompense,
Who found his battle in the last resort;
Nor needs he any hearse to bear him hence,
Who goes to join the men of Agincourt.

General Fellers graduated from West Point on November 1, 1918. From Illinois, he had a direct congressional appointment from that true giant of the Congress, Representative Joseph "Uncle Joe" Cannon, who also served as Speaker of the House. There was a close friendship between the two men.

Bonner Fellers was one of that relatively small, yet select and capable, breed of men who wore their country's uniform in those difficult years between World Wars I and II. It was not a popular thing in those days to be a career soldier, or, for that matter, any type of soldier. The war to end wars had been fought and concluded in Europe in 1918. Disarmament and perpetual peace were the hopes of all. The military in this country had to fight for every dime they got—and there were not many of them—to maintain our Defense Establishment.

Yet, men of the caliber of Bonner Fellers were not dismayed nor discouraged. They stayed on. Promotions were few and slow; indeed, they were almost nonexistent. Fifteen years after his graduation from West Point, Bonner Fellers, in spite of the glowing efficiency reports he received from his superiors, was still a first lieutenant.

We owe him—and those like him—so very much. They stayed on, they were there, they were ready when we needed them. And they served honorably and well.

One of the most poignant, touching poems ever written on the passing of a soldier was by the English poet A. E. Housman; it appears in his Last Poems:

Soldier from the wars returning,
Spoiler of the taken town,
Here is ease that asks not earning;
Turn you in and sit you down.

Peace is come and wars are over,
Welcome you and welcome all,
While the charger crops the clover
And his bridle hangs in stall.

Now no more of winters biting,
Filth in trench from fall to spring,
Summers full of sweat and fighting
For the Kesar or the King.

Rest you, charger, rust you, bridle;
Kings and Kesars, keep your pay;
Soldier, sit you down and idle
At the inn of night for aye.

But before Bonner Fellers could rest "at the inn of night for aye," there was much for him to do, and much in his life. Following are obituaries from the Washington, D.C., Post, the Washington, D.C., Star-News, and his hometown paper, the Danville, Ill., Commercial-News:

[From the Washington, D.C., Post]

BRIG. GEN. BONNER FELLERS, RETIRED, DIES

(By Megan Rosenfeld)

Retired Brig. Gen. Bonner Fellers, 77, who served as military secretary and director of psychological warfare for Gen. Douglas MacArthur during World War II, died Sunday at Georgetown University Hospital after a heart attack.

A longtime resident of Washington, Gen. Fellers retired from the Army in 1946 after winning two Distinguished Service Medals and two Distinguished Service stars. After his retirement he became a spokesman and organizer for several conservative political organizations, including For America and The Citizens Foreign Aid Committee.

A native of Ridge Farm, Ill., and a 1918 graduate of West Point, Gen. Fellers taught mathematics at the military academy from 1924 to 1929.

In 1935 he joined Gen. MacArthur in the Philippines where he acted as liaison between MacArthur and Philippine President Quezon for three years and was honored with the Philippine Distinguished Service Star.

He then returned to West Point, where he taught English for a year.

In 1940 he was sent to Cairo, Egypt to serve as this country's first military attache there since 1922. He was awarded a Distinguished Service Medal for his reports of the Libyan desert battles and the Crete operation, and his observations and prophecies on the Middle East situation. In presenting the medal, Secretary of War Henry L. Stimson said, "His reports to the war department were models of clarity and accuracy."

In 1943, he rejoined MacArthur as his military secretary and personal observer of front line combat in the Southwest Pacific theater.

He also headed a psychological warfare drive against the Japanese troops and homeland population, telling them through air-dropped leaflets, radio broadcasts and loudspeakers that continued resistance would not save the island from total destruction from U.S. bombing and that Japanese militarists had betrayed their Emperor.

For this campaign, Gen. Fellers was awarded a second Distinguished Service Medal. After the war ended, Gen. Fellers served with MacArthur in helping to rebuild Japan.

He retired in 1946, joining the Republican National Committee as an assistant to the chairman and special adviser to Sen. Robert A. Taft on Air Force matters. Gen. Fellers resigned from the committee when Gen. Dwight D. Eisenhower was selected as the Republican presidential candidate instead of Taft in 1952.

In 1952, Gen. Fellers wrote "Wings for Peace, a Primer for a New Defense." The book, which advocated a strong defense based on airpower, won Gen. Fellers a citation of honor from the Air Force Association.

"The surest defense of New York and Chicago is the ability to wipe out Moscow," he said in a speech in April, 1953, to summarize his defense theory.

He was appointed national director of For America, a organization dedicated to "enlightened political nationalism," in 1954. As a trustee for the "Campaign for the 48 States" in 1955, he spoke out against "creeping socialism," and for decentralization of federal power.

Gen. Fellers chaired the Citizen's Foreign Aid Committee from 1959 to 1969, urging cuts in foreign aid and increases in defense spending in testimony before several congressional committees and subcommittees.

He is survived by his wife, Dorothy, of the home at 3535 Springland La. NW., a daughter, Nancy, and four granddaughters, Amy, Mary, Georgianna and Dorothy Lear of Sumner, Md.

[From the Washington (D.C.) Star-News]

General Fellers Dies at 77; Secretary to MacArthur

Retired Army Brig. Gen. Bonner Fellers, 77, a military secretary for Gen. Douglas MacArthur during World War II and later an assistant to the chairman of the Republican National Committee, died Sunday in Georgetown University Hospital. He lived on Springland Lane NW.

Gen. Fellers was a 1918 graduate of the U.S. Military Academy. During one of two assignments there as an instructor, he was assistant professor of English.

In 1933 he was among the first lieutenants selected to attend the Command and Staff School at Ft. Leavenworth, Kan.

After graduating in 1935, Gen. Fellers returned to the Philippines for his third tour there and joined Gen. MacArthur, then launching his Philippine Defense Program. For almost three years he was a liaison between MacArthur and Philippine President Quezon.

He attended the Army War College here and from 1940 to 1942 was the U.S. combat observer in the North African campaigns against the Nazis. His reports of the Libyan desert battles and the Crete operation and observations and prophecies on the Middle East situation were praised as models of clarity and accuracy in a citation for the Distinguished Service Medal.

After several months of lecturing on tank warfare in training campaigns in 1942, Gen. Fellers was ordered to the Southwest Pacific theater, where MacArthur assigned him to head a joint planning section at his headquarters.

Gen. Fellers helped plan the successful Hollandia operation against the Japanese in New Guinea. He became MacArthur's military secretary and personnel observer of front-line combat and also headed a psychological warfare effort against Japan's combat troops and civilian population. For that program Gen. Fellers received a second Distinguished Service Medal.

He accompanied MacArthur on the flight from Manila for the Japanese surrender in Tokyo Bay.

He served on MacArthur's staff in Japan after the war until retiring in 1946. Since then he had frequently lectured on national defense and foreign aid and wrote "Wings for Peace," a book about defense.

From 1947 until 1952 he was an assistant to the Republican Party's national chairman, directing the GOP veterans division.

Gen. Fellers received the Distinguished Service Star of the Philippines and two years ago the emperor of Japan conferred on him the Second Order of the Sacred Treasure "in recognition of (his) long-standing countribution in promoting friendship between Japan and the United States."

Gen. Fellers for some time was director of For America, an organization dedicated to patriotic nationalism, and also headed the Citizens Foreign Aid Committee, a taxpayer group.

Gen. Fellers was born in Ridgefarm, Ill.

He leaves his wife, the former Dorothy Dysart, a daughter, Nancy, and four granddaughters.

[From the Danville (Ill.) Commercial/News]

General Fellers' Rites Friday

Funeral services for retired Brig. Gen. Bonner F. Fellers, one of Vermilion County's most decorated military leaders, will be Friday at Ft. Myers, Va. Burial will be in Arlington National Cemetery. Gen. Fellers, 77, died Sunday (Oct. 7, 1973) at his home in Washington, D.C.

Fellers, a native of Ridge Farm, served more than 30 years in the Army, much of it as a chief aide to Gen. Douglas MacArthur, retiring in November, 1946.

He was born Feb. 7, 1896, was graduated from Ridge Farm High School in 1913, and attended Earlham College in Richmond, Ind., for two years. Rep. Joseph G. Cannon appointed him to West Point in 1915, and he was graduated three years later.

Fellers had two tours of duty in the Philippines prior to attending the Army Staff and Command School, Ft. Leavenworth, Kan. Upon graduation in 1935, he was ordered back to Manila. There he joined the staff of Gen. MacArthur, serving chiefly as liaison between him and President Manuel Quezon of the Philippines. For his contribution to the Philippine defense effort, President Quezon honored him with the nation's Distinguished Service Star.

Following study at the Army War College in Washington, Fellers was ordered overseas again. His rise from captain to colonel was rapid, and from 1940–42, he was the American combat observer with Gen. Bernard Montgomery's British Middle East Command in the desert campaigns against German Field Marshal Erwin Rommel. The late Frazier Hunt, also a former resident of Ridge Farm and an internationally known war correspondent and author, had this to say: "This (Fellers') reports of the great Libyan desert battles and the Crete operation and his observation and prophecies on the whole Middle East situation were officially recognized as among the most brilliant Army intelligence work of the entire war."

AWARDED MEDAL

Ordered home, he was promoted to brigadier general, and Secretary of War Henry L. Stimson personally awarded him the Distinguished Service Medal.

Gen. Fellers was with the Office of Strategic Services (OSS) briefly, then was assigned to the staff of his old commander, Gen. MacArthur. As chief of the Joint Planning Section G–3, General Headquarters, he masterminded the Hollandia operation, which broke the back of the Japanese forces in New Guinea. No Americans were killed in the landing.

After that, he became MacArthur's military secretary and personal observer of front line combat. In addition, he headed the psychological warfare effort against the Japanese. For this he won a second Distinguished Service Medal. The citation read in part: "Through his outstanding professional ability and resourcefulness, Gen. Fellers contributed in a marked degree to Japan's surrender and the initial success of the military occupation." He flew with MacArthur to Tokyo Bay to participate in the surrender aboard the battleship Missouri and worked with him during the next year in the task of rebuilding Japan.

GIVEN SECOND STAR

At the July 4, 1946, celebration of Philippine independence, Gen. Fellers received his second Distinguished Service Star, from President Manuel Roxas.

Following his retirement from the service, Gen. Fellers wrote and lectured on national defense and foreign aid, including an appearance in Danville for the annual Chamber of Commerce dinner meeting. For five years, 1947–52, he was an assistant to the chairman of the Republican National Committee. Then for more than 10 years, he was chairman of the Citizens Foreign Aid Committee, an organization dedicated to reducing U.S. monetary assistance abroad.

His most unusual foreign citation came Jan. 12, 1971, when Emperor Hirohito of Japan conferred on him the Second Order of the Sacred Treasure "in recognition of your long-standing contribution in promoting friendship between Japan and the United States."

Gen. Feller is survived by his wife, Dorothy, a daughter Nancy, and four granddaughters.

And there are even more things to tell of this man. His long-time, close personal friend, Frazier "Spike" Hunt, journalist and writer, had this to say of him:

A Short Biography of Bonner Fellers

(By Frazier Hunt)

Brigadier General Bonner Fellers' army career has extended over three decades and his experience has encompassed the world. He has spent 14 years in foreign service. Twice Fellers has crossed the Soviet Union. Few men are more fully alive to the Communist menace and the rising peril our country faces both from within and without.

In 1933 Fellers, age 37, had been a Lieutenant for 15 years. This year the Fort Leavenworth, Kansas, Command and Staff School. formerly restricted to senior officers, was thrown open to Lieutenants. Fellers was among those selected. As a prerequisite to graduation each student submitted a monograph on a military subject of his own selection. Prophetically, as it later developed, Fellers chose "The Psychology of the Japanese Soldier."

Following has 1935 graduation, Fellers was sent back to the Philippines for his third tour of duty. There he joined General MacArthur who was launching his Philippine Defense Program. Fellers' principal job was liaison between MacArthur and President Quezon. After nearly three years on this assignment, he was ordered to Washington, D.C., as a student in the Army War College. For his contribution to the Philippine Defense effort, President Quezon honored him with the Distinguished Service Star of the Philippines.

From 1940–42, Fellers was the American Combat observer in the desert campaigns against Rommel. His reports of the great Libyan desert battles and the Crete operation and his observations and prophecies on the whole Middle East situation were officially recognized as among the most brilliant Army Intelligence work of the entire war. Ordered home, he was made a Brigadier General, ad Secretary of War Henry L. Stimson personally awarded him the Distinguished Service Medal. The Cituation read in part: "His reports to the War Department were models of clarity and accuracy. Colonel Fellers, by personal observation of the battlefields, contributed materially to the tactical and technical development of our armed forces."

For several months after his return, Fellers lectured on tank warfare in our training camps. After serving a short time in the Planning Section, Office of Strategic Services, Fellers was ordered to the Southwest Pacific Theater. There General MacArthur assigned him to head the Joint Planning Section G–3, General Headquarters.

The Hollandia operation, which broke the back of the Japanese forces in New Guinea and in which no Americans were killed in landing, was his conception. Following this operation, Fellers became MacArthur's Military Secretary and personal observer of front line combat. In addition, he headed a successful Psychological Warfare effort against Japanese combat troops and the Japanese homeland population.

By drop leaflets, radio, and loudspeaker, enemy troops in the Philippines were told that their combat, even were victory possible, could not save their homeland from total destruction by U.S. bombing. The Japanese home population, by radio and leaflets, was told—truthfully—that Japanese Militarists had betrayed their Emporer and they must demand immediate peace.

For this effective program, Fellers was awarded a second Distinguished Service Medal. The Citation, in part, read: "Through his outstanding professional ability and resourcefulness, General Fellers contributed in a marked degree to Japan's surrender and the initial success of the military occupation".

Fellers accompanied General MacArthur when he flew from Manila to take the surrender in Tokyo Bay. During the next year, he worked with the Supreme Commander in the task of rebuilding war-torn Japan.

For the July 4, 1946, Celebration of Philippine Independence, MacArthur and his staff flew to Manila. There President Roxas decorated Fellers with a second Distinguished Service Star for his contribution to Philippine liberation.

Since his retirement from the service in November 1946, Fellers has written and lectured on national defense and foreign aid. For five years, 1947–52, he was an assistance to the Chairman, Republican National Committee. He is the author of the book *Wings for Peace,* a primer for a new defense. For the past ten years, he has headed The Citizens Foreign Aid Committee—(to aid American taxpayers).

General Bonner Fellers was born in a Quaker home in Ridgefarm, Illinois, February 7, 1896. For two years he attended Earlham College. He was appointed by Uncle Joe Cannon to West Point, where he was graduated in 1918. Twice he was detailed to the Point as an instructor—the second time, as Assistant Professor of English.

NOTE.—Frazier Hunt died before he could have included Fellers' most unusual Japanese Citation. On January 12, 1971, His Majesty, The Emperor of Japan, conferred on Fellers The Second Order of the Sacred Treasure "in recognition of your long standing contribution in promoting friendship between Japan and the United States."

And there were the touching words spoken at his funeral in Arlington National Cemetery, on October 12, 1973, by Chaplain (colonel) Porter H. Brooks, Post Chaplain at Fort Myer:

GRAVESIDE COMMITTAL SERVICE FOR RETIRED ARMY BRIGADIER GENERAL FELLERS

ARLINGTON NATIONAL CEMETERY,
October 12, 1973.

General Bonner Fellers had a long and distinguished career in the United States Army commencing with his graduation in 1918 from the United States Military Academy, West Point, New York. There were so many high points in his service it is difficult to single out those which merit repetition on this solemn occasion when we gather to hallow his memory and pay our final tribute of respect to him and to God.

Early in his career it became apparent that he was destined for high positions of leadership. As a lieutenant he was selected to attend the Command and General Staff College at a time when it normally was restricted to senior officers. In 1935 he joined General Douglas MacArthur's staff in Manila. His study of the Far East situation and profound understanding of the Japanese mentality enabled him to make a unique contribution to the Philipine defense plan.

Later, as an observer, in North Africa his analysis of desert warfare conducted by the Germans under Rommel became instrumental in shaping Allied strategy. Reassigned to the Southwest Pacific, he made important contributions to the defeat of Japan by his direction of psychological warfare activities, took part in the surrender ceremonies, and later introduced the Emperor of Japan to General MacArthur.

It has been said he contributed immeasurably to the Japanese defeat but worked just as indefatigably to the binding up of the Japanese wounds following the war.

The great mark of his life was his positive, pacific approach to his fellow man and the problems of society. In this he modeled himself after his mentor and friend, Herbert Hoover. He lived completely by the Inner Light. In his personal life he was utterly devoted to his family. In his public life he fearlessly accepted responsibility. Instead of straddling an issue he was always willing to make a decision and then defend it positively, fairly, and factually.

Basically a kind and honorable man it was said by one who knew him best that he was a model of self-control, good cheer, Quaker calm, and steadiness. He never lost his temper.

We mourn his loss, we celebrate his great achievements, we entrust his soul into the never-failing care of God, our heavenly Father.

Chaplain (Colonel) PORTER H. BROOKS,
Post Chaplain, Fort Myer, Va.

There is still so much that has not been told. Someday, it must—and will—be added to the history books.

Modest man that he was, he saw what he did as his duty—and nothing more. Yet, there are things beyond duty; there are times, for certain men, in their lives, when they quite literally sit at the elbow of Clio, the muse of history, and by their actions change the course of world events.

The story has not yet been written, but some day must be, of what was probably one of the most significant and far-reaching acts of the entire Pacific war during World War II. Bonner Fellers had traveled in Japan before the war. He had made many close friends. He knew the people and the country well. He knew the best of the country, and he also had an everlasting and deep affection for those things of Japanese culture and tradition that were the best. He also knew the growing militaristic philosophy among some Japanese that eventually led Japan into war.

What he knew eventually led him to one of the most important acts of his entire career. He helped to give Gen. Douglas MacArthur the information and guidance and data that led to MacArthur's unquestioned success as American proconsul in Japan during the first years of the occupation. Japan, once an enemy, a beaten and devastated country, was turned into a strong, new nation, and an ally of its former enemy, the United States.

Now the last ruffles and flourishes have sounded; the rumble of the wheels of the caisson and the crash of the final volleys have faded; the last salutes have been rendered.

We mourn the passing of a man trained for war, but a man who loved peace, and who knew that winning and keeping a peace is a harder struggle by far than winning a war. I would like to close this tribute with a poem called "An Old Song," by the Jewish poet Yehoash; I believe it is fitting for this man who so loved peace, home, family and country:

In the blossom-land Japan
Somewhere thus an old song ran.
Said a warrior to a smith
"Hammer me a blade forthwith.
Make the blade
Light as wind on water laid.
Make it long
As the wheat at harvest song.
Supple, swift
as a snake without rift,
Full of lightnings, thousand-eyed!
Smooth as silken cloth and thin
As the web that spiders spin.
And merciless as pain, and cold.

"On the hilt what shall be told?

"On the sword's hilt, my good man,"
Said the warrior of Japan,
"Trace for me
A running lake, a flock of sheep
And one who sings her child to sleep."

GERALD B. LAMBERT AWARD TO KANSAS CITY AREA HOSPITAL ASSOCIATION

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. BOLLING. Mr. Speaker, in these days of high medical costs and shortages of medical personnel, I would like to point out that the Kansas City Area Hospital Association was 1 to 10 award-winning entries of this year's Gerald B. Lambert Award which is given for innovative and imaginative ideas which have resulted in improved patient care and/or reduced costs in the health care field. The Gerald B. Lambert Awards were established in 1971 by Mrs. Lambert in memory of her late husband. This year 1,718 ideas from every area of the country were reviewed by the organization in its 1973 search for innovative and imaginative ideas dealing with hundreds of problems faced every day by health care professionals.

The Kansas City Area Hospital Association was 1 of 10 recipients of the 1973 award for a program they developed, titled "Shared Training for Nurses Assistants." This is a cooperative program for entry-level nursing assistants whereby nine hospitals in the city use a single curriculum, taught in conjunction with the city's vocational technical school. Approximately 545 have been trained at a per student cost of $40, with training in skills deemed useful and necessary by future employers. This represents a unique and practical blending of education and industry. Each hospital's instructional staff has thus been freed to provide other essential programs for staff development.

I would like to be among those to extend my congratulations to the members of the Kansas City Area Hospital Association, to the executive vice president, Mr. Dell Nyland, and those member hospitals who participated in the program, for their fine achievement and recognition in being one of the recipients of this year's Lambert Awards to reduce costs to the health care field.

U.S. HIGH SCHOOLS: JUST AN AGING VAT?

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. QUIE. Mr. Speaker, an article in the October 13 National Observer very ably points out the arguments for giving teenagers experience in the real world of work. Some persons quoted in the article even go so far as to suggest that the mandatory school attendance laws be revised to lower the age from 16 to 14.

For many years, I have supported the concept of making the high school learning situation more meaningful and to increase the options available to students. I commend the article to my colleagues in the hope that it will generate more public dialog on this whole broad issue:

U.S. HIGH SCHOOLS: JUST AN AGING VAT?

(By Michael T. Malloy)

The trouble with kids nowadays is they spend too much time sitting on their tails in schoolrooms. Send them out to make a buck, rub them up against the real world for a change, and maybe they'd stop a lot of their foolishness.

Archie Bunker speaking? No, it's a crude but fair translation of what a lot of heavyweight educators are saying to each other about American high schools. They use bigger words, of course, but the idea isn't so different:

"With every decade the length of schooling has increased, until a thoughtful person must ask whether society can conceive of no other way for youth to come to adulthood," says educational authority James S. Coleman in the foreword to a recently published study commissioned by the President's Science Advisory Committee.

HACKLES WILL RISE AGAIN

Coleman's panel conceived of a lot of other ways, including experiments with easier child-labor laws, a lower minimum wage for youngsters, using big kids to teach little kids, more service corps like the old CCC or the modern VISTA, and taking the stigma off dropouts by making it easier for them to drop back in.

Some of these suggestions have raised hackles among teachers' organizations. They earned Coleman's commission a New York Times warning about the horror of child labor. But—with apologies to my high-school English teacher—them folks ain't seen nothing yet.

"I think compulsory education beyond 14 is unconstitutional," says chairman B. Frank Brown of the National Commission on the Reform of Secondary Education. His commission may make Coleman's look tepid when it unloads a study this autumn suggesting we roll back the school-til-16 rule that has been almost sacred in this country for close to half a century.

The National Association of Secondary School Principals and a Federally sponsored committee headed by educator John Henry Martin are supposed to come up with further high-school studies soon. They will probably stick to the school-till-16 rule, but they will question the good sense of keeping all youngsters so long in a classroom system that some educators deride as "the aging vat."

"RECOUPLING THE GENERALIZATIONS"

There are a lot of reasons why educators have begun in just the past few years to look askance at the deeply felt American belief that we all benefit by getting as much book learning as possible, whether we want it or not. Coleman's report, for instance, is suffused with dismay over evidence that we have herded our young people into a hostile "youth culture" by keeping them in resentful and babyish dependence at an age when previous generations of Americans were learning responsibility and self-reliance in the real world of work.

"The adolescent is more mature, larger, and more experienced than his parents and grandparents were," says Nathaniel Ober, superintendent of schools in Amityville, N.Y. "At the same time, we are holding him in dependent status a lot longer than his parents and grandparents. . . . It carries a pretty large responsibility for the acting out [troublemaking] you get from a proportion of high-school students. You can pinpoint some of it to continuing adolescence beyond what makes sense to him or anybody else."

Brown says you can't do much teaching in an institution where so many inmates are just waiting to get out, and raising hell in the meantime: "We have 66 per cent of the school systems now employing police. . . . I was in one school that has been written up seven times in four years as one of our great schools. I talked to 13 girls before I found one who wasn't afraid to go to the rest room. They go to the gas station across the street."

Martin talks of "recoupling the generations" and worries that young people segregated so long from the grown-up world get all their social "dos and don'ts" from other juveniles, TV, and parents who must cope singlehandedly with both influences.

"Where you used to assimilate youngsters [into society] at 12, now you don't until they are 20 or so," says Dr. James Beckler of the National Foundation for the Improvement of Education. "We may have ruined a whole generation of kids in terms of learning what the responsibilities of a citizen are in terms of work."

"The opportunities for growing up are not as plentiful," says Owen B. Kiernan, executive secretary of the National Association of Secondary School Principals. He says his organization's report will talk about "action learning," educationese for letting kids out of class from time to time to do something, paid or unpaid, in the real world.

Another worry is that high schools are still trudging down a rut originally worn when they were elite institutions designed to train a minority of bright students to go to college. College is still the goal most laymen imagine the high schools prepare their children for, but most young people don't go to college. Most who do, drop out. The roughly 20 percent who finally get a degree often find they can't get a job related to it.

THE TRY-IT-FIRST IDEA

The Nixon Administration has been trying to deal with this by promoting "career education," a favorite project of Sidney P. Marland, Jr., assistant Secretary for Education in the Department of Health, Education, and Welfare. The concept embraces everything from the familiar shop classes to "distributive education"—jargon that frequently means parttime work in a store. Marland insists he does not want to shunt youths into the job market as fast as possible but to give everybody, college-bound or not, the ability to get a job at any point in his education. He sees this as a vocational lifeline if college doesn't pan out, or an opportunity for teen-agers to try a field before committing themselves to four years of preparation for it.

The most radical idea growing out of this ferment is Brown's proposal to cut back compulsory education. A surprisingly large number of educators from Marland on down are attracted to the idea in theory—since compulsory-education laws are so widely flouted that absenteeism hits 50 per cent in some inner-city high schools—but frightened of it in practice.

"Like most educators, I have mixed emotions about compulsory attendance," explains Ober. "My guess is that if you get rid of compulsory attendance, your attendance would still be about the same as it is now. ... But it could be a terrific cop-out: 'We'll turn them loose and let somebody else worry about it.' What somebody?"

"We are not optimistic about revising our economy so employment for literally millions of 16-year-olds is going to take place," says Martin. "You want to know what the kids would do?" asks the principal of a Minnesota high school that many kids quit at 16. "Come here at noon and see the wine bottles and the beer cans in the street and the cars driving around. The 'dropins' are a bigger problem than the dropouts."

So the reformers who want young people to spend more time out of the classroom hasten to insist they are not just planning to dump them on the job market. They talk instead of replacing the conventional school with "something like a school" that helps its students experience jobs, apprenticeships, volunteer work, and other out-of-the-classroom activities that will add to instead of subtract from their education.

In this ideal high school a teen-ager might work in a hospital for awhile to learn if he can stand the sight of blood before investing his family's savings on medical school. Before becoming a parent he would learn about small children by helping to teach them. He would learn about other careers to perfect the skills he discovers they need. "He spins out of [school], spins back into it, is accepted readily, continues to higher education, *and always keeps his options open,"* Marland says.

WORK-STUDY BENEFITS SEEN

So the youngster builds his classroom education around his growing awareness of the real world instead of following an arbitrary formula of so many hours of math and so many hours of English. At the same time he learns things such as independence, caring for old people or young ones, and maybe even to trust some people over 30.

"You'd learn that if the boss gives you a dirty job to do, it isn't because he doesn't like you but because he's got a dirty job that needs doing," explains Paul Muller, assistant director of vocational programs in the Minneapolis schools. It's that kind of lesson—that the job and the product are more important than you and your problems—that a student can hardly expect to learn in a school, which exists only to worry about him and his problems.

Muller says an experimental work-study program for 14-year-old potential dropouts led to prompt improvements in their school attendance, grades, and performance on a "lying-faking" test. It led youngsters with rotten grades to discover, in one boy's words, "You know, math is just as useful a tool as a hammer is."

In follow-up interviews two years later, 85 per cent of the youths said the work-study experiment had helped prepare them to hold a job. Fewer than 10 per cent of the youngsters in a control group could name any school program that had helped them that way.

Well, it sounds nice, but there are obstacles: parents, teachers, business, labor, and government, to name a few.

Minneapolis is a good laboratory in which to view the problems and successes of this kind of program. Superintendent John B. Davis, Jr., a member of Coleman's panel, has tried to tie the schools to the real world with experiments that have allowed thousands of teen-agers to try their wings at everything from construction sites to ballet studios.

CONVINCING THE COMPANIES

A program to place 50 students on part-time construction jobs required convincing unions and employers that it would work, then convincing the companies that their insurance would cover the youngsters, then convincing the insurance companies that it was all legal, and then riding herd on the boys themselves at scattered construction sites. It required special waivers from several state and Federal agencies, it cost more than a full-time classroom program, and this autumn it was only half full because construction work is slack in Minneapolis.

State laws may require so many hours of a subject in each grade. Physical-education teachers in one Minneapolis school promptly raised that legal issue when it looked like part-time work assignments of 18 students would cut a job from their department. State aid to local school districts is generally based on the number of children in school, so local officials may worry about cutting their financial throats if they let too many out.

CHILD-LABOR LAWS

Child-labor laws forbid hiring children under 16 to operate a power lawn mower or to push the buttons on a self-service elevator. A 17-year-old may operate a machine gun in the Marine Corps or a lathe in a shop class, but he can't operate the same lathe for pay in a commercial machine shop.

Parents often don't want anything that seems to shunt their children down a dead-end "vocational" track. Voters often rate their school boards on the percentage of graduates who go on to college, without thinking much about classmates who don't. "About half of those I've dealt with come from the suburbs, because they have nothing there for their dropouts," says Fran Reed, who counsels youths in a Minneapolis work-study program for hard-core dropouts.

Unions are wary of anything that smacks of cheap child labor or threatens to inundate their jobs with new competitors. A survey of the need for people trained in the graphic arts found that Minneapolis businessmen believed they needed 1,000 more, and the unions thought they didn't need any.

Students themselves may see out-of-school opportunities as just an opportunity to get out of school. An attempt to visit one young man in Minneapolis' hard-won construction-work program revealed that he had arrived an hour late that morning and was now two hours overdue from lunch. Such things reinforce educators who say out-of-school learning will require more instructors and money than classroom education in which one teacher can keep an eye on 30 students at a time.

That brings us to what some teachers bluntly call the high schools' "baby-sitting function." It sounds crass, but at roughly $1 per hour per child the public schools are a baby-sitting bargain, with a gymnasium and a classroom education thrown in for free. If action learning or career education doesn't "keep the kids off the street," it is likely to be unpopular and quickly forgotten.

TEACHERS ARE DOUBTFUL

Teachers sometimes fear the whole out-of-school idea is a gimmick to dump their students—and a lot of teachers—on the job market. They also argue that it's hard for anyone else to improve on their tried-and-true classroom methods.

"Students can learn a great deal in work places, but they will learn it better if the learning takes place under the direction of a professionally qualified teacher," said John A. Sessions, an AFL–CIO education official, speaking against some of Marland's notions last winter. "I have never attempted to milk a cow, but I am vain enough to think that I could develop a better curriculum on how to do it than could most dairy farmers."

The point, though, is not to produce school children who can milk cows, but to turn them into grownups who may never have to see a cow again.

"I'm sure he would have dropped out," Jeanette Sweeney says of a big and thoroughly bored young man who was approaching the school-leaving age of 16 last year at Champlain Valley Union High School in Vermont. Mrs. Sweeney helps direct an extensive program of out-of-school experience for students there. "That boy needed nothing more than good, hard, physical work. We got him some, on a dairy farm and later at a lumber company. And guess who's back in school this fall?"

EFFLUENT RUNOFF GUIDELINES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, when we approved the Federal Water Pollution Control Act Amendments of 1972, Congress established the authority whereby the Environmental Protection Agency is to set up effluent runoff guidelines for all types of agricultural feedlots.

On July 5, 1973, EPA placed a notice in the Federal Register relating to the issuance of permits under the new regulations. While most of America's small farmers felt assured they would be exempt from the requirement to insert the septic tanks and settling ponds that are necessary for proper runoff control in large feedlot operations, the family farmer's expectations soon changed to feelings of deep concern.

In the September 7 Federal Register, EPA published an outline of proposed coverage under the effluent guidelines and standards of performance—and indicated there would be total coverage of all farm operations. This announcement brought a flood of mail from family farmers in Wisconsin to Mr. Philip Wisman of the EPA Information Center.

Wisconsin has a preponderance of small dairy farms, many of them in rolling, hilly areas that provide special runoff control problems. Primarily the concern is how the family farmer with 30 milk cows or 50 brood sows or 100 beef cattle will be able to comply with the standards, bear the inevitable financial burden, and still remain in business. Fully recognizing the importance of runoff guidelines, I nevertheless take issue with enforcement standards that would, by means of an undue financial penalty, increase the emigration flow of America's farmers.

Because the exact dimensions of the coverage and latitude of enforcement to be required by EPA is a matter of speculation on all fronts, I was pleased to note a recent telegram from Robert Samson, EPA's Assistant Administrator for Air and Water Programs, to all Regional Administrators. It is my firm belief that this statement establishes a binding commitment that EPA will provide a proper comment and hearing period before any "across the board" enforcement of the effluent guidelines can be realized. I hereby submit this correspondence for the attention and information of my colleagues:

WASHINGTON, D.C., *October 15, 1973.*

To: All Regional Administrators.

In order to provide the very large number of farm organizations and other interested groups the fullest possible opportunity to comment on our proposed feedlot regulations, the comment period will be extended until November 12, 1973. An announcement to this effect will appear in the *Federal Register* shortly.

As noted in my telegraphic message of October 1 the agency intends to restrict the coverage of the proposed effluent guidelines and standards of performance, published in the *Federal Register* on September 7, (Vol. 38, No. 173, p. 24466) to those feedlots required to obtain an NPDES permit under the *Federal Register* notice of July 5, 1973 (Vol. 38, No. 128, p. 18000).

While it is the intention of EPA to address the pollution problems posed by larger operations first, interested parties shoud be informed that it is anticipated that effluent limitations guidelines for feedlots smaller than the stated sizes will be established. At such time, of course, full opportunity for comment would be provided.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

HELMS AMENDMENT A SERIOUS MISTAKE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. DELLUMS. Mr. Speaker, on October 3, the Senate adopted an amendment to the Foreign Assistance Act of 1973, which would prohibit the use of AID funds for abortion services, abortifacient drugs and devices, information and education about safe abortion, and the support of scientific research designed to develop safe methods of abortion. This amendment, offered from the floor by Senator JESSE HELMS of North Carolina, was unfortunately adopted in haste, without consideration of its very broad and negative impact on the health and well-being of women and families in the less developed nations of the world, and without ample consideration of the vast implications of its impact on the freedom of scientific inquiry.

Enactment of the Helms amendment would result in serious and dangerous obstacles to the quality and range of health care which may be made available to those women in the developing nations who receive assistance through U.S.-supported health programs. It is my understanding that we provide aid to nations precisely because we recognize that they do not have the capacity or resources to meet the grave health and economic problems which they face. Moreover, it seems to me that the amendment contravenes that which we in this country have recognized as necessary to safeguard the health of American women—that is, legal abortions under adequate medical supervision. In addition, the amendment would cripple not only a large portion of on-going and future research in human reproduction but would also affect other areas of scientific research, since many important and life-saving drugs have an abortifacient side effect.

A large number of national organizations, including the National Organization for Women which has been very active in the struggle for preservation of legal abortion, have already protested the hasty and ill-considered amendment and the manner in which it was adopted. In a joint letter to the conferees, more than 20 national organizations argued against the Helms amendment, stating:

> To the extent that abortion is legal in other countries, surely we must encourage extension of safe medical procedures to women who receive assistance through programs directly under U.S. sponsorship . . . It would be clearly unwise and unjust to attempt to impose a viewpoint abroad inconsistent with our own courts' decision made for the welfare of the American people.

Mr. Speaker, at this point I would like to insert the full text of this letter in the RECORD.

UNITED CHURCH OF CHRIST COUNCIL
FOR CHRISTIAN SOCIAL ACTION,
Washington, D.C., October 12, 1973.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: We, the undersigned organizations concerned with securing and protecting the rights of women and men of all backgrounds, economic levels, and political affiliations, are compelled to express our shock and indignation with regard to the precipitous adoption by the Senate of a previously unconsidered, undiscussed and discriminatory amendment to the Foreign Assistance Act of 1973, proposed by Senator Jesse A. Helms of North Carolina. The effect of this amendment is basically twofold: it would arbitrarily ban access to medically safe abortion procedures for the overwhelming majority of women in all underdeveloped countries which rely directly or indirectly on U.S. aid, even those in which it is already perfectly legal, and it would bring to a halt the bulk of vital and promising scientific research of the last decade on developing safe, effective and inexpensive methods of family planning and pregnancy termination.

In the less developed countries of the world, where contraception is as yet unavailable, abortion is the most widely used method of preventing unwanted births. It is usually practiced under even more primitive and dangerous conditions than American women faced until only recently. Abroad, the incidence of serious infections and death resulting from these unsafe conditions and inept practices is even more shocking. In Latin America, for example, the Population Reference Bureau reported this year that almost one-half of the available blood for transfusions in emergency rooms is utilized for complications of abortion. In 1969, one Latin American country reported that deaths from abortion complications represented 35% of the total maternal mortality. We in this country have removed restrictions on abortion at least in part to safeguard American women against the risks to health which illegal abortion imposes. To the extent that abortion is legal in other countries, surely we must encourage extension of safe medical procedures to women who receive assistance through programs directly under U.S. sponsorship or indirectly through the United Nations and other multilateral organizations. Moreover, to the extent that it is illegal in other countries, safe medical aftercare for women who have undergone induced abortions should be encouraged. To do otherwise is both regressive and discriminatory, and could only result in suffering and death for millions of women and, moreover, in great hardship for motherless children and families throughout the less developed nations.

Already too little worldwide attention and resources have been devoted to the development of fertility control technology. It is obvious that much human suffering can be avoided through safe and effective family planning and pregnancy termination methods. A prohibition on drugs and devices might result in banning intrauterine devices, which are widely accepted both in this country and abroad as a safe and effective birth control method, the once-a-month pill, and other beneficial and lifesaving techniques which are in wide use but which may, as a side effect, be abortifacient. Furthermore the situation is heavily clouded with biological uncertainty as to when pregnancy begins: with fertilization, with implanation, or after forty days as some theologians hold. In addition, a prohibition on research in this area of human health would not only jeopardize necessary scientific research into the sociological and physiological causes and effects of abortion but could seriously damage other important research areas. This would include research on most of the effective drugs against cancer, certain antibiotics, a major class of antibacterial agents, such as tetracycline, and prostaglandins, which offer promise in the treatment of infertility, hypertension, asthma, and duodenal ulcer.

We believe that restrictive abortion laws do not stop abortion; they only condemn women to the butchery of illegal, dangerous and expensive abortion. The decisions on abortion by our highest courts have been widely accepted throughout the United States as the law of our land. In fact, in an April 1973 Harris poll, 76% agreed that unless abortions are legalized, many women will die from having illegal and badly done abortions. It would clearly be unwise and unjust to attempt to impose a viewpoint abroad inconsistent with our own courts' decisions made for the welfare of the American people. This would create an untenable double standard. We believe that we must reinforce our commitment to securing human freedoms and improving the quality of life in all nations. For these reasons, we urge you not to allow this irresponsible, emotionally-charged amendment to become law.

Sincerely,

Larold K. Shulz, Executive Director, Council for Christian Social Action, United Church of Christ.

A. Dudley Ward, General Secretary, Board of Church and Society, United Methodist Church.

Arvonne Fraser, National President, Women's Equity Action League.

Eleanor Marvin, President, National Council of Jewish Women.

Deborah P. Wolfe, National Chairwoman, Legislative Program, American Association of University Women.

Joan Harriman, President, Catholics for Free Choice.

Rev. Elizabeth S. Miller, National Ministries, American Baptist Churches.

William P. Thompson, Stated Clerk, United Presbyterian Church, U.S.A.

Ray Tucker, Chairwoman, Executive Committee, Religious Coalition for Abortion Rights.

Dr. Raymond C. Hopkins, Executive Vice-President, Unitarian Universalist Association.

Lillian P. Benbow, National President, Delta Sigma Theta, Inc.

Doris E. Hanson, Executive Director, American Home Economics Association.

Arlie Schardt, Associate Director, Washington National Office, American Civil Liberties Union.

Mary E. Pardee, President, United Presbyterian Women.

Elizabeth Steel Genne, President, National Board, Young Women's Christian Association.

Dorothy I. Height, President, National Council of Negro Women.

Carol Burris, President, Women's Lobby.

Alan Guttmacher, President, Planned Parenthood Federation of America, Inc.

Judy Senderowitz, Zero Population Growth.

Ann Scott, Vice President, Legislation, National Organization for Women.

Audrey Colom, Vice Chairwoman, National Women's Political Caucus.

Rahea Mojica Hammer, Vice Chairwoman, National Women's Political Caucus.

Bobbie Kilberg, Vice Chairwoman, National Women's Political Caucus.

James A. Wood, Jr., Executive Director, Baptist Joint Committee on Public Affair.

OPENING JOB DOORS FOR OLDER WOMEN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mrs. SCHROEDER. Mr. Speaker, one of the resolutions passed at the NOW Convention this summer created a new task force on older women. Its functions included investigating how women could more effectively document cases of age discrimination, as well as promoting affirmative action legislation to insure that employers employ a percentage of older women which fairly reflects their proportion of available manpower resources.

According to Department of Labor statistics, 58 percent of all persons over 65 are women, of whom 67.7 percent live alone. Many of these women are still healthy and need to work, both for financial reasons and as a means of continuing a productive role in society. Yet, 35.3 percent of all women over 60 would like to work, but who are presently not in the labor force, are not seeking work because they think that they cannot get a job.

Together with groups such as NOW, Congress has begun to recognize the needs of older women and its responsibility to support older women in their desire for gainful employment. One of Congress responses was to authorize $60 million for title IX of the Older Americans Act, which would provide manpower training for older persons, both men and women. Unfortunately, this response has been negated by the absence of any funding provisions for title IX in the House, Labor and HEW appropriations bill. But the Senate was more responsive to the needs of our older Americans and did appropriate $40 million dollars to title IX. The ultimate fate of these programs now rests with the conference committee.

Following is an article "Opening Job Doors for Mature Women," from the September 1973 issue of Women and Work which succinctly describes some of the problems faced by older women in the job market.

OPENING JOB DOORS FOR MATURE WOMEN

WASHINGTON.—They are dependable. They are conscientious. They are competent. Yet women over 30 have a rough time in the job market.

A study by Ohio State University for the Labor Department's Manpower Administration reveals a discouraging employment situation for mature women. A sample group of women in the study, aged 14 to 24, held the same or higher positions on the job ladder than women 30 to 44, a recent issue of *Manpower* magazine reports. Nearly a third of the older women had not progressed beyond the jobs of their youth.

What's worse, a good many of the working married women with children had actually moved backwards—their most recent occupational status was lower than before they marched to the altar.

Things get worse when a woman passes 40, the Labor Department says. The unemployment rate for women 40 through 64 in 1972 was more than one-third higher than for men of the same age. And of 415,000 women 48 or older reported as unemployed in 1972, about 18 percent had been looking for work 6 months or more.

The Age Discrimination in Employment Act of 1967 says employers can't treat older people—women or men—this way. But enforcement of this law has proved difficult.

Why do employers discriminate against older women? First of all, because they are women. Furthermore, they are falsely regarded as difficult to train, more likely to quit, and more apt to be absent when the workday starts. So they find it hard to be hired and even harder to be trained for promotion.

A Civil Service study shows, however, that older women stick to their jobs. Turnover rates for women in their early fifties are about one-sixth the rate for women in their twenties. And a CSC study among Federal employees shows that women above 40 use less sick leave than younger women.

THE PROBLEM OF AMERICA—THE PRESIDENT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. WALDIE. Mr. Speaker, during the troubled past few weeks I have been frequently asked to comment upon the issue of impeachment of the President which now so starkly confronts the Nation and this Congress.

Many of the questions that I have received center around whether the impeachment resolution which I introduced with 30 cosponsors on October 23 has lost its meaning because the President subsequently agreed to release the controversial Watergate tapes.

In the immediate aftermath of the President's belated agreement to turn over the tapes, I made it absolutely clear that his compliance with the court order, removed only one of the grounds on which I and my 30 cosponsors sought impeachment. Indeed, it occurred only after the even graver attempt to obstruct justice by firing Mr. Cox was carried out.

The President cannot erase the past. The long and varied attempts to obstruct justice are accomplished fact, and no amount of stepping back from the brink can save the President. It was this message that I delivered to a convocation of students at the University of California, Berkeley, on October 25.

Now, in the past week we have learned of the direct interference of the President in the ITT case, of more allegations in the milk scandal, and, finally, the assertion that two vital tapes were missing, and, therefore, not available to the courts.

The response of the American people was all too predictable and understandable: the majority of the public simply no longer believe Mr. Nixon. The President has lost his moral authority to govern, and he must now leave office, either by resignation or impeachment.

I would hope the President would recognize the danger to the National security posed by his continuation in office, and will respond to that recognition by a selfless act of resignation.

I do not believe the Speaker should succeed to the Presidency. Though he is capable of governing the Nation, the fact that he is a Democrat would preclude him from obtaining the necessary confidence from the country that a new President must possess. If the Speaker succeeded to the office of President, the Democrats would be subject to the criticism that we sought a legislative reversal of the 1972 election returns where the Republican Party was the choice of the electorate for the Presidency.

And yet, Gerald Ford is not adequate to the enormous task confronting a successor to President Nixon. The executive branch is in a literal shambles. Its morale is absent; it is in disarray. The people have no confidence in the present administration, and any individual as closely identified with President Nixon as is Gerald Ford will suffer from that lack of confidence.

The President should withdraw Ford from nomination; place in his stead, Elliot Richardson, a man of great integrity and of proven administrative capability. Congress would confirm Richardson immediately. Then the President should resign.

Mr. Speaker, in the Berkeley speech I attempted to summarize for a concerned student audience much of my own thinking concerning the reasons why the House must proceed forward with impeachment proceedings. I am offering those remarks for consideration at this time:

ADDRESS OF CONGRESSMAN JEROME R. WALDIE, BERKELEY, CALIF., OCTOBER 25, 1973

Americans in the numbers of the millions, this climactic and terrible past weekend, with anger and outrage, finally decided they would no longer tolerate a President whose moral authority to govern had diminished to unacceptable levels; and whose instability in decision, and propensity for creating crisis and encouraging brinkmanship, had reduced the credibility of America at home and abroad to a dangerous low.

They have conveyed that message to a Congress not noted for courage in its relations with Presidents. That message is a simple one—the President—not events—but the President is tearing America apart and we can no longer abide his continuation in office. He must be removed. He must be impeached—or he must resign.

There has been increasing dismay in the country as the revelations of corruption, deceit and arrogance involving the President, his appointees and associates have come forth in deluge proportions. There has been building a growing revulsion to this administration predicated on a variety of outrages and assaults, beginning with the sordid assortment of crimes known as Watergate and escalating daily to include charges of Constitutional malfeasance in the conduct of the office of the Presidency. These charges include domestic subversion, conducting bombing assaults on a neutral country without consent of Congress, and then deliberately lying to the country while falsifying official documents and reports to conceal from Congress and the people its actions; ordering an acting Director of the FBI to destroy evidence of its culpability; ordering the CIA to participate in domestic surveillance; condoning and ordering illegal wiretapping; breaking and entering, seeking to obstruct justice; selling government favors; seeking to subvert the First Amendment by mounting an assault on the Nation's press.

The litany of crimes and outrages charged is sickening in its length, despairing in its volume, and horrifying in its consequences.

And even so, until the cataclysmic events of this past weekend, though the Nation's people were sickened, revolted and horrified by the revelation of the extent of rot that permeated the Presidency, they did not approve the act of cleansing necessary for a "new beginning," the act of removal of Richard Nixon from office.

I think I know why they felt that way, because I was one of them. I felt that surely some way still existed, some method was still available to permit the *President* to remain and to excise the rot with which he had surrounded himself. I was reflecting a general belief held by most Americans that upheavals in government reflect instability and weakness and in addition, a mystic and mistaken belief that men who occupy the Presidency are—or perhaps become—honorable men by virtue of the very office they occupy.

It is only, then, by the most extreme provocation imaginable that the President can be divested of those protective attitudes. That provocation occurred this weekend.

When President Nixon imperiously announced he would not follow the orders of Judge Sirica and further ordered Special Prosecutor Cox to desist from further activity that might endanger the President by involving him in culpable activity, the fuse was lit for the necessary provocation to strip him of the protective defenses of public deference.

The bomb exploded shortly thereafter when the highly respected Mr. Cox, the symbol to the American people that in fact corruption in high places would finally be ferreted out, was discharged for his refusal to abide by the unconscionable restrictions placed on his activities by the President.

The explosion increased in intensity when the two most trusted high officials of the Nixon Administration, Attorney General Richardson and Deputy Attorney General Ruckelshaus resigned or were fired because their honor and their integrity would not permit them to participate in the "judicial branch coup" that President Nixon sought to accomplish.

The impact of the dismissal of perhaps the last 3 remaining men of honor and integrity in high positions in that Administration, coupled with the President's announced intention to continue his defiance of the Court, was total, and overwhelming.

The outrage and anger of the Nations' people that exploded immediately was unforseen and unprecedented. But it was compelling. It compelled a frightened President to perform, once again, a total reversal of intent right at the brink of contempt. It compelled a normally uncourageous Congress to begin Impeachment proceedings, and it, hopefully, will yet result in a cleansing of the problem of America—the problem of its President—by commanding his removal or resignation from office.

There has been speculation as to whether the President's act, in belatedly and with poor grace, seemingly complying with Judge Sirica's order will lessen the anger and outrage and therefor permit him to continue in office.

I do not believe so. The anger and outrage that compelled a beginning of the cleansing process will not diminish. It was not precipitated solely by his refusal to turn over the disputed tapes, and therefore that action will not restore to the President the confidence he has lost.

That loss of confidence and that anger have been building for many months as each successive outrage has been disclosed. There is no way, in my view, that the President can restore confidence. His past transgressions have been too numerous, and too great. His future transgressions lie undisclosed, but it is too much to ask one to believe there will be no more.

Will the uncertainties of the international scene lend strength to those who argue "we cannot remove the President at this time. We need his strength to confront an uncertain and hostile world?" If there is no "strength" at home, if his capacity to govern has been eroded to unacceptable levels because of actual or perceived moral deficiencies, then his "strength" to confront a hostile world is an illusion. In fact, we weaken our position in that regard, if we allow a President without a domestic mandate to govern, to represent the Nation in foreign affairs.

There is only one solution.

The problem of America is the President. The problem must be solved by his removal or resignation.

THE SCOPE OF U.S. AGRICULTURE

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. MADIGAN. Mr. Speaker, the Wall Street Journal has been running a series of articles exploring the scope and role of U.S. agriculture in this urban age. The October 15 issue of the Journal discussed the growth of farmer-owned cooperatives.

FS Services, Inc., a large supply co-op based in Bloomington, Ill., was featured in this story. Because of the importance of co-ops to our agricultural economy, I thought that you would be interested in the remarks made by E. V. Stevenson, executive vice president and general manager of FS Services, to their annual meeting this year.

I hope that the Members who have expressed such concern about the energy crisis will make special note of the potential disastrous impact that shortages of fertilizer and petroleum supplies might have on next year's food production.

Mr. Stevenson's remarks follow:

BALANCING OUR RESOURCES—FOOD FOR CRUDE

You have heard the results of FS Services operations for fiscal 1972–73. Volume and earnings set new all-time records. The financial condition of your company remains strong.

We look back on the year with mixed emotions. We are disappointed that we were unable to supply as much fuel and fertilizer as members wanted. But we are pleased that we were able to supply greater quantities than ever before in our history.

We take this opportunity again to express to FS member companies our congratulations and our deep appreciation for making this record possible. We are very conscious of the fact that FS Services does not create sales volume. Sales are created in the country, by FS member companies. It is our job to service these sales, and to do it effectively and profitably. The cohesiveness and the understanding support of the entire FS system makes our job easier, and makes it possible for us to be more effective.

We thank the Farm Bureaus in our three states for creating the FS System, and for their continued support and encouragement through the years.

We thank also the FS Board of Directors, on whose behalf these annual reports are presented. This is a fine board of directors. continually demonstrating broad understanding and mature judgment. Their ability to work as a team, with each other, and with management, without compromising their individual principles nor their broad accountability, has been most impressive.

We thank the inter-regional supply cooperatives—Universal Cooperatives, National Cooperative Refinery Association, and CF Industries—for their excellent performance which contributed significantly to FS's results.

And we thank the entire FS staff for another year of dedicated and effective performance. Operating under conditions of extreme pressure with ground rules constantly changing, FS employees met each new challenge as it occurred. The favorable results achieved under the adverse conditions which prevailed are a tribute to the professional skill and composure of the entire FS staff.

This has been a year without precedent in Midwestern agriculture and in the FS System. The year started with concerns about an energy crisis. It ended with concerns about a food crisis. Farmers and the FS System are deeply involved in both. After many years of apparent surplus, suddenly we are faced with shortages and allocations.

Energy and Food—both are products of scarce natural resources. Prudent management of these resources is essential if we are to meet the needs and the aspirations of an expanding world population.

Food and energy—both are experiencing growing demand throughout the world. Supplies are limited, and are not evenly distributed among the nations.

Energy and food—both are major factors in world trade, in the balance of payments, in the value of the U.S. dollar, and in international politics.

What is our situation in these two vital areas of concern?

ENERGY

The "energy crisis" has received much publicity in recent months—some of it factual, and some highly emotional. I will not attempt a complete review, but will touch on some of the highlights which have significance to agriculture and food production.

Our nation runs on energy. Our entire economy, and the life styles of our peoples, are based on using massive amounts of energy. With 6% of the world's population, we are using one-third of the world's energy. Until recently, our supplies of energy were cheap and plentiful.

Our nation's use of energy has doubled in the last 20 years. Unless we significantly change our habits, energy consumption will double again in the next 20 years.

Where does all this energy come from? Three-fourths of it is supplied by crude oil and natural gas. Most of the rest comes from coal. Only minor percentages are supplied by nuclear and water power.

For at least the next 10 to 15 years, we will continue to rely primarily on oil and gas. Coal has great potential, but expansion is limited by increasingly strict air quality standards, strip mining limitations, mine safety problems and labor problems. Nuclear power wll play an important role eventually, but lead times are long and delays are frequent. Other sources of energy—such as geothermal, solar, oil shale, conversion of solid wastes, etc.—are fun to talk about, and may be important some day, but are unlikely to be significant in the next 10 to 15 years.

We come back to oil and gas as our major sources for meeting expanding demand. What is the situation in natural gas?

NATURAL GAS

The outlook for natural gas supplies in the next few years is not too bright. For the past five years in the U.S., we have been using gas faster than we have been finding it. Our proven reserves of natural gas have been declining. Daily production peaked in 1972, and is now on a downward curve. Present known reserves in the U.S. (including those in Alaska) are only 12 times the current rate of consumption.

No one is suggesting that we will run out of gas in 12 years. New reserves will be discovered. Imports can supplement our supplies. And eventually, we will produce some gas by conversion of coal. But most forecasts indicate that all of these supplemental supplies combined will do no more than maintain our present rate of gas production. Supplies will not keep pace with the growing demand. This means that in the future, we will need to use natural gas much more carefully than in the past.

What is the significance of natural gas to farmers? We are all aware that natural gas is important for crop drying. We are perhaps less aware that most propane (LPG) is extracted from natural gas—and that a decline in natural gas production leads to reduced supplies of propane. Lack of propane and natural gas at critical harvest periods can jeopardize the entire crop.

Natural gas is extremely important to farmers in another way. Natural gas is the principal raw material for anhydrous ammonia. And all nitrogen fertilizers (except the organics) are produced from anhydrous ammonia.

With limited supplies of natural gas, future production of ammonia is in jeopardy. For full food production in this country there is a projected need for 5 million tons per year of additional ammonia production. Present plants are running at capacity. To justify investment in new plants, companies need long term contracts for gas to run the plants. Gas suppliers have been unwilling to sign new long-term contracts for nitrogen plants, at any price.

To produce our nation's long term ammonia requirements would require only about 3% of our domestic gas supplies. It certainly would be in our nation's best interests to make sure that this vital ingredient of food production is made available.

By comparison, 18% of our gas supplies are being burned under boilers to produce electricity—six times as much as is required for our long range ammonia production. There are other alternative fuels for electricity. There are no feasible alternative raw materials for ammonia. Somehow, we need to find ways to quit burning so much gas under utility boilers—and preserve the limited supplies for those uses for which natural gas is uniquely suited.

It is possible to import gas, in liquefied form, from overseas. But such imports are expensive. For perspective, present prices of domestic natural gas at the well-head average about 20¢ per thousand cubic feet (m.c.f.). But the announced imports from Algeria will cost about $1.20 per m.c.f. delivered to our seacoast—six times as much as domestic gas.

The price of natural gas is an important factor in the cost of anhydrous ammonia. If it were to become necessary to pay the current import price, the cost of gas used in ammonia would increase by $40.00 per ton, as compared to our present Gulf Coast costs.

With supplies limited and demand strong, it is safe to predict substantial increases in the cost of natural gas in the years ahead. Prices need to go up, to stimulate exploration for added supplies, and to discourage excessive use. With higher construction costs and higher operating costs as well as higher gas prices, it seems quite evident that the price of nitrogen fertilizers will have to increase substantially in the years ahead. We don't like cost increases. But from agriculture's standpoint, gaining assurance of an adequate supply is even more important than cost.

OIL

What about oil?

For many years, we considered ourselves an "oil surplus" nation. In fact, as late as two years ago, the major oil producing states were still pro-rationing the production of oil wells, to prevent "surpluses."

But all that has changed. Our domestic oil wells are now producing at essentially full capacity—and still falling far short of meeting demand. We are now an "oil deficit" nation, and are likely to remain that way.

In 1973, we will import one-third of the oil and oil products we use. Imports are at the rate of nearly 6 million barrels per day—at a cost of about $8 billion per year.

Can we do anything to avoid our heavy reliance on imports of oil? One alternative would be to restrict our demand. It certainly makes sense to do everything we can to conserve our scarce energy supplies. But to solve our total problem by reducing demand would require a drastic change in the life-style, and in the standard of living, of the American people. Perhaps this will happen someday. At the present time, however, we do not see many signs that the American public is ready to make these drastic changes.

Another alternative would be to find more oil in the U.S. Most experts agree that we still have large undiscovered reserves of oil—primarily in the outer continental shelf—the off-shore areas of our country. But discovery and development of major new reserves takes many years and lots of money. To reduce our reliance on imports of oil, we would have to discover new oil and bring it to market much more rapidly than we ever have before.

For perspective, the largest domestic oil discovery in several decades was on the north slope of Alaska. Five years after discovery, this oil is still not available to us. Environmental challenges have caused repeated delays.

When fully developed, this area is expected to produce about 2 million barrels per day—about 12% of our present U.S. consumption. But our demand for oil is growing each year by nearly one million barrels per day. The total anticipated daily production of the Alaskan field is offset by two years' increase in demand.

Just to keep pace with growth in demand—just to hold oil imports at present levels—we would need to discover and bring on stream the equivalent of five additional Alaskan oil fields by 1985—an average of one Alaskan field every two years. There is nothing in our history to indicate we can discover and develop new reserves at this pace.

We should do all we can to conserve oil. We should search aggresively for new oil. We should expand the use of coal and nuclear energy. We should expedite research and development of new energy sources.

But even with our best efforts in all these areas, it appears almost certain that oil imports will have to increase substantially in the years ahead. Responsible projections indicate that by 1980, we will be importing two and one half times as much oil as in 1973—at a cost of some $20 billion per year!

If we need to rely heavily on oil imports, how comfortable can we feel? Who controls the world's oil? Can we get it? And can we pay for it? There are political as well as economic implications in the oil situation.

Of all the proven oil reserves in the world today, only 6% are in the U.S. (including those in Alaska). We use 35% of the world's daily production of oil, but we control only 6% of the reserves

By contrast, 80% of the free world's present proven reserves are in the Middle East and Africa. The largest reserves are in nations such as Saudi Arabia, Iran, Kuwait, Algeria, and Libya. One of these nations by itself—Saudi Arabia—controls 20% of the free world's known reserves—three times as much as the proven reserves in the U.S.

From a political standpoint, most of the oil-rich nations are part of the Arab bloc. They don't like our policies toward Israel. Many of the oil-rich nations are moving toward nationalization or government control of their oil industries. They are in position to restrict our supplies, if they choose to do so. The political implications are sobering.

From an economic standpoint, the U.S. is not the only country competing for the world's oil. All the other industrialized nations also want it. Demands in Japan and in the European Economic Community (EEC) are rising even more rapidly than in the U.S., and these nations have even less oil reserves than we do in the U.S. The world market for oil is a seller's market, not a buyer's market. World prices are escalating rapidly. Imported oil is no longer cheap—it is higher priced than our own domestic supplies.

The prospective oil imports create a serious balance of payments problem for us. Unless we find additional exports to offset the imports, the value of the dollar will continue to be under pressure in world markets.

FOOD

How are we going to pay for the oil imports our nation needs? Expanded exports of farm products is the key. We need oil—the world needs food. Surely we can get together. Both politically and economically, exchanging food for crude makes sense.

The world's population was 3 billion in 1960. It is now approaching the 4 billion mark. It is projected to pass 5 billion by 1986. The annual growth in population is equivalent to adding a nation the size of the U.S.A. every 2½ years.

All of the people in the world need food. The vast majority need more food than they are now getting. And as their living standards increase, most people have a strong desire to upgrade their diets—toward more protein and animal products. World demands for food are increasing at a compounding rate.

In all of the world there are only a few areas of highly productive agriculture. The United States is one of those fortunate areas. With only 7% of the world's land area, the U.S. produces three-fourths of the world's soybeans, half of the world's corn, and 25% to 30% of the world's beef, pork, and milk. The productivity of American agriculture is the envy of the world.

Food production starts with natural resources—soil and water and sun. Farmers themselves are in the energy business in a big way—capturing solar energy through the leaves of plants—and converting it to human energy—food. All of our food products rely directly or indirectly on the capturing of solar energy.

The sun is the one apparently inexhaustible source of energy available to mankind. It is essential to our nation and to the world that we preserve and enhance our capabilities to capture solar energy through the modern farming process.

Top priority must be given to conservation of our agricultural soils. Farmers have long been leaders in recognizing the importance of soil conservation.

Fortunately, soil conservation practices are compatible with our other goals. Reduced tillage practices (with proper concern for pest controls) can conserve fuel and water, without sacrificing the capture of solar energy. With increasing prices for fuel (which are sure to come), reduced tillage also will become increasingly attractive from an economic standpoint.

High yields per acre will become increasingly important. High yields capture more solar energy per acre. High yields require less fuel per unit of production. High yields conserve soils by enabling us to meet our food and fiber requirements on less acres, and by returning more organic matter to the soil.

Proper fertilization is essential to high yields. Under-fertilization does not make good use of our resources. But over-fertilization is neither good conservation nor good economics. Nitrogen is made from scarce natural gas. High grade phosphate ores are being depleted. As low cost raw materials are used up, fertilizer prices will increase. In the interests of both production and conservation of energy, it will become increasingly important that farmers neither over-fertilize nor under-fertilize.

Our food production capacity is one of our nation's greatest assets. It is essential that we protect that asset. We must preserve our soils, because once lost they are irreplaceable. We must do our part to conserve fuels and fertilizers, because these are products of exhaustible natural resources.

But along with conservation, we need to expand production. To meet our energy needs, by 1980 we may need to import 50% of our oil needs, at a cost of $20 billion per year. To maintain a balance of payments and to protect the value of the dollar, we need to export a comparable amount of other products. Farm exports offer the best hope

Physically, we can produce more than enough food for the American people. Last year we exported over 50% of our soybean crop, and 20% of our corn crop. Our total farm product exports reached nearly $13 billion. Some predict that farm exports could grow to $20 billion by 1980, if we are allowed the opportunity. By coincidence, this is the projected value of oil imports in 1980.

To produce for expanded exports, however, we need adequate supplies of fuels and fertilizers. We cannot feed our nation and part of the rest of the world if agriculture is limited to a stick and a hoe, and a fish in each hill of corn.

Making sure there is enough energy for farming has a good payoff ratio. Farming uses less than 5% of the nation's oil and gas. But with that vital percentage we can produce the products to pay for the 50% of the nation's oil we will need to import. Food for crude makes sense.

Not everyone favors expansion of farm exports, however. Partially, as a result of this year's export expansion, domestic food prices have been rising. Supplies of some products are limited, until production can be increased.

Consumers don't like higher food prices. Many people feel that we should restrict exports, in order to keep food prices low. Even some farmers, caught in a squeeze by unprecedented feed costs, find export controls appealing.

But beware of a trap. Whoever sets the export limits will also be in a position to control farm product prices here at home—not only for crop producers, but for livestock producers as well. Experience tells us that cheap feed usually leads to cheap meat, milk, and eggs.

But today there is a powerful countervaling force. Although American people may not like higher food prices, neither do they like rationing of energy. As a nation, these may be the choices we face.

THE MAGIC EQUATION

Energy and food—the magic equation in world economics and world politics. In food our nation is strong—in energy we are weak.

The U.S. is deficient in oil and gas supplies. If we want more, we must import it. And the only apparent way to pay for expanded oil imports is to increase our exports of farm products—even though this may mean somewhat higher food prices than American consumers have grown accustomed to.

Food and energy—Energy and food. The American public wants both, but understands neither. For many generations we have been accustomed to ample supplies of both—at low prices. Suddenly there is an awareness that neither food nor energy can be taken for granted. The two are closely intertwined. We cannot have one without the other.

At the moment, farmers and the FS System are deeply concerned about supplies of essential fuels and fertilizers for farming. This problem may stay with us for awhile.

But in the long run, the same energy shortage which is contributing to our current problems may be the key which opens the doors to the greatest opportunities American agriculture has ever experienced. The most favorable equation for balancing oil imports is the same equation that benefits farmers the most—full farm production and expanded exports, at good prices.

When this opportunity knocks, Midwest farmers and the FS System will be able and willing to answer the call.

UNORTHODOX INSURER

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. GUNTER. Mr. Speaker, an article appeared recently in the New York Times about my friend and former associate, Ed Rust, president of the U.S. Chamber of Commerce. He is an exceptionally gifted leader of the business community, and I recommend the article about him to my colleagues:

UNORTHODOX INSURER—STATE FARM PRESIDENT VOICES HIS OWN VIEWS

(By Robert J. Cole)

BLOOMINGTON, ILL.—He earns $200,000 a year, raises quarter horses on a working farm, heads the world's largest auto insurer and serves as president of the United States Chamber of Commerce.

But anyone who talks to Edward B. Rust, president of the $2.8-billion State Farm Mutual Automobile Insurance Company, very quickly discovers that he is anything but an ordinary company president.

A close observer said Mr. Rust's thumb was always black from the pipe he smokes and that he sometimes rubbed soot on his face. His fingernails are often broken from working on the farm. Sometimes he comes to work with horse manure on his shoes.

"A lot of people don't even know I work here," he said in an interview the other day.

He told about the time a neighboring farmer, knocked on his door on a Saturday night and asked if he could come over and weld his combine. This man is one of a special group of people he calls "my Saturday friends," the ones he sees on his days off.

A working farmer by avocation—besides horses, he raises corn, soybeans and purebred Angus cattle—he has the scars that often come with the job.

A barely visible hole in the chin, caused by a piece of flying steel, took 15 stitches to close. A plainly visible dent in the left cheek, caused in a machinery unloading mishap, took 17 stitches.

"Some guys restore cars. I get my kicks out of restoring old machine tools," Mr. Rust remarked.

Edward Barry Rust, whose father, Adlai, rose through the ranks to become president before him, was born and raised in rural Bloomington. He went away to college at Stanford, where he was graduated cum laude in economics in 1940 and elected to Phi Beta Kappa.

A year later he joined State Farm Mutual and, except for a three-year stint as a naval officer, he has been there ever since. By 1951 he was a vice president. By 1958, at the age of 40, he had become president.

Thomas C. Morrill, vice-president and a member of the top echelon, admitted that the younger Mr. Rust got more than a little help from his dad.

"It's certainly true," Mr. Morrill said, "that his father made him president but if his name were Joe Mudd he ought to be president. We have lots of excellent young talent around but we have nobody with near his ability."

Clearly, though, Mr. Rust is an individualist who is happiest when working with his hands. He can handle machinery and has trained his son, Edward B. Rust Jr., a law student, to do the same.

One close associate told the story of the man who called the executive in his new role as president of the United States Chamber of Commerce to demand that he "do something about those college professors who ruined my son."

When he heard that the boy was 17, he took the caller to task. "You mean you had him for 17 years and they ruined him in one. What were you doing in those 17 years?" he wanted to know.

This same directness has also gotten him into hot water.

When Mr. Rust was elected president of the United States Chamber earlier this year, a few months before his 55th birthday, someone asked him how it felt to be the top spokesman for American business.

"If that's what they elected me to be," Mr. Rust replied, "they elected the wrong man."

If the chamber was annoyed by the remark, it never leaked out. But not too long ago, when Mr. Rust praised Ralph Nader, the consumer advocate, in glowing terms the Chamber fumed privately and very quickly made it clear that Mr. Rust was speaking for himself.

Mr. Rust said the fuss brought him about 35 letters—five of them with "all the four-letter words."

Mr. Rust had come to the conclusion several years earlier that Mr. Nader was someone that State Farm agents ought to hear. So he talked the consumer activist into making a film for the company.

Mr. Rust gave the State Farm staff just one order: Don't take out the criticism.

Aided by a solid reputation for fair dealings, State Farm Mutual has grown from an interesting idea in merchandising to a modern financial colossus.

Starting in 1922, when George J. Mecherle, its founder, trudged along the back roads of Illinois selling $34 policies in an old Model T Ford, State Farm Mutual became the world's largest auto insurer in 1942—just 20 years later—and has remained so. It is also the world's largest home insurer and one of the fastest growing life insurers in the business.

Today, the combined State Farm Companies have more than $4-billion in assets, 20 million policyholders, 25,000 employes, 11,000 independent agents and the best reputation in the auto insurance industry.

The State Farm formula is to sell auto insurance as if it were life insurance.

Most auto insurers sign on agents to sell policies on a commission basis, generally 15 to 20 per cent a year, every year. In life insurance, however, agents typically get a high commission in the first year and much smaller ones after that.

State Farm, long the king of the so-called direct writers—it sells directly to the customer—charges its customers $15 to $18 as a lifetime membership fee "for the privilege of buying insurance" and gives slightly more than half of it to the agent.

Because the initial sale is the hardest, the State Farm agent gets more commission the first year and less for renewals.

This helps produce sufficient volume that State Farm rates for those who qualify—are often surprisingly low.

And, because State Farm agents must find new "members" all the time if they want to make big money, State Farm profits usually move briskly upward.

In fact, from a loss of $29-million in 1969 on sales of $1.4-billion, State Farm Mutual showed net profits of $78.9-million in 1970 and $212.4-million in 1971. Earnings continued to climb so sharply in 1972 that the company decided to pay out $122.4-million in dividends to policyholders, effectively cutting rates.

As a result, profits eased last year to $186.9-million while sales soared to more than $2-billion.

This was seen as a move to head off insurance regulators, who, spotting the high profits, might have called hearings, giving the company bad publicity and, worse, demanding a cut in rates. By cutting its own rates in good times, the company leaves them intact for bad times.

As an indication of its policyholder loyalty, Consumers Union found when it took a poll among 230,000 car-owning members several years ago that State Farm Mutual (and the United States Automobile Association, which sells to military officers) topped the list for service. Allstate Insurance Company, the other giant "direct writer," stood in last place.

Nevertheless, State Farm has its detractors, too.

Four auto-body shops around Washington, D.C., maintaining that the company was sending business to competitors because they would do repair work for less money, have filed a multimillion-dollar national class action suit charging restraint of trade.

Jeffrey O'Connell, University of Illinois law professor, suggested, too, that State Farm could be misleading on occasion. What offended Professor O'Connell (the father of modern no-fault auto insurance along with a Harvard law professor, Robert E. Keeton) was the way the company fought no-fault a few years ago when it was against the idea.

What did the company do? It took poll.

"It purported to be scientific, but the questions were rediculously slanted to get the result they wanted," Professor O'Connell said. "It was a shoddy thing for such a big organization to do."

One State Farm officer quietly agreed that the survey "was not very accurate." Another said: "That's not so, but I know O'Connell thinks it is."

Then there is the hypersensitive view of the trial lawyers. Although some top insurers are considered pushovers by the legal profession—the companies differ from area to area—State Farm prides itself as one company that rarely goes to court.

For one thing, it often deals in areas where people are more apt to work things out informally. For another, it doesn't let a case get to court unless the facts or the money are in serious dispute.

"If we go to court, we rarely lose," an officer said.

That may explain the attitude of Melvin Belli, the trial lawyer who became famous for the huge awards his clients won.

"State Farm? They're the biggest so and so's in the insurance business," he said. "Any lawyer will tell you they're the cheapest on the street and Allstate's next in line."

A top State Farm officer, who declined to be quoted by name, seemed to like the observation, at least the part about his company. "That's the best recommendation we have," he remarked privately. "I hope you print it."

PROGRESS REPORT ON WORLD PEACE TAX FUND ACT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. DELLUMS. Mr. Speaker, in response to many expressions of interest, I present the following progress report on the World Peace Tax Fund Act, H.R. 7053, which was introduced on April 16, 1973, by the following Members of Congress: Representatives DELLUMS, EDWARDS, and STARK of California; MITCHELL of Maryland; MOAKLEY of Massachusetts; CONYERS and DIGGS of Michigan; ABZUG, BINGHAM, RANGEL, and ROSENTHAL of New York; and KASTENMEIER of Wisconsin.

This legislation would:

Extend to taxpayers who are conscientiously opposed to war rights comparable to those traditionally given to draftees who are conscientious objectors.

Allocate to a World Peace Tax Fund the portion of their Federal taxes which would otherwise be used for military expenditures.

Authorize the Comptroller General to determine, based on the previous year's military appropriations, what percentage of a conscientious objector's Federal taxes could be allocated to the World Peace Tax Fund.

Model the World Peace Tax Fund after the National Highway and the National Airport and Airway trust funds, with a Board of Trustees appointed by the President with the advice and consent of the Senate.

Authorize the Trustees to provide World Peace Tax Fund support for research and other activities designed to develop and demonstrate nonviolent methods of resolving international conflicts.

Prohibit use of the World Peace Tax Fund as a means of reducing regular appropriations for nonmilitary purposes.

A MORAL DILEMMA

Since the introduction of this bill, I have received urgent pleas for action from members of the historic peace churches and others who are committed to a strict application of the Commandment: "Thou Shalt Not Kill."

These are law-abiding citizens who are deeply distressed because at present they must either violate what they consider to be the law of God or break the Federal laws which require them to pay taxes which will be spent on lethal weapons. They feel strongly that a Nation founded upon freedom and respect for the rights of the individual should not force upon them this intolerable choice.

CIVIL DISOBEDIENCE

With the proliferation of international conflicts, a growing number of these conscientious objectors are reporting that they have come to the point where they have no choice, in their conscience, but to break the Nation's laws and withhold part or all of their Federal tax payments. They do this openly and are prepared to take the consequences.

Their action imposes upon the Government the costly administrative burden of identifying and penalizing them. The task of recovering taxes from conscientious objectors is particularly onerous because it involves those very individuals whose qualities of citizenship and concern for the welfare of their fellowmen and of all mankind are recognized by those who know them and by those who hear of their plight.

A LEGAL ANSWER

As all of us ponder in our profoundest thoughts the message which conscientious objectors are telling us about the realities of war in the 20th century, and as we consider the economic drain which military preparations impose upon all nations on a finite planet, we must ask ourselves whether there is not some honorable accommodation which can be made with these, our fellow citizens. Can we not let them live within the law, paying their taxes in full under a system which legally channels their payments into peaceful purposes?

A citizens' committee in Ann Arbor, Mich., and a related one in Washington, D.C., have worked to bring the World Peace Tax Fund Act to the attention of citizens. I will read into the RECORD a recent letter from the chairman of the Ann Arbor committee reporting on the status of their efforts and of public response to the bill:

ANN ARBOR, MICH.,
October 31, 1973.

Representative RONALD V. DELLUMS,
House Office Building,
Washington, D.C.

DEAR MR. DELLUMS: I am writing on behalf of the World Peace Tax Fund (WPTF) Steering Committee to tell you of our efforts to inform citizens about the World Peace Tax Fund Act, H.R. 7053, and to report on public reaction to this information.

Citizen response to this legislation has strengthened our conviction that the time has come when the principle of conscientious objection, already recognized in many laws, must be extended to the areas of Federal income, estate, and gift taxes. Your bill does this, building on sound historical precedent as was documented in the supporting brief which appeared in the Congressional Record when the Bill was originally introduced on April 17, 1972.

Almost 1,000 persons, many of them representing religious, civil rights, and peace organizations, have written to us confirming their support of the World Peace Tax Fund Act. Formal action has been taken by a number of organizations. For example:

The Church of the Brethren, at its Annual Conference in June, 1973, recommended "that both the denomination and individual Brethren give strong and active support to appropriate legislation providing alternative tax arrangements for peace purposes for those persons conscientiously opposed to war."

The Division of World Justice and Peace of the United States Catholic Conference has distributed widely among American Catholics information about the World Peace Tax Fund Act, and encourages "legislative efforts which offer citizens, who object for reasons of conscience to paying taxes to support military programs, the option of allocating a portion of their tax payment to fund peace and development-oriented programs."

The legislative policy approved in February, 1972 by the General Committee of the Friends Committee on National legislation states: "We urge provision for alternative peaceful uses of taxes paid by persons who oppose war on grounds of conscience."

The General Conference Mennonite Church, at its triennial conference in August 1971, passed a declaration on "The Way of Peace" which said, in part, "the levying of war taxes is another form of conscription which, along with the conscription of manpower, make war possible. We are accountable to God for the use of our financial resources and should protest the use of our taxes for the promotion and waging of war. We stand by those who feel called upon to resist the payment of that portion of taxes being used for military purposes."

Currently, the WPTF Steering Committee is asking citizens to:

Study the WPTF bill

Send their views to their Representatives and ask them to co-sponsor HR 5073

Request that Hearings on the Bill be held by the House Ways and Means Committee

Ask their Senators to introduce similar legislation

Those who take any or all of these actions are asked to send copies of their letters to the Steering Committee (P.O. Box 1447, Ann Arbor, Mich. 48106) so that we can compile a more comprehensive report to send you at a later date.

If civilization is to advance, recognition must be given, by Federal law, to those who are conscientiously opposed to the intolerable and wasteful burdens of the arms race and who protest the inhumanity of all war. We believe that, in time, the soundness of our position will become apparent to the majority of citizens, to Congress, and to other nations of the world. In the meantime, we ask that we not be penalized for holding these beliefs.

We express our enthusiastic support for your continued efforts on behalf of the World Peace Tax Fund Bill.

Sincerely yours,
DAVID R. BASSETT, M.D.,
Chairman, World Peace Tax Fund Steering Committee.

I should now like to insert into the RECORD a summary of the legislation, reminding citizens that complete copies of the bill may be obtained by writing to their Representatives. Following the summary is a memorandum in support of this act:

SUMMARY

The World Peace Tax Fund Act proposes that the Internal Revenue Code of 1954 be amended to provide an alternative to contribution to military spending for Federal taxpayers who are conscientiously opposed to participation in war, and that a Fund be established to receive and distribute to qualified peace-related activities the portion of such individuals' tax payments that would otherwise go to military spending. The remainder of qualifying individuals' income, estate, and gift taxes would be transferred to the general fund of the U.S. Treasury, to be spent only for non-military purposes.

The Act gives relief to those citizens conscientiously opposed to participation in war, who are presently forced to violate their beliefs by participating in war through tax payments. There is considerable precedent for such relief. The Selective Service System has long recognized and accommodated the beliefs of conscientious objectors. Tax exemptions have been provided for certain religious groups to void violation of their religious and conscientious beliefs.

The requested tax relief for conscientious objectors will not open the "floodgates" to similar relief for other groups. The conscientious objector's request for tax relief is exceptionally compelling because it is motivated by the widely-held and long-established fundamental religious and moral mandate—"Thou shalt not kill."

The Act provides taxpayers, who are conscientiously opposed to war and who might otherwise feel compelled to undertake illegal tax resistance, with a means of making a meaningful contribution to world peace consistent with their obligations of citizenship. It is particularly important that the Act extends the opportunity for conscientious objection to women and to men not eligible for conscientious objector status under the Selective Service System.

The amendments to the Internal Revenue Code of 1954 provide that a qualified taxpayer may elect to have his or her Federal income, estate, or gift tax payment transferred to a special trust fund, the World Peace Tax Fund. The amendments also explain how a taxpayer qualifies to have his or her tax paid to the Fund. Other sections of the Act provide for the creation of the World Peace Tax Fund, and for the appointment of a Board of eleven Trustees to administer the Fund. The Fund is modeled after the National Highway Trust Fund and the National Airport and Airway Trust Fund. The Act provides that the General Accounting Office shall annually determine and publish the percentage of actual appropriations, made by the United States from the Federal Funds Budget during the preceding fiscal year for military purposes. This percentage will be used to determine the portion of the qualifying taxpayer's tax which shall be received by the Board; the Board shall submit a budget to Congress for approval and appropriation, providing for channeling of these monies to specified peace-related activities. Monies not appropriated from the Fund for expenditures budgeted by the Board shall remain available for use in subsequent years by the Board, subject to Congressional appropriation.

MEMORANDUM IN SUPPORT OF THE WORLD PEACE TAX FUND ACT

INTRODUCTION

Many persons in this country are conscientiously opposed to participation of any kind or nature in war. For some religious determinations this is a fundamental part of the religious beliefs of the members. For example, the Handbook of the Pacific Yearly Meeting of the Religious Society of Friends urges its members:

"To recognize that the military system is not consistent with Christ's example of redemptive love . . . (and) to consider carefully the implication of paying those taxes, a major portion of which goes for military purposes."—page 28 of 1962 Rev. Ed.

Freedom of conscience, whatever that conscience might be, is an integral part of our scheme of government. The Supreme Court of the United States, in March of 1965, quoted a statement made in 1919 by Harlan Fiske Stone, who later became Chief Justice of the Court:

"Both morals and sound policy require that the state should not violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state. So deep is its significance and vital, indeed, is it to the integrity of man's moral and spiritual nature that nothing short of the self-preservation of the state should warrant its violation; and it may well be questioned whether the state which preserves its life by a settled policy of violation of the conscience of the individual will not in fact ultimately lose it by the process."—Stone, The Conscientious Objector, 21 Col. U.Q. 253, 269 (1919).

Although not all persons who are conscientiously opposed to participation of any kind in war base their convictions on religious training and belief, conscientious objection to war appears to be well recognized as an integral part of the religious beliefs of many people. Speaking of the struggle for religious liberty in this country, Chief Justice Hughes referred to:

"The large number of citizens of our country, from the very beginning, who have been unwilling to sacrifice their religious convictions, and in particular, those who have been conscientiously opposed to war and who would not yield what they sincerely believed to be their allegiance to the will of God . . ." *United States* v. *Macintosh,* 283 U.S. 605, 631 (1931).

Certainly to require significant participation in war, against the religious conscience of these people, would violate the spirit of the first amendment protection for the free exercise of religion. (See *West Virginia State Board of Education* v. *Barnett,* 319 U.S. 624 (1943); *School District of Abington Township* v. *Schempp,* 374 U.S. 203 (1963); *Contran, Tyrrell* v. *United States* 200 F. 2d 8 (9th Cir. 1953), *cert. denied* 345 U.S. 910.

Conscientious objection to war and military training is deeply imbedded in the traditions of this country. For example, the ratifying conventions of each of the six states that recommended the adoption of a Bill of Rights in ratfying the new Constitution approved specific amendments as a part of their recommendation; Virginia, North Carolina, and Rhode Island included a provision guaranteeing the right of conscientious objection. (See Elliot, *Debates on the Adoption of the Federal Constitution,* Vol. 3, p. 659, Vol. 4, p. 244 Vol. 1, p. 334—36 (reprint of 2nd ed. 1937).

A similar provision was suggested but rejected by the Maryland convention. (See Elliott at 553.) It is not surprising, therefore, that one of James Madison's proposed amendments presented to the first session of the first Congress included the following language: "but no person religiously scrupulous of bearing arms shall be compelled to render military service in person." *Annals of the Congress of the United States,* 343 (Gales and Seaton, 1934).

During the debates on the proposed amendment, it was suggested that the right be conditioned "upon paying an equivalent." To this suggestion Mr. Sherman of Connecticut remarked:

"It is well known that those who are religiously scrupulous of bearing arms are equally scrupulous of getting substitutes or paying an equivalent. Many of them would rather die than do either one or the other." *Annals* at 750.

A motion was then made to drop this clause altogether; the motion failed and the clause was included in the list of proposed amendments sent to the Senate for approval. The Senate omitted this provision and it never became a part of our Bill of Rights. Although no record of the Senate debates was taken at the time, the opposition to the proposal in the House would indicate that the Senate preferred to leave the matter to legislation instead of a Constitutional Amendment. *Annals* at 751.

PRECEDENT

There is sound precedent for such legislation giving tax relief to protect religious and conscientious beliefs. Section 1402(e) of the Internal Revenue Code provides an exemption from payment of self-employment taxes for duly ordained, licensed or commissioned ministers and members of religious orders, or for Christian Science Practitioners upon their filing an application for exemption together with a statement that they are conscientiously opposed to, or because of religious principles, they are opposed to participation in an insurance plan like that provided by the Social Security Act. Section 1402(h) of the Internal Revenue Code similarly relieves members of qualified religious faiths, primarily the Amish, of the duty to pay the Social Security tax. By this Code provision, enacted in 1965, Congress acknowledged and accommodated the conscientious objection of the Amish to participation in insurance plans. The tax exemptions provided by section 1402(e) and 1402(h) of the Internal Revenue Code were modeled after the exemption of conscientious objectors from the draft.

By exempting individuals conscientiously opposed to participation in insurance plans from payment of Social Security taxes, Congress clearly extended the principle of Congressional accommodation of conscientious beliefs from the area of the draft to the area of taxation. Thus Congressional precedent for tax relief to accommodate the beliefs of conscientious objectors to war is firmly established. Congress has recognized both the right of a tax exemption to avoid participation in a program to which the tax-payer is conscientiously opposed.

The tax treatment asked for conscientious objectors is less exceptional than that presently granted by sections 1402(e) and 1402 (h) of the Internal Revenue Code. Those sections allow individuals "conscientiously opposed" to Social Security insurance to be entirely exempted from payment of a portion of their tax. In contrast, the World Peace Tax Fund Act does not propose exemptions from payment of a portion of the conscientious objector's tax. Under the Act, a conscientious objector is still required to pay his entire tax. The Act merely provides that an appropriate portion of the tax may be diverted from military spending to non-military peace related activities.

Like the exemption from payment of the Social Security tax, the proposed tax accommodation for conscientious objectors is based on religious and conscientious belief. The conscientious objector to war has a compelling justification for the special tax status he seeks. His concern is fundamental. He asks not to be forced to join in the deliberate killing of his fellow men. His desire not to participate in war and killing through any means, including taxation, is based upon a widely acknowledged religious and moral principle. Observance of the principle is essential to the integrity of the individual. By forcing the conscientious objector to war to contribute to military spending, Congress presently forces him to violate his conscience and severely denies his right of religious freedom.

The contemplated tax treatment of conscientious objectors does not establish a precedent for individual earmarking of tax dollars. Trustees appointed by the President with the advice and consent of the Senate will receive, for subsequent channeling to appropriate peace-related activities, a portion of the Fund's monies. This portion represents the sum of all qualifying individuals' income, estate, or gift tax payments, multiplied by the percentage of last year's Federal budget devoted to military spending. The spending decisions of the Trustees require Congressional approval and appropriation. Congress retains power over spending of the conscientious objector's taxes. The taxpayer who qualifies as a conscientious objector can only decide that his tax dollars will not be spent for one specific purpose—military spending. Distribution of monies by the Board to qualified peace-related organizations finds precedent in the qualified distribution requirements for private foundations under Section 4942 of the Code.

EFFECTIVENESS

Individuals conscientiously opposed to war will be excused from tax contribution to military spending and thereby from a significant form of participation in war. The tax dollars diverted from military spending will be used to promote world peace. It is recognized that because of the nation's tax collection and budgeting process, the creation of the World Peace Tax Fund may not markedly reduce the money available for military spending. A serious curtailment of military spending would result only if a great many taxpayers participated in the Fund, thereby calling for a major shift in national priorities. The military will get the funding it requests until the success of the Fund helps persuade taxpayers and Congress to reduce the priority of military spending.

At present, many conscientious objectors are so determined to change this country's priorities that they have refused to pay their taxes. As an alternative to forcing conscientious objectors to pursue this difficult and unpopular course, this bill offers the conscientious objector a way of making a positive contribution to world peace in place of contributing to military spending. The Fund will provide a constructive means of citizen's protest for its contributors. The Fund will draw the attention of every taxpayer to the percentage of American tax dollars going to military spending. It will encourage Congress to recognize this percentage by publication of the Fund's annual reports. At present, for the most part, no effort is being made by the government to separate military spending from other spending. Individual taxpayers, in making out their annual returns, will be forced to decide whether or not they can conscientiously contribute to military spending. Those who become conscientious objectors for tax purposes will be voicing a significant vote against military policy. The bill provides that the number of contributors to the Fund, the amount of money contributed, and the expenditures of the Fund shall be published and reported to Congress each year.

The Fund itself will be selfsufficient. It is expected that the commitment of the Fund's Trustees to world peace and their appointment by the President with the advice and consent of the Senate will make the Fund self-policing so that contributors and other taxpayers and Congress will have faith in it, and it will accomplish the goals set for it. The operating expenses of the Fund will be paid out of the money the Fund receives from taxpayers. Because the Fund will encourage people who presently refuse to pay their taxes, to pay these taxes, the administrative costs of the Fund will be offset by the additional tax payments which the Fund is expected to generate.

CONSTITUTIONALITY

(1) *Uniformity*. The proposed legislation conforms with the requirement of Article I, Section 8, Clause 1 of the Constitution which provides "All duties, imports and excises shall be uniform throughout the United States." The requirement of uniformity has been read to require geographical uniformity, *Knowlton v. Moore*, 178 U.S. 41 (1900); *Brushaber v. Union P. R. Co.*,—U.S. 1 (1916); *Fernandez v. Wiener*, 326 U.S. 340 (1945).

(2) *First Amendment*. The first amendment provides "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." The proposed tax payment accommodation of the religious beliefs of conscientious objectors is a mitigation of a general requirement for the purpose of allowing the free exercise of religion. This is not an establishment of religion.

Despite the constitutionality of the proposed amendments, it might be argued there is an overriding public interest which forbids accommodation. But in *In Re Jenison*, 375 U.S. 14(1963) the Court relying on *Sherbert v. Verner* vacated a ruling of the Minnesota Supreme Court, which held that jury duty, a primary duty of all citizens, was superior to a religious belief which forbade judging others and therefore forbade jury duty. After *Jenison* it is possible to argue that it is unnecessary to balance the public interest against the individuals' interest to determine whether an exception to the general law should be made to accommodate the free exercise of religion. Rather Congress or the courts could simply determine if an accommodation is necessary to allow free exercise of religion and if so, grant it.

(3) *The due process clause*. The due process clause of the fifth amendment requires that tax statutes be resonable and apply to a reasonable class. However, the standards of reasonableness applied to tax statutes are more lenient than those applied generally; only clearly arbitrary tax classifications will be struck down. *Flemming v. Nestor*, 363 U.S. 603(1960); *Smart v. U.S.* 222 F. Supp. 65 (1963); *Leeson v. Celebrezze*, 225 F. Supp. 527 (1963). Therefore it is unlikely that the classification proposed by these amendments would be found unreasonable, especially since the classification is the same which has long been accepted as reasonable for draft exemption purposes.

THE STATE OF THE PRESIDENCY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. RANGEL. Mr. Speaker, increasingly President Nixon's resignation is being discussed as a way out of our current crisis of national leadership. This Sunday, the New York Times, perhaps the Nation's most respected journal, editorialized in favor of the President's resignation from office.

The decision to take this position did not, I am sure, come easy for the New York Times. Its editorial and the rationale it sets forth for making this proposal are worth the attention of every Member of this body:

THE STATE OF THE PRESIDENCY

The visible disintegration of President Nixon's moral and political authority, of his capacity to act as Chief Executive, of his claim to leadership and to credibility leads us to the reluctant conclusion that Mr. Nixon would be performing his ultimate service to the American people—and to himself—by resigning his office before this nation is forced to go through the traumatic and divisive process of impeachment.

The doubts about Mr. Nixon that have gathered an ominous momentum over the past twelve months have arisen, basically, from three different sources—constitutional, political and personal—and they are now flowing together in a surging torrent.

Every President comes under attack from the political opposition, as is normal in a democracy; and every President makes misjudgments and administrative errors. If that were all that could be said about Mr. Nixon, the possibility of his resignation or impeachment would never arise. The gravity of the case against him rests instead on his deliberate violations of the letter and the spirit of the Constitution and, flowing out of this, the collapse of public confidence in the integrity of the man who only one year ago was elected to the Presidency by the largest popular majority in American history.

MR. NIXON AND THE CONSTITUTION

In an obsession with secrecy, in reliance on the blanket of "national security" to cover virtually any action, Mr. Nixon has at least twice given his approval to projects that would violate the law and his oath of office. In 1970, he endorsed a secret plan involving concededly illegal acts against domestic radicals. Although this plan was soon rescinded, Mr. Nixon later established a White House investigative unit, the notorious "plumbers," that did engage in illegal acts. Revelation of White House involvement in this kind of activity, including attempted subversion of both F.B.I. and C.I.A., was what first shook public faith in Mr. Nixon's understanding of the proprieties of his office.

In his management of the Vietnam War, Mr. Nixon compounded the secrecy, deceit and unconstitutional practices that had already grievously harmed the Presidency under Mr. Johnson. The secret bombing of Laos and Cambodia and the invasion of Cambodia were the acts of a President with scant regard for the authority of Congress and for the will of the people.

In an entirely different area of public policy, the President had abused his power in respect to the impoundment of funds. Mr. Nixon had tried to convert the implied, discretionary power to impound into an absolute item veto. In his exercise of that power, Mr. Nixon has acted as if he regarded his re-election as a mandate to do as he pleased in administering the budget.

The deceitful manipulation of the Presidential war-making powers, the deliberate violations of the law in the national security investigations and the abuse of the impoundment authority have all created in the minds of the people the enduring conviction that Mr. Nixon has little respect for the restraint of the law and no real understanding of constitutional checks and balances.

MR. NIXON AND POLITICS

The character of the President's political leadership has aroused profound distrust that goes far beyond the sentiments normally engendered by party politics or philosophical disagreements over public policy. There is now substantial evidence that the President's men, in their effort to build up political power for President and party, have engaged in a lawless and corrupt style of politics and political financing.

It is unnecessary to review the many ramifications of the Watergate scandal. One need only note that for the first time in fifty years, two Cabinet members—John N. Mitchell, the former Attorney General and the former campaign manager, and Maurice Stans, former Secretary of Commerce and former chief political fund-raiser—have been indicted. John W. Dean 3d, formerly the President's legal counsel; Jeb Stuart Magruder, formerly his deputy campaign manager, and Frederick Larue, formerly one of his White House assistants, have pleaded guilty to obstruction of justice. John D. Ehrlichman, formerly the President's chief domestic adviser, and two lesser White House aides have been indicted on other charges. H. R. Haldeman, another of the President's closest assistants, has been forced to resign. Still others formerly in high office in the Nixon Administration have publicly conceded that they committed perjury, destroyed evidence, obstructed justice, or committed other crimes but have not yet been indicted. Could these men have so acted without the President's knowledge?

In addition to the Vesco case in which Mr. Mitchell and Mr. Stans have been indicted, there is documentary evidence that:

The milk producers promised the Administration $2 million in campaign money while seeking the favorable rulings that they obtained with regard to milk prices and import quotas on foreign milk products;

ITT offered $400,000 to defray the cost of the 1972 Republican National Convention while the White House was actively intervening—despite denials subsequently shown to be false—to force the Justice Department to settle an antitrust suit on terms acceptable to ITT;

Howard Hughes transmitted $100,000 in cash to C. G. Rebozo, the President's closest friend, while seeking favorable antitrust rulings from the Government.

Vice President Agnew is a case apart. According to the Justice Department, bribes had been paid to him not only when he was an official in Maryland but throughout his first term as Vice President. This is the man whom Mr. Nixon twice chose as his highest associate in Government.

MR. NIXON'S SENSE OF FITNESS

President Nixon's personal leadership has served to increase rather than relieve the gathering doubts about his fitness to remain in office. Mr. Nixon has inflicted upon the public for fourteen months a bewildering series of complicated and evasive explanations of his conduct in the Watergate scandals. His firing of Archibald Cox, his acceptance of Attorney General Richardson's resignation, and his abolition of the office of Special Prosecutor served to convince many Americans, once and for all, that their President was determined not to have a thorough and independent inquiry into the charges against him and his associates.

The President's truly astonishing conduct with regard to the Watergate tapes has aroused even deeper uneasiness. First, Mr. Nixon seemed about to provoke a constitutional crisis by refusing to obey a confirmed court order that he turn over nine tapes to Judge Sirica for inspection. Then he abruptly reversed himself and announced that the tapes would be made available. And now he has informed the court through his attorney that two of the tapes—probably the two most critically important—never existed.

Other personal actions by Mr. Nixon have fed public distrust. It is dismaying to millions of ordinary taxpayers to learn that their President, during part of his first term in office, paid almost no Federal income tax because he claimed a huge and legally dubious deduction. It offends the instinctive sense of fairness of ordinary citizens when it is finally disclosed that their President has surreptitiously burdened the public treasury with major expenditures affecting his two private estates quite apart from the two provided by the Government. It offends the sense of propriety of most citizens that their President should live beyond his means by borrowing heavily from two millionaire friends.

MR. NIXON'S DUTY

Without prejudging the question of impeachment, the public has lost confidence in the President's veracity and good faith. The record of his unconstitutional and illegal acts and of the scandal-ridden management of his Administration and his party is plain. In this context, two questions arise. The nation has to ask: Can Mr. Nixon effectively govern during the remaining three years of his term? The President has to ask: Where does my duty to the nation lie?

The answer to the first question is negative. At best, the nation faces three years of a crippled Presidency. At worst, there will be fresh revelations, exposure of new crises, probably the ordeal of impeachment, while inquiry into the activities of his associates and subordinates goes on.

The one last great service that Mr. Nixon can now perform for his country is to resign. He has been trying to "tough it out" for too long at too great a cost to the nation. As long as he clings to office, he keeps the Presidency swamped in a sea of scandal and the American public in a morass of concern and confusion. The state of the union requires nothing less than a change in the sorry state of the Presidency.

JOHN PHILIP SOUSA WEEK IN WASHINGTON, D.C.

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. FAUNTROY. Mr. Speaker, November 6 is the 119th anniversary of the birth of John Philip Sousa, a native of Washington, D.C. It is fitting and proper that this city which he so loved should honor the man by acknowledging his great music which is taken for granted today by Americans in all walks of life. "The March King," as he is known, is truly one of the greatest musicians of all-time. The marches composed by Mr. Sousa are not merely songs, but have been embedded as international symbols of Americans tradition.

The District of Columbia has particular claim to these traditions, of course, as John Philip Sousa was born, raised, and educated right here in the Nation's Capital. The house where he was born, at 636 G Street SE., has been restored by the Capitol Hill Restoration Society, and the house where he did the major part of his composing is still in use as a home in Southeast Washington. Here, he composed the works which have come to represent the United States across the world. Mr. Sousa used his talents during his lifetime to glamorize Washington, D.C. and we are proud to have the opportunity to return his generosity by honoring him this week.

Mayor Walter Washington, has appropriately proclaimed the week of November 4–10 as "John Philip Sousa" week. He has called upon the citizens of the District to join in honoring this great American, "in greatful knowledge of the exceptionally outstanding contributions which he made to the field of music and to his fellow citizens." I would like to join in honoring John Philip Sousa and further the cause of this week by outlining the events of this week which are taking place in paying tribute to the man.

The Museum of History and Technology, the National Portrait Gallery, and the Library of Congress will feature special Sousa displays. The bands from the four branches of the armed services will continue to prepare their traditional Sousa repertories, and the historic Ford's Theater is bringing to Washington an exciting revival of Sousa's famous comic opera "El Capitan." Other groups working to make Sousa week something very special are the John Philip Sousa Memorial, the Sousa Band Fraternal Society, the band department of the University of Illinois, Paul Bierly-Sousa biographer, the Music Educators National Conference, and the American Bandmasters Association.

As a Member of Congress, I call upon my distinguished colleagues and the citizens of the United States to join our city of Washington, D.C., and the above-mentioned groups in honoring "the March King."

BILL SEEKS CONVEYANCE OF CERTAIN U.S. LAND TO LOUISIANA

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. WAGGONNER. Mr. Speaker, I rise in support of the bill, H.R. 9295, which I have sponsored and which is cosponsored by the entire Louisiana delegation.

The bill simply provides for the conveyance of certain lands in Caddo Parish in Robson, La., owned by the United States to the State of Louisiana for use by Louisiana State University.

Mr. Speaker, by way of background, I want to give you a brief history of this property, a legal description of which is provided in the bill. In 1930, the police jury—the governing body of Caddo Parish—donated to the Government approximately 138 acres to be used in conducting research on pecan production problems. In 1952, 38.80 acres were conveyed back to the State of Louisiana, leaving 99.956 acres. The land, although not selected by representatives from the Department of Agriculture, was accepted by the Department because of the interest of pecan growers in northern

Louisiana in regard to problems relating to pecan production on upland sites as well as on river bottom land.

The Agriculture Department has made continuous use of this land during the last 43 years conducting research on disease and insect problems and cultural methods of pecan production. Louisiana State University's Agricultural Extension Services has cooperated with and offered some assistance to the research activities being conducted at the facility over the years. Pecan production in Louisiana increased fourfold during this period and production of improved varieties has increased nearly sixfold.

Last year and earlier this year, the Department of Agriculture made a determination that the pecan research facility should withdraw its personnel from the pecan research studies that were being done in Caddo Parish inasmuch as similar studies were being conducted in Byron, Ga., and Brownwood, Tex. USDA took the position that individual States could adequately furnish the additional information that was needed by pecan growers. It is the position of the Louisiana pecan growers, as well as pecan growers in the immediately surrounding area, that pecan problems that they experience are peculiar to the immediate area; and they feel that the research program presently being conducted in Caddo Parish by USDA and LSU should continue.

By conveying the land to the State of Louisiana to be used by Louisiana State University, it would allow the USDA to cease its operations there, but would allow the pecan research facility to continue under the direction and operation of LSU. Conveyance legislation is needed to prevent the property in question from being declared surplus by the Government and being taken over by some other interest not associated with pecan research. As you know, Mr. Speaker and fellow Members of the House, there is adequate precedence for conveyance of this type. Last Congress, legislation was enacted that would convey land to the State of Tennessee to be used by the University of Tennessee on the problems related to livestock breeding in that State.

I feel that I have outlined the history and need for this legislation, which is supported by Louisiana State University, the State of Louisiana, and the pecan growers in my State, as well as by the Department of Agriculture.

CONGRESSMAN FRANK ANNUNZIO ANNOUNCES RESULTS OF 1973 CONGRESSIONAL QUESTIONNAIRE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ANNUNZIO. Mr. Speaker, I submit by unanimous consent as official business the results of a poll which I conducted recently to obtain the opinions of citizens residing in the 11th Congressional District of Illinois, which I am privileged to represent, on issues of national significance under consideration by the Congress of the United States.

The strength and effectiveness of our Government is dependent upon the exchange of views between elected officials and their constituents. One way in which to insure an exchange of views is the Congressional Questionnaire, and I want to express my sincere appreciation to more than 15,000 of my constituents who involved themselves in the decisionmaking process by responding to this survey.

Twenty-three questions were asked relating to both domestic and foreign policy issues. These issues covered the economy, pension reform, abortion, the death penalty, war powers, mass transit, the energy crisis, and similar issues.

Not only was the volume of response gratifying, for almost 20 percent answered the questionnaire, but many persons attached detailed letters to explain the positions they took while others placed comments on the margin of the questionnaire.

All of the questionnaires which have been returned have been tabulated by computer and the consensus of opinion I have received has been of invaluable aid to me in formulating my own position in the legislative considerations confronting us during the 93d Congress.

Before listing a numerical summary of the responses to the questions that I asked, I want to point out some significant reactions to several important issues.

On two issues, 11th District residents were almost evenly divided—abortion and the Crosstown. On both of these questions, such a large number of people reported they were undecided that a clear consensus did not emerge. On the abortion issue, 43 percent were against and 44 percent were in favor of the Supreme Court decision liberalizing abortion regulations, while 13 percent were undecided. Since the number of undecided could swing the consensus either way, and since the mail in my office is running heavily against liberalizing abortion regulations, I would like to invite my constituents who have not yet expressed an opinion to drop me a line and let me know how they feel.

On the Crosstown issue, 37 percent wanted Governor Walker's substitute interstate highway plan in place of Crosstown, 42 percent did not want the Crosstown replaced with the Governor's plan, and an extremely large number—21 percent—were undecided. It is now up to Governor Walker and Mayor Daley to make the final decision on what happens to Crosstown.

A total of 88 percent felt that the death penalty should be reinstated. I have always felt that tougher penalties will serve as a forceful deterrent to serious crimes, such as murder, and I shall certainly support stricter penalties when legislation of this kind reaches the House floor for action. Every means at our disposal must be utilized to bring down the high crime rate and to make our city streets safe once again for our citizens. To this end, I have supported the Safe Streets and Crime Control Act, the Omnibus Crime Control Act, the Juvenile Delinquency Prevention and Control Act, the Drug Control Act, and similar bills aimed at bringing the crime rate down.

Eighty-five percent, or almost seven-eighths of those who responded, were opposed to forced busing of schoolchildren out of their neighborhoods as a means of achieving racial balance. My own position has been against forced busing. During the 92d Congress, four recorded votes on major bills, five recorded votes on amendments, and 20 unrecorded votes on the busing issue were taken in the House of Representatives. Each time, I voted consistently against forced busing. My position has been reinforced by the responses I have received and therefore I shall continue to oppose forced busing should legislation on this issue come to a vote in the 93d Congress.

Fully 85 percent favored controlling Federal expenditures. I share this view, and as chairman of the Personnel Subcommittee of the House Administration Committee, I was responsible for conducting a survey, and restructuring and consolidating positions in certain offices of the House of Representatives resulting in a savings of taxpayers' dollars of some $1.3 million per Congress in payroll expenses. I shall continue to oppose waste and duplication in Federal spending, for this is one sure way of controlling government expenditures of taxpayers' dollars.

Eighty-seven percent supported Federal regulation of private pension plans to prevent abuses. I have sponsored legislation to achieve this objective, and I am pleased to report that the House is expected to take action on a bill before the end of the year while the Senate has already passed similar legislation. It is my hope that the law which is finally enacted will insure that those who have paid into pension funds will get back every cent that is due to them, instead of being deprived, as so many have in the past, of their retirement benefits.

On the mass transit issue, 77 percent favored using some highway trust fund money to improve mass transit systems. With the fuel shortage rapidly increasing in severity, efficient mass transit systems have become even more important, for our citizens must have dependable means of getting to work, to school, to shopping areas, to the doctor's office, and to other places so essential to daily living needs. I have been in the forefront of the fight to secure better funding for mass transit systems, and authored legislation that would have achieved this purpose. I am glad to report, therefore, that such legislation has now been enacted into public law, and for the first time in the history of our country, some highway trust fund money will be available to improve our mass transit systems such as the Chicago Transit Authority.

Under article 1 of the Constitution, Congress has been given the power to declare war. However, in recent years the executive branch of the Government has taken this authority upon itself, and as a result, we have found ourselves engaged in undeclared wars, like Vietnam, where thousands of our young men have needlessly lost their lives. As a result, legislation was recently passed by both the House and Senate limiting the President's power to commit troops in an undeclared war. The President has vetoed this legislation, and the House will soon consider overriding the President's veto. Because 80 percent of 11th district residents indicated to me they wanted to limit the Chief Executive's power to commit troops in an undeclared war, I shall accordingly vote to override the President's veto.

Over and over again, in notes and letters I have received, along with responses in the questionnaires, a total dissatisfaction was expressed with our current tax laws. Earlier this year, the Ways and Means Committee, which drafts tax legislation, began broad and extensive hearings on this issue in order that present inequities in our tax structure might be eliminated. The committee's consideration, however, was interrupted because prompt action was required on the trade bill and on the pension reform bill. Now that this action is almost completed, the committee will return to consideration of tax reform legislation.

It is my firm conviction that Congress must plug tax loopholes and cut out "special interest" tax breaks which permit high-income individuals and large companies to escape their fair share of taxation. Congress must also eliminate the inequity that has long existed as far as our single taxpayers are concerned. I have introduced legislation to achieve this objective, as well as legislation to give a tax exemption to a certain portion of income our older citizens receive in the form of retirement benefits. The Ways and Means Committee will consider my bills when it resumes its deliberations.

I shall continue my vigorous support of bills in the Congress to correct inequities and abuses in our tax laws. I feel that the money saved from plugging tax loopholes could be better spent for more effective pollution abatement, for meeting the educational needs of our country, and for reducing property and income taxes of the overburdened middle-income wage earners.

Finally, Mr. Speaker, a plurality of the citizens who responded felt that an increase in social security benefits should come now instead of next year, and I fully agree. Galloping inflation has hurt all of us, but it has hurt the most our senior citizens who are living on fixed incomes. Consequently, I have supported social security benefits increases in the past and shall continue to support such increases, as well as to do all I can to help our older people meet at least their basic daily living necessities such as food, rent, and medical bills.

It is also of interest to note that of those who returned the questionnaire, the largest number—48 percent—were in the 45 to 64 age category, while the largest number—43 percent—were privately employed.

Mr. Speaker, the following is the completed questionnaire tabulation according to percentages:

CONGRESSIONAL QUESTIONNAIRE

1. Abortion: Amend the Constitution to overturn the Supreme Court decision which liberalizes abortion regulations?

Yes	43
No	44
Undecided	13

2. Death penalty: Reinstate the death penalty for the most severe crimes?

Yes	88
No	9
Undecided	3

3. Busing: Outlaw busing our schoolchildren as a means of achieving racial balance?

Yes	85
No	11
Undecided	4

4. Federal spending: Place a ceiling on annual spending as a means of controlling Federal expenditures?

Yes	83
No	8
Undecided	9

5. NATO: Reduce the number of troops we have committed under NATO to defend Europe?

Yes	70
No	20
Undecided	10

6. Tax credit: Enact legislation to permit tax credits to parents of students attending private and parochial schools?

Yes	56
No	39
Undecided	5

7. Energy crisis: Tax all users for excessive use of gas and electricity?

Yes	46
No	39
Undecided	15

8. News: Guarantee to reporters the right to conceal their sources?

Yes	58
No	30
Undecided	12

9. Pensions: Tighten Federal regulation of private pension plans to prevent abuses?

Yes	87
No	7
Undecided	6

10. Pollution: Tighten environmental regulations on industry, despite possible economic slowdown or increased consumer costs?

Yes	67
No	19
Undecided	14

11. Guns: Ban the sale of all "Saturday-Night Special" handguns?

Yes	91
No	7
Undecided	2

12. Crosstown: Substitute Governor Walker's plan for a 71-mile north-south interstate highway in place of Crosstown?

Yes	37
No	42
Undecided	21

13. Lottery: Install a national lottery, replacing taxation to some degree?

Yes	78
No	15
Undecided	7

14. Health insurance: Establish a National health insurance program that would provide coverage for all health care?

Yes	66
No	23
Undecided	11

15. Mass transit: Use some highway trust fund money to improve mass transit systems?

Yes	77
No	17
Undecided	6

16. War powers: Limit the President's power to commit troops in an undeclared war?

Yes	80
No	15
Undecided	5

17. Inflation: Reinstate strict government controls on food prices?

Yes	52
No	34
Undecided	14

18. No-fault auto insurance: Make it nationwide by Federal law?

Yes	71
No	12
Undecided	17

19. Wire tapping: Enact a new law tightening court restrictions on wire tapping?

Yes	70
No	18
Undecided	12

20. Trade: Limit foreign imports to protect American businesses and the jobs of American workers?

Yes	74
No	18
Undecided	8

21. Vietnam: Provide reconstrutcion assistance to North and South Vietnam?

Yes	19
No	65
Undecided	16

22. Post Office: Return to Federal government control?

Yes	57
No	23
Undecided	20

23. Military spending: Cut spending for new weapons systems such as long-range submarines and aircraft carriers?

Yes	42
No	45
Undecided	13

24. Age: (1) 15–19 (19%); (2) 20–29 (99%); (3) 30–44(21%); (4) 46–65 (48%); (5) 65-up (21%).

25. Employer: (1) Private (43%); (2) Public (20%); (3) Self (10%); (4) Retired (21%); (5) Unemployed (6%).

PROGRESSIVE FORESTRY

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ROBINSON of Virginia. Mr. Speaker, it is with pleasure and pride that I make known to the House that Mr. Wickham B. Coleman, Jr., of Ruther Glen, Va., has been selected as the national honoree in a competition for forestry program excellence sponsored by the Future Farmers of America.

Wick Coleman received his award, not long ago, at the National FFA Convention in Kansas City, Mo. Obviously, this is a matter of great satisfaction to me, as I have the privilege of representing the congressional district in Virginia which includes Mr. Coleman's home community. In Virginia, more than 16,000 young people enrolled in programs of vocational agriculture, which lead to the achievement recognized in the award to Wick Coleman.

It is redundant to comment on the importance of our national competence in food production in the context of the world food shortage situation, but I think it important that we encourage, and recognize, the achievement of young people who have shown a commitment to agriculture in all of its aspects.

Under leave to extend my remarks in the appendix, Mr. Speaker, I include the text of Wick Coleman's address at an assembly of business leaders hosted by the Seaboard Coastline Railroad Co. at the Cincinnati Club, Cincinnati, Ohio, as follows:

My Forestry Program in Virginia

(By Wickham B. Coleman, Jr.)

Mr. Rice, Honored Guests and Fellow Award Winners:

Today I bring you greetings from the Virginia Association of Future Farmers of America, and say to each of you that it is an honor for me to represent such a fine youth organization on this occasion. I would like to publicly express my sincere appreciation to my parents, my FFA Advisors, the Virginia Association of FFA, and especially the Seaboard Coast Line Railroad for this great opportunity.

It is indeed a pleasure for me to be in Cincinnati today. I consider Ohio my second home since my mother is a "Buckeye" and I visit in this State often. I have looked forward to this occasion for five years. This was when I first became involved in forestry work and when I learned of the forestry program sponsored by the Seaboard Coast Line Railroad. As I stand here I realize that without the assistance, love, understanding, and full cooperation of so many people I would not be here today. Words cannot express my appreciation for all the kindness shown me because without this faithfulness and my faith in God this trip would have been impossible.

I began my forestry program upon entering the eighth grade at Ladysmith High School. With the help of my FFA Advisors and County Foresters, I developed a long-time plan for my forestry program to be completed by my senior year. I am happy to report that I was able to complete the program as planned. I included reforestation each year and my program includes over 100,000 loblolly pine seedlings set between 1968 and 1973. I personally set out 35,300 of these and secured the services of fellow FFA chapter members to help plant the remaining seedlings. I used a variety of methods to prepare sites for planting the loblolly pine seedlings. These included a controlled burn on part of my plot and bulldozing 20 acres myself on another area. In several of the areas hardwood trees which were left were either girdled or poisoned. I have marked and thinned a 5 acre stand of pine. I have harvested 41 cords of pulpwood, 16,000 board feet of saw timber, 500 fence posts, 16 cords of fuelwood, and collected 25 bushels of pine cones for the Virginia Division of Forestry. I have maintained several miles of fire lane surrounding my forestry projects.

I was fortunate in gaining much knowledge in forestry by being selected to attend a week long forestry camp. I have also visited a number of forest industries in my state and helped prepare educational exhibits on forestry for the State Fair and the East Coast Loggers' Exposition.

In addition to forestry activities, my supervised farming program has included beef cows, beef bull, baby beef, numerous swine projects, soybeans, hay and corn. I have exhibited my livestock on many occasions during my high school years.

I have been involved in many leadership activities in the FFA. I have served my chapter as Sentinel, Reporter and Vice President. I have represented my chapter in forestry judging, soils judging, farm mechanics and degree team contests. I was fortunate in winning the 1971 State Tractor Driving Contest and being a member of the winning 1973 State Parliamentary Procedure Team. I have represented my chapter as a delegate to the National FFA Convention in Kansas City and to the National Safety Conference in Chicago. I feel very fortunate in having been able to participate in these activities.

I have been active in my church and Sunday School. I have served as President of my Sunday School Class and have served in several offices in my church.

In school and community activities, I am a member of the National Honor Society, served as President of my Senior Class, and am an active member of the Ladysmith Volunteer Rescue Squad.

This year at our State FFA Convention I received the coveted State Farmer Degree and was honored by being named state winner in the SCL Forestry Program. I was also declared State Star Farmer for Virginia.

I am presently enrolled at Virginia Polytechnic Institute in Pre-Vet medicine. Although I probably will not be engaged in forestry as my life's work, I know that the many forestry management practices I learned in conducting my forestry program while in high school will certainly help me in properly managing the forest on my home farm in future years.

In closing, I must say this has truly been one of the most rewarding experiences of my life, and I thank each of you for making it possible.

Because I think it most important that there be an involvement of American business in the support of young people with respect to career motivation consistent with the tenets of the free enterprise system, I believe the members of the House would be interested, as well, in the remarks of Mr. Robert N. Hoskins, assistant vice president—forestry and special projects, of the Seaboard Coast Line Railroad Co., so I also include them under leave to extend my remarks, as follows:

A New Look at the SCL–FFA Cooperative Farm Youth Forestry Program

(By Robert N. Hoskins)

When one looks at the FFA today and those receiving the training at the high school level, it must be pointed out that their studies and production records are relevant to all agriculture and the agribusiness field.

Production agriculture has always been a part of the FFA program. The past summer I had the privilege of attending the State FFA Convention in Virginia which is held annually at Blacksburg and the thought occurred to me that you might be interested in just some of the accomplishments of the 314 young farm boys, all seniors, who were recipients of the State Farmer degree.

These 314 candidates completed 3,580 productive enterprises. Included in this production area were 11,810 acres of crops, 137,607 head of poultry and 8,908 head of livestock. While engaged in these projects, they completed 413,152 hours of supervised work experience and invested $1,595,674.00 in agriculture. The amount of income for the 314 participants was $1,377,840.00.

Yes, the FFA does symbolize working America and it was for this reason that we set up our cooperative FFA forestry program back in 1945, and today we are proud to tell you that this marks the 29th consecutive year that we have provided incentives that recognize production by the farm boy on his home woodlands. Yes, it is the oldest regional farm youth forestry program in the Nation today.

You will be interested in knowing that during this 29 year period more than 850,000 youngsters have gained a little insight into the need for managing their timber holdings and this in turn has contributed to their total farm income. Many a youngster down through the years has obtained his college education as a result of soil bank plantings and proper utilization of his woodlands.

As one looks at our Section, the fact still remains that a majority of the ownerships of forestlands is still in the hands of the small woodland owner. If we are to meet and sustain the needs of the industry, as well as follow the "multiple use" concept on these lands, then we must look to the farm boy to do the kind of job that is necessary while he is enrolled in vocational agriculture in high school.

Much could be said and written about this program which over the years has had a tremendous impact on leadership, conservation, sound management through wise land use, and I could go on, but I think it best that we let those youngsters that we are recognizing today tell their own story of their forestry, farming and leadership activities.

George Bernard Shaw said, "People are always blaming their circumstances for what they are. I don't believe in circumstances. The people who get on in this world are the people who get up and look for the circumstances they want—and if they can't find them, they make them." I am sure you will learn from the remarks to be made by these youngsters today that they will make the circumstances fit into their plan for the future.

EXPORT-IMPORT BANK CHAIRMAN QUESTIONS CREDIT WORTHINESS OF SOVIETS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ASHBROOK. Mr. Speaker, with the current debate on the granting of most-favored-nation status and the continued granting of credits to the Soviet Union, an interview with Henry Kearns, chairman of the U.S. Export-Import Bank takes on added significance. Mr. Kearns stated that the Export-Import Bank does not have the types of information "that are needed to make a credit judgment . . . We have informed the Soviets on several occasions that failure to give us this kind of information would make Eximbank vulnerable to charges that we are not responsible."

Critics of granting credits to the Soviet Union have raised this question previously among a number of others that have never been answered. When the Chairman of the Export-Import Bank, an organization never known for toughness in its credit policies, raises the same question, the advisability of the Nixon administration's granting credits to the Soviet Union is brought into even more doubt. At this point, I include in the Record the interview which appeared in the October 27, 1973, issue of Human Events.

Soviets Mum on Financial Info: Is U.S. Business Cooling Toward Red Trade?

While President Nixon and Secretary of State Henry Kissinger are working overtime to kill any congressional conditions to expanded trade with Moscow, a new note of caution has apparently surfaced among commercial banks and U.S. firms in regard to East-West trade. The reason: the growing belief that investments within the Soviet Union might go sour. The American business community isn't talking much to the public—for they fear Administration reprisals—but many have made their worries concerning Soviet business reliability known to sources here in Washington.

Indeed, it now develops that even the head of the Eximbank, Henry Kearns, whose outfit has already been called upon to extend U.S. government credits to the Soviets for a number of huge trade deals, has felt it necessary to raise a few concerns of his own. Here's what Kearns said to Human Events about potential Soviet trade just last week:

HE. It has been said that you don't want to extend loans to the Soviets unless they provide certain financial statements to the United States.

KEARNS. Yes, well the legislative authority of Eximbank authorizes support of export credits so long as we have reasonable assurance of repayment. That's in our legislation, reiterated every time we have our authority renewed. It's our view that as a responsible financial institution we must determine whether we have reasonable assurance of repayment. On every transaction, this is the result of two things—one is the intention to repay and the other is the ability to repay. There are those who make a good case that the Soviets have the intention to repay. . . . However, as we move to a period where outstanding credits are growing at a very rapid rate, we feel that it is only reasonable that Eximbank should have full financial information from the Soviet Union comparable to what we receive from any other country . . . not more, but comparable.

HE. What is full financial information—what are they not giving us that other countries are?

KEARNS. Well, we don't have such things as the amount of their external debts, their regular debt servicing, nor any idea of their convertible reserves. These are the things that are needed to make a credit judgment. . . . We have informed the Soviets on several occasions that failure to give us this kind of information would make Eximbank vulernable to charges that we are not acting responsibly.

HE. Even if they give us this information, how will we know how to verify it?

KEARNS. Oh, I don't think that there is any implication that information, if supplied, would be other than accurate.

HE. But how would we verify?

KEARNS. We don't have any means to verify it with any country. There's no authority to verify it with any country. There is no auditing system except the International Monetary Fund.

HE. But because there is freedom in other countries and American and government officials can talk to businessmen very openly in other countries, there is a better chance to check out information.

KEARNS. We have every confidence that the information they [the Soviets] could give us would be responsible. . . .

PROPOSED DESERT TRAIL

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ULLMAN. Mr. Speaker, recently I introduced legislation to add the Desert Trail as a candidate for designation as a national scenic trial. The reaction to my proposal has been most encouraging, and I wanted to share two particularly interesting responses with my colleagues.

The first is a letter and poem from one of my constituents. The second is an editorial from the Capital Journal in Salem, Oreg.

I include these two items at this point in the RECORD:

LYONS, OREG., *October 12, 1973.*

AL ULLMAN,
House Office Building,
Washington, D.C.

DEAR MR. ULLMAN: I am delighted with your proposed desert trails. I hope that along with this program will be measures to lock up more of our desert before there developed to death.

I believe that when God made a desert He meant it. Though delicate the desert seems powerful. Though silent it seems full of melody. Far better it is to listen to the song of the land than to tear its heart out.

These lines by Mildred Breedlove express best the way I feel about the Desert.

VOICE OF THE DESERT

With what weak tools I try to paint
A desert lullaby
The voice that I must use grows faint
Describing hills and sky.
I need a palette and a brush;
A violin; a lute;
For every desert sunrise flush
Leaves me amazed, but mute.
The famed composer writes his song;
The artist paints his scene;
But I, whose love is just as strong,
Know only what they mean.
The desert gives its song to me;
The hills, their thousand hues;
But I, in deep humility,
Have only words to use.
I gaze in awe upon the peaks
As rainbow tints appear;
Though I am mute, the desert speaks,
For God, Himself is here

Sincerely,
MRS. C. ANTONIO THOMAS.

WHY WOULD ANYBODY HIKE ACROSS THE DESERT?

A friend of ours in Baker raises cattle for a living. He herds them by hardtop most of the time, and with a pickup truck when it gets rough. Once or twice a month things get so bad he even has to use a horse. He thinks Russell Pangelly and Al Ullman are nuts.

Why would anybody ride off across the desert for fun? Or, worse yet, try walking across it?

Pangelly, of Burns, is a principal author of the idea for a foot and horse trail through the Eastern Oregon area and to the Canadian and Mexican borders. Congressman Al Ullman is the sponsor of the National Desert Trail Bill, which he introduced in the House this week to formalize the Pangelly project.

At first, we agreed with our Baker friend. But the longer we think about the trail idea the better we like it.

If the bill passes, the federal government would start developing a 2,500 mile trail through what once was an inland sea. But the possible route we've drawn on the map below indicates that considerable diversity is envisioned in selection of terrain.

From the Alps-like vista of the Wallow as near Homestead, at the south end of Hells Canyon, the route would pass over rolling hills and down rocky gulches. It would go by rivers, falls and caves, skirt old volcanic craters and circle around shallow lakes teeming with wildfowl. It would cross swamps, go up gorges, and climb over a shoulder of the Steens Mountains—a spectacular fault—before settling down to alkali dust on Alvord Desert.

Ullman says little expense would be involved because most the route through Idaho, Oregon, Nevada, California and Arizona is on federal or state land. Where there is private land, there still is little development.

It wouldn't be the difficult and costly trail-building job that the Pacific Crest Trail has been (it still isn't complete after a half a century or so of trying). Much of the land is flat enough to need no trail construction. There are existing horse trails over much of the other terrain. In many cases these are the trails worn down by early day cattlemen or the Indians before them.

The Ullman bill doubtless will have a tough time this session, and maybe for years to come.

The Pacific Crest Trail still is soaking up federal funds despite the age of the project. The Appalachian Trail in the East was begun only five years ago and still has plenty of work undone. In addition, 14 other routes are under study, including the Oregon Trail.

So there's plenty of competition. But Ullman points out that his is the only one which would take travelers through all kinds of desert.

The low cost of such a trail might give it a headstart over the other proposals. But one aspect of the project would be difficult. That's water. Finding or developing waterholes at 10–20 mile intervals over the entire route might be the ultimate challenge.

This aspect and others probably would mean that in practice it would be a footpath for only the toughest human beings, and would become primarily a horse trail.

That's just fine. Horse competition on Pacific Crest Trail is tough on hikers, and a desert trail well might attract many horse parties away from footpaths, to the satisfaction of both groups.

Nonetheless, we suppose few people right now are going to work up much excitement over scattering trail signs across the high desert.

But friendlier areas are going to fill up someday. It's going to be hard to find a place to get away from crowds—even from crowds of hikers.

Staking out the trail before other uses cut the route apart sounds like a pretty good idea.

THE ECONOMIST AND THE COMPUTER

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. ROBINSON of Virginia. Mr. Speaker, Mr. William D. Pardridge, an economic analyst and writer on economic subjects, observes trends from his rural site of contemplation in Greene County, Va., along the eastern slope of the Blue Ridge, in the Seventh Congressional District, which I have the honor to represent.

His writing have attracted notice from other observers of contemporary economics, and I include at this time, as of possible interest to the House, the text of a related column by John Chamblerlain which appeared in the Richmond, Va., Times-Dispatch, and other newspapers, on September 19, 1973, as follows:

THE COMPUTER AS VILLAIN

(By John Chamberlain)

William D. Pardridge, the self-styled "disagreeable economist" of Stanardsville, Va., who specializes in shatteringly disrespectful observations, put the plame for much of our inflation on the computer.

Since the computer is an unthinking workhorse, utterly dependent for its answers on what human beings put into it, how can a mere technological device be an active promoter of the dollar's collapse? The answer is that mass credit, on the inflationary scale that it is used today, would be much too costly a bookkeeping proposition if the computer did not exist to retrieve data instantaneously, to grind out the bills, to figure the interest rates, to do elaborate bookkeeping without the intervention of the human hand, and to reckon the actuarial chances of losing important sums on delinquent accounts. If all the paper work involved in the phenomenon of mass credit had to be done by Dickensian clerks using quill pens at rolltop desks, the cost of it would quickly kill the whole idea.

This is Bill Pardridge's theory, and it is brilliantly obvious. I can claim to be the catalytic agent in provoking it; for I drew a snappish response when I commended to him the reports of the Federal Reserve Bank of St. Louis, which gave the lie to our supposed inflation fighters in Washington, D.C., by telling the truth about the continual month-by-month creation of an oversupply of new money. The Federal Reserve of St. Louis, said Pardridge, tells only half the story: To the superfluity of paper purchasing power, as evidenced by the government flushing of the money stock, there must be added the mass credit that has zoomed our total debt, public and private, to well over $2,000 billion.

Even in the time of Socrates philosophers were arguing whether ideas or technological innovations were responsible for most social change. The truth is that ideas and technology act together. The specific idea that has unleashed the computer to flood society with credit-card buying on what the British call the "never-never" is summed up in a phrase: the permissive society. Since "anything goes" in this sort of society, why shouldn't the computer go hog wild as the high priests of affluence use electrical impulses to reckon the actuarial chances of losing money on people who overestimate their capacity to absorb debt?

Not so long ago Arnold Saltzman, a New York City industrialist, suggested that a disinterested advisory commission be set up to study the probable effects of congressional social and economic legislation. The board that Pardridge has assembled to get a new organization, Economic Inequities, Inc., started might meet Saltzman's criteria; for it includes the chairmen of three university economics departments: Dr. Dudley Dillard of the University of Maryland, Dr. Richard T. Selden of the University of Virginia and Dr David Davies of Duke University. Anna J. Schwartz of the National Bureau of Economic Research, who was Prof. Milton Friedman's collaborator on an authoritative monetary history of the U.S., is another Economic Inequities board member, and Joseph W. McGuire, vice president of planning at the University of California in Berkeley, has signified his willingness to join.

The importance of this group is that it proposes to hold three national conferences to which theoreticians will be invited to deliver formal papers. The first conference promises to examine the relations between inflation, total public and private debt, and the economic production of goods and services. The second is scheduled to examine true economic employment as distinguished from public employment. And the third, utilizing the findings of the first two, will be charged with determining the causes and conditions of maintaining full economic employment with zero inflation.

This is a tall order, but with the failure of such governmental bodies as the President's Council of Economic Advisers, the Cost-of-Living Council, and the Federal Reserve itself, someone has to come up with fresh thinking about our economic necessities. If one thing is patent, even such able people as Secretary of the Treasury Shultz and Dr. John T. Dunlop, head of the Cost-of-Living Council, don't really believe in what the government has been doing under the various "phases" from one to four. President Nixon needs outside advice that will be independent of what is conceived to be "political necessity." When people demand snake oil, which is what we get when "controls" go hand in hand with almost unlimited credit and a seven per cent annual increase in monetary stock, they should be told that "political necessity" is the last thing that should be indulged.

THE RACE FOR THE LAST OF THE GREAT WHALES MUST BE STOPPED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. DINGELL. Mr. Speaker, for centuries, man has relentlessly pursued the great whales, harvesting incalculable numbers of them throughout the oceans of the world. In just the last 50 years, over 2 million of these great creatures have been slaughtered to be turned into lubricants, pet food, shoe polish, paint, soap, and margarine, all products for which a ready substitute exists. But because they are the cheapest and most convenient raw material, the brutal exploitation by fleets of whalers continues.

But, as with so many wildlife situations where scientific management principles have been ignored, the leviathans of the sea are rapidly diminishing in number. The blue whale, largest of all living creatures, which may be a hundred feet long and weigh more than a hundred tons, is already nearing extinction and the other huge whales may not be far behind.

In 1971, the United States responsibly ceased its whaling activities and both Houses of Congress passed resolutions calling for a 10-year international moratorium on the commercial taking of whales and asking our State Department to negotiate to that end. At the same time, other nations, which have played a major whaling role in the past, have taken steps to phase out or cease their whaling activities completely.

And, in response to scientific warnings that whales are dwindling, the first United Nations Conference on the Human Environment held in Stockholm in June of last year unanimously passed a U.S. proposal that called for a moratorium on whale killing.

On an international level, however, these responsible efforts have apparently been in vain. Though the International Whaling Commission has strongly urged management principles to conserve the stocks of great whales, the Governments of Japan and Russia have consistently rebuffed these efforts and apparently have no intention of slowing down. By ignoring the International Whaling Commission recommendations, both the Soviets and the Japanese are acting within the legal bounds of the Commission and, thus, the world is apparently helpless to act.

So, over the objections of the United States and the other concerned whaling and non-whaling countries, the U.S.S.R. and Japan are proceeding with the race for the last great whales.

In an October 12, 1973, letter to the President, Executive Vice President Thomas L. Kimball, National Wildlife Federation, suggests that the American public, by exercising a massive consumer boycott on all Japanese and Soviet products, may exert enough international pressure on those countries to save the great whales. He indicates that where reason and appeals to humanity have failed, hard economic measures may succeed.

I commend Mr. Kimball's letter to the attention of our colleagues and the public.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., October 12, 1973.

President RICHARD M. NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: The purpose of this letter is threefold: (1) to express the National Wildlife Federation's concern and outrage at the callous refusal of the Governments of Japan and the USSR to adequately limit their commercial whaling activities; (2) to advise you that the three and one-half million Americans represented by the Federation are being urged to initiate a boycott of Japanese and Russian consumer products; (3) to recommend that the United States Government use all feasible diplomatic and economic means to influence Japan and the USSR to modify their whaling practices.

The intransigence of the two nations in this matter was clearly demonstrated at the 25th Annual Meeting of the International Whaling Commission (IWC) held this past June in London, England. At the meeting, both Japan and Russia declared their unwillingness to abide by an earlier decision made by all 14 member nations to provide the Commission with a strengthened secretariat. In addition, the Japanese voted against three principal conservation decisions and the Russians against two. These decisions, made by a three-fourths majority of the member nations, were based on recommendations made by its own Scientific Committee, composed of recognized, outstanding international authorities on Cetacea—the whale order.

The Scientific Committee's recommendations are biologically-sound and predicated on viable wildlife management principles. In essence, the recommendations are intended to afford a greater degree of worldwide protection to the fin and sperm whales, two of the last three species of great whales not universally accepted as endangered but considered by most experts to be at least in the "threatened" category. We are attaching a brief summary of the three measures in the International Whaling Convention to which Japan and the USSR have taken formal exception.

We do not deny that large voids still exist in man's knowledge and understanding of whales and other ocean mammals. There is a real need for stepped-up whale research, including the collection of more comprehensive, reliable population statistics. Nevertheless, the best scientific information available points towards the possible extinction of at least some of the eight species of great whales unless all whaling nations are willing to revise their practices to the degree necessary to insure the survival of these great marine mammals. In other words, if man errs in his treatment of whales it should be on the side of conservation, not exploitation.

That is why the U.S. ceased all whaling activities in 1971 and has encouraged other whaling nations to do likewise. Through their actions, all IWC members, except Japan and Russia, have demonstrated a genuine desire to prevent further decline of the great whales. It is incomprehensible to us, in view of the precarious status of all eight species of great whales, that the Governments of Japan and the USSR are continuing to defy world opinion by their short-sighted actions.

Surely, the relatively small economic sacrifice which the two nations have been requested to make in this matter is not unreasonable in light of the grim consequences of continuing on their present course. It is generally accepted that satisfactory substitutes exist for all known whale products, such as animal food, lubricant, and ingredient in cosmetics, soap, paint, and shoe polish. The amount of protein which whale meat contributes to the Japanese diet is, by any standards, insignificant. Continued exploitation of the whale cannot be justified on the basis of nutrition or public health.

By their adamant refusal to strengthen the IWC Secretariat or to accept the recommendations of the IWC Scientific Committee, the Governments of Japan and the USSR have made it abundantly clear that neither nation desires to make the IWC a credible conservation body but prefers to have the Commission remain an industry-dominated organization. The National Wildlife Federation considers that position especially indefensible in light of the great international interest in conservation of whales expressed at the Stockholm Conference on the Human Environment in June, 1972.

In view of the above, the Federation has concluded that American citizens should no longer sit idly by and watch international authority and world opinion flaunted in this matter. Since Japan and Russia are acting within the legal constraints of the IWC Charter, that body is apparently helpless to act. Hence, it is up to Americans, individually and collectively, to persuade the Governments of Japan and the USSR to change their whaling practices.

It seems to us that our persuasion, to be effective, must hit the Japanese and the Russians in their pocketbooks. Therefore, I am encouraging the three and one-half million people whom the National Wildlife Federation represents, as well as all other Americans concerned about the conservation of whales, to boycott products imported from Japan and Russia. If our boycott of Japanese-made automobiles, electronic equipment, cameras, and clothing and such Russion consumer products as canned fish, alcoholic beverages, and furs is successful, perhaps the industrial sector of those two nations can succeed in changing their governments' whaling practices where world opinion and IWC actions have failed.

Recognizing that a citizen boycott can be most effective if it is combined with firm Federal action, the National Wildlife Federation urges you to:

(1) Review the so-called "Pelly Amendment to the Fishermens Protective Act of 1967" to determine its applicability to this case.

(2) Undertake a review of U.S. trade agreements with Japan and Russia. (For example, there is considerable bargaining leverage to be gained from our wheat transactions with the USSR and our soybean sales to Japan. It seems to us such leverage could be especially helpful in getting the Russia government to modify its whaling practices since it is unlikely that a citizen boycott of the few consumer products imported from that country would have much effect.)

(3) Work with the U.S. Congress to develop and adopt a joint resolution condemning current Japanese-Russian whaling practices and urging the two nations to fall into line with other IWC members.

(4) Explore the use, as appropriate, of the variety of diplomatic channels at your disposal to dissuade Japan and Russia from pursuing this unpopular ill-advised course.

As the world's largest private conservation organization, the Federation does not treat its responsibilities frivolously. Thus, we are fully aware of the serious content of this letter and the economic impact it might have on trade relations, especially with Japan. In our considered judgment, however, we cannot afford to procrastinate any longer. The lengthy delays in reaching amicable settlements with the Governments of Japan and the USSR are jeopardizing the continued viability of the great whales.

Please be assured that the National Wildlife Federation will fully support all U.S. initiatives in this matter. Our resolve to make the citizen boycott effective is strengthened by the firm belief that our concern for saving the whales is shared by a broad cross section of compassionate people, worldwide.

Sincerely yours,

THOMAS L. KIMBALL,
Executive Vice President.

ATTACHMENT

Russia and/or Japan take exception to the following three measures in the International Whaling Convention:

(1). Limiting the 1973–74 quota of fin whales to 1,450 (total) and phasing out all hunting of the species by June 1976. (The Scientific Committee concludes that the fin whale, hunted in the Antarctic, is seriously depleted. The total population is estimated at 80,000–100,000 whales, down from approximately 425,000 maximum. Although the Committee did not support the U.S.-proposed immediate moratorium, it recommended a complete phase-out of commercial hunting over the next three years. Japan alone opposes this measure.)

(2) Limiting the take of minke whales to a total of 5,000 in 1973–74, the same quota as last year. (The minke whale, not one of the eight species of great whales, was first commercially hunted in 1972. At that time, Japanese biologists estimated the total population to be 150,000+ in the Antarctic. Thinking it would be the only nation hunting minke whale in 1972, Japan agreed to a 5,000 quota. However, the Soviets decided to harvest the minke whale, beat Japan to the Antarctic hunting waters, and took the first 3,200 limiting the Japanese catch to about 2,500 whales. To preclude any possibility of a similar situation arising this year, Japan is pressing for a total quota of 12,230 minke whales. To justify more than doubling the annual quota, Japanese biologists—using the same scientific information as last year—are now estimating the total Antarctic population to be about 299,000. The IWC accepted the Scientific Committee's recommendation of a 1973–74 minke whale quota of 5,000.)

(3) Establishing 1973–74 quotas on sperm whales based on three geographical areas in the Southern Hemisphere rather than sex, as done last year. (This should result in a more equitable distribution of the sperm whale population. Catching by sex, without regard to geographical location, encourages "overkill" in more easily accessible hunting waters. Acceptance by IWC—by a 12 to 2 vote—of concept establishing separate sperm whale quotas for three geographical areas represented a compromise solution. The Japanese and Russians wanted to continue establishing hunt quotas by sex but the Scientific Committee recommended separate quotas for nine geographical areas in the Southern Hempishere stating, "the Committee does not consider that a single quota should be set for each sex for the whole Southern Hemisphere".)

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. CRANE. Mr. Speaker, in recent months, conservative State legislators from around the country have joined together to form the American Legislative Exchange Council—ALEC—a bipartisan coalition.

These legislators feel that there is much more that State government should be doing about today's most pressing problems. State government, they hold, is best suited to solving most of these problems. As examples, they point to narcotic addiction, the oppressive burden of taxation, welfare reform, busing, and crime. The Federal Government, they argue, is not only too far removed from—and insensitive to—these problems but is the cause, all too often, of the very problems which the States are called upon to solve.

The leaders of ALEC are dedicated to seeing State government play a stronger role vis-a-vis the Federal Government. They are convinced that the State governments can show the Federal Government the answers to many of its own problems.

I think that we will be seeing much more of this fine organization and I wish the men involved good luck in the important job ahead.

Mr. Speaker, I insert at this point in the RECORD the "Statement of Purpose" of the American Legislative Exchange Council.

The statement follows:

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

STATEMENT OF PURPOSE

We as conservative legislators believe that the unique American Federal system requires close cooperation and consultation among Members of Legislatures in the several States and Members of Congress.

That belief springs from a conservative philosophical promise that nothing should be undertaken by a higher echelon of government which can be accomplished by a lower echelon and that individual freedom demands strict limitations on the power of all levels of government.

We further believe that State governments are vital to the continued success of our Federal Union and that the genius of our Constitution is summed up in the primacy clause which delegates residual powers to the States and to the People in those spheres not specifically delegated to the national government.

We therefore establish the American Legislative Exchange Council:

1. To assist conservative legislators in the States and in Congress by sharing research information and staff support facilities.

2. To establish a clearinghouse for conservative bills at the State legislature level and to provide for a bill exchange program.

3. To disseminate model conservative legislation in all 50 State legislatures and among several thousand legislators. Also, to promote the introduction of companion bills in Congress and in the States including resolutions on Amendments to the Constitution and State resolutions which memorialize the Congress to act in specific areas.

4. To improve communications between conservative State legislators and Members of Congress.

5. To formulate conservative action programs and legislative initiatives which will help to promote federalism by strengthening the position of State governments and to define conservative positions on intergovernmental relations.

6. To consult with conservative legislators in foreign nations as to their ideas on problems of mutual concern.

THE CASE FOR SUPPORTING ISRAEL

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. YATES. Mr. Speaker, on Sunday, October 21, an article appeared in the

Chicago Sun Times by George Anastaplo entitled "The Case for Supporting Israel." Mr. Anastaplo is a lecturer in the liberal arts at the University of Chicago and a professor of political science and of philosophy at Rosary College. He has a fine background to discuss the matters appearing in the article, and I commend it to reading by my colleagues in the Congress.

The article follows:

THE CASE FOR SUPPORTING ISRAEL

(By George Anastaplo)

It is difficult, in these perilous times for Israel, to speak responsibly about what should be done by the United States to ensure that the terms upon which the Mideast fighting ends are terms which do not leave Israel crippled and vulnerable.

That the United States will continue to do something on Israel's behalf is highly likely. How much we will do, and in what spirit and on what terms, depends in part on official assessments by us of American interests in the Middle East, assessments in which global strategic considerations will necessarily play a part.

But these assessments should depend as well on something much deeper and finer than transient strategic calculations: They should take account of our relation as a free and humane people to a like-minded people in Israel. Indeed, such a relation can even be decisive in defining our permanent national interest in the Middle East.

My long and intimate association with Jews in the American academic community has kept me somewhat more aware than I might otherwise have been of the problems and aspirations (as well as the sometimes aggressive, if understandable, self-righteousness) of Israel. On the other hand, my opposition since the beginning to the misconceived American involvement in the Vietnam War helps make me aware of the care and self-restraint with which the United States should use its great power all over the world.

It is impossible at this time not to appreciate on campuses the distress of one's Jewish friends at the bleak prospects for Israel, whatever the outcome of present hostilities: It sometimes seems that, unless the Americans and Russians jointly insist upon and guarantee a just settlement in the Middle East, war will continue for generations—a war which the Israelis can never win and the Arabs can never lose. The prospects of that can be, for both Israelis and Arabs, quite demoralizing—and for world peace quite dangerous.

Sarajevo should remind the Great Powers of the limits of limited war.

It has been noticed that American foreign policy is influenced, both in the Executive and in Congress, by the well-organized and articulate Jewish minority in this country. It is, of course, always somewhat a matter of chance who one's friends happen to be—if only because chance does affect what people one comes to know and thereupon to like or to dislike. But it should also be noticed that the reasons why Jews are here at all in a politically significant minority, and why they remain an identifiable and hence cohesive minority, have very much to do with why both they and all other Americans should be concerned about the appropriate relations between the United States and Israel.

The affinities between these two countries are neither accidental nor superficial. Both countries are among the few in the world which are made up almost entirely of immigrants or the descendants of fairly recent immigrants. That is, both countries have nobly served as havens for the persecuted and the dispossessed of the earth. Both countries are also among the few which embody and somehow represent an idea: One looks back to the Old Testament for its heritage, the other to the Declaration of Independence. For better and for worse, the two countries are very much alike: They, like us, are fundamentally Western in orientation, in standards and in ways of conducting political and social affairs.

But there are not only affinities to keep us together. There are debts as well, debts owed to the Jewish people and (considering the sentiments of most articulate and informed Jews I know) owed by extension to Israel as a convenient, if not even necessary, homeland of world Jewry. Our debts reach back to the contribution of Jews to our heritage, the contribution of that demanding message which came out of the desert to challenge European paganism. There is also the contribution made by the Jews of the West in the two world wars, those wars which can be said to have made it possible for the Arab peoples to escape German imperialism and begin to achieve a national consciousness. And there is as well the awful price paid by the Jews at the hands of the Nazi tyranny which threatened to engulf all of Europe. One cannot help but wonder sometimes whether that price really had to be paid, whether the West did all it could and should have done to keep the Nazis from doing what they did. We cannot permit, for the good of our souls, another such awful miscalculation with respect to the fate of Jews.

Still another miscalculation we should guard against today is that of assuming we surely know better than the Israelis what is good, or safe, for them. Our attention is easily diverted from the Middle East; we have many other legitimate concerns all over the world as well as at home; and, all too often, we simply cannot know as well as involved people on the spot what is going on and what is likely to happen.

The Israelis are, it is safer to assume, probably better judges of their long-run interests than we here are likely to be. I do not suggest that we give the Israelis a blank check. But we should be aware of our limitations and of our preoccupations elsewhere. We should also be aware that the Israelis are a sophisticated and intelligent people who are more than likely to be aware in turn of what it is appropriate and prudent to expect from the United States. (However that may be, no one should want to see American soldiers fighting in the Mideast.)

The Israelis will no doubt make mistakes—or seem to make mistakes. For instance, they may even be tempted, should they drive the invading Egyptian forces back across the Suez Canal, to relieve themselves of their corrosive Palestinian refugee-camps problem by evacuating into the Port Said area the Arab inhabitants of the Gaza Strip. They may even consider themselves obliged and justified, in the event of a crushing victory won after the great sacrifices they are now making, to force a permanent demobilization of their neighbors, employing the promise of preventive strikes to ensure that their injunctions are obeyed. Such a Pax Judaica, which would have the added advantage of promising to ease a ruinously costly arms race in the area, may become particularly attractive to Israelis if they should consider themselves likely to be abandoned by the United States. That is, desperate circumstances may call for desperate measures, even more desperate measures than the two I have just mentioned.

But, the fair-minded American must also wonder, is a policy of guaranteeing the continued existence of Israel truly just to the Arabs? Western radicals do speak of "Israeli colonialism" and of "Arab liberation movements." This kind of talk strikes me as, at best, irresponsible sentimentality. What serious problems among 100 million Arabs, aside from the unrest created by incessant anti-Israeli propaganda, will be solved by the subjugation of a country of 3 million Israelis? The Arabs, it is said, are a proud people who must "save face" after having been defeated repeatedly by the Israelis. Is such face-saving really more important than the preservation of the only sovereign Jewish community in the world, a country of fewer than 10,000 square miles flanked by millions of square miles of Arab territory? One is reminded of the German insistence upon the Sudetenland.

It is, it should be added, impossible to determine without qualification to whom Palestine "belonged" before Israel was established. Possession is put forward by Arab spokesmen as decisive for their claim, but that is not as decisive on their behalf as is sometimes believed. That is, a British mandate preceded the establishment of Israel and before that a long Turkish rule.

But, it will be said, the resident Arab population had been kept from rightful possession by foreign occupiers. This, however, reminds one that Jews, too, have been kept from what they considered rightful possession, even longer and by even more foreign occupiers. Thus, the claims of the Jews are much older than those of the Arabs, their possession much more recent.

Of course, such considerations cannot be conclusive, but they do point up the difficulty of determining abstract property rights in such circumstances. It should also be added that one basis for a just allocation of the resources of the world is that they should be in the hands of those who will make the best use of them for mankind. Can it be denied by any detached observer that the level of civilization in Israel today, and in the foreseeable future, is markedly superior to that found in any of its belligerent neighbors?

Should not all the Arab peoples of North Africa and the Middle East profit from having in their midst—as an example of what can be done with modern technology and social democracy—an imaginative and industrious people such as the Israelis? Are not adaptation of the Israeli experiment, financed by the vast oil wealth of the Arabs, the true source of liberation for the Arab peoples of the world?

It should be noticed, in passing, that Middle East oil may not be as critical for us as is sometimes thought. We can, in the short run, adjust to politically inspired oil shortages by raising prices and thus consuming less. Our sacrifices, in the interest of a humane foreign policy, are more easily to be endured by us than the sacrifices which would tend, after awhile, to undermine the restraint-of-trade conspiracy among the oil-producing countries. Indeed, the Arabs should be made to understand that their refusal to supply Western markets can only mean, in the long run, more and hence cheaper fuel supplies than there would otherwise have been available. That is, the international economy can be expected to adjust to the deliberate withholding of Middle East oil just as it did to the closing of the Suez Canal.

What should we do now? We should, of course, do what we can to stop the current hostilities on terms the Israelis can live with. One condition for being able to do so is to make it clear we will not be blackmailed by threats to our standard of living. I do not presume to argue for a particular policy in the Midesat. But I have suggested why we should be inclined to continue to support the Israelis, why our sympathies must remain with them. These sympathies, properly understood, are also with those Arab peoples who have been exploited by demagogs and by desperate, if not reckless, leaders.

Should not Arab honor be appealed to over the heads of their impassioned exploiters? Everyone should be reminded that the Arabs are capable of behaving better than they have been led to do in recent years. Their illustrious past should not be forgotten, either by them or by us. Jews and Arabs, for centuries at a time, have lived with one another in peace and harmony. There is no good reason why this should not happen again. Indeed, the richest period of Jewish philosophy, to which the work of the late Leo Strauss is an eloquent tribute, was when the Jews lived under Moslem rule in Spain and elsewhere.

The Jews should be permitted to repay what they have gotten from their Arab benefactors—but to do this properly they seem to need a justly defensible country of their own in the Holy Land.

PUTTING PROPOSALS FOR CHANGING THE CLEAN AIR ACT IN PERSPECTIVE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. BROWN of California. Mr. Speaker, the Clean Air Act Amendments of 1970 are currently undergoing extensive scientific and political examination. Those examining the act for strengths or weaknesses will all acknowledge one significant point, and that is that the 1970 amendments are forcing changes that will improve air quality. No law is perfect, and the Clean Air Act deserves close scrutiny and oversight. The act also needs adequate funding to be effective. The administration should stop subverting the will of Congress and release the impounded funds which have been appropriated in the environmental field. In other cases, we may need to vote even more funds to properly implement the law. But even more than funds, the law needs time to work.

We in Congress should support programs that supplement the implementation plans for the Clean Air Act. We must appropriate more funds in areas such as mass transit and energy research to achieve this extremely vital national goal. It cannot be forgotten that the goal is to reach levels of pollution that are no longer dangerous to the public health. This is not an arbitrary level based on esthetic values, but a medical standard that really is a matter of life or death for substantial numbers of Americans. In the South Coast Air Basin in southern California we will not even reach this level until 1977, if then. Yet, I hear talk of changing the health standards or the law itself because of a few perceived flaws in the law. I am not adverse to examining flaws in the act, or the standards. This is being done with the approval of Congress, and I look forward to the National Academy of Sciences report that is due late in 1974. But until the act has time to work, and there is adequate data to justify changing the standards, the law should be vigorously implemented.

In relation to this subject, I would like to call the attention of my colleagues to a "National Conference on the Clean Air Act" that concluded last Friday at the University of North Carolina. The conference was sponsored by several divergent groups, all of whom agree that the Clean Air Act is a strong and effective piece of legislation, although nearly everyone in attendance seemed critical of some part or another of the act. One paper was presented at this conference which was of particular interest to me because it summed up the situation we are now in with the Clean Air Act. The paper was drafted by a number of the conference attendees and was presented by Lois Jeffrey, a member of the steering committee of the conference. I commend this paper to those who are concerned about the implications of the Clean Air Act and who may now be reexamining their own positions on it. The paper follows:

SUPPORTING THE CLEAN AIR ACT

(By Lois Jeffrey)

PREFACE

I am Lois Jeffrey, staff specialist on environmental quality, League of Women Voters Education Fund. I am not speaking in an official capacity for the League, but rather as a participant in the National Conference on the Clean Air Act and as a spokesman for a number of other participants who feel that the focus of the Conference should not be limited to criticism of the legislation.

SUPPORTING THE CLEAN AIR ACT: INTRODUCTION

With all deference to the keynote speaker, Professor Stern, a group consisting of a number of members of this conference feels it necessary to offer a perspective on the Clean Air Act which diverges substantially from Professor Stern's view. Our purpose is not to dissent from the thoughtful and sincere remarks of the keynote speaker, but rather to present an alternative frame of reference to guide the participants of this conference in their deliberations. In departing from the agenda prepared by our hosts from TUCAP, we are mindful that at this very moment a concerted attempt is underway to amend the Clean Air Act Amendments of 1970. The view of the conference participants who have contributed to this report may be briefly summarized: Do not amend the Clean Air Act until it has been given a chance to work!

Our comments parallel the sections of Professor Stern's address for the sake of easy reference; the organization of this paper does not imply any judgment about the priorities of criticisms leveled by Professor Stern.

THE CLEAN AIR ACT

"The Clean Air Act, as it now stands, is a pioneering document that reflects tremendous credit on the skill, wisdom and foresight of its draftsmen." They foresaw accurately almost every objection to the Act that has since arisen, and took these into account in their deliberation. In so doing, they relied on the will of the people, expressed throughout the United States, which was that the country was dissatisfied with previous federal air pollution legislation that relied on voluntary compliance by states and application of "reasonable" control technology by polluters; the Congress concluded, after careful consideration, that the people were ready for a bold and stringent federal approach to attaining clean air. Congress intended to force, within a fixed period of time development of new technology to deal with a problem deemed of overwhelming importance to the well-being of the citizens of the United States. We would note that, despite the new wave of fundamental criticism of the Act that has swelled up since the announcement of EPA's mandatory plans for transportation controls in the most polluted cities of this country, and, I might add, as the deadlines for meeting auto emission standards draw near, there has been little if any significant new information generated since 1970 by any interested group that would support a change in the goals or timetables of the 1970 Amendments to the Act. We therefore respectfully assert that there is absolutely no basis for amendment of the Act at this time.

MOTOR VEHICLE EMISSION STANDARDS

There are 29 major metropolitan centers in the United States that will not be able to meet the primary health standards for ambient air quality even with the 90% reduction in auto emissions mandated by the Act. The 90% reduction figure was based on testimony of auto industry representatives, who requested a final cleanup target to work toward, plus previous experience under the 1967 Clean Air Act.

At least one auto manufacturer has already testified that a 90% reduction is feasible with existing technology and the others will certainly be able to reach the reductions required by 1976. There is reason to believe that continuing technological development will produce improved control techniques for meeting 1977 deadlines. There is, therefore, no reason to soften the goal now. To do so would only confirm the worst fears of industry that standards might be changed in mid-stream.

AMBIGUITY OF KEY SECTIONS OF THE ACT

We believe that the Act is as clear and precise as need be. Regarding the prevention of "significant deterioration" of air quality in any portion of any state, there is now absolute lucidity; under the decision affirmed by the United States Supreme Court in *Sierra Club vs. Ruckelshaus*, no significant degradation is permissible. Nothing could be clearer. EPA is using an existing mechanism to *define* "significant deterioration" and is doing so with public input.

Similarly, nothing in the Act itself mandates consideration of economic impacts in the application of *existing* stationary source controls To the extent that participants in this conference have questioned the degree of consideration economic factors are given in applying controls to existing sources, they are misreading the Act. In fact, stipulations in Federal Regulations encourage the states to consider economic impacts.

ATTAINMENT AND MAINTENANCE OF HEALTH

The Clean Air Act is not in the least ambiguous about the purpose of the primary standards; they were to be set, with an adequate margin of safety, to protect the health of all living persons. It happens that those who are most susceptible are the very young and the very old—not, as some would suggest, peculiarly squeamish groups whose interests the society can afford to compromise if it begins to look like it might be expensive to protect them.

NEED FOR PRIMARY AND SECONDARY STANDARDS

There is a clear and present need for secondary standards as originally conceived. The provisions were based on protecting damage to vegetation and reflect a desire to preserve those scenic and wilderness areas of the United States, some of which depend upon the attraction of tourists for their economic well-being. The provisions were also based upon recognition of the economic costs incurred by consumers for repair and maintenance of homes and other consumer goods. Both these issues remain of critical importance in the third year of the Clean Air Act. Any delay in meeting air quality standards makes people unwilling subjects in a Tuskegee type experiment on the health of subjects exposed to air pollution.

AQCR BOUNDARIES AND INTERSTATE IMPACTS

As with several other criticisms of the Clean Air Act, the articulated dissatisfaction with particular boundaries of AQCR's can be resolved without any substantive revisions of the Act. The Environmental Protection Agency always has the authority to initiate changes in the make-up of the regions based on new and better technical data. Similarly, EPA has both the power and the responsibility for assuring that all implementation plans approved or promulgated by EPA do not undermine attainment and maintenance of standards in neighboring states. This tool for dealing with the interstate impacts of air pollution sources clearly provides the necessary encouragement for interstate air pollution control planning and enforcement.

FISCAL PROVISIONS

While the manner for appropriating funds for clean air efforts clearly needs to be changed, emphasis should not be placed upon the specific wording of the fiscal sections of the Act. Instead, focus must be given to the disturbing fact that total appropriations for actual air pollution control efforts by state and local governments have remained at the same level since passage of the Act. The increasing responsibilities of the state and local agencies must be reflected in the funding of the Clean Air Act.

CONCLUSION

The Clean Air Act envisioned a five to seven year period with milestones along the way in order to achieve healthful air. Having already seen definite signs of improvement, and having finally begun to deal with the intricate and complex issues of growth—development—and pollution control, this is an inappropriate time to disrupt an ongoing experiment of such major importance to the welfare of the American people. Details of the Act can certainly be criticized constructively, and we can begin at this time to see changes which might be made in 1975 or 1976. However, at present, the Act is accomplishing what it was written to accomplish. Changing directions even to extend the deadlines at such a critical point in the Clean Air Act agenda should only be made on the basis of substantiated and overwhelming data or because of overwhelming broadly based public opposition—neither of which exists at the present time.

U.N. SANCTIONS AGAINST RHODESIA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. DRINAN. Mr. Speaker, I reprint herewith an outstanding statement by the U.S. Catholic Conference, the unit which represents the 200 Roman Catholic bishops of this Nation.

This statement submitted this fall to the Congress persuasively urges the repeal of the Byrd amendment and the enforcement on the part of the United States of the United Nations sanction against all Rhodesian imports.

I am proud to associate myself with these remarks made on behalf of the U.S. Catholic Conference by Bishop Joseph L. Bernardin.

The statement follows:

U.N. SANCTIONS AGAINST RHODESIA

(Submitted to the U.S. Congress by Archbishop Joseph L. Bernardin, on behalf of the USCC, fall 1973)

The current reexamination by the U.S. Congress of the U.N. sanctions of Rhodesia and relevant U.S. legislation involves two political issues which have serious moral implications. The first concerns human rights, and the second, international order. The purpose of this statement is to underscore the moral dimensions of these two issues raised by the Rhodesian question and to exhort the U.S. government to fulfill its moral obligations in this situation. The dominant moral theme that forms the basis of consideration here is that the "international order is rooted in the inalienable rights and dignity of the human being." [1]

HUMAN RIGHTS IN RHODESIA

In our time, the human development of peoples has become a major consideration for many sectors of the world community. This phenomenon has received impetus from historic breakthroughs in global communications and human consciousness. "Now for the first time in human history, all people are convinced that the benefits of culture ought to be and actually can be extended to everyone. . . Persons and societies thirst for a full and free life worthy of man, one in which they can subject to their own welfare all that the modern world can offer them so abundantly." [2]

This eagerness for a fuller life is especially evident in the political sphere and more specifically among the peoples who, until recent years, were subject to colonial status. Ten years ago, Pope John XXIII, in his encyclical, *Pacem in Terris*, cited what he called one of the major characteristics of our age: "No one wants to feel subject to political power located outside his own country or ethnic group." The Pope suggested that this feeling for political independence was so strong that "there will soon no longer exist a world divided into peoples who rule others and peoples who are subject to others." [3]

The present domestic situation in Rhodesia, however, reveals how complex the process of self-determination can be when an entrenched powerful minority within a society assumes an intransigent position, protecting the status quo and resisting the emergence of the social and political consciousness of the majority of the indigenous people. The condition is further worsened by the presence of one of the most despicable legacies of the colonial era: racism.

This terrible blight frequently flared up between colonists and indigenous populations, and it continues to plague emerging nations and peoples with "heavy losses for justice and the risk of civil war." Attitudes of white supremacy can not fail to be the "cause of division and hatred within countries whenever individuals and families see the inviolable rights of the human person held in scorn, as they are unjustly subjected to a regime of discrimination because of their race or their color." [4] Such is the lamentable condition of the vast majority of the inhabitants of Rhodesia.

The events in the past ten years in Rhodesia document the efforts of several hundred thousand whites to deny human rights to the five million blacks in Rhodesia by severely restricting their political, cultural, social and economic life. The vast majority of black Africans are virtually disenfranchised by the Rhodesian constitution which specifically prohibits the African majority from ever gaining a significant political role in their own country.

Bshop Donal Lamont, president of the Rhodesian Catholic Bishops Conference, summed up the network of oppression and domination which surrounds the black Rhodesians: "It is simply breeding discontent and courting disaster to expect a whole people who outnumber those who govern by 20 to 1, to be happy with a condition of affairs which accords to them merely a marginal existence in the social, economic, political and cultural life of their country, and which because of their race, denies them the chance of integral development."

The rationale of white supremacy which marks the rule of the white authorities in Rhodesia is morally reprehensible since it violates the principle that all men and women are equal by reason of their shared humanity and inherent dignity.[5] The Rhodesian Catholic Bishops Conference has repeatedly stated their "conscientious objection to laws which segregate people merely on the basis of race." Continued intransigence by the ruling class has provoked the bishops to say: "It will be extremely difficult for us to effectively counsel moderation to a people who have been so patient for so long under discriminatory laws."

It is therefore essential that efforts to support structural systems which promote civil strife and even place in jeopardy world peace must be consistently condemned. In addition, efforts to create a society in which all persons are treated as equal under the law should be commended and actively supported.

INTERNATIONAL ORDER

The second political issue with serious moral implications is that of the development of international community. The process of developing relationships among nations for the purpose of achieving world peace has reached an acute stage. Since World War II, the destructiveness of modern war-making capabilities has become so enormous that the notion that armed conflict is a valid option to resolve national differences is being questioned.[6] Military force is not the only conventional source of power that has come under scrutiny: the sovereignty of individual nations has also been challenged. The consequences of these developments have prompted the search for new structures to promote and maintain world peace.

As Pope John XXIII observed: nations, acting as individual sovereignties, "are no longer able to face the task of finding an adequate solution to the problems of promoting the universal common good and world peace." [7] He added: "The moral order itself, therefore demands that a form of public authority be established . . . with powers, structure and means . . . and in a position to act in an effective manner on a worldwide basis." [8]

The current Rhodesian situation, and in particular, the U.S. response to that situation, highlights both the need for worldwide authority and the ways in which individual nations, in an abuse of their sovereignty, can presently undermine the effectiveness of such a worldwide organization. It provides a focal point from which the interplay between resolving internal disputes and international order is evident.

When Rhodesia's white ruling group unilaterally seceded from the United Kingdom in 1965, Britain condemned the action as an "illegal assumption of independence," suspended the Smith government and brought the issue to the U.N. Security Council. The Security Council upheld that judgment when it called upon the U.N. member nations "not to recognize this illegal racist minority regime in Southern Rhodesia." Since that time, no nation has granted recognition to Rhodesia as an independent sovereign nation.

Further, in 1966, following unsuccessful attempts by United Kingdom and Rhodesian officials to negotiate their differences, the U.N. Security Council voted unanimously to impose mandatory sanctions on certain imports from Rhodesia. The United States voted in favor of the sanctions, although it had the legal right to veto the resolution. When the scope of the U.N. sanctions was broadened in 1968 to include all Rhodesian imports, again the resolution was approved by unanimous vote of the Security Council.

ECONOMIC SANCTIONS

Economic sanctions are a legal means of bringing pressure on those countries and territories which the wider community of nations deem have violated the international legal order, jeopardizing the common good and therefore world peace. Such sanctions can adversely affect the domestic economy of

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Footnotes at end of article.

the sanctioned country or territory, and their consequences can be damaging to the living standard of the people affected.

In Rhodesia, because the society is so markedly two-tiered, the white ruling minority affluent, the black majority with a "marginal existence," the detrimental effect of the sanctions tends to have impact precisely on that sector of society which is responsible for provoking the sanctions in the first place: the white ruling class, with a standard of living similar to Europeans and very vulnerable to economic sanctions.

In 1971, the U.S. Congress passed legislation, specifically the Byrd Amendment, which had the effect of allowing importation of Rhodesian chrome ore, in violation of the U.N. sanction. Each of the Security Council resolutions on the Rhodesian sanctions (which the U.S. had supported) explicitly stated that failure or refusal by any nation to implement the sanctions, "shall constitute a violation of Article 25 of the U.N. Charter," which provides that: "The members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter." In a recent opinion rendered by the International Court of Justice regarding Article 25, the Court stated: "when the Security Council adopts a decision under Article 25 in accordance with the Charter, it is for Member States to comply with the decision. . . . To hold otherwise would be to deprive this principal organ of its essential functions and powers under the Charter." The U.S. government obligated itself to adhere to this international treaty when the Senate initially ratified the U.N. charter, and consistent with its obligation enacted Federal legislation imposing penalties upon American violators of the U.N. sanctions.

In recognition of its legal obligation to enforce the sanctions, and uphold its own laws in this regard, the United States had indicted and convicted several U.S. firms and their officers for violating the sanctions during the period from 1968 to 1971. For the Congress then to negate the U.N. sanctions, as it did in 1971, would seem to require an extremely important and persuasive justification. National security has been offered by some as that justification, but the evidence presented by respected authorities suggests that this reason is less than convincing.

Activities of private corporations during the U.S. legislative deliberations in 1971 suggest that Pope Paul's recent expression of concern about the possibility of a "new and abusive form of economic domination" was warranted.[9] Private business interests in expanding their markets and increasing their profits seem to be taking precedence over more fundamental concerns such as human rights and international law.

It was on the very issue of enforcement of sanctions that the League of Nations faltered, since the determination for enforcement of approved sanctions was left to each member nation. In drafting the U.N. Charter, efforts were made to strengthen the delicate network of relationships between sovereign nations so as to develop greater justice in international affairs. Pope John XXIII recalled St. Augustine's observation about the dire results of the absence of justice in international relationships: "What are kingdoms without justice but bands of robbers?"[10] The lack of support by the United States for the U.N. sanctions therefore challenges not only some of the basic articles of the U.N. Charter but ultimately the viability of the United Nations itself. The crucial moral and legal issue, then, is the failure of the United States to meet its international obligations.

RECOMMENDATION

We urge the Congress to repeal the Byrd Amendment and enforce the U.N. sanction of all Rhodesian imports, including chrome ore. The U.S. violation of these sanctions since 1971 has strengthened the position of the white ruling class in Rhodesia, has caused a serious loss in both the prestige and credibility of the United Nations, and has damaged the efforts of all member nations to build a United Nations' structure that may, as Pope John XXIII earnestly prayed, "become ever more equal to the magnitude and nobility to its task."[11]

FOOTNOTES

[1] Roman Synod, "Justice in the World," 1971.

[2] Second Vatican Council, "Church in the Modern World" (n. 9), 1965.

[3] Pope John XXIII, "Pacem in Terris" (n. 43), 1963.

[4] Pope Paul VI, "On the Development of Peoples" (n. 63), 1967.

[5] Pope John XXIII, *op cit.,* (n. 44).

[6] Second Vatican Council, *op. cit.,* (n. 80).

[7] Pope John XXIII, *op. cit.,* (nn. 132–135).

[8] *Ibid.,* (n. 137).

[9] Pope Paul VI, "A Call to Action" (n. 44), 1971.

[10] Pope John XXIII, *op. cit.,* (n. 92).

[11] *Ibid.,* (n. 145).

THE DETROIT NEWS EDITORIAL CALLING FOR PRESIDENT NIXON'S RESIGNATION

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 5, 1973

Mr. NEDZI. Mr. Speaker, the Detroit News has been a strong supporter of Richard Nixon for a very long time.

The fact that the News, on Sunday, November 4, reluctantly called for President Nixon's resignation, understandably sent shock waves throughout the Nation.

Knowing of the widespread interest in this editorial, I thought it would be well to place the entire text in the RECORD.

The editorial follows:

NIXON SHOULD GO: ENOUGH IS ENOUGH

After Rep. Gerald Ford has been confirmed as vice-president, President Richard Nixon should resign.

If he does not resign, serious consideration should be given to his impeachment.

We come to these conclusions with deep regret. This newspaper has been one of Mr. Nixon's strongest supporters. Watergate aside, we still agree with many of his basic policies and we believe that many of his successes will be recognized by historians of the U.S. presidency.

However, unless the present crisis of authority is resolved—through the installation of a new president or the acquittal of Mr. Nixon in impeachment proceedings—the country must endure 38 more months of the doubts, charges and recriminations which have destroyed the President's ability to lead.

True, Mr. Nixon has tried in recent days to resolve the crisis with conciliatory actions. He has agreed to surrender his tapes; appointed one of his strongest GOP critics, Sen. William Saxbe, to be his fourth attorney general; picked a widely respected lawyer and Democrat, Leon Jaworski, to be the new special Watergate prosecutor; pledged "complete freedom" to Jaworski and agreed that he will not be discharged without approval by a bipartisan panel of congressional leaders.

Unfortunately, these actions will not halt the rumbling anti-Nixon avalanche which this administration helped bring down upon itself. The momentum is now too great.

The White House's assertion that two key Watergate tapes never existed and can't be delivered sinks President Nixon's credibility to an all-time low. Someone in the White House is guilty either of unbelievable stupidity or outright lies. In either case, public confidence in this administration suffers the final shattering blow.

Since the missing tapes might prove or disprove whether Mr. Nixon took part in the Watergate cover-up, we find it hard to believe that the White House did not know until recently, as it now claims, that the tapes never existed. The stakes were too high for the White House to have taken so casual an attitude. Do intelligent and concerned persons make assumptions in matters so important without checking the physical evidence?

Along the tortuous course of the past months, we have criticized the President at some points and defended him at others but we find small basis for defense in the present case. The latest episode of the tapes is but one more in a series of ambiguous, contradictory and puzzling statements and deeds which have eroded the confidence of people who once believed in Mr. Nixon.

To repeat, this matter of the tapes is the final blow to public trust. That final disillusionment makes three more years of a Nixon administration too bleak, too dangerous a prospect.

Too many important decisions would remain in suspense. Issues of domestic policy would be decided less and less on their merits and more and more by the degree of presidential disarray.

America's status as a world leader would suffer. An administration which cannot maintain confidence at home cannot forever enjoy unshaken confidence abroad. President Nixon was able to avert a possible Soviet-American confrontation in the Middle East last month. But if public confidence and bipartisan support continue to dissipate, would he be able to exert the same influence in a foreign crisis six months hence?

We would prefer to see the nation avoid the stress and turmoil of impeachment. That stress and turmoil could be avoided, of course, if Mr. Nixon would, after Ford's confirmation, step down and let the new vice-president succeed to the presidency. Ford may not be the glamor boy of American politics but he is a competent man whom people trust, a man who could bring unity to a divided nation.

We hope Mr. Nixon will see this suggestion as a wise one for himself and as a necessary one for the national welfare. If he does not see it that way, the next step in the unfolding tragedy of Richard Nixon may be impeachment. Distressing as that procedure might be, it would be less distressing than three more years of political vendetta.

Enough is enough.